

Hays County
Linda C. Fritsche
County Clerk
San Marcos, Texas 78666



70 2009 90010469

Instrument Number: 2009-90010469

As

Recorded On: April 22, 2009

OPR RECORDINGS

Parties: HILLTOP PLACE SUBDIVISION

Billable Pages: 5

To

Number of Pages: 6

Comment:

(Parties listed above are for Clerks reference only)

**** Examined and Charged as Follows: ****

OPR RECORDINGS	32.00
Total Recording:	32.00

***** DO NOT REMOVE. THIS PAGE IS PART OF THE INSTRUMENT *****

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.

File Information:

Record and Return To:

Document Number: 2009-90010469
Receipt Number: 217186
Recorded Date/Time: April 22, 2009 02:04:26P
Book-Vol/Pg: BK-OPR VL-3637 PG-116
User / Station: C Sanchez - Cashiering #4

AMY ONEAL
TO CUSTOMER
SAN MARCOS TX 78666

State of Texas |
County of Hays

I hereby certify that this instrument was filed for record in my office on the date and time stamped hereon and was recorded on the volume and page of the named records of Hays County, Texas

Linda C. Fritsche, County Clerk





CERTIFIED COPY OF HAYS COUNTY COMMISSIONERS' COURT MINUTES

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 7th DAY OF APRIL A.D., 2009, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ELIZABETH "LIZ" SUMTER	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
JEFFERSON W. BARTON	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
KAREN FORD	COMMISSIONER, PCT. 4
LINDA C. FRITSCHÉ	COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

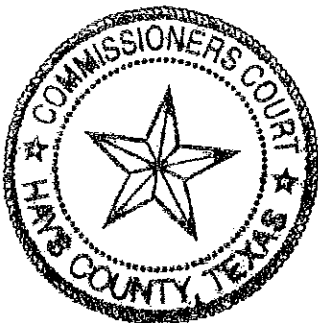
26041 [09-3-6 - 1 LOT] **HILLTOP PLACE SUBDIVISION, LOT 6 PART OF LOT 5, AND PART OF LOT 42. CONSIDER APPROVAL OF THE CONVEYANCE OF PORTIONS OF LOT 5, 6, AND 42 VIA A METES AND BOUNDS DESCRIPTION WITHOUT REVISION OF THE PLAT, PURSUANT TO SECTION 232.010 OF THE TEXAS LOCAL GOVERNMENT CODE** [T1-1813]

Subdivision Coordinator Clint Garza spoke of Hilltop Place being originally platted in 1977. In 1983 portions of Lot 5 and Lot 42 were conveyed and combined with Lot 6, resulting in a 10.00 acre lot. Over the last 25 years these lots have been bought and sold as legal divisions of property and the owners do not find the requirement to plat until they are ready to build. Special Counsel Mark Kennedy spoke of the local government code 232.010. Amy O'Neil (Realtor) spoke. Judge Sumter suggested that the lots be properly platted. [T1-2370] Commissioner Barton suggested adding a restriction on that lot that it not be further resubdivided without going through the platting process. **A motion was made by Commissioner Conley, seconded by Commissioner Barton to approve the conveyance of portions of Lot 5, 6, and 42 via a metes and bounds description without revision of the plat, pursuant to Section 232.010 of the Texas Local Government Code subject to adding a restriction to no further division of this lot without proper platting. All voting "Aye". MOTION PASSED**

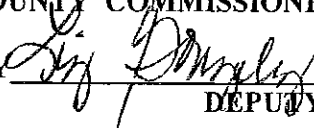
THE STATE OF TEXAS
COUNTY OF HAYS

I, Linda C. Fritsche, County Clerk and Ex-Officio Clerk of the Commissioners' Court of Hays County, Texas, do hereby certify that the following contains a true and correct copy of the minutes of APRIL 7, 2009 under Resolution #26041 in the Commissioners' Court Minutes of Hays County, Texas:

Given under my hand and seal of office at San Marcos, Texas this the 22ND day of APRIL, 2009.



