



**RESOLUTION NO. R2021-02**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY, TO ACCEPT A TEMPORARY EMERGENCY ACCESS EASEMENT TO SERVE DELAWARE SPRINGS, SECTION 19 SUBDIVISION**

**Whereas**, Series DS-19 OF BJV Fox properties LLC, is the developer of Delaware Springs, Section 19, a single family subdivision (the subdivision); and

**Whereas**, the subdivision is served by an improved local street designated as "Rachel Loop,"; and

**Whereas**, the improve segment of Rachel Loop intersects with Delaware Springs Boulevard and terminates at block 2, lot 13 of the subdivision; and

**Whereas**, the remaining segment of Rachel Loop (from block 2, lot 13 back to Delaware Springs Boulevard) is a gravel road; and

**Whereas**, the developer intends to relocate the remaining segment of Rachel Loop when platting a future phase of development; and

**Whereas**, the city's code of ordinances requires the subdivision to have two points of emergency access; and

**Whereas**, the developer has requested the city to allow the gravel surfaced segment of Rachel Loop temporarily serve as the second emergency access point until the future phase of development of that section which will front the final segment of Rachel Loop, is platted; and

**Whereas**, the developer has agreed to maintain gravel surfaced segment of Rachel Loop in the condition necessary to accommodate emergency vehicle traffic until construction on the permanent road segment begins.

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

**Section one. Acceptance.** That the Temporary Emergency Access Easement described in the Easement Agreement attached hereto is hereby accepted.

**Section two. Authorization.** That the mayor is hereby authorized to execute the attached agreement; and, execute such other documents and take such other actions reasonably necessary to facilitate the purpose of this Resolution.

**Section three. Recordation.** That the City Secretary is hereby authorized and directed to have the executed Easement Instrument recorded in the Public Records of the Office of the Burnet County Clerk and the official records of the City.

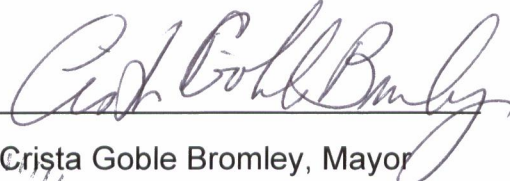
**Section four. Release.** Upon the dedication and acceptance, by the City, of permanent secondary access road serving the subdivision established by the Final Plat of Delaware Springs 19 Phase 2, the mayor is authorized to take such action reasonably necessary to release the Temporary Emergency Access Easement without further city council action.

**Section five. Findings.** The findings of this resolution are deemed to be true, correct, and incorporated herein for all purposes.

**Section six. Open Meetings.** That 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, as modified by the governor's orders in response to the COVID-19 pandemic.

PASSED AND APPROVED to be effective this the 12<sup>th</sup> day of January, 2021.

**CITY OF BURNET**

  
Crista Goble Bromley, Mayor

**ATTEST:**



Kelly Dix, City Secretary

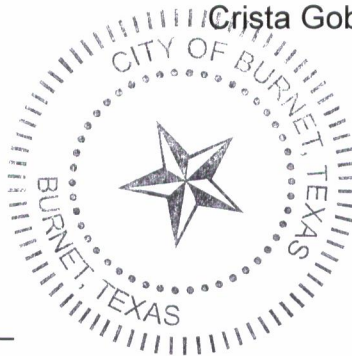


Exhibit A – Emergency Access Easement Documents

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

**TEMPORARY EMERGENCY ACCESS EASEMENT AGREEMENT**

THE STATE OF TEXAS                   §  
  §       **KNOW ALL PEOPLE BY THESE PRESENTS**  
COUNTY OF BURNET                   §

