

AN ORDINANCE 2012-10-04-0792

AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SAN ANTONIO BY AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE, SECTION 35-304, OF THE CITY CODE OF SAN ANTONIO, TEXAS BY CHANGING THE ZONING DISTRICT BOUNDARY OF CERTAIN PROPERTY.

* * * * *

WHEREAS, a public hearing was held after notice and publication regarding this amendment to the Official Zoning Map at which time parties in interest and citizens were given an opportunity to be heard; and

WHEREAS, the Zoning Commission has submitted a final report to the City Council regarding this amendment to the Official Zoning Map of the City of San Antonio; **NOW THEREFORE,**

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

SECTION 1. Chapter 35, Unified Development Code, Section 35-304, Official Zoning Map, of the City Code of San Antonio, Texas is amended by changing the zoning district boundary of 1.389 acres out of NCB A19 and NCB A20 from "H O-2 MC-1 RIO-4 AHOD" High Rise Office Mission Historic Roosevelt Avenue Metropolitan Corridor Overlay River Improvement Overlay-4 Airport Hazard Overlay District to "H C-2 MC-1 RIO-4 AHOD" Commercial Mission Historic Roosevelt Avenue Metropolitan Corridor Overlay River Improvement Overlay-4 Airport Hazard Overlay District.

SECTION 2. A description of the property is attached as **Attachment "A"** and made a part hereof and incorporated herein for all purposes.

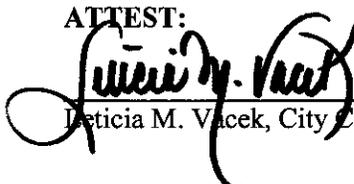
SECTION 3. All other provisions of Chapter 35 except those expressly amended by this ordinance shall remain in full force and effect including the penalties for violations as made and provided for in Section 35 -491.

SECTION 4. The Director of Development Services shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.

SECTION 5. This ordinance shall become effective October 14, 2012.

PASSED AND APPROVED this 4th day of October, 2012.


M A Y O R
Julián Castro

ATTEST:

Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

for Michael D. Bernard, City Attorney



Request for
COUNCIL
ACTION

City of San Antonio



Agenda Voting Results - Z-7

Name:	Z-2, Z-5, P-1, Z-6, P-2, Z-7, Z-9						
Date:	10/04/2012						
Time:	02:16:01 PM						
Vote Type:	Motion to Approve						
Description:	ZONING CASE # Z2012184 (District 5): An Ordinance amending the Zoning District Boundary from "H O-2 MC-1 RIO-4 AHOD" High Rise Office Mission Historic Roosevelt Avenue Metropolitan Corridor Overlay River Improvement Overlay-4 Airport Hazard Overlay District to "H C-2 MC-1 RIO-4 AHOD" Commercial Mission Historic Roosevelt Avenue Metropolitan Corridor Overlay River Improvement Overlay-4 Airport Hazard Overlay District on 1.389 acres out of NCB A19 and NCB A20 located at 311 Roosevelt Avenue. Staff and Zoning Commission recommend approval pending the plan amendment.						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Diego Bernal	District 1		x				x
Ivy R. Taylor	District 2		x				
Leticia Ozuna	District 3		x				
Rey Saldaña	District 4		x				
David Medina Jr.	District 5		x				
Ray Lopez	District 6		x				
Cris Medina	District 7		x				
W. Reed Williams	District 8		x			x	
Elisa Chan	District 9		x				
Carlton Soules	District 10		x				

02012134



SCANNED

Notice Of Confidentiality Rights: If You Are A Natural Person, You May Remove Or Strike Any Or All Of The Following Information From This Instrument Before It Is Filed For Record In The Public Records: Your Social Security Number Or Your Driver's License Number.

State of Texas }
County of Bexar }

Amendment to Transfer of Jurisdiction Over Asset
(311 Roosevelt)

This Amendment to Transfer of Jurisdiction Over Asset (Amendment) is entered into by the City, as hereinafter defined, and the Pension Fund, as hereinafter defined, as of the Effective Date of the Ordinance Authorizing Present Amendment.

