

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 0.023 ACRES OF LAND FROM RETAIL SERVICE DISTRICT 'RS' TO TELECOMMUNICATION/UTILITY 'T/U' FOR PROPERTY LOCATED AT 23100 IH-35, IN HAYS COUNTY, TEXAS. (DEERSA, LLC. – Z-20-0054); 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 0.023 acres of land from Retail Service District 'RS' to Telecommunication/Utility 'T/U', 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 _____, 2020, 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 _____, 2020, 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 _____, 2020.

Travis Mitchell, Mayor

ATTEST:

Jennifer Vetrano, City Secretary

TRACT TO BE REZONED.

**FIELD NOTES
LEASE SITE**

1253 551

ALL THAT CERTAIN PARCEL OR TRACT OF LAND
OUT OF THE Z. HINTON SURVEY NO. 12, HAYS
COUNTY, TEXAS; BEING A PORTION OF A 6.29-
ACRE TRACT AS CONVEYED TO J. STEPHEN
SMITH BY SPECIAL WARRANTY DEED RECORDED
IN VOLUME 1128, PAGE 457 OF THE OFFICIAL
PUBLIC RECORDS OF HAYS COUNTY, TEXAS; AND
BEING MORE PARTICULARLY DESCRIBED BY
METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 3/4" iron pipe found on the west right-
of-way line of Interstate Highway 35 at the most southerly
corner of the above described Smith 6.29-acre tract for the
most southerly corner and POINT OF BEGINNING of the
herein described tract;

THENCE, with the southwest line of said Smith 6.29-acre tract along a wire fence,
N40°31'13"W a distance of 67.45 feet to a 1/2" iron rod set with cap stamped TERRA
FIRMA for the most southerly corner of this tract;

THENCE S80°18'15"E a distance of 48.12 feet to a 1/2" iron rod set with cap
stamped TERRA FIRMA on the west right-of-way line of Interstate Highway 35 for the
northeast corner of this tract,

THENCE, with the west right-of-way line of Interstate Highway 35 along a wire
fence, S04°47'00"W a distance of 43.32 feet to the POINT OF BEGINNING, and

J. Stephen Smith



EXHIBIT "A2"
DEPICTION OF LEASED PROPERTY
SAB 4503-1 - KYLE

Page 3 of 3

containing 1,039 square feet of land, more or less.

1253 552

I HEREBY CERTIFY that these notes were prepared by Terra Firma from a survey made on the ground on July 11 and 23, 1996 under the supervision of William D. O'Hara, R.P.L.S. No. 4878, and are true and correct to the best of my knowledge.

Craig C. Cregar



Craig C. Cregar
Registered Professional Land Surveyor No. 3336

8/5/96
Date

Client: PCS PrimeCo, L.P.
Date: August 5, 1996
WO No.: 0819-07-02
FB: 203
Disk: PRIMECO.907

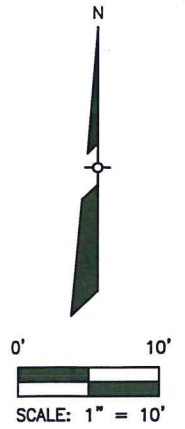
J. Stephen Sr.



SEP 13 1996

DEERSA, LLC
TRACT 1
(6.29 ACRES)
DOC. NO. 17018337

NOTE:
EXISTING BILLBOARD IS
NOT WITHIN LEASE
TRACT BOUNDARY.



S80° 18' 15"E 48.12'

EXISTING CHAINLINK FENCE

EXISTING BACKUP
POWER GENERATOR

STONE/GRAVEL
SURFACE

TELECOMMUNICATIONS
TOWER

EXISTING
BUILDING

EXISTING
12" WIDE
DOUBLE GATE

EXISTING
CONCRETE
DRIVEWAY

S04° 47' 00"W 43.32'

ELECTRICAL
PANEL

ELECTRIC
SOURCE
POLE

N40° 31' 13"W 67.45'

DEERSA, LLC
TRACT 2
(9.95 ACRES)
DOC. NO. 17018337

MARY ANN MENDOZA
(0.75 ACRES)
342/705

INTERSTATE HIGHWAY 35 R.O.W.

SKETCH SHOWING IMPROVEMENTS
AT EXISTING PCS PRIMECO, L. P.
(SMITH CELL TOWER SITE)

SOUTH I.H. 35
CITY OF KYLE
HAYS COUNTY, TEXAS

4 CUATRO
Consultants, LTD

3601 Kyle Crossing, Suite A Phone: (512) 312-5040 Fax: (512) 312-5399
Kyle, Texas 78640 e-mail: cuatro@cuatroconsultants.com

Exhibit B

Z-20-0054 23100 IH 35 0.023 Acres

