

CITY OF SAN ANTONIO
DEPARTMENT OF ASSET MANAGEMENT
INTERDEPARTMENTAL CORRESPONDENCE SHEET

CONSENT AGENDA

ITEM NO.

16

TO: Mayor and City Council

FROM: Rebecca Waldman, Director, Department of Asset Management

THROUGH: J. Rolando Bono, Interim City Manager

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

DATE: Thursday, October 14, 2004

SUBJECT: S. P. No. 970—Request renewal of a license for the continued use of Public Rights of Way along East Houston, North St. Mary's and East Travis Streets, and a 14-foot wide alley (surface, subsurface and air rights) for an existing basement, balcony, an overhead parking structure and a smokestack at the Sheraton Gunter Hotel

PETITIONER: Houston Street Hotel Partners, L.P.
a Delaware limited partnership
c/o Sheraton Gunter Hotel
Attn: Debbie Gonzalez, Gen. Mgr.
205 E. Houston St.
San Antonio, TX 78205

SUMMARY AND RECOMMENDATIONS

This Ordinance will renew a license (previous Ordinance 89573 expired April 17, 2004) with Houston Street Hotel Partners, L.P., a Delaware limited partnership, for the continued use of Public Rights of Way along East Houston, North St. Mary's and East Travis Streets, and a 14-foot wide alley (surface, subsurface and air rights) for an existing basement, balcony, an overhead parking structure, and a smokestack at the abutting Sheraton Gunter Hotel located at 205 East Houston Street, in NCB 407, in Council District No. 1, for a ten (10) year term and the consideration of \$402,520.00.

Staff recommends approval of this Ordinance.

BACKGROUND INFORMATION

Petitioner is requesting a license renewal for the continued use of Public Rights of Way along East Houston, North St. Mary's and East Travis Streets, and a 14-foot wide alley (surface, subsurface and air rights) for an existing basement, a balcony, an overhead parking structure and a smokestack at the Sheraton Gunter Hotel as shown on attached Exhibit "A", pages 1 through 9. More specifically, the Public Rights of Way are used for an existing 4,487 square-foot basement under and a 4,487 square-foot balcony over North St. Mary's and East Houston Streets; a 4-foot wide overhead encroachment by an existing parking structure of 1,304 square feet above East Travis and North St. Mary's Streets, and an existing smokestack and related 87 square-foot basement over and under a 14-foot wide alley adjacent to the east side of the hotel. Previous license was approved by Ordinance No. 89573, and expired on April 17, 2004.

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

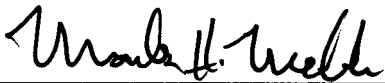
The City will collect \$402,520.00 for this license to use Public Rights of Way, payable annually with the first payment of \$40,252.00, and each subsequent payment of \$40,252.00 due before the anniversary date of said Effective Date each year commencing in 2005.

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.

