

**ORDINANCE NO. 2020-49**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING THE OFFICIAL ZONING MAP OF THE CITY BY REZONING APPROXIMATELY 10.1073 ACRES OF LAND, GENERALLY LOCATED AT THE NORTHERN CORNER OF SOUTH OLD BASTROP HIGHWAY AND RATTLER ROAD, FROM “FD” FUTURE DEVELOPMENT DISTRICT TO “CD-5” CHARACTER DISTRICT-5 DISTRICT; INCLUDING PROCEDURAL PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.**

**RECITALS:**

1. On June 23, 2020, 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 10.1073 acres of land generally located at the northern corner of South Old Bastrop Highway and Rattler Road.
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 4, 2020 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 tract of land described in Exhibit A, attached hereto and made a part hereof, 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**SECTION 3.** All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.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 August 4, 2020.

**PASSED, APPROVED AND ADOPTED** on second reading on August 18, 2020.

Jane Hughson  
Mayor

Attest:

Tammy K. Cook  
Interim City Clerk

Approved:

Michael J. Cosentino  
City Attorney

## EXHIBIT A



DESCRIPTION OF  
A TOTAL OF 10.11 ACRE TRACT  
PART 1 = 9.93 ACRES  
PART 2 = 0.1773 OF AN ACRE

**PART 1 = A 9.93 acre** tract of land situated in the Cyrus Wickson Survey, Abstract No. 474, Hays County, Texas, and being all of that called 4.0 acre tract of land conveyed to George Barnum and described in Volume 216, Page 41 recorded March 1, 1967 in the in the Deed Records of Hays County, Texas (D.R.), and the remainder of that called 6.0 acre tract of land conveyed to George Barnum and described in Volume 208, Page 116, recorded October 4, 1968 in the D.R., said 9.93 acre tract of land being more particularly described by metes and bounds as follows:

**BEGINNING** at a ½" iron rod found at the intersection of the northeasterly right-of-way of Rattler Road (formerly known as McCarty Lane, variable width R.O.W.) with the northwesterly right-of-way of Old Bastrop Highway, (also known as Hays County Road 266, variable with R.O.W.), and being the most easterly corner of that called 0.10 of an acre tract of land conveyed to Hays County and described in Volume 3580, Page 792, recorded January 27, 2009 in the Official Public Records of Hays County, Texas (O.P.R.) for the most southerly corner of the tract described herein;

**THENCE:** Along and with the northeasterly right-of-way of Rattler Road and the northeasterly line of said 0.10 acre tract, the following three (3) courses:

1. **N 45°48'34"W** a distance of **171.76 feet** to a ½" iron rod with plastic cap stamped KFW SURVEY (hereinafter referred to as SET KFW) set for the beginning of a curve to the left;
2. Along and with the arc of said curve to the left having a radius of **1031.00 feet**, through a central angle of **02°13'57"**, an arc length of **40.17 feet**, and a chord bearing of **N 47°04'08"W** and a chord length of **40.17 feet** to a SET KFW;
3. **N 48°18'10" W**, a distance of **209.33 feet** to a ½" iron rod found for the most northerly corner of said 0.10 acre tract and the most westerly corner of the tract described herein;

**THENCE:** **N 52°08'11" E**, along and with the northwesterly line of said 6.0 acre tract, passing at a distance of 19.88 feet a found ½" iron rod on line, and also continuing along and with the southeasterly line of Lot 2 of Salinas Estates subdivision, a plat of record in Volume 17, Page 41 in the Plat Records of Hays County, Texas (P.R.) for a total distance of **620.93 feet** to a ½" iron rod found for the northeast corner of said Lot 2, the most northerly corner of said 6.0 acre tract, the most westerly corner of said 4.0 acre tract, and the most southerly corner of the remainder of that called 54.360 acre tract of land conveyed to Reed Carr and wife Patricia M. Carr and described in Volume 2359, Page 218, recorded November 25, 2003 in the O.P.R.;

**THENCE:** **N 52°16'18" E**, along and with the southeasterly line of the remainder of said 54.360 acre tract and the northwesterly line of said 4.0 acre tract, a distance of **415.43 feet** to a ½" iron rod found for the most northerly corner of said 4.0 acre tract and the tract described herein, and for the most westerly corner of that called 2.49 acre tract of land conveyed to Housing Corporation of Eta Tau Chapter of Sigma Nu Fraternity and described in Document Number 2016-16015558, recorded May 17, 2016 in the O.P.R.;

**THENCE:** **S 46°15'04" E**, along and with the southwesterly line of said 2.49 acre tract and the northeasterly line of said 4.0 acre tract, a distance of **427.88 feet** to a ½" iron rod found in the

northwesterly right-of-way of Old Bastrop Road for the most southerly corner of said 2.49 acre tract and the most easterly corner of said 4.0 acre tract and the tract described herein;

**THENCE: S 52°37'03" W** along and with the southeasterly lines of said 4.0 acre tract and said 6.0 acre tract and the northwesterly right-of-way of Old Bastrop Road, a distance of **1030.71 feet** to the **POINT OF BEGINNING** and containing 9.93 acres of land more or less in **PART 1**, and being described in accordance with a survey prepared by KFW Surveying.

**TOGETHER WITH PART 2 = 0.1773 OF AN ACRE**

**PART 2 = A 0.1773 of an acre** tract of land situated in the Cyrus Wickson Survey, Abstract No. 474, Hays County, Texas, and being a portion of that called 0.10 of an acre tract of land conveyed to Hays County and described in Volume 3580, Page 782, recorded January 27, 2009 in the Official Public Records of Hays County, Texas (O.P.R.), and a portion of that called 0.03 acre tract of land conveyed to Hays County and described in Volume 3510, Page 283, recorded October 27, 2008 in the O.P.R., said 0.1773 of an acre tract of land being more particularly described by metes and bounds as follows:

**BEGINNING** at a ½" iron rod found in the northeasterly right-of-way of Rattler Road (formerly known as McCarty Lane, variable width R.O.W.) and being the most northerly corner of said 0.10 of an acre tract of land for the most northerly corner of the tract described herein;

**THENCE: S 48°18'10" E**, along and with the northeasterly right-of-way of Rattler Road and the northeasterly line of said 0.10 acre tract, a distance of **95.19 feet** to a calculated point for an exterior corner of that called 39.37 acre tract of land as described in City of San Marcos Ordinance No. 2020-01 for the most easterly corner of the tract described herein;

**THENCE: S 48°03'51" W**, crossing the right-of-way of said Rattler Road and along and with an exterior line of said 39.37 acre tract, a distance of **81.64 feet** to a calculated point in the southwesterly right-of-way of said Rattler Road for the east corner of the remainder of Lot 18 of Hillside Village subdivision, a plat of record in Volume 8, Page 148 in the P.R. and for the most southerly corner of said 0.03 acre tract and the tract described herein;

**THENCE: N 45°36'59" W**, along and with the southwesterly right-of-way line of said Rattler Road and the southwesterly line of said 0.03 acre tract, a distance of **100.33 feet** to a calculated point for the most westerly corner of the tract described herein;

**THENCE: N 52°08'11" E** crossing the right-of-way of said Rattler Road, a distance of **77.72 feet** to the **POINT OF BEGINNING** and containing 0.1773 of an acre or 7,725 square feet of land more or less in **PART 2**. **PART 2** was prepared under 22 TAC § 663.21, and does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

Job No.: 19-109  
Prepared by: KFW Surveying  
Date: June 11, 2020  
File: S:\Draw 2019\19-109 Liv San Marcos\DOCS\19-109 ZONING DESC TCP 061120.doc

11 JUNE 2020

