

**ORDINANCE NO. 2018-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, ANNEXING APPROXIMATELY 154 ACRES OF LAND ON THE SOUTHEAST CORNER OF THE INTERSECTION OF FM 1044 AND KLEIN ROAD, INCLUDING THE KLEIN ROAD RIGHT-OF-WAY, ADJACENT TO THE EXISTING CITY LIMIT; GRANTING TO SAID TERRITORY AND TO ALL FUTURE INHABITANTS OF SAID TERRITORY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING FUTURE INHABITANTS BY ALL OF THE ACTS AND ORDINANCES OF THE CITY OF NEW BRAUNFELS; ADOPTING A SERVICE PLAN; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

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**WHEREAS**, the city is authorized to annex territory in accordance with the Texas Local Government Code, Chapter 43 and the City of New Braunfels, Texas home-rule charter and by statute; and

**WHEREAS**, said territory proposed to be annexed is within the city's extraterritorial jurisdiction and is contiguous to the corporate limits of city; and

**WHEREAS**, the City of New Braunfels has prepared a service plan for said territory which is attached as Exhibit "C" to this ordinance; and

**WHEREAS**, the city has published notice of hearings on said annexation and held hearings as required by state law; **now, therefore:**

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

**SECTION 1**

**That** the following described territory, shown on a map which is attached as Exhibit "A" and described in Exhibit "B", is hereby annexed into the city, and that the boundary limits of the city are hereby extended to include said territory within the city limits and the same shall hereafter be included within the territorial limits of said city, and said land and the future inhabitants thereof shall hereafter be entitled to all rights and privileges of other citizens of the city and shall be bound by the acts and ordinances of said city;

**SECTION 2**

**That** the municipal service plan for the herein annexed territory provided for in Exhibit "C" attached hereto is hereby adopted.

### **SECTION 3**

**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 4**

This ordinance will take effect upon the second and final reading of same and upon publication as required by law.

**PASSED AND APPROVED:** First Reading this the 10th day of September, 2018.

**PASSED AND APPROVED:** Second and Final Reading this the 24th day of September, 2018.

**CITY OF NEW BRAUNFELS, TEXAS**

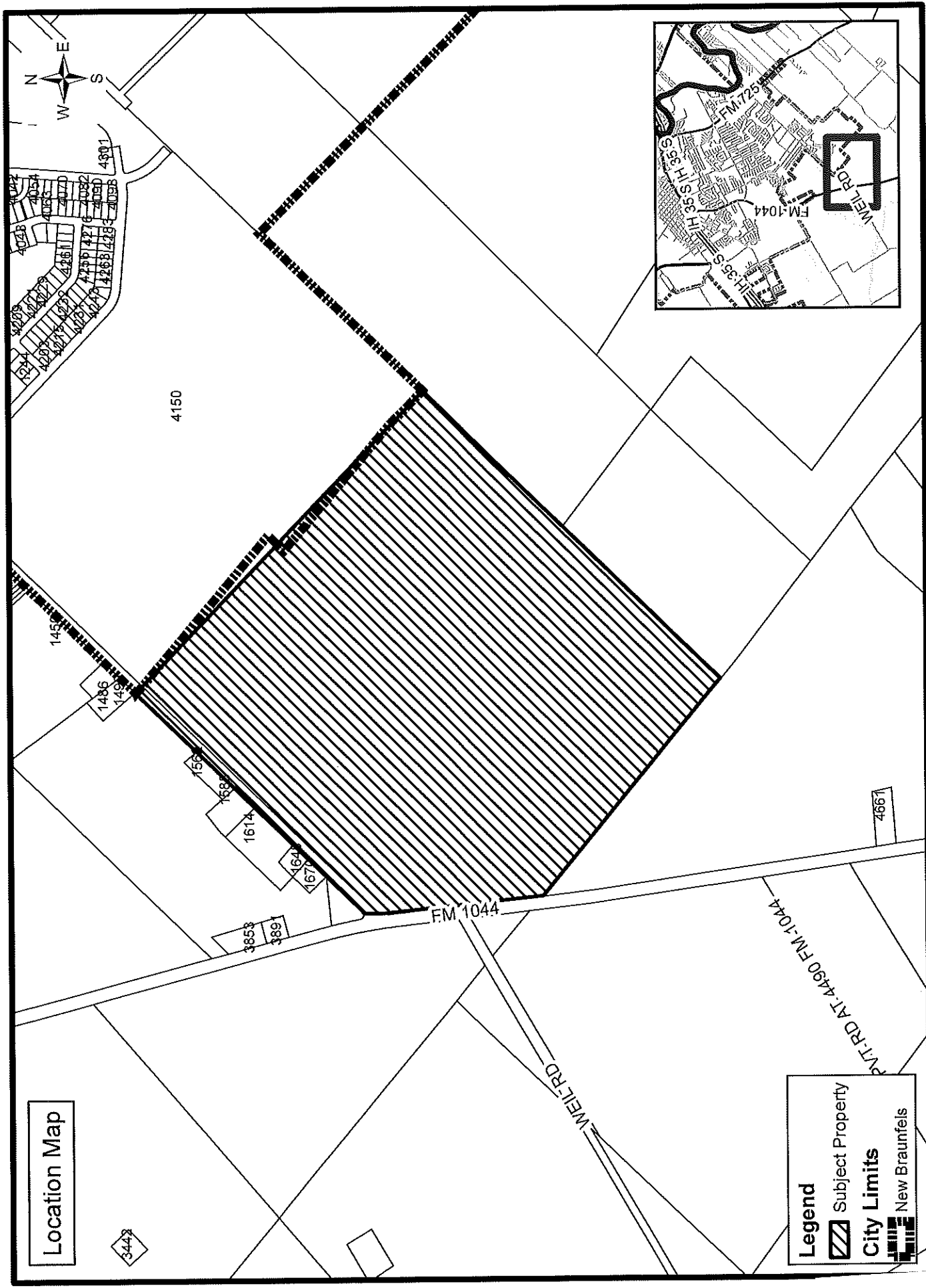
**BY:** \_\_\_\_\_  
**BARRON CASTEEL, Mayor**

