

ORDINANCE VARIANCE FOR SUBDIVIDING 5.006 ACRES

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF NEW BERLIN, TEXAS; APPROVING A VARIANCE TO PLAT FOR SUBDIVIDING 5.006 ACRES OF PROPERTY FROM THE JUAN JOSE GUERRERA SURVEY NO. 232, ABSTRACT 140, GUADALUPE COUNTY TEXAS.

WHEREAS, (Chapter 212.004 – Plat required, of the Texas Local Government Code and/or Charter) of the City of New Berlin, Texas, an incorporated city, provides for the process of final plat procedures of a subdivision:

(a) The owner of a tract of land located within the limits or in the extraterritorial jurisdiction of a municipality who divides the tract in two or more parts to lay out a subdivision of the tract, including an addition to a municipality, to lay out suburban, building, or other lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts must have a plat of the subdivision prepared. A division of a tract under this subsection includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method. A division of land under this subsection does not include a division of land into parts greater than five acres, where each part has access, and no public improvement is being dedicated.

(b) To be recorded, the plat must:

- (1) describe the subdivision by metes and bounds;
- (2) locate the subdivision with respect to a corner of the survey or tract or an original corner of the original survey of which it is a part; and
- (3) state the dimensions of the subdivision and of each street, alley, square, park, or other part of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, alley, square, park, or other part.

(c) The owner or proprietor of the tract or the owner's or proprietor's agent must acknowledge the plat in the manner required for the acknowledgment of deeds.

(d) The plat must be filed and recorded with the county clerk of the county in which the tract is located.

(e) The plat is subject to the filing and recording provisions of Section 12.002, Property Code.

WHEREAS, the procedures prescribed by the (Texas Local Government Code and/or Charter) of the City of New Berlin, Texas, and the laws of this state have been duly followed with respect to the following described territory, to wit for variance plat approval:

5.006 acres of land, more or less, out of the Juan Jose Guerrero Survey No. 232, Abstract 140, Guadalupe County, Texas and also being out of a 10.00-acre tract described in Document No. 201899024102 of the Official Public Records of Guadalupe County, Texas.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL (OR COMMISSION) OF THE CITY OF NEW BERLIN, TEXAS:

Accepts and approves the attached request for a variance to plat for subdividing 5.006 acres of land, more or less, out of the Juan Jose Guerrero Survey No. 232, Abstract 140, Guadalupe County, Texas and also being out of a 10.00-acre tract described in Document No. 201899024102 of the Official Public Records of Guadalupe County, Texas. Attached as Exhibit A.

The Applicant is hereby directed to file with the County Clerk of Guadalupe, Texas, a certified copy of this ordinance.

PASSED by an affirmative vote of all members of the City Council (or Commission), this the 17th day of November, 2025.



APPROVED:


WALTER WILLIAMS JR
Mayor

ATTESTED BY:


City Secretary

EXHIBIT A

Field Notes September 22, 2025, Revised October 1, 2025
J.M. Butz, Jr. Registered Professional Land Surveyor

Exhibit A

FIELD NOTES

September 22, 2025

Revised October 1, 2025

BEING 5.006 acres of land, more or less, out of the Juan Jose Guerrero Survey No. 232, Abstract 140, Guadalupe County, Texas and also being out of a 10.000 acre tract described in Doc. #201899024102 of the Official Records of Guadalupe County, Texas and being more particularly described as follows:

BEGINNING at an iron rod found in the existing northwest R.O.W. line of Gin Road (County Road 304) for the most southerly corner of this tract and the most southerly corner of the above referenced 10.00 acre tract, said point being N 59°49'56" E, 892.70 feet from an iron rod set at the intersection with the existing northeast R.O.W. line of S. Santa Clara Road (County Road 315);