**THAT, SERIES DS-19 OF BJV FOX PROPERTIES LLC**, a Texas limited liability company, with mailing address %John Grigsby, 836 S. Curry St, #1308 Portland, Or. (“Grantor”) as a condition of approval of the subdivision plat of Final Plat of Delaware Springs 19 Phase 2, approved by the City of Burnet Planning and Zoning Commission on November 21, 2019, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and confessed, does hereby grant, sell and convey unto the **City of Burnet**, a Texas home-rule municipality, P.O. Box 1369, 1001 Buchanan Drive, Suite 4, Burnet, Burnet County, Texas, (“Grantee”), an easement and rights-of-way in, on, over, and through the lands located in Burnet County Texas, described and referred to as the “Easement Area” as follows:

**BEING A 1.76 ACRE EMERGENCY ACCESS EASEMENT AND BEING A PORTION OF THAT CERTAIN EMERGENCY ACCESS AND FUTURE ROADWAY AS SHOWN ON THE PLAT OF DELAWARE SPRINGS, SECTION 19, PHASE TWO AS RECORDED IN DOCUMENT NO. 201912625 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, A PORTION OF THAT CERTAIN 3.740 ACRE TRACT OF LAND, KNOWN AS TRACT 4, AS CONVEYED TO BJV FOX HOLDINGS, LP IN DOCUMENT NO. 201304346 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS AND A PORTION OF THAT CERTAIN TRACT 19 AS CONVEYED TO SERIES DS-19 OF BJV FOX PROPERTIES LLC IN DOCUMENT NO. 201304345 OF THE OFFICIAL PUBLIC RECORDS OF**

**BURNET COUNTY, TEXAS, and being more particularly described and/or depicted in Exhibit "A" attached hereto and made a part hereof.**

For the purpose of using the Easement Area for any and all things necessary for emergency access for police, fire and emergency medical service vehicles and personnel (hereinafter "emergency access") over and upon the existing gravel road located within the Easement Area. Grantor expressly includes with this conveyance the promise and covenant to keep the Easement Area clear of obstructions of any kind and to maintain the existing gravel road in a condition reasonably required by the Burnet Fire Chief for emergency access. All maintenance of the Easement Area, including but not limited to the mowing and tending of vegetation shall remain an obligation of Grantor.

The term of this Easement shall continue until such time as a permanent secondary access road serving the subdivision established by the Final Plat of Delaware Springs 19 Phase 2, approved by the City of Burnet Planning and Zoning Commission on November 21, 2019 is dedicated to the Grantee, at which time Grantee's City Council shall by resolution abandoned Grantee's rights, under this instrument, to the Easement Area.

TO HAVE AND TO HOLD the above describe easement, rights of way and rights unto said Grantee, its successors, and assigns, until the use of the easement is abandoned by resolution of Grantee's City Council. And, Grantor does hereby bind itself, its legal representatives, successors and/or assigns to warrant and defend all and singular the above described easement, rights of way and rights unto Grantee, its successors and assigns, against ever person whomsoever lawfully claiming or to claim the same or any part thereof for the entire term this Temporary Easement is effective.

This Easement Instrument may be executed in one or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

Signature pages to follow.

This instrument is executed as of the dates witnessed below.

**GRANTOR:**  
SERIES DS-19 OF BJV FOX  
PROPERTIES LLC

By: John Grigsby  
John Grigsby, Manager **VICE PRESIDENT**

*Oregon*  
THE STATE OF TEXAS §  
*Multnomah*  
COUNTY OF BURNET §

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared John Grigsby, of **SERIES DS-19 OF BJV FOX PROPERTIES LLC**, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 17 day of January, ~~2020~~ <sup>2021</sup> *(M)*



*M. C. Alexander*  
Notary Public Signature

Grantee's acceptance signature page and exhibits to follow.

**GRANTEE:**

**AGREED AND ACCEPTED:**  
CITY OF BURNET, TEXAS,  
a Texas home-rule municipality

By: \_\_\_\_\_  
Crista Goble Bromley, Mayor

THE STATE OF TEXAS §  
§  
COUNTY OF BURNET §

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Crista Goble Bromley, mayor of the City of Burnet, Texas, 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 therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the \_\_\_ day of \_\_\_\_\_, 2020.

