

ORDINANCE NO. 2020-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, ANNEXING APPROXIMATELY 44 ACRES OF LAND ON THE WEST SIDE OF FM 1044 BETWEEN GREEN VALLEY ROAD AND WEIL ROAD, APPROXIMATELY 3,700 FEET NORTH OF THE INTERSECTION OF KLEIN ROAD, ADJACENT TO THE EXISTING CITY LIMIT; GRANTING TO SAID TERRITORY AND TO ALL FUTURE INHABITANTS OF SAID TERRITORY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING FUTURE INHABITANTS BY ALL OF THE ACTS AND ORDINANCES OF THE CITY OF NEW BRAUNFELS; ADOPTING A SERVICE PLAN; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the property owner of approximately 44 acres of land on the west side of FM 1044 between Green Valley Road and Weil Road, approximately 3,700 feet north of the intersection of Klein Road submitted a written petition to the city requesting voluntary annexation of said property; and

WHEREAS, the city is authorized to annex territory in accordance with the Texas Local Government Code, Chapter 43 and the City of New Braunfels, Texas home-rule charter and by statute; and

WHEREAS, said territory proposed to be annexed is within the city's extraterritorial jurisdiction and is contiguous to the corporate limits of city; and

WHEREAS, the City of New Braunfels has prepared a service plan for said territory which is attached as Exhibit "C" to this ordinance; and

WHEREAS, the city has published notice of public hearing on said voluntary annexation and held a public hearing as required by state law; **now, therefore:**

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

SECTION 1

That the following described territory, shown on a survey which is attached as Exhibit "A" and described in Exhibit "B", is hereby annexed into the city, and that the boundary limits of the city are hereby extended to include said territory within the city limits and the same shall hereafter be included within the territorial limits of said city, and said land and the future inhabitants thereof shall hereafter be entitled to all rights and privileges of other citizens of the city and shall be bound by the acts and ordinances of said city;

SECTION 2

That the municipal service plan for the herein annexed territory provided for in Exhibit "C" attached hereto is hereby adopted.

SECTION 3

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 4

This ordinance will take effect upon the second and final reading of same and upon publication as required by law.

PASSED AND APPROVED: First Reading this the 24th day of August, 2020.

PASSED AND APPROVED: Second and Final Reading this the 14th day of September, 2020.

CITY OF NEW BRAUNFELS, TEXAS

BY: _____
RUSTY BROCKMAN, Mayor

ATTEST:

ANDREW A. LYONS III, Assistant City Secretary

APPROVED AS TO FORM:

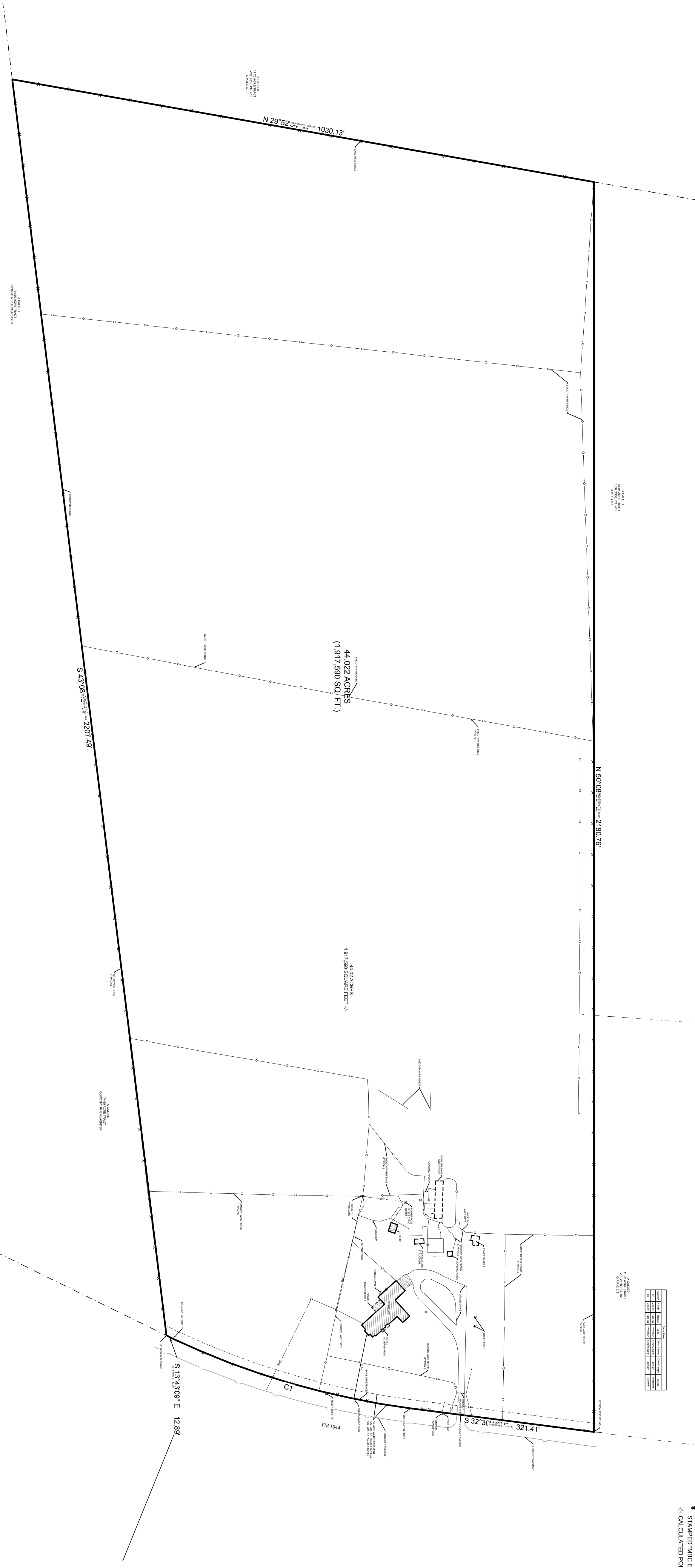
VALERIA M. ACEVEDO, City Attorney



METES AND BOUNDS DESCRIPTION

OF A 44.02 ACRE TRACT

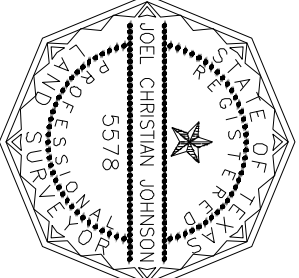
BEING 44.02 ACRES (1,917,590 SQUARE FEET +/-) TRACT OF LAND OUT OF THE R. XIMENES SURVEY, GUADALUPE COUNTY, TEXAS, SAID 44.05 ACRE TRACT BEING OUT OF A CALLED 57,992 ACRE TRACT AS DESCRIBED IN DEED RECORDED IN VOLUME 458, PAGE 495, OF THE DEED RECORDS OF GUADALUPE COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: BEGINNING at a 1/2 inch iron Rod Found on the Southwest Right-of-Way line of F.M. 1044 and making the Eastmost corner of this tract:
THENCE S 43°08'42" W a distance of 2207.49 feet separating the Southwest Right-of-Way line of said F.M. 1044 to a Fence Post;
THENCE N 29°32'54" W a distance of 1030.13 feet to a 1/2 inch iron Rod Found and making the Westmost corner of this tract;
THENCE N 50°08'39" E a distance of 2185.76 feet to a 1/2 inch iron Rod Found on the Southwest Right-of-Way line of said F.M. 1044 and making the Northeast corner of this tract;
THENCE S 32°30'42" E a distance of 321.41 feet along and with the Southwest Right-of-Way line of said F.M. 1044 to a point of Beginning and making the Eastmost corner of this tract;
THENCE S 32°30'42" E a distance of 321.41 feet along and with the Southwest Right-of-Way line of said F.M. 1044 and with curve to the right having the following parameters: Radius = 1302.50 feet Arc Length = 434.47 feet, Chord Bearing = S 25°34'18" E and a Chord Distance = 432.90 feet to a 1/2 inch iron Rod Found and making the Eastmost corner of this tract;
THENCE S 13°43'39" E a distance of 12.89 feet continuing along and with the Southwest Right-of-Way line of said F.M. 1044 to the POINT OF BEGINNING and containing 44.02 Acres (1,917,590 Square Feet) of more or less.



