

**ORDINANCE NO. 2019-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 97.27 ACRES OUT OF THE J.S. JOHNSON SURVEY, ABSTRACT 190, AND APPROXIMATELY 91.42 ACRES OUT OF THE SARAH DEWITT SURVEY, ABSTRACT 103, GUADALUPE COUNTY, TEXAS, LOCATED NORTH OF THE TERMINUS OF SUNSHINE LANE, SOUTHEAST OF THE LEGEND POND SUBDIVISION AND SURROUNDING PROPERTY ADDRESSED AT 910 W. ZIPP ROAD, FROM “R-1A-6.6” SINGLE FAMILY DISTRICT, “APD” AGRICULTURAL/PRE-DEVELOPMENT DISTRICT AND ZIPP MEADOWS PLANNED DEVELOPMENT DISTRICT TO “ZH-A” ZERO LOT LINE HOME 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, 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 190.28 acres, located north of the terminus of Sunshine Lane, southeast of the Legend Pond Subdivision and surrounding property addressed at 910 W. Zipp Road, from “R-1A-6.6” Single-Family District, “APD” Agricultural/Pre-Development District and Zipp Meadows Planned Development District to “ZH-A” Zero Lot Line Home 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-1A-6.6” Single-Family District,

“APD” Agricultural / Pre-Development District and Zipp Meadows Planned Development District to “ZH-A” Zero Lot Line Home District:

“Approximately 190.28 acres situated in the J.S. Johnson Survey, Abstract 190 and the Sarah Dewitt Survey, Abstract 103, being all of a called Tract 1, 135.918 acres, described in Document No. 2014022588, Official Public Records, Guadalupe County, Texas, all of a called Tract 2, 0.673 acres, described in Document No. 2014022588, Official Public Records, Guadalupe County, Texas, and all of a called 53.744 acre tract, described in Document No. 2014020421, Official Public Records, Guadalupe County, Texas, as described on 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 25<sup>th</sup> day of February, 2019.

**PASSED AND APPROVED:** Second reading this 11<sup>th</sup> day of March, 2019.

**CITY OF NEW BRAUNFELS**

**BARRON CASTEEL, Mayor**

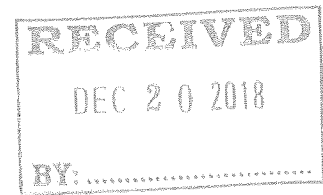
**ATTEST:**

**PATRICK D. ATEN, City Secretary**

**APPROVED AS TO FORM:**

**VALERIA M. ACEVEDO, City Attorney**

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**METES AND BOUNDS DESCRIPTION  
FOR A 190.282 ACRE TRACT OF LAND**

Being a 190.282 acre tract of land, located in the Sarah DeWitt Survey, Abstract No. 103 and the J.S. Johnson Survey, Abstract No. 190, being all of a called Tract 1, 135.918 acres, described in Document No. 2014022588, Official Public Records, Guadalupe County, Texas, all of a called Tract 2, 0.673 acres, described in Document No. 2014022588, Official Public Records, Guadalupe County, Texas, and all of a called 53.744 acre tract, described in Document No. 2014020421, Official Public Records, Guadalupe County, Texas, said 190.282 acre tract of land being more particularly described as follows:

BEGINNING at a 60D nail called for the West corner of said Tract 1, same being the West corner of the herein described tract;

THENCE with the Northwest line of said Tract 1, N 44°37'44" E a distance of 1845.98 feet to a 60D nail called for the North corner of said Tract 1, same being the West corner of said 53.744 acre tract, an angle point of the herein described tract;

THENCE with the Northwest line of said 53.744 acre tract, the following 2 (two) calls:

1. N 44°08'59" E a distance of 1839.56 feet to a 10 inch fence post called for an angle point of the herein described tract;
2. N 44°28'28" E a distance of 618.28 feet to a called 1/2" iron pin in the Southwest right-of-way line of Zipp Road for the North corner of said 53.744 acre tract, the North corner of the herein described tract;

THENCE with the common line of said 53.744 acre tract and the right-of-way line of a road, the following 8 (eight) calls:

1. S 51°42'33" E a distance of 334.83 feet to a called 1/2" iron pin;
2. S 44°20'21" W a distance of 2.82 feet to a called 1/2" iron pin;
3. S 51°59'09" E a distance of 570.38 feet to a called 1/2" iron pin;
4. S 01°24'25" E a distance of 34.46 feet to a called 1/2" iron pin;
5. S 44°23'32" W a distance of 476.15 feet to a called 1/2" iron pin;
6. S 45°39'28" E a distance of 2.10 feet to a called 1/2" iron pin;
7. S 44°54'58" W a distance of 225.36 feet to a called 1/2" iron pin;
8. S 23°01'40" W a distance of 27.64 feet to a called 1/2" iron pin;

THENCE departing the right-of-way of said Road, with the Southeast line of said 53.744 acre tract, S 44°25'19" W a distance of 1823.28 feet to a point for the South corner of said 53.744 acre tract, an interior corner of the herein described tract, in the Northeast line of said Tract 1;

THENCE with the Northeast line of the said Tract 1, the following 4 (four) calls:

1. S 44°20'07" E a distance of 2.09 feet to a point for a corner, an angle point of said Tract 1 and an angle point of the herein described tract;

**EXHIBIT 'A'**

2. S 45°19'54" W a distance of 226.76 feet to a called 1/2" iron pin for an interior corner of the herein described tract;
3. S 44°41'06" E a distance of 2200.94 feet to a called 1/2" iron pin in concrete;
4. S 44°41'06" E a distance of 410.14 feet to a called 1/2" iron pin for the East corner of said Tract 1, an East corner of the herein described tract;

THENCE with the Southeast line of Tract 1, S 45°08'26" W a distance of 739.80 feet to a called 1/2" iron pin in fence line for the North corner of said Tract 2;

THENCE with the boundary of said Tract 2, the following 3 (three) calls:

1. S 44°42'24" E a distance of 488.30 feet to a called 1/2" iron pin for the East corner of said Tract 2, an angle point of the herein described tract;
2. S 45°17'36" W a distance of 60.00 feet to a called 1/2" iron pin for the South corner of said Tract 2, an angle point of the herein described tract;
3. N 44°42'24" W a distance of 488.14 feet to a called 1/2" iron pin in a fence line for the West corner of said Tract 2, an interior corner of the herein described tract, in the Southeast line of said Tract 1;

THENCE with the boundary of said Tract 1, the following 2 (two) calls:

1. S 45°08'26" W a distance of 820.51 feet to a called 1/2" iron pin for the South corner of said Tract 1, the South corner of the herein described tract;
2. N 44°34'23" W a distance of 3522.90 feet to the POINT OF BEGINNING and containing a 190.282 acre tract of land in Guadalupe County, Texas.

Bearings shown hereon are based on the Texas Coordinate System, South Central Zone (4204), NAD 83.

Written this 20th day of December, 2018.

Description based on field notes of said Tract 1, Tract 2, and said 53.744 acre tract. Field notes of Tract 1 were prepared on August 16th, 2000. The dates of preparation for field notes describing Tract 2 and said 53.744 acre tract were unspecified in the deeds of record.

This description was prepared for zoning purposes only and shall not be used for any other purpose.

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