

RESOLUTION NO. R2020-14

**A RESOLUTION AUTHORIZING THE RELEASE AND TERMINATION OF  
A 0.349 ACRE PUBLIC UTILITY EASEMENT RECORDED IN VOLUME  
693, PAGE 357 OF THE PUBLIC RECORDS OF THE COUNTY CLERK OF  
BURNET COUNTY, TEXAS**

**Whereas**, the City received an Easement from the Baptist Memorial Geriatric Center, of the County of San Saba, State of Texas (hereinafter "Grantor") as a 0.349- acre Public Utility and Access Easement across Grantor's Property, and said Easement Instrument was recorded in the Public Records of the Office of the County Clerk, Burnet County, Texas on May 1, 1996, in Volume 693 at Page 357 (hereinafter the "Easement"); and

Whereas, the current owner of the underlying fee estate has requested the Easement be released; and

**Whereas**, the Director of Development Services has confirmed there is no further public need for the Easement; and

**Whereas**, upon such recommendation City Council deems it appropriate to authorize the release and termination of the Easement.

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

**Section one.** That the recitals to this Resolution are incorporated herein for all purposes.

**Section two.** That the Easement described in Volume 693 at Page 357 be released and terminated on condition the underlying fee owner accept the released and terminated easement with abandoned utilities remaining in the ground.

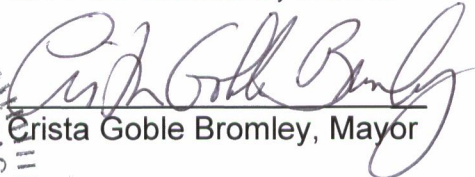
**Section three.** That the instrument, attached hereto as **Exhibit "A"**, is hereby approved.

**Section four.** That the mayor is hereby authorized to execute a Release and Termination of Easement Instrument in substantial form as **Exhibit "A"** and execute such other documents and take such other actions reasonably necessary to facilitate the purpose of this Resolution.

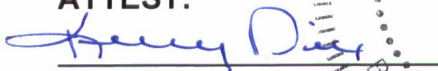
**Section five.** That this resolution shall take effect immediately upon its passage, and approval as prescribed by law.

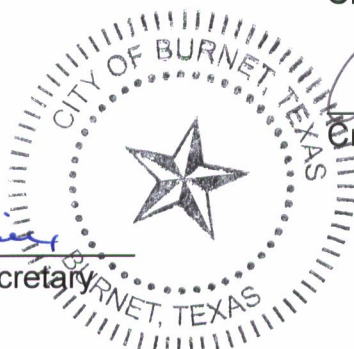
**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS,  
THIS 12<sup>th</sup> DAY OF MAY 2020.**

**CITY OF BURNET, TEXAS**

  
Crista Goble Bromley, Mayor

**ATTEST:**

  
Kelly Dix, City Secretary



**TRACT B: BEING A 0.199 AC. TRACT OF LAND OUT OF THE LEMUEL. TAYLOR SURVEY NO. 8, ABSTRACT NO. 880 IN BURNET COUNTY, TEXAS, OUT OF AND A PART OF THAT CERTAIN TRACT OF LAND CALLED 0.776 ACRES IN A QUITCLAIM DEED FROM BURNET COUNTY TO THE CITY OF BURNET OF RECORD IN VOL. 172, PAGE 178, DEED RECORDS OF BURNET COUNTY, TEXAS, SAID TRACT BEING FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

BEGINNING at a 1/2" iron rod found stamped "LANDTECH" in the Western Right of Way line of U. S. Highway 281, and the Eastern boundary line of said 0.776 acre tract for the Southeast corner hereof;

THENCE N 71°19'26" W, a distance of 30.00 feet to a 1/2" iron rod set with plastic cap stamped "CUPLIN" at the Northeast corner of a tract of land called 1.452 acres in a Warranty Deed with Vendor's Lien to HCR Electronics, Inc, of record in Volume 779, Page 744, Official Public Records of Burnet County, Texas, the Southeast corner of a 2.74 acre tract of land out of a called 6.099 acre tract described in a General Warranty Deed with Vendor's Lien to GMSM, Ltd. of record in Volume 622, Page 533, Real Property Records of Burnet County, Texas, and the Southwest corner hereof;

THENCE N 18°42'33" E, a distance of 159.37 feet to a calculated point at the Point of Curvature of a curve to the right;

