

**ORDINANCE NO. 2023-63**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING 0.13 ACRES, BEING OUT OF THE JUAN MARTIN DE VERAMENDI SURVEY, ABSTRACT NO. 2, CURRENTLY ADDRESSED AT 175 COMAL AVENUE, FROM R-2 (SINGLE-FAMILY AND TWO-FAMILY DISTRICT) TO C-O (COMMERCIAL OFFICE 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 C-O (Commercial Office District), the City Council has given due consideration to all components of said district; and

**WHEREAS**, the rezoning is in compliance with the Future Land Use Plan; and

**WHEREAS**, it is the intent of the City Council to provide harmony between existing zoning districts and proposed land uses; and

**WHEREAS**, the requested rezoning is in accordance with Envision New Braunfels, the City's Comprehensive Plan;

**WHEREAS**, the City Council desires to amend the Zoning Map by changing the zoning of 0.13 acres being out of the Juan Martin De Veramendi Survey, Abstract No. 2, currently addressed at 175 Comal Ave. from R-2 (Single-Family and Two-Family District) to C-O (Commercial Office District); and

**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 tract of land from R-2 (Single-Family and Two-Family District) to C-O (Commercial Office District):

0.13 acres, being out of the Juan Martin de Veramendi Survey, Abstract No. 2, as described in Exhibit "A" and delineated on Exhibit "B", attached.

**SECTION 2**

**THAT** all other ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent that they are in conflict.

**SECTION 3**

**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 4**

**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 14<sup>th</sup> day of August, 2023.

**PASSED AND APPROVED:** Second reading this 28<sup>th</sup> day of August, 2023.

**CITY OF NEW BRAUNFELS**

\_\_\_\_\_  
**NEAL LINNARTZ**, Mayor

**ATTEST:**

\_\_\_\_\_  
**GAYLE WILKINSON**, City Secretary

**APPROVED AS TO FORM:**

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

## EXHIBIT "A"

### EXHIBIT "A" METES & BOUNDS DESCRIPTION

BEING A 0.13 ACRE TRACT OUT OF JUAN MARTIN DE VERAMENDI SURVEY, ABSTRACT NO. 2, COMAL COUNTY, TEXAS, CERTAIN TRACT, PIECE OR PARCEL OF LAND SITUATED IN THE CITY OF NEW BRAUNFELS, COMAL COUNTY, TEXAS, BEING THE CENTRAL PART OF LOT NO. ONE HUNDRED AND THIRTY-SEVEN (137), IN NEW CITY BLOCK NO. 1008, BEING THE SAME TRACT CONVEYED TO DIERKS AT AVENUE Q, LLC, RECORDED IN DOC. NO. 201706043264, OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING**, at a ½" found iron rod with RPLS 4233 cap, a point in the north Right-of-Way line of Comal Ave. (R.O.W.), the south corner of a called 0.106-acre tract conveyed to Jason Varnado and Vicki Varnado, recorded in Doc. No. 202106034570, Official Public Records of Comal County, Texas, the west corner of herein described tract and the **POINT OF BEGINNING**;

**THENCE**, N 37°24'43" E, a distance of 95.20 feet (N 38°42' E, 95.7 feet), with the common line of said 0.106-acre tract and the herein described tract, to a ½" found iron rod with RPLS 4233 cap, the east corner of said 0.106-acre tract, a point in the southwesterly line of a tract conveyed to James Edward Rowden, recorded in Doc. No. 201306039979, Official Public Records of Comal County, Texas, the north corner of the herein described tract;

**THENCE**, S 53°13'49" E, a distance of 60.09 feet (S 52°00' E, 60 feet), with the common line of said tract conveyed to James Edward Rowden and the herein described tract, to a ½" found iron rod, marking a point in the southwesterly line of said tract conveyed to James Edward Rowden, the north corner of a tract conveyed to Guadalupe Amaro Partnership, recorded in Doc. No. 202006059686, Official Public Records of Comal County, Texas, the east corner of the herein described tract;

**THENCE**, S 37°24'06" W, a distance 95.63 feet (S 38°42' W, 95.7 feet), with the common line of said tract conveyed to Guadalupe Amaro Partnership and the herein described tract, to a ½" found iron rod, the west corner of said tract conveyed to Guadalupe Amaro Partnership, a point in the said north Right-of-Way line of Comal Ave., the south corner of the herein described tract;

**THENCE**, N 52°49'31" W, a distance of 60.10 feet (N 52°00' W, 60 feet), with the said north Right-of-Way line of Comal Ave., to the **POINT OF BEGINNING**, containing 0.13 acres more or less.


