

RESOLUTION NO. R2022-14

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS AUTHROIZING THE PAYMENT OF A FEE IN LIEU OF TREE PRESERVATION/MITIGATION FOR DELAWARE SPRINGS SECTION 24

Whereas, City Code Section 98-22 requires a subdivision plat applicant in the development of his or her project to preserve trees within the subdivision that are eight caliper inches or larger ("significant trees"); and

Whereas, alternatively the Code Section allows the developer to mitigate the removal of significant trees by planting trees at a ratio of one caliper inch per each caliper inch removed, except in cases of significant trees being eighteen caliper inches the ratio is two caliper inches for each caliper inch removed;

Whereas, Delaware Springs Section 24 is a single family subdivision under development within the city of Burnet; and

Whereas, as part of the preliminary plat application the applicant provided a tree survey; and

Whereas, the applicant has removed 116 caliper inches of significant trees less than eighteen caliper inches, and 45 caliper inches of significant trees eighteen caliper inches or greater; and

Whereas, the applicant represents it is impractical to plant mitigation trees and requested to pay fee in lieu of mitigation; and

Whereas, there is precedence (Pepper Mill Sections 1&2) for accepting a fee in lieu of mitigation at the rate of \$100.00 per caliper inches for the removal of significant trees less than eighteen caliper inches and \$200.00 per caliper inches for significant trees eighteen caliper inches or greater.

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. Authorization. The City Manager is hereby authorized to accept payment in the amount of \$20,600.00 from the applicant as a fee-in-lieu of the tree mitigation required for the recordation of the subdivision plat of Delaware Springs Section 24; and apply such funds for the enhancement of vegetation on the City owned properties. The City Manager is further authorized to execute such instruments and take such actions as may reasonably be necessary to facilitate the purpose of this resolution. However, nothing in this resolution shall prevent the applicant from opting to mitigate the removed trees as authorized by the City Code rather than paying the fee-in-lieu or to fulfill his obligation under the City Code by a combination of mitigation and payment of fee-in-lieu.

Section three. 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 four. Effective date. This resolution shall take effect immediately upon its passage, and approval as prescribed by law.

PASSED AND APPROVED this the 25th day of January, 2022.

CITY OF BURNET, TEXAS


Crista Goble Bromley, Mayor

ATTEST:


Kelly Dix, City Secretary

