

AN ORDINANCE 2017-10-19-0826

**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 0.1387 acres out of NCB 1205 from "MF-33 EP-1" Multi-Family District Facility Parking/Traffic Control District to "C-2 EP-1" Commercial District Facility Parking/Traffic Control District.

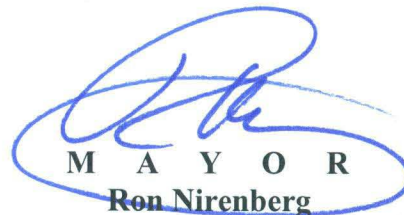
**SECTION 2.** A description of the property is attached as **Exhibit "A"** and made a part hereof and incorporated herein for all purposes.

**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.

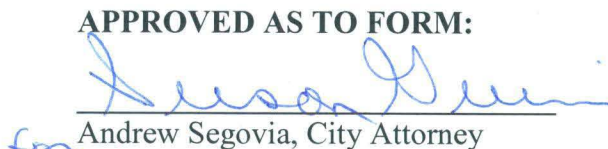
**SECTION 4.** The Director of Development Services shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.

**SECTION 5.** This ordinance shall become effective October 30, 2017.

**PASSED AND APPROVED** this 19<sup>th</sup> day of October 2017.

  
**M A Y O R**  
Ron Nirenberg

**ATTEST:**  
  
Leticia M. Vacek, City Clerk

**APPROVED AS TO FORM:**  
  
for Andrew Segovia, City Attorney

<b>Agenda Item:</b>	<b>Z-3 ( in consent vote: Z-1, Z-2, P-1, Z-3, P-2, Z-4, P-4, Z-6, Z-8, Z-9, Z-10, Z-12 )</b>						
<b>Date:</b>	10/19/2017						
<b>Time:</b>	02:07:11 PM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	ZONING CASE # Z2017245 (Council District 2): An Ordinance amending the Zoning District Boundary from "MF-33 EP-1" Multi-Family Facility Parking/Traffic Control Overlay District to "C-2 EP-1" Commercial Facility Parking/Traffic Control Parking Overlay District on 0.1387 acres out of NCB 1205 located in the 500 Block of Runnels Avenue. Staff and Zoning Commission recommend Approval, pending Plan Amendment. (Associated Plan Amendment 17073)						
<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>
Ron Nirenberg	Mayor		x				
Roberto C. Treviño	District 1		x				x
William Cruz Shaw	District 2		x				
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Greg Brockhouse	District 6		x				
Ana E. Sandoval	District 7		x				
Manny Pelaez	District 8		x				
John Courage	District 9		x			x	
Clayton H. Perry	District 10		x				

SG/lj  
10/19/2017  
Item No. Z-3

# **Exhibit “A”**

METES AND BOUNDS  
FOR  
0.0691 ACRES

**BEING** 0.0691 acres of land (3,010 sf) consisting of the northwest portion of the west half of vacated June Avenue as recorded in Volume 18501 Page 1689 of the Official Public Records of Bexar County, Texas and being that portion that is adjacent to Lot 17, Block 12, N.C.B. 1205 as show on plat of the Government Heights Addition recorded in Volume 8000 Page 1 of the Deed and Plat Records of Bexar County, Texas, said 0.0691 acres of land being more particularly described by metes and bounds as follows:

**BEGINNING** at a set ½" iron rod with yellow cap stamped IES RPLS 4905 on the south line of Dignowity Avenue, (a 50 foot wide right-of-way) for the northeast corner of said Lot 17, and being the northwest corner of said vacated June Avenue and the tract described herein;

**THENCE:** N 76° 29' 40" E, a distance of 33.21 feet, on the south right-of-way line of Dignowity Avenue, to the point of intersection with the centerline of said vacated June Avenue for the northeast corner of the herein described tract;

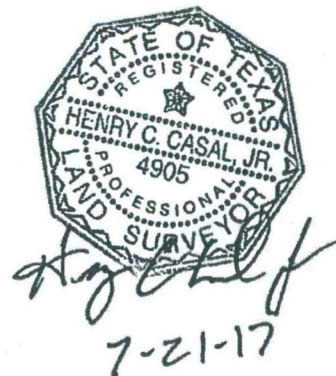
**THENCE:** S 00° 25' 22" E, a distance of 119.91 feet, departing the south line of Dignowity Avenue and on the centerline of said vacated June Avenue to the point of intersection with the projected south line of said Lot 17 for the southeast corner of the herein described tract;

