

ORDINANCE NO. 2021-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 19.735 ACRES OUT OF THE ORILLA RUSSELL SURVEY, A-485 AND THE NANCY KENNER SURVEY, A-306, COMAL COUNTY, TEXAS, LOCATED SOUTH OF THE INTERSECTION OF GRAY CLOUD DRIVE AND TWIN DISH WAY, FROM “R-1A-6.6” SINGLE-FAMILY DISTRICT TO “R-1A-5.5” SINGLE-FAMILY RESIDENTIAL 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 “R-1A-5.5” Single-Family 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 19.735 acres, out of the Orilla Russell Survey, A-485 and the Nancy Kenner Survey, A-306, Comal County, Texas, located south of the intersection of Gray Cloud Drive and Twin Dish Way, from “R-1A-6.6” Single-Family District to “R-1A-5.5” Single-Family 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 “R-1A-6.6” Single-Family District to “R-1A-5.5” Single-Family Residential District:

Approximately 19.735 acres out of the Orilla Russell Survey, A-485 and the Nancy Kenner Survey, A-306, Comal County, Texas, located south of the intersection of Gray Cloud Drive and Twin Dish Way, located on State Highway 46 South, 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THAT all provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.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THAT all other ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent that they are in conflict.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 25th 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 19.735 ACRES

METES AND BOUNDS DESCRIPTION FOR A 1.739 ACRE TRACT OF LAND EXHIBIT A – FOR ZONING

Being a 1.739 acre tract of land located in the Nancy Kenner Survey, Abstract 306, Comal County, Texas, being the same tract called 1.739 acres, recorded in Document No. 202006051851, Official Public Records, Comal County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING for reference at a 1/2" iron rod with cap stamped "4233" found in the Southeast Right of Way line of the Union Pacific Railroad Line for the West corner of a called 236.822 acre tract recorded on Document No. 200606053121, Official Public Records, Comal County, Texas, and the north corner of 33.110 acre tract recorded in Document No. 201906041434, Official Public Records, Comal County, Texas;

THENCE departing the Southeast Right of Way line of the Union Pacific Railroad Line, with the Southwest line of said 236.822 acre tract and the northeast line of said 33.110 acre tract, S 45°23'36" E, a distance of 367.13 feet to the POINT OF BEGINNING of the herein described tract;

THENCE with the southwest line of said 236.822 acre tract, S 45°23'36" E, a distance of 490.00 feet to a point being a corner of said 33.110 acre tract, for a corner of the herein described tract, from which a 1/2" iron rod with cap stamped "HMT" found for the easternmost corner of said 33.110 acre tract bears S 45°23'36" E, a distance of 50.00 feet;

THENCE with the common line of said 33.110 acre tract, the following five calls:

- 1) S 44°36'21" W, a distance of 140.00 feet to a point for a corner and the beginning of a curve to the right;
- 2) Along a curve to the right, having a radius of 15.00 feet, an arc length of 23.56 feet, and a chord bearing S 89°36'21" W, a distance of 21.21 feet to a point for a corner;
- 3) N 45°23'39" W, a distance of 453.51 feet to a point for a corner;
- 4) N 13°03'48" W, a distance of 25.43 feet to a point for a corner;
- 5) N 44°36'21" E, a distance of 141.40 feet to the POINT OF BEGINNING and containing 1.739 acres of land in Comal County, Texas.

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

Written November 27th, 2020.

FOR ZONING PURPOSES ONLY.

EXHIBIT "A" (PAGE 1)

METES AND BOUNDS DESCRIPTION
FOR A 17.996 ACRE TRACT OF LAND
EXHIBIT A - FOR ZONING

Being a 17.996 acre tract of land located in the Orilla Russell Survey, Abstract No. 485, and the Nancy Kenner Survey, Abstract No. 306, Comal County, Texas, being part of a called 33.110 acre tract, recorded in Document No. 201906041434, Official Public Records, Comal County, Texas, and all of a called 14.031 acre tract, called Tract "A", recorded in Document No. 202006051851, Official Public Records, Comal County, Texas, said 17.996 acre tract of land being more particularly described as follows:

BEGINNING at a found 1/2" iron pin with cap "Kolodzie" in the Southeast right of way line of the Union Pacific Railroad, the Northeast right of way line of Conrads Lane, same point being the Western corner of the aforementioned 33.110 acre tract, recorded in Document No. 201906041434, Official Public Records, Comal County, Texas;

THENCE departing the Northeast right of way line of Conrads Lane, with the Southeast right of way line of the Union Pacific Railroad, the following two (2) calls:

1. N 46°16'07" E, a distance of 1193.42 feet to a found 3" pipe post for a corner;
2. N 46°30'13" E, a distance of 349.68 feet to a point for a North corner of the aforementioned 14.031 acre tract, same point being a North corner of said 33.110 acre tract, and a Northern corner of the4 herein described tract;

THENCE departing the Southeast right of way line of the Union Pacific Railroad, with the common boundary line between said 14.031 acre tract and 33.110 acre tract, the following forty (40) calls:

