

BRADY & HAMILTON · WOMACK MCCLISH
Attorneys and Counselors

October 13, 2020

Via CMRRR and E-Mail

Mr. Garry Ford, Jr., P.E.
City Engineer
City of New Braunfels
550 Landa Street
New Braunfels, TX 78130

E-mail (gford@nbtexas.org)

Re: Kramm Family – proposed 1845 Subdivision

Dear Mr. Ford:

I represent the Kramm family which owns a 25.641-acre tract located on FM 1044 in New Braunfels. Attached is an aerial photograph depicting the boundaries of the tract. The property is currently zoned APD but, as you can see, it is surrounded by existing single family residential developments.

On September 15, 2018, the Kramms entered a contract to sell the property to ECS Development, LLC for \$1,000,000. As part of its due diligence on the project, the buyer's engineer met with the City to discuss, among other things, future infrastructure needs and the possibility of exactions. The buyer was told that the property will be crossed by a minor arterial as set out in the Throughfare Plan and that it would be required to dedicate the necessary right-of-way and construct at least a portion of the future roadway. Upon receipt of this information, the buyer terminated the contract under the feasibility review provision.

Subsequently, on January 17, 2019, the Kramm Family, accompanied by its attorneys, met with City staff and Counsel to discuss the situation. City officials confirmed that a minor arterial was to be placed through the middle of the property and confirmed the required exactions. At this meeting, the City Representatives declined to waive the requirements and suggested that the landowners would have to exhaust administrative remedies before seeking relief in the courts.

In response, the landowners spent significant money to develop a subdivision plan so as to exhaust administrative remedies. As required by City rules, the plan was first submitted to New Braunfels Utilities and to TxDOT. The entities did not reply. Instead the City Engineer responded that the proposed plan did not comply with the Thoroughfare Plan and was unacceptable to the City. It is apparent that the City intends to insist on compliance with its Thoroughfare Plan. The purpose of this letter is to ask that our property be removed from that Plan. Alternatively, we want to initiate a rough proportionality study under State Law and the applicable provisions of the City Code.

Also attached is a plat of the proposed subdivision with the proposed future roadway superimposed upon it. Compliance with the Plan would require the landowner to dedicate about 5.5-acres for right-of-way; more than 20% of its property. It will also divide the property into three remnant tracts, the smallest of which has no development potential at all. It would entirely eliminate the small commercial development proposed along FM 1044 and would also significantly diminish the number of residential lots which could be developed on the remaining land. The landowner would not be allowed any access to the proposed arterial except for the limited opportunity to dedicate land and build additional internal streets to serve what is left of the land. The adjusted average daily traffic count upon build-out of the subdivision, without consideration of the arterial, is 3052 vehicle trips per day. After the loss of the proposed commercial and significant reduction in residential yield, the actual traffic impact would only be a fraction of that number.

Please consider this as a formal request that the City Engineer or some other Texas Registered Engineer conduct a rough proportionality analysis and provide it to us within the 14-day period required by State law. I thank you in advance for your cooperation.

