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AGENDA ITEM REQUEST FORM

Hays County Commissioners Court

Tuesdays at 9:00 AM

Request forms are due in Microsoft Word Format via email by 2:00 p.m. on Wednesday.

AGENDA ITEM

SUB-103 Shand Ridge (1 lot). Discussion and possible action to approve final plat.

ITEM TYPE	MEETING DATE	AMOUNT REQUIRED
ACTION-SUBDIVISIONS	June 18, 2013	

LINE ITEM NUMBER

AUDITOR USE ONLY

AUDITOR COMMENTS:

PURCHASING GUIDELINES FOLLOWED: N/A AUDITOR REVIEW: N/A

REQUESTED BY	SPONSOR	CO-SPONSOR
Roxie McInnis	CONLEY	N/A

SUMMARY

The proposed Shand Ridge subdivision is a one-lot, -5.00 acre division of land located near the intersection of Fischer Store Road and Fischer Trail in Precinct 3. This lot will be served by private wells and individual on-site sewage facilities.

Early in the development of this subdivision, staff had concerns regarding the condition of the privately-maintained Fischer Trail off of which this lot is located. The attached private road maintenance agreement and letter from Wimberley ESD Director Kennedy Strange provide adequate assurance that the roadway will remain passable.

FILED: **06 18 13**
HAYS COUNTY COMMISSIONERS' COURT
Resolution # 29081 VOL V PG 174



Wimberley Emergency Medical Service Systems, Inc.

P.O. Box 33 • Wimberley, TX 78676 • (512) 847-2526

May 10, 2013

Hays County and County Commissioners Office
Road Department and/or Planning Commission
San Marcos, Texas

To Whom It May Concern:

I am familiar with and aware of the condition of Fischer Trail, a small lane leading off of Fischer Store Road, in Wimberley, TX and it is my opinion that the condition of the road will not pose a problem to Wimberley EMS being able to access residences on this lane in the event there is a need to render emergency service.

Fischer Trail is a little rough but it is adequately maintained and in such a condition as to not hinder the approach of emergency vehicles or other first responders.

If you should have any questions for me regarding this particular road please feel free to give me a call.

Sincerely,

Kennedy P. Strange, Director
Wimberley Emergency Medical Service
512-847-2526

KPS/clb

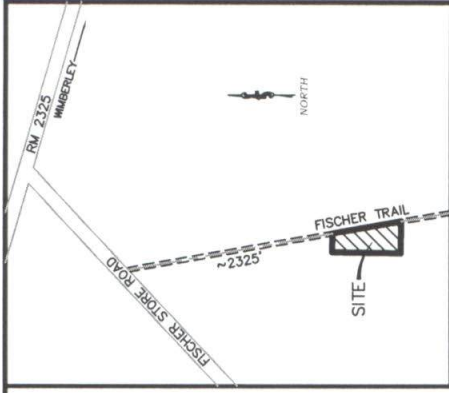
"Dedicated to serving the people of Wimberley and surrounding communities with the finest in emergency medical care."

SHAND RIDGE

A SUBDIVISION OF 5.00 ACRES
OUT OF THE JOHN INGRAM SURVEY No. 31,
ABSTRACT No. 256, HAYS COUNTY, TEXAS

PLAT INFORMATION:
Total Area: 5.00 Acres
Number of Residential Lots: 1
Number of Commercial Lots: 0
Average Size of Lots: 5.00 Acres
Greater than 10 Acres: 0
Larger than 5, less than 10 acres: 0
Between 2 and 5 acres: 1

LEGEND:
● --- 1/2" IRON ROD FOUND--UNLESS NOTED
○ --- 1/2" IRON ROD SET--DRIFTWOOD SURVEYING
HAYS COUNTY OFFICIAL
PUBLIC RECORDS
HAYS COUNTY PROPERTY
IDENTIFICATION NUMBER



VICINITY MAP
NOT TO SCALE

STATE OF TEXAS
COUNTY OF HAYS

KNOW ALL MEN BY THESE PRESENTS, That we, David A. Shand, Jr. and wife, Amber Laeha Shand, the owners of 5.00 acres of land out of the John Ingram Survey No. 31, Abstract No. 256, Hays County, Texas, as conveyed to us by Warranty Deed dated February 7, 2007 and recorded in Volume 3395, Page 230, of the Hays County Official Public Records, DO HEREBY certify that we are the legal owners of the above described property and that the same is shown hereon subject to any and all easements or restrictions heretofore granted.

WITNESS MY HAND, this ____ day of _____ A.D. 2013.

