

ORDINANCE NO. 2023-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS DISANNEXING APPROXIMATELY 8.765 ACRES, BEING OUT OF ABSTRACT NO. 98 OF THE ANTONIO MARIA ESNAURIZAR SURVEY NO. 1, COMAL COUNTY, TEXAS, LOCATED ALONG THE SOUTHEAST RIGH-OF-WAY LINE OF INTERSTATE HIGHWAY 35 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, said territory proposed to be disannexed is subject to the Development Agreement between the City of New Braunfels, Texas and Southstar at Mayfair, LP for a proposed Mixed Use Development ("Agreement") which was fully executed on June 28, 2021; and was effective when filed of record on February 9, 2022; and

WHEREAS, Section 23.1 of the Agreement provides overlapping property located within the District and the Corporate Limits of the City will be regulated by Chapter 144 (Zoning), City Code of Ordinances, until such date that any portion of such property is disannexed from the City; and

WHEREAS, Southstar at Mayfair LP has requested disannexation of the subject property for the purpose of consistent development requirements within Comal County Water Improvement District No. 3, which is also known as the Mayfair Development; and

WHEREAS, Southstar at Mayfair, LP 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 8.765 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 0.135 acres of land out of Abstract No. 98 of the Antonio Maria

Esnaurizar Survey No. 1, Comal County, Texas, as delineated on Exhibits "A" and "G" and described in Exhibit "B", attached; and

Approximately 1.459 acres of land out of Abstract No. 98 of the Antonio Maria Esnaurizar Survey No. 1, Comal County Texas, as delineated on Exhibit "C" and "G" and described in Exhibit "D", attached; and

Approximately 7.171 acres of land out of Abstract No. 98 of the Antonio Maria Esnaurizar Survey No. 1, Comal County, Texas, as delineated on Exhibit "E" and "G" and described on Exhibit "F".

SECTION 2

THAT post disannexation, the subject property shall be subject to the Strategic Partnership Agreement between the City of New Braunfels and the Comal County Water Improvement District No. 3.

SECTION 3

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

SECTION 4

THAT the disannexation is requested by the property owner of the unimproved and uninhabited 8.765 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 5

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 6

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

SECTION 7

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 8

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

PASSED AND APPROVED: First Reading this the 11th day of September 2023.

PASSED AND APPROVED: Second and Final Reading this the 25th day of September 2023.

CITY OF NEW BRAUNFELS

NEAL LINNARTZ, Mayor

ATTEST:

GAYLE WILKINSON, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

EXHIBIT A

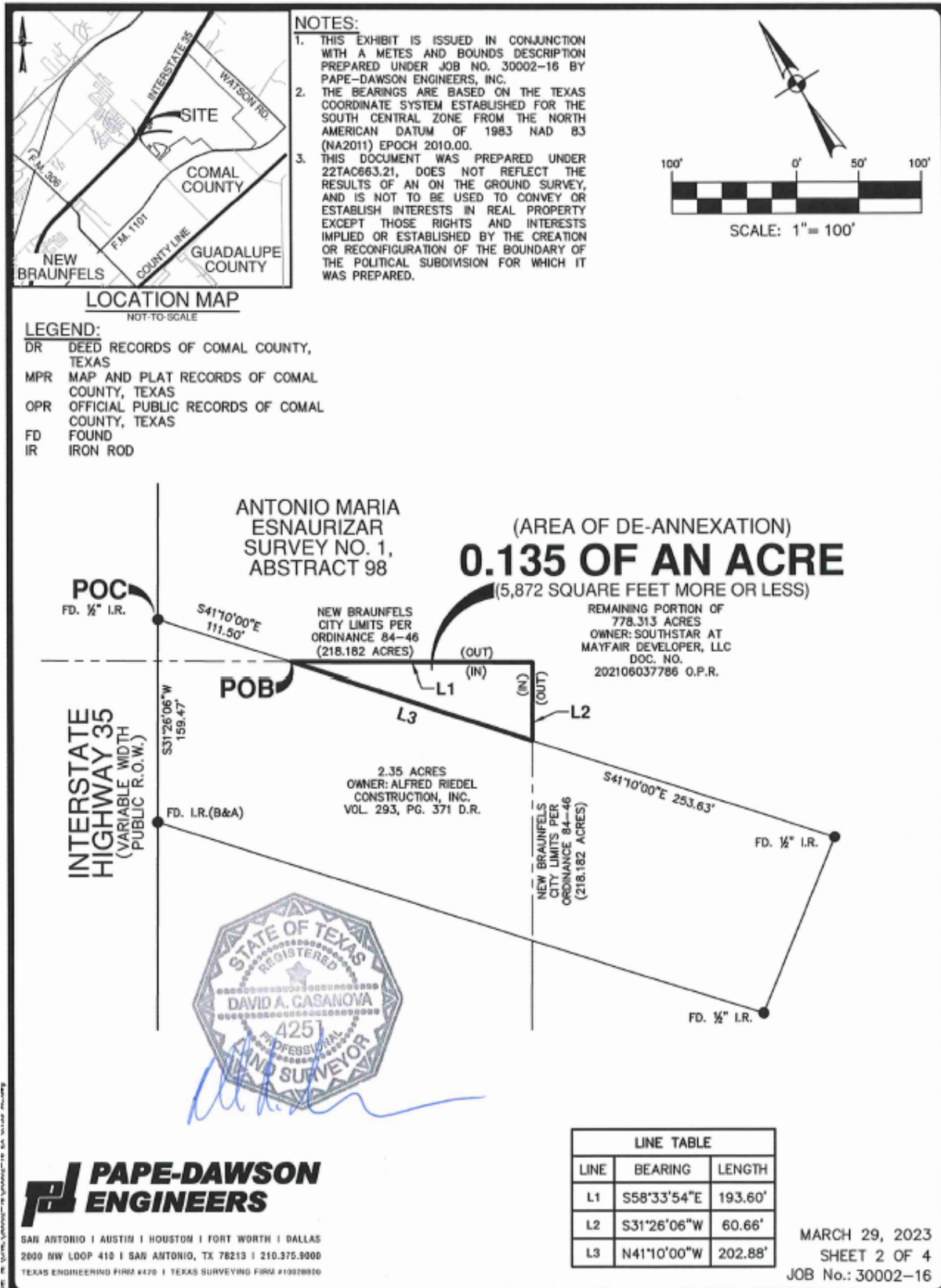


EXHIBIT B



METES AND BOUNDS DESCRIPTION FOR AN AREA OF DE-ANNEXATION

A 0.135 of an acre, or 5,872 square feet more or less, tract of land out of the 778.313 acre tract described in instrument to Southstar at Mayfair Developer, LLC in Document No. 202106037786 in the Official Public Records of Comal County, Texas, in the Antonio Maria Esnaurizar Survey No. 1, Abstract 98, Comal County, Texas. Said 0.135 of an acre tract being more fully described as follows, with bearings based on the Texas Coordinate System established for the South Central Zone from the North American Datum of 1983 NAD 83 (NA2011) epoch 2010.00:

COMMENCING: At a found $\frac{1}{2}$ " iron rod on the southeast right-of-way line of Interstate Highway 35, a variable width public right-of-way, at an angle point of said 778.313 acre tract and the north corner of the 2.35 acre tract described in Volume 293, Page 371 in the Deed Records of Comal County, Texas, from which a found iron rod with cap marked "B&A" on the southeast right-of-way line of said Interstate Highway 35, at angle point of said 778.313 acre tract and the west corner of said 2.35 acre tract bears S 31°26'06" W, a distance of 159.47 feet;

THENCE: S 41°10'00" E, departing the southeast right-of-way line of said Interstate Highway 35, along and with a southwest line of said 778.313 acre tract and the northeast line of said 2.35 acre tract, a distance of 111.50 feet to the POINT OF BEGINNING of the herein described tract;

THENCE: S 58°33'54" E, departing the northeast line of said 2.35 acre tract, over and across said 778.313 acre tract, along and with the northeast line of the 218.182 acres annexed in City of New Braunfels' Ordinance No. 84-46, a distance of 193.60 feet to a point, at the east corner of said 218.182 acre annexed area;

THENCE: S 31°26'06" W, along and with a southeast line of said 218.182 acre annexed area, a distance of 60.66 feet to a point on a southwest line of said 778.313 acre tract and the northeast line of said 2.35 acre tract, from which a found $\frac{1}{2}$ " iron rod, at an angle point of said 778.313 acre tract and the east corner of said 2.35 acre tract bears S 41°10'00" E, a distance of 253.63 feet;

THENCE: N 41°10'00" W, along and with a southwest line of said 778.313 acre tract and the northeast line of said 2.35 acre tract, a distance of 202.88 feet to the POINT OF BEGINNING and containing 0.135 of an acre in Comal County, Texas. Said tract being described in conjunction with an exhibit prepared under job number 30002-16 by Pape-Dawson Engineers, Inc.

THIS DOCUMENT WAS PREPARED UNDER 22TAC663.21, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.

