

**MONTGOMERY PLANNING AND ZONING COMMISSION AGENDA
PUBLIC HEARINGS and REGULAR MEETING OF
MONDAY, SEPTEMBER 24, 2018, 6:00 P.M.
CITY HALL COUNCIL CHAMBERS 101 OLD PLANTERSVILLE ROAD,
MONTGOMERY, TEXAS.**

CALL TO ORDER

VISITOR/CITIZENS FORUM

Any citizen with business not scheduled on the agenda may speak to the Commission. Prior to speaking, each speaker must be recognized by the Chairman. Commission may not discuss or take any action on any item but may place the issue on a future agenda. The number of speakers along with the time allowed per speaker may be limited.

PUBLIC HEARING:

Convene into Public Hearing for the purpose of giving all interested persons the right to appear and be heard regarding the following:

1. **Second Public Hearing** - regarding preparation of a Final Report to be submitted to City Council on September 25, 2018 regarding the request to rezone the eastern portion of a 2.148-acre tract of land located at 1005 Old Plantersville Road, Montgomery, from R1-Single Family to ID-Industrial Use, as requested by Theresa Fisher.
2. **First Public Hearing** for the purpose of giving all interested persons the right to appear and be heard regarding the Preliminary Report on the following: a) A request to rezone the property located at 2580 Lone Star Parkway, Montgomery from ID-Industrial to R-2 MultiFamily, by owner Larry Jacobs; and b) A request to rezone the property located at 2560 Lone Star Parkway from ID-Industrial to B-Commercial, by owner Larry Jacobs. *(2nd Public Hearing will be held on October 22nd)*
3. Consideration and possible action regarding Meeting Minutes of August 27, 2018 Regular Meeting.
4. Consideration and possible action regarding the request to rezone the eastern portion of a 2.148-acre tract of land located at 1005 Old Plantersville Rd., Montgomery from R-1 single-family to ID- Industrial as requested by Theresa Fisher
5. Consideration and possible action regarding the Hills of Town Creek Section 3 Final Plat.
6. Consideration and possible action regarding adoption of the proposed corrected Official Zoning Map of the City of Montgomery based on previously approved City Ordinances.
7. Consideration and possible action on partially vacating the plat of Lonestar Parkway North Section One.
8. Consideration and possible action on vacating the plat of Lonestar Parkway North Section Two.

9. Adjournment

Jack Yates

Jack Yates, City Administrator

Posted September 21, 2018 at 5:00 p.m. This facility is wheelchair accessible and accessible parking spaces are available. Please contact the City Secretary's office at 936-597-6434 for further information or for special accommodations.



Montgomery City Council
AGENDA REPORT

Meeting Date: September 24, 2018	Budgeted Amount:
Prepared By: Jack Yates City Administrator	Exhibits: Zoning map
Date Prepared: September 20, 2018	

Subject

This is a public hearing regarding the rezoning request Mrs. Theresa Fisher to rezone 1005 Old Plantersville Rd. from R-1 to ID- Industrial

Description

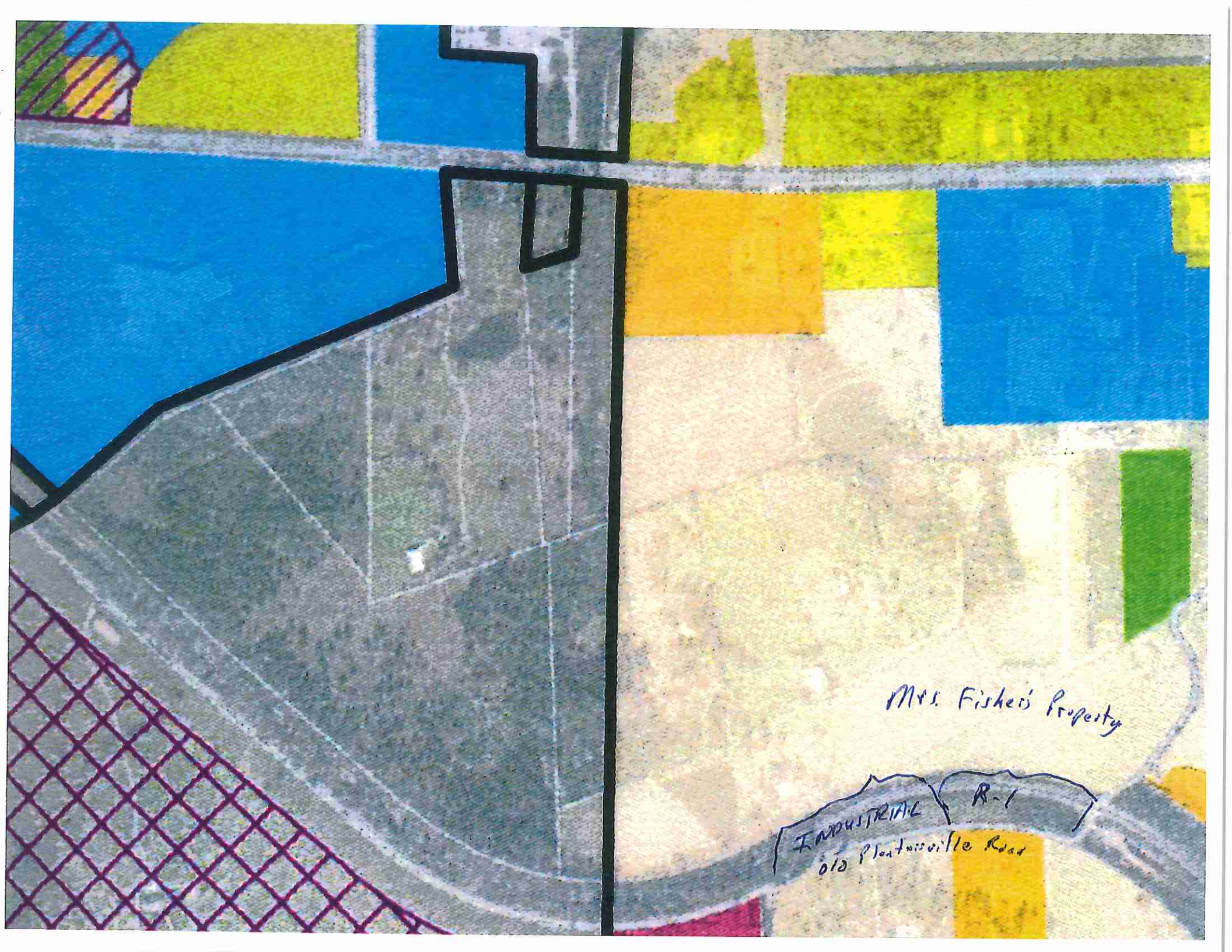
This is the piece of property on Old Plantersville Road that is zoned one half industrial (the West portion) with the East half being zoned R-1 single-family

Recommendation

This is for the public comment, not for Commission discussion.

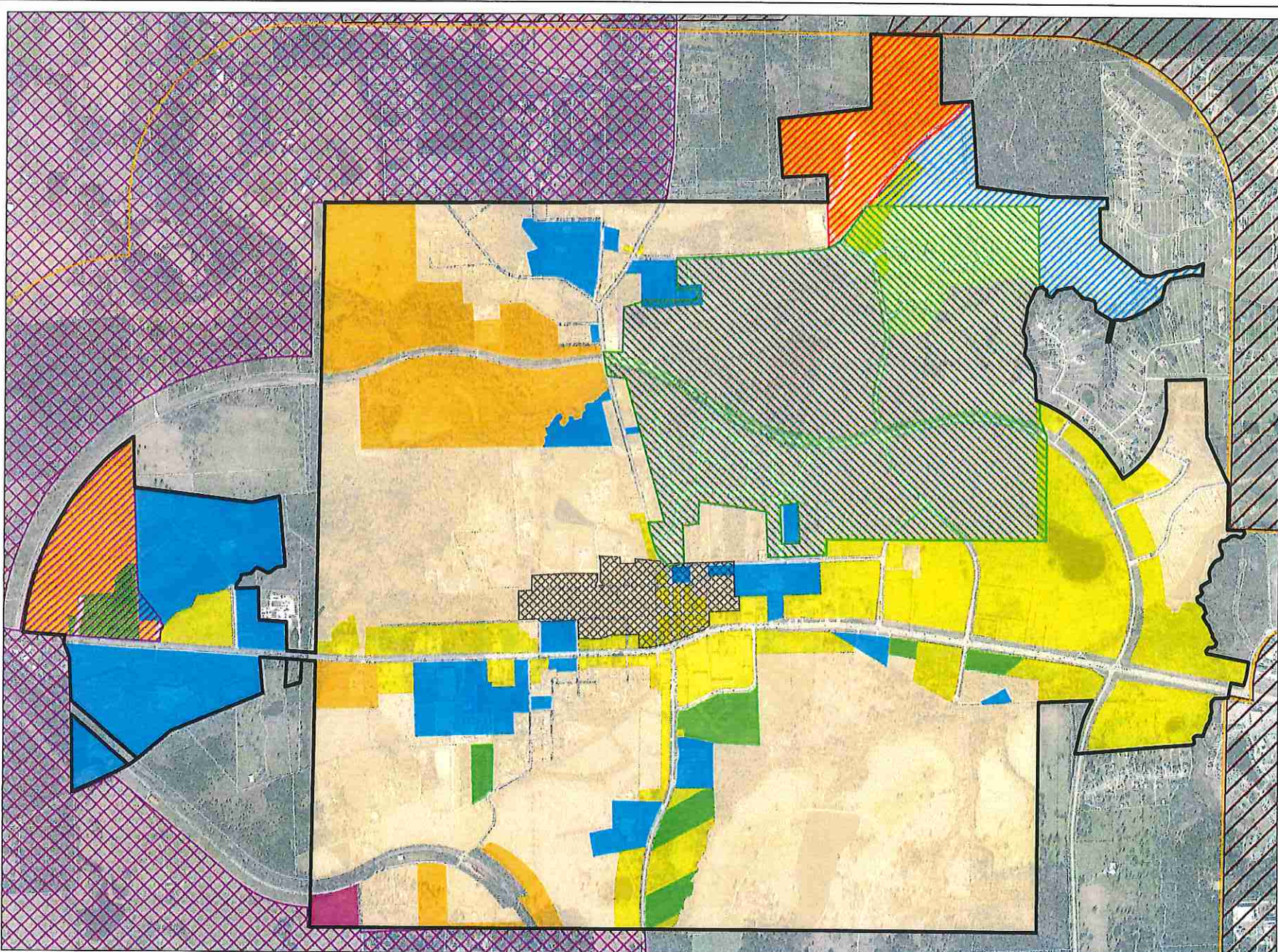
Approved By

City Administrator	Jack Yates	Date: September 20, 2018
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Mrs. Fisher's Property

INDUSTRIAL R-1
Old Plantersville Road



VICINITY MAP
Scale: 1 inch equals 10 miles

LEGEND

- Base Layers**
- City Limits
 - P.D.D. No. 1 (LeFevre) - 2014
 - Bowen Development Agreement - 2006
 - Cheatham Development Agreement - 2011
 - P.I.D. No. 1 (Ogarchock) - 2014
 - Historic District
 - City ETJ
 - City of Conroe ETJ
 - Dobbin-Plantersville WSC
- MCAD Parcels**
- Unknown
 - Commercial
 - Industrial
 - Institutional
 - Multi-Family
 - Multi-Use
 - Residential

LAST AMENDED 10 OCTOBER 2017
VIA ORDINANCE NO. 2017-22

*Aerial Imagery from February 2016



ZONING LAYOUT
(JANUARY 2018)



1 inch equals 400 feet

Disclaimer:
This map is provided for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an engineering survey and should not be relied upon for legal or other purposes. The City of Houston is not responsible for any errors or omissions in this map. The City of Houston is not responsible for any errors or omissions in this map. The City of Houston is not responsible for any errors or omissions in this map.

Coordinate System: NAD 83 TX CENTRAL 4303E87
Vertical Datum: NAVD 1988 - 2011 Adjustment

Montgomery City Council
AGENDA REPORT

Meeting Date: September 24, 2018	Budgeted Amount:
Prepared By: Jack Yates City Administrator	Exhibits: Basic information about request
Date Prepared: September 20, 2018	

Subject

This is a public hearing regarding the rezoning request by Larry Jacobs to rezone 2580 Lone Star Pkwy. from ID- Industrial to R-2 Multi-family and 2560 Lone Star Pkwy. from ID- Industrial to B- Commercial

Description

This is the first public hearing on this rezoning request.

Recommendation

This is for the public comment, not for Commission discussion.

Approved By

City Administrator	Jack Yates	Date: September 20, 2018
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City of Montgomery
Jack Yates
Montgomery, TX 77356
August 20, 2018

Dear Mr. Yates,

I am the owner of the attached described property. I request that the approximate 5 acres to the north, marked on the map as "R-2", be re-zoned from "I-D-Industrial" to R-2 Multi-family. I also request that the approximate 2 acres on the southern portion, marked "B" be re-zoned from "I-D Industrial" to "B-Commercial".

I look forward to discussing my property with Planning and Zoning members at the next meeting. In the meantime, if you have any questions, please feel free to contact me.

Sincerely,


Larry Jacobs
Owner

Attached:

Check
Property maps - 2

RECEIVED BY:
AUG 20 2018
AUTUMN REDMAN
City of Montgomery

936.597.3301

txland.com

larrytxland@gmail.com



Farms * Ranches * Homesites * Investment * Commercial Services
P.O. Box 1370 14372 Liberty Street Montgomery, TX 77356

**SURVEY OF
5.00 ACRES**

LOCATED IN THE _____ SURVEY, ABSTRACT NO. _____
 BASED ON THE _____ TITLE RECORDS IN
 COUNTY CLERK'S FILE NO. _____
 THIS _____ RECORDS _____ COUNTY, TEXAS
 BOOK _____ OF RECORDS DATE _____

IT IS HEREBY CERTIFIED THAT THIS SURVEY WAS MADE IN THE FIELD AND TO THE
 BEST OF THE SURVEYOR'S KNOWLEDGE, SKILL AND BELIEF ACCORDING TO THE FACTS
 AND DATA IN HIS POSSESSION AND THAT THERE ARE NO UNLAWFUL ENCROACHMENTS,
 RIGHTS OR INTERESTS, OR UNLAWFUL CLAIMS TO ANY PART THEREOF.

STEVEN LAUGHLIN
 STEVEN LAUGHLIN, RLS & SITE



SW 1/4 11288
 Vol 1028, Pg 88
 D.P.M.C.O.T.X.

N 88° 44' 24" E
 304.70'

R-2

6.00 Acres
 OUT OF
 43.88 ACRES
 OF 1907-11888
 P.M.P.M.C.O.T.X.

REMAINDER OF
 43.88 ACRES
 OF 1907-11888
 P.M.P.M.C.O.T.X.

4.00 ACRES
 Vol 1188, Pg 118
 D.P.M.C.O.T.X.

LOHREYAN COMMUNITY
 CENTER
 0487, 0497 & 0570
 N.M.C.O.T.X.

RECYCLED
 PLASTIC TRAILING
 2.00 ACRES

REMAINDER OF
 43.88 ACRES
 OF 1907-11888
 P.M.P.M.C.O.T.X.

B

BENJAMIN ROSEBY SURVEY
 A-31



SURVEYOR'S NOTES

- 1) THE BEARINGS SHOWN HEREON ARE BASED ON THE RECORDS FILED.
- 2) THE SURVEYOR HAS NOT ADJUSTED THE SURVEY DATA.
- 3) THE SURVEY IS MADE ON THE FILE RECORDS AND IS SUBJECT TO THE
 COMPANY RECORDS, ALL BEING DATED FEB 14, 2017, FOR ALL
 TRACTS OF RECORDS.
- 4) SURVEYOR HAS MADE NO WITNESSES OR ANY DOCUMENT RECORDS FOR
 EASEMENTS OF RECORDS, EITHER EASEMENTS, EASEMENTS OF RECORDS,
 EASEMENTS, TITLE EASEMENTS, OR ANY OTHER PARTY THAT AN EASEMENT
 AND EASEMENT TITLE EASEMENTS BEING MADE.
- 5) ALL ADJACENT RECORDS AND NOTATION MAY NOT REPRESENT CURRENT
 EASEMENTS OR RIGHTS.
- 6) EASEMENTS OF RECORDS OF 1907-11888 IN 2016-111111 DO NOT EFFECT
 SURVEY TRACTS.

BOUNDARY DATA

SURVEY PROPERTY LINES WITHIN THE CITY OF HENDERSONWAY, TEXAS

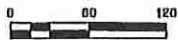
ACCESS NOTES

FOR PERSONS OR SUBJECTS BY THE TRACT THIS ACCESS TO THE LOHREYAN
 PROPERTY VIA THE ACCESS ADJACENT ALONG THE WESTERN LINE OF
 THE 5.00 ACRES TRACT AS SHOWN HEREON

- EASEMENT CLEANSUIT
- ROAD SIGN
- MAXIMIZATION EASEMENT
- BRIDGE PILE
- GAS VALVE
- WATER VALVE
- LIGHT POLE
- POWER POLE
- TELEPHONE TRAILER BOX
- FIRE HYDRANT
- AIR CONDITIONER
- STORM SEWER
- TELEPHONE PILE
- LIGHT POLE
- TOWER OF THE TOWER
- TRAFFIC SIGNAL
- PAVEMENT MARKER
- WATER METER
- MOUND
- UTILITY POLE

NOTES

- 1) L = 1/4" LONG LINE
- 2) L = 1/4" WIDE TOLERANCE
- 3) P.M.P.C.O.T.X. = REAL PROPERTY RECORDS OF HENDERSONWAY COUNTY, TEXAS.
- 4) H.M.P.C.O.T.X. = H.M.P. RECORDS OF HENDERSONWAY COUNTY, TEXAS.
- 5) ALL PROPERTY EASEMENTS ARE 1/4" WIDE, UNLESS OTHERWISE NOTED.
- 6) ANY OTHER RECORDS ONLY THIS PROPERTY IS WITHIN A BEING ADJACENT RECORDS AND
 AREA ACCORDING TO THE PUBLIC RECORDS, 1907-11888, BEING AUG 11 2011.



SURVEYORS
 PLANNERS

"A Land Surveying Company"

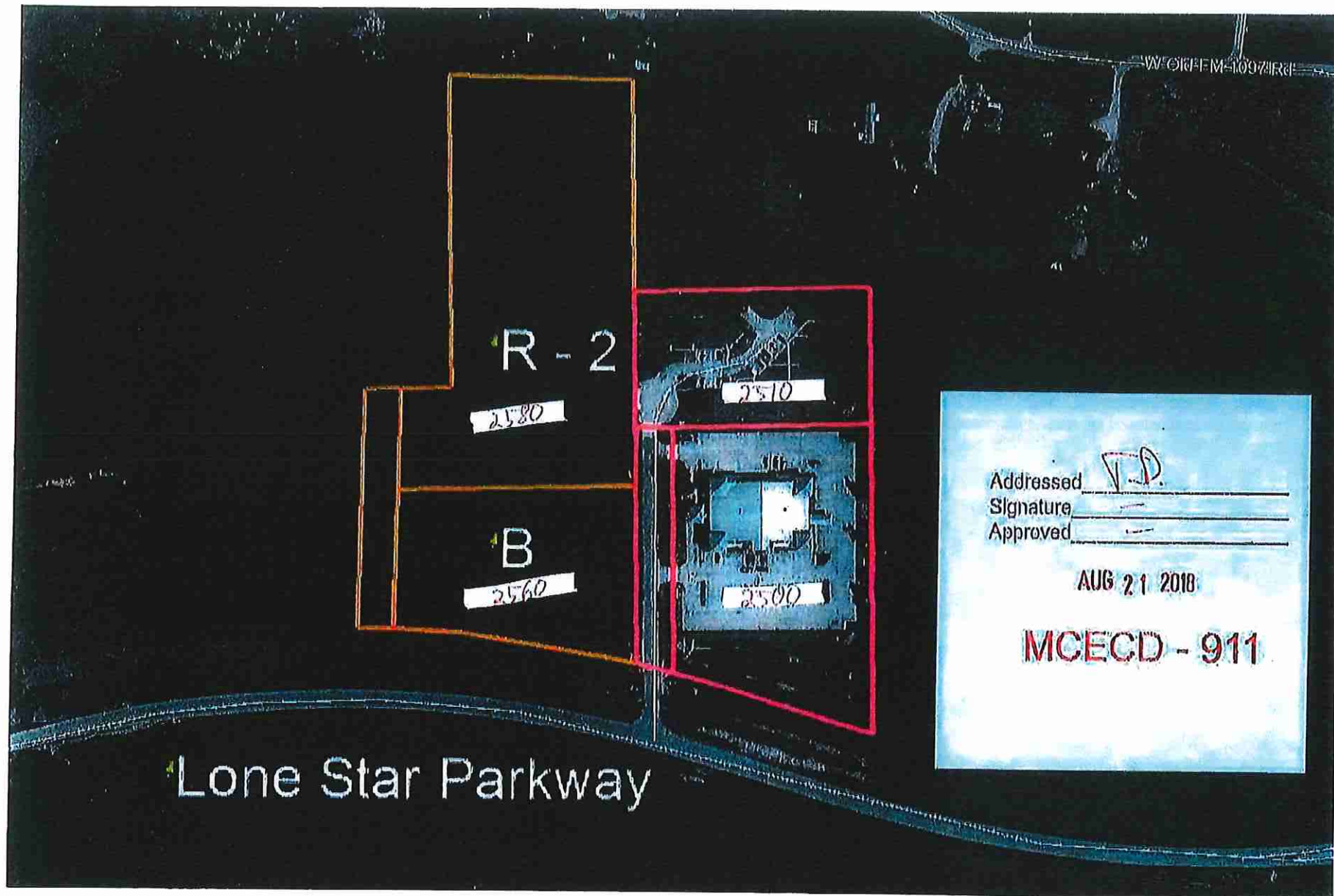
P.O. BOX 1000 CANTON, TEXAS 77715-1000
 936-531-1111 FAX 936-531-2112
 WWW.SURVTECHTX.COM

LOHREYAN PARKWAY
 OF 100-101111, 2008-111111
 (VARIABLE WIDTH R.O.W.)



Lone Star Parkway

2560 to 2580 Lone Star Pkwy, Montgomery, Tx, 77358



Addressed V.D.
Signature _____
Approved _____

AUG 21 2018

MCECD - 911

MINUTES OF PUBLIC HEARING and REGULAR MEETING

AUGUST 27, 2018

MONTGOMERY PLANNING AND ZONING COMMISSION

CALL TO ORDER

Chairman Nelson Cox declared a quorum was present, and called the meeting to order at 6:00 p.m.

Present: Nelson Cox, Jeffrey Waddell, William Simpson, Arnette Easley and Carol Langley

Absent:

Also Present: Jack Yates, City Administrator
Susan Hensley, City Secretary
Chris Roznovsky, City Engineer

VISITOR/CITIZENS FORUM

Any citizen with business not scheduled on the agenda may speak to the Commission. Prior to speaking, each speaker must be recognized by the Chairman. Commission may not discuss or take any action on any item but may place the issue on a future agenda. The number of speakers along with the time allowed per speaker may be limited.

There were no comments made.

PUBLIC HEARING(S):

Convene into Public Hearings for the purpose of giving all interested persons the right to appear and be heard regarding the following:

Chairman Cox convened into the Public Hearing at 6:00 p.m.

- 1) **First Public Hearing - regarding a Planning and Zoning Commission Preliminary Report on the proposed re-zoning of property located at the southeast corner of Buffalo Springs Drive**

and SH 105, a portion of the Montgomery Shoppes tract, from R-1 (Single – Family),R-2 (Multi-Family) and I-Institutional to B-Commercial and I-Institutional, as requested by Montgomery SH 105 Associates.

Mr. Yates advised this property is part of a 380 Agreement with the Shoppes and the City of Montgomery. Mr. Yates said that what is there now is a mixture of R-1 single family residential, R-2 Multi-Family and I-Institution, and the Institutional is the City Sewer Plant. Mr. Yates said the 380 Agreement states the City will commit to commercial zoning for this tract, and the I-Institutional for the portion of the property that is the Sewer Plant.

There were no other comments made.

Adjourn Public Hearing.

Chairman Cox adjourned the Public Hearing at 6:03 p.m.

- 2) **Convene into Second Public Hearing - regarding the proposed zoning amendment and preparation of the Final Report for submittal to the City Council on August 28, 2018 regarding the proposed rezoning of the property located at the southeast corner of Buffalo Springs Drive and SH 105, a portion of the Montgomery Shoppes tract, from R-1 (Single – Family), R-2 (Multi-Family) and I-Institutional to B-Commercial and I-Institutional.**

Chairman Cox convened the Second Public Hearing at 6:03 p.m.

Mr. Yates advised this is the same information that was discussed during the first Public Hearing. Mr. Yates advised this was to approve the decision and recommendation to be presented to City Council tomorrow night.

There were no other comments made during the Public Hearing.

Adjourn Public Hearing.

Chairman Cox adjourned the second Public Hearing at 6:05 p.m.

Convene into Regular Meeting

Chairman Cox convened into the Regular Meeting at 6:05 p.m.

- 3) Consideration and possible action regarding Meeting Minutes of the Regular Meeting held on July 23, 2018.

William Simpson moved to approve the Meeting Minutes of the Regular Meeting held on July 23, 2018 as presented. Arnette Easley seconded the motion, the motion carried unanimously. (5-0)

- 4) Consideration and possible action regarding adopting the Final Report to be submitted to City Council on August 28, 2018 regarding the request to rezone property located at the southeast corner of Buffalo Springs Drive and SH 105, a portion of the Montgomery Shoppes tract, from R-1 (Single – Family), R-2 (Multi-Family) and I-Institutional to B-Commercial and I-Institutional.

Jeffrey Waddell moved to adopt the Final Report recommending to City Council to rezone the property located at the southeast corner of Buffalo Springs Drive and SH 105, a portion of the Montgomery Shoppes tract, from R-1 (Single – Family), R-2 (Multi-Family) and I-Institutional to B-Commercial and I-Institutional. William Simpson seconded the motion, the motion carried unanimously. (5-0)

- 5) Consideration and possible action regarding proposed house color at 916 College Street as requested by Gary Hammons.

