



NOTICE OF REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF BURNET, TEXAS

City of Burnet Council Chambers, Hwy 281 South, Burnet, Texas 78611

Monday, April 07, 2025 at 6:00 PM

Notice is hereby given that a **Regular Meeting of the Planning and Zoning Commission** of the City of Burnet, will be held on **Monday, April 07, 2025 at 6:00 PM** located in the City of Burnet Council Chambers located at 2402 S. Water Street (Hwy 281 South, Burnet Municipal Airport) Burnet, Texas at which time the following subjects will be discussed, to wit:

This notice is posted pursuant to the Texas Government Code, Chapter §551-Open Meetings.

1. CALL TO ORDER:

2. ROLL CALL:

3. CONSENT AGENDA ITEMS: *All the following items on the Consent Agenda are considered to be self-explanatory by the Commission and will be enacted with one motion. There will be no separate discussion of these items unless a Commission member, staff member or citizen requests removal of the item from the consent agenda for the purpose of discussion. For removal of an item, a request must be made to the Commission when the Consent Agenda is opened for Commission action.*

1. Minutes of the regular meeting of the Planning and Zoning Commission of the City of Burnet, Texas held March 3, 2025.

4. PUBLIC HEARINGS AND ACTION ITEMS:

1. Public hearing and action: Ordinance No. 2025-16: L. Kimbler

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY REZONING PROPERTY KNOWN AS 110 E WASHINGTON STREET FROM ITS PRESENT DESIGNATION OF LIGHT COMMERCIAL – DISTRICT “C-1” TO A DESIGNATION OF GOVERNMENT – DISTRICT “G”; PROPERTY KNOWN AS 215 S PIERCE STREET FROM ITS PRESENT DESIGNATION OF LIGHT COMMERCIAL – DISTRICT “C-1” TO A DESIGNATION OF GOVERNMENT – DISTRICT “G”; PROPERTY KNOWN AS 127 E JACKSON STREET FROM ITS PRESENT DESIGNATION OF LIGHT COMMERCIAL – DISTRICT “C-1” TO A DESIGNATION OF GOVERNMENT – DISTRICT “G”; AND PROPERTY KNOWN AS 200 S. WEST STREET FROM ITS PRESENT DESIGNATION OF MEDIUM COMMERCIAL – DISTRICT “C-2” TO A DESIGNATION OF LIGHT COMMERCIAL – DISTRICT “C-1”; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

1. Staff presentation
2. Public Hearing

3. Discuss and consider action

2. Public hearing and action: Resolution No. R2025-27: L. Kimbler

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING THE "FINAL PLAT" OF LOT 1, BLOCK 1, CASEY'S BURNET ADDITION, A COMMERCIAL SUBDIVISION CONSISTING OF APPROXIMATELY 2.0035 ACRES; AND ACCEPTING A PERFORMANCE BOND ASSURING COMPLETION OF PUBLIC SEWER INFRASTRUCTURE

1. Staff presentation
2. Public Hearing
3. Discuss and consider action

5. STAFF REPORTS:

6. REQUESTS FOR FUTURE AGENDA ITEMS:

7. ADJOURN

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the Planning and Zoning Commission of the City of Burnet, is a true and correct copy of said notice and that I posted a true and correct copy of said notice on the bulletin board, in the City Hall of said City, Burnet, Texas, a place convenient and readily accessible to the general public at all times, and said notice was posted on April 4, 2025 at or before 5 o'clock p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Dated this the 4th day of April 2025

Leslie Kimbler, Asst. City Secretary

NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS:

The City of Burnet Council Chambers are wheelchair accessible. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services, such as interpreters for persons who are deaf or hearing impaired, readers, or large print, are requested to contact the City Secretary's office (512.756.6093) at least two working days prior to the meeting. Requests for information may be emailed to the City Secretary at citysecretary@cityofburnet.com



PLANNING AND ZONING COMMISSION MINUTES

On this the 3rd of March 2025, the Planning and Zoning Commission of the City of Burnet convened in Regular Session, at 6:00 p.m. at the City of Burnet's Council Chambers located at 2402 S Water St., Burnet, Texas 78611 at which time the following subjects were discussed:

1. CALL TO ORDER:

The meeting was called to order at 6:00 p.m. by Vice-Chairman Calib Williams.

2. ROLL CALL:

Members present: Calib Williams, Glen Teague, Derek Fortin, and Lee Carney.

Members absent: Glen Gates

Guests: Dale Wurster and Jeff Wurster

Others present: David Vaughn, City Manager, Keith McBurnett, Assistant to the City Manager, Leslie Kimbler, Planning Manager and Bobbi Havins, Development Services Coordinator

3. CONSENT AGENDA ITEMS: All the following items on the Consent Agenda are considered to be self-explanatory by the Commission and will be enacted with one motion. There will be no separate discussion of these items unless a Commission member, staff member or citizen requests removal of the item from the consent agenda for the purpose of discussion. For removal of an item, a request must be made to the Commission when the Consent Agenda is opened for Commission action.

1. Minutes of the meeting of the Capital Improvements Advisory Committee of the City of Burnet, Texas held on February 3, 2025.

There being no objections, Vice -Chairman Williams approved the minutes as presented.

