

NOTICE OF MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF BURNET, TEXAS

This notice is posted pursuant to the Texas Local Government Code, Chapter §551 – Open Meetings.

Notice is hereby given that a **Public Hearing and Regular Meeting of the Planning and Zoning Commission** of the City of Burnet, Texas will be held on the **10**th **day of June, 2019,** at **6:00 p.m.**, in the City Council Chambers at 2402 South Water Street, Burnet, Texas 78611 at which time the following subjects will be discussed, to-wit:

1. CALL TO ORDER:

2. ROLL CALL:

- 3. CONSENT AGENDA ITEMS: All of the following items on the Consent Agenda are considered to be self-explanatory by the Commission and will be enacted with one motion. There will be no separate discussion of these items unless a Commission member, staff member or citizen requests removal of the item from the consent agenda for the purpose of discussion. For removal of an item, a request must be made to the Commission when the Consent Agenda is opened for Commission action.
 - 3.1) Minutes of the regular meeting on the Planning and Zoning Commission of the City of Burnet, Texas held on May 6, 2019.

4. PUBLIC HEARINGS:

- 4.1) The Planning and Zoning Commission of the City of Burnet, Texas will hold a public hearing regarding a request to rezone approximately 0.96 acres legally described as Lots 1 and 2 of the Fox N. 281 Properties subdivision from their present designation of Light Commercial District "C-1" to a designation of Medium Commercial District "C-2," said properties being generally located on the northeast corner of North Water Street (Hwy. 281) and East Kerr Street.
- 4.2) The Planning and Zoning Commission of the City of Burnet, Texas will hold a public hearing regarding a request to rezone approximately 0.2336 acres legally described as Lot 1A of the Short Form Replat of the South One-Half of Lot Number 2, Wallis Addition from its present designation of Single-Family Residential District "R-1" to a designation of Medium Commercial District "C-2," said property being generally located on the east side of North Water Street (Hwy. 281), approximately 550 feet south of the intersection with East Taggard Street.

4.3) The Planning and Zoning Commission of the City of Burnet, Texas will hold a public hearing regarding a proposed Preliminary Plat of a Replat of Lots 80-83, 95-99, and 130 of the Oak Vista Subdivision, a proposed residential subdivision consisting of approximately 105.08 acres and 24 residential lots, being generally located north of County Road 100 (Scenic Oaks Drive), south and west of County Road 100 (Oak Vista Drive), and east of Billy Joe Fox Drive.

5. ACTION ITEMS:

- 5.1) The Planning and Zoning Commission of the City of Burnet, Texas will discuss and consider action on a request to rezone approximately 0.96 acres legally described as Lots 1 and 2 of the Fox N. 281 Properties subdivision from their present designation of Light Commercial District "C-1" to a designation of Medium Commercial District "C-2," said properties being generally located on the northeast corner of North Water Street (Hwy. 281) and East Kerr Street.
- 5.2) The Planning and Zoning Commission of the City of Burnet, Texas will discuss and consider action on a request to rezone approximately 0.2336 acres legally described as Lot 1A of the Short Form Replat of the South One-Half of Lot Number 2, Wallis Addition from its present designation of Single-Family Residential District "R-1" to a designation of Medium Commercial District "C-2," said property being generally located on the east side of North Water Street (Hwy. 281), approximately 550 feet south of the intersection with East Taggard Street.
- 5.3) The Planning and Zoning Commission of the City of Burnet, Texas will discuss and consider action on a request for a variance to Code of Ordinances, Chapter 98, Section 98-42 for the proposed Preliminary Plat of a Replat of Lots 80-83, 95-99, and 130 of the Oak Vista Subdivision, for the purpose of exceeding the maximum length of a cul-de-sac.
- 5.4) The Planning and Zoning Commission of the City of Burnet, Texas will consider and take action on a proposed Preliminary Plat of a Replat of Lots 80-83, 95-99, and 130 of the Oak Vista Subdivision, a proposed residential subdivision consisting of approximately 105.08 acres and 24 residential lots, being generally located north of County Road 100 (Scenic Oaks Drive), south and west of County Road 100 (Oak Vista Drive), and east of Billy Joe Fox Drive.

6. STAFF REPORTS

7. REQUESTS FOR FUTURE AGENDA ITEMS

8. ADJOURN

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the Planning and Zoning Commission of the City of Burnet, is a true and correct copy of said notice and that I posted a true and correct copy of said notice on the bulletin board, in the City Hall of said City, Burnet, Texas, a place convenient and readily accessible to the general public at all times, and said notice was posted on June 7, 2019 at or before 5 o'clock p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Dated this 7 th day of June, 2019				
Kelly Dix, City Secretary				

NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS:

The City Council Chambers are wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to the meeting. Please contact the Development Services Department at (512) 715-3206, FAX (512) 756-8560 or e-mail at wmeshier@cityofburnet.com for information or assistance.



PLANNING & ZONING COMMISSION MINUTES

On this the 6th day of May, 2019, the Planning and Zoning Commission of the City of Burnet, convened in Regular Session at 6:00 p.m. at the regular meeting place thereof with the following persons present, to-wit:

1. CALL TO ORDER:

The meeting was called to order at 6:00 p.m. by Chairman Lindholm.

2. ROLL CALL:

Members Present: Craig Lindholm, Tommy Gaut, Derek Fortin, and Ricky Langley

Members Absent: Calib Williams

Guests: Michael Holcomb and Jeremy Kegher

Others Present: Wallis Meshier, Director of Development Services

Leslie Kimbler, Development Services Admin.Tech.

3. CONSENT AGENDA:

3.1) Minutes of the meeting held April 8, 2019 Regular Zoning Commission Meeting.

A motion to approve the consent agenda was made by Commissioner Fortin. The motion was seconded by Commissioner Gaut and carried by a vote of 4 to 0.

4. PUBLIC HEARINGS:

4.1) The Planning and Zoning Commission of the City of Burnet, Texas will hold a Public Hearing on a request to rezone approximately 0.442 acre, legally described as Lot 1 out of the Short Form Replat of 0.95 Acres, John Hamilton Survey No. 1, Abstract No. 405, from its present designation of Single-Family Residential – District "R-1" to a designation of Medium Commercial – District "C-2," said property being generally located on the east side of North Water Street (Hwy. 281), approximately 700 feet south of the intersection with East Taggard Street.

Wallis Meshier, Director of Development Services, presented staff's report regarding the request to rezone approximately 0.442 acre, legally described as Lot 1 out of the Short Form Replat of 0.95 Acres, John Hamilton Survey No. 1, Abstract No. 405, from its present designation of Single-Family Residential – District "R-1" to a designation of Medium Commercial – District "C-2."

Chairman Lindholm then opened the floor for public comment. There being no further public comment, Chairman Lindholm closed the public hearing.

4.2) The Planning and Zoning Commission of the City of Burnet, Texas will hold a Public Hearing on a request to rezone approximately 1.50 acres out of the Lemuel Taylor Survey, Abstract No. A0880 from its present designation of Light Industrial – District "I-1" to a designation of Heavy Industrial – District "I-2," said property being addressed as 311 Industrial Boulevard and being generally located on the east side of Industrial Boulevard, immediately east of the intersection with John Kelly Drive.

Wallis Meshier, Director of Development Services, presented staff's report regarding the request to rezone approximately 1.50 acres out of the Lemuel Taylor Survey, Abstract No. A0880 from its present designation of Light Industrial – District "I-1" to a designation of Heavy Industrial – District "I-2."

Chairman Lindholm opened the floor for public comment.

Mr. Michael Holcomb, property owner of 515 CR 340A, spoke in opposition to the request due to the allowed uses in the "I-2" zoning district. He expressed concern regarding the potential negative impact on his property value.

Mr. Jeremy Kegher, applicant for the rezone, spoke in favor of the request, and stated that the zoning change would allow him to operate his machine shop.

4.3) The Planning and Zoning Commission of the City of Burnet, Texas will hold a Public Hearing regarding a proposed amendment to the City of Burnet Code of Ordinances, Chapter 62 – Manufactured Homes and Trailers, Section 62-2 – Recreational Vehicles; Chapter 106 – Traffic and Vehicles, Section 106-3 – Streets Restricted to Certain Traffic; and Chapter 118 – Zoning, Section 62-2 – Recreational Vehicles, as these sections pertain to parking of recreational vehicles.

Wallis Meshier, Director of Development Services, presented staff's report regarding the proposed amendment to the City of Burnet Code of Ordinances, Chapter 62 – Manufactured Homes and Trailers, Section 62-2 – Recreational Vehicles; Chapter 106 – Traffic and Vehicles, Section 106-3 – Streets Restricted to Certain Traffic; and Chapter 118 – Zoning, Section 62-2 – Recreational Vehicles, as these sections pertain to parking of recreational vehicles.

Chairman Lindholm then opened the floor for public comment.

Commissioner Gaut raised a question regarding the purpose of striking all of Sec. 62-2 due to the word "may." Staff explained the difficulty of enforcing this portion of the ordinance, as well as the expense on the citizens if it were to be enforced.

4.4) The Planning and Zoning Commission of the City of Burnet, Texas will hold a Public Hearing regarding a proposed amendment to the City of Burnet Code of Ordinances, Chapter 118 – Zoning, Section 118-48 – Light Industrial – District "I-1", Subsection (a); and Chapter 118 – Zoning, Section 118-49 – Heavy Industrial – District "I-2", Subsection (a), as these sections pertain to permitted uses is the "I-1" – Light Industrial, and "I-2" – Heavy Industrial zoning districts.

Wallis Meshier, Director of Development Services, presented staff's report regarding the proposed amendment to the City of Burnet Code of Ordinances, Chapter 118 – Zoning, Section 118-48 – Light Industrial – District "I-1", Subsection (a); and Chapter 118 – Zoning, Section 118-49 – Heavy Industrial – District "I-2", Subsection (a), as these sections pertain to permitted uses is the "I-1" – Light Industrial, and "I-2" – Heavy Industrial zoning districts.

Chairman Lindholm then opened the floor for public comment.

Mr. Michael Holcomb, property owner of 515 CR 340A, spoke in favor of the request, and stated that he felt it allowed the City to take of advantage of the Industrial Park while not causing his property value to decrease or allowing higher risk industrial uses on properties that abut his property.

Mr. Jeremy Kegher spoke in favor of the ordinance change as it would allow him to operate his machine shop on a property that is currently zone "I-1," and stated that he agreed with Mr. Holcomb's statement.

5. ACTION ITEMS:

5.1) The Planning and Zoning Commission of the City of Burnet, Texas will discuss and consider action on a request to rezone approximately 0.442 acre, legally described as Lot 1 out of the Short Form Replat of 0.95 Acres, John Hamilton Survey No. 1, Abstract No. 405, from its present designation of Single-Family Residential — District "R-1" to a designation of Medium Commercial — District "C-2," said property being generally located on the east side of North Water Street (Hwy. 281), approximately 700 feet south of the intersection with East Taggard Street.

Commissioner Fortin made a motion to approve the request to rezone approximately 0.442 acre, legally described as Lot 1 out of the Short Form Replat of 0.95 Acres, John Hamilton Survey No. 1, Abstract No. 405, from its present designation of Single-Family Residential – District "R-1" to a designation of Medium Commercial – District "C-2."The motion was seconded by Commisioner Langley, and carried by a vote of 4 to 0.

5.2) The Planning and Zoning Commission of the City of Burnet, Texas will discuss and consider action on a request to rezone approximately 1.50 acres out of the Lemuel Taylor Survey, Abstract No. A0880 from its present designation of Light Industrial – District "I-1" to a designation of Heavy Industrial – District "I-2," said property being addressed as 311 Industrial Boulevard and being generally located on the east side of Industrial Boulevard, immediately east of the intersection with John Kelly Drive.

Commissioner Lindholm made a motion to deny the request to rezone approximately 1.50 acres out of the Lemuel Taylor Survey, Abstract No. A0880 from its present designation of Light Industrial – District "I-1" to a designation of Heavy Industrial – District "I-2." The motion was seconded by Commissioner Fortin, and carried by a vote of 4 to 0.

5.3) The Planning and Zoning Commission will discuss and consider action on a proposed amendment to the City of Burnet Code of Ordinances, Chapter 62 – Manufactured Homes and Trailers, Section 62-2 – Recreational Vehicles; Chapter 106 – Traffic and Vehicles, Section 106-3 – Streets Restricted to Certain Traffic; and Chapter 118 – Zoning, Section 62-2 – Recreational Vehicles, as these sections pertain to parking of recreational vehicles.

Commissioner Langley made a motion to approve the proposed amendment to the City of Burnet Code of Ordinances, Chapter 62 – Manufactured Homes and Trailers, Section 62-2 – Recreational Vehicles; Chapter 106 – Traffic and Vehicles, Section 106-3 – Streets Restricted to Certain Traffic; and Chapter 118 – Zoning, Section 62-2 – Recreational Vehicles, as these sections pertain to parking of recreational vehicles. The motion was seconded by Commissioner Gaut, and carried by a vote of 4 to 0.

5.4) The Planning and Zoning Commission of the City of Burnet, Texas will discuss and consider action on a proposed amendment to the City of Burnet Code of Ordinances, Chapter 118 – Zoning, Section 118-48 – Light Industrial – District "I-1", Subsection (a); and Chapter 118 – Zoning, Section 118-49 – Heavy Industrial – District "I-2", Subsection (a), as these sections pertain to permitted uses is the "I-1" – Light Industrial, and "I-2" – Heavy Industrial zoning districts.

Commissioner Gaut made a motion to approve the proposed amendment to the City of Burnet Code of Ordinances, Chapter 118 – Zoning, Section 118-48 – Light Industrial – District "I-1", Subsection (a); and Chapter 118 – Zoning, Section 118-49 – Heavy Industrial – District "I-2", Subsection (a), as these sections pertain to permitted uses is the "I-1" – Light Industrial, and "I-2" – Heavy Industrial zoning districts. The motion was seconded by Commissioner Langley, and carried by a vote of 4 to 0.

6. STAFF REPORTS:

Following a discussion, the Concensus of the Commission was that the June Planning and Zoning meeting would be rescheduled from Monday, June 3rd to Monday, June 10th.

7.	REQUESTS FOR FUTURE AGENDA ITEMS:
	None.
8.	ADJOURN:
	Commissioner Fortin made a motion to adjourn the meeting; Commissioner Gaseconded, and the motion carried by a vote of 4 to 0.
	There being no further business, Chairperson, Craig Lindholm adjourned meeting at 6:37 p.m.
	Craig Lindholm, Chair
	City of Burnet Planning and Zoning Commission
	Attest:
	Herve Derek Fortin, Secretary



ITEM 4.1

Wallis Meshier Director of Development Services (512) 715-3215 wmeshier@cityofburnet.com

Agenda Item Brief

Meeting Date: June 10, 2019

Agenda Item: The Planning and Zoning Commission of the City of Burnet, Texas will

hold a public hearing regarding a request to rezone approximately 0.96 acres legally described as Lots 1 and 2 of the Fox N. 281 Properties subdivision from their present designation of Light Commercial – District "C-1" to a designation of Medium Commercial – District "C-2," said properties being generally located on the northeast

corner of North Water Street (Hwy. 281) and East Kerr Street.

Background: This item is for consideration of a request to rezone 0.96 acres located

on the northeast corner of North Water Street (Hwy. 281) and East Kerr Street (see Exhibit A). The tract is currently zoned "C-1" (Light Commercial) (see Exhibit B). The property owner has submitted a request to have the parcel rezoned from "C-1" (Light Commercial) to a designation of "C-2" (Medium Commercial) for the purpose of converting the existing apartment buildings on the site into an "Apartment Hotel," as defined in Chapter 118 of the Code of

Ordinances (see Exhibit C).

Information: District "C-2" (Medium Commercial) is governed by Sec. 118-46 of the

Code of Ordinances and allows commercial land uses in facilities under 20,000 square feet, including child care centers, boarding houses, clinics, convenience stores, grocery stores, hotels, motels, mini storage, restaurants, and other similar uses. This district also allows "apartment hotels," which are defined in Sec. 118-5 as buildings "used or intended to be used as a home for twelve (12) or more families, who are permanent residents, living independently of each other, in which building may be located on the first floor living

units for transient guests, and/or retail sales and service."

Staff Analysis: The Future Land Use Map identifies the subject parcel as being

intended for commercial use (see Exhibit D). The Future Land Use Map assumptions in this area are generally correct, and should be

supported.

An analysis of the property adjacent to the subject parcel is as follows:

	North	South	East	West
Zoning	C-1	C-1	C-1 7 R-1	R-1
FLUM	Commercial	Commercial	Commercial	Commercial
Land Use	Vacant	Office	Single-Family	Vacant Single-Family

Staff finds that the requested "C-2" (Medium Commercial) zoning is consistent with the adopted Future Land Use Map. In addition, staff finds that the requested "C-2" (Medium Commercial) zoning is appropriate for the subject property, given that it has direct frontage on North Water Street (Hwy. 281).

Public Notification: A notice of public hearing was published in the Burnet Bulletin on May 22, 2019 and written notices were mailed to eight (8) surrounding property owners regarding this request. As of the date of this report, no letters in support or opposition have been received.

Exhibit "A" Location Map



Exhibit "B"
Current Zoning



Exhibit "C"
Requested Zoning



Exhibit "D"
Future Land Use Map (FLUM)









Residential



ITEM 4.2

Wallis Meshier Director of Development Services (512) 715-3215 wmeshier@cityofburnet.com

Agenda Item Brief

Meeting Date: June 10, 2019

Agenda Item: The Planning and Zoning Commission of the City of Burnet, Texas will

hold a public hearing regarding a request to rezone approximately 0.2336 acres legally described as Lot 1A of the Short Form Replat of the South One-Half of Lot Number 2, Wallis Addition from its present designation of Single-Family Residential — District "R-1" to a designation of Medium Commercial — District "C-2," said property being generally located on the east side of North Water Street (Hwy. 281), approximately 550 feet south of the intersection with East

Taggard Street.

Background: This item is for consideration of a request to rezone 0.2336 acres

located on the east side North Water Street (Hwy. 281), north of East Kerr Street and south of East Taggard Street (see Exhibit A). The property owner has submitted a request to have the property rezoned from "R-1" (Single-Family Residential) to a designation of "C-2" (Medium Commercial) for the purpose of selling it to a buyer who plans to own and operate a car wash on the property (see Exhibit C).

Information: District "C-2" (Medium Commercial) is governed by Sec. 118-46 of the

Code of Ordinances and allows commercial land uses in facilities under 20,000 square feet, including gas stations, convenience stores, grocery stores, hotels, commercial garages, mini-storage, restaurants, shopping centers, warehouses, and other similar uses.

Staff Analysis: The Future Land Use Map identifies the subject parcel as being

intended for commercial use (See Exhibit D). The Future Land Use Map assumptions in this area are generally correct, and should be

supported.

An analysis of the property adjacent to the subject parcel is as follows:

	North	South	East	West
Zoning	C-1	C-2	R-1	C-1 & R-1
FLUM	Commercial	Commercial	Commercial	Commercial
Land Use	Church	Vacant	Mid-Density Res.	Mid-Density Res.

