

AN ORDINANCE      **101848**

**AUTHORIZING THE RELEASE OF LIEN AND EXECUTION OF ALL AMENDED RELATED DOCUMENTS IN CONNECTION WITH THE WILSHIRE WOODS APARTMENT RENTAL REHABILITATION COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT.**

\* \* \* \* \*

**WHEREAS**, the City Council has approved the Wilshire Woods Apartment Rental Rehabilitation project as part of the Community Development Block Grant (CDBG) Program; and

**WHEREAS**, in November 1993, the City provided a CDBG Rental Rehabilitation Loan (“the Loan”) in the amount of \$1,000,000.00 for the Wilshire Woods Apartments Project, located at 2530 Harry Wurzbach Road in City Council District 2 (“the Project”) through its owner W.W. San Antonio Investments, L.P. (“Borrower”); and

**WHEREAS**, in October 1994, the City extended and renewed the Loan for an additional \$525,000.00; and

**WHEREAS**, the City secured said Loan with a Deed of Trust lien on the property where the Project is located; and

**WHEREAS**, the City desires to release said lien and wishes to substitute said lien with a deposit by Borrower of a Zero Coupon U.S. Government Treasury with a maturity value of \$1,525,000.00 on May 15, 2022; and

**WHEREAS**, in order to release said lien and substitute the security of the Loan, the City must amend the loan documents between the City and the Borrower to reflect the intentions of the parties; and

**WHEREAS**, it is the desire of the City to authorize the release of lien and execution of any and all amended related documents; **NOW THEREFORE:**

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

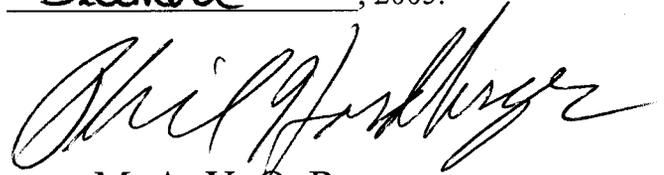
**SECTION 1.** The City Manager, or in her stead, either an Assistant City Manager, an Assistant to the City Manager or the Director of the Neighborhood Action Department is hereby authorized to release the lien attached to the property located at 2530 Harry Wurzbach Road, San Antonio, Bexar County, Texas, and execute any and all amended related documents to reflect the substitution of security for the loan between W.W. San Antonio Investments, L.P. and the City in connection with the Wilshire Woods Apartment Rental Rehabilitation Community Development

Block Grant (CDBG) Project. A copy of the Release of Lien is attached hereto and incorporated herein as Attachment I.

**SECTION 2.** 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 allocation to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

**SECTION 3.** This ordinance shall be effective on and after the 25<sup>th</sup> day of December, 2005.

**PASSED AND APPROVED** this 15<sup>th</sup> day of December, 2005.



M A Y O R

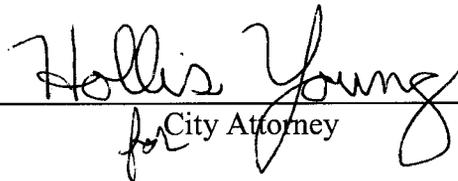
PHIL HARDBERGER

**ATTEST:**



City Clerk

**APPROVED AS TO FORM**



for City Attorney

ATTACHMENT I

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**RELEASE OF LIEN**

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STATE OF TEXAS        δ  
                                  δ  
COUNTY OF BEXAR    δ

**KNOW ALL MEN BY THESE PRESENTS**

**DATE:** \_\_\_\_\_, 2005

**NOTE:**

DATE: November 3, 1993

ORIGINAL AMOUNT: One Million and No/100 Dollars (\$1,000,000.00)

MAKER: W.W. San Antonio Investments, L.P.

MAKER'S ADDRESS: 5231 Blanco Road, Suite 101, San Antonio, Bexar  
County, Texas 78216

HOLDER OF NOTE AND LIEN: City of San Antonio, a Texas Municipal  
Corporation

**HOLDER'S MAILING ADDRESS:**

City Hall, Third Floor, Post Office Box 839966,  
San Antonio, Bexar County, Texas 78283-3966

**NOTE AND LIEN ARE DESCRIBED IN THE FOLLOWING DOCUMENTS:**

Deed of Trust duly recorded under Document No. 93-2548235 and in Volume 5850, Pages 1597-1606 of the Official Public Records of Real Property of Bexar County, Texas.

**PROPERTY (INCLUDING ANY IMPROVEMENTS) SUBJECT TO LIEN:**

That certain tract of land more particularly described as a 13.114 acre tract of land being a portion of Lots 16 and 17 and all of Lot 18, New City Block 12171, North Lane Subdivision, City of San Antonio, Bexar County, Texas, according to plat thereof recorded in Volume 4600, Page 6, of the Deed and Plat Records of Bexar County, Texas and being all of Tracts II and III as described in Deed recorded in Volume 8177, Page 747, of the Deed Records of Bexar County, Texas, and being more particularly described in Exhibit "A" from survey completed on May 4, 1993.

Holder of the aforesaid note and liens, the City of San Antonio, acknowledges and for and in consideration of full and final payment of all indebtedness secured by the aforesaid line or liens, release Maker, their successors and assigns, from both the note and the lien to the above-described property held by the City of San Antonio.

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

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

**FOR: CITY OF SAN ANTONIO, TEXAS**

**BY:** \_\_\_\_\_  
**AS:** DAVID D. GARZA  
Director of the Neighborhood Action Department  
and the City's Duly-Authorized Agent and Servant

**APPROVED AS TO FORM:**

**BY:** \_\_\_\_\_  
**AS:** DENISE MONDAY  
Assistant City Attorney



EXHIBIT "A"

TRACT 1

A 4.411 acre tract being Lot 7 and the North 18.00 feet of Lot 6, Block 21, N.C.B. 10118, Wilshire Village Subdivision as recorded in Deed and Plat Records, Volume 5300, Page 155, Bexar County, Texas, and the west 25.00 feet of Lot 4, Block 21, N.C.B. 10118, Wilshire Village Subdivision as recorded in Deed and Plat Records, Volume 5300, Page 4, Bexar County, Texas, and being more fully described by metes and bounds as follows:

Beginning at a point on the south right-of-way line of Byrnes Drive, said point being the point of curvature of a curve to the right at the southwest intersection of said Byrnes Drive and Harry Wurzbach Highway, said point also being the northeast corner of said Lot 7 and herein described tract;

Thence in a southeasterly direction 56.47 feet along said curve to the right having a tangent of 22.34 feet, an angle of 83°34'21", and a radius of 25.00 feet to a point of curvature of a curve to the right.

Thence in a southerly direction 564.41 feet along the west right-of-way line of Harry Wurzbach Highway, being said curve to the right having a tangent of 283.76 feet, an angle of 14°41'09", and a radius of 2,202.00 feet to a point for the southeast corner of said Lot 7 and herein described tract;

Thence S 89°50'00" W, 133.57 feet along the south lot line of said Lot 7 to a point for an interior corner;

Thence S 00°10'00" E, 151.28 feet along a line to a point for a corner;

Thence S 81°32'25" W, 42.06 feet along a line to a point for an interior corner;

Thence S 13°18'07" W, 54.13 feet along a line to a point for a corner;

Thence S 89°50'00" W, 80.78 feet along a line to a point for the southwest corner of this tract;

Thence N 00°10'00" W, 780.00 feet along the east Right-of-way line of Merrie Lane Drive to a point of curvature of a curve to the right;

Thence in a northeasterly direction 23.56 feet along said curve to the right having a tangent of 15.00 feet, an angle of 90°00'00", and a radius of 15.00 feet to a point for the northwest corner of said Lot 7 and herein described tract;

Thence N 89°50'00" E, 237.71 feet along the south right-of-way line of Byrnes Drive to the point of beginning and containing 4.411 acres (192,143.16 sq.ft.) of land more or less.

RECORDERS MEMORANDUM  
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TRACT 11:

Tract 16-A, being 5.384 acres of land out of the Southwest part of Lot 16, and the West triangular part of Lot 17 and the West part of Lot 18, New City Block 12171, NORTH LANE SUBDIVISION, in the City of San Antonio, Bexar County, Texas, according to plat recorded in Volume 4600, page 6, Deed and Plat Records of Bexar Co., Texas, being more particularly described as follows:

BEGINNING at the intersection of the East line of Harry Wurzbach Highway with the South line of Lot 18, New City Block 12171, for the Southwest corner of Lot 18 and the Southwest corner of this tract.

TRENC in a Northerly direction along the East line of Harry Wurzbach Highway, with a curve to the left having a radius of 2175.41 feet, a distance of 632.82 feet to an iron pin set for the Northwest corner of this tract.

TRENC North 61 Deg. 47 Min. 03 Sec. East, 280.0 feet to an iron pin set for the Northeast corner of this tract.

TRENC South 28 Deg. 11 Min. 59 Sec. East, across Lots 16, 17 and 18, a distance of 726.66 feet to an iron pin set in the Northwest line of Corinne Drive, for the Southeast corner of this tract.

TRENC South 24 Deg. 48 Min. West, along the Northwest line of Corinne Drive, 95.0 feet to an iron pin set for a Southeast corner of this tract.

TRENC South 89 Deg. 08 Min. 30 Sec. West, along the South line of Lot 18, a distance of 355.0 feet to the POINT OF BEGINNING.

TRACT III:

TRACT 16-3, being 7.703 acres of land out of the South portion of Lot 16, Central portion of Lot 17 and the East triangular portion of Lot 18, New City Block 12171, NORTH LANE SUBDIVISION, in the City of San Antonio, Bexar County, Texas, according to plat recorded in Volume 4600, page 6, Deed and Plat Records of Bexar Co., Texas, being more particularly described as follows:

BEGINNING at a point in the Northwest line of Corinne Drive, and Southeast line of Lot 18, located in a Northeasterly direction along said line, 95.0 feet from the Southeast corner of Lot 18, New City Block 12171. This beginning point is the South corner of the tract herein described.

THENCE North 28 Deg. 11 Min. 59 Sec. West, 726.66 feet to an iron pin set for the Northwest corner of this tract.

THENCE North 61 Deg. 47 Min. 03 Sec. East, 715.32 feet to an iron pin set in the Northwest line of Lot 17, for the Northeast corner of this tract.

THENCE South 65 Deg. 12 Min. East, 150.0 feet to an iron pin set in the Northwest line of Corinne Drive, for the most Easterly Northeast corner of this tract.

THENCE South 24 Deg. 48 Min. West, with the Northwest line of Corinne Drive and Southeast line of Lot 17, a distance of 1008.72 feet to the POINT OF BEGINNING.

RECORDERS MEMORANDUM  
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PERMITTED EXCEPTIONS

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1. Restrictive covenants of record in Volume 3169, Page 484; Volume 2167, Page 426; and Volume 2255, Page 247, Deed Records of Bexar County, Texas.
2. Taxes for the year 1977 not yet due and payable.
3. (a) Deed of Trust dated October 15, 1965, executed by Robert C. Hoppe, Stanley Hickman, and Robert W. Payne, Jr. to Ames L. Gill, Trustee, securing the payment of one note of even date therewith payable to Richard Gill Company, in the principal amount of \$986,000.00, said Deed of Trust filed of record in the Office of the County Clerk of Bexar County, Texas, on October 21, 1965, recorded in Volume 5450, Page 355, and refiled in Volume 5496, Page 943, Deed of Trust Records of Bexar County, Texas. Said note and liens securing same transferred to Provident Mutual Life Insurance Company, by Transfer dated December 27, 1965, filed for record in the office of the County Clerk of Bexar County, Texas, on December 29, 1965, recorded in Volume 5486, Page 679, and refiled in Volume 5498, Page 166, Deed of Trust Records of Bexar County, Texas (affects Tract I only).  
  
(b) Deed of Trust dated January 15, 1968, executed by Stanley S. Hickman and Robert C. Hoppe to L. G. Raney, Trustee, securing the payment of one note of even date therewith payable to Republic National Bank of Dallas, in the principal amount of \$1,200,000.00, said Deed of Trust filed for record in the Office of the County Clerk of Bexar County, Texas, on February 8, 1968, recorded in Volume 5892, Page 642, Deed of Trust Records of Bexar County, Texas. Said note and liens securing same transferred to The Equitable Life Assurance Society of the United States, by Transfer dated February 13, 1969, filed for record in the Office of the County Clerk of Bexar County, Texas, on February 20, 1969, recorded in Volume 6108, Page 398, Deed of Trust Records of Bexar County, Texas (affects Tract II only).  
  
(c) Deed of Trust dated March 26, 1969, executed by Stanley S. Hickman and Robert Hoppe to Price Smith, Trustee, securing the payment of one note of even date therewith payable to Republic National Bank of Dallas, in the principal amount of \$1,675,000.00, said Deed of Trust filed for record in the Office of the County Clerk of Bexar County, Texas, on April 2, 1969, recorded in Volume 6130, Page 266, Deed of Trust Records of Bexar County, Texas. Said note and liens securing same transferred to Aetna Life Insurance Company, by Transfer dated February 23, 1970, filed for record in the Office of the County Clerk of Bexar County, Texas, on February 26, 1970, recorded in Volume 6308, Page 917, modified by Volume 6308, Page 921, and Volume 6338, Page 954, Deed of Trust Records of Bexar County, Texas (affects Tract III only).
4. Rights of tenants in possession under effective leases.
5. Easement as set out in Volume 5319, Page 184, Deed Records of Bexar County, Texas.
6. Easement as set out in Volume 6003, Page 968, Deed Records of Bexar County, Texas.

EXHIBIT "B"

STATE OF TEXAS  
COUNTY OF BEGAR  
I hereby certify that the instrument was FILED on the  
date and at the time stamped herein by me and was duly  
RECORDED in the Volume and Page of the DEED RECORDS  
of Begar County, Texas, as stamped herein by me.

JUL 1 1977



*Robert D. Green*  
COUNTY CLERK  
BEGAR COUNTY, TEXAS

FILED IN MY OFFICE

JUN 30 1977 4:44 PM

ROBERT D. GREEN, County Clerk Begar Co.

*RM*

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