ORDINANCE NO. 2020-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 14.608 ACRES OUT OF THE H. FOSTER SURVEY NO. 34, ABSTRACT NO. 154, COMAL COUNTY, TEXAS, LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF IH 35 AND FM 306, FROM "M-1" LIGHT INDUSTRIAL DISTRICT TO "MU-B" HIGH INTENSITY MIXED USE 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 "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 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 14.608 acres out of the H. Foster Survey No. 34, Abstract No. 154, Comal County, Texas, located at the northwest corner of the intersection of IH 35 and FM 306, from "M-1" Light Industrial 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 "M-1" Light Industrial District to "MU-B" High Intensity Mixed-Use District:

Approximately 14.608 acres out of the H. Foster Survey No. 34, Abstract No. 154, Comal County, Texas, located at the northwest corner of the intersection of IH 35 and FM 306, 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THAT all provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.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THAT all other ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent that they are in conflict.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 22nd day of February, 2021.

PASSED AND APPROVED: Second reading this 18th day of March, 2021.

CITY OF NEW BRAUNFELS

_____

RUSTY BROCKMAN, Mayor

ATTEST:

_____

CAITLIN KROBOT, City Secretary

APPROVED AS TO FORM:

_____

VALERIA M. ACEVEDO, City Attorney

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

BEING a 14.608 acre tract of land situated in the H. Foster Survey No. 34, Abstract No. 154, in Comal County, Texas, being all of the remaining portion of a called 22.89 acre tract of land (Tract 18), as conveyed to the Estate of Hanno Guenther, Deceased, and recorded in Volume 795, Page 211, of the Deed Records of Comal County, Texas, and said 14.608 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a ½" iron pin with cap stamped "RPLS 4907" found in the Southwesterly Right-of-Way (R.O.W.) line of F.M. Highway 306 (a 120' wide R.O.W.", being the most Easterly Northeast corner of a called 3.488 acre tract of land, as conveyed to Dolomite Holdings, and recorded in Document No. 200806006630, of the Official Public Records of Comal County, Texas, and being the most Northerly corner of the remaining portion of said 22.89 acre tract of land and this herein described tract of land;

THENCE with the Southwesterly R.O.W. line of said F.M. Highway 306, and with the Northeasterly line of the remaining portion of said 22.89 acre tract of land, S 46° 08' 12" E, a distance of 264.00 feet to a point in the Southwesterly R.O.W. line of said F.M. Highway 306, and being a Northeasterly corner of the remaining portion of said 22.89 acre tract of land and this herein described tract of land;

THENCE continuing with the Southwesterly R.O.W. line of said F.M. Highway 306, and with the Northeasterly line of the remaining portion of said 22.89 acre tract of land, S 48° 47' 11" E, a distance of 99.85 feet to a point in the Southwesterly R.O.W. line of said F.M. Highway 306, being the most Northerly corner of a called 3.244 acre tract of land, as conveyed to Bexar County Metro Investments, Inc., and recorded in Document No. 201306035508, of the Official Public Records of Comal County, Texas, and being a Northeasterly corner of the remaining portion of said 22.89 acre tract of land and this herein described tract of land;

THENCE departing the Southwesterly R.O.W. line of said F.M. Highway 306, and with the common line between said 3.244 acre tract of land and the remaining portion of said 22.89 acre tract of land, S 45° 23' 39" W, a distance of 374.88 feet to a point for the most Westerly corner of said 3.244 acre tract of land, and being a Northeasterly corner of the remaining portion of said 22.89 acre tract of land and this herein described tract of land;

THENCE continuing with the common line between said 3.244 acre tract of land and the remaining portion of said 22.89 acre tract of land, S 48° 52' 50" E, a distance of 183.12 feet to a point in the common line between said 3.244 acre tract of land and the remaining portion of said 22.89 acre tract of land, and being a Northeasterly corner of this herein described tract of land;

THENCE departing the common line between said 3.244 acre tract of land and the remaining portion of said 22.89 acre tract of land, and across and through the remaining portion of said 22.89 acre tract of land, S 45° 34' 37" W, a distance of 530.28 feet to a point in the Northeasterly line of a called 0.480 of an acre tract of land (Tract 2), as conveyed to Craig Murphy, and recorded in Document No. 200406000287, of the Official Public Records of Comal County, Texas, being in the Southeasterly line of the remaining portion of said 22.89 acre tract of land, and being a Southeasterly corner of this herein described tract of land;

