JUL 08 2022

# Approved

	REQUEST FOR AGENDA PLACEMENT FORM Submission Deadline - Tuesday, 12:00 PM before Court Dates	
	TWI Delote Court Dates	
SUBMITTED BY: Jennifer VanderLaan	TODAY'S DATE: June 24, 2022	
<u>DEPARTMENT</u> :	Public Works	
SIGNATURE OF DEPARTMENT HEAD:	- Manato Zaum	
REQUESTED AGENDA DATE:	July 8, 2022	
SPECIFIC AGENDA WORDING:		
Consideration of Variance to allow permitting of a at 2109 Kirkland Rd, a lot of less than one acre, in		
PERSON(S) TO PRESENT ITEM: Jennifer Va	anderLaan	
SUPPORT MATERIAL: (Must enclose suppo	orting documentation)	
TIME: minutes  (Anticipated number of minutes needed to discuss item)	ACTION ITEM: X WORKSHOP CONSENT: EXECUTIVE:	
STAFF NOTICE:  COUNTY ATTORNEY: IT DEPARTMENT: AUDITOR: PURCHASING DEPARTMENT: PERSONNEL: PUBLIC WORKS: X  BUDGET COORDINATOR: OTHER:		
******************  ASSIGNED AGENDA DATE:  REQUEST RECEIVED BY COUNTY JUDGE'S OFFICE		
COURT MEMBER APPROVAL	Date	



# Variance Request for Septic System

Johnson County Subdivision Rules and Regulations state only one septic system per one (1) acre, Section VII A. Variance fee is \$120 per request. To request a variance for the purpose of:
installing a septic system on a lot or tract of less than an acre or
two residences / structures on one (1) septic system or
installing a second septic system on a lot less than 2 acres
Please provide the following information. This request will be presented to the Commissioner's Court for their decision.
Owner 10505 Date 10-24-22
Phone no. 817-724-7117
Email address XI 400 Wood YD Yahoo. Com
Property Information for Variance Request:
Property 911 address 2109 Kirkland Rd al Varado X
Subdivision nameBlockLot
Survey Thomos Matty SUTVEY Abstract 538 Acreage •884
Size of existing residence:sq. ft.
Does this lot currently have a septic system? () Yes () No System type
ETJ: (V) Yes - City Alvarado () No
Is a part of the property located in a FEMA designated Floodplain? () Yes (No
Reason for request 135 Less then an ackee and been
LIKE This Since 1979
Provide the following with this request:
Copy of your plat if property has been platted
Copy of property deed
Survey or drawing showing existing home, buildings, existing & proposed septic system locations

### The State of Texas. County of

Johnson

603

Know All Men by These Bresents:

That we, Marvin T. Rubin of the County of Otero, State of Colorado and William J. Ropycinski

of the County of State of Texas for and in consideration Johnson of the sum of Bight Thousand Pive Hundred and no/100--DOLLARS ----(\$8,500.00)---to UB paid, and secured to be paid, by Cooil T. Rodgers, et ux, Mary H. Rodgers

- (1) \$1,200.00 Cash, the receipt of which is hereby acknowledged;
- (2) The execution by the Grantees of their Note for \$7,300.00 of even date herewith, payable to the order of Marvin T. Kubin and William J. Kopycinski, in monthly installments and bearing interest as therein provided, containing stipulations for the payment of attorney's fees and the acceleration of the maturity, and being additionally secured by a Doed of Trust, of even date therewith, to Charles D. Lummun, Trustee, containing power of sale and other provisions;

have Granted, Sold and Conveyed, and by these presents do Grant, Sell and Convey, unto the said Cecil T. Rodgers, et ux, Mary H. Rodgers

of the County of Johnson

**xitxbasessis**x

PIRST TRACT:

Cette stop-Peter blooks garataly bearing a com-

All that certain lot, tract or parcel of land being an 0.832 acre tract of land out of the Thomas Matty Survey, Rbst. No. 536, Johnson County, Texas, being a part of that 13.41 acre tract conveyed by deed to Marvin Kubin and William Kopycinski as recorded in Vol. 753, page 646, Deed Records of Johnson County, Texas, and being more particularly described as follows:
BEGINNING at a steel rod in the East line of a 30 foot road, for a corner, said corner being 38.3 feet N 21 deg. 25 min. E and 454.5 feet N 30 deg. 09 min. W of the Southwest corner of said Kubin, et al, 13.41 acre tract; acre tract;

