

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

Date: <u>4/26/2023</u>	Approv
Meeting Date: <u>5/08/2023</u>	
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 what action is recommended and why it is necessary):	e public
Consideration of Variance to allow 30' x 235' of unpaved Roadway to mat	<u>ch</u>
Existing Public Roadway County Road 1207 with an 80' Diameter Cul-de-	-sac
providing 60' of Road Frontage	
in Precinct 1.	
(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 Agend	da)
Supporting Documentation: (check one) PUBLIC CONFIDENTIAL	,
(PUBLIC documentation may be made available to the public prior to the Meeting	ing)
Estimated Length of Presentation: 10 minutes	
Session Requested: <u>Action Item</u> (Action Item, Workshop, Consent, Ex	ecutive)
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

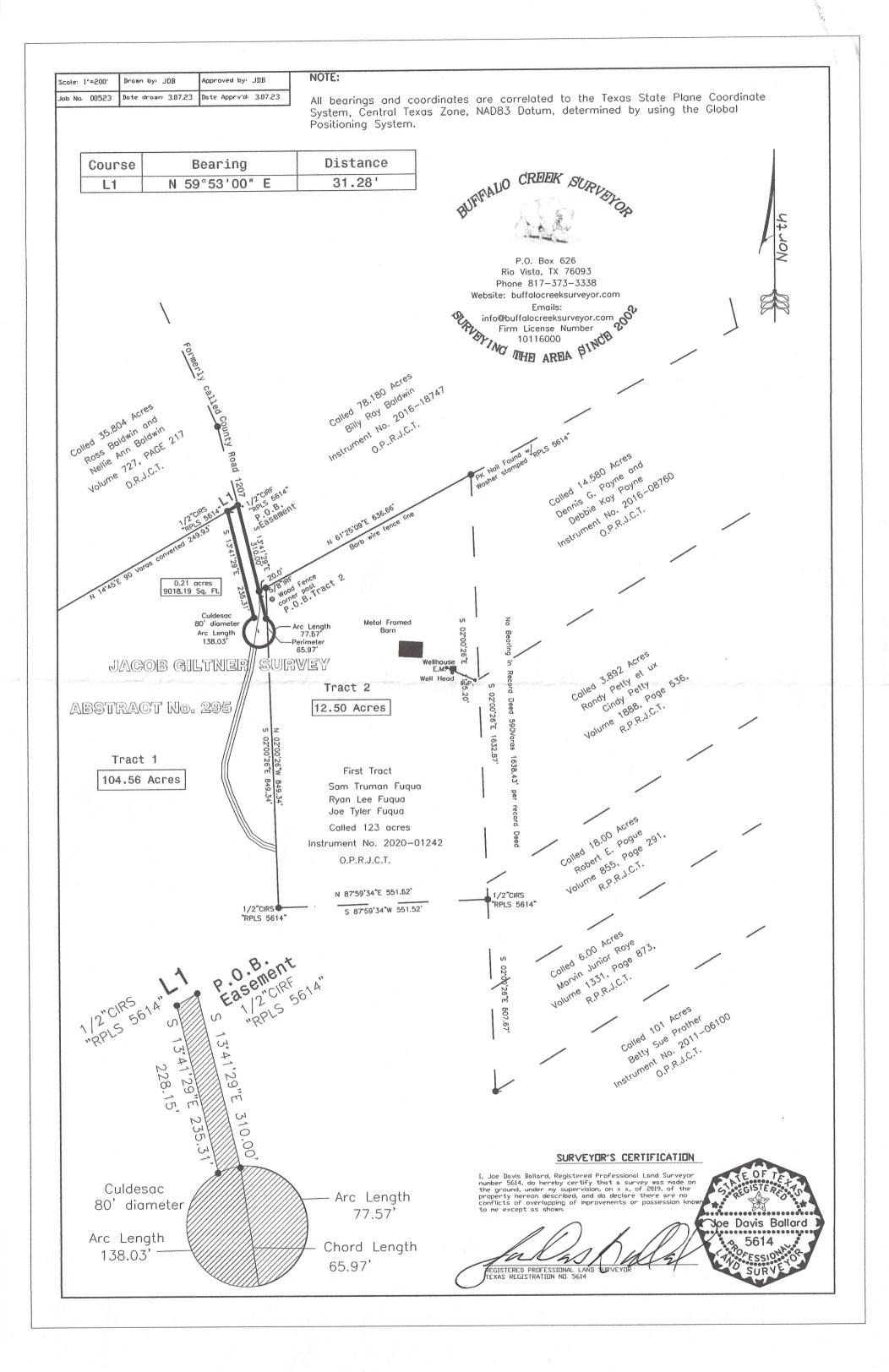
2 North Mill Street, Suite 305 Cleburne, Texas 76033 817-556-6380

