

ORDINANCE 2019-02-21-0137

DECLARING SAN ANTONIO FIRE STATION #1 AT 801 E. HOUSTON STREET, LOT 1, SAVE AND EXCEPT 31.2 FEET, IN CITY COUNCIL DISTRICT 1, AS SURPLUS AND AUTHORIZING THE CONVEYANCE OF THE PROPERTY AND IMPROVEMENTS TO THE SAN ANTONIO FIRE MUSEUM SOCIETY, A 501(C)(3) NONPROFIT AS REQUESTED BY THE SAN ANTONIO FIRE DEPARTMENT.

* * * * *

WHEREAS, the City of San Antonio ("City") purchased the property located at 801 E. Houston Street ("Property") in 1937 to construct what is now commonly known as former Fire Station #1 and it remained in operation until 2011 when the City built the new and current Fire Station #1 at 523 North Cherry Street; and

WHEREAS, in 2012 the City leased the Property at no cost to the San Antonio Fire Department Museum Society, a 501(c)(3) non-profit organization ("Society"). The Society manages the operations and maintenance of a museum with volunteers and is funded by modest admission fees, donations, and grants; and

WHEREAS, the museum is open to the public Tuesday through Saturday and offers displays on the history of firefighting, provides educational sessions and programs for children, and offers group tours. The museum receives roughly 16,000 visitors annually with approximately 80% of those visitors being tourists; and

WHEREAS, the Society has requested the City convey the Property, valued at \$2,650,000.00, to the Society at no cost for a public purpose; and

WHEREAS; pursuant to Chapter 253 of the Local Government Code and as stipulated in the real estate contract, the Society must use the Property as a fire museum open to the public and once the Society ceases to operate the museum, ownership of the Property all automatically revert back to the City; and

WHEREAS, the Planning Commission approved this request at its regular meeting on October 24, 2018; **NOW THEREFORE**:

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

SECTION 1. The City Manager or her designee, severally, are authorized and directed to convey to the San Antonio Fire Museum Society the Property, addressed as 801 East Houston Street, save and except 31.2 feet, thereof, Block 54, New City Block 553, as shown and described in **Attachments I and II**, which are incorporated herein for all purposes as if fully stated, at no cost. The City Manager or her designee, severally, are authorized and directed to execute and deliver on behalf of the City sale contracts and deeds without warranty, substantially

VS
2/21/19
Item No. 11


in the form shown in **Attachment III**, conveying the above-described property. The City Manager or her designee, severally, are authorized to take all additional actions reasonably necessary or convenient to effectuate the transaction, including executing and delivering all instruments and agreements conducive to effectuating the transaction.

SECTION 2. 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.

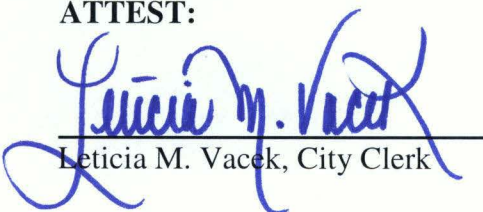
SECTION 3. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Cost Centers, WBS Elements, Internal Orders, General Ledger Accounts, and Fund Numbers as necessary to carry out the purpose of this Ordinance

SECTION 4. This Ordinance shall become effective immediately upon its passage by eight (8) votes or more and upon ten (10) days following its passage if approved by fewer than eight (8) votes.

PASSED and APPROVED this 21st day of February, 2019.


M A Y O R
Ron Nirenberg

ATTEST:


Leticia M. Vacek, City Clerk

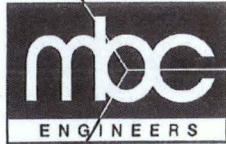
APPROVED AS TO FORM:


Andrew Segovia, City Attorney

Agenda Item:	11 (in consent vote: 4, 6, 7, 8, 10A, 10B, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 26)						
Date:	02/21/2019						
Time:	09:38:53 AM						
Vote Type:	Motion to Approve						
Description:	Ordinance declaring San Antonio Fire Station #1, at 801 E. Houston Street, as surplus to the City of San Antonio and authorizing the conveyance of the property to the San Antonio Fire Museum Society, a 501 (c)(3) nonprofit, in Council District 1, as requested by the San Antonio Fire Department. [Erik Walsh, Deputy City Manager; Razi Hosseini, Interim Director, Transportation & Capital Improvements]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ron Nirenberg	Mayor		x				
Roberto C. Treviño	District 1		x			x	
Art A. Hall	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				
John Courage	District 9		x				
Clayton H. Perry	District 10		x				

VS
2/21/19
Item No. 11

ATTACHMENT I



MACINA • BOSE • COPELAND and ASSOCIATES, INC
CONSULTING ENGINEERS AND LAND SURVEYORS

1035 Central Parkway North, San Antonio, Texas 78232
(210) 545-1122 FAX (210) 545-9302

TBPE Firm Registration #784 | TBPLS Firm Registration #10011700 | SBE Certified #214046463
www.mbcengineers.com

METES AND BOUNDS DESCRIPTION
0.365 ACRE TRACT

BEING A 0.365 ACRE (15,896 SQUARE FEET +/-) TRACT OF LAND DESCRIBED AS ALL OF LOT 1, NEW CITY BLOCK 553, EXCEPT THE NORTH 31.2 FEET, OF SAID LOT 1, ACCORDING TO THE PLAT SURVEYED 28 MARCH 1918 BY LOUIS POLK, CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, AND BEING THE SAME PROPERTY AS DESCRIBED IN DEED RECORDED IN VOLUME 1601, PAGE 149, DEED RECORDS, BEXAR COUNTY, TEXAS. SAID 0.365 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at 1/2-Inch Iron Rod Found on the North Right-of-Way line of E. Houston Street and marking the Southwest corner of Lot 4, New City Block 553, HGP San Antonio Subdivision, according to plat thereof recorded in volume 9603, page 81 of the Deed and Plat records of Bexar County, Texas;

THENCE N 79°29'05" W a distance of 127.70 feet along and with the North Right-of-Way line of said E. Houston Street to a Mag Nail with washer "MBC" Set and marking the Intersection of the Southeast Right-of-Way line of Bonham with the North Right-of-Way line of said E. Houston Street;

THENCE N 43°49'50" E a distance of 210.40 feet along and with the Southeast Right-of-Way line of said Bonham to a Mag Nail with washer "MBC" Set;

THENCE N 49°47'52" E a distance of 18.60 feet continuing along and with the Southeast Right-of-Way line of said Bonham to a 1/2-Inch Iron Rod Found and marking a corner of said Lot 4;

THENCE S 40°32'57" E a distance of 76.09 feet along and with the Southwest line of said Lot 4 to a 1/2-Inch Iron Rod Found;

THENCE S 48°51'58" W a distance of 98.23 feet along and with the Northwest line of said Lot 4 to a 1/2-Inch Iron Rod with cap "MBC" Set;

THENCE S 08°39'17" W a distance of 65.40 feet continuing along and with the West line of said Lot 4 to the **POINT OF BEGINNING** and containing 0.365 of an Acre of land, (15,896 SQUARE FEET +/-) more or less as surveyed by Macina, Bose, Copeland, and Associates, Inc. under the direct supervision of Joel Christian Johnson, R.P.L.S.;

Note: A Survey Sketch that is made a part hereof and shall accompany this instrument.



A handwritten signature in blue ink, appearing to be 'J. Christian Johnson'.

Joel Christian Johnson, R.P.L.S. No.5578
TBPLS FIRM REGISTRATION #10011700

32259-1370
December 26, 2018

VS
2/21/19
Item No. 11

ATTACHMENT II

VS
2/21/19
Item No. 11

ATTACHMENT III

Draft. This is only to show the agreed form of the final document. This draft is neither ready nor suitable to be signed.

Notice of Confidentiality Rights: If You Are a Natural Person, You May Remove or Strike Any or All 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.

