

RESOLUTION NO. R2024-58

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS AUTHORIZING THE ACCEPTANCE OF PROPERTY LOCATED AT THE CORNER OF E. LEAGUE AND S. BOUNDARY STREETS

Whereas, the property located in the 300 block of E. Jackson Street was previously donated to the City by Frank Fickett; and

Whereas, it was recently discovered that a portion of the property was inadvertently left off of the deed transferring the property; and

Whereas, the City and the Fickett Estate desire to correct this error and the Fickett Estate has indicated their willingness to deed the property to the City; and

Whereas, the City desires to accept said property to allow entire block to be correctly platted as one lot.

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

Section one. Approval. The City Council authorizes the acceptance of the property legally described as:

BEING A 0.17 ACRE (7,603 SF) TRACT OF LAND, OUT OF LOT 2, BLOCK 5, OF THE PETER KERR ADDITION TO THE CITY OF BURNET, TEXAS, CONVEYED BY WARRANTY DEED TO FRANK FICKETT AS RECORDED IN VOLUME 546, PAGE 339, OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS AND BEING MORE PARTICULARLY SHOWN ON EXHIBIT "A".

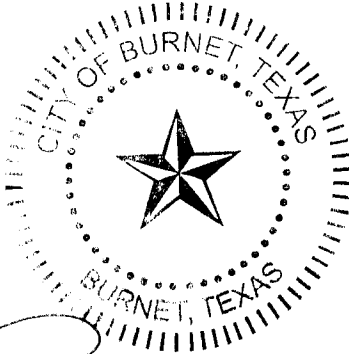
Furthermore, the City Council authorizes the payment of any and all back taxes owned on the property, if any, not to exceed \$3,000.

Section two. Authorization. The Mayor is hereby authorized to execute a donation deed and take such further action, and execute such ancillary documents, as may be reasonably necessary to facilitate the purpose of this resolution.

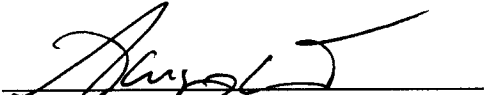
Section three. Open Meetings. It is hereby officially found and determined that the meeting at which this resolution was passed was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

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

PASSED AND APPROVED this the 23rd day of July 2024.



CITY OF BURNET, TEXAS


Gary Wideman, Mayor

ATTEST:


Maria Gonzales, City Secretary



NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

SPECIAL WARRANTY DEED

THE STATE OF TEXAS §
 § KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF BURNET §

Effective Date: July 26, 2024

Grantor: The Franklin I. Fickett Charitable Foundation
Grantor's Mailing Address: Attn. Edward Clinton Small Jr., 5501 A Balcones Dr. #101,
 Austin, Travis County, Texas 78731

Grantee: City of Burnet
Grantee's Mailing Address: PO Box 1369, Burnet, Burnet County, TX 78611

Consideration: Ten dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged.

Property (including any improvements): BEING A 0.17 ACRE (7,603 SF) TRACT OF LAND, OUT OF LOT 2, BLOCK 5, OF THE PETER KERR ADDITION TO THE CITY OF BURNET, TEXAS, CONVEYED BY WARRANTY DEED TO FRANK FICKETT AS RECORDED IN VOLUME 546, PAGE 339, OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN EXHIBIT "A" AND EXHIBIT "B" ATTACHED HERETO AND INCORPORATED HEREIN FOR ALL PURPOSES.

Exceptions to Conveyance: All marked and identified easements on the map or plat of the Property, and all applicable zoning, platting and other governmental ordinances, laws, rules and regulations, and all matters of record relating to the Property as shown in the Real Property Records of Burnet County, Texas.

Reservations from Conveyance: none.

Grantor, for the Consideration and subject to the Reservations from and Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in anywise belonging to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the

Reservations from and Exceptions to Conveyance and Warranty, when the claim is by, through or under Grantor, but not otherwise; but without any other warranty of any kind or nature, and without limitation on such disclaimer of warranties.

