RESOLUTION NO. R2021-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS AUTHORIZING THE AMENDMENT OF EASEMENTS HELD BY LOWER COLORADO RIVER AUTHORITY AT HALEY NELSON PARK AND PROPERTY LOCATED AT THE INTERSECTION OF COUNTY ROAD 108 AND US ROUTE 281

Whereas, the Lower Colorado River Authority (LCRA) is a nonprofit public utility that provides electric transmission to many communities in Central Texas; and

Whereas, the LCRA holds blanket easements over Haley Nelson Park and a tract of land owned by the City located at the intersection of County Road 108 and US Route 281 (County Road 108 tract); and

Whereas, the easement across Haley Nelson Park allows LCRA to install15 "H" Frame Poles for electric transmission and distribution; and

Whereas, the easement across the County Road 108 tract allows LCRA install 6 "H" Frame Poles for electric transmission and distribution; and

Whereas, to upgrade its electric transmission service in the area LCRA initiated Project LCRA T-219 Burnet to Lampasas; and

Whereas, the project requires the upgrade of the existing "H" Frame Poles with monopoles;

Whereas, City Council is amenable to approve this request as LCRA has agreed to include terms in the amened easement agreements to fix the location of the easement, limit the number of structures to be placed in the easement areas, designate specific locations for ingress and egress to the easement property; and provide monetary consideration.

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

Section one. Approval. The amendment to the Haley Nelson Park Easement Agreement and the amendment to the County Road 108 tract Easement Agreement, attached hereto as exhibits "A" and "B" respectively are hereby approved.

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

Section three. **Findings.** The findings of this resolution are deemed to be true, correct, and incorporated herein for all purposes.

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

PASSED AND APPROVED to be effective this the 9th day of March, 2021.

CITY OF BURNET

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary



NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL 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 DRIVERS LICENSE NUMBER.

AMENDMENT TO ELECTRIC LINE EASEMENTAND RIGHT-OF-WAY

STATE OF TEXAS

COUNTY OF BURNET

8

DATE: MArch 9

GRANTOR: City of Burnet, Texas

GRANTOR'S MAILING ADDRESS:

P.O. Box 1369

Burnet, Texas 78611-7369

GRANTEE: LCRA TRANSMISSION SERVICES CORPORATION, a Texas non-profit

corporation

GRANTEE'S MAILING ADDRESS:

c/o Lower Colorado River Authority

P.O. Box 220

Austin, Texas 78767-0220

PRIOR EASEMENTS: That certain easement dated September 30, 1926, recorded in Volume 74, Page 144, Deed Records of Burnet County, Texas.

GRANTOR'S PROPERTY: 0.692 acres of land, more or less, out of the John Hamilton League and Labor No. 1, A-405, Burnet County, Texas, being more particularly described in that certain Gift Deed dated May 25, 2005, recorded at Volume 1341, Page 410, Official Public Records of Burnet County, Texas.

AGREEMENT

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, GRANTOR and GRANTEE agree that the PRIOR EASEMENTS as it affects GRANTOR'S PROPERTY only, is hereby amended as follows:

Notwithstanding anything in the PRIOR EASEMENTS to the contrary,

1. GRANTEE'S easement rights are limited to that certain 0.096-acre tract, more

or less, being described on **Exhibit A** attached hereto and incorporated herein, (the "EASEMENT PROPERTY"), except that GRANTEE shall retain all rights of ingress and egress over the entirety of GRANTOR'S PROPERTY.

- 2. GRANTEE shall have the right to place one ground-based support structure permanently on the easement property. The structure may consist of multiple poles or openings in the ground and may be made of concrete, steel, or any other materials. Grantee shall have the right to reconstruct, replace, and relocate the ground-based support structure to a new location on the Easement Property, provided that the new location is within twenty-five (25) feet of the existing structure location.
- 3. GRANTEE shall have the right to include and use communication lines in the optical grounding wires on the transmission line on the EASEMENT PROPERTY.
- 4. GRANTEE will install the ground-based support structure in a manner that does not unreasonably interfere with utilities known by GRANTEE to be located on or under the EASEMENT PROPERTY at the time of installation. GRANTOR agrees to share any information in its possession regarding the location of existing City utilities on the EASEMENT PROPERTY with GRANTEE.

This Amendment to Electric Line Easement and Right-of-Way, and the terms and conditions contained herein, shall inure to the benefit of and be binding upon GRANTEE and GRANTOR, and their respective personal representatives, successors, and assigns. All terms of the PRIOR EASEMENTS are hereby ratified and shall remain in full force and effect, as amended hereby, and nothing herein shall be construed as depriving GRANTEE of any rights obtained in the PRIOR EASEMENTS except as specifically set out herein.

GRANTOR: City of Burnet, Texas By: Name: Crista Gobje Burnet Name: Whayor ACKNOWLEDGMENTS STATE OF TEXAS, TEXA

by Cista Growley, Mayor day of March, 2021 City of Burnet, Texas, GRANTOR.



Notary Public, State of Texas

GRANTEE:

LCRA Transmission Services Corporation a Texas non-profit corporation



Mark Sumrall
Authorized Agent

ACKNOWLEDGMENTS

STATE OF TEXAS

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COUNTY OF TRAVIS

Inis instrument was acknowledged before me on this 12th day of Murch, 2021, by Mark Sumrall, Authorized Agent of LCRA Transmission Services Corporation, a Texas non-profit corporation, on behalf of said corporation.

JAMES ARTHUR CADE, JR.
Notary Public, State of Texas
Comm. Expires 10-07-2024
Notary ID 126409894

Notary Public, State of Texas

After	reco	rding	, return	to:

LCRA Transmission Services Corporation c/o Lower Colorado River Authority
P. O. Box 220
Austin, Texas 78767-0220
Attn:

BURNET COUNTY, TEXAS
JOHN HAMILTON SURVEY, ABSTRACT NO. 405
LOWER COLORADO RIVER AUTHORITY

0.096 Acres Page 1 of 2 A053

EXHIBIT "___ "

DESCRIPTION FOR A 0.096 ACRE TRACT OF LAND SITUATED IN THE JOHN HAMILTON SURVEY, ABSTRACT NO. 405, BURNET COUNTY, TEXAS, BEING A PORTION OF A 0.692 ACRE TRACT OF LAND DESCRIBED IN THE DEED FROM CAL C. SKAGGS AND WIFE, BETTY J. SKAGGS TO THE CITY OF BURNET, TEXAS, A TEXAS MUNICIPAL CORPORATION, DATED MAY 25, 2005, AND RECORDED IN VOLUME 1341, PAGE 410, OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS; THE PERIMETER OF SAID 0.096 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BECINNING at a 1/2" iron rod with plastic cap stamped "CUPLIN #5938" found (Grid Coordinates = Northing 10,253,249.90 U.S. ft., Easting 2,955,706.75 U.S. ft.) in the west right-of-way line of U.S. Highway 281 (right-of-way width varies), for the northeast corner of said 0.692 acre tract of land, same being the southeast corner of a 69.275 acre tract of land described in the deed from Cal C. Skaggs, a single person to Tarbet Development, LLC, dated December 7, 2016, and recorded in Document No. 201611559 of the Official Public Records of Burnet County, Texas;

THENCE South 14°57'15" East, with the west right-of-way line of U.S. Highway 281, being the east line of said 0.692 acre tract of land, a distance of 99.97 feet to a 1/2" iron rod with plastic cap stamped "SURV TECi?" found, for the southeast corner of said 0.692 acre tract of land, same being the northeast corner of a 1.013 acre tract of land described in the deed from Cal C. Skaggs and wife, Betty J. Skaggs to the City of Burnet, Texas, a Texas Municipal Corporation, dated May 25, 2005, and recorded in Volume 1341, Page 397 of the Official Public Records of Burnet County, Texas;

THENCE South 80°03'55" West, with the common line of said 0.692 acre tract of land and said 1.013 acre tract of land, a distance of 63.26 feet to a 5/8" iron rod with aluminum cap stamped "LCRA" set, from which a calculated point in the common line of said 0.692 acre tract of land and said 1.013 acre tract of land, bears South 80°03'55" West, a distance of 141.21 feet;

THENCE North 08°59'39" East, crossing said 0.692 acre tract of land, a distance of 105.34 feet to a 5/8" iron rod with aluminum cap stamped "LCRA" set in the north line of said 0.692 acre tract of land, same being a south line of said 69.275 acre tract of land, from which a 1/2" iron rod with plastic cap stamped "CUPLIN #5938" found for a point in the north line of said 0.692 acre tract of land, same being a south line of said 69.275 acre tract of land, bears South 80°14'16" West, a distance of 146.28 feet;

THENCE North 80°14'16" East, with the common line of said 0.692 acre tract of land and said 69.275 acre tract of land, a distance of 20.34 feet to the POINT OF BEGINNING hereof, and containing 0.096 acres of land within the bearing and distance calls contained herein.

