

ORDINANCE NO. 2024-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 42 ACRES, BEING OUT OF THE A. M. ESNAURIZAR SURVEY, ABSTRACT 20, CURRENTLY ADDRESSED AT 1983 STATE HIGHWAY 46, FROM MU-A AH (LOW-INTENSITY MIXED USE DISTRICT WITH AIRPORT OVERLAY) TO C-1B AH (GENERAL BUSINESS DISTRICT WITH AIRPORT 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 C-1B AH (General Business District with Airport Overlay), the City Council has given due consideration to all components of said district; and

WHEREAS, the rezoning complies 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 42 acres being out of the A. M. Esnaurizar Survey, Abstract 20, currently addressed at 1983 State Highway 46 from MU-A AH (Low-Intensity Mixed-Use District with Airport Overlay) to C-1B AH (General Business District with Airport Overlay) 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 MU-A AH (Low-Intensity Mixed-Use District with Airport Overlay) to C-1B AH (General Business District with Airport Overlay):

Approximately 42 acres, being out of the A. M. Esnaurizar Survey, Abstract 20 as delineated on 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THAT all other ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent that they are in conflict.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 8th day of January 2024.

PASSED AND APPROVED: Second reading this 22nd day of January 2024.

CITY OF NEW BRAUNFELS

NEAL LINNARTZ, Mayor

ATTEST:

GAYLE WILKINSON, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

EXHIBIT "B"

3421 Paesanos Pkwy, Ste. 200 San Antonio TX 78231 US
Main: 877 627 3772
<https://colliersengineering.com/>

TBPELS Reg. 10194550 • TBPE Reg. F-14909 • TBPG 50617



METES AND BOUNDS DESCRIPTION

FOR A 32.01-ACRE TRACT

A **32.01-acre tract** of land, being out of the Antonio Maria Esnaurizar Survey, Abstract No. 20, also being a portion of a 47.33-acre tract as conveyed to HKEK, LLC of record in Volume 3037, Page 741 of the Official Public Records, Guadalupe County, Texas (O.P.R.G.C.T.) and being more particularly described by metes and bounds as follows:

COMMENCING at a found Texas Department of Transportation Type I Monument on the Northeast right-of-way line of Texas Highway 46 (a 120' right-of-way), for the Southern-most, West cutback corner of said Highway 46 at the intersection of Weltner Rd., and a 12.500-acre tract as conveyed to Allen Schaefer and Tamala L. Schaefer of record in Volume 1783, Page 833, O.P.R.G.C.T.;

THENCE: With said Northeast right of way line of State Highway 46 and the Southwest line of said 12.500-acre tract, South 31°01'17" East, a distance of 392.48 feet to a found ½" iron rod, for the West corner of said 47.33-acre tract, the South corner of said 12.500-acre tract and the West corner and **THE POINT OF BEGINNING** of the herein described tract;

THENCE: With the Southeast line of said 12.500-acre tract and the Northeast line of said 47.33-acre tract, **North 56°49'36" East**, a distance of **1009.09 feet** to a found ½" iron rod for an interior corner of said 47.33-acre tract, the East corner of said 12.500-acre tract and the North corner of the herein described tract;

THENCE: into and across said 47.33-acre tract the following two (2) courses;

1. **South 67°02'59" East**, a distance of **450.15 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "COLLIERS PROP CORNER" (hereinafter called an SIR-CED), for an exterior corner of the herein described tract;
2. **South 43°24'07" East**, a distance of **590.85 feet** to a set SIR-CED, for the East corner of the herein described tract, from which a found ½" iron rod, for the East corner of said 47.33-acre tract, the Southwest corner of a 25.00-acre tract as conveyed to Raymond Altwein and Bertha L. Altwein of record in Volume 1202, Page 441 of the O.P.R.G.C.T. lying on the Northwest line of Avery Park 13 a Plat of record in Volume 9, Page 56-57 of the Map and Plat Records of Guadalupe County Texas bears, North 45°56'25" East, a distance of 167.99 feet;

