

APR 25 2022

Approved

REQUEST FOR AGENDA PLACEMENT FORM

Submission Deadline - Tuesday, 12:00 PM before Court Dates

SUBMITTED BY: Jennifer VanderLaan TODAY'S DATE: April 14, 2022

DEPARTMENT: Public Works

SIGNATURE OF DEPARTMENT HEAD: _____

REQUESTED AGENDA DATE: April 25, 2022

SPECIFIC AGENDA WORDING:

Consideration of Order No. 2022-28, Order approving Final Plat of Sky View Acres, Lot 1-5, Block 1 in Precinct #2- Public Works Department

PERSON(S) TO PRESENT ITEM: Jennifer VanderLaan

SUPPORT MATERIAL: (Must enclose supporting documentation)

TIME: minutes	ACTION ITEM: <u>X</u>
	WORKSHOP _____
(Anticipated number of minutes needed to discuss item)	CONSENT: _____
	EXECUTIVE: _____

STAFF NOTICE:

COUNTY ATTORNEY: _____	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 _____

APR 26 2022

JOHNSON COUNTY COMMISSIONERS COURT



Becky Ivey, County Clerk
Johnson County Texas
By SK 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

§
§
§

ORDER #2022-28

COUNTY OF JOHNSON

ORDER APPROVING PLAT

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 an 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

WHEREAS, the application for the plat of the subdivision meets the requirements of Chapter 232 of the Texas Local Government Code and the requirements of the Subdivision Rules and Regulations of Johnson County, Texas as currently amended; and


WHEREAS, a motion was made by Commissioner Howell, Pct. #2 and seconded by Commissioner Bailey, Pct. #1 that stated: "I make the motion to approve for filing purposes only, a Plat of Sky View Acres, Lots 1-5, Block 1, in Precinct #2 and clarify that the filing of the plat which dedicates roads and streets to the public does not make those roads and streets county roads subject to county maintenance."

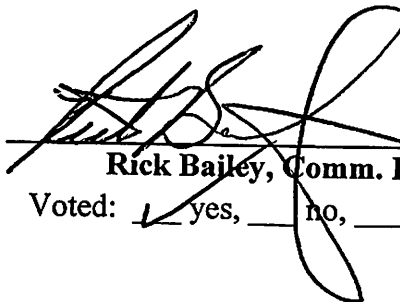
Said motion was approved by a vote of the Commissioners Court on the 25th day of April 2022.

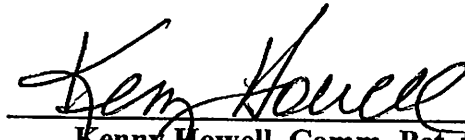
NOW THEREFORE BE IT RESOLVED AND ORDERED:


The Commissioners Court of Johnson County, Texas does hereby enter this order approving the Plat of Sky View Acres, Lots 1-5, Block 1, in Precinct #2 for filing purposes only and clarifying that the filing of the plat which dedicates roads and streets to the public **does not** make those roads and streets county roads subject to county maintenance.


WITNESS OUR HAND THIS, THE 25TH DAY OF APRIL 2022.



