



ORDINANCE 1270

AN ORDINANCE ASSIGNING A PERMANENT ZONING CLASSIFICATION OF CERTAIN REAL PROPERTIES GENERALLY LOCATED AT 3453 SOUTH SANTA CLARA ROAD, COMPRISED OF 159.534 ACRES FROM AGRICULTURAL HOMESTEAD (AG) TO LIGHT INDUSTRIAL (I-1); AND PROVIDING 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 to rezone 159.534 acres located at 3453 Santa Clara Road, from Agricultural (AG) to Light Industrial (I-1); and

WHEREAS, two public hearings were held to discuss the rezoning with the first public hearing being conducted by the Planning & Zoning Commission on Wednesday, May 8, 2019 at 6:30 p.m. in the Cibolo City Hall; and, the second public hearing being conducted by City Council on Tuesday May 28, 2019 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 159.534 acres from AG to I-1, as described herein and depicted on Exhibit A; and

WHEREAS, legal notice notifying the public of both public hearings on the rezoning was published in the *Seguin Gazette*, a newspaper of general circulation in the City of Cibolo, on April 21, 2019 and April 23, 2019, 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 hearing before the Planning and Zoning Commission was sent to each owner of real property, as indicated on the approved tax roll of the City of Cibolo, within 200 feet of the properties to be rezoned, with said notice provided more than ten (10) days prior to the initial public hearing of the Planning and Zoning Commission as cited above; and

WHEREAS, the Planning and Zoning Commission recommended and the City Council, therefore determined that rezoning of 159.534 acres of real property located at 3453 Santa Clara Road would be rezoned from Agricultural (AG) to Light Industrial (I-1), as reflected in the attached Exhibit "A" would be in accordance with the City's Comprehensive Plan and 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 I.

THAT 159.534 acres of real properties located at 3453 Santa Clara Road, shall be rezoned from Agricultural (AG) to Light Industrial (I-1) a depiction of which is more specifically defined on Exhibit "A".

SECTION II.

THAT 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 III.

THAT all provisions of the Code of Ordinances of the City of Cibolo not herein amended or repealed shall remain in full force and effect.

SECTION IV.

THAT all other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent that they are in conflict.

SECTION V.

THAT if any provisions of this ordinance shall be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.


SECTION VI.

THAT this ordinance is not severable.

SECTION VII.


THIS ordinance will take effect its passage, approval and publication as provided by law.

PASSED, APPROVED, AND ADOPTED THIS 11 **DAY OF** June, 2019.



Stosh Boyle
Mayor, City of Cibolo

ATTEST:



Peggy Cimics, TRMC
City Secretary, City of Cibolo



EXHIBIT A: Rezoning Exhibit (Legal Description)

AS-SURVEYED DESCRIPTION

BEING A 159.5-ACRE (6,948,568 SQUARE FEET) TRACT OF LAND OUT OF THE FRANCISCO GARCIA SURVEY NO. 231, ABSTRACT NO. 141 AND THE JOSE FLORES SURVEY NO. 63, ABSTRACT NO. 134, GUADALUPE COUNTY, TEXAS, SAID 159.5-ACRE TRACT BEING THAT CALLED 159.534-ACRE TRACT CONVEYED FROM BERNICE S. FRIESENHAHN, TRUSTEE FOR THE SCHEEL FAMILY, NO. 2 TO GUADALUPE VALLEY DEVELOPMENT CORPORATION BY SPECIAL WARRANTY DEED RECORDED IN VOLUME 4101, PAGE 146, OFFICIAL PUBLIC RECORDS OF GUADALUPE COUNTY, TEXAS, SAID 159.5-ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, WITH ALL BEARINGS BEING REFERENCED TO NORTH AMERICAN DATUM OF 1983, TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE:

