

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

AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 3.93 ACRES OF LAND FROM WAREHOUSE DISTRICT 'W' TO RETAIL SERVICE DISTRICT 'RS' FOR PROPERTY LOCATED AT 400 WINDY HILL ROAD, IN HAYS COUNTY, TEXAS. (ANSAR AND ALI CHMEIS - Z-17-006); 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 3.93 acres of land from Warehouse District 'W' to Retail Service District 'RS' for property located at 400 Windy Hill 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"

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BEING A PORTION OF AN 8.594 ACRES TRACT DESCRIBED IN DOCUMENT No. 9928273 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS AND A 0.939 ACRE AND A 0.500 ACRE TRACT BOTH DESCRIBED IN DOCUMENT No. 06027086 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS:

BEGINNING at an iron rod found in the West right-of-way line of Old County Road No. 131 (a.k.a. Windy Hill Road, R.O.W. width varies), for the southeast corner of said 0.939 acre tract and being in the north line of Lot 16, Amberwood Phase 4, a subdivision of record in Volume 11, Page 306 of the Plat Records of Hays County, Texas;

THENCE N 85° 51' 07" W with the south line of the 0.939 acre tract and said 0.500 acre tract and said 8.594 acre tract, also being the north line of said Amberwood Phase 4 subdivision, Amberwood Phase Two subdivision, a subdivision of record in Volume 10, Page 349 of the Plat Records of Hays County, Texas and South Corridor Park Phase 1, a subdivision of record in Volume 11, Page 264 of the Plat Records of Hays County, Texas, a distance of 1056.63 feet to an iron rod found for the southwest corner of the 8.594 acre tract and the southeast corner of a tract described in Volume 3260, Page 672 of the Deed Records of Hays County, Texas;

THENCE N 25° 02' 00" E (Bearing Basis) with the west line of the 8.594 acre tract and the east line of said tract described in Volume 3260, Page 672 of the Deed Records of Hays County, Texas, a distance of 220.28 feet to an iron rod set;

THENCE over and across the 8.594 acre tract and the 0.939 acre tract, the following two (2) courses:

1. S 86° 54' 35" E a distance of 774.39 feet to an iron rod set;
2. N 85° 12' 52" E a distance of 103.59 feet to an iron rod set in the west right-of-way line of said Old County Road No. 131 and the east line of the 0.939 acre tract;

THENCE with the west right-of-way line of Old County Road No. 131 and the east line of the 0.939 acre tract, the following two (2) courses:

1. S 00° 35' 00" E a distance of 174.33 feet to an iron rod found;
2. S 50° 12' 11" E a distance of 107.17 feet to the POINT OF BEGINNING, containing 4.62 acres of land, more or less.

*Mark C. Brown*

03-21-08



MARK C. BROWN  
R.P.L.S. 5059

DATE



Z-17-006      400 Windy Hill Rd

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