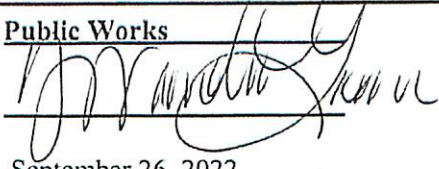


SEP 26 2022

Approved

<u>REQUEST FOR AGENDA PLACEMENT FORM</u>	
Submission Deadline - Tuesday, 12:00 PM before Court Dates	
SUBMITTED BY: Jennifer VanderLaan	TODAY'S DATE: September 16, 2022
DEPARTMENT:	Public Works
SIGNATURE OF DEPARTMENT HEAD:	
REQUESTED AGENDA DATE:	September 26, 2022
<u>SPECIFIC AGENDA WORDING:</u>	
Consideration of Variance to Lift Groundwater Accessibility Certification Requirement for Martin Creek Phase II, a proposed subdivision of 2 lots, to be served by private water wells in Precinct #1- Public Works Department	
<u>PERSON(S) TO PRESENT ITEM:</u> Jennifer VanderLaan	
SUPPORT MATERIAL: (Must enclose supporting documentation)	
TIME: 10 minutes	ACTION ITEM: _____
(Anticipated number of minutes needed to discuss item)	WORKSHOP: <input checked="" type="checkbox"/> _____
	CONSENT: _____
	EXECUTIVE: _____
<u>STAFF NOTICE:</u>	
COUNTY ATTORNEY: _____	IT DEPARTMENT: _____
AUDITOR: _____	PURCHASING DEPARTMENT: _____
PERSONNEL: _____	PUBLIC WORKS: <input checked="" type="checkbox"/> _____
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 required under the adopted Rules and Regulations. To request a variance for a deviation or exception to those Rules and Regulations 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.

Name Martin Creek Partners (Darrell Scogins) Date 9/15/2022

Phone Number 817-659-3172

Email Address darrell.scogins@icloud.com

Property Information for Variance Request:

Property 911 address 12201 CR 1131 Godley, TX 76044

Subdivision name Martin Creek Block 5 Lot 1 & 2

Survey CR Tisdale Survey Abstract 850 Acreage 10

Request Allow two additional 5 acre lots in Martin Creek without a groundwater study.

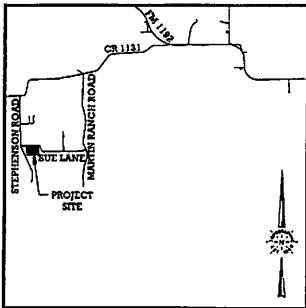
Reason for request We are only adding 2 lots in an already approved and completed 25 lot subdivision (all additional lots are 10+ acres).

It is extremely expensive to do these studies and the Praireland Water Conservation Group

