

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

AN ORDINANCE

**AUTHORIZING THE GRANTING OF A BUILDING OVERHANG
ENCROACHMENT EASEMENT TO CBMB OFFICE PROPERTIES, L.L.C.
TOTALING A COMBINED 0.027 OF AN ACRE OVER A CITY RIGHT-OF-
WAY LOCATED AT THE INTERSECTION OF BROADWAY AND EIGHTH
STREET IN COUNCIL DISTRICT 1.**

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WHEREAS, CBMB Office Properties, L.L.C. is developing a new six (6) story commercial office building which will provide for approximately 141,000 rentable square feet including retail and restaurant components with one level of subsurface parking (the "Development"); and

WHEREAS, City Council has previously authorized through Ordinance 2018-06-21-0480 action to close, vacate, and abandoned two improved alleys (0.138 acres) located within the same block bordered by Broadway, Brooklyn, Avenue B and 8th Street in an effort to support the Development; and

WHEREAS, CBMB Office Properties, L.L.C. has designed a building with a roof that will overhang a combined 1,142 square feet or 0.027 acre into the city right-of-way at Eighth Street and Broadway, consisting of a 0.023 acre or 987 square feet more or less beyond the height of 17.5 feet above the finished asphalt elevation located on Eighth street and Broadway street, the land more particularly described on **Exhibit B** and a 0.004 acre or 155 square feet more or less beyond the height of 17.5 feet above the finished asphalt elevation located on Broadway street, the land being more particularly described on **Exhibit C**; and

WHEREAS, the City of San Antonio Historic Design and Review Committee has approved the design of the building; and

WHEREAS, the granting of a 75-year building overhang encroachment easement will allow the developer to cantilever a portion of the roof over the westernmost intersection of Eighth and Broadway streets; and

WHEREAS, the City shall receive compensation for the building overhang encroachment easement in the amount of \$9,615.64 based on the appraised value of land of \$33.68 per square foot multiplied by 25% due to the minimal impact of the overhang easement on the right of way; and

WHEREAS, the City of San Antonio shall reserve the right to reclaim the building overhang encroachment easement if CBMB Office Properties, L.L.C. ceases to use this easement for 12 consecutive months or if the building is demolished prior to the 75 year period; **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 to grant an overhang encroachment easement substantially in the form of **Exhibit A** to CBMB Office Properties, L.L.C. consisting of approximately 1,142 square feet over the westernmost intersection of Eighth and Broadway streets, as described and depicted in the attached **Exhibit B** and **Exhibit C**, in order to support the Development. The form of any easement must be approved by the City Attorney's Office prior to execution. The City Manager and her designee, severally, are further authorized and directed to execute and deliver all other documents and instruments necessary or convenient to effectuate the transactions contemplated by this ordinance and otherwise to do all things necessary or convenient to effectuate the transaction. The form of any documents or instruments necessary or convenient to effectuate the transaction must be approved by the City Attorney's Office prior to execution.

SECTION 2. Funds generated by this ordinance will be deposited into Fund 11001000, Internal Order 223000000254 and General Ledger 4202410.

SECTION 3. 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 4. 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 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 10 days after passage, unless it receives the eight votes requisite to immediate effectiveness under City Code of San Antonio § 1-15, in which case it becomes effective immediately.

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