BEGINNING AT A FOUND IRON ROD WITH DAMAGED BLUE CAP ON THE NORTHWEST RIGHT-OF-WAY (R.O.W.) LINE OF INTERSTATE HIGHWAY 10 (VARIABLE-WIDTH R.O.W., VOLUME 137, PAGE 179, DEED RECORDS OF GUADALUPE COUNTY TEXAS AND VOLUME 137, PAGE 182, DEED RECORDS OF GUADALUPE COUNTY, TEXAS), SAID POINT ALSO BEING THE MOST EASTERLY CORNER OF A CALLED 73.84-ACRE TRACT, SAVE AND EXCEPT 10.842 ACRES CONVEYED TO DIANE EVELYN TYO, KAREN SUE WEINSTEIN, AND LYNN HENRY MEYER, RECORDED IN DOCUMENT NO. 2016013721, DEED RECORDS OF GUADALUPE COUNTY TEXAS, SAID POINT ALSO BEING THE MOST SOUTHERLY CORNER OF SAID CALLED 159.534-ACRE TRACT, FOR THE MOST SOUTHERLY CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE N31°33'52"W, DEPARTING SAID R.O.W., ALONG THE SOUTHWEST LINE OF SAID CALLED 159.534-ACRE TRACT AND THE NORTHEAST LINE OF SAID CALLED 73.84-ACRE TRACT, SAVE AND EXCEPT 10.842-ACRES, A DISTANCE 2,128.20 FEET TO A POINT ON THE SOUTHEAST R.O.W. LINE OF BOLTON ROAD, CR-308, SAID POINT ALSO BEING THE MOST NORTHERLY CORNER OF SAID CALLED 73.84-ACRE TRACT, SAVE AND EXCEPT 10.842 ACRES AND THE MOST WESTERLY CORNER OF SAID CALLED 159.534-ACRE TRACT, FOR THE MOST WESTERLY CORNER OF THE HEREIN DESCRIBED TRACT, FROM WHICH A FOUND 1/2" IRON ROD BEARS S34°38'11"E, 2.17 FEET;

THENCE N58°50'47"E, ALONG SAID SOUTHEAST R.O.W. LINE OF BOLTON ROAD, CR-308 AND NORTHWEST LINE OF SAID CALLED 159.534-ACRE TRACT, A DISTANCE OF 3,215.18 FEET TO A FOUND IRON ROD WITH BLUE CAP STAMPED "KFW SURVEYING" AT THE SOUTHWEST R.O.W. INTERSECTION OF SAID BOLTON ROAD, CR-308 AND S. SANTA CLARA ROAD, CR-315, SAID POINT ALSO BEING THE MOST NORTHERLY CORNER OF SAID CALLED 159.534-ACRE TRACT, FOR THE MOST NORTHERLY CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE S31°07'50"E, ALONG THE NORTHEAST LINE OF SAID 159.534-ACRE TRACT AND THE SOUTHWEST R.O.W. LINE OF SAID S. SANTA CLARA ROAD, CR-315, A DISTANCE OF 1,703.04 FEET TO A FOUND 1/2" IRON ROD AT THE R.O.W. INTERSECTION OF SAID S. SANTA CLARA ROAD, CR-315 AND INTERSTATE HIGHWAY 10 (VARIABLE-WIDTH R.O.W., VOLUME 324, PAGE 53, DEED RECORDS AND VOLUME 321, PAGE 468, DEED RECORDS), AT THE MOST EASTERLY CORNER OF SAID CALLED 159.534-ACRE TRACT, FOR THE MOST EASTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE ALONG THE COMMON LINE OF SAID 159.534-ACRE TRACT AND SAID INTERSTATE HIGHWAY 10 R.O.W., THE FOLLOWING TWO (2) CALLS:

S24°10'40"W A DISTANCE OF 374.66 FEET TO A FOUND TYPE I R.O.W. MONUMENT, FOR A CORNER OF THE HEREIN DESCRIBED TRACT, AND

S09°05'38"E, A DISTANCE OF 298.92 FEET TO A FOUND TYPE I R.O.W. MONUMENT AT THE NORTH CORNER OF A CALLED 2.071-ACRE TRACT CONVEYED TO 2015 PP PETERSON PROPERTIES, LLC, RECORDED IN DOCUMENT NO. 2016025806, OFFICIAL PUBLIC RECORDS OF GUADALUPE COUNTY TEXAS, AT AN EAST CORNER OF SAID CALLED 159.534-ACRE TRACT, FOR AN EAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE S59°24'28"W, ALONG THE SOUTHEAST LINE OF SAID CALLED 159.534-ACRE TRACT AND THE NORTHWEST LINE OF SAID CALLED 2.071-ACRE TRACT, A DISTANCE OF 338.92 FEET TO A FOUND 1/4" IRON ROD AT THE MOST WESTERLY CORNER OF SAID CALLED 2.071-ACRE TRACT, SAME POINT ALSO BEING THE MOST NORTHERLY CORNER OF A CALLED 0.480-ACRE TRACT CONVEYED TO RALPH REININGER, RECORDED IN VOLUME 3079, PAGE 763, OFFICIAL PUBLIC RECORDS OF GUADALUPE COUNTY TEXAS, AT A CORNER OF SAID CALLED 159.534-ACRE TRACT, FOR A CORNER OF THE HEREIN DESCRIBED TRACT;

