

ORDINANCE NO. 2023-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 2 ACRES, BEING J. M. STEINER SURVEY 279, ABSTRACT 708, CURRENTLY ADDRESSED AT 2257 AND 2265 STATE HIGHWAY 46 WEST, FROM R-2 (SINGLE-FAMILY AND TWO – FAMILY DISTRICT) 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 the 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 approximately 2 acres being out of J. M. Steiner Survey 279, Abstract 708, currently addressed at 2257 and 2265 State Highway 46 West from R-2 (Single-Family and Two-Family District) to C-1B (General 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-1B (General Business District):

Approximately 2 acres being out of J. M. Steiner Survey 279, Abstract 708, as depicted in Exhibit "A" and described in 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THAT all other ordinances, or parts of ordinances, in conflict herewith, are hereby repealed to the extent that they are in conflict.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 24th day of July 2023.

PASSED AND APPROVED: Second reading this 11th day of December 2023.

CITY OF NEW BRAUNFELS

NEAL LINNARTZ, Mayor

ATTEST:

GAYLE WILKINSON, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

EXHIBIT "A"

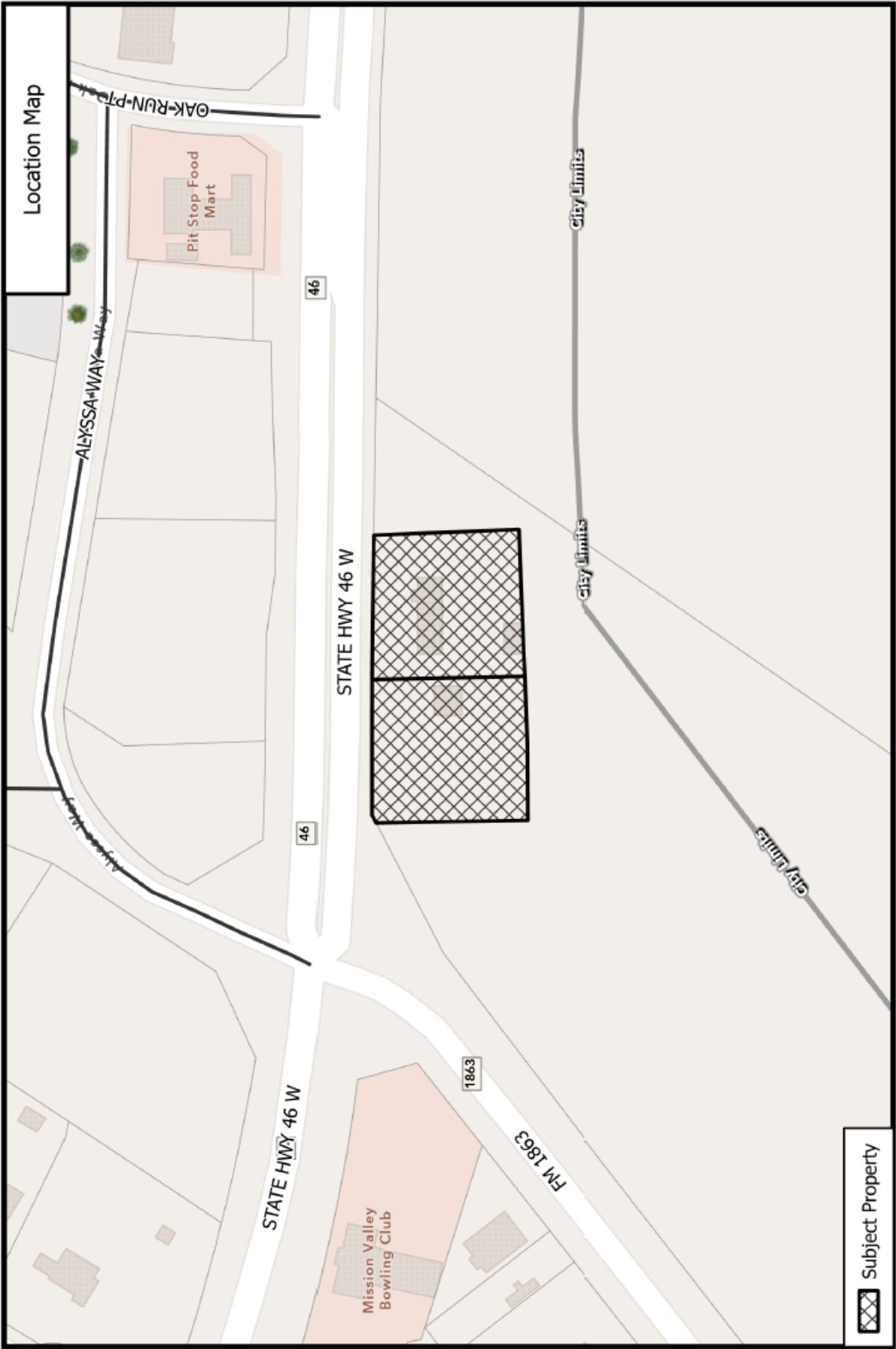


EXHIBIT "B"



METES AND BOUNDS DESCRIPTION
FOR A
0.951 OF AN ACRE TRACT OF LAND

BEING a 0.951 of an acre tract of land situated in the J.M. Steiner Survey No. 279, Abstract No. 708, in Comal County, Texas, being the remaining portion of a called One (1) acre tract of land, as conveyed to Johnny Oberkampf and Laurie Bauman, and recorded in Document No. 202106027158, of the Official Public Records of Comal County, Texas, and said 0.951 of an acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a ½" iron pin with cap stamped "DAM #5348 PROP. COR." set in the Southerly Right-of-Way (R.O.W.) line of State Highway 46 (S.H. 46) (a variable width R.O.W.), being a Northeasterly corner of the remaining portion of a called 50.23 acre tract of land, as conveyed to Sandra and Duane Dischinger, and recorded in Document No. 202006031527, of the Official Public Records of Comal County, Texas, and being the Northeast corner of the remaining portion of said 1 acre tract of land and this herein described tract of land;

