### AN ORDINANCE 2018-08-16-0642

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 0.206 acres out of NCB 1994 from "C-3NA NCD-5 AHOD" General Commercial Nonalcoholic Sales Beacon Hill Area Neighborhood Conservation Airport Hazard Overlay District to "IDZ NCD-5 AHOD" Infill Development Zone Beacon Hill Area Conservation Airport Hazard Overlay District with uses permitted in "C-3" General Commercial District.

**SECTION 2.** A description of the 0.120 acres recorded in Warranty Deed Volume 18636, Page 2101 and the 0.086 acres recorded in Warranty Deed Volume 17094, Page 1081 of the Official Public Record of Real Property of Bexar County, is attached as **Exhibit "A"** and made a part hereof and incorporated herein for all purposes.

**SECTION 3.** The City council approves this Infill Development Zone so long as the attached site plan is adhered to. A site plan is attached as **Exhibit "B"** and made a part hereof and incorporated herein for all purposes.

**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 August 26, 2018.

**PASSED AND APPROVED** this 16<sup>th</sup> day of August 2018.

A Y O Ron Nirenberg  $\mathbf{M}$ R

acek, City Clerk

APPROVED AS TO FORM:

Agenda Item:	Z-5 (in consent vote: 27, Z-3, Z-4, Z-5, Z-6, P-2, Z-7, P-4, Z-11, Z-14, Z-15, P-5, Z-18, Z-19)						
Date:	08/16/2018						
Time:	02:05:32 PM						
Vote Type:	Motion to Approve						
Description:	ZONING CASE # Z2018239 (Council District 1): Ordinance amending the Zoning District Boundary from "C-3NA NCD-5 AHOD" General Commercial Nonalcoholic Sales Beacon Hill Area Neighborhood Conservation Airport Hazard Overlay District to "IDZ NCD-5 AHOD" Infill Development Zone Beacon Hill Area Conservation Airport Hazard Overlay District with uses permitted in "C-3" General Commercial District on 0.206 acres out of NCB 1994, located at 823 Fredericksburg Road and 829 Fredericksburg Road. Staff and Zoning Commission recommend Approval.						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ron Nirenberg	Mayor		х				
Roberto C. Treviño	District 1		X			* .	x
William Cruz Shaw	District 2		x				
Rebecca Viagran	District 3		х				
Rey Saldaña	District 4		X				
Shirley Gonzales	District 5		X			-	
Greg Brockhouse	District 6		X				
Ana E. Sandoval	District 7		х				
Manny Pelaez	District 8		х				
John Courage	District 9		х			x	×
Clayton H. Perry	District 10		X				i i

# **EXHIBIT "A"**

PROVIDENCE TITLE GF NO. 116001075

#### WARRANTY DEED WITH VENDOR'S LIEN

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

Date:

**FEBRUARY 17, 2015** 

Grantor:

REUBAN EDWARD THIER, JR., A SINGLE MAN

Grantor's Address (including County):

14135 SHIRE OAK

SAN ANTONIO, TEXAS 78247

BEXAR COUNTY

Grantee:

SAN ANTONIO CITY REAL ESTATE, LLC

Grantee's Address (including County):

821 FREDERICKSBURG ROAD, APT. 2

SAN ANTONIO, TEXAS 78201

BEXAR COUNTY

Consideration: A Note in the amount of ONE HUNDRED TWENTY-SIX AND SEVEN HUNDRED AND NO/100 DOLLARS (\$126,700.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged; and being additionally secured by a Deed of Trust of even date therewith to STEPHEN P. RAMSEY, as Trustee;

#### Property (including any improvements):

BEING 0.086 ACRES OF LAND, MORE OR LESS, AND BEING OUT OF AND A PART OF LOT 1 AND LOT 2, BLOCK 4, NEW CITY BLOCK 1994, IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, AND BEING THAT SAME PROPERTY CONVEYED IN A WARRANTY DEED RECORDED IN VOLUME 15148, PAGE 2096, OFFICIAL PUBLIC RECORDS, AND DESCRIBED IN A WARRANTY DEED RECORDED IN VOLUME 6913, PAGE 223, DEED RECORDS, BEXAR COUNTY, TEXAS, SAID 0.086 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A POINT AT THE INTERSECTION OF THE SOUTHWEST RIGHT-OF-WAY LINE OF FREDERICKSBURG ROAD AND THE NORTH RIGHT-OF-WAY LINE OF AN ALLEY IN BLOCK 4, SAME BEING THE SOUTHEAST CORNER OF THE RAYMOND T. SANCHEZ TRACT (VOLUME 13832, PAGE 2297) AND THE POINT OF COMMENCEMENT;

THENCE SOUTHWEST RIGHT-OF-WAY LINE OF SAID FREDERICKSBURG ROAD, NORTH 46 DEGREES 28 MINUTES 30 SECONDS WEST, A DISTANCE OF 62.15 FEET TO POINT FOR THE NORTH CORNER OF SAID SANCHEZTRACT, SAME BEING THE EAST CORNER OF THIS 0.086 ACRES AND THE POINT OF BEGINNING;

THENCE ALONG THE LINE COMMON TO THIS 0.086 ACRES AND SAID SANCHEZ TRACT, SOUTH 52 DEGREES 50 MINUTES 00 SECONDS WEST, ALONG THE SOUTHEAST EDGE OF A TWO STORY STONE, STUCCO AND CONCRETE BUILDING, A DISTANCE OF 57.36 FEET TO A POINT ON THE EDGE OF SAID BUILDING FOR AN ANGLE CORNER;

THENCE ALONG THE SECOND LINE COMMON TO THIS 0.086 ACRES AND SAID SANCHEZ TRACT, SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 8.15 FEET TO A 1/2 INCH IRON ROD SET SOUTH CORNER OF THIS 0.086 ACRES, SAME BEING THE SOUTHWEST CORNER OF SAID SANCHEZ TRACT AND ON THE NORTH RIGHT-OF-WAY LINE OF SAID ALLEY:

THENCE ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID ALLEY, NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 43.77 FEET (CALLED 43.8 FEET) TO A 1/2 INCH IRON ROD SET FOR THE SOUTHWEST CORNER OF THIS 0.086 ACRES, SAME BEING A SOUTHEASTERLY CORNER OF THE RON RAY TRACT (VOLUME 14729, PAGE 1730);

THENCE ALONG THE LINES COMMON TO THIS 0.086 ACRES AND SAID RAY TRACT THE FOLLOWING COURSES AND DISTANCES:

NORTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 25.14 FEET (CALLED 25.3 FEET) TO A 1/2 INCH IRON ROD FOUND FOR THE WEST CORNER OF THIS 0.086 ACRES, SAME BEING AN INTERIOR CORNER OF SAID RAY TRACT;

NORTH 45 DEGREES 13 MINUTES 57 SECONDS EAST (CALLED NORTH 45 DEGREES 20 MINUTES 00 SECONDS EAST), A DISTANCE OF 74.46 FEET (CALLED 74.37 FEET) TO A POINT FOR THE NORTH CORNER OF THIS 0.086 ACRES, SAME BEING THE EAST CORNER OF SAID RAY TRACT AND ON THE SOUTHWEST RIGHT-OF-WAY LINE OF SAID FREDERICKSBURG ROAD:

THENCE ALONG THE SOUTHWEST RIGHT-OF-WAY LINE OF SAID FREDERICKSBURG ROAD, SOUTH 46 DEGREES 28 MINUTES 30 SECONDS EAST, A DISTANCE OF 50.50 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.086 ACRES OF LAND, MORE OR LESS.

#### Reservations from Conveyance:

None.

#### **Exceptions to Conveyance and Warranty:**

Liens described as part of the Consideration and any other liens described in this deed as being either assumed or subject to which title is taken; validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing instruments, other than conveyances of the surface fee estate, that affect the Property; and taxes for current year, which Grantee assumes and agrees to pay.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the 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 way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, 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 herein conveyed are retained until each note described herein is fully paid according to its terms, at which time this Deed shall become absolute.

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

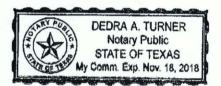
#### MADE EFFECTIVE THE DATE FIRST HEREINABOVE SPECIFIED.

Recebon Edward Ships

#### ACKNOWLEDGMENT

COUNTY OF Mindaline \$

The foregoing instrument was acknowledged before me on this the \_\_\_\_\_\_ day of FEBRUARY, 2015, by REUBAN EDWARD THIER, JR., A SINGLE MAN.



