

CASE NO: Z2006081 S

Staff and Zoning Commission Recommendation - City Council

Zoning Commission Continuance from April 4, 2006

Date: June 01, 2006

Zoning Commission Meeting Date: April 18, 2006

Council District: 2

Ferguson Map: 584 E4

Applicant:

Owner:

Goldfield Property Investmetns, Ltd.

Goldfield Property Investmetns, Ltd.

Zoning Request: From "C-2" Commercial District and "I-1" General Industrial District to "C-3" S General Commercial District with a Specific Use Permit for a Transitional Home

Lot 8, NCB 14525

Property Location: 4703 Goldfield Drive

Northside of Goldfield Drive between Rittiman Road and Industry Park Drive

Proposal: Transitional home

Neighborhood Association None

Neighborhood Plan: None

Traffic Impact Analysis

A Traffic Impact Analysis is not required.

Staff Recommendation:

Approval.

The subject property is located on Goldfield Drive a collector street which is appropriate for high intensity commercial uses. The subject property has an existing commercial building. The surrounding property is currently zoned "I-1" General Industrial District and "C-3" General Commercial District. The "C-3" General Commercial District promotes a broad range of commercial operations and services necessary for large regions of the city, providing community balance. The "C-3" General Commercial District would be appropriate at this location. The transitional home does comply with the provisions of the city code of the City of San Antonio at this site.

Transitional home - A residential facility, differentiated from facilities, sometimes referred to as a rehab center and/or half-way house, which provides onsite supervised lodging for individuals who are required to reside at the facility as a term of parole or under mandatory supervision.

A transitional home established after November 17, 1997, shall not be located within one thousand five hundred (1,500) feet of any public/private elementary, middle or high school, public/private children's day care facility requiring a certificate of occupancy and/or public park. The transitional home shall be staffed twenty four (24) hours a day with one attendant per fifteen (15) parolees. Outdoor activities shall be limited to the hours of 6:00 a.m. until 9:30 p.m. seven (7) days a week. No tenant or parolee may occupy a transitional home in any capacity if previously convicted of a sex oriented crime, child molestation, and/or murder in any degree. A certified survey prepared by a licensed surveyor or licensed engineer showing distance measurements in accordance with this subsection shall be submitted to the director of development services for all transitional homes as part of the application for the certificate of occupancy.

Zoning Commission Recommendation:

Approval

CASE MANAGER : Pedro Vega 207-7980

VOTE

FOR	9
AGAINST	1
ABSTAIN	0
RECUSAL	0

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ZONING CASE NO. Z2006081 S – April 4, 2006

Applicant: Goldfield Property Investments, Ltd.

Zoning Request: "C-2" Commercial District and "I-1" General Industrial District to "C-3" S General Commercial District.

Andy Guerrero, 3134 Renker, representing the owner, stated this building was once a nursing home and is now vacant and has been vacant for approximately 2 ½ to 3 years. He stated Cornell is proposing to operate a transitional home for federal offenders, white collar, and non-violent individuals. This facility will have 127 beds to 130, if needed. He further stated their stay would range from 30 to 60 to possibly 90 days. They would have 24 hour staffing consisting of 50 to 60 employees on at one time including security. He stated the individuals that would be housed at this facility would be individual that are at the end of their sentence. Cornell would seek employment for these individuals within 15 days of their arrival and they would have to maintain their employment. He stated they would also be randomly drug tested and if they test positive they would immediately be sent back into federal custody. He stated the only time these individuals would leave the premises to go to work. Their only means of transportation would be public transportation, which is located across the street from the facility. He stated Cornell has been in existence since 1970's. They have approximately 83 sites in 18 states 8 of which are in Texas. He stated they have been advised of City staff's recommendations as far limiting the property to their conditions and they are in agreement. He further stated he has been working with Councilwoman McNeil who is in support of this request.

Cristi Charles, representing Cornell, stated Mr. Guerrero has summarized their intent. She stated she would like to add that Cornell is a leading privatize correctional company that specify in 3 different arenas not only they in private secure facilities business but also in the adult community behavioral health business as well as the juvenile business. She stated they have an existing presence in San Antonio and have for the past 10 years. The State of Texas has commended them on numerous occasions and request they open many more facilities. She stated they are hoping to embark upon this endeavor providing services for returning San Antonio citizens. She stated not only would they providing a service to general females and males but also those that would be returning to San Antonio. They would be providing 30 to 60 to possibly 90 days of such services required to be productive citizens. First and foremost establishing employment within 15 days of arrival secondly establishing residency and primarily trying to insure that the necessary services and support network exist. She stated these individuals are at the end of their sentence and this would be a requirement before they return back into society. These individuals would have to meet all the requirements before that are released into society, if at any point these requirement are not met or do not abide by the rules they would automatically be sent back to the federal system. As stated by Mr. Guerrero, the individuals that would be housed at this facility would be white collar, non-violent

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individuals that would be drug related offense such as funding moneys, immigration issues, money laundering and internet crimes. She stated she understands the surrounding residents have many concerns, questions and comments with this transitional homecoming into with their community however she is and would continue to work with them. She stated they worked very hard in seeking a location away from schools, churches and with least bit of residential homes as possible however they were also seeking a location where there was public transportation available for the individuals that would be housed at this facility.

Willie Mitchell, Chairman of San Antonio Fighting Back, stated in this particular area he has transitional housing as this type. He stated he is in support of this project. He also returns such individuals back into society as Mr. Charles is proposing. He understand citizens become concerned when such facilities are brought into their neighborhood however they need to realize such individuals may already exist and may even live in their neighborhood. He feels this facility helps these individuals transition back into society. Their intent is to make them become responsible citizens by helping them seek employment, provide counseling and other services if needed before releasing them into society.

OPPOSE

Reta Nesbet, 4801 Goldfield, property manager for the mobile home park across the subject property, stated they strongly oppose this request. She stated such facility should be located in an area where there are no residential dwellings. She stated the school bus picks up the children at the bus stop, which is located in front of their mobile home park and is concerned for their safety. She understand these individuals would have to seek employment and use public transportation to get to and from work which is also utilized by the elderly and handicap citizens and is also concerned for their safety as well. She stated this facility would pose a threat to their community. Their children will not have the privilege to play outside or ride their bikes anymore. She further expressed concerns with the increase in crime. She does not feel this area is suitable for this transitional home.

Pedro Flores, 4848 Goldfield, representing The Park in Goldfield Apartment Complex, stated their complex is around the corner from the proposed site. He expressed concerns for their safety. He stated the crime rate in this area is already high and feels this would cause the crime rate to increase. He further stated he does not feel this area is appropriate for this type of facility.

Arthur Lauback, 10503 Ballerina Ct., stated he would like to echo Mrs. Nesbet and Mr. Flores comments. He strongly opposes this request as he feels this would pose a threat to their community. He stated his residence is adjacent to the proposed site.

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Buck Benson, 111 Soledad, representing Southwest Motor Transport, stated he has met with the representatives from Cornell Company with regards to their project. He stated he still has a great deal of questions and concerns about this project as well the potential impact this facility may have on his clients operation. He would like to recommend a continuance to have more time to continue dialog with Cornell in hopes of reaching an agreement.

Larry Nedrow, 4702 Goldfield, representing Kimberly Clark Association, stated he would also like to express his opposition on this project. He stated this business is a 24 operation is concerned for the safety of his employees. He stated the majority of his employees use public transportation as these individuals would be using which is another concern. He further stated this area has a high crime rate and has invested a large amount of money installing security lighting, fencing and cameras. He feels a continuance on this case would be appropriate to have more time to study this project more thoroughly.

REBUTTAL

Jane Macon, 230 W. Elsmere, stated they have had an opportunity to meet with the surrounding residents to present project however there are still some concerns that need to be addressed. She is agreeable to continue dialog with the residents between now and the time this case is presented to City Council in hopes of reaching an agreement. She further stated Cornell is in agreement with the conditions staff has recommended.

Commissioner Marshall has asked Ms. Charles for a two-week continuance and Ms. Charles has agreed.

Staff stated there were 16 notices mailed out to the surrounding property owners, 1 returned in opposition and 1 returned in favor. Staff has received a letter expressing their opposition. Staff has also received a letter from Park Village Neighborhood Association (outside the 200 foot radius) requesting a continuance on this case.

