SG/cla
06/05/2014
Z-6

CASE NO. Z2014134

AN ORDINANCE 2014-06-05-0403

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 10.243 acres out of NCB 17172 from "C-3 AHOD" General Commercial Airport Hazard Overlay District and "I-1 AHOD" General Industrial Airport Hazard Overlay District to "C-2NA AHOD" Commercial Nonalcoholic Sales 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 June 15, 2014.

PASSED AND APPROVED this 5th day of June 2014.

for **M A Y O R**
Julián Castro

ATTEST:

Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

for Robert F. Greenblum, City Attorney

Agenda Item:	**Z-6 (in consent vote: Z-1, P-1, Z-2, P-2, Z-3, Z-5, Z-6, Z-7)**
Date:	06/05/2014
Time:	02:15:36 PM
Vote Type:	Motion to Approve
Description:	ZONING CASE # Z2014134 (District 6): An Ordinance amending the Zoning District Boundary from "C-3 AHOD" General Commercial Airport Hazard Overlay District and "I-1 AHOD" General Industrial Airport Hazard Overlay District to "C-2NA AHOD" Commercial Nonalcoholic Sales Airport Hazard Overlay District on 10.243 acres out of NCB 17172 located on a portion of the 8600 Block of Waters Edge Drive. Staff and Zoning Commission recommend approval.
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				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				
Joe Krier	District 9		x				
Michael Gallagher	District 10		x				

Z2014134

AFTER RECORDING RETURN TO:
Judy Hinson
Stewart Title Company
2200 West Loop South, Suite 510
Houston, Texas 77027

GF 93251370 GM $21.00

94 0072508

RTC TEXAS SPECIAL WARRANTY DEED WITH VENDOR'S LIEN

THIS SPECIAL WARRANTY DEED WITH VENDOR'S LIEN is made the 8th day of April, 1994, to be effective April 13, 1994 by RESOLUTION TRUST CORPORATION, as Receiver for Commerce Federal Savings Association, whose address is 801 17th Street, N.W., Washington, D.C. 20434-0001, as GRANTOR, to DITTMAR FAMILY PARTNERSHIP, LTD., a Texas limited partnership, 4514 Cole Avenue, Suite 600, Dallas, Texas 75205, as GRANTEE.

Witness that Grantor, for good and valuable consideration, receipt of which is acknowledged, and the further consideration of the execution and delivery by Grantee of one certain promissory note (the "Note") dated April 13, 1994 in the original principal sum of $276,250.00 made payable to the order of Grantor, and, in addition to the vendor's lien retained in this deed in favor of Grantor securing the repayment of the Note, Grantee has executed a deed of trust ("Deed of Trust") of even date with the Note to Patricia M. Stanton, Trustee, to be recorded in the real property records of Bexar County, Texas, hereby sells, grants and conveys to Grantee all the real property located in Bexar County, Texas, more particularly described on Exhibit A attached hereto and made a part hereof, together with all tenements, hereditaments and appurtenances thereto; subject to current real property taxes, zoning and other governmental restrictions, and all covenants, conditions, restrictions, easements, rights-of-way and other matters of record.

To have and to hold, all and singular, the real property aforementioned unto said Grantee, its successors and assigns, forever.

Grantor hereby covenants with Grantee that Grantor will forever defend Grantee against claims of all persons claiming by, through or under Grantor, but not otherwise, except as to the reservations from and exceptions to this conveyance as aforementioned. GRANTOR MAKES NO OTHER COVENANTS OR WARRANTIES, EXPRESS OR IMPLIED, OF MERCHANTABILITY, MARKETABILITY, FITNESS OR SUITABILITY FOR A PARTICULAR PURPOSE OR OTHERWISE EXCEPT AS SET FORTH AND LIMITED HEREIN. ANY IMPLIED COVENANTS OR WARRANTIES ARE EXPRESSLY DISCLAIMED AND EXCLUDED BY THIS SPECIAL WARRANTY DEED.

VOL 5043 PG 0495

RTC Form Raw Land Contract ($500,000+) - Texas
Ver. 1.0
Approved December 18, 1991
RTC Committee on Management and Disposition of Assets

DAL02:20882.3

Attachment A

Z2014134

It is expressly agreed and stipulated that a vendor's lien is retained in this deed in favor of Grantor who will hold superior title in and to the property described herein; the title in Grantee will not become absolute until the Note, together with all renewals and extensions thereof, and all interest and other charges thereon, are fully paid, according to the face and effect and reading thereof, and all obligations of Grantee under the Deed of Trust and/or any other document now or hereafter securing, guaranteeing or executed in connection with the loan evidenced by the Note have been fully satisfied, at which time this deed shall become absolute.

