

11-018105

ORDINANCE No. _____

2011-

002 1013048 860517

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

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.

WHEREAS, the City of New Berlin, Texas has agreed to annex property being more particularly described in Appendix A attached hereto; and

WHEREAS, the City Council of the City of New Berlin, Texas, believing that the above-described property is annexed pursuant to Texas Local Government Code section 43.028, and

WHEREAS, on March 10, 2011 the City Council of the City of New Berlin, Texas received petition from the land owner to annex the land situated outside of, but immediately adjacent to, the current corporate limits of the City of New Berlin, Texas;

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. This ordinance shall be effective from and after March 21, 2011

PASSED AND APPROVED this, the 21st day of March, 2011

[Signature]

MAYOR
CITY OF NEW BERLIN, TEXAS

ATTEST:

[Signature]
CITY SECRETARY
CITY OF NEW BERLIN, TEXAS

FILED FOR RECORD
TT JUN 28 PM 1:26
TERESA KIEL
COUNTY CLERK GUADALUPE COUNTY
BY *[Signature]*



PETITION REQUESTING ANNEXATION:
TERRITORY THAT IS VACANT AND WITHOUT
RESIDENTS OR ON WHICH FEWER THAN THREE
QUALIFIED VOTERS RESIDE

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

The undersigned owner(s) of the hereinafter described tract of land which is vacant and without residents, or on which less than three (3) qualified voters reside, hereby petition your honorable body to extend the present municipal limits so as to include and annex as a part of the City of New Berlin, Texas, the property described by metes and bounds. See Attached Exhibit "A."

I (we) certify that the above-described tract of land is contiguous and adjacent to the City of New Berlin, Texas, is not more than one-half (1/2) mile in width, and that this petition is signed and duly acknowledged by each and every person or corporation having an interest in said land.

Signature

Date

(Signature) *Betty Serman*
(Printed Name) *Betty Serman*

3-10-11

(Signature) *W. Schulte*
(Printed Name) *W. SCHULTE*

3-10-11

(Signature) _____
(Printed Name) _____

COPY

VOL 2848 VOL 3048 PG 0519
PG 0617

10-003976

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

GENERAL WARRANTY GIFT DEED

Date: March 9, 2010

Grantor: ELRENE P. SCHULTZE and LEOLA A. SCHULTZE, husband and wife.

Grantor's Mailing Address:

4280 Gin Road
Seguin, TX 78155
Guadalupe County

Grantee: NELSON W. SCHULTZE and BETTY JEAN SURMAN

Grantee's Mailing Address:

Nelson W. Schultze
7150 Linne Road
Seguin, TX 78155
Guadalupe County

Betty Jean Surman
4310 Gin Road
Seguin, TX 78155
Guadalupe County

Consideration:

Love of, and affection for, Grantee.

Property (including any improvements):

ALL THAT CERTAIN 96.05 acre tract of land, more or less, situated in Guadalupe County, State of Texas, on the waters of the Santa Clara Creek, about 4 miles from Marion, Texas, being known as 96.05 acres of land, part of the Guadalupe Torres Survey, Abstract No. 313, Certificate No. 315, Survey No. 69 and being the same parcel of land conveyed by James Sterling Cage and wife, Constance Cage, to Elrene P. Schultze and wife, Leola A. Schultze, by deed dated January 24, 1977, and recorded in Volume 530 Page 38 et. seq. of the official public records of Guadalupe County, Texas and being more particularly described by metes and bounds in Exhibit "A", attached hereto and made a part hereof for all purposes.

LESS AND EXCEPT all that certain 28.487 tract of land, more or less, situated in Guadalupe County, State of Texas, part of the Guadalupe Torres Survey, Abstract No. 69 out of the above described 96.05 acre tract heretofore conveyed by the said James Sterling Cage and Constance Cage, and being more particularly by metes and bounds in Exhibit "B" attached hereto and made a part hereof for all purposes

LESS AND EXCEPT all that certain 10.00 acre tract of land, more or less, conveyed by Elrene P. Schultze and wife, Leola A. Schultze to Darryl Ross Surman and wife, Betty Jean Surman by deed dated March 11, 1977, and recorded in Volume 531 Page 82 et. seq. of the official public records of Guadalupe

VAL3048 P60520

VAL2848 P60618

County, Texas and being more particularly described by metes and bounds in Exhibit "C" attached hereto and made a part hereof for all purposes.

LESS AND EXCEPT all that certain 15.00 acre tract of land, more or less, conveyed by Elrene P. Schultze and wife, Leola A. Schultze to Nelson Schultze and wife, Jacquelyn Schultze by deed dated March 11, 1977, and recorded in Volume 531 Page 85 et. seq. of the official public records of Guadalupe County, Texas, and being more particularly described by metes and bounds in Exhibit "D", attached hereto and made a part hereof for all purposes.

