

ORDINANCE NO. 2021-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 68 ACRES OUT OF THE ORILLA RUSSELL SURVEY NO. 2, ABSTRACT 485, FROM “APD” AGRICULTURAL / PRE-DEVELOPMENT DISTRICT TO “R-1A-4” SINGLE FAMILY SMALL LOT RESIDENTIAL DISTRICT AND “R-3H” MULTIFAMILY HIGH DENSITY 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-4” Single Family Small Lot Residential District and the “R-3H” Multifamily High Density District, the City Council has given due consideration to all components of said districts; 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 68 acres out of the Orilla Russell Survey No. 2, Abstract 485, from “APD” Agricultural / Pre-Development District to “R-1A-4” Single Family Small Lot Residential District and “R-3H” Multifamily High Density 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 tracts of land from “APD” to:

“R-1A-4” Single Family Small Lot Residential District (Tract 1): 46.871 acres out of the Orilla Russell Survey No. 2, Abstract 485, as illustrated in Exhibit “A” and described in Exhibit “B”, attached; and

“R-3H” Multifamily High Density District (Tract 2): 21.173 acres out of the Orilla Russell Survey No. 2, Abstract 485, as illustrated in Exhibit “A” and described in Exhibit

“C”, 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THAT all provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.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THAT all other ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent that they are in conflict.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 8th day of March, 2021.

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

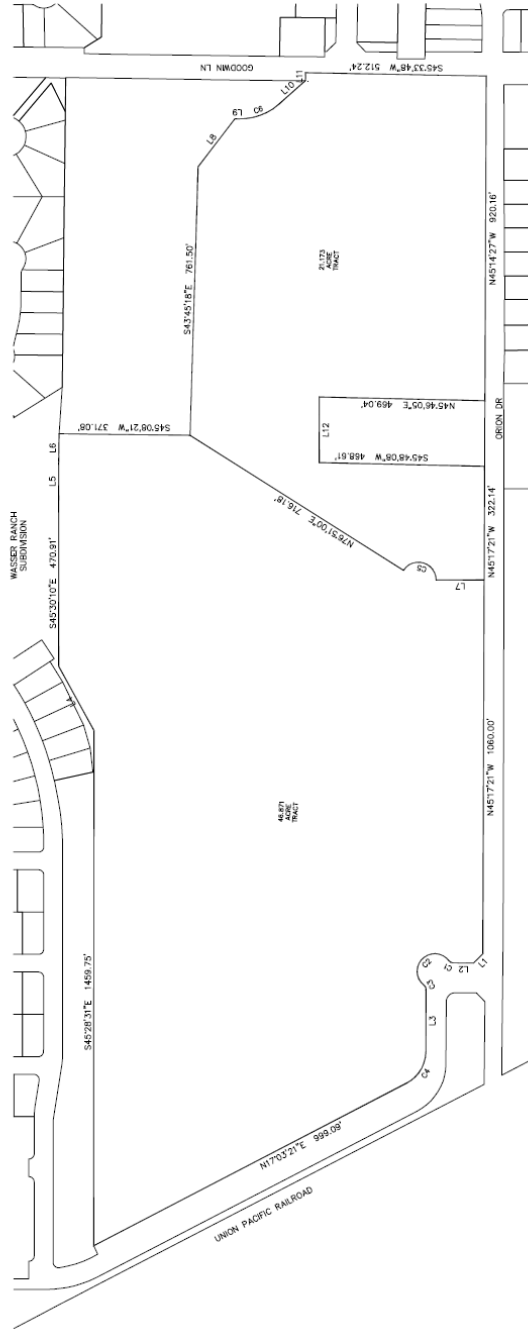
ATTEST:

CAITLIN KROBOT, Assistant City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

EXHIBIT “A”



LINE TABLE	
LINE	BEARING
L1	36.82°
L2	57.57°
L3	78.47°
L4	208.23°
L5	107.27°
L6	80.68°
L7	136.30°
L8	171.03°
L9	12.39°
L10	101.09°
L11	22.63°
L12	180.80°

PAGE 1 OF 1



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

BEING a 46.871 acre tract of land situated in the Orilla Russell Survey No. 2, Abstract No. 485, in the City of New Braunfels, Comal County, Texas, being a portion of the remaining portion of a called 100.0 acre tract of land, as conveyed to EB Industries, Inc., and recorded in Document No. 202006000300, of the Official Public Records of Comal County, Texas, and said 46.871 acre tract of land being more particularly described by metes and bounds as follows:

COMMENCING at a ½" iron pin with yellow cap found in the Northeasterly Right-of-Way (R.O.W.) line of Orion Drive (a variable width R.O.W.), being the most Southwesterly corner of a called 2.00 acre tract of land, as conveyed to Rexford J. Michie, and recorded in Document No. 201306029676, of the Official Public Records of Comal County, Texas, and being a Southwesterly corner of the remaining portion of said 100.0 acre tract of land;

THENCE with the Northeasterly R.O.W. line of said Orion Drive, and with the Southwesterly line of the remaining portion of said 100.0 acre tract of land, N 45° 17' 21" W, a distance of 322.14 feet to a point in the Northeasterly R.O.W. line of said Orion Drive, being in the Southwesterly line of the remaining portion of said 100.0 acre tract of land, and being the most Southerly corner of this herein described tract of land and the POINT OF BEGINNING;

THENCE continuing with the Northeasterly R.O.W. line of said Orion Drive, and with the Southwesterly line of the remaining portion of said 100.0 acre tract of land, N 45° 17' 21" W, a distance of 1,060.00 feet to a point at the Southerly end of a cutback line between the Northeasterly R.O.W. line of said Orion Drive and the Southeasterly R.O.W. line of Nebel Street (a 50' wide R.O.W.), and being a Westerly corner of the remaining portion of said 100.0 acre tract of land and this herein described tract of land;

THENCE departing the Northeasterly R.O.W. line of said Orion Drive, with the cutback line between the Northeasterly R.O.W. line of said Orion Drive and the Southeasterly R.O.W. line of said Nebel Street, and with the Westerly line of the remaining portion of said 100.0 acre tract of land, N 00° 00' 46" W, a distance of 36.82 feet to a point in the Southeasterly R.O.W. line of said Nebel Street, and being a Westerly corner of the remaining portion of said 100.0 acre tract of land and this herein described tract of land;

THENCE continuing with the Southeasterly R.O.W. line of said Nebel Street, and with the Westerly line of the remaining portion of said 100.0 acre tract of land, N 44° 59' 36" E, a distance of 57.57 feet to a point in the Southeasterly R.O.W. line of said Nebel Street, being at the beginning of a curve to the right, and being a Westerly corner of the remaining portion of said 100.0 acre tract of land and this herein described tract of land;

THENCE continuing with the Southeasterly R.O.W. line of said Nebel Street, same being the Westerly line of the remaining portion of said 100.0 acre tract of land, and with said curve to the right, having an arc length of 13.93 feet, a radius of 15.00 feet, a delta angle of 53° 11' 07", a tangent length of 7.51 feet, and a chord bearing and distance of N 70° 43' 37" E, 13.43 feet to a point at the beginning of a reverse transition cul-de-sac curve to the left between the Southeasterly R.O.W. line of said Nebel Street and the Northeasterly R.O.W. line of Alster (a 50' wide R.O.W.), and being a Westerly corner of the remaining portion of said 100.0 acre tract of land and this herein described tract of land;

EXHIBIT "B"

THENCE with the Northwestern line of the remaining portion of said 100.0 acre tract of land, and with said transition cul-de-sac curve to the left, between the Southeasterly R.O.W. line of said Nebel Street and the Northeasterly R.O.W. line of said Alster, having an arc length of 170.89 feet, a radius of 50.00 feet, a delta angle of $195^{\circ} 47' 49''$, a tangent length of 360.45 feet, and a chord bearing and distance of $N 00^{\circ} 07' 09'' W$, 99.07 feet to a point in the Northeasterly R.O.W. line of said Alster, being a Westerly corner of the remaining portion of said 100.0 acre tract of land, and being at the beginning of a reverse curve to the right;

THENCE with the Northeasterly R.O.W. line of said Alster, same being a Westerly line of the remaining portion of said 100.0 acre tract of land, and with said curve to the right, having an arc length of 13.83 feet, a radius of 15.00 feet, a delta angle of $52^{\circ} 48' 29''$, a tangent length of 7.45 feet, and a chord bearing and distance of $N 71^{\circ} 38' 21'' W$, 13.34 feet to a point in the Northeasterly R.O.W. line of said Alster, and being a Westerly corner of the remaining portion of said 100.0 acre tract of land and this herein described tract of land;

THENCE continuing with the Northeasterly R.O.W. line of said Alster, and with the Westerly line of the remaining portion of said 100.0 acre tract of land, $N 45^{\circ} 11' 03'' W$, a distance of 176.47 feet to a point in the Northeasterly R.O.W. line of said Alster, being a Westerly corner of the remaining portion of said 100.0 acre tract of land, and being at the beginning of a curve to the right;

