

**ORDINANCE NO. 2014-38**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING THE OFFICIAL ZONING MAP OF THE CITY BY REZONING A 50.339 ACRE, MORE OR LESS, TRACT OF LAND OUT OF THE WILLIAM WARD SURVEY NO. 3, ABSTRACT NO. 467, LOCATED NEAR THE 2700 BLOCK OF POST ROAD AT THE BLANCO RIVER, FROM “FD” FUTURE DEVELOPMENT DISTRICT TO “MF-24” MULTIPLE-FAMILY RESIDENTIAL DISTRICT; AND INCLUDING PROCEDURAL PROVISIONS.**

**RECITALS:**

1. On December 10, 2013, the Planning and Zoning Commission of the City of San Marcos held a public hearing regarding a request to change the zoning from “FD” Future Development District to “MF-24” Multiple-Family Residential District for a 50.339 acre, more or less, tract of land out of the William Ward Survey No. 3, Abstract No. 467, located near the 2700 block of Post Road at the Blanco River.
2. Subsequent to the public hearing on that date, the Planning and Zoning Commission considered the request on May 27, 2014, and voted to recommend that the request be approved by the City Council of the City.
3. The City Council held a public hearing on June 17, 2014 regarding the request.
4. All requirements of Chapter 1, Development Procedures, of the City Land Development Code pertaining to Zoning Map amendments have been met.
5. The City Council hereby finds and determines that the adoption of the following ordinance is in the interest of the public health, morals, welfare and safety.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:**

**SECTION 1.** The Official Zoning Map of the City, as described in Section 4.1.2.2 of the City Land Development Code, is amended to rezone the tract of real property described below from “FD” Future Development District to “MF-24” Multiple-Family Residential District:

Location: Near the 2700 block of Post Road at the Blanco River.

Legal description: A 50.339 acre, more or less, tract of land out of the William Ward Survey No. 3, Abstract No. 467, Hays County, Texas, as described in Exhibit “A,” attached hereto and made a part hereof.

**SECTION 2.** This ordinance will take effect after its passage, approval and adoption on second reading.

**PASSED AND APPROVED** on first reading on June 17, 2014.

**PASSED, APPROVED AND ADOPTED** on second reading on July 1, 2014.



Daniel Guerrero  
Mayor

Attest:



Jamie Lee Pettijohn  
City Clerk

Approved:



Michael Cosentino  
City Attorney

**EXHIBIT A**

Metes and Bounds Descriptions of 50.339 acre, more or less, tract of land  
[Following pages]

REVISED  
FIELD NOTES  
FOR  
A 50.339 ACRE TRACT

Being a 50.339 acre tract of land situated in the William Ward Survey No. 3, Abstract No. 467, Hays County, Texas, being a part of a tract called 55.13 acres recorded in Volume 174, Page 152 (Second Tract), of the Deed Records of Hays County, Texas, and all bearings referred to in this description are rotated to and referenced to a bearing of N 36°46' 29" E (reference Volume 1892, Page 3) between monumentation found along the Southeast line of Post Road (County Road No. 140), said 50.339 acre tract of land surveyed under the supervision of Richard A. Goodwin, RPLS #4069, S. Craig Hollmig, Inc., and being more particularly described as follows:

**BEGINNING:** At a 1 1/2" iron pipe found for the East corner of the above referenced 55.13 acre tract, being an interior corner of a 27.48 acre tract recorded in Volume 1892, Page 17 of the Official Public Records of Hays County, Texas, same being an interior corner of Lot 1, Nash Subdivision, recorded in Volume 11, Page 283 of the Map and Plat Records of Hays County, Texas, for the East corner of this tract;

**THENCE:** With the Southeasterly line of the above referenced 55.13 acre tract and along a Northwesterly line of said 27.48 acre tract, partly along said Lot 1, S 44°54' 15" W at 720.56 feet a 1/2" iron pin found for a West corner of said 27.48 acre tract, a West corner of said Lot 1, at 2192.89 feet a 1" pipe found on the Southeast line of the above referenced 55.13 acre tract, at 2346.78 feet a 80 D nail set near the water's edge of the Blanco River and continuing a total distance of 2398.78 feet to the centerline, more or less, of the Blanco River, for the South corner of the above referenced 55.13 acre tract, same being a Northeasterly line of a 219.77 acre tract recorded in Volume 956, Page 118 of the Official Public Records of Hays County, Texas, for the South corner of this tract;