David A. Shand, Jr.
400 Fischer Trail
Wimberley, Texas 78676

STATE OF TEXAS
COUNTY OF HAYS

BEFORE ME, the undersigned authority, on this day personally appeared: David A. Shand, Jr. and Amber Laeha Shand, known to me as the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they have executed the same for the purpose and consideration therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this ____ day of _____ A.D. 2013.

NOTARY PUBLIC in and for Hays County, Texas

No structure in this subdivision shall be occupied until connected to a public sewer system or to an on-site wastewater system which has been approved and permitted by Hays County Development Services. No structure in this subdivision shall be occupied until connected to an individual water supply or a state approved community water system. Due to declining water supplies and diminishing water quality, prospective property owners are cautioned by Hays County to question the seller concerning ground water availability. Rain water collection is encouraged and in some areas may offer the best renewable water resource. No construction or development within this subdivision may begin until all Hays County Development Permit requirements have been satisfied.

James "Chit" Garza, Director
Hays County Development Services

Tom Pope, R.S., C.F.M.
Hays County Floodplain Administrator

I, Liz Gonzalez, County Clerk of Hays County, Texas, do hereby certify that on the ____ day of _____ A.D. 2013, the Commissioners Court of Hays County, Texas passed an order authorizing the filing for record of this plat and that said order has been duly entered in the minutes of said Court in Book ____ Page(s) ____

Witness my hand and seal of office this the ____ day of _____ A.D. 2013.

Albert "Bert" Cobb, M.D.
County Judge, Hays County, Texas

Liz Gonzalez, County Clerk, Hays County, Texas

I, Liz Gonzalez, County Clerk of Hays County, Texas, do hereby certify foregoing instrument of writing, with its certificate of authentication was filed for record in my office on the ____ day of _____ A.D. 2013 at ____ o'clock ____ M., and duly recorded on the ____ day of _____ A.D. 2013 at ____ o'clock ____ M. in the Plat records of said County and State, in Plat Book No. ____ Page(s) ____

Witness my hand and seal of office of the County Clerk, this the ____ day of _____ A.D. 2013.

Liz Gonzalez, County Clerk, Hays County, Texas

- NOTES:**
- This subdivision lies within the boundaries of the Contributing Zone of the Edwards Aquifer.
 - No portion of this subdivision lies within the 100-year floodplain as delineated of the Flood Insurance Rate Map (FIRM) Community Panel No. 48209C 0220 F, effective date of September 2, 2005, as prepared by the Federal Emergency Management Agency.
 - This subdivision is not located within any City limit or EUL.
 - This subdivision lies within the Wimberley Independent School District.
 - Wastewater treatment for this subdivision to be private, individual on-site sewage facilities as approved by Hays County Development Services.
 - Water services for this subdivision to be private individual water wells. Under Department Regulations, this subdivision is exempt from the requirements to demonstrate the availability of water and wastewater services.
 - Electricity for this subdivision is provided by Federmates Electric Cooperative, Inc.
 - Telephone service for this subdivision is provided by Verizon.
 - In order to promote safe use of roadways and preserve the conditions of public roadways, no driveway constructed on any lot within this subdivision shall be permitted access onto a publicly dedicated roadway unless (a) a Driveway Permit has been issued by the Road Department of Hays County and (b) the driveway satisfies the minimum spacing required for driveways set forth in Table 721.02 of the Hays County Development Regulations.
 - When required, lots shall have a minimum driveway culvert size of 18".
 - Approval of this preliminary plan does not constitute approval of any deviation from County's land development regulations in the final plat, construction plan or site plan stops, unless such deviations have been specifically requested in writing and subsequently approved in writing by the County. Such approvals do not relieve the engineer of the obligation to modify the design of the project if it does not meet all other County land development regulations or if it is subsequently determined that the design would adversely impact the public's safety, health, welfare or property.
 - Further subdivision of this lot is restricted for a period of five (5) years following the recording of this plat.

STATE OF TEXAS
COUNTY OF HAYS

KNOW ALL MEN BY THESE PRESENTS, That I, Rudolf J. Pata, Jr., a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this plat was prepared by me or under my supervision on the ground and the corner monuments were found or property placed under my supervision.