THENCE continuing with the Northeasterly R.O.W. line of said Alster, same being the Westerly line of the remaining portion of said 100.0 acre tract of land, and with said curve to the right, having an arc length of 109.67 feet, a radius of 101.01 feet, a delta angle of $62^{\circ} 12' 22''$, a tangent length of 60.94 feet, and a chord bearing and distance of $N 14^{\circ} 02' 21'' W$, 104.36 feet to a point in the Easterly R.O.W. line of said Alster, and being a Westerly corner of the remaining portion of said 100.0 acre tract of land and this herein described tract of land;

THENCE with the Easterly R.O.W. line of said Alster, and with the Westerly line of the remaining portion of said 100.0 acre tract of land, $N 17^{\circ} 03' 21'' E$, a distance of 999.09 feet to a point in the Easterly R.O.W. line of said Alster, being the most Westerly Northwest corner of Lot 900 (Private Open Space/ Drainage/ Public Utility Easement), Block 15, Wasser Ranch, Unit-2 Subdivision, as recorded in Document No. 201906036500, of the Map and Plat Records of Comal County, Texas, and being the most Northerly Northwest corner of the remaining portion of said 100.0 acre tract of land and this herein described tract of land;

THENCE departing the Easterly R.O.W. line of said Alster, with the Southwesterly line of said Lot 900, the Southwesterly line of Lot 902 (Private Open Space/ Drainage/ Pedestrian Access Easement), Block 5, of said Wasser Ranch, Unit-2 Subdivision, and with the Northeasterly line of the remaining portion of said 100.0 acre tract of land, $S 45^{\circ} 28' 31'' E$, a distance of 1,459.75 feet to a point for a Southwesterly corner of said Lot 902, and being a Northeasterly corner of the remaining portion of said 100.0 acre tract of land and this herein described tract of land;

THENCE with the common line between said Lot 902 and the remaining portion of said 100.0 acre tract of land, $S 74^{\circ} 08' 39'' E$, a distance of 208.23 feet to a point for a Southwesterly corner of said Lot 902, and being a Northeasterly corner of the remaining portion of said 100.0 acre tract of land and this herein described tract of land;

THENCE continuing with the common line between said Lot 902 and the remaining portion of said 100.0 acre tract of land, the following courses:

$S 45^{\circ} 30' 10'' E$, a distance of 470.91 feet to a point for a Southeasterly corner;

$S 45^{\circ} 31' 11'' E$, a distance of 107.27 feet to a point for a Southeasterly corner;

THENCE continuing with the common line between said Lot 902 and the remaining portion of said 100.0 acre tract of land, $S 44^{\circ} 46' 50'' E$, a distance of 80.68 feet to a point in the Southwesterly line of said Lot 902, being the most Northerly corner of a called 9.963 acre tract of land, as conveyed to Chesmar Homes, LLC, and recorded in Document No. 201906046983, of the Official Public Records of Comal County, Texas, and being a Southeasterly corner of the remaining portion of said 100.0 acre tract of land and this herein described tract of land;

THENCE departing the Southwesterly line of said Lot 902, and with the common line between said 9.963 acre tract of land and the remaining portion of said 100.0 acre tract of land, S 45° 08' 21" W, a distance of 371.08 feet to a point for the most Westerly corner of said 9.963 acre tract of land, being a Southeasterly corner of the remaining portion of said 100.0 acre tract of land, and being a Southeasterly corner of this herein described tract of land;

THENCE departing the common line between said 9.963 acre tract of land and the remaining portion of said 100.0 acre tract of land, and across and through the remaining portion of said 100.0 acre tract of land, the following courses:

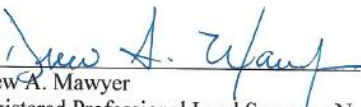
S 76° 51' 00" W, a distance of 716.18 feet to a point for a Southerly corner, and being at the beginning of a curve to the right;

With said curve to the right, having an arc length of 129.10 feet, a radius of 50.00 feet, a delta angle of 147° 56' 21", a tangent length of 174.02 feet, and a chord bearing and distance of S 60° 40' 06" W, 96.11 feet to a point for a Southerly corner;

THENCE continuing across and through the remaining portion of said 100.0 acre tract of land, S 44° 38' 16" W, a distance of 136.35 feet to the POINT OF BEGINNING, and containing 46.871 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
MOE426- ORION 1102- 46.871 AC- 020121





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

BEING a 21.173 acre tract of land situated in the Orilla Russell Survey No. 2, Abstract No. 485, in the City of New Braunfels, Comal County, Texas, being a portion of the remaining portion of a called 100.0 acre tract of land, as conveyed to EB Industries, Inc., and recorded in Document No. 202006000300, of the Official Public Records of Comal County, Texas, and said 21.173 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a ½" iron pin with yellow cap found in the Northeasterly Right-of-Way (R.O.W.) line of Orion Drive (a variable width R.O.W.), being the most Southwesterly corner of a called 2.00 acre tract of land, as conveyed to Rexford J. Michie, and recorded in Document No. 201306029676, of the Official Public Records of Comal County, Texas, and being a Southwesterly corner of this herein described tract of land;

