

AN ORDINANCE **45748-A**

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN

* * * * *

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

SECTION 1. That Section 42-22 of Chapter 42 of the City Code that constitutes the comprehensive zoning ordinance of the City of San Antonio be and the same is hereby amended, so that it shall hereafter include the following described changes in classification and the rezoning of the hereinafter designated property, to-wit:

(CASE NO. 6144 P.P.)

The rezoning and reclassification of property from "A" Single Family Residential District to "R-3" Multiple Family Residential District and the relocation of 1' non-access easement as required by Ordinance No. 41106 on August 24, 1972, listed below as follows:

A .294 acre tract of land out of NCB 13604, being an irregular tract of land, located 91.31' south of the intersection of Chesterfield Drive and Glamis Avenue and 345.88' east of Stringfellow Avenue; having a length of 340' and a maximum width of 53.19', being further described by field notes filed in the Office of the City Clerk.

1000 Block of Glamis Avenue

Provided that an existing 1' non access easement on the south side of the parcel to be relocated to the north side of the rezoned parcel of land shall extend along the north property line and that a six foot solid screen fence is erected and maintained on the north side of the rezoned parcel and that the 85' set back line as shown on plat of Pecan Valley Subdivision Unit 1A, Lot 16, Block 1, NCB 13604 is hereby confirmed, and that trees and shrubs shall be planted to protect privacy as in the agreement between Callaway & Schlueter, Inc., and property owners, and that a drainage cut be installed extending from parking area and shall be at an angle in order to ease the runoff problems. All in accordance with the signed agreement between the residents and the property owners which is attached hereto.

SECTION 2. That all other provisions of said Chapter 42, as amended, shall remain in full force and effect, including the penalties for violations as made and provided in Section 42-11.

SECTION 3. That the Director of Building and Planning Administration shall change his records and zoning maps in accordance herewith and the same shall be available and open to the public for inspection.

PASSED AND APPROVED this 18th day of September 19 75.

Lila Cockull
M A Y O R

ATTEST: *D. H. Inselmann*
C i t y C l e r k

APPROVED AS TO FORM: _____
City Attorney

75-56

DISTRIBUTION

ITEM NO.

39

AVIATION DIRECTOR
BUILDING & PLANNING ADMIN.
CITY WATER BOARD
COMMERCIAL RECORDER
COMMUNITY DEVELOPMENT OFFICER
COMMUNITY ANALYSIS DIVISION
COMPREHENSIVE PLANNING
CONVENTION BUREAU
CONVENTION CENTER
FINANCE DIRECTOR
ASSESSOR
BUDGET
CONTROLLER
TREASURY DIVISION
FINANCE-MODEL CITIES
FINANCE-GRANT SECTION
INTERNAL AUDIT
MANAGEMENT ANALYSIS
PROPERTY RECORDS
FIRE CHIEF
HEALTH DIRECTOR
HEMISFAIR PLAZA
HUMAN RESOURCES
LAND ACQUISITION
LEGAL
BACK TAX ATTORNEY
LIBRARY DIRECTOR
MARKET & PARKING
MONITORING & EVALUATION
MUNICIPAL COURTS
PARKS & RECREATION DEPT.
PERSONNEL DIRECTOR
POLICE CHIEF
PRESS ROOM
PUBLIC INFORMATION
PUBLIC WORKS DIRECTOR
ENGINEERING DIV.
ENGINEERING - SEWERS
PUBLIC SAFETY - ASSOC. MGR.
PURCHASING
TRAFFIC & TRANSPORTATION

MEETING OF THE CITY COUNCIL

DATE: SEP 18 1975

MOTION BY:

Billa

SECONDED BY:

Pyndus

ORD. NO.

45748-A

ZONING CASE

6144

RESOL.

