

ORDINANCE NO. 2024-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 2.7 ACRES OUT OF THE SARAH DEWITT SURVEY NO. 48, ABSTRACT NO. 103, GUADALUPE COUNTY, LOCATED AT THE SOUTHWEST CORNER OF WEST KLEIN ROAD AND KLEIN MEADOWS, FROM APD SUP (AGRICULTURAL/PRE-DEVELOPMENT DISTRICT WITH A TYPE 1 SPECIAL USE PERMIT) TO C-1B (GENERAL BUSINESS DISTRICT) REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

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-1B (General Business 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 requested rezoning is in accordance with the City's Strategic Plan;

WHEREAS, the City Council desires to amend the Zoning Map by changing the zoning of approximately 2.7 acres out of the Sarah Dewitt Survey No. 48, Abstract No. 103, Guadalupe County, located at the southwest corner of West Klein Road and Klein Meadows from APD SUP (Agricultural/Pre-development District with a Type 1 Special Use Permit) to C-1B (General Business 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 APD SUP (Agricultural/Pre-development District with a Type 1 Special Use Permit) (Ord. No. 2018-8) to C-1B (General Business District):

Approximately 2.7 acres out of the Sarah Dewitt Survey No. 48, Abstract No. 103, Guadalupe County, as delineated on Exhibit "A" and described in 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THAT all other ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent that they are in conflict.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 25th day of November, 2024.

PASSED AND APPROVED: Second reading this 9th day of December, 2024.

CITY OF NEW BRAUNFELS

NEAL LINNARTZ, Mayor

ATTEST:

GAYLE WILKINSON, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

EXHIBIT "A"

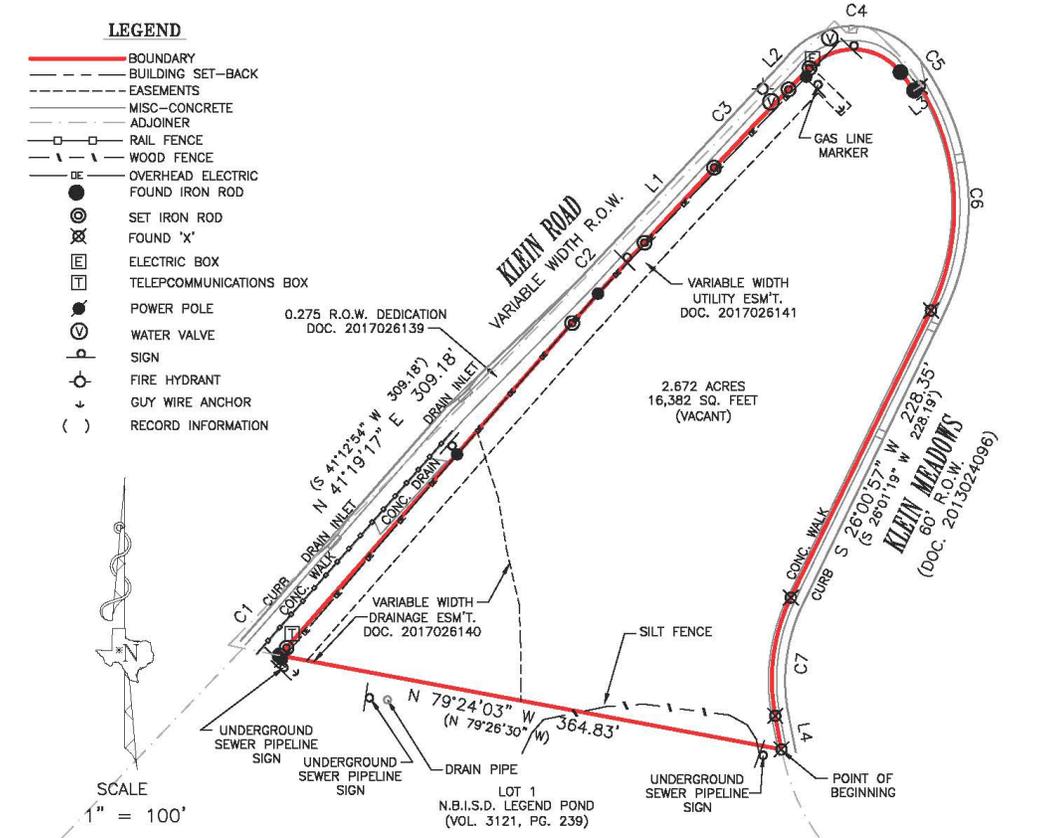
CAESAR A. GARCIA
 REGISTERED PROFESSIONAL LAND SURVEYOR
 FIRM REGISTRATION NO. 10194785
 14384 HUBER ROAD, SEGUIN, TX 78155
 (512)470-4669
 CGARCIASURVEYOR@GMAIL.COM

BORROWER/OWNER: NEW LEAF HOMES, LLC
 ADDRESS: W KLEIN ROAD
 CITY, STATE, ZIP: NEW BRAUNFELS, TEXAS 78130
 TITLE COMPANY: FIRST AMERICAN TITLE GUARANTY COMPANY
 GF NUMBER: 2635130-1841

A 2.672-ACRE TRACT OF LAND OUT OF THE SARAH DEWITT SURVEY NO. 48, ABSTRACT NO. 103, GUADALUPE COUNTY, TEXAS, BEING ALL OF THAT SAME TRACT CALLED 2.949 ACRES, CONVEYED TO NEW LEAF HOMES, LLC BY DEED RECORDED IN DOCUMENT NO. 2016018975 OF THE OFFICIAL PUBLIC RECORDS OF GUADALUPE COUNTY, TEXAS, SAVE AND EXCEPT ALL OF THAT SAME TRACT CALLED 0.275 OF AN ACRE CONVEYED TO THE CITY OF NEW BRAUNFELS BY DEED RECORDED IN DOCUMENT NO. 2017026139 OF THE OFFICIAL PUBLIC RECORDS OF GUADALUPE COUNTY, TEXAS (SEE ATTACHED DESCRIPTION)

RECORD DATA						FIELD DATA					
CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH	CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	7.49'	3049.00'	0°08'27"	S 41°17'07" W	77.49'	C1	7.45'	3049.00'	0°08'24"	N 41°23'29" E	77.43'
C2	77.26'	3076.29'	1°28'20"	S 41°17'07" W	77.25'	C2	77.25'	3076.29'	1°28'20"	N 42°00'17" E	77.25'
C3	77.28'	3006.08'	1°28'21"	S 43°27'54" W	77.25'	C3	77.25'	3006.08'	1°28'21"	N 43°34'17" E	77.25'
C4	73.66'	43.11'	97°53'10"	N 86°50'31" E	65.02'	C4	73.66'	43.11'	97°53'55"	S 87°21'07" E	65.02'
C5	16.50'	160.75'	5°52'52"	N 34°57'30" E	16.49'	C5	16.44'	160.75'	5°51'37"	S 35°28'21" E	16.43'
C6	---	167.50'	---	---	---	C6	167.46'	167.50'	57°16'53"	S 02°52'25" E	160.57'
C7	86.87'	135.00'	36°52'10"	S 07°28'29" W	85.38'	C7	86.81'	135.00'	36°50'42"	S 07°30'02" W	85.33'

- LEGEND**
- BOUNDARY
 - - - BUILDING SET-BACK
 - - - EASEMENTS
 - - - MISC-CONCRETE ADJOINER
 - RAIL FENCE
 - WOOD FENCE
 - OVERHEAD ELECTRIC
 - FOUND IRON ROD
 - SET IRON ROD
 - ⊗ FOUND 'X'
 - ELECTRIC BOX
 - TELECOMMUNICATIONS BOX
 - POWER POLE
 - ⊕ WATER VALVE
 - ⊕ SIGN
 - ⊕ FIRE HYDRANT
 - ⊕ GUY WIRE ANCHOR
 - () RECORD INFORMATION



RECORD DATA			FIELD DATA		
LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	S 42°42'54" W	73.15'	L1	N 42°49'17" E	73.15'
L2	S 44°12'54" W	21.43'	L2	N 44°19'17" E	21.43'
L3	S 57°58'56" W	6.75'	L3	N 52°01'12" E	5.41'
L4	S 10°29'25" W	24.43'	L4	S 10°22'31" E	24.42'

TO: NEW LEAF HOMES, LLC; FIRST AMERICAN TITLE GUARANTY COMPANY

I, Caesar A. Garcia, a Registered Professional Land Surveyor do hereby certify that the above plat represents an actual on the ground survey performed under my direct supervision and is true and correct to the best of my knowledge and belief and that there are no visible encroachments, overlapping of improvements and no discrepancies, shortages of area and conflicts in the boundary lines except as shown. I further certify that this survey meets the minimum standards established by the Texas Board of Professional Land Surveying.

CA

CAESAR A. GARCIA
 REGISTERED PROFESSIONAL LAND SURVEYOR
 TEXAS REGISTRATION NO. 5904



TITLE NOTES

PER SCHEDULE B OF THE TITLE COMMITMENT REFERENCED ABOVE, THE FOLLOWING ITEMS MAY AFFECT THIS TRACT:

- 10A. VOLUME 2648, PAGE 811, VOLUME 2779, PAGE 270, VOLUME 2995, PAGE 200, VOLUME 3079, PAGE 554, VOLUME 3085, PAGE 1026 AND COUNTY CLERK'S FILE NO. 2016018969, OF THE OFFICIAL PUBLIC RECORDS, GUADALUPE COUNTY, TEXAS.
- 10E. EASEMENT: RIGHT OF WAY RECORDED: MAY 02, 1991 IN VOLUME 955, PAGE 131, OF THE OFFICIAL PUBLIC RECORDS, GUADALUPE COUNTY, TEXAS. (MAY AFFECT-NO EASEMENT DESCRIPTION PROVIDED)
- 10F. EASEMENT: RIGHT OF WAY RECORDED: JUNE 23, 2001 IN VOLUME 181B, PAGE 580, OF THE OFFICIAL PUBLIC RECORDS, GUADALUPE COUNTY, TEXAS. (MAY AFFECT-NO EASEMENT DESCRIPTION PROVIDED)
- 10G. EASEMENT: RIGHT OF WAY RECORDED: JUNE 23, 2001 IN VOLUME 161B, PAGE 581, OF THE OFFICIAL PUBLIC RECORDS, GUADALUPE COUNTY, TEXAS.(MAY AFFECT-NO EASEMENT DESCRIPTION PROVIDED)
- 10H. EASEMENT: DRAINAGE RECORDED: NOVEMBER 02, 2017 IN COUNTY CLERK'S FILE NO. 2017026140, OF THE OFFICIAL PUBLIC RECORDS, GUADALUPE COUNTY, TEXAS. (SUBJECT TO, AS SHOWN)
- 10I. EASEMENT: PUBLIC UTILITY RECORDED: NOVEMBER 02, 2017 IN COUNTY CLERK'S FILE NO. 2017026141, OF THE OFFICIAL PUBLIC RECORDS, GUADALUPE COUNTY, TEXAS. (SUBJECT TO, AS SHOWN)
- 10K. TERMS, CONDITIONS AND STIPULATIONS IN THE AGREEMENT: RECORDED: DECEMBER 12, 2012 IN VOLUME 4060, PAGE 692 AND NOTICE RECORDED NOVEMBER 07, 2018 IN COUNTY CLERK'S FILE NO. 201899025510, OFFICIAL PUBLIC (NOT A SURVEY ITEM)

Improvements shown on this survey may not portray exact shape and size and are for general illustration purposes.

EXHIBIT "B"

CAESAR A. GARCIA
REGISTERED PROFESSIONAL LAND SURVEY NO. 5904
14384 HUBER RD.
SEGUIN, TX 78155

STATE OF TEXAS
COUNTY OF BEXAR

2.672 ACRES
KLEIN RD.

A 2.672-ACRE TRACT OF LAND OUT OF THE SARAH DEWITT SURVEY NO. 48, ABSTRACT NO. 103, GUADALUPE COUNTY, TEXAS, BEING ALL OF THAT SAME TRACT CALLED 2.949 ACRES, CONVEYED TO NEW LEAF HOMES, LLC BY DEED RECORDED IN DOCUMENT NO. 2016018975 OF THE OFFICIAL PUBLIC RECORDS OF GUADALUPE COUNTY, TEXAS, **SAVE AND EXCEPT** ALL OF THAT SAME TRACT CALLED 0.275 OF AN ACRE CONVEYED TO THE CITY OF NEW BRAUNFELS BY DEED RECORDED IN DOCUMENT NO. 2017026139 OF THE OFFICIAL PUBLIC RECORDS OF GUADALUPE COUNTY, TEXAS, SAID 2.676-ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a chiseled 'X' found on a concrete sidewalk on the west right-of-way line of Klein Meadows (60-foot-wide right-of-way) for the northeast corner Lot 1, N.B.I.S.D. Legend Pond, according to the map or plat thereof, recorded in Volume 3121, Page 239 of the Plat Records of Guadalupe County, Texas, same being the southwest corner of said 2.949-acre tract, and the southwest corner and **POINT OF BEGINNING** of this herein described tract;

