

AN ORDINANCE 2011-04-07-0284

AMENDING THE LAND USE PLAN CONTAINED IN THE DOWNTOWN NEIGHBORHOOD PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF APPROXIMATELY 2.43 ACRES OF LAND LOCATED AT 509, 511, 513, 515, 519, 525, 527, 529, AND 531 EL PASO STREET AND THE NORTHERN PORTION OF 1025 SOUTH FRIO STREET FROM RESIDENTIAL LAND USE TO MIXED USE LAND USE.

\* \* \* \* \*

WHEREAS, the Downtown Neighborhood Plan was adopted on May 13, 1999 by City Council as a component of the City Master Plan adopted May 29, 1997; and

WHEREAS, the Unified Development Code requires consistency between zoning and the Master Plan and Section 213.003 of the TEXAS LOCAL GOVERNMENT CODE allows amendment of the Master Plan following a public hearing and review by the Planning Commission; and

WHEREAS, a public hearing was held on February 9, 2011 by the Planning Commission allowing all interested citizens to be heard; and

WHEREAS, the San Antonio City Council has considered the effect of this amendment to the Master Plan of the City and has determined that it conforms to the approval criteria set forth in the Unified Development Code §35-420, Comprehensive, Neighborhood, Community, and Perimeter Plans; **NOW THEREFORE;**

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

**SECTION 1.** The Downtown Neighborhood Plan, a component of the Master Plan of the City, is hereby amended by changing the use from Residential land use to Mixed Use land use on approximately 2.43 acres of land located at 509, 511, 513, 515, 519, 525, 527, 529, and 531 El Paso Street and the northern portion of 1025 South Frio Street, described as NCB 274 Block 102, Lot A1, save and except the property conveyed to the International and Great Northern Railway Company by Deed recorded in Volume 1791 Page 90 of the Bexar County Real Property Records. All portions of land mentioned are depicted in **Attachments "I" and "II"** attached hereto and incorporated herein for all purposes. The Deed recorded in Volume 1791 Page 90 of the Bexar County Real Property Records is attached as **Attachment "III"**.

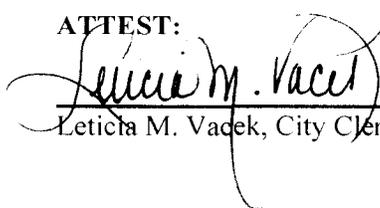
**SECTION 2.** This ordinance shall take effect April 17, 2011.

**PASSED AND APPROVED on this 7<sup>th</sup> day of April 2011**



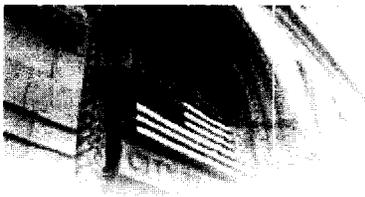
M A Y O R  
Julián Castro

**ATTEST:**

  
\_\_\_\_\_  
Leticia M. Vadek, City Clerk

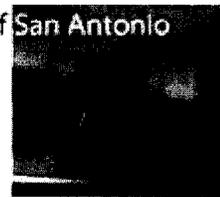
**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
for Michael Bernard, City Attorney



