

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY .30 ACRES OF LAND FROM SINGLE FAMILY RESIDENTIAL 'R-1' TO RETAIL SERVICE DISTRICT 'RS' FOR PROPERTY LOCATED AT 901 N. OLD HIGHWAY 81, IN HAYS COUNTY, TEXAS. (JOE R. CASTILLO, TRUSTEE OF MARIA CASTILLO LIFE ESTATE c/o CASTILLO REAL PROPERTY TRUST – Z-17-013); 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 .30 acres of land from Single Family Residential 'R-1' to Retail Service District 'RS' for property located at 901 N. Old Highway 81, 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

TRACT I:

A tract of land containing one (1) acre, more or less, part of and out of the Z. HINTON SURVEY, Hays County, Texas, and being more particularly described by notes and bounds as follows:

BEGIN at the east corner of a tract of land of 2.5 acres that was conveyed to Audallo Cortes by Arthur Schmeltekopf and Meta Schmeltekopf by a deed dated April 19, 1937 and recorded in Volume 114, Pages 365-366 of the Deed Records of Hays County, Texas, to which deed and the record thereof reference is here made and the same is made a part hereof for any pertinent purpose;

THENCE South 27 degrees 37' West 436 feet to a point for corner, which point and corner is the east corner of the tract of land hereby described;

THENCE North 45 degrees West 208 feet to a point for corner, which point and corner is the north corner of the tract of land hereby described;

THENCE South 27 degrees 37' West 208 feet to a point for corner, which point and corner is the west corner of the tract of land hereby described;

THENCE South 45 degrees East 208 feet to a point for corner, which point and corner is the south corner of the tract of land hereby described;

THENCE North 27 degrees 37' East 208 feet to the PLACE OF BEGINNING, making the tract of land hereby described to be 208 feet on each of all four sides.

The land above described is the same tract of land conveyed to Jose B. Castillo, Jr. by deed dated May 6, 1943, and recorded in Volume 140, Pages 583-584 of the Deed Records of Hays County, Texas.

TRACT II:

A tract of land, part of and out of the Z. HINTON SURVEY, Hays County, Texas, part of a one (1) acre tract of land, more or less, conveyed by and described in a deed from Oscar Escobar et ux to J.M. Romo et ux, dated June 24, 1946, recorded in Volume 135, Pages 177-179 of the Deed Records of Hays County, Texas. The land hereby conveyed is 70 feet wide and 208 feet long and is the most southerly portion of that one acre tract conveyed by Escobar to Romo by the above mentioned deed, the land hereby described having a frontage of 70 feet on the southwestern side of Texas State Highway No. 2, now known as Interstate Highway No. 35, and extends back between parallel lines 208 feet from the said line of said Highway and the most southerly one of the two parallel lines coincides with the most southerly line of the said one acre tract above mentioned.

The property hereby described is the same property conveyed to Jose Castillo and Maria Castillo by deed dated July 26, 1956, recorded in Volume 168, Pages 472-473 of the Deed Records of Hays County, Texas.

Clerk's Note: At the time of recordation this instrument was found to be inadequate for the best reproduction, because of illegibility, carbon of photocopy, discolored paper, etc. All blackouts, additions and changes were present at the time the instrument was filed.

Exhibit B

Z-17-013

901 N Old Hwy 81

0.3 Acres

