

AGENDA PLACEMENT FORM

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

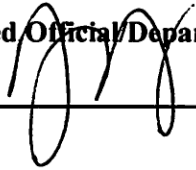
Date: July 12, 2024

Meeting Date: July 22, 2024

Submitted By: Julie Edmiston

Department: Public Works

Signature of Elected Official/Department Head:



Court Decision: <small>This section to be completed by County Judge's Office</small>
 July 22, 2024

Description:

Consideration of Variance to allow Permitting on Proposed Plat of Atayde Estates, Lot 1 and Lot 2, Block 1, with 147.56' of Road Frontage on each Lot located in Precinct 4.

(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)

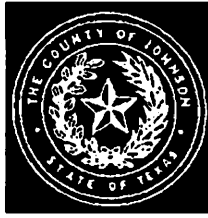
Action Item Consent Workshop Executive Other _____

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**



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 Ronnie Dean - Dean Surveyors Date 07/12/2024

Phone Number 817-487-9486

Email Address ronnie@deansurveyors.net

Property Information for Variance Request:

Property 911 address 10650 County Road 418

Subdivision name Atayde Addition (proposed) Block 1 Lot Lot 1 and Lot 2

Survey T. W. Meadow Survey Abstract 600 Acreage 10.209

Request Requesting a variance from the 150 foot requirement frontage.

Reason for request The total distance across the front of the property is 295.22 feet. The owners wanting to divide the property and make 2 lots.

Each lot would be 147.61 feet wide and short by 2.39 feet.of the required 150.00 feet.

Provide the following with this request:

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

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

Warranty Deed

May 23, 2024

Grantor: Raul Atayde and Mayra L. Alegria

Grantee: Raul Atayde, Mayra L. Alegria, Ignacio Vidana, Ma de la Luz Celis, and MV&A Builders LLC, a Texas limited liability company

Grantee's Mailing Address: PO Box 568, Lillian, TX 76061

Consideration:

TEN DOLLARS (\$10.00) and other good and valuable consideration in hand paid to Grantor, the receipt and sufficiency of which is hereby acknowledged.

Property (including any improvements):

See Exhibit "A"


Reservations from Conveyance and Exceptions to Conveyance and Warranty:

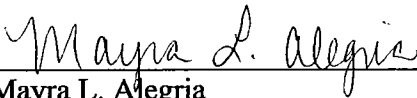
This conveyance is made and accepted subject to any and all restrictions, reservations (including any prior mineral and/or oil and gas reservations and conveyances), exceptions, covenants, conditions, rights-of-way and easements, and any and all zoning laws, regulations and ordinances of municipal and other governmental authorities relating to the herein described property, to the extent that they are in effect and of record in the county which such property is situated.

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.

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

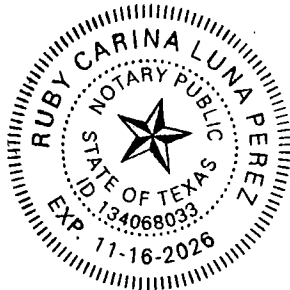
GRANTOR:



Raul Atayde


Mayra L. Alegria

STATE OF TEXAS)
COUNTY OF Tarrant)

This instrument was acknowledged before me on the 23 day of May, 2024 by Raul Atayde and Mayra L. Alegria.




Notary Public, State of Texas
My commission expires: 11/16/2024

No examination of title was performed in preparation of this conveyance and no representation is made by such preparation as to the title conveyed hereby, the matters effecting title, or the accuracy or adequacy of the description of the property to be conveyed. Preparation was based solely on information provided by the parties. No opinion or legal advice was given the parties in connection with its preparation.

GRANTEE:

Raul Atayde
Raul Atayde,

Mayra L. Alegria
Mayra L. Alegria

Ignacio Vidana
Ignacio Vidana

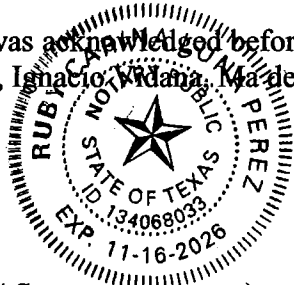
Ma de la Luz Celis
Ma de la Luz Celis

MV&A Builders LLC, a Texas limited liability company:

By: *Fermin Martinez*
Fermin Martinez,, Member

STATE OF TEXAS)
COUNTY OF Tarrant)

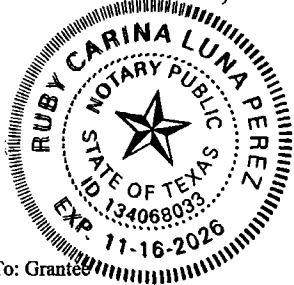
This instrument was acknowledged before me on the 23 day of May, 2024 by Raul Atayde, Mayra L. Alegria, Ignacio Vidana, Ma de la Luz Celis.