Staff finds that the requested "C-2" (Medium Commercial) zoning is consistent with the adopted Future Land Use Map. In addition, staff finds that the requested zoning is appropriate for the subject property, given that it has direct frontage on North Water Street (State Hwy. 281).

Public Notification: A notice of public hearing was published in the Burnet Bulletin on May 22, 2019 and written notices were mailed to sixteen (16) surrounding property owners regarding this request. As of the date of this report, no letters in support or opposition have been received.

Exhibit "A" Location Map



Exhibit "B"
Current Zoning



Exhibit "C"
Requested Zoning



Exhibit "D"
Future Land Use Map (FLUM)









Residential



Government



ITEM 4.3

Wallis Meshier, CNU-A Director of Development Services (512)-715-3215 wmeshier@cityofburnet.com

Agenda Item Brief

Meeting Date:

June 10, 2019

Agenda Item:

The Planning and Zoning Commission of the City of Burnet, Texas will hold a public hearing regarding a proposed Preliminary Plat of a Replat of Lots 80-83, 95-99, and 130 of the Oak Vista Subdivision, a proposed residential subdivision consisting of approximately 105.08 acres and 24 residential lots, being generally located north of County Road 100 (Scenic Oaks Drive), south and west of County Road 100 (Oak Vista Drive), and east of Billy Joe Fox Drive.

Background:

The proposed Preliminary Plat is a residential subdivision consisting of approximately 105.08 acres located north of County Road 100 (Scenic Oaks Drive), south and west of County Road 100 (Oak Vista Drive), and east of Billy Joe Fox Drive (see Exhibit A). The proposed subdivision will include twenty-four (24) residential lots ranging in size from 2.97 to 6.01 acres in size.

The subdivision will gain access from County Road 100 (Scenic Oaks Drive) via a proposed new street called Wandering Oak Circle. This proposed street is 2,686 feet in length, has a right-of-way width of 50 feet, and terminates in a 120-foot wide cul-de-sac. In addition to the cul-de-sac at the end of the street, there are also two proposed fire apparatus turnarounds, which are spaced at intervals of roughly 900 feet. The proposed Wandering Oak Circle will be built to City standards, but maintenance of the proposed street will be the responsibility of the developer or Property Owner's Association.

All lots within the proposed subdivision will be served by private wells and septic systems. The property is subject to the L.C.R.A Highland Lakes Watershed Ordinance. There are seven (7) lots within the proposed subdivision that lie partially within the 100-year floodplain.

Information:

The proposed Preliminary Plat has been reviewed for conformance with Chapter 98 of the City of Burnet Code of Ordinances and has been found to comply with all requirements relating to form and content, with the following exceptions:

1. Per City of Burnet Code of Ordinances Sec. 98-42, the maximum length for a cul-de-sac is 600 feet. Wandering Oak Circle is a proposed dead-end cul-de-sac with an approximate

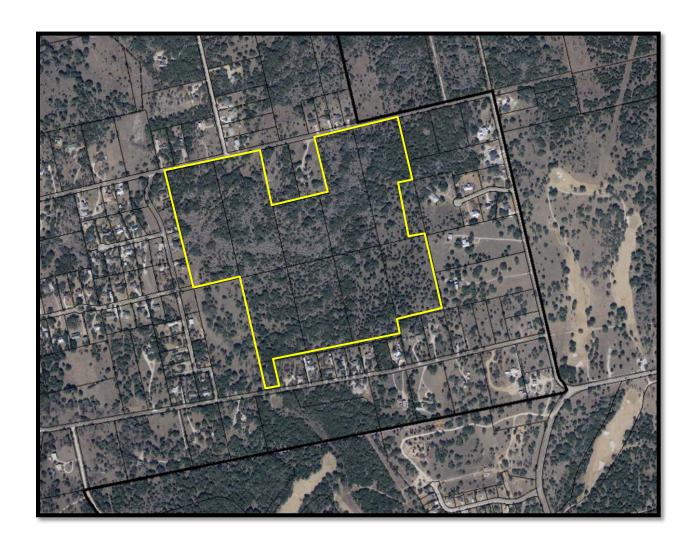
length of 2,686 feet. Therefore, approval of a subdivision variance will be required as a condition of approval of the proposed Preliminary Plat.

2. City of Burnet Code of Ordinances Sec. 98-22(d)(2)(e) requires that the Base Flood Elevation (BFE) for each lot within the 100-year floodplain to be noted on the plat. The proposed Preliminary Plat was submitted without this information. However, the applicant's engineer is currently working to provide this information, and it will be included on the Preliminary Plat prior to being signed.

A tree survey was submitted in accordance with Sec. 98-22, which shows no protected trees located within the proposed right-of-way. Conformance with the City's tree preservation, mitigation, and removal standards will be ensured during the construction plan review phase.

Public Notification: A notice of public hearing, as required by Code of Ordinance Sec. 98-22(f), was published in the Burnet Bulletin on May 22, 2019, and written notices were mailed to the owners of all forty-two (42) properties located within 300 feet of the subject property. As of the date of this report, no written responses have been received in support or opposition.

EXHIBIT "A" Location





Wallis Meshier
Director of Development Services
(512) 715-3215

wmeshier@cityofburnet.com

Agenda Item Brief

Meeting Date: June 10, 2019

Agenda Item: The Planning and Zoning Commission of the City of Burnet, Texas will

discuss and consider action on a request to rezone approximately 0.96 acres legally described as Lots 1 and 2 of the Fox N. 281 Properties subdivision from their present designation of Light Commercial – District "C-1" to a designation of Medium Commercial – District "C-2," said properties being generally located on the northeast corner of

North Water Street (Hwy. 281) and East Kerr Street.

Background: This item is for consideration of a request to rezone 0.96 acres located

on the northeast corner of North Water Street (Hwy. 281) and East Kerr Street. The property owner has submitted a request to have the parcel rezoned from "C-1" (Light Commercial) to a designation of "C-2"

(Medium Commercial).

Recommendation: Staff recommends that the Commission recommend approval of the

request to rezone the subject property from its current designation of Light Commercial – District "C-1" to a designation of Medium

Commercial - District "C-2."

ORDINANCE NO. 2019-

AN ORDINANCE AMENDING ORDINANCE NO. 2012-06 TO REZONE APPROXIMATELY 0.96 ACRE, LEGALLY DESCRIBED AS LOTS 1 AND 2 OF THE FOX N. 281 PROPERTIES SUBDIVISION, FROM ITS PRESENT DESIGNATION OF LIGHT COMMERCIAL – DISTRICT "C-1" TO A DESIGNATION OF MEDIUM COMMERCIAL – DISTRICT "C-2," SAID PROPERTY BEING GENERALLY LOCATED ON THE NORTHEAST CORNER OF NORTH WATER STREET (HWY. 281) AND EAST KERR STREET; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, The Planning and Zoning Commission of the City of Burnet, on June 10, 2019, did conduct a public hearing for the purpose of taking public comment regarding the proposal to rezone approximately 0.96 acres legally described as Lots 1 and 2 of the Fox N. 281 Properties Subdivision from its present designation of Light Commercial – District "C-1" to a designation of Medium Commercial – District "C-2," said property being addressed as 501 North Water Street and being generally located on the northeast corner of North Water Street (Hwy. 281) and East Kerr Street; and

WHEREAS, The City Council of the City of Burnet, on June 11, 2019 did conduct its own public hearing for the purpose of taking public comment regarding the proposal to rezone approximately 0.96 acres legally described as Lots 1 and 2 of the Fox N. 281 Properties Subdivision from its present designation of Light Commercial – District "C-1" to a designation of Medium Commercial – District "C-2," said property being addressed as 501 North Water Street and being generally located on the northeast corner of North Water Street (Hwy. 281) and East Kerr Street; and

WHEREAS, The City Council, based on due consideration of the Planning and Zoning Commission recommendation, and its own findings, did determine that assigning Medium Commercial – District "C-2" to approximately 0.96 acres legally described as Lots 1 and 2 of the Fox N. 281 Properties Subdivision from its present designation of Light Commercial – District "C-1" to a designation of Medium Commercial – District "C-2," said property being addressed as 501 North Water Street and being generally located on the northeast corner of North Water Street (Hwy. 281) and East Kerr Street to be consistent with development patterns in the surrounding area and consistent with the best public interest of the City;

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

<u>Section 1. Findings.</u> The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

<u>Section 2. Zoning Changed.</u> Approximately 0.96 acres legally described as Lots 1 and 2 of the Fox N. 281 Properties Subdivision, said property being addressed as 501 North Water Street and being generally located on the northeast corner of North Water Street (Hwy. 281) and East Kerr Street, is hereby assigned a zoning designation of Medium Commercial – District "C-2"

<u>Section 3. Repealer.</u> Other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent that they are in conflict.

<u>Section 4. Severability.</u> Should any provisions of this ordinance be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.

<u>Section 5. Effective Date.</u> This ordinance is effective upon final passage and approval.

<u>Section 6. Open Meetings.</u> It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meeting Act, Chapter. 551, Loc. Gov't. Code.

FINALLY PASSED AND APPROVED	on this day of June, 2019.
	CITY OF BURNET, TEXAS
ATTEST:	Crista Goble Bromley, Mayor
Kelly Dix, City Secretary	

PASSED AND APPROVED on First Reading this _____ day of June, 2019.



ITEM 5.2

Wallis Meshier
Director of Development Services
(512) 715-3215
wmeshier@cityofburnet.com

Agenda Item Brief

Meeting Date: June 10, 2019

Agenda Item: The Planning and Zoning Commission of the City of Burnet, Texas will

discuss and consider action on a request to rezone approximately 0.2336 acres legally described as Lot 1A of the Short Form Replat of the South One-Half of Lot Number 2, Wallis Addition from its present designation of Single-Family Residential — District "R-1" to a designation of Medium Commercial — District "C-2," said property being generally located on the east side of North Water Street (Hwy. 281), approximately 550 feet south of the intersection with East

Taggard Street.

