

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF ASSIGNING ORIGINAL ZONING TO APPROXIMATELY 47.74 ACRES OF LAND FROM AGRICULTURE 'AG' TO RETAIL SERVICE DISTRICT 'RS' FOR PROPERTY LOCATED AT 24800 IH-35, IN HAYS COUNTY, TEXAS. (PGI INVESTMENT, LLC – Z-15-021); AUTHORIZING THE CITY SECRETARY TO AMEND THE ZONING MAP OF THE CITY OF KYLE SO AS TO REFLECT THIS CHANGE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS, THAT:

SECTION 1. That the zoning district map of the City of Kyle adopted in Chapter 53 (Zoning) be and the same is hereby amended to assign original zoning to approximately 47.74 acres of land from Agriculture 'AG' to Retail Service District 'RS' for property located at 24800 IH-35, as shown on the property location map labeled Exhibit B.

SECTION 2. That the City Secretary is hereby authorized and directed to designate the tract of land zoned herein as such on the zoning district map of the City of Kyle and by proper endorsement indicate the authority for said notation.

SECTION 3. If any provision, section, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid (or for any reason unenforceable), the validity of the remaining portions of this Ordinance or the application to such other persons or sets of circumstances shall not be affected hereby, it being the intent of the City Council of the City of Kyle in adopting this Ordinance, that no portion hereof or provision contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion or provision.

SECTION 4. This Ordinance shall be published according to law and shall be and remain in full force and effect from and after the date of publication.

SECTION 5. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law.

READ, CONSIDERED, PASSED AND APPROVED ON FIRST READING by the City Council of Kyle at a regular meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2017, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING by the City Council of Kyle at a regular meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2017, at which a quorum

was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
R. Todd Webster, Mayor

ATTEST:

\_\_\_\_\_  
Jennifer A. Vetrano, City Secretary

**EXHIBIT A**

FIELD NOTE DESCRIPTION FOR A 38.67-ACRE TRACT OF LAND, HAYS COUNTY, TEXAS, TRACT 1:

BEING A 38.67 ACRE TRACT OF LAND, LYING PARTIALLY WITHIN THE W. WARD SURVEY, ABSTRACT NO. 467 AND THE JAMES W. WILLIAMS SURVEY, ABSTRACT NO. 473, AND BEING OUT OF THAT CERTAIN 47.74 ACRE TRACT CONVEYED BY GENERAL WARRANTY DEED TO PGI INVESTMENT, LLC, AS RECORDED IN DOCUMENT NO. 2012-12002993, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½ inch iron steel stake found marking the intersection of the north right-of-way line of Yarrington Road (Hays County Road 159), a public street, and the west right-of-way line of Interstate Highway 35, same being the south corner of that certain 47.74 acre tract conveyed to PGI Investment, LLC, as recorded in Document No. 2012-12002993, of the Official Public Records, Hays County, Texas, for the south corner of this described 38.67 acre tract;

THENCE northwest along the said north right-of-way line of Yarrington Road (Hays County Road No. 159), the following five (5) courses:

- 1). North 45°18'08" West, a distance of 83.29 feet to a ½ inch stake found at a point of curvature of a curve to the right;
- 2). Along said curve to the right, an arc length of 366.36 feet; said curve having a radius of 6,000.63 feet, a delta angle of 3°29'53", and a chord which bears North 42°11'18" West, a distance of 366.30 feet to a ½ inch steel stake found at a point of reverse curvature of a curve to the left;
- 3). Along said curve to the left, an arc length of 256.59 feet; said curve having a radius of 6,100.64 feet, a delta angle of 2°24'35", and a chord which bears North 41°38'30" West, a distance of 256.57 feet to a ½ inch steel stake found at its point of tangency along the north line of this tract;
- 4). North 33°21'32" West, a distance of 486.62 feet to a ½ inch steel stake found for an angle point;
- 5). North 53°01'29" West, a distance of 172.81 feet to a ½ inch steel stake found marking the west corner of said 47.74 acre tract, same being at the intersection of the north right-of-way line of Yarrington Road and the east line of Post Road ( Hays County Road No. 140), a public street, for the west corner of the herein described 38.67 acre tract;

THENCE along the west line of this tract common with said east right-of-way line of Post Road and the west line of said 47.74 acre tract, the following five (5) courses:

- 1). North 37°13'25" East, a distance of 85.38 feet to a ½ inch steel stake found for an angle point hereof;
- 2). North 40°30'37" East, a distance of 63.93 feet to a ½ inch steel stake found for an angle point;
- 3). North 43°21'19" East, a distance of 355.33 feet to a ½ inch steel stake found for an angle point;
- 4). North 44°08'43" East, a distance of 445.78 feet to a ½ inch steel stake found for an angle point;
- 5). North 44°05'17" East, a distance of 53.44 feet to a calculated point for an angle corner of this tract;

THENCE departing from said east line of Post Road, along the north line of this tract, the following four (4) courses:

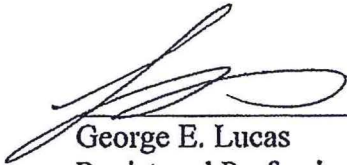
- 1). South 80°56'28" East, a distance of 508.82 feet to a calculated point at an interior corner;
- 2). North 12°13'17" East, a distance of 323.06 feet to a calculated point at an angle point;
- 3). North 20°56'10" East, a distance of 227.05 feet to a calculated point for the northwest corner of the herein described tract;
- 4). South 69°03'50" East, a distance of 250.00 feet to a calculated point lying in the west right-of-way line of Interstate Highway 35 for the northeast corner hereof;

THENCE along the east line of this described tract common with the said west right-of-way line of Interstate Highway 35 and east line of said 47.74 acre tract, the following eight (8) courses:

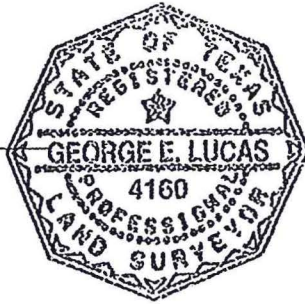
- 1). South 20°56'10" West, a distance of 208.00 feet to a ½ inch steel stake for an angle point;
- 2). South 12°13'17" West, a distance of 290.20 feet to a ½ inch steel stake for an angle point;
- 3). South 09°03'32" West, a distance of 291.79 feet to a concrete monument for an angle point;
- 4). South 01°48'59" West, a distance of 300.31 feet to a ½ inch steel stake for an angle point;
- 5). South 04°15'20" West, a distance of 301.31 feet to a concrete monument for an angle point;
- 6). South 18°22'34" West, a distance of 294.77 feet to a ½ inch steel stake for an angle point;



- 7). South  $32^{\circ}16'49''$  West, a distance of 300.47 feet to a ½ inch steel stake for an angle point;
- 8). South  $44^{\circ}50'04''$  West, a distance of 314.81 feet to the POINT OF BEGINNING, and containing 38.67 acres of land, more or less.



George E. Lucas  
Registered Professional  
Land Surveyor No. 4160  
State of Texas  
Date: December 18, 2012



FIELD NOTE DESCRIPTION FOR A 7.38 ACRE TRACT OF LAND, HAYS COUNTY, TEXAS, TRACT 2:

BEING A 7.38 ACRE TRACT OF LAND, LYING WITHIN THE JAMES W. WILLIAMS SURVEY, ABSTRACT NO. 473 AND BEING OUT OF THAT CERTAIN 47.74 ACRE TRACT CONVEYED BY GENERAL WARRANTY DEED TO PGI INVESTMENT, LLC, AS RECORDED IN DOCUMENT NO. 2012-12002993, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a ½ inch steel stake found marking the intersection of the west right-of-way line of Interstate Highway 35 and the cutoff from Post Road (Hays County Road 140), same being the northeasterly corner of that certain 47.74 acre tract conveyed to PGI Investment, LLC, as recorded in Document No. 2012-12002993, of the Official Public Records, Hays County, Texas;

THENCE southwest along the said west right-of-way line of Interstate Highway 35 common with the east line of said 47.74 acre tract, the following two (2) courses:

- 1). South 10°10'35" West, a distance of 149.65 feet to a ½ inch stake found at an angle point of said 47.74 acre tract;
- 2). South 19°44'31" West, a distance of 304.19 feet to a ½ inch steel stake found marking the northeasterly corner and POINT OF BEGINNING of this described tract;

THENCE continuing along the east line of this tract common with said west right-of-way line of Interstate Highway 35 common with the east line of said 47.74 acre tract, South 23°23'07" West, a distance of 348.50 feet to a ½ inch steel stake found for an angle point;

