### **RESOLUTION NO. R2021-23**

## A RESOLUTION OF THE CITY COUNCIL OF BURNET, TEXAS ACCEPTING A PETITION FOR ANNEXATION OF 75.87 ACRES OF REAL PROPERTY LOCATE WEST OF THE CITY LIMITS AND SOUTH OF TEXAS HWY 29; AND AUTHORIZING THE INITIATION OF PROCEEDINGS TO ANNEX THE REAL PROPERTY.

WHEREAS, Hilltop Oaks, LLC, (hereinafter "petitioner") is the owner of 75.87 acres of real property located west of the city limits and south of Texas Hwy 29, (hereinafter the "territory"); and

WHEREAS, pursuant to Resolution No. R2021-17, the city and petitioner entered into an agreement addressing the development of the territory; and

WHEREAS, pursuant to the terms of the agreement, on April 20, 2021, petitioner submitted a written petition requesting annexation of the territory; a copy of which with an exhibit describing the territory, is attached hereto; and

WHEREAS, city council finds the territory to be located within the city's extraterritorial jurisdiction and continuous with its corporate limits.

# BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS. THAT:

**Section one**. **Petition Accepted**. The petition attached hereto to annex the territory described therein is hereby accepted.

**Section two. Service Agreement.** Pursuant to Texas Government Code Sec. 43.0672, the City Manager is hereby authorized and directed to negotiate the terms of a service agreement for the territory prior to the date of the public hearing referenced in section three.

**Section three.** Public Hearing. On the 10<sup>th</sup> day of August, 2021, at 6:00 o'clock post meridiem City Council shall conduct a public hearing giving all interested persons the right to appear and be heard on the proposed annexation.

**Section four.** Publication of Notice. The City Secretary is hereby authorized and directed to cause notice of such public hearing to be published once in a newspaper having general circulation in the city and in the above-described territory not more than twenty days nor less than ten days prior to the date of such public hearing, and post such notice on the city's website from the same date until the day of public hearing; and provide notice by mail deliver to the school district and governmental entities serving the territory as prescribed by Texas Local Government Code Sec. 43.0905 and 43.9051.

PASSED AND APPROVED this the 25<sup>th</sup> day of May 2021.

CITY OF BURNET

Crista Goble Bromley, Mayor NINIIIIIIII BERNING TEXAS

ATTEST:

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Kelly Dix, City Secretary

## NOTICE OF PUBLIC HEARING

### NOTICE IS HEREBY GIVEN TO ALL INTERESTED PERSONS, THAT:

The City of Burnet, Texas proposes to institute annexation proceedings to enlarge and extend the boundary limits of said city to include the following described territory, to-wit:

A 75.87-acre tract of land out of the John Hamilton Survey No. 1, Abstract No. 405, Burnet County Texas and being out of that certain tract of land described as 487.5 acres in a deed to Joe A. Shepard, recorded in volume 95, Page 559 of the Deed Records of Burnet County, Texas, and being that same tract of land described as 76.22 acres in a deed to Carl Van Roekel, recorded in volume 737, page 656 of the Official Public Records of Burnet County, Texas

A map of the land and territory to be annexed is available for viewing in the office of the City Secretary during normal business hours.

