AN ORDINANCE 2016-02-18-0142

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 118, Block E, NCB 11545, save and except 0.0470 acre parcel and a 12,560.74 square-foot parcel both conveyed to the City of San Antonio, from "R-20 AHOD" Residential Single-Family Airport Hazard Overlay District to "C-2 NA CD AHOD" Commercial Nonalcoholic Sales Airport Hazard Overlay District with Conditional Use for a Welding Shop.

SECTION 2. A description of the 0.0470 acre tract of land out of Lot 118, recorded in Volume 10820 Page 0871 the Official Public Record of Real Property of Bexar County, Texas, and a description of the 12,560.74 square-foot parcel out of Lot 118 described in City of San Antonio Ordinance Number 77344, approved February 11, 1993, both of which are saved and excepted in Section 1 above, are attached as **Attachment "A"** and made a part hereof and incorporated herein for all purposes.

SECTION 3. The City Council finds as follows:

- **A.** The conditional use will not be contrary to the public interest.
- **B.** The conditional use will not substantially nor permanently injure the appropriate use of adjacent conforming property in the same district.
- C. The conditional use will be in harmony with the spirit and purpose for conditional uses as set forth in Section 35-422, Conditional Zoning, of the Unified Development Code.
- **D.** The conditional use will not substantially weaken the general purposes of the regulations as set forth in Section 35-422, Conditional Zoning, of the Unified Development Code.
- E. The conditional use will not affect adversely the public health, safety and welfare.
- F. No outside storage.

G. Solid screen fencing along the perimeter of the rear yard.

SECTION 4. The City Council approves this Conditional Use so long as the attached site plan is adhered to. A site plan is attached as **Attachment "B"** and made a part hereof and incorporated herein for all purposes.

SECTION 5. 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 6. 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 7. This ordinance shall become effective February 28, 2016.

PASSED AND APPROVED this 18th day of February, 2016.

Ivy R. Taylor

APPROVED AS TO FORM:

Martha G. Sepeda, Acting City Attorney

Agenda Item:	Z-21									
Date:	2/18/2016									
Time:	03:31:01 PM	3:31:01 PM								
Vote Type:	Motion to Appr w	Cond								
Description:	ZONING CASE # Z2016010 CD (Council District 7): An Ordinance amending the Zoning District Boundary from "R-20 AHOD" Residential Single-Family Airport Hazard Overlay District to "C-2NA CD AHOD" Commercial Nonalcoholic Sales Airport Hazard Overlay District with Conditional Use for a Welding Shop on the South 171.58 feet of Lot 118, Block E, NCB 11545 located at 4802 Callaghan Road. Staff recommends Denial. Zoning Commission recommends Approval with Conditions. (Continued from January 28, 2016)									
Result:	Passed									
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second			
Ivy R. Taylor	Mayor		х							
Roberto C. Treviño	District 1		х							
Alan Warrick	District 2		х		•					
Rebecca Viagran	District 3		х				x			
Rey Saldaña	District 4		х							
Shirley Gonzales	District 5		х							
Ray Lopez	District 6	x								
Cris Medina	District 7		x			x				
Ron Nirenberg	District 8	x								
Joe Krier	District 9		х							
Michael Gallagher	District 10		x							

Z2016010 CD

Doc# 20040143224

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY 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

Cc/6/17/04:ord#98852 Dated 2/19/04 Percel: 16329 Project: Callaghan Rd. — W. Horseshoe Bend to Ingram

WARRANTY DEED

STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF BEXAR }

THAT, JEANETTE POPHAM, a.k.a., JEANETTE M. POPHAM, hereinafter referred to as "GRANTOR", of the County of Bexar, State of Texas, for and in consideration of the sum of FIFTEEN THOUSAND TWO HUNDRED AND NO/100 (\$15,200.00) DOLLARS, to her in hand paid by the "GRANTEE", the receipt of which is hereby acknowledged, has GRANTED, SOLD and CONVEYED, and by these presents does GRANT, SELL and CONVEY unto the CITY OF SAN ANTONIO, hereinafter referred to as "GRANTEE", a municipal corporation, of the County of Bexar, State of Texas, whose mailing address is P.O. Box 839966, San Antonio, Texas 78283-3966, all of the following described real property situated within the corporate limits of the City of San Antonio, Bexar County, Texas, to-wit:

A 0.0470 acre, or 2,046 square foot more or less, tract of land out of Lot 118, Block "E", of the Woodlawn Hills Subdivision, recorded in Volume 980, Pages 189-190 of the Deed and Plat Records of Bexar County, Texas, in New City Block 11545 of the City of San Antonio of Bexar County, Texas. Sald 0.0470 acre tract, being more particularly described by metes and bounds description on Exhibit "A" attached hereto and made a part hereof;

It is further understood and agreed that the consideration received by the GRANTOR is also in full payment for all damages to the remaining property, if any, of the GRANTOR.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said GRANTEE, its successors and assigns forever; and GRANTOR does hereby bind herself, her legal representatives, successors and/or assigns, to WARRANT and FOREVER DEFEND all and singular the said premises unto the said GRANTEE, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

EXECUTED this the 24 day of

__, A.D., 2004.

JEANETTE POPHAM, a.k.a. JEANETTE M. POPHAM

Attachment A

WARRANTY DEED - PARCEL 16329 - PAGE 2 of 2

STATE OF TEXAS }

COUNTY OF BEEF

NOTARY PUBLIC SIGNATURE

AFTER RECORDING
PLEASE RETURN TO:
Real Estate Section/9th Floor
City of San Antonio
P. O. Box 83996
San Antonio, TX. 78283-3966

A. CARROLL COSTON
NOTARY PUBLIC
STATE OF TEXAS
My Comm. Exp. 91-12-2008

WL10820 M0872

#342913-V

FIELD NOTES FOR FEE SIMPLE PARCEL NO. 16329



A 0.0470 acre, or 2,046 square foot more of less, tract of land out of Lot 118. Block "E", of the Woodlawn Hills Subdivision, recorded in Volume 980, Pages 189-190 of the Deed and Plat Records of Bexar County, Texas, in New City Block 11545 of the City of San Antonio of Bexar County, Texas. Said 0.0470 acre tract, being more particularly described by metes and bounds as follows:

BEGINNING:

At a set iron rod with yellow cap marked "Pape-Dawson", at the intersection of the south right-of-way line of Callaghan Road, right-ofway varies 60-foot minimum, and the east right-of-way line of Woodside Drive, a 60-foot right-of-way dedicated in said Woodlawn Hills Subdivision, said 'A" iron rod also being the northwest corner of said Lot 118 and the northwest corner of the herein described tract;

THENCE:

N 73°40'45" E, along and with the said south right-of-way line of Callaghan Road, a distance of 146.64 feet to a set '/" iron rod with yellow cap marked "Pape-Dawson", the northwest corner of a variable width drainage right-of-way described in Volume 8, Pages 931-936 in matters probated on September 21, 1978, the northeast corner of the herein described tract;

THENCE:

S 33°41'31" E along and with the west line of the said drainage rightof-way, a distance of 14.08 feet to a set 1/4" iron rod with yellow cap marked Pape-Dawson for the southeast corner of the herein described tract;

THENCE:

S 73°41'13" W departing said drainage right-of-way, a distance of 135.84 feet to a set 1/3" iron rod with yellow cap marked Pape-Dawson to a point of curvature;

THENCE:

Southerly, with a curve to the left, said curve having a radius of 15.00 feet, a central angle of 90°00'28", a chord bearing and distance of S 28°40'59" W, 21.21 feet, for an arc length of 23.56 feet to a set 1/4" iron rod with yellow cap marked "Pape-Dawson" on said east right-ofway line of Woodside Drive for the southwest corner of the herein described tract;

THENCE:

Date:

N 16°19'15" W along and with said east right-of-way line of Woodside Drive, a distance of 28.42 feet to the POINT OF BEGINNING and containing 0.0470 of an acre of land in the City of San Antonio, Bexar County, Texas. Said tract being described in accordance with a su

prepared by Pape-Dawson Engineers, Inc.

