

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF NEW BRAUNFELS, TEXAS, AUTHORIZING THE ACQUISITION IN FEE SIMPLE AND BY UTILITY EASEMENT OF TRACTS OF LAND GENERALLY DEPICTED IN EXHIBITS “A” AND “B”, WHICH IS ATTACHED HERETO AND IS INCORPORATED HEREIN FOR ALL PURPOSES, AS PART OF THE BARBAROSA ROAD AND SAUR LANE IMPROVEMENTS PROJECT. SUCH ACQUISITIONS ARE NECESSARY TO ADVANCE AND ACHIEVE THE PUBLIC USES OF IMPROVING PEDESTRIAN SAFETY AND ADA ACCESSIBILITY BY PROVIDING SIDEWALKS ON BOTH SIDES OF THE ROAD; PROVIDING CONNECTIVITY TO MULTIPLE RESIDENTIAL AND COMMERCIAL AREAS; AND BUILDING ROAD IMPROVEMENTS TO ALLEVIATE TRAFFIC CONGESTION. THIS RESOLUTION AUTHORIZES THE INSTITUTION OF CONDEMNATION PROCEEDINGS TO ACQUIRE THE NECESSARY LAND RIGHTS TO THE EXTENT NEGOTIATIONS ARE UNSUCCESSFUL.

WHEREAS, the City of New Braunfels, Texas (“City”) has determined that a tract of privately owned land described in **Exhibits “A” and “B”** must be acquired in fee simple interest and a Utility Easement, for the construction of the Barbarosa Road and Saur Lane Improvements Project (the “Project”); and

WHEREAS, the acquisition of such property is necessary to complete the Project, to advance and achieve the public uses of improving pedestrian safety and ADA accessibility by providing sidewalks on both sides of the road; providing connectivity to multiple residential and commercial areas; and building road improvements to alleviate traffic congestion; and

WHEREAS, the Project is in the best interest of the health, safety, and welfare of the public;

WHEREAS, the City has been unable to acquire said land by negotiation and/or further negotiations may become futile, and therefore, the City may be compelled to exercise its power of eminent domain; and

WHEREAS, relating to the acquisition of such land, it may be necessary for the City or one of its agents or contractors to enter upon the property to investigate and survey the needed land so that they may be defined and described with specificity for inclusion in any deed, easement, or, if necessary, as part of any filings to institute proceedings in eminent domain to acquire the necessary land.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, THAT:

SECTION 1.

The above caption and recitals are incorporated herein for all purposes.

SECTION 2.

The City Council declares a public use and necessity for the City of New Braunfels to acquire fee simple interest of the properties described in **Exhibit “A”**. And to acquire a utility easement as described in **Exhibit “B”**, for the improvements needed for the Project.

SECTION 3.

The City Council declares that the acquisition of such property is necessary to complete the Project, which has the public uses of improving pedestrian safety and ADA accessibility by providing sidewalks on both sides of the road; providing connectivity to multiple residential and commercial areas; and building road improvements to alleviate traffic congestion.

The City Council authorizes the utilization of the power of eminent domain to acquire the necessary land located in the City of New Braunfels, to the extent that the City is unable to acquire said land by negotiation and/or further negotiations with the landowner become futile.

SECTION 4.

The City Council authorizes its authorized officers or their designees and retained attorneys, to create, execute, and deliver such further documents, instruments, certificates, opinions, consents, pleadings, and other papers, for and on behalf of the City, and to do and cause to be done such further acts and things as may be necessary, appropriate, or advisable to effect the intent of this Resolution, including, but not limited to (a) filing temporary injunctions or other causes of action necessary to obtain access to the property impacted by the acquisitions; (b) performing lineal surveys for metes and bounds purposes and conducting archaeological, species and environmental walk-throughs, inspections and/or testing (including obtaining water and soil samples, if necessary), as required by applicable state and federal laws (collectively the “Preliminary Surveys”), appraising, designing, planning, obtaining title information, and specifying the preparation, location, and routing or re-rerouting of the Project should such become necessary for any reason; (c) entering into good-faith negotiations with the landowner to make bona fide offer for the property; (d) appraising the property; (e) causing eminent domain proceedings to be filed should the bona-fide offer and good-faith negotiations fail; and (f) obtaining, or causing to be applied for and obtained, surety bonds as may be necessary or desirable regarding any eminent domain proceedings hereinabove authorized or any injunctive proceedings necessary or related to or as a condition precedent to any such eminent domain proceedings. Such documents, instruments, certificates, opinions, consents, pleadings, and other papers, and any amendments, supplements, or modifications thereto shall be in such form and contain such terms and conditions, whether material or non-material, as such officers, or any of them, shall deem necessary, appropriate, or advisable, and all that such officers, their designees, employees, and retained attorneys have done or may do under or by reason of this and any foregoing resolutions are hereby approved, confirmed, and ratified. The City Council finds that it is in the best interest

