

**ORDINANCE NO. 2020-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 49 ACRES OUT OF THE WILLIAM H. PATE SURVEY NO. 22, A-259, ADDRESSED AT 2272 FM 1044, FROM “APD” AGRICULTURAL/PRE-DEVELOPMENT TO “R-1A-4” SINGLE FAMILY SMALL LOT RESIDENTIAL 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 “R-1A-4” Single Family Small Lot Residential 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 requested rezoning is in accordance with Envision New Braunfels, the City’s Comprehensive Plan; and

**WHEREAS**, the City Council desires to amend the Zoning Map by rezoning approximately 49 acres out of the William H. Pate Survey No. 2 A-259, addressed at 2272 FM 1044, from “APD” Agricultural/Pre-Development District to “R-1A-4” Single Family Small Lot Residential 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 “R-1A-4” Single Family Small Lot Residential District:

Approximately 49 acres out of the William H Pate Survey No. 22 A-259, addressed at 2272 FM 1044, as delineated in Exhibit “A” and described in 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**THAT** all provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.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**THAT** all other ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent that they are in conflict.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 13th day of April, 2020.

**PASSED AND APPROVED:** Second reading this 27th day of April, 2020.

**CITY OF NEW BRAUNFELS**

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**BARRON CASTEEL**, Mayor

**ATTEST:**

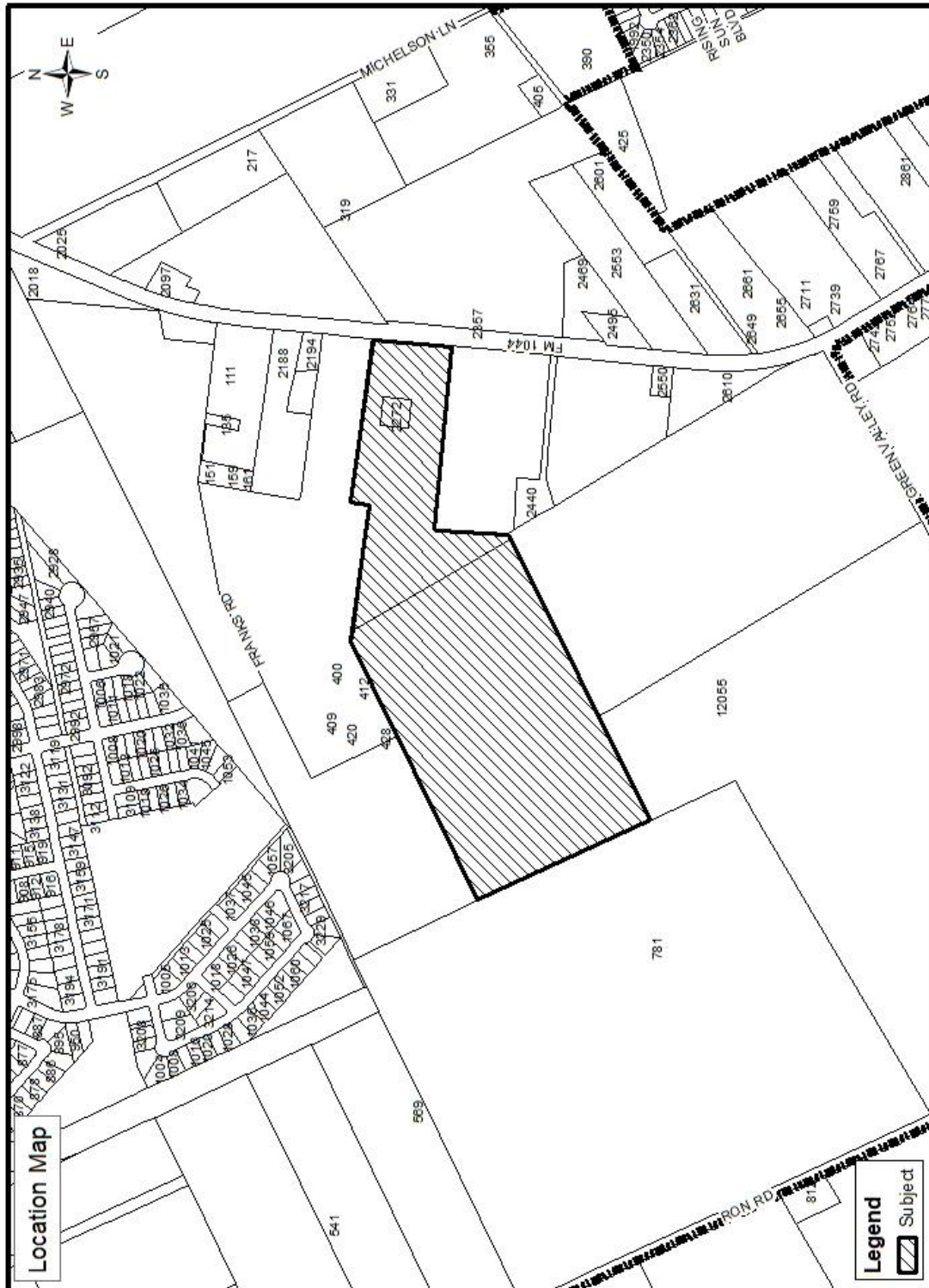
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**PATRICK D. ATEN**, City Secretary

