

ORDINANCE NO. 2020-23

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2012-06 BY ASSIGNING HEAVY COMMERCIAL—DISTRICT "C-3", SINGLE-FAMILY RESIDENTIAL 1—DISTRICT "R-1", AND MULTI-FAMILY RESIDENTIAL—DISTRICT "R-3" DESIGNATIONS TO APPROXIMATELY 163 ACRES OF LAND OUT OF THE SARAH ANN GUEST SURVEY, ABSTRACT 1525, AS SHOWN AND FURTHER DESCRIBED IN EXHIBIT A; PROVIDING A REPEALER CLAUSE; PROVIDING FOR NON-SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, The Planning and Zoning Commission of the City of Burnet, on October 5, 2020, did conduct a public hearing for the purpose of taking public comment regarding the proposal to assign Heavy commercial—District "C-3", Single-family residential 1—District "R-1", and Multi-family residential—District "R-3" zoning to approximately 163 acres of land out of the Sarah Ann Guest Survey, Abstract 1525, as shown and further described in Exhibit A; and

WHEREAS, The Planning and Zoning Commission in open deliberation found that applying Heavy commercial—District "C-3", Single-family residential 1—District "R-1", and Multi-family residential—District "R-3" zoning to the subject property would be consistent with the City's Future Land Use Plan, consistent with existing development patterns in the area, and consistent with the best public interest; and

WHEREAS, The Planning and Zoning Commission did then, by a 5-0 vote of members present, recommend approval zoning said property to Heavy commercial—District "C-3", Single-family residential 1—District "R-1", and Multi-family residential—District "R-3"; and

WHEREAS, The City Council of the City of Burnet, on October 13, 2020 did conduct its own public hearing for the purpose of taking public comment regarding the proposal to assign Heavy commercial—District "C-3", Single-family residential 1—District "R-1", and Multi-family residential—District "R-3" zoning to said property; and

WHEREAS, The City Council, based on due consideration of the Planning and Zoning Commission recommendation, as well as its own deliberations, did determine that assigning Heavy commercial—District "C-3", Single-family residential 1—District "R-1", and Multi-family residential—District "R-3" zoning to the subject property to be consistent with Future Land Use Plan intent, and therefore consistent the public health, safety, morals, and the general welfare of the city and its present and future residents;

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

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

Section 2. Zoning Changed. Heavy commercial—District "C-3", Single-family residential 1—District "R-1", and Multi-family residential—District "R-3" Zoning is hereby assigned to approximately 163 acres of land out of the Sarah Ann Guest Survey, Abstract 1525, as shown and further described in Exhibit A.

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

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

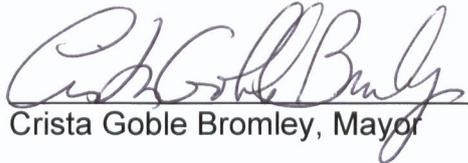
Section 5. Effective Date. This ordinance is effective upon final passage and approval.

Section 6. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was conducted in compliance with the Texas Open Meeting Act as modified by Executive Orders of the Governor of the State of Texas in response to the COVID-19 pandemic.

PASSED AND APPROVED on First Reading this 13th day of October 2020.

FINALLY PASSED AND APPROVED on this 27th day of October 2020.

CITY OF BURNET, TEXAS


Crista Goble Bromley, Mayor

ATTEST:



Kelly Dix, City Secretary



Exhibit "A"
Metes & Bounds Description
and Property Survey (Land Uses)

BEING A 162.61 ACRE TRACT OF LAND OUT OF THE SARAH ANN GUEST SURVEY NO. 1503, ABSTRACT NO. 1525 IN THE CITY OF BURNET, BURNET COUNTY, TEXAS, FURTHER BEING A PORTION OF THAT CALLED 184.63 ACRE TRACT DESCRIBED IN SPECIAL WARRANTY DEED TO CGG HOLDINGS III, LLC IN DOCUMENT NO. 201202604 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS. SAID 162.61 ACRES BEING MORE PARTICULARLY DESCRIBED BY SEPARATE METES & BOUNDS IN THREE (3) SEPARATE TRACTS FOR ZONING BOUNDARIES AS FOLLOWS:

PROPOSED R-1 TRACT (126.39ACRES)

