

## RESOLUTION NO. R2023-51

### A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS AUTHORIZING THE PLACEMENT OF ELECTRIC CONDUIT FOR FUTURE DEVELOPMENT OF CREEKFALL SUBDIVISION PHASE THREE AND FOUR AND THE ABUTTING R-3 ZONING CLASSIFICATION PROPERTY.

**Whereas**, the Creekfall Subdivision Phases Three and Four (“Creekfall”) is a proposed single family subdivision located near the intersection of Texas State Highway 29 and Westfall Street; and

**Whereas**, the property designated with the R-3 zoning classification as of the date of this resolution which abuts Creekfall (as shown herein) is planned to provide future development of the benefitted properties. The properties shown outlined in Exhibit A will collectively be referenced as “Benefitted Properties”; and

**Whereas**, Westfall Villages is a proposed single family subdivision abutting Creekfall; and

**Whereas**, the developer of Westfall Villages is further along in the development of their property than the developer of the benefitted properties; and

**Whereas**, conduit is required to be placed in the ground, as shown on the attached map, within Westfall Villages to serve electricity to the Benefitted Properties; and

**Whereas**, due to the stage of development of Westfall Villages, the failure to act now to install the conduit will cause the loss of opportunity to install it in the future; and

**Whereas**, but for the future electricity needs of Benefitted Properties, City Council would not approve this expenditure; and

**Whereas**, as a consequence of the preceding finding City Council shall require the developer(s) of Benefitted Properties to remunerate such costs to the City upon application for electric line extension under Sec. 110-148(d) City Code; and

**Whereas**, the city manager has shared a draft of this resolution with the developers/landowners of Benefitted Properties and has informed the developers/landowners of the time and date of this meeting.

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

**Section one. Findings.** The recitals to this Resolution are deemed the true and correct findings of City Council and are incorporated herein for all purposes.

**Section two. The Project.** The Project is the installation of below ground conduit to provide for the extension of electrical service to the Benefitted Property shown within the red bordered area in the diagram below:

**Section two. Approval.** The expenditure of up to \$100,000 is approved for the Project.

**Section three. Authorization.** The city manager is hereby authorized to execute such documents and takes such related actions reasonably necessary to facilitate the intent of this Resolution; provided the total Project Costs does not exceed the amount approved in section two.

**Section four. Remuneration.** Upon receipt of application for electric line and/or service extension under the City of Burnet Code of Ordinances for any area of the Benefited Properties as shown in Exhibit A, the City Manager shall cause the Project Costs approved by this resolution to be part of the "costs" as required under the City of Burnet Code of Ordinances and shall not allow utilization of the improvements authorized by this resolution by and or to the requesting area until receipt of full remuneration of the proportionate costs for service to the requesting area.


**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.** That this resolution shall take effect immediately upon its passage, and approval as prescribed by law.

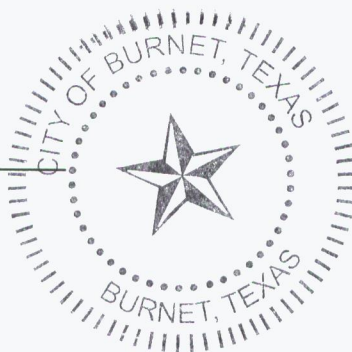
**PASSED AND APPROVED** this the 27<sup>th</sup> day of, 2023.

**CITY OF BURNET, TEXAS**

**ATTEST:**

  
\_\_\_\_\_  
Gary Wideman, Mayor

  
\_\_\_\_\_  
Kelly Dix, City Secretary



**Exhibit A**  
**Benefitted Properties**  
**(as shown outlined in red)**

