

**ORDINANCE NO. 2022-03**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 2.3 ACRES OUT OF THE HENRY FOSTER SURVEY NO. 34, ABSTRACT NO. 154, COMAL COUNTY, TEXAS, ADDRESSED AT 948 BROADWAY, FROM “M-2” HEAVY INDUSTRIAL DISTRICT TO “R-1A-6.6” SINGLE FAMILY 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 “R-1A-6.6” Single Family District, the City Council has given due consideration to all components of said district; 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; and

**WHEREAS**, the City Council desires to amend the Zoning Map by rezoning approximately 2.3 acres out of the Henry Foster Survey No. 34, Abstract No. 154, Comal County, Texas, addressed at 948 Broadway from “M-2” Heavy Industrial District to “R-1A-6.6” Single Family District, **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 described tract of land from “M-2” Heavy Industrial District to “R-1A-6.6” Single Family District:

Approximately 2.3 acres out of the Henry Foster Survey No. 34, Abstract No. 154, Comal County, Texas, addressed at 948 Broadway as described in

Exhibit "A" and delineated in Exhibit "B" attached.

## **SECTION 2**

**THAT** all provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.

## **SECTION 3**

**THAT** all other ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent that they are in conflict.

## **SECTION 4**

**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 5**

**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 10th day of January, 2022.

**PASSED AND APPROVED:** Second reading this 24th day of January, 2022.

**CITY OF NEW BRAUNFELS**

\_\_\_\_\_  
**RUSTY BROCKMAN**, Mayor

**ATTEST:**

\_\_\_\_\_  
**Gayle Wilkinson**, Interim City Secretary

**APPROVED AS TO FORM:**

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

**EXHIBIT "A"**  
**METES & BOUNDS DESCRIPTION**

**BEING A 2.31 ACRE TRACT OF LAND OUT OF THE HENRY FOSTER SURVEY NO. 34, ABSTRACT NO. 154, SITUATED IN NEW BRAUNFELS COMAL COUNTY, TEXAS, SAME BEING OUT OF THE REMAINING PORTION OF A CALLED 3.08 ACRE TRACT OF LAND DESCRIBED IN WARRANTY DEED, VOLUME 97, PAGE 56, OFFICIAL PUBLIC RECORDS COMAL COUNTY, TEXAS, SAME BEING CONVEYED TO MYRTLE MARIE PROPERTIES, LLC. KNOWN AS TRACT 2, IN DOCUMENT NUMBER 201806047340, OFFICIAL PUBLIC RECORDS COMAL COUNTY, TEXAS SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**BEGINNING** at a found pipe, a point on the east R.O.W. Broadway Drive (Variable Width A.K.A. Broadway), marking the westerly corner of a remaining portion of a called 0.997 acre tract described in a deed to Myrtle Hanz in Document No. 200506016535, Official Public Records of Comal County, Texas, and being the most northerly corner of said 3.08 acre tract, same being the north corner of herein described tract;

**THENCE**, along the common line of said 0.997 acre tract, said 3.08 acre tract, and the herein described tract, S 45°54'51" E, 330.95 feet (called S 45°), to a found ½" iron rod, marking the south corner of the remaining portion of said 0.997 acre tract, the west corner of a called 0.278 acre tract in a deed to the City of New Braunsfels, Texas and described in Document No. 200506040889, Official Public Records of Comal County, Texas, the north corner of a called 0.730 acre tract in a deed to the City of New Braunsfels, Texas, and described in Document No. 200606018364, Official Public Records of Comal County, Texas, same being the east corner of herein described tract;

**THENCE**, across and into said 3.08 acre tract, along the common boundary of said 0.730 acre tract, and herein described tract, S 24°29'29"W, 276.96 feet (S 24°27'49"E), to a found ½" iron rod with "yellow" cap, marking the west corner of said 0.730 acre tract, the north corner of a called 0.207 acre tract in a deed to the City of New Braunsfels, Texas, and described in Document No. 200606001671, Official Public Records of Comal County, Texas, the east corner of the remaining portion of a called 0.89 acre tract in a deed to Robert M. Culpepper described in Document No. 9806004370, Official Public Records of Comal County, Texas, also being a point along the southwest boundary line of said 3.08 acre tract, same being the south corner of herein described tract;

