

# REAGAN | BURRUS

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August 30, 2019

Frank Onion  
Assistant City Attorney – City of New Braunfels  
550 Landa Street  
New Braunfels, Texas 78130

RE: Termination of Restrictions – Seidel Subdivision

Dear Frank,

We have been engaged by HMT Engineering & Surveying to assist in resolving some title issues caused by some old restrictive covenants. These covenants have largely been ignored by the development of the property burdened with those covenants. We are of the opinion that all owners must agree to terminate these restrictive covenants, including the City.

Attached you will find a copy of the restrictive covenants and a proposed Termination of Restrictions related to the Seidel Subdivision. The City of New Braunfels owns a fire station site, as well as roads, which are subject to the restrictive covenants. Stone Gate subdivision, which includes part of the land called Seidel Subdivision, was created in contravention of the restrictive covenants. There are also encroachments into the front 50' setback line and violations of the masonry requirements dictated by the restrictions. We hope you agree that it is appropriate for these restrictive covenants to be formally terminated under the circumstances. Please review the attachments and contact me.

Please let me know if you have any questions. We thank you in advance for your cooperation.

Sincerely,



JOHN T. DIERKSEN

## TERMINATION OF RESTRICTIONS – SEIDEL SUBDIVISION

This Termination of Restrictions is executed this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by Clear Springs Development Group LLC, a Texas limited liability company, the City of New Braunfels, CDSN Enterprises LLC, a Texas limited liability company, Linda Sue Wolfe-Freed, F. William Freed, Sarah Elizabeth Freed, Ian A. Mundt, Dirt Dealers X, Ltd., and Justin Alcorn (collectively referred to herein as the “Parties”).

### RECITALS:

A. On September 6, 1972 a certain 13-acre tract of land was platted as Seidel’s Subdivision, and such plat was recorded in Book 4, page 9 of the Plat Records of Guadalupe County and in Book 4, page 32 of the Plat Records of Comal County (the “Subdivision”);

B. On January 29, 1976 Emil J. Seidel (the purported “Seller” referenced in the Restrictions) recorded a document entitled “Restrictions - - Seidel Subdivision at Vol. 253, Page 801 in the Official Public Records of Comal County and at Vol. 537, Page 125 in the Official Public Records of Guadalupe County (the “Restrictions”), which burden the Subdivision;

C. The Subdivision initially contained nine (9) lots, but lots 1-3 were replatted into a single lot without the consent of the Seller on August 1, 2016, such plat being recorded at Doc #201606030099 and Doc #201606030100;

D. A portion of the Subdivision, comprising of all or part of lots 6 and 7, were replatted without the consent of the Seller as a part of the Stone Gate Subdivision in February 1999, such plat being recorded at Volume 12, Page 398 of the Map and Plat Records of Comal County and at Volume 6, Page 89 of the Map and Plat records of Guadalupe County;

E. Improvements have been constructed using less than 70% brick veneer on several lots in the Subdivision, which is contrary to the terms of the Restrictions;

F. Improvements have been constructed that nearer than 50 feet to the front property line on several lots in the Subdivision, which is contrary to the terms of the Restrictions;

G. The Parties represent all of the owners of the property within the Subdivision; and

H. The Parties agree that the Restrictions are no longer enforceable and should be terminated.

NOW, THEREFORE, for and in consideration of the above premises and the covenants hereinafter set forth, the Parties agree that the Restrictions are hereby vacated in their entirety pursuant to this Termination of Restrictions. Each and every one of the terms, conditions, and provisions of the Restrictions shall have no force or effect on and after the effective date of this Termination of Restrictions.

EXECUTED to be effective the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

*[signatures of following page]*

**OWNER of Lot 1, Blk 1, Clear Springs Ranch**

Clear Springs Development Group LLC

By: \_\_\_\_\_

Its: \_\_\_\_\_

STATE OF TEXAS           §

§

COUNTY OF COMAL       §

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by  
\_\_\_\_\_ President and Manager of Clear Springs Development Group LLC, a  
Texas limited liability company.

\_\_\_\_\_  
Notary Public, State of Texas

**OWNER of Lot 4 and 5, Seidel's Subdivision and OWNER of a called 50' Road being .0739 acres**

The City of New Braunfels

By: \_\_\_\_\_  
Robert Camareno

Its: City Manager

STATE OF TEXAS           §  
  §  
COUNTY OF COMAL       §

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by Robert Camareno, City Manager for the City of New Braunfels, Texas.

\_\_\_\_\_  
Notary Public, State of Texas

**OWNER of Lots 8 and 9, Seidel's Subdivision**

\_\_\_\_\_  
Justin Alcorn

STATE OF TEXAS

§

COUNTY OF COMAL

§

§

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019 by Justin Alcorn.

\_\_\_\_\_  
Notary Public, State of Texas

**OWNER of Lot 1, Blk 10, Stone Gate Subdivision 1**

CDSN Enterprises, LLC

By: \_\_\_\_\_

Its: \_\_\_\_\_

STATE OF TEXAS           §

§

COUNTY OF COMAL       §

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by  
\_\_\_\_\_ President and Manager of CDSN Enterprises, LLC, a Texas limited  
liability company.

