

AN ORDINANCE 99585

GRANTING A TEN (10) YEAR LICENSE AGREEMENT TO USE APPROXIMATELY 0.0798 OF AN ACRE (3,477 SQUARE FEET) OUT OF A PORTION OF AN ABUTTING 70-FOOT WIDE PUBLIC DRAINAGE EASEMENT FOR PARKING PURPOSES AND A RETAINING WALL ADJACENT TO NEW CITY BLOCKS 12811 AND 11619, LOCATED IN COUNCIL DISTRICT 8, AS REQUESTED BY THE PETITIONER, HHC BABCOCK NC, L.P., A TEXAS DOMESTIC LIMITED PARTNERSHIP, FOR THE TOTAL CONSIDERATION OF \$11,587.00.

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WHEREAS, HHC Babcock NC, L.P., a Texas Domestic Limited Partnership, as “Petitioner” has requested a license to use approximately 0.0798 of an acre (3,477 square feet) out of a portion of an abutting 70-foot wide drainage public right of way for parking purposes and a retaining wall adjacent to New City Blocks 12811 and 11619, and the City is agreeable to granting a License Agreement for a term of ten (10) years for a consideration of \$11,587.00 subject to conditions and/or restrictions referenced below; and

WHEREAS, Petitioner’s request has been circulated through all interested City departments and utility agencies involved and Petitioner has agreed to the conditions and/or restrictions imposed by the Departments of Planning, Public Works, and the San Antonio Water System through a Letter Agreement dated July 20, 2004; and

WHEREAS, the City Planning Commission considered this request at its regular meeting of August 11, 2004, and, following a public hearing, has recommended to the City Council approval of such request; and the City Council, following a public hearing on August 19, 2004, approved the License Agreement; NOW THEREFORE,

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

SECTION 1. A License Agreement is hereby authorized between the City of San Antonio and **HHC Babcock NC, L.P., a Texas Domestic Limited Partnership**, as Licensee, for a term of ten (10) years to use approximately 0.0798 of an acre (3,477 square feet) out of a portion of an abutting 70-foot wide drainage public right of way for parking purposes and a retaining wall, as shown attached hereto and incorporated herein verbatim for all purposes on **Exhibit “A”**. The City Manager or City Manager’s designee is hereby authorized to execute a License Agreement, a copy of which, executed on behalf of 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 shall be deposited into Fund No. 11-000 entitled "General Fund", Index Code No. 012732, entitled "License Agreements – Use of Right Of Way."

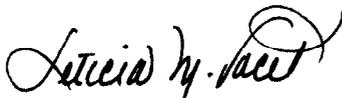
SECTION 4. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific Index Codes and fund numbers as necessary to carry out the purpose of this Ordinance

SECTION 5. This ordinance shall take effect on the 29th day of August, 2004.

PASSED AND APPROVED this 12th day of August, 2004.



M A Y O R
EDWARD D. GARZA

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
for City Attorney