

AN ORDINANCE 2017-12-07-0936

**AUTHORIZING THE FIRST AMENDMENT TO THE MASTER LEASE AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND GOOGLE FIBER TEXAS, LLC, CANCELLING THE LEASE RIGHTS TO SIXTEEN CITY-OWNED PROPERTIES INCLUDED WITH THE AUGUST 27, 2015 EXECUTED COPY OF THE MASTER LEASE AGREEMENT.**

\* \* \* \* \*

**WHEREAS**, On March 13, 2014, City Council approved Ordinance No. 2014-03-13-0153, which authorized the City to enter into a Master Lease Agreement with Google Fiber Texas, LLC (“Google Fiber”) for the use of City-owned property for the installation of prefabricated communications equipment shelters; and

**WHEREAS**, the prefabricated communications equipment shelters are referred to as “Network Huts” in the Master Lease Agreement; and

**WHEREAS**, the Master Lease Agreement was signed on August 27, 2015, and included exhibits on seventeen (17) City-owned properties that the City agreed to lease to Google Fiber for the installation of Network Huts; and

**WHEREAS**, only one Network Hut has been installed on City-owned property, and it is located at 1401 N. Hamilton (West End Park); and

**WHEREAS**, the proposed First Amendment to the Master Lease Agreement will terminate Google Fiber’s lease rights to the sixteen (16) remaining City-owned properties included with the signed Master Lease Agreement; and

**WHEREAS**, the City’s and Google Fiber’s respective rights, duties and obligations are set forth in the proposed First Amendment to the Master Lease Agreement; **NOW THEREFORE:**

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


**SECTION 1.** The terms and conditions of the First Amendment to the Master Lease Agreement with Google Fiber Texas, LLC for the relinquishment of lease rights to sixteen (16) City-owned properties are hereby approved.

**SECTION 2.** The City Manager or her designee is authorized to execute the Lease Agreement, a copy of which, in substantially final form is set out in **Exhibit A**.

RP  
12/07/2017  
Item No. 12

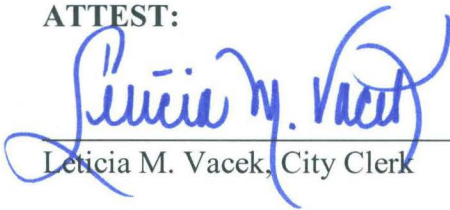
**SECTION 3.** This Ordinance shall become effective immediately upon its passage by eight (8) affirmative votes of the City Council. If less than eight (8) affirmative votes are received, then this Ordinance shall be effective ten (10) days after passage.

**PASSED AND APPROVED** this 7th day of December, 2017.



**M A Y O R**  
**Ron Nirenberg**

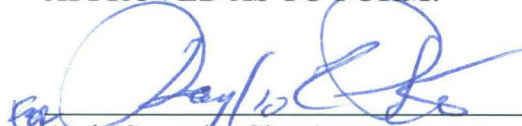
**ATTEST:**



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Leticia M. Vacek, City Clerk

**APPROVED AS TO FORM:**



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Andy Segovia, City Attorney

<b>Agenda Item:</b>	<b>12 ( in consent vote: 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 )</b>						
<b>Date:</b>	12/07/2017						
<b>Time:</b>	09:32:48 AM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	An Ordinance authorizing the first amendment to the Master Lease Agreement between the City of San Antonio and Google Fiber Texas, LLC cancelling the right of Google Fiber Texas, LLC to use 16 of 17 City property sites. [Peter Zanoni, Deputy City Manager; Mike Frisbie, Director, Transportation & Capital Improvements]						
<b>Result:</b>	Passed						
<b>Voter</b>	<b>Group</b>	<b>Not Present</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Motion</b>	<b>Second</b>
Ron Nirenberg	Mayor		x				
Roberto C. Treviño	District 1		x				
William Cruz Shaw	District 2		x				
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x			x	
Shirley Gonzales	District 5	x					
Greg Brockhouse	District 6		x				
Ana E. Sandoval	District 7		x				
Manny Pelaez	District 8		x				
John Courage	District 9		x				x
Clayton H. Perry	District 10		x				

