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STATE OF TEXAS
CITY OF NEW BERLIN

ORDINANCE NO. 2023-002

ORDINANCE ANNEXING TERRITORY

AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE EXTRATERRITORIAL JURISDICTION OF CITY OF NEW BERLIN, GUADALUPE COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID EXTRATERRITORIAL JURISDICTION SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY THAT MAY APPLY WITHIN THE EXTRATERRITORIAL JURISDICTION.

WHEREAS, (§42.022 of the Texas Local Government Code and/or Charter) of the City of New Berlin, Texas, an incorporated city, authorizes the annexation of territory, subject to the laws of this state.

WHEREAS, the procedures prescribed by the (Texas Local Government Code and/or Charter) of the City of New Berlin, Texas, and the laws of this state have been duly followed with respect to the following described territory, to wit:

Real property located at 1480 Church Road, Seguin Texas (Exhibit A). Scattered Oaks Subdivision (Exhibit A), known as 17.603 acres of land, more or less, out of the Michael Ramel survey, Abstract 280 and the John A. Wells Survey No. 51, Abstract 335 Guadalupe County, Texas and also being out of 44.142 acre tract as described in Doc#202399000377. This property is located at the intersection of Church Road and Woelke Road.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL (OR COMMISSION) OF THE CITY OF NEW BERLIN, TEXAS:

That the heretofore described property is hereby included in the extraterritorial jurisdiction of the City of New Berlin, Guadalupe County, Texas, and that the boundary limits of the extraterritorial jurisdiction of the City of New Berlin be and the same are hereby extended to include the above described territory, and the same shall hereafter be included within the extraterritorial jurisdiction of said city, and the inhabitants thereof shall hereafter be entitled to all the rights and privileges of other citizens of the extraterritorial jurisdiction of the City of New Berlin and they shall be bound by the acts, ordinances, resolutions, and regulations of said city that may apply within the extraterritorial jurisdiction.

The City Clerk (or Secretary) is hereby directed to file with the County Clerk of Guadalupe, Texas, a certified copy of this ordinance.

PASSED by an affirmative vote of all members of the City Council (or Commission), this the 16th day of January, 2023



APPROVED:

A handwritten signature in blue ink, appearing to read "Walter Williams Jr.", written over a horizontal line.

WALTER WILLIAMS JR
Mayor

ATTESTED BY:

A handwritten signature in blue ink, appearing to read "Mandy", written over a horizontal line.

City Secretary

DMK Land Development, LLC
PO Box 218 Marion, TX 78124
Manager, Dale Koehler
dalekoehler@sbcglobal.net
210-721-2073

January 9, 2023

Petition for Annexation

WHERE AS, DMK Land Development, LLC (also known as "DMK") is the owner of real property on 1480 Church Road, Seguin Texas (Exhibit "B"), AND;

WHERE AS, DMK desires for part of the property to be annexed into the Extra Territorial Jurisdiction (Or ETJ) of the City of New Berlin, AND;

WHERE AS, Part of the subject property is contiguous to the ETJ of the City of New Berlin, AND;

WHERE AS, Dale Koehler, Managing Member of DMK, is authorized to execute all agreements on behalf of DMK.

NOW THEREFORE, DMK Land Development, LLC, thru it's Manager, Dale Koehler, formally request consideration for Annexation into the City of New Berlin, **Extra Territorial Jurisdiction** the following property:

"Scattered Oaks Subdivision" (Exhibit "A"), better known as 17.603 acres of land, more or less, out of the Michael Ramel survey, Abstract 280 and the John A. Wells Survey No. 51, Abstract 335 Guadalupe County, Texas and also being out of 44.142 acre tract as described in Doc#202399000377. This property is located at the intersection of Church Road and Woelke Road.

AND, In conjunction with the Petition to annex said land into the ETJ of the City of New Berlin, we simultaneously request approval of our preliminary plat for "Scattered Oaks Subdivision," which is attached as Exhibit "A" to this petition and is additionally presented in 18x24 inch hard copies (9) per the subdivision regulations.

