



City of La Vernia
102 E. Chihuahua St.
La Vernia, Texas 78121
Joint City Council & Planning and Zoning Meeting

IN PERSON & VIDEO CONFERENCE

November 18, 2021
5:45 PM

Please join using this link:

<https://v.ringcentral.com/join/122690715>

Meeting ID: 122690715

Or dial:

+1 (650) 4191505 United States (San Mateo, CA)
Access Code/ Meeting ID: 122690715

A recording of the conference will be made and will be available to the public in accordance with the Open Meetings Act.

AGENDA

1. Call to Order

2. 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)

3. Public Hearing

- A. Public hearing to receive public comments regarding the re-zone of the four (4) properties listed below from present classification to C-2 General Commercial - all properties below are contiguous and requested by the same property owner:
 - a. .507 acres more or less, out of the Francisco Herrera Survey No.6, Abstract No. 15, City of La Vernia, La Vernia, Texas 78121;
 - b. 1.51 acres more or less, out of the Francisco Herrera Survey No. 6, Abstract No. 15, 14138 US Hwy 87 W, Lot 102A, City of La Vernia, La Vernia, Texas 78121;
 - c. 1.26 acres more or less, out of the Francisco Herrera Survey No. 6, Abstract No. 15, 14114 US Hwy 87 W, Lot 102B, City of La Vernia, La Vernia, Texas 78121;
 - d. .66 acres more or less, out of the Francisco Herrera Survey No. 6, Abstract No. 15, 14086 US Hwy 87 W, Lot 103, City of La Vernia, La Vernia, Texas 78121
- B. Public hearing to receive public comments regarding the re-zone of 15010 US Hwy 87 W, City of La Vernia, Lot 101B, 48.563 acres more or less from present classification C-2 General Commercial, to C-1 Commercial Retail.

- C. Public hearing to receive public comments regarding the re-zone of 100 Micah Pt. Rd., Lot 2L, Sec 2, 0.276 acres, from present classification R-2 General Residence to C-1 Commercial Retail.
- D. Discuss and consider action on updating Section 38-406 (d) temporary classroom of the La Vernia Code of Ordinances.

4. Adjourn (City Council Only)

5. Discussion/Action

- A. Discuss and consider recommendation to City Council on the rezone of :
 - a. .507 acres more or less, out of the Francisco Herrera Survey No.6, Abstract No. 15, City of La Vernia, La Vernia, Texas 78121; (RA)
 - b. 1.51 acres more or less, out of the Francisco Herrera Survey No. 6, Abstract No. 15, 14138 US Hwy 87 W, Lot 102A, City of La Vernia, La Vernia, Texas 78121; (C-1)
 - c. 1.26 acres more or less, out of the Francisco Herrera Survey No. 6, Abstract No. 15, 14114 US Hwy 87 W, Lot 102B, City of La Vernia, La Vernia, Texas 78121; (C-1)
 - d. .66 acres more or less, out of the Francisco Herrera Survey No. 6, Abstract No. 15, 14086 US Hwy 87 W, Lot 103, City of La Vernia, La Vernia, Texas 78121 (C-1)
- B. Discuss and consider recommendation to City on the rezone of 15010 US Hwy 87

6. Items Specific to Future Line Items on the Agenda

7. Adjourn

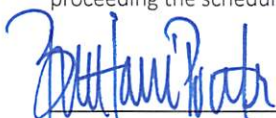
DECORUM REQUIRED

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 City Council 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 §551.087 (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 City Council 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.

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the governing body of the above named La Vernia City Council 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 **November 15, 2021 at 4:30 P.M.** and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.



Brittani Porter, City Secretary

Date Received 9-16-21
Permit/Receipt No. _____
Fee Paid \$100.00 c/c
10-1-21

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
codeenforcement@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 Texan Store Properties
Mailing Address PO Box 338 Yorktown TX 78164
Telephone 3619649504 Fax 3615649492 Mobile 3619352241 Email melissa.schutz@theTexanStores.com

Property Address/Location Upchurch Carveout

Legal Description
Name of Subdivision Meets & Bounds Attached

Lot(s) _____ Block(s) _____ Acreage .507

Existing Use of Property Farming

Proposed Use of Property (attach additional or supporting information if necessary)
Convenience Store + Fuel

Zoning Change Request: Current Zoning C-1 Proposed Zoning C-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)
Current zoning does not allow for fuel

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]
Signature of Owner(s)/Agent

9/16/21
Date

For Office Use Only	
Date of Publication <u>9-23-21</u>	Date of P&Z Public Hearing <u>10-12-21</u>
Date of 200 Ft Notices <u>9-17-21</u>	Date of Council Public Hearing <u>10-14-21</u>
Ordinance No. <u>101421-03</u>	Approved _____ Denied _____

Exhibit A

0.507 acre tract of land situated in the City of La Vernia, Wilson County, Texas out of the Francisco Herrera Survey No. 6, Abstract No. 15, Wilson County, Texas and being a portion of Tract I, a called 17.00 acre tract of land described by Partition Deed dated June 28, 2016 conveyed from Mary F. Hughes and Shirley J. Upchurch to Mary F. Hughes as recorded in Volume 1918, Page 17 of the Official Public Records, Wilson County, Texas, said 0.507 acre tract being particularly described by metes and bounds as follows:

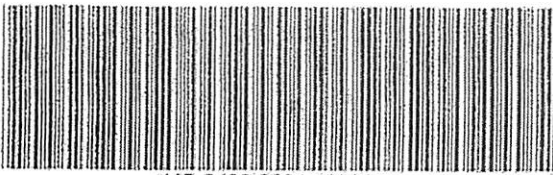
BEGINNING at an iron fence corner post marking an interior corner of the aforesaid 17.00 acre tract and being the northwest corner of a called 1.51 acre tract of land described by Instrument to Texan Store Properties, LLC as recorded in Volume 1981, Page 521 of the Official Public Records, Wilson County, Texas for the southwesterly corner of the herein described tract, from which an iron fence corner post along the north line of U.S. Highway No. 87 West (a Variable Width Right-of-Way) marking an exterior corner of said 17.00 acre tract and being the southwest corner of the aforesaid 1.51 acre tract bears North 01°29'41" East (North 01°37'47" East), a distance of 206.99 (207.03) feet;

THENCE, over, into, and across said 17.00 acre tract, the following four (4) courses and distances:

- **North 52°47'48" East, a distance of 118.88 feet to a set 5/8" steel rebar with yellow plastic cap stamped "URBAN SURVEYING, INC." marking an angle point of the herein described tract;**
- **North 59°36'58" East, a distance of 166.76 feet to a set 5/8" steel rebar with yellow plastic cap stamped "URBAN SURVEYING, INC." marking an angle point of the herein described tract;**
- **South 89°06'31" East, a distance of 198.07 feet to a set 5/8" steel rebar with yellow plastic cap stamped "URBAN SURVEYING, INC." marking an angle point of the herein described tract;**
- **South 74°28'30" East, a distance of 81.08 feet to a set 5/8" steel rebar with yellow plastic cap stamped "URBAN SURVEYING, INC." marking an exterior corner of said 17.00 acre tract, being along the west line of a called 2.00 acre tract of land described by Instrument to Sylvia G. Vega as recorded in Volume 1216, Page 723 of the Official Public Records, Wilson County, Texas, and being the northeast corner of that certain tract of land to the City of La Vernia for the east most corner of the herein described tract;**

THENCE, North 88°36'35" West (North 88°48'31" West), along a common line between said 17.00 acre tract and the aforesaid City of La Vernia Tract, a distance of 78.45 (77.57) feet to a iron fence corner post marking an angle point of said 17.00 acre tract and being along the north line of said City of La Vernia Tract, for an angle point along the south line of the herein described tract;

THENCE, South 73°00'16" West (South 73°01'01" West), along the southeasterly line of said 17.00 acre tract, with the northwesterly line of a called 1.265 acre tract of land described by Instrument to Brian Dlugosch as recorded in Instrument No. 2021-105550 of the Official Public Records, Wilson County, Texas, at a distance of 239.15 feet passing a found 1/2" pipe marking the northwest corner of the aforesaid 1.265 acre tract and being the northeast corner of the aforementioned 1.51 acre tract, continuing for a total distance of 456.21 (455.90) feet to the **POINT OF BEGINNING.**



VG-2432-2021-108265

Wilson County
Eva S. Martinez
Wilson County Clerk

Instrument Number: 108265

Real Property Recordings

Recorded On: June 18, 2021 01:51 PM

Number of Pages: 4

" Examined and Charged as Follows: "

Total Recording: \$34.00

***** 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: 108265
Receipt Number: 20210618000013
Recorded Date/Time: June 18, 2021 01:51 PM
User: Loretta R
Station: cclerk03

Record and Return To:

BRIAN KIMBROUGH & DENISE DLUGOSCH
2414 S. HACKBERRY

SAN ANTONIO TX 78210

F.WCA



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



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

WARRANTY DEED

**THE STATE OF TEXAS
COUNTY OF WILSON**

KNOW ALL MEN BY THESE PRESENTS:

That **MICHAEL E. UPCHURCH and SHERLEY J. UPCHURCH**, hereinafter called Grantor, whether one or more, of the State of Texas, for and in consideration of the sum of **TEN AND NO/100 DOLLARS (\$10.00)** and other valuable consideration to the undersigned paid by the Grantee herein named, the receipt of which is hereby acknowledged, has **GRANTED, SOLD AND CONVEYED**, and by these presents does **GRANT, SELL AND CONVEY** unto **BRIAN DLUGOSCH and DENISE DLUGOSCH**, hereinabove and hereinafter called Grantee, whether one or more, of **507 E. Main Street, Yorktown, Texas 78164**, all of the following described real property, to-wit:

Being a 0.507 acre tract of land situated in the City of La Vernia, Wilson County, Texas, out of the Francisco Herrera Survey No. 6, Abstract No. 15, Wilson County, Texas, as more particularly described by metes and bounds in Exhibit "A" attached hereto and incorporated herein.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said Grantee, Grantee's heirs, assigns, and/or successors forever; and Grantor does hereby bind Grantor, Grantor's heirs, executors, administrators, successors, and/or assigns to **WARRANT AND FOREVER DEFEND** all and singular the said premises unto the said Grantee, Grantee's heirs, assigns, and/or successors against every person whomsoever lawfully claiming or to claim the same or any part thereof.

No easement or right of access to the subject property across Grantor's remaining property is conveyed herein or to be implied or attributed. Rather, Grantee shall only have access to the subject property from and across Grantee's adjacent property.

