

ORDINANCE NO. 2021-22

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS EXTENDING THE DELAYED EFFECTIVE DATE OF ORDINANCE 2020-09 THAT PROVIDED FOR THE REZONING OF APPROXIMATELY 62.48 ACRES OF LAND GENERALLY LOCATED AT THE INTERSECTION OF COMMERCIAL LOOP AND GREGSONS BEND FROM "FD" FUTURE DEVELOPMENT DISTRICT AND "GC" GENERAL COMMERCIAL DISTRICT TO "PA" PLANNING AREA DISTRICT; AND INCLUDING PROCEDURAL PROVISIONS.

RECITALS:

- 1.** Pursuant to Ordinance No. 2020-09, the City Council approved the rezoning of approximately 62.48 acres of land generally located at the intersection of Gregsons Bend and Commercial Loop, as described in said ordinance (the "Property").
- 2.** Such ordinance provided for a delayed effective date subject to certain conditions being satisfied.
- 3.** The Owner and the City wish to extend the date by which such conditions must be satisfied for the ordinance rezoning the Property to be effective.
- 4.** 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 recitals of this ordinance are approved and adopted.

SECTION 2. Section 4 of Ordinance No. 2020-09 is hereby amended to read as follows for the purpose of extending the date by which the Conditions (defined therein) must be satisfied for said ordinance to be effective:

This ordinance will take effect only from and after the date (the "Effective Date") that all of the following conditions (the "Conditions") have been satisfied: (i) its passage, approval and adoption on second reading, (ii) annexation of the Property by the City, and (iii) the closing of the purchase of the Property by Pursuant Ventures Development, LLC or its designated assigns from Outlet West Investors, Ltd., as permitted in that certain Purchase and Sale Agreement dated December 2, 2019 by and between Pursuant Ventures Development, LLC and the City. In the event that all the Conditions have not been fully satisfied by ~~April 2~~ August 5, 2021, then this ordinance shall be of no further force or effect.

SECTION 3. 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 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 passage, approval and adoption on second reading.

PASSED AND APPROVED on first reading on the ____ day of _____,2021.

PASSED, APPROVED AND ADOPTED on second reading on _____.

Jane Hughson
Mayor

Attest:

Tammy K. Cook
Interim City Clerk

Approved:

Michael J. Cosentino
City Attorney