THENCE with the Northeasterly R.O.W. line of said Orion Drive, and with the Southwesterly line of the remaining portion of said 100.0 acre tract of land, N 45° 17' 21" W, a distance of 322.14 feet to a point in the Northeasterly R.O.W. line of said Orion Drive, being in the Southwesterly line of the remaining portion of said 100.0 acre tract of land, and being the most Westerly corner of this herein described tract of land;

THENCE departing the Northeasterly R.O.W. line of said Orion Drive, same being the Southwesterly line of the remaining portion of said 100.0 acre tract of land, and across and through the remaining portion of said 100.0 acre tract of land, the following courses:

N 44° 38' 16" E, a distance of 136.35 feet to a point for a Northwesterly corner, and being at the beginning of a curve to the left;

With said curve to the left, having an arc length of 129.10 feet, a radius of 50.00 feet, a delta angle of 147° 56' 21", a tangent length of 174.02 feet, and a chord bearing and distance of N 60° 40' 06" E, 96.11 feet to a point for a Northwesterly corner;

THENCE continuing across and through the remaining portion of said 100.0 acre tract of land, N 76° 51' 00" E, a distance of 716.18 feet to a point for the most Westerly corner of a called 9.963 acre tract of land, as conveyed to Chesmar Homes, LLC, and recorded in Document No. 201906046983, of the Official Public Records of Comal County, Texas, being a Southeasterly corner of the remaining portion of said 100.0 acre tract of land and being the most Northerly corner of this herein described tract of land;

THENCE with the common line between the remaining portion of said 100.0 acre tract of land and said 9.963 acre tract of land, the following courses:

S 43° 45' 18" E, a distance of 761.50 feet to a point for an Easterly corner;

S 07° 58' 57" E, a distance of 171.03 feet to a point for an Easterly corner, and being at the beginning of a curve to the left;

EXHIBIT "C"

With said curve to the left, having an arc length of 121.86 feet, a radius of 165.02 feet, a delta angle of $42^{\circ} 18' 35''$, a tangent length of 63.86 feet, and a chord bearing and distance of $S 24^{\circ} 12' 27'' W$, 119.11 feet to a point for an Easterly corner;

$S 03^{\circ} 00' 11'' W$, a distance of 101.05 feet to a point for an Easterly corner;

THENCE continuing with the common line between the remaining portion of said 100.0 acres and said 9.963 acre tract of land, $S 44^{\circ} 33' 47'' E$, a distance of 22.63 feet to a point in the Northwestern R.O.W. line of Goodwin Lane (a variable width R.O.W.), being the most Southerly corner of said 9.963 acre tract of land, and being the most Easterly Southeast corner of the remaining portion of said 100.0 acre tract of land and this herein described tract of land;

THENCE with the Northwestern R.O.W. line of said Goodwin Lane, and with the Southeasterly line of the remaining portion of said 100.0 acre tract of land, $S 45^{\circ} 33' 48'' W$, a distance of 512.24 feet to a point at the intersection of the Northwestern R.O.W. line of said Goodwin Lane and the Northeasterly R.O.W. line of said Orion Drive, and being the most Southerly Southeast corner of the remaining portion of said 100.0 acre tract of land and this herein described tract of land;

THENCE with the Northeasterly R.O.W. line of said Orion Drive, and with the Southwesterly line of the remaining portion of said 100.0 acre tract of land, $N 45^{\circ} 14' 27'' W$, a distance of 920.16 feet to a point in the Northeasterly R.O.W. line of said Orion Drive, being the most Southerly Southwest corner of aforementioned 2.00 acre tract of land, and being a Southwesterly corner of the remaining portion of said 100.0 acre tract of land and this herein described tract of land;

THENCE departing the Northeasterly R.O.W. line of said Orion Drive, and with the common line between the remaining portion of said 100.0 acre tract of land and said 2.00 acre tract of land, the following courses:

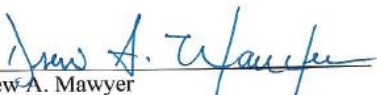
$N 45^{\circ} 46' 05'' E$, a distance of 469.04 feet to a point for a Northwestern interior corner;

$N 45^{\circ} 26' 35'' W$, a distance of 185.80 feet to a point for a Northwestern interior corner;

THENCE continuing with the common line between the remaining portion of said 100.0 acre tract of land and said 2.00 acre tract of land, $S 45^{\circ} 48' 08'' W$, a distance of 468.61 feet to the POINT OF BEGINNING, and containing 21.173 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."


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