

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

AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 0.76 ACRES OF LAND FROM RETAIL SERVICE DISTRICT 'RS' TO COMMUNITY COMMERCIAL 'CC' FOR PROPERTY LOCATED AT 301 REBEL DRIVE, IN HAYS COUNTY, TEXAS. (JOSE AND MARIA DIOCARES – Z-17-020); 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 0.76 acres of land from Retail Service District 'RS' to Community Development 'CC' for property located at 301 Rebel Drive, 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.

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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.

\_\_\_\_\_  
Travis Mitchell, Mayor

ATTEST:

\_\_\_\_\_  
Jennifer Vetrano, City Secretary

## EXHIBIT "A"

FIELD NOTE DESCRIPTION OF A SURVEY OF 0.76 ACRES OF LAND OUT OF THE JOHN PHARASS SURVEY NO. 13, CITY OF KYLE, HAYS COUNTY, TEXAS, BEING A PORTION OF THAT TRACT OF LAND CONVEYED TO LOYCE E. CLARKE AND JAMES D. CLARKE BY ALLINE H. ROGERS AND GUY ROGERS BY DEED DATED MAY 1, 1947, AND RECORDED IN VOLUME 138, PAGE 236, HAYS COUNTY DEED RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO-WIT:

BEGINNING at an iron stake set under fence on the West line of F.M. Highway No. 150 for the Southeast corner of the tract herein described, same being the Northeast corner of that 2.01 acre tract of land conveyed to the City of Kyle by Loyce E. Clarke, et al, by deed dated November 10, 1949, and recorded in Volume 145, Page 51, Hays County Deed Records;

THENCE leaving the said F.M. Highway No. 150, with fence, the North line of the said City of Kyle 2.01 acre tract, North 79°46' West, 202.48 feet to an iron stake set at the Northwest corner of the said City of Kyle 2.01 acre tract, same being a Northeast corner of that 19.824 acre tract of land conveyed to Paul Jones by Loyce E. Clarke et al, by deed dated April 15, 1981, and recorded in Volume 357, Page 161, Hays County Deed Records;

THENCE leaving the said City of Kyle 2.01 acre tract, with fence, a Northeast line of the said Jones 19.824 acre tract, North 65°31' West, 122.72 feet to an iron stake found at a corner fence post at the South corner of that 1.39 acre tract of land conveyed to George P. Vaughan by Loyce E. Clarke et al, by deed dated July 17, 1954, and recorded in Volume 199, Page 627, Hays County Deed Records, for the Southeast corner of the tract herein described, same being a re-entrant corner of the said Jones 19.824 acre tract;

THENCE leaving the said Jones 19.824 acre tract, with fence, the Southeast line of the said Vaughan 1.39 acre tract, North 63°43' East, 277.82 feet to an iron stake found at a corner fence post on the West line of the aforementioned F.M. Highway No. 150 for the North corner of the tract herein described, same being the East corner of the said Vaughan 1.39 acre tract;

