

AN ORDINANCE 2013-09-05-0623

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 3.491 acres out of Lot 3, Block 2, NCB 19142 from "R-6" Residential Single-Family District to "MF-33" Multi-Family 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 September 15, 2013.

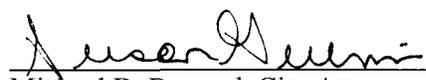
PASSED AND APPROVED this 5th day of September, 2013

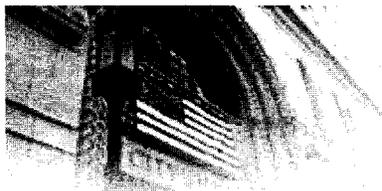

M A Y O R
Julián Castro

ATTEST:


Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:


Michael D. Bernard, City Attorney
For



Request for
COUNCIL
ACTION

City of San Antonio



Agenda Voting Results - Z-9

Name:	29, Z-2, Z-3, P-1, Z-4, Z-5, Z-7, Z-8, P-2, Z-9, Z-11, Z-13						
Date:	09/05/2013						
Time:	02:52:14 PM						
Vote Type:	Motion to Approve						
Description:	ZONING CASE # Z2013184 (District 8): An Ordinance amending the Zoning District Boundary from "R-6" Residential Single-Family District to "MF-33" Multi-Family District on 3.491 acres out of Lot 3, Block 2, NCB 19142 located on a portion of the 10,000 Block of Bandera Road. Staff recommends approval pending the plan amendment. Zoning Commission recommendation pending the September 3, 2013 public hearing. (Associated Plan Amendment Case # 13042)						
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				
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Ray Lopez	District 6		x			x	
Cris Medina	District 7		x				
Ron Nirenberg	District 8		x				
Elisa Chan	District 9		x				
Carlton Soules	District 10		x				

20070001



SCANNED

Prior Deed - field note purposes only

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: December 8, 2007, to be effective December 10, 2007

GRANTOR: James Lee Benke and Maxine M. Benke, as to 1.474 acres; and James L. Benke, as to 2.0167 acres

GRANTOR'S MAILING ADDRESS: 10438 Bandera Road, San Antonio, TX 78250

GRANTEE: O. P. Leonard, Jr. Investment Company, Ltd.

GRANTEE'S MAILING ADDRESS: 115 West 7th, Fort Worth, TX 76102

CONSIDERATION: TEN DOLLARS (\$10.00) and a Note of even date that is in the principal amount of \$270,175.50 and is executed by Grantee, payable to the order of James Lee Benke. It is secured by a vendor's lien retained in this Deed and by a Deed of Trust of even date from Grantee to Gregory M. Huber, Trustee.



PROPERTY (including improvements):

3.491 acres of land in the City of San Antonio, Bexar County, Texas, being more particularly described by metes and bounds in Exhibit "A" attached hereto and made a part hereof for all purposes.

RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY:
Liens described as part of the Consideration and any other liens described in this deed as being either assumed or subject to which title is taken; validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing instruments, other than conveyances of the surface fee estate, that affect the property.

The Contract between Grantor as the Seller and Grantee as the Buyer, if any, may contain limitations as to warranty or other agreed matters; to the extent that the Contract provides for any such limitations or other agreed matters to survive the closing and this conveyance, then such limitations or other agreed matters are hereby deemed incorporated by reference. The warranty of title contained in this Deed is hereby expressly excluded from the limitations or other agreed matters referenced in this paragraph.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells and conveys to Grantee the property, together with all and singular

the rights and appurtenances thereto in anywise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor hereby binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to warranty, when the claim is by, through or under Grantor but not otherwise.

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

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

James Lee Benke
JAMES LEE BENKE
AKA JAMES L. BENKE

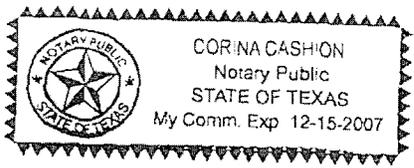
Maxine M. Benke
MAXINE M. BENKE

THE STATE OF TEXAS *
*
COUNTY OF BEXAR *

This instrument was acknowledged before me on the 10th day of December, 2007, by James Lee Benke, aka James L. Benke and Maxine M. Benke.

Corina Cashion

NOTARY PUBLIC, STATE OF TEXAS



AFTER RECORDING RETURN TO:

O. P. Leonard, Jr. Investment Company, Ltd.
115 West 7th
Fort Worth, TX 76102

PREPARED IN THE LAW OFFICE OF:

Baucum Steed Barker
1100 N.W. Loop 410, #260
San Antonio, Texas 78213

EXHIBIT "A"

