

**ORDINANCE NO. 2021-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 38 ACRES OUT OF SUBDIVISION NO. 112 OF THE A.M. ESNAURIZAR ELEVEN LEAGUE GRANT, LOCATED ON STATE HIGHWAY 46 SOUTH, ADJACENT TO STONEGATE SUBDIVISION, FROM “APD” AGRICULTURAL/PRE-DEVELOPMENT DISTRICT AND “PD” 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.**

---

**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 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 38 acres, out of Subdivision No. 112 of the A.M. Esnaurizar Eleven League Grant, located on State Highway 46 South, adjacent to Stonegate Subdivision, from “APD” Agricultural/Pre-Development District and “PD” 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** 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” Agricultural/Pre-Development District and “PD” Planned Development District to “ZH-A” Zero Lot Line Home District:

Approximately 38 acres out of Subdivision No. 112 of the A.M. Esnaurizar Eleven League Grant, Located on State Highway 46 South, adjacent to Stonegate Subdivision as described in Exhibit “A” and delineated 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**THAT** all provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.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**THAT** all other ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent that they are in conflict.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 11th day of January, 2021.

**PASSED AND APPROVED:** Second reading this 8th day of February, 2021.

**CITY OF NEW BRAUNFELS**

**RUSTY BROCKMAN**, Mayor

**ATTEST:**

**CAITLIN KROBOT**, City Secretary

**APPROVED AS TO FORM:**

**VALERIA M. ACEVEDO**, City Attorney

## LEGAL DESCRIPTION OF 37.803 ACRES

Being 37.803 acre out of Subdivision No. 112 of the A.M. Esnaurizar Eleven League Grant, Guadalupe County, Texas, being that certain 35.80 acre tract of land as described in Document No. 2016005292 of the Official Public Records of Guadalupe County, Texas and said 37.803 acre tract of land being more particularly described as follows:

BEGINNING at a ½" iron pin found for the Easterly corner of Stone Gate Subdivision, Unit 4, as recorded in Volume 13, Page 378-379 of the Map and Plat Records of Guadalupe County, Texas, being in the Southwesterly line of a 35.681 acre tract of land as described in Document No. 2016009259 of the Official Public Records of Guadalupe County, Texas, and being the Northerly corner of this herein described 37.803 acre tract of land;

Thence departing the Easterly corner of said Stone Gate Subdivision, Unit 4, and with the Southwesterly line of said 35.681 acre tract of land, S 45° 48' 29" E a distance of 640.68 feet to a ½" iron pin with cap stamped "DAM #5348 PROP. COR." set for the Southerly corner of said 35.6810 acre tract, being the Westerly corner of Saengerhalle Subdivision, Unit 3, as recorded in Volume 8, Page 612 of the Map and Plat Records of Guadalupe County, Texas, being the Northerly corner of Saengerhalle Subdivision, Unit 2, as recorded in Volume 6, Page 507-508 of the Map and Plat Records of Guadalupe County, Texas, and being the Easterly corner of this herein described 37.803 acre tract of land;

Thence along the Northwesterly line of said Saengerhalle Subdivision, Unit 2, S 44° 50' 42" W a distance of 1060.82 feet to a ½" iron pin found for the Westerly corner of said Saengerhalle Subdivision, Unit 2, being the Northerly corner of a 40.892 acre tract of land conveyed to AC 483 LTD as described in Volume 2413, Page 820 of the Official Public Records of Guadalupe County, Texas, and being in the Southeasterly line of this herein described 37.803 acre tract of land;

Thence along the Northwesterly line of said 40.892 acre tract of land, S 44° 53' 41" W a distance of 681.05 feet to a ½" iron pin found for the Westerly corner of said 40.892 acre tract of land, being the Northerly corner of a 10.337 acre tract of land conveyed to Leonard A. Boydston as described in Volume 412, Page 3 of the Official Public Records of Guadalupe County, Texas, and being in the Southeasterly line of this herein described 37.803 acre tract of land;

Thence along the Northwesterly line of said 10.337 acre tract of land, S 45° 08' 31" W a distance of 528.39 feet to a ½" iron pin with cap stamped "DAM #5348 PROP. COR." set for a point in the Northwesterly line of said 10.337 acre tract, being the Easterly corner of a 2.089 acre tract of land conveyed to Gillette Holdings LTD., and being the Southeasterly corner of this herein described 37.803 acre tract of land;

