

## **ORDINANCE NO. 2019-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING 39.241 ACRES, CONSISTING OF LOT 2, AD2 SUBDIVISION AND APPROXIMATELY 34 ACRES OUT OF THE O. RUSSELL SURVEY NO. 1, LOCATED IN THE 3900 AND 4000 BLOCKS OF IH-35 NORTH, FROM “M-1” LIGHT INDUSTRIAL AND “APD” AGRICULTURAL/PRE-DEVELOPMENT DISTRICTS TO “M1-A” LIGHT INDUSTRIAL 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 “M1-A” Light Industrial 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 Lot 2, AD2 Subdivision and approximately 34 acres out of the O. Russell Survey No. 1, located in the 3900 and 4000 blocks of IH-35 North from “M-1” and “APD” to “M1-A” Light Industrial 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 “M-1” and “APD” to “M1-A” Light Industrial District:

39.241 acres consisting of Lot 2, AD2 Subdivision and approximately 34 acres out of the O. Russell Survey No. 1, located in the 3900 and 4000 blocks of IH-35 North 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**THAT** all provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.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**THAT** all other ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent that they are in conflict.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 26th day of August, 2019.

**PASSED AND APPROVED:** Second reading this 9th 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



METES AND BOUNDS DESCRIPTION  
FOR A  
39.241 ACRE TRACT OF LAND  
"ZONING"

BEING a 39.241 acre tract of land situated in the City of New Braunfels, Comal County, Texas, being out of the Orilla Russell League Survey No. 2, Abstract No. 485, and being comprised of the following tracts of land: All of a called 10.00 acre tract of land, as conveyed to Michael Scott Turner, and recorded in Document No. 200606033124, of the Official Public Records of Comal County, Texas; All of a called 18.282 acre tract of land, as conveyed to Michael S. Turner, and recorded in Document No. 200806036952, of the Official Public Records of Comal County, Texas; The remaining portion of a called 27.45 acre tract of land, as conveyed to MST-35 #6, LLC, and recorded in Document No. 201406026505, of the Official Public Records of Comal County, Texas; and all of Lot 2, Block 1, A-D Subdivision, Unit 2, as recorded in Volume 11, Page 292, of the Map and Plat Records of Comal County, Texas, as conveyed to MST-35 #6, LLC, and recorded in Document No. 201406026506, of the Official Public Records of Comal County, Texas; and said 39.241 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a point in the Northwestern Right-of-Way (R.O.W.) line of Interstate Highway 35 (I.H. 35) (a variable width R.O.W.), being the most Easterly corner of Tract 2, Hansmann Estates, as recorded in Volume 5, Page 331, of the Map and Plat Records of Comal County, Texas, being the most Southerly corner of said 10.00 acre tract of land, and being the most Southerly corner of this herein described tract of land;

THENCE departing the Northwestern R.O.W. line of said I.H. 35, and with the common line between said Tract 2 and said 10.00 acre tract of land, N 45° 31' 14" W, a distance of 975.84 feet to a point for the most Northerly corner of said Tract 2, being the most Easterly corner of a called 69.92 acre tract of land, as conveyed to M.A. Anderson Real Estate, L.L.C., and recorded in Document No. 201006017581, of the Official Public Records of Comal County, Texas, being the most Southerly corner of said 18.282 acre tract of land, being the most Westerly corner of said 10.00 acre tract of land, and being a Southwesterly corner of this herein described tract of land;

THENCE with the common line between said 69.92 acre tract of land and said 18.282 acre tract of land, N 45° 41' 16" W, a distance of 71.43 feet to a point in the common line between said 69.92 acre tract of land and said 18.282 acre tract of land, and being a Southwesterly corner of this herein described tract of land;

THENCE continuing with the common line between said 69.92 acre tract of land and said 18.282 acre tract of land, N 45° 20' 34" W, a distance of 723.56 feet to a point for the most Northerly Northeast corner of said 69.92 acre tract of land, being in the Southeasterly line of a called 46.000 acre tract of land, as conveyed to Continental Homes of Texas, L.P., and recorded in Document No. 201706004722, of the Official Public Records of Comal County, Texas, and being the most Westerly corner of said 18.282 acre tract of land and this herein described tract of land;

