

ORDINANCE NO. 2022-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING OF APPROXIMATELY 25.097 ACRES, OUT OF THE R XIMINEZ SURVEY, ABSTRACT NO. 347, ADDRESSED AT 409 FRANKS ROAD FROM “APD” AGRICULTURAL PREDEVELOPMENT DISTRICT TO “MU-A” LOW INTENSITY MIXED USE DISTRICT; 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 “MU-A” Low Intensity Mixed Use District, the City Council has given due consideration to all components of said district; and

WHEREAS, the rezoning is in compliance with the Future Land Use Plan; 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 approximately 25.097 acres out of the R. Ximinez Survey, Abstract No. 347, addressed at 409 Franks Road, from “APD” Agricultural Predevelopment District to “MU-A” Low Intensity Mixed Use District; and

WHEREAS, the requested rezoning is in accordance with Envision New Braunfels, the City’s Comprehensive Plan; **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 changing the following described tract of land from “APD” Agricultural Predevelopment District to “MU-A” Low Intensity Mixed Use District herein described:

Being 25.097 acres out of the R. Ximinez Survey, Abstract No. 347, addressed at 409 Franks Road, described in Exhibit “A” and delineated in 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THAT all provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.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THAT all other ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent that they are in conflict.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 26th day of September, 2022.

PASSED AND APPROVED: Second reading this 10th day of October, 2022.

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

ATTEST:

GAYLE WILKINSON, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

EXHIBIT "B"

METES AND BOUNDS

Being 25.097 acres of land, more or less, out of the R. Ximenes Survey, Abstract 347 and the W. H. Pate Survey No. 22, Abstract 259, both situated in Guadalupe County, Texas, and being that same property described in Substitute Trustee's Deed recorded in Volume 825, Page 946, Official Public Records, Guadalupe County, Texas; said 25.097 acres being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2-inch capped iron rod found for the Easternmost southeast corner of this 25.097 acres, same being the northeast corner of the FM 1044 Investment LLC 48.926 acres (Document Number 202199033420) and on the West Right-of-Way of F.M. 1044, same also being the **POINT OF BEGINNING**;

THENCE along the lines common to this 25.097 acres and said Investment 48.926 acres, the following courses and distances:

North 82 degrees 38 minutes 50 seconds West (called North 82 degrees 05 minutes West), a distance of 858.68 feet (called 858.31 feet) to a 3/8-inch iron rod found for an angle;

South 08 degrees 13 minutes 41 seconds West (called South 8 degrees 34 minutes West), a distance of 99.72 feet (called 100 feet) to a 1/2-inch capped iron rod found for an angle;

North 82 degrees 43 minutes 57 seconds West (called South 82 degrees 05 minutes West), a distance of 715.62 feet (called 717 feet) to a 1/2-inch iron pipe found for an angle;

South 64 degrees 08 minutes 04 seconds West (called South 63 degrees 51 minutes West), a distance of 521.34 feet (called 516.31 feet) to a 1/2-inch capped iron rod found in a fence post for the southwest corner of this 25.097 acres, same being the Westernmost southeast corner of the SA Highland Gardens, LTD. 39.095 acres (Document Number 202199028927);

THENCE along the lines common to this 25.097 acres and said Gardens 39.095 acres, the following courses and distances:

North 26 degrees 20 minutes 30 seconds West (called North 26 degrees 09 minutes West), a distance of 482.91 feet (called 481.09 feet) to a 5/8-inch iron rod found for the West corner of this 25.097 acres;

North 63 degrees 41 minutes 52 seconds East (called North 63 degrees 46 minutes East), a distance of 1067.02 feet (called 1067.66 feet) to a 1/2-inch iron rod found for an angle;

North 78 degrees 17 minutes 53 seconds East (called North 79 degrees 04 minutes 45 seconds East), a distance of 569.50 feet (called 569.55 feet) to a 60d nail found for the North corner of this 25.097 acres, same being the northwest corner of the John F. Williams, et ux 5.575 acres (Volume 565, Page 726);

THENCE along the line common to this 25.097 acres and said Williams 5.575 acres, South 07 degrees 25 minutes 31 seconds West (called South 8 degrees 14 minutes West), a distance of 292.27 feet (called 292.6 feet) to a 1/2-inch iron rod found for an angle corner of this 25.097 acres, same being the southwest corner of said Williams 5.575 acres and the northwest corner of the Dwain's Concrete, LLC 3.9168 acres (Document Number 202099007695);

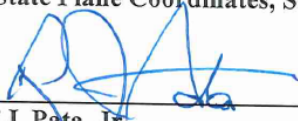
THENCE along the line common to this 25.097 acres and said Dwain's 3.9168 acres, the following courses and distances:

South 08 degrees 01 minutes 26 seconds West (called South 8 degrees 34 minutes West), a distance of 249.71 feet (called 250 feet) to a 1/2-inch iron rod capped "WALS" set for an angle;

South 82 degrees 40 minutes 58 seconds East (called South 82 degrees 04 minutes East), at a distance of 448.39 feet pass a 1/2-inch iron rod found, and continuing for a total distance of 847.97 feet (called 846.61 feet) to a 1/2-inch iron rod capped "WALS" set for the Easternmost northeast corner of this 25.097 acres, from which a 1/2-inch iron rod found bears North 05 degrees 21 minutes 50 seconds East, a distance of 100.00 feet, same set 1/2-inch iron rod being the southeast corner of the Ezra Luis Martinez tract (Volume 2679, Page 522) and on the West Right-of-Way of said F.M. 1044;

THENCE along the West Right-of-Way of said F.M. 1044, South 05 degrees 21 minutes 50 seconds West (called South 5 degrees 53 minutes West), a distance of 251.38 feet (called 250 feet) to the **POINT OF BEGINNING**, and containing 25.097 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 hereon are based on actual GPS Observations, Texas State Plane Coordinates, South Central Zone, Grid.



Rudolf J. Pata, Jr.
Registered Professional Land Surveyor
Texas Registration No. 5388
January 27, 2022