Ruby Carina Luna Perez
Notary Public, State of Texas
My commission expires: 11/16/2026

STATE OF TEXAS)
COUNTY OF Tarrant)

This instrument was acknowledged before me on the 23 day of May, 2024 by Fermin Martinez, Member of MV&A Builders LLC, a Texas limited liability company, for and on behalf of said company.



Ruby Carina Luna Perez
Notary Public, State of Texas
My commission expires: 11/16/2024

After Recording Return To: Grantee

Exhibit "A"

BEING all that certain lot, tract or parcel of land situated in the T.W. Meadow Survey, Abstract No. 600, Johnson County, Texas, being a portion of a called 10.20 acres tract of land described in deed to Raul Atayde and Mayra L. Alegria, recorded under Instrument No. 2017-16827, Deed Records, Johnson County, Texas (D.R.J.C.T.), and being more particularly described by the following metes and bounds description:

BEGINNING at a 1/2 inch iron rod found for corner in County Road 418, in the Southwest line of a tract of land described in deed to John Samuel Brantley and Luanne Brantley, recorded in Volume 1831, Page 912 (D.R.J.C.T.), at the East corner of a tract of land described in deed to Jose Enrique Loreda, a married man and Francisco Ortiz Loreda, a married man, recorded under Instrument No. 2021-37231 (D.R.J.C.T.), at the North corner of herein described tract of land;

THENCE South 31 deg. 16 min. 18 sec. East, with said County Road 418 a distance of 155.80 feet to a 1/2 inch yellow-capped iron rod set for corner at the North corner of that remaining portion of said Atayde/Alegria tract;

THENCE South 59 deg. 28 min. 32 sec. West, a distance of 459.04 feet to a 1/2 inch yellow-capped iron rod set for corner;

THENCE South 31 deg. 16 min. 18 sec. East, a distance of 146.00 feet to a 1/2 inch yellow-capped iron rod set for corner in the Northwest line of a tract of land described in deed to Amin E. Ali, recorded in Volume 4398, Page 394 (D.R.J.C.T.);

THENCE South 58 deg. 39 min. 21 sec. West, a distance of 1058.88 feet to a 1/2 inch iron rod found for corner in the Northeast line a tract of land described in deed to Sabino Martinez, recorded under Instrument No. 2014-3266 (D.R.J.C.T.), at the West corner of said Ali tract;

THENCE North 30 deg. 19 min. 42 sec. West, with the Northeast line of said Martinez tract a distance of 291.69 feet to a 1/2 inch iron rod found for corner at the South corner of said Loreda tract;

THENCE North 58 deg. 31 min. 13 sec. East, a distance of 1513.09 feet to the PLACE OF BEGINNING and containing 379,186 square feet or 8.70 acres of land of which approximately 3,144 square feet or 0.07 of an acre of land lies within County Road 418.

**Johnson County
April Long
Johnson County
Clerk**

Instrument Number: 2024 - 14979

eRecording - Real Property

Warranty Deed

Recorded On: May 31, 2024 08:14 AM

Number of Pages: 5

" Examined and Charged as Follows: "

Total Recording: \$37.00

******* 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: 2024 - 14979
Receipt Number: 20240531000004
Recorded Date/Time: May 31, 2024 08:14 AM
User: Honor C
Station: CCL45

Record and Return To:

Simplifile
5072 North 300 West

PROVO UT



**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.

April Long
Johnson County Clerk
Johnson County, TX

April Long

**** Electronically Recorded Document ****

Johnson County

Becky Ivey
Johnson County Clerk
Cleburne, TX

Document Number: 2017-16827

Recorded As : ERX-WARRANTY DEED

Recorded On: July 13, 2017

Recorded At: 10:49:37 am

Number of Pages: 7

Recording Fee: \$46.00

Parties:

Direct-

Indirect-

Receipt Number: 101096

Processed By: Linda Bailey

*****THIS PAGE IS PART OF THE INSTRUMENT*****



I hereby certify that this instrument was filed on the date and time stamped hereon and was duly recorded in the Volume and Page of the named records in Johnson County, Texas.

