

ORDINANCE NO. 20161205-B

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF NIEDERWALD, TEXAS TO REZONE PROPERTY CURRENTLY ZONED AS A, AGRICULTURAL DISTRICT TO SF-2, SINGLE-FAMILY SUBURBAN RESIDENTIAL DISTRICT LOCATED AT OR NEAR 12551 CAMINO REAL WITH THE LEGAL DESCRIPTION BEING 18.26 ACRES OF LAND, PART OF THAT CERTAIN TRACT OR PARCEL OF LAND DESCRIBED AS 116.72 ACRES OF LAND MORE OR LESS, OUT OF THE SAMUEL B. CARSON SURVEY, ABSTRACT NO. 86, CALDWELL COUNTY, TEXAS; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Cayetano Development, LLC, the owner of 18.26 acres of land, situated in the Samuel B. Carson Survey, Abstract No. 86, Caldwell County, Texas, being out of that certain 116.72 acre tract of land known as Tract 1 and Tract 2, as conveyed by gift deed to Barbara Jo Hanna and Ted W. Chastain, Jr., recorded in Volume 67, Page 56, of the official public records of Caldwell County, Texas and being more particularly described in Exhibit "A" which is attached hereto and incorporated herein for all pertinent purposes (the "Property"), filed a petition requesting the rezoning of said Property to SF-2, Single-Family Suburban Residential District; and

WHEREAS, on the 5th day of December, 2016, after notice as required by law, a public hearing was held before the City Council of the City of Niederwald, a quorum being present for the hearing and said matter of rezoning, said Property being part of the agenda for said City Council meeting, an opportunity to present arguments for and against the proposed rezoning was held; and

WHEREAS, after a public hearing on the proposed rezoning as required by law, the City Council hereby finds that in the best interest and benefit of the residents of the City of Niederwald, and in accordance with the City's zoning regulations, the said Property should be rezoned; Now Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NIEDERWALD, TEXAS, THAT THE OFFICIAL ZONING MAP BE AMENDED IN THE FOLLOWING MANNER:

SECTION 1.

That the existing City of Niederwald Official Zoning Map is hereby amended to change the Property currently zoned as A, Agricultural District to SF-2, Single-Family Suburban Residential District. This Property is located at or near 12551 Camino Real with a legal description being 18.26 acres of land, situated in the Samuel B. Carson Survey, Abstract No. 86, Caldwell County, Texas, being out of that certain 116.72 acre tract of land known as Tract 1 and Tract 2, as conveyed by gift deed to Barbara Jo Hanna and Ted W. Chastain, Jr., recorded in Volume 67, Page 56, of the official public records of Caldwell County, Texas and being more particularly described by metes and bounds in Exhibit "A".

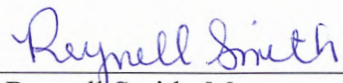
SECTION 2.

Should any section or part of this Ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair, or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this Ordinance are declared to be severable.

SECTION 3.

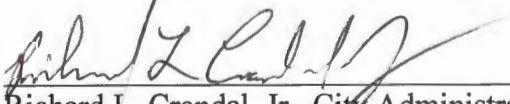
That this Ordinance shall take effect and be in full force and effect from and after its passage and publication as may be required by law.

PASSED and APPROVED on this the 5th day of December 2016.



