

24
#14
Ord # 57145

RETURNS THIS COPY

AN ORDINANCE **57145**

GRANTING A LICENSE TO THE RANDSTONE VENTURE TO CONSTRUCT A TUNNEL UNDER NORTH MAIN STREET BETWEEN NEW CITY BLOCKS 110 AND 133 TO CONNECT THE BASEMENT OR ATRIUM OF THE RAND BUILDING TO THE BANKING LOBBY LEVEL OF THE FROST NATIONAL BANK; AND MANIFESTING AN AGREEMENT IN CONNECTION THEREWITH.

* * * * *

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

SECTION 1. This ordinance manifests an agreement between the CITY OF SAN ANTONIO, "Licensor," and THE RANDSTONE VENTURE, hereinafter called "Licensee," acting by and through its designated officer, whereby the City grants to The Randstone Venture a License to construct and maintain a tunnel under and across North Main Street, between New City Blocks 110 and 133 to connect the basement or atrium of the Rand Building to the banking lobby level of the Frost National Bank, as shown on attached plat marked "Exhibit A," in accordance with the following terms and conditions:

a. Such tunnel shall be constructed in accordance with plans and specifications as prepared by The Marmon Mok Partnership, Architects, Engineers and Planners, and with dimensions and at the location and depths shown by "Exhibit B", attached hereto and incorporated herein and must be approved by City's Director of Building Inspections and the City Engineer.

b. The license hereby granted shall be for a term of 25 years beginning with the date hereof, unless terminated pursuant to the terms hereof. The City will consider, and Licensee may negotiate for, an extension hereof at or prior to the time of the expiration hereof pursuant to the provisions of Article XI of the City Charter.

c. As consideration for this grant, the Licensee shall pay to the City of San Antonio the sum of TWO HUNDRED FIFTY AND NO/100 (\$250.00) DOLLARS at the office of the License and Dues Collector in San Antonio, Bexar County, Texas.

Such payment shall be made within ten days after the adoption of this ordinance and this payment shall constitute the license fee for the entire period covered by this license.

d. The Licensee shall construct and maintain said tunnel in accordance with plans approved by the City's Engineer and the Director of Building Inspections Department, so as to protect the interest of the City and the public in such street right of way, in compliance with State laws and City ordinances and codes, providing for relocations and adjustments, if necessary, of storm drainage, sanitary sewers and other facilities of the City, of electric or gas facilities of City Public Service Board according to its requirements, of facilities of City Water Board according to its requirements and of facilities of Southwestern Bell Telephone Company, according to its requirements.

e. Licensee shall construct a detour route around the area to be excavated over existing right of way, in accordance with plans as developed and furnished by the City's Traffic Engineers Division. Construction of the detour to be the sole expense of the Licensee. Licensee further agrees that after completion of the tunnel, the right of way utilized for same shall be restored to its original condition as existed prior to construction of said detour route.

f. Licensee will comply with all requirements of the 1971/72 Life Safety Code in all respects as they apply to the basements and tunnel.

g. Licensee shall make any permitted excavations in said street right of way and provide necessary lateral support in a safe and proper manner and shall reconstruct and replace paving, sidewalks, curbing and other publicly owned facilities displaced thereby, according to City ordinances and codes.

h. Licensee shall provide and maintain insurance at its own expense in the following type and amount for the term of the lease.

Comprehensive General (Public) Liability to include (but not limited to) the following:

Combined Single Limit - for Bodily Injury and Property Damage: \$1,000,000.00 per occurrence (or its equivalent).

- a) Premises/Operations
- b) Independent Contractors
- c) Products/Completed Operations
- d) Contractural
- e) Personal Injury
- f) Explosion, Collapse and Underground Property Damage

With respects to the above required insurance, the City shall:

- 1. Be named as an additional named insured.
- 2. Be provided with a Waiver of Subrogation.
- 3. Be provided with 30 days within advance notice of cancellation or material change.
- 4. Be provided with Certificates of Insurance, evidencing above required insurance, prior to issuance of license. Said Certificate of Insurance shall be provided to CITY CLERK - CITY OF SAN ANTONIO.

i. All things required or permitted to be done by The Randstone Venture or its contractors, under this license shall be done at the expense of Licensee.

j. City assumes no liability and no expense by reason of its grant of this license or its exercise by The Randstone Venture, and the city shall not be liable for any damage caused to the premises of Licensee by reason of construction performed, authorized or permitted hereafter by the City in such street right of way.

k. If it should become necessary that any relocation or adjustment be made in Licensee's improvements, by reason of the exercise of City's rights, powers and/or duties, such relocation or adjustments shall be done at Licensee's expense.

