

Return to:

City of New Berlin
275 W M 2538
Seguin, TX 78155

11-018094 07007
ORDINANCE No. _____

7
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Recorded
Sent to Sec 10

ETI
112.6.15-

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

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.

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.

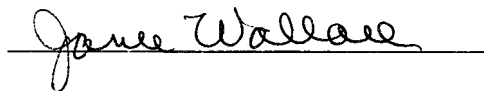
SECTION 3. This ordinance shall be effective from and after May 21, 2007.

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



MAYOR
CITY OF NEW BERLIN, TEXAS

ATTEST:



CITY SECRETARY
CITY OF NEW BERLIN, TEXAS



**PETITION REQUESTING INCLUSION IN THE CITY OF NEW BERLIN'S
EXTRA TERRITORIAL JURISDICTION (ETJ)**

TO THE MAYOR OF THE GOVERNING BODY OF THE CITY OF NEW BERLIN, TEXAS

The undersigned owners of the hereinafter described tract of land, hereby petition your honorable Body to extend the present Extra Territorial Jurisdiction (ETJ) so as to include as part of the City of New Berlin, Texas, the following described territory, to wit:

(Attached metes and bounds with plat)

We certify that the above described tract of land is contiguous and adjacent to the existing ETJ. of the City of New Berlin, Texas, and that this petition is signed and duly acknowledged by each and every person having an interest in said land.

Signed: *Debra Lynn Haecker*

Signed: *Linda D. Drayer*

Signed: _____

THE STATE OF TEXAS

COUNTY OF *Guadalupe*

BEFORE ME, the undersigned authority, on this day personally appeared

Debra Lynn Haecker *Linda D. Drayer* and

_____, known to me to be the persons whose names are subscribed to the foregoing instrument and each acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this *26* day of *September* 20*05*.



Debra Lynn Haecker
Notary Public in and for
Guadalupe County, Texas.

EXHIBIT "A"

VOL 3048 P60443

VOL 1653 P60055

FIELD NOTES
November 12, 2001

BEING 112.615 acres of land, more or less, out of the Vicente Gortari Survey, Abstract 24, Guadalupe County, Texas and also being out of a 116.1 acre tract described in Volume 240, Page 542 of the Deed Records of Guadalupe County, Texas and being more particularly described as follows:

BEGINNING at an iron rod found at a fence corner post in the existing northeast R.O.W. line of Santa Clara Road (County Road #315) at the intersection with the existing northwest line of the above reference 116.1 acre tract for the most westerly corner of this tract, said point also being the most southerly corner of a 15.0 acre tract described in Volume 583, Page 858 of the Deed Records of Guadalupe County, Texas;

THENCE, N 60°36'41" E, 2317.11 feet along the common fence line with said 15.0 acre tract and the common fence line with a 23.362 acre tract described in Volume 1394, Page 987 of the Official Records of Guadalupe County, Texas to an iron rod found at a fence corner post for an angle point of this tract and the most easterly corner of said 23.362 acre tract;

THENCE, N 60°39'35" E, 1029.19 feet along the common line with the remaining portion of a 244.43 acre tract described in Volume 583, Page 843 of the Deed Records of Guadalupe County, Texas, crossing the Santa Clara Creek, to an iron pipe found for the most northerly corner of this tract and an interior corner of said 244.43 acre tract;

THENCE, S 04°53'16" W, 894.69 feet along the remnants of the old common fence line of said remaining portion of a 244.43 acres to an iron rod set at a fence corner post for an angle point of this tract;

THENCE, S 30°33'06" E, 875.08 feet along the common fence line with said remaining portion of a 244.43 acres to an iron rod set in same for the most easterly corner of this tract, said point being N 30°33'06" W, 37.22 feet from the called corner of said remaining portion of a 244.43 acre tract;

THENCE, S 59°33'46" W, 2915.69 feet along the common line with the remaining portion of a 244.43 acre tract, crossing the Santa Clara Creek, and continuing along the common fence line (as placed on the property line as per Huebinger & Radtke) with a 106.4 acre tract described in Volume 340, Page 14 of the Deed Records of Guadalupe County, Texas to an iron rod set at a fence corner post in the existing northeast R.O.W. line of Santa Clara Road for the most southerly corner of this tract;

THENCE, N 27°30'00" W, (Ref. Brg.) 1669.36 feet along said northeast R.O.W. line to the POINT OF BEGINNING and containing 112.615 acres of land, more or less.

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01 NOV 16 PM 12:51

LIZZIE M. LORENZ
COUNTY CLERK GUADALUPE CTY.

BY: *[Signature]*

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.



[Signature]
County Clerk,
Guadalupe County, Texas

Ord. 07-007

VOL 3048 P 60445

Handwritten scribbles

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 *07-007* (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

Handwritten signature of Janie Wallace

JANIE WALLACE
SECRETARY
CITY OF NEW BERLIN, TEXAS

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.



