

**THIS IS A DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED
ORDINANCE OR RESOLUTION ADOPTED BY CITY COUNCIL.**

AN ORDINANCE

**DECLARING AS SURPLUS AN UNIMPROVED, APPROXIMATELY
5.00 ACRE TRACT OF CITY OWNED PROPERTY LOCATED ON
WEIDNER ROAD IN COUNCIL DISTRICT 10 AS SURPLUS AND
AUTHORIZING ITS SALE TO ROCKPORT FAMILY
PARTNERSHIP, LTD. FOR A FEE OF \$217,000.00 AND
AUTHORIZING STAFF TO INITIATE ZONING AS NECESSARY
FOR THE CONVEYANCE.**

* * * * *

WHEREAS, Rockport Family Partnership, Ltd and its affiliates (“Petitioner”) has multiple property interests near a 5.00 acre tract of City of San Antonio-owned property on Weidner Road in Council District 10 (“Subject Tract”) as depicted in **Attachment A** and more accurately described in **Attachment B**; and

WHEREAS, Petitioner has developed the Crosswinds Business Park on a portion of its property interests, other properties have been rezoned for a new multi-family development with planned construction in the fall of 2018 and charter school (**Attachment C**) with planned development in early 2019, and Petitioner intends to develop an additional 12 acres as flexible office/warehouse space; and

WHEREAS, the Subject Tract was originally intended for use as a regional detention pond and is located in a low point of the area and floods during rain events and has a significant amount of drainage passing through it, including drainage from Petitioner’s other property interests; and

WHEREAS, recent reviews of the Subject Tract determined there would be minimal benefit on a regional basis and the Subject Tract was presented to Transportation & Capital Improvements Real Estate Division to coordinate a review by City of San Antonio Departments to determine if the property could be declared as surplus and disposed of in accordance with the Municipal Code; and

WHEREAS, the review was concluded and the request for the declaration of the Subject Tract as surplus was conditionally approved; and

WHEREAS, the City of San Antonio utilized broker services permitted under Chapter 253 of Local Government Code, the Subject Tract was advertised for at least 30 days on a multiple-listing service, and Petitioner submitted the highest cash offer; and

WHEREAS, the City of San Antonio and Petitioner executed a purchase agreement for the Subject Tract, a copy of which is attached as **Attachment D** and if City Council approves the declaration of the Subject Tract as surplus and its sale, the sale will be completed; and

WHEREAS, in addition to the sale of the Subject Tract, this item will authorize staff to initiate zoning as necessary for the conveyance of the property as the Subject Tract is currently zoned I2 (Heavy Industrial). Rezoning the property as MF-33 will allow the developer to incorporate the property as part of the multi-family development and utilize the space to accommodate the drainage and as open space, which can be used as central park/play space in relation to the development.

WHEREAS, the City of San Antonio's Planning Commission recommended approval of this request at its regular meeting on August 22, 2018; **NOW THEREFORE**,

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

SECTION 1. As an exercise of its discretion, the City Council:

- A. Declares the Subject Tract as surplus to the needs of the City of San Antonio; and
- B. The City Manager and her designee, jointly or severally, are authorized and directed to convey the Subject Tract to the Petitioner and execute and deliver on behalf of the City of San Antonio a deed without warranty, substantially in the form shown in **Attachment E**, as needed and appropriate conveying the Subject Tract to the Petitioner; and
- C. The City Manager and her designee; jointly or severally, are authorized and directed to initiate zoning as necessary for the conveyance of the Subject Tract.

SECTION 2. The disposition of surplus property must be coordinated through the City of San Antonio's Finance Department to assure the removal of these assets into the City's financial records and to record the proper accounting transactions.