Basis of Bearing: Texas South Central Zone, NAD 83  
All set ½" iron rods capped with "Amerisurveyors" cap.

STATE OF TEXAS       §

December 22, 2021

COUNTY OF HAYS       §

It is hereby certified that the above description was prepared from an actual survey on the ground of the described tract made under my supervision.







  
Aaron Micah Reynolds,  
Registered Professional Land Surveyor  
Registration No. 6644



## EXHIBIT “B”

### LEGEND

These standard symbols will be found in the drawing.

- |   |                  |
|---|------------------|
|  | BOUNDARY LINE    |
|  | WIRE FENCE       |
|  | FOUND IRON ROD   |
|  | WATER METER      |
|  | ELECTRIC METER   |
|  | POWER POLE       |
| (DEED)  | RECORDED ON DEED |
| (F.M.)  | FIELD MEASURED   |

PART OF LOT 137, CITY BLOCK 1008  
(A.K.A. S. 60' OF N. 108'  
OF LOT 137, CITY BLOCK 1008)  
(DOC. NO. 201706041376)

5734 SQ. FT.  
0.13 ACRES

JASON VARNADO & VICKI VARNADO  
CALLED 0.106 ACRE TRACT  
(A.K.A. N. 48' OF LOT 137, CITY BLOCK 1008)  
(DOC. NO. 202106034570)

FND. 1/2"  
L.R. WITH  
RPLS 4233 CAP

W. 70° JAMES EDWARD ROWDEN  
OF LOT 134, CITY BLOCK 1008  
(DOC. NO. 201306039979)  
S 53°13'49" E 80.09' (F.M.) END  
S 57°00' E 60' (DEED)

60.09 (DEF)

COVERED AREA



WIRE

ERED  
PATIO

DEED (F.M.)

WIND  
FENCE

W 95.7' (95.63)

GUADALUPE AM  
S. 84' OF LOT 13

5 (DOC. NO. 2

SURVEY OF:  
A 0.13 ACRE TRACT OUT OF JUAN MARTIN DE VERAMENDI SURVEY, ABSTRACT NO. 2, COMAL COUNTY, TEXAS, CERTAIN TRACT, PIECE OR PARCEL OF LAND SITUATED IN THE CITY OF NEW BRAUNFELS, COMAL COUNTY, TEXAS, BEING THE CENTRAL PART OF LOT NO. ONE HUNDRED AND THIRTY-SEVEN (137), IN NEW CITY BLOCK NO. 1006, BEING THE SAME TRACT CONVEYED TO DIERKS AT AVENUE Q, LLC, RECORDED IN DOC. NO. 201706043264, OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS, SAID TRACT BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

SURVEYOR'S NOTE(S):  
BASIS OF BEARING, TEXAS SOUTH CENTRAL ZONE, NAD 83.

The survey is hereby accepted with the discrepancies, conflicts, or shortages in area or boundary lines, encroachments, protrusions, or overlapping of improvements shown.

At date of this survey, the property is in FEMA designated  
100 Year ZONE SHADED X as verified by FEMA map Panel No:  
48031C 0455 Effective date of SEPTEMBER 02 2009  
Exact designations can only be determined by a Elevation  
Certificate. This information is subject to change as a  
result of future FEMA map revisions and/or amendments.

X \_\_\_\_\_

**GRAPHIC SCALE**

0' 30' 60'

1 inch = 30 feet

I, AARON MICAH REYNOLDS, a Registered Professional Land Surveyor in the State of Texas,  
do hereby certify to OLD REPUBLIC NATIONAL TITLE  
and JEFFERSON BANK

that the above map is true and correct according to an actual field survey, made by me on the ground or under my supervision, of the property shown hereon. I further certify that all easements and rights-of-way of which I have been advised are shown hereon and that, except as shown, there are no other easements or rights-of-way which are visible on the ground. I also certify that there are no conflicts in the boundary lines, and no visible physical evidence of easements or rights-of-way as of the date of the field survey. I further certify that this survey meets or exceeds the minimum standards established by the Texas Board of Professional Land Surveying (Section 653.19).

Borrower/Owner: CASITA ON COMAL, LLC  
Address: 175 COMAL AVE. GF No. 13258NB  
Legal Description of the Land:  
SEE ABOVE.....

SUBJECT TO RESTRICTIVE COVENANTS AND/OR EASEMENTS RECORDED IN:

PROPERTY PHOTOGRAPH:



*Aaron M. Reynolds*  
AARON MICAH REYNOLDS, R.P.L.S.  
Registered Professional Land Surveyor  
Registration No. 6544