



ORDINANCE NO. 2021-34

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET AMENDING ORDINANCE NO. 2020-17 AND PROVIDING FOR THE VOLUNTARY EXTENSION OF THE CITY LIMITS OF THE CITY OF BURNET, TEXAS BY THE ANNEXATION OF CERTAIN CITY OWNED LAND LOCATED NEAR COUNTY ROAD 100 AND DELAWARE SPRINGS GOLF COURSE; 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, the City of Burnet is the owner of the land that is the subject of this annexation ordinance; and

WHEREAS, the land to be annexed is uninhabited and consists of two contiguous parcels as follows:

- (a) a 0.55-acre parcel described in a Warranty Deed granted by Big Leaf Limited to the City of Burnet, and recorded in the Burnet County Public Records as Document No. 201501698 (hereinafter Parcel "A"); and
- (b) a 11.64-acre parcel described in a Warranty Deed granted by Big Leaf Limited to the City of Burnet, and recorded in the Burnet County Public Records at Volume 1032, Page 0988 (hereinafter Parcel "B"); and

WHEREAS, Parcel B was annexed by Ordinance No. 2020-17; and

WHEREAS, Parcel A was inadvertently excluded from Ordinance No. 2020-17; and

WHEREAS, the purpose of this Ordinance is to add Parcel A to the annexed area and correct the description of Parcel B in Ordinance No. 2020-17; 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 11, 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 July 21, 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 0.55-acre parcel, more particularly described in **Exhibit "A;"** and an 11.64-acre parcel more particularly described in **Exhibits "B;"** owned by the City of Burnet, Texas, 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 "C"** 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:

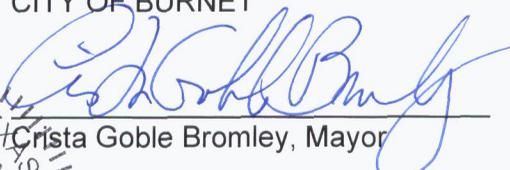
- Provide a certified copy of this ordinance to the Texas Secretary of State so that the legal validity of the annexation may be certified to the United States Census Bureau;
- Provide certified copies of this ordinance to the Texas Comptroller and Burnet County Appraisal District in accordance with 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 aate. 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," "B" and "C" are attached.



SK NELSON ENGINEERING, LLC

320 SOUTHLAND DRIVE

BURNET, TEXAS 78611

PH. 512-553-3366 • FAX 512-756-6010

ENGINEERING • SURVEYING • CONSTRUCTION

EXHIBIT "A"

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STATE OF TEXAS: COUNTY OF BURNET;

BEING a 0.55 acre tract of land out of Lot 7, Oak Vista Subdivision, of record in Cabinet 1, Slide 183-C, Plat Records of Burnet County, Texas, and being a portion of that certain Property No. 1, as described in an Assumption Warranty Deed dated September 4, 1994, from Oak Vista, Inc. to Big Leaf, Ltd. of record in Volume 618, Page 569, Real Property Records of Burnet County, Texas, said 0.55 acres further described herein by metes and bounds as follows:

BEGINNING at a 1/2" iron rod found in the Southern Right of Way line of Scenic Oaks Drive (also known as County Road No. 100), at the Northeast corner of Lot 8, Oak Vista Subdivision, and the Northwest corner of Lot 7, Oak Vista Subdivision, WHENCE a 1/2" iron rod found at the Northwest corner of said Lot 8 and the Northeast corner of Lot 9 bears S 80°20'30" W [S 79°19'34" W], a distance of 399.62 feet [400.0'];

THENCE N 79°19'34" E [N 80°20'30" E], a distance of 85.49 feet to a protracted (computed) point at the Northernmost Northwest corner of a tract of land called Tract 6 and described as 11.608 acres in an Agreed Judgment between the City of Burnet (plaintiff) and Billy Joe Fox, et al, (defendants), of record in Volume 201101280, Official Public Records of Burnet County, Texas, WHENCE a 1/2" iron rod found at the Northeast corner of Lot 7 and the Northwest corner of Lot 6 bears N 79°19'34" E [N 80°20'30" E], and at 314.49 feet passing 0.48 left of a 1/2" iron rod found, in all a distance of 614.60 feet.

