

6/c

**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 MARCH 11, 2011; 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 FEBRUARY 20, 2012; 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 FEBRUARY 20, 2012

PASSED AND APPROVED this, the 20<sup>TH</sup> day of February, 2012.



MAYOR  
CITY OF NEW BERLIN, TEXAS

ATTEST:

  
CITY SECRETARY  
CITY OF NEW BERLIN, TEXAS



Return to:

THE 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 is contiguous and adjacent to the City of New Berlin, Texas, is not more than one-half (1/2) mile in width, and that this petition is signed and duly acknowledged by each and every person or corporation having an interest in said land.

Signature

Date

(Signature) \_\_\_\_\_

(Printed Name) \_\_\_\_\_

(Signature) \_\_\_\_\_

(Printed Name) \_\_\_\_\_

(Signature) \_\_\_\_\_

(Printed Name) \_\_\_\_\_

*Donald Delany Subart* 3/28/2011  
*DONALD DELANY SUBART*

*7670 Linne Rd*  
*Seguin TX 78155*



## TEXAS ORDINARY CERTIFICATE OF ACKNOWLEDGMENT

CIVIL PRACTICE &amp; REMEDIES CODE § 121.007

State of Texas

County of

Guadalupe }

Before me, Janie W Wallace  
Name and Character of Notarizing Officer, e.g., "John Smith,  
Notary Public"

on this day personally appeared

Donald Delroy Gehart  
Name of Signer☒ known to me☐ proved to me on the oath of

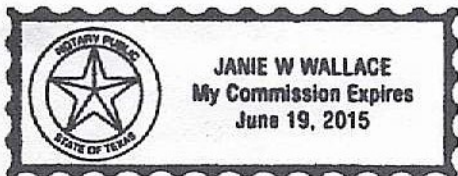
Name of Credible Witness

☐ proved to me through

Description of Identity Card or Document

to be the person whose name is subscribed to  
the foregoing instrument and acknowledged to  
me that he/she executed the same for the pur-  
poses and consideration therein expressed.

Given under my hand and seal of office this

28 day of March, A.D., 2011.  
Day Month YearJanie W Wallace  
Signature of Notarizing Officer

Place Notary Seal and/or Stamp Above

## OPTIONAL

Though the information in this section is not required by law, it may prove valuable to persons  
relying on the document and could prevent fraudulent removal and reattachment of this form  
to another document.

## Description of Attached Document

Title or Type of Document:

Petition to Annex

Document Date:

Number of Pages:

Signer(s) Other Than Named Above:

RIGHT THUMBPRINT  
OF SIGNER

Top of thumb here

1128420009.5m Donald D. Gerhart to Seguin State Bank & Trust Company

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12390  
**DEED OF TRUST**

THE STATE OF TEXAS  
COUNTY OF GUADALUPE

} KNOW ALL MEN BY THESE PRESENTS:

That I, DONALD D. GERHART, a single man, owning, occupying and claiming other property as my homestead,

of Guadalupe County, Texas, hereinafter called Grantors (whether one or more) for the purpose of securing the indebtedness hereinafter described, and in consideration of the sum of TEN DOLLARS (\$10.00) to us in hand paid by the Trustee hereinafter named, the receipt of which is hereby acknowledged, and for the further consideration of the uses, purposes and trusts hereinafter set forth, have granted, sold and conveyed, and by these presents do grant, sell and convey unto Joe H. Bruns, Trustee, of Guadalupe County, Texas, and his substitutes or successors, all of the following described property situated in Guadalupe County, Texas, to wit:

All of the following described tracts of land, situated in the County of Guadalupe, State of Texas, as follows:

FIRST TRACT: 23.8 acres of land out of and being a part of the V. Gortario League and the James Reese Survey Number 108, described as follows:

BEGINNING at a fence post set in the west line of the Marion-New Berlin road for the southeast corner of the Anna Clearner 66 1/4 acre tract; THENCE S 50° 00' W 1272.0 ft. to a fence corner post set for the southwest corner of said 66 1/4 acre tract; THENCE N 30° 00' W 803.0 ft. to a post set for the southeast corner of the Mrs. Hy. Kuehler 109 acre tract; THENCE S 60° 16' W 424.0 ft. to a post; THENCE S 64° 30' E 752.0 ft. to a stake; THENCE S 30° 00' E 325.0 ft. to a fence corner post; THENCE S 5° 25' W 735.0 ft. to a stake set in the north line of a 30 ft. lane; THENCE N 69° 52' E with the north line of said lane 931.0 ft. to a corner fence post set in the west line of the Marion-New Braunfels road; THENCE N 10° 55' E with the west line of said road 1185.0 ft. to the place of beginning, containing 23.8 acres of land.

SECOND TRACT: Being a part of the Jas. Reese Original Survey No. 108, situated about 10 miles SW of Seguin in Guadalupe County, Texas, and described as BEGINNING at the N.W. corner of the Jas. Reese Survey No. 108, a point in the northeast line of the V. Gortari League, from which a mesq. 12" in dia. brs. N 30 W 29 feet; THENCE S 30 E along the N.E. line of said V. Gortari League 1575 ft. to a stake from which a mesq. 12" in dia. brs. S 46-30 W 19 ft.; THENCE N 60 E 1272 ft. to a stake in the west lien of the Marion-New Berlin Road; THENCE along the west line of said road as follows: N 25-15 E 206 ft. N. 2-15 E 182 ft.; N 83 W 27 ft.; N 5 E 551 ft.; N 25-15 E 580 ft.; N 3-40 W 435 ft.; to the N.W. line of said Jas. Reese Survey; THENCE S 60 W along the northwest line of said Jas. Reese Survey, 2473 feet to the place of beginning, containing 66 1/4 acres of land. Being the same two tracts of land described in Warranty Deed from Harry A. Rahe et al to Ed. E. Linne, dated November 25, 1940, recorded in Vol. 192, pages 151-3 of the Deed Records of Guadalupe County, Texas.

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your records

Also the following described tract of land herein called THIRD TRACT, out of the J. Williams Survey No. 107 in Guadalupe County, Texas, and being 61.96 acres of land, more or less, and being all of a 256 1/2 acre tract conveyed by J. E. Linne et ux to Ed. E. Linne by deed recorded in Vol. 38, page 475 of the deed records of Guadalupe County, Texas, dated June 25, 1912, LESS AND EXCEPT THE FOLLOWING DESCRIBED PARTS THEREOF, TO-WIT: (1) 81.99 acres conveyed by Ed. Linne et ux to Ottmar Schorn by deed recorded in Vol. 264, page 258 of the deed records of said County, (2) 4 1/2 acres conveyed by Ed. Linne et ux to Alexander Sheppard by deed recorded in Vol. 266, page 360 of the deed records of Guadalupe County, Texas, (3) 7.43 acres described as SECOND TRACT in said deed to Ottmar Schorn aforesaid

(4) 56.84 acres conveyed by Ed. Linne et ux to the Veteran's Land Board by deed recorded in Vol. 266, pages 563-4 of the Deed Records of Guadalupe County, Texas, (5) 43.78 acres conveyed by Ed. Linne et ux to the Veteran's Land Board by deed recorded in Vol. 268, pages 57-8 of the deed records of said County. Said 61.96 acres, more or less, is further described as BEGINNING at the east or northeast corner of 7.43 acres conveyed to Schorn aforesaid; THENCE S 33° 13' W 1503 feet to south or southeast corner of said 7.43 acres; THENCE S 25° 53' E along the east line of the Schorn 81.99 acres to the south line of said 256 1/2 acres, a distance of about 1755.7 feet; THENCE along south line of said 256 1/2 acres N 60° E to its southeast corner; THENCE following original east line of said 256 1/2 acres and west line of County Road to place of beginning. Being the same property conveyed by Deed from Ed. E. Linne et ux, dated August 6, 1954, filed August 16, 1954, and bearing File No. 2517.

BEING that same property conveyed to Henrietta Linne Posey, a widow, by Eddie Linne et ux by deed dated August 6, 1954, recorded in Volume 275, page 401, Guadalupe County Deed Records.

LESS AND EXCEPT 0.835 and 0.589 acres conveyed to Guadalupe County by deed dated April 30, 1964 recorded in Volume 366, page 189, Guadalupe County Deed Records. And 3.748 acres conveyed by Henrietta Linne Posey to L. E. Spiller by deed dated July 24, 1970, recorded in Volume 432, pages 18-19 of the Deed Records of Guadalupe County, Texas.

LESS AND EXCEPT: 38.56 acres of land situated in the V. Gortari Survey, Abst. 24, and the James Reese Survey, Abst. 282, Guadalupe County, Texas. Said 38.56 acre tract is part of FIRST TRACT, 23.8 acres and part of SECOND TRACT, 66.25 acres in conveyance of 152.37 acres conveyed in three tracts by Henrietta Linne Posey to Donald Gerhart, et ux, by deed recorded in Volume 461 at page 910 of the deed records of said county and is described by metes and bounds, as follows: BEGINNING at an iron stake set at a fence corner marking the southeast corner of FIRST TRACT and the tract herein described;



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records  
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being by deed recorded in Vol. 287, pages 37, 38 of the deed records of said County. Said 61.96 acres, more or less, is further described as BEGINNING at the east or northeast corner of 7.43 acres conveyed to Schorn aforesaid; THENCE S 33° 13' W 1503 feet to south or southeast corner of said 7.43 acres; THENCE S 25° 53' E along the east line of the Schorn 81.99 acres to the south line of said 256 1/2 acres, a distance of about 1755.7 feet; THENCE along south line of said 256 1/2 acres N 60° E to its southeast corner; THENCE following original east line of said 256 1/2 acres and west line of County Road to place of beginning. Being the same property conveyed by Deed from Ed. E. Linne et ux, dated August 6, 1954, filed August 16, 1954, and bearing File No. 2517.

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BEGINNING at an iron stake set at a fence corner marking the southeast corner of FIRST TRACT and the tract herein described; THENCE with fence along the south line of FIRST TRACT, as follows:

S 69° 44' W 351.7 feet;  
thence S 69° W 559.2 feet to an iron stake set at a fence corner marking the southwest corner of said FIRST TRACT;  
THENCE with fence along a segment of the west line of said FIRST TRACT, N 5° 17' E 717.7 feet to a fence corner, said fence corner being in the common line of the V. Gortari Survey and the James Reese Survey;  
THENCE continuing with fence along the west line of FIRST TRACT and SECOND TRACT, a common line of the V. Gortari Survey and the James Reese Survey, as follows:  
N 23° 32' W 14.5 feet;  
thence N 30° 07' W 240.0 feet;  
thence N 31° 23' W 113.4 feet to a fence corner;

THENCE continuing with fence along segments of the west line of said SECOND TRACT, as follows:  
S 66° 15' W 25.6 feet;  
thence N 64° 33' W 708.8 feet to an iron stake found at a fence corner;  
THENCE N 59° 51' E 420.6 feet to an iron stake set at fence corner in the common line of the V. Gortari and James Reese Surveys;  
THENCE across said SECOND TRACT, N 83° 48' E 1523.0 feet to an iron stake set for the northeast corner of the tract herein described, said corner being in the west line of 415 Linne Road;  
THENCE with fence along said west line, S 9° W 1405.8 feet to the place of beginning and containing 38.56 acres of land, 6.1 acres, more or less, being in the V. Gortari Survey and the remainder being in the James Reese Survey.

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FILED FOR RECORD  
12 MAY -9 PM 3:09  
TERESA KIEL  
COUNTY CLERK GUADALUPE COUNTY  
BY *[Signature]*

*[Signature]*

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.



*[Signature]*  
TERESA KIEL  
Guadalupe County Clerk