Everyone present, for and against having been heard and the results of the written notices having been received, the Chairman declared the public hearing closed.

COMMISSION ACTION

The motion was made by Commissioner Marshall and seconded by Commissioner Martinez to recommend a continuance until April 18, 2006.

1. Property is located on Lot 8, NCB 14525 at 14703 Goldfield Drive.
2. There were 16 notices mailed, 1 returned in opposition and 3 in favor.
3. Staff recommends approval.

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**AYES: Avila, Robbins, Rodriguez, Westheimer, Gadberry, Marshall, Sherrill,
Wright, Martinez, Stribling, Gray**

NAYS: None

THE MOTION CARRIED

ZONING CASE NO. Z2006081 S – April 18, 2006

Applicant: Goldfield Property Investments, Ltd.

Zoning Request: "C-2" Commercial District and "I-1" General Industrial District to "C-3" S General Commercial District with Specific Use Permit for a Transitional Home.

Andy Guerrero, 3134 Renker, representing the owner, stated the purpose of this zoning change is to allow a transitional home on the subject property. He stated this case was continued from April 4th meeting to allow more time to continue dialogue with the surrounding business owners and residents from the mobile home park. He further stated they have met with Councilwoman McNeil Office and have their support.

FAVOR

Councilwoman McNeil, stated after long extensive meetings with the Mr. Guerrero and the owner of the property regarding the proposal she is in support of their request. She stated she has received a number of letters from various institutions that wish to bring in such facilities into the community. She stated is very careful in who she selects. She stated this facility would be conducive to our community. She feels this would give them an opportunity to respond to their moral responsibility to help this population. This area is mostly industrial and there are no homes are apartments within the 200 feet of the property. The organization that would be bringing this facility into the community has a great reputation throughout this city and the country. This is a non-violent, white-collar crime offender facility. She further stated in meeting with the community some concerns arose with high volume of crime in this area and they have put together a program to address those issues. She stated they have set up a meeting for May 9, 2006 to meet with the concerned citizens and the new police chief to resolve these issues.

Nancy Bowmen, 312 Walters, representing Rev. Black, stated she would like to read a letter Rev. Black has prepared. She stated they are please to have an opportunity to support an effort that would make provisions for the help that is need for persons coming out of prisons. Theses individuals have difficulty finding housing and jobs when they are release back into society. Cornell has presented their proposal and is in support as Cornell has a very good reputation throughout the city.

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Caroline Heath, 1001 N. Walters Street, executive director of Antioch Missionary Baptist Church, stated they are also in support of this transitional home. She stated they have a strong Prison Missionary at Dominguez Tate Unit with committed volunteers. They encourage the effort of Cornell to establish a halfway house in the community as assistances to those individuals transitioning from prison to being active and effective community participants with a positive behavior towards making a difference in the community. She feels the work of Cornell staff and management will be a viable asset to our community and to these individuals.

Rev. Joseph Huff, of Antioch Missionary Baptist Church, stated he would also like to express his support. He feels this facility would help these individuals adjust to society. He stated they, Antioch Missionary Baptist Church offers Ministry services as well an Adult Literacy Program where one on one tutoring in reading, writing and mathematics to the individuals that are housed in Dominguez State Prison. He further stated once these individuals are released from the Federal System it is very difficult for them to seek employment, housing and counseling services if needed as Cornell would have these services to offer. Therefore they strongly support this transitional housing.

Rev. Ralph Barcell, 14923 Rio Ranch, Chaplin for Bexar County Detention Ministries, stated they currently offer religious services to Cornell's other facilities in San Antonio. He further stated Cornell is a good neighbor and holds a very good reputation. He stated he strongly supports this request.

Debra Byers, 5223 Misty Cove, stated she is currently employed with Methodist Health Care Systems and her relationship with Cornell is that she now assists them with their acute inpatient care. She has now worked with Cornell for approximately 5 years and in that time she has learned that Cornell is a solid company in that they are very well organized and provide excellent services to these individuals. She stated she has also learned that Cornell has gained a very good reputation.

