



MAY 08 2023

AGENDA PLACEMENT FORM

(Submission Deadline – Monday, 5:00 PM before Regular Court Meetings)

Date: 4/26/2023

Approved

Meeting Date: 5/08/2023

Submitted By: Julie Edmiston

Department/Office: Public Works

Signature of Director/Official:

Agenda Title:
Variance

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 to allow 120.4' of Road Frontage on Tract 19 S/2,
a Re-plat of Dragoo Addition in Precinct 2-Public Works Department

(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 That Have Been Notified:

County Attorney IT Purchasing Auditor

Personnel Public Works Facilities Management

Other Department/Official (list) _____

**Please Inter-Office All Original Documents to County Judge's Office Prior to Deadline
& List All External Persons Who Need a Copy of Signed Documents
In Your Submission Email**



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 Jesus Aguilera Date 4/14/2023

Phone Number 817-371-5623

Email Address omar.aguilera21@yahoo.com

Property Information for Variance Request:

Property 911 address 8108 Clearview Drive Joshua, TX

Subdivision name Dragoon Addition Block Tract 19
lot

Survey J.H. McCullough Abstract 973 Acreage 2.628

Request road frontage of 120.4 feet

Reason for request Tract 19 was subdivided by deed years ago with homes built on each half. Owner wishes to build a new home

on his portion of Tract 19, necessitating a replat of his portion.

Provide the following with this request:

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

NOTES:

This subdivision or any part thereof is not located within the ETJ of any city or town.

The subject property is designated for single family residential use.

The developer shall complete all roads and drainage facilities in a subdivision within twelve (12) months after the date of final plat approval.

Utility providers for the subject property are as follows:

Water: JCSUD (817) 760-5200

Electric: United Cooperative Services (817) 556-4068

Septic: Private Septic

PRIVATE SEWAGE FACILITY

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.

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 upgraded by the owner at the owner's expense if normal operation of the facility results in objectionable odors, if unsanitary conditions are created, or if the facility when used does not comply with governmental regulations.

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.

FLOOD STATEMENT

According to the Flood Insurance Rate Map for Johnson County, Texas and Incorporated Areas, Community Panel No. 48251C0050 J, effective date December 4, 2012, this property is located in zone "X", (areas determined to be outside of the flood plain).

The above referenced FEMA flood insurance rate map is for use in administering the "NFIP". 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 "NFIP".

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 traversing 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 traversed 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 occasioned by flooding or flood conditions.

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.

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 downstream property owner or impose, impute or transfer any duty or liability to Johnson County, the 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 affixed hereon to make accurate and truthful representations upon which Johnson County can make determinations regarding the approval or disapproval of this plat.

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.

UTILITY EASEMENT

Any public utility, including Johnson County, shall have the right to move and keep moved all or part of any buildings, structures, trees, shrubs, other growths or improvements which in 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 ingress 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 of any time of procuring the permission of anyone.

UTILITY EASEMENT

15' from lot line in front and back
5' from lot line on the sides

RIGHT OF WAY DEDICATION

40' ROW from center of road on F.M. or State
30' ROW from center of County roads or roads in a subdivision

BUILDING LINES

50' from lot line (State Hwy & F.M.)

25' from lot line (County Road or Subdivision Roads)

