

ORDINANCE NO. 2022-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING OF APPROXIMATELY 59.83 ACRES OUT OF THE A M ESNAURIZAR SURVEY, ABSTRACT NO. 20, ADDRESSED AT 1983 STATE HIGHWAY 46 SOUTH FROM “C-3 AH” COMMERCIAL DISTRICT AIRPORT HAZARD OVERLAY AND “APD” AGRICULTURAL PRE-DEVELOPMENT DISTRICT AIRPORT HAZARD OVERLAY TO “MU-A AH” LOW INTENSITY MIXED-USE DISTRICT AIRPORT HAZARD OVERLAY; 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 “MU-A” Low Intensity Mixed Use 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 City Council desires to amend the Zoning Map by changing the zoning of approximately 59.83 acres out of the A M Esnaurizar Survey, Abstract No. 20, addressed at 1983 State Highway 46 South, from “C-3 AH” Commercial District Airport Hazard Overlay and “APD” Agricultural Pre-Development District Airport Hazard Overlay to “MU-A AH” Low Intensity Mixed-Use District Airport Hazard Overlay; and

WHEREAS, the requested rezoning is in accordance with Envision New Braunfels, the City’s Comprehensive Plan; **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 changing the following described tract of land from “C-3 AH” Commercial District Airport Hazard Overlay and “APD” Agricultural Pre-Development District Airport Hazard Overlay to “MU-A AH” Low Intensity Mixed-Use District Airport Hazard Overlay herein described:

Being 59.83 acres out of the A M Esnaurizar Survey, Abstract No. 20, addressed at 1983 State Highway 46 South, described in Exhibit “A” and delineated in Exhibit “B” attached.

SECTION 2

THAT all provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.

SECTION 3

THAT all other ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent that they are in conflict.

SECTION 4

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 5

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 22nd day of August, 2022.

PASSED AND APPROVED: Second reading this 12th day of September, 2022.

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

ATTEST:

GAYLE WILKINSON, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

EXHIBIT "A"