**APPROVED AS TO FORM:**

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**VALERIA M. ACEVEDO**, City Attorney



**PZ20-0017**  
**2272 FM 1044**  
**APD to ZH-A**



**EXHIBIT "A"**



METES AND BOUNDS DESCRIPTION  
FOR A  
48.926 ACRE TRACT OF LAND

BEING a 48.926 acre tract of land out of the William H. Pate Survey No. 22, Abstract No. 259, and the Raphael Ximenez Survey, Abstract No. 347, in Guadalupe County, Texas, being out of the remaining portion of a called 69.5 acre tract of land, as conveyed to O. C. Searight, and recorded in Volume 553, Page 7, of the Deed Records of Guadalupe County, Texas, and said 48.926 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a point in the Westerly Right-of-Way (R.O.W.) line of F.M. Highway 1044 (a variable width R.O.W.), being the Southeast corner of a called 25.00 acre tract of land, as conveyed to Howard T. Franks, and recorded in Volume 825, Page 946, of the Official Public Records of Guadalupe County, Texas, and being the Northeast corner of the remaining portion of said 69.5 acre tract of land and this herein described tract of land;

THENCE with the Westerly R.O.W. line of said F.M. Highway 1044, and with the Easterly line of the remaining portion of said 69.5 acre tract of land, S 05° 22' 50" W, a distance of 371.70 feet to a point in the Westerly R.O.W. line of said F.M. Highway 1044, being in the Easterly line of the remaining portion of said 69.5 acre tract of land, and being an Easterly corner of this herein described tract of land;

THENCE departing the Westerly R.O.W. line of said F.M. Highway 1044, and across and through the remaining portion of said 69.5 acre tract of land, N 86° 14' 31" W, a distance of 954.29 feet to a point for a Northeasterly interior corner;

THENCE continuing across and through the remaining portion of said 69.5 acre tract of land, S 02° 26' 49" W, a distance of 397.65 feet to a point for the most Northerly corner of a called 45.500 acre tract of land, as conveyed to Weston Ranch Foundation, and recorded in Document No. 200606027504, of the Official Public Records of Guadalupe County, Texas, being a Southerly interior corner of the remaining portion of said 69.5 acre tract of land, and being a Southeasterly corner of this herein described tract of land;

THENCE with the common line between said 45.500 acre tract of land and the remaining portion of said 69.5 acre tract of land, S 63° 35' 09" W, a distance of 547.77 feet to a point in the Northwesterly line of said 45.500 acre tract of land, and being a Southeasterly corner of the remaining portion of said 69.5 acre tract of land and this herein described tract of land;

