

ORDINANCE 2023-25

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, ANNEXING A TRACT OF LAND DESCRIBED AS 25.00 ACRES OF LAND OUT OF THE STEPHEN F. AUSTIN SURVEY, ABSTRACT NO. 2, LOCATED WEST OF LOVERS LANE AND SOUTH OF PECAN PARK SUBDIVISION, AND EAST OF THE COLORADO RIVER BEND, AS SHOWN IN EXHIBIT A; PROVIDING FOR FINDINGS OF FACT, ADOPTION, REPEALER, SEVERABILITY, FILING AND ENFORCEMENT; ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR PROPER NOTICE AND MEETING.

WHEREAS, the City of Bastrop, Texas (City) is a Home-Rule City acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, on or about March 22, 2023, the City received a petition for voluntary annexation of the property in the area described as being 25.00 +/- acres of land out of the Stephen F. Austin Survey, Abstract No. 2, located to the west of Lovers Lane, south of Pecan Park Subdivision, and east of the Colorado River bend as shown in Exhibit "A" (the "Property"), which is attached hereto and incorporated herein for all purposes; and

WHEREAS, pursuant to Texas Local Government Code Sections 43.056 and 43.0672, City Council has entered into a written agreement with the owners of land in the area for the provision of services in the area, which is attached hereto as Exhibit "B" and incorporated herein for all purposes; and

WHEREAS, in accordance with Texas Local Government Code Chapter 43, public notice was given, and a public hearing was held before the City Council regarding the requested annexation; and

WHEREAS, Texas Local Government Code Section 51.001 provides the City general authority to adopt an Ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, after consideration of public input received at the hearing, the information provided by the petitioners, and all other information presented, City Council finds it necessary and proper to enact this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS THAT:

Section 1: The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

Section 2: The Property in the area described in Exhibit "A", which is attached hereto and incorporated herein for all purposes, is hereby annexed and brought into the municipal boundaries (i.e., corporate limits) of the City of Bastrop, Texas, and is made an integral part, hereof. The Property shall be designated as a P2 Rural Zoning District. The official map and boundaries of the City are hereby amended and revised so as to include the area annexed.

A service plan prepared in accordance with applicable provisions of state law pertaining to annexation is attached hereto as Exhibit "B" and incorporated herein for all intents and purposes. The owners and inhabitants of the area herein annexed are entitled to all of the rights and privileges of other citizens of the City and are hereby bound by all acts, ordinances and other legal actions now in full force and effect and those that may be hereafter adopted or enacted.

Section 3: All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

Section 4: If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, that invalidity or the unenforceability will not affect any other provisions or applications of this Ordinance that can be given effect without the invalid provision.

Section 5: The City Secretary is hereby instructed to include this Ordinance in the records of the City and to have maps prepared depicting the new municipal boundaries. The City Secretary is hereby instructed to file a certified copy of this Ordinance and the updated maps with the Bastrop County Clerk and any other entities as required by law.

Section 6: The City shall have the power to administer and enforce the provisions of this ordinance as may be required by governing law. Any person violating any provision of this ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations, and such violation is hereby declared to be a nuisance. Nothing in this ordinance shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this ordinance and to seek remedies as allowed by law and/or equity.

Section 7: This Ordinance shall be effective immediately upon passage and publication.

Section 8: It is hereby officially found and determined that the meeting at which this Ordinance 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, Texas Government Code, Chapter 551.

[Signatures on following page]

READ & APPROVED on First Reading on this the 8th day of August, 2023.

READ & ADOPTED on the Second Reading on this the 22nd day of August, 2023.

