

THIS IS A PROPOSED DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED ORDINANCE OR RESOLUTION ADOPTED BY THE CITY COUNCIL.

ORDINANCE

AUTHORIZING A LEASE WITH MD RIVERWALK, LLC D/B/A ON THE BEND OYSTER BAR & LOUNGE FOR USE OF 698.24 SQUARE FEET OF RIVER WALK PATIO SPACE AND 599.83 SQUARE FEET OF ELEVATED RIVER WALK PATIO SPACE FOR FOOD AND BEVERAGE SERVICE.

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WHEREAS, in October 2017, MD Riverwalk LLC d/b/a On the Bend Oyster Bar & Lounge (MD Riverwalk) became the lessee of 123 Losoya, located at river level within the Hyatt Regency Hotel; and

WHEREAS, to provide MD Riverwalk with immediate access to the adjacent River Walk patio and elevated River Walk patio spaces for the purpose of making improvements and starting operations, a six-month temporary use agreement was executed; and

WHEREAS, the temporary agreement included a three-month construction period and a three-month operations period, which will expire on April 30, 2018; and

WHEREAS, this ordinance will authorize a formal River Walk lease agreement with MD Riverwalk; and

WHEREAS, the term of the agreement shall be for five years, effective May 1, 2018 and includes a five-year renewal option; and

WHEREAS, the initial lease rates will be set at is \$2.75 per square foot per month for the River Walk patio space and \$2.17 per square foot per month for the elevated River Walk patio space; and

WHEREAS, these rates will increase annually at 2.5%; **NOW THEREFORE:**

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

SECTION 1. The City Manager or her designee, or the Director of the Center City Development and Operations or his designee, is authorized to execute a lease agreement with MD Riverwalk LLC d/b/a On the Bend Oyster Bar & Lounge (MD Riverwalk) for River Walk patio space. A copy of the lease is attached hereto and incorporated herein for all purposes as **Attachment I**.

SECTION 2. No fiscal language available at this time.

SECTION 3. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

SECTION 4. This Ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

PASSED AND APPROVED this ___ day of _____, 2018.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Andrew Segovia, City Attorney

ATTACHMENT I

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