



ORDINANCE NO. 2021-33

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET PROVIDING FOR THE VOLUNTARY EXTENSION OF THE CITY LIMITS THE CITY OF BURNET, TEXAS BY THE ANNEXATION OF; 75.87 ACRES OF REAL PROPERTY LOCATE WEST OF THE CITY LIMITS AND SOUTH OF TEXAS HWY 29; AMENDING THE OFFICIAL CITY LIMITS MAP OF THE CITY OF BURNET TO REFLECT THE VOLUNTARY ANNEXATION OF THE AREA DESCRIBED HEREIN; AND PRESCRIBING AN EFFECTIVE DATE

WHEREAS, Texas Local Government Code Chapter 43, Subchapter C-1, authorizes the City of Burnet, Texas, to extend its city limit boundaries through the voluntary annexation of an area adjacent to those boundaries; and

WHEREAS, pursuant to Resolution No. R2021-23, City Council accepted petition for annexation of the land; and

WHEREAS, the land to be annexed is uninhabited; and

WHEREAS, in accordance with Texas Local Government Code § 43.0672, the City has prepared a written service plan; and

WHEREAS, in accordance with Texas Local Government Code § 43.0673, on August 24, 2021, City Council conducted a public hearing where members of the public could give testimony and comment on the proposed annexation; and

WHEREAS, notice of the public hearing was published in a Burnet newspaper of general circulation and posted on the City's website in accordance with Texas Local Government Code § 43.0673, on August 11, 2021, a date which was on or after the 20th day, but before the 10th day, before the public hearing; and

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

Section one. Annexed land. The land and territory being a 75.87-acre parcel, more particularly described in **Exhibit "A;"** lying outside of, but adjacent to, and adjoining the City of Burnet, Texas, is hereby added and annexed to the City of Burnet, Texas, and said land and territory shall hereafter be included within the boundary limits of said City, and the present boundary limits of said City.

Section two. Service plan. The service plan attached hereto as **Exhibit "B"** is hereby approved and adopted.

Section three. Inhabitants citizenship. The inhabitants of the annexed land shall be entitled to all of the rights and privileges as citizens and shall be bound by the acts, ordinances, resolutions, and regulations of the City of Burnet, Texas.

Section four. City map. The official City Limits of the City of Burnet shall be amended to reflect the annexation of the subject land and territory.

Section five. Post annexation procedures. Within 30 days of the effective date of this Ordinance, the City Secretary is hereby authorized and directed to do the following:

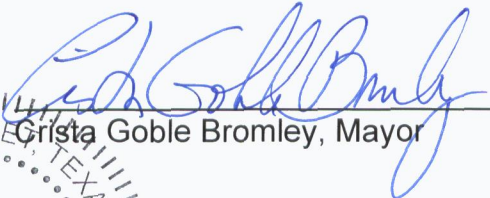
- Provide a certified copy of this ordinance to the Texas Secretary of State so that the legal validity of the annexation may be certified to the United States Census Bureau;
- Provide certified copies of this ordinance to the Texas Comptroller and Burnet County Appraisal District in accordance with Texas Tax Code §321.102; and
- Provide a certified copy of this ordinance to the Burnet County Clerk pursuant to Texas Local Government Code §41.001.

Section six. Effective date. This ordinance shall become effective upon passage, adoption and publication as required by law.

Passed on first reading on the 24th day of August, 2021

Passed and Adopted on the 14th day of September, 2021

CITY OF BURNET


Crista Goble Bromley, Mayor



ATTEST:



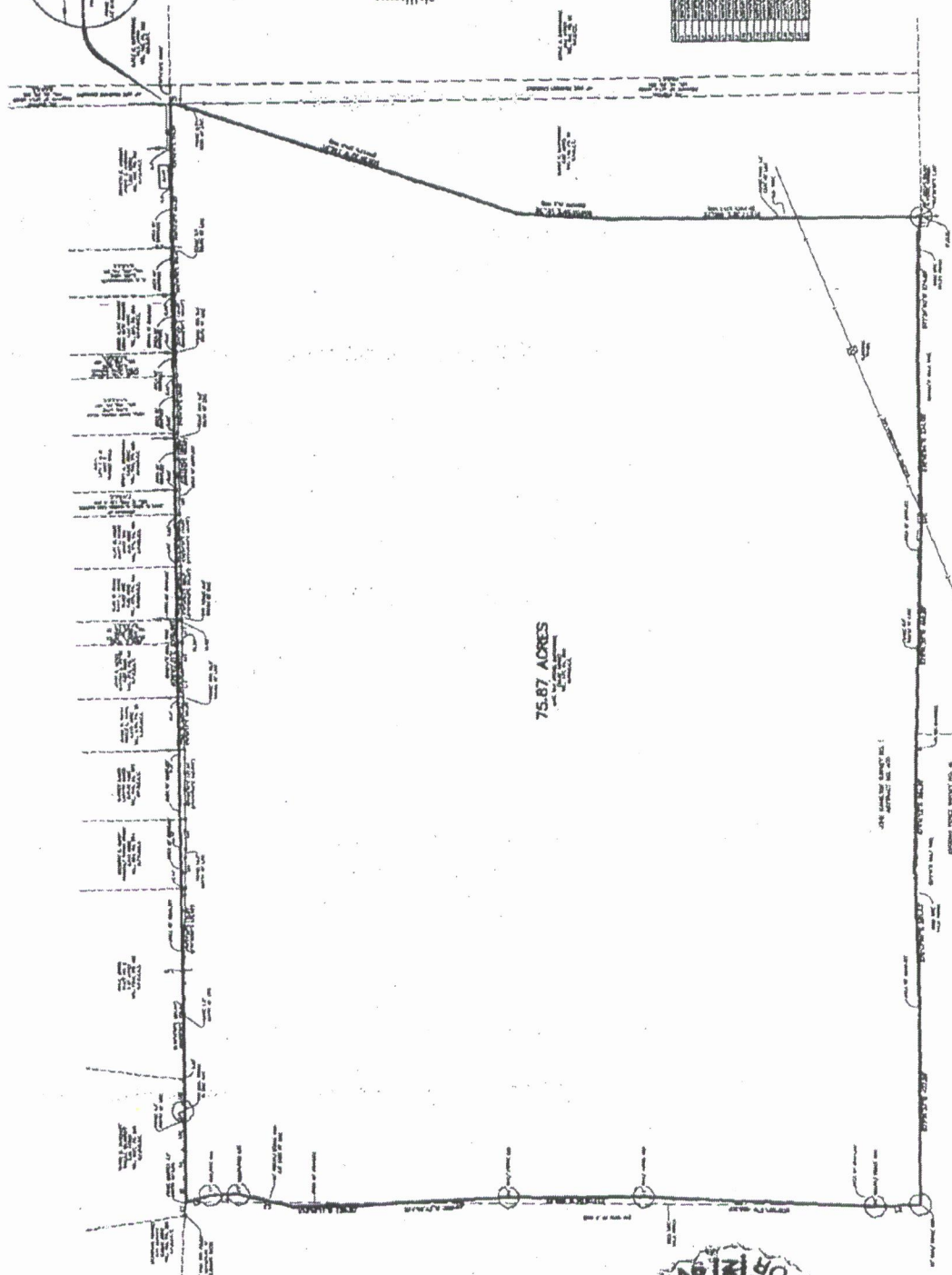
Kelly Dix, City Secretary

The remainder of this page intentionally blank and Exhibits "A" and "B" are attached.

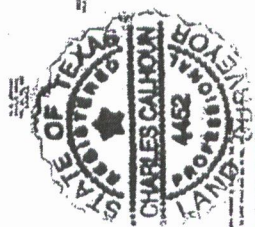
EXHIBIT "A"

LINE TABLE

| LINE NO. | DESCRIPTION | BEARING | DISTANCE | CUMULATIVE DISTANCE |
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| 50 | ... | ... | ... | ... |



75.87 ACRES



MINOR TITLE SURVEYS & MAPPINGS
 1901-1902
 COUNTY FILE NO. 1457
 AND THE LOTS OF LAND OF AN ACRES
 IN THE COUNTY OF ... STATE OF TEXAS
 ...

Surveyed and Platted by ...
 ...



City of Burnet

(512) 756-6093
FAX (512) 756-8560
www.cityofburnet.com

P.O. Box 1369
1001 Buchanan Drive, Suite 4
Burnet, TX 78611

June 24, 2021

Hilltop Oaks, LLC.
David Bowen
110 County Road 304
Bertram, Texas 78605

Via email transmittal to davidbowen@kw.com

Re: Offer of Service Plan related to petition for annexation

Dear Mr. Bowen:

Included herewith for your review is a service plan that shall be implemented upon city council's annexation of your property described as 75.87 acres of real property located west of the city limits and south of Texas Hwy 29; and, hereinafter referred to as the "area."