**LINDA C. FRITSCHÉ, COUNTY CLERK AND
EXOFFICIO CLERK OF THE HAYS
COUNTY COMMISSIONERS' COURT**

BY  _____
DEPUTY

April 16, 2009

Mr. James Garza
Hays County Environment Department
Subdivision Planning Division
1251 Civic Center Loop
San Marcos, TX 78676

Dear Mr. Garza:

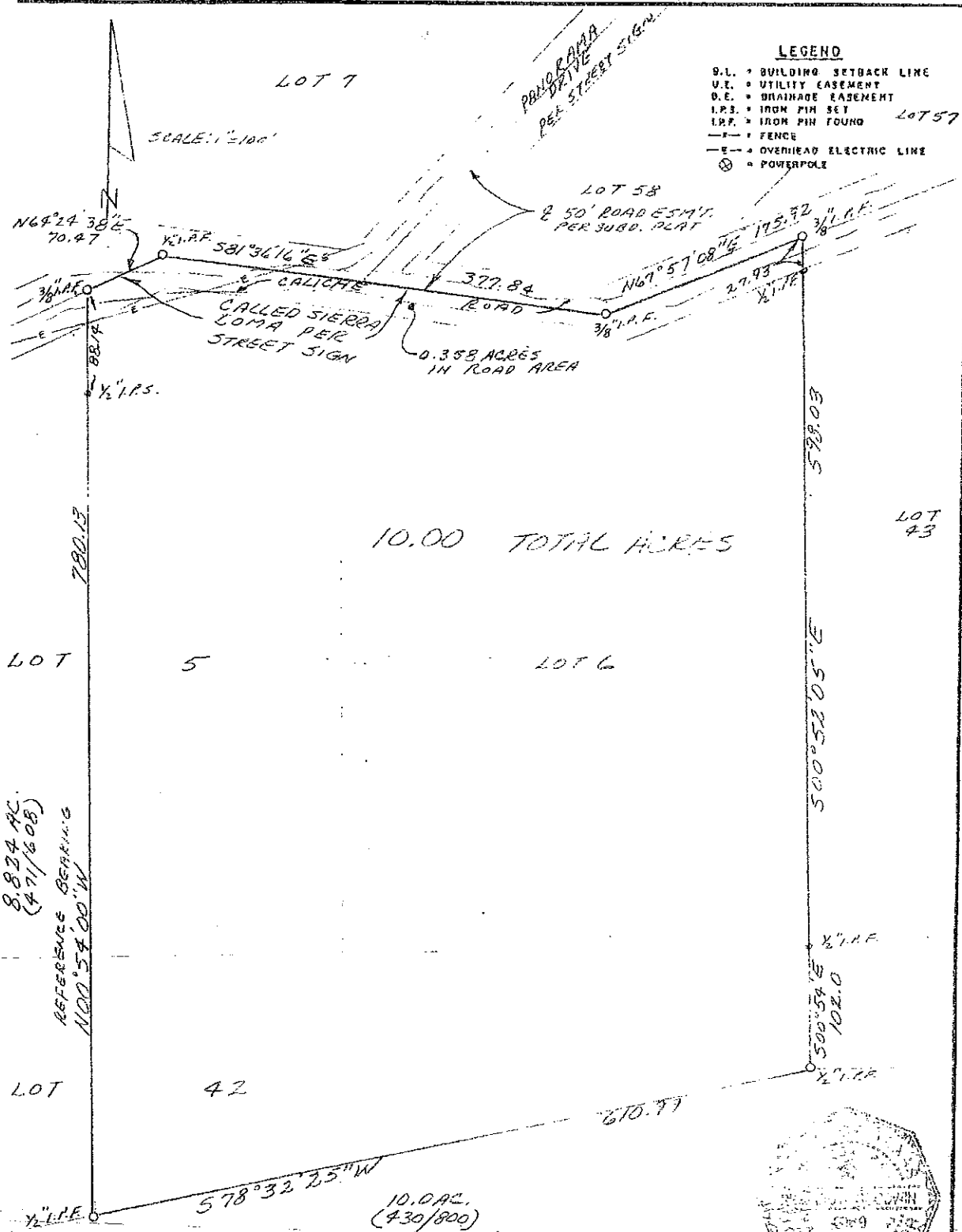
I understand that on April 7, 2009, the Hays County Commissioners Court made a decision to take the parts of lots 5 and 42 of Hilltop Place Section 1, that I own, and combine it with my lot 6. This will make one large lot, being designated as Lot 6 of Hilltop Place Section 1 containing 10.0 acres.

I understand that this new lot can not be re-subdivided in the future unless it goes through and abiding by the normal City and County re-platting regulations and procedures.

Sincerely,



Gary Kerns



Reference field notes dated 1/6/97 of this 10.00 acre tract.