Mr. Yates advised the Mr. Hammons' building permit was approved at the March meeting and they are changing their house color from light blue to light yellow. Carol Langley asked if the owner had submitted a swatch showing the color of the paint. Mr. Yates advised no. Jeffrey Waddell said the application states pale yellow as the paint color, and said the first home on College Street is yellow and is probably equivalent. Jeffrey Waddell said as long as the color is not a bright yellow and is a pale yellow color as stated in Mr. Yates' information.

Arnette Easley moved to approve the color of the house at 916 College Street as requested by Gary Hammons after Mr. Yates verifies the specific paint color as being pale yellow. Jeffrey Waddell seconded the motion.

Discussion: Chairman Cox asked if the elevation will become part of the record. Mr. Yates said it will be part of the permit record and he will get the paint color number and that paint color number will be on the permit as part of the approval.

The motion carried unanimously. (5-0)

- 6) Consideration and possible action regarding scheduling a public hearing for rezoning of the property located at 1005 Old Plantersville Road, Montgomery from R-1 Single-family to ID-Industrial to be held on September 24, 2018 at 6 p.m. as requested by Theresa Fisher.

Mr. Yates said this is before the Commission for two reasons, 1) there was one Public Hearing held on this matter, and since that time the City Attorney has advised that they will have to conduct two separate Public Hearings and this will be the second Public Hearing, and 2) even though they held the first Public Hearing, during the discussion portion of the Public Hearing the applicant asked to table the item while they were considering applying for another type of zoning. Mr. Yates said this second Public Hearing will require a second notice to be published and mailed out. Mr. Yates said this is the calling of the second Public Hearing, which they are proposing to be held on September 24, 2018 at 6:00 p.m. Mr. Yates said in the meantime he will work with City Council to set their Public Hearing to be held on September 25, 2018 so that Mrs. Fisher can get an answer on that date.

Jeffrey Waddell commented that he wanted to thank Mr. Yates for researching this information and getting the history. Jeffrey Waddell said that he could not tell from the map exactly what part of the lot was Industrial, and asked if the lot was split 50/50 percentage. Mr. Yates said it was slightly more industrial than residential.

William Simpson moved to schedule a Second Public Hearing for rezoning of the property located at 1005 Old Plantersville Road, Montgomery from R-1 Single-family to ID-Industrial to be held on September 24, 2018 at 6 p.m. Jeffrey Waddell seconded the motion.

Discussion: Mr. Scott Weisinger, Attorney for Mrs. Fisher asked to make one request and said that it was really more accurate to say “part of the property” because the address is for the entire property. Mr. Weisinger said that it is one property with two zoning designations,

and part of it is residential and they are trying to match the rest of it. Mr. Weisinger said for total clarity for the public they could say part of the property located at 1005 Old Plantersville Road. Mr. Yates said they could say the rezoning of the “eastern portion” of the property located at 1005 Old Plantersville Road. Mrs. Fisher said that was correct, the east side. Chairman Cox asked if that should be reflected for their Public Hearing for that matter. Mr. Yates said that was correct.

William Simpson moved to amend his motion to include rezoning of the “eastern portion” of the property from R1-Single Family to ID – Industrial. Jeffrey Waddell seconded the amended motion, the motion carried unanimously. (5-0)

- 7) Consideration and possible action regarding scheduling two (2) public hearings for rezoning of the property located at 2580 Lone Star Parkway, Montgomery from ID-Industrial to “R-2 MultiFamily”; and the property located at 2560 Lone Star Parkway from ID-Industrial to “B-Commercial”, as requested by Larry Jacobs, to be held on September 24, 2018 at 6 p.m. and October 22, 2018 at 6 p.m. at City Hall.

Mr. Yates advised the City Attorney has recommended scheduling the Public Hearings to be held at two separate meetings.

William Simpson moved to schedule two (2) public hearings for rezoning of the property located at 2580 Lone Star Parkway, Montgomery from ID-Industrial to “R-2 MultiFamily”; and the property located at 2560 Lone Star Parkway from ID-Industrial to “B- Commercial”, as requested by Larry Jacobs, to be held on September 24, 2018 at 6 p.m. and October 22, 2018 at 6 p.m. at City Hall. Arnette Easley seconded the motion, the motion carried unanimously. (5-0)

- 8) Consideration and possible action regarding The Shoppes at Montgomery, Section 2 Final Plat.

Mr. Roznovsky presented the information to the Commission stating the plat meets all the requirements, they have addressed all the comments, so he has offered no objections.

Mr. Yates asked how much of the property this plat would cover. Mr. Roznovsky said this covers the 24 acres, and the entire tract will be platted. Mr. Roznovsky said they will have a reserve in the front along SH 105 with about 6.5 acres and then a larger reserve that surrounds the City's Sewer Plant behind that area. Mr. Roznovsky said they will have smaller retail, such as shops and restaurants and the larger ones in the back. Mr. Roznovsky advised that Reserve B is the Shoppes, Reserve A is the front and Reserve C is the individual pad site, possibly for a fast food establishment. Mr. Roznovsky said Reserve A is where CVS is located and Reserve D is possibly an urgent care facility. Mr. Yates asked if Reserve C was large enough for a parking area. Mr. Roznovsky said yes based on their preliminary site plan, there were no issues. Mr. Roznovsky said the largest thing about Reserve C is currently there is a sanitary sewer easement that crosses it and the lift station is located there, which is why the developer funded for the gravity sewer line to be extended to the sewer plant and the lift station will be relocated.

Jeffrey Waddell asked about the drainage for the project. Mr. Roznovsky said that what the developer was required to do on the plat was dedicate 150 foot or so wide drainage easement across the property so where Town Creek goes under SH 105 and behind the Spirit of Texas there is an easement on that side. Mr. Roznovsky said when the property to the south is expanded they already have a 150 foot easement. Mr. Roznovsky said part of their construction plan is they are doing some improvements to the drainage in that area, so they will be cleaning out the easement and taking out the underbrush and leaving the big trees and doing some excavation to provide some more capacity in that channel as part of the plans. Jeffrey Waddell said on the side as you going toward Conroe, where the back boundary is on FM 2854 there is some kind of a buffer there and asked what the zoning was on that property. Mr. Roznovsky said that he did not believe that property was located inside the City of Montgomery. Mr. Roznovsky said the developer has already dedicated with this plat a 150 foot sanitary control easement, so when the City gets ready to expand the Sewer Plant they will have the required easement.

William Simpson moved to accept The Shoppes at Montgomery, Section 2 Final Plat. Jeffrey Waddell seconded the motion, the motion carried unanimously. (5-0)

9) Presentation of the proposed corrections to the Official Zoning Map of the City of Montgomery based on previously approved City Ordinances.

Mr. Roznovsky reviewed the summary of the proposed changes to the map and the preliminary proposed changes. Mr. Roznovsky said the way this came up was there were situations like Mrs. Fisher where there were differences in the zoning between the old map and the current map. Mr. Roznovsky said an ordinance was passed that rezoned property, but the official map had not been updated. Mr. Roznovsky said they went back to 2008 – 2014, which was the main time that they found the differences that rezoning or initial zonings were done and the zoning map did not accurately reflect those changes.

Mr. Roznovsky said the pack shows the areas in questions with the referenced ordinance numbers, and one other thing that was not on the previous zoning map was the historic landmarks, which is actually part of the zoning ordinance, so those have been added. Mr. Roznovsky said the corridor enhancement district, which is also part of the zoning ordinance was not shown on the zoning map, so that has been included. Mr. Roznovsky said they have removed the development agreement areas because it was getting too cluttered, so they left it just zoning. Mr. Roznovsky said there is nothing on the changes that was not previously approved by City Council, and there are ordinances that support all the changes and the map is being corrected to reflect the correct information. Mr. Yates said this is on the Agenda just for discussion.

William Simpson stated that this matter has been discussed and gone back and forth with this information, and said his question is the area on Lone Star Parkway by Mr. Jacobs property, as small as this area is and everyone will be on top of everybody and asked if they felt that area needs to be Industrial and not high density Residential. Mr. Yates said that he felt that it should be Industrial. William Simpson said he would hate to see what would become of that area with all the residential there. Mr. Yates said the City's land use plan has it as proposed residential. Mr. Yates said the changes are what the zoning map should actually be, so if there were to be any changes it would require rezoning procedures. William Simpson said they need to start concentrating on getting everything in this four square miles of the City taken care of so they don't have all the going back and forth. Mr. Roznovsky commented on the exercise that City Council and the Planning and Zoning Commission went through putting the

Future Land Use together and saying what they think the property use is what they are using for the basis. Jeffrey Waddell said they were told that the Land Use Plan was not a formal plan but was a guide to use, so if they do not make permanent changes on the zoning they can still use that guide. William Simpson said he thought it would be good to get the City zoned properly. Mr. Roznovsky stated that with the new GIS System that the City has, they will be able to click on the property to see how it is zoned and when it was zoned. Mr. Yates said he still has the map with all the places that they talked about rezoning. Mr. Yates advised that next month he can bring back the information that shows the information. William Simpson said he would like to clean up the mess on Lone Star and FM 149 to the west if possible. Mr. Yates said by next month he thought that he could have the parcels and the owners of the parcels so then the Commission can say if they want to move forward. William Simpson said he would like to try to see what happens, and then if they do not care they will know and it will be on them.

10) Adjournment

William Simpson moved to adjourn the meeting at 6:40 p.m. Arnette Easley seconded the motion, the motion carried unanimously.

Submitted by:  Date Approved: _____
Susan Hensley, City Secretary

Chairman Nelson Cox

Montgomery City Council
AGENDA REPORT

Meeting Date: September 24, 2018	Budgeted Amount:
Prepared By: Jack Yates City Administrator	Exhibits:
Date Prepared: September 20, 2018	

Subject

This is the action item regarding the zoning request of Mrs. Teresa Fisher to rezone 1005 Old Plantersville Road from R-1 single-family to ID – industrial.

Description

You have heard this subject several times—the basic issue is that are property is split part industrial and part residential. Mrs. Fisher wants the all the property zoned industrial. Public comment so far has not been in support of her request.

Recommendation

Motion to or not to recommends approval to the City Council

Approved By

City Administrator	Jack Yates	Date: September 20, 2018
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Montgomery City Council
AGENDA REPORT

Meeting Date: September 24, 2018	Budgeted Amount:
Prepared By: Jack Yates City Administrator	Exhibits: City Engineer memo w/ maps Performance Bond
Date Prepared: September 20, 2018	

Subject

This is to consider approval of the Final Plat for Hills of Town Creek Section 3.

Description

The Hills of Town Creek Section 3 subdivision is located west of the Town Creek Apartments and North of Hills of Town Creek Section 2. The attached City Engineers memo explains the status of the Final Plat. The Performance bond is also attached. I have the full-size plat if you want to see it.

Recommendation

Motion to recommendation to the City Council to approve the Final Plat and to accept the Performance Bond as submitted.

Approved By

City Administrator	Jack Yates	Date: September 20, 2018
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1575 Sawdust Road, Suite 400
The Woodlands, Texas 77380
Tel: 281.363.4039
Fax: 281.363.3459
www.jonescarter.com

September 19, 2018

The Planning and Zoning Commission
City of Montgomery
101 Old Plantersville Rd.
Montgomery, Texas 77356

Re: Submission of Final Plat
Hills of Town Creek Section 3
City of Montgomery

Dear Commission:

We reviewed the Final Plat submission for The Hills of Town Creek Section 3, owned by Ranier & Son Development Company, LLC ("the Owner"), on behalf of the City of Montgomery. The Owner has requested platting of the tract for the development of 49 single-family residential lots.

Our review was based on The City of Montgomery's Code of Ordinances, Chapter 78, Section 61 and any other applicable chapters. We offer no objection to the plat and recommend the Commission approve the plat as submitted.

If you have any questions or comments, please contact me.

