

8/C

Clyde Schuetz

11-018102

07-0016

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

ORDINANCE No. _____

*Have
Reviewed
Sent to Justice*

Y013048 P00495

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~~ 8/15/2005

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.

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.

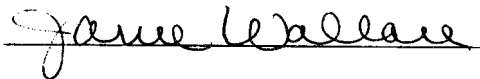
SECTION 3. This ordinance shall be effective from and after May 21, 2007.

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



MAYOR
CITY OF NEW BERLIN, TEXAS

ATTEST:



CITY SECRETARY
CITY OF NEW BERLIN, TEXAS



Date Requested: August 15, 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;

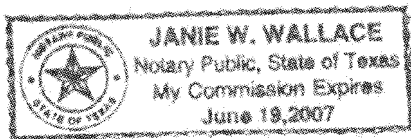
We the undersigned residents, who own property located within the extra territorial jurisdiction of the City of New Berlin, Texas, do hereby petition the Board of Alderman of the City of New Berlin, Texas, to annex said additional territory as a part of the incorporated area of the City of New Berlin,

TO WIT:

That parcel of land adjoining the City Limits and being 14 acres in that certain tract of land out of the _____ Survey, conveyed by Warranty Deed recorded in Volume 804 page 109, 110, 111, Guadalupe County Deed of Records. This being acreage which was not annexed by incorporation on May 27, 1975.

Signed:

Clyde Reno Schultz
Patricia Ann Schultz



Janie Wallace

JANIE W. WALLACE

For Guadalupe County, Texas August 15, 2005

SPECIAL WARRANTY DEED RESERVING VENDOR'S LIEN
UNITED SAVINGS ASSOCIATION OF TEXAS TO CLYDE RENO SCHULTZE, ET UX

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF GUADALUPE §

THAT UNITED SAVINGS ASSOCIATION OF TEXAS, for and in consideration of TEN AND NO/100 (\$10.00) DOLLARS, and other good and valuable consideration paid by CLYDE RENO SCHULTZE and wife, PATRICIA ANN SCHULTZE, the receipt of which is hereby acknowledged, has GRANTED, SOLD AND CONVEYED and by these presents does GRANT, SELL AND CONVEY, unto the said CLYDE RENO SCHULTZE and wife, PATRICIA ANN SCHULTZE, Grantees herein, whose mailing address is Route #1, Box 241, Seguin, Texas 78124, the following described property situated in Guadalupe County, Texas, to-wit:

BEING a 14.00 acre tract of land situated in Tract 5, called 33.3 acres as described in conveyance recorded in Volume 190, Pages 443-537 of the Deed Records of Guadalupe County, Texas, said 14.00 acre tract being more particularly described as follows:

BEGINNING at an iron pin found on the East line of County Road No. 415 (Linne Road), said point being the South corner of the above referenced tract for the Southwest corner of this tract;

THENCE along the East line of County Road No. 415, N. 14° 19' 30" E., 594.47' to an iron pin found for the Northwest corner of this tract;

THENCE N. 60° 30' E. 1,214.0' to an iron pin found for the Northeast corner of this tract;

THENCE S. 30° 00' E. 428.90' to an iron pin found, said point called the East corner of the above referenced tract for the Southeast corner of this tract;

THENCE S. 60° 30' W. 1,629.40' to the PLACE OF BEGINNING and containing 14.00 acres of

land, more or less

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one certain promissory note of even date herewith for the principal sum of THIRTY-THREE THOUSAND SIX HUNDRED AND NO/100 (\$33,600.00) DOLLARS, payable to the order of FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF NEW BRAUNFELS having advanced said sum at the request of the Grantees herein, and which note is payable in the amounts and upon the terms contained therein; and said note provides for accelerated maturity in case of maker's default in the payment of any installment of principal and interest when due and for reasonable attorney's fees if placed in the hands of an attorney for collection, or if collected through any Court; and said note is secured by a vendor's lien hereinafter retained and is hereby acknowledged by Grantees in favor of FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF NEW BRAUNFELS and is additionally secured by a deed of trust of even date herewith.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said Grantees, their heirs, legal representatives and assigns forever.