SECTION 3. 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 4. 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 _____ day of _____, 2018.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Andrew Segovia, City Attorney

DRAFT

Attachment "A"



DRAFT

Attachment "B"



MACINA • BOSE • COPELAND and ASSOCIATES, INC
CONSULTING ENGINEERS AND LAND SURVEYORS

415 Breesport Drive, San Antonio, Texas 78216
(210) 349-0151 FAX (210) 349-9302

METES AND BOUNDS DESCRIPTIONS
5.000 ACRE TRACT
SAN ANTONIO, BEXAR COUNTY, TEXAS

BEING 5.000 ACRE (217,801 SQUARE FEET) OUT OF A 71.678 ACRE TRACT AS RECORDED IN VOLUME 7595, PAGE 988 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, SAID 71.678 ACRES BEING OUT OF A CALLED 158.687 ACRE TRACT AS RECORDED IN VOLUME 6175, PAGE 1465 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, SAID 71.678 ACRES BEING SITUATED IN NEW CITY BLOCK 15911, CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS AND BEING PARTIALLY OUT OF THE J.F.A. SCOTT SURVEY NO. 323, ABSTRACT 676, AND PARTIALLY OUT THE HYPOLITO MENDIOLA SURVEY NO. 308, ABSTRACT NO. 491, SAID 158.687 ACRE TRACT BEING THAT SAME TRACT AS DESCRIBED IN VOLUME 5713, PAGE 811 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, BEXAR COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING: At a found 1/4" iron rod and cap "M.B.C." on the east right-of-way line of Weidner Road (a variable width right-of-way), said 1/4" iron rod being the northwest corner of this 5.000 acre tract, the southwest corner of a called 0.500 of an acre tract and also being N 00°08'53" W 818.43 feet from a found 1/4" iron rod at the intersection of the east right-of-way line of Weidner Road (a varying width right-of-way) and the north right-of-way line of Schertz Road (an 80' right-of-way);

THENCE: N 59°52'40" E 289.96 feet passing at 211.74 feet the southeast corner of said 0.500 acre tract as recorded in Volume 4760, Page 1532 of the Official Public Records of Real Property, to a set 1/4" iron rod and cap "M.B.C." for the northernmost corner of this tract;

THENCE: S 27°44'43" E 660.07 feet to a set 1/4" iron rod and cap "M.B.C." at the southeast corner of this tract;

THENCE: S 89°59'21" W 556.96 feet to a set 1/4" iron rod and cap "M.B.C." for the southwest corner of this tract, said 1/4" iron rod being on the east right-of-way line of Weidner Road;

18005 1898

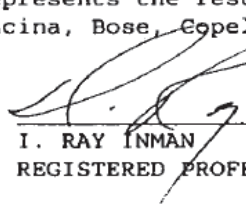
EXHIBIT A


- Page 1 of 2

ROGER W. BOSE, P.E. NO. 23972 • ROBERT A. COPELAND, P.E. NO. 24616 • ROBERT A. LIESMAN, P.E. NO. 44131
SAMUEL B. BLEDSOE, III, P.E. NO. 38820 • DAVID L. ALLEN, P.E. NO. 66073 • ROBERT A. COPELAND, JR. P.E. NO. 70868

THENCE: N 00°08'53" W 438.77 feet along the aforementioned
east right-of-way of Weidner Road to the POINT OF
BEGINNING of this 5.000 acre tract.

I, I. Ray Inman, Registered Professional Land Surveyor do hereby
affirm that this description represents the results of a survey made
on the ground by the firm of Macina, Bose, Copeland & Associates, Inc.


I. RAY INMAN
REGISTERED PROFESSIONAL LAND SURVEYOR



26559
May 19, 1999
IRI/DWM/lk

008005 Pg 1899

EXHIBIT A

- Page 2 of 2



Attachment "C"



DK

Attachment “D”

[INSERT PURCHASE SALE AGREEMENT HERE]

DRAFT

Attachment "E"

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: [XXXXXX]

Statutory Authority: Local Government Code § 272.001(a)

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: 115 Plaza de Armas, 2nd Floor
San Antonio, TX 78205

Grantee: 1 Riverwalk, LLC

Grantee's Mailing Address: Rockport Family Partnership, Ltd

Consideration: Cash 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:

5.00 acres of land as more accurately described in metes and bounds in **Exhibit A.**

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and warranty, 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 from, Restrictions, Exceptions, and Conditions to Conveyance:

This conveyance is explicitly subject to the following:

- A. Reservations:** All reservations affecting the Property.
- B. Easements:** All recorded and unrecorded easements, whether 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:

[XXXXXX]



MACINA • BOSE • COPELAND and ASSOCIATES, INC
CONSULTING ENGINEERS AND LAND SURVEYORS

415 Breesport Drive, San Antonio, Texas 78216
(210) 349-0151 FAX (210) 349-9302

METES AND BOUNDS DESCRIPTIONS
5.000 ACRE TRACT
SAN ANTONIO, BEXAR COUNTY, TEXAS

BEING 5.000 ACRE (217,801 SQUARE FEET) OUT OF A 71.678 ACRE TRACT AS RECORDED IN VOLUME 7595, PAGE 988 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, SAID 71.678 ACRES BEING OUT OF A CALLED 158.687 ACRE TRACT AS RECORDED IN VOLUME 6175, PAGE 1465 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, SAID 71.678 ACRES BEING SITUATED IN NEW CITY BLOCK 15911, CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS AND BEING PARTIALLY OUT OF THE J.F.A. SCOTT SURVEY NO. 323, ABSTRACT 676, AND PARTIALLY OUT THE HYPOLITO MENDIOLA SURVEY NO. 308, ABSTRACT NO. 491, SAID 158.687 ACRE TRACT BEING THAT SAME TRACT AS DESCRIBED IN VOLUME 5713, PAGE 811 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, BEXAR COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

- BEGINNING: At a found 1/2" iron rod and cap "M.B.C." on the east right-of-way line of Weidner Road (a variable width right-of-way), said 1/2" iron rod being the northwest corner of this 5.000 acre tract, the southwest corner of a called 0.500 of an acre tract and also being N 00°08'53" W 818.43 feet from a found 1/2" iron rod at the intersection of the east right-of-way line of Weidner Road (a varying width right-of-way) and the north right-of-way line of Schertz Road (an 80' right-of-way);
- THENCE: N 59°52'40" E 289.96 feet passing at 211.74 feet the southeast corner of said 0.500 acre tract as recorded in Volume 4760, Page 1532 of the Official Public Records of Real Property, to a set 1/2" iron rod and cap "M.B.C." for the northernmost corner of this tract;
- THENCE: S 27°44'43" E 660.07 feet to a set 1/2" iron rod and cap "M.B.C." at the southeast corner of this tract;
- THENCE: S 89°59'21" W 556.96 feet to a set 1/2" iron rod and cap "M.B.C." for the southwest corner of this tract, said 1/2" iron rod being on the east right-of-way line of Weidner Road;

HLL 8005 PG 1898

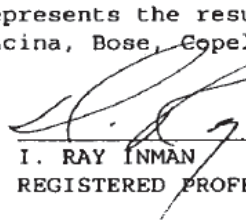
EXHIBIT A

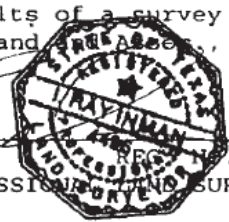
- Page 1 of 2

ROGER W. BOSE, P.E. NO.23972	•	ROBERT A. COPELAND, P.E. NO. 24616	•	ROBERT A. LIESMAN, P.E. NO.44131
SAMUEL B. BLEDSOE, III, P.E. NO.38820	•	DAVID L. ALLEN, P.E. NO.66073	•	ROBERT A. COPELAND, JR. P.E. NO.70868

THENCE: N 00°08'53" W 438.77 feet along the aforementioned
east right-of-way of Weidner Road to the POINT OF
BEGINNING of this 5.000 acre tract.

I, I. Ray Inman, Registered Professional Land Surveyor do hereby
affirm that this description represents the results of a survey made
on the ground by the firm of Macina, Bose, Copeland & Associates, Inc.


I. RAY INMAN
REGISTERED PROFESSIONAL LAND SURVEYOR



26559
May 19, 1999
IRI/DWM/lk

008005 Pg 1899

EXHIBIT A

- Page 2 of 2

