

FEB 13 2023

Denied

AGENDA PLACEMENT FORM

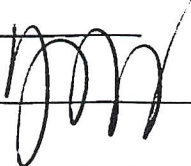
(Submission Deadline – Tuesday, 12:00 PM before Regular Court Meetings)

Date: February 6, 2023

Meeting Date: 2/13/2023

Submitted By: Julie Edmiston

Department/Office: Public Works

Signature of Director/Official:  _____

Agenda Title: Variance Request for CR310

Public Description (Description should be 2-4 sentences explaining to the Court and the public what action is recommended and why it is necessary):

Consideration of Variance for 71.76' of Road Frontage for Three Tracts of Land on County Road 310, Precinct No. 4. **DENIED**

(May attach additional sheets if necessary)

Person to Present: Jennifer VanderLaan

(Presenter must be present for the item unless the item is on the Consent Agenda)

Supporting Documentation: (check one) PUBLIC CONFIDENTIAL

(PUBLIC documentation may be made available to the public prior to the Meeting)

Estimated Length of Presentation: 10 minutes

Session Requested: Action Item (Action Item, Workshop, Consent, Executive)

Check All Departments Requiring Notification:

County Attorney IT Purchasing Auditor

Personnel Public Works Facilities Management

Other Department/Official (list) _____



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 Rob & Lenny Farms, LLC Date 1/27/2023

Phone Number 817-832-9117

Email Address djones@dmjlawfirm.com

Property Information for Variance Request:

Property 911 address n/a

Subdivision name n/a Block n/a Lot n/a

Survey Samuel P. Hunter / John Swartz Abstract 336 / 764 Acreage 209.541

Request Variance for less than 150 ft. lot frontage on county road 310

Reason for request Property as platted is difficult to sell. Lot frontage variance would not materially impair safety or road construction onto lots.

Property as it exists now is Exhibit A. Proposed variance is on attached as Exhibit B

Provide the following with this request:

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

GF#20-26375

Warranty Deed with Vendor's Lien

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: October 9, 2020

Grantor: MACK STEWART, a single person

Grantee: ROB & LENNY FARMS LLC, a Texas limited liability company

Grantee's Mailing Address:
P.O. Box 5012
Granbury, Texas 76049

Consideration: Cash and a note of even date executed by Grantee and payable to the order of FIRST NATIONAL BANK OF WEATHERFORD (hereafter referred to as "Lender") in the principal amount of \$900,000.00. The note is secured by a first and superior vendor's lien and superior title retained in this deed in favor of Lender and by a first-lien deed of trust of even date from Grantee to David Stier, Trustee(s).

Property (including any improvements):

Being a 209.541 acre tract of land, more or less, situated in the SAMUEL P. HUNTER SURVEY, Abstract No. 336 and the JOHN SWARTZ SURVEY, Abstract No. 764, in the City of Cleburne, Johnson County, Texas, being more fully described by metes and bounds on Exhibit "A" attached hereto and made a part hereof by reference for all purposes.

Reservations from Conveyance:

For Grantor and Grantor's heirs, successors, and assigns forever, a reservation of all oil, gas, and other minerals owned by Grantor at the time of this conveyance, in and under and that may be produced from the Property. If the mineral estate is subject to existing production or an existing lease, this reservation includes the production, the lease, and all benefits from it. This reservation does not include water, sand, gravel, limestone, building stone, caliche, surface shale, near-surface lignite, and iron, but does include the reasonable use of these surface materials for mining, drilling, exploring, operating, developing, or removing the oil, gas, and other minerals from the Property.

Grantor waives and conveys to Grantee the right of ingress and egress to and from the surface of the Property relating to the portion of the mineral estate owned by Grantor.

Nothing herein, however, restricts or prohibits the pooling or unitization of the portion of the mineral estate owned by Grantor with land other than the Property; or the exploration or production of the oil, gas, and other minerals by means of wells that are drilled or mines that open on land other than the Property but enter or bottom under the Property, provided that these operations in no manner interfere with the surface or subsurface support of any improvements constructed or to be constructed on the Property.

Exceptions to Conveyance and Warranty:

Any and all restrictions, covenants, easements, mineral reservations and conveyances, and mineral leases, if any, relating to the hereinabove described property, but only to the extent they are still in effect, shown of record in Johnson County, Texas and to all zoning laws, regulations or ordinances

of municipal and other governmental authorities, if any, but only to the extent they are still in effect, relating to the hereinabove described property.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the 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 way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

The vendor's lien against and superior title to the Property are retained until each note described is fully paid according to its terms, at which time this deed will become absolute.