THENCE -- N 30 deg. 09 min. W 100.0 feet with the Bast line of said road to a steel red, for a corner;

THENCE -- N 41 deg. 10 min. B 414.3 feet to a steel red in a fence line and in an Bast line of said, 13.41 acre tract, for a corner;

THENCE -- S 18 deg. 32 min. B 100.0 feet with a fence line and an Bast line of said 13.41 acre tract to a steel red, for a corner;

THENCE -- S 39 deg. 58 min. W 396.0 feet to the place of Beginning, constitutions 2 232 min. B 100.0 feet to the place of Beginning, constitutions 2 232 min. taining 0.832 acre of land. 

SECOND TRACT:

All that certain lot, tract or parcal of land being a 0.721 acre tract of land out of the Thomas Matty Survey, Abst. No. 538, Johnson County, Texas, being a part of that 13.41 acre tract conveyed by deed to Marvin Kubin and William Kopycinski as recorded in Vol. 753, page 646, beed Records of Johnson County, Texas, and being more particulary described as follows:

BEGINNING at a steel rod in the East line of a 30 foot road, for a corner, said corner being 38.3 feet N 21 deg. 25 min. E and 259.5 feet N 30 deg. 09 min. N of the Southwest corner of said Kubin, et al, 13.41 acre tract;

acre tract:

acre tract;
THENCE -- N 30 deg. 09 min. W 195.0 feet with the East line of said road to a steel rod, for a corner;
THENCE -- N 39 deg. 58 min. E 396.0 feet to a steel rod in a fence line and in an East line of said 13.41 acre tract, for a corner;
THENCE -- S 18 deg. 36.5 min. W 497.7 feet to the place of Beginning, containing 0.721 acre of land.

An undivided two-seventeenths interest in and to the property described in the field notes of J. W. Mahorry, Registered Public Surveyor No. 1734, dated April 29, 1978 of record in Volume 758, page 211, Deed Records of Johnson County, Texas. This Third Tract is convoyed to the Grantee herein for the purposes of ingress and egress to the First and Second Tracts described herein and to Alvarado Lake. No obstacles may ever be placed on this Third Tract.

. 1

(1) Flowage easement to the City of Alvarado described in the instrument from Joffie Lou Menasco et al to the City of Alvarado dated November 16, 1965 of record in Vol. 547, page 368, Deed Records of Johnson County, Taxas.

(2) Right-of-way easement from Calvin Titus Manasco et ux to Texas Fipeline Co. dated June 20, 1949 of record in Vol. 371, page 553, Deed Records of Johnson County, Texas.

(3) Right-of-way easement from Marvin T. Kubin to Johnson County Rural Water Supply Corporation dated Dec. 29, 1975 of record in Vol. 688, nece 703, Deed Records of Johnson County, Taxas.

The within conveyed property is subject to the following restrictions:

No commercial activity will be allowed on the property; No junk or junkyards will be allowed on the property; No more than two homes or mobile homes may be placed on the First Tract:

No swine shall be permitted on the property.

605

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

Cocil T. Rodgers, et ux, Mary H. Rodgers, their

heirs and assigns forever and we

do hereby blad ourselves, our

heirs, executors and administrators, to Wasrant and Forever Defend, all and singular the said premises unto the said

Cecil T. Rodgers, et ux, Mary H. Rodgers, their

helrs and assigns, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof.

But it is expressly agreed and stipulated that the Vendor's Lien is retained against the above described property, premises and improvements, until the above described note, and all interest thereon are fully paid according to its face and tenor, effect and reading, when this deed shall become absolute.

