



A Resolution of the governing body of the City of New Berlin, Texas granting a variance as provided under the terms of Section 5 of City of New Berlin Ordinance No. 2003-001.

WHEREAS, upon the application of KAREN BORGFELD (hereinafter "Applicant") a request has been made to grant a variance with respect to the terms of Ordinance No. 2003-001; and

WHEREAS, the governing body of the City of New Berlin, Texas has determined from the facts of this case that applicants are entitled to the variance provided in Section 5 of Ordinance No. 2003-001; and

WHEREAS, the City council has taken into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work on or about the subject property, and the probable effect of such variance upon traffic conditions and upon the public health, safety, convenience and well fare of the vicinity; and

WHEREAS the governing body of the City of New Berlin, Texas finds:

- A. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of the Ordinance would deprive the applicants of the reasonable use of their land; and
- B. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicants; and
- C. That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and
- D. That the granting of the variance will not have the effect of preventing orderly subdivision of other land in the area in accordance with the provisions of the said Ordinance and the granting of this variance will be in harmony with the general purposes and intent of the said Ordinance so that the public health, safety and welfare may be secured and substantial justice done.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NEW BERLIN, TEXAS:

That a variance to Ordinance 2003-001 is granted to the above-identified applicant allowing for KAREN BORGFELD to subdivide the land described by metes and bounds on Exhibit "A", attached hereto and incorporated herein for all purposes.

PASSED AND ADOPTED, this 15th day of June, 2020.


Walter C. Williams, Mayor

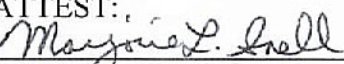
ATTEST:

Marjorie L. Snell, City Secretary



Exhibit "A"



LEGAL DESCRIPTION: Being 10.00 acres of land with approximately 8.55 acres out of the John A. Wells Survey No. 51, Abstract No. 335 and approximately 1.45 acres out of the Michael Ramel Survey, Abstract No. 280, Guadalupe County, Texas and also being a portion of the residual of that certain 25.00 acre tract described in Volume 422, Page 251 of the Deed Records of Guadalupe County, Texas; Said 10.00 acre tract being more particularly described as follows and as surveyed under the supervision of Intrepid Surveying & Engineering Corporation in March, 2020:

BEGINNING at an iron pipe found in the north line of that certain 44.091 acre tract described in Volume 4203, Page 294 of the Official Public Records of Guadalupe County, Texas for the southwest corner of that certain 6.00 acre tract described in Instrument No. 201999029443 of said Official Public Records, the southeast corner of the residual of said Volume 422, Page 251 and the southeast corner hereof;

THENCE along the common lines of the residual of said Volume 422, Page 251, the following 2 courses:


1. North $89^{\circ}39'07''$ West a distance of 261.69 feet along the north line of said 44.091 acre tract to a 1/2 inch iron rod found for the southeast corner of that certain 12.477 acre tract described in Instrument No. 201899003637 of said Official Public Records and the southwest corner hereof;
2. North $11^{\circ}44'24''$ West a distance of 1594.68 feet along the east line of said 12.477 acre tract to a 1/2 inch iron rod set for the northwest corner hereof;

THENCE North $71^{\circ}08'09''$ East a distance of 277.18 feet over and across the residual of said Volume 422, Page 251 to a 1/2 inch iron rod set in the west line of the residual of that certain 25.00 acre tract described in Volume 433, Page 24 of said Deed Records and the east line of the residual of said Volume 422, Page 251 for the northeast corner hereof;

THENCE South $11^{\circ}05'18''$ East a distance of 1683.97 feet along the east line of the residual of said Volume 422, Page 251 and the west lines of the residual of said Volume 433, Page 24, that certain 2.00 acre tract (Exhibit B) described in Volume 1238, Page 85 of said Official Public Records and said 6.00 acre tract to the **POINT OF BEGINNING** containing 10.00 acres more or less, and as shown on certified plat herewith.