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 Ryan Fuguer		Date 3-16-23
Phone Number 214 938 6169		
Email Address Minuteman 3 Qyahoo, com		
Property Information for Variance Request:		
Property 911 address 1045 CR 1106	/	
Subdivision name	Block	Lot
Survey Ciltner Abstract 2	295	Acreage/Z.\$
Request		
Reason for request Un paved roadway 30' × 235' €	xtending from	and to match
existing public roadway CR 1207 with an 8		
road frontage.	•	,
Provide the following with this request:		
☐ Copy of plat (if property has been platted)		
☐ Copy of property deed		
Survey or drawing showing existing structures		



BUFFALIO ORDEK SURVEJOS

P.O. Box 626 Rio Visto, TX 76093 Phone 817-373-3338

Website: buffalocreeksurveyor.com

Emoils: info@buffalocreence.
Firm License Number
10116000
THE AREA SINGS info@buffalocreeksurveyor.com

30 foot wide Roadway Easement with a Culdesac having an 80 foot diameter

Being all of that certain parcel of land situated in the JACOB GILTNER SURVEY, ABSTRACT No. 295. Johnson County, Texas, and being a portion of a 104.56 acrer tract of land refered to being called Tract 1, as surveyed by Buffalo Creek Surveyor LLC., under the direct supervision of Joe Davis Ballard RPLS No. 5614, and called Tract 1, being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod found at the base of wood fence corner post for the most northerly northeast corner of said Tract 1, being a portion of a called 123 acre tract of land conveyed to Sam Truman Fuqua, Ryan Lee Fuqua, and Joe Tyler Fuqua, by the Instrument No. 2020—01207, as recorded in the Official Public records of Johnson County, Texas, and being a common corner of a called 78.180 acre tract of land conveyed to Billy Roy Baldwin by the Instrument No. 2016—18747 of the Official Public Records of Johnson County, Texas;

THENCE South 13 degrees 41 minutes 29 seconds East, along a common line between Tract 1 and said 78.180 acre tract, at 235.31 feet passing a common corner of both Tract 1 and said 78.180 acre tract, and continuing in all a distance of 310.00 feet to a capped (stamped RPLS 5614") 1/2 inch iron rod set for a corner of said easement, soid corner being the beginning of a curve to the left of said culdesac;

THENCE along said curve and perimeter of said culdesac an arc length of 215.60 feet to the end of said curve or perimeter of said culdesac;

THENCE North 13 degrees 41 minutes 29 seconds West, along the southwesterly line of soid 30 foot wide easement, in all a distance of 235.31 feet to the northwest corner of said easement, said corner being on a common line with a called 35.804 acre tract of land conveyed to Ross Baldwin and wife Nellie Ann Baldwin by the deed recorded on Volume 727, Page 217, of the Official Public Records of Johnson County, Texas;

THENCE North 59 degrees 53 minutes 00 seconds East generally along a fence line and a common line between Tract 1 and said 35.804 acre tracta distance of 31.28 feert to the POINT OF BEGINNING OF Roadway Easement as surveyed on the ground by Buffalo Creek Surveyor under the direct supervision of Joe Davis Ballard RPLS 5614.

SURVEYOR'S CERTIFICATION

I, Joe Davis Ballard, Registered Professional Land Surveyor number 5614, do hereby certify that a survey was nade at the ground, under ny supervision, on $x \times x$, of 2019, of the property hereon described, and do declare there are no conflicts of overlapping of inprovenents or possession known to ne except as shown.

