

**ORDER # 460**



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

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**ORDER GRANTING CANCELLATION OF  
LOT 1 OF MO BETTA RANCH 1**

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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 Robert Niel (hereafter “Applicant”), requesting cancellation of a portion of a subdivision named Mo Betta Ranch 1, as shown on the map attached hereto as Exhibit A and incorporated herein;

**WHEREAS**, Applicant desires to reestablish the property, Lot 1 within a subdivision named Mo Betta Ranch 1, as filed in the official records of the Comal County Clerk in Document No. 201306000447 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**, Mo Betta Ranch 1 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 March 18, 2021, 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 April 15, 2021;

**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 Lot 1 of the subject subdivision, in its entirety and claims that the cancellation of Lot 1 of the subdivision named Mo Betta 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 portion of the subdivision named Mo Betta 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;

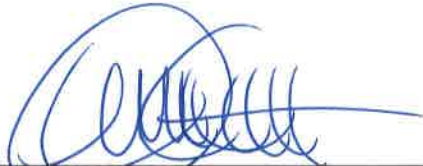
**NOW THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT FOR COMAL COUNTY THAT** upon application, proper notice and announcement as required by law, and upon motion duly made and seconded, the cancellation of Lot 1 within subdivision named Mo Betta Ranch 1, in Comal County is approved, as indicated by the signatures of the Commissioners below, that the portion of subdivision named Lot 1, Mo Betta Ranch 1, 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 Commissioners Court hereby orders that the Applicant is authorized to file an instrument cancelling Lot 1 of subdivision named Mo

Betta Ranch 1, 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 Commissioners Court hereby directs the Comal County Clerk to properly record the above instrument cancelling Lot 1 of the subdivision named Mo Betta Ranch 1, as prepared by the Applicant and appropriately notate the recordation of this instrument in the Clerk's Map and Plat Index.

**EFFECTIVE THIS the 15th day of April, 2021.**



**SHERMAN KRAUSE, COUNTY JUDGE**



**DONNA ECCLESTON,  
COUNTY COMMISSIONER PCT. #1**



**SCOTT HAAG,  
COUNTY COMMISSIONER PCT. #2**



**KEVIN WEBB,  
COUNTY COMMISSIONER PCT. #3**



**JEN CROVER  
COUNTY COMMISSIONER PCT. #4**

ATTEST:   
**BOBBIE KOEPP, COUNTY CLERK**