FILING A PLAT

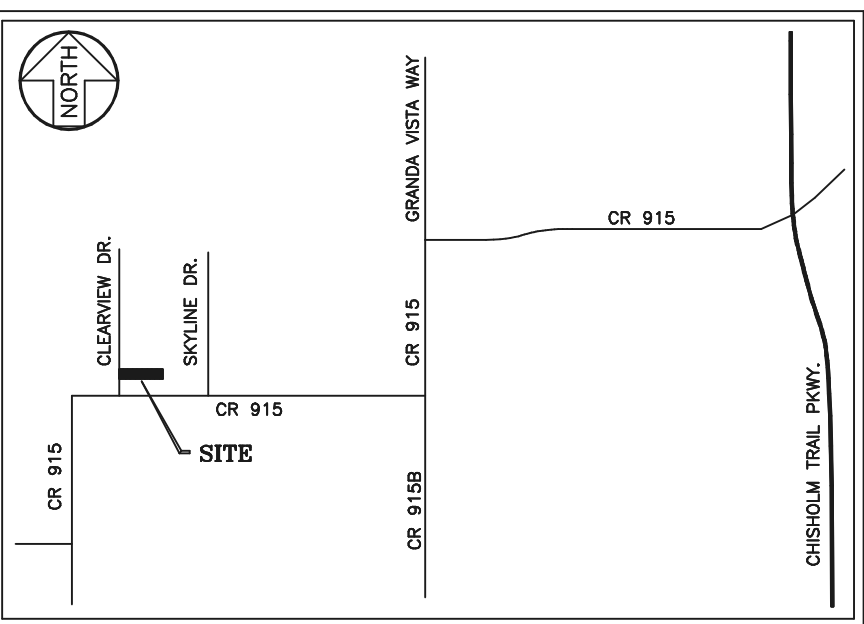
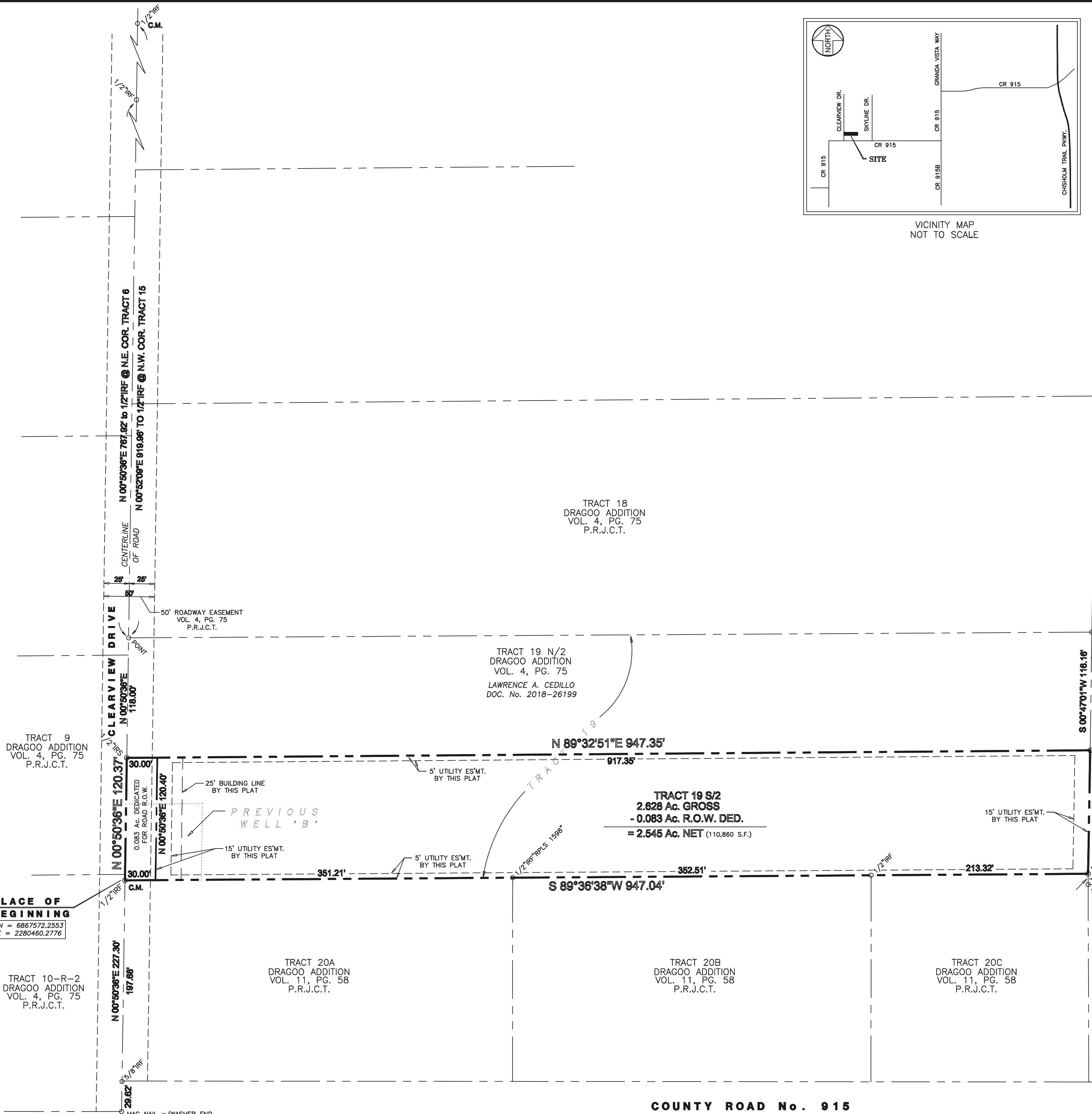
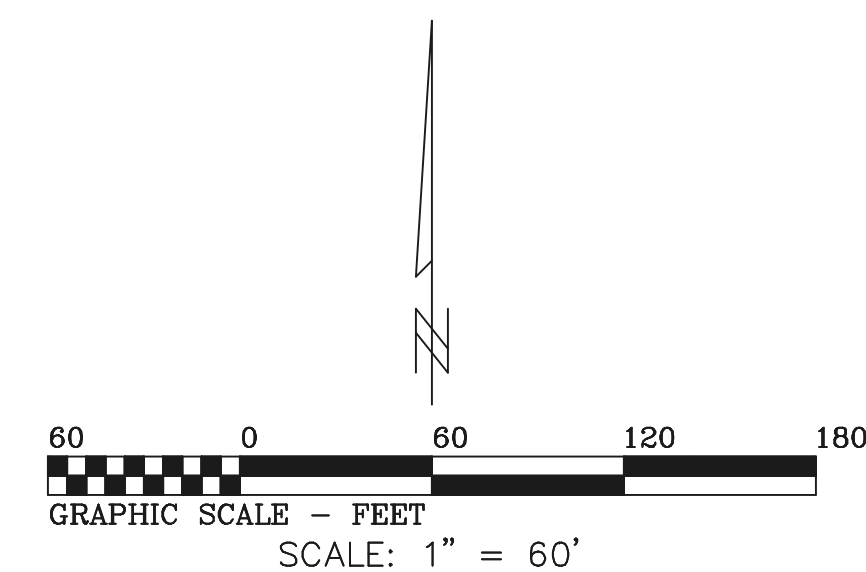
It is a Criminal Offense punishable by a fine of up to \$1000.00, confinement in the county jail for up to 90 days or by both fine and confinement for a person who subdivides real property to use the subdivision's description in a deed of conveyance, a contract for a deed, a contract of sale or other executor contract to convey that it is delivered to a purchaser unless the plat or replat of the subdivision is approved and is filed for record 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.

