

**RESOLUTION NO. R2023-02**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS PROVIDING FOR THE ACCEPTANCE OF TRANSFER OF REAL PROPERTY FROM THE DISSOLVED BURNET INDUSTRIAL DEVELOPMENT CORPORATION AND AUTHORIZING THE MAYOR'S EXECUTION AN ASSET TRANSFER DEED ON BEHALF OF THE CITY**

**Whereas**, the City of Burnet, Texas (hereinafter "Grantee") is a home rule municipality and a subdivision of the state of Texas; and

**Whereas**, pursuant to the Development Corporation Act of 1979, the City established the Burnet Industrial Development Corporation (hereinafter "Grantor"); and

**Whereas**, during its existence Grantor acquired real property described infra; and

**Whereas**, the Office of the Secretary of State issued a Certificate of Dissolution to Grantor on September 30, 2008; and

**Whereas**, all of Grantor's outstanding debts, obligations, and liabilities have been paid or discharged; and

**Whereas**, Section 501.406 Texas Local Government Code (entitled "*Assets on Termination*") provides: "[o]n termination the title to all funds and property owned by the [Grantor] corporation is transferred to the [Grantee as the] corporation's authorizing unit"; and

**Whereas**, the Articles of Dissolution filed with the Office of the Secretary of State reflect all real property held by Grantor shall transfer to Grantee upon Grantor's dissolution; and

**Whereas**, by passage of this resolution it is Council's intent that an Asset Transfer Deed be recorded in the public record.

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

**Section one. Approval.** The instrument attached hereto entitled *Asset Transfer Deed* is hereby approved.

**Section two. Authorization.** The mayor is hereby authorized to execute an instrument in substantial form as the attachment hereto and take such further action, and execute such ancillary documents, as may be reasonably necessary to facilitate the purpose of this resolution. The City Secretary is authorized and directed to have the executed instrument recorded in the Public Records of Burnet County, Texas.

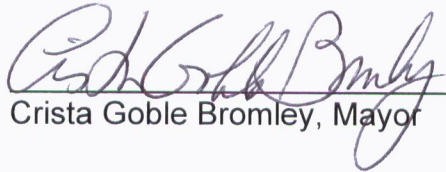
Resolution approving asset transfer deed

**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 10<sup>th</sup> day of January 2023.

**CITY OF BURNET, TEXAS**

  
Crista Goble Bromley, Mayor

**ATTEST:**

  
Kelly Dix, City Secretary



Asset Transfer Deed

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY 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.

**ASSET TRANSFER DEED**

THE STATE OF TEXAS           §  
  §       KNOW ALL PERSONS BY THESE PRESENTS:  
COUNTY OF BURNET           §

**Recitals**

**Whereas**, the **City of Burnet, Texas** (hereinafter "**Grantee**") is a home rule municipality and a subdivision of the state of Texas; and

**Whereas**, pursuant to the Development Corporation Act of 1979, the City established the **Burnet Industrial Development Corporation** (hereinafter "**Grantor**"); and

**Whereas**, during its existence **Grantor** acquired real property described infra; and

**Whereas**, the Office of the Secretary of State issued a Certificate of Dissolution to **Grantor** on September 30, 2008; and

**Whereas**, all of **Grantor's** outstanding debts, obligations, and liabilities have been paid or discharged; and

**Whereas**, Section 501.406 Texas Local Government Code (entitled "*assets on termination*") provides: "*[o]n termination the title to all funds and property owned by the [Grantor] corporation is transferred to the [Grantee as the] corporation's authorizing unit*"; and

**Whereas**, the Articles of Dissolution filed with the Office of the Secretary of State reflect all real property held by **Grantor** shall transfer to **Grantee** upon **Grantor's** dissolution; and

**Whereas**, on January 10, 2023, the Burnet City Council approved this Asset Transfer Deed by resolution.

**NOW THEREFORE** the real property transferred from **Grantor** to **Grantee** is as follows:

**Property One.** The land described in that certain deed instrument from Joe A. Sheppard to Burnet Industrial Development Corporation, recorded in Deed Record 142 Page 360 of the Public Records of Burnet, County, Texas.

