

**ORDINANCE VARIANCE FOR SUBDIVIDING 6.129 ACRES**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF NEW BERLIN, TEXAS; APPROVING A VARIANCE TO PLAT FOR SUBDIVIDING 6.129 ACRES OF PROPERTY FROM 24.754 ACRES OF LAND OUT OF THE WILLIAM H. SMITH SURVEY NO. 62, ABSTRACT 291, GUADALUPE COUNTY TEXAS.**

WHEREAS, (Chapter 212.004 – Plat required, of the Texas Local Government Code and/or Charter) of the City of New Berlin, Texas, an incorporated city, provides for the process of final plat procedures of a subdivision:

(a) The owner of a tract of land located within the limits or in the extraterritorial jurisdiction of a municipality who divides the tract in two or more parts to lay out a subdivision of the tract, including an addition to a municipality, to lay out suburban, building, or other lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts must have a plat of the subdivision prepared. A division of a tract under this subsection includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method. A division of land under this subsection does not include a division of land into parts greater than five acres, where each part has access, and no public improvement is being dedicated.

(b) To be recorded, the plat must:

- (1) describe the subdivision by metes and bounds;
- (2) locate the subdivision with respect to a corner of the survey or tract or an original corner of the original survey of which it is a part; and
- (3) state the dimensions of the subdivision and of each street, alley, square, park, or other part of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, alley, square, park, or other part.

(c) The owner or proprietor of the tract or the owner's or proprietor's agent must acknowledge the plat in the manner required for the acknowledgment of deeds.

(d) The plat must be filed and recorded with the county clerk of the county in which the tract is located.

(e) The plat is subject to the filing and recording provisions of Section [12.002](#), Property Code.

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 for variance plat approval:

6.129 acres of land, more or less, out of the William H. Smith Survey No. 62, Abstract 291, Guadalupe County, Texas and also being out of a 24.754 acre tract described in Doc. #202399017310 of the Official Records of Guadalupe County, Texas.

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

Accepts and approves the attached request for a variance to plat for subdividing 6.129 acres of property from the 24.754 acres of land out of the William H. Smith Survey No. 62, Abstract 291, Guadalupe County. Attached as Exhibit A.

The Applicant 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 15<sup>th</sup> day of April, 2024



ATTESTED BY:

Roxann Pillo  
City Secretary

APPROVED:

Walter Williams Jr  
WALTER WILLIAMS JR  
Mayor

**EXHIBIT A**  
**Field Notes November 20, 2023**  
**J.M. Butz, Jr, Registered Professional Land Surveyor**

**FIELD NOTES**  
November 20, 2023

BEING 6.129 acres of land, more or less, out of the William H. Smith Survey No. 62, Abstract 291, Guadalupe County, Texas and also being out of a 24.754 acre tract described in Doc. #202399017310 of the Official Records of Guadalupe County, Texas and being more particularly described as follows:

BEGINNING at an iron rod set in the existing southeast R.O.W. line of F. M. Highway 775 for the most westerly corner of this tract and the most westerly corner of the above referenced 24.754 acre tract, said point also being the most northerly corner of a 24.680 acre tract described in Volume 1104, Page 962 of the Official Records of Guadalupe County, Texas;

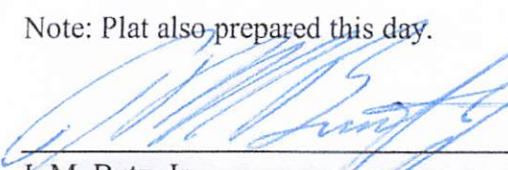
THENCE, N 59°20'27" E, 328.56 feet along said southeast R.O.W. line to an iron rod set in same for the most northerly corner of this tract, said point being S 59°20'27" W, 169.96 feet from an iron rod found for the most northerly corner of said 24.754 acre tract;

THENCE, S 30°42'00" E, 812.71 feet into said 24.754 acre tract to an iron rod set for the most easterly corner of this tract;

THENCE, S 57°56'16" W, 325.33 feet partially along an existing fence to an iron rod set in the common line with said 24.680 acre tract for the most southerly corner of this tract;

THENCE, N 30°55'53" W, (*Ref. Brg. N 30°55'53" W- #202399017310*) 820.69 feet generally along an existing fence and the common line with said 24.680 acre tract to the POINT OF BEGINNING and containing 6.129 acres of land, more or less.

