

RESOLUTION NO. 2024-R__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, APPROVING A RECOMMENDATION OF THE NEW BRAUNFELS ECONOMIC DEVELOPMENT CORPORATION FOR A GRANT OF UP TO \$4,550,000 TO THE CITY OF NEW BRAUNFELS FOR THE PURCHASE OF A 1.126-ACRE TRACT, COMMONLY KNOWN AS 263 MAIN PLAZA, IN NEW BRAUNFELS, COMAL COUNTY, TEXAS, BEING LOTS 40, 42, AND PART OF LOT 36, BLOCK 1005, AND BEING THOSE LOTS DESCRIBED BY DEED RECORDED IN VOLUME 56, PAGES 150-152, LESS THAT PORTION OF LOT 36 CONVEYED BY DEED RECORDED IN VOLUME 57, PAGES 307-309, DEED RECORDS OF COMAL COUNTY, TEXAS, PURSUANT TO SECTION 505.152 OF THE TEXAS LOCAL GOVERNMENT CODE.

WHEREAS, the New Braunfels Economic Development Corporation (“EDC”) is a Type B economic development corporation, created pursuant to Chapter 505 of the Texas Local Government Code, as amended; and

WHEREAS, Section 505.152 of the Texas Local Government Code, in pertinent part, defines the term “project” to mean “land, buildings, equipment, facilities, and improvements found by the board of directors to be required or suitable for use for professional and amateur sports, including children’s sports, athletic, entertainment, tourist, convention, and public park purposes and events, including stadiums, ball parks, auditoriums, amphitheaters, concert halls, parks and park facilities, open space improvements, museums, exhibition facilities, and related store, restaurant, concession, and automobile parking facilities, related area transportation facilities, and related roads, streets, and water and sewer facilities, and other related improvements that enhance any of the items described by this section”; and

WHEREAS, City has applied to EDC for financial assistance necessary to acquisition certain real property consisting of approximately 1.126-acre tract being commonly known as 263 Main Plaza, New Braunfels, Comal County, Texas, 78130, and being more particularly described in *Exhibit A* of this Agreement, which is attached hereto and incorporated herein for all purpose; and

WHEREAS, the EDC’s Board of Directors have determined the financial assistance provided to City pursuant to this Agreement is consistent and meets the definition of “project” as that term is defined in Section 505.152 of the Texas Local Government Code; and the definition of “cost” as that term is defined by Section 501.152 of the Texas Local Government Code; and

WHEREAS, the NBEDC, after publishing public notice on May 12, 2024 and holding a public hearing at its regular meeting on May 16, 2024, voted unanimously to approve the grant of up to \$4,550,000 to the City of New Braunfels for the land purchase; and

WHEREAS, City agrees and understands that Section 501.073(a) of the Texas Local Government Code requires the City Council of the City of New Braunfels, Texas, to approve all programs and expenditures of the EDC, and accordingly this Agreement is not effective until City Council has approved this project at a City Council meeting called and held for that purpose.

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

SECTION 1: That the recommendation of the EDC to provide a grant to purchase the 1.126-acre tract of land described above is hereby approved.

SECTION 2: That this Resolution shall become effective from and after the date of its passage.

SECTION 3: That the President and Secretary of the NBEDC shall have the authority to execute all necessary documents relating to this grant.

PASSED, ADOPTED, AND APPROVED this 10 day of June, 2024.

CITY OF NEW BRAUNFELS, TEXAS

By: _____
NEAL LINNARTZ, MAYOR

ATTEST:

GAYLE WILKINSON, CITY SECRETARY

APPENDIX A
Description of the Property

All that certain tract, piece or parcel of land situated in Comal County, Texas, and being Lots 40, 42, and part of Lot 36, Block 1005, being a 1.126 acre tract in the City of New Braunfels, Comal County, Texas, and being those lots described by deed recorded in Volume 58, Pages 150-153, LESS that portion of Lot 36 conveyed by deed recorded in Volume 57, Pages 307-309, Deed Records of Comal County, Texas, said 1.126 acre tract being described by metes and bounds as follows:

BEGINNING at a point, the intersection of the Northeast line of Seguin Avenue and the Southeast line of East San Antonio Street, the same point being the West corner of Lot 40, Block 1005 of the City of New Braunfels, an "X" cut in a concrete walk;

THENCE with the Southeast line of East San Antonio Street and the Northwest line of Lot 40, North $38^{\circ} 42' 08''$ East 191.59 feet to an iron pin set for the North corner of Lot 40, and in the Southwest line of Lot 36;

THENCE with the Southwest line of Lot 36, North $52^{\circ} 00'$ West 31.05 feet to a fence corner, said corner being the West corner of a part of Lot 36 included in this tract and the South corner of a part of Lot 36 conveyed by instrument recorded in Volume 57, Pages 307-309 of the Deed Records of Comal County, Texas;

THENCE with the Northwest line of this tract, the Southeast line of the tract described in said conveyance, North $38^{\circ} 38' 24''$ East 95.70 feet to a fence corner, said point lying in the Southwest line of Lot 37, the Northeast line of Lot 36;

THENCE with the Southwest line of Lot 37, and the Northeast line of Lot 36, South $52^{\circ} 04' 19''$ East 127.07 feet to an iron pin set for the East corner of Lot 36, the South corner of Lot 37, and lying in the West line of Lot 42;

THENCE with the Northwest line of Lot 42 and the Southeast line of Lot 37, North $38^{\circ} 41' 47''$ East 96.05 feet to an iron pin set in the Southwest line of Comal Avenue and being the North corner of Lot 42 and the East corner of Lot 37;

THENCE with the Southwest line of Comal Avenue, the Northeast line of Lot 42, South 52° 00' 02" East 96.04 feet to an iron pin set for the East corner of Lot 42, and the North corner of Lot 43;

THENCE with the Southeast line of Lot 42, the Northwest line of Lot 43, South 38° 32' 10" West 191.38 feet to an iron pin, said pin being the South corner of Lot 42, West corner of Lot 43, North corner of Lot 44 and the East corner of Lot 41;

THENCE with the Southwest line of Lot 42, the Northeast line of Lot 41, North 52° 18' 01" West 96.27 feet to an iron pin set for the West corner of Lot 42, the North corner of Lot 41, the East corner of Lot 40, and the South corner of Lot 36;

THENCE with the Southeast line of Lot 40 and the Northwest line of Lot 41, South 38° 41' 58" West 191.60 feet to a screw set in a concrete walk, said screw lying in the North line of Seguin Avenue and being the South corner of Lot 40 and the West corner of Lot 41;

THENCE with the Northeast line of Seguin Avenue and the Southwest line of Lot 40, North 52° 05' West 96.25 feet to the POINT OF BEGINNING, and containing 1.126 acres, more or less, according to a survey prepared under the supervision of D. R. Frazor, Registered Professional Engineer of San Antonio, Texas, reference to which is here made for all purposes, together with the improvements, including all buildings thereon, and being the same property described in the following deeds:

- (a) One dated March 9, 1892, recorded in Volume V Pages 309-310 of the Deed Records of Comal County, Texas;
- (b) One dated August 27, 1906, recorded in Volume 28, Pages 249-250 of the Deed Records of Comal County, Texas;
- (c) One dated January 25, 1909, recorded in Volume 30, Pages 329-330 of the Deed Records of Comal County, Texas;
- (d) One dated February 4, 1929, recorded in Volume 56, Pages 150-153 of the Deed Records of Comal County, Texas; and,
- (e) One dated May 15, 1969, recorded in Volume 169, Pages 719-723 of the Deed Records of Comal County, Texas, reference to all of said deeds and their recordings being here made for all purposes.

LESS, SAVE and EXCEPT from the tracts described in the above described deeds (a) through (d), that certain parcel of land conveyed by deed dated November 12, 1929, recorded in Volume 57, Pages 307-309 of the Deed Records of Comal County, Texas, which tract was conveyed to San Antonio Public Service Company.