

PETITION FOR CONSENT
TO THE ADDITION OF LAND INTO
LONE OAK FARM MUNICIPAL UTILITY DISTRICT

THE STATE OF TEXAS

§

COUNTY OF GUADALUPE

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TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF NEW BRAUNFELS,
TEXAS:

The undersigned (herein the "Petitioner"), holder of title to land within the territory hereinafter described by metes and bounds, and acting pursuant to the provisions of Chapter 42 of the Texas Local Government Code and Chapter 54, Texas Water Code, respectfully requests the City Council of the City of New Braunfels, Texas, for its written consent to the inclusion by annexation of land into Lone Oak Farm Municipal Utility District (the "District") and would respectfully show the following:

I.

The boundaries of the land to be included in the District are described on Exhibit "A" attached hereto (the "Land"). The Land is located within the extraterritorial jurisdiction of the City of New Braunfels, Texas. The Land is located within Guadalupe County.

II.

The undersigned Petitioner is the owner of title to all the Land as indicated by the tax rolls in Guadalupe County, Texas. There are no residents on the Land. The Land is to be included into the boundaries of the District by annexation pursuant to, and in accordance with, Section 49.301, Texas Water Code.

III.

The general nature of the work to be done by the District at the present time within the Land is the design, construction, acquisition, maintenance and operation of a waterworks and sanitary sewer system for domestic purposes; the design, construction, acquisition, maintenance and operation of works, improvements, facilities, plants, equipment and appliances helpful or necessary to provide adequate drainage for the District and to control, abate and amend local stormwaters or other harmful excesses of waters; the construction, acquisition, operation or maintenance of roadways including storm drainage, bridges for roadways, and other improvements in aid of these roadways; and the construction, acquisition, improvement, maintenance and operation of such other and additional facilities, systems, plants and enterprises as may be consonant with the purposes for which the District is created.

IV.

There is, for the following reasons, a necessity for the above-described work, services and

improvements: The Land will experience substantial and sustained residential growth. There is not now available within the area, which will be developed as a master-planned single-family residential development, an adequate waterworks system, sanitary sewer system, drainage and storm sewer system, or road improvements. The health and welfare of the present and future inhabitants of the area and of territories adjacent thereto require the construction, acquisition, maintenance, and operation of an adequate waterworks system, sanitary sewer system, and drainage and storm sewer system, and roadway system. A public necessity therefore exists for the organization, extension, improvement, maintenance, and operation of such waterworks system, sanitary sewer system, and drainage and storm sewer system, and road improvements, so as to promote the purity and sanitary condition of the State's waters and the public health and welfare of the community.

V.

A preliminary investigation has been instituted to determine the cost of the project, and it is now estimated by Petitioner, from such information as it has at this time, that the ultimate costs of the development contemplated will be approximately \$3,547,181.31. The project will be financed by the issuance of bonds by the District.

VI.

WHEREFORE, the Petitioner respectfully prays that this request be heard and that your Honorable Body duly pass and approve an ordinance or resolution granting its consent to the inclusion of the Land described herein within the District.

RESPECTFULLY SUBMITTED, this 11 day of October, 2021.

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PETITIONER:

NB DEAN 32, LLC, a Texas limited liability company

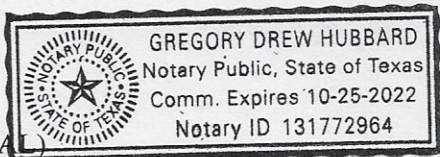
By: [Signature]
Name: RICHARD BEACH
Title: MANAGER

ACKNOWLEDGEMENT

THE STATE OF TEXAS
COUNTY OF Comal

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This instrument was acknowledged before me on this 11 day of October, 2021, by Richard Beach, as Manager of NB DEAN 32, LLC, a Texas limited liability company, on behalf of said limited liability company.



(SEAL)

[Signature]
Notary Public in and for
the State of Texas

EXHIBIT "A"
THE LAND



METES AND BOUNDS DESCRIPTION
FOR A
19.993 ACRE TRACT OF LAND

BEING a 19.993 acre tract of land situated in the A.M. Esnaurizar Eleven League Grant, Abstract No. 20, in Guadalupe County, Texas, and being that same certain called 20.00 acre tract of land as conveyed to ACEM Investments, LLC, and recorded in Document No. 201999028777, of the Official Public Records of Guadalupe County, Texas, and said 19.993 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a 3/8" iron pin found in the Southerly Right-of-Way (R.O.W.) line of F.M. 758 (an 80' wide R.O.W.), being the Northwest corner of Lot 1, 123 Farmettes Subdivision, as recorded in Volume 4, Page 253, of the Map and Plat Records of Guadalupe County, Texas, and being the Northeast corner of said 20.00 acre tract of land and this herein described tract of land;

THENCE departing the Southerly R.O.W. line of said F.M. 758, with the Easterly line of said 20.00 acre tract of land, with the Westerly line of Lots 1, 6 and 7, of said 123 Farmettes Subdivision, and with the Westerly line of a called 4.157 acre tract of land, as conveyed to April A. Kortz, and recorded in Volume 2584, Page 166, of the Official Public Records of Guadalupe County, Texas, S 00° 44' 13" E, a distance of 1,604.73 feet to a 5/8" iron pin found for the Southwest corner of said 4.157 acre tract of land, being the Northwest corner of a called 1.000 acre tract of land, as conveyed to Heart Six Bar, Inc., and recorded in Document No. 2017017874, of the Official Public Records of Guadalupe County, Texas, being a Northeast corner of a called 127.07 acre tract of land, as conveyed to Lennar Homes of Texas Land and Construction, Ltd., and recorded in Document No. 201999017070, of the Official Public Records of Guadalupe County, Texas, and being the Southeast corner of said 20.00 acre tract of land and this herein described tract of land;

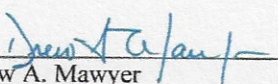
THENCE with the common line between said 20.00 acre tract of land and said 127.07 acre tract of land, S 89° 25' 43" W, a distance of 542.82 feet to a 1/2" iron pin found in the Northerly line of said 127.07 acre tract of land, being the Southeast corner of a called 15.077 acre tract of land, as conveyed to Paula T. Nemec and Glen A. Nemec Living Trust, and recorded in Document No. 201999003833, of the Official Public Records of Guadalupe County, Texas, and being the Southwest corner of said 20.00 acre tract of land and this herein described tract of land;

THENCE with the common line between said 20.00 acre tract of land and said 15.077 acre tract of land, N 00° 44' 52" W, a distance of 1,603.17 feet to a 1/2" iron pin found in the Southerly R.O.W. line of said F.M. 758, being the Northeast corner of said 15.077 acre tract of land, and being the Northwest corner of said 20.00 acre tract of land and this herein described tract of land;

THENCE with the Southerly R.O.W. line of said F.M. 758, and with the Northerly line of said 20.00 acre tract of land, N 89° 15' 51" E, a distance of 543.12 feet to the POINT OF BEGINNING, and containing 19.993 acres of land, more or less.

Bearings based on the Texas State Plane Coordinate System, Texas South Central Zone (4204), North American Datum 1983.

Exhibit prepared this the 8th day of January, 2021.


Drew A. Mawyer

Registered Professional Land Surveyor No. 5348

TBPLS Firm Registration #10191500

5151 W. SH 46, NEW BRAUNFELS, TX 78132

MOE406- JAROSZEWSKI- 19.993 AC- 011521



ALTA/NSPS LAND TITLE SURVEY

BEING A 19.993 ACRE TRACT OF LAND SITUATED IN THE A.M. ESNAURIZAR SURVEY,
A-20, GUADALUPE COUNTY, TEXAS AND BEING THE SAME TRACT OF LAND CALLED
20.00 ACRES CONVEYED TO ACEM INVESTMENTS, LLC AND RECORDED IN DOC#
201999028777 OF THE OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS.

LEGEND

- O = (P.S.) SET 1/2" IRON PIN W/ PLASTIC CAP STAMPED "DAN 8348 PROP. COR." UNLESS OTHERWISE NOTED
- = (R.F.C.) FOUND 1/2" IRON PIN WITH CAP UNLESS OTHERWISE NOTED
- R.O.W. = RIGHT-OF-WAY
- () = RECORD INFORMATION
- MPRGCT = MAP AND PLAT RECORDS OF COMAL COUNTY, TEXAS
- OPRGCT = OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS
- A/C = AIR CONDITIONER

NOTES

1. BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS SOUTH CENTRAL ZONE (4204), NORTH AMERICAN DATUM 1983.

TITLE COMMITMENT:
NEW BRAUNFELS TITLE CO. COMPANY
PROPOSED INSURED: NB DEAN 32 LLC
OF # NBT-1623-2020
EFFECTIVE DATE: 12-29-2020

RESTRICTIONS

1. THE FOLLOWING RESTRICTIVE COVENANTS OF RECORD ITEMIZED BELOW: VOL. 1104, PG. 644, OPRGCT. (APPLIES)
- 10 (a) EASEMENT TO SAN ANTONIO PUBLIC SERVICE COMPANY DATED SEPT. 28, 1956, VOL. 162, PG. 512, DROGCT. (BLANKET UNABLE TO DETERMINE)
- 10 (d) PIPELINE EASEMENT DATED FEB. 27, 1970 TO INTRATEX GAS COMPANY, VOL. 423, PG. 512, DROGCT. (UNABLE TO DETERMINE)
- 10 (h) RIGHT OF WAY EASEMENT DATED AUG. 10, 1989 TO KOCH REFINING COMPANY, VOL. 895, PG. 12, OPRGCT. (APPLIES AS SHOWN HEREON)
- 10 (i) EASEMENT BY MIGUEL TORRES & GUILLERMINA BACA TO CANYON REGIONAL WATER AUTHORITY DATED JAN. 27, 1997, VOL. 1248, PG. 992, OPRGCT. (APPLIES AS SHOWN)

CALLED 15.077 AC.
TO THE PAULA T.
NEMEC AND GLEN A.
NEMEC LIVING TRUST
DOC# 201999003833,
OPRGCT

19.993 AC.

CALLED 20.00 AC.
TO ACEM INVESTMENTS, LLC
DOC# 201999028777, OPRGCT

LOT 1
123 FARMETTES
VOL. 4, PG. 253, MPRGCT

LOT 6
123 FARMETTES
VOL. 4, PG. 253, MPRGCT

REMAINDER LOT 7
123 FARMETTES
VOL. 4, PG. 253, MPRGCT

CALLED 4.157 AC.
TO APRIL A. KORTZ
VOL. 2584, PG. 166

CALLED 127.07 AC.
TO LENNAR HOMES OF TEXAS
LAND AND CONSTRUCTION, LTD
DOC# 201999017070, OPRGCT

ALTA/NSPS CERTIFICATION

TO: FIDELITY NATIONAL TITLE INSURANCE COMPANY, NEW BRAUNFELS TITLE COMPANY
AND NB DEAN 32 LLC, THEIR SUCCESSORS AND/OR ASSIGNS.

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS
BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL
REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND
ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 6, 11, 13, 14, AND
20 OF TABLE A THEREOF.

THE FIELD WORK WAS COMPLETED ON
DATED THIS 13TH DAY OF August, 2021.

DREW A. MAWYER
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5348



501 W. SH 46
NEW BRAUNFELS, TX 78132
PH: 830.730.4449
drew@damawyer.com
mawyer@damawyer.com

JAN. 8, 2021 REVISED TITLE REPORT
(CHANGED EFFECTIVE DATE TO 12-29-2020)

DATE: OCTOBER 2020 JOB: M06408