

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

AN ORDINANCE

**AUTHORIZING A PERMIT FOR THE INSTALLATION OF
SIGNS WITHIN LA CANTERA PARKWAY BETWEEN IH10 AND
LOOP 1604 WITH USAA REALCO IN COUNCIL DISTRICT 8
FOR A FEE OF \$500; AND WAIVING APPLICABLE SECTIONS
OF CHAPTER 28 AND CHAPTER 37 OF THE CITY CODE.**

* * * * *

WHEREAS, USAA Realco is requesting a 10 year permit for the installation and maintenance of a signs within La Cantera Parkway; and

WHEREAS, USAA Realco owns abutting property to the proposed permit area; and

WHEREAS, USAA Realco would like to replace and add new signage that conforms to the aesthetics of the community and area, as well as better serves residents and visitors in locating their destinations through easy to read way finding signs; and

WHEREAS, the issuance of the permit will not interfere with City of San Antonio use of the right of way; **NOW THEREFORE**,

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

SECTION 1. The City Manager and her designee, severally, are authorized and directed to execute and deliver to USAA Realco on behalf of the City a permit in substantially the same form of **Attachment II**, which is incorporated by reference for all purposes as if fully set forth. The general area subject to the license is shown in **Attachment I**. The City Manager or her designee, severally, should take all other actions reasonably necessary or convenient to effectuate this transaction, including agreeing to non-material changes to the approved form and executing and delivering all ancillary instruments and agreements conducive to effectuating the transaction.

SECTION 2. The restriction of Chapter 37, Section 3 (e), of the city code related to a permit radius of 250 feet is waived. The restriction of Chapter 28, Section 28-145 related to off-premises sign placement on public property is likewise waived.

SECTION 3. USAA Realco shall pay \$500.00 to the City of San Antonio. Funds generated by this ordinance will be deposited into Fund 11001000, Internal Order 223000000254 and General Ledger 4202410.

SECTION 4. The disposition of surplus property must be coordinated through the city's Finance Department to assure the removal of these assets into the City's financial records and to record the proper accounting transactions.

SECTION 5. 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 6. This ordinance becomes effective 10 days after passage, unless it receives the eight votes requisite to immediate effectiveness under San Antonio Municipal Code § 1-15, in which case it becomes effective immediately.

PASSED AND APPROVED this _____ day of _____, 2016.

M A Y O R
Ivy R. Taylor

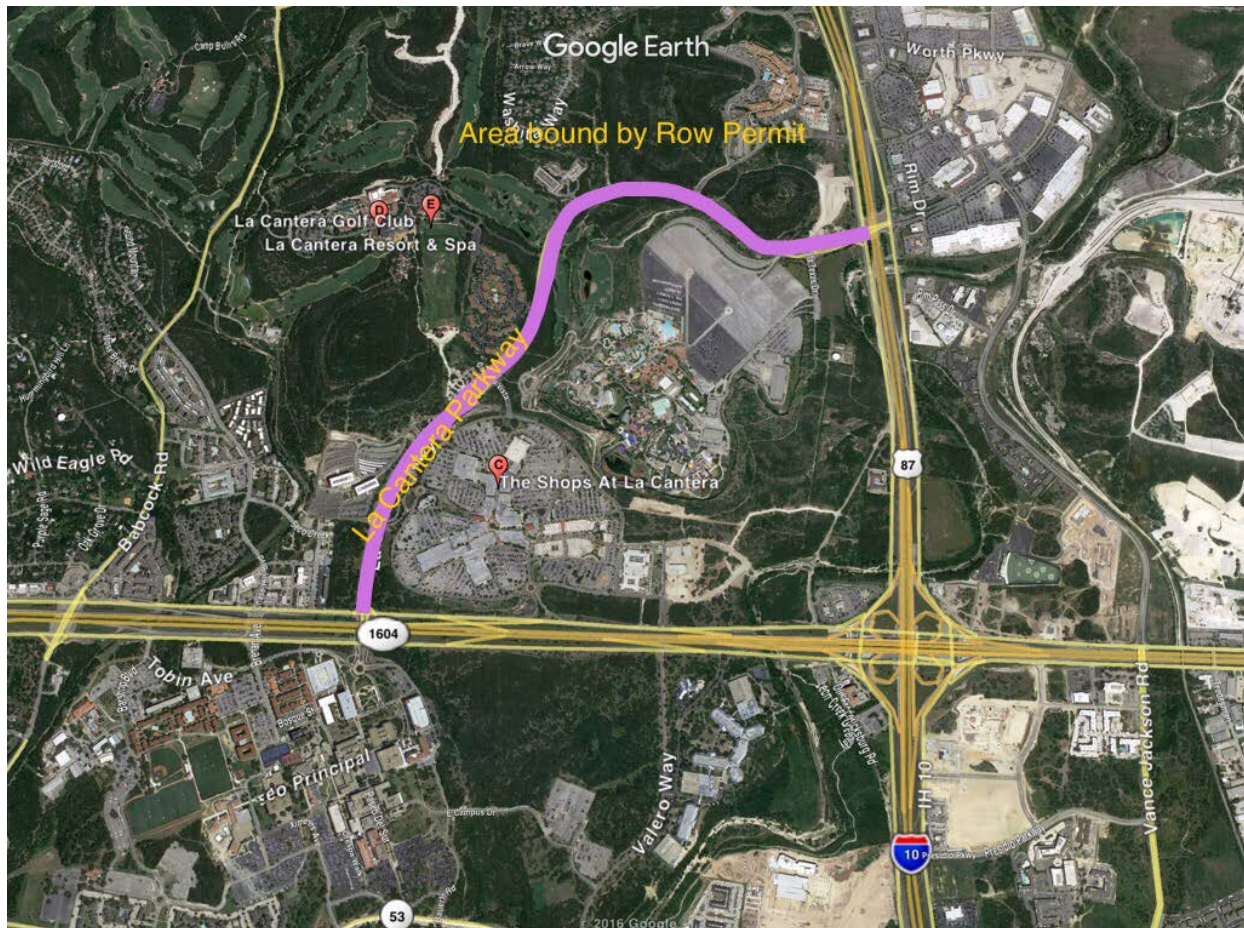
ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

City Attorney

Attachment I



La Cantera Parkway between Loop 1604 and IH 10

Attachment II

Notice of Confidentiality Rights: If You Are a Natural Person, You May Remove or Strike Any or All the Following Information from Any Instrument That Transfers an Interest in Real Property Before it Is Filed for Record in the Public Records: Your Social Security Number or Your Driver's Permit Number.

State of Texas §
 §
County of Bexar §

Public Street Encroachment Permit

This Permit is issued under Sec. 37-3 of the City Code of San Antonio, Texas. Permittee may construct, maintain, repair, replace, and reconstruct the Permitted Encroachment on the Affected Right of Way subject to this permit and Sec. 37-23 of the City Code of San Antonio, Texas.

This permit does not relieve Permittee of any building code requirements, zoning restrictions, other city-imposed requirements, or other applicable land use restrictions. If the Permitted Encroachment entails excavation or entails intrusion into space near overhead or underground utilities, Permittee must follow all rules imposed by public utilities whose facilities may potentially be affected. If excavation is involved, Permittee must obtain a permit from the City's Right-of-Way Division.

Delegated Authority: City Code of San Antonio, Texas § 37-3

Name of Permittee:

Address of Permittee: 9830 Colonnade Blvd., Suite 600, San Antonio,
Texas 78230

Permitted Encroachment Description: Various signs as depicted in **Exhibit B**, which is
("Improvements") incorporated by reference for all purposes as if
fully set forth.

Description of "Affected Public Right of Way": A public right-of-way encroachment along La
Cantera Parkway between IH-10 and Loop 1604 as
shown in **Exhibit A**.

Fee: \$500

Term: 10 years

Start Date: November 14, 2016

1.1 The City agrees to permit the Permittee to place the Improvements within the Affected Public Right of Way in the location documented as Description of Affected Public Right of Way and as shown in **EXHIBITS A and B**.

1.2 The City and the Permittee agree that the above-described Permit is granted subject to the following conditions, terms and reservations:

- a) The Permittee is responsible for paying for the actual, out-of-pocket costs and expenses related to the construction, installation, maintenance, relocation, adjustment and replacement of the Improvements stated herein;
- b) The Permittee is responsible for performing the maintenance, relocation, adjustment and replacement of the Improvements;
- c) In the event the City disturbs the Improvements while maintaining the City's Affected Public Right of Way, the City shall not be responsible for repair or replacing the Improvements installed by the Permittee;
- d) All Chapter 35 of the City Code of San Antonio (Unified Development Code) requirements must be met related to clearance, design, permits and installation;
- e) Permittee shall notify City of any change of address of Permittee within 5 business days of such change;
- f) All Improvements shall meet the requirements within the Texas Manual of Uniform Traffic Control Devices;
- g) All sign posts shall meet the crashworthy design specifications as outlined in the Federal Highway Administration's NCHRP 350 document and the latest edition of AASHTO's "Specifications for Structural Supports for Highway Signs, Luminaries and Traffic Signals";
- h) A layout of work to be performed must be submitted by the Permittee and on-file with the City of San Antonio. The layout shall be signed and sealed by a Licensed Traffic Engineer and will include sign details, breakaway mount details and exact sign locations. The Permittee will submit this layout to the Transportation and Capital Improvements Department ("TCI") for review. Exhibit B may be amended based on the results of the review by TCI.
- i) In the event that a regulatory sign is knocked down, the City can, at its discretion, install a replacement regulatory sign using a City standard sign and post. This is an option for regulatory signs only. The Permittee, at his/her expense, can then replace the City standard sign and post with a sign and post as detailed in the signed and sealed layout attached to this document. The Permittee shall follow all the required utility locating, permitting and relevant procedures when doing so.

1.3 This Permit is made subordinate to the right of the City to use the Affected Public Right of

Way for a public purpose. It is understood and agreed that should the City deem it in the public interest to use the Affected Public Right of Way, or any portion thereof, for a public purpose that conflicts with the Permit granted, or use by Permittee interferes with the ability of the City or public to use the Affected Public Right of Way, then, and in those events, the City acting through the Director of Transportation and Capital Improvements may suspend this Permit on ~~63~~ 30 days prior written notice and the Permittee, or anyone claiming any rights under this instrument, shall remove any interfering Improvements and encroachments from the Affected Public Right of Way at the Permittee's expense. The Permittee shall have a right of cancellation upon giving the City 30 days written notice of the Permittee's intention to cancel. Upon cancellation, this Permit shall become null and void, and the Permittee, or anyone claiming any rights under this instrument, shall remove any Improvements and encroachments from the Affected Public Right of Way at the Permittee's expense. All work shall be done at the Permittee's sole cost and to the satisfaction of the City. The determination by the Director of Transportation and Capital Improvements or his designee as to the public necessity of the use of the Property shall be final and binding upon the parties.