By accepting this deed, Grantee acknowledges that **THIS CONVEYANCE IS THE RESULT OF AN ARM'S-LENGTH AGREEMENT BETWEEN THE PARTIES. THE PURCHASE PRICE WAS BARGAINED ON THE BASIS OF AN "AS IS, WHERE IS" TRANSACTION AND REFLECTS THE AGREEMENT OF THE PARTIES THAT THERE ARE NO REPRESENTATIONS, DISCLOSURES, OR EXPRESS OR IMPLIED WARRANTIES, EXCEPT THOSE IN THIS SPECIAL WARRANTY DEED. GRANTEE IS NOT RELYING ON ANY REPRESENTATIONS, DISCLOSURES, OR EXPRESS OR IMPLIED WARRANTIES OTHER THAN THOSE EXPRESSLY CONTAINED IN THIS SPECIAL WARRANTY DEED. GRANTEE IS NOT RELYING ON ANY INFORMATION REGARDING THE PROPERTY PROVIDED BY ANY PERSON, OTHER THAN GRANTEE'S OWN INSPECTION AND THE REPRESENTATIONS AND WARRANTIES CONTAINED IN THIS SPECIAL WARRANTY DEED. GRANTEE RELEASES GRANTOR FROM LIABILITY FOR ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY, INCLUDING LIABILITY (1) UNDER THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT (CERCLA), THE RESOURCE CONSERVATION AND RECOVERY ACT (RCRA), THE TEXAS SOLID WASTE DISPOSAL ACT, OR THE TEXAS WATER CODE.**

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

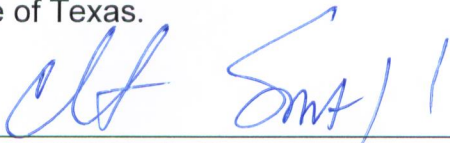
This conveyance is being made subject to ad valorem taxes from the Effective Date and subsequent years, which are assumed by Grantee.

The remainder of this page intentionally remains blank and signature page follows.

To be effective the date first set out above.

GRANTOR:

The Franklin I. Fickett Charitable Foundation, a non-profit foundation form in the state of Texas.

By: 
Edward Clinton Small Jr., trustee

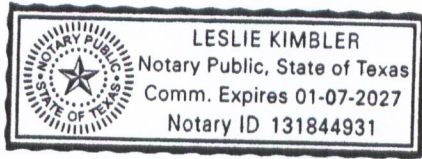
Special Warranty Deed Fickett/BEDC

STATE OF TEXAS §

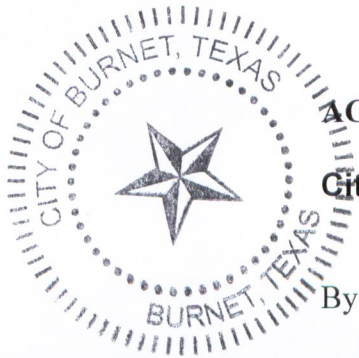
COUNTY OF BURNET §

This instrument was acknowledged before me on this 26 day of July, 2024 by Edward Clinton Small Jr., in his capacity as trustee for the Foundation.

[Seal]



Leslie Kimbler
NOTARY PUBLIC, STATE OF TEXAS



ACCEPTED BY GRANTEE:

City of Burnet

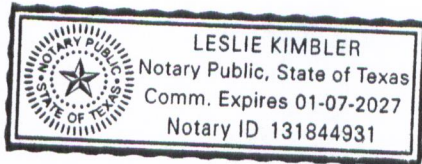
By: Gary Wideman
Gary Wideman, Mayor

STATE OF TEXAS §

COUNTY OF BURNET §

This instrument was acknowledged before me on this 26 day of July, 2024 by Gary Wideman in his capacity as Mayor of the City of Burnet.

