

AN ORDINANCE **2010-12-16-1082**

AUTHORIZING A LEASE TERMINATION AGREEMENT TO BE EFFECTIVE SEPTEMBER 26, 2010 WITH FRANK SEPULVEDA FOR THE RETAIL SPACE CURRENTLY LEASED FOR USE AS PANCHITOS RESTAURANT, 111 PLAZA DE ARMAS, LOCATED IN DOWNTOWN SAN ANTONIO.

* * * * *

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Manager and her designee, severally, are authorized and directed to execute and deliver on behalf of the City a lease termination agreement in substantially the form attached as **Attachment I**, which is incorporated for all purposes as if fully set forth. The City Manager and her designee, severally, should take all other actions conducive to effectuate the transaction, including agreeing to non-material changes to the approved form and executing and delivering ancillary documents and instruments conducive to effectuating the transaction.

SECTION 2. Funds generated by this ordinance will be deposited into Fund 11001000, Internal Order 240000000080 and General Ledger 4401110.

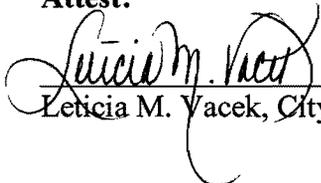
SECTION 3. The financial allocations in this Ordinance are subject to approval by the Chief Financial Officer (CFO), City of San Antonio. The CFO may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Cost Centers, WBS Elements, Internal Orders, General Ledger Accounts, and Fund Numbers as necessary to carry out the purpose of this Ordinance.

SECTION 3. This ordinance becomes effective 10 days after passage, unless it receives the eight votes requisite to immediate effectiveness under San Antonio Municipal Code § 1-15, in which case it becomes effective immediately.

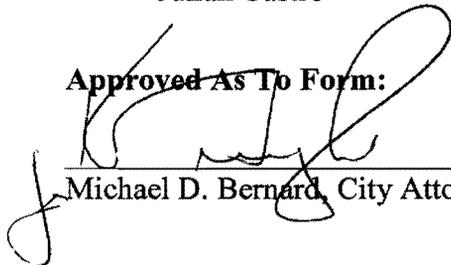
PASSED AND APPROVED this 16th day of December 2010.

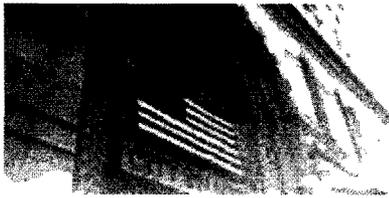

M A Y O R
Julián Castro

Attest:


Leticia M. Yacek, City Clerk

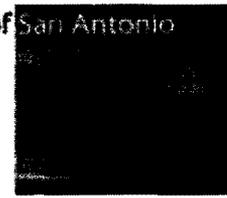
Approved As To Form:


Michael D. Bernard, City Attorney



Request for
**COUNCIL
ACTION**

City of San Antonio



Agenda Voting Results - 26

Name:	6, 7, 8, 9, 10, 11, 12, 16, 17, 18, 20A, 20B, 22A, 22B, 24, 25A, 25B, 25C, 26, 27, 30, 31, 33A, 33B, 33D, 33E, 34, 35, 36, 37, 39A, 39B, 40, 41, 42A, 42B, 43A, 43B, 44, 45, 46, 47, 48, 49, 50						
Date:	12/16/2010						
Time:	10:30:06 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance authorizing a lease termination agreement to be effective September 26, 2010 with Frank Sepulveda for the retail space currently leased for use as Panchitos Restaurant, 111 Plaza de Armas, located in Downtown San Antonio. [Peter Zanoni, Assistant City Manager; Mike Frisbie, Director, Capital Improvements Management Services]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Mary Alice P. Cisneros	District 1		x				x
Ivy R. Taylor	District 2		x				
Jennifer V. Ramos	District 3		x				
Philip A. Cortez	District 4		x			x	
David Medina Jr.	District 5		x				
Ray Lopez	District 6		x				
Justin Rodriguez	District 7	x					
W. Reed Williams	District 8		x				
Elisa Chan	District 9		x				
John G. Clamp	District 10		x				

Attachment I

Termination of Lease Agreement

(Panchito's Restaurant)

This Termination of Lease Agreement is entered into between Tenant and the City of San Antonio ("Landlord"), P.O. Box 839966, San Antonio, Texas 78283-3966, pursuant to the Authorizing Ordinance.

1. Identifying Information.

Authorizing Ordinance:

Tenant: Frank Sepulveda

Tenant's Address: 750 Merida, San Antonio, Texas 78207

Lease: Lease and License Agreement between Landlord and Tenant relating to space in the Plaza de Armas Office Building for use as a restaurant and authorized by the Ordinance Authorizing Original Lease

Ordinance Authorizing Lease: 64279, December 23, 1986

1st Amendment: Amendment to the Lease and License Agreement dated on or about March 28, 1996 and authorized by the Ordinance Authorizing 1st Amendment

Ordinance Authorizing 1st Amendment: 83637, February 15, 1996

2nd Amendment: 2002 Amendments to Panchitos' Lease and License Agreement dated on or about June 26, 2002 and authorized by the Ordinance Authorizing 2nd Amendment

Ordinance Authorizing 2nd Amendment: 95834, May 30, 2002

3rd Amendment: 2003 Amendment to Panchitos' Lease and License Agreement, authorized by the Ordinance Authorizing 3rd Amendment

Ordinance Authorizing 3rd Amendment: 97853, June 26, 2003

1st Renewal: Renewal and Extension of Lease Agreement (Panchito's) authorized by the Ordinance Authorizing Renewal and Extension

**Ordinance Authorizing
Renewal and Extension:** 2007-02-01-0123

Termination Date: September 26, 2010

2. Defined Terms.

All terms defined in the Lease and not otherwise defined in this amendment, when used in this amendment, have the meanings ascribed to them in the Lease. References to "Lease" in this amendment include both the original Lease and all previous amendments to it.

3. Termination.

Despite any provisions in the Lease to the contrary, the Lease is terminated effective the Termination Date and neither party has any further financial obligation to the other.

4. Condition of Premises.

Landlord accepts the Premises in their present condition, including the grease trap. Tenant acknowledges that it has removed all property from the Premises to which it retains any claim, and Landlord need not account to Tenant for any property Tenant had in the Premises.

5. Security Deposit.

Tenant acknowledges that it posted no security deposit in connection with the Lease and is entitled to no refund on account of this termination.

6. Mutual Release.

Landlord and Tenant each releases the other from all claims, demands, actions, and causes of action, known and unknown, accrued and unaccrued, arising out of or relating to the Lease.

Remainder of Page Intentionally Left Blank

7. Date of Amendment

For purposes of reference, the date of this amendment is the date of the later of the signatures set forth below.

Landlord

Tenant

City of San Antonio, a Texas municipal corporation, by:

Signature: _____

Frank Sepulveda

Printed
Name: _____

Date: _____

Title: _____

Date: _____

Attest:

City Clerk

Approved as to Form:

City Attorney