

CITY OF SAN ANTONIO

DEPARTMENT OF ASSET MANAGEMENT
INTERDEPARTMENTAL CORRESPONDENCE SHEET

TO: Mayor and City Council

FROM: Rebecca Waldman, Director, Department of Asset Management

THROUGH: Terry M. Brechtel, City Manager

COPIES: Erik J. Walsh, Assistant to the City Manager; Shawn P. Eddy, Special Projects Manager, Property Disposition

DATE: Thursday, January 30, 2003

SUBJECT: S.P. No. 497 - Request for a license agreement to use Public Right of Way for an existing fiber optic conduit beneath and across the 500 Block of East Highland Blvd, between NCB's 3323 and 3335

PETITIONER: J.P. Morgan Chase Bank
Attn: Mike Trapnell
P.O. Box 2558
Houston Texas 77252-8089

SUMMARY AND RECOMMENDATIONS

This Ordinance will authorize a ten (10) year term license agreement with J.P. Morgan Chase Bank to use Public Right of Way for an existing fiber optic conduit beneath and across the 500 Block of East Highland Blvd, between NCB's 3323 and 3335, for the consideration of \$6,500.00.

Staff recommends approval of this Ordinance.

BACKGROUND INFORMATION

Petitioner is requesting a license agreement to use Public Right of Way for an existing fiber optic conduit beneath and across the 500 Block of East Highland Blvd, between NCB's 3323 and 3335, as shown on attached Exhibit "A". This conduit was originally installed in 1973 and presently facilitates communication between the Chase Manhattan Bank at 512 E. Highland Blvd and the drive-thru banking facility located across the street at 519 E. Highland Blvd.

POLICY ANALYSIS

This action is consistent with the City Code and Ordinances which require City Council approval for any private use of property owned or controlled by the City.

FISCAL IMPACT

The City will collect \$6,500.00 for this license to use Public Right of Way.

COORDINATION

In compliance with City procedures, this request has been canvassed through interested City departments, public utilities and applicable agencies. A Canvassing Checklist and an executed Letter of Agreement, by which the petitioner agrees with all conditions imposed through this canvassing, are attached for review.

SUPPLEMENTARY COMMENTS

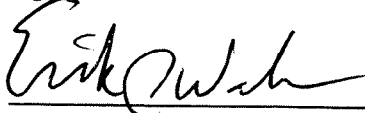
The City of San Antonio's Planning Commission recommended approval of this request at its regular meeting of 1/22/2003.

Executed Discretionary Contracts Disclosure Statement from petitioner(s) is attached.

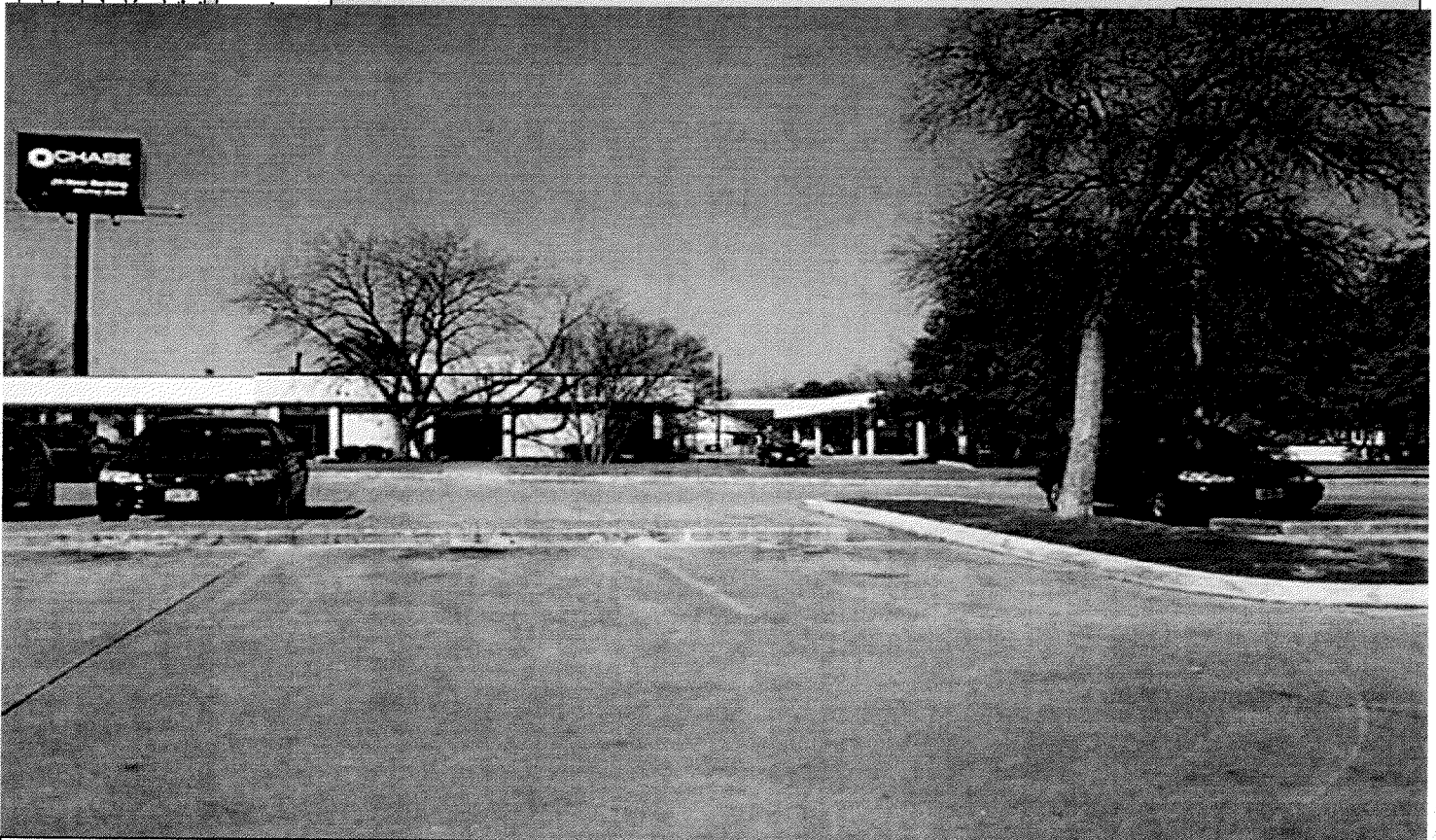
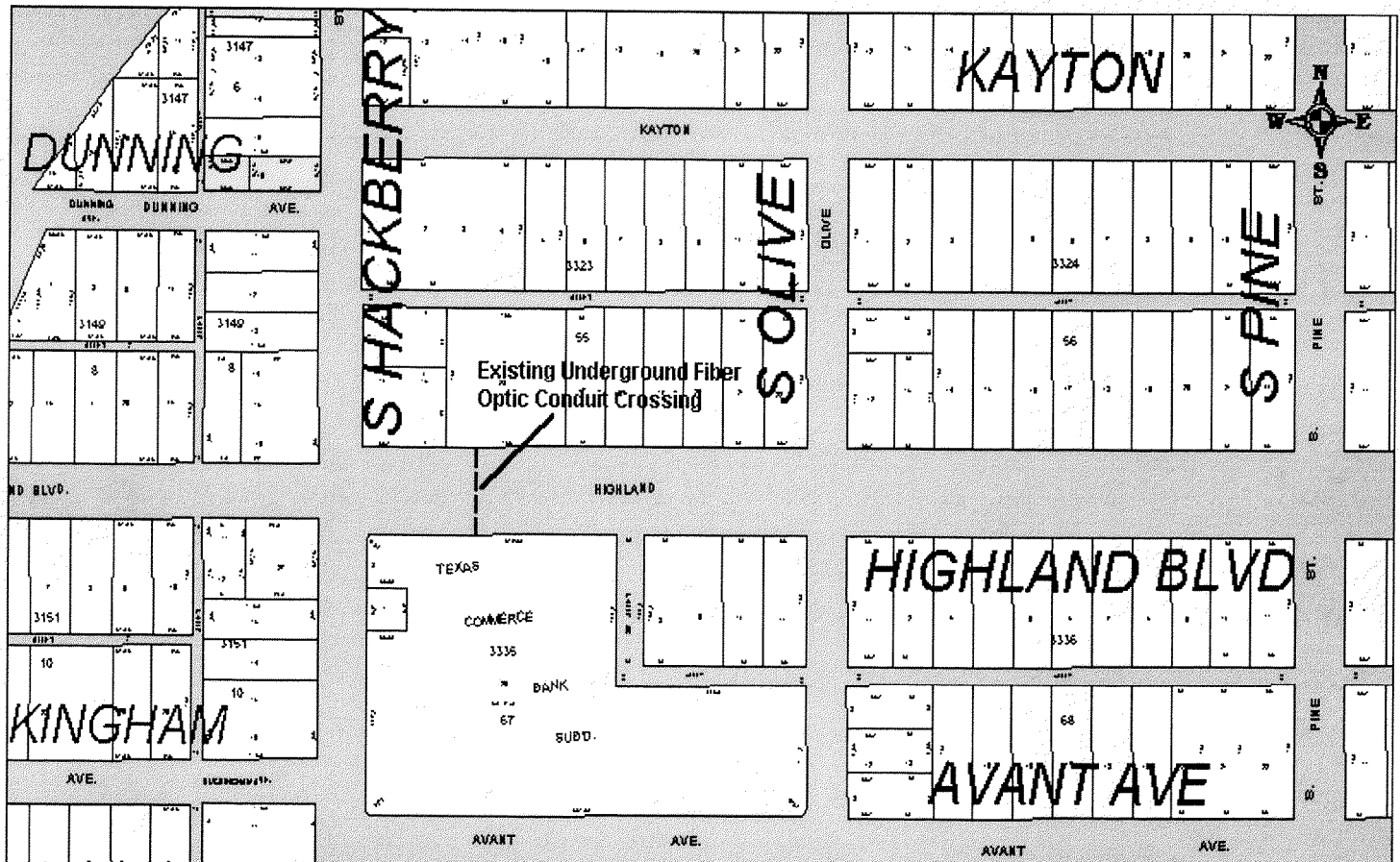