to obtain the fee simple interest (or an easement where necessary) from whomever holds legal and equitable title as identified according to the procedure adopted through this Resolution and if necessary, the Director of Finance is directed to disburse funds in accordance herewith.

SECTION 5.

The determination of necessity to exercise the power of eminent domain in this matter is made according to reason and judgment with due regard and consideration of the relevant facts, circumstances, and alternatives, and the knowledge, which existed at this time. Therefore, the City, acting by and through its contractual eminent domain attorneys, is hereby directed and authorized to institute and prosecute to conclusion all necessary proceedings in eminent domain to condemn the land described herein and to acquire such interest in land if the City is unable to acquire such through negotiation, and to take any other legal action necessary or incidental to such acquisition or eminent domain proceeding to investigate, survey, specify, define, and secure the necessary property right.

All acts and proceedings done or initiated by the employees, agents, and attorneys of the City for the acquisition of such land are hereby authorized, ratified, approved, confirmed and validated and declared to be valid in all respects as of the respective dates of such acts and proceedings, with and in regard to the grantors from whom such land is being purchased or acquired.

SECTION 6.

Severability: If any provision, section, subsection, sentence, clause, or phrase of this Resolution, or the application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this Resolution shall not be affected thereby, it being the intent of the Commissioners Court in adopting this Resolution that no portion hereof, or provisions, or regulations contained herein, shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion hereof and all provisions of this Resolution are declared to be severable for that purpose.

SECTION 7.

This Resolution shall become effective from and after its passage.

PASSED AND APPROVED this the _____ day of _____, 2026.

Michael A. French, Mayor

ATTEST:

Gayle Wilkinson, City Secretary

**Metes and Bounds Description
of 0.4592 Acres
Guadalupe County, Texas**

Being 0.4592 acres of land situated in the Antonio Maria Esnaurizar Survey, Abstract 20, Guadalupe County, Texas, out of Lot 2A, Timmerman Subdivision as recorded in Volume 5, Page 393 A & B, Map and Plat Records of Guadalupe County, Texas, and being more particularly described as follows:

BEGINNING at 1/2-inch iron rod found on the northeast Right-of-Way (R.O.W.) line of Saur Lane (variable width R.O.W.) being on the southeast boundary line of Lot 3ACR, Timmerman Subdivision as recorded in Volume 7, Page 729, Map and Plat Records of Guadalupe County, Texas, and the west corner of said Lot 2A, for the west corner of the tract described herein;

THENCE N 45°02'57" E, departing the northeast R.O.W. line of Saur Lane, coincident with the southeast boundary line of said Lot 3ACR and the northwest boundary line of said Lot 2A, a distance of 56.55 feet to a 5/8-inch iron rod with orange cap stamped "MAESTAS" set at the north corner of the tract described herein;

THENCE S 44°33'35" E, over and across said Lot 2A, a distance of 350.39 feet to a 5/8-inch iron rod with orange cap stamped "MAESTAS" set on the northwest R.O.W. line of Westmeyer Road (60' R.O.W.) and the southeast boundary line of said Lot 2A, for the east corner of the tract described herein;

THENCE S 45°11'20" W, coincident with the northwest R.O.W. line of Westmeyer Road and the southeast boundary line of said Lot 2A, a distance of 47.69 feet passing to a 1/2-inch iron rod found at the eastmost south corner of said Lot 2A, being the point of curvature of a curve to the right, for the eastmost south corner of the tract described herein;

THENCE Along said curve to the right having a radius of 10.00 feet, an arc length of 15.79 feet, and a delta angle of 90°28'12", with a chord bearing of N 89°34'34" W, a distance of 14.20 feet to a 1/2-inch iron rod found at the westmost south corner of said Lot 2A, for the westmost south corner of the tract described herein;

THENCE N 44°21'39" W, coincident with the northeast R.O.W. line of Saur Lane and the southwest boundary line of said Lot 2A, distance of 340.18 feet to the POINT OF BEGINNING and containing 0.4592 acres, or 20,003 square feet, of land;

Basis of bearings is the Texas State Plane Coordinate System, NAD 83, South Central Zone (4204). All distances referenced herein are surface values derived by using a surface adjustment factor of 1.00014. A survey plat accompanies this description of even date.