This conveyance is made and accepted subject to any and all conditions, easements, restrictions, and reservations, if any, still in effect and appearing of record relating to the above described property.

Pursuant to Texas Property Code Section 5.010 the following Notice is given:

NOTICE REGARDING POSSIBLE LIABILITY FOR ADDITIONAL TAXES.

If for the current ad valorem tax year the taxable value of the land that is the subject of this transaction is determined by a special appraisal method that allows for the appraisal of the land at less than its market value, the person to whom the land is transferred may not be allowed to qualify the land for that special appraisal in a subsequent tax year and land may then be appraised at its full market value. Additionally, the transfer of the land or a subsequent change in the use of the land may result in additional taxes plus interest as a penalty for the transfer or the change in use of the land. The taxable value of the land and the applicable method of appraisal for the current tax year is public information and may be obtained from the tax appraisal district established for the county in which the land is located.

EXECUTED on June 17, 2021.

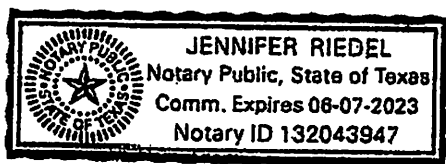

MICHAEL E. UPCHURCH


SHERLEY J. UPCHURCH

STATE OF TEXAS

COUNTY OF WILSON

This instrument was acknowledged before me by MICHAEL E. UPCHURCH and SHERLEY J. UPCHURCH on June 17, 2021.




Notary Public, State of Texas

RETURN TO:
BRIAN DLUGOSCH and DENISE DLUGOSCH
507 E. Main Street
Yorktown, Texas 78164

Date Received 9-16-21
Permit/Receipt No. _____
Fee Paid \$100.00 c/c
10-1-21

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
codeenforcement@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 Texan Store Properties
Mailing Address PO Box 338 Yorktown, TX 78164
Telephone 361-564-9504 Fax 361-564-9492 Mobile 361-935-2241 Email Melissa.schultz@thetexanstores.com
Property Address/Location 14138 HWY 87 La Vernia, TX 78121

Legal Description
Name of Subdivision meets & bounds Attached
Lot(s) _____ Block(s) _____ Acreage 1.51
Existing Use of Property Residential - unoccupied

Proposed Use of Property (attach additional or supporting information if necessary) _____
Convenience Store + Fuel

Zoning Change Request: Current Zoning C-1 Proposed Zoning C-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) _____
Current zoning does not allow for fuel

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]
Signature of Owner(s)/Agent

9/16/21
Date

For Office Use Only	
Date of Publication <u>9-23-21</u>	Date of P&Z Public Hearing <u>10-12-21</u>
Date of 200 Ft Notices <u>9-17-21</u>	Date of Council Public Hearing <u>10-14-21</u>
Ordinance No. <u>101421-01</u>	Approved _____ Denied _____



LEGEND

- RR - STEEL ROD FOUND
- 1/2" REBAR SET
- Q - CORNER POST
- DDMM'SS DIST. - FIELD
- DDMM'SS DIST. - RECORD
- - - BARBED WIRE FENCE
- ⊙ POWER/UTILITY POLE
- ⊙ WATER WELL/WATER METER (AS NOTED)
- ⊙ SEPTIC TANK
- CHAIN LINK FENCE
- WOOD PRIVACY FENCE

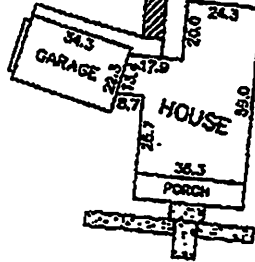
SCALE: 1" = 60'

F. HERRERA SURVEY NO. 6,
 ABSTRACT NO. 15
 CITY OF LA VERNIA

HERBERT BRAZEAL & YOSHIKO BRAZEAL
 VOL. 859, PG. 83
 (RECORD BEARING)

KEITH JOHANSON, III
 ROBERT C. ALLEN, III
 VOL. 1046, PG. 343

1.51 ACRES



CENTER OF DRIVE

(204.22')
 207.24'
 (N02°40'00"E)
 N02°37'18"E

(N73°59'40"E)
 N73°59'40"E
 (216.78')
 216.82'

1/2" PIPE
 (S24°56'07"E)
 S24°52'57"E

(188.18')
 187.82'
 1/2" PIPE
 130.33'
 (130.00')
 (S02°35'59"W)
 S02°53'15"W
 1/2" PIPE

1/2" PIPE
 FND MON.
 N85°29'41"W
 29.33'
 N86°58'04"W
 (N86°15'00"W)

253.75'
 (282.98')

U.S. HWY. NO. 87
 (R.O.W. WIDTH IS NOT TO SCALE)

SURVEY PLAT OF 1.51 ACRES OF LAND IN THE CITY OF LA VERNIA, OUT OF THE F. HERRERA SURVEY NO. 6, ABSTRACT NO. 15, WILSON COUNTY, TEXAS AND BEING THE SAME LAND DESCRIBED IN A CONVEYANCE TO LYNN E. NORMAN AND MARILYN NORMAN IN A DEED OF RECORD IN VOLUME 887, PAGE 562 OF THE

**STATE OF TEXAS
COUNTY OF WILSON**

FIELD NOTES FOR 1.51 ACRES OF LAND

BEING 1.51 acres of land in the City of La Vernia out of the F. Herrera Survey No. 6, Abstract No. 15, Wilson County, Texas and being the same land described in a conveyance to Lynn E. Norman and Marilyn Norman in a deed of record in Volume 887, Page 562 of the Official Public Records of Wilson County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a found 1/2" pipe in the north right-of-way of U. S. Highway No. 87 for the southeast corner of the Herbert Brazeal and Yoshiko Brazeal land as described in Volume 859, Page 83 of the Official Public Records of Wilson County, Texas and the southwest corner of this tract;

THENCE North 02° 37' 18" East, a distance of 207.24 feet to a found 1/2" pipe for an interior corner of said Brazeal land and the northwest corner of this tract;

THENCE North 73° 59' 40" East, with the common line of said Brazeal land, a distance of 216.82 feet to a found 1/2" pipe for the northwest corner of the Keith Johanson and Robert C. Allen, III land as described in Volume 1046, Page 343 of the Official Public Records of Wilson County, Texas and the northeast corner of this tract;


THENCE South 24° 52' 52" East, with the common line of said Johanson land, a distance of 167.92 feet to a found 1/2" pipe for a common corner;

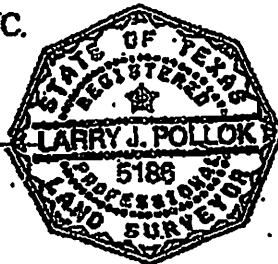
THENCE South 02° 35' 59" West, with the common line of said Johanson land, a distance of 130.33 feet to a found 1/2" pipe in the aforementioned north right-of-way of U. S. Highway No. 87 for the southwest corner of said Johanson land and the southeast corner of this tract;

THENCE North 86° 58' 04" West, with said right-of-way, a distance of 253.75 feet to a found concrete right-of-way monument for an angle point;

THENCE North 85° 29' 41" West, with said right-of-way, a distance of 29.33 feet to the **POINT OF BEGINNING** and containing 1.51 acres of land.

POLLOK & SONS SURVEYING, INC.


Larry J. Pollok, R.P.L.S.# 5186
September 25, 2002



Special Warranty Deed

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.

Date: January 24, 2017

Grantor:

ROGER M. MOCZYGEMBA, Trustee of the ROGER MOCZYGEMBA REVOCABLE LIVING TRUST, such Trust having been established under that certain Trust Agreement dated August 6, 2009

Grantor's Mailing Address:

140 E. 2200 N. #702
North Logan, Cache County, Utah 84341

Grantee:

BRIAN DLUGOSCH, a married man

Grantee's Mailing Address:

1238 FM 237
Yorktown, DeWitt County, Texas 78164

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 1.51 acres of land, more or less, in City of La Vernia, and out of the Francisco Herrera Survey No.6, Abstract No. 15, Wilson, County, Texas, and being the land described in a conveyance to Robert Sontag and Brenda Sontag in a deed of record in Volume 1127, Page 304, Official Public Records of Wilson County, Texas; said 1.51 acres of land, more or less, being more particularly described in Exhibit A attached hereto and made a part hereof

Reservations from Conveyance: NONE

Exceptions to Conveyance and Warranty:

See Exhibit B attached hereto and incorporated herein by reference.

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 when the claim is by, through, or under Grantor but not otherwise, 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.

GRANTEE IS TAKING THE PROPERTY IN AN ARMS LENGTH AGREEMENT BETWEEN THE PARTIES. THE CONSIDERATION WAS BARGAINED ON THE BASIS OF AN "AS IS", "WHERE IS", WITH ANY AND ALL LATENT AND PATENT DEFECTS AND THAT THERE IS NO WARRANTY BY GRANTOR THAT THE PROPERTY HAS A PARTICULAR FINANCIAL VALUE OR IS FIT FOR A PARTICULAR PURPOSE. GRANTEE ACKNOWLEDGES AND STIPULATES THAT GRANTEE IS NOT RELYING ON ANY REPRESENTATION, STATEMENT, OR OTHER ASSERTION WITH RESPECT TO THE PROPERTY CONDITION BUT IS RELYING ON GRANTEE'S EXAMINATION OF THE PROPERTY. GRANTEE TAKES THE PROPERTY WITH THE EXPRESS UNDERSTANDING AND STIPULATION THAT THERE ARE NO EXPRESS OR IMPLIED WARRANTIES. THIS PROVISION SHALL SURVIVE CLOSING AND SHALL BE INCORPORATED INTO THE DEED.

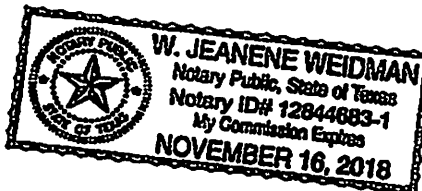
GRANTOR:

RM Trustee
Roger M. Moczygemba, Trustee of the
Roger Moczygemba Revocable Living Trust

STATE OF Texas §
Bexar §
COUNTY OF Bexar §

This instrument was ACKNOWLEDGED before me on the 24th day of January, 2017, by Roger M. Moczygemba, Trustee of the Roger Moczygemba Revocable Living Trust.

W. Jeanene Weidman
Notary Public, State of Texas



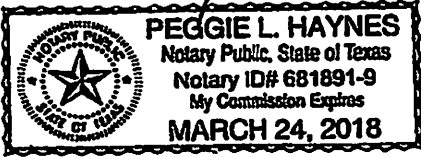
GRANTEE:

Brian Dlugosch
Brian Dlugosch

STATE OF Texas §

COUNTY OF Wilson §

This instrument was ACKNOWLEDGED before me on the 25 day of January, 2017, by Brian Dlugosch.