SUPPLEMENTARY COMMENTS

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



J. Rolando Bono
Interim City Manager

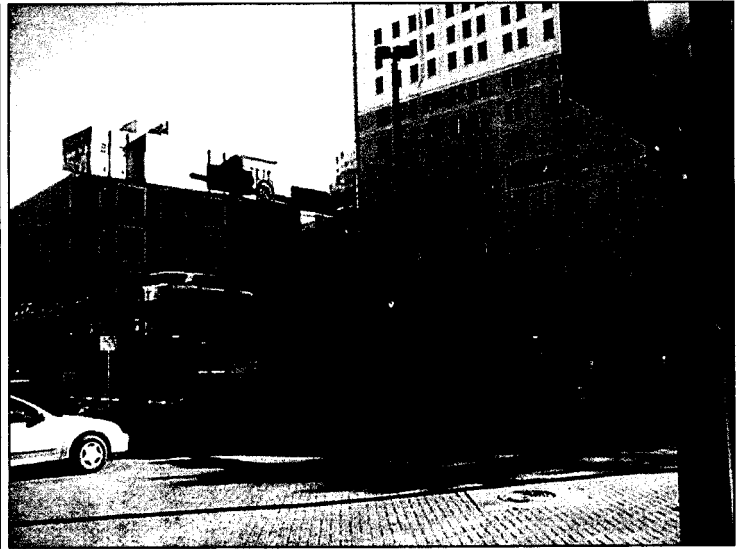
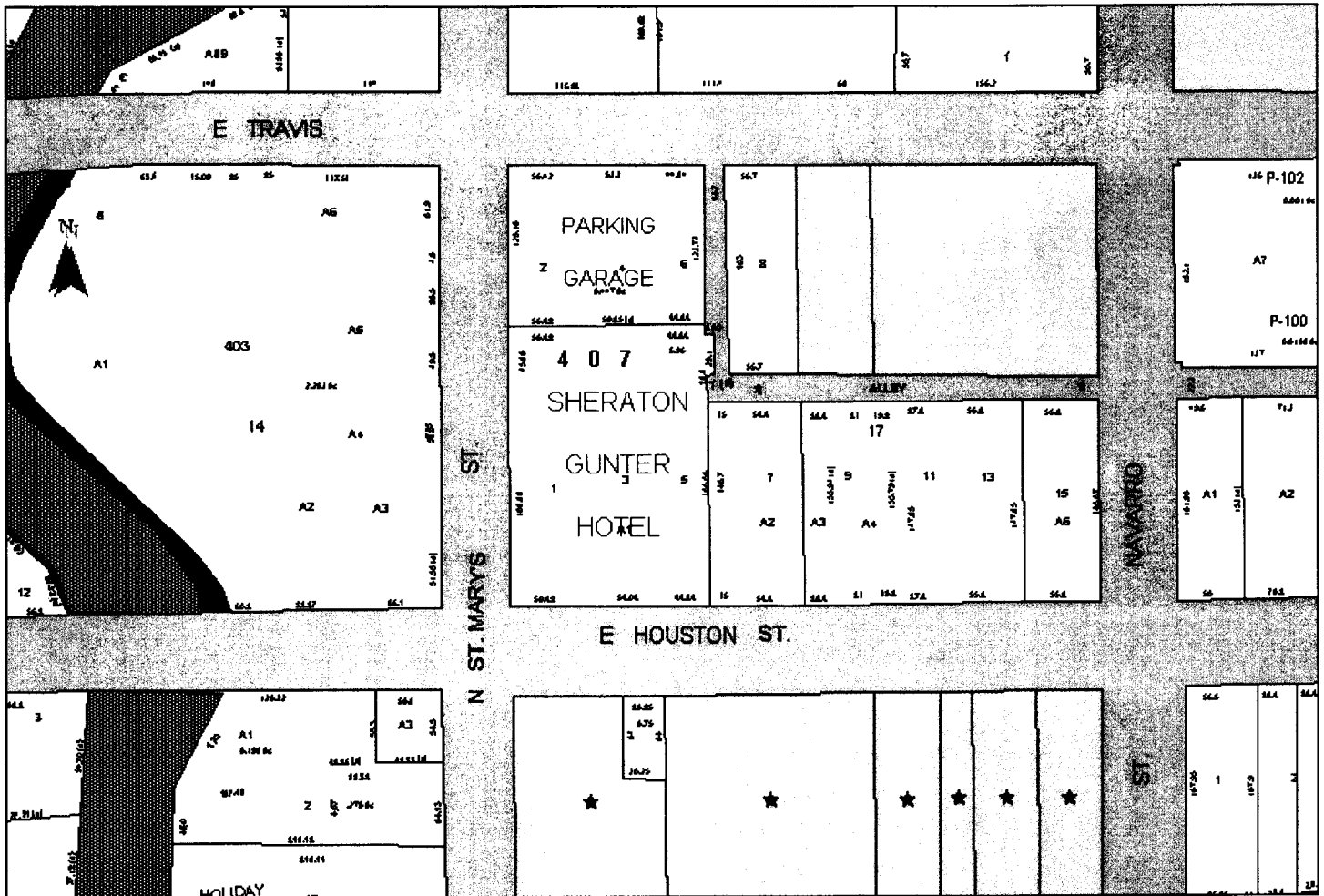


Exhibit "A"

Page 1 of 9

- (1) Existing basement, balcony and smokestack encroachments in two tracts:

PART I

BEING 0.103 acres of land out of the street rights-of-way of East Houston Street and North St. Mary's Street adjacent to Lots 1, 2, 3 and 5, New City Block 407, within the City Limits of San Antonio, Bexar County, Texas, and being more particularly described as follows:

ORIGINATING: At an X found in the concrete walk at the point of intersection of the east right-of-way line of N. St. Mary's St. and the south right-of-way line of Travis Street, said corner being the northwest corner of Lot 2, New City Block 407;

S 00° 07' 13" W, 125.35 feet along the east right-of-way line of N. St. Mary's Street to an X inscribed in the concrete walk for the POINT OF BEGINNING of the hereinafter described tract;

THENCE: S 00° 07' 13" W, 205.09 feet along the east right-of-way line of N. St. Mary's Street and the western boundary of Lots 1 and 2, New City Block 407, to an X found in the concrete sidewalk at the corner of the intersection of the north right-of-way line of Houston Street and the east right-of-way line of N. St. Mary's Street for an interior corner of this tract;

THENCE: N 89° 58' 00" E, 155.32 feet along the north right-of-way line of Houston Street and the southern boundary of Lots 1, 3 and 5, New City Block 407, to a point in the north right-of-way line of Houston Street from whence an X was found in the concrete sidewalk bearing S 00° 07' 13" W a distance of 3.00 feet, said corner being the easternmost northeast corner of this tract;

THENCE: S 00° 02' 00" W, 17.30 feet to a point on the face of the curb of the north curb line of East Houston Street for the southeast corner of this tract;

THENCE: N 89° 55' 22" W, 150.28 feet along the north curb line of East Houston Street to a point of curvature of the curb line to the right;

THENCE: 20.81 feet along the arc of a curve to the right whose radius is 13.25 feet, delta angle is 89° 58' 25", tangent is 13.29 feet, and a chord of 18.73 feet which bears N 44° 56' 09" W to a point on the east curb line of N. St. Mary's Street for the southwest corner of this tract;

THENCE: N 00° 03' 03" E, 208.86 feet along the east curb line of N. St. Mary's Street to a point for the northwest corner of this tract;

THENCE: S 89° 52' 47" E, 8.45 feet to a point on the east right-of-way line of N. St. Mary's Street, said point being the POINT OF BEGINNING and containing 0.103 acres of land,

PART II

BEING 0.002 acres of land out of the variable width public alley running through New City Block 407 adjacent to the remaining portions of Lots 5 and 6, New City Block 407, within the City Limits of San Antonio, Bexar County, Texas, and being more particularly described as follows:

ORIGINATING: At an X found in the concrete walk at the point of intersection of the east right-of-way line of N. St. Mary's Street and the south right-of-way line of Travis Street, said point being the northwest corner of Lot 2, New City Block 407;

S 89° 48' 40" E, 155.32 feet along the south right-of-way line of Travis Street and the north boundary line of Lots 2, 4 and 6, New City Block 407 to an X found in the concrete at the point of intersection of the south right-of-way line of Travis Street and the west right-of-way line of a public alley;

S 00° 07' 13" W, 129.70 feet along the west right-of-way line of a public alley and the east boundary line of the Gunter Hotel property, following the east edge of the exterior wall of the Gunter Hotel;

S 89° 52' 47" E, 3.80 feet along the west right-of-way line of the public alley and the east edge of the Gunter Hotel;

S 00° 07' 13" W, 29.00 feet along the west right-of-way line of the public alley and the east edge of the Gunter Hotel to the POINT OF BEGINNING of the hereinafter described tract;

THENCE: S 89° 52' 47" E, 3.20 feet to a point in the variable width public alley for the northeast corner of this tract;

THENCE: S 00° 07' 13" W, 14.30 feet to a point in the variable width public alley for the southeast corner of this tract;

THENCE: N 89° 52' 47" W, 7.00 feet to a point on the west right-of-way line of the public alley and the east edge of the Gunter Hotel for the southwest corner of this tract;

THENCE: N 00° 07' 13" E, 14.30 feet along the west right-of-way line of the public alley and the east edge of the Gunter Hotel for the northwest corner of this tract;

THENCE: S 89° 52' 47" E, 3.80 feet along the west right-of-way line of the public alley to the POINT OF BEGINNING and containing 0.002 acres of land, more or less,

Exhibit "A"

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EAST TRAMS ST.
(R.O.W. 55.6')

125.02' 129.56'

125.02%

0.446 ACRE

(VOLUME 3303, PAGE 952 R.P.R.)

155.32'

S89°43'18"E

55.32'

589.52'47"

330

CONCRETE CURE

POINT OF BEGINNING

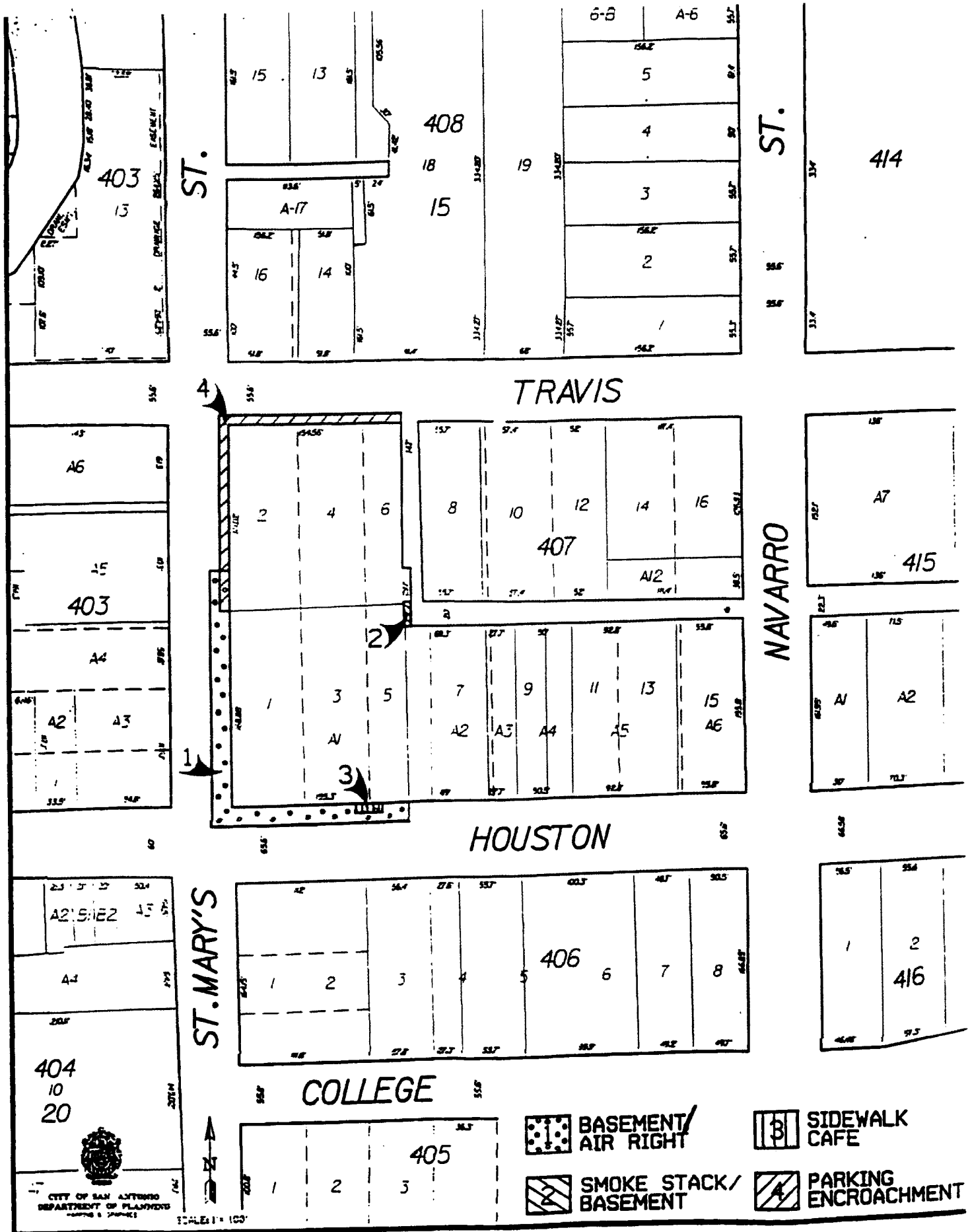
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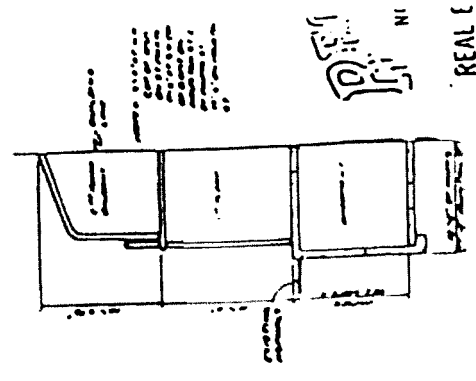
Page 4 of 9

