

**CITY OF KENEDY, TEXAS**  
**ORDINANCE NO. 13-1**

**AN ORDINANCE OF THE CITY OF KENEDY, TEXAS AMENDING THE ZONE DESIGNATION FOR A 15.70 ACRE TRACT OF LAND DESCRIBED AS C. MARTINEZ SECTION 15, ABSTRACT 6, TRACT GS, AND LOCATED AT 820 ESCONDIDO STREET WITHIN THE CITY BY CHANGING THE ZONE DESIGNATION FROM INDUSTRIAL "I" TO COMMERCIAL "C", ESTABLISHING AN EFFECTIVE DATE, PROVIDING A PENALTY FOR VIOLATION, CONTAINING A SAVING CLAUSE, AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.**

**WHEREAS**, Chapter 211 of the Texas Local Government Code authorizes municipalities to establish zoning regulations within its corporate limits for the purpose of promoting the health, safety and welfare of the community;

**WHEREAS**, the City of Kenedy has adopted Ordinance Number 11-11 establishing zoning regulations for land use within the City;

**WHEREAS**, Section 24 of the above referenced Ordinance authorizes the City Council to amend, or change, the boundaries or regulations of Zone Districts;

**WHEREAS**, the City's Planning and Zoning Commission has received the property owner's request to change the zone designation, published notice of the zone change request, held the required Public Hearing, provided written notice to property owners, and heard public comment regarding the Zone Change request;

**WHEREAS**, the City's Planning and Zoning Commission has recommended approval of the Zone Change;

**WHEREAS**, the City Council has published notice, held the required Public Hearing, and heard public comment regarding the Zone Change request.

**NOW, THEREFORE, BE IT ORDAINED BY THE KENEDY CITY COUNCIL THAT:**

**SECTION 1.** The property subject to this Zone Change from Industrial "I" to Commercial "C" is as follows:

A 15.70 acre tract of land described as C. Martinez Section 15, Abstract 6, Tract GS, and located at 820 Escondido Street, City of Kenedy, Karnes County, Texas, and as illustrated on the attached EXHIBIT A.

**SECTION 2.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be effective without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

**SECTION 3.** Any person, firm or corporation, who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this ordinance, shall be subject to the fines and penalties as prescribed in Section 25, Ordinance Number 11-11 of the City of Kenedy.

**SECTION 4.** All rights or remedies of the City of Kenedy, Texas, are expressly saved as to any and all violations of this ordinance, or of any zoning ordinance or amendments thereto of said City of Kenedy, Texas, that accrued at the time of the effective date of this ordinance, and as to such accrued violations, the Court shall have all the powers that existed prior to the effective date of this ordinance; and all existing violations of previous zoning or building ordinances which would otherwise become non-conforming uses under this ordinance, shall not become legal non-conforming uses under this ordinance but shall be considered as violations of this ordinance in the same manner that they were violations of prior zoning ordinances of the City of Kenedy, Texas.

**SECTION 5.** Any and all ordinances of the City of Kenedy in conflict with the provisions of this ordinance are hereby repealed.

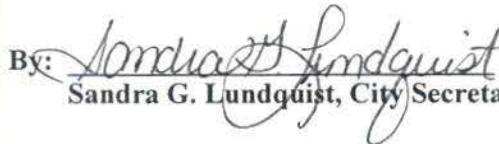
**SECTION 6.** This ordinance shall take effect immediately from and after its passage and in accordance with the provisions of Chapter 52 of the Texas Local Government Code.

