

5/31

STATE OF TEXAS
CITY OF NEW BERLIN

ORDINANCE NO. 2024-002

ORDINANCE VARIANCE FOR SUBDIVIDING 6.89 ACRES

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF NEW BERLIN, TEXAS; APPROVING A VARIANCE TO PLAT FOR SUBDIVIDING 6.89 ACRES OF PROPERTY FROM PORTIONS OUT OF THE MICHAEL RAMEL SURVEY, ABSTRACT NO. 280 AND JOHN WELLS SURVEY NO. 51, ABSTRACT NO. 335 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:

6.89 acres of land with approximately 5.48 acres out of the Michael Ramel Survey, Abstract No. 280 and approximately 1.41 acres out of the John. A. Wells Survey No. 51, Abstract No. 335, Guadalupe County, Texas and also being a portion of that certain 10.00-acre tract described in Document No. 202199001742 of the Official Public Records of Guadalupe County, Texas and a portion of that certain 12.477 acre tract described in Document No. 201899003637 of said Official Public Records.

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 6.89 acres of land with approximately 5.48 acres out of the Michael Ramel Survey, Abstract No. 280 and approximately 1.41 acres out of the John. A. Wells Survey No. 51, Abstract No. 335, Guadalupe County, Texas and also being a portion of that certain 10.00-acre tract described in Document No. 202199001742 of the Official Public Records of Guadalupe County, Texas and a portion of that certain 12.477-acre tract described in Document No. 201899003637 of said Official Public Records. 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 18th day of March, 2024.



APPROVED:

WALTER WILLIAMS JR

Mayor

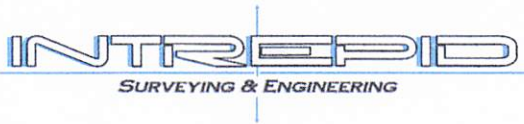
ATTESTED BY:

City Secretary

EXHIBIT A

Field Notes March 8, 2024

Sherman L. Posey, R.P.L.S Intrepid Surveying & Engineering



6.89 ACRES

LEGAL DESCRIPTION: Being 6.89 acres of land with approximately 5.48 acres out of the Michael Ramel Survey, Abstract No. 280 and approximately 1.41 acres out of the John A. Wells Survey No. 51, Abstract No. 335, Guadalupe County, Texas and also being a portion of that certain 10.00 acre tract described in Document No. 202199001742 of the Official Public Records of Guadalupe County, Texas and a portion of that certain 12.477 acre tract described in Document No. 201899003637 of said Official Public Records; Said 6.89 acre tract being more particularly described as follows and as surveyed under the supervision of Intrepid Surveying & Engineering Corporation in March, 2024:

BEGINNING at an iron pipe found in the southeast line of Brietzke Road for the northeast corner of that certain 30 acre tract described in Volume 3161, Page 65 of said Official Public Records, the northwest corner of said 12.477 acre tract and the northwest corner hereof;

THENCE North 59°39'17" East a distance of 295.01 feet along the southeast line of said Brietzke Road and the northwest lines of said 12.477 acre tract and that certain 40' Ingress and Egress Easement surveyed this same day by: Intrepid Surveying and Engineering Corporation to a 1/2 inch iron rod found for the northwest corner of the residual of that certain 25.00 acre tract described in Volume 422, Page 251 of the Deed Records of Guadalupe County, Texas, the northeast corner of said 12.477 acre tract and the northeast corner hereof;

THENCE South 11°44'24" East a distance of 362.00 feet along west line of the residual of said 25.00 acre tract and the east line of said 12.477 acre tract to a 1/2 inch iron rod found for the southwest corner of the residual of said 25.00 acre tract, the northwest corner of said 10.00 acre tract, a corner of said 40' Ingress and Egress Easement and an interior corner hereof;

THENCE North 71°08'09" East a distance of 277.18 feet along the north lines of said 10.00 acre tract and said 40' Ingress and Egress Easement and the south line of the residual of said 25.00 acre tract to a 1/2 inch iron rod found in the west line of the residual of that certain 25.00 acre tract described in Volume 433, Page 24 of said Deed Records for the southeast corner of the residual of said Volume 422, Page 251 the northeast corner of said 10.00 acre tract, a northeast corner of said 40' Ingress and Egress Easement and a northeast corner hereof;