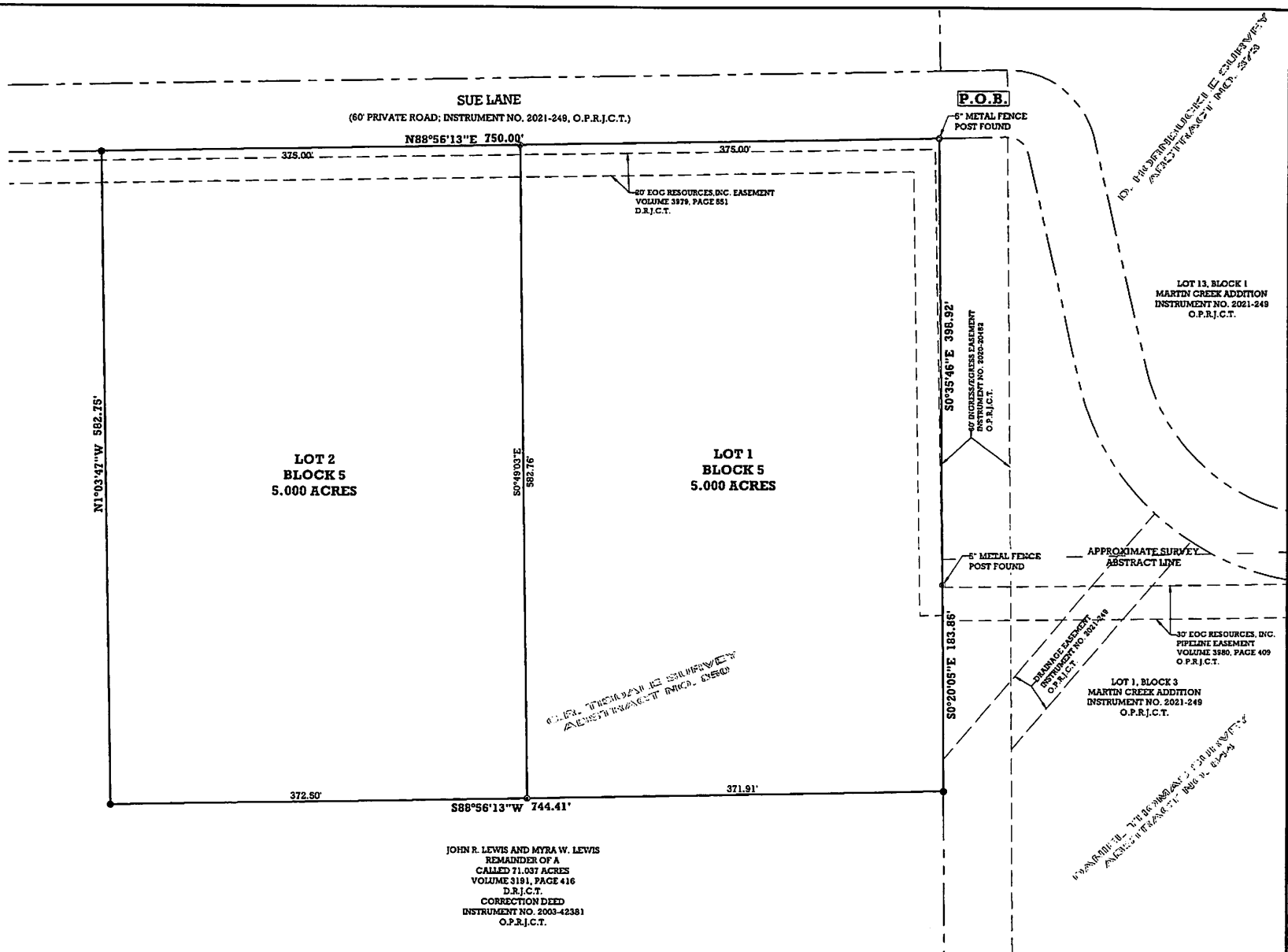
communicated to us that they do not require a study for the 2 lots.

Provide the following with this request:

- Copy of plat (if property has been platted)
- Copy of property deed
- Survey or drawing showing existing structures



VICINITY MAP
N.T.S.



PLAT RECORDED IN:
 INSTRUMENT NO. _____ SLIDE _____
 DATE _____
 COUNTY CLERK, JOHNSON COUNTY, TEXAS
 DEPUTY _____

JOHN R. LEWIS AND MYRA W. LEWIS
 REMAINDER OF A
 CALLED 71.037 ACRES
 VOLUME 3191, PAGE 416
 D.R.J.C.T.
 CORRECTION DEED
 INSTRUMENT NO. 2003-42381
 O.P.R.J.C.T.

* SEE SHEET 2 OF 2 FOR NOTES AND PROPERTY DESCRIPTION.

LEGEND		ABBREVIATIONS	OWNER	FINAL PLAT
————	SUBJECT PROPERTY LINE	● 1/2" IRON ROD FOUND WITH CAP STAMPED "TOPOGRAPHIC"	TBD	LOT 1 & 2, BLOCK 5 MARTIN CREEK PHASE II AN ADDITION TO JOHNSON COUNTY, TEXAS 10.000 ACRES C.R. TISDALE SURVEY, ABSTRACT NO. 850
- - - - -	ADJOINER LINE	⊙ 1/2" IRON ROD SET WITH CAP STAMPED "TOPOGRAPHIC"		
---	EASEMENT	⊕ FENCE POST FOUND (AS NOTED)	 <small>1000 EVERMAN PARKWAY, SUITE 100 • FT. WORTH, TEXAS 76104 TELEPHONE: 817.340.1000 • FAX: 817.340.1001 TEXAS PLAT REGISTRATION NO. 100004 WWW.TOPOGRAPHIC.COM</small>	FILE: RP_10AC_202200803 DRAFT: BWM SHEET: 1 OF 2
			CHECK: FCN DATE: 08/19/2022	REVISION 0

GENERAL NOTES:

1. ORIGINAL DOCUMENT SIZE: 18" X 24"
2. ALL BEARINGS SHOWN HEREON ARE CORRELATED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE, NORTH AMERICAN DATUM 1983. ALL DISTANCES, ACRESAGES AND COORDINATE VALUES HAVE BEEN SCALED FROM GRID TO SURFACE BY APPLYING A COMBINED SCALE FACTOR OF 1.00012. ALL MEASURED ELEVATIONS SHOWN HEREON ARE CORRELATED TO NAVD 88 VERTICAL DATUM.
3. UNDERGROUND UTILITIES SHOWN HEREON ARE BASED ON VISIBLE EVIDENCE OBSERVED DURING THE COURSE OF A FIELD SURVEY. THIS SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPLETE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THIS SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN HEREON ARE IN THE EXACT LOCATION INDICATED. THIS SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.
4. ADJOINER INFORMATION SHOWN FOR INFORMATIONAL PURPOSES ONLY AND OBTAINED FROM THE JOHNSON COUNTY CENTRAL APPRAISAL DISTRICT, ONLINE INFORMATION.
5. ACCORDING TO THE FEMA FIRM MAP NUMBER 48251C0150J, REVISED DECEMBER 4, 2012, THE SUBJECT PROPERTY APPEARS TO BE IN ZONE "X".
6. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF AN UP TO DATE ABSTRACT OF TITLE. EASEMENTS MAY EXIST THAT THIS SURVEYOR IS UNAWARE OF.
7. ALL CORNERS MARKED WITH A 1/2" IRON ROD WITH CAP STAMPED "TOPOGRAPHIC" SET UNLESS NOTED OTHERWISE.

DUTIES OF DEVELOPER/ PROPERTY OWNER

1. THE APPROVAL AND FILING OF THIS PLAT BY JOHNSON COUNTY DOES NOT RELIEVE THE DEVELOPER OF THE PROPERTY OR THE 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.
2. 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 DEPOSE, IMPUTE OR TRANSFER ANY DUTY OR LIABILITY TO JOHNSON COUNTY, THE COMMISSIONERS, OFFICIALS OR EMPLOYEES OF JOHNSON COUNTY.
3. JOHNSON COUNTY MAKES 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.
4. 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.

FILING A PLAT IS NOT ACCEPTANCE OF ROADS FOR COUNTY MAINTENANCE

1. 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, 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.

FILING A PLAT

1. IT IS A CRIMINAL OFFENSE PUNISHABLE BY A FINE OF UP TO \$1,000.00 AND 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 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 CONVEYED BEFORE THE RECORDING OF THE PLAT.
2. 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 RECORD WITH THE COUNTY CLERK'S OFFICE OF THE JOHNSON COUNTY CLERK.

UTILITY EASEMENT

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 BY ANY WAY ENDANGER 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 ADDING TO OR REMOVING ALL OR PART OF ITS RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME OF PROCURING THE PERMISSION OF ANYONE.

WATER:

PRIVATE WATER WELL SYSTEM

SEPTIC:

PRIVATE INDIVIDUAL SEPTIC SYSTEMS

ELECTRIC:

UNITED COOPERATIVE SERVICES 817-783-8316

RIGHT OF WAY DEDICATION

45 ROW FROM CENTER OF ROAD ON F.M. OR STATE
30 ROW FROM CENTER OF COUNTY ROADS OR ROADS IN A SUBDIVISION

UTILITY EASEMENTS:

15' UTILITY EASEMENT ALONG FRONT LOT LINE
15' UTILITY EASEMENT ALONG BACK LOT LINE
5' FROM LOT LINE ALONG SIDE LOT LINES (UNLESS OTHERWISE SHOWN HEREON)

BUILDING LINES:

50' FROM LOT LINE (STATE HWY & F.M.)
25' FROM LOT LINE (COUNTY ROADS OR ROADS IN A SUBDIVISION)
15' FROM LOT LINE ON REAR
10' FROM LOT LINE ON SIDES

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.

PLAT NOTES

1. THIS SUBDIVISION OR ANY PART THEREOF IS NOT LOCATED WITHIN THE ETJ OF ANY CITY OR TOWN.
2. THE PROPOSED USAGE OF THE SUBJECT PROPERTY 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.

FLOOD STATEMENT

ACCORDING TO THE FLOOD INSURANCE RATE MAP FOR JOHNSON COUNTY, TEXAS AND INCORPORATED AREAS, COMMUNITY PANEL NO. 48251C0150J, EFFECTIVE DATE DECEMBER 4, 2012, THIS PROPERTY APPEARS TO BE LOCATED IN ZONE "X".