Prepared by: Pape-Dawson Engineers, Inc.

Job No .: 3994-62

August 3, 1999, Revised: May 12, 2003

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PAPE-DAWSON ENGINEERS, INC.

San Antonio, Texas 78216 Phone: 210.375.9000 Fax: 210.375.9010

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Exhibit A

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AN ORDINANCE 77344

DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF FEE SIMPLE TITLE TO A PORTION OF LOT 118, BLOCK E, NEW CITY BLOCK 11545 AND A TEMPORARY EASEMENT OVER ADJACENT PROPERTY IN SAN ANTONIO, BEXAR COUNTY, TEXAS FOR A PUBLIC PURPOSE, TO WIT: THE LOCATION, CONSTRUCTION, OPERATION, RECONSTRUCTION, IMPROVEMENT, REPAIR AND MAINTENANCE OF THE SCIENCE PARK DRAINAGE PROJECT.

WHEREAS, the public health and best interest of the City and its citizens require the construction of street and drainage improvements in the vicinity of 4802 Callaghan Road; and,

WHEREAS, it is necessary to construct a portion of the project upon property that is privately owned; and,

WHEREAS, representatives of the city have been unable to enter an agreement with the owner to purchase the property on suitable terms; NOW THEREFORE,

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

SECTION 1. A public necessity is hereby declared for the City of San Antonio to acquire fee title to and a temporary easement over, across and upon certain privately owned real property for surface drainage in New City Block 11545, Bexar County, Texas. The necessary property is described by metes and bounds as:

Fee Simple title to the following property:

BEING 12,560.74 square feet out of Lot 118, Block E, N.C.B. 11545, Woodlawn Hills in the City of San Antonio, Bexar County, Texas, and being more particularly described as follows:

BEGINNING at iron pin set in the south right-of-way (R.O.W.) line of Callaghan Road, said point also being 155.51 feet east of east R.O.W. line of Woodside Drive for the northeast corner of this tract, for the POINT OF BEGINNING;

THENCE S 57° 07′ 21" E, along the easterly boundary line of this tract and the westerly boundary line of a drainage easement located in Block E, N.C.B. 11545, a distance of 263.90 feet to an iron pin set in the northeast corner of Lot 119, Block E, N.C.B. 11545, for the southeast corner of this tract;

THENCE S 73° 41′ 45" W, along the southerly boundary line of this

Z2016010

tract, and north boundary line of said Lot 119, a distance of 117.81 feet to an iron pin set for the southwest corner of this tract;

THENCE N 33° 43′ 31" W, along the westerly boundary line of this tract, a distance of 209.31 feet to an iron pin set in to the south R.O.W. line of Callaghan Road, for the northwest corner of this tract;

THENCE N 73° 38' 27" E, along the northerly boundary line of this tract and the south R.O.W. line of Callaghan Road, a distance of 7.98 feet to the POINT OF BEGINNING.

A temporary construction easement over, under and across the following property for a period of four years;

BEING 3,139.52 square feet out of Lot 118, Block E, N.C.B. 11545, Woodlawn Hills in the City of San Antonio, Bexar County, Texas, and being more particularly described as follows:

BEGINNING at an iron pin set in the southerly right-of-way (R.O.W.) line of Callaghan Road and 147.53 feet east of the northwest corner of Lot 118, Block E, N.C.B. 11545, said point also being 7.98 feet west of the northeast corner of said Lot 118, for the POINT OF BEGINNING;

THENCE S 33° 43′ 31" E, along the easterly boundary line of this tract and the westerly boundary line of a drainage channel, a distance of 209.31 feet to an iron pin set in the southerly boundary line of said Lot 118, for the southeast corner of this tract;