I hereby certify that this Metes and Bounds description was prepared from an actual survey made on the ground under my supervision on February 4, 2025, and substantially complies with the current Texas Society of Professional Surveyors standards and specifications.

 2/5/2025

Keith C. Keppler
Registered Professional Land Surveyor
Texas No. 6271



LEGEND

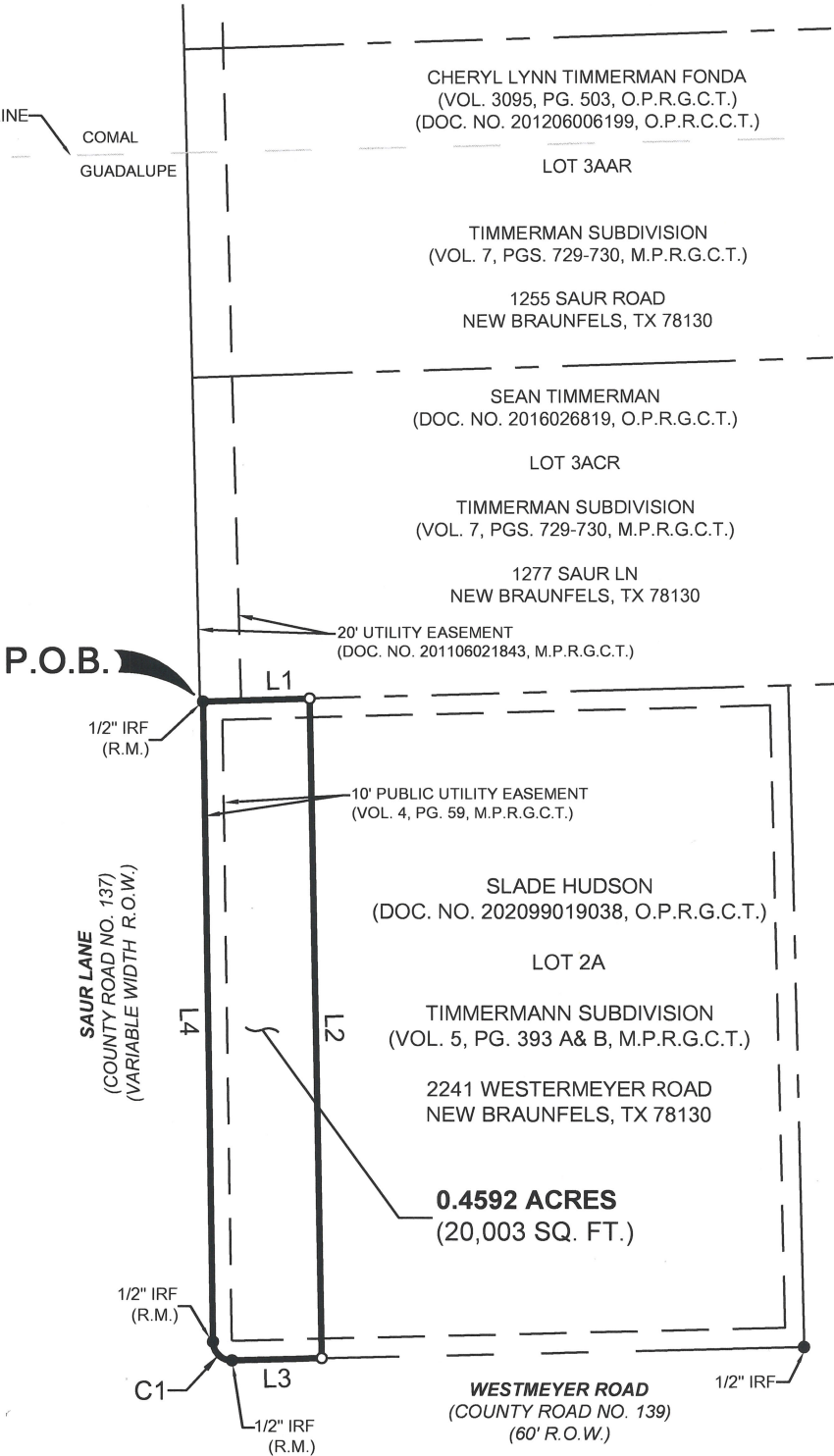
● IRF = IRON ROD FOUND
● IRFC = IRON ROD FOUND WITH CAP
○ IRSC = IRON ROD SET WITH CAP STAMPED "MAESTAS ASSOC"
(R.M.) = RECORD MONUMENT
O.P.R.G.C.T. = OFFICIAL PUBLIC RECORDS OF GUADALUPE COUNTY, TEXAS
O.P.R.C.C.T. = OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS
M.P.R.G.C.T. = MAP AND PLAT RECORDS OF GUADALUPE COUNTY, TEXAS