THENCE continuing with the common line between said 45.500 acre tract of land and the remaining portion of said 69.5 acre tract of land, S 63° 19' 03" W, a distance of 501.23 feet to a point for the most Westerly corner of said 45.500 acre tract of land, being the most Northerly corner of a called 100 acre tract of land, as conveyed to Herbert Schaefer, and recorded in Volume 225, Page 633, of the Deed Records of Guadalupe County, Texas, and being a Southeasterly corner of the remaining portion of said 69.5 acre tract of land and this herein described tract of land;

THENCE with the common line between said 100 acre tract of land and the remaining portion of said 69.5 acre tract of land, S 63° 26' 29" W, a distance of 148.40 feet to a point in the Northwesterly corner of said 100 acre tract of land, and being a Southeasterly corner of the remaining portion of said 69.5 acre tract of land and this herein described tract of land;

THENCE continuing with the common line between said 100 acre tract of land and the remaining portion of said 69.5 acre tract of land, S 63° 35' 40" W, a distance of 448.10 feet to a point for a Northwesterly corner of said 100 acre tract of land, being in the Northeasterly line of the remaining portion of a called 100 acre tract of land, as conveyed to Milton W. Schaefer, and recorded in Volume 4033, Page 677, of the Official Public Records of Guadalupe County, Texas, and being the most Southwesterly corner of the remaining portion of said 69.5 acre tract of land and this herein described tract of land;

THENCE with the common line between the remaining portion of said 100 acre tract of land and the remaining portion of said 69.5 acre tract of land, N 25° 10' 37" W, a distance of 570.24 feet to a point for a Northeasterly corner of the remaining portion of said 100 acre tract of land, and being a Southwesterly corner of the remaining portion of said 69.5 acre tract of land and this herein described tract of land;

THENCE continuing with the common line between the remaining portion of said 100 acre tract of land and the remaining portion of said 69.5 acre tract of land, N 24° 51' 42" W, a distance of 422.63 feet to a point in the Northeasterly line of the remaining portion of said 100 acre tract of land, being the Southwest corner of a called 38.095 acre tract of land, as conveyed to Dirt Dealers XII, and recorded in Volume 2773, Page 98, of the Official Public Records of Guadalupe County, Texas, and being the most Westerly corner of the remaining portion of said 69.5 acre tract of land and this herein described tract of land;

THENCE departing the Northeasterly line of the remaining portion of said 100 acre tract of land, and with the common line between said 38.095 acre tract of land and the remaining portion of said 69.5 acre tract of land, N 64° 06' 06" E, at a distance of 947.30 feet passing the most Easterly corner of said 38.095 acre tract of land, same being the most Southwesterly corner of aforementioned 25.00 acre tract of land, and continuing with the common line between said 25.00 acre tract of land and the remaining portion of said 69.5 acre tract of land, for a total distance of 1,468.78 feet to a point for a Southerly corner of said 25.00 acre tract of land, and being a Northerly corner of the remaining portion of said 69.5 acre tract of land and this herein described tract of land;

THENCE continuing with the common line between said 25.00 acre tract of land and the remaining portion of said 69.5 acre tract of land, the following courses:

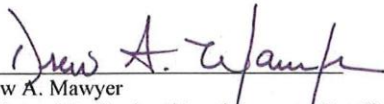
S 82° 42' 44" E, a distance of 715.61 feet to a point for a Northerly interior corner;

N 08° 13' 08" E, a distance of 99.89 feet to a point for a Northerly corner;

THENCE continuing with the common line between said 25.00 acre tract of land and the remaining portion of said 69.5 acre tract of land, S 82° 38' 32" E, a distance of 858.55 feet to the POINT OF BEGINNING, and containing 48.926 acres, more or less.

Bearings based on the Texas State Plane Coordinate System, Texas South Central Zone (4204), North American Datum 1983.

"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."

  
Drew A. Mawyer  
Registered Professional Land Surveyor No. 5348  
TBPLS Firm Registration #10191500  
5151 W. SH 46, NEW BRAUNFELS, TX 78132  
MOE383-SEARIGHT-ZONING-011620

