

AN ORDINANCE 2015-06-04-0507

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 a 4.341 acre parcel of land out of NCB 11971 from "I-1 AHOD" General Industrial Airport Hazard Overlay District to "C-3 AHOD" General Commercial Airport Hazard Overlay District.

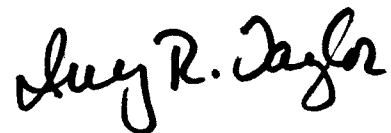
SECTION 2. The 3.225 acre portion of the property, known as Lot 69 Block 7 NCB 11971, is described in the Deed at Volume 17135 Page 6 of the Official Public Records of Bexar County Texas; the 1.116 acre portion of the property, referred to as the remainder of Lot 67 Block 7 NCB 11971, is described in the attached field notes. Both descriptions are included 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 June 14, 2015.

PASSED AND APPROVED this 4th day of June 2015.



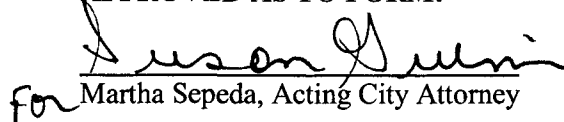
M A Y O R
Ivy R. Taylor

ATTEST:



Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:



for Martha Sepeda, Acting City Attorney

Agenda Item:	Z-12 (in consent vote: Z-2, P-1, Z-3, P-2, Z-4, Z-5, Z-6, Z-7, P-3, Z-8, Z-11, Z-12, Z-13)						
Date:	06/04/2015						
Time:	02:15:32 PM						
Vote Type:	Motion to Approve						
Description:	ZONING CASE # Z2015167 (Council District 9): An Ordinance amending the Zoning District Boundary from "I-1 AHOD" General Industrial Airport Hazard Overlay District to "C-3 AHOD" General Commercial Airport Hazard Overlay District on 4.341 acres out of NCB 11971 located at 10110 North US Highway 281. Staff and Zoning Commission recommend Approval.						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor		x				
Roberto C. Trevino	District 1		x				
Alan Warrick	District 2		x				
Rebecca Viagran	District 3		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				x
Michael Gallagher	District 10		x			x	

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NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

FNT-4403400865-SJ

SPECIAL WARRANTY DEED WITH VENDOR'S LIEN
(Embassy Suites San Antonio Airport)

THE STATE OF TEXAS

§

KNOW ALL MEN BY THESE PRESENTS:

§

COUNTY OF BEXAR

§

THAT, **Promus/FelCor San Antonio Venture**, a Texas general partnership ("Grantor"), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration in hand paid to Grantor by **ZH Airport Hotel, LLC** ("Grantee"), whose mailing address is 2330 N Loop 1604 W San Antonio, Texas, 78248, the receipt and sufficiency of such consideration being hereby acknowledged, has GRANTED, SOLD AND CONVEYED, and the execution by Grantee of that certain promissory note ("Note") of even date herewith, in the principal sum of Twenty Eight Million and No/100 Dollars (\$28,000,000.00) payable to the order of Frost Bank, a Texas state bank (the "Lender"), as therein provided and bearing interest as therein specified, the payment of which Note is secured by a Vendor's Lien ("Vendor's Lien"), which sum represents a portion of the purchase price advanced to purchase the following described property, and is additionally secured by a Deed of Trust, Security Agreement - Financing Statement ("Deed of Trust") of even date herewith to Jimmy R. Locke, Trustee, for the benefit of Lender, subject to the matters set forth herein, and by these presents does GRANT, SELL AND CONVEY unto Grantee that certain real property being more particularly described in Exhibit A attached hereto and made a part hereof for all purposes, together with all rights, privileges and easements appurtenant thereto (including, without limitation, all of Grantor's right, title and interest, if any, in and to all water rights and all easements, licenses, covenants and other rights-of-way or other appurtenances used in connection with the beneficial use and enjoyment thereof), improvements, structures and fixtures situated thereon (collectively, the "Property"); subject, however, to those matters described in Exhibit B attached hereto and made a part hereof for all purposes to the extent (but no further) that same are valid and subsisting as of the date hereof and affect title to the Property (the "Permitted Exceptions").

