

AUG 22 2022

Approved

REQUEST FOR AGENDA PLACEMENT FORM

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

SUBMITTED BY:David Disheroon **TODAY'S DATE** August 12,2022

DEPARTMENT: Public Works

SIGNATURE OF DEPARTMENT HEAD:

Jennifer VanderLaan

REQUESTED AGENDA DATE: August 22,2022

SPECIFIC AGENDA WORDING: Public Hearing to Revise the Plat of The Retreat, Phase 1, Block 10, by combining Lots 12 and 13 to form Lot 12R, in Precinct #1

Consideration of Order No. 2022-61, Order approving Revised Plat of The Retreat, Phase 1, Block 10, by combining Lots 12 and 13 to form Lot 12-R, in Precinct #1- Public Works Department

PERSON(S) TO PRESENT ITEM: Jennifer VanderLaan

SUPPORT MATERIAL: (Must enclose supporting documentation)

TIME: 10 minutes	ACTION ITEM: <u> X </u>
(Anticipated number of minutes needed to discuss item)	WORKSHOP: _____
	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 COMMISSIONERS COURT

AUG 23 2022



Becky Ivey, County Clerk
Johnson County Texas
By ma 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 #2022-61

COUNTY OF JOHNSON

ORDER APPROVING REVISION OF PLAT
PURSUANT TO SECTION 232.009 (c) 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 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 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, written notice of the application to revise the subdivision plat has been published in a newspaper of general circulation in Johnson County at least three (3) times during the period that begins on the 30th day and ends on the seventh day before the date of the Commissioners Court meeting; and

WHEREAS, written notice of the application to revise the subdivision plat has been provided to each of the non-developer owners of the lots of the subdivision; 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 1, Block 10, by combining Lots 12 and 13 to form Lot 12R, in Precinct #1."

Said motion was approved by a vote of the Commissioners Court on the 22nd day of August, 2022.

NOW THEREFORE BE IT RESOLVED AND ORDERED:

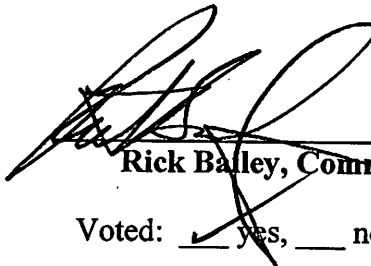
The Commissioners Court of Johnson County, Texas does hereby enter this Order approving the revision of the plat of **The Retreat**, Phase 1, Block 10, by combining Lots 12 and 13 to form Lot 12R, in Precinct #1.

WITNESS OUR HAND THIS, THE 22ND DAY OF AUGUST 2022.



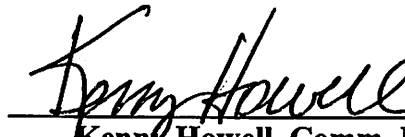
Roger Harmon, Johnson County Judge

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



JOHNSON COUNTY, TEXAS NOTES:
 1. THIS SUBDIVISION OR ANY PART THEREOF IS NOT LOCATED WITHIN THE ETZ OF ANY CITY OR TOWN.
 2. THE PROPOSED USAGE FOR THIS PLAT IS SINGLE FAMILY RESIDENTIAL.
 3. THE DEVELOPER SHALL COMPLETE ALL ROADS AND DRAINAGE FACILITIES IN A SUBDIVISION WITHIN TWELVE (12) MONTHS AFTER THE DATE OF FINAL PLAT APPROVAL.
 4. UTILITY PROVIDERS:
 WATER SERVICE PROVIDED BY MIDWAY WATER UTILITIES, INC. PHONE (866) 654 7802
 ELECTRIC SERVICE IS TO BE PROVIDED BY UNITED COOPERATIVE SERVICES PHONE (409) 556 4500.
 CENTRAL SEWER COLLECTION AND TREATMENT IS PROVIDED BY MIDWAY WATER UTILITIES, INC. PHONE (866) 654 7802.

