

9/C
B. Kline
Voter

14-000198

VOL 4180 PG 0077

ORDINANCE No. 2013-0014

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 July 31, 2013; 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 August 19, 2013; 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 August 19, 2013.

PASSED AND APPROVED this, the 19th day of August, 2013.


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 217.38 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) Bonnie D. Kunde

7-31-2013

(Printed Name) Bonnie D. Kunde

(Signature) _____

(Printed Name) _____

(Signature) _____

(Printed Name) _____

Mailing Address:

900 RK Lane, Marion, Texas, 78124

Property Address:

Same

Telephone:

Cell phone no. 830-583-5231

Amount of Land 218 acres

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

ck # 3695

Amount Paid 40.00

Accepted by

Joan Milanovich

State of Texas
County of Guadalupe

Before me Clara Joan Milanovich on this day personally appeared

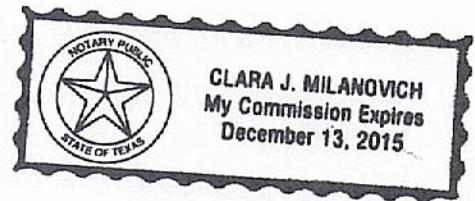
Bonnie N. Kunde, known

(name/names of signers)

to me or proved to me through TXDL 02419347 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 31st day of July, 2013 ^{3rd}

Clara Joan Milanovich
Notary Public's Signature



(Notary Seal)

EXHIBIT "A"

Kunde Farm at 900 RK Lane

Being that portion of the 217.38 acres of land, more or less, described in Exhibit "B", that lies within the New Berlin Extra Territorial Jurisdiction. That jurisdiction contains the property lying one-half mile or 2640 feet west of the easternmost property line to the San Antonio Extra Territorial Jurisdiction as shown on the map labeled Exhibit "C".

General Warranty Deed

Date: ~~April~~ ^{May} 15, 2002

Grantor: BONNIE DELL KUNDE, independent executrix of the estate of WILLIAM C. KUNDE, deceased

Grantor's Mailing Address:

BONNIE DELL KUNDE -
900 RK Lane
Marion, Texas 78124
Guadalupe County

Grantee: BONNIE DELL KUNDE

Grantee's Mailing Address:

BONNIE DELL KUNDE -
900 RK Lane
Marion, Texas 78124
Guadalupe County

Consideration:

Pursuant to the Terms of the Last Will and Testament and other good and valuable consideration of WILLIAM C. KUNDE, Deceased probated in Cause No. 12,264 in the County Court of Guadalupe County, Texas.

Property (including any improvements):

TRACT ONE:

All that certain tract and parcel of land being the twenty-foot strip of roadway conveyed by Wm. Schaefer to Herman Winkelmann and Wm. Achterberg by deed dated May 14, 1918, and recorded in Volume 51, Page 463 of the Deed Records of Guadalupe County, Texas. Said roadway extends from the Northwest corner of the 188 acre tract, N 30° W 1051 feet to the Southeast line of a county road according to R. S. Jans, Surveyor.

TRACT TWO:

All that certain tract and parcel of land, out of and a part of the V. Gortari League Survey, and out of and a part of that certain tract of land conveyed by Fredrich Schroeder et ux to Wm. Schaefer by deed dated Dec. 30, 1895, recorded in Volume 10, Pages 59-60 of the Deed Records of Guadalupe County, Texas, and being a strip five (5) feet in width adjacent to and lying to the East of that certain twenty (20) foot strip conveyed to Hermann Winkelmann et al by deed dated May 14, 1918, recorded in Volume 51, Page 463 of the Deed Records of Guadalupe County, Texas, and running from the North line of the tract aforesaid conveyed to Schaefer to the South line of the said tract so conveyed to Schaefer. BEING that property described in deed from W. A. Schaefer, to Louis Kunde and wife, Leona

Kunde, dated May 15m 1956, recorded in Volume 298, Page 625 of the Deed Records of Guadalupe County, Texas, to which reference is here made for all purposes.

TRACT THREE:

All certain tract and parcel of land, described as follows: BEING out of and lying partly in Guadalupe County, Texas, and partly in Bexar County, Texas, and being out of and a part of the Vicente Gortari League in Guadalupe County, Texas, and the Josefa Rodriguez Survey in Bexar County, Texas, and more particularly described as follows:

BEGINNING at a corner post in the East-Northeast side of a 95 acre tract of land out of the Vicente Gortari League in Guadalupe County, Texas, conveyed to Anton Stapper by the Herman Winkelmann Estate;

THENCE South 3° 50' East 122.4 vrs. to a stake on high bluff on Cibolo Creek in the Southeast line of a 128 ½ acre tract mentioned in the description of the 95 acre tract above referred to;

THENCE with said South 60° West a sufficient distance to cross the Cibolo Creek to a point on the West bank of the Cibolo Creek in Bexar County, a point for corner;

THENCE approximately Northwest on the West bank of the Cibolo Creek in Bexar County, a sufficient distance to a point for corner so that a line drawn from said point running to the beginning point will contain within its boundaries, 1 ½ acres of land.

BEING THE SAME property conveyed to Louis Kunde by Anton Stapper in deed dated June 24, 1947, recorded in Volume 230, Pages 230-231 of the Deed Records of Guadalupe County, Texas, to which reference is here made for all pertinent purposes.

TRACT FOUR:

Being all of the 188 acre tract out of the Vincent Gortari League in Guadalupe County, Texas, conveyed by Adolf Geiven to Herm. Winkelmann by deed dated January 1, 1897, and recorded in Volume 11, Page 166 of the Deed Records of Guadalupe County, Texas; and the Northeast portion of the 128 ½ acre tract out of said League, conveyed by Erna Winkelmann to herm. Winkelmann by deed dated June 9, 1925, and recorded in Volume 84, Page 321, of the Deed Records of Guadalupe County, Texas; said two tracts are adjoining and are more particularly described by metes and bounds as follows:

BEGINNING at the Northwest corner of the 188 acre tract;

THENCE South 30° E along the Southwest line of the 188 acre tract, 2198 feet to a corner of same in the Northwest line of the 128 ½ acre tract;

THENCE South 60° 30' West along the Northwest line of the 128 ½ acre tract, 564 feet to a fence corner;

THENCE South 14° East along fence 247 feet to a corner;

THENCE South 37° East continuing along fence 584 feet to a corner;

THENCE South 42° 30' West continuing along fence 110 feet to a corner;

THENCE South 20° East continuing along fence 276 feet to a twelve inch Mesquite in the Southeast line of the 128 ½ acre tract;

THENCE North 61° East along the Southeast lines of the 128 ½ and 188 acre tracts 3326 feet to the east corner of the 188 acre tract;

THENCE North 28° West along the Northeast line of the 188 acre tract 3306 feet to its North corner;

THENCE South 61° West along the Northwest line of the 188 acre tract, 2731 feet to its Northwest corner and place of beginning, containing 218.26 acres of land according to the survey made on September 11, 1946, by R. S. Jahn, Surveyor.

Reservations from Conveyance:

None

Exceptions to Conveyance and Warranty:

None

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, 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 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.

When the context requires, singular nouns and pronouns include the plural.

Bonnie Dell Kunde

BONNIE DELL KUNDE

Independent executrix of the estate of
WILLIAM C. KUNDE, deceased

STATE OF TEXAS)

COUNTY OF GUADALUPE)

This instrument was acknowledged before me on ^{May} ~~April~~ 15, 2002, by BONNIE DELL KUNDE as independent executrix of the estate of WILLIAM C. KUNDE, deceased.



Beatrice H. Garza
Notary Public, State of Texas

PREPARED IN THE OFFICE OF:

PATRICIA K. IRVINE, P.C.
106 West Court Street
Seguin, Texas 78155-5716
Tel. (830) 372-4811
Fax (830) 372-5134
Metro (830) 303-4675

AFTER RECORDING RETURN TO:

BONNIE DELL KUNDE
900 RK Lane
Marion, Texas 78124

FILED FOR RECORD

2002 MAY 17 AM 11:26

CLERK OF COURTS
COUNTY CLERK GUADALUPE CTY.

Anna Perez

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.



Lizette M. Lacey
County Clerk
Guadalupe County Texas

EXHIBIT "C"





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 14-198 affixed on the first page of this document.

FILED FOR RECORD

14 JAN -3 PM 2:36

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