



PLANNING BOARD MEETING

Monday, May 03, 2021 at 5:30 PM
202 N Virginia-City Hall

PUBLIC NOTICE OF MEETING

AGENDA

Planning Board will consider/discuss the following items and take any action deemed necessary.

COVID-19 MEETING PROCEDURE

Public notice is hereby given that due to covid-19 concerns and in accordance with the governor's orders and recommendations, the city of Port Lavaca, Texas, city council meeting is closed to the public. Instead, the city council will be utilizing "Zoom Meeting and Facebook live transmission" on The City of Port Lavaca's Facebook page beginning at the time listed above.

VIRTUAL MEETING INFORMATION

Click to Join

Meeting: <https://us02web.zoom.us/j/87199284122?pwd=eVdZZXMrSXo4NFFhTm01cXZhWFFGdz09>

Meeting ID: 871 9928 4122

Passcode: 535353

Dial in: +1 346 248 7799 US (Houston)

CALL TO ORDER

APPROVAL OF MINUTES

1. Approve Minutes of April 5, 2021

ACTION ITEMS - *Council will consider/discuss the following items and take any action deemed necessary*

2. Consider and discuss approval of a replat of Rau Subdivision lots 3, 4, 5, 6, 7, 8, 9, and 10, Block 1 of the Original Townsite of Port Lavaca, City of Port Lavaca, Calhoun County Texas. Located on the southeast corner of Chester Street and Guadalupe Street. The property identification numbers for this replat are as follows: 18523, 18492, and 18546
3. Consider and discuss approval of a replat of Konnor's Court Subdivision lot 6, NW 17' of lot 5, lot 7, lot 8, NW 20' of lot 9, SE 32' of lot 9, and NW 20' of lot 10 of Block 5 of the Original Townsite of Port Lavaca, City of Port Lavaca, Calhoun County Texas. Located on Austin Street and Guadalupe Street. The property identification numbers for this replat are as follows: 18598, 18605, 18617 and 18632.

4. Consider and discuss a Recreational Vehicle (RV) Park to be located north of Austin and west on Alcoa Drive within the city limits of Port Lavaca. The property identification number is 90212. The legal description for this parcel is A0137 SAMUEL SHUPE, TRACT PT 52, ACRES 6.96, Port Lavaca, Texas.
5. To consider and discuss a revised conceptual retail development. On Lots 4 and 5 Cottage Cove Subdivision. Addressed as 212 S. Commerce Street and 214 S. Commerce Street.

ADJOURN**CERTIFICATION OF POSTING NOTICE**

This is to certify that the above notice of a regular meeting of The Planning Board of The City of Port Lavaca, scheduled for **Monday, May 3, 2021**, beginning at 5:30 p.m., was posted at city hall, easily accessible to the public, as of **5:00 p.m. Friday, April 30, 2021**.

Jessica Carpenter, *Director of Development Services*

ADA NOTICE

The Port Lavaca City Hall and Council Chambers are wheelchair accessible. Access to the building is available at the primary north entrance facing Mahan Street. Special parking spaces are located in the Mahan Street parking area. In compliance with the Americans with Disabilities Act, the City of Port Lavaca will provide for reasonable accommodations for persons attending meetings. To better serve you, requests should be received 24 hours prior to the meetings. Please contact City Secretary Mandy Grant at (361) 552-9793 Ext. 230 for assistance.

COMMUNICATION

SUBJECT: Approve Minutes of April 5, 2021

INFORMATION:

STATE OF TEXAS §
COUNTY OF CALHOUN §
CITY OF PORT LAVACA §

Due to COVID-19 concerns and in accordance with the Governor’s Orders and recommendations, the City of Port Lavaca, Texas Planning Boards meeting is closed to the public. Instead, the Planning Board will be utilizing ZOOM Meeting and Facebook Live Transmission on the City of Port Lavaca Facebook Page beginning at 5:30 PM central time on Monday April 5, 2021. You may make public comments as you would at a meeting on Zoom by logging on with your computer and/or smart phone as described in the Zoom invitation below or on Facebook Live through the comment section, which will be monitored and answered as appropriate.

Members in Zoom Meeting as follows:

Mark Howell	Board Member
Gary Crone	Board Member
Betty Birdwell	Board Member
Lindsey Huang	Board Member

And with the following Board Members absent:

Mike Elgin	Chairman
Justin Weaver	Board Member
Sheryl Cuellar	Board Member

Constituting a quorum for the transaction of business, at which time the following business was transacted:

Jessica Carpenter, Director of Development Services called the meeting to order and presided.

MINUTES:

Board Member Betty Birdwell made a motion

THAT the Planning Board hereby approves the minutes of the regular meeting held on February 2, 2021.

Board Member Mark Howell seconded the motion.

AYES: Howell, Crone, Birdwell and Huang

NAYS: None

CONSIDER AND DISCUSS APPROVAL OF A CONCEPTUAL PLAN FROM MR. TONY MAGANA FOR A MEDIUM DENSITY RESIDENTIAL TRIPLEX DEVELOPMENT WITH A POTENTIAL VARIANCE REQUEST FOR ZERO SIDE YARD SETBACKS AND TAKE ANY ACTION DEEMED NECESSARY

Board Member Mark Howell made a motion

THAT in accordance with the recommendation of staff, the Planning Board hereby makes recommendation to City Council to approve conceptual plan from Mr. Tony Magana for a medium density residential triplex development with a potential variance request for zero side yard setbacks

Board Member Gary Crone seconded the motion.

Motion passed by the following vote:

AYES: Howell, Crone, Birdwell and Huang

NAYS: None

CONSIDER AND DISCUSS APPROVAL OF A CONCEPTUAL PLAN PROPOSED BY DAVID AND AMY MAUER FOR A MIXED USE DOWNTOWN BUSINESS REDEVELOPMENT AND TAKE ANY ACTION DEEMED NECESSARY

Board Member Gary Crone made a motion

THAT in accordance with the recommendation of staff, the Planning Board hereby makes recommendation to City Council to approve conceptual plan proposed by David and Amy Mauer for a mixed use downtown business redevelopment.

Board Member Betty Birdwell seconded the motion.

Motion passed by the following vote:

AYES: Howell, Crone, Birdwell and Huang

NAYS: None

CONSIDER AND DISCUSS APPROVAL OF A CONCEPTUAL PLAN FOR MR. JIMMY SHELTON FOR A PROPOSED MEDIUM DENSITY RESIDENTIAL TOWNHOME DEVELOPMENT WITH A VARIANCE REQUEST FOR ZERO SIDE YARD SETBACKS AND TAKE ANY ACTION DEEMED NECESSARY

Board Member Mark Howell made a motion

THAT in accordance with the recommendation of staff, the Planning Board hereby makes recommendation to City Council to approve conceptual plan for land usage for townhomes with zero yard set backs.

Board Member Betty Birdwell seconded the motion

Motion passed by the following vote:

AYES: Howell, Crone, Birdwell and Huang

NAYS: None

GENERAL DISCUSSION, REPORTS AND HEAR STATEMENT FROM CITIZENS

No citizens present.

ADJOURN

Board Member Betty Birdwell made a motion to adjourn the meeting.

Board Member Mark Howell seconded this motion.

Motion passed by the following vote:

AYES: Howell, Crone, Birdwell and Huang

NAYS: None

Meeting adjourned.

CHAIRMAN

ATTEST:

Jessica Carpenter, Director of Development Services

COMMUNICATION

SUBJECT: Consider and discuss approval of a replat of Rau Subdivision lots 3, 4, 5, 6, 7, 8, 9, and 10, Block 1 of the Original Townsite of Port Lavaca, City of Port Lavaca, Calhoun County Texas. Located on the southeast corner of Chester Street and Guadalupe Street. The property identification numbers for this replat are as follows: 18523, 18492, and 18546

INFORMATION:

CITY OF PORT LAVACA

PB MEETING: May 3, 2021 **AGENDA ITEM** _____

DATE: 04.25.2021

TO: PLANNING BOARD

FROM: JESSICA CARPENTER, DEVELOPMENT SERVICES DIRECTOR

SUBJECT: Consider and discuss approval of a replat of lots 3, 4, 5, 6, 7, 8, 9, and 10, Block 1 of the Original Townsite of Port Lavaca, City of Port Lavaca, Calhoun County Texas. Located on the southeast corner of Chester Street and Guadalupe Street. The property identification numbers for this replat are as follows: 18523, 18492, and 18546.

The intent of this replat of lots 3, 4, 5, 6, 7, 8, 9, and 10, Block 1 of the Original Townsite of Port Lavaca is to equally divide lot 4 and lot 9 into the adjacent lots. The property owner's Michael and Sharon Rau currently own lots 5, 6, 7, and 8 as identified as property identification number 18523. Property owner's David and Nancy Dahse currently own lots 3 and 10 as identified as property identification number 18546. The property owner's Mark and Willie Phillips own lots 4 and 9 as identified as property identification number 18492. The Phillips have agreed to sell lots 4 and 9 in equal parts to Rau and Dahse respectively. Therefore, a replat is required for Rau and Dahse and legally absorb the equal parts of lot 4 and lot 9 into their existing lots as described above.

Below references the City Code of Ordinances, Chapter 42 – Subdivisions and Plats, where this Preliminary Plat request is compliant and will meet the ordinance as presented.

Sec. 42-106. - Application—Required.

The subdivider or his duly authorized representative shall appear before the planning commission, at an official meeting, and submit a formal application for replat approval.

Applicants have adhered to the proper subdivision replat application submittal and review procedural process prior to presentation before the Planning Commission.

Sec. 42-5. - Policy.

(a) It shall be unlawful for any owner or agent of any owner of land to lay out, subdivide, plat or replat any land into lots, blocks, and streets within the jurisdictional area of this chapter without the proper approval of the planning commission. It shall be unlawful for any such owner or agent to offer for sale or sell property for building lots, building tracts or urban use therein, which has not been laid out, subdivided, platted, or replatted with the approval of the planning commission in accordance with this chapter.

The property owners have prepared this replat in accordance of this policy and prior to the sale of the aforementioned lots to the respective parties.