PREPARED BY: Pape-Dawson Engineers, Inc.
DATE: March 29, 2023
JOB NO. 30002-16
DOC. ID. N:\CIVIL\30002-16\WORD\30002-16 EX 0.135 AC.docx



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telephone: 210-375-9000 address: 2000 NW LOOP 410 SAN ANTONIO, TX 78213 website: PAPE-DAWSON.COM
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EXHIBIT C

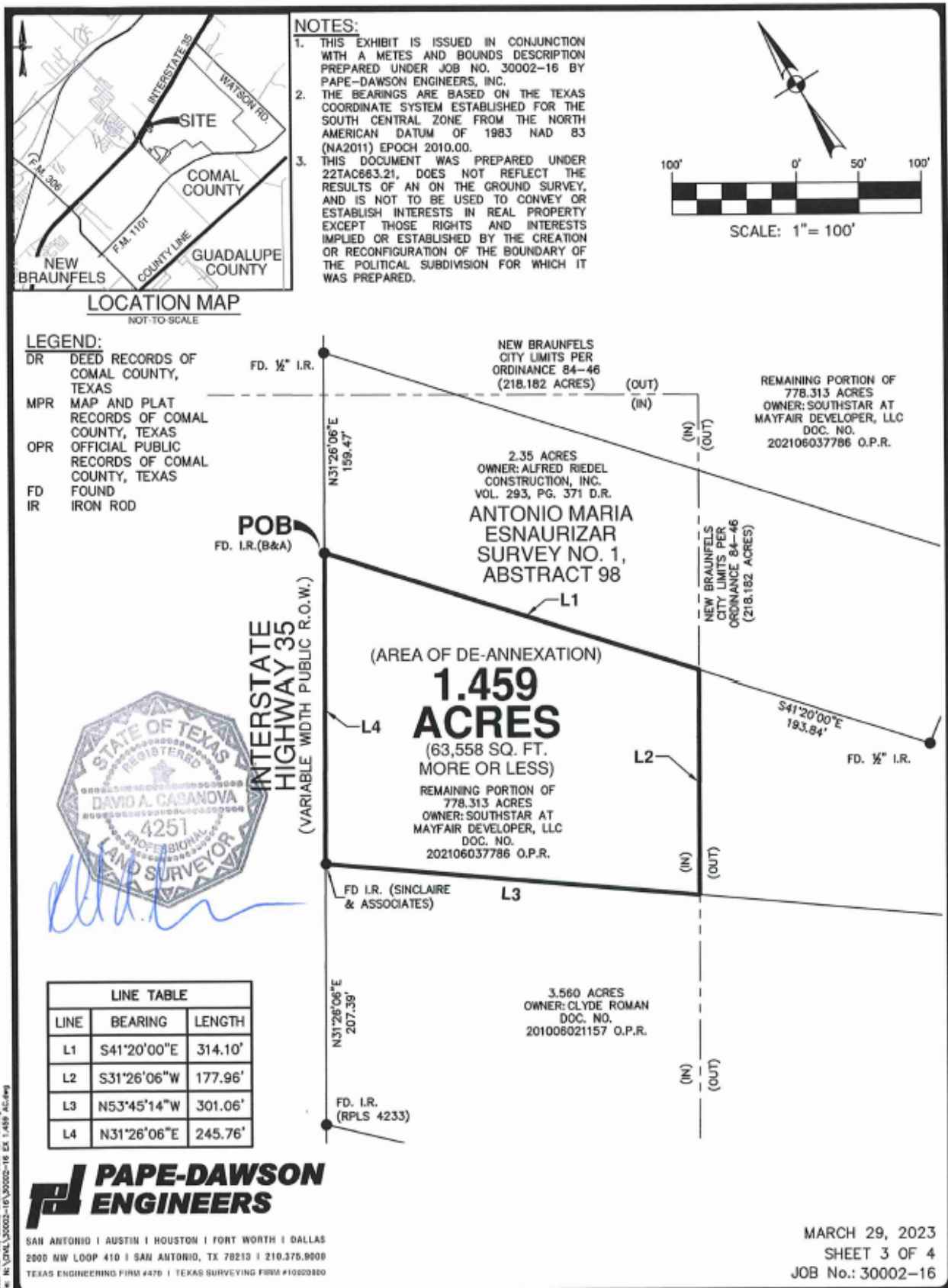


EXHIBIT D



METES AND BOUNDS DESCRIPTION FOR AN AREA OF DE-ANNEXATION

A 1.459 acre, or 63,558 square feet more or less, tract of land out of the 778.313 acre tract described in instrument to Southstar at Mayfair Developer, LLC in Document No. 202106037786 in the Official Public Records of Comal County, Texas, in the Antonio Maria Esnaurizar Survey No. 1, Abstract 98, Comal County, Texas. Said 1.459 acre tract being more fully described as follows, with bearings based on the Texas Coordinate System established for the South Central Zone from the North American Datum of 1983 NAD 83 (NA2011) epoch 2010.00:

- BEGINNING:** At a found iron rod with cap marked "B&A" on the southeast right-of-way line of Interstate Highway 35, a variable width public right-of-way, at an angle point of said 778.313 acre tract and the west corner of the 2.35 acre tract described in Volume 293, Page 371 in the Deed Records of Comal County, Texas, from which a found $\frac{1}{2}$ " iron rod on the southeast right-of-way line of said Interstate Highway 35, at an angle corner of said 778.313 acre tract and the north corner of said 2.35 acre tract bears N 31°26'06" E, a distance of 159.47 feet;
- THENCE:** S 41°20'00" E, departing the southeast right-of-way line of said Interstate 35, along and with a northeast line of said 778.313 acre tract and a southwest line of said 2.35 acre tract, a distance of 314.10 feet to a point on a southeast line of the 218.182 acres annexed in City of New Braunfels' Ordinance No. 84-46, from which a found $\frac{1}{2}$ " iron rod at an angle point of said 778.313 acre tract and a south corner of said 2.35 acre tract bears S 41°20'00" E, a distance of 193.84 feet;
- THENCE:** S 31°26'06" W, departing the southwest line of said 2.35 acre tract, over and across said 778.313 acre tract, along and with a southeast line of said 218.182 acre annexed area, a distance of 177.96 feet to a point on a southwest line of said 778.313 acre tract and the northeast line of the 3.560 acre tract described in Document No. 201006021157 in said Official Public Records;
- THENCE:** N 53°45'14" W, along and with a southwest line of said 778.313 acre tract and the northeast line of said 3.560 acre tract, a distance of 301.06 feet to a found iron rod with cap marked "Sinclair & Associates" on the southeast right-of-way line of said Interstate Highway 35, from which a found iron rod with cap marked "RPLS 4233" on the southeast right-of-way line of said Interstate Highway 35, at an angle point of said 778.313 acre tract and the west corner of said 3.560 acre tract bears S 31°26'06" W, a distance of 207.39 feet;

