

ORDINANCE NO. 1228-07-20

AN ORDINANCE REZONING 1.071 ACRES OF LAND BEING PART OF BLOCK "B", TOWN OF HONDO SUBDIVISION, OF RECORD AT VOLUME 1, PAGE 127, PLAT RECORDS OF MEDINA COUNTY, TEXAS, AND LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF 18TH STREET AND AVENUE A, FROM RESIDENTIAL THREE (R3) DISTRICT AND COMMERCIAL (C) DISTRICT TO COMMERCIAL (C) 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, Gene Buckner is owner of 1.071 acres located at 104 18th Street, Hondo, TX, 78861, and located near the Northeast corner of 18th Street and Avenue A; and

WHEREAS, Mr. Buckner now wishes to rezone said 1.071-acre tract from Residential Three (R3) District and Commercial (C) District to Commercial (C) District in the Property's entirety and has accordingly submitted a rezoning application to city; and

WHEREAS, on the 20th day of July, 2020, the Planning and Zoning Commission conducted a properly advertised public hearing to receive citizen comments and testimony; and

WHEREAS, on the 20th day of July, 2020, 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 27th day of July, 2020, 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 1.071 acres of land being a part of Block "B", Town of Hondo Subdivision, of record at Volume 1, Page 127, Plat Records of Medina County, Texas; said 1.017 acre-tract being more particularly described by metes and bounds by the property survey attached as **EXHIBIT "A"** (the "Property") is hereby rezoned from Residential Three (R3) District and Commercial (C) District to Commercial (C) 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 27th DAY OF JULY, 2020.



JAMES W. DANNER, SR.
MAYOR

ATTEST:



MIGUEL CANTU, CITY SECRETARY

EXHIBIT "A"
Description of 1.071 acres (46,656.80 s.f.) of land

ROCH & ROCH LAND SURVEYORS, INC.
P.O. BOX 246 707 FM 1796 D'HANIS, TEXAS 78850
Office: 830-363-7331 Fax: 830-363-7441
E-Mail: kochkoch@swtexas.net
(TBPELS Firm Registration/License No. 10005800)

FOR DEED TO GENE D. BUCKNER
1.071 ACRE TRACT

THE STATE OF TEXAS)
COUNTY OF MEDINA)

**Field Notes of a perimeter/boundary survey of a 1.071 acre tract of
land, made for Hay Mini Storage, LLC.**

Said 1.071 acre tract of land lying and being situated on and north of 18th Street, in the City of Hondo, the County Seat of Medina County, Texas; all within Sur. No. 194, Fidele Enderle, Original Grantee, Abst. No. 362. Said 1.071 acre tract being a portion of Block "B" of the Town of Hondo, as per plat recorded in Vol. 1, Page 127, of the Plat Records of said County, and being the same lands as referred to and conveyed to Hay Mini Storage, LLC, by Timothy G. Hay, by Warranty Deed dated June 13, 2017, and recorded in Document No. 2017004406, of the Official Public Records of said County (described in Vol. 189, Pages 564-571, Official Public Records). Said 1.071 acre tract being bounded on the south by the north R.O.W. line of said 18th Street; on the west, from south to north, by the remainder and south portion of the Stewart's Automotive, L.L.C. Lot 1F (of the Resubdivision of Lot 1 of the Rodriguez Addition -- Vol. 8, Page 94, Plat Records), as recorded in Vol. 429, Pages 328-329, of the Official Public Records of said County, and the Bertha Merino 0.50 acre tract (north portion of said Lot 1F), as recorded in Document No. 2014034483, of the Official Public Records of said County; on the north by the Rudolfo G. Rodriguez, et ux. 0.552 acre tract (Lot 3 of the Rodriguez Addition -- Vol. 7, Page 186, Plat Records), as recorded in Vol. 144, Pages 502-505, of the Official Public Records of said County; and on the east by the Hondo Independent School District (Hondo ISD) 2.351 acre tract, as recorded in Document No. 2016002947, of the Official Public Records of said County. Said 1.071 acre tract fully encompassing two 30 ft. x 150 ft. metal storage buildings, with no overlapping of improvements, and being more fully described by metes and bounds, as follows:

BEGINNING at a 5/8" Steel Pin found 0.5 ft. south of the S.W. corner of a chain-link fence concrete wall; in the north R.O.W. line of said 18th Street; at the S.E. corner and east terminal of a Southwestern Bell Telephone Company 10 ft. wide Easement for Underground Facilities (Vol. 88, Pages 677-680, Official Public Records); for the S.W. corner of said Hondo ISD 2.351 acre tract, the S.E. corner of said Hay Mini Storage 1.071 acre tract, and the **S.E.**

Cont. Page 2 of 3, Hay Mini Storage, LLC -- 1.071 Acre Tract.

corner of this tract;

THENCE along the south side of an east-west chain-link fence; and with the north R.O.W. line of said 18th Street, the south R.O.W. line of said Southwestern Bell Telephone Company 10 ft. wide Easement, the south side of said Hay Mini Storage 1.071 acre tract, and the south side of this tract, S 86° 27' 52" W, in most part along the north side of an overhead telephone line; passing under an electric transmission line bearing northwest into this described tract, 119.87 ft. (record = S 86° 24' 33" W 120.24 ft.) to a plastic-capped 5/8" Steel Pin (stamped "Charles Rothe RPLS 2453") found 1.0 ft. south of a 2-3/8" Steel Pipe 2-way chain-link fence corner post; at the S.W. corner and west terminal of said Southwestern Bell Telephone Company 10 ft. wide Easement; for the S.E. corner of the remainder of said Stewart's Automotive Lot 1F, the S.W. corner of said Hay Mini Storage 1.071 acre tract, and the S.W. corner of this tract;

THENCE leaving the north R.O.W. line of said 18th Street; and along fence (until noted); with the east sides of the remainder of said Stewart's Automotive Lot 1F and said Merino 0.50 acre tract, respectively; with the west side of said Hay Mini Storage 1.071 acre tract, and the west side of this tract, N 00° 04' 44" W, at 229.65 ft. pass a point on line 0.97 ft. west of the center of a 2-3/8" Steel Pipe 2-way chain-link fence corner post, and thence unfenced; total 235.86 ft. to a plastic-capped 3/4" Steel Pin (stamped "Howard Surveying") found at the N.E. corner of the remainder of said Stewart's Automotive Lot 1F, the S.E. corner of said Merino 0.50 acre tract, for corner, and N 00° 02' 16" E, unfenced, 156.42 ft. (record for the last two calls = NORTH 392.53 ft.) to a plastic-capped 5/8" Steel Pin (stamped "Charles Rothe RPLS 2453") found in the south side of said Rodriguez Lot 3, at the N.E. corner of said Merino 0.50 acre tract, for the N.W. corner of said Hay Mini Storage 1.071 acre tract, and the N.W. corner of this tract;

THENCE with the south side of said Rodriguez Lot 3, the north side of said Hay Mini Storage 1.071 acre tract, and the north side of this tract, S 89° 57' 21" E, unfenced, 120.34 ft. (record = EAST 120.00 ft.) to a 5/8" Steel Pin found 0.5 ft. west of a chain-link fence concrete wall; in the west side of said Hondo ISD 2.351 acre tract, at the S.E. corner of said Rodriguez Lot 3; for the N.E. corner of said Hay Mini Storage 1.071 acre tract, and the N.E. corner of this tract;

THENCE along the west side/edge of said chain-link fence concrete wall; and with the west side of said Hondo ISD 2.351 acre

Cont. Page 3 of 3, Hay Mini Storage, LLC -- 1.071 Acre Tract.

tract, the east side of said Hay Mini Storage 1.071 acre tract, and the east side of this tract, S 00° 04' 15" W, at 154.22 ft. pass a 2-3/8" Steel Pipe fence post found against said concrete wall, from which a chain-link fence bears westerly across this described tract; total 384.80 ft. (record = SOUTH 385.00 ft.) to the place of BEGINNING:

Note: Bearings noted herein are true geodetic (surface) bearings (relative to true north) based on Global Navigation Satellite System (GNSS) observations (WGS '84 Datum).

Surveyed: March 6, 2020.

Field Crew Personnel: Spencer J. Burrell
Jon Q. Koch

THE STATE OF TEXAS)
COUNTY OF MEDINA)

I, Hilmar A. Koch, a Registered Professional Land Surveyor of the State of Texas, do hereby state that the foregoing legal description and accompanying plat correctly represent an actual survey made under my supervision, on the ground, on the date given.



Hilmar A. Koch

Registered Professional
Land Surveyor No. 2082

