

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

AN ORDINANCE

APPROVING A NON-EXCLUSIVE 10-YEAR LICENSE AGREEMENT GRANTING HEB THE USE AND OCCUPANCY OF THE RIGHT-OF-WAY AT FOUR DOWNTOWN SITES IDENTIFIED AS 404 SOUTH FLORES, DWYER, CYPRESS TOWER, AND EL PASO, FOR THE PURPOSE OF INSTALLING AND MAINTAINING FIBER OPTIC CABLE FACILITIES TO PROVIDE TELECOMMUNICATIONS SERVICE FOR ITS DOWNTOWN CAMPUS LOCATIONS.

* * * * *

WHEREAS, HEB Grocery Company, LP (“HEB”) desires the use of certain right-of-way within the City of San Antonio for the purpose of installing and maintaining fiber optic cable facilities to provide telecommunications service to its downtown campus locations; and

WHEREAS, the proposed fiber optic cable facilities will cross over or under the City’s right-of-way to provide telecommunications connectivity at four sites with the names and locations listed below, and as depicted in greater detail within the Licensee Agreement attached as **Exhibit A**;

- 1) “404 South Flores” (near the intersection of E. Cesar Chavez Blvd. and S. Main Ave.);
- 2) “Dwyer” (near the intersection of E. Cesar Chavez Blvd. and Dwyer Ave.);
- 3) “Cypress Tower” (near the intersection of N. Main Ave. and W. Cypress St.); and
- 4) “El Paso” (near the intersection of El Paso St. and S. Flores St.).

WHEREAS, the installation, maintenance, and repair of fiber optic cable facilities over or under the public right-of-way will be done in a manner consistent with all City of San Antonio regulations, including the Right-of-Way Management Ordinance and Utility Excavation Criteria Manual; **NOW THEREFORE**:

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

SECTION 1. The License Agreement between the City of San Antonio and HEB is hereby approved in substantially the same form as it appears in **EXHIBIT A**.

SECTION 2. The City Manager or her designee is hereby authorized to execute the License Agreement and any and all documents necessary to fulfill the purpose and intent of this Ordinance.

SECTION 3. Funds generated by this Ordinance will be deposited as per the table below:

Amount	General Ledger	Internal Order	Fund
\$3,500	4202440	2090000000046	74001000
\$1,396	4202410	2330000000014	74001000

SECTION 4. The financial allocations in this Ordinance are subject to approval by the Director of Finance for 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 Cost Centers, WBS Elements, Internal Orders, General Ledger Accounts, and Fund Numbers as necessary to carry out the purpose of this Ordinance.

SECTION 5. This Ordinance becomes effective immediately upon the receipt of eight affirmative votes, or in the event eight affirmative votes are not received, on the tenth day after passage by majority vote.

PASSED AND APPROVED, this ____ day of _____ 2018.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Andrew Segovia, City Attorney

EXHIBIT A