



**PLANNING AND ZONING COMMISSION  
REGULAR MEETING**

City Council Chambers of La Vernia City Hall  
102 E. Chihuahua Street, La Vernia, Texas 78121

May 3, 2022  
6:30 p.m.

**AGENDA**

**1. Call to Order**

**2. Invocation, Pledge of Allegiance and Texas Pledge**

**3. Citizens to be Heard**

*(At this time, citizens who have filled out a registration form prior to the start of the meeting may speak on any topic they wish to bring to the attention of the governing body so long as that topic is not on the agenda for this meeting. Citizens may speak on specific agenda items when that item is called for discussion. During the Citizens to be Heard section no council action may take place and no council discussion or response is required to the speaker. A time limit of three minutes per speaker is permitted; the council may extend this time at their discretion)*

**4. Consent Agenda**

*(All consent agenda items are considered routine by Planning & Zoning and will be enacted by one motion. There will be no separate discussion of these items unless a Commissioner requests an item be removed and considered separately.)*

**A.** Approve the minutes from the April 5, 2022 Meeting

**5. Public Hearing/Discussion & Action**

**A.** Discuss and consider appointment of Board Positions. (Chairman, Vice Chairman and Secretary)

**B.** Public Hearing to receive public comments regarding the re-plats of the following properties below:

**1.** Public Hearing for the replat of 503 Bluebonnet Rd., Lot 57B (U-1) 1.002 acres and a 0.194-acre tract located in the Juan Delgado League, Survey No. 8, Abstract No. 8, recorded in volume 1961, page 357 combining both to create a 1.196-acre lot.

**2.** Discuss and consider recommendation to the City Council for the replat of 503 Bluebonnet Rd., Lot 57B (U-1) 1.002 acres and a 0.194-acre tract located in the Juan Delgado League, Survey No. 8, Abstract No. 8, recorded in volume 1961, page 357 combining both to create a 1.196-acre lot.

**3.** Public Hearing to receive public comments regarding the granting of a Specific Use Permit for a drive-thru lane for a proposed McDonalds Restaurant with dine-in and drive-thru services located at 14101 US Hwy 87 W, La Vernia, Texas 78121.

4. Discuss and consider recommendation to City Council regarding the granting of a Specific Use Permit for a proposed McDonalds Restaurant with dine-in and drive-thru services located at 14101 US Hwy 87 W, La Vernia, Texas 78121.
5. Public Hearing to receive comments regarding the rezoning of 17.60 acres out of the Juan Delgado Survey, Abstract 8 being a portion of that certain tract called 39.32 acres of 243 Wiseman (Document 92763), La Vernia, TX 78121 from present classification of Residential Agriculture (RA) to General Commercial (C-2).
6. Discuss and consider recommendation to City Council for the re-zone of 17.60 acres out of the Juan Delgado Survey, Abstract 8 being a portion of that certain tract called 39.32 acres of 243 Wiseman (Document 92763), La Vernia, TX 78121 from present classification of Residential Agriculture (RA) to General Commercial (C-2).

## 6. Items Specific to Future Line Items on the Agenda

## 7. Adjourn

### DECORUM REQUIRED

Any disruptive behavior, including shouting or derogatory statements or comments may be ruled out of order by the Presiding Officer. Continuation of this type of behavior could result in a request by the Presiding Officer that the individual leave the meeting, and if refused, an order of removal.

The Planning and Zoning Commission for the City of La Vernia reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Open Meetings Act, Texas Governmental Code §551.071 (Consultation with Attorney), §551.072 (Deliberations about Real Property), §551.073 (Deliberations about Gifts and Donations), §551.074 (Personnel Matters), §551.076 (Deliberations about Security Devices), and §551.086 (Economic Development), and any other provisions under Texas law that permits a governmental body to discuss a matter in closed executive session.

The City of La Vernia Planning and Zoning Commission meetings are available to all persons regardless of disability. This facility is wheelchair accessible parking spaces are available. Requests for accommodations, should you require special assistance, must be made 48 hours prior to this meeting. Braille is not available. Please contact the City Secretary at (830) 779-4541 or email [bporter@lavernia-tx.gov](mailto:bporter@lavernia-tx.gov).

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the governing body of the above named La Vernia Planning and Zoning Commission is a true and correct copy of said Notice and that I posted true and correct copy of said Notice on the bulletin boards, of the City Hall of said City of La Vernia, Texas, a place convenient and readily accessible to the general public at all times, and said Notice was posted on **April 29, 2022 at 4:30 P.M.** and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.



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Brittani Coble, City Secretary



**PLANNING AND ZONING COMMISSION  
REGULAR MEETING**

City Council Chambers of La Vernia City Hall  
102 E. Chihuahua Street, La Vernia, Texas 78121

April 5, 2022  
6:30 p.m.

**Minutes**

1. **Call to Order** – Commissioner Tanneberger called the meeting to order at 6:30 PM and declared a quorum. Members absent: Commissioner Robles.
2. **Invocation, Pledge of Allegiance and Texas Pledge** – Invocation was led off with the Lord's Prayer and all in attendance recited the Pledge of Allegiance and the Texas Pledge.
3. **Citizens to be Heard** – Mr. Lee Mangum, a resident of Country Gardens, expressed his concerns on the drainage. Commissioners advised this was preliminary and the developers engineer was working on the final plans which would be addressed at the May meeting and he would be welcome to attend.
4. **Consent Agenda**  
*(All consent agenda items are considered routine by Planning & Zoning and will be enacted by one motion. There will be no separate discussion of these items unless a Commissioner requests an item be removed and considered separately.)*
  - A. Approve the minutes from the March 1, 2022 Meeting

**MOTION:** Commissioner Hennette made a motion to approve the consent agenda, seconded by Commissioner Jacobs. **Motion passed: 4-0.**

5. **Public Hearing/Discussion & Action**
  - A. **Public Hearing to receive public comments regarding the re-plats of the following properties below:**
    1. **Public Hearing for replat at 309 Seguin Rd., Lot 168-169 (lot 1 Blk 19), a replat of a 1.464 lot into two lots – one lot that is .519 acres and the other lot being an undeveloped 0.945 acres lot.**

Public hearing opened at 6:44 PM and closed at 6:46 PM.

2. **Discuss and consider recommendation to the City Council for replat at 309 Seguin Rd., Lot 168-169 (lot 1 Blk 19), a replat of a 1.464 lot into two lots – one lot that is .519 acres and the other lot being an undeveloped 0.945 acres lot.**

**MOTION:** Commissioner Jacobs made a motion to recommend to City Council to approve the replat at 309 Seguin Rd., Lot 168-169 (lot 1 Blk 19), a replat of a 1.464 lot into two lots – one lot that is .519 acres and the other lot being an undeveloped 0.945 acres lot, seconded by Commissioner Hennette. **Motion passed: 4-0.**

3. **Public Hearing for the replat at 204 King St., LOT 159 (Lot 15 Blk 32) a replat of a 13.101-acre lot, creating three lots – one (1) 0.50-acre lot, one (1) 0.50-acre lot and one 12.101-acre lot.**

Public hearing opened up at 6:47 PM. Concerns from citizens that received the 200' notices were, what is the requestee going to do with the additional 12 acres in the back that backs up to there back yards. Is the requestee aware of flooding and then potential it has done in the past. Staff advised based on what the requestee

4. **Discuss and consider recommendation to the City Council for the replat at 204 King St., LOT 159 (Lot 15 Blk 32) a replat of a 13.101-acre lot, creating three lots – one (1) 0.50-acre lot, one (1) 0.50-acre lot and one 12.101-acre lot.**

**MOTION:** Commissioner Hennette made a motion to replat 204 King St., LOT 159 (Lot 15 Blk 32) a replat of a 13.101-acre lot, creating three lots – one (1) 0.50-acre lot, one (1) 0.50-acre lot and one 12.101-acre lot.

Commissioner Hennette her current motion and declined to approve, seconded by Commissioner Jacobs.

**MOTION:** Commissioner Jacobs requested to table the recommendation and let the City Council make a decision, seconded by Commissioner Hennette. Motion passed: 4-0.

5. **Public Hearing for the replat of 503 Bluebonnet Rd., Tract 57B (U-1), combining 1.002 acres from 503 Bluebonnet in to City of La Vernia Lot 441 K, 7.59-acre lot, establishing the plat of Woodbridge Farms Subdivision Phase IV to create a 8.592 acre lot.**

Public hearing was opened at 7:00 and closed at 7:10 PM. Citizens within the neighboring area discussed uses and if fencing was going to be put up as their properties backed up to the development.

6. **Discuss and consider recommendation to the City Council for the replat of 503 Bluebonnet Rd., Tract 57B (U-1), combining 1.002 acres from 503 Bluebonnet in to City of La Vernia Lot 441 K, 7.59-acre lot, establishing the plat of Woodbridge Farms Subdivision Phase IV to create a 8.592 acre lot.**

No action, tabled until May meeting.

- B. **Public Hearing to receive public comments regarding the preliminary plat of Lot 441K, 7.590 +/- acres, out of the City of La Vernia subdivision plat and establishing the plat of Woodbridge Farms Subdivision Phase IV, a proposed 23 lot development located off of Woodbridge Dr / 500 Blk of FM 775.**

Public hearing was opened at 7:10 PM and closed at 7:11 PM.

- C. Discuss and consider recommendation to City Council regarding the preliminary plat of Lot 441K, 7.590 +/- acres, out of the City of La Vernia subdivision plat and establishing the plat of Woodbridge Farms Subdivision Phase IV, a proposed 23 lot development located off of Woodbridge Dr / 500 Blk of FM 775.**

Commissioners looked over the proposed plan and plat and were in favor.

**6. Items Specific to Future Line Items on the Agenda**

- **Drainage**
- **Roadway**

- 7. Adjourn-** Commissioner Jacobs made a motion to adjourn the meeting, seconded by Commissioner Hennette. Meeting was adjourned at 7:14 PM and all members were in favor.

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Marlin Tanneberger, Vice Chairman

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Brittani Porter, City Secretary



APPLICATION FOR LAND SUBDIVISION (PLAT)

102 E. Chihuahua Street
P.O. Box 225
La Vernia, TX 78121
(830) 779-4541
bporter@lavernia-tx.gov

CHECK ONE: [ ] Master Plan [ ] Prelim./Final Plat [ ] Prelim. Plat [ ] Final Plat [x] Replat [ ] Amended [ ] Minor

1. PROPOSED SUBDIVISION NAME: \_\_\_\_\_ UNIT NO. \_\_\_\_\_

LOCATION DESCRIPTION/NEAREST INTERSECTION: 503 Bluebonnet

ACREAGE: 1.196 NO OF LOTS: EXISTING 2 PROPOSED 1

REASON FOR PLATTING/REPLATTING \_\_\_\_\_

2. OWNER/APPLICANT: BaiCoH Holdings LLC, a Texas limited liability company

(\* If applicant is person other than owner, a letter of authorization must be provided from owner.\*)

ADDRESS: 147 Diamond View Drive, La Vernia, Texas 78121

Telephone: (830) 393-6496 Fax: (830) 393-9426 Mobile: (830)534-7093 Email: Robby@robertharveyipc.com

3. LICENSED ENGINEER/SURVEYOR: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_ Ste. \_\_\_\_\_

TELEPHONE: \_\_\_\_\_ Fax: \_\_\_\_\_ Mobile: \_\_\_\_\_ Email: \_\_\_\_\_

LIST ANY VARIANCE REQUESTED: N/A

REASON FOR REQUEST (List any hardships): Combine tracts

4. PRESENT USE OF THE PROPERTY vacant CURRENT ZONING: \_\_\_\_\_

5. CITY LIMITS: [ ] IN [x] OUT IS ANY PART OF THE PROPERTY IN A FLOODPLAIN? [ ] YES [x] NO

6. Is the property subject to any liens, encumbrances, or judgments? If so, give details. (Provide separate sheet if needed.) Permission from any lien holders and/or removal of any encumbrances or judgments will be necessary prior to filing of said plat with the County Clerk's office.

