

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 7.959 ACRES OF LAND, GENERALLY LOCATED IN THE 400 BLOCK OF CENTERPOINT ROAD, FROM “FD” FUTURE DEVELOPMENT DISTRICT TO “HC” HEAVY COMMERCIAL DISTRICT; INCLUDING PROCEDURAL PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

RECITALS:

1. On April 28, 2020, 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 “HC” Heavy Commercial District for approximately 7.959 acres of land, generally located in the 400 Block of Centerpoint 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 May 19, 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 “HC” Heavy Commercial District.

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 All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.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 shall not be effective unless and until the date (the “Effective Date”) that all of the following conditions (the “Conditions”) have been satisfied: (i) this ordinance is finally passed, approved and adopted on second reading; (ii) an ordinance annexing the Property into the corporate limits of the City has been finally passed, approved and adopted; and (iii) Outlet West Investors, Ltd. has conveyed fee title to the Property to CBTX Capital, LLC, or its permitted

assigns, pursuant to that certain Commercial Contract – Unimproved Property between Outlet West Investors, Ltd. and CBTX Capital, LLC with an effective date of November 22, 2019, as such contract may be amended. In the event that all the Conditions have not been fully satisfied by April 2, 2021, then this ordinance shall be null and void and of no further force or effect.

PASSED AND APPROVED on first reading on May 19, 2020.

PASSED, APPROVED AND ADOPTED on second reading on June 2, 2020.

Jane Hughson
Mayor

Attest:

Tammy K. Cook
Interim City Clerk

Approved:

Michael J. Cosentino
City Attorney

EXHIBIT A



STATE OF TEXAS
COUNTY OF HAYS

7.959 ACRES
EDWARD BURLESON SURVEY
NO. 18 - ABSTRACT # 63

BEING 7.959 ACRES OF LAND SITUATED IN THE EDWARD BURLESON SURVEY NO. 18, ABSTRACT NO. 63, HAYS COUNTY, TEXAS, SAME BEING A PORTION OF THAT CALLED 109.22 ACRE TRACT OF LAND CONVEYED TO OUTLET WEST INVESTORS, LTD., A TEXAS LIMITED PARTNERSHIP, BY DEED DATED DECEMBER 21, 1998 AND RECORDED IN VOLUME 1486, PAGE 887, OFFICIAL PUBLIC RECORDS, 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 intersection of the southwest line of Centerpoint Road, a variable width public right-of-way, as widened and described in Exhibit 'A' in Lis Pendens Notice recorded in Volume 2571, Page 69, Official Public Records, Hays County, Texas, with the northwest line of Transportation Way, a proposed 76 foot public right-of-way as shown by Plat of Lot 2, Lowman Ranch Subdivision, Section Two, an addition to Hays County, Texas according to the Map thereof recorded in Volume 18, Page 17, Hays County Plat Records, for the east corner of the herein described tract of land;

THENCE South 43°34'33" West (S 43°34'23" W Record), with the northwest right-of-way line and projection of said proposed Transportation Way, at a distance of 285.81 feet (285.71' Record) passing a 1/2" iron rod found with cap marked "BYRN" at a west corner of said Transportation Way, as shown by plat, at a distance of 536.35 feet passing a 1/2" iron rod set with cap marked "RPLS 5687" set at the intersection of said proposed Transportation Way with the northeast line of a drainage easement described in Exhibit 'A' of the Instrument recorded in Volume 4389, Page 592 of the Hays County Real Property Records, and continuing on in all a total distance of 616.32 feet to the approximate centerline of said drainage easement, for the south corner of the herein described tract of land;

THENCE North 46°29'00" West (N 45°58'03" W Record), with the approximate centerline of said drainage easement, a distance of 577.62 feet to the northwest line of said Outlet West Investors, Ltd. called 109.22 acre tract and the common southeast line of the MK&T Railroad, for the west corner of the herein described tract of land, and from which a 1/2" iron rod found with cap marked "BYRN" at a west corner of said drainage easement bears South 46°38'05" West (S 47°09'14" W Record), a distance of 80.09 feet (80.12' Record);

THENCE with the northwest line of said Outlet West Investors, Ltd. called 109.22 acre tract and the common southeast line of the MK&T Railroad, the following courses and distances numbered (1) and (2):

1) North 46°38'05" East (N 47°09'14" E Record), a distance of 80.09 feet (80.12' Record) to a 1/2" iron rod found with cap marked "BYRN" at a north corner of said drainage easement;

2) North 46°39'10" East (N 47°08'53" E Record), a distance of 540.99 feet to a 1/2" iron rod set with cap marked "RPLS 5687" set at the intersection of the northwest line of said Outlet West Investors, Ltd. called 109.22 acre tract with the southwest line of aforesaid Centerpoint Road, as widened, same being at the beginning of the arc of a curve;

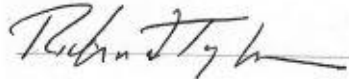
THENCE with the southwest line of aforesaid Centerpoint Road, as widened, the following courses and distances numbered (1) and (2):

1) Southeasterly, 156.71 feet (Record) along the arc of said curve, to the left, having a radius of 18800.00 feet (Record), a delta angle of $00^{\circ}28'39''$ (Record), and a chord which bears South $45^{\circ}54'37''$ East (S $45^{\circ}54'29''$ E Record), a distance of 156.71 feet (Record) to a 1/2" iron rod found with cap marked "PB&J" at the end of said curve;

2) South $46^{\circ}08'57''$ East (S $46^{\circ}08'49''$ E Record), a distance of 387.61 feet to the POINT OF BEGINNING and CONTAINING 7.959 ACRES OF LAND.

BEARING BASIS HEREIN DERIVED BY GPS MEASUREMENTS ADJUSTED BY HARN (HIGH ACCURACY REFERENCE NETWORK) & PROJECTED TO TEXAS STATE PLANE COORDINATES (TEXAS SOUTH CENTRAL ZONE) & NAD83.

I, Richard H. Taylor, do certify that this description and associated exhibit were prepared this date from a boundary survey performed under my direction during December 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
Attachment: Drawing of 7.959 acres
Job: 19-7284

12/30/19
Date



