

JOSE GARCIA

ZONING CHANGE

(GB & A to GB, SF-1 & MF-1)

Approved March 9, 2022



ORDINANCE NO. 276A

AN ORDINANCE OF THE CITY OF UHLAND, TEXAS AMENDING THE ZONING ORDINANCE AND THE ZONING MAP OF THE CITY BY CHANGING THE ZONING OF TWO PARCELS OF LAND CONSISTING OF APPROXIMATELY 39.74 ACRES FROM GENERAL BUSINESS (GB) AND AGRICULTURAL (A) TO GENERAL BUSINESS (GB), SINGLE FAMILY DWELLING 1 (SF-1) AND MULTIPLE FAMILY DWELLING 1 (MF-1); MAKING FINDINGS OF FACT; AND PROVIDING FOR SEVERABILITY.

WHEREAS, JOSE GARCIA ("Owner") owns two tracts of land each containing approximately 19.87 acres and together totaling approximately 39.74 acres of land, more or less, located in corporate limits of the City of Umland, Caldwell County, Texas, and more particularly described by the metes and bounds description of both parcels attached as Exhibit "A" (the "Property"); and

WHEREAS, Owner plans to develop the approximately 39.74 acres of the Property as a mixed-use site (the "Project"), to include General Business (GB), Single Family Dwelling 1 (SF-1) and Multiple Family Dwelling 1 (MF-1) uses, as generally delineated in the Owner's Zoning Change Application and amendments thereto;

WHEREAS, the City of Umland ("City") seeks to protect the health, safety, and welfare of those living in, working in, and visiting the City; and

WHEREAS, the City Planning & Zoning Commission held discussions and invited public comment on the Owner's Project and Zoning Change Request at a public hearing held on the 19th day of January, 2022 at 6 o'clock P.M.; and

WHEREAS, the City Council held discussions and invited public comment on the Owner's Project and Zoning Change Request at a public hearing held on the 9th day of March, 2022 at 6 o'clock P.M.; and

WHEREAS, pursuant to Chapter 51 of the Texas Local Government Code, the City has general authority to adopt this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF UHLAND, TEXAS, THAT:

ARTICLE I. FINDINGS OF FACT AND SHORT TITLE

The foregoing Recitals are hereby adopted by the City Council as findings of facts and are incorporated fully herein.

ARTICLE II. ZONING

- A. Zoning Change.** The zoning of the two tracts of land totaling approximately 39.74 acres more particularly described in *Exhibit "A"*, attached hereto and incorporated herein for all purposes, is hereby changed from General Business (GB) and Agricultural (A) to General Business (GB), Single Family Dwelling 1 (SF-1) and Multiple Family Dwelling 1 (MF-1) as depicted in *Exhibit "B"*, attached hereto and incorporated herein for all purposes.
- B. Amendment of Zoning Ordinance No. 47.** The City of Umland Ordinance No. 47 (the "Zoning Ordinance") is hereby modified and amended by the zoning change of the Property as approved herein by this Ordinance.
- C. Amendment of City Zoning Map.** The City Administrator is hereby authorized and directed to cause the City's official zoning map to be amended to reflect the zoning change of the Property as approved herein by this Ordinance

ARTICLE III. 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.

ARTICLE IV. PROPERTY RECORDS

The City Secretary is hereby directed to record a Notice of this Ordinance in the real property records of the County (so as to bind the City, the Owner and all future owners of the Property), and to provide regulatory certainty during the Term of this Ordinance.

ARTICLE V. PUBLICATION

The City Secretary is hereby directed to record and publish this Ordinance, including each exhibit, in the City's Ordinances as authorized by Chapter 52 of the Texas Local Government Code.

ARTICLE VI. PROPER NOTICE & MEETING

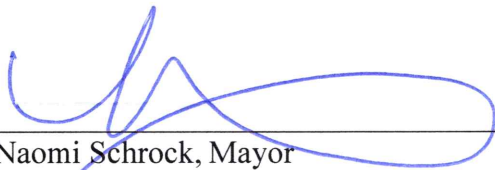
It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

ARTICLE VII. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage by the City Council and publication as required by law.


PASSED AND APPROVED this, the 9th day of March 2022.

THE CITY OF UHLAND, TEXAS:



Naomi Schrock, Mayor

ATTEST:



Kim Weatherford, City Secretary



Exhibit "A"

FIRST TRACT:

19.87 acre tract of land in Caldwell County, Texas, out of and a part of the Lewis Joseph Survey, Abstract No. 164, and being out of and a part of a called 50 acre Second Tract which is described in a deed to William O. Schneider, said deed being of record in Volume 241, at Page 544, Deed Records of Caldwell County,

BEGINNING at a 9 inch fence corner post found at a turn in County Road 227 and in the west line of said Second Tract for the southwest corner of this tract;

THENCE North 09° 34' 50" West 39.16 feet with said line to its intersection with southeast line of Highway 21, being also the intersection of the east line of County Road 227 with the southeast line of Highway 21, to a 60d nail set in a post for the northwest corner of this tract;

THENCE North 37° 15' 00" East with the southeast line of Highway 21, at 1285.30 feet a concrete highway monument, and at a total distance of 1729.99 feet a 5/8d rebar set for the northwest corner of another 19.87 acre tract, also surveyed and described and which is also out of and a part of said Second Tract, and for the most northerly corner of this tract;

THENCE South 12° 14' 27" East 1277.04 feet to a 5/8d rebar set in the fenced north line of County Road 227 for the southwest corner of said other 19.87 acre tract and for the southeast corner of this tract;

THENCE South 82° 42' 47" West 1322.07 feet with said north line to the POINT OF BEGINNING. As surveyed by David P. Moore, RPS #2040, March, 1986.

SECOND TRACT:

19.87 acre tract in Caldwell County, Texas, out of a part of the Lewis Joseph Survey, Abstract No. 164, and being out of and a part of a called 50 acre Second Tract which is described in a deed to William O. Schneider, said deed being of record in Volume 241, at Page 544, Deed Records of Caldwell County,

BEGINNING at a 5/8d rebar set at the intersection of the north line of County Road 227 with the east line of said Second Tract for the southeast corner of this tract;

THENCE South 82° 42' 47" West 565.17 feet with the north line of County Road 227 to a 5/8d rebar set for the southeast corner of another 19.87 acre tract, also

surveyed and described and which is also out of and a part of said Second tract, and for the southwest corner of this tract;

THENCE North 12° 14' 27" West 1277.04 feet to a 5/8d rebar set in the southeast line of Highway 21 for the most northerly corner of said other 19.87 acre tract and for the northwest corner of this tract;

THENCE North 37° 15' 00" East 169.02 feet with the southeast line of Highway 21 to a 5/8d rebar set for the most westerly corner of a called 0.057 acre tract which is also out of and a part of said Second Tract and which is described in a deed to the County Line Water Supply Corporation, said deed being of record in Volume 472 at Page 699, said Deed Records, and for an exterior corner of this tract;

THENCE around said 0.057 acre tract, as follows:

South 52° 45' 00" East 50.00 feet to a 5/8d rebar set for the most southerly corner of said 0.057 acre tract and an interior corner of this tract;

North 37° 15' 00" East 50.00 feet to a 5/8d rebar set for the most easterly corner of said 0.057 acre tract and an interior corner of this tract, and

North 52° 45' 00" West 50.00 feet to a 5/8d rebar set in the southeast line of Highway 21 for the most northerly corner of said 0.057 acre tract and an exterior corner of this tract;

THENCE North 37° 15' 00" East 521.55 feet, with the southeast line of Highway 21 to a 5/8d rebar set at the intersection of said southeast line with the east line of said Second Tract for the northeast corner of this tract;

THENCE South 12° 14' 27" East 1806.90 feet to the POINT OF BEGINNING. As surveyed by David P. Moore, RPS #2040, March, 1986.

FILED this 27th day of July 20 12
3:30 P.M.
CAROL HOLCOMB
COUNTY CLERK, CALDWELL COUNTY, TEXAS
By Katrina Reegha Deputy

Any provisions herein which restricts the sale, rental or use of the described property because of color or race is invalid and unenforceable under Federal Law, STATE OF TEXAS
COUNTY OF CALDWELL
I hereby certify that this instrument was FILED in File Number Sequence on the date and time stamped hereon by me and was duly RECORDED in Official Public records of Real Property of Caldwell County Texas on

JUL 27 2012



Carol Holcomb
COUNTY CLERK
CALDWELL COUNTY, TEXAS

Issued By:

Caldwell County Appraisal District
211 Bufkin Ln.
P.O. Box 900
Lockhart, TX 78644