5. FLOOD STATEMENT:
 ACCORDING TO THE FLOOD INSURANCE RATE MAP FOR JOHNSON COUNTY, TEXAS AND INCORPORATED AREAS COMMUNITY FLOOD HAZARD ADDENDUM, EFFECTIVE DATE: DECEMBER 04, 2012, THIS PROPERTY IS IN ZONE A (AREAS DETERMINED TO BE OUT OF THE FLOOD PLAIN).
 THE ABOVE REFERENCED FEMA FLOOD INSURANCE RATE MAP IS FOR USE IN ADMINISTERING THE "DWP" 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 "DWP".

6. FLOOD NOTES:
 BLOCKING THE FLOW OF WATER OR CONSTRUCTING IMPROVEMENTS IN THE DRAINAGE EASEMENTS AND FILLING OR OBSTRUCTION OF THE FLOODWAY IS PROHIBITED.
 THE EXISTING CREEKS OR DRAINAGE CHANNELS TRAVELING ALONG OR ACROSS THIS ADDITION WILL REMAIN AN OPEN CHANNELS AND WILL BE MAINTAINED BY THE INDIVIDUAL OWNERS OF THE LOT OR LOTS THAT ARE TRAVELLED 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 WILL NOT BE RESPONSIBLE FOR ANY DAMAGE, PERSONAL INJURY OR LOSS OF LIFE OR PROPERTY SUFFERED BY FLOODING OR FLOOD CONDITIONS.
 JOHNSON COUNTY HAS THE RIGHT BUT NOT A DUTY TO ENTER UPON PROPERTY AND CLEAR ANY OBSTRUCTION INCLUDING BUT NOT LIMITED TO TREES, PLANTS, BUSH OR BUILDINGS WHICH OBSTRUCT THE FLOW OF WATER THROUGH DRAINAGE EASEMENTS.

7. UTILITY EASEMENTS:
 ANY PUBLIC UTILITY INCLUDING JOHNSON COUNTY, SHALL HAVE THE RIGHT TO MOVE AND KEEP MOVED ALL OR PART OF ANY BUILDINGS, FENCES, TREES, SHRUBS OR IMPROVEMENTS WHICH ARE IN ANY WAY OBSTACLE OR INTERFERE WITH THE CONSTRUCTION OR MAINTENANCE OR EFFICACY 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 ACCESS AND EGRESS TO AND FROM SAID EASEMENTS FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, INSPECTION, PATROLLING, MAINTAINING AND/OR REMOVING ALL OR PART OF ITS RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME OF PRECISING THE PERMISSION OF ANYONE.

8. UTILITY EASEMENTS:
 UTILITY AND DRAINAGE EASEMENT SHALL BE RETAINED ALONG THE FRONT AND REAR OF ALL LOTS. UTILITY AND DRAINAGE EASEMENT SHALL BE RETAINED ALONG THE SIDES OF ALL LOTS.
 WATER DISTRIBUTION OR SEWER MAINS WILL BE LOCATED WITHIN STREET RIGHT-OF-WAY. THE EXISTING UTILITY AND DRAINAGE EASEMENTS BETWEEN LOTS 12 AND 13 SHALL BE REMOVED WITH THE FILING OF THIS PLAT.

9. RIGHT-OF-WAY DEDICATION:
 ALL STREETS TO BE PRIVATELY OWNED AND MAINTAINED.

10. BUILDING LINES:
 30' FRONT
 NO REAR OR 47' WHEN ADJOINING A GOLF COURSE.
 (0' SIDES)

11. FILING A PLAT:
 IT IS A CRIMINAL OFFENSE PUNISHABLE BY A FINE OF UP TO \$1000,000 CONFINEMENT IN THE COUNTY JAIL FOR UP TO 90 DAYS OR BY BOTH 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 EXECUTOR CONTRACT TO CONVEY THAT IS DELIVERED TO A PURCHASER UNLESS THE PLAT OR REPLAT OF THE SUBDIVISION IS APPROVED AND IS FILED FOR RECORDS WITH THE JOHNSON COUNTY CLERK. HOWEVER, SAID DESCRIPTION MAY BE USED IN 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 CONVEYED BEFORE THE RECORDING OF THE PLAT.

12. A PURCHASER MAY NOT USE OR OCCUPY PROPERTY DESCRIBED IN A PLAT OR REPLAT OF A SUBDIVISION UNTIL SUCH TIME AS THE PLAT IS FILED FOR RECORDS WITH THE COUNTY CLERK'S OFFICE OF THE JOHNSON COUNTY CLERK.

13. 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 COMPLY WITH ALL LOCAL, STATE OR FEDERAL LAW OF THE JURISDICTIONS IN WHICH THE PROPERTY IS LOCATED.

JOHNSON COUNTY MAKES NO REPRESENTATION THAT THE CREEKS, STREAMS, RIVERS, DRAINAGE CHANNELS OR OTHER DRAINAGE STRUCTURES DEVELOPED OR PLANNED, PROTECTED HEREON ARE ACTUALLY EXISTING OR THE PROPERTY PROTECTED 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 HERETO TO MAKE ACCURATE AND TRUTHFUL REPRESENTATIONS UPON WHICH JOHNSON COUNTY CAN MAKE DETERMINATIONS REGARDING THE APPROVAL OR DISAPPROVAL OF THIS PLAT.

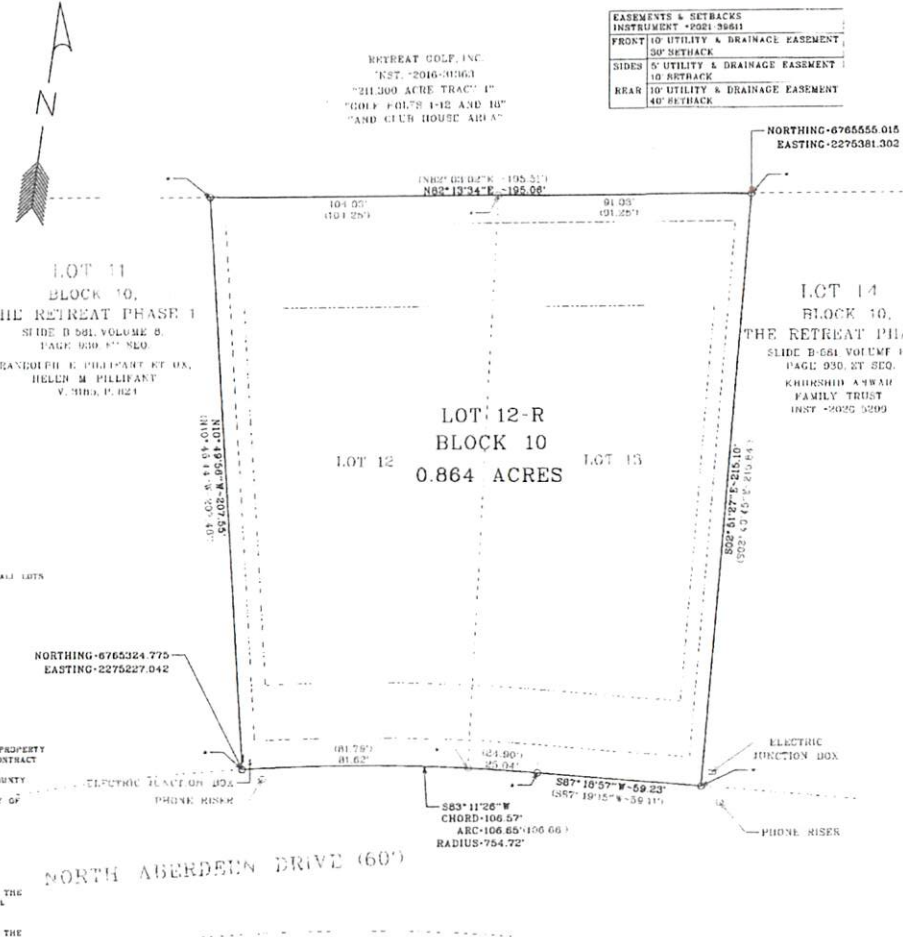
14. INDEMNITY:
 THE PROPERTY DEVELOPER SUBMITTING THIS PLAT TO JOHNSON COUNTY FOR APPROVAL AND THE OWNER OF THE PROPERTY THE SUBJECT OF THIS PLAT DO HEREBY AGREE TO JOINTLY AND SEVERALLY INDEMNIFY AND HOLD HARMLESS JOHNSON COUNTY AND THE COMMISSIONERS OFFICIALS AND EMPLOYEES OF JOHNSON COUNTY FROM ANY 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.

