

AGENDA PLACEMENT FORM

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

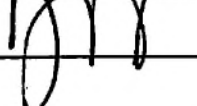
Date: December 18, 2024

Meeting Date: January 13, 2025

Submitted By: Julie Edmiston

Department: Public Works

Signature of Elected Official/Department Head:



Description:

Consideration of Variance to allow Permitting on Proposed Re-Plat of Xcell Ranch Estates, Lots 11R and 12R, being less than one acre located in the Extra Territorial Jurisdiction of the City of Burleson and 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**

Approved in CC on 9/11/2023

Court Decision: <small>This section to be completed by County Judge's Office</small>
 <div style="color: red; font-weight: bold; font-size: 1.2em;">1-13-25</div>



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 Armando Castillo Date 10-2-24

Phone Number 817-825-3126

Email Address armando@acastillorealty.com

Property Information for Variance Request:

Property 911 address 7105 Starling St Joshua Texas 76058

Subdivision name Excell Ranch Estates Block _____ Lot 11, 12

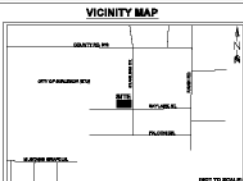
Survey _____ Abstract _____ Acreage _____

Request Variance less than 1 acre

Reason for request Variance Request because lots being less than 1 acre due to Right of Way Dedication

Provide the following with this request:

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



DANIEL WILLIAM DODGETT JR.
(NO RECORD FOUND)

LOT 14

XCELL RANCH ESTATES
VOL. 4, PG. 98
P.R.J.C.T.

LOT 23

LOT 24

LOT 25

LOT 26

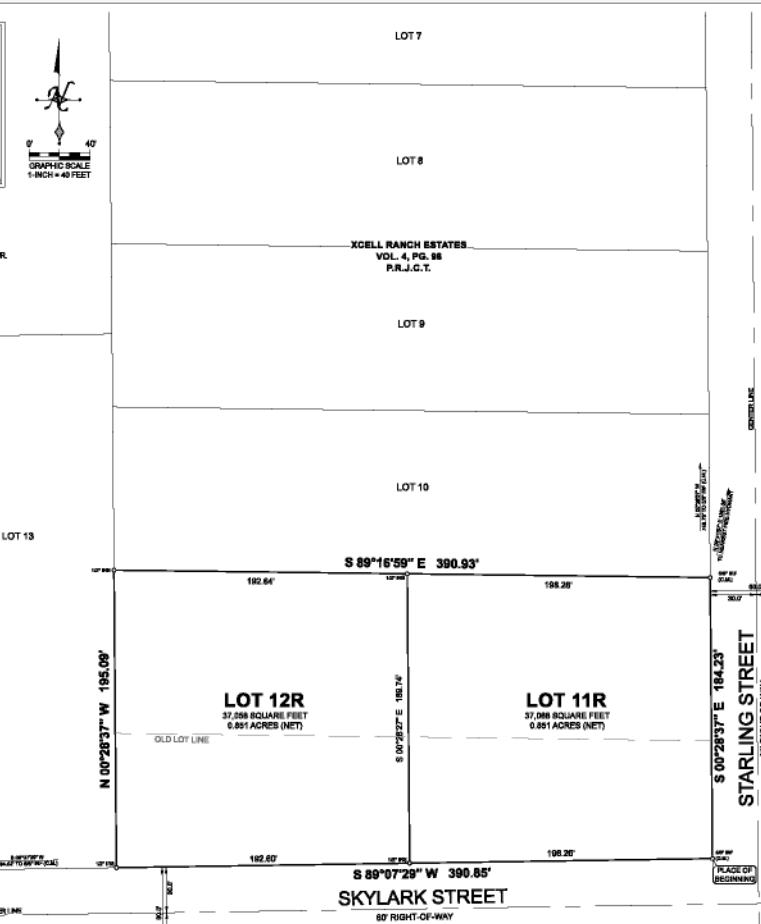
LOT 27

LOT 28

LOT 29

LOT 30

LOT 31



XCELL RANCH ESTATES
VOL. 4, PG. 98
P.R.J.C.T.

