

RESOLUTION NO. R2023-30

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS APPROVING A DRAINAGE EASEMENT FOR NORTH WEST STREET AND AUTHORIZING THE MAYOR EXECUTE SAID INSTRUMENT ON BEHALF OF THE CITY.

Whereas, The City is reconstruction a portion of North West Street; and

Whereas, as part of the reconstruction is improving or installing drainageways; and

Whereas, The City is in deed of a drainage easement at the northern end of North West Street; and

Whereas, The property owner at 808 N. West Street seeks to grant to the City a Drainage Easement related to the aforementioned public improvements; and

Whereas, City Council deems in the public interest to accept the grants of easements.

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

Section one. Findings. The recitals to this Resolution are found to be true and correct and are incorporated herein for all purposes.

Section two. Approval. The acceptance of the Drainage Easement attached hereto is hereby approved.

Section three. Authorization. The Mayor is hereby authorized to execute an Easement Instruments in substantially the same form as the attachment.

Section four. Recordation. The City Secretary is authorized and directed to have the executed Easement Instrument duly recorded in the public records of Burnet County.

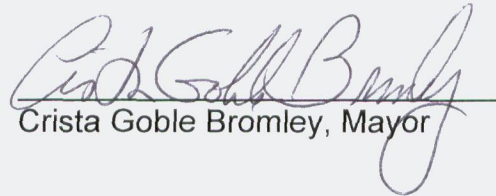
Section five. Open Meetings. It is hereby officially found and determined that the meeting at which this resolution was passed was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

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


Public Utility Easement

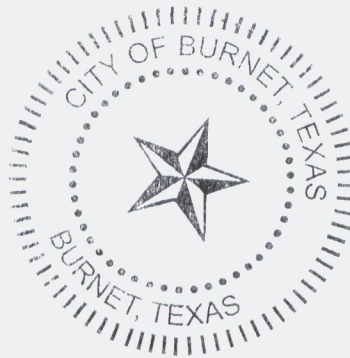
PASSED AND APPROVED this the 9th day of May, 2023.

CITY OF BURNET, TEXAS


Crista Goble Bromley, Mayor

ATTEST:


Kelly Dix, City Secretary





DRAINAGE EASEMENT

DATE:

GRANTOR: **Miguel Paredes,
and Faviola Medina**

GRANTOR'S MAILING ADDRESS
(including County): **808 N West Street
Burnet, Tx 78611, Burnet County**

GRANTEE: **City of Burnet, Texas**

GRANTEE'S MAILING ADDRESS **1001 Buchanan Drive Suite #4, Burnet, Burnet
(including County): 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 0.007 acre 15 feet wide Drainage Easement situated in Burnet County, Texas, and being more particularly described by metes and bounds in Exhibit "A" and survey in Exhibit "B" both exhibits being attached hereto and incorporate herein by references for all purposes.

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 drainage improvements 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 drainage improvements and all other drainage appurtenances deemed necessary by the **GRANTEE** in, upon, under and across the **PROPERTY** more fully described and as shown in Exhibit "A" attached hereto.

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.

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.

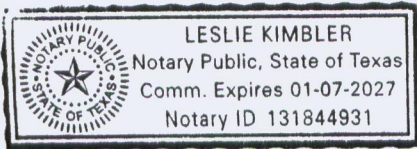
GRANTOR: Miguel Paredes

Miguel Paredes
By: _____

THE STATE OF TEXAS §

COUNTY OF BURNET §

This instrument was acknowledged before me the 27 day of April, 2023, by Miguel Paredes for _____.



Leslie Kimbler
Notary Public-State of Texas

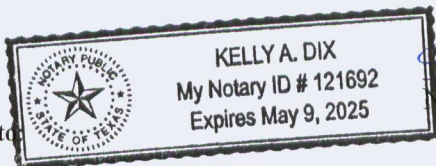
ACCEPTED: CITY OF BURNET

Crista Goble Bromley
By: Crista Goble Bromley

THE STATE OF TEXAS §

COUNTY OF BURNET §

This instrument was acknowledged before me the 9 day of May, 2023, by Crista Goble Bromley, as Mayor of and for the City of Burnet, Texas.



Kelly A. Dix
Notary Public-State of Texas

After recording return to
City of Burnet, Texas
P.O. Box 1369
Burnet, Texas 78611



10090 W Highway 29 | Liberty Hill, Texas 78642
TBPELS Firm No. 10001800 | 512-238-7901 office

EXHIBIT " A "