Lender, at Grantee's request, has paid in cash to Grantor that portion of the purchase price of the Property that is evidenced by the note. The first and superior vendor's lien against and superior title to the Property are retained for the benefit of Lender and are transferred to Lender without recourse against Grantor.

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

Mack Stewart
MACK STEWART

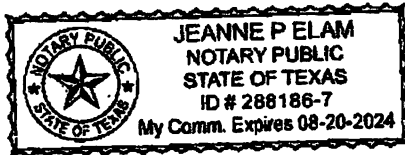
Accepted and Approved:

ROB & LENNY FARMS LLC, a Texas limited liability company

By: Lenny S. Zak, Member

STATE OF TEXAS
COUNTY OF HOOD

This instrument was acknowledged before me on Oct 9, 2020, by MACK STEWART.

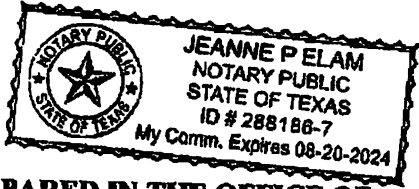


Jeanne Elam
Notary Public, State of Texas

STATE OF TEXAS
COUNTY OF HOOD

This instrument was acknowledged before me on Oct 9, 2020, by Lenny S. Zak, as Member on behalf of ROB & LENNY FARMS LLC, a Texas limited liability company.

Jeanne Elam
Notary Public, State of Texas



PREPARED IN THE OFFICE OF:

The Kuban Firm, PLLC
107 E. Pearl Street
Granbury, TX 76048

AFTER RECORDING RETURN TO:

ROB & LENNY FARMS LLC
P.O. Box 5012
Granbury, Texas 76049

EXHIBIT "A"

BEING a 209.541 acre tract of land situated in the SAMUEL P. HUNTER SURVEY, ABSTRACT NO. 336 AND THE JOHN SWARTZ SURVEY, ABSTRACT NO. 764, in the City of Cleburne, Johnson County, Texas, being a portion of that certain tract of land described in a deed to Mack Stewart, recorded in Document Number 2017-18618, Deed Records of Johnson County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1 inch iron pipe found for the common corner of said Stewart tract, and a tract of land described in a deed to Judy Apple, recorded in Document Number 2017-09018, Deed Records, Johnson County, Texas, same being the northwest corner of a 30 foot wide right-of-way dedication, as show on plat of Blue Bird Woods, an addition in the City of Cleburne, Johnson County, Texas, said point being in the center of County Road 310, more or less;

THENCE N 60°55'41" E, along the common line of said Stewart tract, and said Apple tract, and along the north line of said Blue Bird Woods, passing a 5/8 inch iron rod found for the northwest corner of Lot 1, Block 1, of said Blue Bird Woods, at a distance of 29.95 feet, and continuing a total distance of 670.40 feet to 1/2 inch iron rod set for the northeast corner of said Lot 2, Block 1, and the POINT OF BEGINNING;

THENCE N 60°55'41" E, along the common line of said Stewart tract, and said Apple tract, a distance of 1378.04 feet to a fence corner post found for the common corner of said Stewart tract, and said Apple tract;

THENCE S 33°57'00" E, along the common line of said Stewart tract, and said Apple tract, a distance of 359.22 feet to a fence corner post found for the common corner of said Stewart tract, and said Apple tract;

THENCE N 61°01'31" E, along the common line of said Stewart tract, and said Apple tract, a distance of 1874.99 feet to a fence corner post found for the common corner of said Stewart tract, and said Apple tract, and being in the west line of a tract of land described in a deed to Larry Stegemoller and Toni Stegemoller, recorded in Document Number 2018-13666, Deed Records, Johnson County, Texas;

THENCE S 28°05'45" E, along the common line of said Stewart tract, and said Stegemoller tract, a distance of 775.60 feet to a fence corner post found for the common corner of said Stewart tract, and said Stegemoller tract;

THENCE S 08°44'55" E, along the common line of said Stewart tract, and said Stegemoller tract, a distance of 54.16 feet to a fence corner post found for the common corner of said Stewart tract, and said Stegemoller tract;

THENCE S 30°48'29" E, along the common line of said Stewart tract, and said Stegemoller tract, a distance of 979.70 feet to a 1/2 inch iron rod with cap stamped "TRANS TEXAS