WITNESS OUR hand 8 KK
Colobert
this left day of sectionships

Witness at request of Grantor:

19 79. Harvin T. Rubin

HILLEM J. Kopyolneki

605

-free inghibibibe

	SINCLE ACKNOWLEDGMENT	
THE STATE OF COLORADO		***
COUNTY OF OTERO  BEFORE ME, the undersigned, a No	Stary Public in and for said County and State, on this day.  Kubin	actionally appeared
Marvin T.	RUDIN 18 is subscribed to the foregoing instrument jar	A seknowledged to
mown to me to be the person whose man	If TO MOSELIDES IN THE SOLESONS INSURANCE AND	William Charles
ne that he executed the same	for the purposes and consideration therein expressed.	RICE
	GIVEN UNDER MY HAND AND SEAL DE OF	9:12:
	this the day of September 15, Williams	<
(L. S.)	GIVEN UNDER MY HAND AND SEAL DE OFF	ባ"
	There and tourtend	<u></u>
	Notary Public in and for Otoro	County. Colo
	SINGLE ACKNOWLEDGMENT	
THE STATE OF TEXAS,		
COUNTY OF Johnson		
DEFORE ME the undersigned a Ne William J. Kopyci	pury Public in and for said County and State, on this day	
coome to the better whose name	te To tentilled to the lotellond furnament a	id acknowledged to
ne that ghe executed the same	for the purposes and consideration therein expressed.	
$\mathcal{A}_{i} = \mathcal{A}_{i} \times \mathcal{A}_{i}$	GIVEN UNDER MY HAND AND SEAL OF OF	FICE,
9	this the 10 3 by at Soptimber A. D. 1975	- 11
(L'S)		13 III.
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	Notery Public in and for Johnson	Cozniy, Vedas
	DEPORATION ACKNOWLEDGMENT	
	AFORATION ACTION	
THE STATE OF TEXAS, COUNTY OF BEFORE ME, the undersigned, a No	nary Public in and for said County and State, on this day , known to me to be th ; instrument and scknowledged to me that the same was	e person and officer
THE STATE OF TEXAS, COUNTY OF  BEFORE ME, the undersigned, a No chose name is subscribed to the foregoing corporation, and that he executed the same	, known to me to be the instrument and arknowledged to me that the same was as the act of such corporation for the purposes and so	the set of the said
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Cecil T. Rodgers, et ux, Mary

RECORDED

OCT 12 1979

Johnson County Clerk's Office



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Johnson County Becky Ivey Johnson County Clerk

Instrument Number: 2022 - 10998

Real Property Recordings

Recorded On: March 29, 2022 11:22 AM

Number of Pages: 5

" Examined and Charged as Follows: "

Total Recording: \$38.00

\*\*\*\*\*\*\* 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:

2022 - 10998

Record and Return To: CUCCIA WILSON PLLC

Receipt Number:

20220329000110

OALL IINIDOV

Recorded Date/Time:

March 29, 2022 11:22 AM

CALL/INBOX

User: Station: Leslie S ccl83

CLEBURNE TX 76031



STATE OF TEXAS
Johnson County

I hereby certify that this Instrument was filed in the File Number sequence on the date/time printed hereon, and was duly recorded in the Official Records of Johnson County, Texas

Becky Ivey Johnson County Clerk Johnson County, TX

Becky & ming

## AFFIDAVIT OF FACTS CONCERNING THE IDENTITY OF HEIRS

Before me, the undersigned authority, on this day personally appeared Amanda Elizabeth Lee Blaylock("Affiant") who, being first duly sworn, upon oath states:

- 1. My name is Amanda Elizabeth Lee Blaylock and I live at 7812 CR 512, Alvarado, Texas 76009. I am personally familiar with the family and marital history of Mary Helen Rodgers ("Decedent"), and I have personal knowledge of the facts stated in this affidavit.
- 2. I am the best friend of Sarah Elizabeth Paro, a daughter of the Decedent, and knew Decedent for 30 years prior to her death. Decedent was born on September 15, 1942, and died on August 26, 2017. Decedent's place of death was Tarrant County, Texas. At the time of Decedent's death, Decedent's residence was 2117 Kirkland Road, Alvarado, Johnson County, Texas 76009.
- 3. Decedent's marital history was as follows: at the time of her death, Decedent was not married and had been previously married two times as follows:

Name:

Cecil Thomas Rodgers

Date of Marriage:

August 31, 1957

Date of Termination:

January 6, 2013

Type/Place of Termination:

Johnson County, Texas / Death of Cecil Rogers

Relevant Facts:

7 children of the marriage

- 4. Decedent had the following biological children:
- a. Name: Larry Dale Rodgers

Date of Birth: November 20, 1958

Name of Other Parent: Cecil Rodgers (Date of Death: January 6, 2013)

