

AN ORDINANCE 2017-09-21-0734

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 9, Block 1, CB 4005C and 12.528 acres out of CB 4005 from "MI-1 AHOD" Mixed Light Industrial Airport Hazard Overlay District to "I-1 AHOD" General Industrial Airport Hazard Overlay District.

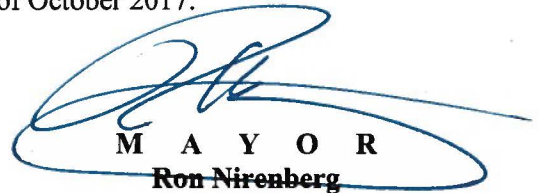
SECTION 2. A description of the property is attached as **Exhibit "A"** and made a part hereof and incorporated herein for all purposes.

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 the 1st day of October 2017.

PASSED AND APPROVED this 21st day of September 2017.


M A Y O R
Ron Nirenberg

ATTEST:


Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:


Andrew Segovia, City Attorney

Agenda Item:	Z-8 (in consent vote: Z-2, Z-5, Z-6, Z-7, Z-8, P-3, Z-9, Z-12)						
Date:	09/21/2017						
Time:	02:21:46 PM						
Vote Type:	Motion to Approve						
Description:	ZONING CASE # Z2017204 (Council District 4): An Ordinance amending the Zoning District Boundary from "MI-1 AHOD" Mixed Light Industrial Airport Hazard Overlay District to "I-1 AHOD" General Industrial Airport Hazard Overlay District on Lot 9, Block 1, CB 4005C and 12.528 acres out of CB 4005, located at 11150 Applewhite Road. Staff and Zoning Commission recommend Approval.						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ron Nirenberg	Mayor		x				
Roberto C. Treviño	District 1		x				x
William Cruz Shaw	District 2		x				
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4	x					
Shirley Gonzales	District 5		x				
Greg Brockhouse	District 6		x				
Ana E. Sandoval	District 7		x			x	
Manny Pelaez	District 8		x				
John Courage	District 9	x					
Clayton H. Perry	District 10		x				

SG/lj
09/21/2017
Item No. Z-8

Exhibit “A”

Z2017204

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL 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.

PREPARED BY:
Erin B. Dempsey
K&L Gates LLP
1717 Main Street, Suite 2800
Dallas, Texas 75201

WHEN RECORDED RETURN TO:
Eclipse Renewables, LLC
10895 Lowell, Suite 102
Overland Park, Kansas 66210
Attention: Kevin T. Kelly

GENERAL WARRANTY DEED

STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF BEXAR §

That SATICOY TEXAS, LLC, a Delaware limited liability company, for and in consideration of the sum of Ten and No/00 Dollars (\$10.00), and other good and valuable cash consideration to the undersigned in hand paid by ECLIPSE RENEWABLES, LLC, a Texas limited liability company ("Grantee"), whose mailing address is 10895 Lowell, Suite 102, Overland Park, Kansas 66210, the receipt and sufficiency of which is hereby acknowledged, have GRANTED, SOLD and CONVEYED, and by these presents do GRANT, SELL and CONVEY unto Grantee, all that certain real property ("Land") described in Exhibit A attached hereto, together with all improvements, if any, thereon and all rights and appurtenances appertaining thereto (herein collectively called the "Property").

This conveyance is made and accepted subject to the following:

1. Rights of parties in possession.
2. The following, all according to plat recorded in 9524/200, Deed and Plat Records, Bexar County, Texas:
 - (a) Fourteen foot (14') Gas and Electric easement along the front property line(s).
 - (b) Twenty Five foot (25') building line along the front property line(s).
3. Water Line Easement recognized by Agreement recorded in 1903/361, Deed Records, Bexar County, Texas.
4. Mineral Interests recorded in 4371/36 and 7503/500, Deed Records, Bexar County, Texas.

