

ORDINANCE NO. 2021-93

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-21-17, BY REZONING APPROXIMATELY 2.78 ACRES OF LAND, GENERALLY LOCATED IN THE 5900 BLOCK OF SOUTH IH-35, FROM “FD” FUTURE DEVELOPMENT DISTRICT AND “AR” AGRICULTURAL RANCH DISTRICT TO “CM” COMMERCIAL DISTRICT; INCLUDING PROCEDURAL PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

RECITALS:

1. On November 9, 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 and “AR” Agricultural Ranch District to “HC” Heavy Commercial District for approximately 2.78 acres of land, generally located in the 5900 Block of South IH-35 (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 December 7, 2021, regarding the request and approved a less intense zoning designation of “CM” Commercial District.

4. The owner of the Property has consented in writing to such less intense zoning designation as shown in Exhibit A.

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

6. 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 B, from “FD” Future Development District and “AR” Agricultural Ranch District to “CM” Commercial District.

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 All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.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 December 7, 2021.

PASSED, APPROVED AND ADOPTED on second reading on December 15, 2021.

Jane Hughson
Mayor

Attest:

Tammy K. Cook
City Clerk

Approved:

Michael J. Cosentino
City Attorney

EXHIBIT A

Received from the Property Owner:

The property owner, Las Onces Colinas LLC, consents to the proposed zoning change to CM. The property owner would also propose a deed restriction against any future owner of the 7E from converting to any form of truck stop or truck stop hybrid as a more viable option.

Alan Davis | AMS

Mobile: 512.507.7048

EXHIBIT B



METES AND BOUNDS DESCRIPTION FOR A 2.780 ACRE TRACT OF LAND

BEING a 2.780 acre tract of land situated in the Samuel Craft League, Abstract No. 89, in Hays County, Texas, being a portion of a called 84.947 acre tract of land, as conveyed to Las Colinas San Marcos Phase I, LLC, and recorded in Document No. 19024612, of the Official Public Records of Hays County, Texas, and said 2.780 acre tract of land being more particularly described by metes and bounds as follows:

COMMENCING at a ½" iron pin with red cap found in the Southeasterly Right-of-Way (R.O.W.) line of Interstate Highway 35 (I.H. 35) (a variable width R.O.W.), being the most Northerly corner of a called 40.241 acre tract of land, as conveyed to Las Colinas San Marcos Phase I, LLC, and recorded in Document No. 15007121, of the Official Public Records of Hays County, Texas, and being the most Westerly corner of said 84.947 acre tract of land;

THENCE departing the Northerly corner of said 40.241 acre tract of land, with the Southeasterly R.O.W. line of said I.H. 35, and with the Northwesterly line of said 84.947 acre tract of land, N 44° 08' 27" E, a distance of 99.94 feet to a ½" iron pin with cap stamped "BCG" found in the Southeasterly R.O.W. line of said I.H. 35, being in the Northwesterly line of said 84.947 acre tract of land, and being the most Westerly corner of this herein described tract of land and the POINT OF BEGINNING;

THENCE continuing with the Southeasterly R.O.W. line of said I.H. 35, and with the Northwesterly line of said 84.947 acre tract of land, N 43° 34' 24" E, a distance of 421.64 feet to a ½" iron pin with cap stamped "DAM #5348 PROP. COR." set in the Southeasterly R.O.W. line of said I.H. 35, being in the Northwesterly line of said 84.947 acre tract of land, and being the most Northerly Northeast corner of this herein described tract of land;

THENCE departing the Southeasterly R.O.W. line of said I.H. 35, same being the Northwesterly line of said 84.947 acre tract of land, and across and through said 84.947 acre tract of land, the following courses:

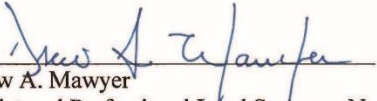
S 45° 55' 53" E, a distance of 287.21 feet to a ½" iron pin with cap stamped "DAM #5348 PROP. COR." set for the most Easterly corner;

S 43° 34' 24" W, a distance of 421.64 feet to a ½" iron pin with cap stamped "DAM #5348 PROP. COR." set for the most Southerly corner;

THENCE continuing across and through said 84.947 acre tract of land, N 45° 55' 53" W, a distance of 287.21 feet to the POINT OF BEGINNING, and containing 2.780 acres of land.

Bearings based on the Texas State Plane Coordinate System, Texas South Central Zone (4204), North American Datum 1983.

Exhibit prepared this the 14th day of July, 2021.


