

ORDINANCE 2018-29

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, REZONING 1.95 ACRES OF BUILDING BLOCK 62, EAST OF WATER STREET, FROM SF-7, SINGLE-FAMILY 7, TO C-1, COMMERCIAL 1, LOCATED AT 303 AND 305 MARTIN LUTHER KING JR. DRIVE, WITHIN THE CITY LIMITS OF BASTROP, TEXAS; AS SHOWN IN EXHIBITS A & B; INCLUDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Greg Saunders and Kathryn Rogers (hereinafter referred to as "Applicants") submitted a request to rezone 1.905 acres of Building Block 62, East of Water Street, within the City limits of Bastrop, Texas, hereinafter referred to as "the Property"; and

WHEREAS, a location map is attached hereto as Exhibit "A" (the "Property") and a metes and bounds description is attached hereto as Exhibit "B"; and

WHEREAS, the Property is currently zoned as SF-7, Single-Family 7; and

WHEREAS, the Future Land Use Designation for this Property is Professional Service which allows offices uses of varying sizes and intensity as well as uses that are related to and support surrounding public and quasi-public land uses; and

WHEREAS, pursuant to Section 10.4 of the City's Zoning Ordinance, notice of the rezoning was given to all property owners located within two hundred (200) feet of the Property, and the Planning and Zoning Commission of the City of Bastrop held a public hearing on the rezoning request on September 10, 2018; and

WHEREAS, after notice and hearing, the Planning and Zoning Commission has recommended approval of the proposed request by a vote of 6-0 at the September 27, 2018 meeting; and

WHEREAS, the City Council of the City of Bastrop held a public hearing on October 9, 2018 to consider the Applicants' request; and

WHEREAS, after consideration of public input received at the hearing, the information provided by the Applicants, and all other information presented, City Council finds that it is in the public interest to approve the rezoning.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS THAT:

Section 1: The Property, situated on 1.95 acres of Building Block 62, East of Water Street located at 303 and 305 Martin Luther King Jr. Street, within the city limits

of Bastrop, Texas as more particularly shown and described on attachments Exhibit "A", and Exhibit "B", shall be rezoned to district C-1, Commercial 1.

Section 2: If any provision of this ordinance or application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this ordinance, which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are hereby declared to be severable.

Section 3: This ordinance shall take effect upon the date of final passage noted below, or when all applicable publication requirements, if any, are satisfied in accordance with the City's Charter, Code of Ordinances, and the laws of the State of Texas.

READ and ACKNOWLEDGED on First Reading on the 9th day of October 2018.

READ and APPROVED on the Second Reading on the 23th day of October 2018.

APPROVED:



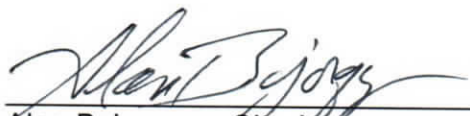
Connie B. Schroeder, Mayor

ATTEST:

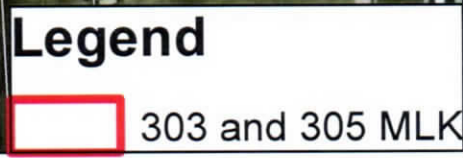
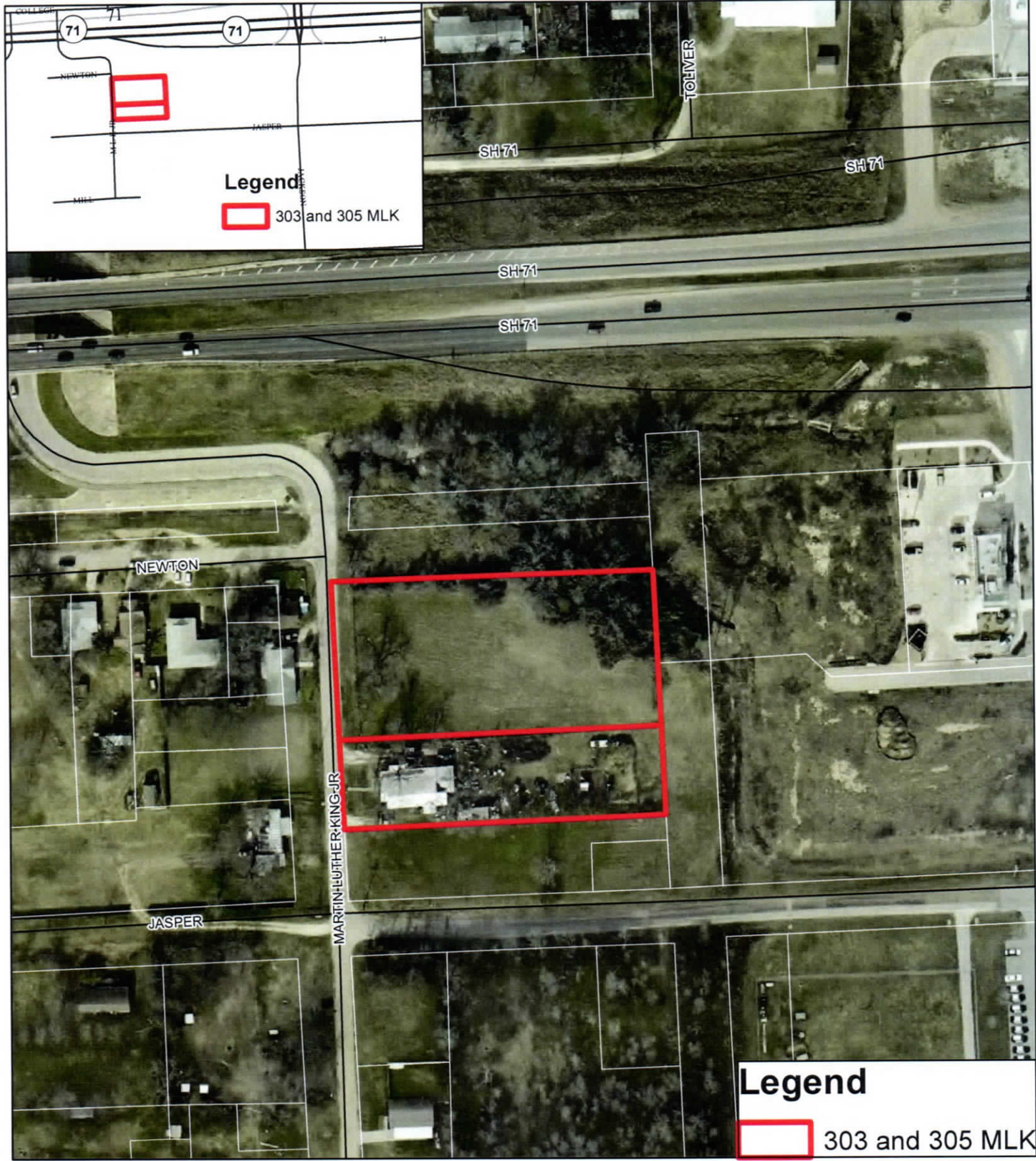
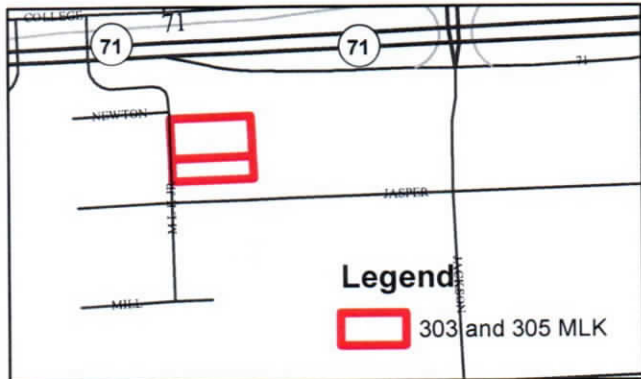


Ann Franklin, City Secretary

APPROVED AS TO FORM:




Alan Bojorquez, City Attorney



Aerial Map
Rezoning Request for 303 & 305 MLK
SF-7, Single Family-7 to C-1, Commercial-1