Current Address: N/A (Date of Death: September 22, 1983)

Relevant Facts: Larry Rodgers was not married at his time of death and had only on children born to or adopted by him:

- (a) Name: Lisa Marie (Rodgers) Vassar Plunkett
   Date of Birth: July 31, 1979
   Name of Other Parent: Rita Riley
   Current Address: 2117 Kirkland Road, Alvarado, Texas 76009
- b. Name: Randel Wayne Rodgers
  Date of Birth: October 31, 1960

Name of Other Parent: Cecil Rodgers (Date of Death: January 6, 2013)

Current Address: N/A (Date of Death: November 17, 2018)

Relevant Facts: Randy Rodgers was not married at his time of death and

left two children born to or adopted by him at this time of death:

(a) Name: Dusti Hunter Rodgers
Date of Birth: October 8, 1988
Name of Other Parent: Pamela Sanders

Current Address: 803 Whippoorwill Dr., Granbury Texas 76049

(b) Name: Jeremy Dalen Rodgers
Date of Birth: October 3, 2000
Name of Other Parent: Mary Riley Rodgers
Current Address: Pascagoula Mississippi

c. Name: Jerry Dean Rodgers

Date of Birth: November 24, 1963

Name of Other Parent: Cecil Rodgers (Date of Death: January 6, 2013)

Current Address: N/A (Date of Death: December 24, 1978)

Relevant Facts: Jerry Rodgers was not married and had no children born to or adopted by him at his time of death.

d. Name: Cecil Theodore Rodgers
Date of Birth: October 9, 1966

Name of Other Parent: Cecil Rodgers (Date of Death: January 6, 2013)

Current Address: 304 E Rancher Avenue, Killeen Texas 76543

Relevant Facts: N/A

e. Name: Lisa Annette (Rodgers) Pointer

Date of Birth: February 21, 1969

Name of Other Parent: Cecil Rodgers (Date of Death: January 6, 2013)

Current Address: 2117 Kirkland Road, Alvarado Texas 76009

Relevant Facts: N/A

f. Name: Teresa Lynette Rodgers

Date of Birth: February 21, 1969

Name of Other Parent: Cecil Rodgers (Date of Death: January 6, 2013)

Current Address: 2117 Kirkland Road, Alvarado Texas 76009

Relevant Facts: N/A

g. Name: Sarah Elizabeth (Rodgers) Paro

Date of Birth: July 22, 1984

Name of Other Parent: Cecil Rodgers (Date of Death: January 6, 2013)

Current Address: 7812 CR 512 Alvarado, Texas 76009

Relevant Facts: N/A

5. Decedent did not have or adopt any other children and did not take any other children into Decedent's home or raise any other children, except: None.

- 6. The following persons have knowledge regarding Decedent, the identity of Decedent's children, if any, parents, or siblings, if any:
  - a. Zackry Ray Chandler, 310 Spruce Street, Keene, Texas 76059
  - Decedent died without leaving a valid written will.

- 8. There has been no administration of Decedent's estate.
- 9. Decedent left no debt that are unpaid, except: None. \*
- 10. There are no unpaid estate or inheritance taxes, except: None
- 11. To the best of my knowledge, Decedent owned an interest in the following real and personal property:

All that certain .88-acre tract, more or less, situated in Johnson County, Texas, being the same tract conveyed to Cecil T. Rodgers by Jack K. Woolard by General Warranty Deed dated December 17, 1992, and recorded at Volume/Book 1679, Page 931, on March 3, 1993, Real Property Records, Johnson County, Texas, commonly known as 2109 Kirkland, Alvarado, Texas 76009, and more described at Exhibit "A" attached hereto and incorporated herein by reference as if set out in its entirety.

Signed this 25 day of MCNUM, 2022.

Amanda Elizabeth Lee Blaylock, Affiant

STATE OF TEXAS

S

**COUNTY OF JOHNSON** 

8

Sworn to and subscribed to before me on Mayor 25, 2022, by Amanda Elizabeth Lee Blaylock.

