

JOHNSON COUNTY COMMISSIONERS COURT



JUN 14 2021

Becky Ivey, County Clerk
Johnson County, Texas
By MM Deputy

RICK BAILEY
Commissioner Pct. #1

ROGER HARMON
County Judge

MIKE WHITE
Commissioner Pct. #3

KENNY HOWELL
Commissioner Pct. #2

PAULA REID
Assistant to Commissioner's Court

LARRY WOOLLEY
Commissioner Pct. #4

STATE OF TEXAS
COUNTY OF JOHNSON

§
§
§

ORDER #2021-36

**ORDER APPROVING REVISION OF PLAT
PURSUANT TO SECTION 232.009 (c-1) OF THE
TEXAS LOCAL GOVERNMENT CODE**

WHEREAS, Chapter 232 of the Texas Local Government Code requires the owner of a tract of land located outside the limits of a municipality to have a plat of the subdivision prepared if the owner divides the tract of land into two or more parts to lay out: (1) a subdivision of the tract, including as addition; (2) lots; or (3) streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks or other parts; and

WHEREAS, an application for a plat of a subdivision has been presented to the Public Works Department of Johnson County and approved by the Commissioners Court of Johnson County and filed for record; and

WHEREAS, pursuant to Section 232.009 of the Texas Local Government Code an application for a revision of the subdivision plat has been presented to the Public Works Department of Johnson County; and

WHEREAS, the revision of the subdivision plat does not affect a public interest or public property of any type, including, but not limited to, a park, school, or road; and

WHEREAS, written notice of the application to revise the subdivision plat has been provided to the owners of the lots that are within 200 feet of the subdivision plat to be revised, as indicated in the most recent records of the central appraisal district of the Johnson County; and

WHEREAS, notice has been posted on Johnson County's Internet website for at least 30 days preceding the date of the meeting to consider the application until the day after the meeting; and

WHEREAS, the revision of the subdivision plat will not interfere with the established rights of any owner of a part of the subdivided land; and

WHEREAS, a motion was made by Commissioner Bailey, Pct #1 and seconded by Commissioner Howell, Pct #2 that stated: "I make the motion to approve the revision of the plat of **The Retreat**, Phase 9, Block 74, by combining Lots 2 and 3 to form Lot 2-R, in Johnson County, Texas, Precinct #1."

Said motion was approved by a vote of the Commissioners Court on the 14th day of June 2021.

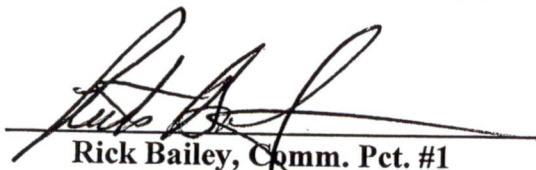
NOW THEREFORE BE IT RESOLVED AND ORDERED:

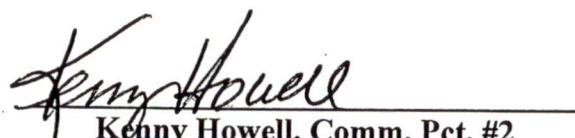
The Commissioners Court of Johnson County, Texas does hereby enter this order approving the revision of the plat of "**The Retreat**, Phase 9, Block 74, by combining Lots 2 and 3 to form Lot 2-R, in Johnson County, Texas, Precinct #1."


WITNESS OUR HAND THIS, THE 14TH DAY OF JUNE 2021.

