

JUN 22 2020

Approved

REQUEST FOR AGENDA PLACEMENT FORM
Submission Deadline - Tuesday, 12:00 PM before Court Dates

SUBMITTED BY: David Disheroon **TODAY'S DATE:** 06/12/2020

DEPARTMENT: Public Works

SIGNATURE OF DEPARTMENT HEAD: _____

REQUESTED AGENDA DATE: 06/22/2020

SPECIFIC AGENDA WORDING: Consideration of Variance Request for 750' private road with cul de sac for a future plat of Benjamin Franklin Aviation Estates Lots 1-8, Block A in Precinct #2- Public Works Department

PERSON(S) TO PRESENT ITEM: David Disheroon

SUPPORT MATERIAL: (Must enclose supporting documentation)

TIME: 10 minutes **ACTION ITEM:** X
 WORKSHOP _____
(Anticipated number of minutes needed to discuss item) **CONSENT:** _____
 EXECUTIVE: _____

STAFF NOTICE:

| | | | |
|---------------------|----------|------------------------|------------|
| COUNTY ATTORNEY: | <u>X</u> | IT DEPARTMENT: | _____ |
| AUDITOR: | _____ | PURCHASING DEPARTMENT: | _____ |
| PERSONNEL: | _____ | PUBLIC WORKS: | <u> X </u> |
| BUDGET COORDINATOR: | _____ | OTHER: | _____ |

*****This Section to be Completed by County Judge's Office*****

ASSIGNED AGENDA DATE: _____

REQUEST RECEIVED BY COUNTY JUDGE'S OFFICE _____

COURT MEMBER APPROVAL _____ Date _____



Johnson County Public Works Department

David Disheroon / Director of Public Works

2 North Mill Street, Suite 305

Cleburne, Texas 76033

817-556-6380

VARIANCE REQUEST

Johnson County Subdivision Rules and Regulations outline what is acceptable under the adopted guidelines. To request a variance for a deviation or exception to that for a lot or tract (ex: road frontage, etc.) please provide the following information. Variance fee is \$100 per request. This request will be presented to the Commissioner's Court for their decision.

Owner Robert Gravely Date 06/09/2020

Phone # 940-206-0075

Email Address rgravely@prodigy.net

Property Information for Variance Request:

Property 911 address _____

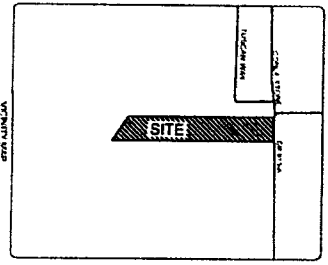
Subdivision name _____ Block _____ Lot _____

Survey John H. Cooper Survey Abstract #144 Acreage 27.18

Reason for request Johnson Co. Subdivision Rules & Regulations Sect. VII B, "Cut-de-sac streets shall have a length of not longer than six hundred (600) feet without a cross street connector." The owner is requesting a variance from this regulation to allow for a 750' street to the center of the dead-end cut-de-sac. The development is a unique Air Park style development with single-side loaded right-of-way, with 50% less traffic expectancy.

Provide the following with this request:

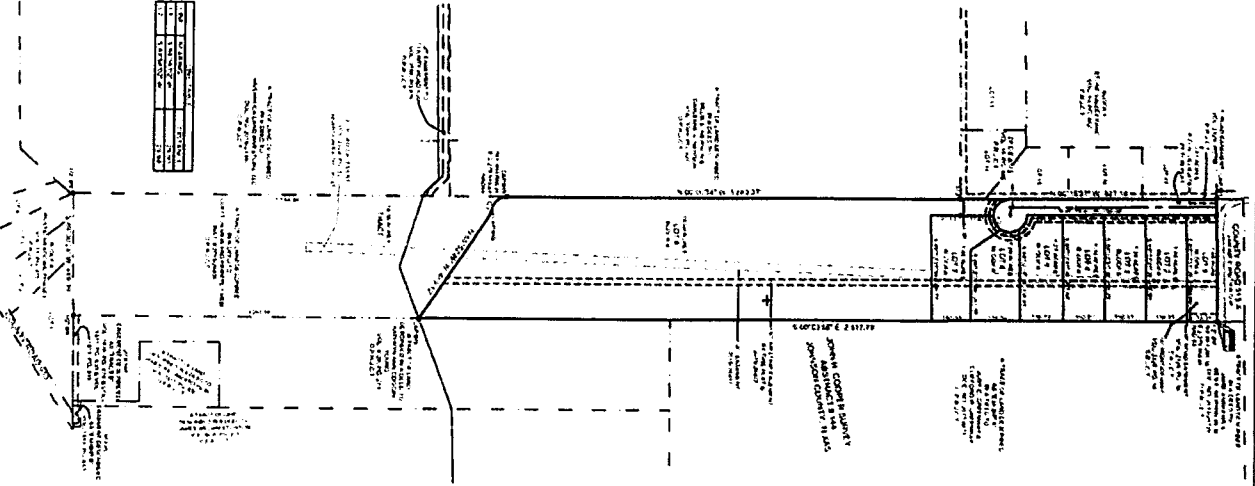
- Copy of your plat if property has been platted
- Copy of property deed
- Survey or drawing showing existing structures



