



**NOTICE OF MEETING
GOVERNING BODY OF MARBLE FALLS, TEXAS
Tuesday, January 3, 2017– 6:00 pm**

A quorum of the Marble Falls Economic Development Corporation
and the Planning & Zoning Commission may be present

Notice is hereby given that on the 3rd day of January, 2017 the Marble Falls City Council will meet in regular session at 6:00 pm in the City Hall Council Chambers located at 800 3rd Street, Marble Falls, Texas, at which time the following subjects will be discussed:

1. **CALL TO ORDER AND ANNOUNCE QUORUM IS PRESENT**
2. **INVOCATION**
3. **PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES AND TO THE TEXAS FLAG.** *“Honor the Texas Flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.”*
4. **UPDATES, PRESENTATIONS AND RECOGNITIONS**
 - Recognition of Employee of the Year – J.D. Engler.
 - Update from ATMOS Energy. **Randy Hartford, Community Relations**
5. **CITIZEN COMMENTS.** *This is an opportunity for citizens to address the City Council concerning an issue of community interest that is not on the agenda. Comments on a specific agenda item must be made when the agenda item comes before the Council. The Mayor may place a time limit on all comments. Any deliberation of an issue raised during Citizen Comments is limited to a proposal to place it on the agenda for a later meeting.*
6. **CONSENT AGENDA.** *The items listed are considered to be routine and non-controversial by the Council and will be approved by one motion. There will be no separate discussion of these items unless a Councilmember so requests, in which case the item will be removed from the Consent Agenda prior to a motion and vote. The item will be considered in its normal sequence on the Regular Agenda.*
 - (a) Approval of the [minutes](#) of the December 20, 2016 special meeting. **Christina McDonald, City Secretary**
 - (b) Acceptance of a [utility easement](#) for the Hamilton Creek Water Line. **Eric Belaj, City Engineer**

- (c) Approval of [Resolution 2017-R-01B](#) authorizing the submission of a Texas Community Development Block Grant Program application to the Texas Department of Agriculture for the Community Development Fund for sewer system improvements and authorizing the City Manager to act as the City's Executive Officer and authorized representative in all matters pertaining to the City's participation in the Texas Community Development Block Grant. **Margie Cardenas, Finance Director**

7. **REGULAR AGENDA.** *Council will individually consider and possibly take action on any or all of the following items:*

- (a) Public Hearing, Discussion, and Action on [Ordinance 2017-O-01A](#) regarding an amendment to the existing Gregg Ranch at Marble Falls Planned Development District (PDD), with base zoning of a Single-Family Base District (R-1) and Mixed Use Base District (MU-1), for approximately 242.754 acres out of the A. Bradley Survey No. 79, Abstract No. 61; the G. Fischler Survey No. 2, Abstract No. 1565; and the H. T. & B. R.R. Survey No. 1, Abstract No. 448, City of Marble Falls, Burnet County, Texas, located on Highway 281, south of the Highway 71 and 281 intersection. **Elizabeth Yeh, City Planner**
- (b) Discussion and Action on [Ordinance 2017-O-01B](#) accepting a petition for Voluntary Annexation and declaring the intent of the City of Marble Falls to annex into the City Limit, 75.94 acres of land out of the A. Schroeter Survey No. 4, Abstract No. 1270, the F. Fissler Survey No. 1065, Abstract No. 1328, and the C.M. R.R. Co. Survey No. 3, Abstract No. 1123 in Burnet County, Texas. **Elizabeth Yeh, City Planner**
- (c) Discussion and Action on [Resolution 2017-R-01A](#) authorizing publication of notice of intention to issue Combination Tax and Limited Pledge Revenue Certificates of Obligation in an amount not to exceed \$1,800,000 for the purpose of paying contractual obligations of the City to be incurred for (1) the construction of a Public Safety Facility on City-owned land; (2) City-wide street improvements and drainage incidental thereto; (3) upgrade the equipment on a fire truck; (4) acquire various vehicles for the Police Department and Street Department; (5) acquire and install playground equipment for Johnson Park; and (6) the payment of costs of issuance and professional services related thereto. **Margie Cardenas, Finance Director**
- (d) Discussion of [possible refunding of outstanding obligations](#) of the City of Marble Falls, Texas, and authorization of Financial Advisor and Bond Counsel to proceed to develop a plan for the possible refunding of certain outstanding obligations of the city for debt service savings. **Margie Cardenas, Finance Director**

8. **CITY MANAGER’S REPORT**
 - CARTS Grand Opening
 - Zoning Advisory Committee (ZAC) Report
9. **EXECUTIVE SESSION**
10. **RECONVENE INTO OPEN SESSION FOR POSSIBLE ACTION RESULTING FROM ITEMS DISCUSSED IN EXECUTIVE SESSION.**
11. **ANNOUNCEMENTS AND FUTURE AGENDA ITEMS.**
12. **ADJOURNMENT.**

“The City Council reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any matters listed on the agenda, as authorized by the Texas Government Code, including, but not limited to, Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), 551.087 (Economic Development), 418.183 (Deliberations about Homeland Security Issues) and as authorized by the Texas Tax Code, including, but not limited to, Section 321.3022 (Sales Tax Information).”

In compliance with the Americans with Disabilities Act, the City of Marble Falls will provide for reasonable accommodations for persons attending City Council Meetings. To better serve you, requests should be received 24 hours prior to the meeting. Please contact Ms. Christina McDonald, City Secretary at (830) 693-3615.

Certificate of Posting

I, Christina McDonald, City Secretary for the City of Marble Falls, Texas, do certify that this Notice of Meeting was posting at City Hall, in a place readily accessible to the general public at all times, on the 29th day of December, 2016 at 9:00 am and remained so posted for at least 72 continuous hours preceding the scheduled time of said meeting.

/s/ Christina McDonald

Christina McDonald, TRMC
City Secretary

The agenda is also posted on the City’s web site www.marblefallstx.gov

January 3, 2017

6. CONSENT AGENDA

- (a) Approval of the minutes of the December 20 special meeting. ***Christina McDonald, City Secretary***
-

Background information is attached as follows:

[December 20, 2016 special meeting minutes](#)

STATE OF TEXAS
COUNTY OF BURNET
CITY OF MARBLE FALLS

On this the 20th day of December, 2016 the Council of the City of Marble Falls convened in special session at noon at the City Hall Council Chambers located at 800 Third Street, Marble Falls, Texas, with notice of meeting giving time, place, date, and subject having been posted as described in Chapter 551 of the Texas Government Code.

PRESENT: John Packer Mayor
Jane Marie Hurst Mayor Pro-Tem
Richard Westerman Councilmember
Reed Norman Councilmember

ABSENT: Rachel Austin-Cook Councilmember
Craig Magerkurth Councilmember
Ryan Nash Councilmember

STAFF: Mike Hodge City Manager
Caleb Kraenzel Assistant City Manager
Patty Akers City Attorney
Christina McDonald City Secretary
Margie Cardenas Finance Director
Christian Fletcher EDC Executive Director
Eric Belaj City Engineer
Mark Whitacre Police Chief
Russell Sander Fire Chief
Angel Alvarado Human Resources Coordinator
Midge Dockery EDC Business Development Coordinator

VISITORS: Tom Pollan and David Mendez (Bickerstaff Attorneys), Mark McLiney and Andrew Friedman, Financial Advisors (SAMCO Capital Markets), Glynis Smith (The Highlander), EDC Board Members Steve Reitz, Judy Miller, Lindsay Plante and Mark Mayfield

1. **CALL TO ORDER AND ANNOUNCE QUORUM IS PRESENT.** Mayor Packer called the special meeting to order at 12:08 pm.
2. **INVOCATION.** Councilmember Norman gave the invocation.
3. **PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES AND TO THE TEXAS FLAG.** Mayor Pro-Tem Hurst led the pledges.
4. **UPDATES, PRESENTATIONS AND RECOGNITIONS.** There were no updates, presentation or recognitions.

5. **CITIZEN COMMENTS.** None.
6. **CONSENT AGENDA.**
 - (a) **Approval of the minutes of the December 6, 2016 regular meeting.** Mayor Pro-Tem Hurst made a motion to approve the minutes. The motion was seconded by Councilmember Norman and carried by a unanimous vote (4-0).
7. **REGULAR AGENDA.**
 - (a) **Discussion and Approval of Second and Final Reading of Resolution 2016-R-12A approving Economic Development Project Proposed by the Marble Falls Economic Development Corporation.** Councilmember Norman made a motion to approve Resolution 2016-R-12A on the second and final reading. Councilmember Westerman seconded the motion. The motion carried by a vote of 4-0.
 - (b) **Discussion and Approval on First and Final Reading of Resolution 2016-R-12B approving a Resolution of the Marble Falls Economic Development Corporation with respect to the issuance of the Sales Tax Revenue Bonds, Taxable Series 2017, and approving matters related thereto.** Councilmember Norman made a motion to approve Resolution 2016-R-12B on the first and final reading. Councilmember Westerman seconded the motion. The Resolution was approved by a unanimous vote (4-0).
8. **CITY MANAGER'S REPORT.** There was not report.
9. **EXECUTIVE SESSION.** Council did not convene to executive session.
10. **RECONVENE INTO OPEN SESSION FOR POSSIBLE ACTION RESULTING FROM ITEMS DISCUSSED IN EXECUTIVE SESSION.** No action taken.
11. **ANNOUNCEMENTS AND FUTURE AGENDA ITEMS.** It was noted that the next regular meeting is January 3 following by a workshop at 7:00 pm.
12. **ADJOURNMENT.** There being no further business to discuss, Mayor Pro-Tem Hurst made a motion to adjourn which was seconded by Councilmember Norman. The meeting was adjourned at 12:21 pm.

John Packer, Mayor

ATTEST:

Christina McDonald, TRMC
City Secretary

January 3, 2017

6. CONSENT AGENDA

(b) Acceptance of a utility easement for the Hamilton Creek Water Line. **Eric Belaj,**
City Engineer

Background information is attached as follows:

[Cover Memo and Supporting Documentation](#)



**Council Agenda Item Cover Memo
January 3, 2017**

Agenda Item No.: 6(b)
Presenter: Eric Belaj, PE, CFM
Department: Administration
Legal Review:

AGENDA CAPTION

Acceptance of a utility easement for the Hamilton Creek Water Line.

BACKGROUND INFORMATION

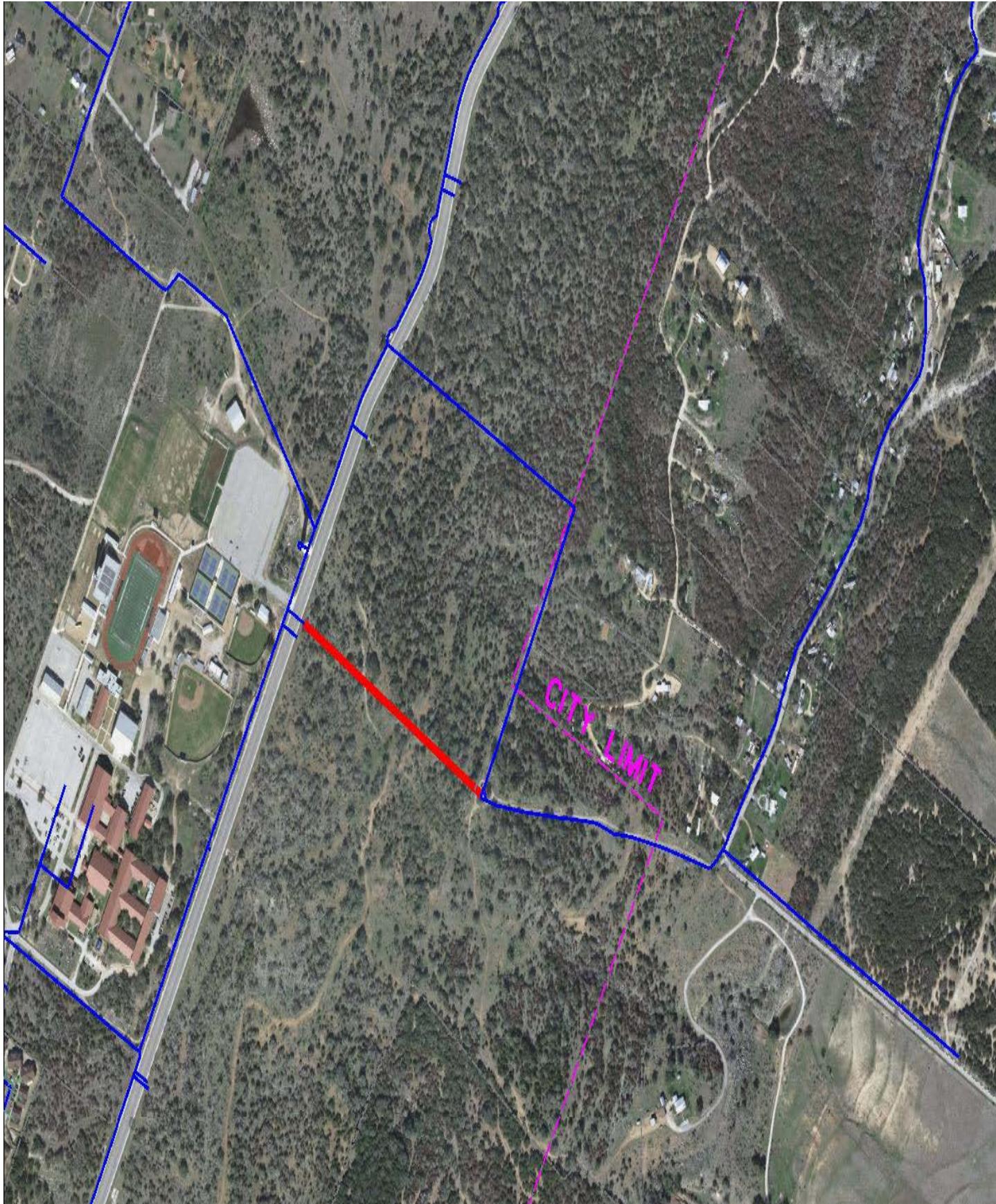
The City has coordinated a 20 foot easement donation through the River City Partner's property, for about 0.58 acres. The property owner is donating a 20 foot construction easement in addition to the 20 foot utility easement. The easement is located adjacent to, and perpendicular to, Manzano Mile across from the High School event parking driveway.

The donated easement will be used to install a 12 foot water line, connecting the Manzano Mile water transmission line with the Hamilton Creek Water System. The proposed water line will substitute an old bolted steel water tank, along with an under designed 2 inch water line, and a chlorine injection system serving the Hamilton Creek area. The tank and 2 inch water line are part of the water system that the City inherited from LCRA.

This project was identified in the Capital Improvement plan and scheduled to be constructed in FY17/18. The project is prioritized as the next in line after the completion of the Broadway project. However, because the savings from the RM 1431 water transmission line came close to cover the cost of this project, and the urgency to complete this project prior to the summer months, City staff moved forward with the survey and design for this water line. The City was able to save approximately \$93,000 from the RM 1431 waterline project, and the Hamilton Creek project is estimated to cost approximately \$110,000. The gap in funding will be supplemented via anticipated savings from the wastewater treatment plant project, and if needed, from the Public Works water line extension budget.

City staff has reviewed the easement documents, recommends accepting the utility easement, and for Council to direct the Mayor to sign the document.

[Easement](#)





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.

UTILITY, ACCESS, AND TEMPORARY CONSTRUCTION EASEMENTS

THE STATE OF TEXAS §

KNOW BY ALL THESE PRESENTS

COUNTY OF BURNET §

That RIVER CITY PARTNERS, LTD., whose address is P.O. Box 4648, Austin, TX 78765, hereinafter collectively referred to as "Grantor", for and in consideration of good and valuable consideration to Grantor, the receipt and sufficiency of which is hereby acknowledged from the CITY OF MARBLE FALLS, TEXAS whose address is 800 Third Street, Marble Falls, Texas 78654, hereinafter referred to as "Grantee", the receipt and sufficiency of which is hereby acknowledged and confessed, has this day Granted and Conveyed, and by these presents, does hereby Grant and Convey unto Grantee certain easements to (a) construct, reconstruct and perpetually maintain, repair and operate water mains, pipelines, sanitary sewer mains, storm sewer mains and other utilities, including but not limited to, telecommunication facilities, with all necessary appurtenances thereto, together with the right to make connections and such other construction and improvements incidental to the construction, maintenance, operation and repair of such lines, and (b) together with the right to use roads, driveways and access ways, and the right of ingress and egress at all times across the Easement Property (as that term is hereafter defined) and the Temporary Easement Property (as that term is hereafter defined) including, but not limited to, the right to remove and construct or reconstruct any fencing for Grantee's use or access of the easement granted herein, including the right to install posts, wiring, fencing and/or a gate and/or access panels in a newly constructed or existing fence for reasonable access to and use of the Easement Property and the Temporary Easement Property. As used herein "Easement Property" shall collectively mean in, upon and across the lands described in EXHIBIT "A" attached hereto and by this reference made a part hereof for all purposes.

TO HAVE AND TO HOLD the same perpetually to Grantee, its successors and assigns, together with the right and privilege at any and all times to enter said premises, or any part thereof, for the purpose of constructing, reconstructing, maintaining, repairing and operating said water mains, pipelines, sanitary sewer mains, storm sewer mains and other utilities, including but not limited to, telecommunication facilities and for making connections therewith. Grantor reserves the right to enter upon and use the Easement Property in any manner that is not inconsistent with the rights granted to Grantee herein, but in no event shall Grantor place, erect or maintain on the Easement Property (a) any permanent structures, including, but not limited to, any habitable structures such as homes or offices, or (b) any structure, including, but not limited to, drainage, filtration or detention ponds, or make changes in grade, elevation, or contour of the land which would impair Grantee's use of the Easement Property.

