SG/cla
03/06/2014
Z-3

CASE NO. Z2014045 S

AN ORDINANCE 2014-03-06-0130

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 Lot 24, NCB 10946, save and except that portion conveyed to the State of Texas in Volume 3807, Page 1806, Real Property Records, Bexar County, Texas from "O-2 AHOD" High-Rise Office Airport Hazard Overlay District to "C-2 S AHOD" Commercial Airport Hazard Overlay District with a Specific Use Authorization for a Carwash.

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

SECTION 3. The City Council finds as follows:

A. The specific use will not be contrary to the public interest.

B. The specific use will not substantially nor permanently injure the appropriate use of adjacent conforming property in the same district.

C. The specific use will be in harmony with the spirit and purpose as set forth in Section 35-423, Specific Use Authorization, of the Unified Development Code.

D. The specific use will not substantially weaken the general purposes or the regulations as set forth in Section 35-423, Specific Use Authorization, of the Unified Development Code.

E. The specific use will not adversely affect the public health, safety and welfare.

SECTION 4. The City Council approves this Specific Use Authorization so long as the attached site plan is adhered to. A site plan is attached as **Attachment "B"** and made a part hereof and incorporated herein for all purposes.

SECTION 5. 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 6. 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 7. This ordinance shall become effective March 16, 2014.

PASSED AND APPROVED this 6th day of March 2014.

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-3**
Date:	03/06/2014
Time:	02:38:04 PM
Vote Type:	Motion to Approve
Description:	ZONING CASE # Z2014045 S (District 3): An Ordinance amending the Zoning District Boundary from "O-2 AHOD" High-Rise Office Airport Hazard Overlay District to "C-2 S AHOD" Commercial Airport Hazard Overlay District with a Specific Use Authorization for a Carwash on Lot 24, NCB 10946 save and except that portion conveyed to the State of Texas in Volume 3807, Page 108, Real Property Records, Bexar County, Texas located at A portion of 2355 Goliad Road. 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				
Ivy R. Taylor	District 2		x				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				

Z2014045

Save & Except Deed

State Department of Highways and Public Transportation
Form D-15-12 (Partial Taking)
Page 1 of 6 Rev. 3-86

1229871

Interstate Highway 37
C.S.J. No. 0073-08-096
Parcel No. 36

DEED

Controlled Access Highway Facility

THE STATE OF TEXAS I
COUNTY OF BEXAR I

WHEREAS, the State Highway and Public Transportation Commission has been authorized under House Bill 179, Acts of the 55th Legislature, Regular Session, 1957 (Article 6674w-1, et seq., Vernon's Annotated Civil Statutes of Texas) to purchase land and such other property rights deemed necessary for the purposes of facilitating the construction, maintenance and operation of Controlled Access Highways; and,

WHEREAS, the purchase of the hereinafter-described premises has been deemed necessary by the State Highway and Public Transportation Commission for the purposes of facilitating the construction, maintenance and operation of a Controlled Access Highway facility;

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That, The M & M Employees Pension Plan of Fort Worth, acting herein by and through its duly authorized trustees

of the County of Tarrant, State of Texas, hereinafter referred to as Grantors, whether one or more, for and in consideration of the sum of EIGHTY SEVEN THOUSAND SIX HUNDRED AND NO/100---------- Dollars ($87,600.00) to Grantors in hand paid by the State of Texas, acting by and through the State Highway and Public Transportation Commission, receipt of which is hereby acknowledged, and for which no lien is retained, either expressed or implied, have this day Sold and by these presents do Grant, Bargain, Sell and Convey unto the State of Texas all that certain tract or parcel of land lying and being situated in the County of Bexar, State of Texas, more particularly described as follows, to wit:

(SEE ATTACHED)

VOL 3807 PAGE 1806

09/15/86 72684 800293 $15.00 Y 1 159

8-4-86

ATTACHMENT A

Z2014045

Save & Except
Deed-Property
Description

Field Notes for Parcel No. 36

0.209 of an acre of land, more or less, same being out of and a part of Lot No. 24, New City Block No. 10,946, in the City of San Antonio, Bexar County, Texas, which Lot No. 24 was conveyed from Security Holding and Management Corporation to the M & M Employees Pension Plan of Fort Worth by a Deed dated September 29, 1967 of Record in Volume 5960, Page 163, Deed Records of Bexar County, Texas, said 0.209 of an acre of land, more or less, being more particularly described by metes and bounds as follows:

BEGINNING at a point for a corner, same being the point of intersection of the proposed east right of way line of Interstate Highway 37 with the existing east right of way line of Interstate Highway 37, said point being also South 72 25'27" West, a distance of 270.00 feet along said existing east right of way line from the point of intersection of said existing east right of way line with the division line between said Lot No. 24 and Lot No. 31, said point also being left 163.95 feet from and at a right angle to the centerline of Interstate Highway 37 Station 823+55.94;

(1) THENCE NORTH 39 13'50" East, a distance of 64.41 feet along said proposed east right of way line to an angle point;

(2) THENCE NORTH 0 46'09" West, a distance of 36.36 feet along said proposed east right of way line to a point for a corner, same being on said division line;

(3) THENCE NORTH 89 05'30" East, a distance of 20.99 feet along said division line to a corner point, same being on the southwest line of Goliad Road;

(4) THENCE SOUTH 37 37'04" East, a distance of 177.00 feet along said southwest line of Goliad Road to a corner point, same being on said existing east right of way line;

(5) THENCE NORTH 72 25'27" West, a distance of 177.57 feet along said existing east right of way line to the point of BEGINNING.

ORIGINAL DIM

VOL 3807 PAGE 1807

Z2014045

Save & Except
Deed

State Department of Highways
and Public Transportation
Form D-15-12 (Partial Taking)
Page 3 of 6 Rev. 3-86

SAVE and **EXCEPT, HOWEVER,** it is expressly understood and agreed that Grantors are retaining title to the following improvements located on the above-described property, to wit:

NONE

Grantors covenant and agree to remove the above-described improvements from said land by _____ _____, 19_____, subject, however, to such extensions of time as may be granted by the State in writing; and if, for any reason, Grantors fail or refuse to remove same within said period of time prescribed, then, without any further consideration, the title to all or any part of such improvements not so removed shall pass to and vest in the State of Texas forever.

"And for the same consideration described above, and upon the same conditions, grantor does hereby bargain, sell and convey unto the State of Texas that portion of the following structure located on the remaining property out of which the above described premises were originally a portion, to wit:"

A. One Single Story Commercial Structure (Brick Veneer).

VOL 3007 PAGE 1808

Z2014045

Save & Except
Deed - Access
Restrictions

Grantors hereby acknowledge that their use of and access to the expressway lanes to be constructed in conjunction with the highway facility of which the land hereby conveyed shall become a part shall be and forever remain subject to the same regulation by legally constituted authority as applies to the public's use thereof; and Grantors further acknowledge that the design and operation of such highway facility as a Controlled Access Highway require that access from Grantor's remaining property to said highway facility shall be governed henceforth as indicated in Paragraphs (A) and/or (B) hereinbelow; and all abutter's rights, including rights of ingress and egress and the right of direct access to and from Grantor's remaining property to said Controlled Access Highway facility, which have accrued or might otherwise accrue to Grantors, their heirs, successors or assigns are hereby waived, released and relinquished insofar as they appertain to Paragraph (B) hereinbelow:

(A) Access to and from Grantor's remaining property will be permitted:

Access will not be permitted to the remainder abutting the foregoing field note description.

(B) Access to and from Grantor's remaining property will be denied:

Access will be denied along Call No. 1 and along Call No. 2.

VOL 3007 PAGE 1809

Grantors reserve all of the oil, gas and sulphur in and under the land herein conveyed but waive all rights of ingress and egress to the surface thereof for the purpose of exploring, developing, mining or drilling for same; however, nothing in this reservation shall affect the title and rights of the State to take and use all other minerals and materials thereon, therein and thereunder.

Z2014045

Save & Except Deed

State Department of Highways and Public Transportation
Form D-15-12 (Partial Taking)
Page 5 of 6 Rev. 3-86

TO HAVE AND TO HOLD the above-described premises herein conveyed together with all and singular the rights and appurtenances thereto in any wise belonging unto the State of Texas and its assigns forever; and Grantors do hereby bind ourselves, our heirs, executors, administrators, successors and assigns to Warrant and Forever Defend all and singular the said premises herein conveyed unto the State of Texas and its assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof.

IN WITNESS WHEREOF, this instrument is executed on this the 9th day of ~~May~~ JUNE, 19 86.

The M & M Employees Pension Plan of Fort Worth

BY: M. F. Martin Trustee

ACKNOWLEDGMENT

THE STATE OF TEXAS,
COUNTY OF Tarrant

BEFORE ME, M.F. Martin 6/9/86, on this day personally appeared M.F. Martin, known to me (or proved to me on the oath of _____, a credible witness,) to be the person(s) whose name(s) is (are) subscribed to the foregoing instrument and acknowledged to me that he/she/they executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This 9th day of June, A.D. 19 86.

Jane Ratcliff
Notary Public, State of Texas

My Commission expires on the 5 day of Aug, 19 87.

ACKNOWLEDGMENT

THE STATE OF TEXAS,
COUNTY OF _____

BEFORE ME, _____, on this day personally appeared _____, known to me (or proved to me on the oath of _____, a credible witness,) to be the person(s) whose name(s) is (are) subscribed to the foregoing instrument and acknowledged to me that he/she/they executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This _____ day of _____, A.D. 19____.

Notary Public, State of Texas

My Commission expires on the _____ day of _____, 19 _____.

VOL 3807 PAGE 1810

State Department of Highways
and Public Transportation
Form D-1543 (Partial Taking)
Page 6 of 6 Rev. 3-68

THE STATE OF TEXAS,
COUNTY OF _____

CORPORATE ACKNOWLEDGMENT

BEFORE ME, _____,
on this day personally appeared _____,
_____, of _____,
known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said _____, a corporation, that he/she was duly authorized to perform the same by appropriate resolution of the board of directors of such corporation and that he/she executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This _____ day of _____, A.D. 19____.

_____
Notary Public, State of Texas

My Commission expires on the _____ day of _____, 19____

Parcel No. 36

County Bexar

Highway No. Interstate Highway 37

Control 73 Sec 08 Job 096

Account or Federal No. _____

From: Fair Avenue

_____ To: Loop 13

DEED

CONTROLLED ACCESS HIGHWAY FACILITY

The M & M Employees Pension Plan of Fort Worth
Grantors

TO

GRANTEE THE STATE OF TEXAS
AUSTIN, TEXAS

Filed for Record

This _____ day of _____

A.D. 19____, at _____ o'clock ____ M.

Recorded

This _____ day of _____

A.D. 19____, in _____

County, Texas, Records of Deeds.

Book _____ Page _____

Other _____

_____ County Clerk

By _____ Deputy.

Return To: State Department of Highways and Public Transportation
P.O. Box 29928
San Antonio, Texas 78284

THE STATE OF TEXAS,
COUNTY OF _____

CERTIFICATE OF RECORDING

VOL 3807 PAGE 1811

Z201404G

Save & Except
Deed

Z2014045

Save & Except
Deed

CERTIFICATE OF RESOLUTION

The undersigned do hereby certify that they are duly appointed trustees of "M & M Employee Pension Plan" trust", a plan and trust created June 30, 1966, that the following is a true and correct copy of a resolution duly adopted at a meeting of the board of trustees thereof, convened and held on the 9th day of June 1986 and that such resolution is now in full force and effect; unamended and unrepealed.

"Resolved, that M. F. Martin, trustee be impowered to sell and convey into the State of Texas all that certain tract or parcel of land lying and situated in the County of Bexar, State of Texas consisting of 0.209 of an acre of land being out of a part of Lot number 24, New City Block number 10946 in the City of San Antonio."

The undersigned further certifies that the following persons are the trustees of the trust on this date and that the signatures following are the true signatures of such trustees.

M. F. Martin
M. F. Martin

G. G. Martin
G. G. Martin

Gwendolyn Martin
Gwendolyn Martin

VOL 3807 PAGE 1812

Z2014045

Save & Except
Deed

FILED IN MY OFFICE
ROBERT D. GREEN
COUNTY CLERK BEXAR CO.

1986 SEP 15 A 11:03

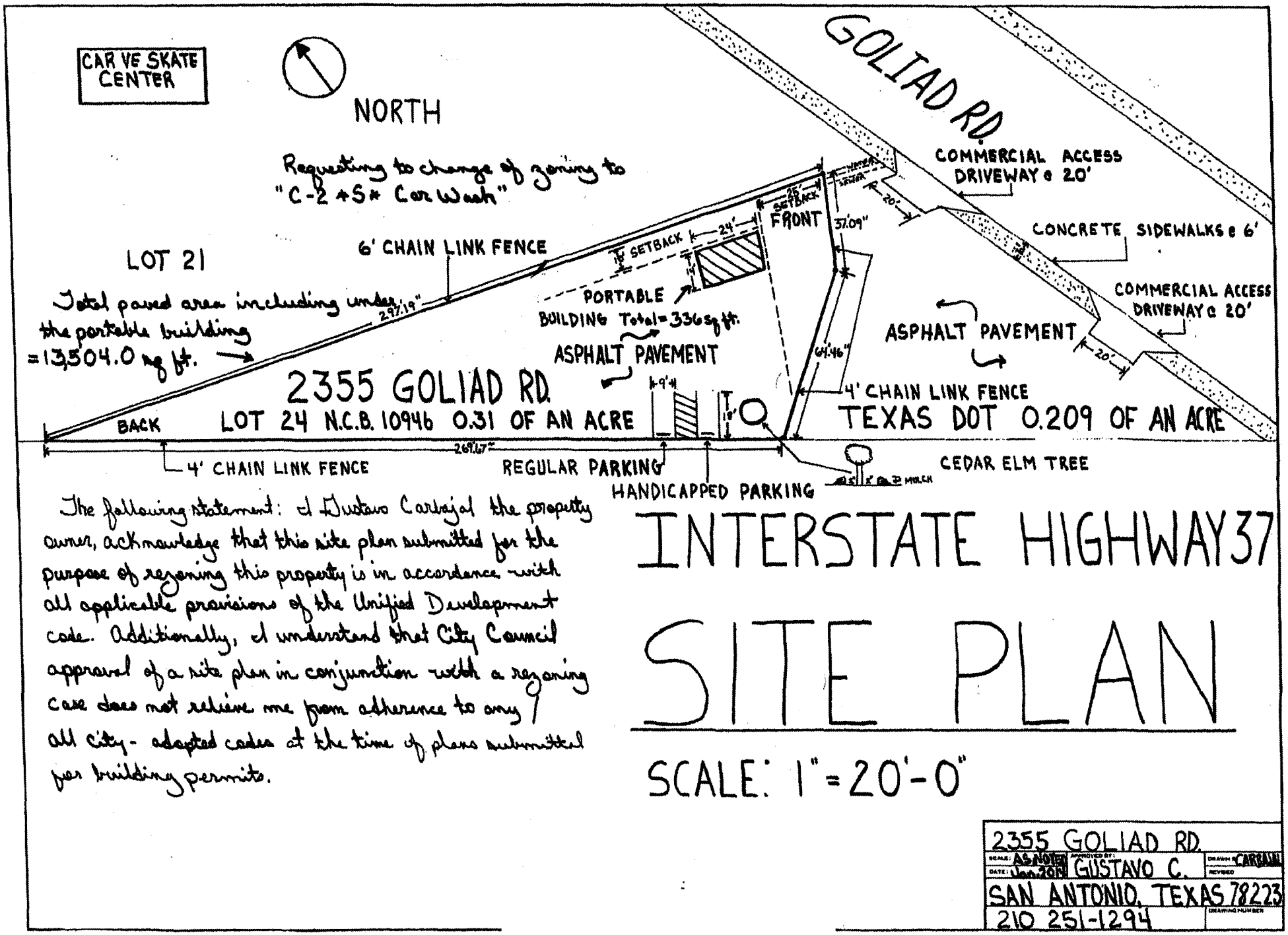
VOL 3807 PAGE 1813

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

SEP 15 1986

COUNTY CLERK BEXAR COUNTY, TEXAS

Z2014045S



The following statement: I Gustavo Carrajal the property owner, acknowledge that this site plan submitted for the purpose of rezoning this property is in accordance with all applicable provisions of the Unified Development code. Additionally, I understand that City Council approval of a site plan in conjunction with a rezoning case does not relieve me from adherence to any all city-adopted codes at the time of plans submitted for building permits.

ATTACHMENT B