- 1. ALL CORNERS ARE QUASI-INDIVISIBLY CORNERS OF NEIGHBORHOOD PLATS.
- 2. ALL CORNERS ARE QUASI-INDIVISIBLY CORNERS OF NEIGHBORHOOD PLATS.
- 3. ALL CORNERS ARE QUASI-INDIVISIBLY CORNERS OF NEIGHBORHOOD PLATS.
- 4. ALL CORNERS ARE QUASI-INDIVISIBLY CORNERS OF NEIGHBORHOOD PLATS.
- 5. ALL CORNERS ARE QUASI-INDIVISIBLY CORNERS OF NEIGHBORHOOD PLATS.

THIS PLAN IS THE PROPERTY OF THE SURVEYOR AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE SURVEYOR.

1. ALL CORNERS ARE QUASI-INDIVISIBLY CORNERS OF NEIGHBORHOOD PLATS.



| LOT | AREA (SQUARE FEET) |
|-----|--------------------|
| 1 | 1,234.56 |
| 2 | 1,345.67 |
| 3 | 1,456.78 |
| 4 | 1,567.89 |
| 5 | 1,678.90 |

STATE OF TEXAS

COUNTY OF JONES

OWNER'S CERTIFICATION

I, the undersigned, being the owner of the above described property, do hereby certify that the same is the property of the undersigned and that the same is not subject to any lien, mortgage, or other claim of any third party. I further certify that the same is not subject to any lien, mortgage, or other claim of any third party.

SURVEYOR'S CERTIFICATION

I, the undersigned, being a duly licensed surveyor in the State of Texas, do hereby certify that the above described property is the property of the undersigned and that the same is not subject to any lien, mortgage, or other claim of any third party.

STATE OF TEXAS

COUNTY OF JONES

GENERAL NOTE TO SUBMITTER

This plat is subject to the provisions of the General Note to Submitter of the State of Texas. The undersigned surveyor is not responsible for any errors or omissions in this plat.

FOR REVIEW ONLY

ALL CORNERS ARE QUASI-INDIVISIBLY CORNERS OF NEIGHBORHOOD PLATS.



BENJAMIN FRANKLIN AVIATION ESTATES
LOTS 1-4, BLOCK A
NE 1/4, SEC 14, T. 23 N., R. 10 E., S. 10 E.
JONES COUNTY, TEXAS

FINAL PLAT
BENJAMIN FRANKLIN AVIATION ESTATES
LOTS 1-4, BLOCK A
NE 1/4, SEC 14, T. 23 N., R. 10 E., S. 10 E.
JONES COUNTY, TEXAS

002999

WARRANTY DEED

STATE OF TEXAS §
COUNTY OF JOHNSON §

KNOW ALL MEN BY THESE PRESENTS:

That we, SUSAN ELIZABETH DANIEL HAMMOND VINEYARD, JAMES THOMAS DANIEL, II, and WILLIAM OLIVER DANIEL, not joined by our spouses as the within described property represents our separate property and estate, herein called Grantors, of the County of Johnson, State of Texas, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) Cash, and other good and valuable consideration to us in hand paid by Grantee herein named, the receipt and sufficiency of which is hereby acknowledged and confessed; have GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY unto BENJAMIN FRANKLIN MORRISON, III, a single man, herein called Grantee, of the County of Johnson, State of Texas, all of the following described real property in Johnson County, Texas, to-wit:

43.147 acres of land, more or less, out of the John H. Cooper Survey, Abst. No. 144, Patent 365, Johnson County, Texas, being more fully described on Exhibit "A" attached hereto and made a part hereof.

In addition, Grantors convey to Grantee, his heirs or assigns, a twenty foot (20') easement for ingress and egress over and across the property fully described on Exhibit "B" attached hereto and made a part hereof.

PROVIDED HOWEVER, that there is excepted from this conveyance and reserved unto the Grantors herein, their heirs or assigns, one-fourth (1/4th) of the usual one-eighth (1/8th) royalty on all oil, gas, casinghead gas, and gasoline, and one-fourth (1/4th) of the usual and customary royalty on sulphur, coal, uranium, and all other minerals in, on or under, or that may be produced from the above described land, it being expressly understood and agreed that it shall not be

1

Subject

necessary for the Grantors, their heirs or assigns, to join in the execution of any mineral lease or leases on the property; and that the Grantors, their heirs or assigns, shall not be entitled to any share or part of any bonus payments or delay rentals which may be paid in connection with any lease on the property; but, that in the event of production on the land, either by a Lessee or by an owner, or by anyone else, the Grantors, their heirs or assigns, shall be entitled, free of cost, to one-fourth (1/4th) of the usual one-eighth (1/8th) royalty on oil, gas, casinghead gas, and gasoline, and one-fourth (1/4th) of the usual and customary royalties on all other minerals.

SAVE AND EXCEPT THE FOLLOWING MINERAL RESERVATIONS:

1. Mineral reservation retained in Deed executed by W. W. Holland to Caron E. Holland, dated January 29, 1938, filed February 8, 1938, recorded in Vol. 307, Page 405, Deed Records of Johnson County, Texas.
2. Mineral reservation retained in Deed executed by Mrs. Caron E. Holland, to B. L. Sewell, dated June 20, 1944, filed July 10, 1944, recorded in Vol. 335, Page 384, Deed Records of Johnson County, Texas.
3. Mineral reservation retained in Deed executed by W. W. Holland, et ux, Mrs. Eva Holland to C. W. Holland, dated July 6, 1944, filed October 1, 1945, recorded in Vol. 343, Page 557, Deed Records of Johnson County, Texas.
4. Mineral and/or royalty reservation retained in Deed executed by B. L. Sewell, et ux, Mrs. Iva Hall Sewell to Oliver Daniel, dated March 5, 1947, filed March 25, 1947, recorded in Vol. 356, Page 62, Deed Records of Johnson County, Texas.
5. Mineral reservation retained in Deed executed by Oliver Daniel, et ux, Ruth Beecher Daniel to James T. Daniel, Oliver H. Daniel and C. H. Chapman, dated December 28, 1950, filed January 28, 1952, recorded in Vol. 384, Page 78, Deed Records of Johnson County, Texas.
6. Mineral Deed executed by C. W. Holland to Oliver H. Daniel, C. H. Chapman and James T. Daniel, dated November 4, 1955, filed November 16, 1955, recorded in Vol. 404, Page 578, Deed Records of Johnson County, Texas.
7. Mineral Deed executed by Oliver H. Daniel, et al, to James T. Daniel, dated August 15, 1971, filed November 11, 1971, recorded in Vol. 562, Page 405, Deed Records of Johnson County, Texas.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in

6. Right of Way Easement executed by James T. Daniel to Johnson County Rural Water Supply Corporation, dated February 7, 1974, filed September 20, 1974, recorded in Vol. 649, Page 121, Deed Records of Johnson County, Texas.
5. Unrecorded easement to Johnson County Electric Cooperative Association, dated August 30, 1979.
4. Location of fence line as shown on survey plat prepared by Jerry F. Fox, R.P.L.S., dated December 24, 1992.
3. Any and all easements, restrictions, covenants, conditions and reservations of record, if any, applicable to the herein conveyed property or any part thereof.
2. Any portion of the above described property lying within the boundaries of dedicated or existing roadways or which may be used for road or street purposes.
1. Visible and apparent easements on or across the property.

THIS CONVEYANCE IS ALSO MADE SUBJECT TO THE FOLLOWING:

1. No hog farms or chicken farms may be operated on subject property.
2. No landfills may be operated on subject property.
3. No mobile homes may be placed on the property with the exception that one temporary mobile home may be used by grantee for a period not to exceed one year from the date of this deed until grantee completes construction of a permanent home.
4. No wrecking yards may be operated on subject property; provided however, grantee may keep automobiles and machinery on the property as long as they are screened from public view by a fence or structure approved by grantee, their belts and assigns, as to construction and appearance.

The property described herein is conveyed subject to the following restrictions, to-wit:

anywise belonging to the said Grantee, his 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 Grantee, his heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

EXECUTED this 17th day of February, 1993.

Susan Elizabeth Daniel
SUSAN ELIZABETH DANIEL
HAMMOND VINEYARD

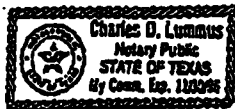
James Thomas Daniel, II
JAMES THOMAS DANIEL, II

William Oliver Daniel
WILLIAM OLIVER DANIEL

STATE OF TEXAS §

COUNTY OF JOHNSON §

This instrument was acknowledged before me on this the 17th day of February, 1993, by SUSAN ELIZABETH DANIEL HAMMOND VINEYARD, JAMES THOMAS DANIEL, II and WILLIAM OLIVER DANIEL.



Charles O. Lummus
NOTARY PUBLIC, STATE OF TEXAS

GRANTEE'S MAILING ADDRESS:
BENJAMIN FRANKLIN MORRISON, III
8149 Cahoba Dr.
Ft. Worth, Texas 76135

After Recording Return To:
Lummus, Holman, Pritchard & Baker
P.O. Box 32
Cleburne, Texas 76031

EXHIBIT MAP

Being a part of the John H. Cooper Survey, Abstract No. 144,
Patent 365, Johnson County, Texas.

Beginning at a 1/2 inch steel pin being the Southwest corner of
the J.H. Cooper Survey, Abstract No. 144.

Thence, North with a Western line of the Cooper Survey and
generally along a fence, 4175.0 feet to a steel pin for a corner
in the Western edge of North-South County Road No. 913-A;

Thence, North 89 degrees 35 minutes East, along the South line of
County Road No. 913-A, 450.01 feet to a 1/2 inch steel pin for a
corner;

Thence, South 4176.27 feet to a 1/2 inch steel pin for a corner;

Thence, West 450.00 feet to the place of beginning and containing
43.147 acres of land.

EXHIBIT 100

EXHIBIT 100
RECORDED TO VOLUME
1676 PAGE 883
JAN 10 1937

Being a part of the John H. Cooper Survey, Abstract No. 144,
Patent 365, Johnson County, Texas.

Beginning at a 1/2 inch steel pin being East, 450.0 feet from the
Southwest corner of the J. H. Cooper Survey, Abstract No. 144.

Thence, North 20.0 feet, to a point for a corner;

Thence, East 390.0 feet, to a point for a corner;

Thence, South 20.0 feet, to a point for a corner in the North
line of County Road No. 913;

Thence, West 390.0 feet to the place of beginning.

After Recording Return To
Lummus, Hallman, Pritchard & Baker
P. O. Box 32
Cisburna, Texas 76031

FILED FOR RECORD *S. H. S.*

FEB 22 1993

CLERK JOHNSON COUNTY
[Signature] DEPUTY

STATE OF TEXAS
COUNTY OF JOHNSON
I hereby certify that this instrument was FILED on the date and at the time
specified herein by me and was duly RECORDED in the OFFICIAL PUBLIC
RECORDS OF JOHNSON COUNTY, TEXAS, in the Volume and Page as
shown herein.



[Signature]
ROBBY G. GOODMIGHT, County Clerk
Johnson County, Texas

ANY PROVISION HERETH WHICH RESTRICTS
THE SALE, RENTAL, OR USE OF THE DE-
SCRIBED REAL PROPERTY BECAUSE OF
COLOR OR RACE IS INVALID AND UNEN-
FORCEABLE UNDER FEDERAL LAW.

COUNTY CLERK'S MEMO
PORTIONS OF THIS DOCUMENT NOT
LEGIBLE AND/OR REPRODUCIBLE
WHEN RECEIVED. BUT RECORDED
AT CUSTOMER'S REQUEST

[Signature]
DEPUTY

(2) North

Stewart/D1128-1663/504/LL

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER

WARRANTY DEED

Date: August 15th, 2013

Grantor: K. Mark King and Allen V. King, each married, not joined herein by their spouse as no part of this property constitutes homestead

Grantor's Mailing Address: 1002 Bow Creek Duncanville TX 75116

Grantee: Jamie Andrews, married, as her sole and separate property and estate; and Ben F. Morrison III, a single man

Grantee's Mailing Address: 521 Mill Creek Azle, Texas 76020

Consideration: TEN AND NO/100 DOLLARS (\$10.00) AND OTHER GOOD AND VALUABLE CONSIDERATION

Property (including any improvements):

All that certain tract or parcel of land located in the John H. Cooper Survey, Abstract No. 144, Johnson County, Texas and being that same tract of land conveyed to Kenneth V. King by deed recorded in Volume 2278, Page 180, Deed Records, Johnson County, Texas and being more particularly described as follows:

Beginning at a 1/2 inch steel rebar for a corner on the Southerly line of County Road 913-A, on the East line of a 35.67 acre tract conveyed to L. Webster by deed recorded in Volume 1730, Page 945, (Tract II), being the Northwest corner of said Taylor Tract, and being the Northwest corner of a 43.147 acre tract of land conveyed to Benjamin Franklin Morrison, II by Deed Recorded in Volume 1676, Page 878, Deed Records, Johnson County, Texas;

Thence North 89 degree 35 minutes 00 seconds East, along the South line of said County Road 913-A and the North line of said Taylor tract, for a distance of 449.77 feet to a 1/2 inch steel rebar found for a corner, being the Northwest corner of a tract of land conveyed to C. R. Greenway by deed recorded in Volume 2173, Page 841, Deed Records, Johnson County, Texas, the Northeast corner of said Taylor Tract and the Northeast corner of said Morrison tract;

Thence South 00 degrees 01 minutes 54 seconds East, generally along a fence line and the common line between said Taylor tract and said Greenway tract, for a distance of 101.00 feet to a 1/2 inch steel rebar with a yellow plastic cap stamped "Peede Data" set for a corner on the West line of said Greenway tract, the east line of said Morrison Tract and being the southeast corner of said Taylor Tract;

Thence South 89 degrees 35 minutes 00 seconds West, along the South line of said Taylor tract for a distance of 449.76 feet to a 1/2 inch steel rebar with a yellow plastic cap stamped "Peede Data" set for a corner on the East line of said Webster tract, the West line of said Morrison tract and being the Southwest corner of said Taylor tract;

Thence North 00 degrees 01 minutes 39 seconds West, generally along a fence line, the East line of said Greenway tract and the West line of said Taylor tract, for a distance of 101.00 feet to the Point of Beginning and containing 1.84 acre of land.

Reservations from and Exceptions to Conveyance and Warranty: This conveyance is given and accepted subject to any and all restrictions, mineral reservations, covenants, conditions, rights-of-way, easements of record in said County, and municipal and other governmental zoning laws, regulations and ordinances, if any, affecting the herein described property.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

Taxes for the current year have been prorated and their payment is assumed by Grantee.

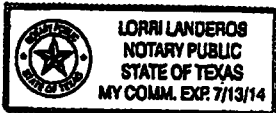
When the context requires, singular nouns and pronouns include the plural.

K. Mark King
K. Mark King

Allen V. King
Allen V. King

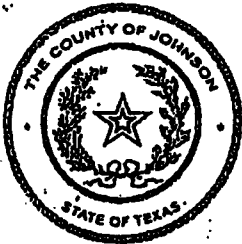
STATE OF Texas §
COUNTY OF Johnson §

This instrument was acknowledged before me on the 15 day of August 2013
by K. Mark King and Allen V. King.



Lorri Landeros
Notary Public, State of TX

When recorded return to:
Jamie Andrews and Ben F. Morrison III
521 Mill Creek
Azle, Texas 76020



Becky Williams

BECKY WILLIAMS, COUNTY CLERK
JOHNSON COUNTY, TEXAS

FILED FOR RECORD IN:

JOHNSON CO CLERK - RECORDING

ON: AUG 22, 2013 AT 01:02P

AS A(N) REAL PROPERTY

Becky Williams, COUNTY CLERK

CLERK NUMBER 20729 PAGES 3

AMOUNT: 20.00

RECEIPT NUMBER 13022231

BY BAILEY
STATE OF TEXAS

JOHNSON CO CLERK -
AS STAMPED HEREDON BY ME. AUG 22, 2013

Becky Williams, COUNTY CLERK

Recorded: _____

WARNING --- THIS IS PART OF THE OFFICIAL RECORD
DO NOT DESTROY

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL
OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR
OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.