4. PUBLIC HEARINGS AND ACTION ITEMS:

1. Public hearing and action: Ordinance No. 2025-10: L. Kimbler

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY REZONING PROPERTY KNOWN AS 200 SURE CAST ROAD FROM ITS PRESENT DESIGNATION OF SINGLE-FAMILY RESIDENTIAL – DISTRICT "R-1" TO A DESIGNATION OF LIGHT INDUSTRIAL – DISTRICT "I-1" WITH A CONDITIONAL USE PERMIT TO ALLOW FOR THE USE "BRASS OR COPPER FOUNDRY OR FABRICATION PLANT"; PROPERTY KNOWN AS 3201 S WATER STREET FROM ITS PRESENT DESIGNATION OF HEAVY COMMERCIAL – DISTRICT "C-3" TO A DESIGNATION OF

GOVERNMENT – DISTRICT “G”; AND PROPERTY KNOWN AS 200 JOHN HOOVER PARKWAY FROM ITS PRESENT DESIGNATION OF HEAVY COMMERCIAL – DISTRICT “C-3” TO A DESIGNATION OF LIGHT COMMERCIAL – DISTRICT “C-1” WITH A CONDITIONAL USE PERMIT TO ALLOW FOR THE USE “CLINIC AND SAFETY SERVICES”; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

- (1) Staff Presentation – L. Kimbler
- (2) Public Hearing
- (3) Consideration and action.

Planning Manager, Leslie Kimbler, presented staff’s report regarding the request to amend the Zoning Map of the City of Burnet. Vice-Chairman Williams opened the public hearing at 6:03 p.m. Guest, Dale Wurster, representative of Sure Cast, spoke to the Commission regarding 200 Sure Case Drive. Mr. Wurster did not speak in favor or in opposition of the request, but did express that the company was under the impression they were already zoned Industrial. There being no further comments, Vice-Chairman Williams closed the public hearing at 6:07 p.m. Commissioner Fortin made a motion to recommend approval. The motion was seconded by Commissioner Williams. The motion was carried with a vote of 4 to 0.

2. Public hearing and action: Ordinance No. 2025-11: L. Kimbler

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR THE TEXAS ALCOHOLIC BEVERAGE CODE PERMIT TYPE “PACKAGE STORE (P)” IN A LIGHT COMMERCIAL – DISTRICT “C-1” ZONING DISTRICT FOR PROPERTY LOCATED AT 600 E POLK STREET; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

- (1) Staff Presentation – L. Kimbler
- (2) Public Hearing
- (3) Consideration and action

Planning Manager, Leslie Kimbler, presented staff’s report regarding the request to amend the Zoning Map of the City of Burnet by Granting a Conditional Use Permit for property located at 600 E Polk St. Vice-Chairman Williams opened the public hearing at 6:10 p.m. There being no public comments, Vice-Chairman Williams closed the public hearing at 6:11 p.m. Commissioner Teague made a motion to recommend approval. The motion was seconded by Commissioner Williams. The motion was carried with a vote of 4 to 0.

3. Public hearing and action: Ordinance No. 2025-12: L. Kimbler

AN ORDINANCE OF BURNET, TEXAS, AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 118 (ENTITLED “ZONING”) FOR THE PURPOSE OF CREATING A NEW RESIDENTIAL SINGLE-FAMILY ZONING CLASSIFICATION “R-6-13”;

PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

- (1) Staff Presentation – L. Kimbler
- (2) Public Hearing
- (3) Consideration and action

Planning Manager, Leslie Kimbler, presented staff's report regarding the request to amend the City of Burnet code of Ordinances, Chapter 118 (Entitled "Zoning"). Vice-Chairman

Williams opened the public hearing at 6:12 p.m. There being no public comments, Vice-Chairman Williams closed the public hearing at 6:12 p.m. Commissioner Carney made a motion to recommend approval. The motion was seconded by Commissioner Fortin. The motion was carried with a vote of 4 to 0.

4. Public hearing and action: Resolution No. 2025-13: L. Kimbler

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, CONDITIONALLY APPROVING THE "FINAL PLAT" OF THE RANCH AT DELAWARE CREEK, PHASE 2 SUBDIVISION, A 29-LOT RESIDENTIAL SUBDIVISION CONSISTING OF APPROXIMATELY 13.77 ACRES; PRELIMINARY ACCEPTANCE OF PUBLIC STREET, WATER, WASTEWATER AND ELECTRICAL IMPROVEMENTS; AND APPROVING THE MAINTENANCE BOND OF THE INFRASTRUCTURE

- (1) Staff Presentation – L. Kimbler
- (2) Public Hearing
- (3) Consideration and action

Planning Manager, Leslie Kimbler, presented staff's report regarding a resolution conditionally approving the "Final Plat" of the Ranches at Delaware Creek, Phase 2 Subdivision. Vice-Chairman Williams opened the public hearing at 6:17 p.m. There being no public comments, Vice-Chairman Williams closed the public hearing at 6:17 p.m. Commissioner Williams made a motion to recommend approval. The motion was seconded by Commissioner Teague. The motion was carried with a vote of 4 to 0.

5. Public hearing and action: Resolution No. 2025-14: L. Kimbler

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, CONDITIONALLY APPROVING THE "FINAL PLAT" OF THE RANCH AT DELAWARE CREEK, PHASE 3 SUBDIVISION, A 20-LOT RESIDENTIAL SUBDIVISION CONSISTING OF APPROXIMATELY 11.33 ACRES; PRELIMINARY ACCEPTANCE OF PUBLIC STREET, WATER, WASTEWATER AND ELECTRICAL IMPROVEMENTS; AND APPROVING THE MAINTENANCE BOND OF THE INFRASTRUCTURE

- (1) Staff Presentation – L. Kimbler
- (2) Public Hearing
- (3) Consideration and action

Planning Manager, Leslie Kimbler, presented staff's report regarding a resolution conditionally approving the "Final Plat" of the Ranches at Delaware Creek, Phase 3 Subdivision. Vice-Chairman Williams opened the public hearing at 6:20 p.m. There being no public comments, Vice-Chairman Williams closed the public hearing at 6:20 p.m. Commissioner Williams made a motion to recommend approval. The motion was seconded by Commissioner Fortin. The motion was carried with a vote of 4 to 0.