APPROXIMATE LOCATION
IN THIS CORNER ONLY

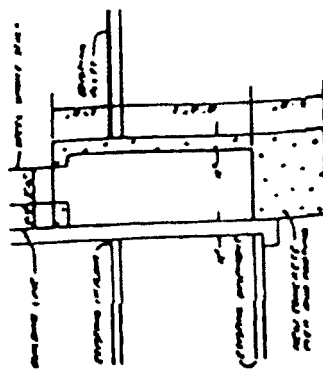
INSIDE FACE OF

195

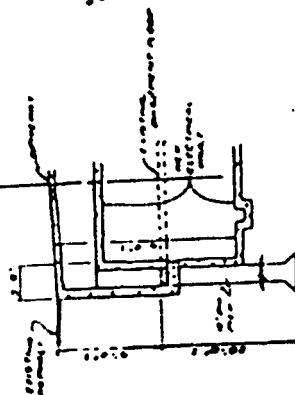




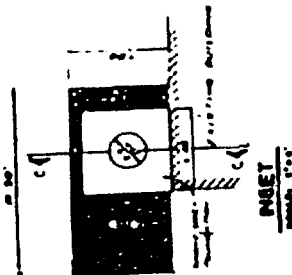
BALCONY & BASEMENT
ENCROACHMENT SECTION



SECTION THRU SMOKE STACK



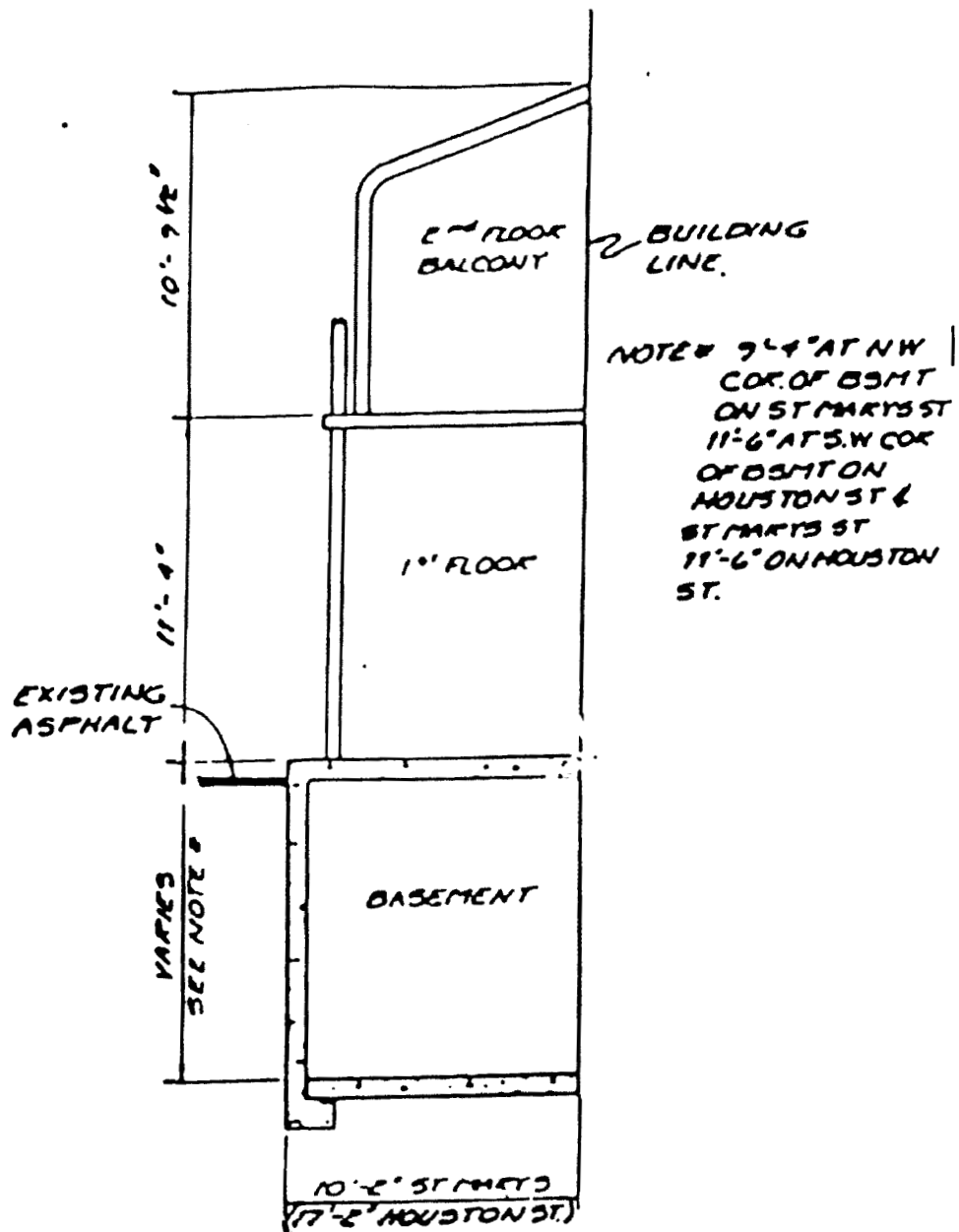
SECTION THRU DRIVEWAY



LE 5037

- [illegible]