Notary Public, Stafe of Texas

An 0.884 acre tract of land out of the Thomas Matty survey, Abstract No. 538, Johnson County, Texas, being a part of that 13.41 acre tract convey by deed to Marvin Kubin and William Kopycinski as recorded in Volume 75: Page 646 Deed Records of Johnson County, Texas, and being more particular described as follows:

BEGINNING at a steel rod in the East line of, a 30.0 foot road for a corn said corner being 38.3 feet North 21 degrees 25 minutes East and 554.5 feetNorth 30 degrees 09 minutes Westof the Southwest corner of said Kubi et al., 13.41 acre tract;

NORTH 30 degrees 09 minutes West 100.0 feet with the East line of said 30 foot road to a steel rod, for a corner;

THENCE--NORTH 42 degrees 17 minutes East 432.8 feet to a steel rod in a fence line and an East line of said 13.41 acrs tract, for a corner; THENCE-- SOUTH 18 degrees 32 minutes E ast 100, feet with a fence line and an East line of said 13.41 acre tract to a steel rod, for a corner;

THENCE -- SOUTH 41 degrees 10 minutes West 414.3 feet to the place of beginning containing 0.884 acres of land.

# SECOND TRACT:

AN undivided one-seventeenth interest in and to the property described in the field notes of J. W. Maberry, Registered Public Surveyor No: 1734, dated April 29. 1978 of record in Volume 758, Page 211, Deed Records of Johnson County, Texas. This SECOND TRACT is conveyed to the Grantees herein for the purposes of ingress and egress to the First Tract described herein and to Alvarado Lake. No obstacles may ever be placed on this SECOND TRACT.

### SUBJECT TO:

- (1) Flowage easement to the City of Alvarado described in the instrument from Jeffle Low Manasco et al to the City of Alvarado dated November 16, 1965 of record in Volume 547. Page 868. Deed Records of Johnson County, Texas.
- (2) Right-of-way easement from Calvin Titus Manasco et ux to Texas Pipeline Co. dated June 20, 1949, of record in Volume 371, Page 553, Deed Records of Johnson County, Texas.
- (3) Right-Of-way easement from Marvin T. Kubin to Johnson County Rural Water Supply Corporation dated December 29, 1975 of record in Volume 688, Page 703, Deed Records of Johnson County, Texas.

The within conveyed property is subject to the following restrictions:

- (1) No commercial activity will be allowed on the property;
- (2) No junk or junkyards will be allowed on the property;
- (3) No more than two homes or mobile homes may be placed on the First Tract;
- . (4) No swine shall be permitted on the property.

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PROPERTY DESCRIPTION

EDRG is 0.03% early text of land shaeted in the THOMAS MATTY EURYSY, ABSTRACT MO, 523, the City of Almenda, Jahrson Carety, Texas, being that cores had of land described in deed to Uni later Vizzay, recorded in Obsarred Martiner 2022-10039, Doed Records, Johnson Carety, Texas are being more personally described by mose and barrich as below.

ECUSIONICS at a V2 rich van rod with plantic cap clamped "QLUESTAN QUIVVETHOL" set for a common commer of self Veneet trick, recorded in Document Number 2022-10227, and in tract of the described in a dwel to R B K Livery Trust, recorded in Document Number 2029-10235, Deed Record Javance County, Texas, setd partit being in the self right disapped of Unitarial Rose.

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THENCE 3 IS\*1707° E, story the common time of east Viscair truct, recorded in Coopment Number 2022-10007, and said Microsopie Incl., a district or 59.00 feet to a 38 inch nor raid bund for the common common of seed Viscair Incl., executed in Discussed Number 2022-10007, and said Viscair truct recorded in Discussed Number 2017-20786.

THORICE 8 42\*\*HF42\*\* XI, plang the common two of early trainer text, increase on Datameter Hyproper 2015-10027, and and Venime text, increased in Document Headers 2017-20184, in discrete of 410-24text to a 3-26 cert to mind flowed for the Common correct of load Venimer text, increased so Document Headers 2017-20194, and port Headers 2018-20197, and said Venimer text, increased in Document Headers 2017-20194, and port entry in the sease of spice-decayer for of each Datamed Page 2017-20194, and port

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2109 KIRKLAND ROAD

LAND TITLE SURVEY 0.884 ACRES

SITUATED IN THE THOMAS MATTY SURVEY, ABSTRACT NO. 538 CITY OF ALVARADO, JOHNSON COUNTY, TEXAS

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