

CITY OF NEW BRAUNFELS, TEXAS CITY COUNCIL MEETING



CITY HALL - COUNCIL CHAMBERS 550 LANDA STREET

MONDAY, FEBRUARY 22, 2021 at 6:00 PM

Rusty Brockman, Mayor Shane Hines, Councilmember (District 1) Justin Meadows, Mayor Pro Tem (District 2) Harry Bowers, Councilmember (District 3) Matthew E. Hoyt, Councilmember (District 4)
Jason E. Hurta, Councilmember (District 5)
James Blakey, Councilmember (District 6)
Robert Camareno, City Manager

Please click the link below to join the webinar: https://us02web.zoom.us/j/89332004990 or call (833) 926-2300 Webinar ID: 893 3200 4990

MISSION STATEMENT

The City of New Braunfels will add value to our community by planning for the future, providing quality services, encouraging community involvement and being responsive to those we serve.

AGENDA

CALL TO ORDER

CALL OF ROLL: CITY SECRETARY

REQUEST ALL PHONES AND OTHER DEVICES BE TURNED OFF, EXCEPT EMERGENCY ON-CALL PERSONNEL.

INVOCATION: COUNCILMEMBER HURTA

PLEDGE OF ALLEGIANCE & SALUTE TO THE TEXAS FLAG

PROCLAMATIONS

A) George Washington Day Proclamation 21-195

PRESENTATIONS:

- A) Presentation and update from New Braunfels Utilities. <u>21-196</u> *lan Taylor, NBU Chief Executive Officer*
- B) Presentation of the proposed FY 2021 Street 21-161
 Maintenance Plan and possible action by City Council.

 Greg Malatek, Public Works Director
- Presentation on proposed amendments to Chapter 66 <u>21-154</u>
 Historic Preservation for the protection and preservation

- of trees within historic districts and historic properties.

 Christopher J. Looney, AICP, Planning & Development Services Director
- D) Presentation on proposed amendments to Chapter 6, <u>21-172</u>
 Animals, related to tethering, keeping of rabbits, and general standards of pet care, as recommended by the Animal Services Advisory Board.

 Christopher J. Looney, AICP, Planning and Development Services Director
- E) Presentation and discussion regarding the City of New <u>21-171</u>
 Braunfels Boards and Commissions.

 Jordan Matney, Assistant City Manager

1. MINUTES

A) Discuss and consider approval of the minutes of the 21-193
February 8, 2021 Special City Council meeting and
February 8, 2021 City Council meeting.
Caitlin Krobot, City Secretary

2. CITIZENS' COMMUNICATIONS

This time is for citizens to address the City Council on issues and items of concerns not on this agenda. There will be no City Council action at this time.

3. CONSENT AGENDA

All items listed below are considered to be routine and non-controversial by the City Council and will be approved by one motion. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which case the item will be removed from the consent agenda and considered as part of the normal order of business.

Resolutions & Action Items

- A) Approval of a contract with Sequel Data Systems <u>21-17</u> Incorporated, in the amount of \$147,924 for the purchase of a video archiving network.
 - Tony Gonzalez, Director of Information Technology
- B) Approval of a contract with GIS, Inc in the amount of <u>21-137</u> \$40,500 for the implementation of a new credit card processor, Card Connect, to be used with the Cityworks software application.
 - Tony Gonzalez, Information Technology Director
- C) Approval of a contract modification for MAC, Inc for final <u>21-166</u> close-out of the MPO City Wide Sidewalk Project and the appropriate budget amendment.

Jennifer Cain, Capital Programs Manager

- D) Approval of the Final Addendum to the Development 20-891
 Agreement for Roadway Impact Fee Offsets between the
 City of New Braunfels and Milestone Crest Investments,
 LTD authorizing payment of excess costs of constructing
 Pahmeyer Road within the Silos Subdivision and
 authorizing the city manager to execute the agreement.

 Garry Ford, Assistant Public Works Director/City Engineer
- E) Approval of a lease agreement between the City of New 21-151
 Braunfels and Cellco Partnership d/b/a Verizon Wireless
 for the installation and operation of Small Cell equipment
 on the property described as 105.821 acres out of the
 JM Veramendi Survey No. 1, Abstract No. 2, addressed
 as 115 Elizabeth Ave, New Braunfels, Comal County,
 Texas.

Matthew Eckmann, Facilities and Real Estate Manager

- F) \$95,000 and 21-153 Approval of an expenditure of up to authorization for the City Manager to execute all necessary agreements for the acquisition of a 2.836-acre and 2.034 acre easement temporary construction easement located in the J.S. Johnson Survey No. 47, Abstract No. 190 and Sarah Dewitt Survey No. 48, Abstract No. 103, Guadalupe County, Texas on behalf of the Guadalupe Blanco River Authority. Matthew Eckmann, Facilities and Real Estate Manager
- G) Approval of a contract amendment with Arcadis U.S., Inc 21-169 for professional services associated with implementation of the Dry Comal Creek and Comal River Watershed Protection Plan.

 Mark Enders, Watershed Program Manager
- H) Approval of a contract with Ultimate Roof Systems for 21-180 modular office building for roof repairs at the New Braunfels Public Library and roof replacement at Fire Station 1 and the appropriate budget amendment.

 Matthew Eckmann, Facilities and Real Estate Manager

4. INDIVIDUAL ITEMS FOR CONSIDERATION

A) Approval of the Mayoral appointment of one individual to <u>21-173</u> the New Braunfels Housing Authority Board of

Commissioners for a term ending January 22, 2023. *Caitlin Krobot, City Secretary*

B) Discuss and consider approval of a Letter of Intent with 21-167

New Braunfels Utilities for the installation of standalone solar powered generation projects at a series of distributed generation solar sites owned or controlled by the City on the terms and conditions specified in the letter.

Jennifer Cain, Capital Programs Manager

C) Public hearing and first reading of an ordinance 21-148 regarding the proposed rezoning of 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.

Christopher J. Looney, AICP, Planning and Development Services Director

- D) Public hearing and first reading of an ordinance to 21-155 designate the property currently addressed as 210 South Castell Avenue as a historic landmark to be known as the Producer's Co-Op.

 Caleb Gasparek, Historic Preservation Officer
- E) first Public hearing and reading of an ordinance 21-156 regarding a proposed rezoning of approximately 68.05 acres out of the O. Russell Survey No. 2, Abstract No. 485, located at the northern corner of the intersection of "APD" Goodwin Lane and Orion Drive. from "R-1A-4" Agricultural/Pre-Development District to Single-Family Small Lot Residential "R3-H" and Multifamily High Density District. Christopher J. Looney, AICP, Planning and Development Services Director
- F) Discuss and consider a request for a waiver to Section 21-157
 118-49 of the Subdivision Platting Ordinance to not require sidewalk construction along FM 2722 for the Preserve at Elm Creek Subdivision.

 Christopher J. Looney, AICP, Planning and Development Services Director
- G) Discussion and possible direction to staff regarding the <u>21-188</u> implementation of mid-year compensation adjustments

Robert Camareno, City Manager

5. <u>EXECUTIVE SESSIONS</u>

In accordance with Texas Government Code, Subchapter D, the City Council may convene in a closed session to discuss any of the following items; any final action or vote taken will be in public.

- A) settlement 21-177 Deliberate pending/contemplated litigation, offer(s). matters concerning privileged and and unprivileged client information deemed confidential bv Rule 1.05 of the Texas Disciplinary Rules of Professional Conduct in accordance with Section 551.071, of the Texas Government Code, specifically:
 - · J3 Company construction contract for Klein Rd. reconstruction project
- B) Deliberate pending/contemplated litigation, settlement 21-192 offer(s), and matters concerning privileged and unprivileged client information deemed confidential by Rule 1.05 of the Texas Disciplinary Rules of Professional Conduct in accordance with Section 551.071, of the Texas Government Code, specifically:
 - Discuss legal action regarding possible restrictions on further development of property commonly known as 413 Gruene Rd, New Braunfels 78130, Texas, for use as Disaster Recovery Center for NBU; the property is also described as 2.693 acre tract of land, situated in the Henry Foster Survey, Abstract No 154, Comal County, Texas, conveyed to the City of New Braunfels, recorded in Volume 192, Page 543, Deed Records, Guadalupe County, Texas.

NOTE: The City Council reserves the right to retire into executive session concerning any of the items listed on this Agenda whenever it is considered necessary and legally justified under the Open Meetings Act (Chapter 551 of the Texas Government Code).

6. <u>RECONVENE INTO OPEN SESSION AND TAKE ANY NECESSARY ACTION</u>
RELATING TO THE EXECUTIVE SESSION AS DESCRIBED ABOVE.

7. <u>ADJOURNMENT</u>

CERTIFICATION

I	hereby	certify	the	above	Notice	of	Meeting	was	posted	on	the	bulletin	board	at	the	New
Bı	raunfels	City Ha	II.													

Caitlin Krobot, City Secretary

NOTE: Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, or large print, are requested to contact the City Secretary's Office at 221-4010 at least two (2) work days prior to the meeting so that appropriate arrangements can be made.



City Council Agenda Item Report 2/22/2021

550 Landa Street New Braunfels, TX

Agenda Item No. A)

7

City of New Braunfels



Proclamation

THE STATE OF TEXAS §
COUNTY OF COMAL §
CITY OF NEW BRAUNFELS §

WHEREAS, the United States of America was established following the War of Revolution from 1776 to 1783, a war won through the brilliant and courageous leadership of George Washington, revered as the Father of our Nation; and

WHEREAS, George Washington, who lived from 1732 to 1799, mobilized the continental army and led the American colonies against the most powerful country in the world, finally defeating the British at the famous Battle of Yorktown, Virginia; and

WHEREAS, this revered founder of our nation resisted the efforts of many supporters to make him a king or a dictator, instead using his influence and power to support the creation and adoption of the Constitution of the United States; and

WHEREAS, George Washington was elected as the First President of the United States, serving two terms of office from 1789 to 1797, and through his devotion, wisdom and vision, became the exemplar of distinguished leadership for all future presidents; and

WHEREAS, the William Hightower Chapter of the Sons of the American Revolution and the Captain Thomas Moore Chapter of the Daughter of the American Revolution wish to encourage all citizens to recognize the important contributions of George Washington to our Nation by celebrating his birth on Monday, February 22, 2021.

NOW, THEREFORE I, RUSTY BROCKMAN, by virtue of the authority vested in me as Mayor of the City of New Braunfels, Texas, do hereby proclaim the 22nd day of February 2021 as

PRESIDENT GEORGE WASHINGTON DAY

and call upon all citizens to recognize the brilliance, courage and vision of the Father of our Nation and the relevance of his life to the preservation of our democracy in today's complex world.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of New Braunfels to be affixed this the 22nd day of February 2021.

CITY OF NEW BRAUNFELS



City Council Agenda Item Report 2/22/2021

550 Landa Street New Braunfels, TX

Agenda Item No. A)

Presenter/Contact
Ian Taylor, NBU Chief Executive Officer
(830) 629-8400 - itaylor@nbutexas.com

SUBJECT:

Presentation and update from New Braunfels Utilities.



City Council Agenda Item Report

550 Landa Street New Braunfels, TX

2/22/2021

Agenda Item No. B)

Presenter/Contact Greg Malatek, Public Works Director (830) 221-4020 - gmalatek@nbtexas.org

SUBJECT:

Presentation of the proposed FY 2021 Street Maintenance Plan and possible action by City Council.

BACKGROUND / RATIONALE:

The annual street maintenance program is budgeted through the City's General Fund. Details of the proposed annual street maintenance program will be presented to city council. The plan was developed through public input with a final staff recommendation.

ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:

Maintain public infrastructure.

FISCAL IMPACT:

Funded program for the FY2020-2021 City Council approved budget.

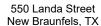
COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval.







2/22/2021

Agenda Item No. C)

Presenter

Christopher J. Looney, AICP, Planning & Development Services Director clooney@nbtexas.org

SUBJECT:

Presentation on proposed amendments to Chapter 66 Historic Preservation for the protection and preservation of trees within historic districts and historic properties.

BACKGROUND / RATIONALE:

Council Districts: All

Staff Contact: Caleb Gasparek

Historic Preservation Officer

(830) 221-4086

cgasparek@nbtexas.org

In the summer of 2020, residents of the Sophienburg Hill Historic District and Commissioners on the Historic Landmark Commission (HLC) requested to amend Chapter 66 of the City's Code of Ordinances to include guidelines and protection measures for historic and heritage trees within the City's historic districts and historic landmarks. The HLC and residents of the Sophienburg Hill Historic District have been concerned about removal of historic trees. In response, staff prepared some draft edits to the Historic Preservation Ordinance to provide protection measures for certain trees in historic districts and landmarks, while providing a framework for the removal and modest replacement of trees.

There are currently two tree preservation ordinances active in New Braunfels. Both ordinances include a process for the removal of protected trees. The first is found in Chapter 144 Zoning, Subsection 5.3. The ordinance was first adopted in 1999, and though there have been several amendments over the past 22 years, the ordinance remains largely unchanged. The ordinance includes a process for the removal of protected trees on <u>commercial</u> properties only, while residential properties are exempt from the ordinance. This ordinance already applies to any commercial properties located within the City's four Historic Districts.

The second tree preservation ordinance is found within Chapter 34 Vegetation Protection Code of the Veramendi Development & Design Control Document (DDCD). The DDCD was adopted in 2013 and has received several updates since. Chapter 34 only applies to the Veramendi WCID area. The DDCD requires that a preliminary tree survey, a tree replacement plan, and a tree protection plan be submitted at the time of a Veramendi Sector Plan or when a building permit is submitted. Chapter 34 includes a program for off-site replacement of protected trees, and a payment in lieu of replacement should replanting not be possible.

The proposed amendment to Chapter 66 would create a series of standards and protection measures for trees found within historic districts and on historic properties. Unlike Chapter 144, the amendment would apply to residential properties with historic zoning overlay. Like Chapter 34 of the Veramendi DDCD, the amendment includes the option for the replanting of new trees on or offsite and the option for a payment in lieu of replacement should replanting not be possible.

The proposed amendment does not add new protected trees, but instead uses existing Appendix A from Chapter 144, which lists protected trees within City Limits. Similarly, the amendment to Chapter 66 uses existing Appendix B of Chapter 144, which lists undesirable trees that would not require a tree removal permit and not be subject to the ordinance. These two existing ordinance appendices are included as attachments in this agenda packet for your reference.

After receiving feedback from residents, industry experts, and recommending boards and commissions, staff has revised several sections of the proposed ordinance accordingly, most notably to be more consistent with the City's existing tree preservation ordinance.

ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:

Action 1.11: Update policies and codes to achieve development
patterns that implement the goals of this plan. Action 1.2:
Create plans for neighborhoods and transitional areas to
maintain quality of life. Action 2.2: Prioritize areas that are best
suited for conservation and preservation. Action 2.25: Increase
resources for historic preservation. Action 5.17: Review and
update Tree and Landscape ordinances to ensure New Braunfels
remains a green city and expands its tree canopy. Action 7.14:
Increase tree canopy for increased shade to encourage walking.

FISCAL IMPACT:

The proposed draft includes a tree mitigation fund as an option which can be used to plant and maintain trees within historic districts, historic landmarks, open spaces, and city parks.

COMMITTEE RECOMMENDATION:

The draft ordinance amendments were reviewed and recommended for approval unanimously by the Historic Landmark Commission at their November, 2020 meeting.

The draft ordinance amendments were reviewed and recommended for approval unanimously by the Parks Board (which also serves as the City's Tree Board) at their December, 2020 meeting.

The draft ordinance amendments were reviewed and recommended for approval unanimously by the Planning Commission at their February, 2021 meeting.

STAFF RECOMMENDATION:

No action is required as this is an initial briefing/presentation. When the first reading is presented to City Council, staff will recommend approval. The proposed amendments were drafted using best practices from other tree preservation ordinances in Texas, and are a hybrid of two existing ordinances already in place in New Braunfels. The natural landscape, like the built environment, is a character defining feature of many historic neighborhoods and should not be

viewed as an independent entity separate from the overall character of New Braunfels' historic neighborhoods. Additionally, the proposed amendment aligns with the City's goal of maintaining its status as a recognized Tree City by the Arbor Day Foundation, and would implement several Actions in Envision New Braunfels.

Public Notice

Though mailed public notice is not required for amendments to ordinances, city staff mailed 332 drafts of the proposed amendment to owners of historic properties within City Limits. Staff has received ten (10) written responses in favor, and five (5) written responses in objection.

ATTACHMENTS:

- 1. Draft Ordinance
- 2. Appendix A Approved Plant List
- 3. Appendix B Undesirable Trees
- 4. Public Response

	ORDINANCE NO.	2021 -	
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AN ORDINANCE OF THE CITY OF NEW BRAUNFELS, TEXAS AMENDING CHAPTER 66, HISTORIC PRESERVATION, OF THE NEW BRAUNFELS CODE OF ORDINANCES, BY INSERTING SECTION 66-69, FOR THE PURPOSE OF PROTECTING HISTORIC AND HERITAGE TREES OF PROPERTIES AND/OR STRUCTURES DESIGNATED AS HISTORIC LANDMARK STRUCTURES, OR LOCATED WITHIN THE BOUNDARIES OF AN ESTABLISHED HISTORIC DISTRICT, BY THE CITY OF NEW BRAUNFELS; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, The State of Texas has enacted legislation empowering municipalities to preserve and protect historic places, structures, buildings, and areas of historical and cultural importance and significance; and

WHEREAS, the City Council of the City of New Braunfels, Texas is aware of the numerous places, structures, buildings, and areas having historical and cultural importance and significance which reflect the heritage of the City, State and its people; and

WHEREAS, the City Council is committed to promoting and protecting the heritage of New Braunfels for the future; and

WHEREAS, the City Council feels that the promotion and protection of such a rich heritage can be encouraged and accomplished by creating and adopting a tree protection ordinance for its designated historic landmarks and historic districts; and

WHEREAS, the Comprehensive Plan, Envision New Braunfels, has multiple action items supporting the regulation of tree preservation and promoting our historic and cultural districts, including Action Item 1.11: Update policies and codes to achieve development patterns that implement the goals of this plan. Action Item 1.2: Create plans for neighborhoods and transitional areas to maintain quality of life. Action Item 2.2: Prioritize areas that are best suited for conservation and preservation. Action Item 2.25: Increase resources for historic preservation. Action Item 5.17: Review and update Tree and

Landscape ordinances to ensure New Braunfels remains a green city and expands its tree canopy. Action 7.14: Increase tree canopy for increased shade to encourage walking.; and **WHEREAS**, the Historic Landmark Commission encourages stabilization,

restoration, and improvements of such properties and their values; and

WHEREAS, the Historic Landmark Commission feels that historic and heritage trees are character defining assets that are unique to designated historic landmarks and historic districts and are worthy of preservation; and

WHEREAS, the preservation of our city's cultural and historic resources is vital to our community's heritage; and

WHEREAS, the Historic Landmark Commission on December 12, 2020, recommended the following amendments to Chapter 66 Historic Preservation;

NOW THEREFORE, BE IT ORDANIED BY THE CITY COUNCIL OF NEW BRAUNFELS, TEXAS:

SECTION 1

THAT, Section 66, Historic Preservation, of the New Braunfels Code of Ordinances, City of New Braunfels, Texas is hereby amended by adding the following thereto:

<u>Section 66-69 Tree Preservation and Protection within Designated Historic Districts and Historic Landmarks</u>

Section 66-69.1 Purpose

The purpose of this section is to encourage the protection and preservation of existing protected, heritage, and historic trees located within the boundaries of designated local historic districts and local historic landmarks. In addition to the numerous benefits trees provide to the urban landscape, trees provide signification contributions to the unique character of historic districts and properties. Protection and preservation of historic assets within historic districts and historic landmarks is essential to preserving the character of the local community.

Section 66-69.2 Jurisdiction

The terms and provisions of this article shall apply to all properties within designated local historic districts and designated local historic landmarks within the city limits of the City of New Braunfels.

Section 66-69.3 Definitions

For the purposed of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

<u>Diameter at breast height or DBH</u> generally means the diameter in inches of a tree as measured through the main trunk at four and a half feet above the ground level. If there are multiple trunks, diameter at breast height is calculated as the diameter of the largest trunk plus one-half the sum of all subsequent trunks. If there is branching that creates a widening of the trunk at four and a half feet above the ground level, measure diameter at the narrowest point directly below the branching.

Heritage Tree means any tree that is unique to the individual historic district or landmark because of its size, age, or historic association as determined by the City Horticulturist/Arborist/Forester, Historic Preservation Officer and/or Historic Landmark Commission.

<u>Historic Tree means any tree which has reached a DBH of 35 inches or is 75 years</u> of age or older.

<u>Protected Tree</u> means any tree which is found within Appendix A Approved Plant List of Section 144-5.3 Landscaping, tree preservation, public trees and screening.

<u>Qualified Arborist</u> means any individual that has obtained the necessary education, experience, and qualification and is familiar with local fauna to accurately identify, assess, and provide recommendations on trees in the New Braunfels area.

<u>Unprotected or Undesirable Tree</u> means any tree that is found in Appendix B of Chapter 144-5.3-1 Landscaping, Tree Preservation, Public Trees, Screening, Fences, Buffering and Lighting.

Section 66-69.4 General Provisions

(1) It shall be unlawful for any person or corporation to recklessly remove, or cause the removal of any protected, heritage, or historic tree without first submitting the appropriate application for a permit and securing approval in the form and manner specified by this chapter. An approved tree removal

permit is required prior to any person conducting activities.

- (2) A tree removal permit is not needed if:
 - a. The protected, heritage, or historic tree(s) is diseased or sustained damage, which was not recklessly inflicted by the owner, his agents or employees, in the form of a broken trunk, broken limbs or uprooting. Additionally a tree removal permit is not required if the tree creates a hazard to life or property.
 - Evidence showing that the tree is diseased, damaged, or is a hazard to life property shall be submitted to the Historic Preservation Officer for the removal of such trees. For these types of situations, no review by the Historic Landmark Commission is required.
 - b. The tree to be removed is an unprotected or undesirable tree as found in Appendix B of Section 144-5.3 Landscaping, tree preservation, public trees and screening

Section 66-69.5 Tree Removal Permit Approval Authority and Appeal

- (1) The Historic Landmark Commission shall have the authority to approve a tree removal permit as it pertains to this ordinance.
- (2) If a request to remove a protected, heritage, or historic tree(s) is denied by the Historic Landmark Commission, the applicant may appeal the denial to the Zoning Board of Adjustment, by filing written notice of such appeal, along with a nonrefundable fee of \$75.00, with the Planning and Development Services Department, within 60 days of the notice of denial. Hearings shall be conducted in compliance with the Texas Open Meetings Act.
- (3) The Historic Landmark Commission and the Zoning Board of Adjustment may seek the testimony of a qualified arborist. If such expert testimony is requested by the Commission, it shall be provided by the City.

Section 66-69.6 Application and Process for Tree Removal Permit

- (1) Prior to the commencement of any work that directly impacts or causes the removal or of a heritage, protected, or historic tree, the owner/applicant shall file an application for tree removal with the Historic Preservation Office.
- (2) An application for tree removal permit must provide the following information:
 - a. A survey indication of the location of the tree(s)

- b. A tree inventory including:
 - i. The diameter of the tree as measured at DBH
 - ii. The approximate drip-line area of the tree
 - iii. The species/common name of the tree
 - iv. If trees are to be preserved or removed, the reason for removal
- c. A certified arborist report is highly recommended to verify condition of all trees and ensure viability and protection of preserved trees.
- d. In the case of a Historic Tree, removal or impacts that may severely damage the tree will not be approved without a hardship provision.

 Evidence of a hardship provision must be provided by the application based on the following factors:
 - i. Whether there is a unique physical circumstance that requires the removal of the Historic Tree.
 - ii. Whether the preservation or mitigation of a Historic Tree unduly burdens the property.
 - iii. Whether the removal of a Historic Tree is necessary to preserve a historic dwelling, building, or other historic asset of the property or district in question.
- (3) Where practical, an application for the removal of a heritage, historic, or protected tree shall be combined with any other applications applicable to review by Chapter 66.
- (4) Upon receipt of an application to remove a heritage, protected, or historic tree the Historic Landmark Commission shall review the application at a regularly scheduled meeting within 45 days from the date the completed application is received. An application cannot be considered until it has been deemed complete by the Historic Preservation Office. The Commission has the authority to approve, deny, or approve with modifications the application, after a public hearing and testimony from the applicant and the public on the request. In the event the commission does not move to consider the application within 90 days of its receipt, the application shall be granted.
- (5) All decisions of the Commission shall be in writing and a copy shall be sent to the applicant.

Section 66-69.7 Heritage, Protected, and Historic Tree Replacement

Removal of any protected, heritage, or historic tree(s) will require a tree removal permit and replacing or replanting of the tree(s) on site, or within a Historic District or at a Historic Landmark.

- 1) As much as is feasible, replanting shall be made to restore the natural landscape of the area
 - a) Removed Protected Trees shall be replanted at a replacement ratio of one half inch (1/2) DBH for each one inch DBH of the removed tree.
 - b) Removed Heritage Trees shall be replanted at a replacement ratio of one half inch (1/2) DBH for each one inch DBH of the removed tree.
 - i. <u>Heritage trees must be of the same species or another tree</u> species predominant in the district.
 - c) <u>Historic trees shall be preserved and cannot be removed without a hardship provision as defined in Section 66-69.6-f is applied for and the tree removal permit is approved by the Historic Landmark Commission.</u>
 - d) In the case of removal, Historic Trees shall be replanted at a ratio of one inch DBH for each one inch DBH of removed tree.
- 2) Protected, heritage, or historic tree(s) can be transplanted on the subject site, within a designated historic district, or at a historic landmark as a condition of the tree removal permit approval. Transplanting trees requires a transplanting and tree care plan as part of the application packet provided by a Certified Arborist.
- 3) Tree replacement must occur at the completion of construction projects or within 6 months of the removal of a protected, heritage, or historic tree. The Historic Preservation Officer may grant extensions up to 6 months at a time upon request of the applicant, for issues such as construction delays.
- 4) Replacement trees that do not survive for a period of at least 24 months shall be replaced by the original applicant for removal until they survive a 24-month period.
- (1) Tree Replacement Mitigation Fund. In the event that a protected, heritage, or historic tree cannot be replanted, a payment in lieu of replacement can be reviewed and approved by the Historic Landmark Commission. The funds shall be used for the purchasing, planting, and maintenance of trees on site, within a historic district, or within an approved location such as open space or a city park.
 - a. The amount of payment required shall be determined by the per caliper inch of tree being removed and the average cost of planting the tree as determined by the City Arborist or City Forester. A payment schedule of fees shall be published by the Parks and Recreation department every 3 years with the update of the Parks Ordinance.

- b. Should the replacement tree be located on city property or city park/open space, the city shall be responsible for the purchasing, planting, and maintenance of the tree(s) after the applicant has paid the required amount into the Tree Replacement Mitigation Fund.
- c. <u>Tree replacement mitigation fees shall be paid prior to the issuance of a tree removal permit.</u>

<u>Section 66-69.8 Penalties.</u> The violation of any provision of this Section shall be a misdemeanor and shall be punishable, upon conviction, by a fine of not more than \$2,000.

SECTION 2

THAT it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

SECTION 3

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 4

THAT all other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict only.

SECTION 5

THAT in accordance with the provisions of the City Charter, this Ordinance may be read and published by descriptive caption only. This Ordinance has been publicly available in the office of the City Secretary prior to its adoption.

SECTION 6

THAT this Ordinance shall become adopted and effective upon its second reading, signature required by City Charter, and filing with the City Secretary's Office.

PASSED AND APPROVED: First reading this the 8th day of March, 2021.

PASSED AND APPROVED: Second reading this the 22nd 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	

APPENDIX A

APPROVED PLANT LIST

Shade

Scientific Name

* Carya illinoensis
* Catalpa bignoniodes
* Ehretia anacua
Fraxinus Pennsylvania
* Fraxinus texansis
* Juglans major
Juglans microcarda
* Juglans nigra
* Maclura pomifera
* Magnolia grandiflora

Platanus occidentalis
* Quercus buckleyi (texana)

* Quercus canbyi * Quercus durandii * Quercus fusiformis Quercus glaucoides * Quercus gravesii

* Platanus mexicana

* Quercus laceyi (glaucoides)

* Quercus macrocarpa Quercus mohriana * Quercus muhlenbergii * Quercus polymorpha

Quercus pungens var.vaseyana

* Quercus virginiana Quercus texana

* Sapindus drummondii * Taxodium distichum * Taxodium mucronatum

Tilia caroliana * Ulmus Americana * Ulmus crassifolia

Ornamental

* Acacia roemeriana
* Acer grandidentatum
Arbutus xalapensis
* Bauhinia congesta

* Cercis canadensis var. texensis

* Cercis reniformis *Chilopsis linearis * Condalia hookeri Cordia boissieri * Cotinus obovatus

* Diospyrus texana * Eriobotrya japonica

TREES

Common Name

Pecan
Catalpa
Anaqua
Green ash
Texas ash
Arizona Walnut
Nogalillo, river walnut

Black walnut

Osage Orange, Bois d'Arc,

Magnolia

Mexican sycamore Texas sycamore Texas red oak Canby's oak Durand oak

Escarpment live oak

Lacey oak

Chisos red, Graves

Lacey's oak Bur oak Shin oak

Chinkapin *or* Chinquapin oak Mexican live or Monterrey oak

Vasey oak Southern live oak Red oak

Soapberry
Bald cypress
Montezuma cypress
Carolina basswood
American elm
Cedar elm

Roemer's acacia Bigtooth maple Texas madrone Anacacho orchid tree Texas or Oklahoma redbud

Mexican redbud Desert willow Condalia, brazil

Wild olive, Mexican wild olive

American smoketree Texas persimmon Loquat (exotic)

^{*} denotes recommended species.

* Fraxinus cuspidate Hamamelis virginiana

* Ilex deciduas Ilex vomitoria

* Juglans microcarpa * Koelreuteria bipinnata

* Lagerstroemia indica, fauriei, & X's

* Leaucaena retusa

Malus sp.

* Myrospermum sousanum

Parkinsonia aculeate * Pistacia texensis

Prunus barbonia

* Prunus caroliniana

* Prunus mexicana

* Prunus virginiana

* Pyrus calleryana

Pyrus ioensis

* Rhamnus caroliniana

* Rhus lanceolata

Rhus virens

* Sophora affinis

* Sophora secundiflora

* Ungnadia speciosa

* Viburnum rufidulum Vitex agnus-castus

Zizyphus jujuba

EVERGREEN

* Cupressus arizonica

* Juniperus virginiana Pinus cembroides

* Pinus halepensis

* Pinus pinea

Pinus eldarica

PALMS

* Chamaerops humilius

* Phoenix canariensis

* Sabal mexicana

* Sabal texana

* Washingtonia filifera

Fragrant ash Witch hazel

Possum-haw holly

Yaupon holly

Little, Texas walnut

Goldenrain tree (exotic)

Crepe myrtle, etc. (exotic)

Goldenball leadtree

Blanco crabapple

Arroyo sweetwood

Retama, Jerusalem Thorn

Texas pistache

Redbay

Cherry laurel

Mexican plum

Chokeberry

Callery pear (exotic)

Blanco crabapple

Carolina buckthorn

Flameleaf sumac

Evergreen Sumac

Texas sophora or Eve's

Mountain laurel or mescal bean

Mexican buckeye

Rusty blackhaw

Lavender tree

Chinese date, Jujube

Arizona cypress

Eastern red cedar

Mexican pinyon pine, Remote pine

Afghan pine

Aleppo pine (exotic)

Italian stone pine (exotic)

Mediterranean fan palm (exotic)

Canary Island or false date (exotic)

Mexican or Texas sabal

Palm, sabal and dwarf sabal

California fan (exotic)

APPENDIX B

UNDESIRABLE TREES

Scientific Name

Acacia farnesiana Acer negundo Ailanthus altissima Albizia julibrissin

Broussonetia papyrifera (L.) L=Hér. ex. Vent.)

Celtis laevigata Eriobotrya japonica Firmiana simplex Fraxinus velut

Koelrenteria paniculata

Juniperus ashei
Ligustrum japonicum
Melia azedarach L.
Populus nigra "italica"
Prosopis glandulosa
Prunus salicina
Pyrus calleryana
Sapium sebiferum

Tamarix ramosissima Ledeb.

Common Name

Huisache or Sweet Acacia

Box Elder Tree of Heaven

Mimosa

Paper Mulberry

Sugarberry or Hackberry Chinese Loquat or Loquat Chinese Parasol/Varnish Tree

Arizona Ash

Golden-Rain Tree

Ashe-Juniper or Mountain Cedar

Ligustrum or Privet Chinaberry tree Lombardy Popular

Mesquite
Japanese Plum
Bradford Pear
Chinese Tallow
Saltcedar

one Stoffence 4 Tem Jones	
6000 586 W. M. II St.	Haver V
	Lobject
	(State revision for objection)
omments. (Use additional sheets if necessary)	

Tom Jones (210) 792-2147 tomjonesnbtx@gmail.com

YOUR OPINION MATTERS	- DETACH AND RETURN
Case: ORD20-268 (CG)	
Name Brock Blamby Address 564 H. Il Ave	I favor:
() () () () () () () () () (l object:
	(State reason for object
Comments: (Use additional sheets if necessary)	
))
Signature	

YOUR OPINION MATTERS - DET	TACH AND RETURN
Case: ORD20-268 (CG)	
Name: SUSAN FURY Brewer Address: 415 So ACAdemy & 455 So A	I favor:
	l object:
	(State reason for objection)
Comments: (Use additional sheets if necessary) Leally take exception to the Verous in the Verous to	RECEIVED JAN 2 9 2021
	BY:

Signature:

YOUR OPINION MATTE	RS - DETACH AND RETURN
Case: ORD20-268 (CG)	
Name: BONNIE LEITCH	favor:
Address: 548 Ha Ave.	
	l object:
	(State reason for objection)
Comments: (Use additional sheets if necessar	y) attached
Signature: Song le La J	

The city of New Braunfels is a designated Tree City USA for many reasons. We value our trees. That is why what occurred on Magazine Avenue last year is particularly devastating. If we wish to protect our landmark buildings in the only residential historic district in old New Braunfels, surely the trees that make that district as lovely as it is are also important to preserve.

As a member of the Historic Landmark Commission and a neighborhood resident who walks down Magazine almost daily, the transformation of the property that prompted the proposed the amendment to the tree protection ordinance was particularly sad for me. Given that four old-growth trees were removed in this instance, I would also ask that the penalty be per tree or raised so that it does not become just another expense of doing business.

Below are before and after pictures of the incident:



Before



After



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

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Mail:

City of New Braunfels Planning Commission 550 Landa Street

New Braunfels, TX 78130

Email:

CGasparek@nbtexas.org

If you have questions, please email Caleb Gasparek at CGasparek@nbtexas.org

Caleb Gasparek, Historic Preservation Officer

YOUR OPINION MATTERS - DETACH AND RETURN Case: ORD20-268 (CG) Name: Sophienburg Memorial Amount I object: (State reason for objection) Comments: (Use additional sheets if necessary)

Signature:



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Caleb Gasparek, Historic Preservation Officer YOUR OPINION MATTERS - DETACH AND RETURN Case: ORD20-268 (CG) I favor: Address: I object: (State reason for objection) Comments: (Use additional sheets/if necessary) FEB 0 1 2021

YOUR OPINION MATTERS - DETACH	AND RETURN RECEIVE
Case: ORD20-268 (CG)	JAN 2 9 2021
Name: Katrina & Charles Storch	I favor:
Address: 217 Rhine Rd., New Braunfels, Tx 78130	I object:
	(State reason for objection)
Comments: (Use additional sheets if necessary)	Too much government oversight. People should be able to decide what they want to do with
Signature: Ochuna Turch	they want to do with

JAN 2 9 2021 BY:

Addendum to ORD20-268 (CG)

We are certainly in favor of the tree protection initiative and the "re-focused" effort to increase attention and awareness to the value of such a program. However, there are a couple of stipulations included in the area of tree replacement found in Section 66-69.7 that, as I understand them, are a bit onerous and we find reaches beyond a reasonable response.

le Section (1) A calls for a one inch to one inch ratio, which we find unrealistic. We now of a tree that was removed around here that we 14' around at about the area you refer to as the DBH - - does that mean one would have to replace it with a 14' tree??

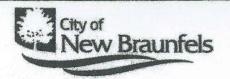
Section (1) B calls for two inches to one inch ration??! And why would/should it have to be a tree of the same – or predominant – species for the neighborhood. That seem overly restrictive – and what if the "family/owners" have a "favorite" species which they would choose to plant that would be quite compatible with the neighborhood?

Section (1) C same "replacement size" requirement??

Section (4) Do not necessarily agree with the 24 month standard and the requirement of replacing a re-planted tree. Are there allowances made for periods of drought and reduced watering restrictions? The applicant would have made the "good faith" effort and spent a fair amount of money to replace the tree and would likely want to do what it takes to be certain that investment survives.

Section (5) Need to have a lot more information relating to this requirement!

Section 66-69.8 If there's more than one tree involved - - is it \$2,000. Per tree??!



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Caleb Gasparek, Historic Preservation Officer

YOUR OPINION MATTERS - DETACH AND RETURN Case: ORD20-268 (CG) I object: (State reason for objection)
generally agree with providing some protections for trees on historic properties in New Braunfels, especially related to new Comments: (Use additional sheets if necessary) construction in historic and landmark areas of the city. However, I am concerned that the language of this amendment too severely limits the rights of conscientious homeowners to manage the trees on their historic property. As an example, I feel it is an undue burden for a homeowner to be required to obtain a permit just to cut down a single tree on their own land.

Caleb Gasparek

From: Tobin Hoffmann <tchoffmann@hotmail.com>

Sent: Tuesday, February 2, 2021 10:10 AM

To: Caleb Gasparek

Subject: chapter 66 public hearing

Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Tuesday night has been a Scouting night for me for the last 37 years so being unable to zoom tonight, here are just a few thoughts on the tree protection ordinance....

I think the inclusion of residential property in the ordinance is a bit too far... most residential property owners in the historic area already know the value of their trees and for the most part take the time to trim, prune and nurture their trees. As they have no constraints for parking and fire access like the commercial property owners, my observations have been that if anything, they try to maintain a tree far longer than they sometimes should, sometimes to the detriment of the tree,(cabling, chaining, limb props). To add additional process via permitting, replanting, fines and indulgences, not to mention the requirement to hire and use a licensed arborist will strain the budgets of many of our community that live on fixed incomes within the historic boundaries.

The downside of this is that we will occasionally lose a large "historic tree" from (1) neglect or disease and (2) sometimes due to the shortsightedness of the intrinsic value to the residential property owner, but, for the first part, no part of this amendment address current care of an existing tree and for the second part, you can't fix stupid.

as an alternative, could we not just identify the trees within the historic districts that meet the criteria of "historic" and: 1. inform and congratulate the property owner on having the tree(s) 2. offer an evaluation by a city arborist on the health and care of same 3. remind the property owner of the value of the tree(s) 4. thank them for their help in keeping those trees healthy and whole.

I think folks by nature want to do the "right" thing and just need a little positive reinforcement and guidance to become part of the team.

you can reach me by cell 8306208519 or email... Thank you for your time and efforts!

Tobin C Hoffmann, CFP



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Caleb Gasparek, Historic Preservation Officer YOUR OPINION MATTERS - DETACH AND RETURN Case: ORD20-268 (CG) I favor: l object: ____\ (State reason for objection)

I believe it is a severe infringement of private property rights. Comments: (Use additional sheets if necessary) Signature:



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Caleb Gasparek, Historic Preservation Officer

YOUR OPINION MATTERS - DETACH AND RETURN Case: ORD20-268 (CG) I favor: Address: (State reason for objection) Comments: (Use additional sheets if necessary)

I object to the proposed Case ORD20-268 (CG) because:

- 1. I don't believe the city should be imposing even more restrictions on citizens making improvements to their properties;
- 2. This ordinance would impose a thinly-veiled additional property tax burden on citizens;
- 3. It will be an undue burden for a citizen to wait up to 4.5 months to receive approval to remove a diseased or damaged tree that might be about to fall:
 - a. On their home or other structure on their property,
 - b. On a citizen walking along the sidewalk or street in front of their property, or
 - c. On a citizen on their own property; and
- 4. The city is giving every appearance that they do not trust the citizens of this city who own historic properties to make good decisions regarding preservation and maintenance of said properties.



City Council Agenda Item Report

550 Landa Street New Braunfels, TX

2/22/2021

Agenda Item No. D)

Presenter

Christopher J. Looney, AICP, Planning and Development Services Director clooney@nbtexas.org

SUBJECT:

Presentation on proposed amendments to Chapter 6, Animals, related to tethering, keeping of rabbits, and general standards of pet care, as recommended by the Animal Services Advisory Board.

BACKGROUND / RATIONALE:

Council District: All

Staff Contact: Bryan Ruiz, Neighborhood Services Manager

(830) 221-4073 bruiz@nbtexas.org

Chapter 6 of the City's Code of Ordinances includes standards for the care and treatment of pets and animals in New Braunfels. State of Texas statutes include minimal standards that the City of New Braunfels codified initially in 1961. Amendments over the years have built upon those minimum state standards to meet the community's local desires and goals for animal care. The Animal Services Advisory Board (ASAB) has considered a collection of additional amendments over the last year:

Tethering

In response to calls for service, Animal Control staff periodically encounter instances of dogs being chained or tied up at the bare minimum of three feet. Such a limited tether length not only limits a dog's radius of movement, but sometimes puts shade, shelter and even food and water out of reach. Amendments were drafted to provide standards for tethering to ensure a pet's health and safety.

Rabbits

Historically, New Braunfels' rules have been very limiting on rabbit ownership. Both rabbits and chickens are the most feasible animals for 4H programs; as such, several years ago, the City adopted more flexible rules for chickens. Additionally, when owners release their pet rabbits to the Humane Society's Animal Shelter, the shelter cannot adopt them out due to the current regulations. The proposed amendments are intended to provide added flexibility for rabbit ownership.

General Care

After instances of concern from the public regarding observed owner treatment of pets, staff received requests from citizens to examine the ordinances for opportunities to strengthen the rules. Staff researched ordinances in other Texas cities, and worked with the ASAB to develop some amendments that clarify requirements associated with food, water, shelter, and inclement weather.

ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:

Envision New	Action 3.6: Pro-actively provide a regulatory environment that	
Braunfels	remains business and resident friendly. Action 3.35: Support	
Comprehensive Plan	local non-profits whose mission includes Envision New	
	Braunfels goals.	

