

## **ORDINANCE NO. 2019-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING THE OFFICIAL ZONING MAP OF THE CITY BY DESIGNATING APPROXIMATELY 734.6 ACRES OF LAND OUT OF THE WILLIAM PETTUS SURVEY, ABSTRACT NO. 21 AND LOCATED ALONG STATE HIGHWAY 80 AND FM 1984 AS “HI” HEAVY INDUSTRIAL DISTRICT; INCLUDING PROCEDURAL PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.**

### **RECITALS:**

1. On January 8, 2019, the Planning and Zoning Commission of the City of San Marcos held a public hearing regarding a request to zone, upon annexation, approximately 734.6 acres of land out of the William Pettus Survey, Abstract No. 21 and located along State Highway 80 and FM 1984, as shown on Exhibit A, attached hereto and made a part hereof for all purposes to “HI” Heavy Industrial District.

2. Subsequent to the public hearing on that date, the Planning and Zoning Commission considered the request and voted to recommend approval of the request.

3. The City Council held a public hearing on January 15, 2019 regarding the request and considered the recommendation of the Planning and Zoning Commission.

4. All requirements pertaining to Zoning Map amendments have been met.

5. The City Council hereby finds and determines that the adoption of the following ordinance is in the interest of the public health, morals, welfare and safety.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:**

**SECTION 1.** The Official Zoning Map of the City is amended to designate approximately 734.6 acres of land out of the William Pettus Survey, Abstract No. 21 and located along State Highway 80 and FM 1984, as shown on Exhibit A, as “HI” Heavy Industrial District.

**SECTION 2.** If any portion of the property described in Section 1 is determined by the City or a court of competent jurisdiction to be ineligible to be zoned as requested for any reason, this ordinance shall not be effective as to such portion, but shall, otherwise, be effective and enforceable as to the remainder of the property.

**SECTION 3.** If any word, phrase, clause, sentence, provision or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

**SECTION 4.** All ordinances and resolutions or parts of ordinances or resolutions in

conflict with this ordinance are repealed.

**SECTION 5.** This ordinance will take effect upon its adoption on second reading.

**PASSED AND APPROVED** on first reading on January 15, 2019.

**PASSED, APPROVED AND ADOPTED** on second reading on March 19, 2019.

Jane Hughson  
Mayor

Attest:

Approved:

Jamie Lee Case  
City Clerk

Michael J. Cosentino  
City Attorney

## EXHIBIT A



Exhibit “ — ”

7401B Highway 71 West, Suite 160  
Austin, TX 78735  
Office: 512.583.2600  
Fax: 512.583.2601

[Doucetengineers.com](http://Doucetengineers.com)  
TBPLS Firm # 10105800

San Marcos ETJ  
Caldwell County, Texas

D&A Job No. 1808-001  
January 11, 2019

### DESCRIPTION For a 734.6-Acre [32,000,847 Square Feet] San Marcos Annexation Tract

BEING A NET OF 734.6 ACRES [32,000,847 SQUARE FEET] FOR AN ANNEXATION TRACT OUT OF THE WILLIAM PETTUS SURVEY, ABSTRACT NUMBER 21, CALDWELL COUNTY, TEXAS, SAID TRACT BEING COMPRISED OF A CALLED 160.20-ACRE TRACT RECORDED IN VOL. 283, PG. 366, A CALLED 171.80-ACRE TRACT RECORDED IN CLERK'S FILE NO. 2017005864, A CALLED 237.06-ACRE TRACT RECORDED IN VOL. 560, PG. 840, A CALLED 70-ACRE TRACT RECORDED IN VOL. 595, PG. 549, A CALLED 216.403-ACRE TRACT RECORDED IN VOL. 178, PG.184, AND A 59.33-ACRE TRACT TO CURBY OHNHEISER BY TAX RECORD, NO DEED OF RECORD FOUND, ALL BEING OF THE OFFICIAL PUBLIC RECORDS, AND OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, CALDWELL COUNTY, TEXAS [O.P.R.C.C.TX., O.P.R.R.P.C.C.TX.], SAVE AND EXCEPT A CALLED 0.953-ACRE TRACT RECORDED IN VOL. 498, PG. 345, AND A CALLED 2.952-ACRE TRACT RECORDED IN VOL. 447, PG. 141, BOTH OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF CALDWELL COUNTY, TEXAS; SAID 734.6 ACRE (NET) TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a point for the northwest corner of said 160.20-acre tract, same being at a point the northeast corner of a called 57.976-acre tract to the City of San Marcos, recorded in Vol. 175, Pg. 866 O.P.R.R.P.C.C.TX., and same being in the south line of the Missouri, Kansas, and Texas Railroad [M.K.&TX. RR.];

