

ORDINANCE NO.2024-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS DISANNEXING APPROXIMATELY 3 ACRES, BEING OUT OF THE J. M. VERAMENDI TWO LEAGUE SURVEY NO. 1, ABSTRACT NO. 2, COMAL COUNTY, TEXAS, LOCATED ALONG THE NORTH SIDE OF ALTGELT LANE LANE BETWEEN WALD ROAD AND THE UNION PACIFIC RAILROAD, IN THE CORPORATE LIMITS OF THE CITY; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City is authorized to disannex territory in accordance with the Texas Local Government Code, Chapter 43 and the City of New Braunfels, Texas home-rule charter, Section 1.04 and by other statutory authority; and

WHEREAS, Comal County has requested disannexation of the subject property for the purpose of constructing a bridge over the Dry Comal Creek; and

WHEREAS, Comal County has agreed to waive any right it has for any refund of taxes and fees set forth under Texas Local Government Code Section 43.148; and

WHEREAS, it is the desire of the City of New Braunfels to disannex the approximately 3 acres of land and the City Council finds said territory is not necessary for City purposes;

NOW, THEREFORE;

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

SECTION 1

THAT the following described territory is hereby disannexed from the corporate limits of the City:

Approximately 3 acres of land out of the J. M. Veramendi Two League Survey No. 1, Abstract No. 2, Comal County, Texas, as delineated on Exhibit "A" and described in Exhibit "B", attached; and

SECTION 2

THAT the official map and boundaries of the City are hereby amended and revised so as to exclude the area disannexed.

SECTION 3

THAT the disannexation is requested by the property owner of the unimproved and uninhabited 3 acres of land and the property owner has waived any right to a refund of taxes and fees so none are owed under Texas Local Government Code Section 43.148.

SECTION 4

THAT the City Secretary is hereby directed to file with the County Clerk and other appropriate officials and agencies, as required by state and federal law and city annexation procedures, a certified copy of this ordinance.

SECTION 5

THAT all other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent that they are in conflict.

SECTION 6

THAT if any provision 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 7

THIS ordinance will take effect upon the second and final reading of same.

PASSED AND APPROVED: First Reading this the 28th day of October, 2024.

PASSED AND APPROVED: Second and Final Reading this the 12th day of November, 2024.

CITY OF NEW BRAUNFELS

NEAL LINNARTZ, Mayor

ATTEST:

GAYLE WILKINSON, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

EXHIBIT "A"

