



City of San Antonio

Agenda Memorandum

File Number: 14-1518

Agenda Item Number: 11.

Agenda Date: 8/14/2014

In Control: City Council A Session

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.