THENCE S 73° 41' 45" W, along the southerly boundary line of this tract, a distance of 15.72 feet to a point in the southerly boundary line of said Lot 118, for the southwest corner of this tract;

THENCE N 33° 43′ 31" W, along the westerly boundary line of this tract, a distance of 209.29 feet to a point in the northerly boundary line of said Lot 118, for the northwest corner of this tract;

THENCE N 78° 38' 27" E, along the northerly boundary line of this tract and the southerly R.O.W. line of Callaghan Road, a distance of 15.72 feet to the POINT OF BEGINNING.

SECTION 2. The City Manager, through the City Attorney, is hereby authorized and directed to institute and prosecute to conclusion all necessary proceedings to condemn such property as the City of San Antonio is unable to acquire through negotiation by reason of its inability to agree with the owners thereof as to the value of such property, or for any other reason, and to take any other legal action deemed necessary by the City Attorney to accomplish these purposes.

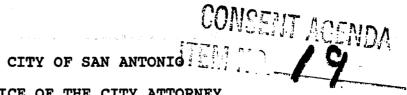
SECTION 3. The prior actions and efforts of city officials to negotiate the purchase of the necessary rights and the steps taken

to initiate and prosecute condemnation of the property are hereby ratified and affirmed.

PASSED AND APPROVED this // day of Pebruary, 1993.

APPROVED AS TO FORM:

City Attorney



OFFICE OF THE CITY ATTORNEY

INTERDEPARTMENTAL CORRESPONDENCE SHEET

7.2016010

City Council, through Alexander E. Briseño, City Manager

FROM: William E. Wood, Assistant City Attorney

COPIES TO: Lloyd Garza, City Attorney; Wm. Toudouze, Public Works.

SUBJECT: Proposed ordinance declaring a public necessity and use for the acquisition of real property located at: Lot 118, Block E, NCB 11545, WOODLAWN HILLS Subdivision, Bexar County, Texas. This property is needed as part of the Science Park Drainage Project. The property is owned by Jeanette Popham and is located at 4802 Callaghan Rd.

DATE: January 27, 1993

Summary & Recommendations:

The proposed ordinance establishes a public necessity as a prerequisite to condemnation of fee title and a temporary easement over a portion of the property described below as part of the Science Park Drainage project. It would also ratify steps taken to date which include negotiations and an offer to purchase the property at the appraised value of \$11,052. The landowner has rejected the offer.

The parcels are out of Lot 118, Block E, New City Block 11545. Bexar County, Texas, and contain approximately 12,560.74 square feet in fee simple and approximately 3,139.52 square feet for a temporary construction easement. The street address is: 4802 Callaghan Road. The property is owned by: JEANETTE POPHAM

Passage of the proposed Ordinance is recommended. It is necessary that the council determine that a public necessity exists prior to the use of the city's powers of eminent domain. The city engineering staff is of the opinion this property must be obtained to construct the project in the most appropriate manner and location.

Policy Analysis:

The construction of the proposed drainage improvements is in the best interest of the public health and safety and the proposed location is appropriate.

Financial Impact:

This ordinance should not have a direct financial impact. Subsequent ordinances will appropriate necessary funds for the purchase price as set by the court together with necessary litigation expenses.

Respectfully submitted,

Villiam E. Wood

Recommend Approval:

Z2016010

Alexander E. Briseño

City Manager

Lloyd G. Garza

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CITY OF SAN ANTONIO

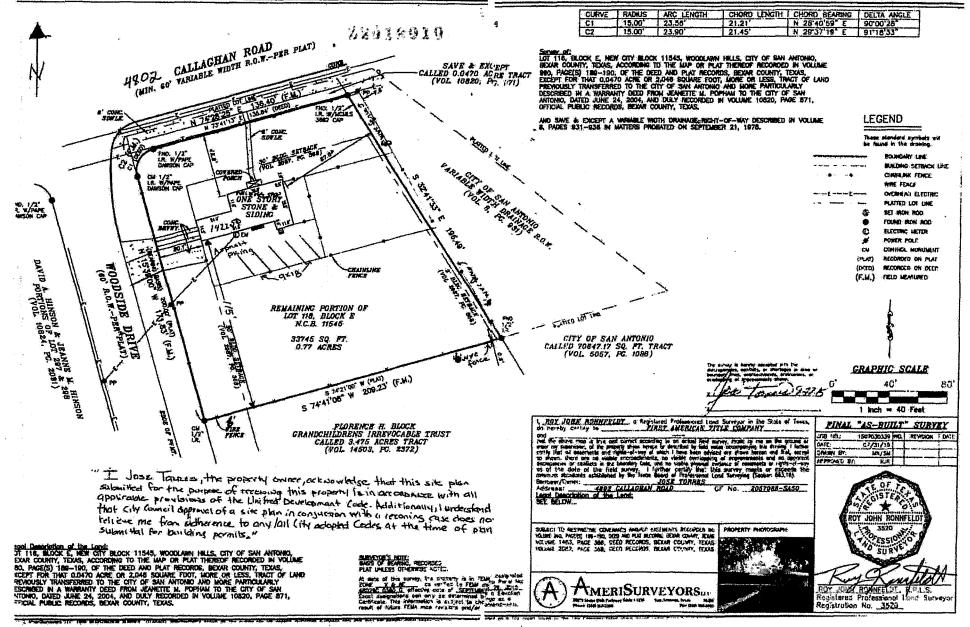
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For OMO use only

Date Considered Consent □ _ sindividual □

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Jan. 27, 1993	City Attor				n E Wood	#8961
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Public Works Dept/Real	. Estate Sec	tion				
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Doc# 20040143224

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY 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

Cc/6/17/04:ord#98852 Dated 2/19/04

Parcel: 16329
Project: Callaghan Rd. – W. Horseshoe Bend to Ingram

WARRANTY DEED

STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF BEXAR }

THAT, JEANETTE POPHAM, a.k.a., JEANETTE M. POPHAM, hereinafter referred to as "GRANTOR", of the County of Bexar, State of Texas, for and in consideration of the sum of FIFTEEN THOUSAND TWO HUNDRED AND NO/100 (\$15,200.00) DOLLARS, to her in hand paid by the "GRANTEE", the receipt of which is hereby acknowledged, has GRANTED, SOLD and CONVEYED, and by these presents does GRANT, SELL and CONVEY unto the CITY OF SAN ANTONIO, hereinafter referred to as "GRANTEE", a municipal corporation, of the County of Bexar, State of Texas, whose mailing address is P.O. Box 839966, San Antonio, Texas 78283-3966, all of the following described real property situated within the corporate limits of the City of San Antonio, Bexar County, Texas, to-wit:

A 0.0470 acre, or 2,046 square foot more or less, tract of land out of Lot 118, Block "E", of the Woodlawn Hills Subdivision, recorded in Volume 980, Pages 189-190 of the Deed and Plat Records of Bexar County, Texas, in New City Block 11545 of the City of San Antonio of Bexar County, Texas. Said 0.0470 acre tract, being more particularly described by metes and bounds description on Exhibit "A" attached hereto and made a part hereof;

It is further understood and agreed that the consideration received by the GRANTOR is also in full payment for all damages to the remaining property, if any, of the GRANTOR.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said GRANTEE, its successors and assigns forever; and GRANTOR does hereby bind herself, her legal representatives, successors and/or assigns, to WARRANT and FOREVER DEFEND all and singular the said premises unto the said GRANTEE, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

EXECUTED this the 24 day of

_, A.D., 2004.

cante Popham

JEANETTE POPHAM, a.k.a. JEANETTE M. POPHAM

Attachment A

Z2016010

WARRANTY DEED - PARCEL 16329 - PAGE 2 of 2

STATE OF TEXAS } COUNTY OF BEET

This instrument was acknowledged before me on this the 2004 by <u>JEANETTE POPHAM</u>, a.k.a. JEANETTE M. POPHAM.

