



## **NOTICE OF MEETING OF THE BURNET ECONOMIC DEVELOPMENT CORPORATION**

Notice is hereby given that a **Regular Meeting** will be held by the Burnet Economic Development Corporation (BEDC) on the **20<sup>th</sup> day of February, 2024** at **3:00 p.m.** in the Council Chambers, Burnet Municipal Airport, 2402 S. Water, Burnet, TX. at which time, the following subjects will be discussed, to-wit:

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

### **1. CALL TO ORDER:**

### **2. CONSENT AGENDA:**

2.1) Approval of the January 16, 2023 Regular Meeting minutes

### **3. ACTION ITEMS:**

3.1) Discuss and consider action: A RESOLUTION BY THE BOARD OF DIRECTORS OF THE BURNET ECONOMIC DEVELOPMENT CORPORATION AUTHORIZING THE SALE OF LOT ONE KROEGER SUBDIVISION, AS SHOWN BY PLAT RECORDED AS DOCUMENT NO. 201400549, IN THE PUBLIC RECORDS OF BURNET COUNTY, TEXAS TO THE CITY OF BURNET. H. Erkan Jr.

3.2) Discuss and consider action: A RESOLUTION OF BOARD OF DIRECTORS OF THE BURNET ECONOMIC DEVELOPMENT CORPORATION APPROVING AN AGREEMENT TO FACILITATE THE VACATING OF THE PREMISES AT 102 E. POLK STREET TERMINATION OF PAROL LEASE, RELEASE OF CLAIM, AND INDEMNITY AGREEMENT.

3.3) Discuss and consider action: Related to the potential sale of all or portions of the Crossings at 281 South Commercial Park.

3.4) Discuss and consider action: Related to the sale of all or portions of the Eastside Commercial Park located on Highway 29 East.

3.5) Discuss and consider action: Related to the potential sale of all or portions of 118 E. Polk Street (Old Bealls Building).

3.6) Discuss and consider action: Related to the potential sale of all or portions of 102 E. Polk Street.

3.7) Discuss and consider action: Related to the potential sale of all or portions of 400 N. West Street.

3.8) Discuss and consider action: Related to the Coke Street Re-Alignment Project.

3.9) Discuss and consider action: Related to the Jackson Street Public Restroom Project.

3.10) Discuss and consider action: Wedding Oak Winery Building and Lease Agreement.

3.11) Discuss and consider action: Related to the findings of the Burnet Community Coalition.

3.12) Discuss and consider action: A Declaration instrument, to be recorded in the public records of Burnet County, placing additional Covenants, Conditions, and Restrictions on those lots within the Eastside Commercial Subdivision owned by the Burnet Economic Development Corporation

#### **4. CONVENE TO EXECUTIVE SESSION:**

The Board of Directors of the Burnet Economic Development Corporation shall convene in executive session to:

4.1) Pursuant to Section 551.072 Texas Government Code deliberate the purchase, exchange, lease, or value of real property in order to minimize the detrimental effect of such discussion in open session on the position of the Board in negotiations with third parties for property located at 236 South Main St., Burnet: D. Vaughn

4.2) Pursuant to Section 551.072 Texas Government Code deliberate the purchase, exchange, lease, or value of real property in order to minimize the detrimental effect of such discussion in open session on the position of the Board in negotiations with third parties for property located at Eastside Commercial Park: D. Vaughn

4.3) Pursuant to Section 551.072 Texas Government Code to deliberate the purchase, exchange, lease, or value of real property in order to minimize the detrimental effect of such discussion in open session on the position of the Board in negotiations with third parties for property located at the Crossings at 281 South Commercial Park: D. Vaughn

4.4) Pursuant to Section 551.072 Texas Government Code to deliberate the purchase, exchange, lease, or value of real property in order to minimize the detrimental effect of such discussion in open session on the position of the Board in negotiations with third parties for the potential sale of all or portions of 118 E. Polk Street (Old Bealls Building): D. Vaughn

#### **5. RECONVENE TO REGULAR SESSION FOR POSSIBLE ACTION:**

5.1) Discuss and consider action: Regarding deliberations of the purchase, exchange,

lease, or value of real property located at 236 South Main Street: D. Vaughn

5.2) Discuss and consider action: Regarding deliberations of the purchase, exchange, lease, or value of real property located at Eastside Commercial Park: D. Vaughn

5.3) Discuss and consider action: Regarding deliberations of the purchase, exchange, lease, or value of real property located at the Crossings at 281 South Commercial Park: D. Vaughn

5.4) Discuss and consider action: Regarding deliberations of the purchase, exchange, lease, or value of real property located at 118 E. Polk Street (Old Bealls Building): D. Vaughn

## **6. REQUESTS FROM BEDC FOR FUTURE REPORTS:**

## **7. ADJOURN:**

Dated this 16<sup>th</sup> day, of February, 2024

I, the undersigned authority, do hereby certify that the above NOTICE OF MEETING of the Burnet Economic Development Corporation, 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 February 16, 2024, at or before 3 o'clock p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of said Meeting.

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Kelly Dix, City Secretary

### **NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS:**

*The City Council Chamber is wheelchair accessible. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services, such as interpreters for persons who are deaf or hearing impaired, readers, or large print, are requested to contact the City Secretary's office (512.756.6093) at least two working days prior to the meeting. Requests for information may be faxed to the City Secretary at 512.756.8560.*

### **RIGHT TO ENTER INTO EXECUTIVE SESSION:**

The Board of Directors for the Burnet Economic Development Corporation reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.087 (Economic Development

STATE OF TEXAS            {}  
COUNTY OF BURNET        {}

On this the 16<sup>th</sup> day of January, 2024, the Burnet Economic Development Corporation of the City of Burnet convened in Regular Session, at 3:00 p.m., at the Burnet City Council Chambers, 2402 S. Water Street, Burnet, with the following members present, to-wit:

Board Members:     David Vaughn, Philip Thurman, Cary Johnson, Ricky Langley, Mary Jane Shanes, Brad Zehner, Katy Randall

Guests: Adrienne Feild, Carly Kehoe-Pearson, Habib Erkan Jr.,

CALL TO ORDER: The meeting was called to order by Board President Cary Johnson at 3:00 p.m. and quorum was established.

CONSENT AGENDA:

Approval of the November 21, BEDC Regular Meeting minutes (corrected).

Approval of the December 19, 2023 BEDC Regular Meeting minutes. Board Member Philip Thurman moved to approve the consent agenda as presented. Council Member Mary Jane Shanes seconded. The motion carried unanimously.

ACTION ITEMS:

Discuss and consider action: Appointment of an Architectural Control Committee for the Crossings at 281 South Commercial Park. Board Member Mary Jane Shanes moved to appoint Carley Kehoe Pearson, Ricky Langley, and Philip Thurman as the Architectural Control Committee for the Crossings at 281 South Commercial Park. Board Member Katy Randall seconded. The motion carried unanimously.

Discuss and consider action: Appointment of an Architectural Control Committee for the Eastside Commercial Park. Board Member Mary Jane Shanes moved to appoint Carley Kehoe Pearson, Ricky Langley, and Philip Thurman as the Architectural Control Committee for the Eastside Commercial Park. Board Member Brad Zehner seconded. The motion carried unanimously.

Discuss and consider action: Related to the potential sale of all or portions of the Crossings at 281 South Commercial Park: No action taken.

Discuss and consider action: Related to the sale of all or portions of the Eastside Commercial Park located on Highway 29 East: Board Member David Vaughn reported that the Tractor Supply project is progressing as scheduled. No action taken.

Discuss and consider action: Related to the potential sale of all or portions of 118 E. Polk Street (Old Bealls Building): No action taken.

Discuss and consider action: Related to the potential sale of all or portions of 102 E. Polk Street: Board Member Katy Randall moved to authorize staff to present notification to the current renters of the property of compensation in the amount not to exceed \$5,000.00 if the property is vacated by February 29, 2024 or with no compensation with the property being vacated in ninety (90) days by April 30, 2023.

Discuss and consider action: Related to the potential sale of all or portions of 400 N. West Street: Board Member David Vaughn informed all present that the next agenda would have the documentation for the sale of 400 N. Water Street to the City of Burnet for review and approval as requested by the BEDC Board. No action was taken.

Discuss and consider action: Related to the Coke Street Re-Alignment Project: No action taken.

Discuss and consider action: Related to the Jackson Street Public Restroom Project: Board Member David Vaughn reported that the restrooms should be completed by the end of February. No action was taken.

Discuss and consider action: Wedding Oak Winery Building and Lease Agreement: No action taken.

Discuss and consider action: Related to the findings of the Burnet Community Coalition: Maria Gonzalez informed all present that coalition is working on the 2024 Jackson Street Jams, preparations for the BEDC attendance at the 2024 ICSC Conference and the upcoming Solar Eclipse Event. No action was taken.

CONVENE TO EXECUTIVE SESSION: The Board of Directors of the Burnet Economic Development Corporation shall convene in executive session to: Board Member David Vaughn moved to convene to executive session at 3:45 p.m. Board Member Katy Randall seconded. The motion carried unanimously.

Pursuant to Section 551.072 Texas Government Code deliberate the purchase, exchange, lease, or value of real property in order to minimize the detrimental effect of such discussion in open session on the position of the Board in negotiations with third parties for property located at 236 South Main St., Burnet: D. Vaughn:

Pursuant to Section 551.072 Texas Government Code deliberate the purchase, exchange, lease, or value of real property in order to minimize the detrimental effect of such discussion in open session on the position of the Board in negotiations with third parties for property located at Eastside Commercial Park: D. Vaughn:

Pursuant to Section 551.072 Texas Government Code to deliberate the purchase, exchange, lease, or value of real property in order to minimize the detrimental effect of such discussion in open session on the position of the Board in negotiations with third parties for property located at the Crossings at 281 South Commercial Park: D. Vaughn:

Pursuant to Section 551.072 Texas Government Code to deliberate the purchase, exchange, lease, or value of real property in order to minimize the detrimental effect of such discussion in open session on the position of the Board in negotiations with third parties for the potential sale of all or portions of 118 E. Polk Street (Old Bealls Building): D. Vaughn:

RECONVENE TO REGULAR SESSION FOR POSSIBLE ACTION: Board Member David Vaughn moved to convene to executive session at 3:58 p.m. Board Member Ricky Langley seconded. The motion carried unanimously.

Discuss and consider action: Regarding deliberations of the purchase, exchange, lease, or value of real property located at 236 South Main Street: D. Vaughn: No action taken.

Discuss and consider action: Regarding deliberations of the purchase, exchange, lease, or value of real property located at Eastside Commercial Park: D. Vaughn: No action taken.

Discuss and consider action: Regarding deliberations of the purchase, exchange, lease, or value of real property located at the Crossings at 281 South Commercial Park: D. Vaughn: No action taken.

Discuss and consider action: Regarding deliberations of the purchase, exchange, lease, or value of real property located at 118 S. Polk Street (Old Bealls Building): D. Vaughn: No action taken.

REQUESTS FROM BEDC FOR FUTURE REPORTS: None.

ADJOURN: There being no further business a motion adjourn was made by Board Member Mary Jane Shanes at 3:38 p.m., seconded by Board Member Philip Thurman. The motion carried unanimously.

**ATTEST:**

\_\_\_\_\_  
Kelly Dix, City Secretary

\_\_\_\_\_  
Cary Johnson, President  
Burnet Economic Development Corporation



**ITEM 3.1**

**Action**

**Meeting Date:** February 20, 2024

**Agenda Item:** Discuss and consider action: A RESOLUTION BY THE BOARD OF DIRECTORS OF THE BURNET ECONOMIC DEVELOPMENT CORPORATION AUTHORIZING THE SALE OF LOT ONE KROEGER SUBDIVISION, AS SHOWN BY PLAT RECORDED AS DOCUMENT NO. 201400549, IN THE PUBLIC RECORDS OF BURNET COUNTY, TEXAS TO THE CITY OF BURNET. H. Erkan Jr.

**Background:** On December 1, 2023, the BEDC closed on the purchase of a 0.37-acre lot adjoining the Bealls Building and a 6.16-acre lot located on the east banks of Hamilton Creek, north of State Highway 29. The purpose of this transaction was to acquire the 0.37-acre lot and consolidate it with the Bealls Building lot, making both lots more desirable for redevelopment. Seller conditioned the sale of the 0.37-acre lot on the BEDC also purchasing the 6.16-acre lot. As the 6.16-acre lot is located in a residential area it is not a candidate for BEDC redevelopment or marketing. However, its proximity to Hamilton Creek and Haley-Nelson Park makes it desirable to the City for park and open space development.

**Information:** This resolution approves an agreement to sell the 6.16-acre lot to the City for a purchase price of \$300,000.00; and the form of the special warranty deed. Moreover, this resolution authorizes the board president to execute the agreement and the special warranty deed, and close on the sale without further Board action; provided the transaction documents are substantively the same as approved by this resolution and the sales price is \$300,000.00.

**Fiscal Impact** The BEDC shall receive \$300,000.00, at closing of the sale.

**Recommendation:** Approve Resolution No. BEDC R2024-0 as presented.

**RESOLUTION NO. BEDC R2024-01**

**A RESOLUTION BY THE BOARD OF DIRECTORS OF THE BURNET ECONOMIC DEVELOPMENT CORPORATION AUTHORIZING THE SALE OF LOT ONE KROEGER SUBDIVISION, AS SHOWN BY PLAT RECORDED AS DOCUMENT NO. 201400549, IN THE PUBLIC RECORDS OF BURNET COUNTY, TEXAS TO THE CITY OF BURNET**

**Whereas**, on December 1, 2023, the BEDC closed on the purchase of a 0.37-acre lot adjoining the Bealls Building and a 6.16-acre lot located on the east banks of Hamilton Creek, north of State Highway 29;and

**Whereas**, the purpose of this transaction was to acquire the 0.37-acre lot and consolidate it with the Bealls Building lot, making both lots more desirable for redevelopment; and

**Whereas**, seller conditioned the sale of the 0.37-acre lot on the BEDC also purchasing the 6.16-acre lot; and

**Whereas**, as the 6.16-acre lot is located in a residential area it is not a candidate for BEDC redevelopment or marketing; and

**Whereas**, the proximity to Hamilton Creek and Haley-Nelson Park makes it desirable to the City for park and open space development; and

**Whereas**, board of directors adopts this resolution to facilitate the sale of the 6.16-acre lot to the City.

**NOW THEREFORE BE IT RESOLVED BY BOARD OF THE BURNET ECONOMIC DEVELOPMENT CORPORATION, THAT:**

**Section one. Approval.** The following transactional documents, attached hereto, are hereby approved:

- (a) The agreement to sell the Property to the City for a purchase price of \$300,000.00; and
- (b) the form of the sales agreement and the special warranty deed.

**Section two. Authorization.** The board president is hereby authorized to execute instruments in substantial form as the transactional documents, attached hereto, and take such further action, and execute such ancillary documents, as may be reasonably necessary to facilitate the close of the transaction authorized by this resolution. In that regard the board president is hereby authorized to close on the sale without further board action; provided the final sales price is \$300,000.00.

Resolution approving sale of Kroeger Property to City

**Section three. Findings.** The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this resolution for all purposes and are adopted as a part of the judgment and findings of the board of directors.

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

**PASSED AND APPROVED** this the 20<sup>th</sup> day of February, 2024.

**BURNET ECONOMIC DEVELOPMENT  
CORPORATION**

\_\_\_\_\_  
Cary Johnson, President

**ATTEST:**

\_\_\_\_\_  
Kelly Dix, City Secretary

STATE OF TEXAS           §  
                                          §  
COUNTY OF BURNET       §

**KNOW ALL PERSONS BY THESE PRESENTS:**

**PURCHASE AGREEMENT**

THAT, the Burnet Economic Development Corporation, a 4B established pursuant to the Development Corporation Act of 1979, acting by and through its Board of Directors President, hereinafter referred to as “**SELLERS**”, for and in consideration of the agreed purchase price of Three-Hundred-Thousand 00/100 United States Dollars (\$300,000.00) (the “Purchase Price”) and upon the terms and conditions hereof, contracts to **GRANT, SELL and CONVEY** by Special Warranty Deed to, the City of Burnet, a Texas home rule municipality acting through its mayor, hereinafter referred to as “**PURCHASER**”; a good and marketable title, free and clear of all liens and encumbrances of every kind (except liens for current taxes and assessments), to the following described Property in the City of Burnet, Burnet County, Texas, to-wit:

**BEING Lot One (1) KROGER SUBDIVISION, a subdivision in the City of Burnet, Burnet County, Texas, as shown by plat recorded in Document No. 201400549, Official Public Records of Burnet County Texas.**

Together with all improvements incident or belonging thereto.

**Purchase and Sale Agreement.** Seller agrees to sell and convey the Property to Buyer, and Buyer agrees to buy and pay Seller for the Property. The promises by Buyer and Seller stated in this contract are the consideration for the formation of this contract.

**SELLER** hereby agrees to furnish **PURCHASER** a Release, Partial Release or Subordination of Lien, if applicable.

**Special Conditions:**

- (a) **Special Warranty Deed.** The form of the Special Warranty Deed attached hereto as **Exhibit “A”** is hereby approved by the Parties, and an instrument of conveyance, in substantial form as **Exhibit “A”** shall be duly executed by the Parties representatives and recorded in the Burnet County Public Records.
- (b) **Closing Costs.** All closing costs, including the costs of recordation of the Special Warranty Deed and Deed of Trust, shall be paid by **PURCHASER**.
- (c) **Dispute Resolution.** Any dispute arising between the Parties regarding any aspect of this Agreement, or transaction, shall be resolved by the Burnet City Council, whose decision shall be final and binding.

Until title has been conveyed to the **PURCHASER**, loss, or damage to the property by fire or other casualty, except that caused by **PURCHASER**, shall be at the risk of the **SELLER**

Resolution approving sale of Kroeger Property to City

and the amount thereof shall be deducted from the Purchase Price. In the event this purchase fails to close through no fault of **SELLER, PURCHASER** shall repair any damage caused by **PURCHASER'S** entry on the Property.

The **PURCHASER** may take possession of the Property and begin construction immediately upon the **SELLER'S** execution of this contract.

**PURCHASER** takes the Property "As Is Where Is" with all faults both latent and patent.

**EXECUTED to be EFFECTIVE this the 20<sup>th</sup> day of February, 2024.**

**PURCHASER:  
CITY OF BURNET**

**SELLER:  
BURNET ECONOMIC DEVELOPMENT  
CORPORATION**

BY: \_\_\_\_\_  
Gary Wideman, Mayor

BY: \_\_\_\_\_  
Cary Johnson, President

ADDRESS: City of Burnet  
P. O. Box 1369  
1001 Buchanan Drive  
Suite 4  
Burnet, Texas 78611

ADDRESS: Burnet Economic Development  
Corp.  
P. O. Box 1369  
1001 Buchanan Drive, Suite 4  
Burnet, Texas 78611

**Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all 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.**

**SPECIAL WARRANTY DEED**

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

DATE: February 20, 2024  
GRANTOR: Burnet Economic Development Corporation  
GRANTOR'S MAILING ADDRESS P. O. Box 1369 Burnet, Burnet County, Texas 78611  
GRANTEE: City of Burnet  
GRANTOR'S MAILING ADDRESS: P. O. Box 1369 Burnet, Burnet County, Texas 78611

PROPERTY (including improvements): Being Lot One (1) KROGER SUBDIVISION, a subdivision in the City of Burnet, Burnet County, Texas, as shown by plat recorded as Document No. 201400549, in the Public Records of Burnet County, Texas.

CONSIDERATION: Ten dollars cash and other good and valuable consideration.

RESERVATIONS. None.

EXCEPTIONS. This conveyance is made and accepted subject to all easements, right-of-way, and prescriptive rights, whether of record or not; all presently recorded instruments, other than liens and conveyances; and all applicable zoning laws, regulations, and ordinances of municipal or other governmental authorities. .

Grantor in consideration of the valuable consideration paid by Grantee, to Grantor, the receipt and sufficiency of which is hereby acknowledged, has granted, sold, and conveyed and by these presents does grant, sell, and convey to Grantee, all of the Property, together with all and singular the rights and appurtenances thereto in any wise belonging to have and to hold it to Grantee, Grantee's successors or assigns forever. Grantor binds Grantor, Grantor's heirs, executors, administrators, and successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof when the claim is by, though, or under Grantor but not otherwise, subject to the reservations from and exceptions to conveyance and warranty.

Resolution approving sale of Kroeger Property to City

Ad valorem taxes on the Property for the current year having been prorated between Grantor and Grantee, payment is assumed by Grantee.

GRANTEE ACCEPTS THE PROPERTY "AS IS" AND "WHERE IS", WITH ALL FAULTS, AND , EXCEPT FOR THE WARRANTIES OF TITLE CONTAINED IN THIS DEED AND THE LIMITED EXPRESS WRITTEN REPRESENTATIONS CONTAINED IN THE SURVIVING LANGUAGE OF THE CONTRACT FOR SALE OF THE PROPERTY.

The remainder of this page intentionally remains blank and signature page follows.

Resolution approving sale of Kroeger Property to City

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

**GRANTOR  
BURNET ECONOMIC DEVELOPMENT  
CORPORATION**

By \_\_\_\_\_  
Cary Johnson, President

STATE OF TEXAS  
COUNTY OF BURNET

This instrument was acknowledged before me on the 20<sup>th</sup> day of February, 2024 by Cary Johnson, as president of the Burnet Economic Development Corporation’s board of directors, and on behalf of said corporation.

(Personalized Seal)

\_\_\_\_\_  
Notary Public in and for the State  
of Texas

**ACCEPTED BY:**

**GRANTEE  
CITY OF BURNET**

By \_\_\_\_\_  
Gary Wideman, Mayor

STATE OF TEXAS  
COUNTY OF BURNET

This instrument was acknowledged before me on the 20<sup>th</sup> day of February, 2024 by Gary Wideman, as mayor of the City of Burnet and on behalf of said municipality.

(Personalized Seal)

\_\_\_\_\_  
Notary Public in and for the State  
of Texas

# TITLE SURVEY

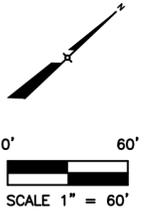
## SCHEDULE B - 10:

- RIGHT OF PARTIES IN POSSESSION. (OWNER TITLE POLICY ONLY)
- ANY VISIBLE AND APPARENT ROADWAYS OR EASEMENTS OVER OR ACROSS THE SUBJECT PROPERTY, THE EXISTENCE OF WHICH DOES NOT APPEAR OF RECORD.
- EASEMENTS, OR CLAIMS OF EASEMENTS, NOT SHOWN BY THE PUBLIC RECORDS, BUT WHICH WOULD BE SHOWN ON A CURRENT SURVEY.
- ANY PORTION OF THE HEREIN DESCRIBED PROPERTY THAT MAY LIE WITHIN THE BOUNDARIES OF A STREET ALLEY OR RIGHT OF WAY.
- THIS POLICY DOES NOT INSURE COMPLIANCE OF THE SUBJECT PROPERTY WITH SEPTIC SYSTEM REGULATIONS OF ANY CITY, COUNTY, OR OTHER GOVERNMENTAL AUTHORITY.
- ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION, OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND.

UPON RECEIPT OF A SURVEY ACCEPTABLE TO THE COMPANY, THIS EXCEPTION WILL BE DELETED. COMPANY RESERVES THE RIGHT TO ADD ADDITIONAL EXCEPTIONS PER ITS EXAMINATION OF SAID SURVEY.)

- ALL LEASES, GRANTS, EXCEPTIONS OR RESERVATIONS OF COAL, LIGNITE, OIL, GAS AND OTHER MINERALS, TOGETHER WITH ALL RIGHTS, PRIVILEGES, AND IMMUNITIES RELATING THERETO, APPEARING IN THE PUBLIC RECORDS WHETHER LISTED IN SCHEDULE B OR NOT, THERE MAY BE LEASES, GRANTS, EXCEPTIONS, OR RESERVATIONS OF MINERAL INTEREST THAT ARE NOT LISTED. **MAY AFFECT THIS TRACT, UNABLE TO PLOT**
- SUBJECT TO THAT CERTAIN ORDER DATED JANUARY 28, 2002, ADOPTING BURNET COUNTY SUBDIVISION AND DEVELOPMENT REGULATIONS, AND RECORDED IN VOLUME 1043, PAGE 85 AND AMENDED IN VOLUME 1377, PAGE 722 AND UNDER DOCUMENT NO. 201100417 RECORDED UNDER DOCUMENT NO. 201100547, OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS. **DOES AFFECT THIS TRACT, UNABLE TO PLOT**
- SUBJECT TO THE ISSUANCE FROM THE TEXAS HIGHWAY DEPARTMENT OR BURNET COUNTY OF PERMITS FOR HIGHWAY ENTRANCES TO OR FROM ANY STATE OR COUNTY ROAD.