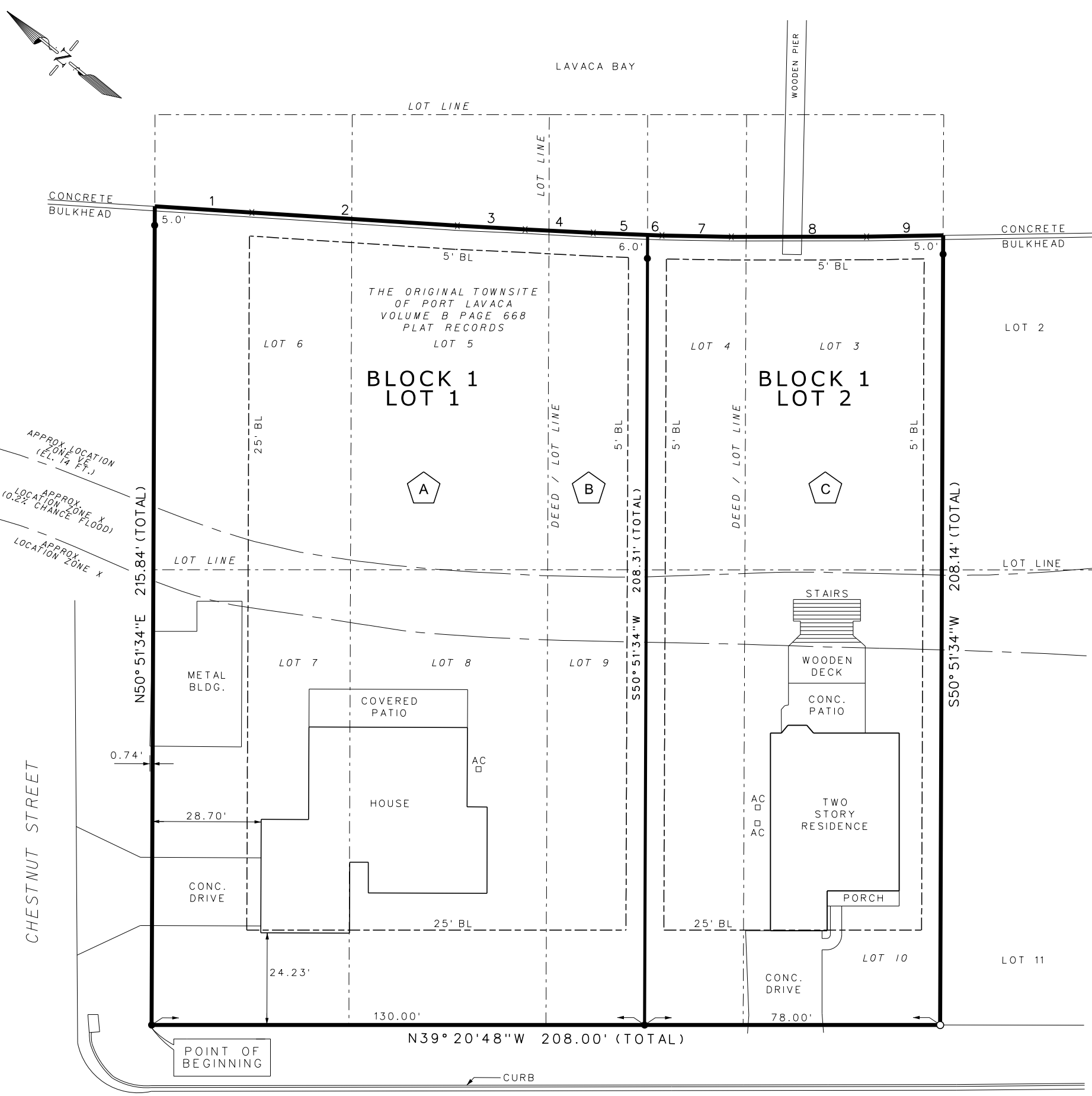
Department Comments:**Engineering:** No Comment**Fire:** No comment**Public Works:** No Comment**Development Services:** Comply with building permit processes upon replat approval and recordation.**Staff Recommendation:** Approval

The replat request for approval of the replat of lots 3, 4, 5, 6, 7, 8, 9, and 10, Block , of the Original Townsite of Port Lavaca, City of Port Lavaca, Calhoun County Texas, meets the City Code of Ordinance, Chapter 42 - Subdivisions and Plats. Therefore, staff recommends approval as per the ordinance citations within this report. Recommended conditions of approval are as follows:

1. Comply with building permit processes upon replat approval and recordation.

Attachments:

- Replat of lots 3, 4, 5, 6, 7, 8, 9, and 10, Block, of the Original Townsite of Port Lavaca, City of Port Lavaca, Calhoun County Texas.
- Calhoun County Appraisal District Summary PIN 18523
- Calhoun County Appraisal District Summary PIN 18492
- Calhoun County Appraisal District Summary PIN 18546
- Calhoun County Appraisal District Image of all lots in this replat



LEGAL DESCRIPTION

STATE OF TEXAS
COUNTY OF CALHOUN

BEING a 1.00 acre tract of land situated in the Maximo Sanchez Survey, Abstract No. 35, Calhoun County, Texas, and being a portion of Lots 3, 4, 5, 6, and all of Lots 7, 8, 9, & 10, Block 1, of the Original Townsite of Port Lavaca, as shown by plat recorded in Volume B, Page 668 of the Deed Records of said county and being that same tract described as Lots 5, 6, 7, & 8 of the original townsite of Port Lavaca in General Warranty Deed with Vendor's Lien dated January 8, 1993, from Shields A. Holladay Jr. and William B. Holladay to Michael Rau and Sharon Rau and recorded in Volume 94, Page 24 of the Official Records of said county, and also that tract described as Lots 4 and 9 of the Original Townsite of Port Lavaca in General Warranty Deed dated January 15, 1992, from Michael Dennis Holladay to Mark A. Phillips, Jr. and wife Willie A. Phillips and recorded in Volume 73, Page 300 of the Official Records of said county, and also that tract described as Lots 3 & 10 of the Original Townsite of Port Lavaca in General Warranty Deed with Vendor's Lien dated March 29, 2019, from Tommie L. Collier III and Pamela R. Collier to Nancy Dahse and David Dahse, and this 1.00 acre tract being more particularly described by metes and bounds as follows;

BEGINNING at a set 5/8 inch iron rod at the intersection of the southeast right-of-way line of Chestnut Street and the northeast right-of-way line of Guadalupe Street, at the west corner of Lot 7 of said Port Lavaca Townsite for the west corner of the herein described tract;

THENCE North 50°51'34" East with the northwest lines of Lot 7 and Lot 6 and the northeast line of the herein described tract and the southeast right-of-way line of Chestnut Street, at 210.84 feet pass a set 5/8 inch iron rod on line for reference, and continuing for a total distance of 215.84 feet to a point in the northeast line of an existing concrete bulkhead along the southwest shoreline of Lavaca Bay for the north corner of the herein described tract;

THENCE with the northeast line of an existing concrete bulkhead and the southwest shoreline of Lavaca Bay for the following courses and distances;

South 35°46'34" East for a distance of 25.67 feet
 South 35°40'48" East for a distance of 54.32 feet
 South 36°12'40" East for a distance of 17.90 feet
 South 36°30'53" East for a distance of 18.01 feet
 South 37°14'09" East for a distance of 14.25 feet
 South 37°07'39" East for a distance of 3.87 feet
 South 38°14'36" East for a distance of 18.30 feet
 South 39°24'32" East for a distance of 35.66 feet, and
 South 40°17'41" East for a distance of 20.21 feet to a point in the northeast line of said concrete bulkhead and the southeast line of said Lot 3 and the northwest line of Lot 2 for the east corner of the herein described tract;

THENCE South 50°51'34" West with the southeast lines of Lot 3 and Lot 10, the northwest lines of Lot 2 and Lot 11 of said Port Lavaca Townsite, and the southeast line of the herein described tract, at 5.00 feet pass an existing 5/8 inch iron rod on line for reference, and continuing for a total distance of 208.14 feet to an existing 5/8 inch iron rod in the northeast right-of-way line of Guadalupe Street at the south corner of Lot 10 and the West corner of Lot 11 of said Port Lavaca Townsite for the south corner of the herein described tract;

THENCE North 39°20'48" West with the northeast right-of-way line of Guadalupe Street and the southwest lines of said Lots 10, 9, 8, and 7 of said Port Lavaca Townsite and the southwest line of the herein described tract, at 78.00 feet pass a 5/8 inch iron rod on line for reference, and continuing for a total distance of 208.00 feet to the **POINT OF BEGINNING**, containing within these metes and bounds 1.00 acre of land.

I (WE), THE UNDERSIGNED, OWNER(S) OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS THE RAU DAHSE SUBDIVISION, LOCATED IN THE ORIGINAL TOWNSITE OF THE CITY OF PORT LAVACA, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES THEREON, SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

STATE OF TEXAS
COUNTY OF CALHOUN

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED MICHAEL RAU KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT SUCH PERSON EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF THE OFFICE THIS THE ___ DAY OF ____ 2021.

OWNERS SIGNATURE
MICHAEL RAU
802 GUADALUPE STREET
PORT LAVACA, TX 77979

NOTARY PUBLIC
CALHOUN COUNTY, TEXAS

OWNERS SIGNATURE
SHARON RAU
802 GUADALUPE STREET
PORT LAVACA, TX 77979

NOTARY PUBLIC
CALHOUN COUNTY, TEXAS

OWNERS SIGNATURE
NANCY DAHSE
816 GUADALUPE STREET
PORT LAVACA, TX 77979

NOTARY PUBLIC
CALHOUN COUNTY, TEXAS

OWNERS SIGNATURE
DAVID DAHSE
816 GUADALUPE STREET
PORT LAVACA, TX 77979

NOTARY PUBLIC
CALHOUN COUNTY, TEXAS

OWNERS SIGNATURE
MARK A. PHILLIPS, JR.
1807 JACKSON ST.
PORT LAVACA, TX 77979

NOTARY PUBLIC
CALHOUN COUNTY, TEXAS

OWNERS SIGNATURE
WILLIE A. PHILLIPS
1807 JACKSON ST.
PORT LAVACA, TX 77979

NOTARY PUBLIC
CALHOUN COUNTY, TEXAS

GENERAL WARRANTY DEED WITH VENDOR'S LIEN
SHIELDS A. HOLLADAY, JR. AND WILLIAM B. HOLLADAY TO MICHAEL RAU AND SHARON RAU JANUARY 8, 1993 VOLUME 94, PAGE 24 O.R. LOT 5-8

GENERAL WARRANTY DEED
MICHAEL D. HOLLADAY TO MARK A. PHILLIPS, JR. AND WILLIE A. PHILLIPS JANUARY 15, 1992 VOLUME 73, PAGE 300 O.R. LOT 4 & 9

GENERAL WARRANTY DEED WITH VENDOR'S LIEN
TOMMIE L. COLLIER, III AND PAMELA R. COLLIER TO NANCY DAHSE AND DAVID DAHSE MARCH 29, 2019 INSTR. NO. 2019-01169 O.R. LOT 3 & 10

BULKHEAD		
	DIRECTION	DISTANCE
1	S35°46'34"E	25.67'
2	S35°40'48"E	54.32'
3	S36°12'40"E	17.90'
4	S36°30'33"E	18.01'
5	S37°14'09"E	14.25'
6	S37°07'39"E	3.87'
7	S38°14'36"E	18.30'
8	S39°24'32"E	35.66'
9	S40°17'41"E	20.21'

CITY SECRETARY CERTIFICATION

I, _____, CITY SECRETARY OF THE CITY OF PORT LAVACA, AN INCORPORATED CITY IN CALHOUN COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING PLAT WAS APPROVED BY THE CITY COUNCIL OF SAID CITY AS APPROVED BY LAW, AND THAT THE RESOLUTION APPEARS OF RECORD IN VOLUME _____ PAGE _____ OF THE MINUTES OF THE CITY COUNCIL OF PORT LAVACA AS KEPT IN MY OFFICE.

WITNESS MY HAND AND SEAL OF THE CITY OF PORT LAVACA,

ON THIS ____ DAY OF ____/____/____20____

CITY SECRETARY
CITY OF PORT LAVACA, CALHOUN COUNTY
STATE OF TEXAS

CALHOUN COUNTY APPRAISAL DISTRICT

I HEREBY CERTIFY THAT THE AD VALOREM TAXES ON THE LAND INCLUDED WITHIN THE BOUNDARIES OF THIS PLAT ARE PAID FOR THE TAX YEAR 2020 AND ALL PRIOR YEARS.