Rebecca Waldman, Director
Department of Asset Management

Approved:



Erik J. Walsh
Assistant to the City Manager



LOOKING NORTH ACROSS E. HIGHLAND BLVD. FROM J.P. MORGAN CHASE BANK SITE
TO DRIVE THROUGH BANK FACILITY
EXHIBIT "A"



EXISTING CONDUIT
CROSSING

E. HIGHLAND BLVD.

HACKBERRY ST



CITY OF SAN ANTONIO

DEPARTMENT OF ASSET MANAGEMENT

P.O. BOX 839966 SAN ANTONIO, TEXAS 78283-3966

TEL. 210-207-4032 FAX 210-207-7888

February 22, 2002

J P Morgan Chase Bank
Corporate Real Estate
c/o Mr. Mike Trapnell
P.O. Box 2558
Houston, Texas 77252-8089

Re: S. P. No. 497— Renewal of a License to maintain a fiber optic conduit in an existing pneumatic tube under the 500 Block of East Highland Blvd.

Dear Mr. Trapnell:

With reference to the captioned project, please be advised that the City of San Antonio has now completed the appraisal process and staff will be recommending approval of the renewal of this expired License Agreement subject to the following conditions:

- ◆ J P Morgan Chase Bank must agree to comply with all of the terms and conditions of the City's current license agreement, which has been provided to the petitioner.
- ◆ J P Morgan Chase Bank must agree to compensate the City of San Antonio the overall amount of \$6,500.00 for all necessary rights, which will be due and payable within ten (10) days after City Council approval, and is calculated as follows:
 1. the back due amount of \$1,500.00 for the period from the approximate date the existing fiber optic cable was installed to the present which represents approximately a 50% discount of the current license rate of \$5,000.00 per ten-year license term;
 2. \$5,000.00 for the new ten-year term of this renewed license.

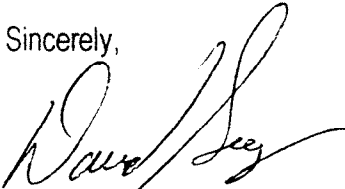
A Certificate of Insurance or self-insurance must be provided and the City of San Antonio must be formally released from any and all liabilities, which may be incurred in connection with this encroachment.

Fully completed and signed (by authorized individual) Ethics Disclosure Statements are required and attached for your convenience.

This Letter of Conditions is being offered by the City of San Antonio only to the petitioner named above and will expire sixty (60) days after the date of issuance unless a specific extension is requested by the petitioner and granted by the City.

Please review the above listed conditions and counter sign (by authorized individual) this letter in the space provided below if you concur with all requirements, including the payment for this License Agreement. Upon receipt of this signed Legal Letter Agreement and the completed Ethics Disclosure forms, we will continue processing your request.