**THENCE:** S 76° 36' 38" W, a distance of 25.65 feet, crossing the west half of said vacated June Avenue to the southeast corner of said Lot 17, also being the northeast corner of Lot 19, Block 12, N.C.B. 1205 as shown on plat of the Government Heights Addition of record in Volume 8500 Page 116 of the Deed and Plat Records of Bexar County, Texas and the southwest corner of the herein described tract;

**THENCE:** N 00° 25' 22" W, a distance of 112.31 feet, on the east line of said Lot 17, to a set ½" iron rod with yellow cap stamped IES RPLS 4905 for a point of curvature;

**THENCE:** Continuing on the east line of said Lot 17, with a curve to the left having a radius of 6.00 feet, a central angle of 103°04'58", an arc length of 10.80 feet and a chord bearing and distance of N 51° 57'51" W, 9.40 feet, to the POINT OF BEGINNING and containing 0.0691 acres of land in the City of San Antonio, Bexar County, Texas. Survey exhibit provided herewith. Basis of bearings is NAD83(2011) Texas State Plane South Central Zone.

Date Surveyed: July 21, 2017



METES AND BOUNDS  
FOR  
0.0696 ACRES

72017240

**BEING** 0.0696 acres of land (3,032 sf) consisting of the southwest portion of the west half of vacated June Avenue as recorded in Volume 18501 Page 1689 of the Official Public Records of Bexar County, Texas and being that portion that is adjacent to Lot 19, Block 12, N.C.B. 1205 as show on plat of the Government Heights Addition recorded in Volume 8500 Page 116 of the Deed and Plat Records of Bexar County, Texas, said 0.0696 acres of land being more particularly described by metes and bounds as follows:

**BEGINNING** at a set ½" iron rod with yellow cap stamped IES RPLS 4905 on the north line of Runnels Avenue, (a 50 foot wide right-of-way) for the southeast corner of said Lot 19, and being the southwest corner of said vacated June Avenue and the tract described herein;

**THENCE:** On the east line of said Lot 19, with a curve to the left having a radius of 16.00 feet, a central angle of 77°02'23", an arc length of 21.51 feet and a chord bearing and distance of N 38° 05'50" E, 19.93 feet, to a set ½" iron rod with yellow cap stamped IES RPLS 4905 for a point of tangency;

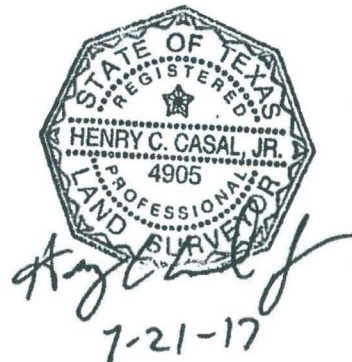
**THENCE:** N 00° 25' 22" W, a distance of 107.26 feet, on the east line of said Lot 19 to the northeast corner of said Lot 19 also being the southeast corner of Lot 17, Block 12, N.C.B. 1205 as shown on plat of the Government Heights Addition of record in Volume 8000 Page 1 of the Deed and Plat Records of Bexar County, Texas and the northwest corner of the herein described tract;

**THENCE:** N 76° 36' 38" E, a distance of 25.65 feet, crossing the west half of said vacated June Avenue on the projected north line of said Lot 19 to the point of intersection with the centerline of said vacated June Avenue for the northeast corner of the herein described tract;

**THENCE:** S 00° 25' 22" E, a distance of 120.00 feet, on the centerline of said vacated June Avenue to the point of intersection with the north line of Runnels Avenue for the southeast corner of the herein described tract;

**THENCE:** S 76° 37' 25" W, a distance of 38.39 feet, on the north line of Runnels Avenue to the POINT OF BEGINNING and containing 0.0696 acres of land in the City of San Antonio, Bexar County, Texas. Survey exhibit provided herewith. Basis of bearings is NAD83(2011) Texas State Plane South Central Zone.