1.4 This Permit is subject to all state and federal laws, the provisions of the Charter of the City, as it now exists or as it may hereafter be adopted or amended, and the ordinances of the City now in effect or which may hereafter be passed, adopted, or amended. In particular, this Permit is subject to all generally applicable conditions and restrictions of Chapter 37 of the City Code of the City of San Antonio related to permits issued under section 37-3 (Permits for Encroachment onto public streets, alleys, or drainage easements) unless waived by City Council by ordinance.

1.5 The Permittee must apply for and receive any necessary permits or approvals from pertinent City boards or departments.

Miscellaneous Provisions

2.1 The phrases, clauses, sentences, paragraphs or sections of this Permit to use agreement are severable and, if any phrase, clause, sentence paragraph, or section hereof should be declared invalid by the final decree or judgment of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Permit.

2.2 The rights under this permit may be transferred or assigned to a new owner of property that is adjoining the permitted encroachment area, or to an eligible property owners association, provided such transferee would qualify under the city code as if applying for the original permit. Permittee must provide City of San Antonio written notice prior to any transfer.

2.3 Any notice required to be given pursuant to the terms and provisions of this Permit shall be in writing and shall be mailed by certified, return receipt requested, addressed as set forth below, or at such other address as may be specified by written notice.

If to: **CITY OF SAN ANTONIO**
City Hall, P.O. Box 839966
(Attention: Director, Transportation and Capital Improvements
Department)
San Antonio, Texas 78283

If to: **PERMITTEE**

Information to be provided by
La Cantera Representatives

With copy to: FirstService Residential SA
1600 NE Loop 410, Ste. 202
San Antonio, Texas 78209
Attn: Director Risk Management & Association Manager

2.4 The City and Permittee agree that this Permit shall be construed in accordance with the laws of the State of Texas.

2.5 Venue for any dispute arising out of this Permit shall lie in a court of competent jurisdiction in Bexar County, Texas.

City of San Antonio, a Texas municipal corporation Information to be provided by
La Cantera Representatives

By: _____

Steve Hodges,
Real Estate Manager,
Transportation and Capital
Improvements Department

By: _____
_____,
Its _____

Date: _____

Date: _____

Approved as to Form:

City Attorney

State of Texas §
 §
County of Bexar §

This instrument was acknowledged before me this date by Steve Hodges of the City of San Antonio in the capacity therein stated and on behalf of that entity.

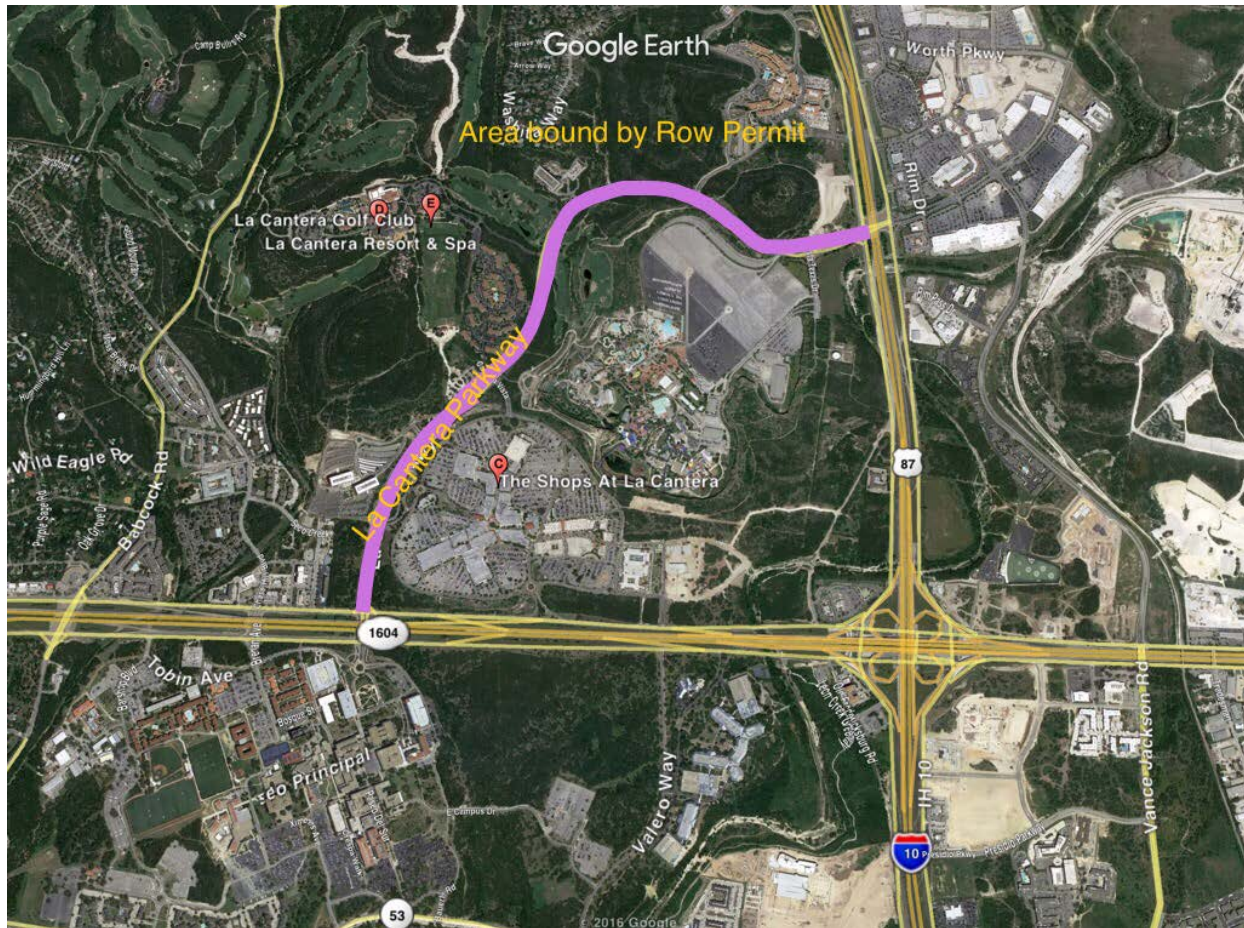
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Notary Public State of Texas

