

AN ORDINANCE 2016-12-01-0931

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 12.824 acres out of NCB 13806 from "C-3 IH-1 AHOD" General Commercial Northeast Gateway Corridor Overlay Airport Hazard Overlay District and "I-1 IH-1 AHOD" General Industrial Northeast Gateway Corridor Overlay Airport Hazard Overlay District to "C-3 IH-1 AHOD" General Commercial Northeast Gateway Corridor Overlay Airport Hazard Overlay District

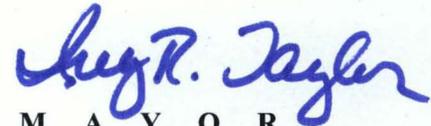
SECTION 2. A description of the property is attached as **Exhibit "A"** and made a part hereof and incorporated herein for all purposes.

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.

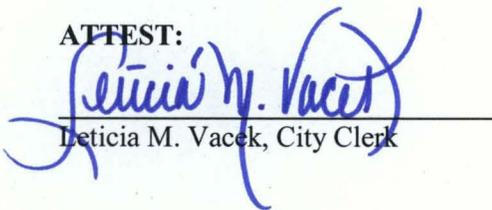
SECTION 4. The Director of Development Services shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.

SECTION 5. This ordinance shall become effective the 10th day of December 2016.

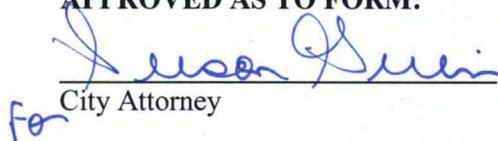
PASSED AND APPROVED this 1st day of December 2016.


M A Y O R
Ivy R. Taylor

ATTEST:


Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:


City Attorney

| | | | | | | | |
|---------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|------------|------------|----------------|---------------|---------------|
| Agenda Item: | Z-6 (in consent vote: Z-1, Z-2, P-1, Z-3, P-2, Z-4, Z-5, Z-6, P-3, Z-7, P-4, Z-8, Z-10, Z-11, Z-12, Z-13, P-6, Z-15, Z-16, Z-17, P-7, Z-18, P-8, Z-19, Z-20, Z-21, Z-23) | | | | | | |
| Date: | 12/01/2016 | | | | | | |
| Time: | 02:48:23 PM | | | | | | |
| Vote Type: | Motion to Approve | | | | | | |
| Description: | ZONING CASE # Z2016275 (Council District 2): An Ordinance amending the Zoning District Boundary from "C-3 IH-1 AHOD" General Commercial Northeast Gateway Corridor Overlay Airport Hazard Overlay District and "I-1 IH-1 AHOD" General Industrial Northeast Gateway Corridor Overlay Airport Hazard Overlay District to "C-3 IH-1 AHOD" General Commercial Northeast Gateway Corridor Overlay Airport Hazard Overlay District on 12.824 acres out of NCB 13806, located at 10640 IH 35 North. Staff and Zoning Commission recommend Approval. | | | | | | |
| Result: | Passed | | | | | | |
| Voter | Group | Not Present | Yea | Nay | Abstain | Motion | Second |
| Ivy R. Taylor | Mayor | | x | | | | |
| Roberto C. Treviño | District 1 | | x | | | 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 | | | | |
| Michael Gallagher | District 10 | | x | | | | x |

Z2018275

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: January 10, 2014

GRANTOR: Warner C. Lusardi, Trustee of the Warner C. Lusardi Family Trust, dated June 11, 1993

GRANTOR'S ADDRESS: 1570 Linda Vista Drive, San Marcos, CA 92078-3808

GRANTEE: BBD I35, LLC, a Texas limited liability company

GRANTEE'S ADDRESS: 6200 N. Houston Rosslyn Road, Houston, TX 77091-3410

CONSIDERATION: TEN DOLLARS (\$10.00) and a Note of even date that is in the principal amount of \$1,912,000.00 and is executed by Grantee, payable to the order of BOKF, N.A., a national banking association, dba Bank of Texas. It is secured by a vendor's lien in the amount of \$1,225,200.00 retained in this Deed and by a Deed of Trust of even date from Grantee to John E. Girard, Trustee.