REQUIRED ITEMS FOR SUBMITTAL PACKAGE

- [ ] Completed application, including signature of owner/applicant and signed waiver.
[ ] Copy of deed showing current ownership.
[ ] 7 copies of the plat, collated and folded so that the subdivision name is visible. Staple plats with 2 or more pages.
[ ] 2 copies of the preliminary plan of the water system showing the approximate location and size of onsite and offsite existing and proposed water lines and fire hydrants; sewer system; storm sewer and preliminary drainage plan.
[ ] Current deed restrictions for Vacating Plats, Replats, and Townhouse and Zero Lot Line Subdivisions.
[ ] Survey showing any existing structures on the subject property.
[ ] List of street names approved by the appropriate county.

PLEASE READ "IMPORTANT NOTES" ON THE REVERSE SIDE OF THIS APPLICATION

I agree to comply with all platting and subdivision requirements of the City of La Vernia. I understand that the plat will NOT be forwarded to the Planning and Zoning Commission unless staff comments are satisfactorily addressed by the plat correction due date. I voluntarily waive my right to request a certificate stating the date the plat was filed and that the Planning and Zoning Commission failed to act on the plat within thirty days. I do not object to consideration of the plat on 05-03-2022 (date of Planning and Zoning Commission meeting). This waiver expires after (date of the Planning and Zoning Commission meeting). (The waiver statement is not applicable to Minor Plats.)

Handwritten signature of Robert E. Harvey, IV.

Robert E. Harvey, IV.

3-21-2022

Signature of Owner/Applicant

Printed Name of Owner/Applicant

Date

(If applicant is person other than owner, a letter of authorization must be provided from owner.)

Signature indicates authorization for plat application and acceptance of waiver statement.

**APPLICATION FEES**

<b>Overall Development Concept Review Fee</b>	\$50 + \$1.00 per lot, plus \$2.00 per acre or portion thereof for any land within the boundaries of the plat not divided into conventional single-family residential lots, but intended for apartments, townhouses, commercial and/or industrial use.
<b>Preliminary Plat Review</b>	\$50 + \$1.00 per lot, plus \$2.00 per acre or portion thereof for any land within the boundaries of the plat not divided into conventional single-family residential lots
<b>Final Plat Review Fee</b>	\$75 + \$1.00 per lot, plus \$2.00 per acre or portion thereof for any land within the boundaries of the plat not divided into conventional single-family residential lots.
<b>Minor Subdivision Plat</b>	\$75 + \$1.00 per lot, plus \$2.00 per acre or portion thereof for any land within the boundaries of the plat not divided into conventional single-family residential lots.
<b>Vacating a Plat or Replatting</b>	\$75 + \$1.00 per lot, plus \$2.00 per acre or portion thereof for any land within the boundaries of the plat not divided into conventional single-family residential lots.
<b>Plat Amendment</b>	\$100
<b>Engineering Fees Review</b>	To be paid by the developer or property owner before the final plat approval is made by the city.
<b>Changes or request for further reviews from the developer or property owner by the City Engineer</b>	Shall be paid by the developer or property owner at the standard rates charged by the City Engineer before the final plat approval is made by the City.
<b>Legal Fees</b>	Shall be paid by the City for legal fees incurred. The subdivider shall reimburse the City prior to the final plat approval by the City.
<b>Variance Requesting Relief from the Subdivision Ordinance</b>	\$50

**IMPORTANT NOTES:**

- All staff comments must be addressed by the plat correction due date. If not, the plat will NOT be forwarded to the Planning and Zoning Commission until all staff comments have been satisfied.
- For plats on TxDOT right-of-way, it is highly recommended that a permit be submitted to TxDOT prior to submitting the plat application.
- Engineering and legal fees shall be paid to the city prior to the final plat approval.
- The following items must be provided when submitting an approved plat for recordation.
  - Tax certificate showing that no taxes are currently due or delinquent against the property.
  - Three original mylars.
  - Twelve blue line copies for Wilson County 9-1-1 Addressing in 24 X 36 inch or 24 X 18 inch format.
  - One 11 X 17 inch blue line copy.
  - An electronic copy in .pdf in 24 X 36 inch or 24 X 18 inch format and in 11 X 17 inch format.
  - Recording fee. Checks should be made out to Wilson County Clerk.

**FOR OFFICE USE ONLY:**

Date Application Fee Received: \_\_\_\_\_ Received By: \_\_\_\_\_

Receipt No. \_\_\_\_\_ Cash/Check No. \_\_\_\_\_ Amount Recd. \$ \_\_\_\_\_

\_\_\_\_\_ 7 copies \_\_\_\_\_ street name appr. list \_\_\_\_\_ TxDOT approval letter

\_\_\_\_\_ letter of authorization \_\_\_\_\_ proof of ownership \_\_\_\_\_ HOA document

Plat review meeting date: \_\_\_\_\_ Planning and Zoning Commission meeting date: \_\_\_\_\_

5

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

**General Warranty Deed**

**Date:** February 17, 2022

**Grantor:** BRCH Group, Inc., a Texas corporation

**Grantor's Mailing Address:**

2543 F.M. 775, Suite 202  
La Vernia, Texas 78121

**Grantee:** BaiCoH Holdings LLC, a Texas limited liability company

**Grantee's Mailing Address:**

157 Diamond View Drive  
La Vernia, Texas 78121

**Consideration:**

TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged.

**Property (including any improvements):**

Being a 0.194 acre tract situated in the Juan Delgado League, Survey No. 8, Abstract No. 8, Wilson County, Texas, and being out of the remaining portion of a 2.17 acre tract (known as Tract 3) as described in a conveyance from Carolyn Janette Burrier and husband, Richard Burrier to BRCH Group, Inc., recorded in Volume 1961, Page 357, Official Public Records of Wilson County, Texas, and being more particularly described by metes and bounds on Exhibit "A", and depicted on a plat on Exhibit "B" attached hereto and made a part hereof for all purposes.

**Reservations from Conveyance:** None

**Exceptions to Conveyance and Warranty:**

1. Easement dated November 8, 1956, from N. L. Fryar to General Telephone Company of the Southwest, recorded in Volume 316, Page 601, Deed Records of Wilson County, Texas.

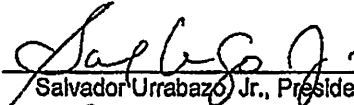



2. Variance Approval dated May 14, 2020 from the City of La Vernia to BRCH Group, Inc., recorded in the Official Records of Wilson County, Texas, under Document No. 94380.
3. Right-of-Way Easement dated June 28, 2017, from BRCH Group, Inc. to Guadalupe Valley Electric Cooperative, Inc., recorded in Volume 2013, Page 199, Official Records of Wilson County, Texas.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

When the context requires, singular nouns and pronouns include the plural.

BRCH Group, Inc., a Texas corporation

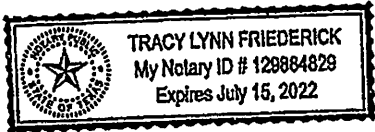
By:   
Salvador Urrabazo Jr., President

By:   
Daniel Martinez, Secretary

ACKNOWLEDGMENTS

STATE OF TEXAS §  
COUNTY OF WILSON §

This instrument was acknowledged before me on February 4, 2022, by Salvador Urrabazo, Jr., President of BRCH Group, Inc., a Texas corporation, on behalf of said corporation.



*Tracy Lynn Friederick*  
\_\_\_\_\_  
Notary Public, State of Texas  
My commission expires: 7/15/22

STATE OF TEXAS §  
COUNTY OF WILSON §

This instrument was acknowledged before me on February 4, 2022, by Daniel Martinez, Secretary of BRCH Group, Inc., a Texas corporation, on behalf of said corporation.



*Tracy Lynn Friederick*  
\_\_\_\_\_  
Notary Public, State of Texas  
My commission expires: 7/15/22

PREPARED IN THE OFFICE OF:  
Robert Harvey & Associates, P.C.  
3586 Highway 181 N.  
Floresville, Texas 78114

AFTER RECORDING RETURN TO:  
BaiCoH Holdings LLC  
157 Diamond View Drive  
La Vernia, Texas 78121

METES AND BOUNDS DESCRIPTION OF A 0.194 ACRE TRACT

Being a 0.194 acre tract situated in the Juan Delgado League, Survey No. 8, Abstract 8, Wilson County, Texas and being out of the remaining portion of a 2.17 acre tract (known as Tract 3) as described in a conveyance from Carolyn Janette Burrier and husband, Richard Burrier to the BRCH Group, Inc. recorded in Volume 1961, Page 357, Official Public Records of Wilson County, Texas; said 0.194 acre tract surveyed by Jeffrey B. Berger, R.P.L.S. No. 5558 and being more particularly described as follows:

BEGINNING at a wood fence corner post found (controlling monument) at an interior corner of the remaining portion of a 2.17 acre tract as described in a conveyance to Loren Nicholas Fryar recorded in Volume 1339, Page 380, Official Public Records of Wilson County, Texas, for the south corner of said remaining portion of a 2.17 acre and the herein described tract;

THENCE North 29° 04' 28" West 130.81 feet generally along a wire fence with the common of said remaining portion of a 2.17 acre tract and said remaining portion of a 141 acre tract to a 1/2" steel rod with a red plastic cap stamped "RPLS 5558" set for the west corner of the herein described tract;

THENCE over and across said remaining portion of a 2.17 acre tract, North 60° 55' 32" East 115.00 feet to a 1/2" steel rod with a red plastic cap stamped "RPLS 5558" set for the north corner of the herein described tract, and South 29° 04' 28" East 16.12 feet to a 1/2" steel rod with a red plastic cap stamped "RPLS 5558" set on a northwest line of said remaining portion of a 141 acre tract, for the east corner of the herein described tract;

THENCE South 16° 00' 00" West 162.41 feet generally along a wire fence with the common of said remaining portion of a 2.17 acre tract and said remaining portion of a 141 acre tract to the POINT OF BEGINNING and containing 0.194 acres.

Surveyor's Notes:

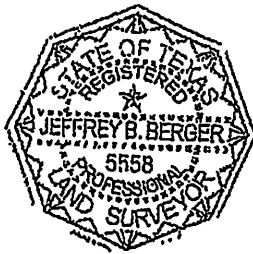
1. Bearings are based on said deed recorded in Volume 1961, Page 357, Official Public Records of Wilson County, Texas.
2. A survey plat was prepared on this same date as a part of this survey.

STATE OF TEXAS §

March 27, 2020

COUNTY OF WILSON §

It is hereby stated that the above description was prepared from an actual survey on the ground of the described 0.194 acre tract made under my supervision.

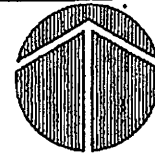


*Jeffrey B. Berger, R.P.L.S.*  
 Jeffrey B. Berger, Registered Professional Land Surveyor No. 5558

BERGER LAND SURVEYING  
 172 ROSEWOOD DRIVE  
 LA VERNIA, TEXAS 78121-4756  
 Phone: (830) 217-4228  
 Fax: (866) 806-3636  
 TBPELS Firm No. 10171400

**SURVEYOR'S NOTE: BEARINGS ARE BASED ON THE DEED RECORDED IN VOLUME 1861, PAGE 357, OFFICIAL PUBLIC RECORDS OF WILSON COUNTY, TEXAS.**

**SURVEYOR'S NOTES:**  
 1. A METES AND BOUNDS DESCRIPTION WAS PREPARED THIS SAME DATE AS PART OF THIS SURVEY.  
 2. ALL CORNERS SET ARE MARKED WITH A 1/2" STEEL ROD WITH A RED PLASTIC CAP STAMPED "RPLS 5558".

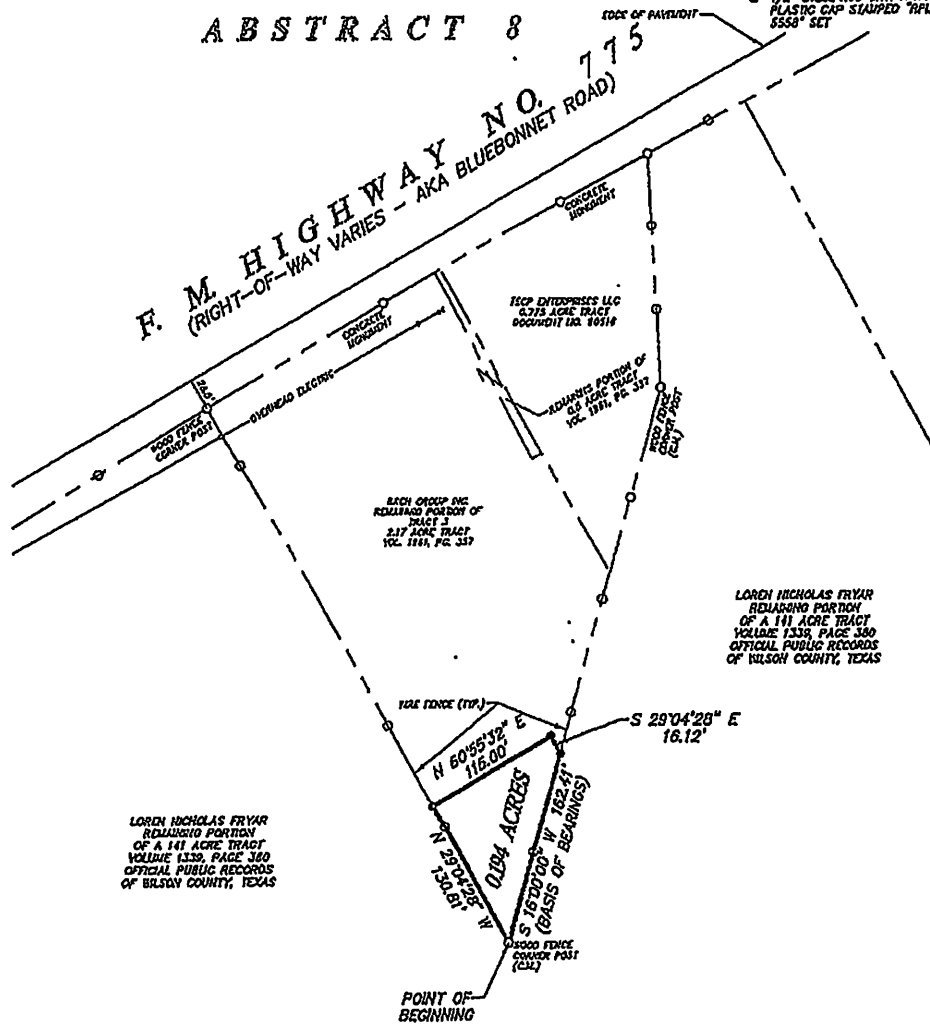


**JUAN DELGADO LEAGUE  
 SURVEY NO. 8  
 ABSTRACT 8**

**SCALE: 1" = 100'**

**LEGEND:**  
 C.M. - CONTROLLING MONUMENT

○ 1/2" STEEL ROD WITH A RED PLASTIC CAP STAMPED "RPLS 5558" SET



**PLAT SHOWING:**  
 A 0.194 ACRE TRACT SITUATED IN THE JUAN DELGADO LEAGUE, SURVEY NO. 8, ABSTRACT 8, WILSON COUNTY, TEXAS AND BEING OUT OF THE REMAINING PORTION OF A 2.17 ACRE TRACT AS DESCRIBED IN A CONVEYANCE FROM CAROLYN JANETTE BURRIER AND HUSBAND, RICHARD BURRIER TO THE BRCH GROUP, INC. RECORDED IN VOLUME 1861, PAGE 357, OFFICIAL PUBLIC RECORDS OF WILSON COUNTY, TEXAS.

F.M. 776  
 Reference:  
 VOLUME 1861, PAGE 357,  
 OFFICIAL PUBLIC RECORDS  
 OF WILSON COUNTY, TEXAS.



PREPARED BY:  
**BERGER LAND SURVEYING**  
 TOPOLS FIRM NO. 10171400  
 172 ROSSWOOD DRIVE  
 LA VERNA, TEXAS 78121-6756  
 PHONE (830) 217-4223 FAX (830) 506-3636  
 EMAIL jberger@blls.com

STATE OF TEXAS  
 COUNTY OF WILSON

I HEREBY STATE THAT THE ABOVE PLAT IS BASED ON AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION AND THAT THERE ARE NO USABLE EASEMENTS OR ENCROACHMENTS OF BUILDINGS ON ADJOINING PROPERTY AND THAT BUILDINGS ARE WHOLLY LOCATED ON THIS PROPERTY EXCEPT AS SHOWN ABOVE.

This 26TH day of MARCH, 2020 A.D.

*Jeffrey B. Berger*  
 JEFFREY B. BERGER, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6568

FILE NAME: BLS20010\_FINAL.DWG Job No. BLS20010

**EXHIBIT "B"**

SCANNED

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

**Warranty Deed with Vendor's Lien**

**Date:** June 12, 2020

**Grantor:** BRCH Group, Inc., a Texas corporation

**Grantor's Mailing Address:**

2543 F.M. 775, Suite 202  
La Vernia, Texas 78121

**Grantee:** BaiCoH Holdings LLC, a Texas limited liability company

**Grantee's Mailing Address:**

157 Diamond View Drive  
La Vernia, Texas 78121

**Consideration:**

TEN AND NO/100 DOLLARS (\$10.00) and a note of even date executed by Grantee and payable to the order of FIRST UNITED BANK AND TRUST CO. in the principal amount of \$202,500.00. The note is secured by a first and superior vendor's lien and superior title retained in this deed in favor of FIRST UNITED BANK AND TRUST CO. and by a first-lien deed of trust of even date from Grantee to Greg Massey, Trustee.

**Property (including any improvements):**

Being a 1.002 acre tract, more or less, situated in the Juan Delgado League, Survey No. 8, Abstract 8, Wilson County, Texas, and being out of the remaining portion of a 2.17 acre tract (known as Tract 3) as described in a conveyance from Carolyn Janette Burrier and husband, Richard Burrier to the BRCH Group, Inc., recorded in Volume 1961, Page 357, Official Public Records of Wilson County, Texas; said 1.002 acre tract being more particularly described by metes and bounds on Exhibit "A", and depicted on a plat on Exhibit "B" attached hereto and made a part hereof for all purposes.

**Restrictions:**

Grantor and Grantee covenant and agree that the Property conveyed herein, along with the parent tract of 2.048 acres from which the Property is carved ("Parent Tract", being the 2.86 acre described in Volume 1961, Page 357, Official Records, Wilson County, Texas, LESS, SAVE AND EXCEPT the .775 acre tract described in Volume 2035, Page 568, Official Records, Wilson County, Texas), will be used solely for commercial business purposes consistent with its current professional office building

use. Further the Property and the Parent Tract will not be leased, rented, occupied, or allowed to be leased, rented or occupied for any of the following: (a) for any unlawful purpose or in any way which would constitute a legal nuisance to an adjoining owner or occupant; (b) as a night club, bar or tavern; (c) massage parlor; (d) funeral parlor; (e) bingo parlor; (f) any use which emits a strong, unusual, offensive or obnoxious odor, fumes, dust or vapors, or any loud sounds which can be heard outside of any buildings on the 2.048 acre Parent Tract; (g) any "second hand" store or liquidation outlet; (h) any mobile home park, trailer court, labor camp, junk yard, recycling facility or stock yard; (i) any dumping, disposing, incineration or reduction of garbage (exclusive of garbage compactors located near the rear of any building); (j) any automobile, truck, trailer or recreational vehicles sales lot or body shop repair operation; or (k) any establishment selling or exhibiting paraphernalia for use with illicit drugs, CBC, or vaping materials, and establishment selling or exhibit materials or devices which are adjudicated to be pornographic by a court of competent jurisdiction, any adult bookstore, adult video store, or adult movie theater. The restrictions herein shall run with and bind the Property described herein, and the Parent Tract and shall be and remain in effect perpetually to the extent permitted by law.

**Reservations from Conveyance:** None

**Exceptions to Conveyance and Warranty:**

1. Easement dated November 8, 1956, from N. L. Fryar to General Telephone Company of the Southwest, recorded in Volume 316, Page 601, Deed Records of Wilson County, Texas.
2. Variance Approval dated May 14, 2020 from the City of La Vernia to BRCH Group, Inc., recorded in the Official Records of Wilson County, Texas, under Document No. 94380.
3. Right-of-Way Easement dated June 28, 2017, from BRCH Group, Inc. to Guadalupe Valley Electric Cooperative, Inc., recorded in Volume 2013, Page 199, Official Records of Wilson County, Texas.
4. Overhead electric line across subject land as depicted on survey plat dated March 27, 2020, prepared by Berger Land Surveying, Jeffrey B. Berger, R.P.L.S. No. 5558, Job No. BLS20010.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

The vendor's lien against and superior title to the Property are retained until each note described is fully paid according to its terms, at which time this deed will become absolute.

FIRST UNITED BANK AND TRUST CO., at Grantee's request, has paid in cash to Grantor that portion of the purchase price of the Property that is evidenced by the note. The first and superior vendor's lien against and superior title to the Property are retained for the benefit of FIRST UNITED BANK AND TRUST CO. and are transferred to FIRST UNITED BANK AND TRUST CO. without recourse against Grantor.

When the context requires, singular nouns and pronouns include the plural.

BRCH Group, Inc., a Texas corporation

By: *Salvador Urrabazo, Jr.*  
Salvador Urrabazo, Jr., President

By: *Daniel Martinez*  
Daniel Martinez, Secretary

**ACKNOWLEDGMENTS**

STATE OF TEXAS §  
COUNTY OF WILSON §

This instrument was acknowledged before me on June 12, 2020, by Salvador Urrabazo, Jr., President of BRCH Group, Inc., a Texas corporation, on behalf of said corporation.



*Tracy Lynn Friederick*  
Notary Public, State of Texas  
My commission expires: 7/15/22

STATE OF TEXAS §  
COUNTY OF WILSON §

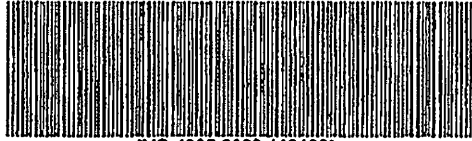
This instrument was acknowledged before me on June 12, 2020, by Daniel Martinez, Secretary of BRCH Group, Inc., a Texas corporation, on behalf of said corporation.