**EXHIBIT "A"**

THENCE with the Northwestern line of said 18.282 acre tract of land, the Southeasterly line of said 46.000 acre tract of land, and with a Southerly line of Lot 25A (Variable Width Public Utility Easement and Drainage Easement), Block "A", Oak Creek Estates, Phase 1B, as recorded in Document No. 200706004819, of the Map and Plat Records of Coma County, Texas, N 44° 57' 27" E, a distance of 1,001.74 feet to a point for a Southerly interior corner of said Lot 25A, and being the most Northerly corner of said 18.282 acre tract of land and this herein described tract of land;

THENCE continuing with the common line between said Lot 25A and said 18.282 acre tract of land, S 46° 16' 03" E, a distance of 590.96 feet to a point for a Southerly corner of said Lot 25A, being a Northwesternly corner of the remaining portion of aforementioned 27.45 acre tract of land, being an Easterly corner of said 18.282 acre tract of land, and being a Northeasterly corner of this herein described tract of land;

THENCE departing the Easterly line of said 18.282 acre tract of land, and with the common line between said Lot 25A and the remaining portion of said 27.45 acre tract of land, N 46° 05' 22" E, a distance of 103.42 feet to a point in the Southeasterly line of said Lot 25A, being the most Northerly Northwest corner of the remaining portion of said 27.45 acre tract of land, being the most Westerly corner of a called 16.47 acre tract of land, as conveyed to Ronald C. Hoover, and recorded in Document No. 201606018532, of the Official Public Records of Comal County, Texas, and being a Northeasterly corner of this herein described tract of land;

THENCE departing the Southeasterly line of said Lot 25A, and with the common line between the remaining portion of said 27.45 acre tract of land and said 16.47 acre tract of land, S 46° 03' 59" E, a distance of 1,196.77 feet to a point in the Northwesternly R.O.W. line of said I.H. 35, being the most Southerly corner of said 16.47 acre tract of land, and being the most Easterly corner of the remaining portion of said 27.45 acre tract of land and this herein described tract of land;

THENCE with the Northwesternly R.O.W. line of said I.H. 35, with the Southeasterly line of the remaining portion of said 27.45 acre tract of land, and with the Southeasterly line of aforementioned Lot 2, A-D Subdivision, S 45° 55' 01" W, a distance of 456.80 feet to a point in the Northwesternly R.O.W. line of said I.H. 35, being the most Southerly corner of said Lot 2, same being the most Easterly corner of Lot 1, of said A-D Subdivision, and being a Southeasterly corner of this herein described tract of land;

THENCE departing the Northwesternly R.O.W. line of said I.H. 35, and with the common line between said Lots 1 and 2, N 45° 31' 14" W, a distance of 975.84 feet to a point for the most Westerly corner of said Lot 2, being the most Northerly corner of said Lot 1, being in the Southeasterly line of aforementioned 18.282 acre tract of land, and being a Northwesternly interior corner of this herein described tract of land;

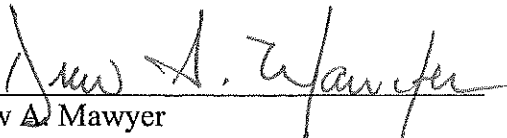
THENCE with the common line between said Lot 1 and said 18.282 acre tract of land, S 45° 54' 00" W, a distance of 223.26 feet to a point for the most Westerly corner of said Lot 1, being the most Northerly corner of aforementioned 10.00 acre tract of land, being in the Southeasterly line of said 18.282 acre tract of land, and being a Northwesternly interior corner of this herein described tract of land;

THENCE departing the Southeasterly line of said 18.282 acre tract of land, and with the common line between said Lot 1 and said 10.00 acre tract of land, S 45° 31' 14" E, a distance of 975.84 feet to a point in the Northwesternly R.O.W. line of said I.H. 35, being the most Southerly corner of said Lot 1, the most Easterly corner of said 10.00 acre tract of land, and being a Southeasterly corner of this herein described tract of land;