**Property Two.** The 167.57 acres of land, more or less, described in that certain General Warranty Deed from Robert Q. Keith, Independent Executor of the Estate of Royal H. Bandy, Deceased, to

Burnet Industrial Development Corporation recorded in Volume 721 Page 175 of the Public Records of Burnet, County, Texas.

Together Property One and Property Two shall be hereinafter referred to as the "**Property**".

In accordance with the provisions of Section 501.406 Texas Local Government Code, and aforementioned Articles of Dissolution, this instrument transfers, grants, sells, and conveys to **Grantee** all of the **Property**, described herein, together with all and singular the rights and appurtenances thereto in anywise belonging to have and hold it to **Grantee**, and **Grantee's** heirs, executors, administrators, successors, or assigns forever.

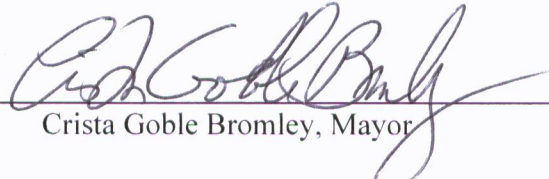
When the context requires, singular nouns and pronouns include the plural.

Exhibits to this instrument are fully incorporated as same were transcribed herein verbatim and are as follows:

- Exhibit "A" Certificate of Dissolution
- Exhibit "B" Unofficial copy of deed to **Property One**.
- Exhibit "C" Unofficial copy of warranty deed to **Property Two**.

To be effective this 16 day of January 2023.

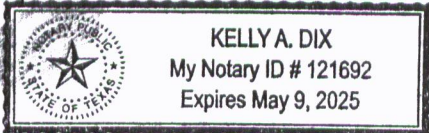
**CITY OF BURNET**

By:   
Crista Goble Bromley, Mayor

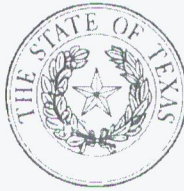
STATE OF TEXAS §  
  §  
COUNTY OF BURNET §

This instrument was acknowledged before me on this 16 day of January 2023, by Crista Goble Bromley in her capacity as Mayor of the City of Burnet, Texas.

[Seal]



  
NOTARY PUBLIC, STATE OF TEXAS



**Office of the Secretary of State**

**CERTIFICATE OF DISSOLUTION  
OF**

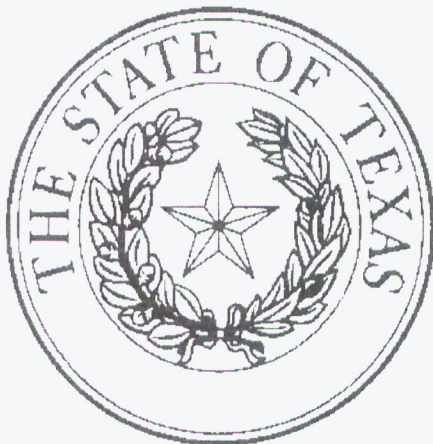
**BURNET INDUSTRIAL DEVELOPMENT CORPORATION  
127928101**

The undersigned, as Secretary of State of Texas, hereby certifies that the Articles of Dissolution for the above named entity have been received in this office and have been found to conform to law.

ACCORDINGLY, the undersigned, as Secretary of State, and by virtue of the authority vested in the Secretary of State by law, hereby issues this Certificate of Dissolution.

Dated: 09/30/2008

Effective: 09/30/2008



A handwritten signature in cursive script, appearing to read "Hope Andrade".

