

ORDINANCE NO. 2024-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, A HOME RULE CITY, ANNEXING APPROXIMATELY 58 ACRES OF LAND ON THE WEST SIDE OF IH 35 AND EAST OF FM 482 BETWEEN KRUEGER CANYON ROAD AND MARIGOLD WAY, DIRECTLY NORTHWEST OF THE ENGEL ROAD AND IH 35 FRONTAGE ROAD INTERSECTION, ADJACENT TO THE EXISTING CITY LIMIT OWNED BY NEW BRAUNFELS UTILITIES, A PUBLIC UTILITY OWNED BY THE CITY OF NEW BRAUNFELS, AS AN AGENT OF THE CITY; GRANTING TO SAID TERRITORY AND TO ALL FUTURE INHABITANTS OF SAID TERRITORY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING FUTURE INHABITANTS BY ALL OF THE ACTS AND ORDINANCES OF THE CITY OF NEW BRAUNFELS; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, New Braunfels Utilities (“NBU”), a public utility owned by the City of New Braunfels (the “City”), owns, as agent for the City of New Braunfels, approximately 58 acres of land on the west side of IH 35 east of FM 482 between Krueger Canyon Road and Marigold Way, directly northwest of the Engel Road and H 35 frontage road intersection (the “Property”); and

WHEREAS, the City desires to annex the Property; and

WHEREAS, home rule cities have the full power of self-government and may take any action in the interest of the citizens' health, safety and welfare that is not contrary to the Texas and U.S. Constitutions or federal or state laws; and

WHEREAS, a home-rule municipality may, according to rules as may be provided by the charter of the municipality and not inconsistent with the requirements prescribed by Texas Local Government Code Chapter 43 (the “Code”), (1) fix the boundaries of the municipality; and (2) extend the boundaries of the municipality and annex area adjacent to the municipality; and

WHEREAS, Section 1.04 of the home rule charter of the City grants the City Council the power by ordinance to fix the boundaries of the City through annexation, in the manner, and subject to any restrictions or limitations, provided by the constitution and laws of the State of Texas; and

WHEREAS, the Code does not specifically restrict or limit a home rule city from annexing property it owns adjacent to the corporate city limits; and

WHEREAS, the Property is within the City’s extraterritorial jurisdiction and is adjacent to the corporate limits of City; and

WHEREAS, the City Council hereby finds and determines that the annexation of the Property and the process undertaken in the adoption of this ordinance complies with the City’s Code of Ordinances, home rule charter and State law; and

WHEREAS, the City has published notice and held public hearings on the annexation of the Property; **now, therefore**;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:

SECTION 1

THAT the Property, shown and labeled on a survey as “Tract 1”, which is attached as Exhibit “A” and described in Exhibit “B”, is hereby annexed into the City, and that the boundary limits of the City are hereby extended to include said territory within the City limits and the same shall hereafter be included within the territorial limits of said City, and said land and the future inhabitants thereof shall hereafter be entitled to all rights and privileges of other citizens of the City and shall be bound by the acts and ordinances of said City.

SECTION 2

THAT the City secretary is hereby directed to file with the county clerk and other appropriate officials and agencies, as required by state and federal law and City annexation procedures, a certified copy of this ordinance.

SECTION 3

THIS ordinance will take effect upon the second and final reading of same and upon publication as required by law.

PASSED AND APPROVED: First reading this ____th day of ____ 2024.

PASSED AND APPROVED: Second reading this ____th day of ____ 2024.