\_\_\_\_\_  
Notary Public, State of Texas

**OWNERS of Lot 2A, Blk 10, Stone Gate Subdivision 1**

\_\_\_\_\_  
Linda Sue Wolfe-Freed

STATE OF TEXAS           §  
                                      §  
COUNTY OF COMAL       §

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019 by  
Linda Sue Wolfe-Freed.

\_\_\_\_\_  
Notary Public, State of Texas

\_\_\_\_\_  
F. William Freed

STATE OF TEXAS           §  
                                      §  
COUNTY OF COMAL       §

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019 by  
F. William Freed.

\_\_\_\_\_  
Notary Public, State of Texas

\_\_\_\_\_  
Sarah Elizabeth Freed

STATE OF TEXAS           §

COUNTY OF COMAL       §

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019 by Sarah Elizabeth Freed.

\_\_\_\_\_  
Notary Public, State of Texas



**OWNER of Lot 3, Blk 10, Stone Gate Subdivision 1**

\_\_\_\_\_  
Ian A. Mundt

STATE OF TEXAS           §  
  §  
COUNTY OF COMAL       §

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019 by  
Ian A. Mundt.

\_\_\_\_\_  
Notary Public, State of Texas

**OWNER of Lot 4, Blk 10, Stone Gate Subdivision 1**

Dirt Dealers X

By: Kamp Kane Investments, Inc.  
Its: General Partner

By: \_\_\_\_\_  
H Dale Kane  
Its: President

STATE OF TEXAS           §  
  §  
COUNTY OF COMAL       §

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by H Dale Kane, President of Kamp Kane Investments, Inc., a Texas corporation.

\_\_\_\_\_  
Notary Public, State of Texas

158239 Restrictions - - - Seidel Subdivision VOL 537 PAGE 125  
Recorded Sept. 11, 1972 in Book 4, page 9 of the Plat Records of Guadalupe Co.  
Recorded Sept. 11, 1972 in Book 4, Page 33 of the Plat Records of Comal Co.

Restrictions for Seidel Subdivision, according to Plat Recorded in the office of the County Clerk of Comal and Guadalupe County, Texas.

1. House must have 1100 sq. ft. of living area or more (Garage not included).
2. All houses must be new construction with a minimum of 70% Brick Veneer.
3. No Trailer Houses will be allowed.
4. No structures of any kind may be moved onto the property.
5. No improvements shall be erected or constructed on any lots in this subdivision nearer than 50 ft. to the front property line, nor nearer than 5 feet to the side property line.
6. No lot shall be resubdivided or lot lines changed without permission in writing from seller.
7. No noxious, offensive, unlawful or immoral use shall be made of the premises.
8. No hogs may be kept or raised on any part of the subdivision. A maximum of 25 chickens may be kept or raised. Household pets may be kept, but may not be bred or maintained for commercial purposes or for sale. Three (3) head of livestock may be kept or raised per lot.
9. No hunting shall be allowed in this subdivision and any discharge of firearms is strictly prohibited.

253 801

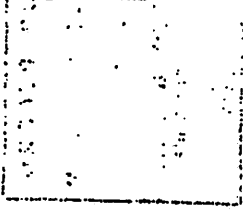
Emil J. Seidel

SUBSCRIBED AND SWORN TO BEFORE ME by the said

Emil J. Seidel, this, the 24 day of January, 1976.



Richard Ramirez  
Notary Public, Comal  
County, Texas



Restrictions  
3721  
COMPARED

E. Seidel Subd.

FILED FOR RECORD  
AT 2:12 O'CLOCK P.M.  
JUN 8 1977  
FRANK SCHMIDT  
COUNTY CLERK, GUADALUPE COUNTY, TEXAS  
BY *Barbara Schick* DEPUTY

Vol. 537, Page 125

Edwards, H. Co.  
1545 MacArthur Rd.  
New Braunfels, Texas  
724 71 7130

THE STATE OF TEXAS  
County of Guadalupe

I, FRANK SCHMIDT, Clerk of the County Court in

and for said County, do hereby certify that the foregoing instrument of writing dated the 29<sup>th</sup> day of June, 1976, with its certificates of authentication, was filed for Record in my office the 8<sup>th</sup> day of June, 1977, at 3:40 o'clock P. M., and duly recorded the 10<sup>th</sup> day of June, 1977, at 2:25 o'clock P. M., in DEED Record of said County in Vol. 537, on Pages 125

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

By *James Miller* Deputy

FRANK SCHMIDT, Clerk  
County Court, Guadalupe County.

128530

3000

231-452

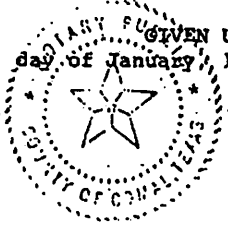
THE STATE OF TEXAS I

Vol. 253 PAGE 803

COUNTY OF COMAL I

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared EMIL J. SEIDEL, known to me to be the person whose name is 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 29th day of January, 1976.



*[Handwritten Signature]*  
Notary Public, Comal County,  
Texas

Filed for Record June 29, A.D. 1977, at 4:39 o'clock P. M.  
By Charlene Nuhn, IRENE S. NUHN  
Deputy. County Clerk, Comal County, Texas.