

A/C Seaward

11-018085

VOL 3048 P 60385

ORDINANCE NO. 05-001

**Ordinance Annexing Territory That is Inhabited By Fewer Than Three Voters**

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

AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF NEW BERLIN, GUADALUPE COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN THE CITY LIMITS, AND GRANTING TO SAID TERRITORY AND TO ALL FUTURE INHABITANTS OF SAID PROPERTY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID FUTURE INHABITANTS BY ALL OF THE ACTS AND ORDINANCES OF THE SAID CITY.

WHEREAS, a petition for annexation has been duly signed and acknowledged by each and every person or corporation having an interest in the following described territory, and

WHEREAS, said tract of land is contiguous and adjacent to the City of New Berlin, Texas, and is not more than one-half(1/2) mile in width, and

WHEREAS, said petition was presented to the City Council on the 18<sup>th</sup> day of APRIL, 19<sup>2005</sup>, and

WHEREAS, after hearing such petition and the arguments for and against the same the City Council has voted to grant such petition and to annex said territory to the City of New Berlin, Texas;

NOW THEREFORE, be it ordained by the City Council of the City of New Berlin, Texas; that the following described property, to-wit:

Field notes describing a 5.00 acre tract of land out of the Vicente Duran Survey No.4, Abstract 19, Guadalupe County, Texas, being a portion of a tract of land called 43.19 acres, conveyed to George A. Denning and wife Carrie N. Denning by deed recorded in Volume 512, Page 416, Deed Records, Guadalupe County, Texas and being more particularly described as follows: Note: All set pins are 1/2" diameter rebar with an orange plastic cap stamped "Tri-County".

Beginning at a 1 1/2" diameter pipe found for the east corner of a tract of land called 50 acres, described in Volume 434, Page 555, Deed Records, Guadalupe County, Texas, the west corner of a tract of land called 161.026 acres, described in Volume 1451, Page 1 Official Records, Guadalupe County, Texas, the south corner of the 43.19 acre tract and the herein described tract.

Thence, N 29° 36' 05," W, 387.65 feet with the northeast line of the 50 acre tract and the southwest line of the 43.19 acre tract to an iron pin set for the west corner of the herein described tract.

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2005 JUN 22 11:43  
CLERK OF COUNTY RECORDS  
GUADALUPE COUNTY  
TX

Thence, N 61° 04' 10" E, 561.89 feet crossing a portion of the 43.19 acre tract to an iron pin set for the north corner of the herein described tract.

Thence, S 29° 36' 05" E, 387.65 feet crossing a portion of the 43.19 acre tract to an iron pin set in the northeast line of the 161.026 acre tract and the southeast line of the 43.19 acre tract for the east corner of the herein described tract.

Thence, S 61° 04' W, 561.89 feet with the northwest line of the 161.026 acre tract and the southeast line of the 43.19 acre tract to the Place of Beginning and containing 5.00 acre of land according to a survey made on the ground on August 1, 2003, by Tri County Land Surveying Inc.

Also conveyed are ingress and egress easements for the benefit of the property conveyed, or its parent tract of 43.19 acres, including, but not limited to, those of record in Volume 424, Page 555, Volume 486, Page 765, Deed Records of Guadalupe County, Texas and Volume 1099, Page 603 Official Public Records of Guadalupe County, Texas as described therein along with any and all easements benefiting this property retained in deeds from Grantor's predecessors in title.

And

Field notes describing a 38.25 acre tract of land out of the Vicente Duran Survey No.4 Abstract 19, Guadalupe County, Texas, being a portion of a tract of land called 43.19 acres, conveyed to George A Denning and wife Carrie N. Denning by deed recorded in Volume 612, P 416, Deed Records, Guadalupe County, Texas and being more particularly described as follows: Note: all set pins are 1/2" diameter rebar with an orange plastic cap stamped "Tri-County".

Beginning at an iron pin set in the northeast line of a tract of land called 10.00 acres described in Volume 694, Pg. 1150, Official Records, Guadalupe County, Texas and the southernmost southwest line of the 43.19 acre tract for the west corner of a 5.00 acre tract of land this day surveyed and recorded in Volume 1912, Page 749, Official Records, Guadalupe County, Texas for the westernmost south corner of the herein described tract. Said pin bears N 29° 36' 05" W, 387.85 feet from a 1 1/2" diameter pipe found for the south corner of the 43.19 acre tract.

Thence, N 29° 36' 05" W, with the northeast line of the 10.00 acre tract and the southernmost southwest line of the 43.19 acre tract, at 1034.53 feet a 1 1/2" diameter pipe found, continuing for a total distance of 1089.27 feet to a point in the southeast line of a tract of land called 30.40 acres, described in Volume 6275, Page 810, Real Property Records, Bexar County, Texas, situated in the center of the Cibolo Creek for the north corner of the 10 acre tract, the west corner of the 34.19 acre tract and the herein described tract.

Thence, along the center of the Cibolo Creek with the southeast line of the 30.40 acre tract, the southeast and east line of another 30.40 acre tract described in volume 6229, Page 88, Real property Records, Bexar County, Texas, the northwest and the northernmost southwest line of the 43.19 acre tract as follows:

N 70° 34' 54" E, 319.67 feet to a point for an angle point.

N 87° 00' 11" E, 138.04 feet to a point for an angle point.

N 57° 28' 56" E, 84.29 feet to a point for an angle point.

S 76° 56' 06" E, 41/16 feet to a point for an angle point.

N 55° 33' 39" E, 168.69 feet to a point for an angle point.

N 06° 06' 41" W, 98.16 feet to a point for an angle point.

N 49° 55' 08" W, 139.50 feet to a point for an angle point.

N 54° 14' 41" W 127.28 feet to a point for an angle point.

N 35° 45' 49" W, 59.42 feet to a point for an angle point.

N 11° 15' 59" W, 146.52 feet to a point for an angle point.

N 16° 13' 07" W, 69.30 feet to a point for an angle point.

N 04° 01' 26" E, 13.09 feet to a point for the northern most west corner of a tract of land called 130.98 acres, described In Volume 1042, Page 447, Official Records, Guadalupe County, Texas, the northernmost west corner of the 43.19 acre tract and the herein described tract.

Thence, N 53° 34' 40" E, with the northernmost southeast line of the 130.98 acre tract and the northern most northwest line of the 43.19 acre tract, at 69.22 feet an iron pin set, continuing for a total distance of 400.42 feet to a ½" diameter Iron pin found for an interior corner of the 130.98 acre tract, the northernmost north corner of the 43.19 acre tract and the herein described tract.

Thence, S 29° 26' 42" E, 1108.90 feet with the southernmost southwest line of the 130.98 acre tract and the northernmost northeast line of the 43.19 acre tract to a point for the south corner of an old road as mentioned in Volume 1042, Page 447, Official Records, Guadalupe County, Texas, for an Interior corner of the 43.19 acre tract and the herein described tract.

Thence, N 60° 31' 08" E, 14.51 feet with the south line of the old roadway to a 1" diameter pipe found for the northernmost west corner of the remainder of a tract of land called 161.026 acres, described in Volume 1451 ,Page 1, Official Records, Guadalupe County, Texas and the southernmost north corner of the herein described tract.

Thence, S 29° 23' 33" E, 896.40 feet with the northernmost southwest line of the 161.026 acre tract and the northeast line of the 43.19 acre tract to a ½" diameter Iron pin with a plastic cap stamped "Tri- County" found in the northwest line of the Texas Heritage Subdivision, plat recorded in Volume 6, Page 388, Plat Records, Guadalupe County, Texas, for the east corner of the 43.19 acre tract and the herein described tract.