Reservations from Conveyance:

For Grantor and Grantor's assigns, a reservation of the full possession, benefit, and use of the Property for the remainder of the life of Grantor, as a life estate. Grantor retains complete power, without the joinder of any person, to mortgage, sell, and convey the Property and to spend any proceeds; to exchange it for other property; to lease the surface and subsurface of the Property; to execute and deliver oil, gas, and other mineral leases for any term of years and for a term based on the continuing production of oil, gas, or other minerals from the Property, ending either before or after Grantor's death; and to invest and reinvest all proceeds from the sale or other disposition of the Property. This life estate carries with it the right to possess and consume all bonuses, delay rentals, royalties, and other benefits payable on any mortgage, sale, or conveyance under oil, gas, and other mineral leases covering the Property at the inception of this life estate without any duty to the remainderman and without liability for waste.

Exceptions to Conveyance and Warranty:

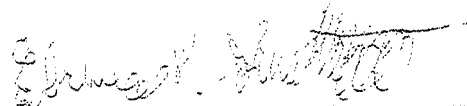
Validly existing easements, rights-of-way, and prescriptive rights, whether of record or not, all presently recorded and validly existing instruments, other than conveyances of the surface fee estate, that affect the Property; and taxes for 2010, which Grantee assumes and agrees to pay, but not subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantor assumes.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, gives, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

Grantor grants and conveys the Property to Grantee as Grantee's separate property

When the context requires, singular nouns and pronouns include the plural.

Prepared by Daniel H. Schulze, Attorney at Law, from the information furnished by the parties. No examination has been made and no opinion has been provided by the attorney preparing this instrument as to the title to or the description of the property involved.



ELRENE P. SCHULTZE

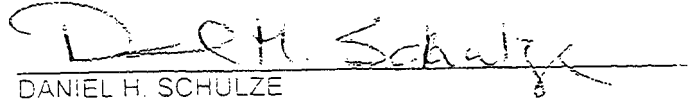


LEOLA A. SCHULTZE


STATE OF TEXAS)

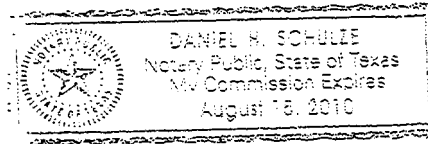
COUNTY OF GUADALUPE)

This instrument was acknowledged before me on March 9, 2010, by ELRENE P. SCHULTZE and
LEOLA A. SCHULTZE.


DANIEL H. SCHULZE
Notary Public, State of Texas

PREPARED IN THE LAW OFFICE OF

→ Daniel H. Schulze
630 FM 465
P.O. Box 745
Marco, Texas 78124




AFTER RECORDING RETURN TO:

EXHIBIT "A"

Being all that certain tract and parcel of land, situated in the County of Guadalupe, State of Texas, on the waters of the Santa Clara Creek, about 4 miles from Marion, Texas, being known as 96.05 acres of land, part of the Guadalupe Torres Survey, Abstract No. 313, Certificate No. 315, Survey No. 69, and described by metes and bounds as follows:

Beginning at a stake under fence, whence a mesquite tree 8 inches in dia. brs. N. 60 deg. E. 6.8 vrs for East corner of this tract and the south corner of a tract surveyed for Simon Hoese; Thence S 60 deg. W with fence 1011.8 vrs to a corner of fence on Northeast side of County Road for the South corner of this tract; Thence North 30 deg. 44' W with fence on Northeast side of road 405.4 vrs to the South corner of a one acre tract reserved for Graveyard; Thence North 59 deg. 11' E 43.8 vrs. to a point for the East corner of said Graveyard Reservation; Thence North 30 deg. 44' W 128.9 vrs. to a point under fence for the North corner of said Graveyard Reservation and for the West corner of this tract; Thence S 59 deg. 11' E with existing fence 968.1 varas to a stake, being the west corner of the Simon R. Hoese tract of land, the north corner of this tract; Thence S 30 deg. E 44' 3" with the southwest line of said Simon R. Hoese tract, 548.6 varas to the place of beginning. Being that same tract of land described in deed from Theodor H. Hoese to Myron M. Greer, dated November 15, 1951, recorded in Vol. 256, pages 13-15 of the Deed Records of Guadalupe County, Texas, to which instrument and the record thereof reference is here made for descriptive and all pertinent purposes.

Less and except, however, 0.96 acres of land conveyed by Myron M. Greer to Guadalupe County, Texas, for road, as set out in deed recorded in Vol. 263, pages 469-470 of the Deed Records of Guadalupe County, Texas, dated Dec. 18, 1952.

Being the same premises conveyed to James Sterling Cage and his wife, Constance Cage, by Myron M. Greer and Maude Odessa Greer by deed dated the 23rd day of September, 1953, of record in Volume 269, Pages 63-65, Deed Records of Guadalupe County, Texas.

EXHIBIT "B"

Less and Except, however, that certain 28.487 acres of land in Guadalupe County, Texas heretofore conveyed by the said James Sterling Cage and Constance Cage, to wit:

Being 28.487 acres of land out of the Guadalupe Torres Survey No. 69, Guadalupe County, Texas, and being 28.487 acres of land out of that certain 96.05 acre tract of land conveyed by Myron L. Greer, et ux, to James Sterling Cage, et ux, by deed dated Sept. 23, 1953 and recorded in Volume 269 on pages 63-65 of the Deed Records of Guadalupe County, Texas and described more particularly by metes and bounds as follows:

Beginning at an iron pin and corner post found, set for the original North corner of the above described 96.05 acre tract, for the North corner of the herein conveyed 28.487 acre tract;

Thence with the fence, the Northeast line of the said 96.05 acre tract, S. 30 deg. 44' E. 1,502.1 feet to an iron pin in the Northwest line of a County Road, set for the East corner of this 28.487 acre tract;

Thence with the fence, the Northwest line of the said County Road, S 60 deg. 00' W. 870.6 feet to an iron pin set for the South corner of this 28.487 acre tract;

Thence severing the land of the subject owner, N. 27 deg. 34' W. 1,492.2 feet to an iron pin in the fence, the Northwest line of the said 96.05 acre tract, set for the West corner of this 28.487 acre tract;

Thence with the fence, the Northwest line of the said 96.05 acre tract, N. 59 deg. 11' E. 788.1 feet to the place of beginning.

All said 28.487 acres described as per survey made on the ground under the supervision of William J. Aclodzie, R. P. S. 1162 on October 16, 1972.

EXHIBIT "C"

10.00 acres of land situated in a tract called 96.05 acres in conveyance to James Sterling Cage et ux from Myron M. Green et ux, Vol. 269, page 63 (hereinafter called the parent tract), Juan Jose Guerrero Survey No. 232, A-140, Guadalupe County, Texas, and described by metes and bounds as follows:

BEGINNING at an iron pin set for the South corner of this 10.00 acre tract and the present South corner of the parent tract bears S. 60° 00' W. 892.7';

THENCE into the parent tract N. 30° 44' W. 731.9' to an iron pin set for the West corner of this 10.00 acre tract;

THENCE N. 60° 00' E. 613.1' to an iron pin set for the North corner of this 10.00 acre tract;

THENCE S. 27° 56' E. 733.0' to an iron pin set for the East corner of this 10.00 acre tract and situated in the Northwest R.O.W. of a County Road;

THENCE with the Northwest R.O.W. S. 60° 00' W. 577.3' to the PLACE OF BEGINNING, and containing 10.00 acres of land.

EXHIBIT "D"

15.00 acres of land situated in a tract called 96.05 acres in a conveyance to James Sterling Cage et ux from Myron M. Green et ux, Vol. 269, page 63 (hereinafter called the parent tract), Juan Jose Guerrero Survey No. 232, A-140, Guadalupe County, Texas, and described by metes and bounds as follows:

BEGINNING at an iron pin set at the present South corner of the parent tract and being situated at the point of intersection of the Northwest and Northeast R.O.W.'s of two County Roads;
THENCE with the Northeast R.O.W. of a County Road N. 30° 44' W. 731.9' to an iron pin set for the West corner of this 15.00 acre tract;
THENCE into the parent tract N. 60° 00' E. 892.7' to an iron pin set for the North corner of this 15.00 acre tract;
THENCE S. 30° 44' E. 731.9' to an iron pin set for the East corner of this 15.00 acre tract and situated in the Northwest R.O.W. of a County Road;
THENCE with the Northwest R.O.W. S. 60° 00' W. 892.7' to the PLACE OF BEGINNING, and containing 15.00 acres of land.

FILED FOR RECORD
10 MAR 12 AM 11:45

TERESA KIEL
COUNTY CLERK GUADALUPE COUNTY

BY *Quay Smith*

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

FILED FOR RECORD
11 OCT 13 PM 2:59

TERESA KIEL
COUNTY CLERK GUADALUPE COUNTY

BY *Mary Kelso*

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