1 inch = 131.04 feet

N

 The accuracy and precision of this cartographic data is limited and should be used for information/planning purposes only. This data does not replace surveys conducted by registered Texas land surveyors nor does it constitute an "official" verification of zoning, land use classification, or other classification set forth in local, state, or federal regulatory processes. The City of Bastrop, nor any of its employees, do not make any warranty of merchantability and fitness for particular purpose, or assumes any legal liability or responsibility for the accuracy, completeness or usefulness of any such information, nor does it represent that its use would not infringe upon privately owned rights.
 Date: 09/18/2018

**JAMES E. GARON
& ASSOCIATES, INC.**
PROFESSIONAL LAND SURVEYORS

P.O. Box 1917
Bastrop, Texas 78602
512-303-4185
Firm Reg. #10058400
jgaron@austin.rr.com

June 22, 2018

LEGAL DESCRIPTION: BEING A 0.710 ACRE TRACT OF LAND LYING IN AND BEING SITUATED OUT OF BUILDING BLOCK 62, EAST OF WATER STREET, CITY OF BASTROP, BASTROP COUNTY, TEXAS AS SHOWN ON MAP OR PLAT RECORDED IN PLAT CABINET 1, PAGE 23A OF THE PLAT RECORDS OF BASTROP COUNTY, TEXAS AND BEING ALL OF THAT CERTAIN TRACT OF LAND CONVEYED TO SHARRON SCRANTON, ET AL BY DEED RECORDED IN VOLUME 1626, PAGE 264 OFFICIAL RECORDS, BASTROP COUNTY, TEXAS; SAID 0.710 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS AND AS SURVEYED UNDER THE SUPERVISION OF JAMES E. GARON & ASSOCIATES IN JUNE, 2018:

BEGINNING at a cotton gin spindle found on the east line of Martin Luther King, Jr. Drive and the west line of Building Block 62 for the northwest corner of that certain 0.505 acre tract of land conveyed to Kathryn Rogers by deed recorded in Volume 1496, Page 823 of said official records and the southwest corner hereof from which a 60D nail in washer found at the southwest corner of Building Block 62 bears S 00°05'13" E a distance of 78.03 feet;

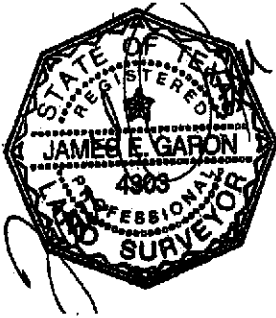
THENCE N 00°06'47" E a distance of 93.16 feet along Martin Luther King, Jr. Drive to a cotton gin spindle found for the northwest corner hereof and the southwest corner of that certain 1.24 acre tract of land conveyed to Kathryn Rogers by deed recorded in Volume 1854, Page 63 of said official records;

THENCE N 89°59'49" E a distance of 332.46 feet to a 1/2" iron rod found in the west line of that certain 0.296 acre tract of land conveyed to Kathryn Rogers by deed recorded in Volume 1961, Page 660 of said official records for the northeast corner hereof and southeast corner of said Rogers 1.24 acre tract;

THENCE S 00°25'38" E a distance of 92.66 feet along said line to a 1/2" iron rod found for the southeast corner hereof and the northeast corner of said Rogers 0.505 acre tract;

THENCE S 89°54'39" W a distance of 333.33 feet to the **POINT OF BEGINNING**, containing 0.710 acre of land, more or less, and as shown on sketch of survey prepared herewith.

Surveyed by:



James E. Garon
Registered Professional Land Surveyor
Server; co\Bastrop\City Bastrop\BB 62 EWS\38618

MARTIN LUTHER KING, JR. DRIVE
(50' R.O.W.)

B. B. 62 E. M. S.

KATHRYN ROGERS
1854/63
1.24 ACRE

(N 90°00'00" E 333.33')
N 89°59'49" E 332.46'

(N 00°00'00" E 93.17')
N 00°06'47" E 93.16'

S 00°05'14" E 78.03'

S 89°54'39" W 333.33'
(S 90°00'00" W 333.33')

KATHRYN ROGERS
1496/823
0.505 ACRE

0.710 ACRES
SHARON SCRAPTON, ET AL
1826/264
0.860 ACRE

S 00°25'38" E 92.66'
(S 00°17'14" E 83.22')

KATHRYN ROGERS
1961/860
0.296 ACRE

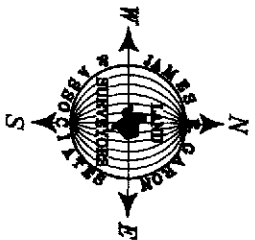
JASPER STREET



SCALE: 1" = 40'

LEGEND

- 1/2" REBAR FOUND (W/LESS NOTED)
- 1/2" REBAR SET W/CP
- ✱ STAMPED I.E. GARDN PLUS 5403
- COTTON SPINDLE FOUND
- WIRE FENCE
- WOOD FENCE
- POWER POLE
- OVERHEAD ELECTRIC LINE
- DOWN GUY
- RECORD CALL
- WATER METER

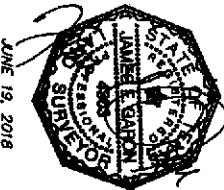


TO THE OWNERS, LEASEHOLDERS AND AUSTIN TITLE COMPANY

THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS SURVEY WAS THIS DAY MADE ON THE GROUND OF THE PROPERTY DESCRIBED HEREIN AND IS CORRECT, AND THAT THERE ARE NO DISCREPANCIES, SHORTAGES IN AREA, BOUNDARY LINE CONFLICTS, ENCROACHMENTS, OVERTLAPS OR IMPROVEMENTS VISIBLE UTILITY LINES OR ROADS IN PLACE, EXCEPT AS SHOWN HEREIN, AND THAT SAID PROPERTY HAS ACCESS TO AND FROM A DEDICATED ROADWAY, EXCEPT AS SHOWN HEREIN.

THE UNDERSIGNED DOES FURTHER CERTIFY THAT THE PROPERTY DESCRIBED HEREIN IS LOCATED IN ZONE 2C AND IS NOT WITHIN A 100-YEAR FLOOD HAZARD AREA AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP, PANEL NO. 48021C0306E EFFECTIVE JANUARY 18, 2006.

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Use of this survey for any purposes other than this transaction is prohibited.



JAMES E. GARON & ASSOC.
PROFESSIONAL LAND SURVEYORS

P. O. Box 1917
Bastrop, Texas 78602
(512) 303-4185
jgaron@austintitle.com
www.jamesegaronsurvey.com

REFERENCE: GAS CAPITAL VENTURES, LLC
ADDRESS: 303 MARTIN LUTHER KING, JR. DRIVE, BASTROP, TEXAS
LEGAL DESCRIPTION: 0.710 ACRES OUT OF BUILDING BLOCK 02, EAST OF WINTER CREEK, PART OF BASTROP COUNTY, TEXAS, PLAT 1826/264, AS SHOWN ON PLAT RECORDS OF BASTROP COUNTY, TEXAS.

FIELD BOOK: B-589/17
FILES: /City/County/City of Bastrop / Bastrop County, Texas / B 62/08612.dwg

G.F. NO.: AUT18002330

**JAMES E. GARON
& ASSOCIATES, INC.**
PROFESSIONAL LAND SURVEYORS

924 Main Street
Bastrop, Texas 78602
512-303-4185
Fax 512-321-2107
jgaron@austin.rr.com

April 9, 2008

LEGAL DESCRIPTION: BEING A 1.240 ACRE TRACT OF LAND LYING IN AND BEING SITUATED OUT OF BUILDING BLOCK 62, EAST OF MAIN STREET, CITY OF BASTROP, BASTROP COUNTY, TEXAS AS SHOWN ON MAP OR PLAT RECORDED IN PLAT CABINET 1, PAGE 23A OF THE PLAT RECORDS OF BASTROP COUNTY, TEXAS AND BEING ALL OF THOSE CERTAIN TRACTS OF LAND, TRACTS 5 AND 6 DESCRIBED IN CAUSE NO. 1023 DISTRICT COURT RECORDS OF BASTROP COUNTY, TEXAS AND PARTITION DEED RECORDED IN VOLUME 72, PAGE 197 OF THE DEED RECORDS OF BASTROP COUNTY, TEXAS, SAID TRACTS CONVEYED TO ALBERT WHITE BY DEEDS RECORDED IN VOLUME 24, PAGE 240 AND VOLUME 48, PAGE 541 OF SAID DEED RECORDS; SAID 1.240 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS AND AS SURVEYED UNDER THE SUPERVISION OF JAMES E. GARON & ASSOCIATES IN FEBRUARY, 2008:

BEGINNING at a ½" iron rod found on the west line of Chambers Street (not open) and the east line of Building Block 62 for the northeast corner of that certain 0.665 acre tract of land conveyed to Irene Collins by deed recorded in Volume 1058, Page 468 of said deed records and the southeast corner hereof and Tract 6;

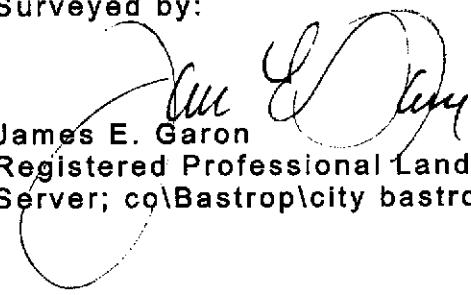
THENCE N 90°00'00"W a distance of 333.33 feet to a cotton gin spindle set in pavement on the west line of Building Block 62 and the east line of MLK Jr, Drive for the southwest corner of hereof and said Tract 6 and the northwest corner of said Collins 0.665 acre tract;

THENCE N 0°00'00"E a distance of 162.06 feet with the west line of Building Block 62 and east line of MLK Jr. Drive to a cotton gin spindle set in pavement for the northwest corner hereof, Building Block 62 and Tract 5;

THENCE N 90°00'00"E a distance of 333.33 feet with the north line of Building Block 62, Tract #5 and the south line of Newton Street (not open) to an iron rod set at the intersection of the south line of Newton Street with the west line of Chambers Street for the northeast corner hereof, Building Block 62 and hereof Tract 5;

THENCE S 0°00'00"E a distance of 162.06 feet to the **POINT OF BEGINNING**, containing 1.240 acres of land, more or less, and as shown on sketch of survey prepared herewith.

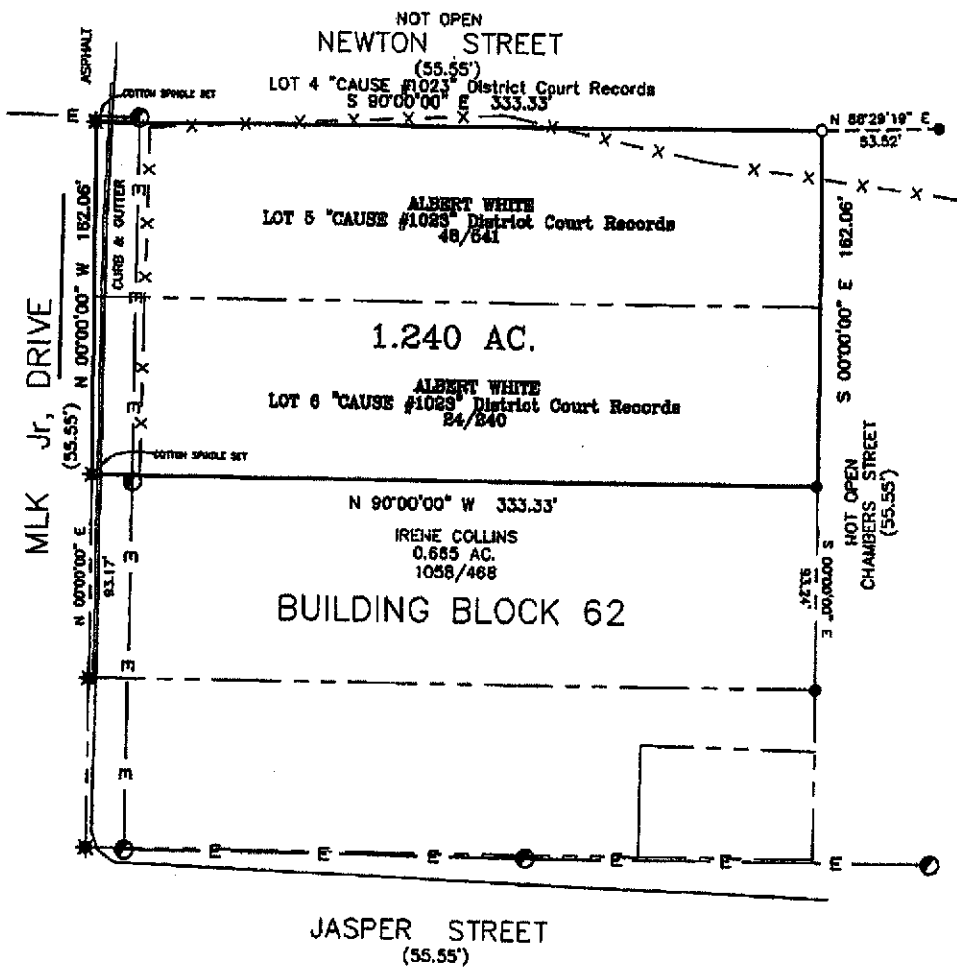
Surveyed by:


James E. Garon
Registered Professional Land Surveyor
Server; co\Bastrop\city bastrop\BB62 ems\B18108.doc



LEGEND

- 1/2" REBAR FOUND
- 1/2" REBAR SET W/CAP
- ⊙ 1/2" PIPE SET (UNLESS NOTED)
- ⊗ 1/2" PIPE FOUND (UNLESS NOTED)
- ⊙ COTTON SPINDLE FOUND
- ⊗ COTTON SPINDLE FOUND
- ⊙ FENCE POST FOUND
- ⊗ FENCE POST FOUND
- ⊙ WIRE FOUND
- ⊗ WIRE FOUND
- ⊙ POWER POLE
- ⊗ POWER POLE
- ⊙ OVERHEAD BROADCAST LINE
- ⊗ OVERHEAD BROADCAST LINE
- ⊙ DRIVE WAY
- ⊗ DRIVE WAY
- ⊙ RECORD CALL
- ⊗ RECORD CALL

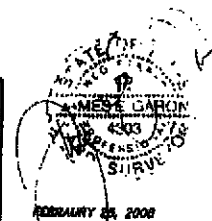


TO THE OWNERS, LEASEHOLDERS AND

BASTROP ABSTRACT

THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS SURVEY WAS THIS DAY MADE ON THE GROUND OF THE PROPERTY DESCRIBED HEREON AND IS CORRECT, AND THAT THERE ARE NO DISCREPANCIES, SHORTAGES IN AREA, BOUNDARY LINE CONFLICTS, ENCROACHMENTS, OVERLAPPING OF IMPROVEMENTS, VISIBLE UTILITY LINES OR ROADS IN PLACE, EXCEPT AS SHOWN HEREON, AND THAT SAID PROPERTY HAS ACCESS TO AND FROM A DEDICATED ROADWAY, EXCEPT AS SHOWN HEREON.

THE UNDERSIGNED DOES FURTHER CERTIFY THAT THE PROPERTY DESCRIBED HEREON IS LOCATED IN ZONE "C" AND IS NOT WITHIN A 100-YEAR FLOOD HAZARD AREA AS IDENTIFIED BY THE FEDERAL INSURANCE ADMINISTRATION FLOOD HAZARD BOUNDARY MAP, PANEL NO. 38621C 0362.E, EFFECTIVE JANUARY 18, 2002.



JAMES E. GARON & ASSOC.
PROFESSIONAL LAND SURVEYORS

924 Main Street
Bastrop, Texas 78802
(812) 303-4188
(812) 321-2107 fax

REFERENCE KATHRYN ROGERS

G.F. NO. 0626212

ADDRESS 305 MLK JR. DRIVE

LEGAL DESCRIPTION
BEING 1.240 ACRE OUT OF BUILDING BLOCK 62 E.D.M. CITY OF BASTROP, PAR. 1, BK. 244A PLAT RECORDS & TRACTS 2 & 3 VOL. 72, PG. 187, DEED RECORDS OF BASTROP COUNTY, TEXAS.
FILE: SERVER\CO\BAST\CO\189 82\B18106.DWG