

ORDINANCE NO. 2025-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 10.43 ACRES OUT OF THE ORILLA RUSSELL SURVEY, ABSTRACT NO. 485, CURRENTLY ADDRESSED AT 3137 FM 1102, FROM APD AH (AGRICULTURAL/PRE-DEVELOPMENT DISTRICT WITH AIRPORT HAZARD OVERLAY) TO M-1A AH (LIGHT INDUSTRIAL DISTRICT WITH AIRPORT HAZARD OVERLAY); REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

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 M-1A (Light Industrial 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 requested rezoning is in accordance with Envision New Braunfels, the City's Comprehensive Plan;

WHEREAS, the requested rezoning is in accordance with the City's Strategic Plan;

WHEREAS, the City Council desires to amend the Zoning Map by changing the zoning of approximately 10.43 acres out of the Orilla Russell Survey, Abstract No. 485, currently addressed at 3137 FM 1102 from APD AH (Agricultural/Pre-development District with Airport Hazard Overlay) to M-1A AH (Light Industrial District with Airport Hazard Overlay), and **now, therefore**;

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

SECTION 1

THAT pursuant to Section 1.2-3, Chapter 144 of the New Braunfels Code of Ordinances, the Zoning Map of the City of New Braunfels is revised by rezoning the following tract of land from APD AH (Agricultural/Pre-development District with Airport Hazard Overlay) to M-1A AH (Light Industrial District with Airport Hazard Overlay):

Approximately 10.43 acres out of the Orilla Russell Survey, Abstract No. 485, as delineated in Exhibit "A" and described in Exhibit "B", attached.

SECTION 2

THAT all other ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent that they are in conflict.

SECTION 3

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 4

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 27th day of January 2025.

PASSED AND APPROVED: Second reading this 10th day of February 2025.

CITY OF NEW BRAUNFELS

NEAL LINNARTZ, Mayor

ATTEST:

GAYLE WILKINSON, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

EXHIBIT "A"

LINE	BEARING	DISTANCE
L1	S 45°08'52" E (S 44°01' E)	61.82'
L2	S 27°10'07" W (S 27°49'55" W)	160.48' (160.42')
L3	S 31°34'30" W (S 32°14'18" W)	215.71' (215.63')
L4	S 32°34'19" W (S 33°18'59" W)	227.20' (227.34')
L5	S 30°29'22" W (S 31°03'59" W)	200.29' (200.79')
L6	S 56°16'22" E	120.27'
L7	S 56°17'27" E	120.14'

NOTE:
THIS PROPERTY IS NOT SUBJECT TO AN ELECTRIC EASEMENTS
RECORDED IN VOLUME 51, PAGE 463, VOLUME 51, PAGE 464, AND
VOLUME 51, PAGE 467, DEED RECORDS, COMAL COUNTY, TEXAS.

NOTE:
THIS PROPERTY IS NOT SUBJECT TO A TELEPHONE
EASEMENT RECORDED IN VOLUME 152, PAGE 148,
DEED RECORDS, COMAL COUNTY, TEXAS.

NOTE:
THIS PROPERTY IS SUBJECT TO TELECOMMUNICATION EASEMENTS
RECORDED IN DOC. NOS. 201506025310 AND 201506029399,
OFFICIAL PUBLIC RECORDS, COMAL COUNTY, TEXAS.

NOTE:
Bearings shown hereon are based on actual
GPS Observations, Texas State Plane
Coordinates, South Central Zone, Grid.

NOTE:
NO RESTRICTIVE COVENANTS
OF RECORD WERE FOUND.

CITY OF NEW BRAUNFELS
24.90 ACRES
DOC. NO. 200806035539

SUBJECT TRACT
454,375 SQ. FT.
10.431 ACRES
(VACANT)

FENCE
OUT 0.9'
FND. 1" IRON ROD
C.M.
N 45°13'37" W
(N 44°21' W)
ORION DRIVE
(50' R.O.W.)
499.80'

(N 48°46' E 1594.5')
(N 47°49'46" E 1593.68')

CITY OF NEW BRAUNFELS
10.459 ACRES
DOC. NO. 200806035538

(S 33°46'42" W 827.37')
(S 34°26'29" W 827.53')
F.M. 1102
(120' R.O.W.)