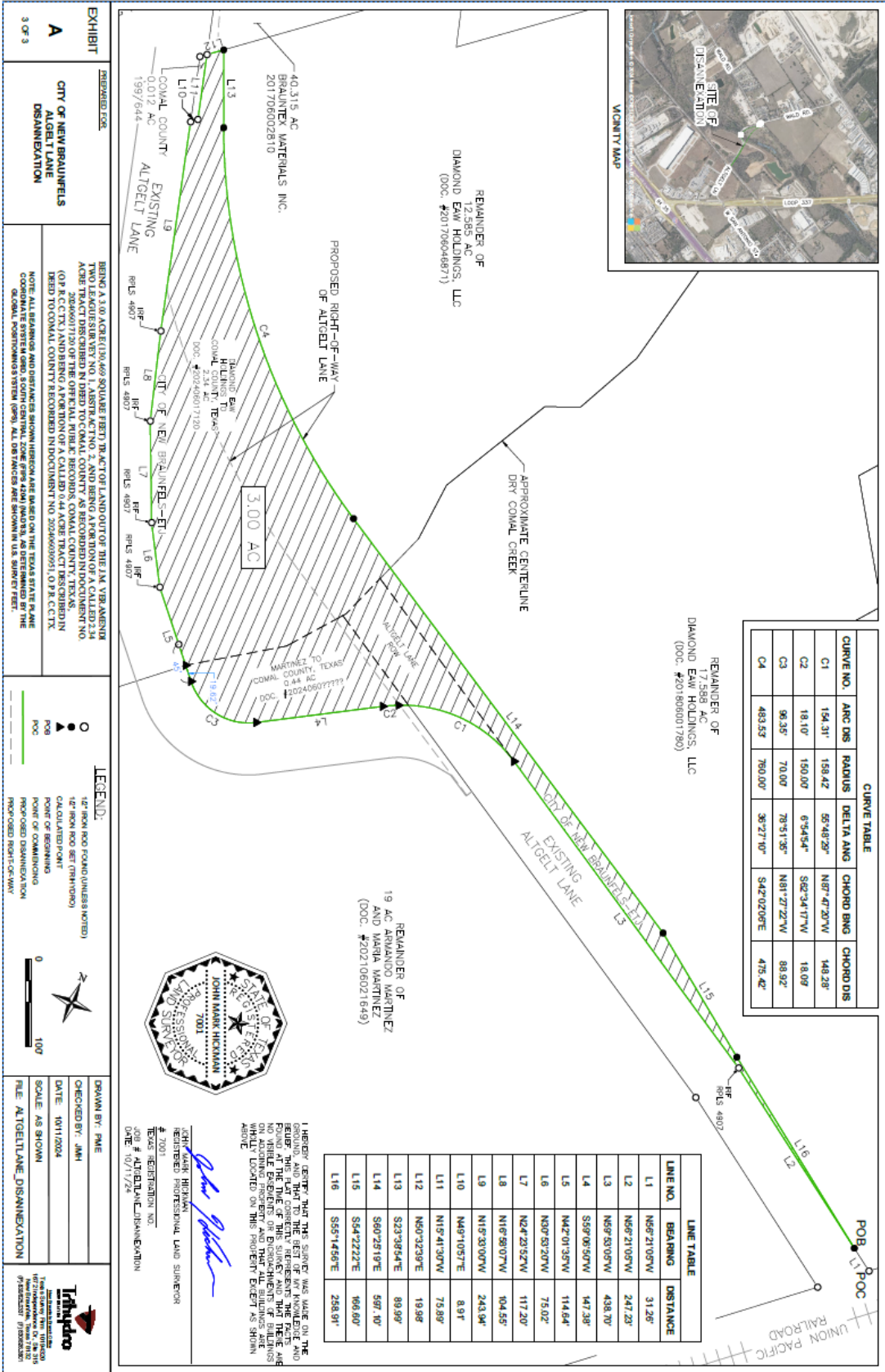


EXHIBIT A

CITY OF NEW BRAUNFELS

ALGEBT LANE

DISANNEXATION

3 OF 3

REMANINDER OF 12.285 AC BRAUNTEX MATERIALS, INC. (DOC. #201708048871)

REMANINDER OF 17.589 AC DIAMOND EAM HOLDINGS, LLC (DOC. #201808001780)

REMANINDER OF 19 AC ARMANDO MARTINEZ AND MARIA MARTINEZ (DOC. #202106021649)

3.00 AC

APPROXIMATE CENTERLINE DRY COMAL CREEK

EXISTING ALTGELT LANE

PROPOSED RIGHT-OF-WAY OF ALTGELT LANE

UNION PACIFIC RAILROAD

POB L1 POC

LEGEND

LINE TABLE

LINE NO.	BEARING	DISTANCE
L1	N65°21'05"W	31.26'
L2	N69°21'09"W	247.23'
L3	N69°53'05"W	438.70'
L4	S89°06'50"W	147.38'
L5	N42°01'35"W	114.64'
L6	N07°53'20"W	75.02'
L7	N04°23'52"W	117.20'
L8	N16°50'07"W	104.55'
L9	N15°30'00"W	243.94'
L10	N69°10'57"E	8.97'
L11	N15°41'30"W	75.89'
L12	N60°32'39"E	19.98'
L13	S23°38'54"E	89.99'
L14	S60°29'19"E	597.70'
L15	S64°22'22"E	166.60'
L16	S55°14'56"E	288.91'

CURVE TABLE

CURVE NO.	ARC DIS	RADIUS	DELTA ANG	CHORD BNG	CHORD DIS
C1	154.31'	158.42'	55°46'29"	N67°47'30"W	148.28'
C2	18.10'	150.00'	6°54'54"	S62°34'17"W	18.09'
C3	98.35'	70.00'	78°51'35"	N81°27'22"W	88.92'
C4	483.53'	780.00'	38°27'10"	S42°02'09"E	475.42'

STATE OF TEXAS
JOHN MARK HICKMAN
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 7001
TEXAS REGISTRATION NO. 7001
DATE: 10/17/24

1 HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND AND THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT TO THE BEST OF MY REASONABLE BELIEF AT THE TIME OF THIS SURVEY AND THAT THERE ARE NO VISIBLE ENCUMBRANCES OR ENCUMBRANCES OF RECORD WHOLLY LOCATED ON THIS PROPERTY EXCEPT AS SHOWN ABOVE.

