



City of La Vernia  
**PLANNING & ZONING COMMISSION MEETING**  
102 E. Chihuahua St., La Vernia, Texas 78121  
February 06, 2024  
6:30 PM

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## AGENDA

1. **Call to Order**
2. **Invocation, Pledge of Allegiance and Texas Pledge**
3. **Citizens to Be Heard**  
*(At this time, citizens who have filled out a registration form prior to the start of the meeting may speak on any topic they wish to bring to the attention of the governing body so long as that topic is not on the agenda for this meeting. Citizens may speak on specific agenda items when that item is called for discussion. During the Citizens to Be Heard section no commission action may take place and no commission discussion or response is required to the speaker. A time limit of three minutes per speaker is permitted; the commission may extend this time at their discretion.)*
4. **Consent Agenda**  
*(All consent agenda items are considered routine by Planning & Zoning and will be enacted by one motion. There will be no separate discussion of these items unless a commission member requests an item be removed and considered separately.)*
  - A. Meeting Minutes from the 1/9/2024 regular meeting
5. **Public Hearing**
  - A. Discuss and consider action on a recommendation to the City Council regarding Ordinance No. 020824-03 the SUP request from **Christopher Ott, in conjunction with property owner Chester Eastin** regarding the location specifically known as: 1317 US HWY 87 W LA VERNIA, TX 78121 CITY OF LA VERNIA, LOT 265, ACRES .598 concerning the request for an SUP to ***allow for a new and unlisted use of "botanicals and smoke shop"***.
    - A.1 Open Public Hearing
    - A.2 Requestor Presentation
    - A.3 Staff Presentation
    - A.4 Receive Public Comments
    - A.5 Close Public Hearing

A.6 Discuss and consider action on a recommendation to the City Council regarding Ordinance No. 020824-03 the SUP request from **Christopher Ott, in conjunction with property owner Chester Eastin** regarding the location specifically known as: 1317 US HWY 87 W LA VERNIA, TX 78121 CITY OF LA VERNIA, LOT 265, ACRES .598 concerning the request for an SUP to **allow for a new and unlisted use of “botanicals and smoke shop”**.

**B.** The City of La Vernia Planning & Zoning Commission will hold a public hearing at the request of property owner **DQ ENTERPRISES LLC** regarding the property located at **4092 CR 342 LA VERNIA, TX 78121 CITY OF LA VERNIA, LOT 219A, ACRES 5.001** concerning the request to Re-Plat from one lot to two

B.1 Open Public Hearing

B.2 Requestor Presentation

B.3 Staff Presentation

B.4 Receive Public Comments

B.5 Close Public Hearing

B.6 Discuss and consider action on the request from property owner **DQ ENTERPRISES LLC** regarding the property located at **4092 CR 342 LA VERNIA, TX 78121 CITY OF LA VERNIA, LOT 219A, ACRES 5.001** concerning the request to Re-Plat from one lot to two

**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 Council meetings are available to all persons regardless of disability. The facility is wheelchair accessible and parking spaces are available. Request 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 [Lboyd@lavernia-tx.gov](mailto:Lboyd@lavernia-tx.gov).*

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the governing body of the above-named La Vernia Planning and Zoning Commission is a true and correct copy of said Notice and that I posted a true and correct copy of said Notice on the bulletin boards of the City Hall of said La Vernia, Texas, a place convenient and readily accessible to the general public at all times, and said Notice was posted on **Feb,02 2024 at 5:00 PM** and remained so posted continuously for at least 72 Hours preceding the scheduled time of said meeting.

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Lindsey Wheeler, City Secretary



City of La Vernia  
**PLANNING & ZONING COMMISSION MEETING**  
102 E. Chihuahua St., La Vernia, Texas 78121  
January 09, 2024  
6:30 PM

Section 4, Item A.

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## MINUTES

### 1. Call to Order

The meeting was called to order at 6:32 pm

Chris Jacobs, Kyle Real, and Wayne Robbins were present, Marlin Tanneberger was not present

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

Invocation and pledges were recited

### 3. Citizens to Be Heard

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

None

### 4. Consent Agenda

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

A. Minutes from the 11-07-23 regular meeting

Wayne Robbins made a motion to approve the consent agenda as listed, seconded by Kyle Real, all in favor

### 5. Public Hearing

A. The City of La Vernia Planning & Zoning Commission will hold a public hearing at the request of property owner **SMITH, KATHRYN** regarding the property located at **13672 US HWY**

**87 W LA VERNIA, TX 78121, CITY OF LA VERNIA, LOT 114 (4 PIERDOLLA ADDN U-1), ACRES .5775, Undivided Interest 50.0000000000% concerning the request for an SUP to allow for *Kennel/ Stable/ Animal Boarding/ Housing in the C-1 Zone district***

A.1 Open Public Hearing

A.2 Requestor Presentation

A.3 Staff Presentation

A.4 Receive Public Comments

A.5 Close Public Hearing

A.6 Discuss and consider action on a recommendation to the City Council regarding Ordinance No. 011124-01 the SUP request from property owner **SMITH, KATHRYN** regarding the property located at **13672 US HWY 87 W LA VERNIA, TX 78121, CITY OF LA VERNIA, LOT 114 (4 PIERDOLLA ADDN U-1), ACRES .5775, Undivided Interest 50.0000000000%** concerning ***Kennel/Stable/Animal Boarding/Housing in the C-1 Zone district***

The City of La Vernia Planning & Zoning Commission will hold a public hearing at the request of property owner **SMITH, KATHRYN** regarding the property located at **13672 US HWY 87 W LA VERNIA, TX 78121, CITY OF LA VERNIA, LOT 114 (4 PIERDOLLA ADDN U-1), ACRES .5775, Undivided Interest 50.0000000000%** concerning the request for an SUP to allow for ***Kennel/ Stable/ Animal Boarding/ Housing in the C-1 Zone district***

A.1 Open Public Hearing

Open at 6:34 pm

A.2 Requestor Presentation

Kathryn Smith spoke, said she plans to place a small building in the back for dogs to be boarded

A.3 Staff Presentation

None

A.4 Receive Public Comments

None

A.5 Close Public Hearing

Closed at 6:37 pm

A.6 Discuss and consider action on a recommendation to the City Council regarding Ordinance No. 011124-01 the SUP request from property owner **SMITH, KATHRYN** regarding the property located at **13672 US HWY 87 W LA VERNIA, TX 78121, CITY OF LA VERNIA, LOT 114 (4 PIERDOLLA ADDN U-1), ACRES .5775, Undivided Interest 50.0000000000%** concerning ***Kennel/Stable/Animal Boarding/Housing in the C-1 Zone district***

The Commissioners suggested tabling this item until the applicant can ensure no code violations are occurring at the site

- B. The City of La Vernia Planning & Zoning Commission will hold a public hearing at the request of property owner **BAICOH HOLDINGS LLC** regarding the property located at **503 BLUEBONNET RD LA VERNIA, TX 78121, being WOODBRIDGE COMMERCIAL, BLOCK 1, LOT 2, ACRES 1.1925** concerning the request to create two lots from one (Re-Plat)

B.1 Open Public Hearing

B.2 Requestor Presentation

B.3 Staff Presentation

B.4 Receive Public Comments

B.5 Close Public Hearing

B.6 Discuss and consider action on the request from property owner **BAICOH HOLDINGS LLC** regarding the property located at **503 BLUEBONNET RD LA VERNIA, TX 78121, being WOODBRIDGE COMMERCIAL, BLOCK 1, LOT 2, ACRES 1.1925** concerning the request to create two lots from one (Re-Plat)

The City of La Vernia Planning & Zoning Commission will hold a public hearing at the request of property owner **BAICOH HOLDINGS LLC** regarding the property located at **503 BLUEBONNET RD LA VERNIA, TX 78121, being WOODBRIDGE COMMERCIAL, BLOCK 1, LOT 2, ACRES 1.1925** concerning the request to create two lots from one (Re-Plat)

B.1 Open Public Hearing

Opened at 6:38 pm

B.2 Requestor Presentation

Jeanine schoenert presented

B.3 Staff Presentation

None

B.4 Receive Public Comments

None

B.5 Close Public Hearing

@6:39

B.6 Discuss and consider action on the request from property owner **BAICOH HOLDINGS LLC** regarding the property located at **503 BLUEBONNET RD LA VERNIA, TX 78121, being WOODBRIDGE COMMERCIAL, BLOCK 1, LOT 2, ACRES**

**1.1925** concerning the request to create two lots from one (Re-Plat)

Wayne Robbins made a motion to approve the request from property owner **BAICOH HOLDINGS LLC** regarding the property located at **503 BLUEBONNET RD LA VERNIA, TX 78121, being WOODBRIDGE COMMERCIAL, BLOCK 1, LOT 2, ACRES 1.1925** concerning the request to create two lots from one (Re-Plat,) seconded by Kyle Real, all in favor

C. The City of La Vernia Planning & Zoning Commission will hold a public hearing at the request of property owner **MJS Development** regarding the property located at **101 WOODBRIDGE DR LA VERNIA, TX 78121 WOODBRIDGE COMMERCIAL, BLOCK 1, LOT 1, ACRES 2.3566** concerning the request to create two lots from one (Re-Plat)

C.1 Open Public Hearing

C.2 Requestor Presentation

C.3 Staff Presentation

C.4 Receive Public Comments

C.5 Close Public Hearing

C.6 Discuss and consider action on the request from property owner **MJS Development** regarding the property located at **101 WOODBRIDGE DR LA VERNIA, TX 78121 WOODBRIDGE COMMERCIAL, BLOCK 1, LOT 1, ACRES 2.3566** concerning the request to create two lots from one (Re-Plat)

The City of La Vernia Planning & Zoning Commission will hold a public hearing at the request of property owner **MJS Development** regarding the property located at **101 WOODBRIDGE DR LA VERNIA, TX 78121 WOODBRIDGE COMMERCIAL, BLOCK 1, LOT 1, ACRES 2.3566** concerning the request to create two lots from one (Re-Plat)

C.1 Open Public Hearing

Open at 6:40 pm



C.2 Requestor Presentation

Jeanine schoenert presented

C.3 Staff Presentation

None

C.4 Receive Public Comments

None

C.5 Close Public Hearing

Closed at 6:42 pm

C.6 Discuss and consider action on the request from property owner **MJS Development** regarding the property located at **101 WOODBRIDGE DR LA VERNIA, TX 78121 WOODBRIDGE COMMERCIAL, BLOCK 1, LOT 1, ACRES 2.3566** concerning the request to create two lots from one (Re-Plat)

Wayne Robbins made a motion to approve the request from property owner **MJS Development** regarding the property located at **101 WOODBRIDGE DR LA VERNIA, TX 78121 WOODBRIDGE COMMERCIAL, BLOCK 1, LOT 1, ACRES 2.3566** concerning the request to create two lots from one (Re-Plat,) Seconded by Kyle Real, all in favor

**6. Discussion & Action**

NA

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

-SUP

-Look into annual SUP Renewal

**8. Adjourn**

Wayne Robbins made a motion to adjourn the meeting at 6:45 pm, seconded by Kyle Real, all in favor

### DECORUM REQUIRED

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I, the undersigned authority, do hereby certify that the above Notice of Meeting of the governing body of the above-named La Vernia Planning and Zoning Commission is a true and correct copy of said Notice and that I posted a true and correct copy of said Notice on the bulletin boards of the City Hall of said La Vernia, Texas, a place convenient and readily accessible to the general public at all times, and said Notice was posted on **January 5, 2024 at 5:00 PM** and remained so posted continuously for at least 72 Hours preceding the scheduled time of said meeting.