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The Animal Services Advisory Board considered and recommended approval of these consolidated amendments at their meetings in 2020 and 2021.

STAFF RECOMMENDATION:

No action is required at this time. This is an initial briefing; consideration of a first reading will be on a forthcoming City Council agenda.

Chapter 6 - ANIMALS

ARTICLE I. - IN GENERAL

Sec. 6-1. - Definitions.

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

<u>Abandon</u> means left without the needed protection, care, or support by the owner, a person, partnership, or corporation.

Altered or sterilized means the surgical removal of the reproductive organs of a dog or cat or the use of nonsurgical methods and technologies approved by the United States Food and Drug Administration or the United States Department of Agriculture to permanently render the animal unable to reproduce.

Animal means every nonhuman species of animal, both domestic and wild.

Animal at large means any animal not under the restraint (as defined in this section) of a person capable of controlling the animal on or off the premises of the owner.

Animal Care means the responsible practice of good handling, feeding, watering, protection, shelter, transportation, treatment, and, when necessary, euthanasia, appropriate for the age, species, condition, size and type of the animal and the provision of veterinary care when deemed necessary by an Animal Control Officer to prevent suffering or impairment of health.

Animal control officer or humane officer means any person designated by the city as a law enforcement officer who is qualified to perform such duties as required by this chapter and/or state law.

Animal shelter means any facility operated by a humane society, or municipal agency or its authorized agents, for the purpose of impounding animals under the authority of this chapter or state law for care, confinement, return to owner, adoption or euthanasia.

Animal welfare group means any not-for-profit group with 501(c)(3) status whose primary mission includes animal welfare.

Auction means any place or facility where animals are regularly bought, sold, or traded, except for those facilities otherwise defined in this chapter. This definition does not apply to individual sales of animals by owners.

Bite means puncturing or tearing of the skin by an animal's teeth.

Bullhook means a tool or device, also known as an elephant goad or an ankus, used in handling and training elephants, consisting of a spike, hook or combination thereof, attached to a shaft or handle.

Cat means any live or dead felis catus.

Circus means a commercial variety show featuring animal acts for public entertainment.

Commercial animal establishment means any pet shop, grooming shop, guard dog or obedience training center, animal auction, riding school or stable, zoological park, circus, performing animal exhibition, or boarding or breeding kennel.

Cruel manner includes a manner that causes or permits intentional pain or suffering.

Currently vaccinated means vaccinated and satisfying the following criteria:

- (1) The animal must have been at least three months of age at the time of vaccination;
- (2) At least 30 days have elapsed since the initial vaccination;
- (3) Not more than 12 months have elapsed since the most recent vaccination.

<u>Designated Custodian</u> means a person who has possession or control or responsibility of an animal in their direct supervision and is performing veterinary treatment, grooming, training, law enforcement activity, or any other animal related service where the owner and the custodian have agreed to the animal related service or activity.

Dog means any live or dead canis familiaris.

Domestic animal means tame, domesticated, of or pertaining to the family or household.

Ear tipping means the painless removing of the tip of the left ear of a cat while the cat is anesthetized by a licensed veterinarian.

Feral cat means any unowned, homeless, wild, or untamed cat which is too poorly socialized to be handled (and therefore must be trapped and sedated for examination) and which cannot be placed into a typical home as a domestic pet.

Feral cat colony means a group of cats that congregate together, more or less as a unit, who are fed and cared for by a feral cat colony caregiver.

Feral cat colony caregiver means a person who is approved by a sponsor who feeds feral cats, performs trap-neuter-return, and provides long-term care and monitoring for adult feral cats.

Food means access to food that is of sufficient quantity and nutritive value to maintain each animal in good health; is accessible to each animal; is prepared so as to permit ease of consumption for the age, species, condition, size and type of each animal; is provided in a clean and sanitary manner; is placed so as to minimize contamination by excrement and pests; and is provided at suitable intervals for the species, age, and condition of the animal, except as prescribed by a veterinarian.

Fowl means a bird of any kind; domestic cock or hen (gallus gallus).

Grooming shop means a commercial establishment where animals are bathed, clipped, plucked or otherwise groomed.

Guard dog means any professionally trained dog that will detect and warn its handler that an intruder is present in or near an area that is being secured.

Identification means any acceptable method such as micro-chipping, registration tag, or tattoo readily traceable to the current owner.

Kennel or cattery means any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats; and/or a facility for keeping more than four animals of the same species.

Licensed veterinarian means a veterinarian licensed to practice veterinary medicine in one or more of the 50 states.

Livestock means domestic animals used or raised on a farm, especially those kept for a profit; specifically, horses, ponies, mules, donkeys, cattle, goats, rabbits, sheep and swine, regardless of age, sex or breed.

Local health authority or rabies control officer. The city sanitarian shall be designated as the rabies control officer and shall handle all duties required under the Rabies Control Act of 1981 (V.T.C.A., Health and Safety Code § 826.001 et seq.).

Microchip implant means a passive electronic device that is injected into an animal by means of a hypodermic-type syringe device. Each microchip shall contain a unique and original number that is read by an electronic scanning device for the purposes of animal identification and recovery by the animal's owners.

Observation period means the ten days following a bite incident during which the biting animal's health status must be monitored. The ten-day observation period will begin on the day of the bite incident (day one).

Owner means any person, partnership, or corporation owning, keeping, or harboring one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three consecutive days or more, or if it returns to a residence or business on three separate days.

Performing animal exhibition means any spectacle, display, act, or event, in which performing animals are used. This shall include animal amusement vendors such as, but not limited to, pony-go-round rides, commercial horseback pictures, etc.

Pet or companion animal means any animal kept for pleasure rather than utility; an animal of a species that has been bred and raised to live in or about the habitation of humans and is dependent on people for food and shelter.

Pet shop means any person, partnership, or corporation, whether operated separately or in connection with another business enterprise (except for a licensed kennel), that buys, sells, or boards any species of animal.

Possible exposure to rabies means the receipt of a bite or scratch from any warm-blooded animal, animal to human or animal to animal, is reason to suspect exposure to rabies.

<u>Properly fitting means, with respect to a collar or harness used for a dog, a collar or harness that: does not impede the dog's normal breathing or swallowing; and is attached to the dog in a manner that does not allow for escape and does not cause injury to the dog.</u>

Provocation means any purposeful act that causes an animal to bite, scratch, or attack in protection of self, owner, or owner's premises. Entrance, in any manner, into an area where an animal is properly under restraint in compliance with city ordinances would be considered provocation, irrespective of the reason for such entrance.

Public nuisance means any animal or animals that unreasonably annoy humans, endanger the life or health of other animals or persons, or substantially interfere with the rights of citizens, other than their owners, to enjoyment of life or property. The term "public nuisance animal" means and includes, but is not limited to, any animal that:

- (1) Is repeatedly at large or stray;
- (2) Damages the property of anyone other than its owner;
- (3) Molests or intimidates pedestrians or passersby;
- (4) Trespasses on school grounds;
- (5) Chases vehicles;
- (6) Excessively makes disturbing noises, including but not limited to continued and repeated howling, barking, whining or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
- (7) Causes fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;

- (8) Causes insanitary conditions in enclosures or surroundings where the animal is kept or harbored;
- (9) Is offensive or dangerous to the public health, safety, or welfare by virtue of the number and/or types of animals maintained; or
- (10) Attacks other domestic animals.

Quarantine means strict confinement, for the purpose of preventing the spread of disease, under restraint by closed cage, isolation, kennel, rabies chamber, paddock, or in any other manner approved by the local health authority on the private premises of the owner or at a facility approved by the state department of health.

Quarantine period means that portion of the observation period during which a biting animal is physically confined for observation as provided for under section 6-109.

Rabies means an acute viral disease of man and animal affecting the central nervous system and usually transmitted by an animal bite.

Registered feral cat colony means a managed feral cat colony registered with a sponsor and meeting all requirements of this chapter.

Releasing agency means a public or private animal pound, shelter, or humane organization. The term does not include an individual who occasionally renders humane assistance or shelter in the individual's home to a dog or cat.

Restraint means that an animal is secured by a leash or lead and under the control of a responsible person and obedient to that person's commands. At all other times, a dog or other such animal shall be confined to the realty or premises of the owner of such dog or other animal by a substantial fence of sufficient strength and height to prevent such dog or other animal from escaping therefrom; or inside a house on such premises; or secured on such premises by a leash consisting of a material of sufficient strength to prevent such dog or other animal from escaping from such premises. It shall be unlawful for the leash to be arranged in a manner that allows the dog or other animal to get on or across or within eight feet of any street, park, or other public land or within eight feet of any sidewalk, public way, place or building when such leash is stretched to its full length. Any animal so arranged shall be considered dangerous to the public in general and declared a nuisance and shall be impounded. Although cats shall be exempt from the leash requirement while on the premises of the owner, any cat straying on the property of anyone except its owner shall be deemed a public nuisance animal and will be subject to impoundment.

Riding school or stable means any place that has available for hire, boarding, and/or riding instruction, any horse, pony, donkey, mule, or burro; or any place that regularly buys, sells, or trains the above animals, including a racetrack, trotting track, or rodeo.

School zone means a reduced-speed zone designated on a street by a local authority to facilitate safe crossing of the street by children going to or leaving a public or private elementary or secondary school during the time the reduced speed limit applies.

Scratch means a scrape left by the claws or nails of an animal and of sufficient severity to break the skin and draw blood.

Shelter means provision of and access to housing that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from the adverse effects of heat or cold, physical suffering, and impairment of health; is properly lighted; is properly cleaned; enables each animal to be clean and dry; during hot weather, is properly shaded and does not readily conduct heat; during cold weather, has a windbreak at its entrance and provides a quantity of bedding material consisting of hay, cedar shavings, or the equivalent that is sufficient to protect the animal from cold and

promote the retention of body heat; and, provides a solid surface, resting platform, pad, floormat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Shelters whose wire, grid, or slat floors (i) permit the animals' feet to pass through the openings, (ii) sag under the animals' weight, or (iii) otherwise do not protect the animals' feet or toes from injury are not adequate shelter.

Sick animal means any animal that appears to be suffering from an infectious, contagious, or communicable disease; or that is showing evidence of a physical injury, physical disorder, or traumatic injury; or that has an elevated temperature.

Sponsor is any animal welfare group partnered with and approved by the city that agrees to comply with the requirements of the ordinance from which this definition derives for sponsors and provides written notice to the city that it will serve as a sponsor.

Stray means animal running free or at large, with no physical or verbal restraint.

<u>Tether</u> means any leash, chain, cord, rope, or other means of restraining an animal or the act of chaining, tying, fastening or otherwise securing an animal to a fixed point so that it can move, lie down or range only within certain limits.

Traceable identification means a type of identification, such as a tag, microchip, or tattoo that can be readily used by an animal control officer or animal welfare personnel to identify the current ownership of an animal.

Trap, neuter and return (TNR) program shall mean a nonlethal, humane alternative to deal with the feral cats which are captured, vaccinated, altered and returned back to their location in order to encourage the stabilization of the free-roaming feral cat population in the city.

Unowned animal means any animal for which an owner has not been identified.

Vaccinated means properly injected with a rabies vaccine licensed for use in the subject species by the United States Department of Agriculture and administered by or under the direct supervision of a licensed veterinarian.

Veterinary hospital means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis, and treatment of diseases and injuries of animals.

Vicious animal means any animal that attacks, bites, or injuries human beings or domesticated animals without adequate provocation, or which, because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals; or an individual animal which the local health authority has reason to believe has a dangerous disposition, likely to be harmful to humans or other animals.

Water means provision of and access to clean, fresh, drinkable water that is provided in a suitable manner, in sufficient volume, and at suitable intervals appropriate for the weather and temperature, to maintain normal hydration for the age, species, condition, size and type of each animal, except as prescribed by a veterinarian.

Wild animal means any animal except the common domestic species (including, but not limited to, dogs, cats, horses, cattle, swine, sheep, and goats), regardless of the state or duration of captivity.

Wild state means living in its original, natural condition; not domesticated.

Wildlife means any animal that occurs naturally in the wild state.

Zoological park means any facility operated by a person, partnership, corporation, or government agency, other than a pet shop or kennel, displaying or exhibiting one or more species of no domesticated animals.

(Code 1961, § 3-1; Ord. No. 2006-51, § I, 6-12-06; Ord. No. 2014-58, § 2, 8-11-14; Ord. No. 2019-54, § 2, 8-13-19)

Cross reference— Definitions generally, § 1-2.

State Law reference— Definitions pertaining to rabies, V.T.C.A., Health and Safety Code § 826.002.

Sec. 6-2. - Animal control officer.

An animal control officer(s) shall be appointed to enforce all provisions of this chapter, including gathering up and impounding or quarantining any livestock, fowl, cats, dogs, or other domestic and nondomestic animals found running at large (stray) within the city limits.

(Code 1961, § 3-2)

Cross reference— Administration, ch. 2.

Sec. 6-3. - Enforcement of chapter.

The civil and criminal provisions of this chapter shall be enforced by those persons or agencies designated by municipal authority. It shall be a violation of this chapter to interfere with an animal control officer or humane officer in the performance of his duties.

(Code 1961, § 3-27)

Sec. 6-5. - Penalty for violation of chapter; schedule of fines.

- (a) Any person who shall violate any of the provisions of this chapter, or fail to comply therewith or with any of the provisions thereof, shall be guilty of a misdemeanor, and upon conviction shall be fined in a sum not less than \$25.00 and not more than \$2,000.00\$500.00, unless specifically listed on the minimum penalty schedule in subsection (b), and each and every day's violation shall constitute a separate and distinct offense. Subsequent convictions for any violation of this chapter within a 12-month period shall double the minimum applicable fine listed in subsection (b), up to and including the maximum allowed by law. If any person is found guilty of violating section 6-76, pertaining to animal care, such person's permit to own, keep, harbor, or have custody of animals shall be deemed automatically revoked and no new permit may be issued.
- (b) Upon conviction of the specific ordinance violation listed, the minimum fine imposed shall be as follows:
 - (1) Animal abandonment\$ 100.00 50.00
 - (2) No rabies vaccination50.00
 - (3) Not registered/licensed30.00
 - (4) Failure to obtain permit before opening200.00
 - (5) Failure to renew permit by due date30.00
 - (6) Allowed to run at large, stray:
 - a. Unneutered dog or cat40.00
 - b. Neutered dog or cat25.00
 - c. Any other animal25.00

- (7) More than four dogs or cats, per animal30.00
- (8) Unconfined and/or non-muzzled vicious animal200.00
- (9) Unconfined female dog or cat in heat30.00
- (10) Failure to surrender animal for rabies observation200.00
- (11) Reserved. Failure to comply with section 6-76100.00
- (12) Failure to comply with section 6-79500.00

(Code 1961, § 3-29; Ord. No. 2019-54, § 2, 8-13-19)

ARTICLE IV. - Care and Keeping

Division 1. - Generally

Sec. 6-76. - Animal care generally.

(a) No owner shall fail to provide his their animals with: sufficient wholesome and nutritious food, water in sufficient quantities, adequate ventilation, shelter space and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment.

(1) Food;

- a. Storage of feed: All feed provided for animals shall be stored and kept in a ratproof, fly tight building, box, container, or receptacle. Persons in charge of horse stables must carry out a continuous, active rat control program.
- (2) water in sufficient quantities;
- (3) adequate ventilation;
- (4) shelter/protection from the weather:
 - a. <u>Minimum space requirements for both indoor and outdoor enclosures shall</u> include the following.
 - i. The housing facilities shall be structurally sound and maintained in good repair to protect the animal from injury and to contain the animal.
 - ii. <u>Enclosures shall be constructed and maintained to provide sufficient space to allow each animal adequate freedom of movement.</u>
 - iii. <u>Inadequate space may be indicated by evidence of overcrowding, debility, stress or abnormal behavior patterns.</u>
 - iv. When sunlight is likely to cause heat exhaustion if an animal is outside, without sufficient shade by natural or artificial means, the owner must provide sufficient shade to protect the animal from direct sunlight.
 - b. An owner may not leave an animal outside and unattended whether they are restrained or not if the following weather conditions have been issued for the jurisdiction by the National Weather Service:
 - i. <u>a winter weather advisory, or the actual or effective outdoor windchill is</u> below 32 degrees Fahrenheit,

- ii. a heat advisory, or
- iii. a hurricane, tropical storm, flash flood or tornado warning.

c. Exemptions

- i. <u>If owner can provide shelter as indicated in section 6-76(a)(4)a., or as</u> defined in definitions under shelter, no violation exists
- ii. this section shall only apply to domesticated companion pets (e.g. cats and dogs) and does not apply to Zoo's, Zoological parks, or livestock.
- (5) veterinary care when needed to prevent suffering, and
- (6) humane care and treatment.
- (b) No person shall beat, cruelly treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any cockfight, bullfight, or other combat between animals or between animals and humans.
- (c) No owner of an animal shall abandon such animal. If an owned animal has been impounded by the animal control officer, no owner shall allow the animal to remain in the animal shelter beyond the 120-hour maximum for a licensed animal or the 72-hour maximum for an unlicensed animal, for the purpose of adopting the animal at a lower cost than the fine and fee(s).
- (d) Chickens, ducklings, or rabbits younger than eight weeks of age may not be sold in quantities of fewer than 25 to a single purchaser during traditional holiday times of the year.
- (e) No person shall give away any live animal, fish, reptile, or bird as a prize for, or as an inducement to enter, any contest, game or other competition; as an inducement to enter a place of amusement; or as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.
- (f) No person shall expose any known poisonous substance, whether mixed with food or not, so that the substance shall be liable to be eaten by any animal; provided, that it shall be lawful for a person to expose on his own property common rat poison mixed only with vegetable substance.
- (g) No person, except a person licensed by the state parks and wildlife department, shall place or set out steel jaw leg and/or neck traps with the intent of trapping any animal.
- (h) Any person who, as the operator of a motor vehicle, strikes a domestic or nondomestic animal shall as soon as practicable report such injury or death to the animal control officer or the humane society so that the animal may be picked up.
- (i) No person shall sell, trade, lease, rent, or give away any live animal on any roadside, public right-of-way, commercial or private parking lot, or on the premises of any licensed food service establishment located within the city limits.

(j) Tethering animals.

- (1) A person commits an offense if they tether an animal to a stationary object for any length of time except, as allowed by this subsection.
- (2) A "skyline" type aerial trolley consisting of a line that is strung between two (2) fixed points that are at least twenty (20) feet apart with a down line that is at least five (5) feet in length is allowed as long as the following are met.
 - a. The skyline is attached to a properly fitting collar or harness. Choke or prongtype collars are prohibited; and

- b. The skyline does not allow the animal to move outside the person's property or come within eight (8) feet of public property if tethered outside a fenced area.
- c. The area must be free and clear of debris or obstructions within ten (10) feet of the restrained animal.
- d. The area must have adequate shade and shelter for the animal.
- e. The area must have adequate food and water for the animal
- (3) An owner may not leave a dog outside and unattended by use of any restraint, tether or skyline/trolley system:
 - a. between the hours of 10 p.m. and 6 a.m.;
 - b. within 500 feet of the premises of a school;
 - c. in the case of extreme weather conditions, including conditions in which:
 - i. the actual or effective (wind chill) outdoor temperature is below 32 degrees Fahrenheit,
 - ii. <u>a heat advisory has been issued by a local or state authority or jurisdiction, or</u>
 - iii. <u>a hurricane, tropical storm, flash flood, or tornado warning has been</u> issued for the jurisdiction by the National Weather Service.
- (4) A defense to the prosecution is if an animal is being restrained by the designated custodian in the absence of the owner by use of a tether for veterinary treatment, grooming, training, law enforcement activity, or any other animal related service agreed upon with the owner.

(k) Removal of animal waste.

- (1) The owner of every animal shall be responsible for the removal of any excreta deposited by his animal(s) on public walks, recreation areas, or private property including the property of the owner.
- (2) Minimum standards of sanitation necessary to provide humanely clean conditions for both indoor and outdoor enclosures shall include periodic cleanings to remove excretions and other waste materials, and trash to minimize health hazards.

(Code 1961, § 3-10; Ord. No. 2006-51, § IV, 6-12-06)

<u>State Law reference— Cruelty to animals, V.T.C.A., Penal Code</u> § 42.09; dogfighting, V.T.C.A., Penal Code § 42.10.

Sec. 6-77. - Keeping of domestic animals.

- (a) It shall be unlawful for any person to own, keep, or harbor more than four dogs, <u>or</u> cats, <u>or</u> rabbits over three months of age at any one address or location within the city limits. It shall be an affirmative defense to prosecution under subsection 6-77(a), that the cats are feral cats in a sponsor approved trap, neuter, and return feral cat colony program.
- (b) All persons residing in the city who own one or more dogs must keep such dogs at the residential premises permanently occupied and inhabited by the dog owners. It shall be unlawful for such dog owners to keep their dogs at any other location within the city limits.

- (c) It shall be unlawful for any person who is the owner of any hog, or any person who has any hog under his management or control, to keep such hog, or allow such hog to remain, in any pen or in any other place within the city limits.
- (d) Household pets which are normally and customarily kept as household pets (including pigeons, but excluding chickens, pheasants, cows, horses, sheep, goats, rabbits, and other fowl and livestock) will be allowed in any zoning district. No person shall keep, harbor or maintain more than 75 pigeons on a single lot, parcel or tract of land. All pigeons so kept shall be confined at all times in a clean, sanitary cage or loft located at least 50 feet from any residence on adjacent property. Pigeons bearing a seamless leg band issued by a recognized association of pigeon fanciers may be released for exercise or performance, upon the condition that the owner or person having possession of such pigeons shall not permit them to alight on any structure or property of others. Livestock or other fowl may be kept in any zoning district on a tract of land containing a minimum of 40,000 square feet. Up to 50 fowl or one head of livestock may be kept for each 40,000 square feet of land on the tract. No fractional measurements of land will be allowed in computing such required land area, nor shall such fowl or livestock be allowed to roam, graze, or be housed within 100 feet of any residence on adjacent property or within 500 feet of any food service establishment or food processing establishment, regardless of ownership or occupancy of such establishments.

A person who wishes to keep or house chickens on his or her property, where that property encompasses an area of less than 40,000 square feet, shall register with the city's animal control services division and shall comply with all of the following requirements:

- (1) Keep no more than four chicken hens per lot.
- (2) The principal defined use of the person's property shall be single-family or two-family dwelling.
- (3) No person shall keep any rooster.
- (4) No person shall slaughter any hens on his or her property.
- (5) The chicken hens shall be provided with and housed inside of a covered structured enclosure at all times, which is located within the rear yard inside of a fenced perimeter enclosure. The rear perimeter fence shall be securely constructed so to keep the chicken hens separated from other animals.
- (6) A person shall not keep chicken hens in any location on the property other than in the rear yard. For purposes of this section, "rear yard" means that portion of a lot enclosed by the property's rear lot line and the side lot lines to the points where the side lot lines intersect with an imaginary line established by the rear of the single-family or two-family structure and extending to the side lot lines.
- (7) No covered enclosure shall be located closer than ten feet to any property line of an adjacent property.
- (8) All enclosures for the keeping of chicken hens shall be so constructed or repaired as to prevent rats, mice, or other rodents from being harbored underneath, within, or within the walls of the enclosure. The covered enclosure shall not be located closer than 30 feet to any residential structure on an adjacent property. Additionally, where two primary residential structures are located on a single lot, a covered enclosure shall not be located closer than 30 feet to any residential structure on the same lot, or adjoining lots.
- (9) For purposes of this section, adjacent property means all parcels of property that the property comes into contact with at one or more points, except for parcels that are

- legally adjacent to but are in fact separated from the property by a public or private street or waterway.
- (10) All feed and other items associated with the keeping of chickens that are likely to attract or to become infested with or infected by rats, mice, or other rodents shall be protected so as to prevent rats, mice, or other rodents from gaining access to or coming into contact with them.
- (11) If the above requirements are not complied with, the city may revoke any registration granted under this section and/or initiate prosecution for a criminal infraction violation.

(e) Rabbits:

- (1) A person who wishes to keep or house rabbits on his or her property, where that property encompasses an area of less than 40,000 square feet, shall register with the city's animal control services division and shall comply with all of the following requirements.
- (2) A person commits an offense if they keep, harbor, or maintain on the premises of a single residence within the city more than four rabbits and one litter of rabbits at any one time. The total number of rabbits shall not exceed the total number of animals allowed within the city limits of four. It is an exception to prosecution that the owner of the rabbits and the subject premises meet the requirements below.
 - a. Rabbits shall be kept within the residence, pens, coops, dens or hutches which meet the requirements of this chapter. A fenced yard shall not qualify as a pen, coop or hutch for purposes of compliance with this subsection.
 - b. No person shall slaughter any rabbits on his or her property.
 - c. The rabbits shall be provided with and housed inside of a covered structured enclosure at all times, which is located within the rear yard inside of a fenced perimeter enclosure. The rear perimeter fence shall be securely constructed so to keep the rabbits separated from other animals.
 - <u>d.</u> No covered enclosure shall be located closer than ten feet to any property line of an adjacent property.
 - e. All enclosures for the keeping of rabbits shall be so constructed or repaired as to prevent rats, mice, or other rodents from being harbored underneath, within, or within the walls of the enclosure. The covered enclosure shall not be located closer than 30 feet to any residential structure on an adjacent property. Additionally, where two primary residential structures are located on a single lot, a covered enclosure shall not be located closer than 30 feet to any residential structure on the same lot, or adjoining lots.
 - f. For purposes of this section, adjacent property means all parcels of property that the property comes into contact with at one or more points, except for parcels that are legally adjacent to but are in fact separated from the property by a public or private street or waterway.
 - g. All feed and other items associated with the keeping of rabbits that are likely to attract or to become infested with or infected by rats, mice, or other rodents shall be protected so as to prevent rats, mice, or other rodents from gaining access to or coming into contact with them.

- (ef) Subsections (a), (b), (c), and (d), and (e) of this section shall not apply to animal shelters, veterinary establishments, animal hospitals operated by a licensed veterinarian, or commercial animal establishments located on property zoned for such purposes. Such establishments, however, must meet sanitation requirements and keep animals securely cage or penned. The provisions of such subsections shall not be construed to prohibit any person engaged in operating any abattoir, packinghouse or stockyard from keeping livestock for a reasonable length of time while awaiting their use in connection with the operation of such abattoir, packinghouse or stockyard which had been zoned for such use.
- (fg) It is a defense to prosecution for violations of the distance and number requirements of this section, if the violating animals were kept at the violation location on the date said location was annexed by the city.

(Code 1961, § 3-11; Ord. No. 2006-51, § V, 6-12-06; Ord. No. 2013-6, § II, 1-28-13; Ord. No. 2014-58, § 8, 8-11-14)

Sec. 6-80. - Removal of animal waste.

The owner of every animal shall be responsible for the removal of any excreta deposited by his animal(s) on public walks, recreation areas, or private property including the property of the owner.

(Code 1961, § 3-14)

Sec. 6-81. - Storage of feed.

All feed provided for animals shall be stored and kept in a ratproof, fly tight building, box, container, or receptacle. Persons in charge of horse stables must carry out a continuous, active rat control program.

(Code 1961, § 3-15)



City Council Agenda Item Report 2/22/2021

550 Landa Street New Braunfels, TX

Agenda Item No. E)

Presenter/Contact

Jordan Matney, Assistant City Manager
(830) 221-4022 - jmatney@nbtexas.org

SUBJECT:

Presentation and discussion regarding the City of New Braunfels Boards and Commissions.

BACKGROUND / RATIONALE:

The City of New Braunfels currently has 31 boards and commissions. Each board and commission have term dates, term lengths, and requirements for eligibility unique to the creating ordinance, state law or by-laws of the body.

Currently, there are 6 different ways in which a member can be appointed to a board or commission. They are the following:

- 1. City Council Appointment
- 2. City Councilmember Appointment
- 3. City Manager Appointment Council Confirmation
- 4. Mayoral Appointment
- 5. Mayoral Appointment Council Confirmation
- 6. Other Appointment by Commission, Board, or Committee

Of the 31 boards and commissions 21 of them are City Council appointment. The remaining 10 follow into one of the other 5 appointment categories.

Historically, vacancies to boards and commissions are advertised for 30 days prior to the month in which they go to City Council for approval. The vacancies are listed on the City's website and posted on the bulletin board at City Hall. After the deadline listed on the posting, the City Secretary's Office will review the applications received, check to ensure applicants meet the qualifications of the board or commission and schedule the item for approval. After an individual is appointed, the City Secretary's Office will reach out to the individual and notify them of their appointment and ask that they take Open Meetings Act training and their Oath of Office.

The City Secretary's Office is currently working on several improvements including the recent procurement of Boards and Commission Management Software. The software will help the City better advertise information about Boards and Commissions to the community, will allow for a better managed application process to include email notifications to applicants, and will help streamline city administrative processes and allow for city staff to better maintain records relating to boards and commissions. In addition to the software, City staff is redesigning the application. The new application will be launched with the software in late March. Lastly, staff will be proposing city-wide term alignments so that appointments occur in the Summer and Fall versus various times throughout

the year. This will set a standard process for all Boards and Commissions which will allow the City to better advertise vacancies in the community and will streamline administrative processes.

ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:

This item is for presentation purposes only.

FISCAL IMPACT:

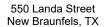
This item is for presentation purposes only.

COMMITTEE RECOMMENDATION:

This item is for presentation purposes only.

STAFF RECOMMENDATION:

This item is for presentation purposes only.





City Council Agenda Item Report 2/22/2021

Agenda Item No. A)

<u>Presenter/Contact</u> Caitlin Krobot, City Secretary (830) 221-4006 - ckrobot@nbtexas.org

City of New Braunfels, Texas

City Hall- Council Chambers
Minutes
Monday, February 8, 2021
4:00pm

City Council

Rusty Brockman, Mayor - Present
Shane Hines, Councilmember (District 1) - Present
Justin Meadows, Mayor Pro Tem (District 2) - Present
Harry Bowers, Councilmember (District 3) - Present
Matthew E. Hoyt (District 4) - Present
Jason E. Hurta (District 5) - Present
James Blakey (District 6) - Present

The meeting was called to order by Mayor Brockman at 4:02 p.m. Councilmember Bowers gave the invocation and Mayor Brockman led the Pledge of Allegiance and Salute to the Texas Flag.

1. WORKSHOP

A) Presentation and possible direction to staff to amend the existing golf cart and neighborhood electric vehicles ordinance to include off-highway vehicles.

Mayor Brockman read the aforementioned caption.

Greg Malatek presented the item.

Councilmember Hoyt arrived at 4:40 p.m.

Casey McDonald and Scott Chapman spoke on the item.

City Council provided staff direction to focus on ROV's.

2. EXECUTIVE SESSION

In accordance with Texas Government Code, Subchapter D, the City Council may convene in a closed session to discuss any of the following items; any final action or

vote taken will be in public.

NOTE: The City Council reserves the right to retire into executive session concerning any of the items listed on this Agenda whenever it is considered necessary and legally justified under the Open Meetings Act (Chapter 551 of the Texas Government Code).

There was no executive session. The meeting adjourned at 5:33 p.m.

Attest:

Caitlin Krobot, City Secretary

Rusty Brockman, Mayor

City of New Braunfels, Texas

City Hall- Council Chambers
Regular City Council Meeting Minutes
Monday, February 8, 2021
6:00pm

City Council

Rusty Brockman, Mayor - Present Shane Hines, Councilmember (District 1) - Present Justin Meadows, Mayor Pro Tem (District 2) - Present Harry Bowers, Councilmember (District 3) - Present Matthew E. Hoyt (District 4) - Present Jason E. Hurta (District 5) - Present James Blakey (District 6) - Present

The meeting was called to order by Mayor Brockman at 6:00 p.m. Councilmember Hoyt gave the invocation and Mayor Brockman led the Pledge of Allegiance and Salute to the Texas Flag.

PROCLAMATIONS:

- A) Black History Month Proclamation
- B) Teen Dating Violence Awareness Month **Mayor Brockman presented the proclamations.**

PRESENTATIONS:

A) Update from the City Manager on the City's Response to COVID-19 **Mayor Brockman read the aforementioned caption.**

Robert Camareno presented the item.

No action was taken.

B) Retiree Recognition - Alix Samuels

Mayor Brockman read the aforementioned caption.

Gretchen Pruett presented the item.

No action was taken.

Monday, February 8, 2021 New Braunfels City Council Regular Meeting

C) Presentation and discussion regarding floating vegetation mats within the Comal River system and Lake Dunlap and possible direction regarding management of floating vegetation.

Mayor Brockman read the aforementioned caption.

Mark Enders presented the item.

Alan Stegall spoke on the item. Lynn Norvell attempted to connect via zoom for comment.

No action was taken.

 D) Presentation and possible direction to staff on the establishment of a Tax Increment Reinvestment Zone policy and application process
 Mayor Brockman read the aforementioned caption.

Jeff Jewell presented the item.

No action was taken.

1. MINUTES

A) Discuss and consider approval of the minutes of the special City Council meeting of January 15, 2021 and regular City Council meeting of January 25, 2021.

Mayor Brockman read the aforementioned caption.

Councilmember Hines moved to approve the item. Councilmember Hurta seconded the motion which was approved unanimously via roll call vote.

2. <u>CITIZENS' COMMUNICATIONS</u>

This time is for citizens to address the City Council on issues and items of concerns not on this agenda. There will be no City Council action at this time.

Cheryl Fuller spoke during Citizen's Communications.

3. CONSENT AGENDA

All items listed below are considered to be routine and non-controversial by the City Council and will be approved by one motion. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which

case the item will be removed from the consent agenda and considered as part of the normal order of business.

Resolutions & Action Items

- A) Approval of a resolution, submission of an application for funding of the purchase of emergency response and rescue equipment utilizing a U.S. Department of Homeland Security, State Homeland Security Program Regular Projects Grant for Program Year 2022, and authorization for the City Manager to act on behalf of the City in all matters related to this grant.
- B) Approval of the issuance of an invitation for competitive sealed proposals on the Mission Hill Park and Structured Cabling Projects since the City Council finds that this delivery method will provide the best value to the City.
- C) Approval of a contract with QA Construction Services, Inc. for construction of Citywide Streets Projects: Union Ave. Improvements Project and Comal Ave. Improvements Project and authorization for the City Manager to approved change orders up to a twenty percent contingency, and approval of a Purchase Order with Terracon to provide Materials Testing Services as part of the 2019 Bond Citywide Street Program.
- D) Approval of a purchase from Allterra Central Inc. for forensic data collection equipment for the New Braunfels Police Department utilizing grant funding awarded by the U.S. Department of Justice, Bureau of Justice Assistance, Edward Byrne Memorial Justice Assistance Grant Program for Program Year 2021.
- E) Approval of annual routine recurring expenditures for FY 2021 in accordance with City Charter Section 9.17.
- F) Approval of the submission of an application to FEMA Fiscal Year 2020 Assistance to Firefighters Grant (AFG) Program for the purchase of Turnout Gear and miscellaneous fitness testing equipment, and authorization for the City Manager to accept funds and execute all contract documents associated with the grant if awarded.
- G) Approval of expenditure of up to \$700,000 for the acquisition of the necessary right-of-way and public utility easements from 14 parcels of land along Klein Road between Walnut Avenue and FM 725 as part of the Klein Road Phase 2 Project and authorization for the City Manager

- to execute all necessary conveyance documents.
- H) Approval of and authorization for the City Manager to execute a Memorandum of Agreement with John Gannon, Inc. for the relocation and removal of certain billboard signs.
- I) Approval of contract increase with Strategic Government Resources Inc. for continuation of services to be performed by the Interim Police Chief, for the NB Police Department.
- J) Approval to purchase nine (9) LifePak cardiac monitor/defibrillators and one (1) LifePak 15 ACLS from Stryker Medical for use by the Fire Department and declaring nine (9) Stryker LP15V/v2s as surplus.

Ordinances

(In accordance with Section 3.10 of the City Charter, a descriptive caption of each ordinance shall be read on two separate days.)

- K) Approval of the second and final reading of an ordinance ordering a Regular Election to be held in the City of New Braunfels on May 1, 2021, for Regular City Officers; and establishing an Early Voting Location and Polling Places for this Election; and making provisions for the conduct of the Election.
- Approval of the second and final reading of an ordinance ordering a special election to be held in the City of New Braunfels on May 1, 2021, for proposed amendments to the City Charter; and establishing an Early Voting Location and Polling Places for this Election; and making provisions for the conduct of the Election.
- M) Approval of the second the final reading of an ordinance amending Chapter 144, Zoning, Sections on Definitions, Zoning Districts, Walnut Special District, Land Use Matrix, Parking, Accessory Structures, and General Provisions and Exceptions for Yard Setbacks, and Rear Yard Requirements.
- N) Approval of the second and final reading of an ordinance for a proposed rezoning to apply a Special Use Permit to allow a seven-unit, townhouse style residential development on approximately 0.7 of an acre located at the southwestern terminus of the 2300 block of Michigan Street.
- O) Approval of the second and final reading of an ordinance regarding

proposed revisions to the Solms Landing Planned Development ("SLPD") concept plan and development standards, on approximately 98 acres out of the A M Esnaurizar A-20 Survey, addressed at 253 S. Kowald Lane.

- P) Approval of the second and final reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit on approximately 23 acres out of the A.P. Fuquay survey No. 35, Abstract No. 155, Comal County, Texas, located at the southwest corner of the intersection of E. Common Street and Old FM 306, to allow multifamily high-density residential use in the "C-1" Local Business District and "M-1" Light Industrial District.
- Q) Approval of the second and final reading of an ordinance regarding a proposed rezoning of 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 District.
- R) Approval of the second and final reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow duplexes in the "APD" Agricultural/Pre-Development District on approximately 0.938 acres out of the A.M. Esnaurizar Eleven League Grant, Subdivision No. 107, Guadalupe County, Texas, addressed at 187 Prairie View Lane.
- S) Approval of the second and final reading of an ordinance regarding a proposed rezoning of approximately 5.996 acres out of the Orilla Russell Survey No. 2, Abstract No. 485, Comal County, Texas, addressed at 689 Orion Drive, from "M-1A" Light Industrial District to "R-1A-6.6" Single-Family District.

Mayor Brockman read the aforementioned captions.

Councilmember Hines moved to approve the consent agenda. Mayor Pro Tem Meadows seconded the motion which passed unanimously via roll call vote.

4. INDIVIDUAL ITEMS FOR CONSIDERATION

A) Approval of the second and final reading of an ordinance regarding a proposed rezoning to apply a Type 1 Special Use Permit to allow an RV resort on approximately 28 acres consisting of Lot 1D-R Walnut

Heights Subdivision and approximately 24 acres out of the J M Veramendi A-2 Survey, located in the 700 block of N. Walnut Avenue.

Mayor Brockman read the aforementioned caption.

Christopher Looney presented the item.

The following individuals spoke on the item: Staurt Blythin, James Ingall, Molly Bursey, Leon Woolsey, Deana Gipson, Julie Woolsey, Juan Cruz, Vanessa Cruz, and Dave Cinotto.

Mayor Pro Tem Meadows moved to approve the item. Councilmember Hurta seconded the motion which passed 6-1 via roll call vote with Councilmember Blakey in opposition.

B) Approval of the second and final reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow short term rental of a single-family residence in the C-3 Commercial District, addressed at 262 East Nacogdoches Street.

Mayor Brockman read the aforementioned caption.

Christopher Looney presented the item.

Aurora Hayes spoke on the item.

Councilmember Hines moved to approve the item with a concrete apron. Councilmember Bowers seconded the motion which passed 4-3 via roll call vote with Councilmember Hoyt, Councilmember Hurta, and Councilmember Blakey in opposition.

5. EXECUTIVE SESSIONS

In accordance with Texas Government Code, Subchapter D, the City Council may convene in a closed session to discuss any of the following items; any final action or vote taken will be in public.

NOTE: The City Council reserves the right to retire into executive session concerning any of the items listed on this Agenda whenever it is considered necessary and legally justified under the Open Meetings Act (Chapter 551 of the Texas Government Code).

There was no executive session. The meeting adjourned at 8:47pm.

Date Approved: February 22, 2021

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Attest:

Caitlin Krobot, City Secretary





City Council Agenda Item Report

550 Landa Street New Braunfels, TX

2/22/2021

Agenda Item No. A)

Presenter/Contact Tony Gonzalez, Director of Information Technology (830) 221-4339 - tgonzalez@nbtexas.org

SUBJECT:

Approval of a contract with Sequel Data Systems Incorporated, in the amount of \$147,924 for the purchase of a video archiving network.

BACKGROUND / RATIONALE:

The current system for video storage is 6 years old and has no additional expansion capability. This new system will provide a more current technology solution, with much larger expansion capabilities, allowing the City to continue with storage of an increasing amount of video from in-field cameras. Evidence laws and best practices for video storage continue to create increased demands in the amount of data storage required to retain video for prosecution, case files, etc. A newer technology will be useful in allowing a more scalable solution, in addition to possible cloud storage options in the future.

Sequel Data Systems Incorporated is a participant if the Department of Information Resources (DIR) cooperative contract. Therefore, utilizing the DIR cooperative agreement satisfies our procurement obligation.

ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:

X	Yes	City Council Priority 3	Effective Management

FISCAL IMPACT:

Funding for this project has been incorporated into the recently issued 2020 Tax Note. Therefore, sufficient funds are available.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval



City Council Agenda Item Report

550 Landa Street New Braunfels, TX

2/22/2021

Agenda Item No. B)

PRESENTER:

Tony Gonzalez, Information Technology Director

DEPARTMENT: Information Technology

SUBJECT:

Approval of a contract with GIS, Inc in the amount of \$40,500 for the implementation of a new credit card processor, Card Connect, to be used with the Cityworks software application.

COUNCIL DISTRICTS IMPACTED: All

BACKGROUND INFORMATION:

In December of 2020, City Council approved the implementation of a credit card processing reimbursement fee for the use of credit and debit cards. Subsequently, this requires a significant change in the credit card processor the City is using and how it interacts with various software in use across the City. Specifically, the City requires assistance in developing the necessary application integration to allow the Cityworks application to capture these fees with the credit card processor. The Cityworks software handles the permitting, licensing and development process for the City.

This integration is required in order to implement the reimbursement fee, reconciliation data and revenue reporting requirements with the new current credit card processor and Cityworks. This project will also develop the option for users of Cityworks to pay by e-check, thus eliminating the collection of a reimbursement fee.

These services are being procured through GSA schedule contract, thereby satisfying competitive procurement requirements. The projected cost of the implementation is \$40,500.

