

**CITY OF DRIPPING SPRINGS**

**ORDINANCE No. 2020-47**

AN ORDINANCE OF THE CITY OF DRIPPING SPRINGS, TEXAS (“CITY”), REZONING ONE TRACT OF LAND, TOTALING APPROXIMATELY 0.519 ACRES FROM TWO-FAMILY RESIDENTIAL - DUPLEX (SF-4) TO GENERAL RETAIL DISTRICT (GR); AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; ENACTMENT; REPEALER; SEVERABILITY; EFFECTIVE DATE; AUTHORIZING THE CITY ADMINISTRATOR TO NOTE THE CHANGE ON THE OFFICIAL ZONING MAP OF THE CITY; PROPER NOTICE & MEETING.

**WHEREAS,** the City Council of the City of Dripping Springs (“City Council”) seeks to promote orderly land use and development within the City; and

**WHEREAS,** the City Council finds to be reasonable and necessary the rezoning of the tract, described more fully in Attachment “A” and totaling approximately 0.519 acres, from Two-Family Residential - Duplex (SF-4) to General Retail District (GR); and

**WHEREAS,** the City Council recognizes changed conditions and circumstances in the particular location; and

**WHEREAS,** the City Council finds that the zoning change is compatible with the surrounding area and with the City’s Zoning Ordinance and Comprehensive Plan; and

**WHEREAS,** after notice and hearing required by law, a public hearing was held before the Dripping Springs Planning and Zoning Commission on August 25, 2020 to consider the proposed amendment and the Planning and Zoning Commission recommended approval of the proposed change; and

**WHEREAS,** after public hearing held by the City Council on September 8, 2020, the City Council voted to approve the recommendation of the Planning and Zoning Commission; and

**WHEREAS,** pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

**WHEREAS,** pursuant to Chapter 211 of the Texas Local Government Code, the City has the authority to zone and rezone property; and

**WHEREAS,** the City Council finds that it is necessary and proper for the good government, peace or order of the City of Dripping Springs to adopt this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of Dripping Springs, Texas:

**1. FINDINGS OF FACT**

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as expressly set forth herein.

**2. ENACTMENT**

One tract of land totaling approximately 0.519 acres and described more fully in Attachment "A" and shown in Attachment "B", is hereby rezoned from Two-Family Residential - Duplex (SF-4) to General Retail (GR).

**3. REPEALER**

All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

**4. SEVERABILITY**

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

**5. CHANGE ON ZONING MAP**

The City Administrator is hereby authorized to and shall promptly note the zoning change on the official Zoning Map of the City of Dripping Springs, Texas.

**6. EFFECTIVE DATE**

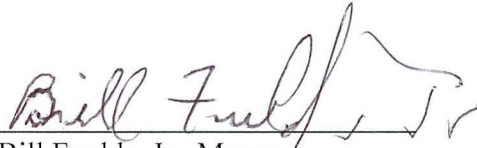
This Ordinance shall be effective immediately upon passage.

**7. PROPER NOTICE & MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, a public hearing was held, and that public notice of the time, place and purpose of said hearing and meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

**PASSED & APPROVED** this, the 8<sup>th</sup> day of September 2020, by a vote of 4 (ayes) to 0 (nays) to 1 (recusal) of the City Council of Dripping Springs, Texas.

**CITY OF DRIPPING SPRINGS:**



Bill Foulds, Jr., Mayor

**ATTEST:**



Andrea Cunningham, City Secretary



**Notice of confidentiality rights: If you are a natural person, you may remove or strike any of the following information from this instrument before it is filed for record in the public records: your Social Security number or your driver's license number.**

## Special Warranty Deed

**Date:** The 25<sup>th</sup> day of April, 2019

**Grantors:** CHARLES WILLIAM HAYDON,  
INDEPENDENT CO-EXECUTOR OF THE ESTATE OF WILLIE MAE HAYDON  
601 Gatlin Creek Drive  
Dripping Springs, Hays County, Texas 78620

ROBERT LYNN HAYDON  
INDEPENDENT CO-EXECUTOR OF THE ESTATE OF WILLIE MAE HAYDON  
740 W. Briarwood  
Brenham, Washington County, Texas 77833

