

AN ORDINANCE

98434

**AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT AND MEMORANDUM OF LICENSE AGREEMENT GRANTING LA MANSIÓN HOTELS, LTD., THE RIGHT TO USE THE AIR SPACE OVER EAST COMMERCE STREET PUBLIC RIGHT OF WAY FOR THE RECONSTRUCTION OF THE FACADE AT THE WATERMARK HOTEL AT 212 W. CROCKETT STREET, IN NCB 116, FOR A TEN (10) YEAR TERM AND A LICENSE FEE OF \$5,000.00.**

\* \* \* \* \*

**WHEREAS, La Mansión Hotels, Ltd.,** is the owner of the Watermark Hotel, with an address of 212 West Crockett Street, in NCB 116, which is currently under construction, and the facade of the hotel, upon completion, will be encroaching into the air space over East Commerce Street public right of way between St. Mary's and Navarro Streets; thus, as Petitioner, the owner has requested that the City grant a License allowing the right to use such public right of way for the facade; **NOW THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** The City Manager or her designee is hereby authorized to execute a License Agreement, Memorandum of License Agreement, and any other related instruments, as first reviewed and approved by the City Attorney, granting **La Mansión Hotels, Ltd.,** as **Licensee,** the right to use air space over East Commerce Street Public Right of Way for the placement, maintenance, and any new construction of parapet, cornice, and any other architectural features (collectively "facade"), protruding into said air space at the Watermark Hotel located at 212 West Crockett Street, in NCB 116, San Antonio, Bexar County, Texas. Copies of the License Agreement and Memorandum of License Agreement, signed on behalf of the **Licensee,** are both attached hereto as **Exhibit "A"** and incorporated herein verbatim for all purposes. Said air space is further shown on **Exhibit "B"** attached hereto and incorporated herein for all purposes.

**SECTION 2.** The grant of the License is contingent on **Licensee's** compliance with the conditions and/or restrictions set forth in a Letter Agreement, a copy of which is attached hereto as **Exhibit "C"**.

**SECTION 3.** The proceeds of the License Agreement shall be deposited into Fund 11-000 entitled "General Fund," Index Code 012732, entitled "License Agreements - Use of ROW".

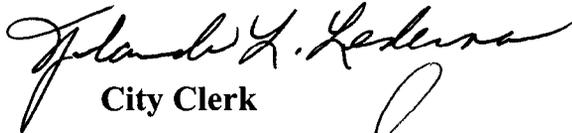
**SECTION 4.** The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific Index Codes and Fund Numbers as necessary to carry out the purpose of this Ordinance.

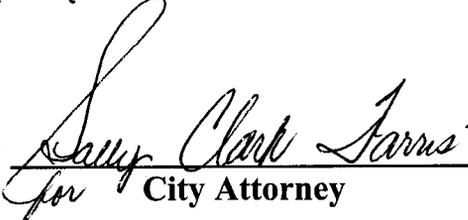
**SECTION 5.** This Ordinance will be effective on November 23, 2003.

**PASSED AND APPROVED** this 13<sup>th</sup> day of November, 2003.



M A Y O R  
EDWARD D. GARZA

ATTEST:   
City Clerk

APPROVED AS TO FORM:   
for City Attorney