SURVEYING” found for the common corner of said Stewart tract, and said Stegemoller tract;

THENCE S 12°42'01” E, along the common line of said Stewart tract, and said Stegemoller tract, a distance of 41.30 feet to a fence corner post found for the common corner of said Stewart tract, and said Stegemoller tract;

THENCE S 29°57'38” E, along the common line of said Stewart tract, and said Stegemoller tract, passing the common corner of said Stegemoller tract, and a tract of land described in a deed to Kenneth Wayne Stepp, recorded in Volume 1574, Page 844, Deed Records, Johnson County, Texas, and continuing a total distance of 914.04 feet to a 60d nail found for the common corner of said Stewart tract, and said Stepp tract;

THENCE S 59°24'38” W, along the common line of said Stewart tract, and said Stepp tract, a distance of 1984.17 feet to a fence corner post found for the common corner of said Stewart tract, and said Stepp tract;

THENCE N 30°45'54” W, along the common line of said Stewart tract, and said Stepp tract, a distance of 193.48 feet to a fence corner post found for the common corner of said Stewart tract, and said Stepp tract;

THENCE S 60°16'04” W, along the common line of said Stewart tract, and said Stepp tract, a distance of 911.98 feet to a fence corner post found for the common corner of said Stewart tract, and a tract of land described in a deed to Jimmy Hogan, recorded in Volume 704, Page 45, Deed Records, Johnson County, Texas;

THENCE N 29°57'47” W, along the common line of said Stewart tract, and said Hogan tract, passing the common corner of said Hogan tract, and a tract of land described in a deed to Richard Oakes and Misti Oaks, et ux, recorded in Volume 1877, Page 507, Deed Records, Johnson County, Texas, and continuing a total distance of 2277.29 feet to a fence corner post found for the common corner of said Stewart tract, and said Oakes tract;

THENCE S 59°55'04” W, along the common line of said Stewart tract, and said Oakes tract, passing a 1/2 inch iron rod found online at a distance of 985.03 feet, and continuing a total distance of 1006.77 feet to a railroad spike found for the common corner of said Stewart tract, and said Oakes tract, said point being in the centerline of said County Road 310, more or less;

THENCE N 31°06'17” W, along the west line of said Stewart tract, and along the centerline of said County Road 310, more or less, a distance of 215.28 feet to a 1/2 inch iron rod set for the southwest corner of said 30 foot wide right-of-way dedication;

THENCE N 58°54'24” E, crossing said Stewart tract, passing a 5/8 inch iron rod with cap stamped REALSEARCHRPLS5696” found for the southwest corner of Lot 4, Block 1, of said Blue Bird Woods, at a distance of 29.88 feet, and continuing a distance of 722.42 feet to a 5/8 inch iron rod with cap stamped “REALSEARCHRPLS5696” found for the southeast corner of said Lot 4, Block 1;

THENCE N 34°53'47” W, crossing said Stewart tract, and along the east line of said Lot 4, Block 1, passing the common corner of said Lot 4, Block 1, and Lot 3, Block 1, of said Blue

Bird Wood, passing the common corner of said Lot 3, Block 1, and said Lot 2, Block 1, passing a 5/8 inch iron rod with cap stamped REALSEARCHRPLS5696" found for the common corner of said Lot 2, Block 1, and said Lot 1, Block 1, at a distance of 615.26 feet, and continuing a total distance of 792.96 feet to the POINT OF BEGINNING, and containing 9,127,611 square feet or 209.541 acres of land more or less.

Johnson County
Becky Ivey
Johnson County
Clerk

Instrument Number: 32932

eRecording - Real Property

Warranty Deed

Recorded On: October 14, 2020 03:04 PM

Number of Pages: 7

" Examined and Charged as Follows: "

Total Recording: \$46.00

***** 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: 32932
Receipt Number: 20201014000157
Recorded Date/Time: October 14, 2020 03:04 PM
User: Linda B
Station: ccl30

Record and Return To:
Corporation Service Company



STATE OF TEXAS
COUNTY OF JOHNSON

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 Ivey

NOTES

1. ALL DISTANCES CONTAINED HEREIN ARE GROUND, BASED UPON AN ON THE GROUND SURVEY PERFORMED DURING SEPTEMBER, 2022.
2. ALL COORDINATES AND BEARINGS CONTAINED HEREIN GRID, BASED UPON THE TEXAS STATE PLANE COORDINATES SYSTEM, NORTH AMERICAN DATUM 83, NORTH CENTRAL ZONE (4202), NAVD88.
3. ELEVATIONS MSL, DERIVED FROM G.N.S.S. OBSERVATION AND DERIVED FROM SAID ON-THE-GROUND SURVEY.
4. ALL MONUMENTS FOUND AND SHOWN HEREON WERE CONTROLLING MONUMENTS IN THE FINAL BOUNDARY DETERMINATION OF THIS SURVEY.
5. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT.

FLOOD ZONE LEGEND

- ZONE A NO BASE FLOOD ELEVATIONS DETERMINED.
- ZONE AE BASE FLOOD ELEVATIONS DETERMINED.
- ZONE X AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL (SHADED) CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE, AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.
- ZONE X AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN

SURVEYOR'S CERTIFICATION

The undersigned hereby state that this survey is true and correct, was made on the ground under my supervision and all corners are marked as shown, shows all visible and apparent easements, encroachments and protrusions. I have examined the Flood Insurance Rate Map for Johnson County, Texas and Incorporated Area Map No. 48231(00003) and 4875(00023), both have an Effective Date of December 6, 2012 and it appears that the property lies within Zone X, and is NOT located within a 100-year flood zone. The Reference to the 100-year flood plain or flood hazard zones, are an estimate based on the data shown on the Flood Insurance Rate Map and should not be interpreted as a study or determination of the flooding probabilities of this property.

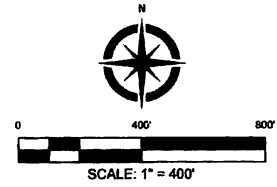
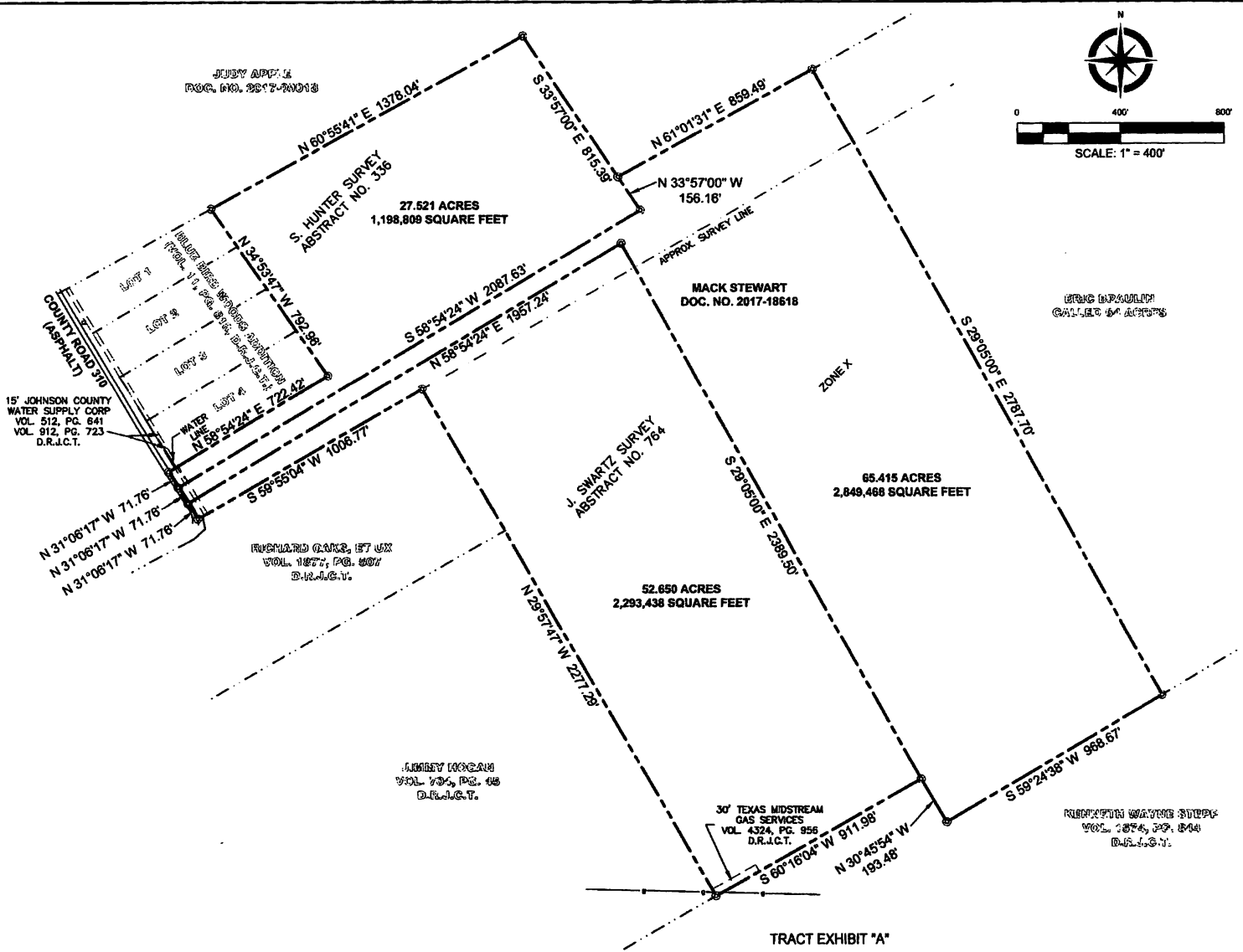
Larry Turman
 DECEMBER 7, 2022
 LARRY TURMAN
 REGISTERED PROFESSIONAL LAND SURVEYOR NO. 1740



