

**ORDINANCE NO. 2018-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING A 0.25 ACRE TRACT OF LAND OUT OF THE J. NOYES SURVEY 259, ABSTRACT 430, ADDRESSED AT 471 ENGEL ROAD AND A 2.0 ACRE TRACT OF LAND OUT OF THE J. NOYES SURVEY 259, ABSTRACT 430 AND A 3.0 ACRE TRACT OF LAND OUT OF THE J. THOMPSON SURVEY 21, ABSTRACT 608, ADDRESSED AT 491 ENGEL ROAD, FROM “APD” AGRICULTURAL/PRE-DEVELOPMENT DISTRICT TO “C-1B” GENERAL BUSINESS DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

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**WHEREAS**, the City Council of the City of New Braunfels has complied with all requirements of notice of public hearing as required by the Zoning Ordinance of the City of New Braunfels; and

**WHEREAS**, in keeping with the spirit and objectives of the “C-1B” General Business District, the City Council has given due consideration to all components of said district; and

**WHEREAS**, it is the intent of the City Council to provide harmony between existing zoning districts and proposed land uses; and

**WHEREAS**, the City Council desires to amend the Zoning Map by changing the zoning of a 0.25 acre tract out of the J Noyes Survey 259, Abstract 430, addressed at 471 Engel Road and a 2.0 acre tract out of the J Noyes Survey 259, Abstract 430 and a 3.0 acre tract out of the J Thompson Survey 21, Abstract 608, addressed at 491 Engel Road, from “APD” Agricultural/Pre-Development District to “C-1B” General Business District; **now, therefore;**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:**

**SECTION 1**

**THAT** Sections 1.2-1 and 1.2-2, Chapter 144, of the New Braunfels Code of Ordinances and particularly the Zoning Map of the City of New Braunfels, are amended by changing the following described tract of land from “APD” Agricultural/Pre-Development District to “C-1B” General Business District:

“A 0.25 acre tract out of the J Noyes Survey 259, Abstract 430, addressed at 471 Engel Road and a 2.0 acre tract out of the J Noyes Survey 259, Abstract 430 and a 3.0 acre tract out of the J Thompson Survey 21, Abstract 608, addressed at 491 Engel Road, as described on Exhibit “A” and delineated on Exhibit “B” attached.”

## **SECTION 2**

**THAT** all provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.

## **SECTION 3**

**THAT** all other ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent that they are in conflict.

## **SECTION 4**

**THAT** if any provisions of this ordinance shall be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.

## **SECTION 5**

**THIS** ordinance will take effect upon the second and final reading in accordance with the provisions of the Charter of the City of New Braunfels.

**PASSED AND APPROVED:** First reading this 22<sup>nd</sup> day of July, 2019.

**PASSED AND APPROVED:** Second reading this 12<sup>th</sup> day of August, 2019.

**CITY OF NEW BRAUNFELS**

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**BARRON CASTEEL, Mayor**

**ATTEST:**

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**PATRICK D. ATEN**, City Secretary

**APPROVED AS TO FORM:**

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**VALERIA M. ACEVEDO**, City Attorney

Being a tract of land situated in the John Thompson one league and labor Survey, Abstract No. 608 and the John Noyes 640 Acre Survey, Abstract No. 430, Comal County, Texas, same being that tract of land conveyed to The Melvin G. Voigt and Helen F. Voigt Revocable Living Trust, by deeds recorded in Document Nos: 9806030189 and 9806030190, Real Property Records of Comal County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found for corner, said corner being the South corner of that tract of land conveyed to Randal Adams and Susan L. Adams, by deed recorded in County Clerk File No. 20170603814, Real Property Records of Comal County, Texas and lying along the Northeast line of Engel Road (public right-of-way);

THENCE North 67 degrees 25 minutes 00 seconds East, along a Southeast line of said Adams tract, a distance of 218.48 feet to a 60d nail found for corner;

THENCE South 24 degrees 14 minutes 42 seconds East, along a Southwest line of said Adams tract, a distance of 49.37 feet to a 60d nail found for corner;

THENCE North 67 degrees 15 minutes 13 seconds East, along a Southeast line of said Adams tract, a distance of 1317.27 feet to a fence post found for corner, said corner being the East corner of that tract of land conveyed to Daniel Rangel and Rogelio Rangel, by deed recorded in County Clerk File No. 200406022981, Real Property Records of Comal County, Texas;

THENCE South 24 degrees 47 minutes 35 seconds East, a distance of 142.13 feet to a point for corner, said corner being the North corner of that tract of land conveyed to Elton Schwab and Leora M. Schwab, as Trustees of Elton Schwab and Leora M. Schwab Revocable Living Trust, by deed recorded in County Clerk File No. 200306015102, Real Property Records of Comal County, Texas, from which a fence post found bears North 49 degrees 21 minutes 51 seconds West, a distance of 0.62 feet for witness;

THENCE South 67 degrees 15 minutes 40 seconds West, along the Northwest line of said Schwab tract (200306015102), a distance of 1535.16 feet to a point for corner, said corner being the West corner of that tract of land conveyed to Vincent Schwab, by deed recorded in Volume 493, Page 688, Deed Records of Comal County, Texas and lying along the Northeast line of aforementioned Engel Road, from which a 1/2 inch iron rod found online in a Northwesterly direction at a distance of 2.50 feet for reference;

THENCE North 24 degrees 49 minutes 17 seconds West, along the Northeast line of said Engel Road, a distance of 191.95 feet to the POINT OF BEGINNING and containing 228,744 square feet or 5.25 acres of land.