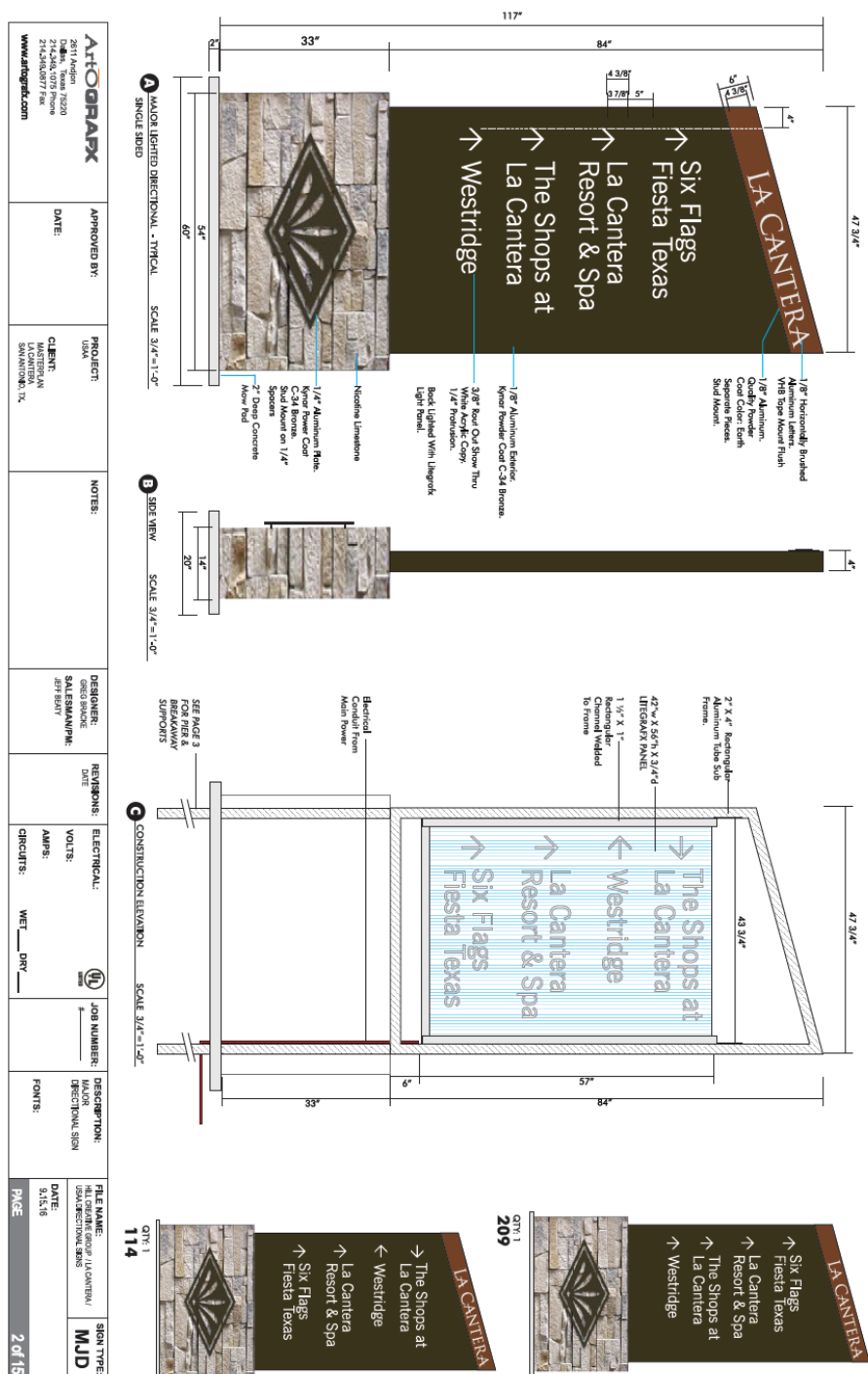
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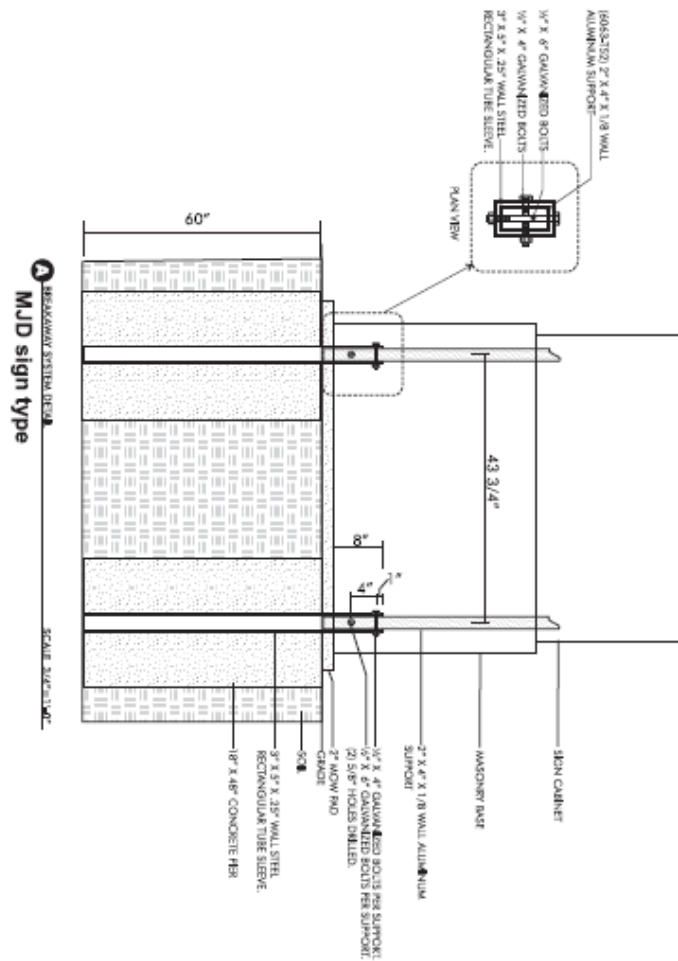
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