SCHEDULE B:

10. THE FOLLOWING MATTERS AND ALL TERMS OF THE DOCUMENT'S CREATING OR OFFERING EVIDENCE OF THE MATTERS (WHICH MUST INSERT MATTERS OR DELETE THIS PROVISION):
- E. EASEMENT:
EASEMENT IN WATER PIPE LINE
RECORDED SEPTEMBER 21, 1981 IN VOLUME 628, PAGE 189, OF THE DEED RECORDS OF GUADALUPE COUNTY, TEXAS, (SHOWN HEREON)
- F. EASEMENT:
EASEMENT IN WATER LINES
RECORDED SEPTEMBER 21, 1981 IN VOLUME 628, PAGE 189, OF THE DEED RECORDS OF GUADALUPE COUNTY, TEXAS, (SHOWN HEREON)
- I. OF GAS AND MINERAL LEASE, AND ALL TERMS, CONDITIONS AND STIPULATIONS THEREIN:
BY ASSIGNMENT OF OVERRIDING ROYALTY INTEREST RECORDED IN VOLUME 442, PAGE 4 OF THE DEED RECORDS LESSOR: HILMAR SCHLATTER AND ETERSKA SCHLATTER
LESSEE: ROBERT CARAN
THIS ASSIGNMENT HAS NOT BEEN INVESTIGATED SUBSEQUENT TO THE DATE OF THE AFORESAID INSTRUMENT (NOT PLOTTABLE)

SURVEYOR NOTES:
1) BASED ON A MAP TO MAP TRANSFER BY VISUAL INSPECTION OR SCALING ONLY THE SUBJECT PROPERTY HEREON IS NOTED AS BEING A 44.02 ACRE TRACT (1,917,590 SQUARE FEET +/-) TRACT OF LAND OUT OF THE R. XIMENES SURVEY, GUADALUPE COUNTY, TEXAS, SAID 44.05 ACRE TRACT BEING OUT OF A CALLED 57,992 ACRE TRACT AS DESCRIBED IN DEED RECORDED IN VOLUME 458, PAGE 495, OF THE DEED RECORDS OF GUADALUPE COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: BEGINNING at a 1/2 inch iron Rod Found on the Southwest Right-of-Way line of F.M. 1044 and making the Eastmost corner of this tract:
THENCE S 43°08'42" W a distance of 2207.49 feet separating the Southwest Right-of-Way line of said F.M. 1044 to a Fence Post;
THENCE N 29°32'54" W a distance of 1030.13 feet to a 1/2 inch iron Rod Found and making the Westmost corner of this tract;
THENCE N 50°08'39" E a distance of 2185.76 feet to a 1/2 inch iron Rod Found on the Southwest Right-of-Way line of said F.M. 1044 and making the Northeast corner of this tract;
THENCE S 32°30'42" E a distance of 321.41 feet along and with the Southwest Right-of-Way line of said F.M. 1044 to a point of Beginning and making the Eastmost corner of this tract;
THENCE S 32°30'42" E a distance of 321.41 feet along and with the Southwest Right-of-Way line of said F.M. 1044 and with curve to the right having the following parameters: Radius = 1302.50 feet Arc Length = 434.47 feet, Chord Bearing = S 25°34'18" E and a Chord Distance = 432.90 feet to a 1/2 inch iron Rod Found and making the Eastmost corner of this tract;
THENCE S 13°43'39" E a distance of 12.89 feet continuing along and with the Southwest Right-of-Way line of said F.M. 1044 to the POINT OF BEGINNING and containing 44.02 Acres (1,917,590 Square Feet) of more or less.

