



CITY OF CUERO COUNCIL MEETING AGENDA FEBRUARY 23, 2022 12:00 P.M.

Notice is hereby given for a meeting of the City Council of the City of Cuero to be held on February 23, 2022 at 12:00 P.M., located at City Hall Council Chambers, for the purpose of considering the following agenda items. The City Council of the City of Cuero will meet, consider, deliberate and may take action on all agenda items.

1. Call To Order And Announce A Quorum Is Present

2. Public Comments

An opportunity for the public to address Council or concerns **not** on the agenda (limited to two minutes). (HB 3636). Comments from the members shall be limited to :

- a. *Statements of specific factual information given in response to an inquiry;*
- b. *A recitation of existing policy in response to an inquiry;*
- c. *A proposal to place the subject on a future agenda.*

3. Second Reading Of An Ordinance

- 3.1. **Discuss, Consider And Possible Action On The Second And Final Reading Of Ordinance No. 2022-05, Amending The City Of Cuero's Comprehensive Zoning Map As Identified In Chapter 9, Article 9.02 In The Cuero Code Of Ordinances, As Part 1, Article 1, Division 1.100 Sections 1.101 And 1.102 Of The City's Unified Development Code, Rezoning Of The Property Described As Being 18.63 Acres Of Land Situated In The J.J. Tumlinson League, Abstract No. 45, DeWitt County Texas And Recorded In Volume 53, Page 277 Of The Official Records Of DeWitt County. Metes And Bounds Recorded In Volume 355, Page 530 Of The Deeds And Records Of DeWitt County, Texas.**

Documents:

[2022-05 zoning change.pdf](#)
[exhibit A.pdf](#)

4. Emergency Reading Of An Ordinance

5. Adjourn

The City Council may convene into executive (closed) session in accordance with the Texas Government Code when necessary and legally justified. Any item on this agenda may be discussed in executive session if authorized by Texas Law regardless of whether it is listed under "Executive Session" of this agenda, and regardless of any past or current practice of the City Council. Executive sessions herein are closed meetings, and may include the consideration of any item otherwise listed on the agenda plus any subject matter specified in the executive session notice, and may include items under the Texas Government Code as follows: Section 551.071 (Consultation with Attorney regarding contemplated or pending litigation, a settlement offer or administrative hearing); Section 551.072 (Deliberation regarding real property); Section 551.073 (Deliberation about gifts and donations); Section 551.074 (Personnel Matters); Section 551.076 (Deliberation about Security Devices); Section 551.086 (Deliberation regarding Municipally Owned Utility); and Section 551.087 (Deliberation regarding Economic Development Negotiation).

In compliance with the Americans with Disabilities Act, the City of Cuero will provide reasonable accommodations for persons attending City Council meetings. To better serve you, requests should be received 24 hours prior to the meetings. Please contact Jennifer Zufelt, City Secretary, at 361-275-3476.

CERTIFICATION

I certify that a copy of the February 23, 2022, agenda of items to be considered by the City of Cuero Council was posted on the City Hall windows on Friday, February 18, 2022 before 5:00 P.M.

Jennifer Zufelt
City Secretary

ORDINANCE NO. 2022-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUERO, TEXAS, AMENDING THE CITY OF CUERO'S OFFICIAL COMPREHENSIVE ZONING MAP AS SAME AS DESCRIBED AND IDENTIFIED IN CHAPTER 9, ARTICLE 9.02, IN THE CUERO CODE OF ORDINANCES, AS PART 1, ARTICLE 1, DIVISION 1.100, SECTIONS 1.101 AND 1.102 OF THE CITY OF CUERO'S UNIFIED DEVELOPMENT CODE AND AS ATTACHED THERETO, ENTITLED ZONING DISTRICTS BY PROVIDING THAT THOSE PROPERTIES DESCRIBED AS BEING 18.63 ACRES OF LAND, MORE OR LESS, LYING AND BEING SITUATED IN THE J.J. TURLINSON LEAGUE, ABSTRACT NO. 45, DEWITT COUNTY, TEXAS AND MORE FULLY DESCRIBED BY METES AND BOUNDS ON EXHIBIT "A" ATTACHED HERETO AND RECORDED IN VOLUME 53, PAGE 277 OF THE OFFICIAL RECORDS OF DEWITT COUNTY. METES AND BOUNDS RECORDED IN VOLUME 355, PAGE 530 OF THE DEED RECORDS OF DEWITT COUNTY, TEXAS, BE REZONED (CHANGED) FROM NC-MH NEIGHBORHOOD CONSERVATION - MANUFACTURED HOME PARK AND NC-R2-NEIGHBORHOOD CONSERVATION-SINGLE FAMILY ATTACHED TO MIXED USE, THEREWITH, REPEALING ORDINANCES OR PART OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SEVERABILITY CLAUSE; AND PRESCRIBING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Cuero, as duly formed and organized, has presented and submitted a final report on a proposed amendment to the City's Official Comprehensive Zoning Map as provided in the Unified Development Code to the City Council and same was received by the said City Council pursuant to the following:

WHEREAS, request for the rezoning of the property described as being 18.63 acres of land situated in the J.J. Tumlinson League, Abstract No. 45, DeWitt County Texas and recorded in Volume 53, Page 277 of the official records of DeWitt County. Metes and Bounds recorded in Volume 355, Page 530 of the deeds and records of DeWitt County, Texas. The purpose of this proposal is to amend the Official Comprehensive Zoning Map of the Unified Development Code as identified in Part 1, Article 1, Ordinance No. 2015-30 by changing the zoning district designation of the property being described as being 18.63 acres of land situated in the J.J. Tumlinson League, Abstract No. 45, DeWitt County Texas and recorded in Volume 53, Page 277 of the official records of DeWitt County. Metes and Bounds recorded in Volume 355, Page 530 of the deeds and records of DeWitt County, Texas, to rezoned (changed) from NC-MH-Manufactured Home Park and NC-R2-Neighborhood Conservation-single Family to Mixed use.

WHEREAS, a plat of the subject property to be rezoned from designation NC-MH-Manufactured Home Park and NC-R2-Neighborhood Conservation-single Family to Mixed use is attached hereto as **Exhibit "A"** and incorporated herein by reference at length for all purposes as if fully set forth herein; and

WHEREAS, this amendment consist of changing the designation of the property being described as being 18.63 acres of land situated in the J.J. Tumlinson League, Abstract No. 45, DeWitt County Texas and recorded in Volume 53, Page 277 of the official records of DeWitt County. Metes and Bounds recorded in Volume 355, Page 530 of the deeds and records of DeWitt County, Texas, to be rezoned (changed) from NC-MH-Manufactured Home Park and NC-R2-Neighborhood Conservation-single Family to Mixed use.

WHEREAS, this Zoning ordinance is based upon the City’s comprehensive plan; and

WHEREAS, this Zoning change is made based upon conditions that necessitate a change; and

WHEREAS, this ordinance is uniformly applied to all landowners; and

WHEREAS, all notices for public hearing have been provided for and public hearings held by the City Council according to law; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CUERO, TEXAS AS FOLLOWS

SECTION ONE. That the City Council of the City of Cuero, Texas based upon the recommendation of the Planning and Zoning Commission of the City of Cuero, does hereby and in all things amend the City’s Official Comprehensive Zoning Map as provided under Title XV, Chapter 158, entitled **Zoning** as provided and allowed pursuant to the provisions of the City of Cuero Zoning Ordinance, including but not limited to Section 158.005(G) and Section 158.008 as follows:

The Official Comprehensive Zoning Map of the City of Cuero with its amendments as previously adopted by the City Council is herenow amended as follows: The property being described as described as being 18.63 acres of land situated in the J.J. Tumlinson League, Abstract No. 45, DeWitt County Texas and recorded in Volume 53, Page 277 of the official records of DeWitt County. Metes and Bounds recorded in Volume 355, Page 530 of the deeds and records of DeWitt County, Texas, to be rezoned (changed) from NC-MH-Manufactured Home Park and NC-R2-Neighborhood Conservation-single Family to Mixed use in the City of Cuero, DeWitt County, Texas , depicted in Exhibit “A” be rezoned (changed) from NC-MH-Manufactured Home Park and NC-R2 Neighborhood Conservation-Single Family to Mixed Use.

SECTION TWO: All ordinances or parts of ordinances not consistent, or conflicting with, the provisions of this ordinance are hereby repealed; provided that such repeal shall be only to the extent of such inconsistency, and in all other respects, this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered in this ordinance. Any cause of action accruing prior to the passage of this ordinance shall continue as if this ordinance was not passed or any other ordinance had not been repealed.

SECTION THREE: That it is hereby declared that the sections, articles, subsections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and if any phrase, clause, sentence, paragraph, subsection, article, or section of this ordinance shall be declared void, ineffective, or unconstitutional by a valid judgment or final decree of a court of competent jurisdiction, such voidness, ineffectiveness, or unconstitutionality shall not effect any of the

remaining phrases, clauses, sentences, paragraphs, subsections, articles, or sections of this ordinance since the same would have been enacted by the City Council without the incorporation herein of any such void, ineffective, or unconstitutional phrase, clause, sentence, paragraph, subsection, article, or section.

SECTION FOUR: The City Secretary of the City is hereby directed to engross and enroll this ordinance by copying the caption, penalty clause (if any), publication clause and effective date clause in the minutes of the City Council and filing the ordinance in the ordinance records of the City.