METES AND BOUNDS DESCRIPTION

BEING 0.0070 OF ONE ACRE (307 SQUARE FEET) OF LAND, SURVEYED BY LANDESIGN SERVICES, INC., SITUATED IN THE JOHN HAMILTON SURVEY NO. 1, ABSTRACT NO. 405 IN BURNET COUNTY, TEXAS BEING A PORTION OF A CALLED 0.675 OF ONE ACRE TRACT OF LAND DESCRIBED IN A WARRANTY DEED TO MIGUEL PAREDES AND FAVIOLA MEDINA, RECORDED IN DOCUMENT NO. 201806295 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS (O.P.R.B.C.T.), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-inch rebar with cap stamped "WILLIS" found in the Southerly line of a called 1.567 acre tract of land described as Tract 5 in a General Warranty Deed to Charles Kennedy Warden, Jr. and John Allen Warden, recorded in Document No. 202205176 of said O.P.R.B.C.T., for the Northwest corner of said 0.675 of one acre tract and a common corner of a called 87.73 acre tract of land described as Tract 1 in a Warranty Deed with Vendor's Lien to DJW Burnet, LTD, recorded in Document No. 202209797 of said O.P.R.B.C.T., from which a 1/2-inch rebar with cap stamped "WILLIS" found for the Southwest corner of said 1.567 acre tract and a common corner of said 87.73 acre tract, bears South 74°23'07" West a distance of 29.98 feet;

THENCE **North 72°29'38" East** with the Northerly line of said 0.675 of one acre tract and the common Southerly line of said 1.567 acre tract, a distance of **15.02** feet to a Calculated Point for the Northeast corner of said 0.675 of one acre tract and the common Northwest corner of the existing right-of-way line of N West Street (50' R.O.W.), from which a 1/2-inch rebar with cap stamped "HADA 2153" found, bears North 28°19'35" East a distance of 0.85 feet;


THENCE **South 13°21'55" East** with the Easterly line of said 0.675 of one acre tract and the common existing Westerly right-of-way line of said N West Street, a distance of **15.04** feet to a Calculated Point;

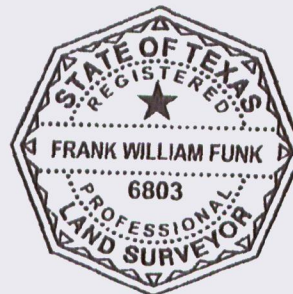
THENCE **South 72°29'38" West** over and across said 0.675 of one acre tract, a distance of **25.89** feet to a Calculated Point in the Westerly line of said 0.675 of one acre tract and the common Easterly line of said 87.73 acre tract;

THENCE North 21°02'35" East with the Westerly line of said 0.675 of one acre tract and the common Easterly line of said 87.73 acre tract, a distance of 19.18 feet to the POINT OF BEGINNING and containing 0.0070 of one acre (307 Sq. Ft.) of land, more or less.

This project is referenced for all bearing and coordinate basis to the Texas State Plane Coordinate System, North American Datum of 1983 (NAD83 – 2011 Adjustment), Central Zone (4203). All distances shown hereon are grid values represented in U.S. Survey Feet.

This property description was prepared from an on-the-ground survey performed under my supervision and is accompanied by a separate plat of even date. The field work was completed In April 2023.

 04/24/2023
Frank W. Funk
Registered Professional Land Surveyor
State of Texas No. 6803



Job Number: 23-010
Attachments: K:\2023\23010 – COB N WEST ST\CAD\DWGS\N WEST ST DRAINAGE EASEMENT.DWG

LEGEND

- ⊙ 1/2-INCH REBAR WITH CAP STAMPED "WILLIS" FOUND (UNLESS NOTED)
- △ CALCULATED POINT NOT SET
- O.P.R.B.C.T. OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS
- R.O.W. RIGHT-OF-WAY

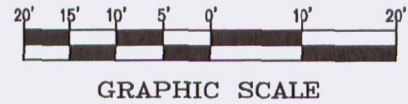
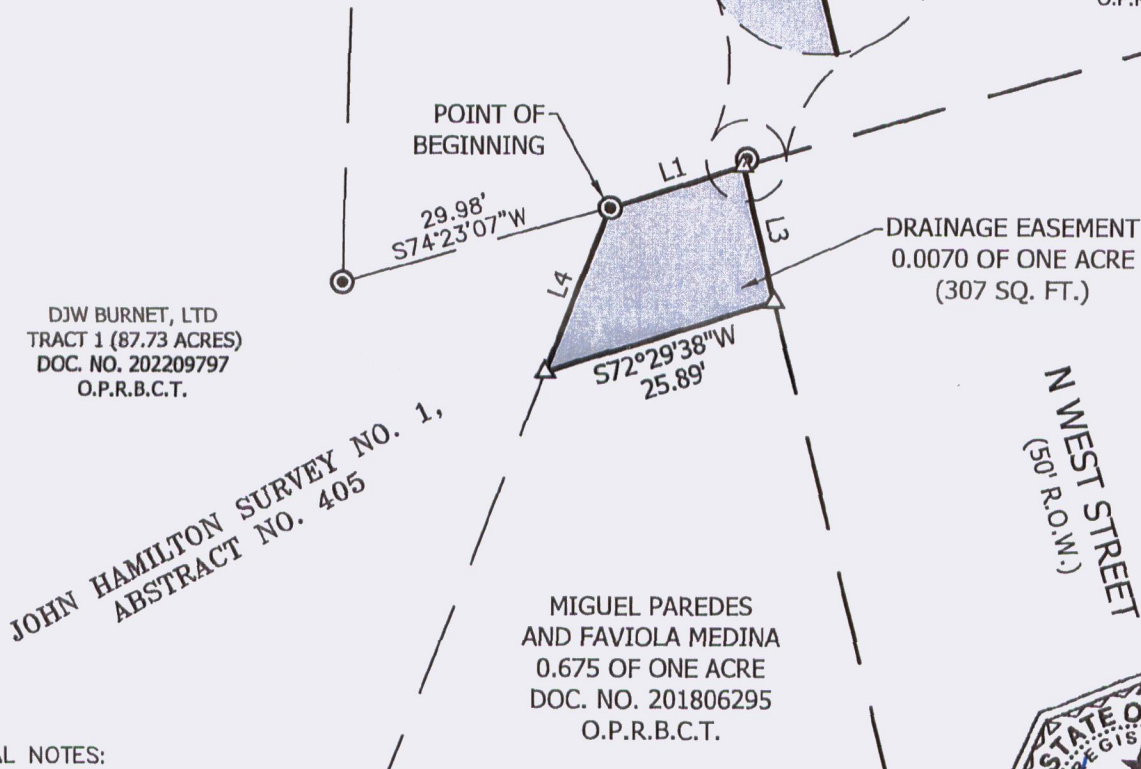