EXHIBIT "A" PG. 1

THENCE with the common line between said 0.480 of an acre tract of land and the remaining portion of said 22.89 acre tract of land, N 44° 24' 19" W, a distance of 122.62 feet to a point for the most Northerly corner of said 0.480 of an acre tract of land, and being a Southerly interior corner of the remaining portion of said 22.89 acre tract of land and this herein described tract of land;

THENCE with the common line between said 0.480 of an acre tract of land and the remaining portion of said 22.89 acre tract of land, S 45° 29' 53" W, a distance of 120.04 feet to a point for the most Northerly corner of a called 4.987 acre tract of land, as conveyed to CMH Homes, Inc., and recorded in Document No. 201306020333, of the Official Public Records of Comal County, Texas, being the most Westerly corner of said 0.480 of an acre tract of land, and being a Southerly corner of the remaining portion of said 22.89 acre tract of land and this herein described tract of land;

THENCE with the common line between said 4.987 acre tract of land and the remaining portion of said 22.89 acre tract of land, S 45° 34' 26" W, a distance of 418.03 feet to a point for a Northeasterly corner of Lot 1, Block A, VBM New Braunfels Subdivision, as recorded in Document No. 201506039847, of the Map and Plat Records of Comal County, Texas, being the most Westerly corner of said 4.987 acre tract of land, and being the most Southerly Southwest corner of the remaining portion of said 22.89 acre tract of land and this herein described tract of land;

THENCE with the Northeasterly line of said Lot 1, the Northeasterly line of a called 5.16 acre tract of land (Tract 2), as conveyed to BKCK LTD, and recorded in Document No. 202006047947, of the Official Public Records of Comal County, Texas, the Northeast line of a called 16.9102 acre tract of land (Tract 1), as conveyed to ULF, LLC, and recorded in Document No. 201806026063, of the Official Public Records of Comal County, Texas, and with the Southwesterly line of the remaining portion of said 22.89 acre tract of land, N 34° 43' 48" W, a distance of 501.36 feet to a point in the Northeasterly line of said 16.9102 acre tract of land, being the most Southerly Southeast corner of a called 4.922 acre tract of land, as conveyed to Danelle Evelyn Russell Schultz, and recorded in Document No. 200406020013, of the Official Public Records of Comal County, Texas, and being the most Westerly Southwest corner of the remaining portion of said 22.89 acre tract of land and this herein described tract of land;

THENCE departing the Northeasterly line of said 16.9102 acre tract of land, and with the common line between said 4.922 acre tract of land and the remaining portion of said 22.89 acre tract of land, N 43° 43' 10" E, a distance of 318.27 feet to a point in the Southwesterly line of aforementioned 3.488 acre tract of land, and being a Southwesterly corner of the remaining portion of said 22.89 acre tract of land and this herein described tract of land;

THENCE with the common line between said 3.488 acre tract of land and the remaining portion of said 22.89 acre tract of land, S 45° 44' 20" E, a distance of 114.93 feet to a point for the most Southerly Southwest corner of said 3.488 acre tract of land, and being a Southwesterly interior corner of the remaining portion of said 22.89 acre tract of land and this herein described tract of land;

THENCE with the common line between said 3.488 acre tract of land and the remaining portion of said 22.89 acre tract of land, N 43° 34' 49" E, a distance of 1,008.93 feet to the POINT OF BEGINNING, and containing 14.608 acres of land, 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
MOE421- SMITHCO IH 35- 14.608 AC- 122820



