

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF ASSIGNING ORIGINAL ZONING TO APPROXIMATELY 35.5 ACRES OF LAND FROM AGRICULTURE 'AG' TO PLANNED UNIT DEVELOPMENT 'PUD' FOR PROPERTY LOCATED AT 602 CREEKSIDE TRAIL, IN HAYS COUNTY, TEXAS. (LIFE'S JOURNEY HOSPICE AND PALLIATIVE CARE, LLC, SARAH FILES – Z-17-002); 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 35.5 acres of land from Agriculture 'AG' to Planned Unit Development 'PUD' for property located at 602 Creekside Trail, 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

LEGAL DESCRIPTION

DESCRIPTION OF A 35.528 ACRE TRACT OF LAND LOCATED IN THE M.B. ATKINSON SURVEY, ABSTRACT NO. 21, HAYS COUNTY, TEXAS, BEING ALL OF A 7.020 ACRE, 12.479 ACRE AND A 16.001 ACRE TRACT DESCRIBED IN A DEED TO TIMOTHY J. SMITH, RECORDED IN DOCUMENT NO. 201100009329, OFFICIAL PUBLIC RECORDS HAYS COUNTY, TEXAS, SAID 35.528 ACRE TRACT, AS DEPICTED ON THE ACCOMPANYING PLAT WHICH IS A PART HEREOF, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-inch iron rod found for a northeast corner of a called 199.34 acre tract of land as described in a deed to FC Sunset Ridge Limited Partnership of record in Volume 1631, Page 17 of the Official Public Records of Hays County, Texas, being also a west corner of a called 342.14 acre tract of land described in a deed to Walton Texas, LP of record in Volume 4399, Page 768 of the Official Public Records of Hays County, Texas, being also the southeast corner of the tract described herein;

THENCE along the northwest line of said 199.34 acre tract and the southeast line of said 16.001 acre tract the following two (2) courses and distances:

1. S 43°30'30" W, a distance of 1,182.46 feet to a 1/2-inch iron rod found, and
2. S 43°42'29" W, a distance of 352.10 feet to a 1/2-inch iron rod found for the east corner of a called 10.054 acre tract of land described in a deed to Isaias Cantu and Mary Alice Cantu of record in Volume 1637, Page 536 of the Official Public Records of Hays County, Texas, same being the north line of said 199.34 acre tract and the south corner of the tract described herein;

THENCE N 46°47'12" W, with the northeast line of said 10.054 acre tract and the southwest line of said 16.001 acre tract a distance of 419.59 feet to a 1/2-inch iron rod found for a west corner of said 16.001 acre tract, same being the northeast line of said 10.054 acre tract and the south corner of a called 3.71 acre tract of land as described in a deed to Oscar Huerta and wife, Maria Huerta of record in Volume 4189, Page 183 of the Official Public Records of Hays County, Texas and an angle point for the tract described herein;

THENCE leaving the northeast line of said 10.054 acre tract, with the southeast line of said 3.71 acre tract, N 43°08'01" E, a distance of 351.33 feet to a 1/2-inch iron rod found for a west corner of said 16.001 acre tract, same being the east corner of said 3.71 acre tract and an angle point for the tract described herein;

THENCE with the northeast line of said 3.71 acre tract, same being a west line of said 16.001 acre tract, N 46°49'24" W, a distance of 369.96 feet to a 1/2-inch iron rod found for the north corner of said 3.71 acre tract, same being the southeast corner of said 7.020 acre tract and the west line of said 16.001 acre tract and an angle point of the tract described herein;

THENCE along the southeast line of said 7.020 acre tract, same being the northwest line of said 3.71 acre tract the following three (3) courses and distances:

1. S 88°40'28" W, a distance of 79.29 feet to a 1/2-inch iron rod found,
2. S 54°46'27" W, a distance of 202.84 feet to a 1/2-inch iron rod found, and
3. S 81°50'51" W, a distance of 125.02 feet to a 1/2-inch iron rod found for the west corner of said 3.71 acre tract, same being the northeast line of said 10.054 acre tract, the south corner of said 7.020 acre tract and an angle point of the tract described herein;

THENCE N 46°41'07" W, with the southwest line of said 7.020 acre tract, passing at a distance of 29.30 feet a calculated point for the north corner of said 10.054 acre tract, same being the east corner of a called 3.66 acre tract of land described in a deed to William R. & Beverly C. Peeler of record in Volume 781, Page 27 of the Official Public Records of Hays County, Texas, continuing for a total distance of 192.42 feet to a 1/2-inch iron rod found in the northeast line of said 3.66 acre tract, same being the south corner of a called 10.04 acre tract of land described in a deed to Deborah Nazemi of record in Volume 4334, Page 291 of the Official Public Records of Hays County, Texas, the west corner of said 7.020 acre tract and an angle point of the tract described herein;

THENCE with the northwest line of said 7.020 acre tract, same being the southeast line of said 10.04 acre tract, N 44°03'19" E, a distance of 144.33 feet to a calculated point;

THENCE continuing with the northwest line of said 7.020 acre tract, N 43°41'15" E, passing at a distance of 134.26 feet a calculated point for the east corner of said 10.04 acre tract, same being the south corner of a called 10.04 acre tract of land described in a deed to Terrell K. Terhune and Susan E. Terhune of record in Volume 4348, Page 671 of the Official Public Records of Hays County, Texas, continuing for a total distance of 680.12 feet to a calculated angle point in the common line of said 7.020 acre tract and said 10.04 acre Terhune tract;

THENCE continuing with said common line, the following two (2) courses and distances:

1. N 43°38'12" E, a distance of 296.26 feet to a calculated angle point, and
2. N 43°20'20" E, a distance of 300.20 feet to a 1/2-inch iron rod found with cap stamped "5780" for the north corner of said 7.020 acre tract, same being the east corner of said 10.04 acre Terhune tract and the south line of said 342.14 acre tract;

THENCE leaving the east line of said 10.04 acre Terhune tract, along the south line of said 342.14 acre tract and the northeast line of the tract described herein the following seven (7) courses and distances:

1. S 77°21'09" E, a distance of 252.37 feet to a calculated point,
2. S 63°55'20" E, a distance of 213.27 feet to a wood fence post found for corner,
3. S 30°26'29" W, a distance of 87.30 feet to a calculated point,
4. S 32°16'22" W, a distance of 86.71 feet to a calculated point,

5. S 46°35'24" W, a distance of 90.61 feet to a 60d nail found in a fence post, and
6. S 61°21'33" E, a distance of 310.76 feet to a 1/2-inch iron rod with cap stamped "BYRN" found, and
7. S 61°26'20" E, a distance of 417.49 feet to the **POINT OF BEGINNING**, and containing 35.528 acres of land, more or less.

This survey of the 7.020 acre tract, the 12.517 acre tract and the 16.001 acre tract resulted in a total of 35.528 acres.

All bearings are based on the Texas State Plane Coordinate System, South Central Zone, NAD 83.

All distances are Grid Distances.

This property description is accompanied by a separate plat of even date.

THE STATE OF TEXAS

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KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS

That I, Derrick Mayfield, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, on the date shown below.

SURVEYING AND MAPPING, LLC
4801 Southwest Parkway
Building Two, Suite 100
Austin, Texas 78735
TX Firm Registration No. 10064300

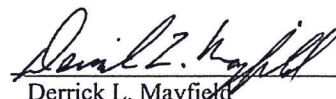
 11 Jan 2017
Derrick L. Mayfield Date
Registered Professional Land Surveyor
No. 6456 – State of Texas



Exhibit B

602 Creekside Trl