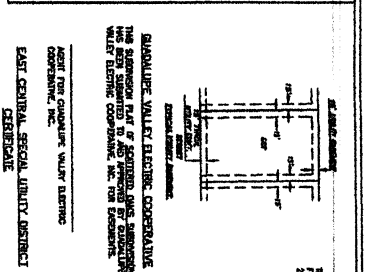
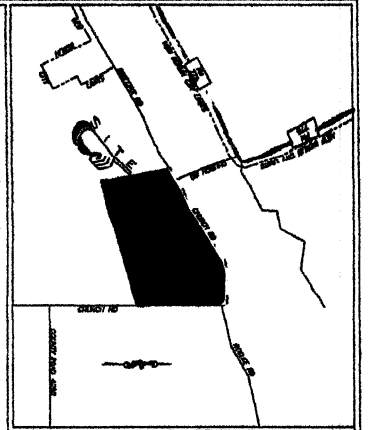
Sincerely,



Dale Koehler

1/9/23

Exhibit "A"



LEGEND

- SET POINT AND
- ROUND IRON AND
- CENTERLINE
- EASTING CORNERS
- WESTING CORNERS
- FRESHED CORNERS

LOCATION MAP:

LEGEND

- SET POINT AND
- ROUND IRON AND
- CENTERLINE
- EASTING CORNERS
- WESTING CORNERS
- FRESHED CORNERS

LEGEND

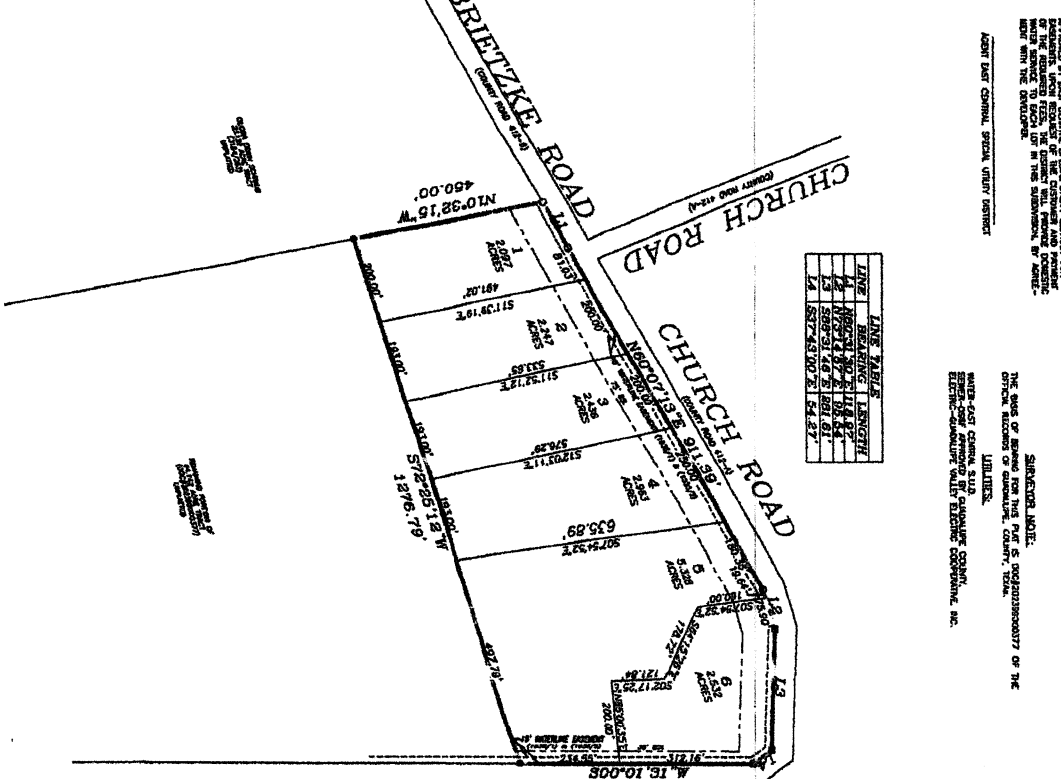
- SET POINT AND
- ROUND IRON AND
- CENTERLINE
- EASTING CORNERS
- WESTING CORNERS
- FRESHED CORNERS

