

JOHNSON COUNTY COMMISSIONERS COURT DEC 12 2022



Becky Ivey, County Clerk  
Johnson County Texas  
By sf Deputy

RICK BAILEY  
Commissioner Pct. #1  
  
KENNY HOWELL  
Commissioner Pct. #2

ROGER HARMON  
County Judge  
  
PAULA REID  
Assistant to Commissioners Court

MIKE WHITE  
Commissioner Pct. #3  
  
LARRY WOOLLEY  
Commissioner Pct. #4

STATE OF TEXAS  
  
COUNTY OF JOHNSON

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§  
§

ORDER 2022-95

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ORDER APPROVING REVISION OF PLAT  
PURSUANT TO SECTION 232.009 (c) OF THE  
TEXAS LOCAL GOVERNMENT CODE

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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 30<sup>th</sup> 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 White, Pct. 3 that stated: "I make the motion to approve the revision of the plat of **The Retreat, Phase 5**, Lots 49-A, 49-B, and 50-B, Block 46, to create Lot 49-R, Block 46, in Precinct 1."

Said motion was approved by a vote of the Commissioners Court on the 12<sup>th</sup> day of December, 2022.

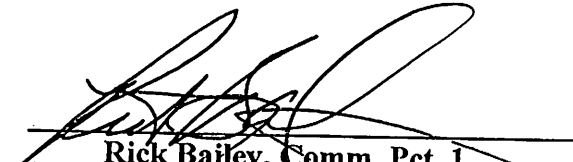
**NOW THEREFORE BE IT RESOLVED AND ORDERED:**

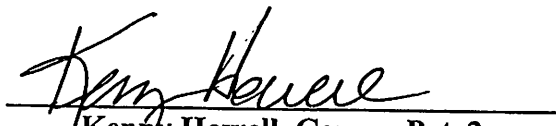
The Commissioners Court of Johnson County, Texas does hereby enter this Order approving the revision of the plat of **The Retreat, Phase 5**, Lots 49-A, 49-B, and 50-B, Block 46, to create Lot 49-R, Block 46, in Precinct 1.

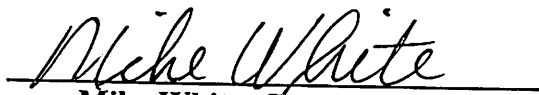
WITNESS OUR HAND THIS, THE 12<sup>TH</sup> DAY OF DECEMBER 2022.

  
Roger Harmon, Johnson County Judge

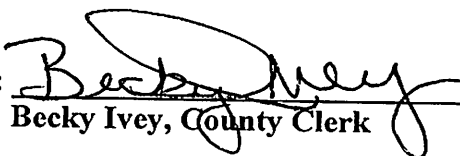
Voted:  yes,  no,  abstained

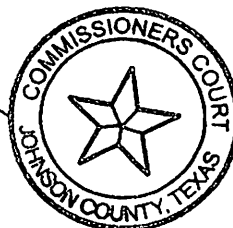
  
Rick Bailey, Comm. Pct. 1  
Voted:  yes,  no,  abstained

  
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:**

- THIS SUBDIVISION OR ANY PART THEREOF IS NOT LOCATED WITHIN THE CITY OF ANY CITY OR TOWN.
- THE PROPOSED USAGE FOR THIS PLAT IS SINGLE FAMILY RESIDENTIAL.
- THE DEVELOPER SHALL COMPLETE ALL ROADS AND DRAINAGE FACILITIES IN A SUBDIVISION WITHIN TWELVE MONTHS AFTER THE DATE OF FINAL PLAT APPROVAL.
- UTILITY PROVIDED:  
WATER SERVICE PROVIDED BY MIDWAY WATER UTILITIES, INC. PHONE 817-454-7266  
ELECTRIC SERVICE IS TO BE PROVIDED BY UNITED COOPERATIVE SERVICES, PHONE 817-854-4600  
CENTRAL SEWER COLLECTION AND TREATMENT IS PROVIDED BY MIDWAY WATER UTILITIES, INC. PHONE 817-454-7266.

**5. FLOOD STATEMENT:**  
ACCORDING TO THE FLOOD INSURANCE RATE MAP FOR JOHNSON COUNTY, TEXAS AND INCORPORATED AREAS, COMMUNITY PANEL NO. 482510400, EFFECTIVE DATE DECEMBER 04, 2002, THIS PROPERTY IS IN ZONE X (AREAS DETERMINED TO BE OUT OF THE FLOOD PLAIN).  
THE ABOVE REFERENCED FEMA FLOOD INSURANCE RATE MAP IS FOR USE IN ADMINISTERING THE "WFIP". 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 WFIP.

**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 AS OPEN CHANNELS AND WILL BE MAINTAINED BY THE INDIVIDUAL OWNERS OF THE LOT OR LOTS THAT ARE TRAVELLED BY OR ADJACENT TO EASEMENT COURSES ALONG OR ACROSS SAID LOTS.

JOHNSON COUNTY WILL NOT BE RESPONSIBLE FOR THE MAINTENANCE AND OPERATIONS OF SAID DRAINAGE WAY OR FOR THE CONTROL OF EROSION.  
JOHNSON COUNTY WILL NOT BE RESPONSIBLE FOR ANY DAMAGE, PERSONAL INJURY OR LOSS OF LIFE OR PROPERTY OCCASIONED BY FLOODING OR FLOOD CONDITIONS.

**7. UTILITY EASEMENT:**  
ANY PUBLIC UTILITY, INCLUDING JOHNSON COUNTY, SHALL HAVE THE RIGHT TO MOVE AND KEEP MOVED ALL OR PART OF ANY BUILDING, FENCES, TREES, SHRUBS, OTHER GROUNDS OR IMPROVEMENTS WHICH IN ANY WAY EXIST OR ARE TO BE CONSTRUCTED OR MAINTAINED OR ENJOYED OR ENFRANCHISED BY THE EASEMENTS SHOWN ON THIS PLAT.  
JOHNSON COUNTY SHALL HAVE THE RIGHT AT ALL TIMES TO INGRESS AND EGRESS TO AND FROM SAID EASEMENTS FOR THE PURPOSES 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.

**8. UTILITY EASEMENTS:**  
ALL UTILITY AND DRAINAGE EASEMENTS SHALL BE RETAINED ALONG THE FRONT AND REAR OF ALL LOTS.  
UTILITY AND DRAINAGE EASEMENTS SHALL BE KEPT OPEN AND MAINTAINED BY THE INDIVIDUAL OWNERS OF THE LOTS.  
WATER DISTRIBUTION AND SEWER MAINS SHALL BE LOCATED WITHIN STREET RIGHT OF WAY.  
THE FRONTING UTILITY AND DRAINAGE EASEMENTS BETWEEN LOTS 49-B AND 50-B 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:**  
10' FRONT  
30' REAR OR 40' WHEN ADJOINING A GOLF COURSE  
10' SIDES

**11. FILING A PLAT:**  
IT IS A CRIMINAL OFFENSE PUNISHABLE BY A FINE OF UP TO \$100,000, CONFINEMENT IN THE COUNTY JAIL FOR UP TO 90 DAYS OR BY BOTH FINE AND CONFINEMENT FOR A PERSON WHO SUBMITTENS REAL PROPERTY TO A PUBLIC OFFICIAL FOR RECORDING OR FOR THE RECORDING OF A CONTRACT OR CONTRACT OF SALE OR OTHER EXECUTOR CONTRACT TO CONVEY THAT IS DELIVERED TO A PURCHASER UNLESS THE PLAT OR DEED OF THE SUBDIVISION IS APPROVED AND IS FILED FOR RECORD WITH THE JOHNSON COUNTY CLERK. HOWEVER, SAID DESCRIPTION MAY BE USED IF THE COVENANCE IS EXPRESSLY CONTRACTED OR 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 DEED OF A SUBDIVISION UNTIL SUCH TIME AS THE PLAT IS FILED FOR RECORD WITH THE COUNTY CLERK'S OFFICE OF THE JOHNSON COUNTY CLERK.**