DRAWN BY: FME
CHECKED BY: JMH
DATE: 10/17/2024
SCALE: AS SHOWN

FILE: ALTGELT LANE DISANNEXATION

TEKTRONIX
 16777 Highway 26, L. 230
 Houston, Texas 77058
 President/Professional

REMANINDER OF 12.285 AC BRAUNTEX MATERIALS, INC. (DOC. #201708048871)

REMANINDER OF 17.589 AC DIAMOND EAM HOLDINGS, LLC (DOC. #201808001780)

REMANINDER OF 19 AC ARMANDO MARTINEZ AND MARIA MARTINEZ (DOC. #202106021649)

3.00 AC

APPROXIMATE CENTERLINE DRY COMAL CREEK

EXISTING ALTGELT LANE

PROPOSED RIGHT-OF-WAY OF ALTGELT LANE

UNION PACIFIC RAILROAD

POB L1 POC

LEGEND

LINE TABLE

LINE NO.	BEARING	DISTANCE
L1	N65°21'05"W	31.26'
L2	N69°21'09"W	247.23'
L3	N69°53'05"W	438.70'
L4	S89°06'50"W	147.38'
L5	N42°01'35"W	114.64'
L6	N07°53'20"W	75.02'
L7	N04°23'52"W	117.20'
L8	N16°50'07"W	104.55'
L9	N15°30'00"W	243.94'
L10	N69°10'57"E	8.97'
L11	N15°41'30"W	75.89'
L12	N60°32'39"E	19.98'
L13	S23°38'54"E	89.99'
L14	S60°29'19"E	597.70'
L15	S64°22'22"E	166.60'
L16	S55°14'56"E	288.91'

CURVE TABLE

CURVE NO.	ARC DIS	RADIUS	DELTA ANG	CHORD BNG	CHORD DIS
C1	154.31'	158.42'	55°46'29"	N67°47'30"W	148.28'
C2	18.10'	150.00'	6°54'54"	S62°34'17"W	18.09'
C3	98.35'	70.00'	78°51'35"	N81°27'22"W	88.92'
C4	483.53'	780.00'	38°27'10"	S42°02'09"E	475.42'

STATE OF TEXAS
JOHN MARK HICKMAN
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 7001
TEXAS REGISTRATION NO. 7001
DATE: 10/17/24

1 HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND AND THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT TO THE BEST OF MY REASONABLE BELIEF AT THE TIME OF THIS SURVEY AND THAT THERE ARE NO VISIBLE ENCUMBRANCES OR ENCUMBRANCES OF RECORD WHOLLY LOCATED ON THIS PROPERTY EXCEPT AS SHOWN ABOVE.

DRAWN BY: FME
CHECKED BY: JMH
DATE: 10/17/2024
SCALE: AS SHOWN

FILE: ALTGELT LANE DISANNEXATION

TEKTRONIX
 16777 Highway 26, L. 230
 Houston, Texas 77058
 President/Professional

EXHIBIT "B"

Metes & Bounds Description

3.00 AC (130,469 SQ. FT.) TRACT

BEING, a 3.00 acre (130,469 square feet) tract of land out of the J.M. Veramendi Two League Survey No. 1, Abstract No. 2, and being a portion of a called 2.34 acre tract described in deed to Comal County as recorded in Document No. 202406017120 of the Official Public Records, Comal County, Texas, (O.P.R.C.C.TX.) and being a portion of a called 0.44 acre tract described in deed to Comal County recorded in Document No. 202406030951, O.P.R.C.C.TX. and being more particularly described as follows:

COMMENCING at a 1/2-inch iron rod found on the northeast right-of-way line of Altgelt Lane marking the south corner of the remainder of a called 17.588 acre tract described in deed to Diamond EAW Holdings, LLC recorded in Document 201806001780, O.P.R.C.C.TX., and being on the northwest right-of-way of Union Pacific Railroad;

THENCE, North $56^{\circ}21'05''$ West, a distance of 31.26 feet along said northeast right-of-way line of Altgelt Lane and the southwest line of said 17.588 acre tract to a 1/2-inch iron rod stamped "TRIHIDRO" set marking the most southerly southeast corner of a said 2.34 acre tract being the most southerly southeast corner of the herein described 3.00 acre tract and the **POINT OF BEGINNING**;

THENCE, along said northeast right-of-way line of Altgelt Lane and the southwest line of said 2.34 acre tract the following three (3) courses and distances:

1. North $56^{\circ}21'05''$ West, a distance of 247.23 feet to a 1/2-inch iron rod stamped "RPLS 4907" found for angle point;
2. North $59^{\circ}53'05''$ West, a distance of 438.70 feet to a calculated point, said point being the beginning of a curve to the left; and
3. Leaving the southwest line of said 2.34 acre tract over and across a portion of said Altgelt Lane, also over and across the north line of said 0.44 acre tract along said curve to the left, through a central angle of $55^{\circ}48'29''$, having a radius of 158.42 feet, an arc distance of 154.31 feet, a chord bearing of North $87^{\circ}47'20''$ West, a chord distance of 148.28 feet to a calculated point on the apparent said northeast right-of-way line of Altgelt Lane and an interior angle point on the south line of said 0.44 acre tract, said point being the beginning of a curve to the left;

