

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 0.1417 ACRES OF LAND FROM HEAVY INDUSTRIAL 'HI' TO NEIGHBORHOOD COMMERCIAL FOR PROPERTY LOCATED AT 405 S. OLD HIGHWAY 81, IN HAYS COUNTY, TEXAS. (HECTOR VILLALPANDO AND PATRICIA MARQUEZ – Z-19-0039); 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 0.1417 acres of land from Heavy Industrial 'HI' to Neighborhood Commercial 'NC' located at 405 S. 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 _____, 2019, 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 _____, 2019, 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 _____, 2019.

Travis Mitchell, Mayor

ATTEST:

Jennifer Vetrano, City Secretary

EXHIBIT A - 1

METES & BOUNDS DESCRIPTION FOR 0.1417 ACRES OF LAND

A tract of land containing 0.1417 acres out of and part of the Z. Hinton Survey No. 12, Abstract No. 20, in Hays County, Texas, and being that same tract, called 0.14 acres, as conveyed in March of 1991 by a Special Warranty Deed from Robert C. Barton Jr. to Frank Hernandez as recorded and described in Volume 872, Page 223, of the Official Public Records of Hays County, and being more particularly described by metes and bounds as follows:

COMMENCING at $\frac{1}{2}$ " iron rod found at the intersection of the east right-of-way of U. S. Highway No. 81 with the original State Highway No. 150 right-of-way for the northwest corner of the Jurado, Guerrero, Mata & Ortiz Trustee's Tract as described in Volume 847, Page 403, of the Official Public Records of Hays County;

THENCE leaving the original State Highway No. 150 right-of-way and following the U. S. Highway No. 81 east right-of-way with a curve to the left, a radius of 5,679.85 feet, a chord bearing of $S 00^{\circ} 10' 56'' W$ and a chord distance of 107.00 feet to a $\frac{3}{4}$ " iron pipe found for the southwest corner of the said Trustee's Tract; the northwest corner of the herein described tract and for the POINT OF BEGINNING;

THENCE $N 89^{\circ} 10' 00'' E$ (bearing basis used herein), leaving the U. S. Highway No. 81 right-of-way, a distance of 101.59 feet to a $\frac{1}{4}$ " iron pipe found in a west property line of the R & R Industrial Lift Services Tract as described in Volume 1965, Page 181, of the Official Public Records of Hays County, for the southeast corner of the said Trustee's Tract and the northeast corner of this tract;

THENCE $S 00^{\circ} 58' 00'' E$, a distance of 63.18 feet to a $\frac{1}{4}$ " iron pipe found for the southeast corner of this tract and for an interior ell corner of the said R. & R Tract;

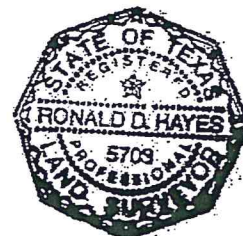
THENCE $N 87^{\circ} 59' 30'' W$, a distance of 101.95 feet to a $\frac{1}{4}$ " iron pipe found in the east right-of-way of U. S. Highway No. 81 for the southwest corner of this tract and a northwest corner of the said R & R Tract, from which for reference, the remains of a concrete monument found for the southwest corner of the said R & R Tract bears $S 01^{\circ} 34' 15'' E$, a distance of 118.44 feet;

THENCE following the U. S. Highway No. 81 right-of-way along a curve to the right with a radius of 5,679.85 feet, a chord bearing of $N 00^{\circ} 44' 45'' W$ and a distance of 58.13 feet to the POINT OF BEGINNING, containing 0.1417 acres.

This is to certify that this description of land represents an actual survey made on the ground under my supervision in March of 2007. Only those documents with a red surveyor's signature and an accompanying red surveyor's seal shall be deemed reliable and authentic.

Reference the attached sketch marked EXHIBIT A, File # HGHW8102.