PETITION

COUNCIL MEMBER	ROLL CALL	AYE	NAY
PHIL PYNDUS PLACE 1		✓	
ROBERT P. "BOB" BILLA PLACE 2		✓	
HENRY G. CISNEROS PLACE 3		✓	
REV. CLAUDE BLACK PLACE 4		✓	
GLEN HARTMAN PLACE 5		✓	
AL ROHDE PLACE 6		✓	
RICHARD TENIENTE PLACE 7 (MAYOR PRO-TEM)		✓	
DR. D. FORD NIELSEN PLACE 8		✓	
LILA COCKRELL PLACE 9 (MAYOR)		✓	

no change

Sherry ...

75-56

Case No. G-144

Amendments to Petition for Rezoning

~~C & S shall see that certain Parcel of land Belonging to the owner~~

1. North strip of property 91.31 feet in length is excluded from the request.

2. Existing 1' non access easement on south side of parcel to be relocated to the north side of the rezoned parcel of land and shall extend along the north property line.

3. Owners shall erect a 6' fence. This has been done. *6' solid fence, erected & maintained on north side of the rezoned parcel.*

4. Confirm 85' set back line as shown on plat of Pecan Valley Subdivision Unit 1A, Lot 16, Block 1, NCB 13604.

5. Owner shall plant certain trees and shrubs to protect privacy as in the agreement between Callaway & Schlueter, Inc. and property owners.

6. Drainage cut extending from parking area will be at an angle in order to ease the runoff problems.

7. C & S shall see that the one certain parcel of land belonging to the owners of the Pennystone Apartment project and located

to the owners of the Pennystone Apartment project and located outside of the perimeter fence of the Pennystone Apartment project shall be divided into two equal parts and quit claimed one-half into two equal parts and quit claimed one-half to T.J. Bass and one half to W. H. Walls.

This is contained in a stock agreement

Cy P

the date

permitted

~~for V. G. Schlueter, Inc. 1/2/57~~

Handy File
in case!

A G R E E M E N T

This is an agreement between Callaway & Schlueter, Inc., a Texas corporation, ("C&S") and certain residential property owners who live in close proximity to the Pennystone Apartment Project whose signatures appear below. C&S is the developer of a certain apartment project known as Pennystone Apartments located in Southeast San Antonio.

In July, of 1975, C&S petitioned the Planning and Zoning Board of San Antonio, Texas, to have a certain parcel of land on the north side of said project rezoned from A, single-family residential district to R3, multi-family residential district.

Because of the protest of the undersigned property owners and others this petition for rezoning was denied by the Planning and Zoning Board.

C&S for and in consideration of the forbearance of the undersigned property owners from protesting the above mentioned rezoning has agreed to take certain action with respect to said apartment project as follows:

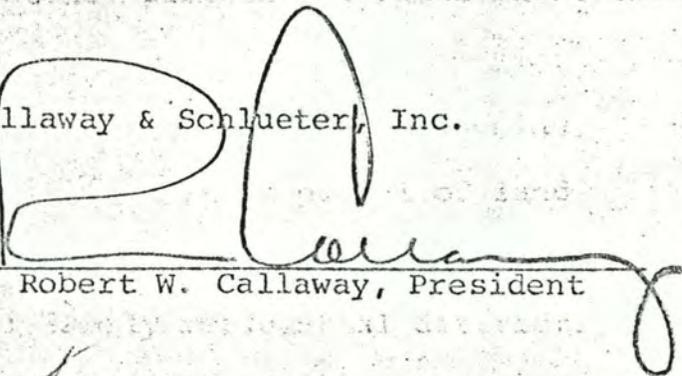
1. C&S shall see that the one certain parcel of land belonging to the owners of the Pennystone Apartment project and located outside of the perimeter fence of the Pennystone Apartment project shall be divided into two equal parts and quit claimed one-half to T. J. Bass and one-half to W. H. Walls.
2. C&S shall plant shrubs and trees between the parcel of land which is to be rezoned and the privacy fence next to said parcel so as to increase the privacy of the adjacent property owners, and to make a one time planting of grass as a deterrent to erosion on the project property along the North portion of the slope on the East side of the project.
3. C&S shall propose and support a resolution to establish by ordinance the 85' set back from the non-access easement on the north side of the property as shown on the plat.