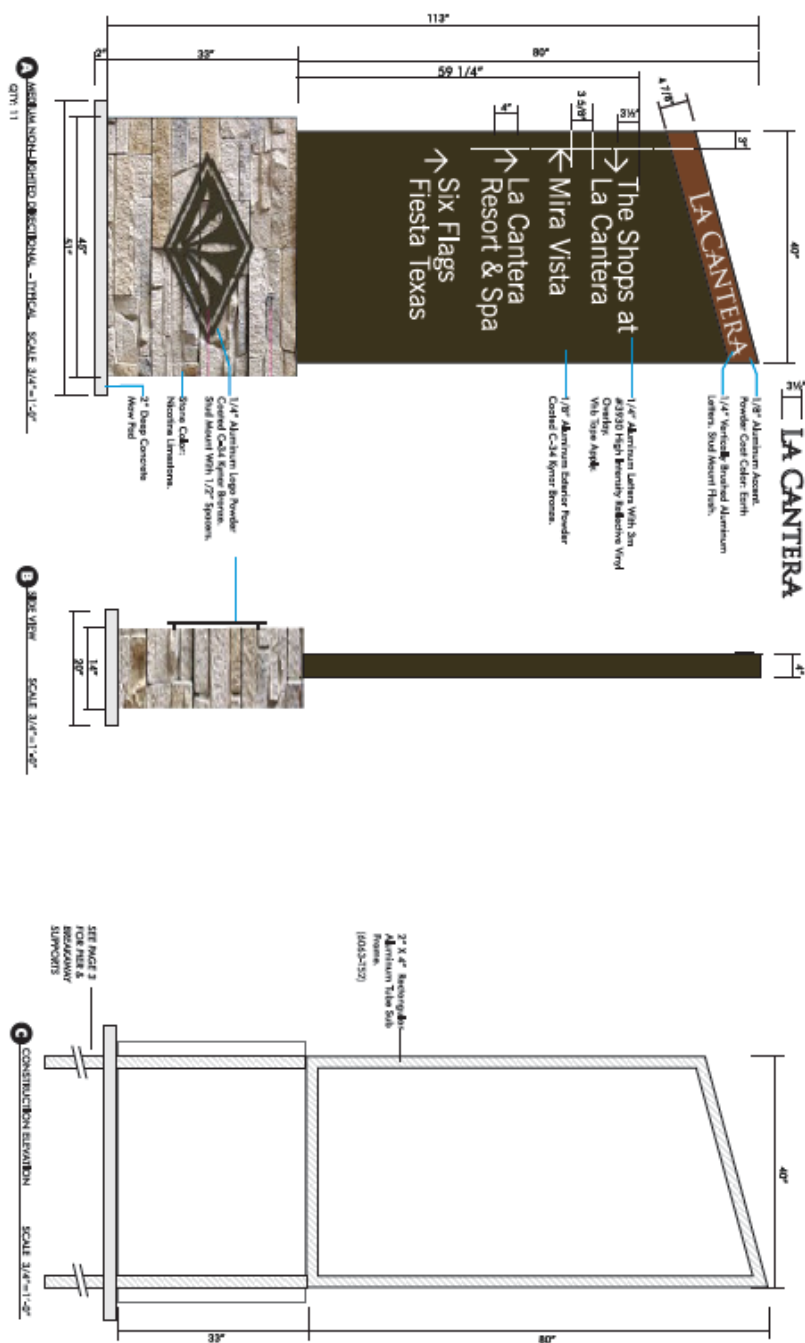
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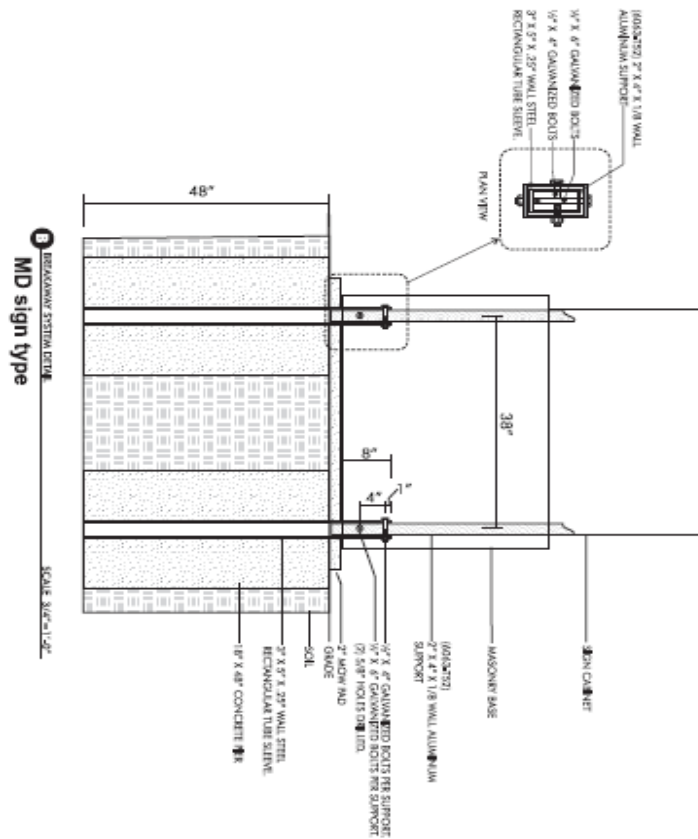