ISSUE:

To implement the recently approved credit card reimbursement fee, third party modifications to Cityworks is needed. Cityworks is the software that supports permitting, licensing and development services.

FISCAL IMPACT:

Funding to support this expenditure is allocated within the Development Services Fund. Therefore, sufficient funds are available.

RECOMMENDATION:

Staff recommends approval of this contract with GIS, Inc.



City of New Braunfels, TX Card Connect Integration with Cityworks PLL

GISinc GSA Contract Schedule 70 GS-35F-0682R

January 26, 2021

Point of Contact

Greg Hymel

Account Executive

GISinc - State & Local Government
p: 205.725.5858
e: greg.hymel@gisinc.com

Geographic Information Services, Inc. (GISinc)

2100 Riverchase Center, Suite 105 Birmingham, AL 35244 p: 205.941.0442 | f: 205.982.7733 w: gisinc.com



GISinc GSA Contract Schedule 70 GS-35F-0682R

January 26, 2021

JC McConnell Business Analyst/Information Technology City of New Braunfels, TX 550 Landa Street New Braunfels, Texas 78130

Dear JC,

Geographic Information Services, Inc. (GISinc) is pleased to submit this proposal to provide Integrations Services between Card Connect and Cityworks PLL.

With increased credit card transaction fees, the City is seeking to streamline credit card processing workflow to reduce growing expenses. GISinc will integrate Card Connect with Cityworks to replace the out-of-the-box payment gateway configuration of Authorize.net, including the recent expanded data capturing customization to enable enhanced transaction reconciliation required by the City.

I hope you find this information helpful. If I can provide further assistance, please do not hesitate to contact me.

Thank you again for your interest. We look forward to working with you.

Sincerely,

Greg Hymel

Account Executive
Geographic Information Services, Inc.

2100 Riverchase Center, Suite 105 Birmingham, AL 35244

p: (205) 725-5858 | e: greg.hymel@GlSinc.com

Project Management

GISinc's project management and project approach includes people, processes, and technology that are designed to make sure that our customers receive outstanding value. The approach is simple, but effective and is based on managing projects according to five (5) key phases with constant communication throughout. Our aim is to be sure that you, as a client, are never wanting for information regarding the state of the project.

- Project Kickoff Meeting. GISinc will schedule a kickoff meeting with the City as part of initiating any
 project to identify tasks, billing procedures, and establish a communication plan for coordinating the
 activities of the project as well as status reporting. During the kickoff meeting we will also set a
 schedule for a bi-weekly project meeting. We will employ our internal project controls to manage the
 project budget and schedule.
- Project Reviews. The bi-weekly project review meeting schedule established during the kickoff meeting will be used to identify upcoming tasks, review decisions points, and discuss overall status for the project. The specific day of the week for the project meetings will be determined collaboratively by the project team. As part of each project review meeting, GISinc will send the City a current status report document that includes detailed information on schedule and budget progress, tasks completed, upcoming milestones and more. We will use the project review meeting to walk through the status report and look ahead to identify any potential project issues and mitigation procedures.
- Budget & Schedule. GISinc builds-out a detailed project schedule prior to initiating work, the format of which is scaled to the magnitude of the project at hand. Each task is assigned a number of hours, budget, and date to complete. The project information is tracked with GISinc's financial package, Unanet. Unanet is used throughout the project to document hours used by each GISinc staff member at a task level. The billing process varies based on the type of project (firm fixed or time and materials).
- Closure Letter & Satisfaction Survey. Upon completion of work, GISinc will send an email to the City
 asking for documentation that they consider the project complete and are satisfied with the
 deliverables. GISinc does not consider a project closed until this confirmation is received.



Project Execution

Design Phase

The Design Phase is where we focus on establishing the background that will drive the project forward and is a critical step before moving on to the development process. GISinc will work with the City and Card Connect on relevant considerations such as system architecture, configuration requirements, and functional requirements for Cityworks PLL, along with compiling or creating all associated documentation, which will be reviewed and approved by City of New Braunfels staff. The specific approach to gather requirements will be tailored to the project to ensure the most productive and accurate result, and may include phone discussions, demonstrations, workshops, and onsite interviews and working sessions.

Key Activities:

- Coordination with Card Connect and the City to crosswalk API requirements and data being passed between applications
- Layout of payment page design

Development Phase

Not all projects represent traditional development efforts, but this phase refers more generally to the primary or core tasking, where the product(s) detailed within the Design Phase comes to life. Development can also be considered a reference to the environment, in a way, since much of the work completed within this phase would be carried out in a lower tier separated (ideally) from any production system to mitigate the potential for end user disruption. The documentation refined within the Design Phase will guide the work completed in the Development Phase and upon completion, this phase will result in a completed product ready for client and user testing.

Key Activities:

- Create a payment form leveraging the Card Connect is API
- Custom report development (up to 8 hours)
- Overwrite Cityworks Public Access core functionality to replace calls to default payment gateway with calls to Card Connect
 - Validate payment request
 - Redirect user to CW payment success page
 - Replicate/leverage previous expansion data collection development
- Create eCheck handling

Testing Phase

The Testing Phase really focuses on City review and approval of the target product or system prior to planning the implementation into the production environment. The user acceptance testing process is a collaborative effort between GISinc and the City wherein we provide the necessary documentation or training to allow City staff to evaluate the deliverable(s) against the configuration documentation presented and approved by the City during the Design Phase. Any feedback provided by the City is tracked by GISinc staff within our issue tracking system (JIRA) where each report will be evaluated, and the



appropriate action determined to obtain satisfactory resolution. JIRA will be used to report and communicate the status of all incidents and any actions taken or required. This may result in an iterative process until the City deems the product or system to meet the approved configuration outline and authorizes the release to production.

Key Activities:

- One (1) round of revisions following a 5-day testing period by City of New Braunfels staff
- Clearly documented web service and design

Implementation Phase

The final phase of any project is the implementation of the product or system into the production environment. In some cases, certain aspects or tasks of the Development Phase may be repeated in order to construct the necessary target environment, but much of the core effort of deployment will be specific to the system or product(s) being released. Depending on the nature of the individual project, a key part of the Implementation Phase may be a more formalized training for users, be that administrators, end users or both. The degree of ongoing, or post implementation, support will vary by project and will be determined collectively by the GISinc and City's project team.

Key Activities:

• Deployment of custom web service into the production Public Access Environment

Assumptions

- The City will acquire all necessary Cityworks licensing prior to implementation, including any required APIs.
- The City is responsible for providing testing feedback within 5 days following the testing release.
- The City recognizes that the custom develop web service may not be compatible with future versions of Cityworks.
- The development of available data is limited to what Card Connect exposes as a response.
- GISinc will include one round of revisions.
- GISinc may require access to the City of New Braunfels Card Connect account.
- City of New Braunfels is responsible for creating reports.
- GISinc will require access to the test/dev and production environments.
- Confidential personal information from the payment transaction will continue to be isolated with Card Connect.



1. Price & Schedule

GISinc proposes the following firm fixed price pricing to accomplish the tasking referenced above

Cityworks/Card Connect Integration	\$40,500
TOTAL	\$40,500

City of New Braunfels

Amount:	\$40,500
Signature:	
Name:	
Title:	
Date:	

Quotation Terms and Conditions

This confidential quotation is valid for thirty (30) days unless otherwise stated and does not include shipping or tax unless otherwise stated. This contract will expire one year after signature. This quotation information is proprietary and may not be copied or released other than for the express purpose of system and service selection and purchase. This information may not be given to outside parties or used for any other purpose without written consent from Geographic Information Services, Inc. (GISinc).

Time and Materials Payment Terms: Client will be billed monthly for all travel expenses and labor costs based on hours worked. Client agrees to NET 30 terms after receipt of invoice on this GIS support block. Supporting details will be provided in the monthly status report to detail the hours, rates, and deliverable(s) performed during the preceding month.



Standard Terms and Conditions

These standard terms and conditions ("Terms and Conditions") apply to any proposal, quotation and the resultant agreement relating to products and services sold by Geographic Information Services, Inc ("GISinc") to a customer ("Customer"). These Terms and Conditions, together with the proposal, quotation and contract, including any statement of work, herein SOW, shall constitute the entire agreement ("Agreement") between the parties.

These Terms and Conditions are governed by the terms of the applicable License Agreement for any incorporated software ("License Agreement"). Capitalized terms used and not otherwise defined herein shall have the respective meaning set forth in the License Agreement.

1. GENERAL PROVISIONS.

This proposal including the SOW and all Terms and Conditions set forth herein, constitutes the entire agreement between GISinc and Customer. The Terms and Conditions of the proposal shall govern and control the terms of any purchase order or purchase confirmation form from the Customer. Customer acknowledges that GISinc has not authorized any of its sales agents or representatives to make any representations, warranties or agreements on behalf of, or to bind GISinc in any way. This confidential proposal is valid for thirty (30) days and unless otherwise stated.

2. SCOPE OF SERVICES.

During the term of the Agreement, GISinc shall furnish the services in accordance with the SOW set forth in the proposal.

3. WORK PERFORMANCE.

GISinc agrees that all work performed hereunder shall be performed on a best effort basis by GISinc's staff having an appropriate experience and skill level, and in compliance with the SOW.

4. TAXES.

Unless this Agreement specifies otherwise, the price included in the proposal does not include, and Customer is liable for and shall pay, all taxes, impositions, charges, and exactions imposed on or measured by this Agreement. Prices shall not include any taxes, impositions, charges, or exactions for which Customer has furnished a valid exemption certificate or evidence of exemption.

5. CHANGES.

No changes, modification, amendment shall be binding upon GISinc unless otherwise agreed to in writing. Customer's authorized representative may in writing, direct changes within the general scope of the Agreement. If such change increases or decreases the cost or time required to perform this Agreement, Customer and GISinc shall negotiate an equitable adjustment in the price and schedule to reflect the

appropriate change. GISinc shall adjust the proposal to reflect the change. Customer shall modify any purchase order or confirmation form and reissue to GISinc accordingly.

6. INVOICE AND PAYMENT.

Customer shall pay GISinc within thirty (30) days after receipt of invoice or as per the terms indicated in the proposal. GISinc will bill Customer monthly for all travel expenses and labor costs based on hours worked.

7. CANCELLATION.

Customer shall provide thirty (30) days written notice to GISinc prior to canceling an order. Customer will compensate GISinc for all authorized services satisfactorily performed through the cancellation date under the payment terms in section 6 of these Terms and Conditions.

8. ASSIGNMENT.

Neither party shall assign any of its rights or interest in this Agreement or subcontract all or substantially all of its performance of this Agreement without the other party's prior written consent.

9. INDEMNITY.

To the extent allowed under Texas law, the parties shall indemnify and hold harmless the other, its officers and employees from and against damages, claims liabilities, fines, penalties and expenses (to include reasonable attorney's fees) due to its negligent acts, willful misconduct, errors or omissions of any GlSinc employee during the performance of its obligations hereunder that arise out of (1) injuries or death to persons or damage to property, (2) services and/or deliverables agreed to under this order (3) violation of any federal, state, county or municipal laws. GlSinc's total liability to Customer for any reason shall not exceed the total amount paid to GlSinc by Customer for the services provided under this Agreement.

GlSinc's duty to defend and hold harmless Customer shall not apply to any liability claim for damages or injuries arising from or as a result of the negligence of Customer or employees / agents of Customer.

Version 1.0 08Jan2019

GISinc shall have no liability for any claim of infringement to the extent based on (1) the use of a superseded or altered version of any GISinc provided product or framework or (2) the combination, operation or use of the GISinc provided product with software, hardware or other materials not furnished or authorized to be used by GISinc.

To the extent permitted by law, in no event shall either party be liable to the other for any lost revenues, lost profits, incidental, indirect, consequential, special or punitive damages of any kind.

10. WARRANTY.

GISinc warrants that it will perform the services in good faith and in conformance with professional industry standards. All GISinc employees, that work on the project, shall have the knowledge, education, training, skills and experience of the subject matter to which they will be performing services.

GlSinc warrants the completed application against bugs and defects for a period of 30 days after acceptance. Ongoing support, functional enhancements, or performance issues caused by a change in the customer's IT environment are not included in the warranty. Coverage for these items will require a separate agreement.

11. LIMITATION OF LIABILITY.

NOTWITHSTANDING ANY OTHER PROVISION HEREOF, GISINC SHALL NOT BE LIABLE FOR ANY CONSEQUENTIAL, SPECIAL, INDIRECT, INCIDENTAL, PUNITIVE OR EXEMPLARY LOSS, DAMAGE, COST OR EXPENSE (INCLUDING, WITHOUT LIMITATION, LOST PROFITS AND OPPORTUNITY COSTS), EVEN IF THE CUSTOMER HAS BEEN ADVISED, OR SHOULD HAVE KNOWN OF THE POSSIBILITY OF SUCH DAMAGES. GISINC'S AGGREGATE LIABILITY FOR DAMAGES ARISING OUT OF, RELATING TO OR IN ANY WAY CONNECTED WITH THE RELATIONSHIP OF THE PARTIES, THIS AGREEMENT, ITS NEGOTIATION OR TERMINATION, OR PURSUANT TO ANY SOW (WHETHER IN CONTRACT OR TORT) SHALL IN NO EVENT EXCEED THE AMOUNT OF FEES RECEIVED BY GISING FROM CUSTOMER PURSUANT TO THE APPLICABLE SOW UNDER WHICH THE ALLEGED LIABILITY AROSE.

12. FORCE MAJEURE.

Neither party will be liable to the other for delays in performing any obligations under the Agreement due to circumstances beyond its reasonable control, including but not limited to revolts, insurrections, riots, wars, acts of enemies, national emergency, strikes, floods, earthquake, embargo, inability to secure materials or transportation, and acts of God, and other events beyond the reasonable control of the parties caused by nature or governmental authorities.

13. SERVERABILITY.

If any provision of the Agreement is found to be invalid, illegal or unenforceable, then, notwithstanding such invalidity, illegality or unenforceability, the Agreement and the remaining provisions shall continue in full force and effect. In this event the parties will agree upon a valid, binding and enforceable substitute provision which shall be as close as possible to the commercial interests of the invalid or unenforceable provision.

14. GENERAL SERVICES ADMINISTRATION SCHEDULE

As indicated in the proposal, if applicable, this Agreement incorporates and shall be governed by the terms of a General Services Administration ("GSA") Schedule entered by GISinc and the United States Government. GISinc's GSA Schedule number: GS-35F-0682R.

15. GOVERNING LAW.

This Agreement and any disputes arising out of, or relating to, this Agreement shall be governed by the laws of the State of Texas without regard to the conflict of law rules thereof, provided that (i) contract provisions that have been incorporated directly from or by express reference to the Federal Acquisition Regulations ("FAR"), FAR supplements or GSA schedule terms, (ii) contract provisions that have been flowed down from a contract with the U.S. Government, and

(iii) the Changes and Termination for Convenience articles, shall be construed and interpreted according to the federal common law of government contracts, as enunciated and applied by federal judicial bodies, boards of contract appeals, and quasi-judicial agencies of the federal government.

16. DISPUTE RESOLUTION.

<Reserved>.

17. OTHER.

This Agreement shall be governed by and constructed in accordance with the laws of the State of Texas without regard to conflicts of laws provisions thereof.

Version 1.0 08Jan2019

Both GISinc and Customer will comply with all laws applicable to the Agreement.

All notices given under the Agreement will be effective wen received in writing. Notices to the Customer and GlSinc will be sent to the address provided in the proposal.

Changes to the Agreement must be in writing and must be signed by both parties.

18. COMPLETE AGREEMENT.

Customer acknowledges that it has read the Agreement, understands it and agrees to be bound by its Terms and Conditions. This contract contains the entire agreement of the parties and supersedes any and all prior agreements, understandings and communications between Customer and GlSinc related to the subject matter of this contract. No amendment or modification of this contract shall bind either party unless it is in writing and is signed by Customer's authorized representative and an authorized representative of GlSinc.



550 Landa Street New Braunfels, TX

2/22/2021

Agenda Item No. C)

Presenter/Contact Jennifer Cain, Capital Programs Manager (830) 221-4646 - jcain@nbtexas.org

SUBJECT:

Approval of a contract modification for MAC, Inc for final close-out of the MPO City Wide Sidewalk Project and the appropriate budget amendment.

BACKGROUND / RATIONALE:

The City Wide Sidewalk Project was selected by the AAMPO for improvement to the City's overall pedestrian improvement plan through the Transportation Alternative Set-

Aside (TASA) reimbursement program. The Local Project Advanced Funding Agreement (LAFA) plan states that the Local Government, the City, must initially pay for all construction costs and then submit monthly reimbursement applications to the State, as the federal liaison. Reimbursement payments will be made up to 80% of the overall construction costs with the maximum federal participation of \$1,213,369 of these costs.

The initial contract with MAC, Inc. was for \$1,438,966 which include a seven percent contingency. Staff is requesting a contract modification in the amount of \$25,000, to support close out of this project due to the addition of commercial driveways and retaining walls that were not part of the original scope but were needed as field adjustments to make the sidewalk ADA compliant and/or for safety. At the time of bid opening, the lowest responsible bidder, MAC, Inc, came in under our original budget and under the maximum federal participation amount. As part of the LPAFA the City will be reimbursed \$20,000 of this modification as an approved change to the contract.

Budget Amendment - There is approximately \$23,500 in uncommitted funds within the existing project to support these improvements. To support the final change order and close out invoice, the following minor budget amendment is recommended for City Council consideration.

2013 Bond Program Fund

From: Proposition 1 Staffing Costs/Contingencies \$1,500

To: MPO/TXDOT Partnership Improvements \$1,500

ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:

X	Yes	City Plan/City Priority	Continue an ongoing program of infrastructure and
			maintenance

FISCAL IMPACT:

There are sufficient funds available in the 2013 bond program fund to support the budget amendment. As it mentions, 80% of the total construction costs will be reimbursed through the MPO.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends the approval of the contract modification for close-out of the MPO City Wide Sidewalk Project and the appropriate budget amendment.



550 Landa Street New Braunfels, TX

2/22/2021

Agenda Item No. D)

Presenter/Contact Garry Ford, Assistant Public Works Director/City Engineer (830) 221-4020 - gford@nbtexas.org

SUBJECT:

Approval of the Final Addendum to the Development Agreement for Roadway Impact Fee Offsets between the City of New Braunfels and Milestone Crest Investments, LTD authorizing payment of excess costs of constructing Pahmeyer Road within the Silos Subdivision and authorizing the city manager to execute the agreement.

BACKGROUND / RATIONALE:

On October 11, 2017, the City of New Braunfels and Milestone Crest Investments, LTD entered into a Development Agreement and Settlement Agreement to settle all disputes concerning development and approval of the Silos Subdivision pertaining to the construction and dedication of right-of-way for a minor collector street within the subdivision and offsets against roadway impact fees due.

The City of New Braunfels and Milestone Crest Investments, LTD have negotiated a Final Addendum to the Development Agreement for the payment of the excess cost of constructing the minor collector street within the subdivision over the cost of constructing a local street for the Silos Subdivision Units 1 and 2 in the amount of \$174,454.00 and Unit 3 in the amount of \$59,331.29. The minor collector street for all units has been constructed and accepted by the City in accordance with the City of New Braunfels Code of Ordinances and sufficient roadway impact fees have been collected to pay the excess costs which are \$233,785.29.

ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:

N/A

FISCAL IMPACT:

Milestone Crest Investments, LTD will receive payment of \$233,785.29 from Roadway Impact Fees Fund Service Area 5. The current balance of Roadway Impact Fees Fund Service Area 5 is \$1,788,803.71.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the Final Addendum to the Development Agreement for Roadway Impact Fee Offsets between the City of New Braunfels and Milestone Crest Investments, LTD.

FINAL ADDENDUM TO DEVELOPMENT AGREEMENT FOR ROADWAY IMPACT FEE OFFSETS

WHEREAS, the City of New Braunfels, Texas ("City"), a Texas municipal corporation, and Milestone Crest Investments, LTD a Texas limited liability company ("Developer") have entered into the following agreements: Development Agreement for Roadway Impact Fee Offsets ("Development Agreement") and Settlement and Release Agreement ("Settlement Agreement") on or about October 11, 2017.

WHEREAS, the City and Developer entered into the Development Agreement and Settlement Agreement to settle all disputes concerning development and approval of the Silos Subdivision, Units 1 and 2 and any additional Units, now Unit 3, developed pursuant to the now revised Master Plan for the Silos Subdivision, pertaining to the real property described in the Development Agreement, including but not limited to the construction and dedication of right-of-way for a minor collector street therein and offsets against roadway impact fees due for each of the single family residential (detached) lots within Units 1, 2, and now Unit 3.

WHEREAS, the City and Developer desire to amend the Development Agreement as set forth in this Final Addendum to Development Agreement for Roadway Impact Fee Offsets, as provided in paragraph 4, that as Additional Units may be finally platted, subject to the contribution of Additional Improvements, the verified costs of the Additional Improvements shall be applied against roadway impact fees otherwise due for the Additional Lots, subject to execution of an addendum to the Development Agreement. ("Final Addendum"); and

WHEREAS, the dedication of land and construction of additional improvements for Pahmeyer Road ("Additional Improvements") associated with the final plat of additional units of The Silos subdivision, as shown in **Exhibit A**, are entitled to offsets against roadway impact

fees upon verification of costs in accordance with the procedures applied to land and improvement costs for Units 1 and 2; and

WHEREAS, the Revised Master Plan for The Silos, as shown in **Exhibit B**, was administratively approved by the City on January 18, 2018; and

WHEREAS, the Developer submitted an application for platting the Silos Subdivision, Unit 3, for 101 single-family residential lots (the "Plat"); and

WHEREAS, the Plat, as shown in **Exhibit C**, was approved by the City's Planning Commission subject to conditions on January 9, 2018; and

WHEREAS, the Traffic Impact Analysis Worksheet, as shown in **Exhibit D**, was approved with the Plat and showing 101 peak hour trips for Unit 3; and

WHEREAS, the Plat is subject to the requirement that sections of Pahmeyer Road (the "Subdivision Road") abutting or interior to the Plat be constructed to minor collector specifications, and as necessary the dedication of additional right-of-way, pursuant to Chapter 118 of the City Code of Ordinances, Section 118-46; and

WHEREAS, the "Excess Cost" of constructing the Subdivision Road within or abutting the Plat to minor collector specifications, as shown in **Exhibit E**, over the costs of constructing a local street section, is \$59,331.29; and

WHEREAS, the total amount of roadway impact fees due by the builders of 101 single-family residential (detached) lots subject to the Plat is \$189,375.00 as shown on the Roadway Impact Fee Calculation Worksheets attached hereto and incorporated herein by reference as **Exhibit F**; and

WHEREAS, the City desires to offset the Excess Cost against roadway impact fees due upon the construction, dedication to the City and acceptance by the City of the Subdivision Road which has now been completed; and

WHEREAS, the Developer has completed all the Additional Improvements on the Subdivision Road as required for Units 1, 2, and 3, and the City has approved and accepted the dedication of such Additional Improvements; and the City has collected sufficient roadway impact fees to reimburse the Developer for such offsets for Excess Costs.

NOW, THEREFORE, the parties agree as follows:

- 1. Developer has constructed the Subdivision Road required by the Plat to the City's minor collector specifications and has offered to dedicate such road to the City which the City has accepted.
- 2. Developer has constructed the Additional Improvements for the portion of the Subdivision Road associated with Unit 3 to the City's specifications and offered to dedicate such road to the City, the Excess Cost for Unit 3 that has been previously paid to the City at the time of issuance of a building permit shall be reimbursed to the Developer. In no event shall the City be required to reimburse all or a portion of the Excess Cost not previously paid to the City by the Developer. Sufficient Roadway Impact Fees have been collected to pay Developer for Unit 3 Excess Costs in the amount of \$59,331.29.
- 3. Likewise, Developer has met the obligations to construct the Additional Improvements for the portion of the Subdivision Road associated with Units 1 and 2 to the City's specifications and offered to dedicate such road to the City. The Excess Cost for Units 1 and 2 that has been previously paid to the City at the time of the issuance of building permits shall be reimbursed to Developer as set forth in the Development Agreement. In no event shall the City be required to

reimburse all or a portion of the Excess Cost not previously paid to the City by the Developer. Sufficient Roadway Impact Fees have been collected to pay the Developer for Units 1 and 2 Excess Costs which are \$174,454.00.

- 4. Developer and City hereby covenant and agree that this Final Addendum to the Development Agreement cannot be assigned, transferred, or conveyed, in whole or in part, to a third party without the prior written consent of the other party, except that the benefit of the Offsets Credit assigned to each lot shall run with the land and be automatically transferred to the new owner in connection with the conveyance of each lot subject to the Replat.
- 5. All other non-conflicting provisions of the Development Agreement and Settlement Agreement shall apply to this Final Addendum. In the event of a conflict, the Final Addendum shall control.
- 6. The City and Developer agree that with the revised Master Plan, Exhibit B and with the Plat for Unit 3 Exhibit C, no other additional unit of the Property, known as the Silos Subdivision, is or will be eligible for a claim for any further offsets for Excess Costs from roadway impact fees collected for the Property.
- 7. The City and Developer agree that with payment to the Developer of the Excess Costs for Unit 3 in the amount of \$59,331.29 and for Units 1 and 2 in the amount of \$174,454.00 that all duties and obligations set forth in this Final Addendum, the Development Agreement and Settlement Agreement have been satisfied and no claims remain existing between the two parties. Payment shall be tendered after approval by the City Council of this Final Addendum and within 14 days after the complete execution of this Final Addendum.
- 8. Therefore, in consideration of the premises, mutual promises, and covenants contained herein, **Developer**, on behalf of itself and its agents, predecessors, successors, assigns, legal

representatives and affiliates, **RELEASES**, **ACQUITS**, **FORGIVES**, **AND FOREVER DISCHARGES**, the **City** and its officers, agents, and employees, elected or appointed officials, predecessors, successors, assigns and legal representatives, (the "**Released City Parties**"), jointly and severally, each and all other them, of and from any and all debts, liabilities, claims, controversies, actions, causes of action and demands of every kind and character whatsoever, known or unknown, suspected or unsuspected that **Developer** has, claims to have or may hereafter have arising out of or related to the Final Addendum, Development Agreement or Settlement Agreement. This foregoing paragraph shall not be effective until the tender of payment of the Excess Costs by the City to the Developer in the above paragraph.

9. Therefore, in consideration of the premises, mutual promises, and covenants contained herein, City, on behalf of itself and its agents, predecessors, successors, assigns, legal representatives and affiliates, RELEASES, ACQUITS, FORGIVES, AND FOREVER DISCHARGES, Developer and its agents, predecessors, successors, assigns and legal representatives, (the "Released Developer Parties"), jointly and severally, each and all other them, of and from any and all debts, liabilities, claims, controversies, actions, causes of action and demands of every kind and character whatsoever, known or unknown, suspected or unsuspected that City has, claims to have or may hereafter have arising out of or related to the application of the Final Addendum, Development Agreement or Settlement Agreement. This foregoing paragraph shall not be effective until the tender of payment of the Excess Costs by the City to the Developer in the above paragraph

10. This Final Addendum is made subject to the existing provisions of the Charter of the City of New Braunfels, its rules, regulations, procedures, and ordinances, present and future, and all applicable laws of the State of Texas and the United States. The parties agree that this Final Addendum will be performable in New Braunfels, Texas, and that if legal action is necessary to enforce this Agreement, exclusive venue will lie in Comal County, Texas.

11. All notices required under this Final Addendum to be written shall be mailed, hand-delivered, or faxed to the respective parties at the addresses shown below, unless either party notifies the other party in writing of a change in address:

City:

City Engineer City of New Braunfels 550 Landa Street New Braunfels, Texas 78130 Fax: 830-608-2217

With a copy to:

City Attorney City of New Braunfels 550 Landa Street New Braunfels, Texas 78130 Telephone 830-221-4281

Developer:

Milestone Crest Investments, GP, LLC P.O. Box 6862 San Antonio, Texas 78209

With Copy to Milestone Crest Investments Ltd. 9800 Richmond Avenue, Suite 490 Houston, Texas 77042 12. This Final Addendum may be amended only by the written agreement of the parties.

13. In the event that any one or more of the provisions contained in this Final Addendum

shall for any reason be held invalid, illegal or unenforceable in any respect, such invalidity,

illegality, or unenforceability shall not affect any other provision thereof, and this Final Addendum

shall be considered as if such invalid, illegal or unenforceable provision had never been contained

in the Final Addendum.

14. The findings in the recitals of this Final Addendum are hereby found to be true and

correct and are hereby incorporated by reference as is set out in full.

15. This Agreement shall be effective upon the signature of all Parties hereto. The City

shall be the last Party to execute the Final Addendum.

APPROVED AS TO FORM:

Valeria M. Acevedo, City Attorney

CITY OF NEW BRAUNFELS, TEXAS:

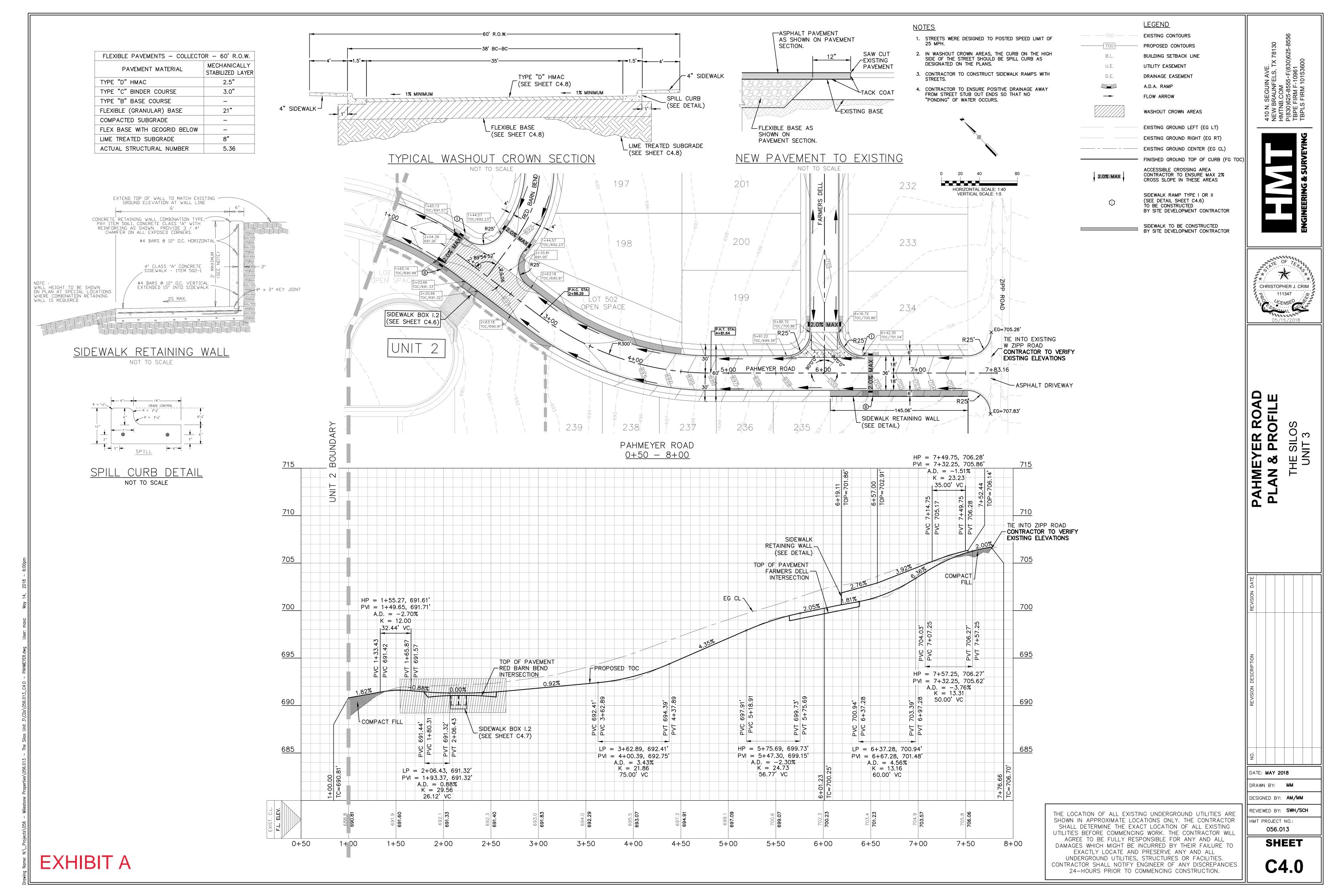
	•	pert Camareno y Manager	
	DATE:		
	ACKNOWLEDG	EMENT	
STATE OF TEXAS	\$ \$ \$		
COUNTY OF COMAL	§ §		
Before me,	mareno, City Manager name is subscribed to	for the City of New I the foregoing instrum	nent and acknowledged
Given under my hand a	and seal of office this _	day of	, 2021.
		Notary Public,	State of Texas

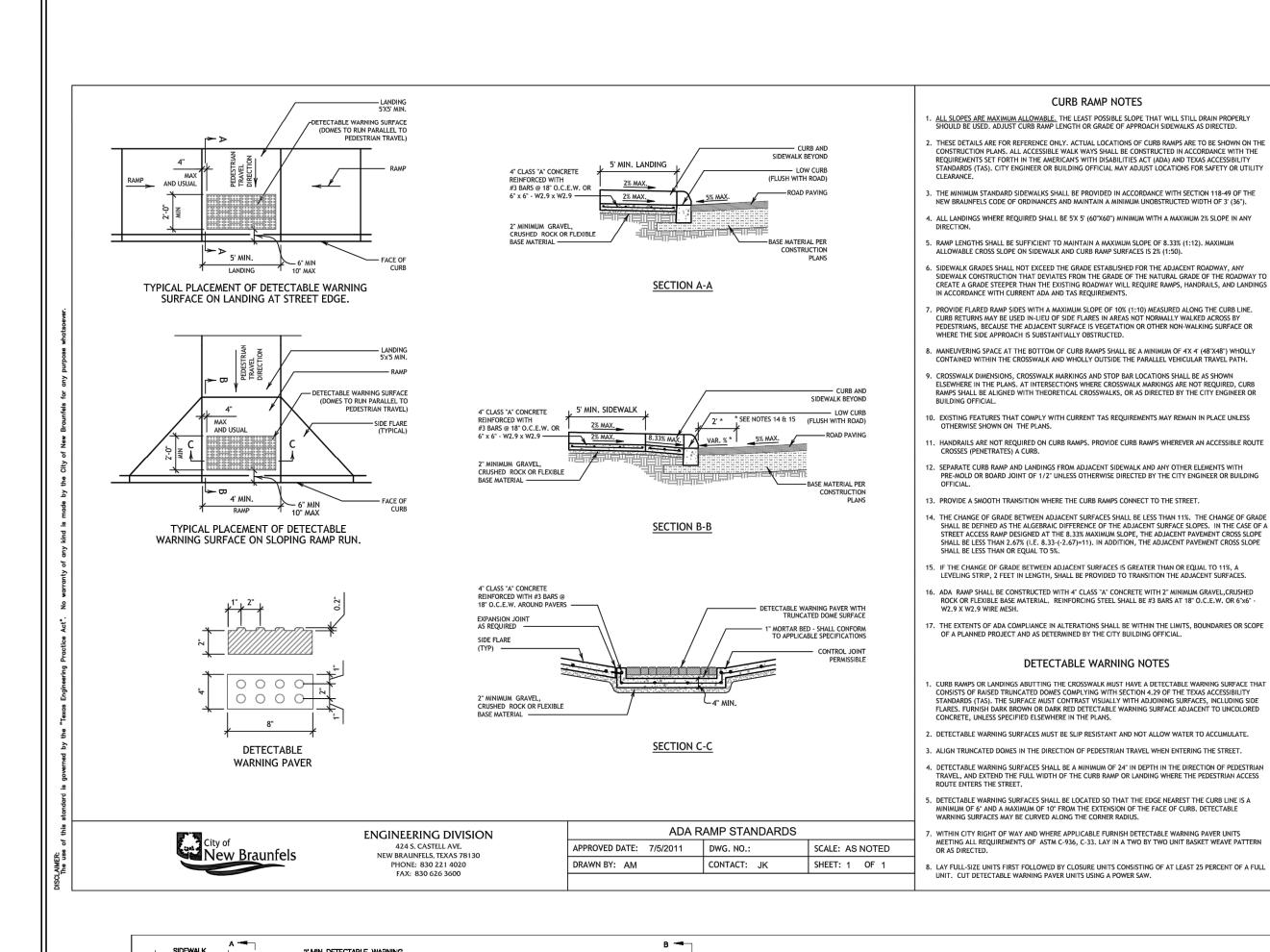
By: Manager of Milestone Crest Investments, LTD
DATED:

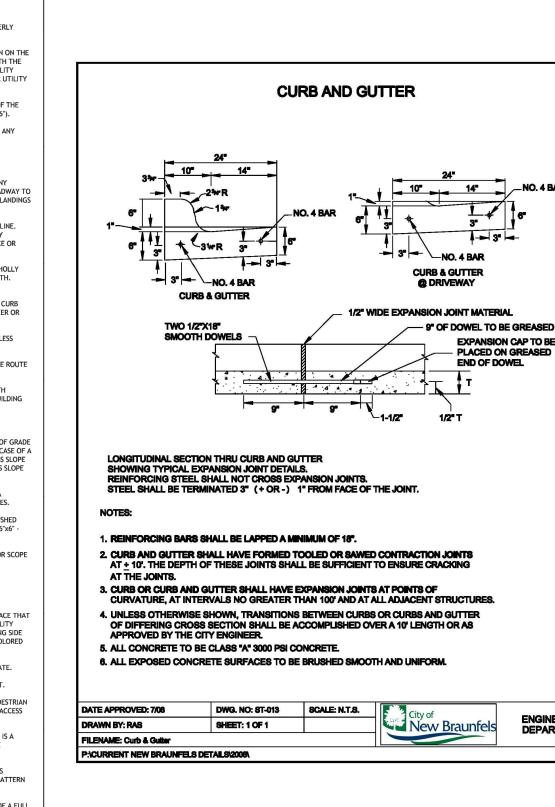
ACKNOWLEDGEMENT

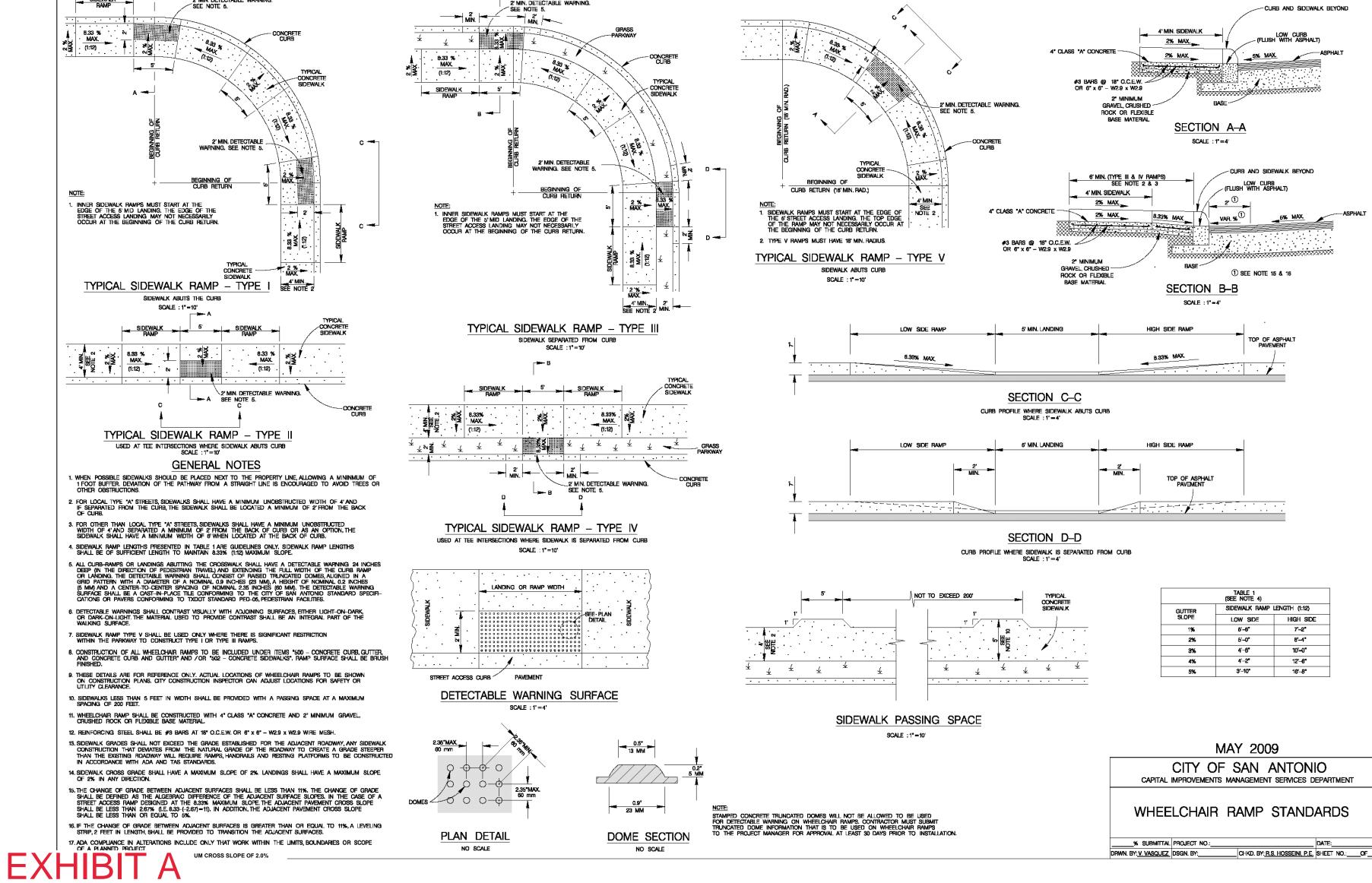
DEVELOPER:

STATE OF TEXAS	§ 8		
COUNTY OF	 		
Before me, personally appeared to me to be the person whose nate to me that he/she executed the sa	, Manager o me is subscribed to th	f Milestone Crest Inve e foregoing instrume	estments, LTD, known nt and acknowledged
Given under my hand and	d seal of office this	day of	, 2021.
		Notary Public, S	tate of Texas



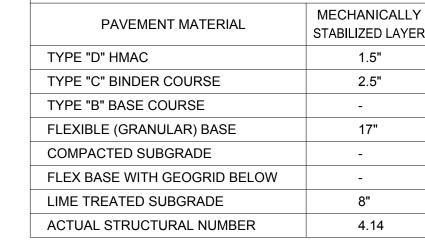






CURB RAMP NOTES

DETECTABLE WARNING NOTES



FLEXIBLE PAVEMENTS - LOCAL ROAD - 50' R.O.W.

