

ORDINANCE NO. 748

AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 35.761 ACRES OF LAND FROM 'R-1-2' SINGLE FAMILY RESIDENTIAL-2 TO 'R-1-A' SINGLE FAMILY ATTACHED, ON PROPERTY LOCATED OFF OF BUNTON LANE JUST EAST OF TWIN COVE, IN HAYS COUNTY, TEXAS. (BEAR RIVER LIMITED, LLP Z-13-012); 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 rezone approximately 35.761 acres from 'R-1-2' Single Family Residential – 2 to 'R-1-A' Single Family Attached, on property located Bunton Lane just East of Twin Cove, and 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 2 day of Oct., 2013, at which a quorum was

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

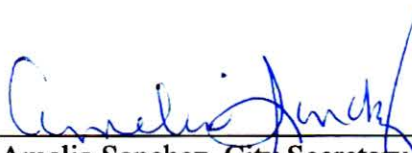
READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING by the City Council of Kyle at a regular meeting on the 15th day of Oct, 2013, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

APPROVED this 15th day of October, 2013.



Lucy Johnson, Mayor

ATTEST:



Amelia Sanchez, City Secretary

EXHIBIT A

EXHIBIT A, SHEET 1

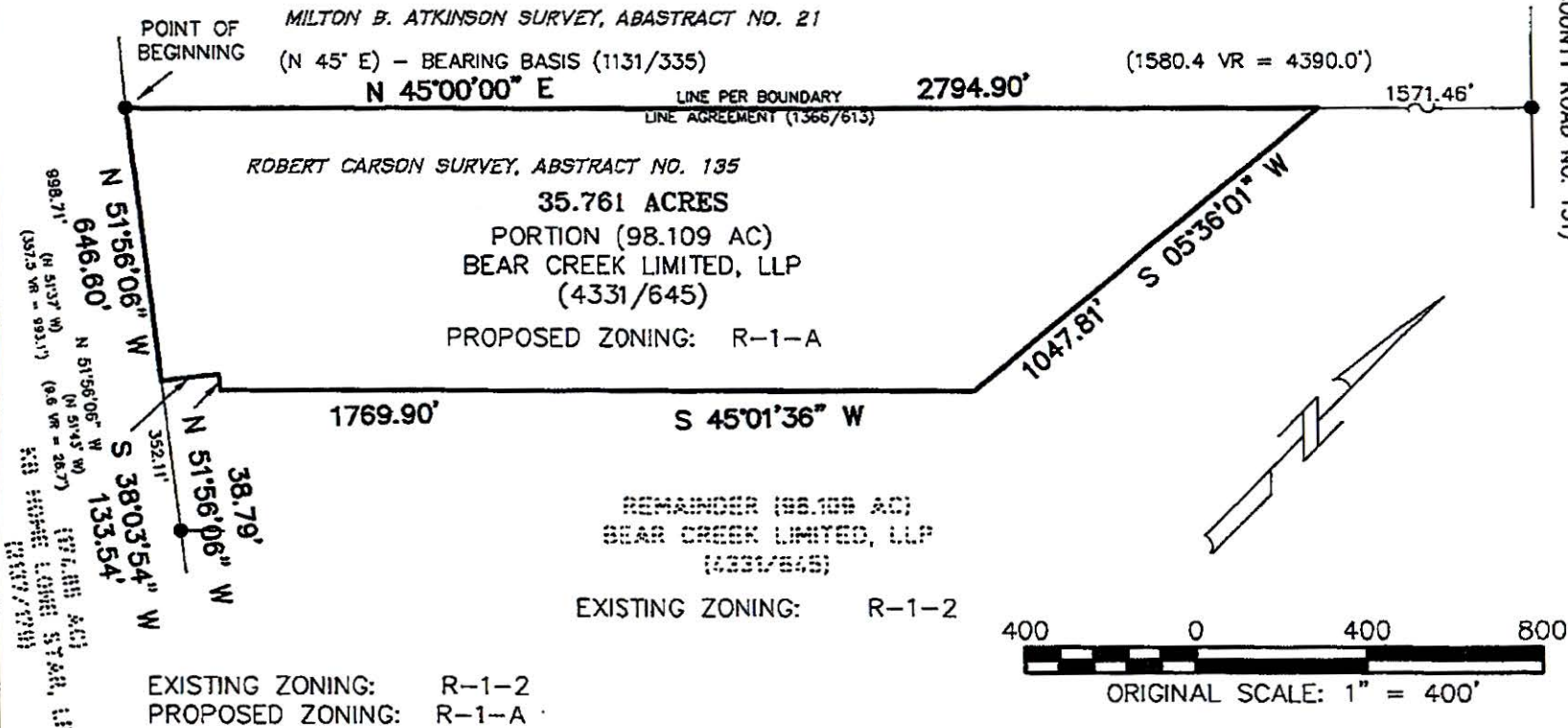
LEGEND

(97.266 AC)
CAG-I, LTD
(2552/422)