Roger Harmon, Johnson County Judge
Voted: yes, no, abstained


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

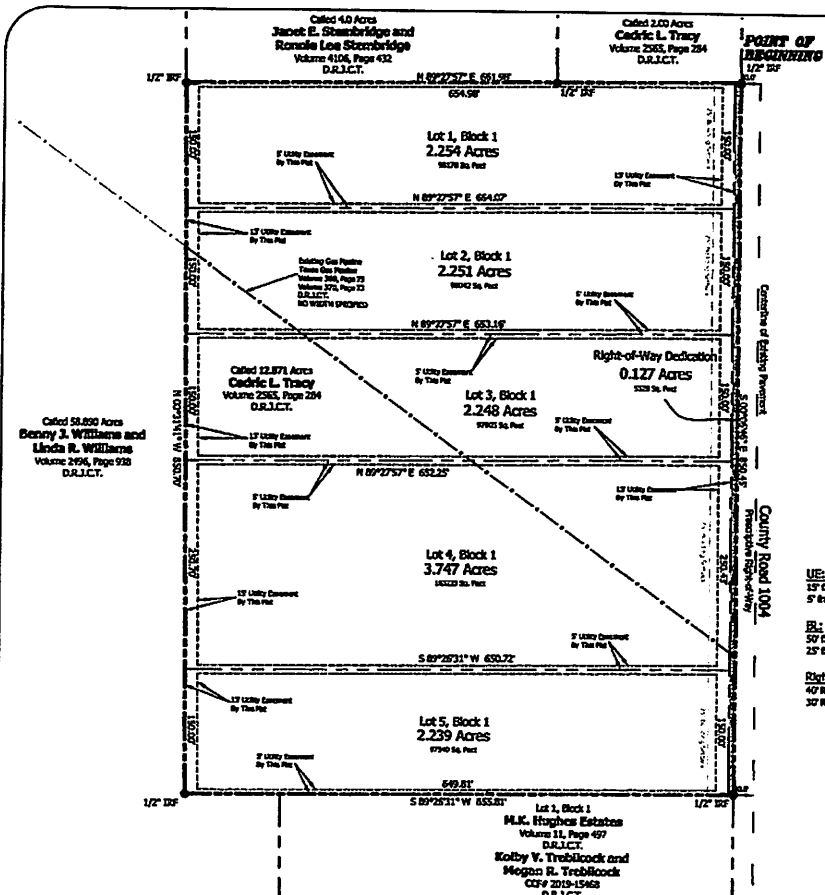

Kenny Howell, Comm. Pct. #2
Voted: yes, no, abstained


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


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

ATTEST: 
Becky Ivey, County Clerk

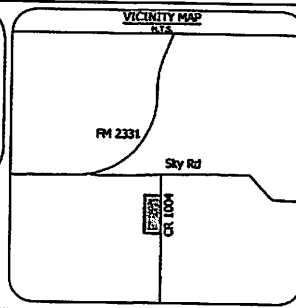




APPROVED:
Johnson County Commissioners Court

Date _____

County Judge _____



LEGAL DESCRIPTION

BEING a 12.866 acre tract of land situated in the Johnson County School Land Survey, Abstract Number 437, Johnson County, Texas and being all of that called 12.871 acre tract of land described by deed to Cedric L. Tracy recorded in Volume 2385, Page 294, Deed Records, Johnson County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found at the northeast corner of said called 12.871 acre tract, said iron rod also being the southeast corner of that called 2.00 acre tract of land described by deed to Cedric L. Tracy recorded in Volume 2385, Page 294, Deed Records, Johnson County, Texas and being in the west line of County Road 1004 (Provisional Right-of-Way);

THENCE South 09 degrees 05 minutes 46 seconds East, 600.45 feet along the east line of said called 12.871 acre tract and the north line of said lot 1 to a 1/2 inch iron rod found at the southeast corner of said called 12.871 acre tract, said iron rod also being the northeast corner of Lot 1, Block 1, M.L. Hughes Estates, an addition to Johnson County, Texas according to the plat thereof recorded in Volume 11, Page 497, Deed Records, Johnson County, Texas;

THENCE South 09 degrees 05 minutes 46 seconds East, 600.45 feet along the south line of said called 12.871 acre tract and the north line of said lot 1 to a 1/2 inch iron rod found at the southeast corner of said called 12.871 acre tract, said iron rod also being the northeast corner of Lot 1, Block 1, M.L. Hughes Estates, an addition to Johnson County, Texas according to the plat thereof recorded in Volume 11, Page 497, Deed Records, Johnson County, Texas;

THENCE North 00 degrees 31 minutes 31 seconds West, 655.81 feet along the south line of said called 12.871 acre tract and the north line of said lot 1 to a 1/2 inch iron rod found at the southwest corner of said called 12.871 acre tract, said iron rod also being the northeast corner of Lot 1, Block 1, M.L. Hughes Estates, an addition to Johnson County, Texas according to the plat thereof recorded in Volume 11, Page 497, Deed Records, Johnson County, Texas;

