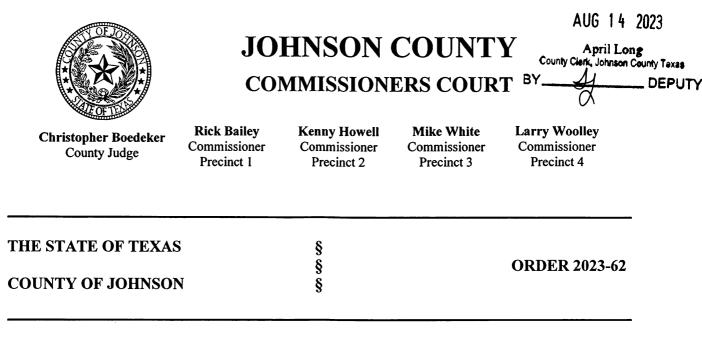
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ORDER APPROVING REVISION OF PLAT PURSUANT TO SECTION 232.009 (c-1) OF THE TEXAS LOCAL GOVERNMENT CODE

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, the revision of the subdivision plat does not affect a public interest or public property of any type, including, but not limited to, a park, school, or road; and

WHEREAS, written notice of the application to revise the subdivision plat has been provided to the owners of the lots that are within 200 feet of the subdivision plat to be revised, as indicated in the most recent records of the Central Appraisal District of the Johnson County; and

WHEREAS, notice has been posted on Johnson County's Internet website for at least 30 days preceding the date of the meeting to consider the application until the day after the meeting; and

WHEREAS, the revision of the subdivision plat will not interfere with the established rights of any owner of a part of the subdivided land; 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 26, Reserve Tract, Block 96, to create Reserve Tracts 1-R and 2-R, Block 96, and 60' of Right of Way in Precinct 1."

Said motion was approved by a vote of the Commissioners Court on the 14th day of August 2023.

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 26**, Reserve Tract, Block 96, to create Reserve Tracts 1-R and 2-R, Block 96, and 60' of Right of Way in Precinct 1.

WITNESS OUR HAND THIS, THE 14TH DAY OF AUGUST 2023.

Rul M Christopher Boedeker, Johnson County Judge Voted: Vyes, no, abstained Rick Bailey, Com Pct. 1 endy Howell, Comm. Pct. 2 Voted: Voted: V yes, abstained yes, no, abstained nc Mike White, Comm. Pct. 3 Comm. Pct. 4 Lărry Voted: V ves. yes, no, abstained abstained Voted: no. **County Clerk**

JOHNSON COUNTY, TEXAS NOTES

- 1. THIS SUBDIVISION OR ANY PART THEREOF IS NOT LOCATED WITHIN THE ETJ OF ANY CITY OR TOWN.
- 2. THE PURPOSE FOR THIS REPLAT IS TO ESTABLISH A ROAD RIGHT-OF-WAY DIVIDING A PLATTED RESERVE TRACT INTO 2 SEPARATE TRACTS.
- 3. THE DEVELOPER SHALL COMPLETE ALL ROADS AND DRAINAGE FACILITIES IN A SUBDIVISION WITHIN TWELVE (12) MONTHS AFTER THE DATE OF FINAL PLAT APPROVAL.
- 4. UTILITY PROVIDERS:

WATER SERVICE PROVIDED BY MIDWAY WATER UTILITIES, INC., PHONE (866) 654-7992. ELECTRIC SERVICE IS TO BE PROVIDED BY UNITED COOPERATIVE SERVICES. PHONE (817) 556-4000. CENTRAL SEWER COLLECTION AND TREATMENT IS PROVIDED BY MIDWAY WATER UTILITIES, INC., PHONE (866) 654-7992.

5. FLOOD STATEMENT:

ACCORDING TO THE FLOOD INSURANCE RATE MAP FOR JOHNSON COUNTY, TEXAS AND INCORPORATED AREAS, COMMUNITY PANEL NO. 48251C0425J, EFFECTIVE DATE DECEMBER 04, 2012, THIS PROPERTY LIES IN ZONE A (AREAS DETERMINED TO BE SUBJECT TO THE 100-YEAR FLOOD).

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".

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 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.**

UTILITY FASEMENT

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 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 AT ANY TIME OF PROCURING THE PERMISSION OF ANYONE.

8. UTILITY EASEMENTS:

10' UTILITY AND DRAINAGE EASEMENT SHALL BE RETAINED ALONG THE FRONT AND REAR OF ALL LOTS. 5' UTILITY AND DRAINAGE EASEMENT SHALL BE RETAINED ALONG THE SIDES OF ALL LOTS. WATER DISTRIBUTION AND SEWER MAINS WILL BE LOCATED WITHIN STREET RIGHT-OF-WAYS.

9. RIGHT-OF-WAY DEDICATION: 30' FROM CENTER OF ROAD.

ALL STREETS TO BE PRIVATELY MAINTAINED.

10. BUILDING LINES:

30' FRONT **30' REAR**

10' SIDES

11. FILING A PLAT IT IS A CRIMINAL OFFENSE PUNISHABLE BY A FINE OF UP TO \$1000.000, 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.

12. 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.