Property Information

Property ID: 34379 Geo ID: 1100164-201-000-00
Legal Acres: 19.8700
Legal Desc: A164 JOSEPH, LEWIS L., TRACT 1, ACRES 19.87
Situs: CAMINO REAL BUDA, TX 78610
DBA:
Exemptions:

Owner ID: 162034 100.00%
GARCIA JOSE
1908 HERMITAGE DR
ROUND ROCK, TX 78681

For Entities

Caldwell County
Caldwell-Hays ESD 1
City of Umland
Farm to Market Road
Plum Creek Conservation District
Plum Creek Underground Water

Value Information

Improvement HS: 0
Improvement NHS: 0
Land HS: 0
Land NHS: 189,440
Productivity Market: 0
Productivity Use: 0
Assessed Value 189,440

Current/Delinquent Taxes

This is to certify that, after a careful check of the tax records of this office, the following delinquent taxes, penalties, interest and any known costs and expenses as provided by Tax Code §33.48, are due on the described property for the following taxing unit(s):

Year Entity	Taxable	Tax Due	Disc./P&I	Attorney Fee	Total Due
Totals:		0.00	0.00	0.00	0.00

Effective Date: 08/20/2021

Total Due if paid by: 08/31/2021

0.00



Tax Certificate Issued for:	Taxes Paid in 2020
Plum Creek Underground Water	40.92
Plum Creek Conservation District	41.30
Farm to Market Road	0.19
Caldwell County	1,336.12
City of Umland	331.71
Caldwell-Hays ESD 1	189.44

If applicable, the above-described property has/is receiving special appraisal based on its use, and additional rollback taxes may become due based on the provisions of the special appraisal (Comptroller Rule 9.3040) or property omitted from the appraisal roll as described under Tax Code Section 25.21 is not included in this certificate [Tax Code Section 31.08(b)].

Pursuant to Tax Code Section 31.08, if a person transfers property accompanied by a tax certificate that erroneously indicates that no delinquent taxes, penalties or interest are due a taxing unit on the property or that fails to include property because of its omission from an appraisal roll, the unit's tax lien on the property is extinguished and the purchaser of the property is absolved of liability to the unit for delinquent taxes, penalties or interest on the property or for taxes based on omitted property. The person who was liable for the tax for the year the tax was imposed or the property was omitted remains personally liable for the tax and for any penalties or interest.

A tax certificate issued through fraud or collusion is void.

This certificate does not clear abuse of granted exemptions as defined in Section 11.43 Paragraph(1) of the Texas Property Tax Code.

May Be Subject to Court Costs if Suit is Pending

Date of Issue: 08/20/2021
Requested By: CUNNINGHAM - ALLEN INC
Fee Amount: 10.00
Reference #:

Brianna Medina

Signature of Authorized Officer of Collecting Office

Issued By:

Caldwell County Appraisal District
211 Bufkin Ln.
P.O. Box 900
Lockhart, TX 78644

City of Uhland
512-398-7399

DEC 02 2021

15 N Old Spanish Trail
Uhland, TX 78640

Property Information

Property ID: 55077 Geo ID: 1100164-201-100-00
Legal Acres: 19.8700
Legal Desc: A164 JOSEPH, LEWIS L., TRACT 2, ACRES 19.87
Situs: 135 CAMINO REAL BUDA, TX 78610
DBA:
Exemptions:

Owner ID: 162034

100.00%

GARCIA JOSE
1908 HERMITAGE DR
ROUND ROCK, TX 78681

For Entities

Caldwell County
Caldwell-Hays ESD 1
Farm to Market Road
Plum Creek Conservation District
Plum Creek Underground Water

Value Information

Improvement HS: 0
Improvement NHS: 259,870
Land HS: 0
Land NHS: 203,440
Productivity Market: 0
Productivity Use: 0
Assessed Value 463,310

Current/Delinquent Taxes

This is to certify that, after a careful check of the tax records of this office, the following delinquent taxes, penalties, interest and any known costs and expenses as provided by Tax Code §33.48, are due on the described property for the following taxing unit(s):

Year Entity	Taxable	Tax Due	Disc./P&I	Attorney Fee	Total Due
Totals:		0.00	0.00	0.00	0.00

Effective Date: 08/20/2021

Total Due if paid by: 08/31/2021

0.00



Tax Certificate Issued for:	Taxes Paid in 2020
Plum Creek Underground Water	100.07
Plum Creek Conservation District	101.00
Farm to Market Road	0.46
Caldwell County	3,267.72
Caldwell-Hays ESD 1	463.31

If applicable, the above-described property has/is receiving special appraisal based on its use, and additional rollback taxes may become due based on the provisions of the special appraisal (Comptroller Rule 9.3040) or property omitted from the appraisal roll as described under Tax Code Section 25.21 is not included in this certificate [Tax Code Section 31.08(b)].

