

ORDINANCE NO. 2023-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 8 ACRES, BEING OUT OF A. M. ESNAURIZAR SURVEY 1, ABSTRACT 1, CURRENTLY ADDRESSED AT 1297 CHURCH HILL DRIVE, FROM R-2 (SINGLE-FAMILY AND TWO-FAMILY DISTRICT) 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 the 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 approximately 8 acres being out of A. M. Esnaurizar Survey 1, Abstract 1, currently addressed at 1297 Church Hill Drive from R-2 (Single-Family and Two-Family District) 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 R-2 (Single-Family and Two-Family District) to C-1B (General Business District):

Approximately 8 acres being out of A. M. Esnaurizar Survey 1, Abstract 1, as depicted 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THAT all other ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent that they are in conflict.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 24th day of July 2023.

PASSED AND APPROVED: Second reading this 14th 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"

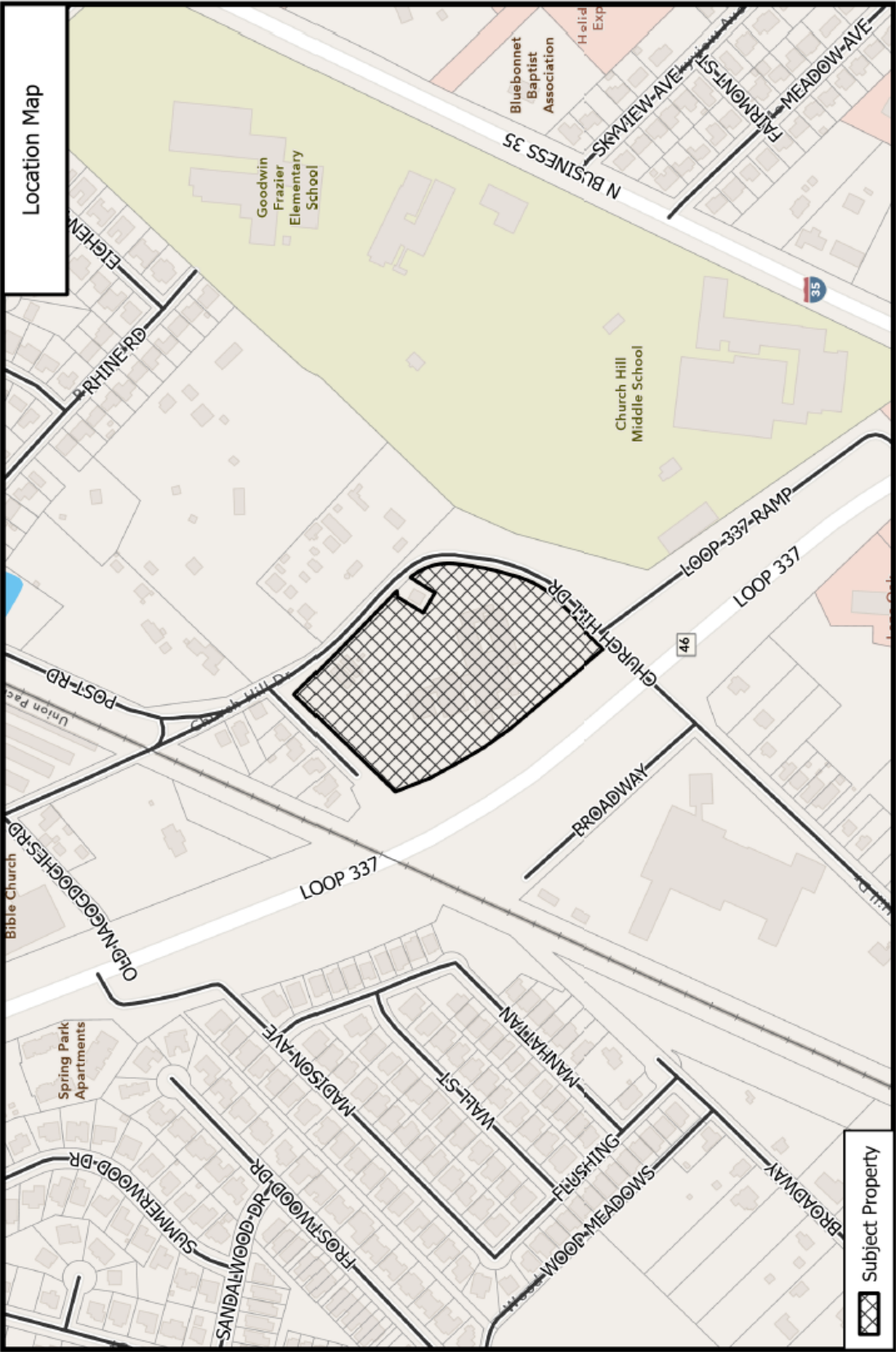


EXHIBIT "B"

Lamberts & Associates Surveying, Inc.

