

9/12

ORDINANCE No. 2016 - 005

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

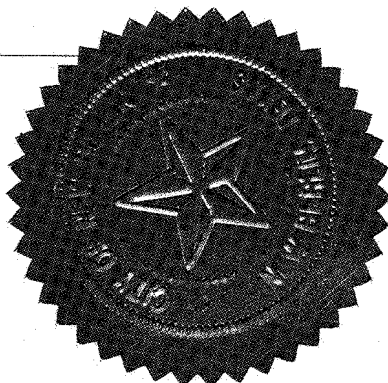
SECTION 2. This ordinance shall be effective from and after October 17, 2016.

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


MAYOR
CITY OF NEW BERLIN, TEXAS
NICHOLAS J. MILANOVICH

ATTEST:


CITY SECRETARY
CITY OF NEW BERLIN, TEXAS
(Seal) *GILBERT S. DODD*

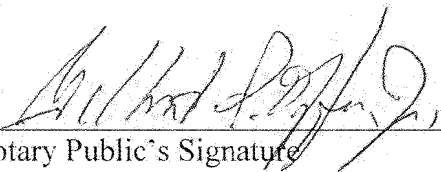


After recording Please return to:
→ City of New Berlin
New Berlin, Texas
275 FM 2538
Seguin, TX 78155

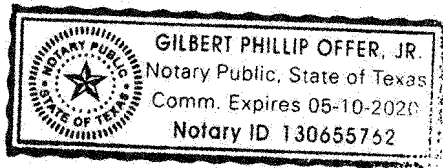
State of Texas
County of Guadalupe

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 - 2016-075

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 - 260024-0000-05700-0-00
ID # - 57357

I (WE) HEREBY CERTIFY, UNDER OATH, that the above-described tract of land consisting of _____ 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: Kelly Walters 10-16-16

Printed Name: KELLY WALTERS

Mailing Address: 7400 LINDE ROAD SEGUIN, TX 78155

Telephone: 210-912-3849

Signature: _____

Printed Name: _____

Mailing Address: _____

Telephone: _____

Signature: _____

Printed Name: _____

Mailing Address: _____

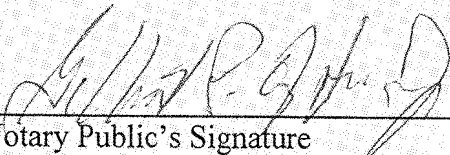
Telephone: _____

STATE OF TEXAS
COUNTY OF GUADALUPE

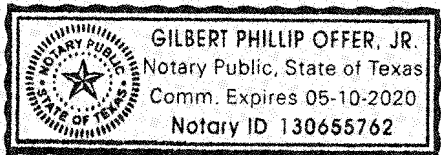
BEFORE ME, the undersigned, on this day personally appeared, the individual(s), known to me or proved to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument and each acknowledged to me that he/she/they executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 16th day of October, 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 _____ Check # _____ Accepted by _____

Petitionrequestingannexation-43.028

EXHIBIT "A"

Kelly Walters property at 7400 Linne Rd.

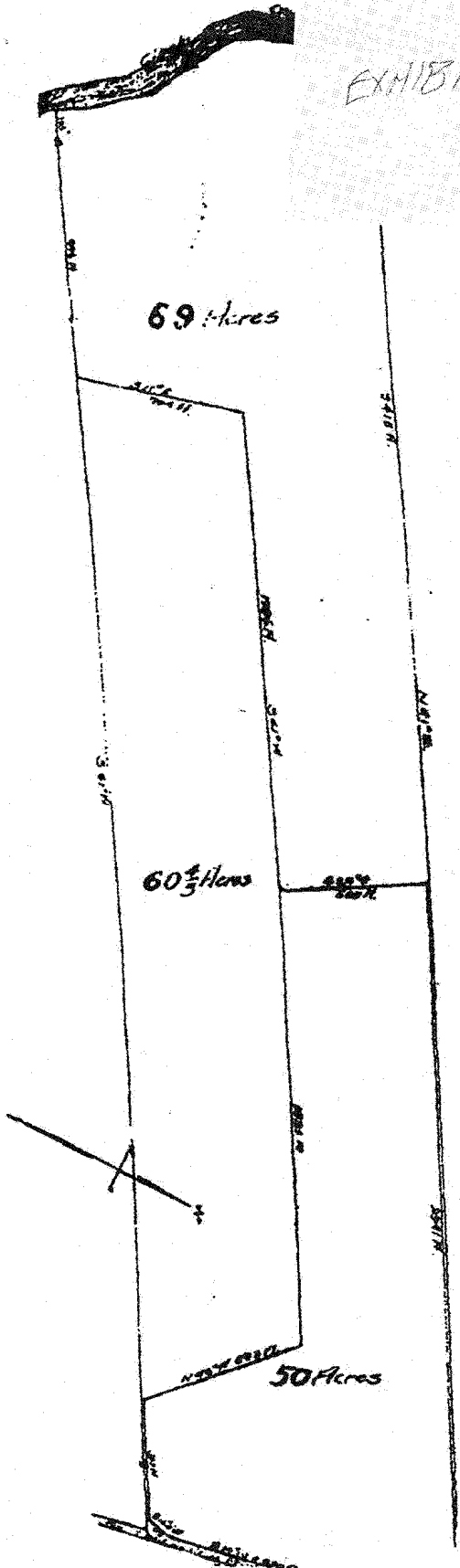
Being that portion of 69 acres, more or less, described in EXHIBIT "B", less the 6.364 acre tract described in EXHIBIT "C" that lies within the New Berlin Extra Territorial Jurisdiction. That Jurisdiction contains property that lies within one-half mile or 2640 feet of the current New Berlin City Limits. See map labeled EXHIBIT "D" for more detail.