Background: This item is for consideration of a request to rezone 0.2336 acres

located on the east side North Water Street (Hwy. 281), north of East Kerr Street and south of East Taggard Street (see Exhibit A). The property owner has submitted a request to have the property rezoned from "R-1" (Single-Family Residential) to a designation of "C-2" (Medium Commercial) for the purpose of selling it to a buyer who

plans to own and operate a car wash on the property.

Recommendation: Staff recommends that the Commission recommend approval of the

request to rezone the subject property from its current designation of Single-Family Residential – District "R-1" to a designation of Medium

Commercial - District "C-2."

ORDINANCE NO. 2019-

AN ORDINANCE AMENDING ORDINANCE NO. 2012-06 TO REZONE APPROXIMATELY 0.2336 ACRE, LEGALLY DESCRIBED AS LOT 1A OF THE SHORT FORM REPLAT OF THE SOUTH ONE-HALF OF LOT NUMBER 2, WALLIS ADDITION, FROM ITS PRESENT DESIGNATION OF SINGLE FAMILY RESIDENTIAL — DISTRICT "R-1" TO A DESIGNATION OF MEDIUM COMMERCIAL — DISTRICT "C-2," SAID PROPERTY BEING GENERALLY LOCATED EAST SIDE OF NORTH WATER STREET (HWY. 281), APPROXIMATELY 550 FEET SOUTH OF THE INTERSECTION WITH EAST TAGGARD STREET; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, The Planning and Zoning Commission of the City of Burnet, on June 10, 2019, did conduct a public hearing for the purpose of taking public comment regarding the proposal to assign Medium Commercial — District "C-2" to approximately 0.2336 acre, legally described as Lot 1A of the Short Form Replat of the South One-Half of Lot Number 2, Wallis Addition, from its present designation of Single-Family Residential — District "R-1" to a designation of Medium Commercial — District "C-2," said property being generally located east side of North Water Street (Hwy. 281), approximately 550 feet south of the intersection with East Taggard Street; and

WHEREAS, The City Council of the City of Burnet, on June 11, 2019 did conduct its own public hearing for the purpose of taking public comment regarding the proposal to assign Medium Commercial — District "C-2" to approximately 0.2336 acre, legally described as Lot 1A of the Short Form Replat of the South One-Half of Lot Number 2, Wallis Addition, from its present designation of Single-Family Residential — District "R-1" to a designation of Medium Commercial — District "C-2," said property being generally located on the east side of North Water Street (Hwy. 281), approximately 550 feet south of the intersection with East Taggard Street; and

WHEREAS, The City Council, based on due consideration of the Planning and Zoning Commission recommendation, and its own findings, did determine that assigning Medium Commercial — District "C-2" to approximately 0.2336 acre, legally described as Lot 1A of the Short Form Replat of the South One-Half of Lot Number 2, Wallis Addition, said property being generally located on the east side of North Water Street (Hwy. 281), approximately 550 feet south of the intersection with East Taggard Street, to be consistent with development patterns in the surrounding area and consistent with the best public interest of the City;

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

- <u>Section 1. Findings.</u> The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.
- <u>Section 2. Zoning Changed.</u> Approximately 0.2336 acre, legally described as Lot 1A of the Short Form Replat of the South One-Half of Lot Number 2, Wallis Addition, said property being generally located on the east side of North Water Street (Hwy. 281), approximately 550 feet south of the intersection with East Taggard Street, is hereby assigned a zoning designation of Medium Commercial District "C-2".
- <u>Section 3. Repealer.</u> Other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent that they are in conflict.
- <u>Section 4. Severability.</u> Should any provisions of this ordinance be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.
- <u>Section 5. Effective Date.</u> This ordinance is effective upon final passage and approval.
- <u>Section 6. Open Meetings.</u> It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meeting Act, Chapter. 551, Loc. Gov't. Code.

FINALLY PASSED AND APPROVED on this	day of June, 2019.
	CITY OF BURNET, TEXAS
ATTEST:	Crista Goble Bromley, Mayor
Kelly Dix, City Secretary	

PASSED AND APPROVED on First Reading this _____ day of June, 2019.



ITEM 5.3

Wallis Meshier, CNU-A Director of Development Services (512)-715-3215 wmeshier@cityofburnet.com

Agenda Item Brief

Meeting Date: June 10, 2019

Agenda Item: The Planning and Zoning Commission of the City of Burnet, Texas will

discuss and consider action on a request for a variance to Code of Ordinances, Chapter 98, Section 98-42 for the proposed Preliminary Plat of a Replat of Lots 80-83, 95-99, and 130 of the Oak Vista Subdivision, for the purpose of exceeding the maximum length of a

cul-de-sac.

Background: The proposed Preliminary Plat is a residential subdivision consisting of

approximately 105.08 acres located north of County Road 100 (Scenic Oaks Drive), south and west of County Road 100 (Oak Vista Drive), and east of Billy Joe Fox Drive. The proposed subdivision will include twenty-four (24) residential lots ranging in size from 2.97 to 6.01 acres

in size.

The subdivision will gain access from County Road 100 (Scenic Oaks Drive) via a proposed new street called Wandering Oak Circle. This proposed street is 2,686 feet in length, has a right-of-way width of 50 feet, and terminates in a 120-foot wide cul-de-sac. In addition to the cul-de-sac at the end of the street, there are also two proposed fire apparatus turnarounds, which are spaced at intervals of roughly 900

feet.

Information: Per City of Burnet Code of Ordinances Sec. 98-42, the maximum

length for a cul-de-sac is 600 feet. Wandering Oak Circle is a proposed dead-end cul-de-sac with an approximate length of 2,686 feet. Therefore, approval of a subdivision variance will be required as

a condition of approval of the proposed Preliminary Plat.

The City of Burnet Code of Ordinances Sec. 98-82 states the following

regarding variances to the subdivision standards:

"In granting approval of a request for variance, the Commission and Council shall conclude that the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the variance observes the spirit of this chapter and concludes that substantial justice is done. The Commission and Council shall meet these requirements by making findings that:

- a. The public convenience and welfare will be substantially served;
- b. The appropriate use of surrounding property will not be substantially or permanently impaired or diminished;
- The applicant has not created the hardship from which relief is sought;
- The variance will not confer upon the applicant a special right or privilege not commonly shared or available to the owners of similar and surrounding property;
- e. The hardship from which relief is sought is not solely of an economic nature;
- f. The variance is not contrary to the public interest;
- g. Due to special conditions, the literal enforcement of this chapter would result in an unnecessary hardship; and
- h. In granting the variance the spirit of the ordinance is observed and substantial justice is done."

Staff Analysis:

Below is staff's analysis of the request as it relates to the criteria for a variance:

The public convenience and welfare will be substantially served.

The proposed subdivision consists of large rural lots, with the average lot size being 4.23 acres. Although the proposed dead-end street substantially exceeds the maximum block length, it provides access to only 21 residential lots. The remaining three lots within the subdivision will take access from one of the adjacent county roads. Due to the low-density nature of the proposed development, one street is sufficient to provide access to 21 lots. In addition, the developer has proposed to provide two mid-block fire apparatus turnarounds, in addition to the cul-de-sac at the end of the street.

The appropriate use of surrounding property will not be substantially or permanently impaired or diminished.

The requested variance will have no adverse impact on the surrounding properties.

The applicant has not created the hardship from which relief is sought.

The basis for the requested variance stems from the low-density nature of the proposed development. The large lot sizes and low density, as well as the fact that the proposed street serves only 21 lots, constitute a unique hardship that was not created by the applicant.

The variance will not confer upon the applicant a special right or privilege not commonly shared or available to the owners of similar and surrounding property.

The requested variance does not confer upon the applicant any special right or privilege. The variance process is available to all developers.

The hardship from which relief is sought is not solely of an economic nature.

Strict enforcement of the maximum cul-de-sac length, as required by Sec. 98-42, constitutes a hardship that is not solely economic in nature. The hardship in this case arises from the fact that property will be developed into large, rural lots, as opposed to small suburban sized lots. The large size of the subject property necessitates a street that exceeds the 600-foot block length requirement. In addition, the number of lots proposed does not necessitate a second means of ingress/egress. Therefore, the hardship from which relief is sought is not solely of an economic nature.

The variance is not contrary to the public interest.

The proposed mid-block turnarounds serve the public interest by ensuring that fire trucks and other vehicles can easily turn around without driving to the end of the street. These mid-block turnarounds meet the intent of the block length requirement. Therefore, the requested variance is not contrary to the public interest.

Due to special conditions, the literal enforcement of this chapter would result in an unnecessary hardship.

Based on the large size and low density of the proposed development, strict adherence to the requirements of Sec. 98-42 is infeasible, and literal enforcement of this section results in an unnecessary hardship. In addition, the 600-foot block length requirement is intended to address urban or suburban streets, and is difficult to enforce in a rural setting with very large lots.

In granting the variance the spirit of the ordinance is observed and substantial justice is done.

Although the requested cul-de-sac length substantially exceeds the maximum block length, the developer has included two mid-block turnarounds, spaced at approximately 900-foot intervals. As noted above the inclusion of these turnarounds meets the intent of the block length ordinance.

Recommendation: Staff recommends that the Commission recommend approval of the applicant's request for a variance to the maximum cul-de-sac length, as stated in Sec. 98-42 of the Code of Ordinances.

Wallis Meshier

Development Services Director

City of Burnet

PO Box 1369

1001 Buchanan Dr., Suite 4

Burnet, TX 78611

Dear Mrs. Meshier,

In regard to the new development in Oak Vista, known as Wandering Oak Circle, I would like to request a variance to the subdivision regulations for the requirement of block length not to exceed 600 feet. There are only 21 tracts that will be served by Wandering Oak Circle, ranging from 2.97 acres to 5.76 acres. Wandering Oak Circle fronts on the north side of CR 100.