*Tracy Lynn Friederick*  
Notary Public, State of Texas  
My commission expires: 7/15/22

PREPARED IN THE OFFICE OF:  
Robert Harvey & Associates, P.C.  
3586 Highway 181 N.  
Floresville, Texas 78114

AFTER RECORDING RETURN TO:  
BaiCoH Holdings LLC  
157 Diamond View Drive  
La Vernia, Texas 78121



Wilson County  
Eva S. Martinez  
Wilson County Clerk

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Instrument Number: 118166

Real Property Recordings

Recorded On: March 07, 2022 02:44 PM

Number of Pages: 6

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" Examined and Charged as Follows: "

Total Recording: \$42.00

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\*\*\*\*\* THIS PAGE IS PART OF THE INSTRUMENT \*\*\*\*\*  
Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY  
because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 118166  
Receipt Number: 20220307000041  
Recorded Date/Time: March 07, 2022 02:44 PM  
User: Georgina L  
Station: cclerk01

Record and Return To:  
BAICOH HOLDINGS LLC  
157 DIAMOND VIEW DRIVE  
LA VERNIA TX 78121

*F JE*



STATE OF TEXAS  
Wilson County

I hereby certify that this Instrument was filed in the File Number sequence on the date/time  
printed hereon, and was duly recorded in the Official Records of Wilson County, Texas

*Eva S. Martinez*

Eva S. Martinez  
Wilson County Clerk  
Floresville, TX



METES AND BOUNDS DESCRIPTION OF A 1.002 ACRE TRACT

Being a 1.002 acre tract situated in the Juan Delgado League, Survey No. 8, Abstract 8, Wilson County, Texas and being out of the remaining portion of a 2.17 acre tract (known as Tract 3) as described in a conveyance from Carolyn Janette Burrier and husband, Richard Burrier to the BRCH Group, Inc. recorded in Volume 1961, Page 357, Official Public Records of Wilson County, Texas; said 1.002 acre tract surveyed by Jeffrey B. Berger, R.P.L.S. No. 5558 and being more particularly described as follows:

BEGINNING at a wood fence corner post found on the southeast line of F. M. Highway No. 775 (aka Bluebonnet Road) at a north corner of the remaining portion of a 141 acre tract as described in a conveyance to Loren Nicholas Fryar recorded in Volume 1339, Page 380, Official Public Records of Wilson County, Texas, for the west corner of said remaining portion of a 2.17 acre and the herein described tract;

THENCE North 60° 11' 47" East 115.00 feet (Basis of Bearings) with said southeast line of F. M. Highway No. 775 (aka Bluebonnet Road) to a 1/2" steel rod with a red plastic cap stamped "RPLS 5558" set for the north corner of the herein described tract;

THENCE over and across said remaining portion of a 2.17 acre tract, South 29° 04' 28" East 380.46 feet to a 1/2" steel rod with a red plastic cap stamped "RPLS 5558" set for the east corner of the herein described tract, and South 60° 55' 32" West 115.00 feet to a 1/2" steel rod with a red plastic cap stamped "RPLS 5558" set on a northeast line of said remaining portion of a 141 acre tract, for the south corner of the herein described tract;

THENCE North 29° 04' 28" West 379.00 feet generally along a wire fence with the common of said remaining portion of a 2.17 acre tract and said remaining portion of a 141 acre tract to the POINT OF BEGINNING and containing 1.002 acres.

Surveyor's Notes:

1. Bearings are based on said deed recorded in Volume 1961, Page 357, Official Public Records of Wilson County, Texas.
2. A survey plat was prepared on this same date as a part of this survey.

STATE OF TEXAS §

March 27, 2020

COUNTY OF WILSON §

It is hereby stated that the above description was prepared from an actual survey on the ground of the described 1.002 acre tract made under my supervision.



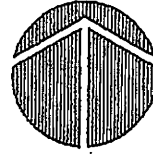
*Jeffrey B. Berger, R.P.L.S.*

Jeffrey B. Berger, Registered Professional Land Surveyor No. 5558

BERGER LAND SURVEYING  
172 ROSEWOOD DRIVE  
LA VERNA, TEXAS 78121-4756  
Phone: (830) 217-4228  
Fax: (866) 806-3636  
TBPELS Firm No. 10171400

**SURVEYOR'S NOTE: BEARINGS ARE BASED ON THE DEED RECORDED IN VOLUME 1961, PAGE 357, OFFICIAL PUBLIC RECORDS OF WILSON COUNTY, TEXAS.**

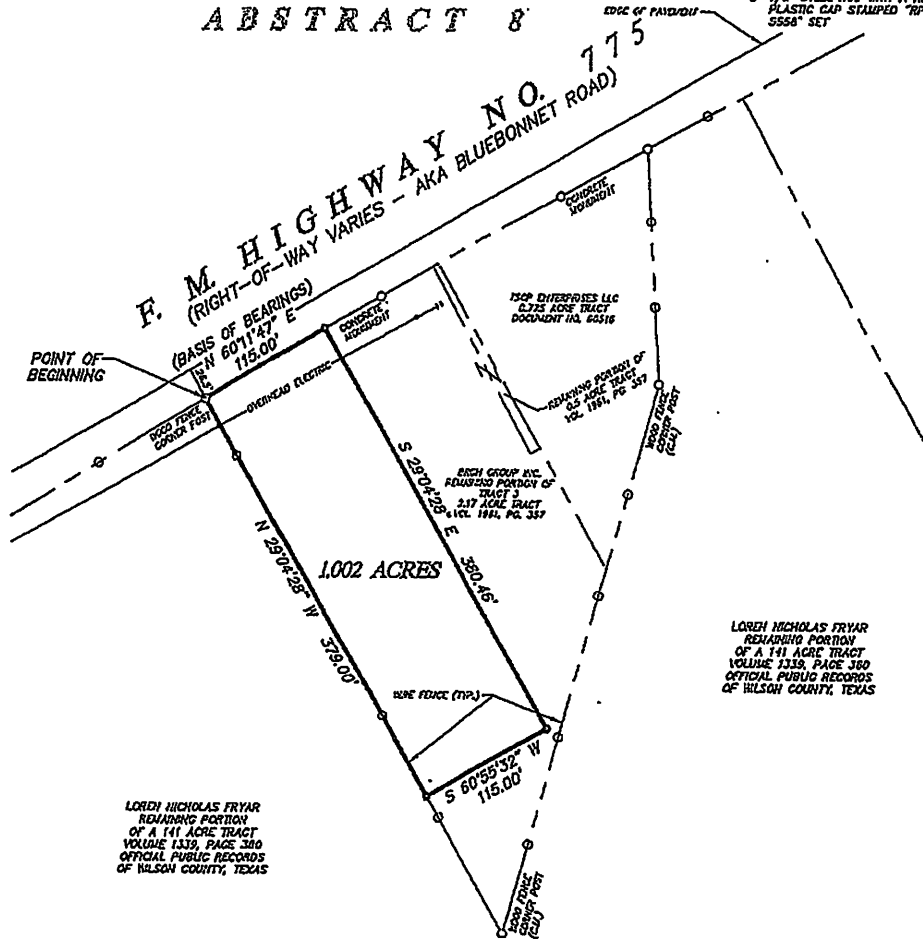
**SURVEYOR'S NOTES:**  
 1. A METES AND BOUNDS DESCRIPTION WAS PREPARED THIS SAME DATE AS PART OF THIS SURVEY.  
 2. ALL CORNERS SET ARE MARKED WITH A 1/2" STEEL ROD WITH A RED PLASTIC CAP STAMPED "RPLS 5558".



**JUAN DELGADO LEAGUE  
 SURVEY NO. 8  
 ABSTRACT 8**

**SCALE: 1" = 100'**

**LEGEND:**  
 C.M. - CONTROLLING MONUMENT  
 S 1/2" STEEL ROD WITH A RED PLASTIC CAP STAMPED "RPLS 5558" SET



LOREN NICHOLAS FRYAR  
 REMAINING PORTION  
 OF A 141 ACRE TRACT  
 VOLUME 1339, PAGE 380  
 OFFICIAL PUBLIC RECORDS  
 OF WILSON COUNTY, TEXAS

LOREN NICHOLAS FRYAR  
 REMAINING PORTION  
 OF A 141 ACRE TRACT  
 VOLUME 1339, PAGE 380  
 OFFICIAL PUBLIC RECORDS  
 OF WILSON COUNTY, TEXAS

**PLAT SHOWING:**  
 A 1.002 ACRE TRACT SITUATED IN THE JUAN DELGADO LEAGUE, SURVEY NO. 8, ABSTRACT 8, WILSON COUNTY, TEXAS AND BEING OUT OF THE REMAINING PORTION OF A 2.17 ACRE TRACT AS DESCRIBED IN A CONVEYANCE FROM CAROLYN JANETTE BURRIER AND HUSBAND, RICHARD BURRIER TO THE BRCH GROUP, INC. RECORDED IN VOLUME 1961, PAGE 357, OFFICIAL PUBLIC RECORDS OF WILSON COUNTY, TEXAS.



STATE OF TEXAS  
 COUNTY OF WILSON

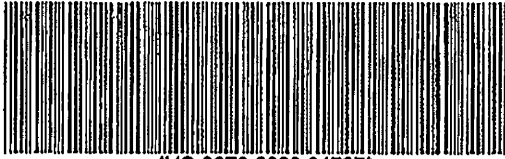
I HEREBY STATE THAT THE ABOVE PLAT IS BASED ON AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION AND THAT THERE ARE NO VISIBLE EASEMENTS OR ENCROACHMENTS OF BUILDINGS ON ADJOINING PROPERTY AND THAT BUILDINGS ARE WHOLLY LOCATED ON THIS PROPERTY EXCEPT AS SHOWN ABOVE.

Reference:  
 VOLUME 1961, PAGE 357,  
 OFFICIAL PUBLIC RECORDS  
 OF WILSON COUNTY, TEXAS.

PREPARED BY:  
**BERGER LAND SURVEYING**  
 TEPALS FURN. NO. 101741-000  
 172 ROSEWOOD DRIVE  
 LA VERNA, TEXAS 78141-4786  
 PHONE (830) 217-4228 FAX (856) 008-3623  
 EMAIL: berger.blsgm@aol.com

This 27TH day of MARCH, 2020 A.D.

*Jeffrey E. Berger*  
 JEFFREY E. BERGER, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6558  
 FILE NAME: BLS20010\_FINAL.DWG Job No. BLS20010



^VG-2378-2020-94767^

Wilson County  
Eva S. Martinez  
Wilson County Clerk

Instrument Number: 94767

Real Property Recordings

Recorded On: June 16, 2020 08:39 AM

Number of Pages: 6

" Examined and Charged as Follows: "

Total Recording: \$42.00

\*\*\*\*\* THIS PAGE IS PART OF THE INSTRUMENT \*\*\*\*\*

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 94767  
Receipt Number: 20200616000001  
Recorded Date/Time: June 16, 2020 08:39 AM  
User: Georgina L  
Station: cclerk01

Record and Return To:

BAICOH HOLDINGS LLC  
157 DIAMON VIEW DRIVE  
LA VERNIA TX 78121  
F-TE



STATE OF TEXAS  
Wilson County

I hereby certify that this Instrument was filed in the File Number sequence on the date/time printed hereon, and was duly recorded in the Official Records of Wilson County, Texas

*Eva S. Martinez*

Eva S. Martinez  
Wilson County Clerk  
Wilson County, TX

Date Received 04-14-2022  
Permit/Receipt No. \_\_\_\_\_  
Fee Paid \_\_\_\_\_

City of La Vernia  
Specific Use Permit  
102 E. Chihuahua Street  
P.O. Box 225, La Vernia, TX 78121  
(830) 779-4541 • Metro/Fax (830) 253-1198  
[bporter@lavernia-tx.gov](mailto:bporter@lavernia-tx.gov)



Land ownership must be verified with a notarized statement. If the applicant is acting as the agent for the property owner, the property owner must provide a signed and notarized letter authorizing the agent to act on their behalf, and the letter must accompany the application.

Name Stephen T. Marcum, P.E. - Skyline Civil Group, LLC

Mailing Address 4414 82nd Street; Lubbock, TX 79424

Telephone 432.685.1226 Fax N/A Mobile 432.230.4081 Email smarcum@skylinecivilgroup.com

Property Address/Location US HWY 87 & Silverado Property ID No 27687

Legal Description  
Name of Subdivision DEED ATTACHED

Lot(s) DEED ATTACHED Block(s) DEED ATTACHED Acreage 1.196

Existing Use of Property Vacant

Proposed Use of Property (attach additional or supporting information if necessary) McDonald's Restaurant

Current Zoning C-1

Proposed use of Property and/or Reason for Request (please explain in detail and attach additional pages if needed):  
Proposed McDonald's Restaurant with dine in and drive-through services. Drive-through sparks SUP submittal.

**Attachments:**

- Accurate metes and bounds description of the subject property (or other suitable legal description)
- Survey exhibit and other appropriate exhibits as deemed necessary by the city including, but not limited to, site plans, maps, architectural elevations, and information about proposed uses.
- Notarized statement verifying land ownership and if applicable, authorization of land owner's agent to file the zoning change request.

