

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

AN ORDINANCE

APPROVING THREE RIVER WALK PATIO LEASE AGREEMENTS WITH AMREIT RIVERWALK, LP, EACH WITH A FIVE YEAR TERM, FOR CONTINUED USE OF A TOTAL OF 764 SQUARE FEET OF RIVER WALK PATIO SPACE AND CONSENTING TO THE SUBLEASE OF THOSE SPACES TO THE COUNTY LINE, PAESANO'S, AND HARD ROCK CAFE.

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WHEREAS, Ordinance #81429 passed on January 5, 1995 authorized three five-year River Walk Patio Lease Agreements with Hixon Development Company for use of 329 square feet, 112 square feet, and 323 square feet of River Walk patio space; and

WHEREAS, the ordinance also consented to the sublease of these spaces to The County Line, Paesano's, and Hard Rock Café; and

WHEREAS, Ordinance #82328 passed on June 8, 1995 authorized amendment to the agreements to provide for three five-year renewal options through February 28, 2015 and granted the City the right to increase the base rental rate up to 15% at least once during the renewal periods if supported by a rental study; and

WHEREAS, in September 2005 the Hixon Development Company assigned the agreements to AmREIT Riverwalk, LP, a Texas limited partnership (AmREIT); and

WHEREAS, this ordinance authorizes three, new five-year agreements (Agreements) with AmREIT for continued use of the River Walk Patio spaces identified above and consent to their sublease; and

WHEREAS, under the terms of the Agreements, the monthly rate per square foot will be \$2.35 the first year and will increase annually by 3.00%; and

WHEREAS, the Agreements also provide for three five-year renewal options; and

WHEREAS, rates during the renewal options will increase by 3.00% annually with the City having one opportunity to increase the rate up to 15% if supported by a rental study; and

WHEREAS, the Agreements' initial lease period commences March 1, 2015 and expires February 29, 2020; **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 three River Walk Patio Lease Agreements with AmREIT Riverwalk, LP, each with a five year term, for continued use of a total of 764 square feet of River Walk patio space and consenting to the sublease of those spaces to the County Line, Paesano's, and Hard Rock Cafe. A copy of each Lease Agreement is attached hereto and incorporated herein for all purposes as **Attachment I-III**.

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