Rudolf J. Pata, Jr.
R.P.L.S. #5388, State of Texas



Driftwood Surveying

Professional Land Surveyors - Surveying the Hill Country
P.O. Box 379
Wimberley, TX 78676
TEL. (817) 842-7222
www.driftwoodsurveying.com
PROJECT No. HC35408

**PRIVATE
ROAD MAINTENANCE AGREEMENT**

STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF HAYS

WHEREAS, the signees of property adjoining and contiguous with Fischer Trail (“Signees”), a private fifty (50’) foot road easement being more particularly described by metes and bounds in Exhibit “A” attached hereto and being the same fifty (50’) foot road easement described in Deed recorded in Volume 248, Page 798, Hays County Deed Records, have all shared in the maintenance and upkeep of Fischer Trail, and;

WHEREAS, in order to establish the maintenance and upkeep of Fischer Trail, the Signees have agreed to execute this Private Road Maintenance Agreement for the sole purpose of verifying the method and manner in which Fischer Trail will continue to be maintained.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that the undersigned hereby verify and establish this Agreement for the purpose of verifying the manner in which Fischer Trail will be maintained and hereby agree to the following:

1. Use of Fischer Trail Private Road Easement: Fischer Trail as identified in Exhibit “A” attached hereto shall be for the exclusive use and benefit and for ingress and egress to and from all tracts located adjacent to Fischer Trail.
2. Maintenance of Fischer Trail: The Signees shall in the maintenance and upkeep of Fischer Trail according to the percentages designated on their signature page. The need for repairs will be assessed as deemed necessary for purposes of maintenance and repairs made as determined by two-thirds (2/3) majority vote of the Signees and as necessary for access by emergency vehicles to the tracts located adjacent to Fischer Trail. Each Signee shall pay their designated share with all other Signees and agree to pay same at such time that the repairs to Fischer Trail are initiated.
3. Amendment: This Agreement may be amended only by written agreement filed for record in the Official Public Records of Hays County, Texas, upon the adoption of same by a two-thirds (2/3) majority vote of the Signees.

(Signatures on Following Pages)

BEGINNING at a point in the Southeast line of the Fischer Store Road at the Northwest corner of a 49.95 acre tract of land and the Northeast corner of a 49.62 acre tract of land according to the survey made by James E. Byrn in September, 1971 and from which said point the most Northerly corner of the C. Harlan Thompson 1510.09 acre tract and the Northwest corner of a 660.10 acre tract of land which was conveyed to P. Cedric Wenger by Helen Avis Beasley and T. E. Beasley by deed dated May 2, 1953, and recorded in Volume 156, Page 93, Hays County Deed Records, bears the following courses and distances:

- 1. N46°37'E 419.07
- 2. N46°21'E 733.15;

THENCE, with the East line of the 49.62 acre tract and the common West line of the 49.95 acre tract S10°08'E 1759.59 feet to the Southwest corner of the 49.95 acre tract;

THENCE, continuing with the East line of the 49.62 acre tract and the common West line of the 24.93 acre tract according to the survey made by James E. Byrn in September 1971 S10°08'E 565.23 feet to the Southeast corner of the 49.62 acre tract;

THENCE, continuing with the West line of the 24.93 acre tract and the common East line of the 24.95 acre tract according to the survey made by James E. Byrn in September 1971 S10°08'E 333.77 feet to the Southwest corner of the 24.93 acre tract;

THENCE, continuing with the East line of the 24.95 acre tract and the common West line of the 24.81 acre tract according to the survey made by James E. Byrn in September 1971 S10°08'E 447.43 feet to the Southeast corner of the 24.95 acre tract;

THENCE, continuing with the West line of the 24.81 acre tract and the common East line of the 20.24 acre tract according to the survey made by James E. Byrn in September 1971 S10°08'E 394.82 feet to the Southwest corner of the 24.81 acre tract;

THENCE, continuing with the East line of the 20.24 acre tract and the common West line of the 39.08 acre tract S10°08'E 1020.13 feet to the Southeast corner of this 20.24 acre tract for the termination of this easement grant.

THESE field notes describe the centerline of a 50 foot Roadway Easement, 25 feet of which is on each property owner adjacent to said centerline.

(Field notes of easement in deed from C. H. Thompson et ux to Joseph F. Tokash et ux)

THE STATE OF TEXAS }
COUNTY OF HAYS }

I, LYDELL B. CLAYTON, Clerk of the County Court within and for the County and State aforesaid, do hereby certify that the within

and foregoing instrument of writing with its Certificate of Authentication, was filed for record in my office on the 2nd day of March A.D., 1972 at 5:30 o'clock P. M., and duly recorded on the 3rd day of March A.D., 1972 at 10:40 o'clock A. M., in the Deed Records of said County in Book Number 248 Pages 798-801 inclusive.