	FLEXIBLE PAVEMENTS - COLLECTOR - 60' R.O.W.										
LY ⁄ER	PAVEMENT MATERIAL	MECHANICALLY STABILIZED LAYER									
	TYPE "D" HMAC	2.5"									
	TYPE "C" BINDER COURSE	3.0"									
	TYPE "B" BASE COURSE	-									
	FLEXIBLE (GRANULAR) BASE	21"									
	COMPACTED SUBGRADE	-									
	FLEX BASE WITH GEOGRID BELOW	-									
	LIME TREATED SUBGRADE	8"									
	ACTUAL STRUCTURAL NUMBER	5.36									

R.O.W. R.O.W. 37.00' BC-BC PARKWAY **PARKWAY** 2% MIN. GUTTER GUTTER GRASS SIDEWALK CONCRETE TYPICAL COLLECTOR SECTION - 60' R.O.W.

12" O.C.

CROSS GUTTER

TYPICAL PROFILE AT LOCAL RESIDENTIAL STREET INTERSECTION

2. FINISHED ASPHALT CONCRETE SURFACE TO BE FLUSH WITH CROSS GUTTER LIP.

4. ADJACENT SPANDREL SHALL BE 9" THICK CLASS "A" 3,000 PSI CONCRETE.

ATE APPROVED: 7/08

DRWN. BY: V. VASQUEZ DSGN. BY: CHKD. BY: R.S. HOSSEINI, P.E. SHEET NO.: OF

ILENAME: CROSS GUTTER

::CURRENT NEW BRAUNFELS DETAILS\2008

3. CONSTRUCTION OF CROSS GUTTER IS NOT ALLOWED ACROSS MAJOR COLLECTOR

DWG. NO: ST-020 SCALE: N.T.S.

1. ALL PAVEMENT CONSTRUCTION SHALL BE PERFORMED IN ACCORDANCE TO THE "GEOTECHNICAL ENGINEERING STUDY - PAVEMENTS, FOR THE SILOS, UNIT 2" BY RABA KISTNER CONSULTANTS INC. DATED SEPTEMBER 21, 2015. 2. ALL PAVEMENT SECTIONS SHOWN ON THE ABOVE TABLE SHALL SUPERCEDE ANY STANDARD DETAILS WITH RESPECT TO DEPTH OF MATERIALS ASSOCIATED WITH THIS PROJECT.

THE SUBGRADE SHOULD BE STABILIZED USING LIME IN ACCORDANCE WITH THE GEOTECHNICAL REPORT IN ORDER TO ACHIEVE THE FOLLOWING: 3.1. PLASTICITY INDEX OF 20 OR LESS 3.2. PH OF 12.4 OR GREATER

4. THE SUBGRADE SOILS SHOULD BE TESTED FOR SOLUBLE SULPHATE CONTENT PRIOR TO INSTALLATION OF THE LIME OR CEMENT.

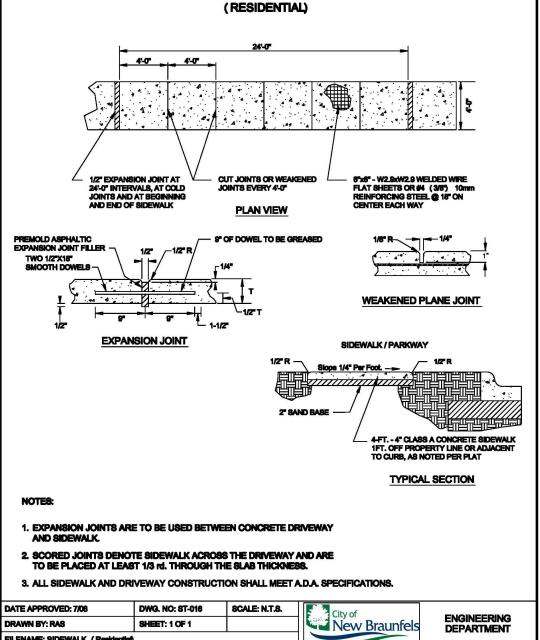
5. BASE MUST BE EXTENDED 1' BEYOND BACK OF CURB, 6" MINIMUM THICKNESS.

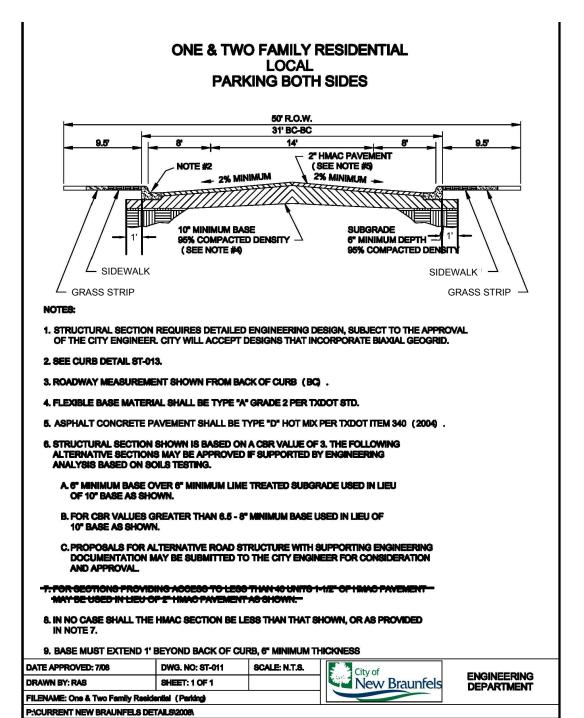
CHRISTOPHER J. CRIM

HR.

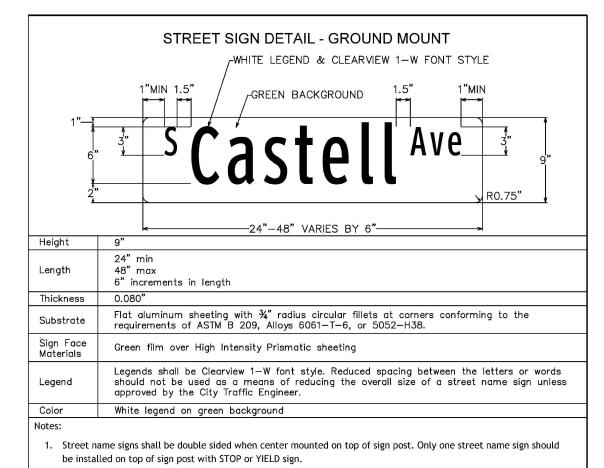
S

SIDEWALK





ALL PAVEMENT CONSTRUCTION SHALL BE PERFORMED IN ACCORDANCE TO THE "SUBSURFACE EXPLORATION AND PAVEMENT ANALYSIS, PROPOSED NEW STREETS, ROLLING VALLEY UNIT 12", BY INTEC OF SAN ANTONIO, LP, DATED JANUARY 23, 2013.



RRENT NEW BRAUNFELS DETAILS\2008

When two sets of street name signs are required (e.g. at "T" intersections), one double-sided street name sign shall be mounted on sign post. The sign assembly shall meet minimum height requirements as required in the Texas Manual on Uniform Traffic Control Devices (TMUTCD). When required, DEAD END (W14-1a) or NO OUTLET (W14-2a) signs shall also be mounted on the sign post.

. Street name signs greater than 36" long and center mounted on top of sign post shall be mounted on post top bracket with 12" slot. All other street name signs center mounted on top of sign post shall be mounted on post top bracket

4. Street name signs mounted on sign post shall be mounted with double-sided round pole brackets. Two holes should

be punched in the center of the 9" street name sign blank 1" from edge of the blank with 7"spacing between holes. 5. The lettering for names of streets shall be composed of a combination of lower-case letters with initial upper-case

letters. Acceptable abbreviations per TMUTCD may be used except for the street name itself. 6. Red background (red film over High Intensity Prismatic) should be used for private street name signs.

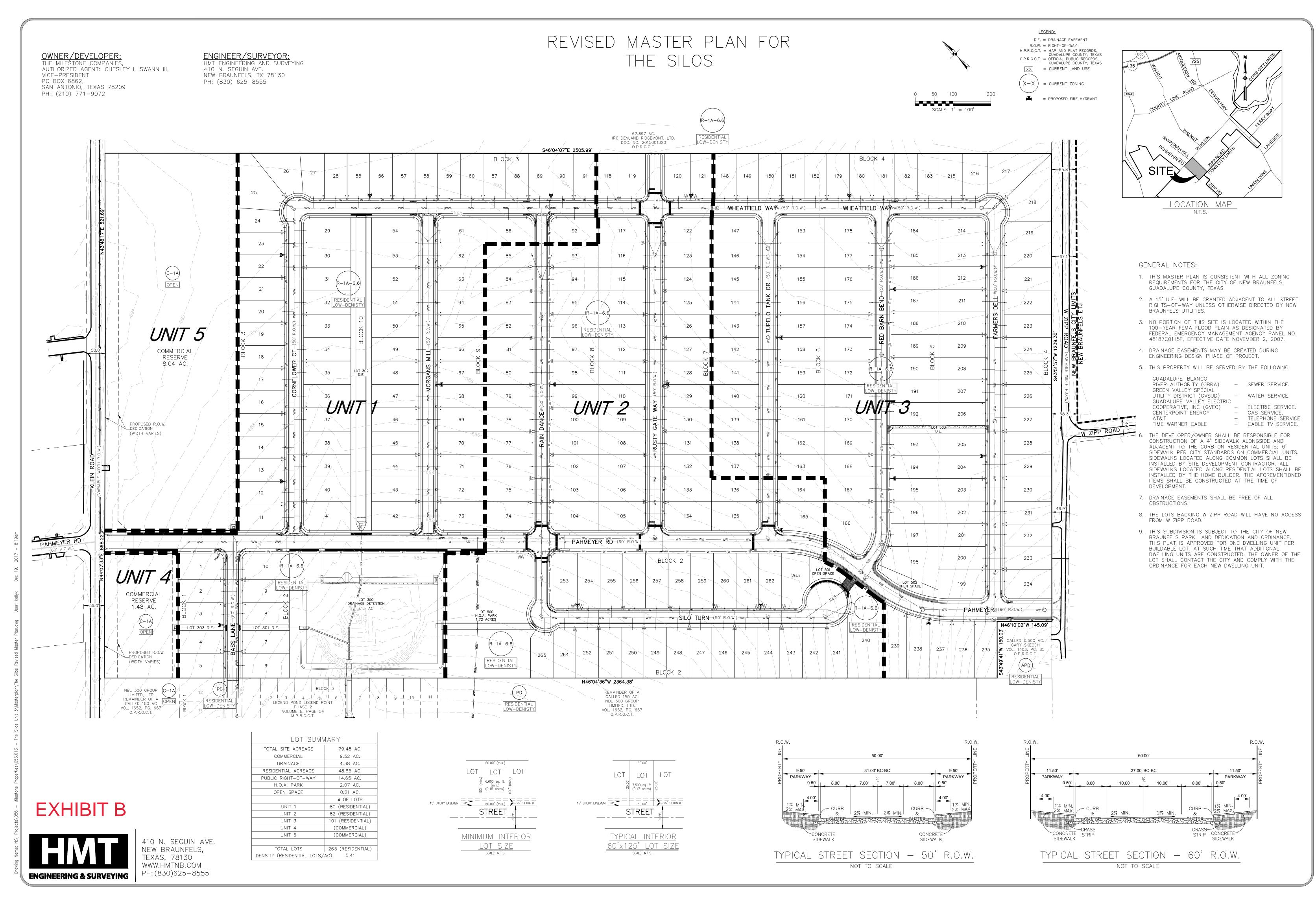
ENGINEERING DIVISION SHEET: 1 OF 1 FAX: 830 626 3600

DRAWN BY: MM DESIGNED BY: AM/MM

REVIEWED BY: SWH/SCH HMT PROJECT NO .:

056.013

SHEET



PLAT NOTES:

- ALL LOTS WITHIN THE SUBDIVISION WILL BE PROVIDED WATER SERVICE BY GREEN VALLEY SPECIAL UTILITY DISTRICT (GVSUD). SEWER SERVICE WILL BE PROVIDED BY GUADALUPE—BLANCO RIVER AUTHORITY (GBRA). ELECTRIC WILL BE PROVIDED BY GUADALUPE VALLEY ELECTRIC COOPERATIVE (GVEC). TELEPHONE AND CABLE SERVICES FOR THE SUBDIVISION WILL BE PROVIDED BY AT&T COMMUNICATIONS AND/OR SPECTRUM.
- ALL BEARINGS AND COORDINATES SHOWN HEREON ARE BASED UPON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NORTH AMERICAN DATUM 1983, GRID. DISTANCES SHOWN HEREON ARE BASED UPON SURFACE MEASUREMENTS. TO CONVERT SURFACE DISTANCES TO GRID, APPLY A COMBINED SCALE FACTOR OF 1.00015.
- MONUMENTS WERE FOUND OR SET AT EACH CORNER OF THE SURVEY BOUNDARY OF THE SUBDIVISION, MONUMENTS AND LOT MARKERS WILL BE SET WITH 1/2" IRON PINS WITH PLASTIC CAP STAMPED "HMT" IMMEDIATELY AFTER COMPLETION OF UTILITY INSTALLATION AND STREET CONSTRUCTION UNLESS NOTED OTHERWISE.
- THIS SUBDIVISION IS NOT WITHIN THE EDWARDS AQUIFER RECHARGE ZONE.
- 5. THIS SUBDIVISION IS WITHIN THE CITY LIMITS OF NEW BRAUNFELS, TEXAS.
- 6. THIS SUBDIVISION IS WITHIN THE NEW BRAUNFELS INDEPENDENT SCHOOL DISTRICT.
- NO PORTION OF THE SUBDIVISION IS LOCATED WITHIN ANY SPECIAL FLOOD HAZARD AREA (100 YR. FLOOD), AS DEFINED BY THE GUADALUPE COUNTY, TEXAS, FLOOD INSURANCE RATE MAP NUMBER 48187C0115F, EFFECTIVE DATE SEPTEMBER 2, 2007 AS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
- NO STRUCTURES, WALLS OR OTHER OBSTRUCTIONS OF ANY KIND SHALL BE PLACED WITHIN THE LIMITS OF THE DRAINAGE EASEMENTS SHOWN ON THIS PLAT. NO LANDSCAPING, FENCES, OR OTHER TYPE OF MODIFICATIONS WHICH ALTER THE CROSS SECTIONS OF THE DRAINAGE EASEMENTS OR DECREASE THE HYDRAULIC CAPACITY OF THE EASEMENT, AS APPROVED, SHALL BE ALLOWED WITHOUT THE APPROVAL OF THE CITY ENGINEER. THE CITY OF NEW BRAUNFELS SHALL HAVE THE RIGHT OF INGRESS AND EGRESS OVER GRANTOR'S ADJACENT PROPERTY TO REMOVE ANY OBSTRUCTIONS PLACED WITHIN THE LIMITS OF SAID DRAINAGE EASEMENTS AND TO MAKE ANY MODIFICATIONS OR IMPROVEMENTS WITHIN SAID DRAINAGE
- 9. FUTURE DEVELOPMENT IS SUBJECT TO CHAPTER 114 (STREETS, SIDEWALKS AND OTHER PUBLIC SPACES) OF THE NEW BRAUNFELS CODE OF ORDINANCES.
- 10. SIX (6) FOOT WIDE SIDEWALKS WILL BE CONSTRUCTED PER CITY STANDARDS ALONGSIDE AND ADJACENT TO THE CURB BY THE DEVELOPER AT THE TIME OF STREET CONSTRUCTION ALONG:

 A. PAHMEYER RD LOT 502, BLOCK 5 AND LOT 240, BLOCK 1, THE SILOS,
- 11. FOUR (4) FOOT WIDE SIDEWALKS WILL BE CONSTRUCTED PER CITY STANDARDS ALONGSIDE AND ADJACENT TO THE CURB BY THE DEVELOPER AT THE TIME OF STREET CONSTRUCTION ALONG:
 - RED BARN BEND LOT 503, BLOCK 5. FARMERS DELL LOT 503, BLOCK 5.
- 12. SIX (6) FOOT WIDE SIDEWALKS WILL BE CONSTRUCTED PER CITY STANDARDS ALONGSIDE AND ADJACENT TO THE CURB. BY THE HOME BUILDER AT THE TIME OF BUILDING CONSTRUCTION ALONG: PAHMEYER RD.
- 13. FOUR (4) FOOT WIDE SIDEWALKS WILL BE CONSTRUCTED PER CITY STANDARDS ALONGSIDE AND ADJACENT TO THE CURB BY THE HOME BUILDER AT THE TIME OF BUILDING CONSTRUCTION ALONG:
- A. TUPELO TANK DR, RED BARN BEND, WHEATFIELD WAY, AND FARMERS DELL.
- 14. THE ELEVATION OF THE LOWEST FLOOR OF A STRUCTURE SHALL BE AT LEAST 10 INCHES ABOVE THE FINISHED GRADE OF THE SURROUNDING GROUND, WHICH SHALL BE SLOPED IN A FASHION SO AS TO DIRECT STORMWATER AWAY FROM THE STRUCTURE. PROPERTIES ADJACENT TO STORMWATER CONVEYANCE STRUCTURES MUST HAVE A FLOOR SLAB ELEVATION OR BOTTOM OF FLOOR JOISTS A MINIMUM OF ONE FOOT ABOVE THE 100-YEAR WATER FLOW ELEVATION IN THE STRUCTURE. DRIVEWAYS SERVING HOUSES ON THE DOWNHILL SIDE OF THE STREET SHALL HAVE A PROPERLY SIZED CROSS SWALE PREVENTING RUNOFF FROM ENTERING THE GARAGE AND SHALL PREVENT WATER FROM LEAVING THE STREET.
- 15. THIS SUBDIVISION IS SUBJECT TO THE 2006 CITY OF NEW BRAUNFELS PARK LAND DEDICATION AND DEVELOPMENT ORDINANCE. THIS PLAT IS APPROVED FOR 101 DWELLING UNITS. ONE DWELLING UNIT PER BUILDABLE LOT WHERE FEES ARE DUE AT THE TIME OF PLATTING. AT SUCH TIME THAT ADDITIONAL DWELLING UNITS ARE CONSTRUCTED, THE OWNER OF THE LOT(S) SHALL NOTIFY THE CITY AND COMPLY WITH THE ORDINANCE FOR EACH DWELLING UNIT.
- 16. THIS UNIT CONTAINS 101 BUILDABLE RESIDENTIAL LOTS. ALL LOTS MEET THE MINIMUM SQUARE FOOTAGE REQUIREMENT ACCORDING TO THE ZONING ORDINANCE.
- 17. LOTS 502, BLOCK 5 (OPEN SPACE) AND 503, BLOCK 5 (DRAINAGE) WILL BE OWNED AND MAINTAINED BY THE SILOS HOMEOWNERS ASSOCIATION

FINAL PLAT ESTABLISHING THE SILOS, UNIT THREE

BEING 23.65 ACRES OUT OF THE SARAH DE WITT SURVEY NO. 48, ABSTRACT NO. 103, GUADALUPE COUNTY, TEXAS, AND BEING A PORTION OUT OF A TRACT OF LAND CALLED 49.483 ACRES, DESCRIBED IN VOLUME 4194, PAGE 453, OFFICIAL PUBLIC RECORDS. GUADALUPE COUNTY, TEXAS, AND A PORTION OF A TRACT OF LAND CALLED 29.990 ACRES DESCRIBED IN VOLUME 4194, PAGE 448, OFFICIAL PUBLIC RECORDS, GUADALUPE COUNTY, TEXAS.

GUADALUPE-BLANCO RIVER AUTHORITY NOTES:

- 1. GUADALUPE-BLANCO RIVER AUTHORITY (GBRA) HAS EXISTING EASEMENTS IN THE AREAS DESIGNATED ON THIS PLAT. GBRA RIGHTS TO THE EXISTING EASEMENTS SHALL BE PRESERVED AND THIS PLAT SHALL NOT NEGATE THOSE RIGHTS IN ANY WAY.
- GBRA IS HEREBY DEDICATED THE EASEMENTS AND RIGHT-OF-WAYS IN THE AREAS DESIGNATED ON THIS PLAT AS ACCESS ROADWAYS FOR THE PURPOSE OF UTILIZING INSPECTING, MAINTAINING, REPAIRING, AND RECONSTRUCTING ACCESS ROADWAYS TO GBRA
- 3. TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS, GRBA SHALL HAVE THE RIGHT TO REMOVE SAID LANDS OF ALL TREES OR PARTS THEREOF OR ANY OTHER OBSTRUCTION WHICH MAY ENDANGER OR INTERFERE WITH MAINTENANCE OF GBRA FACILITIES AND ACCESS
- 4. OTHER UTILITIES, STRUCTURES, GRADING, DRAINAGE, DETENTION/RETENTION PONDS, LANDSCAPING, TREES, ROADS, PARKING LOTS, FENCES, WALLS, CONSTRUCTION OF ANY TYPE, OR ANY OTHER IMPROVEMENTS OR OBSTRUCTIONS, ARE NOT ALLOWED WITHIN GBRA
- 5. DESIGNS FOR ANY PROPOSED ALTERATIONS OR CROSSINGS OF GBRA EASEMENTS MUST BE APPROVED IN WRITING BY GBRA AND THE INSTALLATION OF SUCH MUST BE INSPECTED AND APPROVED BY GBRA.
- 6. MAINTENANCE OF EASEMENTS IS THE RESPONSIBILITY OF THE PROPERTY OWNERS.
- 7. THE PROPERTY OWNER MUST INSTALL 16 FOOT GATES IN ANY FENCES THAT CROSS GBRA UTILITIES; GATES MUST BE CENTERED ACROSS GBRA UTILITIES

GREEN VALLEY SPECIAL UTILITY DISTRICT:

EASEMENT CERTIFICATE
THE OWNER OF THE LAND SHOWN ON THIS PLAT AND WHOSE NAME IS SUBSCRIBED HERETO, IN PERSON OR THROUGH A DULLY AUTHORIZED AGENT, DEDICATES TO GREEN VALLEY SPECIAL UTILITY DISTRICT OF MARION, TEXAS, ITS SUCCESSORS AND ASSIGNS, A PERPETUAL EASEMENT WIT THE RIGHT TO ERECT, CONSTRUCT, INSTALL AND LAY OVER AND ACROSS THOSE AREAS MARKED AS "WATERLINE EASEMENT" AND IN ALL STREETS AND BYWAYS, SUCH PIPELINES, SERVICE LINES, WATER METERS, AND OTHER WATER SYSTEM APPURTENANCES AS IT REQUIRES, TOGETHER WIT THE RIGHT OF INGRESS AND EGRESS, THE RIGHT TO REMOVE FROM SAID LAND ALL TREES, SHRUBS, GRASSES, PAVEMENTS, FENCES, STRUCTURES, IMPROVEMENTS OR OTHER OBSTRUCTIONS WHICH MAY INTERFERE WITH THE FACILITY OR THE ACCESS THERETO. IT IS AGREED AND UNDERSTOOD THAT NO BUILDING, CONCRETE SLAB OR WALLS WILL BE PLACED WITHIN SAID EASEMENT AREAS. NO OTHER UTILITY LINES MAY BE LOCATED WITHIN 36"

ANY MONETARY LOSS TO GREEN VALLEY SUD RESULTING FROM MODIFICATIONS REQUIRED OF UTILITY EQUIPMENT LOCTED WITHIN SAID EASEMENTS DUE TO GRADE CHANGE OR GROUND ELEVATION ALTERATION SHALL BE CHARGED TO THE PERSON OR PERSONS DEEMED RESPONSIBLE FOR SAID GRADE CHANGES OR GROUND ELEVATION ALTERATIONS. UPON ENTERING IN AND UPON SAID EASEMENT, THE DISTRICT WILL ENDEAVOR TO RESTORE THE LAND SURFACE TO A USEABLE CONDITION BUT IS NOT OBLIGATED TO RESTORE IT TO A PRE-EXISTING CONDITION.

THE EASEMENT CONVEYED HEREIN WAS OBTAINED OR IMPROVED THROUGH FEDERAL FINANCIAL ASSISTANCE. THIS EASEMENT IS SUBJECT TO THE PROVISION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, AND THE REGULATION ISSUED PURSUANT THERETO FOR SO LONG AS THE EASEMENT CONTINUES TO BE USED FOR THE SAME OR SIMILAR PURPOSE FOR WHICH FINANCIAL ASSISTANCE WAS EXTENDED OR FOR AS LONG AS THE GRANTEE OWNS IT, WHICHEVER IS LONGER.

> STATE OF TEXAS COUNTY OF GUADALUPE

I (WE) THE UNDERSIGNED OWNER(S) OF THE LAND SHOWN ON THIS PLAT. AND DESIGNATED HEREIN AS THE SILOS, UNIT THREE, A SUBDIVISION TO THE CITY OF NEW BRAUNFELS, COUNTY OF GUADALUPE, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, DO HEREBY SUBDIVIDE SUCH PROPERTY AND DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, DRAINS, EASEMENTS, AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED.

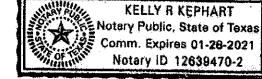
MILESTONE CREST INVESTMENTS, LTD. CHESLEY SWANN III - AUTHORIZED AGENT 543 BUSBY SAN ANTONIO, TEXAS 78209

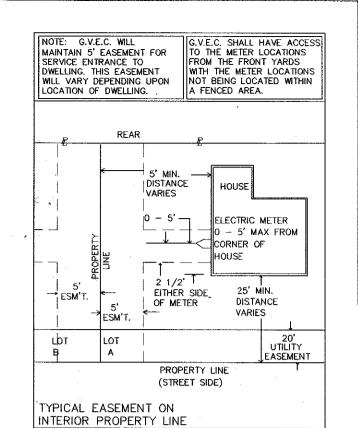
STATE OF TEXAS COUNTY OF COMAL

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS

DAY OF DECEMBER, 2019
HESLEY SWANN

MY COMMISSION EXPIRES: 1-28-202







LOCATION MAP NOT TO SCALE

GUADALUPE VALLEY ELECTRIC COOPERATIVE NOTES:

- GVEC TO HAVE A 5' WIDE EASEMENT ON ALL ROAD CROSSINGS IN WHICH ELECTRIC OR COMMUNICATION LINES ARE LOCATED
- 2. GVEC WILL POSSESS A 5' WIDE EASEMENT TO THE SERVICE METER LOCATION. EASEMENT TO FOLLOW SERVICE LINE AND WILL VARY DEPENDING ON LOCATION
- 3. GVEC SHALL HAVE ACCESS TO METER LOCATIONS FROM THE FRONT YARD WITH THE LOCATION NOT BEING WITHIN A FENCED AREA.
- ALL UTILITY EASEMENTS ARE FOR THE CONSTRUCTION, MAINTENANCE (INCLUDING BUT NOT LIMITED TO REMOVAL OF TREES AND OTHER OBSTRUCTIONS), READING OF METERS, AND REPAIR OF ALL OVERHEAD AND

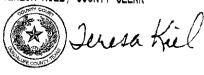
EACH LOT IS SUBJECT TO A FLOATING 10' WIDE BY 30' LONG ELECTRIC GUY WIRE EASEMENT TO BE LOCATED BY GVEC.

APPROVED THIS THE 9th DAY OF January BY THE PLANNING COMMISSION OF THE CITY OF CHAIRMAN D. Lee Edwards

APPROVED FOR ACCEPTANC

STATE OF TEXAS COUNTY OF GUADALUPE

V9 fg. 239-240 I certify this instrument was FILED and RECORDED in the OFFICIAL PUBLIC RECORDS of Guadalupe County, Texas on 02/25/2020 12:23:11 PM PAGES: 6 COURTNEY TERESA KIEL, COUNTY CLERK

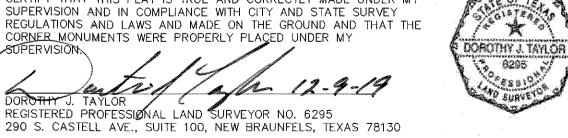


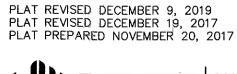
KNOW ALL MEN BY THESE PRESENTS:

THE UNDERSIGNED DOROTHY J. TAYLOR, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE UNDER MY SUPERVISION AND IN COMPLIANCE WITH CITY AND STATE SURVEY REGULATIONS AND LAWS AND MADE ON THE GROUND AND THAT THE CORNER MONUMENTS WERE PROPERLY PLACED UNDER MY SUPERVISION

REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6295

ENGINEERING & SURVEYING | TBPLS FIRM 10153600





290 S. CASTELL AVE., STE. 100. NEW BRAUNFELS, TX 78130 TBPE FIRM F-10961



DELTA

005°02'04"

011*43'02"

015°55'05"

088'27'46"

090°00'00"

090°00'00"

090000000

038'52'15"

167°44'30"

038*52'15"

090'00'00"

090'00'00"

036°55'43"

090'00'00"

036'55'36"

090'00'00"

090'00'00"

100.00' 036'55'36"

CURVE | LENGTH | RADIUS

29.00'

55.22'

91.68'

23.16

64.45'

23.56

23.56

23.56

10.18

146.38'

10.18

23.56

23.56

174.01

23.56

96.67

23.56

23.56

C2

C3

C4

,C5

C6

C7

C8

C9

C10

C11

C12

C13

C14:

C16

C18

C19

C20

330.00

270.00

330.00

15.00'

15.00'

15.00'

15.00'

15.00°

50.00

15.00'

15.00'

15.00

270.00

15.00'

150.00'

15.00

15.00

C21 212.68' 330.00' 036°55'36"

CURVE TABLE

TANGENT

14.51

46.14

14.60'

33.39'

15.00

15.00'

15.00'

5.29'

465.62

5.29'

15.00'

15.00'.

90.15

15.00'

50.08

15.00'

15.00'

20.93'

63.34

21.21

21.21

21.21'

9.98'

S54°55'06"E

N62°23'13"E

N01°04'36"W

S88°55'24"W

N01/°04'36"W

S65°30'43"E

_					
				LINE TA	BLE
	CHORD LENGTH	CHORD BEARING	LINE #	LENGTH	DIRECTION
	28.99	N11°40'01"W	L1	5.24'	S80°51'01"W
	55.12	N15°00'31"W	L2	29:26'	N09°08'59"W
	91.39'	N18°38'46"W	 L3	5.12'	N80°51'01"E

FINAL PLAT ESTABLISHING THE SILOS, UNIT THREE

BEING 23.65 ACRES OUT OF THE SARAH DE WITT SURVEY NO. 48, ABSTRACT NO. 103, GUADALUPE COUNTY, TEXAS, AND BEING A PORTION OUT OF A TRACT OF LAND CALLED 49.483 ACRES, DESCRIBED IN VOLUME 4194, PAGE 453, OFFICIAL PUBLIC RECORDS, GUADALUPE COUNTY, TEXAS, AND A PORTION OF A TRACT OF LAND CALLED 29.990 ACRES DESCRIBED IN VOLUME 4194, PAGE 448, OFFICIAL PUBLIC RECORDS, GUADALUPE COUNTY, TEXAS.

0		LE: 1"=100'	200	
0	50	100 100 NTAL SCALE: 1:	200	

LEGEND:

 \bullet = FND 1/2" IRON PIN W/ PLASTÍC CAP STAMPED "HMT" (UNLESS NOTED OTHERWISE)

O = SET 1/2" IRON PIN W/ PLASTIC CAP STAMPED "HMT" B.L. = BUILDING SETBACK LINE U.E. = UTILITY EASEMENT D.E. = DRAINAGE EASEMENT

R.O.W. = RIGHT-OF-WAY M.P.R.G.C.T. = MAP AND PLAT RECORDS, GUADALUPE COUNTY, TEXAS O.P.R.G.C.T. = OFFICIAL PUBLIC RECORDS, GUADALUPE COUNTY, TEXAS

