

ORDINANCE NO. 2017-39

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS APPROVING AN AMENDMENT TO THE PREFERRED SCENARIO MAP OF THE CITY'S COMPREHENSIVE PLAN TO CHANGE THE LAND USE DESIGNATION FOR APPROXIMATELY 100 ACRES OF LAND OUT OF THE JOEL MINER SURVEY LOCATED AT THE SOUTHWEST CORNER OF YARRINGTON ROAD AND HARRIS HILL ROAD FROM AN AREA OF STABILITY TO EMPLOYMENT CENTER IN CONNECTION WITH THE WHISPER DEVELOPMENT PROJECT; INCLUDING PROCEDURAL PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

RECITALS:

1. On June 27, 2017, the Planning and Zoning Commission of the City of San Marcos considered a request to change the land use designation in the Preferred Scenario Map of the City's Comprehensive Plan, entitled "Vision San Marcos: A River Runs Through Us," from an Area of Stability to Employment Center for approximately 100 acres of land out of the Joel Miner Survey, located at the southwest corner of Yarrington Road and Harris Hill Road, as further described by metes and bounds in Exhibit "A," attached hereto and incorporated herein for all purposes (the "Property").
2. On August 1, 2017, the City Council held a public hearing regarding the request.
3. The requirements of Chapter 1, Development Procedures, of the City Land Development Code pertaining to Preferred Scenario Map amendments have been met.
4. 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 recitals of this ordinance are approved and adopted.

SECTION 2. The Preferred Scenario Map of the City's Comprehensive Plan, entitled "Vision San Marcos: A River Runs Through Us," is amended to change the land use designation for the Property from an Area of Stability to Employment Center.

SECTION 3. This ordinance shall be effective upon its adoption on second reading.

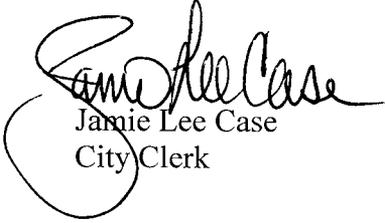
PASSED AND APPROVED on first reading on August 1, 2017.

PASSED, APPROVED AND ADOPTED on second reading on August 15, 2017.



John Thomaides
Mayor

Attest:



Jamie Lee Case
City Clerk

Approved:



Michael Cosentino
City Attorney

CONSULTING ENGINEERS

METES AND BOUNDS DESCRIPTION
FOR A 99.80 ACRE TRACT OF LAND
OUT OF THE JOEL MINER SURVEY,
ABSTRACT 321,
HAYS COUNTY, TEXAS

Being a 99.80 acre tract of land situated in the Joel Miner Survey, Abstract No. 321 in Hays County, Texas, being the same property called two 50 acre tracts of land conveyed to Jane Richmond Benasutti, Trustee of Thomas R. Richmond Testamentary Family Trust by Deed recorded in Volume 52, Page 68 of the Deed Records of Hays County, Texas, and individually one-half interest to Victoria Elizabeth Richmond a/k/a Elizabeth L. Richmond by Deed recorded in Volume 850, Page 595 of the Deed Records of Hays County, Texas, said 99.80 acre tract being more particularly described by metes and bounds with all bearings being referenced to the North American Datum 1983, Texas Coordinate System, South Central Zone; Ground distances may be converted to grid by dividing by 1.0001700:

BEGINNING at a ½-inch iron rod found at the intersection of the Southwest line of County Road No. 159, known as Yarrington Road and the Northwest line of County Road No. 160, known as Harris Hill Road for the East corner of the herein described tract, said Beginning point having Texas South Central Grid Coordinates of (N=13,886,570.38, E= 2,327,818.81);

Thence: S 43°21'39" W, along the Northwest line of said County Road No. 160, a distance of 2086.12 feet to a found ½ inch iron rod with yellow cap, for a Northeast corner of a 318.105 acre tract of land recorded in Volume 2715, Page 533 of the Official Public Records of Hays County, Texas, being the South corner of the herein described tract;