Thence departing the Northwesterly line of said 10.337 acre tract of land, and with the Northeasterly line of said 2.089 acre tract of land, N 38° 03' 54" W a distance of 420.94 feet to a ½" iron pin found for the Northerly corner of said 2.089 acre tract, and being an interior corner of this herein described 37.803 acre tract of land;

EXHIBIT "A" (PG. 1)

Thence with the Northwesterly line of said 2.089 acre tract of land, S 34° 29' 53" W a distance of 238.15 feet to a ½" iron pin with cap stamped "DAM #5348 PROP. COR." set for the Westerly corner of said 2.089 acre tract of land, being the Northeasterly line of the remainder of a 48.807 acre tract of land conveyed to Brass Real Estate Growth Fund IV LP as described in Volume 1512, Page 790 of the Official Public Records of Guadalupe County, Texas, and being a Southwesterly corner of this herein described 37.803 acre tract of land;

Thence with the Northeasterly line of said remainder of 48.807 acre tract of land, N 42° 24' 20" W a distance of 155.06 feet to a ½" iron pin found for the Easterly corner of Stone Gate Subdivision, Unit 1, as recorded in Volume 6, Page 89 of the Map and Plat Records of Guadalupe County, Texas, being the Southerly corner a 2.00 acre tract of land conveyed to Allen Sowersby as described in Document No. 2017002377 of the Official Public Records of Guadalupe County, Texas, and being a Westerly corner of this herein described 37.803 acre tract of land;

Thence with the common line of said Stone Gate Subdivision and said Sowersby 2.00 acre tract of land, N 32° 40' 59" W a distance of 291.21 feet to a ½" iron pin found in the South east line of Stone Gate Unit 2 Subdivision, and being the Northwest corner of said Sowersby 2.00 acre tract of land;

Thence with the Southeasterly line of Stone gate Unit 2 and Unit 3, the Northwesterly line of said Sowersby 2 acres, N 53° 25' 57" E, a distance of 300.11 feet to a point for the Northeasterly corner of said Sowersby 2.00 acre tract of land, being the Northwesterly corner of the Carl F. Saur Cemetery Tract, for a corner;

Thence departing said Stone Gate Unit 2, and with the Northeasterly line of said Sowersby 2.00 acre tract of land and the Southwesterly line of said Carl Saur Cemetery tract, S 32° 45' 17" E, a distance of 166.58 feet to a ½" iron pin found for the Southwesterly corner of said Carl Saur Cemetery Tract;

Thence along the Southeasterly line of said Carl F. Saur Cemetery Tract, N 55° 36' 10" E a distance of 125.00 feet to a ½" iron pin found for the Easterly corner of said Carl F. Saur Cemetery Tract, and being an interior corner of this herein described 35.804 acre tract of land;

Thence along the Northeasterly line of said Carl F. Saur Cemetery Tract, N 32° 41' 46" W a distance of 182.53 feet to a ½" iron pin found for the Northerly corner of said Carl F. Saur Cemetery Tract, being a point on the Southeasterly line of Stone Gate Subdivision, Unit 3, as recorded in Volume 6, Page 289-290 of the Map and Plat Records of Guadalupe County, Texas, and being a Westerly corner of this herein described 37.803 acre tract of land;

Thence along the Southeasterly line of Stone Gate Subdivision, Unit 3, N 48° 31' 50" E a distance of 430.81 feet to a ½" iron pin with cap stamped "DAM #5348 PROP. COR." set for the Easterly corner of said Stone Gate Subdivision, Unit 3, being the Southerly corner of said Stone Gate Subdivision, Unit 4, and being in the Northwesterly line of this herein described 37.803 acre tract of land;

Thence along the Southeasterly line of said Stone Gate Subdivision, Unit 4, N 48° 27' 56" E a distance of 1525.36 feet to the POINT OF BEGINNING and containing this herein described 37.803 acre tract of land.

Bearings based on the Texas State Plane Coordinate System, Texas South Central Zone (4204), N.A.D 1983.