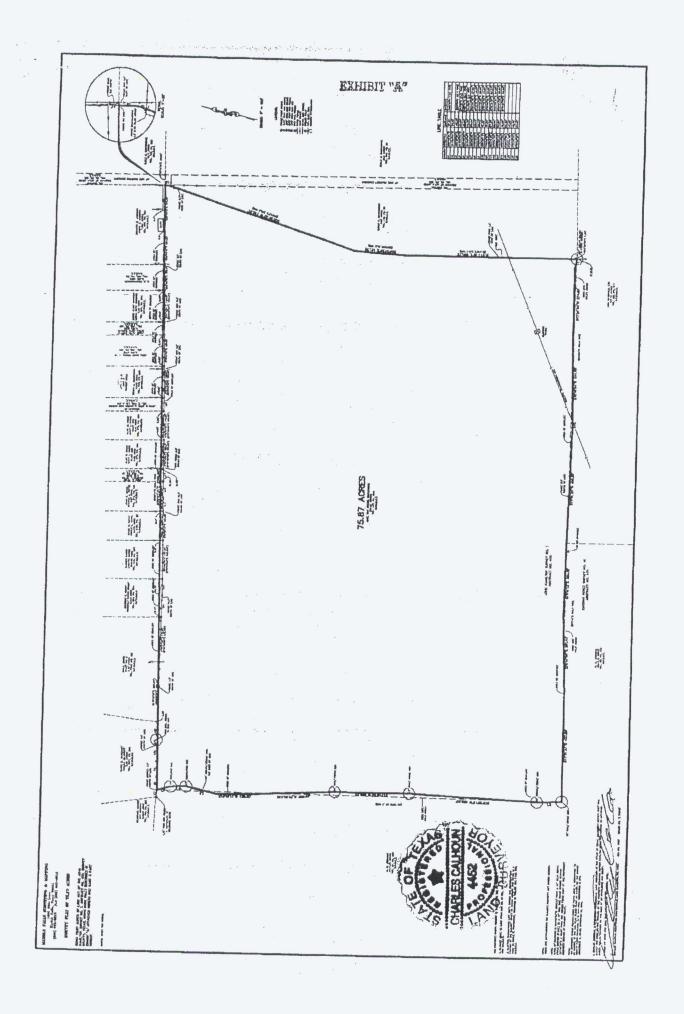
A public hearing will be held by and before the City Council of the City of the City of Burnet, Texas on the 10<sup>th</sup> day of August, 2021 at 6 o'clock, p.m., in the Council Chambers, Burnet Municipal Airport, 2402 S. Water Street, Burnet, Texas, for all persons interested in the above proposed annexation. At said time and place all such persons shall have the right to appear and be heard. Of all said matters and things, all persons interested in the things and matters herein mentioned, will take notice.

By order of the City Council of the City of Burnet, Texas this the 25<sup>th</sup> day of May, 2021.

ATTEST: Kelly Dix, City Secretary 111111

CITY OF BURNET

Crista Goble Bromley, May



#### MARBLE FALLS SURVEYING & MAPPING 1500 OLLIE LANE MARBLE FALLS, TEXAS 78654 TEL. 830 6938815 FAX 830 6938915

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#### SIAIE OF TEXAS: COUNTY OF BURNEI:

FIELD NO IES to accompany a survey plat for a 75.87 acre tract of land out of the John Hamilton Survey No. 1, Abstract No. 405, Burnet County, Texas and being out of that certain tract of land described as 487 4 acres in a deed to Joe A Shepard, recorded in Volume 95, Page 559 of the Deed Records of Burnet County, I exas, and being that same tract of land described as 76.22 acres in a deed to Carl Van Roekel, recorded in Volume 737, Page 656 of the Official Public Records of Burnet County, I exas.

Beginning at a 24" dead Cedar tree fence corner post in the south line of said 487.4 acre tract and in or near the south line of said John Hamilton Survey No 1, being in or near the north line of the Eugenio Perez Survey No 41, Abstract No 672 and of that certain tract of land described as 197 75 acres in a deed to ATMI Materials. LTD, recorded in Volume 921, Page 617 of the Official Public Records of Burnet County, Texas, being the southwest corner of that certain tract of land described as 6 92 acres in a deed to Burle C Hawthorne, recorded in Volume 155, Page 23 of the Deed Records of Burnet County, Texas, for the southeast corner hereof, from which a 60d nail found bears N17°35'52"E, a distance of 1.20 feet The Basis of Bearings is N66°15'09"W, a distance of 2532 23 feet from said 24" dead Cedar tree fence corner post to a 17" Oak tree fence post in the west line of the herein described tract which bears S27°56'25"E, a distance of 52.58 feet from a fence corner post at the northwest corner of the herein described tract

