

FORT BEND COUNTY ENGINEERING

Fort Bend County, Texas

D. Jesse Hegemier
County Engineer

August 3, 2010

Commissioner Richard Morrison
Fort Bend County Precinct 1
1517 Eugene Heimann Circle, Suite 300
Richmond, Texas 77469

RE: Variance Request by Leon Janes to allow approximately 1.00 acre to be divided from the parent 24.996 acre tract (Tract 4) located in the S.A. & M. G. Railroad Company Survey, Section 9, Abstract 326, recorded in official Fort Bend County Deed Records, Instrument #2009015684, Fort Bend County, Texas.

Commissioner Morrison:

Fort Bend County Engineering has reviewed a request from Leon Janes concerning a variance to the Fort Bend County Regulations of Subdivisions. Mr. Janes requests a variance to allow 1.00 ± acre to be divided from the parent 24.996 acre tract (Tract 4) located in the S.A. & M. G. Railroad Company Survey, Section 9, Abstract 326, recorded in official Fort Bend County Deed Records, Instrument #2009015684, Fort Bend County, Texas. The 1.00 acre tract will be given to his daughter Rebecca Janes Ackley for a home site.


Both tracts will have adequate access to an existing County road. No further division of these tracts will be allowed without the written consent of Commissioners Court.

Fort Bend County Engineering Department offers no objection to granting this variance and recommends approval of this variance. The FBC Health Department and the City of Rosenberg have reviewed this request and offers no objection to the approval.

Under the Fort Bend County Regulations of Subdivisions as described in Section 2.2 B, Commissioners Court can grant an exception to the regulations and not require a subdivision plat. If there are no objections, Fort bend County Engineering will place an item on the agenda to approve the request for a variance.

If there are any questions or need for additional information please call 291-633-7510.

Sincerely,



Louis E. Hood, P.E.
First Assistant County Engineering

cc: Judge Robert E. Hebert, County Judge
Mr. Roy Cordes, Jr., FBC Attorney
File

Leon Janes
6734 Liverpool
Houston, TX 77021
713-741-6333

Eric and Rebecca Janes Ackley
562 CR 218
Wharton, TX 77448
979-358-0389 / 979-533-6887

Date: July 15, 2010

To: Mr. Morrison
Fort Bend County Commissioner
Precinct 1

CC: Louis Hood
Fort Bend County Engineering
Fort Bend County Health Department

Subject: Variance Request

I am requesting a variance to the Fort Bend County Regulations of Subdivision as described in Section 2.2B, to Commissioners Court to grant an exception to the regulations and not require a subdivision plat for the property described below:

Property Address / 25 acres with 4 acres as a part and identified by the Fort Bend Count CAD for residential tax purposes.

10903 Walker Road
Beasley TX 77417

also shown as 1090 Walker Road Beasley, TX (R585579) and 90 Walker Road (R58572) within printed and available records of the Fort Bend County Appraisal District information.

The property address for the subject Ackley 1 lot we are seeking to establish:

10929 Walker Road
Beasley TX 77417

Property Survey and Abstract:

We have been unable to find a specific drawn survey for the 25.00 acres (more or less) referred to as R58579 4.48 acres / tax account 0326-00-004-0003-901 and R58572 / 20.219 acres / tax account 0326-00-002-0007-901 except as a part of the survey and division of the original 100.0084 acres as divided into 4 tracts, being Tracts 1-4 of the original 100.9984 acres which was a part of Lot 2 and Lot 4 of Turkey Creek sub-division in the S.M. & M.G. RR Co Survey Section 9 Abstract 326 Fort Bend County Texas. The subject 100.9984 tract being called 100 acres described in deed recorded in Vol. 123 Page 196 Fort Bend County Deed Records. The survey was performed by Charles A Kalkomey in November 1981.

The 24.996 acre property is noted on the survey of the subject 1 acre Ackley lot as: Called 24.996 acre tract recorded in county clerk file 2009015684 in the S A and MG RR Company Survey, Section 9, Abstract 326, Fort Bend County, TX.

A survey for the subject Ackley 1 acre tract R389563 / tax account 0326-00-04-0005-901 out of the original 25 acres (more or less) has been performed and is attached here-in

Legal Description:

The legal description for the 4-acre (more or less) tract / R58579 tax account 0326-00-004-0003-901 is:
0326 S A and MG, Tract 4 Acres 4.78, Turkey Creek, Part Lot 4, Sec. 9

The legal description for the balance of 20-acre (more or less) tract, originally a part of the 24.96 acres, R58572 and tax account 0326-00-002-0007-901 is as follows:
0326 S A and MG, Tract 4 Acres 20.219, Turkey Creek, Part Lot 4, Sec. 9

The survey of the subject Ackley 1 lot / R R389563 / tax account 0326-00-04-0005-901 we are seeking to establish is described in the survey as:

Survey of 1.0000 acres of land out of a called 24.996 acre tract recorded in county clerk file 2009015684 in the S A and MG RR Company Survey, Section 9, Abstract 326, Fort Bend County, TX.

Tax Account Number(s):

The tax numbers for the 4-acre (more or less) tract:
R58579
0326-00-004-0003-901

Note that this tract was never surveyed out or platted out of the original 25 acres (more or less), with separation and designation currently in place and having been performed by the Fort Bend County CAD for tax purposes only.

The tax numbers for the balance of 20-acre (more or less) tract, originally a part of the 25 acres (more or less):
R58572
0326-00-002-0007-901

The tax numbers for the subject Ackley 1 acre tract we are seeking to establish, and to which we have been provided a letter of exception to platting requirements by The City of Rosenberg, being in the ETJ of The City of Rosenberg is as follows:
R389563
0326-00-04-0005-901

The exception letter from the City of Rosenberg Director of Planning Theresa Grahmann is attached here-in.

Owner of Record:

The owner of record for the 4-acre (more or less) tract / R58579 tax account 0326-00-004-0003-901 / 0326 S A and MG, Tract 4 Acres 4.78, Turkey Creek, Part Lot 4, Sec. 9, and the balance of 20-acre (more or less) tract, originally a part and making up the original 25 acres, being R58572 and tax account 0326-00-002-0007-901 is as follows:

Leon Benjamin Janes
6734 Liverpool
Houston, TX 77021

The survey of the subject Ackley 1 lot / R R389563 / tax account 0326-00-04-0005-901 we are seeking to establish for a residence has an Owner of Record as follows:

Eric and Rebecca Ackley
562 CR 218
Wharton, TX 77488

NOTES: The original tract of 25 acres (more or less) was originally given to Leon Janes, John Janes and Rebecca Janes from mother Ester Janes. John and Rebecca Janes have given the 25 acre property to Leon Janes, and Leon Janes has given the subject 1 acre Ackley lot to Eric and Rebecca Ackley. Warranty Deeds testifying to these transactions have been included here-in.

Division Request: Surveyed as 1.0000 acres of land out of a called 24.996 acre tract recorded in county clerk file 2009015684 in the S A and MG RR Company Survey, Section 9, Abstract 326, Fort Bend County, TX, our request is for recognition of the subject 1 acre as a residential lot.

Further Description: The subject 1.000 acre lot has been surveyed, and given an address of 10929 Walker Road. It is defined as such for tax purposes in reference to R389563 and tax account 0326-00-04-0005-901 by the Fort Bend County CAD. The lot has a front property line on Walker Road being 208.71'. Fort Bend County has installed a culvert which crosses a county drainage ditch in association and for independent access to the lot.

Attachments:

Survey Map
Deed
Health Department Approval
City approval for ETJ requirements

I understand, no further division of tracts will be allowed without the written consent of the Commissioners Court. Your consideration of the request is appreciated.

Sincerely,

Leon Janes Leon Janes Date 7-23-2010
Eric Ackley Eric Ackley Date 7/23/10

ENHANCED

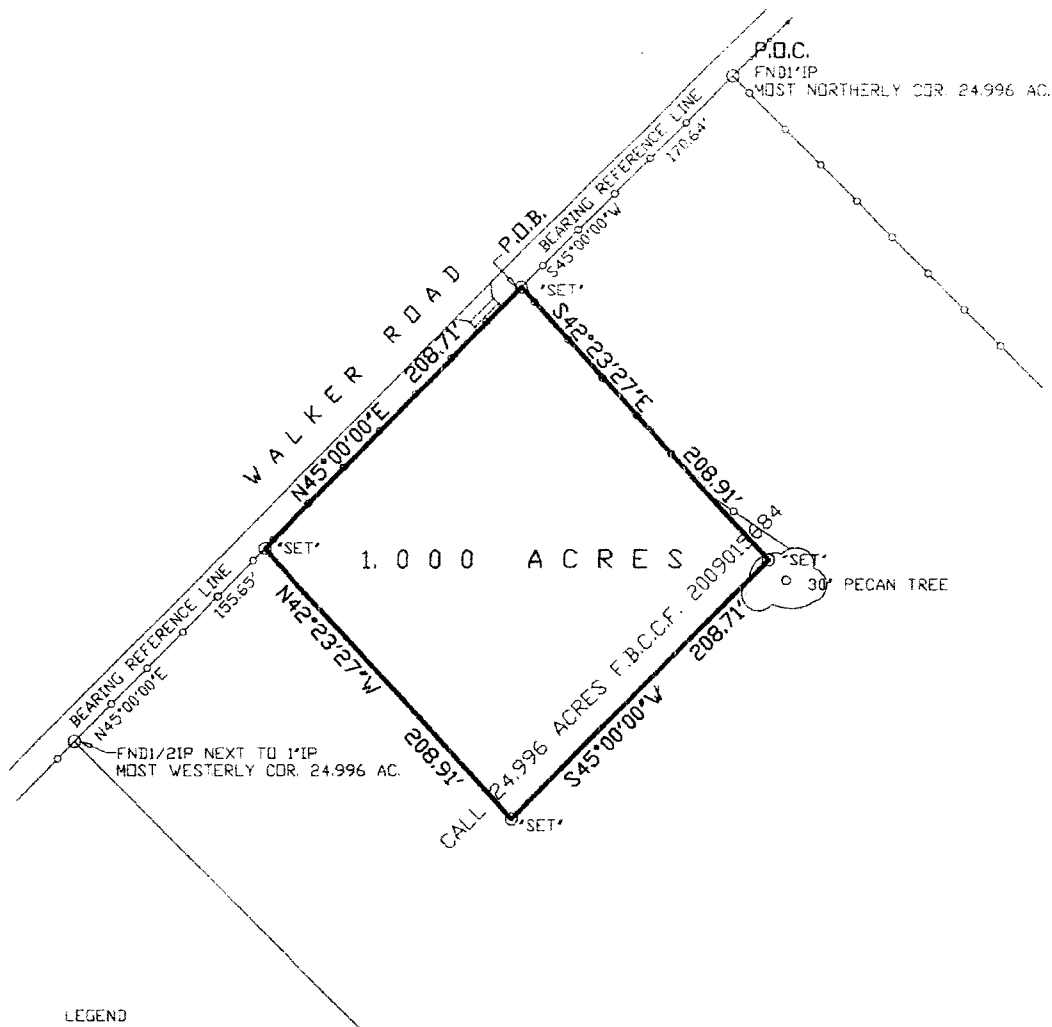
SURVEY AND DIVISION OF A 100.9984 ACRE TRACT OF LAND BEING PART OF LOT 2 & LOT 4 OF TURKEY CREEK SUB-DIVISION IN THE S.A. & M.G. R.R. COMPANY SURVEY SEC. 9 / ABSTRACT 326 / FORT BEND CO TX.

EDUCATION

SURVEY AND DIVISION OF A 100.9984 ACRE TRACT OF LAND BEING PART OF LOT 2 & LOT 4 OF TURKEY CREEK SUB-DIVISION IN THE S.A. & M.G. R.R. COMPANY SURVEY SEC. 9 / ABSTRACT 326 / FORT BEND CO TX.

[illegible]

TRACT 4 - 24.996 ACRE TRACT RECORDED IN
COUNTY CLERK, FILE 2009015684 IN THE
S.A. & M.G. RR. COMPANY SURVEY / SECTION 9
ABSTRACT 326 / FORTH BEND COUNTY, TX



LEGEND

IR=IRON ROD
 F.B.C.C.F.=FORT BEND COUNTY CLERK FILE
 F.B.C.D.R.=FORT BEND COUNTY DEED RECORDS
 FND=FOUND
 BL=BUILDING LINE
 DE=DRAINAGE EASEMENT
 WLE=WATER LINE EASEMENT
 SET=SET IRON ROD WITH CAP *BRADFORD 4728*
 R=RADIUS
 L=LENGTH

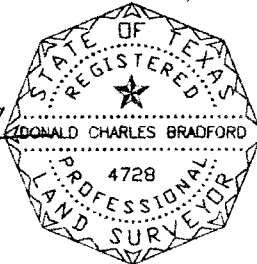


SCALE: 1"=100'



I, DONALD C. BRADFORD, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS DO HEREBY CERTIFY THAT THIS PLAT REPRESENTS THE FACTS FOUND AS THE RESULT OF AN ON THE GROUND SURVEY PREPARED BY ME OR UNDER MY SUPERVISION ON DECEMBER 2, 2009.

Donald C Bradford



DONALD C. BRADFORD
 7810 BOOTHLINE ROAD
 RICHMOND, TX. 77469
 281 238-4120
 979 793-3220

THIS SURVEY HAS METES AND BOUNDS
 JOB NO: 09-084

THIS PROPERTY IS SUBJECT TO THE FOLLOWING

1. A TITLE COMMITMENT WAS NOT FURNISHED, THEREFORE THERE MAY BE ADDITIONAL EASEMENTS AND ENCUMBRANCES, ETC. THAT THE SURVEYOR IS UNAWARE OF.

SURVEY OF 1,000 ACRES OF LAND OUT OF A CALLED 24.996 ACRE TRACT RECORDED IN COUNTY CLERK FILE 2009015684 IN THE S.A. & M.G. RR. COMPANY SURVEY, SECTION 9, ABSTRACT 326, FORT BEND COUNTY, TEXAS.