

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

AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 0.5 ACRES OF LAND FROM CONSTRUCTION MANUFACTURING 'CM' TO COMMUNITY COMMERCIAL 'CC' FOR PROPERTY LOCATED 1408 W. CENTER STREET, IN HAYS COUNTY, TEXAS. (ANDREW CIPTO – Z-17-010); 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 0.5 acres of land from Construction Manufacturing 'CM' to Community Commercial 'CC' for property located 1408 W. Center 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 NOTE DESCRIPTION

OF  
A SURVEY OF  
0.50 ACRES OF LAND  
OUT OF THE

JOHN PHARASS SURVEY NO. 13

CITY OF KYLE

HAYS COUNTY, TEXAS

437 331

BEING THAT 1/2 ACRE TRACT OF LAND AS CONVEYED TO ERIC WARREN BY JAMES D. CLARKE AND LOYCE E. CLARKE BY DEED DATED JULY 14, 1970, AND RECORDED IN VOLUME 238, PAGE 41, HAYS COUNTY DEED RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO-WIT:

BEGINNING at an iron stake found on the North line of Center Street, same being a Southwest corner of a tract of land conveyed to Farris-Fleet by Loyce Clarke and James D. Clarke by deed dated May 26, 1981, and recorded in Volume 358, Page 891, Hays County Deed Records, for the Southeast corner of the tract herein described;

THENCE, leaving the said Farris-Fleet tract, with the North line of the said Center Street, N 83 29' W, 105.39 feet to an iron stake with an aluminum cap (marked "Pro-Tech Eng") set at a fence post at the Southeast corner of a 17.5 acre tract of land as conveyed to C. J. Borchert by J. C. Carpenter by deed dated January 30, 1901 and recorded in Volume 40, Page 460, Hays County Deed Records, for the Southwest corner of the tract herein described;

THENCE, leaving the said Center Street, with wire fence, the East line of the said 17.5 acre Borchert tract, N 12 57' W, 200.32 feet to a point in the said wire fence for the Northwest corner of the tract herein described, same being the most Northerly Southwest corner of the aforementioned Farris-Fleet tract;

THENCE, leaving the said 17.5 acre Borchert tract and said wire fence, N 77 44' E, at about 1.92 feet passing a iron stake found, said iron stake found having been called in said deed to Farris-Fleet as a corner of said Farris-Fleet tract and called for in said deed as having been set in a fence line in the East line of said Borchert 17.5 acre tract, and continuing on, in all, a distance of 101.93 feet to an iron stake found, a re-entrant corner of the said Farris-Fleet tract, for the Northeast corner of the tract herein described;

THENCE, with a West line of the said Farris-Fleet tract, S 12 19' E, 234.27 feet to the POINT OF BEGINNING containing 0.50 acres of land. Surveyed April 24, 1984.

By Darrel Sutton  
Darrel Sutton  
Registered Public Surveyor #1927



# Exhibit B

Z-17-010 1408 W. Center St