Pursuant to Tax Code Section 31.08, if a person transfers property accompanied by a tax certificate that erroneously indicates that no delinquent taxes, penalties or interest are due a taxing unit on the property or that fails to include property because of its omission from an appraisal roll, the unit's tax lien on the property is extinguished and the purchaser of the property is absolved of liability to the unit for delinquent taxes, penalties or interest on the property or for taxes based on omitted property. The person who was liable for the tax for the year the tax was imposed or the property was omitted remains personally liable for the tax and for any penalties or interest.

A tax certificate issued through fraud or collusion is void.

This certificate does not clear abuse of granted exemptions as defined in Section 11.43 Paragraph(1) of the Texas Property Tax Code.

May Be Subject to Court Costs if Suit is Pending

Date of Issue: 08/20/2021
Requested By: CUNNINGHAM - ALLEN INC
Fee Amount: 10.00
Reference #:

Brittany Modine
Signature of Authorized Officer of Collecting Office

Exhibit "B"



Cunningham | Allen

January 28, 2022

Charles L. Simon, Planner
City of Umland
15 N. Old Spanish Trail
Umland, Texas 78640

RE: Zoning Change Request Letter
CAI No. 718.0201

Ms. Gallaher,

This summary letter has been included for your review of the re-zoning application of a future 39.74 acre subdivision.

The property is located just northeast of the intersection of Rocky Road and S.H. No. 21 (Camion Real) in Umland, Caldwell County, Texas. The property is approximately 39.74 acres and consists of two tracts out of the Lewis L Joseph Survey, Abstract 164 Caldwell County, Texas. Tract one is defined by Caldwell County as Parcel Id 34379 and is approximately 19.87 acres and tract two is defined by Caldwell County as Parcel Id 55077 and is approximately 19.87 acres.

The current zoning designation is General Business (GB) and Agricultural (A). The property owner intends to maintain the General Business (GB) zoning (15.84 acres) along the frontage of S.H. No. 21 and rezone the remaining area with a mixture of Multi-Family (MF-1) (9.5 acres) and Single Family (SF-1) (14.83 acres). The owner intends to develop and construct the improvements himself as he has with numerous other developments in Central Texas and maintain control of the property throughout the process.

This request represents, based on the owners experience, the highest and best use of the property. The size and configuration of the property, and the current and projected traffic volumes on S.H. No. 21 does not lend itself to a major retail development utilizing the entire 39.74 acres.

The owner intends to provide high quality housing and retail uses that will enhance the community while providing increased revenue for the City of Umland.

If you have any questions regarding this project, or should you require additional information to assist you in your review, please feel free to contact me at 512-327-2946.

Sincerely,

CUNNINGHAM-ALLEN, INC.

A handwritten signature in black ink, appearing to read 'Richard G. Couch'.

Richard G. Couch, P.E.
Associate
Copy: Mr. Charles Ames

Amended Request from Applicant

February 16, 2022



UHLAND DEVELOPMENT	EXHIBIT (PROPOSED ZONING)
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Cunningham | Allen, Inc.
Engineers • Surveyors • Planners
Tel: (612) 327-2846
www.cunningham-allen.com
TRAFFIC BRANCH - 10000000
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FILED AND RECORDED

Instrument Number: 2022-007224 ORDINANCE

Filing and Recording Date: 09/15/2022 08:41:40 AM Pages: 11 Recording Fee: \$62.00

I hereby certify that this instrument was FILED on the date and time stamped hereon and RECORDED in the OFFICIAL PUBLIC RECORDS of Caldwell County, Texas.



Teresa Rodriguez

Teresa Rodriguez, County Clerk
Caldwell County, Texas

ANY PROVISION CONTAINED IN ANY DOCUMENT WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE REAL PROPERTY DESCRIBED THEREIN BECAUSE OF RACE OR COLOR IS INVALID UNDER FEDERAL LAW AND IS UNENFORCEABLE.

DO NOT REMOVE. THIS PAGE IS PART OF THE OFFICIAL PUBLIC RECORD.