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A. Milanovich
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14-000207

VOL 4180 PGO 137

ORDINANCE No. 2013-0024

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 August 13, 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 24.765 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)

Arnold A. Moos

8-13-2013

(Printed Name)

Arnold A. Moos

(Signature)

Angeline S. Moos

8-13-2013

(Printed Name)

Angeline S. Moos

(Signature)

(Printed Name)

Mailing Address:

19106 NALOGDOCHES LOOP, SAN ANTONIO, TX 78266

Property Address:

5410 LWIN RD MARION TEXAS

Telephone:

210-651-6189

Amount of Land 24.765 acres

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

Amount Paid

40.⁰⁰

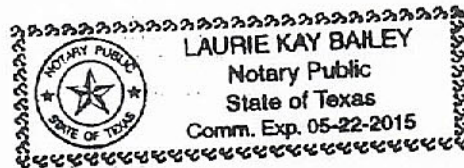
Accepted by

Jean Milanovich

State of Texas
County of Guadalupe

Before me Laurie Kay Bailey on this day personally appeared
Arnold A. Moos & Angeline S. Moos, known
(name/names of signers)
to me or proved to me through PERSONAL IDENTIFICATION 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 13th day of August, 2013

Laurie Kay Bailey
Notary Public's Signature



(Notary Seal)

EXHIBIT "A"

Arnold Moos Property at 5410 Gin Road, Marion, TX

Being that portion of the 24.765 acres of land, more or less, described in Exhibit "B", that lies within the New Berlin Extra Territorial Jurisdiction. That jurisdiction contains the property from the easternmost property line to the San Antonio Extra Territorial Jurisdiction and as shown on map labeled Exhibit "C".

THE STATE OF TEXAS
COUNTY OF GUADALUPE

KNOW ALL MEN BY THESE PRESENTS:

That I, LINDA REINHARD, a widow, of the County of Guadalupe, State of Texas, hereinafter called Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) cash and other good and valuable consideration to me in hand paid by ARNOLD A. MOOS and wife, ANGELINE S. MOOS, of Route 3, Box 208 RA, San Antonio, Comal County, Texas 78218, hereinafter called Grantees, receipt of which is hereby acknowledged and confessed; and the further consideration of the execution and delivery by the said Grantees of one certain promissory note of even date herewith in the principal sum of ONE HUNDRED THIRTY FIVE THOUSAND DOLLARS (\$135,000.00), payable to the order of SCHERTZ BANK AND TRUST, hereinafter called Mortgagee, said note being payable in installments as in said note contained; and bearing interest at the rate therein specified and providing for attorney's fees and acceleration of maturity at the rate and in the events therein set forth; and payment of said note being secured by vendor's lien and superior title retained herein in favor of said Mortgagee, and by Deed of Trust of even date herewith from Grantees to THOMAS T. SMITH, Trustee, to which reference is hereby made for all purposes; and,

WHEREAS, Mortgagee has, at the special instance and request of said Grantees, paid to Grantor herein ONE HUNDRED THIRTY FIVE THOUSAND DOLLARS (\$135,000.00) of the purchase money for the property hereinafter described, as represented by the above described note, said note, together with the vendor's lien and Deed of Trust lien against said property securing the payment of said note, is without recourse upon Grantor herein, hereby assigned, transferred and delivered to Mortgagee, the Grantor hereby conveying to said Mortgagee the said superior title to said proper-

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liens; have GRANTED, SOLD and CONVEYED; and by these presents do GRANT, SELL and CONVEY, unto the said Grantees, the following described property, to-wit:

BEING all that certain tract, piece or parcel of land containing 50.552 acres of land out of the Jose Flores Survey No. 63, Guadalupe County, Texas, and being 50.552 acre Tract 2 out of that certain 170 acre tract of land conveyed by Julius Rennspies, Sr., to Milton Reinhard, et ux, by deed dated July 31, 1947 and recorded in Volume 225 on pages 558-560 of the Deed Records of Guadalupe County, Texas, and described more particularly by metes and bounds as follows:

FROM an iron pin and corner post set for the West corner of the above described Milton Reinhard, et ux, 170 acre tract; THENCE with the Northwest line of the said 170 acre tract, N 59° 46' E 295.80 feet and N 59° 53' E 1,395.09 feet to an iron pin set for the North corner of 62.496 acre Tract 1, for the West corner and POINT OF BEGINNING of the herein described 50.552 acre Tract 2;

THENCE with the fence, the Northwest line of the said 170 acre tract, N 59° 53' E 1,215.17 feet and N 59° 48' 30" E 101.64 feet to an iron pin set for the West corner of 56.524 acre Tract 3, for the North corner of this tract;

THENCE with the Southwest line of the said 56.524 acre Tract 3, S 28° 57' 24" E 1,711.90 feet to an iron pin in the Northwest line of County Road 304, set for the South corner of 56.524 acre Tract 3, for the East corner of this tract;

THENCE with the Northwest line of County Road 304, as follows: S 61° 11' W 337.25 feet, S 61° 56' W 319.80 feet, S 62° 13' W 452.44 feet, S 59° 54' W 146.30 feet, and S 55° 37' W 30.53 feet to an iron pin set for the East corner of 62.496 acre Tract 1, for the South corner of this tract;

THENCE with the Northeast line of 62.496 acre Tract 1, N 30° 00' W 1,676.14 feet to the PLACE OF BEGINNING.

All according to a survey made on the ground on July 23, 1984 by William J. Kolodzie, R.P.S. 1462.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said Grantees, their heirs and assigns forever; and Grantor does hereby bind herself, her heirs, executors and administrators to WARRANTY 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. This conveyance is made subject to all and singular the restrictions, reservations, conditions, easements and covenants, if any, applicable to and enforceable against the above described

Guadalupe County, Texas, and specifically the oil, gas and mineral lease granted to Coates Energy Trust, et al in instrument dated December 11, 1980, recorded in Volume 610, Page 748 of the Deed Records of Guadalupe County, Texas.

But it is expressly agreed and stipulated that the vendor's lien, as well as superior title in and to said property, is retained in favor of the payee in said note against the above described property, premises and improvements, until said note, and all interest thereon is fully paid according to the face and tenor, effect and reading thereof, when this Deed shall become absolute.

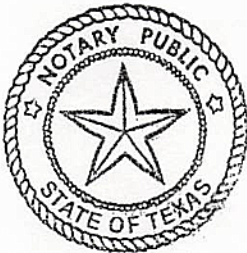
EXECUTED on this the 26th day of December, A.D. 1984.

Linda Reinhard
LINDA REINHARD, a widow

THE STATE OF TEXAS *
COUNTY OF COMAL *

This instrument was acknowledged before me on this the 28th day of December, 1984, by LINDA REINHARD.

Reno O. Schumann
NOTARY PUBLIC, STATE OF TEXAS
Notary's Name Printed:
RENO O. SCHUMANN
Commission Expires: 3/31/85



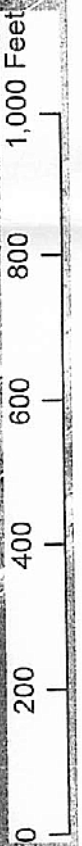
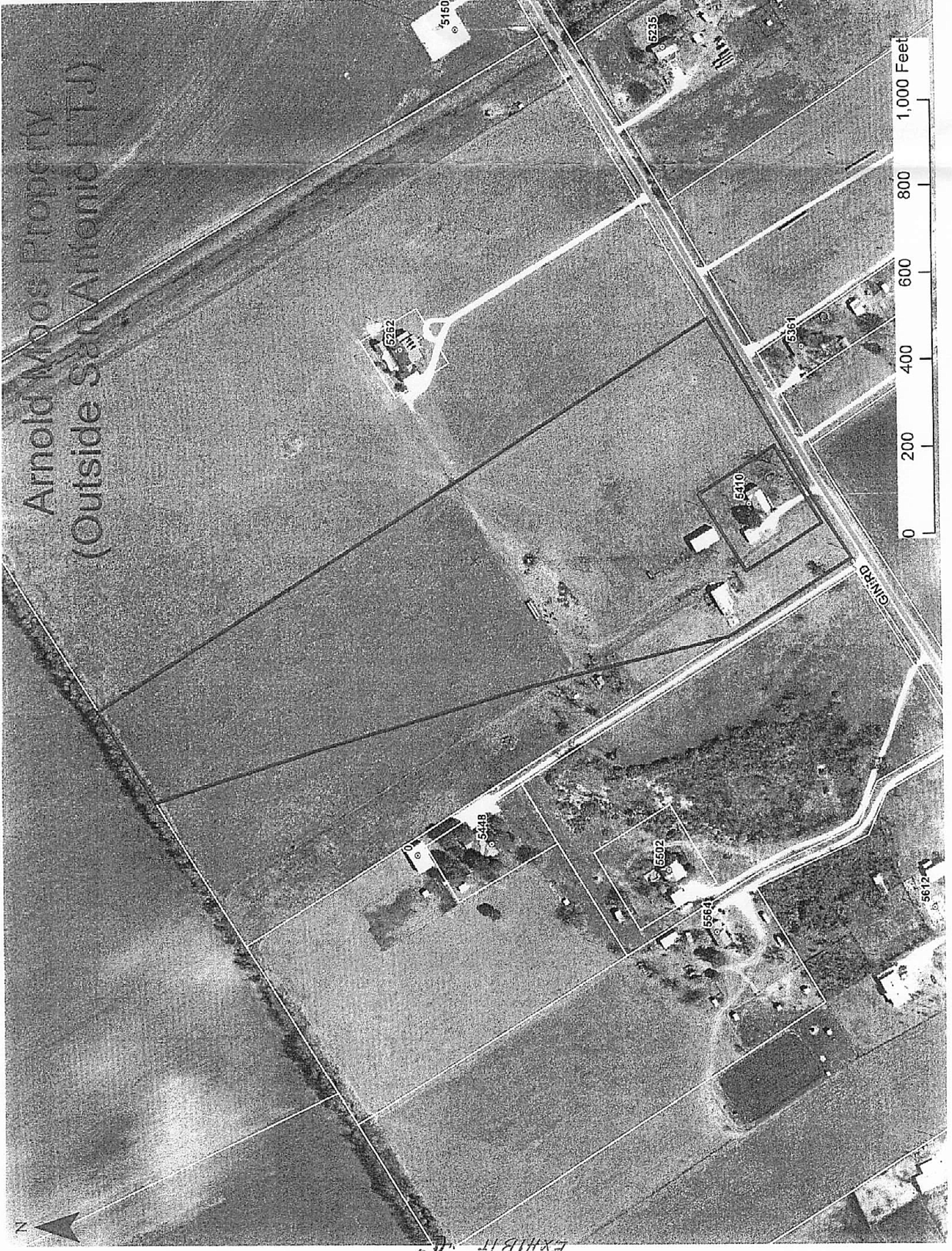
VOL 727 PAGE 1392

RECORDED IN OFFICIAL RECORDS
FILE DATE: 10/15/1985
FILE TIME: 4:23 O'CLOCK P. M.
VOL. 727 PAGE 1389-1391
RECORDING DATE
JAN 16 1985
Carl E. Schulz

Arnold Moos Property
(Outside San Antonio, TX)



EXHIBIT II





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 14 207 affixed on the first page of this document.

FILED FOR RECORD

14 JAN -3 PM 2:39

TERESA KIEL
COUNTY CLERK GUADALUPE COUNTY

BY *A 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