As you may recall on May 25th City Council adopted Resolution No. 2020-32, accepting your petition requesting annexation of the area and setting the date for public hearing on August 10, 2021. Upon confirmation of your approval of the proposed service plan it shall be scheduled for city council consideration at the first available regular session.

Additionally, our police chief asked that our police officers be given authority to enforce traffic regulations in the subdivision. As the internal streets are planned as private streets, we asked that upon formation of the Homeowners Association you execute and return the attached petition requesting city enforcement of traffic regulations within the area. Also attached for your ready reference is a copy of the statute addressing municipal enforcement of traffic regulations on private streets.

If the terms set out above are acceptable, please sign below at your earliest convenience. Please do not hesitate to contact me should you have any questions or concerns with service plan or the petition.

Sincerely yours,

Habib H. Erkan Jr.
Assistant City Manager

Terms of Annexation Service Plan accepted on behalf of Hilltop Oaks, LLC:

David Bowen, Manager

Attachments: Proposed service plan; petition to enforce municipal traffic laws; and Tex. Transp. Code §542.008.

MUNICIPAL SERVICE PLAN

Hilltop Oaks LLC, Petition 75.87 acres

FIRE

Existing Services: Emergency Service District

Services to be Provided: Fire suppression will be available to the area upon annexation. Primary fire response will be provided by Fire Station No. One located at 2002 S Water Street. Adequate fire suppression activities can be afforded to the annexed area within current budget appropriation. Fire prevention activities will be provided by the Fire Marshall's office as needed.

POLICE

Existing Services: County Sheriff

Services to be Provided: Currently, the area is under the jurisdiction of the Burnet County Sheriff's Office. However, upon annexation, the City of Burnet Police Department will extend regular and routine patrols to the area. It is anticipated that the implementation of police patrol activities can be effectively accommodated within the current budget and staff appropriation. Private streets shall be made subject to traffic rules pursuant to petition that shall be submitted pursuant to Texas Transp. Code § 542.008.

BUILDING INSPECTION

Existing Services: None

Services to be Provided: The Development Services Department will provide Code Enforcement Services upon annexation. This includes issuing building, electrical and plumbing permits for any new construction and remodeling and enforcing all other applicable codes, as same may be amended from time to time, which regulated building construction within the City of Burnet.

PLANNING AND ZONING

Existing Services: None

Services to be Provided: The Development Services Department's responsibility for regulating development and land use through the administration of the City of Burnet Zoning Ordinance, as same may be amended from time to time, will extend to this area on the effective date of the annexation. The property will also continue to be regulated under the requirements of the City of Burnet Subdivision Ordinance, as same may be amended from time to time. These services can be provided within the department's current budget.

CODE ENFORCEMENT SERVICE

Existing Services: None

Services to be Provided: The City of Burnet's ordinances and regulations relating to property maintenance, as same may be amended from time to time, shall be applicable to the property on the effective date of the annexation. Inspection services can be provided with current Code Enforcement personnel and within the current budget appropriation. In addition, animal control services will be provided to the area as needed.

STREET

Existing Services: Private Street Maintenance

Services to be Provided: Developers will provide internal streets at their own expense. The design and construction thereof shall comply with the City's subdivision ordinance. As the development connects to the public street system by way of an existing private street, the internal streets in the development shall be private. Developer shall establish a Property Owners' Association ("POA") and empower the POA to collect dues and assessments from its members for the maintenance and repair of common facilities, such as streets, and maintenance of common facilities will be the responsibility of the POA.

STORM WATER MANAGEMENT

Existing Services: None

Services to be Provided: Developers will provide storm water drainage at their own expense. The design and construction thereof shall comply with the City's subdivision ordinance, as same may be amended from time to time. Maintenance of the onsite storm water drainage facilities will be the responsibility of the POA.

WATER SERVICE

Existing Services: None

Services to be Provided: Water service to the area will be provided in accordance with the applicable codes and departmental policy. Extension of service shall comply with City codes and ordinances as may be amended from time to time.

