SG/cla
10/15/2015
Z-13. Corrected.

CASE NO. Z2015200 ERZD

AN ORDINANCE 2015-10-15-0898

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 adopting, for newly annexed property on 36.123 acres of land out of CB 4915 and CB 4917, the zoning district boundary "PUD R-6 AHOD ERZD" Planned Unit Development Single Family Residential Airport Hazard Overlay Edwards Recharge Zone 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. The owner or owner's agent shall inform any person leasing this tract or any portion of this tract that storage of chemicals and/or hazardous materials is not permitted. Provisions prohibiting the storage of chemicals and/or hazardous materials shall be included in the lease agreement. The owner or owner's agent shall provide a copy of the lease provisions regarding the storage of chemicals and/or hazardous materials to the Aquifer Protection and Evaluation Section of the San Antonio Water System for approval. The Aquifer Protection and Evaluation Section of the San Antonio Water System may randomly inspect, without notice, any or all facilities on the site to ensure compliance with this ordinance.

SECTION 4. All water pollution abatement structures or features approved by the Texas Commission on Environmental Quality shall be properly maintained and kept free of trash and debris. A water quality maintenance plan and schedule agreement signed by the property owner must be submitted to the Resource Protection Division of SAWS. If at any time the ownership of the property changes, the seller must disclose to the buyer all the requirements of the water quality maintenance plan. A water quality maintenance plan signed by the new owner must be submitted to the Resource Protection Division of SAWS.

SECTION 5. Landscaped areas shall be sensitive to minimizing water needs, i.e., use of native plants. Each purchaser of an individual lot or tenant within this development shall be informed by the seller or

lessor in writing about Best Management Practices (BMP) for pesticide and fertilizer application. Preventing Groundwater Pollution, A Practical Guide to Pest Control, available from the Edwards Aquifer Authority (210/222-2204), or equivalent information produced by the U.S. Natural Resource Conservation Service, the Texas Department of Agriculture, or the U.S. Department of Agriculture shall be used.

SECTION 6. 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 7. 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 8. If a court of competent jurisdiction enters a final judgment on the merits that is no longer subject to appeal and substantially limits or impairs the essential elements of sections one through five of this ordinance, then sections one through five are invalid and have no legal effect as of the date of entry of such judgment notwithstanding any other ordinance or provision of the City Code of San Antonio.

SECTION 9. This ordinance shall become effective October 25, 2015.

PASSED AND APPROVED this 15st day of October, 2015.

M A Y O R
Ivy R. Taylor

ATTEST:

Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

For Martha G. Sepeda, Acting City Attorney

Agenda Item:	**Z-13 (in consent vote: P-5, Z-13)**
Date:	10/15/2015
Time:	03:27:47 PM
Vote Type:	Motion to Approve
Description:	ZONING CASE # Z2015200 ERZD (Council District 10): An Ordinance adopting the Zoning District Boundary "PUD R-6 AHOD ERZD" Planned Unit Development Residential Single-Family Airport Hazard Overlay Edwards Recharge Zone District for newly annexed property on 36.123 acres of land out of CB 4915 and CB 4917 located at 5710 East Evans Road. Staff and Zoning Commission recommend Approval.
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				
Rebecca Viagran	District 3		x				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				
Joe Krier	District 9		x				
Michael Gallagher	District 10		x			x	

PROPERTY DESCRIPTION
OF

A 36.123 acre tract of land out of the James Hamilton Survey No. 90, Abstract No. 344, County Block 4915 and the S.A. & M.G.R.R. CO. Survey No. 97, Abstract No. 720, County Block 4917, Bexar County, Texas, and being out of that same 37.508 acre tract described in a Warranty Deed dated September 23, 2014 to Fair Oaks Mosaic TBY, LLC, recorded in Volume 16887, Page 2038, Official Public Records of Real Property of Bexar County, Texas; said 36.123 acre tract being more particularly described as follows:

COMMENCING for reference: At a ½" iron rod found on the west right-of-way line of Evans Road, a 90-foot wide right-of-way, being the northeast corner of said 37.508 acre tract, the northeast corner of a 0.227 of an acre Easement Agreement dated November 24, 2010 to American Tower Management, LLC, recorded in Volume 14808, Page 544, Official Public Records of Real Property of Bexar County, Texas, and the southeast corner of a 2 acre tract described in a Warranty Deed with Vendor's Lien dated February 26, 1979 to Carl J. Kotara and wife, Joan B. Kotara, recorded in Volume 1462, Page 743, Official Public Records of Real Property of Bexar County, Texas;

