

AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF ASSIGNING ORIGINAL ZONING TO APPROXIMATELY 5.13 ACRES OF LAND FROM AGRICULTURE 'A' TO WAREHOUSE DISTRICT 'W' FOR PROPERTY LOCATED AT 1351 BUNTON CREEK ROAD, IN HAYS COUNTY, TEXAS. (ABEL AND LINDA TENORIO – Z-21-0093); 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 assign original zoning to approximately 5.13 acres of land from Agriculture 'A' to Warehouse District 'W' for property located at 1351 Bunton Creek Road, 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 1st day of March, 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 22nd day of March, 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 22nd day of March, 2022.



Travis Mitchell, Mayor

ATTEST:



Jennifer Holm, City Secretary

EXHIBIT ‘A’

A DESCRIPTION OF 5.123 ACRES IN THE JOHN STEWART LEAGUE, ABSTRACT 14, HAYS COUNTY, TEXAS, BEING ALL OF LOT 21, KYLE HEIGHTS, SECTION 2, A SUBDIVISION OF RECORD, RECORDED IN VOLUME 6, PAGE 395, PLAT RECORDS OF HAYS COUNTY, TEXAS (PRHCT); SAID 5.123 ACRES, THE SAME AS SAID LOT 21, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a calculated point at Texas State Plane grid coordinates N:13913372.40, E:2331660.23, South Central Zone 4204, NAD 83, at the West corner of said Lot 21, in the northeast right-of-way line of Benton Creek Road (right-of-way width varies), also being the South corner of called 0.0415 acre right-of-way tract conveyed to The City of Kyle in Volume 5347, Page 871, Official Public Records of Hays County, Texas (OPRHCT), for the West corner hereof;

THENCE, with the northwest line of said Lot 21, the same being the southeast line of said 0.0415 acre right-of-way tract and with the southeast line of said Lot 15 of said Kyle Heights, Section 2 **N43°47'15"E**, at 33.43 feet pass a 1/2" iron rod with cap stamped "MCGRAY" found at the East corner of said 0.0415 acre right-of-way tract, for a total distance of **801.70** feet to a 1/2" iron rod with cap stamped "BYRN SURVEY" found at the North corner of said Lot 21, the same being an interior corner of said Lot 15, for the North corner hereof;

THENCE, with the northeast line of said Lot 21, the same being a southwest line of said Lot 15 **S46°19'54"E**, a distance of **247.41** feet to a 1/2" iron rod with cap stamped "BYRN SURVEY" found at the East corner of said Lot 21, the same being a corner of said Lot 15, the same also being the North corner of a called 1.513 acre tract (Tract 2) conveyed to WZ Investments, LLC in Volume 4530, Page 638, OPRHCT, for the East corner hereof;

THENCE, with the southeast line of said Lot 21, the same being the northwest line of said 1.513 acre tract **S43°44'50"W**, a distance of **247.79** feet to a mag nail with washer stamped "PRO-TECH" found at an angle corner of said Lot 21, the same being the West corner of said 1.513 acre tract, the same also being the North corner of Lot 1, Midtown Pets Goforth, a Subdivision of record, recorded under document number 17029327, PRHCT, for an angle corner hereof;

THENCE, continuing with the southeast line of said Lot 21, and continuing with the northwest line of Lot 1, Midtown Pets Goforth the following 3 courses:

1. **S44°18'31"W**, a distance of **246.18** feet, to a 1/2" iron rod with aluminum cap stamped "PRO-TECH" found for an angle corner hereof,
2. **S43°39'40"W**, a distance of **249.11** feet to a 1/2" iron rod found for angle corner hereof, and,
3. **S40°15'38"W**, a distance of **236.58** feet to a 1/2" iron rod with aluminum cap stamped "BYRN SURVEY" found at the West corner of said Lot 1, being the North corner of a 20' strip of right-of-way dedicated to the City of Kyle per said Midtown Pets Goforth plat, for a point in the southeast line hereof;

THENCE, with common lines of said Lot 21, and said Benton Creek Road the following 4 courses:

1. **S40°15'38"W**, a distance of **23.46** feet to a 1/2" iron pipe with aluminum cap stamped "PRO-TECH" found at the West corner of said 20' right-of-way strip, for a point in the southeast line hereof,
2. **S40°15'38"W**, a distance of **16.46** feet to a calculated point at the South corner hereof,

3. **N04°37'35"W**, a distance of **268.22** feet to a calculated point at an angle corner hereof, and,
4. **N14°17'51"W**, a distance of **73.37** feet to the **POINT OF BEGINNING** hereof, and containing 5.123 acres, more or less.

Surveyed on the ground December 7, 2021. Bearing Basis: Grid North on The Texas Coordinate System of 1983 (NAD83), Central Zone, based on GPS solutions.



12/15/21
Phillip C. Payne, RPLS
State of Texas #6064




Exhibit B

5.12 Acres

1351 Bunton Creek Rd

Zoning Case: Z-21-0093



 Property to change from
Ag to W Zoning