3.491 ACRES OF LAND IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, OUT OF THE MANUEL DE LUNA SURVEY NO. 3, ABSTRACT NO. 8, COUNTY BLOCK 4167, BEXAR COUNTY, TEXAS, BEING ALL OF THAT 2.0167 ACRE ACT CONVEYED TO JAMES BENKE BY DEED DATED MARCH 2, 1981, AND RECORDED IN VOLUME 2247, PAGES 182-185, OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS, AND ALL OF THAT 1.474 ACRE TRACT CONVEYED TO MAXINE M. BENKE, BY DEED DATED OCTOBER 13, 1992, AND RECORDED IN VOLUME 5476, PAGES 1180-1184, OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS; SAID 3.491 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING: AT A FOUND ½" IRON PIN IN THE NORTHEAST RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 16 (BANDERA ROAD) SAID IRON PIN BEING THE SOUTHEAST CORNER OF SAID 1.474 ACRE TRACT AND THE SOUTHWEST CORNER OF LOT 2, BLOCK 2, NEW CITY BLOCK 19142, PRUE ROAD WEST ELEMENTARY SCHOOL, AS RECORDED IN VOLUME 9564, PAGE 184, BEXAR COUNTY DEED AND PLAT RECORDS;

THENCE: ALONG THE NORTHEAST RIGHT OF WAY OF SAID STATE HIGHWAY NO. 16 (BANDERA ROAD) AS FOLLOWS:

N57° 15' 53" W, 33.20 FEET TO A FOUND ½" IRON PIN;

208.47 FEET WITH THE ARC OF A CURVE TO THE RIGHT, CONCAVE TO THE NORTH, HAVING A RADIUS OF 3759.83 FEET, A CENTRAL ANGLE OF 03° 10' 37", AND A CHORD BEARING AND DISTANCE OF N55° 41' 46" W, 208.44 FEET, TO A FOUND ½" IRON PIN FOR THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT AND THE SOUTHEAST CORNER OF A 5.868 ACRE TRACT RECORDED IN VOLUME 7852, PAGES 1911-1912, OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS (AS DESCRIBED IN VOLUME 7239, PAGES 39-43, BEXAR COUNTY DEED RECORDS);

THENCE: ALONG THE WEST LINE OF THE HEREIN DESCRIBED TRACT AND THE EAST LINE OF SAID 5.868 ACRE TRACT THE FOLLOWING:

N09° 51' 07" E, 260.33 FEET, GENERALLY ALONG FENCE, AND THE EAST LINE OF SAID 5.868 ACRE TRACT, TO A FOUND ½" IRON PIN BEING THE NORTHWEST CORNER OF SAID 1.474 ACRE TRACT AND THE SOUTHWEST CORNER OF SAID 2.0167 ACRE TRACT, BEING AN ANGLE POINT;

N09° 46' 15" E, 50.90 FEET, CONTINUING GENERALLY ALONG SAID WIRE FENCE TO A FOUND ½" IRON PIN BEING AN ANGLE POINT;

N00° 31' 55" W, 381.25 FEET, CONTINUING GENERALLY ALONG SAID WIRE FENCE TO A FOUND ½" IRON PIN BEING THE NORTHWEST CORNER OF SAID 2.0167 ACRE TRACT AND A SOUTHWEST CORNER OF SAID LOT 2, BLOCK 2, AND BEING THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE: S79° 19' 01" E, 213.88 FEET, GENERALLY ALONG A CHAIN LINK FENCE AND WITH THE NORTH LINE OF SAID 2.0167 ACRE TRACT AND A SOUTH LINE OF SAID LOT 2, BLOCK 2, TO A FOUND ½" IRON PIN, BEING THE NORTHEAST CORNER OF SAID 2.0167 ACRE TRACT AND AN INTERIOR CORNER OF SAID LOT 2, BLOCK 2, AND BEING THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE: ALONG THE EAST LINE OF THE HEREIN DESCRIBED TRACT AND THE WEST LINE OF SAID LOT 2, BLOCK 2, AS FOLLOWS:

S00° 19' 45" E, 209.75 FEET TO A FOUND ½" IRON PIN BEING AN ANGLE POINT;

S06° 03' 29" W AT 218.13 FEET, PASS A SET ½" IRON PIN AT THE SOUTHEAST CORNER OF SAID 2.0167 ACRE TRACT AND THE NORTHEAST CORNER OF THE 1.474 ACRE TRACT CONTINUING A TOTAL DISTANCE OF 577.14 FEET TO THE POINT OF BEGINNING, CONTAINING 3.491 ACRES OF LAND.

NOTE: BEARING USED IN THIS DESCRIPTION ARE REFERENCED TO SUBDIVISION PLAT OF PRUE ROAD WEST ELEMENTARY SCHOOL RECORDED IN VOLUME 9564, PAGE 184, DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS.

Any provision herein which restricts the sale, 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 Sequenced on this date and at the time stamped herein by me and was duly RECORDED in the Official Public Record of Real Property of Bexar County, Texas on:

DEC 18 2007



Gerard Rickhoff
COUNTY CLERK BEXAR COUNTY, TEXAS

Doc# 20070286816 Fees: \$28.00
12/12/2007 3:05PM # Pages 4
Filed & Recorded in the Official Public
Records of BEXAR COUNTY
GERARD RICKHOFF COUNTY CLERK