

AN ORDINANCE

99492

AUTHORIZING THE EXECUTION OF A SUBLEASE WHEREBY THE CITY, AS LESSOR, HAS A CURRENT LEASE AGREEMENT WITH 235 E. COMMERCE, LTD., AS LESSEE, FOR APPROXIMATELY 341 SQUARE FEET OF PUBLIC SPACE ON THE RIVER WALK IN COUNCIL DISTRICT 1 AND THE CITY IS CONSENTING TO THE SUBLEASE OF SAID SPACE FROM 235 E. COMMERCE, LTD., TO WAXY'S PUB GROUP, INC.

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WHEREAS, Ordinance No. 96259, passed and approved on August 29, 2002, authorized the City to enter into a lease agreement with 235 E. Commerce, Ltd. for public space on the River Walk between the north side of the Hugman Wall and the San Antonio River adjacent to the subsurface of that portion of Crockett Street (See Attachment 1); and

WHEREAS, Ordinance No. 90983, dated December 9, 1999 passed and approved by the City Council permitted Lessee to operate and assign, sublease or license the Leased Premises, subject to the provisions of ARTICLE X. ASSIGNMENT AND SUBLETTING, which requires prior approval by the City Council of San Antonio and ARTICLE XIV. RULES AND REGULATIONS provided, however, that the use of such properties by subleases shall be for dining, including the service of food and alcoholic and non-alcoholic beverages, and 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; 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 235 E. Commerce, Ltd., to Waxy's Pub Group, Inc., for the balance of the lease term and/or extensions provided in the lease. The City Manager or her designee is hereby authorized to execute a consent agreement and if requested by 235 E. Commerce, Ltd., an estoppel certificate for purposes of the sublease after review and approval by the City Attorney or his designee.

Section 2. Revenue collected from this lease and sublease shall be deposited into index code 066951 entitled River Walk Capital Improvement Fund.

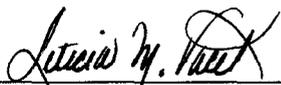
Section 3. This Ordinance shall become effective on and after August 8, 2004.

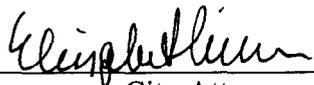
PASSED AND APPROVED this 29th day of July, 2004



M A Y O R

EDWARD D. GARZA

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
City Attorney