PROPERTY (including improvements):

Being a 12.824 acre tract of land, more or less, situated in Bexar County, Texas, being more particularly described by metes and bounds in Exhibit "A" attached hereto and made a part hereof.

Together with that certain Reciprocal Easement as described in instrument dated December 16, 2008, executed by and between Wiedner Road Real Estate Partners, L.P., and Warner C. Lusardi, Trustee of the Warner C. Lusardi Family Trust, dated June 11, 1993, recorded in Volume 13790, Page 1341, Real Property Records of Bexar County, Texas.

RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY:

This conveyance is made and accepted subject to the following:

1. 30 foot building setback line along the front property line as shown on plat recorded in Volume 5870, Page 202, Deed and Plat Records of Bexar County, Texas, and as shown on survey dated January 15, 2013, prepared by David O. Salinas, R.P.L.S. No. 5782.
2. 60' Drainage Easement as shown on plat recorded in Volume 5870, Page 202, Deed and Plat Records of Bexar County, Texas, and as shown on survey dated January 15, 2013, prepared by David O. Salinas, R.P.L.S. No. 5782.

6074002002981cc

3. 5' non-access easement as shown on plat recorded in Volume 5870, Page 202, Deed and Plat Records of Bexar County, Texas, and as shown on survey dated January 15, 2013, prepared by David O. Salinas, R.P.L.S. No. 5782.
4. Storm Water Run off Easement agreement as described in instrument dated December 16, 2008, recorded in Volume 13790, Page 1333, Real Property Records, Bexar County, Texas.
5. Terms and conditions of Reciprocal Easement as described in instrument dated December 16, 2008, executed by and between Weidner Road Real Estate Partners, L.P. and Warner C. Lusardi, Trustee of the Warner C. Lusardi Family Trust, Dated June 11, 1993, recorded in Volume 13790, Page 1341, Real Property Records, Bexar County, Texas, and as shown on survey dated January 15, 2013, prepared by David O. Salinas, R.P.L.S. No. 5782.
6. Limitation on access according to Right of Way deed, dated March 16, 1954, recorded in Volume 3487, page 108 and Volume 3487, Page 117, Deed Records, Bexar County, Texas.

Grantee acknowledges and agrees that Grantor has not at any time made and does not make any warranties or representations of any kind or character, express or implied, with respect to the Property, upon which Grantee is relying, including but not limited to, any warranties or representations as to habitability, merchantability, fitness for a particular purpose, title (other than Grantor's warranty of title set forth herein) zoning, tax consequences, physical or environmental condition, availability, location or capacity of any and all utility services, presence or absence of hazardous materials or waste, operating history or projections, valuation, governmental approvals, governmental regulations, the truth, accuracy, or completeness of any item or any other information provided by or on behalf of Grantor to Grantee or any other matter or thing regarding the Property. Grantor conveys to Grantee and Grantee agrees to accept the Property in its present "as is, where is, and with all faults" condition with no representations or warranties of any kind made by Grantor.

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.

BOKF, N.A., a national banking association, dba Bank of Texas, 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 described. The vendor's lien in the amount of \$1,225,200.00 and superior title to the property are retained for the benefit of BOKF, N.A., a national banking association, dba Bank of Texas and are transferred to that party without recourse on Grantor.

Z2016275

WARNER C. LUSARDI FAMILY
TRUST, DATED JUNE 11, 1993

BY: Warner C. Lusardi
WARNER C. LUSARDI
TRUSTEE

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA }
 }
COUNTY OF SAN DIEGO }

On January 8, 2014, before me, Elaine M Regan, Notary Public,
personally appeared Warner C. Lusardi

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Place Notary Seal ^{BELOW} ~~Above~~ Signature
ER

Elaine M Regan
Signature of Notary Public

AFTER RECORDING RETURN TO:

BBD I35, LLC
6200 N. Houston Rosslyn Road
Houston, TX 77091-3410



EXHIBIT "A"

