

**RESOLUTION NO. R2022-75**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS APPROVING ACCEPTANCE OF PUBLIC UTILITY EASEMENTS TO PROVIDE DRAINAGE IMPROVEMENTS TO THE WOODLANDS AND HERITAGE VALLEY SUBDIVISIONS; AND AUTHORIZING THE MAYOR'S EXECUTION OF SAID INSTRUMENTS ON BEHALF OF THE CITY**

**Whereas**, City Council approved a stormwater drainage improvement project that included extensive work to Applewood and Spicewood Streets increasing those streets stormwater conveyance capacity; and

**Whereas**, the next step in this project is to dredge the Woodlands Subdivision Pond and make drainage improvements and relocate utilities on the adjoining lot owned by the Heritage Valley POA; and

**Whereas**, on October 13, 2022, the Heritage Valley POA board of directors met and approved the dedication of a public utility easement, to accommodate the stormwater draining off the Woodlands Subdivision Pond and the relocation of the public utility infrastructure; and

**Whereas**, on October 19, 2022, Napoleon Barrios and Tamira Copeland executed a public utility easement on their property, which adjoins the Heritage Valley POA lot.

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

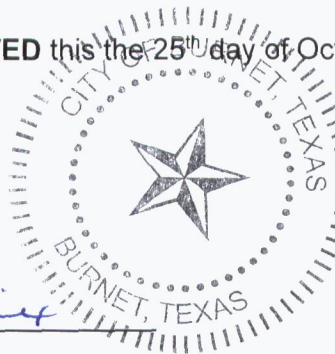
**Easement Agreements Approved.** The Easement Agreements, from the Heritage Valley POA, and Napoleon Barrios and Tamira Copeland, attachment hereto, are hereby approved.

**Section two. Authorization.** The mayor is hereby authorized to execute instruments in substantial form as the attachments hereto and take such further action as may be reasonably necessary to facilitate the purpose of this resolution.

**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.** That this resolution shall take effect immediately upon its passage, and approval as prescribed by law.


**PASSED AND APPROVED** this the 25<sup>th</sup> day of October 2022.



**CITY OF BURNET, TEXAS**

Crista Goble Bromley, Mayor

**ATTEST:**

  
Kelly Dix, City Secretary

Public Utility Easement

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

**PUBLIC UTILITY EASEMENT**

**THE STATE OF TEXAS**     §  
  §  
**COUNTY OF BURNET**     §

**KNOW ALL PERSONS BY THESE PRESENTS:**

DATE:

GRANTOR: **Napoleon Barrios & Tamira N. Copeland**

GRANTOR'S MAILING ADDRESS (including County): **1104 Adams Ave.  
Burnet, Burnet County, Texas 78611**

GRANTEE: **City of Burnet, Texas**

GRANTEE'S MAILING ADDRESS (including County): **P.O. Box 1369  
1001 Buchanan Drive Suite #4,  
Burnet, Burnet County, Texas 78611**

CONSIDERATION: Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged.

PROPERTY:

Being a 0.04 acre tract of land, out of a lot, known as Lot 2-A, Block 1, of the Heritage Valley Subdivision recorded in Book CAB4 Page 29D of the Public Records of Burnet County, Texas, and being more particularly described by metes and bounds as follows in Exhibit "A".

**GRANTOR**, for the **CONSIDERATION** paid to **GRANTOR**, hereby grants, sells, and conveys to **GRANTEE**, its successors and assigns, an exclusive, perpetual easement for all purposes necessary for installing, operating and maintaining any and all desired utility services within said easement, including but not limited to placing, constructing, operating, repairing, maintaining, rebuilding, replacing, relocating and removing or causing to be placed, constructed, operated, repaired, maintained, rebuilt, replaced, relocated and removed structures or improvements reasonably necessary for the supplying of electric, water and/or sanitary sewer service, stormwater drainage and all other utility services deemed necessary by the **GRANTEE** in, upon, under and across the **PROPERTY** more fully described and as shown in Exhibit "A" attached hereto.

**GRANTOR** and **GRANTOR's** heirs, successors, and assigns shall retain the right to use all or part of the **PROPERTY** as long as such use does not interfere with **GRANTEE's** use of the **PROPERTY** for the purposes provided for herein. **GRANTEE** shall have the right to eliminate any encroachments into the **PROPERTY** that interfere with **GRANTEE's** use of the **PROPERTY** as a Public Utility Easement.