		300 00 +3.L								•	-													OPRO	20T - 0	OFFICIAL PUBLIC REC
	99.43'	N01°04'36"W																						0.1 .10.0	9.0.1. – 6	SUADALUPE COUNTY,
	9.98'	S63°21'32"W					· ·															٠			٠	
	21.21	S01°04'36"E						,				, -			. — —					N49 * 38	'03"F			1		
-	21.21	N88°55'24"E										= = =	: = = =							5	0.25	П =	5' U.E. & B.L.	-		
-		· .	 					•		ŧ	ı			25' B.L. THE SILOS,	- '20' U.E UNIT TWO			 			and the state of t		120	1 1 ³		
	171.02'	N27°36'47"W								. 32	131	130	129 ^D	THE SILOS, ' OC. NO. 201 M.P.R.G	1899005179 G.C.T.	126	125	124	123	122		1	LOCK 4	N43'55'24'	*E	
	21.21	N35°51'01"E						•							[]			, U.E				120.12'		
	95.01	N62°23'13"E						1						BLOCK 7	N47.EE	''04"E 800	201		ļ	27		25' B.L	121	N: 13784 E: 22525	660.67 59.04	
	21.21'	S88°55'24"W				•			-	62.00'	62.00'	62.00'	62.00'	62.00'	62.00'	24"E 690 62.00'	62.00'	62.00'	62.00	70.00'	- ∳ <u></u> ∮	\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \		20	.00.01	
	21.21'	N01°04'36"W						, ']	1	-									.00.		,			
	209.02	S27°36'47"E	' '			ı '		135 13	70	9, 2, 2,			00	8	8	,	,0	. 0	1.94		8 H	ا ق	148	19		
		‡			·			155	36 27	137 5	138 5	139 9	140 33	141 00		143 252	144 22	145 0321	146	147	U.E.	N43°	55'24"E 20.12'		···	
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	10			_1					ŏ _	62.00'	62.00'	62.00'	62.00'	62.00'	62.00'	62.00	62.00'	62.00'	62.00	55.00	ليّ الله	60.	<u> </u>	18		
							!				***************************************			N43	3°55'24"E 675	.00' TUPELO	TANK DR				-00	J	20.11'			
					l 262 I				છ ્		#			S43*55	5'24"W 675.00	(50	Ŕ.O.W.)				and the same of th	00.00	50	17		
	•			7 & -	<u> </u>				-2	62.00'	62.00'	62.00'	62.00*	62.00'	62.00	62.00'	62.00'	62.00'	62.00	55.00'	3			ŀ		
			243	2				ſ	B.L. 9					20' U.E.	25' B.L.	===	===		===			a	(0.10°			
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	:				N39'38'4 67	44 E_ 7.03'-∖		165 X	12	125.	125.	125.0	125.	125.0	125.	125	125.1	125 - 551	154 70	153	10.0	11 12	0.09'			•
		\	242	O.W.)	∖ 501		1,50		,					Broc	CK 6				· v) <u></u>	.00	00 1	52			
		\		, S.	1	~ \		55'24"E 157. 73' 62.		62.00'	62.00	62.00'	62.00	62.00'	62.00*	62.00'	62.00'	62.00'	62.00'	70.00	110	60	09	15	-	
			241	\ \@	/ 3	3 /															36"W	51 111	0.08'			
			7	vog-08'59"w			ワ/ /も /5 166	.99.0	jo			o					_		* **		6.04	60.00°	79 8	00.5 14		
	•			100.00' 502	· 📉 🖊 -	/	/ /S 166 /&	16.04.	67 67	168	169	170	i 171	្តិ 172	ပ္ကို 173	is 174	175	20 176	ည် 177 ဦ	00 178	110.C	<u> </u>		BLOCK 10	•	
				PEN SPACE-	FF /	(}()	\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\	-			_	-	_		- 00, 11 2	7	-	=	7. 1.	1	16.04		0.07	7.E		
			240	0.104 AC.	$X \neq -$	1		70.34' 62.	.00'	62.00'	62.00'	62.00	62.00'	62.00'	62.00'	62.00'	62.00	62.00'	= = = = 62.00°	‡===	} 2	60.00° 25° B.L.	80 0.08	o 13	RIDGEMON	NT UNIT 3 IVISION
	-			<i>≨</i> √	of\ / (C16 / ```	99 -										02.00	02.00	62.00	55.00'	10	1 4 1 2 20 TO		le "	IOC NO 2	0400004 2040
		35	N43*49'41"F 200.0	8' .C.	/ \/ .×	C16	Maria Constantino	•	•			503).T	543.55	'24"W 807.34	RED BA	DN DENID				CO.	120	0.07	4	M P R	01999013012
		35	N43°49'41"E 200.0	<u>8' ුර්</u> // /		Trov.	C18	THE PERSON OF THE SECOND SECON	•	714 198 198 1		D.E. LO	AC.	received was a		RED BA	RN BEND	i			. γ γ	o	0.07' 81 ²⁰	"	M.P.R	01999013012 G.C.T.
	· · · · · · · · · · · · · · · · · · ·		N43'49'41"E 200.0	8' '\$		47.72	49.55'	60.00' 60.	.00' (60.00'	60.00,	_D.E. LO	AC.	S43'55'24"W 8		RED BA		60.00'	60.00'	55.00	%	.00 1 BL0	81 ⁷⁰ 6 OCK 4	12 .	M.P.R	01999013012 I.G.C.T.
		35 — — — 36		8' '\.\.\.\.\.\.\.\.\.\.\.\.\.\.\.\.\.\.\		2.39°	49.55' 11.34'	60.00' 60.0	00' 6	•	60.00	D.E. LO 0.121 A 60.00'	AC.	S43:55'24"W {	807.34	(50) (60.00)	R.O.W.)	60.00′	60.00'	55.00	TFIELD WAY O' R.O.W.)	1 00 1 BL0 120	81 ²⁰ 0.06'	"	M.P.R	01999013012 I.G.C.T.
	LEGEND PON		239 9 239 N43'49'41"E 170.69'	8' \(\frac{1}{2}\)		2.39°	11.34'-		= = =	= = = :	= 21.00	D.E. LO 0.121 A 60.00'	60.00'	S43'55'24"W (807.34' 60.00' 20' U.E.	(50') 60.00' 25' B.L.	60.00' ==================================	= o,		===	EATF (50'	1 00 1 BL0 120	81 ⁷⁰ 6 OCK 4	"	M.P.R	01999013012 I.G.C.T.
	LEGEND POINT — F DOC. NO. 201999	36 JD PHASE 6 207278,	239 N43'49'41"E 170.69' 238	8' , 5', 		2.39°	<u> </u>			•	= 21.00	D.E. LO 0.121 A 60.00'	AC.	S43:55'24"W {	807.34' 60.00' 20' U.E.	(50) (60.00)	R.O.W.)	60.00'	60.00' 	===	0.00' (%) (%) (%) (%) (%) (%) (%) (%)	000 1 BLO 120 100 1	81 00.06 0.06' 00.06' 00.06'	12	M.P.R	01999013012 I.G.C.T.
	LEGEND POINT - F	36 PHASE 6 007278,	239 9 239 N43'49'41"E 170.69'	8		2.39°	11.34'-		= = =	= = = :	= 21.00	D.E. LO 0.121 A 60.00'	60.00'	S43'55'24"W 8 60.00'	807.34' 60.00' 20' U.E.	(50') 60.00' 25' B.L.	60.00' ==================================	= o,		===	EATF (50'	BLC	81 000 DCK 4 0.06' 82 000	12	M.P.R	01999013012 I.G.C.T.
	LEGEND POINT — F DOC. NO. 201999	36 PHASE 6 207278,	239 N43'49'41"E 170.69' 238 BLOCK 2 /	8	7 1.5 1.	198 949 198 949 5.16'	11.34 - = = = = = = = = = = = = = = = = = =	196 % 19	- = = = 5.00,	194 152 194	= 21.00	D.E. LO 0.121 A 60.00'	60.00'	S43'55'24"W 8 60.00'	807.34' 60.00' 20' U.E. =	60.00° RED BA (50' 60.00° 188 427 60.00°	60.00' ==================================	= o,		===	EATF (50'	BLC	81 00.06 0.06' 00.06' 00.06'	12	M.P.R	01999013012 I.G.C.T.
	LEGEND POINT — F DOC. NO. 201999	36 PHASE 6 007278, 37 BLOCK 3	239 N43'49'41"E 170.69' 238 BLOCK 2	\$4.52' - - - - - - - - -	7 15 15 15 15 15 15 15 15 15 15	2.39' = 21.17' = 3,95,40.94s	11.34 - = = = = = = = = = = = = = = = = = =	196 (87)	- = = = 5.00,	194 152 194	193 00	D.E. LO 0.121 A 60.00' 60.00' 192 3	60.00'	\$43'55'24"W 8 60.00' ==================================	807.34' 60.00' 20' U.E. =	60.00° 60.00° 25° B.L. 188 25°	R.O.W.) 60.00'	186 186	 	184 78	EATF (50'	1 BLC 120 1 120 1 1 120 1 1 1 1 1 1 1 1 1	81 000 DCK 4 0.06' 82 000	12	M.P.R	01999013012 I.G.C.T.
	LEGEND POINT — F DOC. NO. 201999	36 PHASE 6 007278, 37 BLOCK 3	239 N43'49'41"E 170.69' 238 BLOCK 2 154.76' 237 154.76'	8	20 4 10 10 10 10 10 10 10 10 10 10 10 10 10	198 949 198 949 5.16'	11.34 - = = = = = = = = = = = = = = = = = =	196 % 19	- = = = 5.00,	194 152 194	193 00	D.E. LO 0.121 A 60.00' 60.00' 192 3	60.00'	\$43'55'24"W 8 60.00' ==================================	807.34' 60.00' 20' U.E. =	60.00° RED BA (50' 60.00° 188 427 60.00°	R.O.W.) 60.00'	186 186	 	184 78	EATF (50'	000 1 BL0 12	81 00.09 DCK 4 0.06' 82 00.05' 00.05' 00.05' 00.05'	12	M.P.R	01999013012 I.G.C.T.
	LEGEND POINT — F DOC. NO. 201999	36 PHASE 6 007278, 37 BLOCK 3	239 N43'49'41"E 170.69' 238 BLOCK 2 154.76' 237 STA'	60.00' 54.52' 82.20' 60.90' 64.52' 62.20' 60.90' 60.35'' 60.	7 14 15 15 15 15 15 15 15 15 15 15	198 949 198 949 5.16'	11.34 - 11.34	196 ½ 19 60.00′ 60.0 13'55'24"W	95 252 00'	194 22	193 00	D.E. LO 0.121 A 60.00' 60.00' 192 3	60.00'	\$43'55'24"W 8 60.00' ==================================	807.34' 60.00' 20' U.E	60.00° RED BA (50' 60.00° 188 427 60.00°	R.O.W.) 60.00'	186 186	00.00 00	125,00° 125,00	EATF (50'	1 BL() 120 1 120 1 1 120 1 1 120 1 1 120 1 1 120 1 1 1 1 1 1 1 1 1	81 00.09 DCK 4 0.06' 0.00' 0.00' 0.00' 0.00' 0.00' 0.004' 0.00' 0	12	M.P.R	01999013012 I.G.C.T.
	LEGEND POINT — I DOC. NO. 2019991 M.P.R.G.C.T	36 PHASE 6 007278, 37 BLOCK 3	239 N43'49'41"E 170.69' 238 BLOCK 2 154.76' 37 37 37 37 37 37 37 37 37 3	60.00' 54.52' 62.20' 54.52' 54.52' 54.52' 54.52' 55.50' 55.	20 4 10 10 10 10 10 10 10 10 10 10 10 10 10	2.39' 21.17' 198 94' 5.16' 60.00'	11.34 - 11.34	196 ½ 19 60.00′ 60.0 13'55'24"W	95 252 00'	194 257	21.00° 125.00° 20.009 NA60436"W 250.009 200.00	D.E. LO 0.121 A 60.00' 192 192 193 60.00'	60.00' 60.00' 191 60.00'	S43'55'24"W 8 60.00' 190 60.00' BLO 60.00'	807.34' 60.00' 20' U.E. = 189 66 60.00' 200	60.00° 60.00° 188 25° 60.00° S43°55'24"W	187 (27) 60.00' 60.00'	186 27 60.00'	 	125,00° 125,00	EATF (50'	1 120 1 120 12	81 00.09 DCK 4 0.06' 82 00.05' 83 00.05' 15 0.04' 15 0.03'	12	M.P.R	01999013012 I.G.C.T.
	LEGEND POINT — I DOC. NO. 2019991 M.P.R.G.C.T	36 PHASE 6 007278, 37 BLOCK 3	239 N43'49'41"E 170.69' 238 BLOCK 2 154.76' 150.26' N43'49'41"E 150.26' N43'49'41"E 150.26'	30' 60.00' 54.52'	20 4 10 10 10 10 10 10 10 10 10 10 10 10 10	2.39' 21.17' 198 94' 5.16' 60.00'	11.34 — — — — — — — — — — — — — — — — — — —	196 % 19 60.00' 60.0 13'55'24"W 202 % 20	25 25 00, 00 00 00 00 00 00 00 00 00 00 00 00	194 22 60.00'	21.00° 20.00 193 200° 201 100° 201	D.E. LO 0.121 A 60.00' 192 192 193 193 194 195 195 195 195 195 195 195 195 195 195	60.00' 191 60.00' 207	S43:55'24"W 8 60.00' 190 60.00' BLO 60.00' 208 208 25' B.L.	807.34' 60.00' 20' U.E. 189 20 60.00' 20' U.E.	60.00° 188 27 60.00° 188 27 60.00° 543°55′24° 210 27	R.O.W.) 60.00' 187 '27 60.00' 211 '27	186 °221 60.00'	185 00.00 185 00.00 185 004.36"E	184 77 182,000, 700,000 191,000, 191,00	110.00 S46'04'36"E 220.00' WHEATF	120 120	81 00.06 0.06 82 00.05 83 00.04 15 00.03	12	M.P.R	01999013012 I.G.C.T.
	LEGEND POINT — I DOC. NO. 2019991 M.P.R.G.C.T	36 PHASE 6 007278, 37 BLOCK 3	239 N43'49'41"E 170.69' 238 BLOCK 2 154.76' 37 37 37 37 37 37 37 37 37 3	60.00' 60.00' 54.52' 82.20' 86.9y, C27 86.9y	30.48 115. U.E. & B.L. 26.28 246.04'36"E 112. 12.84 113. 12. 12. 12. 12. 12. 12. 12. 12. 12. 12	2.39, 2.1.12, 0.00.221 100.00, 0.00	11.34 — — — — — — — — — — — — — — — — — — —	196 ½ 19 60.00′ 60.0 13'55'24"W	25 25 00, 00 00 00 00 00 00 00 00 00 00 00 00	194 222	21.00° 125.00° 20.009 NA60436"W 250.009 200.00	D.E. LO 0.121 A 60.00' 192 192 193 60.00'	60.00' 60.00' 60.00' 207	S43'55'24"W 8 60.00' 190 60.00' BLO 60.00'	807.34' 60.00' 20' U.E. 189 20' U.E. 20' U.E. 60.00'	60.00' 60.00' 188 27 60.00' 543*55*24**W 210 27 60.00'	60.00° 187 °C 60.00° 211 °C 60.00°	186 27 60.00'	00.00 00	125,00° 125,00	110.00 S46'04'36"E 220.00' WHEATF	120 120	81 00.09 DOK 4 DOK 4 DOK 4 DOK 9 DOK	12	M.P.R	01999013012 I.G.C.T.
	LEGEND POINT — I DOC. NO. 201999 M.P.R.G.C.T	36 PHASE 6 007278, 37 BLOCK 3	239 N43'49'41"E 170.69' 238 BLOCK 2 / 154.76' 237 'sg' 5.74' / 150.26' N43'49'41"E 150.26' N43'49'41"E 150.26' N43'49'41"E 150.26' 150.26' 150.26'	60.00' 60.00' 54.52' == = = = = = = = = = = = = = = = = =	30.48 115. U.E. & B.L. 26.28 246.04'36"E 112. 12.84 113. 12. 12. 12. 12. 12. 12. 12. 12. 12. 12	2.39, 2.1.12, 0.00.221 100.00, 0.00	11.34 — — — — — — — — — — — — — — — — — — —	196 % 19 60.00' 60.0 13'55'24"W 202 % 20	25 25 00, 00 00 00 00 00 00 00 00 00 00 00 00	194 22 60.00'	21.00° 20.00 193 200° 201 100° 201	D.E. LO 0.121 A 60.00' 192 192 193 193 194 195 195 195 195 195 195 195 195 195 195	60.00' 60.00' 60.00' 60.00' 843	S43'55'24"W 8 60.00' 190 60.00' 208 60.00' 25' B.L. 60.00' '55'24"W 979.	807.34' 60.00' 20' U.E. = 189 26 60.00' 20' U.E. = 20' U.E. = 60.00'	60.00' 60.00' 188 22 60.00' S43'55'24"W 210 22 60.00' FARMERS	60.00' 211 60.00' 211 60.00' DELL	186 °221 60.00'	185 00.00 185 00.00 185 004.36"E	184 77 182,000, 700,000 191,000, 191,00	110.00 S46'04'36"E 220.00' WHEATF	120 120	81 00.09 DOK 4 0.006' 82 00.05' 83 00.09' 15 00.04' 15 00.03' 216 00.03' 216 00.03' 216 00.03' 216 00.03' 20.03'	12	M.P.R	01999013012 I.G.C.T.
	GREEN VALLEY UTILITY DIS	36 PHASE 6 DO7278, 37 BLOCK 3 38	239 N43'49'41"E 170.69' 238 BLOCK 2 154.76' 150.26' N43'49'41"E 150.26' N43'49'41"E 150.26'	34 60.00' 60.00' 54.52' E2.20' C2' C2' C2' C2' C2' C2' C2' C2' C3'' C2' C2' C3'' C2'' C3'' C3	30.48 115. U.E. & B.L. 26.28 246.04'36"E 112. 12.84 113. 12. 12. 12. 12. 12. 12. 12. 12. 12. 12	2.39, 2.1.12, 0.00.221 100.00, 0.00	11.34'- = 11.34'- =	196 % 19 60.00' 60.0 13'55'24"W 202 % 20	95 222 000' 6	194 22 60.00'	21.00° 20.00 193 200° 201 100° 201	D.E. LO 0.121 A 60.00' 192 192 193 193 194 195 195 195 195 195 195 195 195 195 195	60.00' 60.00' 60.00' S43	S43:55'24"W 8 60.00' 190 60.00' BLO 60.00' 208 25' B.L. 60.00'	807.34' 60.00' 20' U.E. = 189 26 60.00' 20' U.E. = 60.00' 20' U.E. = 60.00'	60.00' 60.00' 188 43' 60.00' 543'55'24"W 210 42' 60.00' FARMERS (50' R.0	60.00° 187 °CC 60.00° 211 °CC 60.00° DELL W.)	212 '00.00'	185 60.00° 213 213 846.04'36"E	70.00' 184 70.00' 22' 00' 25' 00' 214 70.55'.00' 70	110.00 S46'04'36"E 220.00' WHEATF	120 120	81 0009 006' 0005' 0005' 0005' 0004' 0003' 0003' 0003' 0005	12	M.P.R	01999013012 I.G.C.T.
	GREEN VALLEY UTILITY DIS CALLED 1.1. VOL. 1619, F	36 PHASE 6 DO7278, 37 BLOCK 3 38 SPECIAL STRCIT 48 AC. PG. 360	239 N43'49'41"E 170.69' 238 BLOCK 2 154.76' 237 5.74' 150.26' N43'49'41"E 150.26' 235 S43'49'41"W 150.26'	60.00' 60.00' 54.52' == = = = = = = = = = = = = = = = = =	27.42 115. U.E. & B.L. 43.53. 43.5	2.39° 21.17' 198 5.16' 60.00' 60.00' 152'0	11.34'- = 11.34'- =	196 % 19 60.00' 60.0 13'55'24"W 202 % 20 60.00' 60.0	95 222 000' 6	194 (\$\frac{00}{\$22}\) 60.00' 204 (\$\frac{00}{\$22}\) = = = = = = = = = = = = = = = = = = =	21.00° 17 25.00° 20 20 20 20 20 20 20 20 20 20 20 20 20	D.E. LO 0.121 A 60.00' 192 60.00' 206 221 60.00'	60.00' 60.00' 60.00' 60.00' 843	S43:55'24"W 8 60.00' 190 60.00' BLO 60.00' 208 7 25' B.L. 60.00' "55'24"W 979.	807.34' 60.00' 20' U.E. = 189 26 60.00' 20' U.E. = 20' U.E. = 60.00'	60.00' 60.00' 188 22 60.00' S43'55'24"W 210 22 60.00' FARMERS	60.00' 211 60.00' 211 60.00' DELL	186 °221 60.00'	185 00.00 185 00.00 185 004.36"E	184 77 182,000, 700,000 191,000, 191,00	110.00 S46'04'36"E 220.00' WHEATF	120 120	81 00.09 DOK 4 DOK 4 DOK 4 DOK 9 DOK	12	M.P.R	01999013012 1.G.C.T.
	GREEN VALLEY UTILITY DIS CALLED 1.1	36 PHASE 6 DO7278, 37 BLOCK 3 38 SPECIAL STRCIT 48 AC. PG. 360	239 N43'49'41"E 170.69' 238 BLOCK 2 154.76' 237 5.74' 150.26' N43'49'41"E 150.26' 236 N43'49'41"E 150.26' 237 S43'49'41"W 150.26' CALLED 0.500 AC. GARY SKEOCH	145.09' 60.00' 54.52' = = = = = = = = = = = = = = = = = = =	115, 115, 115, 115, 116, 116, 116, 116,	2.39' 21.17' 198 2.39' 2.39' 2.39' 2.39' 2.39' 2.39' 2.30' 2.00.00' 2.00.00' 2.00.00'	11.34'- 11.	196 % 19 60.00' 60.0 13755'24"W 202 % 20 60.00' 60.0 60.00' 62.0	35 25. 00° 60° 60° 60° 60° 60° 60° 60° 60° 60°	204 227 = = = = = = = = = = = = = = = = = =	21.00° 20.	D.E. LO 0.121 A 60.00' 192 35 192 56 192 56 193 60.00' 60.00'	60.00' 60.00' 60.00' 60.00' 843	S43:55'24"W 8 60.00' 190 60.00' BLO 60.00' 208 60.00' 555'24"W 979. 355'24"E 967. 62.00' 25' B.L.	807.34' 60.00' 20' U.E. 189 20' U.E. 60.00' 20' U.E. 60.00'	60.00' 60.00' 188 43' 60.00' 543'55'24"W 210 42' 60.00' FARMERS (50' R.0	60.00° 187 °CC 60.00° 211 °CC 60.00° DELL W.)	212 '00.00'	185 60.00° 213 213 846.04'36"E	70.00' 184 70.00' 22' 00' 25' 00' 214 70.55'.00' 70	S46'04'36"E 220.00" S46'04'36"E 220.00" WHEATF	120 120	81 0009 006' 0005' 0005' 0005' 0004' 0003' 0003' 0003' 0005	12	M.P.R	01999013012 I.G.C.T.
	GREEN VALLEY UTILITY DIS CALLED 1.1 VOL. 1619, F O.P.R.G.C.	SPECIAL STREET AGE. 20. 3.60 S.T.	239 N43'49'41"E 170.69' 238 BLOCK 2 154.76' 237 5.74' 150.26' N43'49'41"E 150.26' 235 S43'49'41"W 150.26'	34 60.00' 60.00' 54.52' E2.20' C2' C2' C2' C2' C2' C2' C2' C2' C3'' C2' C2' C3'' C2'' C3'' C3	27.42 115. U.E. & B.L. 43.53. 43.5	2.39° 21.17' 198 5.16' 60.00' 60.00' 152'0	11.34'- 11.	196 % 19 60.00' 60.0 13'55'24"W 202 % 20 60.00' 60.0	35 25. 00° 60° 60° 60° 60° 60° 60° 60° 60° 60°	194 (\$\frac{00}{\$22}\) 60.00' 204 (\$\frac{00}{\$22}\) = = = = = = = = = = = = = = = = = = =	21.00° 17 25.00° 20 20 20 20 20 20 20 20 20 20 20 20 20	D.E. LO 0.121 A 60.00' 192 60.00' 206 221 60.00'	60.00' 60.00' 60.00' S43	S43:55'24"W 8 60.00' 190 60.00' BLO 60.00' 208 7 25' B.L. 60.00' "55'24"W 979.	807.34' 60.00' 20' U.E. 189 20' U.E. 60.00' 20' U.E. 60.00'	60.00' 60.00' 188 43' 60.00' 543'55'24"W 210 42' 60.00' FARMERS (50' R.0	60.00° 187 °CC 60.00° 211 °CC 60.00° DELL W.)	212 '00.00'	185 60.00° 213 213 846.04'36"E	70.00' 184 70.00' 221' 70.00' 214	14 110.00	1 BL(1 120	81 0009 006' 0005' 0005' 0005' 0004' 0003' 0003' 0003' 0005	12	M.P.R	01999013012 1.G.C.T.
	GREEN VALLEY UTILITY DIS CALLED 1.1 VOL. 1619, F O.P.R.G.G.	SPECIAL STREIT AS AC. P.G. 360 C.T.	239 N43'49'41"E 170.69' 238 BLOCK 2 154.76' 37 37 5.74' 150.26' N43'49'41"E 150.26' N43'49'41"E 150.26' S43'49'41"W 150.26' CALLED 0.500 AC. GARY SKEOCH VOL. 1403, PG. 85	145.09' 60.00' 54.52' = = = = = = = = = = = = = = = = = = =	115, 115, 115, 115, 116, 116, 116, 116,	2.39' 21.17' 198 2.39' 2.39' 2.39' 2.39' 2.39' 2.39' 2.30' 2.00.00' 2.00.00' 2.00.00'	11.34'- 11.	196 % 19 60.00' 60.0 13755'24"W 202 % 20 60.00' 60.0 60.00' 62.0	35 25. 00° 60° 60° 60° 60° 60° 60° 60° 60° 60°	204 227 = = = = = = = = = = = = = = = = = =	21.00° 20.	D.E. LO 0.121 A 60.00' 192 86 192 86 193 192 86 193 192 86 193 193 193 193 193 193 193 193 193 193	60.00' 60.00' 60.00' 60.00' 843 843 844 62.00' 226 226 226	S43'55'24"W 8 60.00' 190 60.00' BLO 60.00' 208 25' B.L. 60.00' '55'24"W 979. 3'55'24"E 967. 62.00' 25' B.L. 225 '95' 225 '95' 225 '95' 225 '95' 225 '95'	807.34' 60.00' 20' U.E 189 20' U.E 60.00' 20' U.E 60.00' 20' U.E 224 25'	60.00' 60.00' 188 27 60.00' 543'55'24"W 210 27 60.00' FARMERS (50' R.0	60.00' 187 °C' 60.00' 211 °C' 60.00' DELL W.)	186 °27 60.00' 212 °27 60.00' 62.00'	185 60.00° 213 60.00° 213 846.0436"E	70.00' 184 70.00' 277 70.00' 377	S46'04'36"E 220.00" S46'04'36"E 220.00" WHEATF	1 BL(1 120	81 0009 006' 0005' 0005' 0005' 0004' 0003' 0003' 0003' 0005	12	M.P.R	01999013012 I.G.C.T.
	GREEN VALLEY UTILITY DIS CALLED 1.1 VOL. 1619, F O.P.R.G.G.	SPECIAL STREIT AS AC. P.G. 360 C.T.	239 N43'49'41"E 170.69' 238 BLOCK 2 154.76' 37 37 5.74' 150.26' N43'49'41"E 150.26' N43'49'41"E 150.26' S43'49'41"W 150.26' CALLED 0.500 AC. GARY SKEOCH VOL. 1403, PG. 85	145.09' 60.00' 54.52' = = = = = = = = = = = = = = = = = = =	115, 115, 115, 115, 116, 116, 116, 116,	2.39' 21.17' 198 2.39' 2.39' 2.39' 2.39' 2.39' 2.39' 2.30' 2.00.00' 2.00.00' 2.00.00'	11.34'- 11.34'- 11.34'- 11.34'- 60.00' S4 201 00' S4 201 00' 30' 30' 30' 30' 30' 30' 30'	196 % 19 60.00' 60.0 13755'24"W 202 % 20 60.00' 60.0 60.00' 62.0	35 00° 00° 00° 00° 00° 00° 00° 00° 00° 00	194 932 60.000 204 932 = = = = = = = = = = = = = = = = = = =	21.00° 20.	D.E. LO 0.121 A 60.00' 192 36 192 36 192 36 193 206 206 37 193 206 193	60.00' 60.00' 60.00' 60.00' 843	S43:55'24"W 8 60.00' BLO 60.00' BLO 60.00' 208 62 25' B.L. 60.00' "55'24"W 979. 3'55'24"E 967. 62.00' 25' B.L. 225 62.00' BLOCk	807.34' 60.00' 20' U.E 189 20' U.E 60.00' 20' U.E 60.00' 20' U.E 224 25'	60.00' 60.00' 188 27 60.00' 543'55'24"W 210 27 60.00' FARMERS (50' R.0 62.00' 223 27 223 27	60.00' 187 °C' 60.00' 211 °C' 60.00' DELL W.) 222 °C' 222 °C' 222 °C' 222 °C' 223 °C' 241 °C' 251 °C' 252 °C' 253 °C' 253 °C' 253 °C' 254 °C' 255 °C' 256 °C' 257	186 271 60.00° 212 271 62.00° 221 222 271	185 60.00° 213 60.00° 62.00° 62.00° 8346.04'36"E	70.00' 37' 51' 77' 78' 78' 78' 78' 78' 78' 78' 78' 78	14 110.00	1 BL() 120	81 0009 006' 0005' 0005' 0005' 0004' 0003' 0003' 0003' 0005	12	M.P.R	01999013012 I.G.C.T.
	GREEN VALLEY UTILITY DIS CALLED 1.1 VOL. 1619, F O.P.R.G.G.	SPECIAL STREIT AS AC. P.G. 360 C.T.	239 N43'49'41"E 170.69' 238 BLOCK 2 154.76' 37 5.74' 37 150.26' 150.26' 150.26' 235 S43'49'41"W 150.26' CALLED 0.500 AC. GARY SKEOCH VOL. 1403, PG. 85 0.P.R.G.C.T.	145.09' 60.00' 54.52' = = = = = = = = = = = = = = = = = = =	115, U.E. & B.L. 30,48 126,11 126	2.39° 21.17' 2.39° 2.10° 2.00° 2.10° 2.00° 2.10° 2.00° 2.10°	11.34'- 11.34'- 11.34'- 11.34'- 60.00' S4 201 00' S4 201 00' 30' 30' 30' 30' 30' 30' 30'	196 % 19 60.00' 60.0 13'55'24"W 202 % 20 ======60.00' 60.0 60.00' 62.0 ====================================	35 00° 00° 00° 00° 00° 00° 00° 00° 00° 00	194 000 000 000 000 000 000 000 000 000 0	21.00° 20.	D.E. LO 0.121 A 60.00' 192 86 192 86 193 192 86 193 192 86 193 193 193 193 193 193 193 193 193 193	60.00' 60.00' 60.00' 60.00' 843 843 843 62.00' 226 25 262.00'	S43:55'24"W 8 60.00' BLO 60.00' BLO 60.00' 208 62 25' B.L. 60.00' "55'24"W 979. 3'55'24"E 967. 62.00' 25' B.L. 225 62.00' BLOCk	807.34' 60.00' 20' U.E. 189 20' U.E. 60.00' 20' U.E. 20' U.E. 60.00' 224 224 224 224 462.00'	60.00' 60.00' 188 27 60.00' 543'55'24"W 210 27 60.00' FARMERS (50' R.0 62.00' 223 27 223 27	60.00' 187 °C' 60.00' 211 °C' 60.00' DELL W.) 62.00' 222 °C' 222 °C' 222 °C' 231	186 °27 60.00' 212 °27 60.00' 62.00'	185 60.00° 213 60.00° 213 846.0436"E	70.00' 184 70.00' 277 70.00' 377	14 110.00	1 BL(1 120	81 0009 006' 0005' 0005' 0005' 0004' 0003' 0003' 0003' 0005	12	M.P.R	01999013012 .G.C.T.
	GREEN VALLEY UTILITY DIS CALLED 1.1 VOL. 1619, F O.P.R.G.G.	SPECIAL STREIT AS AC. P.G. 360 C.T.	239 N43'49'41"E 170.69' 238 BLOCK 2 154.76' 237 5.74' 150.26' N43'49'41"E 150.26' 236 N43'49'41"E 150.26' CALLED 0.500 AC. GARY SKEOCH VOL. 1403, PG. 85 0.P.R.G.C.T.	145.09' 60.00' 54.52' = = = = = = = = = = = = = = = = = = =	115, U.E. & B.L. 30,48 126,11 126	2.39° 21.17' 2.39° 2.10° 2.00° 2.10° 2.00° 2.10° 2.00° 2.10°	11.34'- 11.34'- 11.34'- 11.34'- 11.34'- 60.00' S4 201 S2 60.00' 60.00' 232 S2 232 S2 232 S2	196 % 19 60.00' 60.0 13'55'24"W 202 % 20 ======60.00' 60.0 60.00' 62.0 ====================================	35 00° 00° 00° 00° 00° 00° 00° 00° 00° 00	194 000 000 000 000 000 000 000 000 000 0	21.00° 20.	D.E. LO 0.121 A 60.00' 192 86 192 86 193 192 86 193 192 86 193 193 193 193 193 193 193 193 193 193	60.00' 60.00' 60.00' 60.00' 843 843 843 62.00' 226 25 262.00'	S43:55'24"W 8 60.00' 190 60.00' BLO 60.00' 208 25' B.L. 60.00' "55'24"W 979. 3'55'24"W 979. 3'55'24"E 967. 62.00' 225 B.L. 225 G. BLOCK 62.00' BLOCK	807.34' 60.00' 20' U.E. 189 20' U.E. 60.00' 20' U.E. 20' U.E. 60.00' 224 224 224 224 462.00'	60.00' 60.00' 188 27 60.00' 543'55'24"W 210 27 60.00' FARMERS (50' R.0 62.00' 223 27 223 27	60.00' 187 °C' 60.00' 211 °C' 60.00' DELL W.) 222 °C' 222 °C' 222 °C' 222 °C' 223 °C' 241 °C' 251 °C' 252 °C' 253 °C' 253 °C' 253 °C' 254 °C' 255 °C' 256 °C' 257	186 271 60.00' 212 271 60.00' 62.00' 221 2821	185 60.00° 213 62.00° 220 62.00° 220 87.00° 62.00° 62.00° 62.00°	70.00' 37' 184 75' 70.00' 37' 70.00' 37' 70.00' 37' 70.00' 37' 70.00' 37' 70.00' 37' 70.00' 37' 70.00' 37' 70.00' 37' 70.00' 70.	117.14 110.00 11	1 BL() 120	81 0009 006' 0005' 0005' 0005' 0004' 0003' 0003' 0003' 0005	12	M.P.R	01999013012 I.G.C.T.
	GREEN VALLEY UTILITY DIS CALLED 1.1 VOL. 1619, F O.P.R.G.G.	SPECIAL STREIT AS AC. P.G. 360 C.T. ESSERVED OR ROAD PG. 548) P.R.G.C.T.	154.76° 154.76° 238 BLOCK 2 154.76° 237 30	N46'04'36"W 145.09' 60.00' 54.52' = = 270.70' 270.70' 60.00' 54.52' 62.20' 62.20' 60' 60' 8.0.W') \$\$ \$\$ \$\$ \$\$ \$\$ \$\$ \$\$ \$\$ \$\$ \$\$ \$\$ \$\$ \$	15. U.E. & B.L. 20.45. 1.5. U.E. 20.45	2.39° 21.17' 2.39° 2.10° 2.00° 2.10° 2.00° 2.10° 2.00° 2.10°	11.34'- 11.34'- 11.34'- 11.34'- 11.34'- 60.00' S4 201 S2 60.00' 60.00' 232 S2 232 S2 232 S2	196 % 19 60.00' 60.0 13'55'24"W 202 % 20 ======60.00' 60.0 60.00' 62.0 ====================================	35 00° 00° 00° 00° 00° 00° 00° 00° 00° 00	194 000 000 000 000 000 000 000 000 000 0	21.00° 20.	D.E. LO 0.121 A 60.00' 192 86 192 86 193 192 86 193 192 86 193 193 193 193 193 193 193 193 193 193	60.00' 60.00' 60.00' 60.00' 843 843 843 62.00' 226 25 262.00'	S43'55'24"W 8 60.00' 190 BLO 60.00' 208 25' B.L. 60.00' '55'24"W 979. 3'55'24"E 967. 62.00' 25' B.L. 225 '97. BLOCK 62.00' BLOCK 62.00' 57"W 1239.	807.34' 60.00' 20' U.E. 189 20' U.E. 60.00' 20' U.E. 20' U.E. 20' U.E. 20' U.E. 20' U.E. 20' U.E. 40.00' 224 27 20' U.E.	60.00' 60.00' 188 27 60.00' 543*55*24**W 210 27 60.00' FARMERS (50' R.0 62.00' 223 27 62.00'	60.00' 187 '62' 60.00' 211 '62' 60.00' DELL W.) 62.00' 222 '62' 62.00'	186 271 60.00' 212 271 60.00' 62.00' 221 2821	185 60.00° 213 62.00° 220 62.00° 220 87.00° 62.00° 62.00° 62.00°	70.00' 184 70.00' 214 70.00' 370' 55.00' 70.	117.14 110.00 11	1 BL() 120	81 0009 006' 0005' 0005' 0005' 0004' 0003' 0003' 0003' 0005	12	M.P.R	01999013012 1.G.C.T.
	GREEN VALLEY UTILITY DIS CALLED 1.1 VOL. 1619, F O.P.R.G.G.	36 PHASE 6 007278, 37 BLOCK 3 38 SPECIAL STRCIT 48 AC. 9C. 360 C.T. SESERVED OR ROAD PR. 548) P.R. G. C.T.	N43'49'41"E 170.69' 238 BLOCK 2 154.76'	PAHMEYER RD (60.00' 54.52' 52.20' 54.52' 52.20' 54.52' 52.20'	7	2.39° 21.17' 198 5.16' 60.00' 60.00' 233 60.00' 233	11.34'	196 % 19 60.00' 60.0 3755'24"W 202 % 20 60.00' 60.0 60.00' 62.0 231 % 23 60.00' 62.0	35 00° 00° 00° 00° 00° 00° 00° 00° 00° 00	194 000 000 000 000 000 000 000 000 000 0	21.00° 20.	D.E. LO 0.121 A 60.00' 192 86 192 86 193 192 86 193 192 86 193 193 193 193 193 193 193 193 193 193	60.00' 60.00' 60.00' 60.00' 843 843 843 62.00' 226 25 262.00'	S43:55'24"W 8 60.00' 190 60.00' BLO 60.00' 208 25' B.L. 60.00' 555'24"E 967. 62.00' 225' B.L. 225' B.L. 225' B.L. 62.00' BLOCK 62.00' NEW B	807.34' 60.00' 20' U.E. 189 20' U.E. 60.00' 20' U.E. 20' U.E. 20' U.E. 20' U.E. 20' U.E. 20' U.E. 224 £2	60.00' 60.00' 188 27 60.00' 543'55'24"W 210 27 60.00' FARMERS (50' R.0 62.00' 223 27 223 27	60.00' 187 60.00' 211 60.00' DELL W.) 62.00' 222 22 42 62.00' LIMITS	186 271 60.00' 212 271 60.00' 62.00' 221 2821	185 60.00° 213 62.00° 220 62.00° 220 87.00° 62.00° 62.00° 62.00°	70.00' 37' 184 77' 175' 175' 175' 175' 175' 175' 175'	117.14 110.00 11	1 BL() 120	81 0009 006' 0005' 0005' 0005' 0004' 0003' 0003' 0003' 0005	12	M.P.R	.G.C.T.
	GREEN VALLEY UTILITY DIS CALLED 1.1 VOL. 1619, F O.P.R.G.G.	36 PHASE 6 007278, 37 BLOCK 3 38 SPECIAL STRCIT 48 AC. PG. 360 C.T. ESSERVED OR ROAD PG. 548) P.R.G.C.T.	N43'49'41"E 170.69' 238 BLOCK 2 154.76'	N46'04'36"W 145.09' 60.00' 54.52' 62.20' 70.70' 70.54.53' 62.20' 70.70' 70.54.53' 62.20' 70.70' 70.54.53' 70.70' 70.58'E	7	2.39° 21.17' 2.39° 198 5.46° 60.00° 233 60.0	11.34'- = 11.34'	196 % 19 60.00' 60.0 13'55'24"W 202 % 20 60.00' 60.0 60.00' 62.0 231 % 23 60.00' 62.0 RENTALS, LLC 2.744 AC. 014-020421	35 00° 00° 00° 00° 00° 00° 00° 00° 00° 00	194 000 000 000 000 000 000 000 000 000 0	21.00° 20.	D.E. LO 0.121 A 60.00' 192 86 192 86 193 192 86 193 192 86 193 193 193 193 193 193 193 193 193 193	60.00' 60.00' 60.00' 60.00' 843 843 843 843 843 843 843 84	S43:55'24"W 8 60.00' 190 60.00' BLO 60.00' 208 25' B.L. 60.00' "55'24"W 979. 3555'24"W 979. 3555'24"W 979. 3555'24"W 979. 3555'24"W 979. 3555'24"W 979.	807.34' 60.00' 20' U.E. 189 20' U.E. 60.00' 20' U.E. 20' U.E. 20' U.E. 20' U.E. 20' U.E. 20' U.E. 224 £2	60.00° 188 27 60.00° 188 27 60.00° 543°55′24**W 210 27 60.00° FARMERS (50° R.0 62.00° 223 27 62.00°	60.00' 187 60.00' 211 60.00' DELL W.) 62.00' 222 22 42 62.00' LIMITS	186 271 60.00' 212 271 60.00' 62.00' 221 2821	185 60.00° 213 62.00° 220 62.00° 220 87.00° 62.00° 62.00° 62.00°	70.00' 37' 184 77' 175' 175' 175' 175' 175' 175' 175'	117.14 110.00 11	1 BL() 120	81 0009 006' 0005' 0005' 0005' 0004' 0003' 0003' 0003' 0005	12	M.P.R	.G.C.T.
	GREEN VALLEY UTILITY DIS CALLED 1.1 VOL. 1619, F O.P.R.G.G.	36 PHASE 6 007278, 37 BLOCK 3 38 SPECIAL STRCIT 48 AC. PG. 360 C.T. ESSERVED OR ROAD PG. 548) P.R.G.C.T.	N43'49'41"E 170.69' 238 BLOCK 2 154.76'	N46'04'36"W 145.09' 60.00' 54.52' 62.20' 70.70' 70.54.53' 62.20' 70.70' 70.54.53' 62.20' 70.70' 70.54.53' 70.70' 70.58'E	115, 76.58' 116, 76.58' 117, 78, 78, 78, 78, 78, 78, 78, 78, 78, 7	2.39° 21.17' 2.39° 198 5.46° 60.00° 233 60.0	11.34'- 11.	196 % 19 60.00' 60.0 13'55'24"W 202 % 20 60.00' 60.0 60.00' 62.0 231 % 23 60.00' 62.0 RENTALS, LLC 2.744 AC. 014-020421	35 00° 00° 00° 00° 00° 00° 00° 00° 00° 00	194 000 000 000 000 000 000 000 000 000 0	21.00° 20.	D.E. LO 0.121 A 60.00' 192 86 192 86 193 192 86 193 192 86 193 193 193 193 193 193 193 193 193 193	60.00' 60.00' 60.00' 207 60.00' 843 N43 62.00' 226 927 15' U.E. 62.00' \$43*51'\$	S43:55'24"W 8 60.00' BLO 60.00' 208 208 25' B.L. 60.00' 255'24"W 979. 3555'24"E 967. 62.00' BLOCK 62.00' BLOCK 62.00' 757"W 1239. NEW B NE NE NEW B NE NE NEW B NE NEW B NE NE NEW B NE NE NE NE NE NE NE NE NE NE	807.34' 60.00' 20' U.E. 189 20' U.E. 60.00' 20' U.E. 20' U.E. 20' U.E. 20' U.E. 224 23' 224 23' 224 23' 24 25	60.00° 188 27 60.00° 188 27 60.00° 543°55′24**W 210 27 60.00° FARMERS (50° R.0 62.00° 223 27 62.00°	60.00' 187 60.00' 211 60.00' DELL W.) 62.00' 222 22 42 62.00' LIMITS	186 271 60.00' 212 271 60.00' 62.00' 221 2821	185 60.00° 213 62.00° 220 62.00° 220 87.00° 62.00° 62.00° 62.00°	70.00' 37' 184 77' 175' 175' 175' 175' 175' 175' 175'	117.14 110.00 11	1 BL() 120	81 0009 006' 0005' 0005' 0005' 0004' 0003' 0003' 0003' 0005	12	M.P.R	.G.C.T.
	GREEN VALLEY UTILITY DIS CALLED 1.1 VOL. 1619, F O.P.R.G.G.	SPECIAL STRCIT 48 AC. PG. 360 C.T. SESERVED OR ROAD PG. 548) P.R.G.C.T. E. (V	N43'49'41"E 170.69' 238 BLOCK 2 154.76'	N46'04'36"W 145.09' 60.00' 54.52' 62.20' 70.70' 70.54.53' 62.20' 70.70' 70.54.53' 62.20' 70.70' 70.54.53' 70.70' 70.58'E	115, 76.58' 116, 76.58' 117, 78, 78, 78, 78, 78, 78, 78, 78, 78, 7	2.39° 21.17' 2.39° 198 5.46° 60.00° 233 60.0	11.34'- = 11.34'	196 % 19 60.00' 60.0 13'55'24"W 202 % 20 60.00' 60.0 60.00' 62.0 231 % 23 60.00' 62.0 RENTALS, LLC 2.744 AC. 014-020421	35 00° 00° 00° 00° 00° 00° 00° 00° 00° 00	194 000 000 000 000 000 000 000 000 000 0	21.00° 20.	D.E. LO 0.121 A 60.00'	60.00' 60.00' 60.00' 207 60.00' 843 N43 62.00' 15' U.E. 62.00' \$43'51'\$	S43:55'24"W 8 60.00' 190 60.00' BLO 60.00' 208 25' B.L. 60.00' "55'24"W 979. 3'55'24"W 979. 3'55'24"E 967. 62.00' 225' B.L. 225 98 BLOCK 62.00' 57"W 1239. NEW B NE	807.34' 60.00' 20' U.E. 189 20' U.E. 60.00' 20' U.E. 20' U.E. 20' U.E. 20' U.E. 224 23' 224 23' 224 23' 24 25	60.00° 188 27 60.00° 188 27 60.00° 543°55′24**W 210 27 60.00° FARMERS (50° R.0 62.00° 223 27 62.00°	60.00' 187 60.00' 211 60.00' DELL W.) 62.00' 222 22 42 62.00' LIMITS	186 271 60.00' 212 271 60.00' 62.00' 221 2821	185 60.00° 213 62.00° 220 62.00° 220 87.00° 62.00° 62.00° 62.00°	70.00' 37' 184 77' 175' 175' 175' 175' 175' 175' 175'	117.14 110.00 11	1 BL() 120	81 0009 006' 0005' 0005' 0005' 0004' 0003' 0003' 0003' 0005	12	M.P.R	U1999013012

290 S. CASTELL AVE., STE. 100
NEW BRAUNFELS, TX 78130
TBPE FIRM F-10961
TBPLS FIRM 10153600

EXHIBIT C

			TRAFFI	C IMPACT ANALYSIS ((TIA) THRESH	OLD WOF	RKSHEET	
Complete this form as a	n aid to	determi	ne if you	r project requires a Traffi	c Impact Analys	sis.		
Project Name: The Sile Location: W. Klein			Road a	oproximately ½ mile sout	th west of S. W	alnut Ave	New Braunfels. TX	_
Applicant: Arnold				<u> </u>			Owner:	Agent: X
Address: 410 N.			w Braun					
Phone: Work: 830-629	5-8555			Cell:			E-mail: <u>arn</u>	oldm@hmtnb.com
Permit Type (check o	one): Zo	ning:		Subdivision Master F	Plan:	Bldg.	Plan #:	Other:
Box A (Original TIA)	Resider	ntial De	velopme	ent				
Anticipated Land Use		er of Unit	-	Peak Hour? (e.g., 5- 6p.m. weekday)	Peak Hour Tr	ip Rate	Peak Hour Trips	Trip Rate Source
Residential		101		Weekday 4-6 PM	1.00		101	ITE Code: 210 Other:
Box B (Original TIA)			al Develo					
Anticipated Land Use	Project Acres		Other*	Peak Hour? (e.g., 5- 6p.m. weekday)	Peak Hour T	rip Rate	Peak Hour Trips	Trip Rate Source
								ITE Code: Other:
			* specif	y:				
Box C (Updated TIA)	If prope	erty alre	eady has	a TIA on file, complete	Box C; if not	ignore B	ox C	
Peak Hour trips Projecto			Peak	Hour Trips (from Box A		Increase	e in Peak Hour Trips	
T can riour inportrojecti		TIOTIC TIP	` Proje	cted in <i>Updated</i> Project		(if over	100 additional trips, a n	ew TIA is required)
Box D (Information red	narding	the ner	son/age	ncy who prepared the 1	ΓΙΔ			
Box B (information reg	jaranig	the per	3011/agc	ncy who prepared the l	i izy			
Prepared by: Arnold	Martinez	z, P.E., I	HMT Eng	gineering & Surveying			Date: November	<u>r 20, 2017</u>
Comments: Under 10	0; Level	1 TIA b	y CEC a	ttached (Joe Nix dated 1	<u>0/16/13).</u>			
Box E (For Official Use	e Only –	Do not	write in	this box)				
A TIA is requ	uired. The required.	consultar The traffi	nt preparing c generate	this study must meet with City d by the proposed developmen for the following reasons:	r staff to discuss the t does not exceed	e scope and the threshol	requirements of the stuffy be d requirements.	efore beginning the study.
Reviewed by:							_ Date:	

Notes: GFA = Gross Floor Area (bldg.size) ITE = Institute of Transportation Engineers, *Trip Generation*, 7th Edition, 525 School Street, S.W. Suite 410, Washington DC 20024-2729



410 N. Seguin Ave. New Braunfels, TX 78130 HMTNB.COM 830.625.8555 • FAX: 830.625.8556 TBPE FIRM F-10961

Street Cost Comparison Silos Unit 3 PAHMEYER ROAD IMPROVEMENTS

7/23/2020

**NOTE: Unit prices are from MC Ethridge, Contractor on the Project. Quantities below are the engineer's best estimation.

Local Street Quantities (50' ROW)

ITEN	DESCRIPTION	UNIT	EST/QTY	\$/UNIT	Α	MOUNT
1	1.5" HMAC Type D	SY	1,984	\$ 6.45	\$	12,797.99
2	2.5" Type C/D Binder	SY	1,984	\$ 10.35	\$	20,536.30
3	17" Flex Base	SY	2,374	\$ 14.25	\$	33,832.98
4	Prime Coat	GAL	397	\$ 3.35	\$	1,329.95
5	8" Lime Stabilized Subgrade	SY	2,374	\$ 7.35	\$	17,450.69
6	Curb and Gutter	LF	1,545	\$ 17.30	\$	26,728.50
7	4" Concrete Sidewalk & Retaining Wall	SY	379	\$ 93.00	\$	35,247.00
8	Valley Gutter	SY	57	\$ 100.00	\$	5,700.00
9	ADA Curb Cuts & Ramps, Type II	EA	4	\$ 1,060.00	\$	4,240.00
10	Street Signs	LS	1	\$ 3,800.00	\$	3,800.00

SUBTOTAL	\$	161,663.41
SUBTUTAL	2	

COST DIFFERENCE

59,331.29

Minor Collector Quantities

ITEN	DESCRIPTION	UNIT	EST/QTY		\$/UNIT	F	TNUOMA
1	2.5" HMAC Type D	SY	2,518	\$	10.85	\$	27,320.30
2	3" Type C/D Binder	SY	2,518	\$	13.15	\$	33,111.70
3	21" Flex Base	SY	3,013	\$	20.25	\$	61,013.25
4	Prime Coat	GAL	504	\$	3.35	\$	1,688.40
5	8" Lime Stabilized Subgrade	SY	3,013	\$	7.35	\$	22,145.55
6	Curb and Gutter	LF	1,545	\$	17.30	\$	26,728.50
7	4" Concrete Sidewalk & Retaining Wall	SY	379	\$	93.00	\$	35,247.00
8	Valley Gutter	SY	57	\$	100.00	\$	5,700.00
9	ADA Curb Cuts & Ramps, Type II	EA	4	\$	1,060.00	\$	4,240.00
10	Street Signs	LS	1	\$	3,800.00	\$	3,800.00
	CHRISTOPHER P. VAN HEERDE			SUBTO)TAL	\$	220,994.70

EXHIBIT E 7/23/2020 lins Van Handle, PE



550 Landa Street New Braunfels, TX

2/22/2021

Agenda Item No. E)

Presenter/Contact Matthew Eckmann, Facilities and Real Estate Manager (830) 221-4089 - meckmann@nbtexas.org

SUBJECT:

Approval of a lease agreement between the City of New Braunfels and Cellco Partnership d/b/a Verizon Wireless for the installation and operation of Small Cell equipment on the property described as 105.821 acres out of the JM Veramendi Survey No. 1, Abstract No. 2, addressed as 115 Elizabeth Ave, New Braunfels, Comal County, Texas.