APPROVED:



Lyle Nelson, Mayor

ATTEST:



Ann Franklin, City Secretary

APPROVED AS TO FORM:



Alan Bojorquez, City Attorney



METES & BOUNDS DESCRIPTION

BEING A 25.01 ACRE TRACT OF LAND OUT OF THE STEPHEN F. AUSTIN SURVEY, ABSTRACT NUMBER 2, BASTROP COUNTY, TEXAS, AND BEING ALL OF A CALLED 25.000 ACRE TRACT, DESCRIBED TO THE CITY OF BASTROP IN VOLUME 435, PAGE 360 OF THE DEED RECORDS OF BASTROP COUNTY, TEXAS; SAID 25.01 ACRE TRACT BEING FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON ROD, FOUND FOR THE NORTHEAST CORNER OF SAID 25.000 ACRE TRACT, SAME BEING IN THE SOUTH RIGHT OF WAY LINE OF MARGIE'S WAY, AN 80 FOOT WIDE RIGHT OF WAY PER RIVER MEADOWS PHASE 1, A MAP OR PLAT THEREOF RECORDED UNDER CABINET 4, PAGE 16-B OF THE PLAT RECORDS OF BASTROP COUNTY, TEXAS, AND SAME BEING IN THE WEST RIGHT OF WAY LINE OF LOVERS LANE, AN APPARENT 45 FOOT WIDE RIGHT OF WAY, NO DEED OF RECORD FOUND;

THENCE, S 11°12'48" W, WITH THE WEST RIGHT OF WAY OF LOVERS LANE, SAME BEING THE EAST LINE OF SAID 25.000 ACRE TRACT, FOR A DISTANCE OF 1,112.54 FEET TO AN IRON ROD WITH CAP, FOUND FOR THE NORTHERLY SOUTHEAST CORNER OF SAID 25.000 ACRE TRACT, SAME BEING THE NORTHEAST CORNER OF A CALLED 0.918 ACRE TRACT, DESCRIBED TO PALMS PROPERTIES, LLC IN DOCUMENT NUMBER 201700307 OF THE OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY TEXAS [O.P.R.B.C.T.];

THENCE, WITH THE NORTH AND WEST LINES OF SAID 0.918 ACRE TRACT (TRACT 2), COMMON WITH THE INTERIOR LINES OF SAID 25.000 ACRE TRACT, THE FOLLOWING COURSES AND DISTANCES:

1. N 78°24'34" W, 199.74 FEET TO A 1/2 INCH IRON ROD WITH "MCS 6714" CAP SET,
2. S 11°36'23" W, 200.06 FEET TO A 1/2 INCH IRON PIPE, FOUND FOR THE SOUTHERLY SOUTHEAST CORNER OF SAID 25.000 ACRE TRACT, SAME BEING THE SOUTHWEST CORNER OF SAID 0.918 ACRE TRACT, AND SAME BEING IN THE NORTH LINE OF A CALLED 26.687 ACRE TRACT, DESCRIBED TO PALMS PROPERTIES IN DOCUMENT NUMBER 201700309 [O.P.R.B.C.T.];

THENCE, N 77°47'20" W, WITH THE SOUTH LINE OF SAID 25.000 ACRE TRACT, AND THE NORTH LINE OF SAID 26.687 ACRE TRACT, FOR A DISTANCE OF 670.18 FEET TO A 1/2 INCH IRON ROD, SET FOR THE SOUTHWEST CORNER OF SAID 25.000 ACRE TRACT, SAME BEING THE MOST EASTERLY SOUTHEAST CORNER OF A CALLED 45.008 ACRE TRACT (TRACT 1), DESCRIBED TO PALMS PROPERTIES, LLC IN SAID DOCUMENT NUMBER 201700307 [O.P.R.B.C.T.];

