

**RESOLUTION NO. R2020-53**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY, TO ACCEPT A PUBLIC UTILITY EASEMENT FROM THE VERANDAS BURNET JMS LLC.**

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

**Section one.** That the Public Utility Easement described in the Instrument attached hereto is hereby accepted.

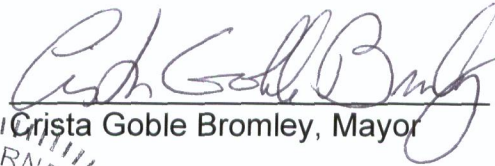
**Section two.** That the mayor is hereby authorized to execute the attached Easement Instrument; and, execute such other documents and take such other actions reasonably necessary to facilitate the purpose of this Resolution.

**Section three.** That the City Secretary is hereby authorized and directed to have the executed Easement Instrument recorded in the Public Records of the Office of the Burnet County Clerk and the official records of the City.


**Section four. Open Meetings.** That 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, as modified by the governor's orders in response to the COVID-19 pandemic.

PASSED AND APPROVED to be effective this the 10<sup>th</sup> day of November, 2020.

CITY OF BURNET

  
Crista Goble Bromley, Mayor

**ATTEST:**

  
Kelly Dix, City Secretary





City of Burnet Public Utility Easement

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

**SANITARY SEWER UTILITY EASEMENT AGREEMENT**

**THE STATE OF TEXAS**

**§  
§  
§**

**KNOW ALL PEOPLE BY THESE PRESENTS**

**COUNTY OF BURNET**

**THAT, VERANDAS BURNET JMS LLC**, a Texas limited liability company, 108 E. League Street, Burnet, Burnet County, Texas, ("Grantor") for the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and confessed, does hereby grant, sell and convey unto the **City of Burnet**, a Texas home-rule municipality, P.O. Box 1369, 1001 Buchanan Drive, Suite 4, Burnet, Burnet County, Texas, ("Grantee"), an easement and rights-of-way in, on, over, and through the lands located in Burnet County Texas, described and referred to as the "Easement Area" as follows:

**BEING A 0.015 ACRE UTILITY EASEMENT, OUT OF THE B.B. CASTLEBERRY SURVEY NO. 2, ABSTRACT NO. 187, IN BURNET COUNTY TEXAS, AND BEING OVER AND ACROSS A CALLED 0.14 ACRE TRACT OF LAND IN LOT 1, BLOCK 10, OF THE VANDERVEER ALEXANDER PORTION OF THE CITY OF BURNET, AS DESCRIBED IN A WARRANTY DEED WITH VENDOR'S LIEN TO VERANDAS BURNET JMS, LLC, A LIMITED LIABILITY COMPANY, RECORDED IN DOCUMENT NO. 202006692 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, SAID 0.015 ACRES BEING MORE PARTICULARLY DESCRIBED THE SURVEY ATTACHED HERETO AS EXHIBIT "A" AND THE METES AND BOUNDS DESCRIPTION ATTACHED HERETO AS EXHIBIT "B".**

For the purpose of using the Easement Area for any and all things necessary for the construction, reconstruction, realignment, inspection, patrol, maintenance, operation, repair, addition, removal and or replacement of sanitary sewer lines, facilities, and appurtenances (hereinafter "Public Facilities") to be placed within the above described permanent Easement Area. The Grantee expressly agrees that it will remove from the Easement Area all surplus material and will, except for the presence of any at-grade and above ground facilities and appurtenances constructed by Grantee, cause the Easement Area to be left nearly as possible in the condition as it existed prior to the construction of the Public Facilities.

Together with the right of ingress and egress over the Easement Area and over Grantor's adjoining lands for the purpose of constructing, reconstructing, realigning, inspecting, patrolling, maintaining, operating, repairing, adding and removing the Public Facilities within the Easement Area; the right to remove from the Easement Area all trees or parts thereof, or other obstructions, which may interfere with the rights granted hereunder; and the right of



## City of Burnet Public Utility Easement

exercise of all other rights hereby granted; and Grantor expressly covenants and agrees for itself and its legal representatives, successors and/or assigns, that: (i) no building or structure of any kind will be placed on the Easement Area and that removal of any building or structure placed on the Easement Area shall be at Grantor's expense; and (ii) only with written approval of Grantee, shall any other subsurface utilities be allowed to cross over the Easement Area perpendicularly, but in no case shall any other subsurface utility run parallel to Grantee's sanitary sewer lines in the Easement Area; and (iii) Grantor retains the obligation to maintain the surface of the Easement Property, including the obligation to regularly mow or cut back vegetation and to keep the surface of the Easement Property free of litter, debris, or trash.

TO HAVE AND TO HOLD the above describe easement, rights of way and rights unto said Grantee, its successors, and assigns, until the use of the easement is abandoned.

And, Grantor does hereby bind itself, its legal representatives, successors and/or assigns to warrant and forever defend all and singular the above described easement, rights of way and rights unto Grantee, its successors and assigns, against ever person whomsoever lawfully claiming or to claim the same or any part thereof.

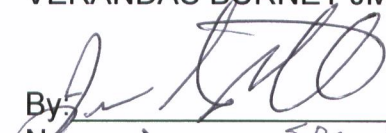
This Easement Instrument may be executed in one or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

Signature pages to follow.

City of Burnet Public Utility Easement

This instrument is executed as of the dates witnessed below.

**GRANTOR:**  
VERANDAS BURNET JMS LLC

By:   
Name: Jesse Spruiell  
Title: Managing Member

THE STATE OF TEXAS §  
                                                  §  
COUNTY OF BURNET §

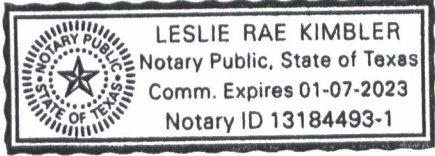
**BEFORE ME**, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Jesse Spruiell, of VERANDAS BURNET JMS LLC, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

**GIVEN UNDER MY HAND AND SEAL OF OFFICE** on this the 2 day of November, 2020.

Seal

  
Notary Public Signature

Grantee's acceptance signature page to follow.



**GRANTEE:**

**AGREED AND ACCEPTED:**  
CITY OF BURNET, TEXAS,  
a Texas home-rule municipality

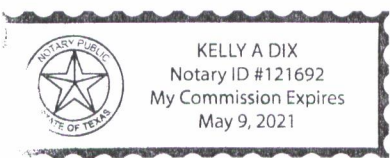
By:   
Crista Goble Bromley, Mayor

**THE STATE OF TEXAS   §**  
                                          **§**  
**COUNTY OF BURNET   §**

**BEFORE ME**, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Crista Goble Bromley, mayor of the City of Burnet, Texas, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

**GIVEN UNDER MY HAND AND SEAL OF OFFICE** on this the 10 day of November 2020.

Seal



  
\_\_\_\_\_  
Notary Public Signature



EXHIBIT "A"

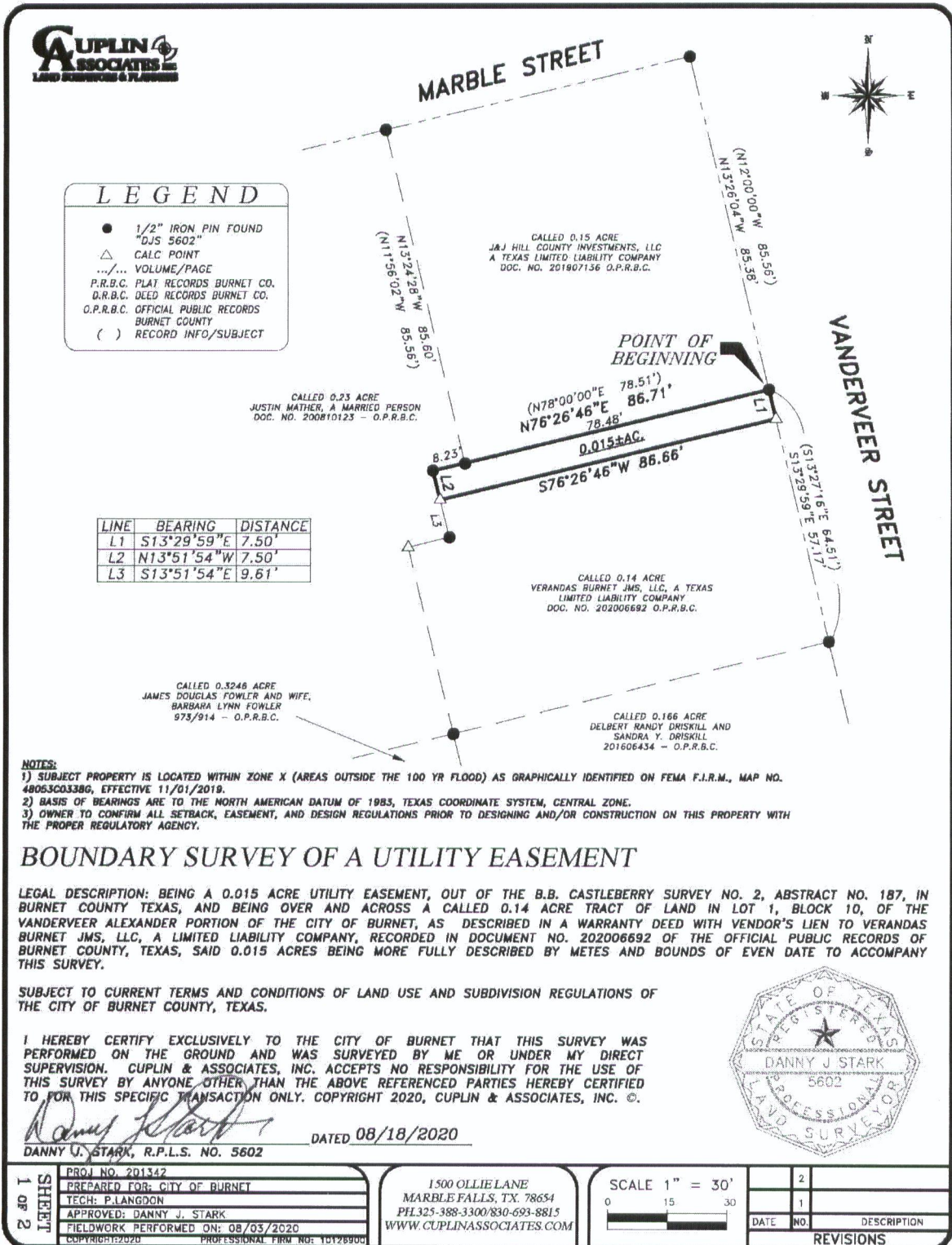


EXHIBIT "B"



Prepared For: The City of Burnet  
Project No. 201342  
Date: 08/18/2020

**BEING A 0.015 ACRE UTILITY EASEMENT, OUT OF THE B.B. CASTLEBERRY SURVEY NO. 2, ABSTRACT NO. 187, IN BURNET COUNTY TEXAS, AND BEING OVER AND ACROSS A CALLED 0.14 ACRE TRACT OF LAND IN LOT 1, BLOCK 10, OF THE VANDERVEER ALEXANDER PORTION OF THE CITY OF BURNET, AS DESCRIBED IN A WARRANTY DEED WITH VENDOR'S LIEN TO VERANDAS BURNET JMS, LLC, A LIMITED LIABILITY COMPANY, RECORDED IN DOCUMENT NO. 202006692 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, SAID 0.015 ACRES BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**BEGINNING** at a 1/2" iron pin with cap "DJS 5602" found along the west right-of-way line of Vanderveer Street at the southeast corner of a called 0.15 acre tract described in an Assumption General Warranty Deed with Vendor's Lien to J&J Hill County Investments, LLC, recorded in Document No. 201907136, of the Official Public Records of Burnet County, Texas, and being the northeast corner of said 0.14 acre tract, and hereof, **WHENCE** a 1/2" iron pin with cap "DJS 5602" found for reference along the south right-of-way line of Marble Street and the west right-of-way line of said Vanderveer Street, and at the northeast corner of said 0.15 acre tract bears North 13°26'04" West, a distance of 85.38 feet;

**THENCE** South 13°29'59" East, along the west right-of-way line of said Vanderveer Street, the east line of said 0.14 acre tract, and hereof, a distance of 7.50 feet to a calculated point at the southeast corner hereof, **WHENCE** a 1/2" iron pin found for reference at the southeast corner of said 0.14 acre tract bears South 13°29'59" East, a distance of 57.17 feet;

**THENCE** South 76°26'46" West, over and across said 0.14 acre tract, a distance of 86.66 feet to a calculated point along the east line of a called 0.23 acre tract described in a General Warranty Deed with Vendor's Lien to Justin Mather, recorded in Document No. 200810123 of the Official Public Records of Burnet County, Texas, and being along the west line of said 0.14 acre tract, at the southwest corner hereof, **WHENCE** a 1/2" iron pin with cap "DJS 5602" found for reference along the east line of said 0.23 acre tract and the west line of said 0.14 acre tract bears South 13°51'54" East, a distance of 9.61 feet;

**THENCE** North 13°51'54" West, along the east line of said 0.23 acre tract, the west line of said 0.14 acre tract, and hereof, a distance of 7.50 feet to a 1/2" iron pin with cap "DJS 5602" found along the east line of said 0.23 acre tract, at the northwest corner of said 0.14 acre tract, and hereof;

**THENCE** North 76°26'46" East, along the west line of said 0.23 acre tract and the north line of said 0.14 acre tract, and hereof, at 8.23 feet passing a 1/2" iron pin with cap "DJS 5602" found at a southeast corner of said 0.23 acre tract and the southwest corner of said 0.15 acre tract, in all a distance of 86.71 feet to the **POINT OF BEGINNING** and calculated to contain 0.015 acres.

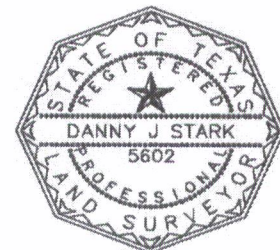
**NOTE:**

***A Plat of Survey of even date was prepared and is intended to accompany the above described tract of land. Bearings are based on North American Datum of 1983, Texas Central Zone.***

I HEREBY CERTIFY EXCLUSIVELY TO THE CITY OF BURNET THAT THIS SURVEY WAS PERFORMED ON THE GROUND AND WAS SURVEYED BY ME OR UNDER MY DIRECT SUPERVISION 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. ©.

**Dated: 08/18/2020**

Danny J. Stark  
Registered Professional Land Surveyor No. 5602



1500 Ollie Lane, Marble Falls, Texas 78654  
PH: 325.388.3300 Fax: 325.388.3320 Prof. Firm No. 10126900  
www.cuplinassociates.com





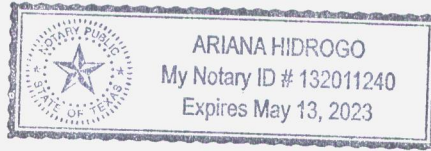


This instrument is executed as of the dates witnessed below.

By: David Lindley  
David Lindley

By: Sara Lindley  
Sara Lindley

THE STATE OF TEXAS §  
                                          §  
COUNTY OF BURNET §



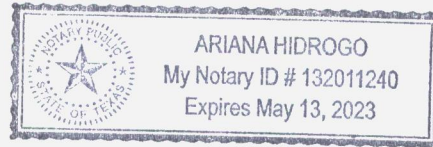
**BEFORE ME**, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared David Lindley, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration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

**GIVEN UNDER MY HAND AND SEAL OF OFFICE** on this the 16<sup>th</sup> day of October, 2020.

Seal

Ariana Hidrogo  
Notary Public Signature

THE STATE OF TEXAS §  
                                          §  
COUNTY OF BURNET §



**BEFORE ME**, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Sara Lindley, 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 and in the capacity therein stated.

**GIVEN UNDER MY HAND AND SEAL OF OFFICE** on this the 16<sup>th</sup> day of October, 2020.

Seal

Ariana Hidrogo  
Notary Public Signature

EXHIBIT "A"

**CUPLIN & ASSOCIATES, Inc.**  
land surveyors & planners

Prepared For: The City of Burnet  
Project No. 201342  
Date: 08/18/2020

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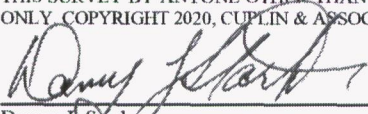
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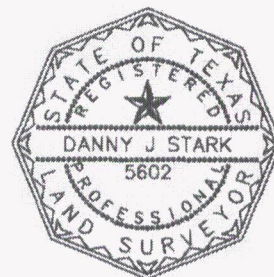
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Dated: 08/18/2020

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