

AN ORDINANCE **2016-11-03-0873**

**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 6.240 acres out of NCB 18309 from "C-3" General Commercial District to "R-4" Residential Single-Family District.

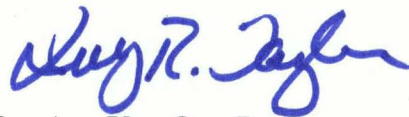
**SECTION 2.** A description of the property is attached as **Exhibit "A"** and made a part hereof and incorporated herein for all purposes.

**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.

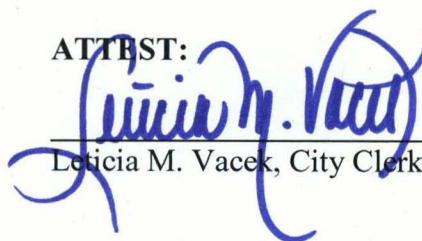
**SECTION 5.** This ordinance shall become effective 13<sup>th</sup> day of November 2016.

**PASSED AND APPROVED** this 3<sup>rd</sup> day of November 2016.




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

**ATTEST:**

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

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
for City Attorney

<b>Agenda Item:</b>	Z-12 ( in consent vote: 22, Z-1, Z-2, Z-4, Z-5, Z-6, P-2, Z-7, Z-9, Z-11, P-4, Z-12, Z-13, P-5, Z-14, P-6, Z-15 )						
<b>Date:</b>	11/03/2016						
<b>Time:</b>	02:05:58 PM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	ZONING CASE # Z2016232 (Council District 7): An Ordinance amending the Zoning District Boundary from "C-3" General Commercial District to "R-4" Residential Single-Family District on 6.240 acres out of NCB 18309, located in the 7800 Block of Tezel Road. Staff and Zoning Commission recommend Approval, pending Plan Amendment. (Associated Plan Amendment 16067)						
<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				
Cris Medina	District 7		x			x	
Ron Nirenberg	District 8	x					
Joe Krier	District 9		x				x
Michael Gallagher	District 10		x				

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SPECIAL WARRANTY DEED WITH VENDOR'S LIEN

THE STATE OF TEXAS

COUNTY OF BEXAR

Date: December 31, 1991

Grantor: The Bank of San Antonio

Grantor's Address (including county): P.O. Box 44  
San Antonio, Texas 78291

Grantee: Minh C. Dinh

Grantee's Address (including county): 9235 Autumn Sun  
San Antonio, Texas 78250

Premises (which term includes the following real property and all fixtures and improvements thereon):

6.24 acres, more or less, out of a 258.726 acre tract in the M.G. De Los Santos Survey No. 82, Abstract 664, County Block 4446, New City Block 18309, in the City of San Antonio, Bexar County, Texas, said 6.24 acre tract being more particularly described as follows:

BEGINNING: At a found iron rod in the east right-of-way line of Tezel Road for the southwest corner of Lot 2, Block 1, C.B. 4446, Rustic Timbers Subdivision as recorded in Volume 9514, Page 152, of the Plat Records of Bexar County, Texas, said point being the northwest corner of this tract;

THENCE: Departing Tezel Road, with the south line of said Rustic Timbers Subdivision, the following:  
S. 80° 20' 00" E, a distance of 298.48 feet to a found iron rod for point of curvature;  
With said curve to the left with a central angle of 32° 10' 27", a radius of 353.43 feet, an arc length of 198.47 feet to a set iron rod for the northeast corner of this tract;

THENCE: Departing Rustic Timbers Subdivision, S 03° 23' 55" W, a distance of 575.46 feet to a found iron rod for the southeast corner of this tract;

THENCE: N 86° 20' 11" W, a distance of 492.34 feet to a found iron rod in the said east line of Tezel Road for the southwest corner of this tract;

THENCE: Following Tezel Road, N. 03° 39' 49" E, a distance of 572.38 feet to the POINT OF BEGINNING and containing 6.24 acres (271,888 square feet) of land, more or less, in Bexar County, Texas.

Consideration: \$10.00, other good and valuable consideration, and any other, if any, below described Additional Consideration.

FOR THE CONSIDERATION, the receipt and adequacy of which is admitted and stipulated by Grantor, and subject to the reservations from and exceptions to conveyance and warranty, if any, herein contained, Grantor has granted, sold and conveyed and hereby does grant, sell and convey the Premises to Grantee. The terms Grantor, Grantee and pronouns referring to them include the plural as

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context requires.

This conveyance is subject to any and all reservations, exceptions and restrictions of record affecting the herein described property, including, without limitation, 1/6th royalty interest at Volume 1140, page 385, Real Property Records of Bexar County, Texas.

This conveyance is also made and accepted subject to the following:

1. Building and zoning ordinances and other laws and regulations and police powers as they may affect the Premises.
2. Real property taxes for the current year and subsequent years.
3. The liens securing said \$5,000.00 note below-described.

This conveyance is further made and accepted subject to the following agreement on proration of taxes and assessments: Taxes having been prorated at closing, all real property taxes and assessments as to the Premises for the current year and subsequent years are the responsibility of Grantee and are assumed by Grantee.

There is no warranty, express or implied, made or given by Grantor except as to title as herein given and limited; no warranty, express or implied, is made as to the condition of the Premises, whether improvements or fixtures, sub-soil conditions, or natural or man-made conditions on or under the Premises or otherwise; ALL OTHER WARRANTIES, INCLUDING FITNESS FOR A PARTICULAR PURPOSE, MERCHANTABILITY AND HABITABILITY ARE DISCLAIMED.