THENCE, N 12°13'34" E, WITH THE WEST LINE OF SAID 25.000 ACRE TRACT, AND THE EAST LINE OF SAID 45.008 ACRE TRACT, PASSING AT A DISTANCE OF 134.05 FEET, A 5/8 INCH IRON ROD, FOUND FOR THE SOUTHEAST CORNER OF LOT 20 OF SAID RIVER MEADOWS, PHASE 1, AND CONTINUING WITH THE EAST LINE OF SAID RIVER MEADOWS, PHASE 1, FOR A TOTAL DISTANCE OF 1,313.81 FEET TO A STEEL FENCE POST, FOUND FOR THE NORTHWEST CORNER OF SAID 25.000 ACRE TRACT, SAME BEING IN THE EAST LINE OF LOT 26 OF SAID RIVER MEADOWS, PHASE 1, FROM WHICH A 5/8 INCH IRON ROD, FOUND FOR THE SOUTHEAST CORNER OF SAID LOT 26, BEARS S 12°13'34" W, 206.04 FEET, AND SAME BEING IN THE SOUTH RIGHT OF WAY LINE OF SAID MARGIE'S WAY;



THENCE, S 77°50'27" E, WITH THE NORTH LINE OF SAID 25.000 ACRE TRACT, SAME BEING THE SOUTH RIGHT OF WAY LINE OF MARGIE'S WAY, FOR A DISTANCE OF 848.08 FEET, BACK TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT OF LAND, CONTAINING 25.01 ACRES, MORE OR LESS.

Basis of bearing is the Texas Coordinate System, Central Zone [4203], NAD83. All distances (U.S. Survey Feet) are grid and may be converted to ground by multiplying by an inversed combined scale factor of 1.00000426.

I, Garrett Cavaiuolo, Registered Professional Land Surveyor, hereby certify that this property description and accompanying survey drawing of even date, represent an actual survey performed on the ground in the month of March 2023.

A handwritten signature in blue ink, appearing to read 'G. Cavaiuolo', is written over a horizontal line.

3/22/2023

Garrett Cavaiuolo - RPLS# 6714
Garrett@MCSurveyTX.com
TBPELS FIRM# 10194678
PRJ# 0059-BP002A



LEGAL DESCRIPTION:

BEING A 25.01 ACRE TRACT OF LAND OUT OF THE STEPHEN F. AUSTIN SURVEY, ABSTRACT NUMBER 2, BASTROP COUNTY, TEXAS, AND BEING ALL OF A CALLED 25.000 ACRE TRACT DESCRIBED TO THE CITY OF BASTROP IN VOLUME 435, PAGE 350 OF THE DEED RECORDS OF BASTROP COUNTY, TEXAS, SAID 25.01 ACRE TRACT BEING FURTHER DESCRIBED BY THE ACCOMPANYING METES AND BOUNDS DESCRIPTION.

TITLE COMMITMENT NOTES:

COMMITMENT FOR TITLE INSURANCE PREPARED BY STEPHEN TITLE GUARANTY COMPANY, OF NO. 15051518, EFFECTIVE DATE OF DECEMBER 4, 2022, AND ISSUED ON DECEMBER 14, 2022.

THE SURVEYOR HAS REVIEWED UPON SAID TITLE COMMITMENT FOR THE DETECTION OF EASEMENTS, RESTRICTIONS AND OTHER MATTERS AFFECTING THIS PROPERTY. NO ADDITIONAL RESEARCH WAS PERFORMED FOR THE PURPOSE OF THIS SURVEY. ITEMS LISTED ARE WORDED ACCORDING TO SAID TITLE COMMITMENT, FOLLOWED BY SURVEYOR'S NOTES SHOWN IN BRACKETS []

