

**ORDER #311**



STATE OF TEXAS                               §        **IN THE COMMISSIONERS COURT**  
COUNTY OF COMAL                         §

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**ORDER GRANTING CANCELLATION OF  
LD3 RANCH**

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**WHEREAS**, Texas Local Government Code § 232.008(b) states that a person owning real property in this state that has been subdivided into lots and blocks or into small subdivisions may apply to the commissioners court in the county in which the property is located for permission to cancel all or part of the subdivision, including a dedicated easement or roadway, to reestablish the property as acreage tracts as it existed before the subdivision;"

**WHEREAS**, the Comal County Commissioners Court received an application from Lewis Dickson (hereafter "Applicant") requesting cancellation of a subdivision named LD3 Ranch, as shown on the map attached hereto as Exhibit A and incorporated herein;

**WHEREAS**, Applicant desires to reestablish the property, a subdivision named LD3 Ranch, as filed in the official records of the Comal County Clerk in Volume 10, Page 157, as acreage, as it existed before the subdivision.

**WHEREAS**, Texas Local Government Code §232.008(a) states that "[t]his section applies only to real property located outside municipalities and the extraterritorial jurisdiction of municipalities, as determined under Chapter 42;"

**WHEREAS**, LD3 Ranch lies in the unincorporated area of Comal County, Texas;

**WHEREAS**, upon receipt of the application for cancellation of a subdivision or part thereof under § 232.008, the Commissioners Court shall publish notice of the application for cancellation pursuant to the requirements of § 232.008(c);

**WHEREAS**, on October 11, 2012, the Commissioners Court directed the County Engineer's Office to comply with the notice requirements of §232.008(c) and scheduled the public hearing for November 8, 2012;

**WHEREAS**, the notice was published in a newspaper for at least three weeks before the date on which action is to be taken on the application for cancellation pursuant to §232.008(c);

**WHEREAS**, the Commissioners Court by order shall authorize the owner of the subdivision to file an instrument canceling the subdivision in whole or in part if the application shows that the cancellation of all or part of the subdivision does not interfere with the established rights of any purchaser who owns any part of the subdivision or it is shown that the purchaser agrees to the cancellation in accordance with Texas Local Government Code §232.008(b);

**WHEREAS**, Applicant owns the subject subdivision, in its entirety and claims that the cancellation of the subdivision named LD3 Ranch, will not interfere with the established rights of any purchaser who owns any part of the subdivision;

**WHEREAS**, Applicant owes no delinquent taxes on the subject subdivision named LD3 Ranch, in accordance with Texas Local Government Code §232.008(d);

**WHEREAS**, the Commissioners Court has not received a written objection to the cancellation from the owners of at least ten (10) percent of the property affected by the proposed cancellation pursuant to §232.008(e);

**WHEREAS**, Section 232.008(h) holds that if the Commissioners Court determines the cancellation will prevent the proposed interconnection of infrastructure to pending or existing development the Court may deny the requested cancellation;

**NOW THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT FOR COMAL COUNTY THAT** upon application, proper notice and announcement as required by law, and upon motion duly made and seconded, the cancellation of the subdivision named LD3 Ranch, in Comal County is approved, as indicated by the signatures of the Commissioners below, that the subdivision named LD3 Ranch, as described in Exhibit A, is hereby cancelled and that the cancellation does not prevent the proposed interconnection of infrastructure to pending or existing development;

**BE IT FURTHER RESOLVED THAT** the Court hereby orders that Applicant is authorized to file an instrument cancelling the subdivision named LD3 Ranch, as described in Exhibit A, and that Applicant shall use the instrument form attached as Exhibit B to prepare said instrument for recordation;

BE IT FURTHER RESOLVED THAT the Court hereby directs the Comal County Clerk to properly record the above instrument cancelling the subdivision named LD3 Ranch, as prepared by the Applicant and appropriately notate the recordation of this instrument in the Clerk's Map and Plat Index.

EFFECTIVE THIS the 8<sup>TH</sup> day of November, 2012.