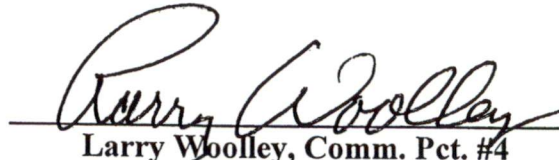

Roger Harmon, Johnson County Judge


Voted: yes, no, abstained


Rick Bailey, Comm. Pct. #1
Voted: yes, no, abstained


Kenny Howell, Comm. Pct. #2
Voted: yes, no, abstained

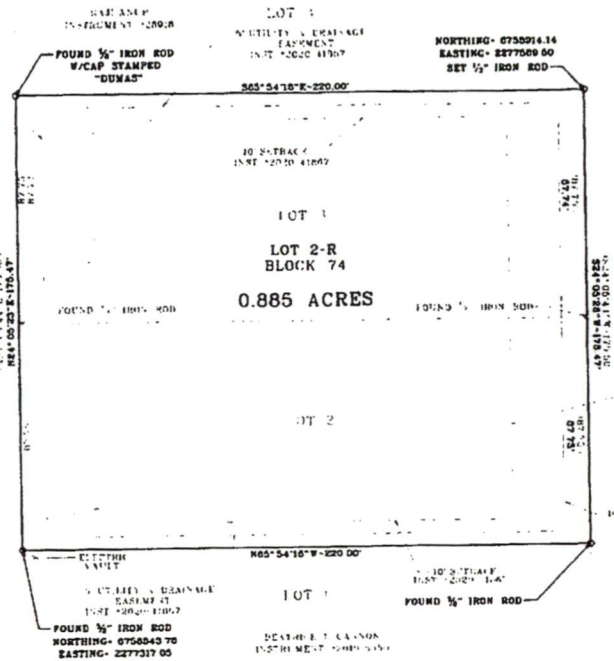

Mike White, Comm. Pct. #3
Voted: yes, no, abstained


Larry Woolley, Comm. Pct. #4
Voted: yes, no, abstained

ATTEST: 
Becky Ivey, County Clerk



JOHNSON COUNTY TRAIL NOTES
1. THE SUBDIVISION OF ANY PART THEREOF IS NOT LOCATED WITHIN THE CITY OF ANY CITY OR TOWN
2. THE PROPOSED USAGE FOR THIS PLAT IS SINGLE FAMILY RESIDENTIAL
3. UTILITY PROVIDERS
WATER SERVICE PROVIDED BY MIDWAY WATER UTILITIES, INC. PHONE 409-664-7328
SEWER SERVICE TO BE PROVIDED BY UNITED COOPERATIVE SERVICES PHONE 409-556-5006
CENTRAL SEWER COLLECTION AND TREATMENT IS PROVIDED BY MIDWAY WATER UTILITIES, INC.
PHONE 409-664-7328
4. FLOOD STATEMENT
ACCORDING TO THE FLOOD INSURANCE RATE MAP FOR JOHNSON COUNTY, TEXAS AND INCORPORATED AREAS COMMUNITY PANEL, SO AMENDED, EFFECTIVE DATE OCTOBER 24, 2019 THIS PROPERTY IS IN ZONE 1 (AREAS DETERMINED TO BE OUT OF THE FLOOD PLAIN)
THE ABOVE REFERENCED FEMA FLOOD INSURANCE RATE MAP IS FOR USE IN DETERMINING THE "FIP" IF DOES NOT MATERIALLY FROM ALL OTHER FLOOD PLAIN AREAS SUBJECT TO FLOODING, PARTICULARLY FROM LOCAL SOURCES OF SMALL SIZE, WHICH COULD BE FLOODED BY SPIKE CONCENTRATED RAINFALL COUPLED WITH INADEQUATE LOCAL DRAINAGE SYSTEMS THERE MAY BE OTHER DRAINAGE CHANNELS, LOCAL DRAINAGE SYSTEMS OR OTHER SURFACES OR SURFACE CONDITIONS) EXISTING ON OR NEAR THE SUBJECT PROPERTY WHICH ARE NOT STUDIED OR ASSESSED AS PART OF THE "FIP".
5. FLOOD NOTES
FLOODING THE FLOOR OF WATER OR CONSTRUCTING IMPROVEMENTS IN THE DRAINAGE BASINMENTS AND FILLING OF OBSTRUCTION OF THE FLOODPLAIN IS PROHIBITED.
THE EXISTING CRUISES OR DRAINAGE CHANNELS TRAVELING ALONG OR ACROSS THIS ADDITION WILL REMAIN AS OPEN CHANNELS AND WILL BE MAINTAINED BY THE INDIVIDUAL OWNERS OF THE LOT OR LOTS THAT ARE INTERFERED BY OR INCIDENT TO DRAINAGE COURSES ALONG OR ACROSS SAID LOTS.
JOHNSON COUNTY WILL NOT BE RESPONSIBLE FOR THE MAINTENANCE AND OPERATION OF SAID DRAINAGE WATER OR FOR THE CONTROL OF FLOODING.