Hon. Reynell Smith, Mayor

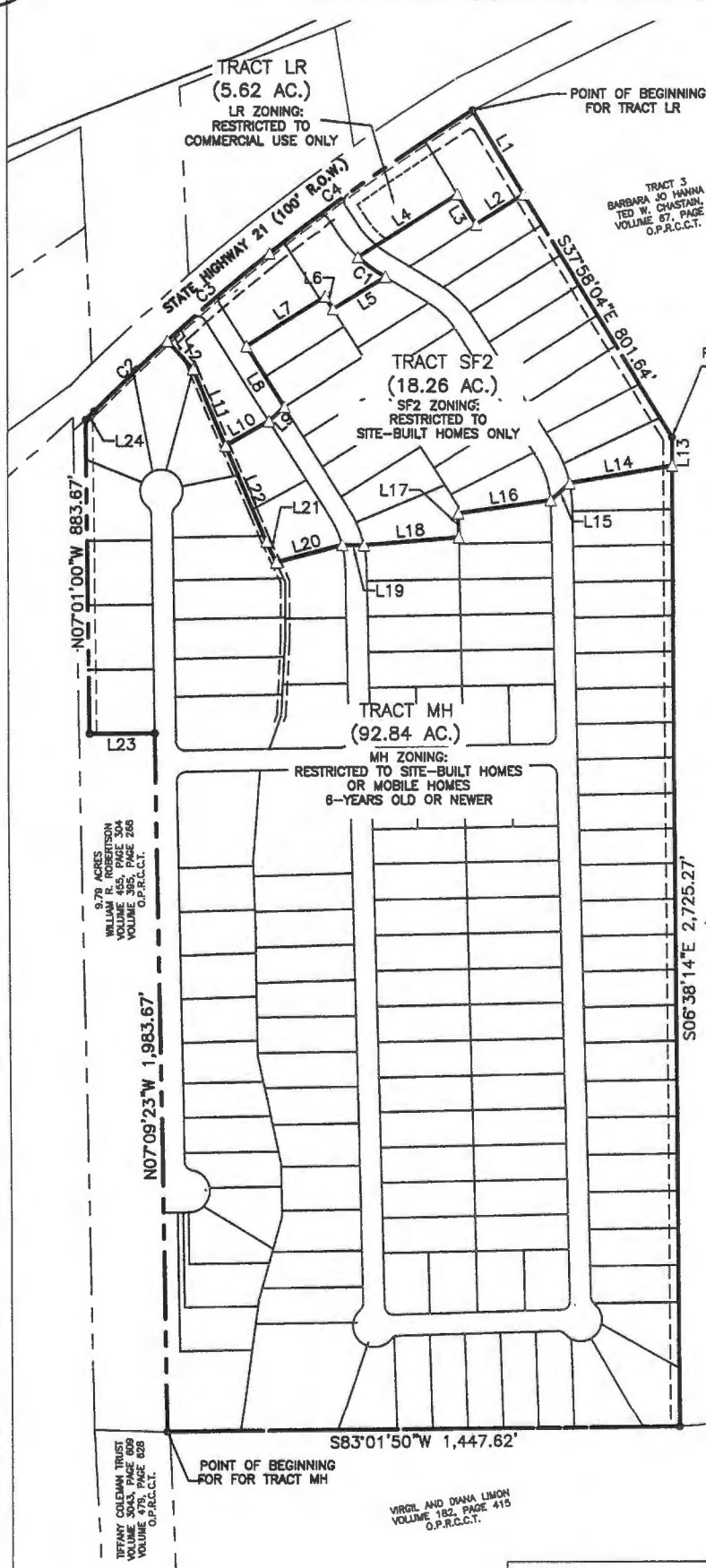
ATTEST:



Richard L. Crandal, Jr., City Administrator/Secretary



SKETCH TO ACCOMPANY FIELD NOTES



POINT OF BEGINNING FOR TRACT SF2

LEGAL DESCRIPTION

TRACT 1M4: BEING 92.84 ACRES OF LAND, SITUATED IN THE SAMUEL B. CARSON SURVEY, ABSTRACT NO. 86, CALDWELL COUNTY, TEXAS, BEING OUT OF THAT CERTAIN 118.72 ACRE TRACT OF LAND KNOWN AS TRACT 1 AND TRACT 2, AS CONVEYED BY GIFT DEED TO BARBARA JO HANNA AND TED W. CHASTAIN, JR., RECORDED IN VOLUME 67, PAGE 568, OF THE OFFICIAL PUBLIC RECORDS OF CALDWELL COUNTY, TEXAS.

