

RESOLUTION NO. R2021-48

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS
AUTHORIZING THE ACCEPTANCE OF A PUBLIC UTILITY EASEMENT FROM
MR. BUBBLES CARWASH LLC LOCATED NEAR THE INTERSECTION OF
EAST TAGGARD STREET AND US ROUTE 281**

WHEREAS, in April of this year city council adopted a zoning ordinance amendment to authorize a car wash on 0.4839 acres located on the southeast corner of the intersection of East Taggard Street and US Route 281; and

WHEREAS, the developer wishes to dedicate a public utility easement to further facilitate the development of the project.

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

Section one. Findings. That the recitals to this resolution are incorporated herein for all purposes.

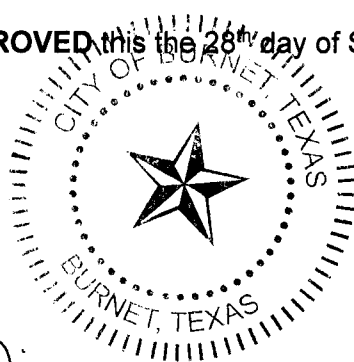
Section two. Easement Agreement Approved. The Easement Agreement, as memorialized in the attachment hereto is hereby approved.

Section three. Authorization. The mayor is hereby authorized to execute an instrument in substantial form as the attachment hereto and take such further action as may be reasonably necessary to facilitate the purpose of this resolution.

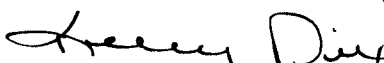
Section four. Open Meetings. It is hereby officially found and determined that the meeting at which this resolution was passed was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

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

PASSED AND APPROVED this the 28th day of September 2021.

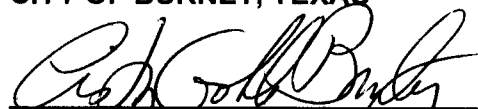


ATTEST:



Kelly Dix, City Secretary

CITY OF BURNET, TEXAS



Crista Goble Bromley, Mayor



Public Utility Easement

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.

PUBLIC UTILITY EASEMENT

THE STATE OF TEXAS §
 §
COUNTY OF BURNET §

KNOW ALL PERSONS BY THESE PRESENTS:

DATE:	September 22, 2021
GRANTOR:	Mister Bubbles Wash, LLC
GRANTOR'S MAILING ADDRESS (including County):	Mister Bubbles Wash 717 N. Waters St. Burnet, Burnet County, Texas 78611
GRANTEE:	City of Burnet, Texas
GRANTEE'S MAILING ADDRESS (including County):	P.O. Box 1369 1001 Buchanan Drive Suite #4, Burnet, Burnet County, Texas 78611
LIENHOLDER:	None

CONSIDERATION: Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged.

PROPERTY: BEING a twenty-foot (20") utility easement along the east line of a 0.4815-acre tract located in Burnet County and being more particularly described by metes and bounds as follows in Exhibit "A".

GRANTOR, for the **CONSIDERATION** paid to **GRANTOR**, hereby grants, sells, and conveys to **GRANTEE**, its successors and assigns, an exclusive, perpetual easement for all purposes necessary for installing, operating and maintaining any and all desired utility services within said easement, including but not limited to placing, constructing, operating, repairing, maintaining, rebuilding, replacing, relocating and removing or causing to be placed, constructed, operated, repaired, maintained, rebuilt, replaced, relocated and removed structures or improvements reasonably necessary for the supplying of electric, water and/or sanitary sewer service and all other utility services deemed necessary by the **GRANTEE** in, upon, under and across the **PROPERTY**.

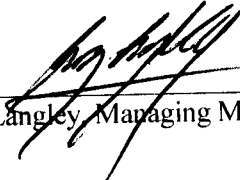
GRANTOR and **GRANTOR's** heirs, successors, and assigns shall retain the right to use all or part of the **PROPERTY** as long as such use does not interfere with **GRANTEE's** use of the **PROPERTY** for the purposes provided for herein. **GRANTEE** shall have the right to eliminate any encroachments into the **PROPERTY** that interfere with **GRANTEE's** use of the **PROPERTY** as a Public Utility Easement.

Public Utility Easement

TO HAVE AND TO HOLD the above-described easement, together with all and singular the rights and appurtenances thereto in anyway belonging unto **GRANTEE**, and **GRANTEE's** successors and assigns forever; and **GRANTOR** does hereby bind itself, its successors and assigns to **WARRANT AND FOREVER DEFEND** all and singular the easement unto **GRANTEE**, its successor, and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof.

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

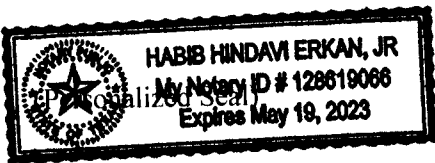
GRANTOR:
MISTER BUBBLES WASH, LLC,
a Texas limited liability company

By: 
Rick Langley, Managing Member

THE STATE OF TEXAS §
 §
COUNTY OF §

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Rick Langley, of Mister Bubbles Wash 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 23 day of September, 2021.




Notary Public's Signature

The remainder of this page is intentionally blank and the signature page for grantee follows.

Public Utility Easement

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

By: *David Vaughn*
David Vaughn, City Manager

THE STATE OF TEXAS

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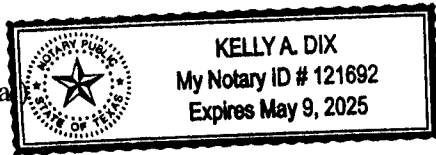
COUNTY OF BURNET

§

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared David Vaughn, city manager 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 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 27 day of September, 2021.

(Personalized Seal)



Kelly A. Dix
Notary Public's Signature

Exhibit "A" attached.

After recording return to:

City of Burnet, Texas
P.O. Box 1369
Burnet, Texas 78611

FIELD NOTE DESCRIPTION
20' UTILITY EASEMENT
BURNET COUNTY, TEXAS

BEING a 20 foot wide utility easement along the east line of a 0.4815 acre tract (called 0.4839 acres in a Deed recorded in Volume 540, Page 655 of the Deed Records of Burnet County, Texas) and being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2" iron rod in the east right-of-way of U. S. Highway No. 281 being the northwest corner of a 0.2061 acre tract described in a deed to Ricky Langley and wife Ann Langley recorded under Burnet County Clerks File Number 201406579;

THENCE along the north line of said 0.2061 acre tract, 119.74 feet to the POINT OF BEGINNING of this easement;

THENCE N13°16'58"W along the the east line of said 0.4815 acre tract 174.99 feet to a 1/2" iron rod (found) in the south right of way of Taggard Street being the northeast corner of said 0.4815 acre tract and the northeast corner of this easement;;

THENCE S76°43'21"W, along the south right of way of Taggard Street 20.00 feet to a point for the northwest corner of this easement;

THENCE S13°16'58"E parallel to the east line of said 0.4815 acre tract 175.00 feet to a point in the south line of said 0.4815 acre tract being the southwest corner of this easement;

Thence N76°41'18"E, along the common line between said 0.4815 acre tract and said 0.2061 acre tract 20.00 feet to the point of beginning.

Car Wash Esmt.
09/20/21

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Car Wash Esmt.
09/20/21



FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Janet Parker

Janet Parker, County Clerk

Burnet County Texas

9/30/2021 12:59:22 PM

FEE: \$42.00

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ESMT