Note: Plat also prepared this day.

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



FN23-138

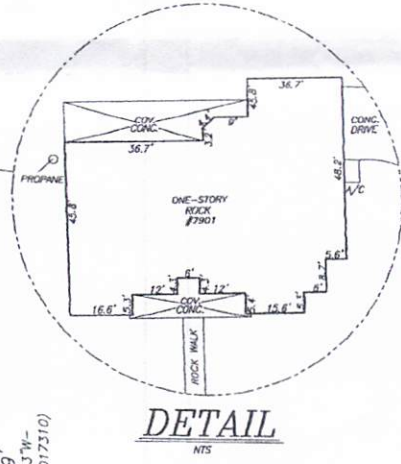
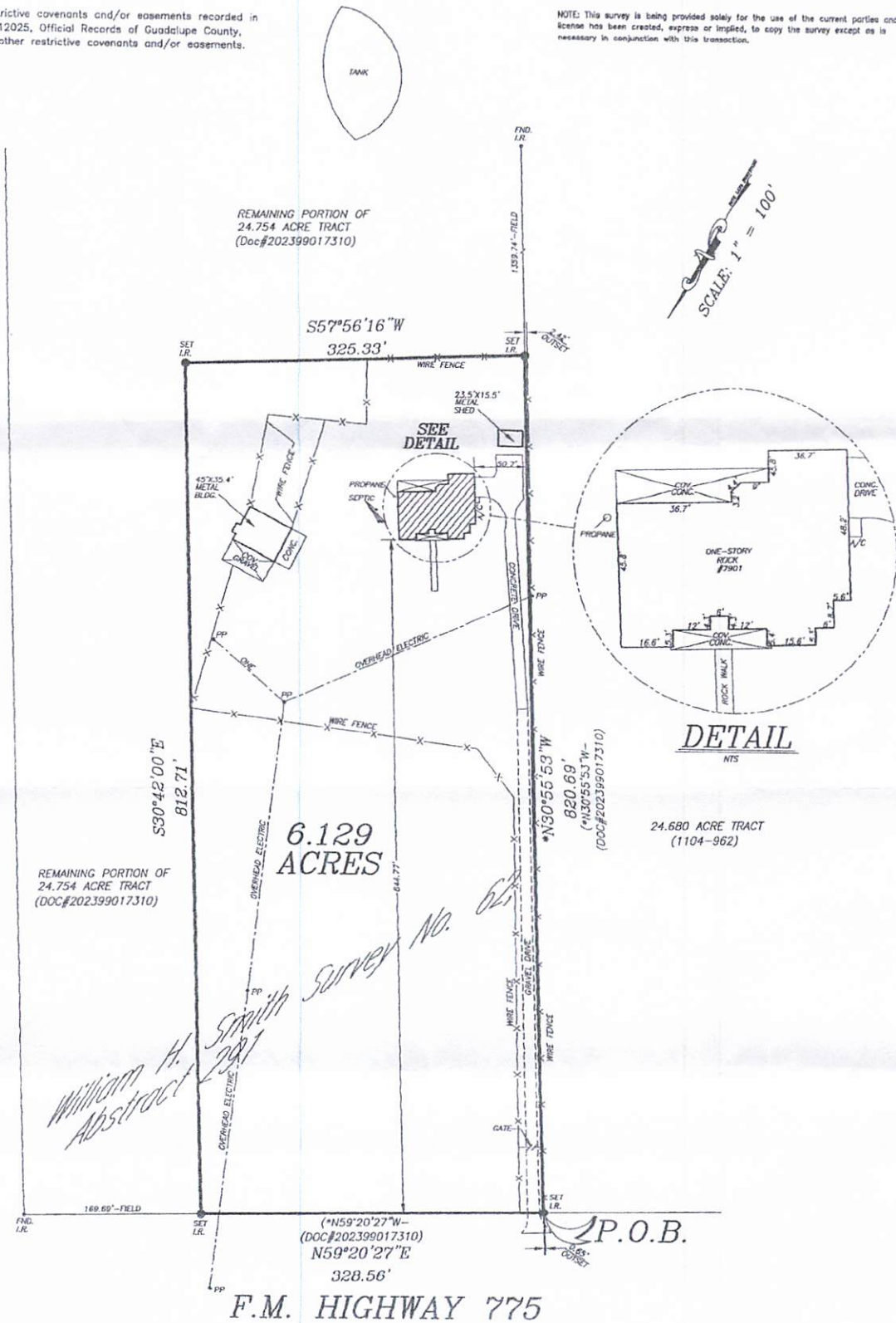
As scaled from the following referenced map, this property is located in Zone "X" according to the N.F.I.P. Map No. 480266 0380 F, Effective Date November 2, 2007.

