

ORDINANCE NO. 2022-27

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-22-08, BY REZONING APPROXIMATELY 5.01 ACRES OF LAND, GENERALLY LOCATED AT THE INTERSECTION OF EAST MCCARTY LANE AND STATE HIGHWAY 123 FROM “LI” LIGHT INDUSTRIAL DISTRICT TO “CM” COMMERCIAL 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 March 8, 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 “LI” Light Industrial District to “CM” Commercial District for approximately 5.01 acres of land, generally located at the intersection of East McCarty Lane and State Highway 123 (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 March 8, 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 “LI” Light Industrial 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 All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.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 April 5, 2022.

PASSED, APPROVED AND ADOPTED on second reading on April 19, 2022.

Jane Hughson
Mayor

Attest:

Tammy K. Cook
City Clerk

Approved:

Michael J. Cosentino
City Attorney

EXHIBIT A

DESCRIPTION OF 5.01 ACRES, MORE OR LESS, OF LAND AREA IN THE C. WICKSON SURVEY, ABSTRACT NO. 474, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS BEING A PORTION OF THAT TRACT DESCRIBED AS 73.753 ACRES IN A DEED FROM HIGHWAY 123 JOINT VENTURE TO JAMES K. WISE REAL ESTATE, INC., DATED FEBRUARY 8, 1996 AND RECORDED IN VOLUME 1206, PAGE 535 OF THE HAYS COUNTY OFFICIAL PUBLIC RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" iron rod found with a plastic cap stamped "Byrn Survey" in the west line of State Highway No. 123 and that tract described as 1.589 acres in a deed from Alex Forshage, Jr. et ux to the State of Texas dated February 8, 1949 and recorded in Volume 143, Page 501 of the Hays County Deed Records for the northeast corner of the Wise 73.753 acre tract and this description and southeast corner of that tract described as 0.750 acres in a deed from Willie L. Hogue to Robert E. Russell and Jack N. Eben dated January 11, 1984 and recorded in Volume 411, Page 850 of the Hays County Real Property Records;

THENCE leaving the Russell and Eben 0.750 acre tract and the **PLACE OF BEGINNING** as shown on that Plat numbered 24233-09-9-c dated June 17, 2009 prepared for Jim Wise by Byrn & Associates, Inc., of San Marcos, Texas, with the common east line of the Wise 73.753 acre tract and west line of State Highway No. 123 and the State of Texas 1.589 acre tract, **S 05°11'59" W 459.05 feet** to a ½" iron rod set for the southeast corner of this description;

THENCE leaving State Highway No. 123 and the State of Texas 1.589 acre tract entering the Wise 73.753 acre tract, **N 84°50'59" W 683.77 feet** to a ½" iron rod found with a plastic cap stamped "Byrn Survey" in the south line of Lot 5, Highway 123 Business Park Subdivision as recorded in Volume 8, Page 319 of the Hays County Plat Records for the southwest corner of this description (said Lot 5 being a portion of the Wise 73.753 acre tract);

THENCE with the south line of Lot 5, Highway 123 Business Park, **N 66°25'28" E (being the bearing basis for this description) 278.58 feet** to a ½" iron rod found with a plastic cap stamped "Byrn Survey" for the southeast corner of Lot 5;

THENCE with the east line of Lot 5, **N 05°08'05" E 325.16 feet** to a ½" iron rod found for the northwest corner of this description, an interior corner in the north line of the Wise 73.753 acre tract, and the southwest corner of that tract described as 0.752 acres in a deed from Willie Hogue et ux to San Marcos Telephone Co., Inc., dated November 30, 1981 and recorded in Volume 367, Page 876 of the Hays County Deed Records;

THENCE leaving Lot 5, Highway 123 Business Park with the common north line of the Wise 73.753 acre tract and south line of the San Marcos Telephone Co. 0.752 acre tract, **S 84°53'01" E 220.08 feet** to a ½" iron rod found for the southeast corner of the San Marcos Telephone Co. 0.752 acre tract and southwest corner of the previously mentioned Russell and Eben 0.750 acre tract;

THENCE leaving the San Marcos Telephone Co. 0.752 acre tract with the common north line of the Wise 73.753 acre tract and south line of the Russell and Eben 0.750 acre tract, **S 84°48'57" E 219.88 feet** to the **PLACE OF BEGINNING**.

THERE are contained within these metes and bounds 5.01 acres, more or less, as prepared from public records and a survey made on the ground on June 17, 2009 by Byrn & Associates, Inc., of San Marcos, Texas. All ½" iron rods set are capped with a plastic cap stamped "Byrn Survey".



Kyle Smith, R.P.L.S. # 5307



Client: Wise, J.
Date: June 17, 2009
Survey: Wickson, C. A-474
County: Hays, Tx.
Job NO.: 24233-09-9
FND5.01NORTH

