



# City of San Antonio

## Legislation Details (With Text)

**File #:** 14-1518

**Type:** Real Property Lease

**In control:** City Council A Session

**On agenda:** 8/14/2014

**Title:** An Ordinance authorizing an amendment to the license agreement with MTC Real Estate LLC to add a balcony encroachment over City property at 106 Produce Row. [Ed Belmares, Assistant City Manager; Felix Padron, Culture and Creative Development]

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Amendment to add 106 Produce Row, Signed by MTC only, 2. ContractsDisclosureForm, June 2014, 3. Draft Ordinance, 4. Ordinance 2014-08-14-0575

Date	Ver.	Action By	Action	Result
8/14/2014	1	City Council A Session	adopted	Pass

**DEPARTMENT:** Department for Culture and Creative Development

**DEPARTMENT HEAD:** Felix Padron

**COUNCIL DISTRICTS IMPACTED:** 1

**SUBJECT:**

Amendment to Market Square License Agreement

**SUMMARY:**

This ordinance authorizes an amendment to the license agreement with MTC Real Estate LLC to add a balcony encroachment over City property at 106 Produce Row.

**BACKGROUND INFORMATION:**

On June 20, 2013, City Council approved Ordinance 2014-06-20-0451 to authorize a 25 year license agreement with MTC Real Estate LLC for building overhangs to encroach over City property in Market Square. The building overhangs included balconies, awnings, and vertical supports attached to buildings owned by MTC Real Estate at 102 Produce Row, 120 Produce Row, 218 Produce Row, and 102 Concho. In 2014, MTC Real

Estate purchased 106 Produce Row, which also has an encroachment of a balcony with vertical supports over City property. MTC Real Estate is seeking to amend their existing license agreement in order to add the encroachments at 106 Produce Row.

The City of San Antonio routinely enters into license agreements for minor encroachments onto public property that do not interfere with public use. These licenses allow the City to establish responsibility for maintenance, repair, and liability for private property improvements that encroach upon City-owned property. MTC Real Estate will be responsible for all costs of repair and maintenance, as well as liability for the encroachment.

**ISSUE:**

A balcony with vertical supports exists over City-owned property at 106 Produce Row in Market Square. Adding this encroachment to MTC Real Estate's existing license agreement will formalize the private property encroachment over City-owned property and clarify maintenance, repair, and liability obligations. This ordinance is consistent with the City's practice to grant encroachment licenses to private property owners and would authorize an amendment to MTC Real Estate's existing license agreement to add their recently purchased property at 106 Produce Row.

**ALTERNATIVES:**

The City may elect not to amend MTC Real Estate's existing license agreement to add 106 Produce Row's encroachment over public property and require removal of the balcony and its vertical supports.

**FISCAL IMPACT:**

If approved, the amendment will require MTC Real Estate to pay a \$1,500.00 encroachment fee, which will be deposited in the Market Square Fund.

**RECOMMENDATION:**

Staff recommends approval of an amendment to MTC Real Estate's license agreement to add a balcony encroachment over City property at 106 Produce Row.