

ORDINANCE NO. 1200-06-19

AN ORDINANCE APPROVING THE REZONING OF LOTS 8, 9, AND 10, BLOCK 47, OF THE ORIGINAL TOWN OF HONDO FROM RESIDENTIAL THREE (R3) DISTRICT TO COMMERCIAL (C) DISTRICT; 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, the City of Hondo is owner of 0.579 acres of land situated within the Corporate Limits of the City of Hondo, in Medina County, Texas, being Lots 8, 9, and 10, Block 47, of the original Town of Hondo, a subdivision as shown on a plat thereof recorded in Volume 1 on Page 127 of the Plat Records of Medina County, Texas (the “Property”) and has submitted a request to amend the zoning of the Property from Residential Three (R3) District to Commercial (C) District; and

WHEREAS, on the 20th day of May, 2019, the Planning and Zoning Commission conducted a properly advertised public hearing to receive citizen comments and testimony; and

WHEREAS, on the 20th day of May, 2019, 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 10th day of June, 2019, 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 zoning district for Lots 8, 9, and 10, Block 47, of the original Town of Hondo, a subdivision as shown on a plat thereof recorded in Volume 1 on Page 127 of the Plat Records of Medina County, Texas, and as more particularly described in the field notes attached as **EXHIBIT "A"** (the "Property") and incorporated herein by reference, is hereby amended from Residential Three (R3) District to Commercial (C) District.

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.

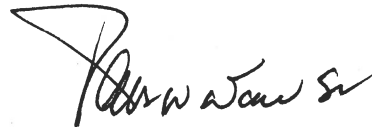
SECTION 3. INCORPORATION OF RECITALS. The City Council finds the recitals in the preamble of this Ordinance are true and correct and incorporates them as findings of fact.

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 10th DAY OF JUNE, 2019.



JAMES W. DANNER, SR., MAYOR

ATTEST:



MIGUEL CANTU, CITY SECRETARY



EXHIBIT "A"
Description of 0.579 acre (25,200 s.f.) of land
Lots 8, 9, and 10, Block 47
Original Town of Hondo

THE STATE OF TEXAS
COUNTY OF MEDINA

PREPARED FOR: City of Hondo

FIELD NOTES TO DESCRIBE

A survey of 0.579 acre (25,200.0 sq. ft.) of land situated within the Corporate Limits of the City of Hondo, in Medina County, Texas, being Lots 8, 9, and 10, Block 47, of the original Town of Hondo, a subdivision as shown on a Plat thereof recorded in Volume 1 on Page 127 of the Plat Records of Medina County, Texas, said Lots 8 and 9 being described in a Deed to the City of Hondo from South Texas Ice Company, dated July 27, 1943, as recorded in Volume 125 on Page 171 of the Deed Records of Medina County, Texas, said Lot 10 being described in a Deed to the City of Hondo from Jesus Castro, dated May 4, 1946, as recorded in Volume 139 on Page 253 of the aforementioned Official Public Records, and being more particularly described by metes and bounds as follows:

BEGINNING: At the point-of-intersection of the South line of 17th Street and the East line of Avenue "I" for the Northwest corner of said Lot 10 and the Northwest corner of this survey;

THENCE: Along the South line of said 17th Street and the North line of said Lots 10, 9, and 8, N 86-24-04 E 180.00 feet to point for the Northeast corner of said Lot 8, the Northwest corner of Lot 7, Block 47, of said original Town of Hondo, and the Northeast corner of this survey;

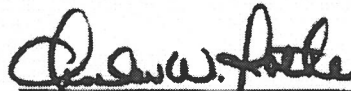
THENCE: Along the East line of said Lot 8 and the West line of said Lot 7, S 03-35-56 E 140.00 feet to point on the North line of a 20-foot-wide Alley for the Southeast corner of said Lot 8, the Southwest corner of said Lot 7, and the Southeast corner of this survey;

THENCE: Along the South line of said Lots 8, 9, and 10, and the North line of said 20-foot-wide Alley, S 86-24-04 W 180.00 feet to the point-of-intersection of the North line of said 20-foot-wide Alley and the East line of said Avenue "I", for the Southwest corner of said Lot 10 and the Southwest corner of this survey;

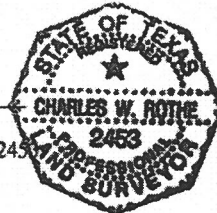
THENCE: Along the East line of said Avenue "I" and the West line of said Lot 10, N 03-35-56 E 140.00 feet to the POINT OF BEGINNING.

The bearings are relative to Geodetic North WGS 84 as taken from GPS Observations.