**Grantees:** Charles William Haydon and Sherry E. Haydon, husband and wife  
601 Gatlin Creek Drive  
Dripping Springs, Hays County, Texas 78620

**Consideration:** Transferred pursuant to provisions in the Last Will and Testament of Willie Mae Haydon, Deceased, Cause No. 18-0113-P, Hays County Court at Law, Hays County, Texas

Property (including any improvements):

Being a 0.519 of one acre of land, 22,615 sq. ft., a portion of Block No. 10 of the Fifth Addition of the Town of Dripping Springs as conveyed in a deed to Alva Haydon in Volume 198, Page 452 of the Hays County Deed Records; said 0.519 of one acre of land more particularly described by metes and bounds on Exhibit "A" attached hereto and incorporated herein for all purposes.

Reservations from Conveyance and Warranty:


This conveyance is made, delivered and accepted subject to the payment of ad valorem taxes assessed against the property conveyed for the current year, the payment of which Grantee assumes; all restrictions, covenants, easements, rights-of-way and prescriptive rights, whether of record or not; any outstanding royalty and mineral reservations, conditions and recorded instruments, other than

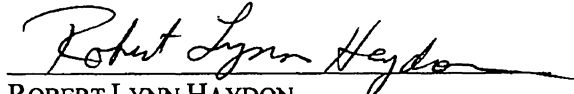
liens and conveyances, affecting said property; and any and all zoning laws, regulations and ordinances of municipal and/or other governmental authorities affecting said property.

Exceptions to Conveyance and Warranty:

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, *when the claim is by, through, or under Grantor, but not otherwise, except* as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

When the context requires, singular nouns and pronouns include the plural.

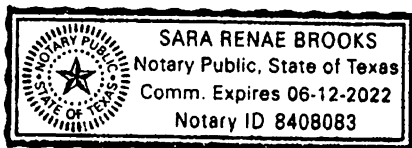
  
CHARLES WILLIAM HAYDON,  
INDEPENDENT CO-EXECUTOR OF  
THE ESTATE OF WILLIE MAE HAYDON

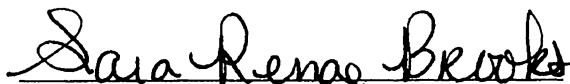
  
ROBERT LYNN HAYDON,  
INDEPENDENT CO-EXECUTOR OF  
THE ESTATE OF WILLIE MAE HAYDON

State of Texas  
County of Hays

On this day personally appeared CHARLES WILLIAM HAYDON, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 25<sup>th</sup> day of April, 2019.



  
Notary Public of and for the State of Texas

State of Texas  
County of Hays

On this day personally appeared ROBERT LYNN HAYDON, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 25<sup>th</sup> day of April, 2019.



*Sara Renae Brooks*  
Notary Public of and for the State of Texas

After filing return to:  
Marilyn G. Miller, Attorney at Law  
P.O. Box 917  
Dripping Springs, Texas 78620

No title examination concerning the herein described real property was made by the attorney, Marilyn G. Miller, by whom this instrument was prepared. The property description attached, or set forth herein, was furnished by parties hereto, and all responsibility for the accuracy thereof is expressly assumed by the grantor and grantees herein named. Therefore, no representations as to warranties of title are made by the attorney, Marilyn G. Miller.

x:\active clients\haydon, est of willie mae 5716\sw deed from estate to charles.docx4/17/2019

HAYDON  
TRACT 3

**PROPERTY DESCRIPTION**

**BEING A 0.519 OF ONE ACRE OF LAND, 22,615 SQ. FT. A PORTION OF BLOCK NO. 10 OF THE FIFTH ADDITION OF THE TOWN OF DRIPPING SPRINGS AS CONVEYED IN A DEED TO ALVA HAYDON IN VOLUME 198, PAGE 452 OF THE HAYS COUNTY DEED RECORDS; SAID 0.519 OF ONE ACRE OF LAND MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS WITH ALL BEARINGS REFERENCED TO THE TEXAS COORDINATE SYSTEM, NAD83 4203.**

**COMMENCING** at a TxDOT Type 1 monument found (TxDOT Sta. 492+00, 150.00' Rt) located on the southerly right of way line of U.S. Hwy 290 in Dripping Springs, Texas;

