

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 38.78 ACRES OF LAND FROM ENTERTAINMENT DISTRICT 'E' TO WAREHOUSE DISTRICT 'W' FOR PROPERTY LOCATED AT 24801 N. IH-35, IN HAYS COUNTY, TEXAS. (FM 158 LAND, LTD. – Z-17-012); 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 38.78 acres of land from Entertainment District 'E' to Warehouse District 'W' for property located at 24801 N. IH-35, 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

To DEED OF TRUST

LEGAL DESCRIPTION

Filed for Record in:
Hays County
On: Dec 21, 2007 at 02:24P
Document Number: 70036288
Amount: 24.00
Receipt Number - 185229
By:
Olga Martinez, Deputy
Linda C. Fritscher, County Clerk
Hays County

A 38.7834 acre tract out of the James W. Williams Survey No. 11 in Hays County, Texas being the same tract recorded in Vol. 1387, page 705 of the Official Records of Hays County, Texas. Said tract being more particularly described by metes and bounds as follows:

Beginning at a ½" iron pin found on the East ROW of Interstate Highway 35 being the North corner of a 132.01 acre tract recorded in Vol. 1495, page 638 of the Official Records of Hays County, Texas for the West corner of this tract and the point of beginning;

Thence N 12° 17' 43" E with the East ROW of Interstate Highway 35, 129.16 feet to a ½" iron pin found being the West corner of a 19.50 acre tract recorded in Vol. 1409, page 75 of the Official Records of Hays County, Texas;

Thence S 46° 03' 46" E, 886.34 feet to a fence post found being the South corner of said 19.50 acre tract;

Thence N 43° 54' 47" E, passing the East corner of said 19.50 acre tract, also being the South corner of a 10.50 acre tract recorded in Vol. 1425, page 670 the Official Records of Hays County, Texas, in all a distance of 1057.15 feet to a chain link fence post found being on the Southwest line of a 44.83 acre tract recorded in Vol. 220, page 406 the Official Records of Hays County, Texas;

Thence S 45° 58' 18" E, 1366.82 feet to a chain link fence post found at the South corner of said 44.83 acre tract, also being a corner of said 132.01 acre tract for the East corner of this tract;

Thence with the north line of said 132.01 acre tract the following two (2) courses:

- 1) S 43° 47' 38" W, 1165.41 feet to a chain link fence post found for the South corner of this tract;
- 2) N 46° 03' 01" W, 2187.87 feet to the point of beginning.

Exhibit B

Z-17-012

24801 IH 35

38.8 Acres