**ATTEST:**

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

**APPROVED AS TO FORM:**

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





410 N. Seguin Ave.  
New Braunfels, TX 78130  
HMTNB.COM  
830.625.8555 • FAX: 830.625.8556  
TBPLS FIRM 10153600

**METES AND BOUNDS DESCRIPTION  
FOR A 25.00 ACRE TRACT OF LAND**

Being 25.00 acres of land located in the Sarah Dewitt Survey, A-103, Guadalupe County, Texas. Said tract being a part of that same land described as the residue of 152.82 acres in a deed to Karl Henry Zipp & Helen Elizabeth Kypefer Zipp, recorded in Volume 919, Page 224 of the Guadalupe County Deed Records. Said tract being more particularly described as follows:

COMMENCING at a ½" iron rod found in the East line of F.M. 1044 and the Southeast corner of Parcel A, Called 0.420 of an acre, R.O.W. recorded in Volume 279, Page of the Guadalupe County Deed Records, also lying at the present Northwest corner of said 152.82 acre tract and the North line of a tract conveyed in Volume 4255, Page 680 of the Guadalupe County Deed Records, thence with the West line of said 152.82 acre tract, North 55°31'40"East, 242.99 feet to a fence corner, and South 51°10'02"East, a distance of 468.46 feet to a ½" iron rod set for the Northwest corner herein described tract and a 125.99 acre tract being surveyed this same date also being the POINT OF BEGINNING;

THENCE into and across said 152.82 acre tract, with the common line of the herein described 25.00 acre tract and said 125.99 acre tract, the following two courses:

1. North 44°06'18"East, a distance of 1148.83 feet to a ½" iron rod with cap "HMT" set for the Northeast corner of the herein described tract;
2. South 51°10'02"East, a distance of 953.59 feet to a ½" iron rod with cap "HMT" set for the Southeast corner of the herein described tract, lying in the South line of said 185.82 acre tract, and the North line of said tract conveyed in Volume 4255, Page 680 of the Guadalupe County Deed Records;

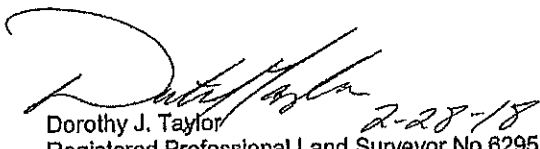
THENCE with the South line of said 152.82 acre tract, South 44°16'48"West, a distance of 1149.16 feet to a fence corner post found for the Southwest corner of said 152.82 acre tract;

THENCE with the West line of said 152.82 acre tract, North 51°10'02"West, a distance of 950.07 feet to the POINT OF BEGINNING and containing 25.00 acres of land in Guadalupe County, Texas.

