

**ORDINANCE NO. 2019-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING 7.106 ACRES OUT OF THE JOHN NOYES SURVEY 259 A-430, ADDRESSED AT 5947 AND 5979 IH-35 SOUTH, FROM “APD” AGRICULTURAL/PRE-DEVELOPMENT DISTRICT TO “M-1A” LIGHT INDUSTRIAL 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 “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 City Council desires to amend the Zoning Map by rezoning 7.106 acres out of the John Noyes Survey 259 A-430, addressed at 5947 and 5979 IH-35 South, from “APD” Agricultural/Pre-Development District to “M-1A” Light Industrial 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 “APD” to “M-1A” Light Industrial District:

7.106 acres out of the John Noyes Survey 259 A-430, addressed at 5947 and 5979 IH-35 South, as delineated on Exhibit “A” and described 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**THAT** all provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.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**THAT** all other ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent that they are in conflict.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 14th day of January, 2019.

**PASSED AND APPROVED:** Second reading this 28th day of January, 2019.

**CITY OF NEW BRAUNFELS**

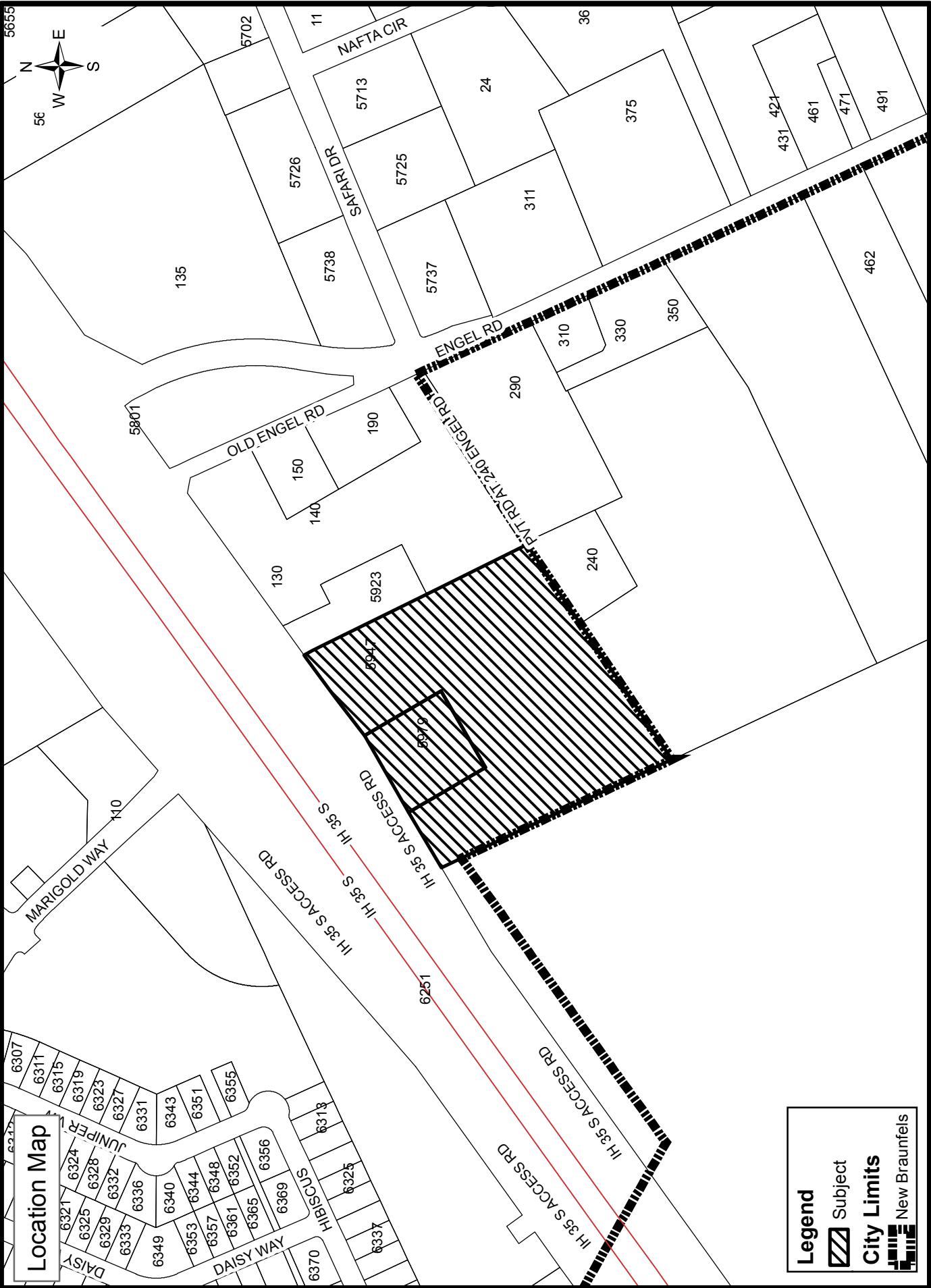
\_\_\_\_\_  
**BARRON CASTEEL, Mayor**

**ATTEST:**

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

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**VALERIA M. ACEVEDO, City Attorney**