METES AND BOUNDS DESCRIPTION

BEING A 12.824 ACRES (12.828 RECORDED REMAINDER) ACRE TRACT OF LAND, MORE OR LESS, CARVED OUT OF THE REMAINING PORTION OF LOT 1, N.C.B. 13806, HELTON ENTERPRISES SUBDIVISION, SAN ANTONIO, TEXAS, AS PER THE MAP OR PLAT THEREOF RECORDED IN VOLUME 5870, PAGE 202, DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS; SAID REMAINING PORTION OF LOT 1 COMPRISES 21.808 ACRES OF LAND CONVEYED UNTO NORTHWEST BANK TEXAS SOUTH, N.A., FKA KELLY FIELD NATIONAL BANK BY WARNER C. LUSARDI, TRUSTEE OF THE WARNER C. LUSARDI FAMILY TRUST (DATED DECEMBER 11, 1996), AS PER SPECIAL WARRANTY DEED NO. 96-0186909 (VOLUME 6955, PAGE 1333, REAL PROPERTY RECORDS, BEXAR COUNTY, TEXAS,

SAVING AND EXCEPTING 8.98 ACRES OF LAND, MORE OR LESS, BEING ALL OF LOT 8, N.C.B. 13806, WEIDNER RD. SUPPLY WAREHOUSE, AN ADDITION TO THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 9606, PAGE 97, DEED AND PLAT RECORDS, BEXAR COUNTY, TEXAS; SAID 12.824 ACRE TRACT OF LAND IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A 1/4 INCH IRON ROD FOUND ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY (I.H.) 35, BEING LOCATED SOUTH 57 DEGREES 26 MINUTES 00 SECONDS EAST, A DISTANCE OF 494.96 FEET WITH SAID RIGHT-OF-WAY LINE FROM A TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) BRASS DISK FOUND IN A CONCRETE MONUMENT AT THE NORTHWESTERLY END OF A CUT OFF INTO WEIDNER ROAD; SAID IRON ROD BEING A COMMON CORNER TO:

- 1.) NORTHWEST CORNER OF REMAINING PORTION OF SAID 21.808 ACRE TRACT OUT OF LOT 1;
 - 2.) SOUTHWEST CORNER OF LOT 6, N.C.B. 13806, FUNDERBURG SUBDIVISION, SAN ANTONIO, BEXAR COUNTY, TEXAS, AS PER A MAP OR PLAT RECORDED IN VOLUME 8600, PAGE 104, OF THE PLAT RECORDS OF BEXAR COUNTY, TEXAS;
 - 3.) THE TRACT HEREIN DESCRIBED, FOR THE NORTHWEST CORNER AND POINT OF BEGINNING OF THIS HEREIN DESCRIBED TRACT;
- (1) THENCE, SOUTH 89 DEGREES 55 MINUTES 29 SECONDS EAST (SOUTH 89 DEGREES 59 MINUTES 00 SECONDS EAST), COINCIDENT WITH THE SOUTH LINE OF SAID LOT 6, FUNDERBURG SUBDIVISION, A DISTANCE OF 138.14 FEET (138.25 FEET) TO AN ALUMINUM DISK ROD FOUND ON THE NORTHWEST CORNER OF LOT 2 OF SAID HELTON ENTERPRISES SUBDIVISION FOR THE NORTHEAST CORNER OF THIS HEREIN DESCRIBED TRACT;
 - (2) THENCE, SOUTH 00 DEGREES 01 MINUTES 00 SECONDS WEST, COINCIDENT WITH THE WEST LINE OF SAID LOT 2, A DISTANCE OF 200.0 FEET PASS A 1/4 INCH DIAMETER IRON ROD FOUND ON THE SOUTHWEST CORNER OF SAID LOT 2 AND BEING ON THE NORTHWEST CORNER OF THAT CERTAIN 0.757 ACRE TRACT OF LAND HELD BY THE SAN ANTONIO OVERHEAD DOOR COMPANY AS RECORDED IN VOLUME 4296, PAGE 873, REAL PROPERTY RECORDS OF BEXAR COUNTY, TEXAS, AT A DISTANCE OF 309.99 FEET PASS A 1/4 INCH DIAMETER IRON ROD FOUND ON THE SOUTHWEST CORNER OF SAID 0.757 ACRE TRACT AND ON THE NORTHWEST CORNER OF A SECOND TRACT OF LAND HELD BY THE SAN ANTONIO OVERHEAD DOOR COMPANY CONTAINING 0.620 ACRE TRACT OF LAND ALSO RECORDED IN VOLUME 4296, PAGE 873, REAL PROPERTY RECORDS OF BEXAR COUNTY, TEXAS, AT A DISTANCE OF 400.0 FEET IN ALL TO A 1/4 INCH DIAMETER IRON ROD FOUND ON THE SOUTHWEST CORNER OF SAID 0.620 ACRES FOR AN INSIDE CORNER OF THIS HEREIN DESCRIBED TRACT;
 - (3) THENCE, SOUTH 89 DEGREES 59 MINUTES 00 SECONDS EAST, COINCIDENT WITH THE SOUTH LINE OF SAID 0.620 ACRE TRACT, A DISTANCE OF 300.0 FEET TO A 1/4 INCH DIAMETER IRON ROD FOUND ON INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF SAID WEIDNER ROAD FOR AN OUTSIDE EASTERLY CORNER OF THIS HEREIN DESCRIBED TRACT;
 - (4) THENCE, SOUTH 00 DEGREES 12 MINUTES 41 SECONDS WEST (SOUTH 00 DEGREES 01 MINUTES 00 SECONDS WEST), COINCIDENT WITH THE WEST RIGHT-OF-WAY LINE OF SAID WEIDNER ROAD, A DISTANCE OF 60.0 FEET (60.17 FEET) TO A 1/4 INCH DIAMETER IRON ROD FOUND ON THE NORTHEAST CORNER OF LOT 8, N.C.B. 13806, REPLAT ESTABLISHING WEIDNER RD. SUPPLY WAREHOUSE, AN ADDITION TO THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, AS PER THE MAP OR PLAT THEREOF RECORDED IN VOLUME 9606, PAGE 97, IN THE DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS, FOR AN OUTSIDE EASTERN CORNER OF THIS HEREIN DESCRIBED TRACT;