15. FILING A PLAT IS NOT ACCEPTANCE OF ROADS FOR COUNTY MAINTENANCE:
 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 SHOWN IN THIS PLAT SHALL BE MAINTAINED BY JOHNSON COUNTY, TEXAS 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.

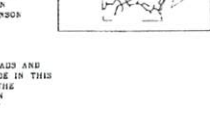
APPROVED BY JOHNSON COUNTY COMMISSIONER'S COURT ON THE _____ DAY OF _____, 2022.

OWNERS:
 MICHAEL ALAN & SHERRI LYNN KOTTWITZ
 9300 MARIANELLA DRIVE
 FORT WORTH, TEXAS 76126
 PHONE: (817) 470-8787

COUNTY JUDGE
 0' 30'
 GRAPHIC SCALE



NORTH ABERDEEN DRIVE (60')
 RETREAT CLUBHOUSE DRIVE
 RETREAT BOULEVARD
 PROJECT SITE

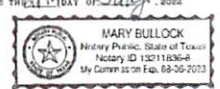


REVISED PLAT SHOWING
 LOT 12-R, BLOCK 10
 THE RETREAT, PHASE 1,
 SUBDIVISION IN
 JOHNSON COUNTY, TEXAS
 BEING A REVISION OF LOTS 12 AND 13, BLOCK
 10, THE RETREAT, PHASE 1, ACCORDING TO THE
 PLAT RECORDED IN SLIDE B-581, VOLUME B,
 PAGE 930, ET SEQ. OF THE
 OFFICIAL PLAT RECORDS OF JOHNSON
 COUNTY, TEXAS.

EASEMENTS & SETBACKS	
FRONT	TO UTILITY & DRAINAGE EASEMENT 30' SETBACK
SIDES	5' UTILITY & DRAINAGE EASEMENT 10' SETBACK
REAR	TO UTILITY & DRAINAGE EASEMENT 40' SETBACK

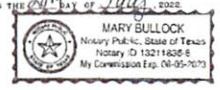
NEW THIS BEFORE KNOWN TO ALL MEN BY THESE PRESENTS
 THAT MICHAEL ALAN KOTTWITZ AND SHERRI LYNN KOTTWITZ, OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND DO HEREBY ADOPT THIS PLAT DESIGNATING THE HEREIN DESCRIBED PROPERTY AS LOT 12-R, BLOCK 10, THE RETREAT, PHASE 1, AN ADDITION TO JOHNSON COUNTY, TEXAS AND HEREBY DEDICATE TO THE PUBLIC USE, WITHOUT RESERVATION, THE STREETS, EASEMENTS, RIGHT-OF-WAYS AND ANY OTHER PUBLIC AREA SHOWN HEREON.
 Michael Alan Kottwitz
 Sherri Lynn Kottwitz
 DATE: 7/20/22

STATE OF TEXAS
 COUNTY OF JOHNSON
 BEFORE ME, UNDESIGNATED, A NOTARY PUBLIC IN AND FOR THE SAID COUNTY AND STATE, ON THIS DAY PERSONALLY APPEARED MICHAEL ALAN KOTTWITZ, 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 20th DAY OF July, 2022.
 Mary Bullock
 NOTARY PUBLIC STATE OF TEXAS
 MY COMMISSION EXPIRES: 8/6/2023

