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14-000188

VOL 4180 PG 0004

ORDINANCE No. 2013-0003

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

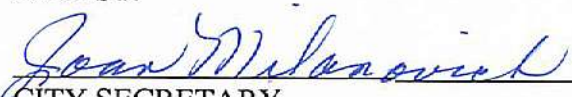
SECTION 2. This ordinance shall be effective from and after August 19, 2013.

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



MAYOR
CITY OF NEW BERLIN, TEXAS

ATTEST:


CITY SECRETARY
CITY OF NEW BERLIN, TEXAS



*After Recording
Please Return to:*

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 201.51 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)

Shawna Staats Pooley

8-5-13

(Printed Name)

Shawna Staats Pooley

(Signature)

Myrtle M. Staats

8-5-13

(Printed Name)

Myrtle Staats

(Signature)

Myrtle Staats

(Printed Name)

Mailing Address:

219 W. Krueger Marion, TX 78124

Property Address:

6666 S. Santa Clara Rd. Seguin, TX 78155

Telephone:

830-914-2226

Amount of Land 201.51 acres

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

Amount Paid

Accepted by

Petitionrequestingannexation-43.028

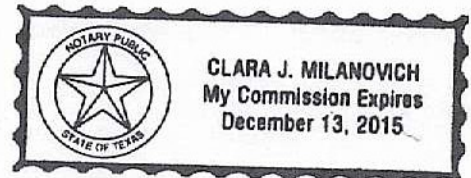
Page 1

State of Texas

County of Guadalupe

Before me Clara Joan Milanovich on this day personally appeared
Myrtle Staats and Shannon Staats Proley, known
(name/names of signers)
to me or proved to me through known to me personally 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 5th day of August, 2013.

Clara Joan Milanovich
Notary Public's Signature



(Notary Seal)

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 204 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)

8/13/13

(Printed Name)

Todd R. Staats

(Signature)

(Printed Name)

(Signature)

(Printed Name)

Todd's
Mailing Address:

223 Columbia Dr. SE, Albuquerque, NM 87106

Property Address:

6666 S. Santa Clara Rd, Seguin, TX 78155

Telephone:

(505) 220-2458

Amount of Land 204 acres

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

Amount Paid

Accepted by

Petitionrequestingannexation-43.028

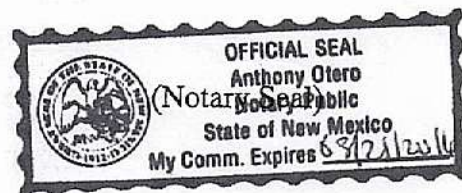
New Mexico
State of ~~Texas~~ ^{to} ~~Bernadillo~~
County of ~~Guadalupe~~

Before me Anthony Otero on this day personally appeared

Todd R. Staats, known
(name/names of signers)

to me or proved to me through New Mexico Drivers License 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 13 day of August, 2013.


Notary Public's Signature



TEXAS ORDINARY CERTIFICATE OF ACKNOWLEDGMENT

CIVIL PRACTICE & REMEDIES CODE § 121.007

New Mexico
State of Texas

County of Bernalillo

Before me, Anthony Otero, Notary Public
Name and Character of Notarizing Officer, e.g., "John Smith,
Notary Public"

on this 13 day of 2013 personally appeared

Todd R. Staats

Name of Signer

☐ known to me

☒ proved to me on the oath of



N/A
Name of Credible Witness

☒ proved to me through New Mexico

Drivers License

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 purposes and consideration therein expressed.

Given under my hand and seal of office this

13 day of August, A.D., 2013
Day Month Year

[Signature]
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:

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

EXHIBIT "A"

Staats Farm at 6666 South Santa Clara Road

Being that portion of the 201.51 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 Santa Clara Road as shown on map labeled Exhibit "C".

Legal description for April 23, 1999
First American Title Insurance Policy

Exhibit A "B"

For
Gibbel Staats Farm
6666 South Santa Clara

Being 201.51 acres of land, more or less, a part of the VICENTE GORTARI LEAGUE, ABSTRACT NO. 24, Guadalupe County, Texas, and being more particularly described as follows, to-wit:

FIRST TRACT: Being 169 acres of land, more or less, a part of the VICENTE GORTARI LEAGUE, ABSTRACT NO. 24, Guadalupe County, Texas, on the East bank of the Cibolo River, being the southwest portion of a tract of 461-4/10 acres conveyed to J. E. Linne by John Towhig, J. J. B. Wright and the heirs of W. J. Hardee, and contained within the following metes and bounds:

BEGINNING on the East bank of Cibolo, at the southwest corner of the aforesaid 461-4/10 acres, this being the northwest corner of a tract of 777-2/3 acres conveyed by John Towhig to S. Lee Kyle, later owned by Herman Schultz;

THENCE with the northwest line of said Kyle tract North 60° 30' East 1404 varas to a stake from which a mesquite 6 inches bears South 86° West 9-1/3 varas; this point is 1498 varas South 60° 30' West and North 29° West 1346 varas from southeast corner of Gortari League;

THENCE North 78° West 440 varas to the lower road from Marion to New Berlin;

THENCE North 40° West 534 varas to a stone set on the northwest boundary of said 461-4/10 acres in the center of said road;

THENCE South 60° West 1220 varas to the northeast corner of 9 acres tract;

THENCE South 30° East 18 varas to Cibolo Creek;

THENCE down the Cibolo with its meanders to the place of beginning, containing 169 acres, more or less, and being the same land described in a deed from Gus G. Langley, et ux. to E. C. Schulz, et ux., dated September 16, 1944, and recorded in Volume 206, Page 268, of the Deed Records of Guadalupe County, Texas.

SECOND TRACT: Part of the VICENTE GORTARI LEAGUE, ABSTRACT NO. 24, in Guadalupe County, Texas, and part of a tract of 217 acres conveyed by Lorenz Henzen to William Henzen et ux. by deed recorded in said County Deed records Book 20, Pages 510-511, and the particular portion thereof herein conveyed consists of 35 acres, more or less, described as follows:

BEGINNING at a point on the northwest line of said 217 acres, same being the northeast corner of a 84.5 acres conveyed by Henzen to Hugo Ullrich;

THENCE North 60° East 309.6 varas to a stone set in the north boundary of said 217 acres;

THENCE South 29° 30' East 638 varas to a stone set in the south boundary of said tract;

THENCE South 60° West 309.6 varas to the southeast corner of the Ullrich 84.5 acre tract;

THENCE North 29° 30' West with Ullrich's northeast line 638 varas to the place of beginning, containing 35 acres of land, more or less.

There is also conveyed to Grantee herein an easement for right of way purposes 20 feet wide along the northwest line of the remainder of said 217 acres owned by Henzen, so as to form an outlet from the above property to the public road, said

easement to belong to the owner of said 35 acres, and runs from the northeast corner of said 35 acres. It is further understood that Hugo Ullrich, or other owner of the 84 acres tract above referred to and sold to Ullrich, shall have for himself and his heirs and assigns, an easement for right of way from the northeast corner of said 84 acres, along the northwest line of said 217 acres to the public road, such easement to be a right of way for the 84 acres and said 35 acres here conveyed and this conveyance is made subject to such easement, and being the same land and easement described in a deed from Emil Breitzke, et al., to E. C. Schulz, et ux., dated March 15, 1945, and recorded in Volume 209, Page 33, of the Deed Records of Guadalupe County, Texas.

LESS AND EXCEPTING, HOWEVER, out of FIRST TRACT of 169 acres described above, that certain tract or parcel of land containing 2.49 acres, more or less, conveyed by E. C. Schulz and wife, Vandelia Schulz, to the State of Texas, by deed dated July 27, 1954, recorded in Volume 294, Page 26, of the Deed Records of Guadalupe County, Texas, and said 2.49 acres tract is more particularly described by metes and bounds as follows, to-wit:

BEGINNING at a point where the West line of the New Lower Marion and New Berlin Road intersects the original Northeast property line of the E. C. Schulz 169 acre tract, and being South 48° East 27.8 feet from the original North corner of the Schulz tract;

THENCE South 48° East 1404.3 feet to the P.C. of a 10° curve to the left (passing center line sta. $4 + 11.7$ at 156.6');

THENCE with 10° curve to the left 286.6 feet ($I = 28^{\circ} 20'$ $R = 573.1'$);

THENCE South $76^{\circ} 20'$ East 1027.0 feet to the P.C. of a 10° curve to the left;

THENCE with said curve having a central angle of $28^{\circ} 20'$ and a radius of 573.1, 286.6 feet to P.T. of said curve;

THENCE South $76^{\circ} 20'$ East 1027.0 feet to the P.C. of a 15° curve to the left;

THENCE with 15° curve to the left 100.0 feet, said curve having a radius of 282.0' and an internal angle of $40^{\circ} 40'$, said point being sta. $30 + 72.2$;

THENCE South $3^{\circ} 38'$ East 40.0 feet to a point where the Southeast line of the 169.0 acres intersects the south line of the new right of way;

THENCE with the South line of the new right of way adjacent to and 40' South of the above described center line to a point of beginning, containing 2.49 acres of which 1.16 acres is new right of way, according to survey made by Henry A. Glenewinkel, State Licensed Surveyor, on July 21, 1954.

LEAVING herein to be described approximately 201.51 acres of land, more or less.

NOTE: The Company is prohibited from insuring the area or quantity of the land described herein. Any statement in the above legal description of the area or quantity of land is not a representation that such area or quantity is correct, but is made only for informational and/or identification purposes and does not override Item 2 of Schedule B hereof.



STEARNS FAMILY TRUST
1st Half Mile



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 14-188 affixed on the first page of this document.

FILED FOR RECORD

14 JAN -3 PM 2:32

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