Carl Smith, 17015 Hidden Timberwood, Director of Texas Adolescent Treatment Center, stated he is familiar with Cornell's facility which provides excellent services to these individuals that would be release back into society. He stated he supports Cornell's request.

Willie Mitchell, 3651 Tuscan Drive, representing San Antonio Fighting Back, stated they strongly support this request. He stated they feel these transitional homes help these individuals transition back into society. Cornell is a very well organized facility as it provides services such and employment placement, counseling service, if needed, and also help them become a better citizen.

Cristi Charles, representing Cornell, stated they are a principal driven company. As a reminder, Cornell houses white collar, non violent criminals such as internet predators, money laundering and other small crime. She stated they provide a number of services for these individuals, such as employment placement, establishing residency, medical and counseling services if needed. She stated Cornell does random drug testing and at any point should they test positive they are immediately returned to the Federal System. She stated they have an existing presence in San Antonio and have for the past 10 years and the State of Texas has commended them on numerous occasions and request they open many more facilities. They would be providing 30 to 60 to possibly 90 days of such services required to be productive citizens. She stated the individuals that would be housed at this facility are individuals that are at the end of their sentence and this would be a requirement before they return back into society. These individuals would have to meet all the requirements before that are released into society, if at any point these requirement are not met or do not abide by the rules, they would automatically be sent back to the federal system. As for staffing, should this request be approved Cornell would be hiring 44.4 individuals from the San Antonio area to manage this facility.

OPPOSE

Victor Villarreal, 4886 Castle Lance, representing East Village Neighborhood Association, stated he is very concerned with such facility entering their community. He feels this would threaten their safety. Cornell continuously claims that this area is industrial however right across the street from the proposed facility is a mobile home park that the majority of the residences are elderly and or disabled. He also expressed concerns for the safety for the children in the community. There is a school bus that picks up and drops off students immediately across the mobile home park which would be a Cornell's facility. He is also very concerned with the existing crime rate and drug trafficking in the neighborhood. These individuals that would be housed in the facility are recovering drug citizens and exposing them to this drug infested feels is inappropriate as they are trying to recover. He further stated the response time for SAPD is incredibly ridiculous. At time it almost takes them an hour or more at which time it is extremely too late. He feels these issues should be addressed before such facility is in operation.

Arthur Laubacz, 10503 Ballerina, stated he is very concerned with the proposed facility. This area is a very highly crime infested area in the city. He attended the meeting with Councilwoman McNeil and Cornell representative at which he brought this issue up. Cornell stated these individuals would be utilizing public transportation for employment purposes however not even the children can not go out to play without being solicited for drugs. How would these recovering individuals react to such activity? He stated he would also like to add that the response time for SAPD or emergency units is absurd.

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Pedro Flores, 4848 Goldfield, representing The Park in Goldfield Apartment Complex, stated they strongly oppose this request. He stated they have been in contact with Cristi Charles and reviewed a large volume of materials provide by Cornell in an effort to understand this proposal. The Park of Goldfield Apartment Complex still can not support this request as they are concerned for their safety and the safety of their tenants. Cornell has mentioned these individuals would have to seek employment and would be released to utilized public transportation to leave to work. The bus stop that these individuals would be utilizing would also be utilized by the surrounding residents, mainly elderly and or disabled. He also expressed concerns with the high volume of crime and drug trafficking in the neighborhood. How would these individuals expect to adjust to such activities? What if they get propositioned? These are all factors that they feel Cornell should consider.

Rita Nisbet, 4801 Goldfield, representing the mobile home park, stated they still strongly oppose this request. She stated they did not attend the meeting with Councilwoman McNeil as it was very short notice. She has collected a petition of the residents expressing their opposition.

Debra Garner, 4801 Goldfield, stated she is a resident of the mobile home park. She is very concerned that such facility is entering their community. She stated the majority of the residents that reside in the mobile home park are elderly or disabled which is their main concern. She stated as mention by the pervious speakers this is a very highly crime and drug trafficking area and putting such individuals in this community would only defeat the purpose of becoming better citizens.

Rita Nisbet, 4801 Goldfield, stated she fears for the children's safety in the community as her son was recently proposition for drugs. If the activity is happening now with the existing residents how are Cornell residents suppose to become better citizens.