SURVEY MAP FOR PROPOSED ZONING CHANGE
35.761 ACRES, ROBERT CARSON SURVEY,
ABSTRACT 135, HAYS COUNTY, TEXAS

● IRON ROD FOUND
(XXX) RECORD DATA

BUNTON LANE
(COUNTY ROAD NO. 151)



SHEET 1 OF 2

SHEET 1: SURVEY MAP

SHEET 2: METES AND BOUNDS DESCRIPTION

PREPARED BY:

C. Richard Ralph

PREPARED: 08/13/2013
SURVEY DATE: 0X/XX/XXXX
DATE

REGISTERED PROFESSIONAL LAND SURVEYOR

PROFESSIONAL LAND SURVEYORS



1515 CHESTNUT STREET
BASTROP, TEXAS 78602

PH: (512) 303-0952
FAX: (512) 332-0961

PROFLNDSUR@AOL.COM



REFERENCE:

NATIONAL SITE SOLUTIONS, ATTN: WADE TODD

PROJECT: PROPOSED ZONING CHANGE: 35.761 ACRES,
ROBERT CARSON SURVEY, ABSTRACT 135
HAYS COUNTY, TEXAS
SEE EXHIBIT A, SHEET 2 FOR
METES AND BOUNDS DESCRIPTION

DRAWN: CRR DATE: 08/13/13 REVISED:
CHECKED: CRR PROJECT NO.: 0411241.1 FB: 72/13

EXHIBIT A, SHEET 2
SEE EXHIBIT A, SHEET 1 FOR SURVEY MAP

**PROFESSIONAL
LAND SURVEYORS**

1515 Chestnut Street (512) 303-0952
Bastrop, Texas 78621 Fax: (512) 332-0981

PROPOSED ZONING CHANGE
EXISTING ZONE: R-1-2
PROPOSED ZONE: R-1-A

LEGAL DESCRIPTION

35.761 ACRES OF LAND OUT OF THE ROBERT CARSON SURVEY, ABSTRACT NO. 135, HAYS COUNTY, TEXAS, COMPRISED OF A PORTION OF THAT TRACT CONVEYED AS 98.109 ACRES TO BEAR RIVER LIMITED, LLP PER VOLUME 4331, PAGE 645, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY AND MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS PER SURVEY SUPERVISED BY C. RICHARD RALPH, R.P.L.S. NO. 4758 DURING APRIL, 2006:

BEGINNING at an iron rod found for the west corner hereof, the common west or south corner of said 98.109 acres and that tract conveyed as 97.266 acres to C4D-I, Ltd. per Volume 2552, Page 402 of said Official Public Records and a point on the northwest line of north line of that tract conveyed as 174.65 acres to KB Homes Lone Star, LP per Volume 2137, Page 179 of said Official Public Records;

THENCE N 45°00'00" E, (bearing basis for this survey per said Volume 4331, Page 645) 2794.80 feet along the common line of said 98.109 acres and said 97.266 acres to a point for the north corner hereof;

THENCE S 05°36'01" W, 1047.81 feet over and across said 98.109 acres to a point for the east corner hereof;

THENCE the following three (3) courses continuing over and across said 98.109 acres:

- 1) S 45°01'36" W, 1769.90 feet to a point;
- 2) N 51°56'06" W, 38.79 feet to a point;
- 3) S 38°03'54" W, 133.54 feet to a point on the common line of said 98.109 acres and said 174.65 acres for the south corner hereof;

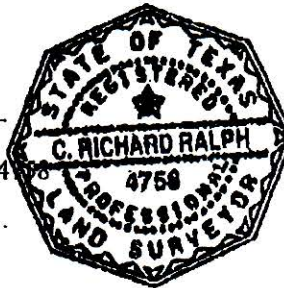
THENCE N 51°56'06" W, 646.60 feet along the common line of said 98.109 acres and said 174.65 acres to the POINT OF BEGINNING, containing 35.761 acres of land, more or less.

Surveyed by:



C. Richard Ralph
Registered Professional Land Surveyor No. 4758

Project No. 0411241.1zc - 72/13;84/40



Prepared August 13, 2013 per
survey Dated April 28, 2006

Exhibit B