Grantor also grants to Grantee a temporary construction easement for the purpose of constructing and laying the above referenced utility lines in the Easement Property. The temporary construction easement area shall be limited to the areas shown on Exhibit "A", which areas are adjacent to the Easement Property (the "Temporary Easement Property"). This temporary easement shall become effective on the date of execution and expires upon completion of the installation of the utilities. Upon such termination, the Temporary Easement Property shall revert to the sole ownership and control of Grantor (including, but not limited to, any fencing, posts or gates installed on the Temporary Easement Property).

As part of the consideration for the easements contained herein, Grantor may construct, for the benefit of Grantor's property, at Grantor's own expense, one (1) two inch (or greater) stub out for Grantor's connection to a water line shown on Exhibit "B", such stub outs to include valves, meter box, and be capped until Grantor is ready to connect. Such construction can be installed when Grantor is ready to connect and makes appropriate request. Service shall be provided by Grantee after Grantors make appropriate request and based upon Grantors' compliance with Grantee's terms and conditions of service. Grantor shall be responsible for any and all tap and impact fees associated with the utility lines.

In addition, if the Easement Property is being used for livestock purposes at the time of this easement, during construction of the easement granted herein, Grantee shall erect a reasonable, temporary fence or structure to keep the livestock from entering the Easement Property. Upon completion of construction within the Easement Property, Grantee shall remove the temporary fence or structure from the Easement Property. In the event that Grantee must remove a fence in order to construct utilities within the Easement Property, Grantee shall remove the fence in order to construct utilities within the Easement Property, Grantee shall remove the fence and install a temporary fence or structure reasonably sufficient to contain livestock and Grantee shall replace or reinstall Grantor's fence of equal

or better quality outside of Grantee's easement upon completion of construction. Any damage to Grantor's driveway will be restored to the condition of the driveway prior to construction.

Grantor hereby binds itself, its heirs, representatives, successors, and assigns to WARRANT AND FOREVER DEFEND title to the right of way herein granted, unto Grantee and its successor and assigns against claims of all persons whomsoever lawfully claiming or to claim the same or any part thereof.

GRANTOR:
RIVER CITY PARTNERS, LTD.

Name: Gerald W. Broesche

Title: _____

THE STATE OF TEXAS §

COUNTY OF §

This instrument was acknowledged before me on the _____ day of January, 2017, by _____.

NOTARY PUBLIC, STATE OF TEXAS

ACCEPTED:

Approved and accepted by the Marble Falls City Council on the _____ day of _____, 2017.

CITY OF MARBLE FALLS

Name: John Packer, Mayor

ATTEST:

Christina McDonald, City Secretary

After Recording Return To:
City of Marble Falls
Attn: Christina McDonald
800 3rd Street
Marble Falls, TX 78654

Exhibit "A"
Legal Description



Willis-Sherman Associates, Inc.

FIRM NUMBER: 10027600
LAND SURVEYORS AND PLANNERS
310 MAIN MARBLE FALLS, TEXAS 78654
(830) 693-5566 FAX (830) 693-5982



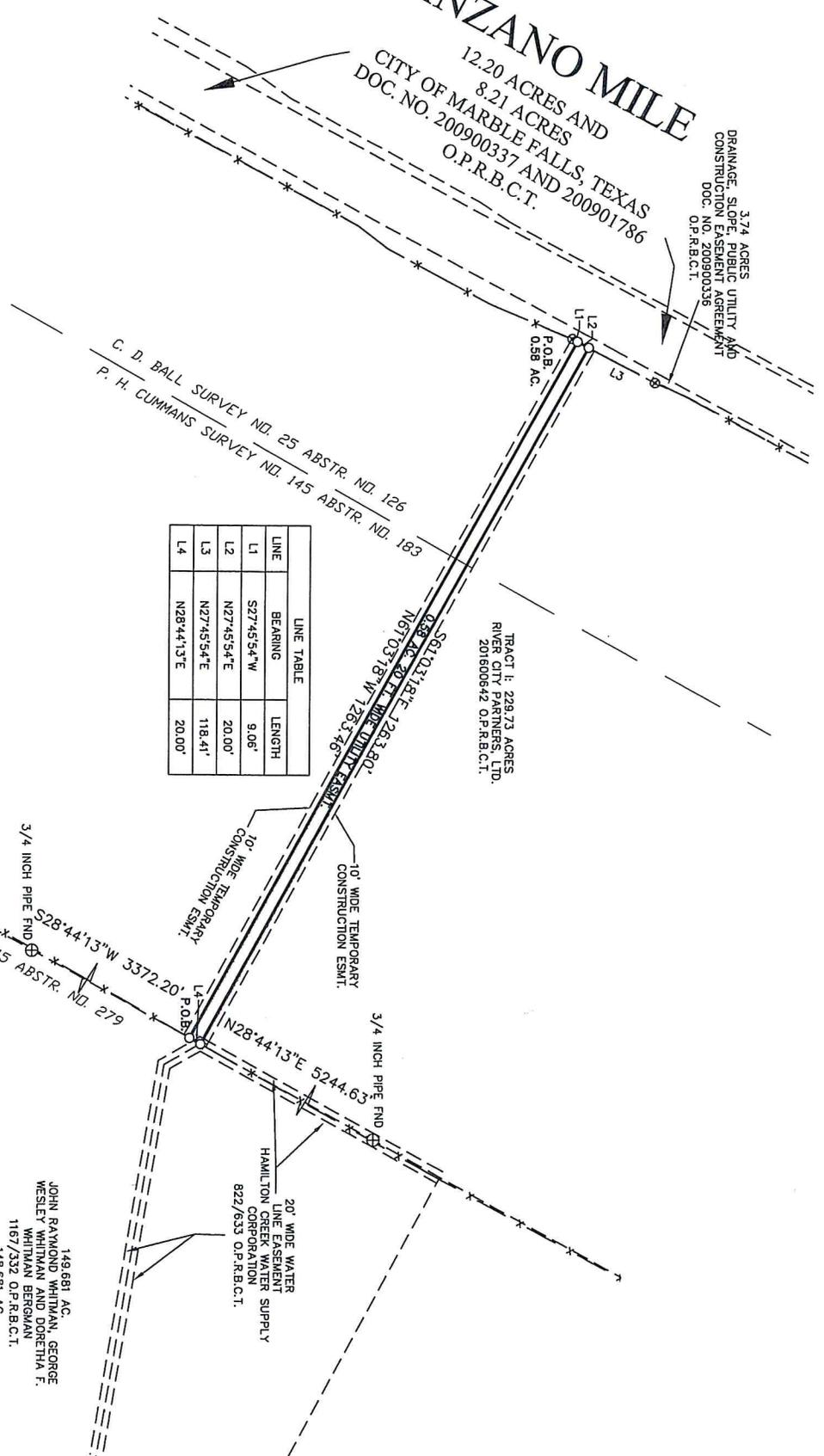
Donald Sherman

12/16/16

MANZANO MILE

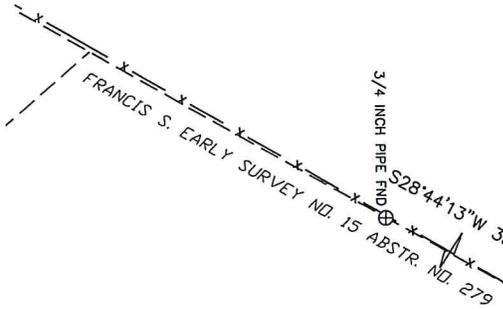
12.20 ACRES AND
8.21 ACRES
CITY OF MARBLE FALLS, TEXAS
DOC. NO. 200900337 AND 200901786
O.P.R.B.C.T.

374 ACRES
DRAINAGE SLOPE PUBLIC UTILITY AND
CONSTRUCTION EASEMENT AGREEMENT
DOC. NO. 200900336
O.P.R.B.C.T.



| LINE | BEARING | LENGTH |
|------|--------------|---------|
| L1 | S27°45'54\"W | 9.06' |
| L2 | N27°45'54\"E | 20.00' |
| L3 | N27°45'54\"E | 118.41' |
| L4 | N28°44'13\"E | 20.00' |

TRACT 1: 229.73 ACRES
RIVER CITE PARTNERS, LTD.
201600642 O.P.R.B.C.T.



149.681 AC.
JOHN RAYMOND WHITMAN, GEORGE
WESLEY WHITMAN AND DORETHA F.
WHITMAN BERGMAN
1167/332 O.P.R.B.C.T.
149.681 AC.
RTMK, INC. (TAMMY WHITMAN)
DOC. # 200704241 O.P.R.B.C.T.

LEGEND:

- ⊗ DENOTES 1/2" ST. SK. FND. WITH PLASTIC CAP STAMPED 4452 MONUMENT OF DIGNITY
- DENOTES 1/2" ST. SK. SET WITH PLASTIC CAP STAMPED RPLS 1877
- ⊕ DENOTES 3/4" PIPE FND. MONUMENT OF DIGNITY

SCALE: 1" = 200'



BEARING BASIS: TEXAS LAMBERT GRID,
CENTRAL ZONE, NAD 83

SURVEY PLAT TO ACCOMPANY FIELD NOTES OF A 0.58 ACRE UTILITY EASEMENT CONSISTING OF 0.18 ACRES OUT OF THE C.D. BALL SURVEY NO. 25, ABSTRACT NO. 126 AND 0.40 ACRES OUT OF THE P.H. CUMMANS SURVEY NO. 145, ABSTRACT NO. 183 BURNET COUNTY, TEXAS

OFFICE D:WILLIS
FIELD T.MARTINKA
JOB NO. 14580
FIELD BOOK NO. N/A



STATE OF TEXAS:
COUNTY OF BURNET:

Field notes to accompany a Survey Plat of a 0.58 acre 20 ft. wide Utility Easement consisting of 0.18 acres out of the C. D. Ball Survey No. 25, Abstract No. 126 and 0.40 acres out of the P. H. Cummans Survey No. 145, Abstract No. 183 and being within Tract 1: 229.73 acres conveyed to River City Partners, Ltd. recorded in Document No. 201600642 of the Official Public Records of Burnet County, Texas (O.P.R.B.C.T.). The basis of bearing for this survey is the Texas Lambert Grid, Central Zone, NAD 83. All 1/2" steel stakes found with plastic cap stamped 4452 and 3/4" pipes found and used for boundary reconstruction are monuments of dignity for this survey. All adjoining tracts mentioned herein are for reference only and are not a part of this survey.

Beginning at a 1/2" steel stake set with plastic cap stamped R.P.L.S. 1877 being the Southwest corner of this 0.58 acre Utility Easement and in the West line of said 229.73 acres and in the East line of a 3.74 acre Drainage, Slope, Public Utility and Construction Easement conveyed to The City of Marble Falls, Texas in Document No. 200900336 of the O.P.R.B.C.T. with a tie to the South end of the 11th call of said 229.73 acres bears S27°45'54"W, 9.06' being a 1/2" steel stake found with plastic cap stamped 4452.

Thence along the West line of this 0.58 acre Utility Easement, the West line of said 229.73 acres, and the East line of said 3.74 acre City of Marble Falls, Texas easement L2, N27°45'54"E, 20.00' to a 1/2" steel stake set with plastic cap stamped R.P.L.S. 1877 being the Northwest corner hereof with a tie to a 1/2" steel stake found with plastic cap stamped 4452 being the North end of the 11th call of said 229.73 acres bears N27°45'54"E, 118.41';

Thence traversing through said 229.73 acres along the North line of this 0.58 acre Utility Easement, S61°03'18"E, 1263.80' a 1/2" steel stake set with plastic cap stamped R.P.L.S. 1877 being the Northeast corner hereof in the East line of said 229.773 acres and the West line of 149.681 acres conveyed to John Raymond Whitman, George Wesley Whitman and Doretha F. Whitman Bergman recorded in Volume 1167, Page 332 of the Official Public Records of Burnet County, Texas and RTMK, Inc. (Tammy Whitman) recorded in Document No. 200704241 of the Official Public Records of Burnet County, Texas and the common line between said C. D. Ball Survey and the P. H. Cummans Survey with a tie to a 3/4" pipe found being the Northeast corner of said 229.73 acres bears N28°44'13"E, 5244.63"

Thence along the East line of this 0.58 acre Utility Easement, the East line of said 229.73 acres and the West line of said 149.681 acres, L4, S28°44'13"W, 20.00' being the Southeast corner hereof with a tie to a 3/4" pipe found being the Southeast corner of said 229.73 acres bears S28°44'13"W, 3372.20';

Thence along the South line of this 0.58 acre Utility Easement, N61°03'18"W, 1263.46' to the Place of Beginning.

Accompanying the above described 20 ft. wide utility easement is a 10 ft. wide Temporary Construction Easement North of and parallel with the North line of the above described 20 ft. wide Utility Easement and a 10 ft. wide Temporary Construction Easement South of and parallel with the South line of the above described 20 ft. wide Utility Easement.



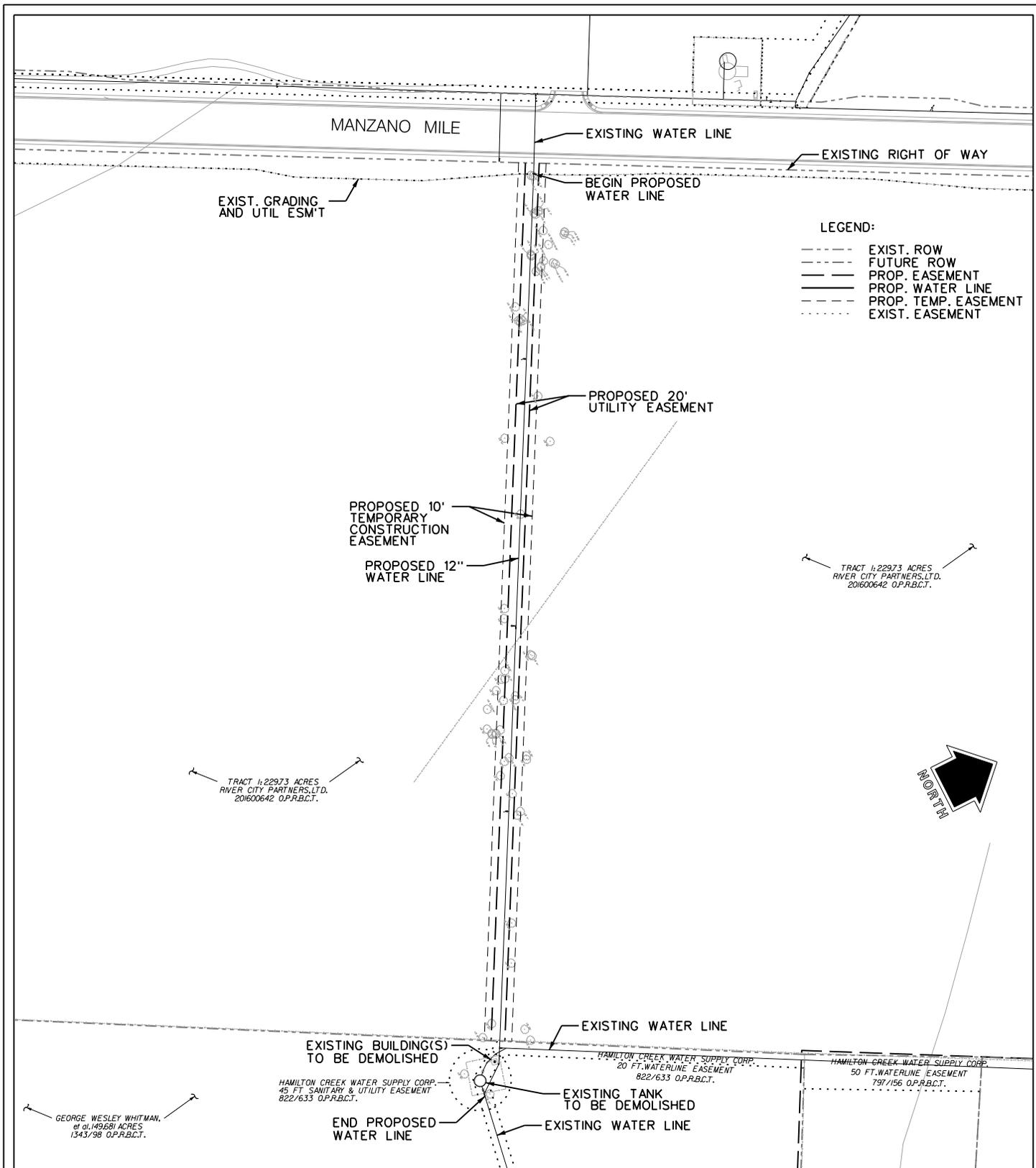
I HEREBY CERTIFY THAT THE FIELD NOTES HEREON REPRESENTS THE RESULTS OF AN ON THE GROUND SURVEY MADE UNDER MY DIRECTION AND SUPERVISION AND THAT ALL CORNERS ARE AS DESCRIBED HEREON.

THIS SURVEY WAS MADE FOR THE BENEFIT OF THE CITY OF MARBLE FALLS.

DATE 12/6/16

DONALD SHERMAN REGISTERED PROFESSIONAL LAND SURVEYOR NO. 1877
JOB NO. - 14580 OFFICE. - D.WILLIS

Exhibit "B"
Water Line Connection
Location



- LEGEND:**
- EXIST. ROW
 - FUTURE ROW
 - PROP. EASEMENT
 - PROP. WATER LINE
 - PROP. TEMP. EASEMENT
 - EXIST. EASEMENT

TRACT 1: 22973 ACRES
RIVER CITY PARTNERS, LTD.
201600642 O.P.R.B.C.T.

