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October 15, 2021

Commissioner W.A “Andy” Meyers
Fort Bend County Precinct 3
22333 Grand Corner Dr.
Katy, Texas 77494

Re: Request for Variance – Block Length
Fort Bend County MUD 229 Waste Water Treatment Plant No 1 plat

Dear Commissioner Meyers:

We are requesting a variance to the Fort Bend County Regulations of Subdivisions for a maximum block length of more than 1,400 feet as described in Section 5.5.A.2 to Commissioners Court to grant an exception to the regulations and not require an additional street within the limits of our proposed plat.

The proposed plat is located within Fort Bend County, within the City of Houston extra territorial jurisdiction in a developing area near F.M 359 and Gaston Fulshear Road. The platted area falls directly South of Gaston Fulshear Road and the planned Candela subdivision. To the East of our proposed plat is a called 10.85-acre tract recorded under Clerk’s File No 2021090320 of the Official Public Records of Fort Bend County Texas owned by the Fort Bend County Municipal Utility District No 229. The plat is also adjacent to the South and West by two other tracts owned by Fort Bend County Municipal Utility District No 142.

The proposed plat will dedicate the area for the Waste Water Treatment Plant that is currently on site and will service the developing area. Currently the water plant is accessed by a called access easement recorded under Clerks File No. 2020086935 of the Official Public Records of Fort Bend County Texas. The existing public street grid would not be affected since traffic would not be increasing with this subdivision. Bisecting the tract with an additional public road would encounter multiple obstacles for an ultimate connection to FM 1994. First, there would be no feasible connection as we are surrounded by detention tracts to the South, East and there would also be no use for a bisecting street since the tract will solely be to provide an area for the Waste Water Treatment Plant, as well as access to Gaston Fulshear Road.

The intent and general purposes of the Fort Bend County Regulations of Subdivisions will be preserved and maintained. The existing street pattern in the overall area adequately addresses traffic circulation and distribution for the existing adjacent tracts.



Comissioner W.A “Andy” Meyers

Page 2

October 15,2021

No adverse impact to the public’s health, safety or welfare is anticipated by granting the variance. Adequate access to the proposed development, the surrounding tracts, and the adjacent subdivisions is available.

In conclusion, requiring a public street through the site would create an undue hardship on the applicant.

Please call if you have any questions or need any additional information.

Sincerely,

Tom Duecker

STATE OF TEXAS §
COUNTY OF FORT BEND §

We, JDS Nursery Tract, LLC., acting by and through L. Michael Cox, President, by Memorial Development Services, Inc., a Texas corporation, its managing member, owner hereinafter referred to as Owners of the 13.67 acre tract described in the above and foregoing map of FBC MUD 229 WWTP NO 1, do hereby make and establish said subdivision and development plan of said property according to all lines, dedications, restrictions, and notations on said maps or plat and hereby dedicate to the use of the public forever, all streets (except those streets designated as private streets, or permanent access easements), alleys, parks, water courses, drains, easements and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind ourselves, our heirs, successors, and assigns to warrant and forever defend the title on the land so dedicated.

FURTHER, Owners have dedicated and by these presents do dedicate to the use of the public for public utility purpose forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional eleven feet, six inches (11' 6") for ten feet (10' 0") perimeter ground easements or seven feet, six inches (7' 6") for fourteen feet (14' 0") perimeter ground easements or five feet, six inches (5' 6") for sixteen feet (16' 0") perimeter ground easements, from a plane sixteen feet (16' 0") above the ground level upward, located adjacent to and adjoining said public utility easements that are designated with aerial easements (U.E. and A.E.) as indicated and depicted hereon, whereby the aerial easement totals twenty one feet, six inches (21' 6") in width.

FURTHER, Owners have dedicated and by these presents do dedicate to the use of the public for public utility purpose forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional ten feet (10' 0") for ten feet (10' 0") back-to-back ground easements or eight feet (8' 0") for fourteen feet (14' 0") back-to-back ground easements or seven feet (7' 0") for sixteen feet (16' 0") back-to-back ground easements, from a plane sixteen feet (16' 0") above ground level upward, located adjacent to both sides and adjoining said public utility easements that are designated with aerial easements (U.E. and A.E.) as indicated and depicted hereon, whereby the aerial easement totals thirty feet (30' 0") in width.

FURTHER, Owners do hereby declare that all parcels of land designated as lots on this plat are originally intended for the construction of single family residential dwelling units thereon (or the placement of mobile home subdivision) and shall be restricted for same under the terms and conditions of such restrictions filed separately.

