SG/cla
06/19/2014
Z-2

CASE NO. Z2014164

AN ORDINANCE 2014-06-19-0481

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 1.065 acres out of Block 4, NCB 782 from "C-3NA NCD-1 AHOD" General Commercial Nonalcoholic Sales South Presa/South St. Mary's Streets Neighborhood Conservation Airport Hazard Overlay District and "C-2 NCD-1 AHOD" Commercial South Presa/South St. Mary's Streets Neighborhood Conservation Airport Hazard Overlay District to "IDZ NCD-1 AHOD" Infill Development Zone South Presa/South St. Mary's Streets Neighborhood Conservation Airport Hazard Overlay District with uses permitted in "C-2" 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. The City Council approves this Infill Development Zone 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 4. 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 5. 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.

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CASE NO. Z2014164

SECTION 6. This ordinance shall become effective June 29, 2014.

PASSED AND APPROVED this 19th day of June 2014.

M A Y O R
Julián Castro

ATTEST:

Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

Robert F. Greenblum, City Attorney
For

Agenda Item:	**Z-2 (in consent vote: 41, 42, Z-2, Z-3, Z-4, P-2, Z-5, Z-7, Z-8, P-4, Z-9, Z-11, Z-12, P-5, Z-13, Z-14)**
Date:	06/19/2014
Time:	02:18:39 PM
Vote Type:	Motion to Approve
Description:	ZONING CASE # Z2014164 (District 1): An Ordinance amending the Zoning District Boundary from "C-3NA NCD-1 AHOD" General Commercial Nonalcoholic Sales South Presa/South St. Mary's Streets Neighborhood Conservation Airport Hazard Overlay District and "C-2 NCD-1 AHOD" Commercial South Presa/South St. Mary's Streets Neighborhood Conservation Airport Hazard Overlay District to "IDZ NCD-1 AHOD" Infill Development Zone South Presa/South St. Mary's Streets Neighborhood Conservation Airport Hazard Overlay District with uses permitted in "C-2" Commercial District on 1.065 acres out of Block 4, NCB 782 located at 812 South Alamo Street, 611 South Presa Street, and 910 South St. Mary's Street. 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				
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			x	

7001418A

14644-13-00165

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 with Vendor's Lien

Date: April 10, 2013

Grantor: KARL JOHNSON, SOLELY IN HIS OFFICIAL CAPACITY AS THE DULY APPOINTED RECEIVER OF THE TEXAS HIGHWAY PATROL MUSEUM, A TEXAS NON PROFIT CORPORATION

Grantor's Mailing Address:

704 W. 9th Street
Austin, Texas 78701
Travis County

Grantee: GRAY STREET, LLC, a Texas limited liability company

Grantee's Mailing Address:

P. O. Box 461406
San Antonio, Texas 78246
Bexar County

Consideration:

Cash and other valuable consideration to the undersigned paid by the Grantee herein named, the receipt and sufficiency of which is hereby acknowledged, and the further consideration of the execution and delivery by Grantee of a promissory note dated April 10, 2013, in the original principal amount of ONE MILLION SIX HUNDRED THOUSAND AND NO/100THS DOLLARS ($1,600,000.00) (the "**Note**"), payable to the order of Ovid Holdings LLC ("**Lender**"). Lender, at Grantee's request, has paid in cash to Grantor that portion of the purchase price of the Property that is evidenced by the Note. The first and superior vendor's lien against and superior title to the Property are retained for the benefit of Lender and are transferred to Lender without recourse on Grantor to secure the Note. The payment of the Note is further secured by a deed of trust lien granted in a deed of trust dated April 10, 2013, to Warren H. Fisher, Trustee.

Property (including any improvements):

That certain real property being more particularly described in **Exhibit "A"**, which is attached hereto and incorporated herein for all purposes.

Attachment A

Reservations from Conveyance: None

Exceptions to Conveyance and Warranty:

To the extent that such matters are valid and enforceable against the Property:

1. Electric line right of way agreement recorded in Volume 8045, Page 1732, Real Property Records, Bexar County, Texas.

2. 15 foot building setback line along S. St. Mary's St., as shown on plat recorded in Volume 9511, Page 49, Deed and Plat Records, Bexar County, Texas.

3. Standby fees, taxes and assessments by any taxing authority for the year 2013, and subsequent years, the payment of which Grantee assumes; and subsequent assessments for that and prior years due to change in land usage, ownership or both, the payment of which Grantee assumes.

Pursuant to the Agreed Final Judgment and Permanent Injunction dated August 28, 2012, issued in that certain proceeding pending in the Probate Court Number One, Travis County, Texas styled *State of Texas v. Texas Highway Patrol Museum, et al.*, cause number C-1-PB-11-002018 authorizing Grantor to sell the Property, and pursuant to the order dated March 8, 2013, issued in that certain proceeding pending in the Probate Court Number One, Travis County, Texas styled *In the Receivership of Texas Highway Patrol Museum*, cause number C-1-PB-12-001431, Grantor has been granted the authority to convey the Property to Grantee and accordingly hereby grants, sells and conveys the Property to Grantee. This conveyance has the full force and effect of a foreclosure deed.

Accordingly, Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's successors and assigns forever. Grantor binds Grantor and Grantor's successors and assigns to warrant and forever defend all and singular the Property to Grantee and Grantee's successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, when the claim is by, through or under Grantor but not otherwise, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

The vendor's lien against and superior title to the Property are retained until each note described herein is fully paid according to its terms, at which time this deed will become absolute.

When the context requires, singular nouns and pronouns include the plural.

[Signature Page Follows]

IN WITNESS WHEREOF, the parties have executed this instrument effective as of the date first written above.

GRANTOR:

KARL JOHNSON, SOLELY IN HIS CAPACITY AS THE OFFICIAL RECEIVER FOR THE PROPERTY OF THE TEXAS HIGHWAY PATROL MUSEUM

THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

This instrument was acknowledged before me on the 10th day of April, 2013, by KARL JOHNSON, IN HIS OFFICIAL CAPACITY AS RECEIVER FOR THE PROPERTY OF THE TEXAS HIGHWAY PATROL MUSEUM.

M.A. LIEBES NOTARY PUBLIC STATE OF TEXAS EXPIRES 09-19-2013

Notary Public, State of Texas

AFTER RECORDING RETURN TO:

Gray Street, LLC
Attention: Kevin Covey
P. O. Box 461406
San Antonio, Texas 78246

Exhibit A

A 1.065 acre tract being a portion of Lots 1, 2 and 3, Block 4, N.C.B. 782, San Antonio, Texas, as recorded in volume 7787, page 63, Deed Records of Bexar County, Texas, a portion of Lot 3 and 4, Block 4, N.C.B. 782, San Antonio, Texas, recorded in volume 5883, page 792, Deed Records of Bexar County, Texas, Lot A-2, aka Lot 10, Block 4, N.C.B. 782, San Antonio, Texas, and Lot 17, Block 4, N.C.B. 782, Ellis Subdivision, San Antonio, Texas, recorded in volume 9511, page 49, Deed and Plat Records of Bexar County, Texas.

BEGINNING: At a set "x" in concrete, said point being the intersection of the south right-of- way line of S. Alamo Street and the east right-of-way line of S. St. Mary's Street, for the northeast corner of this tract, and being the Point of Beginning;

THENCE: Along the south right-of-way line of S. Alamo Street, N46°07'26"E, a distance of 56.31 feet to a set "x" in concrete for an angle point;

THENCE: Departing the south right-of-way line of S. Alamo Street, S16°47'04"E, a distance of 73.99 feet to an angle point;

THENCE: N71°54'56"E, a distance of 113.80 feet to a set "x" in concrete for an angle point, said point being along the west right-of-way line of S. Presa Street;

THENCE: Along the west right-of-way line of S. Presa Street, S16°55'04"E, a distance of 201.00 feet to a brick column for an angle point;

THENCE: Departing the west right-of-way line of S. Presa Street, S80°03'08"W, a distance of 95.04 feet to a set 1/2" iron rod for angle point, said point also being the northeast corner of Lot 17, Block 4, N.C.B., Ellis Subdivision, recorded in volume 9511, page 49, Deed and Plat Records of Bexar County, Texas;

THENCE: S16°47'04"E, a distance of 170.30 feet to a set "x" in wall for angle point, said point also being the southeast corner of Lot 17, Block 4, N.C.B., Ellis Subdivision, recorded in volume 9511, page 49, Deed and Plat Records of Bexar County, Texas;

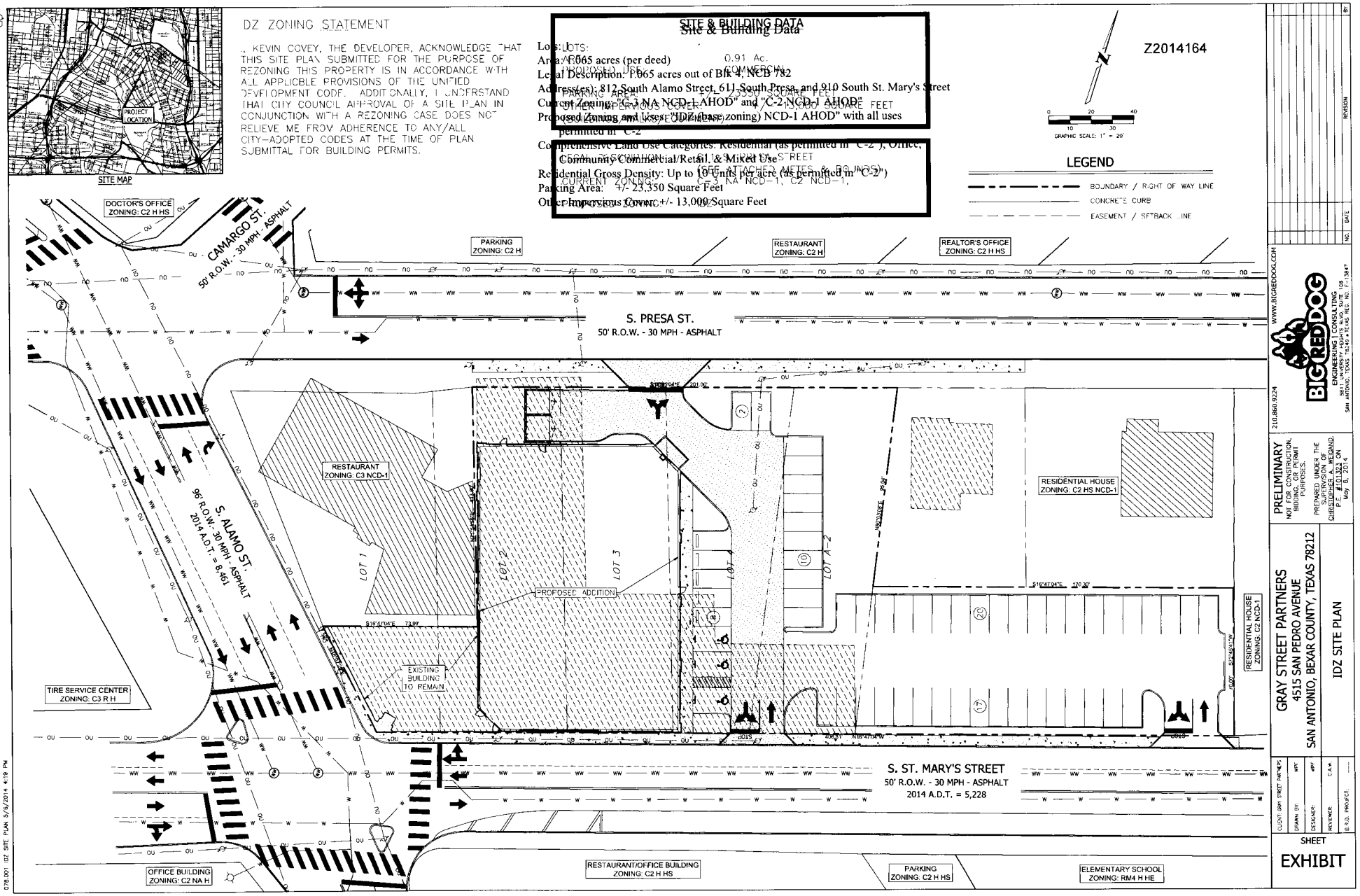
THENCE: S72°45'41"W, a distance of 70.00 feet to a set 'A" iron pin for angle point, said point also being the southwest corner of Lot 17, Block 4, N.C.B., Ellis Subdivision, recorded in volume 9511, page 49, Deed and Plat Records of Bexar County, Texas and being along the east right-of-way line S. St. Mary's Street;

THENCE: Along the east right-of-way line S. St. Mary's Street, N16°47'04"W, a distance of 406.31 feet to the Point of Beginning and containing 1.065 acres of land.

7,001,418,4

Doc# 20130071546
Pages 5
04/11/2013 12:54PM
e-Filed & e-Recorded in the
Official Public Records of
BEXAR COUNTY
GERARD C. RICKHOFF
COUNTY CLERK
Fees $28.00

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.
04/11/2013 12:54PM
COUNTY CLERK, BEXAR COUNTY TEXAS



Attachment B