

ORDINANCE NO. 1250-01-22

AN ORDINANCE REZONING 20.256 ACRES OF LAND BEING LOCATED IN THE ANTON GSELL SURVEY NO. 187, ABSTRACT NO. 428, MEDINA COUNTY, TEXAS, SAID TRACT BEING FURTHER DESCRIBED IN DOCUMENT 2021010434, OFFICIAL RECORDS OF MEDINA COUNTY, TEXAS, GENERALLY LOCATED EAST OF THE INTERSECTION OF 9TH STREET AND AVENUE R AND IS IDENTIFIED AS ASSESSOR'S PARCEL IDENTIFICATION NO. R-4571, FROM THE RESIDENTIAL THREE (R3) AND MOBILE/MANUFACTURED HOME (MMH) ZONING DISTRICTS TO THE RESIDENTIAL THREE (R3) ZONING DISTRICT IN THE PROPERTY'S ENTIRETY; 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, the City of Hondo ("City") as a subdivision of the State of Texas has the authority to pass law and the laws of the City are passed by Ordinance; and

WHEREAS, the Texas Local Government Code 211, subchapter A authorizes a city to establish zoning regulations for the purpose of promoting public health, safety, morals, or general welfare and protecting and preserving places and areas of historical, cultural, or architectural importance and significance; and

WHEREAS, the Texas Local Government Code 211.006 establishes procedures for cities to amend zoning regulations and zoning district boundaries; and

WHEREAS, pursuant to such statutory authority the City has adopted the Hondo Unified Development Code ("UDC") on January 8, 2018, by Ordinance No. 1148-01-18; and

WHEREAS, Chapter 3, Section 3.3, of the UDC of the City of Hondo provides for amendments and changes to zoning regulations and zoning district boundaries; and

WHEREAS, Sylvester and Melissa Gallardo are the owners of 20.256 acres of land being located in the Anton Gsell Survey No. 187, Abstract No. 428, Medina County, Texas, said tract being further described in Document 2021010434, Official Records of Medina County, Texas, generally located east of the intersection of 9th Street and Avenue R and is identified as Assessor's Parcel Identification No. R-4571; and

WHEREAS, Mr. and Mrs. Gallardo now wish to rezone said 20.256-acre tract from Residential Three (R3) District and Mobile/Manufactured Home (MMH) District to Residential Three (R3) District in the Property's entirety and have accordingly submitted a rezoning application to city; and

WHEREAS, on the 19th day of January, 2022, the Planning and Zoning Commission conducted a properly advertised public hearing to receive citizen comments and testimony; and

WHEREAS, on the 19th day of January, 2022, the Planning and Zoning Commission, upon consideration of the application to rezone the Property, citizen comment and testimony made during public hearing, and the report of the city's Development Officer, has recommended approval; and

WHEREAS, on the 24th day of January, 2022, the City Council conducted a properly advertised public hearing to receive citizen comments and testimony, the report of the city's Development Officer, and the recommendation from the Planning and Zoning Commission.

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

SECTION 1. AMENDMENT. The 20.256 acres of land being located in the Anton Gsell Survey No. 187, Abstract No. 428, Medina County, Texas, said tract being further described in Document 2021010434, Official Records of Medina County, Texas, generally located east of the intersection of 9th Street and Avenue R and is identified as Assessor's Parcel Identification No. R-4571, said 20.256-acre tract being more particularly described by metes and bounds by the property survey attached as EXHIBIT "A" (the "Property") is hereby rezoned from the Residential Three (R3) and Mobile/Manufactured Home (MMH) zoning districts to the Residential Three (R3) zoning district in the Property's entirety.

SECTION 2. DECLARATION OF COMPLIANCE. The City Council finds that all required public notices for the rezoning of the Property 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. REPEALER. 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 AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HONDO, TEXAS, THIS 24th DAY OF JANUARY 2022.



James W. Danner, Mayor

ATTEST:



Sue Ann Reyes, City Secretary



EXHIBIT "A"
Description of 20.256 acres of land



CIVIL ENGINEERING CONSULTANTS
DON DURDEN, INC.

**FIELD NOTES
FOR
GALLARDO - HONDO SUBDIVISION TRACT
20.256 Acre Tract**

Being a 20.256 acre parcel of land in the Anton Gsell Survey No. 187, Abstract No. 428, Medina County, Texas, and being all the called 20.4 acre tract described in the deed recorded in Document No. 2021010434, of the Official Records (O.R.) of Medina County, Texas; said 20.256 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a found 5/8" rebar without cap at the northwest corner of the above described called 20.4 acre tract lying on the south line of a called 56.44 acre tract recorded in Volume 803, Page 845 of the O.R. of Medina County;

THENCE S 89°56'17" E with said south line, pass at 669.83 feet a 5/8" rebar held for line only, continuing on for a total distance of 670.69 feet to a point for the northeast corner of this description; said corner being the northwest corner of the 16.72 acre tract described in two parcels in the deed recorded in Volume 874, Page 1207, O.R. of Medina County;

THENCE S 00°08'05" E, pass at 0.55 feet a 5/8" rebar held for line only, with the west line of said 16.72 acres tract, thence continuing with the west right-of-way (ROW) line of Avenue P (60' Public ROW), for a total distance of 1655.61 feet to a set 1/2" rebar with Civil Engineering Consultants (CEC) plastic cap for the southeast corner of this description at the northwest intersection corner of 11th Street;

THENCE S 89°35'33" W, with the north ROW line of 11th street for a distance of 210.00 feet to a set 1/2" rebar with CEC cap for the southernmost southwest corner of this description; a 1/2" rebar with DYE cap found at the southwest corner of a 1.672 acre tract described in Volume 434, Page 1004 of the Official Public Records of Medina County bears S 89°35'33" W - 291.86 feet;

THENCE N 00°03'14" E, for a distance of 495.78 feet to a found 5/8" rebar without cap for an entrant corner of this description;

THENCE N 89°53'23" W, pass at 147.64 feet at found 5/8" rebar without cap at the northeast corner of the previously mentioned 1.672 acre tract, pass at 294.91 feet a second found 5/8" rebar without cap at the northwest corner of said 1.672 acre tract, continue on for a total distance of 462.30 feet to a found 1/2" rebar with CDS cap at the present occupied terminus of 9th Street;

THENCE with the monumented common lines of King Addition Unit 2 as shown on the plat record in Volume 7, Page 185 of the Plat Records of Medina County for the following three (3) courses:
N 00°07'57" W, across the terminus of 9th Street and with Lots 4C and 4B for a distance of 450.23 feet;

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DON DURDEN, INC.

N 00°08'05" E, across the terminus of 8th Street for a distance of 50.24 feet;
N 00°09'33" W, with Lots 3C and 2 for a distance of 660.69 feet;

To the POINT OF BEGINNING, and containing 20.256 acres of land, more or less.

Bearing source is the line between the first two found monuments described above and shown as S 89°56'17" E as derived from GPS observation based on NAD 83(2011), Texas State Plane Coordinate System - South Central Zone.

I hereby certify that this description conforms to the minimum standards set forth by the Texas Board of Professional Land Surveying according to an actual survey made on the ground by employees of Don Durden, Inc. dba Civil Engineering Consultants.

Date: *November 11, 2021*

Gary B Neill

Gary B. Neill
R.P.L.S. #3964
Firm No. 10041000



Warning: Only those copies with the Signature and Seal in red should be relied upon.

Gallardo - Hondo Sub
Project Number: E0685100