**THENCE:** With the approximate centerline of the Blanco River, N 19°35' 11" W 383.56 feet, N°05'13' 34" W 584.99 feet, and N 35°06' 28" W 545.11 feet to the Southeasterly line of Post Road (County Road No. 140) (reference Yarrington to the State of Texas, Tract 1, 1.93 acres, Volume 106, Page 90), for the West corner of this tract;

**THENCE:** Continuing with the Southeast line of Post Road (County Road No. 140), the Southeast line of said Tract 1, 1.93 acres, in a curve to the left, having a radius of 633.0 feet, an arc length of 281.33 feet and a chord bearing and distance of N 47°14' 42" E 279.02 feet to a 1/2" iron pin found in same, for the West corner of that certain 2.96 acre tract recorded in Volume 2014, Page 876 of the Official Public Records of Hays County, Texas, for a corner of this tract;

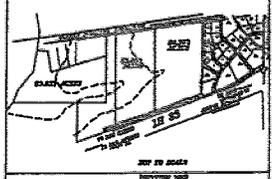
**THENCE:** Leaving the Southeast line of Post Road (County Road No. 140) and with the Southwest line of said 2.96 acre tract, S 53°11' 31" E 532.51 feet to a 1/2" iron pin found for the South corner of said 2.96 acre tract, for an original interior corner of the above referenced 55.13 acre tract, for an interior corner of this tract;

**THENCE:** With a Westerly line of the above referenced 55.13 acre tract, the Easterly line of a 19.1 acre tract recorded in Volume 149, Page 272 of the Deed Records of Hays County, Texas, N 29°07' 13" E 1471.70 feet to a 1/2" iron pin set for the North corner of the above referenced 55.13 acre tract, situated on a Southwesterly line of said 27.48 acre tract, for the North corner of this tract;

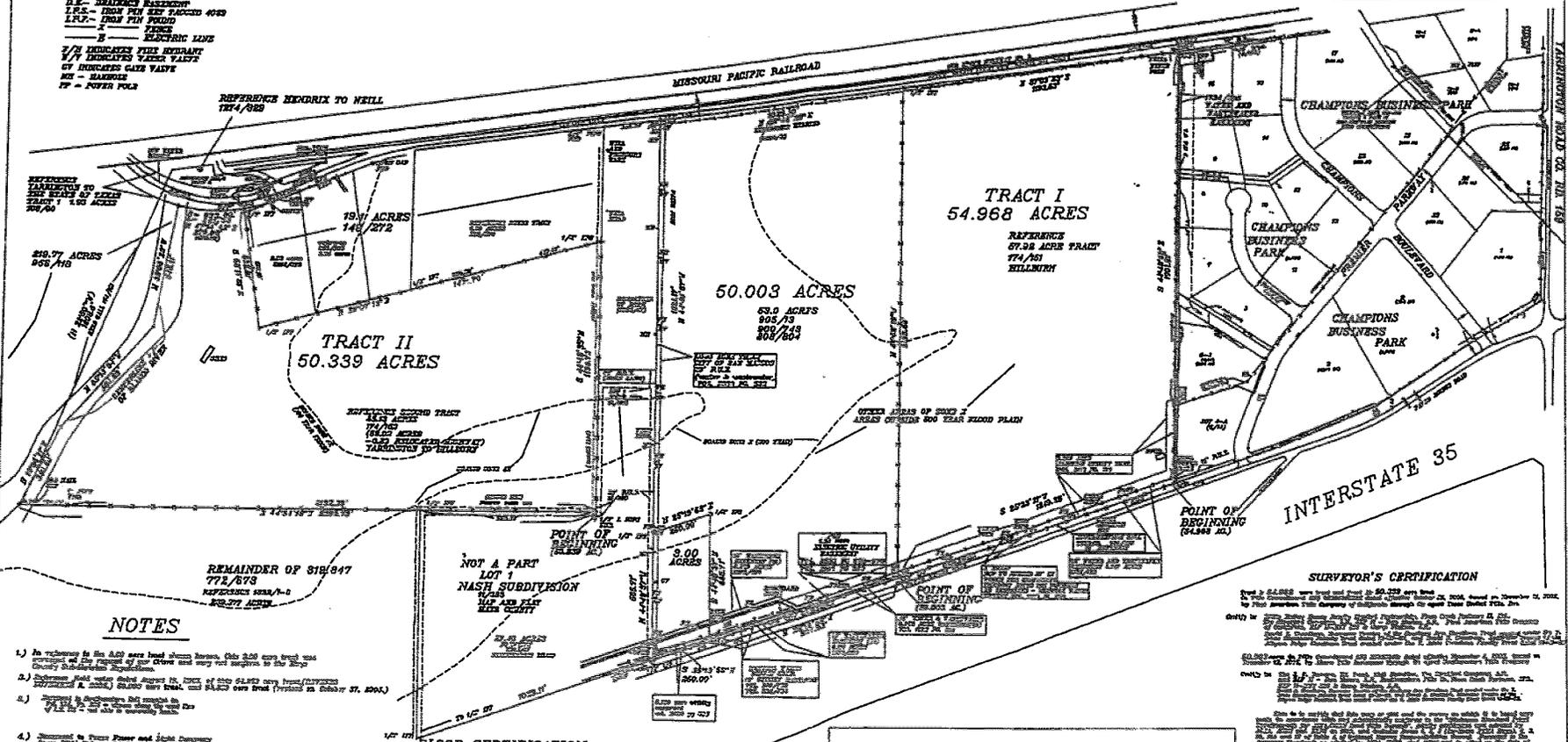
**THENCE:** With said Southwest line, the Northeast line of the above referenced 55.13 acre tract and partly with Lot 1, Nash Subdivision, S 44°49' 35" E 1193.72 feet to the Point of Beginning and containing 50.339 acres of land, more or less.

