

ORDINANCE NO. 2016/205-C

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF NIEDERWALD, TEXAS TO REZONE PROPERTY CURRENTLY ZONED AS GB, GENERAL BUSINESS DISTRICT AND A, AGRICULTURAL DISTRICT TO MH, MANUFACTURED HOME DISTRICT LOCATED AT OR NEAR 12551 CAMINO REAL WITH THE LEGAL DESCRIPTION BEING 92.84 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 92.84 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 MH, Manufactured Home 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 GB, General Business District and A, Agricultural District to MH, Manufactured Home District. This Property is located at or near 12551 Camino Real with a legal description being 92.84 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".

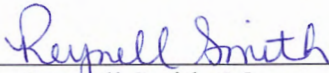
SECTION 2.

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.

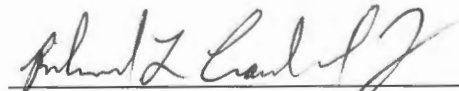
SECTION 3.

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.

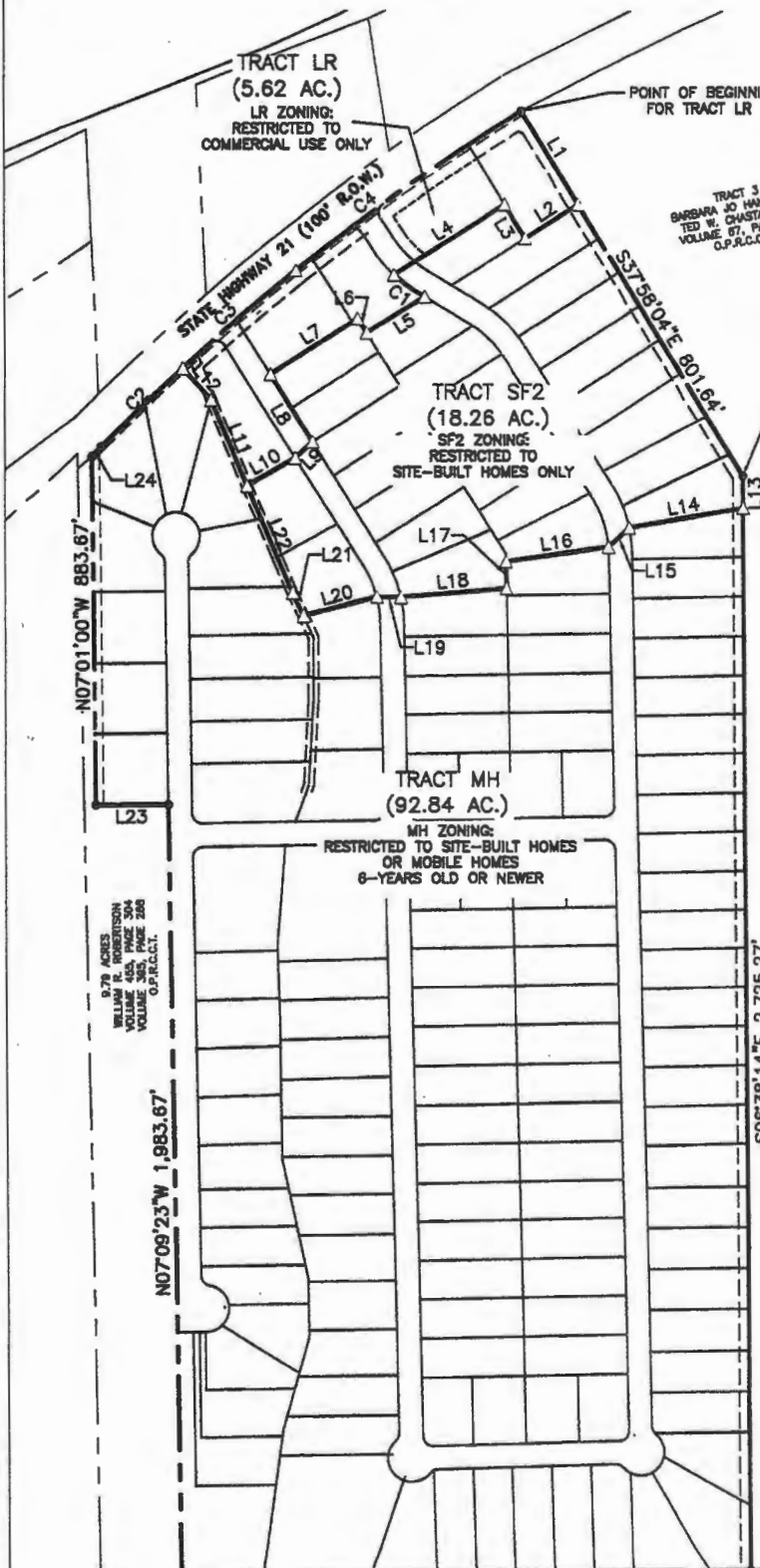

Hon. Reynell Smith, Mayor

ATTEST:


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



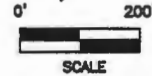
SKETCH TO ACCOMPANY FIELD NOTES



TRACT LR
(5.62 AC.)
LR ZONING:
RESTRICTED TO
COMMERCIAL USE ONLY

POINT OF BEGINNING
FOR TRACT LR

TRACT 3
BARBARA JO HANNA AND
TED W. CHASTAIN, JR.
VOLUME 67, PAGE 566
O.P.R.C.T.