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

The Vendor's Lien in the amount of the portion of the purchase price advanced to Grantee for the Property, as well as superior title to the Property, is retained against the Property until the Note and all obligations of Grantee under the Deed of Trust are fully paid and performed in accordance with the terms and provisions thereof at which time this deed will

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become absolute. The Vendor's Lien and superior title to the Property are retained for the benefit of Lender without recourse or warranty of any kind.

[signature page follows]

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IN WITNESS WHEREOF, this instrument has been executed on this 16th day of March, 2015 to be effective as of March 17, 2015.

GRANTOR:

PROMUS/FELCOR SAN ANTONIO VENTURE,
a Texas general partnership

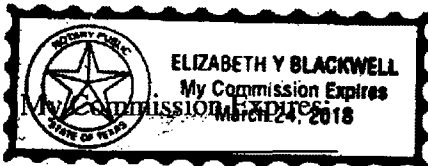
By: FelCor Lodging Limited Partnership,
a Delaware limited partnership, administrative
and authorized joint venturer/general partner

By: FelCor Lodging Trust Incorporated,
a Maryland corporation, its general partner

By: Charles N. Nye
Charles N. Nye, Vice President

THE STATE OF TEXAS §
 §
 §
COUNTY OF DALLAS §

The foregoing Deed was signed, acknowledged, subscribed and sworn to before me, this 16th day of March, 2015, by Charles N. Nye, as Vice President of FelCor Lodging Trust Incorporated, a Maryland corporation, the general partner of FelCor Lodging Limited Partnership, a Delaware limited partnership, the administrative and authorized joint venturer and a general partner of Promus/FelCor San Antonio Venture, a Texas general partnership, on behalf of said corporation and partnerships.



Elizabeth Y. Blackwell
Notary Public, State of Texas

Elizabeth Y. Blackwell
Notary's name printed:

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EXHIBIT A TO SPECIAL WARRANTY DEED

LEGAL DESCRIPTION

TRACT 1: (FEE)

A 3.225 acre, or 140,500 square foot, tract of land consisting of all of Lot 69, Block 7, New City Block 11971, Replat of P.B. Subdivision, Unit 1-A and a portion of a 13-foot wide strip of land Reserved for Future Widening as recorded in Volume 9511, Page 66 of the Deed and Plat Records of Bexar County, Texas. Said 3.225 acre tract being more particularly described by metes and bounds as follows:

BEGINNING: At a point on the east line of Interstate Highway 35, also known as United States Highway 281, at the west end of a cutback at the intersection of said east line with the north line of Jones Maltberger Road for the southwest corner of said Lot 69 and the herein described tract of land;

THENCE: Departing said cutback, along and with said east line, N 23°24'34" W, a distance of 437.13 feet to an angle point of said Lot 69 and the herein described tract of land;

THENCE: Continuing along said east line of the Highway and the west line of said Lot 69, N 30°46'38" W, a distance of 69.65 feet to an angle point of said Lot 69 and the herein described tract of land;

THENCE: Continuing along said east line of the Highway and the west line of said Lot 69, N 30°47'01" W, a distance of 64.14 feet to an angle point of said Lot 69 and the herein described tract of land;

THENCE: Continuing along said east line of the Highway and the west line of said Lot 69, N 31°18'41" W, a distance of 121.28 feet to a found ½" iron rod for the southwest corner of Lot 67 of said P.B. Subdivision, Unit 1, the northwest corner of said Lot 69 and the herein described tract of land;

THENCE: Departing said east line of the highway and along and with the common line of Lots 69 and 67, N 58°41'19" E, a distance of 114.01 feet to an angle point of said Lots 67 and 69, and the herein described tract of land;

THENCE: Continuing along said common line, S 83°36'06" E, at 295.00 feet pass a found X cut in the west line of said 13-foot wide strip for the southeast corner of said Lot 67 and the northeast corner of said Lot 69, in all a distance of 308.00 feet to a ½" iron rod found on the west right-of-way line of Jones Maltberger Road, a 60-foot wide right-of-way at this time, same being the east line of said 13-foot wide strip and the northeast corner of the herein described tract of land;

THENCE: Along and with said west line of Jones Maltberger Road, S 06°23'54" W, a distance of 648.71 feet to a point for the southwest corner of said 13 foot wide strip, the east end of said cutback and the southeast corner of the herein described tract of land. Said point bears 1.7 feet north and 2.4 feet west of a found 1/2" iron rod,

THENCE: Departing said west line and along and with said cutback line, N 89°49'15" W, a distance of 26.06 feet to the POINT OF BEGINNING. In all containing 3.225 acres of land in the City of San Antonio, Bexar County, Texas.

