

**ORDINANCE NO. 2021-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 7,406 SQUARE FEET (0.17 ACRE), BEING PARTS OF LOTS 6 & 7, BLOCK 46, NEW CITY BLOCK 4002, GUENTHER ADDITION, FROM “SND-1” SPECIAL NEIGHBORHOOD DISTRICT - 1 TO “C-2A” CENTRAL BUSINESS DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

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**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 “C-2A” Central Business 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 7,406 square feet (0.17 acre), being parts of Lots 6 & 7, Block 46, New City Block 4002, Guenther Addition, from “SND-1” Special Neighborhood District – 1 to “C-2A” Central Business 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 “SND-1” to:

“C-2A” Central Business District: 7,406 square feet (0.17 acre) being parts of Lots 6 & 7, Block 46, New City Block 4002, Guenther Addition, as illustrated in Exhibit “A” and described 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**THAT** all provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.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**THAT** all other ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent that they are in conflict.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 23<sup>rd</sup> day of August, 2021.

**PASSED AND APPROVED:** Second reading this 13th day of September, 2021.

**CITY OF NEW BRAUNFELS**

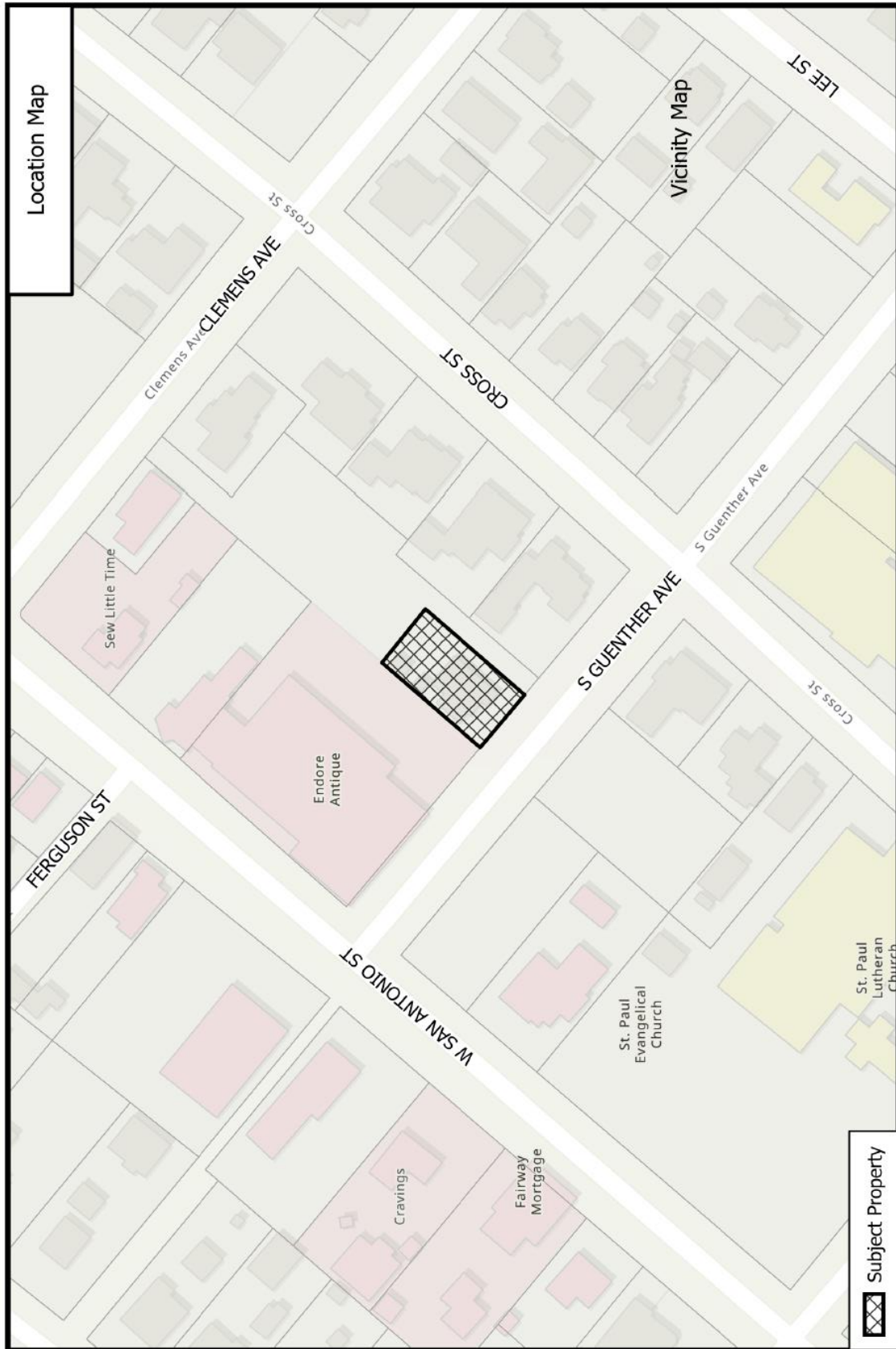
\_\_\_\_\_  
**RUSTY BROCKMAN**, Mayor

**ATTEST:**

\_\_\_\_\_  
**CAITLIN KROBOT**, Assistant City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**VALERIA M. ACEVEDO**, City Attorney



**EXHIBIT "A"**

## **Legal Description**

BEING A 0.167 OF AN ACRE TRACT OF LAND, BEING PART OF LOTS 6 AND 7, BLOCK 46, NEW CITY BLOCK 4002, GUENTHER ADDITION, NEW BRAUNFELS, TEXAS, RECORDED IN VOLUME 34, PAGE 59, DEED RECORDS, COMAL COUNTY, TEXAS AND BEING COMPRISED OF THOSE CERTAIN TRACTS RECORDED IN VOLUME 1011, PAGE 160 AND VOLUME 1011, PAGE 162, BOTH