LEGEND

- SUBJECT TRACT BOUNDARY
- ADJOINING TRACT BOUNDARY
- BUILDING FOOTPRINT
- EXISTING EASEMENT
- CENTERLINE ROAD
- R/W --- RIGHT OF WAY (R.O.W.)
- LGT --- UNDER GROUND TELEPHONE
- OHT --- OVERHEAD ELECTRIC
- S --- BARBED WIRE FENCE
- C --- CHAIN LINK FENCE
- P --- POPLAR FENCE
- W --- WOOD FENCE
- C --- CENTERLINE CEMENT/CONCRETE
- ⊙ IRON ROD
- ⊙ POWER POLE
- ⊙ POLYWOOD FENCE POST
- ⊙ WATER METER
- ⊙ SET 1/2" CAPPEED IRON ROD UNLESS OTHERWISE NOTED
- ⊙ WATER VALVE
- ⊙ ELECTRIC METER
- ⊙ GAS METER
- ⊙ MANHOLE
- ⊙ CLEANOUT

NOTE:
 1. UNLESS OTHERWISE NOTED, ALL DISTANCES APPEAR TO BE GROUND.
 2. DIMENSIONS BETWEEN THIS RECORD AND THE SURVEY WILL BE THE DIMENSIONS OF RECORD FOR CLARITY.



ERIC PAULINI
 CALLED & APPROVED

TRACT EXHIBIT "A"
TBD COUNTY ROAD 310

BEING an exhibit of a 27.521 acre tract of land, 52.650 acre tract of land and a 65.415 acre tract of land out of the Samuel P. Hunter Survey, Abstract No. 336 and the J. Swartz Survey, Abstract No. 764, both in Johnson County, Texas

1410 Fall Creek Hwy
 Granbury, TX 76049
 Phone: 817-219-5103
 Firm No. 10194623

NOTES

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FLOOD ZONE LEGEND

- ZONE A** NO BASE FLOOD ELEVATIONS DETERMINED.
- ZONE AE** BASE FLOOD ELEVATIONS DETERMINED.
- ZONE X** AREAS OF 0.2% ANNUAL CHANCE FLOOD, AREAS OF 1% ANNUAL (SHADED) CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.
- ZONE X** AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.

SURVEYOR'S CERTIFICATION

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Larry Turman
 DECEMBER 13, 2022
 REGISTERED PROFESSIONAL LAND SURVEYOR NO. 1740



LEGEND

- SUBJECT TRACT BOUNDARY
- ADJACENT TRACT BOUNDARY
- BUILDING SETBACK
- EXISTING EASEMENT
- CENTERLINE ROAD
- RIGHT OF WAY (R.O.W.)
- UNDERGROUND TELEPHONE
- OVERHEAD ELECTRIC
- BARBED WIRE FENCE
- CHAIN LINK FENCE
- PIPE FENCE
- WOOD FENCE
- CENTERLINE CREEK/DITCH
- IRON ROD
- FOUND FENCE POST
- SET 1/2 CAPPED IRON ROD UNLESS OTHERWISE NOTED
- ELECTRIC METER
- POWER POLE
- WATER METER
- WATER VALVE
- GAS METER
- MANHOLE
- CLEANOUT

NOTE:
 1. LEGEND IS SYMBOL AND NOT ALL ITEMS OF SYMBOLS LISTED ABOVE ARE SHOWN.
 2. SYMBOLS LISTED IN A LEGEND ARE TO THE SURVEY MAP WITH THE EXCEPT OR EXCEPT NOT TO MEN.

