

ORDINANCE 2023-26

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, ANNEXING A TRACT OF LAND DESCRIBED AS 169.773 ACRES OF LAND OUT OF THE NANCY BLAKEY SURVEY, ABSTRACT NO. A98, LOCATED SOUTH OF STATE HIGHWAY 71 AND EAST OF FARM-TO-MARKET ROAD 20, 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 May 23, 2023, John Dale Weaver, Jr. submitted a petition for voluntary annexation of the property in the area described as being 169.773 +/- acres of land out of the Nancy Blakey Survey, Abstract No. A98, located south of State Highway 71 and east of Farm-to-Market Road 20 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.

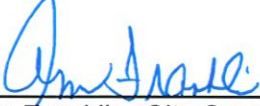
READ & ADOPTED on the Second Reading on this the 22nd day of August, 2023.

APPROVED:



Lyle Nelson, Mayor

ATTEST:



Ann Franklin, City Secretary

APPROVED AS TO FORM:



Alan Bojorquez, City Attorney



Professional Land Surveying, Inc.
Surveying and Mapping

Office: 512-443-1724
Fax: 512-389-0943

3500 McCall Lane
Austin, Texas 78744

169.971 ACRES
BASTROP COUNTY, TEXAS

EXHIBIT "A"

A DESCRIPTION OF A 169.971 ACRES IN THE NANCY BLAKEY SURVEY, A-98 IN BASTROP COUNTY, TEXAS, BEING A PORTION OF A CALLED 391.394 ACRE TRACT CONVEYED TO JOHN DALE WEAVER IN A SPECIAL WARRANTY DEED DATED MARCH 31, 2009, AND RECORDED IN VOLUME 1903, PAGE 237, OFFICIAL PUBLIC RECORDS, BASTROP COUNTY, TEXAS (OPRBCT), SAVE AND EXCEPT THEREFROM, THAT CERTAIN 0.013 ACRE TRACT CONVEYED BY DEED WITHOUT WARRANTY RECORDED IN DOCUMENT NO. 201903110, OPRBCT; SAID 169.971 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" rebar found in the southeast right-of-way line of F.M. Highway No. 20 (100' right-of-way width), being a northwest corner of said 391.394 acre tract, being also the southwest corner of a 42.697 acre tract described in Volume 2297, Page 496, Deed Records, Bastrop County, Texas (DRBCT);

THENCE with the common line of said 391.394 acre tract and said 42.697 acre tract, the following three (3) courses and distances:

1. North 87°42'33" East, a distance of 2581.84 feet to a 1/2" rebar with "Chaparral" plastic cap found for the southeast corner of said 42.697 acre tract;
2. North 00°51'41" West, a distance of 793.29 feet to a 1/2" rebar found;
3. North 01°22'25" West, a distance of 773.46 feet to a 1/2" rebar with "Chaparral" plastic cap set in the south right-of-way line of State Highway No. 71 (right-of-way width varies), being a northwest corner of said 391.394 acre tract, being also the northeast corner of said 42.697 acre tract, from which a rebar with illegible plastic cap found, bears North 01°22'25" West, a distance of 0.36 feet and additional 1/2" rebar found, bears North 82°05'52" West, a distance of 0.45 feet;

THENCE North 87°46'17" East, with the south right-of-way line of State Highway No. 71 and the north line of said 391.394 acre tract, at a distance of 410.76 feet passing a rebar with "TXDOT" aluminum cap found, and continuing for a total distance of 710.76 feet to a cotton spindle with washer set at the intersection of the south right-of-way line of State Highway No. 71 and the west right-of-way line of Bear Hunter Drive (40' right-of-way width) as shown on Bear Hunter Drive Phase 1, a subdivision of record in Cabinet 5, Slide 120-A, Plat Records, Bastrop County, Texas (PRBCT), Hunters Crossing Section Seven B, a subdivision of record in Cabinet 5, Slide 113-A, PRBCT, Hunters Crossing Section Four B, a subdivision of record in Cabinet 6, Slide 187-A, PRBCT, and Hunters Crossing Section Three G, a subdivision of record in Cabinet 5, Slide 11-A, PRBCT, being also a northeast corner of said 391.394 acre tract, from which a rebar with "TXDOT" aluminum

