

APPENDIX 1

ORDINANCE NO. 2025-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AUTHORIZING THE EXPENDITURES OF PUBLIC FUNDS FOR THE INSTALLATION OF ELECTRIC INFRASTRUCTURE FOR THE CREEKFALL SUBDIVISION AND AUTHORIZING THE RECOUPING OF THE PROPORTIONATE SHARE OF SUCH EXPENDITURES FROM THE DEVELOPERS OF CREEKFALL PHASES 3, 4, 5, AND 6

WHEREAS, Creekfall is a single-family/multi-family subdivision, proposed to be developed in six phases in an area on the south side of Texas State Highway 29 at its intersection with Creekfall Road, in Burnet, Texas; and

WHEREAS, Creekfall phase three is under construction as single-family ("SF") development, Creekfall phases four and five are planned as single-family developments, and Creekfall phase six is proposed to be a multi-family ("MF") development; and

WHEREAS, the successful development of Creekfall phases three, four, five, and six shall require the construction and installation of electric service infrastructure (the "Project"); and

WHEREAS, the engineering consulting firm, McCord Engineering Inc. has been engaged by the City to design the Project; and

WHEREAS, McCord Engineering Inc. has approved the rough proportionality Project construction cost allocation between Creekfall phases three, four, five, and six in the manner prescribed in **Exhibit "A"** and the Table referenced below; and

WHEREAS, City Council adopts this Ordinance to memorialize its authorization to: (1) expend public funds to cover initial Project costs ("Costs"); and (2) recoup the proportionate share of such Costs from the developers of Creekfall phases three, four, five, and six; and

WHEREAS, it is City Council's intent, in adopting this Ordinance, to facilitate the successful development of Creekfall phases three, four, five, and six in a manner that does not allow Project Costs to constitute an unlawful expenditure of public funds for the promotion of a private purpose, but rather roughly proportions such Costs to the developers of Creekfall phases three, four, five, and six in a manner consistent with Texas Local Government Code § 212.904, and the requirements of the state and federal constitutions.

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

Section One. Findings. The recitals to this Ordinance are deemed the true and correct findings of City Council and are incorporated herein for all purposes.

Section Two. Project Specifics. The expenditure specifics for the Project are attached hereto as Exhibit "A" and a map of the real property designated herein as Creekfall phases three, four, five, and six is attached hereto as **Exhibit "B"**. Exhibits "A" and "B" are incorporated herein for all purposes by reference.

Section Three. Approval. The expenditure of an amount not to exceed \$604,032.74 is approved for the Project described in Exhibit "A," provided the letting of Project contracts is conducted in a manner consistent with state law. The expenditure of such funds shall require further council approval.

Section Four. Proportionate Costs Allocation. The imposition of Proportionate Project Costs to the developers of Creekfall phases three, four, five, and six shall be in the amounts prescribed in the column labeled "Total Proportionate Costs" in the table ("Table") below:

	Lot Count Basis	Acres	Lots/Units	Lots/Units per Acre	KW per Unit	Total KW	% of Total	Benefitting Tracts		Total Proportionate Costs
								Remaining Development	Creekfall 4, 5&6	
Creekfall 3	(actual)	37.72	115	3.048780488	5	575	24.63%	\$ 238.18	\$ -	\$ 136,953.43
Creekfall 4	(actual)	18.05	52	2.880886427	5	260	11.13%	\$ 238.18	\$ 27.21	\$ 69,000.35
Creekfall 5 (SF)	(assumed)	21	66	3.16	5	330	14.13%	\$ 238.18	\$ 27.21	\$ 87,577.37
Creekfall 6 (MF)	(assumed)	19.5	390	20	3	1170	50.11%	\$ 238.18	\$ 27.21	\$ 310,501.59
Totals		96.27	623	29.08585396		2335	100.00%			\$ 604,032.74

Note: The Table set out above is a copy of the table set out in Exhibit "A." In the event of a discrepancy between the Table set out above and the table set out in Exhibit "A," the Table set out in Exhibit "A" shall prevail.

Section Five. Renumeration. Upon receipt of an application for an electric line extension under Sec. 110-148(d) of the City Code, as amended from time to time, or other applicable law, for Creekfall phases three, four, five, and six, the city manager shall designate the Project Costs approved by this Ordinance as part of the costs defined under Sec. 110-148(e) of the City Code, as amended from time to time, or other applicable law. The improvements authorized by this Ordinance shall not be utilized by the respective phase until the owner/developer of that phase has made full renumeration of the proportionate costs as required herein.

Section Six. Authorization. The city manager is hereby authorized to execute such documents and take such related actions reasonably necessary to facilitate the intent of this Ordinance, including the recordation of this Ordinance in the public records of Burnet County and providing notice of this Ordinance to the owners of the real property proposed as Creekfall phases three, four, five and six.

Section Seven. Open Meetings. It is hereby officially found and determined that the meeting at which this Ordinance 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 Eight. Effective Date. That this Ordinance shall take effect immediately upon its passage, and approval as prescribed by law.

PASSED AND APPROVED this the 27th day of January 2025.

CITY OF BURNET, TEXAS



Gary Wideman, Mayor

ATTEST:



Maria Gonzales, City Secretary



Exhibit "A"
(3 pages)



916 Southwest Parkway East
College Station, TX 77840
Phone: 979-764-8356 | Fax: 979-764-9644
Toll Free: 888-764-8356

January 20, 2025

Honorable Mayor and City Council
City of Burnet
1001 Buchanan Drive, Ste 4.
Burnet, Texas 78611

Honorable Mayor and City Council:

McCord Engineering, Inc. (MEI) was tasked with assisting the City of Burnet electric department staff to establish a method for the City of Burnet to be reimbursed for the costs associated with extending a power line to the Creekfall development area. The existing and potential Creekfall development area road required the McNeil reconductor, Live Oak reconductor, Coke Street conduit and wire, and the Westfall and Creekfall oversizing of wire power line improvements.

As shown on the attached spreadsheet, MEI and City staff used our best estimate to determine the ratio to allocate the total costs of the power line improvements of \$604,032.74 between the existing and proposed developments in the area. The kW per unit is a standard kW that MEI has used for other municipal clients for single-family and multi-family developments with diversity factors included. The lots/units per acre were estimated based on actual and projected lots/units in the Creekfall development area. We are confident that this cost allocation method is fair and accurate.

The "Total Proportionate Costs" column on the attached spreadsheet can be utilized to invoice each section of the Creekfall development at the City's discretion.

We appreciate the cooperation of City staff and their assistance in creating the attached table. If you have questions or require further assistance, please don't hesitate to contact me.

Sincerely,

Rex N. Woods, P.E.
Owner and President
rwoods@mccordeng.com
O: 979-764-8356

RW/cac
Enclosure

Creekfall Development Offsite Line Extension Cost Allocation

Creekfall 3, 4, 5 & 6 Offsite Line Extension Costs			
	Creekfall 3, 4, 5 & 6	Creekfall 4, 5 & 6	
McNeal Reconnector	\$ 154,000	0	
Live Oak Reconnector	\$ 222,200	0	
Coke Street Conduit	\$ 64,984	0	
Wire Cost for Coke St.	\$ 114,986	0	
Westfall and CF3 Oversizing	\$ -	\$ 47,883	
Total Cost	\$ 556,150	\$ 47,883	
Total KW	2335	1760	
Cost per KW	\$ 238.18	\$ 27.21	



Firm Number: F-2864
 Phone: 979, 764, 8356
 Website: www.mccordeng.com

Lot Count Basis	Acres	Lots/Units	Lots/Units per Acre	KW per Unit	Total KW	% of Total	Benefiting Tracts		Total Proportionate Costs
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Creekfall 5

Total Acres = 21
 Average lots per Acre of Surrounding Developments = 3.25
 Assumed Lot Count (21 Acres * 3.25 = 68.36)

Creekfall 6

R-3 Zoning allows 20 units per Acre
 Total Acres = 19.5
 Unit Count (19.5 Acres x 20 Units per Acre = 390 Units)

Creekfall Development Offsite Line Extension Cost Allocation - Lot Count

Prior Developments in the Area			
	Acres	Lots	Lots per Acre
Villages of Westfall 1	6.42	21	3.271028
Villages of Westfall 2	7.61	29	3.810775
Villages of Westfall 3	14.68	44	2.997275
Creekfall 1	22.27	84	3.77189
Creekfall 2	21.62	50	2.312673
Creekfall 3	37.72	115	3.04878
Creekfall 4	18.05	52	2.880886
Average Lots per Acre			3.16

Exhibit "B"





State of Texas §

§

Know all persons by these presents:

County of Burnet §

Affidavit

(Notice regarding Creekfall Subdivision Units 3, 4, 5 and 6 apportionment of certain infrastructure costs)

Before me, the undersigned authority, on this day personally appeared David Vaughn, who is personally known to me, and first being duly sworn, deposed as follows:

My name is David Vaughn. I am over the age of 17 years, of sound mind, capable of making this affidavit, and have personal knowledge of the facts herein stated. I am the City Manager of the City of Burnet and am authorized to make this affidavit on behalf of the City of Burnet.

On the 27th day of January 2025, the City of Burnet's City Council passed and approved Ordinance No. 2025-04, authorizing the expenditure of municipal funds for construction of certain public infrastructure.

The aforementioned public infrastructure shall serve and benefit Creekfall Subdivision phases three, four, five, six (hereinafter collectively the "Benefitted Properties").

Said Ordinance authorizes the proportionate remuneration of municipal expenditures incurred by the City of Burnet from the owners of the Benefitted Properties at the time of development of said Benefitted Properties.

A true and correct copy of said Ordinance, with exhibits, is attached as **Appendix 1** hereto.

Further Affiant sayeth not.

Affiant

State of Texas §

§

County of Burnet §

This instrument was acknowledged before me on the 19th day of February 2025 by David Vaughn, city manager of the city of Burnet, Texas, a Texas municipal corporation, on behalf of said corporation.

(Personalized Seal)

Notary Public, State of Texas