**THENCE** with the south line of said M.K.&TX. RR., and the north lines of said 160.20-acre, 171.80-acre, and 237.06-acre tracts, S88°01'32"E a distance of 4,842.33 feet to the northerly northeast corner of said 237.06-acre tract, same being the west corner of a tract of land owned by the City of San Marcos per tax record, no deed of record found;

**THENCE** with the northeast line of said 237.06-acre, and the southwest line of said City of San Marcos tract, S40°58'16"E a distance of 704.29 feet to a point at the southerly northeast corner of said 237.06-acre tract, same being at the south corner of said City of San Marcos tract, same being in the northwest line of said 70-acre tract;

**THENCE** with the southeast line of said City of San Marcos tract, and the northwest line of said 70-acre tract, N49°00'10"E a distance of 753.70 feet to the east corner of said City of San Marcos tract, same being in the south line of said M.K.&TX. RR., same being at the northerly northwest corner of said 70-acre tract;

**THENCE** with the north lines of said 70-acre tract and 59.33-acre tract, and the south line of said M.K.&TX. RR., S87°55'49"E a distance of 1687.28 feet to a point at the northerly northeast corner of said 59.33-acre tract;

**THENCE** with an east line of said 59.33-acre tract, S01°24'46"W a distance of 64.55 feet to a point at an internal ell corner, and continuing with a northeast line of said 59.33-acre tract S72°34'51"E a distance of 744.47 feet to a point at



the southerly northeast corner of said 59.33-acre tract, same being at the north corner of a called 1.247-acre tract, recorded in document number 134018 O.P.R.R.P.C.C.TX.;

**THENCE** with a northeast line of said 59.33-acre tract, and the southwest line of said 1.247-acre tract, S42°16'34"E a distance of 627.65 feet to a point at the east corner of said 59.33-acre tract, same being at the south corner of said 1.247-acre tract, and same being in the northwest right-of-way of Farm to Market Road 1984;

**THENCE** with the southeast line of said 59.33-acre tract, and the northwest right-of-way of Farm to Market Road 1984 S49°00'05"W a distance of 496.93 feet to a point in the south line of said 59.33-acre tract;

**THENCE** departing from and ending in the northwest right-of-way of Farm to Market Road 1984, and with the easterly, southerly, and westerly lines of said 216.403-acre tract, the following five (5) courses and distances:

- 1) S41°04'50"E a distance of 3,024.10 feet to a point,
- 2) N49°29'57"E a distance of 478.67 feet to a point,
- 3) S15°07'10"E a distance of 1,474.22 feet to a point,
- 4) S48°55'15"W a distance of 2,006.06 feet to a point,
- 5) N41°03'12"W a distance of 4,357.45 feet to a point in the northwest right-of-way of Farm to Market Road 1984, same being in the southeast line of said 70-acre tract;

**THENCE** with the southeast line of said 70-acre tract, same being the northwest right-of-way of said Farm to Market Road 1984, S49°00'05"W a distance of 196.03 feet to a point at the south corner of said 70-acre tract, same being at the east corner of a called 75-acre tract (Third Tract), recorded in Vol. 274, Pg. 191 O.P.R.R.P.C.C.TX.;