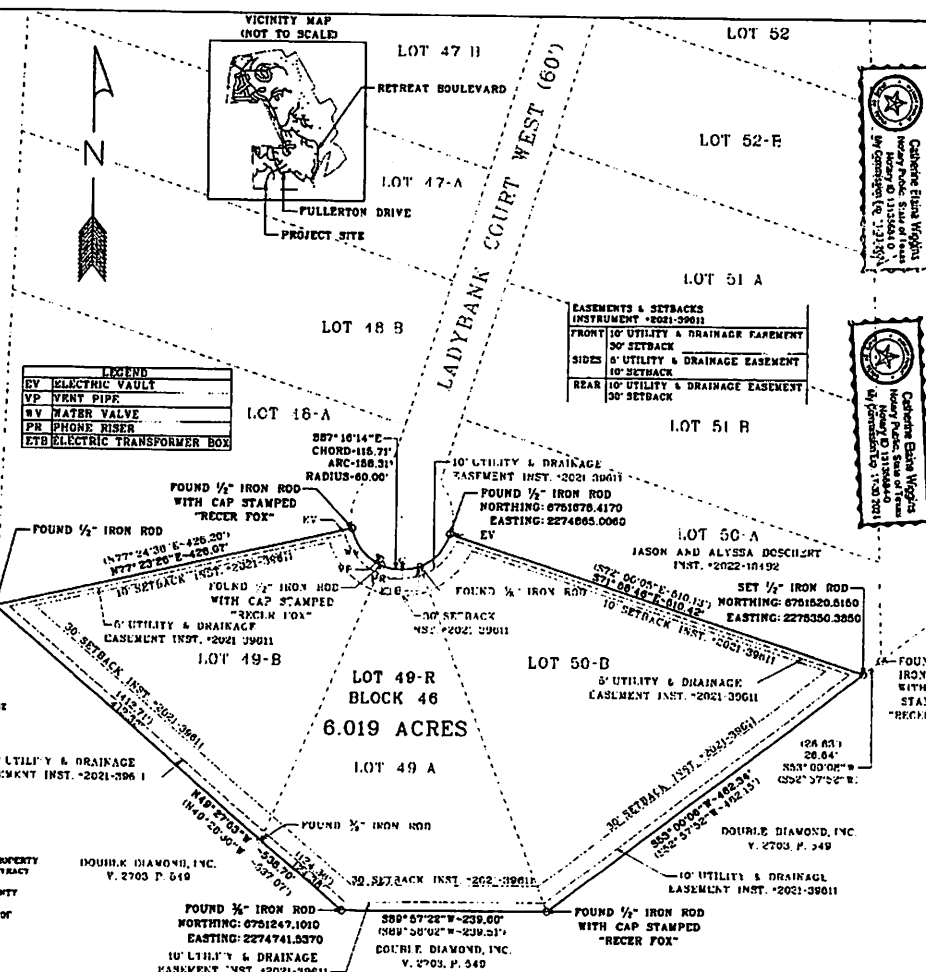
**13. DUTIES OF DEVELOPER/PROPERTY OWNER:**  
THE APPROVAL AND FILING OF THIS PLAT BY JOHNSON COUNTY DOES NOT RELIEVE THE DEVELOPER OF THE PROPERTY OR OWNER OF THE PROPERTY OF ANY DUTY TO COMPLY WITH ALL LOCAL, STATE OR FEDERAL LAW OF THE JURISDICTIONS IN WHICH THE PROPERTY IS LOCATED.  
THE APPROVAL 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 ANY ADJACENT OR ADJOINING PROPERTY OWNER OR EMPLOYER OR CLAIMANT OR DAMAGES RESULTING FROM OR ALLEGEDLY ARISING FROM JOHNSON COUNTY, 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 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 APPLIED HEREON TO MAKE ACCURATE AND TRUTHFUL REPRESENTATIONS UPON WHICH JOHNSON COUNTY CAN MAKE DETERMINATIONS REGARDING 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 DESIGNATES ROADS AND HIGHWAYS DOES NOT MAKE THE ROAD AND STREET COUNTY ROAD SUBJECT TO COUNTY MAINTENANCE. NO ROAD, STREET OR PASSAGEWAY ANYWHERE ON 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 AUTHORIZING 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.  
COUNTY JUDGE \_\_\_\_\_

PLAT RECORDED IN INSTRUMENT \_\_\_\_\_ SLIDE \_\_\_\_\_  
DATE \_\_\_\_\_  
COUNTY CLERK, JOHNSON COUNTY, TEXAS  
DEPUTY \_\_\_\_\_

**REVISED PLAT SHOWING  
LOT 49-R, BLOCK 46  
THE RETREAT, PHASE 5,  
SUBDIVISION IN  
JOHNSON COUNTY, TEXAS**

BEING A REVISION OF LOTS 49-A, 49-B AND 50-B, BLOCK 46, THE RETREAT, PHASE 5, ACCORDING TO THE AMMENDED FINAL PLAT RECORDED IN SLIDE C-320, VOLUME 9, PAGE 673, ET SEQ. OF THE OFFICIAL PLAT RECORDS OF JOHNSON COUNTY, TEXAS.

**OWNERS:**  
JASON & ALYSSA BOSCHERT  
2500 RIVER PARK DRIVE #400  
FORT WORTH, TEXAS 76116  
PHONE: (817)-271-3155

NOW THEREFORE KNOWN TO ALL MEN BY THESE PRESENTS:  
THAT JASON BOSCHERT AND ALYSSA BOSCHERT, OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND, DO HEREBY ADOPT THIS PLAT DESIGNATING THE HEREIN DESCRIBED PROPERTY AS LOT 49-R, BLOCK 46, THE RETREAT, PHASE 5, AN ADDITION TO JOHNSON COUNTY, TEXAS AND HEREBY DEDICATE TO THE PUBLIC USE, WITHOUT RESERVATION, THE STREETS, EASEMENTS, RIGHT OF WAY, AND ANY OTHER PUBLIC AREA SHOWN HEREON.  
JASON BOSCHERT DATE 11-18-22 ALYSSA BOSCHERT 11-18-22  
STATE OF TEXAS  
COUNTY OF JOHNSON

BEFORE ME, UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE SAID COUNTY AND STATE ON THIS DAY PERSONALLY APPEARED JASON BOSCHERT, 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 18 DAY OF November 2022.