143-023-7R1-NORTH.docx

cap found in the south right-of-way line of State Highway No. 71, bears North 87°46'17" East, a distance of 720.01 feet;

THENCE South 01°03'03" East with the west right-of-way line of Bear Hunter Drive and the east line of said 391.394 acre tract, passing a rebar with "TJ Dodd 1882" plastic cap found at a distance of 2271.70 feet and continuing for a total distance of 3241.75 feet to a rebar with illegible plastic cap found for the southwest termination of Bear Hunter Drive, being on or near the north line of the Mozea Rouseau Survey, A-56, and the south line of said Nancy Blakey Survey, A-98;

THENCE South 88°00'01" West, crossing said 391.394 acre tract, generally along said survey lines, a distance of 3936.56 feet to a fence post found for a reentract corner of said 391.394 acre tract;

THENCE South 87°16'48" West with the south line of said 391.394 acre tract, a distance of 321.20 feet to a fence post found in the southeast right-of-way line of F.M. Highway No. 20, from which a 1/2" rebar found, bears North 67°27'37" East, a distance of 1.15 feet;

THENCE North 29°08'16" East with the southeast right-of-way line of F.M. Highway No. 20 and the northwest line of said 391.394 acre tract, a distance of 1942.87 feet to the POINT OF BEGINNING, containing 169.971 acres of land, more or less.

Surveyed on the ground January 2, 2017, January 26, 2019, and February 11, 2019.

Bearing Basis: The Texas Coordinate System of 1983 (NAD83), Central Zone, US Survey Feet.

Attachments: Drawing 143-023-TR1-NORTH

Bryan D. Newsome
Bryan D. Newsome
Registered Professional Land Surveyor
State of Texas No. 6657
T.B.P.L.S. Firm No. 10124500



UNRECORDED
ORIGINAL DOCUMENT

Copyright

A SKETCH TO ACCOMPANY A DESCRIPTION OF A 169.971 ACRES IN THE NANCY BLAKEY SURVEY, A-98 IN BASTROP COUNTY, TEXAS, BEING A PORTION OF A 394.394 ACRE TRACT CONVEYED TO JOHN DALE WEAVER IN A SPECIAL WARRANTY DEED DATED MARCH 31, 2009, AND RECORDED IN VOLUME 1903, PAGE 237 OF THE OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS, SAVE AND EXCEPT THEREFROM THAT CERTAIN 0.013 ACRES TRACT CONVEYED BY DEED WITHOUT WARRANTY RECORDED IN DOCUMENT NO. 201903110, OFFICIAL PUBLIC RECORDS, BASTROP COUNTY, TEXAS.



STATE HIGHWAY NO. 71
(NORTH-SOUTH WAY WIDTH VARIES)
N87°46'27"E 410.76' N87°46'17"E 300.00'
N87°46'32"E 410.91' N87°46'32"E 300.00'

NANCY BLAKEY SURVEY A-98

PAUL PAPE & BARBARA PAPE
SECOND TRACT
22.608 ACRES
(333/502)

JOHN DALE WEAVER
391.394 ACRES
(1903/237)

BEAR HUNTER DRIVE
(40' R.O.W.)
HUNTERS CROSSING
BEAR HUNTER DRIVE
PHASE 1
(5/120-A)

FORESTAR (USA) REAL ESTATE GROUP INC.
SABINE INVESTMENT COMPANY
283.001 ACRES
(1113/870)

MAY LUCH NCO
49.687 ACRES
(237/496)

N87°42'53"E 2581.84'
(N85°08'18"E 2882.17')
(944/408) (2297/486)

(WEST 937 VAR945) (153/538)

501°03'03"E 3241.75'
(500°88'02"W 3241.28')

N00°51'41"W 793.29'
(N01°07'30"E 792.80')

