

**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 \_\_\_\_\_ ; and 3/26/2007

**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 May 21, 2007; and

**WHEREAS**, on the 21 day of May, 2007 the City Council of the City of New Berlin, Texas held public hearings on the proposed annexation of land situated outside of, but immediately adjacent to, the current corporate limits of the City of New Berlin, Texas and such public hearings gave all interested persons the right to appear and be heard on the proposed annexation of such land; and

**WHEREAS**, notice of the above mention public hearings was published in the Seguin Gazette Enterprise on May 11, 2007, a newspaper having general circulation in the City of New Berlin, Texas and within the territory to be annexed, in accordance with law; and

**WHEREAS**, the aforementioned public hearings were conducted not more that twenty (20) days nor less that ten (10) days prior to the institution of annexation proceedings; 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.

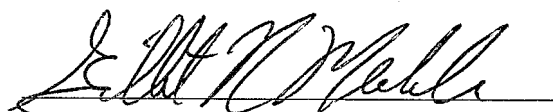
AFTER RECORDING  
RETURN TO

→ THE CITY OF NEW BERLIN  
NEW BERLIN, TEXAS  
275 FM 2538  
SEGUIN, TX 78155

**SECTION 2.** The land and territory more particularly described as that portion of the tract of land described in Exhibit "A," attached hereto and incorporated herein by reference shall be part 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.

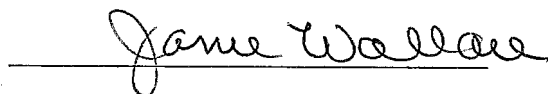
**SECTION 3.** This ordinance shall be effective from and after May 21, 2007.

PASSED AND APPROVED this, the 21 day of May, 2007.



MAYOR  
CITY OF NEW BERLIN, TEXAS

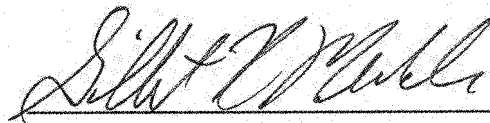
ATTEST:



CITY SECRETARY  
CITY OF NEW BERLIN, TEXAS

Attachment to ORDINANCE NO 07-0017

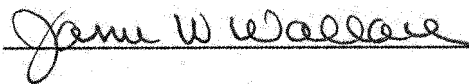
PASSED AND APPROVED THIS, THE 21<sup>ST</sup> DAY OF May, 2007



MAYOR

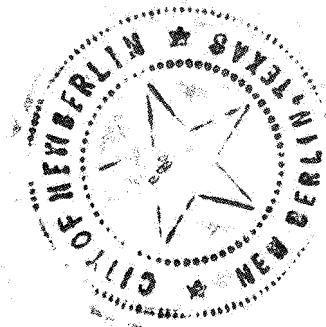
CITY OF NEW BERLIN, TEXAS

ATTEST:



CITY SECRETARY

CITY OF NEW BERLIN, TEXAS



TEXAS ORDINARY CERTIFICATE OF ACKNOWLEDGMENT

CIVIL PRACTICE & 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

Janie & Claire Walters  
Name of Signer

known to me

proved to me on the oath of

\_\_\_\_\_  
Name of Credible Witness

proved to me through \_\_\_\_\_

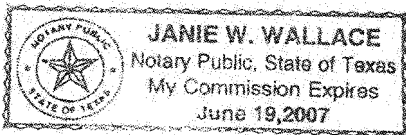
\_\_\_\_\_  
Description of Identity Card or Document

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

Given under my hand and seal of office this

26 day of March, A.D., 2007  
Day Month Year

Janie 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

Date Requested: March 26, 2007  
Date Granted: \_\_\_\_\_

Mayor and Board of Aldermen  
City of New Berlin  
275 FM 2538  
Seguin, Texas 78155

Dear Mayor and Board of Aldermen:

We the undersigned residents, who own property located within the extra territorial jurisdiction of the City of New Berlin, Texas, do hereby petition the Board of Aldermen of the City of New Berlin, Texas, to annex said additional territory as a part of the incorporated area of the City of New Berlin.

TO WIT:

That parcel of land adjoining the City Limits and being 103.024 acres, more or less, in that certain tract of land out of the Vicente Duran Survey No. 4, Abstract 19, and William H. Smith Survey, Abstract 291, conveyed by Warranty Deed recorded in Volume 1287, Page 471, Guadalupe County Deed of Records, and amended by Warranty Deed recorded in Volume 1348, Page 181, Guadalupe County Deed of Records, this being acreage which was not annexed by incorporation on May 27, 1975. (The first Warranty Deed [Vol. 1287] encompasses 113.024 acres; the second Warranty Deed [Vol. 1348] reduces the total acreage by 10.00 acres.)