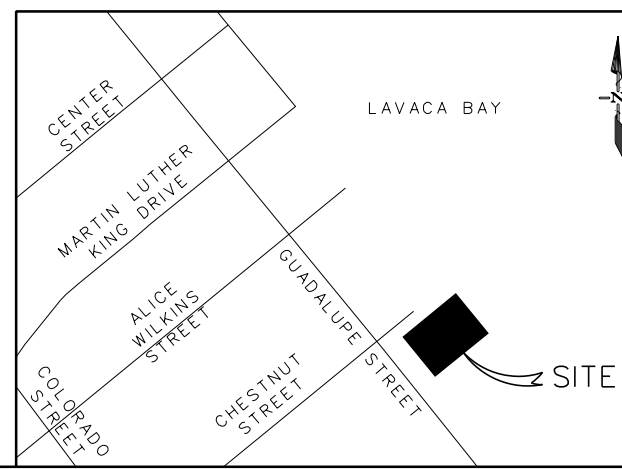
IF APPLICABLE, THE ABOVE-DESCRIBED PROPERTY HAS/IS RECEIVING SPECIAL APPRAISAL BASED ON ITS USE, AND ADDITIONAL ROLLBACK TAXES MAY BECOME DUE BASED ON THE PROVISIONS OF THE SPECIAL APPRAISAL (COMPTROLLER RULE 9.304D) OR PROPERTY OMITTED FROM THE APPRAISAL ROLL AS DESCRIBED UNDER TAX CODE SECTION 25.21 IS NOT INCLUDED IN THIS CERTIFICATE [TAX CODE SECTION 31.08(B)].

SIGNED THIS THE ____ DAY OF _____ 2021.

JESSE W. HUBBELL
CHIEF APPRAISER

FLOODPLAIN NOTE

BASED ON GRAPHIC REPRESENTATION OF AND ACCORDING TO THE FLOOD INSURANCE RATE MAP (FIRM) FOR CALHOUN COUNTY, TEXAS, COMMUNITY PANEL NUMBER 48057C0205E, MAP EFFECTIVE OCTOBER 16, 2014, THE SUBJECT PROPERTY IS LOCATED IN ZONE VE (EL. 14 FT.), ZONE X (0.2% CHANCE FLOOD), AND ZONE X.



SURVEYOR CERTIFICATION

I, GEORGE ANEM, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN THEREON WERE PLACED UNDER MY PERSONAL SUPERVISION, IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF PORT LAVACA, TEXAS.

PRELIMINARY

GEORGE A. ANEM, JR. DATE _____
GANEM & KELLY SURVEYING, INC.
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS NO. 4681

COUNTY CLERK CERTIFICATION

I, _____, CLERK OF COUNTY COURT AND COUNTY CLERK OF CALHOUN COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING PLAT OF RAU DAHSE SUBDIVISION, LOCATED IN THE CITY OF PORT LAVACA, CALHOUN COUNTY, TEXAS, DULY AUTHENTICATED BY CERTIFICATION OF THE CITY OF PORT LAVACA, TEXAS, ATTACHED HERETO, AS FILED FOR RECORD IN MY OFFICE ON THE ____ DAY OF ____/____/____2021, O'CLOCK ____M., AND WAS DULY RECORDED ON THE ____ DAY OF ____/____/____2021, IN VOLUME _____ PAGE _____ OF THE CALHOUN COUNTY PLAT RECORDS, SLIDE NO. _____.

COUNTY CLERK

GENERAL NOTES

ADDRESS:
802 & 816 GUADALUPE STREET
PORT LAVACA, TX 77979

LAND USE:
RESIDENTIAL

BUILDING LINES (BL):
FRONT = 25'
SIDE (STREET) = 25'
SIDE (LOT) = 5'
BACK = 5'

THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE. THERE MAY BE EASEMENTS OR OTHER MATTERS OF RECORD NOT SHOWN.

BEARINGS ARE BASED ON GPS OBSERVATION
NAD 83 TEXAS SOUTH CENTRAL ZONE.
COORDINATES AND DISTANCES SHOWN HEREON ARE GRID.

LEGEND

- 5/8 IRON ROD FOUND UNLESS OTHERWISE NOTED
- 5/8 IRON ROD SET UNLESS OTHERWISE NOTED

RAU DAHSE SUBDIVISION
A MINOR PLAT SUBDIVISION LOCATED IN THE ORIGINAL TOWNSITE OF PORT LAVACA, CALHOUN COUNTY, TEXAS

BEING A REPLAT OF LOTS 3, 4, 5, 6, 7, 8, 9, & 10, BLOCK 1 OF THE ORIGINAL TOWNSITE OF PORT LAVACA CITY OF PORT LAVACA, CALHOUN COUNTY TEXAS

GANEM & KELLY SURVEYING, INC.
LAWAR STREET, SUITE 5
POINT COMFORT, TEXAS 77978
(361) 987-2011
FIRM NO. 10080300

DRAWN BY : G.A.G. SCALE: 1" = 30'
CHECKED BY: G.A.G. DATE: 04/08/2021
APPROVED BY: G.A.G. JOB NO. PC21-023



18584

Chestnut

18523

18492

18546

19425

19402

18558

91430

Guadalupe

Property Identification #: 18492

Geo ID: S0001-00010-0004-00
Situs Address: Null
Property Type: Real
State Code: C1

Property Information: 2021

Legal Description: PORT LAVACA ORIGINAL TOWNSITE, BLOCK 1, LOT 4 & 9
Abstract: S0001
Neighborhood: PORT LAVACA TOWN
Appraised Value: N/A
Jurisdictions: G05, NV6, S01, C04, FML, CAD, GWD

Owner Identification #: 99123

Item 2.

Name: PHILLIPS MARK A JR
Exemptions:
DBA: Null

Re-Center Map



Calhoun CAD Map Search

This product is for informational purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. The Calhoun County Appraisal District expressly disclaims any and all liability in connection herewith.

COMMUNICATION

SUBJECT: Consider and discuss approval of a replat of Konnor's Court Subdivision lot 6, NW 17' of lot 5, lot 7, lot 8, NW 20' of lot 9, SE 32' of lot 9, and NW 20' of lot 10 of Block 5 of the Original Townsite of Port Lavaca, City of Port Lavaca, Calhoun County Texas. Located on Austin Street and Guadalupe Street. The property identification numbers for this replat are as follows: 18598, 18605, 18617 and 18632.

INFORMATION:

CITY OF PORT LAVACA

PB MEETING: May 03, 2021 AGENDA ITEM _____

DATE: 04.25.2021

TO: PLANNING BOARD

FROM: JESSICA CARPENTER, DEVELOPMENT SERVICES DIRECTOR

SUBJECT: Consider and discuss approval of a replat of lot 6, NW 17’ of lot 5, lot 7, lot 8, NW 20’ of lot 9, SE 32’ of lot 9, and NW 20’ of lot 10 of Block 5 of the Original Townsite of Port Lavaca, City of Port Lavaca, Calhoun County Texas. Located on Austin Street and Guadalupe Street. The property identification numbers for this replat are as follows: 18598, 18605, 18617 and 18632.

The intent of this replat of lot 6, NW 17’ of lot 5, lot 7, lot 8, NW 20’ of lot 9, SE 32’ of lot 9, and NW 20’ of lot 10 of Block 5 of the Original Townsite of Port Lavaca, City of Port Lavaca, is to develop a 14-unit multi-family residential development that was approved by the Planning Commission on January 4, 2021.

Below references the City Code of Ordnances, Chapter 42 – Subdivisions and Plats, where this Preliminary Plat request is compliant and will meet the ordinance as presented.

Sec. 42-106. - Application—Required.

The subdivider or his duly authorized representative shall appear before the planning commission, at an official meeting, and submit a formal application for replat approval.

Applicants have adhered to the proper subdivision replat application submittal and review procedural process prior to presentation before the Planning Commission.

Sec. 42-5. - Policy.

(a) It shall be unlawful for any owner or agent of any owner of land to lay out, subdivide, plat or replat any land into lots, blocks, and streets within the jurisdictional area of this chapter without the proper approval of the planning commission. It shall be unlawful for any such owner or agent to offer for sale or sell property for building lots, building tracts or urban use therein, which has not been laid out, subdivided, platted, or replatted with the approval of the planning commission in accordance with this chapter.

The property owners have prepared this replat in accordance of this policy and prior to the construction of the aforementioned 14-unit multi-family residential development.

Department Comments:

Engineering:

Fire:

Public Works:

Development Services: Comply with building permit processes upon replat approval and recordation.

Staff Recommendation: Approval

The replat request for approval of the replat of lot 6, NW 17' of lot 5, lot 7, lot 8, NW 20' of lot 9, SE 32' of lot 9, and NW 20' of lot 10 of Block 5 of the Original Townsite of Port Lavaca, City of Port Lavaca, Calhoun County Texas, meets the City Code of Ordinance, Chapter 42 - Subdivisions and Plats. Therefore, staff recommends approval as per the ordinance citations within this report. Recommended conditions of approval are as follows:

1. Comply with building permit processes upon replat approval and recordation.

Attachments:

- Replat pending.
- Calhoun County Appraisal District Image



Item 3.

Property Identification #: 18546

Geo ID: S0001-00010-0010-00
 Situs Address: 816 S GUADALUPE PORT LAVACA, TX 77979
 Property Type: Real
 State Code: A1

Property Information: 2021

Legal Description: PORT LAVACA ORIGINAL TOWNSITE, BLOCK 1, LOT 3,10
 Abstract: S0001
 Neighborhood: PORT LAVACA TOWN
 Appraised Value: N/A
 Jurisdictions: G05, NV6, S01, C04, FML, CAD, GWD

Owner Identification #: 114796

Name: DAHSE NANCY
 Exemptions:
 DBA: Null

Re-Center Map



Calhoun CAD Map Search

This product is for informational purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. The Calhoun County Appraisal District expressly disclaims any and all liability in connection herewith.

COMMUNICATION

SUBJECT: Consider and discuss a Recreational Vehicle (RV) Park to be located north of Austin and west on Alcoa Drive within the city limits of Port Lavaca. The property identification number is 90212. The legal description for this parcel is A0137 SAMUEL SHUPE, TRACT PT 52, ACRES 6.96, Port Lavaca, Texas.

INFORMATION:

CITY OF PORT LAVACA

PB MEETING: February 01, 2021 **AGENDA ITEM** _____

DATE: 01.27.2021

TO: PLANNING COMMISSION

FROM: JESSICA CARPENTER, DEVELOPMENT SERVICES DIRECTOR

SUBJECT: To consider a Recreational Vehicle (RV) Park to be located north of Austin and west on Alcoa Drive within the city limits of Port Lavaca. The property identification number is 90212. The legal description for this parcel is A0137 SAMUEL SHUPE, TRACT PT 52, ACRES 6.96, Port Lavaca, Texas.

Sec. 26-6. - Manufactured housing parks.

(3) New or expanding manufactured housing parks construction.

(a) Manufactured housing and recreational vehicle parks shall be constructed in areas recommended by the planning commission and approved by city council, in accordance with the currently adopted City of Port Lavaca Land Use Plan.

The applicant, Mr. Silva and Mr. Ordonez are requesting to develop an RV Park the parcel legally described as A0137 SAMUEL SHUPE, TRACT PT 52, ACRES 6.96, Port Lavaca, Texas. The applicant is seeking planning commission recommendation for approval, to move forward to seek approval by city council, per Sec 26.6(3)(a), for this site to be developed as an RV park.

Sec. 26-8. - Recreational vehicle parks.

(a) Recreational vehicle parks shall meet the same requirements as that of a manufactured housing park as listed in section 26-6.

(b) Exceptions.

(1) Recreational vehicle parks shall be identified as recreational vehicle parks.

(2) Recreational vehicles, located in a recreational vehicle park, are not required to be tied down or otherwise secured.

(3) Separation between recreational vehicles shall be a minimum of ten feet.

(4) Minimum spaces shall be 20 feet by 70 feet.

(5) The water distribution and sewage collection system shall be private and subject to the city's plumbing code. Water shall be provided through a master meter.

(a) Recreational vehicle parks shall meet the same requirements as that of a manufactured housing park as listed in section 26-6.

The applicant has provided a draft site plan for the proposed RV park. There are no further details to review to measure development standard requirements in accordance to submitted plans. A detailed site plan submittal will be required to understand the request to develop this site as an RV Park as to ensure the applicant's proposed RV park is being designed and developed in accordance to the City Code of Ordinances development criteria for Manufactured Home Parks and RV Parks, as per Sec. 26.6 and Sec 26.8.

Staff Recommendation: Approval

This property is located adjacent to the southeast corner of the approved designated area for Manufactured Home Parks and RV Parks on the Future Land Use Map. This location has a west contiguous property line of an existing manufactured home park.

Links for reference:

Future Land Use Map:

<https://portlavaca.org/wp-content/uploads/2020/10/Future-Land-Use-Plan.pdf>

Calhoun County aerial for location of property in accordance to approved and existing comparable land uses:

<https://propaccess.trueautomation.com/mapSearch/?cid=83&p=90212>

Department Comments:

Engineering: If approval is granted for this location to be developed as an RV park, a pre-development meeting to discuss the comprehensive site development and design standards, including but not limited to, the septic plans will be scheduled with the applicant and pertinent city representatives.

Fire: If approval is granted for this location to be developed as an RV park, a pre-development meeting to discuss the comprehensive site development and design standards, including but not limited to, the fire department requirements will be scheduled with the applicant and pertinent city representatives.

Public Works: If approval is granted for this location to be developed as an RV park a pre-development meeting to discuss the septic plans will be scheduled with the applicant and city department representatives.

Development Services: If approval is granted for this location to be developed as an RV park, a pre-development meeting to discuss platting the property, comprehensive site development, and design standards will be scheduled with the applicant and pertinent city representatives. A detailed site plan is required. Staff will ensure the applicant's proposed RV park is being designed and developed in accordance to the City Code of Ordinances development criteria for Manufactured Home Parks and RV Parks, as per Sec. 26.6 and Sec 26.8.

Attachments:

- RV Park Site Plan
- Letter of request for RV Park
- Calhoun County Appraisal District Summary

To whom it may concern:

My brother-in-law, Adalberto Ordonez, and I have been working in different refineries and chemical plants for almost 20 years. Being that jobs in this industry are usually temporary, we know what it's like to constantly relocate and have consequently been renting RV spaces for well over a decade. Since 2012, we have both been working on and off at the Formosa Plastics plant and have grown to love Port Lavaca.

Given our extended stay in the town, Adalberto and I thought it would be a good idea to be partners in buying a property where we could park our own RVs and save some money in the long term; we cannot do it individually due to lack of monetary resources. We are also thinking in buying a property with enough space, so we can build RV spaces to rent out and make some profit out of it as well. It has been a very difficult for us always being away from home. My brother in law has missed so much on his kids growing up, school events, family birthdays, etc., and I am trying to avoid exactly that with my own kids since they are still very young, 6 and 3 years old. It has taken also a toll on our wives as well for having to take care of all the family's needs on their own. If our project is approved, we are planning on relocating permanently and bringing our families with us. Down the road, we would like to build either a duplex or (2) houses for our families to live in instead of having them living in a RV so they can be more comfortable. The construction will be executed in approximated 5 or more different phases depending on cash flow.

PHASE 1

- Buying the property
- Obtain permits needed for construction
- Hiring an engineer to develop the blue prints
- Utilities installation, sewer, water, fire hydrants, electrical, etc.
- Construction of an office and preparation for at least 20 RV spots

PHASE 2

- Expanding utilities and adding 20 more RV spots

PHASE 3

- Expanding utilities and adding 20 more RV spots

PHASE 4

- A construction of a duplex or 2 houses for our families to live in

PHASE 5

- Expanding utilities and adding 40 more RV spots

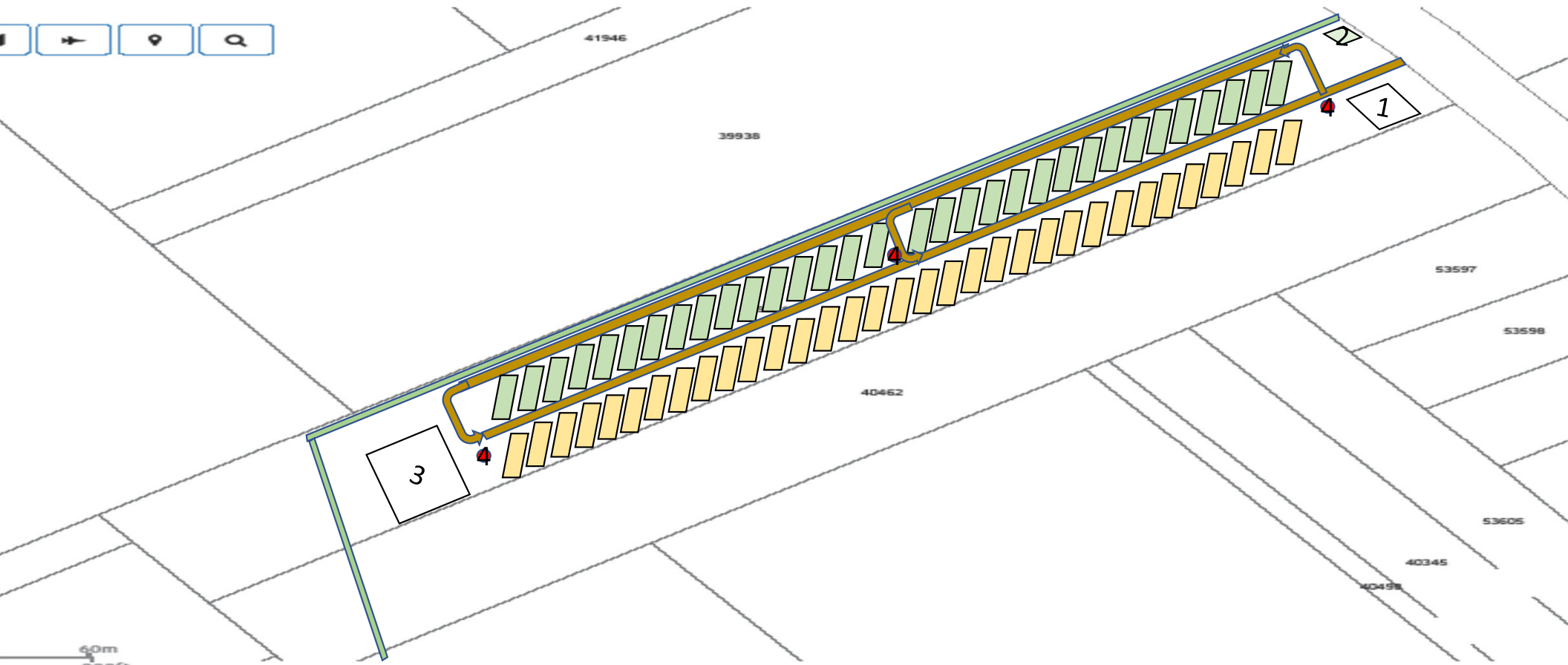
I genuinely think that allowing us to do this project will not only help our families fulfill the American dream, but better the community as well.

Thank you for your time and look forward for your response.

Best,

Herminio Silva

Lot Plan for RV's



Lots are 70 FT X 20 FT

1. RV Park Office
2. City Utility Station
3. Duplex
4. Fire Hydrants
5. Green Lots are pull through sights. 70 ft x 20 ft
6. Yellow Lots are Back in sights. 70 ft x 20 ft

NOTE: The total spaces in the park will depend
on true measurements based on engineer.

Property Identification #: 90212

Geo ID: A0137-00000-0047-00
Situs Address: Null
Property Type: Real
State Code: E4

Property Information: 2021

Legal Description: A0137 SAMUEL SHUPE, TRACT PT 52, ACRES 6.96
Abstract: A0137
Neighborhood: PORT LAVACA WEST
Appraised Value: N/A
Jurisdictions: C04, CAD, FML, G05, GWD, NV6, S01

Owner Identification #: 101093

Item 4.

Name: MCDANIEL JANICE
Exemptions:
DBA: Null

Re-Center Map



Calhoun CAD Map Search

This product is for informational purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. The Calhoun County Appraisal District expressly disclaims any and all liability in connection herewith.

COMMUNICATION

SUBJECT: To consider and discuss a revised conceptual retail development. On Lots 4 and 5 Cottage Cove Subdivision. Addressed as 212 S. Commerce Street and 214 S. Commerce Street.

INFORMATION:

CITY OF PORT LAVACA

MEETING: May 03, 2021 **AGENDA ITEM** _____

DATE: 04.26.2021

TO: PLANNING COMMISSION

FROM: JESSICA CARPENTER, DEVELOPMENT SERVICES DIRECTOR

SUBJECT: To consider and discuss a **revised** conceptual retail development. On Lots 4 and 5 Cottage Cove Subdivision. Addressed as 212 S. Commerce Street and 214 S. Commerce Street.

Sec. 42-159. - Approval of planning commission required.

No person shall construct a multifamily dwelling, townhouse, patio home or other commercial development project without approval of said construction project by the planning commission...

Kevin and Sasha Nevarez are requesting approval of a proposed revised conceptual retail development site plan. To be located lots 4 and 5 Cottage Cove Subdivision. Addressed as 212 S. Commerce Street and 214 S. Commerce Street.

The phase one site plan proposes a 20x20 structure to be installed on the southeast portion of the property. This structure is required to have a building permit and meet all installation and wind rating standards of the City Code of Ordinances and the Texas Department of Insurance of a portable structure prior to installation. As the use is defined the parking standards can be assessed with precision.

Subdivision II – Off Street Parking

<i>Retail stores and shops, personal service shops, equipment repair and service shops, etc.</i>	1 per 300 square feet of gross floor area
--	---

For this phase it is proposed the approximately 400sq. ft. structure will be a retail space. The parking proposed may meet parking conditions for the proposed 400 sq. ft. retail space. However, this is not certain with this site plan proposal. In addition, the ADA parking is not represented herein on the phase one site plan.

Aspects of the property and proposed project that were presented in the October 2020 Planning Commission meeting that were discussed and approved by the Planning Commission are as follows:

As per the October 5, 2020 Planning Commission memo:

There is upland portion of Lots 4 and 5 that front Commerce street and have a natural grade elevation of approximately 19ft. The rear portion of the lots are in a Velocity Flood Zone where all the permanent

structures must be elevated to where the bottom of the support structure is no less than 14 ft in elevation. The natural grade in this portion is approximately 9ft-10ft. New fill is not permitted in a Velocity Zone.

There is a public access easement that angles on the rear of the lots. This is shown with a green dashed line. There is a 15 ft front setback on S. Commerce, a 27.5 ft rear setback line, and 5 ft side setbacks.

Specifically, the proposed development includes the following:

- A portable food truck to be located on the lower portion of Lot 4.*
- A walk-up coffee/ice cream parlor located on the upper portion of Lot 4.*
- An ADA pedestrian ramp and sidewalks to connect the upper elevation parlor to the lower level parking.*
- The heavy dashed yellow line is a future restaurant that is planned to be constructed on a slab fronting Commerce St and pilings on the rear half (similar to O'Neills brewery). Parking for this restaurant would necessarily rely of area public parking and would be discussed whenever they are ready to propose that construction.*

Other things to consider:

- There is room along the rear access easement for 3 9'x20' parking spaces and a Van Accessible space. This would be adequate by code for these small buildings.*
- In reality, we can expect that people would park along S. Commerce to walk to the ice cream stand. TxDOT is in the process of constructing sidewalks all along this area. When O'Neills was first opened, parking along Commerce was discouraged and particularly since there currently are on sidewalks, people have not been parking there. I have found not ordinance though that prohibits parking here. In discussions with TxDOT at the time O'Neills was opening up, TxDOT said they had not laws that would prevent parking. There is ample room, but there may be those in the community that may not favor this action.*
- With the sidewalks in place, the 4-way stop at Main which slows the speed of traffic in the area, and the community's interest in making downtown more pedestrian friendly, allowing parking here for this and other activities downtown may make sense. I don't have a time line on TxDOT's construction and if the development is approved, we may want the developer to construct the sidewalk now in front of their development or wait to develop until TxDOT has completed their project.*

Staff Recommendations:

Fire: If approval is granted for this location to be developed as a retail development, a pre-development meeting to discuss the comprehensive site development and design standards, including but not limited to the following comments shall be scheduled with the applicant and pertinent city representatives.

Public Works: If approval is granted for this location to be developed as a retail development, a pre-development meeting to discuss the comprehensive site development and design standards, including but not limited to the following comments shall be scheduled with the applicant and pertinent city representatives.

CITY OF PORT LAVACA

1. An easement will be required to be approved by City Council and recorded prior to any pipes being placed through the City easement for recycling water for bait. Staff recommends applicant hire legal representation to draft the easements document and process the decision with the City.

Engineering: If approval is granted for this location to be developed as a retail development, a pre-development meeting to discuss the comprehensive site development and design standards, including but not limited to the following comments shall be scheduled with the applicant and pertinent city representatives.

2. Refer to the October 1, 2020 Planning Commission memo for potential parking contingent on TxDOT project completion. There is no completion date at this time.
3. Please dimension in degree, and feet, the half radius turn. Reference link provided. http://onlinemanuals.txdot.gov/txdotmanuals/rdw/driveway_design_principles.htm
4. Verify and represent on the site plans that both the ingress/egress meet separation requirements. Reference link provided. http://onlinemanuals.txdot.gov/txdotmanuals/rdw/driveway_design_principles.htm
5. Please provide TxDOT documentation approving both access points on this property.
6. Display the total frontage length of the property. Reference link provided. http://onlinemanuals.txdot.gov/txdotmanuals/rdw/driveway_design_principles.htm
7. The applicants site plan proposes a retaining wall. As per the October 1, 2020 Planning Commission memo: *there is upland portion of Lots 4 and 5 that front Commerce street and have a natural grade elevation of approximately 19ft. The rear portion of the lots are in a Velocity Flood Zone where all the permanent structures must be elevated to where the bottom of the support structure is no less than 14 ft in elevation. The natural grade in this portion is approximately 9ft-10ft. New fill is not permitted in a Velocity Zone.*
8. Provide complete plans for the retaining wall to assess materials and structural compliance in the Velocity Zone.

Development Images: If approval is granted for this location to be developed as a retail development, a pre-development meeting to discuss the comprehensive site development and design standards, including but not limited to the following comments shall be scheduled with the applicant and pertinent city representatives.

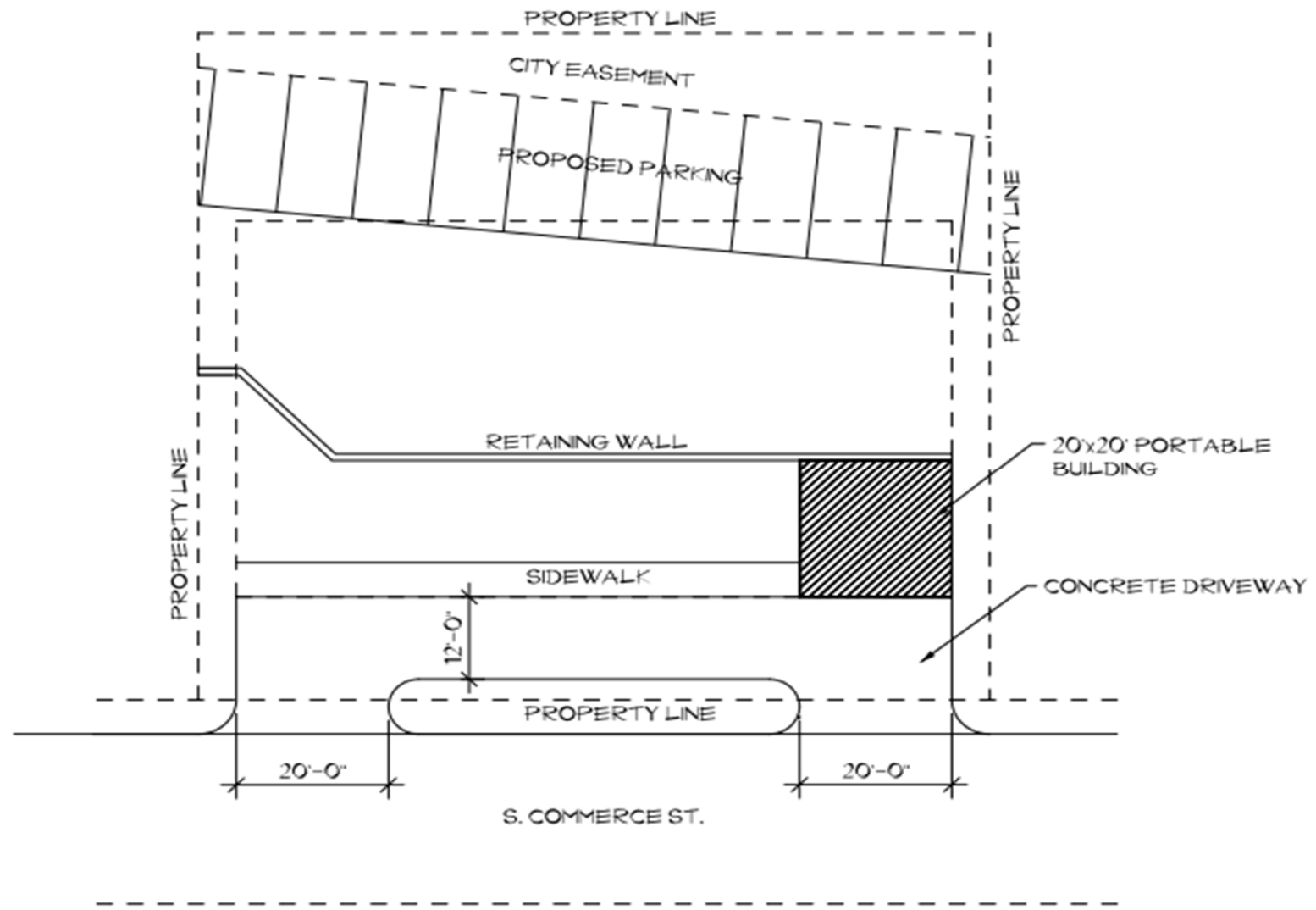
9. This structure proposed in phase one is required to have a building permit and meet all installation and wind rating standards of the City code of Ordinances and the Texas Department of Insurance prior to installation.
10. Please specify all setbacks for all buildings to front, side, and rear property lines on both site plans.

11. Where is the driveway/parking/ADA parking being proposed if the portable structure is being placed on the original proposed parking including ADA parking?
12. Please display the flood zone line. See attached plat images.
 - a. The Cottage Cove plat has the flood zone line of demarcation displayed.
13. Topography is required to be displayed on the site plan.
 - b. In order to properly review the access, parking and retaining wall criteria topo is required on site plan in review process. Where flood zone, coastal and drainage factors are in effect the topo is required.
14. Ensure scale is accurate. I am reviewing to exact scale shown on site plan and it appears off. I have provided a detailed checklist for your review.

Attachments:

- **Naverez Power Point Presentation**
- **Sasha property-PLDC Public Right of Way Easement recorded-Thorne**

Item 5.



GENERAL NOTES

No.	REVISION/ISSUE

ORIENTATION

STAMP

ALL DIMENSIONS ARE THE PROPERTY OF THE DRAWER. THEY ARE NOT TO BE REPRODUCED IN WHOLE OR IN PART WITHOUT THE WRITTEN CONSENT OF THE DESIGNER. CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS BEFORE COMMENCING WORK AND TO REPORT ANY DISCREPANCIES TO THE DESIGNER.

VEF Engineering
 527 Ehrhart Drive
 Port Lavaca, TX 77979
 (361) 929-6240
 TX Firm No. 17995