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SHERMAN KRAUSE, COUNTY JUDGE



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DONNA ECCLESTON,  
COUNTY COMMISSIONER PCT. #1



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SCOTT HAAG,  
COUNTY COMMISSIONER PCT. #2



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GREGORY PARKER,  
COUNTY COMMISSIONER PCT. #3



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JAN KENNADY,  
COUNTY COMMISSIONER PCT. #4

ATTEST:   
JOY STREATER, COUNTY CLERK

RECEIVED

JUN 19 2012

COUNTY ENGINEER

June 19, 2012

Comal County Commissioner's Court  
199 Main Plaza  
New Braunfels, TX 78130

Re: Cancellation of LD3 RANCH (Lot 1)

To our esteemed Commissioners:

Pursuant to the Sec. 232.008, Texas Local Government Code, this letter is submitted as an application to cancel the above referenced subdivision (LD3 Ranch) and to reestablish the property as an acreage tract as it existed prior to the subdivision. Your applicant, Lewis Dickson, owns this property (92.5 acres) outright in his name, free and clear of any encumbrances. Specifically, there is no mortgage upon the property, nor are the liens upon the property or lienholders with respect thereto. Under these circumstances, a cancellation of this subdivision will not in any way interfere with the rights or conflict with any interests of any other land owners.

Thank you in advance for your valuable time and attention to his request.

Very truly yours,

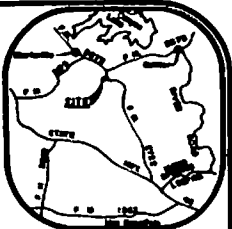


Lewis Dickson (Applicant)  
& sole owner of LD3 Ranch

402609

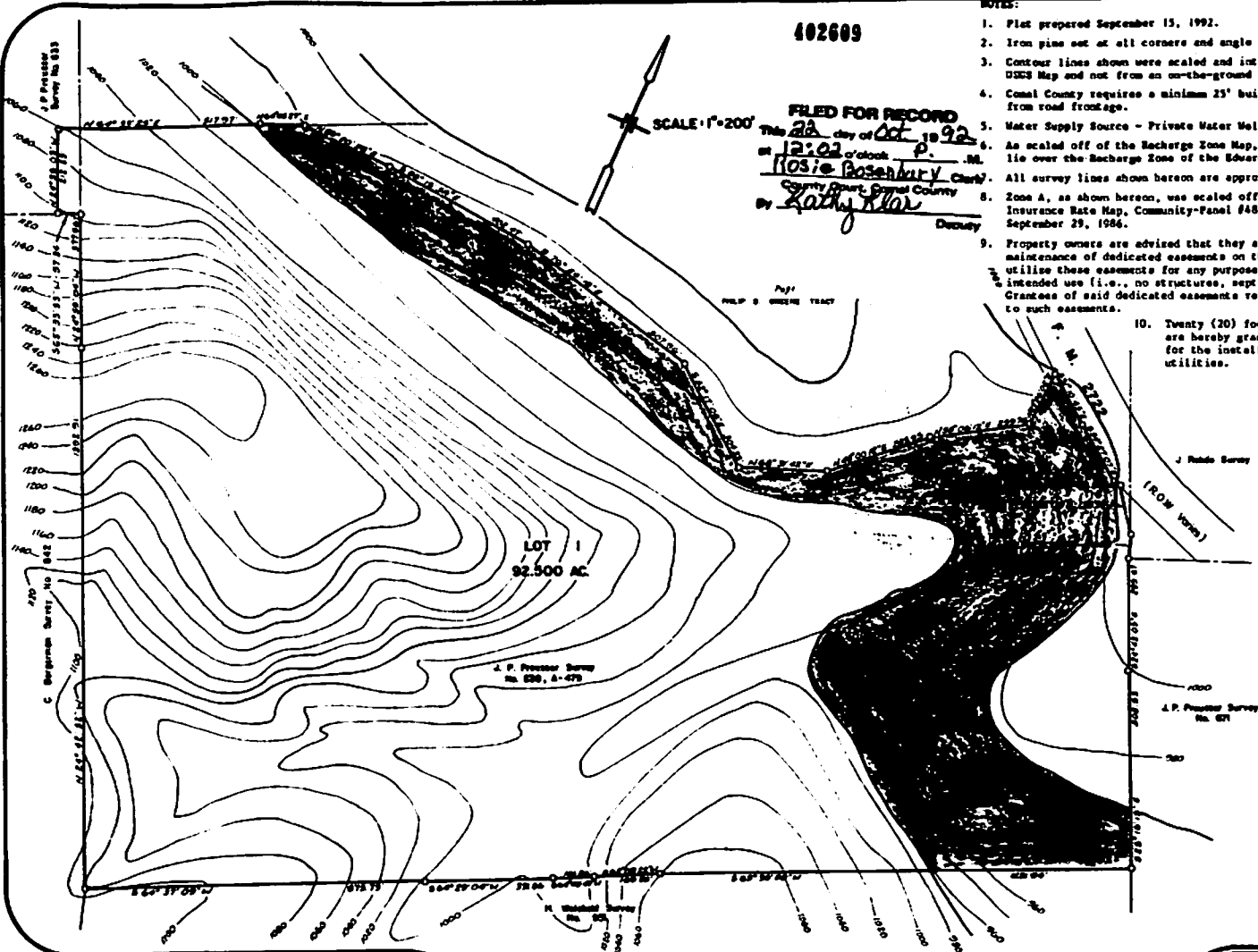
NOTES:

1. Plat prepared September 15, 1992.
2. Iron pins set at all corners and angle points.
3. Contour lines shown were scaled and interpolated off of a USGS Map and not from an on-the-ground survey.
4. Comal County requires a minimum 25' building setback line from road frontage.
5. Water Supply Source - Private Water Well
6. As scaled off of the Recharge Zone Map, this property does not lie over the Recharge Zone of the Edwards Aquifer.
7. All survey lines shown hereon are approximate.
8. Zone A, as shown hereon, was scaled off of the FIRM Flood Insurance Rate Map, Community-Panel #485463 0065 C, dated September 29, 1986.
9. Property owners are advised that they are responsible for maintenance of dedicated easements on their property and may not utilize these easements for any purpose detrimental to their intended use (i.e., no structures, septic tank fields, etc.). Grantees of said dedicated easements reserve the right of access to such easements.
10. Twenty (20) foot wide utility easements are hereby granted along all lot lines, for the installation and maintenance of utilities.



FILED FOR RECORD  
 This 22 day of Oct 1992  
 at 12:02 o'clock P.M.  
 Rosie Rosenbury Clerk  
 County Court, Comal County  
 By Kathy Klar  
 Deputy

SCALE: 1"=200'



**S. CRAIG HOLLMIG, INC.**  
 engineers - surveyors  
 new braunfels, texas

EXHIBIT A  
 Page 2 of 2

**LD3 RANCH**

Being 92.500 acres of land and being approximately 0.28 acres out of the J. P. Preusser Survey No. 633, Abstract No. 467 and approximately 92.32 acres out of the J. P. Preusser Survey No. 538, Abstract No. 479 and being out of a tract of land conveyed to Lewis Dickson by Deed recorded in Volume 814, Pages 264-268 of the Official Public Records of Comal County, Texas.

STATE OF TEXAS  
 COUNTY OF **COMAL**  
 I, **S. CRAIG HOLLMIG**, Surveyor, do hereby certify that this plat is true and correct and was prepared from an actual survey of the property here shown and recorded in the Public Records of this County, Texas.

*S. Craig Hollmig*  
 Surveyor

STATE OF TEXAS  
 COUNTY OF **COMAL**  
 I, **ROSIE ROSENBERY**, County Clerk, do hereby certify that this plat is true and correct and was prepared from an actual survey of the property here shown and recorded in the Public Records of this County, Texas.

*Rosie Rosenbury*  
 County Clerk

STATE OF TEXAS  
 COUNTY OF **COMAL**  
 I, **FLORANCE H. SEUTENEHR**, County Clerk, do hereby certify that this plat is true and correct and was prepared from an actual survey of the property here shown and recorded in the Public Records of this County, Texas.

*Florance H. Seutenehr*  
 County Clerk



TWO PLAT OF LD3 SHOWN TO AND APPROVED BY THE COMAL COUNTY COMMISSIONERS COURT AND IS HEREBY APPROVED BY SAID COURT  
 This 22 day of **October**, 1992

*Cathy Curtis*  
 CLERK COUNTY COURT

*Rosie Rosenbury*  
 CLERK COUNTY COURT



STATE OF TEXAS  
 COUNTY OF **COMAL**  
 I, **ROSIE ROSENBERY**, County Clerk, do hereby certify that this plat is true and correct and was prepared from an actual survey of the property here shown and recorded in the Public Records of this County, Texas.