Sincerely,

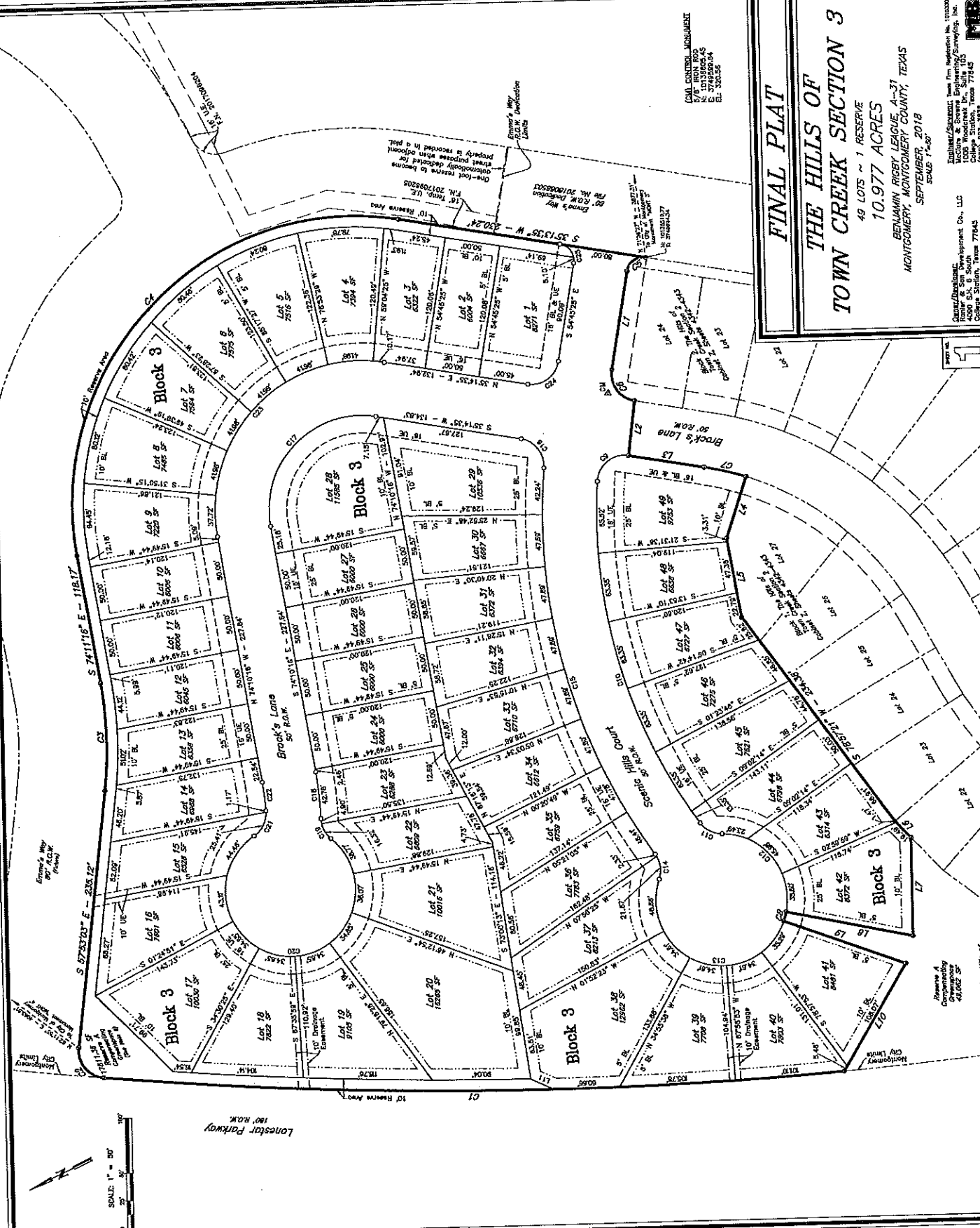
A handwritten signature in black ink that reads 'Chris Roznovsky'.

Chris Roznovsky, PE
Engineer for the City

CVR/ab

K:\W5841\W5841-1019-00 Hills of Town Creek Section 3\Project Management\Letters\FINAL PLAT APPROVAL Hills of Town Creek Sec. 3 09172018.doc

Enclosures: Final Plat
cc: The Honorable Mayor and City Council – City of Montgomery
Mr. Jack Yates – City of Montgomery, City Administrator
Ms. Susan Hensley – City of Montgomery, City Secretary
Mr. Larry Foerster – Darden, Fowler & Creighton, LLP, City Attorney
Mr. Kevin R. McClure, RPLS – McClure & Browne Engineering/Surveying, Inc.



FINAL PLAT
THE HILLS OF TOWN CREEK SECTION 3
49 LOTS ~ 1 RESERVE
10.977 ACRES
BENJAMIN RICHEY LEAGUE, A-37
MONTGOMERY, MONTGOMERY COUNTY, TEXAS
SEPTEMBER, 2018
SCALE: 1"=50'

County/Division: Montgomery
Parish: 454
Nearest U.S. Post Office: 77843
City: College Station, Texas 77843
Phone: (979) 899-1222

Subdivisor/Engineer: Ben Fin, Ben Fin, Inc. 122206
1008 Woodcrest Dr., Suite 102
College Station, Texas 77843
Phone: (979) 899-1222

Reserve A
Compartments
49, 48, 47
49.882 A±

Block 1, 2, 3
Subdivisions:
454E-454G

10' DRAINAGE EASEMENT
10' DRAINAGE EASEMENT
10' DRAINAGE EASEMENT
10' DRAINAGE EASEMENT
10' DRAINAGE EASEMENT
10' DRAINAGE EASEMENT
10' DRAINAGE EASEMENT
10' DRAINAGE EASEMENT
10' DRAINAGE EASEMENT
10' DRAINAGE EASEMENT

COAL CONTROL MONUMENT
5/8" IRON ROD
C. 2719350 A±
E. 30255 E

One-foot reserve to become automatically dedicated for street purposes as provided in the plat. Eriq's Way, 2018/09/02

Block 3
Lot 1
Lot 2
Lot 3
Lot 4
Lot 5
Lot 6
Lot 7
Lot 8
Lot 9
Lot 10
Lot 11
Lot 12
Lot 13
Lot 14
Lot 15
Lot 16
Lot 17
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Lot 35
Lot 36
Lot 37
Lot 38
Lot 39
Lot 40
Lot 41
Lot 42
Lot 43
Lot 44
Lot 45
Lot 46
Lot 47
Lot 48
Lot 49



Plat Filing Fee Calculation Sheet

Upon completion return calculation sheet with plat fee to Autumn Redman at Montgomery City Hall, 101 Old Plantersville Road, Montgomery, TX 77316

Please complete the information below corresponding to the type of plat you are submitting. Your calculation of the plat fee will be verified upon submittal to the City.

A. CONTACT INFORMATION

Plat Name: The Hills of Town Creek Section 3

Name of Development: The Hills of Town Creek Section 3

Development Number: _____

Name of Owner: CTX Land Investments, LLC

Mailing Address: 4090 S.H. 6 South

City/State/Zip: College Station, TX 77845

Telephone Number: 979-690-1222

Fax Number: _____

Cell Phone: _____

Email: _____

Name of registered Professional Land Surveyor: _____

Firm Name & Registration No.: McClure & Browne Engineering/Surveying, Inc. 10103300

Mailing Address: 1008 Woodcreek Dr., Suite 103

City/State/Zip: College Station, TX 77845

Telephone Number: 979-693-3838

Fax Number: _____

Cell Phone: _____

Email: _____

B. DEVELOPMENT INFORMATION

Number of Acres: 10.977 Number of Lots: 50

C. PRELIMINARY PLAT

1. \$200.00 Base Fee.....	\$200.00
2. \$5.00/acre Additional Fee.....	\$ 0
3. \$5.00/lot Additional Fee.....	\$ 0

Total Plat Fee Due (Sum of 1 and greater of 2 or 3):.....\$ _____

D. FINAL, AMENDING, REPLAT, AND MINOR PLAT

1. \$200.00 Base Fee.....	\$200.00
2. \$30.00/acre Additional Fee.....	<u>0</u> \$329.31
3. \$8.00/lot Additional Fee.....	\$400
Total Plat Fee Due (Sum of 1 and greater of 2 or 3):.....	\$ 600

E. DEVELOPMENT PLAT

1. \$200.00 Base Fee.....	\$200.00
2. \$5.00/acre Additional Fee.....	<u>\$ 0</u>
Total Plat Fee Due (Sum of 1 and 2):.....	\$

For City Use Only

Amount Received: _____

Date Received: _____

Check Number: _____

Received by: _____

_____ Date



CITY PLANNING LETTER
September 12, 2018

City Planning Commission
Commissioners Court
Montgomery County, Texas

RE: 1803639

To Whom It May Concern:

Old Republic Title Company certifies that a diligent search of the real property records of Title Company's title plant has been made, as to the herein described property, and as of 7:00 AM on September 6, 2018, we find the following:

Record Owner: RANIER & SON DEVELOPMENT COMPANY, LLC, A TEXAS LIMITED LIABILITY COMPANY, by Deed recorded in the Real Property Records of Montgomery County, Texas, under County Clerk's File No. 2018-044955.

RE: The Platting of The Hills of Town Creek, Section 3, a proposed subdivision of 10.977 acres of land, more or less, in the Benjamin Rigby Survey, A-31, Montgomery County, Texas.

Subject to the following:

1. Restrictions:

Restrictions as may be set out on proposed plat of The Hills of Town Creek, Section 3, and all Regulations and/or Ordinances as may be imposed by the City of Montgomery, Texas.

2. Easements:

Easement recorded in the Real Property Records of Montgomery County, Texas, under County Clerk's File No. 9602503.

Building line restrictions and easements as may be set out on proposed plat of The Hills of Town Creek, Section 3.

3. Liens:

Lien recorded in the Real Property Records of Montgomery County, Texas, under County Clerk's
File No. 2018-044957.

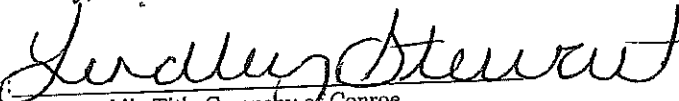
No examination has been made as to abstracts of judgments, state or federal tax liens, the status
of taxes, tax suits or paving assessments.

This letter is issued for the use of , and shall inure to the benefit of PLATTING. Liability of Title
Company for mistakes or errors in this letter is hereby limited to the cost of said letter.

This letter is issued with the express understanding, evidenced by the acceptance thereof, that
Title Company does not undertake to give or express any opinion as to the validity or effect of
the instruments listed, and this letter is neither a guaranty or warranty of title.

Liability hereunder is limited to the amount paid for same. This report is furnished solely as an
accommodation to the party requesting same and should not be relied upon, as a warranty or
representation as to the title to the property described herein, and may not be given to or used by
any third party. Title Company assumes no liability whatsoever for the accuracy of this report,
nor for any omission or error with respect hereto. YOU AGREE TO RELEASE, INDEMNIFY
AND HOLD HARMLESS TITLE COMPANY BECAUSE OF ANY NEGLIGENCE BY
TITLE COMPANY (WHETHER SOLE, JOINT OR OTHERWISE) FOR ANY CLAIM, LOSS,
LIABILITY OR DAMAGES ARISING OUT OF THIS REPORT. This report is not title
insurance. If a policy of title insurance is purchased, any liability thereunder shall be determined
solely by the terms of such policy.

Sincerely,

By: 
Old Republic Title Company of Conroe

TAX CERTIFICATE



TAMMY J. MCRAE
MONTGOMERY COUNTY TAX ASSESSOR-COLLECTOR
400 N. SAN JACINTO
CONROE, TX 77301-2823

Issued To:
NICOLE MULDER
9171 GRAND LAKE ESTATES DR
MONTGOMERY, TX 77316

Legal Description
A0031 - RIGSBY BEN J, TRACT 63A1-C,
ACRES 10.976

Fiduciary Number: 26566977

Parcel Address:
Legal Acres: 10.9760

Account Number: 00.0031.01.06312
Certificate No: 237855068
Certificate Fee: \$10.00

Print Date: 09/11/2018
Paid Date: 09/11/2018
Issue Date: 09/11/2018
Operator ID: TJACKSON

TAX CERTIFICATES ARE ISSUED WITH THE MOST CURRENT INFORMATION AVAILABLE. ALL ACCOUNTS ARE SUBJECT TO CHANGE PER SECTION 26.15 AND 11.43(i) OF THE TEXAS PROPERTY TAX CODE, THIS IS TO CERTIFY THAT ALL TAXES DUE ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN EXAMINED, UP TO AND INCLUDING THE YEAR 2017. TAXES THRU 2017 ARE PAID IN FULL.

Exemptions:

Certified Owner:

CTX LAND INVESTMENTS LLC
4090 STATE HIGHWAY 6 S
COLLEGE STATION, TX 77845-8962

2017 Value:	76,830
2017 Levy:	\$1,858.22
2017 Levy Balance:	\$0.00
Prior Year Levy Balance:	\$0.00
Total Levy Due:	\$0.00
P&I + Attorney Fee:	\$0.00
Total Amount Due:	\$0.00

Certified Tax Unit(s):

- 1 MONTGOMERY COUNTY
- 2 MONTGOMERY CO HOSPITAL DIST
- 203 MONTGOMERY ISD
- 303 CITY OF MONTGOMERY
- 802 MONTGOMERY CO ESD 2

Reference (GF) No: N/A

Issued By:
TAMMY J. MCRAE
MONTGOMERY COUNTY TAX ASSESSOR-COLLECTOR
(936) 539-7897

PERFORMANCE BOND

BOND NO. US00081839SU18A

KNOW ALL MEN BY THESE PRESENTS:

THAT we, Ranier & Son Development Company, as Principal, and XL Specialty Insurance Company, a corporation organized and doing business under and by virtue of the laws of the State of Delaware and duly licensed to conduct surety business in the State of Texas, as Surety, are held and firmly bound unto the City of Montgomery, Texas, as Obligee, in the sum of One Hundred Sixty One Thousand Six Hundred Fifty Seven and 50/100 Dollars (\$161,657.50), for which payment, well and truly to be made, we bind ourselves, our heirs, executors and successors, jointly and severally firmly by these presents.

THE CONDITION OF THE OBLIGATION IS SUCH THAT:

WHEREAS, the above named Principal entered into, or is about to enter into, an agreement or agreements with said Obligee to complete Hills of Town Creek Section 3.

NOW, THEREFORE, the condition of this obligation is such, that if the above Principal shall well and truly perform said agreement or agreements during the original term thereof, or any extension of said term that may be granted by the Obligee with or without notice to the Surety, and upon receipt of a written discharge from the Obligee, then this obligation shall be void, otherwise to remain in full force and effect.

IN WITNESS WHEREOF, the seal and signature of said Principal is hereto affixed and the corporate seal and the name of the said Surety is hereto affixed and attested by its duly authorized Attorney-in-Fact this 13th day of September, 2018.