OF OFFICIAL PUBLIC RECORDS, COMAL COUNTY, TEXAS; SAID 0.167 OF AN ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1 3/4" IRON ROD FOUND IN THE NORTHEAST RIGHT-OF-WAY LINE OF S. GUENTHER AVE. FOR THE WEST CORNER OF THIS TRACT AND A RE-ENTRANT CORNER OF THE FERGUSON TRACT, CALLED 2.067 ACRES (TRACT 1) RECORDED IN VOLUME 679, PAGE 15, OFFICIAL PUBLIC RECORDS, COMAL COUNTY, TEXAS, SAME BEING THE SOUTH CORNER OF LOT 5 AND THE WEST CORNER OF LOT 6;

THENCE DEPARTING SAID RIGHT-OF-WAY LINE, ALONG THE COMMON LINE OF SAID LOTS 5, 6 AND AN UNIDENTIFIED TRACT IN SAID BLOCK 46, SAME BEING A COMMON LINE OF THIS TRACT AND SAID FERGUSON TRACT, N 41 DEGREES 45' 00" E, A DISTANCE OF 114.52 FEET (CALLED N 41 DEGREES 45' E, 114.85') TO A 1/2" IRON ROD SET FOR THE NORTH CORNER OF THIS TRACT AND AN INTERIOR CORNER OF SAID FERGUSON TRACT:

THENCE DEPARTING THE NORTHWEST BOUNDARY LINE OF SAID LOT 6, CONTINUING ALONG A COMMON LINE OF THIS TRACT AND SAID FERGUSON TRACT, S 48 DEGREES 53' 44" E, AT APPROXIMATELY 50' PASSING THE COMMON LINE OF SAID LOTS 6 AND 7, IN ALL A DISTANCE OF 64.13 FEET (CALLED S 49 DEGREES 37' E, 64') TO A 1/2" IRON ROD FOUND AT AN INTERIOR CORNER OF A CONCRETE CURB FOR THE EAST CORNER OF THIS TRACT AND AN INTERIOR CORNER OF SAID FERGUSON TRACT;

THENCE CONTINUING ALONG A COMMON LINE OF THIS TRACT AND SAID FERGUSON TRACT, S 41 DEGREES 45' 00" W (BASIS OF BEARINGS), A DISTANCE OF 114.52 FEET (CALLED S 41 DEGREES 45' W, 114.85') TO A 1/2" IRON ROD FOUND IN THE AFOREMENTIONED RIGHT-OF-WAY LINE OF S. GUENTHER AVE. FOR THE SOUTH CORNER OF THIS TRACT AND A RE-ENTRANT CORNER OF SAID FERGUSON TRACT, FROM WHICH A 1/2" IRON ROD FOUND AT THE SOUTH CORNER OF SAID NEW CITY BLOCK BEARS S 49 DEGREES 03' 10" E, A DISTANCE OF 143.35 FEET;

THENCE ALONG THE COMMON LINE OF THIS TRACT AND SAID RIGHT-OF-WAY LINE, N 48 DEGREES 53' 44" W, A DISTANCE OF 64.13 FEET (CALLED N 49 DEGREES 37' W. 64") TO THE POINT OF BEGINNING AND CONTAINING 0.167 OF AN ACRE OF LAND.

## **EXHIBIT "B"**