TRACT LR: BEING 5.62 ACRES OF LAND, SITUATED IN THE SAMUEL B. CARSON SURVEY, ABSTRACT NO. 86, CALDWELL COUNTY, TEXAS, BEING OUT OF THAT CERTAIN 118.72 ACRE TRACT OF LAND KNOWN AS TRACT 1 AND TRACT 2, AS CONVEYED BY GIFT DEED TO BARBARA JO HANNA AND TED W. CHASTAIN, JR., RECORDED IN VOLUME 67, PAGE 568, OF THE OFFICIAL PUBLIC RECORDS OF CALDWELL COUNTY, TEXAS.

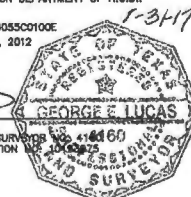
TRACT SF2: BEING 18.26 ACRES OF LAND, SITUATED IN THE SAMUEL B. CARSON SURVEY, ABSTRACT NO. 86, CALDWELL COUNTY, TEXAS, BEING OUT OF THAT CERTAIN 118.72 ACRE TRACT OF LAND KNOWN AS TRACT 1 AND TRACT 2, AS CONVEYED BY GIFT DEED TO BARBARA JO HANNA AND TED W. CHASTAIN, JR., RECORDED IN VOLUME 67, PAGE 568, OF THE OFFICIAL PUBLIC RECORDS OF CALDWELL COUNTY, TEXAS.

THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1A SURVEY, CONDITION II.

FLOOD INFORMATION: I HEREBY CERTIFY THAT NO PORTION OF THIS PROPERTY DESCRIBED HEREIN IS WITHIN A SPECIFIC FLOOD HAZARD AREA AS IDENTIFIED BY THE FEDERAL INSURANCE ADMINISTRATION DEPARTMENT OF H.U.D..

COMMUNITY PANEL NUMBER: 48055C0100E
FLOOD MAP DATED: JUNE 19, 2012

GEORGE E. LUCAS
REGISTERED PROFESSIONAL LAND SURVEYOR
CELEST SURVEYING, FIRM REGISTRATION NO. 41460
2205 STONECREST PATH
NEW BRAUNFELS, TEXAS 78130
OFFICE (512) 635-4857



Line Table		
LINE #	LENGTH	DIRECTION
L1	274.27'	S37°58'04"E
L2	158.82'	N51°07'34"E
L3	100.01'	S37°58'04"E
L4	332.87'	N51°07'34"E
L5	173.97'	N51°42'47"E
L6	42.19'	S38°52'26"E
L7	262.35'	N51°07'34"E
L8	200.00'	N38°38'08"W
L9	59.88'	N40°42'41"E
L10	141.24'	N53°43'37"E
L11	234.81'	S28°22'08"E
L12	107.24'	S48°18'28"E
L13	81.14'	S06°36'14"E
L14	284.06'	S73°55'17"W
L15	72.22'	S41°29'46"W
L16	263.64'	S75°20'21"W
L17	67.82'	S07°32'36"E
L18	269.03'	S76°33'24"W
L19	80.72'	S64°07'05"W
L20	183.28'	S86°49'58"W
L21	63.86'	N31°47'56"W
L22	284.35'	N28°22'08"W
L23	183.15'	S83°00'46"W
L24	34.80'	N36°15'13"E

CURVE TABLE					
CURVE #	ARC LENGTH	RADIUS	DELTA	CHORD LENGTH	CHORD BEARING
C1	95.30'	384.36'	01°30'44"	95.07'	N61° 08' 51"W
C2	284.78'	5,880.01'	002°52'22"	284.78'	S39° 41' 24"W
C3	380.75'	5,880.01'	003°50'28"	380.71'	S43° 02' 49"W
C4	700.37'	5,880.01'	007°03'53"	699.83'	S48° 29' 56"W

DATE: 1/31/17

FIELD NOTE DESCRIPTION FOR AN 18.26 ACRE TRACT OF LAND, CALDWELL COUNTY, TEXAS:

BEING 18.26 ACRES OF LAND, SITUATED IN THE SAMUEL B. CARSON SURVEY, ABSTRACT NO. 86, CALDWELL COUNTY, TEXAS, BEING OUT OF THAT CERTAIN 116.72 ACRE TRACT OF LAND KNOWN AS TRACT 1 AND TRACT 2, AS CONVEYED BY GIFT DEED TO BARBARA JO HANNA AND TED W. CHASTAIN, JR., RECORDED IN VOLUME 67, PAGE 566, OF THE OFFICIAL PUBLIC RECORDS OF CALDWELL COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

BEGINNING at ½ inch iron rod lying on the east line of this tract marking an angle corner of Tract 3 out of that certain piece of land conveyed by Gift Deed to Barbara Jo Hanna and Ted W. Chastain, Jr., in Volume 67, Page 566, of the Official Public Records of Caldwell County, Texas, for an angle corner of this tract;

THENCE South 06°38'14" East, along the West line of said Barbara Jo Hanna and Ted W. Chastain, Jr., tract, common with the east line of this tract, a distance of 81.14 feet to a calculated point, for the southeast corner of this tract;

THENCE along the south line of this tract though and across said Hanna and Chastain, tract, the following seven (7) courses:

1. South 73°55'17" West, a distance of 294.06 feet to a calculated point, marking an angle of this tract;
2. South 41°29'46" West, a distance of 72.22 feet to a calculated point, marking an angle corner of this tract;
3. South 75°20'21" West, a distance of 263.64 feet to a calculated point, for an angle corner of this tract;
4. South 07°32'36" East, a distance of 67.62 feet to a calculated point, for an angle corner of this tract;
5. South 78°33'24" West, a distance of 269.03 feet to a calculated point, for an angle corner of this tract;
6. South 84°07'05" West, a distance of 60.72 feet to a calculated point, for an angle corner of this tract;
7. South 68°49'58" West, a distance of 193.28 feet to a calculated point, for the southwest corner of this tract;

THENCE along the west line of this tract continuing though and across said Barbara Jo Hanna and Ted W. Chastain, Jr., tract, the following two (2) courses:

1. North $31^{\circ}47'56''$ West, a distance of 63.96 feet to a calculated point, for an angle corner of this tract;

2. North $29^{\circ}22'08''$ West, a distance of 294.35 feet to a calculated point, for the most westerly corner of this tract;

THENCE along the north line of this tract, through and across said Hanna and Chastain, tract, the following ten (10) courses:

1. North $53^{\circ}43'37''$ East, a distance of 141.24 feet to a calculated point, for an angle corner of this tract;

2. North $40^{\circ}42'41''$ East, a distance of 59.68 feet to a calculated point, for an angle corner of this tract;

3. North $38^{\circ}36'08''$ West, a distance of 200.00 feet to a calculated point, for an angle corner of this tract;

4. North $51^{\circ}07'34''$ East, a distance of 262.35 feet to a calculated point, for an angle corner of this tract;

5. South $38^{\circ}52'26''$ East, a distance of 42.19 feet to a calculated point, for an angle corner of this tract;

6. North $51^{\circ}42'47''$ East, a distance of 173.97 feet to a calculated point lying on a curve to the right, for an angle corner of this tract;

7. Along said curve to the right, an arc length of 95.30 feet, said curve having a radius of 394.36 feet, a delta angle of $13^{\circ}50'44''$, a chord bearing North $61^{\circ}05'51''$ West, for a distance of 95.07 feet to a calculated point, marking an angle corner of this tract;

8. North $51^{\circ}07'34''$ East, a distance of 332.87 feet to a calculated point, for an angle corner of this tract;

9. South $37^{\circ}58'04''$ East, a distance of 100.01 feet to a calculated point, for an angle corner of this tract;

10. North $51^{\circ}07'34''$ East, a distance of 158.82 feet to a calculated point lying on the west line of said Barbara Jo Hanna and Ted W. Chastain, Jr., tract for the northeast corner of this tract;

THENCE South $37^{\circ}58'07''$ West, along the east line of this tract, through and across said Barbara Jo Hanna and Ted W. Chastain, Jr. tract, a distance of 801.64 feet to the POINT OF BEGINNING, containing 18.26 acres of land, more or less.