l. Any breach or violation by Licensee of the provisions herein contained shall give rise immediately to the right on the part of the City at its option to cancel this license or to seek any remedy which now is or may be provided by law, whether or not stated herein. No waiver by City of a breach or violation on the part of Licensee shall be construed or held to be a waiver of any succeeding or preceding breach or violation of the same or any other provision herein contained.

m. Licensee shall have the option to terminate this license at any time upon giving written notice to the City 30 days in advance of such termination.

n. Upon any termination of this license, Licensee shall restore the surface and sub-surface of the right of way at Licensee's expense upon written demand by the City.

o. Licensee agrees to provide the defense for, indemnify and hold harmless the City of San Antonio from each and every claim or demand of whatever nature, made by or on behalf of any person, firm or corporation, arising out of or in any way connected with the grant of this license or its exercise by Licensee's, its agents, employees or any person, firm or corportion acting pursuant to a contract with Licensee.

p. Covenants and obligations of Licensee ontained herein shall be covenants running with the land, binding upon its successirs, legal representatives and assigns.

q. Any notice hereunder may be given by U. S. certified or registered mail to the City of San Antonio by addressing: City Manager, City of San Antonio, City Hall, P. O. Box 9066, San Antonio, Texas 78285, and to The Randstone Venture at

the address shown below. Such address may be changed from time to time by written notice of such change given in accordance with this paragraph.

SECTION 2. The privileges granted hereunder shall be construed to be only those authorized by pertinent Texas statutes and the City Charter and not to include anything inconsistent with the rights of the public in the aforementioned right-of-way area.

SECTION 3. The fee for license shall be deposited in Index Code No. 012-435.

PASSED AND APPROVED this 23rd day of June, 1983.

Henry Cisneros
M A Y O R

ATTEST:
Norma S. Rodriguez
City Clerk

APPROVED AS TO FORM: *Tom Sunday*
City Attorney

ACCEPTED AND AGREED TO in all things, this 23rd day of JUNE, 1983.

THE RANDSTONE VENTURE

BY: *Dean H. Maddox*
DEAN H. MADDOX, Managing General Partner
The Riviana Building
2777 Allen Parkway, Suite 327
Houston, Texas 77019

STATE OF TEXAS }
 }
COUNTY OF BEXAR }

This instrument was acknowledged before me on June 23, 1983 by DEAN H. MADDOX, Managing General Partner of The Randstone Venture.

83-29

Rose Marie Harris
Notary Public in and for the State of TEXAS

My Commission expires: _____

ROSE MARIE HARRIS
Notary Public State of Texas
My Commission Expires June 5, 1985
Bonded by L. Alexander Lovett, Lawyers Surety Corp.

AVIATION	
BUDGET & RESEARCH	1
BUILDING INSPECTIONS	1
BUILDING INSPECTIONS-HOUSE NUMBERING	
CITY WATER BOARD	
COMMERCIAL RECORDER	
CONVENTION & VISITORS BUREAU	
CONVENTION FACILITIES	
ECONOMIC & EMPLOYMENT DEVELOPMENT	
EQUAL EMPLOYMENT OPPORTUNITY	
FINANCE DIRECTOR	
ASSESSOR	
CONTROLLER	1
TREASURY DIVISION	
GRANTS SECTION	
INTERNAL AUDIT	
RISK MANAGEMENT	
FIRE CHIEF	
HEMISFAIR PLAZA	
HUMAN RESOURCES & SERVICES	
INFORMATION RESOURCES	
LEGAL-CITY ATTORNEY	
LIBRARY DIRECTOR	
MARKET SQUARE	
METROPOLITAN HEALTH DISTRICT	
MUNICIPAL COURTS	
PARKS & RECREATION	
PERSONNEL DIRECTOR	
PLANNING	
POLICE CHIEF	
PUBLIC UTILITIES	
PUBLIC WORKS DIRECTOR	1
ENGINEERING DIVISION	
ENGINEERING DIVISION-CENTRAL MAPPING	
WASTEWATER ENGINEERING	
REAL ESTATE DIVISION	
TRAFFIC ENGINEERING DIVISION	1
PURCHASING	
ZONING ADMINISTRATION	