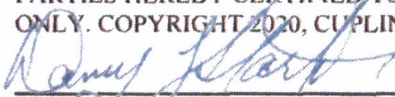
THENCE along said curve to the right with radius 11460.42 feet, a delta angle of 00°39'41", and a chord of 132.30 feet bearing N 19°21'39" E, an arc distance of 132.31 feet to a 3/8" iron rod found in the Southern boundary line of a 3.702 acre tract of land as described in a Warranty Deed to the City of Burnet, of record in Document No. 201003002, Official Public Records of Burnet County, Texas, for the Northwest corner hereof;

THENCE S 75°37'34" E, along the Southern boundary line of said City of Burnet tract, a distance of 29.26 feet to a 3 4" iron pipe found in the Western Right of Way line of said Highway 281, for the Northeast corner hereof;

THENCE along a curve to the left with radius 3173.55 feet, a delta angle of 02°26'16", and a chord of 135.02 feet bearing S 18°59'53" W, an arc distance of 135.03 feet to a calculated point at the Point of Tangency of same;

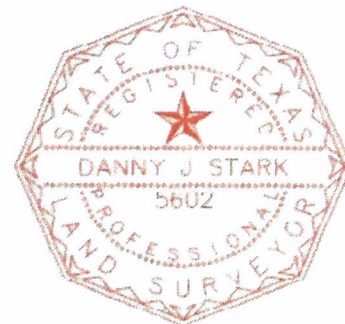
THENCE S 18°42'33" W, a distance of 158.85 feet to the POINT OF BEGINNING and calculated to contain 0.199 acres

I HEREBY CERTIFY EXCLUSIVELY TO GLEN MORRIS, THAT THIS SURVEY WAS PERFORMED ON THE GROUND AND WAS SURVEYED BY ME OR UNDER MY DIRECT SUPERVISION. CUPLIN & ASSOCIATES, INC. ACCEPTS NO RESPONSIBILITY FOR THE USE OF THIS SURVEY BY ANYONE OTHER THAN THE ABOVE REFERENCED PARTIES HEREBY CERTIFIED TO FOR THIS SPECIFIC TRANSACTION ONLY. COPYRIGHT 2020, CUPLIN & ASSOCIATES, INC. ©.

  
Danny J. Stark, Registered Professional Land Surveyor No. 5602

**Dated: 4/30/2020**

Danny J. Stark, Registered Professional Land Surveyor No. 5602





PERMANENT PUBLIC UTILITY EASEMENT  
AND TEMPORARY CONSTRUCTION EASEMENT

3681

THE STATE OF TEXAS {  
COUNTY OF BURNET { KNOW ALL MEN BY THESE PRESENTS:

That BAPTIST MEMORIAL GERIATRIC CENTER, of the County of San Saba, State of Texas, hereinafter referred to as Grantor, for and in consideration of the sum of Ten (\$ 10.00) Dollars and other good and valuable consideration, to Grantors paid in hand by the CITY OF BURNET, the receipt and sufficiency of which is hereby acknowledged and confessed, and for which no lien, expressed or implied, is retained, have this day GRANTED and CONVEYED, and by these presents do grant and convey unto the CITY OF BURNET, TEXAS, a municipal corporation and political subdivision of the State of Texas, situated in Burnet County, Texas, the address of which is 127 East Jackson Street, Burnet, Texas 78611, an easement for the construction, operation, maintenance, replacement and repair of public utility lines and their appurtenances, upon and across the following described property, to-wit:

All that certain tract, piece or parcel of land, lying and being situated in the County of Burnet, State of Texas, described in EXHIBIT "A" attached hereto and made a part hereof for all purposes, to which reference is here made for a more particular description of said property.

TO HAVE AND TO HOLD the same perpetually to the City of Burnet, and its successors and assigns, together with the right and privilege at any and all times to enter said premises, or any part thereof for the purpose of constructing, operating, maintaining replacing and repairing said public utility lines, and for making connections therewith; all upon the condition that the City of Burnet will at all times after doing any work in connection with the construction, operation, maintenance, replacement, and repair of said public utility lines restore the surface of said premises to the condition in which the same was found before such work was undertaken.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed on this the 23<sup>rd</sup> day of April, 1996.

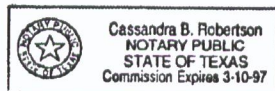
Wayne N. Merrill  
President, FOR THE  
BAPTIST MEMORIAL GERIATRIC CENTER

THE STATE OF TEXAS {  
COUNTY OF BURNET {

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared Wayne N. Merrill, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 23<sup>rd</sup> day of April, 1996.