REGISTERED PROFESSIONAL LAND SURVEYOR TEXAS REGISTRATION NO. 5614

Joe Davis Ballard

STATE OF TEXAS

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COUNTY OF JOHNSON

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NO INDEPENDENT TITLE SEARCH HAS BEEN PERFORMED BY PREPARER.

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.

SPECIAL WARRANTY DEED

Date: JANUAY 15, 2020

Grantor:

Sam Truman Fuqua, Independent Executor of the Estate of GEORGIA MAE FUQUA, Deceased, Cause No. CC-P201923673 in the County Court at Law No. 2, Johnson County, Texas

Grantor's Mailing Addresses (including county):

Sam Truman Fuqua 422 W. Wilson St. Cleburne, Texas 76033 Johnson County

Grantees:

Sam Truman Fuqua, as his sole and separate property Ryan Lee Fuqua, as his sole and separate property Joe Tyler Fuqua, as his sole and separate property

Grantees' Mailing Addresses (including county):

Sam Truman Fuqua 422 W. Wilson St. Cleburne, Texas 76033 Johnson County

Ryan Lee Fuqua 202 Beacon Hill Lane Forney, Texas 75126 Kaufman County, Texas

Joe Tyler Fuqua 2024 Trail Wood Dr. Burleson, Texas 76028 Johnson County, Texas

Page 1 Special Warranty Deed **Consideration:** In accordance with the provisions of the Last Will and Testament, admitted to probate in the Estate of GEORGIA MAE FUQUA, Cause No. CC-P201923673, in the County Court at Law No. 2, Johnson County, Texas

Property (including any improvements):

Tract of parcels or land, situated in the Johnson County, Texas, being 128 acres of land, more or less, out of the Jacob Giltner Survey, Pat. No. 779, Vol. 4, in two tracts:-

First Tract:

BEGINNING 653 varas S. 30 E. from the northeast corner of the David Moore survey, in west line of the Jacob Giltner survey;- THENCE.. N. 51-3/4E. 1060 varas a stake for corner:-THENCE...S.14-3/4 E. 90 varas to a stake for corner:-THENC E. .No. 61 ½ E. 274 varas to the NW corner of a tract of 28.7 acres conveyed to W.H. Carper by deed dated October 6,1918, recorded in Volume 186, page 3, deed records of Johnson County, Texas:-varas to the south or southwest corner or said 28.7 acre tract, 590 South 61 West 985 varas to a point in the west line of the said Jacob Giltner survey:- THENCE.. North 30 West 626 varas. to the place of beginning, containing 123 acres of land.

Second Tract:

BEGINNING at a point in the west line of said Jacob Giltner survey at the southwest corner of a 274 acre tract of land described in a deed from Mary A. Stratton et al to S.B. Caos, recorded in Volume 142, page 227, deed records, Johnson County, Texas: - THENCE ... North 30 West, with said west line, 88 varas to stake:-THENCE.. North 60 East 165 varas to the middle of Nolan's River:- THENCE .. in a southerly direction, down said river to a point in the middle of same where the south line of said 274 acre tract crosses said Nolan's River:- THENCE... South 60 West, with south line said 274 acre tract, 251 varas, more or less, to the place of beginning, containing 5 acres of land.

The two tracts above described are the same as conveyed and described in the deed from Ludlow Savings Bank & Trust Company to J.M. Williams, dated October 27,1937, or recorded in Volume 306, Page 447, deed records of Johnson County, Texas.

Commonly known as 1037 CR 1106, Rio Vista, Texas 76093

Reservations from and Exceptions to Conveyance and Warranty:

This deed is subject to all easements, restrictions, conditions, covenants, and other instruments of record.

Grantor, for the consideration and subject to the reservations from and 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 wise belonging, to have and hold it to Grantee, Grantee's heirs, Executor, Executor, successors, or assigns forever. Grantor binds Grantor and Grantor's heirs, Executor, Executor, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, Executor, Executor, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty, when the claim is by, through, or under Grantor but not otherwise.

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

Grantee assumes all ad valorem taxes due on the property for the current year.