BEFORE ME, UNDESIGNATED, A NOTARY PUBLIC IN AND FOR THE SAID COUNTY AND STATE, ON THIS DAY PERSONALLY APPEARED SHERRI LYNN KOTTWITZ, 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 20th DAY OF July, 2022.
 Mary Bullock
 NOTARY PUBLIC STATE OF TEXAS
 MY COMMISSION EXPIRES: 8/6/2023

PROPERTY DESCRIPTION:
 Field notes for the survey of all that certain lot, tract or parcel of land being all of lots 12 and 13, block 10, phase 1 of the Retreat Subdivision in Johnson County, Texas, according to plat recorded in Slide B-581 and Volume B Page 930, et seq. of the Official Plat Records of Johnson County. Said lots in all those certain tracts described in deeds from Blain R. Shuman, et ux, Marsha A. Hodges to Michael Alan Kottwitz and Sherri Lynn Kottwitz recorded as Instrument #2022-1182 and from Michael Alan Kottwitz and Sherri Lynn Kottwitz recorded as Instrument #2022-1185 of the Official Public Records of Johnson County, more particularly described as follows:

BEGINNING at a 1/2" iron rod with cap stamped "RECKER & FOX" found in the north line of North Aberdeen Drive for the southeast corner of said lot 13 and for the southeast corner of the lot;
 THENCE with the north line of North Aberdeen Drive, S07°10'57" W 58.23 feet to a 1/2" iron rod with cap stamped "RECKER & FOX" found for the beginning of a curve to the left;
 THENCE continuing with the north line of North Aberdeen Drive and along said curve having a radius of 754.72 feet, S07°10'57" W for a chord distance of 105.57 feet, to a 1/2" iron rod with cap stamped "RECKER & FOX" found for the southwest corner of said lot 12 and for the southwest corner of this;
 THENCE N10°46'56" W 207.55 feet to a 1/2" iron rod with cap stamped "RECKER & FOX" found in the south line of that certain 211,200 acre tract described in a deed to Retreat Golf Inc. recorded as Instrument #2012-2025 of the Official Public Records of Johnson County for the northwest corner of said lot 12 and for the northwest corner of this;
 THENCE with the south line of said Golf tract, N62°15'34" E, at 104.00 feet passing a 1/2" iron rod with cap stamped "RECKER & FOX" found for the northeast corner of said lot 12 and for the northwest corner of said lot 13, to a 1/2" iron rod with cap stamped "RECKER & FOX" found for the northeast corner of said lot 13 and for the northeast corner of this;
 THENCE S02°51'27" E 216.10 feet to the place of beginning, containing 0.864 acres of land.

SURVEYOR'S NOTES:
 1. ALL BEARINGS AND DISTANCES ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE, NAD 83, AS ESTABLISHED USING TRIMBLE VLS 570R/KP.
 2. THE SURVEY PERFORMED ON THE GROUND OF THE SUBJECT PROPERTY AND THE PREPARATION OF A DEVIATION OF THE RESULTS THEREOF OF THIS FINAL PLAT AND PROPERTY DESCRIPTION WERE PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE, THEREFORE THERE MAY BE EASEMENTS OR OTHER MATTERS THAT COULD EXIST AND ARE NOT SHOWN.

SURVEYOR'S CERTIFICATION:
 I, THE UNDERSIGNED, A QUALIFIED 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 OR THE GROUND.



Jesse Joseph Ince
 REGISTERED PROFESSIONAL LAND SURVEYOR
 TEXAS REGISTRATION NO. 5175

INCE SURVEYING & ENGINEERING	
184 THOUSAND OAKS DRIVE WHITNEY, TEXAS 76692	
PHONE: 254-694-7708	FIRM #10068000
FAX: 254-694-7230	
SCALE 1"=30'	JULY 20, 2022 SURVEY NO SN201229.3