Thence: N 46°11'01" W, along the common line of said 318.105 acre tract and the herein described tract, a distance of 2092.35 feet to a found ½ inch iron pipe in concrete being a re-entrant corner of said 318.105 acre tract and the West corner of the herein described tract;

Thence: N 43°31'53" E, along a Southeasterly line of said 318.105 acre tract, passing the common corner of said 318.105 acre tract and a 201.496 acre tract recorded in Volume 2494, Page 403 of the Official Public Records of Hays County, Texas, at a distance of 818.94 feet, and continuing along the Southeast line of said 201.496 acre tract, for a total distance of 2075.38 feet, to a found ½" iron rod on the Southwest line of said County Road No. 159 and being the North corner of the herein described tract;

Thence: S 46°28'39" E, along said Southwest line of County Road No. 159, a distance of 2086.11 feet to the POINT OF BEGINNING and containing 99.80 acres of land, more or less.

Note: Survey Plat of even date accompanies this legal description.


Hal B. Lane III
Registered Professional Land Surveyor
Texas Registration Number 4690
Vickrey & Associates, Inc.



Job No. 2042-002-104
99.80 Acres 041106
April 6, 2006
April 11, 2006

N:\2042-002\M&B\99.80 Acres (FINAL) 041106.rtf

EXHIBIT "B"
Service Plan



Service Plan for the annexation of a 99.8 +/- acre tract of land out of the Joel Minor Survey, Abstract No. 321, Hays County, Texas. Generally located on the southwest corner of Yarrington Road and Harris Hill Road.

Pursuant to the provisions of the Texas Local Government Code, Chapter 43, the following service plan is hereby adopted for annexation of the 99.8 +/- acre tract described above. The property is being annexed at the request of the property owner.

1. Police Protection

Police services, including patrolling, response to calls and other routine services, will begin on the effective date of the annexation using existing personnel and equipment.

2. Fire Protection

Fire protection services, including emergency response calls, will begin on the effective date of the annexation using existing personnel and equipment and within the limitations of the available water supply.

3. Emergency Medical Services

Emergency medical services, including emergency response calls, will continue at the same level of service after the annexation. The City of San Marcos contracts for emergency medical services through the San Marcos – Hays County EMS, which already provides service to the area being annexed.

4. Solid Waste Collection

Solid waste collection services, provided under contract with a private company, will be made available to all residences on the effective date of the annexation. Residents of the annexed area may elect to continue using the services of a private solid waste hauler for a period of two years after the effective date of the annexation. Businesses and institutions must make arrangements with private solid waste haulers.

5. Operation and Maintenance of Water and Wastewater Facilities

Construction of water and waste water facilities will be financed by the approved Public Improvement District (PID) and by private developers as land develops. Water and waste water facilities will be served and maintained by the City of San Marcos, except for any areas which are serviced by Maxwell Water Supply Corporation.

6. Construction, Operation and Maintenance of Roads and Streets

The construction of road and streets, drainage improvements, and traffic control signals will be financed and constructed by the proposed Public Improvement District (PID) and by private developers as land develops. Such improvements will be operated and maintained by the City of San Marcos.

7. Electric Service

The property is located mainly in the Pedernales Electric Cooperative service area.

8. Operation and Maintenance of Parks, Playgrounds, and/or Swimming Pools

No parks, playgrounds and/or swimming pools currently exist within the proposed annexation area. The various parks proposed in the residential areas will be dedicated to the City of San Marcos and / or owned and maintained by the Home Owners Association. Upon annexation, the owners and residents of property located within the annexed area shall be entitled to the use of all municipal parks and recreational facilities, subject to the same restrictions, fees and availability that pertains to the use of those facilities by other citizens of the city.

9. Operation and Maintenance of Other Public Facilities, Buildings and Services

No other public facilities, buildings or services currently exist within the annexed area. Upon annexation, the owners and residents of property located within the annexed area shall be entitled to the use of all municipal facilities, buildings and services, subject to the same restrictions, fees and availability that pertains to the use of those facilities and services by other citizens of the city.