NOTARY PUBLIC, STATE OF TEXAS *Catherine Wiggins*  
MY COMMISSION EXPIRES 11-30-2024  
STATE OF TEXAS  
COUNTY OF JOHNSON

BEFORE ME, UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE SAID COUNTY AND STATE ON THIS DAY PERSONALLY APPEARED ALYSSA BOSCHERT, 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 18 DAY OF November 2022.

NOTARY PUBLIC, STATE OF TEXAS *Catherine Wiggins*  
MY COMMISSION EXPIRES 11-30-2024

Field notes for the survey of that certain lot, tract or parcel of land being all of Lots 49-A, 49-B, and 50-B, Block 46 of The Retreat, Phase 5 Subdivision in Johnson County, Texas, according to Ammended Final Plat recorded in Slide C-320, of Volume 9, Page 673, et seq. of the Official Plat Records of Johnson County. Said lots as a part of those certain tracts described in a deed from Decker Development LTD to Jason Boschert and Alyssa Boschert recorded as Instrument #2022-16492 of the Official Public Records of Johnson County, more particularly described as follows:

BEGINNING at a 1/2" iron rod with cap stamped "REC'D FOX" found in the west line of a cul-de-sac at the end of Ladybank Court West for the most northerly corner of said Lot 49-B;  
THENCE with the south line of said cul-de-sac and along a curve to the left having a radius of 60.00 feet, 307°18'14" for a chord distance of 218.71 feet, an arc distance of 109.21 feet to a 1/2" iron rod found in the east line of said cul-de-sac for the most northerly corner of said Lot 50-B;  
THENCE 371°50'46" 610.42 feet to a 1/2" iron rod set for the most easterly corner of said Lot 50-B and for the southeast corner of this, said rod being 330°00'00" 28.65 feet from a 1/2" iron rod with cap stamped "REC'D FOX" found for an outside oil corner of Lot 50-A of said Block 46;  
THENCE 305°00'00" 482.34 feet to a 1/2" iron rod with cap stamped "REC'D FOX" found for the most northerly corner of said Lot 50-R for the southeast corner of said Lot 49-A, and for the southeast corner of this;  
THENCE 329°07'22" 239.00 feet to a 1/2" iron rod found for an outside oil corner of said Lot 49-A and for the southeast corner of this;  
THENCE 348°27'00" 538.70 feet to a 1/2" iron rod found for the most westerly corner of said Lot 49-B and for the northeast corner of this;  
THENCE 87°52'26" 428.07 feet to the place of beginning containing 6.019 acres of land.

**SURVEYOR'S NOTES:**

- ALL BEARINGS AND DISTANCES ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH DATUM 1983, NAD 83, AS ESTABLISHED USING TRIMBLE VRS NETWORK.
- THE SURVEY PERFORMED ON THE GROUND OF THE SUBJECT PROPERTY AND THE PREPARATION OF A DESCRIPTION OF THE RESULTS THEREOF ON 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 REGISTERED 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 ON THE GROUND.  
*Jason Boschert*  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS REGISTRATION NO. 5178



**INCE SURVEYING & ENGINEERING**  
104 THOUSAND OAKS DRIVE WHITNEY, TEXAS 76692  
PHONE: 254-694-7700  
FAX: 254-694-7230  
FIRM #10068000  
SCALE 1"=100' NOVEMBER 14, 2022 SURVEY NO. SN220721.2

DEC 12 2022

Approved

**REQUEST FOR AGENDA PLACEMENT FORM**

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

**SUBMITTED BY:** Jennifer VanderLaan      **TODAY'S DATE:** December 1, 2022

**DEPARTMENT:** Public Works

**SIGNATURE OF DEPARTMENT HEAD:** \_\_\_\_\_

**REQUESTED AGENDA DATE:** December 12, 2022

**SPECIFIC AGENDA WORDING:**

Public Hearing to Revise the Plat of The Retreat, Lots 49-A, 49-B, and 50-B, Block 46, Phase 5 to be Combined to Form Lot 49-A, Block 46, Phase 5 in Precinct #1

Consideration of **Order 2022-95**, Order approving the Revised Plat of The Retreat, Lots 49-A, 49-B, and 50-B, Block 46, Phase 5 to be combined to Create Lot 49-R, Block 46 in Precinct #1, - Public Works Department

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

**SUPPORT MATERIAL:** (Must enclose supporting documentation)

**TIME:** 10 minutes

(Anticipated number of minutes needed to discuss item)

**ACTION ITEM:** X  
**WORKSHOP:** \_\_\_\_\_  
**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 \_\_\_\_\_