Sincerely,

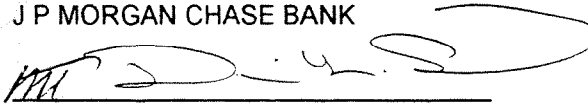

for Shawn P. Eddy
Special Projects Manager

SE/ds

AGREED AS TO TERMS AND CONDITIONS:

J P MORGAN CHASE BANK

By


DAVID L. SUDDERTH
VICE PRESIDENT

Print Name

Title

Vice President

3/1/02

Date

City of San Antonio
Discretionary Contracts Disclosure*

For use of this form, see City of San Antonio Ethics Code, Part D, Sections 1&2
Attach additional sheets if space provided is not sufficient.
State "Not Applicable" for questions that do not apply.

*** This form is required to be supplemented in the event there is any change in the information under (1), (2), or (3) below, before the discretionary contract is the subject of council action, and no later than five (5) business days after any change about which information is required to be filed.**

Disclosure of Parties, Owners, and Closely Related Persons

For the purpose of assisting the city in the enforcement of provisions contained in the City Charter and the code of ethics, an individual or business entity seeking a discretionary contract from the city is required to disclose in connection with a proposal for a discretionary contract:

(1) the identity of any **individual** who would be a party to the discretionary contract;

None

(2) the identity of any **business entity**¹ that would be a party to the discretionary contract:
None JP Morgan Chase Bank
and the name of:

(A) any individual or business entity that would be a *subcontractor* on the discretionary contract;

None

(B) any individual or business entity that is known to be a *partner*, or a *parent* or *subsidiary* business entity, of any individual or business entity who would be a party to the discretionary contract;

None

(3) the identity of any *lobbyist* or *public relations firm* employed for purposes relating to the discretionary contract being sought by any individual or business entity who would be a party to the discretionary contract.

None

¹ A *business entity* means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, unincorporated association, or any other entity recognized by law.

Political Contributions

Any individual or business entity seeking a discretionary contract from the city must disclose in connection with a proposal for a discretionary contract all political contributions totaling one hundred dollars (\$100) or more within the past twenty-four (24) months made directly or indirectly to any *current or former member* of City Council, any *candidate* for City Council, or to any *political action committee* that contributes to City Council elections, by any individual or business entity whose identity must be disclosed under (1), (2) or (3) above. Indirect contributions by an individual include, but are not limited to, contributions made by the individual's spouse, whether statutory or common-law. Indirect contributions by an entity include, but are not limited to, contributions made through the officers, owners, attorneys, or registered lobbyists of the entity.

To Whom Made:	Amount:	Date of Contribution:
<i>None</i>		

Disclosures in Proposals

Any individual or business entity seeking a discretionary contract with the city shall disclose any known facts which, reasonably understood, raise a question² as to whether any city official or employee would violate Section 1 of Part B, Improper Economic Benefit, by participating in official action relating to the discretionary contract.

Signature: <i>Michael A. Trapnell</i>	Title Michael Trapnell Vice President Company: <i>JP Morgan Chase Bank</i>	Date: <i>2/28/02</i>

² For purposes of this rule, facts are "reasonably understood" to "raise a question" about the appropriateness of official action if a disinterested person would conclude that the facts, if true, require recusal or require careful consideration of whether or not recusal is required.

Canvassing Checklist

SPNo **497**

Request: Petitioner is requesting the renewal of a license agreement to use Public Right of Way for an existing fiber optic conduit beneath and across the 500 Block of East Highland Blvd, between NCB's 3323 and 3335, as shown on attached Exhibit "A". This conduit was originally installed in 1973 and presently facilitates communication between the Chase Manhattan Bank at 512 E. Highland Blvd and the drive-thru banking facility located across the street at 519 E. Highland Blvd.

	Included in Canvassing	Out Date	In Date	Uncond. Approval	Conditional Approval	Denial
Planning Department	<input checked="" type="checkbox"/>	6/5/2002	7/8/2002	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PublicWorks	<input checked="" type="checkbox"/>	6/5/2002	9/6/2002	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Development Services	<input checked="" type="checkbox"/>	6/5/2002	6/12/2002	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Police Department	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fire Department	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parks and Recreation	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Neighborhood Action (NAD)	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
City Public Service	<input checked="" type="checkbox"/>	6/5/2002	7/9/2002	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
S.A. Water System (SAWS)	<input checked="" type="checkbox"/>	6/5/2002	7/15/2002	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
TXDOT	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
S.A. River Authority (SARA)	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
VIA Metropolitan	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other Agency	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Neighborhood Association	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Canvassing Comments