La Cantera Parkway between Loop 1604 and IH 10



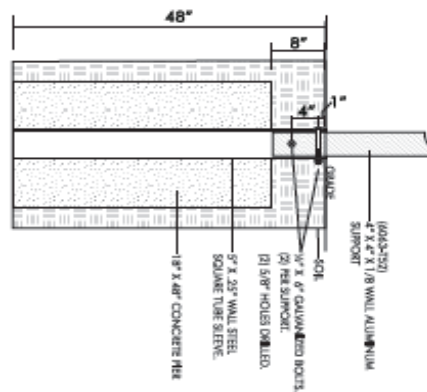
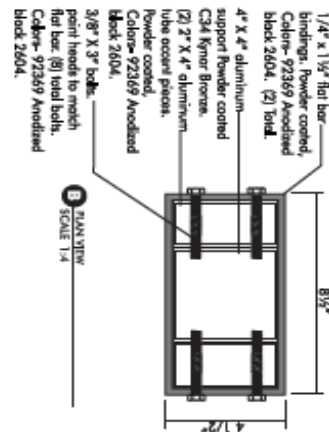
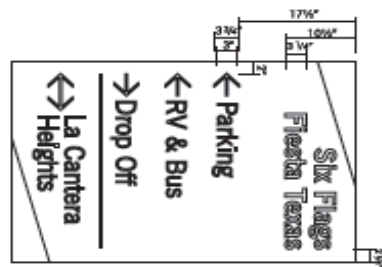
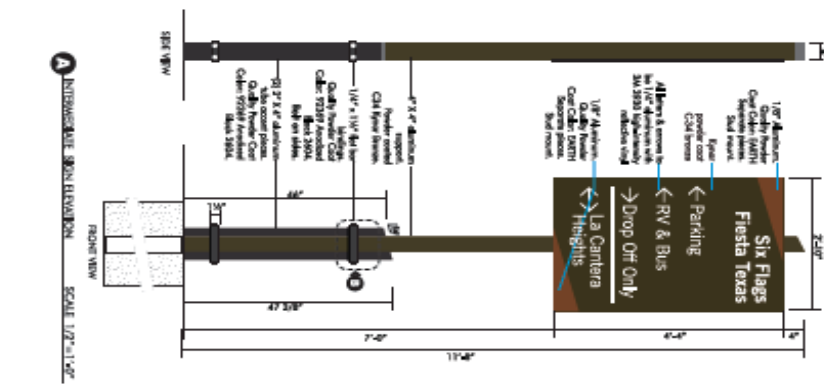
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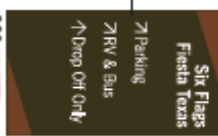