Hope Andrade  
Secretary of State

Exhibit B

360

UNRECORDED

THE STATE OF TEXAS )  
COUNTY OF BURNET ) KNOW ALL MEN BY THESE PRESENTS: 1172

THAT I, JOE A. SHEPPERD of the County of Burnet, State of Texas, for and in consideration of the sum of TEN (\$10.00) DOLLARS and other good and valuable consideration to me in hand paid by BURNET INDUSTRIAL DEVELOPMENT CORPORATION, a corporation duly organized under the laws of the State of Texas, with it's main office in Burnet, Burnet County, Texas, the receipt of which is hereby acknowledged and for which no lien express or implied is retained, have GRANTED, SOLD and CONVEYED, and by these presents do GRANT, SELL and CONVEY unto the said BURNET INDUSTRIAL DEVELOPMENT CORPORATION, all that certain tract or parcel of land out of and a part of the John Hamilton Survey in Burnet County, Texas, being a part of that tract of land described as First Tract in a Deed to Dr. Joe A. Shepperd from E. G. Williams, said Deed of record in Volume 95, Page 559, of the Burnet County Deed Records and this tract is more particularly described as follows:

- BEGINNING at an iron stake at the northeast corner of the said First Tract described in above mentioned deed said beginning point being in the center of Hamilton Creek and in the south margin of Hi-way 29 for the northeast corner of this.
- THENCE with the east line of said First Tract and with the center of said Hamilton Creek S 21° - 30' E 163.3 feet S 25° - E 305 feet and S 30° - E 150 feet to an iron stake therein and in the north margin of Jackson Street if extended for the southeast corner of this.
- THENCE S 78° - W 295.5 feet to an iron stake for a corner of this.
- THENCE N 47°19'W 73 feet to an iron stake for a corner of this.
- THENCE N 57°41'W 110.8 feet to an iron stake for a corner of this.
- THENCE N 80°52'W 177.7 feet to an iron stake and a fence corner for the southwest corner of this at the southeast corner of the 4.5 acre Hospital Tract.
- THENCE N 12°08'W 157 feet with the east line of said Hospital Tract as fenced to an iron stake and fence corner therein for a corner of this.
- THENCE N 47°42' E 28.5 feet to an iron stake and fence corner for a corner of this.
- THENCE N 13°30'W 246.7 feet with a fence and with the east margin of a Drive to a fence corner and an iron stake therein and in the south margin of said Hi-way 29 for the northwest corner of this and this point bears N 82°30' E 19 feet from the northeast corner of said Hospital Tract.

THENCE with the south margin of said Hi-way 29 N 82°30' E 94 feet, N 79°40' E 122 feet and N 79° E 229 feet to the place of beginning containing 6.10 acres of land.

TO HAVE AND TO HOLD the above described premises, together with all and singular, the rights and appurtenances thereto in anywise belonging unto the said BURNET INDUSTRIAL DEVELOPMENT CORPORATION, its successors and assigns forever; and I do hereby bind myself, my heirs, executors and administrators, to Warrant and Forever Defend all and singular the said premises unto the said BURNET INDUSTRIAL DEVELOPMENT CORPORATION, its successors and assigns, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof.

WITNESS my hand at Burnet, Texas, this 18 day of April, A. D. 1964.

*Joe A. Shepperd*  
JOE A. SHEPPERD

THE STATE OF TEXAS )  
COUNTY OF BURNET ) BEFORE ME, the undersigned authority in and for said County, Texas, on this day personally appeared JOE A. SHEPPERD 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.



GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 18 day of April,

*Lillian Troeger*  
NOTARY PUBLIC, BURNET COUNTY, TEXAS.

FILED FOR RECORD 1 DAY OF May, A.D. 1964, at 11:30 o'clock P.M.  
RECORDED 5 DAY OF May, A.D. 1964, at 8:38 o'clock P.M.  
WAYNE A. BARTON, CO. CLERK, BURNET CO. TEX. BY: *SW* *Sauyer* Deputy

Exhibit C

GENERAL WARRANTY DEED 9509

THE STATE OF TEXAS §

COUNTY OF BURNET § KNOW ALL PERSONS BY THESE PRESENTS:

That Robert Q. Keith, Independent Executor of the Estate of Royal H. Bandy, Deceased, hereinafter called "Grantor," for and in consideration of the sum of Ten and No/100 Dollars (\$10.00), together with other good and valuable consideration, to Grantor cash in hand paid by the Burnet Industrial Development Corporation, hereinafter called "Grantee", the receipt of which is hereby acknowledged, has GRANTED, SOLD and CONVEYED, and by these presents does GRANT, SELL and CONVEY unto the said Burnet Industrial Development Corporation, all that certain lot, tract or parcel of land known and described as follows:

161.57 acres of land, more or less, comprised of 95.20 acres out of the B. B. Castleberry Survey No. 2, and 66.37 acres of land, more or less, out of the B. B. Castleberry Survey No. 3, in Burnet County, Texas, and being more fully described by metes and bounds in Exhibit "A" attached hereto and made a part hereof for all purposes (the "Property").

This conveyance is expressly made subject to the restrictions, covenants, conditions, limitations, easements and reservations, if any, now in force and existing of record in the office of the County Clerk of Burnet County, Texas, to which reference is here made for all purposes.

TO HAVE AND TO HOLD the above described Property, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said Grantee, its successors and assigns forever, and Grantor does hereby bind itself, its heirs, administrators, executors, successors and assigns to WARRANT AND FOREVER DEFEND, all and singular, the said Property unto the said Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same.

EXECUTED at Marble Falls, Burnet County, Texas, this the 29th day of October, 1996.

Robert Q. Keith, Executor  
Robert Q. Keith, Independent Executor of the Estate of Royal H. Bandy, Deceased

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UNRECORDED

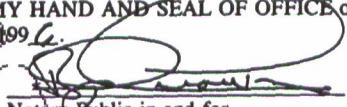


THE STATE OF TEXAS

COUNTY OF Burnet

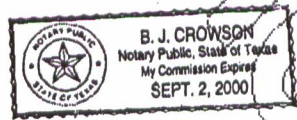
BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Robert Q. Keith, Executor of the Estate of R. H. Bandy, Deceased, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed 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 30th day of October, 1996.



Notary Public in and for the State of Texas

My Commission Expires \_\_\_\_\_



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Original Document

EXHIBIT "A"

BEING 161.57 acres of land in Burnet County, Texas, comprised of 95.20 acres of land out of the B. B. Castleberry Survey No. 2, and 66.37 acres of land out of the B. B. Castleberry Survey No. 3, and also being comprised of that certain 21.4 acre tract conveyed from Houston Clinton, et al to Joe Kelly Butler by Deed as recorded in Vol. 231 of Page 627 of DEED RECORDS of Burnet County, Texas, and that certain 140.090 acre tract conveyed from A. C. Lewis to Joe Kelly Butler by Deed as recorded in Vol. 231 at Page 623 of DEED RECORDS of Burnet County, Texas, said 161.57 acres being more particularly described by metes and bounds as follows:

BEGINNING at a fence corner post at the Southwest corner of said 21.4 acre tract and the Northwest corner of 52.67 acre tract, owned by the City of Burnet, whence a 48 inch Live Oak bears N 58° 30' E 33.5 ft., and also from said fence corner, the Southwest corner of said B. B. Castleberry Survey No. 2, bears S 77° W 437 ft., for a northerly Southwest corner hereof;

THENCE N 76° 13' 30" E with the fenced northerly line of said city of Burnet property at 1068.89 ft., the Southeast corner of said 21.4 acre tract, in the West line of a 20 foot wide utility easement, and a northerly Southwest corner of said 140.090 acre tract, and at 1336.19 ft., in all an iron pin and reentrant corner of said 140.090 acre tract, and the Northeast corner of a 30.50 acre tract deduced to the City of Burnet, as recorded in Vol. 214 at Page 466 of DEED RECORDS of Burnet County, Texas, for a reentrant corner hereof;

THENCE S 15° 37' 45" E with the fenced easterly line of said 30.50 acre tract at 66.7 ft., an iron pin found in the southerly line of a 30 foot wide road easement, and at 2289.07 ft., in all an iron pin found at the Southeast corner of said 30.50 acre tract and Southwest corner of said 140.090 acre tract and hereof;

