

ORDINANCE NO. 2018-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS ZONING APPROXIMATELY 151 ACRES OUT OF THE SARAH DEWITT SURVEY, ABSTRACT 103, LOCATED ON THE SOUTHEAST CORNER OF FM 1044 AND W. KLEIN ROAD, 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, 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 zoning approximately 151 acres out of the Sarah Dewitt Survey, Abstract 103, located on the southeast corner of FM 1044 and W. Klein Road, "C-1B" General Business 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 zoning the following described tract of land as "C-1B" General Business District:

Approximately 151 acres out of the Sarah Dewitt Survey, Abstract 103, located on the southeast corner of FM 1044 and W. Klein Road, 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THAT all provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.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THAT all other ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent that they are in conflict.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 26th day of November, 2018.

PASSED AND APPROVED: Second reading this 10th day of December, 2018.

CITY OF NEW BRAUNFELS

BARRON CASTEEL, Mayor

ATTEST:

PATRICK D. ATEN, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

PZ-18-038
Sports Complex Zoning Designation
Initial Zoning to C-1B

Map Created 10/11/18

Location Map

3551

3446

3442

6647

Legend

Subject Property



EXHIBIT "A"



410 N. Seguin Ave.
New Braunfels, TX 78120
HMTND.COM
030,625,8655 • FAX: 030,625,8556
TOPS FIRM 10133600

**METES AND BOUNDS DESCRIPTION
FOR A 25.00 ACRE TRACT OF LAND**

Being 25.00 acres of land located in the Sarah Dewitt Survey, A-103, Guadalupe County, Texas. Said tract being a part of that same land described as the residue of 162.82 acres in a deed to Karl Henry Zipp & Helen Elizabeth Kypefer Zipp, recorded in Volume 919, Page 224 of the Guadalupe County Deed Records. Said tract being more particularly described as follows:

COMMENCING at a $\frac{1}{2}$ " iron rod found in the East line of F.M. 1044 and the Southeast corner of Parcel A, Called 0.420 of an acre, R.O.W. recorded in Volume 279, Page 680 of the Guadalupe County Deed Records, also lying at the present Northwest corner of said 162.82 acre tract and the North line of a tract conveyed in Volume 4255, Page 680 of the Guadalupe County Deed Records, thence with the West line of said 162.82 acre tract, North $55^{\circ}31'40''$ East, 242.00 feet to a fence corner, and South $51^{\circ}10'02''$ East, a distance of 468.46 feet to a $\frac{1}{2}$ " iron rod set for the Northwest corner herein described tract and a 125.99 acre tract being surveyed this same date also being the POINT OF BEGINNING;

THENCE into and across said 162.82 acre tract, with the common line of the herein described 25.00 acre tract and said 125.99 acre tract, the following two courses:

1. North $44^{\circ}08'18''$ East, a distance of 1148.83 feet to a $\frac{1}{2}$ " iron rod with cap "HMT" set for the Northeast corner of the herein described tract;
2. South $51^{\circ}10'02''$ East, a distance of 953.59 feet to a $\frac{1}{2}$ " iron rod with cap "HMT" set for the Southeast corner of the herein described tract, lying in the South line of said 162.82 acre tract, and the North line of said tract conveyed in Volume 4255, Page 680 of the Guadalupe County Deed Records;

THENCE with the South line of said 162.82 acre tract, South $44^{\circ}16'48''$ West, a distance of 1149.16 feet to a fence corner post found for the Southwest corner of said 162.82 acre tract;

THENCE with the West line of said 162.82 acre tract, North $51^{\circ}10'02''$ West, a distance of 950.07 feet to the POINT OF BEGINNING and containing 25.00 acres of land in Guadalupe County, Texas.

Bearings are based upon the Texas State Plane Coordinate System, South Central Zone (4204) NAD 1983.

Surveyed this the 28th day of February, 2018.

Reference survey of said 125.99 tract of land prepared this same date.

Dorothy J. Taylor
Registered Professional Land Surveyor No. 6295
Job No. 040,024



EXHIBIT "B"



410 N. Seguin Ave.
New Braunfels, TX 78130
HMTND.COM
830.625.8556 • FAX: 830.625.8536
TOPS FIRM 10182600

**METES AND BOUNDS DESCRIPTION
FOR A 125.99 ACRE TRACT OF LAND**

Being 125.99 acres of land located in the Sarah Dewitt Survey, A-109, Guadalupe County, Texas. Said tract being a part of that same land described as the residue of 162.82 acres in a deed to Karl Henry Zipp & Helen Elizabeth Kypfer Zipp, recorded in Volume 919, Page 224 of the Guadalupe County Deed Records. Said tract being more particularly described as follows:

BEGINNING at a TxDOT concrete monument found at the intersection of Klein Road and F.M. 1044 for the Northeast corner of Parcel B, Called 0.022 of an acre, R.O.W. dedication recorded in Volume 279, Page 624 of the Guadalupe County Deed Records for a Northwest corner of the residue of said 162.82 acre tract, also being the South line of a called 0.96 of an acre tract, 20' wide strip dedicated to Guadalupe County for road widening in Volume 160, Page 268 of the Guadalupe County Deed Records.

THENCE with the South line of Klein Road and said 20' strip, North 44°16'19" East, a distance of 2009.79 feet to a PK nail found for the Northeast corner of the herein described tract, from which the Northeast corner of said 162.82 acre tract bears North 46°03'27" West, approximately 20 feet;

THENCE with the East line of said 162.82 acre tract, South 46°03'27" East, at a distance of 8.98 feet passing a $\frac{1}{2}$ " iron rod found for the Northwest corner of Lot 1, NBISD Legend Pond Subdivision, recorded in Volume 8, Page 6-8 of the Map Records of Guadalupe County, Texas, and continuing a total distance of 2541.32 feet to a 80d nail in a 8" fence corner post found for the Southeast corner of said 162.82 acre tract, lying in the North line of a called 54.75 acre tract, recorded in Volume 966, Page 244 of the Official Public Records of Guadalupe County, Texas;

THENCE with the South line of said 162.82 acre tract and the North line of said 54.75 acre tract and as well as a tract conveyed in Volume 4255, Page 680 of the Official Public Records of Guadalupe County, Texas, South 44°16'48" West, a distance of 1432.20 feet to a $\frac{1}{2}$ " iron rod with cap "HMT" set for a Southwest corner of the herein described tract, also being the Southeast corner of a 26.00 acre being surveyed this same date;

THENCE into and across said 162.82 acre tract, with the common line of the herein described tract and said 26.00 acre tract the following two courses:

1. North 61°10'02" West, a distance of 953.89 feet to a $\frac{1}{2}$ " iron rod with cap "HMT" set;
2. South 44°08'18" West, a distance of 1148.83 feet to a $\frac{1}{2}$ " iron rod with cap "HMT" set in the West line of said 162.82 acre tract and the East line of a tract conveyed in Volume 4255, Page 680 of the Guadalupe County Deed Records;

THENCE with the West line of said 162.82 acre tract, North 61°10'02" West, a distance of 468.46 feet to a fence corner post for an interior ell corner of said 162.82 acre tract;

THENCE with a South line of said 162.82 acre tract, South 55°31'40" West, a distance of 242.99 feet to a $\frac{1}{2}$ " iron rod found in the East margin of F.M. 1044 and the East line of Parcel A, Called 0.420 of an acre, R.O.W. recorded in Volume 279, Page of the Guadalupe County Deed Records;

THENCE with the East line of F.M. 1044 and the East line of said 0.420 of an acre tract, the following four courses:

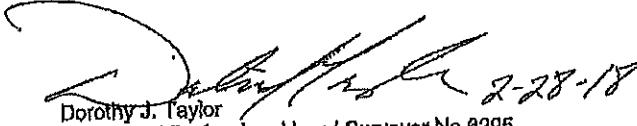
1. North 08°12'16"West, a distance of 37.44 feet to a TxDOT concrete monument found for PG Station 213+31.0;
2. With a curve to the right, with a radius of 5894.74 feet, arc length of 174.71 feet, and a chord bearing North 07°29'24"West, 174.71 feet to a TxDOT concrete monument found for PT Station 216+07.7;
3. North 06°24'03"West, a distance of 1122.86 feet to a TxDOT concrete monument found for PO Station 226+29.5, from which another TxDOT concrete monument bears North 06°10'27"East, 1.90 feet;
4. With a curve to the left, with a radius of 2905.10 feet, arc length of 10.00 feet, and a chord bearing North 06°29'58"West, a distance of 10.00 feet to a 1/2" iron rod with cap "HMT" set for Station 226+39.5 at the flare corner intersection of F.M. 1044 and Klein Road for the Southwest corner of said Parcel B;

THENCE with the flare corner of the road intersection and the South line of Parcel B, North 10°57'41"East, a distance of 89.86 feet to the POINT OF BEGINNING and containing 126.99 acres of land in Guadalupe County, Texas.

Bearings are based upon the Texas State Plane Coordinate System, South Central Zone (4204) NAD 1983.

Surveyed this the 26th day of February, 2018.

Reference survey of said 126.99 tract of land prepared this same date.


Dorothy J. Taylor
Registered Professional Land Surveyor No. 0295
Job No. 040.024