1. Identifying Information.

Ordinance Authorizing Present Amendment:

City: City of San Antonio

City's Address: P.O. Box 839966, San Antonio, Texas 78283-3966
(Attention: Director, Asset Management Department)

Pension Fund: Fire and Police Pension Fund, San Antonio, a Texas statutory trust, sometimes known as Firemen & Policemen's Pension Fund

Pension Fund's Address: 311 Roosevelt Avenue, San Antonio, Texas 78210-2753

Transfer Instrument to be Amended: Transfer of Jurisdiction Over Asset between City and Pension Fund dated June 12, 1989 relating to 311 Roosevelt and authorized by the Ordinance Authorizing Transfer Instrument to be Amended

Subject Property: The property described on Exhibit A, which is incorporated by reference for all purposes as if fully set forth

Consideration for Amendment: \$168,000



Z2012184

Ordinance Authorizing
Transfer Instrument to be 69616, June 8, 1989
Amended

2. Removal of Restrictions.

2.01. The following language of the Transfer Instrument to be Amended is hereby deleted in its entirety:

TO HAVE AND TO HOLD the above described property unto the said Transferee so long as and only so long as:

Transferee does not (1) alienate said property by deed, transfer, contract for deed, assignment, lease, or other alienation or hypothecation, of any kind whatsoever or (2) encumber said property in any way whatsoever, whether by deed of trust, mortgage, security agreement, financing statement, lien, easement, restriction, condition covenant, or other encumbrance of any nature or kind, WITHOUT, in either the case of an attempted transfer or encumbrance first securing the approval of the City Council of the City of San Antonio by passage of an ordinance at a duly held open meeting of said council, and so long and only so long as (3) the property is used only for, and limited to offices for said FIREMEN AND POLICEMEN'S PENSION FUND as presently constituted as of the date of execution below and (4) the PENSION FUND BOARD OF TRUSTEES does not change its present composition existing as of the date of execution below or such use of the property is not changed.

Upon the happening of any event set forth above, title to the above property shall automatically terminate and revert to TRANSFEROR, it being the intent of TRANSFEROR herein to convey the property and estate herein as a determinable fee, being also known as a fee on conditional limitation.

2.02. In lieu of the deleted language, the following language is inserted:

TO HAVE AND TO HOLD the above described property unto the Transferee and its successors and assigns forever.

3. No Default.

Neither City nor Pension Fund is in default under the Transfer Instrument to be Amended and neither party is aware of a cause of action against the other arising out of or relating to the period before this Amendment.

4. Same Terms and Conditions.

This amendment is a fully integrated statement of the modifications to the Transfer Instrument to be Amended. Except as expressly modified by this Amendment, the Transfer Instrument to be Amended remains a comprehensive statement of the rights and obligations of Pension Fund and City. Except as expressly modified by this Amendment, Pension Fund and City reaffirm the Transfer Instrument to be Amended.

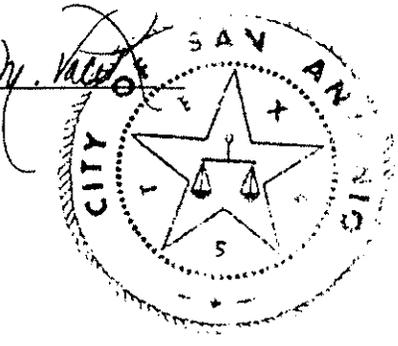
5. Public Information.

Pension Fund acknowledges that this instrument is public information within the meaning of Chapter 552 of the Texas Government Code and accordingly may be disclosed to the public.

In witness whereof, the parties have caused their representatives to set their hands,

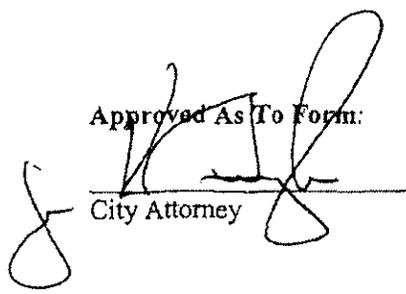
City	Pension Fund
City of San Antonio, a Texas municipal corporation	Fire and Police Pension Fund, San Antonio, a Texas statutory trust
By: <u>[Signature]</u> 56	By: <u>[Signature]</u>
Printed Name: <u>Pat D. Giovanni</u>	Printed Name: <u>Warren Schatt</u>
Title: <u>Deputy City Manager</u>	Title: <u>Executive Director</u>
Date: <u>6/29/07</u>	Date: <u>6/22/07</u>

Attest:
[Signature]
City Clerk



32912194

Approved As To Form:


City Attorney

State of Texas §

County of Bexar §

This instrument was acknowledged before me this date by Pat DiGiovanni, Deputy City Manager of the City of San Antonio, a Texas municipal corporation, in the capacity therein stated and on behalf of that entity.

