

ORDINANCE NO. 1274

AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF ASSIGNING ORIGINAL ZONING TO APPROXIMATELY 0.52 ACRES OF LAND FROM AGRICULTURE 'A' TO RETAIL SERVICE DISTRICT 'RS' FOR PROPERTY LOCATED AT 1121 E. FM 150, IN HAYS COUNTY, TEXAS; 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 zoning to approximately 0.52 acres from Agriculture 'A' to Retail Service District 'RS' for property located at 1121 E FM 150 in Hays County, Texas and the property location map and survey labeled 'Exhibit A'.

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 as shown in 'Exhibit A' 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 20th day of June, 2023, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

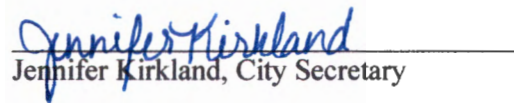
READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING by the City Council of Kyle at a regular meeting on the 6th day of July, 2023, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

APPROVED this 6th day of July, 2023.



Travis Mitchell, Mayor

ATTEST:



Jennifer Kirkland, City Secretary

SURVEY PLAT OF

see accompanying field note description

FRANCISCO HERRERA and EUGENIA GONZALEZ
 Homestead of 128 acres
 Volume 160 Page 381

Notes

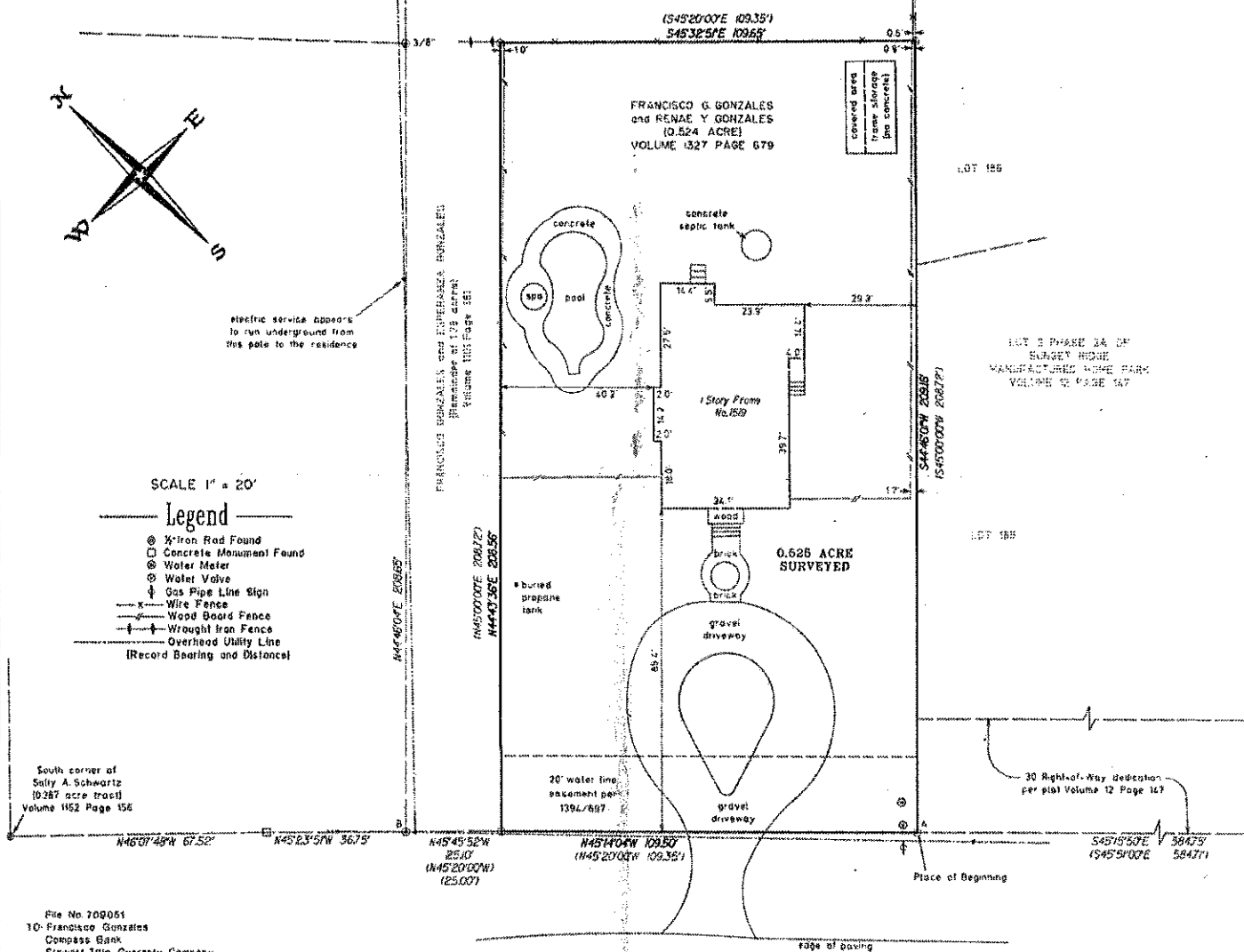
1) This tract is subject to a general blanket-type easement recorded in Volume 95 Page 130 of the Hays County Deed Records. There is no visible evidence of pipe line crossing this tract.

2) This tract is subject to a general blanket-type easement recorded in Volume 102 Page 491 of the Hays County Deed Records. There is no visible evidence of pipe line crossing this tract.

3) The easement recorded in Volume 118 Page 427 of the Hays County Deed Records, does not apply to this tract.

4) The easement recorded in Volume 159 Page 234 of the Hays County Deed Records, does not apply to this tract.

5) The easement recorded in Volume 230 Page 95 of the Hays County Deed Records, does not apply to this tract.



File No. 709051
 10 Francisco Gonzales
 Compass Bank
 Stewart Title Guaranty Company
 Greco Title Company

THE STATE OF TEXAS
THE COUNTY OF TRAVIS

The undersigned does hereby certify that a survey was this day made on the ground of the property legally described hereon and is accurate to the best of my abilities and that the survey is in accordance with the following stages in area, overlapping of improvements, visible utility lines, or roads in place, except as shown hereon, and said property abuts a dedicated roadway. This property is within Zone X faras determined to be outside of the 100 Year Flood Plain according to the Federal Emergency Management Agency Flood Insurance Rate Map Panel No. 480321 0205 E. Federal Flood Insurance Policy No. 480321 0205 E.

THIS, the 28th day of NOVEMBER, A.D. 2007.

BY: *Holt Carson*
Holt Carson
Registered Professional Land Surveyor No. 5158
HOLT CARSON, INC.
1804 Fortview Road Austin, Texas 78704
(512)-442-0980



F.M. 160 (R.O.W. Varley)

Orientation for this survey was based on a bearing of $N45^{\circ}20'00''W$ between points A and B labeled herein.

T-47 RESIDENTIAL REAL PROPERTY AFFIDAVIT
(MAY BE MODIFIED AS APPROPRIATE FOR COMMERCIAL TRANSACTIONS)

Date: 07/18/2022 CF No. _____
Name of Affiant(s): Francisco Gonzales and Renae Gonzales
Address of Affiant: 1519 E FM 150, Kyle, TX 78640
Description of Property: 1519 E FM 150, Kyle, TX 78640
County: Hays, Texas

"Title Company" as used herein is the Title Insurance Company whose policy of title insurance is issued in reliance upon the statements contained herein.

Before me, the undersigned notary for the State of Texas, personally appeared Affiant(s) who after by me being sworn, stated:

1. We are the owners of the Property. (Or state other basis for knowledge by Affiant(s) of the Property, such as lease, management, neighbor, etc. For example, "Affiant is the manager of the Property for the record title owners.")
2. We are familiar with the property and the improvements located on the Property.
3. We are closing a transaction requiring title insurance and the proposed insured owner or lender has requested area and boundary coverage in the title insurance policy(ies) to be issued in this transaction. We understand that the Title Company may make exceptions to the coverage of the title insurance as Title Company may deem appropriate. We understand that the owner of the property, if the current transaction is a sale, may request a similar amendment to the area and boundary coverage in the Owner's Policy of Title Insurance upon payment of the promulgated premium.
4. To the best of our actual knowledge and belief, since 2007 there have been no:
 - a. construction projects such as new structures, additional buildings, rooms, garages, swimming pools or other permanent improvements or fixtures;
 - b. changes in the location of boundary fences or boundary walls;
 - c. construction projects on immediately adjoining property(ies) which encroach on the Property;
 - d. conveyances, replattings, easement grants and/or easement dedications (such as a utility line) by any party affecting the Property.

EXCEPT for the following (If None, Insert "None" Below): NONE

5. We understand that Title Company is relying on the truthfulness of the statements made in this affidavit to provide the area and boundary coverage and upon the evidence of the existing real property survey of the Property. This Affidavit is not made for the benefit of any other parties and this Affidavit does not constitute a warranty or guarantee of the location of improvements.
6. We understand that we have no liability to Title Company that will issue the policy(ies) should the information in this Affidavit be incorrect other than information that we personally know to be incorrect and which we do not disclose to the Title Company.



