

**ORDINANCE VARIANCE FOR SUBDIVIDING 2.500 ACRES**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF NEW BERLIN, TEXAS; APPROVING A VARIANCE TO PLAT FOR SUBDIVIDING 2.500 ACRES OF PROPERTY FROM PORTIONS OUT OF THE JUAN JOSE GUERRERA SURVEY, A-140, CITY OF NEW BERLIN, 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:

2.500 acres of property from 40.6000 acres of land out of the Juan Jose Guerrero Survey A-140, City of New Berlin, Guadalupe County, Texas. Being out of the called residue of that certain tract called 96.05 acres in distribution deed from Jacquelyn A. Schultze, independent executrix of the estate of Nelson Wayne Schultze, deceased to Jacquelyn A. Schultze (50% interest) on 12-20-18 in 201899028579.


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 2.500 acres of property from 40.6000 acres of land out of the Juan Jose Guerrero Survey A-140, City of New Berlin, Guadalupe County, Texas. Being out of the called residue of that certain tract called 96.05 acres in distribution deed from Jacquelyn A. Schultze, independent executrix of the estate of Nelson Wayne Schultze, deceased to Jacquelyn A. Schultze (50% interest) on 12-20-18 in 201899028579. Attached as Exhibit A.

The Applicant is hereby directed to file with the County Clerk of Guadalupe, Texas, a certified copy of this ordinance.

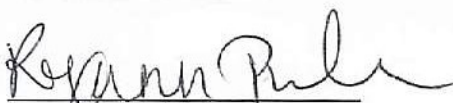
PASSED by an affirmative vote of all members of the City Council (or Commission), this the 11th day of September 2024.

APPROVED:

  
WALTER WILLIAMS JR  
Mayor

(City Seal)

ATTESTED BY:

  
City Secretary

**EXHIBIT A**  
Preliminary Survey  
Bettsworth & Associates, Inc



# "Exhibit A"

COORDINATE FILE: 29926.CRD  
 DRAWING FILE: 29926 GIN RD SCHULTZE PARTITION.DWG  
 NOTES:  
 TECH/DATE: DDH 7-26-24  
 REVISED: DDH 8-1-24 (REVISE LAYOUT)  
 REVISED: DDH 8-6-24 (ADDED IMPROVEMENTS)  
 PROPERTY ID#: 63952 & PART OF 63951



THE TRACT OF LAND SHOWN HEREON APPEARS TO BE SITUATED IN ZONE(S) X AS SHOWN ON I.E.M.A.S. I.E.S.M. MAP NUMBER: 48187C0245P DATED: 11-02-07

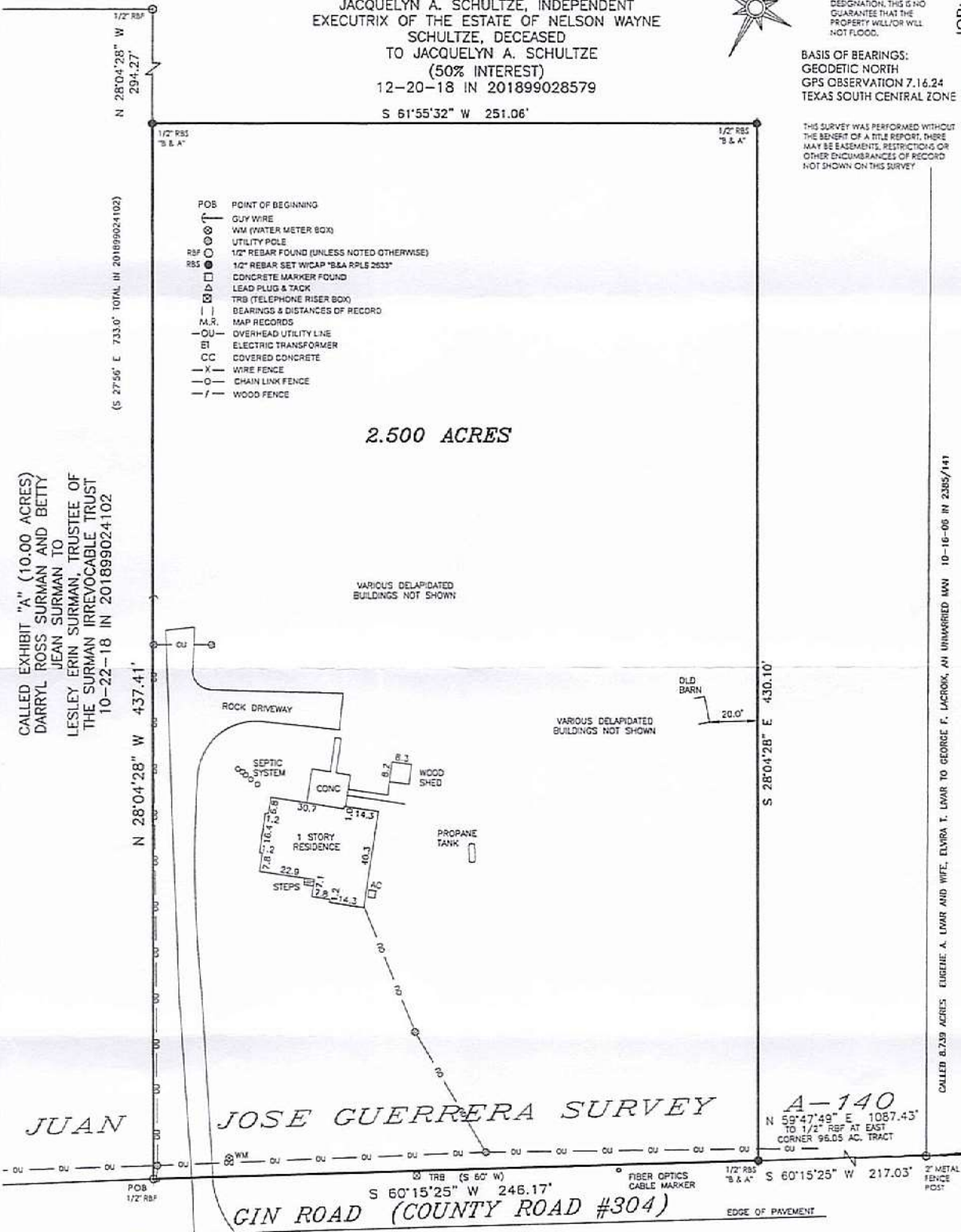
REGARDLESS OF THE ZONE DESIGNATION, THIS IS NO GUARANTEE THAT THE PROPERTY WILL/FOR WILL NOT FLOOD.