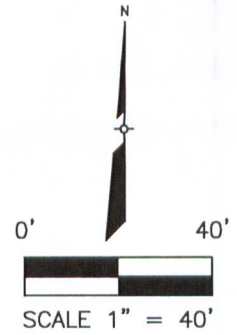
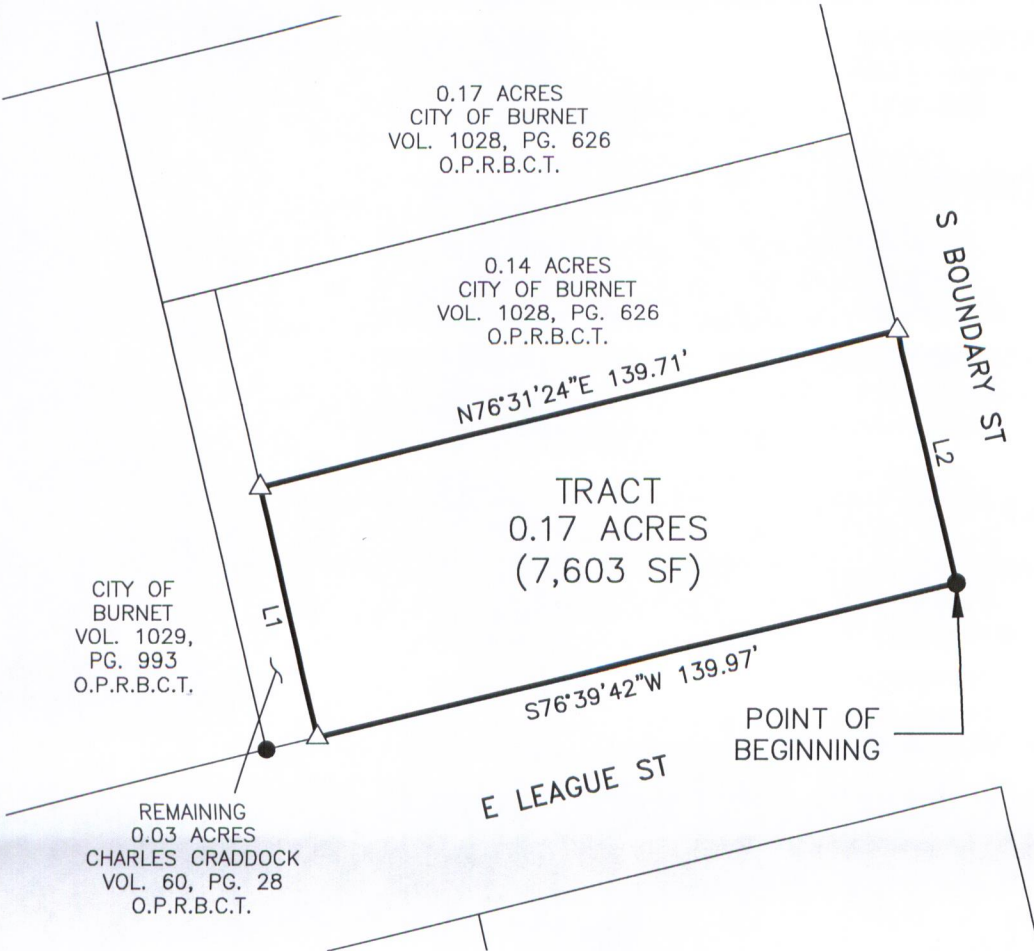
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Leslie Kimbler
NOTARY PUBLIC, STATE OF TEXAS

SKETCH TO ACCOMPANY FIELD NOTES

Exhibit "A"



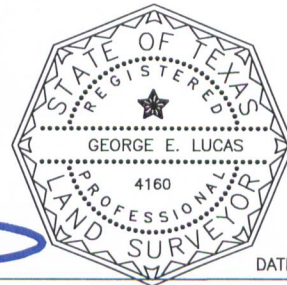
LEGEND

- DENOTES BENCHMARK
 - DENOTES 1/2" ST. SK. SET
 - DENOTES 1/2" ST. SK. FND.
 - DENOTES CALCULATED POINT
 - D.E. DRAINAGE EASEMENT
 - PROPERTY LINE
 - EXISTING PROPERTY LINE
 - R.O.W. LINE
 - EXISTING EASEMENT
 - EXISTING CHAINLINK FENCE
 - EXISTING OVERHEAD ELECTRIC
 - EXISTING POWER POLE
 - WATER METER
 - B.S.L. BUILDING SETBACK LINE
 - O.P.R.B.C.T. OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS.
- BEARING BASIS: TEXAS LAMBERT GRID, CENTRAL ZONE, NAD 83