ITEM NO. 14
DATE: JUN 23 1983

MEETING OF THE CITY COUNCIL

MOTION BY: _____ SECONDED BY: _____

ORD. NO. **57145** ZONING CASE _____

RESOL. _____ PETITION _____

	ROLL CALL	AYES	NAYS
MARIA A. BERRIOZABAL PLACE 1			
JOE WEBB PLACE 2			
HELEN DUTMER PLACE 3			
FRANK D. WING PLACE 4			
BERNARDO EURESTE PLACE 5			
BOB THOMPSON PLACE 6	ABSENT		
JOE ALDERETE, JR. PLACE 7			
G.E. "ED" HARRINGTON PLACE 8		<i>absent</i>	
VAN ARCHER PLACE 9			
JAMES C. HASSLOCHER PLACE 10	83-29		
HENRY G. CISNEROS PLACE 11 (MAYOR)			

6-24-83
JACK CURRIGAN HAS ORIG. ORD. TO BE
SIGNED BY PRINCIPAL - WILL RETURN
FOR MAYOR'S SIG LATER. (PP)

CONSISTENT AGENDA

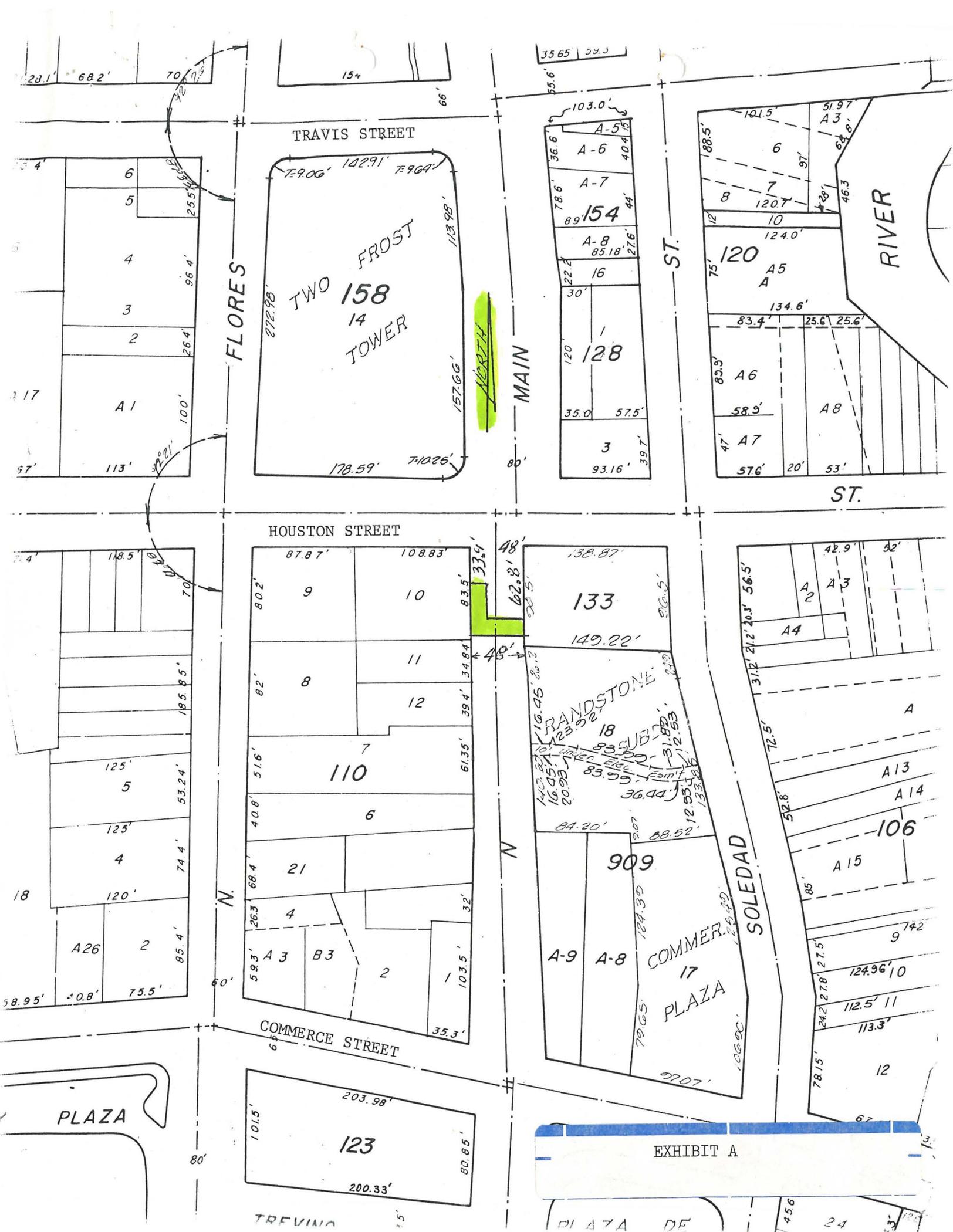


EXHIBIT A

RAND BUILDING

FROST TOWER

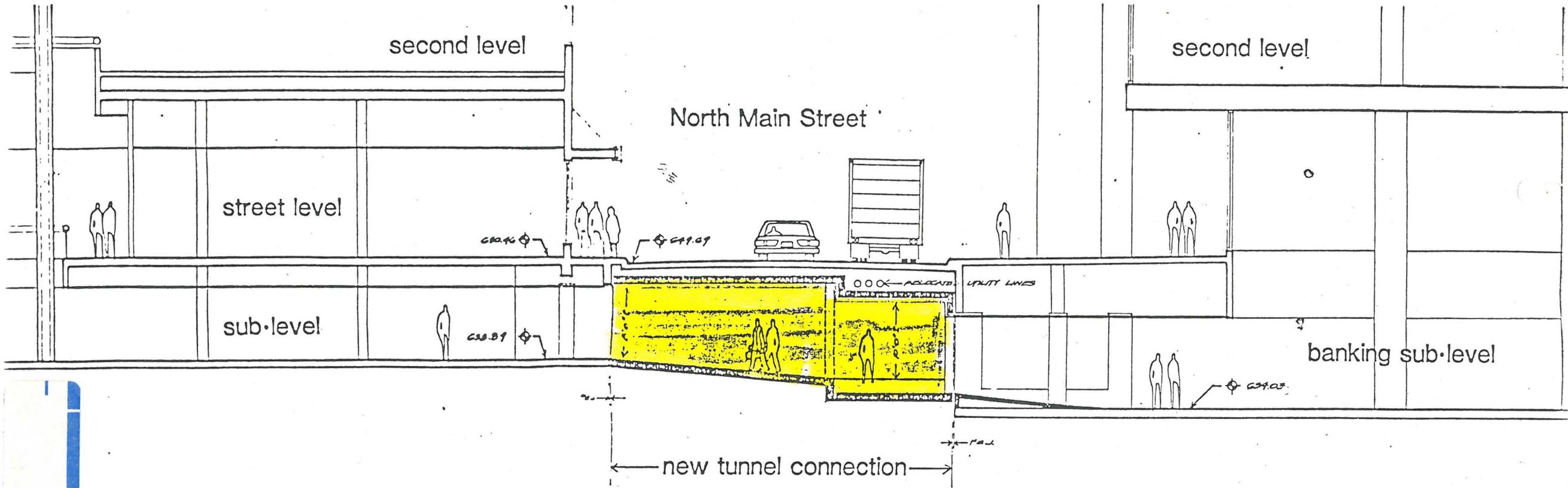


EXHIBIT B

RAND BUILDING

FROST TOWER

2

37'0"±

new tunnel connection

HORIZONTAL UTILITY CHASE BETWEEN FLOORS

KID FOR RAMP ACCESS TO BANK LOBBY

630.01

634.03

banking level

634.05

reception

existing restroom

North

North Main Street Above

17'0"