NOTARY PUBLIC SIGNATURE

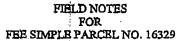
AFTER RECORDING
PLEASE RETURN TO:
Real Estate Section/9th Floor
City of San Antonio
P. O. Box 83996
San Antonio, TX. 78283-3966

A. CARROLL COSTON
NOTARY PUBLIC
STATE OF TEXAS
My Comm. Exp. 01-12-2008

VIL.10820 PI0872

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A 0.0470 acre, or 2,046 square foot more or less, tract of land out of Lot 118. Block "E", of the Woodlawn Hills Subdivision, recorded in Volume 980, Pages 189-190 of the Deed and Plat Records of Bexar County, Texas, in New City Block 11545 of the City of San Antonio of Bexar County, Texas. Said 0.0470 acre tract, being more particularly described by metes and bounds as follows:

BEGINNING:

At a set from rod with yellow cap marked "Pape-Dawson", at the intersection of the south right-of-way line of Callaghan Road, right-ofway varies 60-foot minimum, and the east right-of-way line of Woodside Drive, a 60-foot right-of-way dedicated in said Woodlawn Hills Subdivision, said 1/2" iron rod also being the northwest corner of said Lot 118 and the northwest corner of the herein described tract;

THENCE:

N 73°40'45" E, along and with the said south right-of-way line of Callaghan Road, a distance of 146.64 feet to a set 1/4" iron rod with yellow cap marked "Pape-Dawson", the northwest corner of a variable width drainage right-of-way described in Volume 8, Pages 931-936 in matters probated on September 21, 1978, the northeast corner of the herein described tract;

THENCE:

S 33°41'31" E along and with the west line of the said drainage rightof-way, a distance of 14.08 feet to a set 1/4" iron rod with yellow cap marked Pape-Dawson for the southeast corner of the herein described tract;

THENCE:

S 73°41'13" W departing said drainage right-of-way, a distance of 135.84 feet to a set 1/4" iron rod with yellow cap marked Pape-Dawson to a point of curvature;

THENCE:

Southerly, with a curve to the left, said curve having a radius of 15.00 feet, a central angle of 90°00'28", a chord bearing and distance of S 28°40'59" W, 21.21 feet, for an arc length of 23.56 feet to a set 1/4" iron rod with yellow cap marked "Pape-Dawson" on said east right-ofway line of Woodside Drive for the southwest corner of the herein described tract;

THENCE:

N 16°19'15" W along and with said east right-of-way line of Woodside Drive, a distance of 28.42 feet to the POINT OF BEGINNING and containing 0.0470 of an sore of land in the City of San Antonio, Bexar County, Texas. Said tract being described in accordance with a

prepared by Pape-Dawson Engineers, Inc.

Prepared by: Pape-Dawson Engineers, Inc.

Job No.: 3994-62

555 East Rameey

August 3, 1999, Revised: May 12, 2003

Date: Id No.:

K1/5984/62/surve/cow/50/Went/Field N

PAPE-DAWSON ENGINEERS, INC.

San Antonio, Texas 78216 | Phone: 210,375,9000 |

Fax: 210.375.9010

2003

Exhibit A

Any provings hardy strict restricts the sale, or use of the securited rest property because of race in invested and executives under Federal law STATE OF TEXAS, SQUITY OF BEXAR I beauty citally this this instrument was FERO in File Number Securice or

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ORD. NO. 77344

RESOL.