Respectfully,

*Tome H. Walters, Jr.*

*Claire P. Walters*

Tome H. Walters, Jr.  
Claire P. Walters  
682 Brietzke Rd.  
Seguin, TX 78155

City of New Berlin, Texas  
275 FM 2538  
Seguin, Tx, 78155  
830-914-2455

JUNE 4, 2007

CHIEF, VOTING SECTION  
CIVIL RIGHTS DIVISION  
ROOM 7254 - NWB  
DEPARTMENT OF JUSTICE  
950 PENNSYLVANIA AVE., N.W.  
WASHINGTON, DC 20530

TO WHOM IT MAY CONCERN:

BE ADVISED THAT ORDINANCE *07-0017* (ENCLOSED) FOR THE ANNEXATION OF THE PROPERTY INTO THE CITY OF NEW BERLIN, TEXAS 275 FM 2538, SEGUIN, TEXAS 78155, INVOLVES PROPERTY THAT HAS FEWER THAN THREE VOTERS RESIDING ON IT AND ANNEXATION WILL NOT AFFECT THE VOTING STRENGTHS OF MINORITY VOTERS. THE REASON FOR THE ANNEXATION WAS PETITION FOR ANNEXATION BY ALL RESIDENTS OF THE PARCEL.

SINCERELY

*Janie Wallace*

JANIE WALLACE  
SECRETARY  
CITY OF NEW BERLIN, TEXAS

BEING 113.024 acres of land, more or less, being approximately 111.364 acres out of the Vicente Duran Survey No. 4, Abstract 19, Guadalupe County, Texas and approximately 1.66 acres out of the William H. Smith Survey, Abstract 291, Guadalupe County, Texas and also being out of a 117.21 acre tract described in Volume 310, Page 269 of the Deed Records of Guadalupe County, Texas and being more particularly described as follows:

BEGINNING at an iron pin found in the existing southwest R.O.W. line of Brietzke Road (County Road #412-B) for the most northeasterly corner of this tract, said point also being the most southeasterly corner of a tract described as 980' x 160' in Volume 601, Page 112 of the Deed Records of Guadalupe County, Texas;

THENCE, S 29°00'00" E, 1488.94 feet along said southwest R.O.W. line to an iron pin set in same at a corner post for an angle point of this tract;

THENCE, S 81°39'57" E, 576.10 feet along the south R.O.W. line of Brietzke Road to an iron pin set in the southeast R.O.W. line of same for the most easterly corner of this tract;

THENCE, S 61°46'39" W, 21.20 feet along the common line with a 2.0 acre tract described in Volume 492, Page 135 of the Deed Records of Guadalupe County, Texas to an iron pin found for the most northwesterly corner of same and an angle point of this tract;

THENCE, S 61°45'50" W, 419.26 feet along the common line with an 8.0 acre tract described in Volume 577, Page 75 of the Deed Records of Guadalupe County, Texas to an iron pin found for the most northwesterly corner of same and an interior corner of this tract;

THENCE, along the common fence line with said 8.0 acre tract, S 28°36'50" E, 236.69 feet to an iron pin set at a fence corner post and S 28°26'20" E, 756.15 feet to an iron pin set at a fence corner post for the most southwesterly corner of said 8.0 acre tract and an angle point of this tract;

THENCE, S 28°28'48" E, 692.27 feet along the common fence line with a 24.48 acre tract described as "Tract 1" in Volume 1006, Page 734 of the Official Records of Guadalupe County, Texas to an iron pin found at a fence corner post for the most southeasterly corner of this tract;

THENCE, along the common fence line with a 99.386 acre tract described in Volume 1073, Page 77 of the Official Records of Guadalupe County, Texas as follows:

S 61°11'39" W, 658.28 feet to an iron pin found at a fence corner post,

S 61°26'01" W, 313.47 feet to an iron pin set at a fence corner post,

S 61°45'49" W, 78.18 feet to an iron pin set at a fence corner post,

S 62°05'35" W, 255.00 feet to an iron pin set at a fence post,

and S 61°49'49" W, 666.89 feet to an iron pin found at a fence corner post for the most northwesterly corner of said 99.386 acre tract and the most southwesterly corner of this tract;

1287/0484

EXHIBIT "A"

BEING an Ingress-Egress Easement containing 0.031 acre of land, more or less, out of the William H. Smith Survey, Abstract 291, Guadalupe County, Texas and also being out of a 117.21 acre tract described in Volume 310, Page 269 of the Deed Records of Guadalupe County, Texas and being more particularly described as follows:

BEGINNING at an iron pin set in the existing southeast R.O.W. line of Brietzke Road (County Road #412-B) for the most easterly corner of this easement, said point being the most easterly corner of said 117.21 acre tract;

THENCE, S 61°46'39" W, 21.20 feet along the common line with a 2.0 acre tract described in Volume 492, Page 135 of the Deed Records of Guadalupe County, Texas to an iron pin found at a fence corner post for an angle point of this easement and the most northwesterly corner of said 2.0 acre tract;

THENCE, S 61°45'50" W, 38.80 feet along the common line with an 8.0 acre tract described in Volume 577, Page 75 of the Deed Records of Guadalupe County, Texas to a point in same for the most southwesterly corner of this easement;

THENCE, N 28°14'10" W, 44.51 feet, crossing said 117.21 acre tract, to a point in the existing south R.O.W. line of Brietzke Road for the most northerly corner of this easement;

THENCE, S 81°39'57" E, 74.71 feet along said south R.O.W. line to the POINT OF BEGINNING.

