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**CITY OF SAN ANTONIO  
DEPARTMENT OF ASSET MANAGEMENT  
CITY COUNCIL AGENDA MEMORANDUM**

**TO:** Sheryl Sculley, City Manager

**FROM:** Shawn P. Eddy, Interim Director, Department of Asset Management

**DATE:** Thursday, March 23, 2006

**SUBJECT:** S.P. No. 955-Request for continued use of N. Alamo & E. Houston Streets and a 20-foot alley, for an existing basement and awnings at the Gibbs Building, 105 N. Alamo Street, located in Council District No. 1.

**PETITIONER:** 1909 Ltd.  
Attn: Ashish Patel  
18 Sheringham St.  
San Antonio, Texas 78218

**SUMMARY AND RECOMMENDATION**

An Ordinance authorizing a license agreement with 1909 Ltd. for the continued use of N. Alamo & E. Houston Streets and a 20-foot alley, for an existing basement and awnings at the Gibbs Building, 105 N. Alamo Street, NCB 422, BLK 26, LOT 6, for a ten-year term and the total consideration of \$5,000.00.

Staff recommends approval of this Ordinance.

**BACKGROUND INFORMATION**

A license agreement was authorized with TW-Downtown North, Ltd., by Ordinance No. 95509, dated March 28, 2002. The property has since been sold and the new owner is requesting a license agreement to use public right of way for the encroachment of the Gibbs Building onto public right of way at 105 North Alamo Street (NCB 422 Block 26 Lot 6) between East Houston Street and a 20 foot alley to the north in the location as shown on the attached Exhibit "A". At the time of construction (1909), the building's basement was built extending beyond their property line; consequently, to this day, a portion of the basement of the Gibbs Building extends beyond the building line and encroaches on three areas of public right of way. The encroachment extends the length of the building frontage on North Alamo Street (126.70 feet), to the South along East Houston Street (42.25 feet in length) and extends 5 feet 6 inches in width onto public right of way from the building line. The basement also exceeds its boundaries to the north side of the building, approximately 19 feet 8 inches by 8 feet 5 inches onto the 20 foot alley right of way.

**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 \$5,000.00 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 is attached for review.

