

ORDINANCE NO. 2021-38

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING THE OFFICIAL ZONING MAP OF THE CITY IN CASE NO. ZC-21-01 BY REZONING APPROXIMATELY 6.698 ACRES OF LAND, GENERALLY LOCATED IN THE 100 BLOCK OF CENTERPOINT ROAD, FROM “FD” FUTURE DEVELOPMENT DISTRICT TO “CD-5” CHARACTER DISTRICT-5, OR SUBJECT TO CONSENT OF THE OWNER, ANOTHER LESS INTENSE ZONING DISTRICT CLASSIFICATION; INCLUDING PROCEDURAL PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

RECITALS:

1. On April 27, 2021, the Planning and Zoning Commission of the City of San Marcos held a public hearing regarding a request to change the zoning designation from “FD” Future Development District to “CD-5” Character District-5 for approximately 6.698 acres of land, generally located in the 100 Block of Centerpoint Road (the “Property”), as described in Exhibit A, attached hereto and made a part hereof for all purposes.

2. The Planning and Zoning Commission approved a recommendation to the City Council regarding the request.

3. The City Council held a public hearing on May 18, 2021 regarding the request.

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 rezone the Property, as described in Exhibit A, from “FD” Future Development District to “CD-5” Character District-5.

SECTION 2. If any word, phrase, clause, sentence, 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 3. All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

SECTION 4. This ordinance will take effect after its passage, approval and adoption on second reading.

PASSED AND APPROVED on first reading on May 18, 2021.

PASSED, APPROVED AND ADOPTED on second reading on June 1, 2021.

Jane Hughson
Mayor

Attest:

Tammy K. Cook
Interim City Clerk

Approved:

Michael J. Cosentino
City Attorney

EXHIBIT A



STATE OF TEXAS
COUNTY OF HAYS

6.698 ACRES
EDWARD BURLESON SURVEY
NO. 18 - ABSTRACT # 63

BEING 6.698 ACRES OF LAND SITUATED IN THE EDWARD BURLESON SURVEY NO. 18, ABSTRACT NO. 63, HAYS COUNTY, TEXAS, SAME BEING ALL THAT CERTAIN CALLED 6.711 ACRE TRACT CONVEYED TO MARK B. RANDOLPH BY DEED RECORDED IN VOLUME 2940, PAGE 648, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod set with cap marked "RPLS5687" at the south corner of said Randolph called 6.711 acre tract, for the south corner of the herein described tract of land, same being at the common west corner of that certain called 1.121 acre tract of land "Save and Excepted" from a called 6.332 acre tract as described in a deed from Stellar Plastics, Inc. to Basler Plastics, LLC, recorded in Volume 4270, Page 198, Official Public Records of Hays County, Texas, and being in the northeast line of Centerpoint Road – County Road No. 234, a variable width public right-of-way, and from which a 1/2" iron rod found marking the south corner of said Stellar Plastics, Inc. called 1.121 acre tract bears South 45°51'18" East (S 44°22'43" E Record), a distance of 199.85 feet (200.0' Record);

THENCE North 45°51'18" West (N 44°22'43" W Record), with the northeast line of said Centerpoint Road – C.R. 234, a distance of **235.96 feet** (236.13' Record) to a 1/2" iron rod found marking the southerly west corner of said Randolph called 6.711 acre tract, for the south corner of the herein described tract of land, same being at the common south corner of that certain called 1.553 acre tract of land described as "Tract 2" in a deed to Anne S. Buck, et al, recorded under Clerk's File No. 17013547, Official Public Records of Hays County, Texas, and from which an iron rod found with yellow cap bears North 45°44'36" West (N 45°01'40" W Record), a distance of 193.12 feet (193.10' Record);

THENCE North 46°47'58" East (N 48°09'27" E Record), with a northwest line of said Randolph called 6.711 acre tract, at a distance of 350.99 feet (Record) passing the east corner of said Buck called 1.553 acre Tract 2 and the common south corner of that called 5.687 acre tract of land described as "Tract 1" in said deed to Anne S. Buck, et al, recorded under Clerk's File No. 17013547, Official Public Records of Hays County, Texas, and continuing on for a total distance of **888.58 feet** (889.89' Record) to an iron rod found with red cap "B&A" at the North corner of said Anne S. Buck, et al, 5.687 acre "Tract 1" and the common interior corner of said Randolph called 6.711 acre tract, for an interior corner of the herein described tract of land;

THENCE North 45°36'06" West (N 44°43'38" W Record) along the common northeast line of said Anne S. Buck, et al, 5.687 acre "Tract 1", a distance of **146.67 feet** (145.40' Record) to a concrete fence post marking the northerly west corner of said Randolph called 6.711 acre tract, for the northerly west corner of the herein described tract of land, same being at a south corner of that certain called 0.356 acre tract of land conveyed to Isidro Hernandez by deed recorded in Volume 423, Page 768, Real Property Records of Hays County, Texas;

