

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

**AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 4.01 ACRES OF LAND FROM ‘A’ (AGRICULTURE) TO ‘RS’ (RETAIL SERVICES) – FOR PROPERTY LOCATED AT 23451 IH-35 IN HAYS COUNTY, TEXAS; AUTHORIZING THE CITY SECRETARY TO AMEND THE CITY OF KYLE CODE OF ORDINANCES 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 4.01 acres from ‘A’ (Agriculture) to ‘RS’ (Retail Services) for property located at 23451 IH-35 in Hays County, Texas and the property location map and survey labeled ‘Exhibit A’.

**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, as shown in ‘Exhibit A’ 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 \_\_\_\_\_, 2022, 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 \_\_\_\_\_, 2022, at which a quorum

was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

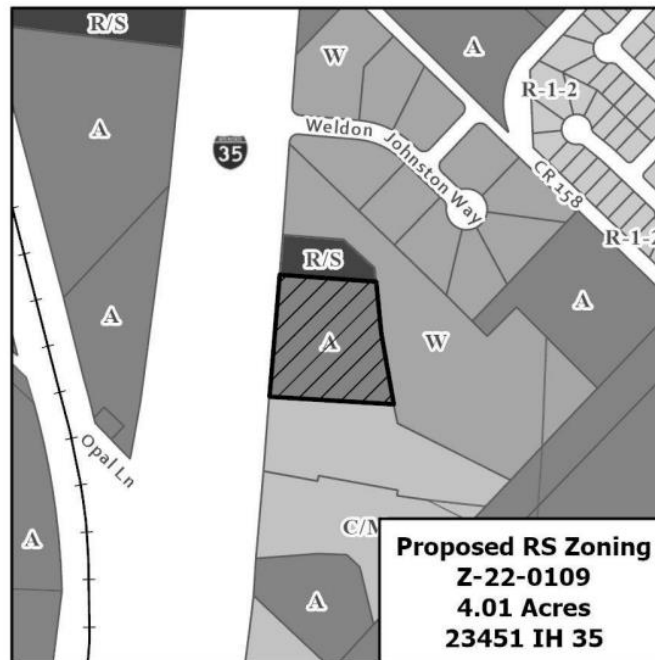
APPROVED this \_\_\_\_\_day of \_\_\_\_\_, 2022.

ATTEST:

\_\_\_\_\_  
Jennifer Holm, City Secretary

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

## Exhibit A



Legal Description of 4.01 acres of land out of the James W. Williams Survey, A-473, Hays County, Texas; being a portion of that 5.01 acre tract conveyed to The Winn Family Limited Partnership, a Texas Limited Partnership, by deed dated March 22, 2012, and recorded in Volume 4304, Page 759 of the Official Public Records of Hays County, Texas; and being more particularly described as follows:

COMMENCING at the Northwest corner of the said 5.01 acre tract, same being on the West right-of-way line of Interstate Highway No. 35;

THENCE S 04d 16' 22" W, 143.17 feet, with the West right-of-way line of Interstate Highway No. 35 to the POINT OF BEGINNING and the Northwest corner of the tract herein described;

THENCE S 85d 43' 35" E, 352.92 feet, crossing the said 5.01 acre tract, to the Northeast corner of the tract herein described;

THENCE S 06d 30' 39" E, 189.09 feet, to an angle point;

THENCE S 01d 48' 10" E, 259.29 feet, to the Southeast corner of the said 5.01 acre tract and the Southeast corner of the tract herein described;

THENCE N 85d 43' 38" W, 455.74 feet, to the Southwest corner of the said 5.01 acre tract and the Southwest corner of the tract herein described, same being on the aforementioned West right-of-way line of Interstate Highway No. 35;

THENCE N 04d 16' 22" E, 436.12 feet, with the West right-of-way line of Interstate Highway No. 35 to the POINT OF BEGINNING, and containing 4.01 acres of land.

This description prepared for the sole purpose of rezoning the tract herein described.

SKETCH TO ACCOMPANY LEGAL DESCRIPTIONS FOR  
REZONING PURPOSES ONLY

