



# JOHNSON COUNTY COMMISSIONERS COURT

MAR 26 2024

April Long  
County Clerk, Johnson County Texas

BY [Signature] DEPUTY

Christopher Boedeker  
County Judge

Rick Bailey  
Commissioner  
Precinct 1

Kenny Howell  
Commissioner  
Precinct 2

Mike White  
Commissioner  
Precinct 3

Larry Woolley  
Commissioner  
Precinct 4

THE STATE OF TEXAS

§

ORDER 2024-20

COUNTY OF JOHNSON

§

§

### ORDER APPROVING REVISION OF PLAT PURSUANT TO SECTION 232.009 (c) 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**, 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 Howell, Pct. 2 that stated: "I make the motion to approve the revision of the plat of **The Retreat, Phase 12**, Lots 62 and 63, Block 76, to create Lot 62-R, Block 76, in Precinct 1."

Said motion was approved by a vote of the Commissioners Court on the 25<sup>th</sup> day of March 2024.

**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 12**, Lots 62 and 63, Block 76, to create Lot 62-R, Block 76, in Precinct 1.

**WITNESS OUR HAND THIS, THE 25<sup>TH</sup> DAY OF MARCH 2024.**



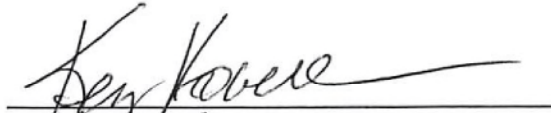
**Christopher Boedeker, Johnson County Judge**

Voted:  yes,  no,  abstained



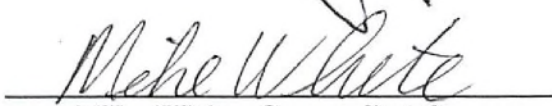
**Rick Bailey, Comm. Pct. 1**

Voted:  yes,  no,  abstained



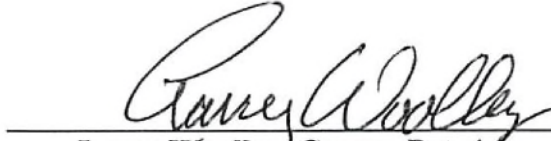
**Kenny Howell, Comm. Pct. 2**

Voted:  yes,  no,  abstained



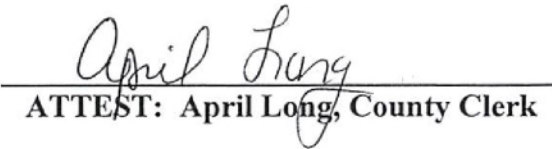
**Mike White, Comm. Pct. 3**

Voted:  yes,  no,  abstained



**Larry Woolley, Comm. Pct. 4**

Voted:  yes,  no,  abstained



**ATTEST: April Long, County Clerk**



JOHNSON COUNTY TEXAS NOTES:

- 1. THIS SUBDIVISION ON ANY PART THEREOF IS NOT LOCATED WITHIN THE ETJ OF ANY CITY OR TOWN.
2. THE PROPOSED USAGE FOR THIS PLAT IS SINGLE FAMILY RESIDENTIAL.
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 TEXAS WATER UTILITIES, L.P. PHASE 12A01453-7552.
ELECTRIC SERVICE IS TO BE PROVIDED BY UNITED COOPERATIVE SERVICES, PHONE (817) 508-4000.
CENTRAL SEWER COLLECTION AND TREATMENT IS PROVIDED BY MIDWAY WATER UTILITIES, INC. PHONE (817) 654-7000.

5. FLOOD STATEMENT:
ACCORDING TO THE FLOOD INSURANCE RATE MAP FOR JOHNSON COUNTY, TEXAS AND INCORPORATED AREAS, COMMUNITY PANEL NO. 48533C049, EFFECTIVE DATE DECEMBER 04, 2019 THIS PROPERTY IS LOCATED 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 "NFIP" IT DOES NOT NECESSARILY SHOW ALL AREAS SUBJECT TO FLOODING, INCLUDING FLOODING 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 SURFACE OR SUBSURFACE CONDITIONS EXISTING ON OR NEAR THE SUBJECT PROPERTY WHICH ARE NOT STUDIED OR ADDRESSED AS PART OF THE "NFIP".

6. 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 ACQUISITION 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.

7. 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.

8. UTILITY EASEMENT:
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 ENLARGE OR INTERFERE WITH THE CONSTRUCTION OR MAINTENANCE OR OPERATION 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 TO INCREASE AND EXPAND TO AND FROM EXISTING EASEMENTS CONSTRUCTION, REPAIRS, IMPROVEMENTS, CONSTRUCTION, 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.

9. UTILITY EASEMENTS:
REDUCED UTILITY EASEMENTS FROM 15' TO 10' ON FRONT AND REAR OF ALL LOTS WERE APPROVED FOR THE RETREAT, PHASE 12 IN COMMISSIONER'S COURT OF NOVEMBER 10, 2024.
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.
THE EXISTING 10' UTILITY AND DRAINAGE EASEMENTS BETWEEN LOTS 52 AND 53 SHALL BE REMOVED WITH THE FILING OF THIS PLAT.

10. RIGHT-OF-WAY DEDICATION:
40' ROW FROM CENTER OF ROAD ON P.M. OR STATE
30' ROW FROM CENTER OF COUNTY ROAD OR SUBDIVISION ROADS NONE BY THIS PLAT.

11. BUILDING LINES:
50' FROM LOT LINE STATE HWY 4 & FM
30' FROM LOT LINE COUNTY ROAD OR SUBDIVISION ROADS
PER PHASE 12 PLAT SLIDE D-187, V. 10, P. 714, ET SEQ.
20' REAR OR 40' WHEN ADJOINING A GOLF COURSE PER DEVELOPER
10' SIDES PER DEVELOPER.

12. 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 BOTH, OR BOTH FOR A PERSON WHO SUBMITTER SAID PROPERTY TO BE THE SUBDIVISION'S DESCRIPTION IN A DEED OF CONVEYANCE, A CONTRACT FOR A DEED OR A CONTRACT OF SALE OR OTHER EXISTING CONTRACT TO CONVEY THAT IS DELIVERED TO A PURCHASER UNLESS THE PLAT OR REPEAT 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 COVERED BEFORE THE RECORDING OF THE PLAT.

13. A PURCHASER MAY NOT USE OR OCCUPY PROPERTY DESCRIBED IN A PLAT OR REPEAT OF A SUBDIVISION UNTIL SUCH TIME AS THE PLAT IS FILED FOR RECORD WITH THE COUNTY CLERK'S OFFICE OF THE JOHNSON COUNTY CLERK.

14. 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 OWNERS OR INFLUENCE 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 EXISTING 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 BELIEVING UPON THE SURVEYOR WHOSE NAME IS AFFIXED HERETO TO MAKE ACCURATE AND TRUTHFUL REPRESENTATIONS UPON WHICH JOHNSON COUNTY CAN MAKE DETERMINATIONS REGARDING THE APPROVAL OR DISAPPROVAL OF THIS PLAT.

15. 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.

16. FILING A PLAT IS NOT ACCEPTANCE OF ROADS FOR COUNTY MAINTENANCE.
THE APPROVAL AND FILING OF A PLAT WHICH DEDICATED ROADS AND STREETS DOES NOT MAKE THE ROADS AND STREETS COUNTY ROADS SUBJECT TO COUNTY MAINTENANCE, NO SHALL STREET OR PASSAGEWAY BEYOND THIS PLAT SHALL BE MAINTAINED BY JOHNSON COUNTY, TEXAS IN THE ABSENCE OF AN EXPRESS ORDER OF THE COMMISSIONERS COURT EXTENDING TO RECORDERS OF THE JOHNSON COUNTY OF JOHNSON COUNTY, TEXAS SPECIFICALLY IDENTIFYING 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 \_\_\_, 2024. COUNTY JUDGE

REVISED PLAT SHOWING LOT 62-R, BLOCK 76 THE RETREAT, PHASE 12, SUBDIVISION IN JOHNSON COUNTY, TEXAS BEING A REVISION OF LOTS 82 AND 63, BLOCK 76, THE RETREAT, PHASE 12, ACCORDING TO THE PLAT RECORDED IN SLIDE D-187, AND IN VOLUME 10, PAGE 714, ET SEQ. OF THE OFFICIAL PLAT RECORDS OF JOHNSON COUNTY, TEXAS.

