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Atty. Reddick
of volume

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14-000195

ORDINANCE No. 2013-0011

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 July 22, 2013; 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 August 19, 2013; and

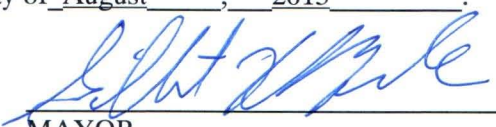
NOW THEREFORE:

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, 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 2. This ordinance shall be effective from and after August 19, 2013.

PASSED AND APPROVED this, the 19th day of August, 2013.



MAYOR
CITY OF NEW BERLIN, TEXAS

ATTEST:



CITY SECRETARY
CITY OF NEW BERLIN, TEXAS
(Seal)



After recording
Please return to:
City of New Berlin
New Berlin, Texas
275 FM 2538
Seguin, TX 78155

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 consisting of 100.367 acres is contiguous and adjacent to the City of New Berlin, Texas, and that this petition is signed and duly acknowledged by each and every person or corporation having an interest in said land.

Owner(s') Signature(s)

Date

X (Signature) *OTTO RADTKE* 7-22-2013

(Printed Name) OTTO RADTKE

X (Signature) *EMMA RADTKE* 7-22-2013

(Printed Name) EMMA RADTKE

(Signature) _____

(Printed Name) _____

Mailing Address:

5925 S. Santa Clara Road, Seguin, TX 78155

Property Address:

pm
60565925 S. Santa Clara Road, Seguin, TX 78155

Telephone: 830-914-3638

Amount of Land 100.367 acres

Note: \$40 Recording Fee must accompany your petition. If your petition is not accepted, your \$40 will be refunded CR # 6437

Amount Paid \$40 Accepted by *Joan Milanovich*

State of Texas
County of Guadalupe

Before me Clara Joan Milanovich on this day personally appeared
Emma + Otto Radtke, known
(name/names of signers)
to me or proved to me through _____ to be the
person(s) whose name(s) is/are subscribed to the foregoing instrument and each acknowledged
to me that he/she/they executed the same for the purposes and consideration therein expressed.
Given under my hand and seal of office this 22nd day of July, 2013.

Clara Joan Milanovich
Notary Public's Signature



(Notary Seal)

EXHIBIT "A"

Radtke Property at 6056 South Santa Clara Road

Being that portion of the 100.367 acres of land, more or less, described in Exhibit "B", that lies within the New Berlin Extra Territorial Jurisdiction. That jurisdiction contains the property that was not annexed by Ordinance 2013-0010 and lying between one-half mile or 2640 feet and one mile or 5280 feet west of Santa Clara Road and as shown on the map labeled Exhibit "C".

The State of Texas,

Know All Men by These Presents:

County of Guadalupe and as independent executors of the estate of Mary Radtke, deceased, Louis Radtke, Ernest Radtke, Walter Radtke, Mary Radtke Zunker and husband, Willie Zunker, Elsie Radtke Cellmer and husband, Louis Cellmer, Adeline Radtke Schraub and husband, Raymond Schraub, Henrietta Radtke Kusmierz and husband, Peter Kusmierz, and Josephine Radtke Mivelaz and husband, Louis Mivelaz,

of the County of Guadalupe State of Texas for and in consideration

of the sum of Twelve Thousand and no/100 (\$12,000.00)*****

*****DOLLARS

to us paid, and secured to be paid, by Otto Radtke and wife, Emma Radtke as follows: Eight Thousand and no/100 (\$8,000.00) Dollars in cash to us, the receipt of which by us is hereby acknowledged and confessed, \$7,300.00 of which is advanced by the Federal Land Bank of Houston and for which advancement a first vendor's lien is retained for the benefit of said Federal Land Bank of Houston (and to further protect the interest and all obligations evidenced by that certain note for such advancement indebtedness); and Four Thousand Dollars (\$4,000.00) to be paid to us in the future, with interest at the rate of 4% per annum, payable on or before 12 years from date, both principal and interest, which interest (as to the unpaid portion) will be compounded on each yearly anniversary date of said note. It is understood that the undersigned Henrietta Radtke Kusmierz and Peter Kusmierz receive and shall receive no part of said \$12,000.00 purchase price nor any interest therewith connected because they have received as consideration a conveyance of certain land to them. All the undersigned approve this sale and assign hereby any interest which may obtain to themselves or to others through themselves by reason of any provision in that will of Mary Radtke probated in Cause No. 4663, Probate Court, Guadalupe County, Texas, to the below-described 100.367 acres. We each represent that there are no facts existing which create a homestead right in said below-described 100.367 acres on the part of the undersigned and their respective families. Nor is said note payable to Otto Radtke; he and Emma Radtke are the makers of said note;

have Granted, Sold and Conveyed, and by these presents do Grant, Sell and Convey, unto the said Otto Radtke and wife, Emma Radtke

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of the County of Guadalupe State of Texas all that certain tract and parcel of land situated in Guadalupe County, Texas, and being 100.367 acres out of the Maria Radtke 100 acres (more or less) out of the Vicente Gortorio Survey in Guadalupe County, Texas, recorded in Volume 32, page 159, Deed Records of Guadalupe County, Texas. Beginning at the north corner of this tract a stake set in the S. W. line of the Marion and New Braunfels road; Thence S. 24 deg. 22 mins. E. 711.4 feet with said road to the E. corner of this tract also the N. corner of a 12.545 acre tract conveyed to Henrietta Kusmierz; Thence S. 60 deg. no minutes W. 1873.8ft. to a corner of the 12.545 acres; Thence N. 30 deg. no minutes W. 374.7ft. to a corner of the 12.545 acres; Thence S. 60 deg. no mins. W. 1289.6 ft. to a corner of the 12.545 acres; Thence S. 30 deg. no minutes E. 394.7 ft. to a corner of the 12.545 acres and being in the S. E. line of the original tract; Thence S. 60 deg. no minutes W. 2699.6 ft. to the Cibolo Creek (set a 1 1/2" pipe on bank of creek, N. 30 deg. W. 10.0 ft. from this point); Thence up the Cibolo Creek as follows: S. 63 deg. 46 mins W. 108.2 feet; S. 43 deg. 10 mins. W. 215.5 feet; S. 67 deg. 37 mins. W. 138.1 ft.; S. 54 deg. 40 mins. W. 182.4 ft.; S. 27 deg. 28 mins. W. 108.5 ft.; S. 50 deg. 31 mins. W. 249.5 ft.; N. 65 deg. 52 mins. W. 72.5 ft; N. 15 deg. no mins. E. 82.5 ft; W. 29 deg. 8 mins W. 221.5 ft.; N. 65 deg. 40 mins. W. 185.4 ft; N. 80 deg. 41 mins. E. 89.5 ft; N. 38 deg. 58 mins. E. 212.1 ft.; N. 28 deg. 52 mins. E. 181.9 ft.; N. 2 deg. 22 mins. E. 299.1 fet. to a corner from which a 1 1/2 inch forked Mesquite bears N. 60 deg. no minutes E. 60.0 ft; Thence N. 60 deg. no minutes E. 6393.3 ft. to the BEGINNING, containing 100.367 acres of land.

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 Otto Radtke and Emma Radtke, their

heirs and assigns, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof. We mean to convey herein all our right, title and interest in the above-described property.

But it is expressly agreed and stipulated that the Vendor's Lien is retained against the above described property, premises and improvements, until the above described notes, and all interest thereon are fully paid according to their face and tenor, effect and reading, when this deed shall become absolute. The first vendor's lien is in favor of said Federal Land Bank of Houston as aforesaid and the 2nd vendor's lien is in favor of said \$4,000.00 note as above provided.

WITNESS our hand at Seguin, Texas as above provided. this 31st day of July 19 62. Witness at request of Grantor: Peter Kusmierz, Henrietta Radtke Kusmierz, Ernest H. Radtke, Josephine Radtke Mivelaz, Louis Mivelaz, Adeline Radtke Schraub, Raymond Schraub, Mary Radtke Zunker, Willie Zunker, Elsie Radtke Cellmer, Harry Radtke, individually and as independent executor of the estate of Mary Radtke, deceased.

