



NOTICE OF MEETING OF THE GOVERNING BODY OF THE CITY OF BURNET

Notice is hereby given that a **Regular Council Meeting** will be held by the governing body of the above named City on the **13th day of November, 2018** at **6:00 p.m.** in the Council Chambers, Burnet Municipal Airport, 2402 S. Water, Burnet, at which time the following subjects will be discussed, to-wit:

This notice is posted pursuant to the Texas Government Code, Chapter §551-Open Meetings.

CALL TO ORDER:

INVOCATION:

PLEDGE OF ALLEGIANCE:

PLEDGE TO TEXAS FLAG:

1. PUBLIC RECOGNITION/SPECIAL REPORTS: None.

2. CONSENT AGENDA ITEMS:

(All of the following items on the Consent Agenda are considered to be self-explanatory by the Council and will be enacted with one motion. There will be no separate discussion of these items unless a Council Member, staff member or citizen requests removal of the item from the consent agenda for the purpose of discussion. For removal of an item, a request must be made to the Council when the Consent Agenda is opened for Council Action.)

2.1) Approval of the October 23, 2018 Regular Council Meeting minutes

3. PUBLIC HEARINGS:

3.1) Public Hearing: The City Council of the City of Burnet will conduct a public hearing regarding the request to rezone Lot 8-A (0.29-acres); Lot 9-A (0.21-Acres) and Lot 10-A (0.26-acrea) ;John Hamilton Survey No. 1, which are further described as being located in the 1200 block of Buchanan Drive, from their present zoning designation of Single Family Residential – District R-1, to a designation of Townhomes – District r-2A: M. Lewis

4. ACTION ITEMS:

4.1) Discuss and consider action: A RESOLUTION BY THE CITY OF BURNET, TEXAS DESIGNATING CERTAIN CITY OFFICIALS TO SIGN CHECKS AND OTHER DISBURSEMENTS FOR ANY AUTHORIZED DEPOSITORY OF THE CITY OF BURNET, TEXAS: P. Langford

4.2) Discuss and consider action: Authorize staff to enter into a vendor agreement with Opportunities for Williamson and Burnet Counties (formerly WBCO) for the purpose of a Comprehensive Energy Assistance Program: P. Langford

4.3) Discuss and consider action: Authorize the purchase of new vehicles and equipment for the Public Works Department: G. Courtney

4.4) Discuss and consider action: Engineering of proposed waterline loop for 281 South area: D. Vaughn

4.5) Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, ABANDONING A 1.00 ACRE PORTION OF SPICEWOOD DRIVE, A PUBLIC RIGHT-OF-WAY, DESCRIBED BY THE BURNET COUNTY APPRAISAL DISTRICT AS WOODLANDS LOT, SEC 2 AND BEING ALL OF THAT CERTAIN 0.97 ACRE TRACT OF LAND CONVEYED TO THE CITY OF BURNET, TEXAS IN DOCUMENT NO. 201806716 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS AND A 0.03 ACRE PORTION OF THAT CERTAIN 0.09 ACRE TRACT OF LAND CONVEYED TO THE CITY OF BURNET, TEXAS IN DOCUMENT NO. 201806715 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS; DIRECTING THE CITY MANAGER TO EXECUTE AND CAUSE TO BE FILED IN THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, A DEED GRANTING OWNERSHIP OF SAID RIGHT-OF-WAY TO DILLARD DEVELOPMENT AND CONSULTING LLC; ACCEPTING DEDICATION FROM DILLARD DEVELOPMENT AND CONSULTING LLC 1.07 ACRES OF LAND FOR THE PURPOSE OF ESTABLISHING AN ALTERNATE ALIGNMENT FOR SPICEWOOD DRIVE; AND DIRECTING THE CITY MANAGER TO EXECUTE AND CAUSE TO BE RECORDED THE OFFICIAL RECORDS OF BURNET COUNTY, TEXAS, A DEED TRANSFERING OWNERSHIP OF DEDICATING THAT SAME 1.07 ACRES TO THE CITY OF BURNET FOR USE AS PUBLIC RIGHT-OF-WAY: M. Lewis

4.6) Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, ABANDONING A 0.04 ACRE PORTION OF SPICEWOOD DRIVE, A PUBLIC RIGHT-OF-WAY, DESCRIBED AS BEING OUT OF THAT CERTAIN 0.90 ACRE TRACT OF LAND CONVEYED TO THE CITY OF BURNET, TEXAS IN DOCUMENT NO. 201806715 OF THE OFFICIAL PUBLIC RECORDS OF THE BURNET COUNTY, TEXAS; DIRECTING THE CITY MANAGER TO EXECUTE AND CAUSE TO BE FILED IN THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, A DEED GRANTING OWNERSHIP OF SAID RIGHT-OF-WAY TO STEHLING WAYS AND MEANS, INC. M. Lewis

4.7) Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, ABANDONING THAT 0.343-ACRE, PERMANENT PUBLIC UTILITY EASEMENT AND 0.80-ACRE, TEMPORARY CONSTRUCTION EASEMENT DESCRIBED IN A DEED RECORDED IN VOL. 644, PAGE 190, OF THE REAL PROPERTY RECORDS OF BURNET COUNTY, TEXAS AND FURTHER DESCRIBED AS BEING LOCATED ON THAT 20.84-ACRE TRACT CONVEYED TO DILLARD DEVELOPMENT AND CONSULTING LLC BY STEHLING DEVELOPMENT LLC; AND DIRECTING THE CITY MANAGER TO EXECUTE AND CAUSE TO BE RECORDED THE OFFICIAL RECORDS OF BURNET COUNTY, TEXAS, AN INSTRUMENT ABANDONING SAID PERMANENT PUBLIC UTILITY AND TEMPORARY CONSTRUCTION EASEMENTS. M. Lewis

4.8) Discuss and consider action: FIRST READING OF AN ORDINANCE AMENDING ORDINANCE NO. 2012-06 BY ASSIGNING TOWNHOMES – DISTRICT R-2A TO LOTS 8-A (0.29-ACRES); 9-A (0.21-ACRES) AND 10-A (0.26-ACRES); JOHN HAMILTON SURVEY NO. 1, WHICH ARE FURTHER DESCRIBED AS BEING LOCATED IN THE 1200 BLOCK OF BUCHANAN DRIVE; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: M. Lewis

5. REPORTS: None.

5.1) Addendum to the City Council Agenda: Department and Committee Reports/Briefings: The City Council may or may not receive a briefing dependent upon activity or change in status regarding the matter. The listing is provided to give notice to the public that a briefing to the Council on any or all subjects may occur.

6. REQUESTS FROM COUNCIL FOR FUTURE REPORTS:

7. ADJOURN:

Dated this 8th day, of November, 2018

CITY OF BURNET

CRISTA GOBLE BROMLEY, MAYOR

I, the undersigned authority, do hereby certify that the above NOTICE OF MEETING of the governing body of the above named City, BURNET, is a true and correct copy of said NOTICE and that I posted a true and correct copy of said NOTICE on the bulletin board, in the City Hall of said City, BURNET, TEXAS, a place convenient and readily accessible to the general public at all times, and said NOTICE was posted on November 8, 2018, at or before 6 o'clock p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of said Meeting.

Kelly Dix, City Secretary

NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS:

The City Council Chamber is wheelchair accessible. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services, such as interpreters for persons who are deaf or hearing impaired, readers, or large print, are requested to contact the City Secretary's office (512.756.6093) at least two working days prior to the meeting. Requests for information may be faxed to the City Secretary at 512.756.8560.

RIGHT TO ENTER INTO EXECUTIVE SESSION:

The City Council for the City of Burnet reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.087 (Economic Development).

STATE OF TEXAS {}
COUNTY OF BURNET {}
CITY OF BURNET {}

On this the 23rd day of October, 2018, the City Council of the City of Burnet convened in Regular Session, at 6:00 p.m., at the Burnet Community Center, 401 East Jackson Street, Burnet ,with the following members present, to-wit:

Mayor Crista Goble Bromley
Council Members Paul Farmer, Tres Clinton, Mary Jane Shanes, Danny Lester, Cindia Talamantez,
Absent Joyce Laudenschlager
City Manager David Vaughn
Deputy City Secretary Evan Milliorn

Guests: Mark Lewis, Gene Courtney, Mark Ingram, Patricia Langford, Paul Nelson, Alan Burdell, Jonny Simons, Doug Fipps, Adrienne Feild, Craig Lindholm, Christine Cummings, Bettye Foulds, Kayla Schrieber, Wade Langley, Mark Lunsford, Leslie Baugh

CALL TO ORDER: The meeting was called to order by Mayor Bromley, at 6:00 p.m.

INVOCATION: Council Member Mary Jane Shanes

PLEDGE OF ALLEGIANCE: Council Member Paul Famer

PLEDGE TO TEXAS FLAG: Council Member Paul Farmer

PUBLIC RECOGNITION/SPECIAL REPORTS:

Community Action, Inc. of Central Texas-Adult Education: Kayla Schrieber: Ms. Schrieber addressed all present and informed them the mission of the Community Action, Inc. of Central Texas is to provide adult education, to include GED preparation and testing and English as a second language classes to citizens in the community.

Chamber of Commerce Report: Mark Lunsford reviewed the recent Chamber of Commerce election of Board Members as follows:

New board members:

Richard Hausman (Chicken Express)
Bill Drake (Boys & Girls Club) - *Re-elected*
Ben Farmer (F&H Construction) - *Re-elected*
Mark Lunsford (Lunsford Insurance) - *Re-elected*

Executive Officers:

President - Mark Lunsford
1st Vice President -April Gordon
2nd Vice President - Wade Langley
Secretary - Sherri Wisener
Treasurer - Damon Beierle

The Chamber is busy finalizing plans for annual Christmas on the Square event.

Proclamation: Red Ribbon Week: Mayor Bromley: Mayor Bromley presented a proclamation declaring the week of October 23rd to October 31st Red Ribbon Week Nationally and reminding all that the Burnet Consolidated Independent School District (BCISD) honors the National Red Ribbon Week by encouraging students and their families to commit to a healthy drug-free life style in the City of Burnet. The Proclamation was received by Jeani Nelson, Elementary School Teacher, and BCISD.

CONSENT AGENDA ITEMS:

(All of the following items on the Consent Agenda are considered to be self-explanatory by the Council and will be enacted with one motion. There will be no separate discussion of these items unless a Council Member, staff member or citizen requests removal of the item from the consent agenda for the purpose of discussion. For removal of an item, a request must be made to the Council when the Consent Agenda is opened for Council Action.)

Approval of the September 25th, 2018 Regular Council Meeting minutes

Council Member Mary Jane Shanes moved to approve the consent agenda as presented. Council Member Tres Clinton seconded, the motion carried unanimously.

PUBLIC HEARINGS: None.

ACTION ITEMS:

Discuss and consider action: Authorization the approval to purchase one (1) 2019 Chevy Tahoe for the Police Department: P. Nelson: Council Member Tres Clinton made a motion to approve and authorize the purchase one (1) 2019 Chevy Tahoe for the Police Department as presented. Council Member Mary Jane Shanes seconded, the motion carried unanimously.

Discuss and consider action: Project F Change Order #3 with Texas Pride Utilities for installation of 4 manholes and 30 additional days: A. Burdell: Council Member Danny Lester made a motion to approve Change Order #3 for Project F with Texas Pride Utilities for installation of 4 manholes and 45 additional days as presented. Mayor Bromley seconded, the motion carried unanimously.

Discuss and consider action: Authorize the purchase of Tyler Mobile CAD System for Police and FIRE/EMS: P. Nelson: Council Member Paul Farmer made a motion to authorize and approve the purchase of Tyler Mobile CAD System for the Police and FIRE/EMS departments. Council Member Danny Lester seconded, the motion carried unanimously.

Discuss and consider action: A contract with Austin Turf and Tractor for equipment purchases for Delaware Springs Golf Course: D. Fipps: Council Member Mary Jane Shanes made a motion to approve a contract with Austin Turf and Tractor for equipment purchases for Delaware Springs Golf Course as presented. Council Member Danny Lester seconded, the motion carried unanimously.

Discuss and consider action: Authorization to add a Building Inspector/Official position: D. Vaughn: Council Member Mary Jane Shanes made a motion to authorize the addition of a Building Inspector/Official Position. Council Member Paul Farmer seconded, the motion carried unanimously.

Discuss and consider action: Engineering of proposed water line loop for 281South area: D. Vaughn: Council Member Danny Lester made a motion to request staff to bring a revised engineering contract back to Council to include continuation of the water line to the Burnet County Jail. Council Member Paul Farmer seconded, the motion carried unanimously.

REPORTS: None.

Addendum to the City Council Agenda: Department and Committee Reports/Briefings: The City Council may or may not receive a briefing dependent upon activity or change in status regarding the matter. The listing is provided to give notice to the public that a briefing to the Council on any or all subjects may occur.

EXECUTIVE SESSION: No action taken.

Executive Session: The City of Burnet City Council shall meet in Executive Session in accordance to the provision of the Open Meetings Act, Texas Government Code, Chapter 551, and Sub-section 551.072 deliberations regarding real property: D. Vaughn

RECONVENE TO REGULAR SESSION FOR POSSIBLE ACTION: No action taken.

Discuss and consider action: An agreement for the acquisition of real property between the City of

Burnet Texas, a Texas and James and Suzanne Wukasch: D. Vaughn: Evan Milliorn updated the Council on the terms of the proposed agreement. No action taken.

REQUESTS FROM COUNCIL FOR FUTURE REPORTS: None.

ADJOURN: There being no further business a motion to adjourn was made by Council Member Mary Jane Shanes at 7:42 p.m., seconded by Council Member Paul Farmer. The motion carried unanimously.

ATTEST:

Crista Goble Bromley, Mayor

Kelly Dix, City Secretary



Development Services

ITEM 3.1

Mark S. Lewis
Development Services Director
(512)-715-3215
mlewis@cityofburnet.com

Agenda Item Brief

Meeting Date: November 13, 2018

Agenda Item: Public Hearing: The City Council of the City of Burnet will conduct a public hearing regarding the request to rezone Lot 8-A (0.29-acres); Lot 9-A (0.21-Acres) and Lot 10-A (0.26-acrea) ;John Hamilton Survey No. 1, which are further described as being located in the 1200 block of Buchanan Drive, from their present zoning designation of Single Family Residential – District R-1, to a designation of Townhomes – District r-2A: M. Lewis

Background: This item is for consideration of rezoning three tracts of land located in the 1200 Block of Buchanan Drive (See Exhibit A). The tracts are currently undeveloped and zoned Single Family Residential – District R-1 (See Exhibit A). The property owner submitted a request to have the tracts rezoned to a designation of Townhomes – District R-2A.

The Planning and Zoning Commission considered this rezone request in an October 17, 2018 Public Hearing.

No speakers addressed the Commission during the Public Hearing.

Following the public hearing, the Planning and Zoning Commission, by unanimous vote of members present, recommended that the requested zone change be approved.

Information: Townhomes – District R-2A is governed by Sec. 118-28 of the Code of Ordinances and allows two, three or four unit townhomes with a minimum of 900-SF per unit of living area on a minimum lot size of 4,500-SF per unit. The applicant's stated reason for requesting the zone change is to allow utilization of the property for the type of mid-density residential development the R-2A district was established to support.

When acting on a zone change request, the usual factors considered include consistency with the Future Land Use Plan

(FLUP) and existing patterns of development. The zoning requested for this property is not consistent with the FLUP recommendation for this area (See Exhibit B).

In evaluating consistency, it is critical to remember that the FLUP is not a zoning map. The plan is intended to establish a general development pattern. An area of land use designated by a FLUP should never be interpreted as having hard geographic boundaries.

Additionally, there are circumstances, in which a proposed zone change calls for a closer analysis of overall Comprehensive Plan intent. This is one of those cases.

Chapter 1 of the City's Comprehensive Development Plan includes the following statements:

The [Comprehensive Development] Plan... provides general policy guidelines and principles for achieving physical development goals.

"General" means that identified specific action and strategies addressed in the Plan may be delayed, altered or changed as unforeseen developments occur.

[The Comprehensive Plan] constitutes a beginning of the planning process, not an end to it. Periodic evaluations of change in the community and its impact must be undertaken if the local government intends to fully honor its commitment to protect the community.

Chapter 4 of the Plan notes the following regarding the function of the Future Land Use Plan:

The Plan should recognize the need for diversity of types of development.

The Plan should minimize conflicts among various types of activities

The Plan should enhance the development quality of the community.

The evaluation tools listed above are applicable to this request as follows.

- FLUP assumptions along Buchanan Drive are generally correct and should be supported; but
- The FLUP only establishes patterns of development.
- Local conditions and development patterns in the surrounding area call into question the FLUP assumptions as they apply to the specific lots under consideration.
 - Lots are fairly small.
 - Lots are embedded in a stable & well established residential neighborhood.
 - Mid-density residential development located at the Post Mountain intersection would accomplish the following:
 - Compatibility with abutting residential neighborhood.
 - Buffer the existing neighborhood from higher intensity commercial uses.
 - Provide diversity in types of housing stock.
 - Provide for a level of land use that does not underutilize highway frontage.

In summary, approval of the requested zone change would:

- Be based on a rational evaluation of existing and desired land use in the subject area.
- Prevent the land use conflicts that can result when small tract residential and commercial land uses abut.
- Provide housing diversity in a manner consistent with the planning principles established by the City's Comprehensive Development Plan.

Recommendation: Not applicable to public hearing.

Exhibit "A"
Property Location & Zoning

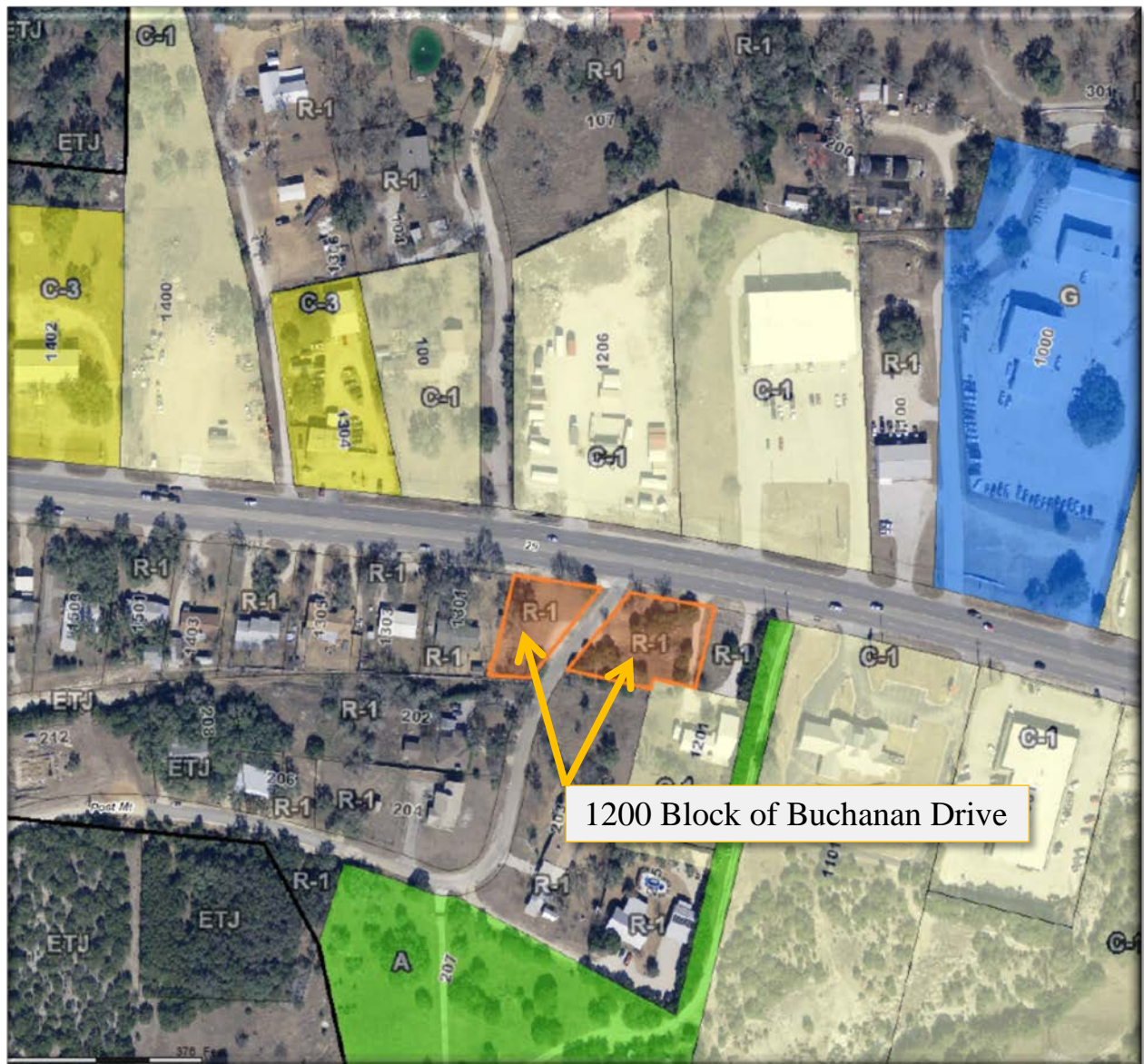
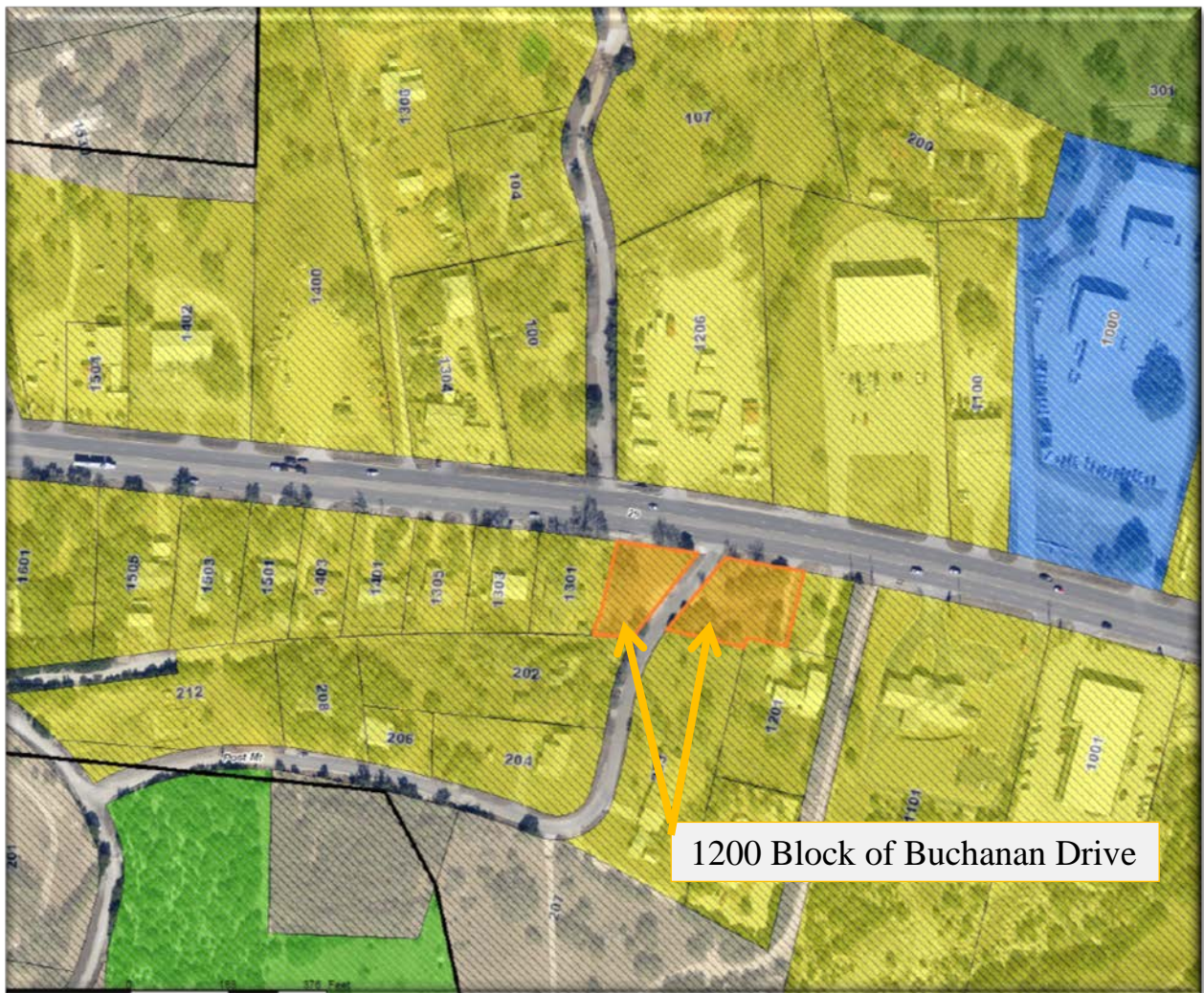


Exhibit B
Future Land Use Plan



Commercial



Government



Residential



Finance

ITEM 4.1

Patricia Langford
Director of Finance
(512) 715-3205
plangford@cityofburnet.com

Agenda Item Brief

Meeting Date:	November 13, 2018
Agenda Item:	Discuss and consider action: A RESOLUTION BY THE CITY OF BURNET, TEXAS DESIGNATING CERTAIN CITY OFFICIALS TO SIGN CHECKS AND OTHER DISBURSEMENTS FOR ANY AUTHORIZED DEPOSITORY OF THE CITY OF BURNET, TEXAS: P. Langford
Background:	The City Charter states, the following, "All checks, vouchers, or warrants for the withdrawal of money from the City depositories shall be signed by two City officials as designated by the City Council".
Information:	In associating with adopting new financial policies, staff is requesting adoption of the attached resolution to ensure compliance with the City Charter.
Fiscal Impact:	None.
Recommendation:	Approve and adopt Resolution No. R2018-25 as presented

RESOLUTION NO. R2018-25

A RESOLUTION BY THE CITY OF BURNET, TEXAS DESIGNATING CERTAIN CITY OFFICIALS TO SIGN CHECKS AND OTHER DISBURSEMENTS FOR ANY AUTHORIZED DEPOSITORY OF THE CITY OF BURNET, TEXAS.

Whereas, the City of Burnet, Texas (the "City") is a home rule municipality acting under its charter adopted by City Council and pursuant to Article XL, Section 5, of the Texas Constitution and Chapter 9 of the Local government Code; and

Whereas, Section 7.11 of the City Charter requires depositories shall be signed by two City officials as designated by City Council; and

Whereas, the City Council desires to designate officials to serve as signatories for all authorized depositories of the City.

NOW, THEREFORE, BE IT RESOLVED BY CITY COUNCIL OF THE CITY OF BURNET, TEXAS, THAT:

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby resolved by the City Council of the City of Burnet, Texas (the "City Council") and made a part hereof for all purposes as findings of fact.

Section 2. Proceedings. The City Council hereby designates the following individuals as City Officials for the limited purposes of this Resolution and authorizes the individuals listed herein to execute checks, vouchers, warrants, drafts, or other instruments for withdrawal of municipal funds in accordance with Section 7.11 of the City Charter. Such authorized officials of the City, shall be: Crista Goble Bromley, Mayor; David Vaughn, City Manager; Paul Nelson, Police Chief and Acting City Manager; Patricia Langford, Director of Finance; Mark Ingram, Fire Chief; Gene Courtney, Director of Public Works; Douglas Fipps, Director of Golf; and Wallis Meshier, Director of Development Services, which authorization shall apply to all depository accounts of the City, including, current and future depository accounts deemed necessary by the City Manager to conduct the business of the City.

Douglas Fipps, Director of Golf, shall be authorized to execute checks for withdrawal of municipal funds for bank account number 2329 titled Delaware Springs Petty Cash.

Section 3. Open Meetings. It is hereby officially found and determined that the meeting at which this resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code*.

PASSED AND APPROVED this the 13th day of November, 2018.

CITY OF BURNET, TEXAS

ATTEST:

Crista Goble Bromley, Mayor

Kelly Dix, City Secretary



Finance Department

ITEM 4.2

Patricia Langford
Director of Finance
(512)-715-3205
plangford@cityofburnet.com

Agenda Item Brief

Meeting Date:	November 13, 2018
Agenda Item:	Discuss and consider action: Authorize staff to enter into a vendor agreement with Opportunities for Williamson and Burnet Counties (formerly WBCO) for the purpose of a Comprehensive Energy Assistance Program: P. Langford
Background:	<p>Opportunities for Williamson and Burnet Counties provides energy assistance to low-income qualified clients through the Comprehensive Energy Assistance Program (CEAP) that is funded by the Low-Income Home Energy Assistance Program.</p> <p>City of Burnet residents who qualify for low income assistance can apply with Opportunities for Williamson and Burnet Counties for a grant to assist them with payment of their energy bill.</p>
Information:	The contract with Opportunities for Williamson and Burnet Counties is renewed every two years. There have been no significant changes to the contract since the last renewal.
Fiscal Impact:	Burnet residents have received 326 payments totaling \$38,060.95 in assistance grants from Opportunities for Williamson and Burnet Counties from January 2018 through October 2018.
Recommendation:	Staff recommends approval of the vendor agreement with Opportunities for Williamson and Burnet Counties for the Comprehensive Energy Assistance Program to assist City of Burnet residents.

VENDOR AGREEMENT

COMPREHENSIVE ENERGY ASSISTANCE PROGRAM

The purpose of the Comprehensive Energy Assistance Program ("CEAP") funded from the Low-Income Home Energy Assistance Program ("LIHEAP") grant is to maintain an energy supply to heat and cool the residences of eligible low-income clients.

The Energy Services provider, (or "Vendor,") agrees to honor the purpose of the CEAP grant and to accept pledges of payment from CEAP agencies only for certified customers to whom Vendor continues to provide energy services. The Energy Assistance Provider, (or "Agency",) agrees to make payments only for eligible low-income clients.

This vendor agreement is by and between:

Opportunities for Williamson & Burnet Counties and

City of Burnet

(Vendor)

Vendor and Agency agree to assist customers in the following counties: Williamson and Burnet

This agreement shall be effective from the 26th day of October 2018 for a period not to exceed two years from the effective date. Either party may terminate this agreement by written notice. Such written notice of termination shall not affect any obligation by either party incurred prior to the receipt of such notice. Notice shall be sent via certified mail with return receipt requested.

City of Burnet

(Vendor Name)

P.O. Box 1369

Burnet, TX 78611

Vendor Mailing Address)

Opportunities for Williamson & Burnet Counties

(Agency Name)

604 High Tech Drive, Georgetown, Texas 78626

(Agency Mailing Address)

The Agency named above represents and warrants to Vendor that it is a subrecipient of the Texas Department of Housing and Community Affairs ("TDHCA") and as such is authorized and has received funding from the TDHCA to provide bill payment assistance service for eligible low-income households.

The Vendor named above represents and warrants that it will apply any payments received from Agency to the account of the customer that the Agency has determined to be eligible under the CEAP guidelines and such is a "Certified Customer".

Vendor will, with reference to a Certified Customer:

- Extend the CEAP applicant's energy service for up to five business days while the Agency determines whether the CEAP applicant is eligible pursuant to the CEAP guidelines.
- Upon accepting pledge from Agency for Certified Customer, continue or restore energy service to Certified Customer with no increases in charges, service charges or other charges affecting the total cost of the bill, except as allowed by the stated tariff cost registered with the Public Utility Commission "PUC" and/or Texas Railroad Commission.
- In the event the full past due balance is not paid by the Agency, the Certified Customer must pay the remaining balance on or before the disconnect date stated in the customer's Disconnect Notice required by PUC regulations in order to avoid disconnection or be eligible for reconnection. Nothing in this agreement requires the Vendor to reconnect the customer upon receipt of a pledge that does not cover the full past due balance or if the customer has already been disconnected by the time the pledge is received by the Vendor.
- Invoice the Certified Customer in accordance with Vendor's normal billing practices.
- Upon verbal or written request from Agency, provide at no cost to the Agency the Certified Customer's billing and usage history for previous twelve months, or available history plus monthly estimates if less than twelve months of billing history and usage is available. Vendor will transmit such billing history via electronic mail or facsimile as soon as possible, but no later than forty-eight hours following the request.
- Work with Agency and Certified Customer to explore the feasibility of offering flexible payment arrangements that may include, without limitation, waiving security deposits, reconnect fees, application fees, and all other fees whenever possible.
- Not discriminate against Certified Customer in price or services, including the availability of deferred payment plans, level or average payment plans, discount, budget, advance payment or other credit plans.
- Not refuse to provide energy service or otherwise discriminate in the marketing and provision of energy service to any Certified Customer because of race, creed, color, national origin, ancestry, sex, marital status, lawful source of income, level of income, disability, financial status, location of customer in an economically distressed geographic area, or qualification for low-income or energy-efficiency services.

- Allow Agency forty-five days from the date of the pledge to forward payment to the Vendor. Vendor agrees not to consider the portion of the Certified Customer's account to be paid by the Agency delinquent if said payment is received within the above mentioned forty-five day period and Vendor is provided with a verbal or signed pledge from the Agency within forty-five days of identifying a Certified Customer.
- Not interrupt service if Certified Customer is eligible under PUC regulations, or other state agency regulations (as applicable), and enters into an agreement with the Vendor concerning how the Certified Customer will pay the balance owed Vendor and the Certified Customer is meeting the obligation under such agreement.
- If the Agency has paid for an initial deposit or similar refundable instrument, upon the termination of service to the Certified Customer, the Vendor shall return funds including interest (after any balance owed) to the Agency in accordance with PUC regulations or other state agency regulations (as applicable).

The Agency will:

- Obtain written permission for Agency to request and have access to customer information, including confidential or personal account information, credit and payment history, from customers seeking Agency's assistance. Social Security numbers are not required for the CEAP program and may not be disclosed to Agency.
- Provide to Vendor, at Vendor's request, customer's written permission for Agency's access to customer information as stated above.
- Not provide pledges on behalf of a Certified Customer to Vendor without having adequate funds to pay such pledge.
- Pay pledges within forty-five days of making pledge to Vendor.
- Determine if a customer is a Certified Customer within five days of contacting Vendor.
- Provide Vendor a list of names, telephone numbers and e-mail addresses of Agency staff designated to make pledges on behalf of the Agency and Certified Clients, if requested from Vendor.

The terms of any confidential transaction under this agreement or any other information exchanged by the Agency and Vendor relating to any transaction shall not be disclosed to any person not employed or retained by the Agency or Vendor, their affiliates, or brokers, except to the extent disclosure is 1) required by law; 2) necessary to disclose to the other party in connection with a dispute between the parties; 3) otherwise permitted by written consent of the other party; 4) required by guarantors to be disclosed; 5) information which must be disclosed to a third party to transmit energy; 6) to meet reliability council, regulatory, administrative, judicial, governmental, or regulated commodity exchange requirements where necessary; or 7) of information which was or is hereafter in the public domain (except by breach of this Agreement).

Authorized Vendor Signature	Date
-----------------------------	------

Crista Goble Bromley	Mayor City of Burnet
Typed Name of Authorized Signature	Title

(512) 715-3209
Vendor Telephone Number

mayor@cityofburnet.com
Vendor Email Address

<i>Marco Cruz</i>	<i>10-17-18</i>
Authorized Agency Signature	Date

Marco Cruz	Executive Director
Typed Name of Authorized Signature	Title

512-255-2202
Agency (Area Code) Telephone Number



Public Works Department

ITEM 4.3

Gene Courtney
Director of Public Works
(512)-756-2402
gcourtney@cityofburnet.com

Agenda Item Brief

November 13, 2018

- Agenda Item:** Discuss and consider action: Authorize the purchase of new vehicles and equipment for the Public Works Department: G. Courtney
- Background:** The City Council previously approved the purchase of two new work trucks and a new backhoe for the Public Works Department.
- Information:** During the 2018/2019 budget process Council approved the purchase of (2) new Ford work trucks for the electric and water departments and (1) John Deere Backhoe for the water department. These will be self-funded from each of those departments.
- Fiscal Impact:**
- | | |
|----------------------|--------------|
| Water Department- | |
| Backhoe | \$100,443.00 |
| Truck | \$38,370 |
| Electric Department- | |
| Truck | \$35,000 |
- Recommendation:** Staff recommends authorizing the purchase of the trucks and equipment for the public works department.



City Manager

ITEM 4.4

David Vaughn
City Manager
(512)-756-6093 ext. 3208
dvaughn@cityofburnet.com

Agenda Item Brief

Meeting Date:	November 13, 2018
Agenda Item:	Discuss and consider action: Engineering of proposed water line loop for 281 South area: D. Vaughn
Background:	
Information:	At the last Council Meeting, the City Council requested an amendment to the proposal to include engineering for extension of the waterline from the intersection of Oak Vista Boulevard and Delaware Springs to the County Jail.
Fiscal Impact:	At the time of posting the agenda, staff is still waiting on the amended proposal from KC Engineering. Staff will present two proposals for consideration. The first proposal will be as originally presented and the second proposal will include extension of the line to the County Jail, as requested by Council.
Recommendation:	Staff is requesting direction from Council.



Planning & Zoning

ITEM 4.5

Mark S. Lewis
Development Services Director
(512)-715-3215
mlewis@cityofburnet.com

Agenda Item Brief

Meeting Date: November 13, 2018

Agenda Item: Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, ABANDONING A 1.00 ACRE PORTION OF SPICEWOOD DRIVE, A PUBLIC RIGHT-OF-WAY, DESCRIBED BY THE BURNET COUNTY APPRAISAL DISTRICT AS WOODLANDS LOT, SEC 2 AND BEING ALL OF THAT CERTAIN 0.97 ACRE TRACT OF LAND CONVEYED TO THE CITY OF BURNET, TEXAS IN DOCUMENT NO. 201806716 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS AND A 0.03 ACRE PORTION OF THAT CERTAIN 0.09 ACRE TRACT OF LAND CONVEYED TO THE CITY OF BURNET, TEXAS IN DOCUMENT NO. 201806715 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS; DIRECTING THE CITY MANAGER TO EXECUTE AND CAUSE TO BE FILED IN THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, A DEED GRANTING OWNERSHIP OF SAID RIGHT-OF-WAY TO DILLARD DEVELOPMENT AND CONSULTING LLC; ACCEPTING DEDICATION FROM DILLARD DEVELOPMENT AND CONSULTING LLC 1.07 ACRES OF LAND FOR THE PURPOSE OF ESTABLISHING AN ALTERNATE ALIGNMENT FOR SPICEWOOD DRIVE; AND DIRECTING THE CITY MANAGER TO EXECUTE AND CAUSE TO BE RECORDED THE OFFICIAL RECORDS OF BURNET COUNTY, TEXAS, A DEED TRANSFERING OWNERSHIP OF DEDICATING THAT SAME 1.07 ACRES TO THE CITY OF BURNET FOR USE AS PUBLIC RIGHT-OF-WAY: M. Lewis

Background: The attached resolution provides for a realignment of the undeveloped portion of the Spicewood Drive that traverses the proposed Pepper Mill Subdivision. It accomplishes this task by abandoning a portion of the dedicated right-of-way and also accepting dedication of new right-of-way that accommodates the revised alignment.

Information: The City's recent Charter election eliminated the requirements pertaining to right-of-way and easement abandonment.

In the absence of local Charter or ordinance provisions, the abandonment process defaults back to requirements by State law, which simply requires action by City Council.

Staff, working with the City Attorney's office has determined that passing a resolution authorizing the necessary City Manager and City Secretary actions will satisfy applicable provisions of State law. Acceptance and recordation of the new right-of-way can be accomplished by the same means. The attached resolution authorizes and directs the City Manager and City Secretary to take the actions needed to accomplish both these tasks.

Recommendation: Approve Resolution 2018-26 as presented.

RESOLUTION NO. R2018-26

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, ABANDONING A 1.00 ACRE PORTION OF SPICEWOOD DRIVE, A PUBLIC RIGHT-OF-WAY, DESCRIBED BY THE BURNET COUNTY APPRAISAL DISTRICT AS WOODLANDS LOT, SEC 2 AND BEING ALL OF THAT CERTAIN 0.97 ACRE TRACT OF LAND CONVEYED TO THE CITY OF BURNET, TEXAS IN DOCUMENT NO. 201806716 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS AND A 0.03 ACRE PORTION OF THAT CERTAIN 0.09 ACRE TRACT OF LAND CONVEYED TO THE CITY OF BURNET, TEXAS IN DOCUMENT NO. 201806715 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS; DIRECTING THE CITY MANAGER TO EXECUTE AND CAUSE TO BE FILED IN THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, A DEED GRANTING OWNERSHIP OF SAID RIGHT-OF-WAY TO DILLARD DEVELOPMENT AND CONSULTING LLC; ACCEPTING DEDICATION FROM DILLARD DEVELOPMENT AND CONSULTING LLC 1.07 ACRES OF LAND FOR THE PURPOSE OF ESTABLISHING AN ALTERNATE ALIGNMENT FOR SPICEWOOD DRIVE; AND DIRECTING THE CITY MANAGER TO EXECUTE AND CAUSE TO BE RECORDED THE OFFICIAL RECORDS OF BURNET COUNTY, TEXAS, A DEED TRANSFERRING OWNERSHIP OF DEDICATING THAT SAME 1.07 ACRES TO THE CITY OF BURNET FOR USE AS PUBLIC RIGHT-OF-WAY.

Whereas, the City of Burnet, as a home-rule municipality, desires to continue to protect and ensure the public health, safety and welfare of its citizens by effectively managing the City's real property interests that are held in trust for the public; and

Whereas, Section 311.007 of the Texas Transportation Code provides a "home-rule municipality has exclusive control over and under the public highways, streets, and alleys of the municipality"; and

Whereas, Section 272.001(b) of the Texas Local Government Code authorizes the sale of a municipality's interest in real property for less than market value if the municipality's interest in the real property is by easement and the conveyance, sale, or exchange is with one or more abutting property owners who own the underlying fee simple; and

Whereas, Dillard Development and Consulting LLC is the owner of property abutting that undeveloped 1.00-acre section of Spicewood Drive that is to be abandoned; and

WHEREAS Dillard Development and Consulting LLC desires a realignment of said Spicewood Drive as a means of more efficiently developing its abutting properties; and

WHEREAS the City Council has determined that the realignment proposed for Spicewood Drive will provide for the health, safety and welfare of the Citizens of Burnet; and

WHEREAS the City Council, has further determined that abandoning said 1.00-acres of the Spicewood Drive right-of-way in return for the grant of 1.07-acres of land for use as a realigned Spicewood Drive right-of-way will be compliant with the terms of both Section 311.007 of the Texas Transportation Code and Section 272.001 of the Texas Local Government Code; and

WHEREAS, it has been verified by the City Manager that Dillard Development and Consulting LLC has approved the release, abandonment and termination of right-of-way contemplated by this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, THAT:

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby resolved by the City Council of the City of Burnet, Texas (the "City Council") and made a part hereof for all purposes as findings of fact.

Section 2. Abandonment and Conveyance Authorized. The City Council does hereby abandon 1.00 acre out of that undeveloped portion of Spicewood Drive, a public right-of-way, described by the Burnet County Appraisal District as Woodlands Lot, Sec 2 and being all of that certain 0.97-acre tract of land conveyed to the City of Burnet, Texas, said right-of-way being more particularly described in Exhibit "A" attached hereto and incorporated for all purposes herein, and further directs the City Manager to execute and cause to be recorded, a deed conveying ownership of said 1.00 acre to Dillard Development and Consulting LLC.

Section 3. Right-of-way Accepted. The City Council, as reasonable compensation for abandonment of that 1.00-acres of public right-of-way described in Exhibit A to this Resolution, does hereby accept from Dillard Development and Consulting LLC, for dedication as public right-of-way that 1.07 acres out of that certain 2.07 acre tract of land known as tract II, conveyed to Dillard Development and Consulting, LLC in Document No. 201807223 of the Official Public Records of Burnet County, Texas and also being a portion of that certain 1.00 acre tract of land conveyed to Dillard Development and Consulting, LLC in Document No. 201806716 of the official Public Records of Burnet County, Texas said 1.07 acre tract being more particularly described in Exhibit B, a copy of which is attached hereto and incorporated for all purposes herein and further directs the City Manager to execute and cause to be recorded, a deed transferring ownership of said 1.07 acres to the City of Burnet for use as public right-of-way.

Section 3. Open Meetings. It is hereby officially found and determined that the meeting at which this resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code*.

PASSED AND APPROVED this the 13th day of November, 2018.

CITY OF BURNET, TEXAS

ATTEST:

Crista Goble Bromley, Mayor

Kelly Dix, City Secretary

Exhibit "A"
Right-of-Way to be Abandoned
Survey and Field Notes
Pages 1-3



CHURCH TABLE			
CURVE	DELTA ANGLE	RADIUS	ARC LENGTH
C1	12.79 3.3°	200.00'	54.818 30' W
C2	15.07 00°	225.00'	57.119 40' W
C3	15.35 50°	325.00'	102.05
C4	15.35 50°	325.00'	80.44'
C5	15.07 05°	325.00'	86.04'
			177.19 40' E
			85.79'

RECORD CLIMB TABLE				
CLIMBER	REL. % AVERAGE	RELATIVE	CLIMB LENGTH	CLIMB LENGTH
02	19.70.05"	22.5.02"	22.80"	22.59"
03	19.35.30"	19.5.00"	102.00"	701.73"
04	19.45.30"	10.5.00"	08.44"	08.17"
05	19.70.05"	125.00"	08.04"	08.79"
			17719.407"	

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S13°24'47"E	25.02'
L2	N78°54'42"E	56.98'
L3	S79°20'07"W	59.14'
L4	N10°39'53"W	50.00'
L5	N79°20'07"E	59.14'

RECORD LINE TARE	
LINE	DISTANCE
L3	579.20707" W
L4	W10.66753" W
L5	W79.20707" E



NOTES:
1) THE SUBJECT PROPERTY IS LOCATED WITHIN ZONE X (AUGUS) OUTSIDE THE 100 YEAR FLOOD PLAIN AS GRAPHICALLY IDENTIFIED ON PLAT 44-044, MAP NO. 4805303-0404, EFFECTIVE 03/31/2012.
2) BASIS OF BEARINGS ARE TO THE NORTH AMERICAN DATUM OF 1983, TEXAS COORDINATE SYSTEM, CENTRAL ZONE.
3) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT AND MAY HAVE ADDITIONAL ENCUMBRANCES, SURVEYOR NOT RESPONSIBLE FOR ANY ENCUMBRANCES THAT A TITLE COMMITMENT MAY DISCLOSE.
4) THIS COMMITMENT MAY BE DISCLOSED.
BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THIS PROFESSIONAL SERVICE MEETS OR EXCEEDS THE CURRENT MINIMUM STANDARDS OF PRACTICE AS ESTABLISHED BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING.

James E. Smith
JAMES E. SMITH, LICENSE NO. 56788

DATED 11/27/2014

DAVID A. S. ARIK, M.P.L.S. NO. 5938 DATED 11/17/2018

SHEET
1 OF 3

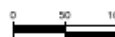
PROJECT NO. 18685
PREPARED FOR: DILLARD DEVELOPMENT
TECH: B. BURTON
APPROVED: D. STARK

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PROFESSIONAL FIRM NO. 10126900

1500 OLLIE LANE
MARBLE FALLS, TX. 78654
PH.325-388-3300/830-693-8815
WWW.CUPLINASSOCIATES.COM

SCALE 1" = 100'



	2	
	1	
DATE	NO.	DESCRIPTION
REVISIONS		

FIELD NOTES TO ACCOMPANY A SURVEY PLAT OF A 1.00 ACRE TRACT OF LAND OUT OF THE JOHN HAMILTON SURVEY NO. 1, ABSTRACT NO. 405 IN BURNET COUNTY, TEXAS AND BEING A PORTION OF THAT CERTAIN 0.97 ACRE TRACT OF LAND CONVEYED TO THE CITY OF BURNET, TEXAS IN DOCUMENT NO. 201806716 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, AND A PORTION OF THAT CERTAIN 0.90 ACRE TRACT OF LAND CONVEYED TO THE CITY OF BURNET, TEXAS IN DOCUMENT NO. 201806715 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, SAID 1.00 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod found with plastic survey cap stamped CUPLIN, in the east line of that certain 18.62 acre tract, known as Tract I, conveyed to Dillard Development & Consulting, LLC in Document No. 201807223 of the Official Public Records of Burnet County, Texas, for the northeast corner of said 0.97 acre tract, a westerly corner of said 0.90 acre tract and the northeast corner hereof, from which a 1/2" iron rod found for the northeast corner of said 18.62 acre tract bears N13°24'47"W, a distance of 471.10 feet;

THENCE S13°24'47"E with the west line of said 0.90 acre tract, the east line of said 0.97 acre tract and an easterly line hereof, a distance of 25.02 feet to a computed point, for an angle point hereof;

THENCE N78°54'42"E with a northerly line hereof, a distance of 56.98 feet to a computed point, for the most easterly corner hereof, said computed point also being in a curve to the right;

THENCE with the southeast line hereof and said curve to the right, the radius of which is 200.00 feet, through a central angle of 12°19'33", an arc length of 43.03 feet, with a chord bearing of S43°18'30"W and a chord length of 42.94 feet to a computed point in the south line of said 0.90 acre tract, for the southeast corner hereof;

THENCE with the south line of said 0.90 acre tract, the south line of said 0.97 acre tract and the south line hereof;

- (1) S78°54'42"W, a distance of 522.09 feet to a 1/2" iron rod set with plastic survey cap stamped CUPLIN, for the P. C. of a curve to the left;
- (2) with said curve to the left, the radius of which is 275.00 feet, through a central angle of 15°10'05", an arc length of 72.80 feet, with a chord bearing of S71°19'40"W and a chord length of 72.59 feet to a computed point, for the P. T. of same;
- (3) S63°44'37"W, a distance of 114.89 feet to a 1/2" iron rod set with plastic survey cap stamped CUPLIN, for the P. C. of a curve to the right;
- (4) with said curve to the right, the radius of which is 375.00 feet, through a central angle of 15°35'30", an arc length of 102.05 feet, with a chord bearing of S71°32'22"W and a chord length of 101.73 feet to a 1/2" iron rod set with plastic survey cap stamped CUPLIN, for the P. T. of same;
- (5) S79°20'07"W, a distance of 59.14 feet to a 1/2" iron rod set with plastic survey cap stamped CUPLIN, for the northeast corner of that certain Lot No. 21, as shown on the plat of The Woodlands, Section One, recorded in Document No. 201700190 of the Official Public Records of Burnet County, Texas, the southeast corner of Spicewood Drive, the southwest corner of said 0.97 acre tract and the southwest corner hereof, from which a 1/2" iron rod found with plastic cap stamped DJS 5602, for the southwest corner of said 18.62 acre tract bears S10°39'53"E, a distance of 471.41 feet;

THENCE N10°39'53"W with the east right-of-way line of Spicewood Drive, the west line of said 0.97 acre tract and the west line hereof, a distance of 50.00 feet to a 1/2" iron rod found, for the southeast corner of that certain Lot No. 20 of said The Woodlands, Section One, the northeast corner of said Spicewood Drive, the northwest corner of said 0.97 acre tract and the northwest corner hereof, from which a 1/2" iron rod found with plastic cap stamped DJS 5602, in the south line of that certain 20.00 acre tract of land conveyed to the Burnet Consolidated Independent School District in Volume 410, Page 421 of the Real Property Records of Burnet County, Texas, at the northeast corner of Lot No. 19 of the The Woodlands, Section One, and an angle point in the west line of said 18.62 acre tract bears N10°39'53"W, a distance of 140.35 feet;

THENCE leaving the east line of The Woodlands, Section One, with the north line of said 0.97 acre tract and the north line hereof, with (5) courses and distances as follows:

- (1) N79°20'07"E, a distance of 59.14 feet to a 1/2" iron rod set with plastic survey cap stamped CUPLIN, for the P. C. of a curve to the left;
- (2) with said curve to the left, the radius of which is 325.00 feet, through a central angle of 15°35'30", an arc length of 88.44 feet, with a chord bearing of N71°32'22"E and a chord length of 88.17 feet to a 1/2" iron rod set with plastic survey cap stamped CUPLIN, for the P. T. of same;
- (3) N63°44'37"E, a distance of 114.89 feet to a computed point, for the P. C. of a curve to the right;
- (4) with said curve to the right, the radius of which is 325.00 feet, through a central angle of 15°10'05", an arc length of 86.04 feet, with a chord bearing of N71°19'40"E and a chord length of 85.79 feet to a computed point, for the P. T. of same;
- (5) N78°54'42"E a distance of 499.02 feet to a the POINT OF BEGINNING.
Containing 1.00 acres

I hereby certify that this survey was performed on the ground and was surveyed by me or under my direct supervision and that this professional service meets or exceeds the current minimum standards of practice as established by the Texas Board of Professional Land Surveying. Basis of Bearings are to Texas Coordinate System, South Central Zone. A Plat of Survey of even date was prepared as is intended to accompany the above described tract of land.



Danny J. Stark, Registered Professional Land Surveyor No. 5602

Dated: 11/07/2018



Exhibit “B”

Right-of-Way to be Dedicated

Survey & Field Notes

Pages 1-4



18.62 ACRES
TRACT 1
DILLARD DEVELOPMENT &
CONSULTING, LLC
DOC. NO. 201807223
O.P.R.B.C.T.

HERB STEALING AND
JULIETTE STEALING
VOL. 1057, PG.
0.P.R.B.C.T.

ET, TEXAS
201806715

LEGEND:



1/2" IRON ROD FOUND
WITH PLASTIC SURVEY CAP
STAMPED QUILN 9238
1/2" IRON ROD FOUND
WITH PLASTIC SURVEY CAP
STAMPED QUILN
1/2" IRON ROD SET WITH
PLASTIC SURVEY CAP
STAMPED QUILN
DO NOT RECORD NUMBER
R.P. RECORD
O.P. RECORD
RECORD INFORMATION

SCALE 1" = 100'

A horizontal number line with tick marks at 0, 50, and 100. The segment between 0 and 50 is filled with black, representing 50% of the total length from 0 to 100.

18.62 ACRES
TRACT 1
DILLARD DEVELOPMENT
CONSULTING, LLC
DOC. NO. 201807223
O.P.R.B.C.T.

2.07 ACRES
TRACT II
DILLARD DEVELOPMENT
CONSULTING, LLC
DOC. NO. 201807223
O.P.R.B.C.T.

THE HILLS OF SHADY GROVE
SECTION FIVE
CAB. 4, SLIDE 24 C&D
P.R.B.C.T.

				CLAVE TABLE		
CLAVE	DELTA ANGLE	RADIUS	CHORD BEG/END	CHORD LENGTH		
C1	24.61618°	220.00	588.43116" W	106.12		
C2	24.61618°	220.00	588.54116" W	74.69		
C3	21.91307°	220.00	589.54116" E	93.36		
C4	21.91307°	220.00	589.43116" E	84.69		
C5	27.06632°	194.65	562.03432" E	93.77		
C6	27.06632°	194.65	562.03432" E	109.18		

RECORD CURVE TABLE - DOCUMENT NO. 201806715 D.P.R.C.T.					
CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C7		150.00'			

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S86°13.39'W	72.77'
L2	N9°108.33'W	32.93'
L3	S79°20.07'W	37.24'
L4	N10°39.53'W	50.00'
L5	N79°20.07'E	32.93'
L6	S79°108.33'E	37.24'
L7	S78°34.42'E	22.99'

LINE	BEARING	DISTANCE
1.3	S79°20'07"W	
1.4	N78°20'07"E	30.00'
1.5	N63°44'37"E	

RECORD LINE TABLE
DOCUMENT NO. 201806715 Q.P.R.B.C.T.
DOCUMENT NO. 201806715 Q.P.R.B.C.T.
L7 N78°54'42"E

1) SUBJECT PROPERTY IS LOCATED WITHIN ZONE X (AREAS OUTSIDE THE 100 YEAR FLOOD) AS GRAPHICALLY IDENTIFIED ON REINA F.I.R.M., MAP NO. 4809303409, EFFECTIVE 03/19/2012.

2) BASIS OF BEARINGS ARE TO THE NORTH AMERICAN DATUM OF 1983, TEXAS COORDINATE SYSTEM, CENTRAL ZONE.

3) THE SURVEY WAS OBTAINED WITHOUT THE BENEFIT OF A TITLE COMMITMENT AND MAY HAVE ADDITIONAL ENCUMBRANCES, SURRENDER NOT RESPONSIBLE FOR ANY ENCUMBRANCES, BUT A TITLE COMMITMENT MAY DISCLOSE.

HEREBY CERTIFY THAT THIS SURVEY WAS PERFORMED ON THE GROUND AND WAS SUPERVISED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THIS PROFESSIONAL SERVICE MEETS OR EXCEEDS THE CURRENT MINIMUM STANDARDS OF PRACTICE AS ESTABLISHED BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING.

DATED 10/24/2016

SHEET
1 OF 4

PROJECT NO. 18685
PREPARED FOR: DILLARD DEVELOPMENT
TECH: B. BURTON
APPROVED: D. STARK

COPYRIGHT:2018

PROFESSIONAL FIRM NO: 10126900

1500 OLLIE LANE
MARBLE FALLS, TX. 78654
PH.325-388-3300/830-693-8815
WWW.CUPLINASSOCIATES.COM

SCALE 1" = 100'

A horizontal number line with tick marks at 0, 50, and 100. The segment between 0 and 50 is filled with black, representing 50% of the total length from 0 to 100.

	2	
	1	
DATE	NO.	DESCRIPTION
REVISIONS		

FIELD NOTES TO ACCOMPANY A SURVEY PLAT OF A 1.07 ACRE TRACT OF LAND OUT OF THE JOHN HAMILTON SURVEY NO. 1, ABSTRACT NO. 405 IN BURNET COUNTY, TEXAS AND BEING A PORTION OF THAT CERTAIN 18.62 ACRE TRACT OF LAND, KNOWN AS TRACT I AND A PORTION OF THAT CERTAIN 2.07 ACRE TRACT OF LAND, KNOWN AS TRACT II, CONVEYED TO DILLARD DEVELOPMENT & CONSULTING, LLC IN DOCUMENT NO. 201807223 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS AND ALSO BEING A PORTION OF THAT CERTAIN 1.00 ACRE TRACT OF LAND CONVEYED TO DILLARD DEVELOPMENT & CONSULTING, LLC IN DOCUMENT NO. 2018 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS. SAID 1.07 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod found with plastic survey cap stamped CUPLIN 5938, in the southeast line of that certain 0.90 acre tract of land conveyed to The City of Burnet, Texas in Document No. 201806715 of the Official Public Records of Burnet County, Texas, for an angle point in the east line of said 2.07 acre tract and the most easterly corner hereof, from which a 1/2" iron rod found with plastic survey cap stamped CUPLIN 5938, for an angle point in the east line of said 2.07 acre tract bears S53°46'21"E, a distance of 81.60 feet;

THENCE crossing said 2.07 acre tract and said 18.62 acre tract with the south hereof, with (6) courses and distances as follows:

- (1) S36°13'39"W, a distance of **72.77 feet** to a 1/2" iron rod set with plastic survey cap stamped CUPLIN, for the P. C. of a curve to the right;
- (2) with said curve to the right, the radius of which is **250.00 feet**, through a central angle of **40°21'30"**, an arc length of **176.10 feet**, with a chord bearing of **S56°24'24"W** and a chord length of **172.48 feet** to a 1/2" iron rod set with plastic survey cap stamped CUPLIN, for the P. T. of same;
- (3) S76°35'09"W, a distance of **532.62 feet** to a computed point, for the P. C. of a curve to the right;
- (4) with said curve to the right, the radius of which is **250.00 feet**, through a central angle of **24°16'18"**, an arc length of **105.91 feet**, with a chord bearing of **S88°43'18"W** and a chord length of **105.12 feet** to a 1/2" iron rod set with plastic survey cap stamped CUPLIN, for the P. T. of same;
- (5) N79°08'33"W, a distance of **32.93 feet** to a 1/2" iron rod set with plastic survey cap stamped CUPLIN, for the P. C. of a curve to the left;

- (6) with said curve to the left, the radius of which is **200.00 feet**, through a central angle of **21°31'20"**, an arc length of **75.13 feet**, with a chord bearing of **N89°54'13"W** and a chord length of **74.69 feet** to a 1/2" iron rod set with plastic survey cap stamped CUPLIN in the south line of said 1.00 acre tract, for the P. T. of same;
- (7) **S79°20'07"W** with the south line of said 1.00 acre tract, a distance of **37.24 feet** to a 1/2" iron rod set with plastic survey cap stamped CUPLIN, for the northeast corner of that certain Lot No. 21, as shown on the plat of The Woodlands, Section One, recorded in Document No. 201700190 of the Official Public Records of Burnet County, Texas, the southeast corner of Spicewood Drive, the southwest corner of said 1.00 acre tract and the southwest corner hereof, from which a 1/2" iron rod found with plastic cap stamped DJS 5602, for the southwest corner of said 18.62 acre tract bears **S10°39'53"E**, a distance of 471.41 feet;

THENCE N10°39'53"W with the east right-of-way line of Spicewood Drive, the west line of said 1.00 acre tract and the west line hereof, a distance of **50.00 feet** to a 1/2" iron rod found, for the southeast corner of that certain Lot No. 20 of said The Woodlands, Section One, the northeast corner of said Spicewood Drive, the northwest corner of said 1.00 acre tract and the northwest corner hereof, from which a 1/2" iron rod found with plastic cap stamped DJS 5602, in the south line of that certain 20.00 acre tract of land conveyed to the Burnet Consolidated Independent School District in Volume 410, Page 421 of the Real Property Records of Burnet County, Texas, at the northeast corner of Lot No. 19 of the The Woodlands, Section One, and an angle point in the west line of said 18.62 acre tract bears **N10°39'53"W**, a distance of 140.35 feet;

THENCE leaving the east line of The Woodlands, Section One, with the north line of said 0.97 acre tract and the north line hereof, with (5) courses and distances as follows:

- (1) **N79°20'07"E** with the north line of said 1.00 acre tract, a distance of **37.24 feet** to a 1/2" iron rod set with plastic survey cap stamped CUPLIN, for the P. C. of a curve to the left;
- (2) leaving the north line of said 1.00 acre tract with said curve to the right, the radius of which is **250.00 feet**, through a central angle of **21°31'20"**, an arc length of **93.91 feet**, with a chord bearing of **S89°54'13"E** and a chord length of **93.36 feet** to a 1/2" iron rod found with plastic survey cap stamped CUPLIN, for the P. T. of same;
- (3) **TTTT**
- (4) **S79°08'33"E**, a distance of **32.93 feet** to a computed point for the P. C. of a curve to the left;

- (5) with said curve to the left, the radius of which is **200.00 feet**, through a central angle of **24°16'18"**, an arc length of **84.72 feet**, with a chord bearing of **N88°43'18"E** and a chord length of **84.09 feet** to a 1/2" iron rod found with plastic survey cap stamped CUPLIN, for the P. T. of same;
- (6) **N76°35'09"E**, a distance of **532.62 feet** to a 1/2" iron rod set with plastic survey cap stamped CUPLIN, for the P. C. of a curve to the left;
- (7) with said curve to the left, the radius of which is **200.00 feet**, through a central angle of **27°06'52"**, an arc length of **94.65 feet**, with a chord bearing of **N63°01'43"E** and a chord length of **93.77 feet** to a computed point in the south line of said 0.97 acre tract, for the end of said curve;

THENCE with the south line of said 0.97 acre tract and continuing with the north line hereof, with (2) courses and distances as follows:

- (1) **N78°54'42"E**, a distance of **22.99 feet** to a computed point, for the P. C. of a curve to the left;
- (2) with said curve to the left, the radius of which is **150.00 feet**, through a central angle of **42°41'04"**, an arc length of **111.75 feet**, with a chord bearing of **N57°34'10"E** and a chord length of **109.18 feet** to the **POINT OF BEGINNING**. Containing 1.07 acres

I hereby certify that this survey was performed on the ground and was surveyed by me or under my direct supervision and that this professional service meets or exceeds the current minimum standards of practice as established by the Texas Board of Professional Land Surveying. Basis of Bearings are to Texas Coordinate System, South Central Zone. A Plat of Survey of even date was prepared as is intended to accompany the above described tract of land.

Dated: 10/24/2018

Danny J. Stark, Registered Professional Land Surveyor No. 5602



Planning & Zoning

ITEM 4.6

Mark S. Lewis
Development Services Director
(512)-715-3215
mlewis@cityofburnet.com

Agenda Item Brief

Meeting Date: November 13, 2018

Agenda Item: Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, ABANDONING A 0.04 ACRE PORTION OF SPICEWOOD DRIVE, A PUBLIC RIGHT-OF-WAY, DESCRIBED AS BEING OUT OF THAT CERTAIN 0.90 ACRE TRACT OF LAND CONVEYED TO THE CITY OF BURNET, TEXAS IN DOUCMENT NO. 201806715 OF THE OFFICIAL PUBLIC RECORDS OF THE BURNET COUNTY, TEXAS; DIRECTING THE CITY MANAGER TO EXECUTE AND CAUSE TO BE FILED IN THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, A DEED GRANTING OWNERSHIP OF SAID RIGHT-OF-WAY TO STEHLING WAYS AND MEANS, INC. M. Lewis

Background: The attached resolution abandons 0.04-acres out of the undeveloped section of Spicewood Drive. The proposed Spicewood Drive realignment will leave the 0.04 acres in question as an “orphaned” piece of right-of-way that serves no public purpose. The resolution abandons the section of right-of-way to be abandoned in favor of Stehling Ways and Means, Inc., the abutting property owner.

Information: The City’s recent Charter election eliminated the requirements pertaining to right-of-way and easement abandonment.

In the absence of local Charter or ordinance provisions, the abandonment process defaults back to requirements by State law, which simply requires action by City Council.

Staff, working with the City Attorney’s office has determined that passing a resolution authorizing the necessary City Manager and City Secretary actions will satisfy applicable provisions of State law. Acceptance and recordation of the new right-of-way can be accomplished by the same means. The attached resolution

authorizes and directs the City Manager and City Secretary to take the actions needed to accomplish both these tasks.

Recommendation: Approve the attached Resolution R2018-27.

RESOLUTION NO. R2018-27

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, ABANDONING A 0.04 ACRE PORTION OF SPICEWOOD DRIVE, A PUBLIC RIGHT-OF-WAY, DESCRIBED AS BEING OUT OF THAT CERTAIN 0.90 ACRE TRACT OF LAND CONVEYED TO THE CITY OF BURNET, TEXAS IN DOUCMENT NO. 201806715 OF THE OFFICIAL PUBLIC RECORDS OF THE BURNET COUNTY, TEXAS; DIRECTING THE CITY MANAGER TO EXECUTE AND CAUSE TO BE FILED IN THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, A DEED GRANTING OWNERSHIP OF SAID RIGHT-OF-WAY TO STEHLING WAYS AND MEANS, INC.

WHEREAS, the City of Burnet, as a home-rule municipality, desires to continue to protect and ensure the public health, safety and welfare of its citizens by effectively managing the City's real property interests that are held in trust for the public; and

WHEREAS, Section 311.007 of the Texas Transportation Code provides a "home-rule municipality has exclusive control over and under the public highways, streets, and alleys of the municipality"; and

WHEREAS, Section 272.001(b) of the Texas Local Government Code authorizes the sale of a municipality's interest in real property for less than market value if the municipality's interest in the real property is by easement and the conveyance, sale, or exchange is with one or more abutting property owners who own the underlying fee simple; and

WHEREAS, City Council, upon deliberation, has found the 0.04 section of right-of-way to have no significant monetary value; and

WHEREAS, Stehling Ways and Means, Inc. is the owner of property abutting that 0.04-acre section of Spicewood Drive that is to be abandoned; and

WHEREAS, it has been verified by the City Manager that Stehling Ways and Means, Inc. has approved the release, abandonment and termination of right-of-way contemplated by this Resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, THAT:

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby resolved by the City Council of the City of Burnet, Texas (the "City Council") and made a part hereof for all purposes as findings of fact.

Section 2. Abandonment and Conveyance Authorized. The City Council does hereby abandon that 0.04 acre portion of Spicewood Drive, a public right-of-way,

described as being a portion of that certain 0.90 acre tract of land conveyed to the City of Burnet, Texas in Document 201806715 of the Official Public Records of Burnet County, Texas, said 0.04 acre tract being more particularly described by Exhibit "A" attached hereto and incorporated for all purposes herein, and further directs the City Manager to execute and cause to be recorded a deed granting ownership of said 0.04 acres to Stehling Ways and Means, Inc.

Section 3. Open Meetings. It is hereby officially found and determined that the meeting at which this resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code*.

PASSED AND APPROVED this the 13th day of November, 2018.