Ranier & Son Development Company
(Principal)

By _____

XL Specialty Insurance Company
(Surety)

By: _____

Stephen F. Kazmer, Attorney-in-Fact

PERFORMANCE BOND

BOND NO. US00081839SU18A

KNOW ALL MEN BY THESE PRESENTS:

THAT we, Ranier & Son Development Company, as Principal, and XL Specialty Insurance Company, a corporation organized and doing business under and by virtue of the laws of the State of Delaware and duly licensed to conduct surety business in the State of Texas, as Surety, are held and firmly bound unto the City of Montgomery, Texas, as Obligee, in the sum of One Hundred Sixty One Thousand Six Hundred Fifty Seven and 50/100 Dollars (\$161,657.50), for which payment, well and truly to be made, we bind ourselves, our heirs, executors and successors, jointly and severally firmly by these presents.

THE CONDITION OF THE OBLIGATION IS SUCH THAT:

WHEREAS, the above named Principal entered into, or is about to enter into, an agreement or agreements with said Obligee to complete Hills of Town Creek Section 3.

NOW, THEREFORE, the condition of this obligation is such, that if the above Principal shall well and truly perform said agreement or agreements during the original term thereof, or any extension of said term that may be granted by the Obligee with or without notice to the Surety, and upon receipt of a written discharge from the Obligee, then this obligation shall be void, otherwise to remain in full force and effect.

IN WITNESS WHEREOF, the seal and signature of said Principal is hereto affixed and the corporate seal and the name of the said Surety is hereto affixed and attested by its duly authorized Attorney-in-Fact this 13th day of September, 2018.

Ranier & Son Development Company
(Principal)
By [Signature]

XL Specialty Insurance Company
(Surety)
By: [Signature]
Stephen T. Kazmer, Attorney-in-Fact



Power of Attorney
XL Specialty Insurance Company
XL Reinsurance America Inc.

BOND NUMBER US00081839SU18A
LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That XL Specialty Insurance Company, a Delaware insurance company with offices located at 505 Eagleview Blvd., Exton, PA 19341, and XL Reinsurance America Inc., a New York insurance company with offices located at 70 Seaview Avenue, Stamford, CT 06902, do hereby nominate, constitute, and appoint:

Stephen T. Kazmer

each its true and lawful Attorney(s)-in-fact to make, execute, attest, seal and deliver for and on its behalf, as surety, and as its act and deed, where required, any and all bonds and undertakings in the nature thereof, for the penal sum of no one of which is in any event to exceed \$100,000,000.00.

Such bonds and undertakings, when duly executed by the aforesaid Attorney (s) - in - Fact shall be binding upon each said Company as fully and to the same extent as if such bonds and undertakings were signed by the President and Secretary of the Company and sealed with its corporate seal.

The Power of Attorney is granted and is signed by facsimile under and by the authority of the following Resolutions adopted by the Board of Directors of each of the Companies on the 26th day of July 2017.

RESOLVED, that Gary Kaplan, Daniel Riordan, Maria Duhart, Gregory Boal and Kevin Mirsch are hereby appointed by the Board as authorized to make, execute, seal and deliver for and on behalf of the Company, any and all bonds, undertakings, contracts or obligations in surety or co-surety with others and that the Secretary or any Assistant Secretary of the Company be and that each of them hereby is authorized to attest the execution of any such bonds, undertakings, contracts or obligations in surety or co-surety and attach thereto the corporate seal of the Company.

RESOLVED, FURTHER, that Gary Kaplan, Daniel Riordan, Maria Duhart, Gregory Boal and Kevin Mirsch each is hereby authorized to execute powers of attorney qualifying the attorney named in the given power of attorney to execute, on behalf of the Company, bonds and undertakings in surety or co-surety with others, and that the Secretary or any Assistant Secretary of the Company be, and that each of them is hereby authorized to attest the execution of any such power of attorney, and to attach thereto the corporate seal of the Company.

RESOLVED, FURTHER, that the signature of such officers named in the preceding resolutions and the corporate seal of the Company may be affixed to such powers of attorney or to any certificate relating thereto by facsimile, and any such power of attorney or certificate bearing such facsimile signatures or facsimile seal shall be thereafter valid and binding upon the Company with respect to any bond, undertaking, contract or obligation in surety or co-surety with others to which it is attached.

IN WITNESS WHEREOF, the XL SPECIALTY INSURANCE COMPANY has caused its corporate seal to be hereunto affixed, and these presents to be signed by its duly authorized officers this April 13th, 2018.

XL SPECIALTY INSURANCE COMPANY



by:

Gregory Boal
Gregory Boal, VICE PRESIDENT

STATE OF PENNSYLVANIA
COUNTY OF CHESTER

Attest:

Kevin M. Mirsch
Kevin M. Mirsch, ASSISTANT SECRETARY

On this 13th day of April, 2018, before me personally came Gregory Boal to me known, who, being duly sworn, did depose and say: that he is Vice President of XL SPECIALTY INSURANCE COMPANY, described in and which executed the above instrument; that he knows the seals of said Companies; that the seals affixed to the aforesaid instrument is such corporate seals and were affixed thereto by order and authority of the Boards of Directors of said Companies; and that he executed the said instrument by like order.



COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
Rebecca C. Shalhoub, Notary Public
Uwchlan Twp., Chester County
My Commission Expires April 28, 2020
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

Rebecca C. Shalhoub

Rebecca C. Shalhoub, NOTARY PUBLIC

STATE OF PENNSYLVANIA
COUNTY OF CHESTER

I, Kevin M. Mirsch, Assistant Secretary of XL SPECIALTY INSURANCE COMPANY, a corporation of the State of Delaware, do hereby certify that the above and forgoing is a full, true and correct copy of a Power of Attorney issued by said Companies, and that I have compared same with the original and that it is a correct transcript therefrom and of the whole of the original and that the said Power of Attorney is still in full force and effect and has not been revoked.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Corporation, at the City of Exton, this 13th day of September, 2018.



Kevin M. Mirsch
Kevin M. Mirsch, ASSISTANT SECRETARY

IN WITNESS WHEREOF, XL REINSURANCE AMERICA INC. has caused its corporate seal to be hereunto affixed, and these presents to be signed by its duly authorized officers this 13th day of April, 2018.



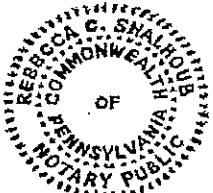
XL REINSURANCE AMERICA INC.

by: *Gregory Boal*
Gregory Boal, VICE PRESIDENT

Attest: *Kevin M. Mirsch*
Kevin M. Mirsch, ASSISTANT SECRETARY

STATE OF PENNSYLVANIA
COUNTY OF CHESTER

On this 13th day of April, 2018, before me personally came Gregory Boal to me known, who, being duly sworn, did depose and say: that he is Vice President of XL REINSURANCE AMERICA INC., described in and which executed the above Instrument; that he knows the seal of said Corporation; that the seal affixed to the aforesaid Instrument is such corporate seal and was affixed thereto by order and authority of the Board of Directors of



COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
Rebecca C. Shalhoub, Notary Public
Uwchlan Twp., Chester County
My Commission Expires April 28, 2020
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

Rebecca C. Shalhoub
Rebecca C. Shalhoub, NOTARY PUBLIC

STATE OF PENNSYLVANIA
COUNTY OF CHESTER

I, Kevin M. Mirsch, Assistant Secretary of XL REINSURANCE AMERICA INC. a corporation of the State of New York, do hereby certify that the person who executed this Power of Attorney, with the rights, respectively of XL REINSURANCE AMERICA INC., do hereby certify that the above and forgoing is a full, true and correct copy of a Power of Attorney issued by said Corporation, and that I have compared same with the original and that it is a correct transcript therefrom and of the whole original and that the said Power of Attorney is still in full force and effect and has not been revoked.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Corporation, at the City of Exton, this _____ day of _____



Kevin M. Mirsch
Kevin M. Mirsch, ASSISTANT SECRETARY

This Power of Attorney may not be used to execute any bond with an inception date

4/13/2023 12:00:00AM

State of Illinois }
 } ss.
 County of DuPage }

On September 13, 2018, before me, Alexandra Sartori, a Notary Public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared Stephen T. Kazmer known to me to be Attorney-in-Fact of XL Specialty Insurance Company the corporation described in and that executed the within and foregoing instrument, and known to me to be the person who executed the said instrument in behalf of the said corporation, and he duly acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year stated in this certificate above.

My Commission Expires July 5, 2020

Alexandra Sartori
 Alexandra Sartori, Notary Public



Commission No. 840142

Montgomery City Council
AGENDA REPORT

Meeting Date: September 24, 2018	Budgeted Amount:
Prepared By: Jack Yates City Administrator	Exhibits: City Engineers memo w/maps showing the present zoning and a map showing the zoning by ordinances (a much larger Ordinance map is available to you or will be given to you at the meeting.
Date Prepared: September 20, 2018	

Subject

This is to clarify the zoning map, using the ordinances they were adopted as the guide -- as researched by the City Secretary and City Engineer.

Description

The City Attorney has advised that adopting this map is a certain way of assuring may correct map, because each properties tied to the zoning ordinance for any changes since the original adoption of zoning. With no public hearing required because the public was notified at time of passage of the original ordinances.

Recommendation

Motion to recommend to the City Council to adopt the presented zoning map as the official zoning map of the City

Approved By

City Administrator	Jack Yates	Date: September 20, 2018
--------------------	------------	--------------------------



1575 Sawdust Road, Suite 400
The Woodlands, Texas 77380-3795
Tel: 281.363.4039
Fax: 281.363.3459
www.jonescarter.com

August 23, 2018

Planning and Zoning Commission
City of Montgomery
101 Old Plantersville Road
Montgomery, Texas 77316

Re: Proposed Approval of Zoning Map Updates
The City of Montgomery

Commission Members:

It recently came to our attention that the City's official zoning map does not correctly reflect all previously approved ordinances. We have found several properties that underwent rezoning by City ordinance between 2008 and 2014 but were not updated on the zoning map. Additionally, the current zoning map does not show the Corridor Enhancement District or Historic Landmarks, both of which are included in the Zoning Ordinance and should be shown on the zoning map. Enclosed in your packets is a copy of the current zoning map identifying the corrections/additions to be made. Also enclosed is a fully revised zoning map for your review.

Based on information provided by the City Attorney, it is our understanding that public hearings are not required before approving the corrected zoning map, as the hearings were held for each individual rezoning or initial zoning at the time of the ordinance. Therefore, we request the Planning and Zoning Commission approve updating the zoning map to accurately reflect all previously approved ordinances and adopt the amended map as the official City zoning map. Upon approval, we will also update your GIS system to reflect all zoning ordinances correctly.

As always, should you have any questions or need additional information, please do not hesitate to contact us.

Sincerely,

A handwritten signature in blue ink that reads 'Chris Roznovsky'.

Chris Roznovsky, PE
Engineer for the City

CVR/kmv

K:\W5841\W5841-0900-00 General Consultation\Correspondence\Letters\2018\MEMO to P&Z RE Zoning Map Amendment Approval.doc

Enc: Current Zoning Map with Corrections Highlighted
Proposed Zoning Map

Cc (via email): The Honorable Mayor and City Council, City of Montgomery
Mr. Jack Yates – City of Montgomery, City Administrator
Ms. Susan Hensley – City of Montgomery, City Secretary
Mr. Larry Foerster – Darden, Fowler & Creighton, LLP, City Attorney



VICINITY MAP
Color: Lot numbers 10-18

- LEGEND**
- Base Layers
 - City Limits
 - Carriager Enhancement
 - Boundary
 - Historic District
 - Zone Classification
 - Unknown
 - Commercial
 - Industrial
 - Institutional
 - Multi-Family
 - Multi-Use
 - Residential
 - City ETJ
 - City of Conroe ETJ
 - MCAD Parcels

Add section by Overlay Zone and Precinct to create "Carriager Enhancement" E, E-C, and Landmark - HL*

LAST AMENDED 18 OCTOBER 2017
VIA ORDINANCE NO. 2017-23



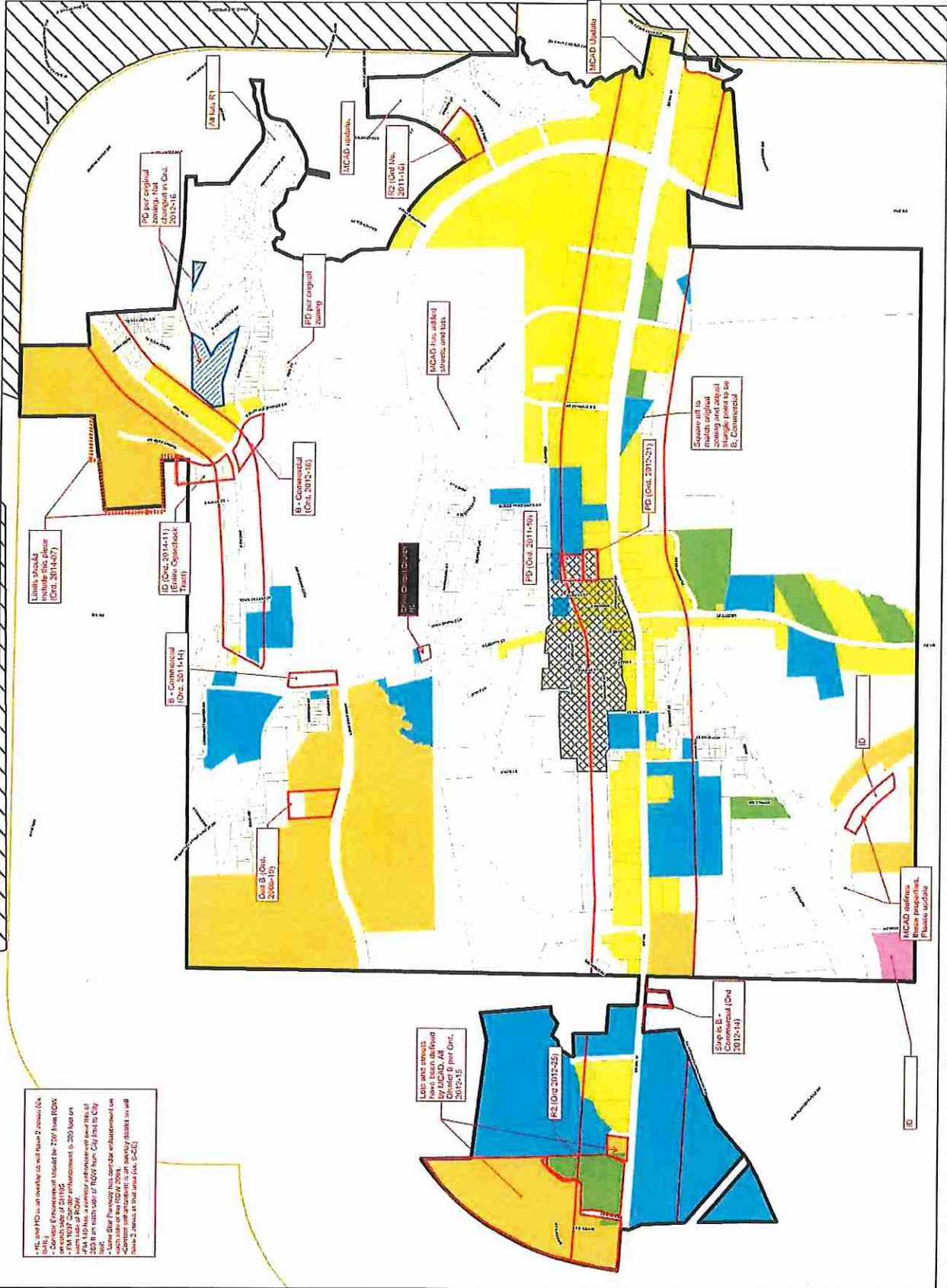
ZONING LAYOUT
(JUNE 2013)



1 inch equals 650 feet



JONES CARTER
The Official Website is www.jonescarter.com



Units should include this place (Ord. 2013-07)

PD per original zoning Ord. 2013-16

B-Commercial (Ord. 2012-15)

C-2 B (Ord. 2012-15)

Units and streets are shown by MCAD. All changes per Ord. 2012-15

PD (Ord. 2011-20)

PD (Ord. 2012-21)

Some parcels to include original zoning and original zoning Ord. 2012-15

MCAD office. Please update.

*HL, new PD is an overlay to west of 2 zones (A, B) City of Conroe. Ord. 2013-16
- HL, new PD is an overlay to west of 2 zones (A, B) City of Conroe. Ord. 2013-16
- HL, new PD is an overlay to west of 2 zones (A, B) City of Conroe. Ord. 2013-16

MCAD office. Please update.



CITY OF MONTGOMERY

P. O. BOX 708 MONTGOMERY, TEXAS 77356

Telephone: (936) 597-6434 / 597-6866

TO: Residents and Property Owners in the City of Montgomery

FROM: City of Montgomery

The City of Montgomery is rich in history and ambiance, and a contributing factor to its character is the number and quality of historic homes and other buildings throughout the City. In an effort to help preserve this ambiance, a Historic Preservation Ordinance and a Corridor Enhancement Ordinance have been drafted for public hearing and possible implementation by City Council. These tools are used by many cities throughout the state and country. Several months ago, a public hearing was held for the initial draft of the Historic Preservation Ordinance. After valuable input from City residents and other stakeholders in the City, a new version of the ordinance is being considered along with a separate Corridor Enhancement Ordinance.

Public hearings have been scheduled to gather input on these proposed ordinances for January 15, 2008 at 7:00 p.m. and January 22, 2008 at 6:30 p.m. with both hearings taking place at Montgomery City Hall, located at 101 Old Plantersville Rd. in Montgomery, TX.

The purpose of this letter is to educate property owners as to the content of the ordinances and explain how this approach differs from the previous draft:

- Establishes a Historic Preservation District which is an overlay to existing zoning classifications. It also establishes historic landmarks outside the district boundaries.
- Establishes Design Criteria Guidelines that provide direction as to how a subject building and related structures may look.
- The size of the district is much smaller than originally proposed and primarily includes the Downtown area as well as adjoining neighborhoods along Pond, Caroline, Prairie, and College Streets. This does not include landmark locations of the proposed district boundaries.
- Buildings/properties within the Historic Preservation District that are not deemed to be landmarks are not affected by the ordinance unless a major renovation to the façade is planned. However, voluntary compliance to the Design Criteria Guidelines is encouraged.
- Existing landmarks within and outside the district are subject to Design Criteria Guidelines only if a major façade change is planned. The prior ordinance draft included all properties within the district.
- Unless major renovations are planned, all existing homes/structures within the Historic Preservation District are already in compliance with the proposed ordinance.

- New construction within the district is subject to the Design Criteria Guidelines.
- Both versions of the ordinance prohibit the demolition or removal of a designated landmark without receiving proper approval. Additionally, both versions of the ordinance prohibit landmarks to be destroyed by neglect.
- As with the old draft, the new draft ordinance allows for economic hardship applications.
- Both ordinances establish special setback provisions in the Downtown area. However, the latest ordinance makes this voluntary rather than mandated.
- The Historic Preservation Commission has been eliminated. The oversight duties required to enforce the ordinance will be handled by City staff and the existing Planning and Zoning Commission as part of the building permit process.
- Lastly, during the last public hearing, many people expressed the desire to be able to influence architecture on buildings along Hwy. 105 and Hwy. 149 as well as the new Lone Star Parkway. The Corridor Enhancement Ordinance will do this.

In summary, it is believed these ordinances accomplish the preservation of the historic character of the City in a manner which is much less rigid in its requirements for both landmark and non-landmark buildings within the proposed district and enhances future construction along the major thoroughfares of the City. Copies of both ordinances may be obtained at City Hall or on the City website at www.historicmontgomerytexas.com under "City" and "Documents." Please also feel free to contact City Hall with any questions or requests for special accommodations at 936-597-6434.

HISTORIC LANDMARKS & HOMES

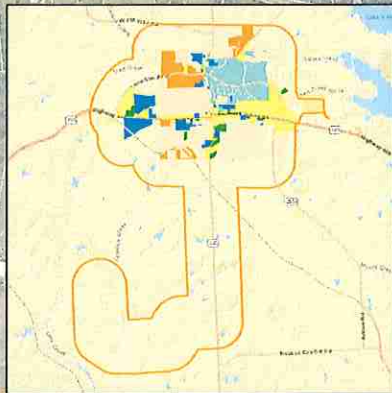
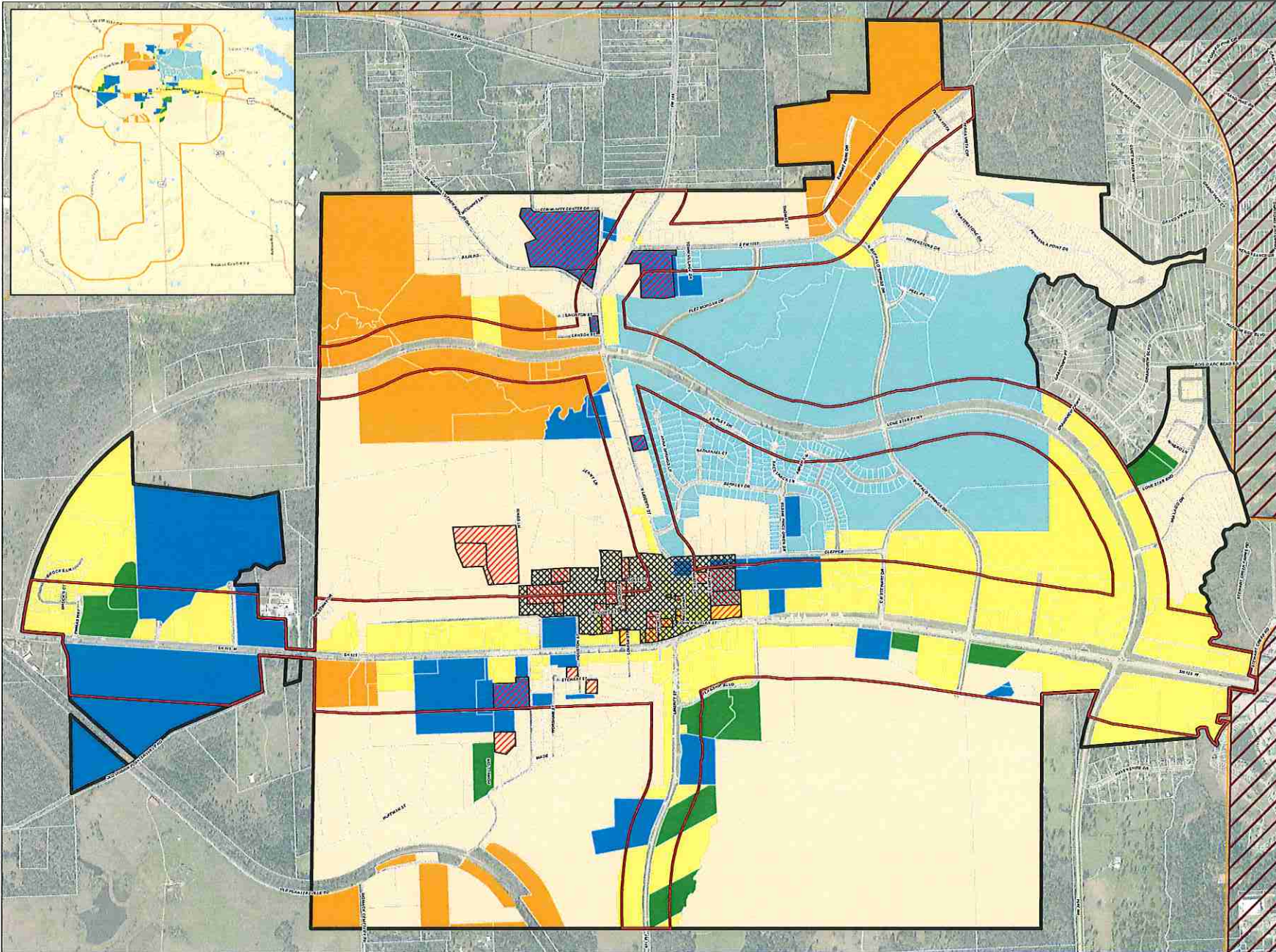
Rabon-Gullen Home	315 Caroline St.
Pecan Shadows	504 Caroline St.
Social Circle	602 Caroline St.
Bell's Grove	708 Caroline St.
Shelton-Smith Home	811 Caroline St.
Gay-Miller Home	816 Caroline St.
The Parsonage	902 Caroline St.
Price Hotel	Clepper St.
Old Methodist Parsonage	705 College St.
Davis Jackson Cottage	708 College St.
Chilton Home	709 College St.
Magnolia	801 College St.
Patton Home	902 College St.
Prairie House	905 College St.
Liberty Building	907 College St.
Melrose	202 Eva St.
Waters-Stewart	415 Houston
The Old Post Office	210 Liberty St.
First State Bank of Montgomery	211 Liberty St.
Davis Law Office	306 Liberty St.
Davis Cottage	308 Liberty St.
McCall Law Office	308 Liberty St.
Simonton-Furlow	415 Louisa
Homewood	303 Mason
Lincoln School	Martin Luther King Dr.
Mt. Sinai Church	Martin Luther King Dr.
Hardesty-Shockley House	623 Old Plantersville Rd.
New Cemetary	Old Plantersville Rd.
Old Baptist Church	301 Pond St.
The Bells of Montgomery (old Methodist Church)	309 Pond St.
Campbell Williams Home	411 Pond St.
Old Cemetary	Hwy 105 & Pond St.
Addison-Gandy House	104 Prairie St.
The Oaks	202 Prairie St.
Conner-Gibbs Home	Prairie St.
Old School Site	Simonton St. (end)
Arnold Simonton Home	905 Stewart
Montgomery Memorial Cemetary	FM1097
Knight of Pithias	Hwy 149 North
China Chapel Church	Hwy 149 North
Mt. Pleasant Church	Hwy 149 North
Original Townsite/ Trading Post on Town Creek	Hwy 149 North

Markers:

Railroad in Montgomery	Hwy 149 South/Liberty St.
John M. Wade 1815-1879	Eva St./Hwy 105 West
Reuben Jonathan Palmer	Old Cemetary
William S. Taylor	Old Cemetary

Community Center Grounds:

- Town of Montgomery Site Marker
- Montgomery County Courthouse Site Marker
- First Secretary of State Subject Marker – Charles Stewart
- Old Montgomery Community Well
- Time Capsule – Buried 4/25/87
- King's Café – site of Pecl's Mercantile - 214 Liberty
- Branding Iron – site of Price Grocery - 212 Liberty



VICINITY MAP
Scale: 1 inch equals 10 miles

LEGEND

- Overlay Zone**
 - Corridor Enhancement (CE)
 - Historical Landmark (HL)
 - Historic Preservation District (HD)
- Base Layers**
 - City Limits
 - City of Cannes E.T.J.
 - City E.T.J.
 - MCAD Parcels
- Zone Classification**
- Zoning**
 - Commercial (C)
 - Industrial (I)
 - Institutional (I)
 - Multi-Family (M)
 - Planned Development (PD)
 - Residential (R)

LAST AMENDED 13 FEBRUARY 2018
VIA ORDINANCE NO. 2018-04

*Aerial Imagery from January 2018



ZONING LAYOUT
(JUNE 2018)



1 inch equals 600 feet

DISCLAIMER
This project was created for informational purposes only and may not have been reviewed by a professional engineer, architect, or surveyor. It is not intended to be used for any legal or financial purposes. The user assumes all liability for any use of this information. The user assumes all liability for any use of this information. The user assumes all liability for any use of this information.