THENCE departing the Southerly R.O.W. line of said S.H. 46, and with the common line between the remaining portion of said 50.23 acre tract of land and the remaining portion of said 1 acre tract of land, S 01° 53' 35" E, a distance of 202.98 feet to a ½" iron pin with cap stamped "RPLS 1847" found for a Northeasterly corner of the remaining portion of said 50.23 acre tract of land, and being the Southeast corner of the remaining portion of said 1 acre tract of land and this herein described tract of land;


THENCE continuing with the common line between the remaining portion of said 50.23 acre tract of land and the remaining portion of said 1 acre tract of land, S 88° 13' 53" W, a distance of 199.83 feet to a ½" iron pin with cap stamped "RPLS 1847" found in the Northerly line of the remaining portion of said 50.23 acre tract of land, being the Southeast corner of the remaining portion of a called One (1) acre tract of land, as conveyed to Michael A. Dischinger, Carol Dischinger Gerhardt, Jessica Lynn Windham, and Tina Schawne Rojas, and recorded in Document No. 202106002463, of the Official Public Records of Comal County, Texas, and being the Southwest corner of the remaining portion of said Oberkampf 1 acre tract of land and this herein described tract of land;

THENCE departing the Northerly line of the remaining portion of said 50.23 acre tract of land, and with the common line between the remaining portion of said Oberkampf 1 acre tract of land and the remaining portion of said Dischinger 1 acre tract of land, N 01° 55' 27" W, a distance of 211.40 feet to a ½" iron pin with cap stamped "DAM #5348 PROP. COR." set in the Southerly R.O.W. line of said S.H. 46, being the Northeast corner of the remaining portion of said Dischinger 1 acre tract of land, and being the Northwest corner of the remaining portion of said Oberkampf 1 acre tract of land and this herein described tract of land;

THENCE with the Southerly R.O.W. line of said S.H. 46, and with the Northerly line of the remaining portion of said Oberkampf 1 acre tract of land, S 89° 21' 29" E, a distance of 200.14 feet to the POINT OF BEGINNING, and containing 0.951 of an acre of land.

Bearings based on the Texas State Plane Coordinate System, Texas South Central Zone (4204), North American Datum 1983.

Exhibit prepared this the 3rd day of January, 2023.