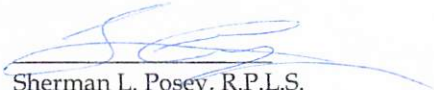
THENCE South 11°05'18" East a distance of 416.48 feet along the east lines of said 10.00 acre tract and said 40' Ingress and Egress Easement and the west lines of the residual of said Volume 433, Page 24 and that certain 2.00 acre tract (Exhibit B) described in Volume 1238, Page 85 of said Official Public Records to a 1/2 inch iron rod set for the southeast corner of said 40' Ingress and Egress Easement and the southeast corner hereof;

THENCE South 80°24'57" West a distance of 557.24 feet along the south line of said 40' Ingress and Egress Easement over and across said 10.00 acre tract and said 12.477 acre tract to a 1/2 inch iron set in the east line of said 30 acre tract and the west line of said 12.477 acre tract for the southwest corner hereof;

THENCE North 11°06'24" West a distance of 629.03 feet along the east line of said 30 acre tract and the west line of said 12.477 acre tract to the **POINT OF BEGINNING** containing 6.89 acres more or less, and as shown on certified plat herewith.

Note: Bearings, distances and acreage shown hereon are NAD 83, South Central Zone and are derived from GPS techniques. Iron Rods set are a 1/2 inch rod with plastic caps marked "INTREPID".

Surveyed by;


Sherman L. Posey, R.P.L.S.
Job# 24-0109.

March 8, 2024

LINE TABLE		
LINE #	BEARING	LENGTH
L1	N59° 39' 17"E	295.01'
L2	S11° 44' 24"E	362.00'
L3	N71° 08' 09"E	277.18'
L4	S11° 05' 18"E	416.48'

BEGINNING

BRIETZKE ROAD

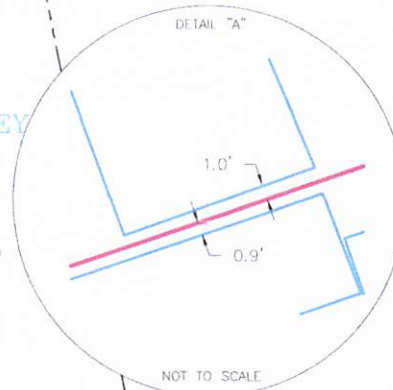
MICHAEL RAMEL SURVEY A-280

40' INGRESS AND EGRESS EASEMENT

RESIDUAL OF:
(25.00 ACRES)
422/251 G.C.D.R.

(12.477 ACRES)
INSTR. NO.
201899003637
G.C.O.P.R.

(2.00 ACRES)
INST. NO. 201899024694 G.C.O.P.R.



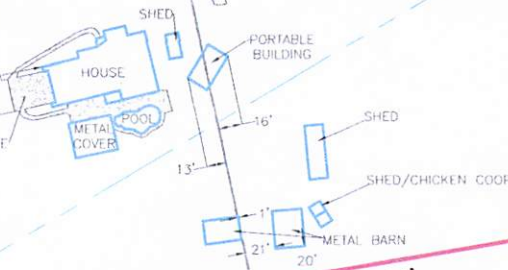
RESIDUAL OF:
(25.00 ACRES)
433/24 G.C.D.R.

N 11°06'24" W 629.03'



(30 ACRES)
3161/65 G.C.O.P.R.

6.89 ACRES



S 80°24'57" W 557.24'

(10.00 ACRES)
INSTR. NO. 202199001742 G.C.O.P.R.

EXHIBIT B
(2.00 ACRES)
1238/85 G.C.O.P.R.