WITNESS MY HAND AND SEAL OF THE COUNTY COURT OF HAYS COUNTY, TEXAS, the date last above written.
Lydell B. Clayton By [Signature] Deputy
LYDELL B. CLAYTON, Clerk of the County Court within and for the County

EXHIBIT "A"

Executed this 18th day of April, 2013

The undersigned, its heirs, successors and assigns hereby agrees to be responsible for ninety (90%) percent of the cost of the road maintenance as set forth in the foregoing Private Road Maintenance Agreement.

Michael S. Turner Living Trust

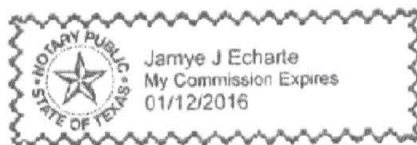
By: Michael S. Turner

Michael S. Turner, Trustee

ACKNOWLEDGEMENT

STATE OF TEXAS

COUNTY OF HAYS





This instrument was acknowledged before me on 18th day of April, 2013 by Michael S. Turner, Trustee of the Michael S. Turner Living Trust, on behalf of said trust.

Jamye J Echarte
Notary Public, State of Texas

Executed this 19th day of APRIL, 2013

The undersigned, their heirs, successors and assigns hereby agree to be responsible for two (2%) percent of the cost of the road maintenance as set forth in the foregoing Private Road Maintenance Agreement.


David A. Shand, Jr.


Amber Lashea Shand

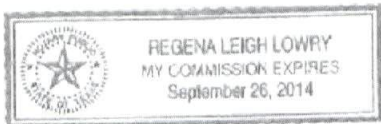
ACKNOWLEDGMENT

STATE OF TEXAS

COUNTY OF HAYS

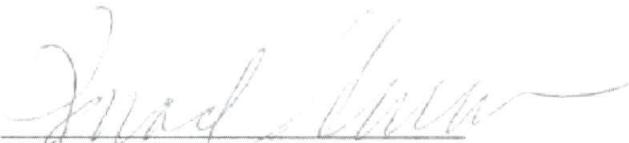
This instrument was acknowledged before me on 19th day of APRIL, 2013 by David A. Shand, Jr. and Amber Lashea Shand.


Notary Public State of Texas



Executed this 22nd day of APRIL, 2013

The undersigned hereby agree to be responsible for two (2%) percent of the cost of the road maintenance as set forth in the foregoing Private Road Maintenance Agreement.



Ronald Shelley Freeman



Ruth Ann Freeman

ACKNOWLEDGMENT

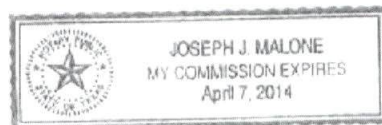
STATE OF TEXAS

COUNTY OF HAYS

This instrument was acknowledged before me on 22nd day of APRIL, 2013 by Ronald Shelley Freeman and Ruth Ann Freeman.




Notary Public, State of Texas



Executed this 22nd day of April, 2013

The undersigned, her heirs, successors and assigns hereby agrees to be responsible for two (2%) percent of the cost of the road maintenance as set forth in the foregoing Private Road Maintenance Agreement.

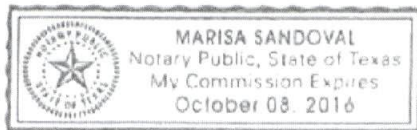

Jeraldine Furr

ACKNOWLEDGEMENT

STATE OF TEXAS

COUNTY OF HAYS

This instrument was acknowledged before me on 22nd day of April, 2013 by Jeraldine Furr.




Notary Public, State of Texas

Executed this 29th day of APRIL, 2013

The undersigned, their heirs successors and assigns hereby agree to be responsible for two (2%) percent of the cost of the road maintenance as set forth in the foregoing Private Road Maintenance Agreement.

Edward Shand
Edward Shand

Jean Shand
Jean Shand

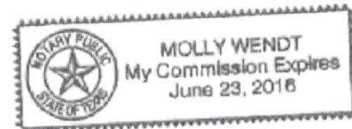
ACKNOWLEDGMENT

STATE OF TEXAS

COUNTY OF HAYS

This instrument was acknowledged before me on 29th day of APRIL, 2013 by Edward Shand and Jean Shand.

Molly Wendt
Notary Public, State of Texas



Executed this 1st day of May, 2013

The undersigned, their heirs successors and assigns hereby agree to be responsible for two (2%) percent of the cost of the road maintenance as set forth in the foregoing Private Road Maintenance Agreement.

Deborah L. Noel
Debra L. Noel

ACKNOWLEDGEMENT

STATE OF TEXAS

COUNTY OF HAYS

This instrument was acknowledged before me on 1 day of May, 2013 by Deborah L. Noel and _____.

[Signature]
Notary Public, State of Texas