Handwritten signature of Teresa Kiel
TERESA KIEL
Guadalupe County Clerk

FILED FOR RECORD

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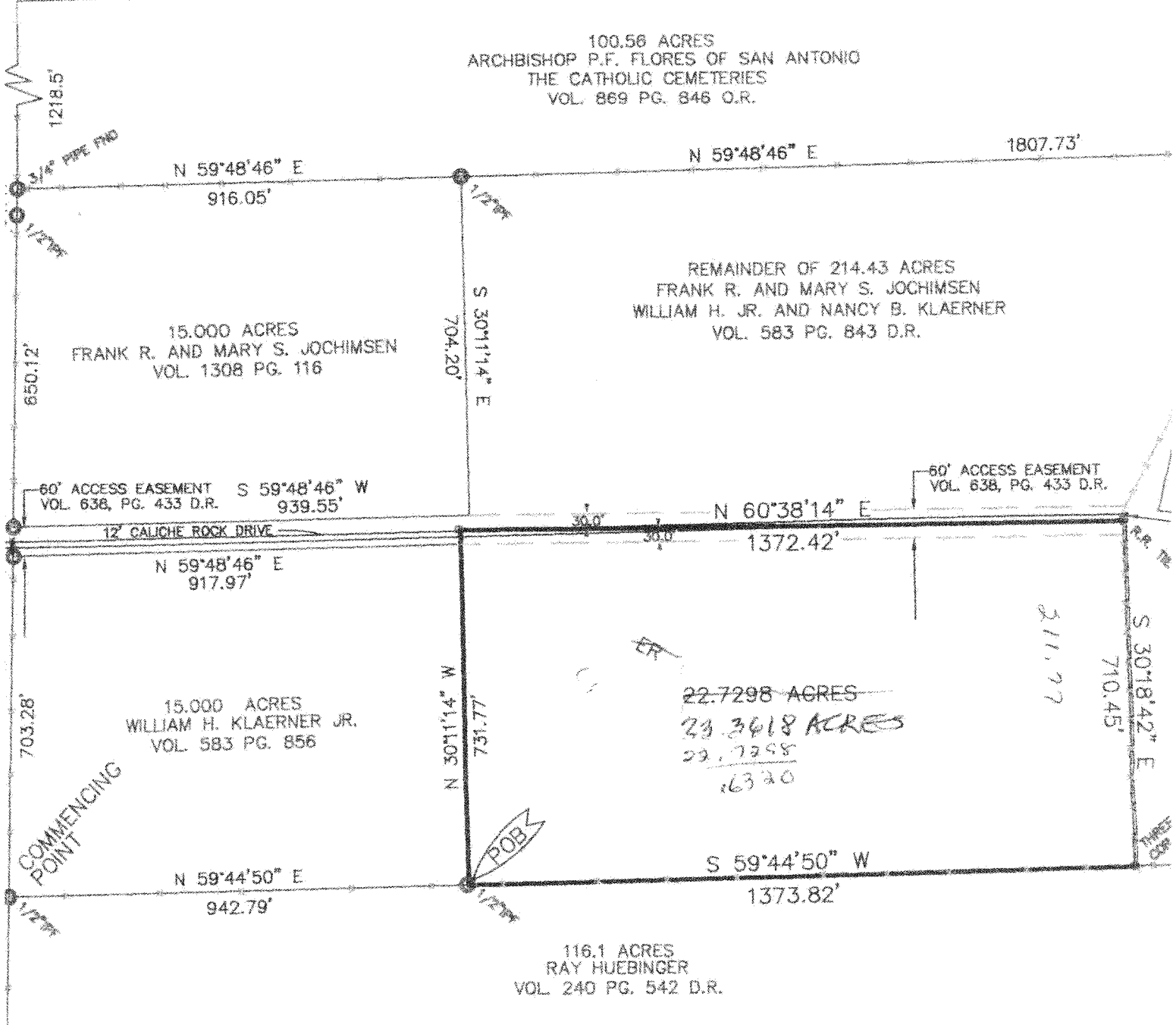
TERESA KIEL
COUNTY CLERK GUADALUPE COUNTY

Handwritten signature of Teresa Kiel

Handwritten signature of Teresa Kiel
TERESA KIEL
COUNTY CLERK GUADALUPE COUNTY

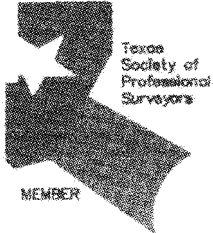
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GIN ROAD (C.R. 304)



PLAT SHOWING:

SURVEY OF A ^{23.3618}~~22.7298~~ ACRE TRACT OUT OF THAT 214.43 ACRE TRACT SITUATED IN THE VICENTE GORTARI SURVEY, ABSTRACT NO. 24, GUADALUPE COUNTY, TEXAS, SAID 214.43 ACRE TRACT IS THAT SAME PROPERTY CONVEYED TO FRANK R. AND MARY S. JOCHIMSEN AND WILLIAM H., JR. AND NANCY B. KLAERNER BY DEED RECORDED VOLUME 583 AT PAGE 843 OF THE COUNTY DEED RECORDS OF GUADALUPE COUNTY TEXAS.