Very truly yours,



John McClish

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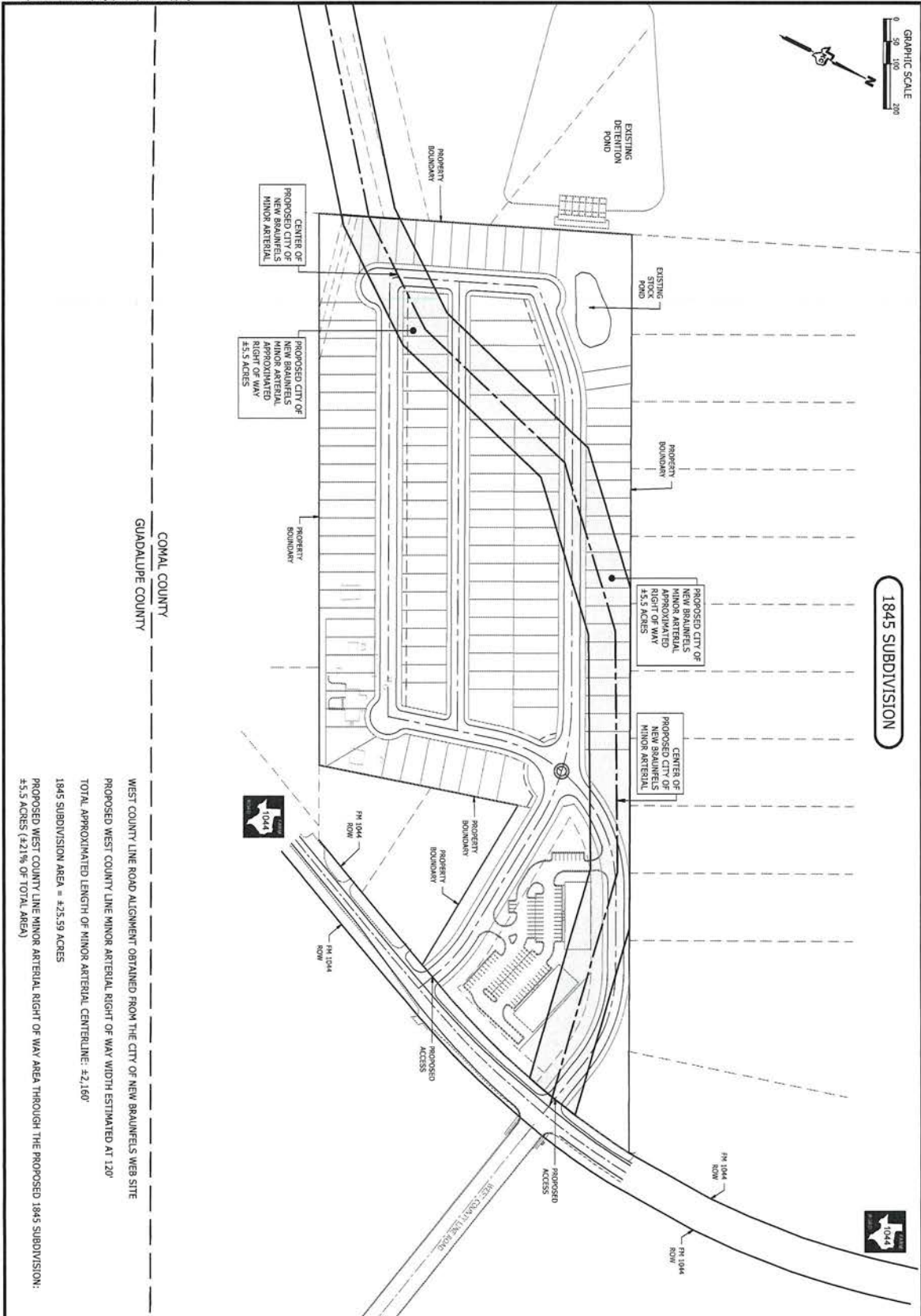
JM/br

Enclosures

cc: Kramm family

Aerial





WEST COUNTY LINE ROAD ALIGNMENT OBTAINED FROM THE CITY OF NEW BRAUNFELS WEB SITE
 PROPOSED WEST COUNTY LINE MINOR ARTERIAL RIGHT OF WAY WIDTH ESTIMATED AT 120'
 TOTAL APPROXIMATED LENGTH OF MINOR ARTERIAL CENTERLINE: #2,160'
 1845 SUBDIVISION AREA = #25.59 ACRES
 PROPOSED WEST COUNTY LINE MINOR ARTERIAL RIGHT OF WAY AREA THROUGH THE PROPOSED 1845 SUBDIVISION:
 #5.5 ACRES (21% OF TOTAL AREA)

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Job No. 18-150	Scale (Hor.): AS SHOWN
Date: 10/09/20	Scale (Vert.): AS SHOWN
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2	Drawn By: GK
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This document is released for the purpose of return review under the authority of Greg Haley, P.E. 52282 on **OCT 9**, 2020
 It is not to be used for construction, bidding or permit purposes

**WEST COUNTY LINE RD.
 PROPOSED ARTERIAL
 1845 SUBDIVISION
 NEW BRAUNFELS, TX**



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**EXHIBIT
 A**