5. STAFF REPORTS: None.

6. REQUESTS FOR FUTURE AGENDA ITEMS: None

ADJOURN:

There being no further business, Vice-Chairman Williams adjourned the meeting at 6:21 p.m.

Calib Williams, Vice-Chair
City of Burnet Planning and Zoning Commission

Attest: _____
Herve Derek Fortin, Secretary



CITY OF BURNET

PLANNING AND ZONING

ITEM BRIEF

Meeting Date

April 7, 2025

Agenda Item

Public hearing and action: Ordinance No. 2025-16: L. Kimbler

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY REZONING PROPERTY KNOWN AS 110 E WASHINGTON STREET FROM ITS PRESENT DESIGNATION OF LIGHT COMMERCIAL – DISTRICT “C-1” TO A DESIGNATION OF GOVERNMENT – DISTRICT “G”; PROPERTY KNOWN AS 215 S PIERCE STREET FROM ITS PRESENT DESIGNATION OF LIGHT COMMERCIAL – DISTRICT “C-1” TO A DESIGNATION OF GOVERNMENT – DISTRICT “G”; PROPERTY KNOWN AS 127 E JACKSON STREET FROM ITS PRESENT DESIGNATION OF LIGHT COMMERCIAL – DISTRICT “C-1” TO A DESIGNATION OF GOVERNMENT – DISTRICT “G”; AND PROPERTY KNOWN AS 200 S. WEST STREET FROM ITS PRESENT DESIGNATION OF MEDIUM COMMERCIAL – DISTRICT “C-2” TO A DESIGNATION OF LIGHT COMMERCIAL – DISTRICT “C-1”; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

1. Staff Presentation
2. Public Hearing
3. Discuss and considering action

Information

This request is a city-initiated request to bring the properties into compliance with the current zoning code.

In the continued effort to clean up the zoning map to ensure each property is zoned appropriately for the use as well as the surrounding area, staff is bringing this request forward for consideration.

Public Notification

Written notices were mailed to 43 surrounding property owners within 200 feet of the subject property. There have been zero responses in favor and zero responses in opposition.