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.

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 set aside in this Plat shall be maintained by Johnson County, Texas in the absence of an express Order of the Commissioner's Court entered of record in the minutes of the Commissioner's Court of Johnson County, Texas specifically identifying any such road, street or passageway and specifically accepting such road, street or passageway for county maintenance.

Bearings shown hereon are Grid Bearings, based on the Texas State Plane Coordinate System, North Central Texas Zone (NAD 83) as derived by GPS.



IRF DENOTES IRON ROD FOUND
IRS DENOTES IRON ROD SET
W/ORANGE PLASTIC CAP STAMPED
"R. W. COOMBS RPLS 5294"
C.M. DENOTES CONTROLLING MONUMENT

Coombs Land Surveying, Inc.
P.O. Box 6160 Fort Worth Texas 76115
(817) 920-7600
T.B.P.L.S. FIRM No. 10111800
CLS JOB No. 23-0013
GF No. NONE

STATE OF TEXAS
COUNTY OF JOHNSON

WHEREAS, JESUS AGUILERA is the sole owner of all that certain tract of land out of the J. N. McCULLOUGH SURVEY, ABSTRACT No. 973, Johnson County, Texas according to the deed recorded in Document No. 2022-7545 of the Real Property Records of Johnson County, Texas and lying in the centerline of Clearview Drive (a 50-foot wide Roadway Easement per said plat) lying N 00° 50' 36" E 197.68 feet from a 5/8-inch iron rod found at the Southwest corner of said Tract 20A and lying N 00° 50' 36" E, 227.30 feet from a Mag Nail with washer found in the approximate centerline of County Road 915;

BEGINNING at a 1/2-inch iron rod found at the Southwest corner of said Aguilera Tract and said Well 'B', being the Northwest corner of Tract 20A, Dragoo Addition, an addition to Johnson County, Texas, according to the plat recorded in Volume 11, Page 58 of the Plat Records of Johnson County, Texas and lying in the centerline of Clearview Drive (a 50-foot wide Roadway Easement per said plat) lying N 00° 50' 36" E 197.68 feet from a 5/8-inch iron rod found at the Southwest corner of said Tract 20A and lying N 00° 50' 36" E, 227.30 feet from a Mag Nail with washer found in the approximate centerline of County Road 915;

THENCE N 00° 50' 36" E, 120.37 feet along the West boundary line of said Well 'B' and aforesaid portion of Tract 19 to a 1/2-inch iron rod set with orange plastic cap stamped "R. W. COOMBS RPLS 5294" at the Northwest corner of said Aguilera Tract, being the Southwest corner of that certain tract of land described in deed to Lawrence A. Cedillo, recorded in Document No. 2018-26199 of the Real Property Records of Johnson County, Texas, from which a 1/2-inch iron rod found at the Northeast corner of Tract 6, aforesaid Dragoo Addition bears N 00° 50' 36" E, 885.92 feet and a 1/2-inch iron rod found at the Northwest corner of Tract 15, said Dragoo Addition bears N 00° 50' 36" E, 1037.96 feet;

THENCE N 89° 32' 51" E, 947.35 feet along the common boundary line between said Aguilera Tract and said Cedillo Tract to a 1/2-inch iron rod found at the Northeast corner of said Aguilera Tract, lying in the West boundary line of Tract 22, Dragoo Addition, an addition to Johnson County, Texas, according to the plat recorded in Volume 4, Page 76 of the Plat Records of Johnson County, Texas, lying S 00° 47' 01" W, 116.18 feet from a 1/2-inch iron rod found at the Northeast corner of said Cedillo Tract and aforesaid portion of Tract 19, Dragoo Addition;

THENCE S 00° 58' 34" W, 121.42 feet along the East boundary line of said Aguilera Tract and said Tract 19, within the West boundary line of said Tract 22 to a 1/2-inch iron rod found with yellow plastic cap stamped "RPLS 1598" at the Southeast corner of said Aguilera Tract and said Tract 19, being the Northeast corner of Tract 20C, aforesaid Dragoo Addition recorded in Volume 11, Page 58;

THENCE S 89° 36' 38" W, at 213.32 feet passing a 1/2-inch iron rod found at the Northeast corner of Tract 20B, said Dragoo Addition, at 568.83 feet passing a 1/2-inch iron rod found with yellow plastic cap stamped "RPLS 1598" at the Northeast corner for Tract 20A, said Dragoo Addition and continuing in all a total distance of 947.04 feet along the South boundary line of said Aguilera Tract and said Tract 19 to the PLACE OF BEGINNING, containing 2.628 acres (114,476 square feet) of land.

STATE OF TEXAS
COUNTY OF JOHNSON

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT, JESUS AGUILERA, owner of the above described tract of land, does hereby adopt this plat designating the herein described property as TRACT 19 S/2, DRAGOO ADDITION, 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 area shown hereon.

JESUS AGUILERA Date ____/____/____

SWORN AND SUBSCRIBED BEFORE ME THIS THE ____ DAY OF ____, 2023.

NOTARY PUBLIC, STATE OF TEXAS

MY COMMISSION EXPIRES: _____

SURVEYOR'S CERTIFICATE

THIS is to certify that I, RONALD W. COOMBS, a Registered Professional Land Surveyor of the State of Texas, have plotted the above subdivision from an actual survey on the ground and that all lot corners, angle points and points of curve shall be properly marked on the ground, and that this plat correctly represents that survey made by me or under my direction and supervision.

RONALD W. COOMBS, R.P.L.S.
Texas Registration No. 5294

APPROVED BY THE COMMISSIONERS COURT OF JOHNSON COUNTY,
TEXAS ON THIS THE ____ DAY OF ____, 2023
COUNTY CLERK _____
DEPUTY CLERK _____

FILED FOR RECORD _____, 2023.
PLAT RECORDED IN INSTRUMENT # _____ SLIDE ____
COUNTY CLERK, JOHNSON COUNTY, TEXAS
DEPUTY CLERK _____

OWNER:
JESUS AGUILERA
528 SCHEME STREET
RIVER OAKS, TEXAS 76114
PHONE (817) 371-5523
email: amar_aguilera21@yahoo.com

SURVEYOR:
COOMBS LAND SURVEYING, INC.
P. O. BOX 6160
FORT WORTH, TEXAS 76115
CONTACT: RON COOMBS
PHONE (817) 920-7600
email: ron.coombs@cbclglobal.net

