

RESOLUTION NO. R-2018-30

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS ACCEPTING A RIGHT-OF-WAY DEDICATION OF FIVE FEET FOR CHILDERS DRIVE, ALONG THE EAST PROPERTY LINE OF BASTROP STATION ADDITION, LOT 2, LOCATED AT 300 WEST STATE HIGHWAY 71, WITHIN THE CITY LIMITS OF BASTROP, TEXAS AS ATTACHED IN EXHIBIT A; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City has adopted the Transportation Master Plan on February 28, 2017;
and

WHEREAS, the Transportation Master Plan requires Childers Drive to be a Collector Level roadway with a 60-foot right-of-way width; and

WHEREAS, the existing right-of-way for Childers Drive is 50 feet, and five feet is required from the adjacent properties on each side at the time of development or redevelopment; and

WHEREAS, Live Oak BK L.L.C., wishes to participate in the project to further the development of area and the construction of the commercial development at 300 West State Highway 71 by dedicating the right-of-way needed for the additional roadway width adjacent to the property.

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

Section 1: The recitals set forth in this Resolution are true and correct and are incorporated herein for all purposes.

Section 2: This resolution is duly adopted by the City Council of the City of Bastrop at a public meeting held in conformity with the Texas Open Meetings Act, Chapter 551, Texas Government Code.

Section 3: The City Council authorizes the Mayor or her designee to execute the General Warranty Deed and authorizes acceptance of the resulting General Warranty Deed Dedicating Property as Public Right-of-Way from the property owner, in a substantial form as that attached hereto as Exhibit A, dedicating such property as public right-of-way under the terms and conditions as set forth therein.

DULY RESOLVED AND ADOPTED by the City Council of the City of Bastrop this 24th day of April, 2018.

APPROVED:



Connie B. Schroeder, Mayor

ATTEST:



Ann Franklin, City Secretary

APPROVED AS TO FORM:



Alan Bojorquez, City Attorney

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 DRIVER'S LICENSE NUMBER

RIGHT-OF-WAY DEDICATION DEED

STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF BASTROP §

That LIVE OAK BK LLC ("Grantor"), a Texas corporation, whose address is 17171 PARK ROW DRIVE, HOUSTON, HARRIS County, Texas, 77084, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration in hand paid by the **CITY OF BASTROP, TEXAS**, ("Grantee"), a Texas home rule municipality whose mailing address is P. O. Box 427 Bastrop, Bastrop County, Texas, 78602, the receipt and sufficiency of which consideration is hereby acknowledged, has DEDICATED, GRANTED, SOLD AND CONVEYED, and by these presents does DEDICATE, GRANT, SELL AND CONVEY unto Grantee as for public use an easement and right-of-way in, upon, across and under the real property (the "Property") described on Exhibit "A" identified on the map attached as Exhibit B attached hereto, and incorporated herein, for the construction, reconstruction, operation and maintenance of public streets and public utilities, and for making connections thereto, and together with all necessary appurtenances thereto, including, but not limited to, the road improvements, traffic control devices, signs and similar facilities, sidewalks, and ground-level and below-ground public utilities and facilities, or any other public purpose authorized by Local Government Code § 273.001 and deemed necessary, together with the right and privilege at any and all times to enter the Property or any part thereof, as is necessary for the proper use of any right granted herein.

TO HAVE AND TO HOLD the above described property for said public street, utility, and other valid public purpose unto Grantee, its successors and assigns, forever, and Grantor does hereby bind itself, its successors and assigns, to warrant and forever defend, all and singular, the said premises unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

SIGNED and effective this 6TH day of APRIL, 2018.

Grantee:
CITY OF BASTROP
By Connie Schroeder
Connie Schroeder
Mayor of Bastrop

Grantor:
(NAME OF PROPERTY OWNER)
By [Signature]
Name: FAZIL MALIK
Title: PRESIDENT

ACKNOWLEDGMENT FOR CORPORATIONS, PARTNERSHIPS, ASSOCIATIONS, ETC.

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on this 6TH day of APR 2018, by
FAZIL MAUK, PRESIDENT
(name) (title)

of LIVE OAK BK LLC on behalf of
(name of corporation, partnership, association, etc.)

(corporation, partnership, association, etc.)





Notary Public in and for the
State of TEXAS

STATE OF TEXAS §
 §
COUNTY OF BASTROP §

The City of Bastrop a body politic and political subdivision of the State of Texas did at a regular meeting with a quorum being present, on April 24, 2018 vote to authorize the acceptance of this dedication of the Property as a public right of way.

Connie Schroeder
Connie Schroeder, Mayor

Attest:
Ann Franklin
City Secretary

STATE OF TEXAS §
 §
COUNTY OF BASTROP §

This instrument was acknowledged before me on April 24, 2018 by Connie Schroeder, in her capacity as Mayor of the City of Bastrop.

Ann Franklin
Notary Public in and for
The State of Texas



Attachments:

Exhibit A: Description of the Property

Exhibit B: Map of area identifying Property

After recording, return to:

Bojorquez Law Firm, PC

Attn: Alan Bojorquez

12325 Hymeadow Dr. Ste. 2-100

Austin TX 78750



METES AND BOUNDS DESCRIPTION OF A PROPOSED 5' WIDE, 1053 SQ. FT. RIGHT OF WAY DEDICATION, PART OF LOT 2, BASTROP STATION ADDITION, A SUBDIVISION OF RECOD IN CABINET 5, PAGE 164-A, PLAT RECORDS, BASTROP COUNTY, TEXAS.

Being a proposed 5' wide 1053 sq. ft. Right-of-Way dedication, part of Lot 2, Bastrop Station Addition, a Subdivision, recorded in Cabinet 5, Page 164-A, Plat Records of Bastrop County, Texas. Said 1053 sq. ft. of land being more particularly described as follows, to wit:

Beginning at a 1/2" iron rod found for the Northeast corner of said Lot 2, same rod being at the intersection of Highway 71 Frontage Road (300' R.O.W.) and Childers Drive (50' R.O.W.), same point being the Northeast corner of hereon described tract;

Thence S20° 00'05"W, with the East line of said Lot 2 and the West right-of-way line of said Childers Drive, a distance of 151.35 feet to a 1/2" iron rod with "Tri-Tech" cap set for an angle corner of Lot 2 and angle corner of hereon described tract;

Thence S01° 14'57"W continuing with the said East Boundary line of said Lot 2, and the West right-of-way of said Childers Drive, a distance of 58.59 feet to a 1/2" iron rod with "Tri-Tech" cap set in the West right-of-way of Childers Drive, same point being the Northeast Corner of Lot 1, the Southeast corner of Lot 2 and the Southeast corner of hereon described tract;

Thence S89° 48'39"W with the Common boundary line of said Lot 1 and Lot 2, a distance of 5.00 feet to an "X" marked in concrete in the common boundary line of said lots, and being the Southwest Corner of hereon described tract;

Thence through and across Lot 2, parallel with the East boundary line of same the following Two (2) calls;

1. N01° 14'57"E, 59.54 feet to a 1/2" iron rod found with cap "Cunningham";
2. N20° 00'05"E, 151.60 feet to a 1/2" iron rod with "Tri-Tech" cap set in the North Boundary line of said Lot 2 and the curving South right-of-way of said Highway 71 Frontage Road, having a Radius of 5258.71 feet;

Thence with the said curving right-of-way and the North boundary line of said Lot 2, a distance of 5.03 feet along a curve to the left, same curve having a chord bearing and distance S76° 29'54"E, 5.03 feet to the point of beginning and containing 1053 sq. ft. of land to be dedicated for right-of-way.

- A.) This field note description is produced in conjunction with an exhibit of same date.
- B.) This field note description is valid for this transaction only.
- C.) Basis of Bearings: Texas State Plane Coordinate System, Texas South Central Zone, NAD 83.