TRACT 1: 22973 ACRES
RIVER CITY PARTNERS, LTD.
201600642 O.P.R.B.C.T.



GEORGE WESLEY WHITMAN,
of 01,49,681 ACRES
1343/98 O.P.R.B.C.T.

EXISTING BUILDING(S)
TO BE DEMOLISHED

HAMILTON CREEK WATER SUPPLY CORP.
45 FT. SANITARY & UTILITY EASEMENT
822/633 O.P.R.B.C.T.

EXISTING WATER LINE

HAMILTON CREEK WATER SUPPLY CORP.
20 FT. WATERLINE EASEMENT
822/633 O.P.R.B.C.T.

HAMILTON CREEK WATER SUPPLY CORP.
50 FT. WATERLINE EASEMENT
797/156 O.P.R.B.C.T.

EXISTING TANK
TO BE DEMOLISHED

END PROPOSED
WATER LINE

EXISTING WATER LINE



MARBLE FALLS
800 THIRD STREET
MARBLE FALLS, TX 78654
PH: (830) 693-6737

CITY OF MARBLE FALLS
FOR REFERENCE ONLY

These documents are for Interim Review, Reference, and not intended for Construction, Bidding, or Permit Purposes. They were prepared by, or under the supervision of:

| | | |
|-----------------|--------|--------------|
| ERIC BELAJ | 107148 | DEC 06, 2016 |
| Engineer's Name | PE# | Date |

UTILITY EASEMENT EXHIBIT

EXHIBIT NO.
B

SCALE
0 100' 200' 300'
SCALE IN FEET

January 3, 2017

6. CONSENT AGENDA

- (c) Approval of Resolution 2017-R-01B authorizing the submission of a Texas Community Development Block Grant Program application to the Texas Department of Agriculture for the Community Development Fund for sewer system improvements and authorizing the City Manager to act as the City's Executive Officer and authorized representative in all matters pertaining to the City's participation in the Texas Community Development Block Grant. **Margie Cardenas, Finance Director**
-

Background information is attached as follows:

[Cover Memo and Supporting Documentation](#)



**Council Agenda Item Cover Memo
January 3, 2017**

Agenda Item No.: 6(c)
Presenter: Margie Cardenas, Finance Director
Department: Finance
Legal Review: N/A

AGENDA CAPTION

Approval of Resolution 2017-R-01B authorizing the submission of a Texas Community Development Block Grant Program application to the Texas Department of Agriculture for the Community Development Fund for sewer system improvements and authorizing the City Manager to act as the City's Executive Officer and authorized representative in all matters pertaining to the City's participation in the Texas Community Development Block Grant.

BACKGROUND

The City of Marble Falls is applying for the 2017 CDBG grant that would make funding available for continued sewer improvements. Staff is currently conducting the required resident surveys in order to determine areas that meet the program guidelines. Upon completion of the surveys, the project location can then be identified.

The grant application is requesting \$300,000 with the City providing a match of \$60,000. If awarded, the City's match will need to be budgeted in FY 17/18.

RESOLUTION 2017-R-01B

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARBLE FALLS, TEXAS, AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR THE COMMUNITY DEVELOPMENT FUND; AND AUTHORIZING THE CITY MANAGER TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

WHEREAS, the City Council of the City of Marble Falls desires to develop a viable community, including decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low-to-moderate income; and

WHEREAS, certain conditions exist which represent a threat to the public health and safety; and

WHEREAS, it is necessary and in the best interest of the City of Marble Falls to apply for funding under the Texas Community Development Block Grant Program;

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

1. That a Texas Community Development Block Grant Program application for the Community Development Fund is hereby authorized to be filed on behalf of the City with the Texas Department of Agriculture.
2. That the City's application be placed in competition for funding under the Community Development Fund.
3. That the application be for \$300,000.00 of grant funds to carry out sewer system improvements.
4. That the City directs and designates the City Manager as the City's Chief Executive Officer and Authorized Representative to act in all matters in connection with this application and the City's participation in the Texas Community Development Block Grant Program.
5. That all funds will be used in accordance with all applicable federal, state, local and programmatic requirements including but not limited to procurement, environmental review, labor standards, real property acquisition, and civil rights requirements.
6. That it further be stated that the City of Marble Falls is committing \$60,000.00 from its Water and Sewer Fund as a cash contribution toward the activities of this sewer system improvements project.

Passed and approved this 3rd day of January, 2017.

John Packer, Mayor

Christina McDonald, City Secretary

January 3, 2017

7. REGULAR AGENDA

- (a) Public Hearing, Discussion, and Action on Ordinance 2017-O-01A regarding an amendment to the existing Gregg Ranch at Marble Falls Planned Development District (PDD), with base zoning of a Single-Family Base District (R-1) and Mixed Use Base District (MU-1), for approximately 242.754 acres out of the A. Bradley Survey No. 79, Abstract No. 61; the G. Fischler Survey No. 2, Abstract No. 1565; and the H. T. & B. R.R. Survey No. 1, Abstract No. 448, City of Marble Falls, Burnet County, Texas, located on Highway 281, south of the Highway 71 and 281 intersection. **Elizabeth Yeh, City Planner**
-

Background information is attached as follows:

[Cover Memo and Supporting Documentation](#)



Council Agenda Item Cover Memo January 3, 2017

Agenda Item No.: 7(a)
Presenter: Elizabeth Yeh, City Planner
Department: Development Services
Legal Review:

AGENDA CAPTION

Public Hearing, Discussion, and Action on Ordinance 2017-O-01A regarding an amendment to the existing Gregg Ranch at Marble Falls Planned Development District (PDD) with base zoning of Single-Family Base District (R-1) and Mixed Use Base District (MU-1), for approximately 242.754 acres out of the A. Bradley Survey No. 79, Abstract No. 61; the G. Fischler Survey No. 2, Abstract No. 1565; and the H. T. & B. R.R. Survey No. 1, Abstract No. 448, City of Marble Falls, Burnet County, Texas, located on Highway 281, south of the Highway 71 and 281 intersection.

BACKGROUND INFORMATION

This item is regarding a requested amendment to the approved Planned Development District (PDD) Phasing Plan for the Gregg Ranch at Marble Falls. The original PDD zoning was approved by Council on July 7, 2015 via Ordinance No. 2015-O-07B.

The PDD Subject Area includes approximately 202 acres of Single-Family Base District (R-1) zoning and approximately 40 acres of Mixed Use Base District (MU-1) zoning, as depicted in the approved Master Plan (page 11). The zoning and approved land uses, parks and open space plan, development standards, density, utility and thoroughfares, and sign standards/exhibits are all proposed to remain the same.

The Subject Area is presently undeveloped, and an application for the Construction Plat and associated civil designs for public improvements for Phase One have been submitted, however there is outstanding comments specifically regarding the construction of the Amenity Center which must be addressed before the Construction Plat can be heard by the Commission and Council.

The approved Phasing Plan for the Gregg Ranch PDD consists of a total of seven (7) Phases (page 13). According to the approved PDD development standards for Gregg Ranch at Marble Falls *"all parks, trails, and amenities shall be constructed in their entirety within the Phase they are proposed"*. The Amenity Center (a 4.58 acre tract) is

depicted within Phase One, and furthermore, the Amenity Center proposed by the Developer has the following Minimum Development Standards attached:

Minimum HOA Amenity Center Tract Standards:

- 1. The private HOA amenity center tract will include rainwater harvesting to retain water on-premise for use on the amenity center tract, and will remove impervious cover from associated water quality assumptions for the amenity center tract.*
- 2. The private HOA amenity center tract shall at a minimum include the following elements: Swimming pool enclosed with fencing, splash pad, open-air ramada, restrooms with changing rooms, playground/playscape, gazebo with seating, cookout/bbq area(s), multi-use sports field, and parking area(s). Additional on-street parking for the amenity center tract may be provided via head-in parking only on the local street(s) to the north of the amenity center tract as depicted in Exhibit B-1.*

Due to financial constraints of extending utilities from SH 71, the Developer is asking to postpone construction of the Amenity Center (a project estimated to cost approximately \$1,000,000.00) to Phase Two of the subdivision. This would require an amendment to the approved Phasing Plan exhibit in order to depict the Amenity Center tract as a Phase Two improvement. In addition to construction of the Amenity Center, establishment of a Homeowners Association (HOA) is required at the time of the first phase Final Plat for the Gregg Ranch at Marble Falls through the PDD standards. Operation and maintenance of the Amenity Center would be performed by the HOA, therefore another factor for postponement would be to allow for the development of the HOA membership and collection of dues necessary to operate the Amenity Center.

The proposed Phasing Plan for the Gregg Ranch PDD will similarly consist of a total of seven (7) Phases (page 14). The proposed amendments to the Phasing Plan include movement of the Amenity Center tract (minus a small parcel that will house the mail kiosks for Phase One residences) to Phase Two, and the addition of seven (7) residential lots, making Phase One a total of 155 residential lots, as opposed to the original 148 residential lots depicted in the approved Phasing Plan.

At the December 1, 2016 regular meeting of the Planning and Zoning Commission, the Commission recommended approval (7-0) of the amendment request as presented.

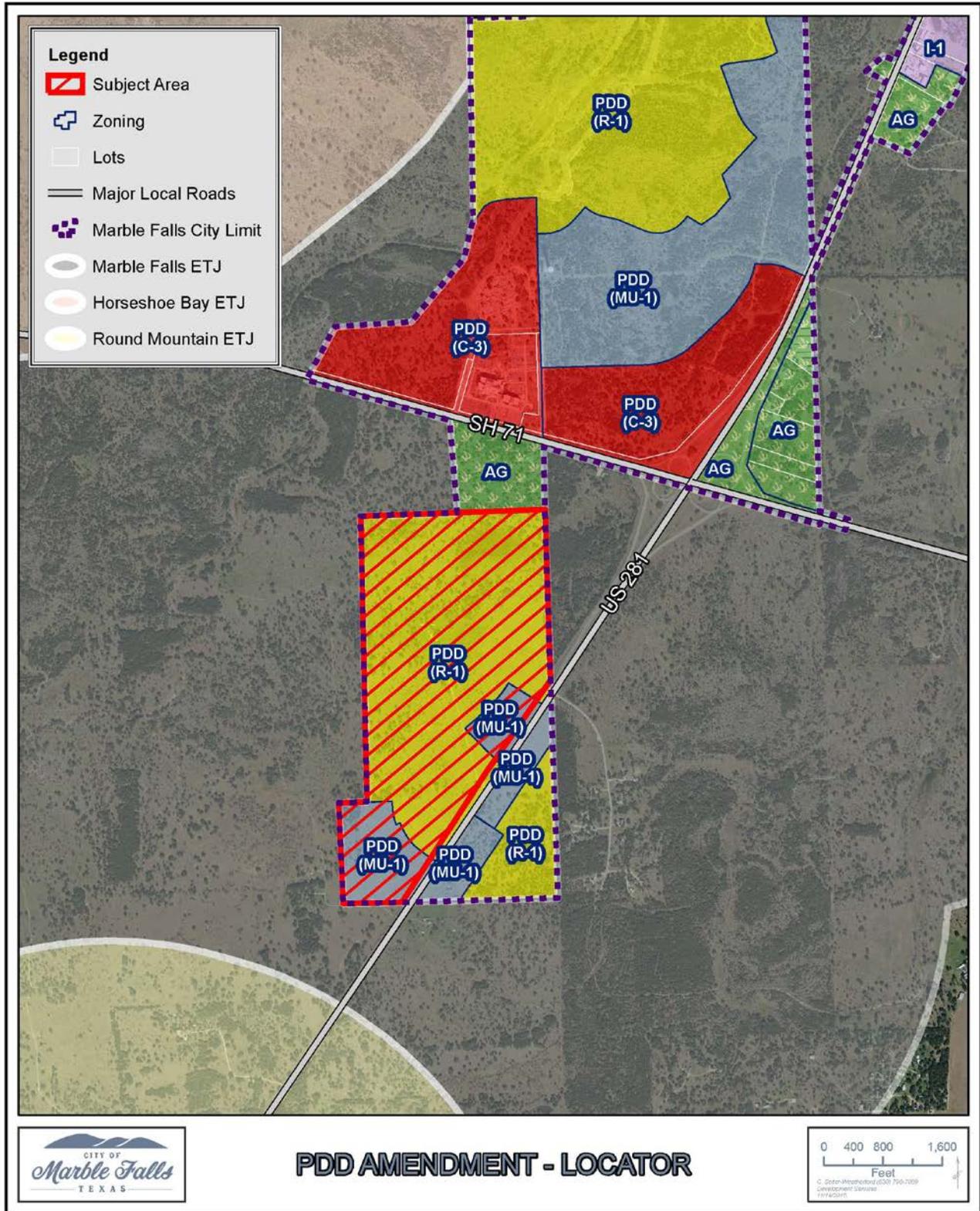
A total of four (4) adjacent property owners within two hundred feet (200') of the Subject Area were mailed notification letters, including the public hearing dates and a pre-paid comment card for response supporting/opposing the proposed amendment. At the time of packet distribution one (1) property owner submitted a response in favor of the amendment.

