

ORDINANCE 1308

AN ORDINANCE APPROVING THE REZONING OF A ONE ACRE TRACT OUT OF A 8.681 ACRE TRACT LOCATED AT 4371 LOWER SEGUIN ROAD FROM AGRICULTURAL (AG) TO MANUFACTURED HOME RESIDENTIAL (MH-1); DECLARING COMPLIANCE WITH MUNICIPAL ZONING REGULATIONS, STATE LAW, PUBLIC NOTICE AND HEARING REQUIREMENTS, INCORPORATING RECITALS; REPEALING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND DECLARING AN EFFECTIVE DATE

WHEREAS, Texas Local Government Code Section 211.004 provides that zoning regulations and district boundaries must be adopted in accordance with a duly adopted Comprehensive Plan; and

WHEREAS, Texas Local Government Code Section 211.002 authorizes the City of Cibolo, as a home-rule municipality to adopt, repeal or amend zoning district boundaries in order to promote the public health, safety and general welfare of the City; and

WHEREAS, Section 9.02 of the City Charter of the City of Cibolo also provides that the City Council with the authority to fix City zoning district boundaries by ordinance, and provide for the alteration of said boundaries in any manner provided by law; and

WHEREAS, the City of Cibolo received an application from Mr. Robert Helm to rezone 1.0 acre out of his 8.681-acre tract located at 4371 Lower Seguin Road, from Agricultural (AG) to Manufactured Home Residential (MH-1); and

WHEREAS, two public hearings were held to discuss the rezoning to the real property described herein; with the first public hearing being conducted by the Planning & Zoning Commission on Wednesday, June 10, 2020 at 6:30 p.m. in the Cibolo City Hall and the second public hearing being conducted by City Council on Tuesday, June 23, 2020 at 6:30 p.m. in the Cibolo City Hall; each being conducted for the purpose of providing all interested persons the opportunity to be heard concerning the proposed rezoning of 1.0 acre from AG to MH-1, as described herein and depicted in Exhibit "A"; and

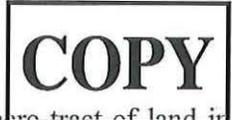
WHEREAS, legal notice notifying the public of both public hearings on the property proposed to be rezoned, was published in the *Seguin Gazette*, a newspaper of general circulation in the City of Cibolo, on May 24, 2020 and May 26, 2020, with said publications provided more than fifteen (15) days prior to the public hearing before the City Council; and

WHEREAS, written notice of the above public hearings before the Planning and Zoning Commission and the City Council were sent to each owner of real property, as indicated on the approved tax roll of the City of Cibolo, within 200 feet of the property to be rezoned, with said notice provided more than ten (10) days prior to the initial public hearing of the City Council as cited above; and

WHEREAS, the Planning and Zoning Commission recommended and the City Council, therefore determined that revising the zoning classifications of certain real property located 4371 Lower Seguin Road, from AG to MH-1, as reflected in the attached Exhibit "A" would be in the best interest of the City.

NOW, THEREFORE: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CIBOLO, TEXAS:

SECTION 1. AMENDMENT.



- A. The zoning district for a one acre tract out of the Residue of called 8.681 acre tract of land in Guadalupe County, Texas, out of the Francisco Rodriquez Survey, Abstract 271, and being a portion of the 8.681 acre tract of land described in the Survey Plat dated April 4, 2013, recorded at Vol. 1587, Page 136, Guadalupe County Public Records; said 1.0 acre tract being depicted in **EXHIBIT "A"** (the "Property"), and incorporated herein by reference, is hereby amended from Agricultural (AG) to Manufactured Home Residential (MH-1) District.
- B. The zoning map of the City of Cibolo is hereby amended to reflect the new zoning designations as created by this Ordinance, being more specifically defined on **EXHIBIT "B"**.

SECTION 2. DECLARATION OF COMPLIANCE. The City Council finds that all required public notices for the rezoning of the Property described in **EXHIBIT "A"** have been published and the public hearings as required by Municipal Code of Ordinances and state law have been held to consider the application to amend the zoning district boundary.

SECTION 3. INCORPORATION OF RECITALS. The City Council finds the recitals in the preamble of this Ordinance are true and correct and incorporates them as findings of fact.

SECTION 4. REPEALED. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

SECTION 5. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining sections of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared void; and that in lieu of each clause or provision of this Ordinance that is invalid, illegal, or unenforceable there be added by the Mayor as necessary with the approval of the City Attorney as to form, and as a part of the Ordinance a clause or provision as similar in terms to such invalid, illegal or unenforceable clause or provision as may be possible, legal, valid and enforceable.

