

ORDINANCE ANNEXING TERRITORY
108.517 ACRE TRACT

108.517 ACRE TRACT SITUATED IN THE V. GORTARI SURVEY, A-24, GUADALUPE COUNTY, TEXAS. SAID 108.517 ACRE TRACT IS THE RESIDUE OF A TRACT CALLED PROPERTY B – EXHIBIT “B” (109.44 ACRES) IN FAMILY SETTLEMENT AGREEMENT AND PARTITION DEED FROM JAMES HENZEN, LARRY HENZEN, KATHLEEN HENZEN WILLIAMS AND CHRISTOPHER E. CIELENCKI TO JAMES HENZEN, LARRY HENZEN AND CHRISTOPHER E. CIELENSKI RECORDED OCTOBER 25, 2019, IN DOCUMENT NUMBER 201999024542 OF THE OFFICIAL RECORDS OF GUADALUPE COUNTY.

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

WHEREAS, pursuant to Chapter 43 of the Texas Local Government Code of the City of New Berlin, Texas, an incorporated city, authorizes the annexation of territory, subject to the laws of this state; and

WHEREAS, the procedures prescribed by the Texas Local Government Code of the City of New Berlin, Texas and the laws of this state have been duly followed with respect to the following described territory, currently fully located adjacent to the City of New Berlin to wit: particularly described in Exhibits A & B attached hereto.


NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BERLIN, TEXAS:

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

The City 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, this 16th day of October, 2023.

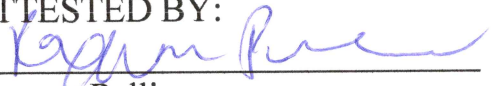
APPROVED:



WALTER C. WILLIAMS JR
Mayor



ATTESTED BY:



Roxann Pullin
City Secretary of New Berlin, Texas

After recording, please return to: City of New Berlin, 275 FM 2538, Seguin, TX 78155

PETITION REQUESTING VOLUNTARY ANNEXATION:
Pursuant to Section 43.028 of
The Texas Local Government Code:

TO: THE MAYOR AND GOVERNING BODY OF THE CITY OF NEW BERLIN, TEXAS

The undersigned owner(s) of the hereinafter described tract of land which is (1) one-half (1/2) mile or less, (2) contiguous and adjacent to the City of New Berlin, Texas, (3) in width vacant and without residents, or on which less than three (3) qualified voters reside, and (4) not within the extraterritorial jurisdiction of any other municipality, hereby petition your honorable body to extend the present municipal limits so as to include and annex as a part of the City of New Berlin, Texas, the following described property, which is additional detailed in Exhibit "A", attached to and made part of hereof, to wit:

(Any One or All: Street Address/ Geo ID / Metes and Bounds)

GEO ID: 260024-0000-03100-0-00

Property Address/location:

I (WE) CERTIFY, UNDER OATH, that the above-described tract of land consisting of 109.517 acres is contiguous and adjacent to the City of New Berlin, Texas, is not more than one-half (1/2) mile in width, is not within the extraterritorial jurisdiction of any other municipality, and that this petition is signed and duly acknowledged by each and every person or duly authorized representative of a corporation having an ownership interest in said land.

Owner(s) Signature(s)

Date

(Signature)

Brenda Lee Kunde

8-31-2023

(Printed Name)

BRENDA LEE KUNDE

Mailing Address:

2478 TERMINAL LOOP McQUEENEY 78123

Telephone:

830 832 7510

(Signature)

(Printed Name)

Mailing Address:

Telephone:

Note: Recording Fee must accompany your petition. If your petition is not accepted, your fee will be refunded. Fee Cost is \$26 for first page and \$4 for each additional page plus \$4. Actual cost is dependent of recording fees charged by the appropriate County Records office.

Amount Paid 26⁰⁰ Check # 8671 Accepted by Brenda Dennis

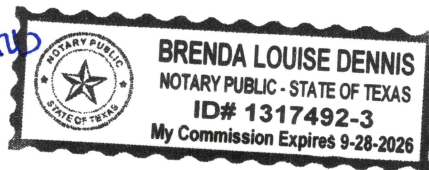
State of Texas
County of Guadalupe

Before me, the undersigned, on this day personally appeared, Brenda Kundy the individual(s), known to me or proved to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument and each acknowledged to me that he/she/they executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 3rd day of August, 2023.

(Notary Seal)

Brenda Louise Dennis
Notary Public's Signature



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.

SPECIAL WARRANTY DEED

STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF GUADALUPE §

THAT we, JAMES HENZEN, LARRY HENZEN, and CHRISTOPHER E. CIELENCKI (the "Grantors"), for a good and valuable consideration paid by the Grantee herein named to the Grantors, the receipt of which consideration is hereby acknowledged, have GRANTED, SOLD and CONVEYED, and by these presents do GRANT, SELL and CONVEY unto:

BRENDA LEE KUNDE
3478 Terminal Loop
McQuency, TX 78123

("Grantee"), all of Grantors' right, title, and interest in and to the following described real property in Guadalupe County, Texas, to-wit:

108.517 acres of land, more or less, situated in the V. Gortari Survey, A-24, Guadalupe County, Texas. Said 108.517 acre tract is the residue of a tract called Property B - Exhibit "B" (109.44 acres) in Family Settlement Agreement and Partition Deed from James Henzen, Larry Henzen, Kathleen Henzen Williams and Christopher E. Cielencki to James Henzen, Larry Henzen and Christopher E. Cielencki recorded October 25, 2019 in Document Number 201999024542 of the Official Records of said county and being described by metes and bounds on Exhibit "A" attached hereto, incorporated herein and made a part hereof for all purposes.

Grantor, LARRY HENZEN, retains for himself, his spouse, and his children, the absolute right, at no cost, to use the private road (i.e., 0.938 acre tract) located on the above described property for ingress and egress, as shown and described on the Survey and drawing attached hereto as Exhibits "1" and "2", for a period of two (2) years from November 12, 2021.

