

**ORDINANCE NO. 2022 -**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING ORDINANCE 2017-26 THAT ABANDONED 0.23 OF AN ACRE OF PUBLIC STREET RIGHT-OF-WAY LOCATED AT THE TERMINUS OF MERRIWEATHER STREET; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE**

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**WHEREAS**, the City of New Braunfels, Texas, formerly had street rights to a 0.23 acre tract of land, more or less, being a public street right-of-way, located at the terminus of Merriweather Street, and said street right-of-way being in the City of New Braunfels, Texas; and

**WHEREAS**, the City of New Braunfels, released said 0.23 acre tract of land to HEB Grocery Company LP in accordance with Ordinance No. 2017-26; and

**WHEREAS**, a final plat for said 0.23 acre tract of land has been prepared, approved and recorded in compliance with Ordinance 2017-26; and

**WHEREAS**, the City Council has determined it is appropriate for the 0.23 of an acre to be redeveloped in conjunction with the HEB Walnut shopping center; and

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

**SECTION 1**

That the City of New Braunfels, released and deeded a 0.23 acre tract of land according to the provisions of Chapter 253, Section 253.001 of the Texas Local Government Code and in accordance with Ordinance No. 2017-26. A survey of the property conveyed to HEB Grocery Company LC is attached marked Exhibit "A" and is described in attached marked Exhibit "B".

**SECTION 2**

That the restriction of limiting the use of the property to a parking lot is hereby removed.

**SECTION 3**

That the restriction requiring a pedestrian access easement across the subject property to allow neighborhood residents to continue to access the retail center is hereby removed.

**SECTION 4**

That all provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.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 5**

That all other ordinances or parts of ordinance in conflict herewith are hereby repealed to the

extent that they are in conflict.

#### **SECTION 6**

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 7**

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

**PASSED AND APPROVED:** First Reading this the 27th day of June, 2022.

**PASSED AND APPROVED:** Second and Final Reading this the 11th day of July, 2022.

**CITY OF NEW BRAUNFELS**

\_\_\_\_\_  
**RUSTY BROCKMAN**, Mayor

**ATTEST:**

\_\_\_\_\_  
**GAYLE WILKINSON**, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**VALERIA M. ACEVEDO**, City Attorney

**EXHIBIT "E"**

**LOT 6**  
BLOCK 12  
972 W. MERRIVETHER ST.

**LOT 7**  
BLOCK 12  
988 W. MERRIVETHER ST.

**LOT 8**  
BLOCK 12

**LOT 9**  
BLOCK 13  
988 W. MERRIVETHER ST.

**LOT 10**  
BLOCK 13

**LOT 11**  
BLOCK 13  
972 W. MERRIVETHER ST.

**LOT 12**  
BLOCK 12

**EXHIBIT A**  
0.0567 ACRES  
(2,458 SQUARE FEET)

**EXHIBIT B**  
0.0596 ACRES  
(2,592 SQUARE FEET)

**EXHIBIT C**  
0.0599 ACRES  
(2,620 SQUARE FEET)

**EXHIBIT D**  
0.0548 ACRES  
(2,389 SQUARE FEET)

**WEST MERRIVETHER STREET**

**POINT OF BEGINNING**

**SCALE:** 1" = 30'

**North Arrow**

**Surveyor's Statement:**  
I, Enrique C. Elizondo, a Registered Professional Land Surveyor do hereby certify that this plat represents an actual survey made on the ground under my supervision and substantially complies with the minimum standards for land surveying in Texas as set forth by the Texas Board of Professional Land Surveying and that there are no encroachments or visible easements, to the best of my knowledge and belief, except as shown herein. This 9th day of July, 2016.

**Enrique C. Elizondo**  
Registered Professional Land Surveyor  
Texas Registration No. 6388

**STATE OF TEXAS**  
**REGISTERED**  
**ENRIQUE C. ELIZONDO**  
6388

**Elizondo & Associates**  
LAND SURVEYING & MAPPING, L.L.C.  
Phone: (214) 215-4128 Fax: (214) 215-6100  
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San Antonio, Texas 78225  
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www.elizondosurvey.com

**EXHIBIT "A"**

STATE OF TEXAS

COUNTY OF BEXAR

ELIZONDO & ASSOCIATES  
5805 CALLAGHAN RD. STE. 109  
PHONE (210) 375-4128  
FAX (210) 375-5130

**"EXHIBIT A"**

A 0.0567 ACRE (2,468 SQUARE FEET) TRACT OF LAND FOR A PROPOSED RIGHT OF WAY ABANDONMENT BEING OUT OF WEST MERRIWEATHER STREET, A 60 FOOT RIGHT OF WAY ACCORDING TO THE PLAT OF UNICORN HEIGHTS, THIRD EXTENSION, RECORDED IN VOLUME 120, PAGE 245, DEED RECORDS OF COMAL COUNTY, TEXAS, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING:** AT THE SOUTHWEST CORNER OF LOT 7 OF SAID PLAT, BEING IN THE NORTH RIGHT OF WAY LINE OF SAID WEST MERRIWEATHER STREET;

**THENCE:** NORTH 58 DEGREES 06 MINUTES 00 SECONDS EAST, ALONG THE SOUTH LINE OF SAID LOT 7 AND THE NORTH LINE OF SAID WEST MERRIWEATHER STREET, A DISTANCE OF 81.50 FEET TO THE SOUTHEAST CORNER OF SAID LOT 7 AND THE SOUTHWEST CORNER OF LOT 6 OF SAID PLAT;

**THENCE:** SOUTH 31 DEGREES 54 MINUTES 00 SECONDS EAST, A DISTANCE OF 29.69 FEET TO THE CENTERLINE OF SAID WEST MERRIWEATHER STREET;

**THENCE:** SOUTH 58 DEGREES 06 MINUTES 00 SECONDS WEST, ALONG THE CENTERLINE OF SAID WEST MERRIWEATHER STREET, A DISTANCE OF 84.73 FEET;

**THENCE:** NORTH 25 DEGREES 42 MINUTES 00 SECONDS WEST, A DISTANCE OF 29.87 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.0567 ACRES (2,468 SQUARE FEET) OF LAND MORE OR LESS.

Corresponding plat prepared.

  
Enrique C. Elizondo, R.P.L.S. No. 6386



07/09/2015

**EXHIBIT "B"**

STATE OF TEXAS

COUNTY OF BEXAR

ELIZONDO & ASSOCIATES  
5805 CALLAGHAN RD. STE. 109  
PHONE (210) 375-4128  
FAX (210) 375-5130

"EXHIBIT B"

A 0.0596 ACRE (2,595 SQUARE FEET) TRACT OF LAND FOR A PROPOSED RIGHT OF WAY ABANDONMENT BEING OUT OF WEST MERRIWEATHER STREET, A 60 FOOT RIGHT OF WAY ACCORDING TO THE PLAT OF UNICORN HEIGHTS, THIRD EXTENSION, RECORDED IN VOLUME 120, PAGE 245, DEED RECORDS OF COMAL COUNTY, TEXAS, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING:** AT THE NORTHWEST CORNER OF LOT 11 OF SAID PLAT, BEING IN THE SOUTH RIGHT OF WAY LINE OF SAID WEST MERRIWEATHER STREET;

**THENCE:** NORTH 25 DEGREES 42 MINUTES 00 SECONDS WEST, A DISTANCE OF 29.87 FEET THE CENTERLINE OF SAID WEST MERRIWEATHER STREET;

**THENCE:** NORTH 58 DEGREES 06 MINUTES 00 SECONDS EAST, ALONG THE CENTERLINE OF SAID WEST MERRIWEATHER STREET, A DISTANCE OF 85.77 FEET;

**THENCE:** SOUTH 31 DEGREES 54 MINUTES 00 SECONDS EAST, A DISTANCE OF 29.69 FEET TO A 1/4 INCH IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID LOT 11, THE NORTHWEST CORNER OF LOT 9 OF SAID PLAT AND BEING IN THE SOUTH RIGHT OF WAY LINE OF SAID WEST MERRIWEATHER STREET;

**THENCE:** SOUTH 58 DEGREES 06 MINUTES 00 SECONDS WEST, ALONG THE NORTH LINE OF SAID LOT 11 AND THE SOUTH RIGHT OF WAY LINE OF SAID WEST MERRIWEATHER STREET, A DISTANCE OF 89.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.0596 ACRES (2,595 SQUARE FEET) OF LAND MORE OR LESS.

Corresponding plat prepared.

  
Enrique C. Elizondo, R.P.L.S. No. 6386



07/09/2015

STATE OF TEXAS

COUNTY OF BEXAR

ELIZONDO & ASSOCIATES  
5805 CALLAGHAN RD. STE. 109  
PHONE (210) 375-4128  
FAX (210) 375-5130

"EXHIBIT C"

A 0.0556 ACRE (2,420 SQUARE FEET) TRACT OF LAND FOR A PROPOSED RIGHT OF WAY ABANDONMENT BEING OUT OF WEST MERRIWEATHER STREET, A 60 FOOT RIGHT OF WAY ACCORDING TO THE PLAT OF UNICORN HEIGHTS, THIRD EXTENSION, RECORDED IN VOLUME 120, PAGE 245, DEED RECORDS OF COMAL COUNTY, TEXAS, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING:** AT THE SOUTHWEST CORNER OF LOT 6 OF SAID PLAT, BEING IN THE NORTH RIGHT OF WAY LINE OF SAID WEST MERRIWEATHER STREET;

**THENCE:** NORTH 58 DEGREES 06 MINUTES 00 SECONDS EAST, ALONG THE SOUTH LINE OF SAID LOT 6 AND THE NORTH LINE OF SAID WEST MERRIWEATHER STREET, A DISTANCE OF 81.50 FEET TO A 1/4 INCH IRON ROD FOUND FOR THE SOUTHEAST CORNER OF SAID LOT 5 AND THE SOUTHWEST CORNER OF LOT 5 OF SAID PLAT, FROM WHICH A 3/8 INCH IRON ROD FOUND BEARS NORTH 03 DEGREES 16 MINUTES EAST, A DISTANCE OF 0.24 FEET;

**THENCE:** SOUTH 31 DEGREES 54 MINUTES 00 SECONDS EAST, A DISTANCE OF 29.69 FEET TO THE CENTERLINE OF SAID WEST MERRIWEATHER STREET;

**THENCE:** SOUTH 58 DEGREES 06 MINUTES 00 SECONDS WEST, ALONG THE CENTERLINE OF SAID WEST MERRIWEATHER STREET, A DISTANCE OF 81.50 FEET;

**THENCE:** NORTH 31 DEGREES 54 MINUTES 00 SECONDS WEST, A DISTANCE OF 29.69 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.0556 ACRES (2,420 SQUARE FEET) OF LAND MORE OR LESS.

Corresponding plat prepared.

  
Enrique C. Elizondo, R.P.L.S. No. 6386



07/09/2015

STATE OF TEXAS

COUNTY OF BEXAR

ELIZONDO & ASSOCIATES  
5805 CALLAGHAN RD. STE. 109  
PHONE (210) 375-4128  
FAX (210) 375-5130

"EXHIBIT D"

A 0.0548 ACRE (2,389 SQUARE FEET) TRACT OF LAND FOR A PROPOSED RIGHT OF WAY ABANDONMENT BEING OUT OF WEST MERRIWEATHER STREET, A 60 FOOT RIGHT OF WAY ACCORDING TO THE PLAT OF UNICORN HEIGHTS, THIRD EXTENSION, RECORDED IN VOLUME 120, PAGE 245, DEED RECORDS OF COMAL COUNTY, TEXAS, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING:** AT THE NORTHWEST CORNER OF LOT 9 OF SAID PLAT, BEING IN THE SOUTH RIGHT OF WAY LINE OF SAID WEST MERRIWEATHER STREET;

**THENCE:** NORTH 31 DEGREES 54 MINUTES 00 SECONDS WEST, A DISTANCE OF 29.69 FEET TO THE CENTERLINE OF SAID WEST MERRIWEATHER STREET;

**THENCE:** NORTH 58 DEGREES 06 MINUTES 00 SECONDS EAST, ALONG THE CENTERLINE OF SAID WEST MERRIWEATHER STREET, A DISTANCE OF 80.45 FEET;

**THENCE:** SOUTH 31 DEGREES 54 MINUTES 00 SECONDS EAST, A DISTANCE OF 29.69 FEET TO A POINT BEING IN THE NORTH LINE OF SAID LOT 9 AND IN THE SOUTH RIGHT OF WAY LINE OF SAID WEST MERRIWEATHER STREET FROM WHICH AN "X" CUT IN CONCRETE FOUND FOR THE NORTHEAST CORNER OF SAID LOT 9 BEARS NORTH 58 DEGREES 06 MINUTES 00 SECONDS EAST, A DISTANCE OF 8.55 FEET;

**THENCE:** SOUTH 58 DEGREES 06 MINUTES 00 SECONDS WEST, ALONG THE NORTH LINE OF SAID LOT 9 AND THE SOUTH RIGHT OF WAY LINE OF SAID WEST MERRIWEATHER STREET, A DISTANCE OF 80.45 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.0548 ACRES (2,389 SQUARE FEET) OF LAND MORE OR LESS.

Corresponding plat prepared.

  
Enrique C. Elizondo, R.P.L.S. No. 6386



07/09/2015