1. THE ABOVE REFERENCED FEMA FLOOD INSURANCE RATE MAP IS FOR USE IN ADMINISTERING THE "NTP". 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 "NTP".
2. BLOCKING THE FLOW OF WATER OR CONSTRUCTING IMPROVEMENTS IN THE DRAINAGE EASEMENTS, AND FILING OR OBSTRUCTION OF THE FLOODWAY IS PROHIBITED.
3. THE EXISTING CREEKS 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 TRAVELLED BY OR ADJACENT TO DRAINAGE COURSES ALONG OR ACROSS SAID LOTS.
4. JOHNSON COUNTY WILL NOT BE RESPONSIBLE FOR THE MAINTENANCE AND OPERATIONS OF SAID DRAINAGE WAYS OR FOR THE CONTROL OF EROSION.
5. JOHNSON COUNTY WILL NOT BE RESPONSIBLE FOR ANY DAMAGE, PERSONAL INJURY OR LOSS OF LIFE OR PROPERTY OCCASIONED BY FLOODING OR FLOOD CONDITIONS.
6. 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.

ROAD NOTE:

ALL ROADS SHOWN HEREON LABELED AS PRIVATE ROADS ARE TO BE MAINTAINED BY THE HOA.

PRIVATE SEWAGE FACILITY

1. 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.
2. INSPECTIONS AND/OR ACCEPTANCE OF A PRIVATE SEWAGE FACILITY BY THE PUBLIC WORKS DEPARTMENT SHALL INDICATE ONLY THAT THE FACILITY MEETS MINIMUM REQUIREMENTS AND DOES NOT RELIEVE THE OWNER OF THE PROPERTY FROM COMPLYING WITH COUNTY, STATE AND FEDERAL REGULATIONS, PRIVATE SEWAGE FACILITIES, ALTHOUGH APPROVED AS MEETING MINIMUM STANDARDS, MUST BE UPGRADDED BY THE OWNER AT THE OWNERS EXPENSE IF NORMAL OPERATION OF THE FACILITY RESULTS IN OBJECTIONABLE ODOORS, IF UNUSUAL CONDITIONS ARE CREATED, OR IF THE FACILITY WHEN USED DOES NOT COMPLY WITH GOVERNMENTAL REGULATIONS.
3. A PROPERLY DESIGNED AND CONSTRUCTED PRIVATE SEWAGE FACILITY SYSTEM, INSTALLED IN SUITABLE SOIL, CAN MALFUNCTION 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.

APPROVED BY JOHNSON COUNTY COMMISSIONERS

COURT ON THE _____ DAY OF _____, 2022.

COUNTY JUDGE _____

PLAT RECORDED IN:

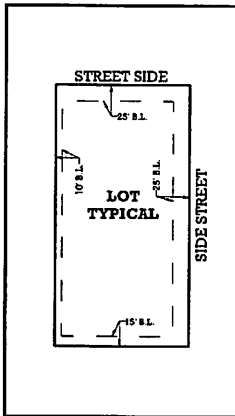
INSTRUMENT NO. _____ SLIDE _____

DATE _____

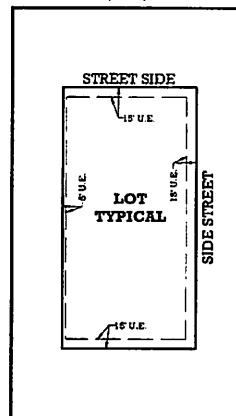
COUNTY CLERK, JOHNSON COUNTY, TEXAS

DEPUTY _____

TYPICAL LOT DETAIL BUILDING LINES (N.T.S)



TYPICAL LOT DETAIL EASEMENTS (UNLESS SHOWN OTHERWISE HEREON) (N.T.S)



STATE OF TEXAS §
COUNTY OF JOHNSON §

BEING A TRACT OF LAND SITUATED IN THE C.R. TISDALE SURVEY, ABSTRACT NO. 850, JOHNSON COUNTY, TEXAS AND BEING ALL OF A CALLED 10.000 ACRE TRACT DESCRIBED IN A DEED TO _____, AS RECORDED IN INSTRUMENT NO. _____ OF THE OFFICIAL PUBLIC RECORDS OF JOHNSON COUNTY, TEXAS (O.P.R.I.C.T.) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5" METAL FENCE POST FOUND FOR THE NORTHEAST CORNER OF SAID 10.000 ACRE TRACT AND THE NORTHWEST CORNER OF LOT 1, BLOCK 2 OF MARTIN CREEK ADDITION, AN ADDITION TO JOHNSON COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN INSTRUMENT NO. 2021-246, O.P.R.I.C.T. AND BEING ON THE SOUTH LINE OF SUE LANE, A 60' PRIVATE ROAD, AS SHOWN ON SAID MARTIN CREEK ADDITION;

THENCE WITH THE EAST LINE OF SAID 10.000 ACRE TRACT AND THE WEST LINE OF SAID LOT 1, THE FOLLOWING:

SOUTH 0°35'46" EAST, A DISTANCE OF 399.92 FEET TO A 6" METAL FENCE POST FOUND;

SOUTH 0°20'05" EAST, A DISTANCE OF 183.86 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "TOPOGRAPHIC" FOUND FOR THE SOUTHEAST CORNER OF SAID 10.000 ACRE TRACT;

THENCE SOUTH 88°56'13" WEST, A DISTANCE OF 744.41 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "TOPOGRAPHIC" FOUND FOR THE SOUTHWEST CORNER OF SAID 10.000 ACRE TRACT;

THENCE NORTH 1°03'47" WEST, A DISTANCE OF 582.75 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "TOPOGRAPHIC" FOUND FOR THE NORTHWEST CORNER OF SAID 10.000 ACRE TRACT AND BEING ON THE SOUTH LINE OF SUE LANE;

THENCE NORTH 88°56'13" EAST, WITH SAID NORTH LINE OF 10.000 ACRE TRACT AND SAID SOUTH LINE OF SUE LANE, A DISTANCE OF 750.00 FEET TO A PLACE OF BEGINNING AND CONTAINING 10.000 ACRES OF LAND.

NOW THEREFORE KNOWN TO ALL MEN BY THESE PRESENTS

THAT _____, THE OWNER OF THE ABOVE DESCRIBED TRACT OF LAND, DOES HEREBY ADOPT THIS PLAT DESIGNATING THE HEREIN DESCRIBED PROPERTY AS LOT 1 AND LOT 2, BLOCK 5 OF MARTIN CREEK PHASE II, AN ADDITION TO JOHNSON COUNTY, TEXAS, AND DOES HEREBY DEDICATE TO THE PUBLIC USE, WITHOUT RESERVATION, THE STREETS, EASEMENTS, RIGHT-OF-WAYS AND ANY OTHER PUBLIC AREAS SHOWN HEREON.

BY: _____ DATE: _____
NAME: _____
TITLE: _____

SWORN AND SUBSCRIBED BEFORE ME BY _____
THIS THE _____ DAY OF _____, 2022.

NOTARY PUBLIC, STATE OF TEXAS
MY COMMISSION EXPIRES: _____

CERTIFICATION:

THAT I, FORREST C. NANCE, REGISTERED PROFESSIONAL LAND SURVEYOR, TEXAS REGISTRATION NUMBER 6809, HEREBY CERTIFY THAT THIS CORRECTLY REPRESENTS A SURVEY MADE ON THE GROUND UNDER MY SUPERVISION ON JULY 20, 2022.

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.

FORREST C. NANCE, R.P.L.S. NO. 6809

LEGEND

- SUBJECT PROPERTY LINE
- - - - - ADJOINER LINE
- EASEMENT

- IRON ROD FOUND (RR) (AS NOTED)
- 1/2" IRON ROD FOUND WITH CAP STAMPED "TOPOGRAPHIC"

ABBREVIATIONS

O.P.R.I.C.T. = OFFICIAL PUBLIC RECORDS, JOHNSON COUNTY, TEXAS
D.R.I.C.T. = DEED RECORDS, JOHNSON COUNTY, TEXAS
P.R.I.C.T. = PLAT RECORDS, JOHNSON COUNTY, TEXAS
(XXXX) = DEED CALLS
P.O.B. = PLACE OF BEGINNING

OWNER

TBD

FINAL PLAT

**LOT 1 & 2, BLOCK 5
MARTIN CREEK PHASE II
AN ADDITION TO JOHNSON COUNTY, TEXAS
10.000 ACRES
C.R. TISDALE SURVEY, ABSTRACT NO. 850**

FILE: RP_10AC_202200803

DRAFT: BWM

SHEET: 1 OF 2

CHECK: FCN

DATE: 08/19/2022

REVISION

0



STATE OF TEXAS)
)
COUNTY OF JOHNSON)

CONFIRMATION OF PROPERTY DESCRIPTION AND OWNERSHIP

The Confirmation of Property Description is made by and among Jon R. Lewis and wife, Myra W. Lewis, hereinafter "Lewis", and N. R. Stevenson, hereinafter "Stevenson", with respect to the property description contained in that certain Warranty Deed with Vendor's Lien recorded in Volume 3191, Page 416 of the Official Public Records of Johnson County, Texas.

Under the terms of the Warranty Deed with Vendor's Lien, 71.037 acres of land were conveyed by Stevenson to Lewis. Immediately to the North of said 71.037 acres of land, lies a 1.715 acre strip. Lewis did not, and never intended to, acquire this 1.715 acres strip and acknowledges that Stevenson at all times has retained ownership of said 1.715 acre tract and that Lewis never acquired the 1.715 acre strip of land. Lewis acquired an access easement over and across the Westernmost 30' X 60' portion of the 1.715 acre tract, but ownership of the 1.715 acre tract remained with Stevenson.

On page one of the Warranty Deed with Vendor's Lien, a 10 ft utility easement is reserved "for Grantor and Grantor's heirs, successors and assigns" in connection with the description of the 10 ft utility easement, the beginning point is in the North line of the 71.037 acre tract and the "South line of the 1.715 acre tract reserved by Stevenson..." While the description of the easement refers to the "1.715 acre tract reserved by Stevenson", said 1.715 acre tract was reserved in that it was not a part of the 71.037 acre tract conveyed to Lewis, and instead of being specifically reserved from the 71.037 acre tract conveyed, it was never made a part of the 71.037 acre tract. This is further confirmed in that a point in the North line of the 71.037 acre tract would necessarily be in the South line of the 1.715 acre tract in that the 1.715 acre tract lies immediately to the North of the 71.037 acre tract but is not enclosed within the 71.037 acre tract.

This confirmation of property description is to advise all parties of the facts stated herein as to the ownership of the 1.715 acre tract by Stevenson and the ownership of the 71.037 acre tract by Lewis and that the 1.715 acre tract is not a part of the 71.037 acre tract but is entirely separate therefrom.

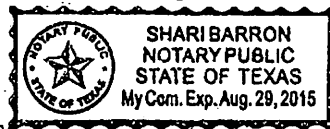

N.R. Stevenson

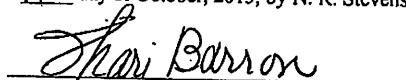

Jon R. Lewis


Myra W. Lewis

STATE OF TEXAS
COUNTY OF SMITH

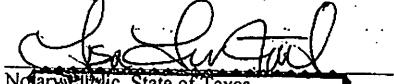

This instrument was acknowledged before me on this 17th day of October, 2013, by N. R. Stevenson.




Notary Public, State of Texas


STATE OF TEXAS
COUNTY OF HOOD

This instrument was acknowledged before me on this 11 day of October, 2013, by Jon R. Lewis.


Notary Public, State of Texas


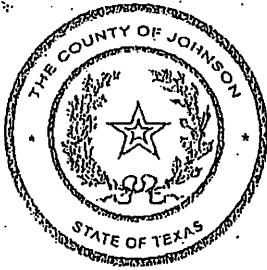
STATE OF TEXAS
COUNTY OF HOOD

This instrument was acknowledged before me on this 11 day of October, 2013, by Myra W. Lewis.


Notary Public, State of Texas

After recording return to:
John F. Berry
100 Independence Place, Suite 400, Tyler, Texas 75703





Becky Williams

BECKY WILLIAMS, COUNTY CLERK
JOHNSON COUNTY, TEXAS

FILED FOR RECORD IN:

JOHNSON CO CLERK - RECORDING

ON: OCT 25, 2013 AT 01:36P

AS A(N) REAL PROPERTY

Becky Williams, COUNTY CLERK

CLERK NUMBER 25959 PAGES 2

AMOUNT: 16.00

RECEIPT NUMBER 13027679

BY CHERYL
STATE OF TEXAS JOHNSON CO CLERK -
AS STAMPED HEREON BY ME. OCT 25, 2013

Becky Williams, COUNTY CLERK

Recorded: _____

WARNING --- THIS IS PART OF THE OFFICIAL RECORD
DO NOT DESTROY

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.