**PASSED AND APPROVED** by the Kenedy City Council this 8<sup>th</sup> day of January, 2013.

CITY OF KENEDY, TEXAS

By:   
Randy Garza, Mayor

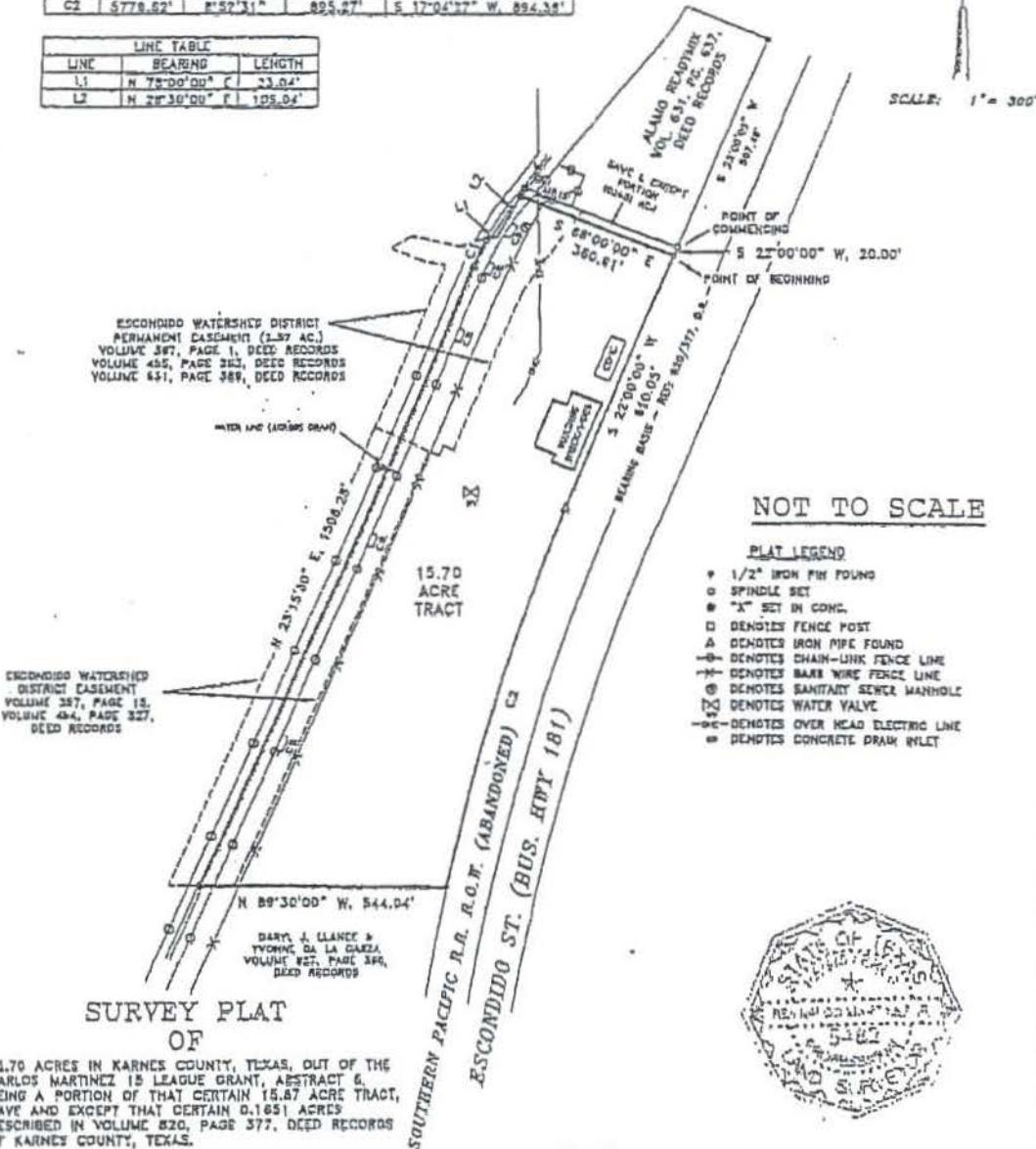
ATTEST;

By:   
Sandra G. Lundquist, City Secretary

CARLOS MARTINEZ 15 LEAGUE GRANT, ABSTRACT 6

CURVE	RADIUS	DELTA	LENGTH	CHORD
C1	739.55'	E 28' 15"	70.80'	N 29° 58' 37" E, 70.57'
C2	5778.62'	E 52' 31"	825.27'	S 17° 04' 27" W, 824.35'

LINE	BEARING	LENGTH
L1	N 75° 00' 00" E	23.04'
L2	N 25° 30' 00" E	105.04'



SURVEY PLAT  
OF

15.70 ACRES IN KARNES COUNTY, TEXAS, OUT OF THE  
CARLOS MARTINEZ 15 LEAGUE GRANT, ABSTRACT 6,  
BEING A PORTION OF THAT CERTAIN 15.87 ACRE TRACT,  
SAVE AND EXCEPT THAT CERTAIN 0.1651 ACRES  
DESCRIBED IN VOLUME 820, PAGE 377, DEED RECORDS  
OF KARNES COUNTY, TEXAS.

(SEE ATTACHED FIELD NOTES)

BUYER: KKJ, LLC

ADDRESS: 820 ESCONDIDO ST.

CITY OF KENEDY, KARNES COUNTY, TEXAS.

SURVEY FOR TITLE EXPRESS (G.J.) REFERENCE: 2013-04-K074

NOTES:

EASEMENT TO ESCONDIDO WATERSHED DISTRICT  
VOLUME 397, PAGE 1, DEED RECORDS

EASEMENT TO ESCONDIDO WATERSHED DISTRICT  
VOLUME 397, PAGE 15, DEED RECORDS

EASEMENT TO ESCONDIDO WATERSHED DISTRICT  
VOLUME 454, PAGE 327, DEED RECORDS

EASEMENT TO ESCONDIDO WATERSHED DISTRICT  
VOLUME 454, PAGE 283, DEED RECORDS

EASEMENT TO THE CITY OF KENEDY  
VOLUME 498, PAGE 1000, DEED RECORDS

EASEMENT TO ESCONDIDO WATERSHED DISTRICT  
VOLUME 631, PAGE 389, DEED RECORDS

MARTINEZ

SURVEYING AND MAPPING CO.  
1546 BROADWAY SUITE 225  
SAN ANTONIO, TX, 78217  
(210) 825-4244

STATE OF TEXAS  
COUNTY OF KARNES

I hereby certify that the above plat is true and correct according to an actual survey made on the ground under my supervision and that there are no visible encroachments of buildings or edifices on property, and that all buildings are wholly located on this property except as shown above and that no fence have been located or enclosed more on the side on this plat.

This 4th day of JUNE, 2012 A.D.

Registered Professional  
Land Surveyor No. 3462

JOB No. 12-5-79

EXHIBIT A