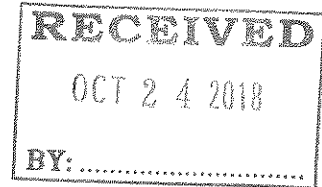
Location Map

**Legend**

- Subject
- City Limits
- New Braunfels

PZ-18-043  
 5947 & 5979 IH-35 South  
 APD to M-1A





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

Being 7.106 acres of land situated in the City of New Braunfels, Comal County, Texas, being out of the John Noyes Survey No. 259, Abstract No. 430, and being out of a called 7.23 acre tract of land, as conveyed to Jeannine C. Engel, A. Allyson Hanz and Kenneth Craig Cobb, and recorded in Document No. 200906031538, of the Official Public Records of Comal County, Texas, and out of a called 1.0 acre tract of land, as conveyed to Jeannine C. Engel, A. Allyson Hanz and Kenneth Craig Cobb, and recorded in Document No. 201306007545, of the Official Public Records of Comal County, Texas, and said 7.106 acre tract of land being more particularly described by metes and bounds as follows:

COMMENCING at a corner in the Southeasterly Right-of-Way (R.O.W.) line of Interstate Highway 35 (I.H. 35), being the most Westerly corner of said 7.23 acre tract of land, and being the most Northerly corner of a called 44.328 acre tract of land, as conveyed to Khamapirad Family Limited Partnership, and recorded in Document No. 201206030282, of the Official Public Records of Comal County, Texas;

THENCE departing the Southeasterly R.O.W. line of said I.H. 35, with the Northeasterly line of said 44.328 acre tract of land, and with the Southwesterly line of said 7.23 acre tract of land, S 24° 54' 00" E, a distance of 80.31 feet to a point for a corner, being in the Northeasterly line of said 44.328 acre tract of land, the Southwesterly line of said 7.23 acre tract of land, and being the most Westerly corner of this herein described tract of land and the POINT OF BEGINNING;

THENCE departing the common line between said 44.328 acre tract of land and said 7.23 acre tract of land, and across and through said 7.23 acre tract of land, N 59° 57' 00" E, at a distance of 168.40 feet passing the Southwesterly line of said 1.0 acre tract of land, continuing across and through said 1.0 acre tract of land, at a distance of 377.11 feet passing the Northeasterly line of said 1.0 acre tract of land, and continuing across and through said 7.23 acre tract of land, for a total distance of 381.16 feet to a point for a Northwesterly corner of this herein described tract of land;

THENCE continuing across and through said 7.23 acre tract of land, N 54° 18' 00" E, a distance of 231.17 feet to a point in the Northeasterly line of said 7.23 acre tract of land, being in the Southwesterly line of Lot 2A, Koehler Subdivision, as recorded in Volume 9, Page 151, of the Map and Plat Records of Comal County, Texas, and being the most Northerly corner of this herein described tract of land;

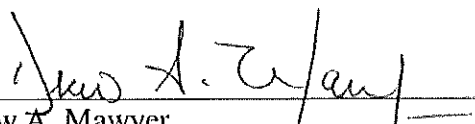
THENCE with the Northeasterly line of said 7.23 acre tract of land, same being the Southwesterly line of said Lot 2A, S 26° 00' 00" E, at a distance of 225.84 feet passing the most Southerly corner of said Lot 2A, same being a Westerly corner of Lot 2B, of said Koehler Subdivision, and continuing with the Southwesterly line of said Lot 2B for a total distance of 504.84 feet to a point for the most Southerly corner of said Lot 2B, being in the Northwesterly line of a called 10.403 acre tract of land, as conveyed to Freddie Engel, and recorded in Volume 605, Page 244, of the Official Public Records of Comal County, Texas, and being the most Easterly corner of said 7.23 acre tract of land and this herein described tract of land;

THENCE with the Southeasterly line of said 7.23 acre tract of land, same being the Northwesterly line of said 10.403 acre tract of land, S 56° 30' 00" W, a distance of 623.40 feet to a point for the most Westerly corner of said 10.403 acre tract of land, being in the Northeasterly line of aforementioned 44.328 acre tract of land, and being the most Southerly corner of said 7.23 acre tract of land and this herein described tract of land;

THENCE with the common line between said 44.328 acre tract of land and said 7.23 acre tract of land, N 24° 54' 00" W, a distance of 520.44 feet to the POINT OF BEGINNING, and containing 7.106 acres of land, more or less.

"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 Document No. 200906031583, of the Official Public Records of Comal County, Texas.

  
Drew A. Mawyer  
Registered Professional Land Surveyor No. 5348  
TBPLS Firm Registration #10191500  
5151 W. State Highway 46, New Braunfels, TX 78132  
MOE331- ENGEL ZONING M&B