Drew A. Mawyer
Registered Professional Land Surveyor No. 5348
TBPLS Firm Registration #10191500
5151 W. SH 46, NEW BRAUNFELS, TX 78132
TX2004- LAS COLINAS- 2.780 AC- REV 071421





SCALE: 1"=40'

ALTA/ASPS LAND TITLE SURVEY
 BEING 2.780 ACRES OF LAND SITUATED IN THE SAMUEL CRAFT LEAGUE, ABSTRACT NO. 89, IN HAYS COUNTY, TEXAS, AND BEING A PORTION OF A CALLED 84.947 ACRE TRACT OF LAND, AS CONVEYED TO LAS COLINAS SAN MARCOS PHASE I, LLC, AND RECORDED IN DOCUMENT NO. 19024812, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS.

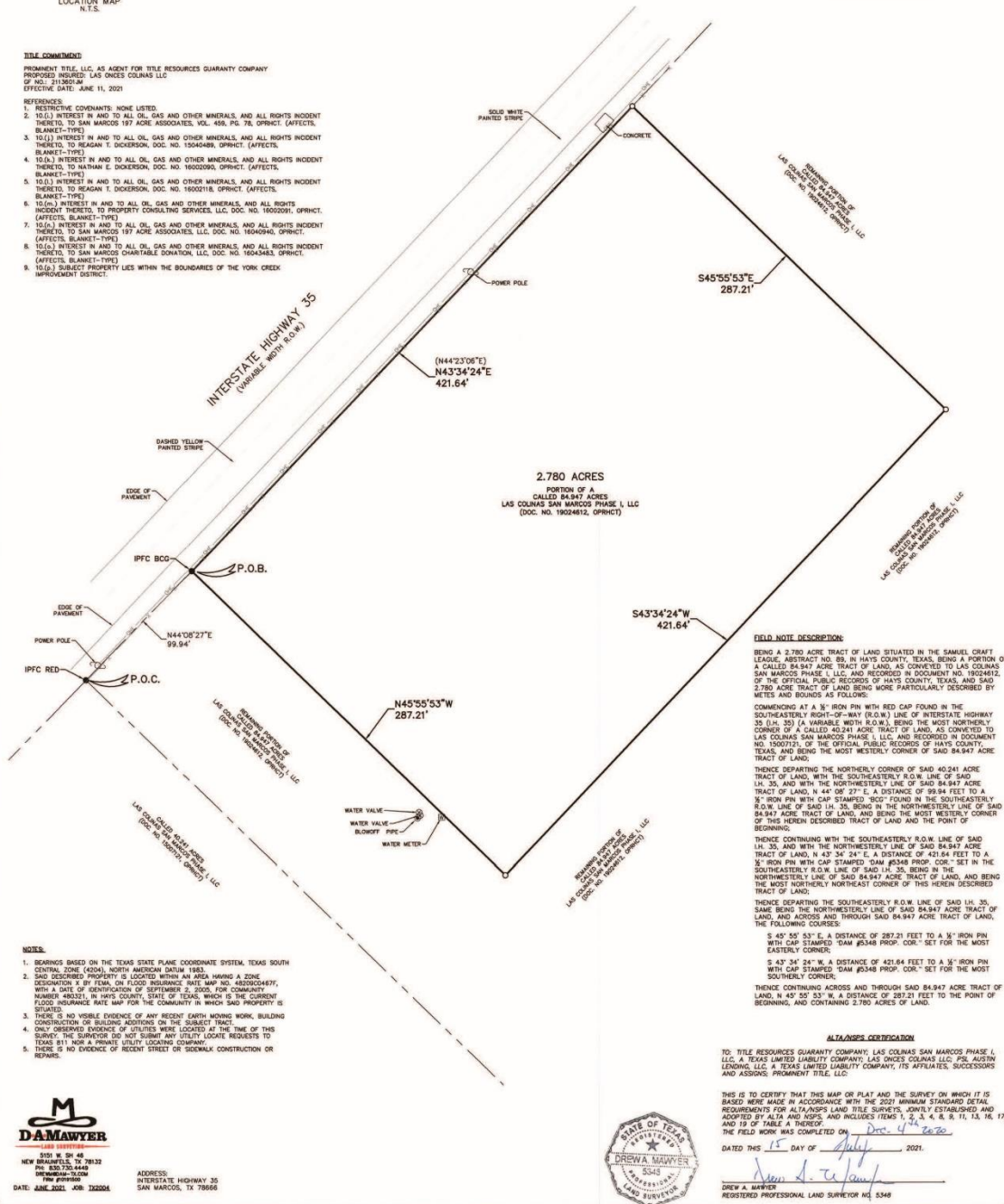
- LEGEND:**
- (PFC BCD) FOUND 1/2" IRON PIN WITH CAP STAMPED "3000" UNLESS OTHERWISE NOTED
 - (PFS) SET 1/2" IRON PIN W/ PLASTIC CAP STAMPED "DAM #3348 PROP. COR." UNLESS OTHERWISE NOTED
 - () = RECORD INFORMATION
 - MPRHC = MAP AND PLAT RECORDS OF HAYS COUNTY, TEXAS
 - OPRHC = OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS
 - R.O.W. = RIGHT-OF-WAY
 - P.O.B. = POINT OF BEGINNING
 - P.O.C. = POINT OF COMMENCEMENT
 - OHE = OVERHEAD ELECTRIC

