

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, December 18, 2003

SUBJECT: S.P. No. 1142—Request for a License to Use portions of Soledad and Martin Streets Public Rights of Way for two (2) existing pedestrian tunnels

PETITIONER: MSPA Acquisition II, L.P.; c/o The Francis Law Firm
Attn: W. Bebb Francis, III
112 E. Pecan St., Suite 900
San Antonio, TX 78205-1517

SUMMARY AND RECOMMENDATIONS

This Ordinance will terminate a license approved by Ordinance No. 83636, passed and approved on February 22, 1996, and grant a license to MSPA Acquisition II, L.P., a Delaware limited partnership, for the continued use of the subsurface area of Soledad and Martin Streets Public Rights of Way for two (2) existing pedestrian tunnels which service the abutting Adam's Mark Hotel at 111 East Pecan Street and the Broadway National Bank Building and its parking garage at 425 Soledad Street, in NCBs 139 and 140, for a ten (10) year term and the consideration of \$30,176.00, to be contingent upon the closing of the purchase of the Adam's Mark Hotel, the Broadway National Bank Building along with its parking garage.

Staff recommends approval of this Ordinance.

BACKGROUND INFORMATION

Petitioner is requesting a license agreement to use portions of Soledad and Martin Streets Public Rights of Way for two (2) existing pedestrian tunnels as shown on attached Exhibit "A." Petitioner has entered into a purchase and sale agreement in which the seller has agreed to sell the property serviced by the tunnels, which are the Adam's Mark Hotel and the Broadway National Bank Building along with its parking garage.

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 \$30,176.00 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.



Rebecca Waldman, Director
Department of Asset Management

Approved:



Erik J. Walsh
Assistant to the City Manager

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 entity¹ that would be a party to the discretionary contract:

MSPA Acquisition II, L.P., a Delaware limited partnership

and the name of:

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

None

and the name of:

(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;

The general partner is MSPA Acquisition II GP, L.L.C., a Delaware limited liability company. The limited partner is MSPA Senior Mezzco II, L.L.C., a Delaware limited liability company.

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.

- (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


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:
None		

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.

None		
Signature:  Michael Quinn	Title: Vice President Company: MSPA Acquisition II GP, L.L.C., general partner	Date: 12/9/03

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.