JONES CARTER
New South of Public and Engineering Regulation No. 3-438

Montgomery City Council
AGENDA REPORT

Meeting Date: September 24, 2018	Budgeted Amount:
Prepared By: Jack Yates City Administrator	Exhibits: City Engineers memo w/maps
Date Prepared: September 20, 2018	

Subject

This is to replat Lone Star Parkway North, Section 1. The area involved is not in the city limits but is necessary to be approved by the City due to ETJ rules.

Description

This is an action to partially vacate and to replat the Lone Star Pkwy., North Section 1 subdivision as owned by the Carwile Family Partners and CWS Propane. The owners of requested vacation of reserve the of the existing plat for tax reduction purposes.

A 16 foot utility easement along the southern boundary of the reserve is continued to exist after this re-platting.

Recommendation

Motion to recommend to the City Council to approve the vacating plan on of Lone Star Parkway North Section 1

Approved By

City Administrator	Jack Yates	Date: September 20, 2018
--------------------	------------	-----------------------------



1575 Sawdust Road, Suite 400
The Woodlands, Texas 77380
Tel: 281.363.4039
Fax: 281.363.3459
www.jonescarter.com

August 30, 2018

The Planning and Zoning Commission
City of Montgomery
101 Old Plantersville Rd.
Montgomery, Texas 77356

Re: Submission of Vacating Plat
Lonestar Parkway North, Section 1
City of Montgomery

Dear Commission:

We reviewed the Vacating Plat submission for Lonestar Parkway North, Section 1, owned partially by Carwile Family Partners, LP and partially by CWS Propane, LLC ("the Owners"), on behalf of the City of Montgomery. The Owners have requested vacation of Reserve "D" of the existing plat for tax reduction purposes.

We requested that the Owners preserve the existing 16' utility easement along the southern boundary of the Reserve to allow for future utility extensions by the City. The easement has since been recorded by separate instrument under Montgomery County Clerk's File No. 2018-050455.

Our review was based on The City of Montgomery's Code of Ordinances, Chapter 78, Section 62 and any other applicable chapters. We offer no objection to the plat and recommend the Commission approve the plat as submitted. Note that because the plat is outside of the City limits but within the City's ETJ, County approval will also be required for recordation of the plat.

If you have any questions or comments, please contact me.

Sincerely,

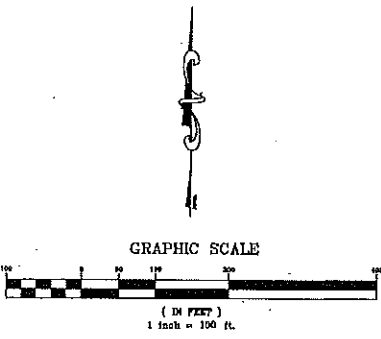
A handwritten signature in black ink that reads "Chris Roznovsky".

Chris Roznovsky, PE
Engineer for the City

CVR/ab

K:\W5841\W5841-0900-00 General Consultation\Plan Reviews\Plan Review Letters\Lonestar Parkway North Plats\VACATING PLAT APPROVAL
Lonestar Parkway North Sec. 1 08302018.doc

Enclosures: Partial Plat Vacation, Lonestar Parkway North, Section 1
cc: The Honorable Mayor and City Council – City of Montgomery
Mr. Jack Yates – City of Montgomery, City Administrator
Ms. Susan Hensley – City of Montgomery, City Secretary
Mr. Larry Foerster – Darden, Fowler & Creighton, LLP, City Attorney
Mr. Jeffrey Moon, RPLS – Jeffrey Moon & Associates, Inc.

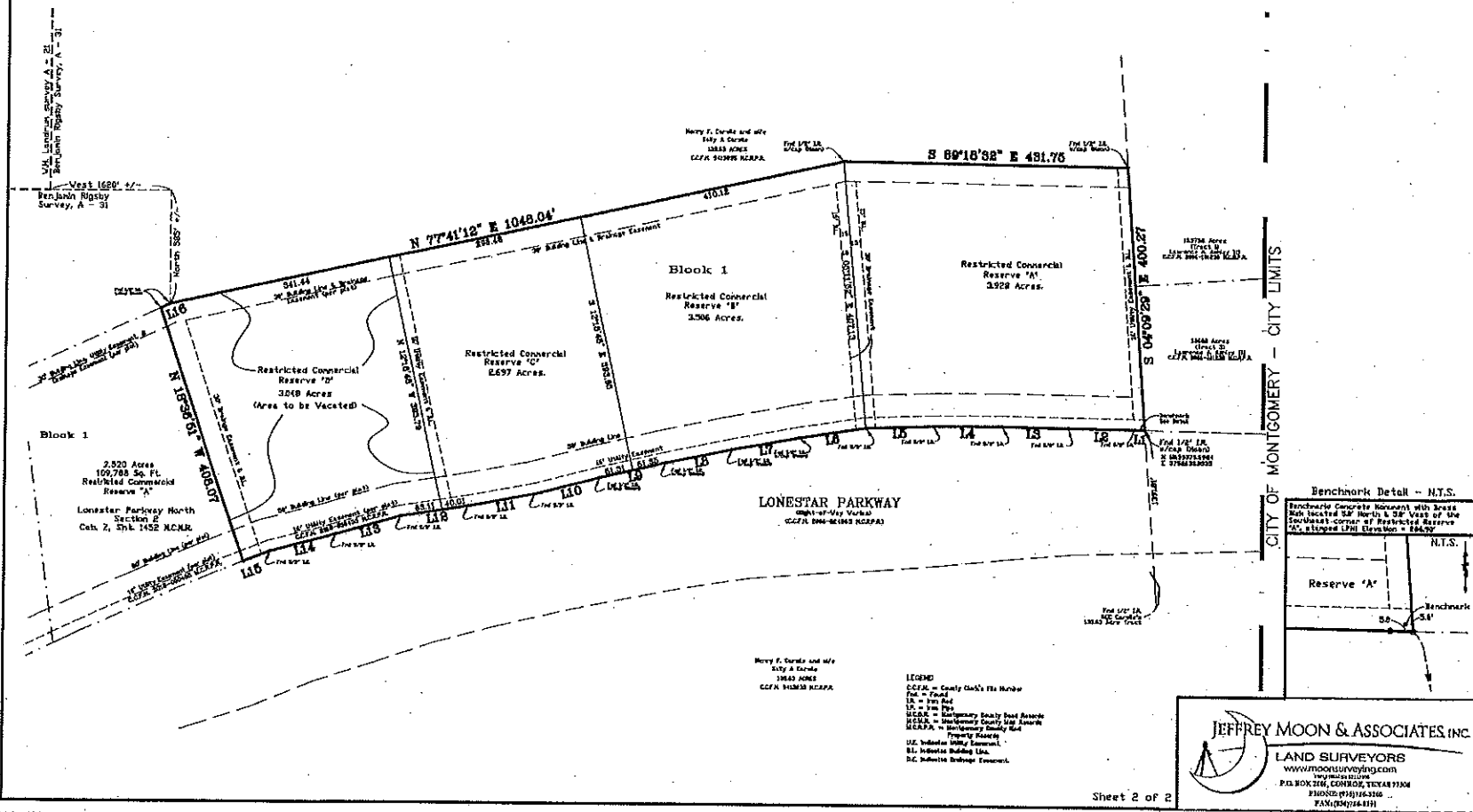


**PARTIAL PLAT VACATION
LONESTAR PARKWAY
NORTH**

SECTION ONE
A SUBDIVISION OF 13,179 ACRES
OF LAND IN THE
BENJAMIN RIGSBY SURVEY, A - 31
MONTGOMERY COUNTY, TEXAS
CONTAINING 4 RESTRICTED COMMERCIAL RESERVES
IN 1 BLOCK

April, 2018
Reason for plat is to vacate Restricted Commercial Reserve "D"
OWNER/DEVELOPER
Cerule Family Partners, L.P. CMS Property, L.L.C.
P.O. Box 459 Montgomery, Texas 73356 4118. Franklin, Castro, Texas 77301
(704) 997-4111 (281) 539-3121
FAX (704) 597-4121 FAX (281) 539-1447
kbravett@cerule.com jbray@cmsproperty.com
4118 Reserve "D" 4118 Reserve "A", "B", & "C"

LINE	BEARING	DISTANCE
L1	N89°01'41"W	16.41
L2	N89°16'58"W	100.21
L3	N89°02'53"W	101.24
L4	S89°32'38"W	102.88
L5	S89°05'38"W	103.19
L6	S81°17'35"W	102.87
L7	S79°39'13"W	102.93
L8	S78°13'03"W	102.82
L9	S76°46'53"W	102.66
L10	S75°20'45"W	102.55
L11	S79°16'01"W	102.80
L12	S89°52'32"W	103.12
L13	S73°50'52"W	102.76
L14	S73°09'36"W	102.88
L15	S69°18'03"W	43.66
L16	N65°23'01"E	15.08



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LAND SURVEYORS
www.moonsurveying.com
jeff@moonsurveying.com
P.O. BOX 714, CONROE, TEXAS 77385
PHONE (281) 463-3300
FAX (281) 463-3311

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Montgomery City Council
AGENDA REPORT

Meeting Date: September 24, 2018	Budgeted Amount:
Prepared By: Jack Yates City Administrator	Exhibits: City Engineers memo w/maps
Date Prepared: September 20, 2018	

Subject

This is to replat Lone Star Parkway North, Section 2. The area involved is not in the city limits but is necessary to be approved by the City due to ETJ rules.

Description

This is an action to partially vacate and to replat the Lone Star Pkwy., North Section 1 subdivision as owned by the Carwile Family Partners, The owners of requested vacation of reserve the of the existing plat for tax reduction purposes. A 16 foot utility easement along the southern boundary of the reserve is continued to exist after this re-platting.

Recommendation

Motion to recommend to the city Council to approve the vacating plan on of Lone Star Parkway North Section 2

Approved By

City Administrator	Jack Yates	Date: September 20, 2018
--------------------	------------	-----------------------------



1575 Sawdust Road, Suite 400
The Woodlands, Texas 77380
Tel: 281.363.4039
Fax: 281.363.3459
www.jonescarter.com

August 30, 2018

The Planning and Zoning Commission
City of Montgomery
101 Old Plantersville Rd.
Montgomery, Texas 77356

Re: Submission of Vacating Plat
Lonestar Parkway North, Section 2
City of Montgomery

Dear Commission:

We reviewed the Vacating Plat submission for Lonestar Parkway North, Section 2, owned by Carwile Family Partners, LP ("the Owner"), on behalf of the City of Montgomery. The Owner has requested vacation of the existing plat for tax reduction purposes.

We requested that the Owner preserve the existing 16' utility easement along the southern boundary of the tract to allow for future utility extensions by the City. The easement has since been recorded by separate instrument under Montgomery County Clerk's File No. 2018-050455.

Our review was based on The City of Montgomery's Code of Ordinances, Chapter 78, Section 62 and any other applicable chapters. We offer no objection to the plat and recommend the Commission approve the plat as submitted. Note that because the plat is outside of the City limits but within the City's ETJ, County approval will also be required for recordation of the plat.

If you have any questions or comments, please contact me.

Sincerely,

A handwritten signature in black ink that reads 'Chris Roznovsky'.

Chris Roznovsky, PE
Engineer for the City

CVR/ab

K:\W5841\W5841-0900-00 General Consultation\Plan Reviews\Plan Review Letters\Lonestar Parkway North Plats\VACATING PLAT APPROVAL
Lonestar Parkway North Sec. 2 08302018.doc

Enclosures: Plat Vacation, Lonestar Parkway North, Section 2
cc: The Honorable Mayor and City Council – City of Montgomery
Mr. Jack Yates – City of Montgomery, City Administrator
Ms. Susan Hensley – City of Montgomery, City Secretary
Mr. Larry Foerster – Darden, Fowler & Creighton, LLP, City Attorney
Mr. Jeffrey Moon, RPLS – Jeffrey Moon & Associates, Inc.