# ALTA/ACSM LAND TITLE SURVEY

Being a 84,968 acre tract out of the certain 37,339 acres (Part Tract) described in Volume 74, Page 152-153 of the State Records of Ellis County, Texas, a 50,339 acre tract out of that certain 84,968 acre tract described in Volume 60, Page 748 of the Official Public Records of Ellis County, Texas, and a 54,968 acre tract being a part of a tract of 84,968 acres recorded in Volume 74, Page 152 (Second Part) of the State Records of Ellis County, Texas, and all tracts being situated in the Western Part Survey No. 2, Abstract No. 497, Ellis County, Texas.



- LEGEND**
- FACE SURVEY SET MARKERS
  - B.L. - BUILDING SETBACK LINE
  - D.L. - DRAINAGE EASEMENT
  - D.S. - DRAINAGE EASEMENT
  - D.P.S. - DRAIN PEN SET PLACED 4000
  - D.P.S. - DRAIN PEN SET
  - F. - FENCE
  - E. - ELECTRIC LINE
  - 1/4 IN. INDICATES THE EQUIVALENT OF INCHES GAIN VALUE
  - 1/4 IN. INDICATES LOSS VALUE
  - MS - MARKERS
  - TF - TOWER POLE



REFERENCE TO THE STATE OF TEXAS TRACT I 1.00 ACRES 204/40

REFERENCE RECORD TO NEILL 174/368

TRACT II 50.339 ACRES

50.003 ACRES  
53.0 ACRES 805/73  
500/740  
308/664

TRACT I 54.968 ACRES

REFERENCE TO 38 ACRES TRACT 774/301 HILLBURY

REMAINDER OF 818/847 774/878 REFERENCE 888/A-2 802/276 ACRES

NOT A PART LOT 1 NASH SUBDIVISION 1/4 ACRES REFERENCE 888/A-2 802/276 ACRES

**NOTES**

- 1.) An enclosure in the 800 acre head shown herein, this 800 acre tract was conveyed to the State of Texas and was not subject to the State Survey Subdivision Regulations.
- 2.) Reference to the State of Texas, Part of the 51,827 acre tract (Volume 74, Page 152-153) State Survey No. 2, and Block 1000 (Volume 74, Page 152-153).
- 3.) Reference to the State of Texas, Part of the 51,827 acre tract (Volume 74, Page 152-153) State Survey No. 2, and Block 1000 (Volume 74, Page 152-153).
- 4.) Reference to the State of Texas, Part of the 51,827 acre tract (Volume 74, Page 152-153) State Survey No. 2, and Block 1000 (Volume 74, Page 152-153).

**FLOOD CERTIFICATION**

I, the undersigned, being a duly Licensed Surveyor in the State of Texas, do hereby certify that the above described land is not subject to any flood hazard as shown on the Flood Hazard Map of the State of Texas, as published by the Federal Emergency Management Agency, and that the same is not located in any Special Flood Hazard Area as shown on the Flood Hazard Map of the State of Texas, as published by the Federal Emergency Management Agency.