**Additional Consideration:**

The Consideration for this conveyance includes the execution and delivery by Grantee of that one certain promissory note of even date herewith in the principal sum of Five Thousand and No/100 Dollars (\$5,000.00), executed by Grantee and payable to the order of The Bank of San Antonio, at its offices in San Antonio, Bexar County, Texas, as therein provided and bearing interest at the rates therein specified and providing for acceleration of maturity in the event of default and for attorney's fees, the payment of which note is secured by the Vendor's Lien herein retained, and is additionally secured by a deed of trust of even date herewith to James M. Blackwell, as trustee therein.

TO HAVE AND TO HOLD the Premises, together with all and singular the rights and appurtenances thereto in anywise belonging, but subject to any reservations from and exceptions to warranty and conveyance, if any, herein contained, unto the Grantee and Grantee's heirs and assigns forever; and further, subject to all reservations from and exceptions to warranty and conveyance, if any, herein contained, Grantor does hereby bind Grantor and Grantor's successors and assigns to WARRANT AND FOREVER DEFEND all and singular the Premises unto the Grantee and Grantee's heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof by, through or under the Grantor, but not otherwise.

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It is expressly agreed that the Vendor's Lien, as well as the Superior Title in and to the Premises, is retained against the Premises until the above described note and all interest thereon are fully paid according to the face, tenor, effect and reading thereof, when this Deed shall become absolute.

THE BANK OF SAN ANTONIO

BY: J. B. Pittman  
ITS: Vice President

Accepted by Grantee:

Minh C. Dinh  
Minh C. Dinh

Trustee's Address (if applicable):

James M. Blackwell  
The Bank of San Antonio  
660 N. Main  
San Antonio, Texas 78205

(ACKNOWLEDGMENT)

STATE OF TEXAS \*  
\*  
COUNTY OF BEXAR \*

This instrument was acknowledged before me on January 2, 1942, by John B. Pittman, Vice President of The Bank of San Antonio, a state chartered banking association, on behalf of said association.

My commission expires: 12-31-92


Pyllis Sekula  
Notary Public, State of Texas  
Printed Name: Pyllis Sekula

(ACKNOWLEDGMENT)

STATE OF TEXAS \*  
\*  
COUNTY OF BEXAR \*

This instrument was acknowledged before me on January 2, 1942, by Minh C. Dinh.

My commission expires: 8-11-93

 DELIA ARALJO  
Notary Public,  
State of Texas  
Comm. Exp. (8-11-93)

Delia Araljo  
Notary Public, State of Texas  
Printed Name: Delia Araljo

After recording, please return to Grantee at:  
Mr. Minh C. Dinh  
9235 Autumn Sun  
San Antonio, Texas 78250

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CERTIFICATE OF CORPORATE AUTHORITY

The undersigned Secretary of The Bank of San Antonio, a Texas state chartered banking institution (the "Bank") hereby certifies as follows:

WHEREAS, The Bank of San Antonio acquired through foreclosure a certain 6.24 acre tract of land, more or less, out of a 258.726 acre tract in the M.G. De Los Santos Survey No. 82, Abstract 664, Block 4446, New City Block 18309, San Antonio, Bexar County, Texas, as more particularly described in Successor Substitute Trustee's Deed dated May 7, 1991, recorded at Volume 5069, Page 1591, Real Property Records of Bexar County, Texas;

WHEREAS, The Bank of San Antonio has received an offer from Minh C. Dinh to acquire such property;

PURSUANT TO the standing resolutions and/or By-laws of The Bank of San Antonio, the Bank acting through its President, Chief Executive Officer, or any Vice President, has authority to dispose of assets acquired through foreclosure, which assets include the above-described property, on such terms and for such consideration as such officer, acting in his sole discretion, may elect, and therefore any such officer is empowered to execute and deliver to Minh C. Dinh a deed conveying title to such property, and to execute any and all other such documents, instruments or agreements as such officer, in his sole discretion, may deem appropriate in such transaction. Such officer may act without joinder of any other officer, without affixing the corporate seal, and without attestation by the corporate secretary.

Rodie Sparks  
Corporate Secretary

STATE OF TEXAS    §  
COUNTY OF BEXAR §

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE me the undersigned authority, on this the 2nd day of January, 1992, by Rodie Sparks the Corporate Secretary of The Bank of San Antonio, a Texas state chartered banking association, on behalf of said association.

Phyllis Schula  
Notary Public, State of Texas

Printed Name of Notary  
My Commission Expires: 12.17.92

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*by*  
FILED IN MY OFFICE  
ROBERT D. GREEN  
COUNTY CLERK, TEXAS  
1992 JAN -3 PM 4: 02

Any operation therein which reflects the sale, conveyance or use of the described real property because of use is invalid and unenforceable under Federal Law.  
I hereby certify that this instrument was FILED in FILE NUMBER 1992 JAN 6 1992  
STATE OF TEXAS, COUNTY OF BROWN  
on the date and at the time and place herein by me and was duly RECORDED in the Official Public Records of Brown County, Texas on 1

COUNTY CLERK BROWN COUNTY TEXAS  
*Robert D. Green*  
JAN 6 1992



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