

ORDINANCE NO. 1256-04-22

AN ORDINANCE REZONING A 4.29-ACRE TRACT OF LAND LOCATED EAST OF AVENUE Y AND SOUTH OF 8TH STREET, IDENTIFIED AS MEDINA COUNTY TAX ASSESSOR'S PARCEL IDENTIFICATION NO. 508860 AND DESCRIBED AS A 4.29-ACRE TRACT OF LAND OUT OF THE LEONARD ESSER SURVEY 157, ABSTRACT 360, AND BEING OUT OF 463.272 ACRES DESCRIBED IN VOLUME 23, PAGE 706, OFFICIAL PUBLIC RECORDS, MEDINA COUNTY, TEXAS, AND AS DESCRIBED IN THE DEED FROM CITY OF HONDO TO MEDINA COUNTY, DATED DECEMBER 10, 2020, AND OF RECORD AS DOCUMENT NO. 2020011610, OFFICIAL PUBLIC RECORDS, MEDINA COUNTY, TEXAS FROM PLANNED DEVELOPMENT (PD) ZONING DISTRICT AND GOVERNMENT/PUBLIC (GP) ZONING DISTRICT TO THE GOVERNMENT/PUBLIC (GP) 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, Medina County is the owner of a 4.29-acre tract of land located east of Avenue Y and South of 8th Street, identified as Medina County Tax Assessor's Parcel Identification No. 508860 and described as a 4.29-acre tract of land out of the Leonard Esser Survey 157, Abstract 360, and being out of 463.272 acres described in Volume 23, Page 706, Official Public Records, Medina County, Texas, and as described in the Deed from City of Hondo to Medina County, dated December 10, 2020, and of record as Document No. 2020011610, Official Public Records, Medina County, Texas; and

WHEREAS, Medina County now wishes to rezone said 4.29-acre tract from Planned Development (PD) Zoning District and Government/Public (GP) Zoning District to the Government/Public (GP) Zoning District in the property's entirety and has accordingly submitted a rezoning application to city; and

WHEREAS, on the 18th day of April, 2022, the Planning and Zoning Commission conducted a properly advertised public hearing to receive citizen comments and testimony; and

WHEREAS, on the 18th day of April, 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 25th day of April, 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 4.29-acre tract of land located east of Avenue Y and South of 8th Street, identified as Medina County Tax Assessor's Parcel Identification No. 508860 and described as a 4.29-acre tract of land out of the Leonard Esser Survey 157, Abstract 360, and being out of 463.272 acres described in Volume 23, Page 706, Official Public Records, Medina County, Texas, and as described in the Deed from City of Hondo to Medina County, dated December 10, 2020, and of record as Document No. 2020011610, Official Public Records, Medina County, Texas, said 4.29-acre tract being more particularly described by metes and bounds by the property survey attached as EXHIBIT "A" (the "Property") is hereby rezoned from Planned Development (PD) Zoning District and Government/Public (GP) Zoning District to the Government/Public (GP) 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 25th DAY OF APRIL, 2022.**



James W. Danner, Mayor

ATTEST:



Sue Ann Reyes, City Secretary



EXHIBIT "A"
Description of 4.29 acres of land


**MEDINA VALLEY
SURVEYS**

Surveying Texas Since 1985
709 Washington Street Castroville, Texas 78009
830.538.6427 medinavalley-surveys.com
TBPMS Firm 1000200

METES AND BOUNDS DESCRIPTION OF

4.29 Acres out of the Leonard Esser Survey 157, Abstract 360, and being out of 463.272 Acres described in Volume 23 on Page 706 of the Official Public Records of Medina County, Texas, and being more particularly described as follows:

BEGINNING at found #4 rebar, the northeast corner of a 7.500 acre site described in Volume 320 on Page 1 of the Official Public Records, the northwest corner of this tract, on the south right-of-way line of Harper Avenue;

THENCE N 89°46'46" E 115.06 feet through the 463.272 acre tract and with the south right-of-way line of Harper Avenue to a set #4 rebar, the northeast corner of this tract, from which a found #5 rebar bears N 89°46'46" E 80.96 feet;

THENCE S 00°16'45" E 231.60 feet through the 463.272 acre tract, passing a chain-link corner fence post at 152.2 feet, and continuing on the same course, generally following the chain-link fence to a chain-link corner fence post, a re-entrant corner of this tract;

THENCE S 89°26'08" E 78.76 feet through the 463.272 acre, and generally following a chain-link fence, tract to a northeasterly corner of this tract, a point from which a chain-link fence post bears S 89°44'08" E 0.87 feet;

THENCE S 00°15'52" W 476.07 feet through the 463.272 acre tract, and generally following a wire fence, to a found #5 rebar, a deflection point on the east line of this tract;

THENCE S 37°13'17" E 300.38 feet through the 463.272 acre tract, and generally following a wire fence, to a found #5 rebar, the southeast corner of this tract, on the north line of a 4.990 acre tract described in Document #2018006595, a point from which a disregarded found #5 rebar bears N 26°03'48" W 7.9 feet.

THENCE N 89°59'41" W 374.57 feet (overall record (Document # 2018006595): N 89°56'15" W 1123.68 feet) with the north line of the 4.990 acre tract, through wooded pasture, to a set #4 rebar, the southeast corner of a 2.590 acre tract described in Document #2016007536 of the Official Public Record, the southwest corner of this tract, 1.7 feet east of a steel corner fence post;

THENCE N 00°00'28" E 947.15 feet (overall record: feet) with the east line of the 2.590 acre tract, partially fenced, at 266.5 feet passing the northeast corner of the 2.590 acre tract, the southeast corner of a 7.550 acre tract described in Volume 32 on Page 1 of the Official Public Records, 5.1 feet east of a chain-link corner fence post, and continuing on the same course, generally and partially following a chain-link fence post, to the POINT OF BEGINNING, contains 4.29 Acres of land.

Record courses refer to Volume 320 on Page 1, Document #2016007536, and Document #2018006595
Bearings and Distances are based on Grid North according to the Texas Coordinate System, South Central Zone, NAD 1983.
A survey plat accompanies this description.

STATE OF TEXAS
COUNTY OF MEDINA

I HEREBY CERTIFY THAT THIS METES AND BOUNDS DESCRIPTION WAS PREPARED FROM AN
ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION ON JUNE 17, 2020.



PAUL T. CAREY, RPLS 4451
Released: June 26, 2020
Revised: September 8, 2020
Job Number: 12158