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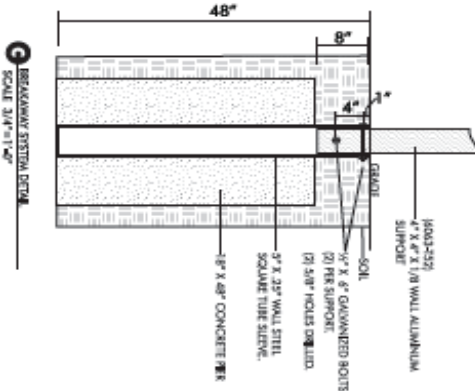
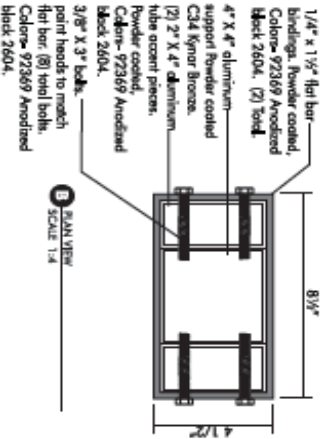
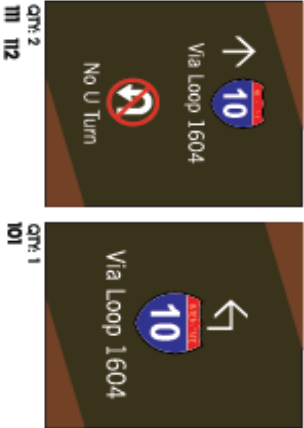
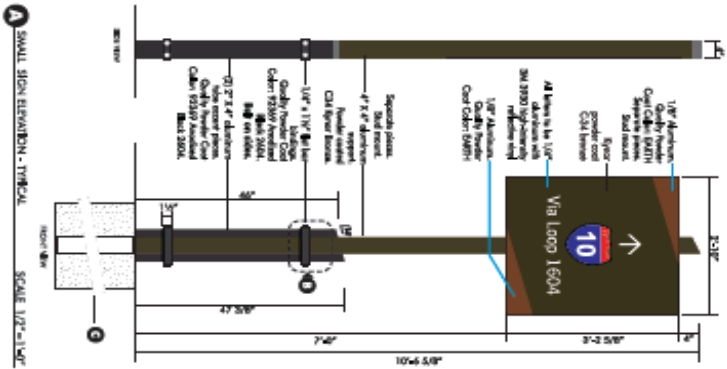
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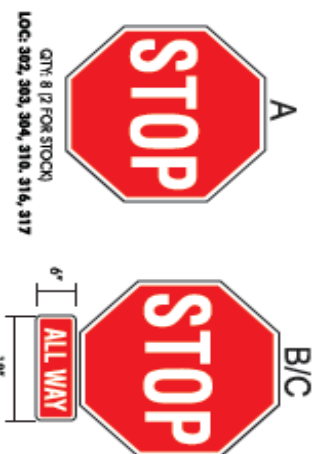
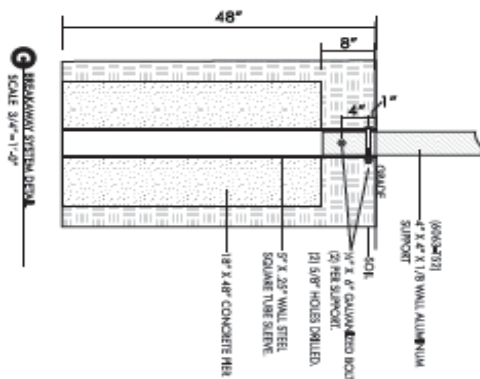
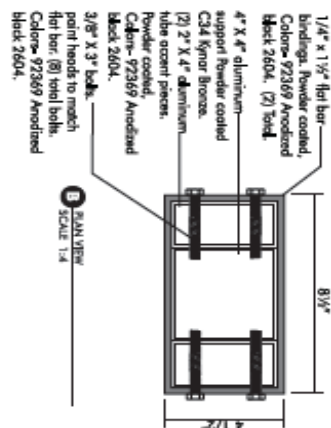
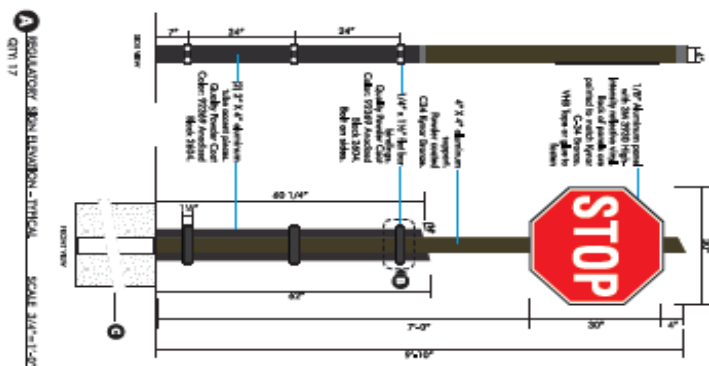