THENCE, N 30°57'17" W, 730.79 feet (N 30°44'00" W, 731.90 feet-#201899028580) along the common line with a 15.00 acre tract described in Doc. #201899028580 of the Official Records of Guadalupe County, Texas to an iron rod found for the most westerly corner of this tract and the most westerly corner of said 10.00 acre tract;

THENCE, N 59°45'28" E, 614.14 feet (N 60°00'00" E, 613.10 feet-#201899024102) along the common line with a 38.674 acre tract, surveyed this day, to an iron rod found for the most northerly corner of this tract and the most northerly corner of said 10.00 acre tract;

THENCE, S 28°03'20" E, (S 27°56'00" E-#201899024102) 294.29 feet along the common line with said 38.674 acre tract to an iron rod found for the most easterly corner of this tract and the most westerly corner of a 2.500 acre tract described in Doc. #202499030033 of the Official Records of Guadalupe County, Texas;

THENCE, into said 10.00 acre tract along the common line with a 5.000 acre tract, surveyed the 4th day of January, 2025, S 61°56'16" W, 486.58 feet to an iron rod found for an interior corner of this tract and the most westerly corner of said 5.000 acre tract;

THENCE, S 28°02'49" E, 455.87 feet along the common line with said 5.000 acre tract to an iron rod found in the existing northwest R.O.W. line of Gin Road for a corner of this tract and the most southerly corner of said 5.000 acre tract;

THENCE, S 59°49'56" W, (S 60°00'00" W-#201899028580) 90.14 feet along said northwest R.O.W. line to the POINT OF BEGINNING and containing 5.006 acres of land, more or less.

Note: Plat also prepared this day.

J. M. Butz, Jr.
Registered Professional Land Surveyor
No. 2024



FN24-143.A3

FIELD NOTES

January 7, 2025

BEING 5.000 acres of land, more or less, out of the Juan Jose Guerrero Survey No. 232, Abstract 140, Guadalupe County, Texas and also being out of a 10.00 acre tract described in Doc. #201899024102 of the Official Records of Guadalupe County, Texas and being more particularly described as follows:

BEGINNING at an iron rod found in the existing northwest R.O.W. line of Gin Road (County Road 304) for the most easterly corner of this tract and the most easterly corner of the above referenced 10.00 acre tract, said point also being the most southerly corner of a 2.500 acre tract described in Doc. #202499030033 of the Official Records of Guadalupe County, Texas;

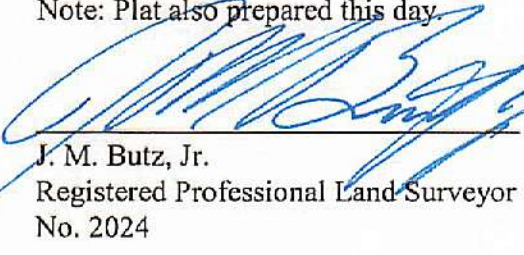
THENCE, S 60°00'00" W, (Ref. Brg. S 60°00'00" W- #201899024102) 487.60 feet along said northwest R.O.W. line to an iron rod set in same for the most southerly corner of this tract and being N 60°00'00" E, 90.00 feet from an iron rod found for the most southerly corner of said 10.00 acre tract;

THENCE, N 27°51'23" W, 456.14 feet into said 10.00 acre tract to an iron rod set for the most westerly corner of this tract;

THENCE, N 62°09'05" E, 487.26 feet to an iron rod found for the most northerly corner of this tract and the most westerly corner of said 2.500 acre tract, said point being S 62°09'05" W, 251.08 feet (S 61°55'32" W, 251.06 feet-#202499030033) from an iron rod found for the most northerly corner of said 2.500 acre tract;

THENCE, S 27°51'53" E, 437.83 feet (S 27°56'00" E-#201899024102)(S 28°04'28" E, 437.41 feet -#202499030033) along the common line with said 2.500 acre tract to the POINT OF BEGINNING and containing 5.000 acres of land, more or less.

Note: Plat also prepared this day.