Cassandra B. Robertson Notary Public in and for The State of Texas  
Cassandra B. Robertson Printed Name of Notary and Notary Stamp  
3/10/97 Date Notary Commission Expires



WIT  
693 PAGE 354

EXHIBIT "A"  
FIELD NOTE DESCRIPTION

BEING 0.343 ACRE OF LAND IN A PERMANENT EASEMENT AND 0.80 ACRE OF LAND IN TEMPORARY CONSTRUCTION EASEMENTS OUT OF AND A PART OF THAT CERTAIN TRACT OF LAND CALLED 20.00 ACRES, OUT OF THE JOHN HAMILTON SURVEY, ABSTRACT NO. 405, BURNET COUNTY, TEXAS, SAID 20.00 ACRES OF LAND HAVING BEEN CONVEYED TO BAPTIST MEMORIAL GERIATRIC CENTER BY BRENDA KEY AND BEING THE SAME TRACT OF LAND DESCRIBED IN A DEED RECORDED IN VOL. 644, PAGE 190, OF THE REAL PROPERTY RECORDS OF BURNET COUNTY, TEXAS; SAID PERMANENT EASEMENT BEING FIFTEEN ( 15 ) FEET IN WIDTH AND LYING SEVEN AND A HALF ( 7.5 ) FEET EITHER SIDE OF A CENTER LINE, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING FOR REFERENCE at an 1/2" Iron rod found marking the southeast corner of a 20.00 acre tract of land conveyed to the Baptist Memorial Geriatric Center by Brenda Key as recorded in Volume 644, Page 196 of the Deed Records of Burnet County, Texas and said iron rod also marking the southwest corner of the remaining acreage of a 121.245 acre tract of land conveyed to Brenda Key by Janet M. Smith as recorded in Volume 644, Page 196 of the Deed Records of Burnet County, Texas; THENCE with the east line of the said 20.00 acre tract N 11°- 46'- 35" W for a distance of 81.02 feet to the POINT OF BEGINNING for this Easement;

THENCE, across the said 20.00 acre Baptist Memorial Geriatric Center tract of land and coincident with the center line of a proposed 8 inch water line, for the following four (4) calls:

- (1). S 78° - 13' - 25" W for a distance of 9.37 feet to a computed point;
- (2). N 11°- 46' - 35" W for a distance of 34.78 feet to a computed point;
- (3). N 73°- 23' - 04" W for a distance of 834.80 feet to a computed point;

(4). N 23°- 52' - 08" W for a distance of 112.57 feet to a 1/2" Iron rod found set in concrete marking an interior corner of the said Baptist Memorial Geriatric Center 20.00 acre tract and the southeast corner of a 20.00 acre tract of land conveyed to the Burnet Consolidated Independent School District as described in Volume 410, Page 417 of the Real Property Records of Burnet County, Texas, and being THE POINT OF TERMINATION for this Easement.

AND IN ADDITION HERETO:

A Temporary Construction Easement abutting said permanent easement, described herein, on both sides in so far as Grantor's property will allow, and said temporary construction easement shall be seventeen and a half ( 17.5 ) feet in width.

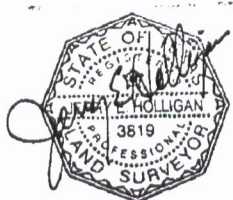
Said easements are illustrated on the attached Sketch to Accompany Field Notes which is made a part of this document for the purposes described herein.

As surveyed by:

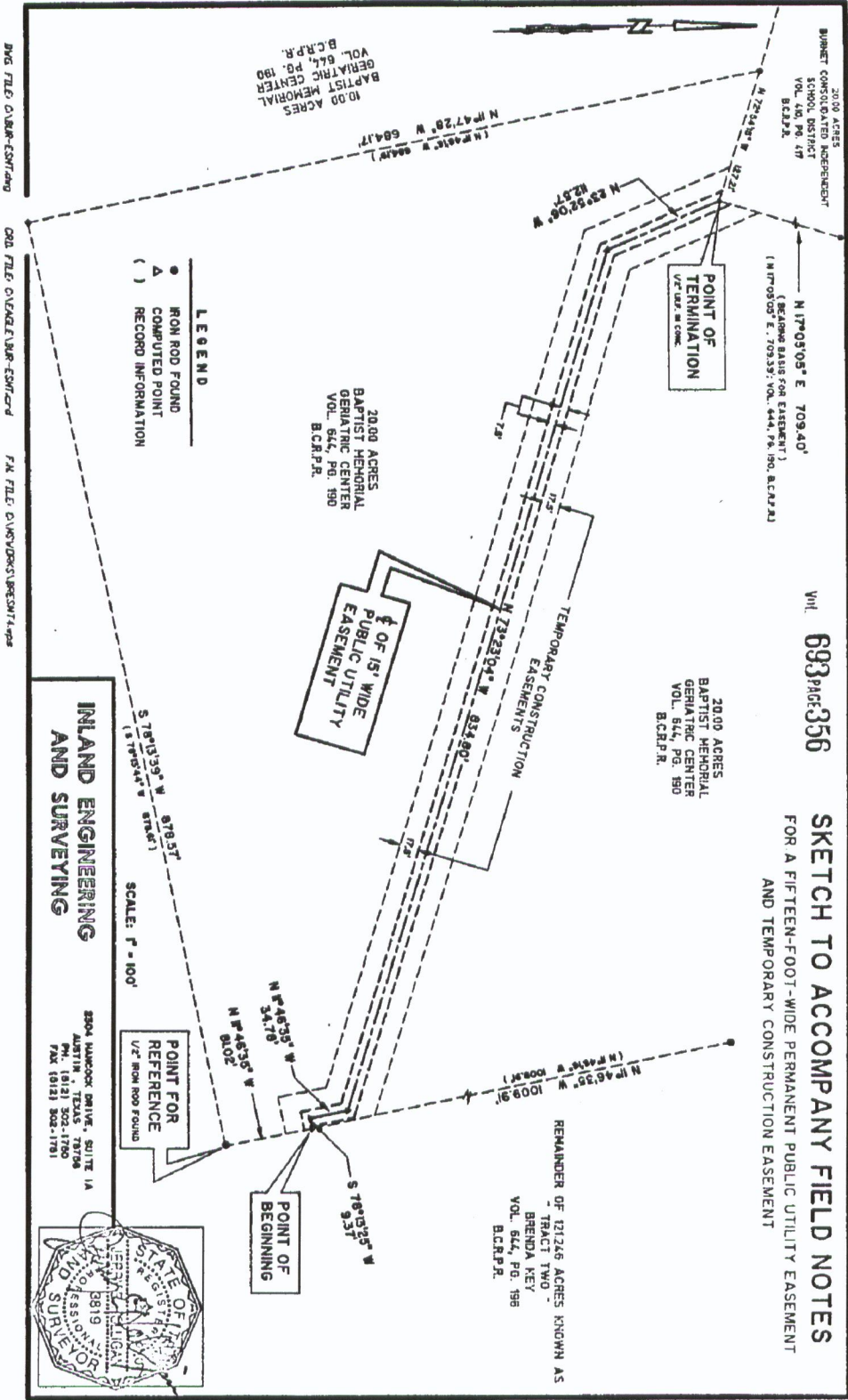
INLAND ENGINEERING AND SURVEYING

Jerry E. Holligan  
R.P.L.S. No. 3819

JEH/mh  
BRESMT&wps  
2-19-96



Vol 693 Page 355





STATE OF TEXAS  
COUNTY OF BURNET  
I hereby certify that this instrument was FILED on the date and at the time  
stamped hereon by me and was duly RECORDED in Volume 6293  
Page 354-357 of the Real Property RECORDS  
of Burnet County, Texas.

*Janet Parker*  
JANET PARKER, COUNTY CLERK  
BURNET COUNTY, TEXAS  
BY *[Signature]* Deputy

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL,  
OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR  
OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.  
THE STATE OF TEXAS  
COUNTY OF BURNET

I hereby certify that this instrument was FILED in the number  
Sequence on the date and at the time stamped hereon by me and was  
duly RECORDED in the Real Property  
Records Burnet County, Texas  
on 5-2-96



*Janet Parker*  
COUNTY CLERK  
BURNET COUNTY, TEXAS

COMPUTER

WM 693 p. 357

3681

FILED

96 MAY - 1 PII 3: 41

JANET PARKER  
COUNTY CLERK  
BURNET COUNTY, TEXAS

Rd. 13.00

*City of Burnet*