**THENCE**, along the common boundary line of said 0.89 acre tract, and said 3.08 acre tract, same being the herein described tract, N 47°08'00" W, 426.20 feet (N 44° W), to a set ½" iron rod with cap, on the said east R.O.W. of Broadway Drive, marking the north corner of said 0.89 acre tract, the west corner of said 3.08 acre tract, same being the west corner of herein described tract;

**THENCE**, continuing along said east R.O.W. of Broadway Drive, same the being the common boundary line of said 3.08 acre tract and herein described tract, N 44°34'02" E, 270.00 feet (N 45° E), to the **POINT OF BEGINNING** and containing 2.31 acres, more or less.

Basis of Bearing: Texas South Central NAD 83  
ALL SET ½" IRON RODS CAPPED WITH "AMERISURVEYORS" CAP

**EXHIBIT "A"**

2.296 ACRES OF LAND LOCATED IN THE HENRY FOSTER SURVEY NO. 34, ABSTRACT NO. 154, COMAL COUNTY, TEXAS, BEING THAT SAME LAND CLLED 2.31 ACRES, RECORDED IN DOCUMENT NO. 201906017583, OFFICIAL PUBLIC RECORDS, COMAL COUNTY, TEXAS.

TITLE COMMITMENT:  
CHICAGO TITLE INSURANCE COMPANY  
OF# SCT-49-4300121903921  
POLICY DATE: 5-23-19

#### SCHEDULE B

NO ITEMS WERE FOUND ON PAGE 1 AND 2 OF SCHEDULE B PROVIDED.

THIS SURVEYOR HAS NOT CONDUCTED A TITLE SEARCH TO DEPICT OTHER MATTERS OF RECORD, SUCH AS EASEMENTS, SETBACKS, RESTRICTIONS OR OTHER ENCUMBRANCES THAT MAY AFFECT THIS PROPERTY.