- SUBJECT TO THE ORDINANCES, SETBACKS, EASEMENTS, CONDITIONS, AND RESTRICTIONS TO THE CITY OF BURNET. **DOES AFFECT THIS TRACT, SHOWN ON PLOT**
- SUBJECT TO ALL EASEMENTS, ROADWAYS AND RESTRICTIONS AS SET OUT ON PLAT OF SUBDIVISION RECORDED IN DOCUMENT NO. 201405549 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS. **DOES AFFECT THIS TRACT, SHOWN ON PLOT**



- ### LEGEND
- DENOTES BENCHMARK
  - DENOTES 1/2" ST. SK. SET
  - DENOTES 1/2" ST. SK. FND.
  - DENOTES CALCULATED POINT
  - D.E. DRAINAGE EASEMENT
  - PROPERTY LINE
  - EXISTING PROPERTY LINE
  - R.O.W. LINE
  - EXISTING EASEMENT
  - EXISTING WASTEWATER LINE
  - WL- EXISTING WATERLINE
  - X-X- EXISTING WIRE/MESH FENCE
  - OHE- EXISTING OVERHEAD ELECTRIC
  - EXISTING POWER POLE
  - WATER METER
  - B.S.L. BUILDING SETBACK LINE
  - O.P.R.B.C.T. OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS.
- BEARING BASIS: TEXAS LAMBERT GRID, CENTRAL ZONE, NAD 83

| LINE # | LENGTH | BEARING     |
|--------|--------|-------------|
| L1     | 26.98' | S74°27'06"W |
| L2     | 37.56' | S0°17'30"W  |
| L3     | 57.77' | N5°01'27"W  |
| L4     | 24.00' | N6°22'07"W  |

### LEGAL DESCRIPTION

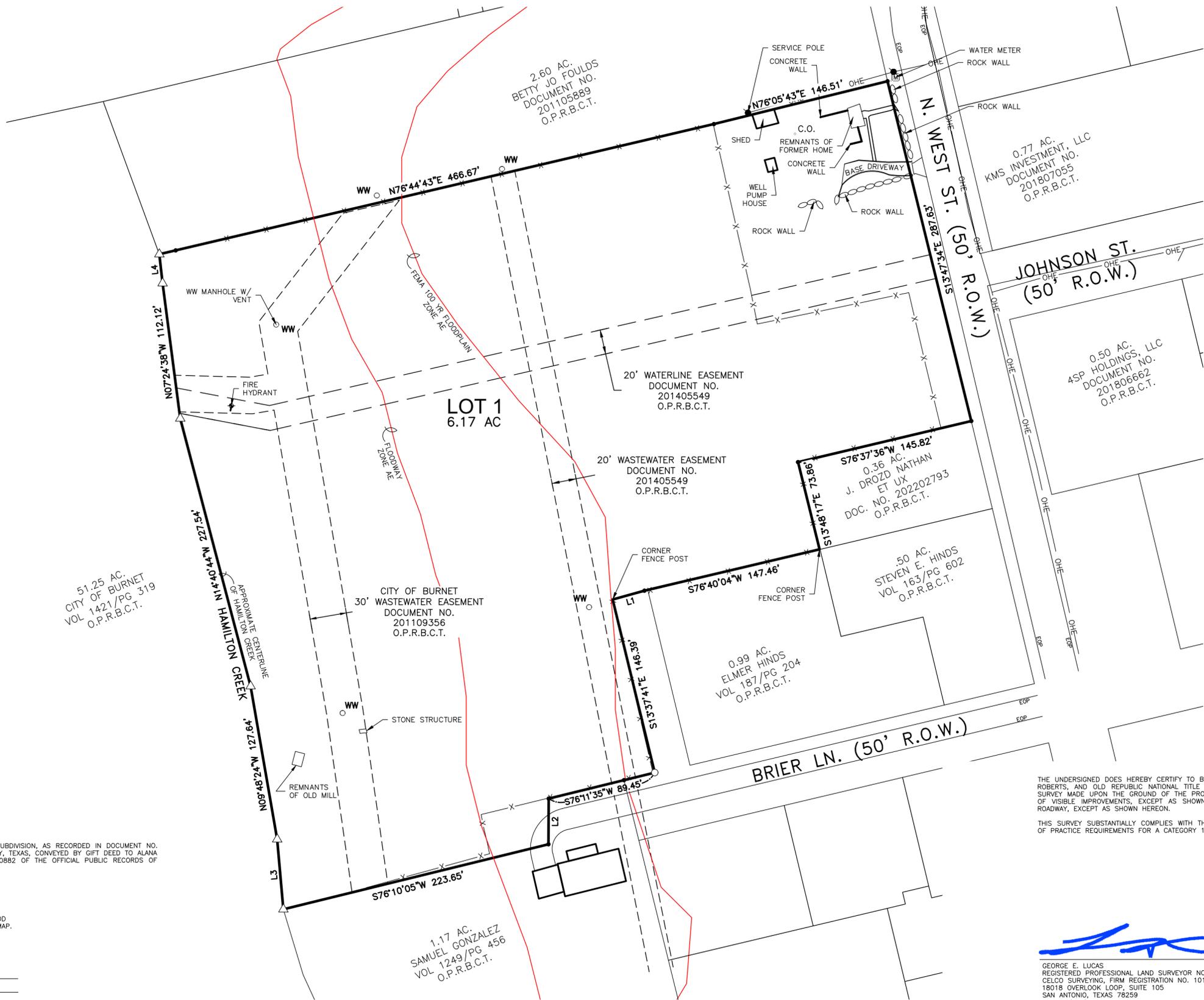
BEING A 6.16 ACRE TRACT OF LAND, KNOWN AS THE KROEGER SUBDIVISION, AS RECORDED IN DOCUMENT NO. 201405549 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, CONVEYED BY GIFT DEED TO ALANA KAY KROEGER ROBERTS, AS RECORDED IN VOLUME 1115, PAGE 0882 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS.

### FLOOD INFORMATION:

A PORTION OF THIS PROJECT IS LOCATED WITHIN A 100 YEAR FLOOD HAZARD ZONE, ACCORDING TO THE FEMA FLOOD INSURANCE RATE MAP.

COMMUNITY PANEL NUMBER: 48053003386  
FLOOD MAP DATED: NOVEMBER 1, 2019

BORROWER: BURNET ECONOMIC DEVELOPMENT CORPORATION  
TITLE CO.: OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY  
G.F. NO.: 09-23-15356



THE UNDERSIGNED DOES HEREBY CERTIFY TO BURNET ECONOMIC DEVELOPMENT CORPORATION, ALANA KAY KROEGER ROBERTS, AND OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE UPON THE GROUND OF THE PROPERTY SHOWN HEREON, AND THAT THERE ARE NO ENCROACHMENTS OF VISIBLE IMPROVEMENTS, EXCEPT AS SHOWN HEREON, AND THAT THIS PROPERTY HAS ACCESS TO A PUBLIC ROADWAY, EXCEPT AS SHOWN HEREON.

THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS MANUAL OF PRACTICE REQUIREMENTS FOR A CATEGORY 1A, CONDITION II, TSPS LAND TITLE SURVEY.



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

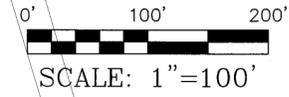
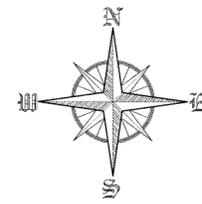
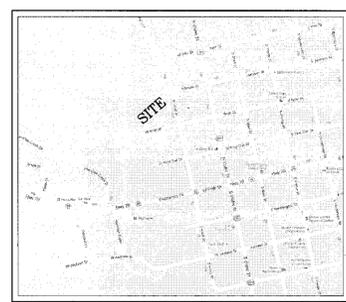
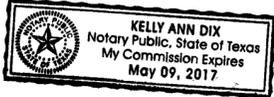
DATE: 11-09-2023



KNOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: THAT ALANA KAY KROEGER ROBERTS, BEING THE OWNER OF ALL OF A 6.164 ACRE TRACT OF LAND, CONSISTING OF ALL OF A CALLED 5.12 ACRE TRACT OF LAND, OUT OF THE JOHN HAMILTON SURVEY NO. 1, ABSTRACT NO. 405 OF THE CITY OF BURNET, TEXAS, AS RECORDED IN VOLUME 1115, PAGE 882 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, BEING ALL OF LOT 3 AND A PORTION OF LOT 4 OF BLOCK NO. 44, ALL OF LOT 4 OF BLOCK NO. 43 OF THE PETER KERR PORTION OF THE CITY OF BURNET, ALL OF BLOCK NO. 19, 20, 21 AND A PORTION OF BLOCK NO. 22 OF CREEK ADDITION TO THE CITY OF BURNET, AND CONTAINING ALL OF A CALLED 1.212 ACRE TRACT OF LAND, BEING THE ABANDONED RIGHT-OF-WAY FOR JOHNSON STREET, WATTS STREET AND BRIER LANE, ACCORDING TO THE CITY OF BURNET ORDINANCE NO. 2013-12, ALSO, CONSISTING OF THE NORTH HALF OF LOT 1 OF BLOCK NO. 43 AND ALL OF LOT 2 OF BLOCK NO. 44 OF THE PETER KERR PORTION TO THE CITY OF BURNET, AS RECORDED IN INSTRUMENT NO. 201002578 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, AND CONSISTING OF ALL OF A TRACT OF LAND AS DESCRIBED IN AFFIDAVIT OF OWNERSHIP AND USE OF ADVERSE POSSESSION AS RECORDED IN INSTRUMENT NO. 201402120 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, AND DOES HEREBY SUBDIVIDE SAME AND DO HEREBY DEDICATE THE ATTACHED PLAT TO BE KNOWN AS "A SHORT FORM PLAT OF KROEGER SUBDIVISION" AS THE OFFICIAL PLAT OF SAME AND DO HEREBY DEDICATE THE EASEMENTS TO THE USE OF THE PUBLIC FOREVER.

THIS PLAT APPROVED SUBJECT TO ALL PLATTING ORDINANCES, RULES, REGULATIONS AND RESOLUTIONS OF THE CITY OF BURNET, TEXAS.

WITNESS MY HAND THIS 6 DAY OF June 2014. Alana Kay Kroeger Roberts ALANA KAY KROEGER ROBERTS, OWNER



STATE OF TEXAS: COUNTY OF BURNET:

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED ALANA KAY KROEGER ROBERTS, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FORGOING INSTRUMENT AND ACKNOWLEDGED THAT SHE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 6 DAY OF June 2014. Notary Public in and for the State of Texas

STATE OF TEXAS: CITY OF BURNET:

THE ATTACHED "A SHORT FORM PLAT OF KROEGER SUBDIVISION" HAS BEEN SUBMITTED TO AND CONSIDERED BY THE CITY ENGINEER AND HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION ORDINANCES OF THE CITY OF BURNET, TEXAS. I, THE DIRECTOR OF PLANNING AND DEVELOPMENT FOR THE CITY OF BURNET, TEXAS, HAVE APPROVED THIS PLAT ON 6 DAY OF June 2014. THIS SHORT FORM PLAT SHALL BE FILED WITH THE CLERK AND RECORDER'S OFFICE FOR BURNET COUNTY, TEXAS.

John C. Beale BUILDING OFFICIAL, CITY OF BURNET, TEXAS

STATE OF TEXAS: COUNTY OF BURNET:

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT OF "A SHORT FORM PLAT OF KROEGER SUBDIVISION", WAS PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION, AND THAT SAID PLAT IS A TRUE AND CORRECT REPRESENTATION OF SAME AS I LOCATED ITS COMPONENT PARTS ON THE GROUND.

K.P. Cuppl KYLE P. CUPLIN, TEXAS R.P.L.S. NO. 5938



WITNESS MY HAND AND OFFICIAL SEAL THIS 23 DAY OF May 2014.

GENERAL NOTES:

- 1. THERE ARE NO NEW ROADS.
2. ALL PROPERTY HEREIN IS SUBJECT TO THE CITY OF BURNET'S, NON POINT-SOURCE POLLUTION CONTROL ORDINANCE. WRITTEN NOTIFICATION AND/OR PERMITS ARE REQUIRED. PRIOR TO COMMENCING ANY DEVELOPMENT ACTIVITIES, CONTACT THE CITY OF BURNET, ITS ASSIGNS, OR OTHER GOVERNMENTAL ENTITY WITH PROPER AUTHORITY.
3. ALL UTILITY EASEMENTS HEREIN ARE DEDICATED EXCLUSIVELY TO THE CITY OF BURNET AND THE ERECTION OR INSTALLATION OF BUILDINGS, STRUCTURES AND IMPROVEMENTS IS STRICTLY PROHIBITED, UNLESS SPECIFICALLY AUTHORIZED IN WRITING BY THE CITY OF BURNET.
4. THE CITY OF BURNET, HEREBY RESERVES AN ADDITIONAL 20' WATERLINE EASEMENT AND AN ADDITIONAL 20' WIDE SANITARY SEWER LINE EASEMENTS, AS SHOWN HEREON.
5. ALL PROPERTY HEREIN IS SUBJECT TO THE CURRENT ADOPTED CITY OF BURNET SUBDIVISION REGULATIONS, LAND USE AND/OR ZONING ORDINANCE.
6. THIS PROPERTY IS CURRENTLY ZONED C-1 (LIGHT COMMERCIAL) AND R-1 (SINGLE FAMILY RESIDENTIAL) AS DEPICTED HEREON.
7. SELLING A PORTION OF THIS AREA BY METES AND BOUNDS IS A VIOLATION OF STATE LAW, AND IS SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
8. THE BASIS OF BEARINGS FOR THE SURVEY SHOWN HEREON IS TEXAS COORDINATE SYSTEM - CENTRAL ZONE.
9. THE STATE PLANE COORDINATES SHOWN HEREON ARE GRID VALUES AND FOR DESCRIPTIVE PURPOSES ONLY.
10. VERTICAL DATUM: NAVD 88
11. PORTIONS OF THE PROPERTY SHOWN HEREON ARE LOCATED WITHIN ZONE AE (AREAS WITHIN THE 100 YR FLOOD) AS GRAPHICALLY IDENTIFIED ON FEMA F.I.R.M., MAP NO. 480530340F, EFFECTIVE 03/15/2012.

LEGAL DESCRIPTION: BEING A 6.164 ACRE TRACT OF LAND, OUT OF THE JOHN HAMILTON SURVEY NO. 1, ABSTRACT NO. 405 OF THE CITY OF BURNET, BEING ALL OF A CALLED 5.12 ACRE TRACT OF LAND, CONSISTING OF ALL OF LOT 3 AND A PORTION OF LOT 4 OF BLOCK NO. 44, ALL OF LOT 4 OF BLOCK NO. 43 OF THE PETER KERR PORTION OF THE CITY OF BURNET, ALL OF BLOCK NO. 19, 20, 21 AND A PORTION OF BLOCK NO. 22 OF CREEK ADDITION TO THE CITY OF BURNET, AS CONVEYED TO ALANA KAY KROEGER ROBERTS IN VOLUME 1115, PAGE 882 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, AND BEING THE NORTH HALF OF LOT 1 OF BLOCK NO. 43 AND ALL OF LOT 2 OF BLOCK NO. 44 OF THE PETER KERR PORTION TO THE CITY OF BURNET, AS DESCRIBED TO ALANA KAY KROEGER ROBERTS IN INSTRUMENT NO. 201002578 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, AND ALL OF AN AREA OF LAND WITHIN THE NORTH HALF OF SAID LOT ONE AS DESCRIBED IN AFFIDAVIT OF OWNERSHIP AND USE OF ADVERSE POSSESSION AS RECORDED IN INSTRUMENT NO. 201204185 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS ALSO CONTAINING ALL OF A CALLED 1.212 ACRE TRACT OF LAND, BEING THE ABANDONED RIGHT-OF-WAY FOR JOHNSON STREET, WATTS STREET AND BRIER LANE, ACCORDING TO THE CITY OF BURNET ORDINANCE NO. 2013-12, AND ALL OF A TRACT OF LAND AS DESCRIBED IN AFFIDAVIT OF OWNERSHIP AND USE OF ADVERSE POSSESSION AS RECORDED IN INSTRUMENT NO. 201402120 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS SAID 6.164 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS DESCRIPTION AS FOLLOWS:

BEGINNING AT A 1/2-INCH IRON PIN SET, ALONG THE WEST RIGHT-OF-WAY LINE OF WEST STREET, AT THE SOUTHEAST CORNER OF A CALLED 2.602 ACRE TRACT OF LAND, DESCRIBED IN A DEED TO BILLY F. FOULDS AND BETTYE J. FOULDS, AS RECORDED IN VOLUME 423, PAGE 813 OF THE REAL PROPERTY RECORDS OF BURNET COUNTY, TEXAS, BEING THE NORTHEAST CORNER OF SAID TRACT AS DESCRIBED IN INSTRUMENT NO. 201402120 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, AND BEING THE NORTHEAST CORNER HEREOF, FROM WHENCE THE COMMON EAST CORNER OF LOT 1 AND LOT 2 OF SAID BLOCK NO. 44, ALONG THE WEST RIGHT-OF-WAY LINE OF SAID WEST STREET, BEING ALONG THE EAST LINE OF SAID BLOCK NO. 44, BEARS SOUTH 13°47'36" EAST, A DISTANCE OF 17.15 FEET;

THENCE SOUTH 13°47'36" EAST, ALONG THE WEST RIGHT-OF-WAY LINE OF SAID WEST STREET, BEING THE EAST LINE OF SAID BLOCK NO. 44, FOR AN EASTERLY LINE HEREOF, PASSING AT A DISTANCE OF 164.07 FEET, THE SOUTHEAST CORNER OF LOT 2 OF SAID BLOCK NO. 44, BEING THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF SAID WEST STREET AND THE NORTH RIGHT-OF-WAY LINE OF SAID JOHNSON STREET, THENCE OVER AND ACROSS SAID JOHNSON STREET, PASSING AT A DISTANCE OF 214.07 FEET, THE NORTHEAST CORNER OF LOT 1 OF SAID BLOCK NO. 43, BEING THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF SAID WEST STREET AND THE SOUTH RIGHT-OF-WAY LINE OF SAID JOHNSON STREET, AND CONTINUING ALONG THE WEST RIGHT-OF-WAY LINE OF SAID WEST STREET, BEING THE EAST LINE OF SAID BLOCK NO. 43, FOR A TOTAL DISTANCE OF 287.52 FEET, TO A 1/2-INCH IRON PIN SET, FOR THE SOUTHEAST CORNER OF THE NORTH HALF OF LOT 1 OF SAID BLOCK NO. 43;

THENCE SOUTH 76°32'32" WEST, OVER AND ACROSS SAID LOT 1 OF SAID BLOCK NO. 43, FOR A SOUTHERLY LINE HEREOF, A DISTANCE OF 146.62 FEET, TO A 1/2-INCH IRON PIN SET, ALONG THE COMMON LINE OF LOT 4 AND LOT 1 OF SAID BLOCK NO. 43, BEING ALONG THE EAST LINE OF SAID 5.12 ACRE TRACT OF LAND, FOR THE SOUTHWEST CORNER OF THE NORTH HALF OF LOT 1 OF SAID BLOCK NO. 43;

THENCE SOUTH 13°50'44" EAST, ALONG THE COMMON LINE OF LOT 1 AND LOT 4 OF SAID BLOCK NO. 43, THE EAST LINE OF SAID 5.12 ACRE TRACT, FOR AN EASTERLY LINE HEREOF, A DISTANCE OF 73.46 FEET, TO A 1/2-INCH IRON PIN FOUND, FOR THE COMMON CORNER OF LOT 1, LOT 2, LOT 3 AND LOT 4 OF SAID BLOCK NO. 43, BEING THE SOUTHWEST CORNER OF THE SOUTH HALF OF LOT 1 OF SAID BLOCK NO. 43 AND THE MOST EASTERLY SOUTHEAST CORNER OF SAID 5.12 ACRE TRACT;

THENCE SOUTH 76°32'32" WEST, ALONG THE COMMON LINE OF LOT 3 AND LOT 4 OF SAID BLOCK NO. 43, A SOUTHERLY LINE OF SAID 5.12 ACRE TRACT, FOR A SOUTHERLY LINE HEREOF, A DISTANCE OF 146.81 FEET, TO A 1/2-INCH IRON PIN FOUND, ALONG THE EAST RIGHT-OF-WAY LINE OF SAID WATTS STREET, A 50-FT. PUBLIC RIGHT-OF-WAY, FOR THE COMMON WEST CORNER OF LOT 3 AND LOT 4 OF SAID BLOCK NO. 43

THENCE SOUTH 75°54'54" WEST, OVER AND ACROSS SAID WATTS STREET, ALONG A SOUTHERLY LINE OF SAID 5.12 ACRE TRACT, FOR A SOUTHERLY LINE HEREOF, A DISTANCE OF 27.61 FEET, TO A 1/2-INCH IRON PIN SET;

THENCE SOUTH 13°30'37" EAST, OVER AND ACROSS SAID WATTS STREET, FOR AN EASTERLY LINE HEREOF, A DISTANCE OF 147.24 FEET, TO A 1/2-INCH IRON PIN SET;

THENCE SOUTH 13°30'37" EAST, OVER AND ACROSS SAID WATTS STREET, FOR A SOUTHERLY LINE HEREOF, PASSING AT A DISTANCE OF 25.00 FEET, A 5/8-INCH IRON PIN FOUND, AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF SAID WATTS STREET AND THE NORTH RIGHT-OF-WAY LINE OF BRIER LANE, A 50 FT. PUBLIC RIGHT-OF-WAY, FOR THE SOUTHEAST CORNER OF SAID BLOCK NO. 19, BEING A SOUTHERLY CORNER OF SAID 5.12 ACRE TRACT AND HEREOF, AND CONTINUING ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID BRIER LANE, BEING THE SOUTH LINE OF SAID BLOCK NO. 19, AND A SOUTHERLY LINE OF SAID 5.12 ACRE TRACT, FOR A SOUTHERLY LINE HEREOF, A TOTAL DISTANCE OF 88.09 FEET, TO A 5/8-INCH IRON PIN FOUND;

THENCE OVER AND ACROSS SAID BRIER LANE, ALONG A SOUTHERLY LINE OF SAID 5.12 ACRE TRACT, FOR A SOUTHERLY LINE HEREOF, THE FOLLOWING COURSES AND DISTANCES:

- 1) SOUTH 00°18'55" WEST, A DISTANCE OF 37.85 FEET, TO A 5/8-INCH IRON PIN FOUND;
2) SOUTH 76°31'52" WEST, PASSING AT A DISTANCE OF 154.22 FEET, A 1/2-INCH IRON PIN FOUND, AND CONTINUING FOR A TOTAL DISTANCE OF 225.00 FEET, TO A POINT ALONG THE APPROXIMATE CENTERLINE OF HAMILTON CREEK, BEING THE SOUTHWEST CORNER OF SAID 5.12 ACRE TRACT, AS CALLED IN VOLUME 1115, PAGE 882 O.P.R.B.C.;
THENCE ALONG THE APPROXIMATE CENTERLINE OF SAID HAMILTON CREEK, AS CALLED IN VOLUME 1115, PAGE 882 O.P.R.B.C., BEING THE WEST LINE OF SAID 5.12 ACRE TRACT HEREOF, THE FOLLOWING COURSES AND DISTANCES:
1) NORTH 04°54'23" WEST, A DISTANCE OF 57.77 FEET, TO A POINT; 2) NORTH 09°41'20" WEST, A DISTANCE OF 127.64 FEET, TO A POINT; 3) NORTH 14°33'40" WEST, A DISTANCE OF 227.54 FEET, TO A POINT;
4) NORTH 07°17'34" WEST, A DISTANCE OF 112.12 FEET, TO A POINT; 5) NORTH 06°15'03" WEST, A DISTANCE OF 22.70 FEET, TO A POINT FOR THE NORTHWEST CORNER OF SAID 5.12 ACRE TRACT AND HEREOF;

