

AN ORDINANCE 2012-03-01-0152

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 3.83 acres out of Lots 11 and 14, NCB 11687 from "C-1" Light Commercial District and "C-1 S" Light Commercial District with a Specific Use Authorization for a Hospital to "C-3" General Commercial District.

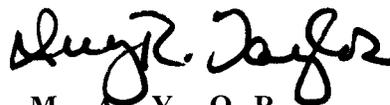
SECTION 2. A description of the property is attached as Attachment "A" and made a part hereof and incorporated herein for all purposes.

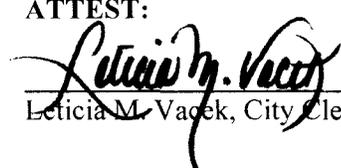
SECTION 3. All other provisions of Chapter 35 except those expressly amended by this ordinance shall remain in full force and effect including the penalties for violations as made and provided for in Section 35 -491.

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 March 11, 2012.

PASSED AND APPROVED this 1st day of March 2012.

for 
M A Y O R
Julián Castro

ATTEST:

Leticia M. Vacek, City Clerk

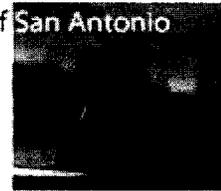
APPROVED AS TO FORM:

for Michael D. Bernard, City Attorney



Request for
COUNCIL
ACTION

City of San Antonio



Agenda Voting Results - Z-2

Name:	P-2, Z-2						
Date:	03/01/2012						
Time:	02:17:31 PM						
Vote Type:	Other: Applicants Request						
Description:	ZONING CASE # Z2011197 (District 1): An Ordinance amending the Zoning District Boundary from "'C-1" Light Commercial District and "C-1 S" Light Commercial District with a Specific Use Authorization for a Hospital to "C-3" General Commercial District on 3.83 acres out of Lots 11 and 14, NCB 11687 located at 4330 Vance Jackson. Staff recommends denial, with an alternate recommendation of "C-2 S" Commercial District with a Specific Use Authorization for a Hospital. Zoning Commission recommends approval, pending plan amendment. (Continued from February 16, 2012)						
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				x
Cris Medina	District 7		x				
W. Reed Williams	District 8		x				
Elisa Chan	District 9		x				
Carlton Soules	District 10	x					

Z2011197

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

SPECIAL WARRANTY DEED

THE STATE OF TEXAS

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§

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF BEXAR

THAT NSHC PROPERTIES, LLC, a Delaware limited liability company ("*Grantor*"), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, has GRANTED, BARGAINED, SOLD and CONVEYED and by these presents does GRANT, BARGAIN, SELL and CONVEY unto NIX SPE, LLC, a Texas limited liability company ("*Grantee*"), whose address is c/o Nix Health, 414 Navarro Street, Suite 600, San Antonio, Texas 78205, Attention: General Counsel, subject to the matters set out below, that certain tract or parcel of land in Bexar County, Texas more particularly described on Exhibit "A" attached to this deed and incorporated in it for all purposes, together with all rights, titles, and interests appurtenant thereto (such land and interests are hereinafter collectively referred to as the "*Property*").

This Special Warranty Deed and the conveyance set out above is executed by Grantor and accepted by Grantee subject to the matters described in Exhibit "B" attached hereto and incorporated herein by this reference, to the extent the same are validly existing and applicable to the Property ("*Permitted Encumbrances*").

Grantor hereby assigns and transfers to Grantee all claims and causes of action arising from or related to any Environmental Injury or other injury to the Property that may have occurred or originated prior to the date of this instrument. "*Environmental Injury*" means any injury, damage or loss in value to the Property arising from or related to any spill, leak or release of any hazardous or toxic substance (solid or otherwise), hazardous waste, solid waste, pollutant, oil or petroleum product or other solid, liquid or gaseous substance or product which is currently or hereinafter listed, regulated or designated by any state or federal governmental agency as toxic, hazardous or harmful. Grantor makes no representations or warranties to Grantee as to the existence or viability of any such claims or causes of action. This assignment and transfer does not include any claims or causes of action against the Grantor. Further, Grantor reserves the right to make joint indemnification claims with Grantee for Environmental Injury or other injury caused by a third party but for which Grantor may be liable to Grantee or to any other party.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereunto in anywise belonging, unto Grantee, its successors and assigns forever, and Grantor does hereby bind itself, its successors and assigns, to WARRANT AND FOREVER DEFEND all

and singular the title to the Property unto said Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through, or under Grantor, but not otherwise, subject only to the Permitted Encumbrances.

Grantee, by its acceptance of this Special Warranty Deed, assumes payment of ad valorem taxes for the year 2011 and subsequent years.

