

ESTELLE MURPHY

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April 11, 2019

Hon. Souli Shanklin
Edwards County Judge
PO Box 348
100 West Main Street
Rocksprings, Tx 78880

RE: Replat of Tract 5, Los Encinos Ranch Subdivision,
according to Vol 2, pg 62A, Plat Records of Edwards County, Texas

Dear Judge Shanklin:

The above-described property is owned by members of my family and, under an agreement between family members, this 133.31 acre tract is to be partitioned and 55 acres of it is to be deeded to me. This property is one of the tracts or lots in Los Encinos Ranch Subdivision, a previously platted subdivision.

REQUEST #1

This letter is my sworn, written application for the complete waiver of the State and County replat requirements otherwise applicable to the partition and division of this property.

Pursuant to Texas Local Government Code, §232.010, the Commissioners Court may allow conveyance of portions of one or more previously platted lots by metes and bounds without revising the plat. That statute is restated in the footnotes at this end of this letter. Under this statute, I am asking the Commissioners' Court to waive the State and County replat procedures and allow this partition and conveyance of the 55 acres by a deed containing a metes and bounds description as shown on the attached plat map. If the Commissioners' Court approves this Request #1, then there is no need for the Court to consider my following alternative Request #2.

REQUEST #2 (Alternative request)

Alternatively, if the Commissioners' Court declines to waive the replat requirements pursuant to §232.010 as above requested, this application then requests that a replat of this division be approved under the minimal replat procedures of Texas Local Government Code, §232.009(c-1). That statute allows the Commissioners Court to approve these minimal notice procedures if the Court finds that the revision does not affect a public interest or public property of any type, such as a park, school, or road. This finding allows the replat notice requirements to be limited to:

- a) written notice to the owners of lots within two hundred feet of the subdivision plat to be revised; and
- b) the posting of notice of this application on the County's internet website for thirty days prior to the Commissioners' Court meeting at which this application is considered. Relevant provisions of §232.009 are provided at the end of this letter.

No Public Property or Public Interest Affected

In accordance with Texas Local Government Code, §232.009(c-1), I submit for the Commissioners' Court that this revision does not affect a public interest or public property of any type to the best of my knowledge and belief.

Approval of Replat Under Alternative Request #2

Like all replat applications under §232.009, the Commissioners' Court shall approve the replat if the revision will not interfere with the established rights of any owner of a part of the subdivided land or if each owner whose rights may be interfered with has agreed to the revision.

**Variance From Restrictive Covenant Prohibiting Certain Redivisions
of Tracts in Los Encinos Subdivision**

This partition and conveyance is prohibited by paragraph #9 of the Restrictive Covenants covering the Los Encinos Subdivision, a copy of which is attached to this letter. However, those same Restrictive Covenants, paragraph #9, also allows the developer of the subdivision to grant a variance from that prohibition. A copy of that variance is attached to this letter. Consequently, there now exists no restrictive covenant prohibition which disallows this contemplated partition and conveyance.

Notice Under Alternative Request #2

In case the Court does not grant a complete waiver of the replat requirements under my Request #1, I am proceeding to satisfy the minimal notice requirements of §232.009(c-1) as follows for purposes of my alternative Request #2:

- a) A copy of this letter application is being sent to each of the adjoining neighbors:

Ryan & Lisa Dahl
105 Enchanted Woods
Boerne, Tx 78006
Tract 15, Millennium Ranch, Ph II
Vol 2, pg 76B of the
Edwards County Plat Records
Certified Mail, Return Receipt:

Richard S. & Tabbi L. Still
18818 Roselake Drive
Tomball, Tx 77377
Tract 7A, Los Encinos Ranch Subd.
Vol 2, pg 57B of the
Edwards County Plat Records
Certified Mail, Return Receipt:

Manuel C. Mendez & Oscar Garcia
8404 Botany
Houston, Tx 77075
Tract 6, Los Encinos Ranch Subd.
Vol 2, pg 62A of the
Edwards County Plat Records
Certified Mail, Return Receipt:

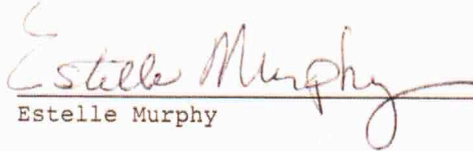
Alfio & Rita Valastro
5619 Palm Circle N
Galveston, Tx 77551
Tract 4, Los Encinos Ranch Subd.
Vol 2, pg 62A of the
Edwards County Plat Records
Certified Mail, Return Receipt:

- b) Upon your receipt of this letter application, I request that you post it, along with all attachments, on the County internet website continuously for at least 30 days preceding the date of the Commissioners' Court meeting at which this application will be considered, until the day after the meeting.