*A denied application is ineligible for reconsideration for one year.*

The undersigned hereby requests rezoning of the above described property as indicated:

Regina Killbrew  
Signature of Owner(s)/Agent

Stephen T. Marcum

4/14/2022  
Date

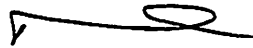
Date of Publication <u>04-21-22</u>	<b>For Office Use Only</b>	Date of P&Z Public Hearing <u>05-03-22</u>
Date of 200 Ft Notices _____		Date of Council Public Hearing <u>05-12-22</u>
Ordinance No. <u>04222-</u>		Approved _____ Denied _____

**McDONALD'S USA, LLC**  
**SECRETARY'S CERTIFICATE**

I, Mahrukh S. Hussain, an officer of McDonald's USA, LLC, a limited liability company organized under the laws of the State of Delaware (the "Company"), certify as follows, as of the date hereof:

1. I am the duly appointed, qualified and acting U.S. Vice President, U.S. General Counsel and Secretary of the Company; and
2. The Board of Directors of the Company duly adopted resolutions, on January 14, 2019 (the "Resolutions"), a true and correct copy of which is attached as Exhibit A, to authorize certain officers and employees of the Company to execute documents in connection with real estate matters on behalf of the Company, and such Resolutions have not been amended or rescinded in any way and remain in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand on this 10<sup>th</sup> day of February 2020.



---

Mahrukh S. Hussain  
U.S. Vice President, U.S. General Counsel  
and Secretary

## EXHIBIT A

Resolutions of the Board of Directors of  
McDonald's USA, LLC  
Adopted January 14, 2019

### Authority for U.S. Real Estate Development Matters

RESOLVED, That any of the officers of the Company, including, without limitation, Robert T. Lancaster, Spero Droulias, Denise A. Horne, David Bartlett, Karen A. Matusinec, Mahrukh S. Hussain, Michael Oldham, Padraic G. Molloy, Kathleen R. Madigan and Valery D. Mathelier, and any attorney of McDonald's Corporation ("Corp") holding the title of Managing Counsel or Senior Counsel and practicing in the U.S. Legal Practice Group (the "Authorized Signatories"), are authorized to execute for and on behalf of the Company, contracts, leases, agreements, deeds, guarantees, mortgages, promissory notes and other documents relating to the purchase, sale, lease or transfer of the real property of the Company (including, but not limited to, beneficial interests in land trusts, and employee relocation related residential properties) and to perform all such acts and to execute such additional documents (including, but not limited to, easements, licenses, memoranda of lease and non-disturbance agreements, powers of attorney or contracts and documents associated with the due diligence and investigation of a site) as may be necessary or appropriate in connection with such transactions.

FURTHER RESOLVED, That any of the Authorized Signatories and any attorney holding the title of Counsel and practicing in the U.S. Legal Practice Group, are authorized to execute documents that are ancillary to real estate transactions but which do not convey any interest in real estate (including, but not limited to, memoranda of lease and non-disturbance agreements).

FURTHER RESOLVED, That each Senior Development Director of the Company is authorized to execute, in the name of and on behalf of the Company, miscellaneous contracts and purchase orders associated with the due diligence and investigation of a site pursuant to a real estate transaction entered into by the Company (including, but not limited to, contracts or purchase orders for sales analysis, soil borings or survey work) up to a limit of One Million Four Hundred Thousand Dollars (\$1,400,000) per project.

FURTHER RESOLVED, That each Lead Development Director and each U.S. Field Execution Development Director is authorized to execute, in the name of and on behalf of the Company, miscellaneous contracts and purchase orders associated with the due diligence and investigation of a site pursuant to a real estate transaction entered into by the Company in his or her respective geographic area of responsibility (including, but not limited to, contracts or purchase orders for sales analysis, soil borings or survey work) up to a limit of Six Hundred Thousand Dollars (\$600,000.00) per occurrence not to exceed Eight Hundred Thousand Dollars (\$800,000.00) per project.

FURTHER RESOLVED, That the following persons who hold the positions as set forth below, are each authorized to execute miscellaneous contracts and purchase orders associated with the due diligence and investigation of a site pursuant to a real estate transaction entered into by the Company in his or her respective geographic area of responsibility, up to the limits per such project as set forth below:

U.S. Field Execution Construction Manager up to \$50,000.

FURTHER RESOLVED, That any of the above signatories for real estate matters, any Assistant Secretary and any Assistant Treasurer of the Company and any attorney holding the title of Counsel and practicing in the U.S. Legal Practice Group are authorized to attest to the signatures on any documents that have been executed pursuant to the foregoing resolutions (except that no individual may attest to his or her own signature).

FURTHER RESOLVED, That the following persons who hold the positions as set forth below, in connection with the Company's employee relocation program, are each authorized to execute miscellaneous documents that are ancillary to residential real estate transactions but which do not convey any interest in real estate (including, but not limited to, Company Offer Agreements ("GBOs") and Listing Agreements:

Brian Madine, Director, Global Mobility  
Sherry Moran, US Relocation Manager, Global Business Services  
Tracy Toth, Global Mobility Manager  
Mary Lou Patitucci, US Relocation Manager, Global Business Services

FURTHER RESOLVED, That the resolutions previously adopted by the Board of Directors of this Company on January 31, 2018 relating to the execution of real estate documents and miscellaneous contracts, purchase orders and other documents associated with real estate transactions of the Company are superseded by the above resolutions, and all actions taken by the persons duly authorized therein and in conformity therewith are in all respects confirmed, adopted and ratified as the valid and subsisting acts of this Company, having full force and effect from and after the dates thereof.

After recording  
Return to: SJ9  
Republic Title of Texas, Inc.  
2626 Howell Street, 10<sup>th</sup> Floor  
Dallas, TX 75204

Doc 00053088 Bk DP Vol 1902

PG 343 1846 6

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

GF#1002-167314-RTT-SJ9

## GENERAL WARRANTY DEED

That **Wanda Von Minden**

(hereinafter called "Grantor," whether one or more, masculine, feminine or neuter) for and in consideration of the sum of TEN and no/100 DOLLARS and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, paid by

**O'Reilly Auto Enterprises, LLC, A Delaware limited liability company**

(hereinafter called "Grantee," whether one or more, masculine, feminine or neuter), for which no lien is retained either express or implied, has Granted, Sold and Conveyed, and by these presents does hereby Grant, Sell and Convey, unto the said Grantee all that certain real property described as follows:

**ALL THAT CERTAIN CALLED 2.87 ACRE TRACT OF LAND, MORE OR LESS, SITUATED WITHIN THE CORPORATE LIMITS OF THE CITY OF LA VERNIA, AND BEING COMPRISED OF THE RESIDUE OF TWO TRACTS CONVEYED TO LEON F. VON MINDEN AND WANDA VON MINDEN, THE FIRST BEING A CALLED 1.64 ACRE TRACT SITUATED IN THE JUAN DELGADO GRANT, SURVEY NO. 8, (A-8), WILSON COUNTY, TEXAS, AS CONVEYED IN A DEED OF RECORD IN VOLUME 885, PAGE 831, OFFICIAL PUBLIC RECORDS OF WILSON COUNTY, TEXAS, AND THE SECOND THE SECOND BEING A CALLED 1.27 ACRE TRACT SITUATED IN THE FRANCISCO HERRERA SURVEY NO. 6, ABSTRACT NO. 15, WILSON COUNTY, TEXAS, AS CONVEYED IN A DEED OF RECORD IN VOLUME 544, PAGE 711, DEED RECORDS OF WILSON COUNTY, TEXAS. FURTHER DESCRIBED BELOW BY METES AND BOUNDS ON EXHIBIT A ATTACHED HERETO,**

together with all improvements thereon, if any, and all rights, privileges, tenements, hereditaments, rights of way, easements, appendages and appurtenances, in anyway appertaining thereto, and all right, title and interest of Grantor in and to any streets, ways, alleys, strips or gores of land adjoining the above-described property or any part thereof (hereinafter, the "Property").



This deed is executed and delivered subject to property taxes for the current year and subsequent years, the payment of which Grantee assumes, and those permitted exceptions listed on Exhibit B attached hereto and made a part hereof for all purposes (the "Permitted Exceptions").

TO HAVE AND TO HOLD the above described Property, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Grantee, his, her or its successors, heirs and assigns, as the case may be, forever; and Grantor does hereby bind Grantor and Grantor's successors, heirs, executors and administrators, as the case may be, to Warrant and Forever Defend all and singular the said Property unto the said Grantee and Grantee's successors, heirs and assigns, as the case may be, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof.

For Grantor and Grantor's heirs, successors, and assigns forever, a reservation of an undivided one-half of all oil, gas, and other minerals in or under the Property, any royalty under any existing or future lease covering any part of the Property, production and drilling rights, lease payments, and all related benefits.

Grantor waives and conveys to Grantee the right of ingress and egress to and from the surface of the Property relating to the portion of the mineral estate owned by Grantor.

Executed to be effective the 25 day of March, 2016.

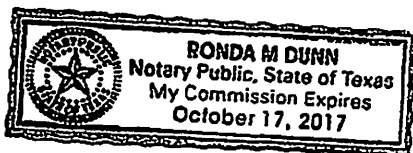
Wanda Von Minden  
Wanda Von Minden

ACKNOWLEDGMENT

STATE OF TEXAS §  
COUNTY OF Wilson §

Before me, the undersigned authority, on this day personally appeared Wanda Von Minden [check one]  known to me or  proved to me through \_\_\_\_\_ (description of identity card) to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that said person executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 25<sup>th</sup> day of March, 2016.



Ronda M. Dunn

PORTIONS OF THIS DOCUMENT MAY NOT BE LEGIBLE/REPRODUCIBLE WHEN RECEIVED FOR RECORDING

O'Reilly Auto Enterprises, LLC,  
a Delaware limited liability company

By: [Signature]  
Printed name: Scott Kraus  
Title: Vice President of Real Estate

ACKNOWLEDGMENT

STATE OF MISSOURI §  
COUNTY OF GREENE §

Before me, the undersigned authority, on this day personally appeared Scott Kraus, [check one]  known to me or  proved to me through \_\_\_\_\_ (description of identity card) to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that said person executed the same for the purposes and consideration therein expressed, in his/her capacity as VP of Real Estate (title) of O'Reilly Auto Enterprises, LLC, A Delaware limited liability company

Given under my hand and seal of office this 25<sup>th</sup> day of March, 2016.



Ellen Mitchell Beeny  
Notary Public, State of

GRANTEE'S ADDRESS:  
O'Reilly Auto Enterprises, LLC,  
A Delaware limited liability company  
233 S. Patterson  
Springfield, MO 65802

PORTIONS OF THIS DOCUMENT MAY  
NOT BE LEGIBLE/REPRODUCIBLE  
WHEN RECEIVED FOR RECORDING

EXHIBIT "A"

ALL THAT CERTAIN CALLED 2.87 ACRE TRACT OF LAND, MORE OR LESS, SITUATED WITHIN THE CORPORATE LIMITS OF THE CITY OF LA VERNIA, AND BEING COMPRISED OF THE RESIDUE OF TWO TRACTS CONVEYED TO LEON F. VON MINDEN AND WANDA VON MINDEN, THE FIRST BEING A CALLED 1.64 ACRE TRACT SITUATED IN THE JUAN DELGADO GRANT, SURVEY NO. 8, (A-8), WILSON COUNTY, TEXAS, AS CONVEYED IN A DEED OF RECORD IN VOLUME 885, PAGE 831, OFFICIAL PUBLIC RECORDS OF WILSON COUNTY, TEXAS, AND THE SECOND THE SECOND BEING A CALLED 1.27 ACRE TRACT SITUATED IN THE FRANCISCO HERRERA SURVEY NO. 6, ABSTRACT NO. 15, WILSON COUNTY, TEXAS, AS CONVEYED IN A DEED OF RECORD IN VOLUME 544, PAGE 711, DEED RECORDS OF WILSON COUNTY, TEXAS.

FURTHER DESCRIBED BELOW BY METES AND BOUNDS DESCRIPTION.

