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ORDER # 466



STATE OF TEXAS

§

IN THE COMMISSIONERS COURT

COUNTY OF COMAL

§

**ORDER GRANTING CANCELLATION OF
LOT 4 OF BECK RANCH SUBDIVISION, UNIT II**

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 Randall and Sandra Johnson (hereafter “Applicant”), requesting cancellation of a portion of a subdivision named Beck Ranch Subdivision, Unit II, as shown on the map attached hereto as Exhibit A and incorporated herein;

WHEREAS, Applicant desires to reestablish the property, Lot 4 within a subdivision named Beck Ranch Subdivision, Unit II, as filed in the official records of the Comal County Clerk in Volume 7, Pages 164-167, 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, Beck Ranch Subdivision, Unit II 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 August 12, 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 September 9, 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 4 of the subject subdivision, in its entirety and claims that the cancellation of Lot 4 of the subdivision named Beck Ranch Subdivision, Unit II, 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 Beck Ranch Subdivision, Unit II, 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 4 within subdivision named Beck Ranch Subdivision, Unit II, in Comal County is approved, as indicated by the signatures of the Commissioners below, that the portion of subdivision named Lot 4, Beck Ranch Subdivision, Unit II, 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 4 of subdivision named Beck Ranch Subdivision, Unit II 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 4 of the subdivision named Beck Ranch Subdivision, Unit II, as prepared by the Applicant and appropriately notate the recordation of this instrument in the Clerk's Map and Plat Index.

EFFECTIVE THIS the 9th day of September, 2021.

Absent

SHERMAN KRAUSE, COUNTY JUDGE

Donna Eccleston

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

Absent

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

Kevin Webb

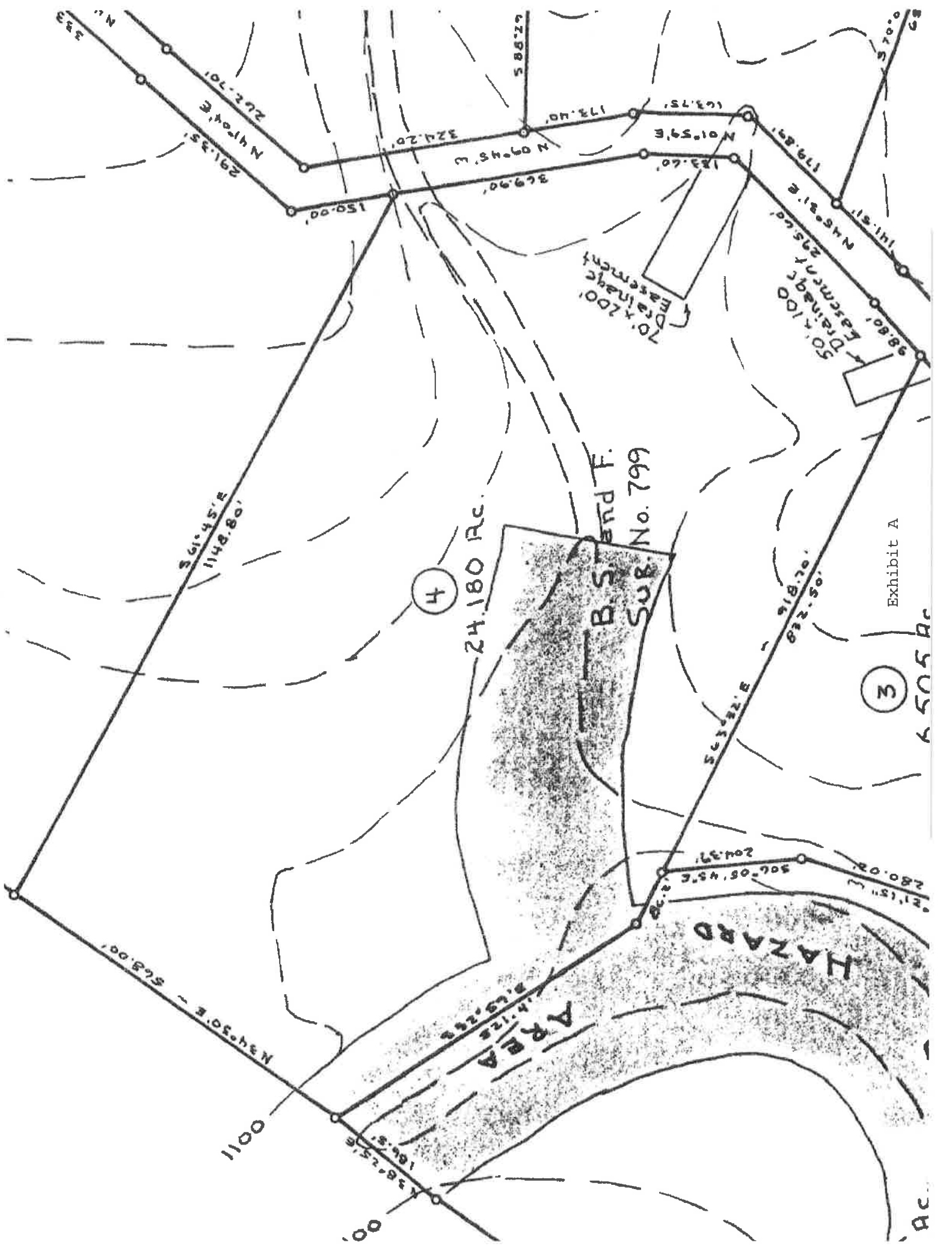
**KEVIN WEBB,
COUNTY COMMISSIONER PCT. #3**