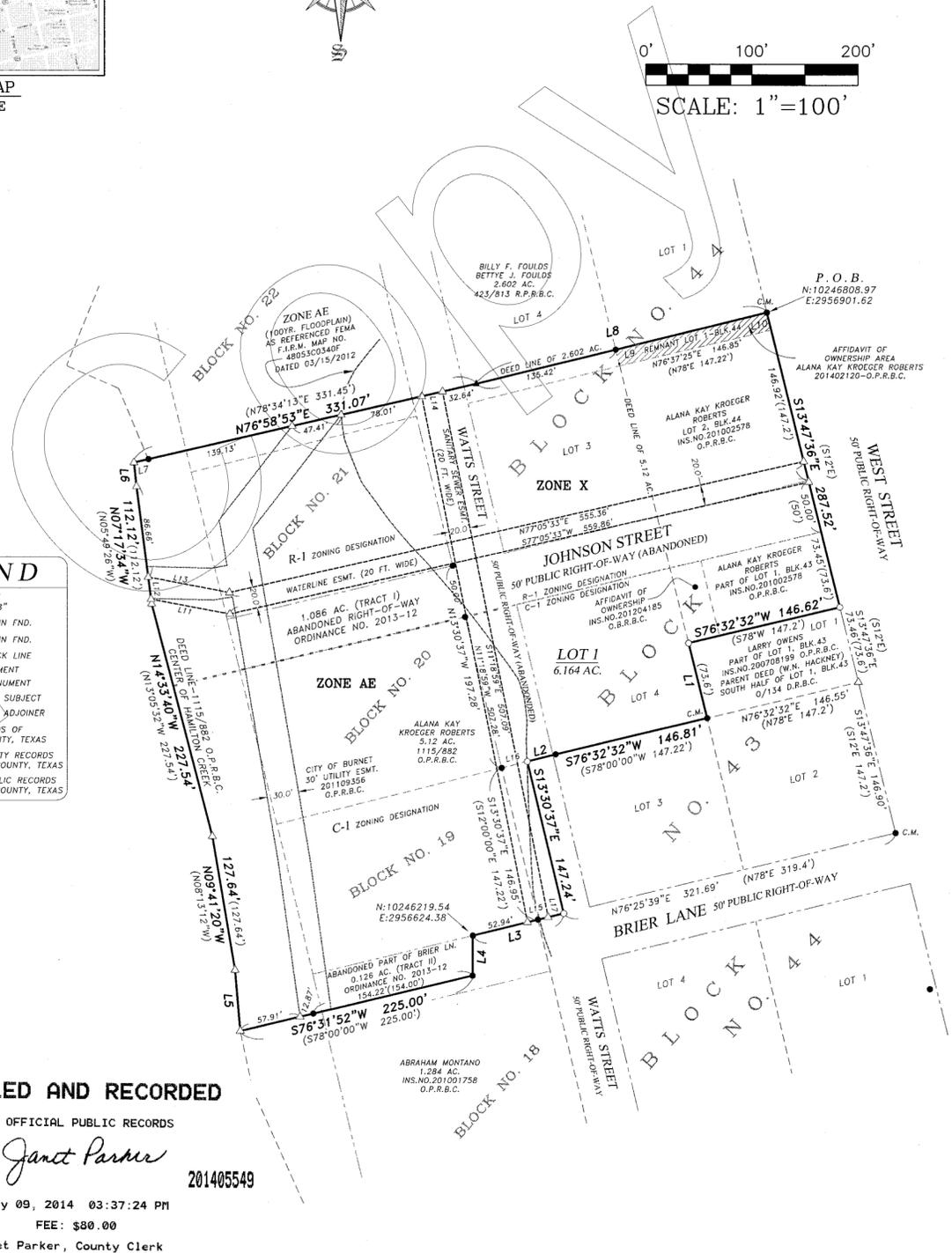
THENCE NORTH 76°58'53" EAST, ALONG THE NORTH LINE OF SAID 5.12 ACRE TRACT, FOR THE NORTH LINE HEREOF, PASSING AT A DISTANCE OF 14.13 FEET, A 1/2-INCH IRON PIN FOUND, FOR THE SOUTHWEST CORNER OF SAID 2.602 ACRE TRACT, AND CONTINUING ALONG THE SOUTH LINE OF SAID 2.602 ACRE TRACT, FOR A TOTAL DISTANCE OF 331.07 FEET, TO A 60d NAIL FOUND;

THENCE NORTH 76°07'28" EAST, ALONG THE SOUTH LINE OF SAID 2.602 ACRE TRACT, THE NORTH LINE OF SAID 5.12 ACRE TRACT, AND THEN ALONG THE NORTH LINE OF SAID TRACT DESCRIBED IN INSTRUMENT NO. 201402120 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, FOR THE NORTH LINE HEREOF, A DISTANCE OF 282.28 FEET, TO A 1/2-INCH IRON PIN FOUND, ALONG THE COMMON LINE OF LOT 4 AND LOT 1 OF SAID BLOCK NO. 44, BEING THE NORTHEAST CORNER OF SAID 5.12 ACRE TRACT; TO THE POINT OF BEGINNING, CONTAINING 6.164 ACRES OF LAND, MORE OR LESS.

Table with columns: LINE, BEARING, DISTANCE. Lists survey points L1 through L17 with their respective bearings and distances.

LEGEND

- IRON PIN SET "CUPLIN 5938"
1/2" IRON PIN FND.
5/8" IRON PIN FND.
R.S.L. BLDG. SETBACK LINE
U.E. UTILITY EASEMENT
C.M. CONTROL MONUMENT
[...] RECORD INFO SUBJECT
[...] RECORD INFO ADJOINER
D.R.B.C. DEED RECORDS OF BURNET COUNTY, TEXAS
R.P.R.B.C. REAL PROPERTY RECORDS OF BURNET COUNTY, TEXAS
O.P.R.B.C. OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS



FILED AND RECORDED

Official Public Records stamp with signature of Janet Parker and date July 09, 2014 03:37:24 PM. Fee: \$80.00.

A SHORT FORM PLAT OF KROEGER SUBDIVISION

BEING A 6.164 ACRE TRACT OF LAND, OUT OF THE JOHN HAMILTON SURVEY NO. 1, ABSTRACT NO. 405 OF THE CITY OF BURNET, BEING ALL OF A CALLED 5.12 ACRE TRACT OF LAND, CONSISTING OF ALL OF LOT 3 AND A PORTION OF LOT 4 OF BLOCK NO. 44, ALL OF LOT 4 OF BLOCK NO. 43 OF THE PETER KERR PORTION OF THE CITY OF BURNET, ALL OF BLOCK NO. 19, 20, 21 AND A PORTION OF BLOCK NO. 22 OF CREEK ADDITION TO THE CITY OF BURNET, AND CONTAINING ALL OF A CALLED 1.212 ACRE TRACT OF LAND, BEING THE ABANDONED RIGHT-OF-WAY FOR JOHNSON STREET, WATTS STREET AND BRIER LANE, ALL OF A TRACT OF LAND AS DESCRIBED IN AFFIDAVIT OF OWNERSHIP AND USE OF ADVERSE POSSESSION IN INSTRUMENT NO. 201402120, AND ALSO CONSISTING OF THE NORTH HALF OF LOT 1 OF BLOCK NO. 43 AND ALL OF LOT 2 OF BLOCK NO. 44 OF THE PETER KERR PORTION TO THE CITY OF BURNET, BURNET COUNTY, TEXAS.

Project information table including Proj No. 11336, Prepared for: Alana Kay Kroeger Roberts, Tech: CWC, Approved: K. Cuplin, Fieldwork performed on: 12/05/2013, Copyright: 2014, Address: 1932 West RR 1431, Kingsland, TX, and a scale bar (1"=100').

Issued By:

BURNET CENTRAL APPRAISAL DIST  
223 S PIERCE  
P O BOX 908  
BURNET, TX 78611

Property Information

Property ID: 11596 Geo ID: 03950-0000-00019-000  
Legal Acres: 0.0000  
Legal Desc: S3950 CREEK BLK 19,20,21, SO 15' OF 22 & 1.78 AC  
ALONG CREEK & JNC  
Situs: WATTS ST UNCUT BURNET, TX 78611  
DBA:  
Exemptions:

Owner ID: 41693 100.00%  
ROBERTS ALANA KAY KROEGER  
9485 W US HIGHWAY 84  
GATESVILLE, TX 76528-3753

For Entities

\*\*WATER CONSERV DIST OF CENT  
\*BURNET COUNTY  
\*BURNET ISD  
\*CITY OF BURNET  
\*CO SPECIAL, ROAD & BRIDGE

Value Information

Improvement HS: 0  
Improvement NHS: 0  
Land HS: 0  
Land NHS: 15,263  
Productivity Market: 0  
Productivity Use: 0  
Assessed Value: 15,263

Current/Delinquent Taxes

This is to certify that, after a careful check of the tax records of this office, the following delinquent taxes, penalties, interest and any known costs and expenses as provided by Tax Code §33.48, are due on the described property for the following taxing unit(s):

| Year    | Entity | Taxable | Tax Due | Disc./P&I | Attorney Fee | Total Due |
|---------|--------|---------|---------|-----------|--------------|-----------|
| Totals: |        |         | 0.00    | 0.00      | 0.00         | 0.00      |

Effective Date: 07/09/2014

Total Due if paid by: 07/31/2014

0.00

Tax Certificate Issued for:

\*CITY OF BURNET  
\*BURNET COUNTY  
\*CO SPECIAL, ROAD & BRIDGE  
\*BURNET ISD  
\*\*WATER CONSERV DIST OF CENT

Taxes Paid in 2013

95.62  
53.93  
6.38  
192.70  
1.50

If applicable, the above-described property has/is receiving special appraisal based on its use, and additional rollback taxes may become due based on the provisions of the special appraisal (Comptroller Rule 9.3040) or property omitted from the appraisal roll as described under Tax Code Section 25.21 is not included in this certificate [Tax Code Section 31.08(b)].

Pursuant to Tax Code Section 31.08, if a person transfers property accompanied by a tax certificate that erroneously indicates that no delinquent taxes, penalties or interest are due a taxing unit on the property or that fails to include property because of its omission from an appraisal roll, the unit's tax lien on the property is extinguished and the purchaser of the property is absolved of liability to the unit for delinquent taxes, penalties or interest on the property or for taxes based on omitted property. The person who was liable for the tax for the year the tax was imposed or the property was omitted remains personally liable for the tax and for any penalties or interest.

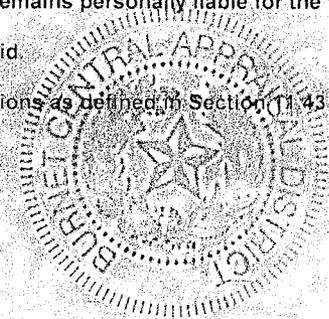
A tax certificate issued through fraud or collusion is void.

This certificate does not clear abuse of granted exemptions as defined in Section 11.43 Paragraph(1) of the Texas Property Tax Code.

May Be Subject to Court Costs if Suit is Pending

Date of Issue: 07/09/2014  
Requested By: ROBERTS ALANA KAY KROEGER  
Fee Amount: 10.00  
Reference #:

*Tammy Goodman*  
Signature of Authorized Officer of Collecting Office



Issued By:

BURNET CENTRAL APPRAISAL DIST  
223 S PIERCE  
P O BOX 908  
BURNET, TX 78611

Property Information

Property ID: 35621 Geo ID: 07150-0043-00001-000  
Legal Acres: 0.0000  
Legal Desc: S7150 PETER KERR PORTION LOT NE PT OF 1 Bk 43  
Situs:  
DBA:  
Exemptions:

Owner ID: 41693 100.00%  
ROBERTS ALANA KAY KROEGER  
9485 W US HIGHWAY 84  
GATESVILLE, TX 76528-3753

For Entities

\*\*WATER CONSERV DIST OF CENT  
\*BURNET COUNTY  
\*BURNET ISD  
\*CITY OF BURNET  
\*CO SPECIAL, ROAD & BRIDGE

Value Information

Improvement HS: 0  
Improvement NHS: 0  
Land HS: 0  
Land NHS: 11,885  
Productivity Market: 0  
Productivity Use: 0  
Assessed Value: 11,885

Current/Delinquent Taxes

This is to certify that, after a careful check of the tax records of this office, the following delinquent taxes, penalties, interest and any known costs and expenses as provided by Tax Code §33.48, are due on the described property for the following taxing unit(s):

| Year    | Entity | Taxable | Tax Due | Disc./P&I | Attorney Fee | Total Due |
|---------|--------|---------|---------|-----------|--------------|-----------|
| Totals: |        |         | 0.00    | 0.00      | 0.00         | 0.00      |

Effective Date: 07/09/2014

Total Due if paid by: 07/31/2014

0.00

Tax Certificate Issued for:

\*CITY OF BURNET  
\*BURNET COUNTY  
\*CO SPECIAL, ROAD & BRIDGE  
\*BURNET ISD  
\*\*WATER CONSERV DIST OF CENT

Taxes Paid in 2013

74.46  
41.99  
4.97  
150.04  
1.16

If applicable, the above-described property has/is receiving special appraisal based on its use, and additional rollback taxes may become due based on the provisions of the special appraisal (Comptroller Rule 9.3040) or property omitted from the appraisal roll as described under Tax Code Section 25.21 is not included in this certificate [Tax Code Section 31.08(b)].

