

7/12

ORDINANCE No. 2016 - 004

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(s) of land, contiguous to the City of New Berlin, Texas; and

WHEREAS, the area of said land is one-half mile or less in width; and

WHEREAS, the area of said land is 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 September 22, 2016; 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 October 17th, 2016; and

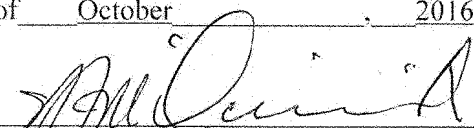
NOW THEREFORE:


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

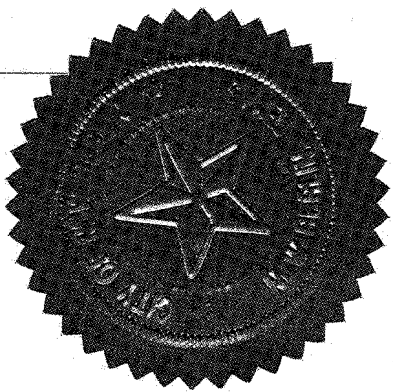
SECTION 1. The land and territory lying outside of, but adjacent to and adjoining the City of New Berlin, Texas, more particularly described as that portion of the tract of land described in Exhibit "A," attached hereto and incorporated herein by reference, is hereby added and annexed to the City of 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 extend and 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 October 17, 2016

PASSED AND APPROVED this, the 17th day of October, 2016


MAYOR
CITY OF NEW BERLIN, TEXAS
Nicholas J. Middleburgh

ATTEST:

CITY SECRETARY
CITY OF NEW BERLIN, TEXAS
(Seal) *GILBERT P. DYER, JR.*




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

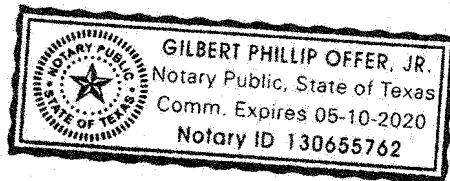
State of Texas
County of Guadalupe

Before me, Gilbert P Offer, Jr, Notary Public, on this day personally appeared Nicholas J Milanovich, known to me, to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 17th day of October, 2016.


Notary Public's Signature

(Notary Seal)



Certificate of Acknowledgment

Ordinance Number - 2016-004

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 mile or less in width, (2) contiguous to the City of New Berlin, Texas, (3) 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 City limits so as to include and annex as a part of the City of New Berlin, Texas, the following described property, which is additionally detailed in Exhibit "A", attached hereto and made a part hereof, to wit:

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

GEO TAG - 260019-0000-07000-0-00
ID # 54534; 54535; 54536

I (WE) HEREBY CERTIFY, UNDER OATH, that the above-described tract of land consisting of 202.46 acres is contiguous and adjacent to the City of New Berlin, Texas, is not more than one-half 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: Arlene E. Kunde 9/22/10

Printed Name: ARLENE E. KUNDE

Mailing Address: 0270 LINDA RD SEGUIN TX 78155

Telephone: 830-305-9252

Signature: _____

Printed Name: _____

Mailing Address: _____

Telephone: _____

Signature: _____

Printed Name: _____

Mailing Address: _____

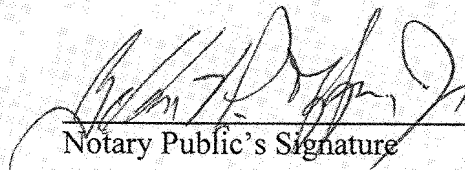
Telephone: _____

STATE OF TEXAS
COUNTY OF GUADALUPE

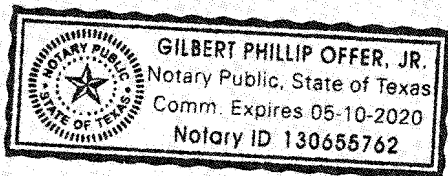
BEFORE ME, the undersigned, on this day personally appeared, the individual(s), known to me or proved to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument and each acknowledged to me that he/she/they executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 22nd day of September, 2016.

(Notary Seal)



Notary Public's Signature



Note: A Recording Fee must accompany your petition. If your petition is not accepted, your fee will be refunded. Your fee will be calculated when your petition is received.

Amount Paid \$40.⁰⁰/₁₀₀ Check # 2590 Accepted by Ruth Zurke 9/22/2016

Petitionrequestingannexation-43.028 City Treasurer Page 2

EXHIBIT "A"

Arlene Kunde property at 8270 Linne Rd.

Being that portion of 202.46 acres, more or less, described in EXHIBIT "B", that lies within the New Berlin Extra Territorial Jurisdiction. That Jurisdiction contains property that lies within one-half mile or 2640 feet of the current New Berlin City Limits. That jurisdiction contains property that was not annexed by Ordinance 2016-003 and is the balance of the Kunde property as outlined in EXHIBIT "B" and as shown in the map labeled EXHIBIT "C".

Name: KUNDE, Arlene E.

Control No. / Loan No: 3145-04196 / DLH 26941740-03

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EXHIBIT ~~A~~ B

the following described real property in Guadalupe County, Texas, to-wit:

TRACT ONE: Being 189.23 acres out of the Vicente Duran League, and being the greater portion of the 195.6 acre tract set aside to W. E. Tewes in the partition deed between W. E. Tewes, et al as recorded in Vol. 163 page 477, of the Deed Records of Guadalupe County, Texas; the 189.23 acre portion being more particularly described by metes and bounds as follows:

BEGINNING at the West corner of the 195.6 acre tract, at the intersection of Northwest line of the Vicente Duran League with the middle of Cibolo Creek;

THENCE: North 61 deg. East along the Northwest line of the Vicente Duran League, at 40 varas passed an iron pin from which a Mesquite 12" in dia. bears South 86 deg. West 3-1/4 varas and a Pecan 15" in dia. marked X bears South 57 deg. West 30 varas and continuing in all, 1075.5 varas to the

North corner of the 195.6 Acre tract.

THENCE: South 29 deg. East 695.3 varas to a stake on line of fence;

THENCE: With line of fence South 86 deg. 10' East 118.5 varas;

THENCE South 31 deg. East fifty varas to a stake in the North line of a lane;

THENCE: North 73 deg. 30' East along the North line of said lane, at 14 varas pass a 48 inch Live Oak, and continuing in all 300.3 varas to an angle in said land;

THENCE: North 68 deg. 30' East continuing along the North line of said land, 145.8 varas to the West line of the Marion-LaVernia Road;

THENCE: South 15 deg. 41' West along the West line of said road, 34.2 varas to a stake at South line of the lane;

THENCE: Along the South line of the lane as follows: South 73 deg. 30' West 88.2 varas; South 81 deg 30' West 19.1 varas; South 55 deg. 46' West 19.8 varas; and South 73 deg. 30' West 214.9 varas to end of lane;

THENCE: South 14 deg. East 69.8 varas to a stake in the Southeast line of the 195.6 acre tract;

THENCE: Along the Southeast line of the 195.6 acre tract as follows:

South 88 deg. 36' West 116.7 varas; South 87 deg. West 61.9 varas;

South 82 deg. West 77.8 varas; South 47 deg. 30' West 345.8 vrs; South 29 deg. East 36 varas; and South 61 deg. West 1006 varas to its South corner in the middle of Cibolo Creek;

THENCE: In a Northerly direction, up the middle of Cibolo Creek with its meanders, 1050 varas, more or less, to the place of beginning: CONTAINING 189.23 acres of land, more or less.

TRACT TWO:

THIRTEEN and 23/100 (13.23) acres of land, more or less out of the Vincent Duran Survey, Guadalupe Co., Texas, BEGINNING at a 24" Mesquite tree in a fence corner, West corner of the T. E. Stephens 112.9 acre tract;

THENCE: South 28 degrees 34' East with a fence the Southwest line of the Stephen's tract 2117.1 feet to a fence corner;

THENCE: North 86 degrees 10' East with a line of the W. E. Tewes 200 acre tract, 329.1 feet to the South corner of this tract;

THENCE: North 29; West with the N.E. line of the W. E. Tewes 200 acre tract, 1931.3 feet to the West corner of this tract on or near the Northwest line of the Vicente Duran League;

THENCE: North 61 degrees East with a fence on or near the Northwest line of said League, 290 feet to the place of beginning, Containing 13.23 acres of land.



EXHIBIT 'C'



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

COPY Thursday, February 2, 2017



This page has been added by the Guadalupe County Clerk's office to comply with the statutory requirement that the recording information shall be placed at the foot of the record.

2017002346
FILED AND RECORDED
OFFICIAL PUBLIC RECORDS
01/30/2017 3:27:21 PM
PAGES: 8
TERESA KIEL, COUNTY CLERK
GUADALUPE COUNTY, TEXAS



Teresa Kiel

The following are Ordinances for the City of New Berlin to be posted in accordance with Section 52.012 of the Texas Local Government Code.

The Following are Annexation Ordinances

2014-007 Property located at 4753 Gin Rd

2015-001 Property located on FM 467

2016-002 Property located at 6779 Linne Rd

2016-003 Portion of Property located at 8270 Linne Rd

2016-004 Remainder of Property located at 8270 Linne Rd

2016-005 Property located at 7400 Linne Rd

2016-006 Property located at 7388 Linne Rd

Other Ordinances

2013-0026

AN ORDINANCE ESTABLISHING THE RULES AND REGULATION FOR DEVELOPMENT OF PROPERTY ADJOINING RECOGNIZED HISTORIC PROPERTIES IN THE CITY OF NEW BERLIN AND PROVIDING PENALTY FOR VIOLATIONS

15-003

AN ORDINANCE ESTABLISHING THE RULES AND REGULATIONS FOR PROPER DEVELOPMENT AND MANAGEMENT OF TRESS IN THE CITY OF NEW BERLIN AND PROVIDING A PENALTY FOR VIOLATIONS.

16-001

AN ORDINANCE REQUESTING A TAX ROLL FOR THE CITY OF NEW BERLIN, TEXAS, FOR THE PURPOSE OF SETTING A TAX RATE TO THE PLANNED EXPENSES THE CITY FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2017.

2016-007

AN ORDINANCE BY THE BOARD OF ALDERMAN OF THE CITY OF NEW BERLIN, TEXAS, ESTABLISHING STRUCTURE, DUTIES AND TERMS, AND SETTING A MISSION STATEMENT, GUIDELINES, AND APPOINTMENT OF MEMBERS FOR THE PLANNING AND ZONING COMMISSION OF THE CITY OF NEW BERLIN, TEXAS. THIS ORDINANCE REPLACES ORDINANCE 99-004.

2016-008

AN ORDINANCE BY THE BOARD OF ALDERMAN OF THE CITY OF NEW BERLIN, TEXAS, CHANGING THE DATE FOR THE GENERAL ELECTIONS OF NEW BERLIN ALDERMEN AND CITY OFFICERS TO THE UNIFORM ELECTION DATE; CHANGING THE TERM OF OFFICE FOR THE CITY MARSHAL, PROVIDING FOR THE EXTENSION OF CURRENT ELECTED CITY OFFICES; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

NB VFD

POSTED ON THE 26th DAY OF January, 2017 AT 6 PM.
COPY Thursday, February 2, 2017

REMOVED 1:00 PM
2/1/2017

The following are Ordinances for the City of New Berlin to be posted in accordance with Section 52.012 of the Texas Local Government Code.

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9:05 PM 2/2

POSTED ON THE 26th DAY OF JANUARY, 2017 AT 6 PM

REMOVED 12:45
2/1/2017

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9100
FM TTS
City Hall

POSTED ON THE 26th DAY OF JANUARY, 2017 AT 6 PM.

REMOVED 12 AM 2/1/2017

COPY Thursday, February 2, 2017