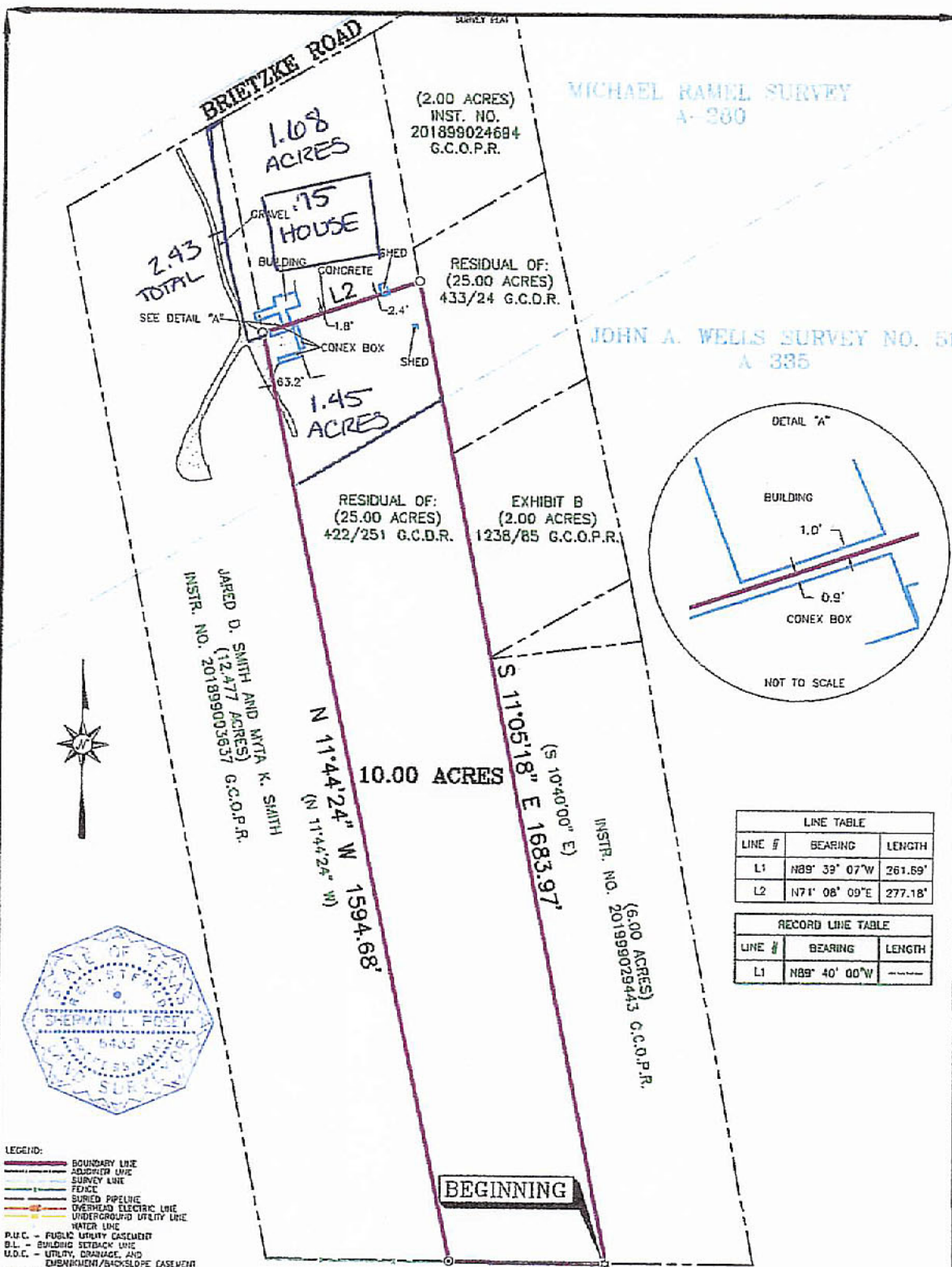
Note: Bearings, distances and acreage shown hereon are NAD 83, South Central Zone and are derived from GPS techniques. Iron Rods set are a 1/2 inch rod with plastic caps marked "INTREPID".

Surveyed by;


Sherman L. Posey, R.P.L.S.
Job# 20-0226.

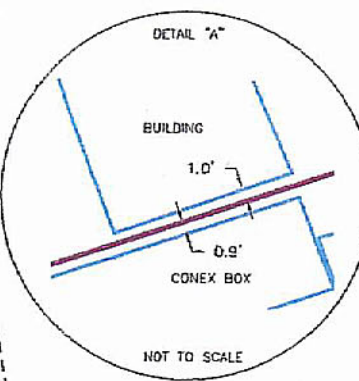
March 27, 2020

P.O. Box 519 ♦ 1004 C Street
Floresville, TX 78114
O. (830) 393-8833
F. (830) 392-3388



MICHAEL RAMEL SURVEY
A-280

JOHN A. WELLS SURVEY NO. 51
A 335



LINE TABLE		
LINE #	BEARING	LENGTH
L1	N89° 39' 07"W	261.59'
L2	N71° 08' 09"E	277.18'