Seal \_\_\_\_\_  
Notary Public Signature

**GRANTEE:**

**AGREED AND ACCEPTED:**

CITY OF BURNET, TEXAS,

a Texas home-rule municipality

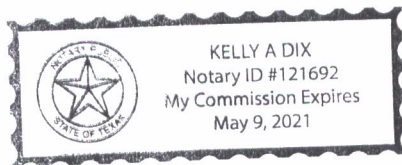
By:   
Crista Goble Bromley, Mayor

THE STATE OF TEXAS §  
§  
COUNTY OF BURNET §

**BEFORE ME**, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Crista Goble Bromley, mayor of the City of Burnet, Texas, 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 therein expressed and in the capacity therein stated.

**GIVEN UNDER MY HAND AND SEAL OF OFFICE** on this the 12 day of January, 2021.

Seal



  
Notary Public Signature

## Exhibit A – Legal Description

### LEGAL DESCRIPTION:

BEING A 1.745 ACRE EMERGENCY ACCESS EASEMENT AND BEING A PORTION OF THAT CERTAIN EMERGENCY ACCESS AND FUTURE ROADWAY AS SHOWN ON THE PLAT OF DELAWARE SPRINGS, SECTION 19, PHASE TWO AS RECORDED IN DOCUMENT NO. 201912625 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS; A PORTION OF THAT CERTAIN 3.740 ACRE TRACT OF LAND, KNOWN AS TRACT 4, AS CONVEYED TO BJV FOX HOLDINGS, LP IN DOCUMENT NO. 201304346 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS AND A PORTION OF THAT CERTAIN TRACT 19 AS CONVEYED TO SERIES DS-19 OF BJV FOX PROPERTIES LLC IN DOCUMENT NO. 201304345 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, SAID 1.745 ACRE EASEMENT BEING DESCRIBED AS FOLLOWS.

BEGINNING at a 1/2" iron rod found with Cuplin property cap in the east line of that certain Lot No. 13 as shown on said plat of said Delaware Springs, Section 19, Phase Two and at the northeasterly corner of Rachel Loop, for an angle point of said Lot No. 13, the northwest corner of said existing Emergency Access and Future Roadway, at the P.C. of a curve to the right and the northwest corner hereof;

THENCE over and across said existing Emergency Access and Future Roadway, said Tract 19 and said Tract 4, and with the north line hereof, with (12) courses and distances as follows:

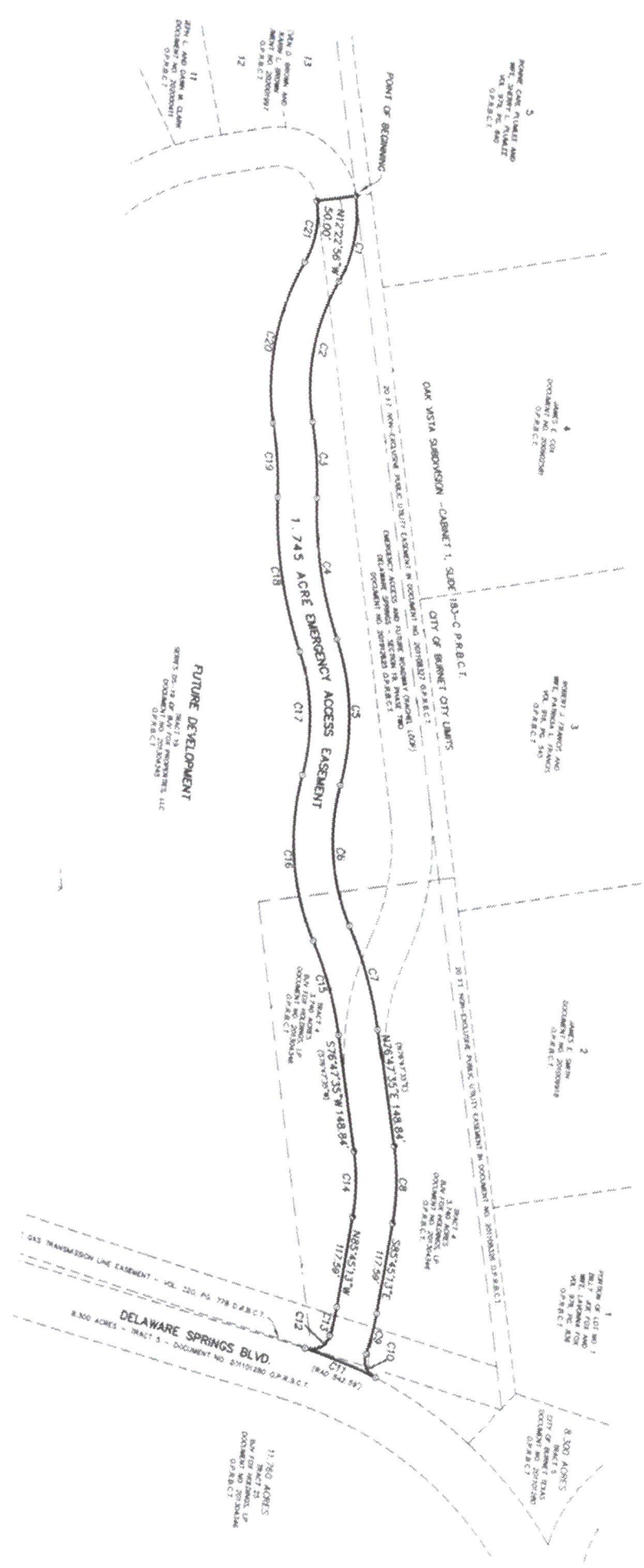
- 1) Along said curve to the right, having a delta angle of 37°13'56"; an arc length of 113.72', a radius of 175.00', a chord bearing of South 84°22'16" East, and a chord length of 111.73' to a 1/2" iron pin set with plastic cap stamped "CUPLIN", at the P.C. of a reverse curve to the left;
- 2) Along said reverse curve to the left, having a delta angle of 38°30'49"; an arc length of 185.52', a radius of 276.00', a chord bearing of South 85°00'43" East, and a chord length of 182.05' to a 1/2" iron pin set with plastic cap stamped "CUPLIN", at the P.C. of a reverse curve to the right;
- 3) Along said reverse curve to the right, having a delta angle of 10°38'34"; an arc length of 97.51', a radius of 524.93', a chord bearing of North 81°03'09" East, and a chord length of 97.37' to a 1/2" iron pin set with plastic cap stamped "CUPLIN", at the P.C. of a reverse curve to the left;
- 4) Along said reverse curve to the left, having a delta angle of 19°55'07"; an arc length of 182.49', a radius of 524.92', a chord bearing of North 76°24'53" East, and a chord length of 181.57' to a 1/2" iron pin set with plastic cap stamped "CUPLIN", at the P.C. of a reverse curve to the right;
- 5) Along said reverse curve to the right, having a delta angle of 33°13'59"; an arc length of 188.51', a radius of 325.00', a chord bearing of North 83°04'18" East, and a chord length of 185.88' to a 1/2" iron pin set with plastic cap stamped "CUPLIN", at the P.C. of a reverse curve to the left;
- 6) Along said reverse curve to the left, having a delta angle of 37°59'13"; an arc length of 182.32', a radius of 275.00', a chord bearing of North 80°41'41" East, and a chord length of 179.00' to a 1/2" iron pin set with plastic cap stamped "CUPLIN", at the P.C. of a reverse curve to the right;
- 7) Along said reverse curve to the right, having a delta angle of 15°05'30"; an arc length of 138.20', a radius of 525.00', a chord bearing of North 69°14'50" East, and a chord length of 137.89' to a 1/2" iron pin set with plastic cap stamped "CUPLIN";
- 8) North 76°47'35" East, a distance of 148.84' to a 1/2" iron pin found with CUPLIN property cap, on the northerly line of said existing Emergency Access and Future Roadway, at the P.C. of a curve to the right;
- 9) Along said curve to the right, along the northerly line of said existing Emergency Access and Future Roadway, having a delta angle of 17°27'12"; an arc length of 99.00', a radius of 325.00', a chord bearing of North 85°31'11" East, and a chord length of 98.62' to a 1/2" iron pin found with CUPLIN property cap;
- 10) South 85°45'13" East, along the northerly line of said existing Emergency Access and Future Roadway, a distance of 117.59' to a 1/2" iron pin set with plastic cap stamped "CUPLIN", at the P.C. of a curve to the right;
- 11) Along said curve to the right, having a delta angle of 09°22'04"; an arc length of 53.14', a radius of 325.00', a chord bearing of South 81°04'11" East, and a chord length of 53.08' to a 1/2" iron pin set with plastic cap stamped "CUPLIN", at the P.C. of a reverse curve to the left;
- 12) Along said reverse curve to the left, having a delta angle of 81°15'03"; an arc length of 35.45', a radius of 25.00', a chord bearing of North 62°59'19" East, and a chord length of 32.58' to a 1/2" iron pin set with plastic cap stamped "CUPLIN", along the northwesterly right-of-way line in a curve to the left of Delaware Springs Boulevard, and being the most northeasterly corner hereof;