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Lindsey Wheeler, City Secretary



NOTICE OF PUBLIC HEARING

The City of La Vernia Planning & Zoning Commission and the La Vernia City Council will hold a public hearing at the request of Christopher Ott, in conjunction with property owner Chester Eastin regarding the location specifically known as:

1317 US HWY 87 W LA VERNIA, TX 78121 CITY OF LA VERNIA, LOT 265, ACRES .598

Request: **A Specific Use Permit (SUP) to allow for a new permitted use not currently in existence in our code of ordinances per Sec. 38-303. - Classification of new and unlisted uses being known as botanicals and smoke shop and determining the zoning district or districts within which such use should be permitted.**

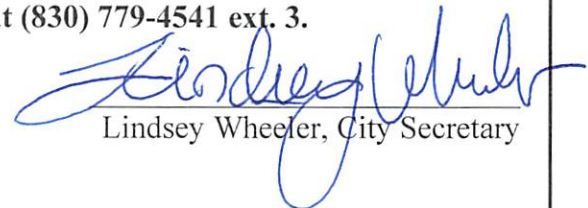
Because your property is located within 200 feet of the request, State Law requires that we notify you of the public hearing. *However, the zoning of your property will not be affected.* The public hearing process allows an opportunity to provide your written opinion of the request. This will aid the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

A public hearing for this request is scheduled before the Planning & Zoning Commission on Tuesday, February 6th, 2024 at 6:30 PM and the City Council on Thursday, February 8th, 2024 at 6:30 PM. Both meetings will be held at 102 E. Chihuahua St., Council Chambers, and are open to the public. To submit written comments please complete the information below, including your signature, and return before the meetings.

Mail: City of La Vernia  
Lindsey Wheeler  
PO Box 225  
La Vernia, Texas 78121

Email: [Lboyd@lavernia-tx.gov](mailto:Lboyd@lavernia-tx.gov)

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

  
Lindsey Wheeler, City Secretary

YOUR OPINION MATTERS – DETACH AND RETURN

circle one

I am (in favor) (opposed) to the **A Specific Use Permit (SUP) to allow for a new permitted use not currently in existence in our code of ordinances per Sec. 38-303. - Classification of new and unlisted uses being known as botanicals and smoke shop and determining the zoning district or districts within which such use should be permitted**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Comments: \_\_\_\_\_

DOEGE JACK D & PAULA K  
209 W CHIHUAHUA  
LA VERNIA, TX 78121

RAMZINSKI PROPERTIES LLC  
3198 CR 361  
ADKINS, TX 78101

WELLS FARGO BANK NA  
AND AFFILIATED SUBSIDIARIES  
333 MARKET ST 10TH FLR MAC A0109 101  
SAN FRANCISCO, CA 94105

MATTKE SANDRA KAY  
PO BOX 164  
LA VERNIA, TX 78121

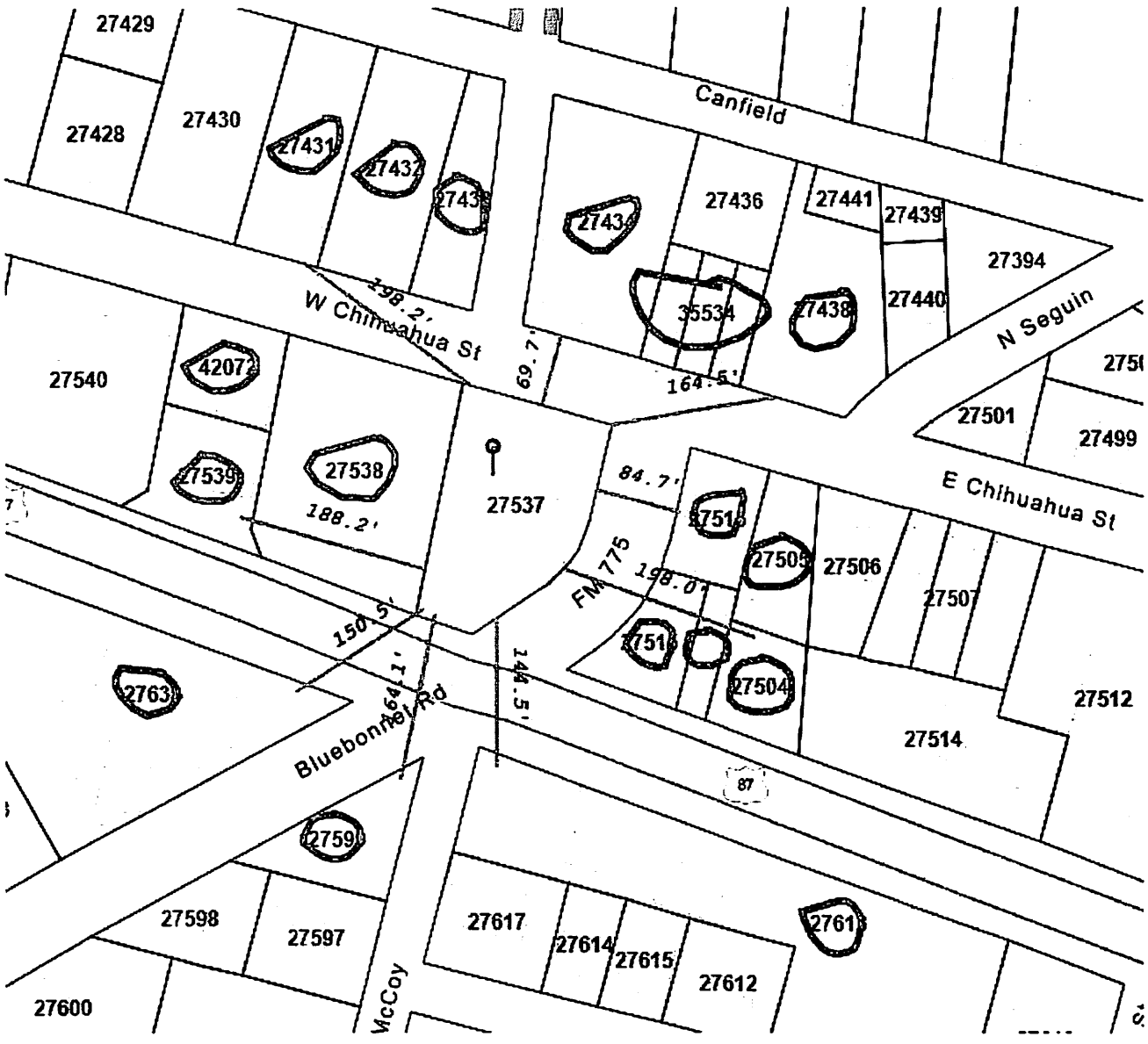
ROSE WILL  
PO BOX 430  
LA VERNIA, TX 78121-0430

RACKLER DONALD  
6491 FM 775  
LA VERNIA, TX 78121

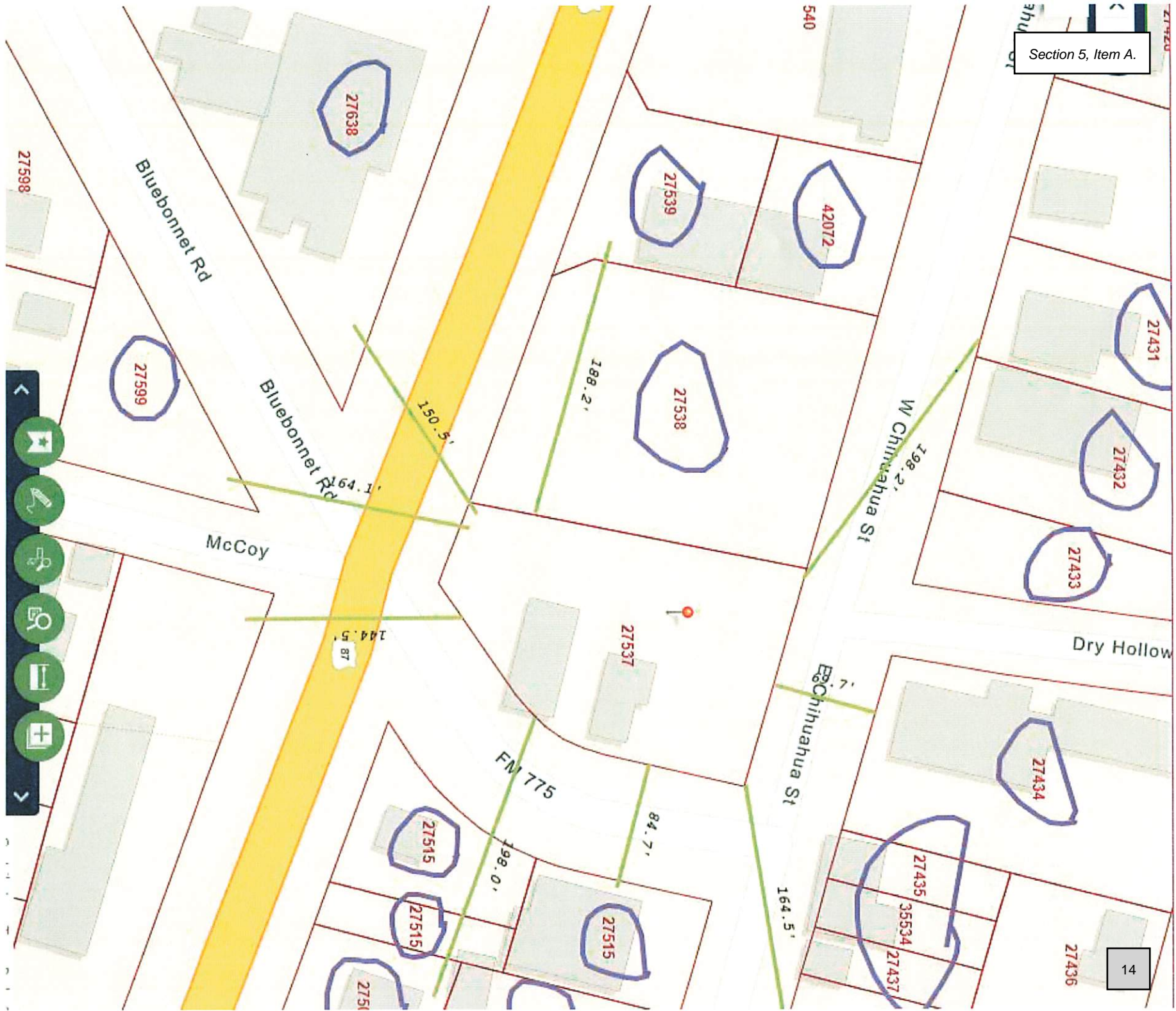
GOLDEN STREET PROPERTIES  
P O BOX 1299  
LA VERNIA, TX 78121

WILSON COUNTY FARM BUREAU  
PO BOX 518  
FLORESVILLE, TX 78114-0518

KOEPP CHEVROLET INC  
PO BOX 399  
13221 US HWY 87 W  
LA VERNIA, TX 78121









Date Received \_\_\_\_\_

Permit/Receipt No. \_\_\_\_\_

Fee Paid \_\_\_\_\_

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

Section 5, Item A.