Being a 10.00 acre tract of land out of the Eugene Puchalski Survey, Abstract No. 89 in Hays County, Texas, and being all of a tract, as now found upon the ground, called 10,000 acres described in Vol. 454, Pg. 65 of the Deed Records, said 10.00 acre tract being comprised of all of Lot 6, approx. 2.820 acres out of Lot 5 and approx. 2.178 acres out of Lot 42, all of Hilltop Place, Phase I, recorded in Vol. 2, Pg. 7 of the Map and Plat Records of Hays County, Texas.

STATE OF TEXAS }
 COUNTY OF COMAL }
 S. CRAIG HOLLMIG, INC
 410 N. SEGUN
 NEW BRAUNFELS, TX 78130
 (210) 625-8555

I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THE ABOVE PLAT IS TRUE AND CORRECT ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION

This 6th day of January, 1997 A. D.
[Signature]



WATER SYSTEMS • SEWER SYSTEMS • SUBDIVISIONS • LAND PLANNING • STREETS • DRAINAGE • SURVEYING

FIELD NOTES
FOR
A 10.00 ACRE TRACT

Being a 10.00 acre tract of land out of the Eugene Puchalski Survey, Abstract No. 89 in Hays County, Texas, and being all of a tract, as now found upon the ground, called 10.000 acres described in Volume 454, Page 65 of the Deed Records of Hays County, Texas, said 10.00 acre tract being comprised of all of Lot 6, approximately 2.820 acres out of Lot 5 and approximately 2.178 acres out of Lot 42, all of Hilltop Place, Phase I, a subdivision of record in Volume 2, Page 7 of the Map and Plat Records of Hays County, Texas, and all bearings referred to in this description are rotated to and referenced to a bearing of N 00° 54' W between iron pins found along the West line of the above referenced tract, said 10.00 acre tract of land being more particularly described as follows:

BEGINNING: At a 3/8" iron pin found at the Northwest corner of the above referenced 10.000 acre tract, lying in the centerline of a 50 foot road easement of Hilltop Place, Phase I, and called Sierra Loma as per a street sign, for the Northwest corner of this tract;

THENCE: Along the North line of the above referenced 10.000 acre tract, the centerline of said 50 foot road easement and the South line of Lots 7, 58 and 57 of Hilltop Place, Phase I, N 64° 24' 38" E 70.47 feet, a 1/2" iron pin found, S 81° 36' 16" E 377.84 feet, a 3/8" iron pin found, and N 67° 57' 08" E 175.92 feet to a 3/8" iron pin found in same, for the Northeast corner of Lot 6, the Northeast corner of the above referenced 10.000 acre tract, for the Northeast corner of this tract;

THENCE: Along the East line of the above referenced 10.000 acre tract, the East line of Lot 6, the West line of Lot 43, S 00° 52' 05" E passing a 1/2" iron pin found at 27.93 feet and continuing on along a total distance of 598.03 feet to a 1/2" iron pin found for the Southeast corner of Lot 6, a corner of the above referenced 10.000 acre tract, for a corner of this tract;

THENCE: Continuing along the East line of the above referenced 10.000 acre tract, the East line of Lot 42, the West line of Lot 43, S 00° 54' 00" E 102.0 feet to a 1/2" iron pin found for the Southwest corner of Lot 43, the Southeast corner of the above referenced 10.000 acre tract, for the Southeast corner of this tract;

Page 2: 10.00 Acre Tract

THENCE: S 78° 32' 25" W 610.99 feet, along the South line of the above referenced 10.000 acre tract, the Northwest line of a tract of 10.0 acres described in Volume 430, Page 800 of the Deed Records of Hays County, Texas, to a 1/2" iron pin found at the Southwest corner of the above referenced 10.000 acre tract, for the Southwest corner of this tract;

THENCE: Along the West line of the above referenced 10.000 acre tract, the East line of a tract called 8.824 acres described in Volume 471, Page 608 of the Deed Records of Hays County, Texas, N 00° 54' 00" W passing a 1/2" iron pin set at 691.99 feet and continuing on along a total distance of 780.13 feet to the Point of Beginning and containing 10.00 acres of land, more or less.

There are contained within the above described tract 0.358 acres located within the 50 foot road easement, called Sierra Loma (as per street sign).

The foregoing field notes represent the results of an on-the-ground survey made under my supervision, January 6, 1997. Reference plat prepared this same date of this 10.00 acre tract.




Richard A. Goodwin, RPLS #4069

Job #96647