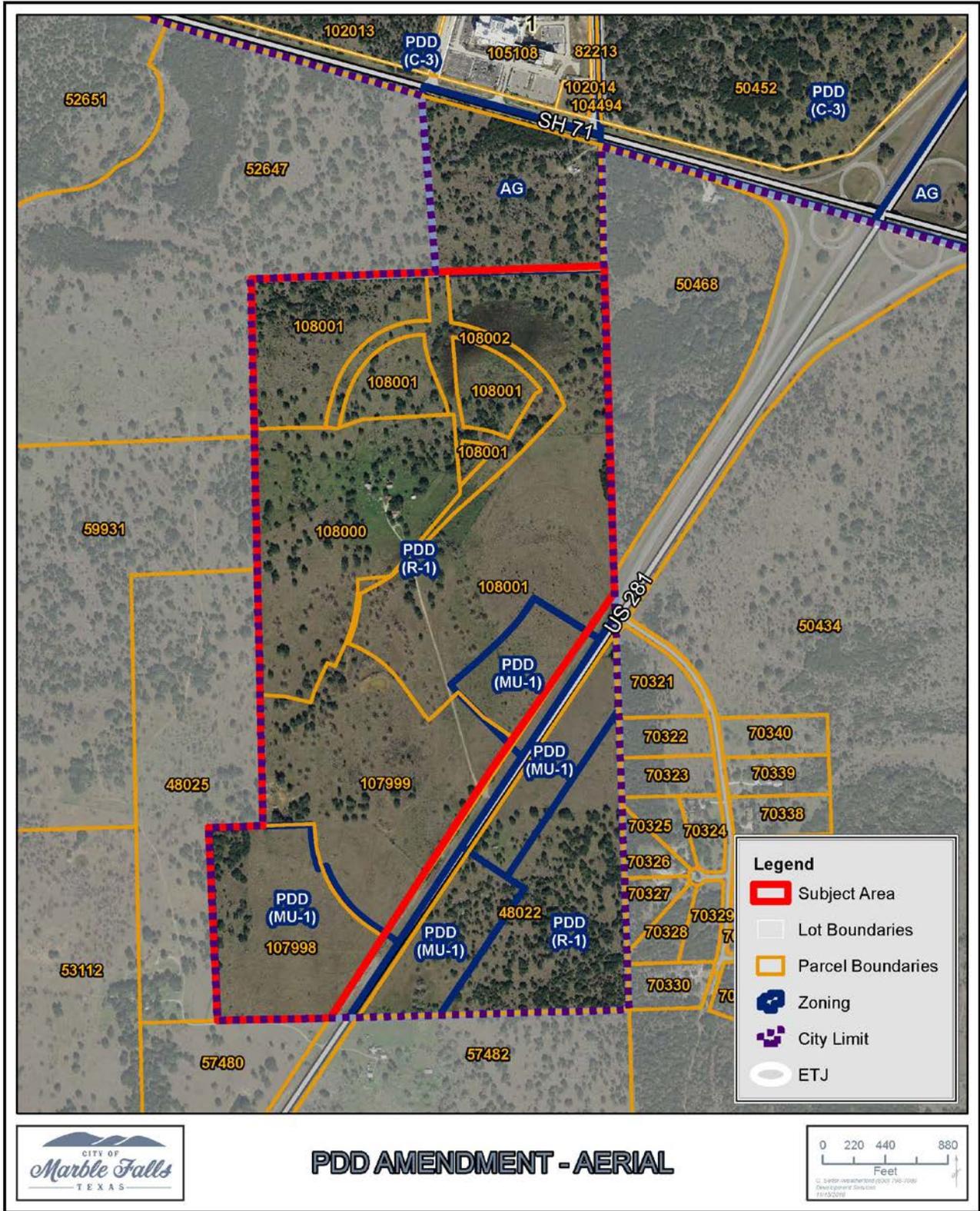
RECOMMENDATION

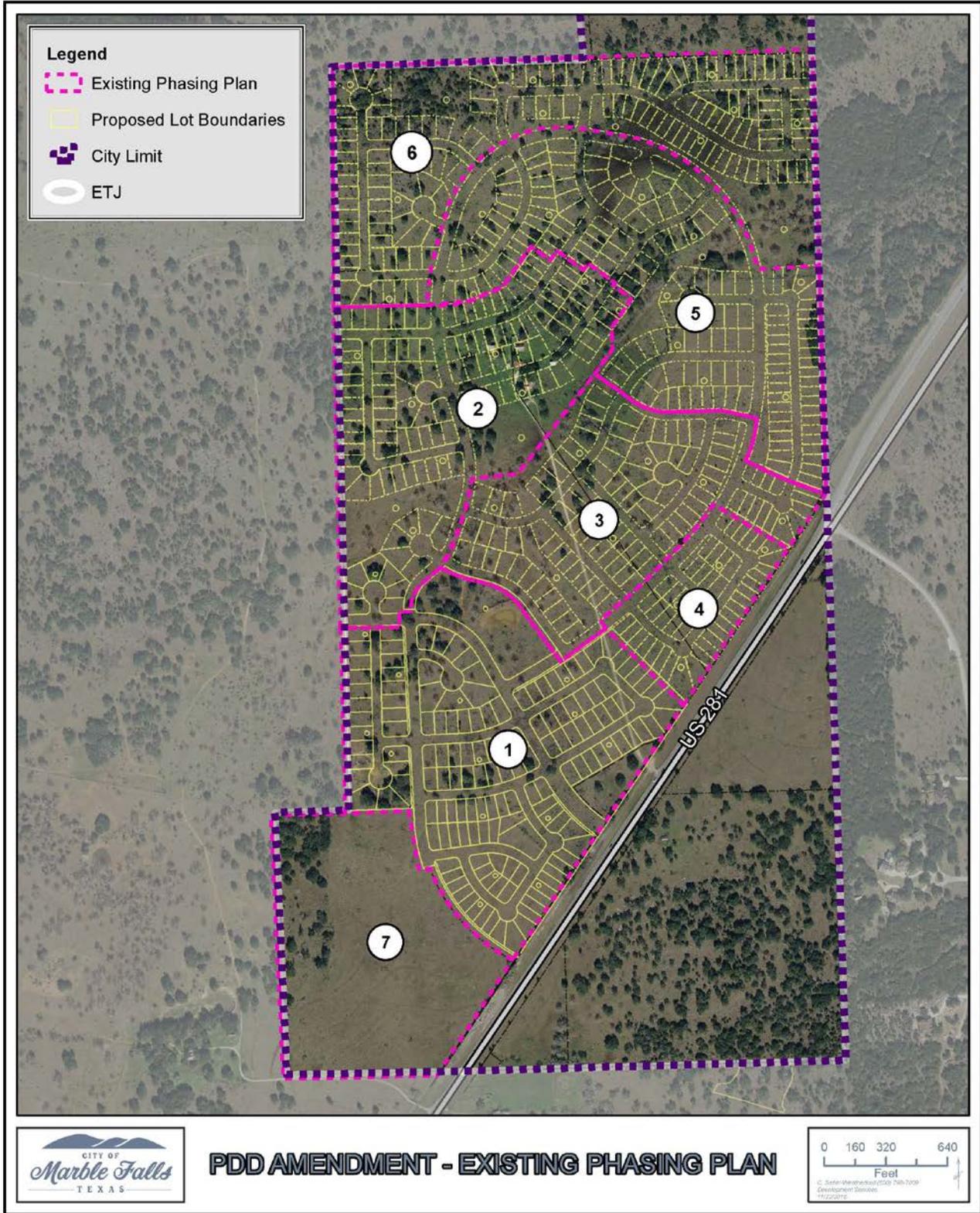
Due to the proposed amendments to the Gregg Ranch Planned Development District (PDD) remaining in compliance with the Development Agreement, the City's Comprehensive Plan, the master plan and development standards exceeding City minimum requirements, and the postponement not causing an adverse effect on infrastructure within the overall Gregg Ranch at Marble Falls, City Staff recommends approval of the amendment to the Gregg Ranch PDD Phasing Plan exhibit.

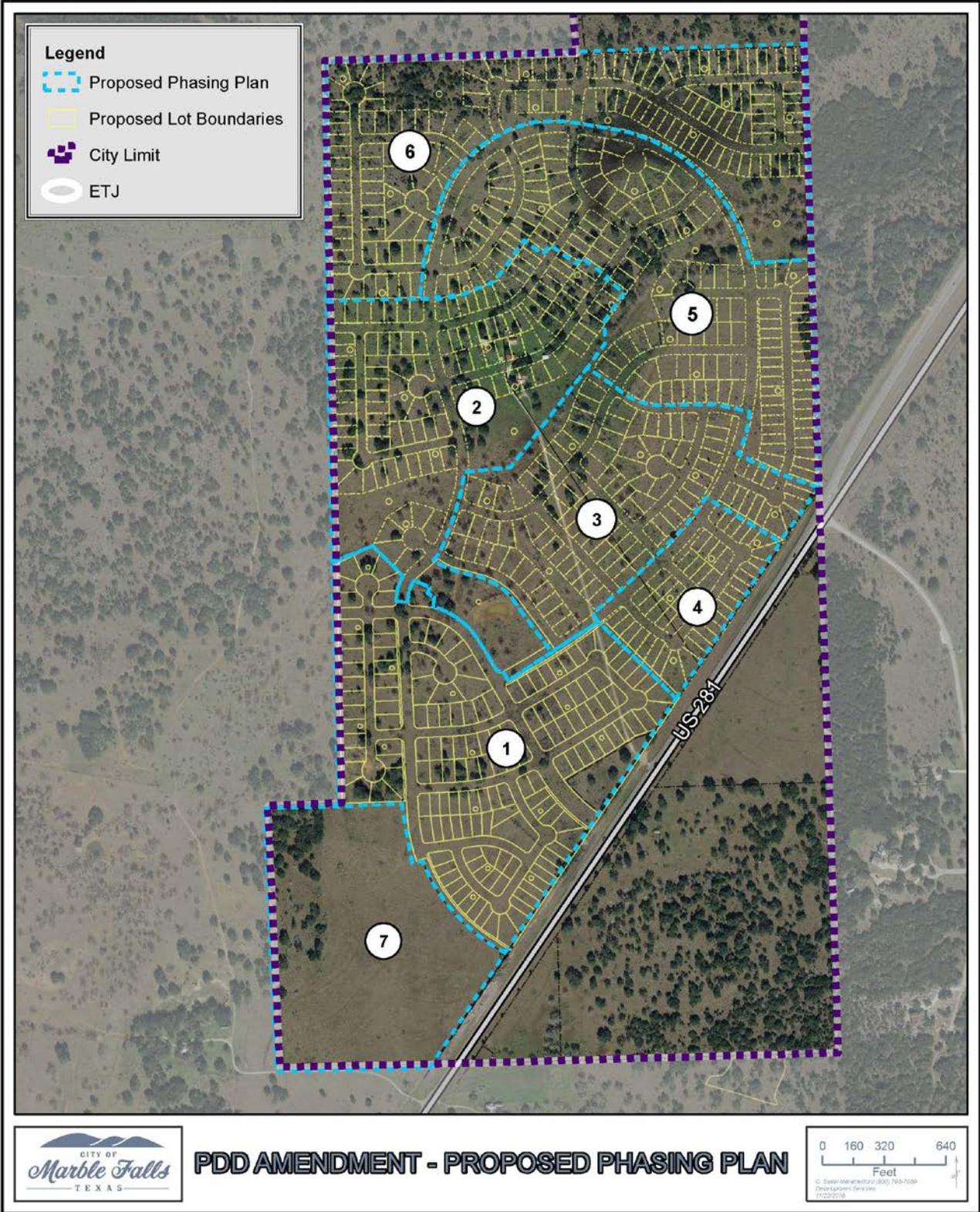
Memo Contents:

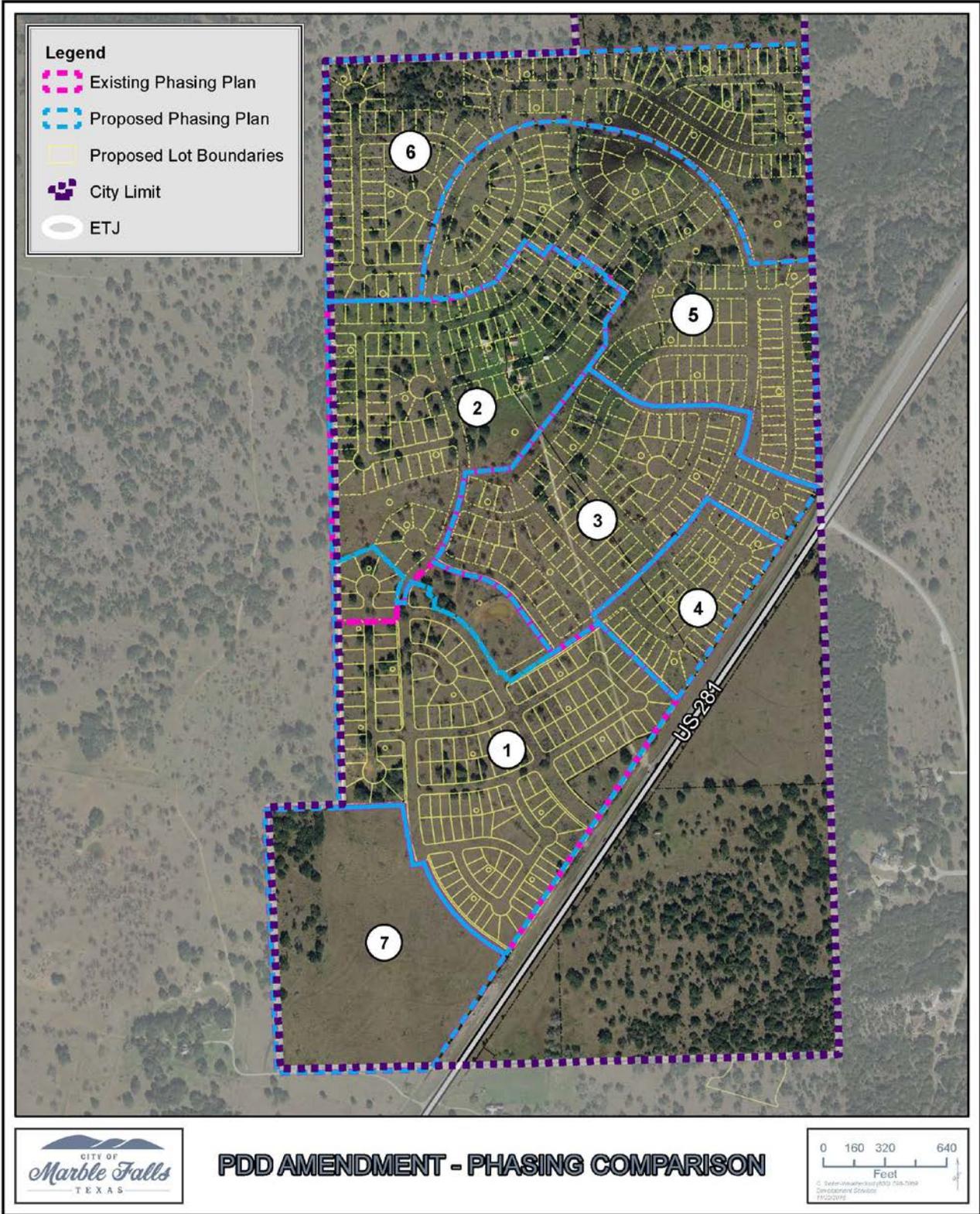
- | | |
|---|----------------------|
| • Informational maps produced by City Staff: | Pages 4 - 10 |
| • Approved Master Plan: | Page 11 |
| • Approved Parks, Open Space, and Amenities Plan: | Page 12 |
| • Existing Phasing Plan: | Page 13 |
| • Proposed Phasing Plan: | Page 14 |
| • Applicant Statement: | Page 15 |
| • Ordinance 2017-O-01A: | Pages 16 - 24 |

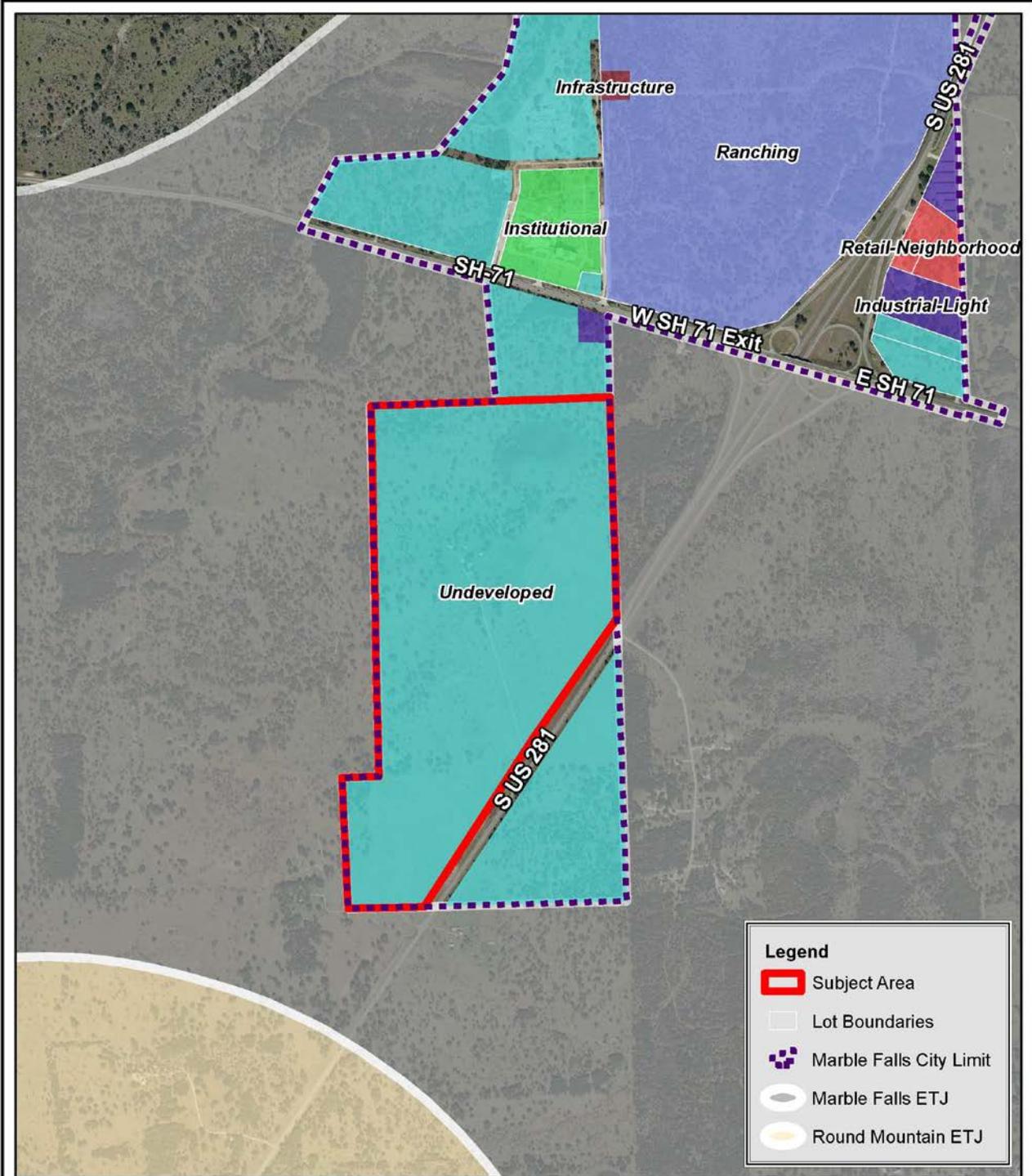




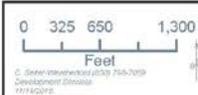


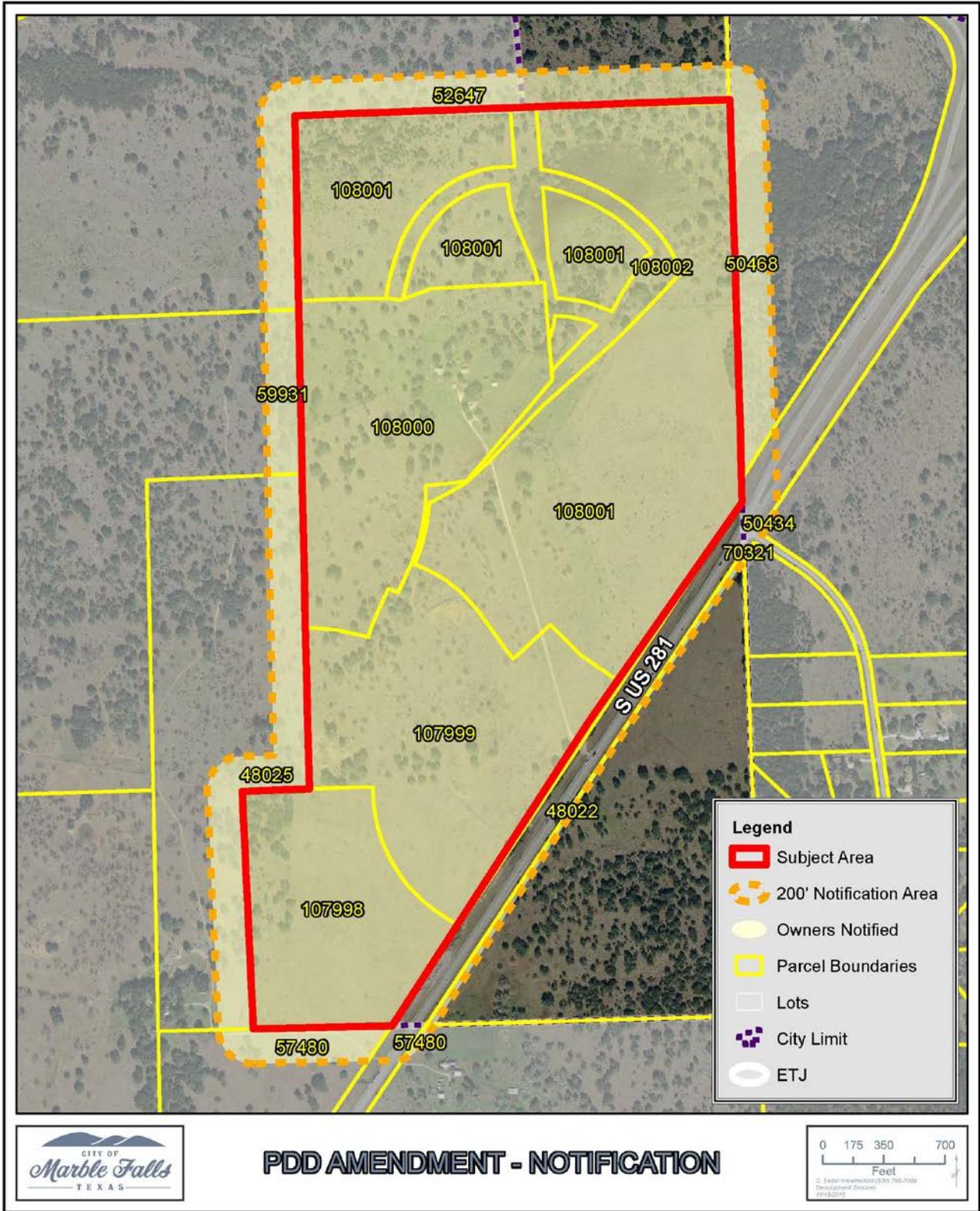






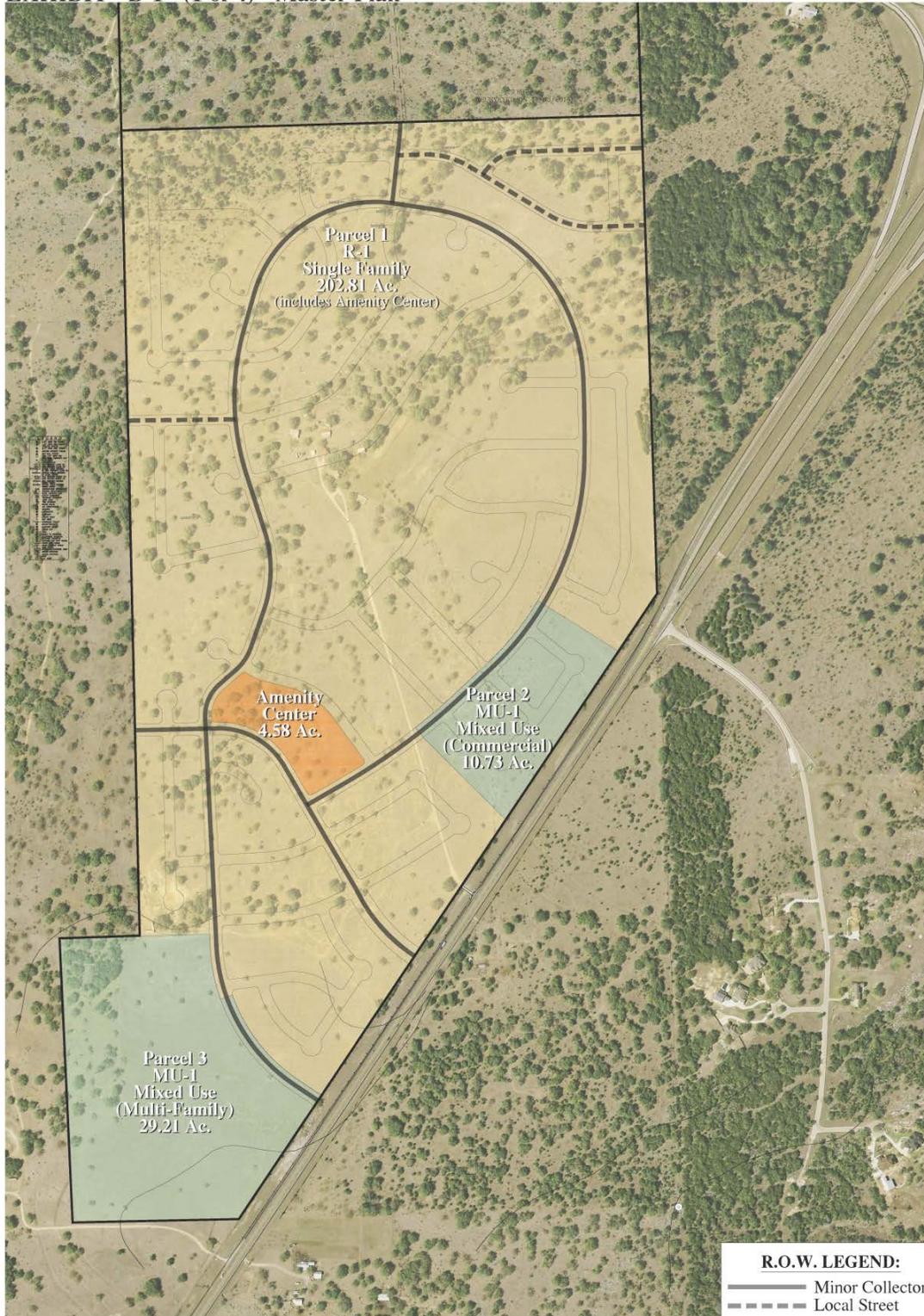
PDD AMENDMENT - EXISTING LAND USE





PDD Approved Master Plan

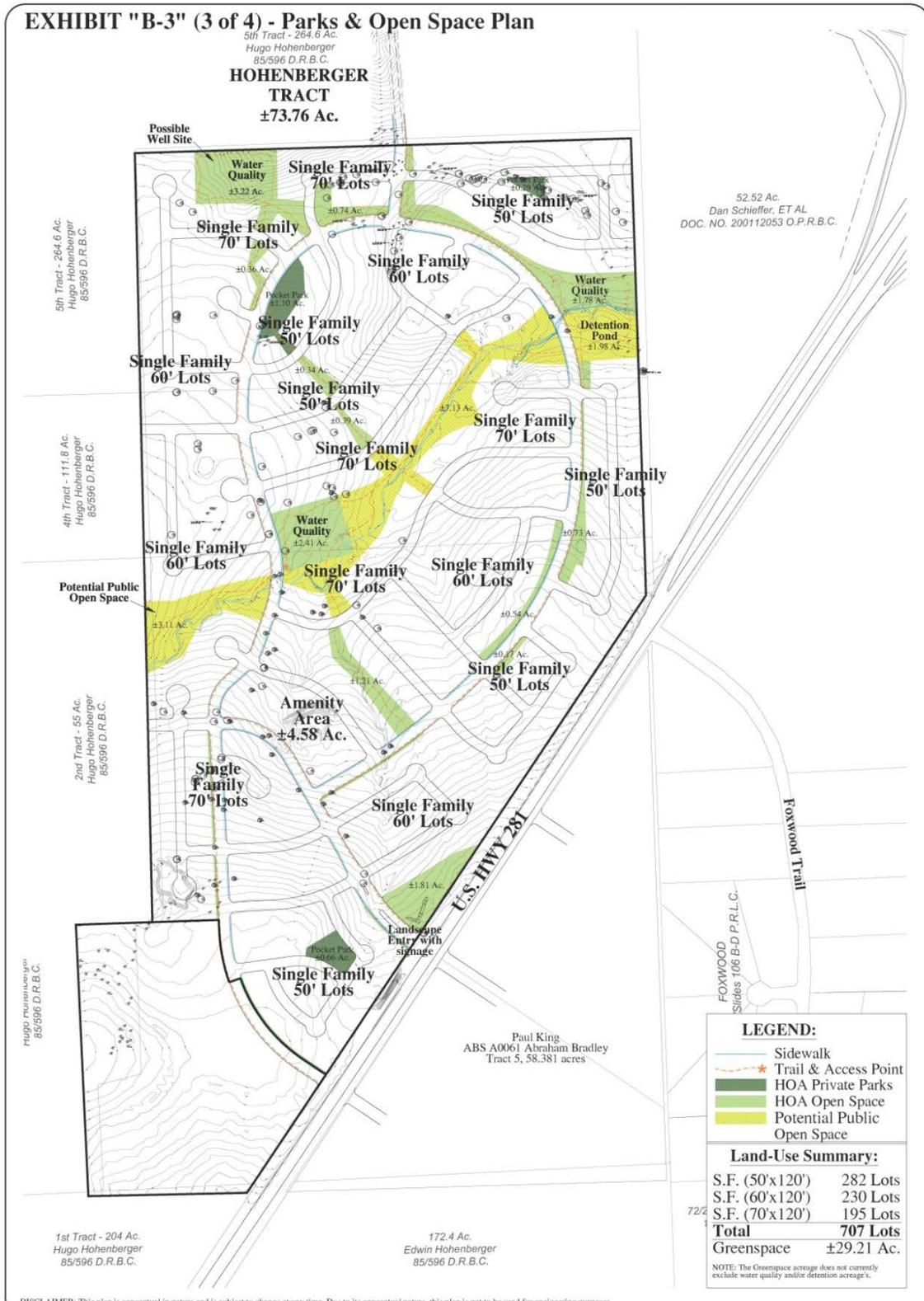
EXHIBIT "B-1" (1 of 4) - Master Plan



| | | | | | |
|-------|----------------------|--|--|--|----------------------|
| SHEET | LAND STRATEGIES INC. | 1010 LAND CREEK CV. SUITE 100 AUSTIN, TX 78746 PH: (512) 328-6050 FAX: (512) 328-6172 LSI@landstrat.com | PROJECT ADDRESS: US Highway 281 & State Highway 71 West | CLIENT INFORMATION: HARVARD INVESTMENTS 17500 North Pleasant Way Scottsdale, AZ 85254 Phone: 480.358.1118 Fax: 480.358.9078 | SCALE: 1" = 200' |
| | OF | | | | |

PDD Approved Parks, Open Space, and Amenities Plan

EXHIBIT "B-3" (3 of 4) - Parks & Open Space Plan



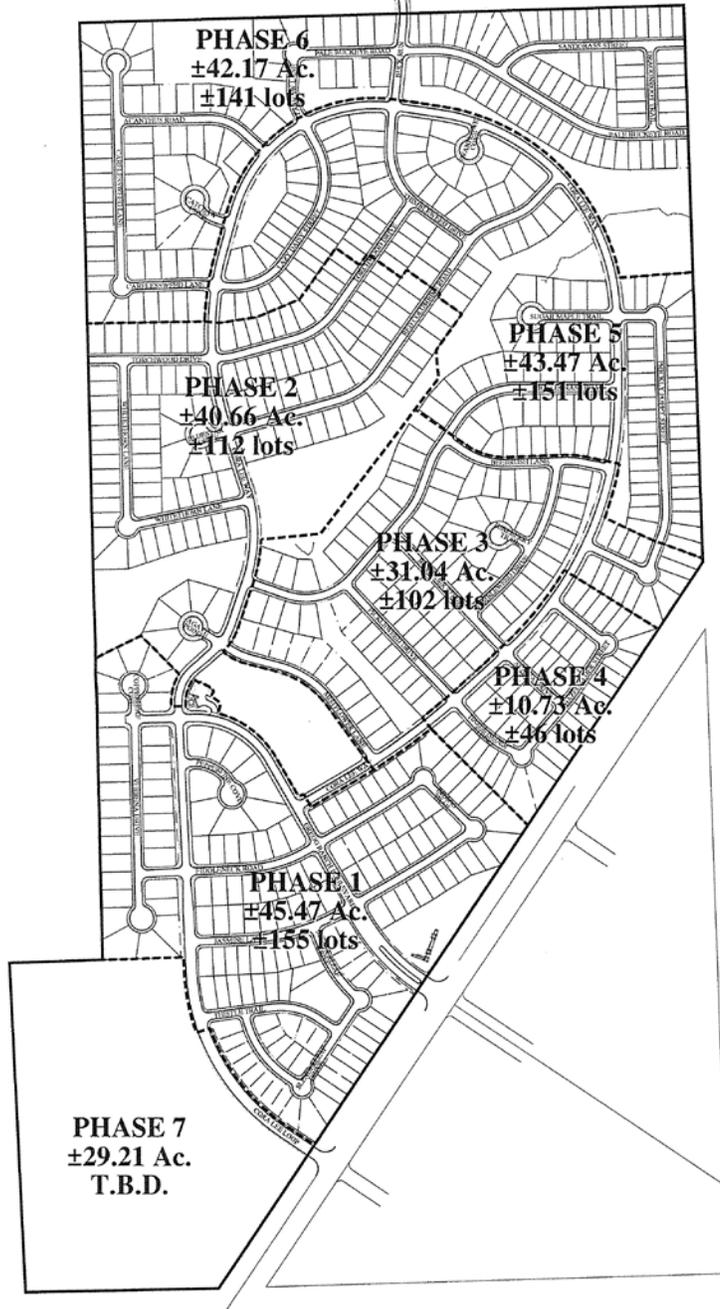
DISCLAIMER: This plan is conceptual in nature and is subject to change at any time. Due to its conceptual nature, this plan is not to be used for engineering purposes.

| | | | | | |
|-------------|--------------------------|----|--|---|---------------------|
| SHEET OR | LAND STRATEGIES INC. | 32 | 1010 LAND CREEK CV. SUITE 100 AUSTIN, TX 78746 PH: (512) 328-0050 FAX: (512) 328-0172 LSI@landstrat.com | GREGG RANCH | CLIENT INFORMATION: |
| | PAUL LINEAN & ASSOCIATES | | PROJECT ADDRESS: US Highway 281 & State Highway 71 West | 1580 North Dunsmuir Way Scottsdale, AZ 85251 Phone: 480.548.3119 Fax: 480.548.8900 | |

SCALE: 1" = 200'

PDD Proposed Phasing Plan

EXHIBIT "B-2" (2 of 4) - Phasing Plan



PHASING:

| | |
|---------------------|--------------------|
| PHASE 1: ±45.47 Ac. | |
| S.F. (50'x120') | 51 Lots |
| S.F. (60'x120') | 64 Lots |
| S.F. (70'x120') | 40 Lots |
| Total | 155 Lots |
| PHASE 2: ±40.66 Ac. | |
| S.F. (50'x120') | 27 Lots |
| S.F. (60'x120') | 46 Lots |
| S.F. (70'x120') | 39 Lots |
| Total | 112 Lots |
| PHASE 3: ±31.04 Ac. | |
| S.F. (50'x120') | 13 Lots |
| S.F. (60'x120') | 53 Lots |
| S.F. (70'x120') | 36 Lots |
| Total | 102 Lots |
| PHASE 4: ±10.73 Ac. | |
| S.F. (50'x120') | 46 Lots |
| S.F. (60'x120') | 0 Lots |
| S.F. (70'x120') | 0 Lots |
| Total | 46 Lots |
| PHASE 5: ±43.47 Ac. | |
| S.F. (50'x120') | 78 Lots |
| S.F. (60'x120') | 26 Lots |
| S.F. (70'x120') | 47 Lots |
| Total | 151 Lots |
| PHASE 6: ±42.17 Ac. | |
| S.F. (50'x120') | 67 Lots |
| S.F. (60'x120') | 41 Lots |
| S.F. (70'x120') | 33 Lots |
| Total | 141 Lots |
| PHASE 7: ±29.21 Ac. | |
| T.B.D. | N/A |
| Total | N/A |
| TOTAL | 707 Lots |
| | ±242.74 Ac. |

DISCLAIMER: This plan is conceptual in nature and is subject to change at any time. Due to its conceptual nature, this plan is not to be used for engineering purposes.

| | | | | | | |
|-------|----------------------|----|--|---|---|------------------|
| SHEET | LAND STRATEGIES INC. | 33 | 1015 LAND CREEK CV. SUITE 100 ALISTON, TX 79746 PH: (682) 325-0550 FAX: (817) 325-0192 1250 W. STATE AVE. | PREPARED BY: GREGG RANCH PLANNING & DESIGN, L.P. | CLIENT INFORMATION HARVARD INVESTMENTS 1700 South Business Way Mansfield, TX 76063 Phone: 817.333.1114 Fax: 817.333.0774 | SCALE: 1" = 200' |
|-------|----------------------|----|--|---|---|------------------|

PDD Applicant Statement

PLANNED DEVELOPMENT DISTRICT AMENDMENT STATEMENT

The reason for deferring the planned amenity center from construction in Phase 1 until Phase 2 is the magnitude and cost of extending the off-site utilities to Phase 1. The cost of extending utilities from their connection points on the north side of State Highway 71 (SH 71) to Phase 1 is substantial.

Approximately 4,825' of 16" water line will be required from the connection point to existing City water at SH 71 to the Phase 1 boundary. In addition to the length of the off-site water line, a 150' highway bore beneath SH 71 is required.

Approximately 5,350' of 12" wastewater line and 30 manholes will be required from the connection point to existing City wastewater at SH 71 to the Phase 1 boundary. In addition to the length of the off-site wastewater line, a 150' highway bore beneath SH 71 is required.

The amenity center is projected to cost approximately \$1,000,000. Combining the cost of the amenity center with the cost of extending water and wastewater services to Phase 1 makes constructing the amenity center in Phase 1 economically impractical.

In addition to the substantial cost of the off-site utilities and the amenity center combined, other factors are involved in the amendment request and those are related primarily to the success of the amenity center once it is constructed.