EXHIBIT "A" PG. 2

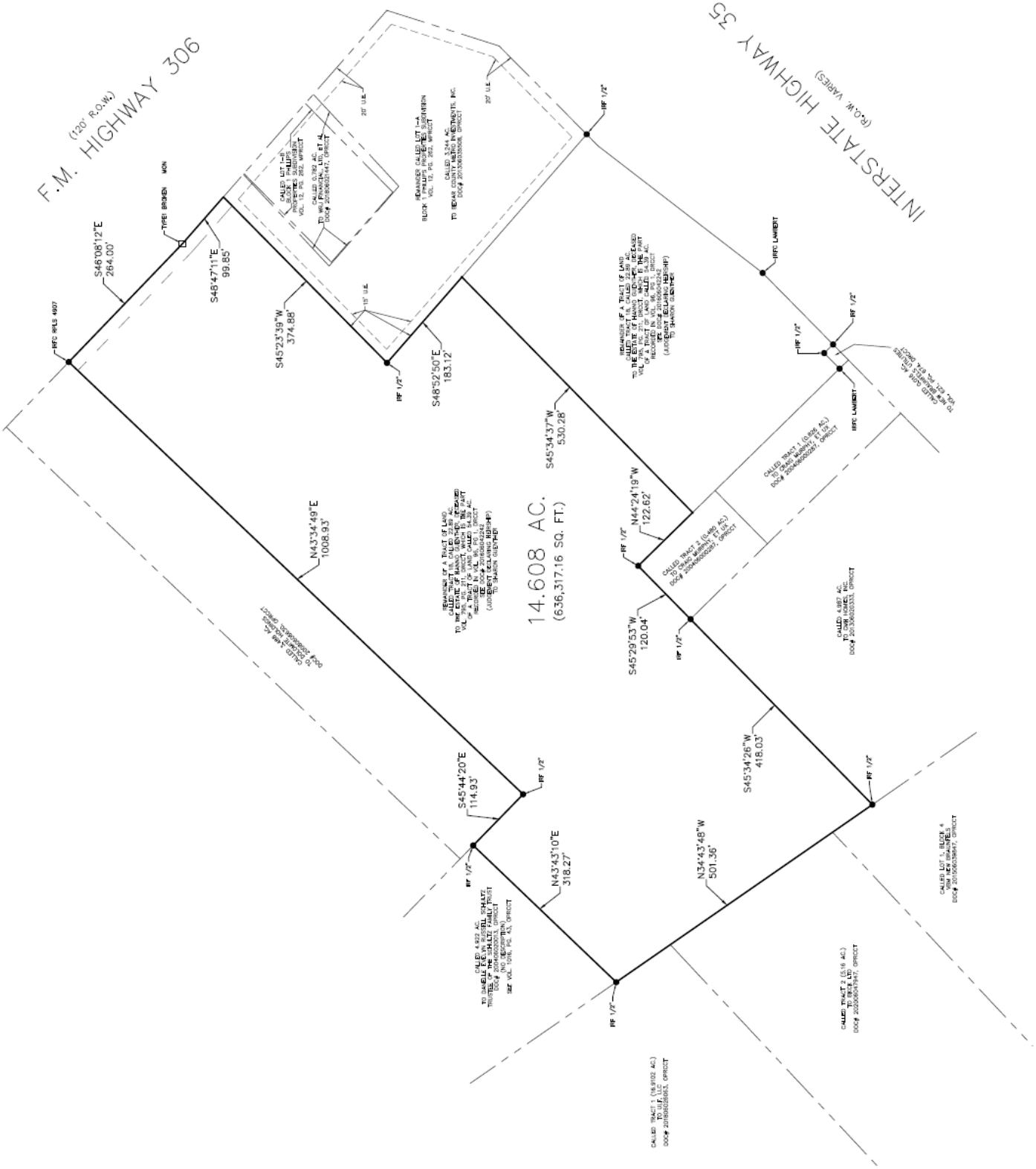

F.M. HIGHWAY 306
(120' R.O.W.)
INTERSTATE HIGHWAY 35
(R.O.W. VARIES)
14.608 AC.
(636,317.16 SQ. FT.)
S46°08'12"E
264.00'
S48°47'11"E
99.85'
S45°23'39"W
374.88'
S48°52'50"E
183.12'
S45°34'37"W
530.28'
N44°24'19"W
122.62'
S45°29'53"W
120.04'
S45°34'26"W
418.03'
N34°43'48"W
501.36'
N43°43'10"E
318.27'
S45°44'20"E
114.93'
N43°34'49"E
1008.93'
IRF 1/2"
IRFC LAMBERT
TYPE I BRONZE MON
IRFC RPLS 4907

EXHIBIT "B"