THENCE, continuing along said apparent northeast right-of-way line of Altgelt Lane and the south line of said 0.44 acre tract the following three (3) courses and distances:

1. Along said curve to the left, through a central angle of $06^{\circ}54'54''$, having a radius of 150.00 feet, an arc distance of 18.10 feet, a chord bearing of South $62^{\circ}34'17''$ West, a chord distance of 18.09 feet to a calculated point;
2. South $59^{\circ}06'50''$ West, at a distance of 147.38 feet to a calculated angle point, said point being the beginning of a curve to the right; and
3. Along said curve to the right, through a central angle of $78^{\circ}51'35''$, having a radius of 70.00 feet, an arc distance of 96.35 feet, a chord bearing of North $81^{\circ}27'22''$ West, a chord distance of 88.92 feet to a calculated point on said northeast right-of-way line of Altgelt Lane and the south line of said 0.44 acre tract;

THENCE, North $42^{\circ}01'35''$ West, passing at a distance of 19.62 feet a calculated point marking the west corner of said 0.44 acre tract, same being an angle point on the south line of said 2.34 acre tract, being in the approximate centerline of Dry Comal Creek, passing at a distance of 45.00 feet a 1/2-inch iron rod found and continuing for a total distance of 114.64 feet to a 1/2-inch iron rod stamped "RPLS 4907" found for angle point on said northeast right-of-way line of Altgelt Lane and the southwest line of said 2.34 acre tract;

THENCE, continuing along said northeasterly right-of-way line of Altgelt Lane and the south line of said 2.34 acre tract the following seven (7) courses and distances:

1. North 30°53'20" West, a distance of 75.02 feet to a 1/2-inch iron rod stamped "RPLS 4907" found for angle point;
2. North 24°23'52" West, a distance of 117.20 feet to a 1/2-inch iron rod stamped "RPLS 4907" found for angle point;
3. North 16°58'07" West, a distance of 104.55 feet to a 1/2-inch iron rod stamped "RPLS 4907" found for angle point;
4. North 15°33'00" West, a distance of 243.94 feet to a 1/2-inch iron rod found for corner;
5. North 49°10'57" East, a distance of 8.91 feet to a 1/2-inch iron rod found for corner; and
6. North 15°41'30" West, a distance of 75.89 feet to a 1/2-inch iron rod found marking the northwesterly corner of said 2.34 acre tract, same being the southeasterly corner of a called 40.315 acre tract described in deed to Brauntex Materials Inc. and recorded in Document No. 201706002810, O.P.R.C.C.TX.;

THENCE, North 50°32'39" East, a distance of 19.98 feet along the common line of said 2.34 acre tract and said 40.315 acre tract to a 1/2-inch iron rod stamped "TRIHIDRO" set marking the north corner of said 2.34 acre tract and the west corner of the remainder of a called 12.585 acre tract described in deed to Diamond EAW Holdings, LLC recorded in Document No. 201706046871, O.P.R.C.C.TX.;

THENCE, along the proposed northeast right-of-way line of said Altgelt Lane, leaving the southeast line of said 40.315 acre tract, along the common line of said 2.34 acre tract and the remainder of said 12.585 acre tract and remainder of said 17.588 acre tract the following five (5) courses and distances:

1. South 23°38'54" East, a distance of 89.99 feet to a 1/2-inch iron rod stamped "TRIHIDRO" set for angle point,
2. Along a curve to the left that has a central angle of 36°27'10", a radius of 760.00 feet, an arc distance of 483.53 feet, and a chord that bears South 42°02'06" East a chord distance of 475.42 feet to a 1/2-inch iron rod stamped "TRIHIDRO" set;
3. South 60°25'19" East, a distance of 597.10 feet to a 1/2-inch iron rod stamped "TRIHIDRO" set for angle point,
4. South 54°22'22" East, a distance of 166.60 feet to a 1/2-inch iron rod stamped "TRIHIDRO" set for angle point,
5. South 55°14'56" East, a distance of 258.91 feet to the **POINT OF BEGINNING**, and containing 3.00 acres (130,469 square feet). The basis of bearing for this description is the Texas State Plane Coordinate System Grid, South Central Zone (FIPS 4204) (NAD'83). All distances are on the grid and shown in U.S. Survey feet.