THENCE North 00 degrees 31 minutes 31 seconds West, 655.81 feet along the west line of said called 12.871 acre tract and said west line of County Road 1004 to a 1/2 inch iron rod found at the northwest corner of said called 12.871 acre tract, said iron rod also being the northeast corner of that called 4.0 acre tract of land described by deed to James E. Stenzbridge and Ronnie Lee Stenzbridge recorded in Volume 4106, Page 432, Deed Records, Johnson County, Texas;

THENCE North 09 degrees 27 minutes 57 seconds East, 661.96 feet along the north line of said called 12.871 acre tract and the south line of said called 4.0 acre tract and the south line of the aforementioned 2.00 acre tract to the POINT OF BEGINNING and containing 562,433 square feet or 12.866 acres of land, more or less.

NOW THEREFORE KNOWN TO ALL MEN BY THESE PRESENTS:

The Cedric L. Tracy, owner of the above described tract of land, do hereby adopt the plat designating the herein described property as **LOTS 1-5, BLOCK 1, SKY VIEW ACRES**, an addition to Johnson County, Texas, and hereby dedicate to the public use, without reservation, the streets, easements, right-of-ways, any other public uses shown hereon.

SWORN AND SUBSCRIBED BEFORE ME BY *Kelly Jean Gistamantes*
THIS THE 7 DAY OF April, 2022.

NOTARY PUBLIC, STATE OF TEXAS
MY COMMISSION EXPIRES: April 2024

Flood Statement

According to the Flood Insurance Rate Map for Johnson County, Texas and Incorporated Areas, Community Panel No. 48251000213, effective date December 04, 2012, this property is located in Zone "X". (Areas designated to be outside of the 500-year flood plain).

The above referenced FEMA Flood Insurance rate map is for use in administering the "NFIP". It does not necessarily show all areas subject to flooding, particularly from local sources of small size, which could be flooded by severe, concentrated rainfall coupled with inadequate local drainage systems. There may be other streams, creeks, low areas, drainage systems or other surfaces or subsurface conditions existing on or near the subject property which are not studied or addressed as part of the "NFIP".

Blocking the flow of water or constructing improvements in the drainage easements, and filling or obstruction of the roadway is prohibited.

The existing creeks or drainage channels traversing 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 traversed by or adjacent to drainage courses along or across said lots.

Johnson County will not be responsible for the maintenance and operations of said drainage ways or for the control of erosion.

Johnson County has the right but not a duty to enter onto property and clear any obstruction including but not limited to trees, plants, dirt, or buildings, which obstruct the flow of water through drainage easements.

Johnson County will not be responsible for any damage, personal injury or loss of life or property occasioned by flooding or flood conditions.

UT:
15' from lot line in front & back
5' from lot on the sides

BL:
50' from lot line (State Hwy & F.M.)
25' from lot line (County Road or Subdivision Road)

Right of Way Dedication:
40 ROW from center of road on F.M. or State Hwy
30 ROW from center of County Roads or Subdivision Roads.

Notes

8. 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 law 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 adjacent or downstream property owner or to any other person, and the developer, the property owner, the Commission, officials or employees of Johnson County, Johnson County make no representation that the creeks, streams, rivers, 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 statutes 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.

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 jointly and severally indemnify and hold harmless Johnson County and the Commission, officials, and employees of Johnson County from any and all claims or damages resulting from or due to any liability arising from Johnson County's approval or filing of this plat or construction documents associated therewith.

9. It is a Criminal Offense punishable by a fine of up to \$1,000.00, confinement in the county jail for up to 90 days or by both the fine and confinement for a person who subdivides real property to use the subdivision's description in a deed of conveyance, a contract for a deed, or a contract of sale or other contract or agreement to convey that is delivered to a purchaser unless the plat or report of the subdivision is approved and is filed for records with the Johnson County Clerk. However, said description may be used if the conveyance is expressly contingent on approval and recording of the final plat and the purchaser is not given use or occupancy of the real property covered before the recording of the plat.

A purchaser may not use or occupy property described in a plat or report of a subdivision until such time as the plat is filed for record with the county clerk's office of the Johnson County Clerk.