J. M. Butz, Jr.
Registered Professional Land Surveyor
No. 2024



FN24-143

As scaled from the following referenced map, this property is located in Zone "X" according to the N.T.P. Map No. 480266 0245 F, Effective Date November 2, 2007

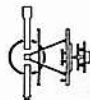
Subject to restrictive covenants and/or easements recorded in Doc#2017005097 Official Records of Guadalupe County, Texas and all other restrictive covenants and/or easements.

SURVEY PLAT

BEING 5.006 acres of land, more or less, out of the Juan Jose Guerra Survey No. 232, Abstract 140 Guadalupe County, Texas and also being out of a 96.05 acre tract described in Volume 269, Page 63 of the Deed Records of Guadalupe County, Texas.

SURVEY PLAT

BEING 14.962 acres of land, more or less, out of the Juan Jose Guerra Survey No. 232, Abstract 140 Guadalupe County, Texas and also being described as a 15.00 acre tract in Doc#201899028580 of the Official Records of Guadalupe County, Texas.



BUTZ
LAND
SURVEYING
FIRM NO. 0303662
PHONE 202-467-2889
FAX 202-467-3354
3000 DUMMETT RD.
ST. HELENA, TX 77824-0778



SURVEY PLAT

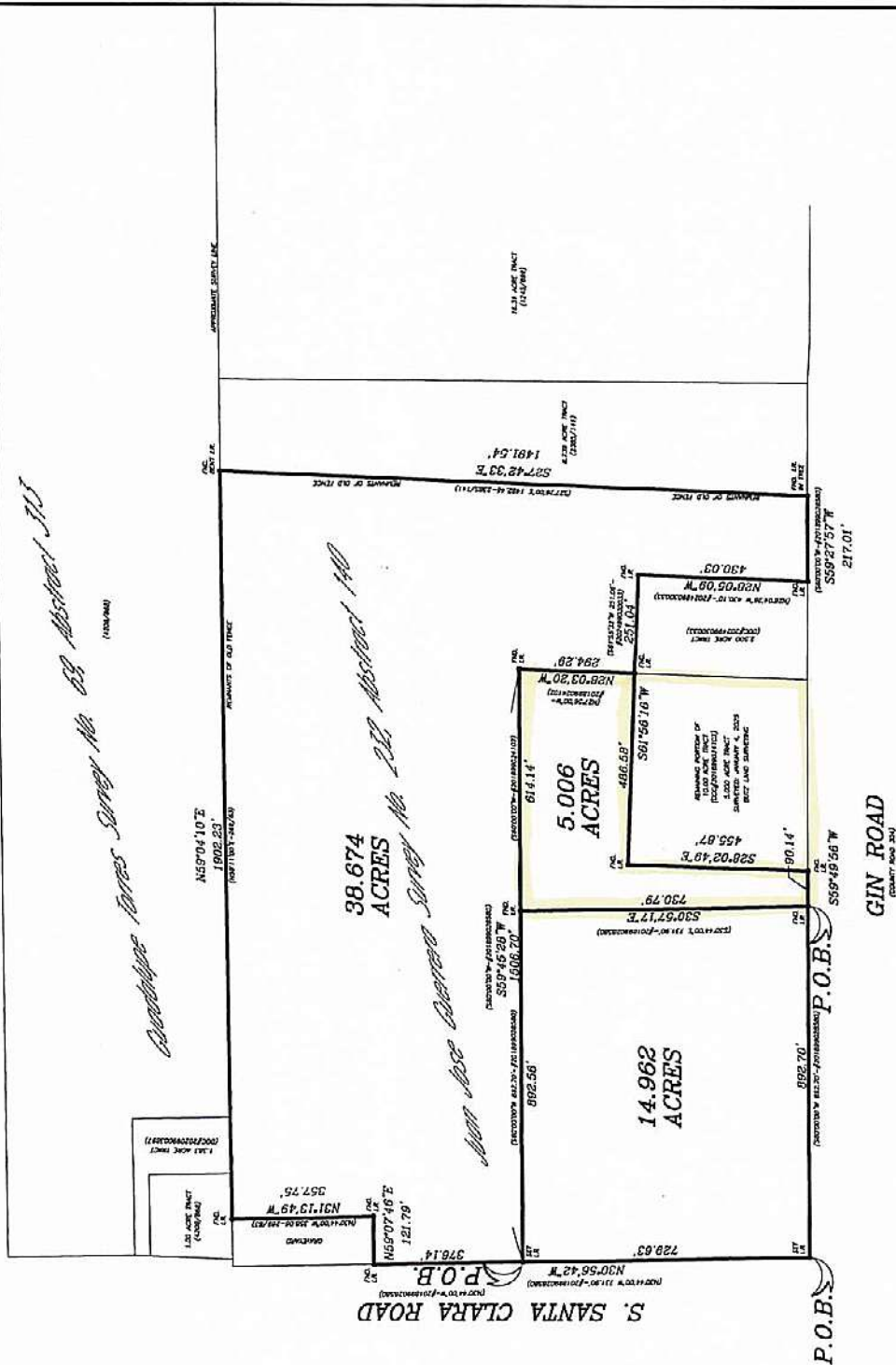
BEING 5.006 acres of land, more or less, out of the Juan Jose Guerra Survey No. 69, Abstract 313 Guadalupe County, Texas and also being out of a 10.000 acre tract described in Doc#201899024102 of the Official Records of Guadalupe County, Texas.