**THENCE**, with said southerly right of way line the following courses and distance:

1. N59°19'41"E, 182.45 feet to a ½-inch iron rod set with cap stamped "AST" for the beginning of a non-tangent curve to the left;
2. with the arc of said non-tangent curve to the left 281.44 feet, having a radius of 5730.18 feet, a central angle of 02°48'51" and a chord bearing and distance of S89°35'04"E, 281.41 feet to a ½-inch iron rod set with cap stamped "AST" marking the end of said curve (TxDOT Sta. 496+29.0, 50' Rt.);
3. N89°01'14"E, 30.12 feet to a ½-inch iron rod set with cap stamped "AST" on the westerly right of way line of Bluff Street (50 feet wide ROW);

**THENCE**, leaving said southerly right of way and with the westerly right of way line of Bluff Street, S00°58'46"E, 40.58 feet to a ½-inch iron rod set with cap stamped "AST" on the northerly line of said Block 10 for the **POINT OF BEGINNING** of the herein described tract;

**THENCE**, continuing with said westerly right of way line, same being the easterly line of said Block 10, S00°58'46"E, 125.00 feet to a ½-inch iron rod set with cap stamped "AST" at the northeast corner of a called 7180 square foot tract described in a deed to J. E. Murrah and recorded in Volume 204, Page 580 of the Hays County Deed Records, from which a ½-inch iron rod found bears S00°58'46"E, 75.00 feet;

**THENCE**, crossing said Block 10 the following courses and distances;

1. with the northerly line of said 7180 square foot tract, S89°02'13"W, 100.00 to a mag nail set at the northwest corner of said 1780 square foot tract;
2. with the west line of said 7180 square foot tract, S01°22'29"E, 75.00 feet to a calculate point under an existing shed, on the northerly right of way line of Hays Street;

**THENCE**, with said northerly right of way line, same being the southerly line of said Block 10, N89°02'13"E, 49.26 feet to a ½-inch iron rod set with cap stamped "AST";

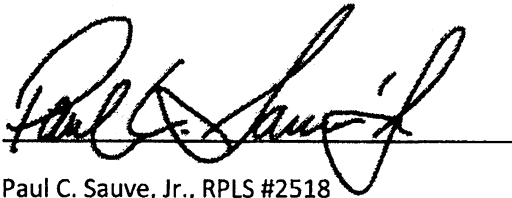
**THENCE**, leaving said right of way, crossing said Block 10 the following courses and distances;

1. N00°57'47"W, 75.00 feet to a ½-inch iron rod set with cap stamped "AST";
2. N01°58'57"W, 47.42 feet to a ½-inch iron rod set with cap stamped "AST";
3. S88°01'03"W, 1.98 feet to a ½-inch iron rod set with cap stamped "AST";
4. N01°22'29"W, 77.69 feet to a ½-inch iron rod set with cap stamped "AST";

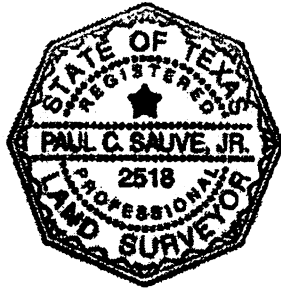
**THENCE**, with the northerly of said Block 10, N89°03'37"E, 152.60 feet to the **POINT OF BEGINNING** and containing 0.519 of one acre of land, more or less.

