

AN ORDINANCE 2015-09-17-0833

**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 1.439 acres out of Lot 10, Block 1, NCB 14701 from "O-2" High-Rise Office District to "C-2" Commercial District.

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

**SECTION 3.** Per City Code Section 35-514 (d) (2) D of the Unified Development Code, fence construction is permitted up to eight (8) feet in height pursuant to a rezoning request.

**SECTION 4.** 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.

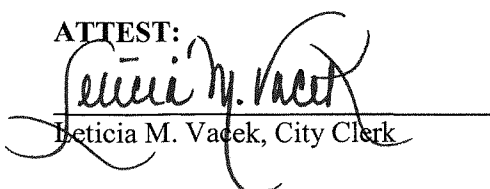
**SECTION 5.** The Director of Development Services shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.

**SECTION 6.** This ordinance shall become effective September 27, 2015.

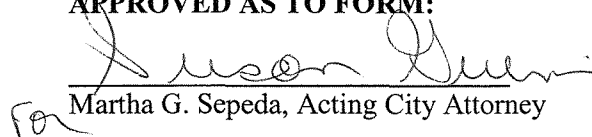
**PASSED AND APPROVED** this 17<sup>th</sup> day of September, 2015.

  
M A Y O R  
Ivy R. Taylor

**ATTEST:**

  
Leticia M. Vadek, City Clerk

**APPROVED AS TO FORM:**

  
Martha G. Sepeda, Acting City Attorney

<b>Agenda Item:</b>	<b>Z-13 ( in consent vote: P-4, Z-13 )</b>						
<b>Date:</b>	09/17/2015						
<b>Time:</b>	02:47:11 PM						
<b>Vote Type:</b>	Motion to Appr w Cond						
<b>Description:</b>	ZONING CASE # Z2015237 (Council District 8): An Ordinance amending the Zoning District Boundary from "O-2" High Rise Office District to "C-2" Commercial District on 1.439 acres of land out of NCB 14701, generally located in the 5900 block of Babcock Road. Staff and Zoning Commission recommend Approval, pending Plan Amendment. (Associated Plan Amendment 15063)						
<b>Result:</b>	Passed						
<b>Voter</b>	<b>Group</b>	<b>Not Present</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Motion</b>	<b>Second</b>
Ivy R. Taylor	Mayor		x				
Roberto C. Treviño	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				x
Cris Medina	District 7		x				
Ron Nirenberg	District 8		x			x	
Joe Krier	District 9		x				
Michael Gallagher	District 10		x				

AFFIDAVIT FOR RECORDING CERTIFIED COPY

STATE OF TEXAS



COUNTY OF BEXAR

Before me, the undersigned authority, on this day personally appeared Velda J. Brown (hereinafter "Affiant"), an Escrow Officer/Officer of MISSION TITLE, LP, a title agent licensed to do business in the State of Texas, and who, after by me being duly sworn, did upon oath depose and say:

The attached Document is being re-recorded for the following reason:

TO ATTACH EXHIBIT "A"

That this Affidavit is being made concerning facts and title to the following described real property:

Being that certain lot, tract or parcel of land situated in the City of San Antonio, Bexar County, Texas, and being more particularly described by metes and bounds on Exhibit "A" attached hereto and made a part hereof for all purposes

Affiant further saith not.

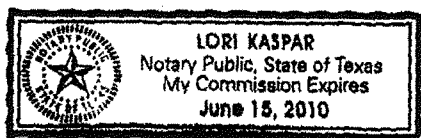
Witness my hand this the 15<sup>th</sup> day of Sept. 2004

Velda J. Brown

STATE OF TEXAS

COUNTY OF Bexar

SUBSCRIBED AND SWORN to before me on this 15 day of Sept. 2004 by Velda J. Brown, to certify which witness my hand and seal of office.