Ronald D. Hayes, Registered Professional Land Surveyor, No. 5703



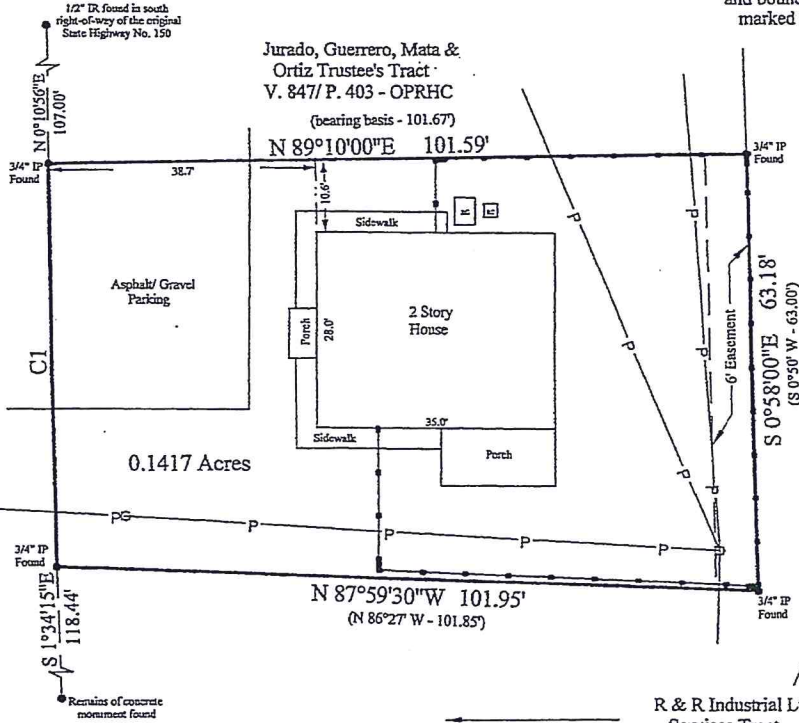
Scale
1" = 20'

Z. Hinton Survey No. 12
Abstract No. 20

Exhibit B

Reference attached metes
and bounds description
marked Exhibit A

U. S. Highway 81
-ROW Varies-



Legend

- OPRHC Official Public Records of Hays County
- HCDR Hays County Deed Records
- () Data from recorded documents
- V. 872/ P. 225 - OPRHC
- Woodfence
- Overhead Powerline
- Powerpole

Curve	Delta Angle	Radius	Arc	Tangent	Chord	Chord Bearing
1	0°35'11"	5679.58	58.13	29.06	58.13 (58.17)	N 0°44'45"W (N 0°54' W)

Surveyor's Notes: Volume 110, Page 208, HCDR, describes an easement that does not traverse this tract.
Volume 872, Page 223, OPRHC, describes a 6' rear roadway easement. Fences are shown for graphic
purposes only and may meander along property lines slightly.

PLAT SHOWING SURVEY OF 0.1417 ACRES OUT OF AND PART OF THE
Z. HINTON SURVEY NO. 12, ABSTRACT NO. 20, IN HAYS COUNTY, TEXAS.

FOR: Frank Hernandez Jr.

GF: 20703094/ Hays County Abstract

DATE: March 23, 2007

ADDRESS: 405 U. S. Highway 81, Kyle, Texas.

The undersigned does hereby certify that this survey was made on the ground of the property legally described hereon and is essentially correct and that there are no visible discrepancies, encroachments, overlapping of improvements, visible utility easements or roadways, except as shown and that said property has access to a public road. Only those plats with a red surveyor's seal and red signature shall be deemed reliable and authentic.

Ronald D. Hayes, Registered Professional Land Surveyor, No. 5703

According to the scaling of Map Panel 0405F of the September 2, 2005 insurance rate map for the County of Hays, Texas, the property described hereon is in the Zone "X" of the flood hazard area and determined to be outside the 100 year flood zone.



HAYES SURVEYING
202 SUNFLOWER DRIVE
KYLE, TEXAS 78640
512-268-4813

File # HHGW8102
Field Book # 54
Page # 12

Exhibit B

Z-19-0039

405 S Old Hwy 81

0.142 Acres