[Signature Page Immediately Follows]

EXECUTED to be effective as of the 1st day of February, 2012.

GRANTOR:

NSHC PROPERTIES, LLC,
a Delaware limited liability company

By: 

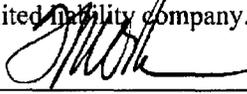
Name: Lester E. Surrock

Title: Senior Vice President / Chief Financial Officer

STATE OF TEXAS §
 §
COUNTY BEXAR §

This instrument was acknowledged before me on this 31st day of JANUARY, 2012, by Lester E. Surrock, Senior Vice President and Chief Financial Officer of NSHC PROPERTIES, LLC, a Delaware limited liability company, on behalf of said limited liability company.

[SEAL] THOMAS M. O'BRIEN
Notary Public, State of Texas
Qualified in Bexar County
Commission Expires August 26, 2006


Notary Public in and for the
STATE OF TEXAS

AFTER RECORDING RETURN TO:
Haynes and Boone, LLP
2323 Victory Avenue, Suite 700
Dallas, Texas 75219
Attn: D. Brack Bryant

EXHIBIT A
TO
SPECIAL WARRANTY DEED

Description of the Property

Being a 3.828 acre tract of land situated in New City Block 11687, San Antonio, Bexar County, Texas and being all of called 3.830 tract of land described in deed recorded in Book 11702, Page 1489 of the Official Public Records of Bexar County, Texas and being more particularly described as follows:

Commencing at a 1/2 inch iron rod found on the easterly right-of-way line of Vance Jackson Road (a 86 foot right-of-way) being the southwesterly corner of Lot 13, Legan Subdivision NO.1 as recorded in Volume 6400, Page 91 of the Plat Records of Bexar County Texas.

THENCE along the northerly line of Perpetual non-exclusive easements for ingress and egress and drainage as described by instrument recorded in Volume 2757, Page 607, Real Property Records, Bexar County, Texas.

Thence South 89°48'12" East along for a distance of 111.29 feet;

THENCE with a curve to the left having a radius of 51.50 feet an arc length of 32.34 feet, and a central angle of 35°58'32", being subtended by a chord of North 72°12'32" East for a distance of 31.81 feet;

THENCE North 54°13'16" East for a distance of 253.38 feet;

THENCE with a curve to the right having a radius of 248.50 feet an arc length of 43.23 feet, and a central angle of 9°58'05", being subtended by a chord of North 59°12'18" East for a distance of 43.18 feet;

THENCE South 00°02'05" West for a distance of 35.04 feet to a 1/2 inch iron rod found for the POINT OF BEGINNING;

THENCE North 00°02'05" East for a distance of 242.74 feet to a 1/2 inch iron rod found;

THENCE North 89°57'32" East for a distance of 102.73 feet to a 1/2 inch iron rod found;

THENCE North 00°06'55" West for a distance of 59.94 feet to a 1/2 inch iron rod found;

THENCE North 89°57'41" East for a distance of 469.44 feet to a 1/2 inch iron rod found;

THENCE South 06°12'16" East for a distance of 368.76 feet to an "X" found;

THENCE North 85°48'29" West for a distance of 71.97 feet to a 1/2 inch iron rod found;

THENCE North 47°39'43" West for a distance of 44.27 feet to a 1/2 inch iron rod found;

THENCE with a non-tangent curve to the left having a radius of 217.50 feet an arc length of 161.60 feet, and a central angle of 42°34'17", being subtended by a chord of North 68°47'13" West for a distance of 157.91 feet to a 1/2 inch iron rod found;

THENCE North 89°58'35" West for a distance of 252.74 feet to a 1/2 inch iron rod found;

THENCE with a non-tangent curve to the left having a radius of 217.50 feet an arc length of 112.62 feet,

and a central angle of $29^{\circ}40'05''$, being subtended by a chord of South $75^{\circ}00'54''$ West for a distance of 111.37 feet to the POINT OF BEGINNING

Said tract having a computed area of 166,741 square feet or 3.828 Acres.

