

ORDINANCE NO. 2023-35

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-23-10, BY REZONING APPROXIMATELY 27.6 ACRES OF LAND, MORE OR LESS, OUT OF THE CYRUS WICKSON SURVEY, ABSTRACT NO. 474, THE JOHN FREDERICK GEISTER SURVEY, ABSTRACT NO. 203, THE FARNHAM FRYE SURVEY, ABSTRACT NO. 183, AND THE REBECCA BROWN SURVEY, ABSTRACT NO. 46, IN HAYS COUNTY, TEXAS, GENERALLY LOCATED AT 2409 OLD BASTROP HIGHWAY, FROM “FD” FUTURE DEVELOPMENT TO “CD-5” CHARACTER DISTRICT 5, 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 28, 2023, 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 to “CD-5” Character District-5 for approximately 27.6 acres out of the Cyrus Wickson Survey, Abstract No. 474, the John Frederick Geister Survey, Abstract No. 203, the Farnham Frye Survey, Abstract No. 183, and the Rebecca Brown Survey, Abstract No. 46, Hays County, Texas, generally located at 2409 Old Bastrop Highway (the “Property”), as described in Exhibit A, attached hereto and made a part hereof for all purposes.

2. On March 28, 2023, the Planning and Zoning Commission voted 9–0 to recommend approval of the request.

3. The City Council held a public hearing on April 18, 2023, 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 to “HI” Heavy Industrial.

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 All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.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 18, 2023.

PASSED, APPROVED AND ADOPTED on second reading on May 2, 2023.

Jane Hughson
Mayor

Attest:

Elizabeth Trevino
City Clerk

Approved:

Sam Aguirre
City Attorney

EXHIBIT A
PROPERTY DESCRIPTION



Exhibit " — "

7401B Highway 71 West, Suite 160
Austin, TX 78735
Office: 512-583.2600
Fax: 512-583.2601

Douceteng@aol.com

**22.60-Acre Tract
Hays County, Texas**

**D&A Job No. 2448-001
April 15, 2022**

**DESCRIPTION
For a 22.60-Acre Tract**

BEING A 22.60-ACRE TRACT OUT OF THE CYRUS WICKSON SURVEY, ABSTRACT NUMBER 474, THE JOHN FREDERICK GEISTER SURVEY, ABSTRACT NUMBER 203, THE FARNHAM FRYE SURVEY, ABSTRACT NUMBER 183 AND THE REBECCA BROWN SURVEY, ABSTRACT NUMBER 46, HAYS COUNTY, TEXAS, SAID 22.60-ACRE TRACT BEING COMPRISED OF TWO (2) TRACTS OF LAND DESCRIBED AS FOLLOWS: 1) A CALLED 20.62-ACRE TRACT, DESCRIBED AS TRACT 2, CONVEYED TO CAROLYN ANN LOGAN, RECORDED IN VOLUME 387, PAGE 447, OF THE DEED RECORDS OF HAYS COUNTY, TEXAS [D.R.H.C.T.], AND 2) A CALLED 2.00-ACRE TRACT, DESCRIBED AS TRACT 3, CONVEYED TO CAROLYN ANN LOGAN, RECORDED IN VOLUME 387, PAGE 447, D.R.H.C.T., SAID 22.60-ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 3/8-inch iron rod found in the existing southeast right-of-way line of S. Old Bastrop Hwy, a variable width right-of-way, no record information found, for the northeast corner of a called 5.00-acre tract, conveyed to Ronald K. Logan and Eryn A. Logan, recorded in Volume 2222, Page 444, [D.R.H.C.T.], for the northwest corner of a called 0.9823-acre tract, recorded in Volume 1676, Page 440 (Document Number 00012588) [O.P.R.H.C.T.] and for the north corner of the tract described herein;

THENCE S42°26'42"E, with the northeast line of said 5.00-acre tract and said 0.9823-acre tract, a distance of 482.83 feet to a 3/8-inch iron rod found in a Hackberry for the **POINT OF BEGINNING** and for the southeast corner of said 5.00-acre tract, for a corner along the north line of said 20.62-acre tract and for an angle corner of the tract described herein;

THENCE N72°03'42"E, with the north line of said 20.62-acre tract, passing a 1/2-inch iron rod found at a distance of 163.21 feet, continuing for a total distance of 326.73 feet to a 1/2-inch iron rod found for the southeast corner of a called 1.506-acre tract, recorded in Volume 4556, Page 387 (Document Number 13005169) [O.P.R.H.C.T.], for a corner in the west line of a called 4.06-acre tract, recorded in Volume 847, Page 734 [O.P.R.H.C.T.] and for the northeast corner of the tract described herein;