THENCE North 42°01'52" East (N 43°31'51" E Record), with the common line of said Isidro Hernandez called 0.356 acre tract, and along the meanders of a wire fence, a distance of **210.45 feet** (210.28' Record) to a 1/2" iron rod found marking the east corner of said Hernandez called 0.356 acre tract and the common north corner of said Randolph called 6.711 acre tract, for the north corner of the herein described tract of land, same being in a southwest line of Lot 2 of Schleider Park, an addition to the City of San Marcos according to the map thereof recorded in Volume 13, Page 314, Plat Records of Hays County, Texas;

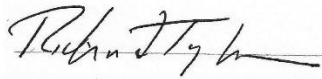
THENCE South 46°23'30" East (S 44°58'00" E Record), along the common southwest line of said Lot 2, a distance of **398.75 feet** (398.54' Record) to a 1/2" iron rod found marking the north corner of the afore-mentioned 5.211 acres of land conveyed to Basler Plastics, LLC, by deed recorded in Volume 4270, Page 198, Official Public Records of Hays County, Texas, for an east corner of said Randolph called 6.711 acre tract, and the east corner of the herein described tract of land;

THENCE South 46°43'17" West (S 48°09'05" W Record), along the northwest line of said Basler Plastics called 5.211 acre tract and the common southeast line of said Randolph called 6.711 acre tract, a distance of **854.85 feet** (1103.44' Record) to a 5/8" iron rod found at the west corner of said Basler Plastics tract and the common north corner of aforesaid Stellar Plastics, Inc., called 1.121 acre tract for a corner of the herein described tract of land;

THENCE South 46°41'47" West (S 48°09'05" W Record), continuing with the southeast line of said Randolph called 6.711 acre tract and the common northwest line of said Stellar Plastics, Inc., called 1.121 acre tract, a distance of **248.58 feet** to the **POINT OF BEGINNING** and **CONTAINING 6.698 ACRES OF LAND.**

BEARING BASIS HEREIN DERIVED BY GPS MEASUREMENTS ADJUSTED BY HARN (HIGH ACCURACY REFERENCE NETWORK) & PROJECTED TO TEXAS STATE PLANE COORDINATES (TEXAS SOUTH CENTRAL ZONE) & NAD83.

I, Richard H. Taylor, do certify that this description and associated exhibit were prepared this date from a boundary survey performed under my direction during August 2019, and is true and correct to the best of my knowledge and belief.



Richard H. Taylor
Registered Professional Land Surveyor
No. 3986 State of Texas
Attachment: Drawing of 6.698 acres
Job: 19-7249

08/15/19
Date



EDWARD BURLESON SURVEY
ABSTRACT 63
(0.356 AC.)
ISIDRO C HERNANDEZ
(423/768)

LOT 2
SCHLEDER PARK
HUNTER ROAD INVESTMENTS LLC
(13/314)

(S 44°58'00" E 398.54')
S 46°23'30" E 398.75'

EDWARD BURLESON
SURVEY NO. 18
ABSTRACT 63

(N 43°31'51" E 210.28')
N 42°01'52" E 210.45'

EDWARD BURLESON
SURVEY
ABSTRACT 63
TRACT 1
(5.687 AC.)
ANNE S BUCK
ET AL
(DOC. # 17013547)

EDWARD BURLESON
SURVEY
ABSTRACT 63
6.698
(6.711 AC.)
MARK B
RANDOLPH
(2940/648)

EDWARD BURLESON
SURVEY
ABSTRACT 63
(5.211 AC.)
BASLER PLASTICS LLC
(4270/198)

EDWARD
BURLESON
SURVEY
ABSTRACT 63
TRACT 2
(1.553 AC.)
ANNE S BUCK
ET AL
(DOC. # 17013547)

EDWARD BURLESON
SURVEY
ABSTRACT 63
(1.121 AC.)
STELLAR PLASTICS
INC.
(4270/198)

TO:
PURCHASER: CBTX CAPITAL, LLC
TITLE CO: OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
SP NO: 18-1885-C
ADDRESS: 151 CENTERPOINT ROAD

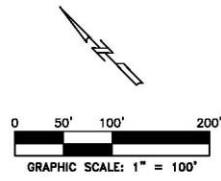
I, RICHARD H. TAYLOR, DO HEREBY CERTIFY THAT THIS PLAT OF THE PROPERTY SHOWN HEREON, WAS PREPARED FROM A SURVEY PERFORMED UNDER MY DIRECTION AND SUPERVISION DURING AUGUST 2018, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT SAID PROPERTY HAS ACCESS TO AND FROM A PUBLIC RIGHT OF WAY.

