SG/cla 01/28/2016 # Z-1

2016-01-28-00 AN ORDINANCE

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 11 and Lot 12, Block 139, NCB 8814, save and except for a 0.003 acre of land conveyed to the City of San Antonio, and a 0.066 acre of land conveyed to the State of Texas, from "O-2 AHOD" High-Rise Office Airport Hazard Overlay District to "C-1 AHOD" Light Commercial Airport Hazard Overlay District.

SECTION 2. The 0.003 acre of land conveyed to the City of San Antonio is described in the Deed at Volume 16985 Page 577 of the Official Public Records of Bexar County Texas, and the 0.066 acre of land conveyed to the State of Texas is described in the Judgment recorded in Volume 4251 Page 3 of the Deed Records of Bexar County Texas. All 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 February 7, 2016.

PASSED AND APPROVED this 28th day of January, 2016.

Ivy R. Taylor

APPROVED AS TO FORM:

City (

Martha G. Sepeda, Acting City Attorney

| Agenda Item: | Z-1 (in consent Z-18, Z-21, Z-22 | | Z-2, Z-3, | Z-5, Z-7, | Z-8, Z-9, Z-10, 2 | Z-13, Z-14, Z-15 | , Z-16, Z-17, | | |
|--------------------|---|----------------|-----------|-----------|-------------------|------------------|---------------|--|--|
| Date: | 01/28/2016 | | | | | | | | |
| Time: | 02:04:47 PM | | | | | | | | |
| Vote Type: | Motion to Approve | | | | | | | | |
| Description: | ZONING CASE # Z2015180 (Council District 1): An Ordinance amending the Zoning District Boundary from "O-2 AHOD" High-Rise Office Airport Hazard Overlay District to "C-1 AHOD" Light Commercial District Airport Hazard Overlay District on Lot 11 and Lot 12, Block 139, NCB 8814, located at 1807 West Wildwood Drive. Staff and Zoning Commission recommend Approval, pending Plan Amendment. (Associated Plan Amendment #15062) | | | | | | | | |
| 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 | | | | 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 | | | | | | |

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METES AND BOUNDS

Being a 0.204 acre tract of land, more or less, out of Lots 11 and 12, Block 139, New City Block 8814, Los Angeles Heights, in the City of San Antonio, Bexar County, Texas, according to the map or plat thereof recorded in Volume 105, Page 284 Deed and Plat Records, Bexar County, Texas, SAVE AND EXCEPT those portions conveyed to the City of San Antonio in a Judgment recorded in Volume 4251, Page 3, Deed Records, and in a General Warranty Deed recorded in Volume 16985, Page 577, Official Public Records, Bexar County, Texas, said 0.204 acres being more particularly described by metes and bounds as follows:

BEGINNING at a 1 inch iron pipe found for the southwest corner of this 0.204 acres, same being the southwest corner of said Lot 12 and the southeast corner of Lot 13 of said Los Angeles Heights, same also being on the North Right-of-Way line of W. Wildwood and the POINT OF BEGINNING;

THENCE along the line common to this 0.204 acres and said Lot 13, North 00 degrees 00 minutes 00 seconds East, a distance of 119.35 feet (called 120.00 feet) to a 1/2 inch iron rod set for the northwest corner of this 0.204 acres, same being the northwest corner of said Lot 12 and the northeast corner of Lot 13, same also being on the South line of an Alley;

THENCE along the South line of said Alley, South 89 degrees 00 minutes 02 seconds East (called North 90 degrees 00 minutes 00 seconds East), a distance of 18.55 feet (called 20.00 feet) to a Highway Monument found for the North corner of this 0.204 acres, same being the northwest corner of said SAVE AND EXCEPT (Volume 4251, Page 3) and on the southwest Right-of-Way line of Interstate Highway 10;

THENCE along the southwest Right-of-Way line of said Interstate Highway 10, South 49 degrees 05 minutes 28 seconds East, a distance of 107.78 feet to a 1/2 inch iron rod set for the East corner of this 0.204 acres, same being on the East line of Lot 11 and the southeast corner of said SAVE AND EXCEPT (Volume 4251, Page 3), same also being on the West Right-of-Way line of Brad Ave.;

THENCE along the West Right-of-Way line of said Brad Ave., South 00 degrees 00 minutes 00 seconds Bast, a distance of 33.44 feet to a point for the upper southeast corner of this 0.204 acres, same being the northeast corner of said SAVE AND EXCEPT (Volume 16985, Page 577);

THENCE along the lines common to this 0.204 acres and said SAVE AND EXCEPT (Volume 16985, Page 577) the following courses and distances:

North 90 degrees 00 minutes 00 seconds West a distance of 10.00 feet to a point for an interior corner of this 0.204 acres, same being the northwest corner of said SAVE AND EXCEPT (Volume 16985, Page 577);

South 00 degrees 00 minutes 00 seconds East a distance of 15.00 feet to a point for the lower southeast corner of this 0.204 acres, same being the southwest corner of said SAVE AND EXCEPT (Volume 16985, Page 577) and on the North Right-of-Way line of said W. Wildwood;

THENCE along the North Right-of-Way line of said W. Wildwood, North 90 degrees 00 minutes 00 seconds West, a distance of 90.00 feet to the POINT OF BEGINNING, and containing 0.204 acres of land, more or less.

I hereby certify that these field notes were prepared from an actual survey made on the ground under my supervision and are true and correct to the best of my knowledge and belief. A survey plat of the above described tract prepared this day is hereby attached to and made a part hereof.

Mark J. Ewald Registered Professional Land Surveyor Texas Registration No. 5095 November 7, 2014



Revised on December 3, 2014 to incorporate SAVE AND EXCEPT recorded in Volume 16985, Page 577.

Revised on January 8, 2016 to correct NCB map no. specified in preamble from 8813 to 8814.

Attachment A

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Page 1 of 1

Z2015180^{Doc#,20140206687}

General Warranty Deed

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 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.

Effective Date: <u>November 25, 2014</u>

Grantor: Robert V. Rodriguez, Jr.

Grantor's Mailing Address: 1807 W. Wildwood San Antonio, Texas 78264-3615 Bexar County, Texas

Grantee:

CHICAGO TITLE GF# 4324 DI 7524

City of San Antonio, as part of its electric and gas system, acting by and through the City Public Service Board

Grantee's Mailing Address:

145 Navarro San Antonio, Texas 78296 Bexar County

Consideration:

TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged.

Property:

All of Seller's right, title and interest in and to a 0.003 acre tract of land being out of Lot 11, Block 139, New City Block 8813, Los Angeles Heights Subdivision, City of San Antonio, Bexar County, Texas as shown by Plat recorded in Volume 105, Page 284-286, Deed and Plat Records, Bexar County, Texas and as described in Deed recorded in Volume 11524, Page 147, Official Public Records of Real Property, Bexar County, Texas. Said 0.003 acre tract being more particularly described and shown by drawing marked Exhibit "A", attached hereto and made a part hereof for all purposes.

Reservations from Conveyance and Warranty: NONE

Exceptions to Conveyance and Warranty:

All presently recorded instruments, other than liens and conveyances, that affect the Property to the extent the same remains in effect and validly affects the Property; rights of adjoining owners in any fences situated on a common boundary; any discrepancies, conflicts, or shortages in area or boundary lines; any encroachments, protrusions or overlapping of improvements; and taxes for the current year.

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 any wise belonging, to have

Attachment A

and hold it to Grantee, Grantee's successors, or assigns forever. Grantor binds Grantor and Grantor's successors and assigns against every person whosoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from and Exceptions to Conveyance and Warranty.

When the context requires, singular nouns and pronouns include the plural.

GRANTOR

Name

STATE OF TEXAS

CHERYL TRANSUE Notary Public STATE OF TEXAS Comm. Exp. 08/04/2016 § §

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This instrument was acknowledged before me on the $\underline{\mathcal{L}}$ day of $\underline{\mathcal{MLC}}$, 2014, by Robert V. Rodriguez, Jr.

ACCEPTED BY GRANTEE

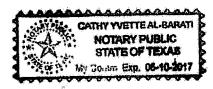
CITY OF SAN ANTONIO, AS PART OF ITS ELECTRIC AND GAS SYSTEM, ACTING BY AND THROUGH THE CITY PUBLIC SERVICE BOARD

By:

BLAKE WILLIAMS SENIOR DIRECTOR SUBSTATION AND TRANSMISSION ENGINEERING, CONSTRUCTION AND MAINTENANCE

STATE OF TEXAS

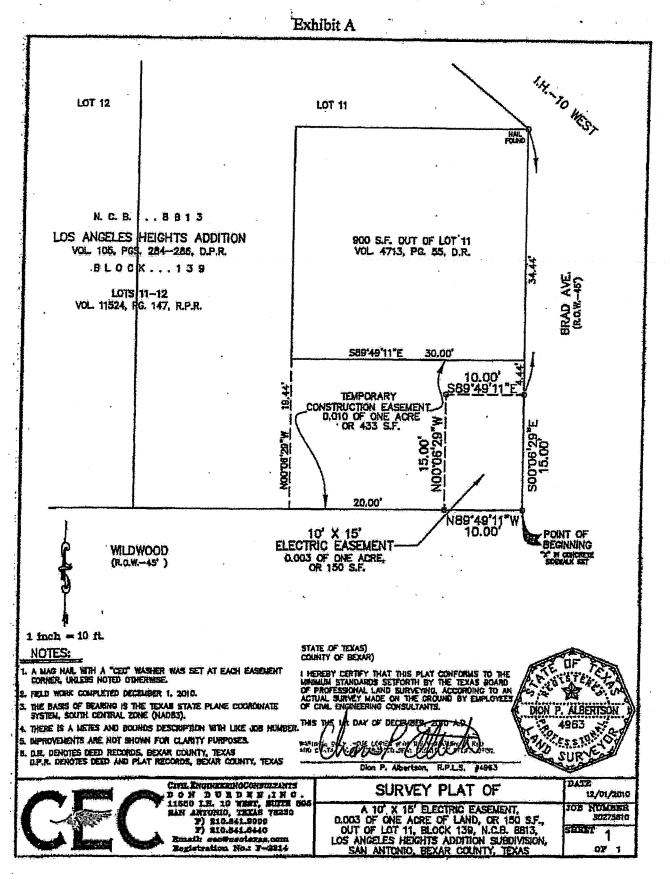
COUNTY OF BEXAR



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Notary Public, State of Texas

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Doc# 20140206687 # Pages 4 12/02/2014 10:54AM e-Filed & e-Recorded in the Official Public Records of BEXAR COUNTY GERARD C. RICKHOFF COUNTY CLERK Fees \$34.00

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. 12/02/2014 10:54AM COUNTY CLERK, BEXAR COUNTY TEXAS



in the City of San Antonio, Bexar County, Texas, according to the plat thereof recorded in Vol. 2805, page 37, Deed and Plat Records of Bexar County, Texas.

Vol 4251

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TO HAVE AND TO HOLD the said premises, together with all and singular the rights, privileges and appurtenances thereto in any manner belonging unto the said MATTIE SCRUGGS, her heirs and assigns forever,

so that neither I, the said LOUIS C. SCRUGGS, nor my heirs, nor any person or persons claiming under me shall, at any time hereafter, have claim or

demand any right or title to the aforesaid premises or appurtenances, or any

part thereof.

WITNESS my hand at San Antonio, Texas, this $\frac{3}{2}$ day of

THE STATE OF TEXAS) COUNTY OF BEXAR

Before me, the undersigned authority, a Notary Public in and for Bexar County, Texas, on this day personally appeared Louis C. Scruggs, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consider-NA ation therein expressed. Given under my hand and seal of office, this <u>4</u> day of <u>5</u>

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Shi in son tary Public, Bexar/County, Texas

O'clock \mathcal{O} Filed for record · 8 O'clock at 5 20 1959 Recorded Bexar County, Texas. Clerk, FRED HUNTRESS, County TTE: Deputy. Bv

207919

NO. 1038

| THE STATE OF TEXAS | | CONDEMNATION PROCEEDING | | |
|----------------------------|---|-----------------------------|--|--|
| VS | Í | FILED WITH THE COUNTY JUDGE | | |
| PHILLIP Y. FULLERTON ET UX | ł | OF BEXAR COUNTY, TEXAS | | |

JUDGMENT

day of January 1959, in the On the 5th above styled and numbered condemnation proceeding in which the State of Texas is Plaintiff and Phillip Y. Fullerton and wife

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Mary A. Fullerton, are Defendants, came on to be considered the Decision and Award of the Special Commissioners, which was filed witho the Judge of this Court on the <u>13th</u> day of <u>November</u> 1958, which such Decision; and Award reads as follows:

"AWARD OF COMMISSIONERS

"On this, the 5th day of November 1958, in the Probate Court Room of the Bexar County Courthouse, situated in San Antonio, Bexar County, Texas, the above styled and numbered cause came on to be heard before the undersigned, three disinterested freeholders of Bexar County, Texas, heretofore appointed as Special Commissioners by the Judge of the County Court of Bexar County, Texas, to assess the damages caused by this condemnation proceeding, and came the Petitioner, the State of Texas, represented by the Attorney General of Texas, and came also the defendant, represented by counsel, and both sides having announced ready, the Commissioners proceeded to hear evidence and arguments of the parties, and made the following findings:

I.

