



City of San Antonio

Agenda Memorandum

File Number:16-2499

Agenda Item Number: 7.

Agenda Date: 4/5/2016

In Control: Early Childhood Education Municipal Development Corporation Board of Directors

DEPARTMENT: Pre-K 4 SA

DEPARTMENT HEAD: Kathy Bruck, CEO

COUNCIL DISTRICTS IMPACTED: Citywide

SUBJECT:

Flamingo Cay Amendment

SUMMARY:

This item includes Board consideration of a lease amendment of the Pre-K 4 SA West Education Center lease with Flamingo Cay LLC.

BACKGROUND INFORMATION:

The West Education Center lease, that document executed by the Corporation in October 2013 utilized a legal description in narrative form with a metes and bounds description. Subsequent to the execution of the lease, the landlord, Flamingo Cay LLC recorded a plat document that created the actual lot that the Pre-K West facility sits on. A recent review of that lease document revealed that the metes and bounds description does not align with what was recorded in the plat, thereby causing a land title issue for the landlord as he looks to develop the lot he owns immediately south of the Pre-K facility. Additionally, the opportunity presented by the need to amend the existing lease will allow the parties to confirm that the number of parking spaces as developed comports to the number of parking spaces in the lease and to include language that will assist in the development of the adjacent City-owned property for Pre-K purposes. Amendment of this lease will not alter the Corporation's use of the property and nothing will change as to the Pre-K use as the area developed is all within the platted lot.

ISSUE:

This item includes a briefing and Board consideration to amend the existing lease with Flamingo Cay LLC for the Pre-K West property.

The existing lease for the Pre-K West facility with Flamingo Cay LLC used a narrative to describe the boundaries of the leased area. Subsequent to the execution of the lease document the property was platted and the plat designation and the narrative described in the lease do not match. There is no dispute that the leasehold area the Corporation thought it was getting is consistent with the property plat, therefore this amendment simply aligns the plat with the legal description for the property that is being leased. Staff is using the opportunity arising by the need to correct the legal description to gain landlord's consent to allow the Corporation to develop access from the 4.476 acre parcel to be leased from the City onto the area leased from Flamingo Cay LLC along with confirming the number of parking spaces provided within the Pre-K leasehold area.

ALTERNATIVES:

The Board can disapprove the lease amendments however the October 2013 lease agreement would continue to be in conflict with the actual recorded plat documents.

FISCAL IMPACT:

There is no fiscal impact.

RECOMMENDATION:

Staff recommends the Board approve an amendment to the existing lease for the Pre-K West Education Center with Flamingo Cay LLC.