NOTARY PUBLIC, STATE OF TEXAS

#### AFTER RECORDING RETURN TO:

SAN ANTONIO CITY REAL ESTATE, LLC 821 FREDERICKSBURG ROAD, APT. 2 SAN ANTONIO, TEXAS 78201

#### PREPARED IN THE LAW OFFICE OF:

RAMSEY & FOSTER, P.C. 5001 HWY 287 SOUTH, STE. 105 ARLINGTON, TEXAS 76017 Doc# 20150028162 # Pages 5 02/19/2015 2:55PM e-Filed & e-Recorded in the Official Public Records of BEXAR COUNTY GERARD C. RICKHOFF COUNTY CLERK Fees \$38.00

STATE OF TEXAS
COUNTY OF BEXAR
This is to Certify that this document
was e-FILED and e-RECORDED in the Official
Public Records of Bexar County, Texas
on this date and time stamped thereon.
02/19/2015 2:55PM
COUNTY CLERK, BEXAR COUNTY TEXAS



### CHICAGO TITLE GF# 430012170067/

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

#### GENERAL WARRANTY DEED WITH VENDOR'S LIEN

Date:

July 18, 2017

Grantor:

RON RAY joined proforma by his wife, MICAH RAY

Grantor's Mailing Address:

P.O. Box 65251

San Antonio, Texas 78265

Grantee:

SAN ANTONIO CITY REAL ESTATE, L C, a Texas limited liability company

Grantee's Mailing Address:

821 Fredericksburg Road, Apt. 2

San Antonio, Texas 78201

Consideration: TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration in hand paid to the Grantor, the receipt and sufficiency of which consideration is hereby acknowledged and confessed, and the further consideration of the execution by Grantee of one certain promissory note of even date herewith in the principal sum of ONE HUNDRED TWELVE THOUSAND AND NO/100 DOLLARS (\$112,000.00), payable to the order of FROST BANK, payable as therein provided and bearing interest as therein specified and providing for acceleration of maturity in the event of default and for attorney's fees; and being secured by Vendor's Lien and Superior Title herein and hereby expressly retained and reserved upon the property herein described and conveyed and being additionally secured by Deed of Trust thereon of even date herewith to DAN J. GUARINO, Trustee.

#### Property (including any improvements):

Being 0.120 acres of land, more or less, and being out of Lots 1 and 2, Block 4, New City Block 1994, in the City of San Antonio, Bexar County, Texas, and being that same property conveyed in the General Warranty Deed recorded in Volume 17044, Page 625, Official Public Records, Bexar County, Texas, said 0.120 acres being more particularly described by metes and bounds in Exhibit "A" attached hereto and incorporated herein for all purposes.

Reservations from Conveyance and Warranty: None.

#### Exceptions to Conveyance and Warranty:

This conveyance is made and accepted subject to all conditions, restrictions and easements of record, if in force, recorded in the office of the County Clerk of Bexar County, Texas.

Exhibit "A"

## CHICAGO TITLE GF# 4300/2/70067/

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

#### GENERAL WARRANTY DEED WITH VENDOR'S LIEN

Date:

July 18, 2017

Grantor:

RON RAY joined proforma by his wife, MICAH RAY

Grantor's Mailing Address:

P.O. Box 65251

San Antonio, Texas 78265

Grantee:

SAN ANTONIO CITY REAL ESTATE, L C, a Texas limited liability company

Grantee's Mailing Address:

821 Fredericksburg Road, Apt. 2

San Antonio, Texas 78201

Consideration: TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration in hand paid to the Grantor, the receipt and sufficiency of which consideration is hereby acknowledged and confessed, and the further consideration of the execution by Grantee of one certain promissory note of even date herewith in the principal sum of ONE HUNDRED TWELVE THOUSAND AND NO/100 DOLLARS (\$112,000.00), payable to the order of FROST BANK, payable as therein provided and bearing interest as therein specified and providing for acceleration of maturity in the event of default and for attorney's fees; and being secured by Vendor's Lien and Superior Title herein and hereby expressly retained and reserved upon the property herein described and conveyed and being additionally secured by Deed of Trust thereon of even date herewith to DAN J. GUARINO, Trustee.

#### Property (including any improvements):

Being 0.120 acres of land, more or less, and being out of Lots 1 and 2, Block 4, New City Block 1994, in the City of San Antonio, Bexar County, Texas, and being that same property conveyed in the General Warranty Deed recorded in Volume 17044, Page 625, Official Public Records, Bexar County, Texas, said 0.120 acres being more particularly described by metes and bounds in Exhibit "A" attached hereto and incorporated herein for all purposes.

Reservations from Conveyance and Warranty: None.

#### Exceptions to Conveyance and Warranty:

This conveyance is made and accepted subject to all conditions, restrictions and easements of record, if in force, recorded in the office of the County Clerk of Bexar County, Texas.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the 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 way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, 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.

FROST BANK, at Grantee's request, has paid in cash to Grantor that portion of the purchase price of the Property that is evidenced by the note. The first and superior vendor's lien against and superior title to the Property are retained for the benefit of FROST BANK and are transferred to FROST BANK, without recourse against Grantor.

Ad valorem taxes for the current year have been prorated as of the date of closing hereof, and payment thereof is assumed by Grantee.