TRACT 2: (LEASEHOLD)

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Leasehold Estate as created by that certain Restated and Amended Lease Agreement and First Amendment to Option Agreement dated November 1, 2014, between PMB Embassy Lot, Ltd., as Landlord, and Promus/FelCor San Antonio Venture, as Tenant, a memorandum of which was filed December 4, 2014 and recorded under Clerk's File No. 20140208962, Real Property Records, Bexar County, Texas, as affected by Agreement Correcting Legal Descriptions recorded in Volume 17084, Page 512, Real Property Records, Bexar County, Texas, and being over the following described property:

A 1.116 acre (48,600 square feet) tract of land, being a portion of Lot 67, Block 7, New City Block 11971, P.B. Subdivision Unit 1-A, in the City of San Antonio, Bexar County, Texas as recorded in Volume 9511, Page 66 of the Deed of Plat Records of Bexar County, Texas, and as shown as the remaining portion of Lot 67 in P.B. Subdivision, Unit-2, in the City of San Antonio, Bexar County, Texas recorded in Volume 9536, Page 169 of the Deed of Plat Records of Bexar County, Texas and further described by metes and bounds as follows:

BEGINNING: At a found 1/2" iron rod in the northeast right-of-way line of U.S. Highway 281 (450 feet right-of-way), said point being a common corner for the said Lot 67 and Lot 69, New City Block 11971, said Unit 1-A, as recorded in Volume 9511, Page 66 of the Deed of Plat Records of Bexar County, Texas and the southwest corner of this tract;

THENCE: N 31°18'41" W, a distance of 71.06 feet along the said northeast right-of-way line of U.S. Highway 281 to a point lying 0.3 feet south on line of a found 1/2" iron rod with yellow cap marked "Pape-Dawson" at the southwest corner of Lot 71 of said P.B. Subdivision Unit-2 and the northwest corner of this tract;

THENCE: N 58°41'19" W, a distance of 232.72 feet departing from the said northeast right-of-way line of Highway 281, along the common line of said Lot 71 and of this tract, to an angle point;

THENCE: S 83°36'06" E, continuing along said common line a distance of 257.37 feet to a point on the west right-of-way line of Jones Maltzberger Road (a 60 feet wide right-of-way) for the northeast corner of this tract;

THENCE: S 06°23'54" W, a distance of 128.60 feet along the said west right-of-way line of Jones Maltzberger Road to a found 1/2" iron rod at the northeast corner of Lot 69, Block 7, New City Block 11971 of the said P.B. Subdivision, Unit 1-A and the southeast corner of this tract;

THENCE: Departing from the said west right-of-way line of Jones Maltzberger Road and along a common line between the said Lots 67 and 69 as follows:

N 83°36'06" W, a distance of 308.00 feet to an angle point; and

S 58°41'19" W, a distance of 114.01 feet to the POINT OF BEGINNING and containing 1.116 acres of land in the City of San Antonio, Bexar County, Texas.

EXHIBIT B TO SPECIAL WARRANTY DEED

(Permitted Exceptions)

1. Taxes for the current year and subsequent years, and conditions, restrictions, limitations, reservations, easements, and other matters of record, and all applicable zoning and other land use regulations of any political subdivision or agency in which the Property is situated; provided, however, that such reference shall not operate to reimpose same.
2. Rights of the following tenants, as tenants only, under unrecorded leases with no options or rights of first refusal:
 - a. EAN Holdings, L.L.C., dba Enterprise Rent-a-Car; and
 - b. T-Mobile West LLC, dba T Mobile Corporation
3. The following restrictive covenants of record:

Volume 1713, Page 533, Volume 1831, Page 348, Volume 1873, Page 569, Volume 2275, Page 133, Volume 2345, Page 588, Volume 2387, Page 66 and Volume 3115, Page 232, Deed records, Bexar County, Texas, and Restated and Amended Agreement Concerning Parking Facilities and Restrictive Covenant recorded in under Clerk's File No. 20140208963, Real Property Records, Bexar County, Texas.
4. All leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges, and immunities relating thereto appearing in the Public Records.
5. Easement(s), as provided therein, recorded in Volume 1601, Page 420, Deed Records, Bexar County, Texas, being a 5 foot water easement, along part of the east property line, shown on plat recorded in Volume 9511, Page 66, Deed and Plat Records, Bexar County, Texas, and as shown on survey prepared by Allan Caviness, RPLS No. 4365, American Surveying & Mapping, Inc., dated September 17, 2014, last revised January 20, 2015. (as to Tract 1)
6. A 19 foot drainage easement, along the east property line, shown on plat recorded in Volume 9511, Page 66, Deed and Plat Records, Bexar County, Texas Records, Bexar County, Texas, and as shown on survey prepared by Allan Caviness, RPLS No. 4365, American Surveying & Mapping, Inc., dated September 17, 2014, last revised January 20, 2015. (Tracts 1 and 2)
7. 25 foot building setback line, along the east and west property lines, shown on plat recorded in Volume 9511, Page 66, Deed and Plat Records, Bexar County, Texas Records, Bexar County, Texas, and as shown on survey prepared by Allan Caviness, RPLS No. 4365, American Surveying & Mapping, Inc., dated September 17, 2014, last revised January 20, 2015. (Tracts 1 and 2)
8. 15 foot electric easement, along the west property line, shown on plat recorded in Volume 9511, Page 66, Deed and Plat Records, Bexar County, Texas, and as shown on survey prepared by Allan Caviness, RPLS No. 4365, American Surveying & Mapping, Inc., dated September 17, 2014, last revised January 20, 2015. (Tracts 1 and 2)

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9. 50 foot by 5 foot electric easement, at a point along the west property line, shown on plat recorded in Volume 9511, Page 66, Deed and Plat Records, Bexar County, Texas, and as shown on survey prepared by Allan Caviness, RPLS No. 4365, American Surveying & Mapping, Inc., dated September 17, 2014, last revised January 20, 2015. (as to Tract 1)
10. Restated and Amended Lease Agreement and First Amendment to Option Agreement dated November 1, 2014, between PMB Embassy Lot, Ltd., as Landlord, and Promus/FeiCor San Antonio Venture, as Tenant, a memorandum of which was filed December 4, 2014 and recorded under Clerk's File No. 20140208962, Real Property Records, Bexar County, Texas, as affected by Agreement Correcting Legal Descriptions which was filed on February 11, 2015, and recorded in Volume 17084, Page 512, Real Property Records, Bexar County, Texas. Noted on survey prepared by Allan Caviness, RPLS No. 4365, American Surveying & Mapping, Inc., dated September 17, 2014, last revised January 20, 2015.
11. Terms and provisions of Option Agreement by and between Philip M. Barshop, as Offeror, and Promus/FeiCor San Antonio Venture, a Texas general partnership, as Offeree, dated May 16, 1997, filed June 3, 1997 and recorded in Volume 7104, Page 886, Real Property Records, Bexar County, Texas, as modified by Restated and Amended Lease Agreement and First Amendment to Option Agreement dated November 1, 2014, between PMB Embassy Lot, Ltd., as Landlord, and Promus/FeiCor San Antonio Venture, as Tenant, a memorandum of which was filed December 4, 2014 and recorded under Clerk's File No. 20140208962, Real Property Records, Bexar County, Texas, as affected by Agreement Correcting Legal Descriptions which was filed on February 11, 2015 and recorded in Volume 17084, Page 512, Real Property Records, Bexar County, Texas. Noted on survey prepared by Allan Caviness, RPLS No. 4365, American Surveying & Mapping, Inc., dated September 17, 2014, last revised January 20, 2015.
12. Restated and Amended Agreement Concerning Parking Facilities and Restrictive Covenants dated November 1, 2014, filed December 4, 2014, recorded under Clerk's File No. 20140208963, Real Property Records, Bexar County, Texas, as affected by Agreement Correcting Legal Descriptions which was filed on February 11, 2015 and recorded in Volume 17084, Page 512, Real Property Records, Bexar County, Texas. Noted on survey prepared by Allan Caviness, RPLS No. 4365, American Surveying & Mapping, Inc., dated September 17, 2014, last revised January 20, 2015. (Tracts 1 and 2)
13. 13-foot wide reservation for street widening, shown on plat recorded in Volume 9511, Page 66, Deed and Plat Records, Bexar County, Texas, and as shown on survey prepared by Allan Caviness, RPLS No. 4365, American Surveying & Mapping, Inc., dated September 17, 2014, last revised January 20, 2015. (Tracts 1 and 2)