Sam Truman Fuqua, Independent Executor of the Estate

of GEORGIA MAE FUQUA, Grantor

ACKNOWLEDGMENT

STATE OF TEXAS

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COUNTY OF JOHNSON

, 2020, by Sam Truman

Fuguan Independent Executor of the Estate of GEORGIA MAE FUQUA, Deceased

This instrument was acknowledged before me on January

PREMARED WITHE OFFICE OF:

Tommy Altaras 109 West Henderson Cleburne, Texas 76033

Tel: (817) 641-6611 Fax: (817) 641-6613 AFTER RECORDING RETURN TO:

Sam Truman Fuqua 422 W. Wilson St. Cleburne, Texas 76033

SPECIAL WARRANTY DEED

THE STATE OF TEXAS

COUNTY OF JOHNSON

That We, RYAN L. FUQUA, JOE T. FUQUA, and SAM T. FUQUA, hereinafter called "Grantors", of the County of JOHNSON, State of Texas, owning the property described below, each as our SEPARATE PROPERTY, for and in consideration of the sum of TEN DOLLARS AND NO/100 (\$10.00) in hand paid by the Grantees herein named, the receipt of which is hereby acknowledged, have CONVEYED, and by these presents do CONVEY unto RYAN L. FUQUA and TIFFANY FUQUA, hereinafter called "Grantees", of the County of JOHNSON, State of Texas, as their COMMUNITY PROPERTY all of Grantors' rights, title and interest in and to the following described real property situated in JOHNSON County, Texas, to-wit:

12.5 Acre Tract

Being all of that certain tract of land situated in the JACOB GILTNER SURVEY, ABSTRACT No. 295, Johnson County, Texas, and being a portion of that certain called 123 acre tract of land conveyed to Sam Truman Fuqua, Ryan Lee Fuqua, and Joe Tyler Fuqua, each as their sole and separate properties, by the Special Warranty Deed recorded as instrument no. 2020-01242, in the Official Public Records of Johnson County, Texas, and being described by metes and bounds as follows:

COMMENCING at a capped ½ inch iron rod set in the pavement of the formerly called County Road No. 1207 for the restored most westerly northeast corner of said 123 acre tract of, said capped iron rod set being a common corner with that certain called 33.804 acre tract of land conveyed to Ross and Nellie Ann Baldwin by the deed recorded in Volume 727, Page 217, of the Deed records of Johnson County, Texas, and said capped iron rod set being on a southwesterly line of a 78.180 acre tract of land conveyed to Billy Ray Baldwin by the Instrument No. 2016-18747, of the Official Public Records of The Johnson County, Texas;

THENCE South 13 degrees 56 minutes 41 seconds East, along County Road 1207 and a common line between said 123 acre tract and said Baldwin 78.180 acre tract, a distance of 235.95 feet to a capped iron rod set for a common corner between said 123 acre tract and said Baldwin 78.180 acre tract;

THENCE North 61 degrees 36 minutes 09 Seconds East, a distance of 20.200 feet to a 5/8 inch iron rod found at the base of a wood fence corner post for the POINT OF BEGINNING of Tract 2 and being the northwest corner of Tract 2;

THENCE North 61 degrees 25 minutes 09 seconds East, generally along a fence line and a common line between said 123 acre tract and said 78.180 acre tract, a distance of 639.66 feet to a PK Nail with washer stamped "RPLS 5614" found in a cedar tree for the northeast corner of said 123 acre tract and the herein described tract of land, said PK Nail found being the northwest corner of that certain called 14.580 acre tract of land conveyed to Dennis G. Payne and Debbie Kay Payne by the Instrument No. 2016-04556 of the Official Public Records of Johnson County, Texas;

THENCE South 02 degrees 00 minutes 26 seconds East, generally along a fence line and the easterly line of said 123 acre tract and the westerly line of said Payne tract, and that certain tract of land conveyed to Randy Petty and Cindy Petty by the deed recorded in Volume 1888, Page 536, of the Real Property Records of Johnson County, Texas, in all a distance of 1125.20 feet to a capped (stamped "RPLS 5614") ½ inch iron rod set fo the southeast corner of the herein described tract of land;

THENCE South 87 degrees 59 minutes 34 seconds West, along the southerly line of the herein described tract of land a distance of 551.12 feet to a capped (stamped "RPLS 5614") ½ inch iron rod set for the southwest corner of the herein described tract of land;

THENCE North 02 degrees 00 minutes 26 seconds west, along the westerly line of the herein described tract of land, a distance of 849.34 fee t to the POINT OF BEGINNING and containing 12.5 acres of land more or less as surveyed on the ground by Buffalo Creek Surveyor LLC., under the direct supervision of Joe Davis Ballard RPLS No. 5614.