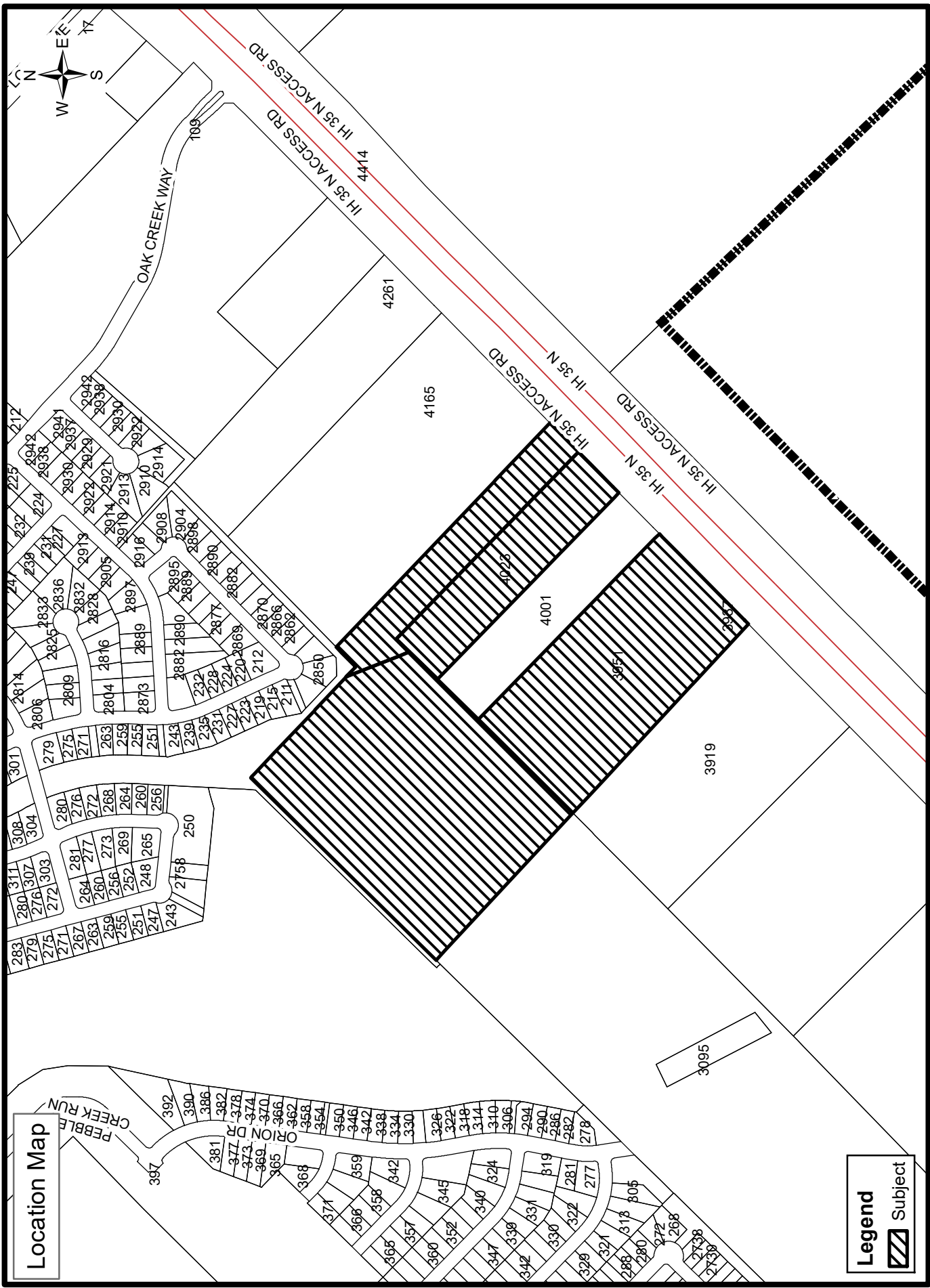
THENCE with the Northwesterly R.O.W. line of said I.H. 35, and with the Southeasterly line of said 10.00 acre tract of land, S 45° 54' 00" W, a distance of 446.52 feet to the POINT OF BEGINNING, and containing 39.241 acres of land, more or less.

"This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."

Bearings based on Document No. 200606033124, of the Official Public Records of Comal County, Texas.

  
Drew A. Mawyer  
Registered Professional Land Surveyor No. 5348  
TBPLS Firm Registration #10191500  
5151 W. SH 46, NEW BRAUNFELS, TX 78132  
COR003- 4023 I.H. 35- 39.241 AC- 061319





**PZ19-0207**  
**3900 - 4000 IH-35 North**  
**M-1 and APD to M-1A**