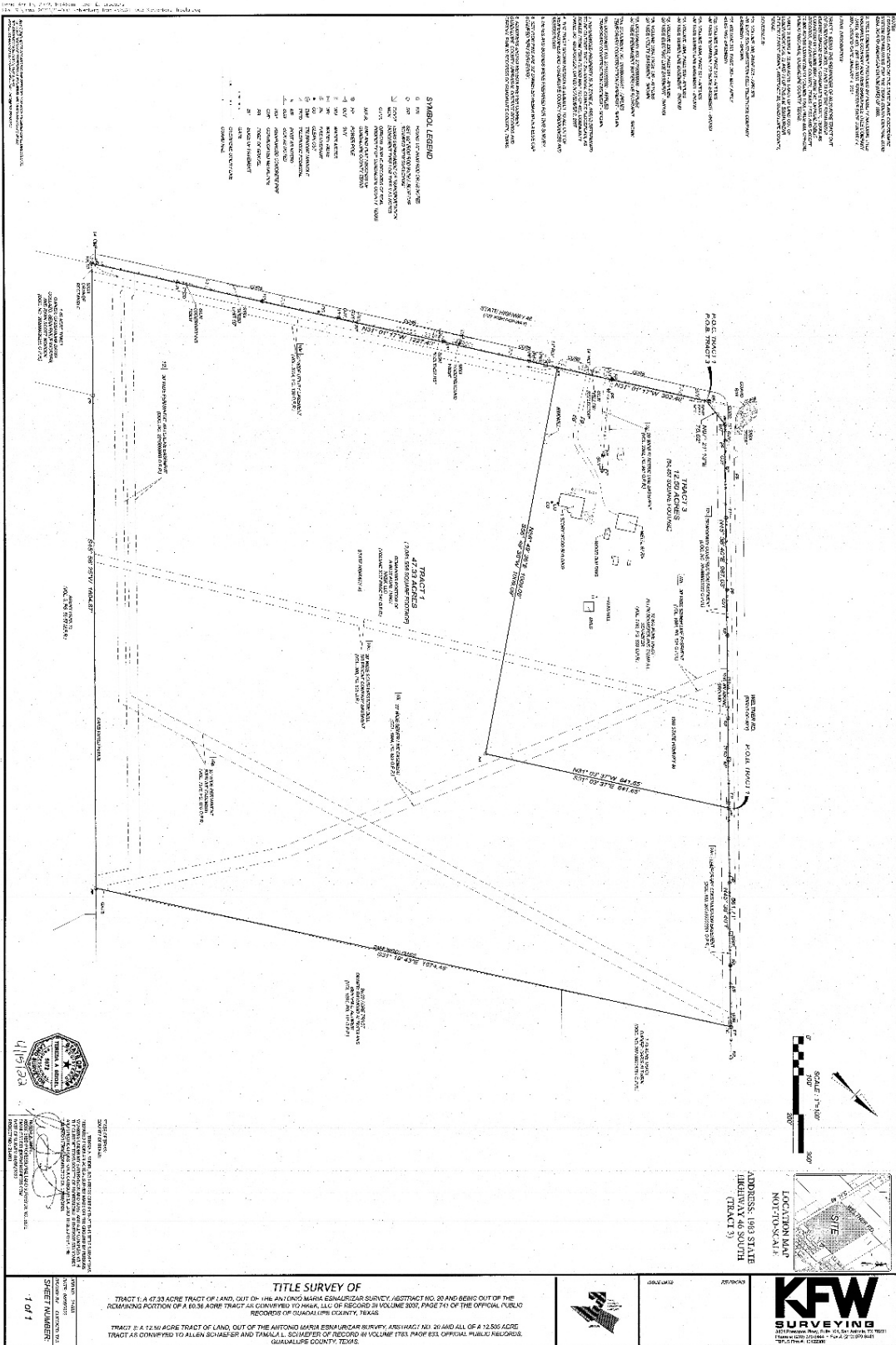


EXHIBIT "B"

FIELD NOTES FOR A 47.33 ACRE TRACT

A **47.33 acre** tract of land, out of the Antonio Maria Esnaurizar Survey, Abstract No. 20 and being out of the remaining portion of a 60.36 acre tract as conveyed to HKEK, LLC of record in Volume 3037, Page 741 of the Official Public Records of Guadalupe County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING at a found Texas Department of Transportation Type I Monument in the northeast right-of-way line of State Highway 45, a 120' right-of-way, for the southwest cutback intersection of State Highway 46 with Weltner Rd., for the westerly northwest corner of the 12.500 acre tract;

THENCE: N 07°21'13" E, along and with the cutback intersection of State Highway 46 with Weltner Rd and the northwest line of the 12.500 acre tract, a distance of 75.62 feet to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW SURVEYING", in the southeast right-of-way line of Weltner Rd., for a northwest corner of the 12.500 acre tract;

THENCE: N 45°38'40" E, along and with the southeast right-of-way line of Weltner Rd. and the northwest line of the 12.500 acre tract, a distance of 987.63 feet, a found ½" iron rod, for the northeast corner of the 12.500 acre tract, the northwest corner of the remaining portion of the 60.36 acre tract, and the **POINT OF BEGINNING** and northwest corner of the tract described herein;

THENCE: N 45°38'40" E, along and with the southeast right-of-way line of Weltner Rd. and the northwest line of the remaining portion of the 60.36 acre tract, distance of **561.71 feet** to a found ½" iron rod, for the northwest corner of a 1.75 acre tract as conveyed to Chris Altwein of record in Document No. 202199004764 of the Official Public Records of Guadalupe County, the northeast corner of the remaining portion of the 60.36 acre tract and of the tract described herein;

THENCE: S 31°19'43" E, along and with the southwest lines of the 1.75 acre tract and a 25.00 acre tract as conveyed to Raymond Altwein and Bertha L. Altwein of record in Volume 1201, Page 441 of the Official Public Records of Guadalupe County, Texas, a distance of **1674.48 feet** to a found ½" iron rod in the northwest line of Avery Park 13, a plat of record in Volume 9, Pages 56-57 of the Map and Plat Records of Guadalupe County, Texas, for the southeast corner of the remaining portion of the 60.36 acre tract and of the tract described herein;