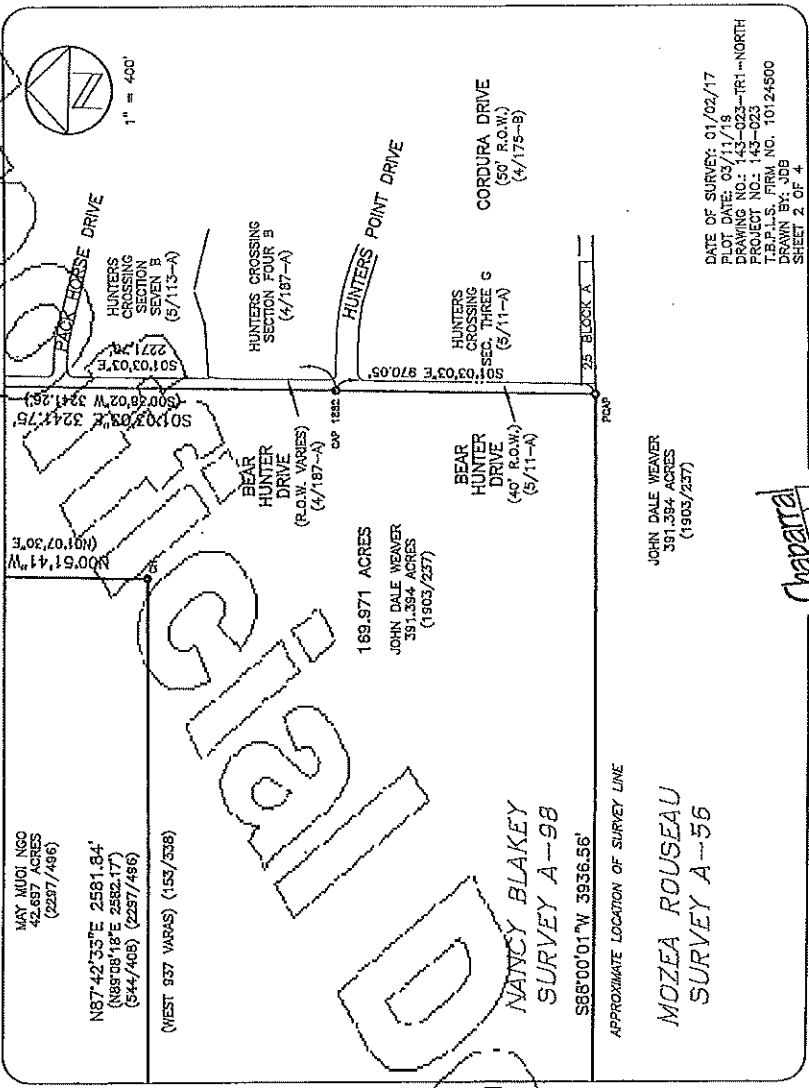
N01°22'25"W 773.46'

PACK HORSE DRIVE

HUNTERS CROSSING SECTION SEVEN B (5/113-A)
2271.70'
501°03'03"E
DATE OF SURVEY: 01/02/17
PLOT DATE: 03/11/19
DRAWING NO.: 143-029-TRI-NORTH SEVEN B (5/113-A)
PROJECT NO.: 143-023
PARCEL PIN NO.: 10124500
DRAWN BY: JDS
SHEET 1 OF 4

