

5/C  
must state in  
ordinance

VOL 4269 PEO 434

14-015486

ORDINANCE No. ~~20140004~~

20140004 gm

**PROVIDING FOR THE EXTENSION OF THE CITY LIMITS OF THE CITY OF NEW BERLIN, TEXAS BY THE ANNEXATION OF LAND LOCATED ADJACENT TO THE CITY OF NEW BERLIN, TEXAS CITY.**

**WHEREAS**, the City of New Berlin, Texas received a petition requesting annexation from the owner of land, contiguous to the City of New Berlin, Texas, and vacant and without residents or on which fewer than three qualified voters reside; and

**WHEREAS**, Texas Local Government Code section 43.028 authorizes the City of New Berlin, Texas to annex a sparsely occupied area on petition of the area's landowners; and

**WHEREAS**, in accordance with state law, the above-described petition was filed with the City of New Berlin, Texas on June 2, 2014; and

**WHEREAS**, the City Council of the City of New Berlin, Texas, believing that the above-described petition was properly filed pursuant to Texas Local Government Code section 43.028, granted said petition on June 16, 2014; and

**NOW THEREFORE:**

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


**SECTION 1.** The land and territory lying outside of, but adjacent to and adjoining the City of New Berlin, Texas, more particularly described as that portion of the tract of land described in Exhibit "A," attached hereto and incorporated herein by reference, is hereby added and annexed to the City of New Berlin, Texas, and said territory, as described, shall hereafter be included within the boundary limits of said City, and the present boundary limits of said City, at the various points contiguous to the area described in Exhibit "A," are altered and amended so as to include said area within the corporate limits of the City of New Berlin, Texas, and inhabitants thereof shall be entitled to all of the rights and privileges as citizens and shall be bound by the acts, ordinances, resolutions, and regulations of the City of New Berlin, Texas

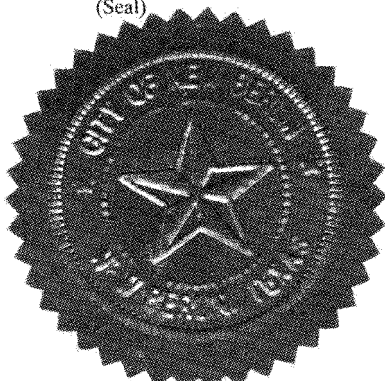
**SECTION 2.** This ordinance shall be effective from and after June 16, 2014.

PASSED AND APPROVED this, the 16th day of June, 2014.

  
MAYOR  
CITY OF NEW BERLIN, TEXAS

ATTEST:

  
CITY SECRETARY  
CITY OF NEW BERLIN, TEXAS  
(Seal)



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

**PETITION REQUESTING ANNEXATION:**  
**TERRITORY THAT IS VACANT AND WITHOUT**  
**RESIDENTS OR ON WHICH FEWER THAN THREE**  
**QUALIFIED VOTERS RESIDE**

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 vacant and without residents, or on which less than three (3) qualified voters reside, 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 property described by metes and bounds. See Attached Exhibit "A."

I (we) certify that the above-described tract of land consisting of 83.01 acres is contiguous and adjacent to the City of New Berlin, Texas, and that this petition is signed and duly acknowledged by each and every person or corporation having an interest in said land.

Owner(s)' Signature(s)

Date

(Signature) \_\_\_\_\_

(Printed Name) Christ Lutheran Church of Elm Creek 5-26-14

(Signature) By Melvin E. Strey - Congregation President

(Printed Name) \_\_\_\_\_

(Signature) \_\_\_\_\_

(Printed Name) \_\_\_\_\_

Mailing Address:

3305 Church Road; Seguin, TX 78155

Property Address:

7951 Linne Road; Seguin, TX

Telephone:



Note: \$40 Recording Fee must accompany your petition. If your petition is not accepted, your \$40 will be refunded

Amount Paid \$40.00 Check # 6249 Accepted by Jean Milonovich  
*(Christ Lutheran Church)*

State of Texas  
County of Guadalupe

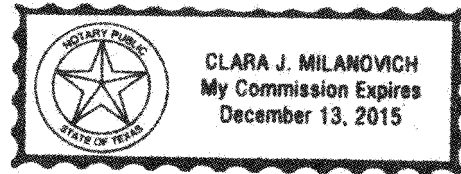
Before me on this day personally appeared

Melvin E. Stey for Christ Lutheran Church, known  
(name/names of signers)

to me or proved to me through known by 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 2nd day of June, 2014.

Clara J. Milanovich  
Notary Public's Signature



(Notary Seal)



114 North Austin Street  
 Seguin, Texas 78155  
 Phone (830) 372-1001 Fax (830) 379-1155  
 License Number 10042400

Field notes describing an 83.01 acre tract of land situated in the William Smith Survey No. 62, Abstract 291, Guadalupe County, Texas, being a portion of a tract of land called 85 acres, conveyed to Christ Lutheran Church of Elm Creek, Texas, by deed recorded in Volume 4168, Page 298, Official Records, Guadalupe County, Texas and being more particularly described as follows: Note: All set pins are ½" diameter rebar with an orange plastic cap stamped "Tri-County"

**Beginning** at an iron pin set in the east right-of-way line of Linne Road (County Road 415), for the south corner of a tract of land called 25.998 acres, described in Volume 1255, Page 840, Official Records, Guadalupe County, Texas, the west corner of the remainder of the 85 acre tract and the northernmost west corner of the herein described tract

Thence, N 60° 45' 54" E, 1364.51 feet with the southeast line of the 25.998 acre tract and the northwest line of the 85 acre tract, to a 12" diameter treated fence corner post found for the west corner of a tract of land called 49.004 acres, described in Volume 733, Page 516, Official Records, Guadalupe County, Texas, being the west corner of a tract of land called 136.8 acres, described in Volume 29, Page 626, Deed Records, Guadalupe County, Texas, the north corner of the 85 acre tract and the herein described tract.

Thence, S 29° 28' 11" E, 2205.54 feet with the southwest line of the 136.8 acre tract, the southwest line of a tract of land called 33-¾ acres, described in Volume 3102, Page 56, Official Records, Guadalupe County, Texas and the northeast line of the 85 acre tract, to a ½" diameter iron pin found for the north corner of a tract of land called 5.002 acres, described in Volume 1416, Page 412, Official Records, Guadalupe County, Texas, the east corner of the 85 acre tract and the herein described tract.

Thence, S 60° 00' 00" W, 1675.25 feet with the northwest line of the 5.002 acre tract, the northwest line of a tract of land called 10.009 acres, described in Volume 2740, Page 476, the northwest line of a tract of land called 17.00 acres, described in Volume 744, Page 523, Official Records, Guadalupe County, Texas, the northwest line of a tract of land called 3.333 acres, described in Volume 2237, Page 135, Official Records, Guadalupe County, Texas and the southeast line of the 85 acre tract, to a ½" diameter iron pin found in the northeast line of a tract of land called 30.61 acres, described in Volume 380, Page 169, Deed Records, Guadalupe County, Texas, for the west corner of the 3.33 acre tract, the south corner of the 85 acre tract and the herein described tract.

Thence, N 29° 37' 16" W, 753.22 feet with the northeast line of the 30.61 acre tract and the southwest line of the 85 acre tract, to an iron pin set in the east right-of-way line of Linne Road, for the southernmost west corner of the herein described tract

Thence, in a northerly direction with the east and northeast right-of-way line of Linne Road and the west and southwest line of the remainder of the 85 acre tract as follows:

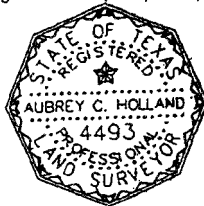
N 04° 28' 31" W, 65.40 feet to an iron pin set for an angle point.

N 28° 11' 20" W, 999.45 feet to an iron pin set for the beginning of a curve to the right.

Along the arc of said curve to the right having a radius of 462.38 feet, a central angle of 46° 44' 10", a distance of 377.16 feet, to an iron pin set for the end of said curve to the right and the beginning of a curve to the left. Chord bears N 00° 15' 44" W, 366.79 feet.