- 1. EASEMENT, RIGHT OF WAY AND/OR AGREEMENT BY AND BETWEEN A. G. FAYUS AND PETER A. FAYUS AND LO-VICA GATHERING COMPANY, BY INSTRUMENT DATED 12/15/1993, FILED 12/17/93, RECORDED IN UNDER VOLUME 189, PAGE 306, OFFICIAL PUBLIC RECORDS, BASTROP COUNTY, TEXAS. [SHOWN HEREON.]
- 2. EASEMENT, RIGHT OF WAY AND/OR AGREEMENT BY AND BETWEEN PETER A. FAYUS AND A. G. FAYUS AND LO-VICA GATHERING COMPANY, BY INSTRUMENT DATED 12/15/1993, FILED 12/17/93, RECORDED IN UNDER VOLUME 189, PAGE 435, OFFICIAL PUBLIC RECORDS, BASTROP COUNTY, TEXAS. [SHOWN HEREON.]
- 3. EASEMENT, RIGHT OF WAY AND/OR AGREEMENT BY AND BETWEEN WILLIAM P. WALKER AND LYDIA S. W. OLANDO, CO-DEPENDENT EXECUTORS OF THE ESTATE OF UENA WALKER, DECEASED AND THE CITY OF BASTROP, TEXAS, BY INSTRUMENT DATED 9/28/85, FILED 9/22/85, RECORDED IN UNDER VOLUME 435, PAGE 354, OFFICIAL PUBLIC RECORDS, BASTROP COUNTY, TEXAS. [SHOWN HEREON.]
- 4. EASEMENT, RIGHT OF WAY AND/OR AGREEMENT BY AND BETWEEN CITY OF BASTROP AND COUNTY OF BASTROP, TEXAS, BY INSTRUMENT DATED 6/27/2021, FILED 6/25/2021, RECORDED IN UNDER CLERK'S FILE NO. 202113217, OFFICIAL PUBLIC RECORDS, BASTROP COUNTY, TEXAS. [SHOWN HEREON.]

CONTROL NOTE:

BASIS OF BEARING IS THE TEXAS COORDINATE SYSTEM, TEXAS CENTRAL ZONE [4303], NORTH AMERICAN DATUM 1983 [NAD83], NAVD83, GEODID. ALL COORDINATE VALUES AND DISTANCES SHOWN ARE GRID VALUES AND MAY BE CONVERTED TO GROUND BY MULTIPLYING BY AN INVERSED COMBINED SCALE FACTOR OF 1.0000165. UNITS: US SURVEY FEET.