Public Utility Easement

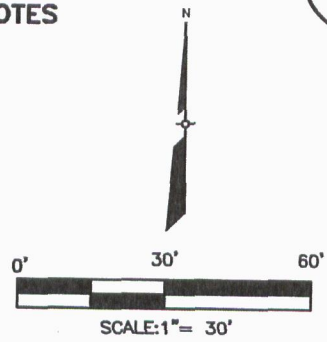
**TO HAVE AND TO HOLD** the above-described easement, together with all and singular the rights and appurtenances thereto in anyway belonging unto **GRANTEE**, and **GRANTEE's** successors and assigns forever; and **GRANTOR** does hereby bind itself, its successors and assigns to **WARRANT AND FOREVER DEFEND** all and singular the easement unto **GRANTEE**, its successor and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof.

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

The remainder of this page is intentionally blank and grantor's signature page follows.

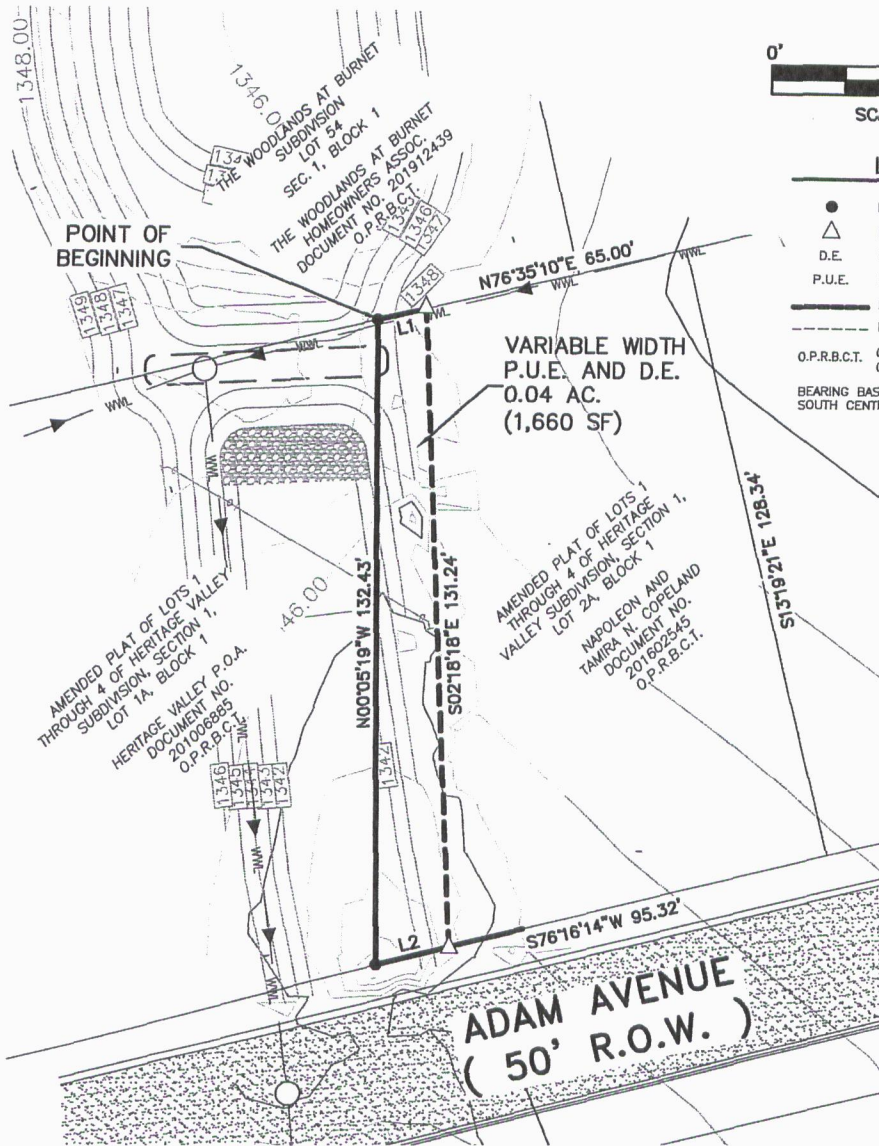
# SKETCH TO ACCOMPANY FIELD NOTES

BOUNDARY LINE TABLE		
LINE #	LENGTH	BEARING
L1	10.27'	N76°35'10"E
L2	15.51'	S76°16'14"W



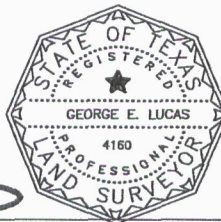
## LEGEND

- DENOTES 1/2" ST. SK. FND.
- △ DENOTES A CALCULATED POINT
- D.E. DRAINAGE EASEMENT
- P.U.E. PUBLIC UTILITY EASEMENT
- PROPOSED EASEMENT
- - - EXISTING EASEMENT
- O.P.R.B.C.T. OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS.
- BEARING BASIS: TEXAS LAMBERT GRID, SOUTH CENTRAL ZONE, NAD 83



