

ORDINANCE NO. 2020-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 0.876 ACRES OUT OF THE A.M. ESNAURIZAR ELEVEN LEAGUE GRANT, ABSTRACT NO. 1, ADDRESSED AT 548, 556, 560 AND 564 RUSK STREET, FROM “M-2” HEAVY INDUSTRIAL DISTRICT TO “C-O” COMMERCIAL OFFICE 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 “C-O” Commercial Office 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; and

WHEREAS, the City Council desires to amend the Zoning Map by rezoning approximately 0.876 acres addressed at 548, 556, 560 and 564 Rusk Street, from “M-2” Heavy Industrial District to “C-O” Commercial Office District; **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 described tract of land from “M-2” to “C-O” Commercial Office District:

0.876 acres out of the A.M. Esnaurizar Eleven League Grant, Abstract No. 1, as delineated on Exhibit “A” and described 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THAT all provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.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THAT all other ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent that they are in conflict.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 9th day of November, 2020.

PASSED AND APPROVED: Second reading this 23rd day of November, 2020.

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

ATTEST:

ANDREW A. LYONS III, Assistant City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

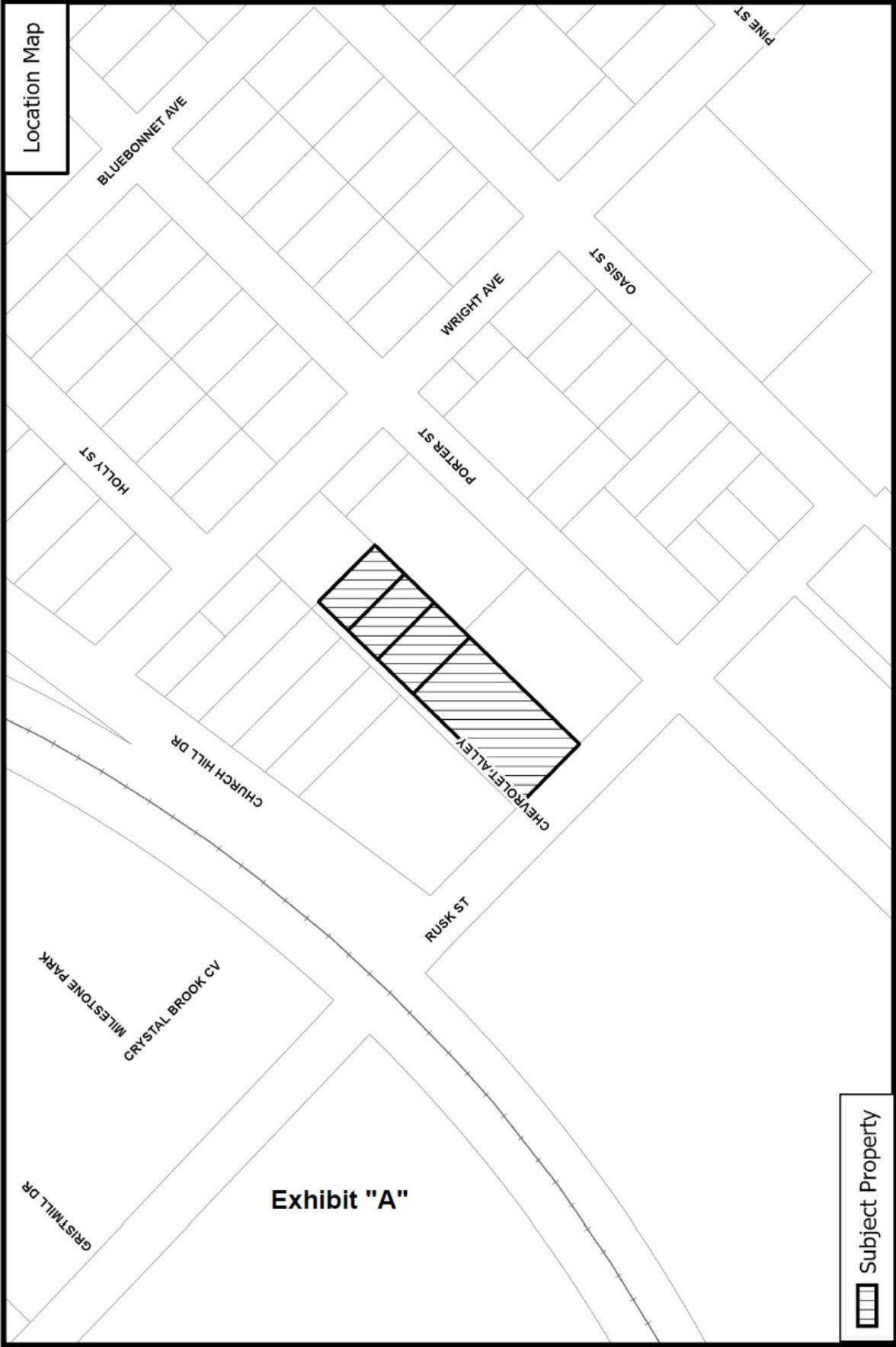


Exhibit "B"