Exhibit "A"
Page 6 of 9



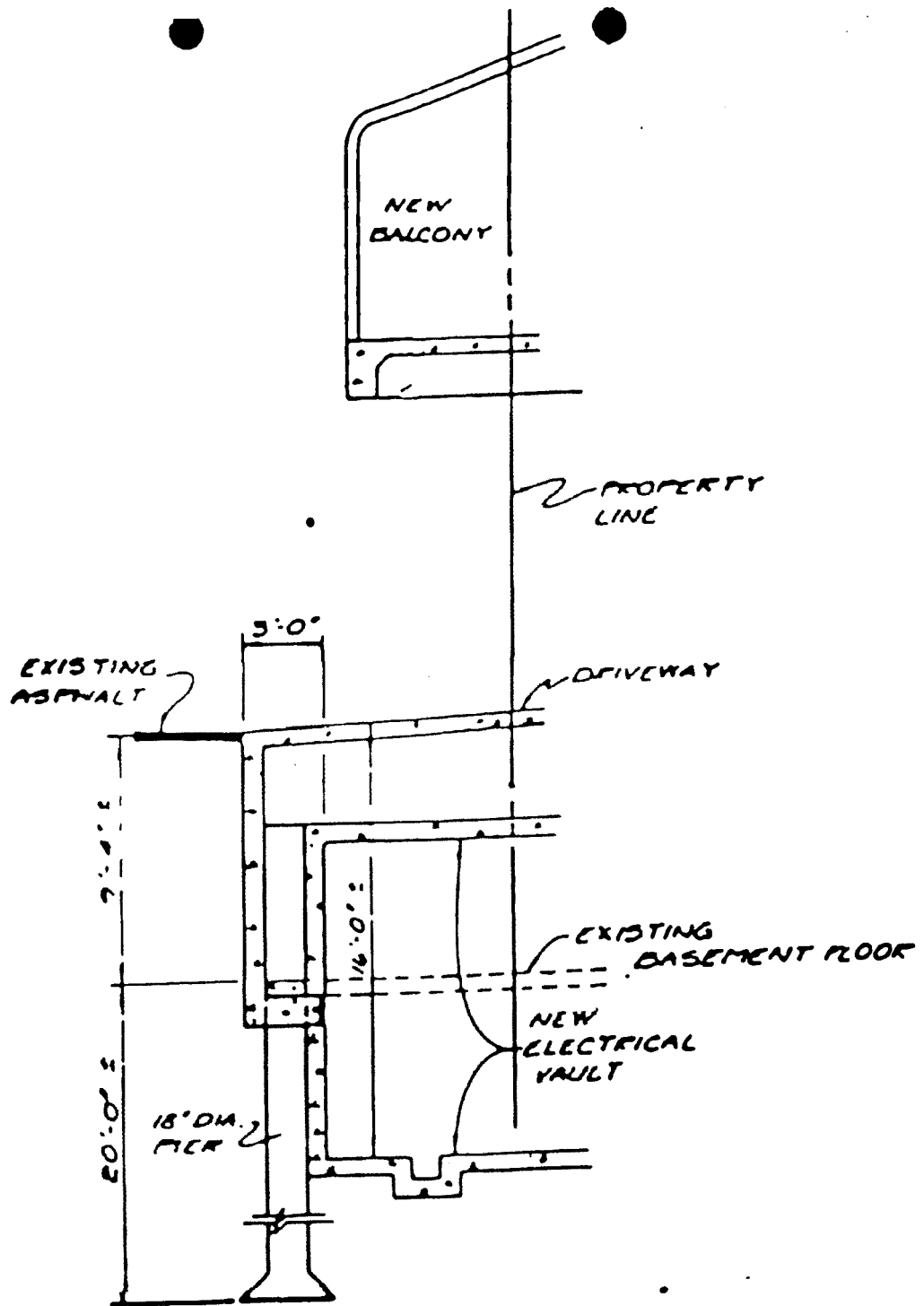
BALCONY & BASEMENT ENCROACHMENT SECTION

(A)

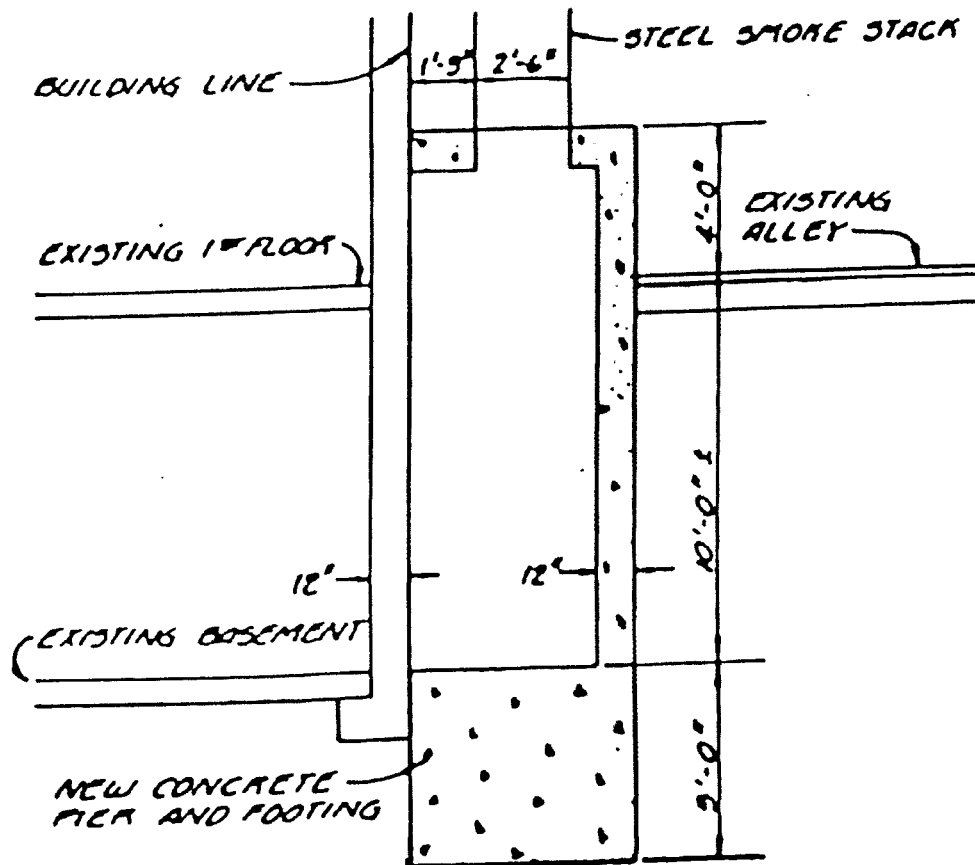
SCALE: 1"=8'

Exhibit "A"

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(B) SECTION THRU DRIVEWAY
SCALE: 1"=6'



© SECTION THRU SMOKE STACK

Canvassing Checklist

SPNo 970

Request: Petitioner is requesting a license renewal for the continued use of East Houston, North St. Mary's and East Travis Streets, and a 14-foot wide alley Public Rights of Way (surface, subsurface and air rights) for an existing basement, a balcony, an overhead parking structure and a smokestack at the Sheraton Gunter Hotel as shown on attached Exhibit "A", pages 1 through 9. More specifically, the Public Rights of Way are used for an existing 4,487 square-foot basement under and a 4,487 square-foot balcony over North St. Mary's and East Houston Streets; a 4-foot wide overhead encroachment by an existing parking structure of 1,304 square feet above East Travis and North St. Mary's Streets, and an existing smokestack and related 87 square-foot basement over and under a 14-foot wide alley adjacent to the east side of the hotel. Previous license was approved by Ordinance No. 89573, and expired on April 17, 2004.