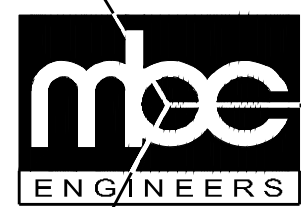


THIS SURVEY SUBSTANTIALLY COMES INTO THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1A CONDITION II SURVEY.
PRELIMINARY
THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE.
JOEL CHRISTIAN JOHNSON
R.L.S. NO. 5579

REVISIONS:	DATE	No.	DESCRIPTION	BY
DESIGN				JCL
DRAWN				GG
CHECKED	04-05-2019			
DATE	04-05-2019			
JOB NO.	COMAL-32343			
SHEET	1 of 2			

LAND TITLE SURVEY OF:

44.02 ACRES (1,917,590 SQUARE FEET +/-) TRACT OF LAND OUT OF THE R. XIMENES SURVEY, GUADALUPE COUNTY, TEXAS, SAID 44.05 ACRE TRACT BEING OUT OF A CALLED 57,992 ACRE TRACT AS DESCRIBED IN DEED RECORDED IN VOLUME 458, PAGE 495, OF THE DEED RECORDS OF GUADALUPE COUNTY, TEXAS, AND BEING THE SAME TRACT OF LAND AS DESCRIBED IN WARRANTY DEED WITH VENDOR'S LIEN RECORDED IN VOLUME 544, PAGE 370, OF THE DEED RECORDS OF GUADALUPE COUNTY, TEXAS.



MACINA • BOSE • COPELAND & ASSOC., INC.
CONSULTING ENGINEERS AND LAND SURVEYORS
1035 Central Parkway North, San Antonio, Texas 78232
(210) 545-1122 Fax (210) 545-9302 www.mbcengineers.com
FIRM REGISTRATION NUMBER: T.B.P.E. F-784 & T.B.P.L.S. 100117700

METES AND BOUNDS DESCRIPTION OF A 44.02 ACRE TRACT

BEING 44.02 ACRES (1,917,590 SQUARE FEET +/-) TRACT OF LAND OUT OF THE R. XIMENES SURVEY, GUADALUPE COUNTY, TEXAS, SAID 44.05 ACRE TRACT BEING OUT OF A CALLED 57.992 ACRE TRACT AS DESCRIBED IN DEED RECORDED IN VOLUME 458, PAGE 495, OF THE DEED RECORDS OF GUADALUPE COUNTY, TEXAS, AND BEING THE SAME TRACT OF LAND AS DESCRIBED IN WARRANTY DEED WITH VENDOR'S LIEN RECORDED IN VOLUME 544, PAGE 370, OF THE DEED RECORDS OF GUADALUPE COUNTY, TEXAS; AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-Inch Iron Rod Found on the Southwest Right-of-Way line of F.M. 1044 and marking the Easternmost corner of this tract;

THENCE S 43°08'42" W a distance of 2207.49 feet departing the Southwest Right-of-Way line of said F.M. 1044 to a Fence Post;

THENCE N 29°52'54" W a distance of 1030.13 feet to a 1/2-Inch Iron Rod Found and marking the Westernmost corner of this tract;

THENCE N 50°08'09" E a distance of 2180.76 feet to a 1/2-Inch Iron Rod Found on the Southwest Right-of-Way line of said F.M. 1044 and marking the Northernmost corner of this tract;

THENCE S 32°30'46" E a distance of 321.41 feet along and with the Southwest Right-of-Way line of said F.M. 1044 to a point of curvature of a curve to the right and from which a Concrete Monument Found bears N 67°12'22" E a distance of 0.59 feet and a THD Brass Disc Found bears S 45°10'54" E a distance of 3.43 feet;

THENCE along and with the Southwest Right-of-Way line of said F.M. 1044 and with said curve to the right having the following parameters: Radius = 1392.50 feet, Arc Length = 434.67 feet, Chord Bearing = S 23°34'18" E and a Chord Distance = 432.90 feet to a point and from which a Concrete Monument Found bears S 64°40'05" W a distance of 1.16 feet and a THD Brass Disc Found bears S 16°53'43" W a distance of 3.18 feet;

THENCE S 13°43'09" E a distance of 12.89 feet continuing along and with the Southwest Right-of-Way line of said F.M. 1044 to the POINT OF BEGINNING and containing 44.02 Acres (1,917,590 Square Feet) of land, more or less.

EXHIBIT "B"



SERVICE PLAN FOR 2020 VOLUNTARY ANNEXATION

Upon annexation of the area described below and as identified on Exhibit A, the City of New Braunfels will provide City services utilizing methods by which it extends services to any other equivalent area of the City.

