

Handwritten notes: 9/12/11 refiled to correct field notes, 11-018121 2011-0022, and other illegible scribbles.

11-018121 2011-0022
ORDINANCE No. ___-__

THE CITY OF NEW BERLIN
NEW BERLIN, TEXAS
275 - M 2538
SEQUIN, 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 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 June 16, 2011 ; 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 June 20, 2011 ;

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, 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 June 20, 2011

PASSED AND APPROVED this, the June 20, 2011.

[Signature of Mayor]

MAYOR
CITY OF NEW BERLIN, TEXAS

FILED FOR RECORD
SEP 12 PM 3:51
ATTEST:
[Signature of James Wallace]

CITY SECRETARY
CITY OF NEW BERLIN, TEXAS



BY
[Signature of County Clerk]
COUNTY CLERK
GUADALUPE COUNTY

FILED FOR RECORD
11 JUN 28 PM 1:38

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) *Arly D. Zwick*
(Printed Name) Arly D. Zwick

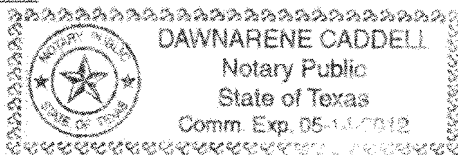
05-12-11

(Signature) *Jeanne Zwick*
(Printed Name) JEANNE ZWICK

5-12-11

(Signature) _____
(Printed Name) _____

SWORN AND SUBSCRIBED before me this 12th day of May, 2011.



Dawnarene Caddell
NOTARY PUBLIC,
State of Texas, County of Guadalupe

THENCE with the fenced south r.o.w. of the county road, N 80° 21' 09" E 872.55 feet and N 83° 59' 04" E 827.91 feet to an iron pin set for the northeast corner of this tract and situated in the common survey line between the Martinez and R. E. Brown No. 443, A-63;

THENCE with the fenced common survey line between the Martinez and Brown Surveys, S 29° 38' 54" E 127.2 feet to the PLACE OF BEGINNING and containing 13.663 acres of land,

and the other parties hereto do grant, release and confirm unto the said LAVERNE ZWICKE SOEFJE the premises above described; to have and to hold the premises above described, with all and singular the hereditaments and appurtenances thereunto belonging, unto the said LAVERNE ZWICKE SOEFJE, her heirs and assigns forever. And the other parties hereto do hereby bind themselves, their heirs, executors and administrators to warrant and forever defend all and singular the said premises unto the said LAVERNE ZWICKE SOEFJE, her heirs and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof.

SEVENTH: The said AUBREY ZWICKE shall henceforth have, hold, possess and enjoy unto himself, his heirs and assigns, for his part, share and proportion of the said lands and premises, free from any and all claims of the other parties hereto, the following described property, to-wit:

TRACT 7:

18.499 acres of land situated in a tract described in a conveyance recorded in Volume 551, page 355, Deed Records, L. Martinez Survey, A-218, Guadalupe County, Texas, and described by metes and bounds as follows:

BEGINNING at an iron pin set for the southeast corner of this tract situated in the fenced common survey line between the Martinez Survey and the Peter Bollinger Survey, A-54, and marking the southwest corner of Tract 6-B and the east corner of the Martinez Survey bears N 67° 20' 48" E 1686.34 feet;

THENCE with the fenced common survey line between the Martinez and Bollinger Surveys, S 67° 20' 48" W 966.31 feet to an iron pin set for the southwest corner of this tract marking the northwest corner of the Bollinger Survey;

THENCE with the common line between Tracts 7 and 8, N 22° 46' 31" W 553.28 feet, S 61° 00' W 384.97 feet and N 26° 55' W 409.0 feet to an iron pin set for the northwest corner of this tract, the northeast corner of Tract 8, and situated in the south r.o.w. of a county road;

THENCE with the fenced south r.o.w. of the county road, N 81° 44' 18" E 1358.37 feet and N 80° 21' 09" E 94.62 feet to an iron pin set for the northeast corner of this tract, the northwest corner of Tract 6-B;

THENCE with the common line between Tracts 7 and 6-B, S 19° 50' 47" E 560.34 feet to the PLACE OF BEGINNING and containing 18.499 acres of land.

and the other parties hereto do grant, release, and confirm unto the said AUBREY ZWICKE the premises above described; to have and to hold the premises above described, with all and singular the hereditaments and appurtenances thereunto belonging, unto the said AUBREY ZWICKE, his heirs and assigns forever. And the other parties hereto do hereby bind themselves, their heirs, executors and administrators to warrant and forever defend all and singular the said premises unto the said AUBREY ZWICKE, his heirs and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof.

EIGHTH: The said DENNIS ZWICKE shall henceforth have, hold, possess and enjoy unto himself, his heirs and assigns, for his part, share and proportion of the said lands and premises, free from any and all claims of the other parties hereto, the following described property, to-wit:

TRACT 8:

18.499 acres of land situated in a tract described in a conveyance recorded in Volume 551, page 355, Deed Records, L. Martinez Survey, A-218, Guadalupe County, Texas, and described by metes and bounds as follows:

BEGINNING at an iron pin set for the southeast corner of this tract and marking the northeast corner of the Jose M. Sierra Survey, A-294, and the east corner of the Martinez Survey bears N 22° 53' 06" W 149.31 feet and N 67° 20' 48" E 2552.63 feet;

THENCE with the fenced common line between the Martinez and Sierra Surveys, S 60° 16' 25" W 788.99 feet to an iron pin set for the southwest corner of this tract and marking the southeast corner of Tract 9;

THENCE with the common line between Tracts 8 and 9, N 26° 55' W 1332.92 feet to an iron pin set for the northwest corner of this tract, the northeast corner of Tract 9 and situated in the south r.o.w. of a county road;

THENCE with the fenced south r.o.w. of the county road, N 87° 05' 19" E 457.9 feet and N 81° 44' 18" E 37.46 feet to an iron pin set for the northeast corner of this tract, the northwest corner of Tract 7;

THENCE with the common line between Tracts 8 and 7, S 26° 55' E 409.0 feet, N 61° 00' E 384.97 feet and S 22° 46' 31" E 553.28 feet to an iron pin for the southwest corner of Tract 7 and S 22° 53' 06" E 149.31 feet to the PLACE OF BEGINNING and containing 18.499 acres of land.

and the other parties hereto do grant, release, and confirm unto the said DENNIS ZWICKE the premises above described; to have and to hold the premises above described, with all and singular the hereditaments and appurtenances thereunto belonging, unto the said DENNIS ZWICKE, his heirs and assigns forever. And the other parties hereto do hereby bind themselves, their heirs, executors and administrators to warrant and forever defend all and singular the said premises unto the said DENNIS ZWICKE, his heirs and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof.

NINTH: The said WAYNE ZWICKE shall henceforth have, hold, possess and enjoy unto himself, his heirs and assigns, for his part, share and proportion of the said lands and premises, free from any and all claims of the other parties hereto, the following described property, to-wit:

TRACT 9:

18.499 acres of land situated in a tract described in a conveyance recorded in Volume 551, page 355, Deed Records, L. Martinez Survey, A-218, Guadalupe County, Texas, and described by metes and bounds as follows:

2682

THE STATE OF TEXAS.

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF MILAM

THAT we, La Verne Zwicke Soefje, joined herein pro forma by my husband, Harold J. Soefje

of the County of Milam and State of Texas, for and in consideration of the sum of Ten and more/100 DOLLARS, to us in hand paid by Aubrey D. Zwicke and wife Jeanne M. Zwicke of Route 4, Box 189, Seguin, Texas 78155

of the County of Guadalupe and State of Texas, the receipt of which is hereby acknowledged, have granted, sold and conveyed, and by these presents do GRANT, SELL AND CONVEY unto the said Aubrey D. Zwicke and wife Jeanne M. Zwicke

of the County of Guadalupe, in the State of Texas. All that certain tract or parcel of land described as follows, to-wit: All that 3.00 acres of land in the L. Martinez Survey, A-218, Guadalupe County, Texas as further described in Exhibit "A", attached hereto and incorporated herein for all purposes, and being the same land conveyed by Arnold S. Zwicke et al to La Verne Zwicke Soefje et al by Partition Deed of record dated October 30, 1980 in Volume 608, Page 799 of the Deed Records of Guadalupe County, Texas.