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

OWNERS: ANDREW FRANKLIN HAVEL & CELIA ANN COVINGTON HAVEL 8009 VALDERRAMA CT. CLEBURNE, TEXAS 76033 PHONE: (214) 232-4553

NOW THEREFORE KNOWN TO ALL MEN BY THESE PRESENTS: THAT ANDREW FRANKLIN HAVEL & CELIA ANN COVINGTON HAVEL, OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND, DO HEREBY ADOPT THIS PLAT DESIGNATING THE HEREIN DESCRIBED PROPERTY AS LOT 62-R, BLOCK 76, THE RETREAT, PHASE 12, AN ADDITION TO JOHNSON COUNTY, TEXAS AND HEREBY DEDICATE FOR THE USE OF THE PROPERTY OWNERS OF THE DEVELOPMENT, WITHOUT RESERVATION, THE STREETS, EASEMENTS, RIGHT-OF-WAYS AND ANY OTHER PUBLIC AREA SHOWN HEREON. DATE: 2-26-24

Catherine Elaine Wiggins, Notary Public, State of Texas. My Commission Expires 11-30-2024. State of Texas, County of Johnson.

Catherine Elaine Wiggins, Notary Public, State of Texas. My Commission Expires 11-30-2024. State of Texas, County of Johnson.

LEGAL DESCRIPTION: Field notes for the survey of all that certain 64, tract or parcel of land being all of Lots 82 and 63, Block 76 of The Retreat Phase 12...

- 1. ALL BEARINGS AND DISTANCES ARE BASED ON THE TEXAS STATE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, HAD AS ESTABLISHED USING TRIMBLE VLS NETWORK.
2. 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.
3. ALL CORNERS SET ARE MONUMENTED WITH 1/2" IRON RODS WITH CAP STAMPED "INCE RPLS '6175" UNLESS OTHERWISE NOTED.

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 THIS DATE.



INCE SURVEYING & ENGINEERING
184 THOUSAND OAKS DRIVE WHITNEY, TEXAS 76692
PHONE: 254-694-7708 FAX: 254-694-7230 FIRM #10088000
SCALE 1"=40' FEBRUARY 15, 2024 SURVEY NO. SN240105.2

**AGENDA PLACEMENT FORM**

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

Date: March 6, 2024

Meeting Date: March 25, 2024

Submitted By: Julie Edmiston

Department: Public Works

Signature of Elected Official/Department Head:



<b>Court Decision:</b> <small>This section to be completed by County Judge's Office</small>
 <b>March 25, 2024</b>

**Description:**

Public Hearing to Revise the Plat of The Retreat, Phase 12, Lots 62 and 63, Block 76 to be combined to Form Lot 62-R, Block 76 in Precinct 1.

Consideration of Order 2024-20, Order Approving the Revised the Plat of The Retreat, Phase 12, Lots 62 and 63, Block 76 to be combined to Form Lot 62-R, Block 76 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 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: (check one)

Action Item     Consent     Workshop     Executive     Other \_\_\_\_\_

Check All Departments That Have Been Notified:

County Attorney     IT     Purchasing     Auditor  
 Personnel     Public Works     Facilities Management

Other Department/Official (list) \_\_\_\_\_

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



## NOTICE OF PUBLIC HEARING

Pursuant to Section 232.009 of the Texas Local Government Code, the Johnson County Commissioners Court will consider an application and hear protests to the revision of the recorded subdivision plat of The Retreat, Phase 12, Block 76, Lots 62 and 63 recorded in slide D-187, and in Volume 10, Page 714, Et Seq., of the Official Plat Records of Johnson County, Texas:

**Lots 62 and 63, Block 76  
to be combined to Form  
Lot 62-R, Block 76**

At: **9:00 o'clock a.m.** on: March 25<sup>th</sup>, 2024 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:

March 5, 7, and 9th