I ask that you please take this into consideration.

Com Riddell

Thank you for your time,

Ann Riddell



ITEM 5.4

Wallis Meshier, CNU-A Director of Development Services (512)-715-3215 wmeshier@cityofburnet.com

Agenda Item Brief

Meeting Date: June 10, 2019

Agenda Item: The Planning and Zoning Commission of the City of Burnet, Texas will

consider and take action on a proposed Preliminary Plat of a Replat of Lots 80-83, 95-99, and 130 of the Oak Vista Subdivision, a proposed residential subdivision consisting of approximately 105.08 acres and 24 residential lots, being generally located north of County Road 100 (Scenic Oaks Drive), south and west of County Road 100 (Oak Vista

Drive), and east of Billy Joe Fox Drive.

Background: The proposed Preliminary Plat is a residential subdivision consisting of

approximately 105.08 acres located north of County Road 100 (Scenic Oaks Drive), south and west of County Road 100 (Oak Vista Drive), and east of Billy Joe Fox Drive (see Exhibit A). The proposed subdivision will include twenty-four (24) residential lots ranging in size

from 2.97 to 6.01 acres in size.

Information: The proposed Preliminary Plat has been reviewed for conformance with Chapter 98 of the City of Burnet Code of Ordinances and has been found to comply with all requirements relating to form and

content, with the following exceptions:

1. Per City of Burnet Code of Ordinances Sec. 98-42, the maximum length for a cul-de-sac is 600 feet. Wandering Oak Circle is a proposed dead-end cul-de-sac with an approximate length of 2,686 feet. Therefore, approval of a subdivision variance will be required as a condition of approval of the proposed Preliminary Plat.

2. City of Burnet Code of Ordinances Sec. 98-22(d)(2)(e) requires that the Base Flood Elevation (BFE) for each lot within the 100-year floodplain to be noted on the plat. The proposed Preliminary Plat was submitted without this information. However, the applicant's engineer is currently working to provide this information, and it will be included on the Preliminary Plat prior to being signed.

A tree survey was submitted in accordance with Sec. 98-22, which shows no protected trees located within the proposed right-of-way. Conformance with the City's tree preservation, mitigation, and

removal standards will be ensured during the construction plan review phase.

Recommendation: Staff recommends that the Commission recommend approval of the proposed Preliminary Plat of a Replat of Lots 80-83, 95-99, and 130 of the Oak Vista Subdivision with the condition that the Base Flood Elevation (BFE) of all lots within the 100-year floodplain be notated on the plat.

THE ATTACHED PRELIMINARY PLAT OF A REPLAT OF A PORTION OF LOT NOS. 80-83 AND 95-99, OAK VISTA SUBDIVISION AND LOT NO. 130 AS SHOWN ON THE PLAT OF REVISION OF AMENDED SURVEY PLAT OF LOT 93, LOT 94 AND PORTIONS OF LOTS 82, 83, 85, 86, 89 AND 90, OAK VISTA SUBDIVISION HAS BEEN SUBMITTED TO, AND APPROVED BY, THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS AT ITS MEETING ON THE _____ DAY OF _____, 2019. THIS PRELIMINARY PLAT SHALL NOT BE FILED IN THE CLERK AND RECORD'S OFFICE FOR BURNET COUNTY, TEXAS.

> WALLIS MESHIER, DIRECTOR OF DEVELOPMENT SERVICES, CITY OF BURNET, TEXAS

CURVE TABLE					
CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	92°48'31"	25.00'	40.50'	S57*38'48"E	36.21'
C2	54°57'41"	200.00'	191.85'	S16°14'19"W	184.58'
C3	<i>35*42'57"</i>	250.00'	155.84'	S25°51'41"W	153.33'
C4	16°45'44"	775.00'	226.73'	S00°22'40"E	225.92'
C5	06°29'21"	725.00'	82.11'	S05*30'51"E	82.07'
C6	01°50'53"	725.00'	23.39'	S07°50'05"E	23.38'
C7	3°42'16"	725.00'	46.87'	S05°03'30"E	46.87'
C8	101°01'33"	25.00'	44.08'	S47°26'46"W	<i>38.59</i> '
C9	18 ° 54'38"	725.00'	239.29'	S72*35'09"E	238.20'
C10	12°04'36"	725.00'	152.81'	N76°00'10"W	152.53'
C11	06 ° 50'02"	725.00'	86.47'	N66°32'51"W	86.42'
C12	53°58'05"	25.00'	23.55'	N36°08'47"W	22.69'
C13	287 ° 56'10"	60.00'	301.53'	S26°52'10"W	70.59'
C14	68 ° 55'10"	60.00'	72.17'	N43*37'20"W	67.90'
C15	69°02'28"	60.00'	72.30'	S67°23'51"W	68.00'
C16	46°57'57"	60.00'	49.18'	S09°23'39"W	47.82'
C17	103°00'36"	60.00'	107.87'	S65*35'37"E	93.92'
C18	53°58'05"	25.00'	23.55'	N89*53'08"E	22.69'
C19	18 ° 54'38"	775.00'	255.79'	S72*35'09"E	254.63'

			CURVE TABLE		
CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C20	53°58'05"	25.00'	23.55'	S55°03'25"E	22.69'
C21	208°57'44"	60.00'	218.82'	N47°26'46"E	116.19'
C22	76 ° 48′31″	60.00'	80.43'	S66°28'38"E	74.54'
C23	47°21'24"	60.00 '	49.59'	N51°26'24"E	48.19°
C24	84*47'49"	60.00'	88.80'	N14°38'12"W	80.91'
C25	53°58'05"	25.00'	<i>23.55</i> '	N30°03'04"W	22.69'
C26	06°29'21"	775.00°	<i>87.77</i> '	N05°30'51"W	87.73'
C27	2°35'00"	<i>775.00</i> '	34.94'	N0476'12"W	34.94'
C28	0311'49"	<i>775.00</i> '	43.24'	N07°09'37"W	43.24'
C29	16°45'44"	725.00'	212.10'	N00°22'40"W	211.35'
C30	<i>35*42'57"</i>	200.00'	124.67'	N25°51'41"E	122.66'
C31	55 ° 59'00"	250.00'	244.27'	N15°43'39"E	234.67'
C32	8812'47"	25.00'	38.49'	N31°50'33"E	34.80'
C33	<i>53</i> °00'48"	25.00'	23.13'	N24°14'13"E	22.32'
C34	106°04'42"	60.00'	111.09'	N0217'44"W	95.89'
C35	52°21'22"	25.00'	22.84'	N29°09'24"W	22.06'
C36	55 ° 46'15"	25.00'	24.33'	S24°40'45"W	23.39'
C37	109°44'45"	60.00'	114.93'	S0218'30"E	98.15'
C38	54 ° 54'41"	25.00'	23.96'	S29°43'31"E	23.05'

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ND SURVEYORS & PLANNERS			REVISIONS	-

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L3	N12°32'09"E	122.13'
L3	N12°32'09"E	122.13'
L4	N12°32'09"E	73.08'
L5	N04°55'26"W	127.41'
L6	N10°29'05"W	134.72'
L7	S36°24'44"W	96.31'
L8	S36°24'44"W	100.48'
L9	S1912'50"W	161.17'
L10	S21°10'15"W	85.52'
L11	S46°57'11"W	46.72'
L12	S14°32'42"W	37.14'
L13	S14°32'42"W	135.55'
L14	S03°46'33"W	36.98'
L15	S05°38'13"E	109.76'
L16	S75°54'41"W	60.80'
L17	S75°54'41"W	64.14'
L18	S75°54'41"W	54.75'
L19	N44°08'51"E	69.38'
L20	S62°41'45"E	85.94'
L21	S35°49'40"E	45.27'

LINE TABLE

L2 N08°00'12"E 58.24'

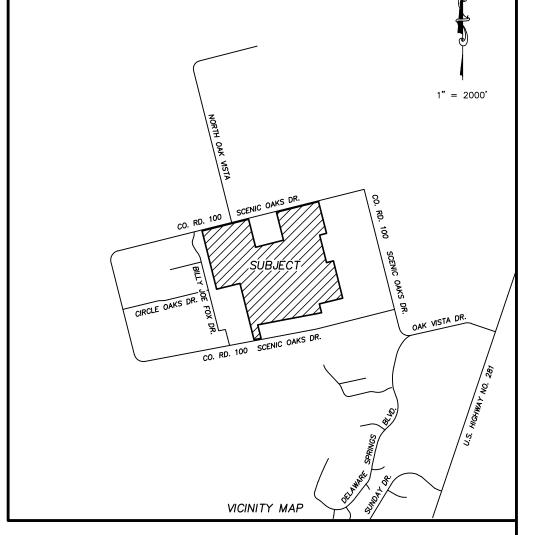
DISTANCE

58.24'

BEARING

L1 S08°00'12"W

LINE



- 1. A PORTION OF THE PROPERTY SHOWN HEREON DOES LIE WITHIN 100 YEAR FLOOD PLAIN, AS SHOWN ON THE BURNET COUNTY FLOOD INSURANCE RATE MAP NOS. 48053C0340F, DATED MARCH 15, 2012.
- 2. ALL PROPERTY HEREIN IS SUBJECT TO THE LOWER COLORADO RIVER AUTHORITY'S HIGHLAND LAKES WATERSHED ORDINANCE. WRITTEN NOTIFICATION AND/OR PERMITS ARE REQUIRED PRIOR TO COMMENCING ANY DEVELOPMENT ACTIVITIES. CONTACT LCRA WATERSHED MANAGEMENT AT 1-800-776-5272, EXTENSION 2324 FOR MORE
- 3. BASIS OF BEARINGS FOR THIS SURVEY IS THE TEXAS LAMBERT GRID, CENTRAL ZONE,
- 2. EACH DWELLING CONSTRUCTED OR PLACED ON THE SUBDIVISION SHALL BE CONNECTED TO A PRIVATE SEPTIC SYSTEM MEETING THE SPECIFICATIONS AND REQUIREMENTS OF THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND BURNET COUNTY.
- 3. WATER IS PROVIDED BY PRIVATE WELLS.
- 4. THE COUNTY SHALL NOT BE RESPONSIBLE FOR THE QUANTITY OR QUALITY OF A RELIABLE WATER SOURCE.
- 5. GARBAGE PICKUP IS AVAILABLE BY A COMMERCIAL FIRM.
- 6. THE BUILDING AND MAINTENANCE OF ALL STREETS, ROADS AND OTHER PUBLIC THOROUGHFARES DELINEATED AND SHOWN ON THIS PLAT, AND BRIDGES AND CULVERTS NECESSARY TO BE CONSTRUCTED OR PLACED IN SUCH STREETS, ROADS AND OTHER THOROUGHFARES OR IN CONNECTION THEREWITH, SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNERS OR DEVELOPERS OF THE TRACT OF LAND COVERED BY THIS PLAT ACCORDING TO THE PLANS AND SPECIFICATIONS PRESCRIBED BY THE COMMISSIONER'S COURT OF BURNET COUNTY, TEXAS AND WILL NEVER BE ACCEPTED AS COUNTY ROADS BY THE COMMISSIONER'S COURT OF BURNET COUNTY, TEXAS.
- 7. ELECTRICAL SERVICE IS PROVIDED BY PEDERNALES ELECTRIC COOP.
- 8. THERE IS 2686 LINEAR FEET OF NEW ROAD.
- 9. THERE ARE 24 NEW LOTS WITHIN THIS SUBDIVISION.
- 10. BASIS OF BEARINGS FOR THIS SURVEY IS THE TEXAS LAMBERT GRID, CENTRAL ZONE, NAD83. ALL DISTANCES SHOWN HEREON ARE SURFACE BASED ON A COMBINATION SCALE FACTOR OF 1.00016389800537.
- 11. NO LOTS WITHIN THIS SUBDIVISION SHALL BE RESUBDIVIDED INTO SMALLER TRACTS.
- 12. LOCATION OF UTILITY EASEMENTS HEREBY CONVEYED SHALL BE LIMITED TO A STRIP OF LAND BEING FIFTEEN (15') FEET IN WIDTH ALONG ALL FRONT AND REAR LOTLINES AND SEVEN AND ONE HALF (7.5') FEET ALONG ALL SIDE LOTLINES, WITH ADDITIONAL GUYING EASEMENTS AS NÉEDED, OR AS INDICATED ON SAID PLAT. TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS OVER GRANTOR'S ADJACENT LANDS TO OR FROM SAID UTILITY EASEMENTS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, HANGING NEW WIRE ON, MAINTAINING AND REMOVING SAID LINES AND APPURTENANCES; THE RIGHT TO RELOCATE WITHIN THE LIMITS OF SAID RIGHT-OF-WAY: THE RIGHT TO REMOVE FROM SAID RIGHT-OF-WAYS ALL TREES AND PARTS THEREOF, OR OTHER OBSTRUCTIONS WHICH ENDANGER OR MAY INTERFERE WITH THE EFFICIENCY OF SAID LINES OR THEIR APPURTENANCES.
- 13. THIS SUBDIVISION IS SUBJECT TO ALL GENERAL NOTES AND RESTRICTIONS APPEARING ON THE PLAT OF OAK VISTA SUBDIVISION RECORDED IN CABINET 1, SLIDE 183 C & D AND SLIDE 184 A & B OF THE PLAT RECORDS OF BURNET COUNTY, TEXAS.

DEVELOPER: BIG LEAF, LTD. 605 N. WATER BURNET, TEXAS 78611

ENGINEER: WILLIAM H ENGINEERING 1001 BUCHANAN DRIVE SUITE 2 BURNET, TEXAS 78611 512-553-1555

A REPLAT OF A PORTION OF LOT NOS. 80-83 AND 95-99 OAK VISTA SUBDIVISION AND LOT NO. 130 AS SHOWN ON THE PLAT OF **REVISION OF AMENDED SURVEY PLAT OF LOT 93,LOT 94** AND PORTIONS OF LOTS 82, 83, 85, 86, 89 AND 90 OAK VISTA SUBDIVISION 105.08 ACRES OUT OF THE **EUGENIO PEREZ SURVEY NO. 41** ABSTRACT NO. 672 **BURNET COUNTY, TEXAS**

A PRELIMINARY PLAT OF

PROJECT NO. 181736	
PREPARED FOR: BIG LEAF, LTD.	
TECH: B. BURTON	
APPROVED: D. STARK	
DATE:	
COPYRIGHT: 2018	PROFESSIONAL FIRM NO: 10126900

1500 OLLIE LANE MARBLE FALLS, TX. 78654 PH.325-388-3300 / 830-693-8815 WWW.CUPLINASSOCIATES.COM

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FIELD NOTES OF A 105.08 ACRE TRACT OF LAND OUT OF THE EUGENIO PEREZ SURVEY NO. 41, ABSTRACT NO. 672, IN BURNET COUNTY, TEXAS AND CONSISTING OF A PORTION OF THOSE CERTAIN LOT NOS. 80, 81, 82, 83, 97, 98 AND 99 AND ALL OF THOSE CERTAIN LOT NOS. 95 AND 96, OAK VISTA SUBDIVISION, RECORDED IN CABINET 1, SLIDES 183 C—D AND 184 A & B OF THE PLAT RECORDS OF BURNET COUNTY, TEXAS AND THAT CERTAIN LOT NO. 130 AS SHOWN ON THE PLAT OF REVISION OF AMENDED SURVEY PLAT OF LOT 93, LOT 94 AND PORTIONS OF LOTS 82, 83, 85, 86, 89 AND 90, OAK VISTA SUBDIVISION, RECORDED IN CABINET 3, SLIDE 123 B OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, AND BEING A PORTION OF THOSE SAME TRACTS DESCRIBED IN VOLUME 618, PAGE 569 OF THE REAL PROPERTY RECORDS OF BURNET COUNTY, TEXAS. SAID 105.08 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD FOUND FOR THE SOUTHERN RIGHT OF WAY LINE OF BURNET COUNTY ROAD NO. 100, AND BEING THE NORTHWEST CORNER OF LOT NO. 74A-1 AS SHOWN ON THE PLAT OF A REPLAT OF LOT 74-A, OAK VISTA SUBDIVISION, OF RECORD IN DOCUMENT NO. 201706220 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, THE NORTHEAST CORNER OF LOT 99 AND THE NORTHEAST CORNER HEREOF;

THENCE S14"12'16"E, LEAVING THE SOUTHERN RIGHT OF WAY LINE OF BURNET COUNTY ROAD NO. 100 AND ALONG THE WESTERN BOUNDARY LINES OF LOT NO. 74A-1 AND A REMNANT OF LOT NO. 75 AS SHOWN ON THE PLAT OF SAID OAK VISTA SUBDIVISION, THE EASTERN BOUNDARY LINE OF TRACT NO. 99 AND THE EAST LINE HEREOF, A DISTANCE OF 680.27 FEET TO A 3/8" IRON ROD FOUND AT THE NORTHWEST CORNER OF LOT NO. 4 AS SHOWN ON THE PLAT OF REPLAT OF LOTS 75 AND 76, OAK VISTA SUBDIVISION, OF RECORD IN CABINET 2, SLIDE 173C OF THE PLAT RECORDS OF BURNET COUNTY, TEXAS, THE SOUTHWEST CORNER OF THE REMAINDER OF LOT NO. 75, AND AN ANGLE POINT HEREOF;

THENCE S75°59'18"W, CROSSING INTO SAID LOT NO. 99, A DISTANCE OF 148.04 FEET TO A 1/2" IRON ROD SET WITH PLASTIC SURVEY CAP STAMPED CUPLIN, FOR A REENTRANT CORNER HEREOF;

THENCE S14°05'23"E, AT 570.42 FEET PASSING THE NORTHERN BOUNDARY LINE OF LOT NO. 80 AND THE SOUTHERN BOUNDARY LINE OF LOT NO. 99, IN ALL A DISTANCE OF 588.66 FEET TO A 1/2" IRON ROD SET WITH PLASTIC SURVEY CAP STAMPED CUPLIN, FOR A REENTRANT CORNER HEREOF;

THENCE N75°57'10"E, A DISTANCE OF 148.04 FEET TO A 1/2" IRON ROD SET WITH PLASTIC SURVEY CAP STAMPED CUPLIN, IN THE EASTERN BOUNDARY LINE OF SAID LOT 80, AT THE NORTHWEST CORNER OF LOT 77, OAK VISTA SUBDIVISION AND THE SOUTHWEST CORNER OF SAID LOT 4, REPLAT OF LOTS 75 AND 76, FOR AN ANGLE POINT HEREOF;

THENCE S14'08'16"E, WITH THE WESTERN BOUNDARY LINES OF LOTS NOS. 77 AND 78 AND THE EASTERN BOUNDARY LINE OF LOT NO. 80, A DISTANCE OF 800.00 FEET TO A 1/2" IRON ROD FOUND, AT THE SOUTHWEST CORNER OF LOT NO. 78, AND THE NORTHWEST CORNER OF LOT NO. 79A AS SHOWN ON THE PLAT OF A SHORT FORM REPLAT OF LOTS 79A, 79B, 79C, 79D, 79E & 79F, OAK VISTA, OF RECORD IN DOCUMENT NO. 201505144 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, FOR THE NORTHEAST CORNER OF A 2.79 ACRE TRACT OF LAND DESCRIBED IN A DEED TO STANFORD C. TODD AND WIFE, PEGGY J. TODD IN VOLUME 875, PAGE 333 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS AND THE EASTERNMOST SOUTHERST CORNER HEREOG.

THENCE S75°53'03"W, ALONG THE NORTHERN BOUNDARY LINE OF SAID 2.79 ACRE TODD TRACT AND THE NORTHERN BOUNDARY LINE OF A 2.599 ACRE TRACT OF LAND DESCRIBED IN A DEED TO MANUEL GUTIERREZ AND WIFE, GUADALUPE GUTIERREZ, OF RECORD IN VOLUME 605, PAGE 15 OF THE REAL PROPERTY RECORDS OF BURNET COUNTY, TEXAS, A DISTANCE OF 501.86 FEET TO A 5/8" IRON ROD FOUND IN THE EASTERN BOUNDARY LINE OF LOT NO. 81 AND THE WESTERN BOUNDARY LINE OF LOT NO. 80, FOR THE NORTHWEST CORNER OF SAID 2.599 ACRE GUTIERREZ TRACT AND A REENTRANT CORNER HEREOF.

THENCE S14"11'49"E, ALONG THE WESTERN BOUNDARY LINE OF SAID GUTIERREZ TRACT AND THE EASTERN BOUNDARY LINE OF LOT NO. 81, A DISTANCE OF 188.94 FEET TO A 3/8" IRON ROD FOUND, IN THE EASTERN BOUNDARY LINE OF SAID LOT NO. 81 AND THE NORTHEAST CORNER OF A 1.0 ACRE TRACT OF LAND DESCRIBED IN A DEED TO LARRY TAYLOR, ET UX, OF RECORD IN DOCUMENT NO. 201601682 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, FOR THE SOUTHERNMOST SOUTHEAST CORNER HEREOF;

THENCE WITH THE SOUTHERN BOUNDARY LINE OF THE REMNANTS OF LOTS 81, 82, AND 83 AND THE SOUTH LINE HEREOF WITH FIVE (5) COURSES AND DISTANCES AS FOLLOWS:

(1) S79°25'50"W, ALONG THE NORTHERN BOUNDARY LINE OF SAID TAYLOR TRACT, A DISTANCE OF 153.35 FEET TO A 3/8" IRON ROD FOUND, AT THE NORTHWEST CORNER OF SAID 1.0 ACRE TAYLOR TRACT AND THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED AS 1.00 ACRES IN A DEED TO CHARLES M. LARGENT, ET UX, IN VOLUME 1117, PAGE 51 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, FOR AN ANGLE POINT HEREOF;

(2) S79"12'08"W, WITH THE NORTHERN BOUNDARY LINE OF SAID LARGENT TRACT, A DISTANCE OF 149.59 FEET TO A 1/2" IRON ROD FOUND WITH PLASTIC SURVEY CAP STAMPED ALLSTAR RPLS 5279, AT THE NORTHWEST CORNER OF SAID LARGENT TRACT AND THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED AS 1.0 ACRES IN A DEED TO TABITHA A. BALL, ET VIR, OF RECORD IN DOCUMENT NUMBER 201600899 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, FOR AN ANGLE POINT HEREOF;

(3) S79°22'36"W, WITH THE NORTHERN BOUNDARY LINE OF SAID BALL TRACT AND OF A TRACT OF LAND DESCRIBED AS 1.00 IN A DEED TO MICHAEL J. NAGLE, SR., ET UX, OF RECORD IN DOCUMENT NUMBER 200701505 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, A DISTANCE OF 300.14 FEET TO A 1/2" IRON ROD FOUND WITH PLASTIC SURVEY CAP STAMPED CCC RPLS 4835, AT THE NORTHWEST CORNER OF SAID NAGLE TRACT AND THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED AS 1.000 ACRES IN A DEED TO IAN AHEARN, OF RECORD IN DOCUMENT NUMBER 201706782 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, FOR AN ANGLE POINT HEREOF;

(4) S79°24'43"W, WITH THE NORTHERN BOUNDARY LINE OF SAID AHEARN TRACT, A DISTANCE OF 150.53 FEET TO A 1/2" IRON ROD FOUND AT THE NORTHWEST CORNER OF SAID AHEARN TRACT AND AT THE NORTHEAST CORNER OF LOT NO. 126, AS SHOWN ON THE PLAT OF REVISION OF AMENDED SURVEY PLAT OF LOT 93, LOT 94 AND PORTIONS OF LOTS 82, 83, 85, 86, 89 AND 90, OAK VISTA SUBDIVISION, OF RECORD IN CABINET 3, SLIDE 123B PLAT RECORDS OF BURNET COUNTY, TEXAS, (HEREAFTER CALLED "REVISION OF AMENDED SURVEY PLAT") FOR ANGLE POINT HEREOF;

(5) S79°20'19"W, ALONG THE NORTHERN BOUNDARY LINE OF LOT NOS. 126, 127, 128, AND 129, OF SAID REVISION OF AMENDED SURVEY PLAT, A DISTANCE OF 599.77 FEET TO A 1/2" IRON ROD FOUND AT THE NORTHWEST CORNER OF SAID LOT NO. 129, AND AT THE NORTHEAST CORNER OF LOT NO. 130, REVISION OF AMENDED SURVEY PLAT, FOR A REENTRANT CORNER HEREOF;

THENCE S14'08'39"E, ALONG THE EASTERN BOUNDARY LINE OF SAID LOT NO. 130 AND THE WESTERN BOUNDARY LINE OF SAID LOT NO. 129, A DISTANCE OF 291.11 FEET TO A 1/2" IRON ROD FOUND IN THE NORTHERN RIGHT OF WAY LINE OF BURNET COUNTY ROAD NO. 100, AT THE SOUTHEAST CORNER OF SAID LOT NO. 130 AND THE SOUTHWEST CORNER OF SAID LOT NO. 129 FOR THE SOUTHERNMOST SOUTHEAST CORNER HEREOF;

THENCE S79"18'12"W, ALONG THE NORTHERN RIGHT OF WAY LINE OF BURNET COUNTY ROAD NO. 100, AND ALONG THE SOUTHERN BOUNDARY LINE OF SAID LOT NO. 130, A DISTANCE OF 149.73 FEET TO A 1/2" IRON ROD FOUND IN THE NORTHERN RIGHT OF WAY LINE OF SAID BURNET COUNTY ROAD NO. 100, AT THE SOUTHWEST CORNER OF LOT NO. 130, AND SOUTHEAST CORNER OF LOT NO. 84, OAK VISTA SUBDIVISION, FOR THE SOUTHWEST CORNER HEREOF;

THENCE N14'05'30"W, LEAVING THE NORTHERN RIGHT OF WAY LINE OF BURNET COUNTY ROAD NO. 100, ALONG THE EASTERN BOUNDARY LINE OF SAID LOT NO. 84, AND THE WESTERN BOUNDARY LINE OF SAID LOT NO. 130, REVISION OF AMENDED SURVEY PLAT, AND THE REMAINDER OF LOT NO. 83, OAK VISTA SUBDIVISION, A DISTANCE OF 1208.50 FEET TO A 1/2" IRON ROD FOUND, AT THE SOUTHEAST CORNER OF LOT NO. 95, THE SOUTHWEST CORNER OF LOT NO. 83, AND THE NORTHEAST CORNER OF LOT NO. 84, OAK VISTA SUBDIVISION, FOR A REENTRANT CORNER HEREOF;

THENCE S75°56'48"W, ALONG THE SOUTHERN BOUNDARY LINE OF SAID LOT NO. 95 AND THE NORTHERN BOUNDARY LINE OF SAID LOT NO. 84, A DISTANCE OF 499.37 FEET TO A 1/2" IRON ROD FOUND, IN THE EASTERN BOUNDARY LINE OF LOT NO. 133, REVISION OF AMENDED SURVEY PLAT, AT THE SOUTHWEST CORNER OF LOT 95 AND THE NORTHWEST CORNER OF LOT 84, FOR THE WESTERNMOST SOUTHWEST CORNER HEREOF;

THENCE N14°05'54"W, ALONG THE EASTERN BOUNDARY LINES OF LOT NOS. 133, 121, 122, 123, 124, AND 125, REVISION OF AMENDED SURVEY PLAT, AND THE WESTERN BOUNDARY LINE OF SAID LOT NO. 95, OAK VISTA SUBDIVISION, A DISTANCE OF 1250.21 FEET TO A 1/2" IRON ROD SET WITH PLASTIC SURVEY CAP STAMPED CUPLIN, IN THE SOUTHERN RIGHT OF WAY LINE OF BURNET COUNTY ROAD NO. 100, AT THE NORTHEAST CORNER OF LOT NO. 125, REVISION OF AMENDED SURVEY PLAT, FOR THE NORTHWEST CORNER OF SAID LOT 95, OAK VISTA SUBDIVISION, AND THE NORTHWEST CORNER HEREOF;

THENCE N75°54'11"E, WITH THE SOUTHERN RIGHT OF WAY LINE OF BURNET COUNTY ROAD NO. 100, AND THE NORTHERN BOUNDARY LINE OF LOT NOS. 95
AND 96, A DISTANCE OF 999.25 FEET TO A 1/2" IRON ROD FOUND AT THE NORTHWEST CORNER OF A TRACT OF LAND DESCRIBED AS 4.129 ACRES IN A
DEED TO MARK ALLEN MILLER AND JENNIFER HOLIMAN MILLER OF RECORD IN DOCUMENT NO. 201703846 OF THE OFFICIAL PUBLIC RECORDS OF BURNET
COUNTY, TEXAS, FOR THE NORTHEAST CORNER OF LOT NO. 96, THE NORTHWEST CORNER OF LOT NO. 97 AND AN ANGLE POINT HEREOF;

