

VILLAGE OF VOLENTE

ORDINANCE No. 2021-O-1

**REZONING A 5.217 ACRE TRACT OF LAND SITUATED IN THE JOHN STEWART SURVEY NO. 551 AND THE ROBERT FOSTER SURVEY NO. 31, TRAVIS COUNTY, TEXAS.**

AN ORDINANCE OF THE VILLAGE OF VOLENTE, TEXAS ("VILLAGE"), ZONING MAP AMENDMENT FOR AN APPROXIMATELY 5.217 ACRE TRACT OF LAND SITUATED IN THE JOHN STEWART SURVEY NO. 551, AND THE ROBERT FOSTER SURVEY NO 31, TRAVIS COUNTY, TEXAS, FROM SINGLE-FAMILY RESIDENTIAL (SR) TO UTILITY DISTRICT (UD); AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; ENACTMENT; REPEALER; SEVERABILITY; EFFECTIVE DATE; AUTHORIZING THE VILLAGE SECRETARY TO NOTE THE CHANGE ON THE OFFICIAL ZONING MAP OF THE VILLAGE; PROPER NOTICE & MEETING.

**WHEREAS**, the Village Council of Village of Volente ("Village Council") seeks to promote orderly land use and development within the Village; and

**WHEREAS**, a rezoning has been requested by the owner of a tract of land totaling approximately 5.217 acres, described more fully in *Attachment "A"* from Single Family Residential (SR) to Utility District (UD); and

**WHEREAS**, the Village Council finds to be reasonable and necessary the rezoning of the tract, described more fully in *Attachment "A"* and totaling approximately 5.217 acres, from Single-Family Residential (SR) to Utility District (UD); and

**WHEREAS**, after notice and hearing required by law, a public hearing was held before the Village of Volente Planning and Zoning Commission on February 16, 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 Village Council on February 17, 2021, the Village Council voted to approve the recommendation of the Planning and Zoning Commission; and

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

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

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

**NOW, THEREFORE, BE IT ORDAINED** by the Village Council of the Village of Volente:

### **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**

A tract of land totaling approximately 5.217 acres, and described more fully in *Attachment "A"*, is hereby rezoned from Single-Family Residential (SR) to Utility District (UD).

### **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 Village Secretary is hereby authorized to and shall promptly note the zoning change on the official Zoning Map of the Village of Volente, 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 20<sup>th</sup> day of April 2021, by a vote of 5 (*ayes*) to 0 (*nays*) to 0 (*abstentions*) of the Village Council of the Village of Volente, Texas.

**VILLAGE OF VOLENTE:**

*by:*

  
\_\_\_\_\_  
Dan Thost, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Sonja De La Fuente, City Secretary

*Attachment "A"*  
*Description of Tract*

Approximately 5.217 acre tract of land situated in the John Stewart Survey No. 551 and the Robert Foster Survey No. 31, Travis County, Texas; said 5.217 acre tract being comprised of a portion of Tract 1, all Tract 2 (called 1.069 acres) and a portion of Tract 3 (called 10.068 acres) with all 3 Tracts being described in a warranty deed to Gary L. Gross and Wife, Cathy L. Gross, as recorded in Volume 11546, Page 1498 of the Real Property Records of Travis County, Texas and also being a portion of that certain called 5.163 acre tract of land described in a special warranty deed to Gary L. Gross and Wife, Cathy L. Gross, as recorded in Volume 12817, page 1043 of the Real Property Records of Travis County, Texas.