

ORDINANCE NO. 2022-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 11.269 ACRES FROM “C-3” COMMERCIAL DISTRICT AND “R-2” SINGLE-FAMILY AND TWO-FAMILY DISTRICT TO “MU-B” HIGH INTENSITY MIXED USE DISTRICT, OUT OF THE J THOMPSON SURVEY NO. 21, ABSTRACT NO. 608, ADDRESSED AT 3119 IH 35 SOUTH; 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-B” High 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 11.269 acres out of the J Thompson Survey No. 21, Abstract No. 608, addressed at 3119 IH 35 South, from “C-3” Commercial District and “R-2” Single-Family and Two-Family District to “MU-B” High Intensity Mixed-Use District; 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” Commercial District and “R-2” Single-Family and Two-Family District to “MU-B” High Intensity Mixed-Use District herein described:

Being 11.269 acres out of the J Thompson Survey No. 21, Abstract No. 608, addressed at 3119 IH 35 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THAT all provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.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THAT all other ordinances, or parts of ordinances, in conflict herewith are hereby repealed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 23rd day of May, 2022.

PASSED AND APPROVED: Second reading this 13th day of June, 2022.

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

ATTEST:

GAYLE WILKINSON, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

EXHIBIT "A"



File ID #3

EXHIBIT "B"

METES AND BOUNDS DESCRIPTION 11.269 ACRES

PAVEMENT STRIPE
(LANE DIVIDER)

BEING A 11.269 ACRE TRACT OF LAND, OUT OF THE JOHN THOMPSON SURVEY NO. 21, ABSTRACT NO. 606, SITUATED IN THE CITY OF NEW BRUNFELS, COMAL COUNTY, TEXAS, AND SAID 11.269 ACRE TRACT BEING ALL OF THAT 11.272 ACRE TRACT OF LAND AS DESCRIBED IN SPECIAL WARRANTY DEED RECORDED IN DOCUMENT NO. 202006036539, OF THE OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS; AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a TXDOT Concrete Monument Found on the Southeast Right-of-Way line of Interstate Highway 35, and marking the Northernmost corner of a called 0.186 Acre Tract as described in Deed of Gift recorded in Volume 757, Page 147, of the Official Public records of Comal County, Texas, and marking the Westernmost corner of this tract;

THENCE N 50°51'07" E a distance of 514.46 feet along and with the Southeast Right-of-Way line of said Interstate Highway 35, to a 1/2-inch Iron Rod Found, and marking the Northwest corner of a called 0.434 Acre Tract as described in Special Warranty Deed recorded in Document no. 202206007255, of the Official Public records of Comal County, Texas;

THENCE S 35°57'09" E a distance of 228.35 feet, departing the Southeast Right-of-Way line of said Interstate Highway 35, to a 1/2-inch Iron Rod Found and marking the Southwest corner of said 0.434 Acre Tract;

THENCE N 54°14'03" E a distance of 82.04 feet to a 1/2-inch Iron Rod Found and marking the Southeast corner of said 0.434 Acre Tract, and being on the Southwest line of a called 8.079 Acre Tract, (Deed Reference: Volume 115, Page 191), of the Deed Records of Comal County, Texas;

THENCE S 36°13'44" E a distance of 181.77 feet, to a 1/2-inch Iron Rod Found, and marking the Northwest corner of Lot 12, Evergreen Village Subdivision Unit-1A (PUD), according to plat thereof recorded in Document No. 202006006808, of the Map and Plat records of Comal County, Texas;

THENCE S 35°27'03" E a distance of 443.67 feet, to a 1-inch Iron Pipe Found on the Southwest line of Lot 10, of said Evergreen Village Subdivision Unit-1A (PUD), and marking the Northwest corner of Lot 2, Yogi Bear's Jellystone Park Subdivision, according to plat thereof recorded in Volume 7, Page 191, of the Map and Plat records of Comal County, Texas, and marking the Easternmost corner of this Tract;

THENCE S 51°20'51" W a distance of 595.68 feet to a Mag Nail with washer "MBC" Set and marking the Easternmost corner of Lot 1, of said Yogi Bear's Jellystone Park Subdivision, and marking the southernmost corner of this Tract;

THENCE N 35°40'47" W a distance of 762.73 feet to a Mag Nail with washer "Ranger" Found and marking the Easternmost corner of said 0.186 Acre Tract;

THENCE N 36°46'46" W a distance of 90.71 feet to the POINT OF BEGINNING and containing 11.269 Acres of land, more or less.