LEGAL DESCRIPTION

BEING A 0.17 ACRE (7,603 SF) TRACT OF LAND, OUT OF A LOT KNOWN AS LOT 2, BLOCK 5, OUT OF THE KERR PORTION OF THE CITY OF BURNET, TEXAS, CONVEYED BY WARRANTY DEED TO FRANK FICKETT AS RECORDED IN VOLUME 546, PAGE 339, OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS.

LINE TABLE		
LINE #	LENGTH	BEARING
L1	54.20'	N13°11'30"W
L2	54.54'	S13°28'17"E



DATE: 6-28-2024

GEORGE E. LUCAS
 REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4160
 CELCO SURVEYING, FIRM REGISTRATION NO. 10193975
 18018 OVERLOOK LOOP, SUITE 105
 SAN ANTONIO, TEXAS 78259
 OFFICE (512) 635-4857

Exhibit "B"

FIELD NOTE DESCRIPTION FOR AN 0.17 ACRE (7,603 SF) TRACT OF LAND, SITUATED IN BURNET COUNTY, TEXAS:

BEING A 0.17 ACRE (7,603 SF) TRACT OF LAND, OUT OF LOT 2, BLOCK 5, OF THE PETER KERR ADDITION TO THE CITY OF BURNET, TEXAS, CONVEYED BY WARRANTY DEED TO FRANK FICKETT AS RECORDED IN VOLUME 546, PAGE 339, OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

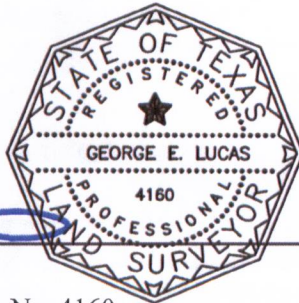
BEGINNING at a 1/2" iron rod found, marking the intersection of the north right-of-way line of E League St, a public road, and the west right-of-way line of S Boundary St. a public road, marking the southeast corner of said Lot 2, for the southeast corner of this tract;

THENCE, South 76°39'42" West, along the south line of this tract, common with the north line of said E League St, and the south line of said Lot 2, a distance of 139.97 feet, to a calculated point, marking the southeast corner of the remaining 0.03 acre (1,110 SF) tract of land, conveyed by Warranty Deed to Charles Craddock, as recorded in Volume 60, Page 28 of the Official Public Records of Burnet County Texas, for the southwest corner of this tract;

THENCE, North 13°11'30" West, along the west line of this tract, common with the east line of said Charles Craddock tract, a distance of 54.20 feet, to a calculated point, marking the southwest corner of a 0.14 acre tract of land conveyed by Warranty Deed to City of Burnet, as recorded in Volume 1028, Page 626, of the Official Public Records of Burnet County Texas, for the northwest corner of this tract;

THENCE, North 76°31'24" East, leaving said east line of Charles Craddock tract, along the north line of this tract, common with the south line of said City of Burnet tract, a distance of 139.71 feet, to a calculated point, lying in the west right-of-way line of said S Boundary St, marking the southeast corner of said 0.14 acre tract of land, for the northeast corner of this tract;



THENCE, South 13°28'17" East, along the east line of this tract, common with the west right-of-way line of S Boundary St. a distance of 54.54 feet, to the POINT OF BEGINNING, containing 0.17 acres (7,603 SF) of land, more or less.



George E. Lucas
Registered Professional Land Surveyor No. 4160
Celco Surveying, Firm Registration No. 10193975
18018 Overlook Loop, Suite 105
San Antonio, Texas
Date: June 28, 2024

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS 202407418

D Fee: \$41.00
07/26/2024 10:45 AM

Vicinta Stafford, County Clerk
Burnet County, Texas