THENCE S 23°57'40" E (S 24°03'17" E), at 0.45 feet passing a 1/2" iron rod found with plastic cap stamped Cuplin 5938, in all a distance of 204.93 feet (205.09') to a 1/2" capped iron rod found for a reentrant corner of said 11.608 acre tract 6, and the Southeast corner hereof;

THENCE S 54°27'50" W (S 54°35'27" W), with a Northwesterly boundary line of said 11.608 acre Tract 6, a distance of 129.24 feet (130.24') to a protracted (calculated) point in the Eastern boundary line of Lot 8, and the Western boundary line of said Lot 7, Oak Vista, for the Southwest corner hereof, WHENCE a 1/2" iron rod with plastic cap stamped Cuplin 5938 found for reference, bears S 54°27'50" W, a distance of 0.70 feet;

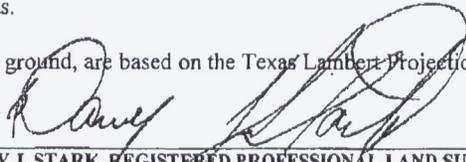
THENCE N 14°07'48" W [N 13°06'30" W], with the Eastern boundary line of said Lot 8, Oak Vista, a distance of 254.24 feet to the POINT OF BEGINNING, and calculated to contain 0.55 acres.

NOTES:

The bearings in Parenthesis () are those of record in Document No. 201101280, Official Public Records of Burnet County, Texas.

The bearings in Brackets [] are those of record in the plat of Oak Vista Subdivision, of record in Cabinet 1, Slide 183-C, Plat Records of Burnet County, Texas.

The bearings measured upon the ground, are based on the Texas Lambert Projection, Central Zone, NAD 83.


DANNY J. STARK, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5602
FIRM REGISTRATION NO. 10193924
JOB NO. - 15-5103-0.55 OFFICE - D. STARK

January 27, 2015



Exhibit B

15 December 2001
STATE OF TEXAS
COUNTY OF BURNET
Page 1 of 1

Survey of 11.64 acres out of Lot Nos. 6&7, Oak Vista Subdivision;

Being a portion of that certain Oak Vista Subdivision, as shown of record in Cabinet 1, Slide Nos. 183 C&D, and 184 A&B, and further being portions of Lot No. 6 and Lot No. 7 out of said Subdivision, and being portions of those same tracts called Lot Nos. 6 & 7 described in "Property No. 1" in an Assumption Warranty Deed dated 14 September 1994, from Oaks Vista, Inc., a Texas Corporation, to Big Leaf, Ltd., a Texas Limited Partnership, as recorded in Volume 618, Page 569, Official Public Records of Burnet County, Texas, and being further described by metes and bounds as follows:

COMMENCING at a ½ inch iron rod found in the Southern Right of Way of Scenic Oaks Drive, and being the Northwest corner of that certain Lot No. 7 of Oak Vista Subdivision;

THENCE N80°23'01"E, with the Southern Right of Way of said Scenic Oaks Drive, a distance of 85.00 feet to an ½ inch iron rod set for the POINT OF BEGINNING hereof;

THENCE N80°23'01"E, and continuing , with the Southern Right of Way of said Scenic Oaks Drive, a distance of 315.00 feet to an ½ inch iron rod set;

THENCE S23°01'46"E, a distance of 190.00 feet to an ½ inch iron rod set for an inside ell corner hereof;

THENCE N80°47'53"E, a distance of 667.52 feet to an ½ inch iron rod set for angle point hereof;