SANITARY SEWER SERVICE

Existing Services: None

Services to be Provided: Sanitary sewer service to the area of proposed annexation will be provided by individual sanitary septic systems that must comply with City codes and ordinances, as may be amended from time to time, and each sanitary septic system shall be maintained by the respective lot owners.

SOLID WASTE SERVICES

Existing Services: None

Services to be Provided: Solid Waste Collection shall be provided to the area of annexation in accordance with the present ordinance, as same may be amended from time to time. Service shall comply with existing City policies, as same may be amended from time to time, beginning with occupancy of structures.

MISCELLANEOUS

All other applicable municipal services will be provided to the area in accordance with the City of Burnet's established policies, as same may be amended from time to time, governing extension of municipal services to newly annexed areas.

**PETITION TO AUTHORIZE CITY OF BURNET POLICE DEPARTMENT ENFORCE
MUNICIPAL TRAFFIC LAWS**

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF BURNET, TEXAS:

Whereas, the land that is the subject to this petition is an approximately 75.87 acre tract of land out of John Hamilton Survey No. 1, Abstract No. 405, Burnet County, Texas and is more fully described in the Public Records of Burnet County, Texas as Document Number # _____ (hereinafter the "Subdivision"); and

Whereas, Hilltop Oaks LLC, (hereinafter "Petitioner") is the fully vested owner of the Subdivision;

Whereas Petitioner has established a Homeowner's Association and is fully vested to act as the Homeowner's Association's governing body; and

Whereas, the undersigned is a corporate officer of the Petitioner and authorized to file this petition;

NOW THEREFORE:

The City of Burnet is hereby petitioned and requested to extend by ordinance all traffic rules that apply to public roads in the city to the roads in the Subdivision so that the roads of the Subdivision are under the same traffic rules.

The undersigned petitioner avers as to the following:

- (1) The recitals to this petition are true and correct;
- (2) The Petitioner understands that the approval of this petition will not impose upon the city any responsibility to maintain the roads within the Subdivision; and such responsibility will solely rest with the Homeowner's Association; and
- (3) Petitioner understands that as a condition of extending traffic rules to the Subdivision, Council may require the Homeowner's Association to pay all cost associated with the placement of necessary official traffic control devices.

The undersigned Petitioner asks this petition to be placed on the first available agenda of City Council pursuant to Texas Transportation Code §542.008, or such other law that will facilitate its purpose.

**OWNER
HILLTOP OAKS LLC**

By: David Lee Bowen
David Lee Bowen, Manager
110 County Road 304
Bertram, Texas 788605

(ACKNOWLEDGEMENT)

STATE OF TEXAS §
COUNTY OF _____ §

This instrument was acknowledged before me on the ____ day of _____, 2021 by David Lee Bowen, as manager of Hilltop Oaks LLC, a limited liability company.

(Personalized Seal)

Notary Public, State of Texas

Tex. Transp. Code § 542.008 Traffic Regulations: Private Subdivisions in Certain Municipalities

- (a) This section applies only to a subdivision in which the roads are privately owned or maintained that is located in a municipality with a population of 300 or more.
- (b) On petition of 25 percent of the property owners residing in the subdivision or on the request of the governing body of the entity that maintains the roads, the governing body of the municipality may extend by ordinance any traffic rules that apply to a road owned by the municipality, or by the county in which the municipality is located, to the roads in the subdivision so that the roads of the subdivision are under the same traffic rules, if the governing body of the municipality finds the ordinance in the interest of the municipality generally. A petition under this subsection must specify the traffic rules that are sought to be extended. The ordinance may extend any or all of the requested rules.
- (c) As a condition of extending a traffic rule under Subsection (b), the governing body of the municipality may require that owners of property in the subdivision pay all or part of the cost of extending and enforcing the traffic rules in the subdivision, including the costs associated with the placement of necessary official traffic control devices. The governing body of the municipality shall consult with the appropriate law enforcement entity to determine the cost of enforcing traffic rules in the subdivision.
- (d) On issuance of an order under this section, the private roads in the subdivision are considered to be public highways or streets for purposes of the application and enforcement of the specified traffic rules. The governing body of the municipality may place official traffic control devices on property abutting the private roads if:
 - (1) those devices relate to the specified traffic rule; and
 - (2) the consent of the owner of that property is obtained or an easement is available for the placement.



FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Janet Parker

Janet Parker, County Clerk

Burnet County Texas

1/18/2022 1:17:55 PM

FEE: \$54.00

202200928

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