IN WITNESS WHEREOF, Grantor has set its hand and seal the day and year first above written.

GRANTOR:

RESOLUTION TRUST CORPORATION, as Receiver for Commerce Federal Savings Association

By: Amy Hersh
Print Name: Amy Hersh
Title: Attorney-in-Fact

VOL 6043 PG 0496

RTC Form Raw Land Contract ($500,000+) - Texas
Ver. 1.0
Approved December 18, 1991
RTC Committee on Management and Disposition of Assets

DAL02:20882.3

Z2014134

DISTRICT §
OF §
COLUMBIA §

The foregoing instrument was acknowledged before me this 8th day of April, 1994, by Amy Hirsh, Attorney-In-Fact for the Resolution Trust Corporation, as Receiver for Commerce Federal Savings Association, on behalf of the corporation.

Christine M. Buyarski
Notary Public, District of Columbia
Name Printed: Christine M. Buyarski
My Commission Expires: Sept. 30, 1997

JOINDER

RESOLUTION TRUST CORPORATION, acting in its capacity as Receiver for Commerce Savings Association, predecessor-in-interest to Grantor with respect to the above-described real property, hereby conveys and quitclaims to Grantee any and all interest it may have in the real property, and hereby joins in the conveyance of the real property to Grantee, without warranty.

RESOLUTION TRUST CORPORATION, as Receiver for Commerce Savings Association

By: Amy Hirsh
Print Name: Amy Hirsh
Title: Attorney-in-Fact

VOL 6043 PG0497

RTC Form Raw Land Contract ($500,000+) - Texas
Ver. 1.0
Approved December 18, 1991
RTC Committee on Management and Disposition of Assets

DALO2:20882.3

Z2014134

DISTRICT §
OF §
COLUMBIA §

The foregoing instrument was acknowledged before me this 8th day of April, 1994, by Amy Hirsh, Attorney-in-Fact for the Resolution Trust Corporation, as Receiver for Commerce Savings Association, on behalf of the corporation.

Christine M Bunyarski
Notary Public, District of Columbia
Name Printed: Christine M. Bunarski
My Commission Expires: Sept 30, 1997

VOL 6043 PG 0198

RTC Form Raw Land Contract ($500,000+) - Texas
Ver. 1.0
Approved December 18, 1991
RTC Committee on Management and Disposition of Assets

DAL02:20882.3

Z2014134

TRACT I

14.521 acres of land out of a 1533.835 acre tract described by Deed recorded in Volume 6181, Page 333 of the Deed and Plat records of Bexar County, Texas, and out of the City of San Antonio, New City Block 17872, and also out of Blocks 35 and 36, CABLE RANCH SUBDIVISION, according to plat thereof recorded in Volume 105, Page 162, of the Deed and Plat Records of Bexar County, Texas, and out of the J. W. McCamley Survey No. 70, Abstract 470, Bexar County, Texas, said 14.521 acres of land being more particularly described as follows:

BEGINNING at a ½ inch iron rod found in the West right-of-way line of Horal Drive for an Easterly corner of the herein described tract and the Northeast corner of Lot 1, Block 6, New City Block 17872, City of San Antonio No. 8 Subdivision according to plat thereof recorded in Volume 9515, Page 213 of the Deed and Plat Records of Bexar County, Texas, said point also being North 00 deg. 21' 00" East, 213.17 feet from the point of intersection of the Northerly right-of-way line of Garden Brook with the West right-of-way line of Horal Drive;

THENCE, North 89 deg. 33' 58" West, 214.81 feet along the North line of said Lot 1, Block 6 to a fence post, said point being the Northwest corner of said Lot 1, Block 6;

THENCE, South 00 deg. 22' 07" West, 226.61 feet to a ½ inch iron rod found on a curve in the Northerly right-of-way line of Garden Brook for a Southeast corner of the herein described tract, and point also being the Southwest corner of said Lot 1, Block 6;

THENCE, along and with the Northerly right-of-way line of Garden Brook and Southerly line of the herein described tract as follows:

179.60 feet with the arc of a curve to the left having a radius of 310.00 feet and a central angle of 33 deg. 11' 39" to a ½ inch iron rod found for a point of tangency;

South 40 deg. 18' 27" West, 181.90 feet to a ½ inch iron rod found for a point of curvature;

165.68 feet with the arc of a curve to the right having a radius of 190.00 feet and a central angle of 49 deg. 57' 42" to a ½ inch iron rod found for a point of tangency;

North 89 deg. 50' 34" West, 66.01 feet to a ½ inch iron rod found for a point of curvature;

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Z2014134

Exhibit "A"