**SURVEYOR'S STATEMENT**

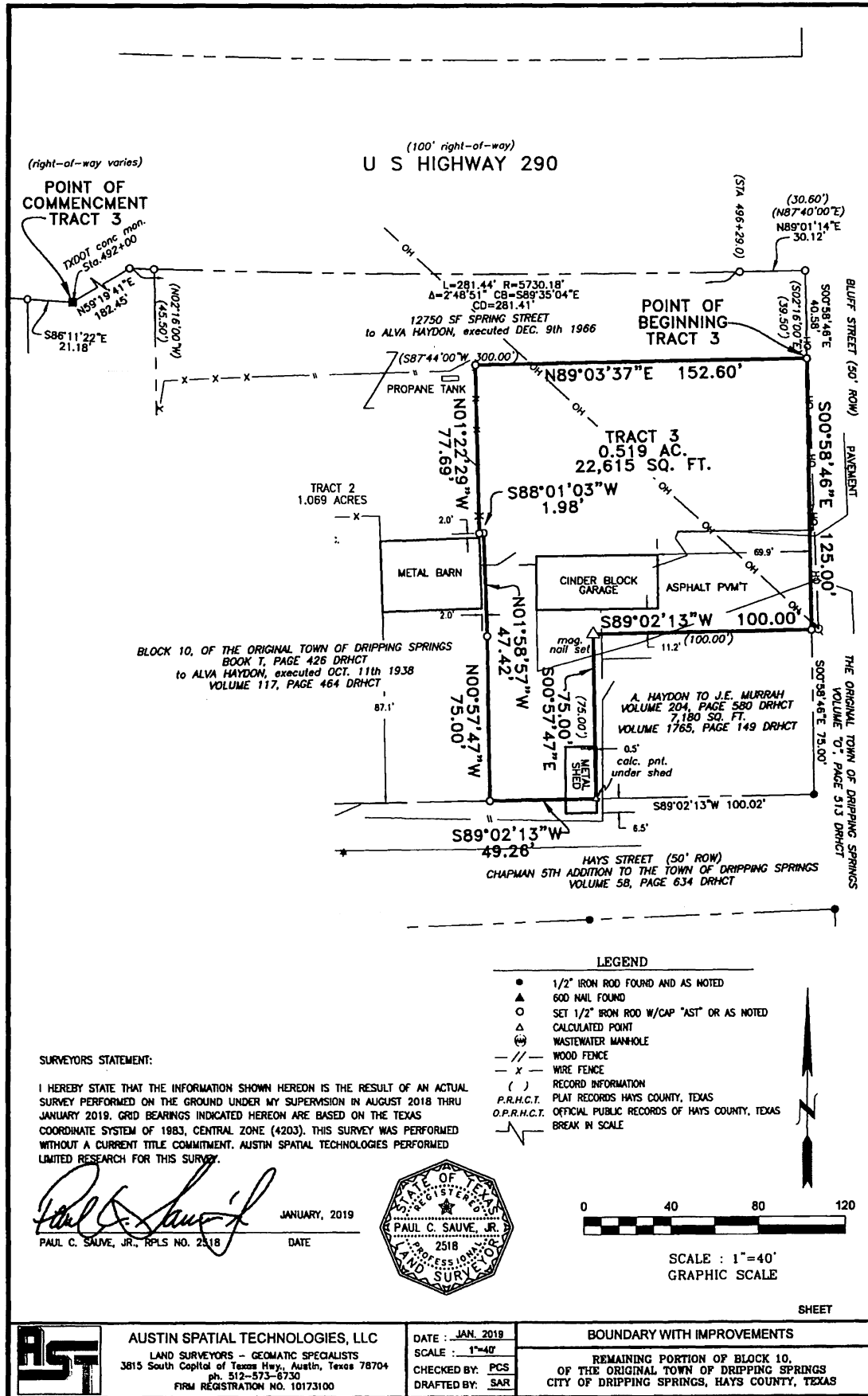
I hereby state that the included field note description was prepared from an actual survey made on the ground under my supervision and is true and correct, to the best of knowledge and belief.



Paul C. Sauve, Jr., RPLS #2518  
Austin Spatial Technologies, LLC  
January 18, 2019







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|--|--|---|---|
|  | <b>AUSTIN SPATIAL TECHNOLOGIES, LLC</b><br>LAND SURVEYORS - GEOMATIC SPECIALISTS<br>3815 South Capital of Texas Hwy, Austin, Texas 78704<br>ph. 512-573-6730<br>FIRM REGISTRATION NO. 10173100 | DATE : JAN 2019<br>SCALE : 1"=40'<br>CHECKED BY: PCS<br>DRAFTED BY: SAR | <b>BOUNDARY WITH IMPROVEMENTS</b><br>REMAINING PORTION OF BLOCK 10,<br>OF THE ORIGINAL TOWN OF DRIPPING SPRINGS<br>CITY OF DRIPPING SPRINGS, HAYS COUNTY, TEXAS |
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