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THE STATE OF TEXAS,
COUNTY OF Guadalupe

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared ~~Otto Radtke and Harry Radtke~~, individually and as independent executors of the estate of ~~Harry Radtke~~, known to me to be the person whose names ~~are~~ 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 the 31st day of July A. D. 19 62.

(L. S.)

Robert E. Houssiere
Robert E. Houssiere
Notary Public in and for Guadalupe County, Texas

My commission expires June 1, 1963.

~~WIFE'S SEPARATE ACKNOWLEDGMENT~~

THE STATE OF TEXAS,
COUNTY OF Guadalupe

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BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared ~~Otto Radtke~~, individually and as independent executor of the estate of ~~Harry Radtke~~, known to me to be the person whose name is subscribed to the foregoing instrument, and ~~having been examined by me privily and apart from her husband, and having the same fully explained to her, she, the said~~ ~~acknowledged such instrument to be her act and deed, and she declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.~~ ~~with the capacity therein stated.~~

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 22nd day of August A. D. 19 62

(L. S.)

Robert E. Houssiere
ROBERT E. HOUSSIERE
Notary Public in and for Guadalupe County, Texas

My commission expires June 1, 1963.

JOINT ACKNOWLEDGMENT

THE STATE OF TEXAS,
COUNTY OF Guadalupe

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared Willie Zunker and Mary Radtke Zunker, his wife, both known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they each executed the same for the purposes and consideration therein expressed, and the said Mary Radtke Zunker, wife of the said Willie Zunker having been examined by me privily and apart from her husband, and having the same fully explained to her, she, the said Mary Radtke Zunker acknowledged such instrument to be her act and deed, and she declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 16 day of August A. D. 19 62.

(L. S.)

E. C. Schulz
E. C. SCHULZ, Notary Public
Notary Public in and for Guadalupe County, Texas

My commission expires June 1, 1963.

THE STATE OF TEXAS,
COUNTY OF GUADALUPE

I HEREBY CERTIFY that the foregoing instrument of writing with its certificate of authentication, was filed for record in my office on the 23 day of Aug, A. D. 19 62 at 9:25 o'clock A M., and was duly recorded by me on the 28 day of Aug, A. D. 19 62 in Vol. 350, page 202-205, of the Records of said County.

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

(L. S.)

Frank Schmidt
FRANK SCHMIDT
County Clerk
By *Evangelie Schiller*, Deputy.

151 2743

Warranty Deed
(WITH VENDOR'S LIEN)

FROM
Otto Radtke et al
TO
Otto Radtke et ux
Ph. H. Schmitt

FILED FOR RECORD
AUG 23 1962
This day of Aug, A. D. 19 62
at 9:25 o'clock A. M.
FRANK SCHMIDT
County Clerk
Evangelie Schiller
Deputy.

RECORDED
A. D. 19 62
In County Records
In Book 350, on Page 202-205
County Clerk.
By
Deputy.

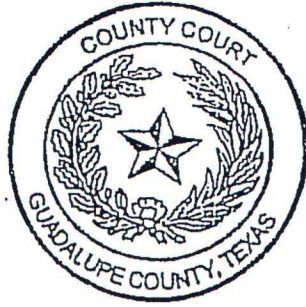
Recording Fee \$
This instrument should be filed immediately with the County Clerk for record.
Ph. H. Schmitt
4.00
Pd

THE CODE COMPANY, PUBLISHERS DALLAS
ROBERT E. HOUSSIERE
Attorney at Law
CITY CLERK QUINCY A G

EXHIBIT "C"



The County Clerk has determined that this page is not legible for satisfactory reproduction at the time of recording.



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 14-195 affixed on the first page of this document.

FILED FOR RECORD

14 JAN -3 PM 2: 35

TERESA KIEL
COUNTY CLERK GUADALUPE COUNTY

BY Cobranades

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