Thence, S 61° 04' 10" W, 599.81 feet with the northwest line of the Texas Heritage Subdivision and the southeast line of the 43.19 acre tract to an Iron pin set for the east corner of the 5.00 acre tract and the easternmost south corner of the herein described tract

Thence, N 29° 36' 05" W, 387.65 feet crossing a portion of the 43.19 acre tract with the northeast 5.00 acre tract to an Iron pin set for the north corner of the 5.00 acre tract, being an interior corner of the herein described tract

Thence, S 61° 04' 10" W, 561.89 feet crossing a portion of the 43.19 acre tract with the northwest line of the 5.00 acre tract to the Place of Beginning and containing 38.25 acres of land according to a survey made on the ground on August 1, 2003, by Tri-County Land Surveying Inc.

be and the same is hereby annexed to the **City of New Berlin, Guadalupe County, Texas**, be and the same are hereby extended to include the above described territory within the city limits of the **City of New Berlin, Texas** and the same shall hereafter be included within the territorial limits of said city, and said land and the future inhabitants

thereof shall hereafter be entitled to all rights and privileges of other citizens of the **City of New Berlin, Texas** and shall be bound by the acts and ordinances of said city.


The City Secretary is hereby directed to file with the County Clerk of **Guadalupe County, Texas** a certified copy of this ordinance.

PASSED by an affirmative vote of all members of the City Council, this 18<sup>th</sup> day of April, 192005.

APPROVED:

  
\_\_\_\_\_  
Mayor

ATTEST:

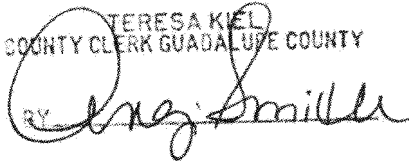
  
\_\_\_\_\_  
City Secretary



FILED FOR RECORD

11 OCT 13 PM 2:16

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  
Guadalupe County Clerk

Date Requested: 4-14-05  
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 \_\_\_\_\_ acres in that certain tract of land out of the \_\_\_\_\_ Survey, conveyed by Warranty Deed recorded in Volume \_\_\_\_\_ page \_\_\_\_\_, Guadalupe County Deed of Records. This being acreage which was not annexed by incorporation on May 27, 1975.

Signed:

~~FW Seward~~ (TREV)

850 Zuehl Crossing  
La Vernia TX 78121

April L. Seward

April Seward

Frank W. Seward (Rick)

JULY 10, 2006

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 05-001 (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 (2) OF THE PARCEL.

SINCERELY

JANIE WALLACE  
SECRETARY, CITY OF NEW BERLIN, TEXAS



U.S. Department of Justice

Civil Rights Division

JKT:MSR:KL:maf  
DJ 166-012-3  
2006-5214

*Voting Section - NWB.  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530*

August 24, 2006

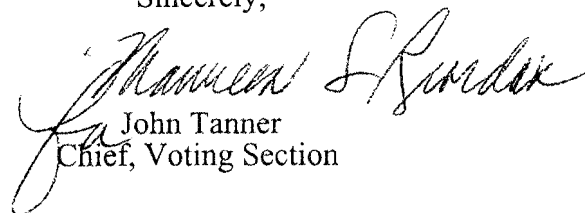
Ms. Janie Wallace  
Secretary  
275 FM 2538  
Seguin, Texas 78155

Dear Ms. Wallace:

This refers to two annexations (Ordinance Nos. 05-001 (2005) and 06-001 (2006)) to the City of New Berlin in Guadalupe County, Texas, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submission on July 17, 2006.

The Attorney General does not interpose any objection to the specified changes. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. In addition, as authorized by Section 5, we reserve the right to reexamine this submission if additional information that would otherwise require an objection comes to our attention during the remainder of the sixty-day review period. Procedures for the Administration of Section 5 of the Voting Rights Act (28 C.F.R. 51.41 and 51.43).

Sincerely,

  
John Tanner  
Chief, Voting Section