

**CITY OF DRIPPING SPRINGS
ORDINANCE No.**

AN ORDINANCE OF THE CITY OF DRIPPING SPRINGS, TEXAS (“CITY”), REZONING ONE TRACT OF LAND, TOTALING APPROXIMATELY 78.021 ACRES FROM AGRICULTURAL DISTRICT (AG) TO SINGLE-FAMILY RESIDENTIAL DISTRICT – MODERATE DENSITY (SF-2); 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 78.021 acres, from Agricultural District (AG) to Single-Family Residential District – Moderate Density (SF-2); 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 May 25, 2021 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 August 17, 2021, 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:

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 78.021 acres and described more fully in Attachment “A” and shown in Attachment “B”, is hereby rezoned from Agricultural District (AG) to Single-Family Residential – Moderate Density (SF-2).

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 _____ day of _____ 2021, by a vote of _____ (ayes) to _____ nays to _____ (abstentions) of the City Council of Dripping Springs, Texas.

CITY OF DRIPPING SPRINGS:

By: _____
Bill Foulds, Jr., Mayor

ATTEST:

Andrea Cunningham, City Secretary

LEGAL DESCRIPTION

BEING A 78.021 ACRE TRACT OF LAND (INCLUDING A 60 SQUARE FOOT AREA IN CONFLICT) OUT OF THE BENJAMIN F. HANNA SURVEY NO. 28, ABSTRACT NO. 222, SITUATED IN HAYS COUNTY, TEXAS, BEING A PORTION OF A CALLED 79.61 ACRE TRACT CONVEYED TO P & H FAMILY LIMITED PARTNERSHIP NO. 1 AS TRACT A BY DEED OF RECORD IN VOLUME 1733, PAGE 755, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS (O.P.R.H.C.T.); SAID 78.021 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING, at a ½ inch iron rod with "CEC" cap set at the northeast corner of the remainder of said 79.61 acre tract, being an interior "ell" corner of a called 4.25 acre tract described in Exhibit C of said deed recorded in Volume 1733, Page 755, O.P.R.H.C.T.;

THENCE, along the common line of said remainder of 79.61 acre tract and of said 4.25 acre tract, S00°25'57"W, a distance of 60.03 feet to a ½ inch iron rod with "CEC" cap set for the easterly common corner of said 78.021 acre tract and of said remainder of 79.61 acre tract and the **POINT OF BEGINNING**, hereof.

THENCE, along the common line of said 78.021 acre tract and partially of said 4.25 acre tract and then partially of a called 44.123 acre tract conveyed to the Elry and Barbara Hudson Living Trust by deed of record in Volume 2851, Page 80, O.P.R.H.C.T., S00°25'57"W, passing at distance of 39.91 feet, a ½ inch iron rod found at the westerly common corner of said 4.25 acre tract and of said 44.123 acre tract, continuing for a total distance of 652.82 feet to a ½ inch iron rod found at the westerly common corner of said 44.123 acre tract and of Bunker Ranch Phase 2, a subdivision of record in Document No. 20017197, O.P.R.H.C.T.;

THENCE, along the common line of said 78.021 acre tract and partially of said Bunker Ranch Phase 2 and then partially of Bunker Ranch Phase 3, a subdivision of record in Document No. 21009701, O.P.R.H.C.T., S00°21'25"W, passing at 629.14 feet, a ½ inch iron rod with "CEC" cap set at the westerly common corner of said Bunker Ranch Phase 2 and said Bunker Ranch Phase 3, continuing for a total distance of 2,259.99 feet to a ½ inch iron rod found at the westerly common corner of said Bunker Ranch Phase 3 and of a called 18.250 acre tract conveyed to The Overlook at Bunker Ranch, LLC by deed of record in Document No. 20061246, O.P.R.H.C.T.;

THENCE, bounding the area of conflict, the following two (2) courses and distances:

1. S05°53'31"E, a distance of 10.82 feet to a found ½ inch iron rod;
2. S86°15'32"W, a distance of 5.94 feet to an 8 inch cedar fence post found at the northerly common corner of said 18.250 acre tract and of a called 603.70 acre tract conveyed to Anna Marie Widen Speir, et al, by deed of record in Volume 1734, Page 427, O.P.R.H.C.T.;

THENCE, along the common line of said 78.021 acre tract and of said 603.70 acre tract, S88°42'30"W, a distance of 1,237.34 feet to a ½ inch iron rod with "CEC" cap set at the southerly common corner of said 78.021 acre tract and of a called 79.39 acre tract conveyed to P & H Family Limited Partnership No. 2 by deed of record in Volume 1733, Page 748, O.P.R.H.C.T.;

THENCE, along the common line of said 78.021 acre tract and of said 79.39 acre tract, the following three (3) courses and distances:

78.021 ACRES
BUNKER RANCH
DRIPPING SPRINGS, TX

PROJECT NO.: 304-065
APRIL 1, 2021

1. N18°14'48"E, a distance of 881.92 feet to a found ½ inch iron rod;
2. N19°44'58"W, a distance of 1,048.36 feet to a found 8 inch cedar fence post;
3. N12°13'46"E, a distance of 1,128.80 feet to a ½ inch iron rod set at the westerly common corner of said 78.021 acre tract and said remainder of 79.61 acre tract;

THENCE, along the common line of said 78.021 acre tract and of said remainder of 79.61 acre tract, N88°43'55"E, 1,100.12 feet to the **POINT OF BEGINNING**, and containing 78.021 acres (3,398,613 square feet) of land, more or less.

THE BASIS OF BEARING OF THIS SURVEY IS TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NSRS 2011(2012A), UTILIZING THE LEICA SMARTNET CONTINUALLY OPERATING REFERENCE NETWORK.

Witness my hand and seal this 1st day of April, 2021.



Frank William Funk, R.P.L.S. 6803
Civil & Environmental Consultants, Inc.
3711 S. MoPac Expressway, Building 1, Suite 550
Austin, TX 78746
Texas Registered Surveying Firm No. 10194419



Attachment "B"
78.021 ac Property Depiction