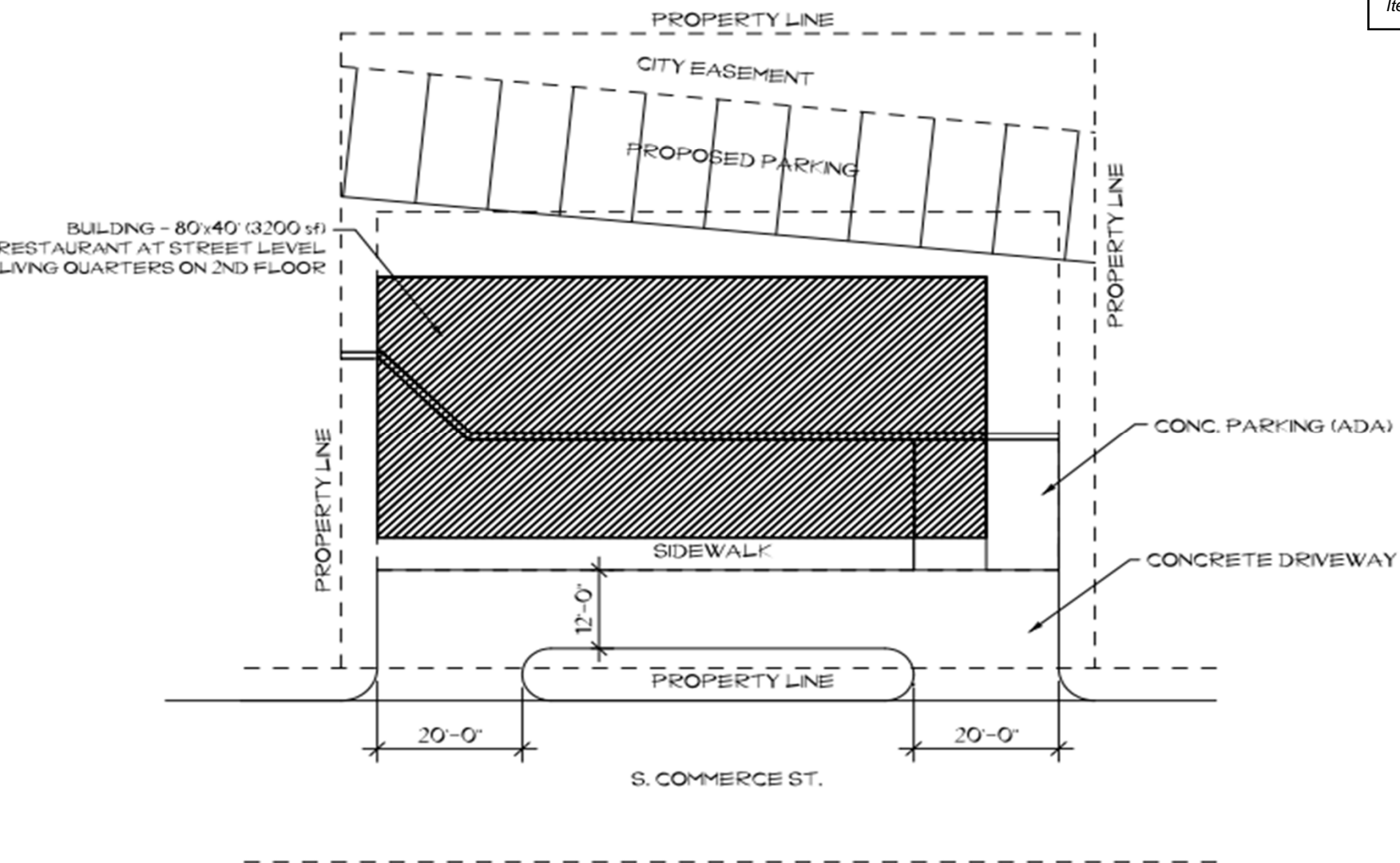
PROJECT NAME:
Nevarez Restaurant
 Port Lavaca, TX

CLIENT:
 Sasha Nevarez

DRAWING:
**SITE PLAN
 PHASE 1**
 SCALE: 1/8" = 1'-0" DATE: JAN. 20

DRAWN BY: VEF	SHEET: 1
CHECKED BY: VEF	
APPROVED BY: VEF	

Item 5.



GENERAL NOTES

No.	REVISION/ISSUE

ORIENTATION

STAMP

ALL DRAWINGS ARE THE PROPERTY OF VEF ENGINEERS AND ARCHITECTS. THEY ARE NOT TO BE REPRODUCED OR OTHERWISE USED WITHOUT THE WRITTEN CONSENT OF THE CONTRACTOR TO CHECK AND VERIFY ALL BEFORE CONSTRUCTION AND TO BE RESPONSIBLE TO THE DESIGNER.

VEF Engineers
527 Birchard Drive
Port Lavaca, TX 77907
(361) 939-6242
TX Firm No. 17526

PROJECT NAME:
Nvarez Resto
Port Lavaca,

CLIENT:
Sasha Nvarez

DRAWING:
**SITE PLAN
PHASE 2**

SCALE: 1/8" = 1'-0" DATE:

DRAWN BY: VEF	SHE
CHECKED BY: VEF	
APPROVED BY: VEF	

COTTAGE COVE SUBDIVISION 2016

COTTAGE COVE SUBDIVISION

REPLAT OF LOTS 1, 2, 3 & 6 IN BLOCK F & LOTS 1, 2, 3 & 4 IN BLOCK G AND A PORTION OF THE ABANDONED LEONA STREET AND A PORTION OF THE ABANDONED WATER STREET PORT LAVACA ORIGINAL TOWNSITE - B/668 C.C.D.R.



Item 5.

PROPERTY ADDRESSES

LOT 1, BLOCK 1	322 SOUTH COMMERCE STREET
LOT 2, BLOCK 1	320 SOUTH COMMERCE STREET
LOT 3, BLOCK 1	316 SOUTH COMMERCE STREET
LOT 1, BLOCK 2	304 SOUTH COMMERCE STREET
LOT 2, BLOCK 2	302 SOUTH COMMERCE STREET
LOT 4, BLOCK 2	216 SOUTH COMMERCE STREET
LOT 4, BLOCK 2	214 SOUTH COMMERCE STREET
LOT 5, BLOCK 2	212 SOUTH COMMERCE STREET
LOT 6, BLOCK 2	210 SOUTH COMMERCE STREET

LEGEND

○	CONCRETE CURB FROM ROAD
●	EXISTING 1/2" HIGH RAIL
■	SET 3/4" FROM ROAD WITH PLASTIC CURB
□	CALHOUN COUNTY OFFICIAL RECORDS
	PLAT OR DEED CALL

COUNTY CLERK CERTIFICATE

STATE OF TEXAS
COUNTY OF CALHOUN

I, ANNA GOODMAN, CLERK OF COUNTY COURT AND COUNTY CLERK OF CALHOUN COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING SUBDIVISION PLAT OF COTTAGE COVE SUBDIVISION, WITH CERTIFICATE OF AUTHORIZATION WAS FILED FOR RECORD IN MY OFFICE ON THE 24th DAY OF June, 2016, AT 10:52 O'CLOCK A.M. AND WAS ONLY RECORDED ON THE 24th DAY OF June, 2016 IN VOLUME 545B PAGE 816 OF THE CALHOUN COUNTY DEED RECORDS, SLIDE NO. 149247

By: Anne Goodman COUNTY CLERK
Dwaine Jayne Notary Public

CALHOUN COUNTY APPRAISAL DISTRICT

I HEREBY CERTIFY THAT NO DELINQUENT AD VALOREM TAXES ARE OWED ON THE REAL PROPERTY OF THIS AMENDED PLAT.

SIGNED THIS 10th DAY OF June, 2016.

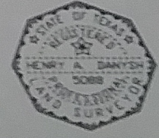
By: Steven Russell
STEVEN RUSSELL
CHIEF APPRAISER

NOTES

1. THE POSITION OF THE FLOOD BOUNDARY SHOWN HEREON IS BASED ON THE SCALE AS INDICATED ON THE APPROPRIATE FIRM FOR THIS LOCATION.
2. ACCORDING TO THE APPROXIMATE SCALE OF THE NATIONAL FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 48088B-0205-E, REVISED OCTOBER 16, 2014 THIS PROPERTY IS LOCATED IN ZONE VE (SFE - 14 FEET) AND ZONE X AS SHOWN HEREON.
3. BEARINGS SHOWN HEREON ARE TEXAS STATE PLANE SOUTH CENTRAL ZONE NAD83 OND.

I, HENRY A. DANFORTH, REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PLAT SHOWN HEREON REPRESENTS THE RESULT OF A SURVEY MADE ON THE GROUND UNDER MY DIRECTION ON JUNE 01, 2016.

By: Henry A. Danforth
HENRY A. DANFORTH
REGISTERED PROFESSIONAL LAND SURVEYOR - REG. NO. 5088



STATEMENT OF WITNESSES

CITY OF PORT LAVACA
COUNTY OF CALHOUN

WE, THE UNDERSIGNED, OWNERS OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREON AS OFFICIAL USE SUBMISSION TO THE CITY OF PORT LAVACA, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DECLINE TO THE USE OF PUBLIC RECORDS, ALL STREETS, ALLEYS, PARKS, WALKWAYS, DRIVAYS, COURTYARDS, AND PUBLIC PLACES THEREIN SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

Steven Russell
STEVEN RUSSELL, WITNESS

Jody Dee Shawne
JODY DEE SHAWNE, WITNESS

STATE OF TEXAS
COUNTY OF CALHOUN

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED STEVEN RUSSELL, WITNESS, KNOWN TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 23rd DAY OF June, 2016.

By: Glynis King
GLYNIS KING
Notary Public, State of Texas
My Commission Expires JUNE 20, 2019

STATE OF TEXAS
COUNTY OF CALHOUN

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED JODY DEE, WITNESS, KNOWN TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 23rd DAY OF June, 2016.

By: Glynis King
GLYNIS KING
Notary Public, State of Texas
My Commission Expires JUNE 20, 2019

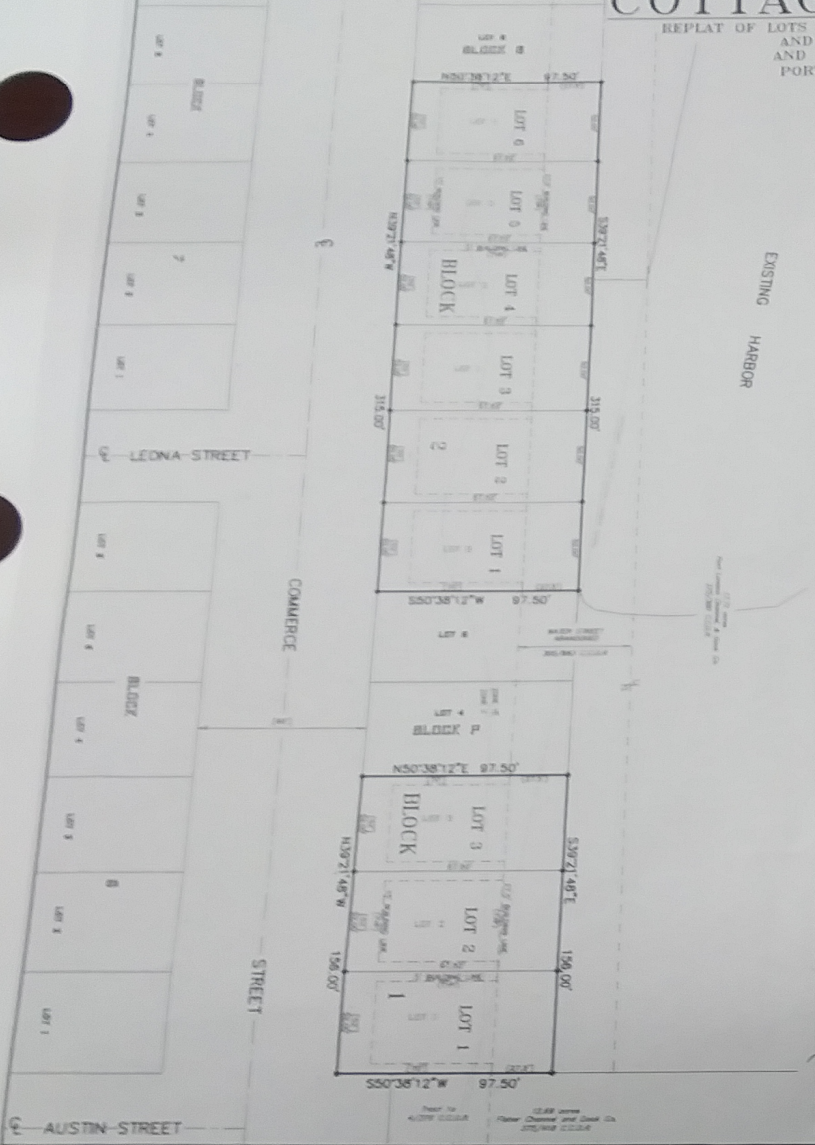
CITY COUNCIL RESOLUTION APPROVAL

STATE OF TEXAS
COUNTY OF CALHOUN

I, MAYOR BRADY, CITY SECRETARY OF THE CITY OF PORT LAVACA, AN INCORPORATED CITY IN CALHOUN COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING SUBDIVISION PLAT WAS APPROVED BY THE CITY COUNCIL OF SAID CITY AS APPROVED BY LAW, AND THAT THE RESOLUTION APPROVED OF RECORD IS IN VOLUME 37 PAGE OF THE MINUTES OF THE PLANNING BOARD OF PORT LAVACA AS KEPT IN MY OFFICE.