1. S 43°21'09" E, a distance of 77.03 feet to a point for a corner;
2. S 47°36'10" W, a distance of 694.35 feet to a point for a corner;
3. S 42°42'14" E, a distance of 42.95 feet to a point for a corner;
4. N 47°17'46" E, a distance of 299.70 feet to a point for a corner;
5. S 28°17'20" W, a distance of 104.82 feet to a point for a corner;
6. S 17°05'17" W, a distance of 132.68 feet to a point for a corner;
7. S 03°52'52" E, a distance of 154.79 feet to a point for a corner;
8. N 56°46'10" E, a distance of 68.84 feet to a point for a corner;
9. N 03°52'52" W, a distance of 109.80 feet to a point for a corner;
10. N 17°03'43" E, a distance of 115.85 feet to a point for a corner;
11. N 28°17'20" E, a distance of 213.72 feet to a point for a corner;
12. N 47°36'10" E, a distance of 270.78 feet to a point for a corner;
13. N 60°09'22" E, a distance of 368.60 feet to a point for a corner;
14. S 29°49'10" E, a distance of 119.60 feet to a point for a corner;
15. N 65°18'58" E, a distance of 39.09 feet to a point for a corner
16. S 13°03'48" E, a distance of 91.52 feet to a point for a corner;
17. S 45°23'39" E, a distance of 273.94 feet to a point for a corner and the beginning of a curve to the right;

EXHIBIT "A" (PAGE 2)

18. Along a curve to the right, having a radius of 15.00 feet, an arc length of 23.56 feet, and a chord bearing S 00°23'39" E, a distance of 21.21 feet to a point for a corner;
19. S 44°36'21" W, a distance of 4.40 feet to a point for a corner and the beginning of a curve to the right;
20. Along a curve to the right, having a radius of 175.00 feet, an arc length of 47.57 feet, and a chord bearing S 52°23'36" W, a distance of 47.42 feet;
21. S 60°10'50" W, a distance of 3.75 feet to a point for a corner;
22. N 45°23'39" W, a distance of 150.45 feet to a point for a corner;
23. S 65°30'32" W, a distance of 167.67 feet to a point for a corner;
24. S 60°10'50" W, a distance of 144.11 feet to a point for a corner;
25. S 64°20'09" W, a distance of 99.72 feet to a point for a corner;
26. S 41°34'50" W, a distance of 167.87 feet to a point for a corner;
27. S 28°17'20" W, a distance of 72.56 feet to a point for a corner;
28. S 02°17'24" E, a distance of 64.26 feet to a point for a corner and the beginning of a curve to the left;
29. Along a curve to the left, having a radius of 225.00 feet, an arc length of 51.10 feet, and a chord bearing S 73°00'11" W, a distance of 50.99 feet;
30. S 23°30'11" E, a distance of 50.00 feet to a point for a corner;
31. S 04°08'36" E, a distance of 117.96 feet to a point for a corner;
32. S 13°58'37" E, a distance of 15.26 feet to a point for a corner;
33. S 56°46'10" W, a distance of 420.95 feet to a point for a corner;
34. N 44°21'10" W, a distance of 104.07 feet to a point for a corner and the beginning of a curve to the right;
35. Along a curve to the right, having a radius of 15.00 feet, an arc length of 26.47 feet, and a chord bearing N 06°12'30" E, a distance of 23.17 feet to a point for a corner;
36. N 33°13'50" W, a distance of 50.00 feet to a point;
37. S 56°46'10" W, a distance of 3.39 feet to a point for a corner and the beginning of a curve to the left;
38. Along a curve to the left, having a radius of 150.00 feet, an arc length of 29.09 feet, and a chord bearing S 51°12'51" W, a distance of 29.04 feet to a point for a corner;
39. S 45°39'31" W, a distance of 9.82 feet to a point for a corner;
40. N 44°19'51" W, a distance of 130.00 feet to a point in the Southwest line of the aforementioned 14.031 acre tract, same point lying in an interior line of the aforementioned 33.110 acre tract, for a corner of the herein described tract;

THENCE departing the Southwest line of said 14.031 acre tract, over and across said 33.110 acre tract, the following three (3) calls:

1. S 45°39'31" W, a distance of 333.70 feet to a point for a corner;
2. S 02°58'35" W, a distance of 165.71 feet to a point for a corner;
3. S 45°43'40" W, a distance of 92.07 feet to a point in the Northeast right of way line of Conrads Lane, same point lying in the Southwest line of said 33.110 acre tract, for a Southern corner of the herein described tract;

THENCE with the Northeast right of way line of Conrads Lane and the the Southwest line of said 33.110 acre tract, the following two (2) calls:

EXHIBIT "A" (PAGE 3)

1. N 44°16'20" W, a distance of 340.10 feet to a found 1/2" iron pin for a corner;
2. N 44°00'58" W, a distance of 59.32 feet to the POINT OF BEGINNING, containing 17.996 acres of land in Comal County, Texas.

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

Written November 27th, 2020.

FOR ZONING PURPOSES ONLY.

EXHIBIT "A" (PAGE 4)

1.739 ACRES OF LAND LOCATED IN THE NANCY KENNER SURVEY, A-306, COMAL COUNTY, TEXAS, BEING THE SAME TRACT CALLED 1.739 ACRES, RECORDED IN DOCUMENT NO. 202306051851, OFFICIAL PUBLIC RECORDS, COMAL COUNTY, TEXAS.

5045 17-102



LINE TABLE		LINE TABLE	
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LAM
CONSULTING & SURVEYING
280 S. CASTLE AVE., STE. 100
NEW BRAUNFELS, TX 78130
TYPE FIRM F-10361
TYPE FIRM 10153600

FOR ZONING
PURPOSES ONLY