Pursuant to Tax Code Section 31.08, if a person transfers property accompanied by a tax certificate that erroneously indicates that no delinquent taxes, penalties or interest are due a taxing unit on the property or that fails to include property because of its omission from an appraisal roll, the unit's tax lien on the property is extinguished and the purchaser of the property is absolved of liability to the unit for delinquent taxes, penalties or interest on the property or for taxes based on omitted property. The person who was liable for the tax for the year the tax was imposed or the property was omitted remains personally liable for the tax and for any penalties or interest.

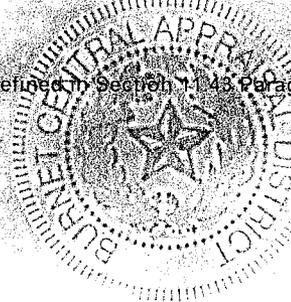
A tax certificate issued through fraud or collusion is void.

This certificate does not clear abuse of granted exemptions as defined in Section 11.43 Paragraph(1) of the Texas Property Tax Code.

May Be Subject to Court Costs if Suit is Pending

Date of Issue: 07/09/2014  
Requested By: ROBERTS ALANA KAY KROEGER  
Fee Amount: 5.00  
Reference #:

Tammy Goodman  
Signature of Authorized Officer of Collecting Office



**Issued By:**

BURNET CENTRAL APPRAISAL DIST  
223 S PIERCE  
P O BOX 908  
BURNET, TX 78611

**Property Information**

Property ID: 35625      Geo ID: 07150-0043-00004-000  
Legal Acres: 0.0000  
Legal Desc: S7150 PETER KERR PORTION LOT 4 & BLK 44 LOT 3 +  
15 FT OF 4 BLK 43  
Situs: N WEST ST BURNET, TX 78611  
DBA:  
Exemptions:

Owner ID: 41693      100.00%  
ROBERTS ALANA KAY KROEGER  
9485 W US HIGHWAY 84  
GATESVILLE, TX 76528-3753

**For Entities**

\*\*WATER CONSERV DIST OF CENT  
\*BURNET COUNTY  
\*BURNET ISD  
\*CITY OF BURNET  
\*CO SPECIAL, ROAD & BRIDGE

**Value Information**

Improvement HS: 0  
Improvement NHS: 0  
Land HS: 0  
Land NHS: 15,750  
Productivity Market: 0  
Productivity Use: 0  
Assessed Value: 15,750

**Current/Delinquent Taxes**

This is to certify that, after a careful check of the tax records of this office, the following delinquent taxes, penalties, interest and any known costs and expenses as provided by Tax Code §33.48, are due on the described property for the following taxing unit(s):

| Year Entity | Taxable | Tax Due | Disc./P&I | Attorney Fee | Total Due |
|-------------|---------|---------|-----------|--------------|-----------|
| Totals:     |         | 0.00    | 0.00      | 0.00         | 0.00      |

Effective Date: 07/09/2014

Total Due if paid by: 07/31/2014      0.00

**Tax Certificate Issued for:**

|                              | Taxes Paid in 2013 |
|------------------------------|--------------------|
| *CITY OF BURNET              | 98.67              |
| *BURNET COUNTY               | 55.65              |
| *CO SPECIAL, ROAD & BRIDGE   | 6.58               |
| *BURNET ISD                  | 198.84             |
| **WATER CONSERV DIST OF CENT | 1.54               |

If applicable, the above-described property has/is receiving special appraisal based on its use, and additional rollback taxes may become due based on the provisions of the special appraisal (Comptroller Rule 9.3040) or property omitted from the appraisal roll as described under Tax Code Section 25.21 is not included in this certificate [Tax Code Section 31.08(b)].

Pursuant to Tax Code Section 31.08, if a person transfers property accompanied by a tax certificate that erroneously indicates that no delinquent taxes, penalties or interest are due a taxing unit on the property or that fails to include property because of its omission from an appraisal roll, the unit's tax lien on the property is extinguished and the purchaser of the property is absolved of liability to the unit for delinquent taxes, penalties or interest on the property or for taxes based on omitted property. The person who was liable for the tax for the year the tax was imposed or the property was omitted remains personally liable for the tax and for any penalties or interest.

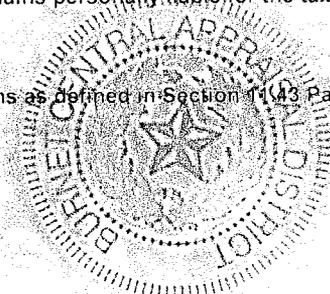
A tax certificate issued through fraud or collusion is void.

This certificate does not clear abuse of granted exemptions as defined in Section 11.43 Paragraph(1) of the Texas Property Tax Code.

May Be Subject to Court Costs if Suit is Pending

Date of issue: 07/09/2014  
Requested By: ROBERTS ALANA KAY KROEGER  
Fee Amount: 5.00  
Reference #:

*Tammy Goodman*  
Signature of Authorized Officer of Collecting Office



Issued By:

BURNET CENTRAL APPRAISAL DIST  
223 S PIERCE  
P O BOX 908  
BURNET, TX 78611

Property Information

Property ID: 35626 Geo ID: 07150-0044-00002-000  
Legal Acres: 0.0000  
Legal Desc: S7150 PETER KERR PORTION LOT 2 BLK 44  
Situs: 400 N WEST BURNET, TX 78611  
DBA:  
Exemptions:

Owner ID: 41693 100.00%  
ROBERTS ALANA KAY KROEGER  
9485 W US HIGHWAY 84  
GATESVILLE, TX 76528-3753

For Entities

\*\*WATER CONSERV DIST OF CENT  
\*BURNET COUNTY  
\*BURNET ISD  
\*CITY OF BURNET  
\*CO SPECIAL, ROAD & BRIDGE

Value Information

Improvement HS: 65,357  
Improvement NHS: 0  
Land HS: 11,979  
Land NHS: 0  
Productivity Market: 0  
Productivity Use: 0  
Assessed Value 77,336

Current/Delinquent Taxes

This is to certify that, after a careful check of the tax records of this office, the following delinquent taxes, penalties, interest and any known costs and expenses as provided by Tax Code §33.48, are due on the described property for the following taxing unit(s):

| Year Entity | Taxable | Tax Due | Disc./P&I | Attorney Fee | Total Due |
|-------------|---------|---------|-----------|--------------|-----------|
| Totals:     |         | 0.00    | 0.00      | 0.00         | 0.00      |

Effective Date: 07/09/2014

Total Due if paid by: 07/31/2014

0.00

Tax Certificate Issued for:

\*CITY OF BURNET  
\*BURNET COUNTY  
\*CO SPECIAL, ROAD & BRIDGE  
\*BURNET ISD  
\*\*WATER CONSERV DIST OF CENT

Taxes Paid in 2013

484.51  
273.23  
32.33  
976.36  
7.58

If applicable, the above-described property has/is receiving special appraisal based on its use, and additional rollback taxes may become due based on the provisions of the special appraisal (Comptroller Rule 9.3040) or property omitted from the appraisal roll as described under Tax Code Section 25.21 is not included in this certificate [Tax Code Section 31.08(b)].

Pursuant to Tax Code Section 31.08, if a person transfers property accompanied by a tax certificate that erroneously indicates that no delinquent taxes, penalties or interest are due a taxing unit on the property or that fails to include property because of its omission from an appraisal roll, the unit's tax lien on the property is extinguished and the purchaser of the property is absolved of liability to the unit for delinquent taxes, penalties or interest on the property or for taxes based on omitted property. The person who was liable for the tax for the year the tax was imposed or the property was omitted remains personally liable for the tax and for any penalties or interest.

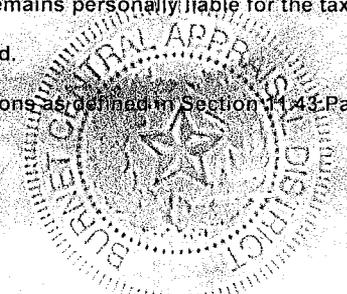
A tax certificate issued through fraud or collusion is void.

This certificate does not clear abuse of granted exemptions as defined in Section 11.43 Paragraph(1) of the Texas Property Tax Code.

May Be Subject to Court Costs if Suit is Pending

Date of Issue: 07/09/2014  
Requested By: ROBERTS ALANA KAY KROEGER  
Fee Amount: 5.00  
Reference #:

*Tammy Goodman*  
Signature of Authorized Officer of Collecting Office



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

GF# 09-23-15356

**Warranty Deed with Vendor's Lien**

**Date:** November 30, 2023 to be effective December 1, 2023  
**Grantor:** Alana Kay Kroeger Roberts and Ben L. Roberts, a married couple  
**Grantor's Mailing Address:** 9485 W US HWY 84, Gatesville, TX 76528  
**Grantee:** Burnet Economic Development Corporation, a Texas non-profit corporation  
**Grantee's Mailing Address:** P.O. Box 1369, Burnet, TX 78611  
**Consideration:**

Cash and a note of even date executed by Grantee and payable to the order of Grantor in the principal amount of THREE HUNDRED THOUSAND AND NO/100 DOLLARS (\$300,000.00). The note is secured by a first and superior vendor's lien and superior title retained in this deed and by a first-lien deed of trust of even date from Grantee to Tyler Rockafellow, trustee.

**Property (including any improvements):**

**TRACT I:**

BEING a 0.37 acre tract of land out of a portion of Lots Three (3) and Four (4), Block Seventeen (17), PETER KERR PORTION, City of Burnet, Burnet County, Texas, and being more particularly described by metes and bounds in Exhibit "A" attached hereto and made a part hereof.

**TRACT II:**

BEING Lot One (1), KROEGER SUBDIVISION, a subdivision in the City of Burnet, Burnet County, Texas, as shown by plat recorded in Document No. 201405549, Official Public Records of Burnet County, Texas.

**Reservations from Conveyance:**

None

**Exceptions to Conveyance and Warranty:**

Liens described as part of the Consideration and any other liens described in this deed as being either assumed or subject to which title is taken; validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing instruments, other than conveyances of the surface fee estate, that affect the Property; and taxes for 2023, which Grantee assumes and agrees to pay, and subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

The vendor's lien against and superior title to the Property are retained until each note described is fully paid according to its terms, at which time this deed will become absolute.

GRANTEE IS TAKING THE PROPERTY IN AN ARM'S-LENGTH AGREEMENT BETWEEN THE PARTIES. THE CONSIDERATION WAS BARGAINED ON THE BASIS OF AN "AS IS, WHERE IS" TRANSACTION AND REFLECTS THE AGREEMENT OF THE PARTIES THAT THERE ARE NO REPRESENTATIONS OR EXPRESS OR IMPLIED WARRANTIES, EXCEPT FOR THOSE CONTAINED IN THE PURCHASE CONTRACT, THIS DEED, AND THE OTHER CLOSING DOCUMENTS. GRANTEE HAS NOT RELIED ON ANY INFORMATION OTHER THAN GRANTEE'S INSPECTION AND THE REPRESENTATIONS AND WARRANTIES EXPRESSLY CONTAINED IN THE PURCHASE CONTRACT, THIS DEED, AND THE OTHER CLOSING DOCUMENTS.

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



Alana Kay Kroeger Roberts

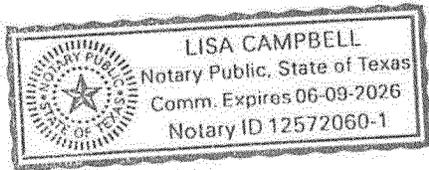
*Ben L. Roberts*

Ben L. Roberts

STATE OF TEXAS )

COUNTY OF BURNET )

This instrument was acknowledged before me on November 30, 2023, by Alana Kay Kroeger Roberts.



*Lisa Campbell*

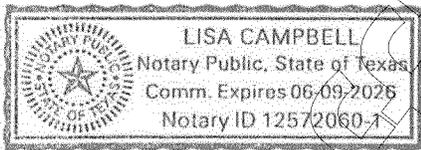
Notary Public, State of Texas

My commission expires: \_\_\_\_\_

STATE OF TEXAS )

COUNTY OF BURNET )

This instrument was acknowledged before me on November 30, 2023, by Ben L. Roberts.