Ho Xong Fox, 4732 Rittiman Road, stated strongly opposes this request. She stated there is already enough crime in the area and feels this would only add to their problem.

Theresa Coward, 4732 Rittiman Road, stated she is concerned for their safety. She understands these individuals need help in reverting back into society however this is a very bad area as it is a very high crime neighborhood and infested with drug activity.

Tom Gaffney, 115 St. John, stated he supports helping these individuals however he does not feel this area is appropriate for this facility. As the previous speakers have mentioned, this area is drug infested and very high crime area which makes it inappropriate to house recovering addictions and small crime individuals. This would only taunt these individuals that are in the process of becoming better citizens.

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REBUTTAL

Andy Guerrero, 3134 Renker, representing the owner, stated as far as the neighborhood association their intent is to continue dialog between now and the time this case is considered before Council. Their intent is to be a good neighbor and intend to address all their concerns. He stated the individuals that would be housed in Cornell's facility do have time constraints and as they return to the facility they would be drug tested and again if test returns positive they with no question would be immediately returned to the Federal System.

Cristi Charles, representing Cornell, stated the differentiation of white collar and blue collar is the act of violence. The white collar tend to be less violate and higher intellectual crime. As part of the requirement to reside at this facility they would have to seek employment within 15 days upon arrival. When these individuals return to the facility after work, they would be drug test daily and if tested positive they would immediately returned to the prison system.

Staff stated there were 16 notices mailed out to the surrounding property owners, 3 returned in opposition and 1 returned in favor.

Everyone present, for and against having been heard and the results of the written notices having been received, the Chairman declared the public hearing closed.

COMMISSION ACTION

The motion was made by Commissioner Marshall and seconded by Commissioner Gadberry to recommend approval.

1. Property is located on Lot 8, NCB 14525 at 14703 Goldfield Drive.
2. There were 16 notices mailed, 3 returned in opposition and 1 in favor.
3. Staff recommends approval.

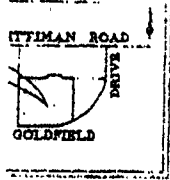
**AYES: Avila, Robbins, Gadberry, Marshall, Sherrill, Wright, Martinez, Stribling,
Gray**

