

AN ORDINANCE 2013 - 09 - 19 - 0667

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 1.28 acres out of NCB A-20 (also known as NCB 20) from "H C-3NA RIO-4 AHOD" General Commercial Nonalcoholic Sales Mission Historic River Improvement Overlay-4 Airport Hazard Overlay District, "H MH RIO-4 AHOD" Manufactured Housing Mission Historic River Improvement Overlay-4 Airport Hazard Overlay District and "H MH RIO-4 MC-1 AHOD" Manufactured Housing Mission Historic River Improvement Overlay-4 Roosevelt Avenue Metropolitan Corridor Overlay Airport Hazard Overlay District to "H IDZ RIO-4 AHOD" Infill Development Zone Mission Historic River Improvement Overlay-4 Airport Hazard Overlay District with Attached and Detached Single-Family Residential uses not to exceed 24 units per acre and "H IDZ RIO-4 MC-1 AHOD" Infill Development Zone Mission Historic River Improvement Overlay-4 Roosevelt Avenue Metropolitan Corridor Overlay Airport Hazard Overlay District with Attached and Detached Single-Family Residential uses not to exceed 24 units per acre.

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.

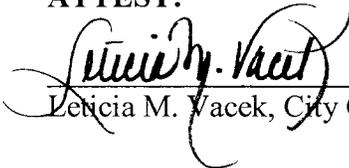
SECTION 5. The Director of Development Services shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.

SECTION 6. This ordinance shall become effective September 29, 2013.

PASSED AND APPROVED this 19th day of September, 2013.

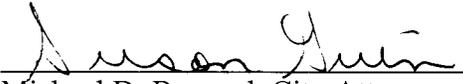

M A Y O R
Julián Castro

ATTEST:

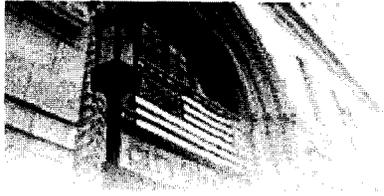


Leticia M. Vacek, City Clerk

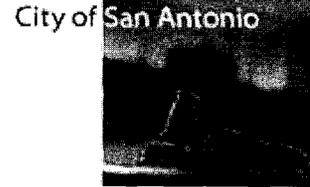
APPROVED AS TO FORM:



for Michael D. Bernard, City Attorney



Request for
COUNCIL
ACTION



Agenda Voting Results - Z-5

Name:	27, Z-4, Z-5, Z-7, Z-8, Z-11						
Date:	09/19/2013						
Time:	02:13:51 PM						
Vote Type:	Motion to Approve						
Description:	ZONING CASE # Z2013177 (District 5): An Ordinance amending the Zoning District Boundary from "H C-3NA RIO-4 AHOD" General Commercial Nonalcoholic Sales Mission Historic River Improvement Overlay-4 Airport Hazard Overlay District, "H MH RIO-4 AHOD" Manufactured Housing Mission Historic River Improvement Overlay-4 Airport Hazard Overlay District and "H MH RIO-4 MC-1 AHOD" Manufactured Housing Mission Historic River Improvement Overlay-4 Roosevelt Avenue Metropolitan Corridor Overlay Airport Hazard Overlay District to "H IDZ RIO-4 AHOD" Infill Development Zone Mission Historic River Improvement Overlay-4 Airport Hazard Overlay District with Attached and Detached Single-Family Residential uses not to exceed 24 units per acre and "H IDZ RIO-4 MC-1 AHOD" Infill Development Zone Mission Historic River Improvement Overlay-4 Roosevelt Avenue Metropolitan Corridor Overlay Airport Hazard Overlay District with Attached and Detached Single-Family Residential uses not to exceed 24 units per acre on 1.28 acres out of NCB A-20 (also known as NCB 20) located at 515 & 519 Roosevelt Avenue. 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				
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			x	
Elisa Chan	District 9		x				
Carlton Soules	District 10		x				

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereunto in anywise belonging, unto Grantee, its successors and assigns forever, and Grantor does hereby bind himself, his heirs and successors, to WARRANT AND FOREVER DEFEND all and singular the title to the Property unto the said Grantee, its successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof by, through or under Grantor but not otherwise, subject to the Permitted Exceptions.

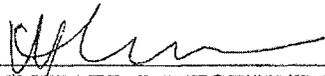
But it is expressly agreed that the Vendor's Lien, as well as superior title in and to the Property, is retained against the Property until the Note and all interest thereon are fully paid according to the face, tenor, effect and reading thereof, when this Special Warranty Deed shall become absolute. Lender at the instance and request of the Grantee herein, having advanced and paid in cash to the Grantor herein that portion of the purchase price of the Property as is evidenced by the Note, the Vendor's Lien, together with the superior title to the Property, is retained herein for the benefit of said Lender and the same are hereby TRANSFERRED AND ASSIGNED to said Lender, its successors and assigns.

Ad valorem taxes for the current year have been prorated between Grantor and Grantee, and Grantee assumes payment thereof.

[Signature page follows.]

EXECUTED this 27 day of April, 2013.

GRANTOR:



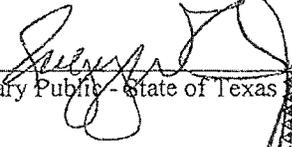
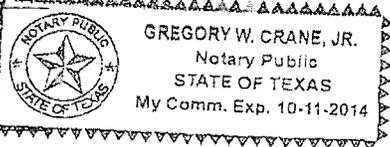
MICHAEL J. WESTHEIMER

STATE OF TEXAS §
 §
COUNTY OF BEXAR §

This instrument was acknowledged before me on April 27, 2013, by Michael J. Westheimer, an individual.