Bearings are based upon the Texas State Plane Coordinate System, South Central Zone (4204) NAD 1983.

Surveyed this the 26th day of February, 2018.

Reference survey of said 125.99 tract of land prepared this same date.

  
Dorothy J. Taylor  
Registered Professional Land Surveyor No. 6295  
Job No. 040.024



**EXHIBIT "B"**



410 N. Seguin Ave.  
New Braunfels, TX 78130  
HMTNB.COM  
830.625.8555 • FAX: 830.625.8556  
T8PLS FIRM 10153600

### METES AND BOUNDS DESCRIPTION FOR A 125.99 ACRE TRACT OF LAND

Being 125.99 acres of land located in the Sarah Dewitt Survey, A-103, Guadalupe County, Texas. Said tract being a part of that same land described as the residue of 152.82 acres in a deed to Karl Henry Zipp & Helen Elizabeth Kypefer Zipp, recorded in Volume 919, Page 224 of the Guadalupe County Deed Records. Said tract being more particularly described as follows:

BEGINNING at a TxDOT concrete monument found at the intersection of Klein Road and F.M. 1044 for the Northeast corner of Parcel B, Called 0.022 of an acre, R.O.W. dedication recorded in Volume 279, Page 524 of the Guadalupe County Deed Records for a Northwest corner of the residue of said 152.82 acre tract, also being the South line of a called 0.95 of an acre tract, 20' wide strip dedicated to Guadalupe County for road widening in Volume 166, Page 268 of the Guadalupe County Deed Records.

THENCE with the South line of Klein Road and said 20' strip, North 44°16'19"East, a distance of 2009.79 feet to a PK nail found for the Northeast corner of the herein described tract, from which the Northeast corner of said 152.82 acre tract bears North 46°03'27"West, approximately 20 feet;

THENCE with the East line of said 152.82 acre tract, South 46°03'27"East, at a distance of 8.96 feet passing a ½" iron rod found for the Northwest corner of Lot 1, NBISD Legend Pond Subdivision, recorded in Volume 8, Page 6-8 of the Map Records of Guadalupe County, Texas, and continuing a total distance of 2541.32 feet to a 60d nail in a 8" fence corner post found for the Southeast corner of said 152.82 acre tract, lying in the North line of a called 54.75 acre tract, recorded in Volume 966, Page 244 of the Official Public Records of Guadalupe County, Texas;

THENCE with the South line of said 152.82 acre tract and the North line of said 54.75 acre tract and as well as a tract conveyed in Volume 4255, Page 680 of the Official Public Records of Guadalupe County, Texas, South 44°16'48"West, a distance of 1432.20 feet to a ½" iron rod with cap "HMT" set for a Southwest corner of the herein described tract, also being the Southeast corner of a 25.00 acre being surveyed this same date;

THENCE into and across said 152.82 acre tract, with the common line of the herein described tract and said 25.00 acre tract the following two courses:

1. North 51°10'02"West, a distance of 953.59 feet to a ½" iron rod with cap "HMT" set;
2. South 44°06'18"West, a distance of 1148.83 feet to a ½" iron rod with cap "HMT" set in the West line of said 152.82 acre tract and the East line of a tract conveyed in volume 4255, Page 680 of the Guadalupe County Deed Records;

THENCE with the West line of said 152.82 acre tract, North 51°10'02"West, a distance of 468.46 feet to a fence corner post for an interior ell corner of said 152.82 acre tract;

THENCE with a South line of said 152.82 acre tract, South 55°31'40"West, a distance of 242.99 feet to a ½" iron rod found in the East margin of F.M. 1044 and the East line of Parcel A, Called 0.420 of an acre, R.O.W. recorded in Volume 279, Page of the Guadalupe County Deed Records;

THENCE with the East line of F.M. 1044 and the East line of said 0.420 of an acre tract, the following four courses:

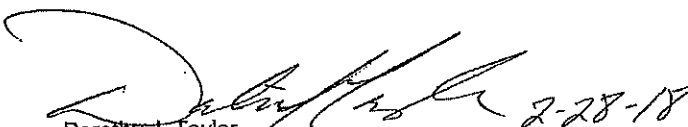
1. North 08°12'15"West, a distance of 37.44 feet to a TxDOT concrete monument found for PC Station 213+31.0;
2. With a curve to the right, with a radius of 5694.74 feet, arc length of 174.71 feet, and a chord bearing North 07°29'24"West, 174.71 feet to a TxDOT concrete monument found for PT Station 215+07.7;
3. North 06°24'03"West, a distance of 1122.56 feet to a TxDOT concrete monument found for PC Station 226+29.5, from which another TxDOT concrete monument bears North 06°10'27"East, 1.90 feet;
4. With a curve to the left, with a radius of 2905.10 feet, arc length of 10.00 feet, and a chord bearing North 06°29'58"West, a distance of 10.00 feet to a ½" Iron rod with cap "HMT" set for Station 226+39.5 at the flare corner intersection of F.M. 1044 and Klein Road for the Southwest corner of said Parcel B;

THENCE with the flare corner of the road intersection and the South line of Parcel B, North 18°57'41"East, a distance of 89.66 feet to the POINT OF BEGINNING and containing 125.99 acres of land in Guadalupe County, Texas.

Bearings are based upon the Texas State Plane Coordinate System, South Central Zone (4204) NAD 1983.

Surveyed this the 26th day of February, 2018.

Reference survey of said 125.99 tract of land prepared this same date.

  
Dorothy J. Taylor  
Registered Professional Land Surveyor No. 6295  
Job No. 040.024





**Trihydro Corporation**  
1011 W. County Line Road \* NEW BRAUNFELS, TX. 78130  
PHONE (830) 625-0337 FAX (830) 625-0858  
dlamberts@rcetx.com  
Firm Registration #10194320

Annexation Parcel  
2.53 Acres

All that certain tract or parcel of land containing 2.53 acres out of the Sarah DeWitt Survey, Abstract No. 103, Guadalupe County, Texas, being a portion of the existing right-of-way of Klein Road, as surveyed on the ground under my supervision and all of that certain 0.201 of an acre parcel of land conveyed to the City of New Braunfels by deed recorded in Document No. 2017018012 of the Official Public Records of Guadalupe County, Texas; Said 2.53 acre parcel being more particularly described by metes and bounds as follows:

BEGINNING at a ½ inch rebar found on the existing monumented northwesterly right-of-way line of Klein Road for the most northerly corner and POINT OF BEGINNING of this parcel, same being the easterly corner of that certain called 30.6624 acre parcel described in Document No. 2015021970 and the southerly corner of that certain called 0.887 of an acre parcel described in Document No. 2017023172, both of said Official Public Records;

THENCE crossing said right-of-way, South 42 deg 36' 54" East, a distance of 52.35 feet to the easterly corner of this parcel, same being the northerly corner of that certain called 125.99 acre parcel described in Document No. 20189005552 of said Official Public Records and being located on the monumented southeasterly right-of-way line of Klein Road;

THENCE with said right-of-way line, South 44 deg 15' 29" West, a distance of 2009.79 feet to a TXDOT Concrete Monument found at the northerly end of a cut-off at the intersection of said right-of-way line of Klein Road with the easterly right-of-way line of F.M. 1044 for the most southerly corner of this parcel;

THENCE crossing said right-of-way line of Klein Road, North 13 deg 00' 01" West, a distance of 65.93 feet to a point for the southeasterly end of a cut-off at the intersection of the northwesterly right-of-way line of Klein Road with said easterly right-of-way line of F.M. 1044, same being the southeasterly corner of said 0.201 of an acre parcel;

THENCE with said cut-off, North 71 deg 44' 57" West, a distance of 44.85 feet to a point on said right-of-way line of F.M. 1044 for the southwesterly corner of said 0.201 of an acre parcel;

THENCE with said right-of-way line of F.M. 1044, along the arc of a curve to the left having a radius of 2905.00 feet, a delta angle of 01 deg 35' 42", a chord bearing of North 09 deg 41' 24" West, and a chord distance of 80.87 feet, an arc length of 80.87 feet to the northwesterly corner of said 0.201 of an acre parcel;

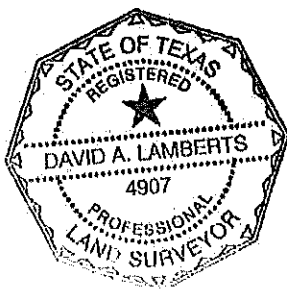
Annexation Parcel  
2.53 Acres (cont.)


