

ORDINANCE NO. 2020-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 8.0 ACRES, LOTS 1 & 2 SOEFIE SUBDIVISION (3.9 ACRES) ADDRESSED AT 1998 IH 35 NORTH AND APPROXIMATELY 4.0 ACRES OUT OF A-1 SUR-1AM ESNAURIZAR, ADDRESSED AT 2050 IH 35 NORTH, FROM “C-3” COMMERCIAL DISTRICT AND “APD” AGRICULTURAL/PRE-DEVELOPMENT DISTRICT TO “MU-B” HIGH INTENSITY MIXED-USE 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 “MU-B” High Intensity Mixed-Use 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 8.0 acres, being Lots 1 & 2 Soefje Subdivision (3.9 acres) addressed at 1998 IH 35 North and approximately 4.0 acres out of A-1 SUR-1AM Esnaurizar addressed at 2050 IH 35 North, from “C-3” Commercial District and “APD” Agricultural/Pre-Development District to “MU-B” High Intensity Mixed-Use 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 “C-3” Commercial District and “APD” Agricultural/Pre-Development District to “MU-B” High Intensity Mixed-Use District:

Approximately 8.0 acres, Lots 1 & 2 Soefje Subdivision (3.9 acres) addressed at 1998 IH 35 North and approximately 4.0 acres out of A-1 SUR-1AM Esnaurizar

addressed at 2050 IH 35 North 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THAT all provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.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THAT all other ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent that they are in conflict.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 27th day of July, 2020.

PASSED AND APPROVED: Second reading this 10th day of August, 2020.

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

ATTEST:

ANDREW A. LYONS III, Assistant City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

EXHIBIT "A"

LEGAL DESCRIPTION OF TRACT 1 - 4.130 ACRES

BEING a 4.130 acres (179,922 square feet) tract of land situated in the A.M. Esnaurizar Survey, Abstract 98, Comal County, Texas; being the same tract of land described in instrument to Corridor 35 Development, LLC, in Document No. 200606044124 of the Official Public Records of Comal County; and being more particularly described as follows;

BEGINNING at a 1/2" iron rod found in the southwest boundary line of Lot 1 of the New Braunfels Storage Subdivision, plat of which is recorded in Volume 13, Page 101 of the Map Records of Comal County, Texas; and at the north corner of Lot 1, Block 1, Comal Farms Subdivision, Unit One, plat of which is recorded in Volume 12, Page 217 of the Map Records of Comal County, Texas; for the east corner of this tract;

THENCE, South 54°21'15" West, 165.62 feet along the northwest boundary line of said Lot 1, Block 1, Comal Farms Subdivision, to a 1/2 inch iron rod found at the east corner of a called 2.024 acre tract of land being the northern tract of the Soefe Subdivision, plat of which is recorded in Volume 5, Page 103 of the Plat Records of Comal County, Texas; same being the east corner of a 3.928 acre tract of land, called Tract 2, just surveyed, for the south corner of this tract;

THENCE, North 49°12'14" West, 845.27 feet along the northeast boundary line of said 2.024 acre tract to a 1/2" iron rod with surveyor's cap stamped "KHA" set in the southeasterly right-of-way line of Interstate Highway No. 35 (variable width ROW), at the east corner of a called 0.030 acre tract of land, as evidenced in Instrument recorded in Document No. 9906021575 of the Official Public Records of Comal County, Texas; and the south corner of a called 0.058 acre tract of land, as evidenced in Instrument recorded in Document No. 9906021573 of the Official Public Records of Comal County, Texas; for the west corner of this tract;

THENCE, along the southeasterly right-of-way line of said Interstate Highway No. 35 and the southeast boundary line of said 0.058 acre tract, along the arc of a curve to the right having a radius of 6715.49 feet, an arc length of 252.74 feet, and a chord bearing and distance of North 40°54'27" East, 252.73 feet to concrete monument found for the north corner of this tract;

THENCE, South 43°16'39" East, along the northeast boundary line of this tract, at 10.36 feet passing a 5/8" iron rod with a blue surveyor's cap found, then continuing along the common boundary line of said Lot 1 of the New Braunfels Storage Subdivision and this tract, in all a distance of 888.35 feet to the **POINT OF BEGINNING** and containing 4.130 acres of land, more or less, in Comal County, Texas. The basis of bearing for this description is the Texas State Plane Coordinate System GRID, South Central Zone (FIPS 4204) (NAD'83). All distances are GRID and shown in U.S. Survey Feet. This document was prepared in the office of Kimley- Horn and Associates, Inc. in San Antonio, Texas.