Exhibit "B"

LINE TABLE		
LINE #	BEARING	DISTANCE
L1	N72°29'38"E	15.02'
L2	N28°19'35"E	0.85'
L3	S13°21'55"E	15.04'
L4	N21°02'35"E	19.18'

CHARLES KENNEDY WARDEN, JR.
AND JOHN ALLEN WARDEN
TRACT 5 (1.567 ACRES)
DOC. NO. 202205176
O.P.R.B.C.T.



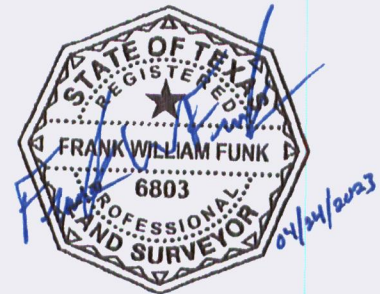
GENERAL NOTES:

THIS PROJECT IS REFERENCED FOR ALL BEARING AND COORDINATE BASIS TO THE TEXAS COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983 (NAD83 - 2011 ADJUSTMENT), CENTRAL ZONE (4203).

DISTANCES SHOWN HEREON ARE GRID VALUES REPRESENTED IN U.S. SURVEY FEET.

SOME FEATURES SHOWN HEREON MAY BE OUT OF SCALE FOR CLARITY.

THIS SURVEY PLAT ACCOMPANIES A METES AND BOUNDS DESCRIPTION OF EVEN DATE.



JOB NUMBER: 23-010		DATE: 04/24/23	
PROJECT NAME: COB N WEST ST			
DRAWING NAME: N WEST ST DRAINAGE EASEMENT			
DRAWING FILE PATH: K:\12023\23010 - COB N WEST ST\CAD\DWGS			
METES AND BOUNDS FILE PATH: K:\12023\23010 - COB N WEST ST\DESCRIPTIONS			
RPLS: FWF	TECH: JRM	PARTY CHIEF: KD	CHK BY: HAS
SHEET 03 of 03		FIELDBOOKS 25/427	SCALE: 1" = 20'



10090 W HIGHWAY 29, LIBERTY HILL, TEXAS 78642
TBPELS FIRM NO. 10001800
512-238-7901



**ENGINEERING
&
PUBLIC WORKS DEPARTMENT**

Date: 4-24-23

Via: hand-delivered or e-mail

RIGHT OF ENTRY FORM

I/We am/are the owner(s) of property at the address: 808 N WEST
Burnet, Tx 78611. I/We understand that the City needs access to our property to perform work, maintenance, or to install necessary infrastructure per City requirements, or per our request. We are therefore allowing City staff and/or agents to enter my/our property.

Reasons for Property Access:

Construct driveway cut, fill, curbs, and rock channel at the end of the property.

I/We the property owners of this address understand that city Staff or City hired contractor will access the premises as needed to construct, maintain, modify appurtenances in my properties. The City will restore my property to its pre-construction activities as much as practical. I have been told and understand the work to take place and hold harmless City of liability, claims, and demands which arise or may hereafter arise from the noted above services I receive from the City.

PROPERTY OWNER:

Name (Typed): Miguel Paredes

Signature: Miguel Paredes

Date: 4-24-23

E-mail: miguelparedes@gmail.com

CITY OF BURNET:

Name (Typed): David Vaughn

Signature: David Vaughn

Date: 4/24/23



FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Vicinta Stafford
Vicinta Stafford, County Clerk

Burnet County Texas

5/11/2023 10:11:07 AM

FEE: \$46.00

202304451

ESMT