FILED FOR RECORD

97 AUG 18 PM 3: 01

LIZBETH M. LORENZ  
COUNTY CLERK GUADALUPE COUNTY, TEXAS

BY

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.



*Lois M. Lorenz*  
County Clerk,  
Guadalupe County Texas



1348/0189

EXHIBIT "A"

BEING 10.000 acres of land, more or less, out of the Vicente Duran Survey No. 4, Abstract 19, Guadalupe County, Texas and also being out of a 113.024 acre tract described in Volume 1287, Page 0471 of the Official Records of Guadalupe County, Texas and being more particularly described as follows:

BEGINNING at an iron pin found at an existing fence corner post for the most westerly corner of this tract and an interior corner of the above referenced 113.024 acre tract, said point also being the most easterly corner of an 80 acre tract described in Volume 372, Page 206 of the Deed Records of Guadalupe County, Texas;

THENCE, N 61°09'52" E, 576.09 feet into said 113.024 acre tract along an existing fence line to an iron pin set in same for the most northerly corner of this tract;

THENCE, S 28°55'35" E, 756.14 feet to an iron pin set for the most easterly corner of this tract;

THENCE, S 61°09'52" W, 576.09 feet to an iron pin set in and existing fence line for the most southerly corner of this tract;

THENCE, N 28°55'35" W, 756.14 feet along said existing fence line to the POINT OF BEGINNING and containing 10.000 acres of land, more or less.

"A" Less & except  
Exhibit "B"

## EXHIBIT "B"

BEING an Ingress-Egress Easement containing 0.726 acre of land more or less, being approximately 0.464 acre out of the Vicente Duran Survey No. 4, Abstract 19, Guadalupe County, Texas and approximately 0.262 acre out of the William H. Smith Survey, Abstract 291, Guadalupe County, Texas and also being out of a 113.024 acre tract described in Volume 1287, Page 0471 of the Official Records of Guadalupe County, Texas and being more particularly described as follows:

BEGINNING at a point in the existing fence line of said 113.024 acre tract for a corner of this easement, said point also being the most southwesterly corner of an existing Ingress-Egress Easement described in Volume 1287, Page 0471 of the Official Records of Guadalupe County, Texas, said point also being S 61°46'39" W, 21.20 feet, and S 61°45'50" W, 38.80 feet from the most easterly corner of the above reference 113.024 acre tract;

THENCE, S 61°45'50" W, 380.46 feet partially along the common fence line with a 7.980 acre tract surveyed June 10, 1997, and also being described as an 8.0 acre tract in Volume 577, Page 75 of the Deed Records of Guadalupe County, Texas to an iron pin found for a corner of this easement and an interior corner of said 113.024 acre tract;

THENCE, S 28°36'50" E, 236.69 feet partially along the common fence line with said 7.980 acre tract to an iron pin found and S 28°26'20" E, 30.00 feet to a point in said fence line for the corner of this easement;

THENCE, S 61°09'52" W, 377.48 feet into said 113.024 acre tract to a point in the northeast line of a 10.000 acre tract, surveyed this day, for a corner of this easement;

THENCE, N 28°55'35" W, 30.00 feet to an iron pin set in an existing fence line for a corner of this easement and the most northerly corner of said 10.000 acre tract;

THENCE, N 61°09'52" E, 407.22 feet along said fence line to a point in same for a corner of this easement;

THENCE, N 28°36'50" W, 267.01 feet to a point for a corner of this easement;

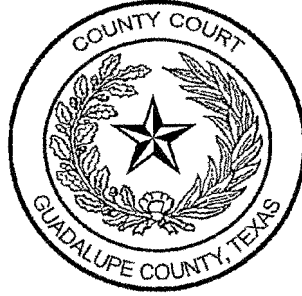
THENCE, N 61°45'50" E, 410.66 feet to a point in the southwest line of the above referenced Ingress-Egress Easement for a corner of this easement;

THENCE, S 28°14'10" E, 30.00 feet along said southwest easement line to the POINT OF BEGINNING.

FILED FOR RECORD

98 JUN 10 PM 3:33

LIZZIE J. LORENZ  
COUNTY CLERK GUADALUPE CTY.*Alicia Barnes*THE STATE OF TEXAS  
COUNTY OF GUADALUPEI 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.*Jessie M. Loring*  
County Clerk,  
Guadalupe County Texas



This page has been added by the Guadalupe County Clerk's office to comply with the statutory requirement that the recording information shall be placed at the foot of the record.

**2017002355**  
**FILED AND RECORDED**  
**OFFICIAL PUBLIC RECORDS**  
01/30/2017 3:27:30 PM  
PAGES: 11  
TERESA KIEL, COUNTY CLERK  
GUADALUPE COUNTY, TEXAS



*Teresa Kiel*