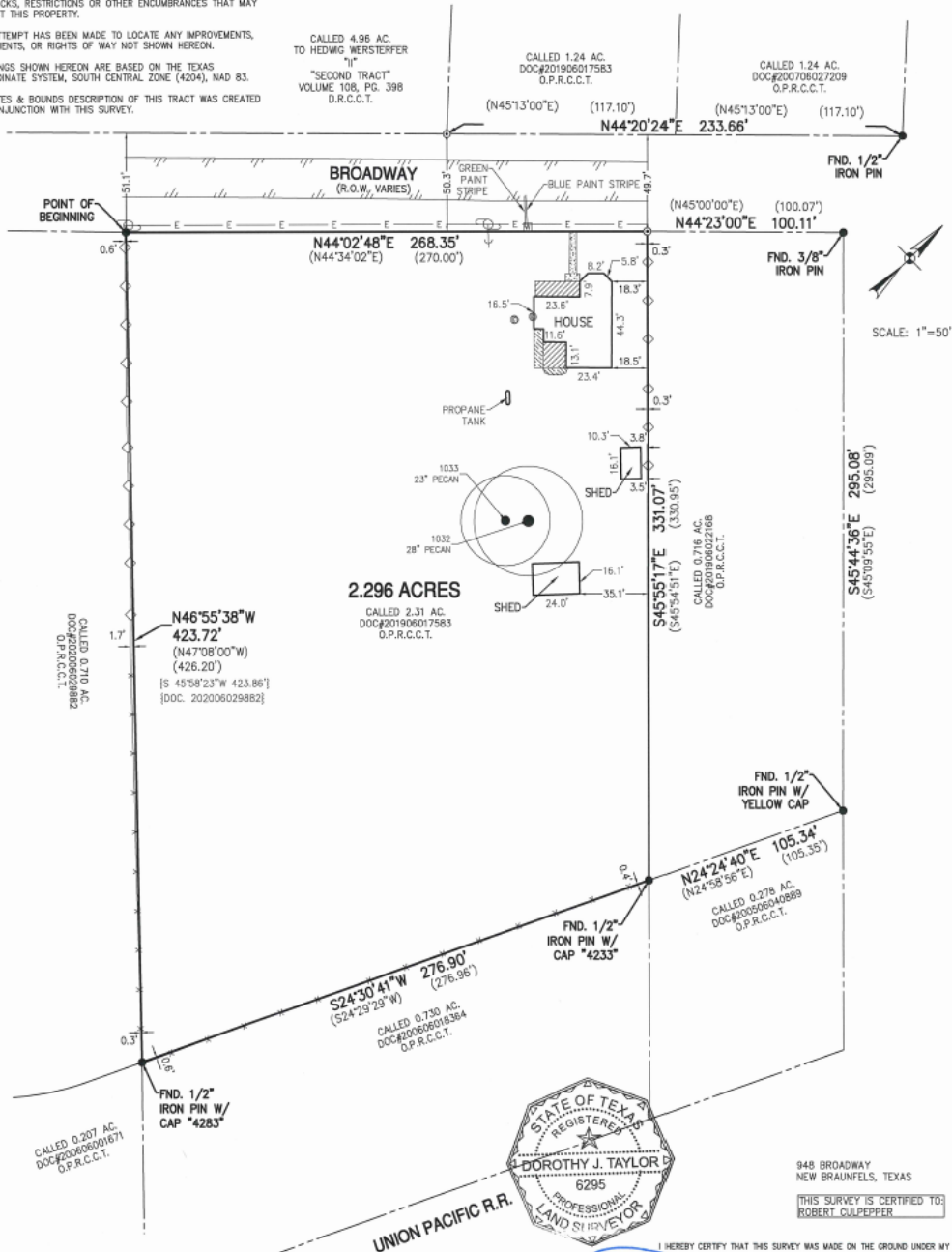
NO ATTEMPT HAS BEEN MADE TO LOCATE ANY IMPROVEMENTS, EASEMENTS, OR RIGHTS OF WAY NOT SHOWN HEREON.

BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NAD 83.

A METES & BOUNDS DESCRIPTION OF THIS TRACT WAS CREATED IN CONJUNCTION WITH THIS SURVEY.

#### LEGEND:

- = FND 1/2" IRON PIN W/ CAP STAMPED "4907" UNLESS OTHERWISE NOTED
- = FND 1" PIPE
- B.L. = BUILDING SETBACK LINE
- U.E. = UTILITY EASEMENT
- D.E. = DRAINAGE EASEMENT
- R.O.W. = RIGHT-OF-WAY
- ( ) = RECORD CALLS
- ⊕ = WATER METER
- ⊙ = CLEAN OUT
- ⌵ = GUY ANCHOR
- ⌂ = POWER POLE
- E — = OVERHEAD ELECTRIC
- X — = BARBED WIRE FENCE
- ◊ — = CHAIN LINK FENCE
- / — = EDGE OF ASPHALT
- ▬ = CONCRETE
- ▨ = COVERED WOOD DECK
- ▩ = WOOD DECK
- O.P.R.C.C.T. = OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS
- D.R.C.C.T. = DEED RECORDS OF COMAL COUNTY, TEXAS



**HMT**  
ENGINEERING & SURVEYING

290 S. CASTELL AVE., STE. 100  
NEW BRAUNFELS, TX 78130  
TBPE FIRM F-10961  
TBPLS FIRM 10153600

DRAWN BY: JAF  
FIELD CREW: JJO

12-23-20

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY SUPERVISION  
THIS 17TH DAY OF DECEMBER 2020  
DOROTHY J. TAYLOR  
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6295  
PLT160

945 BROADWAY  
NEW BRAUNFELS, TEXAS  
THIS SURVEY IS CERTIFIED TO:  
ROBERT CULPEPPER

EXHIBIT "B"