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ROGER PEREZ DISTRICT 1			•		
FRANK PIERCE DISTRICT 2					
LYNDA BILLA BURKE DISTRICT 3					
REYNALDO NIETO DISTRICT 4					
JUAN F. SOLUS EXT DISTRICT 5	.				
HELEN AYALA DISTRICT 6					
YOLANDA VERA DISTRICT 7		•	•		
BILL THORNTON DISTRICT 8					
WEIR LABATT DISTRICT 9					
LYLE LARSON DISTRICT 10			•		
NELSON WOLFF MAYOR		·			



AN ORDINANCE 77344

DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF FEE SIMPLE TITLE TO A PORTION OF LOT 118, BLOCK E, NEW CITY BLOCK 11545 AND A TEMPORARY EASEMENT OVER ADJACENT PROPERTY IN SAN ANTONIO, BEXAR COUNTY, TEXAS FOR A PUBLIC PURPOSE, TO WIT: THE LOCATION, CONSTRUCTION, OPERATION, RECONSTRUCTION, IMPROVEMENT, REPAIR AND MAINTENANCE OF THE SCIENCE PARK DRAINAGE PROJECT.

WHEREAS, the public health and best interest of the City and its citizens require the construction of street and drainage improvements in the vicinity of 4802 Callaghan Road; and,

WHEREAS, it is necessary to construct a portion of the project upon property that is privately owned; and,

WHEREAS, representatives of the city have been unable to enter an agreement with the owner to purchase the property on suitable terms; NOW THEREFORE,

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

SECTION 1. A public necessity is hereby declared for the City of San Antonio to acquire fee title to and a temporary easement over, across and upon certain privately owned real property for surface drainage in New City Block 11545, Bexar County, Texas. The necessary property is described by metes and bounds as:

Fee Simple title to the following property:

BEING 12,560.74 square feet out of Lot 118, Block E, N.C.B. 11545, Woodlawn Hills in the City of San Antonio, Bexar County, Texas, and being more particularly described as follows:

BEGINNING at iron pin set in the south right-of-way (R.O.W.) line of Callaghan Road, said point also being 155.51 feet east of east R.O.W. line of Woodside Drive for the northeast corner of this tract, for the POINT OF BEGINNING;

THENCE S 57° 07′ 21" E, along the easterly boundary line of this tract and the westerly boundary line of a drainage easement located in Block E, N.C.B. 11545, a distance of 263.90 feet to an iron pin set in the northeast corner of Lot 119, Block E, N.C.B. 11545, for the southeast corner of this tract;

THENCE S 73° 41′ 45" W, along the southerly boundary line of this

Z2016010

tract, and north boundary line of said Lot 119, a distance of 117.81 feet to an iron pin set for the southwest corner of this tract;

THENCE N 33° 43′ 31" W, along the westerly boundary line of this tract, a distance of 209.31 feet to an iron pin set in to the south R.O.W. line of Callaghan Road, for the northwest corner of this tract;

THENCE N 73° 38' 27" E, along the northerly boundary line of this tract and the south R.O.W. line of Callaghan Road, a distance of 7.98 feet to the POINT OF BEGINNING.

A temporary construction easement over, under and across the following property for a period of four years;

BEING 3,139.52 square feet out of Lot 118, Block E, N.C.B. 11545, Woodlawn Hills in the City of San Antonio, Bexar County, Texas, and being more particularly described as follows:

BEGINNING at an iron pin set in the southerly right-of-way (R.O.W.) line of Callaghan Road and 147.53 feet east of the northwest corner of Lot 118, Block E, N.C.B. 11545, said point also being 7.98 feet west of the northeast corner of said Lot 118, for the POINT OF BEGINNING;

THENCE S 33° 43′ 31" E, along the easterly boundary line of this tract and the westerly boundary line of a drainage channel, a distance of 209.31 feet to an iron pin set in the southerly boundary line of said Lot 118, for the southeast corner of this tract;

THENCE S 73° 41′ 45" W, along the southerly boundary line of this tract, a distance of 15.72 feet to a point in the southerly boundary line of said Lot 118, for the southwest corner of this tract;

THENCE N 33° 43′ 31" W, along the westerly boundary line of this tract, a distance of 209.29 feet to a point in the northerly boundary line of said Lot 118, for the northwest corner of this tract;

THENCE N 78° 38' 27" E, along the northerly boundary line of this tract and the southerly R.O.W. line of Callaghan Road, a distance of 15.72 feet to the POINT OF BEGINNING.