**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 Christopher Ott

Mailing Address 8740 Real Rd. San Antonio, TX 78263

Telephone (210) 859-3470 Fax — Mobile (210) 859-3470 Email christopherott532@icloud.com

Property Address/Location 200 E. Chihuahua St. Property ID No 20135599

Legal Description  
Name of Subdivision BPP

Lot(s) \_\_\_\_\_ Block(s) \_\_\_\_\_ Acreage .717

Existing Use of Property Vacant

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

Botanicals and smoke shop

Current Zoning Central Business

Proposed use of Property and/or Reason for Request (please explain in detail and attach additional pages if needed):

We are wanting to open up a CBD botanicals and smoke shop in La Vernia. La Vernia has no zoning for this type of business

**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:**

Christopher Ott  
 \_\_\_\_\_  
 Signature of Owner(s)/Agent

12/28/23  
 \_\_\_\_\_  
 Date

For Office Use Only	
Date of Publication _____	Date of P&Z Public Hearing _____
Date of 200 Ft Notices _____	Date of Council Public Hearing _____
Ordinance No. _____	Approved _____ Denied _____



Vol. 910 PART 246

61300  
GENERAL WARRANTY DEED

Date: June 12, 1996

Grantor: LA VERNIA UNITED METHODIST CHURCH, an unincorporated religious association, acting by and through its Board of Trustees pursuant to The Book of Discipline of the United Methodist Church

Grantor's Mailing Address:

P.O. Box 155  
La Vernia, Wilson County, Texas 78121

Grantee: CHESTER D. EASTIN

Grantee's Mailing Address:

Rt. 2 Box 379  
La Vernia, Wilson County, Texas 78121

Consideration:

TEN DOLLARS (\$10.00) and other good and valuable consideration paid by Grantee from Grantee's separate property, the receipt of which is acknowledged by Grantor, and the sum of \$100,000.00, paid to the Grantor herein by SCHERTZ BANK & TRUST, at the instance and request of the Grantee herein, the receipt of which is hereby acknowledged, as evidence of which said Grantee has executed and delivered his one certain promissory note of even date herewith, in the principal sum of \$100,000.00, payable to the order of SCHERTZ BANK & TRUST, payable and bearing interest as therein provided, the final payment, if not sooner paid, shall be due on June 12, 2011, said note providing for acceleration of maturity in event of default, the payment of which note is secured by the vendor's lien herein retained, and is additionally secured by a deed of trust of even date herewith to MELVIN F. GOLLA, Trustee.

Property:

0.717 of an acre tract of land situated in the City of La Vernia, Wilson County, Texas, and being out of the Juan Delgado Grant, Survey No. 8 (A-8), and being part of that 0.973 of an acre tract conveyed to the Trustees of the Methodist Episcopal Church South by deed recorded in Vol. 82, Page 601, Official Public Records of Wilson County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron pin set at the intersection of the north line of U.S. Highway 87 with the northwest line of Farm to Market Road 775 at the southeast corner of this tract;

THENCE N. 68° 55' 00" W., 72.76 feet along the north line of U.S. Highway 87 to a chain link fence post at the southwest corner of this tract, being the southeast corner of the remaining portion of that property conveyed to J. T. Hemby by deed recorded in Vol. 755, Page 374;

THENCE N. 11° 49' 45" E., 137.98 feet with chain link fence to corner post at an angle point;

THENCE N. 15° 13' 44" E., 75.55 feet to a 1/2" iron pin set in the south line of Loop 321 (Old U.S. Highway 87) at the northwest corner of this tract;

THENCE S. 72° 47' 00" E., 161.40 feet along the south line of Loop 321 to a 1/2" iron

CLERKSON 100

pin set at its intersection with the west line of Farm to Market Road 775, being the northeast corner of this tract;

THENCE along the west and northwest lines of Farm to Market Road 775, as follows:  
S. 14° 45' 00" W., 137.61 feet to a concrete monument found at an angle point;  
S. 61° 48' 16" w., 112.75 feet to the place of beginning.

Grantor, for the consideration and subject to the reservations from and 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 wise belonging, to have and hold it to Grantee, Grantee's heirs, executors and administrators forever. Grantor binds Grantor and Grantor's heirs, executors and administrators to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors and administrators, against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty.

Grantor GRANTS and CONVEYS the property to Grantee as separate property.

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

SCHERTZ BANK & TRUST, at the instance and request of the Grantee, having advanced and paid in cash to the Grantor that portion of the purchase price of the herein described property as is evidenced by the herein described \$100,000.00 note, the Vendor's Lien, together with the Superior Title to said property, is retained herein for the benefit of said SCHERTZ BANK & TRUST, and the same are hereby TRANSFERRED and ASSIGNED to said SCHERTZ BANK & TRUST.

When this Deed is executed by more than one person, or when the Grantor and/or Grantee is more than one person, the instrument shall read as though pertinent verbs, nouns and pronouns were changed correspondingly, and when executed by or to a legal entity other than a natural person, the words "heirs, executors and administrators" or "heirs and assigns" shall be construed to mean "successors and assigns." Reference to any gender shall include either gender and in the case of a legal entity other than a natural person, shall include the neuter gender, all as the case may be.

LA VERNIA UNITED METHODIST CHURCH

BY: Walter Veselka  
WALTER VESELKA  
Chairman, Board of Trustees

BY: Larry Adams  
LARRY ADAMS  
Secretary, Board of Trustees

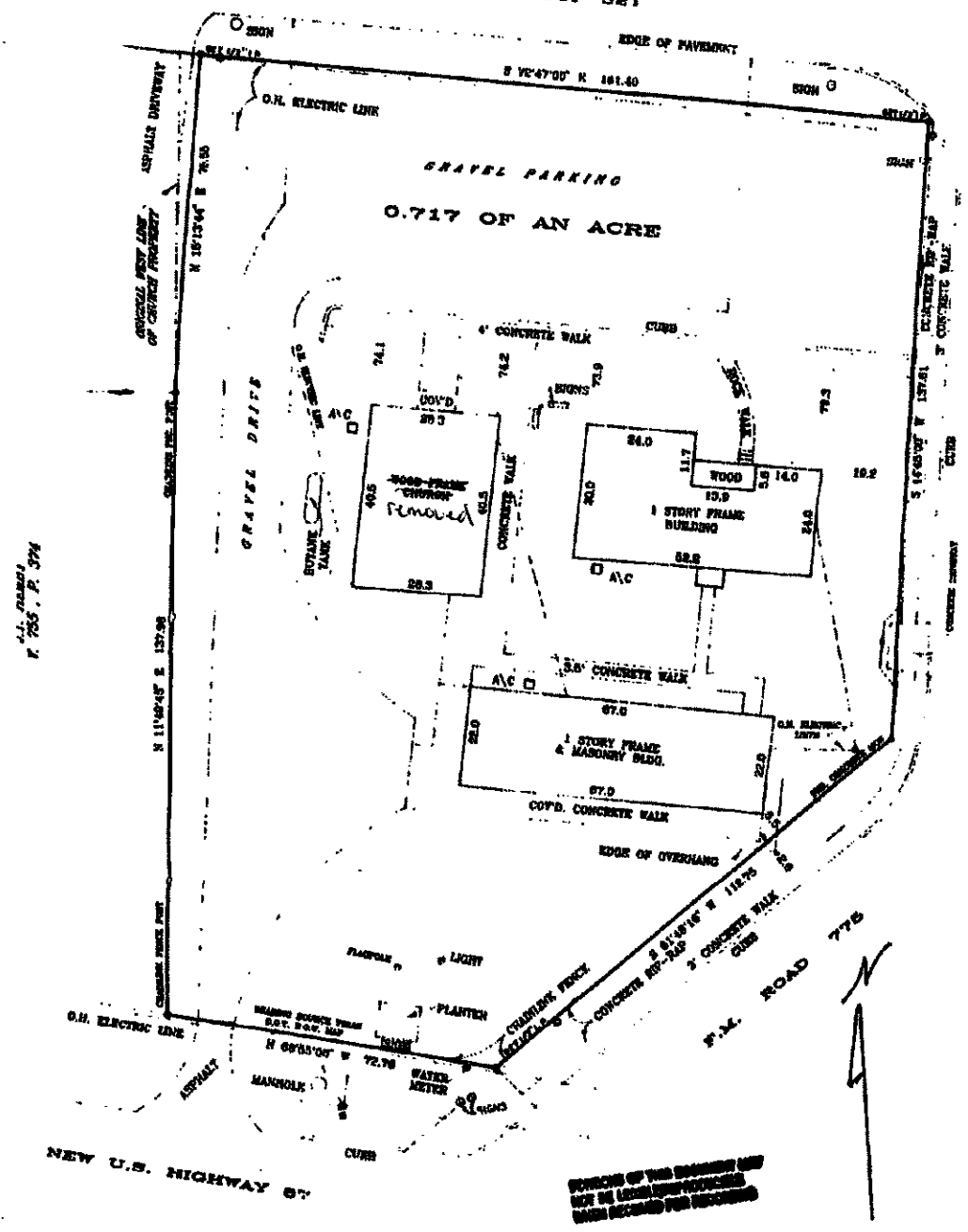
APPROVED:

Steven M. Purdy  
STEVEN M. PURDY  
Pastor, La Vernia United Methodist Church

Harold Sassman  
HAROLD SASSMAN  
District Superintendent of the  
San Antonio District of the  
Southwest Annual Conference of  
The United Methodist Church

CLM/A5076.143

OLD U.S. HIGHWAY 67  
LOOP 321



W. J. Martin  
P. 255 - P. 374

NEW U.S. HIGHWAY 67

PORTIONS OF THIS INSTRUMENT MAY  
NOT BE LEGALLY ENFORCEABLE  
UNLESS RECORDED PER RECORDS

H.A. KOERLEM SURVEY COMPANY  
10616 PERDUE DRIVE, SUITE 208  
4424 ANTONIO, TEXAS 78217

ANY PROVISION HEREIN WHICH REQUIRES THE SEAL, SIGNATURE OR USE OF THE CLERK OF SAID  
PROPERTY BECAUSE OF DEATH OR INABILITY TO ACT IS VOID AND UNENFORCEABLE UNDER FEDERAL LAW.

THE STATE OF TEXAS  
COUNTY OF WILSON

I hereby certify that this instrument was FILED in File Number  
Sequence on the date and at the time stamped hereon by me,  
and was duly RECORDED in Official Public Records  
VOL. 910 PAGE 249-250  
OF WILSON COUNTY, TEXAS ON

EXHIBIT A

JUN 17 1988



*E. A. Martin*  
COUNTY CLERK  
WILSON COUNTY, TEXAS



NOTICE OF PUBLIC HEARING

The City of La Vernia Planning & Zoning Commission and the La Vernia City Council will hold a public hearing at the request of Christopher Ott, in conjunction with property owner Chester Eastin regarding the location specifically known as:

1317 US HWY 87 W LA VERNIA, TX 78121 CITY OF LA VERNIA, LOT 265, ACRES .598

Request: A Specific Use Permit (SUP) to allow for a new permitted use not currently in existence in our code of ordinances per Sec. 38-303. - Classification of new and unlisted uses being known as botanicals and smoke shop and determining the zoning district or districts within which such use should be permitted.

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 the City Council.

A public hearing for this request is scheduled before the Planning & Zoning Commission on Tuesday, February 6th, 2024 at 6:30 PM and the City Council on Thursday, February 8th, 2024 at 6:30 PM. Both meetings will be held at 102 E. Chihuahua St., Council Chambers, and are open to the public. To submit written comments please complete the information below, including your signature, and return before the meetings.

