

RESOLUTION NO. R2022-04

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS ACCEPTING THE RELEASE OF A 0.101 ACRE ACCESS EASEMENT AND AUTHORIZING THE EXECUTION OF A 0.11 ACRE ACCESS EASEMENT AGREEMENT TO PROVED DELAWARE SPRINGS 27 ACCESS

WHEREAS, the City, granted a 0.101-acre Easement to Big Leaf Ltd, (hereinafter "Fox") for access across City property to property held by Big Leaf, and said Easement was designated as Tract 7 and said Big Leaf property was designated as Tract 27 in the that certain Boundary Agreement by and between the City; Granter; BJV Fox Holdings, LP; Series DS-19 of BJV Fox Properties, LLC and recorded in the Public Records of Burnet County, Texas on February 12, 2014, as Document No. 201401086; and

WHEREAS, Fox has conveyed Tract 27 to SABIK, LLC., a limited liability company formed in Texas (hereinafter "SABIK") and

WHEREAS, the City and SABIK have agreed the relocation of the Easement is beneficial to both parties; and

WHEREAS, by this Resolution Council wishes to memorialize its intent to authorize the release of the exiting easement and approve the execution of an easement agreement for the relocated easement.

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

Section one. Findings. The recitals to this Resolution are incorporated herein for all purposes.

Section two. Acceptance of Easement Release. The Release of Easement, as memorialized in **Appendix "A"** hereto, is hereby accepted.

Section three. Easement Agreement Approved . The Easement Agreement, as memorialized in **Appendix "B"** hereto, is hereby approved.

Section four. Authorization. The Mayor, and/or City Manager are hereby authorized to execute instrumentalities in substantial form as **Appendices "A" and "B"** and take such further action and take such further action as may be reasonably necessary to facilitate the purpose of this Resolution.

Section five. Open Meetings. It is hereby officially found and determined that the meeting at which this resolution was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act.

Section six. Effective Date. This resolution shall take effect immediately upon its passage, and approval as prescribed by law.



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.

RELEASE AND TERMINATION OF ACCESS EASEMENT

THE STATE OF TEXAS §
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COUNTY OF BURNET §

WHEREAS, the City Burnet, Texas, (hereinafter the "Grantor"), conveyed an Easement to Big Leaf Ltd (hereinafter the "Grantee") said Easement tract was designated as Tract 7 in the that certain Boundary Agreement by and between the City; Grantor; BJV Fox Holdings, LP; Series DS-19 of BJV Fox Properties, LLC and recorded in the Public Records of Burnet County, Texas on February 12, 2014, as Document No. 201401086; and

WHEREAS, the purpose of the Easement was to provide access to Tract 27 as described in the aforementioned Boundary Agreement; and

WHEREAS, Big Leaf Ltd, intends to convey its interest in Tract 27 and the Easement to SABAK, LLC; and

WHEREAS, in order to close on the conveyance and for their mutual benefit, Grantor and Grantee have agreed to relocate the Easement by separate instrument; and

WHEREAS, Grantee desires to terminate and grant a release of the Easement as described in the metes and bounds attached as **Exhibit "A"** and the survey attached as **Exhibit "B"**.

NOW THEREFORE, for ten dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and for the benefit of all present and future owners of the Property, or any portion thereof, Grantee has **RELEASED AND TERMINATED** and, by these presents, does **RELEASE AND TERMINATE** the Easement described in **Exhibit "A"** and **Exhibit "B"**.

It is expressly agreed and understood that this is a release of only said Easement and that this release does not release, affect, or impair any other remaining easements as they may relate to the Property or any real property which is not included within the Property.

By execution hereof, Grantor confirms and acknowledges the Easement will be of no further force or effect.

Signature page to follow.

IN WITNESS WHEREOF, this instrument is executed as of the dates stated below.

Grantee/Releasor

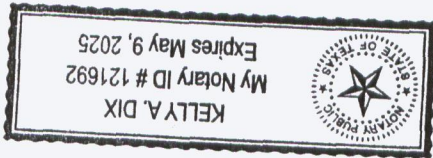
BIG LEAF LTD, a Texas limited partnership
By: Little Leaf, Inc. a Texas corporation,
its general partner

By: *Louise Lary*
Louise Lary, President

THE STATE OF TEXAS §
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COUNTY OF BURNET §

This instrument was acknowledged before me on the 17 day of January, 2022, by Louise Lary, acting herein as president of Little Leaf Inc., a Texas corporation.

Kelley Dix
NOTARY PUBLIC, STATE OF TEXAS



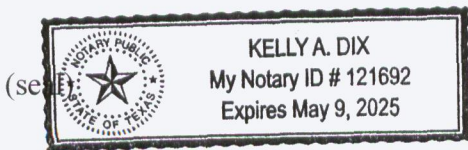
Accepted:

CITY OF BURNET, TEXAS,
a Texas home-rule municipality

By: *Crista Goble Bromley*
Crista Goble Bromley, Mayor

THE STATE OF TEXAS §
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COUNTY OF BURNET §

This instrument was acknowledged before me on 19 January, 2022, by Crista Goble Bromley, as Mayor of Burnet, Texas and on behalf of said municipality.



Kelley Dix
Notary Public Signature

Delaware Springs Tract 27 easement release exhibits

Exhibit A
Metes and Bounds
0.101-acre (50 ft. wide) easement

City of Burnet
1001 Buchanan Drive, Suite 4
Burnet, TX 78611



**METES AND BOUNDS DESCRIPTION OF
TRACT 7 (0.101 ACRES)**

FIELD NOTES TO DESCRIBE A 0.101 ACRE (50 FT. WIDE) TRACT OF LAND (TRACT 7), OUT OF THE EUGENIO PEREZ SURVEY NO. 41, ABSTRACT NO. 672, SITUATED IN BURNET COUNTY, TEXAS, AND BEING A PORTION OF THE REMAINING PORTION OF A CALLED 110.03 ACRE TRACT OF LAND, DESCRIBED IN A DEED TO BIG LEAF LTD, AS RECORDED IN VOLUME 618, PAGE 569 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, SAID 0.101 ACRES (50 FT. WIDE - TRACT 7) BEING MORE PARTICULARLY DESCRIBED BY METES AND AS FOLLOWS:

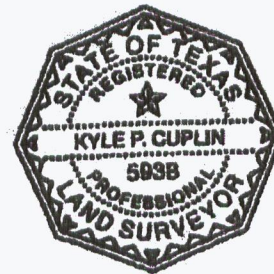
BEGINNING at a 1/2-inch iron rod set with "EASEMENT" cap, within the interior of said 110.03 acres, along a westerly line of Tract 27 and an easterly line of Tract 3, for the southeast corner hereof, from which the southeast corner of said 110.03 acres bears South 44°16'39" East, a distance of 2,145.14 feet,

THENCE over and across said 110.03 acres, the following courses and distances:

- 1) South 88°35'41" West, over and across said Tract 3, for the south line hereof, a distance of 94.17 feet, to a 1/2-inch iron rod set with "EASEMENT" cap, along an easterly line of Tract 26 and a westerly line of said Tract 3, for the southwest corner hereof;
- 2) North 02°09'21" West, along an easterly line of said Tract 26 and a westerly line of said Tract 3, for the west line hereof, a distance of 50.00 feet, to a 1/2-inch iron rod set with "EASEMENT" cap, for the northwest corner hereof;
- 3) North 88°35'41" East, over and across said Tract 3, for the north line hereof, a distance of 81.98 feet, to a 1/2-inch iron rod set with "EASEMENT" cap, along a westerly line of said Tract 27 and an easterly line of said Tract 3, for the northeast corner hereof;
- 4) South 15°48'55" East, along a westerly line of said Tract 27 and an easterly line of said Tract 3, for the east line hereof, a distance of 51.62 feet, to the **POINT OF BEGINNING**, containing 0.101 acres, more or less.

That I, Kyle P. Cuplin, a Registered Professional Land Surveyor, do hereby certify that the above description and accompanying plat is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision, with all bearings being referenced to Texas Coordinate System, Central Zone.

K.P. Cuplin 8/19/09
Registered Professional Land Surveyor No. 5938
Proj. No. 08222



Delaware Springs Tract 27 easement release exhibits

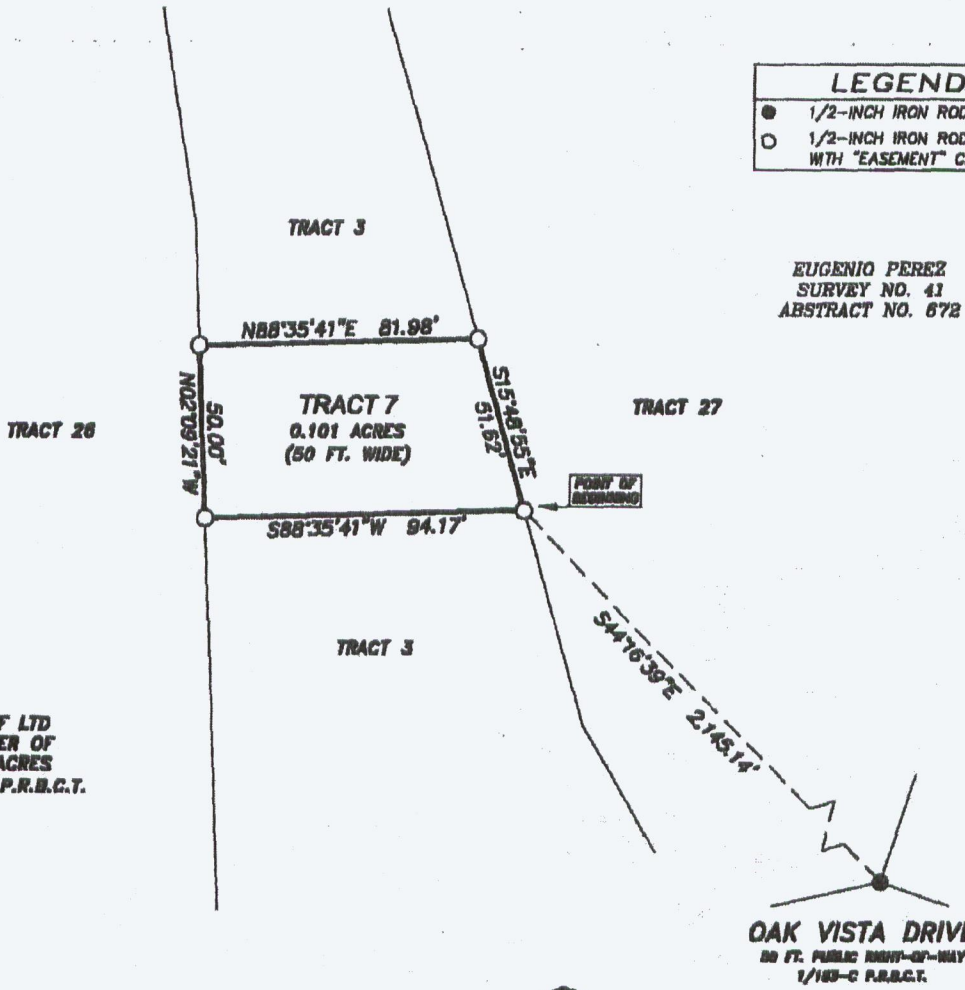
Exhibit B
Survey
0.101-acre (50 ft. wide) easement

BOUNDARY SURVEY

LEGAL DESCRIPTION: BEING A 0.101 ACRE (50 FT. WIDE) TRACT OF LAND (TRACT 7), OUT OF THE EUGENIO PEREZ SURVEY NO. 41, ABSTRACT NO. 672, SITUATED IN BURNET COUNTY, TEXAS, AND BEING A PORTION OF THE REMAINING PORTION OF A CALLED 110.03 ACRE TRACT OF LAND, DESCRIBED IN A DEED TO BIG LEAF LTD, AS RECORDED IN VOLUME 618, PAGE 569 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, SAID 0.101 ACRES (50 FT. WIDE- TRACT 7) BEING MORE PARTICULARLY DESCRIBED BY SEPARATE METES AND BOUNDS OF EVEN DATE ATTACHED HERETO AND MADE A PART OF THIS SURVEY.



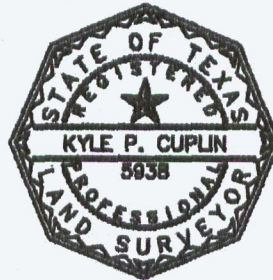
LEGEND	
●	1/2-INCH IRON ROD FOUND
○	1/2-INCH IRON ROD SET WITH "EASEMENT" CAP



**BIG LEAF LTD
REMAINDER OF
110.03 ACRES
618/569 O.P.R.B.C.T.**

OAK VISTA DRIVE
80 FT. PUBLIC RIGHT-OF-WAY
1/183-C P.R.B.C.T.

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 CONFORMS TO THE CURRENT MINIMUM STANDARDS FOR A BOUNDARY SURVEY AS ESTABLISHED BY THE TEXAS BOARD OF LAND SURVEYING.



Kyle P. Cuplin
KYLE P. CUPLIN, R.P.L.S. 5938 DATED 8/19/09

TEXAS COORDINATE
SYSTEM
CENTRAL ZONE

SHEET	PROJ. NO. 08222	BOUNDARY SURVEY TRACT 7 0.101 ACRES (50 FT. WIDE)		CUPLIN & ASSOCIATES, INC. 3010 WEST RR 1431, SUITE B KINGSLAND, TEXAS 78639 PHONE: 325-388-3300 FAX: 325-388-3320	2		DRAWN BY	REG	
2	DATE: 07/31/08			SCALE 1" = 50'	1	KPC			
OF 2					DATE	NO.	DESCRIPTION	REVISED BY	APPROVED BY



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

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KNOW ALL BY THESE PRESENTS

COUNTY OF BURNET

Easement Agreement for Access

Date: Jan. 11, 2022

Grantor: The City of Burnet, Texas

Grantor's Mailing Address: 1001 Buchanan Drive, Suite 4
Burnet, Burnet County, Texas 78611

Grantee: BIG LEAF LTD.

Grantee's Mailing Address: PO Box 456,
Burnet, Burnet County, Texas 78611

Easement Property: Being a 0.11-acre (50 ft. wide) tract of land, said 0.11-acre Easement being more fully described by the metes and bounds in **Exhibit "A"** and survey in **Exhibit "B"** attached hereto.

Easement Purpose: For providing free and uninterrupted pedestrian, vehicular ingress to and egress from the Dominant Estate Property.

Dominant Estate Property: Being a 16.610 acre tract designated as Tract 27 in the that certain Boundary Agreement by and between the City; Grantor; BJV Fox Holdings, LP; Series DS-19 of BJV Fox Properties, LLC and recorded in the Public Records of Burnet County, Texas on February 12, 2014, as Document No. 201401086.

Consideration: Grantee's release and vacation of that certain Easement Agreement for Access recorded as document no. 201401081 in the Public Records of County Clerk of Burnet County, Texas, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by Grantor.

Reservations from Conveyance: Grantor's right to construct, repair, replace and maintain water, sewer, drainage, electric utilities, and golf course irrigation lines upon, over, above and under the Easement Property (hereinafter Grantor's "public utilities rights") and Grantor's right to allow its officials, employees, contractors and invitees to cross the Easement Property for City of Burnet Golf Course related purposes.

Exceptions to Warranty: This conveyance is expressly made subject to all validly existing restrictions, covenants, conditions, rights-of-way, easements, mineral reservations and royalty reservations, and other matters of record, if any, affecting the Property.

Grant of Easement: Grantor, for the Consideration and subject to the Reservations from Conveyance and Exceptions to Warranty, grants, sells, and conveys to Grantee and Grantee's heirs, successors, and assigns an easement over, on, and across the Easement Property for the Easement Purpose and for the benefit of the Dominant Estate Property, together with all and singular the rights and appurtenances thereto in any way belonging (collectively, the "Easement"), to have and to hold the Easement to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs, successors, and assigns to warrant and forever defend the title to the Easement in Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the Easement or any part thereof, except as to the Reservations from Conveyance and Exceptions to Warranty to the extent that such claim arises by, through, or under Grantor but not otherwise.

[Signatures on Following Page]

To be effective as of the date first set out above.

GRANTOR:

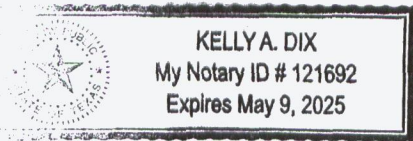
CITY OF BURNET, TEXAS

By: *Crista Goble Bromley*
Crista Goble Bromley, Mayor

THE STATE OF TEXAS §

COUNTY OF BURNET §

This instrument was acknowledged before me, the undersigned authority, on this the 19 day of January, 2022, by Crista Goble Bromley, acting herein as Mayor of the City of Burnet, Texas.



Kelly Dix
NOTARY PUBLIC, STATE OF TEXAS

GRANTEE:

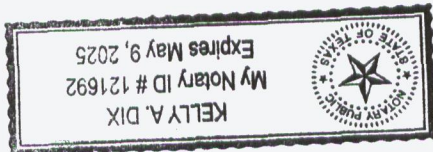
BIG LEAF LTD, a Texas limited partnership
By: Little Leaf, Inc. a Texas corporation, its
general partner

By: *Louise Lary*
Louise Lary, President

THE STATE OF TEXAS §

COUNTY OF BURNET §

This instrument was acknowledged before me on the 18 day of January, 2022, by Louise Lary, acting herein as president of Little Leaf Inc., a Texas corporation.



Kelly Dix
NOTARY PUBLIC, STATE OF TEXAS

Delaware Springs Tract 27 Easement Agreement exhibits

Exhibit A
Metes and Bounds
0.11-acre (50 ft. wide) easement

50ft Wide Ingress and Egress Easement

BEING A 0.11 ACRE INGRESS AND EGRESS EASEMENT OUT OF THE EUGENIO PEREZ SURVEY NO. 41, ABSTRACT NO. 672 IN BURNET COUNTY, TEXAS, AND BEING A PORTION OF A 26.042 ACRE TRACT OF LAND, KNOWN AS TRACT 3, DESCRIBED IN A DOCUMENT TO THE CITY OF BURNET, RECORDED IN DOCUMENT NO. 201101280 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, SAID 0.11 ACRE INGRESS AND EGRESS EASEMENT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron pin found with "Cuplin" cap at the northeasterly corner of Lot 7 of Oak Vista Section Two, a subdivision located in the City of Burnet as shown on Document No. 202013212 of the Official Public Records of Burnet County, at the southeasterly corner of a called 50ft wide public right-of-way and along the westerly line of Tract 3, a called 26.042 acre tract as described in Document No. 201101280 of the Official Public Records of Burnet County, and being the southwest corner hereof;

THENCE North 02°10'00" West, along the east line of said 50ft wide public right-of-way, the westerly line of said Tract 3 and hereof, a distance of 57.05' to a 1/2" iron pin found with "Cuplin" cap at the southeast corner of Lot 8 of said Oak Vista Section Two the northeast corner of said 50ft wide public right-of-way and being the northwest corner hereof;

THENCE departing the east line of said Oka Vista Section Two, over and across said Tract 3, along the north line hereof, along a curve to the right having an arc length of 91.32', a radius of 225.03', a chord bearing of North 74°21'13" East, and a chord length of 90.69' to a 1/2" iron pin set with "Cuplin" cap along the west line of Tract 27, a called 16.610 acre tract as described in Document No. 201101280 of the Official Public Records of Burnet County, the easterly line of said Tract 3 and being the northeast corner hereof;

THENCE South 15°48'55" East, along the west line of said Tract 27, the easterly line of said Tract 3, and hereof, a distance of 51.40' to a 1/2" iron pin set with "Cuplin" cap at the southeast corner hereof;

THENCE departing the west line of said Tract 27, over and across said Tract 3, along the south line hereof, the following courses and distances

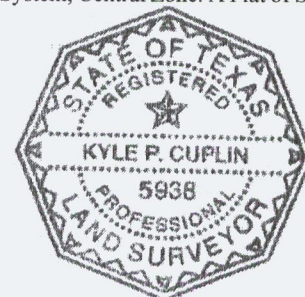
- 1) Along a curve to the left having an arc length of 103.43', a radius of 175.03', a chord bearing of South 72°29'29" West, and a chord length of 101.93' to a 1/2" iron pin set with "Cuplin" cap;
- 2) South 55°33'47" West, a distance of 2.39' to the **POINT OF BEGINNING**, and containing 0.11 acre, more or less.

I hereby certify that this survey was performed on the ground and was surveyed by me and or under my direct supervision. Cuplin & Associates, Inc. accepts no responsibility for the use of this survey by anyone other than the above referenced parties hereby certified to for this specific transaction only, copyright 2021, Cuplin & Associates, Inc. ©. 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.



Kyle P. Cuplin
Registered Professional Land Surveyor No. 5938

Dated: 12/14/2021



Delaware Springs Tract 27 Easement Agreement exhibits

Exhibit B
Survey
0.11-acre (50 ft. wide) easement

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N02°10'00"W	57.05'
L2	S15°48'55"E	51.40'
L3	S55°33'47"W	2.39'

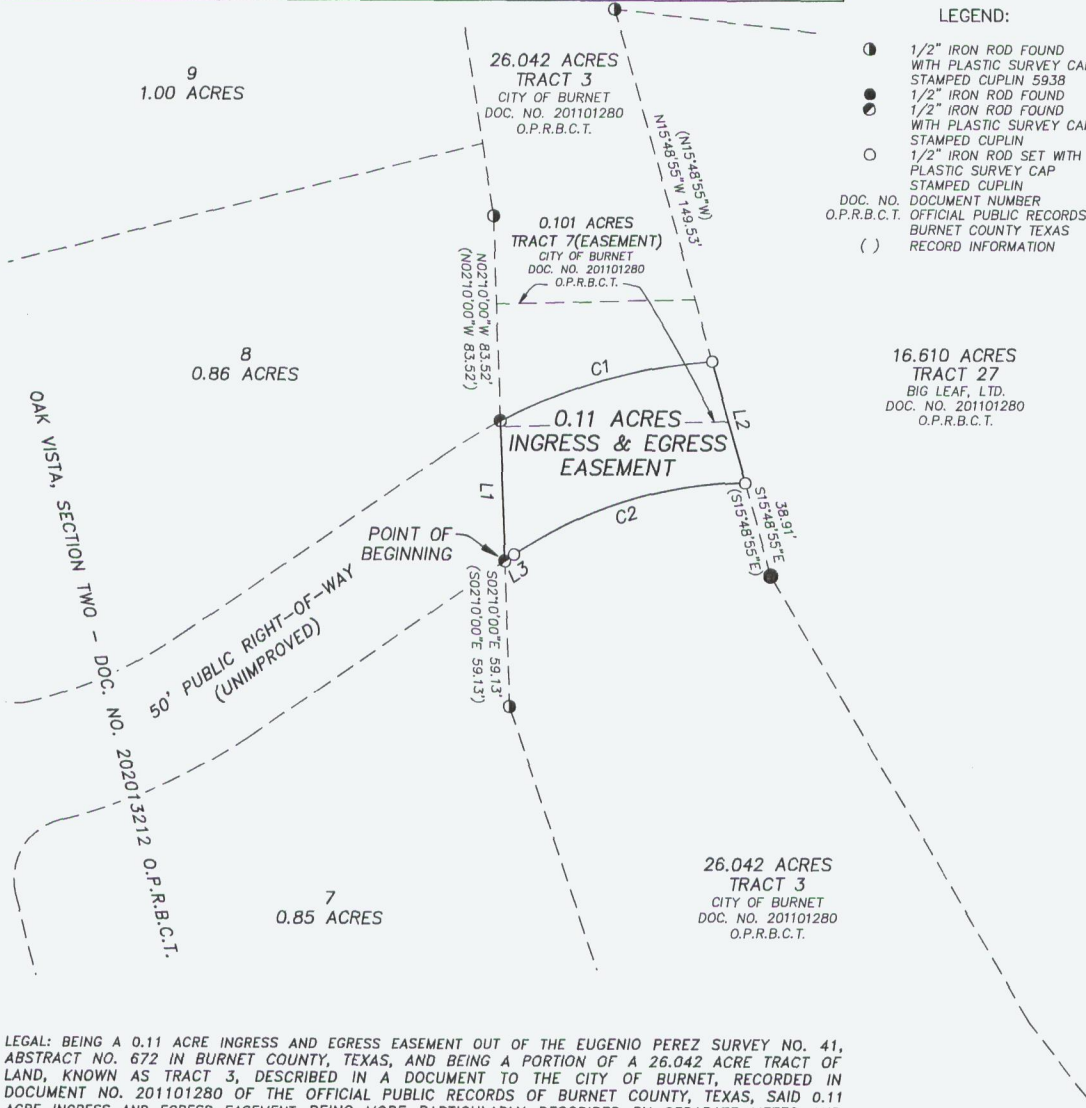
RECORD LINE TABLE		
LINE	BEARING	DISTANCE
L1	N02°10'00"W	57.05'
L2	S15°48'55"E	

CURVE TABLE					
CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	23°15'01"	225.03'	91.32'	N74°21'13"E	90.69'
C2	33°51'25"	175.03'	103.43'	S72°29'29"W	101.93'



LEGEND:

- 1/2" IRON ROD FOUND WITH PLASTIC SURVEY CAP STAMPED CUPLIN 5938
- 1/2" IRON ROD FOUND WITH PLASTIC SURVEY CAP STAMPED CUPLIN
- 1/2" IRON ROD SET WITH PLASTIC SURVEY CAP STAMPED CUPLIN
- DOC. NO. DOCUMENT NUMBER
- O.P.R.B.C.T. OFFICIAL PUBLIC RECORDS
- BURNET COUNTY TEXAS
- () RECORD INFORMATION



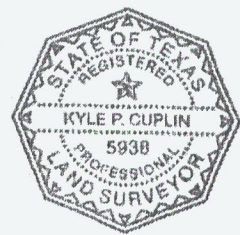
LEGAL: BEING A 0.11 ACRE INGRESS AND EGRESS EASEMENT OUT OF THE EUGENIO PEREZ SURVEY NO. 41, ABSTRACT NO. 672 IN BURNET COUNTY, TEXAS, AND BEING A PORTION OF A 26.042 ACRE TRACT OF LAND, KNOWN AS TRACT 3, DESCRIBED IN A DOCUMENT TO THE CITY OF BURNET, RECORDED IN DOCUMENT NO. 201101280 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, SAID 0.11 ACRE INGRESS AND EGRESS EASEMENT BEING MORE PARTICULARLY DESCRIBED BY SEPARATE METES AND BOUNDS DESCRIPTION TO ACCOMPANY THIS SURVEY OF EVEN DATE.

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. 48053C0480G, EFFECTIVE 11/11/2019.
- 2) BASIS OF BEARINGS ARE TO THE NORTH AMERICAN DATUM OF 1983, TEXAS COORDINATE SYSTEM, CENTRAL ZONE.
- 3) ALL DISTANCES SHOWN HEREON ARE SURFACE DISTANCES.

I HEREBY CERTIFY TO ATTORNEY'S ABSTRACT COMPANY AND THE CITY OF BURNET, TEXAS 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. CUPLIN & ASSOCIATES, INC. ACCEPTS NO RESPONSIBILITY FOR THE USE OF THIS SURVEY BY ANYONE OTHER THAN THE ABOVE REFERENCED PARTIES HEREBY CERTIFIED TO FOR THIS SPECIFIC TRANSACTION ONLY. COPYRIGHT 2021, CUPLIN & ASSOCIATES, INC. ©.

K.P. Cuplin
KYLE P. CUPLIN, R.P.L.S. NO. 5938 DATED 12/14/2021



SHEET 1 OF 2	PROJECT NO. 211013	1500 OLLIE LANE MARBLE FALLS, TX 78654 PH 325-388-3300/830-693-8815 WWW.CUPLINASSOCIATES.COM	SCALE 1" = 60' 0 30 60	2		
	PREPARED FOR: THE CITY OF BURNET			1		
	TECH: B. BURTON			DATE	NO.	DESCRIPTION
	APPROVED: KPC			REVISIONS		
FIELDWORK PERFORMED ON: DECEMBER, 2021						
COPYRIGHT: 2021	PROFESSIONAL FIRM NO: 10126900					