245 LANDA STREET
P. O. BOX 567
NEW BRAUNFELS, TEXAS 78130

EXHIBIT "A"

OFFICE PH. 625-1011
HOME PH. 625-4857

RAYMOND DIETERT
REGISTERED PUBLIC SURVEYOR NO. 1868

February 23, 1981

FIELD NOTES describing 3.00 acres of land out of a 13.663 acre tract situated in a tract described in a conveyance recorded in volume 551, page 355, deed records, L. Martinez Survey, A-218, Guadalupe County, Texas, and described by metes and bounds as follows:

BEGINNING at an iron pin found situated in the fenced common survey line between the L. Martinez Survey, A-218, and the Peter Bollinger Survey, A-54, and marking the southwest corner of this tract, the southwest corner of the called 13.663 acre tract, the southeast corner of Tract 7, and the east corner of the L. Martinez Survey bears N 67° 20' 48" E 1686.34 feet;

THENCE with the common line between this tract and Tract 7, N 19° 50' 47" W 560.34 feet to an iron pin found situated in the south R.O.W. of a county road and marking the northwest corner of this tract, the northwest corner of the called 13.663 acre tract, the northeast corner of Tract 7;

THENCE with the fenced south R.O.W. of the county road, N 80° 21' 09" E 249.5 feet to an iron pin set for the northeast corner of this tract;

THENCE across the called 13.663 acre tract, S 19° 50' 47" E 504.12 feet to an iron pin set for the southeast corner of this tract situated in the fenced common survey line between the Martinez and Bollinger Surveys;

THENCE with the fenced common survey line between the Martinez and Bollinger Surveys, S 67° 20' 48" W 245.85 feet to the PLACE OF BEGINNING and containing 3.00 acres of land.

I hereby certify this survey was made under my supervision in February, 1981.

Raymond Dietert
Raymond Dietert, R.P.S. 1868

1013048 180621

VOL 3048 PAGE 28

VOL 69, PAGE 28

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 Aubrey D. Zwicke and wife Jeanne M. Zwicke, their

heirs and assigns forever, and we do hereby bind ourselves, our heirs, executors and administrators, to Warrant and Forever Defend, all and singular the said premises unto the said Aubrey D. Zwicke and wife Jeanne M. Zwicke, their

heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

Witness our hands at Cameron, Texas, this 25 day of February, A. D. 1982

Witnesses at Request of Grantor:

La Verne Zwicke Soefje
Harold J. Soefje

THE STATE OF TEXAS,
County of Milam

BEFORE ME, a Notary Public

in and for said County and State, on this day personally appeared La Verne Zwicke Soefje and Harold J. Soefje, wife and husband

known to me to be the person whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

GIVEN under my hand and seal of office, this 25 day of February 1982

Delois J. Obermiller
Notary Public, Milam County, Texas
Commission Expires 11-5-1983

THE STATE OF TEXAS,
County of

BEFORE ME

in and for said County and State, on this day personally appeared

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

GIVEN under my hand and seal of office, this day of 19

THE STATE OF TEXAS
COUNTY OF

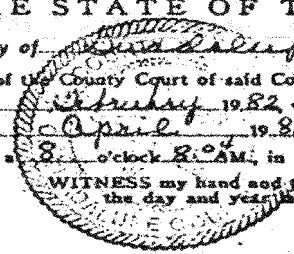
BEFORE ME

in and for said County and State, on this day personally appeared known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same as the act and deed of of Texas, and as the thereof and for the purposes and consideration therein expressed.

Given under my hand and seal of office, this day of 19

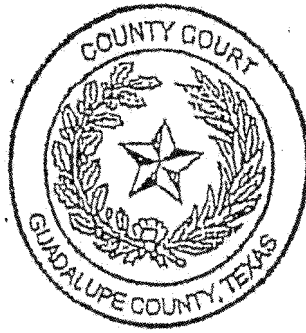
THE STATE OF TEXAS,
County of

Clerk of the County Court of said County, do hereby certify that the above instrument of writing, dated on the 25 day of February 1982 with its Certificate of Authentication, was filed for record in my office, the 23 day of April 1982 at 1:15 o'clock P.M. and duly recorded the 28 day of April 1982 at 8 o'clock A.M. in the Dead records of said County, in Volume 639 on page 27-28



WITNESS my hand and the seal of the County Court of said County, at office in Seguin, Texas the day and year last above written.

Frank Schmidt Clerk
County Court, Milam County, Texas
By Josephine Schwaner Deputy



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 11-18121 affixed on the first page of this document.

FILED FOR RECORD

11 OCT 13 PM 3:35

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