CITY OF NEW BRAUNFELS

NEAL LINNARTZ, Mayor

ATTEST:

GAYLE WILKINSON, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

EXHIBIT “A”

DRAFT

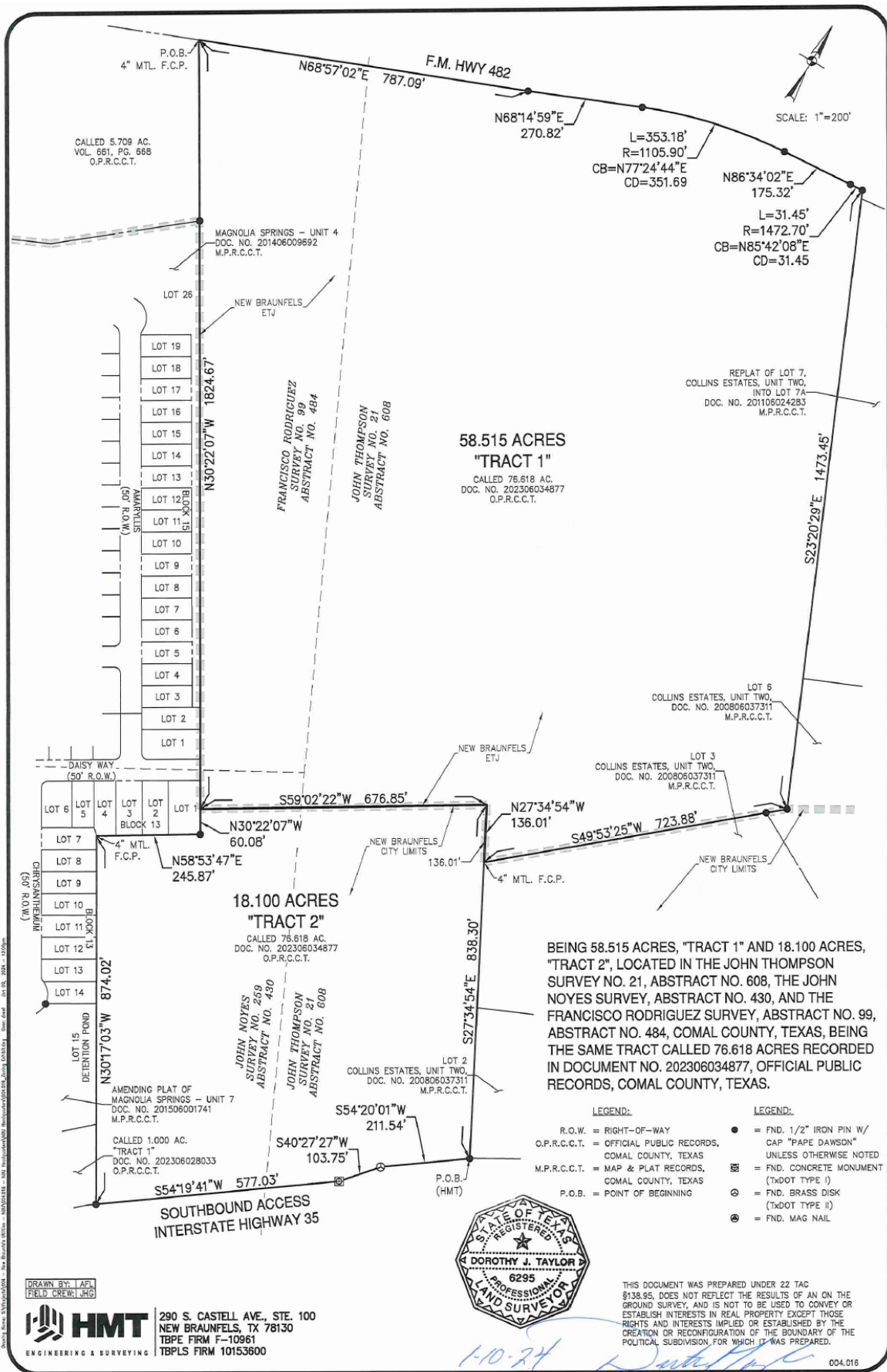


EXHIBIT “B”

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METES AND BOUNDS DESCRIPTION
FOR A 58.515 ACRE TRACT OF LAND, "TRACT 1"
EXHIBIT "A"

Being a 58.515 acre tract of land located in the John Thompson Survey No. 21, Abstract No. 608, the Francisco Rodriguez Survey No. 99, Abstract No. 484 and the John Noyes Survey No. 259, Abstract No. 430, Comal County, Texas, being a portion of a called 76.618 acre tract of land, recorded in Document No. 202306034877, Official Public Records, Comal County, Texas, said 58.515 acre tract of land being more particularly described as follows:

BEGINNING at a 4" metal fence corner post in the South right of way line of F.M. 482 for the North corner of a called 5.709 acre tract of land recorded in Volume 661, Page 668, Official Public Records, Comal County, Texas, same point being the Northwestern corner of said 76.618 acre tract of land, recorded in Document No. 202306034877, Official Public Records, Comal County, Texas;

THENCE continuing with the South right of way line of F.M. 482 and the North line of said 76.618 acre tract, the following five (5) calls:

1. N 68°57'02" E, a distance of 787.09 feet to a point for a corner;
2. N 68°14'59" E, a distance of 270.82 feet to a point for a corner, and the beginning of a curve;
3. Along the arc of a curve to the right, having a radius of 1105.90 feet, an arc length of 353.18 feet, and a chord bearing and distance of N 77°24'44" E, 351.69 feet to a point for a corner;
4. N 86°34'02" E, a distance of 175.32 feet to a point for a corner, and the beginning of a curve;
5. Along the arc of a curve to the left, having a radius of 1472.70 feet, an arc length of 31.45 feet, and a chord bearing and distance of N 85°42'08" E, 31.45 feet to a point for the North corner of said 76.618 acre tract, and the North corner of the herein described tract;

THENCE departing the South right of way line of F.M. 482, with the East lines of said 76.618 acre tract and the Southwest line of the replat of Lot 7, Collins Estates, Unit Two, into Lot 7A, recorded in Document No. 201106024283, Map and Plat Records, Comal County, Texas, continuing with the West lines of Lot 6 and the Northwest line of Lot 3, Collins Estates, Unit Two, recorded in Document No. 200806037311, Map and Plat Records, Comal County, Texas, the following two (2) calls:

1. S 23°20'29" E, a distance of 1473.45 feet to a point for a corner;
2. S 49°53'25" W, a distance of 723.88 feet to a point for the West corner of said Lot 3, same point being an East corner of said 76.618 acre tract, and a corner of the herein described tract;

THENCE departing the West corner of Lot 3 in the East line of said 76.618 acre tract, continuing over and across said 76.618 acre tract, the following two (2) calls:

1. N 27°34'54" W, a distance of 136.01 feet to a point for a corner;
2. S 59°02'22" W, a distance of 676.85 feet to a point in the East line of Lot 1, Block 13, Amending Plat of Magnolia Springs – Unit 7, recorded in Document No. 201506001741, Map and Plat Records, Comal County, Texas, same point lying in the West line of said 76.618 acre tract, for a corner of the herein described tract;



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New Braunfels, TX 78130
(830) 625-8555
TBPE-FIRM F-10961
TBPLS FIRM 10153600

THENCE with the West line of said 76.618 acre tract, the East line of said Amending Plat of Magnolia Springs – Unit 7, continuing with the East line of Magnolia Springs – Unit 4, recorded in Document No. 201406009692, Map and Plat Records, Comal County, Texas, and the East line of the aforementioned 5.709 acre tract, N 30°22'07" W, a distance of 1824.67 feet to the POINT OF BEGINNING, containing 58.515 acres of land in Comal County, Texas.

Bearings shown hereon are based on the Texas State Plane Coordinate System, South Central Zone (4204), NAD 83 (NA2011) Epoch 2010.00.

Written January 2, 2024.

Reference exhibit of said 58.515 acre tract of land prepared this same date.

THIS DOCUMENT WAS PREPARED UNDER 22 TAC §138.95, 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

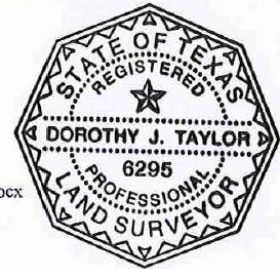
A handwritten signature in blue ink, appearing to read 'Dorothy J. Taylor', is written over a horizontal line.

Dorothy J. Taylor

Registered Professional Land Surveyor No. 6295

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1-10-24



DRAFT