

RESOLUTION NO. 20206-R

A RESOLUTION OF THE CITY OF NEW BRAUNFELS,
TEXAS CONSENTING TO THE ADDITION OF A 1.735-
ACRE TRACT OF LAND TO THE COMAL COUNTY
WATER IMPROVEMENT DISTRICT NO. 3A (WID 3A).

WHEREAS, the City of New Braunfels, Texas (the "City") has received a petition (Exhibit "A") requesting the City's consent to the addition of land described in Exhibit "B" and delineated in Exhibit "C" attached hereto (the "Land") to the Comal County Water Improvement District No. 3A; and

State law provides that land within the City's Corporate limits or extraterritorial jurisdiction may not be included within a water control and improvement district without the City's written consent.

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

Section 1. The City of New Braunfels, Texas hereby gives its written consent for Comal County Water Improvement District No. 3A to add the 1.735 acres of land described in Exhibit "B" and delineated in Exhibit "C", attached to and incorporated into this order by reference.

Section 2. That the consent granted in this Resolution is subject to the conditions imposed by the City in granting its consent to the creation of the District under Resolution No. 2021-R-38.

Section 3. This Resolution shall become effective from and after the date of its passage.

PASSED, ADOPTED AND APPROVED THIS 22ND DAY OF JUNE, 2026

MICHAEL FRENCH, Mayor

ATTEST:

GAYLE WILKINSON, City Secretary

EXHIBIT "A"

PETITION FOR CONSENT TO ANNEX LAND INTO
COMAL COUNTY WATER IMPROVEMENT DISTRICT NO. 3A

STATE OF TEXAS

COUNTY OF COMAL

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF NEW
BRAUNFELS, TEXAS:

Comal County Water Improvement District No. 3A, Kohlenberg Partners Retail, Ltd., and Southstar at Mayfair Kohlenberg, LLC (collectively, "Petitioners"), acting pursuant to the provisions of Chapters 49, Texas Water Code, particularly Section 49.301 of that Code, together with all amendments and additions thereto, respectfully petition the City Council of the City of New Braunfels, Texas, ("City") for its written consent to the annexation by the District of the 1.735 acre tract of land described by metes and bounds in **Exhibit A** ("Land"), which is attached hereto and incorporated herein for all purposes. In support of this petition, the undersigned would show the following:

I.

The District is a water improvement district duly created under the laws of the State of Texas on February 9, 2024. The District was created and organized under the terms and provisions of House Bill 3941, 83rd Legislative Session, Regular Session 2013 Chapter 1122 (HB 3941), effective June 14, 2013, as codified in Chapter 8489 of the Texas Special District Local Laws Code, Article XVI, Section 59, of the Constitution of Texas, and is governed by the provisions of Chapters 49 and 54, Texas Water Code.

II.

The Petitioners holds fee simple title to the Land, as indicated by the certificate of ownership provided by the Appraisal District. Petitioner represents that there are no lienholders on the Land except Frost Bank.

III.

The Land is situated wholly within Comal County, Texas. All of the Land is within the extraterritorial jurisdiction (as such term is defined in Chapter 42, Texas Local Government Code, as amended) of the City of New Braunfels, Texas. No part of the Land is within the limits of any incorporated city, town, or village. All of the Land may properly be annexed into the District.

IV.

The general nature of the work to be done within the Land is the construction, acquisition, maintenance and operation of a waterworks and sanitary sewer system, a drainage and storm sewer system.

There is, for the following reasons, a necessity for the above-described work. The Land, which will be developed for commercial and/or residential purposes, is urban in nature, is within the growing

environs of the City, is in close proximity to populous and developed sections of Comal County, and within the immediate future will experience a substantial and sustained residential and commercial growth. There is not now available within the Land an adequate waterworks and sanitary sewer system nor an adequate drainage system, and it is not presently economically feasible for the Land to provide for such systems itself. Because the health and welfare of the present and future inhabitants of the Land and of lands adjacent thereto require the construction, acquisition, maintenance and operation of an adequate waterworks and sanitary sewer system and a drainage and storm sewer system. A public necessity exists for the annexation of the Land into the District, to provide for the purchase, construction, extension, improvement, maintenance and operation of such waterworks and sanitary sewer system and such drainage and storm sewer system, so as to promote the purity and sanitary condition of the State's waters and the public health and welfare of the community.

V.

The undersigned estimate, from such information as they have at this time, that the cost of extending the District's facilities to serve the Land is \$64,900.

WHEREFORE, the undersigned respectfully pray that this petition be heard and granted in all respects and that the City give its written consent to the annexation of the Land into the District.

[EXECUTION PAGES FOLLOW]

AUTHORIZED FOR EXECUTION BY THE BOARD OF DIRECTORS on December 12, 2025, and executed on the date specified below.