"That, on the <u>14th</u> day of October 1958, the State of Texas, acting by and through the State Highway Commission as Petitioner, filed a written statement and petition with the Judge of the County Court of Bexar County, Texas, wherein,

upon the facts and for the purposes therein stated, it sought a decree of condemnation vesting in said petitioner fee simple title in and to the following described property, situated in Bexar County, Texas:

"A tract of land, same being out of and a part of Lots 11 and 12, Block 139, New City Block 8814, Los Angeles Heights, in the City of San Antonio, Bexar County, Texas, which tract of land, being more particularly described as follows:

"BEGINNING at the existing northeast corner of Lot 11, Block 139, New City Block 8814 in the City of San Antonio, said point also being the point of intersection of the south line of the alley in said Block with the west line of Brad Street;

"THENCE SOUTH O^O 11: 00" West, 70.00 feet along the east line of Lot 11 and the west line of Brad Street to a point for a corner on the southwest right of way line of the proposed location of Interstate Highway 10 Expressway;

"THENCE NORTH 49° 21' 18" West, 107.78 feet along said southwest right of way line, across Lot 11 and part of Lot 12 to a point for a corner on the north line of Lot 12 and the south line of the alley;

"THENCE SOUTH 89⁶ 51' 30" East, 82'00 feet along the north line of Lots 12 and 11, also being the south line of the alley, to the place of beginning, and containing an area of 0.066 of one acre of land, more or less. II. "That upon consideration of said written statement so filed by the said Petitioner, the Judge of the County Court of Bexar County, Texas, did, on the <u>14th</u> day of October, 1958, appoint <u>Henry Valdespino</u>, <u>Dwight F. Straughan</u>, and <u>Alfred Siden</u>, three disinterested freeholders of Bexar County, Texas, as Special Commissioners to assess the damages caused by the condemnation of said property and property rights.

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"That thereafter said Special Commissioners duly qualified as such, each taking the oath prescribed by law, which oaths are on file with the papers in this cause.

III.

IV.

"That after having so qualified, said Special Commissioners on the <u>17th</u> day of October 1958 by written order bearing said date, designated and appointed the <u>5th</u> day of November 1958 at <u>2:00</u> o'clock <u>P. M.</u>, at the Probate Court Room of the Bexar County Courthouse at San Antonio, Texas, as

the date and place for hearing said petition and parties, said date being the earliest practicable time and such place being the county seat of the county in which the property is situated.

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"That, on the <u>17th</u> day of October 1958 said Special Commissioners issued written notice of such date and place of hearing, and the Defendants, Fhillip Y. Fullerton and wife, Mary A. Fullerton, were duly served with notice and notified in the manner provided by law of such hearing and the time and place thereof.

"That on the <u>5th</u> day of <u>November</u> 1958 said Special Commissioners did convene and the following named parties appeared in person or by their attorneys: Phillip Y. Fullerton and wife, Mary A. Fullerton, and the State of Texas represented by the Attorney General and announced ready for such hearing, and said Special Commissioners proceeded to hear evidence as to the damages which will be sustained by the owners, by reason of the condemnation of the property and, after hear-

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| Z2015180 ing and considering such evidence, said Special Commissioners | |
| did find and determine and accordingly assess damages to be paid | |
| at the Former for this condemnation according to the | 2 |
| A transfer set forth in Article 3265 R.C.S. of Texas in | |
| the total amount of <u>ONE THOUSAND EIGHT HUNDRED AND NO/100</u> Dollars | |
| the total amount of <u>ONE THOUSAND FIGHT HUNDRED AND NO/100</u> Dollars (\$ <u>\$1.800.00</u>) as follows: Jointly to Phillip Y. | |
| Fullerton and wife, Mary A. Fullerton. | |
| "The costs of this proceeding are adjudged against the | |
| State of Texas. | |
| "The costs which have accrued to date are as follows: | |
| (1) Fees of Special Commissioners to be set by the Appointing Judge | |
| (2) Fees for serving Notices as follows: | |
| \$ 3.00 to Sheriff, Bexar County, Texas | 1 |
| \$ to | |
| \$to | |
| | |
| "RENDERED this, the <u>7th</u> day of <u>November</u> 1958. | |
| | |
| /s/ Henry Valdespino | |
| /3/ | |
| /s/ Dwight F. Straughan | 8 |
| | |
| /s/ <u>Alfred Siden</u> SPECIAL COMMISSIONERS | |
| The foregoing written Decision and Award of the Special | |
| Commissioners was filed with me on this, the <u>13th</u> day of | |
| November 1958. After consideration it is ordered | |
| that each Commissioner receive the sum of \$_45.00 | |
| for his fee for his services in this proceeding. | |
| Judge, County Court at Law No. 3 | |
| of Bexar County, Texas, Acting for Charles W. Anderson, County Judge, Bexar County, Texas | |
| And, it appearing that no objections to such decision | 1 |
| have been filed within ten (10) days, it is ORDERED, ADJUDGED, | |
| and DECREED that such decision be, and it is hereby, adopted | 2 |
| as the Judgment of this Court. | 4 - |
| It; is further ORDERED, ADJUDGED, and DECREED that the | |
| State of Texas do have and recover from the Defendants, Fhillip | |
| Y. Fullerton and wife, Mary A. Fullerton, fee simple title in | |
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and to the property situated in the County of iBexar, State of