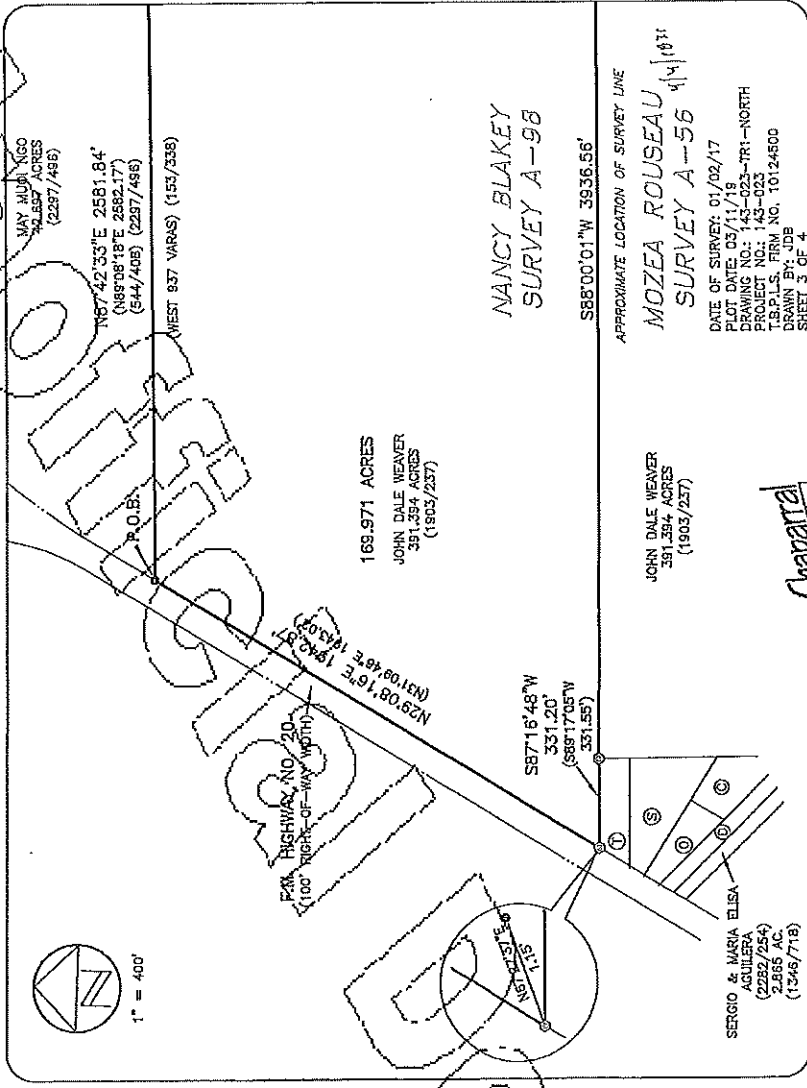
Copyright

Document



Chaparral

Survey A-56
Survey A-98
Survey A-56



WAY 1/10/18
20.552 ACRES
(2287/486)

N87°42'33\"/>

WEST 837 VARAS (155/358)

169.971 ACRES
JOHN DALE WEAVER
391.394 ACRES
(1903/237)

NANCY BLAKEY
SURVEY A-98

S88°00'01\"/>

JOHN DALE WEAVER
391.394 ACRES
(1903/237)

APPROXIMATE LOCATION OF SURVEY LINE

MOZEA ROUSEAU
SURVEY A-56

DATE OF SURVEY: 01/02/17
PLOT DATE: 05/11/18
DRAWING NO.: 143-023-TR1-NORTH
T.B.P.L.S. FIRM NO. 10124800
DRAWN BY: JDB
SHEET 3 OF 4

Chapata

SERGIO & MARIA ELISA
AGUILERA
(2282/254)
2286 AC.
(1349/718)

Unofficial Survey Summary

(1) LINDA DIANN WASHINGTON
 (1935/287)
 1.00 AC.
 (321/438)
 (NO RECORD)
 (2) JEWELL WILLIAMS
 1.00 AC.
 (NO RECORD)
 (3) PAUL PAPE &
 BARBARA L. PAPE
 1.706 ACRES
 (1988/372)
 (4) LINDA DIANN WASHINGTON
 (1935/287)
 1.0 AC.
 (877/87)
 (5) RICKY JAMES ALDRIDGE
 (1288/535)
 2.0 AC. (173/403)
 1.0 AC. (321/337)
 (6) BARBARA L. PAPE
 2.00 AC.
 (122/828)
 (7) MAY MUCI NGO
 42.697 ACRES
 (2257/488)
 (8) PAUL PAPE &
 BARBARA L. PAPE
 FIRST TRACT
 2.000 ACRES
 (333/502)

LEGEND

- 1/2" REBAR FOUND (OR AS NOTED)
- 1/2" REBAR WITH "CHAPARRAL" CAP SET
- ⊙ 1/2" REBAR WITH "CHAPARRAL" CAP FOUND
- ⊙ POP REBAR WITH ILLEGIBLE PLASTIC CAP FOUND
- ⊙ CAP REBAR WITH PLASTIC CAP FOUND (RPLS NOTED)
- ⊙ REBAR WITH "TXDOT" ALUMINUM CAP FOUND
- ⊙ COTTON SPINDLE WITH "CHAPARRAL" WASHER SET
- ⊙ FENCE POST FOUND
- () RECORD INFORMATION
- { } RECORD INFORMATION FROM TXDOT R.O.W. MAPS

BEARING BASIS: THE TEXAS COORDINATE SYSTEM OF 1983
 (NAD83), CENTRAL ZONE, US SURVEY FEET.
 ATTACHMENTS: METES AND BOUNDS DESCRIPTION
 143-023-TRI-NORTH

Chaparral

DATE OF SURVEY: 01/02/17
 PLOT DATE: 03/11/16
 DRAWING NO.: 143-023-TRI-NORTH
 PROJECT NO.: 143-023
 T.S.P.L.S. FIRM NO. 10124500
 DRAWN BY: JOB
 SHEET 4 OF 4

EXHIBIT "B"

