AZJ
02/01/2017
Item No. 12

AN ORDINANCE 2017-02-02-0061

DECLARING CITY OWNED PROPERTY LOCATED IN COUNCIL DISTRICT 2 AT 331 NORTH OLIVE AS SURPLUS AND AUTHORIZING ITS DISPOSITION.

* * * * *

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Manager and her designee, severally, are authorized and directed to dispose of the property currently addressed as 331 North Olive, shown and described in **Attachment I**, which is incorporated herein for all purposes as if fully stated.

SECTION 2. The City Manager and her designee, jointly and severally, are authorized and directed to sell any the property under a disposition process as outlined and allowed under any of the following: Texas Local Government Code §272, Texas Local Government Code §253, Texas Tax Code §34, or Texas Tax Code §311, provided the minimum accepted price may not be lower than taxes or other amounts owed to any taxing entities, other than the City of San Antonio, plus court costs. For tax foreclosure properties, the City Council finds that the consideration received by the City in repayment of any taxes or other amounts previously owed to it is the benefit derived by the City from the inclusion and use of the properties by citizens and removal of maintenance obligations, which is found and determined to equal or exceed the amount to which the City is currently entitled to receive. The City Manager and her designee, severally, are authorized and directed to execute and deliver on behalf of the city a deed without warranty, substantially in the form shown in **Attachment II**, conveying the above-described property for the consideration and under the terms shown as modified by the City Attorney's Office. The City Manager and her designee, severally, are authorized to take all additional actions reasonably necessary or convenient to effectuate the transactions, including executing and delivering all instruments and agreements conducive to effectuating the transaction.

SECTION 3. Any revenue from the sale of this property by the City of San Antonio will be deposited into Fund 11001000, Internal Order 223000000252, General Ledger 4903100, and used to pay any outstanding debt.

SECTION 4. The disposition of property must be coordinated through the City's Finance Department to assure the removal of these assets out of the City's financial records and to record the proper accounting transactions.

SECTION 5. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance, may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

SECTION 6. This ordinance becomes effective 10 days after passage, unless it receives the eight votes requisite to immediate effectiveness under San Antonio Municipal Code § 1-15, in which case it becomes effective immediately.

PASSED AND APPROVED this **2nd** day of **February**, **2017**.

M A Y O R
Ivy R. Taylor

ATTEST:

Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

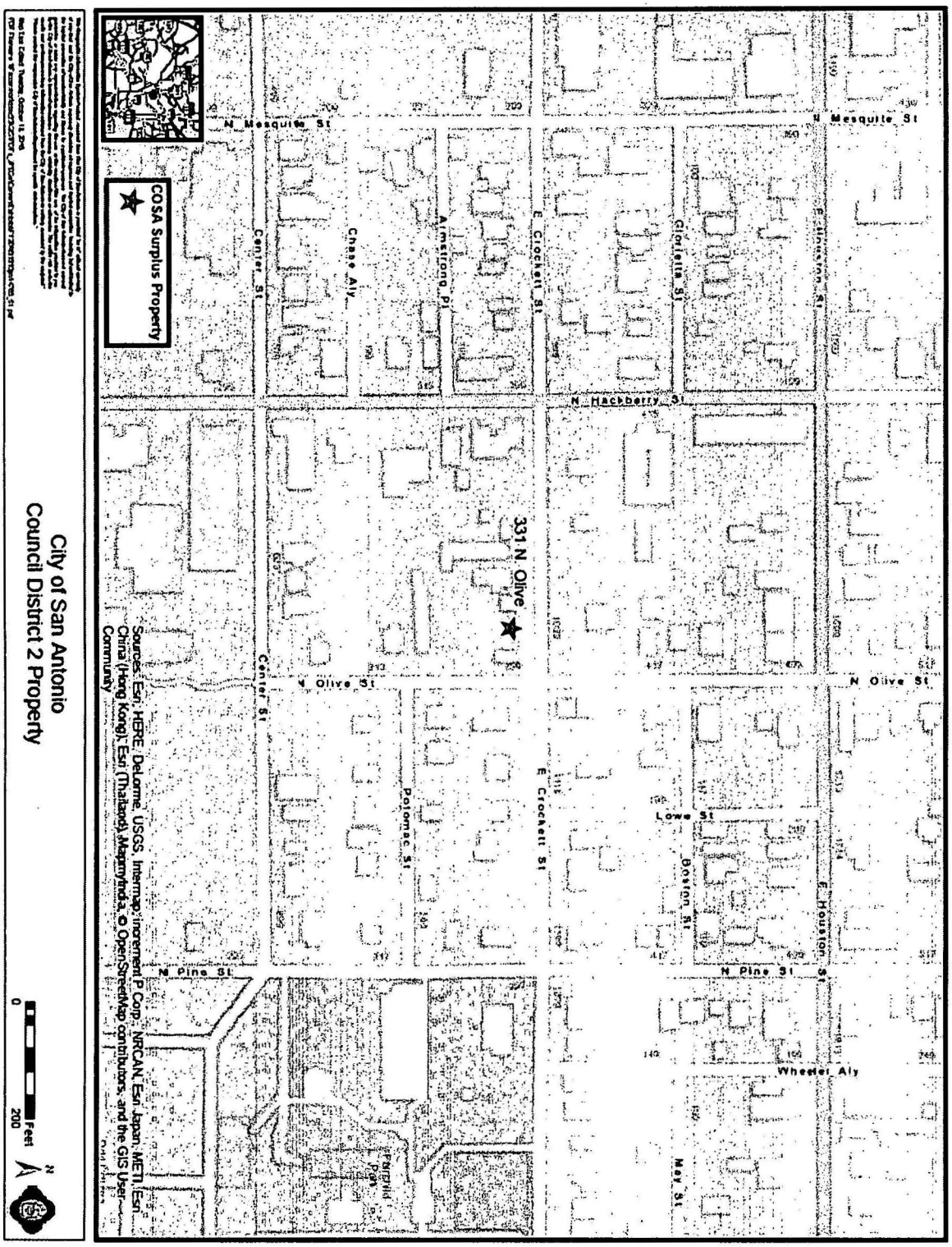
for **City Attorney**

Agenda Item:	**12 (in consent vote: 6, 7, 8, 9, 10, 11A, 11B, 12, 13, 14, 15, 16, 17A, 17B)**
Date:	02/02/2017
Time:	01:59:28 PM
Vote Type:	Motion to Approve
Description:	An Ordinance declaring 331 N. Olive Street located in Council District 2 as surplus to the City's needs and authorizing its sale. [Peter Zanoni, Deputy City Manager; Mike Frisbie, Director, Transportation & Capital Improvements]
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor		x				
Roberto C. Treviño	District 1		x				
Alan Warrick	District 2		x			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

Attachment I

District	Address	BCAD	Deed Legal
2	331 N. Olive	NCB 584 BLK E1/2 7 LOT 1	Lot 1 in the east half of Block7, New City Block 584, San Antonio, Bexar County, Texas, as recorded in Volume 16460, Page 1381 of the Deed and Plat Records of Bexar County, Texas



City of San Antonio
Council District 2 Property

Attachment II: Form of Deed

Notice of Confidentiality Rights: If You Are a Natural Person, You May Remove or Strike Any or All 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.

State of Texas }
}
County of Bexar }

Deed Without Warranty

Authorizing Ordinance:	
Statutory Authority:	Local Government Code § 272.001(a) or Texas Local Government Code §253.014
SP No./Parcel:	
Grantor:	City of San Antonio
Grantor's Mailing Address:	City Of San Antonio, P.O. Box 839966, San Antonio, Texas 78283-3966 (Attn: City Clerk)
Grantor's Street Address:	City Hall, 100 Military Plaza, San Antonio, Texas 78205 (Bexar County)
Grantee:	
Grantee's Mailing Address:	
Consideration:	$_____ in hand paid and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged.
Property:	All of the following real property situated within the corporate limits of the City of San Antonio, Bexar County, Texas, being described as follows: _____as recorded in Volume _____, Page _____, Deed and Plat Records of Bexar County Texas.

Grantor, for the Consideration, Grants, Bargains, and Conveys to Grantee, all of Grantor's right, title, interest, and estate, both at law and in equity, as of the date hereof, in and to the Property,

together with all and singular the rights and appurtenances thereto in anywise belonging, To Have and To Hold unto Grantee, Grantee's successors and assigns forever, **Without Any Express Or Implied Warranty Whatsoever, Including But Not Limited to Warranties of Title, Condition, or Character.**

The Property is conveyed together with any and all improvements, structures and fixtures located thereon, and with all rights, privileges, rights of way, and easements appurtenant thereto, unless reserved unto other parties herein.

Reservations, Restrictions, Exceptions, And Conditions To Conveyance: This conveyance is explicitly subject to the following:

A. Reservations: All recorded reservations.
B. Easements: All recorded and unrecorded easements, whether or not open and obvious.
C. Restrictions: All covenants and restrictions affecting the Property.
D. Exceptions: All instruments affecting the Property, whether or not recorded.
E. Conditions: All conditions affecting the Property.

This conveyance does not relieve Grantee of any building, zoning, or other city-imposed requirements, or other land use restrictions applicable to the Property or the obligation to pay any real estate taxes that may otherwise be due.

Grantor expressly disclaims any and all warranties arising by common law, statute (including without limitation the implied warranties of § 5.023, Texas Property Code or any successor statute), or otherwise.

Setting Out The Specific Reservations And Disclaimers Does Not Imply That The Property Is Free Of Other Encumbrances Or Adverse Claims Or Conditions. Grantor Specifically Disclaims Any Such Implication.

In Witness Whereof, Grantor has caused its representative to set its hand:

Grantor:

City of San Antonio, a Texas municipal corporation

By:_____

Printed
Name:_____

Title:_____

Date:_____

Approved As To Form:

By:_____
City Attorney

The State of Texas }

County of Bexar }

Before me, the undersigned authority, this instrument was this day acknowledged by _____, of and for the City of San Antonio, a Texas municipal corporation, on behalf of that entity in the capacity stated.

Date:_____

_____
Notary Public, State of Texas

My Commission Expires:_____

After Recording, Return To: