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**ORDER # 516**



202406011598 04/18/2024 01:21:01 PM 1/5



<b>STATE OF TEXAS</b>	<b>§</b>	<b>IN THE COMMISSIONERS COURT</b>
<b>COUNTY OF COMAL</b>	<b>§</b>	

**ORDER GRANTING CANCELLATION OF  
LOTS 37, 38, 39, 40, 41, and 42 OF CANYON LAKE SHORES, UNIT 1**

**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 Rocky Collette Successor Trustee of the Sam Joseph Collette and Carol Ann Ray Collette Revocable Trust (hereafter "Applicant"), requesting cancellation of a portion of a subdivision named Canyon Lake Shores, Unit 1, as shown on the map attached hereto as Exhibit A and incorporated herein;

**WHEREAS**, Applicant desires to reestablish the property, Lots 37, 38, 39, 40, 41 and 42 within a subdivision named Canyon Lake Shores, Unit 1, as filed in the official records of the Comal County Clerk in Volume 1, Page 19, 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**, Canyon Lake Shores, Unit 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 21, 2024, 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 18, 2024;

**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 cancelling 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 Lots 37, 38, 39, 40, 41 and 42 of the subject subdivision, in its entirety and claims that the cancellation of Lots 37, 38, 39, 40, 41 and 42 of the subdivision named Canyon Lake Shores, Unit 1, 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 Canyon Lake Shores, Unit 1 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 Lots 37, 38, 39, 40, 41 and 42 within subdivision named Canyon Lake Shores, Unit 1, in Comal County is approved, as indicated by the signatures of the Commissioners below, that the portion of subdivision named Lots 37, 38, 39, 40, 41 and 42 Canyon Lake Shores, Unit 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 ORDERED THAT** the Commissioners Court hereby authorizes ~~that~~ the Applicant to file an instrument cancelling Lots 37, 38, 39, 40, 41 and 42 of subdivision named Canyon Lake Shores, Unit 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 ORDERED THAT** the Commissioners Court hereby directs the Comal County Clerk to properly record the above instrument cancelling Lots 37, 38, 39, 40, 41 and 42 of the subdivision named Canyon Lake Shores, Unit 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 18th day of April, 2024.**

**SHERMAN KRAUSE, COUNTY JUDGE**

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

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

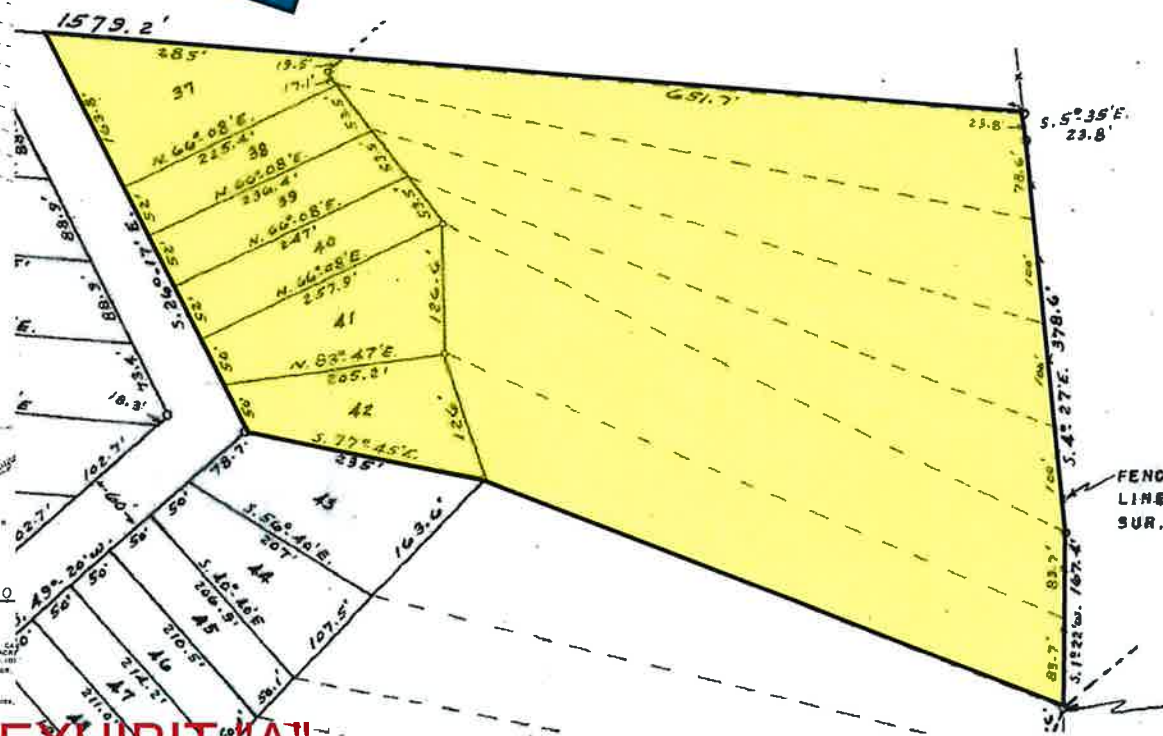
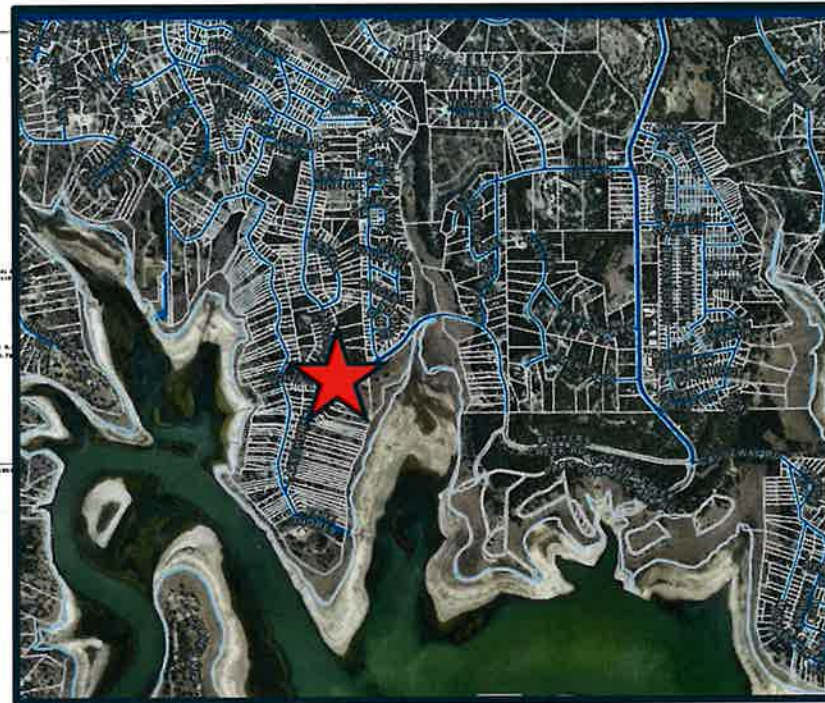
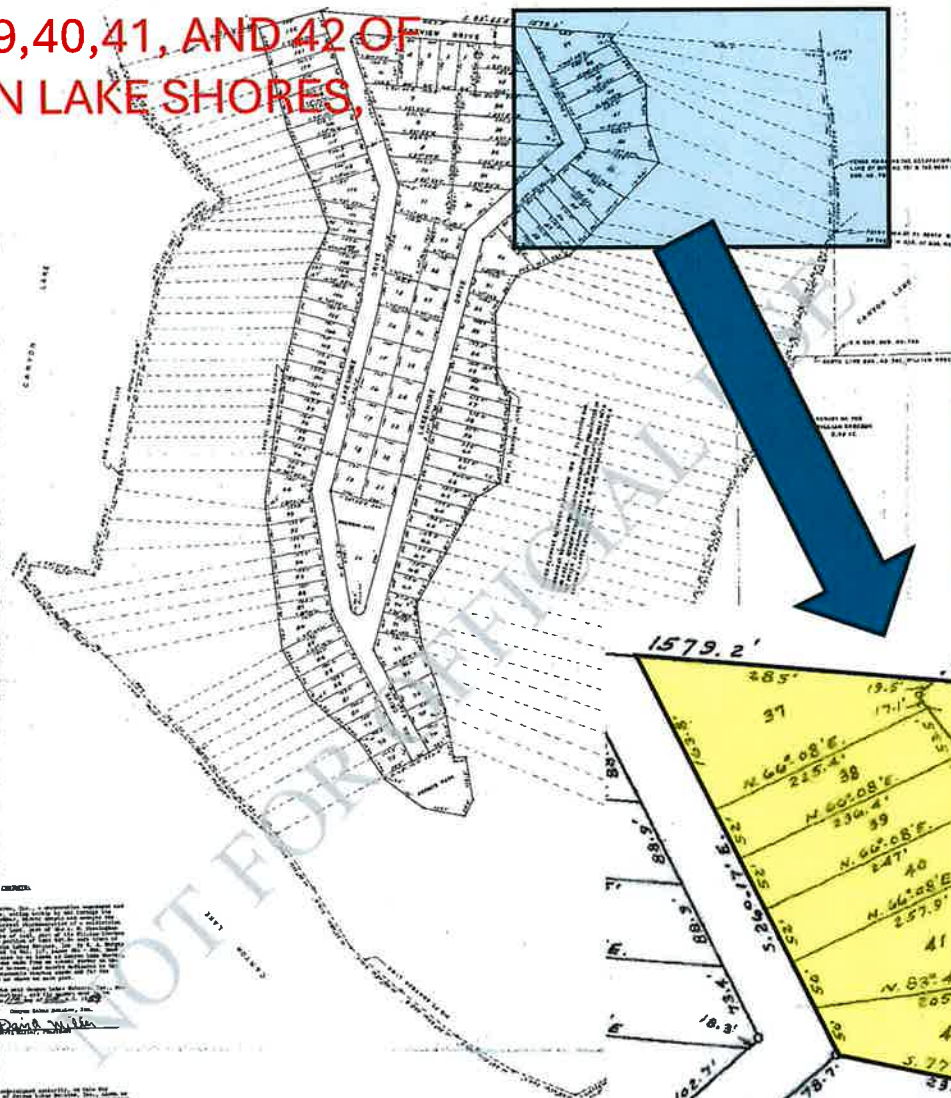
**KEVIN WEBB,  
COUNTY COMMISSIONER PCT. #3**

