

**CITY OF SAN ANTONIO**  
**DEPARTMENT**  
**INTERDEPARTMENTAL CORRESPONDENCE SHEET**

TO: Leticia M. Vacek, City Clerk

FROM: Audrey Zamora Johnson, Assistant City Attorney

CC: Martha G. Sepeda, Acting City Attorney  
Norbert J. Hart, Deputy City Attorney

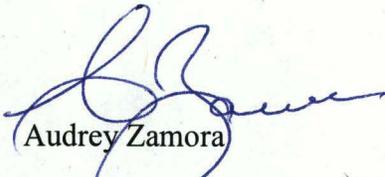
SUBJECT: 2014-03-13-0153 - Google Fiber Master Lease

DATE: March 24, 2016

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Good morning Ms. Vacek:

As outlined in discussions between our offices last November, the City Attorney's Office respectfully requests that the attached documents be filed as part of the city's records related to Ordinance No. 2014-03-13-0153 (Authorizing a Master Lease Agreement with Google Fiber Texas LLC). As authorized under the ordinance Mr. Hugh Miller, Chief Technology Officer/Director, and the City Manager's designee, has been negotiating documents necessary to fulfill the purpose and intent of the ordinance. The attached documents are part of those negotiated documents and are important for the city's records related to the transaction. Please let me know if you have any questions. Thank you for your consideration of our request.

  
Audrey Zamora  
Assistant City Attorney

Land Use and Capital Projects Division | City of San Antonio

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dc&m

Davis,  
Cedillo &  
Mendoza, INC.  
ATTORNEYS AT LAW

J. Russell Davis\*

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\* Board Certified Commercial Real Estate Law  
Texas Board of Legal Specialization

March 15, 2016

VIA REGULAR MAIL

Audrey Zamora  
Assistant City Attorney  
City of San Antonio  
100 Military Plaza  
City Hall, 3<sup>rd</sup> Floor  
San Antonio, TX 78205

Re: 3415 Rogers Road, San Antonio, City of San Antonio Fire Station No. 45

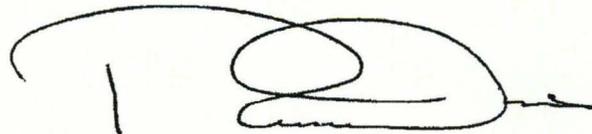
Dear Ms. Zamora:

Enclosed is the *original* executed variance letter. Once the letter is filed, please forward a file stamped copy to me for my files.

Please do not hesitate to contact me should you need anything further.

Very truly yours,

DAVIS, CEDILLO & MENDOZA, INC.



J. Russell Davis

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Enclosure

RECEIVED  
MAR 18 2016  
CITY ATTORNEY'S OFFICE  
SAN ANTONIO, TEXAS

WESTOVER HILLS DEVELOPMENT PARTNERS, L.P.  
11503 N.W. MILITARY HWY., SUITE 325  
SAN ANTONIO, TX 78231

March 10, 2016

City of San Antonio  
Hugh Miller, Chief Technology Officer/Director  
Information Technology Services  
Box 839966  
San Antonio, TX 78283-3966

Reference: Restrictive Use Covenant contained in General Warranty Deed from WESTOVER HILLS DEVELOPMENT PARTNERS, L.P. (herein "Grantor") to THE CITY OF SAN ANTONIO, A TEXAS HOME RULE MUNICIPAL CORPORATION (herein "Grantee"), recorded in Volume 8292, Page 1699, of the Official Public Records of Real Property of Bexar County, Texas limiting use of the Property therein described to only for "the location and operation of a fire station by the City of San Antonio Fire Department" (herein the "Use Restriction").

Subject: Limited Variance

Master Declaration: Master Declaration of Protective Covenants and Performance Standards for Westover Hills- Phase VI recorded in Volume 6381, at Page 0453, Real Property Records of Bexar County, Texas (herein the "CC&R"); and the Architectural Control Committee thereunder is herein the "ACC").

Gentlemen:

The unsigned Grantor does hereby grant to Grantee a CONDITIONAL and LIMITED variance from the Use Restriction for the following purposes and on the following terms only (herein the "Limited & Conditional Variance"):

1. Grantee may contract with Google Fiber for the location of a telecommunications equipment building (the "Google Fiber Building") located on the Property in the area reflected on the attached Exhibit "A" which is incorporated herein by reference, including installing of telecommunications equipment within the Google Fiber Building and/or underground power and infrastructure and conduit and fiber optic cable not visible from the adjacent right of way.

2. A 308 square foot structure with outside dimensions of 11' X 28', standing 10' feet tall and sitting on a 448 square foot poured concrete pad 14' X 32' in size. Attached to the structure are 2 wall mounted air conditioning systems that will cover most of the back wall of the structure. There is a 4 to 6" band at the top and bottom of structure that is painted brown. The structure will have 2 solid cover flush metal doors painted to match the band. The entire exterior of the structure is faced with a stone aggregate surface. The roof has a slight peak of about 4" and is comprised of seamless metal.