REPLAT
**DRAGOO ADDITION
A PORTION OF TRACT 19
AND ALL OF WELL 'B'
REVISED TO CREATE
TRACT 19 S/2**
BEING 2.628 ACRES OF LAND AND BEING A REVISION OF A
PORTION OF TRACT 19 AND ALL OF WELL 'B', DRAGOO ADDITION
AN ADDITION TO JOHNSON COUNTY, TEXAS ACCORDING TO
THE PLAT RECORDED IN VOLUME 4, PAGE 75 OF THE
PLAT RECORDS OF JOHNSON COUNTY, TEXAS
1 LOT
APRIL 16, 2023

Note to County Clerk: This is a Correction Instrument. Please index under the Grantor/Grantee names and Document type shown below in the Description of Original Instrument.

GF #: 210277-UT15

General Warranty Deed Affidavit of Correction

Date: January ^{of} , 2022
FEB 2, 2022

Description of Original Instrument ("Original Instrument"):

Document title:	General Warranty Deed
Grantor:	Mary N. Churchwell and Randall L. Churchwell
Grantee:	Jesus Aguilera
Date of Execution of original document:	February 25, 2021
Recording information:	2021-6856 03/01/2021 08:5 4am

This Affidavit of Correction is filed pursuant to Section 5.029 of the Texas Property Code.

1. This correction of the Original General Warranty Deed, with regard to the following clerical error in the Original Instrument: **Tract I clarification of legal description & Tract II was omitted**
2. The Original Instrument should correctly read as follows with respect to the error described above, this being a material change to the Original Instrument.

Tract I:

ALL THAT CERTAIN LOT, TRACT, OR PARCEL OF LAND OUT OF THE J. N. MCCULLOUGH SURVEY, ABSTRACT 973, JOHNSON COUNTY, TEXAS. BEING THE SOUTH 1/2 OF TRACT 19, DRAGOO ADDITION OF JOHNSON COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED VOLUME 4, PAGE 75, OF THE PLAT RECORDS OF JOHNSON COUNTY, TEXAS BEING KNOW AS 8608 CLEARVIEW DRIVE, JOSHUA, TEXAS 76058.

Tract II:

ALL OF THE FOLLOWING DESCRIBED REAL PROPERTY IN JOHNSON COUNTY, TEXAS, KNOWN AS WATER WELL SITE: TRACT B, TO-WIT:

BEGINNING AT AN IRON ROD THAT BEARS SOUTHWEST 89 DEGREES 55 MINUTES 48 SECONDS EAST, A DISTANCE OF 1010.29 FEET AND SOUTH 1 DEGREE 20 MINUTES 55 SECONDS WEST, A DISTANCE OF 2007.14 FEET FROM THE NORTHWEST CORNER OF SAID J. N. MCCULLOUGH SURVEY;

THENCE SOUTH 89 DEGREES 55 MINUTES 48 SECONDS EAST, A DISTANCE OF 75.0 FEET TO AN IRON ROD FOR A CORNER;

THENCE SOUTH 1 DEGREE 20 MINUTES 55 SECONDS WEST, A DISTANCE OF 75.0 FEET TO AN IRON ROD FOR A CORNER;

THENCE NORTH 89 DEGREES 55 MINUTES 48 SECONDS WEST, A DISTANCE OF 75.0 FEET TO AN IRON ROD FOR A CORNER ON THE CENTERLINE OF A 50 FOOT ROADWAY EASEMENT;

THENCE NORTH 1 DEGREE 20 MINUTES 55 SECONDS EAST, A DISTANCE OF 75.0 FEET TO THE POINT OF BEGINNING.

3. This Affidavit of Correction will be recorded in all counties where the Original Instrument was recorded.

Mary N. Churchwell
Mary N. Churchwell

Randall L. Churchwell
Randall L. Churchwell

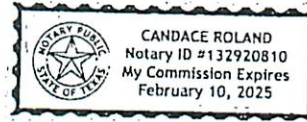
Note to County Clerk: This is a Correction Instrument. Please index under the Grantor/Grantee names and Document type shown below in the Description of Original Instrument.

State of Texas §

County of Kaufman §

SUBSCRIBED AND SWORN to before me on this 2 day of ~~January~~ ^{Feb.}, 2022, to certify which witness my hand and official seal of office by Mary N. Churchwell and Randall L. Churchwell.