THENCE, N 79°24'03" W (N 79°26'30" W per deed), leaving the west right-of-way line of Klein Meadows, with the north line of said Lot 1, a distance of **364.83 feet** to a ½" iron rod set in the southeast right-of-way line of Klein Road (variable width right-of-way), for the south corner of said 0.275-acre tract, same being the southwest corner of this herein described tract;

THENCE, with the southeast right-of-way line of Klein Road, same being the southeast line of said 0.275-acre tract, the following nine (9) courses and distances:

1. **7.45 feet** (7.49 feet per deed) along the arc of a non-tangent curve to the left, having a radius of 3049.00 feet, a central angle of 0°08'24", and a chord which bears N 41°23'29" E, a distance of 7.45 feet to a ½" iron rod set for the end of said curve;
2. **N 41°19'17" E** (S 41°12'54" W, 309.18 feet per deed), a distance of **309.18 feet** to a ½" iron rod set for the beginning of a curve to the right;

3. **77.25 feet** (77.26 feet per deed) along the arc of a curve to the right, having a radius of 2076.29 feet, a central angle of $01^{\circ}26'20''$, and a chord which bears N $42^{\circ}00'17''$ E, a distance of 77.25 feet to a $\frac{1}{2}$ " iron rod set for the end of said curve;
4. **N $42^{\circ}49'17''$ E** (S $42^{\circ}42'54''$ W, 73.15 feet per deed), a distance of **73.15 feet** to a $\frac{1}{2}$ " iron rod set for the beginning of a curve to the right;
5. **77.25 feet** (77.26 feet per deed) along the arc of said curve to the right, having a radius of 3006.08 feet, a central angle of $01^{\circ}28'21''$, and a chord which bears N $43^{\circ}34'17''$ E, a distance of 77.25 feet to a $\frac{1}{2}$ " iron rod set for the end of said curve;
6. **N $44^{\circ}19'17''$ E** (S $44^{\circ}12'54''$ W, 21.43 feet per deed), a distance of **21.43 feet** to a $\frac{1}{2}$ " iron rod set for the beginning of a curve to the right;
7. **73.66 feet** (73.66 feet per deed) along the arc of said curve to the right, having a radius of 43.11 feet, a central angle of $97^{\circ}53'55''$, and a chord which bears S $87^{\circ}21'07''$ E, a distance of 65.02 feet to a $\frac{1}{2}$ " iron rod found for the point of curvature of a compound curve to the right;
8. **16.44 feet** (16.50 feet per deed) along the arc of said curve to the right, having a radius of 160.75 feet, a central angle of $05^{\circ}51'37''$, and a chord which bears S $35^{\circ}28'21''$ E, a distance of 16.43 feet;
9. **N $52^{\circ}01'12''$ E** (S $57^{\circ}58'56''$ W, 6.75 feet per deed), a distance of **5.41 feet** to a chiseled 'X' found in the west right-of-way line of Klein Meadows for the easternmost corner of said 0.275-acre tract, same being the northeast corner of this herein described tract and the beginning of a non-tangent curve to the right;

THENCE, with the west right-of-way line of Klein Meadows, the following four (4) courses and distances:

1. **167.46 feet** along the arc of said curve to the right, having a radius of 167.50 feet, a central angle of $57^{\circ}16'53''$, and a chord which bears S $02^{\circ}52'25''$ E, a distance of 160.57 feet to a chiseled 'X' found for the end of said curve;
2. **S $26^{\circ}00'57''$ W** (S $26^{\circ}01'19''$ W, 228.19 feet per deed), a distance of **228.35 feet** to a chiseled 'X' found for the point of curvature of a curve to the left;
3. **86.81 feet** (85.38 feet per deed) along the arc of said curve to the left having a radius of 135.00 feet, a central angle of $36^{\circ}50'42''$, and a chord which bears S $07^{\circ}30'02''$ W, a distance of 85.33 feet to a chiseled 'X' found for the end of said curve;

4. **S 10°22'31" E** (S 10°29'25" E, 24.23 feet per deed), a distance of **24.42 feet** to the **POINT OF BEGINNING** of this herein described tract, containing 2.672 acres (116,382 square feet) of land, more or less, within these metes and bounds.

All field bearings are referenced to the North American Datum of 1983 (NAD83) Horizontal Datum, Texas State Plane Coordinate System, South Central Zone.

I hereby certify that this survey was performed upon the ground September 12, 2023, under my direct supervision and is true and correct to the best of my knowledge.



Caesar A. Garcia
Registered Professional Land Surveyor No. 5904