Kelly Kilber, R.P.L.S. No. 2219

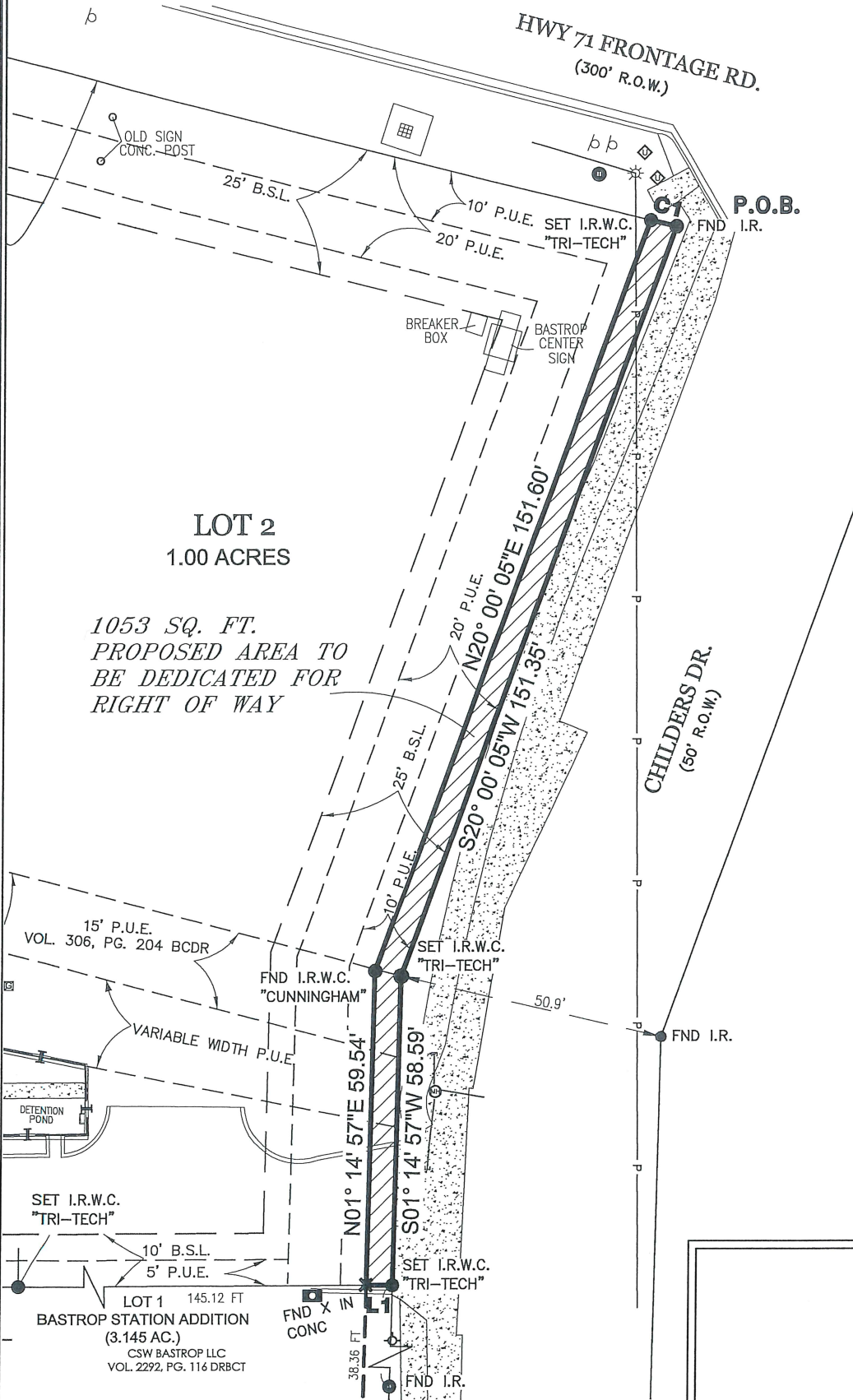
Date: 01/24/2017

Job No.: SMS-549-16



"EXHIBIT A" SKETCH TO ACCOMPANY LEGAL DESCRIPTION

SCALE 1"=30'



L1
S89° 48' 39\"/>

C1
L=5.03'
R=5258.71'
CH=S76°29'54\"/>

PROPOSED AREA TO BE DEDICATED FOR RIGHT OF WAY
1053 SQUARE FEET OF LAND
PART OF LOT 2, BASTROP STATION
ADDITION, A SUBDIVISION
RECORDED IN CABINET 5, PAGE
164-A, PLAT RECORDS, BASTROP
COUNTY, TEXAS



TRI-TECH
SURVEYING CO., L.P.

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100 E. San Antonio St. Ste. 100 Phone: (512) 440-0222
San Marcos, Texas 78666 Fax: (512) 440-0224
Firm Reg. Number 10193729

| | | |
|--------------------------|----------------------------|---|
| LEGEND | | |
| * CITY ORDINANCES | BUILDING LINE | BASIS OF BEARINGS: BEARINGS ARE BASED ON STATE PLANE CENTRAL ZONE NAD 83 |
| ** RESTRICTIVE COVENANTS | ESMT LINE | |
| *** BUILDER GUIDELINES | OVERHEAD UTILITIES | |
| WIRE FENCE | BL = BUILDING LINE | |
| CHAIN LINK FENCE | MH = MANHOLE | |
| IRON FENCE | FNC = FENCE | |
| WOOD FENCE | FND = FOUND | |
| | I.R. = IRON ROD | |
| | I.P. = IRON PIPE | |
| | PUE = PUBLIC UTILITY ESMT. | |

FIELD DATE: 10-12-16
DRAWN BY: FJA
TT JOB NO.: SMS-549-16

SURVEYOR REGISTRATION
THIS SURVEY IS VALID FOR THIS TRANSACTION ONLY.
THIS SURVEY IS INVALID WITHOUT THE ORIGINAL EMBOSSED SURVEYORS SEAL AND SIGNATURE.
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