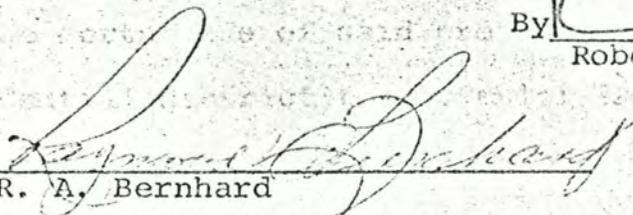
For and in consideration of the promise by C&S to do the acts specified in items 1 through 3 above, the undersigned property owners agree to support the rezoning of the above mentioned parcel of land.

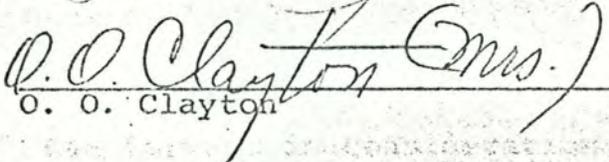
This agreement is contingent upon the acceptance of all of the terms hereof by all of the undersigned parties and no part of this agreement shall become effective unless all of such parties have signed this agreement.

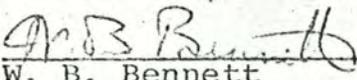
Executed this 17th day of September, 1975.

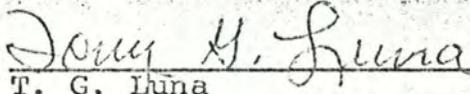
Callaway & Schlueter, Inc.

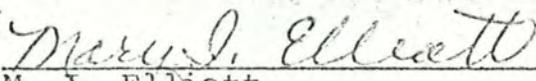
By 
Robert W. Callaway, President

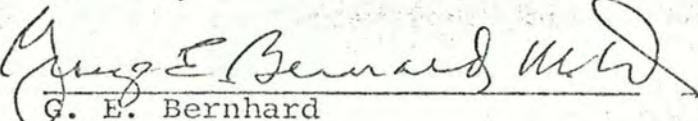

R. A. Bernhard


O. O. Clayton

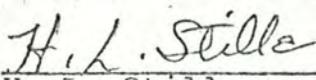

W. B. Bennett

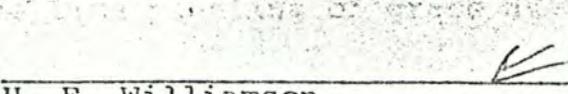

T. G. Luna


M. I. Elliott

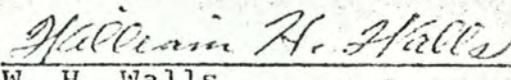

G. E. Bernhard


T. J. Bass


H. L. Stille


H. E. Williamson

(Copy furnished to CTS Has Mr. Williamson's signature)


W. H. Walls

1. Delete the ~~3~~ north strip of property 91.31' and quitclaim to adjacent property owner.
2. Move ~~1~~ non-access easement to north side of strip where there is a 6' screen fence.
3. Agree to an 85' building set back line
4. Plant shrubs and trees along north line of parking area.
5. ~~Install~~ Install a drainage channel along ~~of~~ fence line to protect lots 3+4.

6' fence on north line of parking area



AN ORDINANCE **45748**

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(CASE NO. 6144 P.P.)

The rezoning and reclassification of property from "A" Single Family Residential District to "R-3" Multiple Family Residential District and the relocation of 1' non-access easement as required by Ordinance No. 41106 on August 24, 1972, listed below as follows:

A 0.399 acre tract of land out of NCB 13604, located on the south side of Glamis Avenue, being 312' east of the intersection of Stringfellow Drive and Glamis Avenue, having 50' on Glamis Avenue and a depth of 144.5', being further described by field notes filed in the office of the City Clerk.

1000 Block of Glamis Avenue

SECTION 2. That all other provisions of said Chapter 42, as amended, shall remain in full force and effect, including the penalties for violations as made and provided in Section 42-11.

SECTION 3. That the Director of Building and Planning Administration shall change his records and zoning maps in accordance herewith and the same shall be available and open to the public for inspection.