LEGEND

- IRON ROD FOUND
- △ CALCULATED POINT
- BOUNDARY LINE
- - - EXISTING R.O.S. LINE
- - - EXISTING LOT LINE
- - - EXISTING CENTER LINE OF DITCH
- - - EASEMENT

LEGAL DESCRIPTION

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 566, OF THE OFFICIAL PUBLIC RECORDS OF CALDWELL COUNTY, TEXAS.

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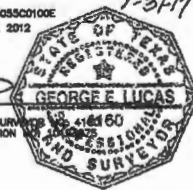
TRACT SF2: BEING 18.26 ACRES OF LAND, SITUATED IN THE SAMUEL B. CARSON SURVEY, ABSTRACT NO. 86, CALDWELL COUNTY, TEXAS, BEING OUT OF THAT CERTAIN 118.72 ACRE TRACT OF LAND KNOWN AS TRACT 1 AND TRACT 2, AS CONVEYED BY GIFT DEED TO BARBARA JO HANNA AND TED W. CHASTAIN, JR., RECORDED IN VOLUME 67, PAGE 566, 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 HUD.

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

GEORGE E. LUCAS
REGISTERED PROFESSIONAL LAND SURVEYOR
C.E.L.S. SURVEYING, FIRM REGISTRATION
2205 STONECREST PATH
NEW BRAUNFELS, TEXAS 78130
OFFICE (512) 836-4897



Line Table

LINE #	LENGTH	DIRECTION
L1	274.27'	S37°08'04"E
L2	158.82'	N51°07'34"E
L3	100.01'	S37°08'04"E
L4	332.67'	N51°07'34"E
L5	173.97'	N51°42'47"E
L6	42.18'	S38°32'26"E
L7	262.35'	N51°07'34"E
L8	200.00'	N38°38'08"W
L9	38.86'	N40°45'41"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°38'14"E
L14	294.06'	S73°05'17"W
L15	72.22'	S41°28'46"W
L16	263.64'	S78°20'21"W
L17	67.62'	S07°32'36"E
L18	298.03'	S78°33'24"W
L19	80.72'	S84°07'03"W
L20	163.28'	S88°48'08"W
L21	63.84'	N31°47'59"W
L22	294.38'	N28°22'08"W
L23	163.16'	S63°00'46"W
L24	34.80'	N38°15'13"E

S06°38'14"E 2,725.27'

S83°01'50"W 1,447.62'

POINT OF BEGINNING
FOR TRACT MH

VIRGIL AND DIANA LAMON
VOLUME 182, PAGE 415
O.P.R.C.T.

WILLIAM R. ROBERTSON
VOLUME 304, PAGE 589
VOLUME 305, PAGE 288
O.P.R.C.T.

CURVE TABLE

CURVE #	ARC LENGTH	RADIUS	DELTA	CHORD LENGTH	CHORD BEARING
C1	85.30'	394.36'	013°50'44"	85.07'	N81°00'51"W
C2	294.78'	5,680.01'	002°52'22"	294.78'	S38°41'24"W
C3	380.78'	5,680.01'	003°50'28"	380.71'	S43°02'48"W
C4	700.37'	5,680.01'	007°03'33"	698.83'	S48°28'56"W

DATE: 1/31/17

FIELD NOTE DESCRIPTION FOR A 92.84 ACRE TRACT OF LAND, CALDWELL COUNTY, TEXAS:

BEING 92.84 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 a 1/2 inch iron rod found at the northwest corner of that certain tract conveyed by Warranty Deed with Vendor's Lien to Virgil and Diana Limon in Volume 182, Page 415, of the Official Public Records of Caldwell County, Texas, common with the southeast corner of that certain tract conveyed by Warranty Deed with Vendor's Lien to William R. Robertson in Volume 455, Page 304, of the Official Public Records of Caldwell County, Texas, said point also marking the southwest corner of that certain 116.72 acre tract 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 the southwest corner of this tract;

