

**ORDINANCE NO. 2019-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING 78.93 ACRES OUT OF SUBDIVISION 13 OF THE A.M. ESNAURIZAR ELEVEN LEAGUE GRANT, ADDRESSED AT 4958 IH-35 NORTH, FROM “APD” AGRICULTURAL/PRE-DEVELOPMENT DISTRICT TO “ZH-A” ZERO LOT LINE HOME 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 “ZH-A” Zero Lot Line Home 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 City Council desires to amend the Zoning Map by rezoning 78.93 acres out of Subdivision 13 of the A.M. Esnaurizar Eleven League Grant, addressed at 4958 IH-35 North, from “APD” Agricultural/Pre-Development District to “ZH-A” Zero Lot Line Home 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 “APD” Agricultural/Pre-Development District to “ZH-A” Zero Lot Line Home District:

78.93 acres out of Subdivision 13 of the A.M. Esnaurizar Eleven League Grant, addressed at 4958 IH-35 North, as delineated on Exhibit “A” and described 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amended or repealed shall remain in full force and effect.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**THAT** all other ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent that they are in conflict.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 25th day of February, 2019.

**PASSED AND APPROVED:** Second reading this 11th day of March, 2019.

**CITY OF NEW BRAUNFELS**

\_\_\_\_\_  
**BARRON CASTEEL, Mayor**

**ATTEST:**

\_\_\_\_\_  
**PATRICK D. ATEN, City Secretary**

**APPROVED AS TO FORM:**

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

EXHIBIT OF A 78.93 ACRE TRACT OF LAND LOCATED IN A 92.49 ACRE TRACT OF LAND, OUT OF SUBDIVISION 13 OF THE A.M. ESNAURIZAR ELEVEN LEAGUE GRANT, RECORDER IN DOCUMENT NO. 200306025956, OFFICIAL PUBLIC RECORDS, COMAL COUNTY, TEXAS.

INTERSTATE HIGHWAY 35  
(ROW VARIES)

KOHLBERG ROAD

REMAINDER OF  
CALLED 92.49 AC  
DOC. NO. 200306025956  
O.P.R.C.C.T

N45°19'03"E 1360.08'

TRACT 2  
78.93 AC

NOTHING FOUND OR SET  
FND 1/2" IRON PIN  
W/ CAP STAMPED  
"RPLS 4233"

L9  
L10  
L11  
ND OR SET

(N44°05'00"W)  
S44°39'18"E  
(2081.00')  
2079.63'

(S44°05'00"E)  
N44°40'57"W 2504.23'  
(2927.80')

CALLED 0.632 AC  
VOL. 608, PG.606  
D.R.C.C.T

CALLED 239.708 AC  
DOC. NO. 201306045302  
O.P.R.C.C.T

2" METAL  
FENCE POST

4" METAL  
FENCE POST

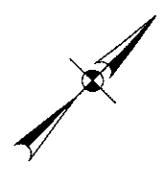
P.O.B.

S45°00'20"W 1377.29'  
(N45°36'00"E) (1380.50')

- LEGEND:
- = FND CONCRETE MONUMENT
  - = SET 1/2" IRON PIN W/  
PLASTIC CAP STAMPED "HMT"
  - ESMT = EASEMENT
  - R.O.W. = RIGHT-OF-WAY
  - ( ) = PLAT CALLS
  - O.P.R.C.C.T. = OFFICIAL PUBLIC RECORDS  
OF COMAL COUNTY, TEXAS
  - D.R.C.C.T. = DEED RECORDS OF  
COMAL COUNTY, TEXAS
  - P.O.B. = POINT OF BEGINNING

LINE TABLE		
LINE #	BEARING	LENGTH
(L18)	N43°57'00"W	551.40
(L19)	N55°26'00"W	101.70
L9	S44°23'33"E	233.65
L10	S44°23'33"E	307.80
L11	S54°55'20"E	111.08

SCALE: 1"=300'



410 N. SEGUIN AVE.  
NEW BRAUNFELS,  
TEXAS, 78130  
WWW.HMTNB.COM  
PH: (830)625-8555  
TBPIS FIRM 10153600

THIS PLAT WAS PREPARED FOR  
ZONING PURPOSES AND SHALL NOT  
BE USED FOR ANY OTHER PURPOSE.



410 N. Seguin Ave.  
New Braunfels, TX 78130  
HMTNB.COM  
830.625.8555 • FAX:830.625.8556  
TBPLS FIRM 10153600

METES AND BOUNDS DESCRIPTION  
FOR A 78.93 ACRE TRACT OF LAND

Being a 78.93 acre tract of land, located in a 92.49 acre tract of land out of Subdivision 13 of the A.M. Esnaurizar Eleven League Grant, described in Document No. 200306025956, Official Public Records, Comal County, Texas, said 78.93 acre tract of land being more particularly described as follows:

BEGINNING at a 4 inch metal fence post found in the Southwest right-of-way of Kohlenberg Road for the East corner of the herein described tract, same being the East corner of the said 92.49 acre tract and an East corner of a tract granted to Frederick Frueholz, Jr., described in Document No. 201306045302, Official Public Records, Comal County, Texas;

THENCE with the common line of the herein described tract and the said Frederick Frueholz Jr. tract, the following 2 (two) calls:

1. S 45°00'20" W a distance of 1377.29 feet to a 2 inch metal fence post found for the South corner of the herein described tract, same being the South corner of said 92.49 acre tract and an interior corner of the said Frederick Frueholz Jr. tract;
2. N 44°40'57" W a distance of 2504.23 feet to a point for a corner;

THENCE departing the common line of the herein described tract and the said Frederick Frueholz Jr. tract, across said 92.49 acre tract, N 45°19'03" E a distance of 1360.08 feet to a point for a corner in the right-of-way of Interstate 35;

THENCE with the right-of-way of Interstate 35, the following 2 (two) calls:

1. S 44°23'33" E a distance of 307.80 feet to a concrete TXDOT monument;
2. S 54°55'20" E a distance of 111.08 feet to a concrete TXDOT monument at the intersection of Interstate 35 and Kohlenberg Road;

THENCE with the Southwest right-of-way of Kohlenberg Road, S 44°39'18" E a distance of 2079.63 feet to the POINT OF BEGINNING and containing a 78.93 acre tract of land in Comal County, Texas.

Bearings shown hereon are based on the Texas Coordinate System, South Central Zone (4204), NAD 83.

Written this 20th day of December, 2018.

Surveyed in 2017.

Reference exhibit of said 78.93 acre tract of land prepared this same date.

This description was prepared for zoning purposes only and shall not be used for any other purpose.