THENCE South 68 deg 21' 52" East, a distance of 45.46 feet to the beginning of a curve to the left;

THENCE along the arc of said curve having a radius of 575.00 feet, a delta angle of 17 deg 52' 36", a chord bearing of North 65 deg 58' 13" East, and a chord distance of 178.68 feet, an arc length of 179.40 feet to a point on the existing northwesterly right-of-way line of Klein Road;

THENCE with said right-of-way line, the following seven (7) courses:

- 1). North 44 deg 54' 05" East, a distance of 123.76 feet to northeasterly corner of that certain called 1.0 acre parcel described in Volume 2493, Page 72 of said Official Public Records, same being a southeasterly corner of that certain called 0.453 of an acre parcel described in Volume 4023, Page 385 of said Official Public Records;
- 2). North 45 deg 21' 28" East, a distance of 144.73 feet to the easterly corner of said 0.453 of an acre parcel, same being the southerly corner of that certain called 0.45 of an acre parcel described in Volume 3179, Page 770 of said Official Public Records;
- 3). North 44 deg 16' 26" East, a distance of 129.65 feet to the easterly corner of said 0.45 of an acre parcel, same being the southerly corner of that certain called 2.428 acre parcel described in said Volume 3179, Page 770;
- 4). North 44 deg 14' 39" East, a distance of 337.31 feet to the easterly corner of said 2.428 acre parcel, same being the southerly corner of that certain called 1.048 acre parcel described in said Volume 3179, Page 770;
- 5). North 44 deg 21' 25" East, a distance of 168.81 feet to the easterly corner of said 1.048 acre parcel, same being the southerly corner of that certain called 0.827 of an acre parcel described in Document No. 2017019054 of said Official Public Records;
- 6). North 43 deg 45' 19" East, a distance of 329.63 feet to the easterly corner of said 0.827 of an acre parcel, same being an exterior corner of the aforementioned 30.6624 acre parcel;
- 7). North 44 deg 10' 54" East, a distance of 531.72 feet to the POINT OF BEGINNING and containing 2.53 acres of land.



 08-28-2018  
David A. Lamberts  
R.P.L.S. No. 4907

## SERVICE PLAN FOR 2018 ANNEXATION

Upon annexation of the area described below and as identified on Exhibit A, the City of New Braunfels will provide City services utilizing methods by which it extends services to any other equivalent area of the City.

*Approximately 154 acres of land on the southeast corner of the intersection of FM 1044 and Klein Road, including the adjacent Klein Road right-of-way.*

### SERVICES PROVIDED BY THE EFFECTIVE DATE OF ANNEXATION

1. **Police Protection**

The City of New Braunfels, Texas and its Police Department will provide police protection to newly annexed areas at the same or similar level of service now being provided to other areas of the City with like topography, land use and population density as those found within the newly annexed areas. The Police Department will have the responsibility to respond to all dispatched calls for service or assistance within the newly annexed areas.

2. **Fire Protection and Emergency Medical Services**

The City of New Braunfels, Texas and its Fire Department will provide fire protection and EMS to newly annexed areas at the same or similar level of service now being provided to other areas of the City with like topography, land use and population density as those found within the newly annexed areas. The Fire Department will have the responsibility to respond to all dispatched calls and requests for service or assistance within the newly annexed areas.

3. **Maintenance of Water and Wastewater Facilities**

The subject property is currently with the Water CCN of Green Valley Special Utility District (GVSUD) and the Wastewater CCN of Guadalupe-Blanco River Authority (GBRA). Any and all water or wastewater facilities owned or maintained by the certified purveyor at the time of the proposed annexation shall continue to be maintained by said purveyor. Any and all water and wastewater facilities which may be acquired subsequent to the annexation of the proposed areas shall be maintained by the purveyor to the extent of its ownership. The now existing water and wastewater mains at existing locations shall be available for the point of use extension based upon the water purveyor standard extension policy now existing or as may be amended. Existing on-site sewerage systems may be maintained in accordance with Chapter 130 of the City Code of Ordinances.