Peggie L. Haynes
Notary Public, State of Texas

AFTER RECORDING RETURN TO:

BRIAN DLUGOSCH
1238 FM 237
Yorktown, Texas 78164

Date Received 9-16-21
Permit/Receipt No. _____
Fee Paid \$100.00 c/c
10-1-21

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
codeenforcement@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 The Texan Store Properties
Mailing Address PO Box 338 Yorktown TX 78164
Telephone 3615649504 Fax 3615649492 Mobile 3619552241 Email melissa.schutz@thetexanstores.com

Property Address/Location City of La Vernia Water Tower
Legal Description _____
Name of Subdivision Meets & Bounds Attached

Lot(s) _____ Block(s) _____ Acreage .66

Existing Use of Property City-Water Tower - 14086 HWY 87 La Vernia TX 78121

Proposed Use of Property (attach additional or supporting information if necessary) _____
Convenience Store + Fuel

Zoning Change Request: Current Zoning C-1 Proposed Zoning C-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) _____
Current zoning does not allow for fuel

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]
Signature of Owner(s)/Agent

9/16/21
Date

For Office Use Only	
Date of Publication <u>9-23-21</u>	Date of P&Z Public Hearing <u>10-12-21</u>
Date of 200 Ft Notices <u>9-17-21</u>	Date of Council Public Hearing <u>10-14-21</u>
Ordinance No. <u>101421-04</u>	Approved _____ Denied _____

La Vernia Well

14086 US GWY 87

PID: 27270

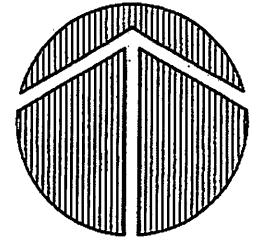
Well Id: 39611 - Logs



Data Source:	TWDB Groundwater Database
API Number:	
County:	WILSON
Well Depth (ft):	525
Total Depth (ft):	525
Drill Date:	03/05/1967
Kelly Bushing Height (ft):	0
Well Owner:	City of La Vernia
Type of Well:	Withdrawal of Water
Well Number:	well 2
Track Number:	
State Well Number:	<u>6848103</u>
Water Source Code:	G2470004B
Q Number:	
Latitude (DD):	29.355277
Longitude (DD):	-98.114722

SURVEYOR'S NOTE: BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM GRID—SOUTH CENTRAL ZONE (NAD 83).

SURVEYOR'S NOTES:
 1. A METES AND BOUNDS DESCRIPTION WAS PREPARED THIS SAME DATE AS PART OF THIS SURVEY.



SURVEYOR'S NOTE:
 THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT.

F. HERRERA GRANT

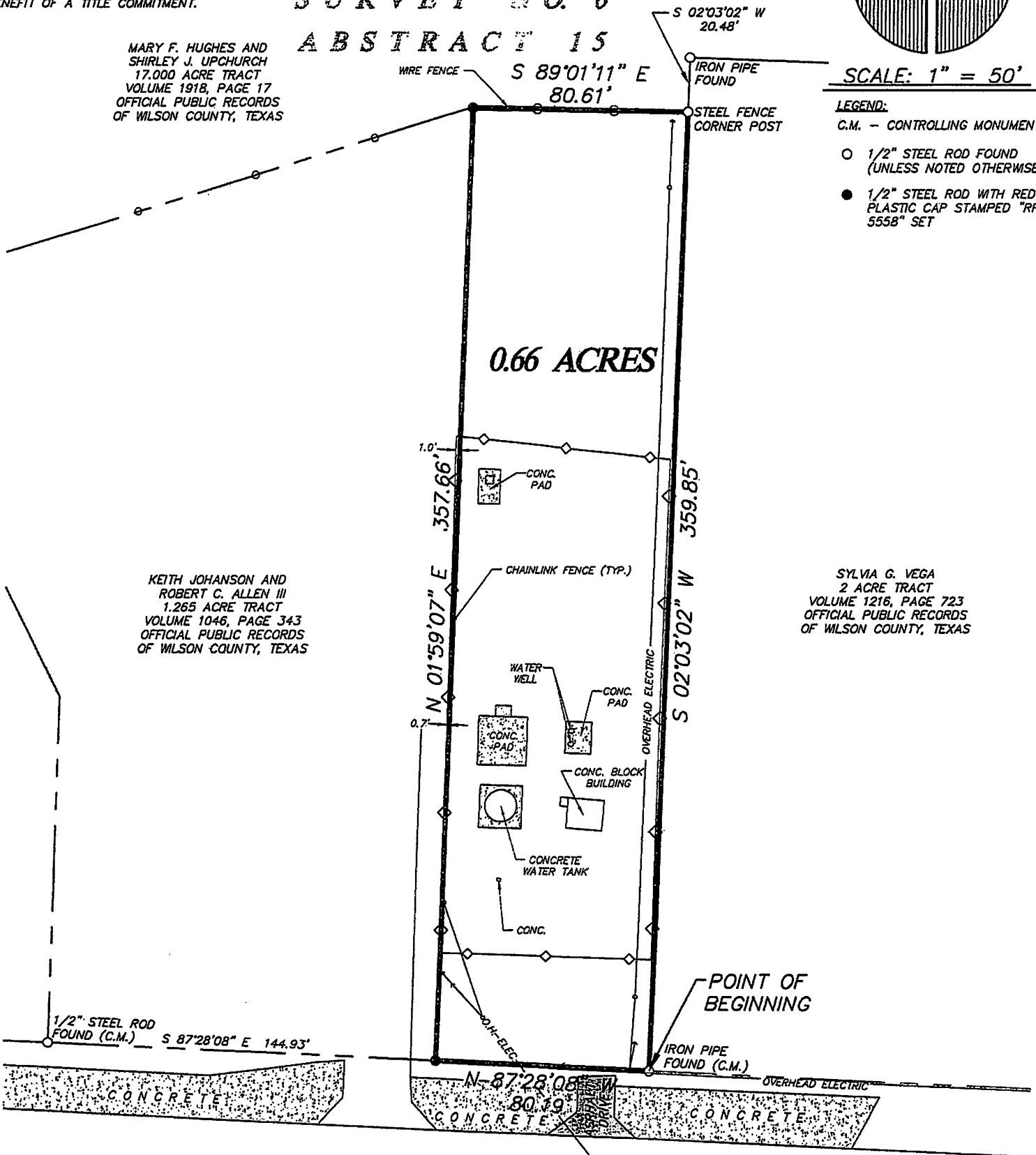
**SURVEY NO. 6
 ABSTRACT 15**

MARY F. HUGHES AND
 SHIRLEY J. UPCHURCH
 17.000 ACRE TRACT
 VOLUME 1918, PAGE 17
 OFFICIAL PUBLIC RECORDS
 OF WILSON COUNTY, TEXAS

SCALE: 1" = 50'

LEGEND:

- C.M. - CONTROLLING MONUMENT
- 1/2" STEEL ROD FOUND (UNLESS NOTED OTHERWISE)
- 1/2" STEEL ROD WITH RED PLASTIC CAP STAMPED "RPLS 5558" SET



KEITH JOHANSON AND
 ROBERT C. ALLEN III
 1.265 ACRE TRACT
 VOLUME 1046, PAGE 343
 OFFICIAL PUBLIC RECORDS
 OF WILSON COUNTY, TEXAS

SYLVIA G. VEGA
 2 ACRE TRACT
 VOLUME 1216, PAGE 723
 OFFICIAL PUBLIC RECORDS
 OF WILSON COUNTY, TEXAS

U. S. HIGHWAY NO. 87

METES AND BOUNDS DESCRIPTION OF A 0.66 ACRE TRACT

Being a 0.66 acre tract situated in the F. Herrera Grant, Survey No. 6, Abstract 15, City of La Vernia, Wilson County, Texas; said 0.66 acre tract surveyed by Jeffrey B. Berger, R.P.L.S. No. 5558 and being more particularly described as follows:

BEGINNING at an iron pipe found (controlling monument) on the north line of U. S. Highway No. 87 at the southwest corner of a 2 acre tract as described in a conveyance to Sylvia G. Vega recorded in Volume 1216, Page 713, Official Public Records of Wilson County, Texas, for the southeast corner of herein described tract;

THENCE North 87° 28' 08" West 80.19 feet with said north line of U. S. Highway No. 87 to a 1/2" steel rod with a red plastic cap stamped "RPLS 5558" set at the southeast corner of a 1.265 acre tract as described in a conveyance to Keith Johanson and Robert C. Allen recorded in Volume 1046, Page 343, Official Public Records of Wilson County, Texas, for the southwest corner of the herein described tract; said point being located South 87° 28' 08" East 144.93 feet from a 1/2" steel rod found (controlling monument) at the southwest corner of said 1.265 acre tract;

THENCE North 01° 59' 07" East 357.66 feet with the east line of said 1.265 acre tract to a 1/2" steel rod with a red plastic cap stamped "RPLS 5558" set at an angle point of a 17.000 acre tract as described in a conveyance to Mary F. Hughes and Shirley J. Upchurch recorded in Volume 1918, Page 17, Official Public Records of Wilson County, Texas at the northeast corner of said 1.265 acre tract, for the northwest corner of the herein described tract;

THENCE South 89° 01' 11" East 80.61 feet generally along a wire fence with the south line of said 17.000 acre tract to a steel fence corner post found on the west line of said 2 acre tract at a southeast corner of said 17.000 acre tract, for the northeast corner of the herein described tract; said point being located South 02° 03' 02" West 20.48 feet from an iron pipe found at the northwest corner of said 2 acre tract and an interior corner of said 17.000 acre tract;

THENCE South 02° 03' 02" West 359.85 feet with said west line of a 2 acre tract to the POINT OF BEGINNING and containing 0.66 acres.

Surveyor's Notes:

1. Bearings are based on the Texas State Plane Coordinate System Grid – South Central Zone (NAD 83).
2. A survey plat was prepared this same date as a part of this survey.

STATE OF TEXAS §

July 14, 2021

COUNTY OF WILSON §

It is hereby stated that the above description was prepared from an actual survey on the ground of the 0.66 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
 TBPLS FIRM NO. 10171400

Date Received 9-16-21
Permit/Receipt No. _____
Fee Paid \$100.00 c/c
10-1-21

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
codeenforcement@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 Texan Store Properties
Mailing Address P.O. Box 338 Yorktown, Tx. 78164
Telephone 361-564-9504 Fax 361-564-9495 Mobile 361-935-2241 Email melissa.schultz@thetexanstores.com
Property Address/Location 14114 HWY 87 La Vernia, TX 78121

Legal Description
Name of Subdivision Meets & Bounds Attached

Lot(s) _____ Block(s) _____ Acreage 1.265

Existing Use of Property Commercial - Insurance Agency

Proposed Use of Property (attach additional or supporting information if necessary) _____
Convenience Store + Fuel

Zoning Change Request: Current Zoning C-1 Proposed Zoning C-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) _____
Current zoning does not allow for fuel

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:

Brian D...
Signature of Owner(s)/Agent

9/16/21
Date

For Office Use Only	
Date of Publication <u>9-23-21</u>	Date of P&Z Public Hearing <u>10-12-21</u>
Date of 200 Ft Notices <u>9-17-21</u>	Date of Council Public Hearing <u>10-14-21</u>
Ordinance No. <u>101421-02</u>	Approved _____ Denied _____

Exhibit A

1.265 acre tract of land situated in Wilson County, Texas out of the F. Herrera Grant, Survey No. 6 (A-15), and being part of that 95.12 acre tract conveyed to the F 4 Cattle Company by deed recorded in Volume 439, Page 47 of the Deed Records of Wilson County, Texas, said 1.265 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron pin found in the north line of U.S. Highway 87 at the southeast corner of said 95.12 acre tract and this tract, being the southwest corner of the Wilson County Water District Property;

THENCE N. 86° 12' 18" W., 144.93 feet along the north line of U.S. Highway 87 to a 1/2" iron pin found at the southwest corner of this tract, being the southeast corner of that certain 1.500 acre tract described in deed dated March 21, 1986, from F-4 Cattle Company, Incorporated to Ray E. Smith, of record in Volume 657, Page 516, Official Public Records of Wilson County, Texas;

THENCE along the east line of said 1.500 acre tract, as follows;

N. 02° 54' 30" E., 130.71 feet to a 1/2" iron pin found at an angle point;

N. 24° 54' 31" W., 167.80 feet to a 1/2" iron pin found in fence line in the south line of the John E. Schraub property, being the northeast corner of said 1.500 acre tract and the northwest corner of this tract;

THENCE N. 74° 07' 27" E., 236.97 feet with fence along the south line of said Schraub property to a 1/2" iron pin found at the northwest corner of said Water District property, being the northeast corner of this tract.

THENCE S. 03° 05' 24" W., 357.66 feet along the west line of said Water District property to the **PLACE OF BEGINNING.**

ROBERT C. ALLEN III - TO - BRIAN DLUGOSCH

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

WARRANTY DEED

THE STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF WILSON

That **ROBERT C. ALLEN III**, a single unmarried man, hereinafter called Grantor, whether one or more, of the State of Texas, for and in consideration of the sum of **TEN AND NO/100 DOLLARS (\$10.00)** and other valuable consideration to the undersigned paid by the Grantee herein named, the receipt of which is hereby acknowledged, has **GRANTED, SOLD AND CONVEYED**, and by these presents does **GRANT, SELL AND CONVEY** unto **BRIAN DLUGOSCH**, a single unmarried man, hereinabove and hereinafter called Grantee, whether one or more, of **507 E. Main Street, Yorktown, Texas 78164** all of the following described real property, to-wit:

All that certain 1.265 acre tract of land situated in Wilson County, Texas out of the F. Herrera Grant, Survey No. 6 (A-15), and being part of that 95.12 acre tract conveyed to the F4 Cattle Company by deed recorded in Volume 439, Page 47 Deed Records of Wilson County, Texas, as more particularly described by metes and bounds in Exhibit "A" attached hereto and incorporated herein.

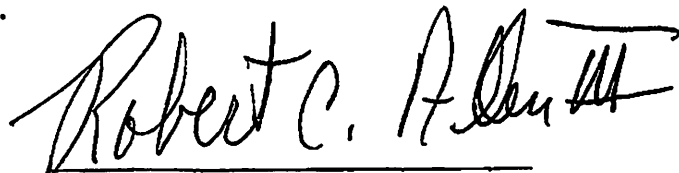
TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said Grantee, Grantee's heirs, assigns, and/or successors forever; and Grantor does hereby bind Grantor, Grantor's heirs, executors, administrators, successors, and/or assigns to **WARRANT AND FOREVER DEFEND** all and singular the said premises unto the said Grantee, Grantee's heirs, assigns, and/or successors against every person whomsoever lawfully claiming or to claim the same or any part thereof.

This conveyance is made and accepted subject to any and all conditions,

easements, restrictions, and reservations, if any, still in effect and appearing of record relating to the above described property, including, but not limited to:

- 1.) Easement described in instrument dated June 28, 1984, from F-4 Cattle Company, Inc., to John E. Schraub, recorded in Volume 620, Page 785, Deed Records of Wilson County, Texas.
- 2.) Mineral and/or Royalty interest reserved in Deed acknowledged on April 18, 1994, from F4 Cattle Co., Inc. to Amazing Grace Baptist Church, recorded in Volume 850, Page 309, Official Public Records of Wilson County, Texas.

EXECUTED on April 14, 2021.

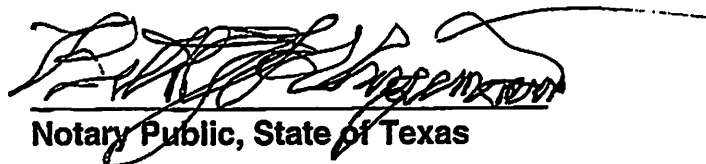
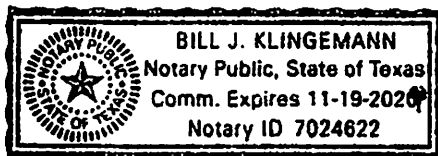


ROBERT C. ALLEN III

STATE OF TEXAS

COUNTY OF WILSON

This instrument was acknowledged before me by **ROBERT C. ALLEN III** on April 14, 2021.



Notary Public, State of Texas

RETURN TO:

**BRIAN DLUGOSCH
507 E. Main Street
Yorktown, Texas 78164**

10-06-2021

Receipt No. _____
Fees Paid _____

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 Lennar Homes of Texas Land and Construction, Ltd.,

Mailing Address 1922 Dry Creek Way, Ste 101, San Antonio, TX 78259

Telephone 830-609-7295 Fax _____ Mobile _____ Email Dustin.Skogman@Lennar.com

Property Address/Location 15010 US HWY 87, La Vernia, TX 78121

Legal Description
Name of Subdivision City of La Vernia

Lot(s) 101B Block(s) _____ Acreage 48.563

Existing Use of Property C-2

Proposed Use of Property (attach additional or supporting information if necessary) Residential Subdivision

Zoning Change Request: Current Zoning C-2 Proposed Zoning C-1

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) Zoning size restricts the development of the acreage to provide residential subdivision homes

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:

Dustin Skogman
Signature of Owner(s)/Agent

10/05/2021
Date

For Office Use Only	
Date of Publication <u>10-28-2021</u>	Date of P&Z Public Hearing <u>11-18-2021</u>
Date of 200 Ft Notices <u>10-28-2021</u>	Date of Council Public Hearing <u>11-18-2021</u>
Ordinance No. <u>111821-01</u>	Approved _____ Denied _____

Sunday, August 15, 2021

City of La Vernia

“Zoning Change Application”

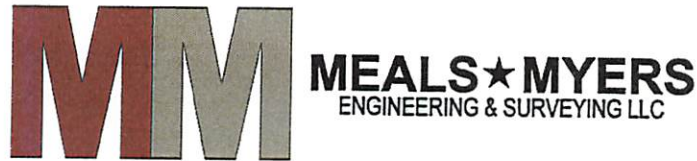
102 E Chihuahua Street
P.O. Box 225, La Vernia, TX 78121

I Bonnie Fern Chessher, agree to allow Lennar Homes act as an agent on my behalf in the process of Zoning Change on the property of approximate 46.763 acres, know as 15010 US HWY 87W, La Vernia, TX 78121, to forward the process of the already agreed contract of purchase of the subject property by Lennar Homes, and being by myself Bonnie Fern Chessher.

Signature: ^{Fern}
Bonnie Chessher

Notary: Cathy C. Hunt Aug 16, 2021





STATE OF TEXAS
COUNTY OF WILSON

**FIELD NOTE DESCRIPTION
OF A
48.526 ACRE TRACT**

Being a 48.526 acre tract of land lying in the Francisco Herrera Survey No. 6, Abstract No. 15, Wilson County, Texas, said 48.526 acre tract being a portion of a 52.404 acre tract of land as described in a Warranty Deed with Vendor's Lien to Donald Lee Chessher et ux Bonnie Fern Chessher, dated December 31, 1998, and recorded in Volume 985, Page 741, Official Public Records of Wilson County, Texas, also being a portion of 4.616 acre tract of land described in an Executor's Special Warranty Deed to Bonnie Fern Chessher, dated August 30, 2016, and recorded in Volume 1928, Page 377, Official Public Records of Wilson County, Texas; said 48.526 acre tract being more particularly described as follows:

- BEGINNING:** at a 1/2" iron rod found in the north right-of-way line of U.S. Highway 87 for the southwest corner of the aforementioned 52.404 acre tract, the southeast corner of a 7.776 acre tract of land as described and recorded in Volume 1035, Page 224, Official Public Records of Wilson County, Texas, and the southwest corner of the herein described 48.526 acre tract, from which a Texas Department of Transportation Type I concrete monument found bears N87°49'54"W, a distance of 358.02;
- THENCE:** leaving the north right-of-way line of the aforementioned U.S. Highway 87, along a west line of the aforementioned 52.404 acre tract and the east line of the aforementioned 7.776 acre tract, N07°52'59"E, a distance of 572.91 feet (Record – N09°20'01"E~573.09') to a 1/2" iron rod found for the most westerly northwest corner of said 52.404 acre tract and a southwest corner of an 86.338 acre tract of land as described and recorded in Volume 1567, Page 402, Official Public Records of Wilson County, Texas, and the northwest corner of the herein described 48.526 acre tract;
- THENCE:** along a north line of the aforementioned 52.404 acre tract and a south line of the aforementioned 86.338 acre tract, N81°48'04"E, a distance of 1,504.79 feet (Record – N83°15'10"E~1,504.77') to a 1/2" iron rod found for an interior corner of said 52.404 acre tract, a southeast corner of said 86.338 acre tract, and an interior corner of the herein described 48.526 acre tract;
- THENCE:** along a northwest line of the aforementioned 52.404 acre tract and the southeast line of the aforementioned 86.338 acre tract, N40°20'12"E, a distance of 475.64 feet (Record – N41°45'46"E~475.87') to a 1/2" iron rod found in the southwest right-of-way line of Farm to Market Highway 1346 for the north corner of said 52.404 acre tract, the east corner of said 86.338 acre tract, and the north corner of the herein described 48.526 acre tract, said point lying in a non-tangent curve to the left;
- THENCE:** along the southwest right-of-way line of the aforementioned Farm to Market Highway 1346 and the northeast line of the aforementioned 52.404 acre tract, an arc length of 318.23 feet with said curve to the left having a radius of 5,764.70 feet, a delta angle of 03°09'46", and a chord which bears S61°05'13"E, a distance of 318.19 feet to a 1/2" iron rod found for a point of tangency;

- THENCE:** continuing along the southwest right-of-way line of the aforementioned Farm to Market Highway 1346 and the northeast line of the aforementioned 52.404 acre tract, S60°29'54"E, a distance of 153.25 feet (Record – S59°09'17"E~153.62') to a 1/2" iron rod found for an angle point, and S64°09'02"E, a distance of 548.81 feet (Record – S62°39'43"E) to a 1/2" iron rod found for the north corner of Lot 1, Block 1 of the HEB – La Vernia Subdivision, a subdivision recorded in Volume 11, Page 9, Map Records of Wilson County, Texas, and the east corner of the herein described 48.526 acre tract;
- THENCE:** leaving the southwest right-of-way line of the aforementioned Farm to Market Highway 1346 and the northeast line of the aforementioned 52.404 acre tract, along the northwest line of the aforementioned Lot 1, S79°04'43"W, a distance of 400.23 feet (Record – S79°04'32"W~400.29') to a 1/2" iron rod with plastic cap stamped "MBC" found for the northwest corner of said Lot 1 and an interior corner of the herein described 48.526 acre tract;
- THENCE:** along the west line of the aforementioned Lot 1, S12°13'15"W, a distance of 259.15 feet (Record – S12°12'32"W~259.13') to a 1/2" iron rod with plastic cap stamped "MBC" found for an angle point, and S02°26'56"W, a distance of 35.15 feet (Record – S02°48'47"W~35.24') to a 1/2" iron rod found for the most westerly southwest corner of said Lot 1, the northwest corner of the aforementioned 4.616 acre tract, and an interior corner of the herein described 48.526 acre tract;
- THENCE:** along the north line of the aforementioned 4.616 acre tract and a south line of the aforementioned Lot 1, S87°47'17"E, a distance of 494.90 feet (Record – S87°48'24"E~495.24') to a 1/2" iron rod with plastic cap stamped "BPI" found for the northeast corner of said 4.616 acre tract, an interior corner of said Lot 1, and the northeast corner of the herein described 48.526 acre tract;
- THENCE:** along the east line of the aforementioned 4.616 acre tract and a west line of the aforementioned Lot 1, S02°07'52"W, a distance of 399.49 feet (Record – S02°10'03"W~399.75') to a point in the north right-of-way line of the aforementioned U.S. Highway 87 for the southeast corner of said 4.616 acre tract, the most southerly southwest corner of said Lot 1, and a southeast corner of the herein described 48.526 acre tract, from which a 1/2" iron rod with plastic cap stamped "BPI" found bears S02°07'52"W, a distance of 0.18 feet;
- THENCE:** along the north right-of-way line of the aforementioned U.S. Highway 87 and the south line of the aforementioned 4.616 acre tract, N87°49'54"W (Record – N86°23'00"W), passing a Texas Department of Transportation Type III monument (aluminum disk) found at a distance of 193.62 feet, a total distance of 203.73 feet to a point for the southeast corner of a 1.094 acre tract of land as described and recorded in Document No. 2020-99900, Official Public Records of Wilson County, Texas, and a southwest corner of the herein described 48.526 acre tract, from which a MAG nail with washer stamped "JPH LAND" bears S02°19'57"W, a distance of 0.25 feet;
- THENCE:** leaving the north right-of-way line of the aforementioned U.S. Highway 87 and the south line of the aforementioned 4.616 acre tract, along the east line of the aforementioned 1.094 acre tract, N02°19'57"E, a distance of 242.87 feet (Record – N03°42'33"E~243.26') to a 1/2" iron rod found in the southeast line of the aforementioned 52.404 acre tract, for the north corner of said 1.094 acre tract and an interior corner of the herein described 48.526 acre tract;
- THENCE:** along the southeast line of the aforementioned 52.404 acre tract and the northwest line of the aforementioned 1.094 acre tract, S60°26'25"W, a distance of 461.82 feet (Record – S61°48'42"W~461.57') to a 1/2" iron rod found in the north right-of-way line of the aforementioned U.S. Highway 87 for the southeast corner of said 52.404 acre tract, the west corner of said 1.094 acre tract, the west corner of the aforementioned 4.616 acre tract, and a southeast corner of the herein described 48.526 acre tract;

THENCE: along the north right-of-way line of the aforementioned U.S. Highway 87 and the south line of the aforementioned 52.404 acre tract, N87°49'54"W, a distance of 2,218.17 feet (Record – N86°23'00"W ~2,218.74') to the **PLACE OF BEGINNING** and containing 48.526 acres of land.

- Notes:
1. Basis of Bearing based on the Texas Coordinate System, South Central Zone (4204) NAD (83).
 2. ()-Record calls taken from Volume 985, Page 738, Volume 1928, Page 377, Document No. 2020-99900, Official Public Records of Wilson County, Texas, and Volume 11, Page 9, Map Records of Wilson County, Texas.
 3. A survey exhibit of even date accompanies this Field Note Description.

I, Paul L. Myers, a Registered Professional Land Surveyor, do hereby certify that the above field notes were prepared using information obtained by an on the ground survey made under my supervision in September 2021.




Paul L. Myers
Registered Professional Land Surveyor
No. 6490 – State of Texas

Job #21124
October 1, 2021
PLM



NOTICE OF PUBLIC HEARING

The City of La Vernia Planning & Zoning Commission & City Council will hold a public hearing at the request of Lennar Homes of Texan Land and Construction, Ltd.

Property: 48.563 acres, located at 15010 US HWY 87 La Vernia, Texas 78121.

Request: zoning size restricts the development of the acreage to provide residential subdivision homes.

Because your property is located within 200 feet of the request, State Law requires that we notify you of the public hearing. **However, the zoning of your property will not be affected.** The public hearing process allows an opportunity to provide your written opinion of the request. This will aid the Planning Commission in making a recommendation to City Council.

Public hearing for this request is scheduled before the Planning & Zoning Commission & City Council on Thursday, November 18th 2021. The meeting will begin at 5:45 PM in the City Hall Council Chambers, 102 E. Chihuahua St. and are open to the public. To submit written comments please complete the information below, including your signature, and return by Monday, November 15th 2021 to:

Mail: City of La Vernia
Brittani Porter
P.O. Box 225
La Vernia, Texas 78121

Email: bporter@lavernia-tx.gov

If you have questions, please call Brittani Porter at (830) 779-4541 ext. 3.

Brittani Porter, City Secretary

YOUR OPINION MATTERS – DETACH AND RETURN

Circle one

I am (**in favor**) (**opposed to**) the proposed re-zone for the property described as 15010 US Hwy 87 , Lot 101B, La Vernia, Texas 78121.

Name: _____

Address: _____

Signature: _____

Date: _____

Comments: _____

By State Law – Unsigned submission cannot be counted as official comment.



ALTA/NSPS LAND TITLE SURVEY

OF
 A 48.526 ACRE TRACT OF LAND LYING IN FRANCISCO HERRERA SURVEY NO. 6, ABSTRACT NO. 15, WILSON COUNTY, TEXAS, SAID 48.526 ACRE TRACT BEING A PORTION OF A 52.404 ACRE TRACT OF LAND DESCRIBED IN A WARRANTY DEED WITH VENDOR'S LIEN TO DONALD LEE CHESSHER ET UX BONNIE FERN CHESSHER, DATED DECEMBER 31, 1998, AND RECORDED IN VOLUME 985, PAGE 741, OFFICIAL PUBLIC RECORDS OF WILSON COUNTY, TEXAS, ALSO BEING A PORTION OF A 4.616 ACRE TRACT OF LAND DESCRIBED IN AN EXECUTOR'S SPECIAL WARRANTY DEED TO BONNIE FERN CHESSHER, DATED AUGUST 30, 2016, AND RECORDED IN VOLUME 1928, PAGE 377, OFFICIAL PUBLIC RECORDS OF WILSON COUNTY, TEXAS.

Curve Table					
Curve #	Length	Radius	Delta	Chord Length	Chord Bearing
C1	318.23'	5764.70'	3°09'46"	318.19'	S61°05'13"E

- SCHEDULE B, ITEM 10:
- CHANNEL EASEMENTS TO THE STATE OF TEXAS, DATED MAY 29, 1954 AND RECORDED IN VOLUME 792, PAGE 377 OF THE DEED RECORDS OF WILSON COUNTY, TEXAS. (AFFECTS SUBJECT TRACT, SHOWN HEREON).
 - RIGHT OF WAY EASEMENT TO GUADALUPE VALLEY ELECTRIC COOPERATIVE, INC., DATED DECEMBER 9, 1992 AND RECORDED IN VOLUME 650, PAGE 540 AND REVISED IN VOLUME 685, PAGE 778 OF THE OFFICIAL PUBLIC RECORDS OF WILSON COUNTY, TEXAS. (AFFECTS SUBJECT TRACT, SHOWN HEREON).
 - RIGHT OF WAY EASEMENT TO GUADALUPE VALLEY ELECTRIC COOPERATIVE, INC., DATED DECEMBER 9, 1992 AND RECORDED IN VOLUME 820, PAGE 638 OF THE OFFICIAL PUBLIC RECORDS OF WILSON COUNTY, TEXAS. (MAY AFFECT SUBJECT TRACT, NOT ABLE TO LOCATE GRAPHICALLY).
 - RIGHT OF WAY EASEMENT TO GUADALUPE VALLEY ELECTRIC COOPERATIVE, INC., DATED SEPTEMBER 22, 2017 AND RECORDED IN VOLUME 2014, PAGE 290 OF THE OFFICIAL PUBLIC RECORDS OF WILSON COUNTY, TEXAS. (AFFECTS SUBJECT TRACT, SHOWN HEREON).