*Lisa Campbell*

Notary Public, State of Texas

My commission expires: \_\_\_\_\_

AFTER RECORDING RETURN TO:

The Rockafellow Law Firm, PLLC  
117 E. Jackson St.  
Burnet, Texas 78611  
Tel: (512) 756-4100  
Fax: (512) 756-2900

EXHIBIT A

FIELD NOTE DESCRIPTION FOR A 0.37 ACRE TRACT OF LAND, SITUATED IN BURNET COUNTY, TEXAS:

BEING A 0.37 ACRE TRACT, BEING A 0.27 ACRE PORTION OF LOT 3, BLOCK 17 AND A 0.10 ACRE PORTION OF LOT 4, BLOCK 17, OF THE PETER KERR ADDITION IN BURNET COUNTY, TEXAS, CONVEYED BY GIFT DEED TO ALANA KAY KROEGER ROBERTS, AS RECORDED IN VOLUME 1208, PAGE 411 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS.

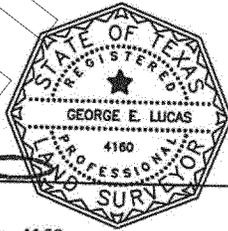
BEGINNING at a 1/2" iron rod found, lying in the north right-of-way line of Polk Street, a public road, marking the southwest corner of a 1.177 acre lot, as recorded in Document No. 202213519 of the Official Public Records of Burnet County, Texas, conveyed by Special Warranty Deed with Vendor's Lien to Burnet Economic Development Corporation, as recorded in Document No. 202300889 of the Official Public Records of Burnet County, Texas, for the southeast corner of this tract;

THENCE, South 76°48'37" West, along the south line of this tract, common with the north right-of-way line of Polk Street, a distance of 92.67 feet, to a 60D Magnail found, lying in the north right-of-way line of Polk Street, common with the east right-of-way line Main Street, a public road, for the southwest corner of this tract;

THENCE, North 13°10'00" West, along the west line of this tract, common with the east right-of-way line of Main Street, a distance of 174.41 feet, to a 1/2" iron rod found, lying in the southeast corner of a 0.34 acre tract of land conveyed by Special Warranty Deed to Jenkins Family Funeral Home, LLC, as recorded in Document No. 201401738 of the Official Public Records of Burnet County, Texas, for the northwest corner of this tract;

THENCE, North 76°30'33" East, along the north line of this tract, common with a south line of said Jenkins Family Funeral Home tract, a distance of 90.10 feet, to a 1/2" iron rod found, marking an angle corner of said Jenkins Family Funeral Home tract, common with an angle corner of said Burnet Economic Development Corporation tract, for the northeast corner of this tract;

THENCE, South 14°00'37" East, along the east line of this tract, common with west line of said Burnet Economic Development Corporation tract, a distance of 174.90 feet, to the POINT OF BEGINNING, containing 0.37 acres of land, more or less.



George E. Lucas  
Registered Professional Land Surveyor No. 4160  
Celco Surveying, Firm Registration No. 10193975  
18018 Overlook Loop, Suite 105  
San Antonio, Texas 78259  
Date: November 10, 2023

**THE STATE OF TEXAS  
COUNTY OF BURNET**

I hereby certify that this instrument was FILED on the date and the time stamped hereon by me and was duly RECORDED in the Records of Burnet County, Texas.

202311830 D  
12/01/2023 12:59:54 PM Total Fees: \$38.00

Vicinta Stafford, County Clerk  
Burnet County, Texas

*Vicinta Stafford*

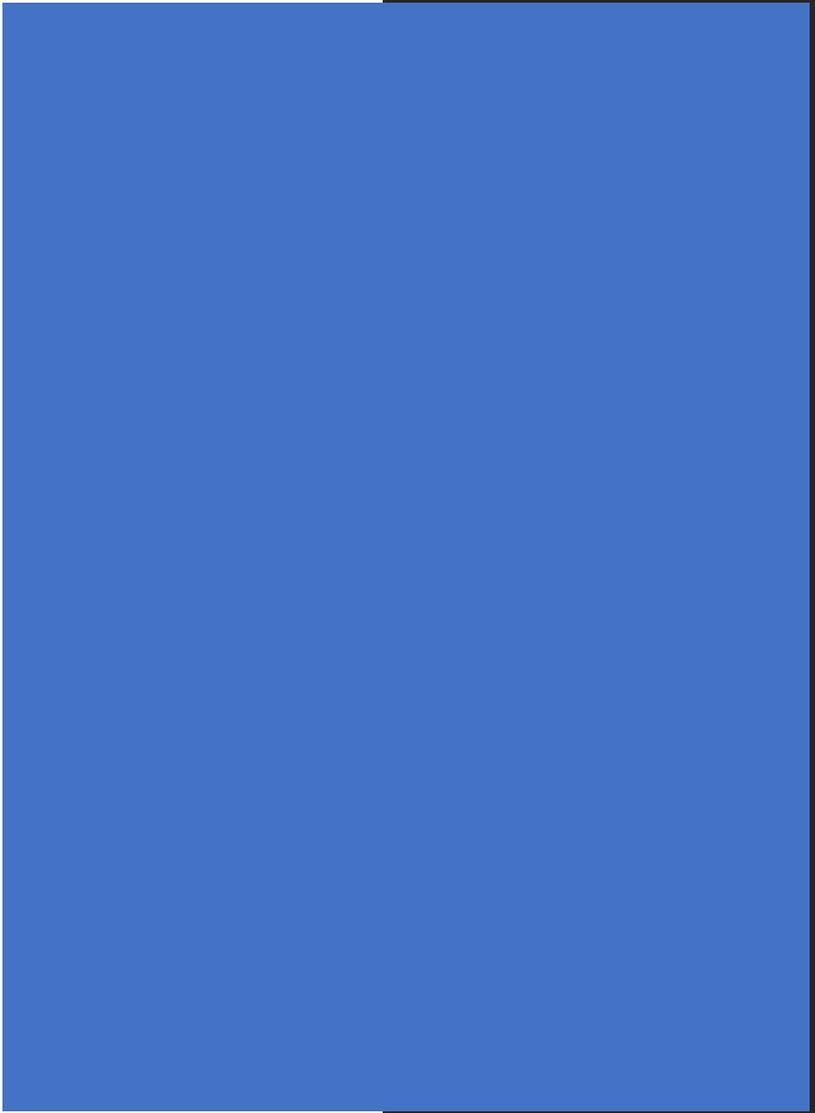


Unofficial Copy



SALE OF LOT ONE KROEGER  
SUBDIVISION (6.16-ACRE LOT) TO CITY  
OF BURNET

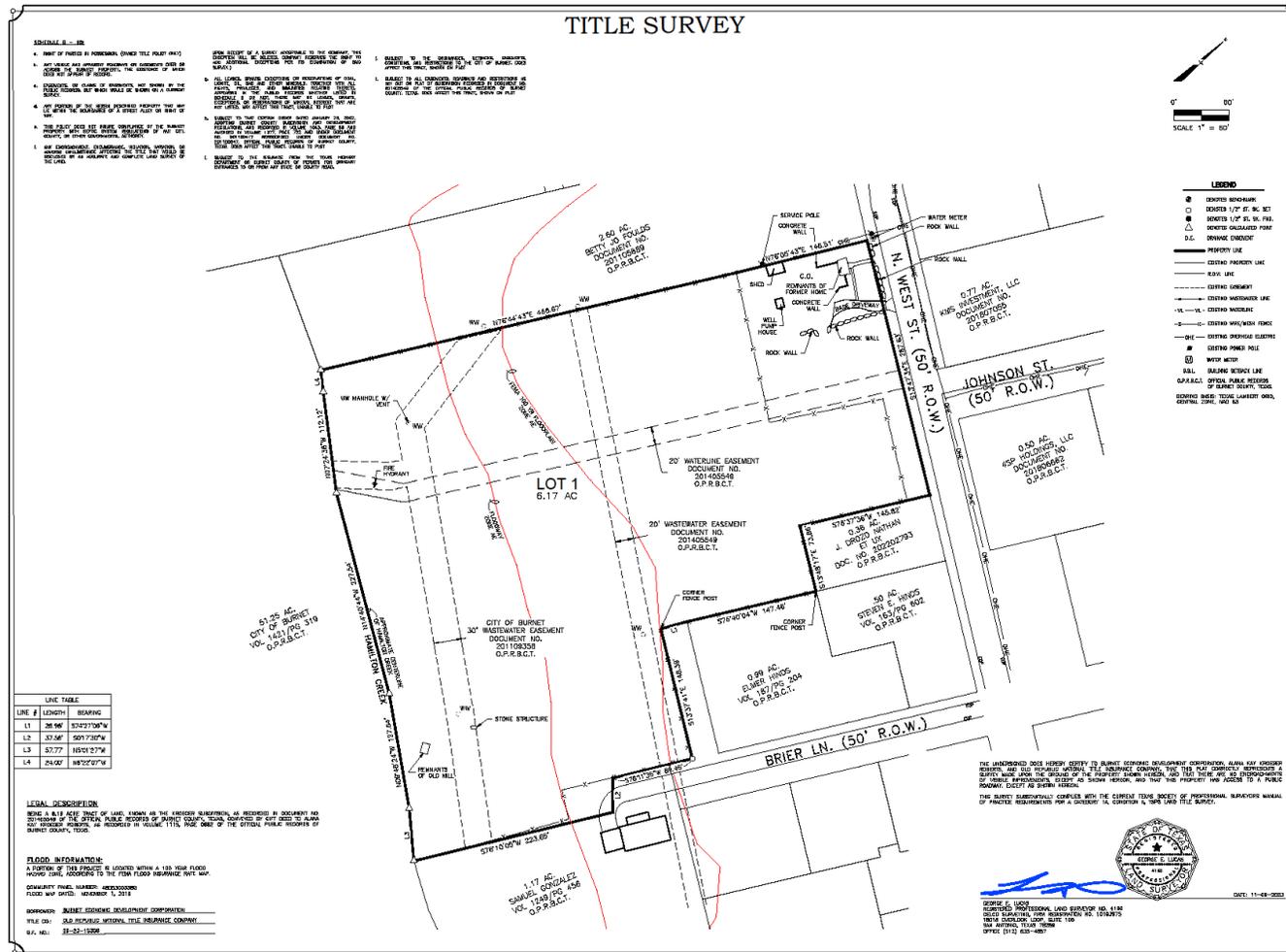
BEDC Regular Meeting - DATE



# Background

- December 1, 2023, BEDC closed on 0.37-acre lot adjoining the Bealls Building and a 6.16-acre lot located on the east banks of Hamilton Creek, north of State Highway 29.
- The purpose of this transaction was to acquire the 0.37-acre lot and consolidate it with the Bealls Building lot, making both lots more desirable for redevelopment.
- Seller conditioned the sale of the 0.37-acre lot on the BEDC also purchasing the 6.16-acre lot.
- Its proximity to Hamilton Creek and Haley-Nelson Park makes it desirable to the City for park and open space development.

# Title Survey



# Map



# Information

- This resolution approves:
  - Sale of property for \$300,000.00
  - Form of Special Warranty Deed



Questions/Comments





## ITEM 3.2

### Agenda Item Brief

**Meeting Date:** February 20, 2024

**Agenda Item:** Discuss and consider action: A RESOLUTION OF BOARD OF DIRECTORS OF THE BURNET ECONOMIC DEVELOPMENT CORPORATION APPROVING AN AGREEMENT TO FACILITATE THE VACATING OF THE PREMISES AT 102 E. POLK STREET TERMINATION OF PAROL LEASE, RELEASE OF CLAIM, AND INDEMNITY AGREEMENT.

**Background:** Last year the Corporation closed on the purchase of the property located at 102 E. Polk Street. At the time there was a retail occupant of the Premises on a month-to-month unwritten lease. The Corporation seeks to terminate the lease and have the tenant vacate the premises. The tenant has requested the Corporation pay tenant's moving and transitional storage costs.

**Information:** The Corporation is under no legal obligation to make any cash payment in order to cause the tenant to vacate the premises upon 30 days' notice. However, the board of directors may wish to offer the tenant a nominal sum in order to buy its peace and facilitate the expedited vacation of the premises without incurring the expense of a formal eviction process.

**Fiscal Impact:** The offered amount shall be determined by the board of directors.

**Recommendation:** Deliberate on whether the board wishes to offer the tenant a monetary sum to facilitate the vacation of the premises; and if so determined the amount of money to be offered and include said amount in the approval of the attached resolution .

