SG/lj
08/18/2016
Z-1

CASE NO. Z2016193

AN ORDINANCE 2016-08-18-0622

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 0.17 acres out of NCB 395 from "MF-33 AHOD" Multi-Family Airport Hazard Overlay District to "IDZ AHOD" Infill Development Zone Airport Hazard Overlay District with Five (5) Single-Family Units.

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

SECTION 3. The City council approves this Infill Development Zone so long as the attached site plan is adhered to. A site plan is attached as **Exhibit "B"** and made a part hereof and incorporated herein for all purposes.

SECTION 4. 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 5. 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 6. This ordinance shall become effective the 28th day of August 2016.

PASSED AND APPROVED this 18th day of August 2016.

M A Y O R
Ivy R. Taylor

ATTEST:

Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

Martha G. Sepeda, Acting City Attorney

Agenda Item:	**Z-1 (in consent vote: P-1, Z-1, Z-2, Z-3, Z-4, Z-8, Z-9, Z-10, P-3, Z-11, P-4, Z-12, P-5, Z-13)**
Date:	08/18/2016
Time:	02:06:20 PM
Vote Type:	Motion to Approve
Description:	ZONING CASE # Z2016193 (Council District 1): An Ordinance amending the Zoning District Boundary from "MF-33 AHOD" Multi-Family Airport Hazard Overlay District to "IDZ AHOD" Infill Development Zone Airport Hazard Overlay District with Five (5) Single-Family Units on 0.17 acres out of NCB 395, located at 846 Erie Avenue. Staff and Zoning Commission recommend Approval, pending Plan Amendment. (Associated Plan Amendment 16054)
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor		x				
Roberto C. Treviño	District 1		x				
Alan Warrick	District 2		x			x	
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4	x					
Shirley Gonzales	District 5		x				
Ray Lopez	District 6		x				
Cris Medina	District 7		x				
Ron Nirenberg	District 8		x				x
Joe Krier	District 9		x				
Michael Gallagher	District 10		x				

Capital Title

~~GF #4-192700-SA~~

Z2016193

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

GENERAL WARRANTY DEED
WITH VENDOR'S LIEN

STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF BEXAR

That SA Prosperity Ventures, LLC, a Texas limited liability company("Grantor"), for and in consideration of the sum of TEN AND NO/100THS ($10.00) DOLLARS, and other valuable consideration paid by SAMA Developers, LLC, a Texas limited liability company ("Grantee"), the receipt and sufficiency of which is hereby acknowledged, and for the further consideration of the execution and delivery by Grantee of Grantee's promissory note of even date herewith in the original principal amount of $3,000,000.00, payable to International Bank of Commerce, as provided in said Note, bearing interest as provided therein, and providing for acceleration of maturity in the event of default, and for attorney's fees, the payment of which Note is secured by the Vendor's Lien herein retained, and is additionally secured by a Deed of Trust of even date herewith to Eugene D. Hernandez, Trustee, has GRANTED, SOLD AND CONVEYED, and by these presents does GRANT, SELL AND CONVEY unto Grantee, all of the real property in Bexar County, Texas, described in Exhibit A, attached hereto and made a part hereof, together with any and all rights, titles, powers, benefits, privileges, easements, licenses, rights-of-way, interests, tenements, hereditaments and appurtenances thereon, or in any way appertaining thereto, and any and all rights, titles, privileges, licenses, easements, rights-of-way and interests, if any, of Grantor, either in law or in equity, in possession or in expectancy, in and to any land lying in the streets, highways, roads, alleys, rights-of-way or sidewalks, open or proposed, in front of, above, over, under, through or adjoining the land and in any strips or gores of land adjoining the land described herein (collectively, the "Property").

This General Warranty Deed and the conveyance herein is executed by Grantor and accepted by Grantee subject to any and all validly existing encumbrances, conditions and restrictions relating to the Property as reflected by the real property records of Bexar County, Texas as of the date hereof, (collectively, the "Permitted Exceptions"). This conveyance is also being made by Grantor and accepted by Grantee subject to taxes for the year 2014, the payment of which Grantee assumes.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anyway belonging unto the said Grantee and Grantee's successors and assigns forever, subject to the Permitted Exceptions, and Grantor hereby binds Grantor and Grantor's successors and assigns to WARRANT AND FOREVER DEFEND all and singular the property unto the Grantee and Grantee's successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof.

But it is expressly agreed that the VENDOR'S LIEN, as well as the Superior Title in and to the Property is retained against the above Property, premises and improvements until the above-described Note and all interest thereon is fully paid according to the face, tenor, effect and reading thereof, when this Deed shall become absolute. The Vendor's Lien and Superior Title herein retained are hereby transferred, assigned, sold and conveyed to International Bank of Commerce, the payee of such Note, and the successors and/or assigns of said payee.

Grantee assumes payment of all taxes for the current and subsequent years, not yet due and payable.

EXECUTED and made effective as of September 16, 2014.

SA Prosperity Ventures, LLC

By: Jessica Walsh
Jessica Walsh, President

Z2016193

Grantee's Address:
SAMA Developers, LLC
508 West Rhapsody
San Antonio, TX 78216

(Acknowledgment)

STATE OF TEXAS
COUNTY OF Bexar

BEFORE ME, the undersigned, a Notary Public, on this day personally appeared Jessica Walsh, President of SA Prosperity Ventures, LLC, known to me through Texas driver's license identification to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that such person executed the same for the purposes and consideration therein expressed and in the capacity stated.

