

**ORDINANCE NO. 2022-04**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS ABANDONING APPROXIMATELY A 4,976 SQUARE-FOOT (0.114 ACRES) PORTION OF UNIMPROVED ELIZABETH AVENUE PUBLIC STREET RIGHT-OF-WAY, LOCATED ADJACENT THE NORTHERN TERMINUS OF ELIZABETH AVENUE, ACCORDING TO THE PROVISIONS OF CHAPTER 253, SECTION 253.001 AND CHAPTER 272, SECTION 272.001 OF THE TEXAS LOCAL GOVERNMENT CODE; 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 street rights to a 4,976 square-foot (0.114 acre) tract of land, more or less, being a public street right-of-way being in the City of New Braunfels, Texas; and

**WHEREAS**, the City of New Braunfels, having received a request from the only adjacent private property owner, Charles Wiggins, petitioning the City of New Braunfels to consider the abandonment of said right-of-way; and

**WHEREAS**, after determining that there is no need for the City of New Braunfels, it is the decision of the City Council of the City of New Braunfels that action be taken to release same to Charles Wiggins in the proper and legal manner; and

**WHEREAS**, Kyle R. Schroeder, MAI, ARA, of Texas Values Appraisal Services has been appointed as the appraiser to appraise the market value of the fee simple estate, for land only; and

**WHEREAS**, the said appraiser has determined that the fair market value of the land is SEVENTY-FOUR THOUSAND DOLLARS and NO CENTS (\$74,000), and thus by making the sale of the land to the abutting property owners, the City of New Braunfels will be complying with all sections of said Chapter 272, Section 272.001, and that the sale of said land in this particular instance has been determined by a fair appraisal and is conclusive of the fair market value thereof; **now, therefore;**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:**

**SECTION 1**

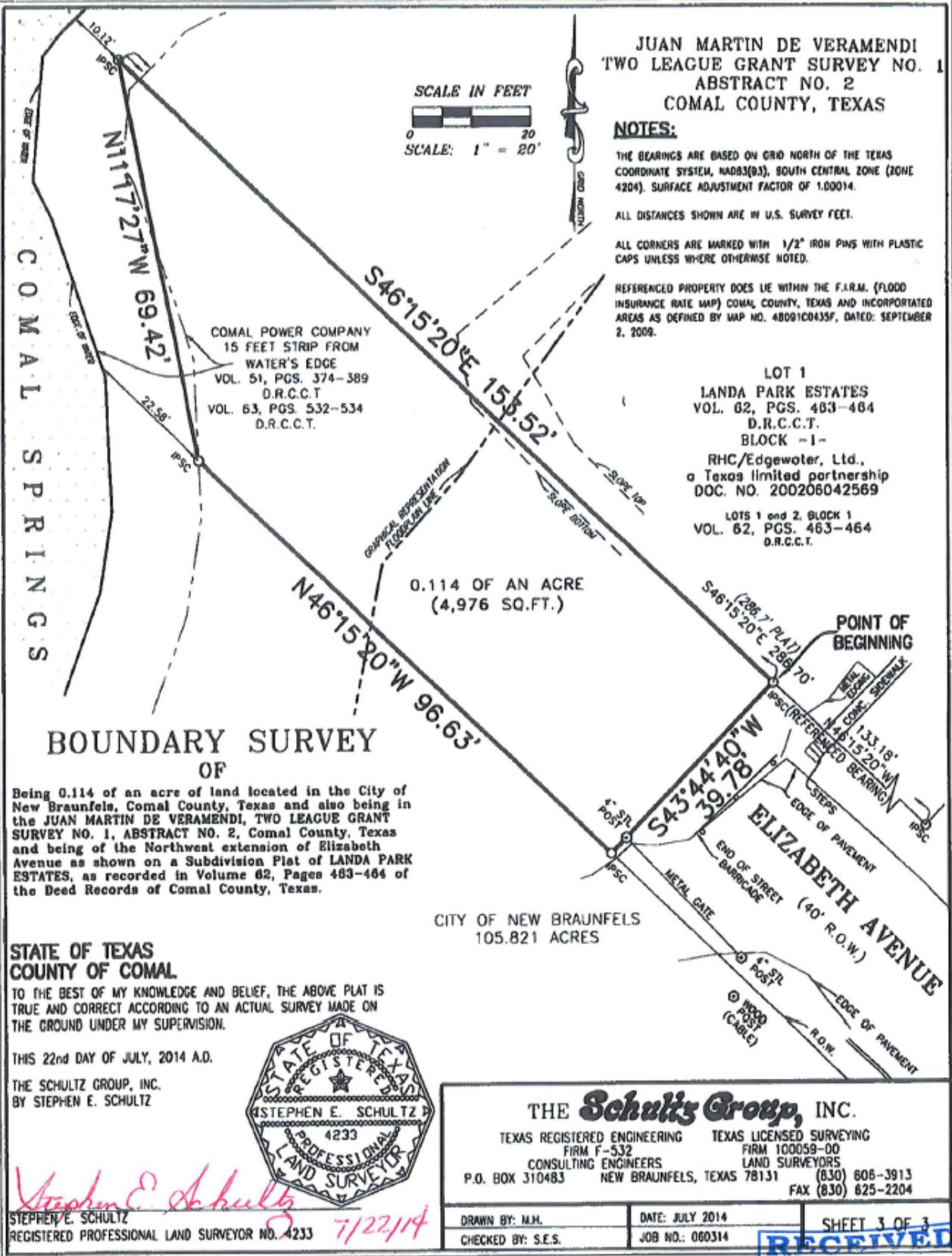
**THAT** the City of New Braunfels, acting by and through its City Manager shall execute a Deed Without Warranty to Charles Wiggins, conveying all of its right, title and interest in and to the public right-of-way and all rights in and to a 4,976 square-foot (0.114 acre) tract of land, more or less, being public street right-of-way located adjacent the northern terminus of Elizabeth Avenue, and that said street right-of-way being in the City of New Braunfels, Texas. A survey of the property to be conveyed is attached marked Exhibit "A" and is described in attached marked Exhibit "B". If said Deed Without Warranty is not executed within one hundred and eighty (180) days of the second and final reading of this ordinance, this ordinance shall become null and void and a new application for abandonment shall be required.