A 2.907 acre, or 126,625 square feet more or less, tract of land comprised of a 1.64 acre tract of land described in Deed to Leon F. and Wanda Von Minden recorded in Volume 885, Page 831 in the Official Public Records of Wilson County, Texas, out of the Juan Delgado Survey No. 8 Abstract No. 8, Wilson County, Texas and a 1.27 acre tract of land described in Deed to Wanda and Leon F. Von Minden recorded in Volume 544, Page 711 of the Official Public Records of Wilson County, Texas, out of the Francisco Herrera Survey No. 6, Abstract No. 15, Wilson County Texas, being in the City La Vernia, Wilson County, Texas. Said 2.907 acre tract being more fully described as follows, with bearings based on the Texas Coordinate System established for the South Central Zone from the North American Datum of 1983 NAD 83 (NA2011) epoch 2010.00;

**BEGINNING:** At a found ½" iron rod at the north corner of said 1.64 acre tract, the northeast corner of said 1.27 acre tract, the northwest corner of Lot 9, Block 1, Silverado Hills Subdivision, Unit 4 recorded in Volume 10, Page 70 of the Plat Records of Wilson County, Texas and on the south right-of-way line of U.S. Hwy 87, a variable width public right-of-way, 120-feet at this point;

**THENCE:** S 02°13'56" W, departing the south right-of-way line of said U.S. Hwy 87, with the east line of said 1.64 acre tract and the west line of said Lot 9, a distance of 199.78 feet to a found ½" iron rod at the south east corner of said 1.64 acre tract, the southwest corner of said Lot 9 and the northernmost corner of Lot 2, Block 1, Silverado Hills Subdivision, Unit 1 recorded in Volume 8, Page 2 of the Plat Records of Wilson County, Texas;

**THENCE:** S 63°00'59" W, with the southeast line of said 1.64 acre tract and the northwest line of said Lot 2, a distance of 391.05 feet to a fence post at the south corner of said 1.64 acre tract, a northwest

corner of Lot 5, Block 1 of said Silverado Hills Subdivision, Unit 1 and a northeast corner of a 4.82 acre tract described in Deed to P.F. Flores, Archbishop of San Antonio, recorded in Volume 905, Page 276 of the Official Public Records of Wilson County, Texas, from which a found ¼" iron rod bears N 63°48'40" E, a distance of 0.21 feet;

THENCE: N 29°53'35" W, with the southeast line of said 1.64 acre tract and a northeast line of said 4.82 acre tract, a distance of 150.08 feet to a found ½" iron rod at the westernmost corner of said 1.64 acre tract, a north corner of said 4.82 acre tract, the southernmost corner of said 1.27 acre tract and the southeast corner of a 0.26 acre tract described in Deed to P.F. Flores, Archbishop of San Antonio, recorded in Volume 923, Page 463 of the Official Public Records of Wilson County;

THENCE: N 03°08'27" E, with the west line of said 1.27 acre tract and the east line of 0.28 acre tract, a distance of 265.08 feet to a found ½" iron rod at the northwest corner of said 1.27 acre tract, the northeast corner of said 0.28 acre tract and on the south right-of-way line of said U.S. Hwy 87;

THENCE: S 87°33'46" E, with the south right-of-way line of said U.S. Hwy 87, a distance of 416.91 feet to the POINT OF BEGINNING, and containing 2.907 acres in the City of La Vernia, Wilson County, Texas. Said tract being described in accordance with a survey made on the ground and a survey description and map prepared under job number 9381-15 by Pape-Dawson Engineers, Inc.

Exhibit "B"

1. All leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges, and immunities relating thereto, appearing in the Public Records whether listed in Schedule B or not. There may be leases, grants, exceptions or reservations of mineral interest that are not listed.
2. Easement dated July 8, 1976, from F-4 Cattle Company, Inc., to Southwestern Bell Telephone Company, recorded in Volume 492, Page 227, Deed Records of Wilson County, Texas, and as shown on survey of David A. Casanova, R.P.L.S. #4251, dated 11/2015, last revised 01/13/2016, as the ("Survey").
3. All leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges, and immunities relating thereto, appearing in the Public Records whether listed in Schedule B or not. There may be leases, grants, exceptions or reservations of mineral interest that are not listed.
4. Easement rights, if any, relative to the guy wires, buried cable sign, utility pole with transformer and electric service pole as shown on the Survey.

Filed for Record in:  
 Wilson County  
 by Honorable Eva Martinez  
 County Clerk  
 On: Apr 01, 2016 at 01:17P  
 As a Recording

Document Number: 00053088  
 Total Fees : 46.00

Receipt Number - 190479  
 By,  
 Gayle Richey,

Any provision herein which restricts the sale, rental, or use of the described realproperty because of color or race is invalid and unenforceable under federal law.

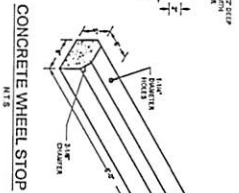
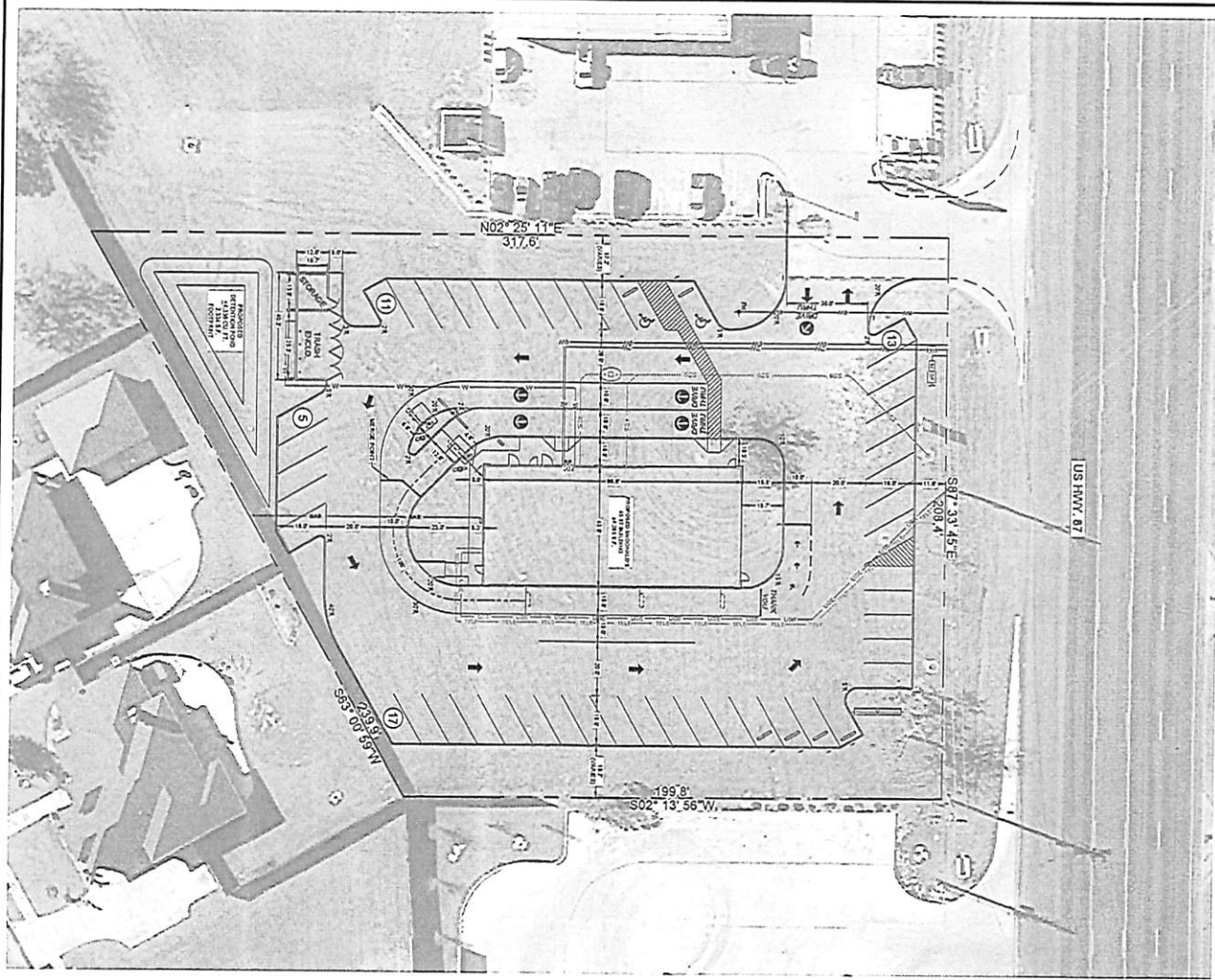
THE STATE OF TEXAS  
 COUNTY OF WILSON

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me and was duly RECORDED in Official Public Records the Volume: 1902 and Page: 343 of the named records of: Wilson County as stamped hereon by me.

Apr 01, 2016



*Eva Martinez*  
 COUNTY CLERK  
 WILSON COUNTY, TEXAS

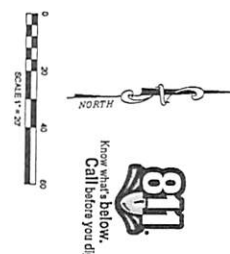


**CONSTRUCTION SCHEDULE**

MARK	MARK DESCRIPTION
1	CONCRETE VERTICAL CURB @ DRIVE WAY
2	GRAVEL DRIVE WAY AND DRIVE THRU AREA
3	PERFORM CONCRETE SIDEWALK
4	ASPHALT DRIVE WAY @ 1 1/2\"/>
5	CONCRETE DRIVE WAY @ 1 1/2\"/>
6	CONCRETE DRIVE WAY @ 1 1/2\"/>
7	CONCRETE DRIVE WAY @ 1 1/2\"/>
8	CONCRETE DRIVE WAY @ 1 1/2\"/>
9	CONCRETE DRIVE WAY @ 1 1/2\"/>
10	CONCRETE DRIVE WAY @ 1 1/2\"/>
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15	CONCRETE DRIVE WAY @ 1 1/2\"/>
16	CONCRETE DRIVE WAY @ 1 1/2\"/>
17	CONCRETE DRIVE WAY @ 1 1/2\"/>
18	CONCRETE DRIVE WAY @ 1 1/2\"/>
19	CONCRETE DRIVE WAY @ 1 1/2\"/>

**NOTICE TO CONTRACTOR**

1. CONTRACTOR SHALL VERIFY TO ARCHITECTURAL AND ENGINEERING PLANS AND EXISTING CONDITIONS AND REGULATORY AND OTHER REQUIREMENTS BEFORE COMMENCING CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION.



**SITE INFORMATION**

NOTICE TO CONTRACTOR

1. CONTRACTOR SHALL VERIFY TO ARCHITECTURAL AND ENGINEERING PLANS AND EXISTING CONDITIONS AND REGULATORY AND OTHER REQUIREMENTS BEFORE COMMENCING CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION.