Any provision herein which restricts the sale, rental or use of the described Real Estate because of color race is invalid and unenforceable under Federal law.

BECKY IVEY, COUNTY CLERK
JOHNSON COUNTY, TEXAS

GF# 1705826-160-EC Texas Title

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 WITH VENDOR'S LIEN

Date: July 3, 2017

Grantor: Santa Homes, LP
108 N. Forest Hill Drive
Everman, TX 76140

Grantee: Raul Atayde and Mayra L. Alegria
10700CR 418
Grandview, TX 76050

Consideration:

Cash and a note of even date executed by Grantee and payable to the order of Grantor in the principal amount of \$61,500.00. The note is secured by a first and superior vendor's lien and superior title retained in this deed and by a first-lien deed of trust of even date from Grantee to Geoff J. Henley, trustee.

Property (including any improvements):

Being the property described on the Exhibit "A" attached hereto and incorporated for all purposes herein.

Commonly known as 10700 CR 418, Grandview, TX 76050.

Reservations from Conveyance:

None.

Exceptions to Conveyance and Warranty:

Liens described as part of the Consideration and any other liens described in this deed as being either assumed or subject to which title is taken; validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing instruments, other than conveyances of the surface fee estate, that affect the Property; and taxes for 2017, which Grantee assumes and agrees to pay, and subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes.

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 when the claim is by, through, or under Grantor but not otherwise, 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.

AS A MATERIAL PART OF THE CONSIDERATION FOR THIS DEED, GRANTEE IS TAKING THE PROPERTY IN AN ARM'S-LENGTH AGREEMENT BETWEEN THE PARTIES. THE CONSIDERATION WAS BARGAINED ON THE BASIS OF AN "AS IS, WHERE IS" AND WITH ALL LATENT AND PATENT DEFECTS AND FAULTS TRANSACTION AND REFLECTS THE AGREEMENT OF THE PARTIES THAT THERE ARE NO REPRESENTATIONS OR EXPRESS OR IMPLIED WARRANTIES. GRANTEE HAS NOT RELIED ON ANY INFORMATION OTHER THAN GRANTEE'S INSPECTION.

GRANTOR DISCLAIMS ALL EXPRESS WARRANTIES (OTHER THAN THE WARRANTY OF TITLE CONTAINED HEREIN), ALL COMMON LAW WARRANTIES, ALL STATUTORY WARRANTIES, INCLUDING BUT NOT LIMITED TO SECTION 5.023 OF THE TEXAS PROPERTY CODE (AND ITS SUCCESSOR), AND ALL IMPLIED WARRANTIES WITH RESPECT TO THE PROPERTY, AND, AS TO FIXTURES THEREON OR IMPROVEMENTS THERETO CONVEYED HEREBY, IF ANY.

IN ADDITION, GRANTOR DISCLAIMS ALL WARRANTIES OF HABITABILITY, SUITABILITY, MERCHANTABILITY, TENANTABILITY, OR FITNESS FOR A PARTICULAR PURPOSE OR USE. GRANTEE ACKNOWLEDGES AND STIPULATES THAT GRANTEE IS NOT RELYING UPON ANY REPRESENTATION, STATEMENT, ASSERTION OR NON-ASSERTION BY GRANTOR WITH RESPECT TO THE PROPERTY, BUT IS RELYING SOLELY UPON GRANTEE'S EXAMINATION OF THE PROPERTY.

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

NOTICE: THIS DOCUMENT AFFECTS YOUR LEGAL RIGHTS. PLEASE READ IT CAREFULLY BEFORE SIGNING IT.

GRANTOR:

Santa Homes, LP, a Texas limited partnership, acting by and through its general partner, Avelar Management Co., LLC, a Texas limited liability company

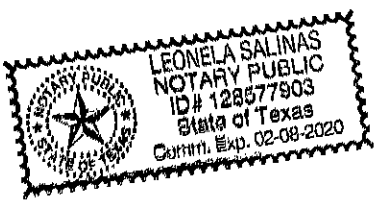
By: *Rocio A Avelar*
Its: GP Secretary
Name: Rocio A. Avelar

STATE OF TEXAS)

COUNTY OF TARRANT)

This instrument was acknowledged before me on July 3, 2017, by Rocio Avelar, GP of Avelar Management Co., LLC, a Texas limited liability company, general partner, on behalf of Santa Homes, LP, a Texas limited partnership.