*Rosie Rosenbury*  
 County Clerk

*Kathy Klar*  
 Deputy

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**CANCELLATION OF LD3 RANCH**

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**State of Texas        §**

**County of Comal    §**

On November 8<sup>th</sup>, 2012, at a regular meeting, evidenced in the minutes thereof, the Commissioners Court of Comal County authorized the owner of a subdivision named LD3 Ranch, recorded in Volume 10, Page 157, Map and Plat Records, Comal County, Texas, to file this instrument cancelling LD3 Ranch, as shown in Exhibit B, Page 2 of 2, attached hereto and incorporated herein, in accordance with §232.008 of the Texas Local Government Code.

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Lewis Dickson

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Date

**ACKNOWLEDGEMENT**

**State of Texas        §**

**County of Comal    §**

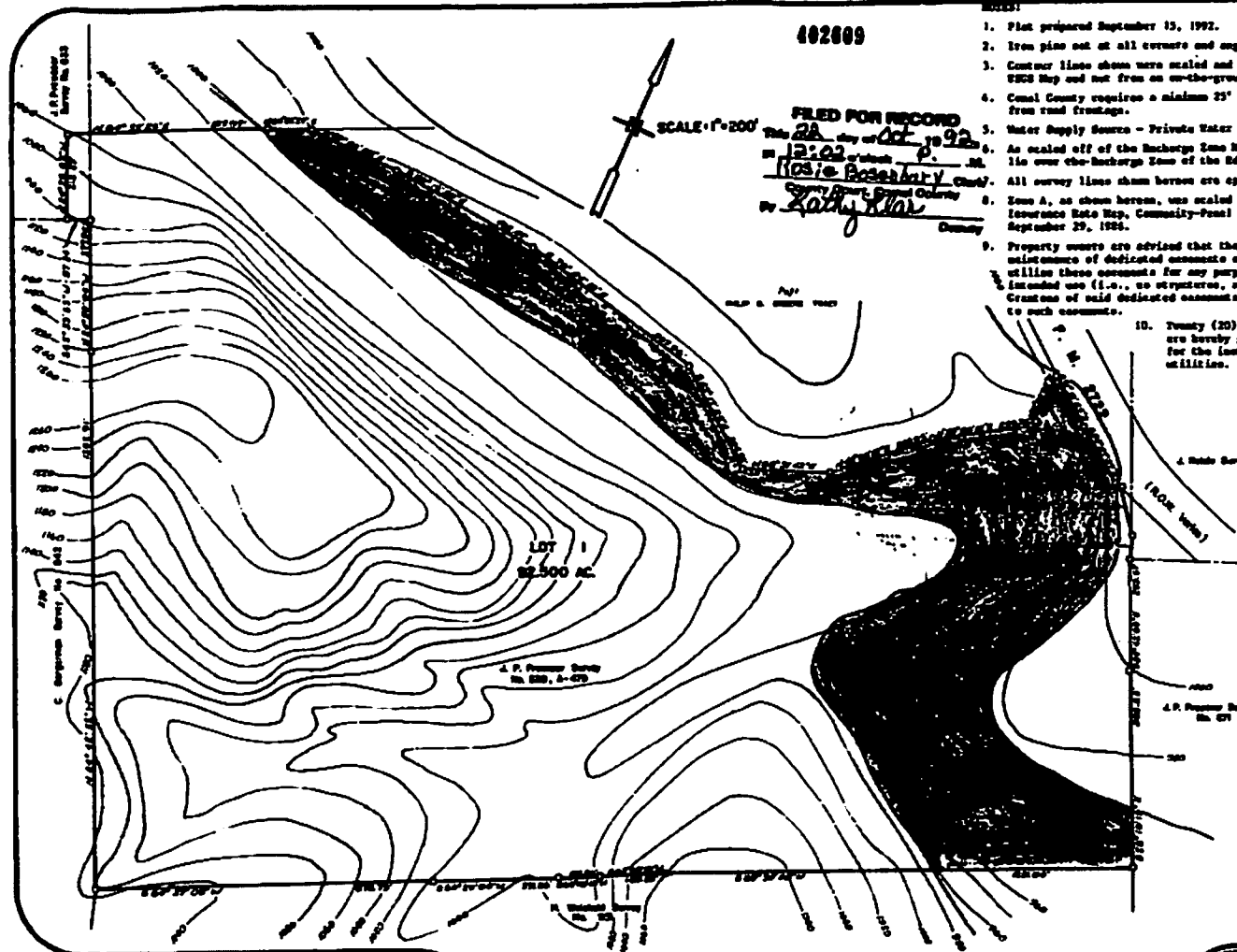
This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_,  
2012, by Lewis Dickson, owner.