STATE OF TEXAS
COUNTY OF QUADRAH

AGENCY: COUNTY OF QUADRAH, TEXAS
PROJECT: BRIETZKE ROAD, CHURCH ROAD, WEIKE ROAD, AND WOLKE ROAD
DATE: 12/15/22

AGENCY ENGINEER: J. K. BLUTZ, P.E.
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 2024

AGENCY ENGINEER: J. K. BLUTZ, P.E.
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 2024



LEGEND

- SET POINT AND
- ROUND IRON AND
- CENTERLINE
- EASTING CORNERS
- WESTING CORNERS
- FRESHED CORNERS

LEGEND

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LEGEND

- SET POINT AND
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- WESTING CORNERS
- FRESHED CORNERS

SCATTERED OAKS SUBDIVISION

PLAT OF

THE LAND DEVELOPMENT LLC

DATE: 12/15/22

SCALE: 1" = 200'

DATE: 12/15/22

DATE: 12/15/22

STATE OF TEXAS
COUNTY OF QUADRAH

AGENCY: COUNTY OF QUADRAH, TEXAS
PROJECT: BRIETZKE ROAD, CHURCH ROAD, WEIKE ROAD, AND WOLKE ROAD
DATE: 12/15/22

AGENCY ENGINEER: J. K. BLUTZ, P.E.
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 2024

KR034754STC

EXHIBIT "B"

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

WARRANTY DEED WITH VENDOR'S LIEN

DATE: January 4, 2023

GRANTOR: JAMES M. VASQUEZ and wife, DEBBIE S. VASQUEZ F/K/A DEBBIE KAY SCHRAUB

GRANTOR'S MAILING ADDRESS: 135 Blue Bonnet Blvd., Alamo Heights, Texas 78209 (Bexar County)

GRANTEE: DMK LAND DEVELOPMENT LLC, a Texas limited liability company

GRANTEE'S MAILING ADDRESS: P. O. Box 218, Marion, Texas 78124 (Guadalupe County)

CONSIDERATION: Cash and a note of even date that is in the principal amount of \$945,000.00 and is executed by Grantee, payable to the order of DOUGLAS H. PARKER. The note is secured by a first and superior vendor's lien and superior title retained in this deed in favor of DOUGLAS H. PARKER and by a first-lien deed of trust of even date from Grantee to A. ROBERT RAETZSCH, Trustee.

PROPERTY (including any improvements): Being 44.142 acres of land, more or less, being approximately 20.592 acres out of the Michael Ramel Survey, Abstract 280 and 23.550 acres out of the John A. Wells Survey No. 51, Abstract 335, Guadalupe County, Texas, and also being described as a 44.122 acre tract in Volume 2489, Page 850 of the Official Records of Guadalupe County, Texas, and being more particularly described in Exhibit "A" attached hereto.

The Property is conveyed "AS IS and WHERE IS", with any defects and without warranties except warranties of title and warranties in the contract between the parties, if any.

RESERVATIONS FROM CONVEYANCE: For Grantor and Grantor's heirs, successors, and assigns forever, a reservation of an undivided 50% of all oil, gas and other minerals owned by Grantor in and under and that may be produced from the Property.

Grantor waives and does not reserve and retain implied rights of ingress and egress and of reasonable use of the Property (including surface materials) for mining, drilling, exploring, operating, developing, or removing oil, gas and other minerals.

EXCEPTIONS TO CONVEYANCE AND WARRANTY: The following matters but only to the extent same are validly in force and effect and apply against the Property:

1. 15 foot waterline easements along the North and East lot lines as reflected on Survey dated December 16, 2022, prepared by J.M. Butz, Registered Professional Land Surveyor No. 2024.

2. Easement Agreement as shown in Volume 1035, page 1, Official Public Records of Guadalupe County, Texas.
3. Easement Agreement as shown in Volume 1035, page 5, Official Public Records of Guadalupe County, Texas.
4. All leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges, and immunities relating thereto, appearing in the Public Records of Guadalupe County, Texas.
5. Overhead electric line along the Northeast portion of the East lot line as reflected on Survey dated December 16, 2022, prepared by J.M. Butz, Registered Land Surveyor No. 2024.
6. Taxes for 2023, the payment of which Grantee assumes.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and Exceptions to Conveyance and Warranty.

