

ORDINANCE NO. 2020-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING THE OFFICIAL ZONING MAP OF THE CITY BY REZONING APPROXIMATELY 4.85 ACRES OUT OF THE CYRUS WICKSON SURVEY, ABSTRACT NO. 474, HAYS COUNTY, GENERALLY LOCATED AT THE WESTERN CORNER OF SOUTH OLD BASTROP HIGHWAY AND RATTLER ROAD, FROM “FD” FUTURE DEVELOPMENT DISTRICT TO “CD-5” CHARACTER DISTRICT 5; AND INCLUDING PROCEDURAL PROVISIONS.

RECITALS:

1. On December 10, 2019, 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 six acres out of the Cyrus Wickson Survey, Abstract No. 474, Hays County, generally located at the western corner of South Old Bastrop Hwy and Rattler Road.

2. The Planning and Zoning Commission voted to recommend that the request be approved by the City Council.

3. The City Council held a public hearing on January 7, 2020 regarding the request and subsequently proposed that the area subject to rezoning be reduced to the area shown in Exhibit A, attached hereto and made a part hereof.

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 All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.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 January 21, 2020.

PASSED, APPROVED AND ADOPTED on second reading on February 18, 2020.

Jane Hughson
Mayor

Attest:

Tammy K. Cook
Interim City Clerk

Approved:

Michael Cosentino
City Attorney

EXHIBIT A



Exhibit " — "

7401B Highway 71 West, Suite 160
Austin, TX 78735
Office: 512.583.2600
Fax: 512.583.2601

Doucetengineers.com

McCarty Lane
Hays County, Texas

D&A Job No. 1787-001
February 05, 2020

METES & BOUNDS DESCRIPTION For 4.85 Acres [211,102 Square Feet]

BEING A 4.85 ACRE [211,102 SQUARE FEET] TRACT OF LAND OUT OF THE CYRUS WICKSON SURVEY, ABSTRACT NUMBER 474, BEING OUT OF A CALLED 35.40 ACRE TRACT OF LAND DESCRIBED IN VOLUME 4595, PAGE 398 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS [O.P.R.H.C.T.], SAID 4.85 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch iron rod, found for the east corner of the herein described tract and said 35.40 acres, same being the south corner of a called 0.12 acre tract described in Volume 3592, Page 145 [O.P.R.H.C.T.] same being at the intersection of the apparent southwest right-of-way line of McCarty Lane (County Road 233), no record information found, and the apparent northwest right-of-way line of Old Bastrop Road (County Road 266), no record information found;

THENCE, with the southeast line of said 35.40 acre and the apparent northwest right-of-way line of Old Bastrop Road, the following four (4) courses and distances;

- 1) S23°16'03" W, a distance of 91.74 to a 1/2 inch iron rod with "Byrn" cap, found at the start of a curve to the left,
- 2) With said curve to the left, having an arc length of 175.93 feet, a radius of 540.00 feet, a delta angle of 18°40'02", and a chord which bears S18°11'01"W, 175.16 feet to a found 1/2 inch iron rod with "Byrn" cap,
- 3) S08°50'48"W, a distance of 131.10 feet to a 1/2 inch iron rod found at the start of a curve to the right,
- 4) With said curve to the right, having an arc length of 170.97 feet, a radius of 460.00 feet, a delta angle of 21°17'41", and a chord which bears S19°15'40"W, 169.98 feet to a point for the south corner of the herein described tract,

THENCE, over and across said 35.40-acre tract, the following four (4) courses and distances;

- 1) N45°45'12"W, a distance of 578.31 feet to a point for the west corner of the herein described tract,
- 2) N47°47'46"E, a distance of 176.11 feet, to a calculated point,
- 3) S46°08'50"E, a distance of 15.00 feet, to a calculated point,
- 4) N47°47'46"E, a distance of 323.72 feet, to a calculated point, same being in the apparent southwest right-of-way line of said McCarty Lane,

CONTINUED ON NEXT PAGE

COMMITMENT YOU EXPECT.
EXPERIENCE YOU NEED.
PEOPLE YOU TRUST.