EXHIBIT B
TO
SPECIAL WARRANTY DEED

Permitted Encumbrances

1. Taxes and assessments for the year 2011 and subsequent years, not yet due and payable.
2. Rights of tenants in possession, as tenants only, under unrecorded lease agreements as shown on attached Rent Roll.
3. 30 foot building setback line as shown on plat recorded in Volume 6400, Page 91, Deed and Plat Records, Bexar County, Texas, as shown on survey prepared by Larry G. Ferguson, RPLS #5632, dated 12-1-11, last revised 1-12-12; Bock & Clark Project #201101892-2 (TRACTS 1 AND 2).
4. 16 foot sanitary sewer easement along the ease property line of Lot 14, as shown on plat recorded in Volume 5940, Page 69, and 6400, Page 91, Deed and Plat Records, Bexar County, Texas, as shown on survey prepared by Larry G. Ferguson, RPLS #5632, dated 12-1-11, last revised 1-12-12; Bock & Clark Project #201101892-2 (TRACT 1).
5. 15 foot sanitary sewer easement crossing portions of the property, as shown on plat recorded in Volume 5870, Page 243 and Volume 6400, Page 91, Deed and Plat Records, Bexar County, Texas, as noted on survey prepared by Larry G. Ferguson, RPLS #5632, dated 12-1-11, last revised 1-12-12; Bock & Clark Project #201101892-2 (TRACT 2).
6. 16 foot sanitary sewer easement and water line easement along the most southerly portion of the property, as shown on plat recorded in Volume 6400, Page 156, Deed and Plat Records, Bexar County, Texas, as shown on survey prepared by Larry G. Ferguson, RPLS #5632, dated 12-1-11, last revised 1-12-12; Bock & Clark Project #201101892-2 (TRACT 1).
7. Lo-Vaca Gathering company gas pipeline easement as shown on plat recorded in Volume 5870, Page 243, and Volume 6400, Page 91, Deed and Plat Records, Bexar County, Texas, and as recorded in Volume 2579, Page 512, and Volume 6023, Page 607, Deed Records, Bexar County, Texas, as noted on survey prepared by Larry G. Ferguson, RPLS #5632, dated 12-1-11, last revised 1-12-12; Bock & Clark Project #201101892-2 (TRACT 1 AND 2).
8. Terms and provisions of Restrictive Covenants for surface water easement across the subject property as provided by instrument recorded in Volume 5895, Page 936, Deed Records, Bexar County, Texas, as noted on survey prepared by Larry G. Ferguson, RPLS #5632, dated 12-1-11, last revised 1-12-12; Bock & Clark Project #201101892-2 (TRACTS 1 AND 2).
9. 20 foot electric line easement along the north line of Lots 11 and 14, as provided by instrument recorded in Volume 6579, Pages 103 and 105, Deed Records, Bexar County, Texas, as shown on survey prepared by Larry G. Ferguson, RPLS #5632, dated 12-1-11, last revised 1-12-12; Bock & Clark Project #201101892-2 (TRACT 1).
10. Perpetual non-exclusive easement for ingress and egress and drainage, over and across a 0.428 acre parcel as described by instrument recorded in Volume 2757, Page 607, Real Property Records, Bexar County, Texas, as shown on survey prepared by Larry G. Ferguson, RPLS #5632, dated 12-1-11, last revised 1-12-12; Bock & Clark Project #201101892-2 (TRACTS 1 AND 2).

11. Cable TV easement granted to KBL Cablesystems of the Southwest, dba Paragon Cable, by instrument recorded in Volume 7022, Page 1059, Real Property Records, Bexar County, Texas, as noted on survey prepared by Larry G. Ferguson, RPLS #5632, dated 12-1-11, last revised 1-12-12; Bock & Clark Project #201101892-2 (TRACTS 1 AND 2).

12. 15 foot sewer easement granted to City of San Antonio by instrument recorded in Volume 8067, Page 154, Deed Records, Bexar County, Texas, as noted on survey prepared by Larry G. Ferguson, RPLS #5632, dated 12-1-11, last revised 1-12-12; Bock & Clark Project #201101892-2 (TRACT 2).

13. Encroachment/protrusion of adjoining building over the East property line and into sanitary sewer easement, as shown on survey prepared by Larry G. Ferguson, RPLS #5632, dated 12-1-11, last revised 1-12-12; Bock & Clark Project #201101892-2.

14. Encroachment/protrusion of building into 30' building line, as shown on survey prepared by Larry G. Ferguson, RPLS #5632, dated 12-1-11, last revised 1-12-12; Bock & Clark Project #201101892-2.

15. Encroachment/protrusion of fence along the North and Southeast property lines, as shown on survey prepared by Larry G. Ferguson, RPLS #5632, dated 12-1-11, last revised 1-12-12; Bock & Clark Project #201101892-2.

16. Overhead, electric line outside easement area near the Northeast and Northwest corner(s) of property, as shown on survey prepared by Larry G. Ferguson, RPLS #5632, dated 12-1-11, last revised 1-12-12; Bock & Clark Project #201101892-2.

Doc# 20120018997
Pages 8
02/01/2012 4:35PM
e-Filed & e-Recorded in the
Official Public Records of
BEXAR COUNTY
GERARD C. RICKHOFF
COUNTY CLERK
Fees \$40.00

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.
02/01/2012 4:35PM
COUNTY CLERK, BEXAR COUNTY TEXAS



Gerard Rickhoff