JOHN A. WELLS SURVEY NO. 51 A-335

- LEGEND:**
- BOUNDARY LINE
 - ADJOINER LINE
 - SURVEY LINE
 - FENCE
 - BURIED PIPELINE
 - OVERHEAD ELECTRIC LINE
 - UNDERGROUND UTILITY LINE
 - WATER LINE
 - P.U.E. - PUBLIC UTILITY EASEMENT
 - B.L. - BUILDING SETBACK LINE
 - U.D.E. - UTILITY, DRAINAGE, AND EMBANKMENT/BACKSLOPE EASEMENT
 - (BRC - DIST.) RECORD CALL
 - XXX/XXX VOLUME/PAGE
 - G.C.P.R. - GUADALUPE COUNTY PLAT RECORDS
 - G.C.D.R. - GUADALUPE COUNTY DEED RECORDS
 - G.C.O.P.R. - GUADALUPE COUNTY OFFICIAL PUBLIC RECORDS
 - G.C.H.P.R. - GUADALUPE COUNTY HEAL PROPERTY RECORDS
 - POINT
 - 1/2" IRON ROD FOUND
 - 1/2" IRON ROD SET
 - △ 1200 NAIL FOUND
 - ☆ IRON PIPE FOUND
 - ⊗ NAIL SET
 - ⊕ 3/8" IRON ROD FOUND
 - ⊕ PIPE FENCE CORNER POST FOUND
 - ⊕ WOOD FENCE CORNER POST FOUND
 - ⊕ F.I.E. 2024\BOUNDARY\GUADALUPE\24-G109 Mylo Smith Easement
 - AS MARKED
 - ⊠ A/C
 - ⊠ ELECTRIC METER
 - ⊠ TELEPHONE PEDISTAL
 - ⊠ SEPTIC
 - ⊠ GAS METER
 - ⊠ WATER METER
 - ⊠ UTILITY POLE
 - ⊠ FIRE HYDRANT



- NOTE:**
- BEARINGS, DISTANCES & ACREAGE ARE GRID, NAD 83 US TX SOUTH CENTRAL ZONE AND ARE DERIVED FROM NORMAL GPS TECHNIQUES.
 - THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT THERE MAY BE EASEMENTS AND/OR COVENANTS AFFECTING THIS PROPERTY, NOT SHOWN HEREON.
 - A METES AND BOUNDS DESCRIPTION ACCOMPANIES THIS PLAT.
 - IRON ROD SET ARE 1/2 INCH IRON REBAR WITH PLASTIC CAPS MARKED "INTREPID"

I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT THE SURVEY INFORMATION FOUND ON THIS PLAT WAS DERIVED FROM ACTUAL FIELD NOTES OF ON-THE-GROUND SURVEYS MADE BY ME OR UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AT THE TIME OF THIS SURVEY. NO WARRANTY IS MADE OR IMPLIED FOR THE LOCATION OF ANY OR ALL EASEMENTS THAT MAY EXIST WITHIN THE BOUNDS OF THIS SURVEY.

REFERENCE: ADAM MATTHEW BORGELLO
ADDRESS: 1230 BRIETZKE ROAD
LEGAL DESCRIPTION: BEING 6.89 ACRES OF LAND OUT OF THE
MICHAEL RAMEL SURVEY, ABSTRACT NO. 280 AND THE JOHN
A. WELLS SURVEY NO. 51, ABSTRACT NO. 335 WITHIN
GUADALUPE COUNTY, TEXAS
JOB NO. 24-0109 REV. 0
DRAWN BY: AJG FIELD BOOK: 86 FLS

INTREPID
SURVEYING & ENGINEERING
P.O. Box 519 1004 C STREET
FLORESVILLE, TX 78114
O. 830.393.8833 • F. 830.393.3388
WWW.INTREPIDTX.COM
TBPLS #10193926 • TBPE #16550

REGISTERED PROFESSIONAL LAND SURVEYOR

03-07-2024
DATE

This page is not
legible for satisfactory
reproduction at the
time of recording.





Guadalupe County Clerk

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

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

Receipt: 20240611000114
Date: 06/11/2024
Time: 02:13PM
By: Amanda D
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	202499013583	6	\$41.00	

Order Total (1) \$41.00

<u>Seq</u>	<u>Payment Method</u>	<u>Transaction Id</u>	<u>Comment</u>	<u>Total</u>
1	Credit Card	100299911887		\$41.00
Total Payments (1)				\$41.00
Change Due				\$0.00

MYTA SMITH

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!

FILED and RECORDED in the OFFICIAL PUBLIC RECORDS

Honorable Teresa Kiel, Guadalupe County Clerk

Document Number: 202499013583
Recorded On: June 11, 2024 02:13 PM
Total Pages: 6
Total Fees: \$41.00

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: 20240611000114
User: Amanda D
Station: Recording1

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