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Lindsey Wheeler
PO Box 225
La Vernia, Texas 78121

Email: Lboyd@lavernia-tx.gov

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

Lindsey Wheeler, City Secretary

YOUR OPINION MATTERS – DETACH AND RETURN

circle one

I am (in favor) (opposed) to the A Specific Use Permit (SUP) to allow for a new permitted use not currently in existence in our code of ordinances per Sec. 38-303. - Classification of new and unlisted uses being known as botanicals and smoke shop and determining the zoning district or districts within which such use should be permitted

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Comments: \_\_\_\_\_



DOEGE JACK D & PAULA K  
209 W CHIHUAHUA  
LA VERNIA, TX 78121

RAMZINSKI PROPERTIES LLC  
3198 CR 361  
ADKINS, TX 78101

WELLS FARGO BANK NA  
AND AFFILIATED SUBSIDIARIES  
333 MARKET ST 10TH FLR MAC A0109 101  
SAN FRANCISCO, CA 94105

MATTKE SANDRA KAY  
PO BOX 164  
LA VERNIA, TX 78121

ROSE WILL  
PO BOX 430  
LA VERNIA, TX 78121-0430

RACKLER DONALD  
6491 FM 775  
LA VERNIA, TX 78121

GOLDEN STREET PROPERTIES  
P O BOX 1299  
LA VERNIA, TX 78121

WILSON COUNTY FARM BUREAU  
PO BOX 518  
FLORESVILLE, TX 78114-0518

KOEPP CHEVROLET INC  
PO BOX 399  
13221 US HWY 87 W  
LA VERNIA, TX 78121

## What our code says regarding creating a new use type in the city:

### **Sec. 38-303. - Classification of new and unlisted uses.**

It is recognized that new or unlisted types of land use will develop and forms of land use not anticipated may seek to locate in the city. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use shall be made as follows:

(1)

The administrative official shall refer the question concerning any new or unlisted use to the planning and zoning commission and city council for review and approval of a specific use permit.

(2)

The specific use permit application shall be accompanied by a statement of facts, provided by the applicant, listing the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage and amount and nature thereof, enclosed or open storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, dust, toxic material, and vibration likely to be generated and the general requirements for public utilities such as water and sanitary sewer.

(3)

The planning and zoning commission and city council shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts, in determining the zoning district or districts within which such use should be permitted.

(4)

It is recognized that the permitted use chart may require amendment, from time to time, to allow for uses that were otherwise not permitted. In the event an amendment to the permitted use chart is required, the procedure for the amendment shall be the same as required for an amendment to the text of the ordinance from which this chapter is derived.

(Ord. No. 120910-01, § 1(ch. 4, § 3), 12-9-2010)

### What the state of Texas says we can and cannot do in this instance:

Sec. 443.003. LOCAL REGULATION PROHIBITED. A municipality, county, or other political subdivision of this state may not enact, adopt, or enforce a rule, ordinance, order, resolution, or other regulation that prohibits the processing of hemp or the manufacturing or sale of a consumable hemp product as authorized by this chapter.

Added by Acts 2019, 86th Leg., R.S., Ch. 764 (H.B. [1325](#)), Sec. 7, eff. June 10, 2019.

HB 1325 2019 <https://legiscan.com/TX/bill/HB1325/2019>

### What our attorney says we can and cannot do moving forward:

After reviewing [HB 1325](#) from the 86<sup>th</sup> legislative session (2019) and the associated chapters of the Texas Agriculture Code (Ch.122) and Texas Health and Safety Code (Ch.443), the city cannot prohibit the sale of hemp or consumable hemp products. However, the City can regulate the location of this land use within the city limits through the City's zoning authority just like any other commercial enterprise/ land use.

Below, for your information, I have identified the applicable regulations from the Texas Agriculture Code (Ch.122) and Texas Health and Safety Code (Ch.443) for municipalities related to the sale of hemp products (including CBD):

#### [Texas Agriculture Code Chapter 122](#) Cultivation of Hemp:

- Sec. 122.002 LOCAL REGULATION PROHIBITED. A municipality, county, or other political subdivision of this state may not enact, adopt, or enforce a rule, ordinance, order, resolution, or other regulation that prohibits the cultivation, handling, transportation, or sale of **hemp** as authorized by this chapter.
- Sec. 122.001 Definitions - "Hemp" has the meaning assigned by Section 121.001.
- Sec. 121.001 Definition. In this chapter, "hemp" means the plant Cannabis sativa L. and any part of that plant, including the seeds of the plant and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.



[Texas Health and Safety Code Chapter 443](#) Manufacture, Distribution, and Sale of Consumable Hemp Products:

- Sec. 443.003. LOCAL REGULATION PROHIBITED. A municipality, county, or other political subdivision of this state may not enact, adopt, or enforce a rule, ordinance, order, resolution, or other regulation that prohibits the processing of hemp or the manufacturing or sale of a consumable hemp product as authorized by this chapter.
- Sec. 443.001. DEFINITIONS. (1) "Consumable hemp product" means food, a drug, a device, or a cosmetic, as those terms are defined by Section 431.002, that contains hemp or one or more hemp-derived cannabinoids, including cannabidiol.
- Sec. 443.001. DEFINITIONS. (5) "Hemp" has the meaning assigned by Section 121.001, Agriculture Code.

I also will note that per Texas Health and Safety Code [Sec.443.2025](#) a retailer of consumable hemp products must be registered with the Department of State Health Services.

## What other communities have in their code about Botanicals and Smoke Shops:

### New Boston, Texas

Population: 4,579 (2021)

- **ARTICLE VI. - SMOKE SHOPS AND TOBACCO STORES**
- **Sec. 19-541. - Purpose.**

The regulation of smoke shops and tobacco stores is necessary and in the interests of the public health, safety and general welfare because there is the substantial likelihood of the establishment and operation of smoke shops and tobacco stores in the City of New Boston. The expansion of smoke shops and tobacco stores in the city would result in undesirable impacts to the community. Among these impacts are increased potential for tobacco sales to minors, greater opportunity for the sale of illegal drug paraphernalia that is marketed as tobacco paraphernalia, and heightened risk of negative aesthetic impacts, blight, and loss of property values of residential neighborhoods and businesses in close proximity to such uses. This chapter contains good zoning and planning practices to address such negative impacts of smoke shops and tobacco stores while providing a reasonable number of locations and zones for such shops/stores to locate within the City of New Boston.

(Ord. No. 16-O-11, § 1, 9-20-16)

- **Sec. 19-542. - Definitions.**

*Ancillary sale* means where a grocery store, supermarket, convenience store or similar market uses no more than two (2) percent of its gross floor area, or two hundred (200) square feet, whichever is less, for the display, sale, distribution, delivery, offering, furnishing, or marketing of conventional cigars, cigarettes or tobacco. For any grocery store, convenience market, retail kiosk or similar use consisting of two hundred fifty (250) square feet or less, "ancillary sale" shall mean where no more than five (5) square feet are used for the display, sale, distribution, delivery, offering, and furnishing, or marketing of conventional cigars, cigarettes or tobacco.

*E-cigarette* means any electronically actuated device or inhaler meant to simulate cigarette smoking that uses a heating element to vaporize a liquid solution. Popularly referred to as "juice," and that causes the user to exhale any smoke, vapor, or substance other than that produced by unenhanced human exhalation. The juice used in e-cigarettes typically contains nicotine, and for this reason e-cigarettes and their juice can be classified as both tobacco products and tobacco paraphernalia.

*Smoke shop and tobacco store* mean any premises dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco, tobacco products, or tobacco paraphernalia; provided, however, that any grocery store, supermarket, convenience store or similar retail use that only sells conventional cigars, cigarettes or tobacco as an ancillary sale shall not be defined as a "smoke shop and tobacco store" and shall not be subject to the restrictions in this chapter.

*Tobacco* means any preparation of the nicotine-rich leaves of the tobacco plant, which are cured by a process of drying and fermentation for use in smoking, chewing, absorbing, dissolving, inhaling, sorting, sniffing, or ingesting by any other means into the body.

*Tobacco paraphernalia* means any paraphernalia, equipment, device, or instrument that is primarily designed or manufactured for the smoking, chewing, absorbing, dissolving, inhaling, snorting, sniffing, or ingesting by any other means into the body of tobacco, tobacco products, or other controlled substances as defined in Texas Health and Safety Code. Items or devices classified as tobacco paraphernalia include, but are not limited to, the following: pipes, punctured metal bowls, bong, water bong, electric pipes, e-cigarettes. E-cigarette juice, buzz bombs, vaporizers, hookahs, and devices for holding burning material. Lighters and matches shall be excluded from the definition of tobacco paraphernalia.

*Tobacco product* means any product in leaf, flake, plug, liquid, or any other form, containing nicotine derived from the tobacco plant, or otherwise derived, which is intended to enable human consumption of the tobacco or nicotine in the product, whether smoked, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested

by any other means. For the purposes of this chapter, the term "tobacco product" excludes any product that has been specifically approved by the United States Food and Drug Administration (FDA) for sale as a tobacco/smoking cessation product or for other medical purposes, where such product is marketed and sold solely for such an approved purpose.

(Ord. No. 16-O-11, § 2, 9-20-16)

- **Sec. 19-543. - Zoning and land use standards.**

(a)

Zoning and land use standards for smoke shops and tobacco stores shall be as follows:

(1)

Smoke shops and tobacco stores shall not be located within three hundred (300) feet, measured property line to property line, from a school (public or private), family day care home, child care facility, and youth center, community center, recreational facility, park, church or religious institution, hospital, or other similar uses where children regularly gather.

(2)

Smoke shops and tobacco stores shall not be located within one thousand (1,000) feet, measured property line to property line, from another smoke shop and tobacco store.

(3)

It is unlawful for a smoke shop and tobacco store to knowingly allow or permit a minor, not accompanied by his or her parent or legal guardian, to enter or remain within any smoke shop and tobacco store.

(4)

Smoke shops and tobacco stores shall post clear signage stating that minors may not enter the premises unless accompanied by a parent or legal guardian. At least one (1) such sign shall be placed in a conspicuous location near each public entrance to the smoke shop and tobacco store. It shall be unlawful for a smoke shop and tobacco store to fail to display and maintain, or fail to cause to be displayed or maintained, such signage.

(b)

Standard conditions of smoke shop and tobacco stores at minimum shall include the following:

(1)

No smoking shall be permitted on the premises at any time.

(2)

No sales may be solicited or conducted on the premises by minors.

(3)

No self-service tobacco, tobacco product, or tobacco paraphernalia displays shall be permitted. Each item displayed shall be deemed as a separate violation.

(4)

No distribution of free or low-cost tobacco, tobacco products or tobacco paraphernalia, as well as coupons for said items, shall be permitted.

(c)

Smoke shops and tobacco stores that are legally existing on the effective date of the ordinance codified in this chapter may continue to operate as legal nonconforming uses in accordance with this chapter. However, any change or expansion of the legal nonconforming use may require compliance with this chapter.

(Ord. No. 16-O-11, § 3, 9-20-16)

- **Sec. 19-544. - Penalty.**

Any violation of this article shall be considered a class C misdemeanor, and is punishable by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00).

(Ord. No. 16-O-11, § 4, 9-20-16)

## **Rowlett, Tx**

**Population: 63,671 (2021)**

- **ARTICLE XII. - VAPOR STORES**

- **Sec. 10-435. - Definitions.**

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section, unless the context clearly indicates otherwise:

*CBD products* means oil, oil-based capsules, vaporized liquid, ingestible solid, or any other product that contains cannabidiol in a form designed for human consumption.

*City* means the City of Rowlett, Texas.

*E-cigarette* means:

(a)

An electronic cigarette or any other device that simulates smoking by using a mechanical heating element, battery, or electronic circuit to deliver nicotine or other substances to the individual inhaling from the device; or

(b)

A consumable liquid solution or other material aerosolized or vaporized during the use of an electronic cigarette or other device described by this section.

(c)

The term "e-cigarette" includes:

(1)

a device described by this section regardless of whether the device is manufactured, distributed, or sold as an e-cigarette, e-cigar, or e-pipe or under another product name or description; and

(2)

a component, part, or accessory for the device, regardless of whether the component, part, or accessory is sold separately from the device.

(d)

The term "e-cigarette" does not include a prescription medical device related to the cessation of smoking.

*Vapor store* shall mean a retail establishment that sells or offers for sale e-cigarettes, as defined in this section, which receives at least 90 percent of its gross revenues from the sale of e-cigarettes or e-cigarettes and CBD products.

(Ord. No. 027-22, § 1, 8-16-2022)

- **Sec. 10-436. - Permits.**

(a)

No person may engage in the business of an e-cigarette retailer unless the person has a valid permit from the Texas Comptroller, which shall be kept on public display at the place of business for which the permit was issued.

(b)

No person may sell, offer for sale, or distribute e-cigarettes to any person under the age of 21 years.

(c)

In addition to any other remedy, the city may suspend or revoke a certificate of occupancy for the premises in which the e-cigarette retailer conducts business for a violation of this section. The suspension or revocation of a certificate of occupancy may be appealed to the city manager of the city within ten days of transmittal of a written notice of suspension or revocation. The notice of appeal must contain a short statement of the basis of the appeal and must state that the suspension or revocation is unduly harsh or must deny the facts on which the suspension or revocation was made, or both. An appeal must be made in writing and will be heard by the city manager promptly after receipt of a notice of appeal. The city manager's decision shall be final and binding.

(Ord. No. 027-22, § 1, 8-16-2022)

- **Sec. 10-437. - Special use permit.**

(a)

No person may engage in the business of a vapor store without a special use permit issued in accordance with the Rowlett Development Code. In granting a special use permit, the city may impose reasonable conditions.

(b)

Special use permits for vapor stores shall expire on the fifth anniversary after issuance. No vested right in a special use permit for a vapor store shall last for a period of more than five years.

(c)

A special use permit issued under this section shall be applicable to the site at which the business is conducted and not to the person to whom it was granted.

(Ord. No. 027-22, § 1, 8-16-2022)

- **Sec. 10-438. - Verification of compliance.**

(a)

The city may conduct reasonable inspections at any time the business is open or occupied in order to determine compliance with the provisions of this article.

(b)

It shall be an offense for any person to refuse to allow a city inspection or to deny entry to the premises on which the e-cigarette retailer or vapor store conducts business.

(Ord. No. 027-22, § 1, 8-16-2022)

- **Sec. 10-439. - Revocation of permit.**

(a)

Notwithstanding any other provision of the Rowlett Development Code or the Code of Ordinances, a special use permit issued for a vapor store may be revoked by the city council, on recommendation of the planning commission and after required public hearings, for repeated violations of this article.

(b)

The administrative official responsible for administering the provisions of this article shall transmit written notice to the owner, operator or occupant of the vapor store at least 30 days prior to the effective date of revocation, delivered to the address of the vapor store. The owner may appeal the revocation by filing a written notice of appeal with the city manager, who shall conduct a hearing on whether the special use permit

should be revoked. A failure to timely submit the notice of appeal shall be deemed a consent to revocation for all purposes.

(c)

If the city manager upholds the revocation of the special use permit, he shall do so in writing and a copy of the determination shall be delivered to the owner, who may appeal the city manager's determination to the city council by written notice of appeal which shall be delivered to the city manager within 30 days of the city manager's determination. A failure to timely submit the notice of appeal shall be deemed a consent to revocation for all purposes.

(d)

The revocation of a special use permit shall be suspended until the council finally determines the appeal. The city council's decision shall be final and binding.

(e)

Any vested rights in a special use permit are subject to and limited by the provisions of this section.

(Ord. No. 027-22, § 1, 8-16-2022)



**ORDINANCE NO. 020824-03**

**AN ORDINANCE GRANTING A SPECIFIC USE PERMIT FOR THE PURPOSES OF ALLOWING FOR A NEW PERMITTED USE NOT CURRENTLY IN EXISTENCE IN THE LA VERNIA CODE OF ORDINANCES PER SEC. 38-303. - CLASSIFICATION OF NEW AND UNLISTED USES; BEING KNOWN AS BOTANICALS AND SMOKE SHOP; FOR THE SPACE SPECIFICALLY KNOWN AS 1317 US HWY 87 W LA VERNIA, TX 78121 CITY OF LA VERNIA, LOT 265, ACRES .598; OWNED BY CHESTER EASTIN; DETERMINING THE ZONING DISTRICT OR DISTRICTS WITHIN WHICH SUCH USE SHOULD BE PERMITTED MOVING FOWARD; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

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

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

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

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

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

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

**Section 1. Specific Use Permit Granted**

That the specific use permit for the purposes of allowing for a new permitted use not currently in existence in our code of ordinances per Sec. 38-303. - Classification of new and unlisted uses being known as botanicals and smoke shop and determining the zoning district or districts within which such use should be permitted at the request of **Christopher Ott, in conjunction with property owner Chester Eastin** regarding the location specifically known as: 1317 US HWY 87 W LA VERNIA, TX 78121 CITY OF LA VERNIA, LOT 265, ACRES .598 as described in Attachment A; zoned C-B Central Business.

**Section 2. Expiration**

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

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

**Section 3. Severability**

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

**Section 4. Cumulative**

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

**Section 5. Effective Date**

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

**PASSED AND APPROVED: This 8th day of February 2024.**

---

Martin Poore  
Mayor – City of La Vernia

**ATTEST:**

---

Lindsey Wheeler  
City Secretary

**APPROVED AS TO FORM:**

---

City Attorney's Office  
City of La Vernia





### NOTICE OF PUBLIC HEARING

The City of La Vernia Planning & Zoning Commission will hold a public hearing at the request of DQ ENTERPRISES LLC

Property: 4092 CR 342 LA VERNIA, TX 78121 CITY OF LA VERNIA, LOT 219A, ACRES 5.001

Request: re-platting from one lot to two

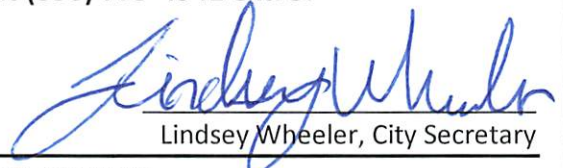
Because your property is located within 200 feet of the request, State Law requires that we notify you of the public hearing. **However, the zoning of your property will not be affected.** The public hearing process allows an opportunity to provide your written opinion of the request. This will aid the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

A public hearing for this request is scheduled before the Planning & Zoning Commission on Tuesday, February 6, 2024, at 6:30 PM in the City Hall Council Chambers, 102 E. Chihuahua St., and is open to the public. If you are unable to attend the hearing and desire to express an opinion in regard to the above petition, you may do so by completing the form below and returning it.

Mail: City of La Vernia  
Lindsey Wheeler  
102 E. Chihuahua St.  
La Vernia, Texas 78121

Email: [LBoyd@lavernia-tx.gov](mailto:LBoyd@lavernia-tx.gov)

**If you have questions, please call Lindsey Wheeler at (830) 779-4541 ext. 3.**

  
Lindsey Wheeler, City Secretary

**YOUR OPINION MATTERS – DETACH AND RETURN**

Circle one

I am ( **in favor** ) ( **opposed to** ) the proposed re-plat at 4092 CR 342 LA VERNIA, TX 78121 CITY OF LA VERNIA, LOT 219A, ACRES 5.001

Name: \_\_\_\_\_

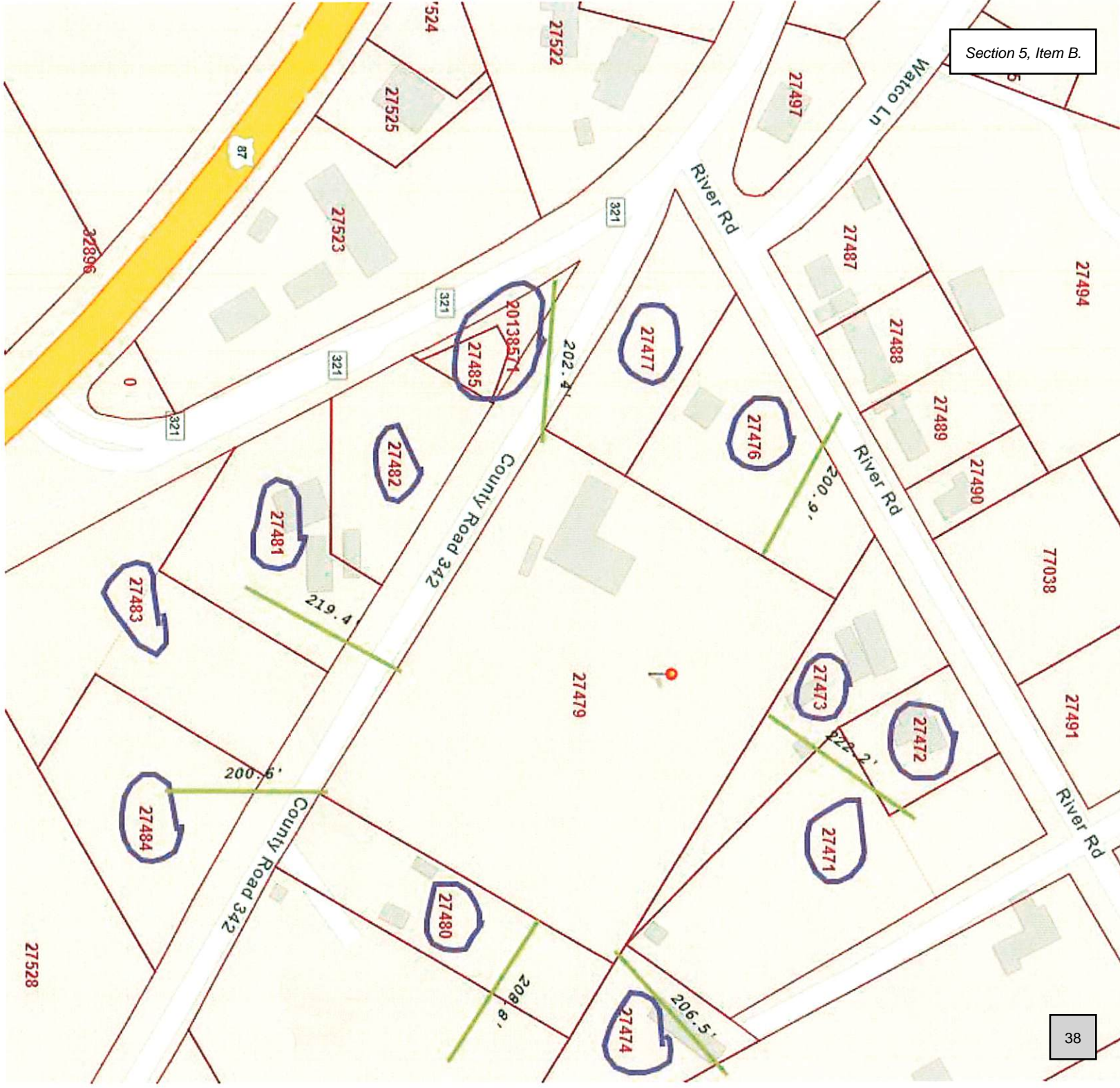
Address: \_\_\_\_\_

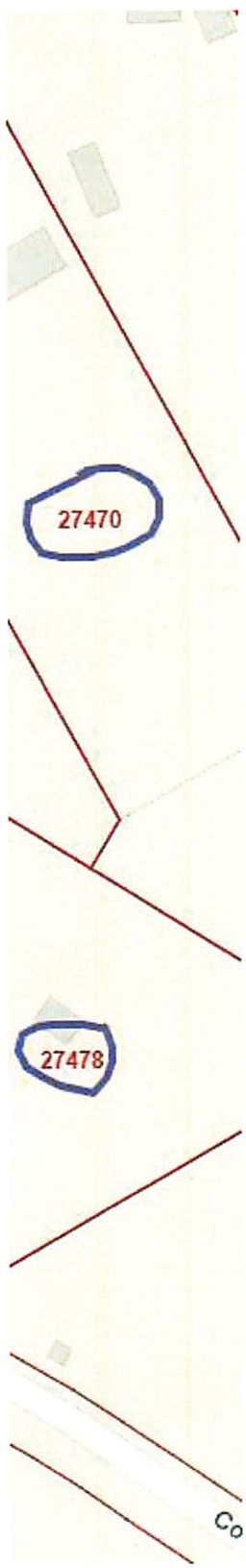
Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Comments: \_\_\_\_\_

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







FREEMAN DAVID A  
14414 US HIGHWAY 87 W, SUITE 3C  
LA VERNIA, TX 78121-5947

SCOGIN DEBOARAH D & THOMAS M  
PO BOX 257  
LA VERNIA, TX 78121-0257

FX3 PROPERTIES LLC  
11988 FM 467  
LA VERNIA, TX 78121

RUSMUSSEN KATHLEEN A & GALEAN V  
202 RIVER RD  
LA VERNIA, TX 78121

RASMUSSEN GALEAN  
202 RIVER RD  
LA VERNIA, TX 78121

JOHANSON HAROLD K & REBECCA  
PO BOX 460  
LA VERNIA, TX 78121-0460

TREVINO-PENA LORENA  
541 CHERRY RIDGE  
FLORESVILLE, TX 78114

RIAZ HOMES LLC  
PO BOX 28  
SEGUIN, TX 78155

TONG HE JUAN & LEI GUO & HEFEN TONG  
1208 10TH ST  
FLORESVILLE, TX 78114

KIOLBASSA MELISSA A  
PO BOX 124  
ST HEDWG, TX 78152



ENGLAND DEANNA L

20914 ORANGE POPPY DR  
CYPRESS, TX 77433-6379

TXDOT  
125 E 11TH ST  
AUSTIN, TX 78701

WATCO TANKS INC

5877 FM 539  
FLORESVILLE, TX 78114



APPLICATION FOR LAND SUBDIVISION

Section 5, Item B.