	Included in Canvassing	Out Date	In Date	Uncond. Approval	Conditional Approval	Denial
Planning Department	<input checked="" type="checkbox"/>	12/12/2003	2/11/2004	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PublicWorks	<input checked="" type="checkbox"/>	12/12/2003	2/10/2004	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Development Services	<input checked="" type="checkbox"/>	12/12/2003	1/9/2004	<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"/>	12/12/2003	2/27/2004	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
S.A. Water System (SAWS)	<input checked="" type="checkbox"/>	12/12/2003	12/30/2003	<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"/>
Environmental Services	<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 checked="" type="checkbox"/>	12/12/2003		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Canvassing Comments

DOWNTOWN RESIDENTS ASSN.; ATTN: TOM REEDY; 105 S. ST. MARYS, SUITE 1214, 78205 - NO RESPONSE WAS RECEIVED.



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

August 13, 2004

Houston Street Hotel Partners, L.P.,
a Delaware limited partnership
c/o ING Realty Partners
Attn: Andrew J. White, Senior V. P.
676 N. Michigan Avenue, Suite 3350
Chicago, IL 60611

Re: S. P. No. 970—Request for a License Renewal to Use portions of East Houston, North Saint Mary's, East Travis Streets and a 14-foot alley Public Rights of Way for existing encroachments at the Sheraton Gunter Hotel adjacent to NCB 407

Dear Mr. White:

With reference to the captioned project, please be advised that the City of San Antonio has now completed the canvassing process and will recommend approval of a license to use Public Rights of Way subject to the following conditions:

PUBLIC WORKS DEPARTMENT

Storm Water Engineering Division: Approved provided it is ensured that there is positive drainage in alley. At times, there appears to be standing water at Travis and the alley.

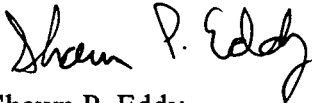
Also, the fee established for this license agreement is \$402,520.00 for a ten (10)-year term, payable annually with the first payment of \$40,252.00 due and payable to the City of San Antonio prior to City Council consideration. If for some reason the license is not approved by City Council, the fee will be returned to the petitioner. Also, a Certificate of 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 request.

Further, a fully completed and signed Discretionary Contracts Disclosure Statement is required. A form is enclosed for your convenience.

If you concur with the above mentioned conditions, including the payment of the fee established for this license, please countersign this letter in the space provided below and return to the undersigned. *Upon receipt of this signed Letter of Agreement, the License Agreement, the Certificate of Insurance, the Discretionary Contracts Disclosure Statement and the payment we will continue processing your request.*

This Letter of Agreement is being offered by the City of San Antonio only to the above named petitioner and will expire thirty (30) days after the date of issuance unless a specific extension is requested by the petitioner and granted by the City.

Sincerely,



Shawn P. Eddy
Special Projects Manager
Property Disposition Division

SPE/ma

AGREED AS TO TERMS AND CONDITIONS:

PETITIONER

By

Print Name

Title

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:

N/A

(2) the identity of any **business entity**¹ that would be a party to the discretionary contract:

HOUSTON STREET HOTEL PARTNERS, L.P.
a DELAWARE LIMITED PARTNERSHIP
By: HOUSTON STREET HOTEL GEN. PTNR. CORP.
a DELAWARE CORPORATION

9/24/04

and the name of:

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

N/A

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;

N/A

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.

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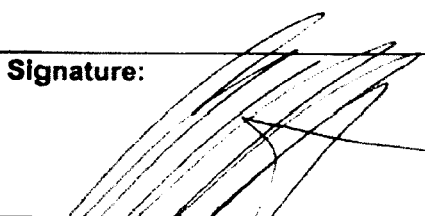
Political Contributions

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:
N/A		

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: 	Title: SVP Company:	Date:

²For 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.