Thence: S21°41'17"E, with the west right-of-way line of Evans Road and the east line of said 37.508 acre tract, a distance of 237.79 feet to a ½" iron rod with red plastic cap stamped "MW CUDE" set for the northeast corner and POINT OF BEGINNING of the herein described tract;

Thence: S21°41'17"E, continuing with the west right-of-way line of Evans Road and the east line of said 37.508 acre tract, a distance of 992.84 feet to a ½" iron rod found, being the northeast corner of a 0.363 of an acre tract described in a Quitclaim Deed dated March 10, 2014 to Don Koble Kyser, recorded in Volume 16581, Page 2409, Official Public Records of Real Property of Bexar County, Texas, for the southeast corner of the herein described tract, from said point, a ½" iron rod found, being the southeast corner of said 0.363 of an acre tract and the northeast corner of a 43.639 acre tract described in an Executor's Deed dated August 9, 2001 to Don K. Kyser, recorded in Volume 9015, Page 1460, Official Public Records of Real Property of Bexar County, Texas, bears S21°58'08"E, 97.14 feet;

Thence: S66°53'05"W, with the north line of said 0.363 acre tract, a distance of 327.85 feet to a ½" iron rod found, being the west corner of said 0.363 of an acre tract and a corner of said 43.639 acre tract, for an interior corner of the herein described tract;

Thence: With the west and north lines of said 43.639 acre tract, the following six (6) courses:

S20°26'53"E, a distance of 58.30 feet to a ½" iron rod found for a corner of the herein described tract;

S58°24'41"W, a distance of 78.60 feet to a ½" iron rod found for an interior corner of the herein described tract;

S35°46'17"E, a distance of 75.72 feet to a ½" iron rod found for an angle point;

S32°35'21"E, a distance of 146.19 feet to a ½" iron rod found for an angle point;

S14°50'38"E, a distance of 35.07 feet to a ½" iron rod found for a corner of the herein described tract;

S67°37'45"W, a distance of 702.26 feet to a MAG nail found, being the most westerly northwest corner of said 43.639 acre tract and a corner of a 495.392 acre tract described in a Quitclaim Deed dated April 11, 2008 to Electron Acquisitions, LLC, recorded in Volume 13447, Page 927, Official Public Records of Real Property of Bexar County, Texas, for the south corner of the herein described tract;

Thence: With the east line of said 495.392 acre tract, the following four (4) courses:

N55°11'01"W, a distance of 893.26 feet to a ½" iron rod found for an angle point;

N11°26'48"W, a distance of 541.75 feet to a ½" iron rod with orange plastic cap stamped "RPLS 4020" found, being an interior corner of said 495.392 acre tract, for the most westerly northwest corner of the herein described tract;

N81°35'56"E, a distance of 1074.45 feet to a 2" steel fence corner post found, being a corner of said 495.392 acre tract, for an interior corner of the herein described tract;

N21°04'03"W, a distance of 376.55 feet to a ½" iron rod with red plastic cap stamped "MW CUDE" set for the most northerly northwest corner of the herein described tract, from said point, a ½" iron rod found, being the most northerly northwest corner of said 37.508 acre tract and the southwest corner of said 2 acre tract, bears N21°04'03"W, 100.79 feet;

Thence: Easterly, across said 37.508 acre tract, the following seven (7) courses:

16.32 feet along the arc of a curve concave to the northwest having a radius of 260.00 feet, a central angle of 03°35'50", and a chord bearing and distance of N61°30'43"E, 16.32 feet to a ½" iron rod with red plastic cap stamped "MW CUDE" set at the point of tangency;

N59°42'48"E, a distance of 72.57 feet to a ½" iron rod with red plastic cap stamped "MW CUDE" set at the point of curvature;

82.59 feet along the arc of a curve concave to the south having a radius of 140.00 feet, a central angle of 33°48'03", and a chord bearing and distance of N76°36'50"E, 81.40 feet to a ½" iron rod with red plastic cap stamped "MW CUDE" set at the point of tangency;

S86°29'09"E, a distance of 60.68 feet to a ½" iron rod with red plastic cap stamped "MW CUDE" set at the point of curvature;

114.04 feet along the arc of a curve concave to the north having a radius of 260.00 feet, a central angle of 25°07'54", and a chord bearing and distance of N80°56'54"E, 113.13 feet to a ½" iron rod with red plastic cap stamped "MW CUDE" set at the point of tangency;

N68°22'57"E, a distance of 54.86 feet to a ½" iron rod with red plastic cap stamped "MW CUDE" set at the point of curvature;

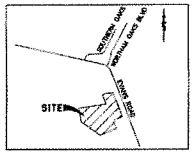
39.24 feet along the arc of a curve concave to the south having a radius of 25.00 feet, a central angle of 89°55'46", and a chord bearing and distance of S66°39'10"E, 35.33 feet to the POINT OF BEGINNING, and containing 36.123 acres of land.