SECTION 6. EFFECTIVE DATE. This ordinance shall become effective upon the adoption of this ordinance.

PASSED, APPROVED, AND ADOPTED THIS 14 **DAY OF** July, 2020.



Stosh Boyle
Mayor, City of Cibolo



ATTEST:



Peggy Cimics, TRMC
City Secretary, City of Cibolo

EXHIBIT A: REZONING EXHIBIT (LEGAL DESCRIPTION)

FIELD NOTES
8.681 ACRE "TRACT B"
OUT OF A 9.94 ACRE TRACT
FRANCISCO RODRIQUEZ SURVEY, ABSTRACT 271,
GUADALUPE COUNTY, TEXAS



Being a 8.681 acre (378,127 sq. ft.) tract of land called Tract "B" situated in the Francisco Rodriguez Survey, Abstract 271, Guadalupe County, Texas, being out of a called 9.94 acre tract as conveyed to Marlin C. and Dayle G. Evans as described and recorded in Volume 1587, Page 136, Official Public Records of said County, and said 8.681 acre tract being more particularly described by metes and bounds as follows:

COMMENCING at a found 1/2" iron rod found in the South right-of-way of Lower Seguin Road (Recognized 60 foot right-of-way width) for the most Northwest corner of an 86.831 acre tract conveyed to Som and Sukesh Kansal as described and recorded in Volume 2463, Page 372, Official Public Records of said County and for the Northeast corner of a 1.268 acre tract called "Tract A" as surveyed this date and said called 9.94 acre tract which bears South 81° 15' 00" West, a distance of 391.64 feet from a found 1/2" iron rod found at the intersection of Lower Seguin Road and Nemece Lane as recorded in Volume 5, Page 199B Map and Plat Records of said County and being the Northeast corner of said 86.831 acre tract;

THENCE, South 29° 43' 00" East, with the Northeast line of said 1.268 acre tract and said 9.94 acre tract, a distance of 397.24 feet to a 1/2" iron rod with RODS cap set for the Southeast corner of said 1.268 acre tract and the Northeast corner and POINT OF BEGINNING of this tract;

THENCE, South 29° 43' 00" East, continuing with the Northeast line of said 9.94 acre tract, a distance of 1094.75 feet to a 1/2" iron rod with RODS cap set being a re-entrant corner of said 86.831 acre tract and for the Southeast corner of said 9.94 acre tract and of this tract;

THENCE, South 60° 19' 00" West, a distance of 490.40 feet, to a 1/2" iron rod with RODS cap set being a re-entrant corner of said 86.831 acre tract and for the Southwest corner of said 9.94 acre tract and of this tract;

THENCE, North 29° 43' 00" West, a distance of 500.00 feet, to a found 1/2" iron rod found being the Northeast corner of a 5.683 acre tract as conveyed to Loraine R. and Charles R. Wear and described and recorded in Volume 1342, Page 695, said Official Public Records and being in the South line of a 34.270 acre tract as conveyed to Paul S. and Mary E. Cole as described and recorded in Volume 1059, Page 37, said Official Public Records for the West corner of said 9.94 acre tract and of this tract;

THENCE, North 60° 17' 00" East, a distance of 307.19 feet, to a 1/2" iron rod with RODS cap set, being the Southeast corner of a called 4.59 acre tract as conveyed to Paul S. and Mary E. Cole as described and recorded in Volume 449, Page 36, Deed Records of said County for a re-entrant corner of said 9.94 acre tract and of this tract;

THENCE, North 29° 43' 00" West, a distance of 1062.62 feet, to a 8 inch wood fence post in the South right-of-way line of said Lower Seguin Road being the Northeast corner of said 4.59 acre tract and for the Northwest corner of said 9.94 acre tract and of this tract;

THENCE, North 81° 15' 00" East, along the South right-of-way line of said Lower Seguin Road, a distance of 53.55 feet to a 1/2" iron rod with RODS cap set, for the Northwest corner of said 1.268 acre tract and the North corner of this tract;

THENCE, South 29° 43' 00" East, crossing said 9.94 acre tract and with the Southwest line of said 1.268 acre tract, a distance of 432.22 feet; to a 1/2" iron rod with RODS cap set for the Southwest corner of said 1.268 acre tract and for a re-entrant corner of this tract;

THENCE, North 67° 09' 27" East, continuing across said 9.94 acre tract with the Southeast line of said 1.268 acre tract, a distance of 134.17 feet to the POINT OF BEGINNING and containing 8.681 acres (378,127 sq. ft.) of land more or less.

