

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 52.990 ACRES OF LAND FROM SINGLE FAMILY RESIDENTIAL 2 'R-1-2' TO SINGLE FAMILY RESIDENTIAL 3 'R-1-3' FOR PROPERTY LOCATED ON THE NORTH SIDE OF BEBEE ROAD, ¼ MILE WEST OF DACY LANE, IN HAYS COUNTY, TEXAS. (THE MEADOWS AT KYLE II, LTD. – Z-16-009); 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 52.990 acres from Single Family Residential 2 'R-1-2' to Single Family Residential 3 'R-1-3' for property located on the north side of Bebee Road, ¼ mile west of Dacy Lane, 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:

A DESCRIPTION OF A 52.990 ACRES (APPROXIMATELY 2,308,252 S.F.) TRACT OF LAND IN THE T. J. ALLEN SURVEY, ABSTRACT NO. 26, AND THE ELISHA PRUETT SURVEY, ABSTRACT NO. 376 IN HAYS COUNTY, TEXAS, BEING A PORTION OF A 56.01 ACRE TRACT OF LAND CONVEYED TO PAULA JOY EDWARDS (BENEFICIARY) BY SUBSTITUTE TRUSTEE'S DEED, DATED DECEMBER 6, 1988, RECORDED IN VOLUME 761, PAGE 671 OF THE REAL PROPERTY RECORDS OF HAYS COUNTY, TEXAS; SAID 52.990 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" rebar with cap found for the southeast corner of the remainder of the 56.01 acre tract, being also the northeast corner of a 0.569 acre tract recorded in Volume 1193, Page 425, of the Real Property Records of Hays County, Texas and the north right-of-way line of County Road 122 (BeBee Road)(right-of-way width varies) from which a 1/2" iron rod found with cap bears for reference South 24°32'45" West, a distance of 80.00 feet and South 55°23'21" East, a distance of 1008.46 feet;

THENCE North 65°26'31" West, along the south line of the remainder of the 56.01 acre tract, being also the north line of the 0.569 acre tract and the north right-of-way line of County Road 122, a distance of 890.19 feet to a 1/2" rebar with cap found for the beginning of a non-tangent curve to the left;

THENCE with the common line of the remainder of the 56.01 acre tract, the 0.569 acre tract and the right-of-way line of County Road 122; 69.60 feet along the arc of said curve to the left, having a radius of 498.37 feet, and through a central angle of 08°00'08", the chord of which bears North 69°26'34" West, a distance of 69.55 feet to a 1/2" rebar found, for the southeast corner of the remainder of the 56.01 acre tract, being also in the north line of the 0.569 acre tract, the north right-of-way line of County Road 122, and the southeast corner of a 2.49 acre tract recorded in Document No. 9927222, of the Official Public Records of Hays County, Texas, from which a 1/2" rebar found bears South 24°32'45" West, a distance of 80.19 feet and along a chord bearing South 69°07'06" West, a distance of 596.06 feet;

THENCE leaving the north line of the 0.569 acre tract and the north right-of-way line of County Road 122, along the common line of the remainder of the 56.01 acre tract and the 2.49 acre tract, the following four (4) courses:

1. North 20°56'35" East, a distance of 10.08 feet to a 1/2" rebar found;
2. North 35°39'07" West, a distance of 208.30 feet to a 1/2" rebar with cap set;
3. North 22°29'03" East, a distance of 230.14 feet to a 1/2" rebar with cap set;
4. North 65°30'06" West, a distance of 265.22 feet to a 1/2" rebar found for the southwest corner of the remainder of the 56.01 acre tract, being also the northwest corner of the 2.49 acre tract, and in the east line of a 25.98 acre tract recorded in Volume 2835, Page 819, of the Deed Records of Hays County, Texas, from which a 60d nail found in a fence post bears South 21°11'09" West, a distance of 364.54 feet;

THENCE North 21°13'05" East, with the west line of the 56.01 acre tract, being also in part the east line of the 25.98 acre tract and in part the east line of Amberwood Phase One Subdivision, a subdivision of record in Volume 10, Page 351, of the Plat Records of Hays County, Texas, passing at 703.58 feet a 1/2" rebar found for the common corner of the 25.98 acre tract and Amberwood Phase One and continuing for a total distance of 1451.66 feet to a 1/2" rebar found for the northwest corner of the 56.01 acre tract, being also the northeast corner of Amberwood Phase One and in the south line of Amberwood Phase Three Subdivision, a subdivision of record in Volume 11, Page 147, of the Plat Records of Hays County, Texas;

THENCE South 76°09'40" East, along the north line of the 56.01 acre tract and the south line of Amberwood Phase Three, a distance of 1,140.02 feet to a 1/2" rebar found for the northeast corner of the 56.01 acre tract, being also in the south line of Amberwood Phase Three and the northwest corner of Sunflower Acres, a subdivision of record in Volume 10, Page 351, of the Plat Records of Hays County, Texas, from which a 1/2" rebar found bears South 76°52'25" East, a distance of 60.49 feet;

THENCE South 13°49'37" West, along the east line of the 56.01 acre tract, being also in part the west line of Sunflower Acres, the west line of a 13.51 acre tract recorded in Volume 2122, Page 104, of the Deed Records of Hays County, Texas and the west line of a 15.00 acre tract recorded in Volume 354, Page 167, of the Deed Records of Hays County, Texas, a distance of 2,035.23 feet to the POINT OF BEGINNING, containing an area of 52.990 acres of land, more or less.

Exhibit B

Meadows At Kyle II, Ltd. (Z-16-009)