THENCE along the northwesterly right-of-way line of said Delaware Springs Boulevard, and the southeasterly line hereof, along said curve to the left, having a delta angle of 10°08'18"; an arc length of 96.00', a radius of 542.52', a chord bearing of South 17°17'39" West, and a chord length of 95.87' to a 1/2" iron pin set with plastic cap stamped "CUPLIN", at the P.C. of a curve to the left, and being the most southeasterly corner hereof;

THENCE over and across said existing Emergency Access and Future Roadway, said Tract 19 and said Tract 4, and with the south line hereof, with (12) courses and distances as follows:

- 1) Along said curve to the left, having a delta angle of 90°05'10"; an arc length of 39.31', a radius of 25.00', a chord bearing of North 32°49'05" West, and a chord length of 35.38' to a 1/2" iron pin set with plastic cap stamped "CUPLIN", at the P.C. of a compound curve to the left;
- 2) Along said compound curve to the left, having a delta angle of 07°53'33"; an arc length of 37.88', a radius of 275.00', a chord bearing of North 81°48'27" West, and a chord length of 37.85' to a 1/2" iron pin set with plastic cap stamped "CUPLIN" along the southerly line of said existing Emergency Access and Future Roadway;
- 3) North 85°45'13" West, along the southerly line of said existing Emergency Access and Future Roadway, a distance of 117.59' to a 1/2" iron pin found with CUPLIN property cap, at the P.C. of a curve to the left;
- 4) Along said curve to the left, along the southerly line of said existing Emergency Access and Future Roadway, having a delta angle of 17°27'12"; an arc length of 83.77', a radius of 275.00', a chord bearing of South 85°31'11" West, and a chord length of 83.45' to a 1/2" iron pin found with CUPLIN property cap;
- 5) South 76°47'35" West, a distance of 148.84' to a 1/2" iron pin set with plastic cap stamped "CUPLIN", at the P.C. of a curve to the left;
- 6) Along said curve to the left, having a delta angle of 15°05'30"; an arc length of 125.12', a radius of 475.00', a chord bearing of South 69°14'50" West, and a chord length of 124.75' to a 1/2" iron pin set with plastic cap stamped "CUPLIN", at the P.C. of a reverse curve to the right;
- 7) Along said reverse curve to the right, having a delta angle of 37°59'13"; an arc length of 215.47', a radius of 325.00', a chord bearing of South 80°41'41" West, and a chord length of 211.55' to a 1/2" iron pin set with plastic cap stamped "CUPLIN", at the P.C. of a reverse curve to the left;
- 8) Along said reverse curve to the left, having a delta angle of 33°13'59"; an arc length of 159.51', a radius of 275.00', a chord bearing of South 83°04'18" West, and a chord length of 157.28' to a 1/2" iron pin set with plastic cap stamped "CUPLIN", at the P.C. of a reverse curve to the right;
- 9) Along said reverse curve to the right, having a delta angle of 19°55'07"; an arc length of 199.87', a radius of 574.92', a chord bearing of South 76°24'53" West, and a chord length of 198.86' to a 1/2" iron pin set with plastic cap stamped "CUPLIN", at the P.C. of a reverse curve to the left;
- 10) Along said reverse curve to the left, having a delta angle of 10°38'34"; an arc length of 88.22', a radius of 474.93', a chord bearing of South 81°03'09" West, and a chord length of 88.09' to a 1/2" iron pin set with plastic cap stamped "CUPLIN", at the P.C. of a reverse curve to the right;
- 11) Along said reverse curve to the right, having a delta angle of 38°30'49"; an arc length of 219.13', a radius of 326.00', a chord bearing of North 85°00'43" West, and a chord length of 215.03' to a 1/2" iron pin set with plastic cap stamped "CUPLIN", at the P.C. of a reverse curve to the left;
- 12) Along said reverse curve to the left, having a delta angle of 37°28'27"; an arc length of 81.76', a radius of 125.00', a chord bearing of North 84°29'31" West, and a chord length of 80.31' to a 1/2" iron pin found with CUPLIN property cap, at a southeasterly corner of said Rachel Loop, at the southwesterly corner of said existing Emergency Access and Future Roadway, and being the most southwesterly corner hereof;

THENCE North 12°22'58" West, along the easterly line of said Rachel Loop, the westerly line of said existing Emergency access and Future Roadway, and hereof, a distance of 50.00' to the POINT OF BEGINNING, containing 1.745 acres, more or less.



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 0.78 AC. CT

4  
 JAMES E. COE  
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 ROBERT J. FARMER AND  
 TRUST PARTNERS & PARTNERS  
 1.745 AC. CT

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 JAMES J. SMITH  
 DOCUMENT NO. 2010000000  
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1  
 PORTER OF LOT NO. 1  
 TRACT 1 OF 100 ACRES  
 1.745 AC. CT

8.300 ACRES  
 CITY OF BARNET TRACT  
 DOCUMENT NO. 2010000000  
 0.78 AC. CT

11.700 ACRES  
 TRACT 25  
 DOCUMENT NO. 2010000000  
 0.78 AC. CT

**FUTURE DEVELOPMENT**  
 TRACT 25  
 DOCUMENT NO. 2010000000  
 0.78 AC. CT

OAK VISTA SUBDIVISION - CABINET 1, SLOPE 13.5-C P.R.B.C.T.  
 CITY OF BARNET CITY LIMITS

20 FT. NON-EXCLUSIVE PUBLIC UTILITY EASEMENT IN DOCUMENT NO. 2010000000 P.R.B.C.T.  
 (EASEMENT ACCESS AND EGRESS TO PUBLIC TRAIL)  
 DELAWARE SPRINGS DOCUMENT NO. 2010000000 P.R.B.C.T.

TRACT 4  
 1.745 AC. CT  
 DOCUMENT NO. 2010000000  
 0.78 AC. CT

DELAWARE SPRINGS BLVD.  
 8.300 ACRES - TRACT 5 - DOCUMENT NO. 2010000000 P.R.B.C.T.  
 GAS TRANSMISSION LINE EASEMENT - VOL. 220 PG. 778 C.A.B.C.T.

20 FT. AND 20 FT. EASEMENT  
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FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS

*Janet Parker*

Janet Parker, County Clerk  
Burnet County Texas

1/22/2021 10:36:48 AM

FEE: \$54.00

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