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

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

1. PROPOSED SUBDIVISION NAME: N/A UNIT NO. \_\_\_\_\_

LOCATION DESCRIPTION/NEAREST INTERSECTION: CR 342 + Chihuahua St.

ACREAGE: 5 NO OF LOTS: EXISTING 1 PROPOSED 2

REASON FOR PLATTING/REPLATTING Tracting out 3 acre of the 5 acres

2. OWNER/APPLICANT: DA Enterprises LLC - Quinten Kiobassa + Dennis Richter

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

ADDRESS: 4092 CR 342, La Vernia, TX. 78121

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_ Mobile: 830-743-0826 Email: skiolbassa@gmail.com

3. LICENSED ENGINEER/SURVEYOR: Intrepid Surveyors

MAILING ADDRESS: P.O. Box 519, Floresville, TX Ste. \_\_\_\_\_

TELEPHONE: 830-393-8833 Fax: \_\_\_\_\_ Mobile: \_\_\_\_\_ Email: \_\_\_\_\_

LIST ANY VARIANCE REQUESTED: N/A

REASON FOR REQUEST (List any hardships): N/A

4. PRESENT USE OF THE PROPERTY Open Land CURRENT ZONING: I

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

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

REQUIRED ITEMS FOR SUBMITTAL PACKAGE

3

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

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

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

Quinten Kiobassa  
Signature of Owner/Applicant Printed Name of Owner/Applicant

01-09-24  
Date

(If applicant is person other than owner, a letter of authorization must be provided from owner.)  
Signature indicates authorization for plat application and acceptance of waiver statement.

**APPLICATION FEES**

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

**IMPORTANT NOTES:**

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

**FOR OFFICE USE ONLY:**

Date Application Fee Received: 01-09-24 Received By: LW

Receipt No. \_\_\_\_\_ Cash/Check No. \_\_\_\_\_ Amount Recd. \$ 87.00

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

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

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



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 WITH VENDOR'S LIEN

DATE: 16 November 2007
GRANTOR: JAMES A. CALDWELL, JR. and wife ELIZABETH CALDWELL
GRANTOR'S ADDRESS: 14030 HWY 181 S. SAN ANTONIO, BEXAR COUNTY, TEXAS 78223
GRANTEE: DQ ENTERPRISES LLC, A TEXAS LIMITED LIABILITY COMPANY
GRANTEE'S ADDRESS: P.O. BOX 33 LAVERNIA, WILSON COUNTY, TEXAS 78121

CONSIDERATION: \$10.00, and a note of even date that is in the principal amount of ONE HUNDRED SIXTY THOUSAND DOLLARS (\$160,000.00) and is executed by Grantee, and by DENNIS R. RICHTER and QUINTEN C. KIOLBASS, payable to the order of Grantor. It is secured by a vendor's lien retained in this deed and by a deed of trust of even date from Grantee to GARY W. SHANK, Trustee.

PROPERTY:

TRACT 1:

BEING 1.579 acres of land, more or less, in Wilson County, Texas, a part of the Juan Delgado Grant, Survey No.8 (A-8), situated within the corporate limits of the City of La Vernia, being a part of that same 13.308 acre tract described in deed dated March 1, 1973, from Southern Pacific Transportation Company to the City of La Vernia, of record in Volume 455, Page 584, Deed Records of Wilson County, Texas; said 1.579 acre tract being more particularly described on Exhibit "A" attached hereto and made a part hereof for all purposes.

TRACT 2:

BEING all that certain tract of land out of the Juan Delgado Survey No.8, Wilson County, Texas, containing 1.422 acres of land, more or less, and being out of a 13.308 acre tract described in deed dated March 1, 1973, from Southern Pacific Transportation Company to the City of La Vernia, of record in Volume 455, Page 584, Deed Records of Wilson County, Texas; said 1.422 acre tract being more particularly described on Exhibit "B" attached hereto and made a part hereof for all purposes.

TRACT 3:

BEING 2.00 acres of land, more or less, in Wilson County, Texas, a part of the Juan Delgado Grant, Survey No.8 (A-8), situated within the corporate limits of the City of La Vernia, being a part of that same 13.308 acre tract described in deed dated March 1, 1973, from Southern Pacific Transportation Company to the City of La Vernia, of record in Volume 455, Page 584, Deed Records of Wilson County, Texas; said 2.000 acre tract being more particularly described on Exhibit "C" attached hereto and made a part hereof for all purposes.

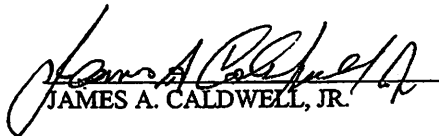
RESERVATIONS FROM CONVEYANCE:

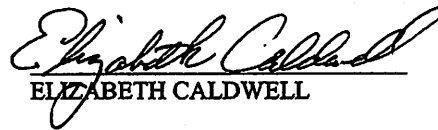
There is reserved from and excepted from this conveyance and the warranties thereto any and all easement, rights-of-way, and prescriptive rights, whether or not of record; all presently recorded restrictions, reservations, covenants, conditions, oil and gas leases, mineral severances and reservations, and all other instruments, other than liens and conveyances, that affect the property; rights of adjoining landowners in any walls and fences situated on a common boundary; any overlapping or encroachment of improvements; any taxes due for the current or subsequent tax years.

Grantor, for the consideration and subject to the reservations from and 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 wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, successors, or assigns forever. Grantor hereby binds Grantor and Grantor's heirs, executor, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty.

A Vendor's Lien is retained in this Warranty Deed securing the payment of one note in the principal sum of \$160,000.00, payable to the order of JAMES A. CALDWELL, JR. and wife ELIZABETH CALDWELL; and being additionally secured by a Deed of Trust of even date from DQ ENTERPRISES LLC, A TEXAS LIMITED LIABILITY, COMPANY, to Gary W. Shank, Trustee, filed for record on 19<sup>th</sup> November 2007, at Clerk's Number 06030379, Volume 1433, Page 714, Official Public Records of Wilson County, Texas.

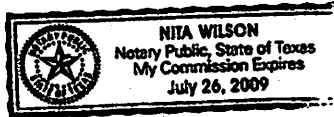
When the context requires, singular nouns and pro-nouns include the plural, and plural nouns and pro-nouns include the singular.


  
JAMES A. CALDWELL, JR.

  
ELIZABETH CALDWELL

State of Texas §  
§  
County of Wilson §

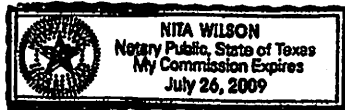
This instrument was acknowledged before me by JAMES A. CALDWELL, on 16 November 2007.




  
Notary Public, State of Texas  
My commission expires: 7-26-09

State of Texas §  
§  
County of Wilson §

This instrument was acknowledged before me by ELIZABETH CALDWELL, on 16 November 2007.



  
Notary Public, State of Texas  
My commission expires: 7-26-09

✓ AFTER RECORDING RETURN TO:

DQ ENTERPRISES LLC  
P.O. BOX 33  
LAVERNIA, TEXAS 78121

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

**EXHIBIT "A"**

1.579 acres of land in Wilson County, Texas, a part of the Juan Delgado Grant, Survey No. 8 (A-8), situated within the corporate limits of the City of La Vernia, being a part of that same 13.308 acre tract described in deed dated March 1, 1973, from Southern Pacific Transportation Company to the City of La Vernia, of record in Vol. 455, Page 584, Deed Records of Wilson County, Texas, described by metes and bounds as follows:

BEGINNING at an iron pin set for the most Northerly corner of this tract, also being the most Easterly corner of that same 1.422 acre tract described in deed dated May 19, 1979, from Jesse E. Rodriguez, et ux, to James A. Caldwell, Jr., et al, of record in Vol. 524, Page 869, Deed Records of Wilson County, Texas, from which place of beginning the most Northerly corner of said 13.308 acre tract bears N. 58 deg. 08 min. 59 sec. W., 150 feet;

THENCE S. 58 deg. 08 min. 59 sec. E., 167.0 feet with the NE boundary of said 13.308 acre tract to an iron pin set for the most Easterly corner of this tract;

THENCE S. 32 deg. 00 min. 30 sec. W., 411.55 feet to an iron pin set for the most Southerly corner of this tract, and being on the NE boundary of a paved county road;

THENCE N. 58 deg. 30 min. W., 167.0 feet with the NE boundary of said county road to an iron pin set for the most Westerly corner of this tract, and being the most Southerly corner of said 1.422 acre tract;

THENCE N. 32 deg. 00 min. 28 sec. E., 412.57 feet with the SE boundary of said 1.422 acre tract to the place of beginning.

# EXHIBIT "B"

All that certain tract of land out of the Juan Delgado Survey No. 8, Wilson County, Texas, containing 1.422 acres of land and being out of a 13.308 acre tract of land described in a deed from the Southern Pacific Transportation Co., to the City of La Vernia, Texas, dated March 12, 1973, of record in Volume 455, Page 584, Deed Records, Wilson County, Texas, and described by metes and bounds as follows:

BEGINNING at the most northerly corner of the above mentioned 13.308 acre tract as recorded in Volume 455, Page 584, Deed Records, Wilson County, Texas.

THENCE: with the northeast line of said 13.308 acre tract, S 58° 08' 59" E, 150.00 feet to an iron pin for the east corner of the herein described tract;

THENCE: S 32° 00' 28" W, 122.16 feet to a point for the south corner of a 0.422 acre tract;

THENCE: S 32° 00' 28" W, 290.41 feet to an iron pin set in the northeast line of a 60 foot wide county road, said point being the south corner of the herein described tract;

THENCE: with the northeast line of said county road, N 58° 30' 00" W, 150.00 feet to an iron pin set at the point of intersection of the northwest line of said 13.308 acre tract and the northeast line of said county road, said point being the west corner of the herein described tract;

THENCE: with the northwest line of said 13.308 acre tract, N 32° 00' 25" E, 290.41 feet to a point for the most northerly corner of a 1.0 acre tract and the most westerly corner of a 0.422 acre tract;

THENCE: with the northwest line of said 13.308 acre tract, N 32° 00' 25" E, 123.08 feet to the point of beginning and containing 1.422 acres of land.

