

Amendment of License Agreement

(MTC, Real Estate, 102 Produce Row, 120 Produce Row, 106 Produce Row and Concho, Dolorosa, and San Saba)

This First Amendment to License Agreement is entered into between Licensee and the City of San Antonio (Licensor) under the authority of the authorizing ordinance.

1. Identifying Information.

Authorizing Ordinance:

Licensor: City of San Antonio

Licensor's Address: City Clerk, City of San Antonio, P.O. Box 839966/2nd Floor,
City Hall, San Antonio, Texas 78283-3966

Licensee: MTC Real Estate, LLC

Licensee's Address: 800 Dolorosa, #204, San Antonio, Texas 78207

License: License Agreement with MTC Real Estate, LLC relating to patio encroachments over public rights of way dated July 22, 2013 and authorized by the Ordinance Authorizing Original License.

Ordinance Authorizing Original License: 2013-06-20-0451

Term: 25 years to run concurrently from the effective date of the Original License.

Effective Date: The effective date of the authorizing ordinance.

2. Defined Terms.

All terms defined in the License Agreement and not otherwise defined in this Amendment, when used in this Amendment, have the meanings ascribed to them in the License Agreement. References to "License Agreement" in this amendment include both the original License Agreement and all previous amendments to it (if any).

3. Amendment.

The Scope of License is hereby amended to include an additional structural encroachment on the public right of way located in front of 106 Produce Row. The additional structural encroachment is located as depicted in the attached **Exhibit E**.

Specific amendments to the Original License include a revision of the total fee amount from \$10,000 to \$11,500, adding "E" to the list encroachment areas and exhibits, and requiring that an amended Memorandum of License Agreement be recorded as follows:

1. Identifying Information.

Fee: \$11,500

Premises: Encroachment upon areas A, B, C, D, and E as described below:

E: A portion of the public-right-of-way of Produce Row and in front of 106 Produce Row (Lot 8, NCB 340) encroached upon by Licensee within the Scope of the License.

Scope of License, Covered balcony with vertical supports sitting in Produce
Encroachment E: Row right-of-way, as graphically depicted on Exhibit E, which is incorporated by reference for all purposes as if fully set forth.

3. Restrictions on Use/Recording is amended as follows:

3.03. An amended Memorandum of License Agreement in form satisfactory to Licensor will be recorded by Licensor in the Official Public Records of Real Property of Bexar County, Texas. Licensee must pay recording fees.

4. License Fee.

Licensee must pay the difference between the revised License Fee amount and the Original License Fee amount in a one-time lump sum of \$1,500 on or before the Effective Date. The Fee must be paid at the Center City Development Office, 100 W. Houston, Suite 1900, San Antonio, Texas 78205.

5. No Default.

Neither Licensor nor Licensee is in default under the License, and neither party is aware of a cause of action against the other arising out of or relating to the period before this amendment.

6. Same Terms and Conditions.

This instrument is a fully integrated statement of the modifications to the License. Except as expressly modified by this renewal, the License remains a comprehensive statement of the rights and obligations of Licensor and Licensee. Licensor and Licensee reaffirm the License as modified by this agreement.

7. Public Information.

Licensee acknowledges that this instrument is public information within the meaning of Chapter 552 of the Texas Government Code and accordingly may be disclosed to the public.

In Witness Whereof, the parties have caused their representatives to set their hands.

Licensor

City of San Antonio, a Texas municipal corporation

By: _____

Printed Name: _____

Title: _____

Date: _____

Licensee

MTC Real Estate, LLC, A Texas Limited Liability Company

By: George Cortez

Printed Name: George Cortez

Title: Manager

Date: 5/27/14

Attest:

City Clerk

Approved as to Form:

City Attorney

Exhibit E