PASSED AND APPROVED this 18th day of Sept 19 75.

Lila Cockrell
M A Y O R

ATTEST: *JH. Drexelman*
C i t y C l e r k

APPROVED AS TO FORM: _____
City Attorney

DATE August 28, 1975

TO: CITY CLERK

REQUEST FOR NOTICE FOR PUBLIC HEARING:

CASE 6144 P.P. NAME Callaway and Schlueter, Inc.

The rezoning and reclassification of:

A 0.399 acre tract of land out of NCB 13604
being further described by field notes filed
in the office of the Building and Planning
Administration Department.
1000 Block of Glamis Avenue

FOR INFORMATION ONLY

Located on the south side of Glamis Avenue
being 312' east of the intersection of
Stringfellow Drive and Glamis Avenue,
having 50' on Glamis Avenue and a depth of
144.5'.

FROM: "A" Single Family Residential District

TO: "R-3" Multiple Family Residential District and the relocation of
of 1' non-access easement as required by Ordinance No. 41106 on
August 24, 1972.

The Planning and Zoning Commission has recommended that this request of
change of zone be denied by the City Council.

BUILDING AND PLANNING ADMINISTRATION

APPLICANT: Callaway and Schlueter, Inc.

ZONING CASE 6144 P.P.

DATE OF APPLICATION: May 27, 1975

Appeal Case

Yes XXX

No _____

LOCATION OF PROPERTY

A 0.399 acre tract of land out of NCB 13604, being further described by field notes filed in the office of the Building and Planning Administration Department.
1000 Block of Glamis Avenue

FOR INFORMATION ONLY

Located on the south side of Glamis Avenue being 312' east of the intersection of Stringfellow Drive and Glamis Avenue, having 50' on Glamis Avenue and a depth of 144.5'.

ZONING CHANGE REQUESTED

From "A" Single Family Residential District to "R-3" Multiple Family Residential District and the relocation of a 1' non-access easement as required by Ordinance No. 41106 on August 24, 1972.

ZONING COMMISSION PUBLIC HEARING ON JULY 2, 1975

Information Presented by Applicant

Mr. Edward Halderman, representing the applicant, stated the staff's recommendations would be acceptable by his clients. He also stated there is an existing parking lot serving the 244 unit apartment project on this tract. Mr. Halderman also stated the City has approved the plans and the parking and issued a Certificate of Occupancy on this tract. He feels this rezoning would not be detrimental to the surrounding area.

IN OPPOSITION

Mr. Thomas J. Bass stated he is opposed to the requested change in zoning because this tract in question is located between two residences and is of sub-standard size; therefore, it should stay zoned residential. He further stated this area is strictly residential single family type homes, and is off the main streets and has access only from two directions.

Mr. W. B. Bennett stated he is opposed to the requested change in zoning because there is a solid front of "R-1" zoning along Glamis and up Chesterfield. To re-zone this area would break the continuity of a single family residential area along these streets, by opening a strip for other types of development. Mr. Bennett also stated that such a change in zoning would seriously impair the attractiveness and value of surrounding properties.

Mr. Raymond Bernhard stated he was representing Mr. and Mrs. Tony Luna, owners of property located at 1015 Glamis Avenue. They are opposed to the requested change in zoning because it would disturb their privacy and de-value their properties.

Mr. William H. Walls stated he is opposed to the requested change in zoning for the reasons stated by Mr. Bennett.

Mr. Henry L. Stille stated he is opposed to the requested change in zoning because it would de-value his property and invade his privacy presently enjoyed.

Dr. George E. Bernard stated to the Commission that he is opposed to the requested change in zoning because of the unwanted traffic that would be generated; and it would de-value his property.

REBUTTAL

Mr. Halderman offered no rebuttal.

STAFF RECOMMENDATIONS

Discussion

On July 19, 1972, the Planning and Zoning Commission considered and approved the "R-3" classification south of the subject property. In addition, the Commission required a 6' solid screen to be erected along the north property line, also that a 70' building setback line and a non-access easement be imposed along the north property line.

A portion of the subject property is presently being used for parking at this time, being that portion which lies in an east-west direction. The staff has no objections to the utilization of a portion of the subject property for parking, that portion being on the south 35' of the subject property. The staff would not encourage the utilization of that portion of the subject property for commercial parking which fronts onto Glamis Avenue and Chesterfield Drive, and we would recommend denial of that portion. The staff would also recommend the relocation of the non-access easement to the north line of that portion of the subject property which lies in an east-west direction. The staff has discussed our recommendation with the applicant's representative, and they are agreeable to this recommendation.

Recommendations

Approval of "R-3" on the south 35' with the relocation of the non-access easement to the north line of the recommended 35' strip. The staff would also recommend screening along same said line.

Traffic and Transportation Department Recommendations

A report from the Traffic Department stated Glamis Avenue and Chesterfield Drive are local residential streets. Relocation of the non-access easement to permit use of the subject property in conjunction with the adjacent "R-3" property is recommended.

Results of Notices Received Before Hearing

There were eighteen notices mailed to the surrounding property owners; fourteen notices were returned in opposition, and in addition, a petition with 106 signatures in opposition was also submitted, and one notice was returned in favor.

COMMISSION ACTION

By a vote of five in favor, two voting against, and two being absent, the Commission recommended denial of "R-3" Multiple Family Residential District and the relocation of a 1' non-access easement as required by Ordinance No. 41106 on August 24, 1972.

Reasons for Action

- (1) The subject property is located on the south side of Glamis Avenue east of the intersection of Stringfellow Drive and Glamis Avenue.
- (2) There were eighteen notices mailed out; fourteen notices were returned in opposition; in addition, a petition with 106 signatures in opposition was also submitted, and one notice was returned in favor.
- (3) There were several people in opposition present at the public hearing.
- (4) It is felt that the granting of the "R-3" request would not be compatible with the single family residential area north of the "R-3" zoning.
- (5) It is also felt that there is a question of a violation concerning the existing non-access easement.