WITNESSED MY HAND AND SEAL OF THE CITY OF PORT LAVACA, TEXAS, ON THIS 14 DAY OF JUNE, 2016.

By: Mandy Trent
MAYOR
CITY SECRETARY
CITY OF PORT LAVACA, CALHOUN COUNTY
STATE OF TEXAS



J.H.D.
DATE: FEB. 22, 2016
SCALE: 1" = 40'
VICINITY MAP (NOT TO SCALE)

G & W ENGINEERS, INC.
PLANNING
SURVEYS
ENGINEERING
200 W. LULAC, TEXAS 77979
(409) 542-4009
186-S FPM NO. 0002200

INDUSTRIAL STREET
INDUSTRIAL CITY, TEXAS 77414
(979) 324-7000
186-S FPM NO. 0002201

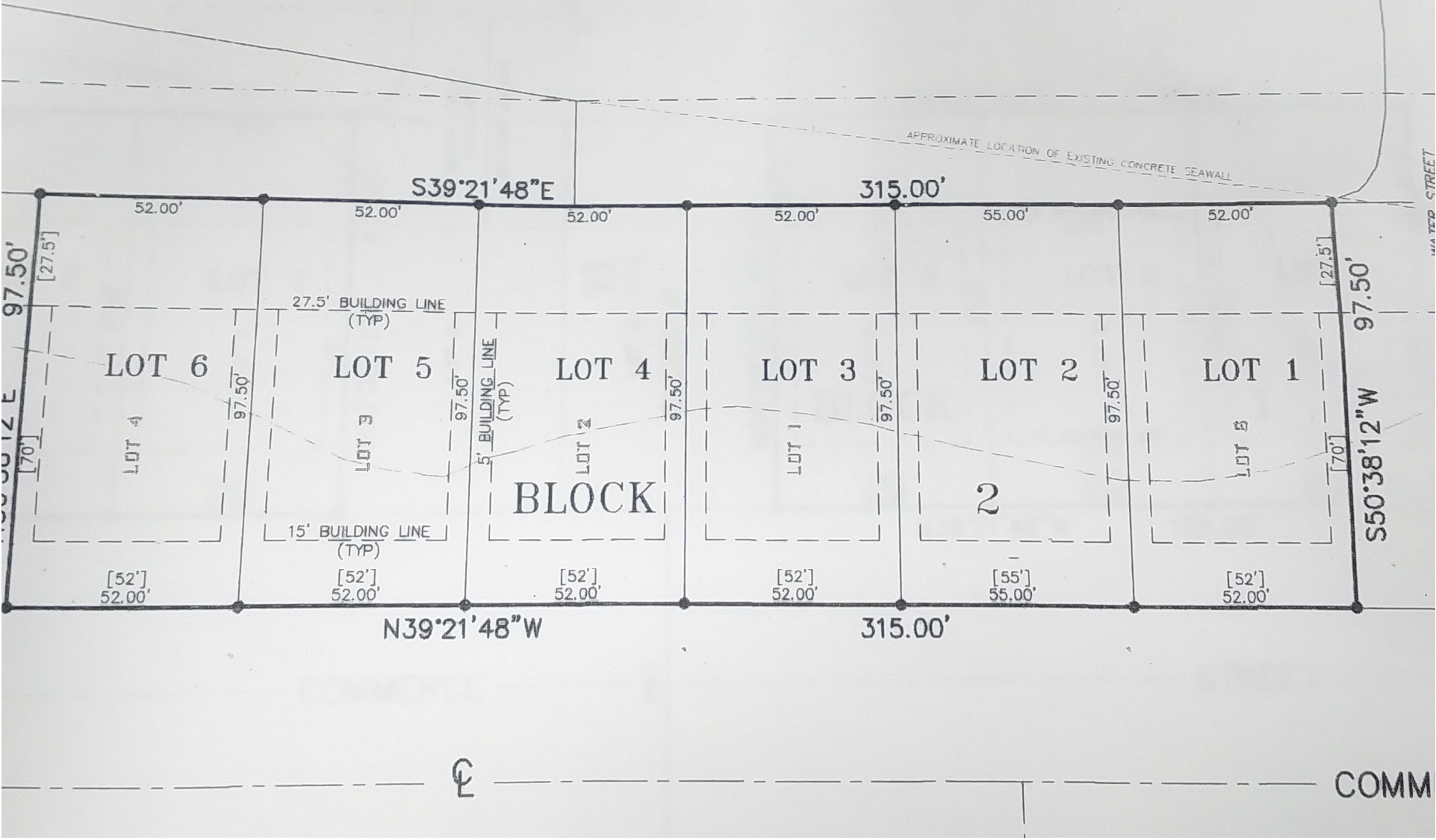
FINAL PLAT
COTTAGE COVE SUBDIVISION
MAXIMO SANCHEZ LEAGUE
ABSTRACT NO. 35
CALHOUN COUNTY, TEXAS

FILE # 3853
JOB # 3853
SHEET # 1

EXISTING HARBOR

Item 5.

17.71 acres
Part Lavaca Channel & D
375/380 C.C.D.R.



From: Mike Walsh <Mike.Walsh@txdot.gov>

Sent: Friday, April 23, 2021 9:40 AM

To: kevsas18@gmail.com

Cc: Jon Adame <Jon.Adame@txdot.gov>; Michael Brzozowski <Michael.Brzozowski@txdot.gov>; Jody Weaver (jweaver@portlavaca.org) <jweaver@portlavaca.org>

Subject: Parking in TxDOT ROW

Mr. & Mrs. Nevarez,

Texas Department of Transportation (TxDOT) is not a regulatory agency. That means that we do not do any enforcement of the state's laws and regulation. State laws allow parking in TxDOT right of way on a temporary basis as long as you do not block or impede traffic or access to adjoining property. Any interpretation or enforcement of these laws would fall on Department of Public Safety or local law enforcement. It is possible of a city to pass no parking regulations but they would then be responsible for enforcement. TxDOT cannot grant you specific permission to park in the ROW outside of what the law already allows.

Sincerely



Michael J. Walsh P.E.
Texas Department of Transportation
Yoakum District
Director of Operations
(361) 293-4347 office
Mike.Walsh@txdot.gov

- (c) "Facilities" shall mean a right-of-way for vehicular and pedestrian traffic, future public alleyway, boardwalk, sidewalk, public utility, including without limitation water, waste water, electric, and gas, lift station and lift station facilities constructed at or near the natural ground elevation, (except electrical or other such improvements which are required to be constructed above the base flood elevation), and Network lines and pipes, together with all conduits, equipment, improvements, and other appurtenances used in connection with such lines and pipes as Grantee deems necessary.
 - (d) "Grantee" and "Grantor," respectively, shall include such Party's successors and assigns.
 - (e) "Network" shall mean Grantee owned data and communication network used for Grantee's utility and governmental purposes, including without limitation supervisory control and data acquisition (SCADA), utility operations, email, emergency response or planning, law enforcement and security, fire response protection, and recreational property operation and oversight.
 - (f) "Obstruct" shall mean to interfere or obstruct in a manner that would hinder Grantee's access to or maintenance or use of the Easement for the Purpose of Easement, including without limitation: constructing any building, structure, or other obstruction on the Easement Property; altering topography, installing fences, structures, rockeries, walls or other like improvements on the Easement Property; planting of difficult to restore landscaping; and piling or storage of dirt, trash, garbage, debris or other materials on the Easement Property; or hindering or failing to allow Grantee reasonable access to the Easement Property through Grantee's land contiguous to the Easement Property.
 - (g) "Permitted Improvements" shall mean landscaping, vegetation, driveways, sidewalks, and any building or structure that (i) complies with any applicable ordinances, development codes, and engineering guidelines of The City of Port Lavaca, Texas, and (ii) prior to commencement of installation or construction has been specifically approved in writing by the City Council or the City Council's designee and such approval makes specific reference to this Agreement or the Easement.
2. *Character of Easement.* The Easement granted herein is "in gross," in that there is no "benefited property." Nevertheless, the Easement herein granted shall pass to Grantee's successors and assigns, subject to all of the terms hereof. The Easement rights of use granted herein is irrevocable. Nothing herein removes Grantor's rights of use and ownership in the Easement Property, subject to the terms of this Easement.
3. *Purpose of Easement.* The purpose of the Easement shall be to construct the Facilities and provide for vehicular and pedestrian traffic and for the Grantee to erect, construct, reconstruct, install, replace, repair, operate, use, inspect, modify, remove, and maintain the Facilities over, along, across, under, into, and through the Easement Property. The Easement shall also be used for the purpose of providing access for the construction, reconstruction, inspection, modification, removal, use, operation, repair, maintenance, replacement and expansion of the Facilities.

4. *Term.* The Easement upon and across the Permanent Easement Property shall be in perpetuity unless relinquished or abandoned by ordinance or resolution by Grantee.
5. *Reservation of Rights.* Grantor retains the title to the Easement Property, subject to the rights granted to Grantee in this Agreement. Except as otherwise provided in this Agreement, Grantor retains the right to use the Easement Property for all lawful purposes provided such use does not Obstruct the Easement.
6. *Improvement and Maintenance of Easement Property.* Subject to the provisions of Section 7, immediately below, improvement and maintenance of the Easement Property and the Facilities will be at the sole expense of Grantor. Grantee has the right to eliminate any encroachments into the Easement Property. Grantee has the right to construct, install, maintain, replace, and remove the Facilities under or across any portion of the Easement Property. All matters concerning the Facilities and their configuration, construction, installation, maintenance, replacement, and removal are at Grantee's sole discretion, subject to performance of Grantee's obligations under this Agreement. Grantee has the right to remove or relocate any vehicles, products, fences, buildings, Permitted Improvements, or other encroachments within the Easement Property or along or near its boundary lines if reasonably necessary to construct, install, maintain, replace, or remove the Facilities.
7. *Maintenance.* Notwithstanding any contrary provision, Grantor shall retain, as reasonably necessary not to Obstruct the Easement, the obligation to regularly mow or cut back vegetation and to keep the Easement Property free of litter, debris, and trash.
8. *Indemnification.* To the extent allowed by Texas law, but not otherwise, each Party shall indemnify, defend, and hold harmless the other for all claims, losses, demands, suits, proceedings, expenses, damage, or liability, including reasonable attorney's fees, to which the other is in any way subject, resulting from and to the extent of the negligence, gross negligence, or willful misconduct of such Party or the direct or indirect employees, agents, contractors, or permittees under such Party's direct or indirect control, authority, or permission.
9. *Equitable Rights of Enforcement.* This Agreement may be enforced by restraining orders and injunctions (temporary or permanent) prohibiting interference and commanding compliance. Restraining orders and injunctions will be obtainable on proof of the existence of interference or threatened interference, without the necessity of proof of inadequacy of legal remedies or irreparable harm, and will be obtainable only by the Parties to or those benefited by this Agreement; provided, however, that the act of obtaining an injunction or restraining order will not be deemed to be an election of remedies or a waiver of any other rights or remedies available at law or in equity.
10. *Attorney's Fees.* If either Party retains an attorney to enforce this Agreement, the Party prevailing in litigation is entitled to recover reasonable attorney's fees and court and other costs.