Richard H. Taylor
RICHARD H. TAYLOR, RPLS
REGISTERED PROFESSIONAL LAND SURVEYOR
NUMBER 3986 STATE OF TEXAS
©ASH & ASSOCIATES, L.L.C.

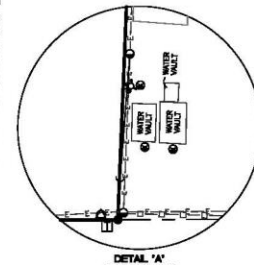
08/15/19
DATE



CENTERPOINT ROAD
COUNTY ROAD NO. 234
(VARIABLE WIDTH PUBLIC R.O.W.)



- LEGEND**
- IRON ROD FOUND
 - IRON ROD SET
 - ▲ CAPPED "RPLS 5687"
 - ▲ 60D NAIL FOUND
 - CONC. FENCE POST
 - ★ FIRE HYDRANT
 - WATER VALVE
 - POWER POLE
 - OVERHEAD ELECTRIC LINE
 - DOWN GUY
 - CHAIN LINK FENCE
 - X WIRE FENCE
 - PIPE RAIL FENCE
 - TELEPHONE PEDESTAL
 - UNDERGROUND UTILITY MARKER SIGN
 - P.U.E. PUBLIC UTILITY EASEMENT
 - D.E. DRAINAGE EASEMENT
 - B.S.L. BUILDING SETBACK LINE
 - (BRG.-DIST.) RECORD CALL



TITLE NOTES:
ACCORDING TO THE SCHEDULE B OF THE COMMITMENT FOR TITLE OF # 18-1885-C, ISSUED 08/01/19 BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, THE PROPERTY IS SUBJECT TO THE FOLLOWING:

- 1) EASEMENT EXECUTED BY E.D. COMBS AND FLORA M. COMBS, TO SOUTHWESTERN BELL TELEPHONE COMPANY, RECORDED IN VOLUME 218, PAGE 25, OF THE DEED RECORDS OF HAYS COUNTY, TEXAS. (AS SHOWN)
- 2) EASEMENT EXECUTED BY W. M. SOYARS, TO HAYS CO WATER SUPPLY CORPORATION, DATED JUNE 20, 1978, RECORDED IN VOLUME 311, PAGE 873, OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, FURTHER AFFECTED BY A PARTIAL RELEASE, RECORDED IN VOLUME 1284, PAGE 784, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS. (BLANKET-TYPE EASEMENT)
- 3) EASEMENT EXECUTED BY W. M. SOYARS, TO SAN MARCOS TELEPHONE COMPANY, DATED AUGUST 30, 1974, RECORDED IN VOLUME 379, PAGE 24, OF THE DEED RECORDS OF HAYS COUNTY, TEXAS.
- EASEMENT EXECUTED BY W. M. SOYARS, TO ELM WATER COMPANY, INC., DATED MARCH 20, 1980, RECORDED IN VOLUME 821, PAGE 722, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, FURTHER AFFECTED BY THAT CERTAIN TRANSFER OF EASEMENTS, RECORDED IN VOLUME 1344, PAGE 519, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS.
- 4) EASEMENT EXECUTED BY W. M. SOYARS, TO BLUEBONNET ELECTRIC COOPERATIVE, INC., DATED MAY 6, 1987, RECORDED IN VOLUME 1314, PAGE 562, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS.

PLAT NOTES:
1) ACCORDING TO THE NATIONAL FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 48309C04787, DATED SEPTEMBER 2ND, 2005, & LUCH NO. 12-06-2514P, DATED MAY 28TH, 2013, THIS LOT IS LOCATED IN ZONE "X" (UNSHADED), WHICH IS AN AREA OUTSIDE THE FEMA DESIGNATED 100-YEAR FLOODPLAIN.
2) BEARING BASIS DERIVED BY GPS MEASUREMENTS ADJUSTED BY HARN (HIGH ACCURACY REFERENCE NETWORK) & PROJECTED TO TEXAS STATE PLANE COORDINATES & NAD83.

BOUNDARY AND IMPROVEMENT SURVEY OF:
6.698 ACRES OF LAND SITUATED IN THE EDWARD BURLESON SURVEY NO. 18, ABSTRACT NO. 63, HAYS COUNTY, TEXAS, SAME BEING ALL THAT CERTAIN CALLED 6.711 ACRE TRACT CONVEYED TO MARK B. RANDOLPH BY DEED RECORDED IN VOLUME 2940, PAGE 648, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS ATTACHED:

ASH & ASSOCIATES
SURVEYING - PLANNING - ARCHITECTURE
142 JACKSON LANE
SAN MARCOS, TEXAS 78666
(512) 392-1719
ashandassociates.net
Surveying: 100847-00
Architecture: TX20240
"SERVING THE COMMUNITY OF TEXAS"
JOB NO: 18-7248 DRAWN BY: GWH FS: FILE