13. DUTIES OF DEVELOPER/PROPERTY OWNER

THE APPROVAL AND FILING OF THIS PLAT BY JOHNSON COUNTY DOES NOT RELIEVE THE DEVELOPER OF TH 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.

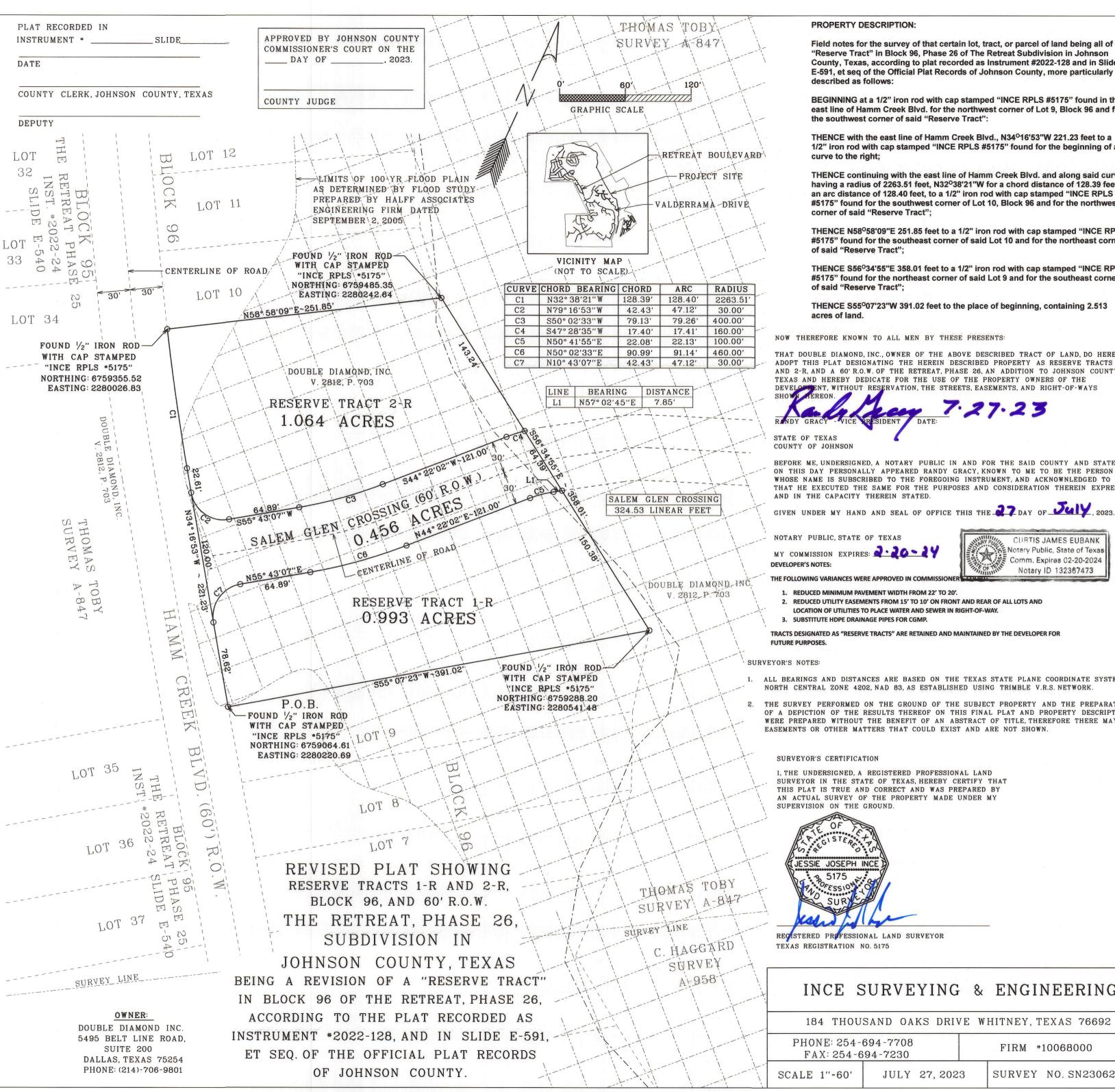
14. INDEMNITY

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 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.

.\RETREATPHASE26RESERVETRACTREPL 7/27/2023 9:44:10 AM



Field notes for the survey of that certain lot, tract, or parcel of land being all of a "Reserve Tract" in Block 96, Phase 26 of The Retreat Subdivision in Johnson County, Texas, according to plat recorded as Instrument #2022-128 and in Slide E-591, et seq of the Official Plat Records of Johnson County, more particularly

BEGINNING at a 1/2" iron rod with cap stamped "INCE RPLS #5175" found in the east line of Hamm Creek Blvd. for the northwest corner of Lot 9, Block 96 and for the southwest corner of said "Reserve Tract":

THENCE with the east line of Hamm Creek Blvd., N34^o16'53"W 221.23 feet to a 1/2" iron rod with cap stamped "INCE RPLS #5175" found for the beginning of a