BASIS OF BEARINGS:  
 GEODETIC NORTH  
 GPS OBSERVATION 7.16.24  
 TEXAS SOUTH CENTRAL ZONE

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT. THERE MAY BE EASEMENTS, RESTRICTIONS OR OTHER ENCUMBRANCES OF RECORD NOT SHOWN ON THIS SURVEY.

JOB: 29926-B-G

RESIDUE OF CALLED RESIDUE OF 96.05 ACRES  
 JACQUELYN A. SCHULTZE, INDEPENDENT  
 EXECUTRIX OF THE ESTATE OF NELSON WAYNE  
 SCHULTZE, DECEASED  
 TO JACQUELYN A. SCHULTZE  
 (50% INTEREST)  
 12-20-18 IN 201899028579  
 S 61°55'32" W 251.06'



CALLED EXHIBIT "A" (10.00 ACRES)  
 DARRYL ROSS SURMAN AND BETTY  
 JEAN SURMAN TO  
 LESLEY ERIN SURMAN, TRUSTEE OF  
 THE SURMAN IRREVOCABLE TRUST  
 10-22-18 IN 201899024102

CALLED B.239 ACRES EUGENIE A. LUMAR AND WIFE, ELVIRA T. LUMAR TO GEORGE F. LACROIX, AN UNIMMERED MAN 10-16-06 IN 2385/141

PRELIMINARY

ALL IMPROVEMENTS NOT SHOWN  
 I HEREBY CERTIFY TO THE FOLLOWING:  
 THIS PLAN REPRESENTS THE RESULTS OF AN ON THE  
 GROUND SURVEY MADE UNDER MY SUPERVISION,  
 CORRESPONDING FIELD NOTES PREPARED THIS DATE.  
 TRANSACTION: PARTITION SURVEY  
 DATE OF SURVEY: 7-16-24  
 CORNER MONUMENTS SET:

**BETTERSWORTH & ASSOCIATES, INC.**  
 111 EAST MOUNTAIN STREET, SEGUIN, TEXAS 78155  
 PH: 830.379.5552 E-MAIL: ken@bettersworthassoc.com

2.500 ACRES  
 JUAN JOSE GUERRERA SURVEY, A-140  
 CITY OF NEWBERLIN  
 GUADALUPE COUNTY, TEXAS

BEING OUT OF THE CALLED RESIDUE OF THAT  
 CERTAIN TRACT CALLED 96.05 ACRES IN  
 DISTRIBUTION DEED FROM JACQUELYN A.  
 SCHULTZE, INDEPENDENT EXECUTRIX OF THE  
 ESTATE OF NELSON WAYNE SCHULTZE,  
 DECEASED TO JACQUELYN A. SCHULTZE (50%  
 INTEREST) ON 12-20-18 IN 201899028579