

## **ORDINANCE NO. 2017-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING 9.27 ACRES OUT OF LOT 1, BLOCK 1, STARLIGHT TERRACE, UNIT 2, LOCATED WITHIN THE LIVE OAK MOBILE HOME COMMUNITY ON ASHBERRY AVENUE, FROM "M-1" LIGHT INDUSTRIAL DISTRICT TO "B-1B" MANUFACTURED HOME PARK DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

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**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 "B-1B" manufactured Home Park District, the City Council has given due consideration to all components of said district; 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 9.27 acres out of Lot 1, Block 1, Starlight Terrace, Unit 2, located within the Live Oak Mobile Home Community on Ashberry Avenue, from "M-1" Light Industrial District to "B-1B" Manufactured Home Park District; **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 "M-1" Light Industrial District to "B-1B" Manufactured Home Park District:

"9.27 acres out of Lot 1, Block 1, Starlight Terrace, Unit 2, located within the Live Oak Mobile Home Community on Ashberry Avenue, as described in Exhibit 'A' and delineated on 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**THAT** all provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.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**THAT** all other ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent that they are in conflict.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 27th day of November, 2017.

**PASSED AND APPROVED:** Second reading this 11th day of December, 2017.

**CITY OF NEW BRAUNFELS**

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**BARRON CASTEEL**, Mayor

**ATTEST:**

\_\_\_\_\_  
**PATRICK D. ATEN**, City Secretary

**APPROVED AS TO FORM:**

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



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TBPLS FIRM 10153600



**METES AND BOUNDS DESCRIPTION  
FOR A  
9.27 ACRE TRACT OF LAND**

Being a 9.27 acre tract of land out of Lot 1, Block 1, Starlight Terrace, Unit 2, plat of which is recorded in Volume 12, Page 159, Map and Plat Records, Comal County, Texas, said 9.27 acre tract of land being more particularly described as follows:

BEGINNING at a point in a Northeasterly line of said Lot 1, from which an interior corner of said Lot 1 bears, S 53°33'10" E a distance of 57.48 feet;

THENCE through said Lot 1 the following eight (8) calls:

1. S 35°47'43" W a distance of 662.57 feet to a point for a corner;
2. N 54°33'42" W a distance of 320.91 feet to a point for a corner;
3. N 54°07'35" W a distance of 248.25 feet to a point for a corner;
4. N 11°13'31" W a distance of 72.01 feet to a point for a corner;
5. N 26°54'46" E a distance of 447.00 feet to a point for a corner;
6. N 66°37'02" E a distance of 81.19 feet to a point for a corner;
7. S 54°07'35" E a distance of 289.12 feet to a point for a corner;
8. N 35°52'25" E a distance of 108.27 feet to a point for a corner in the Northeasterly line of said Lot 1, from which a Northwesterly corner of said Lot 1 bears N 53°33'10" W a distance of 679.41 feet;

THENCE along the Northeasterly line of said Lot 1, S 53°33'10" E a distance of 360.02 feet to the POINT OF BEGINNING and containing 9.27 acres of land in Comal County, Texas.

Bearings are based upon the Texas Coordinate System, South Central Zone, NAD 83.

Prepared this the 14<sup>th</sup> day of September, 2017.

Mark F. Conlan  
Registered Professional Land Surveyor No. 6342



N:\\_Projects\055 - Barbara Wrobel\055.004 - Ashberry Avenue Mobile Home Sites  
\CDs\Exhibits\Zoning M&B.docx