METES AND BOUNDS DESCRIPTION
FOR A
0.876 OF AN ACRE TRACT OF LAND
"ZONING"

Being 0.876 of an acre tract of land and being out of the A.M. Esnaurizar Eleven League Grant, Abstract No. 1, City of New Braunfels, Comal County, Texas, and being consisting of a 0.476 acre tract of land conveyed to Loan Ranger Capital Investments, LLC as recorded in Documents 202006032621 and Tract I, Tract II, and Tract III, as referenced in Document No. 202006023786 of the Official Public Records of Comal County, Texas, and said 0.876 of an acre being more fully described as follows:

BEGINNING at a point in the Northeast line of Rusk Street, being the Westerly corner of a 0.50 acre tract of land conveyed to Speckman Family Ltd. as recorded in Document No. 200206038042 of the Official Public Records of Comal County, Texas, and being the Southerly corner of a 0.476 acre tract of land out of said Document No. 202006032321;

THENCE N 44° 55' 11" W, a distance of 108.42 feet to a point in the Northwesterly line of a 12' access easement called Chevrolet Alley, the Southerly corner of DRT-PMP Land LLC, as recorded in Document No. 201606029905 of the Official Public Records of Comal County, Texas, and the Westerly corner of said 0.476 acre tract of land;

THENCE with the Northwesterly line of said Alley and said 0.476 acre tract of land, N 44° 17' 22" E a distance of 187.49 feet to a point for the Northerly corner of said 0.476 acre tract of land, the Westerly corner of said Tract II;

THENCE continuing with said Northwesterly line of said Alley, and said Tract II, N 44° 25' E, a distance of 60.0 feet to a point for the Northerly corner of said Tract II, the Southerly corner of ARV Industrial as recorded in Document No. 200406031143 of the Official Public Records of Comal County, Texas, and the Westerly corner of said Tract III;

THENCE continuing with said Northwesterly line of said Alley, the Southeasterly line of said ARV Industrial, the Northwesterly line of said Tract III, N 44° 20' 31" E, a distance of 49.77 feet to a point for the Northerly corner of Tract III, the Westerly corner of said Tract I;

THENCE continuing with said the Southeasterly line of said ARV Industrial, the Northwesterly line of said Tract I, N.44° 25' E, a distance of 50.0 feet to a point in the Southwesterly line of Amber Heitkamp tract as recorded in Document No. 200906009512 of the Official Public Records of Comal County, Texas, and being the Northerly corner of said Tract I, and the Northerly corner of this tract;



THENCE with said Southeasterly line of said Amber Heitkamp tract, and with the Northeasterly line of said Tract I, S 45° 05" E, a distance of 108.90 feet to a point in the Northwesterly line of said Speckman Family Ltd. tract, for the Northeasterly corner of said Tract I, and this herein described tract of land;

THENCE departing said Amber Heitkamp tract and with the Northwesterly lines of said Speckamn Family Ltd, tracts, S 44° 25" W, a distance of 50.0 feet to a point for the Southerly corner of said Tract I, the Easterly corner of said Tract III;

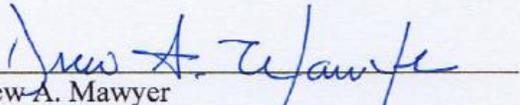
THENCE continuing with the Northwesterly line of said Speckamn Family Ltd, tracts, S 44° 25" W, a distance of 50.0 feet to a point for the Southerly corner of said Tract III, the Easterly corner of said Tract II;

THENCE continuing with the Northwesterly line of said Speckamn Family Ltd, tracts, S 44° 25" W, a distance of 60.0 feet to a point for the Southerly corner of said Tract II, the Easterly corner of said 0.476 of an acre tract of land;

THENCE continuing with the Northwesterly line of said Speckamn Family Ltd, tracts, S 44° 25" W, a distance of 1189.56 feet to the PLACE OF BEGINNING, and containing this 0.876 of an acre of land.

"This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."

Bearings based on the Deeds referenced and recorded in Documents 202006032621 and Document No. 202006023786 of the Official Records of Comal County, Texas.


Drew A. Mawyer
Registered Professional Land Surveyor No. 5348
TBPLS Firm Registration #10191500
5151 W SH 46, New Braunfels, Texas, 78132
MOE401-0.876 Ac- 082820