RECORD LINE TABLE		
LINE #	BEARING	LENGTH
L1	N89° 40' 00"W	---

- LEGEND:**
- BOUNDARY LINE
 - ADJUTER LINE
 - SURVEY LINE
 - FENCE
 - BURIED PIPELINE
 - OVERHEAD ELECTRIC LINE
 - UNDERGROUND UTILITY LINE
 - WATER LINE
- P.U.C. - PUBLIC UTILITY CASEMENT
B.L. - BUILDING SETBACK LINE
U.D.C. - UTILITY, DRAINAGE, AND DIMENSION/PROSLOPE CASEMENT
(BND.-DIST.) RECORD CALL
XXX/XXX VOLUME/PAGE
G.C.P.R. - GUADALUPE COUNTY PLAT RECORDS
G.C.D.R. - GUADALUPE COUNTY DEED RECORDS
G.C.O.P.R. - GUADALUPE COUNTY OFFICIAL PUBLIC RECORDS
G.C.R.P.R. - GUADALUPE COUNTY REAL PROPERTY RECORDS
- POINT
 - 1/2" IRON ROD FOUND
 - 1/2" IRON ROD SET
 - ▲ 120# NAIL FOUND
 - ★ IRON PIPE FOUND
 - ⊙ 1/4" SET
 - ⊕ 3/8" IRON ROD FOUND
 - ⊙ FIRE FENCE CORNER POST FOUND
 - ⊙ WOOD FENCE CORNER POST FOUND
 - ⊙ AS MARKED
 - ⊙ A/C
 - ⊙ ELECTRIC METER
 - ⊙ TELEPHONE PEDESTAL
 - ⊙ DEPOT
 - ⊙ GAS METER
 - ⊙ WATER WELL
 - ⊙ UTILITY POLE
 - ⊙ FIRE HYDRANT
- F.L.S. 2020\Boundary\GUADALUPE\FENDING\20-0220 Jared Smith Britzke Rd



- NOTE:**
1. BEARING, DISTANCES & ANGLE ARE OPEN, HAD BS NS TO SOUTH CENTRAL ZONE AND ARE DERIVED FROM NORMAL GPS TECHNIQUES.
 2. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT, THERE MAY BE EASEMENTS AND/OR COVENANTS AFFECTING THIS PROPERTY, NOT SHOWN HEREON.
 3. A METE AND BOUND DESCRIPTION ACCOMPANIES THIS PLAT.
 4. 1/2" IRON ROD SET ARE 1/2" HIGH IRON FERRIS WITH PLASTIC CAPS MARKED "INTREPID"

INTREPID
SURVEYING & ENGINEERING

P.O. Box 519 • 1004 C STREET
FLORENCEVILLE, TX 78114
O. 830.393.8833 • F. 830.393.3388
WWW.INTREPIDTX.COM
TSPLS #10192986 • TDFE #16550

I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT THE SURVEY INFORMATION FOUND ON THIS PLAT WAS DERIVED FROM ACTUAL FIELD NOTES OF ONE-OR-MORE SURVEYS MADE BY ME OR UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AT THE TIME OF THIS SURVEY. NO WARRANTY IS MADE OR IMPLIED FOR THE LOCATION OF ANY OF ALL EASEMENTS THAT MAY EXIST WITHIN THE BOUNDS OF THIS SURVEY.

03-27-2020
DATE

REGISTERED PROFESSIONAL LAND SURVEYOR

REFERENCES: ARTHUR G. BOGGFIELD AND KAREN K. BOGGFIELD
ADDRESS: BRITZKE ROAD

LEGAL DESCRIPTION: BEING 10.00 ACRES OF LAND OUT OF OF THE MICHAEL RAMEL SURVEY, ABSTRACT NO. 280 AND THE JOHN A. WELLS SURVEY NO. 51, INSTRUMENT NO. 335 WITHIN GUADALUPE COUNTY, TEXAS

JOB NO. 20-0226 REV. 0
DRAWN BY: ASD FIELD BOOK: 84 FILE

3/C

VOL 4162 PGO 140

B-023833

WARRANTY GIFT DEED
Lady Bird Deed

Date: November 8, 2013

Grantor: Karen K. Borgfeld

Grantor's Mailing Address:

1270 Brietzke Road, Seguin, Texas 78155-9384

Grantee: Mark D. Borgfeld

Grantee's Mailing Address:

1270 Brietzke Road, Seguin, Texas 78155-9384

Consideration:

Love of, and affection for, Grantee.