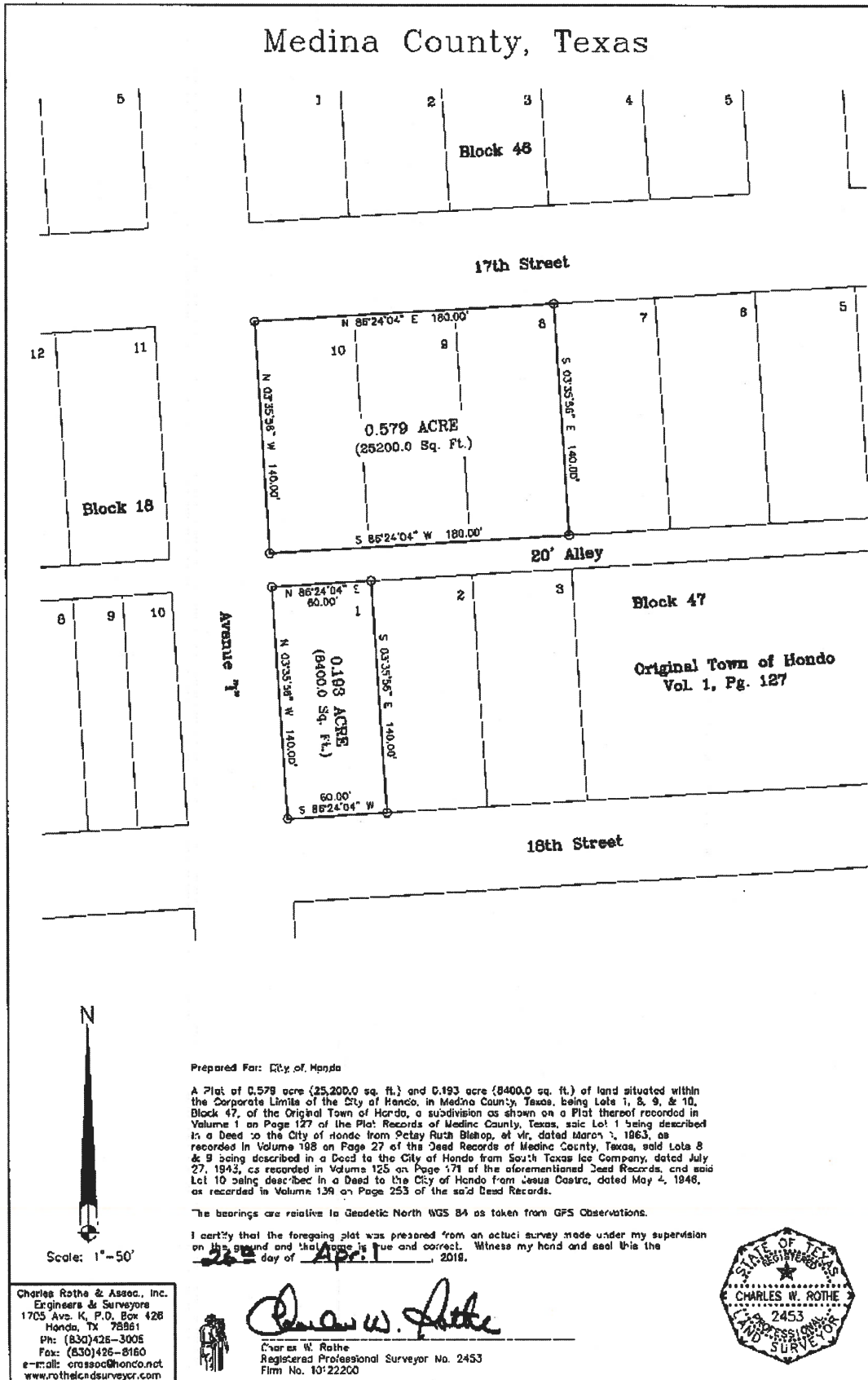
I certify that the foregoing field note description was prepared from an actual survey made under my supervision on the ground and that same is true and correct. Witness my hand and seal this the 26th day of April, 2019.



Charles W. Rothe
Registered Professional Land Surveyor No. 2453
1705 Avenue K, P.O. Box 426
Hondo, Texas 78861
Ph. (830) 426-3005
Fax (830) 426-8160



Medina County, Texas



Prepared For: City of Hondo

A Plot of 0.579 acre (25,200.0 sq. ft.) and 0.193 acre (8,400.0 sq. ft.) of land situated within the Corporate Limits of the City of Hondo, in Medina County, Texas, being Lots 1, 8, 9, & 10, Block 47, of the Original Town of Hondo, a subdivision as shown on a Plat thereof recorded in Volume 1 on Page 127 of the Plat Records of Medina County, Texas, said Lot 1 being described in a Deed to the City of Hondo from Pelay Rush Bishop, et al, dated March 7, 1863, as recorded in Volume 108 on Page 27 of the Deed Records of Medina County, Texas, said Lots 8 & 9 being described in a Deed to the City of Hondo from South Texas Ice Company, dated July 27, 1943, as recorded in Volume 125 on Page 171 of the aforementioned Deed Records, and said Lot 10 being described in a Deed to the City of Hondo from Jesus Castro, dated May 4, 1946, as recorded in Volume 136 on Page 253 of the said Deed Records.

The bearings are relative to Geodetic North NGS 84 as taken from GPS Observations.

I certify that the foregoing plat was prepared from an actual survey made under my supervision on the ground and that same is true and correct. Witness my hand and seal this the 26 day of April, 2018.

Scale: 1"=50'

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 Firm No. 1022200