The amenity center will be much more successful if the demand for its use is present before it is constructed. Its success will be directly related to the residents of Phase 1 that will be in place to support it and to use it once it opens. Operation and maintenance of the amenity center will be performed by the Homeowner's Association (HOA). Deferring construction of the amenity center until Phase 2 provides the HOA adequate time to develop its membership and provide for the collection of dues necessary to ensure the amenity center's success. While rapid build-out of Phase 1 is expected, the HOA will require time to accrue the resources necessary to ensure that the amenity center is operated and maintained in a manner that will truly make it the centerpiece and focal point of The Gregg Ranch at Marble Falls.

Based upon the reasons cited above, it is respectfully requested that the construction of the amenity center be deferred from Phase 1 to Phase 2.

ORDINANCE NO. 2017-O-01A

AN ORDINANCE OF THE CITY OF MARBLE FALLS, TEXAS (“CITY”) AMENDING PLANNED DEVELOPMENT DISTRICT (“PDD”) ZONING ORDINANCE NO. 2015-O-07B IN ORDER TO AMEND THE PHASING PLAN, EXHIBIT “B-2” FOR REAL PROPERTY TOTALING APPROXIMATELY 242.754 ACRES OF LAND MORE PARTICULARLY DESCRIBED IN EXHIBIT “A” ATTACHED HERETO; AND PROVIDING FOR SEVERABILITY, REPEALER, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.

WHEREAS, the Planning and Zoning Commission of the City of Marble Falls and the City Council of the City of Marble Falls, in compliance with the laws of the State of Texas, with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and have held hearings and afforded a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, and the City Council of the City of Marble Falls is of the opinion and finds that the proposed amendments to Ordinance No. 2015-O-07B should be granted; and

WHEREAS, The Planned Development District is intended to promote the public health, safety, and general welfare of the City, and to encourage development patterns consistent with community vision, as expressed in the Marble Falls Comprehensive Plan and this proposed amendment is consistent with the intended purpose for PDD zoning;

WHEREAS, the development proposed by Applicant complies with current City ordinances, except as modified herein;

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

SECTION I. PREAMBLE. All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Marble Falls and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

SECTION II. Amendment. That the City Zoning Ordinance and Map of the City of Marble Falls, Texas, shall continue to show the zoning for this Property to be Planned Development District (“PDD”) with base zoning districts of Single Family Base District (R-1) for 202.814 acres (“Parcel 1”), Mixed Use Base District (MU-1) for 10.726 acres (“Parcel 2”), and Mixed Use Base District (MU-1) for 29.214 acres of the real property (“Property”) totaling approximately 242.754 acres described in Exhibit “A”.

SECTION III. Development. That the Property shall be developed in compliance with Ordinance No. 2015-O-07B as amended by this Ordinance, and the amended Phasing Plan (“Exhibit B-2”), attached hereto.

SECTION IV. SEVERABILITY CLAUSE. If any provision, section, sentence, clause or phrase of this ordinance or application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the

remaining portions of this ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council of the City of Marble Falls in adopting, and the Mayor in approving this Ordinance, that no portion thereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provision or regulation.

SECTION V. REPEALER CLAUSE. The provisions of this ordinance shall be cumulative of Ordinance No. 2015-O-07B and all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein unless same have been expressly repealed. This ordinance shall not be construed to require or allow any act which is prohibited by any other ordinance.

SECTION VI. EFFECTIVE DATE. This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

SECTION VII. NOTICE AND MEETING CLAUSE 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, Chapter 551 of the Texas Government Code.

PUBLIC HEARING AND APPROVAL OF ORDINANCE: **January 3, 2017**

DULY PASSED by the City Council of the City of Marble Falls, Texas, on the 3rd day of January, 2017.

APPROVED:

John Packer, Mayor
City of Marble Falls

ATTEST:

Christina McDonald, City Secretary
City of Marble Falls

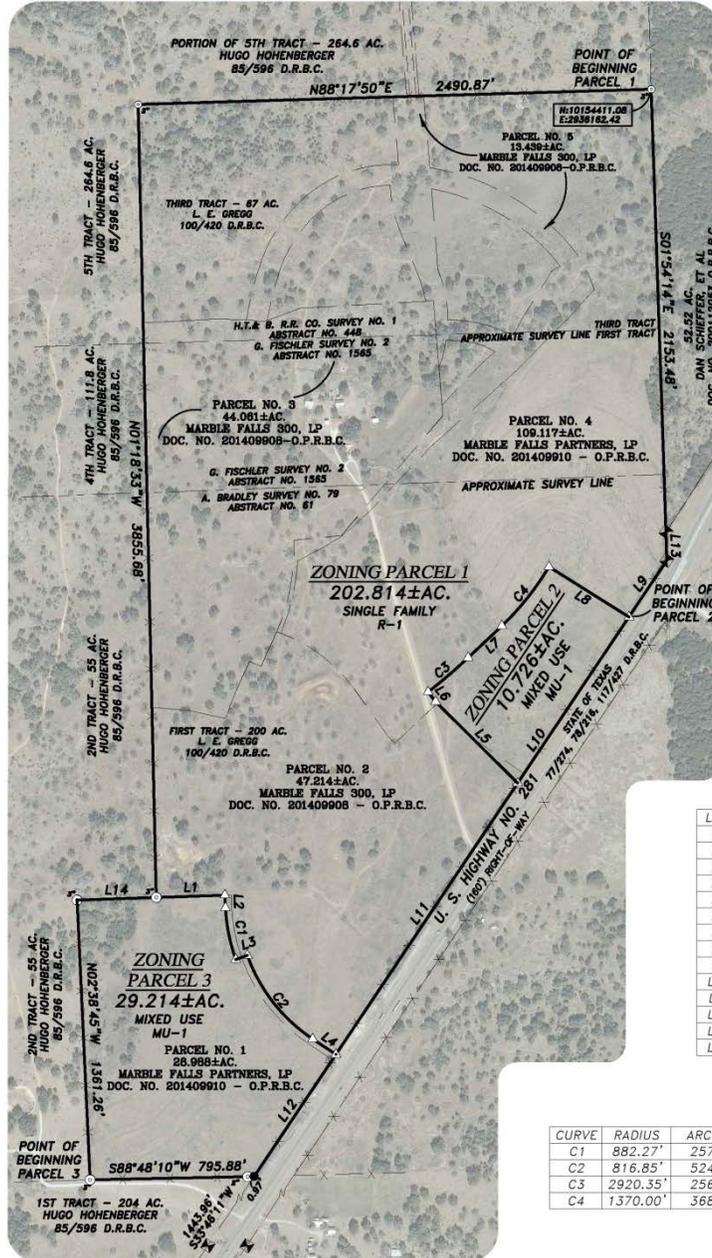
(Seal)

APPROVED AS TO FORM:

Patty L. Akers, City Attorney
City of Marble Falls

Exhibit "A" (1 of 6)

CITY OF MARBLE FALLS ZONING EXHIBIT "A"



LEGEND

- ⊙ TXDOT BRASS MONUMENT
- ⊙ TXDOT TYPE 1
- ⊙ CONCRETE MONUMENT
- 1/2" IRON PIN FOUND (UNLESS NOTED)
- ⊙ IRON PIPE FENCE POST
- △ CALCULATED POINT
- ... VOLUME/PAGE
- P.R.B.C. PLAT RECORDS BURNET CO.
- D.R.B.C. DEED RECORDS BURNET CO.
- R.P.R.B.C. REAL PROPERTY RECORDS BURNET COUNTY
- O.P.R.B.C. OFFICIAL PUBLIC RECORDS BURNET COUNTY
- C.M. CONTROLLING MONUMENT
- () RECORD INFO/SUBJECT
- WIRE FENCE



| LINE | BEARING | DISTANCE |
|------|-------------|----------|
| L1 | N88°06'10"E | 332.91' |
| L2 | S02°50'28"E | 60.89' |
| L3 | N70°24'17"E | 60.00' |
| L4 | S56°12'39"E | 135.40' |
| L5 | N45°08'16"W | 560.80' |
| L6 | N38°15'30"W | 60.00' |
| L7 | N46°46'11"E | 224.87' |
| L8 | S57°53'37"E | 458.53' |
| L9 | S33°46'11"W | 330.25' |
| L10 | S33°46'11"W | 971.67' |
| L11 | S33°46'11"W | 1586.93' |
| L12 | S33°46'11"W | 713.48' |
| L13 | S01°35'01"E | 138.04' |
| L14 | N88°04'00"E | 384.10' |

| CURVE | RADIUS | ARC LEN | CHD LEN | CHD BRG |
|-------|----------|---------|---------|-------------|
| C1 | 882.27' | 257.32' | 256.41' | S11°13'05"E |
| C2 | 816.85' | 524.22' | 515.27' | S37°54'26"E |
| C3 | 2920.35' | 256.57' | 256.49' | N49°16'00"E |
| C4 | 1370.00' | 368.01' | 366.90' | N38°27'02"E |

NOTES:
 1) BASIS OF BEARINGS ARE TO THE TEXAS COORDINATE SYSTEM, CENTRAL ZONE, ALL DISTANCES AND COORDINATES SHOWN HEREON ARE GRID DISTANCES, TO OBTAIN SURFACE DISTANCES APPLY A COMBINATION SCALE FACTOR OF 1.0001348257.
 2) 2011 AERIAL IMAGE PROVIDED BY CAPITAL AREA COUNCIL OF GOVERNMENTS.
 3) ALL OF THE SUBJECT PROPERTY IS LOCATED WITHIN ZONE X (AREAS OUTSIDE THE 100 YR FLOOD) AS GRAPHICALLY IDENTIFIED ON FEMA F.I.R.M., MAP NO. 48053C0875F, EFFECTIVE 3/15/2012.
 4) SEPARATE METES AND BOUNDS DESCRIPTION OF EVEN DATE TO ACCOMPANY THIS EXHIBIT.
 I HEREBY CERTIFY THAT THIS SURVEY WAS PERFORMED ON THE GROUND AND WAS SURVEYED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THIS PROFESSIONAL SERVICE MEETS OR EXCEEDS THE CURRENT MINIMUM STANDARDS OF PRACTICE AS ESTABLISHED BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING.

Kyle P. Cuplin
 KYLE P. CUPLIN, R.P.L.S. NO. 5938 DATED 5/07/2015



| | |
|--------------|------------------------------------|
| SHEET 0 of 6 | PROJ. NO. 14157 |
| | PREPARED FOR: CITY OF MARBLE FALLS |
| | TECH: K. CUPLIN |
| | APPROVED: K. CUPLIN |

1932 WEST RR 1431
 PO BOX 1095
 KINGSLAND, TX. 78639
 PH 325-388-3300 FAX 325-388-3320
 WWW.CUPLINASSOCIATES.COM

| | |
|-----------------|---|
| SCALE 1" = 600' | 2 |
| 0 300 600 | |

| | | |
|---------|-----|--|
| 6/30/15 | 1 | REVISED THE NAMES FOR PARCEL TWO AND THREE - KFC |
| DATE | NO. | DESCRIPTION |

Exhibit "A" (2 of 6)



Prepared For: City of Marble Falls, Texas
Project No. 14157
Dated: 5/07/2015 revised 6/30/2015

City of Marble Falls Zoning Parcels

ZONING PARCEL NO. 1 – 202.814 ACRE – SINGLE FAMILY, R-1

BEING A 202.814 ACRE TRACT IN BURNET COUNTY, TEXAS, OUT OF THE A. BRADLEY SURVEY NO. 79, ABSTRACT NO. 61; THE G. FISCHLER SURVEY NO. 2, ABSTRACT NO. 1565; AND THE H. T. & B. R.R. SURVEY NO. 1, ABSTRACT NO. 448, BURNET COUNTY, TEXAS, AND BEING OUT OF THAT FIRST TRACT, A CALLED 200 ACRE TRACT, PART OF THAT THIRD TRACT A CALLED 67 ACRE TRACT ALL CONVEYED TO L. E. GREGG IN VOLUME 100, PAGE 420 OF THE DEED RECORDS OF BURNET COUNTY, TEXAS, FURTHER BEING OUT OF A 109.117 ACRE TRACT, PARCEL NO. 4, BEING A PART OF A 28.988 ACRE TRACT, PARCEL NO. 1 AS SHOWN ON DOCUMENT TO MARBLE FALLS PARTNERS, LP, RECORDED ON DOCUMENT NO. 201409910 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, BEING A PART OF A 47.214 ACRE TRACT, PARCEL NO. 2, BEING ALL OF A 44.061 ACRE TRACT, PARCEL NO. 3, AND BEING ALL OF A 13.439 ACRE TRACT, PARCEL NO. 5, AS SHOWN ON DOCUMENT TO MARBLE FALLS 300, LP, RECORDED ON DOCUMENT NO. 201409908 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, SAID 202.814 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS DESCRIPTION AS FOLLOWS:

BEGINNING at a 3" iron pipe fence post at a southeasterly corner of a called 264.6 acre portion of the 5th tract as shown on document to Hugo Hohenberger in Volume 85, Page 596 of the Deed Records of Burnet County, along the west line of a called 52.52 acre tract as shown on deed to Dan Schieffer, et al, in Document No. 200112053 of the Official Public Records of Burnet County, at the northeast corner of said 67 acre Third Tract, the northeast corner of said 109.117 acre tract, Parcel No. 4, and being the northeast corner hereof;

THENCE South 01°54'14" East, along the east line of said 109.117 acre, Parcel No. 4, the east line hereof, and the west line of said 52.52 acre tract, a distance of 2153.48' to a TXDOT Type I concrete monument along the northwesterly right-of-way line of U. S. Highway No. 281 at the southwesterly corner of said 52.52 acre tract;

THENCE South 01°35'01" East, continuing along the east line of said 109.117 acre, Parcel No. 4, and hereof and said highway right-of-way line, along a right-of-way width transition, a distance of 138.04' to TXDOT Type I concrete monument;

THENCE South 33°46'11" West, along the along the northwesterly right-of-way line of said U. S. Highway No. 281, the southeasterly line of said 109.117 acre, Parcel No. 4, and the southeasterly line hereof, a distance of 330.25' to a point for corner at the northeasterly corner of a 10.726 acre Zoning Parcel No. 2 as survey this day (Zoning Parcel No. 2 is a proposed 10.726 acre Mixed Use Commercial, MU-1 tract);

THENCE over and across said 109.117 acre, Parcel No. 4, over and across said 47.214 acre, Parcel No. 2, along the outbounds of said 10.726 acre, Zoning Parcel No. 2, and hereof, the following courses and distances;

- 1) North 57°53'37" West, a distance of 458.53' to a point for corner;
- 2) Along a curve to the right having an arc length of 368.01', a radius of 1370.00', a chord bearing of South 38°27'02" West, and a chord length of 366.90' to a point for corner;
- 3) South 46°46'11" West, a distance of 224.87' to a point for corner;
- 4) Along a curve to the right having an arc length of 256.57', a radius of 2920.35', a chord bearing of South 49°16'00" West, and a chord length of 256.49' to a point for corner;
- 5) South 38°15'30" East, a distance of 60.00' to a point for corner;

1932 West RR 1431 • PO Box 1095 • Kingsland, TX 78639
PH: 325.388.3300 Fax: 325.388.3320

www.cuplinassociates.com Professional Firm No. 10126900

Exhibit "A" (3 of 6)

- 6) South 45°08'16" East, a distance of 560.80' to a point for corner **along** the northwesterly right-of-way line of said U. S. Highway No. 281, the southeasterly line of said 47.214 acre, Parcel No. 2, and being the most southerly corner of said 10.726 acre, Zoning Parcel No. 2;

THENCE South 33°46'11" West, along the northwesterly right-of-way line of said U. S. Highway No. 281, the southeasterly line of said 47.214 acre, Parcel No. 2, and hereof, a distance of 1586.93' to a point for corner at the most southerly corner hereof, and being the most easterly corner of a 29.214 acre Zoning Parcel No. 3 as survey this day (Parcel No. 3 is a proposed 29.214 acre Mixed Use Multifamily, MU-1 tract);

THENCE over and across said 47.214 acre, Parcel No. 2, over and across said 28.988 acre, Parcel No. 1, along the outbounds of said 29.214 acre Zoning Parcel No. 3, and hereof, the following courses and distances;

- 1) North 56°12'39" West, a distance of 135.40' to a point for corner;
- 2) Along a curve to the right having an arc length of 524.22', a radius of 816.85', a chord bearing of North 37°54'26" West, and a chord length of 515.27' to a point for corner;
- 3) South 70°24'17" West, a distance of 60.00' to a 1/2" iron pin found;
- 4) Along a curve to the right having an arc length of 257.32', a radius of 882.27', a chord bearing of North 11°13'05" West, and a chord length of 256.41' to a point for corner;
- 5) North 02°50'28" West, a distance of 60.89' to a point for corner;
- 6) South 88°06'10" West, a distance of 332.91' to 3" metal pipe fence corner post for corner, **being** a southeasterly corner of a called 55 acre, 2nd Tract as shown on document to Hugo Hohenberger in Volume 85, Page 596 of the Deed Records of Burnet County, the southwest corner of said 47.214 acre, Parcel No. 2, and hereof;

THENCE North 01°18'33" West, along the easterly lines of said 55 acre, 2nd Tract, a called 111.8 acre, 4th Tract, and said 264.6 acre, 5th Tract, the westerly lines of said 47.214 acre, Parcel No. 2, said 44.061 acre, Parcel No. 3, said 109.117 acre, Parcel No. 4, and along the westerly line hereof, generally along a wire fence, a distance of 3855.68' to a 3" metal pipe fence corner post for corner at the northwest corner of said 109.117 acre, Parcel No. 4, and hereof;

THENCE North 88°17'50" East, along the south line of said 264.6 acre, 5th Tract, the north line of said 109.117 acre, Parcel No. 4, and hereof, generally along a wire fence, a distance of 2490.87' to the **POINT OF BEGINNING**, containing 202.814 acres of land, more or less.