And UNITED SAVINGS ASSOCIATION OF TEXAS does hereby bind itself, its successors and assigns, to WARRANT AND FOREVER DEFEND, all and singular the said premises, subject to the restrictions, easements, reservations and covenants, if any of record, unto the said Grantees, their heirs, legal representatives and assigns, against every person whomsoever lawfully claiming, or to claim the same or any part thereof, by, through or under it but not otherwise.

But it is expressly agreed and understood that the vendor's lien and superior title are retained and reserved against the above described premises and improvements until the whole of the above described note and all interest thereon are fully paid, according to its face and tenor, effect and reading, when this deed shall become absolute, and the vendor's lien and superior title are hereby transferred, assigned, sold and conveyed unto FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF NEW

BRAUNFELS, its successors and assigns, the payee named in said note.

Current ad valorem taxes on said property having been prorated, the payment thereof is assumed by Grantees.

EXECUTED this 26th day of March, 1987.

UNITED SAVINGS ASSOCIATION OF TEXAS

By: [Signature]

Name: _____

Title: _____

THE STATE OF TEXAS § COUNTY OF Guadalupe §

This instrument was acknowledged before me this 31 day of March, 1987, by the said Cassidy [Signature] of UNITED SAVINGS ASSOCIATION OF TEXAS, on behalf of same.

[Signature] Notary Public, State of Texas Notary's name (printed):

Commission expires: _____

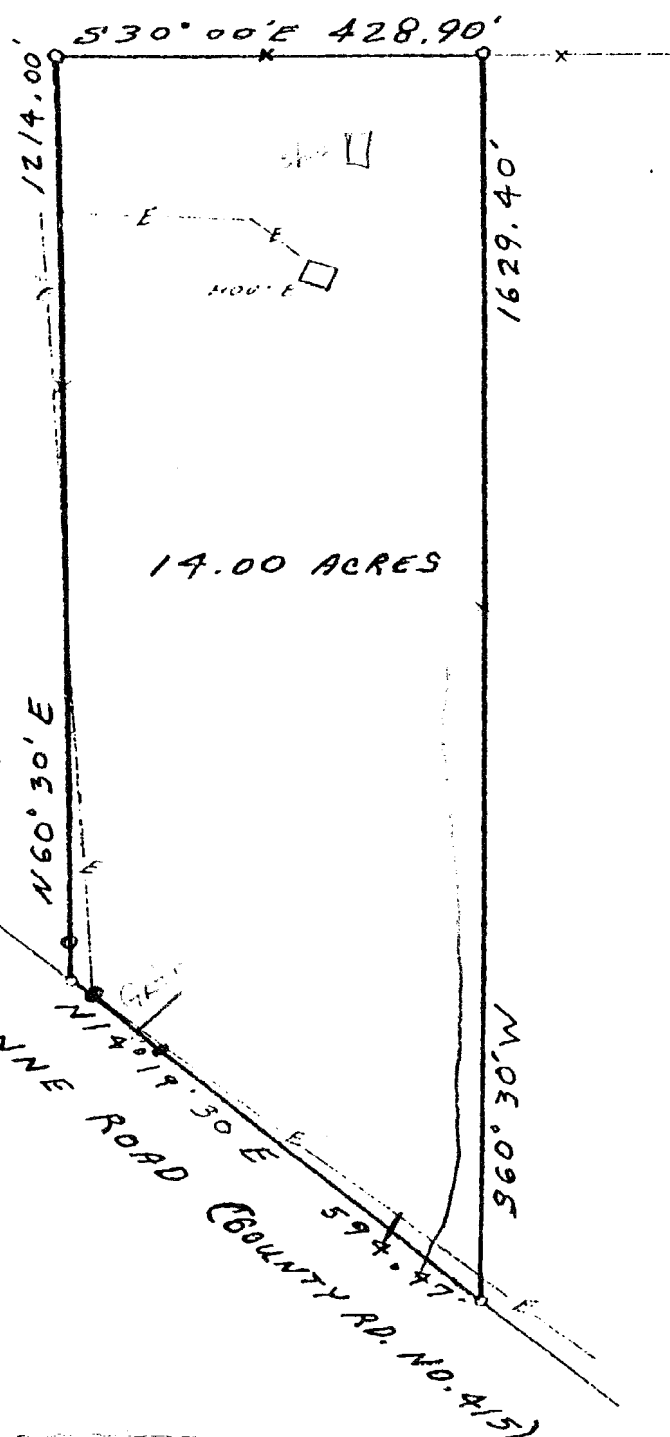
KAREN S. GUNAY Notary Public, State of Texas My Commission Expires 10-28-90

