

RESOLUTION NO. R2023-28

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET
ACCEPTING THE TRANSFER OF WATER RIGHTS OF ALL PROPERTY
OWNED BY CORPORATION TO THE CITY OF BURNET**

WHEREAS, the Burnet Economic Development Corporation owns a number of properties, including the Badger Building, the Bealls Building, the Crossing at 281 Subdivision and the Eastside Commercial Park; and

WHEREAS, the water rights derived from the properties are of no value to the Corporation; and

WHEREAS, however, the water rights may be of value to the City in establishing future groundwater pumping rights; and

WHEREAS, as stated in the case *City of Del Rio v. Clayton Sam Colt Hamilton Tr.*, 269 S.W.3d 613 (Tex. App. 2008) Texas law authorizes a landowner to sever groundwater from the surface estate pursuant to absolute ownership theory, under which landowner is the absolute owner of the groundwater.

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

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

Section two. Approval. The Special Warranty Water Deed, attached hereto and incorporated by reference herein is approved; and the Mayor is hereby authorized to execute said deed accepting said water rights on behalf of the City.

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 as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act Chapter 551 Texas Government Code.

Section four. Effective Date. This resolution shall take immediate effect.

PASSED AND APPROVED on this the 28th day of April, 2023.

CITY OF BURNET


Philip Thurman, Mayor Pro Tem

ATTEST:


Kelly Dix, City Secretary