**THENCE** with said the southwest line of said 70-acre tract, same being the northeast line of said 75-acre tract (Third Tract), N41°54'08"W a distance of 2,462.07 feet to a point at the west corner of said 70-acre tract, same being at the north corner of said 75-acre tract (Third Tract), and same being in the east line of said 237.06-acre tract;

**THENCE** with the southeast line of said 237.06-acre tract, and the northwest line of said 75-acre tract (Third Tract), S49°05'37"W a distance of 806.82 feet to a point at the west corner of said 75-acre tract (Third Tract), same being at an angle point in the east line of said 237.06-acre tract, and same being at the north corner of the remainder of a called 104.97-acre tract (First Tract), recorded in Vol. 274, Pg. 191 O.P.R.R.P.C.C.TX. ;

**THENCE** with the east line of said 237.06-acre tract, and the west line of said 104.97-acre (First Tract) remainder tract, S34°03'23"W a distance of 2,871.91 feet to a point of intersection with the apparent 1980 City of San Marcos Extra Territorial Jurisdiction line;

**THENCE** continuing with the apparent 1980 City of San Marcos Extra Territorial Jurisdiction line, severing said 237.06-acre, 171.80-acre, and 160.20-acre tracts, the following twenty-one (21) courses and distances:

- 1) N46°52'30"W a distance of 192.10 feet to an angle point,
- 2) N43°07'30"W a distance of 345.51 feet to an angle point,
- 3) N39°22'30"W a distance of 154.39 feet to an angle point,
- 4) N38°36'29"W a distance of 256.97 feet to an angle point,
- 5) N34°54'36"W a distance of 345.46 feet to an angle point,
- 6) N31°09'35"W a distance of 345.46 feet to an angle point,
- 7) N27°24'35"W a distance of 33.71 feet to an angle point,
- 8) S77°35'24"W a distance of 312.03 feet to an angle point,



- 9) S81°20'25"W a distance of 18.65 feet to an angle point,
- 10) S51°12'13"W a distance of 260.05 feet to an angle point,
- 11) S52°12'34"W a distance of 185.32 feet to an angle point,
- 12) S55°05'24"W a distance of 345.46 feet to an angle point,
- 13) S58°50'24"W a distance of 345.46 feet to an angle point,
- 14) S62°35'24"W a distance of 95.29 feet to an angle point,
- 15) S43°50'24"W a distance of 325.16 feet to an angle point,
- 16) S47°35'24"W a distance of 345.46 feet to an angle point,
- 17) S51°20'24"W a distance of 345.46 feet to an angle point,
- 18) S55°05'24"W a distance of 345.46 feet to an angle point,
- 19) S58°50'24"W a distance of 345.46 feet to an angle point,
- 20) S62°35'24"W a distance of 345.46 feet to an angle point,
- 21) S66°20'23"W a distance of 186.76 feet to a point of intersection with the apparent 1980 City of San Marcos Extra Territorial Jurisdiction line with the west line of said 160.20-acre tract, and the east line of said 57.976-acre tract;

**THENCE** with the west line of said 160.20-acre tract, and the east line of said 57.976-acre tract, departing the apparent 1980 City of San Marcos Extra Territorial Jurisdiction line, N17°41'46"E a distance of 4,953.07 feet back to the **POINT OF BEGINNING** of the tract described herein, and containing a net of 734.6 Acres [32,000,847 Square Feet] subsequent to the heretofore said 0.953-acre and 2.952-acre save and except tracts.

Basis of bearings is the Texas Coordinate System, South Central Zone [4204], NAD83 (2011), Epoch 2010, U.S. Survey Feet.

This survey was performed without the benefit of a title commitment. Easements or other matters of record may exist where none are shown.

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

  
Garrett Cavauiolo  
Registered Professional Land Surveyor  
Texas Registration No. 6714  
Doucet & Associates  
GCavauiolo@DoucetEngineers.com  
TBPLS Firm Registration No. 10105800

1/11/2019  
Date

