

RESOLUTION NO. R2022-08

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET,
TEXAS REGARDING THE DEVELOPMENT OF DELAWARE SPRINGS
SECTION 19 PHASE 3 AND 4**

Whereas; Delaware Springs Sections 1 and 2 are existing single-family subdivisions located within the city of Burnet; and

Whereas, Delaware Springs Sections 3 and 4 are proposed single family subdivisions adjacent to Delaware Springs Sections 1 and 2; and

Whereas, the development of Delaware Springs Sections 1 and 2 purportedly included the construction of stormwater detention facilities that would adequately address the increase of stormwater discharge from the additional impervious cover that would be constructed in association with the full buildout of Delaware Springs Sections 1, 2, 3 and 4; and

Whereas, the preliminary plat of Delaware Springs Section 3 has been approved by City Council and during the construction plans development process the project's civil engineer discovered the stormwater detention facilities were insufficient to address the increase stormwater from a fully built out Delaware Springs Sections 1, 2, 3 and 4; and

Whereas, the inadequacy appears to be due in part to defects in design, construction, or both; and the application of updated precipitation frequency estimates data (NOAA ATLAS 14) that were unavailable at the time the plat for Delaware Springs Sections 1 and 2 was approved; and

Whereas, the Developer has requested he be allowed to proceed with the construction of utilities to serve Delaware Springs Section 3 before the City's approval of the construction plans; and

Whereas, City Council desires to work with the Developer to address the current inadequacies of the existing pond structure while the Developer addresses the additional run-off created by his development.

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

Section one. Findings. The recitals to this Resolution are incorporated herein for all purposes.

Section two. Authorization. The City Manager is hereby authorized to:

- (a) provide the Developer with a notice to proceed for the installation of utilities and roads within Delaware Springs Section 19, Phase III, at the Developer's sole risk. Such notice shall include a statement that the final plat for Phase III shall not be filed and approved until the City's consulting engineer verifies

the construction plans comply with all of the City's regulatory requirements, including, but not limited to the drainage criteria manual and that such improvements for Phase III have been completed and installed, or a financial surety has been provided to ensure the improvements are completed; and

- (b) work with the City's consulting engineer, the project engineer and the developer to resolve the issues related to the inadequacy of the storm water detention facilities; and
- (c) accept payment in the amount of \$12,800.00 from the Developer as a fee-in-lieu of tree mitigation required for Phase III subject to the following:
 - (1) such payment may be applied to the pond improvements to address deficiencies in the existing pond for storm water from Phases I and II of DS Section 19; and
 - (2) the Developer, at his sole option, may elect to mitigate tree removal in accordance with the City of Burnet Code of Ordinances or pay the fee-in-lieu provided for herein.

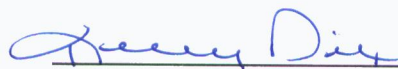
Section three. Open Meetings. It is hereby officially found and determined that the meeting at which this resolution was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act.

Section five. Effective date. This resolution shall take effect immediately upon its passage, and approval as prescribed by law.

PASSED AND APPROVED this the 11th day of January, 2022.

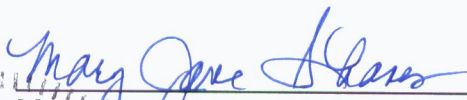
CITY OF BURNET, TEXAS

ATTEST:



Kelly Dix, City Secretary





Mary Jane Shanes, Mayor Pro Tem