DRAWN BY: R.C.C.

NOTE: Bearings are based on the State Plane Coordinate System of NAD83-Texas South Central Zone.

NOTE: This survey is being recorded solely for the use of the current parties and no claims have been created, assessed or intended, for any the survey except as is necessary in conjunction with this transaction.



I, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that, to the best of my knowledge, information and belief, the above plat is a true representation of an actual survey made on the ground under my supervision, to the local standard of care, and that I have located apparent easements, right-of-ways, and encroachments as of the 18th day of September 2025.

This the 22nd day of September, 2025.
Field Notes also prepared this day.
Revised October 1, 2025.

J.M. Butz, Jr.
J.M. Butz, Jr., R.P.L.S. No. 2024
JOB NO. 24-143A

Subject to all restrictive covenants and/or easements.

NOTE: This survey was performed without the benefit of a Title Commitment and may not show all easements or other matters affecting this property and may not meet Guadalupe County subdivision requirements.

*NOTE: Hearing based on Doc#201899024102 of the Official Records of Tarrant County, Texas.

NOTE: This survey is being provided solely for the use of the current parties and no fee has been created, express or implied, to copy the survey except as is necessary in conjunction with this transaction.

SCALE: 1" = 100'

SCA

Juan Jose Guerrero Survey No. 232 Abstract 140

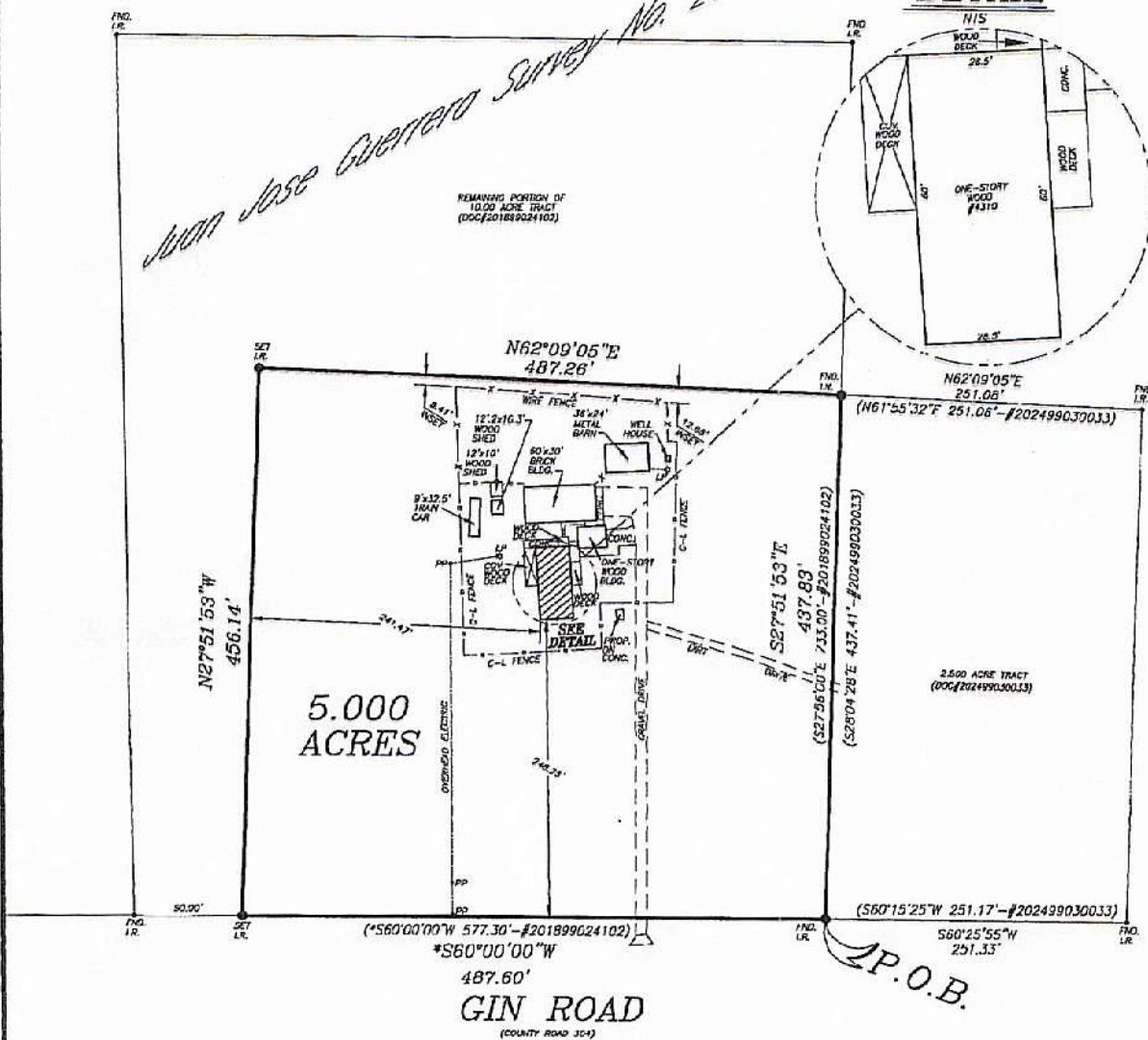
REMAINING PORTION OF
10.00 ACRE TRACT
(DCC#201880624102)

DET

N15
WOOD
DECK
28.5'

ONE-STORY
WOOD
F310

DETAIL



BEING 5.000 acres of land, more or less, out of the Juan Jose Guerra Survey No. 232, Abstract 140, Guadalupe County, Texas and also being out of a 10.00 acre tract described in Dec.#201899024102 of the Official Records of Guadalupe County, Texas and also being known as 4310 Gin Road.



3630 KUEMERZ RD.
UT HEDDING, TX. 78102-9770

BUTZ
LAND
SURVEYING
FIRM NO: 10193862



DRAWN BY: R.C.C.

I, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that, to the best of my knowledge, information and belief, the above plot is a true representation of an actual survey made on the ground under my supervision, in the local standard of care, and that I have located apparent easements, right-of-ways, and encroachments as of the 4th day of January 2025.

This the 7th day of January, 2025.
Field Notes also prepared this day

J. M. Burtz, Jr., R.P.L.S. No. 2024
JOB NO. 24-143