

MAY 09 2022

Approved

**REQUEST FOR AGENDA PLACEMENT FORM**

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

**SUBMITTED BY:** Jennifer VanderLaan

**TODAY'S DATE:** 05/02/2022

**DEPARTMENT:**

**Public Works**

**SIGNATURE OF DEPARTMENT HEAD:**

\_\_\_\_\_

**REQUESTED AGENDA DATE:**

**05/09/2022**

**SPECIFIC AGENDA WORDING:** Consideration of Variance to allow permitting of a single family structure and septic system on proposed revised lot 47 R-1 Xcell Ranch Estates less than one acre in the Extra Territorial Jurisdiction of the City Of Burleson , in Precinct #2- Public Works Department

**PERSON(S) TO PRESENT ITEM:** Jennifer VanderLaan

**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:** X \_\_\_\_\_

**IT DEPARTMENT:** \_\_\_\_\_

**AUDITOR:** \_\_\_\_\_

**PURCHASING DEPARTMENT:** \_\_\_\_\_

**PERSONNEL:** \_\_\_\_\_

**PUBLIC WORKS:**   X   \_\_\_\_\_

**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

Jennifer VanderLaan / 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 \$120 per request. This request will be presented to the Commissioner's Court for their decision.

Owner Agustin Ponce Date April 26, 2022

Phone #214-554-7447

Email Address [lpncebilling@gmail.com](mailto:lpncebilling@gmail.com)

Property Information for Variance Request:

Property 911 address 3213 Falcon Dr Joshua Tx 76058

Subdivision name Excell Ranch Estates Block N/A Lot 47 R -1

Survey A.C. Johnson Abstract 452 Acreage 0.94

Reason for request To divide Lot #47 into two equal lots to build two new homes.

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



**NOTE:**  
All bearings and coordinates are correlated to the Texas State Plane Coordinate System, North Central Texas Zone (4202), NAD83 (NA2011) datum, determined by using the Global Positioning System, using City of Burleson Control Monument No. 6046; Northing 6849787.225, Easting 2340457.937, Elevation 852.16'.

**Johnson County Note:**  
The right-of-way dedication is granted in fee simple to Johnson County for use as storm water, public utility, pedestrian, or other public purposes.

**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 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 jointly and severally indemnify and hold harmless Johnson County, the Commissioners, officials or employees of Johnson County.

Johnson County makes no representation that the creeks, streams, rivers, drainage channels or other drainage structures, devices, or features portrayed hereon or 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 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 associated therewith.

APPROVED BY THE DEVELOPMENT ASSISTANCE COMMITTEE, BURLESON, TEXAS  
This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
By: \_\_\_\_\_  
DAC CHAIR  
By: \_\_\_\_\_  
CITY SECRETARY

This Plat filed in  
Volume \_\_\_\_\_ Page \_\_\_\_\_ Slide \_\_\_\_\_  
Date: \_\_\_\_\_  
By: \_\_\_\_\_  
County Clerk  
Deputy \_\_\_\_\_

Electricity - United Cooperative Services  
Phone: 817-556-4000  
Water Supply - Monarch Utilities I, LP  
Phone: 866-654-7992  
Sewer - Private Individual Septic Systems

Designation of the proposed usage is  
Single Family Residential

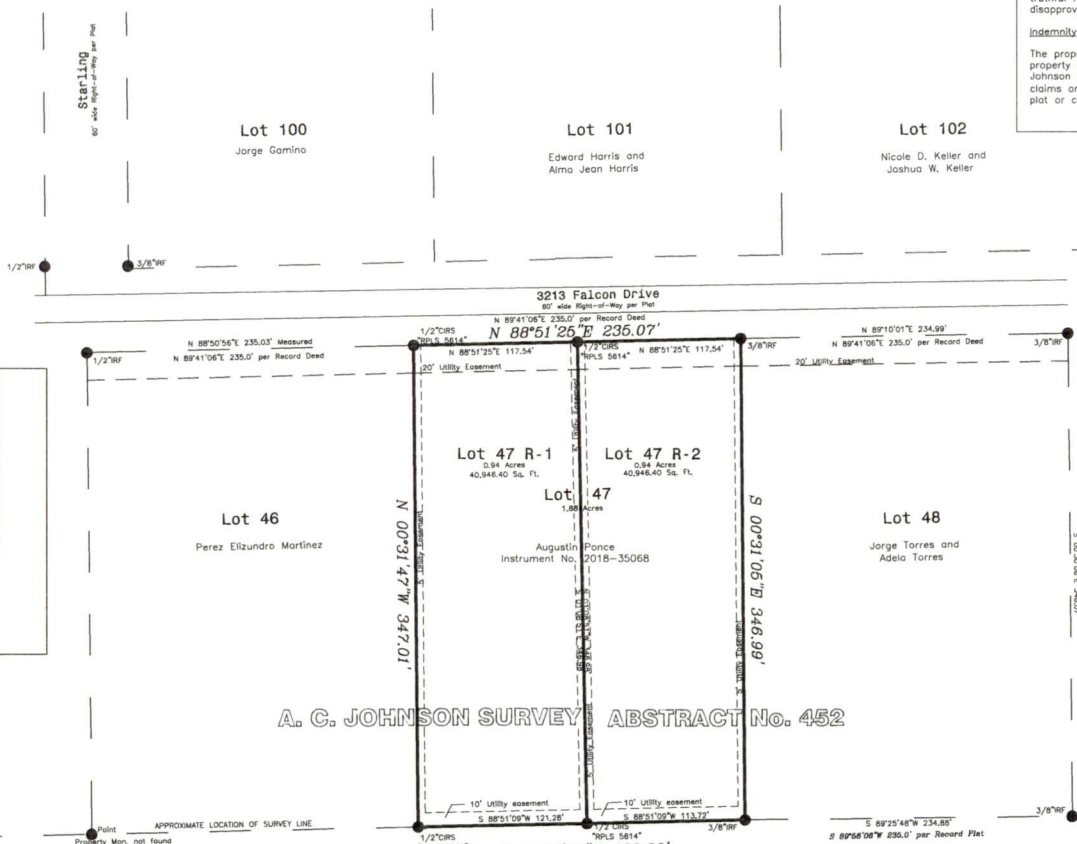
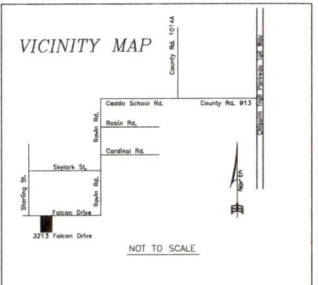
**City of Burleson Note:**  
The requirement of public infrastructure was based on the Utility Exhibit submitted with this plat for review on February 25, 2019 to the City of Burleson. Any additional structures proposed on this property may require the existing water lines to be improved and a fire hydrant(s) installed for fire protection. Please contact the City of Burleson Development Services department prior to any development permit issued.

**SURVEYOR'S CERTIFICATION**

I, Joe Davis Ballard, RPLS No. 5614, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon as set were properly placed under my supervision.

PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT. Surveyor's Seal

**LEGEND**  
CIRP = CAPPED IRON ROD FOUND  
CIRS = CAPPED IRON ROD SET  
IRF = IRON ROD FOUND  
P.O.B. = POINT OF BEGINNING  
O.P.R./J.C.T. = OFFICIAL PUBLIC RECORDS, JOHNSON COUNTY, TEXAS  
RPLS = REGISTERED PROFESSIONAL LAND SURVEYOR  
--- SHOWS LINE HAS BEEN SHORTENED FOR BETCH PURPOSES  
--- DENOTES SUBJECT BOUNDARY  
--- DENOTES INTERIOR BOUNDARY  
--- DENOTES ADJOINING BOUNDARY



A. C. JOHNSON SURVEY ABSTRACT No. 452

AMOS HODGES SURVEY ABSTRACT No. 342

CLARENCE EDWARD BROWN AND WIFE, ELIZABETH BROWN  
VOLUME 533, PAGE 918, D.R./J.C.T.

PRELIMINARY REPLAT SHOWING  
LOTS 47R-1 AND 47R-2  
**EXCELL RANCH ESTATES**  
An Addition to the EUJ of Burleson, Texas,  
BEING A REVISION OF Lot 47  
AN ADDITION OUT OF THE  
ABSTRACT No. 452  
Johnson County, Texas.

**Owners:**  
Augustin Ponce  
5916 Hicory Court  
Joshua Texas  
214-554-7447

THE PURPOSE OF THIS DOCUMENT IS FOR REVIEW BY THE CITY OF BURLESON PLANNING AND ZONING FOR PLATTING APPROVAL UPON APPROVAL SIGNED & SEALED COPIES WILL BE PROVIDED. 4.20.22

Case XX-XXXX



P.O. Box 626  
Rio Vista, TX 76093  
Phone 817-373-3338  
Website: buffalo.crekesurveyor.com  
Email: info@buffalocrekesurveyor.com  
Firm License Number 10116000



## WARRANTY DEED

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.

Date: December 27, 2018

**Grantor:**

JUAN MORALES

**Grantee:**

AGUSTIN PONCE

**Grantee's Mailing Address:**

5916 HICKORY CT  
JOSHUA, TEXAS 76058  
JOHNSON COUNTY, TEXAS

**Consideration:**

CASH AND OTHER GOOD AND VALUABLE CONSIDERATION, THE RECEIPT AND SUFFICIENCY OF WHICH ARE HEREBY ACKNOWLEDGED

**Property (including any improvements):**

BEING TRACT 47 OF XCELL RANCH ESTATES, AN ADDITION TO JOHNSON COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 4, PAGE 66, PLAT RECORDS, JOHNSON COUNTY, TEXAS

Aka ~~3212 FALCON DRIVE, JOSHUA, TEXAS 76058~~ 3213 Falcon Drive, Joshua TX 76058

**Reservations from Conveyance:** None

**Exceptions to Warranty:**

Validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded restrictions, reservations, covenants, conditions, oil and gas leases, mineral severances, and other instruments, other than liens and conveyances, that affect the property; rights of adjoining owners in any walls and fences situated on a common boundary; any discrepancies, conflicts, or shortages in area or boundary lines; any encroachments or overlapping of improvements; all rights, obligations, and taxes for 2018, the payment of which Grantee assumes and agrees to pay.

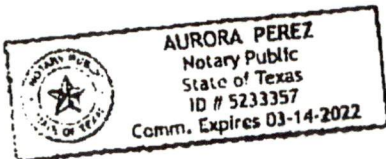
Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, 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, except as to the reservations from and exceptions to conveyance and warranty.

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

JUAN MORALES  
JUAN MORALES

STATE OF TEXAS            }  
  }  
COUNTY OF DALLAS        }

This instrument was acknowledged before me on the 27th day of December 2018 by JUAN MORALES



Aurora Perez  
Notary Public, State of Texas

AFTER RECORDING RETURN TO:  
Agustin Donce  
5916 HICKORY CT  
JOSHUS, TEXAS 76058  
JOHNSON COUNTY, TEXAS

Johnson County  
Becky Ivey  
County Clerk  
Cleburne 76033



Instrument Number: 2018-35068

Recorded On: December 27, 2018

AS  
Warranty Deed

Parties:

To

Billable Pages: 2

Number of Pages: 3

Comment:

( Parties listed above are for Clerks reference only )

\*\* Examined and Charged as Follows: \*\*

Warranty Deed	30.00
Total Recording:	30.00

\*\*\*\*\* DO NOT REMOVE. THIS PAGE IS PART OF THE INSTRUMENT \*\*\*\*\*

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.

File Information:

Document Number: 2018-35068  
Receipt Number: 149937  
Recorded Date/Time: December 27, 2018 03:25:15P

Record and Return To:

AGUSTIN PONCE  
5916 HICKORY COURT  
JOSHUA TX 76058

User / Station: L Bailey - CCL30



I hereby certify that this instrument was filed on the date and in the stamped position and was duly recorded in the volume and page of the named records in Johnson County, Texas.

Any provision herein which restricts the sale, rental or use of the described Real Estate because of color race is invalid and unenforceable under Federal law.

*Becky Ivey*  
BECKY IVEY, COUNTY CLERK  
JOHNSON COUNTY, TEXAS