The vendor's lien against and superior title to the property are retained until each note described is fully paid according to its terms, at which time this deed shall become absolute.

When the context requires, singular nouns and pronouns include the plural.

DOUGLAS H. PARKER, at Grantee's request, has paid in cash to Grantor that portion of the purchase price of the Property that is evidenced by the note described. The vendor's lien and superior title to the Property are retained for the benefit of DOUGLAS H. PARKER and are transferred to that party without recourse on Grantor.



JAMES M. VASQUEZ

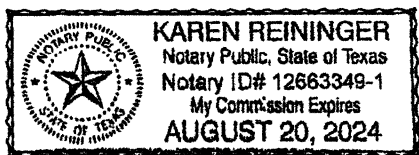


DEBBIE S. VASQUEZ
F/K/A DEBBIE KAY SCHRAUB

THE STATE OF TEXAS

COUNTY OF Guadalupe

This instrument was acknowledged before me on the 4 day of Jan., 2023, by JAMES M. VASQUEZ.

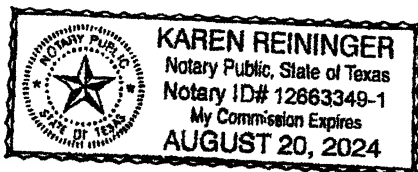


Karen Reinger
Notary Public, State of Texas

THE STATE OF TEXAS

COUNTY OF Guadalupe

This instrument was acknowledged before me on the 4 day of Jan., 2023, by DEBBIE S. VASQUEZ F/K/A DEBBIE KAY SCHRAUB.



Karen Reinger
Notary Public, State of Texas

ACCEPTANCE BY GRANTEE:

DMK LAND DEVELOPMENT LLC

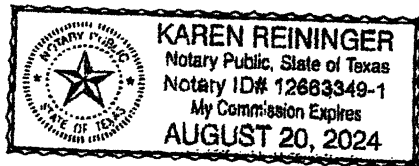
By: _____

[Handwritten Signature]
DALE KOEHLER,
Manager

THE STATE OF TEXAS

COUNTY OF GUADALUPE

This instrument was acknowledged before me on the 4 day of Jan., 2023, by DALE KOEHLER, Manager of DMK LAND DEVELOPMENT LLC, a Texas limited liability company, on behalf of said company.



[Handwritten Signature]

Notary Public, State of Texas

FIELD NOTES
December 16, 2022

BEING 44.142 acres of land, more or less, being approximately 20.592 acres out of the Michael Ramel Survey, Abstract 280 and 23.550 acres out of the John A. Wells Survey No. 51, Abstract 335, Guadalupe County, Texas and also being described as a 44.122 acre tract in Volume 2489, Page 850 of the Official Records of Guadalupe County, Texas and being more particularly described as follows:

BEGINNING at an iron rod found in the existing west R.O.W. line of Church Road (County Road 412) for the southeast corner of this tract and the southeast corner of the above referenced 44.122 acre tract, said point also being the northeast corner of a called 103.26 acre tract in Doc. #2018001386 of the Official Records of Guadalupe County, Texas out of the remaining portion of a 294 ½ acre tract described in Volume 166, Page 143 of the Deed Records of Guadalupe County, Texas;

THENCE, S 76°10'42" W, 1063.21 feet (*Ref. Brg. S 76°10'42" W, 1062.01 feet-2489/850*) generally along an existing fence and the common line with said 103.26 acre tract to a wood fence corner post found in same for the southwest corner of this tract and the southeast corner of a 44.122 acre tract described in Volume 3184, Page 253 of the Official Records of Guadalupe County, Texas;

THENCE, N 10°32'50" W, 1403.23 feet (*N 10°32'15" W, 1402.57 feet-2489/850*) generally along an existing fence to a wood fence corner post found in the existing southeast R.O.W. line of Brietzke Road (County Road 412-B) for the northwest corner of this tract and the northeast corner of said 44.122 acre tract described in Volume 3184, Page 253;