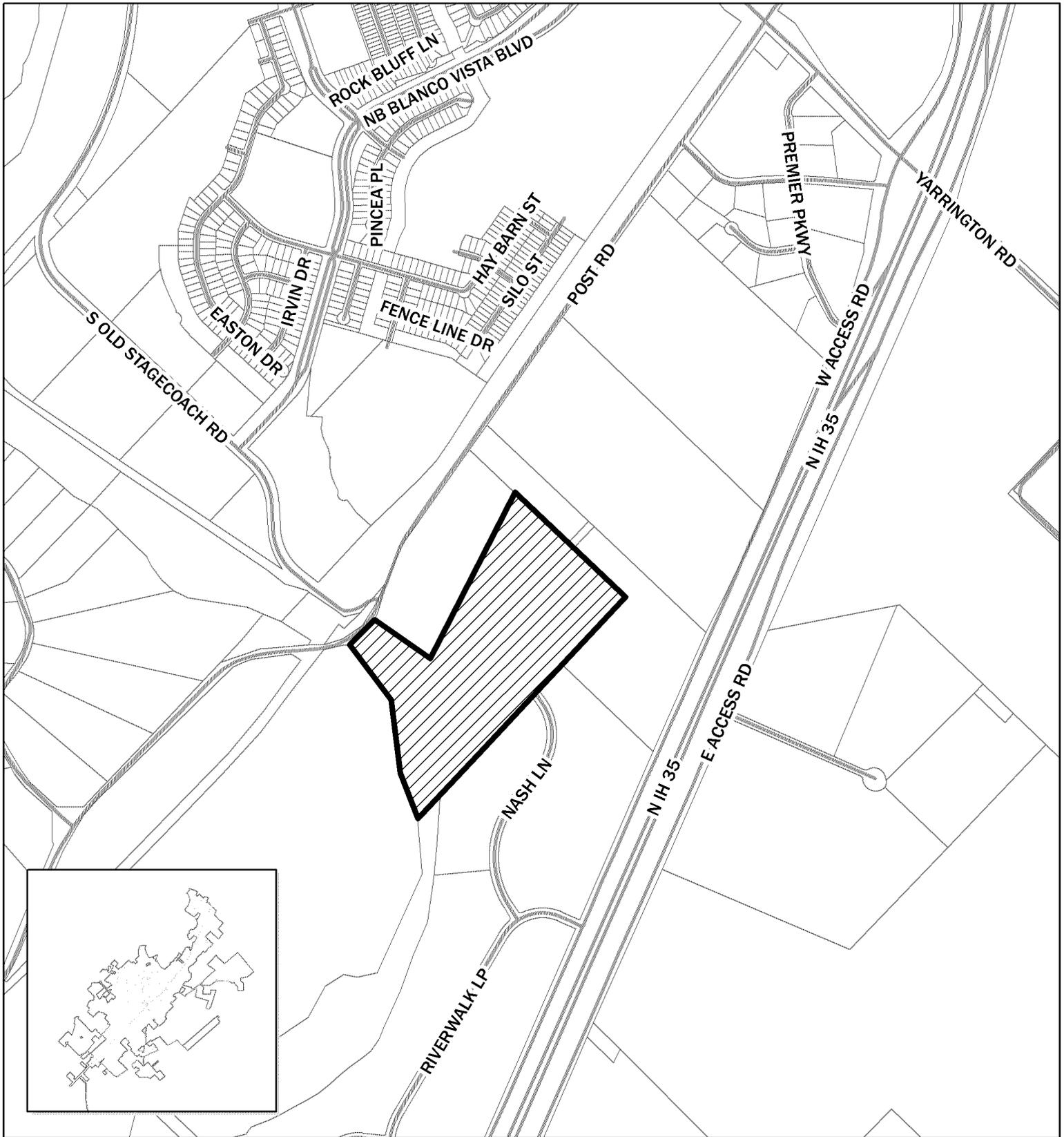
**S. CRAIG HOLLMIG INC  
ENGINEERS ~ SURVEYORS**  
410 N. SEGUIN  
NEW BRAUNFELS TEXAS 78130  
(830) 825-3456

**SURVEYOR'S CERTIFICATION**

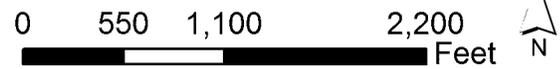
That I, S. Craig Hollmig, Inc., being a duly Licensed Surveyor in the State of Texas, do hereby certify that the above described land is not subject to any flood hazard as shown on the Flood Hazard Map of the State of Texas, as published by the Federal Emergency Management Agency, and that the same is not located in any Special Flood Hazard Area as shown on the Flood Hazard Map of the State of Texas, as published by the Federal Emergency Management Agency.

