

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 RIVER WALK PATIO LEASE WITH CHILTON RESTORATION, LLC FOR USE OF RIVER WALK PATIO SPACE FOR FOOD AND BEVERAGE SERVICE.

* * * * *

WHEREAS, in 2013, Chilton Restoration, LLC purchased the properties at 155 and 161 E. Commerce Street; and

WHEREAS, the two buildings have been vacant for over 20 years; and

WHEREAS, the properties are located at the northwest corner of Commerce and St. Mary's Street, and the north edge of both properties abuts the River Walk; and

WHEREAS, Chilton has plans to demolish the building at 161 E. Commerce and construct an 18 story hotel on the site; and

WHEREAS, the Historic Design & Review Commission granted conceptual approval for Chilton's proposal on January 21, 2015; and

WHEREAS, Chilton is seeking to lease 1,361 square feet of City-owned patio space on the River Walk for outdoor food and beverage service; and

WHEREAS, the proposed patio space is adjacent to their properties and under the St. Mary's Street bridge on the south side of the river; and

WHEREAS, the proposed operating term shall be five years with four renewal options, and the lease term will begin January 1, 2018 or the first date of commercial operations; and

WHEREAS, the monthly rent shall be \$2,408.97, based on a rate of \$1.77 per square foot, and increase 2% annually; and

WHEREAS, Chilton must secure financing within 12 months to complete the proposed hotel; if they fail to do so, the City may terminate the lease; **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 Department or her designee, is hereby authorized to approve a River Walk patio lease agreement with Chilton Restoration, LLC for use of River Walk patio space for food and beverage service. A copy of the lease agreement is attached hereto and incorporated herein for all purposes as **Attachment I**.

SECTION 2. Funds generated by this ordinance will be deposited into Fund 29093000, WBS Element OR-00001-01-01-01-01 and General Ledger 4407711.

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