Texas, being described as follows:

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A tract of land, same being out of and a part of Lots 11 and 12, Block 139, New City Block 8814, Los Angeles Heights, in the City of San Antonio, Bexar County, Texas, which tract of land, being more particularly described as follows:

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BEGINNING at the existing northeast corner of Lot 11, Block 139, New City Block 8814 in the City of San Antonio, said point also being the point of intersection of the south line of the alley in said Block with the west line of Brad Street;

THENCE SOUTH O^O 11' OO["] West 70.00 feet along the east line of Lot 11 and the west line of Brad Street to a point for a corner on the couthwest right of way line of the proposed location of Interstate Highway 10 Expressway;

THENCE NORTH 39° 21' 18" West, 107.78 feet along said southwest right of way line, across Lot 11 and part of Lot 12 to a point for a corner on the north line of Lot 12 and the south line of the alley;

THENCE SOUTH 89° 51' 30" East, 82.00 feet along the north line of Lots 12 and 11, also being the south line of the alley, to the place of beginning, and containing an area of 0.066 of one acre of land, more or less.

FROVIDED, however, there is excluded from the fee simple estate condemned herein all of the oil, gas, and sulphur which can be removed from beneath said land, without any right whatever remaining to the owners of such oil, gas, and sulphur of ingress or egress to or from the surface of said land for the purpose of exploring, developing, drilling, or mining of the same;

And, it is further ORDERED, ADJUDGED, and DECREED that Defendants, Phillip Y. Fullerton and wife, Mary A. Fullerton, do have and recover from the State of Texas the said sum of Dollars (\$1,000.00) ONE THOUSAND EIGHT HUNDRED AND NO/100/and the clerk of this Court, upon the deposit of the above said sum of \$1,000.00 is hereby ordered and directed to pay the said sum of \$1,000.00 to the said Defendants, Fhillip Y. Fullerton and wife, Mary A. Fullerton in satisfaction hereof.

It is further 'ORDERED that all costs herein are taxed against the Plaintiff, and that said Plaintiff, upon the deposit of said sum of \$ 1,800.00 as above set out, may have its writ of possession.

. . .

SIGNED this, the ______ day of ______ 1959.

/s/ CHARLES W. ANDERSON Judge of the County Court of Bexar County, Texas

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| Z2015180 | | |
| APPROVED AS TO FORM: | · · · | |
| OC WILL WILSON Attorney General of Texas | | |
| | by Richard O. Jonie | |
| Assistant Attorney General | | |
| ATTORNEYS FOR PLAINTIFF | | |
| | | |
| Attorney for Defendants | | |
| | | |
| CERTIFI | ICATE | |
| THE STATE OF TEXAS COUNTY OF BEXAR | | |
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| I, FRED HUNTRESS, Clerk of the County Court, of | | |
| ioregoing is a true and correct copy of | | |
| in Cause No. 1038 | PHILLIP Y. FULLERTON. ET UX., | |
| as the same appears of record in the minutes of the | | |
| CONDEMNATION 15 Page 396 | | |
| Witness my hand and the seal of said Court at my o | office in Som Antonio Taxon this the 29th | |
| day of Jenuery A. D. 19 59. | unde in our Amono, Texus, ins ne | |
| | | |
| OF B.EXA | FRED HUNTRESS Clark, County Court, Berger County, Texas | |
| By | FO ID F. | |
| S By | Edward P. ERVIN | |
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| Eno. | | |
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| Filed for record 7 the 10 | ,1959, at 21490'clock M. | |
| | ,1959, at /2:000'clock 22M. | |
| | County Clerk, Bexar County, Texas. | |
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| а • | Project 9015-5-6 Parcel 1248 | |
| | | |
| NO. <u>101</u> | 3 | |
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| THE STATE OF TEXAS | CONDEMNATION PROCEEDING | |
| vs | IN THE COUNTY COURT OF | |
| WILLIE G. MORALES, ET AL | BEXAR COUNTY, TEXAS | |
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