JOHNSON COUNTY WILL NOT BE RESPONSIBLE FOR ANY DAMAGE PERSONAL INJURY OR LOSS OF LIFE OR PROPERTY OCCASIONED BY FLOODING OR FLOOD CONDITIONS.
JOHNSON COUNTY HAS THE RIGHT BUT NOT A DUTY TO ENTER ONTO PROPERTY AND CLEAR ANY OBSTRUCTIONS INCLUDING BUT NOT LIMITED TO UNLAWFUL PLANTS OR TREES WHICH OBSTRUCT THE FLOW OF WATER THROUGH DRAINAGE BASINMENTS.
6. UTILITY EASEMENT
ANY PUBLIC UTILITY INCLUDING JOHNSON COUNTY SHALL HAVE THE RIGHT TO MOVE AND KEEP MOVEN ALL OR PART OF ANY BUILDINGS, FENCES, TREES, SERVICE OTHER OBSTACLES OR IMPROVEMENTS WHICH IN ANY WAY EXHAUSTED OR INTERFERE WITH THE CONSTRUCTION OR MAINTENANCE OR EFFICIENCY OF ITS RESPECTIVE SYSTEMS IN ANY OF THE BASINMENTS SHOWN ON THE PLAT AND ANY PUBLIC UTILITY INCLUDING JOHNSON COUNTY SHALL HAVE THE RIGHT AT ALL TIMES OF INGRESS AND EGRESS TO AND FROM SAID BASINMENTS FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, INSPECTION, PATROLLING, MAINTAINING AND ADJUCIC TO OR REMOVING ALL OR PART OF ITS RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME OF PROHIBITING THE PERMITS OF ANYONE.
7. UTILITY EASEMENTS
NO UTILITY AND DRAINAGE EASEMENT SHALL BE RETAINED ALONG THE FRONT AND REAR OF ALL LOTS 2 UTILITY AND DRAINAGE EASEMENTS SHALL BE RETAINED ALONG THE SIDES OF ALL LOTS 8. RIGHTS-OF-WAY DEDICATION
ALL RIGHTS-OF-WAY BE PAIREDLY OWNED AND MAINTAINED
9. BUILDING LINES
30' FRONT AND 30' REAR 15' SIDES
10. FILING A PLAT
IT IS A CRIMINAL OFFENSE PENALIZED BY A FINE OF UP TO \$1000.00 COMMITMENT IN THE COUNTY JAIL FOR UP TO 90 DAYS OR BOTH THE FINE AND CONFINEMENT FOR A PERSON WHO RECEIVES REAL PROPERTY BY DEED OR OTHERWISE OR OTHERWISE IN A DEED OF CONFIRMANCE A CONTRACT FOR A SALE OR OTHERWISE RECEIVES CONTRACT TO CONVEY THAT IS DELIVERED TO A PURCHASER UNDER THE PLAT OR REPEAT OF THE SUBDIVISION IS APPROVED AND FILED FOR RECORD WITH THE JOHNSON COUNTY CLERK. HOWEVER, SAID DESCRIPTION MAY BE USED IF THE CONFIRMANCE IS EXPRESSLY CONFIRMED OR APPROVED AND RECORDS OF THE FINAL PLAT AND THE PURCHASER IS NOT GIVEN USE OR OCCUPANCY OF THE REAL PROPERTY CONVEYED BEFORE THE RECORDING OF THE PLAT.
11. PURCHASER MAY NOT USE OR OCCUPY PROPERTY DESCRIBED IN A PLAT OR REPEAT OF A SUBDIVISION UNTIL SUCH TIME AS THE PLAT IS FILED FOR RECORD WITH THE COUNTY CLERK'S OFFICE OF THE JOHNSON COUNTY CLERK.
12. DUTIES OF DEVELOPER/PROPERTY OWNER
THE APPROVAL AND FILING OF THIS PLAT BY JOHNSON COUNTY DOES NOT RELIEVE THE DEVELOPER OF THE PROPERTY OR OWNER OF THE PROPERTY OF ANY DUTY TO COMPLY WITH ALL LOCAL, STATE OR FEDERAL LAWS OF THE JURISDICTIONS IN WHICH THE PROPERTY IS LOCATED.
THE APPROVAL AND FILING OF THIS PLAT BY JOHNSON COUNTY DOES NOT RELIEVE THE DEVELOPER OF THE PROPERTY OR OWNER OF THE PROPERTY OF ANY DUTY TO ANY LAWYER OR DOWNTOWN PROPERTY OWNER OR TOWNSHIP OFFICIALS OR EMPLOYEES OF JOHNSON COUNTY, THE COMMISSIONERS OFFICIALS OR EMPLOYEES OF JOHNSON COUNTY.
JOHNSON COUNTY MAKES NO REPRESENTATION THAT THE CELLAR, STREAKS, SEWER DRAINAGE CHANNELS OR OTHER DRAINAGE STRUCTURES DEVICES OR FEATURES PORTRAYED HEREON ARE ACTUALLY EXISTING ON THE PROPERTY PORTRAYED BY THIS PLAT DO NOT VIOLATE THE STATUTE OR COMMON LAW OF AN INCORPORATED CITY, JOHNSON COUNTY THE STATE OF TEXAS OR THE UNITED STATES.
JOHNSON COUNTY IS RELYING UPON THE SURVEYOR WHOSE NAME IS AFFIXED HEREON TO MAKE ACCURATE AND TRUTHFUL REPRESENTATIONS UPON WHICH JOHNSON COUNTY CAN MAKE DETERMINATIONS REGARDING THE APPROVAL OR DISAPPROVAL OF THIS PLAT.
13. INDEMNITY
THE PROPERTY DEVELOPER SUBMITTING THIS PLAT TO JOHNSON COUNTY FOR APPROVAL AND THE OWNER OF THE PROPERTY THE SUBJECT OF THIS PLAT DO HEREBY AGREE TO INDEMNIFY AND SEVERALLY INDEMNIFY AND HOLD HARMLESS JOHNSON COUNTY AND THE COMMISSIONERS OFFICIALS AND EMPLOYEES OF JOHNSON COUNTY FROM ANY AND ALL CLAIMS OR DAMAGES RESULTING FROM OR ALLEGEDLY ARISING FROM JOHNSON COUNTY'S APPROVAL OR FILING OF THIS PLAT OR CONSTRUCTION DOCUMENTS DERIVED THEREFROM.
14. FILING A PLAT IS NOT ACCEPTANCE OF ROADS FOR COUNTY MAINTENANCE
THE APPROVAL AND FILING OF A PLAT WHICH DEDICATED ROADS AND STREETS DOES NOT MAKE THE TRADES AND STREETS COUNTY ROAD SUBJECT TO COUNTY MAINTENANCE. NO ROAD STREET OR PASSAGEWAY SET ASIDE IN THIS PLAT SHALL BE MAINTAINED BY JOHNSON COUNTY, TEXAS IN THE ABSENCE OF AN EXPRESS ORDER OF THE COMMISSIONERS COURT FILED OF RECORD IN THE WRITERS OF THE COMMISSIONERS COURT OF JOHNSON COUNTY TEXAS SPECIFICALLY IDENTIFYING ANY ROAD STREET OR PASSAGEWAY AND SPECIFICALLY ACCEPTING SUCH ROAD STREET OR PASSAGEWAY FOR COUNTY MAINTENANCE.