10. The approval and filing of a Plat which dedicates roads and streets does not make the roads and streets county roads subject to county maintenance. No road, street or passageway set aside in this Plat shall be maintained by Johnson County. In the absence of an express Order of the Commissioners Court entered of record in the minutes of the Commissioners Court of Johnson County, Texas specifically identifying any such road, street or passageway and specifically accepting such road, street or passageway for county maintenance.

11. Johnson County Special Utility District Enactment and Right-of-Way, recorded in Volume 607, Page 201, Deed Records, Johnson County Texas does affect the subject property, but does not have a platable description.

Filing Block

Plat recorded in Volume _____ Page _____ Slide _____

Date _____

County Clerk, Johnson County, Texas _____

Deputy _____

Surveyor's Certification

KNOW ALL MEN BY THESE PRESENTS:

That I, Jeremy Lute Deal, do hereby certify that I prepared this plat and the field notes made a part thereof from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the Subdivision Regulations of Johnson County, Texas.

Executed this 31st day of March, in the year of our Lord 2022.

Jeremy Lute Deal
Jeremy Lute Deal
Registered Professional Land Surveyor
Texas Registration No. 5636

STATE OF TEXAS
JEREMY LUTE DEAL
0288
LAND SURVEYOR

FINAL PLAT
LOTS 1-5, BLOCK 1
SKY VIEW ACRES
BEING 12.866 Acres of land situated in the Johnson County School Land Survey, Abstract Number 437, Johnson County, Texas.

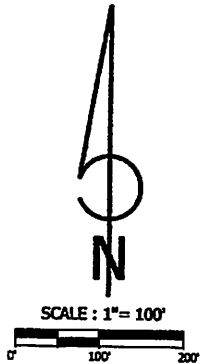
Notes

- The Best of Bearing is the Texas Coordinate System, North American Datum of 1983, North Central Zone, 4202.
- This subdivision or any part thereof is not located within the EIO of any City or Town.
- The designation of the proposed usage of the area shown on plat is single family residential.
- The developer shall complete all roads and drainage facilities in a subdivision within 12 months after the date of final plat approval.
- Utility providers: Water: TSSLD (917)760-5203
Electricity: United Cooperative Services (917)556-4000
Sewer: On site sewage facility
- On-site sewage facility performance cannot be guaranteed even though all provisions of the Rules of Johnson County, Texas for Private Sewage Facilities are complied with.

Inspections under acceptance of a private sewage facility by the Public Works Department shall indicate only that the facility meets minimum requirements and does not release the owner of the property from complying with County, State and Federal regulations. Private Sewage Facilities, although approved as meeting minimum standards, must be upgraded by the owner at the owner's expense if normal operation of the facility results in objectionable odors, if unsanitary conditions are created, or if the facility when used does not comply with governmental regulations.

A properly designed and constructed private sewage facility system, installed in suitable soil, can maintain it if the amount of water that is required to dispose of is not controlled. It will be the responsibility of the lot owner to maintain and operate the private sewage facility in a satisfactory manner.

- Any public utility, including Johnson County, shall have the right to move and keep moved all or part of any buildings, fences, trees, shrubs, other growths, or improvements which in any way encroach or interfere with the construction or maintenance, or efficiency of its respective systems in any of the easements 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 easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of posting the prohibition of anyone.



REALSEARCH OF TEXAS, LLC
P.O. Box 1006, Godley, Texas 76044
PH: 817-240-9620, Email: info@realsearchof.com, www.realsearchof.com
TDS File Registration # 1032500 100% File Registration # 17268

LEGEND
D.A.S.C.T. = Deed Records, Johnson County, Texas
P.A.S.C.T. = Plat Records, Johnson County, Texas
C.P.R. = County Clerk File Number
S.P. = Subdivision Plat
S.C. = 500' Closed Iron Rod Set "Standard" Benchmark

Owner:
Cedric L. Tracy
P.O. Box 509
Yachats, OR 97498
617-320-9138

Project Number: 210355 Date: January 13, 2022
Revised Date:
Revision Notes:
Sheet 1 of 1