

8/C  
Submitt

VOL 3123 PG 992  
15.026 acres

12-008444  
ORDINANCE No. 2011-0038

Return to:  
THE CITY OF NEW BERLIN  
NEW BERLIN, TEXAS  
275 FM 2538  
SEGUIN, TX 78155 ← Rtc

**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 2-11-2011 ; 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 9-12-2011 :

**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 September 12, 2011

PASSED AND APPROVED this, the September 12, 2011.



MAYOR  
CITY OF NEW BERLIN, TEXAS

ATTEST:

Jane Wallau

CITY SECRETARY  
CITY OF NEW BERLIN, TEXAS



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

*Seibert*

**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) *Michael L Seibert*  
(Printed Name) Michael Lew Seibert

2-11-2011

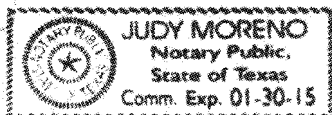
(Signature) *Kimberly Seibert*  
(Printed Name) Kimberly Seibert

2/11/2011

(Signature) \_\_\_\_\_  
(Printed Name) \_\_\_\_\_

\_\_\_\_\_

State of Texas County of Groesbeek  
Sworn to and subscribed before me this 11  
day of February, 2011  
Judy Moreno Notary Public



*3965 Glen Road*  
*78155*

**EXHIBIT "A"****TRACT ONE:**

Field notes describing a 3.096 acre tract of land out of the Juan Jose Guerrero Survey No. 232, Abstract 140, being out of a tract of land called 15.00 acres described in Volume 488, Page 831, Deed Records, Guadalupe County, Texas, and being more particularly described as follows:

**Beginning** at a 1/2" diameter iron pin set in the northeast line of a tract of land called 15.75 acres described in Volume 506, Page 677, Deed Records, Guadalupe County, Texas, and the southwest line of the 15.00 acre tract for the south corner of the herein described tract. Said pin bears N 29° 25' 00" W, 616.68 feet from a 1" diameter pipe found for the ~~east~~ corner of the 15.75 acre tract and the south corner of the 15.00 acre tract.

**Thence**, N 29° 25' 00" W, 530.72 feet with the northeast line of the 15.75 acre tract and the southwest line of the 15.00 acre tract to a 1/2" diameter iron pin found for the south corner of a tract of land called 5.61 acres, described in Volume 741, Page 466, Official Records, Guadalupe County, Texas, and being the west corner of the herein described tract.

**Thence**, N 61° 04' 05" E, 254.15 feet with the southeast line of the 5.61 acre tract and the northwest line of the 15.00 acre tract to a 1/2" diameter iron pin set for the north corner of the herein described tract.

**Thence**, S 29° 25' 00" E, 530.72 feet crossing into the 15.00 acre tract to a 1/2" diameter iron pin set for the east corner of the herein described tract.

**Thence**, S 61° 04' 05" W, 254.15 feet crossing a portion of the 15.00 acre tract to the **Place of Beginning** and containing 3.096 acres tract of land according to a survey made on the ground on December 9, 1998 by Tri-County Land Surveying Inc.

**EXHIBIT "A"**

**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) Michael L Seibert  
(Printed Name) Michael Leav Seibert

2-11-2011

(Signature) \_\_\_\_\_  
(Printed Name) \_\_\_\_\_

\_\_\_\_\_

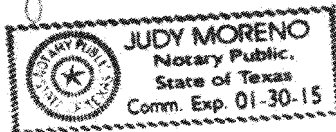
(Signature) \_\_\_\_\_  
(Printed Name) \_\_\_\_\_

\_\_\_\_\_

State of Texas County of Guadalupe

Sworn to and subscribed before me this 11  
day of February, 2011

Judy Moreno Notary Public



All that certain 6.32 acre tract situated in the V. Gortari Survey, A-24, Guadalupe County, Texas. Said 6.32 acre tract is that tract called 6.11 acres in conveyance from L. Kuehler, et ux, to Santa Clara Gin Company recorded in volume 55 at page 74 of the Deed Records of said county and being described by metes and bounds, as follows:

BEGINNING at a 1/4 inch diameter iron stake set at a two-way fence corner marking the northeast corner of the tract herein described, same being the northeast corner of said 6.11 acre tract and lying in the south line of County Road No. 304. Said iron stake bears, S 85°26' W, 1433.7 feet from a fence corner marking the intersection of the common line of the V. Gortari Survey, A-24 and the J. Williams Survey, A-329 with the south line of said County Road No. 304;

THENCE with an old fence, along the east line of the tract herein described, same being the east line of said 6.11 acre tract, S 11°01'06" E, 456.40 feet to a 1/4 inch diameter iron stake set at a two-way fence corner marking the southeast corner of the tract herein described, same being the southeast corner of said 6.11 acre tract;

THENCE with an old fence, along the south line of the tract herein described, same being the south line of said 6.11 acre tract, S 79°04'00" W, 630.23 feet to a 1/4 inch diameter iron pipe found at a two-way fence corner marking the southwest corner of the tract herein described, same being the southwest corner of said 6.11 acre tract;

THENCE with the fence along the west line of the tract herein described, same being the west line of said 6.11 acre tract, N 10°44'04" W, 378.48 feet to a 24 inch diameter mesquite tree marking the northwest corner of the tract herein described and lying in the south line of said County Road No. 304 and being the approximate location of the common line of the V. Gortari Survey, A-24 and the Juan Jose Guerrero Survey, A-140;

THENCE with a row of fence posts along the common line of the tract herein described and said County Road No. 304, as follows:

- N 71°24'11" E, 42.81 feet;
- N 64°37'13" E, 172.66 feet;
- N 67°05'10" E, 156.65 feet;
- N 74°53'16" E, 101.95 feet;
- N 80°26'35" E, 72.64 feet and;
- N 84°44'55" E, 91.51 feet to the place of beginning and containing 6.32 acres of land.

EXHIBIT "A"

RECORDED IN OFFICIAL RECORDS  
 FILE DATE 9-10-91  
 FILE TIME 4:25 O'CLOCK P. M.  
 VOL 269 PAGE 741-743  
 SEP 10 1991  
 RECORDING DATE  
 COUNTY CLERK GUADALUPE COUNTY

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

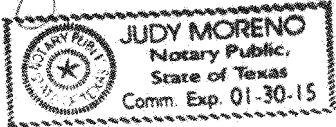
TO: THE MAYOR AND GOVERNING BODY OF THE CITY OF NEW BERLIN, TEXAS

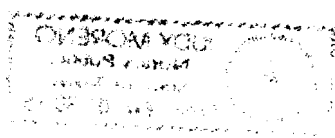
The undersigned owner(s) of the hereinafter described tract of land which is vacant and without residents, or on which less than three (3) qualified voters reside, hereby petition your honorable body to extend the present municipal limits so as to include and annex as a part of the City of New Berlin,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

<u>Signature</u>	<u>Date</u>
(Signature) <u>Michael Seibert</u> (Printed Name) <u>Michael Seibert</u>	<u>2-11-2011</u>
(Signature) <u>Kimberly Seibert</u> (Printed Name) <u>Kimberly Seibert</u>	<u>2-11-2011</u>
(Signature) _____ (Printed Name) _____	_____

State of Texas County of Guadalupe  
 Sworn to and subscribed before me this 11  
 day of February, 2011  
Judy Moreno Notary Public





## EXHIBIT "A"

Field notes describing 5.61 acres of land situated in the Juan Jose Guerrera Survey, Abst. 140, Guadalupe County, Texas. Said 5.61 acre tract is part of a tract called 76.05 acres in conveyance from Oscar F. Zwicke to John M. Seitz dated October 30, 1951 and recorded in Volume 254 at Page 188 of the Deed Records of said county and is described by metes and bounds as follows:

BEGINNING at a fence corner and iron stake marking the north corner of the patent tract and the tract herein described, said corner being in a common line of the Juan Jose Guerrera Survey, Abst. 140 and the G. Torres Survey, Abst. 313;

THENCE with the fence along the northeast line of the parent tract, S. 29 deg. 34' E. 430.3 feet to an iron stake;

THENCE into the parent tract, S 60° 52' W 568.6 feet to an iron stake marking the south corner of the tract herein described;

THENCE N 29° W 430.3 feet to an iron stake set in the northeast line of the parent tract;

THENCE with fence along said line and common line of the Guerrera and Torres Surveys, N 60° 52' E 567.4 feet to the place of beginning and containing 5.61 acres of land.

There is also conveyed herewith all of the right, title and interest owned by Grantor in and to that certain access easement described as a strip of land 30 feet wide, the Southeast line of which begins at the South corner of the tract herein described and extends S. 61° 19' W 460.8 feet to a re-entrant corner of the easement herein described; Thence with the Northeast line of said easement, S. 29 deg. 25' E. 171.2 feet to the North line of a county road which reservation was contained in a deed executed by Donald L. Ashcraft, et ux to the Veterans Land Board of the State of Texas on or about August 2, 1974, and which is set out on Page 2 of a Contract of Sale and Purchase by and between the Texas Veterans Land Board of the State of Texas, and James A. Beard dated August 2, 1974, and recorded in Volume 488 on Page 831 of the Official Public Records of Guadalupe County, Texas.



# EXHIBIT "A"

VOL 3123 P60999

TRACT TWO:

## 30 FOOT WIDE INGRESS AND EGRESS EASEMENT

Field notes describing a 30 foot wide Ingress and Egress easement out of the Juan Jose Guerrero Survey No. 232, Abstract 140, Guadalupe County, Texas, being over a portion of a tract of land called 15.00 acres described in Volume 488, Page 831, Deed Records, Guadalupe County, Texas, and being more particularly described as follows:

**Beginning** at a 1" diameter pipe found in the northwest line of a tract of land called 12.7 acres, described in Volume 17, Page 264, Deed Records, Guadalupe County, Texas, for the east corner of a tract of land called 15.75 acres, described in Volume 506, Page 677, Deed Records, Guadalupe County, Texas, and the east corner of a 30' wide access easement described in Volume 488, Page 831, Deed Records, Guadalupe County, Texas, the south corner of the 15.00 acre tract and the herein described easement.

**Thence**, N 29° 25' 00" W, 616.68 feet with the northeast line of the 15.75 acre tract and the southwest line of the 15.00 acre tract to a 1/2" diameter iron pin set for the south corner of a 3.096 acre tract of land this day surveyed and the west corner of the herein described easement.

**Thence**, N 61° 04' 05" E, 30.00 feet with the southeast line of the 3.096 acre tract to a point for the north corner of the herein described easement.

**Thence**, S 29° 25' 00" E, 616.72 feet crossing a portion of the 15.00 acre tract to a point in the northwest line of the 12.7 acre tract and the southeast line of the 15.00 acre tract for the east corner of the herein described tract.

**Thence**, S 61° 08' 56" W, 30.00 feet with the northwest line of the 12.7 acre tract and the southeast line of the 15.00 acre tract to the **Place of Beginning** and covering 0.425 of an acre of land according to a survey made on the ground on December 9, 1998 by Tri-County Land Surveying Inc.

FILED FOR RECORD

12 MAY -9 PM 3:07

TERESA KIEL  
COUNTY CLERK GUADALUPE COUNTY

BY *[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.



*[Signature]*  
TERESA KIEL  
Guadalupe County Clerk

# EXHIBIT "A"