Date Surveyed: July 21, 2017





**SCANNED**

AN ORDINANCE **2017-05-04-0295**

**AUTHORIZING THE CLOSURE, VACATION, AND ABANDONMENT OF A 0.2834 ACRE UNIMPROVED PORTION OF JUNE AVENUE LOCATED BETWEEN DIGNOWITY AVENUE AND RUNNELS AVENUE IN COUNCIL DISTRICT 2 AS REQUESTED BY UNIVERSITY HEALTH SYSTEM FOR A FEE OF \$9,742.00.**

\* \* \* \* \*

**WHEREAS**, Bexar County Hospital District doing business as University Health System ("Petitioner") owns or has agreement from the owners abutting the property surrounding the proposed closure; and

**WHEREAS**, Petitioner is building a clinic that will provide primary care for adults and children to include immunizations, cancer screenings, women's health and mental health; and

**WHEREAS**, this portion of alley is surplus to City of San Antonio needs and such closure will alleviate the City of San Antonio from maintenance and other costs; **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 authorizes the closure, vacation, and abandonment of the right of way segment ("Right of Way Segment") identified in Section 2 of this Ordinance. The City Manager or her designee, severally, are authorized and directed to execute and deliver all necessary documents and to do all other things conducive to effectuate this closure, abandonment, and vacation.

**SECTION 2.** Maps and pictures of the Right of Way Segment are set forth on **Attachment I**. The detailed description of the Right of Way Segment is set forth on **Attachment II**. Both Attachments I and II are incorporated into this ordinance for all purposes as if they were fully set forth. Attachment II controls over any discrepancy between it and Attachment I.

**SECTION 3.** The properties abutting the Right-of-Way Segment are:

Address:	Description:	Owner Listed by Bexar Appraisal District :
601 RUNNELS	NCB 1206 BLK 9 LOT 1 THRU 16	BEXAR COUNTY HOSPITAL DISTRICT
2666 DIGNOWITY AVE	NCB 1205 BLK 12 LOT 17	PEREZ ERNESTINE
527 RUNNELS AVE	NCB 1205 BLK 12 LOT 19	REYNA RAMON ETAL

The listing above is made solely to facilitate indexing of this Ordinance in the real property records. If the listing is inaccurate or not comprehensive, it does not affect the validity of the closure.

**SECTION 4. Reservation of Utility Rights.** All presently existing drainage, water, recycled water and wastewater lines and facilities, electric transmission and distribution poles, lines and facilities, gas lines and facilities, communication lines and facilities, or any other public utility lines and facilities, if any, may remain in place despite this Ordinance and may continue to be accessed, used, repaired, enlarged, upgraded, replaced (and realigned within the Right-of-Way segment) and maintained in the ordinary course of business. Any person wanting removal or relocation of an existing utility pole, line or facility must negotiate separately with the pertinent utility. Any person building on the Right-of-Way Segment without first reaching an agreement with a utility having poles, lines or facilities in the segment does so at his own risk. After the date of this Ordinance, other than replacement of an existing pole, line or facility, no utility may add additional utility poles, lines or facilities in the Right-of-Way Segment based on a claim that the Right-of-Way Segment is public right of way. All drainage rights in the Right-of-Way Segment are retained by the City. This closure does not give up any right arising other than from the plat or other instrument creating the public street or alley right of way. Neither does this Ordinance create new easement rights.

**SECTION 5.** The Right-of-Way Segment exists by easement. The underlying fee ownership of the Right-of-Way Segment by the adjacent lot owners is now unburdened by the rights closed, vacated, and abandoned. For purposes of future conveyance and to better reflect their ownership generally, owners of the adjacent property should replat. No such replat impairs the rights retained by City above, unless in the course of replatting, the owner, at its own expense, otherwise provides for those rights according to platting rules of general applicability.

**SECTION 6.** Petitioner shall pay \$9,742.00 to the City of San Antonio. Funds generated by this ordinance will be deposited into Fund 11001000, Internal Order 22300000253 and General Ledger 4903101.

**SECTION 7.** The disposition of surplus property must be coordinated through the city's Finance Department to assure the removal of these assets into the City's financial records and to record the proper accounting transactions.

**SECTION 8.** 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 9.** 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 4th day of May, 2017.