 - (5) THENCE, NORTH 89 DEGREES 52 MINUTES 56 SECONDS WEST, COINCIDENT WITH THE NORTH LINE OF SAID LOT 8, A DISTANCE OF 631.66 FEET (631.84 FEET) TO A 1/4 INCH DIAMETER IRON ROD FOUND ON THE NORTHWEST CORNER OF SAID LOT 8 AND FURTHER BEING LOCATED ON INTERSECTION WITH THE EASTERLY LINE OF THAT CERTAIN 50.0 FOOT UNITED GAS PUBLIC SERVICE COMPANY EASEMENT (RECORDED IN VOLUME 5870, PAGE 202, DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS) FOR AN INSIDE CORNER OF THIS HEREIN DESCRIBED TRACT;
 - (6) THENCE, SOUTH 33 DEGREES 26 MINUTES 55 SECONDS WEST, COINCIDENT WITH THE WEST LINE OF SAID LOT 8 SAME BEING THE EASTERLY LINE OF SAID GAS LINE EASEMENT, A DISTANCE OF 587.97 FEET (588.15 FEET) TO A 1/4 INCH DIAMETER IRON ROD FOUND ON THE SOUTHWEST CORNER OF SAID LOT 8 AND FURTHER BEING LOCATED ON INTERSECTION WITH THE SOUTH LINE OF SAID 21.808 ACRE TRACT FOR THE SOUTHEAST CORNER OF THIS HEREIN DESCRIBED TRACT;
 - (7) THENCE, NORTH 89 DEGREES 28 MINUTES 20 SECONDS WEST (NORTH 89 DEGREES 30 MINUTES 00 SECONDS WEST), COINCIDENT WITH THE SOUTH LINE OF SAID 21.808 ACRE TRACT, A DISTANCE OF 362.87 FEET TO A 1/4 INCH DIAMETER IRON ROD FOUND FOR AN OUTSIDE SOUTHERN CORNER OF THIS HEREIN DESCRIBED TRACT;
 - (8) THENCE, SOUTH 89 DEGREES 54 MINUTES 04 SECONDS WEST (NORTH 89 DEGREES 57 MINUTES 43 SECONDS WEST), CONTINUING WITH THE SOUTH LINE OF SAID 21.808 ACRE TRACT, A DISTANCE OF 134.35 FEET (134.84 FEET) TO A 1/4 INCH DIAMETER IRON ROD FOUND ON THE SOUTHEAST CORNER OF LOT 13, N.C.B. 13806, REPLAT ESTABLISHING JENKINS SUBDIVISION, AN ADDITION TO THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, FOR THE SOUTHWEST CORNER OF THIS HEREIN DESCRIBED TRACT;
 - (9) THENCE, NORTH 24 DEGREES 06 MINUTES 01 SECONDS WEST (NORTH 24 DEGREES 12 MINUTES 14 SECONDS WEST), COINCIDENT WITH THE EAST LINE OF SAID LOT 13, A DISTANCE OF 256.31 FEET (255.25 FEET) TO A 1/4 INCH DIAMETER IRON ROD FOUND ON THE NORTHEAST CORNER OF SAID LOT 13 AND FURTHER BEING LOCATED ON INTERSECTION WITH THE SOUTHEAST FRONTAGE ROADWAY RIGHT-OF-WAY LINE OF SAID I.H. 35 FOR AN OUTSIDE SOUTHERN CORNER OF THIS HEREIN DESCRIBED TRACT;
 - (10) THENCE, NORTH 57 DEGREES 26 MINUTES 42 SECONDS EAST (NORTH 57 DEGREES 26 MINUTES 00 SECONDS EAST) COINCIDENT WITH THE SOUTHEAST RIGHT-OF-WAY LINE OF SAID I.H. 35 AND BEING WITH THE MOST WESTERLY LINE OF SAID 21.808 ACRE TRACT, A DISTANCE OF 1,328.06 FEET (1,328.75 FEET) TO THE POINT OF BEGINNING, CONTAINING 12.824 ACRES OF LAND, MORE OR LESS.