TO HAVE AND TO HOLD the above described Property, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Grantee, her heirs and assigns forever; and Grantors does hereby bind themselves, and their heirs to WARRANT

SPECIAL WARRANTY DEED

Page 2

and FOREVER DEFEND all and singular the said Property unto the Grantee, her heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through, or under Grantors, but not otherwise.

This conveyance is made and accepted subject to any and all conditions, restrictions, covenants and easements, if any, relating to the hereinabove described property, to the extent, and only to the extent, that the same may still be in force and effect, shown of record in the Office of the County Clerk of Guadalupe County, Texas.

EXCEPT FOR GRANTORS' SPECIAL WARRANTY OF TITLE SET FORTH HEREIN, GRANTORS ARE NOT MAKING, AND HAVE NOT MADE, AND SPECIFICALLY DISCLAIM ANY WARRANTIES OR REPRESENTATIONS, EXPRESS OR IMPLIED, WITH RESPECT TO THE PROPERTY, INCLUDING, BUT NOT LIMITED TO, ANY WARRANTIES OR REPRESENTATIONS AS TO HABITABILITY, MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, ZONING, HANDICAP ACCESS, PARKING, PHYSICAL OR ENVIRONMENTAL CONDITION, UTILITIES, COMPLIANCE OF THE PROPERTY WITH ANY CODES, LAWS, RULES, ORDINANCES OR REGULATIONS OF ANY APPLICABLE GOVERNMENTAL AUTHORITY OR LAWS, THE TRUTH, ACCURACY OR COMPLETENESS OF ANY INFORMATION PROVIDED BY OR ON BEHALF OF GRANTORS TO GRANTEE, OR ANY OTHER MATTER OR THING REGARDING THE PROPERTY. GRANTEE AGREES THAT GRANTORS ARE SELLING AND CONVEYING TO GRANTEE AND GRANTEE ACCEPTS THE PROPERTY "**AS IS, WHERE IS, WITH ALL FAULTS,**" AND WITHOUT ANY WRITTEN OR ORAL REPRESENTATIONS OR WARRANTIES, EXPRESS, IMPLIED, OR ARISING BY OPERATION OF LAW, EXCEPT TO THE EXTENT EXPRESSLY PROVIDED OTHERWISE IN THE CONTRACT. GRANTEE REPRESENTS TO GRANTORS SHE HAS CONDUCTED SUCH INVESTIGATIONS OF THE PROPERTY, INCLUDING BUT NOT LIMITED TO, THE PHYSICAL AND ENVIRONMENTAL CONDITIONS THEREOF, AS GRANTEE DEEMED NECESSARY TO SATISFY HERSELF AS TO THE CONDITION OF THE PROPERTY AND THE EXISTENCE OR NONEXISTENCE OR CURATIVE ACTION TO BE TAKEN WITH RESPECT TO ANY HAZARDOUS SUBSTANCES ON OR UNDER THE PROPERTY, AND WILL RELY SOLELY UPON SAME AND NOT UPON ANY INFORMATION PROVIDED BY OR ON BEHALF OF GRANTORS OR THEIR AGENTS OR EMPLOYEES WITH RESPECT THERETO. GRANTEE ASSUMES THE RISK THAT ADVERSE MATTERS, INCLUDING BUT NOT LIMITED TO, CONSTRUCTION DEFECTS AND ADVERSE PHYSICAL AND ENVIRONMENTAL CONDITIONS, MAY NOT HAVE BEEN REVEALED BY GRANTEE'S INSPECTION, EXAMINATION, AND EVALUATION OF THE PROPERTY, AND GRANTEE, UPON CLOSING, WILL BE DEEMED TO HAVE WAIVED, RELINQUISHED AND RELEASED ALL CLAIMS, DEMANDS, CAUSES OF ACTION (INCLUDING CAUSES OF ACTION IN TORT), LOSSES, DAMAGES, LIABILITIES, COSTS AND EXPENSES (INCLUDING ATTORNEY'S FEES AND COURT COSTS) OF ANY AND EVERY KIND OR CHARACTER, KNOWN OR UNKNOWN, WHICH GRANTEE MIGHT HAVE ASSERTED OR ALLEGED AGAINST GRANTORS AT ANY TIME BY REASON OF OR ARISING OUT OF PHYSICAL CONDITION OF THE PROPERTY OR VIOLATIONS OF ANY APPLICABLE LAWS (INCLUDING ANY ENVIRONMENTAL LAWS).

SPECIAL WARRANTY DEED

Page 3

Current ad valorem taxes on said Property having been prorated, the payment thereof is assumed by Grantee.

EXECUTED effective the 12th day of November, 2021.

GRANTORS:

James Henzen
JAMES HENZEN

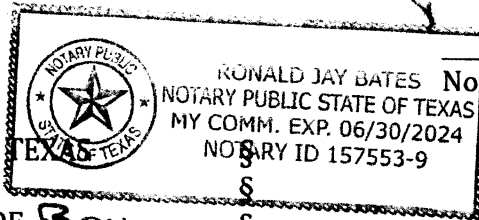
Larry Henzen
LARRY HENZEN

Christopher E. Cielencki
CHRISTOPHER E. CIELENCKI

STATE OF TEXAS §
 §
COUNTY OF Brewer §

This instrument was acknowledged before me on the 12 day of November, 2021, by JAMES HENZEN.

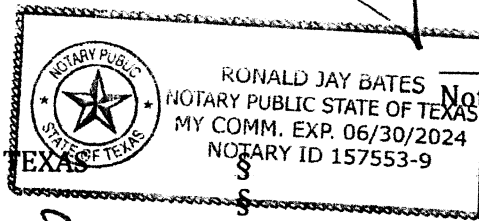
[Signature]



STATE OF TEXAS §
 §
COUNTY OF Brewer §

This instrument was acknowledged before me on the 12 day of November, 2021, by LARRY HENZEN.