THENCE with the east line of said 20.62-acre tract, the following two (2) courses:

- 1) S01°09'13"E, for a distance of 210.88 feet to a 1/2-inch iron rod with cap stamped "DOUCET" set for a corner on the east line of said 20.62-acre tract, for a corner in the west line of a called 3.1592-acre tract, recorded in Document Number 20038448 [O.P.R.H.C.T.] and for a corner of the tract described herein, and

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- 2) S04°20'31"W, passing a 1/2-inch iron rod found at a distance of 459.07 feet, for the southwest corner of a called 0.998-acre tract, recorded in Volume 5134, Page 261 (Document Number 15003827) [O.P.R.H.C.T.], same point being the northwest corner of a called 1.00-acre tract, recorded in Volume 1188, Page 879 [O.P.R.H.C.T.], passing a 1/2-inch iron rod found at a distance of 759.23 feet, for the southwest corner of a called 0.9987-acre tract, recorded in Document Number 19001169 [O.P.R.H.C.T.] and for the northwest corner of a called 1.33-acre tract, recorded in Volume 808, Page 143 of the Real Property Records of Hays County, Texas [R.P.R.H.C.T.], passing a 1/2-inch iron rod found at a distance of 1,108.74 feet, for the southwest corner of a called 1.00-acre tract, recorded in Volume 2361, Page 203 (Document Number 03038371) [O.P.R.H.C.T.] and for the northwest corner of a called 1.00-acre tract, recorded in Volume 2361, Page 200 (Document Number 03038370) [O.P.R.H.C.T.], continuing for a total distance of 1,258.44 feet to a 1/2-inch iron rod found for the southeast corner of said 20.62-acre tract, for the southwest corner of said 1.00-acre tract, same being in the north line of a called 1.26-acre tract, recorded in Volume 474, Page 310 [R.P.R.H.C.T.] and for the southeast corner of the tract described herein;

THENCE N85°18'19"W, with the south line of said 20.62-acre tract and with the north line of said 1.26-acre tract, a distance of 181.01 feet to a 8-inch wood corner fence post found for the southwest corner of said 20.62-acre tract, for the northwest corner of said 1.26-acre tract, same point being in the northeast line of a called 86.578-acre tract, recorded in Volume 2543, Page 876 (Document Number 04026929) [O.P.R.H.C.T.] and for the southwest corner of the tract described herein;

THENCE with the southwest line of said 20.62-acre tract and the northeast line of said 86.578-acre tract, the following two (2) courses:

- 1) N43°56'27"W, for a distance of 551.00 feet to a 1/2-inch iron rod with cap stamped "LAI" found, and
- 2) N43°38'36"W, for a distance of 619.16 feet to a 3/8-inch iron rod found for the west corner of said 20.62-acre tract, for the southwest corner of a called 2.19-acre tract, recorded in Volume 2723, Page 194 (Document Number 05019678) [O.P.R.H.C.T.] and for the west corner of the tract described herein;

THENCE N58°57'40"E, with the northwest line of said 20.62-acre tract and with the southeast line of said 2.19-acre tract, a distance of 203.41 feet to a 1/2-inch iron rod found for the southwest corner of said 2.00-acre tract, for the southeast corner of said 2.19-acre tract and for a corner of the tract described herein;

THENCE N37°07'47"W, with the southwest line of said 2.00-acre tract and the northeast line of said 2.19-acre tract, a distance of 434.74 feet to a 1/2-inch iron rod with cap stamped "DOUCET" set in the existing southeast right-of-way line of said S. Old Bastrop Hwy., for the northwest corner of said 2.00-acre tract, for the northeast corner of said 2.19-acre tract and for the northwest corner of the tract described herein;

THENCE N52°18'23"E, with the existing southeast right-of-way line of said S. Old Bastrop Highway and the northwest line of said 2.00-acre tract, passing a 1/2-inch iron rod found at a distance of 50.20 feet, continuing for a total distance of 284.68 feet to a 3/8-inch iron rod found for the north corner of said 20.62-acre tract, for the northwest corner of said 5.00-acre tract and for an angle corner of the tract described herein

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THENCE with the common line of said 5.00-acre tract and said 20.62-acre tract, the following three (3) courses:

- 1) S27°08'13"E, for a distance of 176.75 feet to a 3/8-inch iron rod found for an angle corner of the tract described herein,
- 2) S27°18'05"E, for a distance of 313.63 feet to a 1/2-inch iron rod with cap stamped "DOUCET" set for an angle corner of the tract described herein, and
- 3) N52°18'03"E, for a distance of 516.49 feet to the **POINT OF BEGINNING** of the tract described herein and containing 22.60-acres, more or less.