GIVEN under my hand and seal of office September 26, 2014.

SALLY SCHOPP
Notary Public
State of Texas
My Comm. Expires 09-10-2016

Sally Schopp
Notary Public, State of Texas

Escrow File No.: 14-192700-CC

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EXHIBIT "A"

Tracts 1, 2 and 3 have been intentionally deleted from the following property descriptions.

Tract 4:

Lots 1-20, Block 7; Lot 1 and Lots 9-18, Block 8; Lots 1-11,Block 9 and Lots 1 and 2, Block 10, New City Block 14050, The Tesoro Ridge Subdivision, an Addition to the City of San Antonio, Bexar County, Texas, according to the Map or Plat recorded in Volume 9661, Page 53, Deed and Plat Records of Bexar County, Texas.

Tract 5:

Lot 14 and 15, Block 5, New City Block 9265, Prosperity Heights , an Addition to the City of San Antonio, Bexar County, Texas, according to the Correction Map or Plat thereof recorded in Volume 2805, Page 121, Deed and Plat Records of Bexar County, Texas.

Tract 6:

The South Irregular 15.3 feet of Lot 38 and the Southwest triangular 24.1 feet of Lot 39, Block 9,New City Block 8865, Villa Del Norte, situated in the City of San Antonio, Bexar County, Texas, according to the map or plat thereof recorded in Volume 1625 Page 206, Deed and Plat records,Bexar County, Texas.

Tract 7:

Lots 19 & 20, Block 8, New City Block 8864, Villa Del Norte, situated in the City of San Antonio, Bexar County, Texas, according to the map or plat thereof recorded in Volume 1625, Page 206, Deed and Plat records, Bexar County, Texas.

Tract 8:

Lots 50 & 51, Block 9, New City Block 8865, Villa Del Norte, sitnated in the City of San Antonio, Bexar County, Texas, according to the map or plat thereof recorded in Volume 1625, Page 206, Deed and Plat records, Bexar County, Texas.

Tract 9:

Being a 0.17 acre parcel, more or less, out of Lot 13, Block 19, New City Block 395, San Antonio, Bexar County, Texas; and being more particularly described as follows:

Beginning at an iron pin set on the South Right-of-Way line of E. Laurel Street at its intersection with the East right-of-way line of Erie Avenue;

Thence South 89 deg. 43' East, along the South right-of-way line of East Laurel Street, a distance of 153.30 feet to an iron pin set;

Thence South 00 deg. 13' 57" East, a distance of 18.20 feet to an iron pin set on the Southeast lot line of Lot 13;

Thence South 66 deg. 01' 36" West, along said lot line, a distance of 36.10 feet to an iron pin found at an angle point;

Thence South 55 deg. 53' West, continuing along the Southeast line of Lot 13, a distance of 89.0 feet to an iron pin set on the Northeast right-of-way line of Erie Avenue;

Thence North 34 deg. 07' West, along the Northeast right-of-way line of Erie Avenue, a distance of 83.40 feet to an iron pin set at an angle point;

Thence North 00 deg. 17' East, along the East right-of-way line of Erie Avenue, a distance of 14.50 feet to the Place of Beginning.

Being commonly known as known as 846 Erie Avenue, San Antonio, Texas.

Z2016193

Doc# 20140170347
Pages 6
10/01/2014 3:52PM
e-Filed & e-Recorded in the
Official Public Records of
BEXAR COUNTY
GERARD C. RICKHOFF
COUNTY CLERK
Fees $42.00

STATE OF TEXAS
COUNTY OF BEXAR
This is to Certify that this document
was e-FILED and e-RECORDED in the Official
Public Records of Bexar County, Texas
on this date and time stamped thereon.
10/01/2014 3:52PM
COUNTY CLERK, BEXAR COUNTY TEXAS

Z2016193

"I,Armando Saide, the property owner, acknowledge that this site plan submitted for the purpose of rezoning this property is in accordance with all applicable provisions of the Unified Development Code. Additionally, I understand that City Council approval of a site plan in conjunction with a rezoning case does not relieve me from adherence to any/all City adopted Codes at the time of plan submittal for building permits."

CURRENT ZONING: MF33
LEGAL DESCRIPTION: NCB 395, BLK 19, LOT 13 – EXCEPT NE IRRG 9.8 FT, 0.17 AC

COURSEN-KOEHLER
ENGINEERING & ASSOCIATES
11802 Warfield, Suite 200 • San Antonio, Texas 78216
Tel: 210.807.9030 • Fax: 210.855.5530
www.coursen-koehler.com • TBPE Firm No. F-10747

SITE PLAN
FOR
846 ERIE ~ IDZ REZONING

Exhibit "B"

JOB NO.:	16028.00
DATE:	MAY 3, 2016
DRAWN:	JMR
REVISIONS:	

SHEET 1 OF 1

Date: May 03, 2016, 5:15pm User ID: Jrosas
File: P:\Clay Schlinke\Erie St\Dwg\Exhibits\Erie Ave Zoning Plan.dwg