RESULTS OF NOTICES RECEIVED BEFORE COUNCIL HEARING

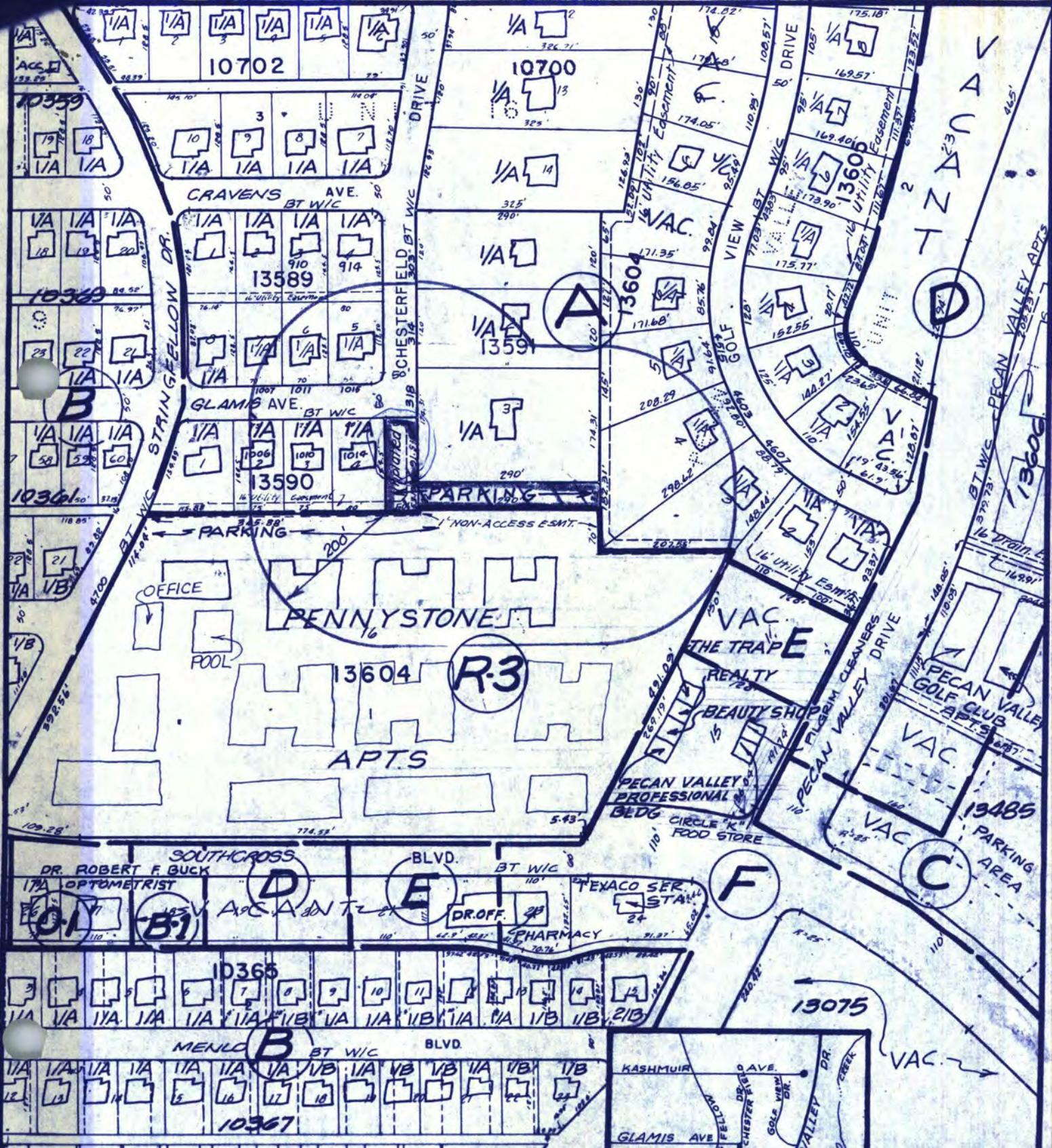
There were eighteen notices mailed to the surrounding property owners; thirteen notices returned in opposition and none in favor.

CITY COUNCIL ACTION

City Council postponed action on this case until September 18, 1975

RESULTS OF NOTICES RECEIVED BEFORE COUNCIL HEARING

(To be provided at Council hearing.)

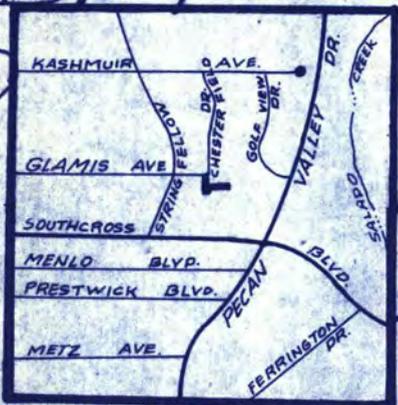


ZONING CASE 6144 P.P.

REQUESTED ZONING CHANGE
 FROM "A" SINGLE FAMILY RES. DIST.
 TO "R-3" MULT. FAM. RES. DIST. AND

DATE SEPT. 18, 1975
 SCALE 0 100' 200' 300' 400'

THE RELOCATION OF A
 1' NON-ACCESS ESMT.



DEPT. OF BUILDING & PLANNING ADMINISTRATION
 SAN ANTONIO, TEXAS

Affidavit of Publisher

THE STATE OF TEXAS, }

COUNTY OF BEXAR
CITY OF SAN ANTONIO }

Before me, the undersigned authority, on this day personally appeared _____

Irene Palencia,

_____, who being by me duly sworn,

says on oath that she is Office Supervisor ~~one of the publishers~~ of the Commercial Recorder

a newspaper of general circulation in the City of San Antonio, in the State and County aforesaid, and

that the Ordinance #45748 hereto attached has been published in

every issue of said newspaper on the following days, to-wit: September 22,

_____, 19 75

AN ORDINANCE 45748

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN.