BACKGROUND / RATIONALE:

The City has been approached by Verizon Wireless to install small cell infrastructure within Landa Park to provide improved cellular coverage for park patrons as well patrons attending the annual Wurstfest festival.

Verizon will work with City Staff and contractors to locate the small cell equipment on a new light pole that will be installed in conjunction with the Elizabeth Avenue realignment project.

The term of the lease will be for five (5) years with two (2) additional five (5) year extensions.

This lease agreement also gives Verizon the rights to bring in their underground telecommunications infrastructure from the nearest right-of-way, Landa Park Drive.

ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:

FISCAL IMPACT:

Annual rental under this lease is \$1,800 for the initial term and \$3,000 for the extension terms. Verizon will also compensate the City \$360 annually for the use of electricity to power the equipment.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval.





550 Landa Street New Braunfels, TX

2/22/2021

Agenda Item No. F)

Presenter/Contact Matthew Eckmann, Facilities and Real Estate Manager

(830) 221-4089 - meckmann@nbtexas.org

SUBJECT:

Approval of an expenditure of up to \$95,000 and authorization for the City Manager to execute all necessary agreements for the acquisition of a 2.836-acre easement and 2.034 acre temporary construction easement located in the J.S. Johnson Survey No. 47, Abstract No. 190 and Sarah Dewitt Survey No. 48, Abstract No. 103, Guadalupe County, Texas on behalf of the Guadalupe Blanco River Authority.

BACKGROUND / RATIONALE:

The City of New Braunfels and GBRA have entered into a wastewater service agreement dated March 18, 2020 to provide sewer services to the approximately 150-acre Zipp Family Sport's Park site. The agreement provides that the City shall purchase any offsite easements necessary to accomplish the construction of the sewer connection which shall be conveyed to GBRA.

City Staff has negotiated a settlement of \$88,622 for the acquisition of the necessary easements from the Property Owners of the above described property. In addition to the settlement amount, the City shall also be responsible for any necessary title closing fees.

Α	ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:				
ſ					

FISCAL IMPACT:

Funding to support this expenditure will be supported by the 2013 bond program.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval.



550 Landa Street New Braunfels, TX

2/22/2021

Agenda Item No. G)

Presenter/Contact Mark Enders, Watershed Program Manager (830) 221-4639 - menders@nbtexas.org

SUBJECT:

Approval of a contract amendment with Arcadis U.S., Inc for professional services associated with implementation of the Dry Comal Creek and Comal River Watershed Protection Plan.

BACKGROUND / RATIONALE:

A Watershed Protection Plan (WPP) has been developed to protect water quality and address bacteria loading to the Dry Comal Creek and the Comal River. The WPP has been accepted by the Texas Commission on Environmental Quality (TCEQ) and the U.S. Environmental Protection Agency (EPA).

The City received a grant from the EPA through the TCEQ in the amount of \$443,853 to implement activities outlined in the WPP between September 2018 and August 2021. The grant contract with TCEQ was recently amended to include additional WPP activities, allocate grant funding for these activities, and extend the contract date to August 2022.

City Council approved a contract award to Arcadis on October 22, 2018 for assistance with WPP implementation. Previous to this, Arcadis assisted the City with the development of the WPP. Arcadis has provided excellent service to-date and has the qualifications and historical perspective needed to continue assisting with WPP implementation activities.

The initial contract with Arcadis is valued at \$166,053 for services to be provided through August 2021. The proposed contract amendment would increase the contract by \$94,150 and extend the contract to August 31, 2022. The activities to be implemented by Arcadis with the additional funding are to include: 1) continued assistance with management of non-native waterfowl in Landa Park; 2) analysis of structural stormwater and bacteria removal measures; and 3) continued assistance with development and implementation of WPP education and outreach efforts.

ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:

X	Implementation of the Dry	Implement the WPP to reduce bacteria loading to the
X	Comal Creek & Comal	Dry Comal Creek and Comal River Implement
	River Watershed	stormwater best management practices to improve
	Protection Plan Envision	water quality
	NB: Natural Resources	

FISCAL IMPACT:

The contract with Arcadis will be funded in whole by grant funds provided by the EPA through the TCEQ. A contract, and approved contract amendment, is in place between the City and TCEQ for the grant funding to fund the Arcadis contract.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of a contract amendment with Arcadis U.S., Inc for professional services associated with implementation of the Dry Comal Creek and Comal River Watershed Protection Plan.



550 Landa Street New Braunfels, TX

2/22/2021

Agenda Item No. H)

Presenter/Contact Matthew Eckmann, Facilities and Real Estate Manager

(830) 221-4089 - Meckmann@nbtexas.org

SUBJECT:

Approval of a contract with Ultimate Roof Systems for modular office building for roof repairs at the New Braunfels Public Library and roof replacement at Fire Station 1 and the appropriate budget amendment

BACKGROUND / RATIONALE:

The FY 2021 budget allocated \$33,000 for roof repairs at the New Braunfels Public Library and Fire Station 1. It has since been discovered that repairs to Fire Station 1 would be inadequate and a roof replacement is recommended.

The library roof is approximately 22 years old and is made from galvanized metal which is a material that is not currently used any longer due to its known issues with corrosion. The Library has several areas of corrosion which are causing leaking throughout the building. After obtaining quotes from three roofers, the cost to install a sealant on the portions of the roof that are currently corroded was provided for a total cost of \$2,070.

The Fire Station 1 roof is a tar and gravel roof that is in excess of 40 years old and has a number of areas that are currently leaking. It has been recommended by multiple roofing contractors that the roof is at the end of its lifespan and should be replaced as opposed to repairing. Staff has obtained quotes for repairing the roof which will come with very limited warranties as it is difficult to determine where the source of the leaks are. Staff also obtained quotes to replace the roof and is requesting the authority to approve a contract with Ultimate Roofing Systems who would install a Dura Last PVC roof coating which would leave the existing roof in place, deck over it and install the new roof material. This roofing system carries a full 20-year material and labor warranty. The total cost for replacement is \$46,207.

Staff has obtained quotes from three contractors and is recommending Ultimate Roofing Systems as the best value for both the repairs and the roof replacement. The total contract cost for the Library and complete replacement for Fire Station1 is \$48,275.

As mentioned above, \$33,000 was allocated initially to support the roof repairs for both facilities. To fund the repairs at the library and replace the fire station #1 roof, there is currently a \$15,275 shortfall. To provide the additional funding, staff recommends a budget amendment from the funds currently allocated as our matching portion of a grant to replace outdated diesel vehicles. We have already made our full commitment for that project and there is currently enough surplus within that project to support the additional funds needed for the roof repairs/replacement. The following budget amendment is recommended for City Council consideration.

2008 Certificates of Obligation

From: Grant Match/Dump Truck Purchase \$15,275

To: Roof Repair/Replacement - Fire Department/Library \$15,275

ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:

Yes	Strategic Priorities:	Use a variety of funding sources for operational and
		capital needs.

FISCAL IMPACT:

With the funding previously allocated in the FY 2021 Budget for this project as well as the recommended budget amendment, sufficient funds are available to award the contract for the services described above.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of a contract with Ultimate Roof Systems for modular office building for roof repairs at the New Braunfels Public Library and roof replacement at Fire Station 1.



550 Landa Street New Braunfels, TX

2/22/2021

Agenda Item No. A)

Presenter/Contact Caitlin Krobot, City Secretary (830) 221-4006 - ckrobot@nbtexas.org

SUBJECT:

Approval of the Mayoral appointment of one individual to the New Braunfels Housing Authority Board of Commissioners for a term ending January 22, 2023.

BACKGROUND / RATIONALE:

The New Braunfels Housing Authority Board of Commissioners in comprised of five members serving two-year staggered terms, with at least one member being a Housing Authority tenant and the remainder serving at-large.

This appointment was taken to City Council on January 25, 2021 and postponed to the February 22, 2021 agenda.

ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:

N/A

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends postponing this item to a future City Council meeting to allow the vacancy to be advertised for additional time



550 Landa Street New Braunfels, TX

2/22/2021

Agenda Item No. B)

Presenter/Contact Jennifer Cain, Capital Programs Manager (830) 221-4646 - jcain@nbtexas.org

SUBJECT:

Discuss and consider approval of a Letter of Intent with New Braunfels Utilities for the installation of standalone solar powered generation projects at a series of distributed generation solar sites owned or controlled by the City on the terms and conditions specified in the letter.

BACKGROUND / RATIONALE:

NBU has worked with the City to identify sites owned or controlled by the City that may be suitable for solar ýdevelopment due to land characteristics and proximity to NBU's existing distribution lines.

NBU is issuing a request for proposal to solicitý ýcompetitive proposals from professional, qualified, and experienced solar developers to develop cost effective distributed solar photovoltaic electric ýgenerating systems ("Solar PV Systems") connected to NBU's distribution system to be located at a series of distributed generation ýsolar sites physically in or around the City. The awarded Developer shall finance, design, construct, own, operate, and maintain the Solar PV Systems and yenter into an agreement with NBU.

NBU will oversee the awarded Developer's development, yconstruction, interconnection and operation of Solar PV Systems on the sites selected for solar development; provided that (a) all plans and specifications for improvements and installations will be submitted to the City ýfor approval, ý and (b) the City will have the right to inspect any ýSolar PV System installed on a site owned or controlled by the City. ý

ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY: N/A

FISCAL IMPACT:

Once implemented, the generation of solar power from infrastructure installed on city property will actually generate revenue for General Fund purposes.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends of a Letter of Intent with New Braunfels Utilities for the installation of standalone solar powered generation projects at a series of distributed generation solar sites owned or controlled by the City on the terms and conditions specified in the letter.



550 Landa Street New Braunfels, TX

2/22/2021

Agenda Item No. C)

Presenter

Christopher J. Looney, AICP, Planning and Development Services Director clooney@nbtexas.org

SUBJECT:

Public hearing and first reading of an ordinance regarding the proposed rezoning of 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.

BACKGROUND / RATIONALE:

Case No.: PZ20-0330

Council District: 5

Applicant: Moeller & Associates (James Ingalls, P.E.)

> 2021 SH 46 W, Ste 105 New Braunfels, TX 78132

(830) 358-7127 - plats@ma-tx.com

Owner: Smithco Development (Matt Strange)

> 1400 Post Oak, Ste 900 Houston, TX 77056

(713) 622-4040 - matt@smithcodevelopment.com

Staff Contact: Matt Greene, Planner

(830) 221-4053 - mgreene@nbtexas.org

The subject undeveloped 14-plus acres is out of a larger 18.88-acre parcel located on the northwest corner of the intersection of IH 35 and FM 306. It is currently zoned "M-1" Light Industrial District, while the remaining 4.272 acres of the parent tract fronting IH 35 is zoned "C-3" Commercial District. The applicant is making the request to accommodate mixed-use: allowing both commercial and multifamily.

Surrounding Zoning and Land Use:

M-1 / Hotel and light manufacturing

South - M1-A & M-1Ar69 / Manufactured home sales lot and auto transmission repair shop. Convenience store with fuel sales (Buc-ee's)

East - C-3 & M-1 / Convenience store with fuel sales, supermarket (HEB), shopping center and fast food restaurant

West - C-3, M-1, M-1A & Post Road PD / Auto transmission repair shop, undeveloped lot approved for multifamily use through a PD, and a vacant parcel

Determination Factors:

In making a decision on zoning, the following factors are to be considered:

- Whether the permitted uses will be appropriate in the immediate area, and their relationship to the area and to the City as a whole (MU-B is intended to provide for a mixture of retail, office, and industrial uses to enable people to live, work and shop in close proximity. The permitted uses in MU-B are consistent with the existing zoning and land uses in the vicinity adjacent to IH 35 and in the nearby Town Center at Creekside development and future Solms Landing PD).
- Whether the change is in accord with any existing or proposed public schools, streets, water supply, sanitary sewers, and other utilities to the area (The impact on existing streets will be reviewed through the platting process. The adequacy of public facilities and utilities to serve any additional demand is evaluated by each provider. CISD and utility providers have been notified of the proposed rezoning).
- How other areas designated for similar development will be affected (The proposed rezoning should not negatively affect other areas designated for similar development).
- Any other factors that will substantially affect the public health, safety, morals, or general welfare (None identified. Drainage, utility and traffic impact will be reviewed and addressed through the platting process).
- Whether the request is consistent with the Comprehensive Plan: See below

ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:

City Plan/Council	Consistent Actions Action 1.3: Encourage balanced and
Priority: Envision	fiscally responsible land use patterns. Action 1.8: Concentrate
New Braunfels	future investment in industrial and employment centers near
	existing and emerging hubs, such as the airport; and along
	existing high capacity transportation networks, such as Interstate
	Highway 35. Future Land Use Plan: The property lies within the
	Oak Creek Sub Area on a Transitional Mixed-Use Corridor near
	existing and future Employment, Market, Medical, Outdoor
	Recreation, Education and Tourist/Entertainment Centers.

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on February 2, 2021 and recommended approval (9-0-0).

STAFF RECOMMENDATION:

Approval. MU-B allows uses consistent with the existing light industrial, commercial and residential development and zoning in the area, while offering the opportunity for mixed-use development as encouraged in Envision New Braunfels. Mixed uses at this location would provide an appropriate intensity transition outward from the major node.

Notification:

Public hearing notices were sent to 11 owners of property within 200 feet of the request. The City has received no responses at this time.

RESOURCE LINKS:

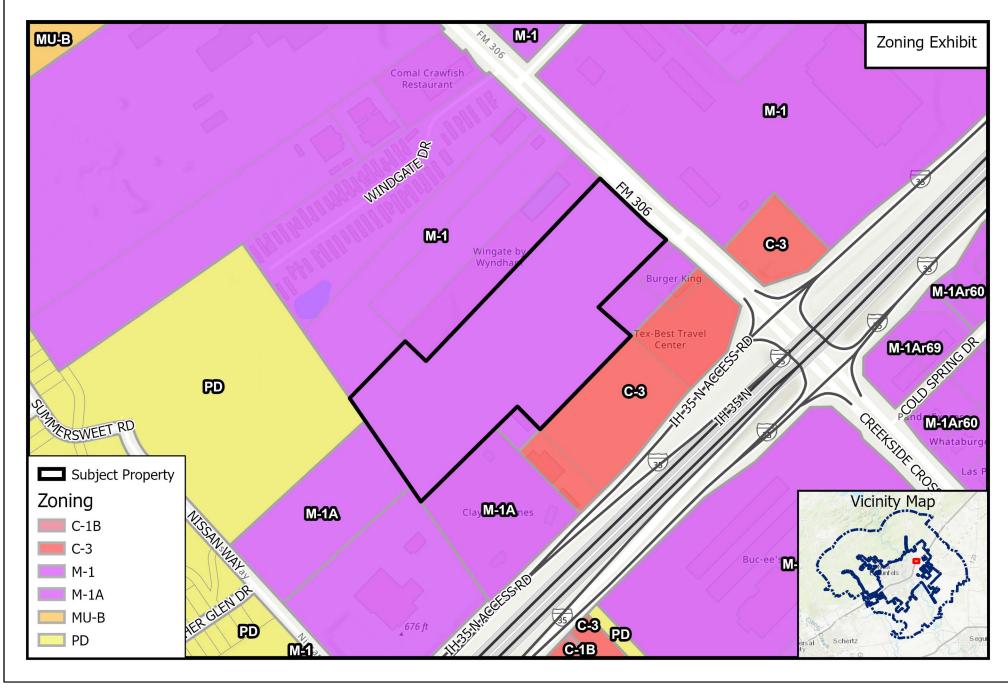
- Chapter 144, Sec. 3.3-11 "M-1" Light Industrial District, of the City's Code of Ordinances: https://library.municode.com/tx/new-braunfels/codes/code of ordinances?
- Chapter 144, Secs. 3.4-11 "MU-B" High Intensity Mixed Use District, of the City's Code of Ordinances:

https://library.municode.com/tx/new braunfels/codes/code of ordinances?

ATTACHMENTS;

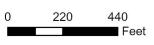
- Aerial Map 1.
- 2. Land Use Maps (Zoning, Existing and Future Land Use)
- 3. Zoning Exhibit
- 4. **Notification List and Map**
- Excerpt of Minutes from the February 2, 2021 Planning Commission Regular Meeting 5.
- Ordinance 6.







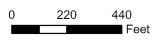
PZ20-0330 M-1 to MU-B







PZ20-0330 M-1 to MU-B



officials or employees for any discrepancies, errors, or variances which may exist.

EXISTING CENTERS

Centers are the middle, core or heart of an area. It is a point of activity and vitality. Centers come in many sizes and have different purposes or activities within. They may have endangered species habitat or aquifer recharge areas that require additional standards and consideration relating to future growth. It is envisioned that all centers be walkable, connected, and have a mix of uses. These centers must provide adequate infrastructure to support the commercial development present especially mobility and access for pedestrians, bicycles, vehicles and transit. Given the mixed-use nature of these centers, parking should be shared and not detract from the aesthetic of the area.

EMPLOYMENT CENTER

Employment Centers are mixed-use areas centered around office or industrial uses that can support significant employment.

MARKET CENTER

Market Centers are mixed-use areas anchored by a retail destination where surrounding residents go to get daily goods and services.

MEDICAL CENTER

Medical Centers are mixed-use areas centered around a medical destination such as a hospital or clinic.

CIVIC CENTER

Civic Centers are mixed-use areas centered around a civic destination such as City Hall, a library or a recreation center.

OUTDOOR RECREATION CENTER

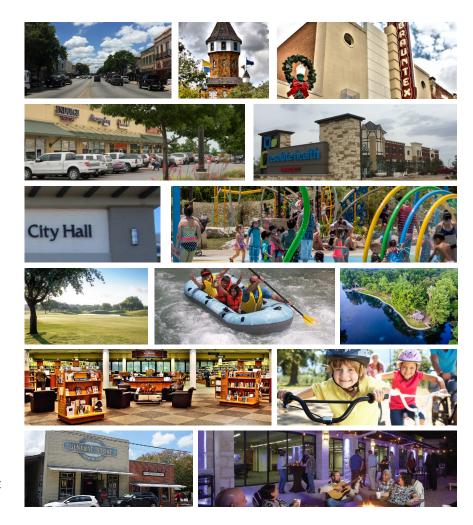
Outdoor Recreation Centers center around a public or private outdoor destination such as Landa Lake.

EDUCATION CENTER

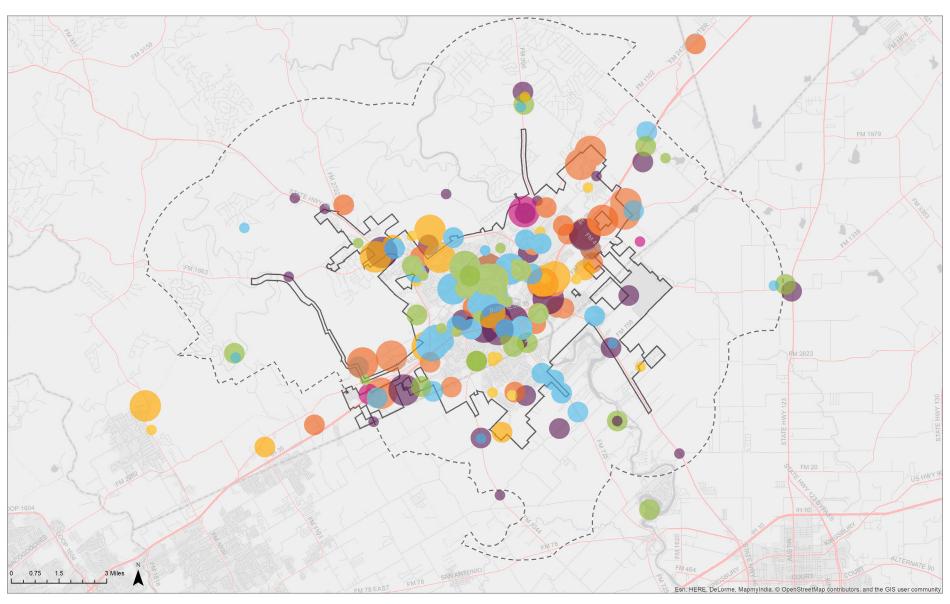
Education Centers are mixed-use areas centered around an educational destination such as a K-12 school or university/college.

TOURIST/ENTERTAINMENT CENTER

Tourist/Entertainment Centers are mixed-use areas around an entertainment venue such as Gruene Hall or a tourist destination such as the Tube Chute.



112 Implementation Roadmap



The location of existing centers was determined through the analysis of previous studies and background documents, windshield surveys, and reviewed by City staff, Steering Committee members, and Plan Element Advisory Group members during a public workshop.

FUTURE LAND USE PLAN

A future land use plan is how land is envisioned to be. It establishes priorities for more detailed plans (sub area plans) and for detailed topical plans (such as parks and open spaces, trails and roads). It cannot be interpreted without the goals and actions of Envision New Braunfels.

- TRANSITIONAL MIXED-USE CORRIDOR

 Transitional Mixed-Use Corridors express an aspiration to retrofit existing auto-dominated retail corridors with a mix of uses and a variety of travel modes over time.
- Outdoor Recreation Centers are centered around a public or private outdoor destination like Fischer Park.
- EMPLOYMENT CENTER
 Employment Centers are mixed-use areas centered around office or industrial uses that can support significant employment.
- MARKET CENTER

 Market Centers are mixed-use areas anchored by a retail destination where surrounding residents go to get daily goods and services.
- CIVIC CENTER

 Civic Centers are mixed-use areas centered around a civic destination such as City Hall, a library or a recreation center.

SUB AREA 1

Sub Area 1 includes the Downtown, Gruene and the Mid-Century or older neighborhoods that surround them. It is home to the natural springs and headwaters of flowing rivers that have attracted New Braunfelsers to the town for centuries.

SUB AREA 2

Sub Area 2 refers to the neighborhoods and residential enclaves that have grown alongside the Hill Country landscape.

SUB AREA 3

Sub Area 3 includes a planned community offering a diversity of housing, distinct community centers and preserved Hill Country landscape features.

SUB AREA 4

At the heart of Sub Area 4 is Fischer Park. Proximity to IH-35, downtown and neighboring communities like McQueeney makes this area highly desirable and accessible.

SUB AREA 5

Sub Area 5 bridges together many communities east of IH-35. It includes the scenic landscape along both banks of the Guadalupe River between Highway 46 and FM 725.

SUB AREA 6

Sub Area 6 expresses an aspiration for conservation communities focused around maintaining and enhancing ecological integrity while allowing some level of development to occur.

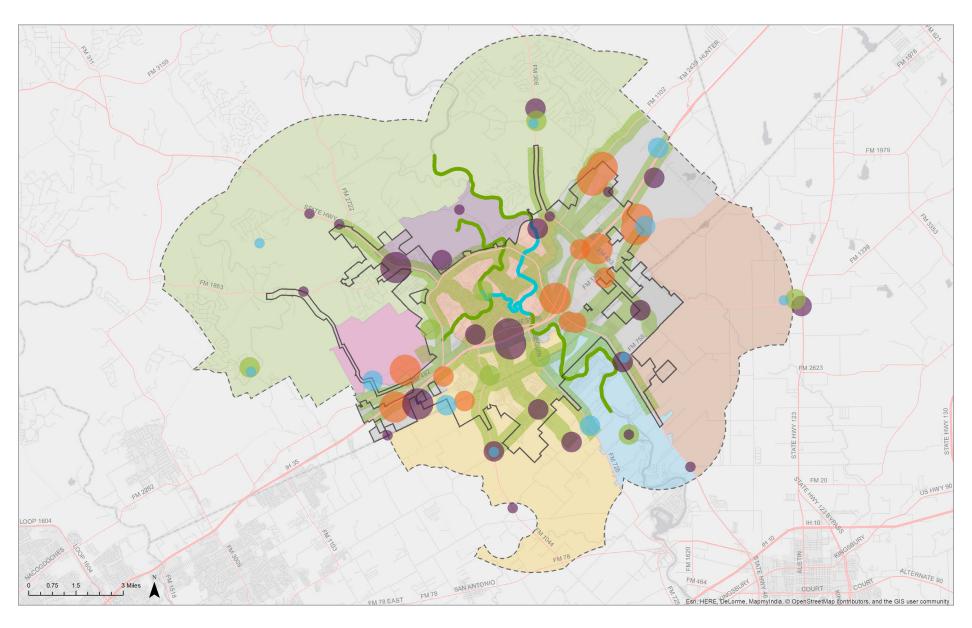
SUB AREA 7

Sub Area 7 includes parts of the city currently being mined for natural resources. These sites may become parks and open space, mixed-use communities or new commercial or entertainment areas in the future.

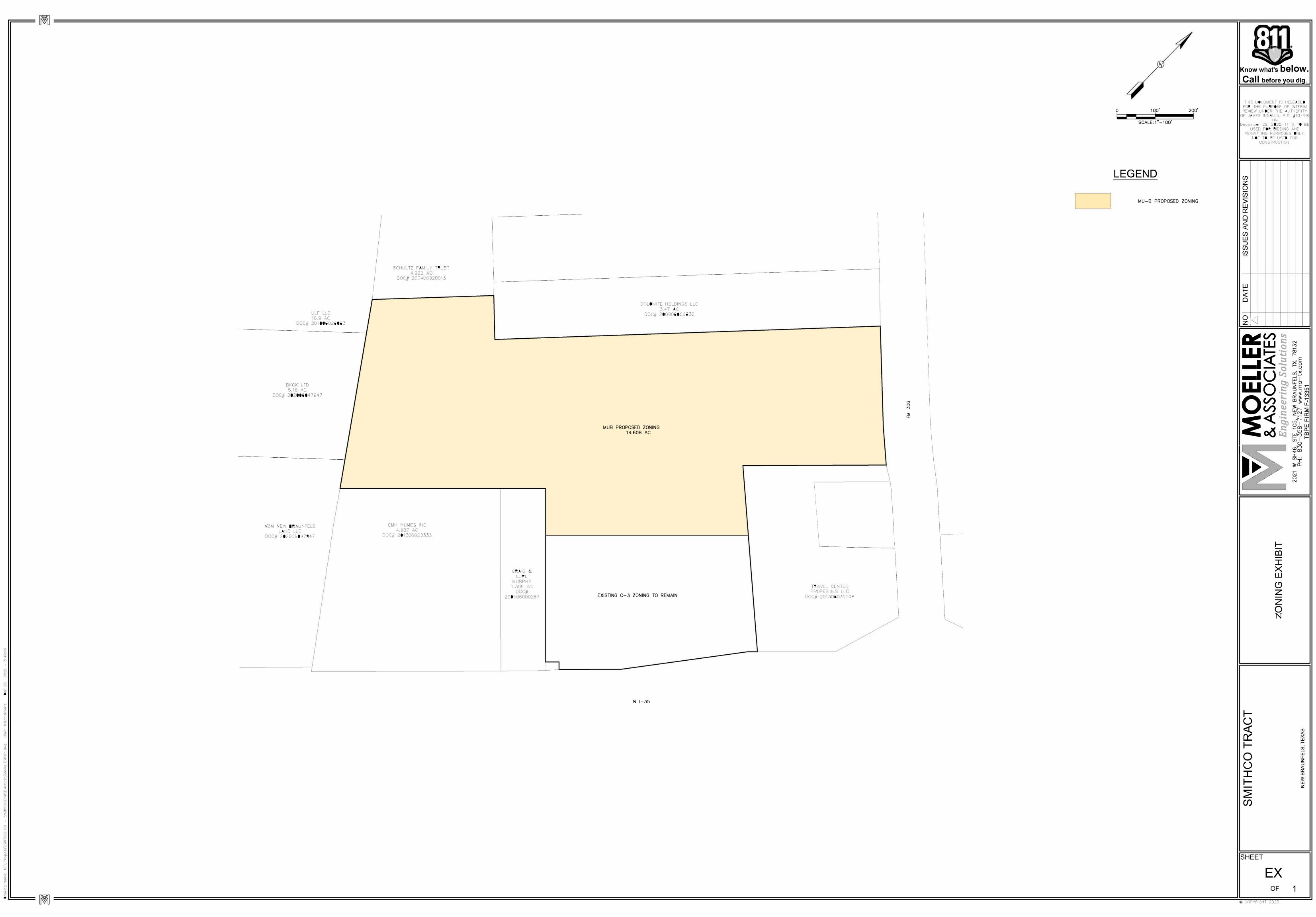
SUB AREA 8

This fast-growing Sub Area includes many neighborhoods offering affordable places for young families to live.

176 | Implementation Roadmap



A Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries. Preferred future growth scenario combines Scenarios A and C per recommendations of the Envision New Braunfels Steering Committee (February 2018). Exact boundaries of sub areas, centers, and corridors may be zoomed and viewed online.



PLANNING COMMISSION - FEBRUARY 2, 2021 - 6:00PM

Zoom Meeting

Applicant/Owner: James Ingalls, P.E.

Address/Location: Intersection of FM 306 & IH 35 N

PROPOSED ZONE CHANGE - CASE #PZ20-0330

The circled numbers on the map correspond to the property owners listed below. All information is from the Appraisal District Records. The property under consideration is marked as "Subject Property".

1. SCHULTZ FAMILY TRUST

2. MURPHY CRAIG & LUPE

3. CMH HOMES INC

4. DOLOMITE HOLDINGS LLC

5. ORMOND LARRY G & JEANETTE

6. VBM NEW BRAUNFELS LAND 2 LLC

7. HEB GROCERY CO LP

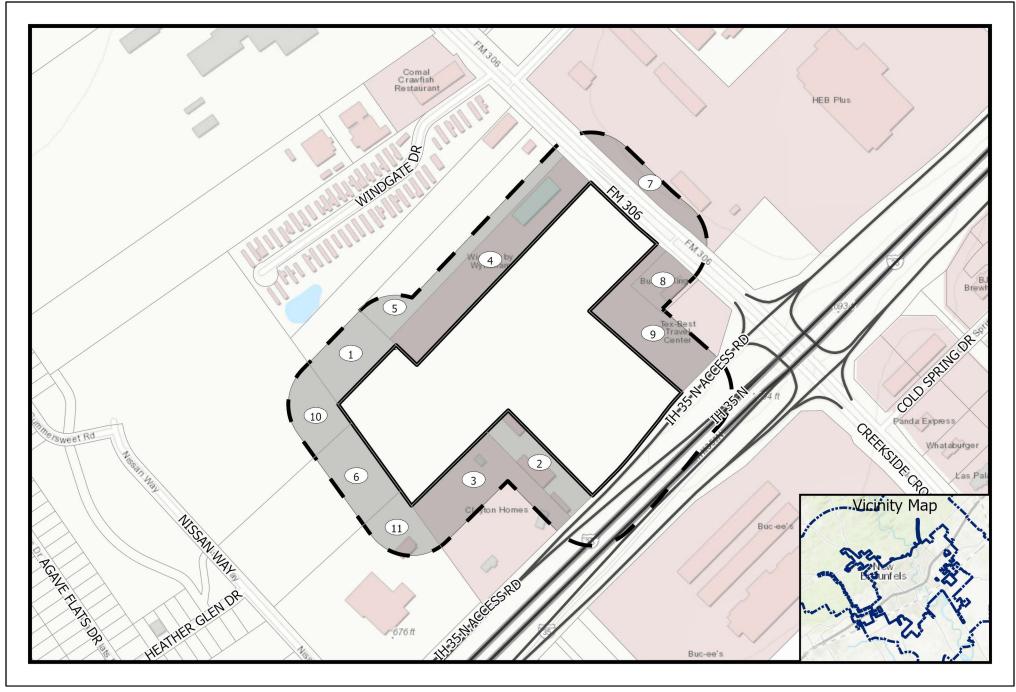
8. WRJ FINANCIAL LTD ET AL

9. TRAVEL CENTER PROPERTIES LLC

10. ULF LLC

11. VBM NEW BRAUNFELS LAND LLC

SEE MAP





PZ20-0330 M-1 to MU-B



else is at that party's risk and without liability to the City of New Braumers, its officials or employees for any discrepancies, errors, or variances which may exist.

Draft Minutes for the February 2, 2021 Planning Commission Regular Meeting

F) PZ20-0330 Public hearing and recommendation to City Council regarding a proposed rezoning of 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. Applicant: Moeller & Associates (James Ingalls, P.E.); Case Manager: Matt Greene.

Mr. Greene presented and recommended approval.

Chair Edwards asked if there were any questions for staff.

Chair Edwards asked if the applicant would like to speak.

James Ingalls, 2021 Hwy 46 S, stated he is able to answer any questions.

Chair Edwards opened the public hearing and asked if anyone wished to speak.

No one spoke.

Chair Edwards closed the public hearing.

Chair Edwards asked if there were any further questions or a motion.

Motion by Vice Chair Laskowski, seconded by Commissioner Gibson, to recommend approval to City Council of the proposed rezoning of 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. Motion carried (9-0-0).

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.

VALERIA M. ACEVEDO, City Attorney

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
ATTEST:	RUSTY BROCKMAN, Mayor
CAITLIN KROBOT, City Secretary	
APPROVED AS TO FORM:	

Page 2 of 5 121

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



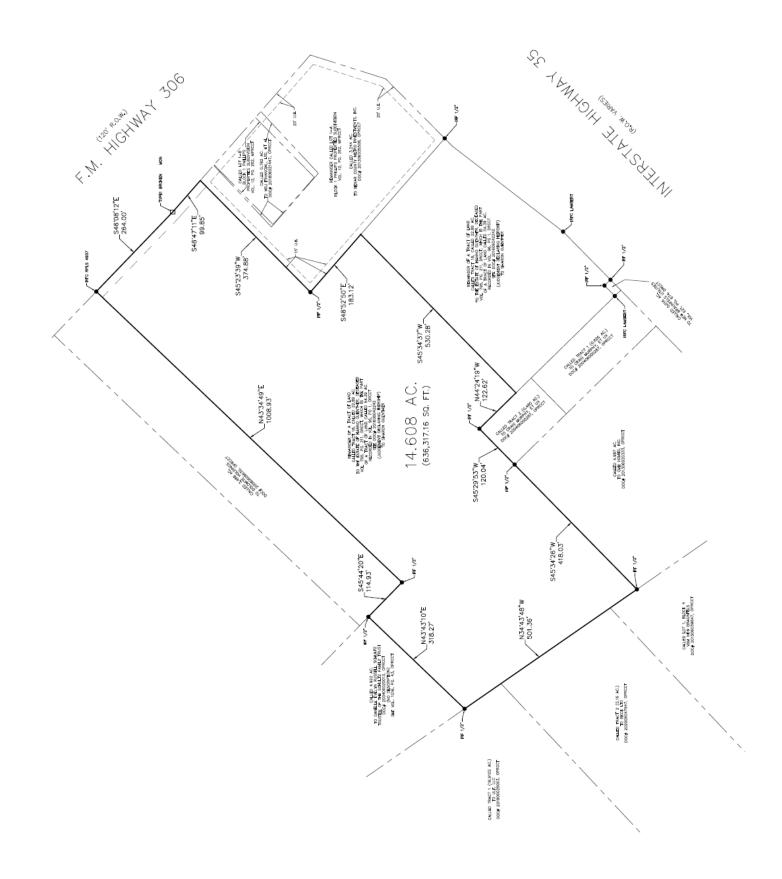


EXHIBIT "B"

Page 5 of 5 124



City Council Agenda Item Report

550 Landa Street New Braunfels, TX

2/22/2021

Agenda Item No. D)

Presenter Caleb Gasparek, Historic Preservation Officer cgasparek@nbtexas.org

Subject:

Public hearing and first reading of an ordinance to designate the property currently addressed as 210 South Castell Avenue as a historic landmark to be known as the Producer's Co-Op.

Background:

Case No: HST20-302

Council District: 5

Applicants/Owners: Ronald B. Snider, Fredrick Heimer and Michael Meyer

(210) 273-8118

ronsnider28@gmail.com

Staff Contact: Caleb Gasparek, Historic Preservation Officer

(830)221-4086

CGasparek@nbtexas.org

The subject property is an irregularly shaped through-lot with frontage on South Castell Avenue, West Coll Street, and Hill Avenue. The property is directly adjacent to the Downtown Historic District and directly north of the Sophienburg Hill Historic District.

Designating the property as a historic landmark, per the applicants' request, will not alter the underlying C-2 zoning of the property. If approved, the property would have a Historic Landmark (HL) zoning overlay district, though with regards to site plans, uses, setbacks, and other development land use regulations, such property shall be governed by its C-2 base zoning district.

Surrounding Zoning and Land Use:

North - C-2 / Downtown Commercial District & Downtown Historic District

South - SND-1 & C-1A / Special Neighborhood District 1, Neighborhood Business District, & Sophienburg Hill Historic District

East - M-1 / Light Industrial District

West - C-2 / Downtown Commercial District & Downtown Historic District

Historic Context:

The Producer's Co-Op of New Braunfels was established on November 1st, 1944 to provide agricultural products to Comal and other surrounding counties. The Co-Op experienced rapid growth following its establishment, and by 1946 required additional space for its operations.

Sanborn maps from 1907 to 1922 indicate that the site was previously occupied by the Dittlinger Cotton Gin. A railroad track led directly to the cotton gin for the loading and unloading of products. By 1922 only a small portion of the Dittlinger Cotton Gin remained, though a timber frame warehouse owned by local contractor A.C. Moeller had been erected in the rear of the lot adjacent to the railroad track. The Producer's Co-Op purchased the warehouse building in 1946. That same year the Co-Op hired local architect Jeremiah Schmidt to design an 80-foot x 80-foot warehouse to meet their growing needs. A building permit issued on August 9th, 1946 indicates that the building was originally valued at \$29,000, and was built by local contractor Edwin Hanz. The Schmidt building was added on to in the rear several times after it was constructed in 1947, though the primary structure on Castell designed by Schmidt remains unchanged. The Producer's Co-Op remains in business to this day.

Architecturally, the Producer's Co-Op building is one of the few intact late Art Deco/Moderne style buildings in New Braunfels. Identifying characteristics include glass-block windows, stucco exterior, flat roof, and horizontal grooves or lines on the façade.

Request:

The applicants/owners applied for/requested this landmark designation for the subject property. The applicants/owners are, therefore, in support of this rezoning.

Staff Analysis:

According to Chapter 66 of the New Braunfels Code of Ordinances, a historic landmark may be designated if it meets at least 1 of the 6 criteria as established in subsection 56 "Criteria for the designation of historic landmarks and districts."

- 1) Possesses significance in history, architecture, archaeology, or culture. The Producer's Co-Op has significance in its association with the agricultural history of the community following WWII. Architecturally, the Schmidt building is indicative of the late Art Deco/Moderne style.
- 2) Is associated with events that have made a significant contribution to the broad patterns of local, regional, state, or national history.

The Producer's Co-Op is significant in its contribution to local agricultural history.

- 3) Is associated with the lives of persons significant in our past. While the site is mostly associated with the Co-Op itself, founding members of the Co-Op include prominent members of the community.
- 4) Embodies the distinctive characteristics of a type, period, or method of construction. N/A
- 5) Represents the work of a master designer, builder, or craftsman. Associated with locally renowned architect Jerimiah Schmidt and contractor Edwin Hanz.
- 6) Represents an established and familiar visual feature of the neighborhood or city. The Producer's Co-Op is a familiar feature along Castell Ave. and the downtown area.

Recommendation:

The proposed Landmark Designation was reviewed by both the Historic Landmark Commission and the Planning Commission at their regularly scheduled meetings in January and February, 2021. Both Commissions voted unanimously to recommend approval to City Council.

Staff concurs with the recommendation of both Commissions. The Producer's Co-Op is a staple of Downtown and not only is a good example of the late Art Deco/Moderne style, but is also significant in its association with local architect Jeremiah Schmidt and the development of agriculture following WWII.

Notification:

Public hearing notices were sent to 17 owners of property within 200 feet of the request. The City has received one response in favor at this time.

Resource Links:

- Chapter 66, Sec. 54 "Designation of Historic Landmarks" https://library.municode.com/tx/new braunfels/codes/code of ordinances?
- Chapter 66, Sec. 56 "Criteria for the Designation of Historic Landmarks and Districts" https://library.municode.com/tx/new braunfels/codes/code of ordinances?

Attachments:

- 1. Application
- 2. Location Map
- 3. Land Use Maps (Zoning, Existing, and Future Land Use)
- 4. Sanborn Maps
- 5. Photographs
- 6. Notification List and Map
- 7. Producer's Co-Op Ordinance

HST20-302.





APPLICATION FOR HISTORIC DESIGNATION

City of New Braunfels, Planning and Environmental Department 424 S. Castell Avenue, New Braunfels TX 78130 (830) 221-4057

1.	Name of proposed Landmark: _The Producer's Co-Op	
2.	Address of Landmark: 210 S Castell Ave	
3.	CITY BLOCK 1003, LOT 204-205 & W 21.06 LT 203 & S 13 LT 206 & N 83 W 40, LT206 & PT LTS 195-196 & NE PT LT 197-198-199 & PT LT 200	
4.	Owner Name: Ronald B Snider, Fredrick Heimer, Michael Meyer	
5.	Owner Address: 186 S. Castell Ave., New Braunfels, TX, 78130	
6.	Contact phone numbers: 210-273-8118	
7.	HISTORY: a brief history is required and should be attached to this application. The following information should be included, if known:	
to the Ordina written Braunfo	Original owner/builder/architect/bibliography and footnotes Subsequent owners Original and subsequent uses of significance Dates of the above Any anecdotes concerning the landmark and/or its owners Photographs of facades General description of the structure ereby request consideration of the above described structure/site as a historic landmark according provisions of the New Braunfels Historic Landmark Preservation Ordinance. I have read this nce and fully understand its effect on my property. This application shall be considered as my permission as owner of the above described property for historic designation by the New els City Council. Date Date	
	FOR OFFICE USE ONLY	
Applica	ation received by: Date:	
RECOMMENDATIONS FOR APPROVAL		
HISTORIC LANDMARK COMMISSION: Date:		
	IING COMMISSION: Date:	

The Producers Cooperative (Brief Building History)

Established in 1944, The Producers Co-Op experienced rapid growth and found themselves in need of a larger warehouse. In spring of 1946, the property adjacent to the "Herald Building" (188 South Castell) was placed under contract and an architect from San Antonio, Jeremiah Schmidt, was hired to begin working on the 80x80 concrete and steel structure.

