

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 68.5 ACRES OF LAND FROM SINGLE FAMILY RESIDENTIAL- 2 "R-1-2" AND REZONE APPROXIMATELY 10.38 ACRES OF LAND FROM CENTRAL BUSINESS DISTRICT-1 "CBD-1" TO SINGLE FAMILY DETACHED RESIDENTIAL "R-1-A" FOR PROPERTY LOCATED ON THE WEST SIDE OF SCOTT STREET AT W. THIRD STREET, IN HAYS COUNTY, TEXAS. (BLANTON FAMILY LIMITED PARTNERSHIP – Z-16-010); 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 rezone approximately 68.5 acres of land from Single Family Residential 2 "R-1-2" and 10.38 acres of land from Central Business District -1 "CBD-1" to Single Family Detached Residential "R-1-A" for property located on the west side of Scott Street at W. Third Street, 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”

FIELD NOTES

BEING ALL THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE JOHN PHARASS SURVEY NUMBER 13, ABSTRACT NUMBER 361, AND THE Z. HINTON SURVEY 12, ABSTRACT NUMBER 220, SITUATED IN HAYS COUNTY, TEXAS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS BEING ALL OF THAT CERTAIN CALLED 74.487 ACRE TRACT OF LAND, CONVEYED TO THE BLANTON FAMILY LIMITED PARTNERSHIP IN VOLUME 2728, PAGE 242, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, (O.P.R.H.C.TX.), AND ALL OF THAT CERTAIN 4.391 ACRE TRACT OF LAND CONVEYED TO THE BLANTON FAMILY LIMITED PARTNERSHIP IN VOLUME 2844, PAGE 836 (O.P.R.H.C.TX.), SAID 78.881 ACRE TRACT OF LAND BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a ½" iron pipe found at a southern corner of said 74.487 acre tract, being also the easternmost corner of a 22.66 acre tract of land conveyed to Moorerood Properties in Volume 4898, Page 408 (O.P.R.H.C.TX.), and being also a point in the northwestern right-of-way line of Scott Road (R.O.W. Varies), for the **POINT OF BEGINNING** of the herein described tract,

THENCE, with the common boundary line of said 74.847 acre tract, and said 22.66 acre tract, the following two (2) courses and distances, numbered 1 and 2,

1. N46°20'37"W, a distance of 913.62 feet to a ½" iron pipe found, and
2. S42°00'01"W, a distance of 525.47 feet to a ½" iron rod found, being a southwestern corner of said 74.487 acre tract, being also a northwestern corner of said 22.66 acre tract, and being also the easternmost corner of a 3.56 acre tract of land conveyed to Judith Ann Freidman in Volume 1741, Page 750 (O.P.R.H.C.TX.),

THENCE, with the common boundary line of said 74.487 acre tract and said 3.56 acre tract, S86°46'03"W, a distance of 191.18 feet to a ½" iron rod found, being a southwestern corner of said 74.487 acre tract, being also a point in the northern boundary line of said 3.56 acre tract, and being also the easternmost corner of a 1.50 acre tract of land conveyed to Joseph W. and Judith A. Harper in Volume 2860, Page 501 (O.P.R.H.C.TX.),

THENCE, with the common boundary line of said 74.487 acre tract and said 1.50 acre tract, N00°23'20"W, a distance of 196.90 feet to a capped iron found stamped "Chaparral", being a southwestern corner of said 74.487 acre tract, being also the easternmost corner of said 4.391 acre tract, and being also the northernmost corner of said 1.50 acre tract,

THENCE, with the common boundary line of said 4.391 acre tract and said 1.50 acre tract, S89°20'32"W, a distance of 320.58 feet to a capped iron rod stamped "Chaparral", being the southernmost corner of said 4.391 acre tract, being also the westernmost corner of said 1.50 acre tract, and being also a point in the eastern right-of-way line of Old Stagecoach Road, also known as County Road 136 (R.O.W. Varies),

THENCE, with the common boundary line of said 4.391 acre tract and said Old Stagecoach Road, N00°40'14"W, a distance of 594.22 feet to a ½" iron rod found, being the westernmost corner of said 4.391 acre tract, being also a western corner of said 74.487 acre tract, and being also a point in the eastern right-of-way line of said Old Stagecoach Road,

THENCE, with the common boundary line of said 74.487 acre tract and said Old Stagecoach Road, N00°29'39"W, a distance of 155.03 feet to a ½" iron rod found, being the westernmost corner of said 74.487 acre tract, being also the southernmost corner of a 3.00 acre tract of land conveyed to Ray and Sharon Wolbrecht in Volume 1220, Page 285 (O.P.R.H.C.TX.), and being also a point in the eastern right-of-way line of said Old Stagecoach Road, for the westernmost corner of the herein described tract,

THENCE, with the common boundary line of said 74.487 acre tract and said 3.00 acre tract, the following two (2) courses and distances numbered 1 and 2,

1. N89°08'07"E, a distance of 320.66 feet to a ½" iron rod found, and
2. N00°53'21"W, a distance of 579.67 feet to a ½" iron rod found, being a northwestern corner of said 74.487 acre tract, being also the northernmost corner of said 3.00 acre tract, and being also the easternmost corner of a 3.27 acre tract of land conveyed to Christian and Diana Espiritu in Volume 5034, Page 689 (O.P.R.H.C.TX.),