THENCE South 20°56'10" West, a distance of 48.20 feet to a calculated point for the apparent southeast corner of the herein described 7.38 acre tract;

THENCE departing said west right-of-way of Interstate Highway 35 common with the east line of this tract, and along the south line of this described tract, the following four (4) courses:

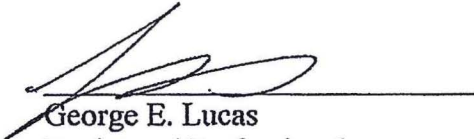
- 1). North 69°03'50" West, a distance of 250.00 feet to a calculated point for an angle point hereof;
- 2). South 20°56'10" West, a distance of 227.05 feet to a calculated point for an angle point;
- 3). South 12°13'17" West, a distance of 323.06 feet to a calculated point at an interior corner;

- 4). North  $80^{\circ}56'28''$  West, a distance of 508.82 feet to a calculated point lying on the east right-of-way line of Post Road (Hays County Road No. 140), a public street, for the southwest corner of this tract;

THENCE along the west line of this described tract common with the east right-of-way of said Post Road common with the east line of said 47.74 acre tract, the following two (2) courses:

- 1). North  $44^{\circ}05'17''$  East, a distance of 527.58 feet to a  $\frac{1}{2}$  inch steel stake for an angle point;
- 2). North  $44^{\circ}34'12''$  East, a distance of 605.88 feet to a  $\frac{1}{2}$  inch steel stake for the northwesterly corner of this described tract;

THENCE departing said east right-of-way line of Post Road (Hays County Road No. 140), along the north line of this tract, South  $70^{\circ}39'26''$  East, a distance of 263.65 feet to the POINT OF BEGINNING, containing 7.38 acres of land, more or less.



George E. Lucas  
Registered Professional  
Land Surveyor No. 4160  
State of Texas  
Date: December 18, 2012



FIELD NOTE DESCRIPTION FOR A 1.69 ACRE TRACT OF LAND, HAYS COUNTY, TEXAS, TRACT 3:

BEING A 1.69 ACRE TRACT OF LAND, LYING WITHIN THE JAMES W. WILLIAMS SURVEY, ABSTRACT NO. 473, AND BEING OUT OF THAT CERTAIN 47.74 ACRE TRACT CONVEYED BY GENERAL WARRANTY DEED TO PGI INVESTMENT, LLC, AS RECORDED IN DOCUMENT NO. 2012-12002993, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½ inch steel stake found marking the intersection of the west right-of-way line of Interstate Highway 35 and the cutoff from Post Road (Hays County Road 140), same being the northeasterly corner of that certain 47.74 acre tract conveyed to PGI Investment, LLC, as recorded in Document No. 2012-12002993, of the Official Public Records, Hays County, Texas, for the northeasterly corner of this described 1.69 acre tract;

THENCE southwest along the east line of this described tract common with said west right-of-way line of Interstate Highway 35 common with the east line of said 47.74 acre tract, the following two (2) courses:

- 1). South 10°10'35" West, a distance of 149.65 feet to a ½ inch stake found at an angle point;
- 2). South 19°44'31" West, a distance of 304.19 feet to a ½ inch steel stake found marking the southeast corner of the herein described 1.69 acre tract;

THENCE departing said west right-of-way of Interstate Highway 35 common with the east line of this tract, and along the south line of this described tract, North 70°39'26" West, a distance of 263.65 feet to a ½ inch steel stake lying on the east right-of-way line of Post Road (Hays County Road No. 140), a public street, for the southwest corner of this tract;

THENCE along the west line of this described tract common with the east right-of-way of said Post Road common with the west line of said 47.74 acre tract, North 42°42'56" East, a distance of 484.50 feet to a ½ inch steel stake found at the west end of the right-of-way cutoff between Post Road and Interstate Highway 35 for the northwesterly corner of said 47.74 acre tract and the northwesterly corner of this described tract;

THENCE along the north line of this tract common with the north line of said 47.74 acre tract and along the cutoff, South 78°52'17" East, a distance of 50.24 feet to the POINT OF BEGINNING, containing 1.69 acres of land, more or less.



George E. Lucas  
Registered Professional  
Land Surveyor No. 4160  
State of Texas  
Date: December 18, 2012



# Exhibit B

# Z-15-021

