



# City of San Antonio

## Legislation Details (With Text)

**File #:** 15-6284

**Type:** Real Property Lease

**In control:** City Council A Session

**On agenda:** 1/28/2016

**Title:** An Ordinance authorizing a License Agreement with the Texas General Land Office to occupy subsurface space located at 321 Alamo Plaza.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 321 Basement License Draft Ordinance, 2. 321 License Agreement State Executed, 3. Draft Ordinance, 4. Ordinance 2016-01-28-0023

Date	Ver.	Action By	Action	Result
1/28/2016	1	City Council A Session	adopted	Pass

**DEPARTMENT:** Center City Development & Operations

**DEPARTMENT HEAD:** John Jacks

**COUNCIL DISTRICTS IMPACTED:** 1

### SUBJECT:

Authorizing an amendment of an easement agreement allowing mutual access and use of portions of property located at 317 Alamo Plaza along with the execution of a License Agreement to occupy subsurface space located at 321 Alamo Plaza.

### SUMMARY:

Consideration of the following ordinances authorizing agreements with the Texas General Land Office including an amendment to an existing easement and operating agreement for a term ending January 31, 2041 for property located at 317 Alamo Plaza, and a License Agreement for an existing basement located at 321 Alamo Plaza with a term ending January 31, 2041, located within Council District 1.

### BACKGROUND INFORMATION:

Located at 317 Alamo Plaza, the City purchased the three story Giles Building located in the building complex fronting Alamo Plaza known as the Crockett Block in 1980. Presently, this space is operated by the Convention & Visitors Bureau as a City Store for the purpose of enhancing the visitor experience by providing staff that can educate the public about local attractions and provide resources to manage individual itineraries for people

looking to take advantage of the many cultural opportunities offered throughout the City along with merchandise with a focus on San Antonio typical of a retail storefront.

The property is subject to a reciprocal easement and operations agreement to accommodate the shared use of entrances and exits and various building systems within the City-owned space and the property located above this space.

The prior owner had a License Agreement, which was approved by Ordinance No. 96013, to occupy subsurface space with an existing basement at 321 Alamo Plaza. The basement encroaches into the City Right of Way approximately 433.86 square feet (0.0100 ac) adjacent to Lot A-11 (.2063 ac) & E Irregular 4 feet of S Irregular 44.29 feet of A4, Block 24, New City Block 423. The property has recently been sold to the Texas General Land Office.

### **ISSUE:**

The original mechanical area easement portion of the existing reciprocal easement and operating agreement expired in April 2015. The easement agreement is a grant of a real estate interest and per the City Charter; these rights require approval by City Council. This ordinance will amend the existing reciprocal easement and operating agreement to include a new mechanical area easement with a term of 25 years. Both parties will also reaffirm existence of the reciprocal easement and operating agreement as well as their duties under the agreement.

This ordinance will also authorize a 25 year License Agreement with the General Land Office for 433.86 square feet of basement under the sidewalk.

### **ALTERNATIVES:**

The amendment of this existing reciprocal easement and operating agreement and execution of this License Agreement are in support of the State of Texas General Land Office's purchase of the remainder of the building of which the City's interest is part. As a matter of course, execution of these agreements is standard real estate practice and in accordance with the terms of the existing agreements. Execution of these agreements are in support of the overall joint effort of the City and State to enhance Alamo Plaza and advance the preservation efforts that, if properly implemented, will ensure that the Alamo and surrounding area continues to honor the events that occurred there for generations to come. If the City were to elect not to renew this easement agreement and execute the License Agreement it affects the State's purchase of the property which is integral to the preservation of the structures around the Alamo.

### **FISCAL IMPACT:**

The City will receive a nominal fee as consideration for renewal of the mechanical area easement portion of the agreement and the License Agreement for the basement area with any other consideration waived in accordance with Chapter 37 of the City Code.

### **RECOMMENDATION:**

Staff recommends approval of agreements with the State of Texas General Land Office for amending the existing reciprocal easement and operating agreement for a period of 25 years ending January 31, 2041 granting

specific rights for the City and the owner of the adjacent property to mutually use each other's property in benefit of the building, and the execution of a License Agreement for a ten year period ending January 31, 2041 to occupy subsurface space.