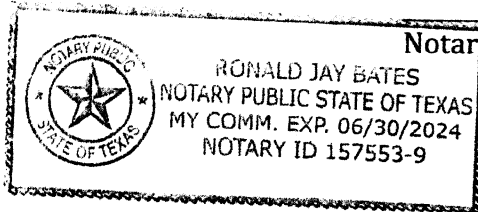
[Signature]



STATE OF TEXAS §
 §
COUNTY OF Brewer §

This instrument was acknowledged before me on the 12 day of November, 2021, by CHRISTOPHER E. CIELENCKI.

[Signature]

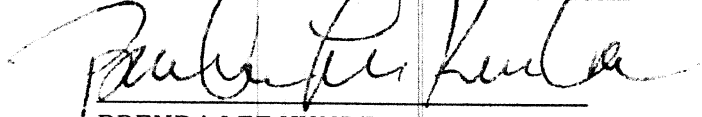


Notary Public, State of Texas

SPECIAL WARRANTY DEED

Page 4

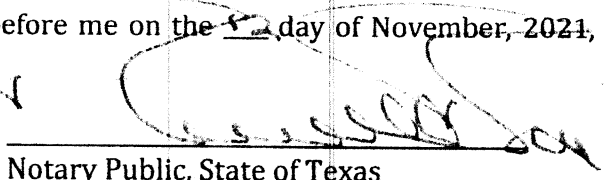
ACCEPTED AND AGREED BY GRANTEE:



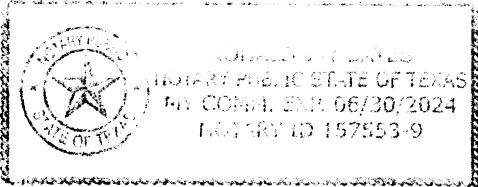
BRENDA LEE KUNDE

STATE OF TEXAS §
 §
COUNTY OF Tarrant §

This instrument was acknowledged before me on the 12 day of November, 2021, by BRENDA LEE KUNDE.



Notary Public, State of Texas



AFTER RECORDING RETURN TO:

BRENDA LEE KUNDE
2478 Terrence Loop
McEwen, TX 75173

EXHIBIT "A" - Three pages

BETTERS WORTH & ASSOCIATES, INC.

ENGINEERS - SURVEYORS - CONSULTANTS

111 EAST MOUNTAIN STREET, SEGUIN, TEXAS 78155

(830) 379-5552 FAX (830) 379-5553

E-Mail: ken@bettersworthassoc.com

KEN L. REININGER, P.E. & R.P.L.S.

28784*

936.81

28784-C-G

November 4, 2021

108.517 ACRE TRACT

Being a **108.517 ACRE TRACT** situated in the V. Gortari Survey, A-24, Guadalupe County, Texas. Said **108.517 ACRE TRACT** is the residue of a tract called Property B – Exhibit "B" (109.44 acres) in Family Settlement Agreement and Partition Deed from James Henzen, Larry Henzen, Kathleen Henzen Williams and Christopher E. Cielencki to James Henzen, Larry Henzen and Christopher E. Cielencki recorded October 25, 2019 in Document Number 201999024542 of the Official Records of said county and being described by metes and bounds as follows:

BEGINNING at a three-way fence corner marking the southeast corner of the tract herein described, same being the southeast corner of said residue 109.44 acre tract, same being the north corner of a tract called First Tract (169 acres) in conveyance from Myrtle M. Staats, individually and as Independent Executrix of The Estate of Gilbert James Staats, deceased to Staats Family Trust recorded February 16, 2010 in Volume 2840, Page 965 of the Official Records of said county lying in the southwest line of South Santa Clara Road.

THENCE with the southeast line of the tract herein described, same being the common line of said residue 109.44 acre tract and said 169 acre tract S 59° 37' 58" W (called S 60° W in Volume 20, Page 510 and in Volume 30, Page 390 of the Deed Records) 2584.65 feet to a planted 1' X 5" rock at a two-way fence corner post marking the south corner of the tract herein described, same being the south corner of said residue 109.44 acre tract, same being the east corner of a tract called Second Tract (35 acres) in conveyance from Myrtle M. Staats, individually and as Independent Executrix of The Estate of Gilbert James Staats, deceased to Staats Family Trust recorded February 16, 2010 in Volume 2840, Page 965 of the Official Records of said county.

THENCE with the southwest line of the tract herein described, same being the common line of said residue 109.44 acre tract and said 35 acre tract N 29° 38' 56" W 1776.36 feet (called S 29° 30' E 638 varas in Volume 2840, Page 965) to a planted 9" X 9" rock at a three-way fence corner post marking the west corner of the tract herein described, same being the west corner of said residue 109.44 acre tract, north corner of said 35 acre tract lying in the southeast line of a tract called 12.56 acres in conveyance from Richard Malcom Smith, Jr. and wife, Melissa Smith to Donald P. Parker and wife, Lavon Parker recorded July 22, 1997 in Volume 1282, Page 82 of the Official Records of said county.

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November 4, 2021

Page 2 of 3

THENCE with a segment of the northwest line of the tract herein described, same being the common line of said residue 109.44 acre tract with that of said 12.56 acre tract N 59° 26' 40" E (called N 60° E in Volume 20, Page 510) 874.17 feet to a three-way fence corner

post marking a northwest corner of the tract herein described, same being a northwest corner of said residue 109.44 acre tract, the west corner of a tract called 10 acres in conveyance from Joseph L. Henzen and wife, Viola Henzen to Larry John Henzen recorded September 8, 1982 in Volume 647, Page 88 of the Deed Records of said county.