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Notary Public, State of Texas

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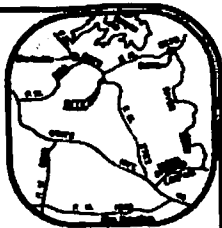
(Print Notary Name)



402809

FILED FOR RECORD  
 This 22 day of Oct, 1992  
 at 12:03 o'clock P.  
Rosie Roseberry Clerk  
 County of Comal  
 by Kathy Blair Deputy

- 1. Plat prepared September 15, 1992.
- 2. Iron pins set at all corners and angle points.
- 3. Contour lines shown were scaled and interpolated off of a USGS Map and not from an on-the-ground survey.
- 4. Comal County requires a minimum 25' building setback line from road frontage.
- 5. Water Supply Source - Private Water Well
- 6. As scaled off of the Buckner's Zone Map, this property does not lie over the Buckner's Zone of the Edwards Aquifer.
- 7. All survey lines shown herein are approximate.
- 8. Zone A, as shown herein, was scaled off of the FIRM Flood Insurance Rate Map, Community-Panel 04R2463 0063 C, dated September 29, 1985.
- 9. Property owners are advised that they are responsible for maintenance of dedicated easements on their property and may not utilize these easements for any purpose detrimental to their intended use (i.e., no structures, septic tank fields, etc.). Grantors of said dedicated easements reserve the right of access to such easements.
- 10. Twenty (20) foot wide utility easements are hereby granted along all lot lines, for the installation and maintenance of utilities.



**B. CRAIG HOLLMIG, INC.**  
 engineers - surveyors  
 new braunfels, texas



**LD3 RANCH**  
 Being 92.500 acres of land and being approximately 0.25 acres out of the J. P. Prosser Survey No. 633, Abstract No. 447 and approximately 92.32 acres out of the J. P. Prosser Survey No. 538, Abstract No. 479 and being out of a tract of land conveyed to Louis Bickham by Deed recorded in Volume 84, Pages 254-258 of the Official Public Records of Comal County, Texas.

STATE OF TEXAS  
 COUNTY OF  
 THE GRANTS OF THE LAND SHOWN ON THIS PLAT ARE HEREBY RECEIVED AND IN FULL PAID TO THE PUBLIC SURVEYOR AS REQUIRED BY THE PUBLIC SURVEY ACT.  
 I, John D. Linder, Surveyor, do hereby certify that the above described lands were surveyed in accordance with the provisions of the Public Survey Act and that the same are being granted to the public surveyor as required by law.  
John D. Linder  
 Surveyor, Comal County, Texas

STATE OF TEXAS  
 COUNTY OF COMAL  
 I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS RECORDED FROM AN ORIGINAL COPY OF THE FOREGOING AND CORRECT COPIES OF THE SAME.  
S. Craig Hollmig  
 Surveyor, Comal County, Texas

STATE OF TEXAS  
 COUNTY OF COMAL  
 I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS RECORDED FROM AN ORIGINAL COPY OF THE FOREGOING AND CORRECT COPIES OF THE SAME.  
Rosie Roseberry  
 Deputy Surveyor, Comal County, Texas

STATE OF TEXAS  
 COUNTY OF COMAL  
 I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS RECORDED FROM AN ORIGINAL COPY OF THE FOREGOING AND CORRECT COPIES OF THE SAME.  
Clare Annelle Hoach  
 Deputy Surveyor, Comal County, Texas



THIS PLAT OF LAND SHOWN TO AND CORRECTED BY THE PUBLIC SURVEYOR AND IS HEREBY APPROVED BY THE SURVEYOR  
 THIS 22 day of October, 1992  
Cathy Collins  
 Surveyor  
Kathy Blair  
 Deputy

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