THENCE N 76° 04' 00" E with the fence 1129.64 ft., to a fence corner post at the Southeast corner of said 140.090 acre tract and hereof;

THENCE N 13° 08' 45" W with the fenced easterly line of said 140.090 acre tract, 2167.62 ft., to an iron pin for a corner, whence an iron pin at a fence corner post bears N 13° 08' 45" W 32.98 ft.;

THENCE N 21° 17' 30" W 31.86 ft., to a 48 inch Pecan;

THENCE N 70° 16' 30" E 41.98 ft., to a double 12 inch Pecan;

THENCE N 17° 30' 00" W 19.62 ft., to a fence corner post, in the fenced easterly line of a 40 foot wide road easement;

THENCE N 27° 36' 30" E 1670.28 ft., to the intersection of said easement, and the westerly line of the Mormon Mills Road;

THENCE with the westerly line of said road in five (5) courses and distances as follows:

- 1) N 22° 43' 15" E 306.57 ft., an iron pin;
- 2) N 11° 53' 30" W 81.02 ft., an iron pin;
- 3) N 39° 01' 15" W 65.63 ft., an iron pin;
- 4) N 54° 16' 15" W 40.34 ft., an iron pin;
- 5) N 58° 59' 15" W 465.50 ft., to an iron pin, for a North corner hereof, at the East corner of that certain 5.03 acre tract of record in Vol. 176 at Page 255 of DEED RECORDS of Burnet County, Texas;

THENCE S 34° 11' 45" W with fence 590.66 ft., to a fence corner post at the South corner of said 5.03 acre tract, and the East corner of 15.00 acre tract conveyed from Robert Clay Stubbs, et ux to the Veterans Land Board of Texas, as recorded in Vol. 212 at Page 199 of DEED RECORDS of Burnet County, Texas, for a corner hereof;

THENCE S 54° 09' 00" W with fence 1212.04 ft., to a fence corner post at the South corner of said 15.00 acre tract and at a reentrant corner of said 140.090 acre tract and hereof;

THENCE N 30° 51' 00" W with fence 589.43 ft., to a fence corner post in the fenced southerly right-of-way line of the Southern Pacific Railroad, at the West corner of said 15.00 acre tract and a North corner of said 140.090 acre tract, for a North corner hereof;

THENCE S 41° 03' 00" W with said railroad right-of-way at 876.96 ft., to the North corner of said 21.4 acre tract in the West line of said 20 foot wide utility easement, and at 2116.00 ft., in all an iron pin at the Northwest corner of said 21.4 acre tract, for the Northwest corner hereof;

THENCE S 12° 04' 15" E with the fenced westerly line of said 21.4 acre tract, 526.55 ft., to the place of BEGINNING hereof and containing 161.57 acres of land.

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SCANNED

STATE OF TEXAS  
COUNTY OF BURNET  
I hereby certify that this instrument was FILED on the date and at the time  
stamped hereon by me and was duly RECORDED in Volume 721  
Page 176-177 of the REAL PROPERTY RECORDS  
of Burnet County, Texas.



*Janet Parker*  
JANET PARKER, COUNTY CLERK  
BURNET COUNTY, TEXAS  
BY *Janet Parker* Deputy

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL,  
OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR  
OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.  
THE STATE OF TEXAS  
COUNTY OF BURNET

I hereby certify that this instrument was FILED in file number  
Sequence on the date and at the time stamped hereon by me and was  
duly RECORDED in the REAL PROPERTY  
Records Burnet County, Texas  
on 11/1/96



*Janet Parker*  
COUNTY CLERK  
BURNET COUNTY, TEXAS

COMPUTER

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FILED

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JANET PARKER  
COUNTY CLERK  
BURNET COUNTY, TEXAS

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FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS

*Vicinta Stafford*

Vicinta Stafford, County Clerk

Burnet County Texas

1/18/2023 10:39:10 AM

FEE: \$62.00

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