DATE OF SURVEY: NOVEMBER 1, 2005  
DATE OF REVISION: FEBRUARY 1, 2006

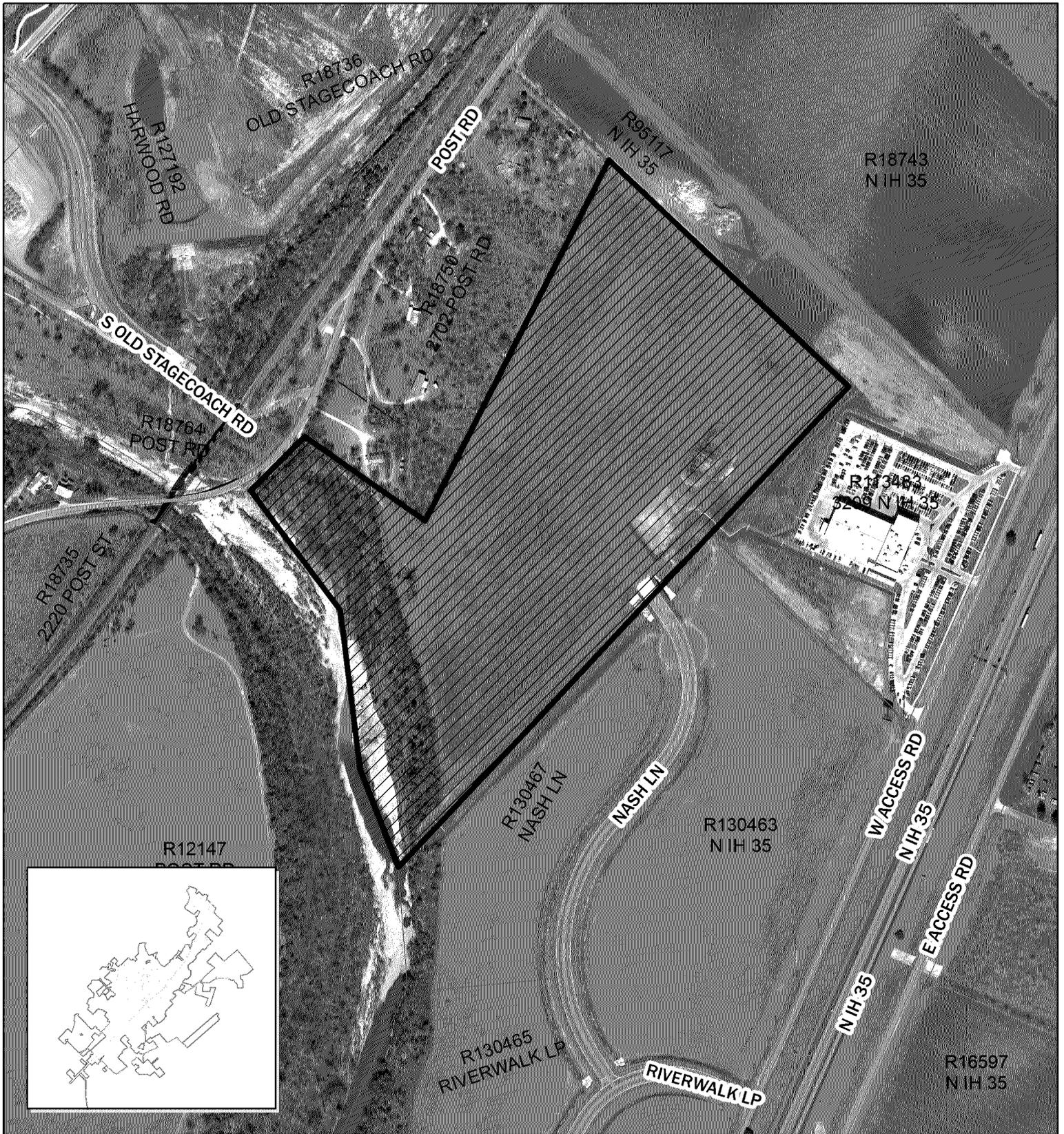
PLAT REVISED NOVEMBER 1, 2005  
PLAT REVISED FEBRUARY 1, 2006



**ZC-13-16**  
**Yarrington Commons**  
**FD to MF-24**  
**Yarrington & IH 35**  
**Map Date: 6/16/2014**



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



**ZC-13-16**  
**Yarrington Commons**  
**FD to MF-24**  
**Yarrington & IH 35**  
**Map Date: 6/16/2014**

•  Site Location •



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