Notes:

Basis of bearings is the Texas Coordinate System, South Central Zone [4204], NAD83 (2011), Epoch 2010. All distances are surface values and may be converted to grid by dividing by the surface adjustment factor of 1.00013 using CP1 as a point of origin. Units: U.S. Survey Feet.

I, Christopher W. Terry, Registered Professional Land Surveyor, hereby certify that this description and accompanying exhibit of even date represent an actual survey performed on the ground.



Christopher W. Terry
Registered Professional Land Surveyor
Texas Registration No. 6649
Doucet & Associates
CTerry@DoucetEngineers.com
TBPELS Firm Registration No. 10105800

04/15/2022

Date





Exhibit " — "

7401B Highway 71 West, Suite 160
Austin, TX 78735
Office: 512-583.2600
Fax: 512-583.2601

DoucetEnglavors.com

**5.000-Acre Tract
Hays County, Texas**

**D&A Job No. 2448-001
May 13, 2022**

**DESCRIPTION
For a 5.000-Acre Tract**

BEING A 5.000-ACRE TRACT OUT OF THE CYRUS WICKSON SURVEY, ABSTRACT NUMBER 474, HAYS COUNTY, TEXAS, SAID 5.000-ACRE TRACT BEING THAT SAME CALLED 5.00-ACRE TRACT, CONVEYED TO RONALD K. LOGAN AND ERYN A. LOGAN, RECORDED IN VOLUME 2222, PAGE 444 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS [D.R.H.C.T.], SAID 5.000-ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 3/8-inch iron rod found in the existing southeast right-of-way line of S. Old Bastrop Hwy, a variable width right-of-way, no record information found, for the northeast corner of said 5.00-acre tract, for the northwest corner of a called 0.9823-acre tract, recorded in Volume 1676, Page 440 (Document Number 00012588) of the Official Public Records of Hays County, Texas [O.P.R.H.C.T.] and for the northeast corner of the tract described herein;

THENCE S42°26'42"E, with the northeast line of said 5.00-acre tract and said 0.9823-acre tract, a distance of 482.83 feet to a 3/8-inch iron rod found in a Hackberry for the southeast corner of said 5.00-acre tract, for a corner along the north line of a called 20.62-acre tract, described as Tract 2, conveyed to Carolyn Ann Logan, recorded in Volume 387, Page 447, [D.R.H.C.T.] and for the southeast corner of the tract described herein;

THENCE with the common line of said 5.00-acre tract and said 20.62-acre tract, the following three (3) courses:

- 1) S52°18'03"W, for a distance of 516.49 feet to a 1/2-inch iron rod with cap stamped "DOUCET" set for the southwest corner of said 5.00-acre tract, for a corner along the north line of said 20.62-acre tract and for the southwest corner of the tract described herein,
- 2) N27°18'05"W, for a distance of 313.63 feet to a 3/8-inch iron rod found for an angle corner of the tract described herein, and
- 3) N27°08'13"W, for a distance of 176.75 feet to a 3/8-inch iron rod found in the existing southeast right-of-way line of S. Old Bastrop Hwy, for the northwest corner of said 5.00-acre tract and for the northwest corner of the tract described herein;

THENCE N52°27'25"E, with the existing southeast right-of-way line of S. Old Bastrop Hwy and the northwest line of said 5.00-acre tract, a distance of 387.54 feet to the **POINT OF BEGINNING** of the tract described herein and containing 5.000-acres, more or less.

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Notes:

Basis of bearings is the Texas Coordinate System, South Central Zone [4204], NAD83 (2011), Epoch 2010. All distances are surface values and may be converted to grid by dividing by the surface adjustment factor of 1.00013 using CP1 as a point of origin. Units: U.S. Survey Feet.

I, Christopher W. Terry, Registered Professional Land Surveyor, hereby certify that this description and accompanying exhibit of even date represent an actual survey performed on the ground.



