



## Comal County

OFFICE OF COMAL COUNTY ENGINEER

### License to Operate On-Site Sewage Treatment and Disposal Facility

Issued This Date: **06/14/2019** Permit Number: **108159**

Location Description: 14501 FM 306  
CANYON LAKE, TX 78133

Subdivision: M. Ampora Survey No. 3, Abstract No. 5  
Unit:  
Lot:  
Block:  
Acreage: 0.5500

Type of System: Septic Tank  
Leaching Chambers

Issued to: Jose G. & Marcelina Martinez

This license is authorization for the owner to operate and maintain a private facility at the location described in accordance to the rules and regulations for on-site sewerage facilities of Comal County, Texas, and the Texas Commission on Environmental Quality.

The license grants permission to operate the facility. It does not guarantee successful operation. It is the responsibility of the owner to maintain and operate the facility in a satisfactory manner.

Alterations to this permit including, but not limited to:

- Increase in the square feet of living area
- Increase in the number of bedrooms
- A change of use (i.e. residential to commercial)
- Relocation of system components (including the relocation of spray heads)
- Installation of landscaping
- Adding new structures to the system

may require a new permit. **It is the responsibility of the owner to apply for a new permit, if applicable.**

Inspection and licensing of a facility indicates only that the facility meets certain minimum requirements. It does not impede any governmental entity in taking the proper steps to prevent or control pollution, to abate nuisance, or to protect the public health.

This license to operate is valid for an indefinite period. The holder may transfer it to a succeeding owner, provided the facility has not been remodeled and is functioning properly.

Licensing Authority

**Comal County Environmental Health**

  
ENVIRONMENTAL HEALTH INSPECTOR

OS0032485

  
ENVIRONMENTAL HEALTH COORDINATOR  
OS 0025599

## Comal County Environmental Health OSSF Inspection Sheet

Installer Name: Steven W. Fryberg OSSF Installer #: 050003379  
 1st Inspection Date: 11-8-18 2nd Inspection Date: 12-6-18 3rd Inspection Date: 6-14-19  
 Inspector Name: Comar Inspector Name: Comar Inspector Name: Comar  
 Permit #: 108159 Address: 14501 FM 306

No.	Description	Answer	Criteria	Notes	1st Insp.	2nd Insp.	3rd Insp.
1	SITE AND SOIL CONDITIONS & SETBACK DISTANCES Site and Soil Conditions Consistent with Submitted Planning Materials	✓	285.30(a) 285.30(b)(1)(A)(v) 285.30(b)(1)(A)(vi) 285.30(b)(1)(A)(vii) 285.30(b)(1)(A)(viii)		11-8-18		
2	SITE AND SOIL CONDITIONS & SETBACK DISTANCES Setback Distances Meet Minimum Standards	✓	285.31(3) 285.30(b)(4) 285.33(d)		↓		
3	SEWER PIPE Proper Type Pipe from Structure to Disposal System (Cast Iron, Ductile Iron, Sch. 40, SDR 26)	✓	285.32(a)(1)				
4	SEWER PIPE Slope from the Sewer to the Tank at least 1/8 inch Per Foot	✓	285.32(a)(3)				
5	SEWER PIPE Two Way Sanitary - Type Cleanout Properly Installed (Add. C/D Every 100' &/or 90 degree bends)	✓	285.32(a)(5)				
6	PRETREATMENT Installed (if required) TCEQ Approved List PRETREATMENT Septic Tank(s) Meet Minimum Requirements		285.32(b)(1)(G) 285.32(b)(1)(E)(ii) 285.32(b)(1)(E)(iv) 285.32(b)(1)(F) 285.32(b)(1)(B) 285.32(b)(1)(C)(i) 285.32(b)(1)(C)(ii) 285.32(b)(1)(D) 285.32(b)(1)(E) 285.32(b)(1)(A) 285.32(b)(1)(E)(i)(ii) 285.32(b)(1)(E)(i) 285.32(b)(1)(E)(ii)(i)				
7	PRETREATMENT Grease Interceptors if required for commercial		285.34(d)				

tank set level trenches level cover all  
 no bldg. at this time.  
 " " " " " 12-6-18 - NO LTD COVERED  
 " " " " " 6-3-19 JV  
 Connected to bldg ✓ 6-14-19 JV

**Comal County Environmental Health  
OSSF Inspection Sheet**

*Samuel*

Item	Description	Assessor	Chapters	Status	1st Insp.	2nd Insp.	3rd Insp.
40	APPLICATION AREA Distribution Pipes, Sprinkler Heads & Valve Covers Color Coded? (4)(6)?		285.33(d)(2)(G)(III)(I) 285.33(d)(2)(G)(III)(II) 285.33(d)(2)(G)(IV) 285.33(d)(2)(G)(V) 285.33(d)(2)(G)(VI) 285.33(d)(2)(G)(VII)				
41	APPLICATION AREA Low Angle Nozzles Used / Pressure is as required APPLICATION AREA Acceptable Area, nothing within 10 ft of sprinkler heads? APPLICATION AREA The Landscape Plan is as Designed	✓	285.33(d)(2)(G)(I) 285.33(d)(2)(A) 285.33(d)(2)(F)				✓
42	APPLICATION AREA Area Installed	✓		40 LF	11-8-18		
43	PUMP TANK Meets Minimum Reserve Capacity Requirements						
44	PUMP TANK Material Type & Manufacturer						
45	PUMP TANK Type/Size of Pump Installed						

## Comal County Environmental Health OSSF Inspection Sheet

Installer Name: Steven W. Fische OSSF Installer #: 050003379  
 1st Inspection Date: 11-8-18 2nd Inspection Date: 12-6-18 3rd Inspection Date: \_\_\_\_\_  
 Inspector Name: Conna Inspector Name: Conna Inspector Name: \_\_\_\_\_  
 Permit #: 108159 Address: 14501 FM 306

No.	Description	Answer	Chapters	Notes	1st Insp.	2nd Insp.	3rd Insp.
1	SITE AND SOIL CONDITIONS & SETBACK DISTANCES Site and Soil Conditions Consistent with Submitted Planning Materials	✓	285.31(a) 285.30(b)(1)(A)(iv) 285.30(b)(1)(A)(v) 285.30(b)(1)(A)(iii) 285.30(b)(1)(A)(ii) 285.30(b)(1)(A)(i)		11-8-18		
2	SITE AND SOIL CONDITIONS & SETBACK DISTANCES Setback Distances Meet Minimum Standards	✓	285.91(10) 285.30(b)(4) 285.31(d)		↓		
3	SEWER PIPE Proper Type Pipe from Structure to Disposal System (Cast Iron, Ductile Iron, Sch. 40, SDR 26)	✓	285.32(a)(1)				
4	SEWER PIPE Slope from the Sewer to the Tank at least 1/8 Inch Per Foot	✓	285.32(a)(3)				
5	SEWER PIPE Two Way Sanitary - Type Cleanout Properly Installed (Add. C/O Every 100' &/or 90 degree bends)	✓	285.32(a)(5)		↓		
6	PRETREATMENT Installed (if required) TCEQ Approved List PRETREATMENT Septic Tank(s) Meet Minimum Requirements		285.32(b)(1)(G) 285.32(b)(1)(E)(iii) 285.32(b)(1)(E)(iv) 285.32(b)(1)(F) 285.32(b)(1)(B) 285.32(b)(1)(C)(i) 285.32(b)(1)(C)(ii) 285.32(b)(1)(D) 285.32(b)(1)(E) 285.32(b)(1)(A) 285.32(b)(1)(E)(ii)(ii) 285.32(b)(1)(E)(i) 285.32(b)(1)(E)(ii)(i)				
7	PRETREATMENT Grease Interceptors if required for commercial		285.34(d)				

tank set level      trenches level      cover all  
 no bldg. at this time.  
 "      "      "      "      "      12-6-18 - NO LTD      COVERED  
 "      "      "      "      "      6-3-19      JV

**Comal County Environmental Health  
OSSF Inspection Sheet**

No.	Description	Answer	Citations	Notes	1st Insp.	2nd Insp.	3rd Insp.
40	APPLICATION AREA Distribution Pipe, Fittings, Sprinkler Heads & Valve Covers Color Coded Purple?		285.33(d)(2)(G)(iii)(ii)285.33(d)(2)(G)(iii)(iii)285.33(d)(2)(G)(iv) 285.33(d)(2)(G)(iii) 285.33(d)(2)(G)(iv) 285.33(d)(2)(G)(i) 285.33(d)(2)(G)(ii) 285.33(d)(2)(G)(iii)(i)				
41	APPLICATION AREA Low Angle Nozzles Used / Pressure is as required APPLICATION AREA Acceptable Area, nothing within 10 ft of sprinkler heads? APPLICATION AREA The Landscape Plan is as Designed		285.33(d)(2)(G)(i) 285.33(d)(2)(A) 285.33(d)(2)(F)				
42	APPLICATION AREA Area Installed	✓		40 LF	11-8-18		
43	PUMP TANK Meets Minimum Reserve Capacity Requirements						
44	PUMP TANK Material Type & Manufacturer						
45	PUMP TANK Type/Size of Pump Installed						

## Comal County Environmental Health OSSF Inspection Sheet

Installer Name: Steven W. Frisby OSSF Installer #: 05 000 3379  
 1st Inspection Date: 11-8-18 2nd Inspection Date: 12-6-18 3rd Inspection Date: \_\_\_\_\_  
 Inspector Name: Conner Inspector Name: Conner Inspector Name: \_\_\_\_\_  
 Permit #: 108159 Address: 14501 FM 306

No.	Description	Answer	Citations	Notes	1st Insp.	2nd Insp.	3rd Insp.
1	SITE AND SOIL CONDITIONS & SETBACK DISTANCES Site and Soil Conditions Consistent with Submitted Planning Materials	✓	285.31(a) 285.30(b)(1)(A)(iv) 285.30(b)(1)(A)(v) 285.30(b)(1)(A)(iii) 285.30(b)(1)(A)(ii) 285.30(b)(1)(A)(i)		11-8-18		
2	SITE AND SOIL CONDITIONS & SETBACK DISTANCES Setback Distances Meet Minimum Standards	✓	285.91(10) 285.30(b)(4) 285.31(d)		↓		
3	SEWER PIPE Proper Type Pipe from Structure to Disposal System (Cast Iron, Ductile Iron, Sch. 40, SDR 26)	✓	285.32(a)(1)		↓		
4	SEWER PIPE Slope from the Sewer to the Tank at least 1/8 Inch Per Foot	✓	285.32(a)(3)		↓		
5	SEWER PIPE Two Way Sanitary - Type Cleanout Properly Installed (Add. C/O Every 100' &/or 90 degree bends)	✓	285.32(a)(5)		↓		
6	PRETREATMENT Installed (if required) TCEQ Approved List PRETREATMENT Septic Tank(s) Meet Minimum Requirements		285.32(b)(1)(G) 285.32(b)(1)(E)(iii) 285.32(b)(1)(E)(iv) 285.32(b)(1)(F) 285.32(b)(1)(B) 285.32(b)(1)(C)(i) 285.32(b)(1)(C)(ii) 285.32(b)(1)(D) 285.32(b)(1)(E) 285.32(b)(1)(A) 285.32(b)(1)(E)(ii)(II) 285.32(b)(1)(E)(I) 285.32(b)(1)(E)(iii)(I)				
7	PRETREATMENT Grease Interceptors if required for commercial		285.34(d)				

tank set level trenches level cover all  
 no bldg. at this time.  
 " " " " " 12-6-18 - NO LTD COVERED

**Comal County Environmental Health  
OSSF Inspection Sheet**

No.	Description	Answer	Citations	Notes	1st Insp.	2nd Insp.	3rd Insp.
40	APPLICATION AREA Distribution Pipe, Fitting, Sprinkler Heads & Valve Covers Color Coded Purple?		285.33(d)(2)(G)(iii)(ii)285.33(d)(2)(G)(iii)(iii)285.33(d)(2)(G)(v) 285.33(d)(2)(G)(iii) 285.33(d)(2)(G)(iv) 285.33(d)(2)(G)(i) 285.33(d)(2)(G)(ii) 285.33(d)(2)(G)(iii)(i)				
41	APPLICATION AREA Low Angle Nozzles Used / Pressure is as required APPLICATION AREA Acceptable Area, nothing within 10 ft of sprinkler heads? APPLICATION AREA The Landscape Plan is as Designed		285.33(d)(2)(G)(i) 285.33(d)(2)(A) 285.33(d)(2)(F)				
42	APPLICATION AREA Area Installed	✓		40 LF	11-8-18		
43	PUMP TANK Meets Minimum Reserve Capacity Requirements						
44	PUMP TANK Material Type & Manufacturer						
45	PUMP TANK Type/Size of Pump Installed						

## Comal County Environmental Health OSSF Inspection Sheet

Installer Name: Steven W. Fischek OSSF Installer #: OS 000 3379

1st Inspection Date: 11-8-18 2nd Inspection Date: \_\_\_\_\_ 3rd Inspection Date: \_\_\_\_\_

Inspector Name: Conner Inspector Name: \_\_\_\_\_ Inspector Name: \_\_\_\_\_

Permit#: 108159 Address: 14501 FM 306

No.	Description	Answer	Citations	Notes	1st Insp.	2nd Insp.	3rd Insp.
1	SITE AND SOIL CONDITIONS & SETBACK DISTANCES Site and Soil Conditions Consistent with Submitted Planning Materials	✓	285.31(a) 285.30(b)(1)(A)(iv) 285.30(b)(1)(A)(v) 285.30(b)(1)(A)(iii) 285.30(b)(1)(A)(ii) 285.30(b)(1)(A)(i)		11-8-18		
2	SITE AND SOIL CONDITIONS & SETBACK DISTANCES Setback Distances Meet Minimum Standards	✓	285.91(10) 285.30(b)(4) 285.31(d)		↓		
3	SEWER PIPE Proper Type Pipe from Structure to Disposal System (Cast Iron, Ductile Iron, Sch. 40, SDR 26)	✓	285.32(a)(1)		↓		
4	SEWER PIPE Slope from the Sewer to the Tank at least 1/8 Inch Per Foot	✓	285.32(a)(3)		↓		
5	SEWER PIPE Two Way Sanitary - Type Cleanout Properly Installed (Add. C/O Every 100' &/or 90 degree bends)	✓	285.32(a)(5)		↓		
6	PRETREATMENT Installed (if required) TCEQ Approved List PRETREATMENT Septic Tank(s) Meet Minimum Requirements		285.32(b)(1)(G)285.32(b)(1)(E)(iii) 285.32(b)(1)(E)(iv) 285.32(b)(1)(F) 285.32(b)(1)(B) 285.32(b)(1)(C)(i) 285.32(b)(1)(C)(ii) 285.32(b)(1)(D) 285.32(b)(1)(E) 285.32(b)(1)(A) 285.32(b)(1)(E)(ii)(II) 285.32(b)(1)(E)(i) 285.32(b)(1)(E)(ii)(I)				
7	PRETREATMENT Grease Interceptors if required for commercial		285.34(d)				

tank set level trenches level cover all  
no bldg. at this time.



**Comal County Environmental Health  
OSSF Inspection Sheet**

No.	Description	Answer	Citations	Notes	1st Insp.	2nd Insp.	3rd Insp.
8	SEPTIC TANK Tank(s) Clearly Marked SEPTIC TANK If Single Tank, 2 Compartments Provided with Baffle SEPTIC TANK Inlet Flowline Greater than 3" and " T " Provided on Inlet and Outlet SEPTIC TANK Septic Tank(s) Meet Minimum Requirements	✓	285.32(b)(1)(E) 285.91(2) 285.32(b)(1)(F) 285.32(b)(1)(E)(iii) 285.32(b)(1)(E)(ii)(II) 285.32(b)(1)(E)(ii)(I) 285.32(b)(1)(E)(i) 285.32(b)(1)(D) 285.32(b)(1)(C)(ii) 285.32(b)(1)(C)(i) 285.32(b)(1)(B) 285.32(b)(1)(A) 285.32(b)(1)(E)(iv)	<i>per plan</i>	11-8-18		
9	ALL TANKS Installed on 4" Sand Cushion/ Proper Backfill Used	✓	285.32(b)(1)(F) 285.32(b)(1)(G) 285.34(b)				
10	SEPTIC TANK Inspection / Clean Out Port & Risers Provided on Tanks Buried Greater than 12" Sealed and Capped	✓	285.38(d)				
11	SEPTIC TANK Secondary restraint system provided SEPTIC TANK Riser permanently fastened to lid or cast into tank SEPTIC TANK Riser cap protected against unauthorized intrusions	✓ ✓	285.38(d) 285.38(e)				
12	SEPTIC TANK Tank Volume Installed	✓					
13	PUMP TANK Volume Installed						
14	AEROBIC TREATMENT UNIT Size Installed						
15	AEROBIC TREATMENT UNIT Manufacturer AEROBIC TREATMENT UNIT Model Number						
16	DISPOSAL SYSTEM Absorptive		285.33(a)(4) 285.33(a)(1) 285.33(a)(2) 285.33(a)(3)				
17	DISPOSAL SYSTEM Leaching Chamber	✓	285.33(a)(1) 285.33(a)(3) 285.33(a)(4) 285.33(a)(2)		11-8-18		
18	DISPOSAL SYSTEM Evapo-transpirative		285.33(a)(3) 285.33(a)(4) 285.33(a)(1) 285.33(a)(2)				

**Comal County Environmental Health  
OSSF Inspection Sheet**

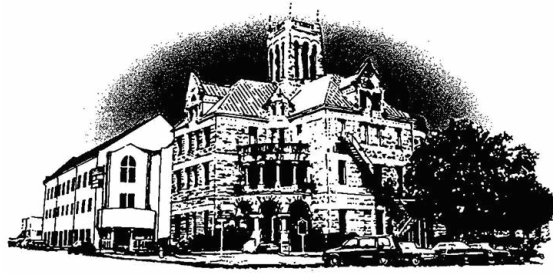
No.	Description	Answer	Citations	Notes	1st Insp.	2nd Insp.	3rd Insp.
19	DISPOSAL SYSTEM Drip Irrigation		285.33(a)(1) 285.33(a)(3) 285.33(a)(4) 285.33(a)(2)				
20	DISPOSAL SYSTEM Soil Substitution		285.33(d)(4)				
21	DISPOSAL SYSTEM Pumped Effluent		285.33(a)(4) 285.33(a)(3) 285.33(a)(1)				
22	DISPOSAL SYSTEM Gravelless Pipe		285.33(a)(3) 285.33(a)(2) 285.33(a)(4) 285.33(a)(1)				
23	DISPOSAL SYSTEM Mound		285.33(a)(3) 285.33(a)(1) 285.33(a)(2) 285.33(a)(4)				
24	DISPOSAL SYSTEM Other (describe) (Approved Design)		285.33(d)(6) 285.33(c)(4)				
25	DRAINFIELD Absorptive Drainline 3" PVC or 4" PVC						
26	DRAINFIELD Area Installed						
27	DRAINFIELD Level to within 1 inch per 25 feet and within 3 inches over entire excavation	✓	285.33(b)(1)(A)(v)	<i>per plan</i>	<i>11-8-18</i>		
28	DRAINFIELD Excavation Width DRAINFIELD Excavation Depth DRAINFIELD Excavation Separation DRAINFIELD Depth of Porous Media DRAINFIELD Type of Porous Media	✓		<i>per plan</i>	<i>11-8-18</i>		
29	DRAINFIELD Pipe and Gravel - Geotextile Fabric in Place		285.33(b)(1)(E)				
30	DRAINFIELD Leaching Chambers DRAINFIELD Chambers - Open End Plates w/Splash Plate, Inspection Port & Closed End Plates in Place (per manufacturers spec.)	✓	285.33(c)(2)	<i>"</i>	<i>11-8-18</i>		
31	LOW PRESSURE DISPOSAL SYSTEM Adequate Trench Length & Width, and Adequate Separation Distance between Trenches		285.33(d)(1)(C)(i)				

**Comal County Environmental Health  
OSSF Inspection Sheet**

No.	Description	Answer	Citations	Notes	1st Insp.	2nd Insp.	3rd Insp.
32	<p>EFFLUENT DISPOSAL SYSTEM Utilized Only by Single Family Dwelling</p> <p>EFFLUENT DISPOSAL SYSTEM Topographic Slopes &lt; 2.0%</p> <p>EFFLUENT DISPOSAL SYSTEM Adequate Length of Drain Field ( 1000 Linear ft. for 2 bedrooms or Less &amp; an additional 400 ft. for each additional bedroom )</p> <p>EFFLUENT DISPOSAL SYSTEM Lateral Depth of 18 inches to 3 ft. &amp; Vertical Separation of 1ft on bottom and 2 ft. to restrictive horizon and ground water respectfully</p> <p>EFFLUENT DISPOSAL SYSTEM Lateral Drain Pipe (1.25 - 1.5" dia.) &amp; Pipe Holes ( 3/16 - 1/4" dia. Hole Size ) 5 ft. Apart</p>		<p>285.33(b)(3)(A)</p> <p>285.33(b)(3)(A)</p> <p>285.33(b)(3)(B)</p> <p>285.91(13)</p> <p>285.33(b)(3)(D)</p> <p>285.33(b)(3)(F)</p>				
33	<p>AEROBIC TREATMENT UNIT is Aerobic Unit Installed According to Approved Guidelines.</p>		285.32(c)(1)				
34	<p>AEROBIC TREATMENT UNIT Inspection/Clean Out Port &amp; Risers Provided</p> <p>AEROBIC TREATMENT UNIT Secondary restraint system provided</p> <p>AEROBIC TREATMENT UNIT Riser permanently fastened to lid or cast into tank</p> <p>AEROBIC TREATMENT UNIT Riser cap protected against unauthorized intrusions</p>						
35	<p>AEROBIC TREATMENT UNIT Chlorinator Properly Installed with Chlorine Tablets in Place.</p>						
36	<p>PUMP TANK Is the Pump Tank an approved concrete tank or other acceptable materials &amp; construction</p> <p>PUMP TANK Sampling Port Provided in the Treated Effluent Line</p> <p>PUMP TANK Check Valve and/or Anti- Siphon Device Present When Required</p> <p>PUMP TANK Audible and Visual High Water Alarm Installed on Separate Circuit From Pump</p>						
37	<p>PUMP TANK Inspection/Clean Out Port &amp; Risers Provided</p> <p>PUMP TANK Secondary restraint system provided</p> <p>PUMP TANK Riser permanently fastened to lid or cast into tank</p> <p>PUMP TANK Riser cap protected against unauthorized intrusions</p>						
38	<p>PUMP TANK Secondary restraint system provided</p>						
39	<p>PUMP TANK Electrical Connections in Approved Junction Boxes / Wiring Buried</p>						

**Comal County Environmental Health  
OSSF Inspection Sheet**

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42	APPLICATION AREA Area Installed	✓		40 LF	11-8-18		
43	PUMP TANK Meets Minimum Reserve Capacity Requirements						
44	PUMP TANK Material Type & Manufacturer						
45	PUMP TANK Type/Size of Pump Installed						



# Comal County

OFFICE OF COMAL COUNTY ENGINEER

## **Permit of Authorization to Construct an On-Site Sewage Facility Permit Valid For One Year From Date Issued**

Permit Number: 108159  
Issued This Date: 10/01/2018  
This permit is hereby given to: Jose G. & Marcelina Martinez

To start construction of a private, on-site sewage facility located at:

14501 FM 306  
CANYON LAKE, TX 78133

Subdivision: M. Ampora Survey No. 3, Abstract No. 5

Unit:

Lot:

Block:

Acreage: 0.5500

APPROVED MINIMUM SIZES AS PER ATTACHED DESIGN

Type of System: Septic Tank  
Leaching Chambers

This permit gives permission for the construction of the above referenced on-site facility to commence. Installation must be completed by an installer holding a valid registration card from the Texas Commission on Environmental Quality (TCEQ). Installation and inspection must comply with current TCEQ and Comal County requirements.

Call (830) 608-2090 to schedule inspections.

\*\*\* COMAL COUNTY OFFICE OF ENVIRONMENTAL HEALTH \*\*\*  
**APPLICATION FOR PERMIT FOR AUTHORIZATION TO CONSTRUCT AN  
 ON-SITE SEWAGE FACILITY AND LICENSE TO OPERATE**

Date \_\_\_\_\_

Permit # 108159

Owner Name Jose G. & Marcelina Martinez  
 Mailing Address 10656 Rebecca Creek Road 14501 FM 306  
 City, State, Zip Spring Branch, TX 78070 Canyon Lake, Tx. 78133  
 Phone # 210.381.4383  
 Email marlina198836@yahoo.com Please mail to above

Agent Name Douglas R. Dowlearn  
 Agent Address 703 Oak Drive  
 City, State, Zip Blanco, TX 78606  
 Phone # 210.240.2101  
 Email txseptic@gmail.com

All correspondence should be sent to:  Owner  Agent  Both Method:  Mail  Email

Subdivision Name \_\_\_\_\_ Unit \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_  
 Acreage/Legal .55 Acre of land situated in the Maria Ampora Survey No. 3, Abstract No. 5 in Comal County  
 Street Name/Address 14501 FM 306 City Canyon Lake Zip 78133

**Type of Development:**

- Single Family Residential  
 Type of Construction (House, Mobile, RV, Etc.) \_\_\_\_\_  
 Number of Bedrooms \_\_\_\_\_  
 Indicate Sq Ft of Living Area \_\_\_\_\_

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 SEP 24 2018  
 COUNTY ENGINEER

- Commercial or Institutional Facility  
 (Planning materials must show adequate land area for doubling the required land needed for treatment units and disposal area)  
 Type of Facility Restroom for Tire Shop  
 Offices, Factories, Churches, Schools, Parks, Etc. - Indicate Number Of Occupants 3 Employees  
 Restaurants, Lounges, Theaters - Indicate Number of Seats \_\_\_\_\_  
 Hotel, Motel, Hospital, Nursing Home - Indicate Number of Beds \_\_\_\_\_  
 Travel Trailer/RV Parks - Indicate Number of Spaces \_\_\_\_\_  
 Miscellaneous \_\_\_\_\_

Estimated Cost of Construction: \$ 20,000 (Structure Only) 

Is any portion of the proposed OSSF located in the United States Army Corps of Engineers (USACE) flowage easement?  
 Yes  No (If yes, owner must provide approval from USACE for proposed OSSF improvements within the USACE flowage easement)

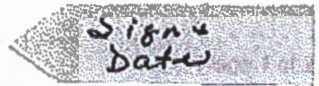
Source of Water  Public  Private Well

Are Water Saving Devices Being Utilized Within the Residence?  Yes  No

By signing this application, I certify that:  
 - The completed application and all additional information submitted does not contain any false information and does not conceal any material facts.  
 - Authorization is hereby given to the permitting authority and designated agents to enter upon the above described property for the purpose of site/soil evaluation and inspection of private sewage facilities.  
 - I understand that a permit of authorization to construct will not be issued until the Floodplain Administrator has performed the reviews required by the Comal County Flood Damage Prevention Order.  
 - I affirmatively consent to the online posting/public release of my e-mail address associated with this permit application, as applicable.

Signature of Owner \_\_\_\_\_

Date 9/19/18



\* \* \* **COMAL COUNTY OFFICE OF ENVIRONMENTAL HEALTH** \* \* \*  
**APPLICATION FOR PERMIT FOR AUTHORIZATION TO CONSTRUCT AN**  
**ON-SITE SEWAGE FACILITY AND LICENSE TO OPERATE**

Planning Materials & Site Evaluation as Required Completed By Douglas R. Dowlearn

System Description Conventional with leaching panel distribution

Size of Septic System Required Based on Planning Materials & Soil Evaluation

Tank Size(s) (Gallons) 750 Absorption/Application Area (Sq Ft) 200 sq. ft.

Gallons Per Day (As Per TCEQ Table III) 24 gpd - sized for 50 gpd

(Sites generating more than 5000 gallons per day are required to obtain a permit through TCEQ.)

Is the property located over the Edwards Recharge Zone?  Yes  No

(If yes, the planning materials must be completed by a Registered Sanitarian (R.S.) or Professional Engineer (P.E.))

Is there an existing TCEQ approved WPAP for the property?  Yes  No

(If yes, the R.S. or P.E. shall certify that the OSSF design complies with all provisions of the existing WPAP.)

If there is no existing WPAP, does the proposed development activity require a TCEQ approved WPAP?  Yes  No

(If yes, the R.S. or P.E. shall certify that the OSSF design will comply with all provisions of the proposed WPAP. A Permit to Construct will not be issued for the proposed OSSF until the proposed WPAP has been approved by the appropriate regional office.)

Is the property located over the Edwards Contributing Zone?  Yes  No

Is there an existing TCEQ approval CZP for the property?  Yes  No

(If yes, the P.E. or R.S. shall certify that the OSSF design complies with all provisions of the existing CZP.)

If there is no existing CZP, does the proposed development activity require a TCEQ approved CZP?  Yes  No

(If yes, the R.S. or P.E. shall certify that the OSSF design will comply with all provisions of the proposed CZP. A Permit to Construct will not be issued for the proposed OSSF until the CZP has been approved by the appropriate regional office.)

Is this property within an incorporated city?  Yes  No

If yes, indicate the city: \_\_\_\_\_

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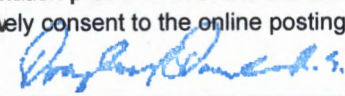
SEP 24 2018

COUNTY ENGINEER

By signing this application, I certify that:

- The information provided above is true and correct to the best of my knowledge.

- I affirmatively consent to the online posting/public release of my e-mail address associated with this permit application, as applicable.

  
\_\_\_\_\_  
Signature of Designer

9/18/18

\_\_\_\_\_  
Date

Page 2 of 2

**From:** [doug dowlearn](#)  
**To:** [Ritzen, Brenda](#)  
**Subject:** Re: 14501 FM 306 - 108159  
**Date:** Monday, October 01, 2018 12:13:27 PM

---

The doubling area is more than sufficient for the drainfield and tank. Do you want me to add that info to the design?

Sandra

On Mon, Oct 1, 2018 at 11:51 AM Ritzen, Brenda <[rabbjr@co.comal.tx.us](mailto:rabbjr@co.comal.tx.us)> wrote:

Sandra,

Please verify if the reserve area shown is for both the treatment and the disposal systems (tank & drainfield)?

Thank you,

Brenda Ritzen, OS0007722

Environmental Health Coordinator

Comal County Engineers Office

195 David Jonas Drive

New Braunfels, Texas 78132

830-608-2090

[www.cceo.org](http://www.cceo.org)

---

**From:** doug dowlearn [mailto:[txseptic@gmail.com](mailto:txseptic@gmail.com)]  
**Sent:** Monday, October 01, 2018 11:31 AM  
**To:** Ritzen, Brenda; jose martinez; Doug Dowlearn; doug dowlearn  
**Subject:** 14501 FM 306 - 108159



## OSSF SOIL EVALUATION REPORT INFORMATION

Date: 9/21/18

**Applicant Information:**

Name: Jose G. & Marcelina Martinez  
Address: 10655 Rebecca Creek Road  
City, State & Zip Code: Spring Branch, TX 78070  
Phone: 210.381.4383  
Email: [martinez196836@yahoo.com](mailto:martinez196836@yahoo.com)

**Site Evaluator Information:**

Name: Douglas R. Dowlearn  
Company: D.A.D. Services, Inc.  
Address: 703 Oak Drive  
City, State & Zip: Blanco, TX 78606  
Phone: (210)240-2101 Fax: (866)260-7687  
Email: txseptic@gmail.com

**Property Location:**

Legal: .55 Acres of the Maria Ampora Survey No. 3,  
Abstract No. 5  
Street/Road Address: 14501 FM 306  
City: Canyon Lake Zip: 78133  
Additional Info: Comal County/.55 Acres

**Installer Information:**

Name:  
Company:  
Address:  
City, State & Zip:  
Phone: Fax:

Depth	Texture Class	Soil Texture	Structure (For Class III - blocky, platy or massive)	Drainage (Mottles/Water Table)	Restrictive Horizon	Observation
Soil Boring #1 60"	III	0-60" Clay Loam	Blocky	<30% Gravel	None	None
Soil Boring #2 60"		Same as above				

### DESIGN SPECIFICATIONS

Application Rate (RA): 0.2

OSSF is designed for: Tire Shop with 3 employees@8 gpd = 24 gpd - System sized for 50 gpd  
24 Gallons per day used - Sized for 50 gpd

A septic tank/absorptive drainfield system is to be utilized based on the site evaluation.  
120 sq. ft. absorption area required - Sized for 250 sq. ft.

750 gallon compartmental septic tank required  
Calculations: Absorption Area:  $Q/RA = 50 \text{ gpd}/0.2 = 250 \text{ ft. sq.}$   
Reduction for Leaching Panels (75%)  $250 \text{ sq. ft.} = 187.5 \text{ sq. ft.}$

### FEATURES OF SITE AREA

Presence of 100-year flood zone: NO  
Existing or proposed water well in nearby area: NO  
Presence of adjacent ponds, streams, water impoundments: NO

Presence of upper water shed: NO  
Organized sewage service available to lot: NO

I certify that the findings of this report are based on my field observations and are accurate to the best of my ability. The site evaluation and OSSF design are subject to approval by the TCEQ or the local authorized agent. The planning materials and the OSSF design should not be considered final until a permit to construct has been issued.

**Site Evaluator:**

NAME: Douglas R. Dowlearn, R.S.

License No. OS9902 Exp. 6/30/2020  
TDH: #2432 Exp. 2/28/2019

Signature:



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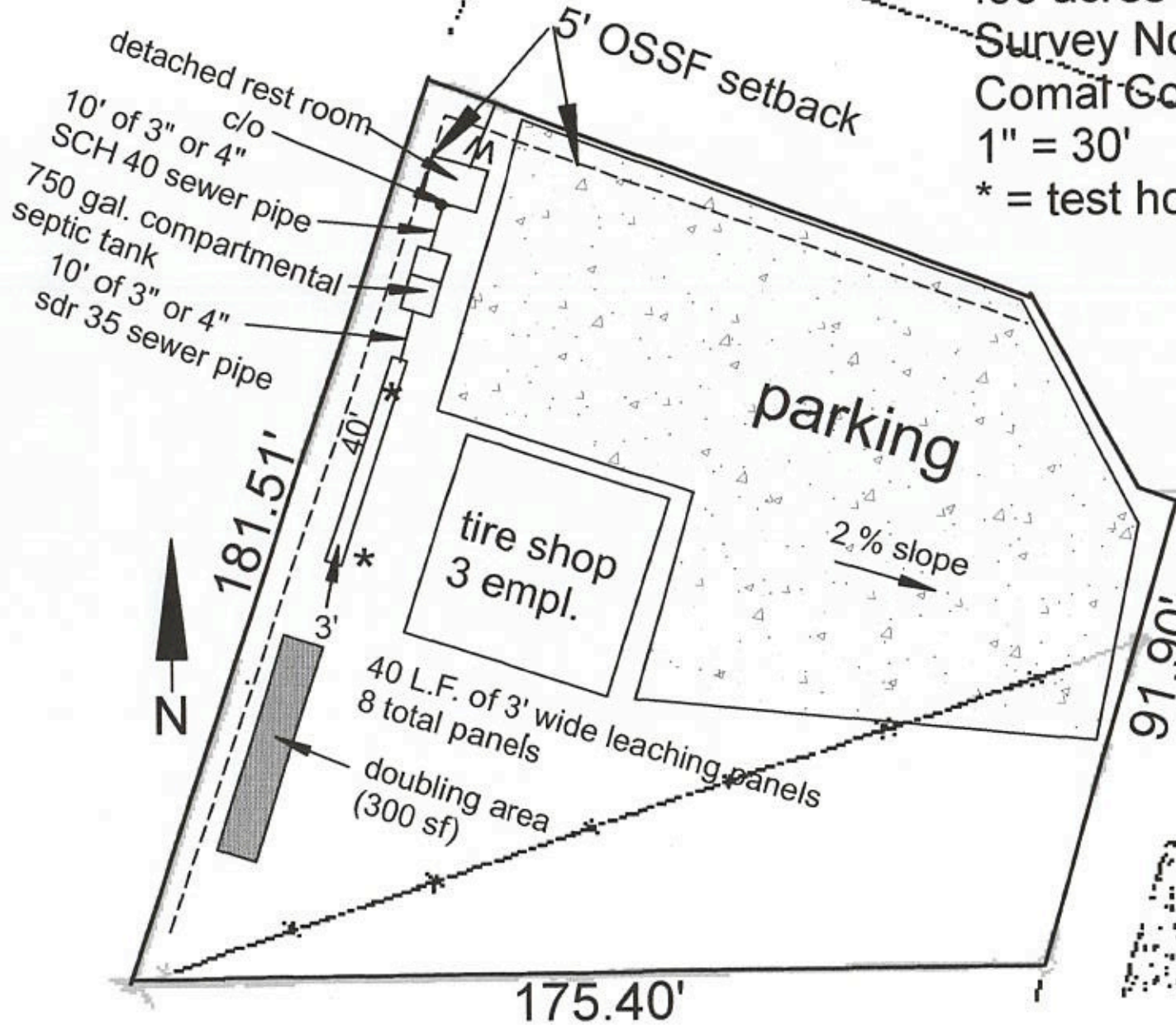
SEP 24 2018

COUNTY ENGINEER

**REVISED**

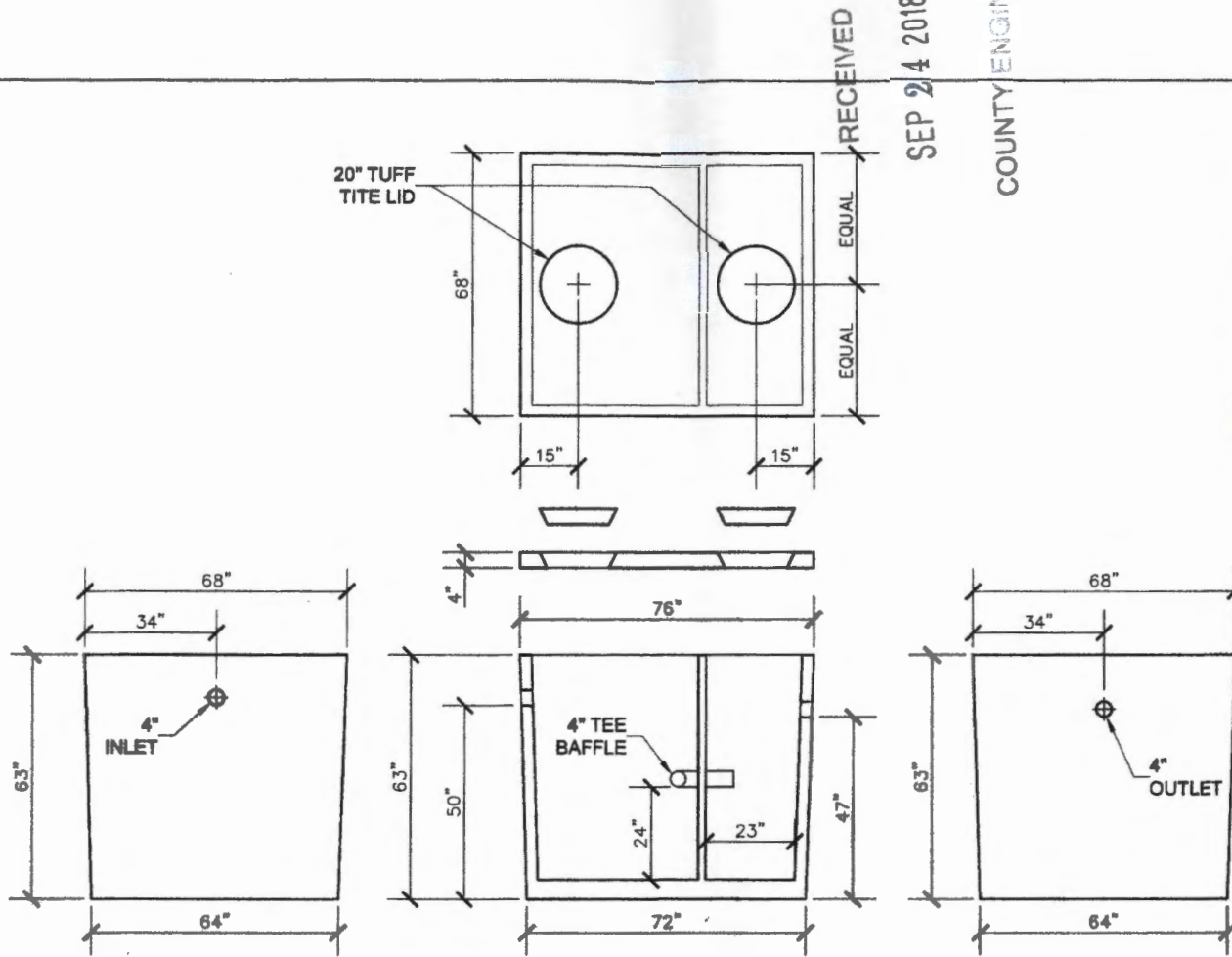
11:47 am, Oct 01, 2018

Jose G. & Marcelina Martinez  
14501 FM 306  
Canyon Lake, TX 78133  
.55 acres in the Maria Ampora  
Survey No. 3, Abstract No. 5  
Comal County  
1" = 30'  
\* = test holes



*Douglas R. Dowlearn*  
10/1/18

South Access Road



SEP 24 2018

COUNTY ENGINEER



*Douglas R. Dowlearn, P.E.*  
9/25/18



*Greg W. Johnson, P.E.*

- NOTE:
- \* HEAVY DUTY LIDS AVAILABLE
  - \* MEETS ASTM 1227-93a
  - \* COMPLIES WITH 30 TEXAS ADMINISTRATIVE CODE 285.32
  - \* 4" PVC FITTINGS TYPICAL
  - \* EXTERNAL PLUMBING INSTALLED BY CONTRACTORS ON SITE

BLOCK CREEK CONCRETE PRODUCTS		
750 GAL. DUAL COMPARTMENT TANK		
PART #:	DRAFTER: EJS III	DATE: 4/25/2016



201506042000 10/22/2015 11:18:46 AM 1/6

6  
C 2

**WARRANTY DEED WITH VENDOR'S LIEN**

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

**Date:** October 22, 2015, but to be effective as of October 22, 2015

**Grantor:** BEN NEVIS WEST, LTD., a Texas Limited Partnership

**Grantor's Mailing Address:** P.O. Box 8642, Houston, Texas 77249

**Grantees:** JOSE G. MARTINEZ AND MARCELINA MARTINEZ, husband and wife

**Grantees' Address:** 10655 Rebecca Creek Road, Spring Branch, Texas 78070

**Consideration:**

The sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration to the undersigned in hand paid by Grantee herein named, the receipt of which is hereby acknowledged, and the further consideration of the execution and delivery by Grantees of his/her/their one certain Real Estate Lien Note of even date herewith in the principal sum of THIRTY-NINE THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$39,500.00) payable to the order of BEN NEVIS WEST, LTD., as therein provided and bearing interest at the rates therein specified, and providing for acceleration of maturity in event of default and for attorney's fees, the payment of which note is secured by the Vendor's Lien herein retained, and is additionally secured by a Deed of Trust of even date herewith to CHRISTOPHER W. ROTHFELDER, Trustee.

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SEP 24 2018

**Property:**

COUNTY ENGINEER

ALL THAT CERTAIN TRACT OF LAND BEING 0.55 OF AN ACRE OF LAND SITUATED IN THE MARIA AMPORA SURVEY NO. 3, ABSTRACT NO. 5 IN COMAL COUNTY, TEXAS, being that same property called to contain 0.546 of an acre of land as described in a Deed conveyed to Bradley K. Rathburn and Lesa A. Akeroyd as recorded in Document number 200706049127, official Records of Comal County, Texas as more accurately and fully described in Exhibit A, hereto.

**Reservations from and Exceptions to Conveyance and Warranty:**

This conveyance is made and accepted subject to the following matters, to the extent same are in effect at this time: any and all restrictions, covenants, conditions and easements, if any, relating to the herein above described property, including but not limited to that certain Easement Agreement executed on or about December 16, 2009 between Ben Nevis West, Ltd.,

as Grantor, and Big Eastex #1, Ltd., a Texas limited partnership as Grantee in Document number 201006009512 recorded in the official Records of Comal County, Texas on March 26, 2010.

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

It is expressly agreed that the VENDOR'S LIEN, as well as the Superior Title in and to the above described premises, is retained against the above described property, premises and improvements until the above described Note and all interest thereon are fully paid according to the face, tenor, effect and reading thereof, at which time this Deed shall become absolute.

When the context requires, singular nouns and pronouns include the plural.

EXECUTED on the date first above written.

*Daniel J. Creel*  
BEN NEVIS WEST LTD  
By: *Daniel J. Creel*  
Title: *President - Agent*  
Date: *10/22/15*

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STATE OF TEXAS §

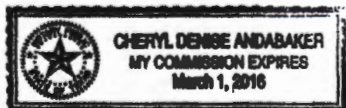
SEP 24 2018

COUNTY OF GUADALUPE §

COUNTY ENGINEER

BEFORE ME, the undersigned authority, on this day personally, appeared Daniel J. Creel, as Agent for Ben Nevis West, Ltd., known to me 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 consideration therein expressed, in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 22nd day of October, 2015.



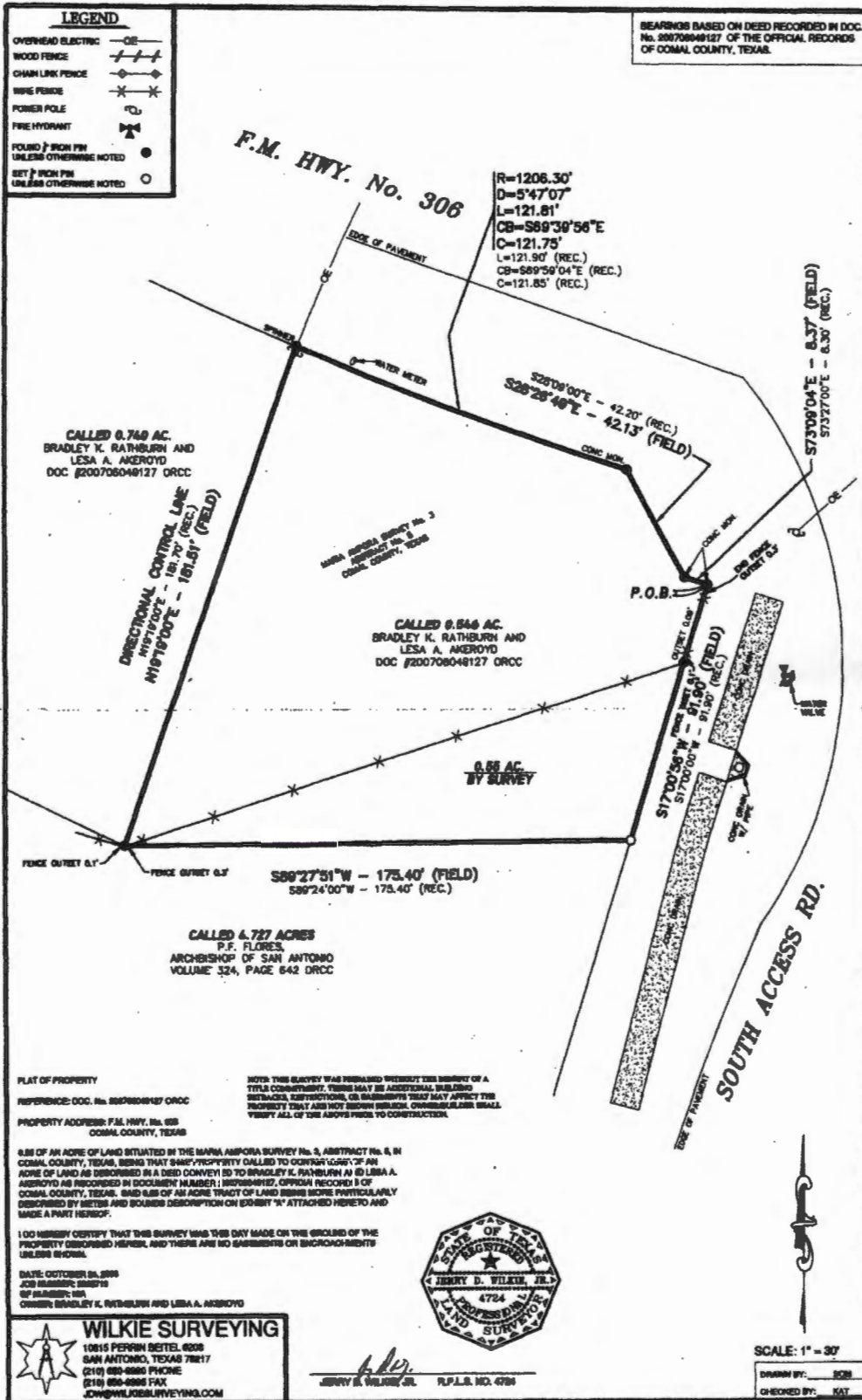
*Cheryl D. Andabaker*  
Notary Public in and for State of Texas, Guadalupe County

**PREPARED IN THE OFFICE OF:**  
Rothfelder & Falick, LLP  
1201 Louisiana St., Suite 550  
Houston, Texas 77002  
Telephone: (713) 220-2288  
Email: [crothfelder@rothfelderfalick.com](mailto:crothfelder@rothfelderfalick.com)

**AFTER RECORDING RETURN TO:**

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SEP 24 2018  
COUNTY ENGINEER

EXHIBIT "A"



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 SEP 24 2018  
 COUNTY ENGINEER

**EXHIBIT "A"**

All that certain tract of land being 0.546 of an acre, more or less, out  
Of the Maria Ampora Survey No. 3, Abstract No. 5, in Comal County,  
Texas, being more particularly described as follows:

Being 0.546 of an acre of land, more or less, out of the Maria  
Ampora Survey No. 3, Abstract No. 5, in Comal County, Texas,  
being a part of the Mack C. Milner 247.9 acre tract conveyed by  
Walter, Jonas by Deed dated September 8, 1948, recorded in Volume  
89, Pages 434-436, of the Deed Records of Comal County, Texas,  
and described more particularly by notes and bounds as follows:

FROM an iron pin in the southwest line of P.M. Road 306, set for  
the northeast corner of the Jean Saldon 0.149 acre tract  
conveyed by Mack Milner, the northwest corner of the Mack C.  
Milner 1.474 acre tract;

THENCE with the southwest line of said P.M. Road 306, S. 51 deg.  
06' E. 74.9 feet to the P.C. of a circular curve;

THENCE continuing with the southwest line of P.M. Road 306, in a  
curve to the left concentric with and 60 feet from the center  
line of the said P.M. Road 306, having a radius of 1206.3 feet  
(Chord S. 80 deg. 45' E. 366.4 feet) a distance of 366.8 feet to  
an iron pin set for the northeast corner of the said Mack C.  
Milner 1.474 acre tract and for the northwest corner and POINT  
OF BEGINNING of the herein conveyed 0.546 of an acre tract;

THENCE continuing with the southwest line of the said P.M. Road  
306 in the said circular curve to the left having a radius of  
1206.3 feet (Chord S. 63 deg. 44' E. 121.8 feet) a distance of  
121.9 feet to a concrete monument set for the northwest corner  
of a flare corner;

THENCE with the flare corner S. 28 deg. 09' E. 42.2 feet and S.  
73 deg. 37' E. 8.3 feet to a concrete monument set in the point  
of intersection of the southwest line of P.M. Road 306 with the  
west line of the lower access United States of America R.O.W. to  
Canyon Dam;

THENCE with the west line of the said United States of America  
R.O.W., S. 17 deg. 08' N. 81.8 feet to an iron pin set for the  
northeast corner of the David Decot tract and for the southeast  
corner of this tract;

THENCE with the north line of said David Decot tract, S. 29 deg.  
24' N. 175.4 feet to an iron pin set for the southeast corner  
of the aforesaid Mack C. Milner 1.474 acre tract and for the  
southwest corner of this tract;

THENCE N. 19 deg. 19' E. 183.7 feet to the PLACE OF BEGINNING.

Recorder's Memorandum- Comal County  
At the time of recordation, this  
instrument was found to be inadequate  
for the best photographic reproduction  
because of illegibility

Filed and Recorded  
Official: Public Records  
Joy Streater County Clerk  
Comal County Texas  
09-26-2010 12:42:25 PM  
CASH THREE  
100009009512



Joy Streater

**Recorder's Memorandum**

This document was of poor  
quality at the time of  
recording and may not  
reproduce.

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SEP 24 2018

COUNTY ENGINEER





This page has been added to comply with the statutory requirement that the clerk shall stamp the recording information at the bottom of the last page.

This page becomes part of the document identified by the file clerk number affixed on preceding pages.

RECEIVED

SEP 24 2018

COUNTY ENGINEER

Filed and Recorded  
Official Public Records  
Bobbie Koepf, County Clerk  
Comal County, Texas  
10/22/2015 11:18:46 AM  
CASH TWO 6 Page(s)  
201506042900



*Bobbie Koepf*

15  
C

To show  
Subdivision  
Grandfathering



200708049127 12/06/2007 11:06:41 AM DEED 1/8

### GENERAL WARRANTY DEED

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

THE STATE OF TEXAS       §  
  §       KNOW ALL MEN BY THESE PRESENTS:  
COUNTY OF COMAL       §

THAT THE UNDERSIGNED, **EUGENE RATHBURN a/k/a EUGENE A. RATHBURN**, hereinafter referred to as "Grantors," whether one or more, for and in consideration of the sum of **TEN DOLLARS (\$10.00)** cash, and other good and valuable consideration in hand paid by the Grantee, herein named, the receipt and sufficiency of which is hereby fully acknowledged and confessed, has **GRANTED, SOLD and CONVEYED**, and by these presents does hereby **GRANT, SELL and CONVEY** unto **BRADLEY K. RATHBURN and LESA A. AKEROYD**, herein referred to as "Grantee," whether one or more, the real property described as follows:

Tract 1: All of that certain tract of land being 0.734 of an acre of land, more or less, out of the Maria Ampora Survey No. 3, Abstract No. 5, Comal County, Texas, and being the Northwest 0.734 of an acre of land out of that certain 1.475 acre tract of land conveyed by Mack C. Milner to W.W. Lawler by deed dated February 28, 1964 and recorded in Volume 153, pages 647-648 of the Deed Records of Comal County, Texas, as more particularly described in Exhibit "A", attached hereto and incorporated herein for all purposes.

Tract 2: All of that certain tract of land being 0.546 of an acre, more or less, out of the Maria Ampora Survey No. 3, Abstract No. 5, in Comal County, Texas, as more particularly described in Exhibit "B", attached hereto and incorporated herein for all purposes.

Tract 3: All of that certain tract of land being 0.740 of an acre of land out of the Maria Ampora Survey No. 3, Comal County, Texas, being a part of the Mack C. Milner 249.9 acre tract conveyed by Walter Jones by deed dated September 8, 1948, and recorded in Volume 89, page 634-636 of the Deed Records of Comal County, Texas, as more particularly described in Exhibit "C", attached hereto and incorporated herein for all purposes.

Tract 4: All of that certain tract or parcel of land lying and being situated in Comal County, Texas, being known and designated as Lot 82, of CYPRESS COVE, SECTION 5, according to the map or plat thereof recorded in Vol. 1, Page 77, Comal County, Texas Map and Plat Records.

