

10/12

ORDINANCE No. 2018-005

201999021899



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.

WHEREAS, the City of New Berlin, Texas has agreed to annex property being more particularly described in Appendix A attached hereto; and

WHEREAS, the City Council of the City of New Berlin, Texas, believing that the above-described property is annexed pursuant to Texas Local Government Code section 43.028, and

WHEREAS, on the 26th day of October, 2018 the City Council of the City of New Berlin, Texas received petition from the land owner to annex the land situated outside of, but immediately adjacent to, the current corporate limits of the City of New Berlin, Texas;

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.

SECTION 2. This ordinance shall be effective from and after November 19, 2018.

PASSED AND APPROVED this, the 19th day of November, 2018.

Walter C. Williams, Jr.
Mayor, City of New Berlin, Texas
Date Signed: September 5, 2019

ATTEST:

Marjorie L. Snell
City Secretary
City of New Berlin, Texas
Date Signed: September 5, 2019

CITY OF NEW BERLIN, TEXAS (Seal)



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 ID: 2G0019-0000-07800-0-00
PROP. ADDRESS 1494 FM 2538 NEW BERLIN TX

I (WE) HEREBY CERTIFY, UNDER OATH, that the above-described tract of land consisting of 87.91 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: Allen Ray Mayer 10-26-18

Printed Name: Allen Ray Mayer

Mailing Address: 2615 Tillie Drive, San Antonio, TX 78222

Telephone: 830-420-6065
210-648-1344

Signature: _____

Printed Name: _____

Mailing Address: _____

Telephone: _____

Signature: _____

Printed Name: _____

Mailing Address: _____

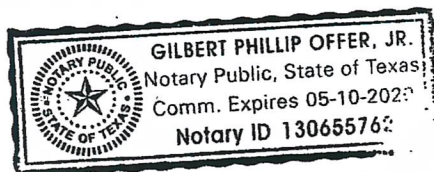
Telephone: _____

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 26th day of October, ~~2016~~ ²⁰¹⁸

(Notary Seal)

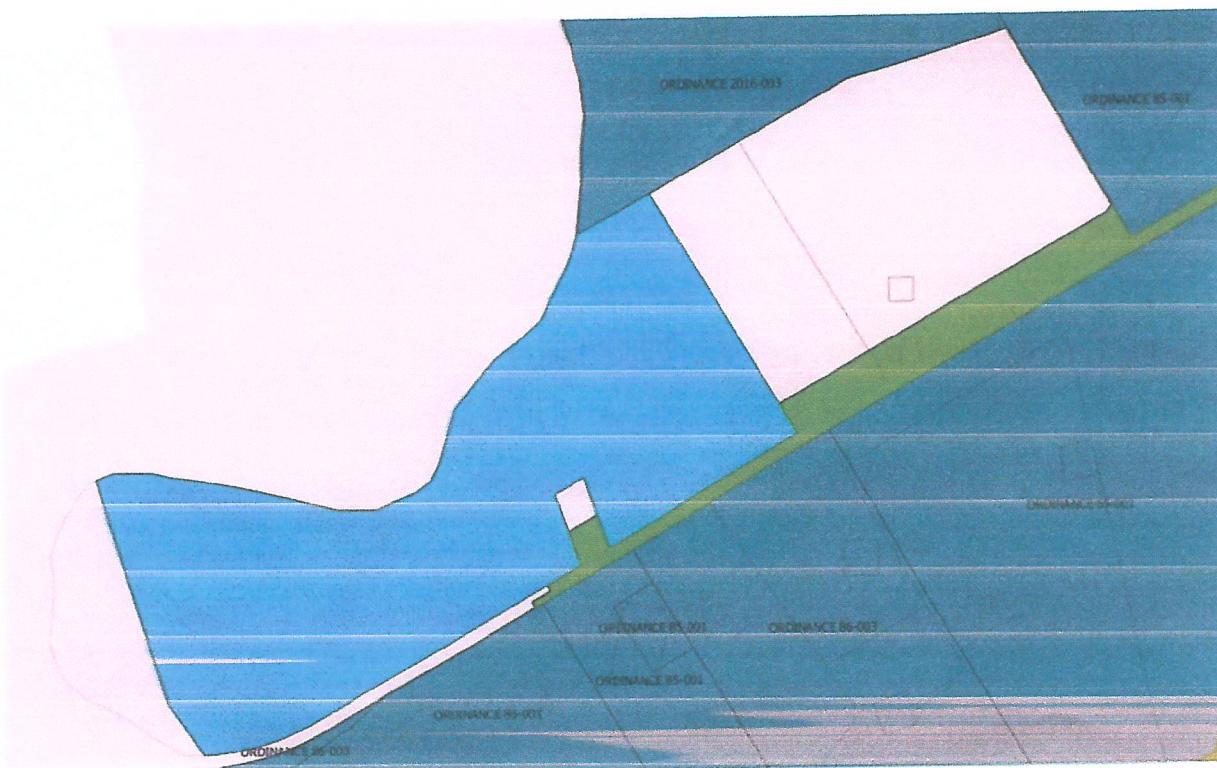


Gilbert P. Offer, Jr.
Notary Public's Signature

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 _____

Exhibit "A"



All the property described in deed found in Guadalupe County Records book 187 page 176 that lies in the northerly direction from FM 2538 and including the FM 2538 roadbed that is contiguous to this property to the south running east and west that has not been annexed into the City

Less and except the following:

2 acres described in Exhibit B

65.9 acres described in Exhibit C

24 acres described in Exhibit D

Original property was 188 acres. $188 - 2.0 - 65.9 - 24$ yields 96.1 acres. The roadway and 2 acres on the western end of the property across the roadway make up the remaining approximate 8 acres.

Property to be annexed is 87.9 acres more or less



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

Hugo Penschorn was the owner at the time of his death an undivided half interest in the property below described, which interest all of the said heirs, except Louis Harry Penschorn, have now sold to the above mentioned Louis Harry Penschorn, for a cash consideration of One Hundred Eighty Eight (\$188.00) Dollars to each brother and sister, or the descendants thereof, making a total consideration of \$1692.00:

NOW THEREFORE, We, the undersigned, being all of the heirs above enumerated, except Louis Harry Penschorn, for and in consideration of the sum of \$1692.00 cash to us in hand paid by Louis Harry Penschorn, the receipt of which is hereby acknowledged, have this day granted, bargained, sold and conveyed, and hereby do grant, sell, and convey unto the said Louis Harry Penschorn, an undivided one half interest in and to the following described tract of land containing 188 acres, more or less out of the V. Duran League, in Guadalupe County, Texas, and more particularly described as follows:

Being the same tract of land which was conveyed by Gustav Penschorn and others to Hugo and Edward Penschorn by deed dated November 8th 1922, and recorded in Guadalupe County deed record book 67 p. 468-71, which deed and the record thereof is here referred to and made part hereof

for all purposes, and especially to further describe said tract of land.

→ Said land is approximately described by metes and bounds as BEGINNING at a point on the SE bank of the Cibolo River at the NE cor. of 10.6 acres conveyed to Buyer and others; THENCE with the E line of said tract S. 18° E. 450 vrs.; THENCE S. 38° E. 257 vrs. to the S line of the 700 acre tract formerly belonging to Cunningham; THENCE N. 61° E. with the NW lines of the Emil Penschorn, F. Helmke, and Julius Schultze lands; approximately 2100 varas to a corner of the Ed. Tewes 494 acre tract; THENCE N. 29° W. 610 vrs.; THENCE S. 61° W. 1006 vrs. to the Cibolo River and THENCE down the Cibolo River with its meanders to the place of beginning. ←

~~It is further the intention that an equal undivided one half interest is hereby conveyed~~ in said above land, being the undivided interest formerly owned by Hugo Penschorn, and that Edward Penschorn retains his one half interest which was acquired by him by virtue of the deed from Gustav Penschorn et al above referred to.

All of the heirs of Hugo Penschorn, deceased, as above enumerated join in this conveyance, and they are also joined herein by their respective wives and husbands.

TO HAVE AND TO HOLD the above described property together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Louis Harry Penschorn, and his heirs and assigns forever, and we do hereby bind ourselves, our heirs, executors and administrators to warrant and forever defend all and singular said premises unto the said Louis Harry Penschorn and his heirs and assigns against all persons whomsoever lawfully claiming or to claim the same or any part thereof.

WITNESS Our hands this October 25th 1939.

\$2.00 U. S. Internal Revenue Stamp, Cancelled.

Edward Penschorn	Erwin Schultze
Emil Leissner	Viola Schultze
Alma Leissner	Edwin Schultze
Herbert Schultz	Ida Schultz
Elsie Schultz	Alwin Schultze
Alfred Schultz	Allie Schultze
May Schultz	Louis Koepf
John Schultz	Lillie Koepf
Willie E. Schultz	Gustav Penschorn
Lina Schultz	Katie Penschorn
Herbert Penschorn	Hilda Schneider
Lena Penschorn	Richard Schneider

EXHIBIT **A** 8

2.000 acre tract of land situated in Guadalupe County, Texas and being out of the Vicenta Duran League Survey No. 4, Abstract 19, and being part of that 188 acre tract conveyed to Louis Harry Peshorn by deed recorded in Volume 187, Page 175 of the Deed Records of Guadalupe County, Texas and being more particularly described by metes and bounds as follows:

Beginning at a 1/2" iron pin set in the northwest line of Farm to Market Road 2538 at the east corner of this tract, said point being S 59 deg. 43' 00" W. 3634.51 feet along the northwest line of Farm to Market Road 2538 from its intersection with the northeast line of said 188 acre tract.

Thence S 59 deg. 43' 00" W. 200.00 feet along the northwest line of Farm to Market Road 2538 to a 1/2" iron pin set at the south corner of this tract.

Thence N 19 deg. 39' 17" W. 443.10 feet to a 1/2" iron pin set at the west corner of this tract.

Thence N 59 deg. 43' 00" E. 200.00 feet to a 1/2" iron pin set at the northeast corner of this tract.

Thence S 19 deg. 39' 17" E. 443.10 feet to the place of beginning and containing 2.000 acres of land according to a survey made on the ground.

FILED: 8-1-2021

95 DEC 13 11:05

[Handwritten signature]

THE STATE OF TEXAS
COUNTY OF GUADALUPE

I hereby certify that this instrument was
filed in the date and at the time stamped
above of me and was duly recorded in the
Public Records of Guadalupe County,
Texas.



[Handwritten signature]
County Clerk
Guadalupe County, Texas

3/11
C

Exhibit C

07-16269

VOL 2513 PG 0745

General Warranty Gift Deed

Date: June 27th, 2007

Grantor: Alfredo L. Mendoza and Maria G. Mendoza, husband and wife

Grantor's Mailing Address:

Alfredo L. Mendoza and Maria G. Mendoza
750 FM 2538
Seguin, Texas 78155
Guadalupe County

Grantee: Terri Landan, a single person

Grantee's Mailing Address:

Terri Landan
750 FM 2538
Seguin, Texas 78155
Guadalupe County

Consideration:

Love of, and affection for, Grantee.

Property (including any improvements):

All that certain 65.9 acres, being a part of the original 188 acre tract, Louis and Ida Penshorn, referred to in Vol. 187, Pages 175-179, Heirs of Hugo Penshorn, deceased, to Louis Harry Penshorn and in Probate Cause No. 3452, Estate of Edward William Penshorn deceased to Louis and Ida Penshorn, out of the Vicenta Duran League Survey No. 4, Abst. No. 19, Guadalupe County, Texas.

Beginning at an iron pin set for Southeasterly corner, being the Southwesterly corner for the H.G. Muelder tract corner, on the Northerly line of the 80 foot F.M. Road No. 2538;

Thence S. 59 ° 43' W. 1714.0 ft. to an iron pin set for Southwesterly corner, on the Northerly line of the 80 foot F.M. Road No. 2538;

Thence N. 30 ° 17' W. 1702.4 ft. to an iron pin set for Northwesterly corner, on the Southerly line of the Louis Kunde, Jr. tract;

Thence N. 59 ° 43' E. 900.00 ft. to an iron pin set at an angle in fence line;

Thence N. 68 ° 49' E. 831.8 ft. to an iron pin set for Northeasterly corner, on the Westerly line of the H.G. Muelder tract;

Thence S. 30 ° 01' E. 1570.8 ft. with the Westerly line of the H.G. Muelder tract to the place of beginning containing 65.9 acres.

Exhibit D

946/0364

2274

GCAC#21627/FSH

WARRANTY DEED WITH VENDOR'S LIEN

STATE OF TEXAS §
COUNTY OF GUADALUPE § KNOW ALL MEN BY THESE PRESENTS:

THAT WE, LEROY L. MAYER and ALLEN RAY MAYER, both of the County of Bexar and State of Texas, claiming, occupying and owning other real properties as our residential and business homesteads respectively, for and in consideration of the sum of TEN and NO/100 DOLLARS (\$10.00) and other valuable consideration to the undersigned cash in hand paid by the Grantees herein named, the receipt of which is hereby acknowledged and confessed, and the further consideration of the execution and delivery by Grantees of one certain Promissory Note of eventdate herewith payable to the order of the Victoria Bank & Trust - Seguin, Guadalupe County, Texas, in the principal amount of FOUR THOUSAND and NO/100 DOLLARS (\$4,000.00), bearing interest at the rates specified therein and providing for acceleration of maturity and attorney fees in event of default, the proceeds of which Promissory Note have been paid to the Grantors herein named, and the payment of which Promissory Note is secured by Vendor's Lien herein retained and additionally secured by a Deed of Trust of eventdate herewith to JOE A. HEWELL, Trustee, have GRANTED, SOLD and CONVEYED, and by these presents do GRANT, SELL and CONVEY unto ALFREDO L. MENDOZA and MARIA G. MENDOZA, husband and wife, all of the following described real property in Guadalupe County, Texas, the same being the separate property of each such Grantor, to-wit:

That certain 24.0 acres of land, out of the Vicenta Duran League Survey No. 4, Abstract 19, and being more particularly described by metes and bounds as follows:

Beginning at an iron pin set at fence corner in the northwest line of Farm to Market Road 2538 at the south corner of a 65.9 acre tract, being the east corner of this tract, said point being S 59° 43' 00" W 1714.07 feet along the northwest line of Farm to Market Road 2538 from an iron pin found at its intersection with the northeast line of said 188 acre tract;

Thence S 59° 43' 00" W 613.81 feet along the northwest line of Farm to Market Road 2538 to an iron pin set at the south corner of this tract;

Then N 30° 02' 53" W 1703.45 feet along the southwest line of this tract to an iron pin set in the northwest line of said 188 acre tract at the west corner of this tract;

Thence N 59° 45' 42" E 613.80 feet along the northwest line of said 188 acre tract to an iron pin found at fence corner at the west corner of said 65.9 acre tract, being the north corner of this tract;

Thence S 30° 02' 53" E 1702.97 feet with
fence along the southwest line of said 65.9
acre tract to the place of Beginning;

and being part of that 188 acre tract conveyed to Louis
Harry Penshorn by Deed dated October 25, 1939 recorded
in Volume 187 at Pages 175-179 of the Deed Records of
Guadalupe County, Texas.


TO HAVE and TO HOLD the above described premises, together
with all and singular the rights and appurtenances thereto in any-
wise belonging unto the said Grantees, their heirs and assigns
forever; and we, LEROY L. MAYER and ALLEN RAY MAYER, do hereby bind
ourselves, our heirs, executors and administrators to **WARRANT** and
FOREVER DEFEND all and singular the said premises unto the said
Grantees, their heirs and assigns, against every person whomsoever
lawfully claiming or to claim the same or any part thereof.


BUT it is expressly agreed that the Vendor's Lien, as well as
the SUPERIOR TITLE in and to the above described premises, is
retained against the above described property, premises and improve-
ments until the above described Promissory Note and all interest
thereon are fully paid according to the face, tenor, effect and
reading thereof, when this Deed shall become absolute, SUBJECT ONLY
TO:

1. Channel easement to State of Texas dated August 7,
1959 and recorded in Volume 328, Page 480, of the
Deed Records of Guadalupe County, Texas;
2. Any easements, conditions and/or restrictions of
record affecting the title or use of the described
property;
3. Any visible or apparent roadways and/or easements
over or across the described property;
4. Any easement for utilities formerly executed and
recorded and/or existing by use and prescription;
5. The payment by the Grantees of any stand-by fees and
taxes for the year 1991 and subsequent years and
subsequent assessments for prior years due to change
in land usage or ownership.

The said VENDOR'S LIEN and SUPERIOR TITLE herein retained are
hereby **TRANSFERRED, ASSIGNED, SOLD** and **CONVEYED** to the
VICTORIA BANK & TRUST - SEGUIN, Seguin, Guadalupe County, Texas
and the assigns and successors thereof, the payee named in the
above said Promissory Note.

EXECUTED this 13th day of March, A.D., 1991.


LEROY L. MAYER

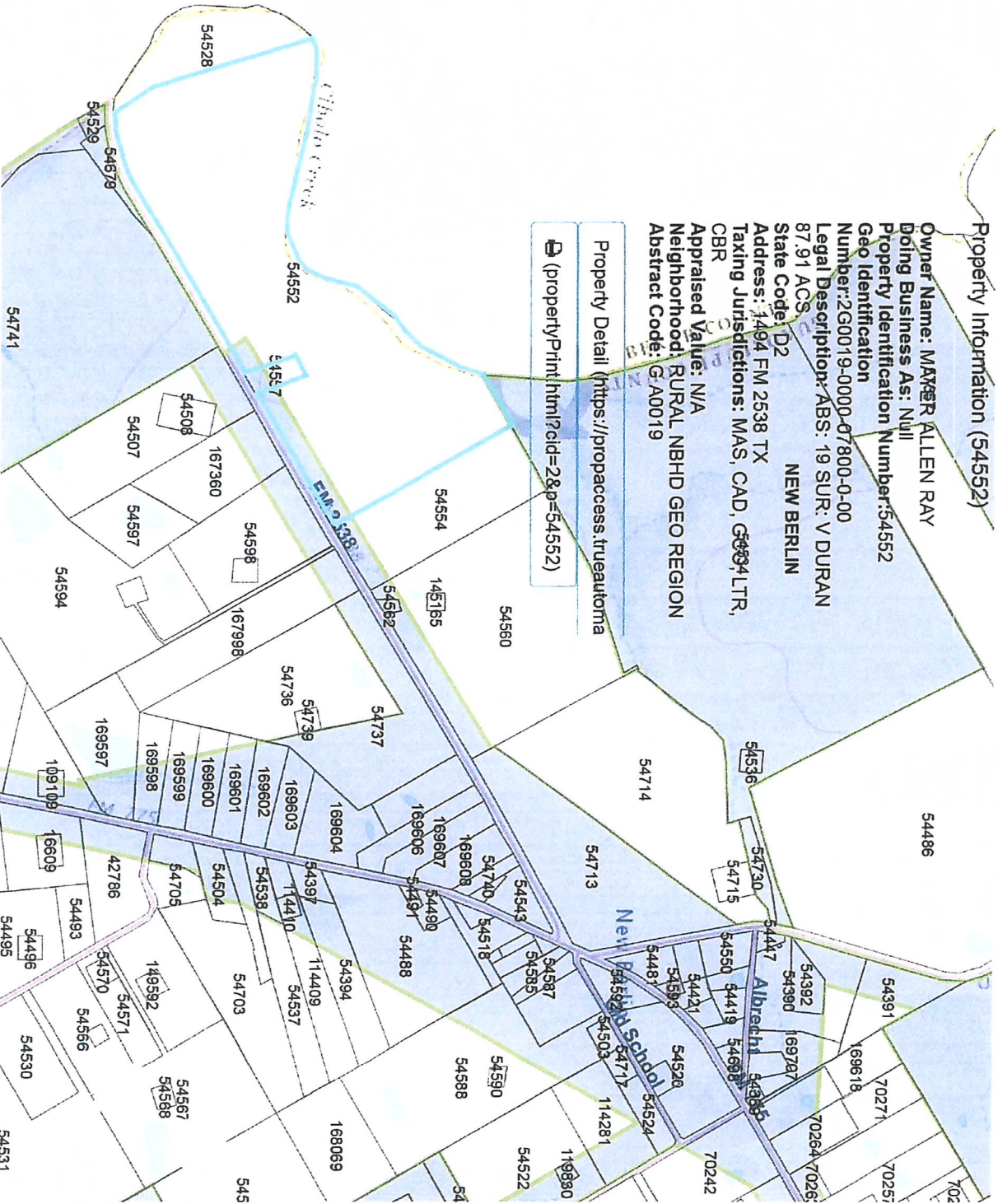

ALLEN RAY MAYER



Property Information (54552)

Owner Name: MATHER ALLEN RAY
Doing Business As: Null
Property Identification Number: 54552
Geo Identification Number: 2G0019-0000-07800-0-00
Legal Description: ABS: 19 SUR: V DURAN 87.91 ACS
State Code: D2
Address: 1494 FM 2538 TX
Taxing Jurisdictions: MAS, CAD, GERR, LTR, CBR
Appraised Value: N/A
Neighborhood: RURAL NBHD GEO REGION
Abstract Code: G/A0019

Property Detail (<https://propaccess.trueautomation.com/propertyPrint.html?cid=54552>)





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.

→ City of New Berlin
275 FM 2538
New Berlin TX 78155

201999021899
I certify this instrument was FILED and RECORDED
in the OFFICIAL PUBLIC RECORDS
of Guadalupe County, Texas on
09/25/2019 04:26:21 PM PAGES: 11 LINDA
TERESA KIEL, COUNTY CLERK



Teresa Kiel