SCALE 1" = 100'

CURVE TABLE					
CURVE NO.	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD DISTANCE
C1	10.00'	15.79'	90°28'12"	N89° 34' 34"W	14.20'

LINE TABLE		
LINE NO.	BEARING	DISTANCE
L1	N45° 02' 57"E	56.55'
L2	S44° 33' 35"E	350.39'
L3	S45° 11' 20"W	47.69'
L4	N44° 21' 39"W	340.18'



GENERAL NOTES:

- THE BASIS OF BEARINGS IS THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83, SOUTH CENTRAL ZONE (4204), AS ESTABLISHED BY GPS OBSERVATIONS.
- DISTANCES SHOWN HEREON ARE SURFACE VALUES USING A SURFACE ADJUSTMENT FACTOR OF 1.00014.
- SURVEY WAS COMPLETED ON FEBRUARY 4, 2025.
- NO IMPROVEMENTS ARE SHOWN.
- THIS SURVEY WAS CONDUCTED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT AND MAY BE SUBJECT TO EASEMENTS OR ENCUMBRANCES NOT SHOWN HEREON.
- 5/8-INCH IRON ROD WITH ORANGE CAP STAMPED "MAESTAS" SET AT ALL CORNERS UNLESS SPECIFIED OTHERWISE.

I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION AND SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS.

2/5/2025
Keith C. Keppler

KEITH C. KEPPLER, RPLS
TEXAS NO. 6271



MAESTAS

8122 DATAPOINT DR., STE. 840
SAN ANTONIO, TX 78229
(210) 366-1988

TBPE No.: F-333

TBPLS No.: 10194506

BOUNDARY SURVEY OF
0.4592 ACRES

OUT OF LOT 2A, TIMMERMAN SUBDIVISION
AS RECORDED IN VOL. 5, PG. 393 A&B, M.P.R.G.C.T.

PROJECT NO.: M330	DATE: 2/4/2025
DRWN BY: RF3	CHKD BY: KCK
SHEET NO.: 2 OF 2	



Exhibit "B"

P.O. BOX 992 | 6477 FM 311, SPRING BRANCH, TX 78070
WWW.SHERWOODSURVEYING.COM
TBPELS FIRM #10044200

FIELDNOTE DESCRIPTION

0.158 ACRE

NBU UTILITY EASEMENT

BEING A 0.158 ACRE TRACT SITUATED IN LOT 2A, TIMMERMANN SUBDIVISION, RECORDED IN VOLUME 5, PAGES 393A-393B OF THE MAP AND PLAT RECORDS OF GUADALUPE COUNTY, TEXAS, LOT 2A BEING CONVEYED TO SLADE HUDSON BY DEED RECORDED IN DOCUMENT No. 202099019038 OF THE OFFICIAL PUBLIC RECORDS OF GUADALUPE COUNTY, TEXAS; SAID 0.158 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTHWESTERLY BOUNDARY LINE OF SAID LOT 2A, COMMON WITH THE SOUTHEASTERLY BOUNDARY LINE OF LOT 3ACR, TIMMERMANN SUBDIVISION, RECORDED IN VOLUME 7, PAGES 729-730 OF THE MAP AND PLAT RECORDS OF GUADALUPE COUNTY, FROM WHICH A FOUND IRON ROD MARKING THE WESTERLY CORNER OF SAID LOT 2A AND SITUATED IN THE NORTHEASTERLY RIGHT OF WAY LINE OF SAUR LANE (CR No. 137) BEARS S 45° 02' 57" W, 56.55 FEET;

THENCE, N 45° 02' 57" E, ALONG SAID COMMON BOUNDARY LINE, A DISTANCE OF 20.00 FEET TO THE NORTHEASTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, INTO AND ACROSS SAID LOT 2A, THE FOLLOWING COURSES AND DISTANCES:

S 44° 33' 35" E, A DISTANCE OF 253.27 FEET TO AN ANGLE POINT;

S 43° 09' 25" W, A DISTANCE OF 4.98 FEET TO AN INTERIOR ELL CORNER OF THE HEREIN DESCRIBED TRACT;

S 43° 14' 56" E, A DISTANCE OF 24.80 FEET TO AN INTERIOR ELL CORNER OF THE HEREIN DESCRIBED TRACT;

N 45° 22' 11" E, A DISTANCE OF 5.55 FEET TO AN ANGLE POINT OF THE HEREIN DESCRIBED TRACT;

S 44° 33' 35" E, A DISTANCE OF 72.18 FEET TO THE SOUTHEASTERLY CORNER OF THE HEREIN DESCRIBED TRACT, SITUATED IN THE SOUTHEASTERLY BOUNDARY LINE OF SAID LOT 2A, COMMON WITH THE NORTHWESTERLY RIGHT OF WAY LINE OF WESTMEYER ROAD (CR No. 139), FROM WHICH A FOUND IRON ROD MARKING THE EASTERLY CORNER OF SAID LOT 2A BEARS N 45° 10' 52" E, A DISTANCE OF 234.44 FEET;



THENCE, S 45° 10' 52" W, ALONG SAID COMMON LINE, A DISTANCE OF 20.00 FEET TO THE SOUTHWESTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, N 44° 33' 35" W, INTO AND ACROSS SAID LOT 2A, A DISTANCE OF 350.39 FEET TO THE **POINT OF BEGINNING**, CONTAINING AN AREA OF 0.158 ACRES OF LAND, MORE OR LESS.

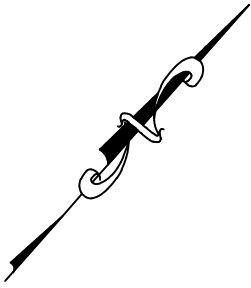
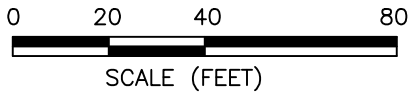
A SURVEY EXHIBIT WAS PREPARED ON THIS SAME DATE. BASIS OF BEARING IS NAD 83 TEXAS STATE PLANE COORDINATES, SOUTH CENTRAL ZONE.

I, RICHARD A. GOODWIN, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED FROM A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION.