LOT 32

LOT 33

LOT 34

LOT 35

LOT 36

LOT 37

- SURVEYOR'S NOTES**
- ALL CORNERS SET WITH 1/2" IRON RODS WITH A YELLOW PLASTIC CAP STAMPED "BURNS SURVEYING" UNLESS OTHERWISE NOTED.
 - BASES OF BEARINGS DETERMINED BY TEXAS STATE PLANE COORDINATE SYSTEM, NORTH-CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983 (NAD 83).
 - THE PURPOSE OF THIS PLAT IS TO CREATE TWO (2) PLATTED LOTS FROM TWO (2) EXISTING PLATTED LOTS.
 - ACCORDING TO FLOOD INSURANCE RATE MAP (FIRM) MAP NO. 48020-0101K DATED 06/12/2015, THE SUBJECT PROPERTY IS LOCATED WITHIN THE FOLLOWING FLOOD ZONE: "A".
 - THIS PROPERTY IS LOCATED IN THE E.T.J. OF THE CITY OF BURLESON, JOHNSON COUNTY, TEXAS.
 - ELECTRIC PROVIDER: _____
 - WATER PROVIDER: _____
 - SEWER PROVIDER: _____
 - ALL BUILDING SETBACKS ARE SUBJECT TO JOHNSON COUNTY DEVELOPMENT REGULATIONS.

OWNER'S CERTIFICATE

STATE OF TEXAS
COUNTY OF JOHNSON

WHEREAS Daniel William Dodgett Jr. and Gina Ponce, are the sole owners of a tract of land located in the A. C. JOHNSON SURVEY, Abstract No. 542, City of Burleson (E.T.J.), Johnson County, Texas, being Lots 11 and 12, of Xcell Ranch Estates, an addition to Johnson County, Texas, according to the map or plat thereof recorded in Volume 4, Page 98, Plat Records, Johnson County, Texas, and being the same tract of land described in deed to Daniel Ponce and Gina Ponce, recorded in Instrument No. 2021-02286, Official Public Records, Johnson County, Texas, and being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod found at the intersection of the North line of Skylark Street, a 50 foot right-of-way, with the West line of Starling Street, a 60 foot right-of-way, and being the Southwest corner of said Lot 12;

THENCE South 89 deg. 07 min. 29 sec. West, with said North line, a distance of 390.93 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "Burns Surveying" set at the Southwest corner of Lot 12, of said Xcell Ranch Estates, and being the Southwest corner of said Lot 12;

THENCE North 50 deg. 28 min. 37 sec. West, a distance of 198.26 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "Burns Surveying" set in the East line of said Lot 12, at the Southwest corner of Lot 12, and being the Northwest corner of said Lot 11;

THENCE South 89 deg. 07 min. 29 sec. East, a distance of 390.93 feet to a 5/8 inch iron rod found in the said West line of Starling Street, at the Southwest corner of said Lot 12, and being the Northwest corner of said Lot 11;

THENCE South 50 deg. 28 min. 37 sec. East, with said West line, a distance of 198.26 feet to the PLACE OF BEGINNING and containing 74,126 square feet or 1.702 acres of land.

OWNER'S DEDICATION

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That Daniel Ponce and Gina Ponce, do hereby certify and adopt this plat designating the herein-described property as XCELL RANCH ESTATES, an addition to the City of Burleson, Johnson County, Texas, and do hereby reserve the easement shown on this plat for the mutual use and accommodation of drainage collection systems and all public utilities shown on this plat, and any public utility shall have the right to remove or have removed all or part of any buildings, fences, trees, shrubs or other improvements or growths that in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of these easement areas and any public utility shall at all times have the right of ingress and egress to and upon the said easement areas for the purpose of constructing, reconstructing, repairing, maintaining, without the necessity at any time of procuring the permission of anyone.

This plat is approved subject to all platting ordinances, rules, regulations and resolutions of the City of Burleson, Texas.

Witness my hand at _____, Texas, this _____ day of _____, 20____.

Name: Daniel Ponce
Title: Owner

Name: Gina Ponce
Title: Owner

STATE OF TEXAS
COUNTY OF JOHNSON

BEFORE ME, the undersigned, a Notary Public in and for the said County and State on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 20____.

Notary Public in and for the State of Texas

STATE OF TEXAS
COUNTY OF JOHNSON

BEFORE ME, the undersigned, a Notary Public in and for the said County and State on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 20____.

Notary Public in and for the State of Texas

OWNER'S CERTIFICATE

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That I, Harry S. Rhodes, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that I have prepared this plat and the field notes made a part thereof from an actual and accurate survey of the land described herein, and that the same were personally placed under my personal supervision, in accordance with the Surveyor's regulations of the City of Burleson, Texas.

Dated this _____ day of _____, 20____.