Exhibit "A" (4 of 6)

ZONING PARCEL NO. 2 – 10.726 ACRE – MIXED USE, MU-1

BEING A 10.726 ACRE TRACT IN BURNET COUNTY, TEXAS, OUT OF THE A. BRADLEY SURVEY NO. 79, ABSTRACT NO. 61, BURNET COUNTY, TEXAS, AND BEING OUT OF THAT FIRST TRACT, A CALLED 200 ACRE TRACT AS CONVEYED TO L. E. GREGG IN VOLUME 100, PAGE 420 OF THE DEED RECORDS OF BURNET COUNTY, TEXAS, FURTHER BEING OUT OF A 109.117 ACRE TRACT, PARCEL NO. 4 AS SHOWN ON DOCUMENT TO MARBLE FALLS PARTNERS, LP, RECORDED ON DOCUMENT NO. 201409910 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, AND BEING OUT OF A 47.214 ACRE TRACT, PARCEL NO. 2, AS SHOWN ON DOCUMENT TO MARBLE FALLS 300, LP, RECORDED ON DOCUMENT NO. 201409908 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, SAID 10.726 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS DESCRIPTION AS FOLLOWS:

BEGINNING at a point for corner along the northwesterly right-of-way line of U. S. Highway No. 281, along the southeasterly line of said 109.117 acre, Parcel No. 4, being the northeasterly corner hereof, and being a common corner of a 202.814 acre, Zoning Parcel No. 1 as surveyed this day (Zoning Parcel No. 1 is a proposed 202.814 acre Single Family, R-1 tract); from whence a TXDOT Type I concrete monument bears North 33°46'11" East, a distance of 330.25';

THENCE South 33°46'11" West, along the northwesterly right-of-way line of said U. S. Highway No. 281, along the southeasterly line of said 109.117 acre, Parcel No. 4, the southeasterly line of said 47.214 acre, Parcel No. 2, and hereof, a distance of 971.67' to a point for corner at the most southerly corner hereof;

THENCE over and across said 47.214 acre, Parcel No. 2, over and across said 109.117 acre, Parcel No. 4, along the outbounds of said 202.814 acre, Zoning Parcel No. 1, and hereof, the following courses and distances;

- 1) North 45°08'16" West, a distance of 560.80' to a point for corner;
- 2) North 38°15'30" West, a distance of 60.00' to a point for corner;
- 3) Along a curve to the left having an arc length of 256.57', a radius of 2920.35', a chord bearing of North 49°16'00" East, and a chord length of 256.49' to a point for corner;
- 4) North 46°46'11" East, a distance of 224.87' to a point for corner;
- 5) Along a curve to the left having an arc length of 368.01', a radius of 1370.00', a chord bearing of North 38°27'02" East, and a chord length of 366.90' to a point for corner;
- 6) South 57°53'37" East, a distance of 458.53' to the **POINT OF BEGINNING**, containing 10.726 acres of land, more or less.

Exhibit "A" (5 of 6)

ZONING PARCEL NO. 3 – 29.214 ACRE – MIXED USE, MU-1

BEING A 29.214 ACRE TRACT IN BURNET COUNTY, TEXAS, OUT OF THE A. BRADLEY SURVEY NO. 79, ABSTRACT NO. 61, BURNET COUNTY, TEXAS, AND BEING OUT OF THAT FIRST TRACT, A CALLED 200 ACRE TRACT AS CONVEYED TO L. E. GREGG IN VOLUME 100, PAGE 420 OF THE DEED RECORDS OF BURNET COUNTY, TEXAS, BEING A PART OF A 28.988 ACRE TRACT, PARCEL NO. 1 AS SHOWN ON DOCUMENT TO MARBLE FALLS PARTNERS, LP, RECORDED ON DOCUMENT NO. 201409910 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, AND PART OF A 47.214 ACRE TRACT, PARCEL NO. 2 AS SHOWN ON DOCUMENT TO MARBLE FALLS 300, LP, RECORDED ON DOCUMENT NO. 201409908 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, SAID 29.214 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS DESCRIPTION AS FOLLOWS:

BEGINNING at a 3" iron pipe fence post at the southwest corner of said 28.988 acre, Parcel No. 1, the southeasterly corner of a called 55acre, 2nd Tract, as shown on deed to Hugo Hohenberger, recorded in Volume 85, Page 596, along the northerly line of a called 204 acre, 1st Tract as shown on same Hohenberger document, and being the southwest corner hereof.

THENCE along the east line of said 55acre, 2nd Tract, the west line of said 28.988 acre, Parcel No. 1, and hereof, generally along a wire fence, the following courses and distances;

- 1) North 02°38'45" West, a distance of 1361.26' to a 3" metal pipe fence corner post for corner;
- 2) North 88°04'00" East, a distance of 384.10' to a 3" metal pipe fence corner post for corner at the southwesterly corner of said 47.214 acre, Parcel No. 2, at the southwesterly corner of a 202.814 acre, Zoning Parcel No. 1 as surveyed this day (Zoning Parcel No. 1 is a proposed 202.814 acre Single Family, R-1 tract);

THENCE North 88°06'10" East, along the north line of said 28.988 acre, Parcel No. 1, the south line of said 47.214 acre, Parcel No. 2, the south line of said 202.814 acre Zoning Parcel No. 1, and hereof, a distance of 332.91' to a point for corner at the northeast corner hereof;

THENCE over and across said 28.988 acre, Parcel No. 1, over and across said 47.214 acre, Parcel No. 2, along the southwesterly line of said 202.814 acre Zoning Parcel No. 1, and the northeasterly line hereof, the following courses and distances;

- 1) South 02°50'28" East, a distance of 60.89' to a point for corner;
- 2) Along a curve to the left having an arc length of 257.32', a radius of 882.27', a chord bearing of South 11°13'05" East, and a chord length of 256.41' to a point for corner;
- 3) North 70°24'17" East, a distance of 60.00' to a point for corner;
- 4) Along a curve to the left having an arc length of 524.22', a radius of 816.85', a chord bearing of South 37°54'26" East, and a chord length of 515.27' to a point for corner;
- 5) South 56°12'39" East, a distance of 135.40' to a point for corner along the northwesterly right-of-way line of U. S. Highway No. 281, and the southeasterly line of said 47.214 acre, Parcel No. 2, being the most easterly corner hereof;

THENCE South 33°46'11" West, along the northwesterly right-of-way line of said U. S. Highway No. 281, along the southeasterly line of said 47.214 acre, Parcel No. 2, and said 28.988 acre, Parcel No. 1, a distance of 713.48' to a ½" iron pin found at the southeast corner of said 28.988 acre tract, Parcel No. 1, along the north line of said 204 acre, 1st Tract, and being the southeast corner hereof;

THENCE South 88°48'10" West, along the north line of said 204 acre, 1st Tract, along the south line of said 28.988 acre, Parcel No. 1, and hereof, passing a 3" metal fence post at a distance of 0.97', thence continuing generally along a wire fence, for a total distance of 795.88' to the **POINT OF BEGINNING**, containing 29.214 acres of land, more or less.

Exhibit "A" (6 of 6)

I hereby certify that this survey was prepared on the ground and was surveyed by me or under my direct supervision and that this professional service meets or exceeds the current minimum standards of practice as established by the Texas Board of Professional Land Surveying. Basis of Bearings are to Texas Coordinate System, Central Zone, the coordinates and distances shown herein are grid values, to obtain surface values apply a combination scale factor of 1.0001348257. A Plat of Survey of even date was prepared as is intended to accompany the above-described tract of land.



Kyle P. Cuplin, Texas R.P.L.S. No. 5938

Dated: 5/07/2015

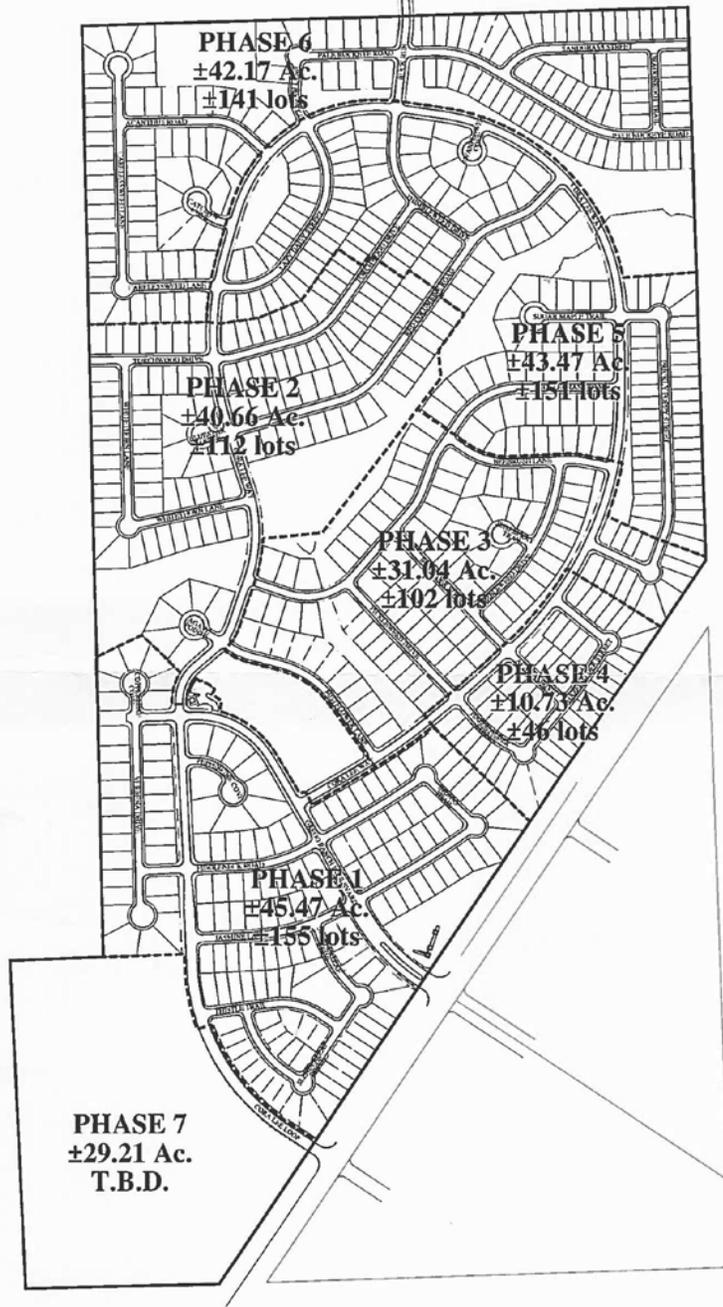


1932 West RR 1431 • PO Box 1095 • Kingsland, TX 78639
PH: 325.388.3300 Fax: 325.388.3320
www.cuplinassociates.com Professional Firm No. 10126900

Page 5 of 6

EXHIBIT "B-2"

EXHIBIT "B-2" (2 of 4) - Phasing Plan



PHASING:

| | |
|----------------------------|--------------------|
| PHASE 1: ±45.47 Ac. | |
| S.F. (50'x120') | 51 Lots |
| S.F. (60'x120') | 64 Lots |
| S.F. (70'x120') | 40 Lots |
| Total | 155 Lots |
| PHASE 2: ±40.66 Ac. | |
| S.F. (50'x120') | 27 Lots |
| S.F. (60'x120') | 46 Lots |
| S.F. (70'x120') | 39 Lots |
| Total | 112 Lots |
| PHASE 3: ±31.04 Ac. | |
| S.F. (50'x120') | 13 Lots |
| S.F. (60'x120') | 53 Lots |
| S.F. (70'x120') | 36 Lots |
| Total | 102 Lots |
| PHASE 4: ±10.73 Ac. | |
| S.F. (50'x120') | 46 Lots |
| S.F. (60'x120') | 0 Lots |
| S.F. (70'x120') | 0 Lots |
| Total | 46 Lots |
| PHASE 5: ±43.47 Ac. | |
| S.F. (50'x120') | 78 Lots |
| S.F. (60'x120') | 26 Lots |
| S.F. (70'x120') | 47 Lots |
| Total | 151 Lots |
| PHASE 6: ±42.17 Ac. | |
| S.F. (50'x120') | 67 Lots |
| S.F. (60'x120') | 41 Lots |
| S.F. (70'x120') | 33 Lots |
| Total | 141 Lots |
| PHASE 7: ±29.21 Ac. | |
| T.B.D. | N/A |
| Total | N/A |
| TOTAL | 707 Lots |
| | ±242.74 Ac. |

DISCLAIMER: This plan is conceptual in nature and is subject to change at any time. Due to its conceptual nature, this plan is not to be used for engineering purposes.

| | | | | | | |
|-------------|--|----|--|---|---|------------------|
| SHEET OF | LAND STRATEGIES INC. PAUL I. BRIDMAN & ASSOCIATES | 33 | 1010 LAND CREEK CV. SUITE 100 ASTORIA, OR 97103 PH: (503) 325-0300 FAX: (503) 325-0422 LS@aol.com | GREGG RANCH PROJECT ADDRESS: 101 Highway 201 & 50th Highway N West ASTORIA, OR 97103 PHASING PLAN | CLIENT INFORMATION: HEARARD INVESTMENT 1700 North Park Drive #22 Sausalito, CA 94965 Phone: (415) 339-0110 Fax: (415) 339-0225 | SCALE: 1" = 200' |
| | | | | | | |

January 3, 2017

7. REGULAR AGENDA

- (b) Discussion and Action on Ordinance 2017-O-01B accepting a petition for Voluntary Annexation and declaring the intent of the City of Marble Falls to annex into the City Limit, 75.94 acres of land out of the A. Schroeter Survey No. 4, Abstract No. 1270, the F. Fissler Survey No. 1065, Abstract No. 1328, and the C.M. R.R. Co. Survey No. 3, Abstract No. 1123 in Burnet County, Texas.
Elizabeth Yeh, City Planner
-

Background information is attached as follows:

[Cover Memo and Supporting Documentation](#)



Council Agenda Item Cover Memo
January 3, 2017

Agenda Item No.: 7(b)
Presenter: Elizabeth Yeh, City Planner
Department: Development Services
Legal Review:

AGENDA CAPTION

Discussion and Action on Ordinance 2017-O-01B accepting a petition for Voluntary Annexation and declaring the intent of the City of Marble Falls to annex into the City Limit, 75.94 acres of land out of the A. Schroeter Survey No. 4, Abstract No. 1270, The F. Fissler Survey No. 1065, Abstract No. 1328, and the C.M. R.R. Co. Survey No. 3, Abstract No. 1123 in Burnet County, Texas.

BACKGROUND INFORMATION

This item is to initiate the annexation of 75.94 acres of the Ellison Roper Corporation tract. The property is under a Development Agreement, which was executed on November 7, 2012 by the City during the 2012 annexations. At that time, the property owner wished to postpone annexation for 5 years due to the lands agricultural/wildlife management use. The property owner would now like to incorporate for development purposes.

A copy of the petition and the draft Intent to Annex Ordinance is included in this memo.

The Subject area consists of a total 75.94 acres within the City's Extra-Territorial Jurisdiction (ETJ). The entire acreage is owned by the Ellison Roper Corporation.

The Intent of Annexation ordinance drafted includes the required statute public hearing dates and public notice dates for the annexation process. A Municipal Service Plan has been drafted and is included for your review.

The Subject Area will be zoned Agricultural (AG) upon annexation. Once this annexation is finalized the goal for the current landowners is to rezone the property into a master planned Planned Development District (PDD).