Please advise whether any further is required for this application to be placed on the Edwards County Commissioners' Court agenda for the May 14, 2019 meeting. Please also advise if there is anything further I need to provide the Court for the approval of this application.

The Commissioners' Court's consideration is appreciated.

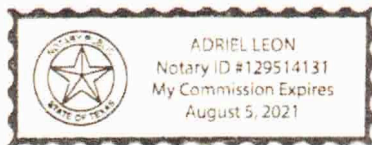
Respectfully submitted,

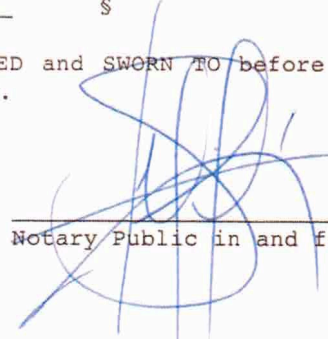

Estelle Murphy

STATE OF TEXAS §

COUNTY OF Williamson §

This instrument was SUBSCRIBED and SWORN TO before me on the 11th day of April, 2019 by Estelle Murphy.




Notary Public in and for the State of Texas

FOOTNOTES

TEXAS LOCAL GOVERNMENT CODE, Sec. 232.010. EXCEPTION TO PLAT REQUIREMENT: COUNTY DETERMINATION. A commissioners court of the county may allow conveyance of portions of one or more previously platted lots by metes and bounds description without revising the plat.

TEXAS LOCAL GOVERNMENT CODE: Sec. 232.009. REVISION OF PLAT. (c-1) If the commissioners court determines that the revision to the subdivision plat does not affect a public interest or public property of any type, including, but not limited to, a park, school, or road, the notice requirements under Subsection (c) do not apply to the application and the commissioners court shall:

- (1) provide written notice of the application to the owners of the lots that are within 200 feet of the subdivision plat to be revised, as indicated in the most recent records of the central appraisal district of the county in which the lots are located; and
- (2) if the county maintains an Internet website, post notice of the application continuously on the website for at least 30 days preceding the date of the meeting to consider the application until the day after the meeting.

Edwards County

990833

LOS ENCINOS RANCH RESTRICTIONS AND COVENANTS

The property in the Los Encinos Ranch, as recorded in the plat records of Edwards County, Texas, is subject to the covenants hereby made by the developer, (Seller), to-wit:

1. That these covenants are to run with the land and shall be binding on the Purchaser and all persons claiming under him. Purchaser understands that these restrictions and covenants are filed in the Real Property Records of Edwards County, Texas.
2. That the above property herein shall not be used for day lease hunting or any manufacturing purposes. There exists a grazing lease on this property. As consideration for this lease, the Lessee has agreed to maintain the agricultural tax exemption for Purchaser's land. Purchaser has no obligation to continue this lease and may cancel the lease on his property by constructing fencing that meets local standards and is adequate to keep Lessee's livestock off his property and then giving Lessee 30 days advance notice that he wishes to not participate in the lease. If Purchaser desires to remove or alter any existing fences on his property Lessee shall be notified in advance in order to maintain control of the livestock.
3. That no automobile, truck, trailer, or other vehicle shall be abandoned on this property, nor shall there be any dumping or placing of unsightly objects of any kind on the property.
4. That no structure of any kind (including hunting blinds and/or deer feeders) shall be permitted within 200 feet of any roadway easement or 100 feet of any property line.
5. No noxious or offensive activity shall be carried on upon any tract nor shall anything be done thereon which may be or become an annoyance or nuisance to any adjoining tract. No tract shall be maintained or utilized in such a manner as to violate any applicable statute, ordinance or regulation of the United States of America, the State of Texas, the County of Edwards, if applicable, or any other governmental agency having jurisdiction thereof.
6. Not more than one residence shall be permitted on any tract. No communal residences shall be permitted.
7. That no commercial swine operation shall be permitted.
8. PURCHASER agrees not to impede the flow of water in existing water lines that cross his property and grants ingress and egress to persons who need to maintain such water lines.
9. That no tract may be subdivided without the express written consent of the SELLER. This restriction will not prevent the Texas Veteran's Land Board (TVLB) from deeding a tract to a veteran for the purpose of a homesite.
10. PURCHASER hereby authorizes SELLER and/or Assigns to improve and maintain the roads used for access to the above property and other property in the Los Encinos Ranch and to charge each property owner a fee of \$1.00 per acre, per year, not to exceed \$300.00. This road maintenance fee shall not apply to those tracts of land which front exclusively on a state or county maintained road. Such charge shall not be assessed against SELLER and/or Assigns. Such charge shall be made by direct billing to the property owner. If PURCHASER refuses to make said payments, PURCHASER hereby authorizes SELLER, at SELLER's option, to deduct such charge from payments made by PURCHASER, and any such charge so deducted will not be credited to the payment on the balance due on the purchase price, principal or interest. It is understood and agreed that this road maintenance charge (if not paid within 60 days of billing date) shall become a lien against the tract being conveyed, permitting SELLER and/or Assigns such rights to enforce said liens as may be set forth in Sec. 51.002 of the Texas Property Code, as amended time to time.
11. That at such time as Seller may determine at his sole discretion, the Seller shall have the authority but not the obligation to notify each tract owner of the time, date, and a place of a meeting of all tract owners to be held for the purpose of organizing a Property Owner's Association. A majority of the votes of the tract owners in attendance at such meetings or by written proxy shall be sufficient to transact business at such meeting. Each tract owner, including Seller, attending or represented by written proxy at such meetings shall have one vote for each tract owned by such owner on all business to come before the meeting. Upon the creation and organization of such organization, as non-profit corporation, or otherwise, Seller shall transfer and assign to the association the current balance of the road improvement and maintenance, if any. Thereafter such association shall have the power, authority and obligation to maintain the roadways of the development and collect the road maintenance assessment. All such assessments upon any tract in the development shall become the personal obligation of the owners of such tract and such association is hereby granted a lien upon each lot to secure the payments of such assessments, permitting said association such rights to enforce said liens as may be set forth in Sec. 51.002 of the