THENCE, N 60°31'30" E, 118.97 feet (*N 60°10'09" E, 119.08 feet-2489/850*) along said southeast R.O.W. line to a t-post found in a tree for an angle point of this tract;

THENCE, along the southeast and south R.O.W. line of Church Road (County Road 412-A) as follows:

N 60°07'13" E, 911.39 feet (*N 60°06'151" E, 911.79 feet-2489/850*) to an iron rod set for an angle point of this tract,

N 73°14'57" E, 95.54 feet (*N 73°13'59" E, 96.13 feet-2489/850*) to a fence post found for an angle point of this tract,

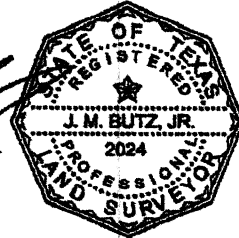
S 88°31'46" E, 281.61 feet (*S 88°24'44" E, 281.56 feet-2489/850*) to a fence post found for an angle point of this tract;

THENCE, S 37°43'00" E, 54.27 feet (*S 37°40'42" E, 54.20 feet-2489/850*) along the cut-off line to the west R.O.W. line of Church Road (County Road 412) to a fence post found for an angle point of this tract;

THENCE, along said west R.O.W. line, S 00°03'09" W, 916.38 feet (*S 00°05'05" W, 914.74 feet-2489/850*) to a wood post found for an angle point and S 00°48'44" W, 699.16 feet (*S 00°52'16" W, 699.16 feet-2489/850*) to the POINT OF BEGINNING and containing 44.142 acres of land, more or less.

Note: Plat also prepared this day.


J. M. Butz, Jr.
Registered Professional Land Surveyor
No. 2024



FN22-160

FILED and RECORDED in the OFFICIAL PUBLIC RECORDS

Honorable Teresa Kiel, Guadalupe County Clerk

Document Number: 202399000377
Recorded On: January 05, 2023 09:27 AM
Total Pages: 6
Total Fees: \$42.00

Discriminatory restrictive covenants based on race, color, religion contradict the 14th Amendment's Equal Protection Clause and are therefore unenforceable under federal law. Supreme Court Decision Shelly v. Kraemer 1948.

**THIS PAGE CONTAINS IMPORTANT RECORDING INFORMATION
AND SHALL REMAIN A PART OF THIS INSTRUMENT.**

Receipt Number: 20230105000011
User: Marissa A
Station: CCKPC17633

Return To:
CSC

**STATE OF TEXAS
GUADALUPE COUNTY**

I hereby certify this instrument was ELECTRONICALLY FILED and RECORDED in the OFFICIAL PUBLIC RECORDS of Guadalupe County, Texas on the date/time printed above.



Teresa Kiel
Teresa Kiel
Guadalupe County Clerk
Guadalupe County, TX

FILED and RECORDED in the OFFICIAL PUBLIC RECORDS

Honorable Teresa Kiel, Guadalupe County Clerk

Document Number: 202399002634
Recorded On: February 02, 2023 02:29 PM
Total Pages: 11
Total Fees: \$62.00

Discriminatory restrictive covenants based on race, color, religion contradict the 14th Amendment's Equal Protection Clause and are therefore unenforceable under federal law. Supreme Court Decision Shelly v. Kraemer 1948.

**THIS PAGE CONTAINS IMPORTANT RECORDING INFORMATION
AND SHALL REMAIN A PART OF THIS INSTRUMENT.**

Receipt Number: 20230202000090
User: Marissa A
Station: CCKPC17633

Return To:
City of New Berlin Texas
275 F.M. 2538

New Berlin TX 78155

**STATE OF TEXAS
GUADALUPE COUNTY**

**I hereby certify this instrument was FILED and RECORDED in the OFFICIAL
PUBLIC RECORDS of Guadalupe County, Texas on the date/time printed above.**



Teresa Kiel
Teresa Kiel
Guadalupe County Clerk
Guadalupe County, TX