Date: _____

Melinda Uriegas
Notary Public, State of Texas

My Commission expires: 04/04/2009



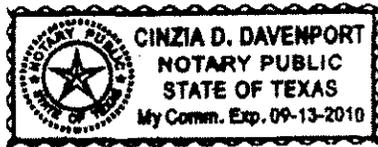
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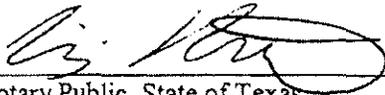
THE STATE OF TEXAS §

COUNTY OF BEXAR §

This instrument was acknowledged before me on the this date, by Warren Schott, Executive Director of the Fire and Police Pension Fund, San Antonio, a Texas statutory trust, in the capacity as Executive Director and on behalf of that Trust.

Date: 6/02/07





Notary Public, State of Texas

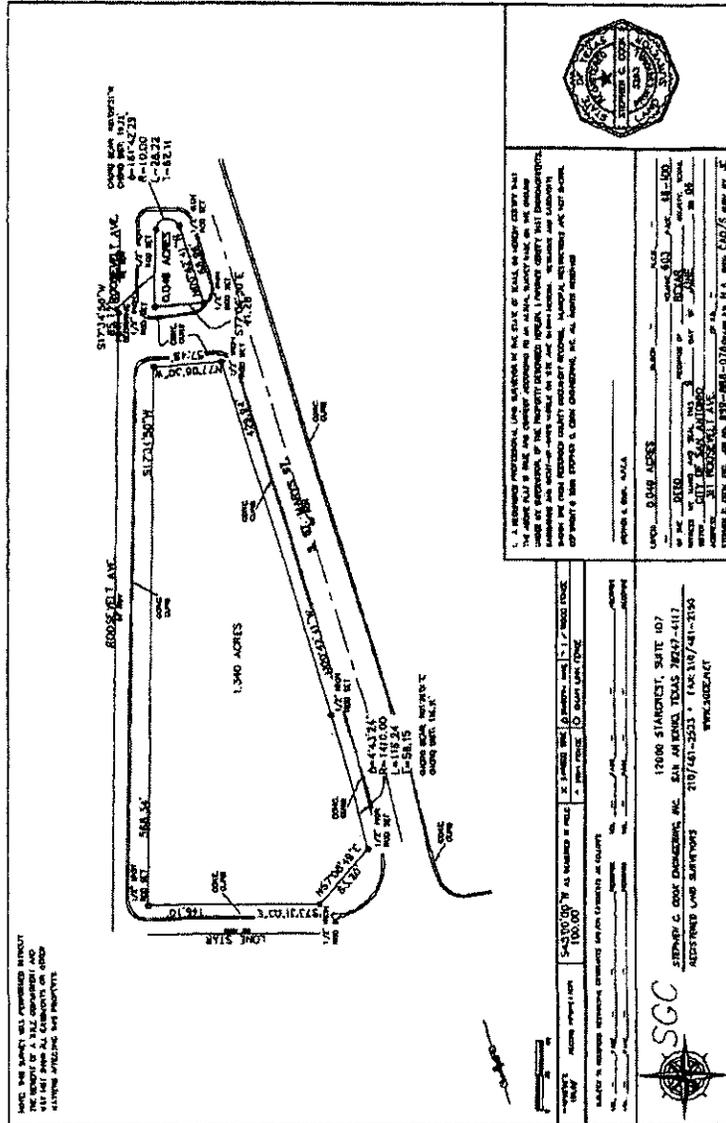
My Commission expires: 9/13/2010

After Recording, Return to:

Fire and Police Pension Fund, San Antonio
Attn: Warren Schott
311 Roosevelt Avenue
San Antonio, Texas 78210-2753

Z2012184

Exhibit A



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METES AND BOUNDS DESCRIPTION

Tract 1:

BEING a 1.340 acre tract of land out of the Original Roosevelt Park Acquisition, Bexar County, Texas, New City Block A-19 and New City Block A-20, in the City of San Antonio, out of a 12.01 acre tract recorded in Volume 490, Page 293, Deed Records, Bexar County, Texas, a 0.34 acre tract recorded in Volume 588, Page 69, Deed Records, Bexar County, Texas, and a 1.96 acre tract recorded in Volume 603, Page 98, Deed Records, Bexar County, Texas, said 1.340 acre tract being more particularly described as follows:

BEGINNING at a 1/2" iron rod set at the intersection of the south Right-of-Way (R.O.W.) line of Lone Star and the west R.O.W. line of Roosevelt Ave. for the northeast corner of the herein described tract;