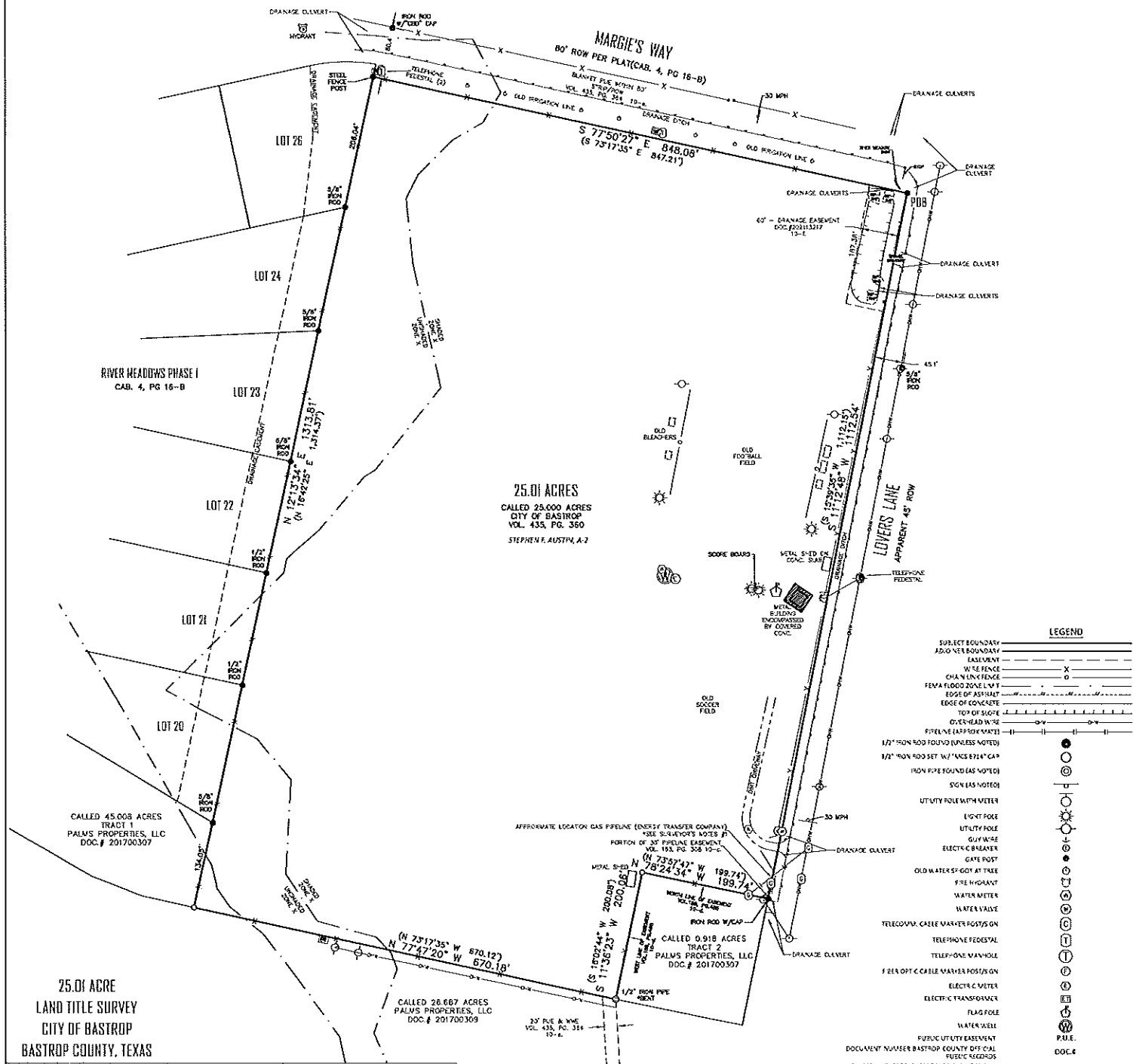
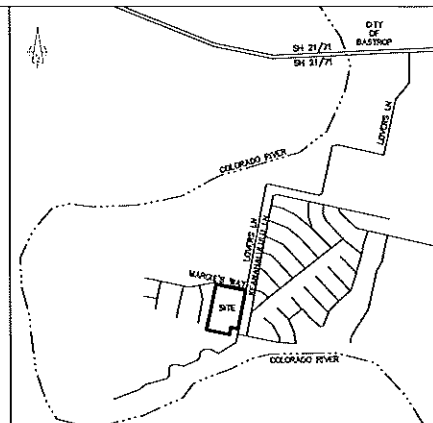
FLOODPLAIN NOTE:

PER FEMA, A PORTION OF THIS PROPERTY (AS SHOWN HEREON) IS LOCATED WITHIN SHADED ZONE X, AS SHOWN ON FIG. V, PANEL NO. 4802100355, BASTROP COUNTY, TEXAS DATED 01/19/2005. PER FEMA, SHADED ZONE X IS A FLOOD HAZARD AREA, LOCATED WITHIN THE 0.2% ANNUAL CHANCE OF FLOOD.

THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.

SURVEYOR'S NOTES:

- 1. APPROXIMATE LOCATION OF ENERGY TRANSFER COMPANY'S GAS PIPELINE BASED UPON FOUND PIPELINE MARKERS, APPARENT RIGHT OF WAY, AND TEXAS RAILROAD COMMISSION MAPPING. NO SUPPORTING EASEMENT DOCUMENT PROVIDED. A MINIMUM OF A 5' RIGHT OF WAY BUFFER IS SUGGESTED WITHOUT FURTHER EVIDENCE OR CONSENTATION OF RIGHT OF WAY (WITHIN FROM THE PIPELINE COMPANY [ENERGY TRANSFER COMPANY]).



25.01 ACRES
 CALLED 25.000 ACRES
 CITY OF BASTROP
 VOL. 435, PG. 360
 STEPHEN F. AUSTIN, A-Z

LEGEND

SUBJECT BOUNDARY	---
ADJACENT BOUNDARY	---
EASEMENT	---
W/FENCE	X
CHAIN FENCE	o
FEMA FLOOD ZONE L W T	---
EDGE OF ASPHALT	---
EDGE OF CONCRETE	---
TOP OF SLOPE	---
OVERHEAD WIRE	---
PIPELINE (APP. FOR MARK)	---
1/2" IRON ROD FOUND (UNLESS NOTED)	o
1/2" IRON ROD SET W/ "XCS 8724" CAP	o
IRON PIPE FOUND (AS NOTED)	o
SIGN (AS NOTED)	o
UTILITY POLE WITH METEER	o
LIGHT POLE	o
UTILITY POLE	o
GUY WIRE	o
ELECTRIC BREAKER	o
GATE POST	o
OLD WATER STOP AT TREE	o
FIRE HYDRANT	o
WATER METER	o
WATER VALVE	o
TELECOM. CABLE WATER POSTING ON	o
TELEPHONE FEDESTAL	o
TELEPHONE MANHOLE	o
FIBER OPT. C. CABLE MANHOLE POSTING ON	o
ELECTR. C. METER	o
ELECTR. C. TRANSFORMER	o
FLAG POLE	o
WATER WELL	o
P.A.E.	o
PUBLIC UTILITY EASEMENT	---
DOCUMENT NUMBER BASTROP COUNTY OFF. CAL. PUBLIC RECORDS	---
VOLUME AND PAGE BASTROP COUNTY OFF. CAL. PUBLIC RECORDS	---
CAS NET AND PAGE BASTROP COUNTY PUBLIC RECORDS	---
POINT OF BEGINNING	o
RIGHT OF WAY	---
...	...

Date: 5/22/2024 of No. 1800168
 Job # 0028 - 00024 | Scale: 1"=100' (Sta. 1624)
 Address: LOT 25 IN # MARGIE'S WAY Drwn By
 CITY OF BASTROP TX | Sp: 705662 | JTB

MC SURVEYING

6714
 GARRETT CAVANUOLO
 SURVEYOR

FOR THESE BEING TRACTS TO BE PAID TO THE STEPHEN TITLE GUARANTY CO. I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND AND THAT THIS PLAN CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF SURVEY AND THAT THE PROFESSIONAL SERVICE CONFORMS TO THE TEXAS SOCIETY OF PROFESSIONAL SURVEYORS' STANDARDS AND REGULATIONS FOR A CATEGORY 1 LICENSED SURVEYOR.

DATE OF RECORD: 5/22/2024
 OFFICE: 1000 W. UNIVERSITY BLVD., SUITE 100, BASTROP, TX 77981
 TEL: 817-291-1111
 FAX: 817-291-1112

30' R/W & W/E VOL. 435, PG. 314 10'-6"

30 MPH

APPROXIMATE LOCATION GAS PIPELINE (ENERGY TRANSFER COMPANY) - SEE SURVEYOR'S NOTES # 1

PORTION OF 30' PIPELINE EASEMENT VOL. 155, PG. 358 10'-0"

CALLLED 0.918 ACRES TRACT 2 PALMS PROPERTIES, LLC DOC. # 201700307

CALLLED 26.687 ACRES PALMS PROPERTIES, LLC DOC. # 201700309



30' R/W & W/E VOL. 435, PG. 314 10'-6"

0 100 200

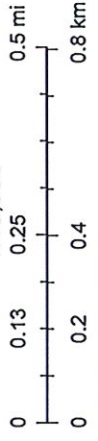
Lovers land 25 acre annexation map



8/3/2023, 1:37:57 PM

-  Abstracts
-  Parcels

1:18,056



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Disclaimer: This product is for informational purposes only and has not been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of boundaries. Bastrop County Appraisal District. BIS Consulting - www.bisconsulting.com