### **SUPPLEMENTARY COMMENTS**

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

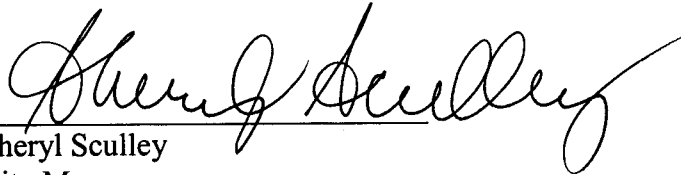


Shawn P. Eddy, Interim Director  
Department of Asset Management

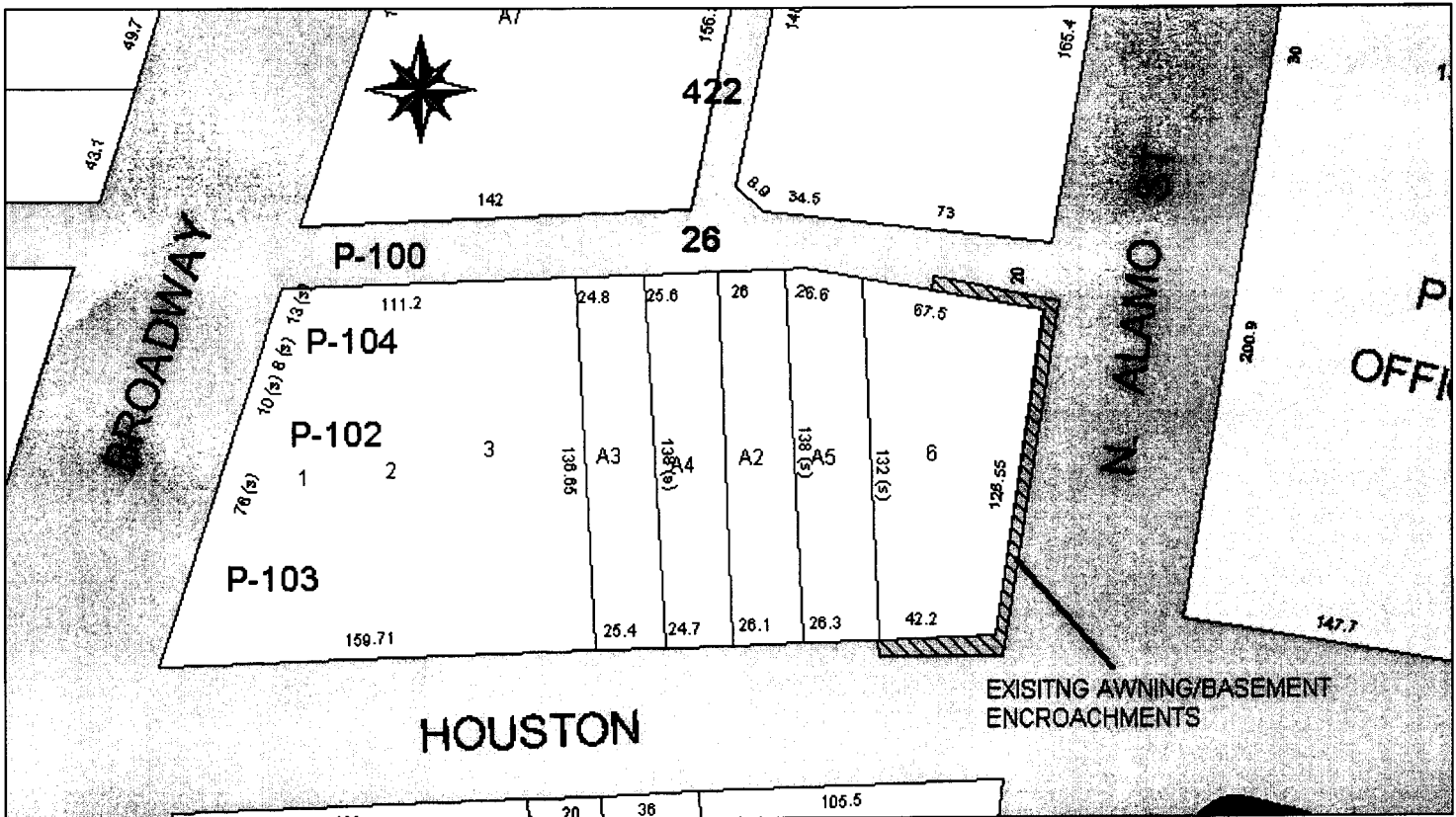


Erik J. Walsh  
Assistant City Manager

Approved for Council Consideration:



Sheryl Sculley  
City Manager



**EXHIBIT "A"**

# Canvassing Checklist

SPNo 955

Request: Applicant is requesting a License of Agreement to Use Public Right of Way for the encroachment of the Gibbs Building onto public right of way at 105 North Alamo Street (NCB 422 Block 26 Lot 6 ) between East Houston Street and a 20 foot alley to the North in the location as shown on the attached Exhibit "A". At the time of construction (1909), the building's basement was inadvertently built extending beyond their property line; consequently, to this day, a portion of the basement of the Gibbs Building extends beyond the building line and encroaches on three areas of public right of way in the location was shown on attached Exhibit "B". The encroachment extends the length of the building frontage on North Alamo Street (126.70 feet), to the South along East Houston Street (42.25 feet in length) and extends 5 feet 6 inches in width onto public right of way from the building line. The basement also exceeds its boundaries to the north side of the building, approximately 19 feet 8 inches by 8 feet 5 inches onto the 20 foot alley right of way.

	Included in Canvassing	Out Date	In Date	Uncond. Approval	Conditional Approval	Denial
Planning Department	<input checked="" type="checkbox"/>	1/25/1999	3/29/1999	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PublicWorks	<input checked="" type="checkbox"/>	1/25/1999	3/3/1999	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Development Services	<input checked="" type="checkbox"/>	1/25/1999	2/2/1999	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police Department	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fire Department	<input checked="" type="checkbox"/>	1/25/1999	2/10/1999	<input checked="" 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"/>	1/25/1999	3/8/1999	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
S.A. Water System (SAWS)	<input checked="" type="checkbox"/>	1/25/1999	3/8/1999	<input checked="" type="checkbox"/>	<input 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 type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Canvassing Comments

# 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:

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

1909, Ltd.
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and the name of:

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

None
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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;

None
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<sup>1</sup> 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.

- (1) 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

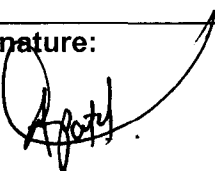
### Political Contributions

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 question<sup>2</sup> 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: Manager of 1909 Management, LLC, General Company: Partner 1909 Ltd.	Date: 1-17-06

<sup>2</sup> 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.