

**ORDINANCE NO. 2018-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 36.73 ACRES OUT OF THE A.M. ESNAURIZAR SURVEY, A-20, GUADALUPE COUNTY, TEXAS, WHICH SURROUNDS THE PROPERTY ADDRESSED AT 255 SAENGERHALLE ROAD FROM “R-2” SINGLE-FAMILY AND TWO-FAMILY DISTRICT AND “APD” AGRICULTURAL / PRE-DEVELOPMENT DISTRICT TO “ZH-A” ZERO LOT LINE HOME DISTRICT; AND REZONING APPROXIMATELY 4.16 ACRES OUT OF THE A.M. ESNAURIZAR SURVEY, A-20, GUADALUPE COUNTY, TEXAS, LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF STATE HIGHWAY 46 SOUTH AND SAENGERHALLE ROAD FROM “R-2” SINGLE-FAMILY AND TWO-FAMILY DISTRICT AND “APD” AGRICULTURAL / PRE-DEVELOPMENT DISTRICT TO “C-1B” GENERAL BUSINESS 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 “ZH-A” Zero Lot Line Home District and the “C-1B” General Business 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 approximately 36.73 acres, surrounding the property addressed at 255 Saengergalle Road from “R-2” Single-Family and Two-Family District and “APD” Agricultural / Pre-Development District to “ZH-A” Zero Lot Line Home District; and the City Council desires to amend the Zoning Map by changing the zoning of approximately 4.16 acres, located at the northwest corner of the intersection of State Highway 46 South and Saengerhalle Road from “R-2” Single-Family and Two-Family District and “APD” Agricultural / Pre-Development District to “C-1B” General Business District; **now, therefore;**

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

## **SECTION 1**

**THAT** Sections 1.2-1 and 1.2-2, Chapter 144, of the New Braunfels Code of Ordinances and particularly the Zoning Map of the City of New Braunfels, are amended by changing the following described tract of land from “R-2” Single-Family and Two—Family District and “APD” Agricultural / Pre-Development District to “ZH-A” Zero Lot Line Home District:

“Approximately 36.73 acres situated in the A.M. Esnaurizar Survey, Abstract No. 20, being a portion out of a called 40.892 acre tract recorded in Volume 2413, Page 820, Official Public Records, Guadalupe County, Texas, as described on Exhibit “A” and delineated on Exhibit “B” attached.”

## **SECTION 2**

**THAT** Sections 1.2-1 and 1.2-2, Chapter 144, of the New Braunfels Code of Ordinances and particularly the Zoning Map of the City of New Braunfels, are amended by changing the following described tract of land from “R-2” Single-Family and Two—Family District and “APD” Agricultural / Pre-Development District to “C-1B” General Business District:

“Approximately 4.16 acres situated in the A.M. Esnaurizar Survey, Abstract No. 20, being a portion out of a called 40.892 acre tract recorded in Volume 2413, Page 820, Official Public Records, Guadalupe County, Texas, as described on Exhibit “C” and delineated on Exhibit “D” attached.”

## **SECTION 3**

**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 4**

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

## **SECTION 5**

**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 6**

**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 24<sup>th</sup> day of September, 2018.

**PASSED AND APPROVED:** Second reading this 8<sup>th</sup> day of October, 2018.

**CITY OF NEW BRAUNFELS**

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**BARRON CASTEEL, Mayor**

**ATTEST:**

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**PATRICK D. ATEN, City Secretary**

**APPROVED AS TO FORM:**

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**VALERIA M. ACEVEDO, City Attorney**

\\chfs-1\Departments\Planning\ZoneChange-SUP-Replats\2018 cases\PZ-18-032 HMT\Ordinance.docx



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New Braunfels, TX 78130  
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TBPLS FIRM 10153600



**METES AND BOUNDS DESCRIPTION  
FOR A 36.732 ACRE TRACT**

Being 36.732 acres of land located in the A.M. Esnaurizar Survey, A-20, Guadalupe County, Texas. Said tract being a portion out of a called 40.892 acre tract, described in a deed to AC 483, LTD., a Texas Limited Partnership, recorded in Volume 2413, Page 820 of the Official Public Records of Guadalupe County, Texas. Said tract being more particularly described as follows:

BEGINNING at a ½" iron rod found with a yellow cap being the Southeast corner of the herein described tract; the South corner of Lot 7, Block 2 of Saengerhalle Subdivision Unit One, recorded in Volume 6, Pages 406-407 of the Map and Plat Records of Guadalupe County, Texas and lying in the margin of the North line of Saengerhalle Road (a variable width right-of-way);

THENCE with the margin of Saengerhalle Road, South 44°58'49"West, a distance of 265.67 feet to a ½" iron rod with found for a southerly corner of the herein described tract and being the East corner of the a called 2.229 acre tract, recorded in Document No. 2014021056 of the Official Public Records of Guadalupe County, Texas;

THENCE with the common line of the said 2.229 acre tract and the herein described tract, the following five courses:

- 1.) North 42°45'48"West, a distance of 264.58 feet to a square bar found at the corner from which a 5/8" iron rod found bears South 16°44'58"West, 0.11 feet;
- 2.) South 45°06'57"West, a distance of 289.88 feet to a ½" iron rod found with a cap stamped "RPLS 2633";
- 3.) South 00°32'50"East, a distance of 75.08 feet to a ½" iron rod found;
- 4.) South 29°57'07"West, a distance of 33.11 feet to a ½" iron rod found;
- 5.) South 38°38'51"East, a distance of 205.63 feet to a ½" iron rod found, lying in the margin of Saengerhalle Road;

THENCE with the Northwest margin of Saengerhalle Road, South 43°35'12"West, a distance of 790.60 feet to a point from which a ½" iron rod found on the Northwest flare corner of a called 5.513 acre tract, recorded in Volume 2312, Page 913 of the Deed Records of Guadalupe County, Texas, bears South 69°10'45"East, a distance of 99.84 feet;

THENCE across the herein described tract, the following two courses:

- 1.) North 05°16'07"East, a distance of 215.69 feet to a point for a corner;
- 2.) North 68°24'13"West, a distance of 647.12 feet to a point for a corner lying in the Southeast line of a called 2.563 acre tract, recorded in Volume 1343, Pages 554 of the Official Public Records Guadalupe County, Texas;

THENCE with the Southeast line of the said 2.563 acre tract, North 39°49'57"East, a distance of 113.42 feet to a ½" iron rod found and being the Southeast corner of the said 2.563 acre tract;

THENCE with the Northeast line of the said 2.563 acre tract, North 29°16'30"West, a distance of 229.51 feet to a found wooden fence post being the Northeast corner of the said 2.563 acre

**EXHIBIT "A"**

tract and lying in the South line of a called 3.945 acre tract, recorded in Volume 355, Page 596 of the Official Public Guadalupe County, Texas;

THENCE with the common line of the herein described tract and the said 3.945 acre tract, the following two courses:

- 1.) North 44°55'41"East, a distance of 504.05 feet to a ½" iron rod found with a cap stamped "RPLS 2633"
- 2.) North 07°06'54"West, a distance of 191.85 feet to a found wooden fence post being the North corner of the said 3.945 acre tract and the Southeast corner of a called 10.337 acre tract, recorded in Document No. 2017029354 of the Official Public Records, Guadalupe County, Texas;

THENCE with the common line of the herein described tract and the said 10.337 acre tract, the following two courses:

- 1.) North 13°56'42"West, a distance of 99.63 feet to a ½" iron rod found;
- 2.) North 33°52'30"West, a distance of 247.49 feet to a ½" iron rod found with a cap stamped "KOLODZIE" and lying in the South line of a called 35.805 acre tract, recorded in Document No. 2016005292 of the Official Public Records, Guadalupe County, Texas;

THENCE with the South line of the said 35.805 acre tract, North 44°53'02"East, a distance of 681.30 feet to a ½" iron rod found in concrete, being the west corner of Lot 27, Block 2, Saengerhalle Subdivision Unit Two, recorded in Volume 6, Pages 507-508 of the Map and Plat Records of Guadalupe County, Texas;

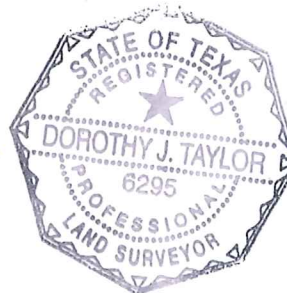
THENCE with the South line of the said Saengerhalle Subdivision Unit Two, South 43°15'11"East, at a distance of 125.02 feet passing a ½" iron rod found for the common corner of Lot 26 and 27, at a distance of 463.03 feet passing a ½" iron rod found for the common corner of Lot 21 and 22, at a distance of 584.82 feet passing a ½" iron rod for the common corner of Lot 19 and 20, for a total distance of 1,423.99 feet to the POINT OF BEGINNING and containing 36.732 acres of land in Guadalupe County, Texas.

Bearings are based upon the Texas State Plane Coordinate System, South Central Zone (4204) NAD83.

Surveyed this the 1st day of August, 2018.

Reference survey of said 36.732 acre tract of land prepared this same date.

  
Dorothy J. Taylor  
Registered Professional Land Surveyor No. 6295  
Job No. 297-001





BEING 36.732 ACRES SITUATED IN THE A.M. ESNAURIZAR SURVEY, ABSTRACT NO. 20, GUADALUPE COUNTY, TEXAS. BEING A PORTION OUT OF A CALLED 40.892 ACRE TRACT RECORDED IN VOLUME 2413, PAGE 820, OFFICIAL PUBLIC RECORDS, GUADALUPE COUNTY, TEXAS

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.

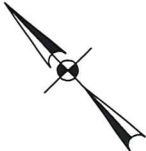
THIS SURVEYOR HAS NOT CONDUCTED A TITLE SEARCH TO DEPICT OTHER MATTERS OF RECORD, SUCH AS EASEMENTS, SETBACKS, RESTRICTIONS OR OTHER ENCUMBRANCES THAT MAY AFFECT THIS PROPERTY.

REFERENCE METES AND BOUND DESCRIPTION PREPARED THIS SAME DATE.

BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NAD 83.

NO ATTEMPT HAS BEEN MADE TO LOCATE ANY IMPROVEMENTS, EASEMENTS OR RIGHTS-OF-WAY NOT SHOWN HEREON.

- LEGEND:
- = FND 1/2" IRON PIN
  - = SET 1/2" IRON PIN W/ PLASTIC CAP STAMPED "HMT"
  - U.E. = UTILITY EASEMENT
  - D.E. = DRAINAGE EASEMENT
  - R.O.W. = RIGHT-OF-WAY
  - ( ) = PLAT CALLS
  - M.P.R.C.C.T. = MAP & PLAT RECORDS OF COMAL COUNTY, TEXAS
  - D.R.C.C.T. = DEED RECORDS OF COMAL COUNTY, TEXAS
  - O.P.R.G.C.T. = OFFICIAL PUBLIC RECORDS OF GUADALUPE COUNTY, TEXAS



SCALE: 1"=200'

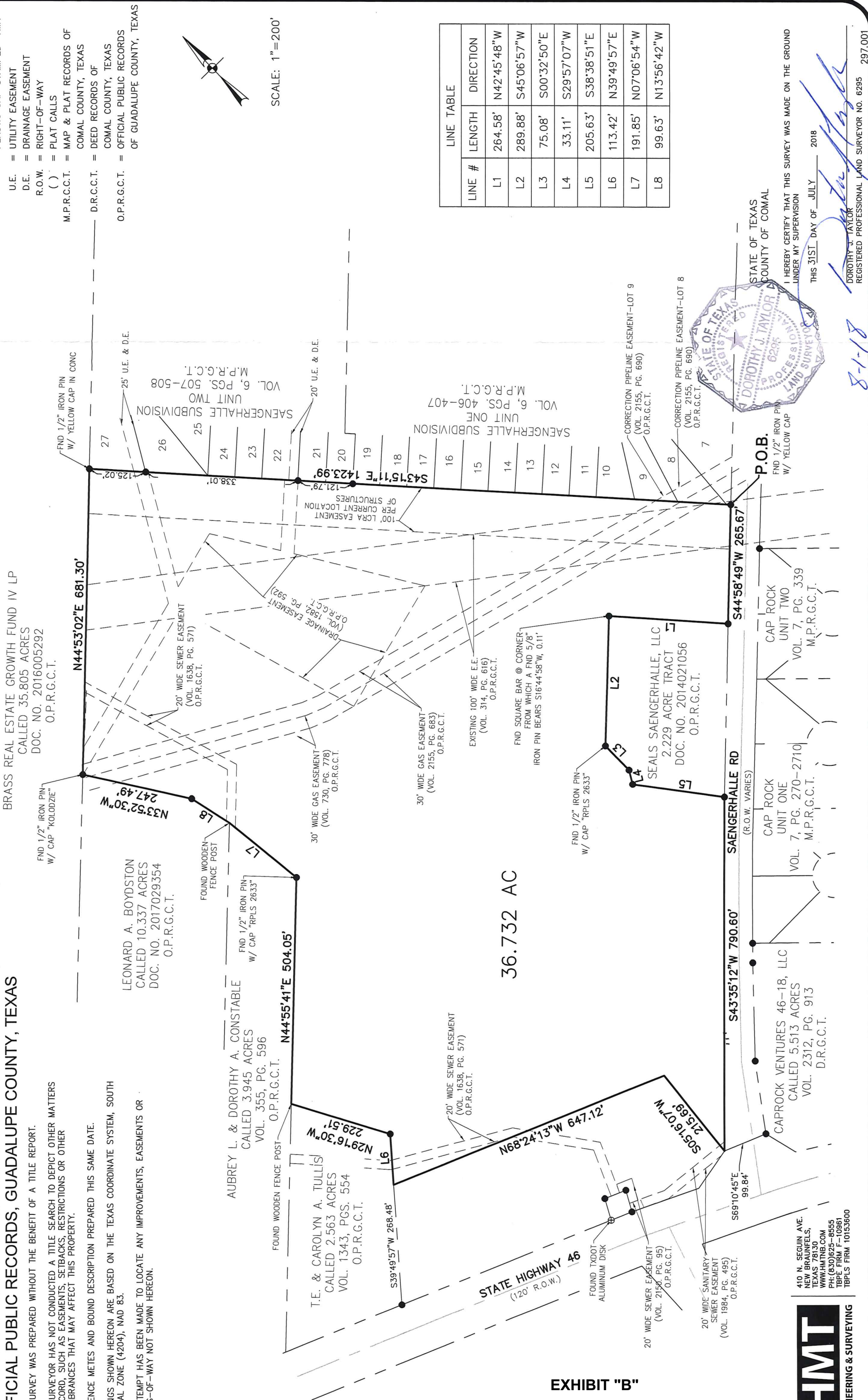
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EXHIBIT "B"

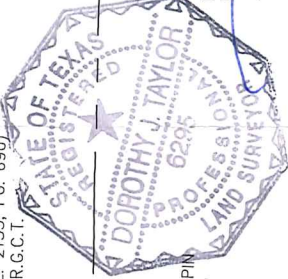
HMT

ENGINEERING & SURVEYING

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TBPE FIRM F-10961  
TBPLS FIRM 10153600



LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	264.58'	N42°45'48"W
L2	289.88'	S45°06'57"W
L3	75.08'	S00°32'50"E
L4	33.11'	S29°57'07"W
L5	205.63'	S38°38'51"E
L6	113.42'	N39°49'57"E
L7	191.85'	N07°06'54"W
L8	99.63'	N13°56'42"W



I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY SUPERVISION  
THIS 31ST DAY OF JULY 2018

DOROTHY J. TAYLOR  
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6295





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TBPLS FIRM 10153600



### METES AND BOUNDS DESCRIPTION FOR A 4.160 ACRE TRACT

Being 4.160 acres of land located in the A.M. Esnaurizar Survey, A-20, Guadalupe County, Texas. Said tract being a portion of a called 40.892 acre tract described in a deed to AC 483, LTD., a Texas Limited Partnership, recorded in Volume 2413, Page 820 of the Official Public Records of Guadalupe County, Texas. Said tract being more particularly described as follows:

BEGINNING at a ½" iron rod found with a cap stamped "B AND A" being the Northwest corner of the herein described tract and the Southwest corner of a called 2.563 acre tract, recorded in Volume 1343, Page 554 of the Official Public Records of Guadalupe County, Texas;

THENCE with Southeast line of the said 2.563 acre tract and Northwest line of the herein described tract, North 39°49'57"East, a distance of 268.48 feet to a point for the Northeast corner of the herein described tract, from which a ½" iron rod found bears North 39°49'57"East a distance of 113.42 feet being the Southeast corner of the said 2.563 acre tract;

THENCE across the said 40.892 acre tract, the following two courses:

- 1.) South 68°24'13"East, a distance of 647.12 feet to a point for corner;
- 2.) South 05°16'07"West, a distance of 215.69 feet to a point lying in the North margin of Saengerhalle Road, from which a ½" iron rod found on the Northwest flare corner of a called 5.513 acre tract, recorded in Volume 2312, Page 913 of the Deed Records of Guadalupe County, Texas, bears South 69°10'45"East, a distance of 99.84 feet;

THENCE with the North margin of Saengerhalle Road flare corner, South 78°14'17"West, a distance of 100.76 feet to a point on the North margin of State Highway 46 and the beginning of a non-tangent curve to the left;

THENCE with the North margin of State Highway 46, said curve having a radius of 2,925.36 feet, a central angle of 03°04'35", a chord bearing and distance of North 65°45'35"West, 157.05 feet and an arc length of 157.07 feet to a ½" iron rod found, also being the Southeast corner of a called 2485 Sq. ft. tract, recorded in Volume 1638, Page 571 of the Official Public Records of Guadalupe County, Texas;

THENCE with the said 2485 Sq. ft. tract, the following three courses:

- 1.) North 27°45'09"East, a distance of 49.75 feet to a ½" iron rod found;
- 2.) North 67°55'33"West, a distance of 49.91 feet to a ½" iron rod found;
- 3.) South 27°40'21"West, a distance of 50.00 feet to a TxDOT Aluminum Disk found in the North margin of State Highway 46;

THENCE with the North margin of State Highway 46, North 68°24'13"West, a distance of 500.87 feet the POINT OF BEGINNING and containing 4.160 acres of land in Guadalupe County, Texas.

Bearings are based upon the Texas State Plane Coordinate System, South Central Zone (4204) NAD83. Surveyed this the 1st day of August, 2018.

Reference survey of said 4.160 acre tract of land prepared this same date.

  
Dorothy J. Taylor  
Registered Professional Land Surveyor No. 6295  
Job No. 297.001



EXHIBIT "C"

BEING 4.16 ACRES SITUATED IN THE A.M. ESNAURIZAR SURVEY, ABSTRACT NO. 20, GUADALUPE COUNTY, TEXAS. BEING A PORTION OUT OF A CALLED 40.892 ACRE TRACT RECORDED IN VOLUME 2413, PAGE 820, OFFICIAL PUBLIC RECORDS, GUADALUPE COUNTY, TEXAS

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.

THIS SURVEYOR HAS NOT CONDUCTED A TITLE SEARCH TO DEPICT OTHER MATTERS OF RECORD, SUCH AS EASEMENTS, SETBACKS, RESTRICTIONS OR OTHER ENCUMBRANCES THAT MAY AFFECT THIS PROPERTY.

REFERENCE METES AND BOUND DESCRIPTION PREPARED THIS SAME DATE.

BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NAD 83.

NO ATTEMPT HAS BEEN MADE TO LOCATE ANY IMPROVEMENTS, EASEMENTS OR RIGHTS-OF-WAY NOT SHOWN HEREON.

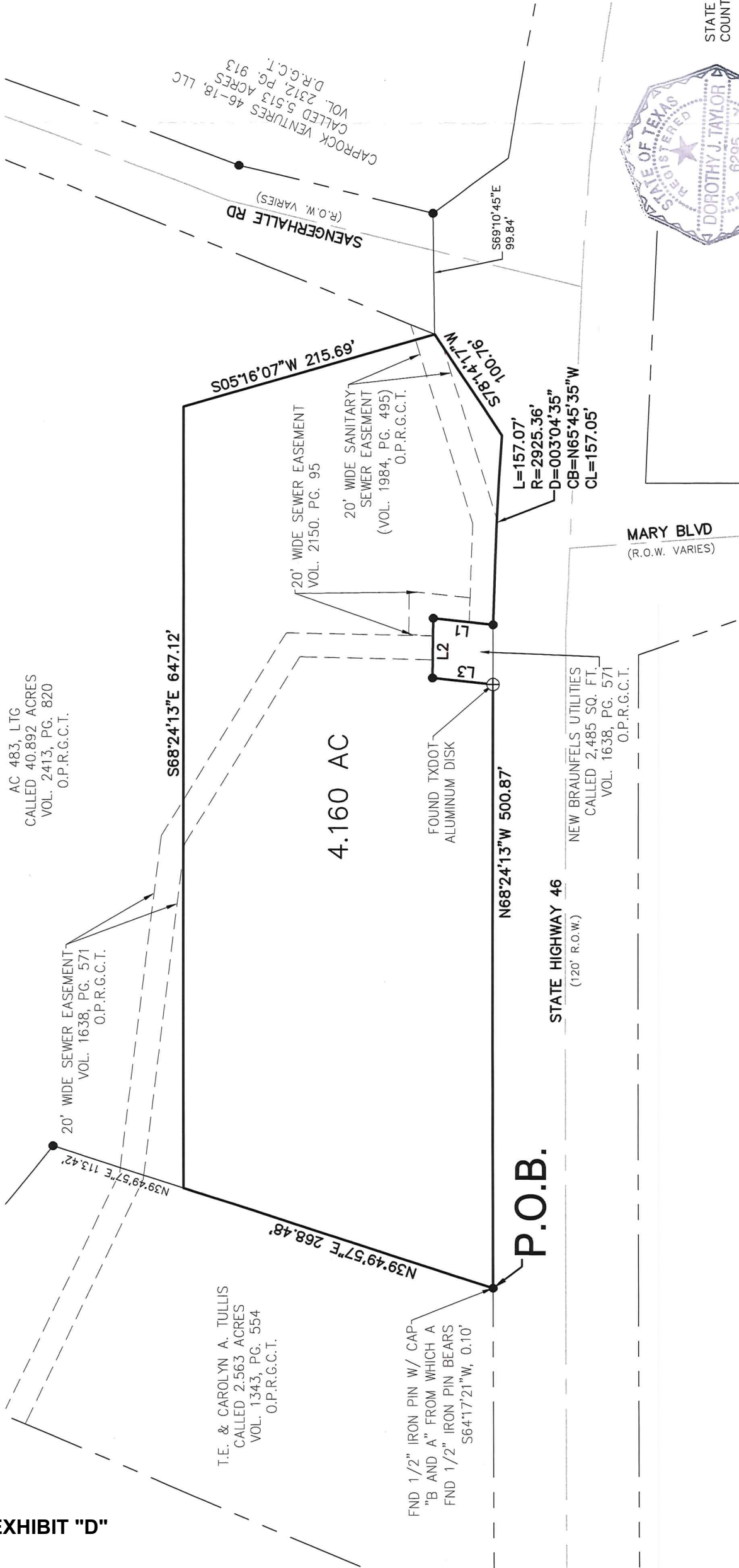
LEGEND:

- = FND 1/2" IRON PIN
- R.O.W. = RIGHT-OF-WAY
- O.P.R.G.C.T. = OFFICIAL PUBLIC RECORDS OF GUADALUPE COUNTY, TEXAS

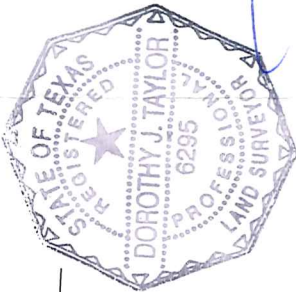


SCALE: 1"=100'

EXHIBIT "D"



LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	49.75'	N27°45'09\"E
L2	49.91'	N67°55'33\"W
L3	50.00'	S27°40'21\"W



STATE OF TEXAS  
COUNTY OF COMAL

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY SUPERVISION

THIS 31ST DAY OF JULY 2018

DOROTHY J. TAYLOR  
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6295

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