SECTION FIVE: The City Secretary is hereby directed to post or publish in the official newspaper of the City, the caption, penalty clause (if any), publication clause and effective date clause of this ordinance in one issue of the official newspaper of the City, provided that the official newspaper is a weekly paper, as authorized by Section 52.013 of the Texas Local Government Code.

SECTION SIX: This ordinance shall take effect immediately from and after its passage after the required three (3) readings and the publications of the caption as the law in such cases provides.

UPON MOTION OF COUNCILMEMBER _____, SECONDED BY COUNCILMEMBER _____ THAT THE ORDINANCE BE ADOPTED ON FIRST READING THIS 14TH DAY OF FEBRUARY, 2022.

UPON MOTION OF COUNCILMEMBER _____. SECONDED BY COUNCILMEMBER _____ THAT THE ORDINANCE BE ADOPTED ON SECOND AND FINAL READING THIS _____ DAY OF MARCH, 2022.

SARA POST MEYER, MAYOR

ATTEST:

JENNIFER ZUFELT,
CITY SECRETARY

APPROVED AS TO LEGALITY

JAMES K, CRAIN, III
CITY ATTORNEY

Exhibit "A"

BEING an 18.63 acre tract of land situated in the J. J. Turnlinson League, Abstract 45, DeWitt County, Texas, and being all of that certain called 18.65 acre tract described in a Deed, dated February 8, 1999, from Frank F. Henderson Jr., and Elizabeth Henderson to Henderson Parents Trust, recorded in Volume 53, Page 277 of the Official Records of DeWitt County, metes and bounds recorded in Volume 355, Page 530 of the Deed Records of DeWitt County, Texas, said 18.63 acre tract being described by metes and bounds as follows:

BEGINNING at an existing 5/8 inch steel rod in the west right-of-way line of F. M. Highway 766, and at the northeast corner of Northwood Estates Subdivision as recorded in Volume 1, Page 3B of the Plat Records of said County, and at the southeast corner of said called 18.65 acre tract and the herein described tract;

THENCE, with the north line of said Northwood Estates Subdivision and the south line of said called 18.65 acre tract, *South 79°30'24" West*, (bearing basis), for a distance of *980.64 feet* to an existing 5/8 inch steel rod, in the east right-of-way line of the Union Pacific Railroad, and at the northwest corner of said Northwood Estates Subdivision, and at the southwest corner of said called 18.65 acre tract and the herein described tract;

THENCE, with the east right-of-way line of said Union Pacific Railroad and the west line of said called 18.65 acre tract, *North 14°28'00" East*, for a distance of *1059.59 feet* to a 5/8 inch steel rod set, with yellow cap stamped Urban Survey, Inc., at the southwest corner of a called 6.0 acre tract in the name of the County of DeWitt, recorded in Volume 181, Page 275 of the Deed Records of said County, and at the northwest corner of said called 18.65 acre tract and the herein described tract;

THENCE, with the south line of said called 6.0 acre tract and the north line of said called 18.65 acre tract, *North 80°32'00" East*, for a distance of *702.64 feet* to an existing 5/8 inch steel rod at the southeast corner of said called 6.0 acre tract, and in the curving to the right west right-of-way line of said F. M. Highway 766, and at the northeast corner of said called 18.65 acre tract and the herein described tract;

THENCE, with said curving to the right east line of said called 18.65 acre tract and west right-of-way line of said F. M. Highway 766, chord bearing *South 00°32'45" East*, chord *39.51 feet*, radius *758.50 feet*, arc length *39.51 feet*, and a delta angle of *02°59'05"*, to an existing concrete right-of-way monument at an angle point of said F. M. Highway 766 and of said called 18.65 acre tract and the herein described tract;

THENCE, with the west right-of-way line of said F. M. Highway 766, and the east line of said called 18.65 acre tract, *South 01°44'19" West*, for a distance of *129.80 feet* to an existing concrete right-of-way monument at an angle point of said F. M. Highway 766 and said called 18.65 acre tract and the herein described tract;

THENCE, with the west right-of-way line of said F. M. Highway 766, and the east line of said called 18.65 acre tract, *South 04°53'19" East*, for a distance of *302.35 feet* to an existing concrete right-of-way monument at an angle point of said called F. M. Highway 766 and said called 18.65 acre tract and the herein described tract;

THENCE, with the west right-of-way line of said F. M. Highway 766, and the east line of said called 18.65 acre tract, *South 01°49'51" West*, for a distance of *492.72 feet* to THE POINT OF BEGINNING CONTAINING, within these metes and bounds *18.63 acres of land* more or less.

Exhibit "A"