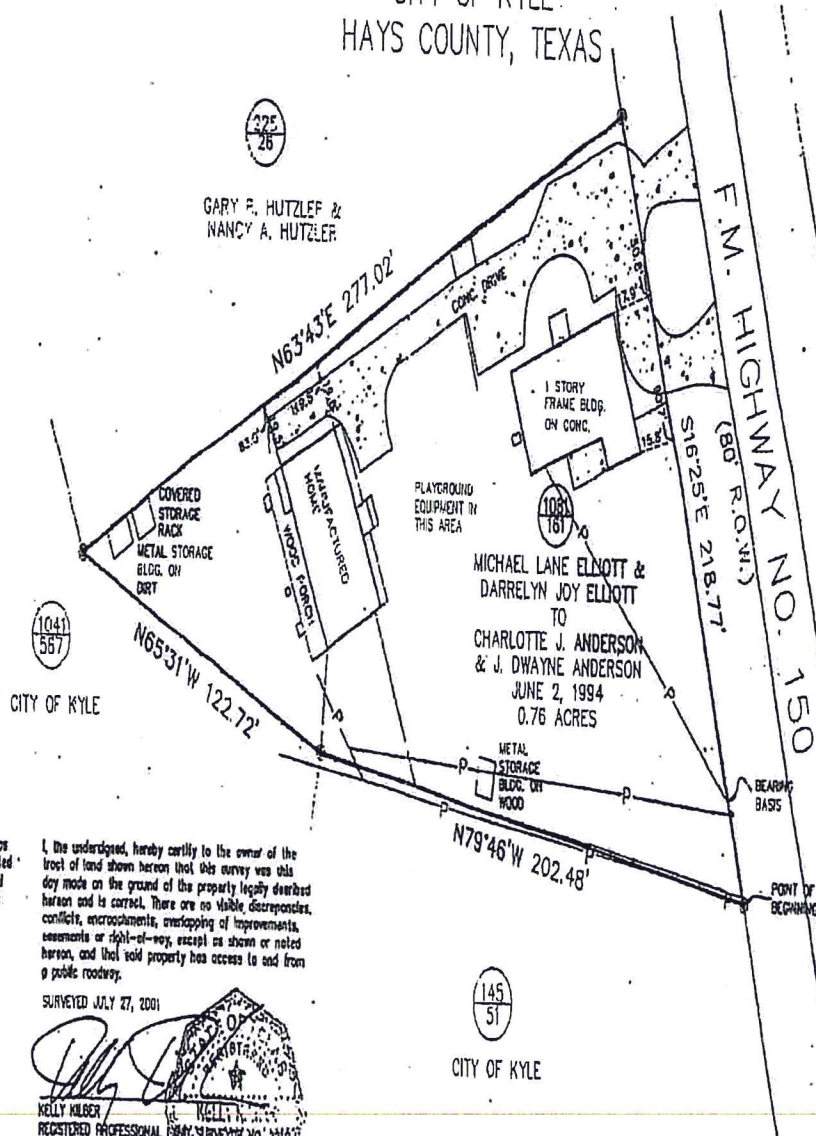
THENCE leaving fence, the said Vaughan 1.39 acre tract, with the West line of the said F.M. Highway No. 150, South 16°25' East 218.77 feet to the POINT OF BEGINNING, CONTAINING 0.76 acres of land.



MAP OF A SURVEY OF  
0.76 ACRES OF LAND IN THE  
JOHN PHARASS SURVEY, ABSTRACT #361  
CITY OF KYLE  
HAYS COUNTY, TEXAS

**LEGEND**

- ⊙ IRON STAKE FOUND
- ⊙ IRON PIPE FOUND
- X- FENCE LINE
- ⊙ HAYS COUNTY DEED RECORDS
- P- OVERHEAD UTILITY LINE



GARY P. HUTZLER &  
NANCY A. HUTZLER

MICHAEL LANE ELLIOTT &  
DARRELYN JOY ELLIOTT  
TO  
CHARLOTTE J. ANDERSON  
& J. DWAYNE ANDERSON  
JUNE 2, 1994  
0.76 ACRES

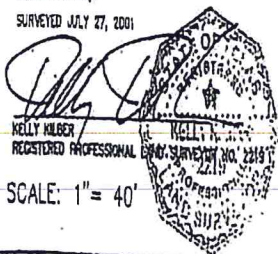
STREET ADDRESS IS 301 REBEL DRIVE

**FLOOD INSURANCE RATE NOTE:**

The tract of land shown hereon lies within Zone "X", areas shown to be outside the 500-year flood plain as delineated on the Flood Insurance Rate Map (FIRM) Community Panel Number 481103 0165 E, dated February 16, 1994, for the City of Kyle, Hays County, Texas.

I, the undersigned, hereby certify to the owner of the tract of land shown hereon that this survey was this day made on the ground of the property legally described hereon and is correct. There are no visible discrepancies, conflicts, encroachments, overlapping of improvements, easements or right-of-way, except as shown or noted hereon, and that said property has access to and from a public roadway.

SURVEYED JULY 27, 2001



SCALE: 1" = 40'

E.O. 13864 JOB 11445  
FB: 486 PG: 6  
PLAN No. 6695  
P:\11445\PROJ\PHOTO\PLANS



**PRO-TECH  
ENGINEERING  
GROUP**

INCORPORATED  
100 E. San Antonio St., Suite 100  
San Marcos, TX. 78666  
(512) 353-3335

# Exhibit B

Z-17-020    301 Rebel Dr    0.76 Acres

