

AN ORDINANCE ¶ 99859

RENEWING A LICENSE AGREEMENT WITH HOUSTON STREET HOTEL PARTNERS, L.P., A DELAWARE LIMITED PARTNERSHIP, FOR THE CONTINUED USE OF PUBLIC RIGHTS OF WAY ALONG EAST HOUSTON, NORTH ST. MARY'S AND EAST TRAVIS STREETS, AND A FOURTEEN FOOT (14') WIDE ALLEY (SURFACE, SUBSURFACE AND AIR RIGHTS) FOR AN EXISTING BASEMENT, BALCONY, OVERHEAD PARKING STRUCTURE, AND A SMOKESTACK AT THE ABUTTING SHERATON GUNTER HOTEL, LOCATED AT 205 EAST HOUSTON STREET IN COUNCIL DISTRICT 1, FOR A TEN (10) YEAR TERM AND THE TOTAL CONSIDERATION OF \$402,520.00.

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WHEREAS, pursuant to Ordinance No. 89573 dated April 8, 1999, the City entered into a five-year License Agreement with Houston Street Hotel Partners, L.P. to use public rights of way (surface, subsurface and air rights) along East Houston, North St. Mary's and East Travis Street and a 14-foot wide alley for an existing basement, balcony, overhead parking structure, and a smokestack at the abutting Sheraton Gunter Hotel, located at 205 East Houston Street; and

WHEREAS, Houston Street Hotel Partners, L.P., as Petitioner, has requested renewal of the License Agreement for a term of 10 years for an annual License Fee of \$40,252.00 totaling \$402,520.00;

WHEREAS, Petitioner's request has been circulated through all interested City departments, utility providers, and applicable agencies involved and Petitioner has agreed to the conditions and/or restrictions imposed by the City Department Public Works Department through a letter agreement; **NOW THEREFORE**,

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

SECTION 1. A License Agreement with Houston Street Hotel Partners, L.P., as Licensee, for a term of 10 years at an annual License Fee of \$40,252.00 is hereby approved, renewing the right of the Licensee to use, maintain, and operate (1) an existing 4,487-square foot balcony over, and existing 4,487-square foot basement under, East Houston Street and North St. Mary's Street public rights of way (surface, subsurface and air rights), (2) an 87-square foot smokestack on, and related basement uses under a 14-foot wide alley public right of way and (3) an existing 2 level parking structure extending 4 feet over East Travis Street and North St. Mary's Street public rights of way, all at the Sheraton Gunter Hotel, as more fully shown and described in **Exhibit "A"** attached hereto and incorporated herein verbatim

for all purposes. The Interim City Manager or his designee is hereby authorized to execute a License Agreement, a copy of which, signed on behalf of the Licensee, is attached hereto as **Exhibit "B"** and incorporated herein verbatim 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"** and incorporated herein verbatim for all purposes.

SECTION 3. The License Fee of this agreement shall be deposited into Fund No. 11-001000 entitled "General Fund," Cost Center 2401010001, Internal Order 224000000002 entitled "Property Disposition," General Ledger 4202410.

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

SECTION 5. 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:


for City Attorney