This property is partially located in the 100 West Road Survey according to the V.L.S.P. Map No. 24, 2002S 0101 C, Effective Date August 18, 1995, Lots 24, 25, 26 & 27.

Subject is exclusive easements and/or easements (encompassed by Vol. 200, Page 1211 of the Official Records of Stanislaus County, dated 08/18/95) on other tracts within the 100 West Road Survey.

NOTE: A 1/2 acre parcel located in the 200, Page 221, of the Official Records of Stanislaus County, dated 08/18/95, is also shown on this map. This parcel is not included in this survey.

NOTE: This survey is being prepared solely for the use of the parcel owner and for future use as a boundary, and is not intended to be used as a boundary for any other purpose. The survey is subject to correction for any error or omission.

SANTA CLARA ROAD
COUNTY ROAD 4716

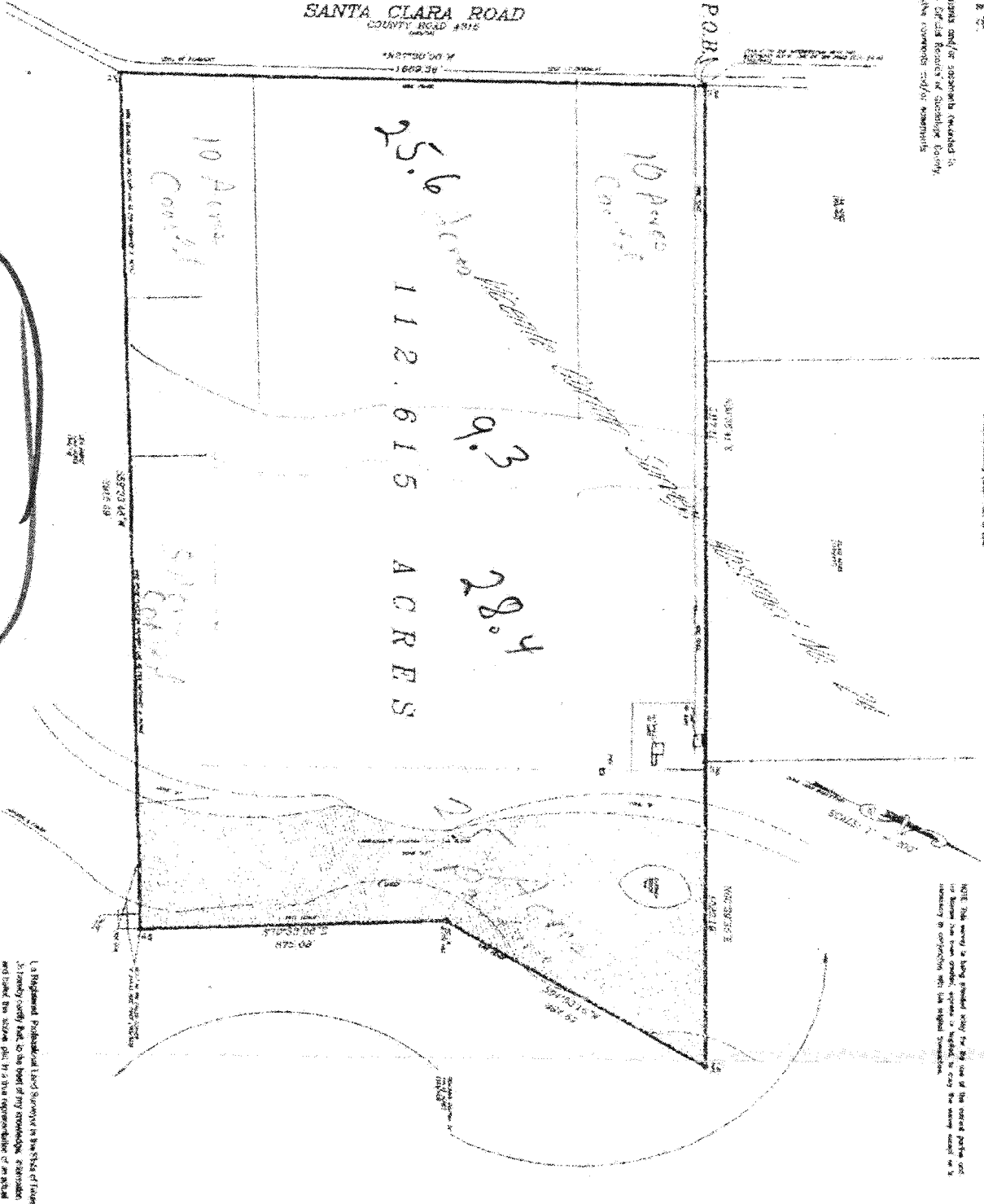
P.O.B.

BUTZ
LAND
SURVEYING

1000 COLLEGE BLVD
SAN JOSE, CA 95128-4700
PHONE: 408-940-0100
FAX: 408-940-0204

BOUNDARY SURVEY

BEING 112.615 acres of land, more or less, out of the Vincent Martin Survey, Abstract 74, Stanislaus County, same and also being out of a 113.1 acre tract described as Volume 240, Page 542 of the Official Records of Stanislaus County, same.



DEWEY