

AN ORDINANCE **99142**

APPROVING A TEN-YEAR LICENSE AGREEMENT WITH RIVERTON SUITES, LTD., AS LICENSEE, TO USE THE SUBSURFACE UNDER NAVARRO STREET, WEST MARKET STREET, AND SOUTH PRESA STREET PUBLIC RIGHTS OF WAY TO INSTALL APPROXIMATELY 69 SOLDIER BEAMS, WITH APPROXIMATELY 14 ASSOCIATED TIEBACKS, AND WOOD LAGGINGS, AS PART OF AN EARTH RETENTION SYSTEM TO SUPPORT THE CONSTRUCTION OF A HOTEL, IN COUNCIL DISTRICT 1, AT THE SOUTHEAST CORNER OF NAVARRO STREET AND WEST MARKET STREET, IN CONSIDERATION FOR THE CONVEYANCE BACK TO THE CITY OF APPROXIMATELY 1,580 SQUARE FEET OF SUBSURFACE UNDER A PORTION OF SAID SOUTH PRESA STREET PUBLIC RIGHT OF WAY, HAVING BEEN ORIGINALLY CONVEYED BY THE CITY TO RIVERTON SUITES, LTD., PURSUANT TO AUTHORITY SET FORTH IN ORDINANCE NO. 91935 DATED JUNE 8, 2000; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE UPON PASSAGE BY EIGHT VOTES.

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WHEREAS, Riverton Suites, Ltd. is requesting a ten year License Agreement to use the subsurface under Navarro Street, West Market Street, and South Presa Street Public Rights of Way to install approximately 69 soldier beams, with approximately 14 associated tiebacks, and wood laggings, as part of an earth retention system to support the construction of a hotel at the southeast corner of Navarro Street and West Market Street in consideration for the conveyance back to the City of approximately 1,580 square feet of subsurface under a portion of said South Presa Street Public Right of Way, having been originally conveyed by the City to Riverton Suites, Ltd., pursuant to authority set forth in Ordinance No. 91935 dated June 8, 2000; and

WHEREAS, staff recommends the grant of such a license and that the ordinance take effect immediately, upon eight affirmative votes, in order to expedite the start of construction of the hotel; **NOW THEREFORE**,

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

SECTION 1. A License Agreement is approved with Riverton Suites, Ltd., as Licensee, for a 10-year term to use of the subsurface under Navarro Street, West Market Street, and South Presa Street Public Rights of Way to install approximately 69 soldier beams, with approximately 14 associated tiebacks, and wood laggings, as part of an earth retention system to support the construction of a hotel at the southeast corner of Navarro Street and West Market Street in consideration for the conveyance back to the City of approximately

1,580 square feet of subsurface under a portion of said South Presa Street Public Right of Way, having been originally conveyed by the City to Riverton Suites, Ltd., pursuant to authority set forth in Ordinance No. 91935 dated June 8, 2000. The City Manager or her designee is hereby authorized to take any steps necessary to implement this ordinance, to specifically include, but not limited to, execution of a Lender's Confirmation Letter to The Frost National Bank, after a prior review and approval by the City Attorney. A copy of the License Agreement, signed on behalf of the Licensee, is affixed hereto as **Attachment I** and incorporated herein verbatim for all purposes. A copy of the Deed without Warranty to the City signed on behalf of Riverton Suites, Ltd. is also affixed hereto as **Attachment II**.

SECTION 2. The Director of Finance is authorized to record and account for the transaction in accordance with Generally Accepted Accounting Principles (GAAP) and all applicable laws

SECTION 3. This ordinance shall be immediately effective if passed by at least eight votes. Otherwise, it shall be effective on the 16th day of May, 2004.

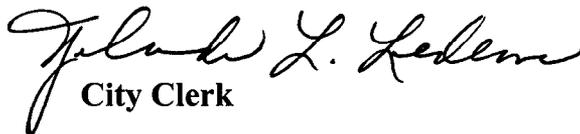
PASSED AND APPROVED this 6th day of May, 2004.



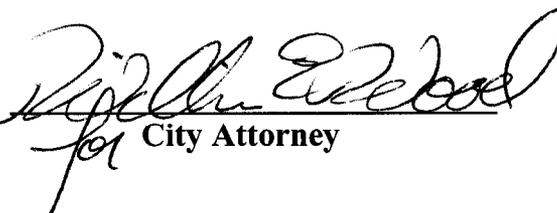
M A Y O R

EDWARD D. GARZA

ATTEST:


City Clerk

APPROVED AS TO FORM:


for City Attorney