THENCE North 07°09'23" West, along the East line of said William R. Robertson tract, common with the west line of said Barbara Jo Hanna and Ted W. Chastain Jr., tract and west line of this tract, a distance of 1,983.67 feet to a 1/2 inch iron rod found marking a corner of said William R. Robertson tract, common with an interior corner of said Barbara Jo Hanna and Ted W. Chastain Jr., tract for an interior corner of this tract;

THENCE South 83°00'46" West, along the north line of said William R. Robertson tract, common with the west line of said Barbara Jo Hanna and Ted W. Chastain Jr., tract, and west line of this tract, a distance of 183.15 feet to a 1/2 inch iron rod found marking an angle corner of said William R. Robertson tract, common with the most westerly corner of said Barbara Jo Hanna and Ted W. Chastain Jr. tract, for the most westerly corner of this tract;

THENCE along the west line of this tract, North 07°01'00" West, common with the east line of said William R. Robertson tract, and the west line of said Barbara Jo Hanna and Ted W. Chastain Jr., tract, a distance of 883.67 feet to a 1/2 inch iron rod found lying on the south right-of-way line of said State Highway No. 21, marking the most northerly corner of said William R. Robertson tract, common with the northwest corner of said Barbara Jo Hanna and Ted W. Chastain Jr., tract, for the northwest corner of this tract;

THENCE along the north line of this tract, North 38°15'13" East, and along the south right-of-way line of State Highway No. 21, common with the north line of said Barbara Jo Hanna and Ted W. Chastain Jr., tract, a distance of 34.80 feet to a 1/2 inch iron rod found, lying on a curve to the right, marking an angle corner of said Hanna and Chastain tract, for an angle corner of this tract;

THENCE continuing along the north line of this tract, along said curve to the right and south right-of-way line of State Highway No. 21, common with the north line of said Barbara Jo Hanna and Ted W. Chastain Jr., tract, an arc length of 284.78 feet said curve, having a radius of 5,829.42 feet, a delta angle of $02^{\circ}47'57''$, a chord bearing North $39^{\circ}41'24''$ East, for a distance of 284.76 feet to calculated point, for the most northerly corner of this tract;

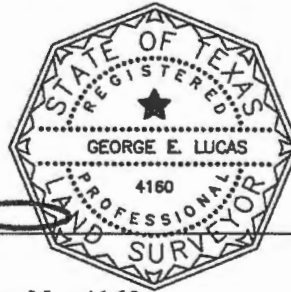
THENCE along the north line of this tract, through and across said Barbara Jo Hanna and Ted W. Chastain Jr., tract, along the following eleven (11) courses

1. South $49^{\circ}16'26''$ East, a distance of 107.24 feet, to a calculated point for an angle corner of this tract;
2. South $29^{\circ}22'08''$ East, a distance of 234.81 feet, to a calculated point for an angle corner of this tract;
3. South $29^{\circ}22'08''$ East, a distance of 294.35 feet, to a calculated point for an angle corner of this tract;
4. South $31^{\circ}47'56''$ West, a distance of 63.96 feet to a calculated point, for an angle corner of this tract;
5. North $68^{\circ}49'58''$ East, a distance of 193.28 feet to a calculated point, for an angle corner of this tract;
6. North $84^{\circ}07'05''$ East, a distance of 60.72 feet to a calculated point, for an angle corner of this tract;
7. North $78^{\circ}33'24''$ East, a distance of 269.03 feet to a calculated point, for an angle corner of this tract;
8. North $07^{\circ}32'36''$ East, a distance of 67.62 feet to a calculated point, for an interior corner of this tract;
9. North $75^{\circ}20'21''$ East, a distance of 263.64 feet to a calculated point, for an angle corner of this tract;
10. North $41^{\circ}29'46''$ East, a distance of 72.22 feet to a calculated point, for an angle corner of this tract;
11. North $73^{\circ}55'17''$ East, a distance of 294.06 feet to a calculated point lying on the east line of said 116.72 tract, for the northeast corner of this tract;

THENCE along the east line of this tract, South $06^{\circ}38'14''$ East, common with the west line Tract 3 of said Hanna and Chastain tract, a distance of 2,725.27 feet to a $\frac{1}{2}$ inch iron

rod found marking the southwest corner of said Tract 3 of the Barbara Jo Hanna and Ted Chastain tract, common with an angle corner of said Virgil and Diana Limon tract for the southeast corner of this tract;

THENCE along the south line of this tract, South $83^{\circ}01'50''$ West, along the North line of said Virgil and Diana Limon tract, common with the South line of said Barbara Jo Hanna and Ted W. Chastain Jr., a distance of 1,447.62 feet to the POINT OF BEGINNING, containing 92.84 acres of land, more or less.



George E. Lucas
Registered Professional Land Surveyor No. 4160
Celco Surveying, Firm Registration No. 10193975
2205 Stonecrest Path
New Braunfels, Texas 78130
Date: January 31, 2017