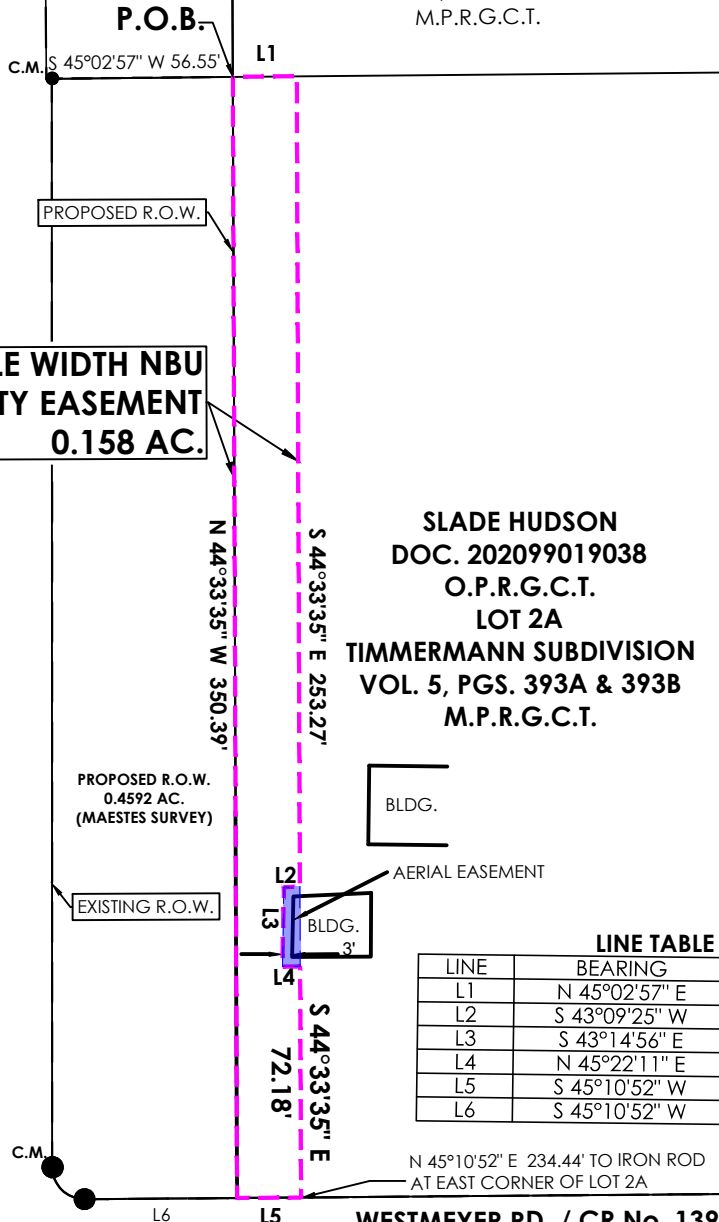
6/18/2024

RICHARD A. GOODWIN DATE
R.P.L.S. 4069 STATE OF TEXAS
PROJECT NO. 24MS048





SEAN TIMMERMANN
DOC. 2016026819
O.P.R.G.C.T.
LOT 3ACR
TIMMERMANN SUBDIVISION
VOL. 7, PGS. 729-730
M.P.R.G.C.T.



SLADE HUDSON
DOC. 202099019038
O.P.R.G.C.T.
LOT 2A
TIMMERMANN SUBDIVISION
VOL. 5, PGS. 393A & 393B
M.P.R.G.C.T.

LEGEND

- 1/2" IRON ROD FOUND (UNLESS NOTED)
- P.O.B. POINT OF BEGINNING
- C.M. CONTROLLING MONUMENT

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 45°02'57" E	20.00'
L2	S 43°09'25" W	4.98'
L3	S 43°14'56" E	24.80'
L4	N 45°22'11" E	5.55'
L5	S 45°10'52" W	20.00'
L6	S 45°10'52" W	48.11'

N 45°10'52" E 234.44' TO IRON ROD
AT EAST CORNER OF LOT 2A

SURVEYOR NOTES:

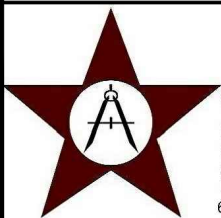
THIS BOUNDARY SURVEY WAS COMPLETED WITHOUT ADDITIONAL RESEARCH TO DETERMINE IF OTHER MATTERS OF RECORD, IF ANY, MIGHT AFFECT THIS PROPERTY, SUCH AS EASEMENTS, SETBACKS, OR OTHER ENCUMBRANCES.

BASIS OF BEARING IS NAD83 TEXAS STATE PLANE COORDINATES, SOUTH CENTRAL ZONE

DATE OF FIELDWORK: 5/20/2024

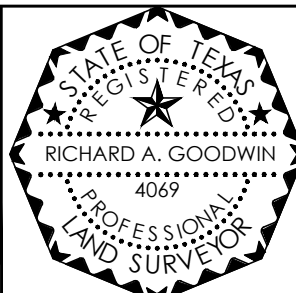
LEGAL DESCRIPTION

BEING A 0.158 ACRE TRACT SITUATED IN LOT 2A, TIMMERMANN SUBDIVISION, RECORDED IN VOLUME 5, PAGES 393A AND 393B OF THE MAP AND PLAT RECORDS OF GUADALUPE COUNTY, TEXAS, LOT 2A BEING CONVEYED TO SLADE HUDSON BY DEED RECORDED IN DOCUMENT No. 202099019038 OF THE OFFICIAL PUBLIC RECORDS OF GUADALUPE COUNTY, TEXAS.



**SHERWOOD
SURVEYING & S.U.E.**

UTILITIES | RESIDENTIAL | COMMERCIAL | INDUSTRIAL
6477 FM 311, P.O. BOX 992 TBPELS FIRM#10044200
SPRING BRANCH, TEXAS 78070
PHONE (830) 228-5788 FAX (830) 885-2170



SURVEYORS CERTIFICATE

I, RICHARD A. GOODWIN, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, REGISTRATION NUMBER 4069, HEREBY STATE THAT DURING THE MONTH OF MAY, 2024, A SURVEY OF THE REAL PROPERTY SHOWN HEREON WAS MADE UPON THE GROUND UNDER MY DIRECTION AND SUPERVISION.

RICHARD A. GOODWIN
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 4069

6/18/2024

DATE

DATE: 5/30/2024

DRAWN BY: VLH

PROJECT No. 24MS048