THENCE, with the fenced south line hereof and of said 487 4 acre tract and with or near the south line of said John Hamilton Survey No 1, with or near the north line of said Eugenio Perez Survey No 41 and of said 197.75 acre tract and with or near the north line of that certain tract of land described as 141 5 acres in a deed to M.C. Johnson, recorded in Volume 50, Page 506 of the Deed Records of Burnet County, Texas, the following 7 calls:

- 1) S88°10'39"W (called S89°39'W), a distance of 37 29 feet (called 13.0 varas) to a 14" Cedar tree fence post for an angle point hereof;
- S77°26'50"W (called S76°54'W), a distance of 274 80 feet (called 219 4 varas) to a fence post for an angle point hereof;
- 3) S76°15'54"W (called S76°54'W), a distance of 3 feet (called 219 4 varas) to a 3" metal pipe gate post for an angle point hereof;
- 4) S78°51'29"W (called S77°41'W), at an approximate distance of 443 feet pass the northwest corner of said 197 75 acre tract being the northeast corner of said 141.5 acre tract, continuing a total distance of 469 97 feet (called 515.7 varas) to a fence post for an angle point hereof, from which a water line manhole found bears S13°33'W, a distance of 9 0 feet;
- 5) S78°11'12"W (called S77°41'W), a distance of 254 10 feet (called 515 7 varas) to a fence post for an angle point hereof;
- S75°47'09"W (called S77°41'W), a distance of 281.63 feet (called 515 7 varas) to a fence post for an angle point hereof;
- 7) S77°31'33"W (called S77°41'W), a distance of 427 80 feet (called 515 7 varas) to a 12" Oak tree fence corner post at an inside, "ell"; corner of said 141,5 acre tract, for the southwest corner hereof and of said 487 4 acre tract;

THENCE, with the fenced west line hereof, with or near the west line of said 487 4 acre tract and with or near the easterly line of said 141 5 acre tract, the following 8 calls:

- N14°24'46"W (called N12°00'W), a distance of 94 15 feet (called 474.7 varas) to an 18"Cedar tree fence post for an angle point hereof;
- N09°20'15"W (called N12°00'W), a distance of 488 83 feet (called 474 7 varas) to an 18" Cedar tree fence post for an angle point hereof;

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- 3) NI2°08'04"W (called N12°00'W), a distance of 289 22 feet (called 474 7 varas) to a 15" Oak tree fence post for an angle point hereof;
- N14°46'42''W (called N12°00'W), a distance of 309 07 feet (called 474 7 varas) to a fence post for an angle point hereof;
- 5) N13°16'11"W (called N12°00'W), a distance of 139 20 feet (called 474.7 varas) to an 8" cedar fence post for an angle point hereof;
- 5) N00°38'04"E (called N0039'E), a distance of 116.70 feet (called 42.4 varas) to a 17" Cedar tree fence post for an angle point hereof;
- 7) N13°57'56"W (called N14°21'W), a distance of 58 80 feet (called 21 2 varas) to a 17" Cedar tree fence post for an angle point hereof;
- 8) N27°56'25''W (called N27°14'W), a distance of 52.58 feet (called 18.9 varas) to a 6'' cedar fence post in the south line of that certain tract of land described as 2.85 acres in a deed to Wayne D Waychoff and Ihelma Waychoff, recorded in Volume 1221, Page 292 of the Official Public Records of Burnet County, Iexas, being the northeast corner of said 141.5 acre tract, for the northwest corner hereof and a northwest corner of said 147.4 acre tract, from which a ½'' iron rod found at the southwest corner of said 2.85 acre tract, being the southeast corner of that certain tract of land described as 0.5842 acre in a deed to Beauford Rowney and wife, Kay Rowney, recorded in Volume 493, Page 337 of the Real Property Records of Burnet County, Iexas bears S81°58'45''W (called S81°55'50''W), a distance of 27 07 feet (called 27 03 feet);