Bearing Basis: Texas Lambert Grid, Central Zone, NAD83/2011. All distances are surface values; to obtain grid values multiply surface distances by a Combined Scale Factor of 0.99983009. All distance units are U.S. Survey feet.

This description and plat attached hereto represent an on-the-ground survey made under my direct supervision December 2020.

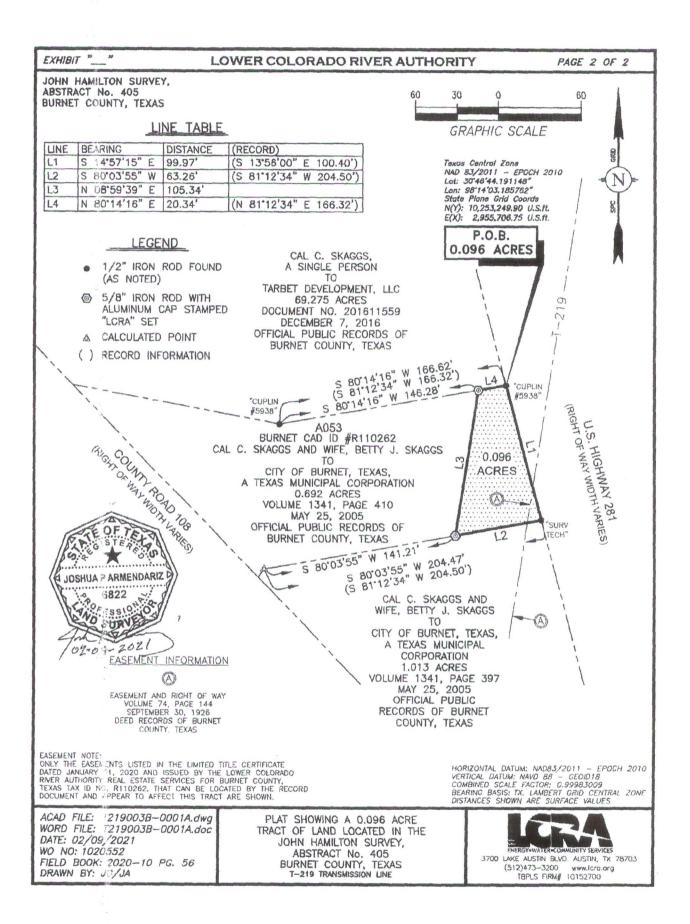
JOSHUA P ARMENDARIZ

Joshua P. Armendariz

Registered Professional Land Surveyor No. 6822

Lower Colorado River Authority 3700 Lake Austin Boulevard Austin, Texas 78703 Date

WORD FILE: T219003B-0001A.doc ACAD FILE: T219003B-0001A.dwg





FILED AND RECORDED OFFICIAL PUBLIC RECORDS

Janet Parker, County Clerk Burnet County Texas 3/15/2021 11:09:40 AM

FEE: \$46.00 202103829

ESMT



NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL 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 DRIVERS LICENSE NUMBER.

AMENDMENT TO ELECTRIC LINE EASEMENTAND RIGHT-OF-WAY

STATE OF TEXAS

§

COUNTY OF BURNET

88

DATE: March 9, 2021

GRANTOR: City of Burnet, Texas

GRANTOR'S MAILING ADDRESS:

P.O. Box 1369

Burnet, Texas 78611-7369

GRANTEE: LCRA TRANSMISSION SERVICES CORPORATION, a Texas non-profit

corporation

GRANTEE'S MAILING ADDRESS:

c/o Lower Colorado River Authority

P. O. Box 220

Austin, Texas 78767-0220

PRIOR EASEMENT: That certain easement dated October 4, 1926, recorded in Volume 74, Page 123, Deed Records of Burnet County, Texas.

GRANTOR'S PROPERTY: 51.3192 acres of land, more or less, out of the John Hamilton League and Labor No. 1, A-405, Burnet County, Texas, being more particularly described in that certain Special Warranty Deed dated April 17, 2006, recorded at Volume 1421, Page 319, Official Public Records of Burnet County, Texas.

AGREEMENT

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, GRANTOR and GRANTEE agree that the PRIOR EASEMENT as it affects GRANTOR'S PROPERTY only, is hereby amended as follows:

Notwithstanding anything in the PRIOR EASEMENT to the contrary,

1. GRANTEE'S easement rights are limited to that certain 1.788-acre tract, more or less, being described on Exhibit A attached hereto and incorporated herein,

(the "EASEMENT PROPERTY"), except that GRANTEE shall retain the rights of ingress and egress over the EASEMENT PROPERTY and all existing roads and parking lots on the entirety of GRANTOR'S PROPERTY.

- 2. GRANTEE shall have the right to place two ground-based support structures permanently on the easement property. Each structure may consist of multiple poles or openings in the ground and may be made of concrete, steel, or any other materials. Grantee shall have the right to reconstruct, replace, and relocate the two ground-based support structures to new locations on the Easement Property, provided that the new locations are within twenty-five (25) feet of the existing structure locations.
- 3. GRANTEE shall have the right to include and use communication lines in the optical grounding wires on the transmission line on the EASEMENT PROPERTY.
- 4. GRANTEE will install the ground-based support structures in a manner that does not unreasonably interfere with utilities known by GRANTEE to be located on or under the EASEMENT PROPERTY at the time of installation. GRANTOR agrees to share any information in its possession regarding the location of existing City utilities on the EASEMENT PROPERTY with GRANTEE.

This Amendment to Electric Line Easement and Right-of-Way, and the terms and conditions contained herein, shall inure to the benefit of and be binding upon GRANTEE and GRANTOR, and their respective personal representatives, successors, and assigns. All terms of the PRIOR EASEMENTS are hereby ratified and shall remain in full force and effect, as amended hereby, and nothing herein shall be construed as depriving GRANTEE of any rights obtained in the PRIOR EASEMENTS except as specifically set out herein.

	GRANTOR: City of Burnet, Texas
NE FEEN IS	By: Gold Bungs Name: Crista Groble Bromle & Title: WAYOR OWLEDGMENTS
COUNTY OF BURNET &	
	before me on this 9 day of MARCH, 201, on behalf or
KELLY A DIX Notary ID #121692 My Commission Expires May 9, 2021	Notary Public, State of Texas
	GRANTEE: LCRA Transmission Services Corporation a Texas non-profit corporation
GR ₄	By: Mark Sumrall Authorized Agent
ACKNO	OWLEDGMENTS
STATE OF TEXAS § COUNTY OF TRAVIS §	
This instrument was acknowledged	before me on this 19th day of March, 2021, by Transmission Services Corporation, a Texas non-profit
	42
JAMES ARTHUR CADE, JR.	Notary Public, State of Texas

JAMES ARTHUR CADE, JR.
Notary Public, State of Texas
Comm. Expires 10-07-2024
Notary ID 126409894

After	recor	ding.	return	to:
AILCI	TICOI	CALLE S	RECERTA	100

LCRA Transmission Services Corporation c/o Lower Colorado Ríver Authority
P. O. Box 220
Austin, Texas 78767-0220
Attn:

BURNET COUNTY, TEXAS JOHN HAMILTON SURVEY, ABSTRACT NO. 405 LOWER COLORADO RIVER AUTHORITY

EXHIBIT "A"

DESCRIPTION FOR A 1.788 ACRE TRACT OF LAND SITUATED IN THE JOHN HAMILTON SURVEY, ABSTRACT NO. 405, BURNET COUNTY, TEXAS, BEING A PORTION OF A 51.25 ACRE TRACT OF LAND DESCRIBED IN THE DEED FROM ALVIN NORED TO THE CITY OF BURNET, TEXAS, A TEXAS MUNICIPAL CORPORATION, DATED APRIL 17, 2006, AND RECORDED IN VOLUME 1421, PAGE 319, OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS; THE PERIMETER OF SAID 1.788 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 5/8" iron rod with aluminum cap stamped "LCRA" set (Grid Coordinates = **Northing** 10,247,497.19 U.S. ft., **Easting** 2,954,775.34 U.S. ft.) in the north line of said 51.25 acre tract of land, same being a south line of a 25.00 acre tract of land described in the deed from David W. Pogue and Jeneifer Pogue to Tim R. Miller and Susan L. Miller, dated December 9, 2020, and recorded in Document No. 202016431 of the Official Public Records of Burnet County, Texas, from which a 6" cedar post found in the north line of said 51.25 acre tract of land, being in the south line of said 25.00 acre tract of land, bears **South** 76°26'35" **West**, a distance of **592.66 feet**;

THENCE North 76°26'35" East, with the common line of said 51.25 acre tract of land and said 25.00 acre tract of land, a distance of 108.32 feet to a 5/8" iron rod with aluminum cap stamped "LCRA" set, from which a calculated point in the common line of said 51.25 acre tract of land and said 25.00 acre tract of land, bears North 76°26'35" East, a distance of 103.61 feet;

THENCE crossing said 51.25 acre tract of land, the following two (2) courses and distances:

- South 09°01'10" West, a distance of 762.33 feet to a 5/8" iron rod with aluminum cap stamped "LCRA" set;
- 2. South 07°42'49" West, a distance of 27.95 feet to a 5/8" iron rod with aluminum cap stamped "LCRA" set in the south line of said 51.25 acre tract of land, same being the north line of Lot 6 of the Westside Addition (Unrecorded), described in the deed from Leroy Ellett to Victor and Elsa Lara, dated April 4, 1995, and recorded in Volume 685, Page 541 of the Official Public Records of Burnet County, Texas, from which a 5/8" iron rod found in the south line of said 51.25 acre tract, bears North 81°43'26" East, a distance of 157.10 feet to a calculated point, North 75°33'09" East, a distance of 80.32 feet to a calculated point, and South 30°13'13" East, a distance of 120.93 feet;

THENCE South 81°43'26" West, with the south line of said 51.25 acre tract of land and in part, the north line of said Lot 6, a distance of 51.54 feet to a 5/8" iron rod with aluminum cap stamped "LCRA" set,

THENCE North 70°53'34" West, with the south line of said 51.25 acre tract of land and in part, the north line of Lot Thirteen (13) of the Westside Addition (Unrecorded), described in the deed from Nancy Ann Daniel Crawford, Trustee of the RJN Trust to Mary Verduzco, dated August 18, 1999, and recorded in Volume 871, Page 288 of the Official Public Records of Burnet County, Texas, a distance of 51.49 feet to a 5/8" iron rod with aluminum cap stamped "LCRA" set, from which a 1/2" iron rod found in the south line of said 51.25 acre tract of land, being the northwest corner of said Lot Thirteen, bears North 70°53'34" West, a distance of 71.60 feet;

THENCE crossing said 51.25 acre tract of land, the following two (2) courses and distances:

 North 07°42'49" East, a distance of 33.11 feet to a 5/8" iron rod with aluminum cap stamped "LCRA" set;

BURNET COUNTY, TEXAS JOHN HAMILTON SURVEY, ABSTRACT NO. 405 LOWER COLORADO RIVER AUTHORITY

2. North 09°01'10" East, a distance of 721.89 feet to the POINT OF BEGINNING hereof, and containing 1.788 acres of land within the bearing and distance calls contained herein.

Bearing Basis: Texas Lambert Grid, Central Zone, NAD83/2011. All distances are surface values; to obtain grid values multiply surface distances by a Combined Scale Factor of 0.99983009. All distance units are U.S. Survey feet.

This description and plat attached hereto represent an on-the-ground survey made under my direct supervision December 2020.