Along the arc of said curve to the left having a radius of 517.46 feet, a central angle of 14° 02' 14", a distance 126.77 feet (chord bears N 11° 58' 45" E, 126.46 feet), to the **Place of Beginning** and containing 83.01 acre of land according to a survey made on the ground on April 1, 2014, by Tri-County Surveying Inc.

Corresponding plat prepared  
 Project No. 1403108



*Aubrey C. Holland*  
 Aubrey C. Holland  
 Registered Professional  
 Land Surveyor No. 4493

NOTES

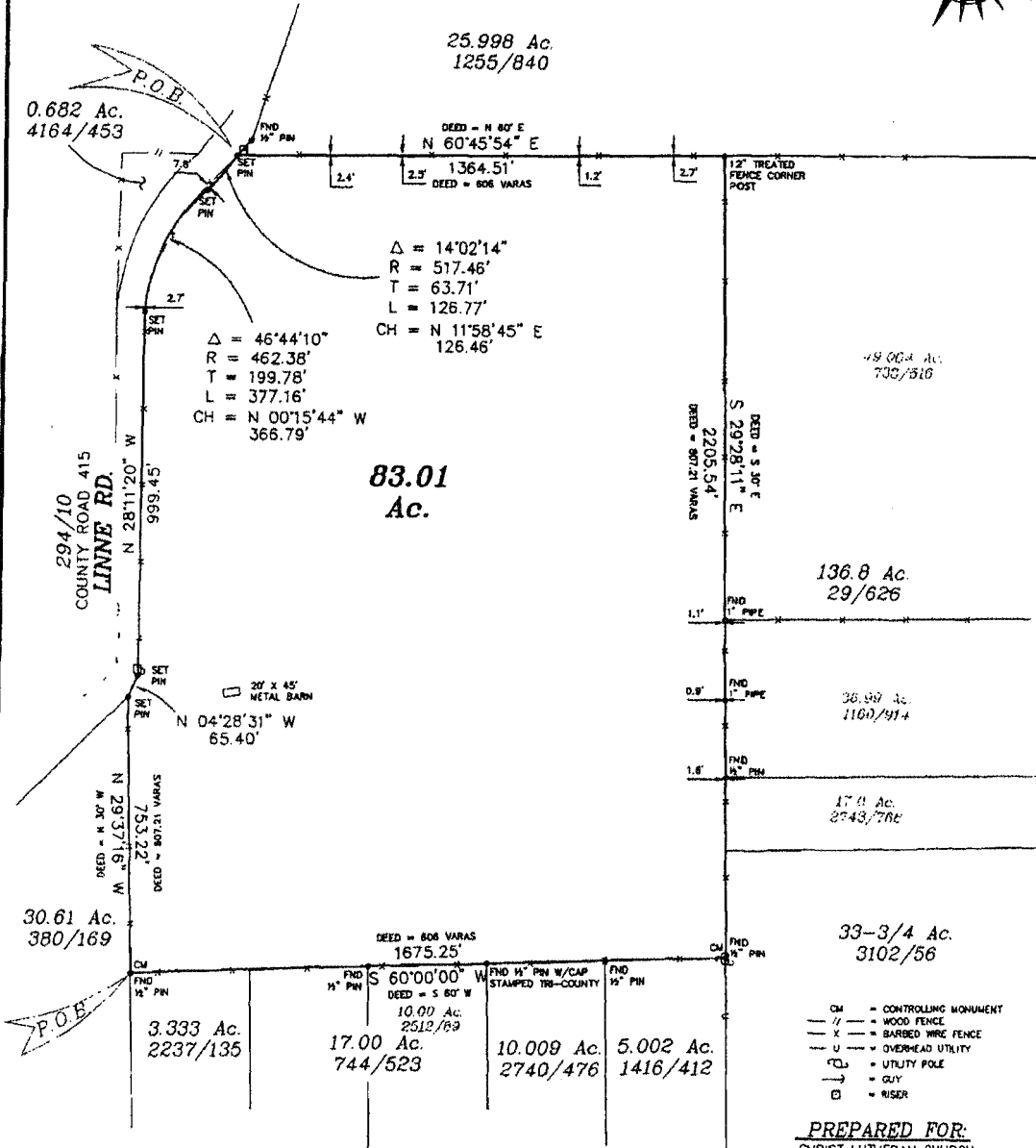
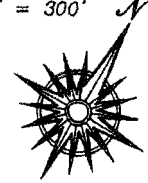
BASIS OF BEARING IS THE SOUTHEAST LINE OF THE 85 ACRE TRACT AS FOUND MONUMENTED ON THE GROUND.