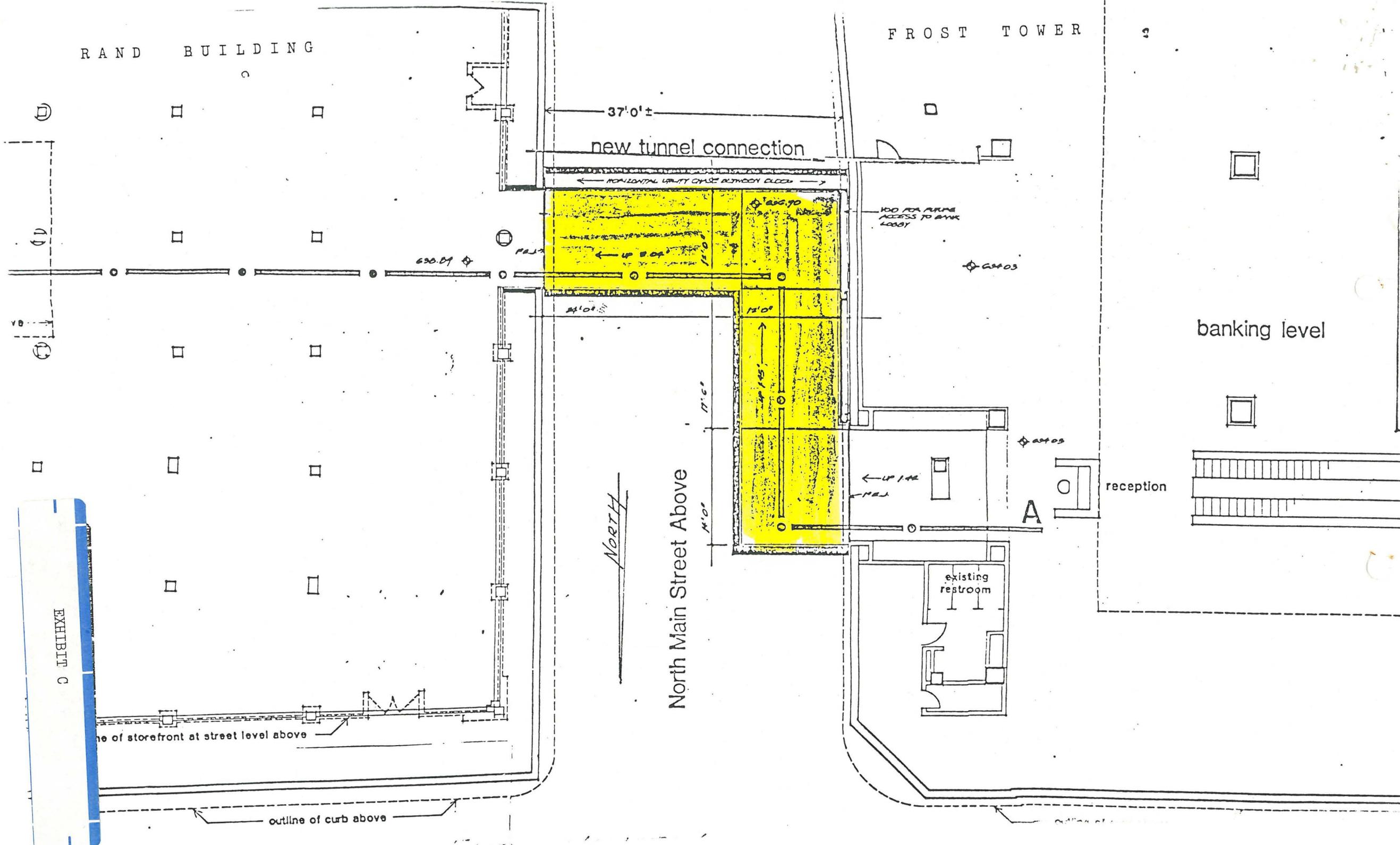
12'0"

A

EXHIBIT C

line of storefront at street level above

outline of curb above



Interdepartment Correspondence Sheet

AGENDA ITEM NO. 14

TO: City Council

FROM: Jack W. Curington, Real Estate Manager

COPIES TO: Frank R. Kiolbassa, P. E., Director of Public Works

SUBJECT: S. P. No. 414--Request for a license for a pedestrian tunnel under North Main Avenue between New City Blocks 110 and 133 to connect the basement or atrium of the Rand Building to the Bank lobby level of the Frost National Bank Tower. Date June 16, 1983
PETITIONER: Randstone Venture

SUMMARY AND RECOMMENDATION:

Mr. K. M. Midkiff, Senior Project Officer, Spaw-Glass Constructors, is representing the petitioner, Randstone Venture. The petitioner is requesting a license for a pedestrian tunnel under North Main Avenue between New City Blocks 110 and 133 to connect the basement or atrium of the Rand Building to the bank lobby of the Frost National Bank Tower (see Exhibits A, B and C).

The Randstone Venture owns the property abutting Main Avenue from the east; Frost National Bank owns the property abutting Main Avenue from the west. This license agreement will be between The Randstone Venture, and the City of San Antonio.

The licensee will maintain the property, hold the City harmless from any liability, and will provide certain insurance coverage pertaining to same.

This license is for a period of 25 years.

This department recommends favorable action by Council.

POLICY ANALYSIS:

The action requested is in accordance with present policies and procedures. However, Wastewater Facilities, City Engineers, City Water Board, and Southwestern Bell Telephone Company have certain conditions, which have been met by the petitioners.

FINANCIAL IMPACT:

By conveying this license, the City will receive a consideration of \$250.00 for the granting of this license.

SUPPLEMENTARY COMMENTS:

The request was circulated through City departments and utilities involved and all have concurred in the issuance of this license.

City Council
Page 2
June 16, 1983

The Planning Commission, at its meeting of June 22, 1983, concurred with the granting of this license.



JACK W. CURINGTON
Real Estate Manager
Real Estate Division

JWC/ABF:na
Attachments

Recommendation Approved:



LOUIS J. FOX
City Manager

APPROVED:



FRANK R. KIOLBASSA, P. E.
Director of Public Works