# EXHIBIT "C"

2.00 acres of land in Wilson County, Texas, a part of the Juan Delgado Grant, Survey No. 8 (A-8), situated within the corporate limits of the City of La Vernia, being a part of that same 13.308 acre tract described in deed dated March 1, 1973, from Southern Pacific Transportation Company to the City of La Vernia, of record in Vol. 455, Page 584. Deed Records of Wilson County, Texas, said 2.00 acre tract described by metes and bounds as follows:

**BEGINNING** at an iron pin set for the most Westerly corner of this tract, being on the NE boundary of a paved County Road, also being the most Southerly corner of that same 1.579 acre tract described in deed dated July 25, 1979, from City of La Vernia to James A. Caldwell, Jr., et ux, of record in Vol. 527, page 404, Deed Records of Wilson County, Texas;

**THENCE N. 32 deg. 00 min. 30 sec. E., 411.55 feet** with the SE boundary of said 1.579 acre tract to an iron pin set for the most Northerly corner of this tract, and being the most Easterly corner of said 1.579 acre tract, and being on the NE boundary of said 13.308 acre tract, from which the most Northerly corner of said 13.308 acre tract bears N. 58 deg. 08 min. 59 sec. W., 317.0 feet;

**THENCE with fence S. 58 deg. 08 min. 59 sec. E., 212.0 feet** with the NE boundary of said 13.308 acre tract to an iron pin set for the most Easterly corner of this tract;

**THENCE S. 32 deg. 00 min. 32 sec. W., 410.25 feet** across said 13.308 acre tract to an iron pin set for the most Southerly corner of this tract, and being on the NE boundary of said County Road;

**THENCE N. 58 deg. 30 min. 00 sec. W., 212.0 feet** with the NE boundary of said County Road to the place of beginning.

Filed for Record in:  
Wilson County  
by Eva S. Martinez  
County Clerk

On: Nov 19, 2007 at 02:53P

As a Recording

Document Number: 00030378  
Total Fees : 32.00

Receipt Number - 70530

By,  
Pat Lowak,  
Russell Wilson

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.

THE STATE OF TEXAS  
COUNTY OF WILSON

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped herein by me and was duly RECORDED in Official Public Records the Volume: 1433 and Page: 718 of the named records of: Wilson County as stamped herein by me.

Nov 19, 2007

 Eva S. Martinez  
COUNTY CLERK  
WILSON COUNTY, TEXAS



**LEGAL DESCRIPTION:** Being 3.00 acres of land out of the Juan Delgado Grant, Survey No. 8, Abstract No. 8, Wilson County, Texas and also being that certain 2.00 acre tract (Exhibit C) described in Volume 1433, Page 709 of the Official Public Records of Wilson County, Texas and portion of that certain 1.579 acre tract (Exhibit A) described in said Volume 1433, Page 709; Said 3.00 acre tract being more particularly described as follows and as surveyed under the supervision of Intrepid Surveying & Engineering Corporation in April, 2021:

**BEGINNING** at a 1/2 inch iron rod found in the northeast line of County Road No. 342 for the west corner of that certain 1.000 acre tract described in Volume 612, Page 611 of the Deed Records of Wilson County, Texas, the south corner of said 2.00 acre tract (Exhibit C) and the south corner hereof;

THENCE North 59°11'27" West a distance of 212.02 feet along the northeast line of County Road No. 342 and the southwest line of said 2.00 acre tract (Exhibit C) pass a 1/2 inch iron rod found for the south corner of said 1.579 acre tract (Exhibit A), the west corner of said 2.00 acre tract (Exhibit C) continuing along the southwest line of said 1.579 acre tract (Exhibit A) for a total distance of 317.29 feet in all to a 1/2 inch iron rod set for the west corner hereof;

THENCE North 31°17'08" East a distance of 412.57 feet over and across said 1.579 acre tract (Exhibit A) to a 1/2 inch iron rod set in the southwest line of the residual of that certain 4-1/5 acre tract described in Volume 384, Page 305 of said Deed Records and the northeast line of said 1.579 acre tract (Exhibit A) for the north corner hereof;

THENCE South 58°56'27" East a distance of 105.11 feet along the southwest line of the residual of said 4-1/5 acre tract and the northeast line of said 1.579 acre tract (Exhibit A) pass a 1/2 inch iron rod found for the north corner of said 2.00 acre tract (Exhibit C) and the east corner of said 1.579 acre tract (Exhibit A) continuing along northeast line of said 2.00 acre tract (Exhibit C) and the southwest line of that certain 1.00 acre tract described in Volume 1934, Page 671 of said Official Public Records for a total distance of 317.29 feet in all to a 1/2 inch iron rod found for the north corner of said Volume 612, Page 611, the east corner of said 2.00 acre tract (Exhibit C) and the east corner hereof;

THENCE South 31°17'13" West a distance of 411.19 feet along the northwest line of said Volume 612, Page 611 and the southeast line of said 2.00 acre tract (Exhibit C) to the **POINT OF BEGINNING** containing 3.00 acres more or less, and as shown hereon.

- LEGEND:**
- BOUNDARY LINE
  - - - ADJOINER LINE
  - SURVEY LINE
  - FENCE
  - BURIED PIPELINE
  - OVERHEAD ELECTRIC LINE
  - UNDERGROUND UTILITY LINE
  - WATER LINE
  - P.U.E. - PUBLIC UTILITY EASEMENT
  - B.L. - BUILDING SETBACK LINE
  - U.D.E. - UTILITY, DRAINAGE, AND EMBANKMENT/BACKSLOPE EASEMENT
  - (BRG.-DIST.) RECORD CALL
  - XXX/XXX VOL/PLAT/SPACE
  - W.C.P.R. - WILSON COUNTY PLAT RECORDS
  - W.C.D.R. - WILSON COUNTY DEED RECORDS
  - W.C.O.P.R. - WILSON COUNTY OFFICIAL, PUBLIC RECORDS
  - W.C.R.P.R. - WILSON COUNTY REAL PROPERTY RECORDS
  - FILE: 2021\BOUNDARY\WILSON\FEND\NG21-0223 DQ Enterprises LLC

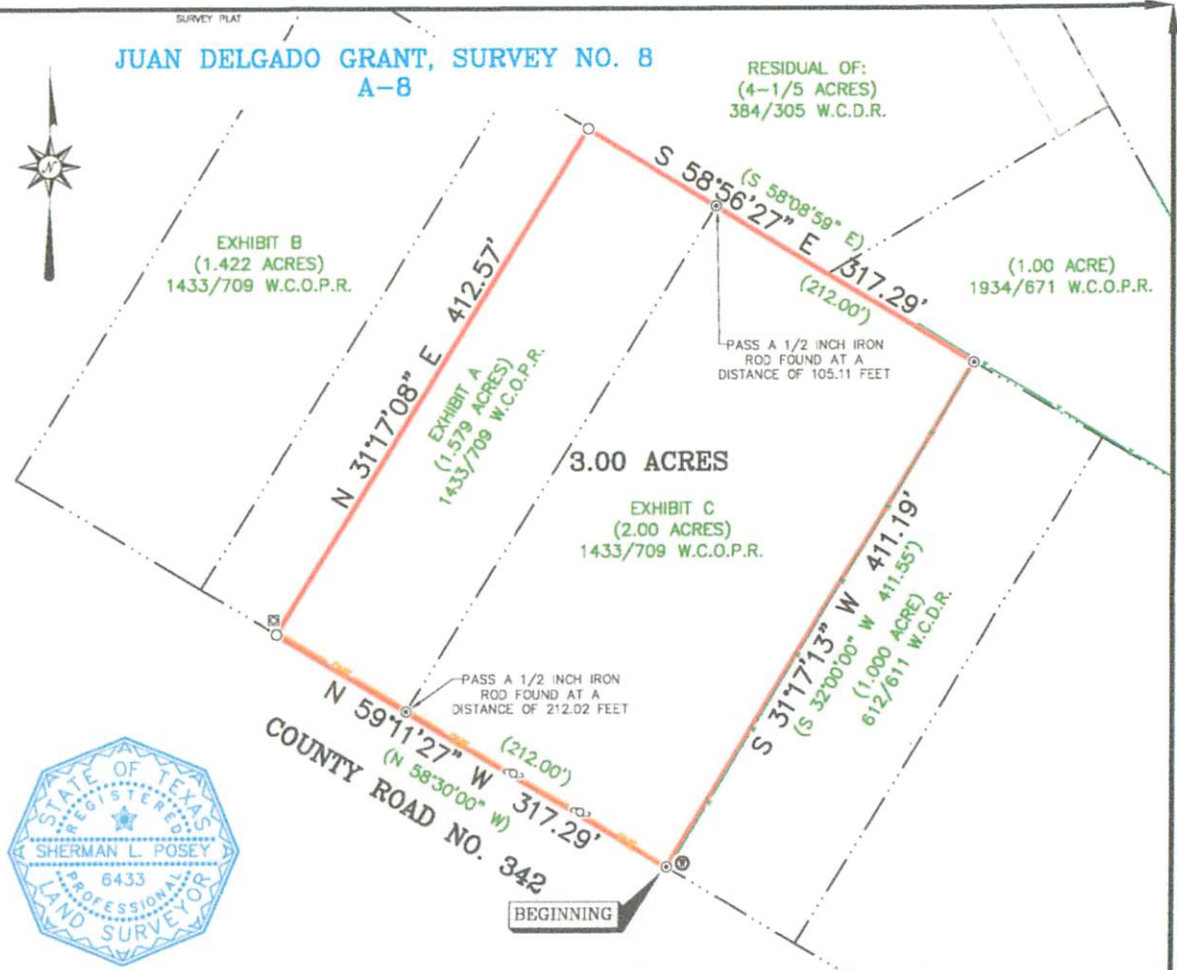
- POINT
- 1/2" IRON ROD FOUND
- 1/2" IRON ROD SET
- △ 120D NAIL FOUND
- ⊗ IRON PIPE FOUND
- ⊙ NAIL SET
- ⊗ 3/8" IRON ROD FOUND
- ⊗ PIPE FENCE CORNER POST FOUND
- ⊗ WOOD FENCE CORNER POST FOUND
- ⊗ AS MARKED
- ⊗ A/C
- ⊗ ELECTRIC METER
- ⊗ TELEPHONE PEDESTAL
- ⊗ SEPTIC
- ⊗ GAS METER
- ⊗ WATER METER
- ⊗ UTILITY POLE
- ⊗ FIRE HYDRANT



**INTREPID**  
SURVEYING & ENGINEERING  
P.O. Box 519 • 1004 D Street  
Flowerville, TX 78114  
D. 880.393.8833 • F. 880.393.3288  
www.intrepidtx.com  
T8PLB #10193926 • T8PE #16550

THE UNDERSIGNED, DO HEREBY CERTIFY THAT THE SURVEY INFORMATION FOUND ON THIS PLAT WAS DERIVED FROM ACTUAL FIELD NOTES OF ON-THE-GROUND SURVEYS MADE BY ME OR UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AT THE TIME OF THIS SURVEY. NO WARRANTY IS MADE OR INTENDED FOR THE LOCATION OF ANY OR ALL EASEMENTS THAT MAY EXIST WITHIN THE BOUNDS OF THIS SURVEY.