[Signature]
Notary Public, State of Texas



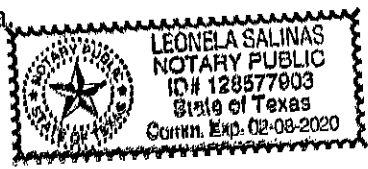
GRANTEE:

Mayra L. Alegria
Mayra L. Alegria

STATE OF TEXAS)

COUNTY OF Tarrant)

This instrument was acknowledged before me on July 3, 2017, by Mayra L. Alegria



[Signature]
Notary Public, State of Texas

JURAT

The State of Texas

County of _____

Subscribed and sworn to before me on this _____ day of _____, 2017, by Mayra L. Alegria.

(Seal)

Notary Public, State of Texas

AFTER RECORDING RETURN TO:

Raul Atayde
10700CR 418
Grandview, TX 76050

NOTICE: THIS DOCUMENT AFFECTS YOUR LEGAL RIGHTS. PLEASE READ IT CAREFULLY BEFORE SIGNING IT.

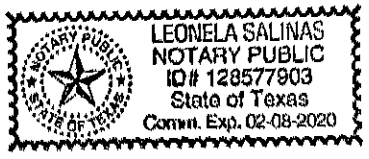
GRANTEE:

Raul Atayde
Raul Atayde

STATE OF TEXAS)

COUNTY OF Tarrant)

This instrument was acknowledged before me on July 3, 2017, by Raul Atayde.



Leonela Salinas
Notary Public, State of Texas

JURAT

The State of Texas

County of _____

Subscribed and sworn to before me on this _____ day of _____, 2017, by Raul Atayde.

(Seal)

Notary Public, State of Texas

EXHIBIT "A"

Being a tract or parcel of land situated in the T.W. Meador Survey, Abstract No. 600, Johnson County, Texas, and being that same 10.20 acre tract of land conveyed to William J. Fletchall and wife, Rene Fletchall by deed recorded in Volume 2010, Page 813, Deed Records, Johnson County, Texas, and being more particularly described as follows:

Beginning at a 1/2" iron rod found for a corner on the East side of County Road No. 418, being approximately 3 feet East of the Easterly edge of asphalt, being the Southeasterly corner of a 10.20 acre tract of land recorded in volume 2011, Page 64, Deed Records, Johnson County, Texas, also being the Northeasterly corner of said Fletchall tract;

THENCE South 29°58'47" East along the East line of said Fletchall tract a distance of 295.09 feet to a 1/2" iron rod found for a corner on the East side of County Road No. 418, being approximately 5 feet East of the Easterly edge of asphalt, also being the Northeasterly corner of a 10.29 acre tract of land recorded in Volume 1256, Page 613, Deed Records, Johnson County, Texas, and the Southeasterly corner of said Fletchall tract;

THENCE South 60°00'31" West along the common line between said Fletchall tract and said 10.29 acre tract a distance of 1517.88 feet to a 1/2" iron rod found for a corner on the East line of a 32.00 acre tract of land recorded in Volume 1299, Page 177, Deed Records, Johnson County, Texas, being the Northwesterly corner of said 10.29 acre tract and the Southwesterly corner of said Fletchall tract;

THENCE North 28°58'32" West along the common line between said Fletchall tract and said 32.00 acre tract a distance of 291.69 feet to a 1/2" iron rod found for a corner on the East line of said 32.00 acre tract, being the Southwesterly corner of said 10.20 acre tract and the Northwesterly corner of said Fletchall tract;

THENCE North 59°52'42" East partially along a fence line and the common line between said 10.20 acre tract and said Fletchall tract a distance of 1512.77 feet to the POINT OF BEGINNING and containing 10.21 acre of land, more or less.

Note: The Company is prohibited from insuring the area or quantity of the land described herein. Any statement in the above legal description of the area or quantity of land is not a representation that such area or quantity is correct, but is made for informational and/or identification purposes and does not override Item 2 of Schedule B, hereof.