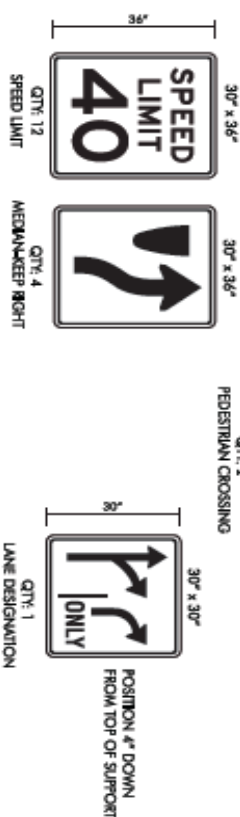
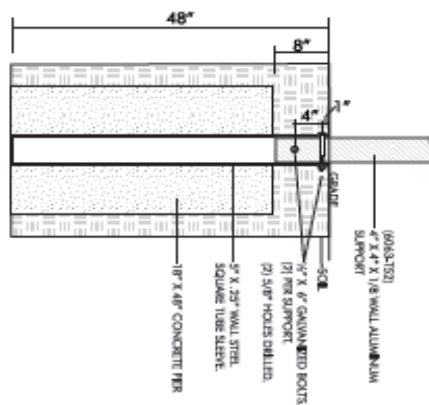
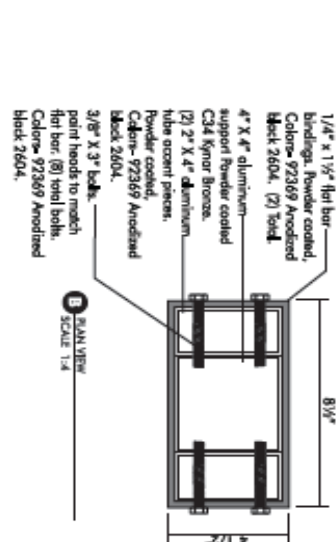
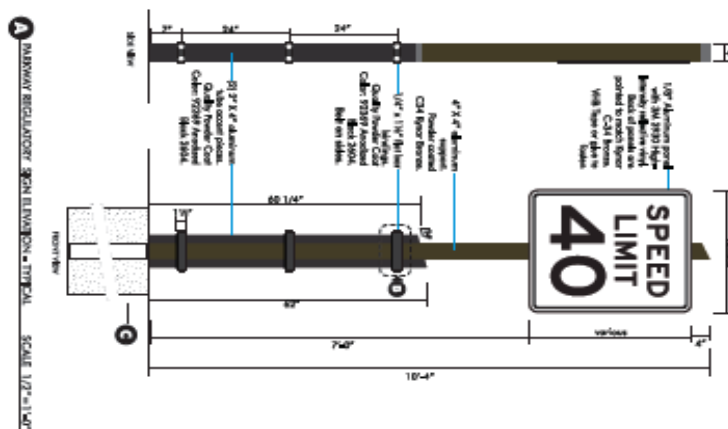
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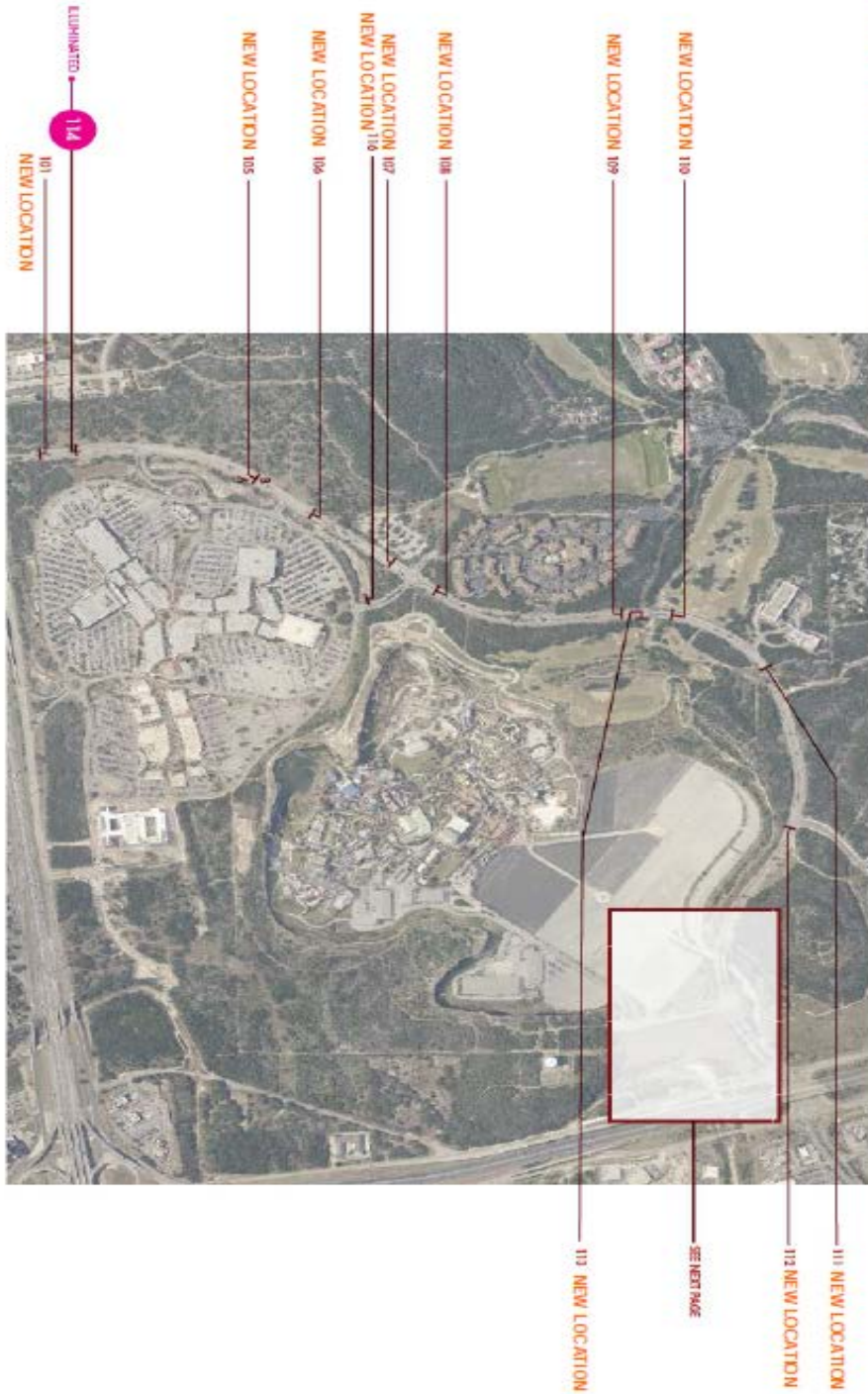
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ALL SIGNS ARE REPLACING EXISTING SIGNS
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