THENCE: South 45°56'25" West, with the Southeast line of the 47.33-acre tract, the Northwest line of Avery Park 13, a 1.46-acre tract as conveyed to Cassandra Dawn Collazo, Sean Philip Worden, and Ryan Scott Worden of record in Document Number 202099020269 of the O.P.R.G.C.T., and the herein described tract, at a distance of 1098.36 feet, passing a found ½" iron rod, for the Northwest corner of Avery Park 13 and the Northeast corner of said 1.46 acre tract and continuing for a total distance of **1436.88 feet** to a found ½" iron rod with a Blue Plastic Cap Stamped "KFW SURVEYING" on the Northeast right-of-way line of State Highway 46, for the Northwest corner of said 1.46 acre tract, the Southwest corner of said 47.33-acre tract and the Southwest corner of the herein described tract;

THENCE: N 31°01'17" W, with the Northeast right-of-way line of State Highway 46 and the Southwest line of said 47.33-acre tract, a distance of **1227.43 feet** to a found ½" iron rod, to the **POINT OF BEGINNING**, containing 1,394,355.6 S.F. or **32.01-acres** of land. Said tract being described in accordance with an exhibit prepared by CED. Bearings are based on NAD83 Texas State Plane South Central Zone.

Job No.: 21-003
Prepared by: CED
Date: September 27, 2023
File: S:\Draw 2021\21-003 Kohlenberg Tracts\DOCS\21-003 Metes and Bounds 32.01AC.docx



Saul V. Castillo *09/29/2023*

Saul V. Castillo

Date:

METES AND BOUNDS DESCRIPTION

FOR A 9.887-ACRE TRACT

A **9.887-acre tract** of land, being out of the Antonio Maria Esnaurizar Survey, Abstract No. 20 also being a portion of a 12.500-acre tract as conveyed to Allen Schaefer and Tamala L. Schaefer of record in Volume 1783, Page 833, Official Public Records, Guadalupe County, Texas (O.P.R.G.C.T.) and being more particularly described by metes and bounds as follows:

BEGINNING at a found Texas Department of Transportation Type I Monument on the Northeast right-of-way of Texas Highway 46 (a 120' right-of-way), for the Southern-most, West cutback intersection of said Highway 46 with Weltner Rd., said 12.500-acre tract and of the herein described tract;

THENCE: With the cutback intersection of said Highway 46 with Weltner Rd and the Northwest line of said 12.500-acre tract, **North 07°21'13" East**, a distance of **75.62 feet** to a found ½" iron rod with a Blue Plastic Cap Stamped "KFW SURVEYING" in the Southeast line of Weltner Rd., for the Northern-most West corner of said 12.500-acre tract and of the herein described tract;

THENCE: With the Southeast right-of-way line of Weltner Rd., the Northwest line of said 12.500-acre tract, **North 45°38'40" East**, a distance of **623.25 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "COLLIERS PROP CORNER", for the North corner of the herein described tract, from which a found ½" iron rod, for the Northwest corner of a 47.33-acre tract as conveyed to HKEK, LLC of record in Volume 3037, Page 741 of the O.P.R.G.C.T., and the North corner of said 12.500-acre tract bears, North 45°38'40" East, a distance of 364.38 feet;

THENCE: Into and across said 12.500-acre tract, **South 63°30'12" East**, a distance of **661.02 feet** to a found ½" iron rod, for an interior corner of said 47.33-acre tract, the East corner of said 12.500-acre tract and the East corner of the herein described tract;

THENCE: With the Southeast line of said 12.500-acre tract, the Northeast line of said 47.33-acre tract, **South 56°49'36" West**, a distance of **1009.09 feet** to a found ½" iron rod on the Northeast right-of-way line of said Highway 46, for the Western-most Northwest corner of said 47.33-acre tract, the South corner of said 12.500-acre tract and of the herein described tract;

THENCE: With said Northeast right-of-way line of State Highway 46 and the Southwest line of the 12.500-acre tract, **North 31°01'17" West**, a distance of **392.48 feet** to the **POINT OF BEGINNING**, containing 430,691 S.F. or **9.887-acres** of land. Said tract being described in accordance with an exhibit prepared by CED. Bearings are based on NAD83 Texas State Plane South Central Zone.

Job No.: 21-003
Prepared by: CED
Date: September 28, 2023
File: S:\Draw 2021\21-003 Kohlenberg Tracts\DOCS\21-003 Metes and Bounds 9.887AC.docx



 

Saul V. Castillo

Date: