

**ORDINANCE NO. 2019-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 3.92 ACRES OUT OF THE WILLIAM H. PATE SURVEY NO. 22, ADDRESSED AT 2188 F.M. 1044, FROM “APD” AGRICULTURAL/PRE-DEVELOPMENT DISTRICT TO “MU-B” HIGH INTENSITY MIXED USE 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 “MU-B” High Intensity Mixed Use 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 rezoning 3.9168 acres out of the William H. Pate Survey No. 22, addressed at 2188 F. M. 1044, from “APD” Agricultural/Pre-Development District to “MU-B” High Intensity Mixed Use 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 rezoning the following described tract of land from “APD” to “MU-B” High Intensity Mixed Use District:

3.9168 acres out of the William H. Pate Survey No. 22, addressed at 2188 F.M. 1044, 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**THAT** all provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.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**THAT** all other ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent that they are in conflict.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 26<sup>th</sup> day of August, 2019.

**PASSED AND APPROVED:** Second reading this 9<sup>th</sup> day of September, 2019.

**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

All that certain 3.9168 acres of land, more or less, in the William H. Pate Survey No. 22, Guadalupe County, Texas and being more fully described as follows, to-wit:

Being a 3.9168 acre tract of land out of SUBDIVISION No. 10 and 11, of the Wm. H. Pate Survey No. 22, in Guadalupe County, Texas, and being out of & a part of that called 4.725 acre tract of land conveyed to Thomas D. Scott, et ux, by deed recorded in Volume 621, Page 118, Deed Record of Guadalupe County, Texas, said 3.9168 acres being more particularly described by metes and bounds as follows:

BEGINNING at a 3/8 inch iron rod found in the West line of Farm to Market Road No. 1044, said point marking the Northwest corner of the said Thomas Scott 4.725 acre tract;

THENCE, South 05 deg. 53' West, 150.14 (called 150.0) feet with the West line of said F.M. 1044 and the East line of the said 4.725 acre tract, to a 1/2 inch iron rod set for the upper Southeast corner of the herein described tract;

THENCE North 82 deg. 04' West 400.0 feet to a 1/2 inch iron rod set for an interior ell corner of the herein described tract;

THENCE, South 05 deg. 53' West, 100.0 feet to a 1/2 inch iron rod set in the South line of the said 4.725 acre tract, said point being the lower Southeast corner of the herein described tract;

THENCE, North 82 deg. 04' West, 448.28 feet with the South line of the said 4.725 acre tract, to a 3/8 inch iron rod found marking the Southwest corner of the said 4.725 acre tract;

THENCE, North 08 deg. 34' East, 250.0 feet with the West line of the said 4.725 acre tract, to a 1/2 inch iron rod set for the Northwest corner of the said 4.725 acre tract and the herein described tract;

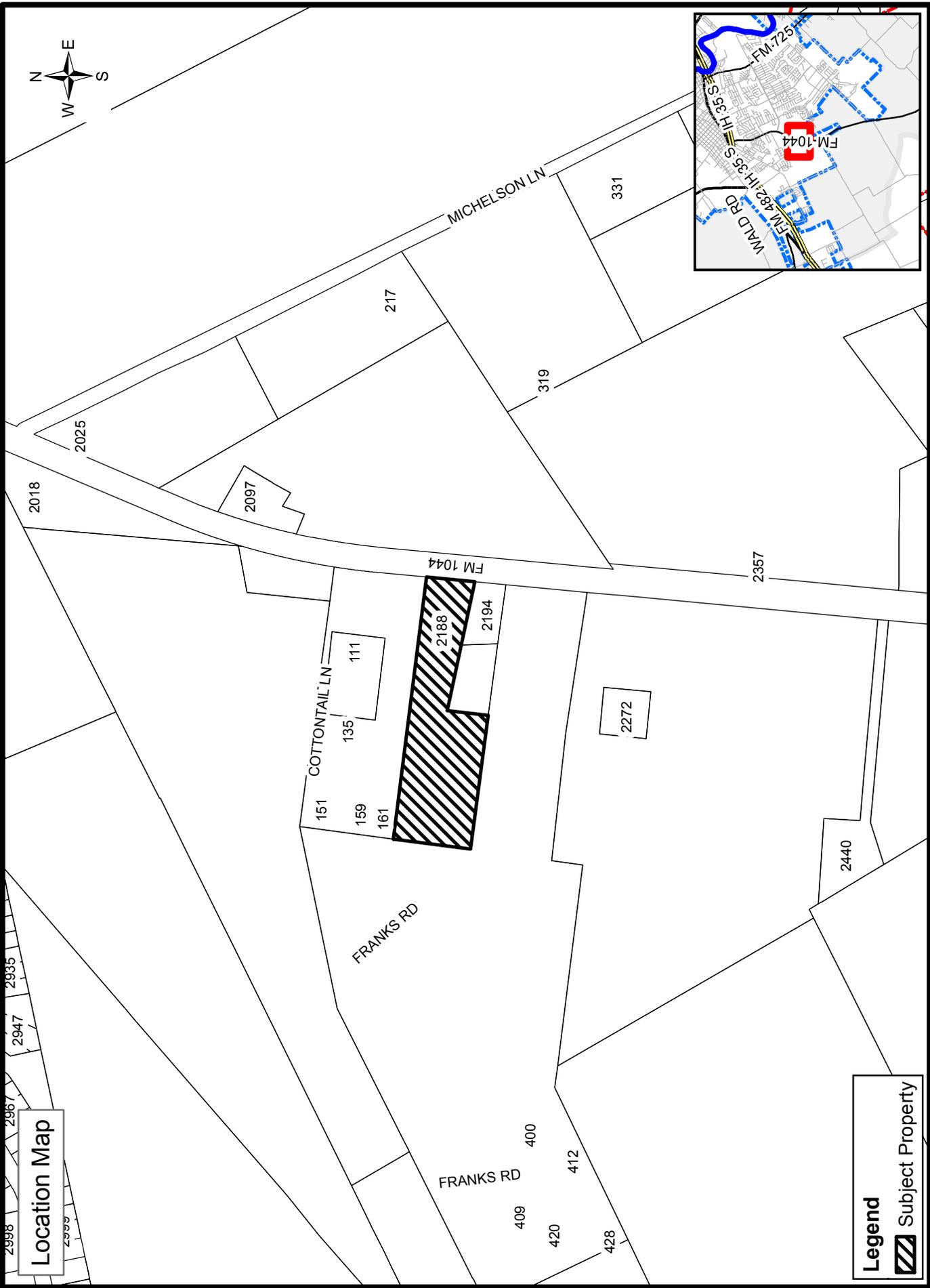
THENCE, South 82 deg. 04' East 836.57 (called 834.91) feet with the North line of the said 4.725 acre tract, to the PLACE OF BEGINNING and containing 3.9168 acres or 170,619 square feet of land.

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FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS  
12/27/2016 2:16:58 PM  
PAGES: 3  
TERESA KIEL, COUNTY CLERK  
GUADALUPE COUNTY, TEXAS



**EXHIBIT "A"**



Location Map

**Legend**  
 Subject Property

**PZ19-0201**  
**2188 FM 1044**  
**Zone Change from APD to MU-B**