SCANNED

SURVEYOR'S NOTES

1. FENCES MEASURED.

2. BEARINGS, DISTANCES AND AREAS IN PARENTHESES ARE FROM RECORD INFORMATION.

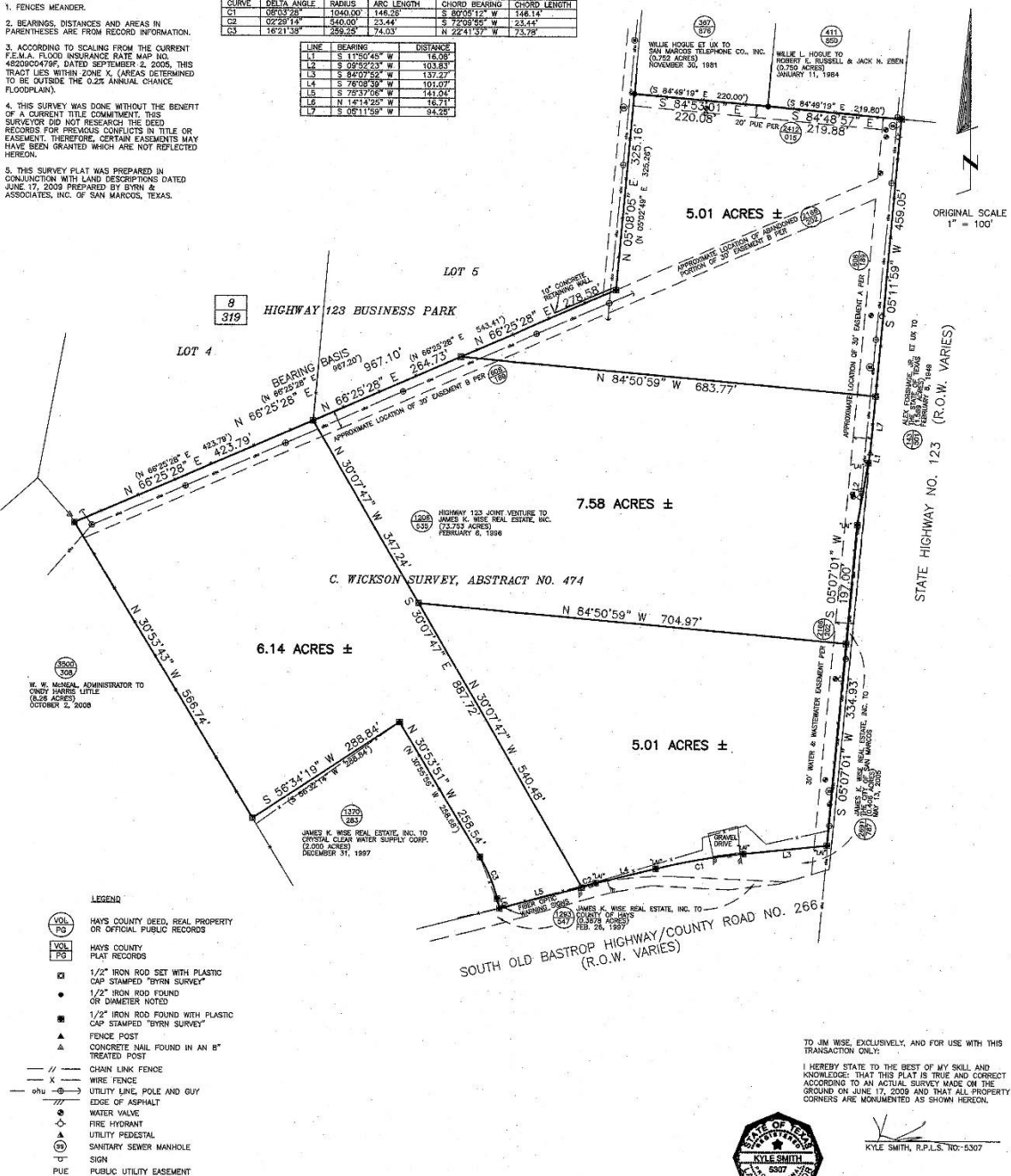
3. ACCORDING TO SCALING FROM THE CURRENT F.E.M.A. FLOOD INSURANCE RATE MAP NO. 4820040478F, DATED SEPTEMBER 2, 2005, THIS TRACT LIES WITHIN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.25 ANNUAL CHANCE FLOODPLAIN).

4. THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT. THIS SURVEYOR DID NOT RESEARCH THE DEED RECORDS FOR PREVIOUS CONFLICTS IN TITLE OR EASEMENT. THEREFORE, CERTAIN EASEMENTS MAY HAVE BEEN GRANTED WHICH ARE NOT REFLECTED HEREON.

5. THIS SURVEY PLAT WAS PREPARED IN CONJUNCTION WITH LAND DESCRIPTIONS DATED JUNE 17, 2009 PREPARED BY BYRN & ASSOCIATES, INC. OF SAN MARCOS, TEXAS.

CURVE	CURVE ANGLE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	02°03'28"	1040.00	146.26	S 89°08'12" W	146.14
C2	02°20'14"	540.00	23.44	S 72°02'55" W	23.44
C3	16°21'39"	309.00	74.03	N 22°41'37" W	73.78

LINE	BEARING	DISTANCE
L1	S 11°50'45" W	16.26
L2	S 08°52'23" W	103.83
L3	S 84°07'52" W	137.27
L4	S 76°08'59" W	101.07
L5	S 75°37'06" W	141.04
L6	N 1°14'25" E	18.71
L7	S 08°11'59" W	93.28



CLIENT: WISE, J.
DATE: JUNE 17, 2009
OFFICE: BRYANT
CREW: EVERETT, C. SMITH, SHAWA
FB/PQ: 652/12
PLAT NO. 24233-09-S-C

TO JIM WISE, EXCLUSIVELY, AND FOR USE WITH THIS TRANSACTION ONLY:

I HEREBY STATE TO THE BEST OF MY SKILL AND KNOWLEDGE THAT THIS PLAT IS TRUE AND CORRECT ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND ON JUNE 17, 2009 AND THAT ALL PROPERTY CORNERS ARE MONUMENTED AS SHOWN HEREON.



KYLE SMITH, R.P.L.S. No. 5307

BYRN & ASSOCIATES, INC.
ENGINEERS SURVEYORS
P.O. BOX 1433 SAN MARCOS, TEXAS 78667
PHONE 512-396-2270 FAX 512-392-2945

PLAT OF SEVERAL TRACTS IN
THE C. WICKSON SURVEY,
A-474, CITY OF SAN MARCOS,
HAYS COUNTY, TEXAS

SCANNED