

AN ORDINANCE **99890**

APPROVING (1) A PURCHASE CONTRACT AND (2) A LEASE AGREEMENT WITH OPTION TO PURCHASE WITH BUDCO, LTD., TO PURCHASE APPROXIMATELY 1.24 ACRES CONTAINING ONE BUILDING WITH APPROXIMATELY 29,725 RENTABLE SQUARE FEET, LOCATED AT 502 BURNET STREET IN COUNCIL DISTRICT 2, FOR THE PURCHASE PRICE NOT TO EXCEED \$891,150.00, FOR USE OF THE PROPERTY BY THE SAN ANTONIO FIRE DEPARTMENT; AUTHORIZING PAYMENT OF 1) \$25,000.00 TO STEWART TITLE COMPANY AS A DEPOSIT TO BE APPLIED TOWARD THE PURCHASE PRICE UPON CLOSING OF THE TRANSACTION; 2) AN AMOUNT NOT TO EXCEED \$50,000.00 FOR COSTS ASSOCIATED WITH PROPERTY DUE DILIGENCE/INSPECTIONS AND FEES DUE FROM THE CITY PRIOR TO AND AT THE TIME OF SUCH CLOSING; AND 3) AN ESTIMATED TOTAL AMOUNT OF \$68,722.40 FOR THE PAYMENT OF RENT, TAXES AND INSURANCE, DUE ONLY IN THE EVENT THAT THE CLOSING OF THE SALE OF THE PROPERTY DOES NOT OCCUR BY DECEMBER 31, 2004; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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WHEREAS, the San Antonio Fire Department has an immediate need for a facility for the purposes of receiving, storing, tracking, and distributing, weapons of mass destruction (WMD) equipment; and

WHEREAS, pursuant to said purpose, and due to the Fire Department's intent to diligently pursue the purchase of approximately 1.24 acres legally described as Lot 19, New City Block 546, CRAIN DIST. CO. SUBDIVISION, containing one building, located at 502 Burnet Street, BUDCO, Ltd., owner of the property, agreed to enter into a Lease Agreement with an Option to Purchase with the City of San Antonio, and a Purchase Contract, which allowed the Fire Department to take possession of the property August 1, 2004, with payment of the rent, taxes and insurance, as described in the Lease Agreement, being due only in the event that the closing of the purchase of the property does not occur by December 31, 2004; **NOW THEREFORE;**

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

SECTION 1. A Purchase Contract with BUDCO, Ltd. is approved to purchase approximately 1.24 acres containing one building with approximately 29,725 rentable square feet, located at 502 Burnet Street, in Council District 2, for a purchase price not to exceed \$891,150.00, for use of the property by the San Antonio Fire Department.

SECTION 2. A Lease Agreement with Option to Purchase with BUDCO, Ltd.. is also approved for use of the building until such time as the purchase of the property is closed, with the agreement by the City that payment of the rent, taxes and insurance, as described in the Lease Agreement, will be due only in the event that the closing of the purchase of the property does not occur by December 31, 2004. The Interim City Manager or his designee, is hereby authorized to execute the Purchase Contract and the Lease with Option to Purchase, copies of which, signed on behalf of BUDCO, Ltd., are affixed hereto as Attachments I and II, respectively and

incorporated herein verbatim for all purposes, as well as any and all other documents, as first reviewed and approved by the City Attorney, in connection with the purchase and lease of the property.

SECTION 3. Payment in the amount of \$25,000.00 to Stewart Title Company as a deposit to be applied toward the purchase price upon closing of the transaction is approved.]

SECTION 4. An amount not to exceed \$50,000.00 for costs associated with property due diligence/inspections and fees due from the City prior to and at the time of such closing of the purchase of the property is also approved.

SECTION 5. An estimated total amount of \$68,722.40 for the payment of rent, taxes and insurance, due only in the event that the closing of the sale of the property does not occur by December 31, 2004 is further approved.

SECTION 6. The amount of \$941,150.00 is appropriated in SAP fund 43122000, "2002 Fire Imprvmt", Project Definition CO-00018, WBS Element CO-00018-03-01-06, entitled "Transfer to 43099000, 20-00124-90-01", SAP GL account 6102100 - Interfund Transfers Out. The amount of \$941,150.00 is authorized to be transferred from SAP fund 43122000 to SAP fund 43099000.