Approximately 44 acres of land on the west side of FM 1044 between Green Valley Road and Weil Road, approximately 3,700 feet north of the intersection of Klein Road.

SERVICES PROVIDED BY THE EFFECTIVE DATE OF ANNEXATION

1. Police Protection

The City of New Braunfels, Texas and its Police Department will provide police protection to newly annexed areas at the same or similar level of service now being provided to other areas of the City with like topography, land use and population density as those found within the newly annexed area. The Police Department will have the responsibility to respond to all dispatched calls for service or assistance within the newly annexed area.

2. Fire Protection and Emergency Medical Services

The City of New Braunfels, Texas and its Fire Department will provide fire protection and EMS to newly annexed area at the same or similar level of service now being provided to other areas of the City with like topography, land use and population density as those found within the newly annexed area. The Fire Department will have the responsibility to respond to all dispatched calls and requests for service or assistance within the newly annexed area.

3. Maintenance of Water and Wastewater Facilities

The subject property is currently within the Water CCN of Green Valley Special Utility District (GVSUD). Any and all facilities owned or maintained by the certified purveyor at the time of the proposed annexation shall continue to be maintained by said purveyor. Any and all water facilities which may be acquired subsequent to the annexation of the proposed area shall be maintained by the purveyor to the extent of its ownership. The now existing water mains at existing locations shall be available for the point of use extension based upon the water purveyor standard extension policy now existing or as may be amended.

No public sewer service is provided in the area of the subject property and no wastewater Certificate of convenience and Necessity (CCN) encompasses this area. No plans exist for extension of wastewater service for this area for the next 2.5 years. Nevertheless, existing and proposed on-site sewerage systems may be maintained in accordance with Chapter 130 of the City's Code of Ordinances.

Any and all wastewater facilities which may be acquired subsequent to the annexation of the proposed area shall be maintained by the purveyor to the extent of its ownership.

4. Solid Waste Collection

The City of New Braunfels, Texas collects solid waste and refuse within the corporate limits of the City. Solid waste collection and residential recycling will be provided to citizens in the newly annexed area at the same or similar level of service now being provided to other areas of the City

with like topography, land use and density as those found within the newly annexed area. The City may negotiate with the annexed area to allow continued services with an existing solid waste management provider. After the second anniversary of the annexation date, the City will impose fees and provide the service.

If areas with private roads and/or gates are arranged so that garbage may be collected without creating a safety hazard, the City, at its discretion, may collect the garbage provided proper indemnification is received from the community association or individual property owners. The City will then impose fees and provide the service. Garbage collection locations shall be subject to the approval of the Sanitation Manager. In the event the City does not collect garbage within the areas with private roads and/or gates, residents of these areas will not be billed for service after the two-year date.

5. Maintenance of Roads and Streets

Any and all public roads, streets or alleyways shall be maintained to the same degree and extent that other public roads, streets, and alleyways are maintained in areas of the City with like topography, land use and density as those found within the newly annexed area. Private roads will remain under the ownership of the homeowners association and as such maintained by the association.

6. Maintenance of Parks, Playgrounds, and Swimming Pools

The City of New Braunfels, Texas is not aware of the existence of any publicly owned parks, playgrounds or swimming pools now located in the proposed area of annexation. In the event any such parks, playgrounds, or swimming pools do exist and are public facilities, the City will maintain such areas and facilities to the extent and degree and to the same or similar level of service now being provided to other such areas and facilities within the corporate limits of the City with like topography, land use and density as those found within the newly annexed area. Private facilities will remain under the ownership of the homeowners association and as such maintained by the association.

7. Maintenance of any Publicly Owned Facility, Building or Municipal Service

The City of New Braunfels, Texas is not aware of the existence of any publicly owned facility, building, or other municipal service now located in the proposed area of annexation. In the event any publicly owned facility, building, or other municipal service does exist and are public facilities, the City will maintain such areas and facilities to the extent and degree and to the same or similar level of service now being provided to other such areas and facilities within the corporate limits of the City with like topography, land use and density as those found within the newly annexed area.

8. Other Services

The City of New Braunfels, Texas finds and determines that such services as planning, zoning, subdivision platting, code compliance, animal control, library, parks and recreation, court and general administration will be made available after the effective date of annexation at the same or similar level of service now being provided to other areas of the City with similar topography, land use and density as those found within the newly annexed area.

**CONSTRUCTION OF ANY CAPITAL IMPROVEMENTS TO BE
COMPLETED WITHIN 2 ½ YEARS**

1. Police and Fire Protection and Solid Waste Collection

The City of New Braunfels, Texas, finds and determines it is not necessary to acquire or construct any capital improvements within 2-½ years of the effective date of the annexation of the particular annexed areas for the purpose of providing police protection, fire protection, emergency medical services or solid waste collection. The City finds and determines that it has at the present time

adequate facilities and other resources to provide the same type, kind and level of service and protection which is presently being administered to other areas already incorporated in the City of New Braunfels, Texas with like topography, land use and population density as those found within the newly annexed area.

2. Water Facilities

Water service will continue to be provided at or above current levels following annexation.

3. Wastewater Facilities

No public sewer service is provided in the area of the subject property and no wastewater certificate of convenience and necessity (CCN) encompasses this area. No plans exist for extension of wastewater service for this area for the next 2.5 years. At such time as a public sewer becomes available to a property served by an OSSF, the City shall require a direct connection to the public sewer at the property owner's expense should any OSSF system fail, cannot be replaced under applicable state rules with a properly functioning system, and the public health, safety and welfare requires connection to a wastewater line (hereinafter "OSSF Failure"). Public sewer becoming "Available" to the property shall mean the extension of a public sewer line to the property boundary, with enough capacity to serve the entire property at full development. If public sewer is Available to the property and the City determines that there is an OSSF Failure, the City shall provide written notice to the record owner(s) of the property, or to the Homeowner's Association if one exists, describing in detail such perceived failures with a reasonable opportunity to cure such failure(s). Specifically, within thirty (30) days of receipt of such written notice from the City describing such failure(s), the person/entity receiving such notice shall initiate repairs to the system and notify the City when repairs have been corrected. Should the property owner(s)/Homeowner's Association (as applicable) fail to diligently pursue repairs of the OSSF system after receiving notice and an opportunity to cure, the City shall require construction plans for the connection to the Available sewer line to be submitted within sixty (60) days. Connection to the Available sewer line must be completed within 60 days of the approval of the construction plans by the City. Upon completion of the sewer line connection, the OSSF shall be abandoned, cleaned and filled with suitable material to the reasonable satisfaction of the City sanitarian within 90 days of such connection. For purposes of this section, "notice" shall mean certified mail, return receipt requested, to the property owner(s) or Homeowner's Association at their address listed on the Guadalupe County Appraisal District records.

4. Roads and Streets

The City of New Braunfels, Texas, finds and determines it is not necessary to acquire or construct any capital improvements within 2-½ years of the effective date of the annexation of the particular annexed area.

5. Maintenance of Parks, Playgrounds, and Swimming Pools and Any Other Publicly Owned Facility, Building, or Service

The City of New Braunfels, Texas, finds and determines it is not necessary to acquire or construct any capital improvements within 2-½ years of the effective date of the annexation of the particular annexed area for the purpose of parks maintenance, playgrounds, swimming pools and other publicly owned facility, building or service.

SPECIFIC FINDINGS

The City of New Braunfels, Texas, finds and determines that this proposed service plan will not provide any fewer services and will not provide a lower level of service in the area being considered for annexation than were in existence in the proposed areas at the time immediately preceding the annexation process. Given the proposed annexation area's topography, land utilization and population density, the service levels to be provided in the newly annexed area will be equivalent to those provided to other areas of the City with similar characteristics.