THENCE S14°06'08"E, ALONG THE EASTERN BOUNDARY LINE OF LOT NO. 96 AND THE WESTERN BOUNDARY LINE OF SAID 4.129 ACRE MILLER TRACT AND SAID LOT NO. 97, A DISTANCE OF 599.82 FEET TO A 5/8" IRON ROD FOUND, AT THE SOUTHWEST CORNER OF SAID 4.129 ACRE MILLER TRACT AND AT THE NORTHWEST CORNER OF THE REMAINDER OF SAID LOT NO. 97. FOR A REENTRANT CORNER HEREOF:

THENCE N75°53'38"E, ALONG THE SOUTHERN BOUNDARY LINE OF SAID 4.129 ACRE MILLER TRACT, AND THE SOUTHERN BOUNDARY LINE OF A TRACT OF LAND DESCRIBED AS 4.13 ACRES IN A DEED TO WARREN A. GOFF AND BETTY J. GOFF OF RECORD IN VOLUME 1266, PAGE 589 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, A DISTANCE OF 600.00 FEET TO A 5/8" IRON ROD FOUND, AT THE SOUTHEAST CORNER OF SAID 4.13 ACRE GOFF TRACT. FOR A REFNIRANT CORNER HEREOF:

THENCE N14°06'52"W, ALONG THE EASTERN BOUNDARY LINE OF SAID 4.13 ACRE GOFF TRACT, A DISTANCE OF 600.15 FEET TO A 5/8" IRON ROD FOUND IN THE SOUTH RIGHT OF WAY OF BURNET COUNTY ROAD NO. 100, AT THE NORTHEAST CORNER OF SAID 4.13 ACRE GOFF TRACT, FOR AN ANGLE POINT HEREOF:

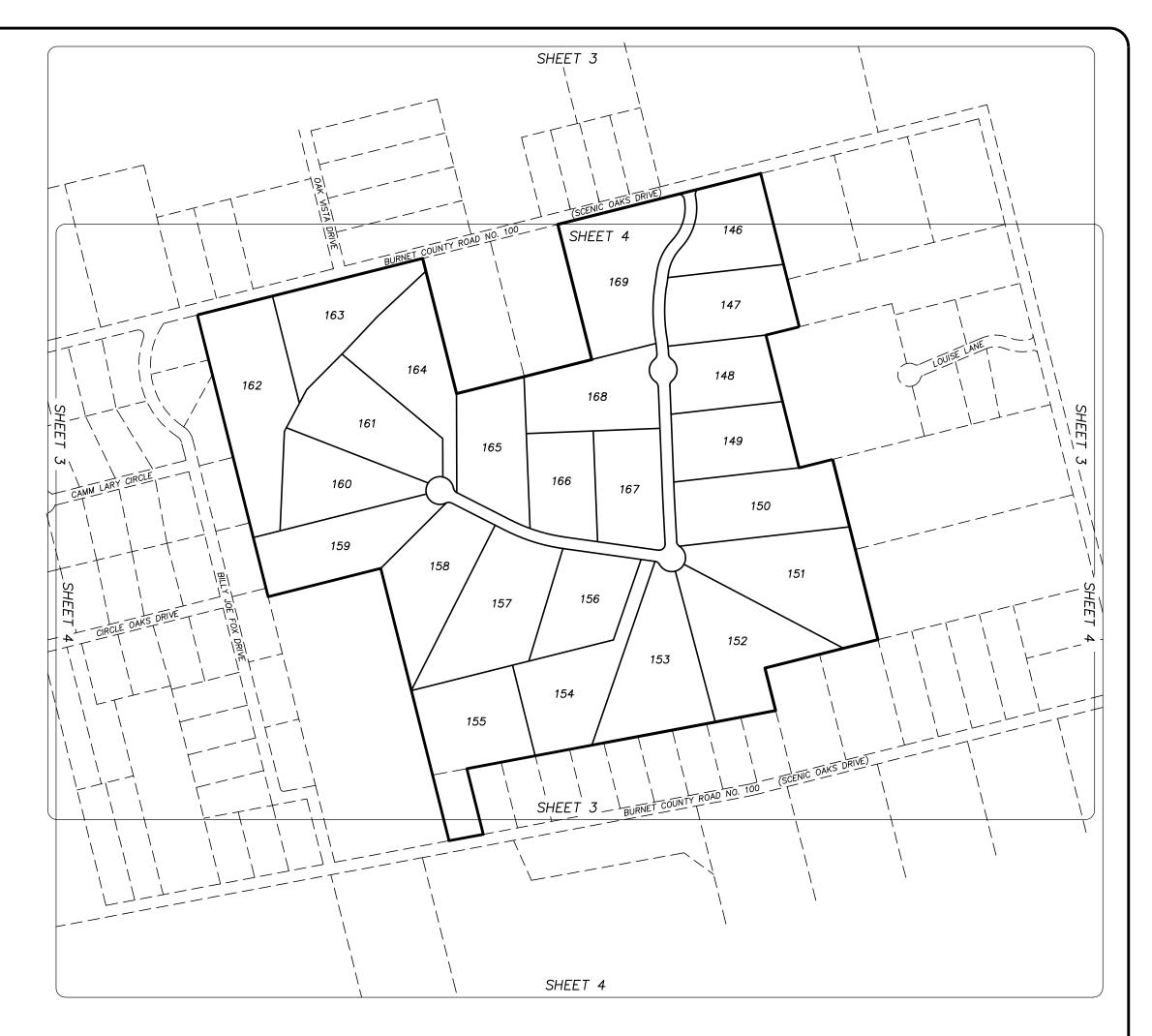
THENCE N75°56'56"E, ALONG THE NORTHERN BOUNDARY LINE OF LOT NO. 98 AND 99 AND THE SOUTHERN RIGHT OF WAY LINE OF BURNET COUNTY ROAD NO. 100, A DISTANCE OF 900.08 FEET, TO THE POINT OF BEGINNING, AND CALCULATED TO CONTAIN 105.08 ACRES.

PROJECT NO. 181736			
PREPARED FOR: BIG LEAF, LTD.			1
TECH: B. BURTON			
APPROVED: D. STARK			
DATE:			
CORVEIGHT: 2018	PROFESSIONAL	FIRM NO:	10126900

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REVISIONS			
	NO.	DESCRIPTION	Ē
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	OWNERSHIP TABLE				
NO.	NAME	DEED REFERENCE			
01	JEFFREY A. BOWMAN ET UX	DOC. NO. 201611845 O.P.R.B.C.T.			
02	EDWARD L. MIDDLEBROOKS ET UX	VOL, 1091, PG. 977 O.P.R.B.C.T.			
03	NATHAN S. GUTHRIE	DOC. NO. 201203648 O.P.R.B.C.T.			
04	JOHN E. WHITMAN	DOC. NO. 201503554 O.P.R.B.C.T.			
05	JOHN W. IRVING	DOC. NO. 201804181 O.P.R.B.C.T.			
06	WILFRED G. MALLARI ET UX	DOC. NO. 201509602 O.P.R.B.C.T.			
07	SAMUEL A. WILSON ET UX	VOL. 933, PG. 897 O.P.R.B.C.T.			
08	DANA L. JOHNSON	DOC. NO. 201200638 O.P.R.B.C.T.			
09	BRYAN LYNN	DOC. NO. 201503469 O.P.R.B.C.T.			
010	JACK BOURKE	DOC. NO. 201611218 O.P.R.B.C.T.			
011	LARRY TAYLOR ET UX	DOC. NO. 201601682 O.P.R.B.C.T.			
012	CHARLES M. LARGENT ET UX	VOL. 1117 PG. 51 O.P.R.B.C.T.			
013	TABITHA A. BALL ET UX	DOC. NO. 201600899 O.P.R.B.C.T.			
014	MICHAEL J. NAGLE, SR. ET UX	DOC. NO. 200701505 O.P.R.B.C.T.			
015	IAN AHEARN	DOC. NO. 201706782 O.P.R.B.C.T.			
016	EAGLE RIDGE BUILDERS, LTD	VOL. 1438 PG. 598 O.P.R.B.C.T.			
017	ALLAN L. HANCOCK ET UX	DOC. NO. 201109737 O.P.R.B.C.T.			
018	MICHAEL A. CHILDERS ET UX	DOC. NO. 201306822 O.P.R.B.C.T.			
019	JAMES M. MUELLER	DOC. NO. 201009944 O.P.R.B.C.T.			
020	ROGER D. SMITH	VOL. 1255, PG. 654 O.P.R.B.C.T.			
021	LINDSEY M. YOW	DOC. NO. 201712452 O.P.R.B.C.T.			
022	ROGER BRUCE MAHAN	DOC. NO. 201507633 O.P.R.B.C.T.			
023	K BAR T CUSTOM HOMES, INC.	VOL 1457, PG. 379 O.P.R.B.C.T.			

A PRELIMINARY PLAT OF
A REPLAT OF A PORTION OF
LOT NOS. 80-83 AND 95-99
OAK VISTA SUBDIVISION
AND LOT NO. 130 AS SHOWN ON THE PLAT OF
REVISION OF AMENDED SURVEY PLAT OF LOT 93,LOT 94
AND PORTIONS OF LOTS 82, 83, 85, 86, 89 AND 90
OAK VISTA SUBDIVISION
105.08 ACRES
OUT OF THE
EUGENIO PEREZ SURVEY NO. 41
ABSTRACT NO. 672

BURNET COUNTY, TEXAS