SECTION 7. The budget in SAP fund 43099000, Certificates Of Obligation Capital Proj, Project Definition 20-00124, shall be revised by increasing WBS element 20-00124-90-01, entitled "Trf Fr 43122000, CO-00018-03-01-06", SAP Gl Account 6101100 - Interfund Transfers In, by the amount of \$941,150.00.

SECTION 8. The amount of \$25,000.00 is appropriated in SAP fund 43099000, Certificates Of Obligation Capital Proj, Project Definition 20-00124, in WBS Element 20-00124-03-02-04, entitled "Acquisition", SAP GL account 5709020 - CO>5K - Building, and is authorized to be encumbered and made payable to Stewart Title Company, as a deposit to be applied toward the purchase price in connection with the Weapons of Mass Destruction Equipment Staging Site project.

SECTION 9. The amount of \$866,150.00 is appropriated in SAP fund 43099000, Certificates Of Obligation Capital Proj, Project Definition 20-00124, in WBS Element 20-00124-03-02-04, entitled "Acquisition", SAP GL account 5709020 - CO>5K - Building, and is authorized to be encumbered and made payable for the property purchase in connection with the Weapons of Mass Destruction Equipment Staging Site project.

SECTION 10. The amount of \$15,000.00 is appropriated in SAP fund 43099000, Certificates Of Obligation Capital Proj, Project Definition 20-00124, in WBS Element 20-00124-03-04, entitled "ROW Contingency", SAP GL account 5202025 - Other Contractual Services, and is authorized to be encumbered and made payable for due diligence/inspections costs and fees due from the City in connection with the Weapons of Mass Destruction Equipment Staging Site project.

SECTION 11. The amount of \$35,000.00 is appropriated in SAP fund 43099000, Certificates Of Obligation Capital Proj, Project Definition 20-00124, in WBS Element 20-00124-04-02, entitled "Environmental Costs", SAP GL account 5201180 - Environmental Services, and is authorized to be encumbered and made payable for due diligence/inspections costs and fees due from the City in connection with the Weapons of Mass Destruction Equipment Staging Site project.

SECTION 12. 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 13. This ordinance shall be effective on the 24th day of October, 2004.

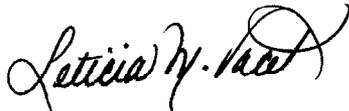
PASSED AND APPROVED this 14th day of October, 2004.



M A Y O R

EDWARD D. GARZA

ATTEST:



City Clerk

APPROVED AS TO FORM:



City Attorney

Agenda Voting Results

Name: 20. **99890**

Date: 10/14/04

Time: 04:12:10 PM

Vote Type: Multiple selection

Description: An Ordinance approving (1) a Purchase Contract and (2) a Lease Agreement with Option to Purchase with Budco, Ltd., to purchase approximately 1.24 acres containing one building with approximately 29,725 rentable square feet, located at 502 Burnet Street in Council District 2, for the purchase price not to exceed \$891,150.00, for use of the property by the San Antonio Fire Department; authorizing payment of 1) \$25,000.00 to Alamo Title Company as a deposit to be applied toward the purchase price upon closing of the transaction; 2) an amount not to exceed \$50,000.00 for costs associated with property due diligence/inspections and fees due from the City prior to and at the time of such closing; and 3) an estimated total amount of \$68,722.40 for the payment of rent, taxes and insurance, due only in the event that the closing of the sale of the property does not occur by December 31, 2004; appropriating funds; and providing for payment. [Presented by Rebecca Waldman, Director, Asset Management; Erik J. Walsh, Assistant to the City Manager]

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1	Not present			
JOEL WILLIAMS	DISTRICT 2		x		
RON H. SEGOVIA	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4	Not present			
PATTI RADLE	DISTRICT 5		x		
ENRIQUE M. BARRERA	DISTRICT 6	Not present			
JULIAN CASTRO	DISTRICT 7		x		
ART A. HALL	DISTRICT 8		x		
CARROLL SCHUBERT	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10		x		
MAYOR ED GARZA	MAYOR		x		