SECTION 2. The City Manager, through the City Attorney, is hereby authorized and directed to institute and prosecute to conclusion all necessary proceedings to condemn such property as the City of San Antonio is unable to acquire through negotiation by reason of its inability to agree with the owners thereof as to the value of such property, or for any other reason, and to take any other legal action deemed necessary by the City Attorney to accomplish these purposes.

SECTION 3. The prior actions and efforts of city officials to negotiate the purchase of the necessary rights and the steps taken

to initiate and prosecute condemnation of the property are hereby ratified and affirmed.

PASSED AND APPROVED this //td day of February, 1993.

APPROVED AS TO FORM:

City Attorney

OFFICE OF THE CITY ATTORNEY

INTERDEPARTMENTAL CORRESPONDENCE SHEET

Z2016010

TO: City Council, through Alexander E. Briseño, City Manager

FROM: William E. Wood, Assistant City Attorney ext. 8961

COPIES TO: Lloyd Garza, City Attorney; Wm. Toudouze, Public Works.

SUBJECT: Proposed ordinance declaring a public necessity and use for the acquisition of real property located at: Lot 118, Block E, NCB 11545, WOODLAWN HILLS Subdivision, Bexar County, Texas. This property is needed as part of the Science Park Drainage Project. The property is owned by Jeanette Popham and is located at 4802 Callaghan Rd.

DATE: January 27, 1993

Summary & Recommendations:

The proposed ordinance establishes a public necessity as a prerequisite to condemnation of fee title and a temporary easement over a portion of the property described below as part of the Science Park Drainage project. It would also ratify steps taken to date which include negotiations and an offer to purchase the property at the appraised value of \$11,052. The landowner has rejected the offer.

The parcels are out of Lot 118, Block E, New City Block 11545, Bexar County, Texas, and contain approximately 12,560.74 square feet in fee simple and approximately 3,139.52 square feet for a temporary construction easement. The street address is: 4802 Callaghan Road. The property is owned by: JEANETTE POPHAM

Passage of the proposed Ordinance is recommended. It is necessary that the council determine that a public necessity exists prior to the use of the city's powers of eminent domain. The city engineering staff is of the opinion this property must be obtained to construct the project in the most appropriate manner and location.

Policy Analysis:

The construction of the proposed drainage improvements is in the best interest of the public health and safety and the proposed location is appropriate.

Financial Impact:

This ordinance should not have a direct financial impact. Subsequent ordinances will appropriate necessary funds for the

purchase price as set by the court together with necessary litigation expenses.

Respectfully submitted,

William E. Wood

Recommend Approval:

Z2016010

Alexander E. Briseño

City Manager

Lloyd G. Garz

City Attorney

CITY OF SAN ANTONIO

Request For Ordinance/Resolution

For OMO use only

Date Considered

Consent - ⊟ individual □ Item No.

					Ord. No.	
Date:	Department:		Contact Perso	on/Phone#,	12 Pel	
Jan. 27, 1993	City Attor	nev		Wi/O ian	n E. Wood	#8961
Date Council Consideration Re	equested:	Deadline for Action:		Deny Head 5	gnalure:	
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Prior to condemning and make a finding power of eminent do portion of Lot 118, County, Texas. The is owned by: JEANE in fee simple and a The property is loc	that a public main. This or Block E, New property is n ITE POPHAM. Temporary con	summary of eal estate it necessity or dinance makes City Block 11 necessary for the taking con struction eas	is necessary use requires that findir .545, WOODLAW the Science asists of app	s the exer ng for the NN HILLS S Park Drai proximate	rcise of the e condemnate Subdivision inage. The ly 12,560.74	e city's ion of a , Bexar property 4 square feet
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Contract signed by other party N/A	Yes 🗆	No 🗆				
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