Drew A. Mawyer
Registered Professional Land Surveyor No. 5348
TBPLS Firm Registration #10191500
5151 W. SH 46, NEW BRAUNFELS, TX 78132
MOES17-2257 SH 46 W- 0.951 AC EAST TRACT





METES AND BOUNDS DESCRIPTION
FOR A
0.988 OF AN ACRE TRACT OF LAND

BEING a 0.988 of an acre tract of land situated in the J.M. Steiner Survey No. 279, Abstract No. 708, in Comal County, Texas, being the remaining portion of a called One (1) acre tract of land, as conveyed to Michael A. Dischinger, Carol Dischinger Gerhardt, Jessica Lynn Windham, and Tina Schawne Rojas, and recorded in Document No. 202106002463, of the Official Public Records of Comal County, Texas, and said 0.988 of an acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron pin with cap stamped "DAM #5348 PROP. COR." set in the Southerly Right-of-Way (R.O.W.) line of State Highway 46 (S.H. 46) (a variable width R.O.W.), being a Northwesterly corner of the remaining portion of a called 50.23 acre tract of land, as conveyed to Sandra and Duane Dischinger, and recorded in Document No. 202006031527, of the Official Public Records of Comal County, Texas, being at the beginning of a curve to the right, and being the Northwest corner of the remaining portion of said 1 acre tract of land and this herein described tract of land;

THENCE with the Southerly R.O.W. line of said S.H. 46, with the Northerly line of the remaining portion of said 1 acre tract of land, and with said curve to the right, having an arc length of 27.01 feet, a radius of 2,342.00 feet, a delta angle of 00° 39' 38", a tangent length of 13.50 feet, and a chord bearing and distance of N 87° 58' 20" E, 27.01 feet to a TXDOT Type-II monument found in the Southerly R.O.W. line of said S.H. 46, and being a Northwesterly corner of the remaining portion of said 1 acre tract of land and this herein described tract of land;

THENCE continuing with the Southerly R.O.W. line of said S.H. 46, and with the Northerly line of the remaining portion of said 1 acre, N 87° 38' 31" E, a distance of 51.20 feet to a 1/2" iron pin with cap stamped "DAM #5348 PROP. COR." set in the Southerly R.O.W. line of said S.H. 46, and being a Northerly corner of the remaining portion of said 1 acre tract of land and this herein described tract of land;

THENCE continuing with the Southerly R.O.W. line of said S.H. 46, and with the Northerly line of the remaining portion of said 1 acre tract of land, S 89° 21' 28" E, a distance of 121.86 feet to a 1/2" iron pin with cap stamped "DAM #5348 PROP. COR." set in the Southerly R.O.W. line of said S.H. 46, being the Northwest corner of the remaining portion of a called 1 acre tract of land, as conveyed to Johnny Oberkamp and Laurie Bauman, and recorded in Document No. 202106027158, of the Official Public Records of Comal County, Texas, and being the Northeast corner of the remaining portion of said Dischinger 1 acre tract of land and this herein described tract of land;


THENCE departing the Southerly R.O.W. line of said S.H. 46, and with the common line between the remaining portion of said Dischinger 1 acre tract of land and the remaining portion of said Oberkamp 1 acre tract of land, S 01° 55' 27" E, a distance of 211.40 feet to a 1/2" iron pin with cap stamped "RPLS 1847" found for the Southwest corner of the remaining portion of said Oberkamp 1 acre tract of land, being in a Northerly line of the remaining portion of said 50.23 acre tract of land, and being the Southeast corner of the remaining portion of said Dischinger 1 acre tract of land and this herein described tract of land;

THENCE with the common line between the remaining portion of said Dischinger 1 acre tract of land and the remaining portion of said 50.23 acre tract of land, S 88° 09' 36" W, a distance of 200.50 feet to a 1/2" iron pin with cap stamped "RPLS 1847" found for a Northwesterly corner of the remaining portion of said 50.23 acre tract of land, and being the Southwest corner of the remaining portion of said Dischinger 1 acre tract of land and this herein described tract of land;

THENCE continuing with the common line between the remaining portion of said 50.23 acre tract of land and the remaining portion of said Dischinger 1 acre tract of land, N 01° 46' 34" W, a distance of 216.13 feet to the POINT OF BEGINNING, and containing 0.988 of an acre of land.

Bearings based on the Texas State Plane Coordinate System, Texas South Central Zone (4204), North American Datum 1983.

Exhibit prepared this the 3rd day of January, 2023.


Drew A. Mawyer
Registered Professional Land Surveyor No. 5348
TBPLS Firm Registration #10191500
5151 W. SH 46, NEW BRAUNFELS, TX 78132
MOE517- 2257 SH 46 W- 0.988 AC WEST TRACT