Z2016275

Doc# 20140006171
Pages 5
01/14/2014 3:54PM
e-Filed & e-Recorded in the
Official Public Records of
BEXAR COUNTY
GERARD C. RICKHOFF
COUNTY CLERK
Fees \$38.00

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.
01/14/2014 3:54PM
COUNTY CLERK, BEXAR COUNTY TEXAS

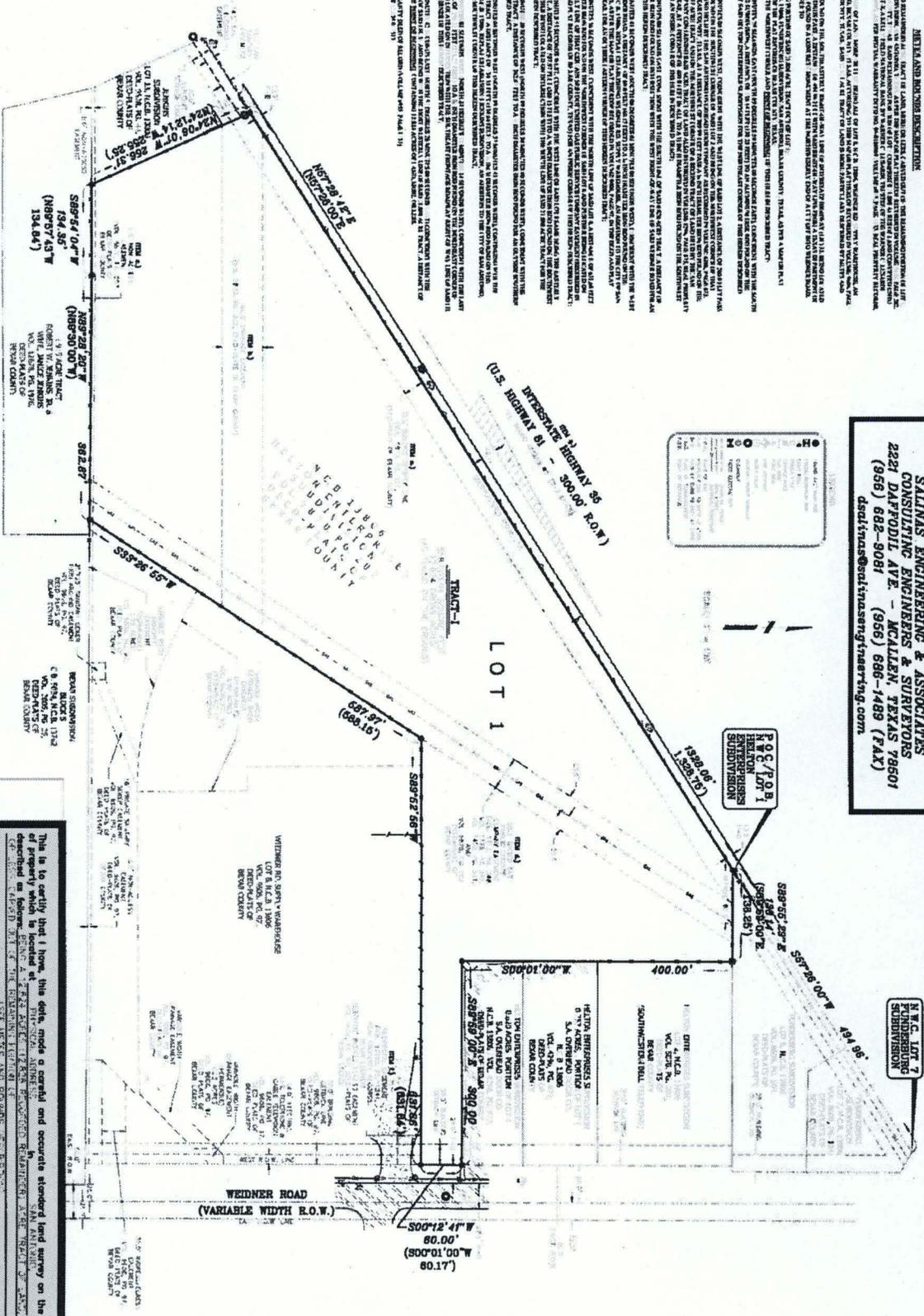


Gerard C. Rickhoff

02018275

NETS AND NOTES DESCRIPTION

1. THIS SURVEY WAS MADE IN ACCORDANCE WITH THE PROVISIONS OF THE SURVEYING ACT OF 1901 AND THE SURVEYING REGULATIONS THEREUNDER.
2. THE SURVEY WAS MADE BY MEASUREMENTS OF DISTANCES AND ANGLES AND BY THE METHOD OF TRIANGULATION.
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SALINAS ENGINEERING & ASSOCIATES
 CONSULTING ENGINEERS & SURVEYORS
 2221 DAPFOUL AVE. - MCALLEN, TEXAS 78601
 (956) 682-9081 (956) 686-1489 (FAX)
 dsalinas@salinasengineering.com

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GENERAL PLAT NOTES:

1. This plat is a true and correct copy of the original survey as shown on the original survey map.
2. The survey was made by measurements of distances and angles and by the method of triangulation.
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This is to certify that I have, this date, made a careful and accurate standard land survey on the ground described in the plat hereon, and that the same is a true and correct copy of the original survey as shown on the original survey map.

I, DAVID S. WEDNER, Surveyor, do hereby certify that the above is a true and correct copy of the original survey as shown on the original survey map.

DATE: 5/15/2017

JOB NO. 52-15-21657

RESTRICTION: PROFESSIONAL LAND SURVEYOR NO. 5782