Note: Basis of Bearings is the Texas State Plane Coordinate System, South Central Zone (4204), NAD 83 (93).

Job No. 02902.000
Date: April 30, 2015
GL

STATE OF TEXAS
REGISTERED
GREGORIO LOPEZ JR.
5272
PROFESSIONAL
LAND SURVEYOR

Gregorio Lopez Jr. 4/30/15



LOCATION MAP
NOT TO SCALE

LEGEND

O.P.R.R.P.B.C. = OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BEXAR COUNTY, TEXAS
P.O.B. = POINT OF COMMENCEMENT
P.O.B. = POINT OF BEGINNING
R.O.W. = RIGHT OF WAY
( ) = RECORD INFORMATION

LINE TABLE		
LINE NO.	BEARING	DISTANCE
L1	S08°28'33"E	58.39'
L2	S08°29'44"W	78.84'
L3	S30°46'17"E	75.72'
L4	S14°50'38"E	33.07'
L5	N59°42'48"E	72.07'
L6	S46°29'09"E	60.09'
L7	N66°31'37"E	54.86'

RECORD LINE TABLE		
LINE NO.	BEARING	DISTANCE
L1	S08°28'09"E	58.17'
L2	S08°28'09"W	78.73'
L3	S30°46'20"E	75.94'
L4	S14°47'32"E	34.88'

CURVE TABLE					
CURVE NO.	DELTA	RADIUS	LENGTH	CH. BEARING	CH. DISTANCE
C1	2°28'20"	660.00'	28.51'	S61°40'43"E	28.52'
C2	23°46'53"	140.00'	57.00'	S76°36'50"E	56.60'
C3	31°07'54"	140.00'	76.06'	N54°46'51"E	75.13'
C4	89°55'48"	55.00'	86.24'	N66°28'41"E	77.67'

NOTES:

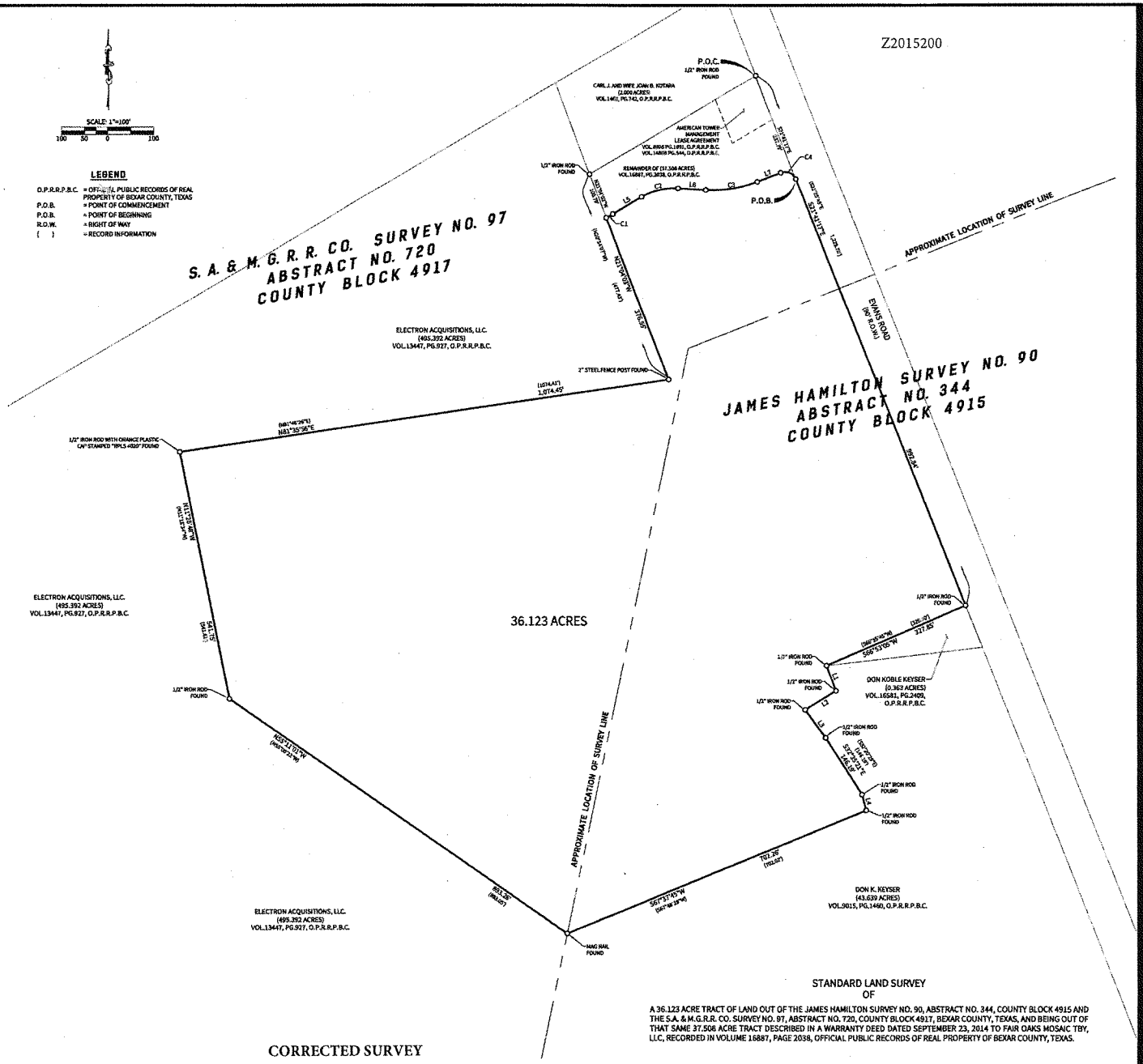
1. BASIS OF BEARINGS IS THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NAD 83 (93).
2. METES AND BOUNDS DESCRIPTION ACCOMPANYING THIS SURVEY PLAT OF EVEN DATE.
3. ALL PROPERTY CORNERS ARE 1/2" IRON RODS WITH RED PLASTIC CAP STAMPED "MW CUDE" SET UNLESS OTHERWISE NOTED.