*Ivy R. Taylor*  
for M A Y O R  
Ivy R. Taylor

ATTEST:

*Leticia M. Vacek*  
\_\_\_\_\_  
Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

*Andrew Segovia*  
\_\_\_\_\_  
Andrew Segovia, City Attorney

STATE OF TEXAS  
COUNTY OF BEXAR  
CITY OF SAN ANTONIO

} SS.

CERTIFIED COPY

The undersigned, the City Clerk of the City of San Antonio in the State and County afore said, does by these presents certify that the attached and foregoing is a true and exemplified copy of a part of the records, papers and books in the Office of the City Clerk; and, that I am the custodian of such papers, books and records as an officer of the City of San Antonio.

Given under my hand and the official seal of the City of San Antonio, this 4th  
day of May \_\_\_\_\_ A. D. 2017  
(SEAL)

*Leticia M. Vacek*  
\_\_\_\_\_  
City Clerk, City of San Antonio.







## Attachment II



METES AND BOUNDS  
FOR  
0.2834 ACRES

**BEING** 0.2834 acres of land (12,345 sf) consisting of June Avenue between Runnels Avenue on the south and Dignowity Avenue on the north and between New City Blocks (N.C.B.) 1205 and 1206 in the City of San Antonio, Bexar County, Texas, said 0.2834 acres of land being more particularly described by metes and bounds as follows:

**BEGINNING** at a set ½" iron rod with yellow cap stamped IES RPLS 4905 on the south line of Dignowity Avenue, (a 50 foot wide right-of-way) for the northeast corner of Lot 17, Block 12, N.C.B. 1205 as shown on a plat of the Government Heights Addition of record in Volume 8000 Page 1 of the Deed and Plat Records of Bexar County, Texas and being the northwest corner of the tract described herein;

**THENCE:** N 76° 29' 40" E, a distance of 74.88 feet, with the south right of way line of Dignowity Avenue, to the point of intersection with the east right-of-way line of June Avenue for the northeast corner of the herein described tract, from which a found ½" iron rod with Pape-Dawson cap on the south line of Dignowity Avenue bears N76°29'40" E, a distance of 404.47 feet;

**THENCE:** S 19° 36' 40" W, a distance of 45.47 feet, departing the south line of Dignowity and with the east line of June Avenue to the point of intersection with a line parallel with and 50 feet east of the west right-of way line of June Avenue;

**THENCE:** S 00° 25' 22" E, a distance of 200.87 feet, with the east line of June Avenue to the point of intersection with the north right-of-way line of Runnels Avenue (a 50 foot wide right-of-way), for the southeast corner of the herein described tract;

**THENCE:** S 76° 37' 25" W, a distance of 64.04 feet, with the north line of Runnels Avenue, to a set ½" iron rod with yellow cap stamped IES RPLS 4905 for the southeast corner of Lot 19, Block 12, N.C.B. 1205 as shown on a plat of the Government Heights Addition of record in Volume 8500 Page 116 of the Deed and Plat Records of Bexar County, Texas and being the southwest corner of the tract described herein, from which a found ½" square axle rod on the south line of Runnels Avenue bears S 20°05'30" W a distance of 59.95 feet;

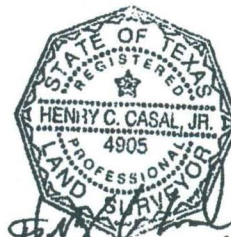
**THENCE:** with a non-tangent curve to the left having a radius of 16.00 feet, a central angle of 77°02'23", an arc length of 21.51 feet and a chord bearing and distance of N 38° 05' 50" E, 19.93 feet, to a set ½" iron rod with yellow cap stamped IES RPLS 4905 for a point of tangency;