This conveyance, however, is made and accepted subject to any and all validly existing encumbrances, conditions and restriction relating to the hereinabove described property as now reflected by the records of the County Clerk of JOHNSON County, Texas.

TO HAVE AND TO HOLD all of the Grantors' right, title and interest in and to the above described property and premise unto the said Grantees, RYAN L. FUQUA and TIFFANY FUQUA, their heirs and assigns, forever, so that neither Grantors nor Grantors' heirs, legal representatives or assigns shall have, claim or demand and right or title to the aforesaid property, premises, or appurtenances or any part thereof.

EXECUTED this 2 day of December, 2022.

(YAM)L/FUQUA (As Grantor)

SAM T. FUQUA (As Grantor)

ACKNOWLEDGEMENT

THE STATE OF TEXAS

S
COUNTY OF JOHNSON

This instrument was acknowledged before me on this <u>2</u> day of <u>0 e c ender</u>, 2022 by RYAN L. FUQUA, known to me or proven to be the person whose name is subscribed on the foregoing instrument and acknowledge to me that he executed the same for the purposes and consideration therein expressed.

Notary Public in and for the State of

Printed Name:

My Commission Expires:

JEAN ANN DAY
Notary Public. State of Texas
Notary ID 12881338-2
My Commission Exp. 11-28-2023

THE STATE OF TEXAS	§		
COUNTY OF JOHNSON	§ §		
	T. FUQUA, known to me or proven to be the person instrument and acknowledge to me that he executed		
THE STATE OF TEXAS	§		
CONNEW OF IOUNGON	§		
This instrument was acknowledged before me on this day of			
Printed Name:			
My Commission Expires:	JEAN ANN DAY Notary Public. State of Texas Notary ID 12881338-2 My Commission Exp. 11-28-2023		



Johnson County Becky Ivey Johnson County Clerk

Instrument Number: 2022 - 40932

Real Property Recordings

Number of Pages: 5 Recorded On: December 02, 2022 03:51 PM

" Examined and Charged as Follows: "

Total Recording: \$38.00

******* 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: Record and Return To:

2022 - 40932 Document Number:

20221202000200 Receipt Number:

Recorded Date/Time: December 02, 2022 03:51 PM RYAN FAQUA Heidi P User:

304 ROSE AVE

ENV

CLEBURNE TX 76033 Station: CCI15



STATE OF TEXAS **Johnson County**

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 I very

SPECIAL WARRANTY DEED FOR EASEMENT

THE STATE OF TEXAS	§
	§
COUNTY OF JOHNSON	§

That We, RYAN L. FUQUA, JOE T. FUQUA, and SAM T. FUQUA, hereinafter called "Grantors", of the County of JOHNSON, State of Texas, owning the property described below, each as our SEPARATE PROPERTY, for and in consideration of the sum of TEN DOLLARS AND NO/100 (\$10.00) in hand paid by the Grantees herein named, the receipt of which is hereby acknowledged, have CONVEYED, and by these presents do CONVEY unto RYAN L. FUQUA and TIFFANY FUQUA, hereinafter called "Grantees", of the County of JOHNSON, State of Texas, as their COMMUNITY PROPERTY all of Grantors' rights, title and interest in and to the following described real property situated in JOHNSON County, Texas, to-wit:

EASEMENT

30 foot wide Mutual Access Easement being 15 feet wide and parallel to centerline of described easement