THENCE S52°36'25"E, a distance of 156.93 feet to an ½ inch iron rod set in the Eastern line of Lot No. 6 of said Subdivision and an Easterly Northeast corner hereof;

THENCE S13°06'30"E, a distance of 247.30 feet to an ½ inch iron rod found for the Southeast Corner of Lot No. 6 and the Southeast corner hereof;

THENCE S78°39'20"W, a distance of 1198.23 feet to an ½ inch iron rod found for the Southwest corner of Lot No. 7 and the Southwest corner hereof;

THENCE N13°06'30"W, with the Western boundary line of said Lot No. 7, a distance of 332.34 feet to an ½ inch iron rod set;

THENCE N55°39'54"E, a distance of 130.00 feet to an ½ inch iron rod set for an inside ell corner hereof;

THENCE N23°01'46"W, a distance of 210.91' to the POINT OF BEGINNING, and calculated to contain 11.64 Acres, more or less.

The basis of bearings is the Western boundary line of the 666.23 acre adjoining tract as recorded in Volume 147, Page 423, Deed of Trust Records of Burnet County, Texas and being N13°04'W.

I, Larry G. Hada, do hereby certify that the foregoing Field were prepared from an actual survey made upon the ground, the Records of Burnet County, Texas and surveys of area properties, that the corners and boundaries with marks natural and artificial are as found on the ground, that discrepancies, conflicts, protrusions or intrusions, overlapping of improvements, easements, visible or apparent to me are described hereon, that said property has access to and from a dedicated roadway, and that a portion of said property IS located within a 100-year flood plain area as delineated by the Federal Emergency Management Agency, FEMA, on Flood Insurance Rate Map, FIRM, Panel No. 48053C0250C dated November 16, 1990.


Larry G. Hada, R.P.L.S.
State of Texas No. 2153



12-17-01
Date

OFFICIAL PUBLIC RECORD
BURNET COUNTY TEXAS

Exhibit "A"
1032 0989

Exhibit "C"
MUNICIPAL SERVICE PLAN

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 the City of Burnet Fire Department. 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.

BUILDING INSPECTION

Existing Services: None

Services to be Provided: The Building Inspection 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 which regulated building construction within the City of Burnet.

PLANNING AND ZONING

Existing Services: None

Services to be Provided: The Planning and Zoning Department's responsibility for regulating development and land use through the administration of the City of Burnet Zoning Ordinance 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. These services can be provided within the department's current budget.

STREET

No existing streets will be annexed. Newly constructed streets shall be built in accordance with the City Code of Ordinances.

STORM WATER MANAGEMENT

Existing Services: None

Services to be Provided: Developers will provide storm water drainage at their own expense, which will be inspected by the City Engineers at time of completions. Storm water drainage systems shall be maintained in accordance with the requirements of the City Code of Ordinance.

STREET LIGHTING

Existing Services: None

Services to be Provided: The City of Burnet will coordinate any request for improved street lighting with the local electric provider in accordance with standard policy.

TRAFFIC ENGINEERING

Existing Services: None

Services to be Provided: As the property develops, Traffic Control Devices shall be installed and maintain in accordance with the requirements of the City Code of Ordinances.

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. When other property develops in the adjacent area, water service shall be provided in accordance with extension ordinances. Extension of service shall comply with applicable codes and ordinances.

SANITARY SEWER SERVICE

Existing Services: None

Services to be Provided: Sanitary sewer service to the area of proposed annexation will be provided in accordance with applicable codes and departmental policy. When property

develops in the adjacent areas, sanitary sewer service shall be provided in accordance with the present extension ordinance. Extension of service shall comply with applicable codes and ordinances.

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. Service shall comply with existing City policies, 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 governing extension of municipal services to newly annexed areas.



FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Janet Parker

Janet Parker, County Clerk

Burnet County Texas

1/18/2022 1:17:55 PM

FEE: \$50.00

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