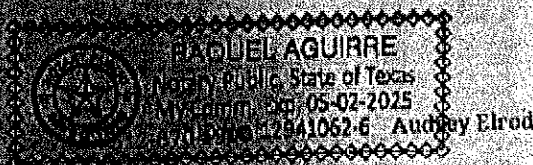
Notary Public

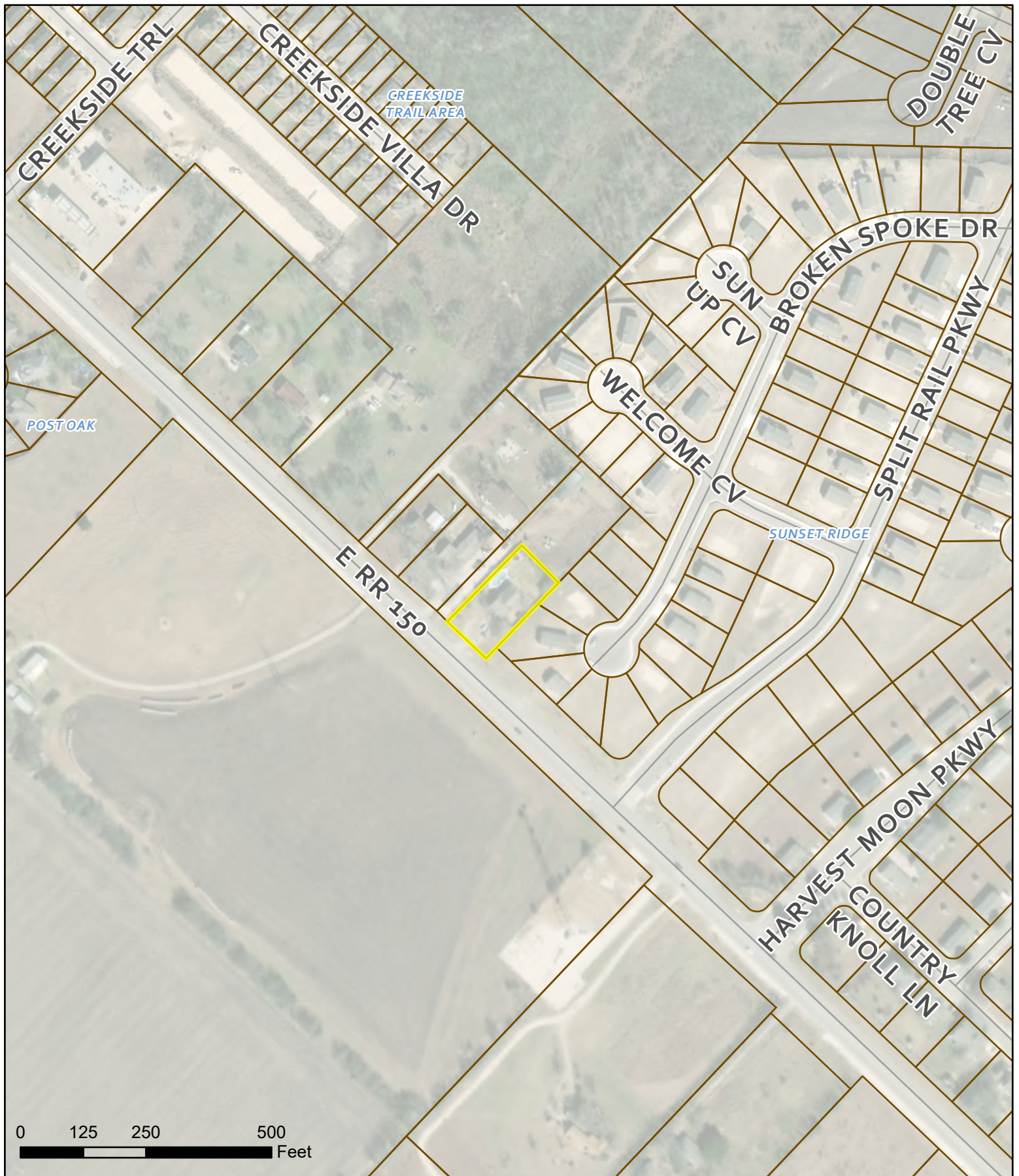
SWORN AND SUBSCRIBED this 20th day of July, 2022



Notary Public

(TXR 1907) 02-01-2010






Project Location Map

Z-23-0114

1121 E RR 150

0.52 Acres

 Property to be Rezoned R/S

 Parcel Lines