SURVEYOR'S CERTIFICATION

TO: FAIR OAKS MOSAIC TBY, LLC AND FIRST AMERICAN TITLE INSURANCE COMPANY

I HEREBY CERTIFY THAT THIS SURVEY REPRESENTS FACTS DISCLOSED BY AN ON THE GROUND SURVEY MADE UNDER MY SUPERVISION AND THAT THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1B, CONDITION III SURVEY.

Gregorio Lopez, Jr. 4/30/15
GREGORIO LOPEZ, JR. / REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 5272 / STATE OF TEXAS



CORRECTED SURVEY

STANDARD LAND SURVEY
OF

A 36.123 ACRE TRACT OF LAND OUT OF THE JAMES HAMILTON SURVEY NO. 90, ABSTRACT NO. 344, COUNTY BLOCK 4915 AND THE S.A. & M.G.R.R. CO. SURVEY NO. 97, ABSTRACT NO. 720, COUNTY BLOCK 4917, BEXAR COUNTY, TEXAS, AND BEING OUT OF THAT SAME 37.506 ACRE TRACT DESCRIBED IN A WARRANTY DEED DATED SEPTEMBER 23, 2014 TO FAIR OAKS MOSAIC TBY, LLC, RECORDED IN VOLUME 16887, PAGE 2038, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BEXAR COUNTY, TEXAS.

CUDEENGINEERS.COM
EST. 1980 CUDE ENGINEERS
4122 Pond Hill Road, Suite 101
San Antonio, Texas 78233
P:(210) 681.2951 F: (210) 523.7112

STANDARD LAND SURVEY OF
36.123 ACRES OF LAND
BEXAR COUNTY, TEXAS

DATE
APRIL 30, 2015
PROJECT NO.
02902.000
DRAWN BY
B.B.
CHECKED BY
G.L.

REVISIONS
1.
2.
3.
4.
5.
6.
7.
8.
9.

CUDE ENGINEERS
TBPE No. 455

PLAT NO.

SAWS JOB NO.

REPRODUCTION OF THE ORIGINAL SIGNED AND SEALED PLAN AND/OR ELECTRONIC MEDIA MAY HAVE BEEN INADVERTENTLY ALTERED. CONTRACTOR IS RESPONSIBLE FOR VERIFYING THE SCALE OF THE DOCUMENT AND CONTACTING CUDE ENGINEERS TO VERIFY ANY DISCREPANCIES PRIOR TO CONSTRUCTION.