THENCE continuing with the east line of Hamm Creek Blvd. and along said curve having a radius of 2263.51 feet, N32⁰38'21"W for a chord distance of 128.39 feet, an arc distance of 128.40 feet, to a 1/2" iron rod with cap stamped "INCE RPLS #5175" found for the southwest corner of Lot 10, Block 96 and for the northwest corner of said "Reserve Tract";

THENCE N58°58'09"E 251.85 feet to a 1/2" iron rod with cap stamped "INCE RPLS #5175" found for the southeast corner of said Lot 10 and for the northeast corner

THENCE S56^o34'55"E 358.01 feet to a 1/2" iron rod with cap stamped "INCE RPLS #5175" found for the northeast corner of said Lot 9 and for the southeast corner

THENCE S55^o07'23"W 391.02 feet to the place of beginning, containing 2.513

NOW THEREFORE KNOWN TO ALL MEN BY THESE PRESENTS:

THAT DOUBLE DIAMOND, INC., OWNER OF THE ABOVE DESCRIBED TRACT OF LAND, DO HEREBY ADOPT THIS PLAT DESIGNATING THE HEREIN DESCRIBED PROPERTY AS RESERVE TRACTS 1-R AND 2-R, AND A 60' R.O.W. OF THE RETREAT, PHASE 26, AN ADDITION TO JOHNSON COUNTY, TEXAS AND HEREBY DEDICATE FOR THE USE OF THE PROPERTY OWNERS OF THE NT, WITHOUT RESERVATION, THE STREETS, EASEMENTS, AND RIGHT-OF-WAYS

BEFORE ME, UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE SAID COUNTY AND STATE ON THIS DAY PERSONALLY APPEARED RANDY GRACY. KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWNLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED

CURTIS JAMES EUBANK

ENotary Public, State of Texas

E Comm. Expires 02-20-2024

Notary ID 132367473

THE FOLLOWING VARIANCES WERE APPROVED IN COMMISS

- 2. REDUCED UTILITY EASEMENTS FROM 15' TO 10' ON FRONT AND REAR OF ALL LOTS AND
- LOCATION OF UTILITIES TO PLACE WATER AND SEWER IN RIGHT-OF-WAY.

TRACTS DESIGNATED AS "RESERVE TRACTS" ARE RETAINED AND MAINTAINED BY THE DEVELOPER FOR

ALL BEARINGS AND DISTANCES ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM. NORTH CENTRAL ZONE 4202, NAD 83, AS ESTABLISHED USING TRIMBLE V.R.S. NETWORK.

THE SURVEY PERFORMED ON THE GROUND OF THE SUBJECT PROPERTY AND THE PREPARATION OF A DEPICTION 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.

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 B AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY

INCE SURVEYING & ENGINEERING

184 THOUSAND OAKS DRIVE WHITNEY, TEXAS 76692

PHONE: 254-694-7708 FAX: 254-694-7230		FIRM	FIRM #10068000	
SCALE 1"=60'	JULY 27, 2	2023 SURVE	CY NO. SN230626.1	



COMMISSIONERS COURT

AUG 14 2023

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

Date: <u>August 3, 2023</u>	Approved	
Meeting Date: August 14, 2023		
Submitted By: Julie Edmiston		
Department/Office: Public Works		
Signature of Director/Official:		
Agenda Title:		
Public Hearing and Plat Approval		
Public Description (Description should be 2-4 sentences explaining to the Court and the public	 c	
what action is recommended and why it is necessary):		
Public Hearing to Revise the Plat of The Retreat, Phase 26, Reserved Tract,		
Block 96 to Create Reserve Tracts 1-R and 2-R, Block 96, and 60' of Right of Way. Precinct 1 (continued on next page)	v	
way. Treemet 1 (continued on next page)		
(May attach additional sheets if necessary)		
Person to Present: Julie Edmiston		
(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: <u>Action Item</u> (Action Item, Workshop, Consent, Executive	e)	
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 Dea	dline	

& List All External Persons Who Need a Copy of Signed Documents **In Your Submission Email**

Consideration of Order 2023-62, Order Approving the Revised Plat of The Retreat, Phase 26, Reserved Tract, Block 96 to Create Reserve Tracts 1-R and 2-R, Block 96, and 60' of Right of Way. Precinct 1

AUG 1 4 2023

NOTICE OF PUBLIC HEARING

Pursuant to Chapter 232 of the Texas Local Government Code, the Johnson County Commissioners Court will consider an application and hear protests to revise the recorded subdivision plat of The Retreat, Phase 26, Reserve Tract, Block 96, recorded in Instrument #2022-128, and in Slide E-591, ET SEQ of The Official Plat Records of Johnson County, Texas:

Reserve Tract, Block 96 to Create Reserve Tracts 1-R and 2-R, Block 96, and 60' of Right of Way

At: <u>9:00 o'clock a.m.</u> on: August 14, 2023 in the Commissioners' Courtroom on the second floor Of the Johnson County Courthouse
 2 North Main Street, Cleburne, Texas 76033

Published in 'Times Review' classified section under 'LEGAL NOTICE' on these dates:

August 1^{st} , 3^{rd} , and 5^{th} 2023

Posted on the Johnson County Website starting July 14 2023