In early 1947, The Producers Co-Op had completed their new building and have remained the sole occupants until 2021. Through out the years, additions have been made but the primary structure has remained unchanged.



dont Willard Hill, with pick; Vice-President and chairman of building committee E. E. Volgt mardles shovel; From left to right looking at blue-print: Leslie Ehlers, Mgr., and Otto Timermann, Jr., Seey. Extremo left is friend Bo's Pent. Other directors looking on are John Classen, A. Weidher, Ben Vollo and H. Laubach.

Spring - 1946

Producers Co-Op Lets Contract for New Building on South Castell St.; Remarkable 18 Months Growth

Contract for erection of a new warehouse, office building and display appear for the Producers Co-Op on South Castell. Street adjacent to the new Herald Building, was revealed this week.

Contract was let to Edwin Hanz, local contractor. Construction will begin this week and the building is expected, to be ready for occupency by about next faminary 1. Jeremiah Schmidt is architect and cillard Simpson of San Antonio is consulting engineer. The new build-ing will be 80x80 feet, or about 6.400 square feed of floor space. It will be a fireproof building of steel wild steel windows and concrete with steel windows and concrete loor and roof.

Offices, display rooms and reception rooms will take up the front part of the building with warehouse space in the back.

The new building, besides affording considerably increased storage space for the organization, affords a front on a main struct. The original site was the former wool and mohair warehouse on Hill Street, today, besides the real estate on Castell Street, a large warehouse edjacent to the railroad tracks has been purchased and a 40x40 cement tile building is already under construction which, when completed, will house a feed grinder and a feed and malaxes mixer.

The Producers Cooperative Markeling Association, familiarly known as the Producers Co-Op, was organized on November 1, 1944, with 1422 members and \$18,000 capital stock which today has risen to 283 members with \$50,000 in stock subscribed and paid in. Over 1,200 pa frons were served in 1945.

The organization is owned and opcrated solely by producers of agricultural products, serving Comal and surrounding counties, and sets out to do four distinctive aims and purposes, according to E. E. Volgt, publicity chairman:

1. To sell and buy in line with other competetive business;

2. To see that producers of agricultural products receive the highcat possible price for their commodities thru the method of returning to each individual the savings
which have accumulated thru the
years, — the so-called patronage
dividend. In so doing, members and
non-members are on an equal foot-

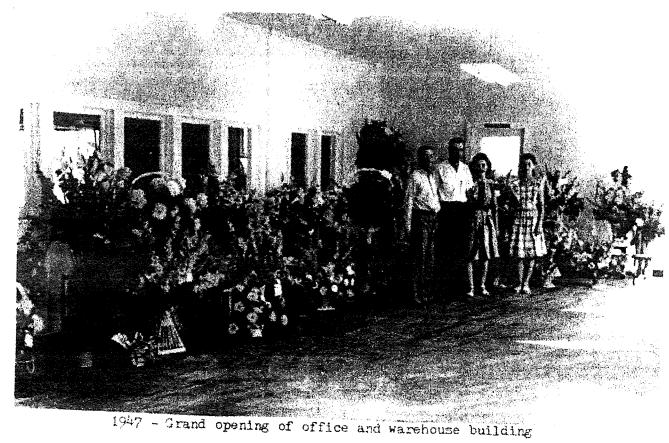
3 To get in closer contact the people of the rural districts in order to have a better understanding, so they can be served to their best advantage.

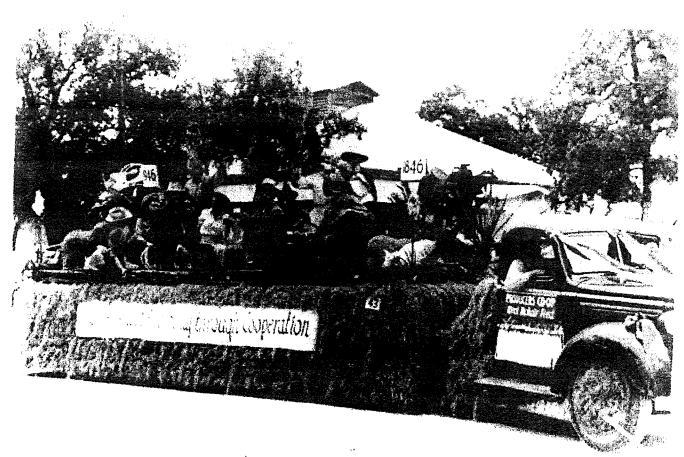
4. To render special service to rural residents, by having to rent or loan unplements and machinery when needed,

The business specializes in handiing wool, mohair, feeds, seeds, and
velorinarian supplies. During the
first year in business it handled
libre-quarters of a million pounds
of wool and mohain and this spring
was credited with making one of
the highest sales of mohair of the
season, netting the producers 58¼
to 59½ cents per pound for grown
and 75¼ to 19½ cents for kid.

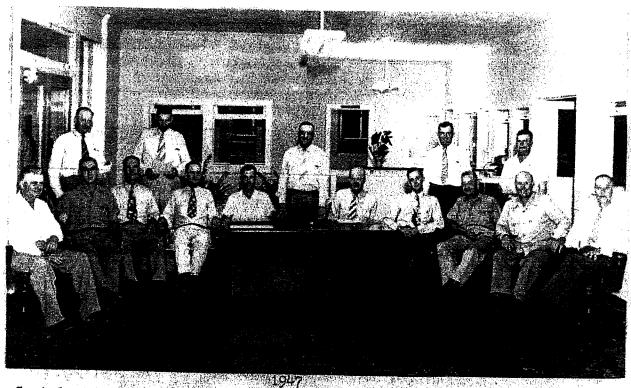
On completion of the new buildling a grand opening is planned to lurther acquaint members and patrons with the services offered by the organization.

Officers include Willard Hill, president, E. E. Voigt, vice-president, E. E. Voigt, vice-president, C. Ut. Timmernann, Secretary and Lesile Ehlers, treasurer-manager. Other directors are C. L. Mezerole, John P. Classen, Herman Blank, John Karbach, Arthur Weidner, R. R. Coreth, Herman Hittelder, B. L. Knilbbe, Gus Krause and Ben

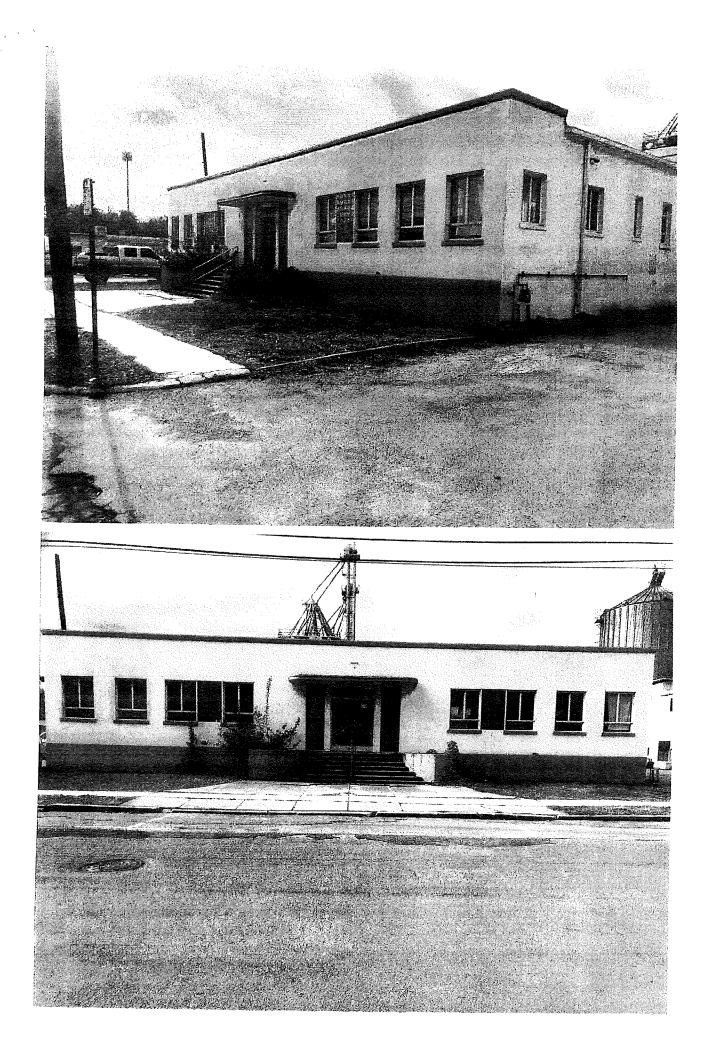


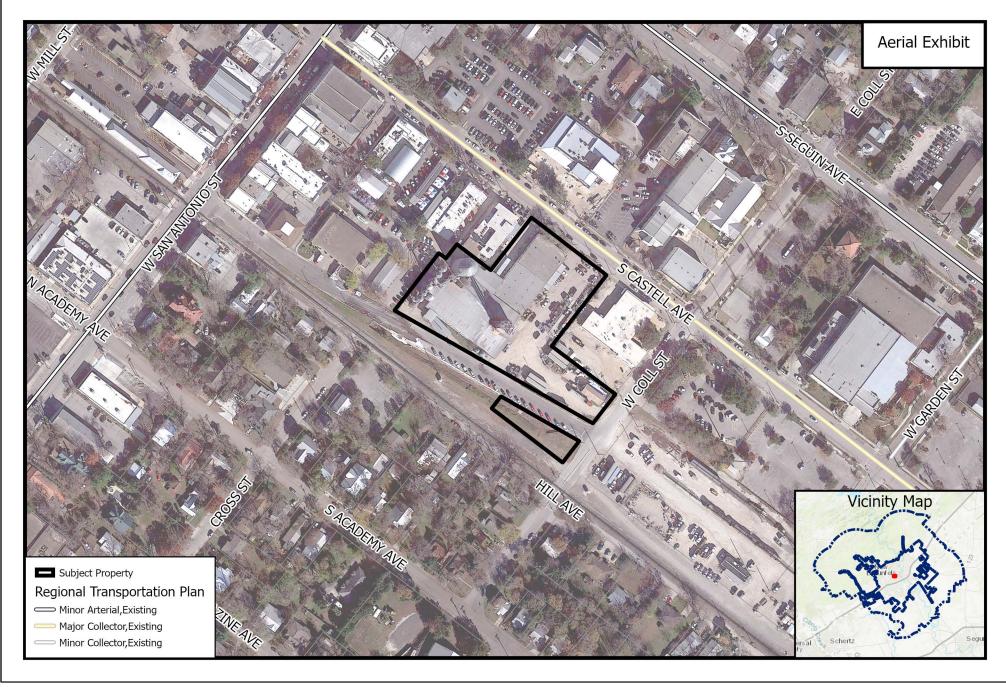


1046 - New Prespitato Consumitat Dunato



Seated: Otto Timmermann, Ben Wolle, Herman Blank, R.R. Coreth, Leslie Ehlers, John Classen, Sr., John Karbach, W.D. Hill, C.L. Meserole, Gus Schaefer Standing: Arthur Weidner, H.J. Laubach, Ervin Voigt, Herman Hitzfelder, D.L. Knibbe







HIST20-302 Landmark Designation of 210 S. Castell Ave.

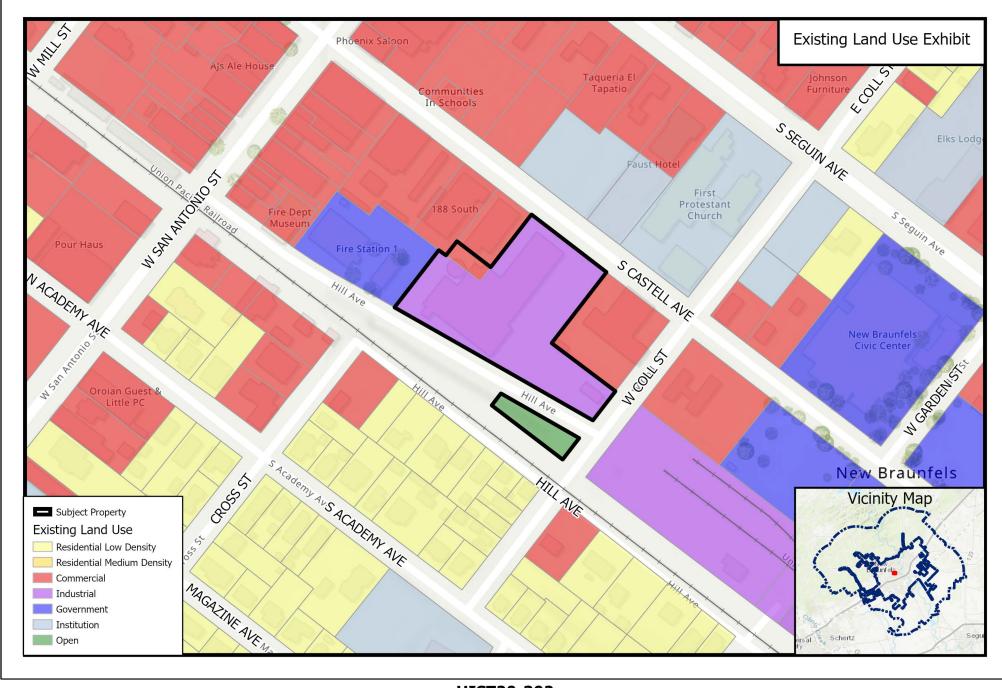






HIST20-302
Landmark Designation of 210 S. Castell Ave.







HIST20-302
Landmark Designation of 210 S. Castell Ave.



EXISTING CENTERS

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EMPLOYMENT CENTER

Employment Centers are mixed-use areas centered around office or industrial uses that can support significant employment.

MARKET CENTER

Market Centers are mixed-use areas anchored by a retail destination where surrounding residents go to get daily goods and services.

MEDICAL CENTER

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CIVIC CENTER

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OUTDOOR RECREATION CENTER

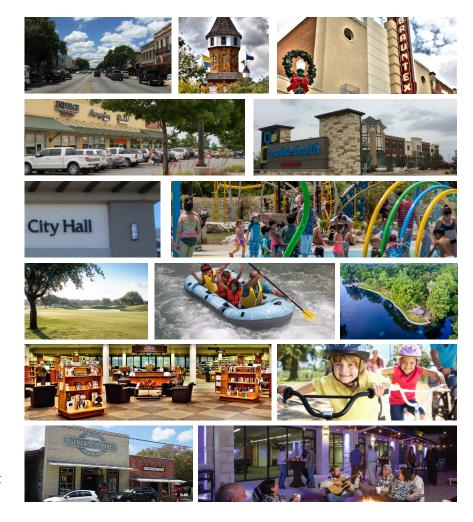
Outdoor Recreation Centers center around a public or private outdoor destination such as Landa Lake.

EDUCATION CENTER

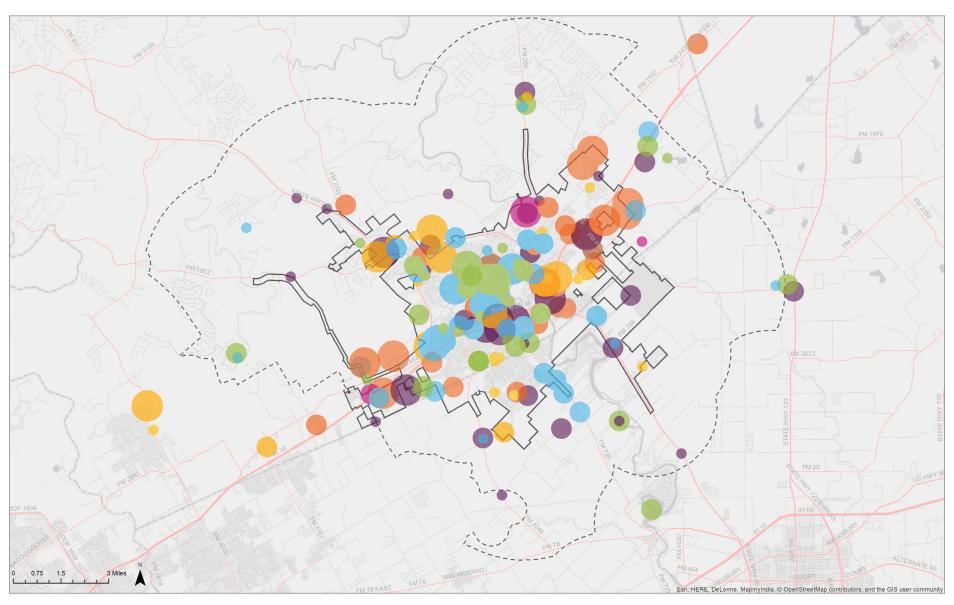
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Tourist/Entertainment Centers are mixed-use areas around an entertainment venue such as Gruene Hall or a tourist destination such as the Tube Chute.



137 | Implementation Roadmap



The location of existing centers was determined through the analysis of previous studies and background documents, windshield surveys, and reviewed by City staff, Steering Committee members, and Plan Element Advisory Group members during a public workshop.

FUTURE LAND USE PLAN

A future land use plan is how land is envisioned to be. It establishes priorities for more detailed plans (sub area plans) and for detailed topical plans (such as parks and open spaces, trails and roads). It cannot be interpreted without the goals and actions of Envision New Braunfels.

TRANSITIONAL MIXED-USE CORRIDOR Transitional Mixed-Use Corridors express an aspiration

Transitional Mixed-Use Corridors express an aspiration to retrofit existing auto-dominated retail corridors with a mix of uses and a variety of travel modes over time.

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SUB AREA 1

Sub Area 1 includes the Downtown, Gruene and the Mid-Century or older neighborhoods that surround them. It is home to the natural springs and headwaters of flowing rivers that have attracted New Braunfelsers to the town for centuries.

SUB AREA 2

Sub Area 2 refers to the neighborhoods and residential enclaves that have grown alongside the Hill Country landscape.

SUB AREA 3

Sub Area 3 includes a planned community offering a diversity of housing, distinct community centers and preserved Hill Country landscape features.

SUB AREA 4

At the heart of Sub Area 4 is Fischer Park. Proximity to IH-35, downtown and neighboring communities like McQueeney makes this area highly desirable and accessible.

SUB AREA 5

Sub Area 5 bridges together many communities east of IH-35. It includes the scenic landscape along both banks of the Guadalupe River between Highway 46 and FM 725.

SUB AREA 6

Sub Area 6 expresses an aspiration for conservation communities focused around maintaining and enhancing ecological integrity while allowing some level of development to occur.

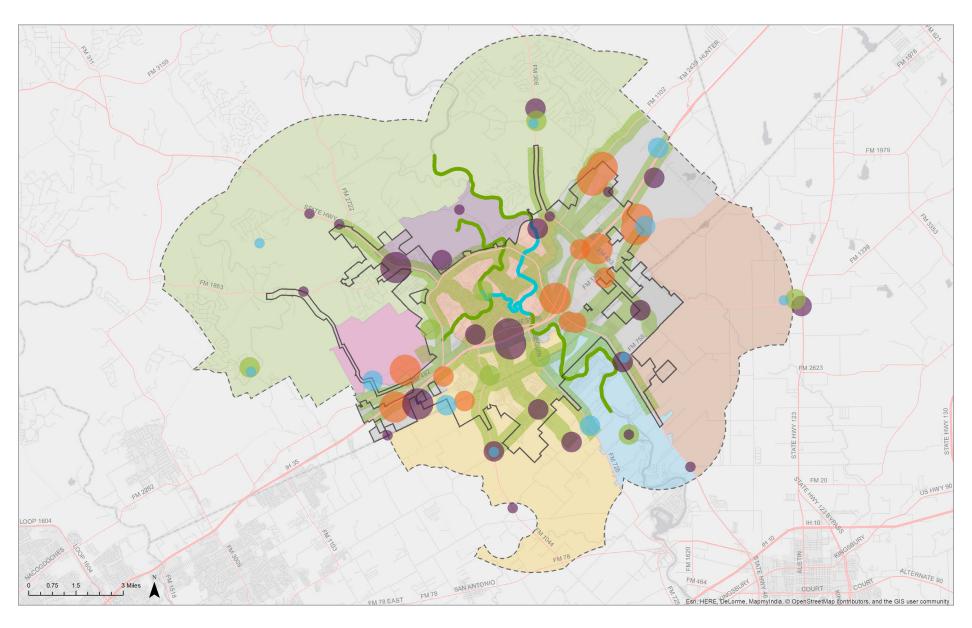
SUB AREA 7

Sub Area 7 includes parts of the city currently being mined for natural resources. These sites may become parks and open space, mixed-use communities or new commercial or entertainment areas in the future.

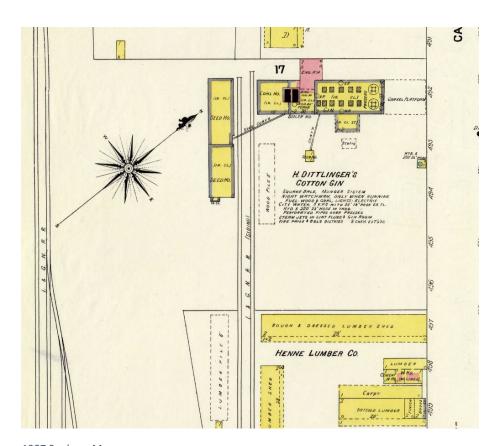
SUB AREA 8

This fast-growing Sub Area includes many neighborhoods offering affordable places for young families to live.

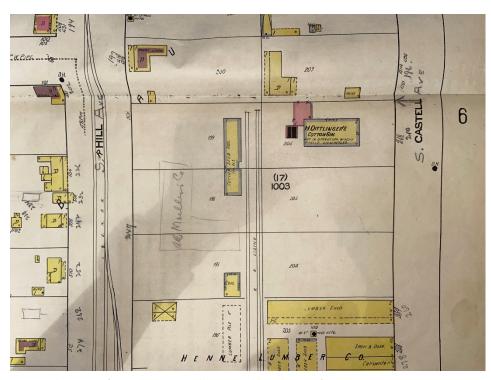
176 | Implementation Roadmap



A Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries. Preferred future growth scenario combines Scenarios A and C per recommendations of the Envision New Braunfels Steering Committee (February 2018). Exact boundaries of sub areas, centers, and corridors may be zoomed and viewed online.

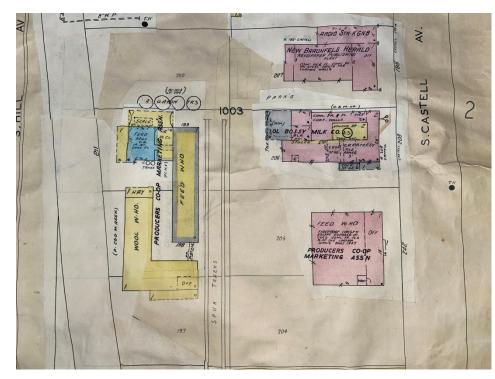


1907 Sanborn Map



1922 Sanborn Map (Note the A.C. Moeller Co. Building drawn in)





1930 Sanborn Map

1949 Sanborn updated through 1960's



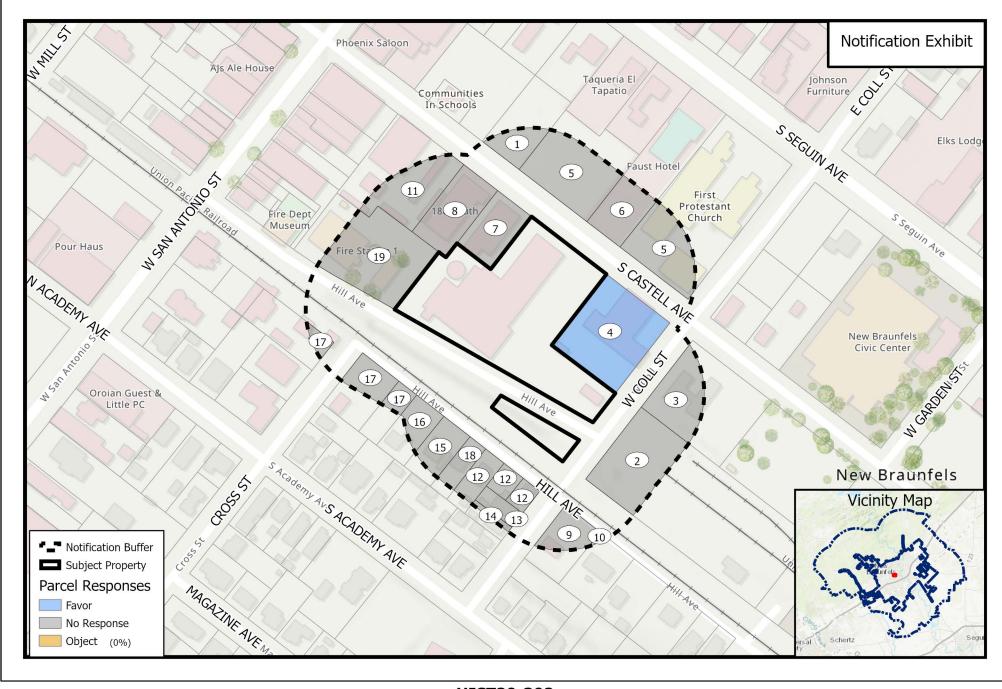














HIST20-302 Landmark Designation of 210 S. Castell Ave.

Source: City of New Braunfels Planning

Date: 1/26/2021

0 120 240

PLANNING COMMISSION - February 2, 2021 - 6:00PM

Zoom Meeting

Applicant/Owner: Ron Snider

Address/Location: 220 S. Castell Ave.

PROPOSED LANDMARK DESIGNATION - CASE #HST20-302

The circled numbers on the map correspond to the property owners listed below. All information is from the Appraisal District Records. The property under consideration is marked as "Subject Property".

1. WEST SAN ANTONIO 111 LLC

2. UNLISTED

3. NEW BRAUNFELS INDUSTRIAL DEVELOPMENT CORP 14. MUELLER JOSHUA A & CASSIE A

4. SPRINGFED INVESTMENTS LLC

5. FIRST PROTESTANT CHURCH OF NEW BRAUNFELS

6. POWEROHM PROPERTIES LLC

7. ROCKFIELD PROPERTIES LLC

8. SNIDER RONALD B & CAROL C

9. VOSIKA REBECCA

10. WHITTENBURG STANLEY D & MARGIE H

11. SNIDER RONALD B & CASTELL PROP LLC

12. FORRES PARTNERSHIP

13. VALENZUELA FELICIANO & JOSEFA

15. LABOWSKI MARY ANN

16. RODRIGUEZ MARIA L

17. FORRES DONALD E & LYNN S

18. POLK JOHN M & CATHRYN

19. NEW BRAUNFELS CITY OF

SEE MAP



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

NOTICE OF PUBLIC HEARING

The New Braunfels Planning Commission will hold a public hearing at the request of Ron Snie	der,
owner, to consider the following Historic Landmark Designation:	

Property:

210 S. Castell Ave. commonly known as the Producer's Co-Op

Request:

An application for the property at 210 S. Castell Ave. to be designated as a historic

landmark known as the Producer's Co-Op

Because your property is located within 200 feet of the request, State law requires that we notify you of the public hearing. However, the zoning of your property will not be affected. The public hearing process allows an opportunity to provide comments on the request. This aids the Commission in making a recommendation to City Council.

Public hearings for this request are scheduled before the Planning Commission on **Tuesday**, **February 2, 2021**, and tentatively before City Council on **Monday**, **February 22, 2021**. Both meetings begin at 6:00 p.m. and will be held virtually via **Zoom Meeting** and are open to the public. Additional information on how to join the meeting is included with this notice.

To submit written comments complete the information below, including your signature, and return to:

Mail:

City of New Braunfels Planning Commission

550 Landa Street

New Braunfels, TX 78130

Email:

CGasparek@nbtexas.org

lf you have questions, please call Caleb Gasparek at (830) 221-4086

Caleb Gasparek, Historic Preservation Officer

Signature: The Thill

ORDINANCE NO. 2021 -

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, DESIGNATING THE PROPERTY CURRENTLY ADDRESSED AS 210 SOUTH CASTELL AVENUE, CITY BLOCK 1003, LOT 204-205 & W 21.06 LT 203 & S 13 LT 206 & N 83 W 40, LT206 & PT LTS 195-196 & NE PT LT 197-198-199 & PT LT 200-LAND ONLY, ACRES 2.502 AS A HISTORIC LANDMARK TO BE KNOWN AS THE PRODUCER'S CO-OP ACCORDING TO CHAPTER 66, ARTICLE III, AND AMENDING THE ZONING MAP; 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, this property has been recommended for historic designation by the Historic Landmark Commission; and

WHEREAS, the City Council wishes to protect this structure as a part of the heritage of New Braunfels for future generations; and

WHEREAS, the City Council desires to amend the Zoning Map by designating the suffix "HL" in addition to the conventional zoning designation established by the zoning ordinance; **now, therefore**;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:

SECTION 1

THAT the following described property is hereby designated as a Historic Landmark to be known as the Producer's Co-Op in accord with the provisions of Chapter

66, Article III of the Code of Ordinances of the City of New Braunfels, Texas:

"The property currently addressed as 210 South Castell Avenue, as shown on the attached map, marked as Exhibit A".

SECTION 2

THAT the above property is hereby restricted as to the amount or method of change, construction, or demolition that can take place in accord with Chapter 66, Article III of the Code of Ordinances of the City of New Braunfels.

SECTION 3

THAT the above described property is hereby entitled to all rights and privileges that are accorded to historically designated structures or sites, or which may be accorded those structures or sites in the future.

SECTION 4

THAT, the zoning map is amended by designating the tract the subject structure is located upon, to add "HL".

SECTION 5

THAT all other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent that they are in conflict.

SECTION 6

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 7

THIS ordinance will take effect upon the second and final reading of same.

PASSED AND APPROVED: First Reading this the 22nd day of February 2021.

PASSED AND APPROVED: Second Reading this the 8th 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





Producer's Co-Op
Exhibit A

Source: City of New Braunfels Planning Date: 1/19/2021 0 120 240 Feet



City Council Agenda Item Report

550 Landa Street New Braunfels, TX

2/22/2021

Agenda Item No. E)

Presenter

Christopher J. Looney, AICP, Planning and Development Services Director clooney@nbtexas.org

SUBJECT:

Public hearing and first reading of an ordinance regarding a proposed rezoning of approximately 68.05 acres out of the O. Russell Survey No. 2, Abstract No. 485, located at the northern corner of the intersection of Goodwin Lane and Orion Drive, from "APD" Agricultural/Pre-Development District to "R-1A-4" Single-Family Small Lot Residential and "R3-H" Multifamily High Density District.

BACKGROUND / RATIONALE:

PZ20-0329 Case No.:

Council District:

Applicant: James Ingalls, P.E.

> Moeller & Associates 2021 SH 46W, Ste. 105 New Braunfels, TX 78132

(830) 358-7127 plats@ma-tx.com

EB Industries Owner:

> Richard Byrd (251) 510-1118

rbyrd@aspengroverealty.com

Staff Contact: Matthew Simmont, AICP

(830) 221-4058

msimmont@nbtexas.org

The approximately 68-acre tract is located north of the intersection of Goodwin Lane and Orion Drive. It is up to approximately 1,200 feet wide and 3,000 feet deep, extending northwest with Orion Drive frontage to Nebel Street and Alster. The unimproved property is in agricultural production, a portion of which lies within the Alligator Creek floodplain. The applicant has indicated they are making this request to allow for a 520-unit residential development.

Surrounding Zoning and Land Use:

North - Alster, Wasser Ranch PD / Local street and railroad

South - Across Goodwin Ln., Oak Creek Estates PD and ZH-A / Single family residences (Creekside Farms and Oak Creek Estates) and Alligator Creek)

Wasser Ranch PD / Single family residences and Alligator Creek

West - Across Orion Drive, M-1A, MU-B and APD / Duplex residences and a planned

manufactured home community.

Determination Factors:

In making a decision on zoning, the following factors are to be considered:

- Whether the permitted uses will be appropriate in the immediate area, and their relationship to the area and to the City as a whole (R-3H adjacent to this key intersection creates opportunities for encouraged housing variety and density which is generally compatible with the expanding neighborhood of residential use.)
- Whether the change is in accord with any existing or proposed public schools, streets, water supply, sanitary sewers, and other utilities to the area (CISD was sent notice of this request. The adequacy of public facilities and utilities to serve the property is evaluated by each provider at the platting and permitting stages.);
- How other areas designated for similar development will be affected (The proposed zoning change should not impact other areas designated for similar development.);
- Any other factors that will substantially affect the public health, safety, morals, or general welfare (None identified. Drainage, utility and traffic impact issues will be reviewed and addressed through the platting process.); and
- Whether the request is consistent with the Comprehensive Plan: see below

ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:

City Plan/Council	Action 1.3: Encourage balanced and fiscally responsible land use
Priority: Envision New	patterns. Action 3.13: Cultivate an environment where a healthy
Braunfels Comprehensive	mix of different housing products at a range of sizes, affordability,
Plan	densities, amenities and price points can be provided across the
	community as well as within individual developments. Future
	Land Use Plan: The property is situated in the Oak Creek Sub-
	Area near Existing Employment, Market and Education Centers.

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on February 2, 2021 and recommended approval (9-0-0).

STAFF RECOMMENDATION:

Approval. The applicant's proposal to create a residential development with a variety of housing types is consistent with ongoing development in the area, which is transitioning from available industrial opportunities to residential. It is, therefore, supported by the Comprehensive Plan as noted above, as well as the Workforce Housing Study.

Notification:

Public hearing notices were sent to 26 owners of property within 200 feet. The City has received one response (# 16) in objection.

RESOURCE LINKS:

Chapter 144, Section 3.4-1. "APD" Agricultural / Pre-Development District of the City's Code of

Ordinances:

https://library.municode.com/tx/new braunfels/codes/code of ordinances?

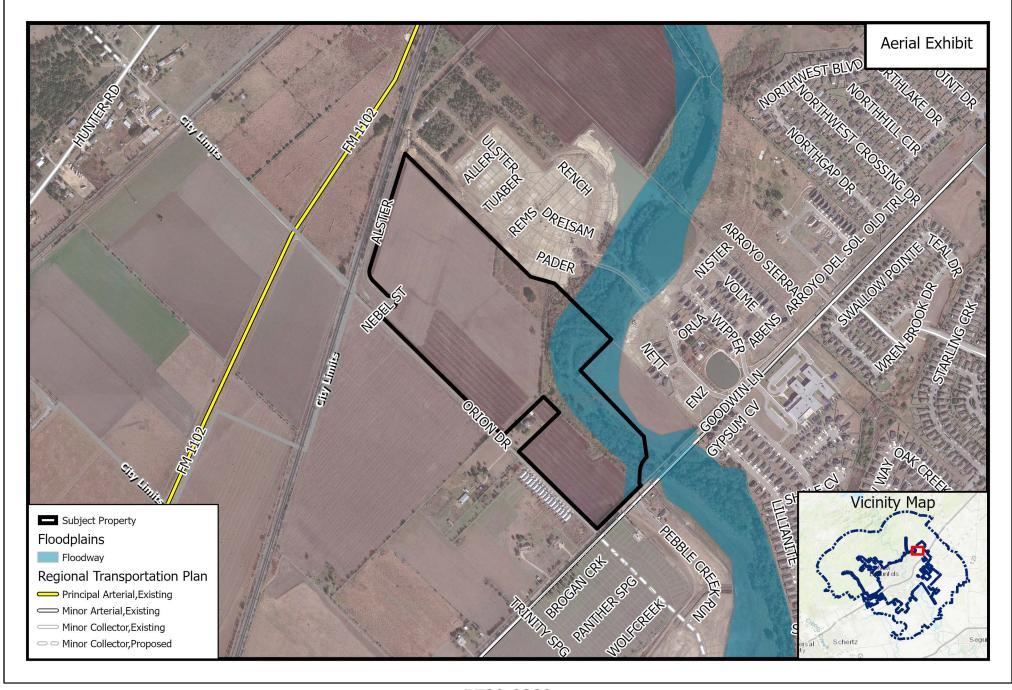
Chapter 144, Section 3.4-2. "R-1A-4" Single-Family Small Lot Residential District of the City's Code of Ordinances:

https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances? Chapter 144, Section 3.4-5. "R-3H" Multifamily High Density District of the City's Code of Ordinances:

https://library.municode.com/tx/new braunfels/codes/code of ordinances?

ATTACHMENTS:

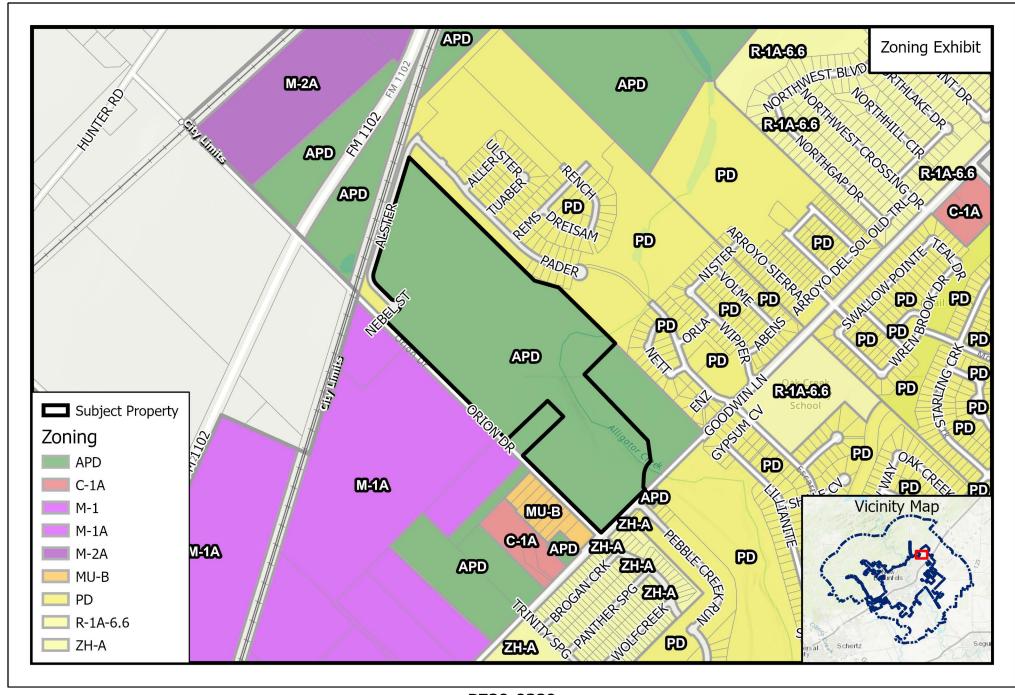
- **Aerial Map**
- 2. Land Use Maps (Zoning, Existing Land Use, Future Land Use Plan)
- Proposed Zoning Exhibit 3.
- 4. Notification List, Map and Responses
- Excerpt of Minutes from the February 2, 2021 Planning Commission Meeting 5.
- **Draft of Ordinance** 6.





Source: City of New Braunfels Planning

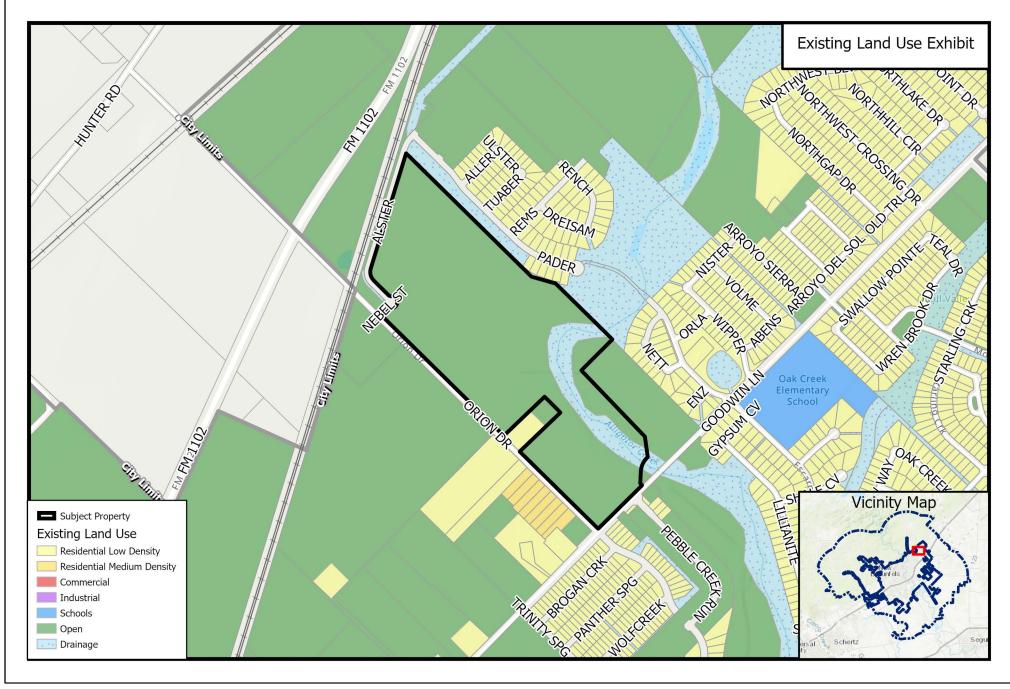
Date: 1/15/2021















else is at that party's risk and without liability to the City of New Braurines, is

officials or employees for any discrepancies, errors, or variances which may exist.

