

ORDINANCE NO. 2023-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING 0.13 ACRES, BEING OUT OF THE JUAN MARTIN DE VERAMENDI SURVEY, ABSTRACT NO. 2, CURRENTLY ADDRESSED AT 175 COMAL AVENUE, FROM R-2 (SINGLE-FAMILY AND TWO-FAMILY DISTRICT) TO C-1A (NEIGHBORHOOD 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-1A (Neighborhood Business District), the City Council has given due consideration to all components of 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 0.13 acres being out of the Juan Martin De Veramendi Survey, Abstract No. 2, currently addressed at address from R-2 (Single-Family and Two-Family District) to C-1A (Neighborhood 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-1A (Neighborhood Business District):

0.13 acres, being out of the Juan Martin de Veramendi Survey, Abstract No. 2, as described in Exhibit "A" and delineated on 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THAT all other ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent that they are in conflict.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 14th day of August, 2023.

PASSED AND APPROVED: Second reading this 28th 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 "A" METES & BOUNDS DESCRIPTION

BEING A 0.13 ACRE TRACT OUT OF JUAN MARTIN DE VERAMENDI SURVEY, ABSTRACT NO. 2, COMAL COUNTY, TEXAS, CERTAIN TRACT, PIECE OR PARCEL OF LAND SITUATED IN THE CITY OF NEW BRAUNFELS, COMAL COUNTY, TEXAS, BEING THE CENTRAL PART OF LOT NO. ONE HUNDRED AND THIRTY-SEVEN (137), IN NEW CITY BLOCK NO. 1008, BEING THE SAME TRACT CONVEYED TO DIERKS AT AVENUE Q, LLC, RECORDED IN DOC. NO. 201706043264, OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING, at a ½" found iron rod with RPLS 4233 cap, a point in the north Right-of-Way line of Comal Ave. (R.O.W.), the south corner of a called 0.106-acre tract conveyed to Jason Varnado and Vicki Varnado, recorded in Doc. No. 202106034570, Official Public Records of Comal County, Texas, the west corner of herein described tract and the **POINT OF BEGINNING**;

THENCE, N 37°24'43" E, a distance of 95.20 feet (N 38°42' E, 95.7 feet), with the common line of said 0.106-acre tract and the herein described tract, to a ½" found iron rod with RPLS 4233 cap, the east corner of said 0.106-acre tract, a point in the southwesterly line of a tract conveyed to James Edward Rowden, recorded in Doc. No. 201306039979, Official Public Records of Comal County, Texas, the north corner of the herein described tract;

THENCE, S 53°13'49" E, a distance of 60.09 feet (S 52°00' E, 60 feet), with the common line of said tract conveyed to James Edward Rowden and the herein described tract, to a ½" found iron rod, marking a point in the southwesterly line of said tract conveyed to James Edward Rowden, the north corner of a tract conveyed to Guadalupe Amaro Partnership, recorded in Doc. No. 202006059686, Official Public Records of Comal County, Texas, the east corner of the herein described tract;

THENCE, S 37°24'06" W, a distance 95.63 feet (S 38°42' W, 95.7 feet), with the common line of said tract conveyed to Guadalupe Amaro Partnership and the herein described tract, to a ½" found iron rod, the west corner of said tract conveyed to Guadalupe Amaro Partnership, a point in the said north Right-of-Way line of Comal Ave., the south corner of the herein described tract;

THENCE, N 52°49'31" W, a distance of 60.10 feet (N 52°00' W, 60 feet), with the said north Right-of-Way line of Comal Ave., to the **POINT OF BEGINNING**, containing 0.13 acres more or less.


Basis of Bearing: Texas South Central Zone, NAD 83
All set ½" iron rods capped with "Amerisurveyors" cap.

STATE OF TEXAS §

December 22, 2021

COUNTY OF HAYS §

It is hereby certified that the above description was prepared from an actual survey on the ground of the described tract made under my supervision.


Aaron Micah Reynolds,
Registered Professional Land Surveyor
Registration No. 6644



