

## **ORDINANCE NO. 2019-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING THE OFFICIAL ZONING MAP OF THE CITY BY REZONING APPROXIMATELY 0.72 ACRES OF LAND OUT OF LOT 5, BLOCK 1 SAN MARCOS BUSINESS PARK, SECTION 2, LOCATED AT 1909 DUTTON DRIVE, FROM “GC” GENERAL COMMERCIAL DISTRICT TO “CD-4” CHARACTER DISTRICT 4; AND INCLUDING PROCEDURAL PROVISIONS.**

### **RECITALS:**

1. On September 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 “GC” General Commercial District to “CD-4” Character District 4 for approximately 0.72 acres of land out of Lot 5, Block 1 San Marcos Business Park, Section 2, located at 1909 Dutton Drive.
2. Subsequent to the public hearing on that date, 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 September 30, 2019 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 “GC” General Commercial District to “CD-4” Character District 4.

**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**SECTION 3.** All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.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 September 30, 2019.

**PASSED, APPROVED AND ADOPTED** on second reading on October 15, 2019.

Jane Hughson  
Mayor

Attest:

Jamie Lee Case  
City Clerk

Approved:

Michael Cosentino  
City Attorney

## EXHIBIT A



STATE OF TEXAS  
COUNTY OF HAYS

LOT 5 - BLK 1 - ZONING PARCEL CD-4  
SAN MARCOS BUSINESS PARK SEC. 2

BEING A 0.72 ACRE PORTION OF LOT 5 OF BLOCK 1, SAN MARCOS BUSINESS PARK SECTION 2, AN ADDITION TO THE CITY OF SAN MARCOS ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 4, PAGE 201 OF THE PLAT RECORDS OF HAYS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a 1/2" iron rod found with cap marked "Byrn" at the north corner of said Lot 5, Block 1, for the north corner of the herein described tract of land, same being at the intersection of the southeast line of Dutton Drive, a 60 foot public right-of-way, with a southwest line of said Dutton Drive, 60' public right-of-way, as shown by plat of said San Marcos Business Park Section 2, and from which a 1/2" iron rod found with cap at the west corner of said Lot 5, and the common north corner of Lot 4A of the Replat of Lot 4, San Marcos Business Park Section 1, an addition to the City of San Marcos according to the map thereof recorded in Volume 11, Page 139 of the Plat Records of Hays County, Texas, bears South 43°30'03" West (S 43°32'00" W Record), a distance of 329.20 feet (329.50' Record);

**THENCE** with the southwest line of said Dutton Drive, and the common northeast line of said Lot 5, Block 1, **South 46°18'54" East** (S 46°17'00" E Record), a distance of **225.00 feet** (Record) to a point chiseled in concrete at the east corner of said Lot 5, Block 1, for the east corner of the herein described tract of land, same being at the common north corner of Lot 6A of the Replat of Lots 6 and 7 of Block 1, San Marcos Business Park Section 2, an addition to the City of San Marcos according to the map thereof recorded in Volume 7, Page 227, Hays County Plat Records, and from which a 1/2" iron rod set with cap "ASH5687" at the south corner of said Lot 5 and the common west corner of said Lot 6A, bears South 43°30'06" West (S 43°32'00" W Record), a distance of 329.39 feet (329.50' Record);

**THENCE** with the common line of said Lot 5 and said Lot 6A, **South 43°30'06" West** (S 43°32'00" W Record), a distance of **140.19 feet** to the south corner of the herein described tract of land;

**THENCE** through and severing said Lot 5, Block 1, **North 46°15'59" West**, a distance of **225.00 feet** to the northwest line of said Lot 5, and the common southeast line of aforesaid Dutton Drive, for the west corner of the herein described tract of land;

**THENCE** with the common line of said Lot 5 and said Dutton Drive, **North 43°30'03" East** (N 43°32'00" E Record), a distance of **140.00 feet** to the **POINT OF BEGINNING** and **CONTAINING 0.72 ACRES OF LAND.**

Bearing Basis - GPS coordinates (NAD83) adjusted by HARN (High Accuracy Reference Network) and projected to Texas State Plane Coordinates (Texas South Central Zone).

\*This description severing Lot 5 for Zoning Purposes is not intended to subjugate the Development Rules of any State, County or City Ordinance, and all required permits should be obtained before occupying the premises.

I, Richard H. Taylor, do certify that this description and associated exhibit were prepared from a survey performed under my direction during June 2019, and is true and correct to the best of my knowledge and belief.

Richard H. Taylor  
Registered Professional Land Surveyor  
No. 3986 State of Texas

Job: 19-7220

08/09/19  
Date