DISCLAIMER: This map and information contained in it were developed exfor use by the City of New Braunfels. Any use or reliance on this map by $161\,$

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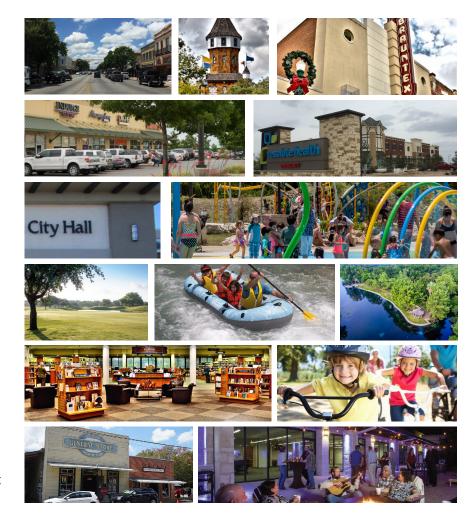
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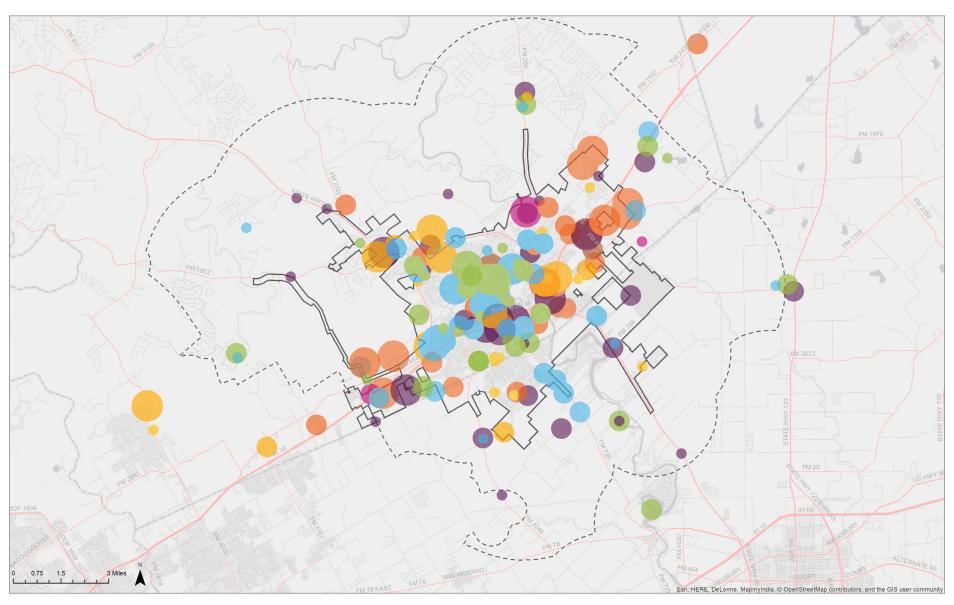
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160 | Implementation Roadmap 162



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 Market Centers are mixed-use areas anchored by a retail destination where surrounding residents go to get daily goods and services.
- CIVIC CENTER

 Civic Centers are mixed-use areas centered around a civic destination such as City Hall, a library or a recreation center.

SUB AREA 1

Sub Area 1 includes the Downtown, Gruene and the Mid-Century or older neighborhoods that surround them. It is home to the natural springs and headwaters of flowing rivers that have attracted New Braunfelsers to the town for centuries.

SUB AREA 2

Sub Area 2 refers to the neighborhoods and residential enclaves that have grown alongside the Hill Country landscape.

SUB AREA 3

Sub Area 3 includes a planned community offering a diversity of housing, distinct community centers and preserved Hill Country landscape features.

SUB AREA 4

At the heart of Sub Area 4 is Fischer Park. Proximity to IH-35, downtown and neighboring communities like McQueeney makes this area highly desirable and accessible.

SUB AREA 5

Sub Area 5 bridges together many communities east of IH-35. It includes the scenic landscape along both banks of the Guadalupe River between Highway 46 and FM 725.

SUB AREA 6

Sub Area 6 expresses an aspiration for conservation communities focused around maintaining and enhancing ecological integrity while allowing some level of development to occur.

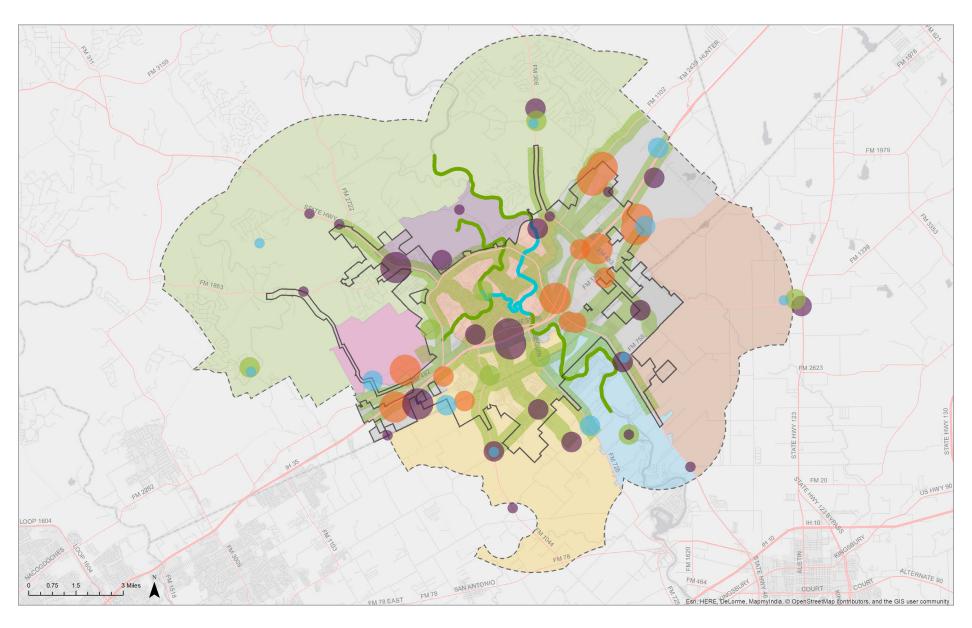
SUB AREA 7

Sub Area 7 includes parts of the city currently being mined for natural resources. These sites may become parks and open space, mixed-use communities or new commercial or entertainment areas in the future.

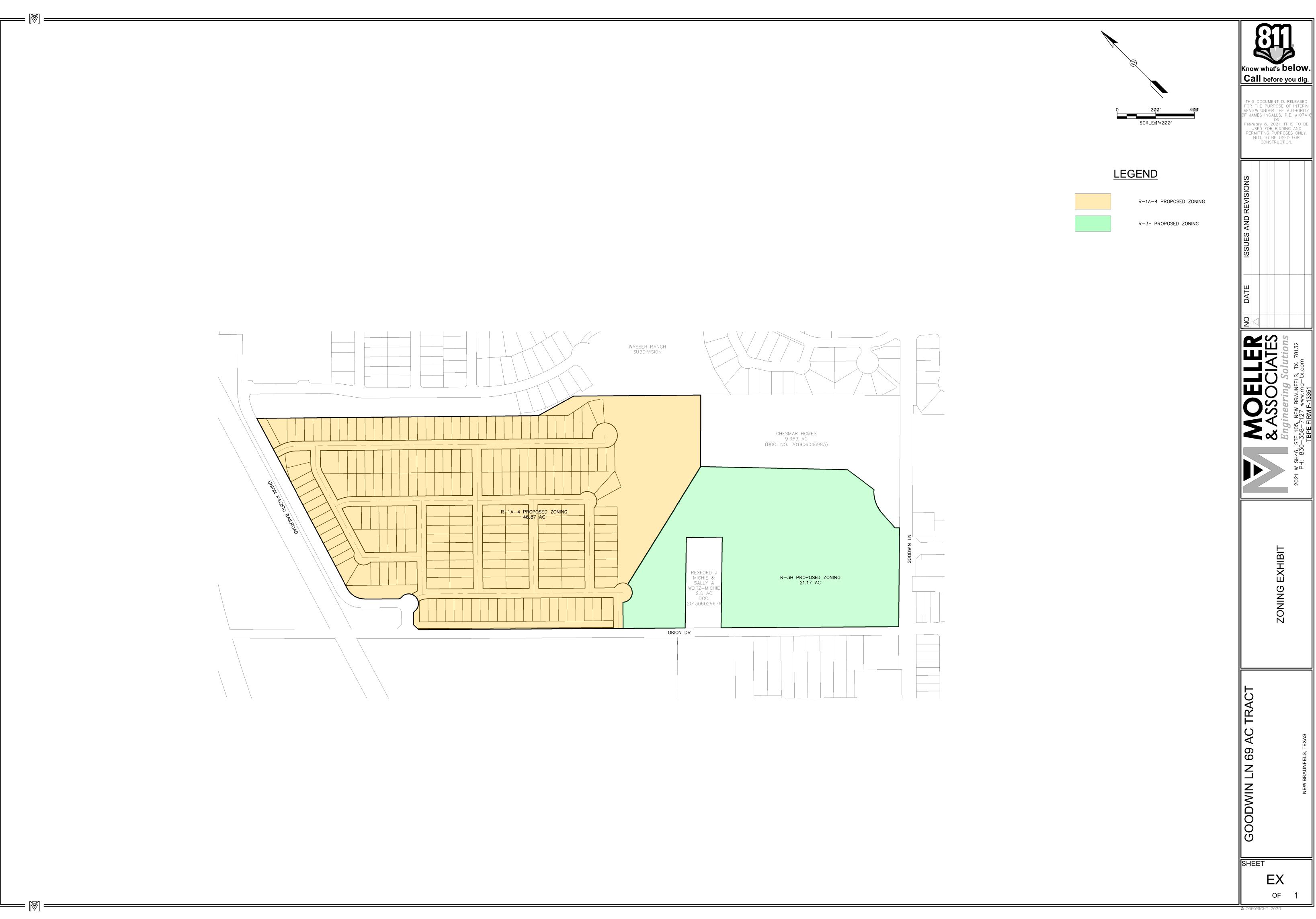
SUB AREA 8

This fast-growing Sub Area includes many neighborhoods offering affordable places for young families to live.

176 | Implementation Roadmap 164



A Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries. Preferred future growth scenario combines Scenarios A and C per recommendations of the Envision New Braunfels Steering Committee (February 2018). Exact boundaries of sub areas, centers, and corridors may be zoomed and viewed online.



THIS DOCUMENT IS RELEASED
FOR THE PURPOSE OF INTERIM
REVIEW UNDER THE AUTHORITY
OF JAMES INGALLS, P.E. #107416
ON
February 8, 2021. IT IS TO BE
USED FOR BIDDING AND
PERMITTING PURPOSES ONLY.
NOT TO BE USED FOR
CONSTRUCTION.

PLANNING COMMISSION – FEBRUARY 2, 2021 – 6:00PM

Zoom Meeting

Applicant/Owner: James Ingalls, P.E.

Address/Location: Intersection of Orion Dr & Goodwin Ln

PROPOSED ZONE CHANGE – CASE #PZ20-0329

The circled numbers on the map correspond to the property owners listed below. All information is from the Appraisal District Records. The property under consideration is marked as "Subject Property".

1. MARIPOSA HOLDINGS LLC

 MICHIE REXFORD J & SALLY A WEITZ-MICHIE

3. WHIPKEY ROBERT D & PAULA J

4. SEBA PETER E

5. REVIVE NEW BRAUNFELS MINISTRIES

6. KOCH WAYLON

7. WILLIAMS MARK E & TERRY K

8. JMH FAMILY HOLDINGS LLC

9. SCHEEL SHAWN

10. KOEHN N MICAH

11. SADDLER DAVID L & CRYSTAL M SADDLER

12. IVY B SCHLICHTING PROP II LTD

13. CONTINENTAL HOMES OF TEXAS LP

14. FRECH MARY E

15. PROPERTY OWNERS

16. ROW JOHNNIE F

17. CHESMAR HOMES CT LTD

18. FEATHERSTON DONALD C

19. ROGERS MELISSA J & CHRISTOPHER N

20. RICHARDSON NANCY C

21. HORTON CAPITAL PROPERTIES LLC

22. CASARES PAUL & CASANDRA R

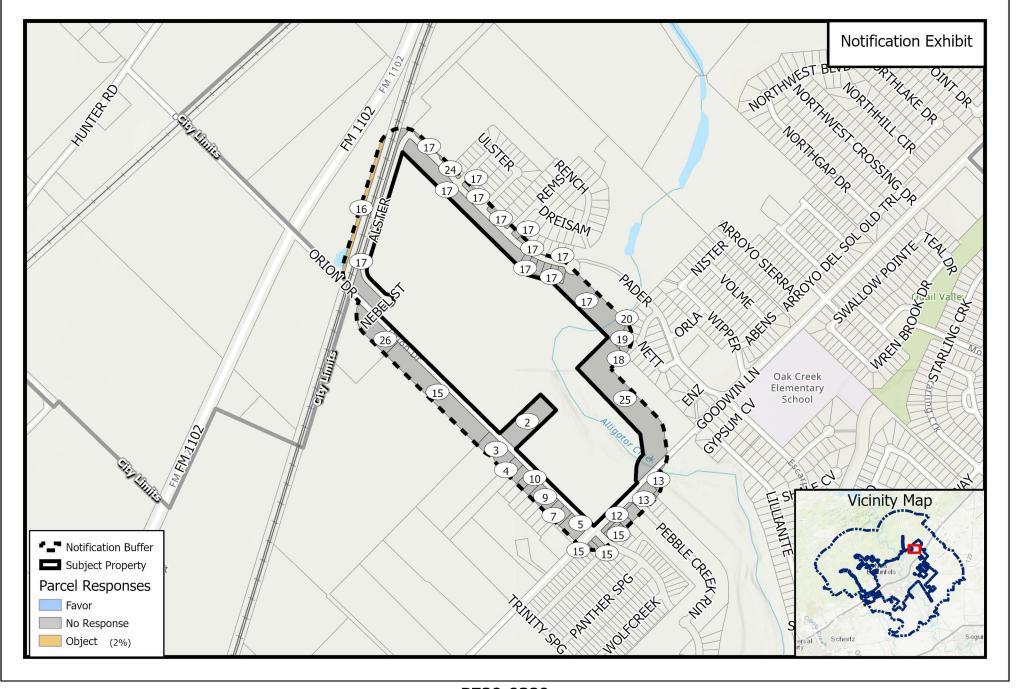
23. TRUESDELL ESSENCE M & NOLAN A

24. DE LA CRUZ CHRISTOPHER M & MICHELLE F

25. CHESMAR HOMES LLC

26. SCHMIDT KENNETH W

SEE MAP









YOUR OPINION MATTERS - DETACH AND RETURN	RECEIVED	
Case: #PZ20-0329 ms	The same of the sa	
Name: A A A A A A A A A A A A A A A A A A A	FEB 1 2 2021	
Name: I favor:		
Address: 383 Millerent Da I object: (State reason for	robjection) UV	
Property number on map: Comments: (Use additional shee	ts if necessary)	
2. I don't like the small tot word! Mast small lots		
have no room for cause children areas Som	e on	
Soodwin lane are a good excepple also ther	eisthe	
passabally of flooding in this area. No plays	poends or	
Signature: Johnson Hails for child	un or achiels	
P.S. of hand picture of	part flooding	

Draft Minutes for the February 2, 2021 Planning Commission Regular Meeting

E) PZ20-0329 Public hearing and recommendation to City Council regarding a proposed rezoning of approximately 68.05 acres out of the O. Russell Survey No. 2, Abstract No. 485, located at the northern corner of the intersection of Goodwin Lane and Orion Drive, from "APD" Agricultural/Pre-Development District to "R-1A" Single-Family Small Lot Residential and "R3-H" Multifamily High Density District. Applicant: James Ingalls, P.E.; Owner: EB Industries (Richard Byrd); Case Manager: Matthew Simmont.

Mr. Simmont presented and recommended approval with conditions as listed in the staff report.

Chair Edwards asked if there were any questions for staff.

Chair Edwards asked if the applicant would like to speak.

James Ingalls, 2021 St Hwy 46, Moeller and Associates, provided clarification on the request.

Richard Baird, CRE Analyst, 8309 Chadbourne Rd, stated they can answer any further questions or concerns from the Commission.

Chair Edwards opened the public hearing and asked if anyone wished to speak.

Amy Gusman, 3015 Shell Cove, asked how many units are proposed in the multifamily area and stated concerns over the character of the neighborhood.

Discussion followed.

Chair Edwards closed the public hearing.

Chair Edwards asked if there were any further questions or a motion.

Motion by Commissioner Gibson, seconded by Vice Chair Laskowski, to recommend approval to City Council of the proposed rezoning of approximately 68.05 acres out of the O. Russell Survey No. 2, Abstract No. 485, located at the northern corner of the intersection of Goodwin Lane and Orion Drive, from "APD" Agricultural/Pre-Development District to "R-1A" Single-Family Small Lot Residential and "R3-H" Multifamily High Density District with staff recommendations.

Discussion followed on clarification of the purview being considered.

Motion carried (9-0-0).

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

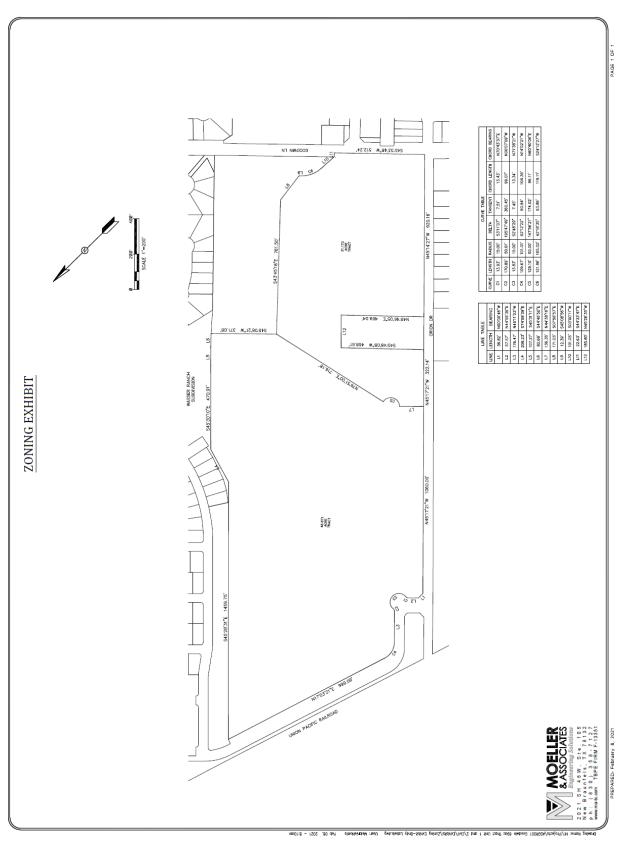


EXHIBIT "A"



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 Northwesterly 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° 47' 49", a tangent length of 360.45 feet, and a chord bearing and distance of N 00° 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° 48' 29", a tangent length of 7.45 feet, and a chord bearing and distance of N 71° 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° 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° 12' 22", a tangent length of 60.94 feet, and a chord bearing and distance of N 14° 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° 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° 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° 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° 30' 10" E, a distance of 470.91 feet to a point for a Southeasterly corner;

S 45° 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° 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° 18' 35", a tangent length of 63.86 feet, and a chord bearing and distance of S 24° 12' 27" W, 119.11 feet to a point for an Easterly corner;

S 03° 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° 33′ 47° E, a distance of 22.63 feet to a point in the Northwesterly 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 Northwesterly 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° 33' 48" W, a distance of 512.24 feet to a point at the intersection of the Northwesterly 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° 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° 46' 05" E, a distance of 469.04 feet to a point for a Northwesterly interior corner;

N 45° 26' 35" W, a distance of 185.80 feet to a point for a Northwesterly 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° 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."

Drew A. Mawyer

Registered Professional Land Surveyor No. 5348

TBPLS Firm Registration #10191500

5151 W. SH 46, NEW BRAUNFELS, TX 78132 MOE426- ORION 1102-21.173 AC-020121

8



City Council Agenda Item Report

550 Landa Street New Braunfels, TX

2/22/2021

Agenda Item No. F)

Presenter

Christopher J. Looney, AICP, Planning and Development Services Director clooney@nbtexas.org

SUBJECT:

Discuss and consider a request for a waiver to Section 118-49 of the Subdivision Platting Ordinance to not require sidewalk construction along FM 2722 for the Preserve at Elm Creek Subdivision.

Plat Information:

Owner/

JHJ Land & Cattle Company Holdings, LLC (James H. Jacobs) Applicant:

> 4411 S IH 35, Suite 100 Georgetown, TX 78626

(512) 844-4333; jj@grandendeavorhomes.com

Representative: HMT Engineering and Surveying (William B. Ball, P.E.)

290 S. Castell Ave.

New Braunfels, TX 78130

(830) 625-8555 plats@hmtnb.com

Staff Contact: Matthew Simmont

(830) 221-4058

msimmont@nbtexas.org

Description: Sidewalk waiver request for a proposed subdivision with 205 lots intended for

residential use on 295 acres

The subject tract is located within the ETJ of New Braunfels in Comal County, west of the intersection of FM 2722 and Bear Creek Trail. It lies south of, and adjacent to, the Vintage Oaks at the Vineyard Neighborhood which is mostly outside of the New Braunfels ETJ. The applicant intends to develop a large-lot (minimum 1 acre) subdivision with 205 residential lots.

The Subdivision Platting Ordinance authorizes waivers to be granted when:

1. an undue hardship will result from strict compliance with the ordinance, or

2. when the purpose of the regulation may be served to a greater extent by an alternative proposal, so that substantial justice may be done, and the public interest is secured.

All waivers for sidewalks where the Planning Commission has approved or approved with conditions, including the approval of the escrowing of funds for the construction of sidewalks on perimeter streets to be built at a later date, are forwarded to City Council for final consideration. Pursuant to the adopted ordinance, a waiver may not be approved unless it is found that:

- 1. Granting the waiver will not be detrimental to the public safety, health or welfare, and will not be injurious to other property or to the owners of other property, and the waiver will not prevent the orderly subdivision of other property in the vicinity.
- 2. Because of the particular physical surroundings, shape and/or topographical conditions of the specific property involved, a particular hardship to the property owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out; or an alternate design will generally achieve the same result or intent as the standards and regulations prescribed herein; and
- 3. The waiver will not in any manner vary the provisions of the Zoning Ordinance or other ordinance(s) of the City.

Regional Transportation Plan:

FM 2722 is designated as a 120-foot wide Minor Arterial and the existing right-of-way as shown on the master plan exhibit is in conformance with platting standards. Any required right-of-way dedication or improvements requested by TxDOT will be addressed during master plan and final plat review.

Sidewalks:

Six-foot wide sidewalks are required to be constructed by the developer along the development side of the TxDOT roadway, FM 2722. The applicant is requesting a waiver to not construct approximately 3,000 linear feet of the required sidewalk along FM 2722.

It is likely that bicycle and pedestrian activity will increase along FM 2722 with the progress of development along this transportation corridor. The expansion of safe pedestrian routes and connections is a priority for the community as stated in Envision New Braunfels, the Comprehensive Plan.

ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:

City Plan/Council	Action 6.4: Consider how each new development project
Priority: Envision New	impacts the transportation system and ensure appropriate
Braunfels	mitigation is implemented. Action 7.3: Prioritize connecting
Comprehensive Plan	sidewalk gaps through development requirements or public
	investment. Action 7.5: Continue development of sidewalks
	and trails to increase interconnectivity by 5 percent each year
	to support reduction of carbon footprint. Action 7.19: Improve
	connectivity for all modes of transportation including bicycles.

FISCAL IMPACT:

Sidewalks not constructed or escrowed with development will have to be constructed later at taxpayer expense.

COMMITTEE RECOMMENDATION

On February 2, 2021 the Planning Commission recommended that the applicant escrow the cost of

construction of the required sidewalk along FM 2722.

STAFF RECOMMENDATION:

Staff recommends the applicant escrow the cost of construction of the required sidewalk along FM 2722. Funds designated for sidewalk installation with future improvements to this roadway will offset these costs to the taxpayer.

Attachments:

- Aerial Map
- Waiver Request 2.
- Master Plan Exhibit 3.





WVR21-010 The Preserve at Elm Creek Sidewalk Waiver

Map Created: 10/28/2020



290 S. Castell Avenue, Ste 100 New Braunfels, TX 78130 TBPE-FIRM F-10961 TBPLS FIRM 10153600

January 4, 2021

City of New Braunfels Planning Department 550 Landa Street New Braunfels, TX 78130

RE:

Waiver Request – The Preserve at Elm Creek Subdivision

Section 118-49(a)(1) - Sidewalks

To Whom It May Concern:

Please accept this letter as a waiver request to The Preserve at Elm Creek Master Plan. HMT is requesting a waiver to Section 118-49(a)(1) — Sidewalks stating that "On the subdivision or development side or sides of all major thoroughfares or arterial streets as indicated on the city's thoroughfare plan, or a major thoroughfare as determined by the planning commission, and on perimeter streets." This waiver is a request to allow for not building a sidewalk along the frontage of FM 2722 in the Preserve at Elm Creek Subdivision.

This request is primarily due to the site's proximity to the ETJ line, since the neighboring Vintage Oaks Subdivision was designed to Comal County standards due to the site being divided by the ETJ line and unincorporated county limits, a sidewalk was not built for this subdivision to tie into. Also, the existing subdivisions along FM 2722 to the south of The Preserve at Elm Creek that are also in the ETJ have not built a sidewalk along FM 2722. Without any possibility of an extension of the sidewalk to the north and without the City's intervention and funding, there is only a slim chance of any extension to the south. This sidewalk would come from nowhere and go nowhere. For reference, this would be the first sidewalk built along FM 2722, with the nearest tie in being at Hwy 46, roughly 4 miles away.

The second reason for this request is that TxDOT has plans to expand FM 2722. As it currently sits, there is hardly space for a sidewalk due to the large channel along the right-of-way. On top of that, a sidewalk would be torn out upon expansion of FM 2722. TxDOT and the City of New Braunfels have already agreed to handle the development of the hike and bike trail for the same reasons.

The other crucial reason being that the state legislature is currently in their bill filing period for the upcoming session. It is expected that bills related to ETJ reduction and/or elimination across the state will be forthcoming and will prevent the continuation of any sidewalk in the ETJ along FM 2722 until City annexation makes its way all the way out there. For the reasons of ETJ line proximity, the expansion of FM 2722, as well as an expectation of new state laws regarding ETJ elimination, it would be a misspent effort to include a sidewalk along FM 2722.

In our professional opinion, the granting of this waiver will not adversely affect the health, welfare and safety of our New Braunfels residents and visitors. We feel this waiver request is in harmony with the intent of the City of New Braunfels Platting Ordinance.

Please contact me if you have any questions or comments.

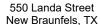
Mr Bas

Thank you,

William B. Ball, PE Senior Project Manager



NOTES: MASTER PLAN FOR 1. ALL LOTS WITHIN THE SUBDIVISION WILL BE PROVIDED WATER SERVICES BY CANYON LAKE WATER SUPPLY. SEWER SERVICES WILL BE PROVIDED BY INDIVIDUAL ON—SITE SEWER FACILITIES. ELECTRIC SERVICES WILL BE PROVIDED BY NEW BRAUNFELS UTILITIES. TELEPHONE AND CABLE SERVICES FOR THE SUBDIVISION WILL BE PROVIDED BY AT&T COMMUNICATIONS FOR RESIDENTIAL DEVELOPMENT DIRECTLY ADJACENT TO STATE RIGHT—OF—WAY, THE DEVELOPER SHALL BE RESPONSIBLE FOR ADEQUATE SETBACK AND/OR SOUND ABATEMENT MEASURES FOR FUTURE NOISE MITIGATION. THE PRESERVE AT ELM CREEK 2. OWNER/DEVELOPER IS RESPONSIBLE FOR PREVENTING ANY ADVERSE IMPACT TO THE EXISTING 2. THIS SUBDIVISION IS WITHIN THE EDWARDS AQUIFER RECHARGE ZONE. DRAINAGE SYSTEM WITHIN THE HIGHWAY RIGHT-OF-WAY. FOR PROJECTS IN THE EDWARDS AQUIFER RECHARGE OR CONTRIBUTING ZONES, OUTFALLS FOR WATER QUALITY AND/OR DETENTION PONDS TREATING IMPERVIOUS COVER RELATED TO THE DEVELOPMENT, WILL NOT 3. THIS SUBDIVISION IS WITHIN THE EXTRATERRITORIAL JURISDICTION LIMITS OF THE CITY OF NEW BRAUNFELS. SUBDIVISION ENCROACH BY STRUCTURE OR GRADING INTO STATE R.O.W. PLACEMENT OF PERMANENT STRUCTURAL BEST MANAGEMENT PRACTICE DEVICES OR VEGETATIVE FILTER STRIPS WITHIN 4. THIS SUBDIVISION IS WITHIN THE COMAL INDEPENDENT SCHOOL DISTRICT. STATE R.O.W. WILL NOT BE ALLOWED. 5. NO PORTION OF THE SUBDIVISION IS LOCATED WITHIN ANY SPECIAL FLOOD HAZARD AREA (100 YR. FLOOD), AS DEFINED BY THE GUADALUPE COUNTY, TEXAS, FLOOD INSURANCE RATE MAP NUMBER 48091C0265F, EFFECTIVE DATE SEPTEMBER 2, 2009 AS PREPARED BY THE 3. MAXIMUM ACCESS POINTS TO STATE HIGHWAY FROM THIS PROPERTY WILL BE REGULATED AS DIRECTED BY TXDOT'S "ACCESS MANAGEMENT MANUAL". WITH THE EXCEPTION OF EMERGENCY ACCESS EXCLUSIVELY DEDICATED TO EMERGENCY SERVICE PROVIDERS, THIS PROPERTY IS ELIGIBLE FOR ZERO (0) POINT OF ACCESS TO FM 2722 BASED ON AN APPROXIMATE OVERALL FRONTAGE OF 2,926.65 FEET. WHERE TOPOGRAPHY OR OTHER EXISTING CONDITIONS MAKE IT INAPPROPRIATE OR NOT FEASIBLE TO CONFORM TO THE CONNECTION SPACING INTERVALS, THE LOCATION OF REASONABLE ACCESS WILL BE DETERMINED WITH FEDERAL EMERGENCY MANAGEMENT AGENCY. 6. NO STRUCTURES, WALLS OR OTHER OBSTRUCTIONS OF ANY KIND SHALL BE PLACED WITHIN THE LIMITS OF THE DRAINAGE EASEMENTS SHOWN ON THIS PLAT. NO LANDSCAPING, FENCES, OR OTHER TYPE OF MODIFICATIONS WHICH ALTER THE CROSS SECTIONS OF THE DRAINAGE EASEMENTS OR DECREASE THE HYDRAULIC CAPACITY OF THE EASEMENT, AS APPROVED, SHALL BE ALLOWED WITHOUT THE APPROVAL OF THE CITY ENGINEER. THE CITY OF NEW BRAUNFELS SHALL HAVE THE RIGHT OF INGRESS AND EGRESS OVER GRANTOR'S ADJACENT PROPERTY TO REMOVE ANY OBSTRUCTIONS PLACED WITHIN THE LIMITS OF SAID DRAINAGE CONSIDERATION GIVEN TO TOPOGRAPHY, ESTABLISHED PROPERTY OWNERSHIPS, UNIQUE PHYSICAL LIMITATIONS, AND/OR PHYSICAL DESIGN CONSTRAINTS. THE SELECTED LOCATION SHOULD SERVE AS MANY PROPERTIES AND INTERESTS AS POSSIBLE TO REDUCE THE NEED FOR ADDITIONAL DIRECT ACCESS TO THE HIGHWAY. IN SELECTING LOCATIONS FOR FULL LINE TABLE CURVE TABLE EASEMENTS AND TO MAKE ANY MODIFICATIONS OR IMPROVEMENTS WITHIN SAID DRAINAGE MOVEMENT INTERSECTIONS, PREFERENCE WILL BE GIVEN TO PUBLIC ROADWAYS THAT ARE ON LOCATION MAP LINE # LENGTH DIRECTION LOCAL THOROUGHFARE PLANS. CURVE | LENGTH | RADIUS | DELTA | TANGENT | CHORD LENGTH | CHORD BEARING 7. FUTURE DEVELOPMENT IS SUBJECT TO CHAPTER 114 (STREETS, SIDEWALKS AND OTHER PUBLIC SPACES) OF THE NEW BRAUNFELS CODE OF ORDINANCES. 4. IF SIDEWALKS ARE REQUIRED BY APPROPRIATE CITY ORDINANCE, A SIDEWALK PERMIT MUST BE APPROVED BY TXDOT, PRIOR TO CONSTRUCTION WITHIN STATE RIGHT—OF—WAY. LOCATIONS NOT TO SCALE L1 67.86' S27°46'13"E C1 | 797.68' | 1970.10' | 023°11'55" | 404.38' | S21°45'59"E 8. LAND USE FOR THIS SUBDIVISION IS SINGLE-FAMILY RESIDENTIAL. OF SIDEWALKS WITHIN STATE RIGHT-OF-WAY SHALL BE AS DIRECTED BY TXDOT L2 | 113.28' | S31°43'38"E C2 | 48.36' | 1970.10' | 001°24'23" | 24.18' | N43°35'26"W 5. ANY TRAFFIC CONTROL MEASURES (LEFT-TURN LANE, RIGHT-TURN LANE, SIGNAL, ETC.) FOR ANY ACCESS FRONTING A STATE MAINTAINED ROADWAY SHALL BE THE RESPONSIBILITY OF L3 | 126.24' | S48°34'04"E THE DEVELOPER/OWNER. VINTAGE OAKS AT THE VINTAGE OAKS AT THE 100 200 VINEYARD, UNIT 20 VINEYARD, UNIT 20 VINEYARD, UNIT 26 √DOC. NO. 201806019282 DOC. NO. 201806019282 DOC. NO. 201906028631 VINTAGE OAKS AT THE M.P.R.C.C.T. HORIZONTAL SCALE: 1:200 N: 13834570.83 VINEYARD, UNIT 26 2081 VINTAGÈ OAKS AT THE E: 2215346.26 DOC. NO. 201906028631 <u>LEGEND:</u> ~1748×/ VINEYARD, UNIT 19 M.P.R.C.C.T. 2078 \ DOC. NO. 201806006077/ U.E. = UTILITY EASEMENT 1757R DRNG = DRAINAGE M.P.R.C,C.T. R.O.W. = RIGHT-OF-WAY1715 RILEY LIVING TRUST M.P.R.C.C.T. = MAP AND PLAT RECORDS, CALLED 6.844 AC. COMAL COUNTY, TEXAS DOC. NO. 201106040005 O.P.R.C.C.T. = OFFICIAL PUBLIC RECORDS, 0.P.R.C.C.T. COMAL COUNTY, TEXAS D.R.C.C.T. = DEED RECORDS, COMAL COUNTY, TEXAS * * * .. * .. * .. * = OPEN SPACE/PARKS/ LANDSCAPE AREAS ■ ■ ■ ■ ■ ■ = PROPOSED PHASING --- = ZONING LINE HIGH LONESOME BERRYWOOD LN SÁMUEL LAMPIS CALLED 5.529 AC. √2DOC. NO. 201706017281 0.P.R.C.C.T. NEW BRAUNFELS UTILITIES NOTES: . MAINTENANCE OF DEDICATED UTILITY EASEMENTS IS THE MAINTENANCE OF DEDICATED UTILITY EASEMENTS IS THE RESPONSIBILITY OF THE PROPERTY OWNER. ANY USE OF AN EASEMENT, OR ANY PORTION OF IT, INCLUDING LANDSCAPING OR DRAINAGE FEATURES, IS SUBJECT TO AND SHALL NOT CONFLICT WITH THE TERMS AND CONDITIONS IN THE EASEMENT, MUST NOT ENDANGER OR INTERFERE WITH THE RIGHTS GRANTED BY THE EASEMENT TO NEW BRAUNFELS UTILITIES, ITS SUCCESSORS AND ASSIGNS, AND SHALL BE SUBJECT TO APPLICABLE PERMIT REQUIREMENTS OF THE CITY OF NEW BRAUNFELS OR ANY OTHER GOVERNING BODY. THE PROPERTY OWNER MUST OBTAIN, IN DETENTION 2.03 AC. ADVANCE, WRITTEN AGREEMENT WITH THE UTILITIES TO UTILIZE THE EASEMENT, OR ANY PART OF IT. HOA PARK 2.30 ACRES, * 2. UTILITIES WILL POSSESS A 5' WIDE SERVICE EASEMENT TO THE DWELLING ALONG THE SERVICE LINE TO THE SERVICE ENTRANCE. THIS EASEMENT WILL VARY DEPENDING UPON LOCATION OF DWELLING AND SERVICE. 3. UTILITIES SHALL HAVE ACCESS TO THE METER LOCATIONS FROM THE FRONT YARD AND METER LOCATIONS SHALL NOT BE LOCATED WITHIN A FENCED AREA. ELECTRIC AGREEMENT 4. EACH LOT MUST HAVE ITS OWN WATER AND SEWER SERVICE AT THE OWNER'S/DEVELOPER'S EXPENSE. 5. DO NOT COMBINE ANY NEW UTILITY EASEMENTS (U.E.) WITH DRAINAGE EASEMENTS (D.E.) OR MAKE CHANGES IN GRADE WITHIN THE UTILITY EASEMENTS (U.E.) WITHOUT WRITTEN APPROVAL FROM NEW BRAUNFELS UTILITIES. LESLIE DISCHINGER CALLED 844.3 AC. DOC. NO. 200406033883-O.P.R.C.C.T. OWNER/DEVELOPER: JHJ LAND & CATTLE COMPANY HOLDINGS, LLC 4411 S IH 35, SUITE 100 GEORGETOWN, TX 78626 ENGINEER/SURVEYOR: MICHAEL SHAWN CORZINE HMT ENGINEERING AND SURVEYING CALLED 22.0 AC. DOC. NO. 201606004907 290 S. CASTELL AVE., SUITE 100 NEW BRAUNFELS, TX 78130 PH: (830) 625-8555 DETENTION AREA 11.47 ACRES BLUE SAGE RD DONALD & DENISE STEELE CALLED 12.994 AC. DOC. NO. 200206007872 0.P.R.C.C.T. DETENTION RESIDENTIAL LOT SUMMARY \`ACRES UNIT 1 (77.903 AC.) S68°24'16"W 5345.38' UNIT 2 (76.749 AC.) _N:13829845.33 UNIT 3 (81.504 AC.) E: 2211202.03 UNIT 4 (58.590 AC.) LESLIE DISCHINGER & BARBARA MOORE TOTAL CALLED 364.42 AC. VOL. 120, PG 25 DRAINAGE LOTS D.R.C.C.T. PARK LOTS (2.30 AC.) 290 S. CASTELL AVE., STE. 100 NEW BRAUNFELS, TX 78130 TOTAL LOTS TOTAL ACREAGE LOT DENSITY (LOTS/AC) = 0.702 UNITS PER ACRE (RESIDENTIAL) ENGINEERING & SURVEYING | TBPLS FIRM 10153600





City Council Agenda Item Report 2/22/2021

Agenda Item No. G)

Presenter/Contact Robert Camareno, City Manager (830) 221-4287 - rcamareno@nbtexas.org

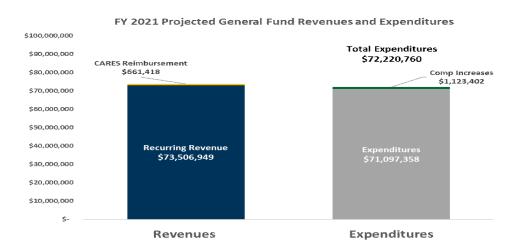
SUBJECT:

Discussion and possible direction to staff regarding the implementation of mid-year compensation adjustments

BACKGROUND / RATIONALE:

Given the economic uncertainty of COVID-19, our budget strategy was intentionally very conservative, and therefore the FY 2021 Adopted Budget did not include compensation increases for any city employees. However, both City Management and City Council expressed a desire to revisit compensation increases as a potential mid-year consideration. Generally, direct impacts to revenues and expenditures have not been nearly as severe as initially projected.

Since the adoption of the budget, staff has been evaluating various fiscal indicators, including, but not limited to sales tax collections, building permit activity, Das Rec cost recovery, attrition/vacancy savings and operational savings. Based on those analyses, as well as our overall fiscal projections for FY 2021, the market-based compensation increases developed as a result of a 2019 Market Compensation Study can be absorbed into the existing FY 2021 Adopted Budget while maintaining structural balance in the General Fund (recurring revenue exceeding recurring expenditures). This information was presented to the City Council at their January retreat. The consensus from the City Council at that time was to move forward with the market-based compensation increases as long as it remained financially viable to do so. See the graph below for additional information.



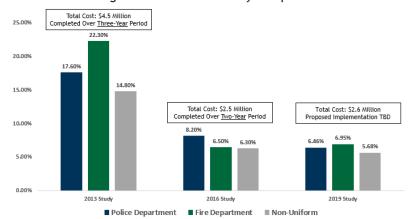
Compensation Increase Detail

The annual costs of the market-based compensation increases are projected at \$2.6 million. Of the

total cost, 58% will support increases for uniform Police and Fire personnel. The proposed increases are tied to the 2019 market compensation study. Beginning in FY2013, the city began conducting market compensation studies every two years in an attempt to establish pay scales that aligned to our market comparator cities. As the graph illustrates, the City has made great progress in "catching up" to that market data. However, delaying the full implementation of the 2019 market compensation study will increase the likelihood that the City will continue to fall further behind. In fact, in advance of our 2021 market study update, the Human Resources team sampled a number of positions and anecdotally have determined that many positions have already moved 3%-5% from the 2019 data.

MARKET BASED COMPENSATION ANALYSIS

Percentage Below Benchmark City Compensation Plans



ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:

FISCAL IMPACT:

As mentioned above, based on current projections, the mid-year compensation increases can be absorbed while maintaining a structurally balanced General Fund. No budget amendments/transfers are recommended at this time. As is the normal practice, any budget amendments/transfers will be brought back at the end of the fiscal year when actual budgetary needs (if necessary) can be determined.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Recommend implementation of the compensation increases described above.



City Council Agenda Item Report 2/22/2021

550 Landa Street New Braunfels, TX

Agenda Item No. A)

Deliberate pending/contemplated litigation, settlement offer(s), and matters concerning privileged and unprivileged client information deemed confidential by Rule 1.05 of the Texas Disciplinary Rules of Professional Conduct in accordance with Section 551.071, of the Texas Government Code, specifically:

J3 Company construction contract for Klein Rd. reconstruction project



City Council Agenda Item Report 2/22/2021

550 Landa Street New Braunfels, TX

Agenda Item No. B)

Deliberate pending/contemplated litigation, settlement offer(s), and matters concerning privileged and unprivileged client information deemed confidential by Rule 1.05 of the Texas Disciplinary Rules of Professional Conduct in accordance with Section 551.071, of the Texas Government Code, specifically:

Discuss legal action regarding possible restrictions on further development of property commonly known as 413 Gruene Rd, New Braunfels 78130, Texas, for use as Disaster Recovery Center for NBU; the property is also described as 2.693 acre tract of land, situated in the Henry Foster Survey, Abstract No 154, Comal County, Texas, conveyed to the City of New Braunfels, recorded in Volume 192, Page 543, Deed Records, Guadalupe County, Texas.