NAYS: Rodriguez

THE MOTION CARRIED

RESULTS OF NOTICE FOR COUNCIL HEARING

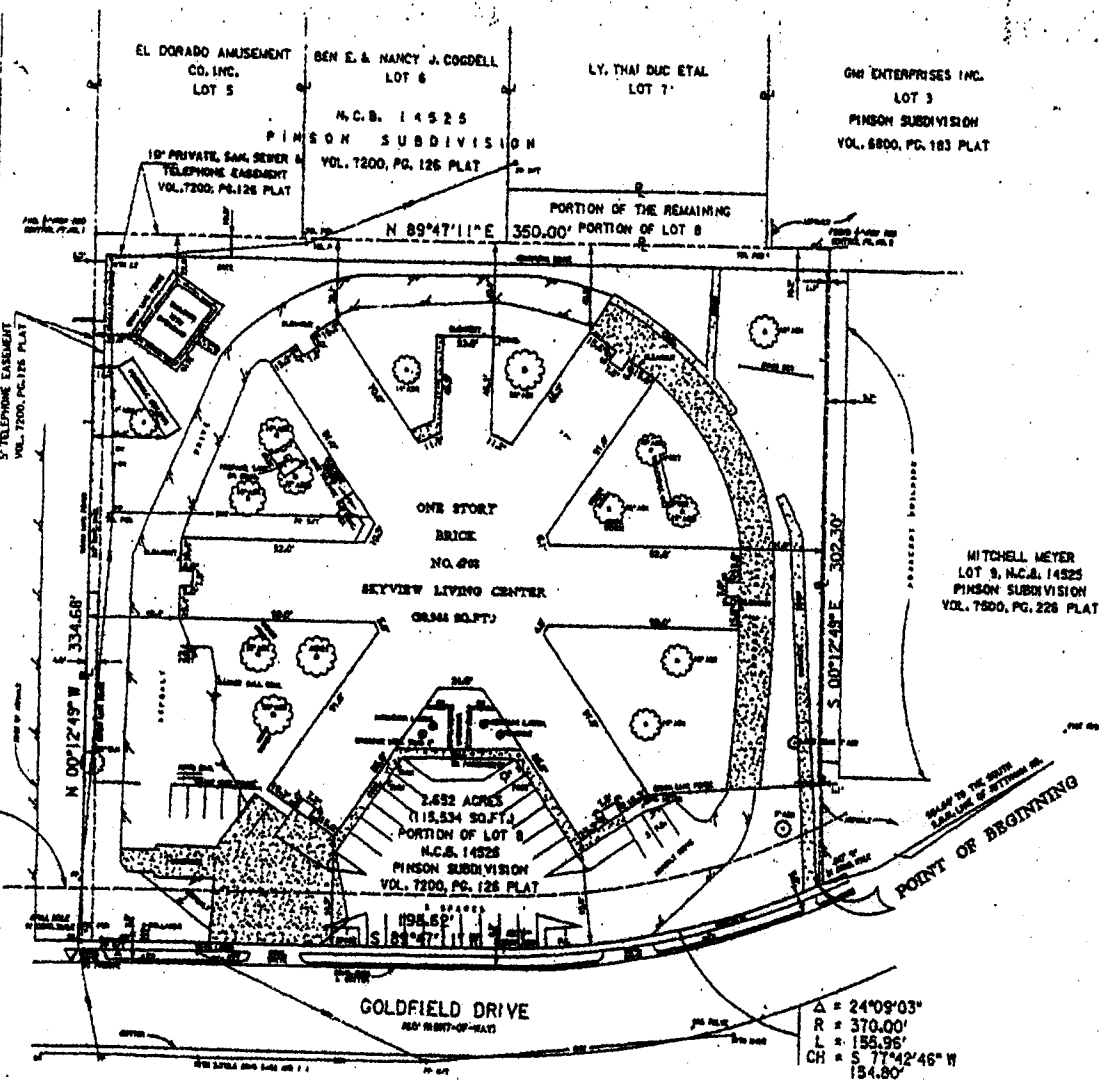
To be provided at Council hearing.



VICINITY MAP
NOT TO SCALE

72006081

12, N.C.S. 14525
SDN SUBDIVISION
5800, PG. 183 PLAT



1. A LEGAL DESCRIPTION OF EACH SURVEY DATE HEREWITH APPROPRIATE TO THIS PLAT.
2. BASES OF BEARING - BEARING OF EACH BEARING IS SPECIFIED IN ALONG GOLDFIELD DRIVE AS SHOWN ON THE PLATINGS AND RECONSTRUCTION PLAT OF A PORTION OF PINSON SUBDIVISION RECORDED IN VOLUME 7800, PAGE 226, AND PLAT RECORDED IN BEXAR COUNTY, TEXAS.
3. THE BEARING EASEMENT 10 FEET IN WIDTH ALONG THE NORTHEASTLY LOT LINE, LIVING CENTER BUILDING & PARCEL 1, FROM S OF THE TITLE BEARING EASEMENT OF J. H. COGDELL DOES NOT AFFECT THE PROPERTY AMONG HERETO, THIS EASEMENT APPLIED LOT 8, N.C.S. 14525 OF THE VARIOUS & RECONSTRUCTION PLAT OF A PORTION OF PINSON SUBDIVISION RECORDED IN VOLUME 7800, PAGE 226, AND PLAT RECORDED IN BEXAR COUNTY, TEXAS.
4. PARCELS SPACES, TOTAL PARCELS SPACE 8.1 IF 32 TOTAL NUMBER OF PARCELS SPACES.

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CLARK-GEOGRAM INC.
A. BROWN, Surveyor
Registration No. 5286

FIELD BOOK REFERENCE	
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HEALTH CARE ADMINISTRATION
ALTA/AMER LAND TITLE SURVEY
THE WEST PORTION OF LOT 8, N.C.S. 14525
PINSON SUBDIVISION, SAN ANTONIO,
BEXAR COUNTY, TEXAS.

CLARK-GEOGRAM INC.
A. BROWN, Surveyor
Registration No. 5286

DATE: 11-11-2011
TIME: 1:00 PM
BY: A. BROWN