BOUNDARY • ALTA • TOPOGRAPHIC • CONSTRUCTION
618 COMAL STREET • NEW BRAUNFELS, TX. 78130
PHONE (830) 625-0337 FAX (830) 625-0858
lambertssurveying@yahoo.com

All that certain tract or parcel of land containing 7.714 acres of land out of Subdivision No. 109 of the A.M. Esnaurizar Eleven League Grant, Abstract No. 1, City of New Braunfels, Comal County, Texas, being known as a portion of Lots 16 and 17, Neighborsville, a subdivision of record in Volume G, Page 574 of the Deed Records of Comal County, Texas and being a portion of those parcels recorded in Volume 114, Page 439 of said Deed Records; Said 7.714 acre parcel being more particularly described by metes and bounds as follows:

BEGINNING at a TXDOT disc (controlling monument) found at the intersection of the Northeasterly right-of-way line of Loop 337 (State Highway 46) and the northwesterly right-of-way line of Church Hill Drive for the most southerly corner and POINT OF BEGINNING of this parcel;

THENCE with said right-of-way line of Loop 337, the following four (4) courses:

- 1). North 40 deg 05' 38" West, a distance of 239.64 feet (called North 40 deg 06' West, 238.6 feet in Volume 145, Page 620 of said Deed Records) to a TXDOT disc found for angle;
- 2). North 37 deg 41' 23" West, a distance of 178.79 feet (called North 37 deg 42' West, 179.7 feet) to a TXDOT disc found for angle;
- 3). North 29 deg 46' 00" West, a distance of 187.41 feet (called North 29 deg 46' West, 187.6 feet) to a TXDOT disc found for angle;
- 4). North 23 deg 37' 36" West, a distance of 131.56 feet (called North 23 deg 38' West, 131.6 feet) to a TXDOT disc (controlling monument) found at the intersection of said right-of-way line of Loop 337 with the occupied southeasterly right-of-way line of Broadway for the most westerly corner of this parcel;

THENCE with said right-of-way line of Broadway, North 44 deg 29' 15" East, a distance of 408.65 feet to a fence post found at the intersection of said right-of-way of Broadway with the occupied southwesterly right-of-way line of Church Hill Drive;

THENCE with said right-of-way line of Church Hill Drive, South 44 deg 55' 14" East, a distance of 426.82 feet (called South 44 deg 00' East, 428.30 feet in Volume 5, Page 34 of the Map and Plat Records of Comal County, Texas) to a fence post found for the most northerly corner of Lot 16B, of a RE-SUBDIVISION OF LOT 16, OF NEIGHBORSVILLE, COMAL COUNTY, TEXAS, as recorded in said Volume 5, Page 34;

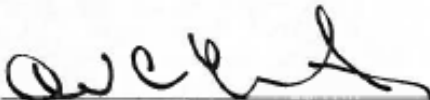
THENCE departing said right-of-way line and with the common line of this parcel with said Lot 16B, the following four (4) courses:

- 1). South 83 deg 23' 30" West, a distance of 16.39 feet (called South 83 deg 39' West, 16.65 feet in said Volume 5, Page 34) to a fence post found;
- 2). South 31 deg 27' 25" West, a distance of 88.81 feet (called South 32 deg 31' West, 88.5 feet) to a ½ inch rebar found;
- 3). South 59 deg 38' 33" East, a distance of 70.66 feet (called South 58 deg 43' East, 71 feet) to a ½ inch rebar found;
- 4). North 31 deg 24' 20" East, a distance of 79.01 feet (called North 32 deg 12' East, 78.8 feet) to a ½ inch rebar found on the aforementioned right-of-way line of Church Hill Drive for the most easterly corner of said Lot 16B;

THENCE with said right-of-way line, as occupied, the following eight (8) courses:

- 1). South 32 deg 55' 28" East, a distance of 16.73 feet to a fence post found for angle;
- 2). South 27 deg 45' 47" East, a distance of 19.62 feet to a fence post found for angle;
- 3). South 19 deg 11' 31" East, a distance of 45.26 feet to a fence post found for angle;
- 4). South 2 deg 52' 47" East, a distance of 45.53 feet to a fence post found for angle;
- 5). South 10 deg 00' 25" West, a distance of 126.68 feet to a fence post found for the beginning of a non-tangent curve to the right;
- 6). Along the arc of said curve having a radius of 350.00 feet, a delta angle of 63 deg 25' 17", a chord bearing of South 23 deg 51' 52" West and a chord distance of 367.94 feet, an arc length of 387.42 feet to a TXDOT disc found for the end of said curve;
- 7). South 50 deg 16' 46" West, a distance of 81.57 feet (called South 50 deg 39' West, 84.6 feet in said Volume 145, page 620) to a TXDOT monument found for angle;
- 8). South 43 deg 57' 13" West, a distance of 60.09 feet (called South 44 deg 00' West, 60.0 feet) to the POINT OF BEGINNING and containing 7.714 acres of land as surveyed and found occupied on June 26 and 27, 2012 with all bearings called for herein rotated to a bearing of North 33 deg 01' 59" West between controlling monuments as obtained from said Volume 145, Page 620.




David A. Lamberts R.P.L.S. No. 4907
J.O. No. 12-0194 (DRAWING PREPARED)