

## **ORDINANCE NO. 2022-66**

**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-22-25, BY REZONING APPROXIMATELY 7.251 ACRES OF LAND, GENERALLY LOCATED EAST OF THE UNION PACIFIC RAILROAD, APPROXIMATELY 1,000 FEET SOUTH OF POSEY ROAD FROM “FD” FUTURE DEVELOPMENT DISTRICT TO “HI” HEAVY INDUSTRIAL DISTRICT, OR, SUBJECT TO CONSENT OF THE OWNER, ANOTHER LESS INTENSE ZONING DISTRICT CLASSIFICATION; INCLUDING PROCEDURAL PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.**

### **RECITALS:**

1. On July 12, 2022, 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 “HI” Heavy Industrial District for approximately 7.251 acres of land, generally located east of the Union Pacific railroad, approximately 1,000 feet south of Posey 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 August 16, 2022, 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 “HI” Heavy Industrial 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**SECTION 3.** All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.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 and the recording of a restrictive covenant agreement concerning the Property in

substantially the form in Exhibit B, attached hereto and made a part hereof.

**PASSED AND APPROVED** on first reading on August 16, 2022.

**PASSED, APPROVED AND ADOPTED** on second reading on September 20, 2022.

Jane Hughson  
Mayor

Attest:

Elizabeth Trevino  
City Clerk

Approved:

Michael J. Cosentino  
City Attorney

# EXHIBIT A



SCALE: 1" = 200'

## GENERAL NOTES

1. SURVEYOR DID NOT ABSTRACT SUBJECT PROPERTY. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT OR ABSTRACTORS CERTIFICATE AND WOULD BE SUBJECT TO ANY AND ALL CONDITIONS OR RESTRICTIONS THAT A CURRENT TITLE REPORT OR ABSTRACTORS CERTIFICATE MAY DISCLOSE.
2. BEARINGS WERE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE. (NAD83)
3. THIS EXHIBIT IS ACCOMPANIED BY A SEPARATE METES AND BOUNDS DESCRIPTION.
4. THIS EXHIBIT DOES NOT IMPLY TO BE A LAND TITLE SURVEY OF THE SUBJECT PROPERTY AND IS NOT INTENDED TO BE USED FOR TITLE CONVEYANCE PURPOSES.

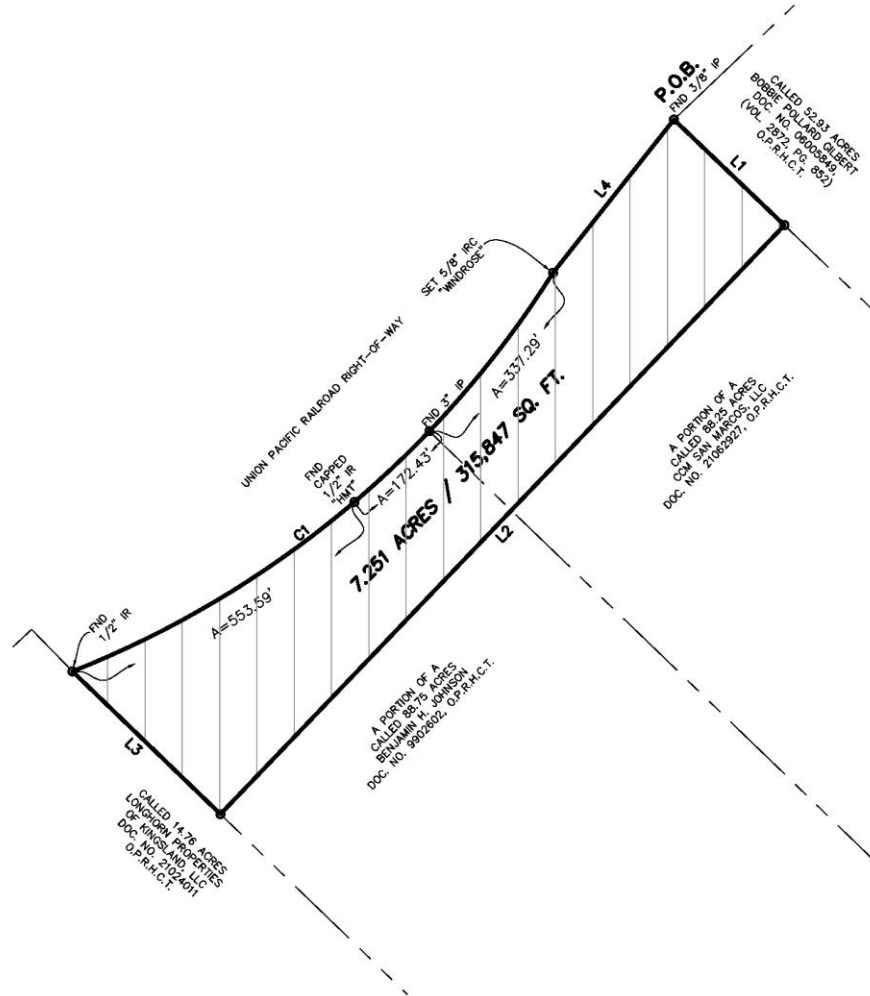
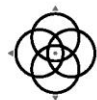