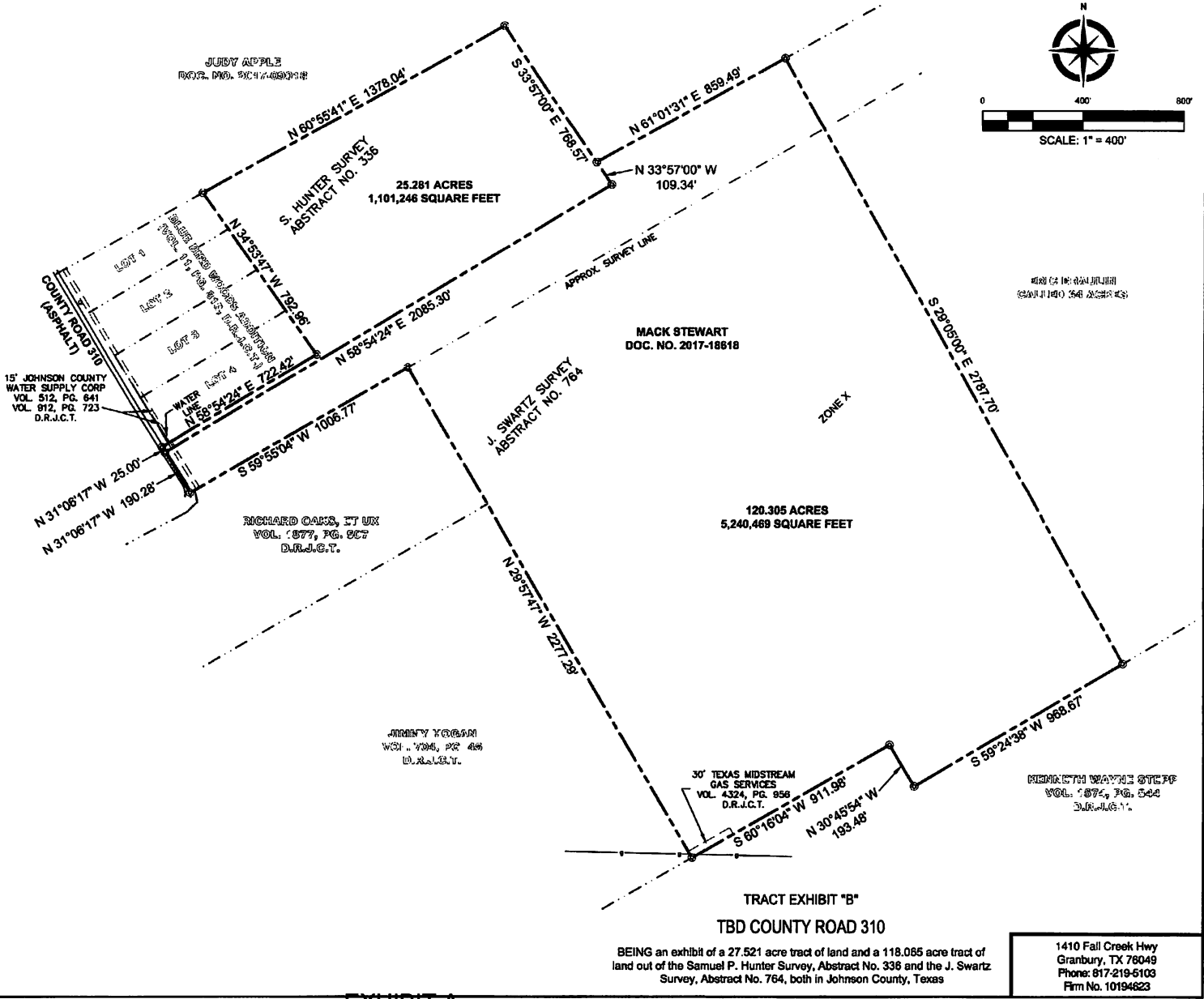


EXHIBIT A

1410 Fall Creek Hwy
 Granbury, TX 78049
 Phone: 817-219-5103
 Firm No. 10194623