4. **Solid Waste Collection**

The City of New Braunfels, Texas collects solid waste and refuse within the corporate limits of the City. Solid waste collection and residential recycling will be provided to citizens in the newly annexed areas at the same or similar level of service now being provided to other areas of the City with like topography, land use and density as those found within the newly annexed areas. The City may negotiate with annexed areas to allow continued services with an existing solid waste management provider. After the second anniversary of the annexation date, the City will impose fees and provide the service.

If areas with private roads and/or gates are arranged so that garbage may be collected without creating a safety hazard, the City, at its discretion, may collect the garbage provided proper indemnification is received from the community association or individual property owners. The City will then impose fees and provide the service. Garbage collection locations shall be subject to the approval of the Sanitation Manager. In the event the City does not collect garbage within the areas with private roads and/or gates, residents of these areas will not be billed for service after the two-year date.

5. **Maintenance of Roads and Streets**

Any and all public roads, streets or alleyways shall be maintained to the same degree and extent that other public roads, streets, and alleyways are maintained in areas of the City with like topography, land use and density as those found within the newly annexed areas. Private roads will remain under the ownership of the homeowners association and as such maintained by the association.

6. **Maintenance of Parks, Playgrounds, and Swimming Pools**

The City of New Braunfels, Texas is not aware of the existence of any publicly owned parks, playgrounds or swimming pools now located in the proposed areas of annexation. In the event any such parks, playgrounds, or swimming pools do exist and are public facilities, the City will maintain such areas and facilities to the extent and degree and to the same or similar level of service now being provided to other such areas and facilities within the corporate limits of the City with like topography, land use and density as those found within the newly annexed areas. Private facilities will remain under the ownership of the homeowners association and as such maintained by the association.

7. **Maintenance of any Publicly Owned Facility, Building or Municipal Service**

The City of New Braunfels, Texas is not aware of the existence of any publicly owned facility, building, or other municipal service now located in the proposed areas of annexation. In the event any publicly owned facility, building, or other municipal service does exist and are public facilities, the City will maintain such areas and facilities to the extent and degree and to the same or similar level of service now being provided to other such areas and facilities within the corporate limits of the City with like topography, land use and density as those found within the newly annexed areas.

8. **Other Services**

The City of New Braunfels, Texas finds and determines that such services as planning, code enforcement, animal control, library, parks and recreation, court and general administration will be made available after the effective date of annexation at the same or similar level of service now being provided to other areas of the City with similar topography, land use and density as those found within the newly annexed areas.

## **CONSTRUCTION OF ANY CAPITAL IMPROVEMENTS TO BE COMPLETED WITHIN 2 ½ YEARS**

1. **Police and Fire Protection and Solid Waste Collection**

The City of New Braunfels, Texas, finds and determines it is not necessary to acquire or construct any capital improvements within 2-½ years of the effective date of the annexation of the particular annexed areas for the purpose of providing police protection, fire protection, emergency medical services or solid waste collection. The City finds and determines that it has at the present time adequate facilities and other resources to provide the same type, kind and level of service and protection which is presently being administered to other areas already incorporated in the City of New Braunfels, Texas with like topography, land use and population density as those found within the newly annexed areas.

2. **Water and Wastewater Facilities**

Water and wastewater service will continue to be provided at or above current levels following annexation.

3. **Roads and Streets**

The City of New Braunfels, Texas, finds and determines it is not necessary to acquire or construct any capital improvements within 2-½ years of the effective date of the annexation of the particular annexed areas.

4. **Maintenance of Parks, Playgrounds, and Swimming Pools and Any Other Publicly Owned Facility, Building, or Service**

The City of New Braunfels, Texas, finds and determines it is not necessary to acquire or construct any capital improvements within 2-½ years of the effective date of the annexation of the particular annexed areas for the purpose of parks maintenance, playgrounds, swimming pools and other publicly owned facility, building or service.

## **SPECIFIC FINDINGS**

The City of New Braunfels, Texas, finds and determines that this proposed service plan will not provide any fewer services and will not provide a lower level of service in the areas being considered for annexation than were in existence in the proposed areas at the time immediately preceding the annexation process. Given the proposed annexation areas' topography, land utilization and population density, the service levels to be provided in the newly annexed areas will be equivalent to those provided to other areas of the City with similar characteristics.