OWNERS
GENE T & CAROLYN MITCHELL
8137 MONTROSE ST
CLUBBURNE, TEXAS 76033
PHONE (214) 672-2327

PLAT RECORDED IN _____ SLIDE _____
DATE _____
COUNTY CLERK JOHNSON COUNTY, TEXAS
DEPUTY _____

REVISED PLAT SHOWING
LOT 2-R, BLOCK 74
THE RETREAT, PHASE 9,
SUBDIVISION IN
JOHNSON COUNTY, TEXAS
BEING A REVISION OF LOTS 2 AND 3, BLOCK
74, THE RETREAT, PHASE 9, ACCORDING TO THE
PLAT RECORDED IN SLIDE C-766, VOLUME 10,
PAGE 342, ET SEQ OF THE
OFFICIAL PLAT RECORDS OF JOHNSON
COUNTY, TEXAS.

NOW THEREFORE KNOWN TO ALL MEN OF THESE PRESENTS
THAT GENE T MITCHELL JR AND CAROLYN MITCHELL, OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND DO HEREBY ADOPT THIS PLAT DESIGNATING THE HEREIN DESCRIBED PROPERTY AS LOT 2-R, BLOCK 74, THE RETREAT, PHASE 9, ACCORDING TO THE JOHNSON COUNTY TEXAS AND HEREBY DEDICATE TO THE PUBLIC USE WITHOUT RESERVATION, THE STREETS, EASEMENTS RIGHTS-OF-WAY, AND ANY OTHER PUBLIC USES KNOWN TO THEM.
Gene T Mitchell Jr 5-13-21
Carolyn Mitchell 5-13-21
GENE T MITCHELL JR DATE
CAROLYN MITCHELL DATE

STATE OF TEXAS
COUNTY OF JOHNSON DEATON
BEFORE ME, UNDERWRITEN, A NOTARY PUBLIC IN AND FOR THE SAID COUNTY AND STATE, ON THIS DAY PERSONALLY APPEARED GENE T MITCHELL, JR, 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 AND IN THE CAPACITY THEREIN STATED.
GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 13 DAY OF May, 2021.
Cathy Miller
NOTARY PUBLIC
CATHY MILLER
My Notary ID # 2170172
Expires September 19, 2024

STATE OF TEXAS
COUNTY OF JOHNSON DEATON
BEFORE ME, UNDERWRITEN, A NOTARY PUBLIC IN AND FOR THE SAID COUNTY AND STATE, ON THIS DAY PERSONALLY APPEARED CAROLYN MITCHELL, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.
GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 13 DAY OF May, 2021.
Cathy Miller
NOTARY PUBLIC
CATHY MILLER
My Notary ID # 2170172
Expires September 19, 2024

PROPERTY DESCRIPTION
Plat made for the survey of all that certain lot, tract or parcel of land being all of lots 2 and 3 Block 74 Phase 9 of The Retreat Subdivision in Johnson County Texas according to plat recorded in Volume 10, Page 342, et sequenti, slide C 766 of the Official Plat Records of Johnson County, Texas (said lots 2 and 3) that certain tract described by a deed from James W. Deaton, Sr. to Gene Mitchell et al, Carolyn Mitchell recorded as Instrument # 2003-04093 and all that certain tract described in a deed from Gene T Mitchell Jr to Gene T Mitchell and Carolyn T Mitchell recorded as Instrument # 2003-04093 of the Official Public Records of Johnson County, Texas more particularly described as follows:
BEGINNING AT A "X" iron rod with cap stamped "Deaton" found in the east line of Westmore Street for the northeast corner of said Lot 2 and for the northeast corner of this tract;
THENCE S89°34'10" E 232.00 feet to a "1/2" iron rod set for the northeast corner of said Lot 3 and for the northeast corner of this tract;
THENCE S24°05'02" W, at 87.74 feet passing a "1/2" iron rod found for the southeast corner of said Lot 3 and for the southeast corner of said Lot 2, and a distance of 176.45 feet to a "1/2" iron rod found for the southeast corner of said Lot 2 and for the southeast corner of this tract;
THENCE S80°54'25" E 232.00 feet to a "1/2" iron rod with cap stamped "ICE BLUE 1947" found in the east line of Westmore Street for the southeast corner of said Lot 2 and for the southeast corner of this tract;
THENCE with the east line of Westmore Street, S24°05'23" W, at 87.75 feet passing a "1/2" iron rod found for the southeast corner of said Lot 2 and for the southeast corner of said Lot 2, to a distance of 176.45 feet to the place of beginning, containing 0.885 acres of land.

SURVEYOR'S NOTES
1. ALL BEARINGS AND DISTANCES ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM NORTH CENTRAL ZONE 10G, NAD 83, AS ESTABLISHED USING TRIMBLE 5800 RTK.
2. THE SURVEY PERFORMED ON THE GROUND OF THE SUBJECT PROPERTY AND THE PREPARATION OF A DESCRIPTION OF THE RESULTS THEREOF ON THIS FINAL PLAT AND PROPERTY DESCRIPTIONS WERE PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE, PRELIMINARY THERE MAY BE EASEMENTS OR OTHER MATTERS THAT COULD EXIST AND ARE NOT SHOWN.
SURVEYOR'S CERTIFICATION
I, THE UNDERWRITER, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED BY AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION OF THE SURVEY.
James Joseph Pace
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO 5175

INCE SURVEYING & ENGINEERING
184 THOUSAND OAKS DRIVE WHITNEY, TEXAS 76892
PHONE 254-694-7700 FAX 254-694-7230
MAY 11, 2021 SURVEY NO. SN201229.3