## LEGAL DESCRIPTION

BEING A 0.05 ACRE (2,305 SF) TRACT OF LAND, OUT OF LOT 2A, SECTION 1, BLOCK 1, OF THE AMENDED PLAT OF LOTS 1 THROUGH 4 OF HERITAGE VALLEY SUBDIVISION, SECTION 1, RECORDED IN DOCUMENT NO. 20070578 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, CONVEYED BY GENERAL WARRANTY DEED TO NAPOLEON AND TAMIRA N. COPELAND, RECORDED IN DOCUMENT NO. 201602545 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS



*[Handwritten Signature]*

GEORGE E. LUCAS  
 REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4160  
 CELCO SURVEYING, FIRM REGISTRATION NO. 10193975  
 18018 OVERLOOK LOOP, SUITE 105  
 SAN ANTONIO, TEXAS 78259  
 OFFICE (512) 635-4857

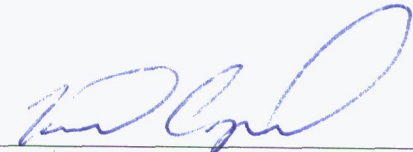
10-07-2022

DATE

Public Utility Easement  
To be effective as of the date first stated above.

**GRANTOR:**

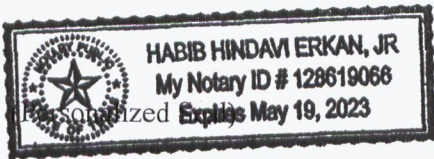
By:   
Napoleon Barrios


By:   
Tamira N. Copeland

THE STATE OF TEXAS                   §  
   §  
COUNTY OF BURNET                   §

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Napoleon Barrios known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 4<sup>th</sup> day of October, 2022.

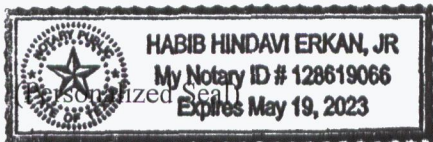


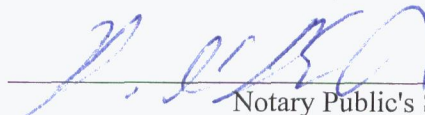
  
Notary Public's Signature

THE STATE OF TEXAS                   §  
   §  
COUNTY OF BURNET                   §

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Tamira N. Copeland known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 4<sup>th</sup> day of October, 2022.

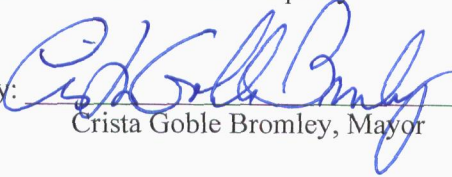


  
Notary Public's Signature

The remainder of this page is intentionally blank and grantee's signature page follows.

Public Utility Easement

**AGREED AND ACCEPTED:**  
CITY OF BURNET, TEXAS,  
a Texas home-rule municipality

By:   
Crista Goble Bromley, Mayor

THE STATE OF TEXAS

§

COUNTY OF BURNET

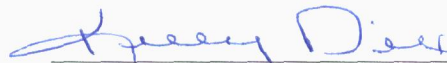
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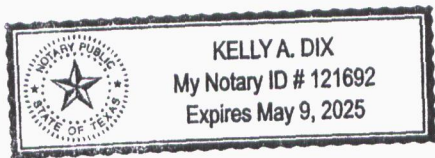
§

**BEFORE ME**, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Crista Goble Bromley, mayor of the City of Burnet, Texas, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

**GIVEN UNDER MY HAND AND SEAL OF OFFICE** on this the 25 day of October, 2022.

(Personalized Seal)

  
Notary Public's Signature



FIELD NOTE DESCRIPTION FOR A 0.04 ACRE (1,660 SF) TRACT OF LAND, BURNET COUNTY, TEXAS:

BEING A 0.04 ACRE (1,660 SF) TRACT OF LAND, OUT OF LOT 2A, SECTION 1, BLOCK 1, OF THE AMENDED PLAT OF LOTS 1 THROUGH 4 OF HERITAGE VALLEY SUBDIVISION, SECTION 1, RECORDED IN DOCUMENT NO. 20070578 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, CONVEYED BY GENERAL WARRANTY DEED TO NAPOLEON AND TAMIRA N. COPELAND, RECORDED IN DOCUMENT No. 201602545 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

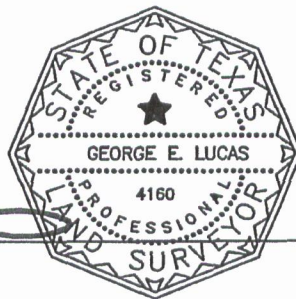
BEGINNING, at a 1/2" iron rod found, lying in the south line of Lot 54, Section 1, Block 1, of The Woodlands at Burnet Subdivision, recorded in Cabinet 2, Slide 81D of the Official Public Records of Burnet County, Texas, conveyed to The Woodlands at Burnet Homeowner's Association, recorded in Document No. 201912439 of the Official Public Records of Burnet County, Texas, marking the northeast corner of Lot 1A, Section 1, Block 1, of The Amended Plat of Lots 1 Through 4 of Heritage Valley Subdivision, Section 1, recorded in Document No. 200702329 of the Official Public Records of Burnet County, Texas, for the northwest corner of this tract;

THENCE, North  $76^{\circ}35'09''$  East, a distance of 10.27 feet, along the north line of this tract, common with the north line of said Lot 2A and the south line of said Lot 54, to a calculated point, for the northeast corner of this tract;

Thence, South  $02^{\circ}18'18''$  East through and across said Lot 2A, a distance of 131.24 feet, to a calculated point, lying in the north right-of-way line of Adam Avenue, a public road, marking the southeast corner of this tract;

THENCE, South  $76^{\circ}16'14''$  West, along the south line of this tract, common with the north right-of-way line of Adam Avenue and the south line of said Lot 2A, a distance of 15.51 feet, to a 1/2" iron rod found, marking the southwest corner of said Lot 2A, common with the southeast corner of said Lot 1A, for the southwest corner of this tract;

THENCE, North  $00^{\circ}05'19''$  West, along the west line of this tract, common with the east line of said Lot 1A, a distance of 132.43 feet, to the POINT OF BEGINNING, containing 0.04 ACRES (1,660 SF) of land, more or less.



George E. Lucas

Registered Professional Land Surveyor No. 4160

Celco Surveying, Firm Registration No. 10193975

18018 Overlook Loop, Suite 105

San Antonio, Texas 78259

Date: October 7, 2022



76035 75848

**PARTIAL RELEASE OF LIEN**


THE STATE OF TEXAS       §  
  §  
COUNTY OF BURNET       §

THAT THE UNDERSIGNED, on behalf of , the present legal and equitable owner and holder of that one certain promissory note in the original principal sum of TWO-HUNDRED-TWENTY-THOUSAND-NINE-HUNDRED-TWENTY-FOUR AND NO/100 DOLLARS (\$220,924.00), dated March 21, 2016, executed by Napoleon Barrios and Tamira N. Copeland, and payable to the order of Southwest Funding, LP., more fully described in and secured by a Deed of Trust dated July 20, 2016, duly recorded as Instrument No. 201602546 in the Real Property Records of the of Burnet County, Texas, covering AMONG OTHER PROPERTY, the property upon which the City of Burnet, Texas placed a 0.05 acre public utility easement as more fully described on **Exhibit A** attached hereto, for good and valuable consideration paid to the undersigned, the receipt and sufficiency of which is hereby acknowledged, hereby **RELEASES** and **DISCHARGES** the aforesaid property, and no other, from said lien or liens.

BUT it is expressly agreed and understood that this is a **PARTIAL RELEASE** only as to the aforesaid property and the same shall in no wise release, affect or impair said lien or liens against any other property in said instrument mentioned.

EXECUTED as of the 15<sup>TH</sup> day of NOVEMBER, 2022.

**U.S. Bank National Association not in its individual capacity but solely as Trustee for RMTP Trust Series 2021 BKM-TT-V, BY RUSHMORE LOAN MANAGEMENT SERVICES LLC, AS ATTORNEY IN FACT.**

By:   
Name: Mario Selva  
Title: Assistant Vice President

THE STATE OF       §  
  §  
COUNTY OF       §

**BEFORE ME**, the undersigned authority, a Notary Public in and for said ~~County and~~ State, on this day personally appeared \_\_\_\_\_ known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

**GIVEN UNDER MY HAND AND SEAL OF OFFICE** on this the \_\_\_ day of \_\_\_\_\_, 2022.

(Personalized Seal)       **SEE ATTACHED ACKNOWLEDGMENT**       \_\_\_\_\_  
Notary Public's Signature



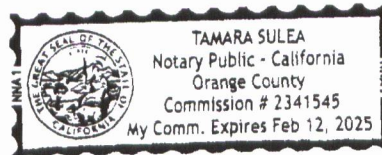
**A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document**

**State of California  
County of ORANGE**

On **November 15, 2022**, before me, **Tamara Sulea, Notary Public**, personally appeared, **MARIO SELVA** who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity (ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



(seal)

Signature of Notary  
(Notary Name): **Tamara Sulea**  
My commission expires: 02/12/2025  
Commission #: 2341545

**Loan Number: 7603575848**