## **TERMS**

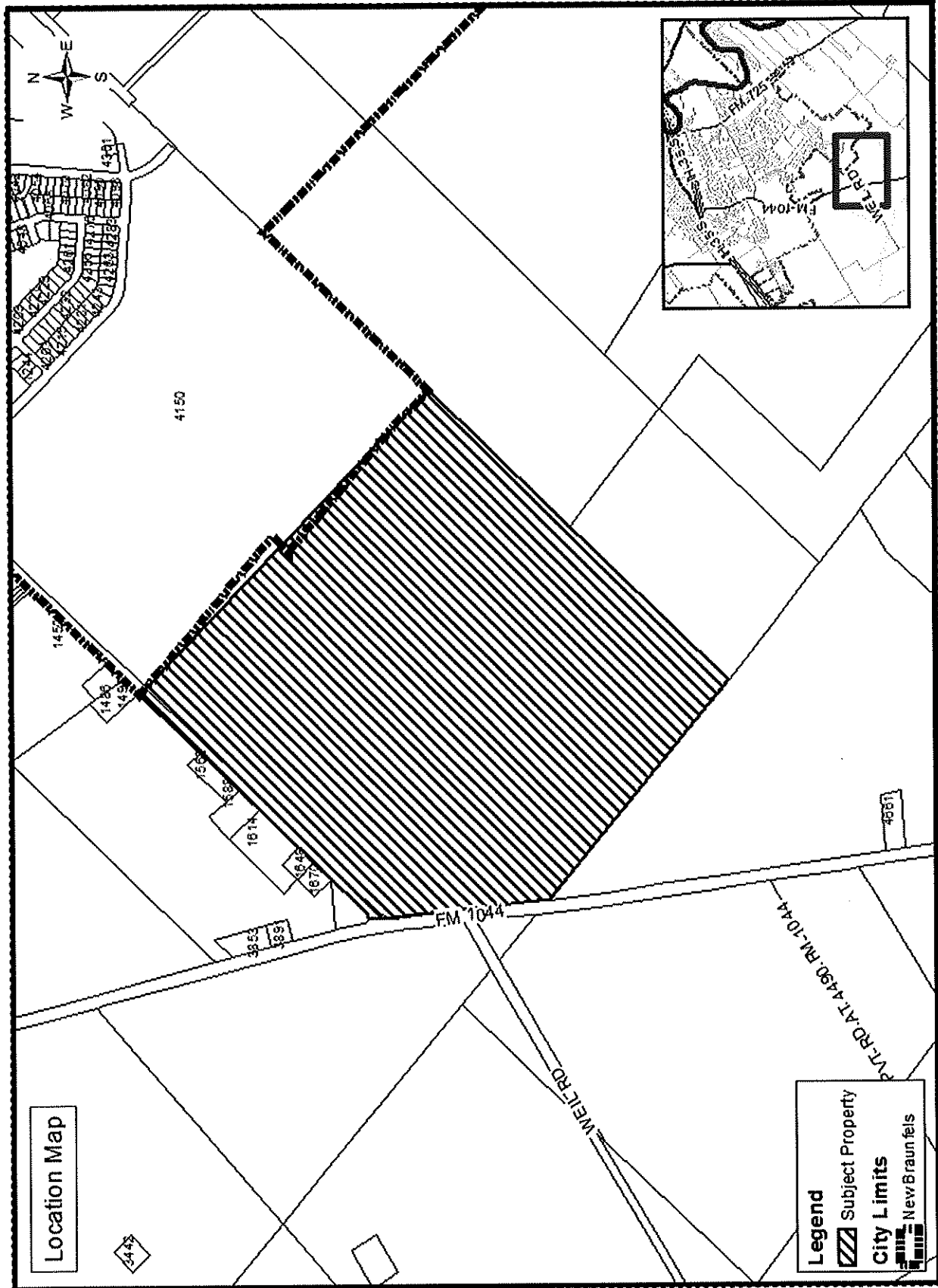
This plan shall be valid for a term of ten (10) years. Renewal of the Service Plan is at the discretion of the City of New Braunfels.

## **LEVEL OF SERVICE**

Nothing in this plan shall require the City to provide a uniform level of full municipal services to each area of the City, including the annexed areas, if different characteristics of topography, land use, and population density are considered a sufficient basis for providing different levels of service.

## **AMENDMENTS**

The plan shall not be amended unless public hearings are held in accordance with Chapter 43 of the Texas Local Government Code.



**CS-18-019  
Proposed Annexation  
FM 1044 at Klein Road**

