

ORDINANCE NO. 20150914004

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF NIEDERWALD, TEXAS TO REZONE PROPERTY CURRENTLY ZONED AS A, AGRICULTURAL DISTRICT AND SF-1, SINGLE FAMILY RURAL RESIDENTIAL DISTRICT TO SF-2, SINGLE FAMILY SUBURBAN RESIDENTIAL DISTRICT LOCATED AT OR NEAR FM 2001 AND ENGELKE ROAD WITH THE LEGAL DESCRIPTION BEING 44.041 ACRES OF LAND, PART OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 25.66 ACRES OF LAND, MORE OR LESS, CONVEYED TO ALTON AND IDA GAEF, RECORDED IN VOLUME 203 PAGE 220-223 OF THE HAYS COUNTY DEED RECORDS AND PART OF THAT CERTAIN TRACT OR PARCEL OF LAND DESCRIBED AS 5 ACRES OF LAND, MORE OR LESS, SITUATED IN THE OTIS G. EELS SURVEY, HAYS COUNTY, TEXAS, ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND DESCRIBED AS 20 ACRES OF LAND, MORE OR LESS, SITUATED IN THE OTIS G. EELS SURVEY, HAYS COUNTY, TEXAS, AND ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND DESCRIBED AS 10 ACRES OF LAND, MORE OR LESS, SITUATED IN THE OTIS G. EELS SURVEY, HAYS COUNTY, TEXAS; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Hays East Ridge, LLC, the owner of 44.041 acres of land, being part of that certain tract or parcel of land described as 25.66 acre tract of land, more or less, conveyed to Alton and Ida Graef, recorded in Vol. 203 Page 220-223 of the Hays County Deed Records and part of that certain tract or parcel of land described as 5.0 acres of land, more or less, situated in the Otis G. Eels Survey, Hays County, Texas, all of that certain tract or parcel of land described as 20.0 acres of land, more or less, situated in the Otis G. Eels Survey, Hays County, Texas, and all of that certain tract or parcel of land described as 10 acres of land, more or less, situated in the Otis G. Eels Survey, Hays 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 14th day of September, 2015, 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 and SF-1, Single Family Rural Residential District to SF-2, Single Family Suburban Residential District. This Property is located at or near FM 2001 and Engelke Road with a legal description being 44.041 acres of land, being part of that certain tract or parcel of land described as 25.66 acre tract of land, more or less, conveyed to Alton and Ida Graef, recorded in Vol. 203 Page 220-223 of the Hays County Deed Records and part of that certain tract or parcel of land described as 5.0 acres of land, more or less, situated in the Otis G. Eels Survey, Hays County, Texas, all of that certain tract or parcel of land described as 20.0 acres of land, more or less, situated in the Otis G. Eels Survey, Hays County, Texas, and all of that certain tract or parcel of land described as 10 acres of land, more or less, situated in the Otis G. Eels Survey, Hays County, Texas and being more particularly described by metes and bounds in Exhibit "A".

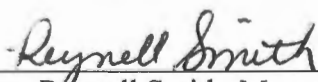
SECTION 2.

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.

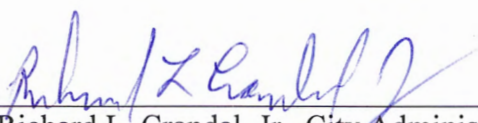
That this Ordinance shall take effect and be in full force and effect from and after its passage and publication as may be required by law.

PASSED and APPROVED on this the 14th day of September, 2015.



Hon. Reynell Smith, Mayor

ATTEST:



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