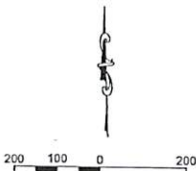
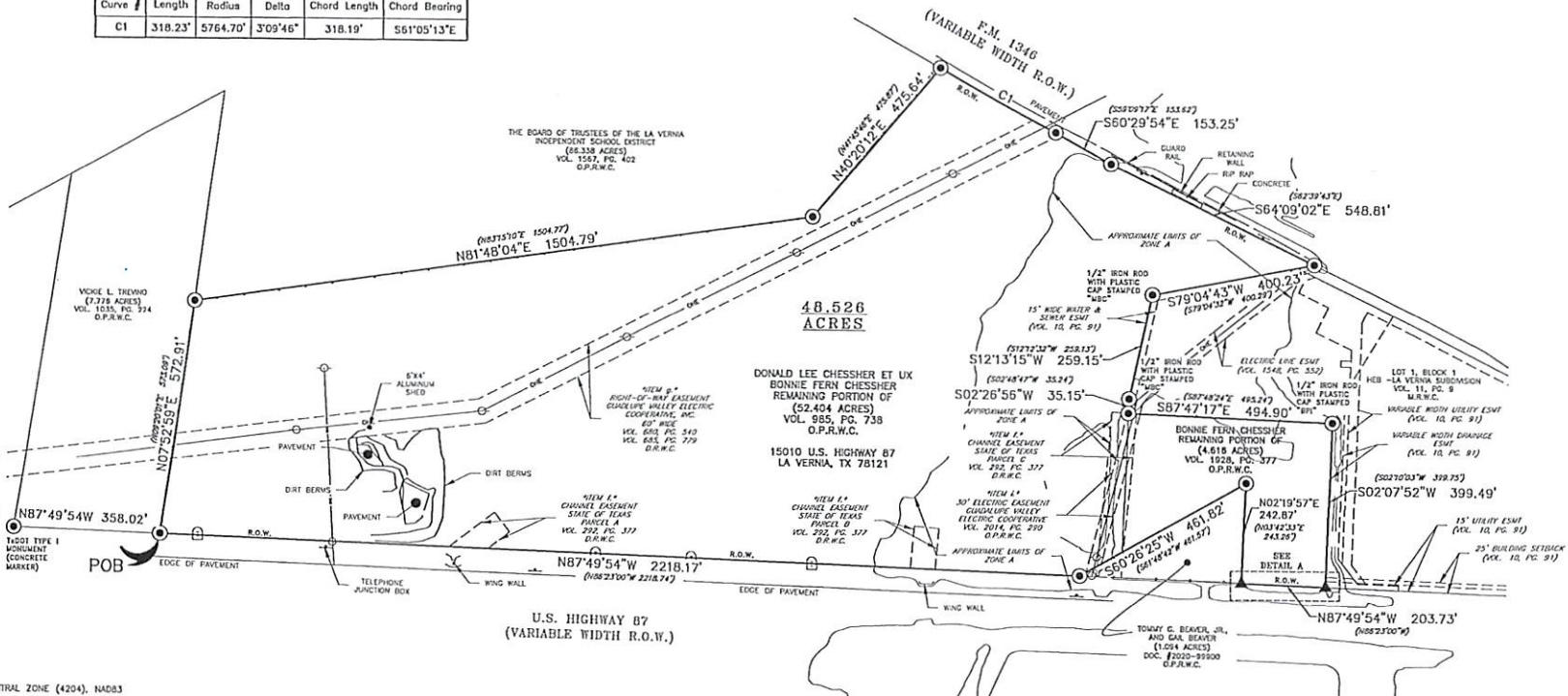
- SURVEYOR'S NOTES:
- BASIS OF BEARING IS THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NAD83 (2011).
 - THIS SURVEY WAS CONDUCTED IN CONJUNCTION WITH A TITLE COMMITMENT FOR TITLE INSURANCE ISSUED BY NORTH AMERICAN TITLE INSURANCE COMPANY OF NO. 114729-001223, EFFECTIVE DATE JULY 20, 2021, ISSUE DATE AUGUST 5, 2021.
 - A PORTION OF THE SUBJECT TRACT LIES WITHIN ZONE A PER THE FLOOD INSURANCE RATE MAP NO. 48493C0150C, EFFECTIVE DATE NOVEMBER 28, 2010. LIMITS OF ZONE A ARE APPROXIMATE AND TAKEN FROM GIS DATA PROVIDED BY FEMA. MMS DID NOT PERFORM A FLOOD STUDY.
 - THE SUBJECT TRACT ADJUTS THE PUBLIC RIGHT-OF-WAY OF U.S. HIGHWAY 87 AND F.M. HIGHWAY 1346.
 - THE SUBJECT TRACT LIES WITHIN THE CITY LIMITS OF LA VERNA, TEXAS.
 - RECORD CALLS TAKEN FROM VOLUME 985, PAGE 738, VOLUME 1928, PAGE 377, VOLUME 11, PAGE 9, AND DOCUMENT NO. 2020-99900, DEED AND PLAT RECORDS OF WILSON COUNTY, TEXAS.
 - DISTANCES SHOWN HEREON ARE SURFACE.
 - FIELD WORK WAS COMPLETED SEPTEMBER 24, 2021.

TO: LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD., A TEXAS LIMITED PARTNERSHIP, BONNIE FERN CHESSHER, AND NORTH AMERICAN TITLE INSURANCE COMPANY.

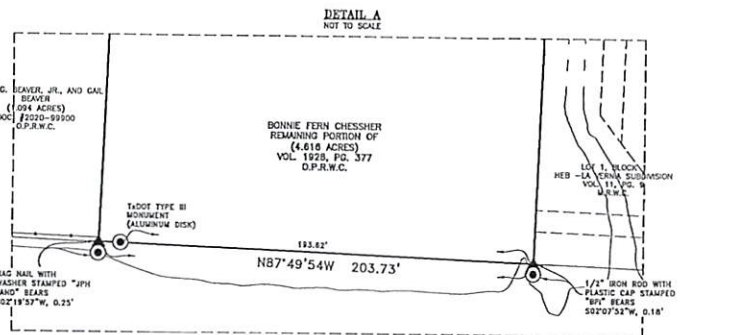
THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 7(A), 7(B), 8, 11(b), AND 13, OF TABLE A THEREOF. THE FIELDWORK WAS COMPLETED ON SEPTEMBER 24, 2021.

PAUL L. MYERS, RPLS
 REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6490

DATE OF MAP: OCTOBER 1, 2021



- LEGEND
- — 1/2" IRON ROD FOUND UNLESS OTHERWISE NOTED
 - — 1/2" IRON ROD WITH PLASTIC CAP STAMPED "MMMS RPLS 6490"
 - — GUY WIRE
 - — POWER POLE
 - — TELEPHONE PEDESTAL
 - — — — — WOOD FENCE
 - — — — — WIRE FENCE
 - — — — — CHAIN LINK FENCE
 - — — — — OVERHEAD ELECTRIC
 - — — — — RIGHT-OF-WAY
 - — — — — PLACE OF BEGINNING
 - — — — — EASEMENT
 - () — RECORD INFORMATION



HERLAHRE DRIVE STE 10
 200 WILSON BLVD
 WILSON COUNTY TEXAS 75775
 TEL: 936-875-1111
 FAX: 936-875-1112

MM MEALS & MYERS
 ENGINEERS & SURVEYORS

JOB #21124 OCTOBER 1, 2021

**Lennar Homes
C-2 to C-1**

**HEB Grocery Company LP
Property Tax Dept.
PO Box 839999
San Antonio, Texas 78283-3999**

**Melba L & Vernan F Ramzinski
3194 CR 361
Adkins, Texas 78101**

**Elizabeth Ann Cofield
528 FM 1346
La Vernia, Texas 78121-4236**

**The Board of Trustees La Vernia ISD
13600 US Hwy 87 W
La Vernia, Texas 78121**

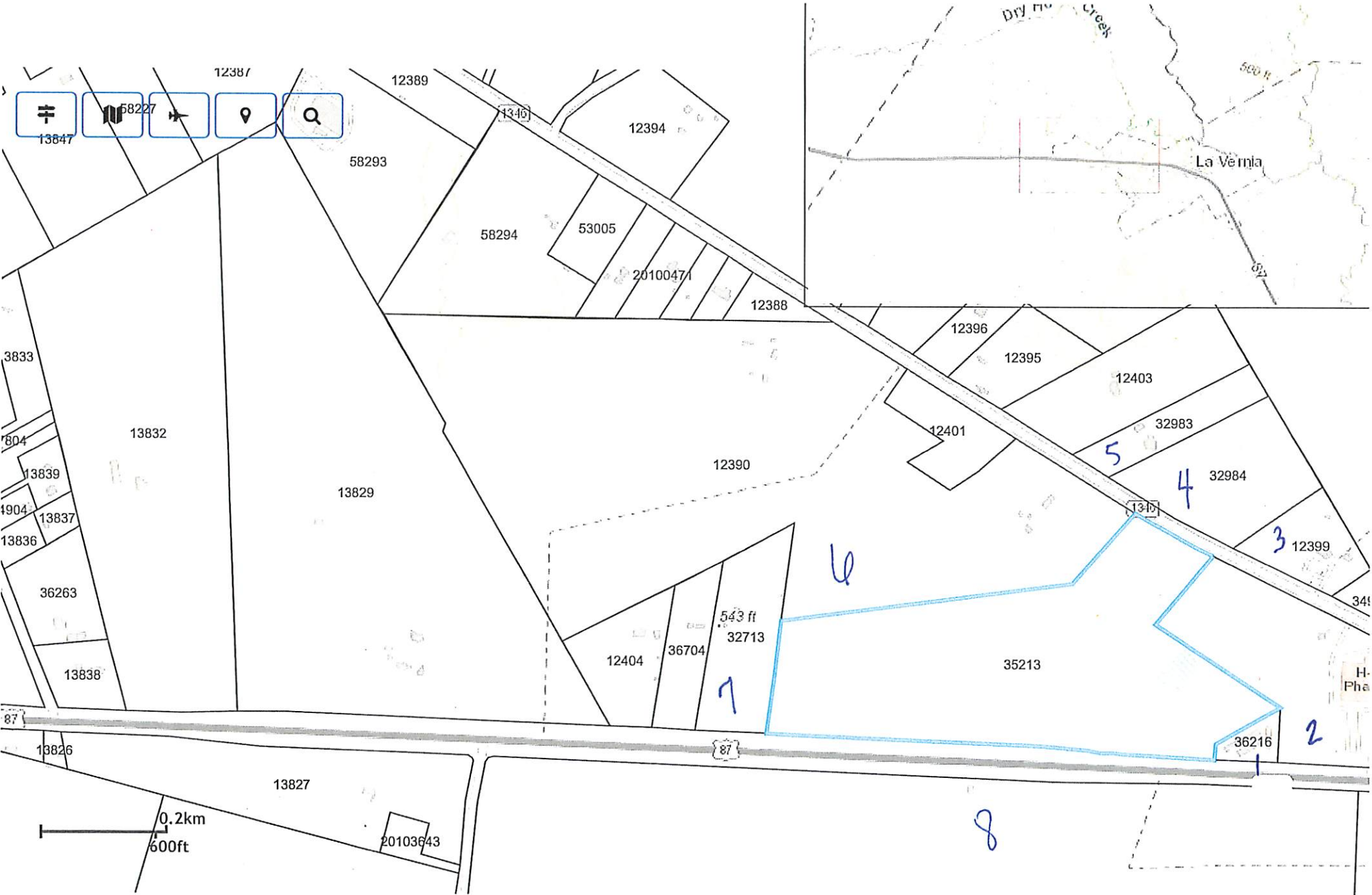
**Vicki L Trevino
15144 US Hwy 87 W
La Vernia, Texas 78121**

**FLP Development LLC
PO Box 10
La Vernia, Texas 78121**

**Tommy G Jr & Gail L Beaver
7545 Hwy 87 E
San Antonio, Texas 78263**

**Elizabeth Ann Cofield
528 FM 1346
La Vernia, Texas 78121-4236**

200' Notices



Date Received _____
Permit/Receipt No. _____
Fee Paid \$100.00

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 Texarcade Solutions, LLC

Mailing Address 166 Big Oak Dr

Telephone 2104008700 Fax _____ Mobile 2104008700 Email zdeptawa@gmail.com

Property Address/Location 100 Micah Point Rd La Vernia, Tx 78121

Legal Description
Name of Subdivision MICAH POINT, LOT 2L, SEC 2, ACRES 0.276

Lot(s) Lot 2L Block(s) Sec 2 Acreage 0.276

Existing Use of Property Vacant Land

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

Zoning Change Request: Current Zoning R2 Proposed Zoning C2

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) _____

Potential buyer wants it for a variety of commercial purposes. Would like to build an aesthetically pleasing multi-use commercial building for THE SHED, LLC storage and baked goods and equipment.

Attachments:

- _____ Accurate metes and bounds description of the subject property (or other suitable legal description)
- PLAT** _____ 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:

Zachary Deptawa
dotloop verified
10/13/21 5:00 PM CDT
TE2B-BMYG-LPCQ-WINK

Signature of Owner(s)/Agent

10/13/2021

Date

For Office Use Only	
Date of Publication <u>10-28-21</u>	Date of P&Z Public Hearing <u>11-18-21</u>
Date of 200 Ft Notices <u>10-28-21</u>	Date of Council Public Hearing <u>11-18-21</u>
Ordinance No. <u>111821-02</u>	Approved _____ Denied _____

CK # 1089



NOTICE OF PUBLIC HEARING

The City of La Vernia Planning & Zoning Commission & City Council will hold a public hearing at the request of Texarcade Solutions, LLC.

Property: 0.276, located at 100 Micah Point Rd., La Vernia, Texas 78121.

Request: potential buyers want it for a variety of commercial purposes. Would like to build an aesthetically pleasing multi-use commercial building for The Shed, LLC storage and baked goods and equipment.

Because your property is located within 200 feet of the request, State Law requires that we notify you of the public hearing. **However, the zoning of your property will not be affected.** The public hearing process allows an opportunity to provide your written opinion of the request. This will aid the Planning Commission in making a recommendation to City Council.

Public hearing for this request is scheduled before the Planning & Zoning Commission & City Council on Thursday, November 18th 2021. The meeting will begin at 5:45 PM in the City Hall Council Chambers, 102 E. Chihuahua St. and are open to the public. To submit written comments please complete the information below, including your signature, and return by Monday, November 15th 2021 to:

Mail: City of La Vernia
Brittani Porter
P.O. Box 225
La Vernia, Texas 78121

Email: bporter@lavernia-tx.gov

If you have questions, please call Brittani Porter at (830) 779-4541 ext. 3.

Brittani Porter, City Secretary

YOUR OPINION MATTERS – DETACH AND RETURN

Circle one

I am (**in favor**) (**opposed to**) the proposed re-zone for the property described as 100 Micah Point Rd , Lot 2L, Sec 2, La Vernia, Texas 78121.

Name: _____

Address: _____

Signature: _____

Date: _____

Comments: _____

By State Law – Unsigned submission cannot be counted as official comment.

1/28/81 11:10 A.M.

THE OWNER OF THE LAND SHOWN ON THIS PLAN, F. M. WILSON, HAS THROUGH A DEED RECORDED AS DEED NO. 40832, COUNTY OF WILSON, TEXAS, ACQUIRED THE ENTIRE INTEREST IN THE LAND SHOWN ON THIS PLAN, AND HAS CAUSED THIS PLAN TO BE PREPARED AND RECORDED FOR THE PURPOSE AND CONSIDERATION HEREIN EXPRESSED.

THOMAS W. JENSEN
 1115 S. HIGHWAY 80, EAST
 SAN MARCOS, TEXAS 78056
 (512) 388-1200

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY KNOWN TO ME, AND WHOSE VALIDITY OF OFFICE IS PROVEN TO ME BY THE PRODUCTION OF HIS EXHIBIT, HAS REQUESTED THAT I RECORD THIS PLAN AND CONVEYANCE HEREIN EXPRESSED.

WITNESSE MY HAND AND SEAL OF OFFICE THIS 11th DAY OF FEBRUARY, 1981.

NOTARY PUBLIC IN AND FOR
 THE STATE OF TEXAS
 BY COMMISSION EXPIRES



EXISTING LOT CONVEYANCE
 BEING ALL OF LOT 2, MICHAM POINT
 SUBDIVISION, SECTION 24,
 TOWNSHIP 23S, RANGE 10E,
 COUNTY OF WILSON, TEXAS,
 PAGE 22 OF THE PUBLIC COUNTY CLERK'S
 RECORD.

STATE OF TEXAS
 COUNTY OF WILSON
 CITY OF LA VERNE

THIS IS TO CERTIFY THAT THE CITY PLANNING AND ZONING COMMISSION OF THE CITY OF LA VERNE HAS APPROVED THIS PLAN AND SUBDIVISION OF THE LAND SHOWN ON THIS PLAN, AND HAS CAUSED THIS PLAN TO BE PREPARED AND RECORDED FOR THE PURPOSE AND CONSIDERATION HEREIN EXPRESSED.

WITNESSE MY HAND AND SEAL OF OFFICE THIS 11th DAY OF FEBRUARY, 1981.

BY: CHARLES PLANNING AND ZONING COMMISSION
 SECRETARY

STATE OF TEXAS
 COUNTY OF WILSON

I, EVA WILSON, CLERK OF THE COUNTY OF WILSON COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE RECORD COPY OF THIS PLAN AND SUBDIVISION OF ADMINISTRATION WAS FILED FOR REISTRATION IN MY OFFICE, AND THAT THE SAME IS CORRECTLY RECORDED IN THE PUBLIC COUNTY CLERK'S RECORD.

WITNESSE MY HAND AND SEAL OF OFFICE THIS 11th DAY OF FEBRUARY, 1981.



THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HAS PREPARED THIS PLAN AND SUBDIVISION OF ADMINISTRATION FOR THE PURPOSE AND CONSIDERATION HEREIN EXPRESSED.

WITNESSE MY HAND AND SEAL OF OFFICE THIS 11th DAY OF FEBRUARY, 1981.



BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY KNOWN TO ME, AND WHOSE VALIDITY OF OFFICE IS PROVEN TO ME BY THE PRODUCTION OF HIS EXHIBIT, HAS REQUESTED THAT I RECORD THIS PLAN AND CONVEYANCE HEREIN EXPRESSED.

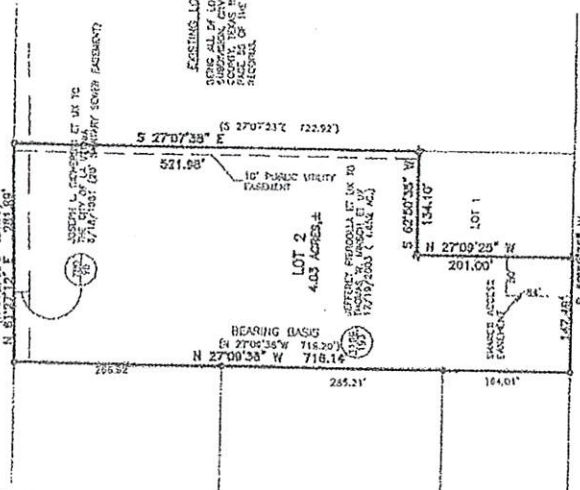
WITNESSE MY HAND AND SEAL OF OFFICE THIS 11th DAY OF FEBRUARY, 1981.

NOTARY PUBLIC IN AND FOR
 THE STATE OF TEXAS
 BY COMMISSION EXPIRES

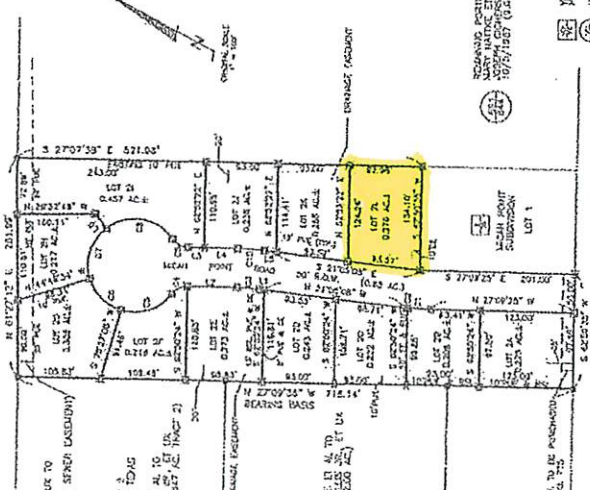
ENGINEERS SURVEYORS

1115 HIGHWAY 80, EAST
 SAN MARCOS, TEXAS 78056
 (512) 388-1200

REPEAT OF LOT 2, MICHAM
 POINT SUBDIVISION, SECTION 24,
 TOWNSHIP 23S, RANGE 10E,
 COUNTY OF WILSON, TEXAS,
 PAGE 22 OF THE PUBLIC COUNTY CLERK'S
 RECORD.