IHENCE N76°42'31"E (called N76°44'E), with the north line hereof, being a northerly line of said 487 4 acre tract, at a distance of 2563 feet pass 2.3 feet southerly of a 1/2" iron rod found at the southeast corner of said 2.85 acre tract, being the southwest corner of that certain tract of land described as 3 27 acres in a deed to Geral Greer, recorded in Volume 1245, Page 406 of the Official Public Records of Burnet County, Texas, at a distance of 657 8 feet pass 8 1 feet northerly of a 1/2" iron rod found at the southeast corner of said 3 27 acre uact being the southwest corner of that certain tract of land described as 0.842 acre in a deed to Gregory S Cozby and wife, Kimberly Baker Cozby, recorded in Volume 604, Page 774 of the Real Property Records of Burnet County, Texas, at a distance of 803 5 feet pass 10 8 feet northerly of a 1/2" iron rod found at the southeast corner of said 0 842 acre tract, being the southwest corner of that certain tract of land described as 0.8425 acre in a deed to Barney Baker, and wife, LaDawn Baker, recorded in Volume 848, Page 207 of the Official Public Records of Burnet County, Texas, at a distance of 950 8 feet pass 11 8 feet northerly of a 1/2" iron rod found at the southeast corner of said 0 8425 acre tract, being the southwest corner of that certain tract of land described as 0 573 acre in a deed to David D. Smith and wife, Nicole L. Smith, recorded in Volume 1139, Page 22 of the Official Public Records of Burnet County, Texas, at a distance of 1060 7 feet pass 11 0 feet northerly of a 1/2" iron rod found at the southeast corner of said 0 573 acre tract, being the southwest corner of that certain tract of land described as 0 57 acre in a deed to John R Reyes and wife, Sharon L. Reyes, recorded in Volume 317, Page 161 of the Deed Records of Burnet County, Texas, at a distance of 1170 9 feet pass 10.2 feet northerly of a 1/3" iron rod found at the southeast corner of said 0 57 acre tract, being the southwest corner of that certain tract of land described as 0 26 acre in a deed to John R. Reyes and wife, Sharon L. Reyes, recorded in Volume 655, Page 36 of the Real Property Records of Burnet County, Texas, at a distance of 1220.9 feet pass 10.1 feet northerly of a 1/2" iron rod found at the southeast corner of said 0.26 acre tract, being the southwest corner of that certain tract of land described as Tract One being 0 58 acre in a deed to Alan W. Hicks and wife, Mary L. Hicks, recorded in Volume 679, Page 471 of the Real Property Records of Burnet County, Texas, at a distance of 1330.8 feet pass 9.8 feet northerly of a 1/2" iron rod found at the southeast corner of said 0.58 acre tract, being the southwest corner of that certain tract of land described as Tract I wo being 0.58 acre in a deed to Alan W Hicks and wife, Mary L. Hicks, recorded in Volume 679, Page 451 of the Real Property Records of Burnet County, I exas, at a distance of 1440 8 feet pass 8 6 feet northerly of a 1/2" iron rod found at the southeast corner of said 0.58 acre tract, being the southwest corner of a remnant of that certain tract of land conveyed to John B. Love and Maiden Low Garven, by deed recorded in Volume V, Pages 136 and 220 of the Probate Minutes of Burnet County, Texas, at a distance of 1490 6 feet pass 8 0 feet northerly of a 1/2" iron rod found at the southeast corner of said Love tract, being the southwest corner of that certain tract of land described as 0 632 acre in a deed to Kerry J Zimmerman, recorded in Volume 740, Page 862 of the Official Public Records of Burnet County, Texas, at a distance of 1611 3 feet pass 7 0 feet northerly of a 1/2" iron rod found at the southeast corner of said 0 632 acre tract, being the