TITLE COMMITMENT

PROMINENT TITLE, LLC, AS AGENT FOR TITLE RESOURCES GUARANTY COMPANY
 PROPOSED INSURE LAS COLINAS LLC
 OF NO. 211360-M
 EFFECTIVE DATE: JUNE 11, 2021

REFERENCES:

1. RESTRICTIVE COVENANTS: NONE LISTED.
2. 10.0.1 INTEREST IN AND TO ALL OIL, GAS AND OTHER MINERALS, AND ALL RIGHTS INCIDENT THEREIN, TO SAN MARCOS 197 ACRE ASSOCIATES, VOL. 456, PG. 78, OPRHC. (AFFECTS, BLANKET-TYPE)
3. 10.0.1 INTEREST IN AND TO ALL OIL, GAS AND OTHER MINERALS, AND ALL RIGHTS INCIDENT THEREIN, TO REAGAN E. DICKERSON, DOC. NO. 15040488, OPRHC. (AFFECTS, BLANKET-TYPE)
4. 10.0.1 INTEREST IN AND TO ALL OIL, GAS AND OTHER MINERALS, AND ALL RIGHTS INCIDENT THEREIN, TO NATHAN E. DICKERSON, DOC. NO. 16002090, OPRHC. (AFFECTS, BLANKET-TYPE)
5. 10.0.1 INTEREST IN AND TO ALL OIL, GAS AND OTHER MINERALS, AND ALL RIGHTS INCIDENT THEREIN, TO REAGAN E. DICKERSON, DOC. NO. 16002018, OPRHC. (AFFECTS, BLANKET-TYPE)
6. 10.0.1 INTEREST IN AND TO ALL OIL, GAS AND OTHER MINERALS, AND ALL RIGHTS INCIDENT THEREIN, TO PROPERTY CONSULTING SERVICES, LLC, DOC. NO. 16002091, OPRHC. (AFFECTS, BLANKET-TYPE)
7. 10.0.1 INTEREST IN AND TO ALL OIL, GAS AND OTHER MINERALS, AND ALL RIGHTS INCIDENT THEREIN, TO SAN MARCOS 197 ACRE ASSOCIATES, LLC, DOC. NO. 16004487, OPRHC. (AFFECTS, BLANKET-TYPE)
8. 10.0.1 INTEREST IN AND TO ALL OIL, GAS AND OTHER MINERALS, AND ALL RIGHTS INCIDENT THEREIN, TO SAN MARCOS CHARITABLE DONATION, LLC, DOC. NO. 16043483, OPRHC. (AFFECTS, BLANKET-TYPE)
9. 10.0.1 SUBJECT PROPERTY LIES WITHIN THE BOUNDARIES OF THE YORK CREEK IMPROVEMENT DISTRICT.



FIELD NOTE DESCRIPTION:

BEING A 2.780 ACRE TRACT OF LAND SITUATED IN THE SAMUEL CRAFT LEAGUE, ABSTRACT NO. 89, IN HAYS COUNTY, TEXAS, BEING A PORTION OF A CALLED 84.947 ACRE TRACT OF LAND, AS CONVEYED TO LAS COLINAS SAN MARCOS PHASE I, LLC, AND RECORDED IN DOCUMENT NO. 19024812, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND SAID 2.780 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A 3/8" IRON PIN WITH RED CAP FOUND IN THE SOUTHEASTERLY RIGHT-OF-WAY (R.O.W.) LINE OF INTERSTATE HIGHWAY 35 (I.H. 35) (A VARIABLE WIDTH R.O.W.), BEING THE MOST NORTHERLY CORNER OF A CALLED 80.241 ACRE TRACT OF LAND, AS CONVEYED TO LAS COLINAS SAN MARCOS PHASE I, LLC, AND RECORDED IN DOCUMENT NO. 15040487, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND BEING THE MOST WESTERLY CORNER OF SAID 84.947 ACRE TRACT OF LAND;