F. M. HIGHWAY NO. 775
 (710 R.O.W.)



F. M. HIGHWAY NO. 775
 (710 R.O.W.)

LOT	AREA	LENGTH	BREADTH	AREA	PERCENTAGE	PERCENTAGE
1	2.84	105.00	11.12	1.10	24.12	2.69
2	4.53	165.00	27.41	1.70	37.53	9.28
3	3.10	110.00	28.18	1.10	24.12	2.69
4	3.10	110.00	28.18	1.10	24.12	2.69
5	3.10	110.00	28.18	1.10	24.12	2.69
6	3.10	110.00	28.18	1.10	24.12	2.69
7	4.53	165.00	27.41	1.70	37.53	9.28
8	3.10	110.00	28.18	1.10	24.12	2.69
9	3.10	110.00	28.18	1.10	24.12	2.69
10	3.10	110.00	28.18	1.10	24.12	2.69
TOTAL	31.00	1100.00	386.25	11.00	24.12	2.69

LINE	LENGTH	BEARING	AREA	PERCENTAGE
1	165.00	N 67°27'33\"/>		
2	165.00	S 22°32'27\"/>		
3	165.00	N 67°27'33\"/>		
4	165.00	S 22°32'27\"/>		
5	165.00	N 67°27'33\"/>		
6	165.00	S 22°32'27\"/>		
7	165.00	N 67°27'33\"/>		
8	165.00	S 22°32'27\"/>		
9	165.00	N 67°27'33\"/>		
10	165.00	S 22°32'27\"/>		

- GENERAL NOTES**
1. FENCES MEASURED.
 2. BEARINGS, DISTANCES AND ANGLES IN PARENTHESES ARE FROM RECORD INSTRUMENTS.
 3. ACCORDING TO SEARCH OF PUBLIC RECORDS, THERE IS NO RECORD OF ANY DEED, CONTRACT OR OTHER INSTRUMENT AFFECTING THIS LAND, BUT THIS IS NOT GUARANTEED.
 4. THERE ARE NO BUILDING SETBACK LINES ALONG THE FRONT, SIDE OR REAR OF THIS LOT.
 5. THERE ARE NO BUILDING SETBACK LINES ALONG THE FRONT, SIDE OR REAR OF THIS LOT.
 6. THERE ARE NO BUILDING SETBACK LINES ALONG THE FRONT, SIDE OR REAR OF THIS LOT.
 7. ALL UTILITY EASEMENTS ARE FOR THE COMMON USE AND BENEFIT OF THE OTHER LOTS IN THIS SUBDIVISION.
 8. THERE ARE ALSO NO BUILDING SETBACK LINES ALONG THE FRONT, SIDE OR REAR OF THIS LOT.
 9. THERE ARE ALSO NO BUILDING SETBACK LINES ALONG THE FRONT, SIDE OR REAR OF THIS LOT.
 10. THERE ARE ALSO NO BUILDING SETBACK LINES ALONG THE FRONT, SIDE OR REAR OF THIS LOT.

Texarcade Solutions
R-2 to C-1

Best Waste Systems Inc.
105 Legacy Ranch Dr.
La Vernia, Texas 78121

The Board of Trustees LV ISD
13600 US Hwy 87 W
La Vernia, Texas 78121

Smartchoice Builders LLC
702 Richland Hill Dr. #760248
San Antonio, Texas 78245

Smartchoice Builders LLC
702 Richland Hill Dr. #760248
San Antonio, Texas 78245

Smartchoice Builders LLC
702 Richland Hill Dr. #760248
San Antonio, Texas 78245

SHOW LLC
274 Riverview Rd
McQueeney, Texas 78123

SHOW LLC
274 Riverview Rd
McQueeney, Texas 78123

McBee Micah Pt 2C Prop. LLC
10274 FM 775
La Vernia, Texas 78121

Arobinett LLC
603 Oak Haven
Seguin, Texas 78155

TR PAPE LLC
603 Oak Haven
Seguin, Texas 78155

HLJTM Properties LLC
10274 FM 775
La Vernia, Texas 78121

From: bporter@lavernia-tx.gov
Sent: Monday, August 16, 2021 11:39 AM
To: Yvonne Griffin
Subject: FW: Temp Portable Classrooms

From: Daniel Santee <tdsantee@rampagelaw.com>
Sent: Friday, March 26, 2021 10:10 AM
To: bporter@lavernia-tx.gov
Cc: Yvonne Griffin <yvonne.griffin@lavernia-tx.gov>
Subject: RE: Temp Portable Classrooms

I think we have this debate every time. Below are all of the applicable provisions. Send me what we have been requiring and I will verify.

Sec. 1202.004. RELOCATABLE EDUCATIONAL FACILITIES.

(a) In this section, "relocatable educational facility" means a portable, modular building capable of being relocated, regardless of whether the facility is built at the installation site, that is used primarily as an educational facility for teaching the curriculum required under Section [28.002](#), Education Code.

(b) A relocatable educational facility that is purchased or leased on or after January 1, 2010, must comply with all provisions applicable to industrialized buildings under this chapter.

Sec. 1202.251. RESERVATION OF MUNICIPAL AUTHORITY.

(a) Municipal authority is specifically and entirely reserved to a municipality, including, as applicable:

- (1) land use and zoning requirements;
- (2) building setback requirements;
- (3) side and rear yard requirements;
- (4) site planning and development and property line requirements;
- (5) subdivision control; and
- (6) landscape architectural requirements.

(b) Except as provided by Section [1202.253](#), requirements and regulations not in conflict with this chapter or with other state law relating to transportation, erection, installation, or use of industrialized housing or buildings must be reasonably and uniformly applied and enforced without distinctions as to whether the housing or buildings are manufactured or are constructed on-site.

Sec. 1202.252. MUNICIPAL REGULATION OF INDUSTRIALIZED HOUSING AND BUILDINGS.

(a) A municipality that regulates the on-site construction or installation of industrialized housing and buildings may:

(1) require and review, for compliance with mandatory building codes, a complete set of designs, plans, and specifications bearing the council's stamp of approval for each installation of industrialized housing or buildings in the municipality;

(2) require that all applicable local permits and licenses be obtained before construction begins on a building site;

(3) require, in accordance with commission rules, that all modules or modular components bear an approved decal or insignia indicating inspection by the department; and

(4) establish procedures for the inspection of:

(A) the erection and installation of industrialized housing or buildings to be located in the municipality, to ensure compliance with mandatory building codes and commission rules; and

(B) all foundation and other on-site construction, to ensure compliance with approved designs, plans, and specifications.

(b) Procedures described by Subsection (a)(4) may require:

(1) before occupancy, a final inspection or test in accordance with mandatory building codes; and

(2) correction of any deficiency identified by the test or discovered in the final inspection.

Sec. 1202.203. ON-SITE INSPECTIONS. (a) A municipal building official shall inspect all construction involving industrialized housing and buildings to be located in the municipality to ensure compliance with designs, plans, and specifications, including inspection of:

(1) the construction of the foundation system; and

(2) the erection and installation of the modules or modular components on the foundation.

(b) An approved third-party inspector shall perform on-site inspections of industrialized housing to be located outside the municipality.

(c) An inspection under Subsection (a) shall be conducted:

(1) at the permanent site, if the inspection is of industrialized housing; and

(2) at the commercial site, if the inspection is of industrialized buildings.

(d) If required by commission rule, an approved third-party inspector shall perform on-site inspections of industrialized buildings to be located outside the municipality.

70.62. Responsibilities of the Local Building Official--Inspections

(Effective November 16, 1993, 18 TexReg 7925; amended effective December 1, 2003, 28 TexReg 10458; amended effective January 1, 2010, 34 TexReg 9409; amended effective May 1, 2014, 39 TexReg 3412)

- (a) Installation inspections. When the installation site is within a municipality that has a building inspection agency or department, the local building official will inspect all on-site construction and

the attachment of the structure to the foundation to assure completion and attachment in accordance with the approved design package, the engineered foundation system, any unique on-site details, and the mandatory building codes. As a minimum the local building official shall:

- (1) perform an overall visual inspection for obvious nonconformity to the approved design manual, the engineered foundation system, any unique on-site details, and the mandatory building code;
 - (2) require final inspections along with any tests that are required by the approved installation instructions, on-site construction documentation, and/or the mandatory building code;
 - (3) require the correction of deficiencies identified by the tests or discovered in inspections;
 - (4) issue a certificate of occupancy in accordance with locally adopted rules and regulations;
 - (5) provide the industrialized builder with a record of a successful final inspection of on-site construction as defined in §70.73(d); and
 - (6) provide the date of the final inspection.
- (b) Site-built REFs. When an REF is constructed within a municipality that has a building inspection agency or department, the local building official will inspect all construction to assure completion in accordance with the approved construction documents in accordance with §70.70(b) and other construction documentation in accordance with §70.70(e).

T. Daniel Santee
Partner

DENTON NAVARRO ROCHA BERNAL & ZECH
A Professional Corporation

2517 N. Main Avenue
San Antonio, Texas 78212
www.rampagelaw.com

Fax (210) 225-4481
Office (210) 227-3243
tdsantee@rampagelaw.com

CONFIDENTIALITY NOTICE

This transmission is intended for the individual or entity to which it is addressed, and may be information that is PRIVILEGED & CONFIDENTIAL. If you are not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient and have received this information in error, you are hereby notified that

any dissemination, distribution, or copying of this communications is prohibited. If you have received this communication in error, please notify us immediately by replying to the message and deleting it from your computer. Thank you.

From: bporter@lavernia-tx.gov <bporter@lavernia-tx.gov>
Sent: Thursday, March 25, 2021 2:43 PM
To: Daniel Santee <tdsantee@rampagelaw.com>
Cc: Yvonne Griffin <yvonne.griffin@lavernia-tx.gov>
Subject: Temp Portable Classrooms

Good Afternoon Dan –

We recently had a meeting with the school to discuss the election and the renewal of the SUP for the portable building was brought up.

Superintendent brought to our attention that their attorney advised them that the city can not regulate the school from bringing in portable buildings.

Can you confirm or deny this for us....this would certainly be new to us but if that is what it is then we chalk it up and we will have a field of portables at the school opposed to building a new one 😊

Brittani Porter
City Secretary
City of La Vernia
102 E. Chihuahua St.
(o) 830-779-4541
(f) 830-253-1198

ATTENTION PUBLIC OFFICIALS!

A "Reply to All" of this e-mail could lead to violations of the Texas Open Meetings Act. Please reply only to the sender.