THENCE continuing with the northwest line of the tract herein described, same being the common line of said residue 109.44 acre tract with that of said 10 acre tract, a tract called 0.254 acre in conveyance from James Henzen and Christopher E. Cielencki to Larry John Henzen recorded May 7, 2021 in Document Number 202199015806 of the Official Records of said county and a tract called 0.556 acre in conveyance from James Henzen and Christopher E. Cielencki to Larry John Henzen recorded November 23, 2020 in Document Number 202099033864 of the Official Records of said county as follows:

S 30° 45' 41" E 51.26 feet (called N 30° 01' 10" W 51.0 feet in Volume 647, Page 88) to a 1/2 inch diameter rebar set with cap (B&A) at a two-way fence corner post marking a re-entrant corner of the tract herein described, same being a re-entrant corner of said residue 109.44 acre tract, south corner of said 10 acre tract,

N 59° 41' 08" E (called S 60° 08' 05" W in Volume 647, Page 88) 641.78 feet to a Mag Nail set marking a northwest corner of the tract herein described, same being a northwest corner of said residue 109.44 acre tract, west corner of said 0.254 acre tract,

S 31° 01' 21" E 200.97 feet (called N 31° 01' 23" W 200.97 feet in Document Number 202199015806) to a 1/2 inch diameter rebar found with cap (B&A) marking a re-entrant corner of the tract herein described, same being a re-entrant corner of said residue 109.44 acre tract, south corner of said 0.254 acre tract,

N 60° 32' 19" E 55.00 feet (called S 60° 32' 19" W 55.00 feet in Document Number 202199015806) to a 1/2 inch diameter rebar found with cap (B&A) marking the east corner of said 0.254 acre tract, south corner of said 0.556 acre tract,

N 60° 32' 19" E 118.72 feet (called S 60° 32' 50" W 118.73 feet in Document Number 202099033864) to a 1/2 inch diameter rebar found marking the east corner of said 0.556 acre tract and the southeast corner of said 10 acre tract,

N 59° 37' 26" E 282.33 feet (called S 60° 02' 40" W 282.81 feet in Volume 647, Page 88) to a 1/2 inch diameter rebar found with cap (B&A),

N 72° 14' 37" E 159.48 feet (called S 72° 39' 50" W 159.73 feet in Volume 647, Page 88) to a 1/2 inch diameter rebar found, and

N 59° 25' 17" E 925.50 feet (called S 59° 51' 32" W 925.54 feet in Volume 647, Page 88) to a 1/2 inch diameter rebar found with cap (B&A) marking the north corner of the tract herein described, same being the north corner of said residue 109.44 acre tract,

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November 4, 2021
Page 3 of 3

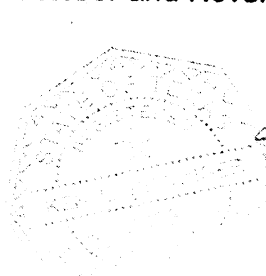
east corner of said 10 acre tract lying in the southwest line of said South Santa Clara Road. Said rebar bears S 14° 06' 56" E 299.85 feet (called S 13° 38' 59" E 299.86 feet in Volume 647, Page 88) from a 3/4 inch diameter iron pipe found marking the north corner of said 10 acre tract.

THENCE with a fence along the northeast line of the tract herein described, same being the common line of said residue 109.44 acre tract and said South Santa Clara Road as follows:

S 13° 21' 26" E (called S 12° 30' E in Volume 263, Page 39) 573.00 feet to a 10" diameter wood fence corner post,
S 31° 09' 47" E 425.13 feet (called S 19° 55' E 385.0 feet in Volume 263, Page 39) to an 8" diameter wood fence corner post,
S 20° 52' 30" E 164.77 feet to a 10" diameter wood fence corner post,
S 19° 38' 17" W 129.82 feet (called N 17° 10' W 100 feet in Volume 263, Page 39) to a 6" diameter wood fence corner post,
S 08° 46' 39" W 39.74 feet to a fence post,
S 05° 41' 38" W 59.20 feet to a fence post,
S 05° 42' 19" E 104.91 feet to a 6" diameter wood fence corner post, and
S 15° 14' 29" W 141.78 feet to **THE PLACE OF BEGINNING AND CONTAINING 108.517 ACRES OF LAND.**

Basis of Bearings is Geodetic North as per GPS Observation dated October 28, 2021.

I hereby certify the foregoing field notes represent the results of an on the ground survey made under my supervision October and November, 2021.



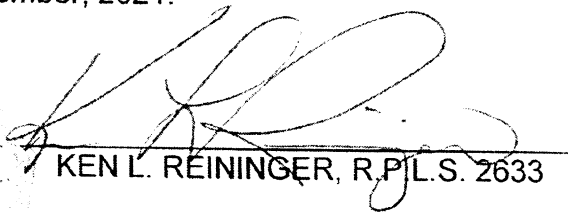

KEN L. REINGER, R.P.L.S. 2633

Exhibit "1"

BETTERS WORTH & ASSOCIATES, INC.

ENGINEERS - SURVEYORS - CONSULTANTS

111 EAST MOUNTAIN STREET, SEGUIN, TEXAS 78155

(830) 379-5552 FAX (830) 379-5553

E-Mail: ken@bettersworthassoc.com

28161*

924.41

28161-C-G

October 26, 2020

KEN L. REININGER, P.E. & R.P.L.S.

0.938 ACRE (30' WIDE) EASEMENT

Being a **0.938 ACRE EASEMENT** situated the V. Gortari Survey, A-24, Guadalupe County, Texas. Said **0.938 ACRE EASEMENT** is part of the residue of a tract called 120.07 acres in conveyance from Adela Henzen, a feme sole and widow to Joseph Henzen recorded September 13, 1961 in Volume 342, Page 94 of the Deed Records of said county and being described by metes and bounds as follows:

BEGINNING at a 1/2 inch diameter rebar set with cap (B&A) marking the north corner of the easement herein described, same being the north corner of said residue 120.07 acre tract, east corner of a tract called 10 acres in conveyance from Joseph L. Henzen and wife, Viola Henzen to Larry John Henzen recorded September 8, 1982 in Volume 647, Page 88 of the Deed Records of said county lying in the southwest line of South Santa Clara Road. Said rebar bears S 14° 05' 41" E 299.86 feet from a 3/4 inch diameter iron pipe found marking the north corner of said 120.07 acre tract.

THENCE with the northeast line of the easement herein described, same being a segment of the common line of said residue 120.07 acre tract and said South Santa Clara Road A 13° 20' 38" E (called S 12° 30' E in Volume 263, Page 39 of the Deed Records) 31.41 feet to a 1/2 inch diameter rebar set with cap (B&A) marking the east corner of the easement herein described.

THENCE with the southeast line of the easement herein described, being 30' southeast of and parallel to the southeast line of said 10 acre tract as follows:

S 59° 25' 17" W 919.50 feet to a 1/2 inch diameter rebar set with cap (B&A),
S 72° 14' 37" W 159.52 feet to a 1/2 inch diameter rebar set with cap (B&A), and
S 59° 37' 27" W 279.02 feet to a 1/2 inch diameter rebar set with cap (B&A) marking the south corner of the easement herein described.

THENCE with the southwest line of the easement herein described N 30° 22' 31" W 30.00 feet to a 1/2 inch diameter rebar found marking the west corner of the herein described easement, same being the southeast corner of said 10 acre tract, east corner of a 0.556 acre tract this day surveyed by me.

THENCE with the northwest line of the easement herein described, same being a segment of the common line of said 10 acre tract and said residue 120.07 acre tract as follows:

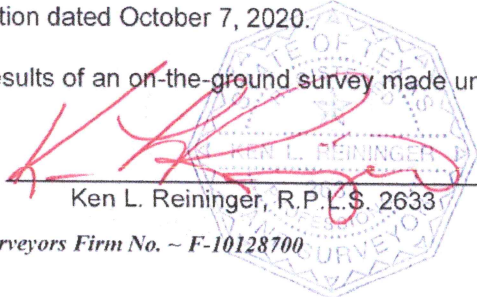
N 59° 37' 27" E 282.34 feet (called S 60° 02' 40" W 282.81 feet in Volume 647, Page 88) to a 1/2 inch diameter rebar set,

N 72° 14' 37" E 159.47 feet (called S 72° 39' 50" W 159.73 feet in Volume 647, Page 88) to a 1/2 inch diameter rebar found, and

N 59° 25' 17" E 925.44 feet (called S 59° 51' 32" W 925.54 feet in volume 647, Page 88) to **THE PLACE OF BEGINNING AND CONTAINING 0.938 ACRE OF LAND.**

Basis of bearings is Geodetic North as per GPS observation dated October 7, 2020.

I hereby certify the foregoing field notes represent the results of an on-the-ground survey made under my supervision October, 2020.


Ken L. Reininger, R.P.L.S. 2633

Engineers Firm No. ~ F-11731 | Surveyors Firm No. ~ F-10128700

BETTERSWORTH & ASSOCIATES, INC.

ENGINEERS - SURVEYORS - CONSULTANTS

111 EAST MOUNTAIN STREET, SEGUIN, TEXAS 78155

(830) 379-5552 FAX (830) 379-5553

E-Mail: ken@bettersworthassoc.com

28161*

924.41

28161-C-G

October 26, 2020

KEN L. REININGER, P.E. & R.P.L.S.

0.556 ACRE TRACT

Being a **0.556 ACRE TRACT** situated the V. Gortari Survey, A-24, Guadalupe County, Texas. Said **0.556 ACRE TRACT** is part of the residue of a tract called 120.07 acres in conveyance from Adela Henzen, a feme sole and widow to Joseph Henzen recorded September 13, 1961 in Volume 342, Page 94 of the Deed Records of said county and being described by metes and bounds as follows:

BEGINNING at a 1/2 inch diameter rebar set with cap (B&A) marking the west corner of the tract herein described lying in the common line of said residue 120.07 acre tract and a tract called 10 acres in conveyance from Joseph L. Henzen and wife, Viola Henzen to Larry John Henzen recorded September 8, 1982 in Volume 647, Page 88 of the Deed Records of said county. Said rebar bears S 30° 28' 13" E 51.00 feet (called N 30° 01' 10" W 51.0 feet) and N 59° 41' 02" E 696.75 feet from a 1/2 inch diameter rebar found marking the northwest corner of said residue 120.07 acre tract, being the west corner of said 10 acre tract.

THENCE with the northwest line of the tract herein described, same being a segment of the common line of said residue 120.07 acre tract and said 10 acre tract N 59° 41' 02" E 120.21 feet to a 1/2 inch diameter rebar set with cap (B&A) marking the north corner of the tract herein described, same being a re-entrant corner of said 10 acre tract.

THENCE with the northeast line of the tract herein described S 30° 35' 53" E 203.57 feet (called N 30° 00' 58" W 203.88 feet in Volume 647, Page 88) to a 1/2 inch diameter rebar found marking the east corner of the tract herein described, same being the southeast corner of said 10 acre tract and a re-entrant corner of said residue 120.07 acre tract.

THENCE with the southeast line of the tract herein described into said residue 120.07 acre tract S 60° 32' 50" W 118.73 feet to a 1/2 inch diameter rebar set with cap (B&A) marking the south corner of the tract herein described.

THENCE with the southwest line of the tract herein described N 31° 01' 23" W 201.79 feet to **THE PLACE OF BEGINNING AND CONTAINING 0.556 ACRE OF LAND.**

Basis of bearings is Geodetic North as per GPS observation dated October 7, 2020.

I hereby certify the foregoing field notes represent the results of an on-the-ground survey made under my supervision October, 2020.