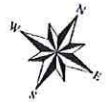
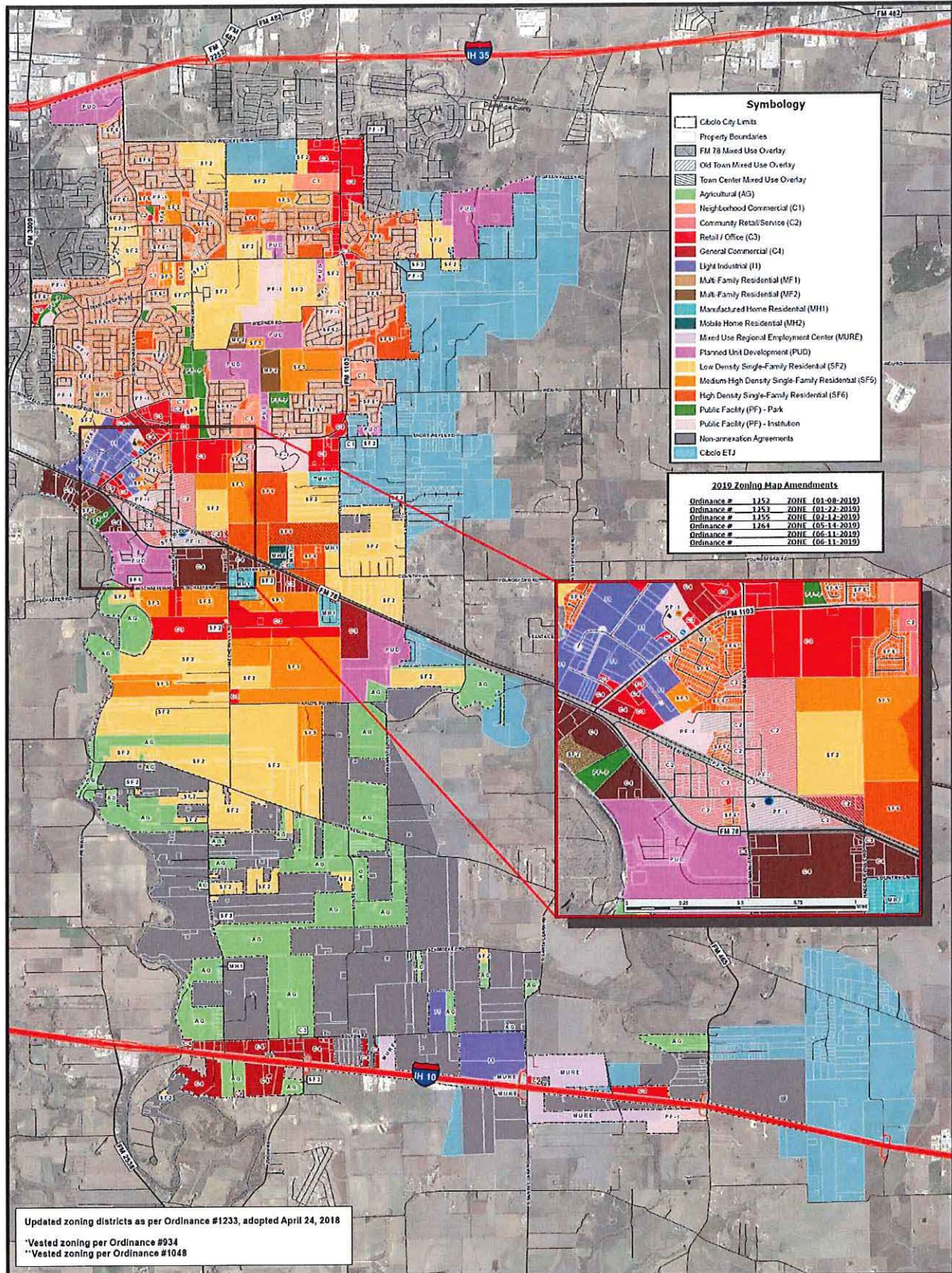
THENCE S60°26'57"W, CONTINUING ALONG SAID SOUTHEAST LINE OF SAID CALLED 159.534-ACRE TRACT AND THE NORTHWEST LINE OF SAID CALLED 0.480-ACRE TRACT, AT A DISTANCE OF APPROXIMATELY 85.00 FEET PASSING THE MOST WESTERLY CORNER OF SAID CALLED 0.480-ACRE TRACT AND THE MOST NORTHERLY CORNER OF A CALLED 0.502-ACRE TRACT CONVEYED TO EDGAR AND VALERIA SANCHEZ, RECORDED IN DOCUMENT NO. 2015023215, OFFICIAL PUBLIC RECORDS OF GUADALUPE COUNTY TEXAS, CONTINUING ALONG THE NORTHWEST LINE OF SAID CALLED 0.502-ACRE TRACT, FOR A TOTAL DISTANCE OF 185.60 FEET TO A FOUND IRON ROD WITH YELLOW CAP STAMPED "RPLS 2024" AT THE MOST WESTERLY CORNER OF SAID CALLED 0.502-ACRE TRACT, SAME POINT ALSO BEING THE MOST NORTHERLY CORNER OF A CALLED 3.000-ACRE TRACT CONVEYED TO JOHN R. MONTAGUE, RECORDED IN VOLUME 2126, PAGE 808, OFFICIAL PUBLIC RECORDS OF GUADALUPE COUNTY TEXAS, AT A CORNER OF SAID CALLED 159.534-ACRE TRACT, FOR A CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE S60°13'20"W, CONTINUING ALONG SAID SOUTHEAST LINE OF SAID CALLED 159.534-ACRE TRACT AND THE NORTHWEST LINE OF SAID CALLED 3.000-ACRE TRACT, A DISTANCE OF 652.66 FEET TO A FOUND IRON ROD WITH ORANGE CAP STAMPED "TRI-COUNTY" AT THE MOST WESTERLY CORNER OF SAID 3.000-ACRE TRACT, SAME POINT ALSO BEING AN INTERIOR CORNER OF SAID CALLED 159.534-ACRE TRACT, FOR AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE S30°33'08"E, ALONG THE SOUTHWEST LINE OF SAID CALLED 3.000-ACRE TRACT AND CONTINUING ALONG SAID SOUTHEAST LINE OF SAID CALLED 159.534-ACRE TRACT, A DISTANCE OF 165.71 FEET TO A FOUND 1" IRON PIPE ON SAID NORTHWEST R.O.W. LINE OF INTERSTATE HIGHWAY 10, SAME POINT ALSO BEING A THE MOST SOUTHERLY CORNER OF SAID 3.000-ACRE TRACT, AT A CORNER OF SAID CALLED 159.534-ACRE TRACT, FOR A CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE S66°12'08"W, CONTINUING ALONG SAID SOUTHEAST LINE OF SAID CALLED 159.534-ACRE TRACT AND SAID NORTHWEST R.O.W. LINE OF INTERSTATE HIGHWAY 10, A DISTANCE OF 1,613.46 FEET, RETURNING TO THE POINT OF BEGINNING AND CONTAINING 159.5 ACRES (6,948,568 SQUARE FEET) OF LAND.

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



1:24,000

OFFICIAL ZONING MAP

City of Cibolo

June 11, 2019



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

ATTEST _____
 Peggy Collins, City Secretary

(City Seal Goes Here)