THENCE, South 17°34'50" West, 452.46 feet along the west R.O.W. line of said Roosevelt Ave. to a 1/2" iron rod set at the intersection of the west R.O.W. line of said Roosevelt Ave. and the north R.O.W. line at Whittier Street for the southeast corner of the herein described tract;

THENCE, North 77°06'30" West 57.48 feet along the north R.O.W. line of said Whittier Street to a 1/2" iron rod set at the intersection of the north R.O.W. line at said Whittier Street and the easterly R.O.W. line of S. St. Mary's St. for the southwest corner of the herein described tract;

THENCE, North 00°42'41" West, 309.53 feet along the easterly R.O.W. line of said S. St. Mary's St. to a 1/2" iron rod set;

THENCE, 116.24 feet along the east R.O.W. line of said S. St. Mary's St. by a circular curve to the right having the following parameters:

Radius = 1410.00 feet
Chord Bearing = North 01°39'01" East
Chord Distance = 116.21 feet

to a 1/2" iron rod set at the southwest end of a cutoff at the intersection of the east R.O.W. line of said S. St. Mary's St. and the south R.O.W. line of said Lone Star;

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THENCE, North 57°08'49" East, 63.20 feet along said cutoff to a 1/2" iron rod set for the most northerly corner of the herein described tract;

THENCE, South 73°31'03" East, 146.10 feet along the south R.O.W. line of said Lone Star to the POINT OF BEGINNING.

WARE\MS\Clients\SAFPP\311 Roosevelt\Tract 1 1.340 acre Legal Description.doc



72012184

METES AND BOUNDS DESCRIPTION

Tract 2:

BEING a 0.049 acre tract of land out of the Original Roosevelt Park Acquisition, Bexar County, Texas, New City Block A-19 and New City Block A-20, in the City of San Antonio, out of a 12.01 acre tract recorded in Volume 490, Page 293, Deed Records, Bexar County, Texas, a 0.34 acre tract recorded in Volume 588, Page 69, Deed Records, Bexar County, Texas, and a 1.96 acre tract recorded in Volume 603, Page 98, Deed Records, Bexar County, Texas, said 0.049 acre tract being more particularly described as follows:

BEGINNING at a 1/2" iron rod set at the intersection of the south Right-of-Way line of Whittier Street and the west R.O.W. line of Roosevelt Ave. for the northeast corner of the herein described tract;

THENCE, South 17°34'50" West, 65.72 feet along the west R.O.W. line of said Roosevelt Ave. to a 1/2" iron rod set at the east end of a circular cutoff at the intersection of the west R.O.W. line of said Roosevelt Ave. and the easterly R.O.W. line of S. St. Mary's St. for the southeast corner of the herein described tract;

THENCE, 28.22 feet along side circular cutoff by a circular curve to the right having the following parameters:

Radius = 10.00 feet
Chord Bearing = North 81°09'51" West
Chord Distance = 19.72 feet

to a 1/2" iron rod set;

THENCE, North 00°42'41" West 68.96 feet along the easterly R.O.W. line of said S. St. Mary's St. to a 1/2" iron rod set at the intersection of the easterly R.O.W. line of said S. St. Mary's St. and the southerly R.O.W. line of said Whittier Street for the northwest corner of the herein described tract;

THENCE, South 77°06'30" East 41.28 feet along the south R.O.W. line of said Whittier Street to the POINT OF BEGINNING.

Z2012184

RECORDER'S MEMORANDUM
AT THE TIME OF RECORDATION, THIS
INSTRUMENT WAS FOUND TO BE INADEQUATE
FOR THE BEST PHOTOGRAPHIC REPRODUCTION
BECAUSE OF ILLUMINITY CARBON OR
PHOTO COPY, DISCOLORED PAPER ETC.

Any provision herein which restricts the sale, or use of the described real
property because of race is invalid and unenforceable under Federal law
STATE OF TEXAS, COUNTY OF BEXAR
I hereby certify that this instrument was FILED in File Number Sequence on
the date and at the time stamped herein by me and was duly RECORDED
in the Official Public Record of Real Property of Bexar County, Texas on:

JUL 18 2007

Doc# 20070167130 Fee: \$52.00
07/18/2007 3:23PM # Pages 10
Filed & Recorded in the Official Public
Records of BEXAR COUNTY
GERRY RICKHOFF COUNTY CLERK



Gerry Rickhoff
COUNTY CLERK BEXAR COUNTY, TEXAS