

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 14.36 ACRES OF LAND FROM RETAIL SERVICE DISTRICT 'RS' TO MULTI-FAMILY RESIDENTIAL-3 'R-3-3' FOR PROPERTY LOCATED WITHIN THE 3400 BLOCK OF KYLE CROSSING, IN HAYS COUNTY, TEXAS. (STERLING/BABCOCK & BROWN, LP – Z-17-0026); 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 14.36 acres of land from Retail Service District 'RS' to Multi-Family Residential-3 'R-3-3' for property located within the 3400 Block of Kyle Crossing, 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 _____, 2018, 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 _____, 2018, 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 _____, 2018.

Travis Mitchell, Mayor

ATTEST:

Jennifer Vetrano, City Secretary



Cunningham | Allen

Exhibit "A"
14.360 Acres

FIELD NOTE DESCRIPTION

DESCRIPTION OF A 14.360 ACRES TRACT OF LAND BEING A PART OF LOT 1-A, BLOCK A, SECOND REPLAT OF KYLE TOWNE CENTER, LOT 1, BLOCK A, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 17, PAGE 317, PLAT RECORDS OF HAYS COUNTY, TEXAS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a 1/2 inch iron rod found in the east right of way line of Kyle Crossing (County Road No. 210) and west line of said SECOND REPLAT OF KYLE TOWNE CENTER, LOT 1, BLOCK A, at an interior corner of said Lot 1-A and the northwest corner of Lot 1-B, Block A of said SECOND REPLAT OF KYLE TOWNE CENTER, LOT 1, BLOCK A;

THENCE, with the common line of said east right of way line and west line of said lot 1-A, the following three (3) courses and distances:

1. North 17°08'28" East, a distance of 29.69 feet to a 1/2 inch iron rod found at the beginning of a curve to the left;
2. With said curve to the left, having a radius of 5040.00 feet, an arc length of 798.57 feet, a delta angle of 09°04'42" and a chord bearing and distance of North 12°35'59" East, 797.73 feet, to a 1/2 inch iron rod found at the end of said curve;
3. North 08°03'39" East, a distance of 296.26 feet to a 1/2 inch iron rod found in the south line of that tract of land conveyed to 3700 Kyle Crossing LLC in a deed recorded in Volume 4204, Page 678, of the Official Public Records of Hays County, Texas, for the northwest corner of said Lot 1-A;

THENCE, with the north line of said Lot 1-A the following three (3) courses and distances:

1. South 82°08'50" East, a distance of 583.51 feet to a 1/2 inch iron rod found;
2. South 07°35'15" West, a distance of 61.38 feet to a 1/2 inch iron rod found;
3. South 82°20'33" East, a distance of 24.52 feet to a point;

THENCE, South 17°10'22" West, departing the north line of and over and across said Lot 1-A, a distance of 1139.76 feet to a point in the westerly line of said Lot 1-A and north line of said Lot 1-B;

THENCE, North 74°37'28" West, with the common line of said Lot 1-A and Lot 1-B, a distance of 499.92 feet to the POINT OF BEGINNING containing 14.360 acres of land within these metes and bounds.

Cunningham | Allen, Inc. • Engineers • Surveyors

3103 Bee Cave Road, Suite 202 • Austin, Texas 78746-6819 Tel: (512) 327-2946 • Fax: (512) 327-2973 •

TBPE FIRM #: F-284 / TBPLS FIRM #: 10000900

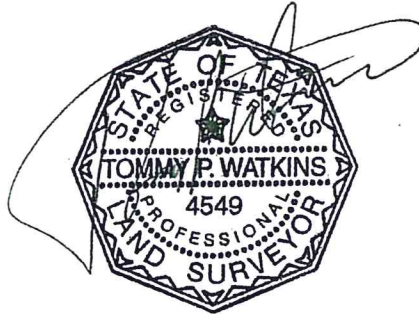
Handwritten:
5/3/18

Bearings are based on the Texas Coordinate System of 1983, South Central Zone (NAD_83 (2011)). All distances and coordinates were adjusted to the surface using a surface adjustment factor of 1.0000950254. (surface = grid x surface adjustment factor)

THE STATE OF TEXAS §
 § KNOWN ALL MEN BY THESE PRESENT
COUNTY OF TRAVIS §

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas on this 3rd of May, 2018, A.D.

Tommy P. Watkins, R.P.L.S.
Texas Registration No. 4549



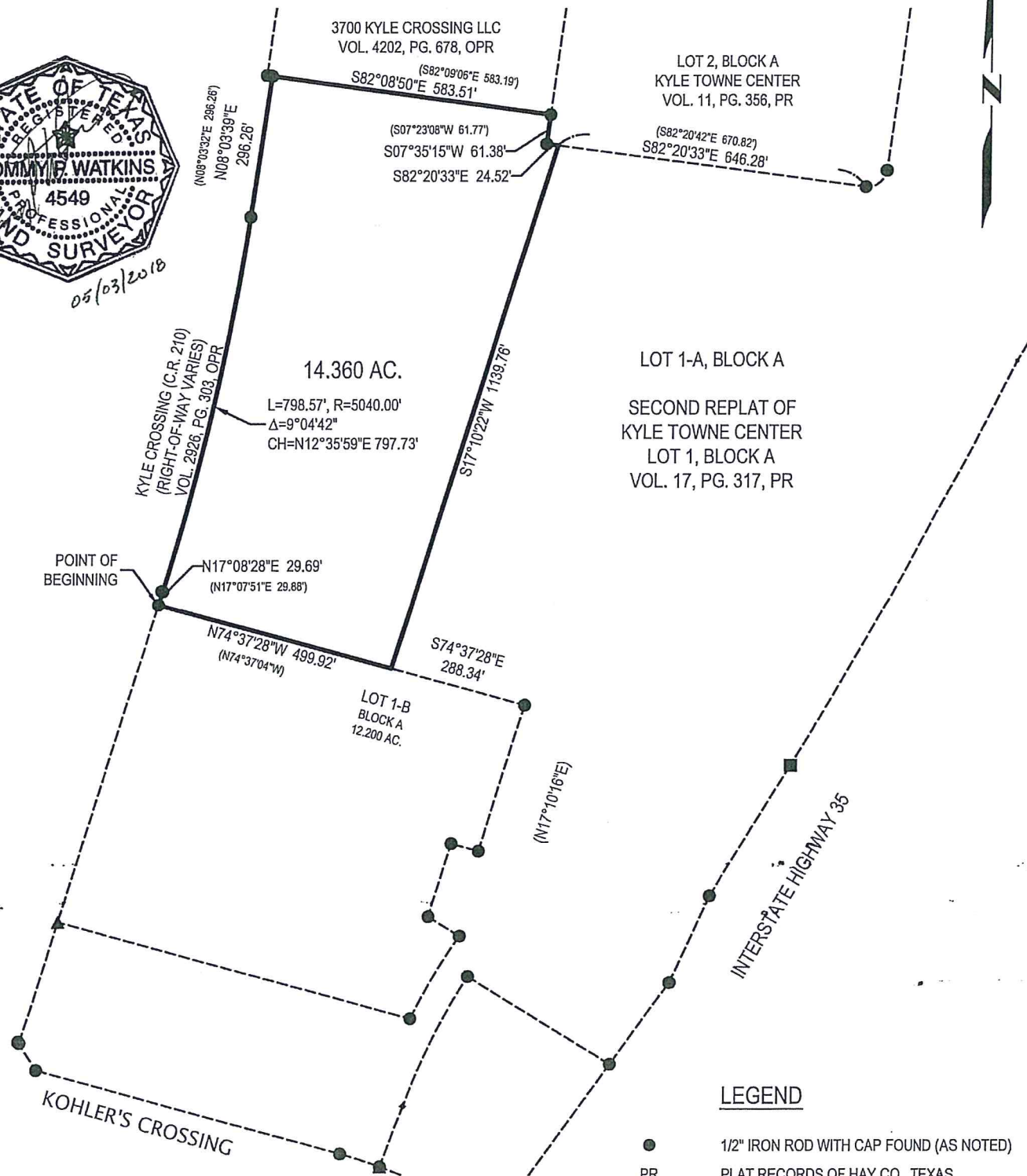
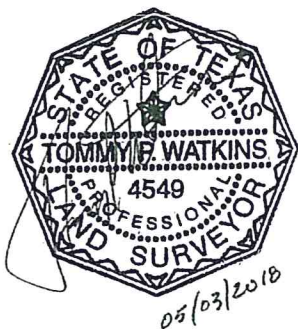
SKETCH TO ACCOMPANY DESCRIPTION

14.360 ACRES
SHEET 3 OF 3

GRAPHIC SCALE



(IN FEET)
1 inch = 300 ft.



LEGEND

- 1/2" IRON ROD WITH CAP FOUND (AS NOTED)
- PR PLAT RECORDS OF HAY CO., TEXAS
- OPR OFFICIAL PUBLIC RECORDS OF HAY CO., TEXAS

CA
Cunningham|Allen

Engineers • Surveyors

FIRM REG: TBPE F-284; TEPLS 10000900

COPYRIGHT 2018 CUNNINGHAM-ALLEN, INC.

3103 Bee Cave Road
Suite 202
Austin, Texas 78746
Tel.: (512) 327-2946
Fax: (512) 327-2973

Exhibit B

Z-18-00026

3400 Block of Kyle Crossing

14.36 Acres