Request for  
**COUNCIL  
ACTION**

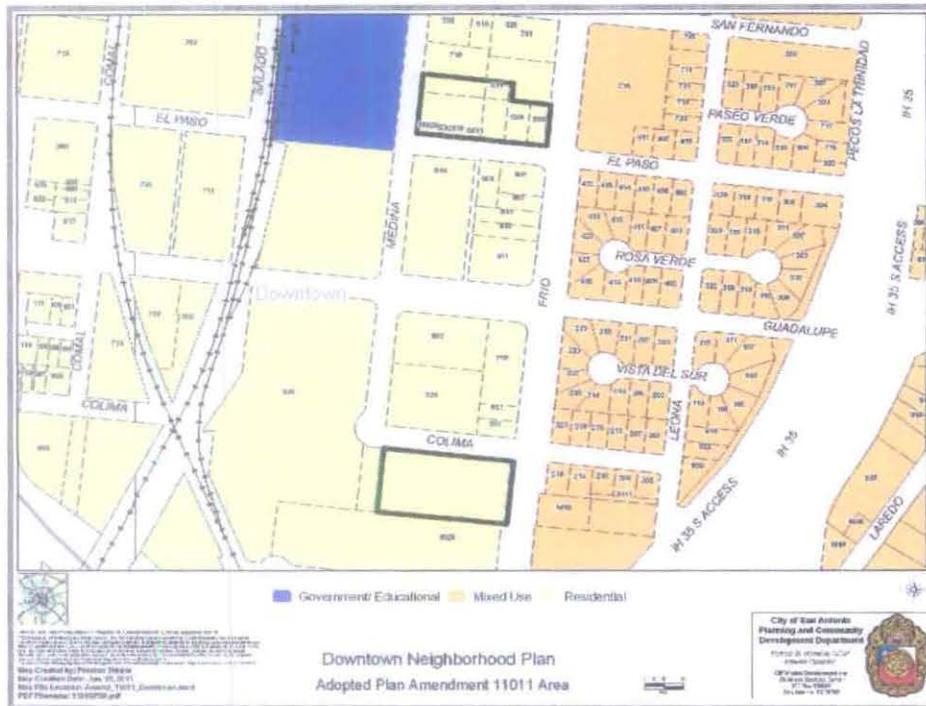
City of San Antonio



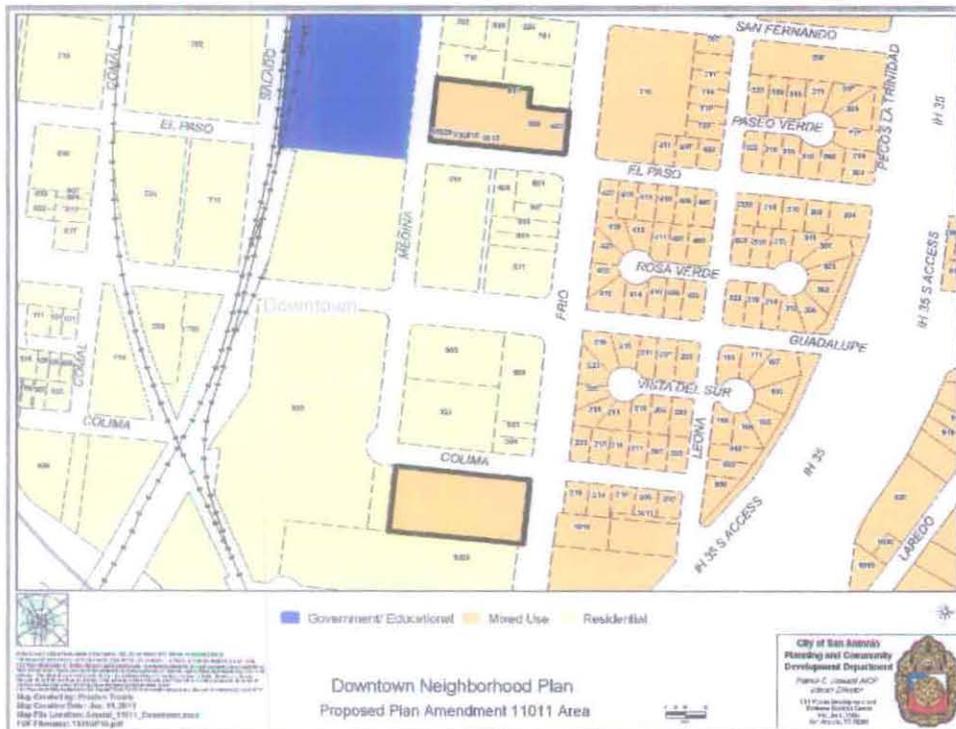
**Agenda Voting Results - P-1**

<b>Name:</b>	Z-1, Z-2, P-1, P-2, Z-3, Z-4, Z-5, Z-6, Z-9, Z-10						
<b>Date:</b>	04/07/2011						
<b>Time:</b>	02:19:07 PM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	PLAN AMENDMENT #11011 (District 5) - An Ordinance amending the land use plan contained in the Downtown Neighborhood Plan, a component of the Master Plan of the City, by changing the use of approximately 2.43 acres located at 509, 511, 513, 515, 519, 525, 527, 529, and 531 El Paso Street and the northern portion of 1025 South Frio Street from Residential land use to Mixed Use land use. Staff and Planning Commission recommend approval. (Associated Zoning Case: None ).						
<b>Result:</b>	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Mary Alice P. Cisneros	District 1		x			x	
Ivy R. Taylor	District 2		x				
Jennifer V. Ramos	District 3	x					
Philip A. Cortez	District 4	x					
David Medina Jr.	District 5	x					
Ray Lopez	District 6		x				
Justin Rodriguez	District 7		x				
W. Reed Williams	District 8		x				
Elisa Chan	District 9		x				
John G. Clamp	District 10		x				x

**ATTACHMENT I**  
**Land Use Plan as adopted:**



**ATTACHMENT II**  
**Proposed Amendment:**



THE STATE OF TEXAS :  
 COUNTY OF JIM WELLS : Before me, the undersigned authority, on this day personally appeared Elizabeth C. Birbeck, wife of Lee Birbeck, known to me to be the person whose name is subscribed to the foregoing instrument, and having been examined by me privily and apart from her husband, and having the same fully explained to her, she, the said Elizabeth C. Birbeck, acknowledged such instrument to be her act and deed, and she, declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it. Given under my hand and seal of office, this the 28th day of September, A. D. 1940.

Frank T. Morrill Notary Public in and for Jim Wells County, Texas.

SEAL

THE STATE OF WASHINGTON :  