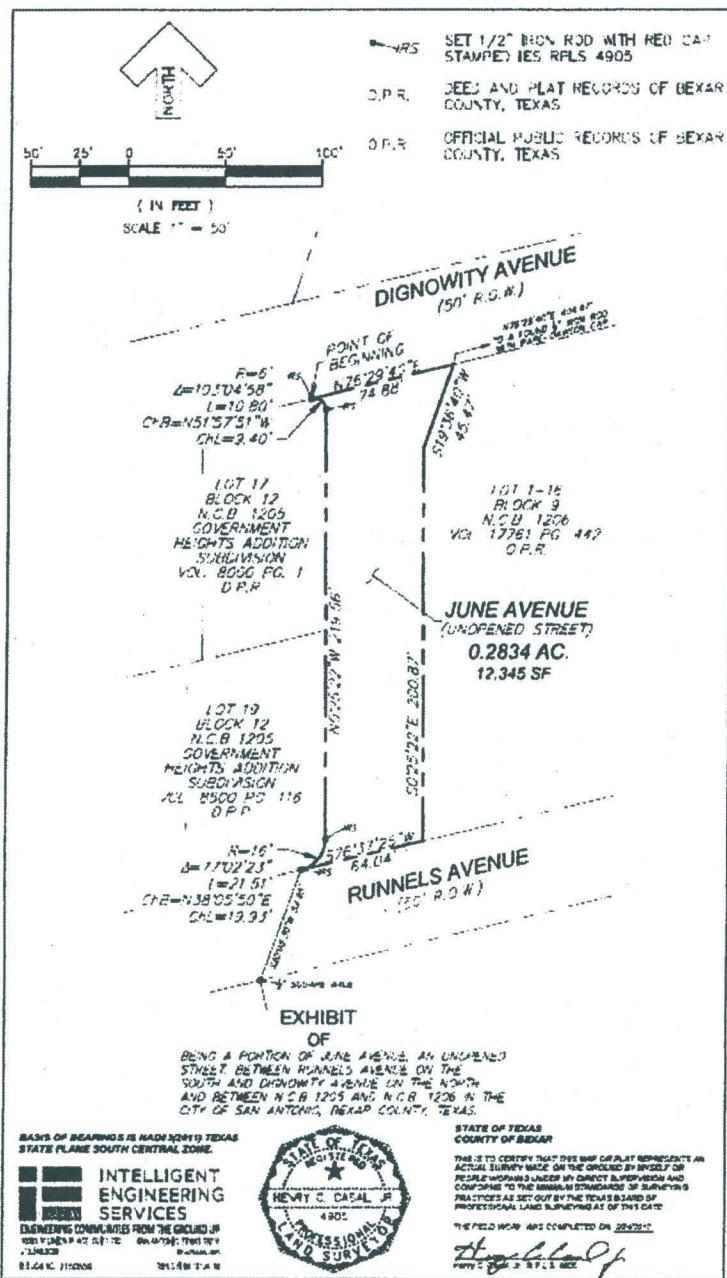
**THENCE:** N 00° 25' 22" W, a distance of 219.56 feet, with the west line of June Avenue and east line of said Lots 19 and 12, to a set ½" iron rod with yellow cap stamped IES RPLS 4905 for a point of curvature;

**THENCE:** with a curve to the left having a radius of 6.00 feet, a central angle of 103°04'58", an arc length of 10.80 feet and a chord bearing and distance of N 51° 57'512" W, 9.40 feet, to the POINT OF BEGINNING and containing 0.2834 acres of land in the City of San Antonio, Bexar County, Texas. Survey exhibit provided herewith. Basis of bearings is NAD83(2011) Texas State Plane South Central Zone.

Date Surveyed: February 24, 2017

10001 Reunion Place, Suite 200  
San Antonio, Texas 78216  
210.349.9098 Office  
TBPLS Firm No 10194116





**RECORDER'S MEMORANDUM**  
 AT THE TIME OF RECORDATION, THIS INSTRUMENT WAS FOUND TO BE INADEQUATE FOR THE BEST PHOTOGRAPHIC REPRODUCTION BECAUSE OF ILLEGIBILITY, CARBON OR PHOTO COPY, DISCOLORED PAPER ETC.

Doc# 20170087169 Fees: \$46.00  
 05/09/2017 12:29PM # Pages 6  
 Filed & Recorded in the Official Public Records of BEXAR COUNTY  
 GERARD C. RICKHOFF COUNTY CLERK

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 this date and at the time stamped hereon by me and was duly RECORDED in the Official Public Record of Real Property of Bexar County, Texas on:

MAY 09 2017

  
 COUNTY CLERK BEXAR COUNTY, TEXAS