CITY OF BURNET, TEXAS

ATTEST:

Crista Goble Bromley, Mayor

Kelly Dix, City Secretary

Exhibit "A"
Right-of-Way to be Abandoned
Survey and Field Notes
Pages 1-2



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N13°24'47"W	25.02'

RECORD LINE TABLE		
LINE	BEARING	DISTANCE
L1	N13°24'47"W	

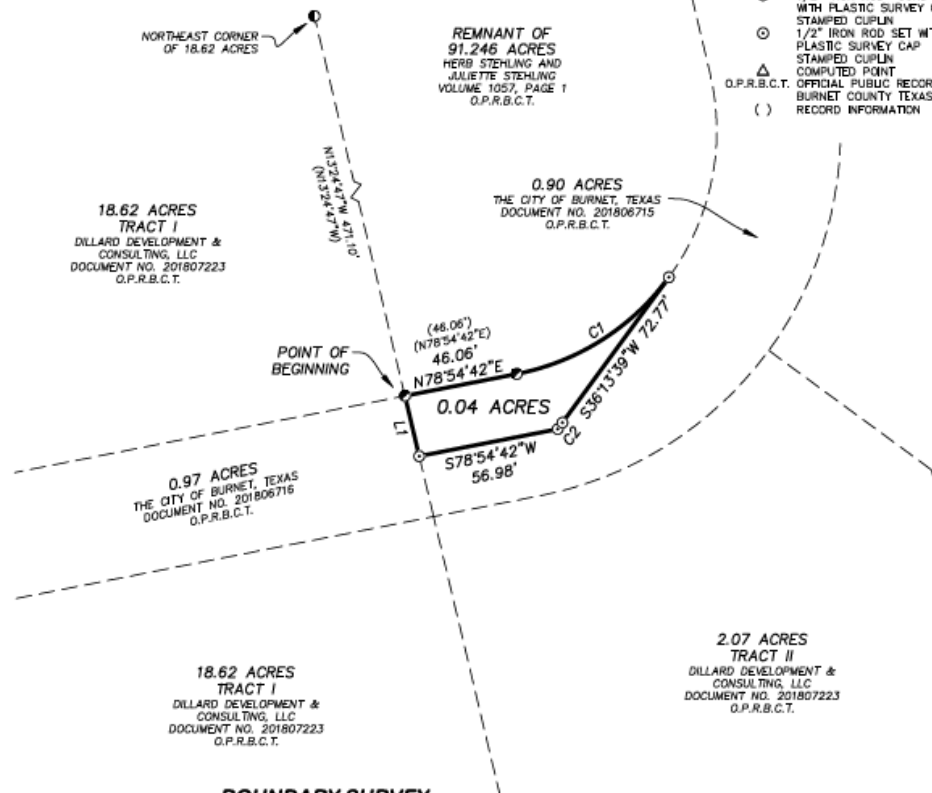
CURVE TABLE					
CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	42°41'04"	100.00'	74.50'	N57°34'11"E	72.79'
C2	0°55'05"	200.00'	3.20'	S36°41'11"W	3.20'

RECORD CURVE TABLE					
CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1		100.00'			



LEGEND:

- 1/2" IRON ROD FOUND
- 1/2" IRON ROD FOUND WITH PLASTIC SURVEY CAP
- STAMPED CUPLIN
- 1/2" IRON ROD SET WITH PLASTIC SURVEY CAP
- STAMPED CUPLIN
- COMPUTED POINT
- OFFICIAL PUBLIC RECORDS
- BURNET COUNTY TEXAS
- RECORD INFORMATION



BOUNDARY SURVEY

BEING A 0.04 ACRE TRACT OF LAND OUT OF THE JOHN HAMILTON SURVEY NO. 1, ABSTRACT NO. 405 IN BURNET COUNTY, TEXAS AND BEING A PORTION OF THAT CERTAIN 0.90 ACRE TRACT OF LAND CONVEYED TO THE CITY OF BURNET, TEXAS IN DOCUMENT NO. 201806715 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, SAID 0.04 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY A METES AND BOUNDS DESCRIPTION OF EVEN DATE AND IS TO ACCOMPANY THIS SURVEY.

NOTES:

- 1) SUBJECT PROPERTY IS LOCATED WITHIN ZONE X (AREAS OUTSIDE THE 100 YEAR FLOOD) AS GRAPHICALLY IDENTIFIED ON FEMA F.I.R.M., MAP NO. 48053C0340F, EFFECTIVE 03/15/2012.
- 2) BASIS OF BEARINGS ARE TO THE NORTH AMERICAN DATUM OF 1983, TEXAS COORDINATE SYSTEM, CENTRAL ZONE.
- 3) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT AND MAY HAVE ADDITIONAL ENCUMBRANCES, SURVEYOR NOT RESPONSIBLE FOR ANY ENCUMBRANCES THAT A TITLE COMMITMENT MAY DISCLOSE.

I HEREBY CERTIFY THAT THIS SURVEY WAS PERFORMED ON THE GROUND AND WAS SURVEYED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THIS PROFESSIONAL SERVICE MEETS OR EXCEEDS THE CURRENT MINIMUM STANDARDS OF PRACTICE AS ESTABLISHED BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING.

Danny J Stark
DANNY J. STARK, R.P.L.S. NO. 5602 DATED 10/9/2018



1 OF 2	PROJECT NO. 18683	1500 OLLIE LANE	SCALE 1" = 50'	2
	PREPARED FOR: THE CITY OF BURNET, TEXAS	MARBLE FALLS, TX. 78654	0 25 50	1
	TECH: B. BURTON	PH. 325-388-3300/830-693-8815		
	APPROVED: D. STARK	WWW.CUPLINASSOCIATES.COM		
	COPYRIGHT: 2018	PROFESSIONAL FIRM NO. 10126900	DATE NO.	DESCRIPTION
				REVISIONS

FIELD NOTES TO ACCOMPANY A SURVEY PLAT OF A 0.04 ACRE TRACT OF LAND OUT OF THE JOHN HAMILTON SURVEY NO. 1, ABSTRACT NO. 405 IN BURNET COUNTY, TEXAS AND BEING A PORTION OF THAT CERTAIN 0.90 ACRE TRACT OF LAND CONVEYED TO THE CITY OF BURNET, TEXAS, IN DOCUMENT NO. 201806715 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS. SAID 0.04 ACRE TRACT BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod found with plastic survey cap stamped CUPLIN, in the east line of that certain 18.62 acre tract, known as Tract I, conveyed to Dillard Development & Consulting, LLC in Document No. 201807223 of the Official Public Records of Burnet County, Texas, for the northeast corner of that certain 0.97 acre tract of land conveyed to The City of Burnet, Texas in Document No. 201806716 of the Official Public Records of Burnet County, Texas, a westerly corner of said 0.90 acre tract and the northwest corner hereof, from which a 1/2" iron rod found for the northeast corner of said 18.62 acre tract bears N13°24'47"W, a distance of 471.10 feet;

THENCE leaving the east line of said 18.62 acre tract with a northerly line of said 0.90 acre tract and the north line hereof, with (2) courses and distances as follows;

- (1) N78°54'42"E, a distance of 46.06 feet to a 1/2" iron rod found with plastic survey cap stamped CUPLIN, for the P. C. of a curve to the left;
- (2) with said curve to the left, the radius of which is 100.00 feet, through a central angle of 42°41'04", an arc length of 74.50 feet, with a chord bearing of N57°34'11"E and a chord length of 72.79 feet to a 1/2" iron rod set with plastic survey cap stamped CUPLIN, for the northeast corner hereof;

THENCE leaving the northerly line of said 0.90 acre tract with the southeast line hereof, with (2) courses and distances as follows;

- (1) S36°13'39"W, a distance of 72.77 feet to a 1/2" iron rod set with plastic survey cap stamped CUPLIN, for the P. C. of a curve to the right;
- (2) with said curve to the right, the radius of which is 200.00 feet, through a central angle of 00°55'05", an arc length of 3.20 feet, with a chord bearing of S36°41'11"W and a chord length of 3.20 feet to a 1/2" iron rod set with plastic survey cap stamped CUPLIN, for the southeast corner hereof;

THENCE S78°54'42"W with the south line hereof, a distance of 56.98 feet to a 1/2" iron rod set with plastic survey cap stamped CUPLIN in the east line of said 0.97 acre tract and the west line of said 0.90 acre tract, for the southwest corner hereof;

THENCE N13°24'47"W with the east line of said 0.97 acre tract and the west line hereof, a distance of 25.02 feet to the **POINT OF BEGINNING**. Containing 0.04 acres

I hereby certify that this survey was prepared on the ground and was surveyed by me or under my direct supervision and that this professional service meets or exceeds the current minimum standards of practice as established by the Texas Board of Professional Land Surveying. Basis of Bearings are to Texas Coordinate System, Central Zone. A Plat of Survey of even date was prepared as is intended to accompany the above described tract of land.



Dated: 10/9/2018

Danny J. Stark, Registered Professional Land Surveyor No. 5602





Planning & Zoning

ITEM 4.7

Mark S. Lewis
Development Services Director
(512)-715-3215
mlewis@cityofburnet.com

Agenda Item Brief

Meeting Date: November 13, 2018

Agenda Item: Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, ABANDONING THAT 0.343-ACRE, PERMANENT PUBLIC UTILITY EASEMENT AND 0.80-ACRE, TEMPORARY CONSTRUCTION EASEMENT DESCRIBED IN A DEED RECORDED IN VOL. 644, PAGE 190, OF THE REAL PROPERTY RECORDS OF BURNET COUNTY, TEXAS AND FURTHER DESCRIBED AS BEING LOCATED ON THAT 20.84-ACRE TRACT CONVEYED TO DILLARD DEVELOPMENT AND CONSULTING LLC BY STEHLING DEVELOPMENT LLC; AND DIRECTING THE CITY MANAGER TO EXECUTE AND CAUSE TO BE RECORDED THE OFFICIAL RECORDS OF BURNET COUNTY, TEXAS, AN INSTRUMENT ABANDONING SAID PERMANENT PUBLIC UTILITY AND TEMPORARY CONSTRUCTION EASEMENTS. M. Lewis

Background: The attached resolution abandons the Public Utility Easement (PUE) and Temporary Construction Easement referenced in the caption of this report. The easement contains a City water main that is to be abandoned and replaced by a new main with a different routing.

Information: The easements in question cross the property that is to be developed as the Pepper Mill subdivision. A new main constructed to align with subdivision streets and property lines will replace this line. Easements dedicated by subdivision plat will accommodate future utility needs that might arise.

Recordation of the abandonment instrument will be timed to coincide with the realigned water main being brought into service.

Recommendation: Approve Resolution R2018-28 as presented.

RESOLUTION NO. R2018-28

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, ABANDONING THAT 0.343-ACRE, PERMANENT PUBLIC UTILITY EASEMENT AND 0.80-ACRE, TEMPORARY CONSTRUCTION EASEMENT DESCRIBED IN A DEED RECORDED IN VOL. 644, PAGE 190, OF THE REAL PROPERTY RECORDS OF BURNET COUNTY, TEXAS AND FURTHER DESCRIBED AS BEING LOCATED ON THAT 20.84-ACRE TRACT CONVEYED TO DILLARD DEVELOPMENT AND CONSULTING LLC BY STEHLING DEVELOPMENT LLC; AND DIRECTING THE CITY MANAGER TO EXECUTE AND CAUSE TO BE RECORDED THE OFFICIAL RECORDS OF BURNET COUNTY, TEXAS, AN INSTRUMENT ABANDONING SAID PERMANENT PUBLIC UTILITY AND TEMPORARY CONSTRUCTION EASEMENTS.

WHEREAS, the City of Burnet desires to continue to protect and ensure the public health, safety and welfare of its citizens by effectively managing the City's real property interests that are held in trust for the public; and

WHEREAS, the City Council has determined that the 0.343 acre public easement and 0.80 temporary construction easement crossing that land described in a deed recorded in Vol. 644, Page 190, of the Real Property Records of Burnet County, Texas, no longer serve a public purpose; and

WHEREAS, the City Council has further determined that said easement now poses an impediment to growth and development deemed beneficial to the City of Burnet; and

WHEREAS, it has been verified by the City Manager that Dillard Development and Consulting LLC, the owner of the underlying property, requests the release, abandonment and termination of easement contemplated by this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY CITY COUNCIL OF THE CITY OF BURNET, TEXAS, THAT:

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby resolved by the City Council of the City of Burnet, Texas (the "City Council") and made a part hereof for all purposes as findings of fact.

Section 2. Abandonment Authorized. The City Council does hereby abandon that 0.343 acre public easement and 0.80 temporary construction easement crossing that land described in a deed recorded in Vol. 644, Page 190, of the Real Property Records of Burnet County, Texas, said easements being more particularly described in Exhibit "A" attached hereto and incorporated for all purposes herein, and City Council further directs the City Manager to execute and cause to be recorded in the Official

Records of Burnet County, Texas, an instrument documenting the permanent abandonment of said easements.

Section 3. **Open Meetings.** It is hereby officially found and determined that the meeting at which this resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code*.

PASSED AND APPROVED this the 13th day of November, 2018.

CITY OF BURNET, TEXAS

ATTEST:

Crista Goble Bromley, Mayor

Kelly Dix, City Secretary

Exhibit "A"
Easements to be Abandoned
Survey and Field Notes
Pages 1-2

693 PAGE 356 VOL.

**FOR A FIFTEEN-FOOT-WIDE PERMANENT PUBLIC UTILITY EASEMENT
AND TEMPORARY CONSTRUCTION EASEMENT**

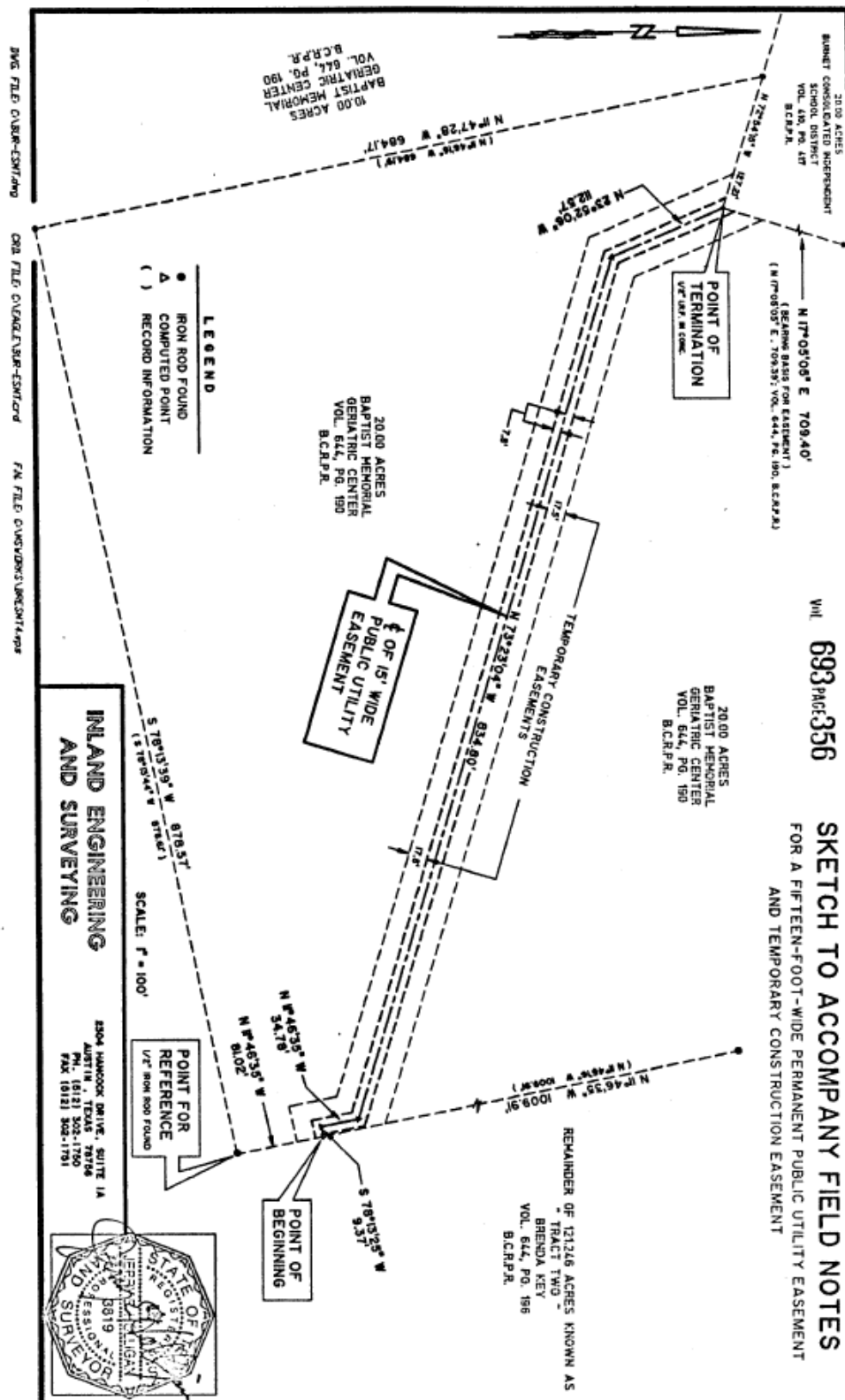


EXHIBIT "A"
FIELD NOTE DESCRIPTION

BEING 0.343 ACRE OF LAND IN A PERMANENT EASEMENT AND 0.80 ACRE OF LAND IN TEMPORARY CONSTRUCTION EASEMENTS OUT OF AND A PART OF THAT CERTAIN TRACT OF LAND CALLED 20.00 ACRES, OUT OF THE JOHN HAMILTON SURVEY, ABSTRACT NO. 405, BURNET COUNTY, TEXAS, SAID 20.00 ACRES OF LAND HAVING BEEN CONVEYED TO BAPTIST MEMORIAL GERIATRIC CENTER BY BRENDA KEY AND BEING THE SAME TRACT OF LAND DESCRIBED IN A DEED RECORDED IN VOL. 644, PAGE 190, OF THE REAL PROPERTY RECORDS OF BURNET COUNTY, TEXAS; SAID PERMANENT EASEMENT BEING FIFTEEN (15) FEET IN WIDTH AND LYING SEVEN AND A HALF (7.5) FEET EITHER SIDE OF A CENTER LINE, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING FOR REFERENCE at an 1/2" iron rod found marking the southeast corner of a 20.00 acre tract of land conveyed to the Baptist Memorial Geriatric Center by Brenda Key as recorded in Volume 644, Page 196 of the Deed Records of Burnet County, Texas and said iron rod also marking the southwest corner of the remaining acreage of a 121.245 acre tract of land conveyed to Brenda Key by Janet M. Smith as recorded in Volume 644, Page 196 of the Deed Records of Burnet County, Texas; THENCE with the east line of the said 20.00 acre tract N 11° - 46' - 35" W for a distance of 81.02 feet to the POINT OF BEGINNING for this Easement;

THENCE, across the said 20.00 acre Baptist Memorial Geriatric Center tract of land and coincident with the center line of a proposed 8 inch water line, for the following four (4) calls:

- (1). S 78° - 13' - 25" W for a distance of 9.37 feet to a computed point;
- (2). N 11° - 46' - 35" W for a distance of 34.78 feet to a computed point;
- (3). N 73° - 23' - 04" W for a distance of 834.80 feet to a computed point;
- (4). N 23° - 52' - 06" W for a distance of 112.57 feet to a 1/2" iron rod found set in concrete marking an interior corner of the said Baptist Memorial Geriatric Center 20.00 acre tract and the southeast corner of a 20.00 acre tract of land conveyed to the Burnet Consolidated Independent School District as described in Volume 410, Page 417 of the Real Property Records of Burnet County, Texas, and being THE POINT OF TERMINATION for this Easement.

AND IN ADDITION HERETO:

A Temporary Construction Easement abutting said permanent easement, described herein, on both sides in so far as Grantor's property will allow, and said temporary construction easement shall be seventeen and a half (17.5) feet in width.

Said easements are illustrated on the attached Sketch to Accompany Field Notes which is made a part of this document for the purposes described herein.

As surveyed by:

INLAND ENGINEERING AND SURVEYING

Jerry E. Holligan
R.P.L.S. No. 3819

JEH/mh
BRESMT4.wps
2-19-98



Vol. 693 Page 355



Development Services

ITEM 4.8

Mark S. Lewis
Development Services Director
(512)-715-3215
mlewis@cityofburnet.com

Agenda Item Brief

Meeting Date: November 13, 2018

Agenda Item: Discuss and Consider Action: FIRST READING OF AN ORDINANCE AMENDING ORDINANCE NO. 2012-06 BY ASSIGNING TOWNHOMES – DISTRICT R-2A TO LOTS 8-A (0.29-ACRES); 9-A (0.21-ACRES) AND 10-A (0.26-ACRES); JOHN HAMILTON SURVEY NO. 1, WHICH ARE FURTHER DESCRIBED AS BEING LOCATED IN THE 1200 BLOCK OF BUCHANAN DRIVE; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: M. Lewis

Background: The attached ordinance, if approved by City Council, will assign Townhomes – District R-2A zoning to the property described in the above caption.

Information: The Planning and Zoning Commission, by unanimous vote, has recommended approval of this zone change. Staff concurs with the Commission recommendation and also recommends that the zone change be approved.

Fiscal Impact: None

Recommendation: Approve the first reading of Ordinance 2018-19 as presented.

ORDINANCE NO. 2018-19

AN ORDINANCE AMENDING ORDINANCE NO. 2012-06 BY ASSIGNING TOWNHOME – DISTRICT R-2A TO LOTS 8-A (0.29-ACRES); 9-A (0.21-ACRES) AND 10-A (0.26-ACRES); JOHN HAMILTON SURVEY NO. 1, WHICH ARE FURTHER DESCRIBED AS BEING LOCATED IN THE 1200 BLOCK OF BUCHANAN DRIVE; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, The Planning and Zoning Commission of the City of Burnet, on October 17, 2018, did conduct a public hearing for the purpose of taking public comment regarding the proposal to assign Townhomes – District R-2A zoning to Lots 8-A (0.29-acres); 9-A (0.21-acres) and 10-A (0.26-acres); John Hamilton Survey No. 1, which are further described as being located in the 1200 Block of Buchanan Drive; and

WHEREAS, The City Council of the City of Burnet, on November 13, 2018 did conduct its own public hearing for the purpose of taking public comment regarding the proposal to assign Townhomes – District R-2A to Lots 8-A (0.29-acres); 9-A (0.21-acres) and 10-A (0.26-acres); John Hamilton Survey No. 1, which are further described as being located in the 1200 Block of Buchanan Drive; and

WHEREAS, The City Council, based on due consideration of the Planning and Zoning Commission recommendation, and its own findings, did determine that assigning Townhomes – District R-2A Lots 8-A (0.29-acres); 9-A (0.21-acres) and 10-A (0.26-acres); John Hamilton Survey No. 1, which are further described as being located in the 1200 Block of Buchanan Drive to be consistent with the City of Burnet Future Land Use Plan, consistent with development patterns in the surrounding area and consistent with the best public interest of the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, THAT:

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Zoning Changed. The Lots 8-A (0.29-acres); 9-A (0.21-acres) and 10-A (0.26-acres); John Hamilton Survey No. 1, which are further described as being located in the 1200 Block of Buchanan Drive are hereby assigned a zoning designation of Townhomes – District R-2A.

Section 3. Repealer. Other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent that they are in conflict.

Section 4. Severability. Should any provisions of this ordinance be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.

Section 5. Effective Date. This ordinance is effective upon final passage and approval.

Section 6. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meeting Act, Chapter. 551, Loc. Gov't. Code.

PASSED AND APPROVED on First Reading this 11th day of November, 2018.

FINALLY PASSED AND APPROVED on this 11th day of December, 2018.

CITY OF BURNET, TEXAS

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary