

## **ORDINANCE NO. 2021-41**

**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-21-06 BY REZONING APPROXIMATELY 10.19 ACRES OF LAND, GENERALLY LOCATED 2,000 FEET SOUTHWEST OF THE OF THE CENTERPOINT ROAD AND CENTER POINT COURT INTERSECTION, FROM “FD” FUTURE DEVELOPMENT DISTRICT TO “CD-1” CHARACTER DISTRICT-1, OR SUBJECT TO CONSENT OF THE OWNER, ANOTHER LESS INTENSE ZONING DISTRICT CLASSIFICATION; INCLUDING PROCEDURAL PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.**

### **RECITALS:**

1. On May 11, 2021, 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-1” Character District-1 for approximately 10.19 acres of land, generally located 2,000 feet southwest of the of the Centerpoint Road and Center Point Court intersection (the “Property”), as described in Exhibit A, attached hereto and made a part hereof for all purposes.

2. The Planning and Zoning Commission approved a recommendation to the City Council regarding the request.

3. The City Council held a public hearing on June 1, 2021 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 District to “CD-1” Character District-1.

**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**SECTION 3.** All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.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 June 1, 2021.

**PASSED, APPROVED AND ADOPTED** on second reading on \_\_\_\_\_, 2021.

Jane Hughson  
Mayor

Attest:

Tammy K. Cook  
Interim City Clerk

Approved:

Michael J. Cosentino  
City Attorney

## EXHIBIT A

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### EXHIBIT "A"

County: Hays  
Description: CD-1 Re-zoning  
Acreage: 10.1989

Being 10.1989 acres out of the remainder of a called 53.83 acres of land, more or less, situated in the Edward Burleson Survey, Abstract no. 63, Hays County, Texas, being a portion of that tract described as 995.14 acres in a deed from Grace B. Lowman to Lowman Ranch, LTD. Dated June 3, 1967 and recorded in Volume 218, Page 594 of the Hays County Deeds Record, and being more particularly described by metes and bounds as follows:

BEGINNING at a set 5/8" iron rod with plastic cap stamped "LJA Survey", being the common corner of the remainder of the called 53.83 acre tract, and the easterly corner of a called 4.904 acre tract, described in a deed from Lowman Ranch, LTD to City of San Marcos, dated May 8, 2001 and recorded in Volume 1822, Page 188 of the Hays County Official Public Records;

THENCE: North 45° 57' 52" West, 201.44 feet, along the common line of said remainder of 53.83 acre tract and said 4.904 acre tract, to a set 5/8" iron rod with plastic cap stamped "LJA Survey";

THENCE: North 06° 05' 03" West, 873.12 feet, continuing along the common line of said remainder of 53.83 acre tract and said 4.904 acre tract, to a set 5/8" iron rod with plastic cap stamped "LJA Survey" in the south easterly line of Tract 2, Tanger Factory Outlet, a subdivision of record in Volume 5, Page 383 of the Hays county Plat Records;

THENCE: North 43° 35' 25" East, 70.00 feet, continuing along the common line of said remainder of the called 53.83 acre tract and the Tanger Factory Outlet Subdivision to a point;

THENCE: South 68° 19' 53" East, 301.70 feet, to a set 5/8" iron rod with plastic cap stamped "LJA Survey";

THENCE: South 45° 17' 38" East, 597.94 feet, to a point being in the south easterly line of the remainder of said 53.83 acre tract;

THENCE: South 44° 46' 14" West, 178.31 feet, continuing along the south easterly line of said remainder of said 53.83 acre tract to a set 5/8" iron rod with plastic cap stamped "LJA Survey";

THENCE: South 44° 33' 55" West, 396.80 feet, continuing along the south easterly line of said remainder of said 53.83 acre tract to a set 5/8" iron rod with plastic cap stamped "LJA Survey";

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THENCE: South 43° 39' 48" West, 162.56 feet, continuing along the south easterly line of said remainder of 53.83 acre tract to the PLACE OF BEGINNING, containing 10.1989 acres, more or less.

All bearings and coordinates are based on the Texas State Plane Coordinate System, Grid North, Central Zone (4203), North American Datum of 1983. All distances can be adjusted to surface using a combined scale factor of 1.00013.

LJA Surveying, Inc.  
Texas Surveying Firm Branch Registration No. 10194533  
7500 Rialto Blvd, Building II, Suite 100. Austin, Texas 78735  
Phone No.: 512.439.4700

By: \_\_\_\_\_

*Jeremy J. Kowis*

Surveyor's Name: Jeremy J. Kowis  
Registered Professional Land Surveyor, Texas No. 6361  
Date: March 24, 2021