1324/0421

EXHIBIT B



Field notes made for
Louis Schulze and
Mrs. Sophie Schulze.



First Tract of 69 acres for Louis Schulze.

All that certain tract or parcel of land situated and being in Guadalupe County, Texas, out of the V. Gortario League about 1 1/2 miles S.W. of Seguin and being a portion of a 259 acre tract conveyed by Anna Marie Schultze to Heinrich Schulze, the 13th day of April 1893 and on record in Book 42 pages 202-3 of the Deed Records of Guadalupe County, Texas, and described by metes and bounds as follows:-

BEGINNING at a stake set for S.E. Corner of this tract on the N.W. Boundary of a 60-4/5 acre tract.

THENCE South 61° West 1986 feet to a corner in field North-West corner of said 60-4/5 acre tract.

THENCE South 11° East 704 feet to the North-West line of the Ed. Tewes farm, a stake here for corner.

THENCE South 61° West with the North-West line of said Tewes tract 996 feet to a rock for corner on bluff 125 feet North 61° East from the edge of the waters of the Cibolo Creek.

THENCE up said Creek with its meanders to the North-West corner of this tract.

THENCE North 61° East 108 feet to a Pecan tree marked by X and three hacks for corner

THENCE North 61° East 3415 feet to the North-West corner of a 50 acre tract.

THENCE South 27° East 609 feet to the place of beginning, containing 69 acres of land.

This also includes a strip of land 20 feet wide along the N.W. boundary of said 259 acre tract to give an outlet to the public road for this tract.

EXHIBIT "A"

1324/0422

FILED FOR RECORD

98 MAR -4 AM 11:35

LIZZIE M. LORENZ
COUNTY CLERK GUADALUPE CTY.

BY *Luzanne McCallister*

THE STATE OF TEXAS
COUNTY OF GUADALUPE

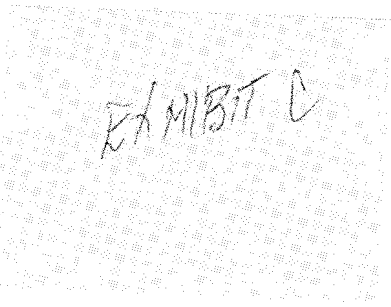
I hereby certify that this instrument was
FILED on the date and at the time stamped
hereon by me and was duly RECORDED in the
Official Public Records of Guadalupe County,
Texas.



Lizzie M. Lorenz
County Clerk,
Guadalupe County Texas

3009

Jeff + Kim Schlichting



Being a **6.364 ACRE TRACT** situated in the Vicente Gortari Survey, A-24, Guadalupe County, Texas, said **6.364 ACRE TRACT** is part of a tract called 69 acres in conveyance from Roma Lenz to Melvin E. Strey, et ux, and recorded in Volume 1324 at Page 419 of the Official Records of said county and being described by metes and bounds as follows:

BEGINNING at a mag nail set in base of 10 inch creosote fence corner post marking the east corner of the tract herein described, same being the east corner of said 69 acre tract and being a re-entrant corner of a tract called 111.395 acre tract in conveyance from Tommy R. Smith to Calvin H. Gerhart, et ux, and recorded in Volume 462 at Page 827.

THENCE with a segment of the southeast line of the tract herein described, same being a segment of the common line of said 69 acre tract and said 111.395 acre tract, S 60°39'48" W 539.44 feet (called S 61° W) to a ½ inch diameter rebar set with cap (B&A) marking the south corner of the tract herein described;

THENCE with the southwest line of the tract herein described, into said 69 acre tract, N 17°05'45" W 595.71 feet to a ½ inch diameter rebar set marking the west corner of the tract herein described;

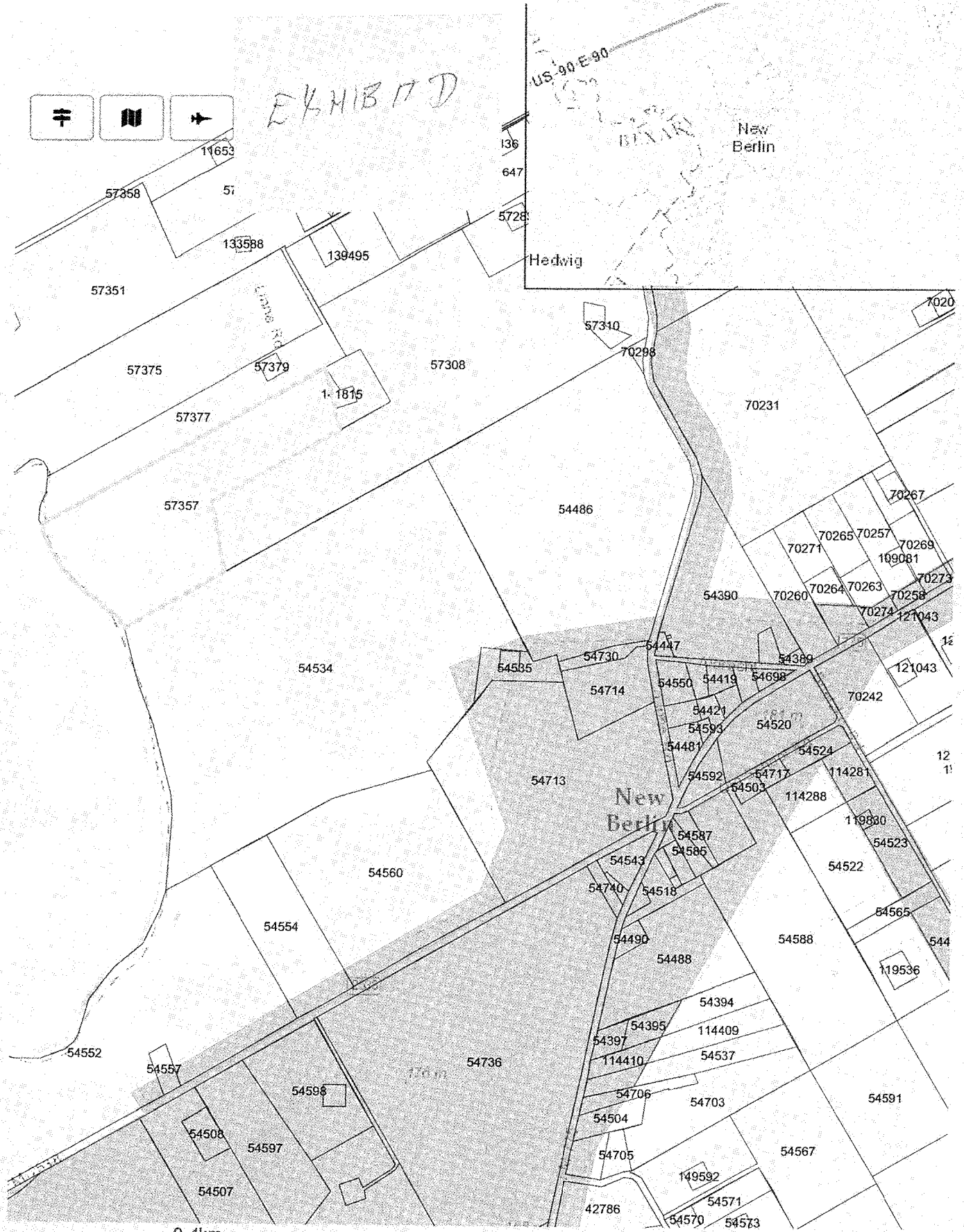
THENCE with the northwest line of the tract herein described as follows:
N 60°40'14" E 253.44 feet to a ½ inch diameter rebar set with cap (B&A), and
N 61°04'05" E 159.74 feet to a ½ inch diameter rebar set, with cap (B&A), marking the north corner of the tract herein described and lying in the common line of said 69 acre tract and said 111.395 acre tract, said post further described as bearing S 33°52'40" E 20.36 feet from an 8 inch diameter treated wood fence corner post marking the north corner of said 69 acre tract;

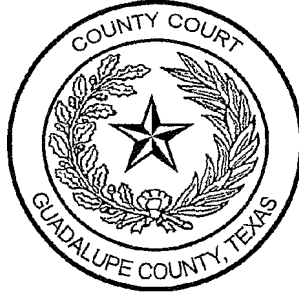
THENCE with the northeast line of the tract herein described, along a segment of the common line of said 69 acre tract and said 111.395 acre tract as follows:
S 33°52'40" E 0.28 feet to an 8 inch diameter treated fence corner post, and
S 29°19'49" E 580.73 feet (called S 29° E) to the **PLACE OF BEGINNING** and containing **6.364 ACRES OF LAND.**

TRACT 1



EXHIBIT D





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.

2017002348
FILED AND RECORDED
OFFICIAL PUBLIC RECORDS
01/30/2017 3:27:23 PM
PAGES: 10
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.

POSTED ON THE 26th DAY OF JANUARY, 2017 AT 4 PM

COPY Thursday, February 2, 2017

REMOVED

NBVPD

1:30 PM
2/1/2017

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9:05 PM 775

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

REMOVED 12:45
2/1/2017

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9:00 PM TTS
City Hall

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

REMOVED 12 AM 2/1/2017