**FLAT VACATION
LONESTAR PARKWAY
NORTH**

**SECTION TWO
A SUBDIVISION OF 5.041 ACRES
OF LAND IN THE
BENJAMIN HIGHBY SURVEY, A-31
MONTGOMERY COUNTY, TEXAS
CONTAINING 2 RESTRICTED COMMERCIAL RESERVES
IN BLOCK**

Reason for plat is to vacate this subdivision in its entirety.

OWNER/DEVELOPER

Coville Family Partners, LP
P.O. Box 830 Montgomery, Texas 77136
(936) 597-4111
FAX (936) 597-6955
Mark@JMOon.com
April 2015

- Notes:**
1. U.E. Indicates Utility Easement.
 2. B.L. Indicates Building Line.
 3. D.E. Indicates Drainage Easement.
 4. 5/8" Iron Rods set @ 90' lot corners unless otherwise noted.
 5. This property does not lie within the 100 yr. Flood plain according to F.A.R.M. map panel No. 4835000108 F, effective date: December 19, 1996.
 6. There is a 3' building line along all side Reserve lines unless otherwise noted.
 7. This tract of land is subject to an Easement, Inc. Right-of-way easement recorded under O.C.G.N. 2010-03165-1, R.C.P.A.

THE STATE OF TEXAS
COUNTY OF MONTGOMERY

We, Henry F. Coville and Judy A. Coville, Members of THE MANAGEMENT, LLC, General Partner of Coville Family Partners, L.P., a Texas Limited Partnership, owner of the property submitted in the above and foregoing map of Lonestar Parkway North, Section 2, do hereby certify that the plat hereon set forth is our true and correct copy of the original plat as recorded in the Public Records of the County of Montgomery, Texas, and that we are duly qualified to execute this plat as shown and contained herein.

This is to certify that we, Henry F. Coville and Judy A. Coville, Members of THE MANAGEMENT, LLC, General Partner of Coville Family Partners, L.P., a Texas Limited Partnership, owner of the property submitted in the above and foregoing map of Lonestar Parkway North, Section 2, have recorded as set forth, and we are duly qualified to execute this plat as shown and contained herein.

There is also dedicated for utilities an unabstracted aerial easement (see 10) set forth hereon a plane twenty (20) feet above the ground surface, located as shown in all successive sheets hereon.

FURTHER, we do hereby dedicate forever to the public a right, a subdivision of land shown (10) that sets on west side of the center line of any and all streets, alleys, ways, easements or other public places shown located in the said subdivision, or intended for future use, and we hereby agree to defend and maintain the same for the purpose of conveying and/or establishing drainage ways and/or structures.

FURTHER, all of the property submitted in the above and foregoing map shall be conveyed to the City of Montgomery, Texas, and we hereby agree to defend and maintain the same for the purpose of conveying and/or establishing drainage ways and/or structures.

1. That subdivision of north Lonestar Parkway North, alley, or other public places, shown hereby as hereby is hereby dedicated.

2. That the subdivision of north Lonestar Parkway North, alley, or other public places, shown hereby as hereby is hereby dedicated.

FURTHER, we do hereby dedicate to the public a right, a subdivision of land shown (10) that sets on west side of the center line of any and all streets, alleys, ways, easements or other public places shown located in the said subdivision, or intended for future use, and we hereby agree to defend and maintain the same for the purpose of conveying and/or establishing drainage ways and/or structures.

IN WITNESS WHEREOF, Coville Family Partners, L.P. has caused these presents to be signed by Henry F. Coville and Judy A. Coville, Members of THE MANAGEMENT, LLC, its General Partner, persons authorized to do so, and we have hereunto set our hand and seal of said County of Montgomery, Texas, on this 20th day of April, 2015.

Coville Family Partners, L.P., a Texas Limited Partnership, owned by and through THE MANAGEMENT, LLC, its General Partner

By: Henry F. Coville, Member

By: Judy A. Coville, Member

IN THE STATE OF TEXAS
COUNTY OF MONTGOMERY

BEFORE ME, the undersigned authority, on this day personally appeared Henry F. Coville and Judy A. Coville, Members of THE MANAGEMENT, LLC, General Partner of Coville Family Partners, L.P., a Texas Limited Partnership, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed, and to the company whose name is subscribed to the same, and as the said and deed of said limited partnership.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this day _____ of _____, 2015.

My City Public is and for Montgomery County, Texas

CITY ADMINISTRATION

This plat has been submitted to and recorded by the City Administrator of the City of Montgomery, Texas, and is hereby approved as such.

By: [Signature]
City Administrator - Montgomery

I, the undersigned, Engineer for the City of Montgomery, hereby certify that this subdivision complies with all requirements of the subdivision regulations of the City of Montgomery as approved in 1994.

By: [Signature]
Engineer, City of Montgomery

STATE OF TEXAS
COUNTY OF MONTGOMERY

I, Mark Lusk, Clerk of the County Court of Montgomery County, Texas, do hereby certify that the within instrument with its exhibits as submitted was filed for registration in my office

on _____ 2015 at _____ o'clock _____, and day recorded on _____ 2015 at _____ o'clock _____, in District _____ of record of _____ for said County.

WITNESS MY HAND AND SEAL OF OFFICE, at Dallas, Montgomery County, Texas, this day and date last above written.

Mark Lusk, Clerk, County Court
Montgomery County
By: _____ Deputy

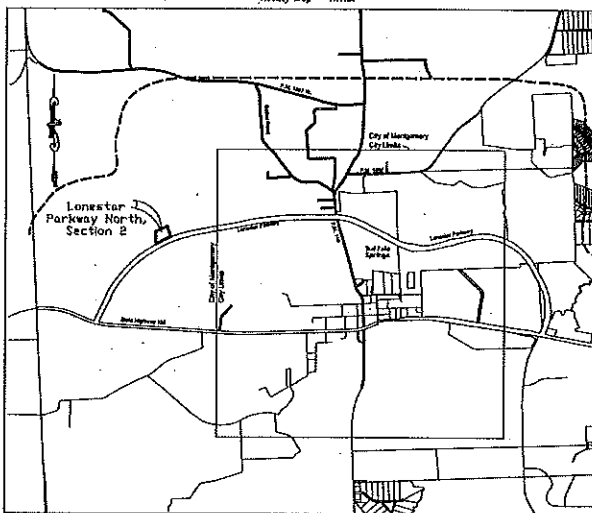
APPROVED by the Commissioners' Court of Montgomery County, Texas, this _____ day of _____, 2015.

Mike Mosser, Product 1
Dwight Riley, Commissioner, Product 2

Chris Dyer, County Judge

James L. Kneib, Commissioner, Product 3
Jim Davis, Commissioner, Product 4

Visibility Map - N.T.S.



I, Mark J. Mosser, County Engineer of Montgomery County, Texas, do hereby certify that the plat of this subdivision complies with all of the existing rules and regulations of this office as adopted by the Montgomery County Commissioners' Court.

I further certify that the plat of this subdivision complies with the requirements for internal subdivision drainage as adopted by the Commissioners' Court; however, no certificates in hereby given as to the effects of drainage from this subdivision on the intersecting drainage ways or public stream or on any other area of subdivision within the watershed.

Mark J. Mosser, PE
County Engineer Montgomery County, Texas

JEFFREY MOON & ASSOCIATES, INC.
LAND SURVEYORS
www.jmoonsurveying.com
10111 Westline
P.O. BOX 210, CONROE, TEXAS 77385
PHONE: 281-351-5200
FAX: 281-351-4111

PLAT VACATION
**LONESTAR PARKWAY
 NORTH**

SECTION TWO
 A SUBDIVISION OF 5.01 ACRES
 OF LAND IN THE
 BENJAMIN HIGSBY SURVEY, A-31
 MONTGOMERY COUNTY, TEXAS
 CONTAINING 2 RESTRICTED COMMERCIAL RESERVOIS
 IN 1 BLOCK

Reason for plat is to vacate this subdivision in its entirety.

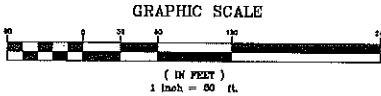
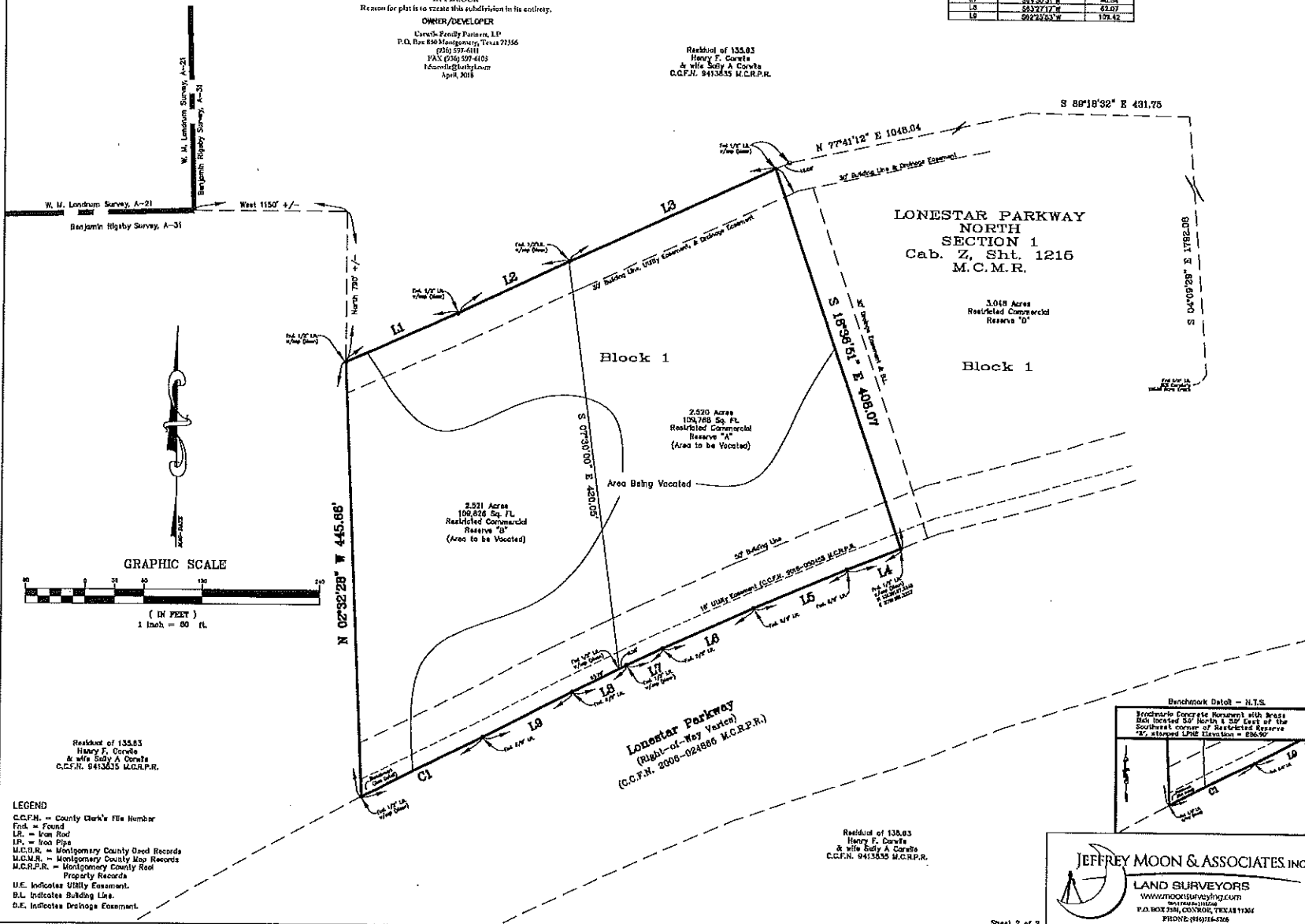
OWNER/DEVELOPER

Direct Realty Partners, LP
 P.O. Box 890 Montgomery, Texas 77156
 (936) 597-6111
 FAX (936) 597-4185
 lscor@directrealty.com
 April, 2018

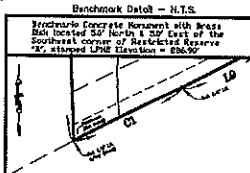
Residual of 135.83
 Henry F. Corvito
 & wife Sady A. Corvito
 C.C.F.N. 9413355 M.C.R.P.R.

CURVE TABLE				
CURVE	Radius	Length	Delta	Chord Bearing & Distance
C1	493.52	129.52	153.94°	363°45'28" W 137.89

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S83°32'40"E	124.83
L2	S84°32'20"E	126.19
L3	S82°20'10"E	232.41
L4	S86°00'34"W	89.28
L5	S89°45'20"W	102.88
L6	S82°11'11"W	102.82
L7	S81°50'51"W	40.64
L8	S83°27'17"W	83.67
L9	S82°23'53"W	179.42



LEGEND
 C.C.F.N. = County Clerk's File Number
 Fnd. = Found
 L.R. = Iron Rod
 I.P. = Iron Pipe
 M.C.D.R. = Montgomery County Deed Records
 M.C.M.R. = Montgomery County Map Records
 M.C.R.P.R. = Montgomery County Real Property Records
 U.E. Indicates Utility Easement.
 B.L. Indicates Building Line.
 D.E. Indicates Driveway Easement.



JEFFREY MOON & ASSOCIATES INC.
 LAND SURVEYORS
 www.moonsurveying.com
 1000 West 10th Street
 P.O. BOX 218, COVINGTON, TEXAS 75741
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 FAX (936) 436-4271