**STANDARD ACCESSIBILITY REQUIREMENTS**

1. ACCESSIBILITY TO BUILDING ENTRANCE

2. ACCESSIBILITY TO DRIVE THRU

3. ACCESSIBILITY TO DRIVE THRU

4. ACCESSIBILITY TO DRIVE THRU

5. ACCESSIBILITY TO DRIVE THRU

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18. ACCESSIBILITY TO DRIVE THRU

19. ACCESSIBILITY TO DRIVE THRU

<p><b>PLAN APPROVALS</b></p> <p>SIGNATURE (IF REQUIRED) _____ DATE _____</p>		<p>OFFICE: LONG BEACH FIELD OFFICE</p> <p>ADDRESS: MEMS JARROLD ROAD, SUITE 600, IRVINE CA 92612</p> <p>42-3338</p>	
<p>DESIGNED BY: _____</p> <p>CHECKED BY: _____</p> <p>DATE: APRIL 2022</p>		<p>PREPARED FOR: <b>McDonald's USA, LLC</b></p> <p>1 04/12/2022 ISSUE FOR PRELIMINARY LEGAL REVIEW</p> <p>2 _____</p> <p>3 _____</p> <p>4 _____</p>	
<p>CONTRACTOR: _____</p> <p>OWNER: _____</p>		<p>US Hwy 87 LAVENNA, TX</p>	
<p>CONTRACT NO: _____</p> <p>DATE: _____</p>		<p>REV DATE DESCRIPTION BY APPR</p>	

**SKYLINE CIVIL GROUP**

5000 Cal Street, Suite 100, Lubbock, Texas 79401

Phone: (806) 791-1111

*Burger King*

**ORDINANCE NO. 051018-01**

**AN ORDINANCE GRANTING A SPECIFIC USE PERMIT FOR THE PURPOSES OF ALLOWING A DRIVE THRU LANE FOR A SPEC RETAIL OR RESTAURANT TENANT SPACE SPECIFICALLY KNOWN AS 14021 US HWY 87 W, CITY OF LA VERNIA, LOT 9, BLK 1, UNIT 4, SILVERADO HILLS SUBDIVISION ZONED C-1 RETAIL; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of La Vernia is a General Law Type A City under the statutes of the State of Texas; and

**WHEREAS**, the Texas Local Government Code authorizes a municipality to adopt zoning regulations designed to accomplish the goals as delineated in Section 211.004 of the Texas Local Government Code and for the purpose of regulating those issues as delineated in Section 211.003 of the Texas Local Government Code; and

**WHEREAS**, the Planning and Zoning Commission and the City Council of the City of La Vernia, Texas in compliance with the laws of the State of Texas and the Ordinances of the City of La Vernia, have given any and all requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested; and

**WHEREAS**, the Planning and Zoning Commission having investigated the manner in which the proposed location and character of such Specific Use will affect the Zoning Ordinance and the comprehensive plan of the City of La Vernia, Texas, make final report and recommendation to the City Council of the City of La Vernia, Texas, recommending that such application be granted; and

**WHEREAS**, City Council of the City of La Vernia, Texas, finds that the granting and approval of said application for such Specific Use Permit will not adversely affect the character and appropriate use of the area of neighborhood in which it is proposed to be located, will not substantially depreciate the value of adjacent and nearby properties for use in accordance with the regulations of the Zoning District in which they are located; will not be detrimental in keeping with the spirit and intent of said Zoning Ordinance; will not adversely affect traffic, public utilities, public health, public safety and the general welfare under the conditions hereinafter set forth.

**NOW THEREFORE: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA VERNIA, TEXAS:**

**Section 1. Specific Use Permit Granted**

That the Specific Use Permit for a drive thru lane for a spec retail or restaurant specifically known as 14021 US HWY 87 W, City of La Vernia, Lot 9, Block 1, Unit 4, Silverado Hills Subdivision Zoned C-1 Retail be adopted conditioned upon the following: Sound proof fence and visual enhancements.

## **Section 2. Expiration**

The Specific Use Permit granted herein shall automatically expire and become null and void if:

A building permit is not issued and construction has not begun within one hundred eighty (180) days of the granting of the specific use permit; or

## **Section 3. Severability**

If any section, subsection, paragraph, or sentence, clause, phrase, or word in this Ordinance, or application thereof, to any person or circumstance is held invalid such holding shall not affect the validity of the remaining portions of the same and the City Council hereby declares it would have passed such remaining portions despite such invalidity.

## **Section 4. Cumulative**

This ordinance is cumulative of all other laws addressing land use regulations and any prohibitions and sanctions that may be imposed under other laws relating to the subjects covered hereunder.

## **Section 5. Effective Date**

This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

**PASSED AND APPROVED: This the 19th day of July 2018.**

---

Robert Gregory  
Mayor – City of La Vernia

**ATTEST:**

---

Brittani Porter  
City Secretary

**APPROVED AS TO FORM:**

---

City Attorney's Office – City of La Vernia



Date Received 02-22-22  
Permit/Receipt No. \_\_\_\_\_  
Fee Paid \$125.00

City of La Vernia  
Zoning Change Application  
102 E. Chihuahua Street  
P.O. Box 225, La Vernia, TX 78121  
(830) 779-4541 • Metro/Fax (830) 253-1198



Land ownership must be verified with a notarized statement. If the applicant is acting as the agent for the property owner, the property owner must provide a signed and notarized letter authorizing the agent to act on their behalf, and the letter must accompany the application.

Name DON RACKLER  
Mailing Address 6491 F-M 775 LVT 78121  
Telephone \_\_\_\_\_ Fax \_\_\_\_\_ Mobile 210-724-1956 Email RACKLERDON@Comail.com  
Property Address/Location \_\_\_\_\_

Legal Description  
Name of Subdivision See attached metes and bounds

Lot(s) \_\_\_\_\_ Block(s) \_\_\_\_\_ Acreage 17.60  
Existing Use of Property AG

Proposed Use of Property (attach additional or supporting information if necessary) \_\_\_\_\_  
Commercial

Zoning Change Request: Current Zoning AG Proposed Zoning Commercial G-2

If "PDD Planned Development District", check if: Concept Plan \_\_\_\_\_ or Detail Plan \_\_\_\_\_

Reason for request (please explain in detail and attach additional pages if needed)  
WANT TO USE FOR COMMERCIAL DEVELOPMENT

**Attachments:**

- Accurate metes and bounds description of the subject property (or other suitable legal description)
- Survey exhibit and other appropriate exhibits as deemed necessary by the city including, but not limited to, site plans, maps, architectural elevations, and information about proposed uses.
- Notarized statement verifying land ownership and if applicable, authorization of land owner's agent to file the zoning change request.

*A denied application is ineligible for reconsideration for one year.*

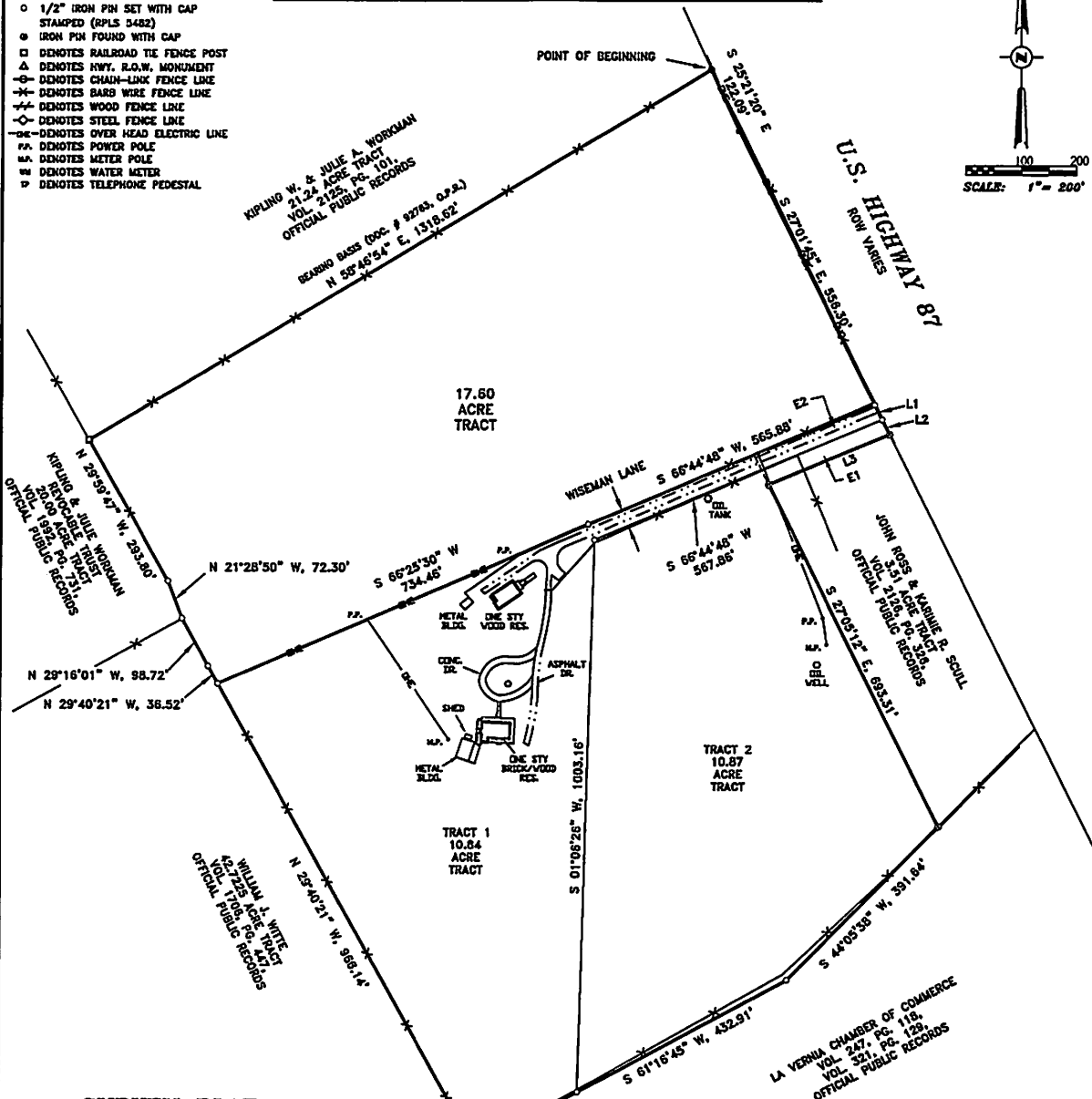
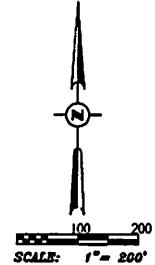
The undersigned hereby requests rezoning of the above described property as indicated:

[Signature] \_\_\_\_\_ Date 2-18-22  
Signature of Owner(s)/Agent Date

Date of Publication <u>04-21-22</u>	For Office Use Only	Date of P&Z Public Hearing <u>05-03-2022</u>
Date of 200 Ft Notices _____		Date of Council Public Hearing <u>05-12-2022</u>
Ordinance No. <u>051222</u>	Approved _____ Denied _____	

# JUAN DELGADO SURVEY, ABSTRACT 8

- PLAT LEGEND**
- 1/2" IRON PIN FOUND
  - 1/2" IRON PIN SET WITH CAP
  - STAMPED (RPLS 5482)
  - IRON PIN FOUND WITH CAP
  - DENOTES RAILROAD TIE FENCE POST
  - △ DENOTES HWY. R.O.W. MONUMENT
  - ⊕ DENOTES CHAIN-LINK FENCE LINE
  - ⊖ DENOTES BARS WIRE FENCE LINE
  - ⊗ DENOTES WOOD FENCE LINE
  - ⊘ DENOTES STEEL FENCE LINE
  - ⊙ DENOTES OVER HEAD ELECTRIC LINE
  - ⊚ DENOTES POWER POLE
  - ⊛ DENOTES METER POLE
  - ⊜ DENOTES WATER METER
  - ⊝ DENOTES TELEPHONE PEDESTAL



## SURVEY PLAT OF

17.60 ACRES IN WILSON COUNTY, TEXAS, OUT OF THE JUAN DELGADO SURVEY, ABSTRACT 8, BEING A PORTION OF THAT CERTAIN 39.32 ACRES DESCRIBED IN CONVEYANCE TO DONALD W. RACKLER, OF RECORD IN DOCUMENT # 92783, OFFICIAL PUBLIC RECORDS OF WILSON COUNTY, TEXAS.