FURTHER, Owners do hereby covenant and agree that all of the property within the boundaries of this plat is hereby restricted to prevent the drainage of any septic tanks into any public or private street, permanent access easement, road or alley, or any drainage ditch, either directly or indirectly.

FURTHER, We do hereby covenant and agree that all of the property within the boundaries of this subdivision and adjacent to any drainage easement, ditch, gully, creek or natural drainage way shall hereby be restricted to keep such drainage ways and easements clear of fences, buildings, excessive vegetation and other obstructions to the operations and maintenance of the drainage facility and that such abutting property shall not be permitted to drain directly into this easement except by means of an approved drainage structure.

FURTHER, We do hereby dedicate to the public a strip of land twenty (20) feet wide on each side of the center line of any and all bayous, creeks, gullies, ravines, draws and drainage ditches located in said subdivision, as easements for drainage purposes. Fort Bend County or any other governmental agency shall have the right to enter upon said easement at any time and all times for the purposes of construction and maintenance of drainage facilities and structures.

FURTHER, We do hereby acknowledge the receipt of the "Orders for Regulation of Outdoor Lighting in the Unincorporated Areas of Fort Bend County, Texas", and do hereby covenant and agree and shall comply with this order as adopted by Fort Bend County Commissioners Court on March 23, 2004, and any subsequent amendments.

IN TESTIMONY WHEREOF, JDS Nursery Tract, LLC. has caused these presents to be signed by L. Michael Cox, President, thereunto authorized,

this _____ day of _____, 2021.

JDS Nursery Tract, LLC.

By: Memorial Development Services, Inc.,
a Texas corporation, its managing member

By: _____
L. Michael Cox, President

STATE OF TEXAS §
COUNTY OF FORT BEND §

BEFORE ME, the undersigned authority, on this day personally appeared L. Michael Cox, President, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2021.

Notary Public in and for the State of Texas

Print Name

My commission expires: _____

This is to certify that the Planning Commission of the City of Houston, Texas, has approved this plat and subdivision of FBC MUD 229 WWTP NO 1 in conformance with the laws of the State of Texas and the ordinances of the City of Houston, as shown hereon, and authorized the recording of this plat this _____, day of _____, 2021.

By: Martha L. Stein or M. Sonny Garza
Title Chair Vice Chairman

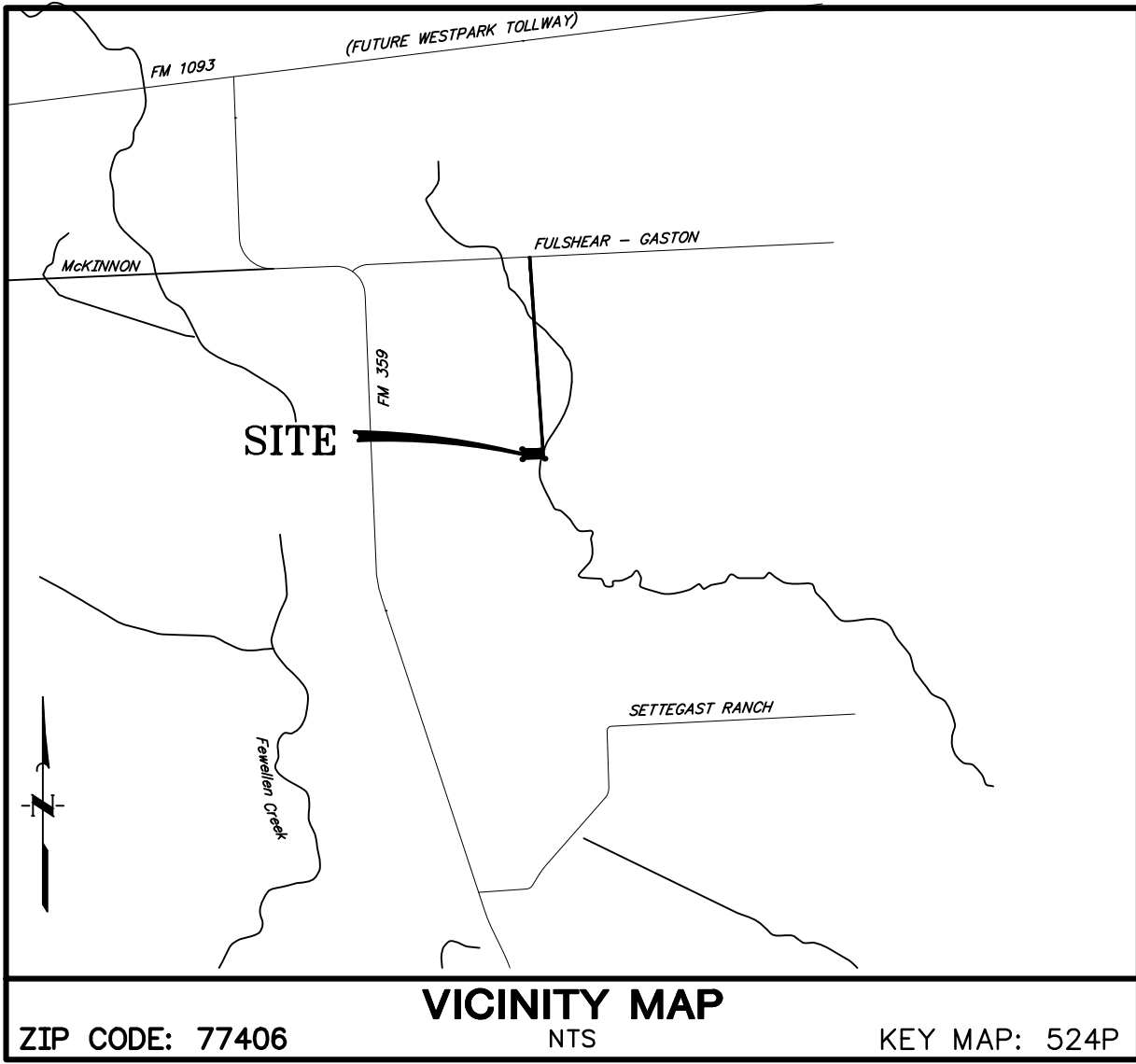
By: Margaret Wallace Brown AICP, CNU-A
Secretary

I, Jared S. Williams, a Professional Engineer registered in the State of Texas, do hereby certify that this plat meets all requirements of Fort Bend County, to the best of my knowledge.

Jared S. Williams, P.E.
Professional Engineer No. 131340

I, Chris D. Kalkomey, am registered under the laws of the State of Texas to practice the profession of surveying and hereby certify that the above subdivision is true and accurate; was prepared from an actual survey of the property made under my supervision on the ground; that, except as shown all boundary corners, angle points, points of curvature and other points of reference have been marked with iron (or other objects of a permanent nature) pipes or rods having an outside diameter of not less than five eighths (5/8) inch and a length of not less than three (3) feet; and that the plat boundary corners have been tied to the Texas Coordinate System of 1983, South Central Zone.

Chris D. Kalkomey, RPLS
Texas Registration No. 5869



I, J. Stacy Slawinski, P.E., Fort Bend County Engineer, do hereby certify that the plat of this subdivision complies with all of the existing rules and regulations of this office as adopted by the Fort Bend County Commissioners' Court. However, no certification is hereby given as to the effect of drainage from this subdivision on the intercepting drainage artery or parent stream or any other area or subdivision within the watershed.

J. Stacy Slawinski, P.E.
Fort Bend County Engineer

APPROVED by the Commissioners' Court of Fort Bend County, Texas, this _____ day of _____, 2021.

Vincent M. Morales, Jr.
Commissioner, Precinct 1

Grady Prestage
Commissioner, Precinct 2

KP George
County Judge

W.A. "Andy" Meyers
Commissioner, Precinct 3

Ken R. DeMerchant
Commissioner, Precinct 4

THE STATE OF TEXAS §
COUNTY OF FORT BEND §

I, Laura Richard, County Clerk in and for Fort Bend County, hereby certify that the foregoing instrument with its certificate of authentication was filed for registration in my office on _____, 2021, at _____ o'clock ____ in Plat Number(s) _____ of the Plat Records of said County.

Witness my hand and seal of office, at Richmond, Texas, the day and date last above written.

Laura Richard
Fort Bend County, Texas

By: _____
Deputy

FORT BEND COUNTY MUD 229 WASTE WATER TREATMENT PLANT NO 1

A SUBDIVISION OF 13.67 ACRES OF LAND
OUT OF THE JOHN FOSTER 2 1/2 LEAGUES GRANT, A-26,
FORT BEND COUNTY, TEXAS

1 RESERVE

1 BLOCK

JUNE 2021

OWNER:
FORT BEND COUNTY MUD 142
C/O SCHWARTZ PAGE & HARDING LLP
1300 POST OAK BLVD STE 1400
HOUSTON , TX 77056-3078
713 623 4531

OWNER/DEVELOPER:
JDS NURSERY TRACT LLC
5005 RIVERWAY, STE 500
HOUSTON , TX 77056
713 960 9977

SURVEYOR/ENGINEER/PLANNER:



Texas Board of Professional Land Surveying Registration No. 10046104
6415 Reading Road • Rosenberg, Texas 77471 • 281.342.2033