BEGINNING at a capped (stamped ½ inch iron rod set in the centerline of formerly called County Road 1207 for the most westerly northeast corner of a 117.06 acre tract of land as surveyed on the ground by Buffalo Creek surveyor Joe Davis Bullard RPLS No. 5614, as shown on the attached survey plat (see sheet 1 of 4), said capped iron rod set also being a common corner with a 35.804 acre tract of land conveyed to Ross and Nellie Ann Baldwin by the deed recorded in Volume 727, Page 217, of the Real Property Records of Johnson County, Texas, and being on a common line of 78.180 acre tract of land conveyed to Billy Ray Baldwin by the deed recorded in Instrument No. 2016-187474 of the Official Public Records of Johnson County, Texas:

THENCE WITH THE CENTERLINE OF SAID MUTUAL ACCESS EASEMENT AS FOLLOWS:

S 13°56'41" W 235.35' to a point S 01°18'15" W 98.49' to a point S 09°18'55" W 324.17' to a point S 15°22'48" W 508.18' to a point S 01°04'40" W 82.49' to a point S 18°07'21" E 88.82' to a point S 23°30'43" E 150.61' to a point S 30°01'33" E 93.83' to a point S 53°18'57" E 83.87' to a point S 72°45'50" E 170.75' to a point

S 83°26'44" E 78.93' to a point

N 80°41'20" E 78.93' to a point

N 74°26'21" E 165.41' to a point

N 55°58'08" E 84.62' to a point

N 26°35'39" E 40.26' to a point

N 07°12'17" E 43.79' to a point

N 00°10'26" E 85.83' to a point

N11°25'56" W 80.61' to a point

N 21°36'17" W 82.45' to a point

N 02°48'33" W 85.58 to a point

N 08°34'55" E 71.65' to a point, being the terminus of said easement on the southerly line of a 12.5 acre tract of land as described in the property description of said 12.5 acre tract as shown on sheet 3 of 5 said point bears South 87 degrees 59 minutes 34 seconds West, 44.00 feet from the Southwest corner of said 12.5 acre tract.

This conveyance, however, is made and accepted subject to any and all validly existing encumbrances, conditions and restriction relating to the hereinabove described property as now reflected by the records of the County Clerk of JOHNSON County, Texas.

TO HAVE AND TO HOLD all of the Grantors' right, title and interest in and to the above described property and premise unto the said Grantee, RYAN L. FUQUA and TIFFANY FUQUA, their heirs and assigns, forever, so that neither Grantors nor Grantors' heirs, legal representatives or assigns shall have, claim or demand and right or title to the aforesaid property, premises, or appurtenances or any part thereof.

EXECUTED this 2 day of December, 2022.

RYAM L. FUQUA (As Grantor)

ØE T. FUQUA (As Grantor)

SAM T. FUQUA (As Grantor)

ACKNOWLEDGEMENT

THE STATE OF TEXAS	8	
COUNTY OF JOHNSON	§ §	
This instrument was acknowled to the person whose name is subscribed on the free executed the same for the purposes and contract to the purposes and contract to the purpose and contract to the purpo	AN L. FUQUA, known to me or proven to be the oregoing instrument and acknowledge to me that he	
THE STATE OF TEXAS COUNTY OF JOHNSON	§ § §	
This instrument was acknowledged before me on this <u>\(\)</u> day of <u>\) Peember</u> , 2022 by JOE T. FUQUA, known to me or proven to be the person whose name is subscribed on the foregoing instrument and acknowledge to me that he executed the same for the purposes and consideration therein expressed.		
Notary Public in and for the State of Printed Name: My Commission Expires:	JEAN ANN DAY Notary Public. State of Texas Notary ID 12881338-2 My Commission Exp. 11-28-2023	

perfore me on this 2 day of QUA, known to me or proven to be the person ent and acknowledge to me that he executed expressed.
UE AAL ANIAL DAV
JEAN ANN DAY Notary Public. State of Texas Notary ID 12881338-2 My Commission Exp. 11-28-2023



Johnson County Becky Ivey Johnson County Clerk

Instrument Number: 2022 - 40933

Real Property Recordings

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Number of Pages: 5

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User:

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304 ROSE AVE

RYAN FAQUA

O. ..

Heidi P

ENV

Station: CCI15

CLEBURNE TX 76033



STATE OF TEXAS
Johnson County

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 I very