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EXHIBIT E

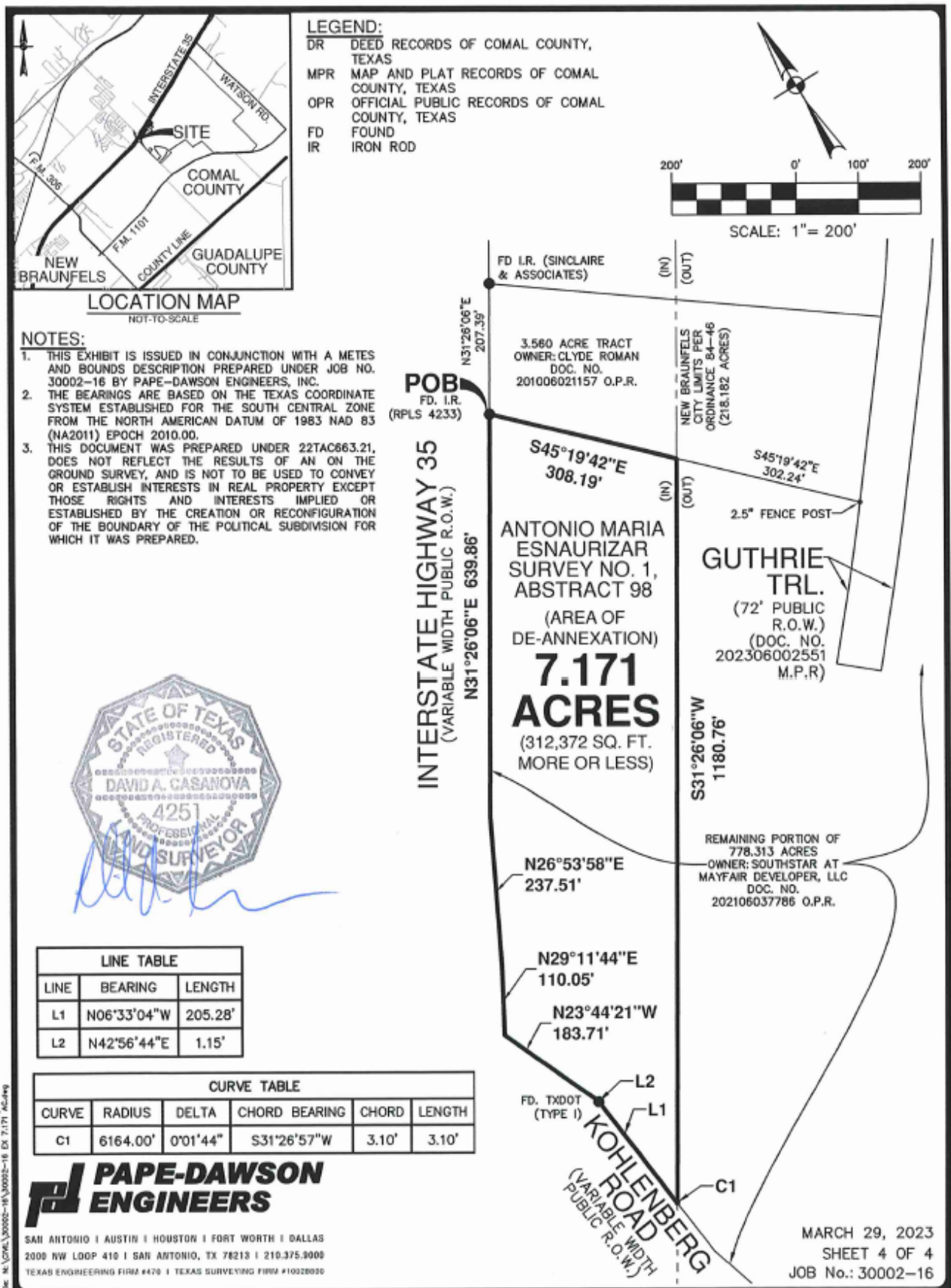


EXHIBIT F



METES AND BOUNDS DESCRIPTION FOR AN AREA OF DE-ANNEXATION

A 0.135 of an acre, or 5,872 square feet more or less, tract of land out of the 778.313 acre tract described in instrument to Southstar at Mayfair Developer, LLC in Document No. 202106037786 in the Official Public Records of Comal County, Texas, in the Antonio Maria Esnaurizar Survey No. 1, Abstract 98, Comal County, Texas. Said 0.135 of an acre tract being more fully described as follows, with bearings based on the Texas Coordinate System established for the South Central Zone from the North American Datum of 1983 NAD 83 (NA2011) epoch 2010.00:

COMMENCING: At a found $\frac{1}{2}$ " iron rod on the southeast right-of-way line of Interstate Highway 35, a variable width public right-of-way, at an angle point of said 778.313 acre tract and the north corner of the 2.35 acre tract described in Volume 293, Page 371 in the Deed Records of Comal County, Texas, from which a found iron rod with cap marked "B&A" on the southeast right-of-way line of said Interstate Highway 35, at angle point of said 778.313 acre tract and the west corner of said 2.35 acre tract bears S 31°26'06" W, a distance of 159.47 feet;

THENCE: S 41°10'00" E, departing the southeast right-of-way line of said Interstate Highway 35, along and with a southwest line of said 778.313 acre tract and the northeast line of said 2.35 acre tract, a distance of 111.50 feet to the POINT OF BEGINNING of the herein described tract;

THENCE: S 58°33'54" E, departing the northeast line of said 2.35 acre tract, over and across said 778.313 acre tract, along and with the northeast line of the 218.182 acres annexed in City of New Braunfels' Ordinance No. 84-46, a distance of 193.60 feet to a point, at the east corner of said 218.182 acre annexed area;

THENCE: S 31°26'06" W, along and with a southeast line of said 218.182 acre annexed area, a distance of 60.66 feet to a point on a southwest line of said 778.313 acre tract and the northeast line of said 2.35 acre tract, from which a found $\frac{1}{2}$ " iron rod, at an angle point of said 778.313 acre tract and the east corner of said 2.35 acre tract bears S 41°10'00" E, a distance of 253.63 feet;

THENCE: N 41°10'00" W, along and with a southwest line of said 778.313 acre tract and the northeast line of said 2.35 acre tract, a distance of 202.88 feet to the POINT OF BEGINNING and containing 0.135 of an acre in Comal County, Texas. Said tract being described in conjunction with an exhibit prepared under job number 30002-16 by Pape-Dawson Engineers, Inc.

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PREPARED BY: Pape-Dawson Engineers, Inc.
DATE: March 29, 2023
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EXHIBIT G

