

AN ORDINANCE # 99807

GRANTING A LICENSE TO CAREMARK, INC., A CALIFORNIA CORPORATION, TO USE PUBLIC RIGHT OF WAY TO INSTALL TWO (2) THREE INCH (3") DIAMETER FLEX CONDUITS WITHIN, UNDER, AND ACROSS ALAMO DOWNS PARKWAY ADJACENT TO NCBS 16115 AND 17246, IN COUNCIL DISTRICT 6, FOR A TEN (10) YEAR TERM AND A LICENSE FEE OF \$10,000.00.

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WHEREAS, Petitioner, CAREMARK, INC., requested that the City of San Antonio grant a License to install two (2) 3-inch diameter flex conduits within, under, and across the Alamo Downs Parkway Right of Way adjacent to New City Blocks 16115 and 17246, San Antonio, Bexar County, Texas; and

WHEREAS, Petitioner's request has been circulated through all interested City departments and utility agencies and Petitioner has agreed to the conditions and/or restrictions imposed by the City Departments of Public Works and Development Services Department, as well as, the San Antonio Water System and City Public Service, through a Letter Agreement dated September 1, 2004; thus City Staff recommends granting a license for a License Fee of \$10,000.00 for a ten (10) year term; and

WHEREAS, the request was considered at the regular meeting of the Planning Commission held on September 22, 2004 and the Commission recommended to the City Council approval of such request; then the City Council approved this request at its regular meeting on September 30, 2004; **NOW THEREFORE;**

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

SECTION 1. A license is granted to **CAREMARK, INC.,** a California corporation, to use Public Right of Way to install two (2) three inch (3") diameter flex conduits within, under, and across Alamo Downs Parkway adjacent to New City Blocks 16115 and 17246, in Council District 6, for a ten (10) year term and a license fee of \$10,000.00.

SECTION 2. The City Manager, Interim City Manager, Deputy City Manager, the Assistant City Manager, or an Assistant to the City Manager, is hereby authorized to execute a License Agreement between the City and **CAREMARK, INC.,** a California Corporation, as Licensee. A copy of the License Agreement, executed on behalf of the Licensee, is affixed hereto and incorporated herein verbatim for all purposes as Attachment I.

SECTION 2. The License Fee shall be deposited into Fund 11 entitled "General Fund," Index Code 012732 entitled "License Agreements-Use of R.O.W."

SECTION 3. 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 4. This ordinance shall be effective on the 10th day of October, 2004.

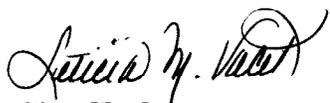
PASSED AND APPROVED this 30th day of September, 2004.



M A Y O R

EDWARD D. GARZA

ATTEST:


City Clerk

APPROVED AS TO FORM:


for City Attorney