TRACT II

10.243 acres of land, more or less, out of a 1533.835 acre tract described by Deed recorded in Volume 6181, Page 333 of Deed and Plat Records of Bexar County, Texas, and out of the City of San Antonio, New City Block 17172, and also out of Block 35, CABLE RANCH SUBDIVISION, according to plat recorded in Volume 105, Page 162 of the Deed and Plat Records of Bexar County, Texas, and out of the J. W. McCamley Survey No. 70, Abstract 470, Bexar County, Texas, said 10.243 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found in the South right-of-way line of Waters Edge Drive. Said iron rod being the Northeast corner of the herein described tract and the Northwest corner of Lot 13, Block 1, New City Block 17172 of GRC SUBDIVISION, UNIT 2, as recorded in Volume 9503, Page 108 of the Deed and Plat Records of Bexar County, Texas. Said 10.243 acres being more particularly described as follows:

THENCE, South 00 deg. 17' 46" West, 537.81 feet with the West line of said Lot 13 and the East line of the herein described tract to a 1/2 inch iron rod found for the Southeast corner of the herein described tract;

THENCE, North 89 deg. 43' 34" West, 944.59 feet to a 1/2 inch iron rod found on the Easterly right-of-way of Horal Drive for the Southwesterly corner of this tract, said point of intersection being on a curve to the right;

THENCE, 290.71 feet along the arc of a curve to the right having a radius of 370.00 feet and a central angle of 45 deg. 01' 04" to a 1/2 inch iron rod found for a point of reverse curvature;

THENCE, 296.49 feet along the arc of a curve to the left having a radius of 430.00 feet and a central angle of 39 deg. 30' 22" to a 1/2 inch iron rod found for a point of reverse curvature;

THENCE, 22.08 feet along the arc of a curve to the right having a radius of 15.00 feet and a central angle of 84 deg. 20' 14" to a 1/2 inch iron rod set for a point of tangency on the South right-of-way line of Waters Edge Drive;

THENCE, along said right-of-way line South 89 deg. 43' 34" East, 696.78 feet to the POINT OF BEGINNING, containing 10.243 acres of land, more or less.

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Z2014134

23.46 feet with the arc of a curve to the right having a radius of 15.00 feet and a central angle of 89 deg. 36' 05" to a ½ inch iron rod found for a point of tangency on the Easterly right-of-way line of Cable Ranch Road;

THENCE, along the Easterly right-of-way line of Cable Ranch Road and the Westerly line of the herein described tract as follows:

North 01 deg. 26' 05" East, 71.21 feet to a ½ inch iron rod found for a point of curvature;

1043.88 feet with the arc of a curve to the right having a radius of 1995.08 feet and a central angle of 29 deg. 58' 43" to a ½ inch iron rod found for a point of tangency;

North 30 deg. 24' 08" East, 255.62 feet to a ½ inch iron rod found for a point of curvature;

23.08 feet with the arc of a curve to the right having a radius of 15.00 feet and a central angle of 88 deg. 08' 38" to a ½ inch iron rod found for a point of reverse curvature on the Southerly right-of-way line of Waters Edge Drive;

THENCE, along the Southerly right-of-way line of Waters Edge Drive and the Northerly line of the herein described tract as follows:

367.97 feet with the arc of a curve to the left having a radius of 730.00 feet and central angle of 28 deg. 52' 53" to a ½ inch iron rod found for a point of tangency;

South 89 deg. 43' 34" East, 156.16 feet to a ½ inch iron rod found for a point of curvature;

25.40 feet with the arc of a curve to the right having a radius of 15.00 feet and a central angle of 97 deg. 00' 35" to a ½ inch iron rod found for a point of compound curvature in the West right-of-way line of Horal Drive;

THENCE, along and with the West right-of-way line of Horal Drive and the East line of the herein described tract as follows:

246.39 feet with the arc of a curve to the right having a radius of 370.00 feet and a central angle of 38 deg. 09' 14" to a ½ inch iron rod found for a point of reverse curvature;

337.66 feet with the arc of a curve to the left having a radius of 430.00 feet and a central angle of 44 deg. 59' 28" to a ½ inch iron rod found for a point of tangency;

South 00 deg. 24' 26" West, 151.11 feet to the POINT OF BEGINNING and containing 14.521 acres of land, more or less.

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Any provision herein which restricts the sale, rental, 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 hereon by me and was duly RECORDED in the Official Public Records of Real Property of Bexar County, Texas on:

APR 25 1994

Robert D. Green

COUNTY CLERK BEXAR CO.

Filed for Record in:
BEXAR COUNTY, TX
ROBERT D. GREEN/COUNTY CLERK

On Apr 20 1994

At 2:50pm

Receipt #: 37755
Recording: 15.00
Doc/Mgmt : 6.00

Doc/Num : 94- 0022503

Deputy -Betty Sepulveda

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