Ken L. Reininger, R.P.L.S. 2633

COORDINATE FILE: 28784.CKD
 DRAWING FILE: 28784.CKD
 DATE OF SURVEY: 11-23-21
 REVISION: DOH 11-23-21 [PLAT CHANGES]
 PROPERTY ID#: 174537 & 174540

UTILITY POLE
 1" CONCRETE MANDREL FOUND
 1" TELEPHONE (FIBER BOX)
 1" OVERHEAD UTILITY LINE
 1" CONCRETE
 1" WIRE FENCE
 1" CHAIN LINK FENCE
 1" UNDERGROUND PIPERLINE
 1" ELECTRIC FENCE

CALLER: 108.517 ACRES
 MYRTLE M. STAATS, INDIVIDUALLY AND AS
 INDEPENDENT EXECUTRIX OF THE ESTATE OF
 GILBERT JAMES STAATS, DECEASED TO
 STAATS FAMILY TRUST
 2-16-10 IN 2840/965

CALLER: 12.56 ACRES
 RICHARD MALCOLM SMITH, JR. AND WIFE, MELISSA SMITH TO
 DONALD P. PARKER AND WIFE, LAVON PARKER
 7-22-97 IN 1282/82

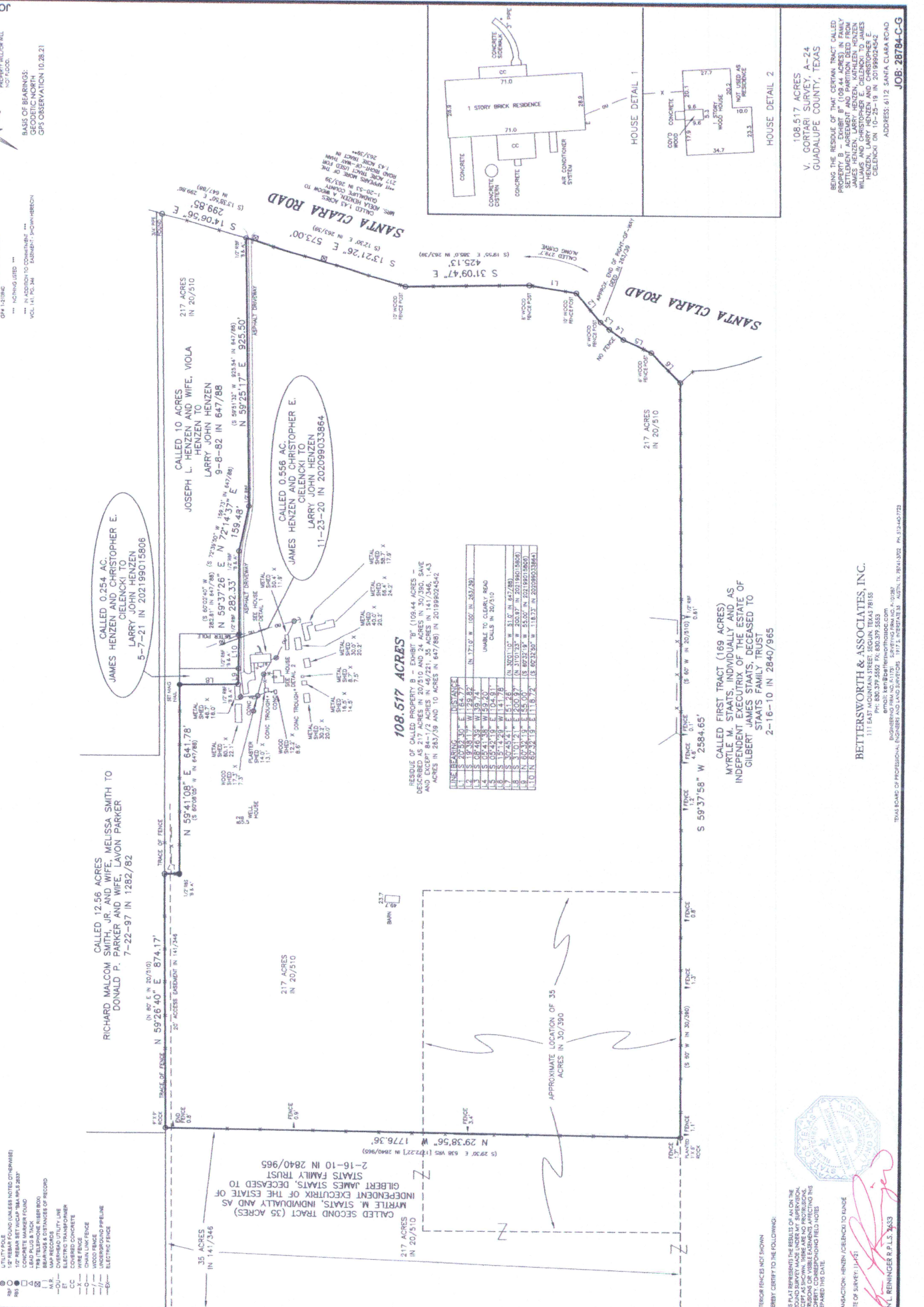
CALLER: 0.254 AC.
 JAMES HENZEN AND CHRISTOPHER E.
 CIENLECKI TO
 LARRY JOHN HENZEN
 5-7-21 IN 202199015806

CALLER: 10 ACRES
 JOSEPH L. HENZEN AND WIFE, VIOLA
 HENZEN TO
 LARRY JOHN HENZEN
 9-8-82 IN 647/88

CALLER: 0.556 AC.
 JAMES HENZEN AND CHRISTOPHER E.
 CIENLECKI TO
 LARRY JOHN HENZEN
 11-23-20 IN 202099033864

108.517 ACRES
 RESIDUE OF CALLED PROPERTY B - EXHIBIT "B" (108.44 ACRES -
 DESCRIBED AS 217 ACRES IN 20/510 AND 24 ACRES IN 30/390, SAME
 AND EXCEPT 84-1/2 ACRES IN 46/221, 35 ACRES IN 14/746, 1 A 3
 ACRES IN 20/739 AND 10 ACRES IN 647/89) IN 20199624542

108.517 ACRES
 HOUSE DETAIL 1
 HOUSE DETAIL 2



THE PLAT REPRESENTS THE RESULTS OF AN ON THE
 GROUND SURVEY AND THE FIELD DATA IS
 EXCEPT AS SHOWN, THESE ARE NOT PROPORTIONAL
 TO ANY OTHER PLAT. THE PLAT IS A TRUE AND CORRECT
 REPRESENTATION OF THE PROPERTY DESCRIBED AND THE
 PROPERTY COMPARISON IS FIELD AND NOT
 PREPARED THIS DATE