VARIANCE / APPROVAL OF RE-SUBDIVISION

State of Texas

County of Edwards

Ranch Enterprises, Ltd., a Texas limited partnership dba
Los Encinos Ranch Subdivision, the converting entity acting by its
General Partner, Southern Land Development, LLC by Reginald A. Tuck, Vice
President and Member hereby grants a variance for the Re-subdivision of Tract 5, Los
Encinos Ranch Subdivision, recorded in the Plat Records of Edwards County, Texas
as shown on the attached survey.

Ranch Enterprises, Ltd.

BY: Reginald A. Tuck

Printed Name: Reginald A Tuck, Vice President and Member of Southern Land
Development, LLC, General Partner of Ranch Enterprises, Ltd., a Texas limited
partnership dba Los Encinos Ranch Subdivision.

State of Texas

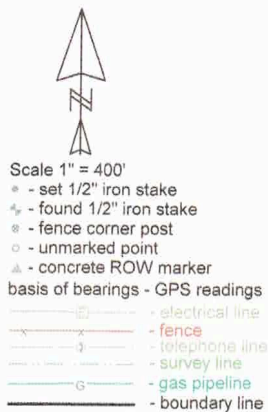
County of Edwards

This instrument was acknowledged before me on January 25, 2019, by
Reginald A. Tuck, vice president and member of Southern Land Development, LLC.,
General Partner of Ranch Enterprises Ltd., a Texas limited partnership dba Los
Encinos Ranch Subdivision.

Melanie A. Davis

Notary Public, State of Texas





PLAT SHOWING:
55.00 acres of land, a part of Tract 5, Los Encinos Ranch Subdivision, according to the replat thereof recorded in Volume 2, Page 62A of the Plat Records of Edwards County, Texas, and being approximately 54.97 of an acre out of Survey No. 20, G.H.&S.A. Ry. Co., Block 10, Abstract No. 1805 and approximately 0.03 acres out of Survey No. 30, G.H.&S.A. Ry. Co., Block 10, Abstract No. 2972.

Line	Bearing	Distance
1	S 20°40'W	171.61'
2	N 64°57'W	51.01'
3	N 20°40'E	172.65'

TRACT 4
132.28 Ac.
LOS ENCINOS RANCH
(REPLAT) VOL. 2, PG. 62A

TRACT 5
133.31 Ac.
LOS ENCINOS RANCH
(REPLAT) VOL. 2, PG. 62A

SURVEY NO. 20
G.H.&S.A. RY. CO.
BLOCK 10
ABSTRACT - 1805

SURVEY NO. 30
G.H.&S.A. RY. CO.
BLOCK 10
ABSTRACT - 2972

MILLENNIUM RANCH - PHASE 2
VOL. 2, PG. 76B

TRACT NO. 15
125.00 Ac.

55.00 Ac.

BEGINNING
1/2" iron stake found at 4-way fence intersection
in the common line between Tract 5 and Tract 7A

LOS ENCINOS RANCH
VOL. 2, PG. 57B

TRACT 7A
62.86 Ac.

TRACT 6
84.81 Ac.

LOS ENCINOS RANCH
(REPLAT) VOL. 2, PG. 62A

I, Bengé L. Bushong, a registered professional land surveyor, on the basis of my knowledge, information, and belief, hereby certify that as a result of a survey made on the ground under my supervision to the normal standards of care of professional land surveyors in Texas, this is an accurate representation of the property shown hereon.

B. Bushong
Bengé L. Bushong
R.P.L.S. No. 5690
Firm# 10055200
December 19, 2018
Job #3348

