

**ORDINANCE NO. 2019-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 0.8 ACRES OUT OF THE A. M. ESNAURIZAR SURVEY NO. 1, ADDRESSED AT 947 STATE HIGHWAY 46 SOUTH, FROM “R-2” SINGLE AND TWO-FAMILY DISTRICT TO “MU-B” HIGH INTENSITY MIXED USE 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 “MU-B” High Intensity Mixed Use 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 rezoning 0.808 acres out of the A. M. Esnaurizar Survey, addressed at 947 State Highway 46 South, from “R-2” Single and Two-family District to “MU-B” High Intensity Mixed Use 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 “R-2” to “MU-B” High Intensity Mixed Use District:

0.808 acres out of the A. M. Esnaurizar Survey No. 1, Abstract No. 98, addressed at 947 State Highway 46 South, as described in 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**THAT** all provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.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**THAT** all other ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent that they are in conflict.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 22nd day of July, 2019.

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

**CITY OF NEW BRAUNFELS**

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**BARRON CASTEEL**, Mayor

**ATTEST:**

\_\_\_\_\_  
**PATRICK D. ATEN**, City Secretary

**APPROVED AS TO FORM:**

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**VALERIA M. ACEVEDO**, City Attorney

**METES AND BOUNDS**

Being 0.808 acres of land, more or less, out of the Antonio Maria Esnaurizar Survey No. 1, Abstract No. 98, Comal County, Texas, and being that same tract of land described in Deed recorded in Document No. 201806033943, Official Public Records of Comal County, Texas, said 0.808 acres being more particularly described by metes and bounds as follows:

**BEGINNING** at a 1/2 inch iron rod found for the South corner of this 0.808 acres, same being the West corner of Lot 1, Block 1, North Plaza Business Park (Volume 8, Page 395) and on the northeast Right-of-Way of State Highway 46, on a curve to the right with a radius of 5670.00 feet and the **POINT OF BEGINNING**;

**THENCE** along said State Highway 46 and said curve to the right, an arc length of 105.35 feet (called 105 feet), a chord length of 105.34 feet, a chord bearing of North 58 degrees 07 minutes 05 seconds West, and a delta angle of 1 degree 03 minutes 52 seconds to a point for the West corner of this 0.808 acres, same being the south corner of the CZCNB, LLC 0.841 acre tract (Document No. 201806028869), from which a metal fence post bears, North 34 degrees 59 minutes 31 seconds West, 4.71 feet;


**THENCE** along the line common to this 0.808 acres and said CZCNB 0.841 acres, North 38 degrees 14 minutes 37 seconds East (called North 39 degrees 29 minutes East), a distance of 340.48 feet (called 341 feet) to a point for the North corner of this 0.808 acres, same being the East corner of said CZCNB 0.841 acres and on the southwest line of the TIFDOM, LLC 2.629 acre tract (Document No. 20160642168), from which a wood fence post bears, North 37 degrees 47 minutes 38 seconds West, 4.14 feet;

**THENCE** along the lines common to this 0.808 acres and said TIFDOM 2.629 acres the following courses and distances:

South 52 degrees 44 minutes 23 seconds East (called South 51 degrees 30 minutes East), a distance of 105.00 feet to a 3/8 inch iron rod found for the East corner of this 0.808 acres;

South 38 degrees 17 minutes 37 seconds West (called South 39 degrees 29 minutes West), a distance of 330.61 feet (called 331 feet) to the **POINT OF BEGINNING**, and containing 1.00 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 Coordinate, South Central Zone, Grid.

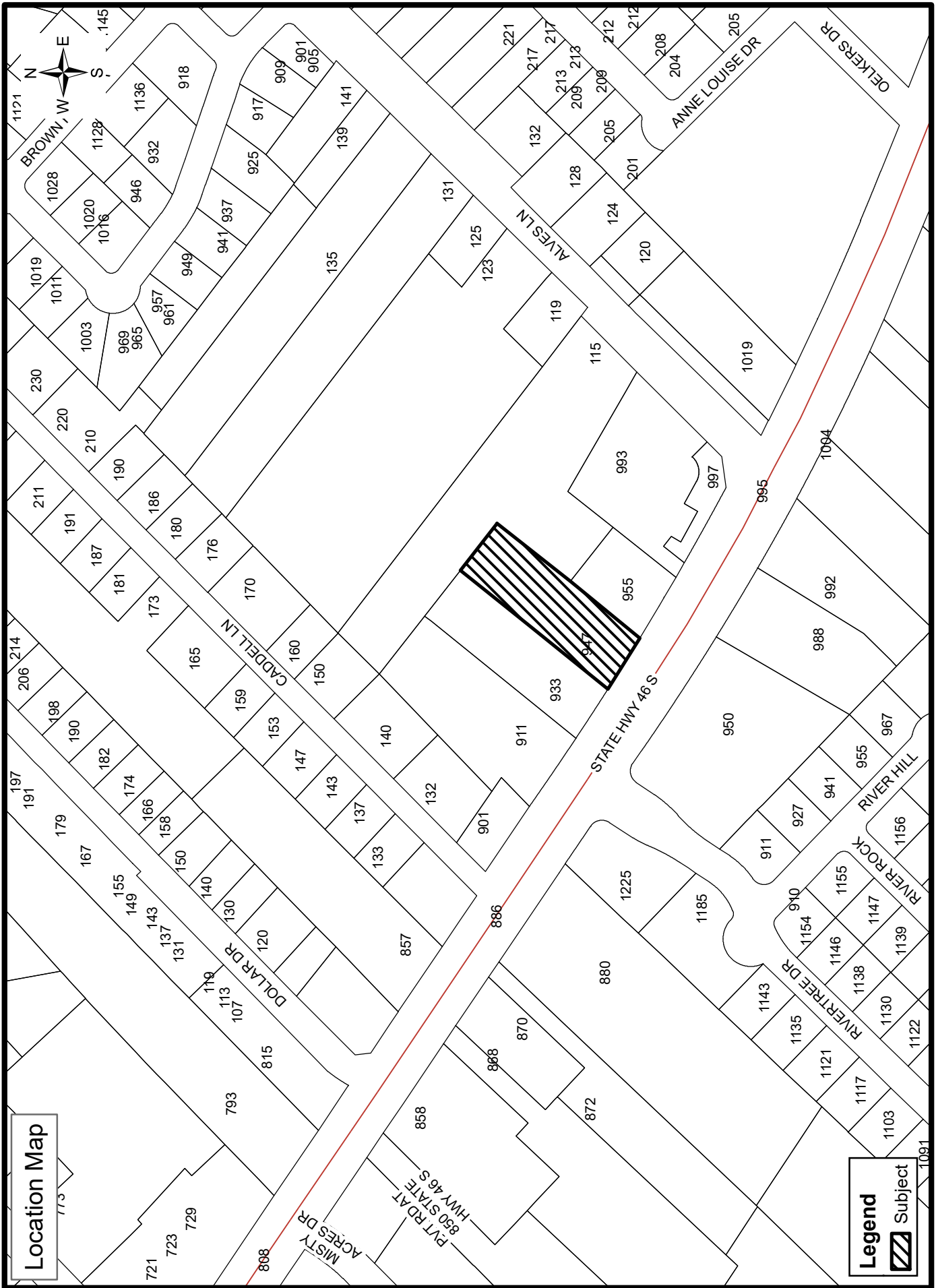
  
Mark J. Ewald  
Registered Professional Land Surveyor  
Texas Registration No. 5095  
May 17, 2019.



Filed and Recorded  
Official Public Records  
Bobbie Koepf, County Clerk  
Comal County, Texas  
05/31/2019 01:37:58 PM  
TERRI 4 Pages(s)  
201906018652







**PZ19-0155**  
**947 Hwy 46 South**  
**R-2 to MU-B**