22017204

5. Visible and apparent easements.
6. Portion of the property within any roadway.
7. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the land.
8. Deed of Trust executed by SAFE TIRE DISPOSAL CORP., to ROBERT C. ADKINS, Trustee, dated August 20, 1993, recorded in/under 5772/1949 of the Real Property Records of Bexar County, Texas, securing BANK OF OKLAHOMA, N.A., in the payment of one note in the principal sum of Eight Million and No/100 Dollars (\$8,000,000.00), due and payable and bearing interest as therein provided; and all the terms, conditions and stipulations contained therein, including, but not limited to, any additional indebtedness, if any, secured by said instrument. Collaterally assigned to BANK MIDWEST, N.A., in 8212/52; as affected by Amendment and Supplement in 9479/1884; assigned to SATICOY TEXAS, LLC, in 11559/2478; and further assigned to ECLIPSE RENEWABLES, LLC, a Texas limited liability company, pursuant to that certain Assignment of Note and Deeds of Trust, of even date herewith, recorded in the Real Property Records, Bexar County, Texas.
9. Abstract of Judgment, Cause No. DC-05-07534, against SAFE TIRE DISPOSAL CORPORATION; SAFE TIRE DISPOSAL CORPORATION OF OKLAHOMA; SAFE TIRE DISPOSAL CORPORATION OF TEXAS; RECYCLED ENERGY CORPORATION AND INTEGRATED TECHNOLOGY GROUP by SATICOY TEXAS, LLC in the amount of Four Million Twenty Six Thousand Six Hundred Ninety Four and 50/100 Dollars (\$4,026,694.50), plus attorney's fees, interest and costs, recorded in/under 12280/2167 of the Real Property Records of Bexar County, Texas. Assigned to ECLIPSE RENEWABLES, LLC, a Texas limited liability company, pursuant to that certain Assignment of Judgment, of even date herewith, recorded in the Real Property Records, Bexar County, Texas.
10. Access Easement in favor of The State of Texas and The Texas Commission on Environmental Quality as set forth in a Final Judgment and Permanent Injunction dated October 27, 2008 rendered in Cause Number D-1-GV-08-000803, 53rd Judicial District Court, Travis County, Texas.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto belonging unto Grantee, Grantee's heirs, executors, administrators and successors, or assigns forever, and Grantor does hereby bind itself, its heirs, executors, administrators, and successors to WARRANT and FOREVER DEFEND all and singular, the Property unto Grantee, Grantee's heirs, executors, administrators, successors, and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

[Signature Page Follows]

22017204

effective
WITNESS THE EXECUTION HEREOF as of the 20 day of July, 2009.

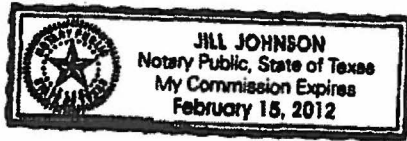
GRANTOR:

SATICOY TEXAS, LLC, a Delaware limited liability company

By: *John Gilbert*
John Gilbert, Manager

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

This instrument was acknowledged before me on July 1, 2009, by John Gilbert, Manager of SATICOY TEXAS, LLC, a Delaware limited liability company, on behalf of said entity.



Jill Johnson
Notary Public, State of Texas
Jill Johnson
Printed Name
My Commission Expires: 2-15-2012

EXHIBIT A**Property Description****TRACT 1:**

Lot 9, Block 1, County Block 4005, SAFE TIRE DISPOSAL OF TEXAS, BEXAR COUNTY, Texas, according to plat recorded in Volume 9524, Page 200, Deed and Plat Records, Bexar County, Texas.

TRACT 2:

BEING 12.528 acres of land, more or less, out of the Fernando Rodriguez O. S. No. 6, Abstract 15, County Block 4005, Bexar County, Texas and also being out of a 247.440 acre tract described in Volume 4806, Page 1230 of the Real Property Records of Bexar County, Texas and being more particularly described as follows:

BEGINNING at an iron pin found in the south line of a 40.00 acre tract described in Volume 4919, Page 1456 of the Real Property Records of Bexar County, Texas for the northwest corner of this tract, said point also being the northeast corner of Lot 9, Block 1, Safe Tire Disposal of Texas Subdivision described in Volume 9524, Page 200 of the Deed and Plat Records of Bexar County, Texas and being South 08 degrees 44 minutes 25 seconds East, 760.49 feet, and North 84 degrees 44 minutes 00 seconds East, 1500.00 feet from the northwest corner of the above referenced 247.440 acre tract;

THENCE, North 84 degrees 44 minutes 00 seconds East, 780.00 feet along the common line with said 40.00 acre tract to an iron pin set in same for the northeast corner of this tract;

THENCE, South 07 degrees 10 minutes 05 seconds East, 700.00 feet to an iron pin set for the southeast corner of this tract;

THENCE, South 84 degrees 44 minutes 00 seconds West, 780.00 feet to an iron pin found for the southwest corner of this tract and the southeast corner of said Lot 9;

THENCE, North 07 degrees 10 minutes 05 seconds West, 700.00 feet along the common line with said Lot 9 to the POINT OF BEGINNING and containing 12.528 acres of land, more or less.

Z2017204

Doc# 20090138179
Pages 5
07/20/2009 16:19:42 PM
e-Filed & e-Recorded in the
Official Public Records of
BEXAR COUNTY
GERARD 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.
07/20/2009 16:19:42 PM
COUNTY CLERK, BEXAR COUNTY TEXAS



Gerard Rickhoff