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1000 Block of Glamis Avenue

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SECTION 3. That the Director of Planning shall change his records and zoning maps in accordance herewith and the same shall be available and open to the public for inspection.

PASSED AND APPROVED this 18th day of September, 1975.

LILA COCKRELL
Mayor

ATTES I.
J. H. INSELMANN
City Clerk

Irene Palencia

Sworn to and subscribed before me this 22nd Day of September, 19 75.

Stella Orozco
Notary Public in and for Bexar County, Texas

CITY OF SAN ANTONIO

INTERDEPARTMENT ROUTING SLIP

CHECK AND FORWARD

- 1. City Clerk ()
- 2. Mr Jackson ()
- 3. _____ ()

- YOUR INFORMATION
- INVESTIGATE AND REPORT
- SUBMIT YOUR RECOMMENDATIONS OR COMMENTS
- NECESSARY ACTION
- FOR YOUR SIGNATURE
- RETURN TO _____
- FOR YOUR FILES

REMARKS:

RECEIVED
20 MIN 1975 SEP 24 PM 3 47
CITY CLERK
 field notes
 2 C 6144
 FILE CASE 6144

Buildg
Plan.

DEPT.

SIGNATURE

DATE

9-24-75

A.G.

6144

8 A, 294 Acre tract of line
of NCR 13604, ~~being further~~
~~described by field notes filed~~
~~in the Office of the Building~~
~~Planning Administration~~

For Information only

~~The property in question, being an~~
irregular tract of land, ~~being~~
located 91.31' south of the
intersection of Chesterfield
Dr. & Glamis Ave & 345.88'
east of Stringfellow Ave. having
a length of 340' & a max. width
of 53.19'. (✓) (✓) (✓) (✓)
d - 5 q u o res.

1000 Block of Glamis Avenue

DESCRIPTION

A parcel of land in Lot 16, Block 1, N.C.B. 13604, Pecan Valley Subdivision Unit 1-A, San Antonio, Bexar County, Texas, according to a plat recorded in Volume 7200, page 49, of the Plat Records of Bexar County, Texas; and being more particularly described as follows:

Beginning for point of reference at the most northerly northwest corner of said Lot 16 on the south right-of-way line of Glamis Avenue; and thence S. $00^{\circ}27'00''$ E. along a west line of said Lot 16 a distance of 91.31 feet to the POINT OF BEGINNING of the herein described parcel.

THENCE N. $89^{\circ}33'00''$ E., partially along a north line of said Lot 16, a distance of 340 feet to a corner of said Lot 16.

THENCE S. $00^{\circ}27'00''$ E. along an east line of said Lot 16 a distance of 35 feet to a point.

THENCE S. $89^{\circ}33'00''$ W. a distance of 290 feet to a point.

THENCE S. $00^{\circ}27'00''$ E. a distance of 18.19 feet to a point.

THENCE S. $89^{\circ}33'00''$ W. a distance of 50 feet to a reentrant corner of said Lot 16.

THENCE N. $00^{\circ}27'00''$ W. along a west line of said Lot 16 a distance of 53.19 feet to the point of beginning, and containing 0.294 acre of land.

J. O. No. 35174
September 23, 1975

W. F. CASTELLA & ASSOCIATES
Consulting Civil Engineers & Surveyors
5800 W. MILDEBRAND * SAN ANTONIO 1, TEXAS

Affidavit of Publisher

THE STATE OF TEXAS,
COUNTY OF BEXAR
CITY OF SAN ANTONIO

Before me, the undersigned authority, on this day personally appeared _____

Irene Palencia, who being by me duly sworn,

says on oath that she is ~~one of the publishers~~ ^{Office Supervisor} ~~of the~~ ^{Commercial Recorder}

a newspaper of general circulation in the City of San Antonio, in the State and County aforesaid, and

that the Ordinance #45748-A hereto attached has been published in

every issue of said newspaper on the following days, to-wit: September 23,

19 75

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LILA COCKRELL
Mayor

ATTEST:
J. H. INSELMANN
City Clerk

Irene Palencia
Lila Cockrell
Notary Public in and for Bexar County, Texas