AFTER RECORDING RETURN TO: Clyde Reno Schultze Patricia Ann Schultze Route #1, Box 241 Marion, Texas 78124

PROVISIONS CONTAINED IN ANY DOCUMENT WHICH RESTRICT THE SALE, DEED OR USE OF THE REAL PROPERTY DESCRIBED THEREIN BECAUSE OF RACE OR COLOR ARE INVALID UNDER FEDERAL LAW AND ARE UNENFORCEABLE.

RECORDED IN OFFICIAL RECORDS FILE DATE 4-16-87 FILE TIME 1:55 O'CLOCK PM VOL 804 PAGE 105-11 RECORDING DATE APR 20 1987 [Signature] COUNTY CLERK, GUADALUPE COUNTY

SCALE 1" = 200'
C. FROM PINS FOUND



HERE IS A WATER LINE EASEMENT GRANTED TO GREEN LEAF WATER SUPPLY CORP. RECORDED IN VOLUME 365 PAGE 215, DEED RECORDS OF ADALUPE CO., TX.

HERE IS AN UNRECORDED EASEMENT GRANTED TO ADALUPE VALLEY ELECTRIC CO. P.



14.00 ACRES OF LAND SITUATED IN TRACT 5, CALLED 34.3 ACRES AS DESCRIBED IN CONVEYANCE RECORDED IN VOLUME 190, PAGE 447 OF THE DEED RECORDS OF ADALUPE COUNTY, TEXAS.

STATE OF TEXAS
COUNTY OF COMAL

ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF, I CERTIFY THAT AS A RESULT OF A SURVEY MADE ON THE GROUND I FIND THERE ARE NO VISIBLE EASEMENTS OR ENCROACHMENTS OF BUILDINGS ON ADJOINING PROPERTY AND THAT ALL BUILDINGS ARE WHOLLY LOCATED ON THIS PROPERTY EXCEPT AS SHOWN ABOVE.

This 17th day of March, 1987 A.D.

Reference:
Richard A. Goodwin
Richard A. Goodwin

Schultz

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

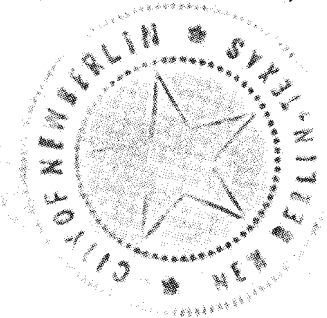
TO WHOM IT MAY CONCERN:

BE ADVISED THAT ORDINANCE *07-0016* (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.

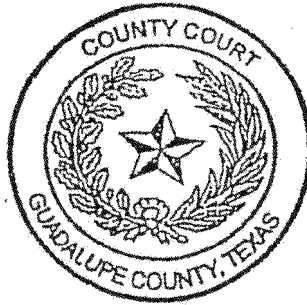
SINCERELY

Janie Wallace

JANIE WALLACE
SECRETARY
CITY OF NEW BERLIN, TEXAS



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



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 11-18102 affixed on the first page of this document.

FILED FOR RECORD

11 OCT 13 PM 2:53

TERESA KIEL
COUNTY CLERK GUADALUPE COUNTY

[Handwritten signature]

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