THENCE DEPARTING THE NORTHERLY CORNER OF SAID 40.241 ACRE TRACT OF LAND, WITH THE SOUTHEASTERLY R.O.W. LINE OF SAID I.H. 35, AND WITH THE NORTHWESTERLY LINE OF SAID 84.947 ACRE TRACT OF LAND, N 44° 08' 27" E, A DISTANCE OF 99.94 FEET TO A 3/8" IRON PIN WITH CAP STAMPED "WCD" FOUND IN THE SOUTHEASTERLY R.O.W. LINE OF SAID I.H. 35, BEING IN THE NORTHWESTERLY LINE OF SAID 84.947 ACRE TRACT OF LAND, AND BEING THE MOST WESTERLY CORNER OF THIS HEREBY DESCRIBED TRACT OF LAND AND THE POINT OF BEGINNING;

THENCE CONTINUING WITH THE SOUTHEASTERLY R.O.W. LINE OF SAID I.H. 35, AND WITH THE NORTHWESTERLY LINE OF SAID 84.947 ACRE TRACT OF LAND, N 43° 34' 24" E, A DISTANCE OF 421.64 FEET TO A 3/8" IRON PIN WITH CAP STAMPED "DAM #3348 PROP. COR." SET IN THE SOUTHEASTERLY R.O.W. LINE OF SAID I.H. 35, BEING IN THE NORTHWESTERLY LINE OF SAID 84.947 ACRE TRACT OF LAND, AND BEING THE MOST NORTHERLY NORTHEAST CORNER OF THIS HEREBY DESCRIBED TRACT OF LAND;

THENCE DEPARTING THE SOUTHEASTERLY R.O.W. LINE OF SAID I.H. 35, SAME BEING THE NORTHWESTERLY LINE OF SAID 84.947 ACRE TRACT OF LAND, AND ACROSS AND THROUGH SAID 84.947 ACRE TRACT OF LAND, THE FOLLOWING COURSES:

S 45° 55' 53" E, A DISTANCE OF 287.21 FEET TO A 3/8" IRON PIN WITH CAP STAMPED "DAM #3348 PROP. COR." SET FOR THE MOST EASTERLY CORNER;

S 43° 34' 24" W, A DISTANCE OF 421.64 FEET TO A 3/8" IRON PIN WITH CAP STAMPED "DAM #3348 PROP. COR." SET FOR THE MOST SOUTHERLY CORNER;

THENCE CONTINUING ACROSS AND THROUGH SAID 84.947 ACRE TRACT OF LAND, N 45° 55' 53" W, A DISTANCE OF 287.21 FEET TO THE POINT OF BEGINNING, AND CONTAINING 2.780 ACRES OF LAND.

NOTES:

1. BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS SOUTH CENTRAL ZONE (FSDM), NORTH AMERICAN DATUM 1983.
2. SAID DESCRIBED PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION X BY FEMA, ON FLOOD INSURANCE RATE MAP NO. 48200A0449T, WITH A DATE OF REVISION OF SEPTEMBER 2, 2005, FOR COMMUNITY NUMBER 480321, IN HAYS COUNTY, STATE OF TEXAS, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.
3. THERE IS NO VISIBLE EVIDENCE OF ANY RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS ON THE SUBJECT TRACT.
4. ONLY OBSERVED EVIDENCE OF UTILITIES WERE LOCATED AT THE TIME OF THIS SURVEY. THE SURVEYOR DID NOT SUBMIT ANY UTILITY LOCATE REQUESTS TO TEXAS 811 NOR A PRIVATE UTILITY LOCATING COMPANY.
5. THERE IS NO EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS.

ALTA/ASPS CERTIFICATION

TO: TITLE RESOURCES GUARANTY COMPANY, LAS COLINAS SAN MARCOS PHASE I, LLC, A TEXAS LIMITED LIABILITY COMPANY, LAS COLINAS LLC, P.S. AUSTIN LENDING, LLC, A TEXAS LIMITED LIABILITY COMPANY, ITS AFFILIATES, SUCCESSORS AND ASSIGNS, PROMINENT TITLE, LLC.

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2001 MINKIN STANDARD DETAIL REQUIREMENTS FOR ALTA/ASPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND ASPS, AND INCLUDES TABLES 1, 2, 3, 4, 8, 9, 10, 13, 14, 17, AND 19 OF TABLE A THEREOF.

THE FIELD WORK WAS COMPLETED ON Dec 4, 2020

DATED THIS 15 DAY OF July, 2021.



DAMAWAY
 5155 W. 51st
 NEW BRUNSWICK, TX 78132
 PH. 830.730.4449
 INFO@DAMAWAY.COM
 DATE: JUNE 2021 JOB: 172004

ADDRESS:
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 SAN MARCOS, TX 78686