Jen Crownover

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



ATTEST: *Bobbie Koeps*
By: Rosalind Walker, Deputy
BOBBIE KOEPP, COUNTY CLERK



4

24.180 Ac.

B.S. and F.
SUB. No. 799

3

6505 Ac.

HAZARD AREA

Exhibit A

Ac.

S 61° 45' E
1148.80'

AREA
11.125
21.525

21° 15' W
280.02'
506.05' 45' E
204.37'

S 63° 32' E
918.70'
822.50'

50' x 100'
Drainage

70' x 200'
MORNING

N 49° 45' E
291.35'
150.00'
324.20'
N 09° 45' W
369.90'
183.60'
N 01° 59' E
163.75'
173.40'
588.27'
179.89'
N 45° 31' E
141.51'
570.0'

N 49° 30' E - 568.00'
1100

28° 25' E
164.5'
100

APPLICATION FORM

Cancellation or Revision of All or Part of a Recorded Subdivision

I/WE, THE UNDERSIGNED Randall E. and Sandra L. Johnson
(Print name)
of 30721 Beck Rd., Bulverde, TX 78163,
(Address)

BEING OWNER(S) OF Lot 4, Beck Ranch Subdivision, Unit II,
(Lot(s) and subdivision name, including unit number)

DO OFFICIALLY REQUEST THAT THE FOLLOWING ACTION BE PERMITTED (Describe):
Cancel Lot 4 of Beck Ranch Subdivision, Unit II, return to an acreage tract of 24.23 acres, and file by separate instrument, associated drainage easements as shown in Volume 7, Pages 164-167.

FURTHER, I/WE STATE THAT:

- I/We, the above-mentioned owners of said tract(s), have clear title to same; or
- The following persons/institutions hold mortgages on said tracts. All will submit statement of non-objection to proposed resubdivision before application will be processed.

(Names of mortgage holder(s)) _____

FINALLY, I/WE STATE THAT:

Pursuant to Texas Local Government Code, Section 232.008 the cancellation will not interfere with the established rights of any owner of a part of the subdivided land.

By: [Signature] (Owner) [Signature] (Owner)

Date: 7-28-21 Date: 7-28-21

On this _____ day of _____, _____, in a duly convened meeting of Commissioners Court of Comal County, the request to cancel or revise the above-mentioned subdivision was officially granted/denied.

County Judge



This page has been added to comply with the statutory requirement that the clerk shall stamp the recording information at the bottom of the last page.

This page becomes part of the document identified by the file clerk number affixed on preceding pages.

Filed and Recorded
Official Public Records
Bobbie Koepf, County Clerk
Comal County, Texas
09/10/2021 08:58:48 AM
CHRISTY 6 Page(s)
202106047751



Bobbie Koepf