

**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 TWO DOWNTOWN SITES IDENTIFIED AS E. POPLAR AND OGDEN, FOR THE PURPOSE OF INSTALLING AND MAINTAINING FIBER OPTIC CABLE FACILITIES TO ALLOW HEB TO EXTEND ITS PRIVATE FIBER OPTIC NETWORK AMONG ITS DOWNTOWN CAMPUS LOCATIONS.**

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**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 two sites with the names and locations listed below, and as depicted in greater detail within the License Agreement attached as **EXHIBIT A**;

- 1) “E. Poplar” (near the intersection of N. Main Avenue and E. Poplar Street);
- 2) “Ogden” (near the intersection of E. Poplar Street and Ogden Street);

**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
\$3,500.00	4202440	2090000000046	74001000
\$X,xxx.xx	4202410	2330000000014	74001000

**SECTION 4.** Additional funds generated will be deposited into Fund 74001000 Internal Order 2090000000046, and GLs 4202440 and 4202410.

**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 Cost Centers, WBS Elements, Internal Orders, General Ledger Accounts, and Fund Numbers as necessary to carry out the purpose of this Ordinance.

**SECTION 6.** 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 **March**, 2020.

**M A Y O R**  
Ron Nirenberg

**ATTEST:**

**APPROVED AS TO FORM:**

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Leticia M. Vacek, City Clerk

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Andrew Segovia, City Attorney

## EXHIBIT A