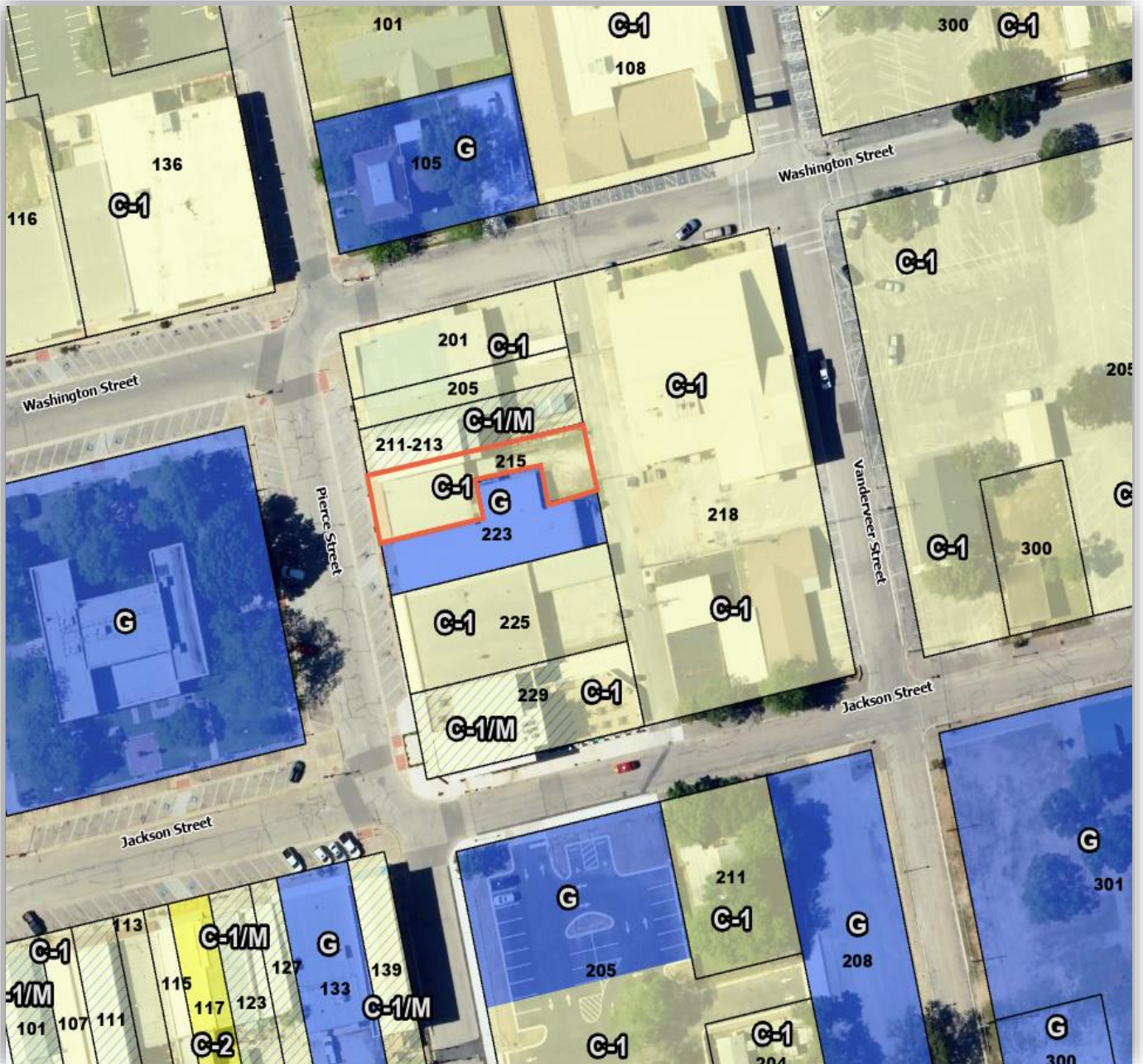
Recommendation

Open the public hearing. At the conclusion of the public hearing, discuss and consider the draft ordinance.

**Exhibit A – Location and Current Zoning
110 E WASHINGTON ST**



Exhibit B – Location and Current Zoning
215 S PIERCE ST



**Exhibit C – Location and Current Zoning
127 E JACKSON ST**



Exhibit D – Location and Current Zoning
200 S WEST ST



ORDINANCE NO. 2025-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY REZONING PROPERTY KNOWN AS 110 E WASHINGTON STREET FROM ITS PRESENT DESIGNATION OF LIGHT COMMERCIAL – DISTRICT “C-1” TO A DESIGNATION OF GOVERNMENT – DISTRICT “G”; PROPERTY KNOWN AS 215 S PIERCE STREET FROM ITS PRESENT DESIGNATION OF LIGHT COMMERCIAL – DISTRICT “C-1” TO A DESIGNATION OF GOVERNMENT – DISTRICT “G”; PROPERTY KNOWN AS 127 E JACKSON STREET FROM ITS PRESENT DESIGNATION OF LIGHT COMMERCIAL – DISTRICT “C-1” TO A DESIGNATION OF GOVERNMENT – DISTRICT “G”; AND PROPERTY KNOWN AS 200 S. WEST STREET FROM ITS PRESENT DESIGNATION OF MEDIUM COMMERCIAL – DISTRICT “C-2” TO A DESIGNATION OF LIGHT COMMERCIAL – DISTRICT “C-1”; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council, by the passage and approval of Ordinance No. 2021-01, affixed the zoning classifications for each and every property located within the city in accordance with the Official Zoning Map as approved with said ordinance; and

WHEREAS, the purpose of this Ordinance is to amend the Official Zoning Map by amending the zoning classification of the Real Property (“Property”) described herein; and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on the matter, deliberated the merits of the proposed amendment of zoning classification and has made a report and recommendation to City Council; and

WHEREAS, in passing and approving this ordinance it is legislatively found the Planning and Zoning Commission and City Council complied with all notice, hearing and meetings requirements set forth in Texas Local Government Chapter 211; Texas Government Code Chapter 551, the City Charter; and Chapter 118, of the Code of Ordinances; and

WHEREAS, City Council, after considering the testimony and comments of the public, reports and recommendations of City Staff and the Planning and Zoning Commission, and the deliberation of its members, by passage and approval of this Ordinance hereby determines the action taken herein is meritorious and beneficial to the public health, safety, and welfare.

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

Section One. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted and made a part hereof for all purposes as findings of fact.

Section Two. Property. The Property that is the subject to this Zoning District Reclassification is: **110 E WASHINGTON STREET** (LEGAL DESCRIPTION: BEING 2,824 SQUARE FEET OF LAND OUT OF LOT NO. THREE, BLOCK NO. 12 IN THE PETER KERR PORTION). as shown on **Exhibit "A"** hereto.

Section Three. Zoning District Reclassification. GOVERNMENT – DISTRICT "G" Zoning District Classification is hereby assigned to the Property described in section two.

Section Four. Property. The Property that is the subject to this Zoning District Reclassification is: **215 S PIERCE ST** (LEGAL DESCRIPTION: BEING 0.121 ACRES (5,260 SQ FT) OUT OF THE JOHN HAMILTON SURVEY, ABS. NO. 405, AND ALSO KNOWN AS LOT FOUR, BLOCK SEVEN, PETER KERR PORTION) as shown on **Exhibit "B"** hereto.

Section Five. Zoning District Reclassification. GOVERNMENT – "G" Zoning District Classification is hereby assigned to the Property described in section two.

Section Six. Property. The Property that is the subject to this Zoning District Reclassification is: **127 E JACKSON STREET** (LEGAL DESCRIPTION: BEING 0.087 ACRES TRACT OF LAND BEING A PORTION OF LOT ONE, BLOCK THREE, PETER KERR PORTION) as shown on **Exhibit "C"** hereto.

Section Seven. Zoning District Reclassification. GOVERNMENT – "G" Zoning District Classification is hereby assigned to the Property described in section two.

Section Eight. Property. The Property that is the subject to this Zoning District Reclassification is: **200 WEST STREET** (LEGAL DESCRIPTION: BEING 1.342 ACRES OF LAND OUT OF THE JOHN HAMILTON SURVEY NO. 1, ABS. NO. 405, AND ALSO KNOWN AS LOTS 1 AND 2, AND PORTION OF LOTS 3 AND 4, BLK. 42, PETER KERR PORTION) as shown on **Exhibit "C"** hereto.

Section Nine. Zoning District Reclassification. GOVERNMENT – "G" Zoning District Classification is hereby assigned to the Property described in section two.

Section Ten. Zoning Map Revision. The City Secretary is hereby authorized and directed to revise the Official Zoning Map to reflect the change in Zoning District Classification approved by this Ordinance.

Section Eleven. Repealer. Other ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent of such conflict.

Section Twelve. Severability. This Ordinance is severable as provided in City Code Section 1-7 as same may be amended, recodified or otherwise revised.

Section Thirteen. Effective Date. This ordinance is effective upon final passage and approval.

PASSED AND APPROVED on this the 8th day of April 2025.

CITY OF BURNET, TEXAS

Gary Wideman, Mayor

ATTEST:

Maria Gonzales, City Secretary

Exhibit "A"

**Location Map
110 E WASHINGTON STREET**

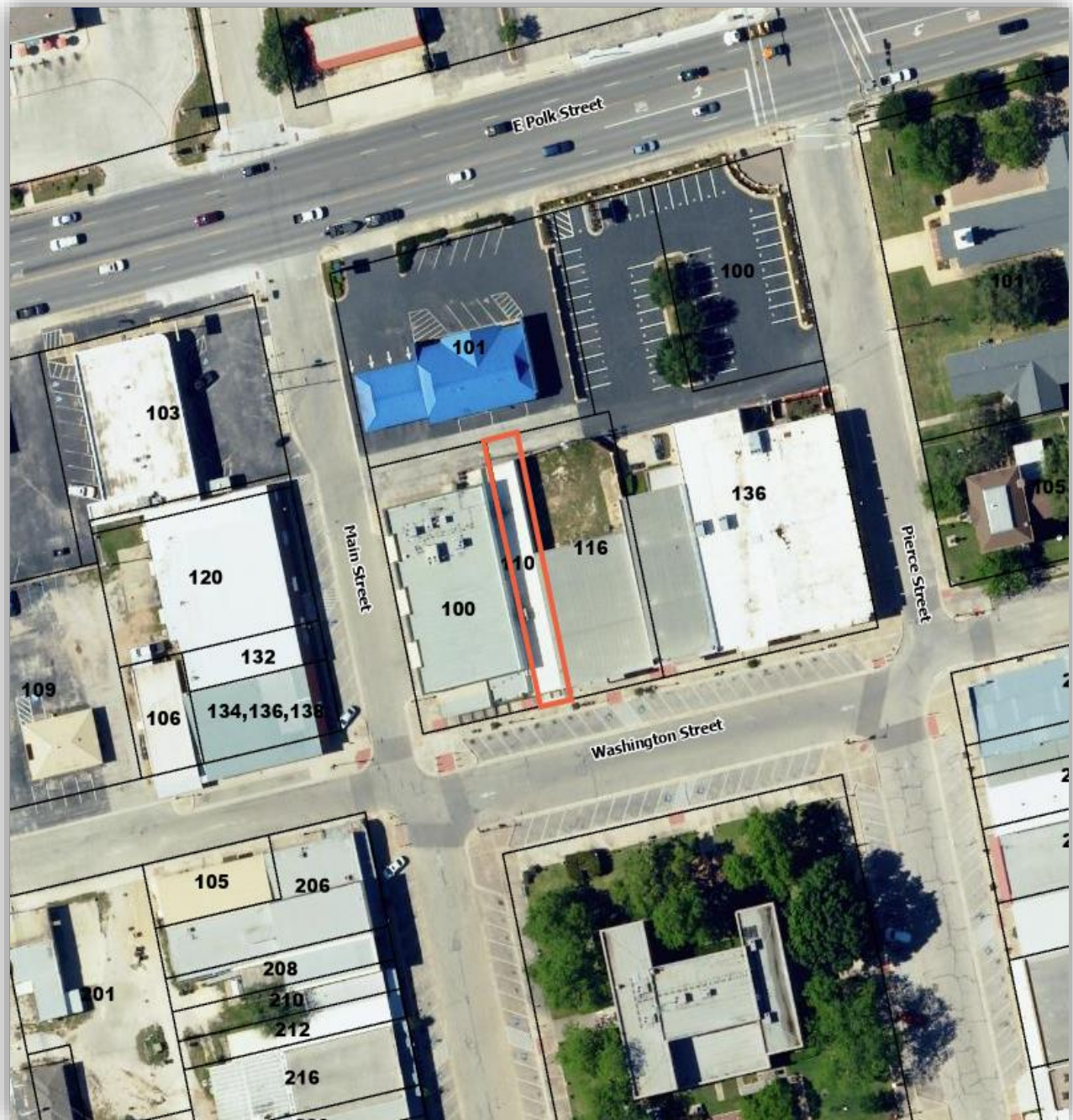


Exhibit "B"

**Location Map
215 S PIERCE STREET**



Exhibit "C"

Location Map
127 E JACKSON STREET

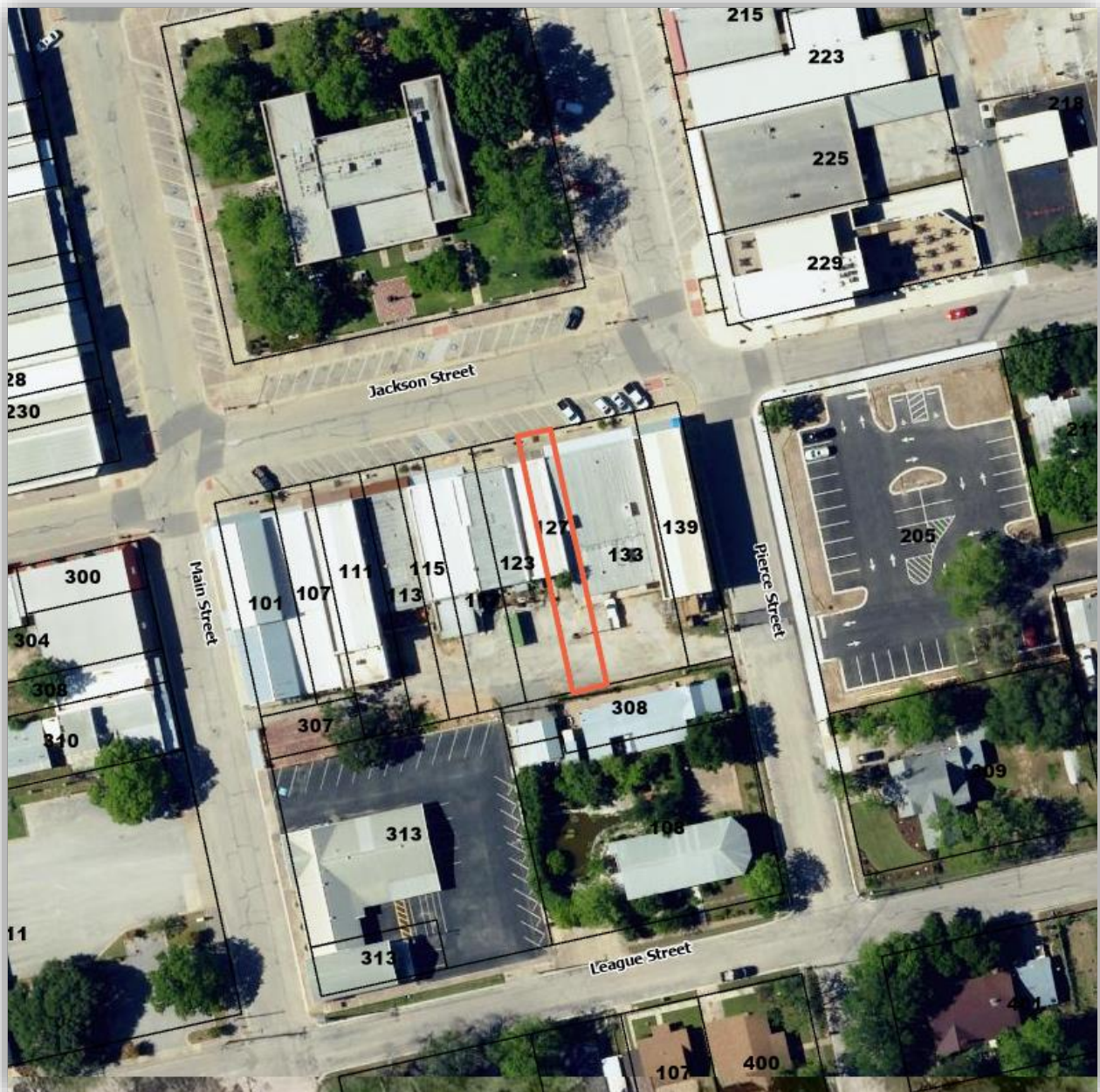


Exhibit "D"

Location Map
200 S WEST STREET





CITY OF BURNET

PLANNING AND ZONING

ITEM BRIEF

Meeting Date

April 7, 2025

Agenda Item

Public hearing and action: Resolution No. R2025-27: L. Kimbler

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING THE “FINAL PLAT” OF LOT 1, BLOCK 1, CASEY’S BURNET ADDITION, A COMMERCIAL SUBDIVISION CONSISTING OF APPROXIMATELY 2.0035 ACRES; AND ACCEPTING A PERFORMANCE BOND ASSURING COMPLETION OF PUBLIC SEWER INFRASTRUCTURE

1. Staff presentation
2. Public Hearing
3. Discuss and consider action

Information

The proposed Final Plat of Lot 1, Block 1, Casey’s Burnet Addition (Exhibit A) is a commercial subdivision of just over two (2) acres. The proposed subdivision will combine the three tracts within the block to create one large lot for the development of the Casey’s gas station.

No new roads have been created.

Although the lot currently has utilities, there is a sewer line that runs through the middle of the lot. The development of the gas station requires this sewer line to be relocated and upgraded. This will become public infrastructure.

Staff Analysis

The proposed Final Plat of Lot 1, Block 1, Casey’s Burnet Addition has been reviewed using Code of Ordinances Section 98-24 (Final Plats) as a guide. It has been found to comply with ordinance requirements relating to form and content.

The applicant has submitted a Performance Bond (Exhibit B) assuring the completion of the sewer infrastructure which allows the applicant to file the Final Plat. The proposed Resolution accepts the Performance Bond subject to the following:

- (a) The public improvements are completed and preliminary accepted before April 8, 2026; and
- (b) At the time of preliminary acceptance of the public improvements the subdivider provides a warranty or maintenance bond, assuring the quality of materials and workmanship, and maintenance of all public improvements; and
- (c) Failure to timely complete the public improvements shall cause the city manager to draw on the performance bond to complete the public improvements; and
- (d) The public improvements shall not be accepted until all improvements have been satisfactorily completed; and
- (e) The city shall withhold all city services to the subdivision until the public improvements are satisfactorily completed and accepted; and
- (f) Sidewalks shall be completed prior to the issuance of Certificate of Occupancy.

Recommendation

Open the public hearing. At the conclusion of the public hearing, discuss and consider the draft resolution.

RESOLUTION NO. R2025-XX

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING THE “FINAL PLAT” OF LOT 1, BLOCK 1, CASEY’S BURNET ADDITION, A COMMERCIAL SUBDIVISION CONSISTING OF APPROXIMATELY 2.0035 ACRES; AND ACCEPTING A PERFORMANCE BOND ASSURING COMPLETION OF PUBLIC SEWER INFRASTRUCTURE

WHEREAS, the City Council of the City of Burnet (City Council), Texas, has approved the Final Plat of Lot 1, Block 1, Casey’s Burnet Addition; and

WHEREAS, the Planning and Zoning Commission has made its recommendation on the final plat of the Lot 1, Block 1, Casey’s Burnet Addition; and

WHEREAS, the city staff and the city engineer have opined the application substantially complies with the subdivision ordinance; and; and

WHEREAS, accordance with City Code Sec. 98-61, the applicant has requested the final plat be recorded after approval and that the applicant be allowed to provide a performance bond to assure applicant’s completion of infrastructure after plat recordation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF BURNET, TEXAS, AS FOLLOWS:

Section One. Findings. The recitals set out above are hereby approved and incorporated herein for all purposes.

Section Two. Approval. The final plat of Lot 1, Block 1, Casey’s Addition, is hereby approved.

Section Three. Performance Bond Accepted. The Performance Bond is accepted, subject to the following:

- (a) The public improvements are completed and preliminary accepted before April 8, 2026; and
- (b) At the time of preliminary acceptance of the public improvements the subdivider provides a warranty or maintenance bond, assuring the quality of materials and workmanship, and maintenance of all public improvements; and
- (c) Failure to timely complete the public improvements shall cause the city manager to draw on the performance bond to complete the public improvements; and
- (d) The public improvements shall not be accepted until all improvements have been satisfactorily completed; and

- (e) The city shall withhold all city services to the subdivision until the public improvements are satisfactorily completed and accepted.

Section Four. Authorization. The city manager is authorized and directed to take those actions that are reasonably necessary to facilitate the purpose of this Resolution. Further, the city manager is to draw on the letter of credit to complete the public improvements, without any further city council action necessary, should the subdivider fail to complete the public improvements within the period prescribed in this resolution.

Section Five. Recordation. The final plat of Lot 1, Block 1, Casey's Burnet Addition may be recorded in the Public Records of the County Clerk of Burnet County, Texas upon compliance with the requirements of Subdivision Code Sec. 98-24(h) and related regulations.

Section Six. 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.

Section Seven. Effective Date. That this resolution shall take effect immediately upon its passage, and approval as prescribed by law.

PASSED AND APPROVED on this the 8th day of April 2025.

CITY OF BURNET, TEXAS

Gary Wideman, Mayor

ATTEST:

Maria Gonzales, City Secretary

Exhibit “A” – Final Plat

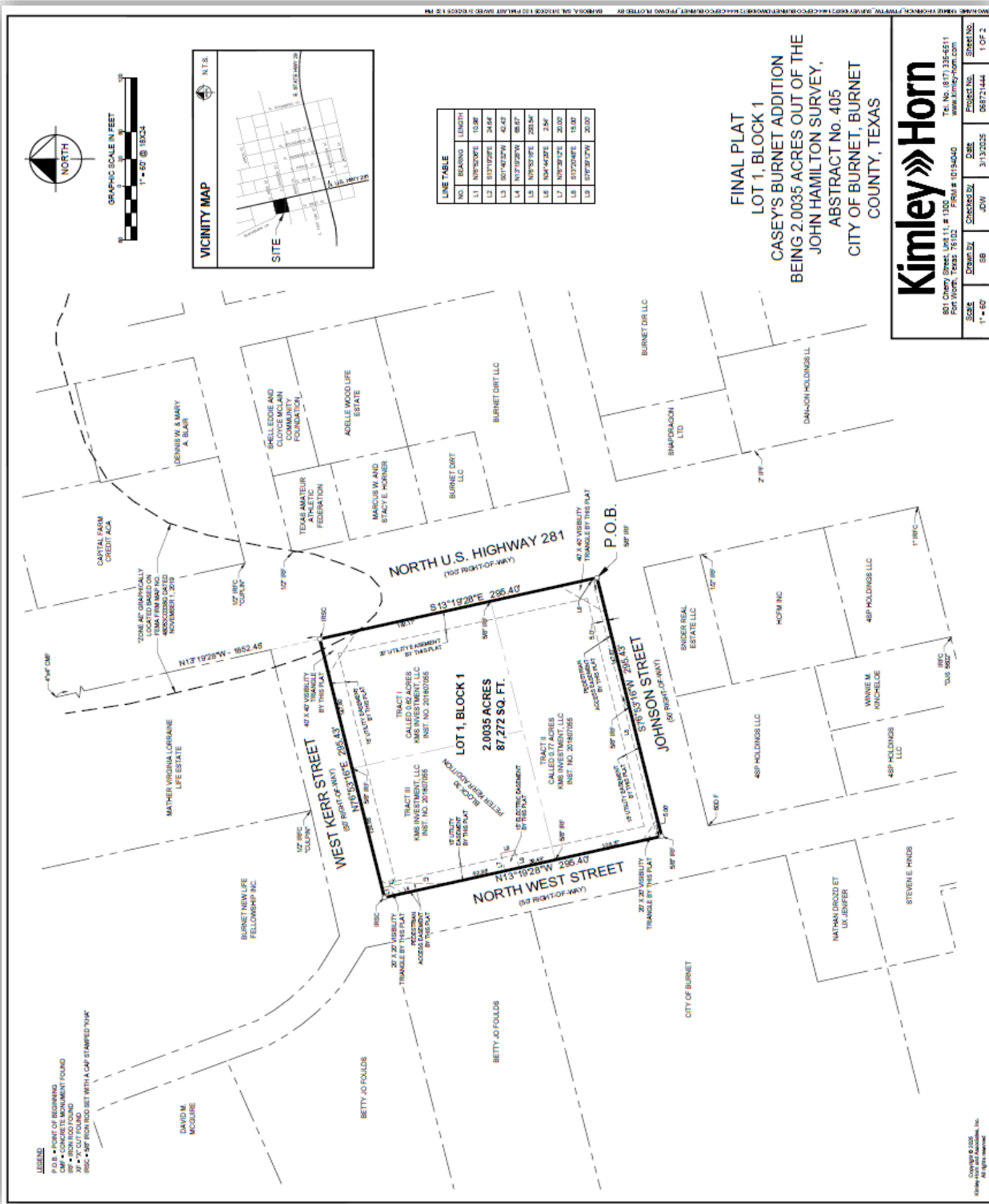


Exhibit "B" – Performance Bond pg. 1

Bond No. 9429734

PERFORMANCE BOND

THE STATE OF TEXAS §
 §
 COUNTY OF Burnet § KNOW ALL BY THESE PRESENTS:

That we, Casey's General Store [DEVELOPER], as Principal herein, and Fidelity and Deposit Company of Maryland [SURETY], a corporation organized and existing under the laws of the State of Texas and who is authorized and admitted to issue surety bonds in the State of Texas, Surety herein, are held and firmly bound unto the **City of Burnet**, Obligee herein, in the sum of Eighty Five Thousand Eight Hundred Forty Six Dollars (\$85,846.00) for the payment of which sum we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, Principal has agreed to complete certain infrastructure improvements per the approved engineering plans by the Obligee dated the 8th day of April, 2025, herein referred to as "the Design or Contract" and incorporated herein and made a part hereof for all purposes, for the construction of the following project: Public Sewer Main Extension.

NOW, THEREFORE, the condition of this obligation is such, if the said Principal shall faithfully perform the work in accordance with the plans, specifications, and other Contract Documents and shall fully indemnify and hold harmless the Obligee from all costs and damages which Obligee may suffer by reason of Principal's failure to perform the Work in conformity with the Contract Documents, and reimburse and repay Obligee for all outlay and expense that Obligee may incur in making good such default, then this obligation shall be void; otherwise, to remain in full force and effect.

Whenever Principal shall be declared by Obligee to be in default under the Contract, the Surety shall, upon request of Obligee and within ten (10) calendar days from receipt of Obligee's notice of Principal's default, commence and thereafter complete performance of Contractor's obligations under the Contract. Surety acknowledges that its obligations under this bond and as detailed herein and in the Contract Documents are not conditioned on a termination of the Principal by the Obligee. Surety further acknowledges and agrees that Surety shall obtain the Obligee's approval and consent with respect to the contractor(s) that Surety may retain to replace defaulted Principal or otherwise honor the obligations under this Bond.

Exhibit "B" - Performance Bond pg. 2

This Bond covers all contractual obligations of Contractor under the Contract, including, without limitation, the indemnity, warranty and guaranty obligations. The Surety stipulates and agrees that no change, extension of time, alteration, omission, addition or other modification to the terms of any of the Contract will affect its obligations on this bond, and it hereby waives notice of any such changes, extensions of time, alterations, omissions, additions, or other modifications, to the Contract or to related subcontracts, purchase orders or other obligations, and any notices provided in such regard shall not create as to any party a duty related thereto. The penal limit of this bond shall automatically be increased by the amount of any change order, supplemental agreement or amendment which increases the price of the Contract.

PROVIDED, HOWEVER, that this bond is executed pursuant to Chapter 2253 of the Texas Government Code, as amended, and all rights and liabilities on this bond shall be determined in accordance with the provisions of such statute, to the same extent as if it were copied at length herein. All notices shall be delivered in writing to the addresses shown below or to addresses provided in the Contract Documents.

IN WITNESS WHEREOF, the duly authorized representatives of the Principal and the Surety have executed this instrument.

SIGNED and SEALED this 8th day of April, 2025.

The date of bond shall not be prior to date of Contract.

ATTEST:

(Principal) Secretary

(S E A L)

Witness as to Principal

Casey's General Store

PRINCIPAL

By: _____

Name: _____

Title: _____

Address: Casey's General Store

404 N Water St.

Burnet, TX 78611

Telephone Number: _____

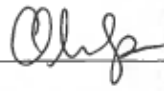
Exhibit "B" - Performance Bond pg. 3

ATTEST:


~~Surety~~
(S E A L)

Joanne Czapinski
Witness as to Surety

Fidelity and Deposit Company of Maryland
SURETY

By: 
Name: Olivia Spada
Attorney in Fact

Address: Fidelity and Deposit Company of Maryland
1299 ZURICH WAY, 10TH FLOOR
SCHAUMBURG, IL 60196 - 1056

Telephone Number: (847) 605-6000

An original copy of Power of Attorney shall be attached to Bond by the Attorney-in-Fact.

Approved as to Form:

City of Burnet
1001 Buchanan Drive, Suite 4
Burnet TX. 78611

By: _____

Title: _____

Date: _____