Lori Kaspar  
Notary Public, in and for the State of Texas

Lori Kaspar  
Notary's Printed Name

My Commission Expires: 6-15-10

After Recording Return to:

20 06  
GP#  
MISSION TITLE, LP

GF# 0503684-02

LT1-77-20060050682-1

**WARRANTY DEED  
WITH VENDOR'S LIEN**

**Z2015237**

**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.**

Date: **FEBRUARY 22, 2006**

LT2-11977-2140-2

Grantor **NGA PHOI HA, A SINGLE PERSON**

Grantor's Mailing Address: **8643 WREXHAM HEIGHTS, SAN ANTONIO, TEXAS 78254**

Grantee: **ATASCOSA LAND & CATTLE, LTD., A TEXAS LIMITED PARTNERSHIP**

Grantee's Mailing Address: **RT. 1, BOX 289, JOURDANTON, ATASCOSA COUNTY, TEXAS 78026**

**Consideration:** TEN AND NO/100-----(\$10.00)-----DOLLARS and other good and valuable consideration, the receipt of which is hereby acknowledged and confessed;

**AND THE FURTHER CONSIDERATION OF THE EXECUTION AND DELIVERY** of a Note of even date that is in the principal amount of **\$208,000.00** executed by Grantee, payable to the order of **TEXAS CAPITAL BANK, N.A.**. The Note is secured by a Vendor's Lien retained in favor of **TEXAS CAPITAL BANK, N.A.** in this Deed and by a Deed of Trust of even date from Grantee to **JOHN D. HUDGENS, TRUSTEE(S)**.

**Property (including any improvements):**

**BEING THAT CERTAIN LOT, TRACT OR PARCEL OF LAND SITUATED IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS ON EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES.**

**Reservations from and Exceptions to Conveyance and Warranty:**

**RESTRICTIONS RECORDED IN VOLUME 980, PAGE 281, OF THE DEED AND PLAT RECORDS, BEXAR COUNTY, TEXAS.**

**STANDBY FEES, TAXES AND ASSESSMENTS BY ANY TAXING AUTHORITY FOR THE YEAR 2006 AND SUBSEQUENT YEARS, AND SUBSEQUENT TAXES AND ASSESSMENTS BY ANY TAXING AUTHORITY FOR PRIOR YEARS DUE TO CHANGE IN LAND USAGE OR OWNERSHIP.**

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 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 Conveyance and the Exceptions to Conveyance and Warranty.

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.

The said Vendor's Lien and Superior Title herein retained are hereby transferred, assigned, sold and conveyed to **TEXAS CAPITAL BANK, N.A.**, its successors and assigns, or heirs and assigns, as appropriate, the Payee named in said Note, without recourse on Grantor.

**CERTIFICATE**

This page to which this certificate is affixed is a full, true and correct copy of the original on file and is deposited in my office.



ATTESTED: *[Signature]*  
**GERRY RICKHOFF**  
**COUNTY CLERK**  
**BEXAR COUNTY, TEXAS**

Warranty Deed (WDv1)  
MT01\_000292

Page 1

Z2015237

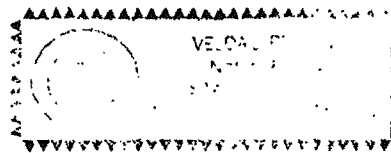
When the context requires, singular nouns and pronouns include the plural.

*[Signature]*  
NGA PHOLHA

(Acknowledgment)

THE STATE OF TEXAS  
COUNTY OF Bexar

This instrument was acknowledged before me on the 28th day of Feb., 2006, by NGA PHOLHA, A SINGLE PERSON.



*[Signature]*  
Notary Public, State of Texas  
Notary's Name (printed):  
Notary's commission expires:

NOTICE: This document affects your legal rights. Read it carefully before signing.

