

ORDINANCE NO. 20170710-A

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF NIEDERWALD, TEXAS TO REZONE PROPERTY CURRENTLY ZONED AS A, AGRICULTURAL DISTRICT TO SF-1, SINGLE-FAMILY RURAL RESIDENTIAL DISTRICT WITH THE LEGAL DESCRIPTION BEING 91.88 ACRES OF LAND, BEING OUT OF AND A PART OF THE MARK WEBBER SURVEY, ABSTRACT NO. 305, SAMUEL B. CARSON SURVEY, ABSTRACT NO. 86 AND THE WILLIAM MORRISON SURVEY, ABSTRACT NO. 200, CALDWEL COUNTY, TEXAS; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Alan Shields, the owner of 91.88 acres of land, situated in the Mark Webber Survey, Abstract No. 305, the Samuel B. Carson Survey, Abstract No. 86, and the William Morrison Survey, Abstract No. 200, Caldwell County, Texas, being out of that certain 107.5 acre tract of land conveyed by deed to Roland Loep, recorded in Volume 230, Page 234, 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-1, Single-Family Rural Residential; and

**WHEREAS**, on the 10th day of July, 2017, 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 it is 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-1, Single-Family Rural Residential. The Property has a legal description being 91.88 acres of land, situated in the Mark Webber Survey, Abstract No. 305, the Samuel B. Carson Survey, Abstract No. 86, and the William Morrison Survey, Abstract No. 200, Caldwell County, Texas, being out of that certain 107.5 acre tract of land conveyed by deed to Roland Loep, recorded in Volume 230, Page 234, 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.

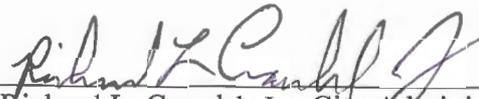
**SECTION 3.**

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 10<sup>th</sup> day of July, 2017.

  
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Hon. Reynell Smith, Mayor

ATTEST:

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



Field Notes describing 91.88 acres of land situated in a tract called 107.5 acres in a conveyance to Roland Loep recorded in Volume 230, Page 234, Deed Records, situated in the (33.02 ac.) S. B. Carson Survey, Abstract No. 86, (52.77 ac.) Mark Weber Survey, Abstract No. 305 and (6.09 ac.) William Morrison Survey, Abstract No. 200, Caldwell County, Texas and described by metes and bounds as follows:

Beginning at an iron pin found marking the northeast corner of the called 107.5 acre tract, the southeast corner of the Kip Lee Portis 16.60 acre tract described in Volume 88, Page 534, Official Records, the northeast corner of the herein described 91.88 acre tract and situated in the west line of the Julie Moore and Ann Messer tract described in Volume 135, Page 681, Official Records;

Thence with the fence S11°06'12"E 332.81 feet to a planted stone found marking the southwest corner of the Julie Moore and Ann Messer tract, the northwest corner of the John Phillips 36.58 acre tract described in Volume 399, Page 680, Deed Records, S09°44'00"E 599.91 feet to a fence post marking the southwest corner of the John Phillips 36.58 acre tract, the northwest corner of the Rob A. Steele and Kathy L. Steele 134.044 acre tract described in Volume 350, Page 645, Official Records, and S09°52'02"E 816.75 feet to a 2 inch pipe found marking the southeast corner of the called 107.5 acre tract, a reentrant corner of the Rob A. Steele and Kathy L. Steele 134.044 acre tract, the southeast corner of the herein described 91.88 acre tract;

Thence with a fence S60°01'10"W 1062.36 feet to a steel "T" post found marking the east corner of the Harvey Loep 3.195 acre tract described in Volume 5, Page 709, Official Records;

Thence N30°21'31"W 291.60 feet to a steel "T" post found marking the north corner of the Harvey Loep 3.195 acre tract;

Thence S59°40'40"W 429.58 feet to a steel "T" post found marking the west corner of the Harvey Loep 3.195 acre tract;

Thence S11°20'46"E 279.63 feet to a 3/8 inch iron pin found marking the south corner of the Harvey Loep 3.195 acre and situated in north R.O.W. of Rocky Road;

Thence with the north R.O.W. of Rocky Road S80°40'19"W 657.56 feet to an iron pin set at the point of intersection of the north R.O.W. of Rocky Road and the east R.O.W. of Farm to Market Road No. 2001;

Thence with the east R.O.W. of Farm to Market Road No. 2001, 292.10 feet with the arc of a curve to the right with a radius of 1859.86 feet, a long chord N14°18'41"W 291.80

EXHIBIT "A"  
PAGE 1 OF 2

feet to a railroad spike set, N09°48'44"W 651.20 feet to a R.O.W. monument, S80°11'16"W 10.00 feet to a R.O.W. monument and N09°48'44"W 994.00 feet to an iron pin set for the southwest corner of a 10.01 acre tract cut out on this same day;

Thence N80°09'06"E 1321.32 feet to an iron pin set for the southeast corner of the 10.01 acre tract;

Thence N09°48'44"W 330.00 feet to an iron pin set for the northeast corner of the 10.01 acre tract and situated in the north line of the called 107.5 acre tract, the south line of the Alvin L. Hunka 10.0 acre tract described in Volume 470, Page 334, Deed Records;

Thence with a fence, the south line of the Alvin L. Hunka 10.0 acre tract, the south line of the Kip Lee Portis 5.054 acre tract described in Volume 185, Page 322 Official Records N80°09'05"E 327.12 feet to an iron pin found marking the southeast corner of the 5.054 acre tract, the southwest corner of the Kip Lee Portis 16.60 acre tract described in Volume 88, Page 534, Official Records;

Thence N80°11'31"E 528.94 feet to the place of beginning and containing 91.88 acres of land. The orientation of the bearings established by a Global Positioning System.

EXHIBIT <sup>A</sup>  
PAGE 2 OF 2