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FILE-STAMPED COPY, RETURN TO:

Fidelity National Title Agency, Inc.
260 Three Lincoln Centre
5430 LBJ Freeway
Dallas, Texas 75240

ATTN: 4403400865-SJ

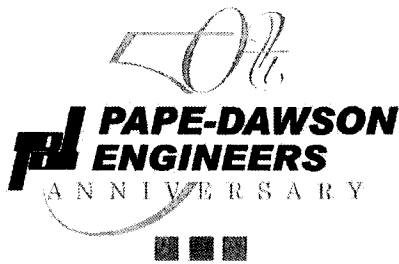
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Doc# 20150044792
Pages 9
03/17/2015 3:14PM
e-Filed & e-Recorded in the
Official Public Records of
BEXAR COUNTY
GERARD C. RICKHOFF
COUNTY CLERK
Fees \$54.00

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.
03/17/2015 3:14PM
COUNTY CLERK, BEXAR COUNTY TEXAS



Gerard C. Rickhoff



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FIELD NOTES FOR ZONING

A 1.116 acre (48,600 square feet) tract of land, being a portion of Lot 67, Block 7, New City Block 11971, P.B. Subdivision Unit 1-A, in the City of San Antonio, Bexar County, Texas, as recorded in Volume 9511, Page 66 of the Deed and Plat Records of Bexar County, Texas, and as shown as the remaining portion of Lot 67 in P.B. Subdivision, Unit-2, in the City of San Antonio, Bexar County, Texas recorded in Volume 9536, Page 169 of the Deed and Plat Records of Bexar County, Texas, and being further described by metes and bounds as follows:

- BEGINNING:** At a found 1/2" iron rod in the northeast right-of-way line of U.S. Highway 281 (450 feet right-of-way), said point being a common corner for the said Lot 67 and Lot 69, New City Block 11971, said Unit 1-A as recorded in Volume 9511, Page 66 of the Deed and Plat Records of Bexar County, Texas, and the southwest corner of this tract;
- THENCE:** N 31°18'41" W, a distance of 70.78 feet along the said northeast right-of-way line of U.S. Highway 281 to a found 1/2" iron rod with yellow cap marked "Pape-Dawson" at the southwest corner of Lot 71 of said P.B. Subdivision Unit-2 and the northwest corner of this tract;
- THENCE:** N 58°41'19" E, a distance of 232.72 feet departing from the said northeast right-of-way line of U.S. Highway 281, along the common line of said Lot 71 and of this tract, to a found 1/2" iron rod with yellow cap marked "Pape-Dawson" at an angle point;
- THENCE:** S 83°36'06" E, continuing along said common line a distance of 257.37 feet to a set 1/2" iron rod with yellow cap marked "Pape-Dawson" point on the west right-of-way line of Jones Maltzberger Road (a 60 feet wide right-of-way) for the northeast corner of this tract;
- THENCE:** S 06°23'54" W, a distance of 128.60 feet along the said west right-of-way line of Jones Maltzberger Road to a found 1/2" iron rod at the northeast corner of Lot 69, Block 7, New City Block 11971 of the said P.B. Subdivision, Unit 1-A and the southeast corner of this tract;
- THENCE:** Departing from the said west right-of-way line of Jones Maltzberger Road and along a common line between the said Lots 67 and 69 as follows:
N 83°36'06" W, a distance of 308.00 feet to a set 60d nail at an angle point; and
S 58°41'19" W, a distance of 114.01 feet to the POINT OF BEGINNING and containing 1.116 acres of land in the City of San Antonio, Bexar County, Texas;

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