TRI-COUNTY SURVEYING INC., HAS MADE NO FLOOD ZONE DETERMINATION FOR THE PROPERTY SHOWN HEREON.

ALL SET PINS ARE 1/2" DIAMETER REBAR WITH AN ORANGE PLASTIC CAP STAMPED "TRI-COUNTY"

CORRESPONDING FIELD NOTES PREPARED.

SCALE: 1" = 300'



PLAT SHOWING:

SURVEY OF AN 83.01 ACRE TRACT OF LAND SITUATED IN THE WILLIAM SMITH SURVEY NO. 62, ABSTRACT 291, GUADALUPE COUNTY, TEXAS, BEING A PORTION OF THE TRACT OF LAND CALLED 85 ACRES, CONVEYED TO CHRIST LUTHERAN CHURCH OF ELM CREEK, TEXAS, BY DEED RECORDED IN VOLUME 4168, PAGE 298, OFFICIAL RECORDS, GUADALUPE COUNTY, TEXAS.

STATE OF TEXAS:  
 COUNTY OF GUADALUPE:

I, AUBREY C. HOLLAND, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND BY MEN WORKING UNDER MY SUPERVISION AND THERE ARE NO VISIBLE EASEMENTS OR ENCROACHMENTS EXCEPT AS SHOWN.

AUBREY C. HOLLAND

REGISTERED PROFESSIONAL LAND SURVEYOR NO 4493

114 NORTH AUSTIN  
 SEGUIN, TEXAS 78155  
 PH: (830) 372-1001  
 FX: (830) 379-1155  
 FORM No. 10042400

THIS GRAPHIC WORK REPRESENTS THE RESULTS OF A SURVEY BEING PROVIDED BY TRI-COUNTY SURVEYING, INC. SOLELY FOR THE EXCLUSIVE USE OF THE PARTIES SHOWN HEREON. NO LICENSE HAS BEEN CREATED, EXPRESSED OR IMPLIED, TO COPY OR USE THIS GRAPHIC WORK OTHER THAN FOR THE PURPOSE SHOWN HEREON. THIS SURVEY IS EMBOSSED WITH THE SURVEYOR'S IMPRESSION SEAL AND SIGNED IN RED INK. IF THIS PLAT DOES NOT HAVE THESE TWO CONDITIONS FULFILLED, IT IS A COPY AND MAY HAVE BEEN ALTERED. TRI-COUNTY SURVEYING, INC. ASSUMES NO RESPONSIBILITY FOR COPIES OF THIS SURVEY OTHER THAN THE COPIES BEARING THE ORIGINAL IMPRESSION SEAL AND SIGNATURE SIGNED IN RED INK. ALL RIGHTS RESERVED, COPYRIGHT 2014, TRI-COUNTY SURVEYING INC. ©



REVISED: APRIL 23, 2014

SURVEYED: APRIL 1, 2014

PROJECT NO.: 1403108 DWG No. 1403108



VOL 4269 P60439

This page has been added by the Guadalupe County Clerk's office to comply with the statutory requirement that the clerk shall stamp the recording information at the foot of the last page of the document.

This page becomes a part of the document identified by Document Number 14-15486 affixed on the first page of this document.

**FILED FOR RECORD**

**14 SEP -3 PM 2:51**

**TERESA KIEL  
COUNTY CLERK GUADALUPE COUNTY**

BY C Hernandez

STATE OF TEXAS  
COUNTY OF GUADALUPE  
I certify this instrument was FILED on the  
date and at the time stamped thereon and  
was duly recorded in the Official Public  
Records of Guadalupe County, Texas.



*Teresa Kiel*  
TERESA KIEL  
Guadalupe County Clerk