This conveyance, however, is made and accepted subject to any and all validly existing encumbrances, conditions and restrictions, relating to the herein above described property as now reflected by the records of the County Clerk of Comal County, Texas.

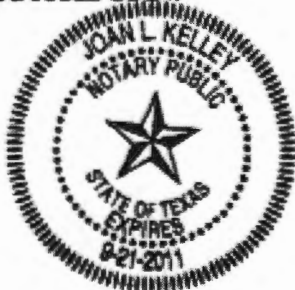
TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Grantee, Grantee's heirs, executors, administrators, successors and/or assigns forever; and Grantor does hereby bind Grantor, Grantor's heirs, executors, administrators, successors and/or assigns to WARRANT AND FOREVER DEFEND all and singular the said premises unto the said Grantee, Grantee's heirs, executors, administrators, successors and/or assigns, against every person whomsoever claiming or to claim the same or any part thereof.

EXECUTED this 3<sup>rd</sup> day of December, 2007.

Eugene Rathburn  
EUGENE RATHBURN  
a/k/a EUGENE A. RATHBURN

THE STATE OF TEXAS     §  
  §  
COUNTY OF BEXAR     §

The foregoing instrument was acknowledged before me on the 3<sup>rd</sup> day of December, 2007, by EUGENE RATHBURN a/k/a EUGENE A. RATHBURN.



Joan Kelley  
NOTARY PUBLIC, STATE OF TEXAS

Joan Kelley  
PRINTED NAME OF NOTARY

MY COMMISSION EXPIRES:

9-21-2011

## Exhibit "A"

Being 0.734 of an acre of land, more or less, out of the Maria Ampora Survey No. 3, Abstract No. 5, Comal County, Texas, and being the Northwest 0.734 of an acre of land out of that certain 1.476 acre tract of land conveyed by Mack C. Milner to W. W. Lawler by deed dated February 28, 1964 and recorded in Volume 153, Pages 647-648 of the Deed Records of Comal County, Texas, and described more particularly by metes and bounds as follows:

BEGINNING at an iron pin in the Southwest line of F.M. Road 306 set for the North corner of the W. W. Lawler 1.476 acre tract of land, for the North corner of the herein described 0.734 of an acre tract;

THENCE with the Southwest line of F.M. Road 306, the Northeast line of the said 1.476 acre tract, S. 51 deg. 06' E. 74.9 feet to an iron pin at the beginning of a curve; thence in a Southeasterly direction along the arc of a circular curve to the left having a radius of 1,206.3 feet, a length of arc distance

of 116.8 feet to an iron pin set for the North corner of the Southeast 0.740 of an acre of land out of the said 1.476 acre tract, set for the East corner of this tract;

THENCE with the Northwest line of the said 0.740 of an acre tract, S 33 deg. 17' W. 170.9 feet to an iron pin in the Southwest line of the said 1.476 acre tract, for the West corner of this tract;

THENCE with the Northwest line of the said 1.476 acre tract, N 47 deg. 09' E. 133.0 feet to the Place of Beginning.

## Exhibit "B"

Being 0.546 of an acre of land, more or less, out of the Maria Aspcra Survey No. 3, Abstract No. 5, in Comal County, Texas, being a part of the Mack C. Milner 249.9 acre tract conveyed by Walter Jones by Deed dated September 8, 1948, recorded in Volume 89, Pages 634-635, of the Deed Records of Comal County, Texas, and described more particularly by metes and bounds as follows:

FROM an iron pin in the southwest line of F.M. Road 306, set for the northeast corner of the Joan Holden 0.149 acre tract conveyed by Mack Milner, the northwest corner of the Mack C. Milner 1.474 acre tract;

THENCE with the southwest line of said F.M. Road 306, S. 51 deg. 06' E. 74.9 feet to the P.C. of a circular curve;

THENCE continuing with the southwest line of F.M. Road 306, in a curve to the left concentric with and 60 feet from the center line of the said F.M. Road 306, having a radius of 1206.3 feet (Chord S. 40 deg. 45' E. 266.4 feet) a distance of 266.8 feet to an iron pin set for the northeast corner of the said Mack C. Milner 1.474 acre tract and for the northwest corner and POINT OF BEGINNING of the herein conveyed 0.546 of an acre tract;

THENCE continuing with the southwest line of the said F.M. Road 306 in the said circular curve to the left having a radius of 1206.3 feet (Chord S. 69 deg. 44' E. 121.8 feet) a distance of 121.9 feet to a concrete monument set for the northwest corner of a flare corner;

THENCE with the flare corner S. 20 deg. 09' E. 42.2 feet and S. 73 deg. 27' E. 8.3 feet to a concrete monument set in the point of intersection of the southwest line of F.M. Road 306 with the west line of the lower access United States of America R.O.W. to Canyon Dam;

THENCE with the west line of the said United States of America R.O.W., S. 17 deg. 00' W. 91.9 feet to an iron pin set for the northeast corner of the David Bacot tract and for the southeast corner of this tract;

THENCE with the north line of said David Bacot tract, S. 89 deg. 24' N. 175.4 feet to an iron pin set for the southeast corner of the aforesaid Mack C. Milner 1.474 acre tract and for the southwest corner of this tract;

THENCE N. 19 deg. 19' E. 181.7 feet to the PLACE OF BEGINNING.

## Exhibit "C"

Being 0.740 of an acre of land out of the Maria Ampora Survey No. 3, Comal County, Texas, being a part of the Mack C. Milner 249.9 acre tract conveyed by Walter Jonas by deed dated September 8, 1949 and recorded in Volume 89 at pages 634-636 of the Deed Records of Comal County, Texas and described more particularly by metes and bounds as follows:

FROM an iron pin in the Southwest line of F. M. Road 306, set for the Northeast corner of the Joan Holden 0.149 acre tract conveyed by Mack Milner, the Northwest corner of the Mack C. Milner 0.734 acre tract, THENCE with the Southwest line of the said F. M. Road 306, S. 51° 06' E, 74.9 feet to the P.C. of a circular curve, THENCE continuing with the Southwest line of F. M. Road 306 in a curve to the left concentric with and 60 feet from the center line of the said F. M. Road 306, having a radius of 1706.3 feet a distance of 116.8 feet to an iron pin set for the Northeast corner of the said Mack C. Milner 0.734 acre tract and for the Northwest corner and POINT OF BEGINNING of the herein conveyed 0.740 of an acre tract;

THENCE continuing with the Southwest line of the said F. M. Road 306 in the said circular curve to the left having a radius of 1706.3 feet (Chord S. 63° 32' E. 149.8 feet) a distance of 150.0 feet to an iron pin set for the Northwest corner of the Omar Smith 0.546 of an acre tract conveyed by Mack C. Milner and for the Northeast corner of this tract;

THENCE with the West line of the Omar Smith 0.546 of an acre tract S. 19° 19' W. 181.7 feet to an iron pin in the North line of the David Bacot tract, set for the Southwest corner of the said Omar Smith tract and for the Southeast corner of this tract;

THENCE with the North line of the said David Bacot tract N. 73° 23' W. 109.2 feet and N. 44° 33' W. 90.0 feet to an iron pin set for the Southeast corner of the afore said Mack C. Milner 0.734 of an acre tract and for the Southwest corner of this tract;

THENCE with the West line of this tract N. 33° 17' E. 170.9 feet to the place of beginning.

After Recording Return To:  
Bradley K. Rathburn  
521 Rosebranch Drive  
LaVerne, Texas 78121

Filed and Recorded  
Official Public Records  
Joy Streater, County Clerk  
Comal County, Texas  
12/05/2007 11:08:41 AM  
332 DO CASH/60  
203706849127



*Joy Streater*

**RECEIVED**

By Brenda Ritzen at 12:50 pm, Oct 01, 2018

DOC# 460266

**Deed use to exempt property  
from current min. lot size**

STC#94802203kg

**RATIFICATION OF AGREEMENT RESCINDING USE RESTRICTIONS  
ON REAL PROPERTY**

That on or about the 18th day of May, 1981, **OMAR SMITH ENTERPRISES, INC.** a Texas Corporation, acquired a 0.546 acre tract of land as more particularly described in a Deed recorded in Volume 312, page 434-436, Deed Records of Comal County, Texas, reference to which is here made for all purposes; and

Said 0.546 acre tract of land is contiguous to a 1.474 acre tract of land described in a Deed dated February 28, 1964, and recorded in Volume 153, pages 117-118, Deed Records of Comal County, Texas; and

Said 1.474 acre tract was subject to the following use restriction as recited in said Deed dated February 28, 1964, and recorded in Volume 153, pages 117-118, Deed Records of Comal County, Texas:

"This conveyance is made expressly subject to the restrictions and limitations that the above described property shall never be used for "on the premises" consumption of beer or alcohol, beverages of any kind in connection with a place of business nor shall the property be used for the operation of any dancehall, lounge, tavern, bar or any other similar establishment and such property shall never be leased or sublet for any of these purposes mentioned above, and further such covenant shall be binding on this Grantee as well as his heirs, assigns and legal representatives, and such covenant shall be considered to be running with the land"; and

That the undersigned is aware of a desire on the part of the owner of a portion of said 1.474 acre tract to rescind the above use restrictions as well as to notify contiguous property owners of this action and to obtain their ratification. Such ratification may not be legally necessary to abolish said use restrictions but nevertheless is being executed merely as a formality;

THEREFORE, PREMISES CONSIDERED, the undersigned in

**RECEIVED**

By Brenda Ritzen at 12:50 pm, Oct 01, 2018

DOC# 460266

consideration for formal notification of the abolishment of the  
aforementioned use restriction does hereby ratify and confirm the  
AGREEMENT RESCINDING USE RESTRICTIONS ON REAL PROPERTY dated the  
25 day of January, 1994~~5~~ and recorded under Clerk's File  
Number \_\_\_\_\_, Official Public Records of Real Property of  
Comal County, Texas. This ratification is binding upon the  
undersigned their successors, heirs or assigns.