THENCE, with the common boundary line of said 74.487 acre tract and said 3.27 acre tract, N44°39'40"W, a distance of 272.74 feet to a ½" iron pipe found, being the northernmost corner of said 74.487 acre tract, being also a point in the northeastern boundary line of said 3.27 acre tract, and being also a southwestern corner of a remainder of 8.26 acre tract of land conveyed to Thomas L Kaminski in Volume 1311, Page 20 (O.P.R.W.C.TX.), for the northernmost corner of the herein described tract,

THENCE, with the common boundary line of said 74.487 acre tract, said remainder of 8.26 acre tract, and a 1.00 acre tract of land conveyed to Veretta G. Lindsey, said 1.00 acre described in Volume 1311, Page 20 (O.P.R.H.C.TX.), S81°22'15"E, a distance of 1,221.03 feet to a capped ½" iron rod set stamped "CBD SETSTONE", being a northern corner of said 74.487 acre tract, being also the southernmost corner of said 1.00 acre tract, being also westernmost corner of Tract E of the Blas M. Tenorio Subdivision, a subdivision recorded in Volume 1, Page 69 of the Plat Records of Hays County, Texas, (P.R.H.C.TX.), and being also the northernmost corner of a 0.255 acre tract of land conveyed to Salvador Yzaguirre in Volume 359, Page 280 of The Deed Records of Hays County, Texas,

THENCE, with the common boundary line of said 74.487 acre tract and said 0.255 acre tract the following three (3) courses and distances, numbered 1 through 3,

1. S09°05'32"W, a distance of 75.03 feet to a ½" iron rod found,
2. S81°08'02"E, a distance of 148.39 feet to a ½" iron rod found, and
3. N09°31'41"E, a distance of 75.69 feet to a capped ½" iron rod set stamped "CBD SETSTONE", being a northern corner of said 74.487 acre tract, being also the easternmost corner of said 0.266 acre tract, and being also a point in the southern boundary line of said Blas M. Tenorio Subdivision,

THENCE, with the common boundary line of said 74.487 acre tract and said Blas M. Tenorio Subdivision, the following two (2) courses and distances, numbered 1 and 2,

1. S81°05'06"E, a distance of 406.34 feet to a capped ½" iron rod set stamped "CBD SETSTONE", and
2. S81°29'24"E, a distance of 506.39 feet to a ½" iron pipe found, being a northern corner of said 74.487 acre tract, being also the southernmost corner of said Blas M. Tenorio Subdivision, and being also the westernmost corner of Freeman Addition, a subdivision recorded in Vol. 2, Page 339 (P.R.H.C.TX.),

THENCE, with the common boundary line of said 74.487 acre tract and said Freeman Addition, the following two (2) courses and distances, numbered 1 and 2,

1. S81°18'35"E, a distance of 309.54 feet to a capped ½" iron rod set stamped "CBD SETSTONE", and
2. N08°22'35"E, a distance of 246.29 feet to a capped ½" iron rod set stamped "CBD SETSTONE", being a northern corner of said 74.487 acre tract, being also the easternmost corner of said Freeman Addition, and being also a point in the southern boundary line of a 0.257 acre tract of land conveyed to Jaime Sanchez in Volume 2247, Page 183 (O.P.R.H.C.TX.),

THENCE, with the common boundary line of said 74.487 acre tract, said 0.258 acre tract, and a 0.79 acre tract of land conveyed to Jaime and Velaquez Sanchez in Document Number 9917602 (O.P.R.H.C.TX.), S81°29'00"E, a

distance of 80.00 feet to a capped ½" iron rod set stamped "CBD SETSTONE", being the easternmost corner of said 74.487 acre tract, being also a point in the southern boundary line of said 0.79 acre tract, and being also the northernmost corner of Sledge Addition, a subdivision recorded in Volume 17, Page 222 of (P.R.H.C.TX.), for the easternmost corner of the herein described tract,

THENCE, with the common boundary line of said 74.487 acre tract, said Sledge Addition, and Kyle Community Library Subdivision, a subdivision recorded in Volume 16, Page 12 (P.R.H.C.TX.), the following two (2) courses and distances, numbered 1 and 2,

1. S08°22'35"W, a distance of 489.03 feet to a capped ½" iron rod set stamped "CBD SETSTONE", at a point of curvature to the left, and
2. with said curve to the left, having a radius of 1,000.00 feet, an arc length of 283.01 feet, and whose chord bears S16°29'02"W, a distance of 282.06 feet to a capped ½" iron rod set stamped "CBD SETSTONE", being an eastern corner of said 74.487 acre tract, being also the southernmost corner of said Kyle Community Library Subdivision, and being also a point in the northwestern right-of-way line of said Scott Road,

THENCE, with the common boundary line of said 74.487 acre tract and said Scott Road, the following four (4) courses and distances, numbered 1 through 4,

1. S43°16'09"W, a distance of 1,219.05 feet to a ½" iron rod found,
2. S50°38'22"W, a distance of 241.74 feet to a ½" iron pipe found, for the southernmost corner of the herein described tract,
3. N86°49'37"W, a distance of 77.45 feet to a capped ½" iron rod set stamped "CBD SETSTONE", and
4. S85°47'35"W, a distance of 12.91 feet to the **POINT OF BEGINNING** and containing 78.881 acres of land.

Surveyed by: _____



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BEARING BASIS: TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE (4203)

Exhibit B

Blanton Family Limited Partnership (Z-16-010)

