

AN ORDINANCE 2015-02-12-0094

DECLARING AS SURPLUS A 0.160 ACRE TRACT OF CITY OWNED PROPERTY LOCATED AT TERESA STREET AND IH 35 AND DESCRIBED AS THE REMAINING PORTION OF LOTS 13 AND 14, BLOCK 1, NCB 6673 AND REMAINING PORTION OF LOT 12, BLOCK 8, NCB 2838 IN COUNCIL DISTRICT 5 AND AUTHORIZING ITS SALE TO JMB SA PROPERTIES LLC FOR \$69,870.00

* * * * *

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

SECTION 1. The City Manager and her designee, severally, are authorized and directed to sell to JMB SA Properties, LLC or its assignee the 0.160 acre property, more or less, as shown in **Attachment I** for \$69,870.00. The City Manager and her designee, severally, are authorized and directed to execute and deliver on behalf of the city a deed without warranty, substantially in the form shown in **Attachment II**, conveying the above-described property to JMB SA Properties, LLC or its assignee. The City Manager and her designee, severally, are authorized to take all additional actions reasonably necessary or convenient to effectuate the transaction, including executing and delivering all instruments and agreements conducive to effectuating the transaction.

SECTION 2. Funds generated by this ordinance will be deposited into Fund 11001000, Internal Order 256000000001 and General Ledger 4903101.

SECTION 3. The disposition of surplus property must be coordinated through the City's Finance Department to assure the removal of these assets out of the City's financial records and to record the proper accounting transactions.

SECTION 4. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance, may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

SECTION 5. This ordinance becomes effective 10 days after passage, unless it receives the eight votes requisite to become immediately effective under San Antonio Municipal Code § 1-15, in which case it becomes effective immediately.

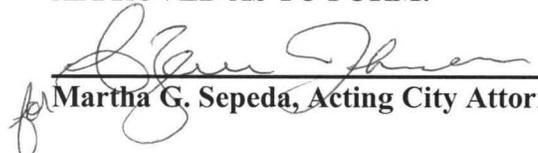
PASSED AND APPROVED this 12th day of February, 2015.


M A Y O R
Ivy R. Taylor

ATTEST:

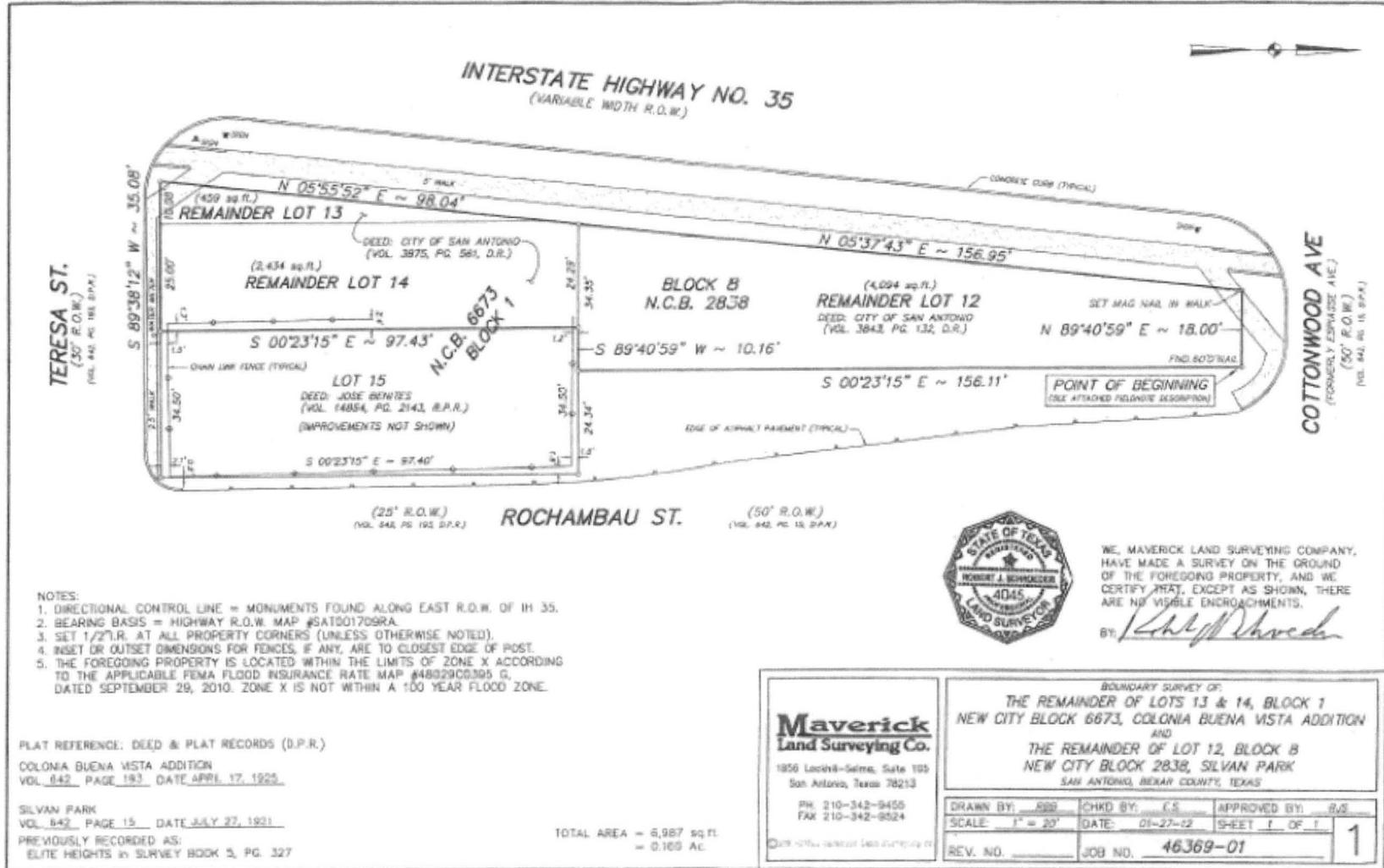

Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:


for Martha G. Sepeda, Acting City Attorney

Attachment I





- NOTES:
1. DIRECTIONAL CONTROL LINE = MONUMENTS FOUND ALONG EAST R.O.W. OF IH 35.
 2. BEARING BASIS = HIGHWAY R.O.W. MAP #SAT001709RA.
 3. SET 1/2" I.R. AT ALL PROPERTY CORNERS (UNLESS OTHERWISE NOTED).
 4. INSET OR OUTSET DIMENSIONS FOR FENCES, IF ANY, ARE TO CLOSEST EDGE OF POST.
 5. THE FOREGOING PROPERTY IS LOCATED WITHIN THE LIMITS OF ZONE X ACCORDING TO THE APPLICABLE FEMA FLOOD INSURANCE RATE MAP #48029C0305 G, DATED SEPTEMBER 29, 2010. ZONE X IS NOT WITHIN A 100 YEAR FLOOD ZONE.

PLAT REFERENCE: DEED & PLAT RECORDS (D.P.R.)
 COLONIA BUENA VISTA ADDITION
 VOL. 842, PAGE 193, DATE APRIL 17, 1925.
 SILVAN PARK
 VOL. 842, PAGE 15, DATE JULY 27, 1921.
 PREVIOUSLY RECORDED AS:
 ELITE HEIGHTS IN SURVEY BOOK 5, PG. 327

TOTAL AREA = 6,987 sq. ft.
= 0.160 Ac.



WE, MAVERICK LAND SURVEYING COMPANY, HAVE MADE A SURVEY ON THE GROUND OF THE FOREGOING PROPERTY, AND WE CERTIFY THAT, EXCEPT AS SHOWN, THERE ARE NO VISIBLE ENCROACHMENTS.

BY: *Robert J. Schneider*

Maverick Land Surveying Co. 1850 Lochin-Selma, Suite 105 San Antonio, Texas 78213 PH 210-342-9450 FAX 210-342-9524 <small>©2011 Maverick Land Surveying Co.</small>	BOUNDARY SURVEY OF: THE REMAINDER OF LOTS 13 & 14, BLOCK 1 NEW CITY BLOCK 6673, COLONIA BUENA VISTA ADDITION AND THE REMAINDER OF LOT 12, BLOCK B NEW CITY BLOCK 2838, SILVAN PARK SAN ANTONIO, BEXAR COUNTY, TEXAS		
	DRAWN BY: <u>ESD</u> SCALE: 1" = 20' REV. NO. _____	CHKD BY: <u>CS</u> DATE: <u>01-27-12</u> JOB NO. <u>46369-01</u>	APPROVED BY: <u>S/S</u> SHEET <u>1</u> OF <u>1</u>

1856 Lockhill-Selma, Suite 105
San Antonio, Texas 78213

Maverick
Land Surveying Co.

Tel. 210-342-9455 • Fax 210-342-9524
www.mavericklandsurveying.com

January 27, 2012
Job No. 46369-01

STATE OF TEXAS
COUNTY OF BEXAR

FIELD NOTE description of a 0.160 acre tract of land situated within the corporate limits of the City of San Antonio, Bexar County, Texas, being the remaining portion of Lots 13 and 14, Block 1, New City Block 6673, COLONIA BUENA VISTA ADDITION, recorded in Volume 642, Page 193, Deed and Plat Records of said county and state, together with the remaining portion of Lot 12, Block 8, New City Block 2838, SILVAN PARK, recorded in Volume 642, Page 15, said Deed and Plat Records. In all, said 0.160 acre tract being more particularly described as follows:

BEGINNING at a 60-D nail found at the southwest corner of the intersection of Cottonwood Ave. (a 50.00 foot wide public right of way) and Rochambau St. (a 50.00 foot wide public right of way), same being at the northeast corner of said Lot 12 for the northeast corner and POINT OF BEGINNING of this tract;

THENCE, with the west line of said Rochambau St. and the east line of said Lot 12, South 00° 23' 15" East (bearing basis TXDOT Highway ROW Map #SAT001709RA), 156.11 feet to a ½" iron rod set from whence a ½" iron rod set on the west line of Rochambau St. (a 25.00 foot wide public right of way, at this point), same being the northeast corner of Lot 15, Block 1, New City Block 6673, said COLONIA BUENA VISTA ADDITION bears North 89° 40' 59" East, 24.34 feet for an exterior corner of this tract;

THENCE, along the north line of said Lot 15 and the south line of said Lot 12, South 89° 40' 59" West, 10.16 feet to a ½" iron rod set for the common north corner of said Lots 15 and 14 for an interior corner of this tract;

THENCE, along the west line of said Lot 15 and the east line of said Lot 14, South 00° 23' 15" East, 97.43 feet to a ½" iron rod set on the north line of Teresa St. (a 30.00 foot wide public right of way), same being at the common south corner of said Lots 15 and 14 from whence a ½" iron rod set at the northwest corner of the intersection of said Rochambau St. and said Teresa St. same being at the southeast corner of said Lot 15 bears North 89° 38' 12" East, 34.50 feet, for the southeast corner of this tract;

THENCE, with the north line of said Teresa St. and the south line of said Lots 14 and 13, South 89° 38' 12" West, at 25.00 feet pass the common south corner of said Lots 14 and 13, in all 35.08 feet to a ½" iron rod set on the east line of Interstate Highway No. 35 for the southwest corner of this tract;

THENCE, with said east line North 05° 55' 52" East, 98.04 feet to a ½" iron rod set on the north line of said Lot 14 and the south line of said Lot 12 for an exterior corner of this tract;

THENCE, continuing with the east line of said Interstate Highway No. 35, North 05° 37' 43" East, 156.95 feet to a Mag Nail set in concrete on the south line of said Cottonwood Ave. and the north line of said Lot 12 for the northwest corner of this tract;

THENCE, with said south line of Cottonwood Ave. and the north line of said Lot 12, North 89° 40' 59" East, 18.00 feet to the POINT OF BEGINNING.

CONTAINING in all 0.160 acres or 6,987 square feet, more or less.

Surveyed on the ground this 27th day of January, 2012.

All ½" iron rods set are capped with an orange plastic cap marked, "MLS CO, RPLS 4612."

A graphic exhibit accompanies this description.



MAVERICK LAND SURVEYING COMPANY

A handwritten signature in black ink, appearing to read "Robert J. Schroeder".

Robert J. Schroeder, R.P.L.S. Texas No. 4045

Attachment II: Form of Deed

Notice of Confidentiality Rights: If You Are a Natural Person, You May Remove or Strike Any or All 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.

State of Texas }
 }
County of Bexar }

Deed Without Warranty

Authorizing Ordinance:

Statutory Authority: Local Government Code § 272.001(a)

SP No./Parcel: 1573

Grantor: City of San Antonio

Grantor's Mailing Address: City Of San Antonio, P.O. Box 839966, San Antonio, Texas 78283-3966 (Attn: City Clerk)

Grantor's Street Address: City Hall, 100 Military Plaza, San Antonio, Texas 78205 (Bexar County)

Grantee: JMB SA Properties, LLC

Grantee's Mailing Address: P. O. Box 830366, San Antonio, Texas 78283-0366

Consideration: \$10 in hand paid and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged.

Property: All of the following real property situated within the corporate limits of the City of San Antonio, Bexar County, Texas, being described as follows:

Remaining portion of Lots 13 and 14, Block 1, NCB 6673 and remaining portion of Lot 12, Block 8, NCB 2838

more particularly described by metes and bounds and

shown by survey on **Exhibit "A"** attached hereto and incorporated herein verbatim for all purposes.

Grantor, for the Consideration, Grants, Bargains, and Conveys to Grantee, all of Grantor's right, title, interest, and estate, both at law and in equity, as of the date hereof, in and to the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, To Have and To Hold unto Grantee, Grantee's successors and assigns forever, **Without Any Express Or Implied Warranty whatsoever, Including But Not Limited to Warranties of Title, Condition, or Character.**

The Property is conveyed together with any and all improvements, structures and fixtures located thereon, and with all rights, privileges, rights of way, and easements appurtenant thereto, unless reserved unto other parties herein.

Reservations, Restrictions, Exceptions, And Conditions To Conveyance: This conveyance is explicitly subject to the following:

A. Reservations: Not later than 12 months after Closing, Grantee must apply for all permits required for renovating the Property. Not later than 24 months after receipt of the permits, (a) Grantee must, other than for ordinary punch-list items, complete renovations costing at least \$250,000 and (b) the primary building on the Property must be occupied.

If Grantee fails to timely procure the permits, fails to timely substantially complete the renovations, or fails to timely have the building occupied by the requisite percentage, Grantor may at any time re-enter the Property and retake title to it by filing in the Bexar County real property records a Notice of Re-Entry. Grantor may also file the Notice of Re-Entry if Grantee fails to diligently pursue getting permits that are applied for. Upon Grantor's filing the Notice of Re-Entry, title automatically passes back from Grantee to Grantor. After filing the notice, Grantor may, but need not, move into possession of the Property and evict Grantee. Grantor's failure to move into possession or evict Grantee does not impair the effectiveness of filing the notice.

As a condition of its right to file a Notice of Re-Entry, Grantor must tender to Grantee the Purchase Price under this contract within 30 days after filing the notice. A permissible way to tender the Purchase Price is to file a declaratory judgment suit to affirm Grantor's title and to deposit the Purchase Price into the registry of the court.

If Grantor has not filed a Notice of Re-Entry by four years after Closing, its right to do so lapses, and Grantee's title is thereafter secure against any attempted re-entry by Grantor. No delay by Grantor in filing the notice short of the four years impairs its right to file the notice.

B. Easements: All recorded and unrecorded easements, whether or not open and obvious.

C. Restrictions: All covenants and restrictions affecting the Property.

D. Exceptions: All instruments affecting the Property, whether or not recorded.

E. Conditions: All conditions affecting the Property.

This conveyance does not relieve Grantee of any building, zoning, or other city-imposed requirements, or other land use restrictions applicable to the Property or the obligation to pay any real estate taxes that may otherwise be due.

Grantor expressly disclaims any and all warranties arising by common law, statute (including without limitation the implied warranties of § 5.023, Texas Property Code or any successor statute), or otherwise.

Setting Out The Specific Reservations And Disclaimers Does Not Imply That The Property Is Free Of Other Encumbrances Or Adverse Claims Or Conditions. Grantor Specifically Disclaims Any Such Implication.

In Witness Whereof, Grantor

Grantor:

City of San Antonio, a Tex

Draft. This is only to show the agreed form of the final document. This draft deed is neither ready nor suitable to be signed.

By: _____

Printed
Name: _____

Title: _____

Date: _____

Approved As To Form:

By: _____
City Attorney

The State of Texas }

County of Bexar }

Before me, the undersigned authority, this instrument was this day acknowledged by _____, of and for the City of San Antonio, a Texas municipal corporation, on behalf of that entity in the capacity stated.