3. The Google Fiber Building must be fenced completely with a fence as reflected on the attached Exhibit "B" which is incorporated herein by reference.

4. The road accessing the Google Fiber Building must be in the location as reflected on the attached Exhibit "B" and otherwise in accordance with the CC&R and approved by the ACC.

5. The Google Fiber Building (but not the fencing) will be in appearance as reflected on the attached Exhibit "C" which is incorporated herein by reference; but the materials and colors used for the exterior of the Google Fiber Building must be otherwise in accordance with the CC&R and approved by the ACC.

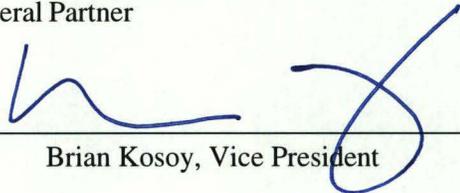
6. The Google Fiber Building will be fully screened from view from Rogers Road by landscaping as approved by the ACC.

7. This Limited & Conditional Variance will terminate at such time as the balance of the Property is no longer used for operation of a fire station by the City of San Antonio Fire Department; provided, however, if and so long as the balance of the Property, if not used for a fire station, is used for another public purpose, then the ACC in its discretion may extend this Limited & Conditional Variance.

Executed as of the date hereinabove set out.

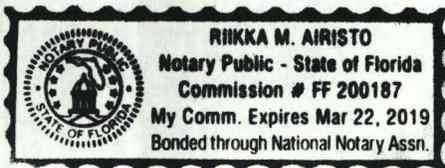
Westover Hills Development Partners, L.P.

By: Samoth Texas Corporation  
General Partner

By:   
Brian Kosoy, Vice President

STATE OF FL §  
COUNTY OF Palm Beach §

This instrument was acknowledged before me on the 11th day of March, 2016, by Brian Kosoy, Vice President of Samoth Corporation, sole General Partner of Westover Hills Development Partners, L.P., a Texas limited partnership.



  
Notary Public, State of Florida

OH

Exhibit "A"

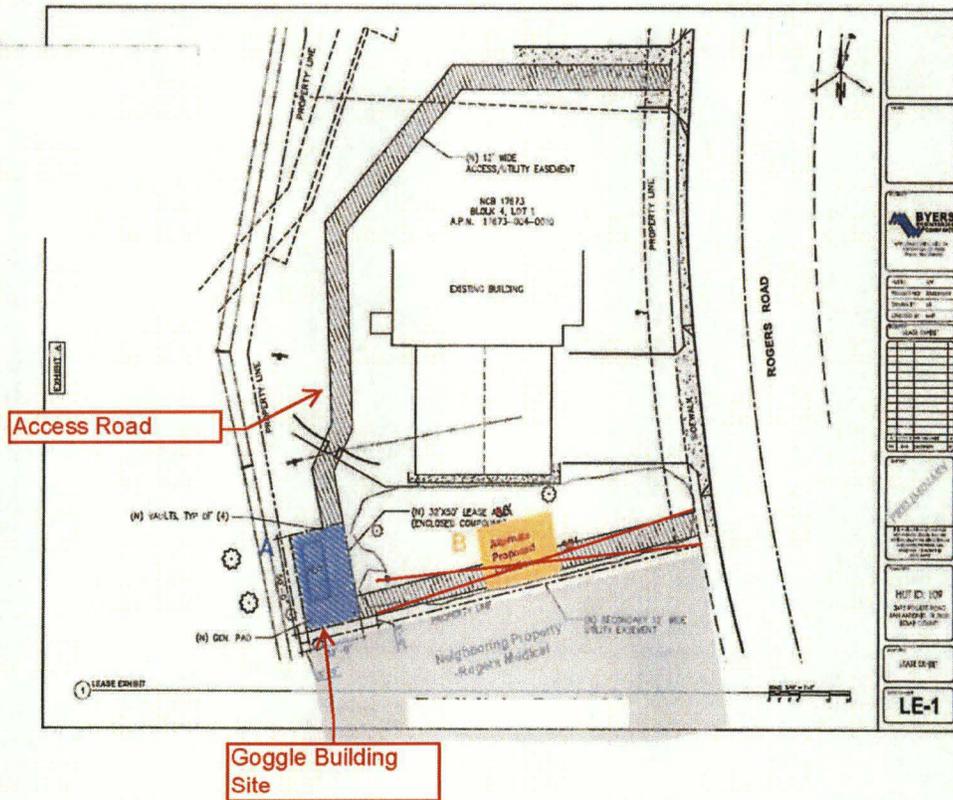


Exhibit "B"



Exhibit "C"