CONC.
DRAIN W/
HEADWALL

SCALE: 1"=200'

THIS SURVEY IS
ACKNOWLEDGED AND
IS ACCEPTED:

FLOOD ZONE INTERPRETATION: IT IS THE RESPONSIBILITY OF ANY INTERESTED PERSONS TO VERIFY THE ACCURACY OF FEMA FLOOD ZONE DESIGNATION OF THIS PROPERTY WITH FEMA AND STATE AND LOCAL OFFICIALS, AND TO DETERMINE THE EFFECT THAT SUCH DESIGNATION MAY HAVE REGARDING THE INTENDED USE OF THE PROPERTY. The property made the subject of this survey appears to be included in a FEMA Flood Insurance Rate Map (FIRM), identified as Community No. 48091C, Panel No. 0290F, which is Dated 9/2/2009. By scaling from that FIRM, it appears that all or a portion of the property may be in Flood Zone(s) X. Because this is a boundary survey, the survey did not take any actions to determine the Flood Zone status of the surveyed property other than to interpret the information set out on FEMA's FIRM, as described above. THIS SURVEYOR DOES NOT CERTIFY THE ACCURACY OF THIS INTERPRETATION OF THE FLOOD ZONES, which may not agree with the interpretations of FEMA or state or local officials, and which may not agree with the tract's actual conditions. More information concerning FEMA's Special Flood Hazard Areas and Zones may be found at <https://msc.fema.gov/portals>.



Property Address: 0 F.M. 1102

Property Description:

Being 10.431 acres of land, more or less, situated in the Orilla Russell Survey No. 2, Abstract 485, Comal County, Texas, and being all of a called 24.92 acres described in a Contract of Sale and Purchase recorded in Volume 193, Page 852, Deed Records, Comal County, Texas, SAVE AND EXCEPT a called 4.520 acres conveyed to the County of Comal described in a Warranty Deed recorded in Volume 726, Page 485, Deed Records, Comal County, Texas, and SAVE AND EXCEPT a called 10.114 acres conveyed to 1112 Retail, LLC, described in a Special Warranty Deed with Vendor's Lien recorded in Document No. 20240602339, Official Public Records, Comal County, Texas; said 10.431 acres being more particularly described by metes and bounds attached hereto.

Owner: T.B.D.

FIRM REGISTRATION NO.
10111700

Westar Alamo

LAND SURVEYORS, L.L.C.

P.O. BOX 1645 BOERNE, TEXAS 78006
PHONE (210) 372-9500 FAX (210) 372-9999

LEGEND

□ = FOUND TYPE II TX-DOT MONUMENT
● = FOUND 2" IRON PIPE
● = FOUND 1/2" IRON ROD
() = RECORD INFORMATION
C.M. = CONTROLLING MONUMENT
R.D. = RECORD DIGNITY MONUMENT
-X- = WIRE FENCE
P.O.B. = POINT OF BEGINNING



I, MARK J. EWALD, Registered Professional Land Surveyor, State of Texas, certify that the above plat represents an actual survey made on the ground under my supervision, and that my professional opinion is that there are no discrepancies, conflicts, shortages in area or boundary lines, or any encroachment or overlapping of improvements, except as may appear herein, to the best of my knowledge and belief.

Mark J. Ewald
MARK J. EWALD
Registered Professional Land Surveyor
Texas Registration No. 5095

G.F. NO. 24-0245-C JOB NO. 124408 TITLE COMPANY: OLD REPUBLIC TITLE DATE: 3/15/2024

DWG: CC RVD: CC

EXHIBIT "B"

METES AND BOUNDS

Being 10.431 acres of land, more or less, situated in the Orilla Russell Survey No. 2, Abstract 485, Comal County, Texas, and being all of a called 24.92 acres described in a Contract of Sale and Purchase recorded in Volume 193, Page 852, Deed Records, Comal County, Texas, **SAVE AND EXCEPT** a called 4.520 acres conveyed to the County of Comal described in a Warranty Deed recorded in Volume 726, Page 485, Deed Records, Comal County, Texas, and **SAVE AND EXCEPT** a called 10.114 acres conveyed to 1112 Retail, LLC, described in a Special Warranty Deed with Vendor's Lien recorded in Document No. 202406002339, Official Public Records, Comal County, Texas; said 10.431 acres being more particularly described by metes and bounds as follows:

BEGINNING at a 2 inch iron pipe (Monument of Record Dignity) found for the North corner of this 10.431 acres, same being the East corner of City of New Braunfels, 24.90 acres (Document No. 200806035539) and on the southwest line of City of New Braunfels, 10.459 acres (Document No. 200806035538), same also being the **POINT OF BEGINNING**;

THENCE along the line common to this 10.431 acres and said City of New Braunfels 10.459 acres, South 45 degrees 08 minutes 52 seconds East (called South 44 degrees 01 minutes East), a distance of 61.82 feet to a 1/2 inch iron rod found for the northeast corner of this 10.431 acres, same being the South corner of said City of New Braunfels 10.459 acres and on the northwest Right-of-Way line of F.M. 1102;

THENCE along the line northwest Right-of-Way line of said F.M. 1102 the following courses and distances:

South 27 degrees 10 minutes 07 seconds West (called South 27 degrees 49 minutes 55 seconds West), a distance of 160.48 feet (called 160.42 feet) to a Type-II TX-DOT monument found for an angle corner;

South 31 degrees 34 minutes 30 seconds West (called South 32 degrees 14 minutes 18 seconds West), a distance of 215.71 feet (called 215.63 feet) to a Type-II TX-DOT monument found for an angle corner, from which a 1 inch iron rod found across the Right-of-Way of said F.M. 1102 bears South 56 degrees 16 minutes 22 seconds East, a distance of 120.27 feet;

South 33 degrees 46 minutes 42 seconds West (called South 34 degrees 26 minutes 29 seconds West), a distance of 827.37 feet (called 827.53 feet) to a Type-II TX-DOT monument found for an angle corner, from which a found Type-II TX-DOT monument found across the Right-of-Way of said F.M. 1102 bears South 56 degrees 17 minutes 27 seconds East, a distance of 120.14 feet;

South 32 degrees 34 minutes 19 seconds West (called South 33 degrees 18 minutes 59 seconds West), a distance of 227.20 feet (called 227.34 feet) to a Type-II TX-DOT monument found for an angle corner;

South 30 degrees 29 minutes 22 seconds West (called South 31 degrees 03 minutes 59 seconds West), a distance of 200.29 feet (called 200.79 feet) to a 1/2 inch iron rod found for the South corner of this 10.431 acres, same being on the intersection of the northwest Right-of-Way line of said F.M. 1102 and the northeast Right-of-Way line of Orion Drive;

THENCE along the northeast Right-of-Way line of said Orion Drive, North 45 degrees 13 minutes 37 seconds West (called North 44 degrees 21 minutes West), a distance of 499.80 feet to a 1 inch iron rod found for the West corner of this 10.431 acres, same being on the northeast Right-of-Way line of said Orion Drive and the South corner of said City of New Braunfels 24.90 acres;

THENCE along the line common to this 10.431 acres and said City of New Braunfels 24.90 acres, North 47 degrees 49 minutes 46 seconds East (called North 48 degrees 46 minutes East), a distance of 1593.68 feet (called 1594.5 feet) to the **POINT OF BEGINNING**, and containing 10.431 acres of land, more or less.

I hereby certify that these field notes were prepared from an actual survey made on the ground under my supervision and are true and correct to the best of my knowledge and belief. A survey plat of the above described tract prepared this day is hereby attached to and made a part hereof. Bearings shown herein are based on actual GPS observations, Texas State Plane Coordinates, South Central Zone, Grid.



Mark J. Ewald
Registered Professional Land Surveyor
Texas Registration No. 5095
March 15, 2024