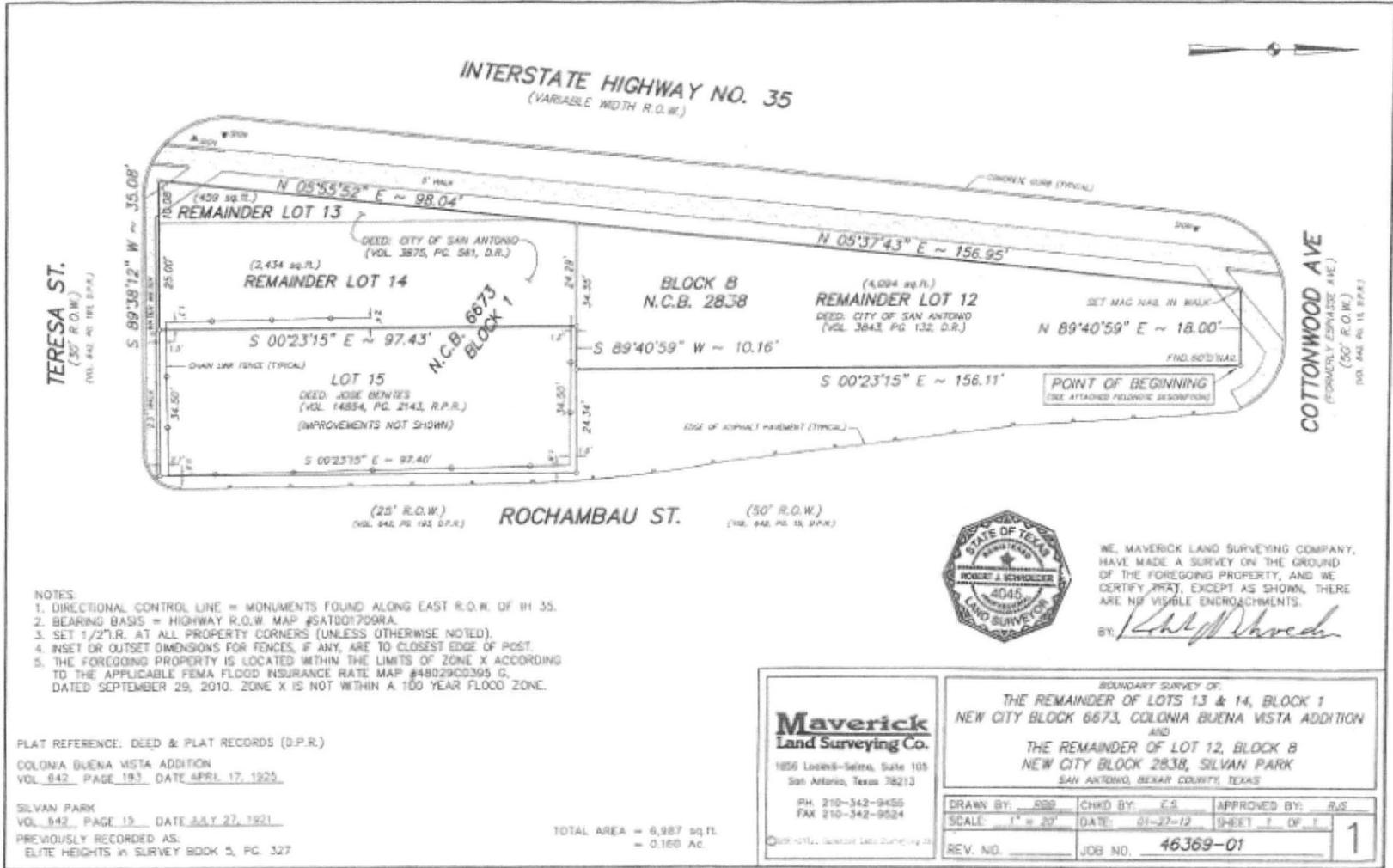
Date: _____

Notary Public, State of Texas

My Commission Expires: _____

After Recording, Return To:

Exhibit "A"



1856 Lockhill-Selma, Suite 105
San Antonio, Texas 78213

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