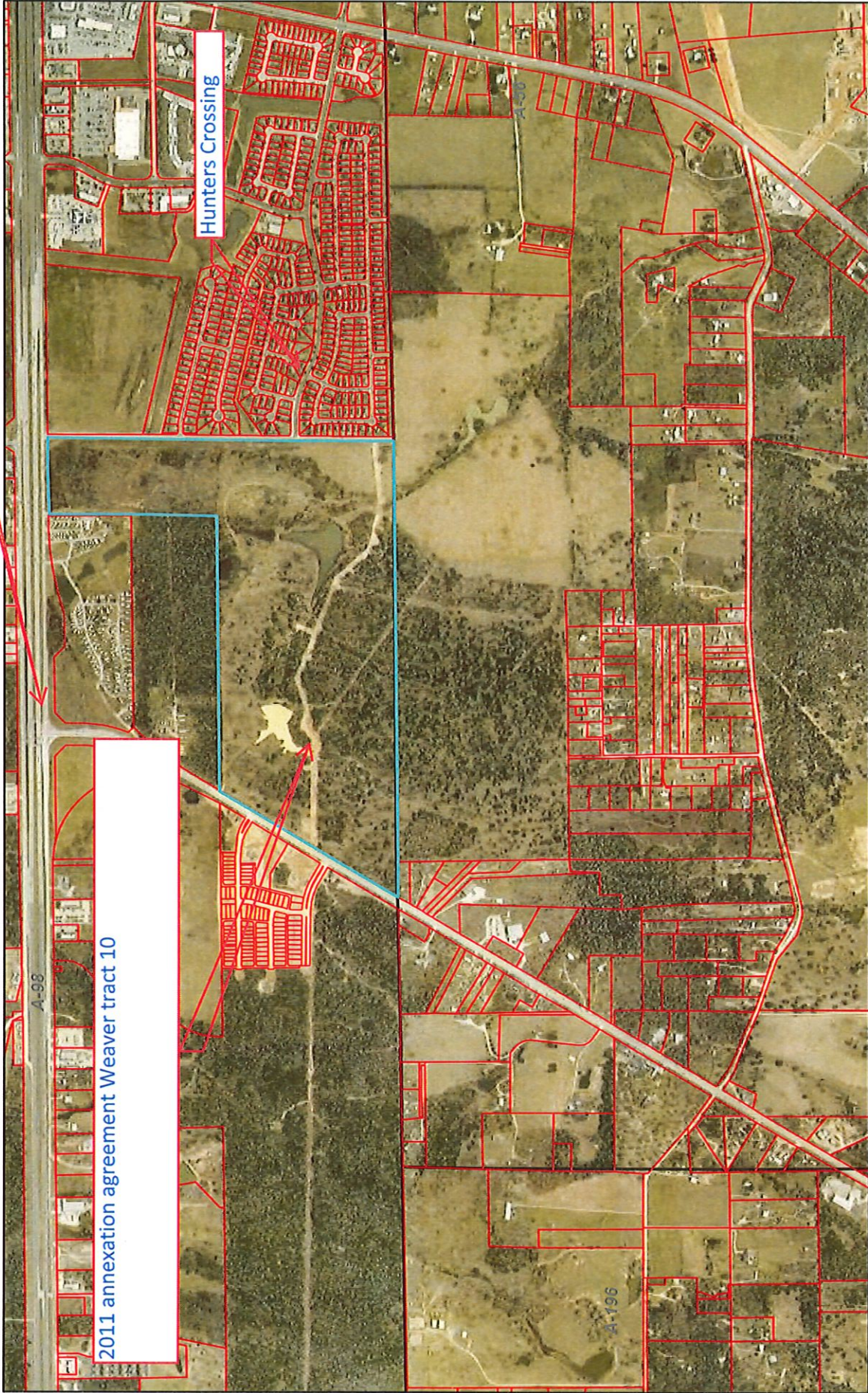
1. ½ interest in and to all oil, gas, and other minerals, in, on, under or that may be produced from the Property, together with all rights relating thereto, express or implied, reserved unto the grantor in Deed executed by Ivor W. Young to John Dale Weaver and Charlotte Weaver dated December 29, 1960, recorded in Volume 153, Page 338, deed Records of Bastrop County, Texas.
2. Easement to Aqua Water Supply Corporation recorded at Volume 356, Page 916, Official Records, Bastrop County, Texas.
3. Easement to Lower Colorado River Authority recorded at Volume 103, Page 582 of the Deed Records of Bastrop County, Texas, modified in Volume 1175, Page 678 Official Public Records of Bastrop County, Texas.
4. Annexation Ordinance No. 2011-27, recorded in Volume 2108, Page 266, Official Public Records of Bastrop County, Texas.
5. Easement to City of Bastrop recorded at Volume 2222, Page 852, Official Public Records, Bastrop County, Texas.
6. Easement to City of Bastrop recorded at Volume 2222, Page 860, Official Public Records, Bastrop County, Texas.
7. Easement to West Bastrop Village, Ltd. recorded at Clerk's File No. 201604146 and corrected at Clerk's File No. 201902177, Official Public Records, Bastrop County, Texas.
8. Easement to Aqua Water Supply Corporation recorded at Clerk's File No. 201812790, Official Public Records, Bastrop County, Texas.
9. Apparent utility easements along the northern and north easterly boundary of the Property as evidenced by storm sewer manholes, underground gas/telephone markers, water meter and well location shown on the survey prepared by Bryan D. Newsome R.P.L.S. No. 5657, dated 3/1/2019.
10. Apparent utility easement as evidenced by the overhead utility lines, guy wires and poles crossing the property outside of easement areas as shown on the survey prepared by Bryan D. Newsome R.P.L.S. No. 5657, dated 3/1/2019.
11. Rights, if any, of the adjoining property owner in and to the stock pond situated across the property line as shown on the survey prepared by Bryan D. Newsome R.P.L.S. No. 5657, dated 3/1/2019.
12. Any claim, right or assertion of title by the adjoining land owner in and to that strip of land located between the property line and the fence(s) as shown on the survey prepared by Bryan D. Newsome R.P.L.S. No. 5657, dated 3/1/2019.
13. Any easement rights related to the unpaved drives extending across the property as shown on the survey prepared by Bryan D. Newsome R.P.L.S. No. 5657, dated 3/1/2019.

Bastrop CAD Web Map

SH 71

2011 annexation agreement Weaver tract 10

Hunters Crossing



8/3/2023, 1:24:08 PM

Abstracts

Parcels

1:18,056

0 0.13 0.25 0.5 mi

0 0.2 0.4 0.8 km

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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