

AN ORDINANCE 2018-10-18-0847

**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 5.00 acres out of CB 4167-2, located at 3628 South Loop 1604 East from "R-20" Residential Single-Family District to "C-1" Light Commercial District.


**SECTION 2.** A description of the property recorded in Warranty Deed Volume 17105, Page 1464 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.** 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.

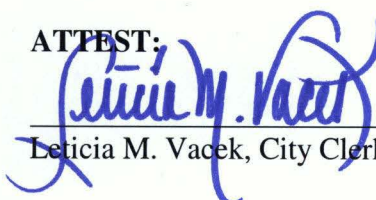
**SECTION 4.** The Director of Development Services shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.

**SECTION 5.** This ordinance shall become effective October 28, 2018.


**PASSED AND APPROVED** this 18<sup>th</sup> day of October 2018.

  
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-9 ( in consent vote: Z-3, Z-4, Z-5, Z-6, P-2, Z-7, Z-8, Z-9, Z-10, Z-11, Z-12, Z-13, Z-14, Z-15, Z-18, Z-19, Z-20 )</b>  |                    |            |            |                |               |               |
|---------------------|---|--------------------|------------|------------|----------------|---------------|---------------|
| <b>Date:</b>        | 10/18/2018  |                    |            |            |                |               |               |
| <b>Time:</b>        | 05:19:19 PM   |                    |            |            |                |               |               |
| <b>Vote Type:</b>   | Motion to Approve   |                    |            |            |                |               |               |
| <b>Description:</b> | ZONING CASE # Z2018302 (Council District 3): Ordinance amending the Zoning District Boundary from "R-20" Residential Single-Family District to "C-1" Light Commercial District on 5.00 acres out of NCB 4167-2, located at 3628 South Loop 1604 East. Staff and Zoning Commission recommend Approval. |                    |            |            |                |               |               |
| <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                  |            |            |                |               |               |
| William Cruz Shaw   | District 2  |                    | x          |            |                | 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          |            |                |               | x             |
| John Courage        | District 9  | x                  |            |            |                |               |               |
| Clayton H. Perry    | District 10   |                    | x          |            |                |               |               |

SG/lj  
10/18/2018  
Item No. Z-9

# EXHIBIT “A”



Z2018302

GF# 1504107-SHSA

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.

**WARRANTY DEED WITH VENDOR'S LIEN**  
(Subject to Existing Lien)

DATE: February 27, 2015

GRANTOR: Juanita Davis and Orville L. Davis

GRANTOR'S MAILING ADDRESS: 3628 S. Loop 1604 E  
San Antonio, TX 78264

GRANTEE: Austin Ramos Caratachea and Altagracia Leon Caratachea

GRANTEE'S MAILING ADDRESS: 3628 South Loop 1604 East, San Antonio, Bexar County, Texas 78264

CONSIDERATION:

\$10.00 and other valuable consideration, receipt of which is hereby acknowledged, and a note of even date herewith that is in the principal sum of \$330,000.00 ("Note"), and is executed by Grantee, payable to the order of Grantor. The note is secured by a vendor's lien retained in favor of Grantor in this deed, and by a deed of trust ("Deed of Trust") of even date herewith to Marianne Merritt, Trustee.

PROPERTY (including improvements):

A tract or parcel of land containing 5.00 acres, more or less, out of the Manuel de Luna Survey No. 242, Abstract No. 8, County Block 4167, Bexar County, Texas, being out of that same tract called 640.89 acres, as described in Volume 1870, Page 91, Deed Records, Bexar County, Texas, and being the same 5.00 acres as further described in Warranty Deed, recorded in Volume 5633, Page 754, Deed Records, Bexar County, Texas, and being more particularly described by metes and bounds in Exhibit "A" attached hereto and incorporated herein by this reference.

RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY:

This conveyance is made and accepted subject to: (i) all restrictions, covenants, conditions, rights-of-way, assessments and easements, if any, affecting the above-described property that are valid, existing and properly of record; (ii) taxes for the year 2015 and subsequent years; and (iii) the Underlying Lien and Underlying Note described below.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in anywise belonging, to have and to hold it to Grantee, Grantee's heirs, executors, administrators, successors and assigns forever. Grantor hereby binds Grantor and Grantor's heirs, executors, administrators, successors and assigns to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations and exceptions to conveyance and warranty.