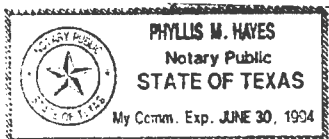
DATED this 19<sup>th</sup> day of December, 1994.

OMAR SMITH ENTERPRISES, INC. a  
Texas Corporation

BY: *Terry O. Smith*  
PRESIDENT  
Its: President

STATE OF TEXAS §  
COUNTY OF ~~COMAL~~ BRAZOS §

This instrument was acknowledged before me on this the 19<sup>th</sup>  
day of December, 1994, by TERRY O. SMITH, President of  
OMAR SMITH ENTERPRISES, INC., a Texas Corporation, for and on  
behalf of said corporation.



*Phyllis M. Hayes*  
Notary Public in and for the State  
of Texas.

226.work

Doc# : 460266  
# Pages: 2  
Date : 03-03-1995  
Time : 11:19:16 A.M.  
Filed & Recorded in  
Official Records  
of COMAL County, TX.  
JOY STREATER  
COUNTY CLERK  
Rec. \$ 11.00

DOC# 460266





Being 0.546 of an acre of land, more or less, out of the Maria Ampora Survey No. 3, Abstract No. 5, in Comal County, Texas, being a part of the Mack C. Milner 249.9 acre tract conveyed by Walter Jonas by Deed dated September 8, 1948, recorded in Volume 89, Pages 634-636, of the Deed Records of Comal County, Texas, and described more particularly by metes and bounds as follows:

FROM an iron pin in the southwest line of F.M. Road 306, set for the northeast corner of the Joan Holden 0.149 acre tract conveyed by Mack Milner, the northwest corner of the Mack C. Milner 1.474 acre tract;

THENCE with the southwest line of said F.M. Road 306, S. 51 deg. 06' E. 74.9 feet to the P.C. of a circular curve;

THENCE continuing with the southwest line of F.M. Road 306, in a curve to the left concentric with and 60 feet from the center line of the said F.M. Road 306, having a radius of 1206.3 feet (Chord S. 60 deg. 45' E. 266.4 feet) a distance of 266.8 feet to an iron pin set for the northeast corner of the said Mack C. Milner 1.474 acre tract and for the northwest corner and POINT OF BEGINNING of the herein conveyed 0.546 of an acre tract;

THENCE continuing with the southwest line of the said F.M. Road 306 in the said circular curve to the left having a radius of 1206.3 feet (Chord S. 69 deg. 44' E. 121.8 feet) a distance of 121.9 feet to a concrete monument set for the northwest corner of a flare corner;

THENCE with the flare corner S. 28 deg. 09' E. 42.2 feet and S. 73 deg. 27' E. 8.3 feet to a concrete monument set in the point of intersection of the southwest line of F.M. Road 306 with the west line of the lower access United States of America R.O.W. to Canyon Dam;

THENCE with the west line of the said United States of America R.O.W., S. 17 deg. 00' W. 91.9 feet to an iron pin set for the northeast corner of the David Bacot tract and for the southeast corner of this tract;

THENCE with the north line of said David Bacot tract, S. 89 deg. 24' W. 175.4 feet to an iron pin set for the southeast corner of the aforesaid Mack C. Milner 1.474 acre tract and for the southwest corner of this tract;

THENCE N. 19 deg. 19' E. 181.7 feet to the PLACE OF BEGINNING.

DOC# 462328

Exhibit "A"

Doc# : 462328  
# Pages: 3  
Date : 03-23-1995  
Time : 02:01:13 P.M.  
Filed & Recorded in  
Official Records  
of COMAL County, TX.  
JOY STREATER  
COUNTY CLERK  
Rec. \$ 13.00



**From:** Ritzen, Brenda  
**To:** ["marinez196836@yahoo.com"](mailto:marinez196836@yahoo.com)  
**Cc:** ["doug dowlearn"](#)  
**Subject:** Permit 108159  
**Date:** Thursday, September 27, 2018 4:13:00 PM

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Re: Jose G. & Marcelina Martinez  
.55 acre, 14501 FM 306  
Application for Permit for Authorization to Construct an On-Site Sewage Facility

Property owner & agent,

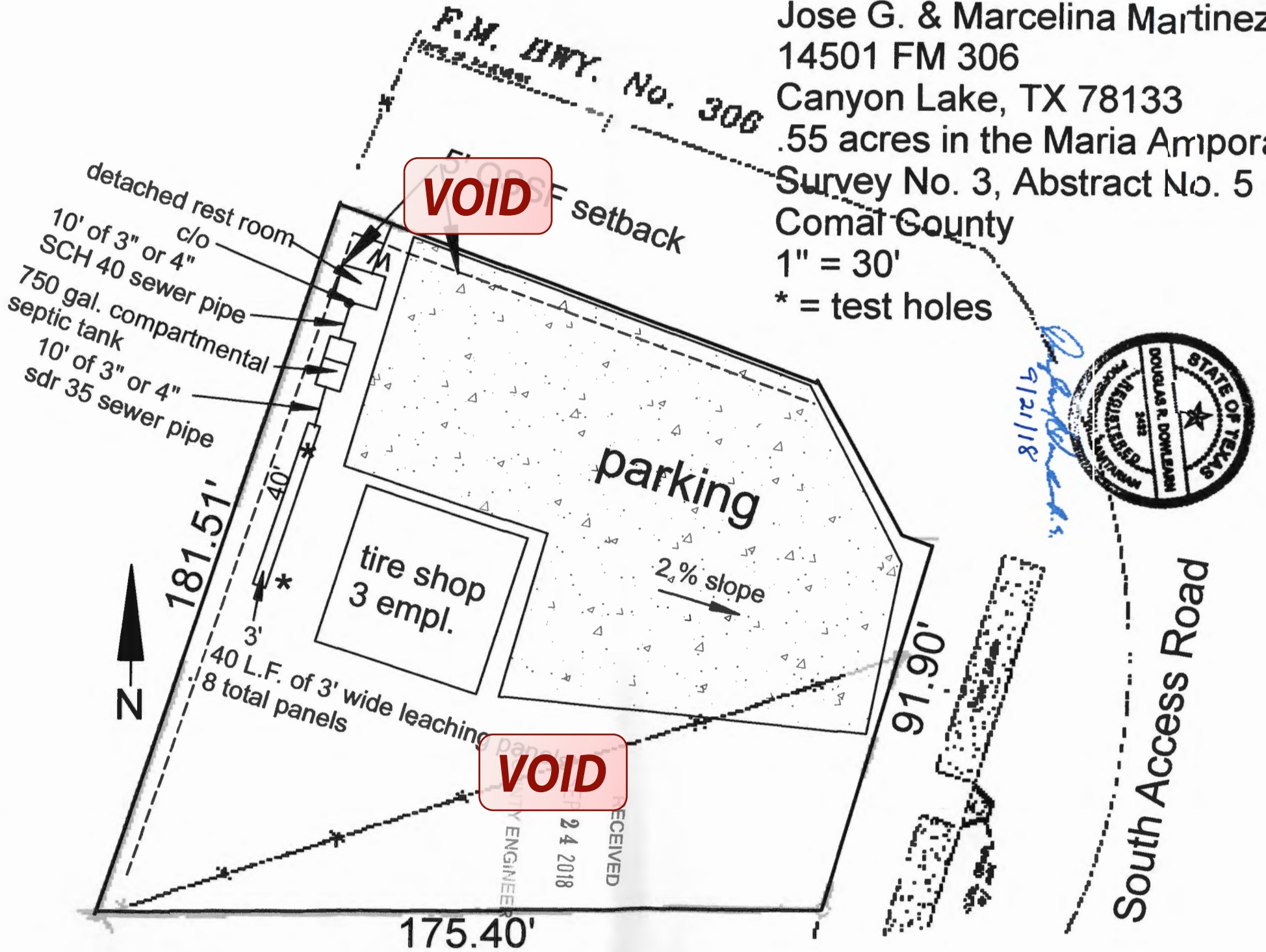
The following information is needed before I can continue processing the reference permit submittal:

-  This property does not meet the minimum lot size requirements in accordance with the Comal County Rules for On-Site Sewage Facilities. A minimum of 1 acre is required for lots supplied by a public water system.
-  Show reserve area for the doubling of the treatment and disposal areas.
- 3. Revise as needed and resubmit.

Thank you,

Brenda Ritzen, OS0007722  
Environmental Health Coordinator  
Comal County Engineers Office  
195 David Jonas Drive  
New Braunfels, Texas 78132  
830-608-2090  
[www.cceo.org](http://www.cceo.org)

Jose G. & Marcelina Martinez  
14501 FM 306  
Canyon Lake, TX 78133  
.55 acres in the Maria Ampora  
Survey No. 3, Abstract No. 5  
Comal County  
1" = 30'  
\* = test holes



*9/21/18*

**VOID**

**VOID**

**VOID**

RECEIVED  
24 2018  
ENGINEER