Harry S. Rhodes
Registered Professional Land Surveyor R.P.L.S. No. 3691

STATE OF TEXAS
COUNTY OF ROCKWALL

BEFORE ME, the undersigned, a Notary Public in and for the said County and State on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 20____.

Notary Public in and for the State of Texas

CITY OF BURLESON NOTES

- Johnson County will be responsible for all multiple regulations in a matter to development. In the event the property is a new plat and the field notes make a part thereof from an actual and accurate survey of the land described herein, and that the same were personally placed under my personal supervision, in accordance with the Surveyor's regulations of the City of Burleson, Texas.
- Resolving the flow of water or constructing improvements in the drainage easements, and filling or obstruction of the roadway is prohibited.
- This utility easels or drainage easements running 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 easements 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 caused by flooding or flood conditions.
- 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.
- Installation and/or operation of a private sewage facility by the Johnson County Public Works Department and indicate only that the facility meets minimum requirements and does not release the owner of this property from complying with County, State and Federal regulations. Private sewage facilities, although approved for meeting minimum standards, must be approved by the owner of the property. If removal of the facility results in a violation of any applicable regulations, the owner shall be responsible for the removal of the facility and/or any other actions necessary to comply with applicable regulations.
- A properly designed and constructed private sewage facility system, in suitable soil, can malfunction if the amount of water it 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.
- A public utility, including Johnson County, shall have the right to move and keep moved all or part of any buildings, fences, trees, shrubs, or other growths or improvements which in any way endanger or interfere with the construction or maintenance, or efficiency of its respective systems in any of the easements shown on this 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.
- A minimum of 1 acre per residential structure is required for on-site sewage facilities (septic systems). If more than one structure is proposed for construction on a lot in the future, no pre-empting may be required.
- All building setbacks are subject to current Johnson County development regulations.
- The City of Burleson reserves the right to require minimum finish floor elevation on any lot within this subdivision. The minimum elevations shown are based on the most current information available at the time this plat is filed and may be subject to change.
- This plat does not alter or remove existing deed restrictions or covenants, if any, on this property.
- For all single-family detached and duplex residences, including townhouses and apartments, the hydrants shall be spaced to have a fire hose laying distance of no greater than 100 feet. The fire hose laying distance is measured by the length of the apparatus hose laid along the right-of-way or across easements from the nearest water supply on a street to the main entrance of the building.
- For commercial buildings, the hydrants shall be spaced to have a fire hose laying distance of no greater than 200 feet. The fire hose laying distance is measured by the length of the apparatus hose laid along the right-of-way or across easements from the nearest water supply on a street to the main entrance of the building.
- The minimum fire flow requirements for one- and two-family dwellings having a fire flow calculation area which does not exceed 3,000 square feet shall be 1,000 gallons per minute. The fire flow and flow duration for dwellings having a fire flow calculation area in excess of 3,000 square feet shall not be less than that specified in Table B106.1 of the most current adopted International Fire Code.
- All the hydrants must provide a minimum of 30 psi static pressure and a 20 psi residual pressure.
- The minimum fire flow and flow duration for buildings other than one- and two-family dwelling shall be as specified the most current adopted International Fire Code.
- All buildings or structures shall be constructed such that all ground level, exterior walls of the building are within 100 feet of a dedicated street or the area. If the 100 feet cannot be achieved from a public street, a fire lane capable of supporting 60,000 lbs. shall be required on site at time of construction.
- The replacement of public infrastructure was based on the utility exhibit that was submitted for review with this plat on October 10, 2022 to the City of Burleson. Any additional infrastructure proposed on this property may require the existing water lines to be improved and the hydrants to be installed for the protection. Please contact the City of Burleson's Development Services Department prior to any development permit being issued.
- No permanent structures shall be constructed within the area indicated as reserved for future right-of-way.

CERTIFICATE OF APPROVAL

Approved by the Development Assistance Committee, Burleson, Texas
This on _____ day of _____, 20____.

By: _____
DAC Chair

By: _____
City Secretary

REPLAT
XCELL RANCH ESTATES
LOTS 11R & 12R
BEING A REPLAT OF LOTS 11 AND 12, OF XCELL RANCH ESTATES, RECORDED IN VOLUME 4, PAGE 98 P.R.J.C.T. AND BEING LOCATED IN THE A. C. JOHNSON SURVEY, ABSTRACT NO. 542, IN THE EXTRAJURISDICTIONAL JURISDICTION OF THE CITY OF BURLESON, JOHNSON COUNTY, TEXAS

LEGEND

P.R.J.C.T.
D.R.J.C.T.
O.P.R.J.C.T.
C.M.
P.D.
P.G.
INST. NO.
R.F.
R.E.