(SEE ACCOMPANYING FIELD NOTE DESCRIPTION)

**NOTES:**

- PROPERTY ADDRESS: 243 WISEMAN LANE (LA VERNIA, TX)
- SURVEYED FOR DONALD W. RACKLER
- TITLE COMMITMENT (PROVIDED) MARCH 10, 2020
- TITLE Co: MURRAY TITLE, O.F. # 2033714
- CHANNEL EASEMENT TO STATE OF TEXAS
- VOL. 291, PG. 324, DEED RECORDS (DOES NOT AFFECT THIS TRACT)
- RIGHT OF WAY TO STATE OF TEXAS
- VOL. 292, PG. 485, DEED RECORDS (PART OF HWY 87)
- RIGHT OF WAY TO STATE HIGHWAY COMMISSION
- VOL. 302, PG. 48, DEED RECORDS (PART OF HWY 87)
- CHANNEL EASEMENT TO STATE HIGHWAY COMMISSION
- VOL. 302, PG. 63, DEED RECORDS (DOES NOT AFFECT THIS TRACT)
- CHANNEL EASEMENT TO STATE HIGHWAY COMMISSION
- VOL. 334, PG. 324, DEED RECORDS (DOES NOT AFFECT THIS TRACT)
- RIGHT OF WAY TO STATE HIGHWAY COMMISSION
- VOL. 334, PG. 331, DEED RECORDS (PART OF HWY 87)
- WATER PERMIT
- VOL. 1, PG. 240, WATER PERMIT RECORDS

- E1 - 30' ACCESS EASEMENT (EXHIBIT "B") (AFFECTS TRACT 1)
- E2 - 30' ACCESS EASEMENT (EXHIBIT "C") (AFFECTS TRACT 2)
- VOL. 2128, PAGE 326, OFFICIAL PUBLIC RECORDS

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 27°01'45" E	30.07'
L2	S 27°01'45" E	30.07'
L3	S 65°44'48" W	237.60'

ROBERT L. LEWIS III & SHAWN MICHELLE LEH  
22.00 ACRE TRACT  
VOL. 1797, PG. 385,  
OFFICIAL PUBLIC RECORDS

LA VERNIA CHAMBER OF COMMERCE  
VOL. 247, PG. 118,  
VOL. 304, PG. 129,  
OFFICIAL PUBLIC RECORDS

### MARTINEZ

SURVEYING & MAPPING CO  
FIRM # 101822-00  
P.O. BOX 17971  
SAN ANTONIO, TX, 78217  
(210) 829-4244

STATE OF TEXAS  
COUNTY OF WILSON

I hereby certify that the above plat is true and correct according to an actual survey made on the ground under my supervision and that there are no visible encroachments or encroachments of buildings on adjoining property, and that all buildings are wholly located on this property except as shown above and that all pins have been located as indicated above on the date on this plat.



This 15th day of NOVEMBER, 20 21 A.D.

*Reynaldo Martinez, Jr.*  
REGISTERED PROFESSIONAL  
LAND SURVEYOR No. 5482

# ELEVATION CERTIFICATE

Important: Follow the instructions on pages 1-9.

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

SECTION A – PROPERTY INFORMATION				FOR INSURANCE COMPANY USE	
A1. Building Owner's Name DONALD W. RACKLER				Policy Number:	
A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 243 WISEMAN LANE				Company NAIC Number:	
City LA VERNIA		State TEXAS		ZIP Code 78121	
A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.). Tract 2 (10.87 acres) OUT OF A 39.32 ACRE TRACT (DOC. # 92763) IN JUAN DELGADO SURVEY, ABSTRACT 8 (ID # 27553)					
A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.) <u>RESIDENTIAL</u>					
A5. Latitude/Longitude: Lat. <u>29.347247</u> Long. <u>-98.108760</u> Horizontal Datum: <input type="checkbox"/> NAD 1927 <input checked="" type="checkbox"/> NAD 1983					
A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.					
A7. Building Diagram Number <u>NA</u>					
A8. For a building with a crawlspace or enclosure(s):					
a) Square footage of crawlspace or enclosure(s) <u>NA</u> sq ft					
b) Number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade <u>NA</u>					
c) Total net area of flood openings in A8.b <u>NA</u> sq in					
d) Engineered flood openings? <input type="checkbox"/> Yes <input type="checkbox"/> No					
A9. For a building with an attached garage:					
a) Square footage of attached garage <u>NA</u> sq ft					
b) Number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade <u>NA</u>					
c) Total net area of flood openings in A9.b <u>NA</u> sq in					
d) Engineered flood openings? <input type="checkbox"/> Yes <input type="checkbox"/> No					
SECTION B – FLOOD INSURANCE RATE MAP (FIRM) INFORMATION					
B1. NFIP Community Name & Community Number CITY OF LA VERNIA			B2. County Name WILSON		B3. State TEXAS
B4. Map/Panel Number 48493C175	B5. Suffix C	B6. FIRM Index Date 11/26/2010	B7. FIRM Panel Effective/ Revised Date 11/26/2010	B8. Flood Zone(s) SEE COMMENTS	B9. Base Flood Elevation(s) (Zone AO, use Base Flood Depth) 477.4' (SEE COMMENTS)
B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in Item B9: <input type="checkbox"/> FIS Profile <input type="checkbox"/> FIRM <input type="checkbox"/> Community Determined <input checked="" type="checkbox"/> Other/Source: <u>SEE NOTES</u>					
B11. Indicate elevation datum used for BFE in Item B9: <input type="checkbox"/> NGVD 1929 <input checked="" type="checkbox"/> NAVD 1988 <input type="checkbox"/> Other/Source: _____					
B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? <input type="checkbox"/> Yes <input type="checkbox"/> No Designation Date: <u>NA</u> <input type="checkbox"/> CBRS <input type="checkbox"/> OPA					

# ELEVATION CERTIFICATE

OMB No. 1660-0008  
Expiration Date: November 30, 2022

<b>IMPORTANT: In these spaces, copy the corresponding information from Section A.</b>			<b>FOR INSURANCE COMPANY USE</b>
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 243 WISEMAN LANE			Policy Number:
City LA VERNIA	State TEXAS	ZIP Code 78121	Company NAIC Number

## SECTION C – BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on:  Construction Drawings\*  Building Under Construction\*  Finished Construction

\*A new Elevation Certificate will be required when construction of the building is complete.

C2. Elevations – Zones A1–A30, AE, AH, A (with BFE), VE, V1–V30, V (with BFE), AR, AR/A, AR/AE, AR/A1–A30, AR/AH, AR/AO. Complete Items C2.a–h below according to the building diagram specified in Item A7. In Puerto Rico only, enter meters.

Benchmark Utilized: AY0517 Vertical Datum: NAVD88

Indicate elevation datum used for the elevations in items a) through h) below.

NGVD 1929  NAVD 1988  Other/Source: \_\_\_\_\_

Datum used for building elevations must be the same as that used for the BFE.

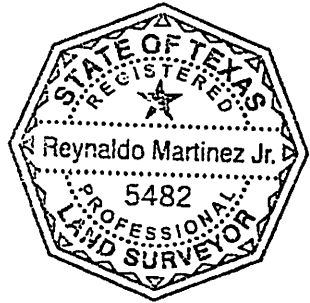
Check the measurement used.

- |   |       |  |                                 |
|---|-------|--|---------------------------------|
| a) Top of bottom floor (including basement, crawlspace, or enclosure floor)   | NA    | <input type="checkbox"/> feet            | <input type="checkbox"/> meters |
| b) Top of the next higher floor   | NA    | <input type="checkbox"/> feet            | <input type="checkbox"/> meters |
| c) Bottom of the lowest horizontal structural member (V Zones only)   | NA    | <input type="checkbox"/> feet            | <input type="checkbox"/> meters |
| d) Attached garage (top of slab)  | NA    | <input type="checkbox"/> feet            | <input type="checkbox"/> meters |
| e) Lowest elevation of machinery or equipment servicing the building<br>(Describe type of equipment and location in Comments) | NA    | <input type="checkbox"/> feet            | <input type="checkbox"/> meters |
| f) Lowest adjacent (finished) grade next to building (LAG)  | 478.0 | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| g) Highest adjacent (finished) grade next to building (HAG)   | 480.9 | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support                                  | NA    | <input type="checkbox"/> feet            | <input type="checkbox"/> meters |

## SECTION D – SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

Were latitude and longitude in Section A provided by a licensed land surveyor?  Yes  No  Check here if attachments.

Certifier's Name REYNALDO MARTINEZ JR	License Number 5482		
Title REGISTERED PROFESSIONAL LAND SURVEYOR			
Company Name MARTINEZ SURVEYING & MAPPING CO			
Address P.O. 17971			
City SAN ANTONIO	State TX ZIP Code 78217		
Signature <i>Reynaldo Martinez Jr</i>	Date 11/16/2021	Telephone 210.829.4244	Ext.

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

Comments (including type of equipment and location, per C2(e), if applicable)

PROPERTY IS LOCATED IN ZONE X (UNSHADED) - AREAS OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN AND ZONE D – AREA IN WHICH FLOOD HAZARDS ARE UNDETERMINED, BUT POSSIBLE

ELEVATIONS SHOWN C2f & C2g were derived from location shown on attachment marked site

**MARTINEZ**  
**SURVEYING & MAPPING CO.**  
**Firm # 101822-00**  
**P.O. BOX 17971**  
**San Antonio, Texas 78217**  
**(210) 829-4244**

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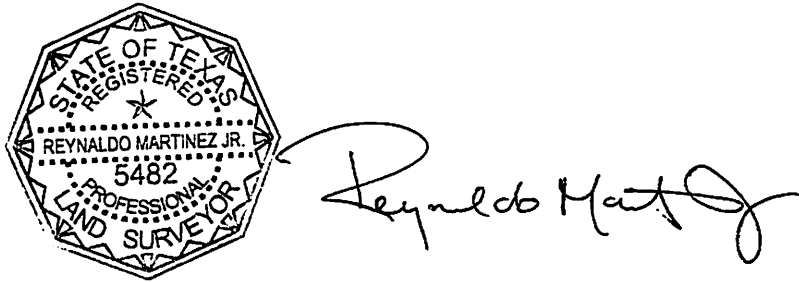
STATE OF TEXAS  
COUNTY OF WILSON

17.60 ACRE TRACT

All that certain tract or parcel of land containing 17.60 acres in Wilson County, Texas, out of the Juan Delgado Survey, Abstract 8, being a portion of that certain tract called 39.32 acres described in conveyance Donald W. Rackler, of record in Document 92763, Official Public Records of Wilson County, Texas.

- BEGINNING:** at a ½" iron pin found on the Southwest line of U. S. Highway 87 at the East corner of Kipling W. & Julie A. Workman, 21.24 acre tract, of record in Volume 2125, Page 101, Official Public Records of Wilson County, Texas, and same being the North corner of said 39.32 acre tract, for the North corner of this tract;
- THENCE:** along with the Southwest line of U. S. Highway 87, the following courses and distances:  
South 25 deg. 21 min. 20 sec. East, 122.09 feet to a ½" iron pin found and  
South 27 deg. 01 min. 45 sec. East, 556.30 feet to a ½" iron pin set with cap at the North corner of Tract 1, 10.84 acre tract, surveyed this same day, for the East corner of this tract;
- THENCE:** South 66 deg. 44 min. 48 sec. West, 565.88 to a ½" iron pin set with cap and  
South 66 deg. 25 min. 30 sec. West, 734.46 feet across said 39.32 acre tract to a ½" iron pin set with cap on the Northeast line of William J. Witte, 42.7225 acre tract, of record in Volume 1706, Page 447, Official Public Records of Wilson County, Texas, at the West corner of Tract 1, 10.84 acre tract, for the South corner of this tract;
- THENCE:** along with the common line between said 39.32 acre tract and said Witte, 42.7225 acre tract and also the Kipling & Julie Workman Revocable Trust, 20.00 acre tract, of record in Volume 1992, Page 731, Official Public Records of Wilson County, Texas, the following courses and distances:  
North 29 deg. 40 min. 21 sec. West, 36.52 feet to a ½" iron pin set with cap  
North 29 deg. 16 min. 01 sec. West, 98.72 feet to a ½" iron pin set with cap;  
North 21 deg. 28 min. 50 sec. West, 72.30 feet to a ½" iron pin set with cap;  
North 29 deg. 59 min. 47 sec. West, 293.80 feet to a railroad tie fence post found at the South corner of said Workman, 21.24 acre tract, for the West corner of this tract;
- THENCE:** North 58 deg. 46 min. 54 sec. East, 1318.62 feet along with the Southeast line of said Workman, 21.24 acre tract to the POINT OF BEGINNING.

Bearing Basis – North 58 deg. 46 min. 54 sec. East, 1318.62 feet – from the Northwest line of said 39.32 acre tract, of record in Document # 92763, Official Public Records of Wilson County, Texas.



REYNALDO MARTINEZ JR.  
REGISTERED PROFESSIONAL  
LAND SURVEYOR No. 5482  
W. O. # 21-11-12  
November 15, 2021  
(SEE ATTACHED SURVEY PLAT)