GRANTEE ACCEPTS THE PROPERTY IN ITS AS-IS WHERE IS CONDITION WITH ALL FAULTS KNOWN OR UNKNOWN, AND RELEASES AND HOLDS HARMLESS GRANTOR FROM ANY AND ALL KNOWN OR UNKNOWN FAULTS NOW OR IN THE FUTURE.

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

RON RAY

MICAHRAY

STATE OF TEXAS COUNTY OF BEXAR § §

This instrument was acknowledged before me on the 20 RAY and MICAH RAY.

day of July, 2017, by ROY

GREGORY W CRANE JR Notary Public STATE OF TEXAS My Comm. Exp. 10/11/2018

omm. Exp. 10/11/2018 ID# 260271-2 Notary Public State of Texas

#### GRANTEE'S ACCEPTANCE OF DEED

SAN ANTONIO CITY REAL ESTATE, L C, a Texas limited liability company, Grantee, accepts the attached deed and consents to its form and substance. Grantee acknowledges that the terms of the deed conform with Grantee's intent and that they will control in the event of any conflict with the contract Grantee signed regarding the Property described in the deed.

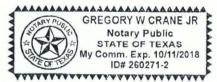
> SAN ANTONIO CITY REAL ESTATE, LC, a Texas limited liability company

By:

STATE OF TEXAS COUNTY OF BEXAR

§

This instrument was acknowledged before me on the 20<sup>T/d</sup> day of July, 2017, by Maxwell William Woodward, as Managers Member of SAN ANTONIO CITY REAL ESTATE, L C, a Texas limited liability company, on behalf of said company.



AFTER RECORDING RETURN TO:

San Antonio City Real Estate, L C 821 Fredericksburg Road, Apt. 2 San Antonio, Texas 78201

PREPARED IN THE LAW OFFICES OF:

Pazouki & Arambula, LLP 17115 San Pedro Ave., Ste. 330 San Antonio, Texas 78232

Exhibit "A"

Notary Public.



#### **EXHIBIT "A"**

#### Legal Description

Being 0.120 acres of land, more or less, and being out of Lots 1 and 2, Block 4, New City Block 1994, in the City of San Antonio, Bexar County, Texas, and being that same property conveyed in the General Warranty Deed recorded in Volume 17044, Page 625, Official Public Records, Bexar County, Texas, said 0.120 acres being more particularly described by metes and bounds as follows:

BEGINNING at a 1 inch pipe found for the North corner of this 0.120 acres, same being the lower northeast corner of Lot 3, Block 4, N.C.B. 1994 and on the southwest Right-of-Way line of Fredericksburg Road, same also being the POINT OF BEGINNING;

THENCE along the southwest Right-of-Way line of said Fredericksburg Road, South 46 degrees 28 minutes 30 seconds East, a distance of 98.33 feet to a Mag nail set for the East corner of this 0.120 acres, same being the North corner of the San Antonio City Real Estate, LLC 0.086 acres (Volume 17094, Page 1081);

THENCE.along the lines common to this 0.120 acres and said San Antonio City Real Estate, LLC. 0.086 acres, the following courses and distances:

South 45 degrees 13 minutes 57 seconds West, a distance of 74.46 feet to a Mag nail set for an angle corner of this 0.120 acres, same being the West corner of said San Antonio City Real Estate, LLC 0.086 acres:

South 00 degrees 00 minutes 00 seconds East, a distance of 25.14 feet to a Mag nail set for the southeast corner of this 0.120 acres, same being the southwest corner of said San Antonio City Real Estate, LLC 0.086 acres and on the North line of an alley;

THENCE along the North line of said alley, North 90 degrees 00 minutes 00 seconds West, a distance of 18.53 feet to a Mag nail set for the southwest corner of this 0.120 acres, same being the southeast corner of said Lot 3;

THENCE along the line common to this 0.120 acres and said Lot 3, North 00 degrees 02 minutes 19 seconds East, a distance of 144.45 feet to the POINT OF BEGINNING; and containing 0.120 acres of land, more or less.



low

Doc# 20170141432 # Pages 5 07/20/2017 2:56PM e-Filed & e-Recorded in the Official Public Records of BEXAR COUNTY GERARD C. RICKHOFF COUNTY CLERK Fees \$38.00

STATE OF TEXAS
COUNTY OF BEXAR
This is to Certify that this document
was e-FILED and e-RECORDED in the Official
Public Records of Bexar County, Texas
on this date and time stamped thereon.
07/20/2017 2:56PM
COUNTY CLERK, BEXAR COUNTY TEXAS



## **EXHIBIT "B"**