BEGINNING at a 1/2" iron rod found in the Eastern Right of Way line of Westfall Street (County Road 330) at the Southwest corner of Lot 1 of Westfall Village, Phase One, a subdivision of record in Document No. 202006989, Official Public Records of Burnet County, Texas, at the Northwest corner of a remnant of a tract of land originally called 184.63 acres in a Special Warranty Deed to CGG Holdings III, LLC, of record in Document No. 201202604, Official Public Records of Burnet County, Texas, for the Northwest corner hereof;

THENCE N 76°15'27" E, with the Southern boundary line of said Westfall Village and the Southern boundary line of the Remainder of a tract of land called 21.97 acres in a Special Warranty Deed to Langley Homes, Inc, a distance of 1912.29 feet to a 1/2" iron rod found at the Southeast corner of said Langley tract and a reentrant corner hereof;

THENCE N 13°44'33" W, with the Eastern boundary line of said Langley tract and a western boundary line hereof, a distance of 120.06 feet to a 1/2" iron rod found in the Southern boundary line of a tract of land called 20.82 acres in a Special Warranty Deed to Don R. Meredith and Donna Meredith of record in Document No. 201008727, Official Public Records of Burnet County, Texas, for a Northeast corner of said Langley tract, a Northwest corner of said remnant of 184.63 acre tract and a Northwest corner hereof;

THENCE with the Southern boundary line of said Meredith tract, the following two (2) courses and distances:

1. S 85°38'20" E, a distance of 369.96 feet to a 1/2" iron rod found for angle point hereof, and
2. N 54°31'25" E, a distance of 312.16 feet to a 1/2" iron rod found at the Southern corner of a tract of land called 5.76 acres in a General Warranty Deed to Airy Mount properties, LLC, of record in Document No. 201612066, Official Public Records of Burnet County, Texas, for angle point hereof;

THENCE N 49°50'36" E, with the Southeast boundary line of said Airy Mount tract, a distance of 404.07 feet to a 1/2" iron rod set with plastic cap stamped "CUPLIN" for the Northernmost corner hereof;

THENCE over and across said 184.63 acre tract and said 162.61 acre tract, the following five (5) courses and distances:

1. S 62°54'26" E, a distance of 589.32 feet to a calculated point in the Northern boundary line hereof for angle point of this tract,
2. S 36°21'17" E, a distance of 111.54 feet to a calculated point for an interior angle point hereof,
3. S 62°56'15" E, a distance of 34.70 feet to a calculated point at the Northwest corner of a 23.31 acre tract described herein to be zones R-3, for the Northernmost Northeast corner hereof,
4. S 37°57'36" W, a distance of 1522.88 feet to a calculated point at the Southwest corner of said R-3 tract, for a reentrant corner hereof, and
5. S 61°55'02" E, a distance of 871.16 feet to a calculated point lying in a curve to the Right, in the

disturbed 1/2" iron rod found for the Point of Compound Curvature of another curve to the Right; THENCE with said compound curve to the right with radius 1859.92 feet, a delta angle of 33°11'16" , and a chord of 1062.34 feet bearing S 85°25'19" W, an arc distance of 1077.33 feet to a 1/2" iron rod found for the Point of Tangency of same;

THENCE N 77°59'06" W, a distance of 1021.25 feet to a disturbed 1/2" iron rod found, at the intersection of the Northern Right of Way line of said railroad and the Northern Right of Way line of County Road 330, for an angle point hereof;

THENCE leaving said railroad Right of Way and along the Northern and Eastern Right of Way line of said County Road, the following three (3) courses and distances:

1. N 41°07'03" W, a distance of 33.14 feet to a 1/2" iron rod set with plastic cap stamped "CUPLIN" for an interior angle point hereof,
2. N 55°07'40" W, a distance of 278.58 feet to a calculated point for the Southwest corner hereof, and
3. N 13°44'33" W, a distance of 1268.14 feet to the POINT OF BEGINNING and calculated to contain 126.39 acres

PROPOSED C-3 TRACT (12.91 ACRES)

BEGINNING at a 1/2" iron rod found in the Southern Right of Way line of State Highway 29 at the Northeast corner of a tract of land called 5.76 acres in a General Warranty Deed to Airy Mount Properties, LLC, of record in Document No. 201612066, Official Public Records of Burnet County, Texas;

THENCE with the Southern Right of Way line of said Highway 29, the following three (3) courses and distances:

1. S 62°51'48" E, a distance of 661.39 feet to a disturbed concrete TxDot concrete monument found for angle point hereof,
2. S 36°18'54" E, a distance of 110.82 feet to a concrete TxDot concrete monument found for angle point hereof, and
3. S 62°59'26" E, a distance of 318.61 feet to a 1/2" iron rod found in the Western Right of Way line of the Capital Metro railroad, of record in Volume 911, Page 624, Deed Records of Burnet County, Texas, for the Northeast corner of said 184.63 acre tract, the Northeast corner of said 162.61 acre tract and the Northeast corner hereof;

THENCE S 21°05'21" W, along the Western Right of Way line of said railroad, the Eastern boundary line of said 184.63 acre tract and the Eastern boundary line of said 162.61 acre tract a distance of 503.00 feet to a 1/2" iron rod set with plastic cap stamped "CUPLIN" for the Northeast corner of a 23.31 acre tract described herein to be zoned R-3, for the Southeast corner hereof,

THENCE over and across said 184.63 acre tract and said 162.61 acre tract, the following three (3) courses and distances

1. N 62°56'15" W, at 454.23 feet passing a calculated point at the Northeast corner of said 126.39 acre tract to be zoned R-1 and the Northwest corner of said 23.31 acre tract to be zoned R-3, in all a distance of 488.93 feet to a calculated point for an angle point hereof,
2. N 36°21'17" W, a distance of 111.54 feet to a calculated point for an interior angle point hereof, and
3. N 62°54'26" W, a distance of 589.29 feet to a 1/2" iron rod set with plastic cap stamped "CUPLIN" in the Eastern boundary line of said Airy Mount Properties tract, for the

PROPOSED R-3 TRACT (23.31 ACRES)

COMMENCING at a 1/2" iron rod found at the intersection of the Southern Right of Way line of State Highway 29 and the Western Right of Way line of the Capital Metro railroad, of record in Volume 911, Page 624, Deed Records of Burnet County, Texas;

THENCE S 21°05'21" W, along the Western Right of Way line of said railroad, the Eastern boundary line of said 184.63 acre tract and the Eastern boundary line of said 162.61 acre tract a distance of 503.00 feet to a 1/2" iron rod set with plastic cap stamped "CUPLIN" for the Northeast corner and true POINT OF BEGINNING hereof,

THENCE S 21°05'21" W, a distance of 1189.02 feet to a disturbed 1/2" iron rod found at the Point of Curvature of a curve to the Right;

THENCE along said curve to the right with radius 1859.76 feet, a delta angle of 10°07'51" , and a chord of 328.41 feet bearing S 26°09'53" W, an arc distance of 328.84 feet to a calculated point at the Southeast corner of a 126.39 acre tract to be zoned R-1, and the Southeast corner hereof;

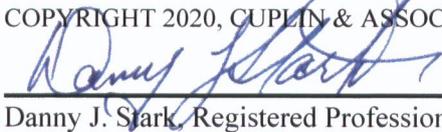
THENCE over and across said 184.63 acre tract and said 162.61 acre tract the following three (3) courses and distances:

1. N 61°55'02" W, a distance of 871.16 feet to a calculated point for the Southwest corner hereof,
2. N 37°57'36" E, a distance of 1522.88 feet to a calculated point at the Northeast corner of said 126.39 acre tract for the Northwest corner hereof, and
3. S 62°56'15" E, a distance of 454.23 feet to the POINT OF BEGINNING and calculated to contain 23.31 acres.

NOTE:

A Plat of Survey of even date was prepared and is intended to accompany the above described tract of land. Bearings are based on North American Datum of 1983, Texas Central Zone.

I HEREBY CERTIFY EXCLUSIVELY TO ATTORNEY'S ABSTRACT COMPANY AND DILLARD DEVELOPMENT & CONSULTING, LLC, THAT THIS SURVEY WAS PERFORMED ON THE GROUND AND WAS SURVEYED BY ME OR UNDER MY DIRECT SUPERVISION. CUPLIN & ASSOCIATES, INC. ACCEPTS NO RESPONSIBILITY FOR THE USE OF THIS SURVEY BY ANYONE OTHER THAN THE ABOVE REFERENCED PARTIES HEREBY CERTIFIED TO FOR THIS SPECIFIC TRANSACTION ONLY. COPYRIGHT 2020, CUPLIN & ASSOCIATES, INC. ©.



Dated: 9/25/2020

Danny J. Stark, Registered Professional Land Surveyor No. 5602