TERMS

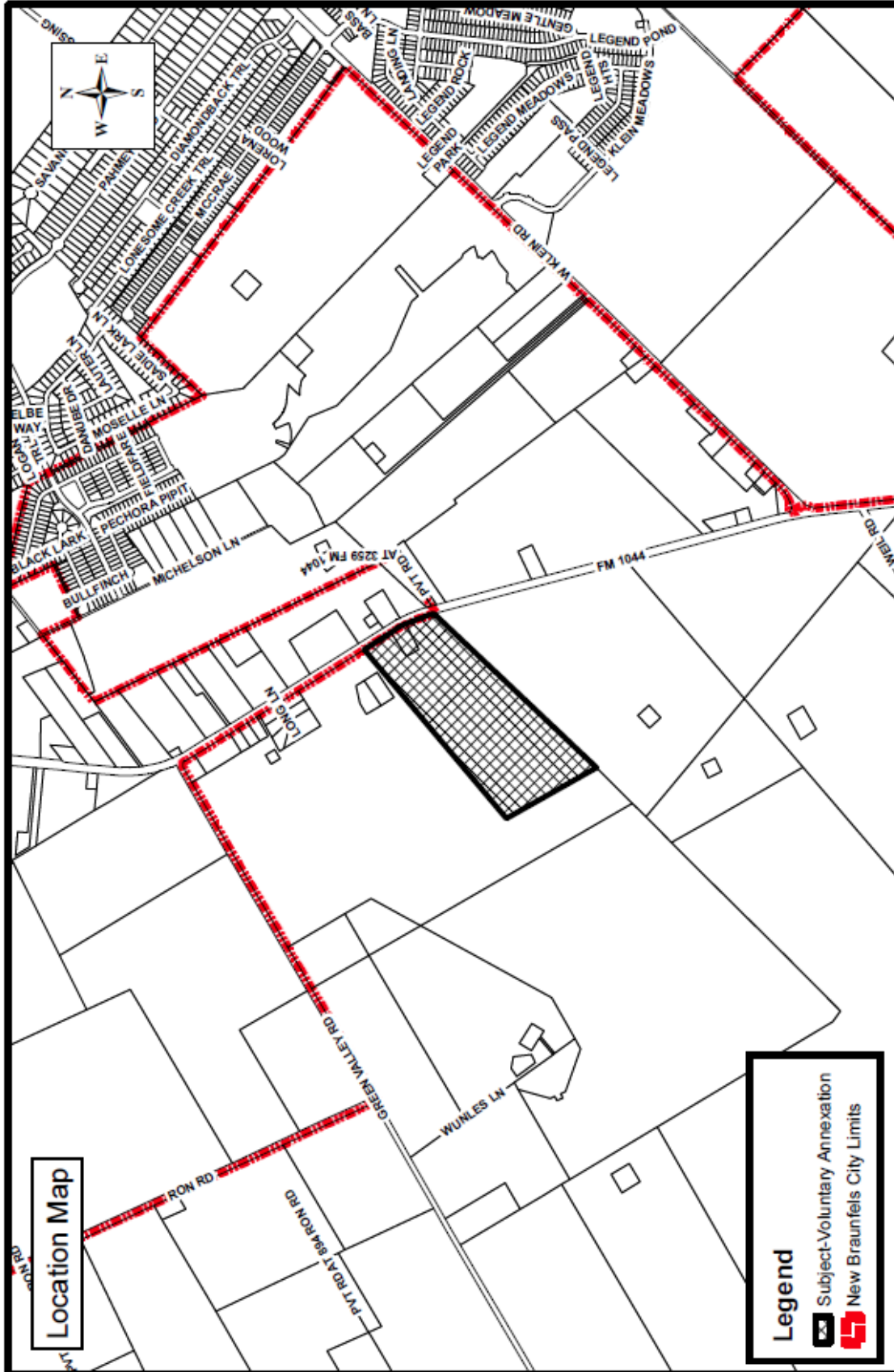
This plan shall be valid for a term of ten (10) years. Renewal of the Service Plan is at the discretion of the City of New Braunfels.

LEVEL OF SERVICE

Nothing in this plan shall require the City to provide a uniform level of full municipal services to each area of the City, including the annexed area, if different characteristics of topography, land use, and population density are considered a sufficient basis for providing different levels of service.

AMENDMENTS

The plan shall not be amended unless public hearings are held in accordance with Chapter 43 of the Texas Local Government Code.



Petition for Voluntary Annexation
of 44.022 Acres on FM 1044



EXHIBIT 'A'