DEED WITHOUT WARRANTY

**Ordinance Authorizing
Acceptance:**

SP No./Parcel: [XXXX]

Grantor: City of San Antonio

**Grantor's Mailing
Address (including
county):** P.O. Box 839966, San Antonio, Texas 78283-3966
(Attention: Director, Capital Improvement
Management Services) (Bexar County)

Grantee: San Antonio Fire Museum Society

**Grantee's Mailing
Address (including
county):** 801 E. Houston
San Antonio, TX 78205-2024

Consideration: \$10 in hand paid and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged

Property: Described, attached, and incorporated hereto as **Exhibit A**, being approximately 0.4622 acre tract being described as all of Lot 1, New City Block 553, except the north 31.2 feet, abutting 127.7 feet on East Houston Street and 228.4 feet on Nacogdoches Street, according the plat surveyed 28 March 1918 by Louis Polk, City of San Antonio, Bexar County Texas.

Grantor, for the Consideration, grants, bargains, and conveys to Grantee, all of Grantor's right, title, interest, and estate, both at law and in equity, as of the date hereof, in and to the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, to have and to hold unto Grantee, Grantee's successors and assigns forever, **without any express or implied warranty whatsoever, including but not limited to warranties of title, condition or character.**

The Property is conveyed together with any and all improvements, structures, and fixtures located thereon, and with all rights, privileges, rights of way, and easements appurtenant thereto, unless reserved unto other parties herein.

Reservations, Restrictions, Exceptions, and Conditions for Conveyance:

A. Reservations

- a) Following the recording of this deed, at such time as Grantee, or its successor in interest, ceases to use the Property in a manner that primarily promotes a public purpose of the City of San Antonio, title of the property automatically reverts to the Grantor. This reversion occurs without action by Grantor and without notice to Grantee. "Public purpose" shall mean to preserve, document, and share the heritage and history of the San Antonio Fire Department and firefighting efforts in San Antonio, and to provide an educational experience of fire safety and fire prevention for children and adults through a museum experience. The museum shall operate a minimum of 20 hours a week except during weeks with holidays, construction, or other unforeseen emergencies. Holidays means New Year's Day, Martin Luther King Day, Presidents' Day, Battle of Flowers Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Thanksgiving Day, and Christmas Day. The museum shall also provide free admission to the public on the first Tuesday of every month from 12:00 PM to 4:00 P.M.
- b)

B. Easements: All recorded and unrecorded easements, whether or not open and obvious.

C. Restrictions

- a) All covenants and restrictions affecting the Property, including the same covenants and restrictions as described and per Deed conveying the Property to the City of San Antonio. However, Grantor acknowledges that by conveying the Property to Grantee, all benefits created by the covenants and restrictions described above transfer with the Property to the Grantee.

D. Exceptions: All instruments affecting the Property, whether or not recorded.

This conveyance does not relieve Grantee of any building, zoning, or other city-imposed requirements, or other land use restrictions applicable to the Property or the obligation to pay any real estate taxes that may otherwise be due.

Grantor expressly disclaims any and all warranties arising by common law, statute (including without limitation the implied warranties of §5.023, Texas Property Code or any successor statute), or otherwise.

VS
2/21/19
Item No. 11

Setting out the specific reservations and disclaimers does not imply that the Property is free of other encumbrances or adverse claims or conditions. Grantor specifically disclaims any such implication.

In witness whereof, Grantor has caused its representative to set its hand:

Grantor:

City of San Antonio, a Texas municipal corp

By: _____

Printed Name: _____

Title: _____

Date: _____

Draft. This is only to show the agreed form of the final document. This draft is neither ready nor suitable to be signed.

THE STATE OF TEXAS §

COUNTY OF BEXAR §

This instrument was acknowledged before me by _____.

Date: _____

Notary Public, State of Texas

My commission expires: _____

Approved as to Form:

City Attorney

After recording, please return to:

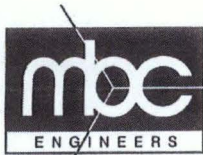
City of San Antonio

P.O. Box 839966

San Antonio, Texas 78283-3966

(Attention: Director, Transportation and Capital Improvements Department)

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Joel Christian Johnson, R.P.L.S. No.5578
TBPLS FIRM REGISTRATION #10011700

32259-1370
December 26, 2018