11. *Binding Effect.* This Agreement binds and inures to the benefit of the Parties and their respective heirs, successors, and permitted assigns.
12. *Choice of Law.* This Agreement will be construed under the laws of the state of Texas, without regard to choice-of-law rules of any jurisdiction. Venue is in a state district court in Calhoun County, Texas.
13. *Counterparts.* This Agreement may be executed in any number of counterparts with the same effect as if all signatory Parties had signed the same document. All counterparts will be construed together and will constitute one and the same instrument.
14. *Waiver of Default.* A Party's failure, delay, or neglect to enforce any right under this Agreement shall not be deemed a consent or a waiver of any other of that Party's rights. It is not a waiver of or consent to default if the non-defaulting Party fails to declare immediately default or delays in taking any action. Pursuit of any remedy does not preclude pursuit of any other remedy in this Agreement or as provided by law.
15. *Further Assurances.* Each Party agrees to execute and deliver any additional documents, certificates, and instruments and to perform any additional acts necessary or appropriate to perform or evidence the terms, provisions, performance, transactions, and conditions of or contemplated by this Agreement. Approvals, consents, certificates, or permissions required or permitted in this Agreement shall (a) not be unreasonably withheld, denied, conditioned, or delayed, (b) be limited to the particular instance, and (c) shall not be considered a course of dealings.
16. *Integration.* This Agreement contains the entire agreement between the Parties relating to the rights herein granted and the obligations herein assumed. The Parties agree that there are no oral agreements, representations, or warranties that are not expressly set forth in this Agreement. No subsequent oral agreement, representation, or warranty concerning this instrument shall have force or effect. Any subsequent modification must be in writing and signed by both Parties.
17. *Legal Construction.* If any provision in this Agreement is for any reason unenforceable, (a) this Agreement shall be construed as if such provision had never been a part of this Agreement, and (b) the remainder of this Agreement will valid and enforceable, if and to the extent such construction does not deprive either Party of the substantial benefit of its bargain. Whenever context requires, the singular will include the plural and neuter include the masculine or feminine gender, and vice versa. Article and section headings in this Agreement are for reference only and are not intended to restrict or define the text of any section. This Agreement will not be construed more or less favorably between the Parties by reason of authorship or origin of language.
18. *Notices.*
 - (a) Any notice required or permitted under this Agreement must be in writing. Any notice required by this Agreement will be deemed to be delivered (whether actually received or not) when deposited with the United States Postal Service, postage prepaid, certified

mail, return receipt requested, and addressed to the intended recipient at the address shown in this Agreement. Notice may also be given by regular mail, personal delivery, courier delivery, facsimile transmission, or other commercially reasonable means and will be effective when actually received. Any address for notice may be changed by written notice delivered as provided herein.

(b) The Grantor's address for notice is:

Port Lavaca Development Company, LLC
1904 Lighthouse Beach Road
Port Lavaca, Texas 77979

(c) The Grantee's address for notice is:

The City of Port Lavaca, Texas
202 N. Virginia
Port Lavaca, Texas 77979

- 19. *Recitals/Exhibits.* Any recitals in this Agreement are represented by the Parties to be accurate, and constitute a part of the substantive agreement. All exhibits referenced herein are attached hereto and incorporated by reference herein for all purposes.
- 20. *Assignability.* Grantee shall not assign the Easement to any natural person or non-governmental entity without first obtaining Grantor's written consent. Any assignee shall expressly assume the assignor's obligations under this Agreement.

IN WITNESS WHEREOF, this instrument is executed and effective this _____ day of , 2020.

Port Lavaca Development Company, LLC



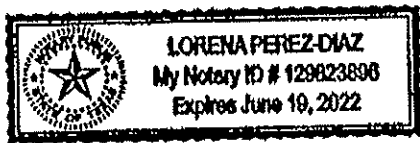
Steven Russell Thorne, President

THE STATE OF TEXAS

COUNTY OF CALHOUN

§
§
§

This instrument was acknowledged before me on this the 24th day of April, 2020 by Steven Russell Thorne and Jodi Dee Thorne.



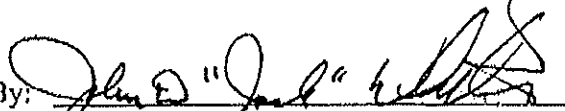



Notary Public/Signatufe

AGREED AND ACCEPTED:

GRANTEE:


THE CITY OF PORT LAVACA, TEXAS
a Texas home-rule municipality

By: 
Name: John D. "Jack" Whitlow
Title: Mayor

ATTEST:

Name: Mandy Grant
Title: City Secretary

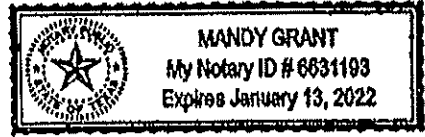
THE STATE OF TEXAS §
 §
COUNTY OF CALHOUN §

This instrument was acknowledged before me on April 24, 2020, by John D. "Jack" Whitlow, Mayor of The City of Port Lavaca, Texas, a Texas home-rule municipality, Grantee, on behalf of Grantee.


Notary Public Signature

AFTER RECORDING, RETURN TO:

The City of Port Lavaca, Texas
202 N. Virginia
Port Lavaca, Texas 77979



FIELDNOTE DESCRIPTION
OF AN ACCESS EASEMENT IN TWO TRACTS

STATE OF TEXAS
COUNTY OF CALHOUN

TRACT A: BEING a 0.108 acre tract of land situated in the Maximo Sanchez League, A-35 Calhoun County, Texas; same being a portion of Lots 1 through 6, Block 2 of the Cottage Cove Subdivision, as recorded in Volume Z, Page 816 of the Calhoun County Deed Records, Slide No. 543B. This 0.108 acre tract is more particularly described by metes and bounds as follows:

POINT OF BEGINNING being the north corner of Lot 6, Block 2 of the above mentioned Cottage Cove Subdivision;

THENCE S. 39°21'48" E., along the northeast boundary-line of the said Cottage Cove Subdivision, a distance of 315.0 feet to a point in the east corner of Lot 1, Block 2 of the said Cottage Cove Subdivision;

THENCE S. 50°38'12"W., a distance of 30.0 feet to a point in the southeast boundary-line of said Lot 1, Block 2;

THENCE N. 33°55'23"W., a distance of 316.48 feet to the POINT OF BEGINNING; CONTAINING WITHIN these metes and bounds 0.108 acre situated in the Maximo Sanchez League, A-35, Calhoun County, Texas.

TRACT B: BEING a 0.107 acre tract of land situated in the Maximo Sanchez League, A-35 Calhoun County, Texas; same being a portion of Lots 1 through 3, Block 1 of the Cottage Cove Subdivision, as recorded in Volume Z, Page 816 of the Calhoun County Deed Records, Slide No. 543B. This 0.107 acre tract is more particularly described by metes and bounds as follows:

POINT OF BEGINNING being the north corner of Lot 3, Block 1 of the above mentioned Cottage Cove Subdivision;

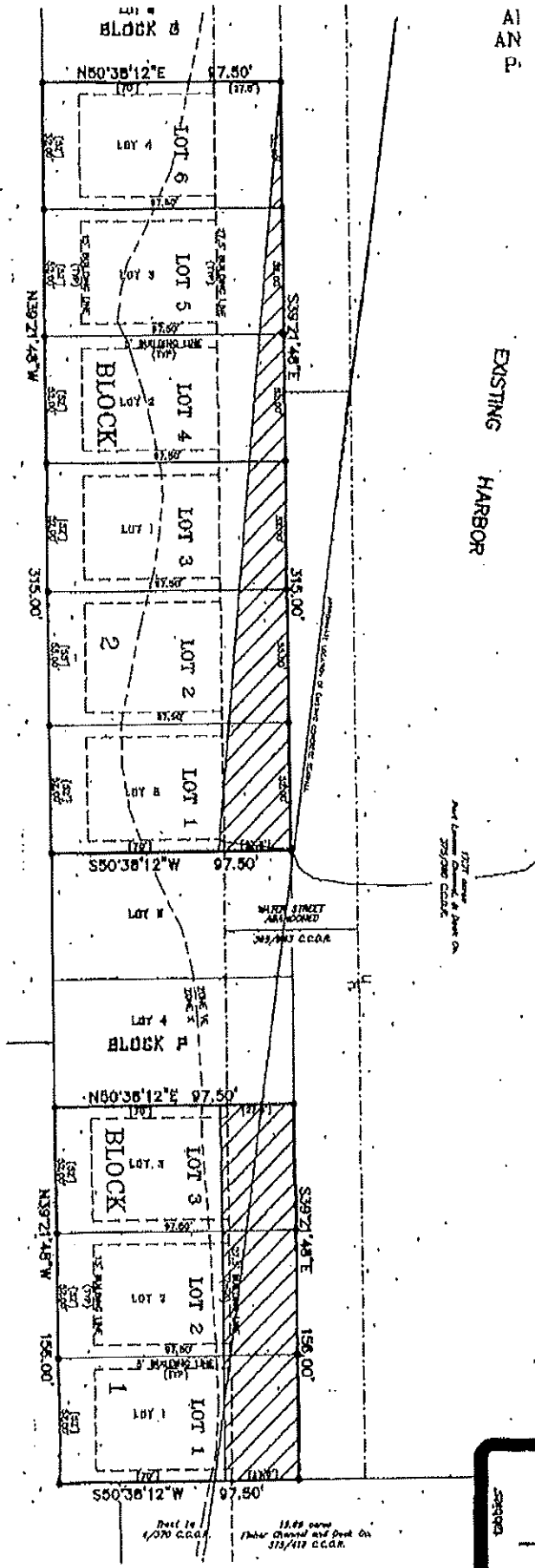
THENCE S. 39°21'48" E., along the northeast boundary-line of the said Cottage Cove Subdivision, for a distance of 156.0 feet to a point in the east corner of Lot 1, Block 1 of the said Cottage Cove Subdivision;

THENCE S. 50°38'12"W., a distance of 30.0 feet to a point in the southeast boundary-line of said Lot 1, Block 1;

THENCE N. 39°21'48" W., a distance of 156.0 feet to a point in the northwest boundary-line of Lot 3, Block 1 of the said Cottage Cove Subdivision;

THENCE N. 50°38'12"E., a distance of 30.0 feet to the POINT OF BEGINNING; CONTAINING WITHIN these metes and bounds 0.107 acre situated in the Maximo Sanchez League, A-35, Calhoun County, Texas.





AI
AN
P:

EXISTING
HARBOR

EXHIBIT
"B"

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS 2020-01310

EM Fee: \$54.00

04/28/2020 09:42 AM cblevins



Anna M. Goodman

Anna Goodman, County Clerk
Calhoun County, Texas