Christopher W. Terry
Registered Professional Land Surveyor
Texas Registration No. 6649
Doucet & Associates
CTerry@DoucetEngineers.com
TBPELS Firm Registration No. 10105800

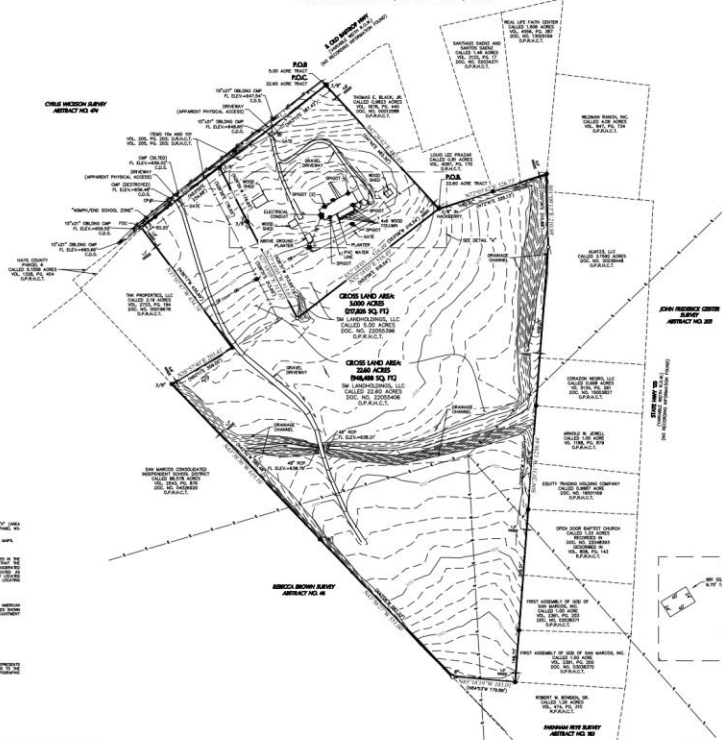
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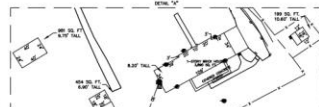
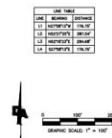




TOPOGRAPHIC AND TREE SURVEY OF A 5.00 ACRE TRACT AND A 22.60 ACRE TRACT, BOTH OUT OF THE CYRUS WICKSON SURVEY, ABSTRACT NO. 474, THE JOHN FREDERICK GESTER SURVEY, ABSTRACT NO. 203, THE FARNHAM FRYE SURVEY, ABSTRACT NO. 183, AND THE REBECCA BROWN SURVEY, ABSTRACT NO. 46 CITY OF SAN MARCOS, HAYS COUNTY, TEXAS



LEGEND	
1	Survey Line
2	Property Line
3	Water
4	Tree
5	Building
6	Drainage
7	Topography
8	Survey Point
9	Survey Station
10	Survey Line
11	Property Line
12	Water
13	Tree
14	Building
15	Drainage
16	Topography
17	Survey Point
18	Survey Station
19	Survey Line
20	Property Line
21	Water
22	Tree
23	Building
24	Drainage
25	Topography
26	Survey Point
27	Survey Station
28	Survey Line
29	Property Line
30	Water
31	Tree
32	Building
33	Drainage
34	Topography
35	Survey Point
36	Survey Station
37	Survey Line
38	Property Line
39	Water
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41	Building
42	Drainage
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44	Survey Point
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51	Drainage
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53	Survey Point
54	Survey Station
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56	Property Line
57	Water
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59	Building
60	Drainage
61	Topography
62	Survey Point
63	Survey Station
64	Survey Line
65	Property Line
66	Water
67	Tree
68	Building
69	Drainage
70	Topography
71	Survey Point
72	Survey Station
73	Survey Line
74	Property Line
75	Water
76	Tree
77	Building
78	Drainage
79	Topography
80	Survey Point
81	Survey Station
82	Survey Line
83	Property Line
84	Water
85	Tree
86	Building
87	Drainage
88	Topography
89	Survey Point
90	Survey Station
91	Survey Line
92	Property Line
93	Water
94	Tree
95	Building
96	Drainage
97	Topography
98	Survey Point
99	Survey Station
100	Survey Line



STATE OF TEXAS, COUNTY OF HAYS, CITY OF SAN MARCOS, TEXAS

TOPOGRAPHIC AND TREE SURVEY OF A 5.00 ACRE TRACT AND A 22.60 ACRE TRACT, BOTH OUT OF THE CYRUS WICKSON SURVEY, ABSTRACT NO. 474, THE JOHN FREDERICK GESTER SURVEY, ABSTRACT NO. 203, THE FARNHAM FRYE SURVEY, ABSTRACT NO. 183, AND THE REBECCA BROWN SURVEY, ABSTRACT NO. 46

THIS SURVEY WAS MADE BY ME, THE UNDERSIGNED, A LICENSED SURVEYOR IN THE STATE OF TEXAS, AND I HEREBY CERTIFY THAT THE SAME IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

WITNESSE MY HAND AND SEAL OF OFFICE, THIS 15th DAY OF MAY, 2017.

DANIEL A. DOUCET
Surveyor No. 12345

**DOUCET**

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