**SECTION 2**

**THAT** the following restrictions will apply to the property:

1. Provide City employees, including but not limited to, police, fire, EMS and related emergency personnel, access on and across the abandoned right-of-way property via a platted non-exclusive blanket access easement for public health, safety, welfare, and environmental protection purposes.
2. Vegetation must remain established and maintained within the abandoned right-of-way property.
3. No permanent structure can be built within the right-of-way abandonment property with the exception of City approved fencing or barricade to secure the property and prevent trespassing.
4. The abandoned right-of-way property must be included within a plat of the adjacent property owned by the applicant in compliance with the City's Subdivision Platting Ordinance. A final plat of the property must be submitted to and approved by the City prior to ownership transfer. Recordation of the final plat will occur subsequent to the transfer.
5. All conditions of approval are to be reflected on the plat in the form of notes and easements as appropriate.





JUAN MARTIN DE VERAMENDI  
TWO LEAGUE GRANT SURVEY NO. 1  
ABSTRACT NO. 2  
COMAL COUNTY, TEXAS

**NOTES:**  
THE BEARINGS ARE BASED ON GRID NORTH OF THE TEXAS COORDINATE SYSTEM, NAD83(03), SOUTH CENTRAL ZONE (ZONE 4204). SURFACE ADJUSTMENT FACTOR OF 1.00014.  
ALL DISTANCES SHOWN ARE IN U.S. SURVEY FEET.  
ALL CORNERS ARE MARKED WITH 1/2" IRON PINS WITH PLASTIC CAPS UNLESS WHERE OTHERWISE NOTED.  
REFERENCED PROPERTY DOES LIE WITHIN THE F.I.R.M. (FLOOD INSURANCE RATE MAP) COMAL COUNTY, TEXAS AND INCORPORATED AREAS AS DEFINED BY MAP NO. 48091C0435F, DATED: SEPTEMBER 2, 2009.

LOT 1  
LANDA PARK ESTATES  
VOL. 62, PGS. 463-464  
D.R.C.C.T.  
BLOCK -1-  
RHC/Edgewater, Ltd.,  
a Texas limited partnership  
DOC. NO. 200206042569  
LOTS 1 and 2, BLOCK 1  
VOL. 62, PGS. 463-464  
D.R.C.C.T.

COMAL POWER COMPANY  
15 FEET STRIP FROM  
WATER'S EDGE  
VOL. 51, PGS. 374-389  
D.R.C.C.T.  
VOL. 63, PGS. 532-534  
D.R.C.C.T.

SCALE IN FEET  
0 20  
SCALE: 1" = 20'

COMAL SPRINGS

**BOUNDARY SURVEY OF**

Being 0.114 of an acre of land located in the City of New Braunfels, Comal County, Texas and also being in the JUAN MARTIN DE VERAMENDI, TWO LEAGUE GRANT SURVEY NO. 1, ABSTRACT NO. 2, Comal County, Texas and being of the Northwest extension of Elizabeth Avenue as shown on a Subdivision Plat of LANDA PARK ESTATES, as recorded in Volume 62, Pages 463-464 of the Deed Records of Comal County, Texas.

CITY OF NEW BRAUNFELS  
105.821 ACRES

STATE OF TEXAS  
COUNTY OF COMAL

TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE ABOVE PLAT IS TRUE AND CORRECT ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION.

THIS 22nd DAY OF JULY, 2014 A.D.

THE SCHULTZ GROUP, INC.  
BY STEPHEN E. SCHULTZ



*Stephen E. Schultz*  
STEPHEN E. SCHULTZ  
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4233 7/22/14

**THE Schultz Group, INC.**  
TEXAS REGISTERED ENGINEERING FIRM F-532 CONSULTING ENGINEERS  
P.O. BOX 310483 NEW BRAUNFELS, TEXAS 78131  
TEXAS LICENSED SURVEYING FIRM 100059-00 LAND SURVEYORS  
(830) 606-3913  
FAX (830) 625-2204

DRAWN BY: M.H. DATE: JULY 2014 SHEET 3 OF 3  
CHECKED BY: S.E.S. JOB NO.: 060314 **RECEIVED**

**LEGAL DESCRIPTION OF**

0.114 of an acre of land located in the City of New Braunfels, Comal County, Texas, and also being in the Juan Martin De Veramendi, Two League Grant Survey No. 1, Abstract No. 2, Comal County, Texas and being of the Northwest extension of Elizabeth Avenue as shown on a Subdivision Plat of LANDA PARK ESTATES, as recorded in Volume 62, Pages 463-464 of the Deed Records of Comal County, Texas, said 0.114 of an acre of land being more particularly described as follows:

**BEGINNING:** at a set ½" iron pin with plastic cap stamped "4233" in the Northeast Right-of-Way Line of Elizabeth Avenue and the Southwest Line of LOT 1, of said LANDA PARK ESTATES and being the Easternmost corner of this parcel, and also being North 46 deg. 15' 20" West, ( all bearings in this description are referenced to Grid North of the Texas Coordinate System, NAD 83 (93) CORS, South Central Zone (4204)), a distance of 133.18 feet from a set ½" iron pin with plastic cap stamped "4233" at the intersection of the Northeast Right-of-Way of said Elizabeth Avenue and the Northwest line of Edgewater Terrace and being the Southernmost corner of said LOT 1;

**THENCE:** (1) SOUTH 43 deg. 44' 40" West, a distance of 39.78 feet severing said Elizabeth Avenue along the Southeast line of this parcel to a set ½" iron pin with plastic cap stamped "4233" in the Southwest line of said Elizabeth Avenue and being the Southernmost corner of this parcel;

**THENCE:** (2) NORTH 46 deg. 15' 20" West, a distance of 96.63 feet along the Southwest line of this parcel and said Elizabeth Avenue to a set ½" iron pin with plastic cap stamped "4233" and being the Southwest corner of this parcel;

**THENCE:** (3) NORTH 11 deg. 17' 27" West, a distance of 69.42 feet along the Northwest line of this parcel and the Northwest Right-of-Way Line of said Elizabeth Avenue to a set ½" iron pin with plastic cap stamped "4233" and being the Northernmost corner of this parcel;

**THENCE:** (4) SOUTH 46 deg. 15' 20" East, a distance of 153.52 feet along the Northeast line of the parcel and the Northeast Right-of-Way Line of said Elizabeth Avenue and the Southeast line of said LOT 1 to a set ½" iron pin with plastic cap stamped "4233" and being the POINT OF BEGINNING, containing 0.114 of an acre of land.