04/08/2021  
REGISTERED PROFESSIONAL LAND SURVEYOR  
DATE



**NOTE:**  
1. BEARINGS, DISTANCES & ACREAGE ARE GRID, NAD 83 US TX SOUTH CENTRAL ZONE AND ARE DERIVED FROM NORMAL GPS TECHNIQUES.  
2. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT. THERE MAY BE EASEMENTS AND/OR ENCUMBRANCES AFFECTING THIS PROPERTY, NOT SHOWN HEREON.  
3. IRON ROD SET ARE 1/2" IRON IRON REBAR WITH PLASTIC CAPS MARKED "INTREPID"

REFERENCE: DQ ENTERPRISES LLC  
ADDRESS: COUNTY ROAD NO. 342  
LEGAL DESCRIPTION: BEING 3.00 ACRES OF LAND OUT OF THE JUAN DELGADO GRANT, SURVEY NO. 8, ABSTRACT NO. 8 WITHIN WILSON COUNTY, TEXAS.  
JOB NO. 21-0223 REV. 0  
DRAWN BY: ALC FIELD BOOK: IN FILE

# JUAN DELGADO GRANT ABSTRACT NO. 8 CITY OF LA VERNIA



SCALE 1" = 100'

### LEGEND

- RF - STEEL ROD FOUND
- RS - 1/2" REBAR SET WITH "POLLOCK & SONS" CAP
- CP - CORNER POST
- CE"MM'SS" DIST' - FIELD
- GD"MM'SS" DIST' - RECORD
- x- BARBED WIRE FENCE
- POWER/UTILITY POLE
- ⊙ WATER WELL/WATER METER (AS NOTED)
- ⊙ SEPTIC TANK
- o- CHAIN LINK FENCE
- - - WOOD PRIVACY FENCE

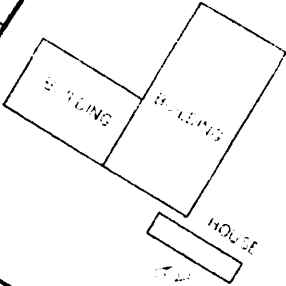
RIVER RD.

ALFRED WALPOLE  
VOL. 384, PG. 536

THOMAS M. SCOGGIN  
VOL. 705, PG. 817

NORMAN HORMUTH  
VOL. 1044, PG. 294

WATCO  
TANKS, INC.  
VOL. 482,  
PG. 54



3.01 ACRES

2.00 ACRES

R.O.W. NOT TO SCALE

CHIHUAHUA STREET

SURVEY PLAT 3.01 ACRES OF LAND OUT OF THE JUAN DEGADO SURVEY NO. 8, ABSTRACT NO. 8, WILSON COUNTY, TEXAS AND BEING THE LANDS DESCRIBED IN CONVEYANCES TO JAMES A. CALDWELL, JR. AND WIFE ELIZABETH CALDWELL IN THE DEEDS OF RECORD IN VOLUME 524, PAGE 869 AND VOLUME 527, PAGE 104 OF THE DEED RECORDS OF WILSON COUNTY, TEXAS.

SURVEY PLAT 2.00 ACRES OF LAND OUT OF THE JUAN DEGADO SURVEY NO. 8, ABSTRACT NO. 8, WILSON COUNTY, TEXAS AND BEING THE LANDS DESCRIBED IN CONVEYANCES TO CAROL K. JOHANSON IN THE DEED OF RECORD IN VOLUME 612, PAGE 611 OF THE DEED RECORDS OF WILSON COUNTY, TEXAS.

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.

*RELEASE OF LIEN*

DATE: April 20, 2021

**HOLDERS:**

JAMES A. CALDWELL JR. 14030 181 South San Antonio, Texas 78223	
---	--

ELIZABETH CALDWELL 14030 181 South San Antonio, Texas 78223	
--	--

**PROPERTY (legal description):**

SEE ATTACHED.

**RELEASED NOTE AND LIENS:**

A promissory note in the original principal amount of \$160,000.00, dated November 16, 2007, executed by DQ ENTERPRISES, LLC, A TEXAS LIMITED LIABILITY COMPANY, as maker, and DENNIS R. RICHTER and QUINTEN C. KIOLBASA as co-makers and originally payable to JAMES A. CALDWELL and wife ELIZABETH CALDWELL. The note is secured by a deed of trust recorded in Volume 1433, Page 714 of the real property records of Wilson County, Texas and by a vendor's lien and superior title retained in a deed recorded in Volume 1433, Page 709 of the real property records of Wilson County, Texas.

**RELEASE**

For the Consideration of and in acknowledgment of the payment in full of all obligations under the Released Note, Holders release the Property from the Liens and from any other liens securing the Released Note held by Holders. Holders declare and acknowledge that the liens described above are void and of no further effect.

JAMES A. CALDWELL JR.

*Elizabeth Caldwell*

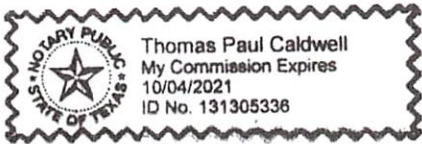
BY: ELIZABETH CALDWELL, as sole  
Beneficiary of his Estate

*Elizabeth Caldwell*  
ELIZABETH CALDWELL, Individually

**ACKNOWLEDGMENT**

**STATE OF TEXAS  
COUNTY OF WILSON**

This instrument was acknowledged before me on 4/20/21, by ELIZABETH CALDWELL, Individually, and as sole beneficiary of the Estate of JAMES A. CALDWELL JR..



*Thomas Paul Caldwell*  
Notary Public, State of Texas

PREPARED BY:  
TOM CALDWELL LAW PLLC  
1427 3rd Street  
Floresville, Texas 78114

AFTER RECORDING RETURN TO:  
TOM CALDWELL LAW PLLC  
1427 3rd Street  
Floresville, Texas 78114

### EXHIBIT "A"

1.579 acres of land in Wilson County, Texas, a part of the Juan Delgado Grant, Survey No. 8 (A-8), situated within the corporate limits of the City of La Vernia, being a part of that same 13.308 acre tract described in deed dated March 1, 1973, from Southern Pacific Transportation Company to the City of La Vernia, of record in Vol. 455, Page 584, Deed Records of Wilson County, Texas, described by metes and bounds as follows:

BEGINNING at an iron pin set for the most Northerly corner of this tract, also being the most Easterly corner of that same 1.422 acre tract described in deed dated May 19, 1979, from Jesse E. Rodriguez, et ux, to James A. Caldwell, Jr., et al, of record in Vol. 524, Page 869, Deed Records of Wilson County, Texas, from which place of beginning the most Northerly corner of said 13.308 acre tract bears N. 58 deg. 08 min. 59 sec. W., 150 feet;

THENCE S. 58 deg. 08 min. 59 sec. E., 157.0 feet with the NE boundary of said 13.308 acre tract to an iron pin set for the most Easterly corner of this tract;

THENCE S. 32 deg. 00 min. 30 sec. W., 411.55 feet to an iron pin set for the most Southerly corner of this tract, and being on the NE boundary of a paved county road;

THENCE N. 58 deg. 30 min. W., 167.0 feet with the NE boundary of said county road to an iron pin set for the most Westerly corner of this tract, and being the most Southerly corner of said 1.422 acre tract;

THENCE N. 32 deg. 00 min. 28 sec. E., 412.57 feet with the SE boundary of said 1.422 acre tract to the place of beginning.



# EXHIBIT "C"

2.00 acres of land in Wilson County, Texas, a part of the Juan Delgado Grant, Survey No. 8 (A-8), situated within the corporate limits of the City of La Vernia, being a part of that same 13.308 acre tract described in deed dated March 1, 1973, from Southern Pacific Transportation Company to the City of La Vernia, of record in Vol. 455, Page 584, Deed Records of Wilson County, Texas, said 2.00 acre tract described by metes and bounds as follows:

**BEGINNING** at an iron pin set for the most Westerly corner of this tract, being on the NE boundary of a paved County Road, also being the most Southerly corner of that same 1.579 acre tract described in deed dated July 25, 1979, from City of La Vernia to James A. Caldwell, Jr., et ux, of record in Vol. 527, page 404, Deed Records of Wilson County, Texas;

**THENCE N. 32 deg. 00 min. 30 sec. E., 411.55 feet** with the SE boundary of said 1.579 acre tract to an iron pin set for the most Northerly corner of this tract, and being the most Easterly corner of said 1.579 acre tract, and being on the NE boundary of said 13.308 acre tract, from which the most Northerly corner of said 13.308 acre tract bears N. 58 deg. 08 min. 59 sec. W., 317.0 feet;

**THENCE with fence S. 58 deg. 08 min. 59 sec. E., 212.0 feet** with the NE boundary of said 13.308 acre tract to an iron pin set for the most Easterly corner of this tract;

**THENCE S. 32 deg. 00 min. 32 sec. W., 410.25 feet** across said 13.308 acre tract to an iron pin set for the most Southerly corner of this tract, and being on the NE boundary of said County Road;

**THENCE N. 58 deg. 30 min. 00 sec. W., 212.0 feet** with the NE boundary of said County Road to the place of beginning.

Filed for Record in:  
Wilson County  
by Eva S. Martinez  
County Clerk

On: Nov 19, 2007 at 02:53P

As a Recording

Document Number: 00030378  
Total Fees: 32.00

Receipt Number - 70530

By,  
Pat Lowak,  
f: Russell Wilson

Any provision herein which restricts the sale, rental, or use of the described real property because of title or fact is invalid and unenforceable under federal law.

THE STATE OF TEXAS  
COUNTY OF WILSON

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped herein by me and was duly RECORDED in Official Public Records the Volume: 1433 and Page: 713 of the named records of: Wilson County as stamped herein by me.

Nov 19, 2007



Eva S. Martinez  
COUNTY CLERK  
WILSON COUNTY, TEXAS



## NOTICE OF PUBLIC HEARING

The City of La Vernia Planning & Zoning Commission will hold a public hearing at the request of DQ ENTERPRISES LLC

Property: 4092 CR 342 LA VERNIA, TX 78121 CITY OF LA VERNIA, LOT 219A, ACRES 5.001

Request: re-platting from one lot to two

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 Commissioners in making their decision.

A public hearing for this request is scheduled before the Planning & Zoning Commission on Tuesday, February 6, 2024, at 6:30 PM in the City Hall Council Chambers, 102 E. Chihuahua St., and is open to the public. If you are unable to attend the hearing and desire to express an opinion in regard to the above petition, you may do so by completing the form below and returning it.

Mail: City of La Vernia  
Lindsey Wheeler  
102 E. Chihuahua St.  
La Vernia, Texas 78121

Email: [LBoyd@lavernia-tx.gov](mailto:LBoyd@lavernia-tx.gov)

**If you have questions, please call Lindsey Wheeler at (830) 779-4541 ext. 3.**

\_\_\_\_\_  
Lindsey Wheeler, City Secretary

### YOUR OPINION MATTERS – DETACH AND RETURN

Circle one

I am **( in favor ) ( opposed to )** the proposed re-plat at 4092 CR 342 LA VERNIA, TX 78121 CITY OF LA VERNIA, LOT 219A, ACRES 5.001

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Comments: \_\_\_\_\_

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

FREEMAN DAVID A  
14414 US HIGHWAY 87 W, SUITE 3C  
LA VERNIA, TX 78121-5947

SCOGIN DEBOARAH D & THOMAS M  
PO BOX 257  
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FX3 PROPERTIES LLC  
11988 FM 467  
LA VERNIA, TX 78121

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202 RIVER RD  
LA VERNIA, TX 78121

RASMUSSEN GALEAN  
202 RIVER RD  
LA VERNIA, TX 78121

JOHANSON HAROLD K & REBECCA  
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LA VERNIA, TX 78121-0460

TREVINO-PENA LORENA  
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RIAZ HOMES LLC  
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TONG HE JUAN & LEI GUO & HEFEN TONG  
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KIOLBASSA MELISSA A  
PO BOX 124  
ST HEDWG, TX 78152



ENGLAND DEANNA L

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CYPRESS, TX 77433-6379

TXDOT  
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AUSTIN, TX 78701

WATCO TANKS INC

5877 FM 539  
FLORESVILLE, TX 78114