PLAT RECORDS, JOHNSON COUNTY, TEXAS
DEED RECORDS, JOHNSON COUNTY, TEXAS
OFFICIAL PUBLIC RECORDS, JOHNSON COUNTY, TEXAS
CONTROLLING DOCUMENT
VOLUME
PAGE
INSTRUMENT NUMBER
IRON ROD FOUND
IRON ROD SET WITH YELLOW PLASTIC CAP
STAMPED "BURNS SURVEYING"

BURNS SURVEYING
PROFESSIONAL LAND SURVEYORS
2701 SUMMIT RIDGE DR., ROCKWALL, TX 75087
BARRY S. RHODES - R.P.L.S. NO. 3691
- FIRM NO. 10104396 -
WEBSITE: WWW.BURNSSURVEYING.COM
PHONE: (972) 325-1380
JOB NO.: 20240729 DATE: 09/05/2024 DRAWN BY: TD

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.

GENERAL WARRANTY DEED

THE STATE OF TEXAS
COUNTY OF JOHNSON

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§
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KNOW ALL MEN BY THESE PRESENTS:

Fidelity National GF# 9000222400650

FOR VALUABLE CONSIDERATION, the receipt and adequacy of which are hereby acknowledged, Ismael Ponce and Gina Ponce, hereinafter referred to as "Grantor," whether one or more, has GRANTED, SOLD and CONVEYED, and by these presents does hereby GRANT, SELL and CONVEY unto Jose Montoya and Armando Castillo, herein referred to as "Grantee," that certain real property located in the County of Johnson, State of Texas, more particularly described on Exhibit "A" attached hereto and incorporated herein by this reference (the "Land"), together with all of Grantor's right, title and interest in and to the fixtures and improvements located on the Land (the "Improvements"), and together with all rights, privileges and easements appurtenant to the Land, all water, wastewater and other utility rights relating to the Land and any and all easements, rights-of-way and other appurtenances used in connection with the beneficial use and enjoyment of the Land, in each case to the extent assignable (the "Appurtenances") (the Land, Improvements and Appurtenances collectively referred to as the "Property").

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

Consideration in the sum of Ten Dollars (\$10.00) cash and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and confessed.

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, Grantee's heirs, executors, administrators, successors and/or assigns forever; and Grantor does hereby bind Grantor, Grantor's heirs, executors, administrators, successors and/or assigns to WARRANT AND FOREVER DEFEND all and singular the said premises unto the said Grantee, Grantee's heirs, executors, administrators, successors and/or assigns, against every person whomsoever claiming or to claim the same or any part thereof.

Current ad valorem taxes on said property having been prorated, the payment thereof is assumed by Grantee.

EXECUTED effective as of this 5 day of August, 2024.

GRANTOR:

Ismael Ponce

Ismael Ponce

Gina Ponce

Gina Ponce

STATE OF TEXAS

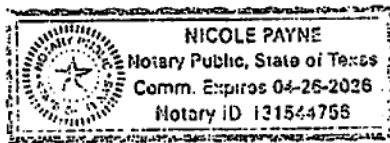
§

§

COUNTY OF TARRANT

§

This instrument was acknowledged before me on the 5 day of Aug, 2024, by
Ismael Ponce and Gina Ponce.



[Signature]
Notary Public, State of Texas

AFTER RECORDING, RETURN TO:

Grantee:

PO BOX 33995
Ft Worth, TX 76162

EXHIBIT "A"
LEGAL DESCRIPTION OF THE LAND

Lots 11 and 12, Xcell Ranch Estates, an Addition out of the A.C. Johnson Survey Abstract No. 452, Johnson County, Texas according to the Plat recorded in Volume 4, Page 96, Plat Records of Johnson County, Texas.

**Johnson County
April Long
Johnson County
Clerk**

Instrument Number: 2024 - 22181

eRecording - Real Property

Warranty Deed

Recorded On: August 06, 2024 01:24 PM

Number of Pages: 4

" Examined and Charged as Follows: "

Total Recording: \$33.00

******* 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 - 22181
Receipt Number: 20240806000092
Recorded Date/Time: August 06, 2024 01:24 PM
User: Amanda T
Station: ccl83

Record and Return To:

Corporation Service Company



**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