RP  
12/07/2017  
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## Exhibit A

## AMENDMENT NO. 1 TO THE MASTER LEASE AGREEMENT

This Amendment No. 1 (the "First Amendment"), effective as of the date last signed below (the "First Amendment Effective Date"), amends the Master Lease Agreement for the Use of City Property for Installation of Network Huts (the "Agreement") entered into between the City of San Antonio ("City") and Google Fiber Texas, LLC ("Google Fiber") on August 27, 2015, and approved in Ordinance No. 2014-03-13-0153. This First Amendment is made and entered into by and between the City and Google Fiber pursuant to Ordinance No. \_\_\_\_\_, dated December 7, 2017.

**WHEREAS**, the parties signed the Agreement effective August 27, 2015; and

**WHEREAS**, the Agreement included exhibits for seventeen (17) City Sites leased to install Network Huts; and

**WHEREAS**, the parties have agreed to continue the work on the same terms and conditions except that the parties desire to update the Exhibits to the Agreement.

**NOW THEREFORE**, in consideration of the mutual covenants and promises set forth herein and for other good and valuable consideration, the receipt of which both parties hereby acknowledge, the parties agree to amend the Agreement as follows:

**1. Modification of Agreement.** All Exhibits attached to the Agreement are removed in their entireties, except for the exhibits that identify the Network Hut located at the City Site known as West End Park, 1401 N. Hamilton (**Exhibits A-2, B-2, C-2, D-2, E, and F**).

**2. Relinquishment of Rights.** Google Fiber relinquishes all leasehold rights, privileges, easements, appurtenances, and immunities it has had under the Agreement to the sixteen (16) City Site locations set forth in **Exhibit A**, attached to this Agreement for all purposes.

### **3. General Terms and Conditions.**

- a.** All capitalized terms used in this First Amendment, unless otherwise defined herein, will have the same meaning as the terms contained in the Agreement.
- b.** In case of any inconsistencies between the terms and conditions contained in the Agreement and the terms and conditions contained in this First Amendment, the terms and conditions herein will control.
- c.** Except as set forth in this First Amendment, the Agreement remains unchanged and in full force and effect.
- d.** Each of the parties represents and warrants that it has the right, power, legal capacity and authority to enter into and perform its respective obligations under this First Amendment.

*[Signatures on the next page]*

**Executed** and **Agreed** to as of the dates indicated below.

**City of San Antonio, a Texas  
municipal corporation**

**Google Fiber Texas, LLC**

\_\_\_\_\_  
**(Authorized Signature)**

\_\_\_\_\_  
**(Authorized Signature)**

\_\_\_\_\_  
**(Printed Name)**

\_\_\_\_\_  
**(Printed Name)**

\_\_\_\_\_  
**(Title)**

\_\_\_\_\_  
**(Title)**

\_\_\_\_\_  
**(Date)**

\_\_\_\_\_  
**(Date)**

**Attest:**

**Approved as to Form:**

\_\_\_\_\_  
City Clerk

**Approved as to Form:**

\_\_\_\_\_  
Andrew Segovia, City Attorney

**Exhibit A – Relinquishment of Leasehold Rights, Sixteen (16) City Sites**

Location	Name
800 Hemphill Dr	Garza Park
3425 Rogers Road	Fire Station #45
300 Haskin	Haskin Park
209 East Woodlake	City Parcel
325 Gray Street	City Parcel
Near 6114 Catalina	Street ROW/Drainage
13330 Kyle Seale Parkway	John Igo Branch of San Antonio Public Library
10750 Nacogdoches Rd	Fire Station #39
5020 Prue Road	NW Police Substation
2515 Thousand Oaks Drive	Fire Station #14
1165 Evans Road	Fire Station #46
800 Block of Rice Road	Fire Station #18
6307 Sun Valley Road	Johnston Branch of San Antonio Public Library
3101 Roselawn	Kennedy Park
900 Rigsby Road	Highland Park
175 Kelly Drive	City Parcel