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southwest corner of that certain tract of land described as 0 628 acre in a deed to Myra DawnPesna Trust, recorded in Volume 450 Page 434 of the Real Property Records of Burnet County, Texas, at a distance of 1731 4 feet pass 6 2 feet northerly of a 1/2" iron rod found at the southeast corner of said 0 6287 acre tract, being the southwest corner of that certain tract of land described as 0 262 acre in a deed to James Alvin Warwick and wife, Letha Ruth Warwick, recorded in Volume 440, Page 407 of the Real Property Records of Burnet County, Texas, at a distance of 1781 4 feet pass 5 6 feet northerly of a 1/2" iron rod found at the southeast corner of said 0 262-acre tract, being the southwest corner of that certain tract of land described as 0.63 acre in a deed to James Alvin Warwick and wife, Letha Ruth Warwick, recorded in Volume 801, Page 684 of the Official Public Property Records of Burnet County, Texas, at a distance of 1901.7 feet pass 4 8 feet northerly of a 1/2" iron rod found at the southeast corner of said 0 63 acre tract, being the southwest corner of that certain tract of land described as 0 495 acre in a deed to G E Killingsworth, recorded in Volume 279, Page 301 of the Deed Records of Burnet County, Texas, at a distance of 2001 9 feet pass 2 4 feet northerly of a 3/8" iron rod found at the southeast corner of said 0 4957 acre tract, being the southwest corner of that certain tract of land described as 1 556 acre in a deed to Kenneth E Jackson and wife, Jackie E. Jackson, recorded in Volume 486, Page 164 of the Real Property Records of Burnet County, Texas, in all a total distance of 2300 99 feet (called 828 2 varas) to a 1/2" iron rod set, with plastic cap stamped RPLS 4452, at an inside "ell" corner of said 487.4 acre tract, being in the west line of a 40 foot wide access easement, being the southeast corner of said 1.556 acre tract, and being the northerly corner of that certain tract of land described as 6.92 acres in a deed to Burle C Hawthorne, recorded in Volume 155, Page 23 of the Deed Records of Burnet County, Texas, for the northeast corner hereof, from which a 1/2" iron rod found in the east line of said 40 foot wide access easement, being the northwest corner of that certain tract of land described as 25 0 acres in a deed to Burle C Hawthorne, recorded in Volume 155, Page 21 of the Deed Records of Burnet County, Texas, being the southwest corner of that certain tract of land described as 25 2 acres in a deed to Burle C. Hawthorne, recorded in Volume 158, Page 722 of the Deed Records of Burnet County, Texas bears N76°14'41"E, a distance of 40 02 feet;

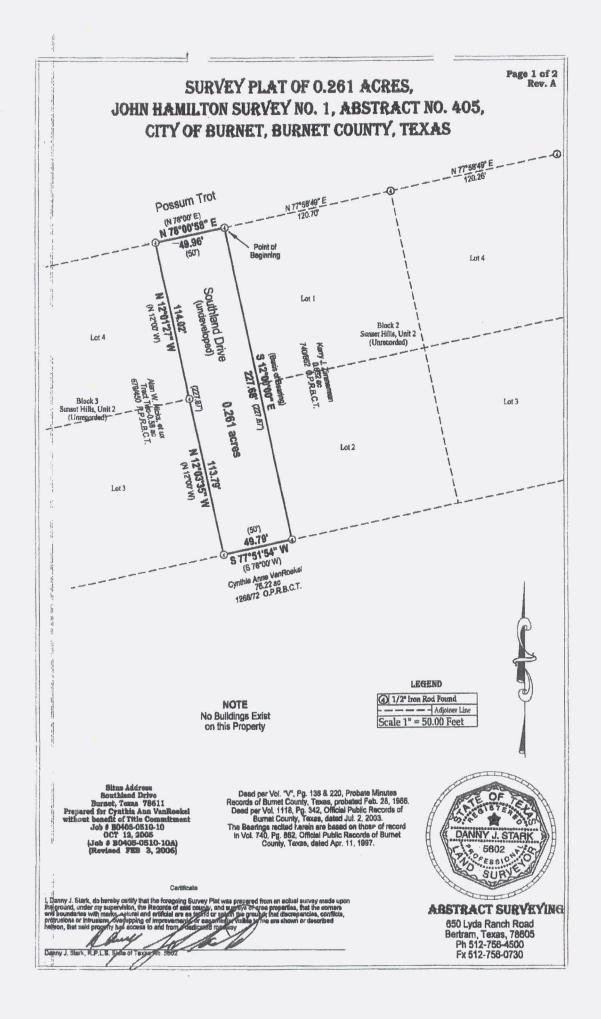
THENCE, with the east line hereof, being the west line of said 6 92 acre tract, the following 4 calls:

- S11°40'28"E (called S11°39'E), a distance of 15 30 feet (called 5 6 varas) to a ½" iron rod set, with plastic cap stamped RPLS 4452, for an angle point hereof;
- S05°25'32"W (called S05°27'W), a distance of 748 61 feet (called 269.5 varas) to a ½" iron rod found for an angle point hereof;
- S09°02'29"E (called S09°01'E), a distance of 191 78 feet (called 69 0 varas) to a ½" iron rod found for an angle point hereof;
- \$12°17'28"E (called \$12°16'E), a distance of 660 72 feet (called 237.4 feet) to the place of beginning and containing 75 87 acres

Charles Calhoun



Registered Professional Land Surveyor No. 4452 Job No. 4397 November 14, 2005



October 12, 2005 (Revised February 3, 2006) STATE OF TEXAS: COUNTY OF BURNET:

Page 2 of 2 Rev. A

Field Notes to accompany a Survey plat of a 0.261 acre tract of land out of the John Hamilton Survey No. 1, Abstract No. 405, in Burnet County, Texas.

Prepared for: Cynthia Ann Van Roekel, without benefit of Title Commitment.

Being a 0.261 acre tract of land out of the John Hamilton Survey No. 1, Abstract No. 405, in Burnet County, Texas, and being the Southern extension of Southland Drive, and lying South of Possum Trot, between Block 2 and Block 3, Sunset Hills, Unit 2, an Unrecorded Subdivision, as shown on a plat by David James, R.P.S. No. 3893, dated August 26, 1982, and recorded as an attachment in a Cash Warranty Deed dated April 11, 1997, from Dwight Webb and Marilyn Webb, to Kerry J. Zimmerman, of record in Volume 740, Page 862, Official Public Records of Burnet County, Texas, and also being a portion of the remainder of that same tract of land, described in a Will dated August 29, 1960, from Gertrude Wilson to Maiden Low Garven and John B. Love, Probated February 28, 1966, of record in Volume "V", Page 136 and 220, Probate Minutes of Burnet County, Texas, and in a Correction Administratix Deed dated July 2, 2003, from The Estate of Talbot Bell Garven, deceased, to Madelyn Gilley and William C. Dowdy, of record in Volume 1118, Page 342, Official Public Records of Burnet County, Texas, said 0.261 acre tract being more particularly described, by metes and bounds as follows:

BEGINNING at a 1/2" iron rod found at the intersection of the South Right of Way line of Possum Trot, and the East Right of Way line of Southland Drive, at the Northwest corner of a tract of land, described as 0.632 acres, being Lots 1 and 2, Unit 2, Sunset Hills, an Unrecorded Subdivision, in a Cash Warranty Deed dated April 11, 1997, from Dwight Webb and Marilyn Webb, to Kerry J. Zimmerman, of record in Volume 740, Page 862, Official Public Records of Burnet County, Texas, and the Northeast corner hereof;

THENCE S 12°00'00" E, the Basis of Bearing for this Survey, with the East Right of Way line of Southland Drive, and the Western boundary line of said 0.632 acre Zimmerman tract, a distance of 227.68 feet (227.87'), to a 1/2" iron rod found at the Southwest corner of said 0.632 acre Zimmerman tract, in the Northern boundary line of a tract of land, described as 76.22 acres, in a Special Warranty Deed dated March 12, 1997, from Vermeer Sales of Texas, Inc. to Carl Van Roekel, of record in Volume 737, Page 656, Real Property Records of Burnet County, Texas, and in a Last Will and Testament dated November 18, 2001, from Carl Wayne Van Roekel to Cynthia Anne Van Roekel, of record in Volume 1266, Page 72, Official Public Records of Burnet County, Texas, for the Southeast corner hereof;

THENCE S 77°51'54" W (S 78°00' W), with the Northern boundary line of said 76.22 acre Van Roekel tract, a distance of 49.79 feet (50'), to a 1/2" iron rod found in the West Right of Way line of Southland Drive, at the Southeast corner of a tract of land, described as Tract Two, a 0.58 acre tract, in a Warranty Deed dated January 13, 1996, from William Barrow and wife, Janice F. Barrow, to Alan W. Hicks and wife, Mary L. Hicks, of record in Volume 679, Page 451, Real Property Records of Burnet County, Texas, and the Southwest corner hereof;

THENCE N 12°03'35" W (N 12°00' W), with the West Right of Way line of Southland Drive, and the Eastern boundary line of said Hicks "Tract Two", a distance of 113.79 feet, to a 1/2" iron rod found for angle point hereof;

THENCE N 12°01'27" W (N 12°00' W), with the West Right of Way line of Southland Drive, and the Eastern boundary line of said Hicks "Tract Two", a distance of 114.02 feet, to a 1/2" iron rod in the South Right of Way line of Possum Trot, at the Northeast corner of said Hicks "Tract Two", tract, and the Northwest corner hereof:

THENCE N 78°00'58" E, with the South Right of Way line of Possum Trot, a distance of 49.96 feet (50'), to the POINT OF BEGINNING, and calculated to contain 0.261 acres.

#### CERTIFICATE

I, Danny J. Stark, hereby certify that the foregoing Field Notes and accompanying Survey Plat were prepared from an actual survey made upon the ground, the Records of said county, and surveys of area properties, that the corners and boundaries with marks natural and artificial are as found or set on the ground, that discrepancies, conflicts protrusions or intrusions, overlapping of improvements, easements,

visible or apparent to me are sh ibed hereon Danny J. Stark, B.P.L.S. 00 State of Texas No. 3002 5602 Job No. B0405-0510-10A SUP

ABSTRACT SURVEYING 650 Lyda Ranch Road, Bertram, TX 78605 Ph 512-756-4500/Fx 512-756-0730

### PETITION REQUESTING ANNEXATION BY LANDOWNER

# TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF BURNET, TEXAS:

Whereas, the land that is the subject to this petition is an approximately 75.87 acre tract of land out of John Hamilton Survey No. 1, Abstract No. 405, Burnet County, Texas and is more fully described the metes and bounds and survey attached hereto as **Exhibit "A"**; and

Whereas, Hilltop Oaks LLC, is the fully vested owner of the land; and the undersigned is a corporate officer of the owner authorized to file this petition; NOW THEREFORE:

The City of Burnet is hereby petitioned and requested to extend the present City Limits so as to include as part of the City the land described in Exhibit "A".

The undersigned petitioner avers as to the following:

- (1) The recitals to this petition are true and correct;
- (2) The land is located contiguous and adjacent to the city of Burnet's existing corporate limits;
- (3) The land is less than one-half mile in width: and
- (4) The land is vacant and without residents.

The undersigned petitioner asks this petition to be placed on the first available agenda of city council pursuant to Texas Government Code Chapter 43 Subchapter C-3 (entitled "Annexation on Request of Owners") or such other law that will facilitate the expeditious annexation of the land.

### OWNER HILLTOP OAKS LLC

David Lee Bowen, Manager 110 County Road 304 Bertram, Texas 788605

### (ACKNOWLEDGEMENT)

STATE OF TEXAS § COUNTY OF Travis §

This instrument was acknowledged before me on the  $\frac{26}{100}$  day of  $\frac{April}{100}$ , 2021 by David Lee Bowen, a member of Hilltop Oaks LLC, a limited liability company.

(Personalized Seal)

Notary Public, State of Texas

