

SW
08/05/04
Item No. 10

AN ORDINANCE 99533

AUTHORIZING THE EXECUTION OF A SUBLEASE WHEREBY THE CITY, AS LESSOR, HAS A CURRENT LEASE AGREEMENT WITH SAN ANTONIO 2000, LTD., AS LEASEE, FOR APPROXIMATELY 252 SQUARE FEET OF PUBLIC SPACE ON THE RIVER WALK ATRIUM PORTION OF THE PASEO DEL ALAMO AND THE CITY IS CONSENTING TO THE SUBLEASE OF SAID SPACE FROM SAN ANTONIO 2000, LTD., TO ELEGANT TRADER, INC. AND JOHN KANGETHE D/B/A ICE CREAM AND CHOCOLATES BY THE RIVER.

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WHEREAS, Ordinance No.72148, passed and approved on August 23, 1990, authorized the City to enter into a lease agreement with San Antonio 2000, Ltd., for public space between the River Walk and Alamo Plaza; and

WHEREAS, Ordinance No. 86121, passed and approved on June 12, 1997, permitted Lessee in ARTICLE X of said lease agreement to assign and sublease the Leased Premises, subject to the provisions of ARTICLE XIII. RULES AND REGULATIONS, provided, however, that the use of such properties by subleases shall be for retail and other uses in accordance with applicable statutes, laws, ordinances, rules and regulations of the United States, the State of Texas, Bexar County and the City of San Antonio and such uses as may be approved by the City. Lessee will collect rent from sub-lessee and pay the City fifty (50) percent of rent collected; and

WHEREAS, the City staff has evaluated this proposal and has found that it is in the best interest of the City of San Antonio to consent to the sublease; **NOW THEREFORE**:

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

Section 1. The City of San Antonio hereby consents to the sublease of the above-referenced space from San Antonio 2000, Ltd., to Elegant Trader, Inc. and John Kangethe for a five (5) year term and one five year extension. The City Manager or her designee is hereby authorized to sign the sublease as evidence of such consent.

Section 2. The proceeds of these agreements shall be deposited into Fund 40-005 entitled "Other Capital Projects - Park Improvements," Index Codes 066951 entitled, "Riverwalk Restaurant Leases."

Section 3. This ordinance shall become effective on and after August 15, 2004.

PASSED AND APPROVED this 5th day of August, 2004

ATTEST: *Leticia M. ...*
City Clerk

Edward D. Garza
M A Y O R
EDWARD D. GARZA

APPROVED AS TO FORM: *Glenn ...*
City Attorney