Comal County Water Improvement District No. 3A,
a political subdivision of the State of Texas

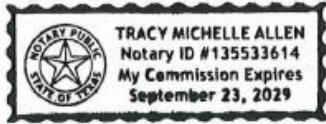


By: [Signature]
Name: Trevor Tast
Title: President

STATE OF TEXAS

COUNTY OF COMAL

This instrument was acknowledged before me on APRIL 17, 2026, by Trevor Tast as President of the Board of Directors of Comal County Water Improvement District No. 3A, a political subdivision of the State of Texas, on behalf of said political subdivision.



(NOTARY SEAL)

[Signature]
Notary Public, State of Texas

EXECUTED on MARCH 31, 2026.

KOHLBERG PARTNERS RETAIL, LTD.
a Texas limited partnership

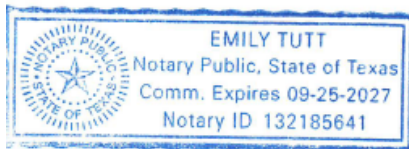
By: Kohlenberg Partners Group, Ltd.,
a Texas limited partnership,
its General Partner

By: Kohlenberg Partners GP, LLC
a Texas limited liability company,
its General Partner

By: 
Philip J. Pfeiffer, Jr. Manager

STATE OF TEXAS §
 §
COUNTY OF BEXAR §

This instrument was acknowledged before me on March 31, 2026, by Philip J. Pfeiffer, Jr., the Manager of Kohlenberg Partners GP, LLC, a Texas limited liability company, the General Partner of Kohlenberg Partners Group, Ltd., a Texas limited partnership, the General Partner of Kohlenberg Partners Retail, Ltd., a Texas limited partnership, on behalf of such entities.



(NOTARY SEAL)



Notary Public, State of Texas

EXECUTED on March 12, 2026

SOUTHSTAR AT MAYFAIR KOHLENBERG, LLC
a Texas limited liability company

By: _____

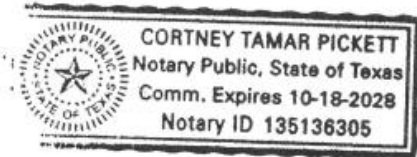
Name: Thad Rutherford

Title: President & CEO

STATE OF Texas

COUNTY OF Comal

This instrument was acknowledged before me on March 12, 2026 by Thad Rutherford, the CEO & President of Southstar at Mayfair Kohlenberg, LLC, a Texas limited liability company, on behalf of such company.



(NOTARY SEAL)

Cortney Tamar Pickett
Notary Public, State of Texas

Attachment

Exhibit A - Legal Description of the Land

EXHIBIT "B"

METES & BOUNDS DESCRIPTION

BEING A 1.735 (CALLED 1.736) ACRE TRACT OUT OF ANTONIO MARIA ESNAURIZAR SURVEY NO. 1, ABSTRACT NO. 98, COMAL COUNTY, TEXAS, BEING THE SAME TRACT CONVEYED IN AN AFFIDAVIT OF HEIRSHIP TO JOHN DENMAN SMITH RECORDED IN DOC. NO. 202406004786, OFFICIAL PUBLIC RECORDS OF COMAL COUNTY TEXAS, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING, at a found ½" iron rod, a point in the north right-of-way line of Kohlenberg Rd. (Variable width R.O.W.), an angle point of a tract conveyed in an "Rescission of Warranty Deed with Vendor's Lien" to Southstar at Mayfair Developer, LLC, recorded in Doc. No. 202206027253, Official Public Records of Comal County, Texas, the southeast corner of herein described tract and the **POINT OF BEGINNING**;

THENCE, N 44°20'56" W, a distance of 175.16 feet (N 44°12'00" W, 175.00 feet), with the said north right-of-way line of Kohlenberg Rd., to a ½" found iron rod, marking an angle point of said tract conveyed to Southstar at Mayfair Developer, LLC, the southwest corner of the herein described tract, from which a TxDOT Type I concrete monument found on said north right-of-way line bears, N 44°42'08" W, a distance of 399.84' (399.50'), for witness;

THENCE with the common line of said tract conveyed to Southstar at Mayfair Developer, LLC and the herein described tract, the following (3) courses and distances:

1. N 22°37'39" E, a distance of 331.98 feet (N 23°08'11" E, 332.44 feet), to a ½" found iron rod;
2. S 68°22'48" E, a distance of 242.03 feet (S 67°55'10" E, 242.18 feet), to a ½" found iron rod;
3. S 33°54'54" W, a distance of 412.73 feet (S 34°25'00" W, 412.30 feet), to the **POINT OF BEGINNING**, containing 1.735 acres more or less.

Basis of Bearing: Texas South Central Zone NAD 83

All set ½" iron rods capped with "Amerisurveyors" cap.


This metes & bounds description is accompanied by a plat map attached hereto and made a part hereof.

STATE OF TEXAS §

April 11, 2024

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



