

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 SIX 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.

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 All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.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 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
September 06, 2019

METES & BOUNDS DESCRIPTION For 6.00 Acres [261,359 Square Feet]

BEING A 6.00 ACRE [261,359 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 6.00 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°50'40”W, 169.98 feet to a point for the south corner of the herein described tract,

THENCE, N45°45'12”W, over and across said 35.40 acres, a distance of 773.15 feet to a point for the west corner of the herein described tract, same being in a northwest line of the 35.40 acres, and also being in the southeast line of Lot 14 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.],

(CONTINUED ON NEXT PAGE)

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



THENCE, N47°46'10"E, with a northwest line of said 35.40 acres and the southeast lines of Lots 14, 13, and 12 of said A Hillside Village, Section 1, passing at a distance of 18.95 feet a 1/2 inch iron rod, found for the common southerly corner of Lots 14 and 13, and passing at a distance of 136.72 feet a 1/2 inch iron rod, found for the common southerly corner of Lots 13 and 12, and continuing in all 174.76 feet to a 1/2 inch iron rod, found for an exterior corner of said 35.40 acres and the herein described tract, same being the west corner of the remainder of Lot 18 of said A Hillside Village, section 1, further described in Document Number 16037515 [O.P.R.H.C.T.]

THENCE, with the lines common to the remainder of Lot 18 and said 35.40 acre tract, the following two (2) courses and distances;

- 1) S46°08'50" E, a distance of 159.87 feet to a 1/2 inch iron rod, found for the south corner of Lot 18,
- 2) N47°47'46"E, a distance of 321.75 feet, to a 1/2 inch iron rod with "Byrn" cap, found for the easterly north corner of said 35.40 acres and the herein described tract, being the east corner of the remainder of Lot 18, same being the south corner of a called 0.03 acre tract described in Volume 3510, Page 283 [O.P.R.H.C.T.], and same being in the apparent southwest right-of-way line of said McCarty Lane,

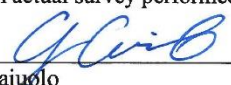
THENCE, with the apparent southwest right-of-way line of McCarty Lane and the easterly northeast line of said 35.40 acre tract, the following three (3) courses and distances;

- 1) S48°23'27" E, a distance of 118.08 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,
- 3) S46°09'13"E, a distance of 169.20 feet back to the **POINT OF BEGINNING** of the herein described tract and containing 6.00 acres [261,359 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

9/6/19

Date

