

Legislation Details (With Text)

File #:	19-720	Name:	
Type:	Report	Status:	Consent Item Ready
File created:	9/13/2019	In control:	City Council
On agenda:	9/23/2019	Final action:	
Title:	Approval of the Termination of Restrictive Covenants in the Seidel Subdivision and authorizing the City Manager to execute the document.		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. Termination of Restrictive Covenants, 2. Seidel Subdivision Plat		

Date	Ver.	Action By	Action	Result
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Presenter/Contact

*Jordan Matney, Assistant City Manager
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SUBJECT:

Approval of the Termination of Restrictive Covenants in the Seidel Subdivision and authorizing the City Manager to execute the document.

BACKGROUND / RATIONALE:

The Seidel Subdivision was originally created in 1972 as a nine-lot residential subdivision covering thirteen acres fronting State Highway 46 on the Comal Guadalupe County line. In 1976, the developer/owner recorded restrictions which burdened the subdivision. Fire Station No. 6, City owned property, is located within the subdivision.

As set forth in the recitals of the Termination of Restrictive Covenants the subdivision layout and the restrictive covenants have not been enforced (See Attachment 1). Additionally, the subdivision has not been developed as platted. For example, the subdivision layout has been changed with lots 1 through 3 being replatted into a single lot without getting consent of the developer successor or other owners as required under the restrictions. Lots 6 and 7 were replatted into another subdivision without the consent of the developer or other owners as part of the Stone Gate subdivision. Improvements have been constructed using less than 70 percent brick veneer on several lots contrary to the terms of the Restrictions. Further, improvements have been constructed nearer than 50 feet to the front property line. The front portion of the subdivision fronting the highway is zoned commercial in contrast to the intended residential character of the original subdivision. In short, the subdivision restrictions have not been enforced. All owners of the property within the subdivision must execute the Termination of Restrictive Covenants for the termination to be effective.

The Termination of the Restrictive Covenants for this subdivision will not cause harm to the City of New Braunfels and will help clear title issues for future development of the original subdivision lots. A

list of the nine restrictions can be found in Attachment 1 as an exhibit to the Termination of the Restrictive Covenants. Attachment 2 is a plat of the Seidel Subdivision.

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

<input checked="" type="checkbox"/> Yes	City Plan/Council Priority:	Strategic Priorities: .
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FISCAL IMPACT:

There are no direct costs associated with this Termination of Restrictive Covenants.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the Termination of Restrictive Covenants.