

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

AN ORDINANCE

AUTHORIZING A THREE YEAR LICENSE AGREEMENT WITH TWO ADMINISTRATIVE ONE-YEAR RENEWAL OPTIONS WITH NORTHEAST GOLF CENTER, LLC FOR USE OF SALADO CREEK GREENWAY PROPERTY AT 450 IRA LEE ROAD LOCATED IN COUNCIL DISTRICT 10 FOR THE OPERATION OF A GOLF DRIVING RANGE AND RELATED ACTIVITIES CONSISTENT WITH PARKLAND USE.

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WHEREAS, in 2006, the City accepted a donation of property from Oakwell Holdings, LLC as part of the Salado Creek Greenway development; and

WHEREAS, the donation of the land included the assignment of a lease for the Northeast Golf Center, which sits entirely upon a former landfill of approximately twenty-one (21) acres; and

WHEREAS, at the time of assignment to the City, rent was established at \$31,000.00 annually and allowed for an adjustment based on market rate; and

WHEREAS, this agreement ended January 31, 2015; and

WHEREAS, though the previous ground lease was market driven, local conditions such as prolonged road construction in the immediate area; San Antonio Water System sewer development along Ira Lee Road; and a heavy equipment staging area adjacent to the property, the operator has determined business is no longer viable under the same operating terms; and

WHEREAS, due to property use constraints, existing compatible public recreational opportunities, and benefit of sustaining an ongoing presence on this isolated segment of the greenway, a revised rental rate methodology is recommended; and

WHEREAS, the term of the proposed new License Agreement is for three (3) years with two (2) administrative one-year renewal options effective February 1, 2015, through January 31, 2018; and

WHEREAS, this includes annual rent in the amount of \$7,800.00, full maintenance responsibility for the Northeast Golf Center, and a minimum of \$2,000.00 annually in capital improvements or repairs to the facility; **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 Department Parks and Recreation or his designee, is authorized to execute a three year license agreement with two administrative one-year renewal options with Northeast Golf Center, LLC for use of Salado Creek Greenway property at 450 Ira Lee Road located in Council District 10 for the operation of a golf driving range and related activities consistent with parkland use. A copy of the license agreement, in substantially final form, is attached hereto and incorporated herein for all purposes as **Attachment I.**

SECTION 2. Funds generated by this ordinance will be deposited into Fund 11001000, Internal Order 226000000000 and General Ledger 4407720.

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 _____.

M A Y O R
Ivy R. Taylor

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Martha G. Sepeda, Acting City Attorney