**RESOLUTION NO. BEDC R2024-02**

**A RESOLUTION OF BOARD OF DIRECTORS OF THE BURNET ECONOMIC DEVELOPMENT CORPORATION APPROVING AN AGREEMENT TO FACILITATE THE VACATING OF THE PREMISES AT 102 E. Polk Street TERMINATION OF PAROL LEASE, RELEASE OF CLAIM, AND INDEMNITY AGREEMENT**

**Whereas**, the Burnet Economic Development Corporation purchase the property located at 102 E. Polk Street, Burnet, Texas; and

**Whereas**, at the time there was a retail occupant of the Premises on a month-to-month unwritten lease; and

**Whereas**, the Corporation seeks to terminate the lease and have the tenant vacate the premises; and

**Whereas**, the tenant has requested the Corporation pay tenant's moving and transitional storage costs; and

**Whereas**, although the Corporation is under no legal obligation to make any cash payment in order to cause the tenant to vacate the premises upon 30 days' notice; the board of directors wish to offer the tenant a nominal sum in order to buy its peace and facilitate the expedited vacation of the premises without incurring the expense of a formal eviction process.

**NOW THEREFORE BE IT RESOLVED BY THE BOARD OF DIRECTORS FOR THE BURNET ECONOMIC DEVELOPMENT CORPORATION THAT:**

**Section one. Approval.** The Termination of Parol Lease, Release of Claim, and Indemnity Agreement attached hereby is approved with a cash payment amount of \$ \_\_\_\_\_.

**Section two. Authorization.** The Board of Directors President is hereby authorized to execute an Agreement in substantial form as the attachment and execute such other documents and take such other actions reasonably necessary to facilitate the purpose of this Resolution.

Passed and Approved by the Board of Directors of the Burnet Economic Development Corporation this the 16<sup>th</sup> day of February 2024.

**THE BURNET ECONOMIC  
DEVELOPMENT CORPORATION**

**ATTEST:**

\_\_\_\_\_  
Cary Johnson, President

\_\_\_\_\_  
Kelly Dix, City Secretary



- (a) *Termination of Parol Lease Agreement.* The Parol Lease Agreement shall be terminated as of the date March 31, 2024 (the "Termination Date"). Claimant shall fully vacate the Premises on or before the Termination Date. Claimant shall vacate the Premises in a clean and orderly manner, and shall remove all inventory, personal items, trash, or debris before vacating. As of the Termination Date, Claimant shall make no claim on the Premises.
  - (b) *Release.* Claimant hereby discharges and releases absolutely and unconditionally, and agrees to hold harmless Corporation and its past and present respective officials, officers, employees, attorneys, agents, representatives, successors, assigns, and heirs from all claims, causes, and rights of action of every nature, including, but not limited to, damages, injuries, attorneys' fees, or exemplary or punitive damages, which Claimant may have against any of such released parties, persons or entities, arising from or relating to all claims made, or which could have been made on or before the date of this Agreement. Claimant agrees that this Agreement shall be binding on her beneficiaries, heirs, executors, children, wife, administrators, successors, assigns and all other persons and entities who may be in privity with her.
  - (c) *Indemnity.* **Claimant agrees to indemnify and forever hold harmless Corporation, and its past and present respective officials, officers, employees, attorneys, agents, representatives, successors, assigns, and heirs, from any claim or suit (including attorneys' fees and other expenses incurred in the defense of any claim or suit) by or on behalf of Claimant her assigns or any other person or entity directly or indirectly claiming by, though, or under Claimant concerning any matter encompassed by this Agreement.**
- (8) **Entire Agreement.** This Release Agreement contains the entire agreement and understanding between the Parties concerning the subject matter of this Agreement and supersedes and replaces any and all prior written or oral negotiations, discussions, representations, proposed agreements, and agreements.
  - (9) **Amendment.** Any amendment or modification of this Agreement must be in writing and signed by each of the Parties to this Agreement.
  - (10) **Waiver.** No waiver of any term, provision, or breach of this Agreement shall be, or be construed, to be, a waiver of any other term, provision, or breach thereof.
  - (11) **No Admission of Wrongdoing or Liability.** Nothing contained in this Agreement shall constitute, or be construed as, or is intended to be, an admission or an acknowledgment by Corporation of any wrongdoing or liability, all such wrongdoing and liability being expressly denied; it being Corporation's intent to offer the Consideration to purchase its peace and expedite the vacation of the Premises.
  - (12) **Construction.** All Parties have had an opportunity to contribute to and comment on this agreement. For that reason, it is expressly agreed that this release will not be construed against any party as drafter. It is further agreed that the release shall be construed to give the greatest relief and protection to Corporation.

To be effective as of the latter date witnessed below:

Claimant

Burnet Economic Development Corporation

By: \_\_\_\_\_  
Wendi Strength

By: \_\_\_\_\_  
Cary Johnson, President

THE STATE OF TEXAS §

§

COUNTY OF BURNET §

Before me, the undersigned authority, on this day personally appeared Wendi Strength, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration herein expressed.

Subscribed and sworn to before me on this the 20<sup>th</sup> day of February 2024, which witness my hand and seal of office.

\_\_\_\_\_  
Notary Public—State of Texas

THE STATE OF TEXAS §

§

COUNTY OF BURNET §

Before me, the undersigned authority, on this day personally appeared Cary Johnson, in his capacity as President of the Burnet Economic Development Corporation's Board of Directors, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same on behalf of said corporation for the purposes and consideration and in the capacity herein expressed.

Subscribed and sworn to before me on this the 20<sup>th</sup> day of February 2024, which witness my hand and seal of office.

\_\_\_\_\_  
Notary Public—State of Texas



## ITEM 3.3

### Agenda Item Brief

|                        |                                                                                                                              |
|------------------------|------------------------------------------------------------------------------------------------------------------------------|
| <b>Meeting Date:</b>   | February 20, 2023                                                                                                            |
| <b>Agenda Item:</b>    | Discuss and consider action: Related to the potential sale of all or portions of the Crossings at 281 South Commercial Park. |
| <b>Background:</b>     | To be presented at the meeting.                                                                                              |
| <b>Information:</b>    |                                                                                                                              |
| <b>Fiscal Impact:</b>  |                                                                                                                              |
| <b>Recommendation:</b> | To be determined by the board.                                                                                               |



## ITEM 3.4

### Agenda Item Brief

**Meeting Date:** February 20, 2023

**Agenda Item:** Discuss and consider action: Related to the potential sale of all or portions of the Eastside Commercial Park located on Highway 29 East.

**Background:** To be presented at the meeting.

**Information:**

**Fiscal Impact:**

**Recommendation:** To be determined by the board.



## ITEM 3.5

### Agenda Item Brief

**Meeting Date:** February 20, 2023

**Agenda Item:** Discuss and consider action: Related to the potential sale of all or portions of 118 E. Polk Street (Old Bealls Building).

**Background:**

**Information:** To be presented at the meeting.

**Fiscal Impact:**

**Recommendation:** To be determined by the Board.



## ITEM 3.6

### Agenda Item Brief

**Meeting Date:** February 20, 2023

**Agenda Item:** Discuss and consider action: Related to the potential sale of all or portions of 102 E. Polk Street and 400 N. West Street (know as the Kroger Properties).

**Background:**

**Information:**

**Fiscal Impact:**

**Recommendation:** To be determined by the board.



## ITEM 3.7

### Agenda Item Brief

**Meeting Date:** February 20, 2023

**Agenda Item:** Discuss and consider action: Related to the potential sale of all or portions of and 400 N. West Street.

**Background:**

**Information:**

**Fiscal Impact:**

**Recommendation:** To be determined by the board.



## ITEM 3.7

### Agenda Item Brief

|                        |                                                                               |
|------------------------|-------------------------------------------------------------------------------|
| <b>Meeting Date:</b>   | February 20, 2023                                                             |
| <b>Agenda Item:</b>    | Discuss and consider action: Related to the Coke Street Re-Alignment Project. |
| <b>Background:</b>     | To be presented at the meeting.                                               |
| <b>Information:</b>    |                                                                               |
| <b>Fiscal Impact:</b>  |                                                                               |
| <b>Recommendation:</b> | To be determined by the board.                                                |



## ITEM 3.8

### Agenda Item Brief

**Meeting Date:** February 20, 2023

**Agenda Item:** Discuss and consider action: Related to the Jackson Street Public Restroom Project.

**Background:** To be presented at the meeting.

**Information:**

**Fiscal Impact:**

**Recommendation:** To be determined by the board.



## ITEM 3.9

### Agenda Item Brief

**Meeting Date:** February 20, 2023

**Agenda Item:** Discuss and consider action: Wedding Oak Winery Building and Lease Agreement.

**Background:** To be presented at the meeting.

**Information:**

**Fiscal Impact:**

**Recommendation:** To be determined by the board.



## ITEM 3.10

### Agenda Item Brief

**Meeting Date:** February 20, 2023

**Agenda Item:** Discuss and consider action: Related to the findings of the Burnet Community Coalition.

**Background:** To be presented at the meeting.

**Information:**

**Fiscal Impact:**

**Recommendation:** To be determined by the board.



## ITEM 3.12

### Agenda Item Brief

**Meeting Date:** February 20, 2023

**Agenda Item:** Discuss and consider action: A Declaration instrument, to be recorded in the public records of Burnet County, placing additional Covenants, Conditions, and Restrictions on those lots within the Eastside Commercial Subdivision owned by the Burnet Economic Development Corporation

**Background:** To be presented at the meeting.

**Information:**

**Fiscal Impact:**

**Recommendation:** To be determined by the board.



## ITEM 4.1

### Agenda Item Brief

**Meeting Date:** February 20, 2023

**Agenda Item:** Executive Session: Pursuant to Section 551.072 Texas Government Code deliberate the purchase, exchange, lease, or value of real property in order to minimize the detrimental effect of such discussion in open session on the position of the Board in negotiations with third parties for property located at 236 South Main St., Burnet: D. Vaughn

**Background:**

**Information:**

**Fiscal Impact:**

**Recommendation:** To be determined by the board.



## ITEM 4.2

### Agenda Item Brief

**Meeting Date:** February 20, 2023

**Agenda Item:** Executive Session: Pursuant to Section 551.072 Texas Government Code deliberate the purchase, exchange, lease, or value of real property in order to minimize the detrimental effect of such discussion in open session on the position of the Board in negotiations with third parties for property located at Eastside Commercial Park: D. Vaughn

**Background:**

**Information:**

**Fiscal Impact:**

**Recommendation:** To be determined by the board.



## ITEM 4.3

### Agenda Item Brief

**Meeting Date:** February 20, 2023

**Agenda Item:** Executive Session: Pursuant to Section 551.072 Texas Government Code to deliberate the purchase, exchange, lease, or value of real property in order to minimize the detrimental effect of such discussion in open session on the position of the Board in negotiations with third parties for property located at the Crossings at 281 South Commercial Park: D. Vaughn

**Background:**

**Information:**

**Fiscal Impact:**

**Recommendation:** To be determined by the board.



## ITEM 4.4

### Agenda Item Brief

**Meeting Date:** February 20, 2023

**Agenda Item:** Executive Session: Pursuant to Section 551.072 Texas Government Code to deliberate the purchase, exchange, lease, or value of real property in order to minimize the detrimental effect of such discussion in open session on the position of the Board in negotiations with third parties for the potential sale of all or portions of 118 E. Polk Street (Old Bealls Building): D. Vaughn.

**Background:**

**Information:**

**Fiscal Impact:**

**Recommendation:** To be determined by the board.



## ITEM 5.1

### Agenda Item Brief

**Meeting Date:** February 20, 2023

**Agenda Item:** Discuss and consider action: Regarding deliberations of the purchase, exchange, lease, or value of real property located at 236 South Main Street: D. Vaughn

**Background:**

**Information:**

**Fiscal Impact:**

**Recommendation:** To be determined by the board.



## ITEM 5.2

### Agenda Item Brief

**Meeting Date:** February 20, 2023

**Agenda Item:** Discuss and consider action: Regarding deliberations of the purchase, exchange, lease, or value of real property located at Eastside Commercial Park: D. Vaughn

**Background:**

**Information:**

**Fiscal Impact:**

**Recommendation:** To be determined by the board.



## ITEM 5.3

### Agenda Item Brief

**Meeting Date:** February 20, 2023

**Agenda Item:** Discuss and consider action: Regarding deliberations of the purchase, exchange, lease, or value of real property located at the Crossings at 281 South Commercial Park: D. Vaughn

**Background:**

**Information:**

**Fiscal Impact:**

**Recommendation:** To be determined by the board.



## ITEM 5.4

### Agenda Item Brief

**Meeting Date:** February 20, 2023

**Agenda Item:** Discuss and consider action: Regarding deliberations of the purchase, exchange, lease, or value of real property located at 118 E. Polk Street (Old Bealls Building): D. Vaughn

**Background:**

**Information:**

**Fiscal Impact:**

**Recommendation:** To be determined by the board.