Subject to restrictive covenants and/or easements recorded in Doc #201999012025, Official Records of Guadalupe County, Texas and all other restrictive covenants and/or easements.

NOTE: This survey may not meet Guadalupe County subdivision requirements.

\*NOTE: Bearing based on Doc#202399017310 of the Official Records of Guadalupe County, Texas.

NOTE: This survey is being provided solely for the use of the current parties and no license has been created, express or implied, to copy the survey except as is necessary in conjunction with this transaction.



REMAINING PORTION OF 24.754 ACRE TRACT (DOC#202399017310)

6.129 ACRES

24.680 ACRE TRACT (1104-962)

*William H. Smith Survey No. 62*  
*Abstract 291*

F.M. HIGHWAY 775

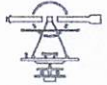
**SURVEY PLAT**

BEING 6.129 acres of land, more or less, out of the William H. Smith Survey No. 62, Abstract 291, Guadalupe County, Texas and also being out of a 24.754 acre tract described in Doc.#202399017310 of the Official Records of Guadalupe County, Texas and also known as 7901 F.M. Highway 775.

I, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that, to the best of my knowledge, information and belief, the above plat is a true representation of an actual survey made on the ground under my supervision, to the local standard of care, and that I have located apparent easements, right-of-ways, and encroachments as of the 15th day of November 2023.

This the 20th day of November, 2023.  
Field Notes also prepared this day.

J. M. Butz, Jr., R.P.L.S. No. 2024  
JOB NO. 23-138



**BUTZ LAND SURVEYING**  
FFIM NO 10103862

3630 KUGLERZ RD. PHONE: 210-667-1389  
8T HEDWIG, TX. 78152-9718 FAX: 210-667-1334



DRAWN BY: R.C.C.

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**FILED and RECORDED in the OFFICIAL PUBLIC RECORDS**

**Honorable Teresa Kiel, Guadalupe County Clerk**

**Document Number:** 202499008615  
**Recorded On:** April 18, 2024 11:33 AM  
**Total Pages:** 5  
**Total Fees:** \$37.00

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.

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

**Receipt Number:** 20240418000060  
**User:** Amanda D  
**Station:** Recording1

**Return To:**  
ENV-City of New Berlin  
275 F.M. 2538

New Berlin TX 78155

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**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:** 20240418000060  
**Date:** 04/18/2024  
**Time:** 11:33AM  
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<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	202499008615	5	\$37.00	

**Fund Distributions**

Records Management	\$10.00
Records Archive Fee	\$10.00
Recording Fees	\$17.00

**Order Total (1)**    \$37.00

<u>Seq</u>	<u>Payment Method</u>	<u>Transaction Id</u>	<u>Comment</u>	<u>Total</u>
1	Credit Card	100296008226		\$37.00

**Total Payments (1)**    \$37.00

**Change Due**    \$0.00

City of New Berlin  
275 F.M. 2538  
New Berlin, TX 78155

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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](http://www.co.guadalupe.tx.us/coclerk/coclerk.php)

*Thank you for allowing us to serve you!*