Exhibit "A"

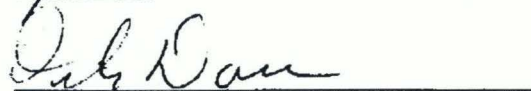
Z2018302

The vendor's lien and superior title to the property are retained until each note described above is fully paid according to its terms, at which time this deed shall become absolute.

This conveyance is made subject to the prior lien of a deed of trust recorded in Volume 13459, Page 2395, Real Property Records, Bexar County, Texas ("Underlying Lien"), to G. Tommy Bastian, Trustee, which secures payment of a promissory note in the original principal amount of \$105,900.00 ("Underlying Note"). Grantee in this deed does not assume payment of that Underlying Note. As further consideration, Grantor promises to keep and perform all the covenants and obligations of the grantor named in the Underlying Lien and to indemnify, defend and hold Grantee harmless against any damages caused by Grantor's breach of its obligations under the Underlying Note and related documents, as long as Grantee is not in default on the Note or the Deed of Trust.

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

  
Juanita Davis

  
Orville L. Davis

#### GRANTEE'S ACCEPTANCE

Grantee accepts the attached deed and consents to the form and substance. Grantee acknowledges that the terms of the deed are in conformance with Grantee's intent and that they will control in the event of any conflict with the Earnest Money Contract dated February 15, 2015 by and between Grantor and Grantee.

  
Austin Ramos Caratachea

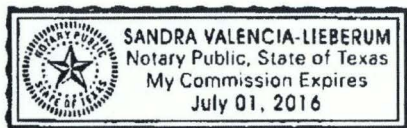
  
Altagracia Leon Caratachea

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Acknowledgements

STATE OF Texas  
COUNTY OF Guadalupe

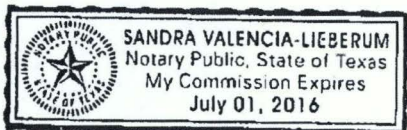
This instrument was acknowledged before me this 25 day of February, 2015, by Juanita Davis and Orville L. Davis.



Sandra Valencia-Lieberum  
Notary Public, State of Texas

STATE OF Texas  
COUNTY OF Guadalupe

This instrument was acknowledged before me this 25 day of February, 2015, by Austin Ramos Caratachea and Altagracia Leon Caratachea.



Sandra Valencia-Lieberum  
Notary Public, State of Texas

After recording, return to:  
Independence Title  
4917 FM 3009, Ste. 100  
Shertz, TX 78154  
GF# 1504107-SHSA  
Attention: Sandy Valencia

Exhibit "A"



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## EXHIBIT A

Field notes 5.00 acres of land out of the Manuel de Luna Survey Number 242, Abstract 8, County Block 4167, Bexar County, Texas. Said 5.00 acre tract being out of a called 641.89 acre tract as described in a Deed recorded in Volume 1870, Pages 91-96 of the Deed Records of Bexar County, Texas. Said 5.00 acre tract also being the same land as described in a Deed recorded in Volume 5633, Page 754 of the Deed Records of Bexar County, and being more particularly described as follows:

BEGINNING at a ¼ inch steel pin found on the South right-of-way line of FM Road 1604 for the Northeast corner of the herein described 5.00 acre tract and being the Northwest corner of the Jack A Jones & Edith T. Jones property as described in Volume 4214, Page 1297 of the Real Property Records of Bexar County, Texas.

THENCE with the East line of the herein described 5.00 acre tract and the West line of the Jack A. Jones property, South 23° 50' 00" West, a distance of 727.40 feet to a ¼ inch steel pin found for the southeast corner of this tract and being the southerly Northeast corner of a called 10.00 acre tract as described in a Deed to Henry C. Jackson & wife Rachel Jackson, recorded in Volume 5633, Page 757 of the Deed Records of Bexar County, Texas.

THENCE with the south line of this tract and the southerly North line of the aforesaid 10.00 acres, North 82° 30' 00" West, a distance of 312.23 feet to a ½" capped steel pin set for the Southwest corner of this tract and being an ell corner of the aforesaid 10.00 acre tract.

THENCE with the West line of this tract and the East line of the aforesaid 10.00 acre tract, North 23° 50' 00" East, a distance of 727.40 feet to a ¼ inch steel pin found on the South right-of-way line of FM Road 1604 for the Northwest corner of this tract and being the northerly Northeast corner of the aforesaid 10.00 acre tract.

Thence along the South right-of-way line of FM Road 1604, South 82° 30' 00" East, a distance of 312.23 feet to the PLACE OF BEGINNING.