John David Kenney

John David Kenney, RPLS #2080
April 4, 2013



EXHIBIT A: REZONING EXHIBIT (MAPPED)

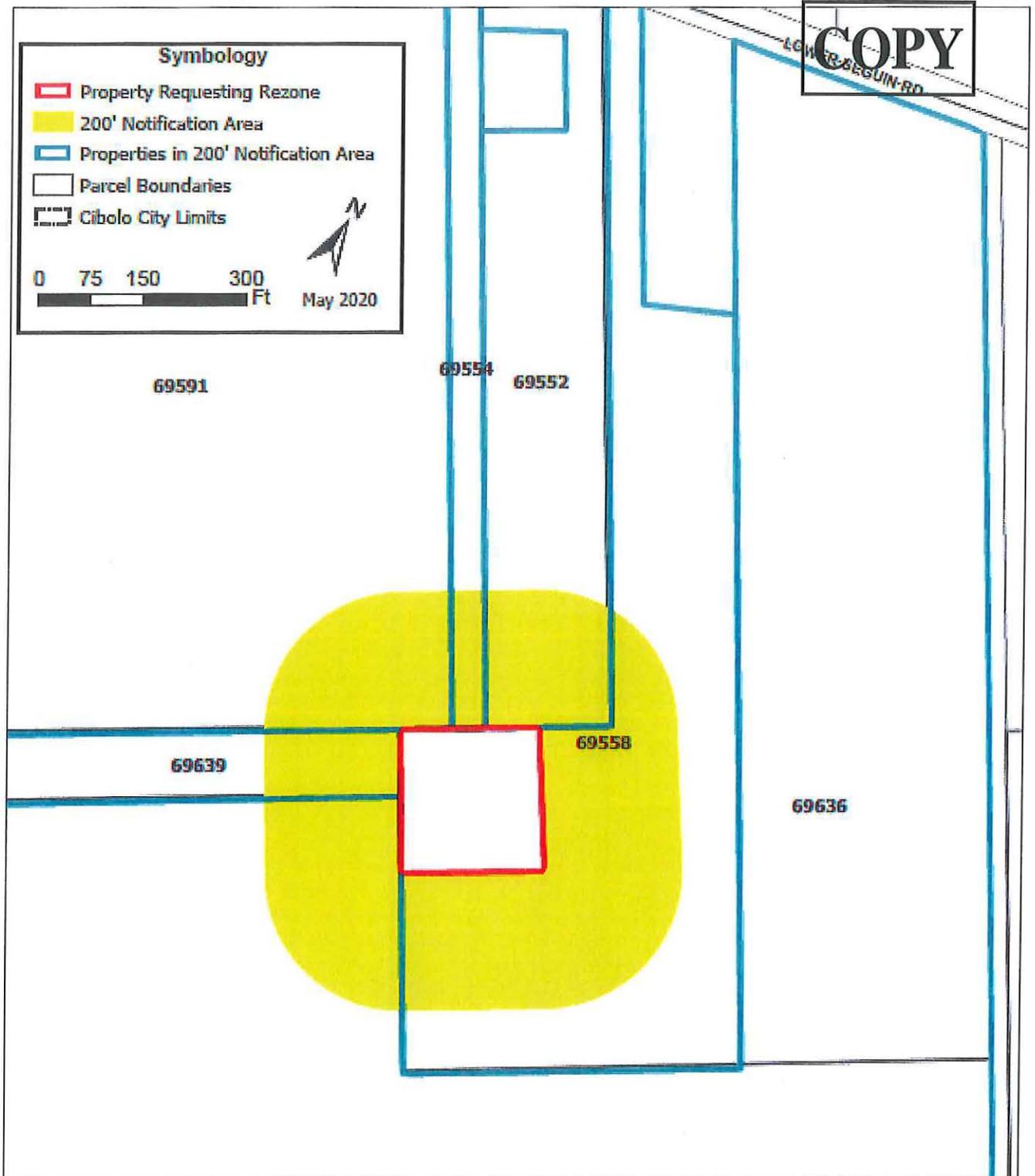
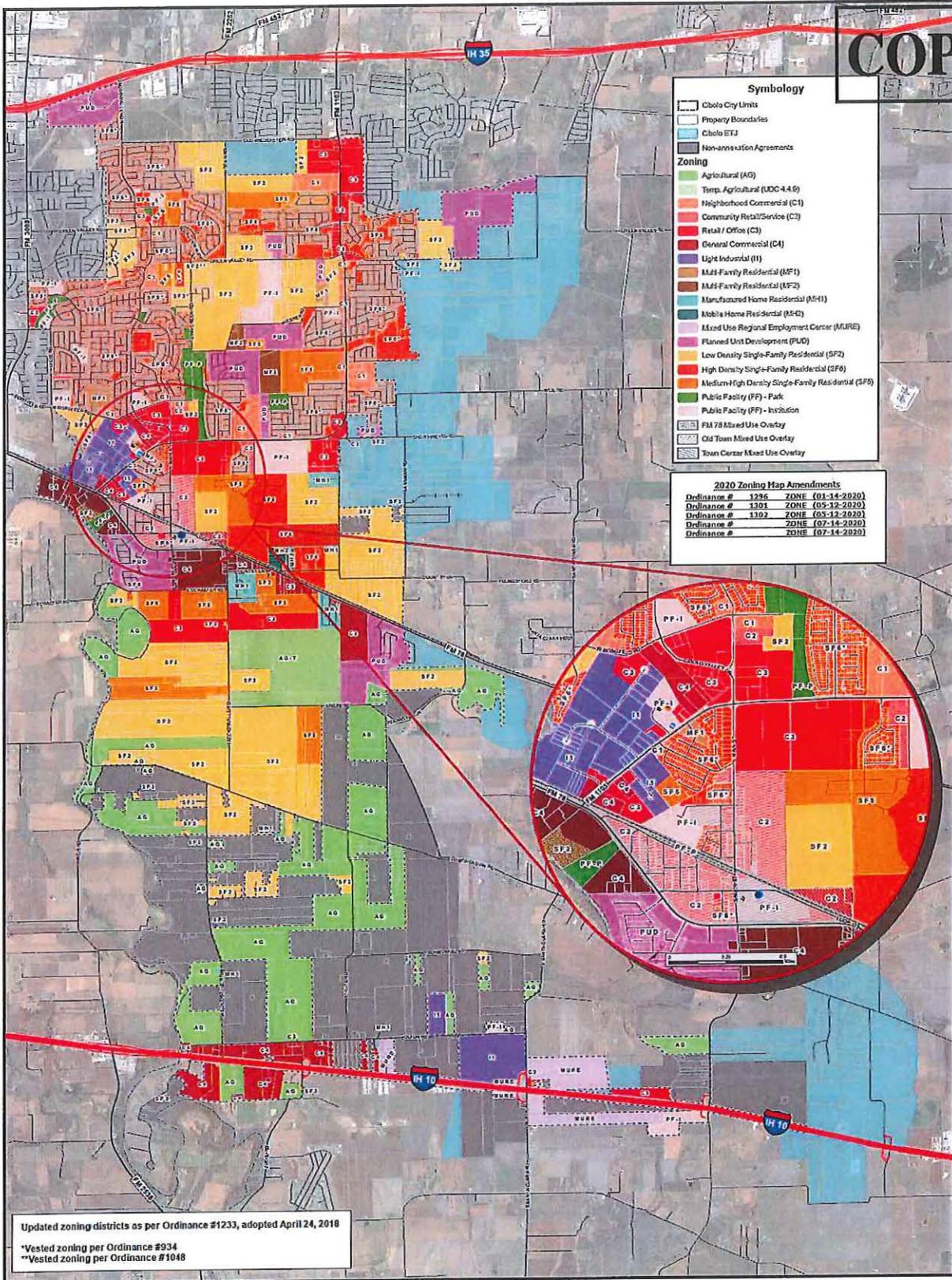


EXHIBIT B: UPDATED OFFICIAL ZONING MAP - CITY OF CIBOLO, TEXAS

COPY



1:24,000

OFFICIAL ZONING MAP

City of Cibolo

July 14, 2020



This is to certify that this is the Official Zoning Map referred to in the City of Cibolo Code of Ordinances, Appendix A, commonly referred to as the Unified Development Code (UDC). Adopted by Ordinance Number _____ on _____ by the City Council of the City of Cibolo, Texas.

SIGNED: _____
 Stash Boyle, Mayor

(City Seal Goes Here)

ATTEST: _____
 Peggy Cimica, City Secretary