AFTER RECORDING RETURN TO:  
ATASCOSA LAND & CATTLE, LTD., A TEXAS  
LIMITED PARTNERSHIP  
RT. 1, BOX 289, JOURDANTON, ATASCOSA COUNTY,  
TEXAS 78026

PREPARED IN THE LAW OFFICE OF:  
BEADLES, NEWMAN & LAWLER  
A PROFESSIONAL CORPORATION  
ATTORNEYS AT LAW  
3500 HULEN STREET  
FORT WORTH, TEXAS 76107

Any provision herein which restricts the title, or use of the described real property because of race is invalid and unenforceable under Federal law  
STATE OF TEXAS, COUNTY OF BEXAR  
I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped herein by me and was duly RECORDED in the Official Public Record of Real Property of Bexar County, Texas on:

MAR 07 2006



*[Signature]*  
COUNTY CLERK BEXAR COUNTY, TEXAS

Warranty Deed (WDv1)  
MT01\_000292

Deed# 20060050552 Fees: \$20.00  
03/07/2006 1:47PM # Pages 2  
Filed & Recorded in the Official Public  
Records of BEXAR COUNTY  
GERRY RICKHOFF COUNTY CLERK

CERTIFICATE

This page to which this certificate  
affixed in a full, true and correct copy  
of the original on file and of record in  
my office. ATTESTED *[Signature]*



GERRY RICKHOFF  
COUNTY CLERK  
BEXAR COUNTY, TEXAS  
BY *[Signature]*

Page 2

# Gerry Rickhoff

COUNTY CLERK



BEXAR COUNTY

BEXAR COUNTY COURT HOUSE  
SAN ANTONIO, TEXAS 78205

## C E R T I F I C A T E

STATE OF TEXAS §

COUNTY OF BEXAR §

I, GERRY RICKHOFF, COUNTY CLERK OF BEXAR COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BEXAR COUNTY, TEXAS, NOW IN MY LAWFUL CUSTODY AND POSSESSION AS SAME APPEARS OF RECORD FILED IN:

VOLUME 11977 PAGE 2140

IN TESTIMONY WHEREOF, WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE GIVEN IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, ON THIS 14th DAY OF September, A D , 2006

GERRY RICKHOFF  
COUNTY CLERK  
BEXAR COUNTY, TEXAS

BY Sandra J. Franklin  
Deputy County Clerk

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS OR NATIONAL ORIGIN IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW

Z2015237

EXHIBIT "A"

Beginning at a 3/8" rebar found in the easterly right-of-way line of Babcock Road at a fence corner for the northwest corner of Lot 9, Block I of said Oakland Subdivision and being southwest corner of the herein described tract;

Thence N 23° 51' 15" W, with the easterly right-of-way line of Babcock Rd. and a fenceline, a distance of 114.06 feet to a 3/8" rebar found for the point of curative of a curve to the left;

Thence with said curve to the left, having a central angle of 2° 31' 01", a radius of 1949.84, a tangent of 42.83 feet and whose chord bears N 25° 06' 46" W, with an arc length of 85.66 feet along said easterly right-of-way line and fence line, to a 3/9" rebar found for the northwest corner of this tract;

Thence N 63° 56' 19" E, departing the easterly right-of-way line of Babcock Rd., a distance of 303.96 feet to a 3/8" rebar found at a fence corner for the northeast corner of this tract;

Thence S 33° 19' 24" E, with a fenceline, a distance of 195.36 feet to a 3/8" rebar found at a fence corner for the southwest corner of this tract;

Thence S 62° 56' 32" W, with a fence line, a distance of 334.51 feet to the Point of Beginning, containing 1.439 acres more or less.

Any provision herein which restricts the sale, or use of the described real property because of race is invalid and unenforceable under Federal law  
STATE OF TEXAS, COUNTY OF BEXAR  
I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me and was duly RECORDED in the Official Public Records of Real Property of Bexar County, Texas on:

SEP 18 2006

Doc# 20060225316 Fees: \$32.00  
09/18/2006 2:23PM # Pages 5  
Filed & Recorded in the Official Public  
Records of BEXAR COUNTY  
GERRY RICKHOFF COUNTY CLERK



*Gerry Rickhoff*  
COUNTY CLERK BEXAR COUNTY, TEXAS

EXHIBIT "A"