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C
Mark Williams*

11-018101

07 0015

Return to:
THE CITY OF NEW BERLIN
NEW BERLIN, TEXAS
275 M 2538
SEGUIN TX 78155

ORDINANCE No. _____

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 9/22/2005

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.

VOL 3048 PRO 487

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.

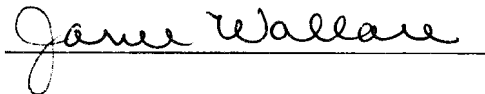
SECTION 3. This ordinance shall be effective from and after May 21, 2007.

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



MAYOR
CITY OF NEW BERLIN, TEXAS

ATTEST:



CITY SECRETARY
CITY OF NEW BERLIN, TEXAS



*mark
williams*

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 *07-0015* (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

FILED FOR RECORD
2009 OCT -1 PM 1:51
TERESA KAY
COUNTY CLERK COMAL COUNTY
BY *[Signature]*



Date Requested: August 22, 2005
Date Granted : _____

Mayor and Board of Alderman;
City of New Berlin
Rt. 6, Box 600
Seguin, Texas 78155

Dear Mayor and Board of Alderman;

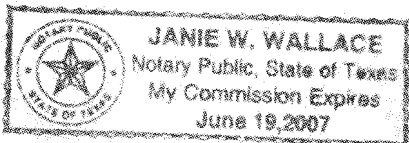
We the undersigned residents, who own property located within the extra territorial jurisdiction of the City of New Berlin, Texas, do hereby petition the Board of Alderman of the City of New Berlin, Texas, to annex said additional territory as a part of the incorporated area of the City of New Berlin,

TO WIT:

That parcel of land adjoining the City Limits and being 4 acres in that certain tract of land out of the V. GORTORI Survey, conveyed by Warranty Deed recorded in Volume 763 page 573-574, Guadalupe County Deed of Records. This being acreage which was not annexed by incorporation on May 27, 1975.

Signed:

Mark R. Williams
Kathleen Williams



Janie Wallace, JANIE W. WALLACE
Guadalupe County, Texas

August 22, 2005

DEED OF TRUST

KATHLEEN A. WILLIAMS aka
KATHLEEN HENZEN WILLIAMS
ET VIR

TO

SEGUIN SAVINGS ASSOCIATION

Return To:
Seguin Savings Association
P.O. Box 1140
Seguin, Texas 78156-1140

160048 890491

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KATHLEEN A. WILLIAMS aka
KATHLEEN HENZEN WILLIAMS
ET VIR

TO

SEGUIN SAVINGS ASSOCIATION

DEED OF TRUST

THIS DEED OF TRUST ("Security Instrument") is made on 19..... The grantors are KATHLEEN A. WILLIAMS aka KATHLEEN HENZEN WILLIAMS and husband MARK R. WILLIAMS ("Borrower"). The trustee is Gary A. Counts, 116 N. Camp Street, Seguin, Texas 78155, whose address is ("Trustee"). The beneficiary is SEGUIN SAVINGS ASSOCIATION, which is organized and existing under the laws of the State of Texas and whose address is P.O. Box 1140, Seguin, Texas 78155.

Borrower owes Lender the principal sum of Sixty Three Thousand Four Hundred Fifty and No/100 Dollars (U.S. \$63,450.00). This debt is evidenced by Borrower's note dated the same date as this Security Instrument ("Note"), which provides for monthly payments, with the full debt, if not paid earlier, due and payable on November 1, 2016. This Security Instrument secures to Lender: (a) the repayment of the debt evidenced by the Note, with interest, and all renewals, extensions and modifications; (b) the payment of all other sums, with interest, advanced under paragraph 7 to protect the security of this Security Instrument; and (c) the performance of Borrower's covenants and agreements under this Security Instrument and the Note. For this purpose, Borrower irrevocably grants and conveys to Trustee, in trust, with power of sale, the following described property located in Guadalupe County, Texas:

Being 4.00 acres of land out of the V. Gortari Survey, Guadalupe County, Texas, being all of tract 1 of 3.405 acres of land and 0.595 of an acre of land out of 6.595 acre Tract 2, conveyed by Joseph L. Henzen, et ux to Kathleen Henzen Williams by deed dated March 14, 1986 and recorded in Volume 763 on pages 573-574 of the Deed Records of Guadalupe County, Texas and more particularly described by metes and bounds as follows:

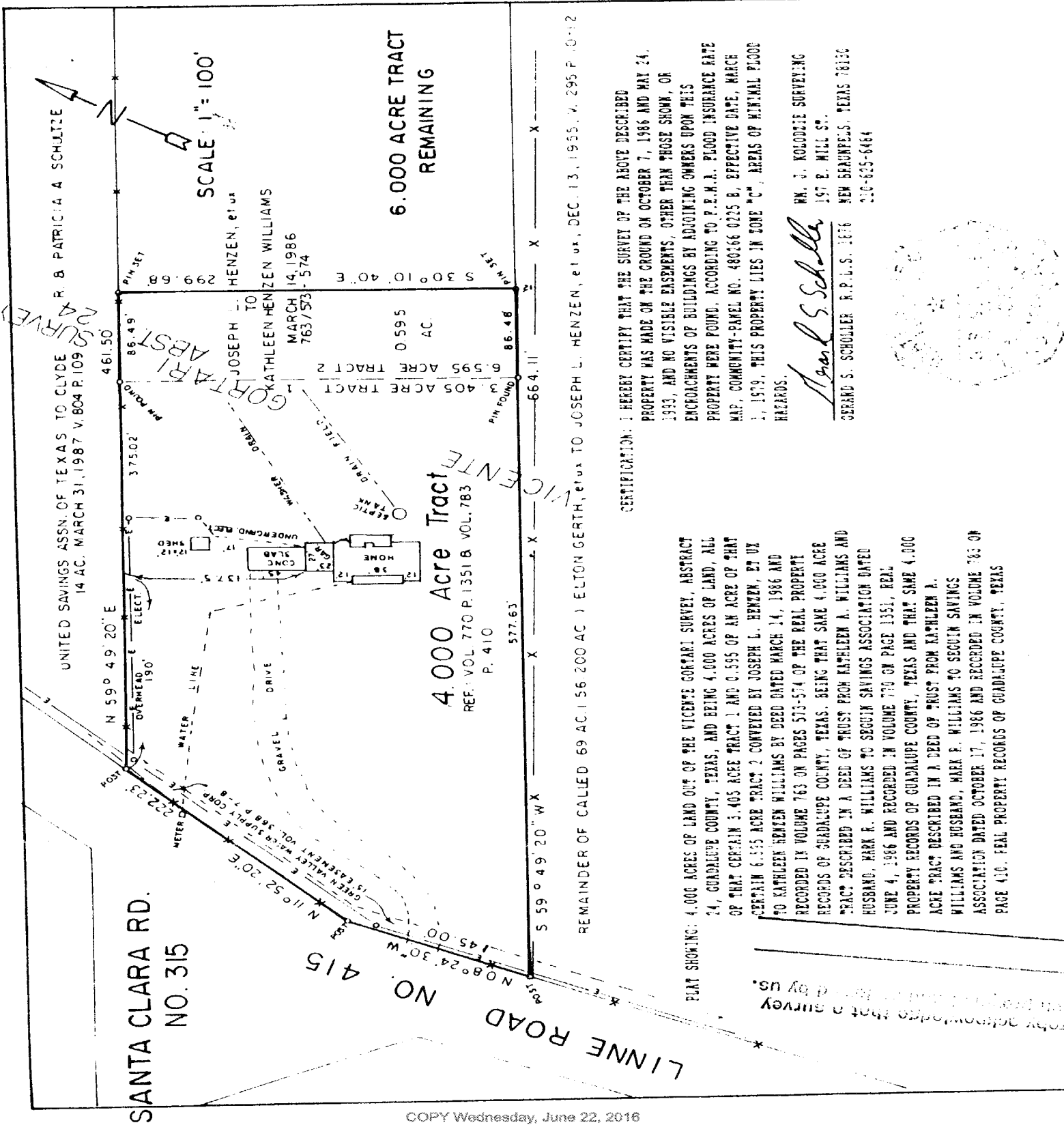
BEGINNING at an iron pin in the east line of Linne Road, County Road 415, Guadalupe County, Texas, set for the northwest corner of 3.405 acre Tract 1 described above, for the northwest corner of the herein described 4.00 acre tract;
THENCE with the fence, the northwest line of the said 3.405 acre Tract 1 and 6.595 acre Tract 2, north 50 degrees 49 minutes 20 seconds east at 375.02 feet the common corner of Tracts 1 & 2, in all a total distance of 461.50 feet to a point, the northeast corner of this tract;
THENCE south 30 degrees 10 minutes 40 seconds east 299.68 feet to a point in the southeast line of 6.595 acre Tract 2, the southeast corner of this tract;
THENCE with the southeast line of 6.595 acre Tract 2 and 3.403 acre Tract 1, south 59 degrees 49 minutes 20 seconds west at 86.48 feet the common corner of 1 & 2, in all a total distance of 664.11 feet to an iron pin in the east line of Linne Road, County Road 415, set for the southwest corner of 3.405 acre Tract 1, for the southwest corner of this tract;
THENCE with the fence, the east line of Linne Road, County Road 415, north 08 degrees 24 minutes 30 seconds west 145.0 feet and north 11

MRW
KW

Borrower shall comply with the provisions of the lease, and if Borrower acquires fee title to the Property, the leasehold and fee title shall not merge unless Lender agrees to the merger in writing.

7. Protection of Lender's Rights in the Property; Mortgage Insurance. If Borrower fails to perform the covenants and agreements contained in this Security Instrument, or there is a legal proceeding that may significantly affect Lender's rights in the Property (such as a proceeding in bankruptcy, probate, for condemnation or to enforce laws or regulations), then Lender may do and pay for whatever is necessary to protect the value of the Property and Lender's rights in the Property. Lender's actions may include paying any sums secured by a lien which has priority over this Security Instrument, appearing in court, paying reasonable attorneys' fees and entering on the Property to make repairs. Although Lender may take action under this paragraph 7, Lender does not have to do so.

Any amounts disbursed by Lender under this paragraph 7 shall become additional debt of Borrower secured by this Security Instrument. Unless Borrower and Lender agree to other terms of payment, these amounts shall bear interest from the date of disbursement at the Note rate and shall be payable, with interest, upon notice from Lender to Borrower requesting payment.



REMAINDER OF CALLED 69 AC. (56.200 AC.) ELTON GERTH, et ux TO JOSEPH L. HENZEN, et ux, DEC. 13, 1955. V. 295 P. 10-12

CERTIFICATION: I HEREBY CERTIFY THAT THE SURVEY OF THE ABOVE DESCRIBED PROPERTY WAS MADE ON THE GROUND ON OCTOBER 7, 1986 AND MAY 24, 1993, AND NO VISIBLE EASEMENTS, OTHER THAN THOSE SHOWN, OR ENCROACHMENTS OF BUILDINGS BY ADJOINING OWNERS UPON THIS PROPERTY WERE FOUND, ACCORDING TO P.R.M.A. FLOOD INSURANCE RATE MAP, COMMUNITY-PANEL NO. 480266 0235 B, EFFECTIVE DATE, MARCH 1, 1979, THIS PROPERTY LIES IN ZONE "C", AREAS OF MINIMAL FLOOD HAZARDS.

Grand S. Scholler
 ERARD S. SCHOLLER R.P.L.S. 1656
 157 E. HILL ST.
 NEW BRAUNFELS, TEXAS 78150
 210-625-6484



PLAT SHOWING: 4.000 ACRES OF LAND OUT OF THE VICENTE GORRARI SURVEY, ABSTRACT 24, GUADALUPE COUNTY, TEXAS, AND BEING 4.000 ACRES OF LAND, ALL OF THAT CERTAIN 3.405 ACRE TRACT 1 AND 0.595 OF AN ACRE OF THAT CERTAIN 6.535 ACRE TRACT 2 CONVEYED BY JOSEPH L. HENZEN, ET UX TO KATHLEEN HENZEN WILLIAMS BY DEED DATED MARCH 14, 1986 AND RECORDED IN VOLUME 763 ON PAGES 573-574 OF THE REAL PROPERTY RECORDS OF GUADALUPE COUNTY, TEXAS, BEING THAT SAME 4.000 ACRE TRACT DESCRIBED IN A DEED OF TRUST FROM KATHLEEN A. WILLIAMS AND HUSBAND, MARK R. WILLIAMS TO SEGUIN SAVINGS ASSOCIATION DATED JUNE 4, 1986 AND RECORDED IN VOLUME 770 ON PAGE 1351, REAL PROPERTY RECORDS OF GUADALUPE COUNTY, TEXAS AND THAT SAME 4.000 ACRE TRACT DESCRIBED IN A DEED OF TRUST FROM KATHLEEN A. WILLIAMS AND HUSBAND, MARK R. WILLIAMS TO SEGUIN SAVINGS ASSOCIATION DATED OCTOBER 17, 1986 AND RECORDED IN VOLUME 763 ON PAGE 410. REAL PROPERTY RECORDS OF GUADALUPE COUNTY, TEXAS

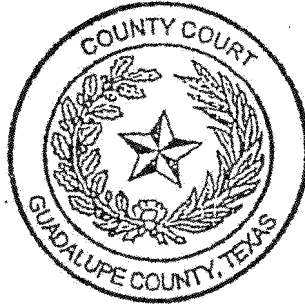
I hereby acknowledge that a survey was made on the ground and that it is true and correct as shown by us.

which has the address of Route 4 Seguin
[Street] [City]
Texas 78155 ("Property Address");
[Zip Code]

TOGETHER WITH all the improvements now or hereafter erected on the property, and all easements, rights, appurtenances, rents, royalties, mineral, oil and gas rights and profits, water rights and stock and all fixtures now or hereafter a part of the property. All replacements and additions shall also be covered by this Security Instrument. All of the foregoing is referred to in this Security Instrument as the "Property."

BORROWER COVENANTS that Borrower is lawfully seised of the estate hereby conveyed and has the right to grant and convey the Property and that the Property is unencumbered, except for encumbrances of record. Borrower warrants and will defend generally the title to the Property against all claims and demands, subject to any encumbrances of record.

THIS SECURITY INSTRUMENT combines uniform covenants for national use and non-uniform covenants with limited variations by jurisdiction to constitute a uniform security instrument covering real property.



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 11-18101 affixed on the first page of this document.

FILED FOR RECORD

11 OCT 13 PM 2:52

TERESA KIEL
COUNTY CLERK GUADALUPE COUNTY

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