Joshua A. Armendariz

Registered Professional Land Surveyor No. 6822

Lower Colorado River Authority

3700 Lake Austin Boulevard Austin, Texas 78703

(512) 473-3200

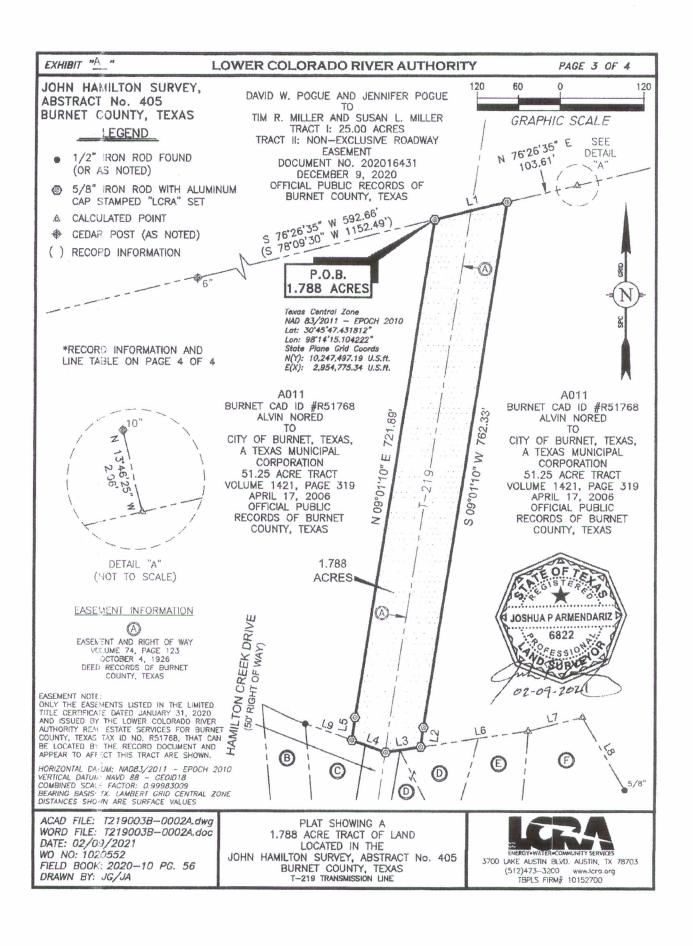
TBPLS FIRM# 10152700

02-04-2021

Date

WORD FILE: T219003B-0002A.doc ACAD FILE: T219003B-0002A.dwg





RECORD INFORMATION

B

MARGARET O. McFARLAND, ET AL TO ELSA L. LARA .3347 ACRE, MORE OR LESS AKA LOT 14, WESTSIDE ADDITION (UNRECORDED) DOCUMENT NO. 201609942 OCTOBER 13, 2016 OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS

0

NANCY ANN DANIEL CRAWFORD, TRUSTEE OF THE RJN TRUST TO MARY VERDUZCO LOT THIRTEEN (13) OF THE WESTSIDE ADDITION (UNRECORDED) VOLUME 871, PAGE 288 AUGUST 18, 1999
OFFICIAL PUBLIC RECORDS OF
BURNET COUNTY, TEXAS

0

LEROY ELLETT TO VICTOR AND ELSA LARA LOTS 6 AND 7, WESTSIDE ADDITION (UNRECORDED) VOLUME 685, PAGE 541 APRIL 4, 1995 REAL PROPERTY RECORDS OF BURNET COUNTY, TEXAS

DAVID BARRIOS, ALSO KNOWN AS DAVID R. BARRIOS TO GUADALUPE E. TORRES, ALSO KNOW AS GUADALUPE I. TORRES, AND LEONICIA TORRES TRACT ONE: BEING ALL LOT 5 OF WESTSIDE ADDITION (UNRECORDED) TRACT TWO: BEING ALL LOT 4 OF WESTSIDE ADDITION (UNRECORDED) DOCUMENT NO. 201202942 MARCH 30, 2012 OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS

(F)

W. GREATHOUSE AND WIFE, LOUISE GREATHOUSE TO HOWARD BLACKMON AND WIFE, BOBBIE BLACKMON NO ACREAGE GIVEN **VOLUME 145, PAGE 440** SEPTEMBER 1964 DEED RECORDS OF BURNET COUNTY, TEXAS



LINE TABLE

LINE	BEARING	DISTANCE	(RECORD)
L.1	N 76'26'35" E	108.32	(N 78'09'30" E 1152.49')
L2		27.95	
L3	S 81'43'26" W	51.54	(S 83'26'21" W 208.6')
L4	N 70°53'34" W	51.49'	(N 69'10'39" W 139.0')
L5	N 07"42'49" E	33.11	
L6	N 81'43'26" E	157.10'	(N 83'26'21" E 208.6')
L7	N 75°33'09" E	80.32	(N 77°16'04" E 80.31')
L8	S 30'13'13" E	120.93'	(S 28°30'18" E 120.91')
L9	N 70°53'34" W	71.60'	(N 69'10'39" W 139.0')

ACAD FILE: T219003B-0002A.dwg WORD FILE: T219003B-0002A.doc DATE: 02/09/2021 WO NO: 102:552 FIELD BOOK: 2020-10 PG. 56 DRAWN BY: JG/JA

PLAT SHOWING A 1.788 ACRE TRACT OF LAND LOCATED IN THE JOHN HAMILTON SURVEY, ABSTRACT No. 405 BURNET COUNTY, TEXAS T-219 TRANSMISSION LINE





FILED AND RECORDED OFFICIAL PUBLIC RECORDS

Janet Parker

Janet Parker, County Clerk Burnet County Texas 3/15/2021 11:09:40 AM

FEE: \$58.00 202103828

ESMT