Candace Roland
Notary Public in and for the State of T E X A S

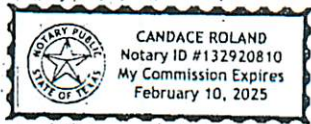


Jesus Aguilera
Jesus Aguilera

State of Texas §

County of Tarrant §

SUBSCRIBED AND SWORN to before me on this 2nd day of ~~January~~ ^{Feb.}, 2022, to certify which witness my hand and official seal of office by Jesus Aguilera



Candace Roland
Notary Public in and for the State of T E X A S

AFTER RECORDING, RETURN TO:
Jesus Aguilera
7724 CR 915
Joshua, TX 76058

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.

GENERAL WARRANTY DEED WITH VENDOR'S LIEN

THE STATE OF TEXAS

§
§
§

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF JOHNSON

THAT THE UNDERSIGNED, Mary N. Churchwell and Randall L. Churchwell, husband and wife, and Johnnie D. Smith aka Johnnie D. Watkins, a single person, ("Grantor"), for and in consideration of the sum of TEN DOLLARS (\$10.00) and other valuable consideration to the undersigned in hand paid by Jesus Aguilera, a single man, ("Grantee"), the receipt of which is hereby acknowledged, and the further consideration of the execution and delivery by the Grantee of a promissory note of even date herewith in the principal sum of SIXTY-TWO THOUSAND NINE HUNDRED TWENTY and NO/100 DOLLARS (\$62,920.00) payable to the order of Mary N. Churchwell, Randall L. Churchwell and Johnnie D. Smith aka Johnnie D. Watkins, ("Lender"), as therein specified, providing for acceleration of maturity and for attorney's fees, the payment of which note is secured by the vendor's lien herein retained, and is additionally secured by a Deed of Trust of even date herewith to Kent M. Hanszen, Trustee, has GRANTED, SOLD AND CONVEYED, and by these presents does GRANT, SELL AND CONVEY unto the said Grantee, all of the following described real property in Johnson County, Texas, to-wit:

ALL THAT CERTAIN LOT, TRACT, OR PARCEL OF LAND OUT OF THE J. N. MCCULLOUGH SURVEY, ABSTRACT 973, JOHNSON COUNTY, TEXAS, BEING TRACT 19S DRAGOO ADDITION OF JOHNSON COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 4, PAGE 75, OF THE PLAT RECORDS OF JOHNSON COUNTY, TEXAS BEING KNOWN AS 8608 CLEARVIEW DRIVE, JOSHUA, TEXAS 76058.

This conveyance, however, is made and accepted subject to any and all restrictions, encumbrances, easements, covenants and conditions, if any, relating to the hereinabove described property as the same are filed for record in the County Clerk's Office of Johnson County, Texas.

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 Grantee, his heirs, executors and administrators forever. And Grantor does hereby bind itself, its successors, assigns and legal representatives, to WARRANT AND FOREVER DEFEND all and singular the said premises unto the said Grantee, his heirs, executors and administrators, against every person whomsoever claiming or to claim the same or any part thereof.

But it is expressly agreed that the Vendor's Lien, as well as Superior Title in and to the above described premises, is retained against the above described property, premises and improvements until the above described notes and all interest thereon are fully paid according to the face, tenor, effect and reading thereof, when this Deed shall become absolute.

Johnson County
Becky Ivey
Johnson County
Clerk

Instrument Number: 6856

eRecording - Real Property

Warranty Deed

Recorded On: March 01, 2021 08:54 AM

Number of Pages: 4

" Examined and Charged as Follows: "

Total Recording: \$34.00

***** 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: 6856
Receipt Number: 20210301000006
Recorded Date/Time: March 01, 2021 08:54 AM
User: Leslie S
Station: ccl83

Record and Return To:

ERECORDING PARTNERS
101 W NUEVA
SAN ANTONIO TX



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

**Johnson County
Becky Ivey
Johnson County
Clerk**

Instrument Number: 2022 - 7545

eRecording - Real Property

Corrected Warranty Deed

Recorded On: March 03, 2022 10:22 AM

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: 2022 - 7545
Receipt Number: 20220303000088
Recorded Date/Time: March 03, 2022 10:22 AM
User: Linda B
Station: ccl30

Record and Return To:

ERECORDING PARTNERS
101 W NUEVA
SAN ANTONIO TX



**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