THENCE S 45°56'25" W, along and with the northwest line of Avery Park 13 and the southeast line of the remaining portion of the 60.36 acre tract, at a distance of 1266.35 feet, passing a found ½" iron rod, for the northwest corner of Avery Park 13 and the northeast corner of a 1.46 acre tract as conveyed to Cassandra Dawn Collazo, Sean Philip Worden and Ran Scott Worden of record in Document No. 20209020269 of the Official Public Records of Guadalupe County, Texas, and continuing for a total distance of **1604.87 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW SURVEYING" in the northeast right-of-way line of State Highway 46, for the northwest corner of the 1.46 acre tract, the southwest corner of the remaining portion of the 60.36 acre tract and of the tract described herein;

THENCE: N 31°01'17" W, along and with the northeast right-of-way line of State Highway 46 and the southwest line of the remaining portion of the 60.36 acre tract, a distance of **1227.43 feet** a found ½" iron rod, for the southwest corner of the 12.500 acre tract, the westerly northwest corner of the remaining portion of the 60.36 acre tract and of the tract described herein;

THENCE: Along and with the southeast and northeast lines of the 12.500 acre tract and a northwest and southwest line of the remaining portion of the 60.36 acre tract, the following two (2) courses:

1. **N 56°49'36" E**, a distance of **1009.09 feet** to a found ½" iron rod, for the southeast corner of the 12.500 acre tract, an interior corner of the remaining portion of the 60.36 acre tract and of the tract described herein, and
2. **N 31°03'37" W**, a distance of **641.65 feet** to the **POINT OF BEGINNING** and containing **47.33 acres** more or less, in Guadalupe County, Texas. Said tract being described in accordance with a survey prepared by KFW Surveying. Bearings are based on NAD83 Texas State Plane South Central Zone.

Being a 12.500 acre tract of land out of Subdivision Nos. 72 & 73 of the A. M. Esnaurizar Eleven League Grant, Abstract 20, Guadalupe County, Texas, and being out of that certain 60.36 acre tract described in Deed of Gift from Henry Kohlenberg and wife to Harold Kohlenberg and Kenneth N. Kohlenberg dated October 24, 1979 and recorded in Volume 593 on pages 840-842 of the Deed Records of Guadalupe County, Texas, said 12.500 acre tract described more particularly by metes and bounds as follows:

BEGINNING at a nail set in the base of a broken Right of Way monument in the Northwest line of the above cited Kohlenberg 60.36 acre tract, at the point of intersection of the Southeast line of Weltner Road with a flare line of State Highway 46, for the Northeast corner of a 0.46 of an acre tract conveyed by Henry

Kohlenberg, Jr. and wife to The State of Texas by deed recorded in Volume 180 on pages 28-29 of the Deed Records of Guadalupe County, Texas, for the Northwest corner of the herein described 12.500 acre tract;

THENCE with the Northwest line of the Kohlenberg 60.36 acre tract, the Southeast line of Weltner Road, N. 46° 25' 40" E. 986.91. feet to a ½" re-bar rod set for the North corner of this 12.500 acre tract, from said rod set, a fence corner post, the North corner of the 60.36 acre tract bears N. 46° 25' 40" E. 561.39 feet;

THENCE into the said 60.36 acre tract, establishing the Northeast line of this 12.500 acre tract, S. 30° 14' 00" E. 641.62 feet to a ½" re-bar rod set for the East corner of this 12.500 acre tract;

THENCE establishing the Southeast line of this 12.500 acre tract S. 57° 35' 25" W. 1,008.84 feet to a ½" re-bar rod set in the Northeast line of State Highway 46, in the Northeast line of the aforesaid 0.46 of an acre tract, for the South corner of this 12.500 acre tract;

THENCE with the Northeast line of State Highway 46, the Northeast line of the 0.46 of an acre tract, N. 30° 14' 00" W. (REFERENCE BEARING FROM R.O.W. MAP) 392.60 feet to a nail found at a leaning R.O.W. monument for a re-entrant corner of the 0.46 of an acre tract, for the West corner of this 12.500 acre tract;

THENCE with the aforesaid flare line of State Highway 46, the East line of the 0.46 of an acre tract, N. 08° 29' 45" E. 76.46 feet to the Place of Beginning.

All according to a survey made on the ground and completed on September 17, 2002, by GERARD S. SCHOLLER, R.P.L.S. 1876.