

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF ASSIGNING ORIGINAL ZONING TO APPROXIMATELY 4.01 ACRES OF LAND FROM AGRICULTURE 'AG' TO RETAIL SERVICE DISTRICT 'RS' FOR PROPERTY LOCATED AT 1381 GOFORTH ROAD, IN HAYS COUNTY, TEXAS. (JOHN R. AND GAYLA SIMON – Z-16-013); 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 4.01 acres of land from Agriculture 'AG' to Retail Service District 'RS' for property located at 1381 Goforth Road, 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 Vetrano, City Secretary

EXHIBIT "A-1"

FIELD NOTE DESCRIPTION
OF A SURVEY
OF 1.22 ACRES OF LAND
OUT OF THE
JOHN STEWART LEAGUE
HAYS COUNTY, TEXAS

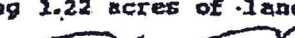
BEING A PORTION OF THAT 82.48 ACRE TRACT OF LAND CONVEYED TO DELVIN SIMON BY JOHNNY F. GRUENBEIN, ET UX, BY DEED DATED JUNE 19, 1965 AND RECORDED IN VOLUME 206, PAGE 294, HAYS COUNTY DEED RECORDS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO-WIT:

BEGINNING at an iron stake with aluminum cap marked "Pro-Tech Eng" set at a corner fence post, same being the north corner of that 3.00 acre tract of land conveyed to James C. Haverda by Delvin Simon by deed dated March 10, 1972 and recorded in Volume 249, Page 55, Hays County Deed Records, for the south corner of the tract herein described;
THENCE, leaving the said Haverda 3.00 acre tract, with fence, N 45 49' 00" E, 244.24 feet to a corner fence post for the east corner of the tract herein described;

THENCE, with fence, N 43 44' 49" W, at 196.30 feet passing the east corner of a proposed 20 foot road easement and continuing on, in all, 216.30 feet to a 60d spike with washer set in a 6" wood fence post for the north corner of the tract herein described, same being the north corner of the said proposed 20 foot road easement, and in the southeast line of that tract of land conveyed to Charles Schlemmer by Aline B. Schlemmer by deed dated June 27, 1972 and recorded in Volume 25, Page 272, Hays County Deed Records;

THENCE, with fence and the southeast line of the said Schlemmer tract, same being the northwest line of the said proposed 20 foot road easement, S 46 15' 59" W, 245.83 feet to an iron stake with aluminum cap marked "Pro-Tech Eng" set for the west corner of the tract herein described, same being the west corner of the said proposed 20 foot road easement and the north corner of an existing 20 foot road easement;

THENCE, leaving the said Schlemmer tract, with the southwest line of the said proposed 20 foot road easement and the northeast line of the said existing 20 foot road easement, S 44 10' 00" E, at 20.00 feet passing the south corner of the said proposed 20 foot road easement, and the east corner of the said existing 20 foot road easement, and continuing on, in all, 218.22 feet to the POINT OF BEGINNING containing 1.22 acres of land. Surveyed June 3, 1991.



Recorder's Note:
ORIGINAL DOCUMENT ILLEGIBLE

EXHIBIT "A-2"

2.79 acres of land out of the JOHN STEWART LEAGUE, ABSTRACT NO. FOURTEEN (14), and being a portion of that tract of 82.48 acres described in deed to DELVIN SIMON by JOHNNY F. GRUENSTEIN, ET UX, dated June 19, 1965, and recorded in Volume 200, Page 294, Hays County Deed Records, and being described by metes and bounds as follows:

BEGINNING at an iron stake found on the Northeast side of County Road for the South corner of the tract herein described, same being the West corner of that tract of 3.00 acres of land described in deed, dated March 10, 1972, to JAMES C. HAVERDA by DELVIN J. SIMON, and recorded in Volume 249, Page 55, Hays County Deed Records, and from which beginning corner the South corner of the said DELVIN SIMON 82.48 acre tract bears S. 44° 10' East 723.00 feet and the West corner of the said JOHN STEWART LEAGUE, A-14, bears N. 44° 10' West 1464.97 feet;

THENCE, leaving the said County Road, with the Northwest line of the said HAVERDA tract, N. 45° 11' East 600.00 feet to an iron stake found for the East corner of the tract herein described, same being the North corner of the said HAVERDA tract;

THENCE, leaving the said HAVERDA tract, N. 44° 10' West, at about 198.22 feet crossing the Northeast corner of a 20-foot road easement (not of record) and continuing on in all 218.22 feet to an iron stake set under fence for the North corner of the tract herein described, same being the North corner of the said 20-foot road easement, same being also on a Southeast line of that tract of land described in deed to CHARLES SCHLEMMER by ALINE E. SCHLEMMER, dated June 27, 1972, and recorded in Volume 251, Page 272, Hays County Deed Records;

THENCE, with fence and the Southeast line of the said SCHLEMMER tract, same being the Northwest line of the said 20-foot road easement, S. 45° 53' West 249.37 feet to an iron stake at base of corner fence post for a South corner of the said SCHLEMMER tract;

THENCE, continuing with fence and the Northwest line of the said 20-foot road easement, S. 42° 12' West 239.64 feet to an iron stake set on the East line of a County Road for the West corner of the tract herein described, same being the West corner of the said 20-foot roadway;

THENCE, with the East and Northeast sides of said County Road, the following courses numbered (1) through (2):

- (1) S. 16° 16' East, at about 23.47 feet crossing the South corner of the said 20-foot road easement and continuing on in all 194.42 feet;
- (2) S. 43° 35' East 37.00 feet to the PLACE OF BEGINNING, containing 2.79 acres of land

Recorder's Note:
ORIGINAL DOCUMENT ILLEGIBLE

Filed for Record in:
Hays County
On: Aug 23, 2006 at 03:27P
Document Number: 06025358
Amount: 28.00
Receipt Number - 154348
By,
Rose Robinson, Deputy
Lee Carlisle, County Clerk
Hays County

Exhibit B

1381 Goforth Rd