LEGAL DESCRIPTION OF TRACT 2 - 3.928 ACRES

BEING a 3.928 acres (171,101 square feet) tract of land, being the residue of the 1.961 acre tract of land and the 2.024 acre tract of land show on the plat of Soefje Subdivision as recorded in Volume 5, Page 103, Map and Plat Records, Comal County, Texas, Said 3.928 acre tract of land being more particularly described by meets and bounds as follows:

BEGINNING at a 1/2" iron rod found in the northwest boundary line of Lot 1, Block 1 of the Comal Farms Subdivision, Unit One, as shown on plat recorded in Volume 14, Page 31-32 of the Map and Plat Records of Comal County, Texas; and at the east corner of the Ronald B. Snider Tract, being the residue of a 3.745 acre tract recorded in Volume 918, Page 484, Official Public Records of Comal County, Texas; for the south corner of said 1.961 acre tract and the south corner of this tract;

THENCE, North 56°04'26" West, 802.97 feet, departing said Lot 1, Block 1 of the Comal Farms Subdivision, along the common boundary line of this tract and said Snider Tract to a concrete monument found in the southeasterly right-of-way line of Interstate Highway 35 (variable width R.O.W.) and at the south corner of a called 0.030 acre tract of land, as evidenced in Instrument recorded in Document No. 9906021574 of the Official Public Records of Comal County, Texas; for the north corner of said Snider Tract and the west corner of this tract;

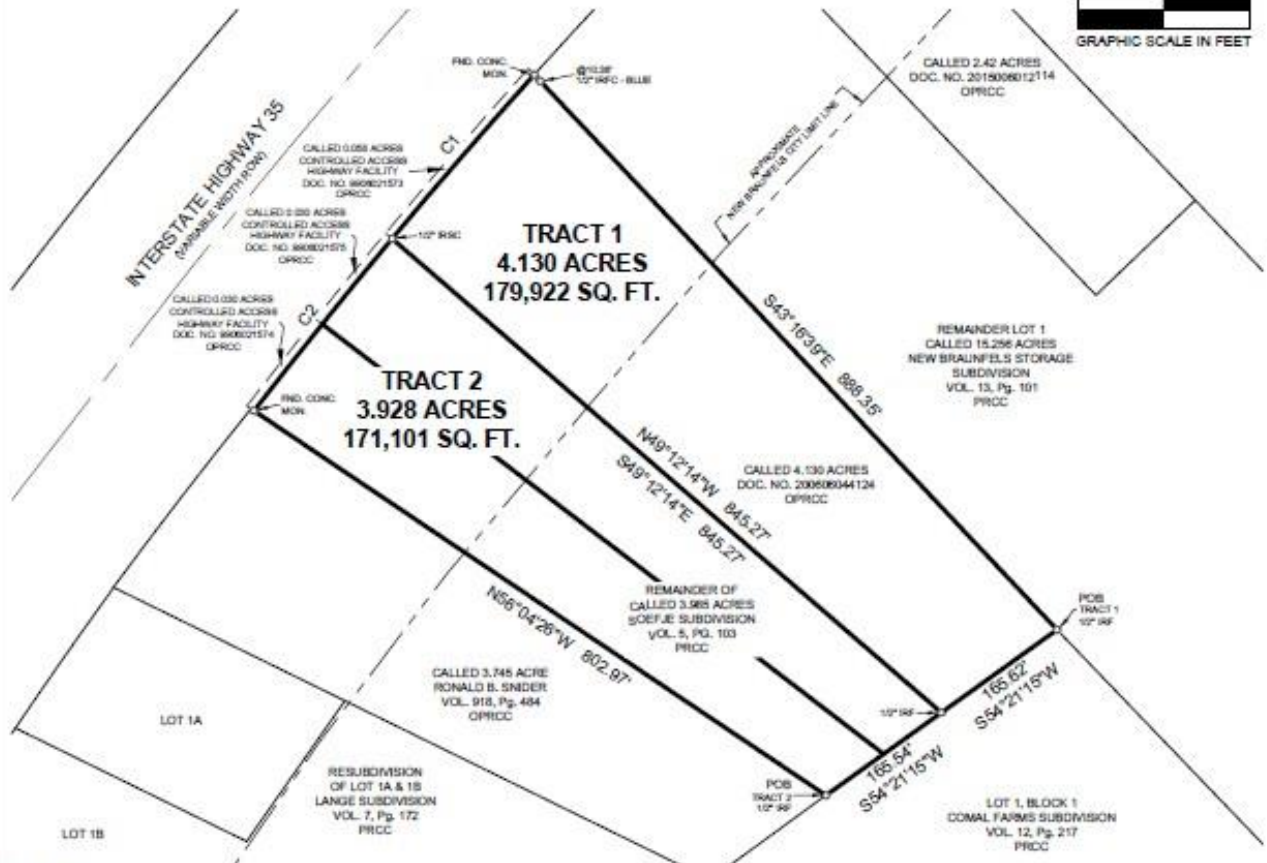
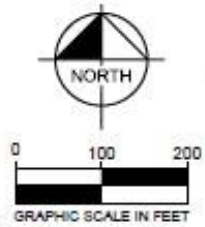
THENCE, along the southeasterly right-of-way line of said Interstate Highway No. 35, along the arc of a curve to the right having a radius of 6715.49 feet, an arc length of 257.16 feet, and a chord bearing and distance of North 38°43'56" East, 257.14 feet to a 1/2" iron rod with plastic surveyor's cap stamped "KHA" set at the east corner of a second called 0.030 acre tract of land, as evidenced in Instrument recorded in Document No. 9906021575 of the Official Public Records of Comal County, Texas; and the west corner of a 4.130 acre tract of land, called Tract 1, just surveyed, for north corner of this tract;

THENCE, South 49°12'14" East, 845.27 feet departing the southeasterly right-of-way line of said Interstate Highway No. 35, along the common line of this tract and said Tract 1, to a 1/2" iron rod found in the northwest boundary line of said Lot 1, Block 1 of the Comal Farms Subdivision, and at the south corner of said Tract 1, for the east corner of said 2.024 acre tract and the east corner of this tract;

THENCE, South 54°21'15" West, 165.54 feet along the common line of this tract and said Lot 1, Block 1 of the Comal Farms Subdivision, to the **POINT-OF-BEGINNING** and containing 3.928 acres of land, more or less, in Comal County, Texas. The basis of bearing for this description is the Texas State Plane Coordinate System GRID, South Central Zone (FIPS 4204) (NAD'83). All distances are GRID and shown in U.S. Survey Feet. This document was prepared in the office of Kimley-Horn and Associates, Inc. in San Antonio, Texas.

EXHIBIT "B"

GEODETIC BASIS STATEMENT: THE BEARINGS, DISTANCES, AREAS AND COORDINATES SHOWN HEREON ARE TEXAS STATE COORDINATE SYSTEM GRID, SOUTH CENTRAL ZONE (FIPS 4204) (NAD'83), AS DETERMINED BY THE GLOBAL POSITIONING SYSTEM (GPS). THE UNIT OF LINEAR MEASUREMENT IS U.S. SURVEY FEET.



LEGEND

POB - POINT OF BEGINNING
 IRSC - 1/2" IRON ROD W/ "KHA" CAP SET
 IRF - IRON ROD FOUND
 IRFC - IRON ROD W/CAP FOUND
 IPF - IRON PIPE FOUND
 CONC. MON. - CONCRETE MONUMENT
 OPRCC - OFFICIAL PUBLIC RECORDS COMAL COUNTY
 PRCC - PLAT RECORDS COMAL COUNTY

CURVE TABLE					
NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	2°09'23"	6715.49'	252.74'	N40°54'27"E	252.73'
C2	2°11'39"	6715.49'	257.16'	N38°43'56"E	257.14'

**BOUNDARY EXHIBIT OF
 TRACT 1 - 4.130 ACRES
 TRACT 2 - 3.928 ACRES**
 BEING OUT OF THE
 A.M. ESNAURIZAR SURVEY, ABSTRACT 98
 CITY OF NEW BRAUNFELS
 COMAL COUNTY, TEXAS

PRELIMINARY
 THIS DOCUMENT SHALL
 NOT BE RECORDED FOR
 ANY PURPOSE AND
 SHALL NOT BE USED OR
 VIEWED OR RELIED
 UPON AS A FINAL
 SURVEY DOCUMENT

ZACHARY K. PETRUS
 REGISTERED PROFESSIONAL
 LAND SURVEYOR NO. 6769
 601 NW LOOP 410, SUITE 350
 SAN ANTONIO, TEXAS 78216
 PH. 210-541-9166
 ZACH.PETRUS@KIMLEY-HORN.COM

Kimley»Horn
 601 NW Loop 410, Suite 350 San Antonio, Texas 78216 FIRM # 10193073 Tel. No. (210) 541-9166 www.kimley-horn.com

Scale 1" = 200'	Drawn by ZKP	Checked by APS	Date 6/1/2020	Project No. 068719403	Sheet No. 3 OF 3
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