Property (Including Any Improvements):

That certain 12.48 acre tract of land being out of the Michael Ramel Survey, Abstract 280, and the John A. Wells Survey No. 51, Abstract 335, Guadalupe County, Texas, being more particularly described in the attached Exhibit A.

Reservations from Conveyance:

Grantor reserves for Grantor and Grantor's assigns, a legal life estate in the property for Grantor's life, without liability for waste. Grantor further reserves the full power and authority, without the joinder of any other person, to sell, convey, mortgage, lease, and otherwise dispose of the Property in fee simple with or without consideration and without joinder by Grantee, to any person or persons whatsoever, and to keep absolutely any and all proceeds derived therefrom. Further, Grantor reserves the right to appoint different or additional remainder owners, at any time and from time to time without consent of Grantee. Upon the death of Grantor, subject to any interests that may be created by Grantor under the powers reserved herein, full record title shall vest in Grantee.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, gives, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's

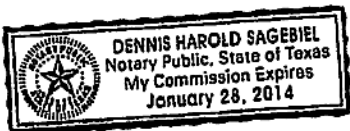
VOL 4162 P60141

heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty. Grantor grants and conveys the Property to Grantee as separate property.

Karen K. Borgfeld
Karen K. Borgfeld

THE STATE OF TEXAS)(
COUNTY OF GUADALUPE)(
)

This instrument was acknowledged before me on November 8, 2013, by Karen K. Borgfeld.



Dennis Harold Sagebiel
Notary Public, State of Texas

AFTER RECORDING RETURN TO:

→ Dennis Sagebiel
Attorney at Law
112 North Travis Street
Seguin, Texas 78155

VOL 4162 PGO 142

EXHIBIT "A"

**12.48 ACRE TRACT OF LAND
(TRACT "A")**

Fieldnotes describing a 12.48 acre tract of land being out of and part of the Michael Ramel Survey, Abstract 280, and the John A. Wells Survey No. 51, Abstract 335, being a portion of that tract of land called 25.00 acres, conveyed to Arthur G. Borgfeld and wife Karen K. Borgfeld by Deed recorded in Volume 422, Page 251, Deed Records, Guadalupe County, Texas, and being more particularly described as follows:

Beginning at a 1" pipe found in the south right-of-way line of Brietzke Road (County Road 412B) for the northeast corner of a 30.00 acre tract of land described in Volume 420, Page 479, Deed Records, Guadalupe County, Texas, being the northwest corner of the 25.00 acre tract and the herein described tract.

Thence, N 60° 06' 27" E, 295.17 feet along the south right-of-way line of Brietzke Road and the north line of the 25.00 acre tract to a $\frac{1}{2}$ " iron pin with a yellow plastic cap stamped "FORD ENG. INC." set for the northwest corner of another 12.48 acre tract of land this day surveyed, being the northeast corner of the herein described tract.

Thence, S 11° 19' 23" E, 1956.98 feet across the 25.00 acre tract to a $\frac{1}{2}$ " iron pin with a yellow plastic cap stamped "FORD ENG. INC." set in the north line of a 58.86 acre tract of land described in Volume 497, Page 495, Deed Records, Guadalupe County, Texas, and the south line of the 25.00 acre tract, for the southwest corner of the above mentioned 12.48 acre tract, being the southeast corner of the herein described tract.

Thence, N 89° 14' 45" W, 306.28 feet along the north line of the 58.86 acre tract and the south line of the 25.00 acre tract to a 1" pipe found in the north line of the 58.86 acre tract for the southeast corner of the 30.00 acre tract, the southwest corner of the 25.00 acre tract, being the southwest corner of the herein described tract.

Thence, N 10° 41' 44" W, 1799.01 feet along the east line of the 30.00 acre tract and the west line of the 25.00 acre tract to the Place of Beginning and containing 12.48 acres of land according to a survey made on the ground on January 9, 1996.

VOL 4162 PGO 143



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 13-23833 affixed on the first page of this document.

FILED FOR RECORD

13 NOV -8 AM 10: 51

TERESA KIEL
COUNTY CLERK GUADALUPE COUNTY

Courtney Casas

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

202099015419

I certify this instrument was FILED and RECORDED
in the OFFICIAL PUBLIC RECORDS
of Guadalupe County, Texas on
06/19/2020 04:01:26 PM PAGES: 7 EDIE
TERESA KIEL, COUNTY CLERK



Teresa Kiel