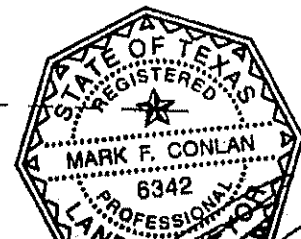
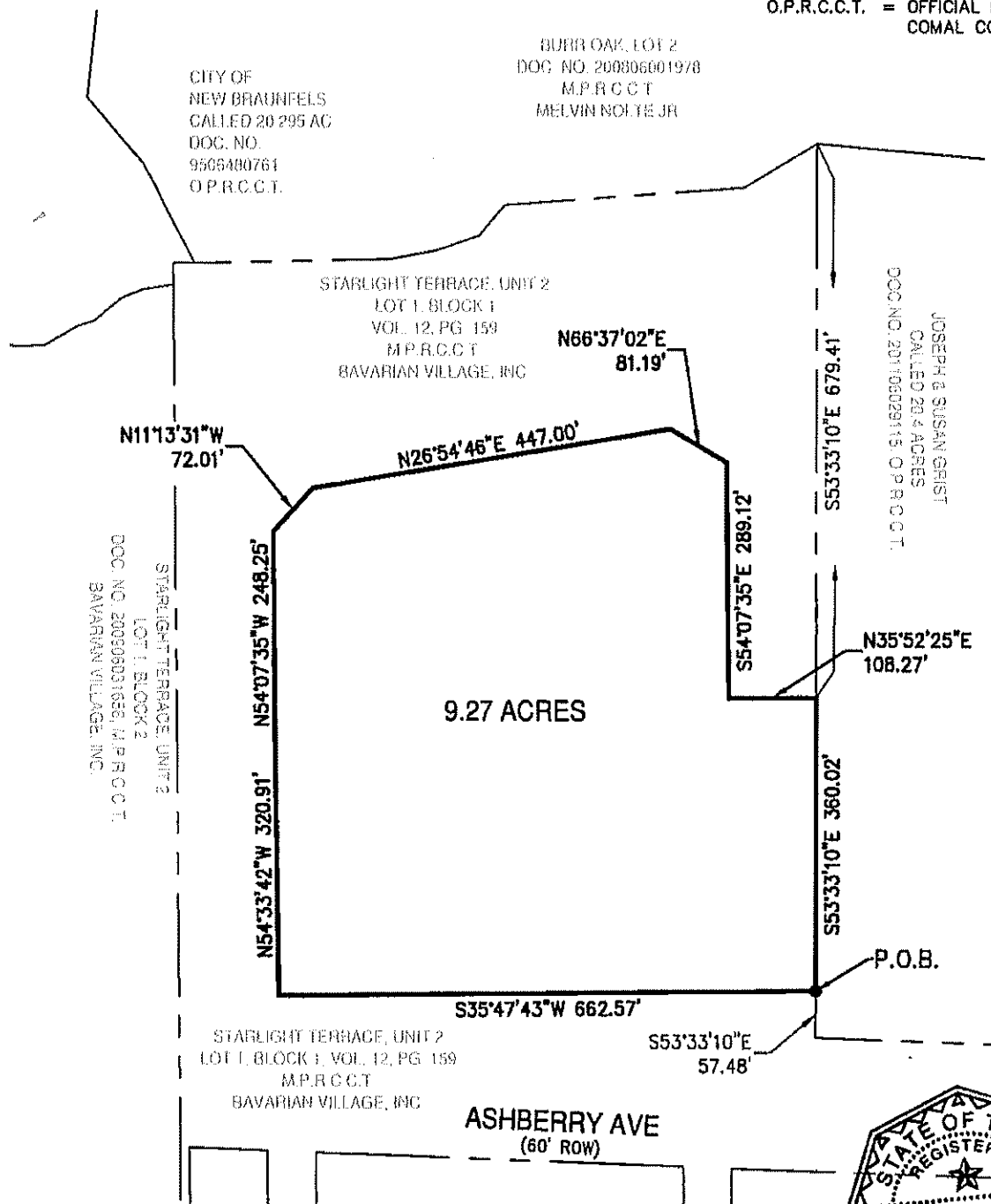
BEING A 9.27 ACRE TRACT OF LAND OUT OF LOT, BLOCK 1, STARLIGHT TERRACE, UNIT 2, PLAT OF WHICH IS RECORDED IN VOLUME 12, PAGE 159, MAP AND PLAT RECORDS, COMAL COUNTY, TEXAS.



SCALE: 1"=200'

**LEGEND:**

- P.O.B. = POINT OF BEGINNING
- R.O.W. = RIGHT-OF-WAY
- M.P.R.C.C.T. = MAP AND PLAT RECORDS, COMAL COUNTY, TEXAS
- O.P.R.C.C.T. = OFFICIAL PUBLIC RECORDS, COMAL COUNTY, TEXAS



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EXHIBIT 'B'