 COUNTY OF \_\_\_\_\_ : Before me, the undersigned authority, on this day personally appeared Lucius C. Birbeck, known to me to be a reputable and credible person and who, after being by me duly sworn, deposed and upon <sup>his</sup> oath stated: My name is Lucius C. Birbeck, I have carefully read the foregoing affidavits signed by Lee Birbeck and my mother, Elizabeth C. Birbeck, I was too young to remember the events therein set out with reference to my adoption by Lee Birbeck but all my life the circumstances have been such as to indicate to me that I was, and was considered, the natural child of Lee Birbeck and Elizabeth C. Birbeck. I discovered, only recently, that I was not their natural child and that an attempt had been made to adopt me as set out in the affidavit of Lee Birbeck abovementioned. I am glad that I was adopted by Lee Birbeck as his heirs, and I desire to continue to be, and to be considered, as his child and heir. All of the facts set out in the affidavit, abovementioned, of Lee Birbeck, which occurred since I have been old enough to remember, I know of my own knowledge, and here state, are true and correct.

Lucius C. Birbeck

Sworn to and subscribed before me, the undersigned authority, on this 28th day of September, 1940, to certify which witness my hand and seal of office.

Jessie M. Gordon Notary Public in and for Clerk County, Washington.

SEAL

THE STATE OF WASHINGTON :  
 COUNTY OF CLARK : Before me, the undersigned authority, on this day personally appeared Lucius C. Birbeck, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed. Given under my hand and seal of office, this the 1st day of October, A. D. 1940.

Jessie M. Gordon Notary Public in and for Clerk County, Washington.

SEAL

Filed for record Oct. 7, 1940 at 10:34 A.M.  
 Albert G. Trawalter, County Clerk, Bexar County, Texas.  
 By Frank R. Newton, Jr., Deputy and recorded Oct. 21, 1940 at 4:30 P.M.  
 Albert G. Trawalter, County Clerk, Bexar County, Texas. By North W. Schuerman Deputy

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No. 222717

TAMALINA MILLING CO.

WARRANTY DEED

INTERNATIONAL AND GREAT NORTHERN RAILWAY CO.

THE STATE OF TEXAS :  
 COUNTY OF BEXAR : KNOW ALL MEN BY THESE PRESENTS: That The Tamalina Milling Company, of the County of Bexar, State of Texas, for and in consideration of the sum of One Dollars to it in hand paid by the International and Great Northern Railway Company, the receipt of which is hereby acknowledged and other valuable consideration, have Granted, Sold and Conveyed, and by these presents do Grant, Sell and Convey unto the said International and Great Northern Railway Co. a Corporation duly organized and existing under the laws of the State of Texas, of the County of Harris, State of Texas, all that certain tract or parcel of land

in the City of San Antonio, County of Bexar, State of Texas, being more fully described as follows, Viz: Being a strip of land 17 ft. in width on the west portion of North Half of Block 102, said Block being bounded on the North by Colima St. West by Medina St. South by Vera Cruz St.. The said strip of land lies East of and Parallel to East line of Medina St. for a distance of about 165 Ft. The strip of land to be used for railroad purposes, and should track be taken up and location abandoned, then the land reverts back to grantors, their successors and assigns To have and to hold the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said International and Great Northern Railway Company, their successors and assigns forever, and do hereby bind itself, its successors, executors and administrators, to Warrant and Forever Defend, all and singular the said premises unto the said International And Great Northern Railway Company, their successors and assigns against every person whomsoever, lawfully claiming or to claim the same or any part thereof. Witness my hand at San Antonio, This 15th day of December, A. D. 1911.

Tamalina Milling Co.

Per B. Martinez, President.

THE STATE OF TEXAS :  
COUNTY OF BEXAR : Before me, L. S. Goforth, Notary Public in and for Bexar County Texas, on this day personally appeared B. Martinez, President Tamalina Milling Co. known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed. Given under my hand and seal of office, this 15th day of March, A. D. 1912.

SEAL

L. S. Goforth  
Notary Public

Filed for record Oct. 7, 1940 at 12:06 P.M.  
Albert G. Trawalter, County Clerk, Bexar County, Texas.  
By Frank R. Newton, Jr., Deputy and recorded Oct. 21, 1940 at 4:50 P.M.  
Albert G. Trawalter, County Clerk, Bexar County, Texas. By Walter Schuyman Deputy

So - - So

No. 222754

WERNER E. DECEMBER ET AL

WARRANTY DEED  
Easement  
EASEMENT

COUNTY OF BEXAR  
STATE OF TEXAS

STATE OF TEXAS :  
COUNTY OF BEXAR :

KNOW ALL MEN BY THESE PRESENTS: That we, Werner E. December and wife, of the County of Bexar, State of Texas, for and in consideration of the sum of One (\$1.00) Dollars, to us in hand paid by the County of Bexar, State of Texas, the receipt of which is hereby acknowledged, do hereby grant unto the said County of Bexar, State of Texas, the right to construct and maintain a drainage ditch as a permanent easement on the following described tract or parcel of land, said tract of land being described as follows: Being the North 10' of the East one-half of Lot No. 18 Loma Vista Subdivision, said subdivision being recorded in Vol. 642, Page 265 of the Bexar County Plat Records Bexar County, Texas. To have and to hold the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said County of Bexar, State of Texas, its successors and assigns, and we do hereby bind ourselves, our heirs, executors and administrators to warrant and forever defend, all and singular, the said premises unto the said County of Bexar, State of Texas, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, in such a way as not to interfere with the use of said land for the purpose herein described. Witness our hands this 20th day of September, A. D. 1940.

Seal

Werner E. December  
Eve Marie December

STATE OF TEXAS :  
COUNTY OF BEXAR : Before me, the undersigned authority, a Notary Public in and for