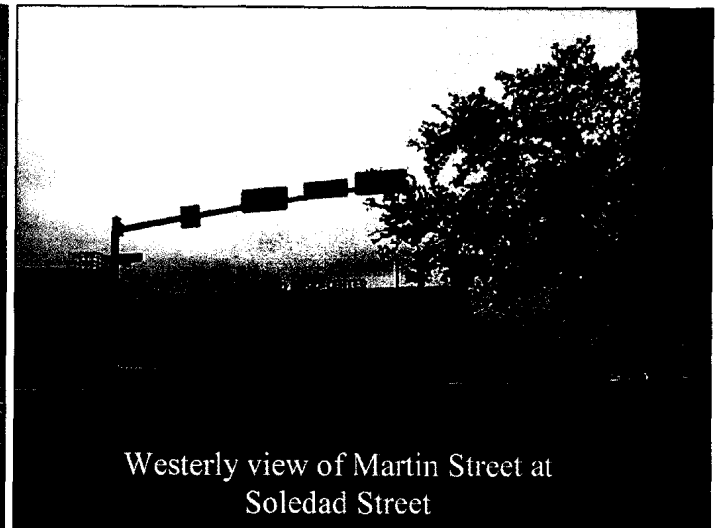
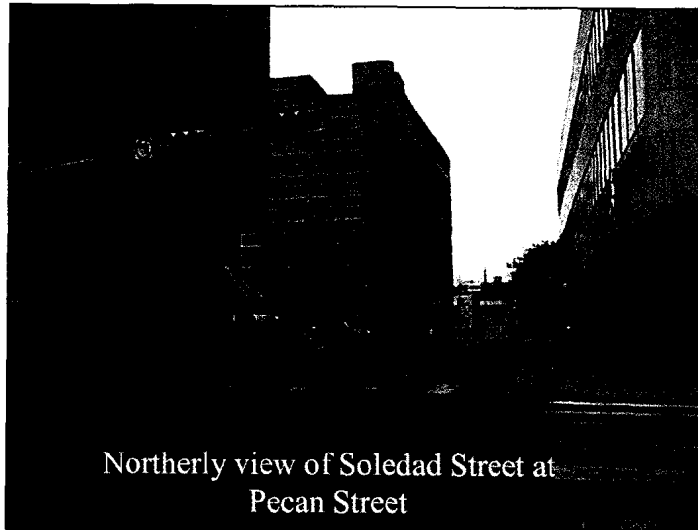
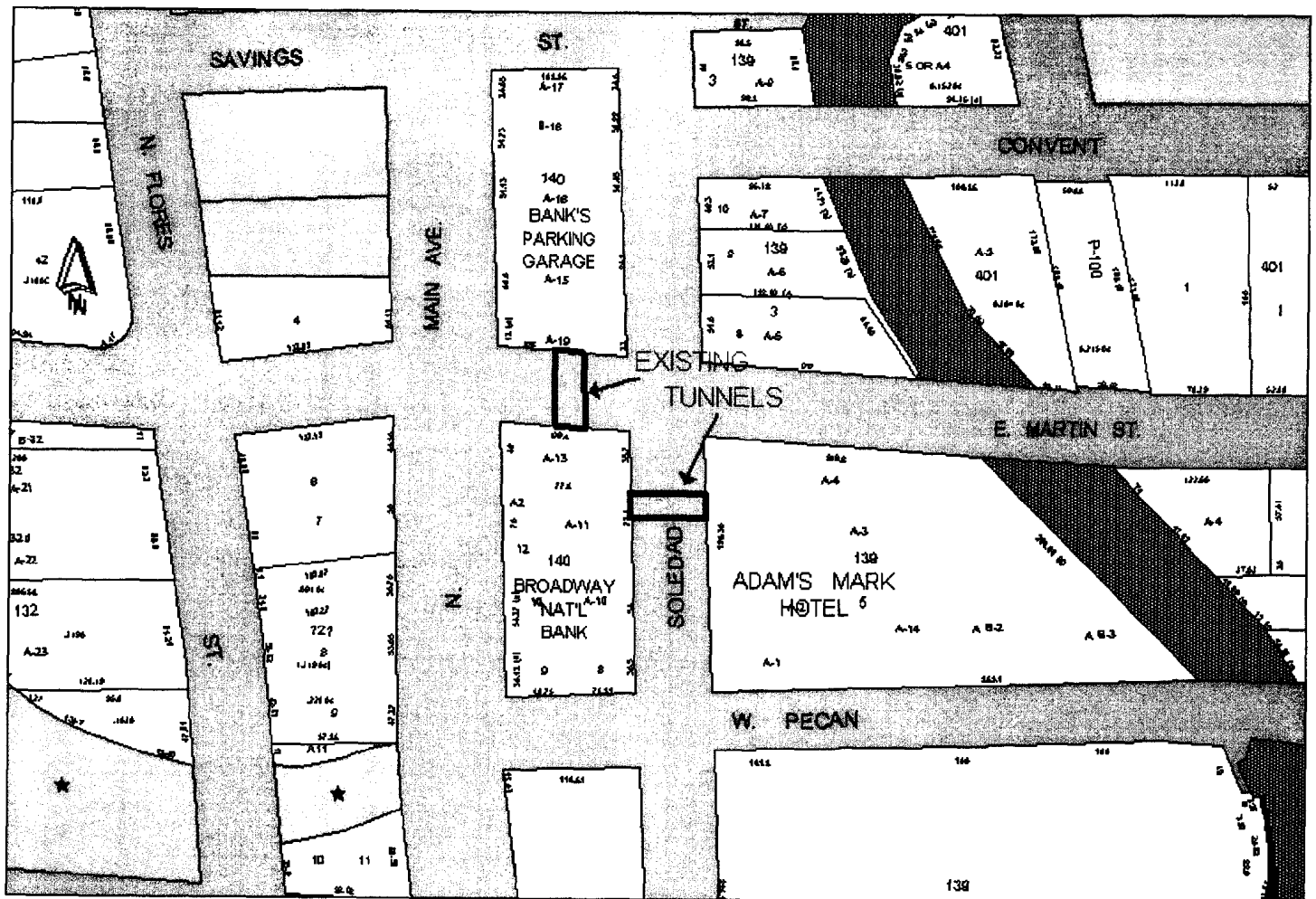


EXHIBIT "A"