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

ATTEST:   
**BOBBIE KOEPP, COUNTY CLERK**



# CANCELLATION OF LOTS 37,38,39,40,41, AND 42 OF CANYON LAKE SHORES, UNIT 1



SEE ALL THE 2008 CHANGES  
 THIS PLAN IS THE PROPERTY OF THE DEVELOPER AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THE DEVELOPER.  
 THE DEVELOPER HEREBY DISCLAIMS ANY AND ALL WARRANTIES, EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO THE WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.  
 THE BUYER OF THIS PROPERTY SHALL BE DEEMED TO HAVE ACCEPTED THE TERMS AND CONDITIONS OF THIS PLAN AND THE 2008 CHANGES HERETO.  
 THE BUYER SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.  
 THE DEVELOPER SHALL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS.  
 THE BUYER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.  
 THE DEVELOPER SHALL NOT BE RESPONSIBLE FOR ANY DELAYS OR INCONVENIENCES CAUSED BY THE AGENCIES.  
 THE BUYER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE.  
 THE DEVELOPER SHALL NOT BE RESPONSIBLE FOR ANY DAMAGES OR LOSSES CAUSED BY THE BUYER'S NEGLIGENCE OR MISUSE OF THE PROPERTY.  
 THE BUYER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY UTILITIES.  
 THE DEVELOPER SHALL NOT BE RESPONSIBLE FOR ANY UTILITIES NOT SHOWN ON THIS PLAN.  
 THE BUYER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY UTILITIES.  
 THE DEVELOPER SHALL NOT BE RESPONSIBLE FOR ANY UTILITIES NOT SHOWN ON THIS PLAN.  
 THE BUYER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY UTILITIES.  
 THE DEVELOPER SHALL NOT BE RESPONSIBLE FOR ANY UTILITIES NOT SHOWN ON THIS PLAN.

David Miller  
 Edwin R. Carpenter  
 Robert J. Carter  
 Charlene M. Rice  
 Dawn R. P. P. P.

CANYON LAKE SHO  
 UNIT NO. 1

A 12.86 ACRE SUBDIVISION SITUATED ON CANYON LAKE SHORES, CANYON LAKE, TEXAS, COMPRISING 100 ACRES OF LAND, PART OF THE WILLIAM BREEDEN SUR. NO. 188.

EXHIBIT "A"

EXHIBIT "B"

APPLICATION FORM

Cancellation or Revision of All or Part of a Recorded Subdivision

I/WE, THE UNDERSIGNED Rocky Collette Successor Trustee of the Sam Joseph Collette and Carol Ann Ray Collette Revocable Trust of 3068 Lakeshore Dr, Canyon Lake, TX 78133

BEING OWNER(S) OF Lots 37,38,39,40,41,42 Canyon Lake Shores Unit 1

DO OFFICIALLY REQUEST THAT THE FOLLOWING ACTION BE PERMITTED (Describe):

Cancellation of recorded subdivision as to Lots 37,38,39,40,41,42 Canyon Lake Shores Unit 1 Recorded in volume 1, Page 19 of the Plat Records of Comal County, Texas

FURTHER, I/WE STATE THAT:

- (x) 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 232.009 (d)(1), the revision will not interfere with the established rights of any owner of a part of the subdivided land.

By: Rocky Collette Successor Trustee (Owner)

Date: 3/8/2024 Date:

\*\*\*\*\*

On this 18th day of APRIL, 2024 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.

Filed and Recorded Official Public Records Bobbie Koepf, County Clerk Comal County, Texas 04/18/2024 01:21:01 PM CHRISTY 5 Page(s) 202406011598

County Judge



Bobbie Koepf