THENCE, with the apparent southwest right-of-way line of McCarty Lane, the following three (3) courses and distances;

- 1) S48°23'27" E, a distance of 67.79 feet to a point at the start of a curve to the right,
- 2) With said curve to the right, having an arc length of 37.92 feet, a radius of 969.00 feet, a delta angle of 02°14'31", and a chord which bears S46°46'08"E, 37.91 feet to a found 1/2 inch iron rod found for an angle corner,
- 3) S46°09'13"E, a distance of 169.20 feet back to the **POINT OF BEGINNING** of the herein described tract and containing 4.85 acres [211,102 square feet].

Basis of bearings is the Texas Coordinate System, South Central Zone [4204], NAD83 (2011), Epoch 2010.
Units: U.S. Survey Feet.

This survey was performed without the benefit of a title commitment. Easements or other matters of record may exist where none are shown.

I, Garrett Cavauiolo, Registered Professional Land Surveyor, hereby certify that this metes and bounds description represents an actual survey performed on the ground under my supervision.

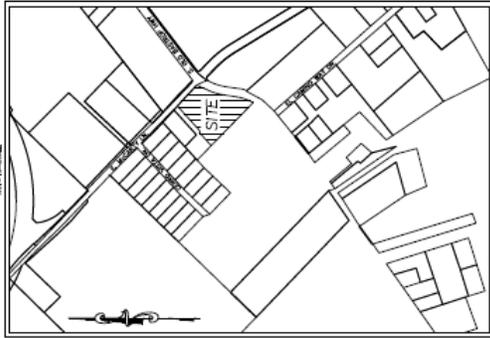


Garrett Cavauiolo
Registered Professional Land Surveyor
Texas Registration No. 6714
Doucet & Associates, Inc.
GCavauiolo@DoucetEngineers.com
TBPLS Firm No. 10105800

2/5/2020
Date



VELOCITY MAP
BY DATE



CYRUS WICKSON SURVEY
ABSTRACT 474
HAYS COUNTY, TEXAS

LEGAL NOTES:
THIS SURVEY WAS CONDUCTED WITHOUT THE BENEFIT OF A TITLE COMMITMENT.
CORRECTIONS TO THIS SURVEY WILL BE MADE ONLY IF THEY ARE FOUND TO BE
ERRORS OF OMISSION OR COMMISSION. THIS SURVEY IS NOT TO BE USED AS A
BASIS FOR ANY OTHER SURVEY OR AS A BASIS FOR ANY OTHER CLAIM.
THE SURVEYOR'S LIABILITY IS LIMITED TO THE ACTUAL SURVEY WORK PERFORMED.
NO WARRANTIES ARE MADE BY THE SURVEYOR AS TO THE ACCURACY OF THE
INFORMATION PROVIDED BY ANY OTHER PARTY.

DEED ABSTRACT:
THE DEED ABSTRACT FOR THIS SURVEY IS ABSTRACT 474, CYRUS WICKSON SURVEY,
HAYS COUNTY, TEXAS, RECORDED IN THE PUBLIC RECORDS OF HAYS COUNTY,
TEXAS, BOOK 10, PAGE 100. THE DEED ABSTRACT FOR THIS SURVEY IS
ABSTRACT 474, CYRUS WICKSON SURVEY, HAYS COUNTY, TEXAS, RECORDED
IN THE PUBLIC RECORDS OF HAYS COUNTY, TEXAS, BOOK 10, PAGE 100.

LINE	LENGTH	BEARING	AREA	PERCENTAGE
1	13.00	S 89° 59' 59" W	0.0000	0.0000
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- ADJACENT PANTS
- ADJACENT SHORTS
- ADJACENT SLACKS
- ADJACENT JEANS
- ADJACENT TROUSERS
- ADJACENT OVERSLEEVES
- ADJACENT GLOVES
- ADJACENT SHOES
- ADJACENT SLIPPERS
- ADJACENT SANDALS
- ADJACENT BOOTS
- ADJACENT SOCKS
- ADJACENT HOSIERY
- ADJACENT UNDERWEAR
- ADJACENT LINGERIE
- ADJACENT TIE
- ADJACENT SCARF
- ADJACENT SHAWL
- ADJACENT WRAP
- ADJACENT COAT
- ADJACENT JACKET
- ADJACENT SUIT
- ADJACENT DRESS
- ADJACENT SKIRT
- ADJACENT PANTS
- ADJACENT SHORTS
- ADJACENT SLACKS
- ADJACENT JEANS
- ADJACENT TROUSERS
- ADJACENT OVERSLEEVES
- ADJACENT GLOVES
- ADJACENT SHOES