[SEAL]

My Commission Expires:


Notary Public - State of Texas

Printed Name of Notary Public

After Recording Return To:

Collaborative Homes, LLC
222 Claudia
San Antonio, Texas 78210

Grantee's Address For Notice Purposes:

Collaborative Homes, LLC
222 Claudia
San Antonio, Texas 78210

Exhibit B**Permitted Exceptions**

1. Any discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments or protrusions, or any overlapping of improvements.
2. Standby fees, taxes and assessments by any taxing authorities for the year 2013, and subsequent years.
3. Water line easement recorded in Volume 829, Page 329, Deed Records, Bexar County, Texas.
4. Any and all unrecorded leases.
5. Rights of Parties in Possession.
6. Visible and apparent easements over and across the Property.

Exhibit A

Legal Description of the Property

FIELD NOTES FOR:

1.280 ACRES OUT OF NEW CITY BLOCK A-20, CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, COMPRISED OF: TRACT I, A 0.258 ACRE TRACT DESCRIBED BY DEED RECORDED IN VOLUME 2208, PAGE 498 OF THE DEED RECORDS OF BEXAR COUNTY, TEXAS, TRACT II, A 0.148 ACRE TRACT DESCRIBED BY DEED RECORDED IN VOLUME 9227, PAGE 616 OF THE REAL PROPERTY RECORDS OF BEXAR COUNTY, TEXAS, TRACT III, A 0.18 ACRE TRACT DESCRIBED BY DEED RECORDED IN VOLUME 9227, PAGE 616 OF THE REAL PROPERTY RECORDS OF BEXAR COUNTY, TEXAS, TRACT IV, A 0.225 ACRE TRACT DESCRIBED BY DEED RECORDED IN VOLUME 2563, PAGE 411 OF THE DEED RECORDS OF BEXAR COUNTY, TEXAS, TRACT V, A 0.4887 ACRE TRACT DESCRIBED BY DEED RECORDED IN VOLUME 4488, PAGE 498 OF THE DEED RECORDS OF BEXAR COUNTY, TEXAS AND TRACT VI, A 0.008 ACRE TRACT DESCRIBED BY DEED RECORDED IN VOLUME 4181, PAGE 805 OF THE REAL PROPERTY RECORDS OF BEXAR COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

- BEGINNING: At a found 5/8" Iron rod on the west right-of-way line of Roosevelt Ave. (60' wide public right of way), the southeast corner of Lot 32 as recorded in Volume 3377, Page 218 of the Bexar County Deed and Plat Records, the northeast corner of this tract;
- THENCE: South 08°48'00" East (bearings are based on the recorded deed) 105.70' with the west right-of-way line of Roosevelt Ave. to a found 1/2" iron rod, the northeast corner of Lot 10 GUESS SUBDIVISION as recorded in Volume 8525, Page 38, the southeast corner of this tract;
- THENCE: North 73°28'24" West 392.75' with the north line of said Lot 10, the remainder of Pt. 9, MRS. E.V. EDMUNDS SUBDIVISION as recorded in Volume 842, Page 124 of the Bexar County Deed and Plat Records, and the Raquel Torres tract recorded in Volume 4203, Page 1838 of the Bexar County Real Property Records to a found 1/2" iron rod, the southeast corner of the San Antonio Conservation Society tract recorded in Volume 4757, Page 1888 of the Bexar County Real Property Records, the southwest corner of this tract;

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1.280 ACRE TRACT
Page 2 of 2

- THENCE: North $07^{\circ}24'10''$ East 126.90' with a chain-link fence to a chain-link fence post on the south line of the Martin Linen Supply tract as recorded in Volume 7949, Page 705 of the Bexar County Deed Records, the northeast corner of the San Antonio Conservation Society tract, the northwest corner of this tract;
- THENCE: South $81^{\circ}26'44''$ East 82.62' with a chain-link fence to a found $\frac{1}{2}$ " iron rod, the southeast corner of the Martin Linen Supply tract, the southwest corner of Lot 33, as recorded in the aforementioned Volume 3377, Page 219, an angle point hereof;
- THENCE: North $88^{\circ}12'17''$ East 258.27' with a concrete retaining wall, with the south line of Lot 33 and said Lot 32 to the POINT OF BEGINNING of this tract and containing 1.280 acres (65,766 square feet) of land in Bexar County, Texas.

THESE FIELD NOTES TOGETHER WITH A SURVEY MAP WERE PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND BY EMPLOYEES OF GIBBONS SURVEYING & MAPPING, INC. WHO WERE WORKING UNDER MY SUPERVISION AND DIRECTION.

Gary A. Gibbons, R.P.L.S. #4716
GIBBONS SURVEYING & MAPPING, INC.
Date: June 23, 2008, revised May 18, 2010
Job No.: 08-3981
Doc I.D.: fn 515 Roosevelt Ave.
GAG/ps

Z2013177

Doc# 20130082597
Pages 7
04/29/2013 6:59AM
e-Filed & e-Recorded in the
Official Public Records of
BEXAR COUNTY
GERARD C. RICKHOFF
COUNTY CLERK
Fees \$36.00

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.
04/29/2013 6:59AM
COUNTY CLERK, BEXAR COUNTY TEXAS



Gerard C. Rickhoff