EXHIBIT OF  
7.251 ACRES/315,847 SQ. FT.  
SITUATED IN THE  
W.H. VANHORN SURVEY, A-464  
HAYS COUNTY, TEXAS

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 46°15'40" E	255.94'
L2	S 43°44'25" W	1,365.83'
L3	N 46°00'30" W	344.44'
L4	N 38°16'01" E	326.92'

CURVE CHART					
CURVE	RADIUS	DELTA	LENGTH	BEARING	CHORD
C1	1,684.76'	36°09'41"	1,063.31'	N 50°18'43" E	1,045.75'

FIELD BY:	-	DATE:	4-15-2022
DRAWN BY:	DB	REV:	
CHECKED BY:	CSC	REV:	
JOB NO. 56955-HEAVY INDUSTRY		REV:	
SHEET 1 OF 2		REV:	



**WINDROSE**  
LAND SURVEYING | PLATTING

11111 RICHMOND AVE, STE 150 | HOUSTON, TX 77082 | 713.458.2281  
IRM REGISTRATION NO. 10108800 | WINDROSESERVICES.COM



**DESCRIPTION OF  
7.251 ACRES OR 315,847 SQ. FT.**

A TRACT OR PARCEL CONTAINING 7.251 ACRES OR 315,847 SQUARE FEET OF LAND BEING OUT OF AND PART OF A CALLED 88.25 ACRE TRACT OF LAND DESCRIBED IN DEED TO CCM SAN MARCOS, LLC, AS RECORDED UNDER DOC. NO. 21062927, OFFICIAL PUBLIC RECORDS HAYS COUNTY TEXAS (O.P.R.H.C.T.) AND BEING OUT OF AND PART OF A CALLED 88.75 ACRE TRACT OF LAND DESCRIBED IN DEED TO BENJAMIN H. JOHNSON AS RECORDED UNDER DOC. NO. 9902602, O.P.R.H.C.T., SITUATED IN THE W.H. VAN HORN ONE-THIRD LEAGUE, ABSTRACT NO. 464, HAYS COUNTY, TEXAS, WITH SAID 7.251 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, WITH ALL BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD 83):

**BEGINNING** AT A 3/8 INCH IRON PIPE FOUND ON THE SOUTHEAST RIGHT-OF-WAY (R.O.W.) LINE OF UNION PACIFIC RAILROAD (WIDTH VARIES-NO RECORD FOUND) AND BEING THE WEST CORNER OF A CALLED 52.93 ACRE TRACT DESCRIBED IN DEED TO BOBBIE POLLARD GILBERT, AS RECORDED UNDER DOC. NO. 06005849 (VOL. 2872, PG. 852) O.P.R.H.C.T., AND BEING THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

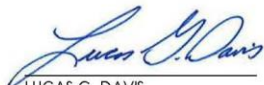
**THENCE**, SOUTH 46 DEG. 15 MIN. 40 SEC. EAST, WITH THE SOUTHWEST LINE OF SAID CALLED 52.93 ACRE TRACT, A DISTANCE OF 255.94 FEET TO A POINT ON THE EAST LINE OF SAID CALLED 52.93 ACRE TRACT AND BEING THE MOST EASTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

**THENCE**, SOUTH 43 DEG. 44 MIN. 25 SEC. WEST, OVER AND ACROSS SAID CALLED 88.25 ACRE TRACT, A DISTANCE OF 1,365.83 FEET TO A POINT ON THE EAST LINE OF A CALLED 14.76 ACRE TRACT DESCRIBED IN DEED TO LONGHORN PROPERTIES OF KINGSLAND, LLC, AS RECORDED IN DOCUMENT NO. 21024011 OF O.P.R.H.C.T., AND BEING THE MOST SOUTHERLY CORNER OF THE HEREIN DESCRIBED TRACT;

**THENCE**, NORTH 46 DEG. 00 MIN. 30 SEC. WEST, WITH THE EAST LINE OF SAID CALLED 14.76 ACRE TRACT, A DISTANCE OF 344.44 FEET TO A 1/2 INCH IRON ROD FOUND ON THE SOUTHEAST R.O.W. LINE OF SAID UNION PACIFIC RAILROAD, AND FOR THE MOST WESTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

**THENCE**, WITH A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 1,684.76 FEET, A CENTRAL ANGLE OF 36 DEG. 09 MIN. 41 SEC., AN ARC LENGTH OF 1,063.31 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 50 DEG. 18 MIN. 43 SEC. EAST 1,045.75 FEET TO A 5/8 INCH IRON ROD WITH CAP STAMPED "WINDROSE" SET, PASSING AT AN ARC LENGTH OF 553.59 FEET A 1/2 INCH IRON ROD WITH CAP STAMPED "HMT" FOUND ON THE SOUTHEAST R.O.W. LINE OF SAID UNION PACIFIC RAILROAD, CONTINUING WITH THE SOUTHEAST R.O.W. LINE OF SAID UNION PACIFIC RAILROAD PASSING AT AN ARC LENGTH OF 172.43 FEET A 3 INCH IRON PIPE FOUND ON THE SOUTHEAST R.O.W. LINE OF SAID UNION PACIFIC RAILROAD, CONTINUING WITH THE SOUTHEAST R.O.W. LINE OF SAID UNION PACIFIC RAILROAD FOR A TOTAL ARC LENGTH OF 1,063.31 FEET TO AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;

**THENCE**, NORTH 38 DEG. 16 MIN. 01 SEC. EAST, WITH THE SOUTHEAST LINE OF SAID UNION PACIFIC RAILROAD, A DISTANCE OF 326.92 FEET TO THE **PLACE OF BEGINNING** AND CONTAINING 7.251 ACRES OR 315,847 SQUARE FEET OF LAND, AS SHOWN ON JOB NO. 56955-HEAVY INDUSTRY, PREPARED BY WINDROSE LAND SERVICES.



LUCAS G. DAVIS  
R.P.L.S. NO. 6599  
STATE OF TEXAS  
FIRM REGISTRATION NO. 10108800



04-15-2022  
DATE:

**EXHIBIT B**  
[ATTACH FORM OF RESTRICTIVE COVENANT]

City Clerk to complete the following information:

Date Restrictive Covenant Agreement Recorded: \_\_\_\_\_

Instrument No. of Recorded Agreement: \_\_\_\_\_

County In which Recorded: \_\_\_\_\_