TRANSACTION: HENZEN/CIENLECKI TO HENZEN
 DATE OF SURVEY: 11-23-21
 KENTL RENNINGER P.L.L.C. 2453

BETTERS WORTH & ASSOCIATES, INC.
 111 EAST MOUNTAIN STREET, LOGAN, TEXAS 75845
 PH: 800.337.5552 FX: 800.337.5553
 email: kentl@bettersworth.com
 1972 S. WINTERVIEW, AUSTIN, TX 78743-1302 PH: 512.462.7723

108.517 ACRES
 V. GORTARI SURVEY, A-24
 GUADALUPE COUNTY, TEXAS
 BEING THE RESIDUE OF THAT CERTAIN TRACT CALLED
 "108.517 ACRES" BEING THE RESIDUE OF THAT
 SETTLEMENT AGREEMENT AND PARTITION DEED FROM
 JAMES HENZEN, LARRY HENZEN, KATHLEEN HENZEN,
 MILICHA HENZEN AND CHRISTOPHER E. HENZEN,
 CELECKI ON 10-25-19 IN 20199024542
 ADDRESS: 6112 SANTA CLARA ROAD
 JOB: 28784-C-G

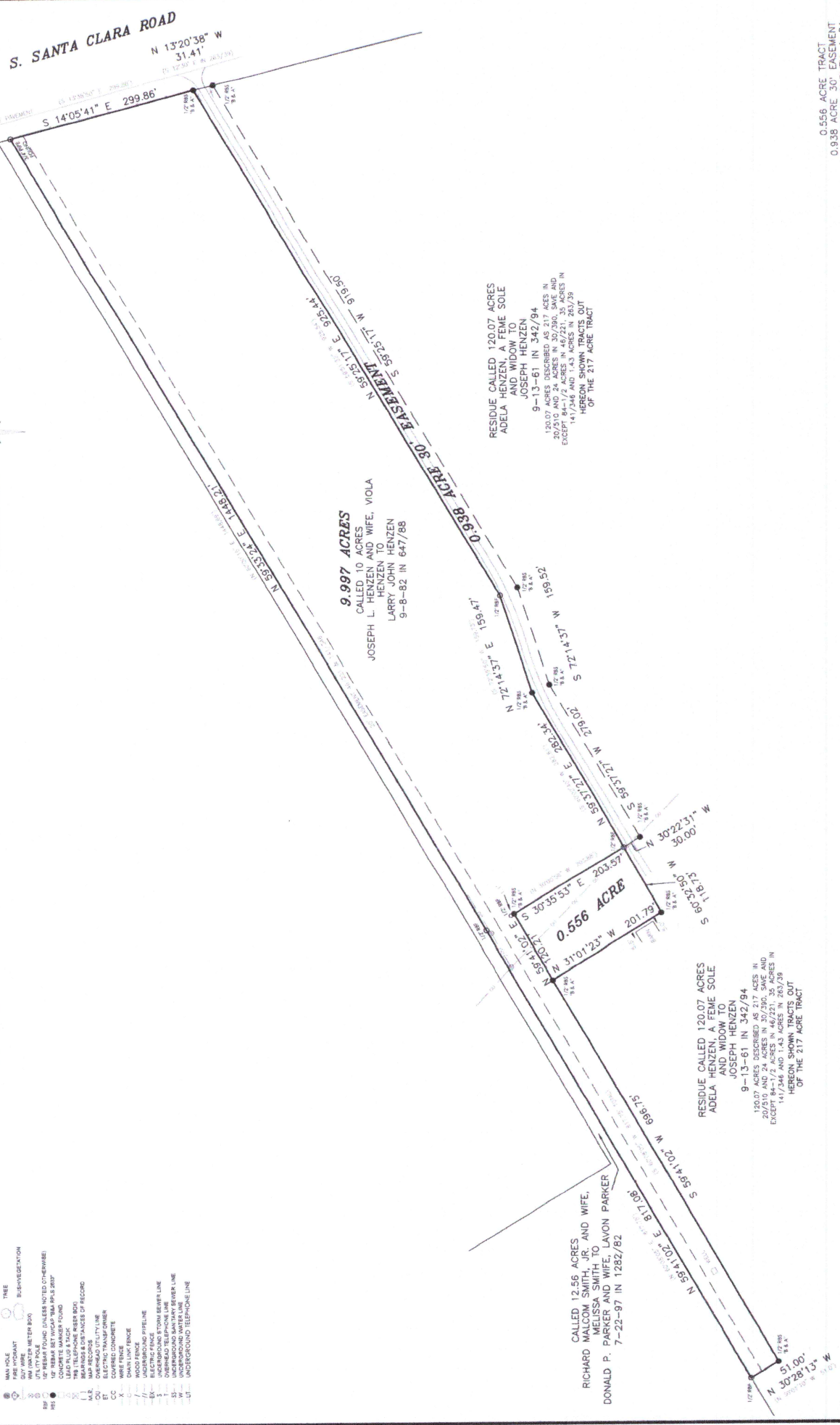
JOB: 28161-C-G
DATE: 11/05/07
DRAWN BY: J. L. REININGER
CHECKED BY: J. L. REININGER
DATE: 11/05/07
REVISIONS: 1. THE SURVEY WAS PERFORMED IN ACCORDANCE WITH THE SURVEYING ACTS AND RULES OF THE STATE OF TEXAS.
2. THE SURVEY WAS PERFORMED IN ACCORDANCE WITH THE SURVEYING ACTS AND RULES OF THE STATE OF TEXAS.
3. THE SURVEY WAS PERFORMED IN ACCORDANCE WITH THE SURVEYING ACTS AND RULES OF THE STATE OF TEXAS.



0 100 200 300
BASIS OF BEARINGS:
GEODEIC-NORTH
GPS OBSERVATION 10.7.20

DUE TO THE FACT THAT NO CURRENT RECORDS OF THE SURVEY ARE AVAILABLE, THE PLAT IS BEING RELEASED AS INFORMATIONAL ONLY. THIS PLAT IS NOT TO BE RECORDED FOR THE PURPOSES OF THE SURVEYING ACTS AND RULES OF THE STATE OF TEXAS. THE SURVEY WAS PERFORMED IN ACCORDANCE WITH THE SURVEYING ACTS AND RULES OF THE STATE OF TEXAS. THE SURVEY WAS PERFORMED IN ACCORDANCE WITH THE SURVEYING ACTS AND RULES OF THE STATE OF TEXAS. THE SURVEY WAS PERFORMED IN ACCORDANCE WITH THE SURVEYING ACTS AND RULES OF THE STATE OF TEXAS.

- COORDINATE FILE: 28161 CRD
- DATE: 11/05/07
- TECH/DRAWN: DDH 10-14-20
- REVISED: DDH 10-22-20 (PLAT CHANGES)
- PROPERTY OR: OUT OF 11/4/37
- MAN HOLE
- WATER METER BOX
- UTILITY WIRE
- 1" = 10' BEARING FOUND (UNLESS NOTED OTHERWISE)
- 1" = 10' BEARING SET W/OUT "SMA" PLS. 2007
- 1" = 10' BEARING FOUND
- LEAD PILE & TACK
- 1" = 10' TELEPHONE WIRE BOX
- 1" = 10' TELEPHONE WIRE
- M.R. MAP RECORDS
- 1" = 10' ELECTRIC TRANSMITTER
- C.C. COVERED CONCRETE
- 1" = 10' PAINT LINE FENCE
- 1" = 10' WOOD FENCE
- 1" = 10' IRON PIPE
- 1" = 10' UNDERGROUND STEEL BEWER LINE
- 1" = 10' UNDERGROUND BATTERY BEWER LINE
- 1" = 10' UNDERGROUND WATER LINE
- 1" = 10' UNDERGROUND TELEPHONE LINE



0.556 ACRE TRACT
0.938 ACRE 30' EASEMENT
V. GORTARI SURVEY, A-24
GUADALUPE COUNTY, TEXAS

RESIDUE CALLED 120.07 ACRES
ADELA HENZEN, A FEME SOLE
JOSEPH HENZEN
9-13-61 IN 342/94
120.07 ACRES DESCRIBED AS 217 ACES IN
20/510 AND 24 ACRES IN 30/290, SAVE AND
EXCEPT 84-1/2 ACRES IN 46/221, 35 ACRES IN
141/248 AND 1.43 ACRES IN 261/29
HEREON SHOWN TRACTS OUT
OF THE 217 ACRE TRACT

9.997 ACRES
CALLED TO ACRES
JOSEPH L. HENZEN AND WIFE, VIOLA
LARRY JOHN HENZEN
9-8-82 IN 647/88

0.556 ACRES
CALLED 12.56 ACRES
RICHARD MALCOM SMITH, JR. AND WIFE,
MELISSA SMITH, TO AVON PARKER
DONALD P. PARKER AND WIFE, AVON PARKER
7-22-97 IN 1282/82

0.938 ACRE TRACT
ADELA HENZEN, A FEME SOLE
JOSEPH HENZEN
9-13-61 IN 342/94
120.07 ACRES DESCRIBED AS 217 ACES IN
20/510 AND 24 ACRES IN 30/290, SAVE AND
EXCEPT 84-1/2 ACRES IN 46/221, 35 ACRES IN
141/248 AND 1.43 ACRES IN 261/29
HEREON SHOWN TRACTS OUT
OF THE 217 ACRE TRACT

I HEREBY CERTIFY TO THE FOLLOWING:
THIS PLAT REPRESENTS THE RESULTS OF AN ON THE
CORRESPONDING FIELD NOTES PREPARED THIS DATE.
SIGNATURE: J. L. REININGER
DATE OF SURVEY: 10-29-07
JEN L. REININGER R.P.L.S. 0583

BETTERS WORTH & ASSOCIATES, INC.
111 E. 14th Street, Lechin, Texas 78135
PH: 800.379.5552 FX: 800.379.5553
email: ven@bettersworthinc.com # 10290
bettersworthinc.com # 10290

FILED and RECORDED in the OFFICIAL PUBLIC RECORDS

Honorable Teresa Kiel, Guadalupe County Clerk

Document Number: 202399026254
Recorded On: October 23, 2023 10:46 AM
Total Pages: 17
Total Fees: \$86.00

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: 20231023000057
User: Tiffany W
Station: Recording1

Return To:
ENV- CITY OF NEW BERLIN
275 FM 2538

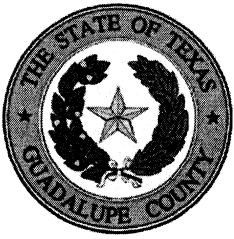
SEGUIN TX 78155

**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



Guadalupe County Clerk

Honorable Teresa Kiel
211 W. Court St
Seguin, TX 78155

Main: (830)303-8859 **Schertz:** (210)945-4199

Receipt: 20231023000057
Date: 10/23/2023
Time: 10:46AM
By: Tiffany W
Station: Recording1
Status: DUPLICATE COPY

<u>Seq</u>	<u>Item</u>	<u>Document Description</u>	<u>Doc Number</u>	<u>Number</u>	<u>Amount</u>	<u>Serial Number</u>
1	OPR Recordings	ORDINANCE	202399026254	17	\$86.00	

Fund Distributions

Records Management	\$10.00
Records Archive Fee	\$10.00
Courthouse Security	\$1.00
Recording Fees	\$65.00

Order Total (1) \$86.00

<u>Seq</u>	<u>Payment Method</u>	<u>Transaction Id</u>	<u>Comment</u>	<u>Total</u>
1	Check	5903		\$86.00
Total Payments (1)				\$86.00
Change Due				\$0.00

THE CITY OF NEW BERLIN
275 FM 2538
SEGUIN, TX 78155

For more information about the County Clerk's office and to search property records online, please visit www.co.guadalupe.tx.us/coclerk/coclerk.php

Thank you for allowing us to serve you!