

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 29.4 ACRES OUT OF THE CYRUS WICKSON SURVEY, ABSTRACT NO. 474, HAYS COUNTY, GENERALLY LOCATED IN THE 3200 BLOCK OF SOUTH OLD BASTROP HIGHWAY, FROM “FD” FUTURE DEVELOPMENT DISTRICT TO “CD-3” CHARACTER DISTRICT 3; 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-3” Character District 3 for approximately 29.4 acres out of the Cyrus Wickson Survey, Abstract No. 474, Hays County, generally located in the 3200 Block of South Old Bastrop Highway.

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.

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-3” Character District 3.

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 All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.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 7, 2020.

PASSED, APPROVED AND ADOPTED on second reading on January 21, 2020.

Jane Hughson
Mayor

Attest:

Tammy K. Cook
Interim City Clerk

Approved:

Michael Cosentino
City Attorney

EXHIBIT A



Exhibit “ — ”

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McCarty Lane
Hays County, Texas

D&A Job No. 1787-001
November 27, 2019

METES & BOUNDS DESCRIPTION For 29.40 Acres [1,280,644 Square Feet]

BEING A 29.40 ACRE [1,280,644 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 29.40 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a calculated point in the south line of said 35.40 acre tract, same being in the apparent northwest right-of-way line of Old Bastrop Road (County Road 266), no record information found, and same being a point in the arc of a curve to the right;

THENCE, with the southeast line of said 35.40 acre and the apparent northwest right-of-way line of Old Bastrop Road, the following two (2) courses and distances;

- 1) With said curve to the right, having an arc length of 180.25 feet, a radius of 460.00 feet, a delta angle of $22^{\circ}27'04''$, and a chord which bears $S41^{\circ}08'02''W$, a distance of 179.10 feet to a found 1/2 inch iron rod,
- 2) $S52^{\circ}22'02''W$, passing at 885.61 feet, a 1/2 inch iron rod, found for reference, and continuing in all 942.24 feet to a 1/2 inch iron rod, found for the south corner of said 35.40 acres and the herein described tract, same being the southeast corner of a called 10.265 acre tract, described in Volume 2761, Page 162 [O.P.R.H.C.T.]

THENCE, $N46^{\circ}06'13''W$, with the southwest line of said 35.40 acres and the northeast line of said 10.265 acres, for a distance of 1,335.73 feet to 1/2 inch iron rod, found for the west corner of said 35.40 acres, the north corner of said 10.265 acres, and same being in the southeast line of a called 60.435 acre tract described in Volume 3698, Page 591 [O.P.R.H.C.T.];

THENCE, $N44^{\circ}08'35''E$, with the westerly northwest line of said 35.40 acres, and the southeast line of said 60.435 acres, for a distance of 697.25 feet to a 1/2 inch iron rod, found for the westerly north corner of said 35.40 acres and the herein described tract, same being the west corner of A Hillside Village, Section 1, as recorded in Volume 8, Page 148 of the Plat Records of Hays County, Texas [P.R.H.C.T.], same being the west corner of Lot 9 of said A Hillside Village, Section 1;

(CONTINUED ON NEXT PAGE)

COMMITMENT YOU EXPECT.
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PEOPLE YOU TRUST.



THENCE, S46°01'51"E, with the westerly northeast line of said 35.40 acres, and the southwest line of said Lot 9, for a distance of 335.04 feet to a 1/2 inch iron rod with "Byrn" cap, found for the south corner of said Lot 9, same being in the northwest right-of-way line of Cerro Vista Drive, 60 feet wide per recorded plat;

THENCE, S19°22'40"E, continuing with the westerly northeast line of said 35.40 acres and the southerly terminus right-of-way line of Cerro Vista Drive, for a distance of 67.29 feet to a 1/2 inch iron rod, found in the southeast right-of-way line of Cerro Vista Drive, same being the west corner of Lot 17 of said A Hillside Village, Section 1;

THENCE, with the common lines of the 35.40 acres to Lots 17, 16, 15, and 14 of said A Hillside Village, Section 1, the following three (3) courses and distances;

- 1) S46°02'02" E, a distance of 286.55 feet to a 1/2 inch iron rod, found for the south corner of Lot 17,
- 2) N44°07'40"E, passing at a distance of 233.93 feet, a 1/2 inch iron rod, found for the common southerly corner of Lots 16 and 15, and continuing in all 350.84 feet to 1/2 inch iron rod, found for an angle point in a northwest line of said 35.40 acres and the herein described tract, same being the common southerly corner of Lots 15 and 14,
- 3) N47°46'10"E, a distance of 98.70 feet a calculated point for the easterly north corner of the herein described tract, same being in the south line of Lot 14;

THENCE, S45°45'12"E, over and across said 35.40 acre tract, for a distance of 773.13 feet back to the **POINT OF BEGINNING** of the herein described tract and containing 29.40 acres [1,280,644 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

11/27/19

Date