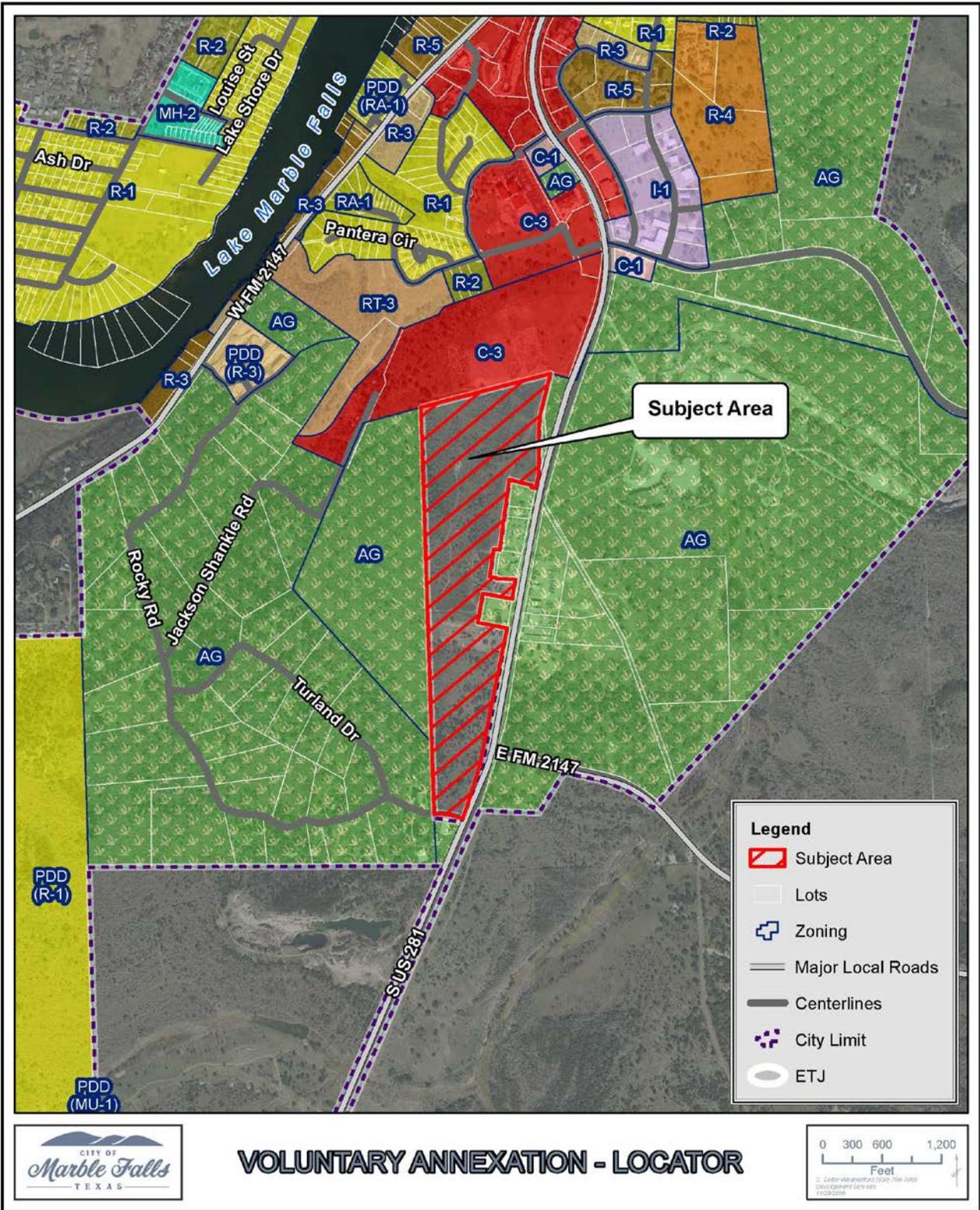
Voluntary annexations processed by the City do not count against the total allowed annexation allowance the City receives to conduct annexations.

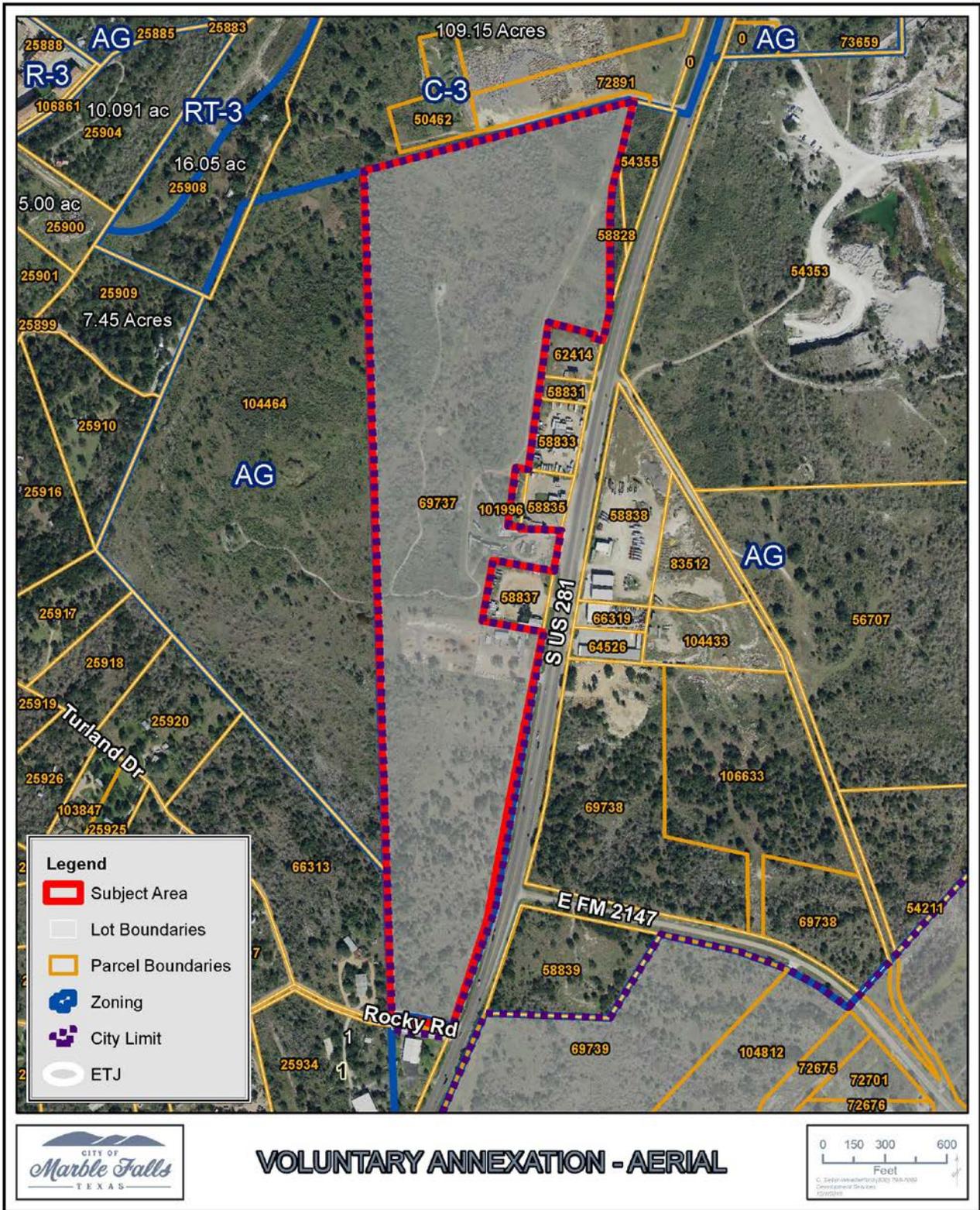
RECOMMENDATION

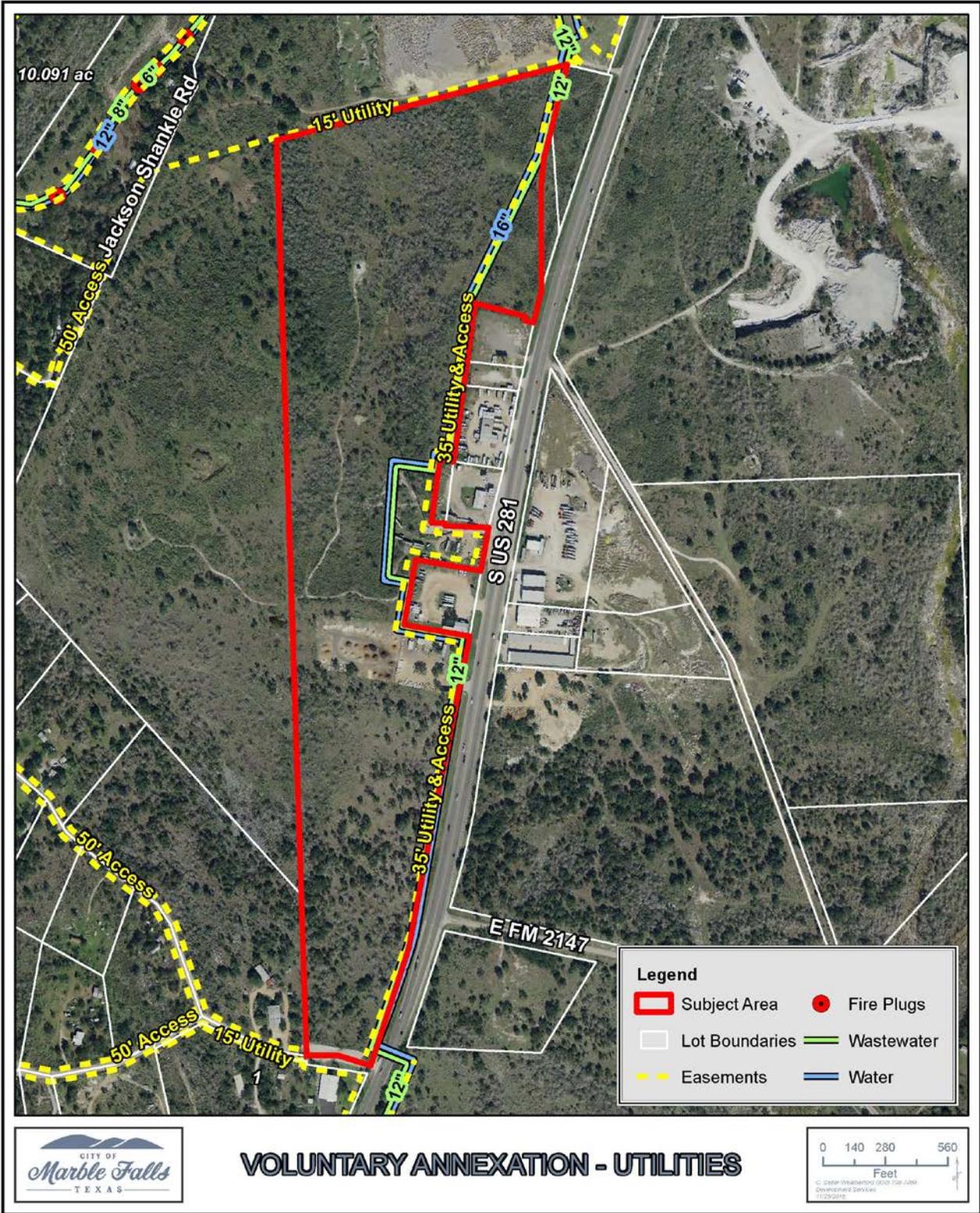
Due to conformance with the approved Development Agreement with the participating landowner, the voluntary petition for annexation, and future development of this area, Staff recommends approval of Ordinance 2017-O-01B, initiating the voluntary annexation process.

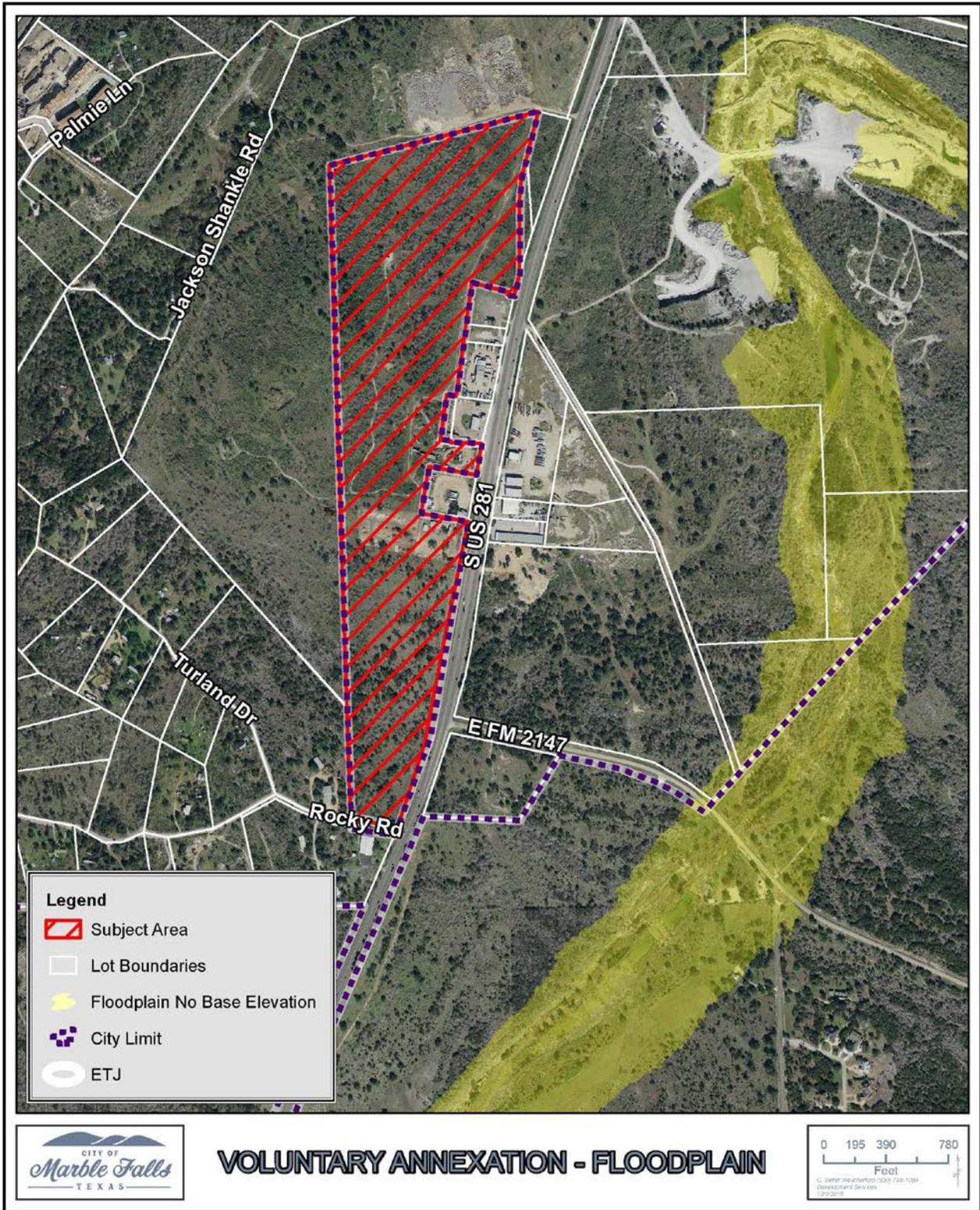
Memo Contents:

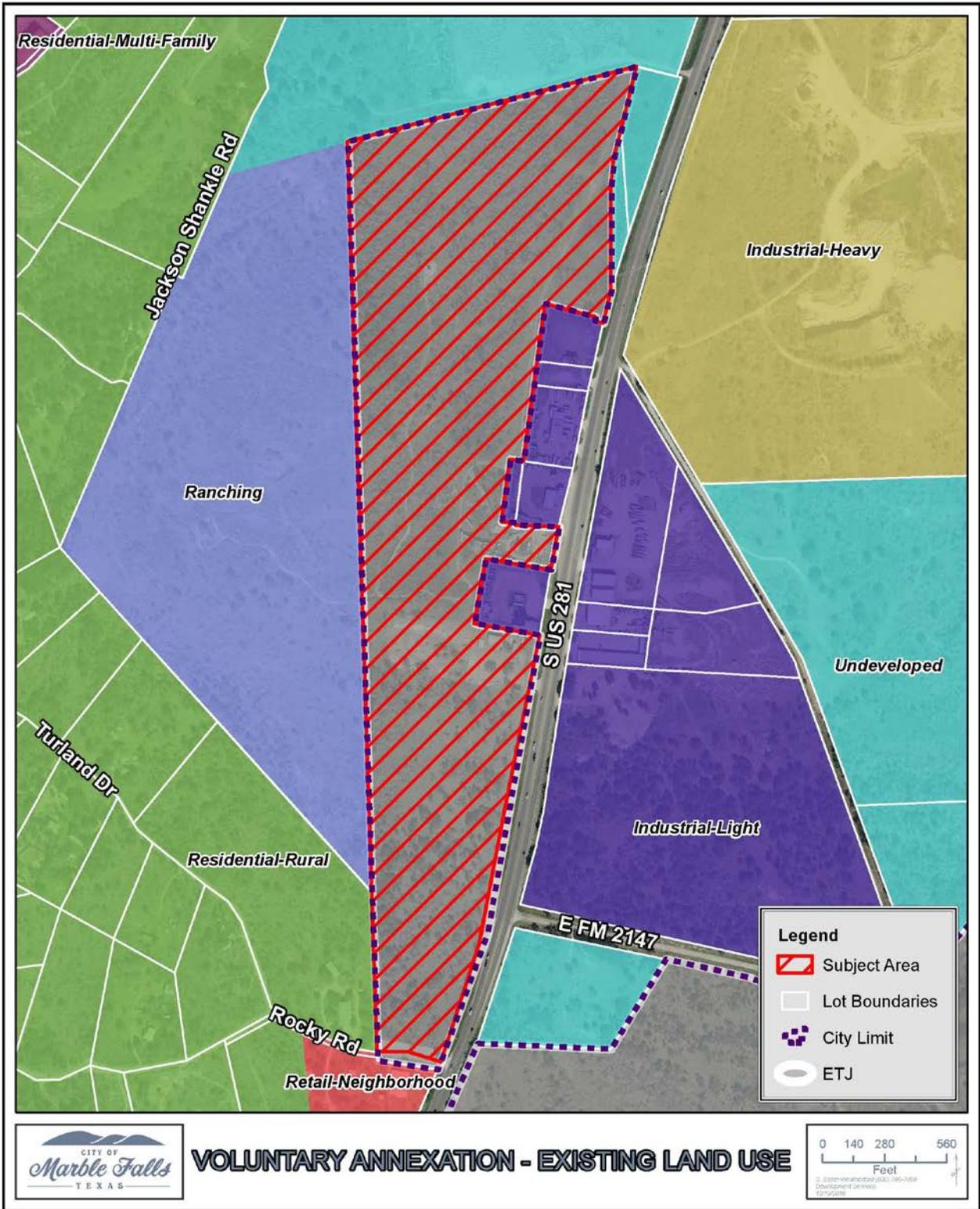
- Informational maps produced by City Staff: **Pages 3 - 10**
- Petition: **Pages 11 - 14**
- Intent to Annex Ordinance 2017-O-01B: **Pages 15 - 23**
- Draft Municipal Service Plan: **Pages 24 - 28**

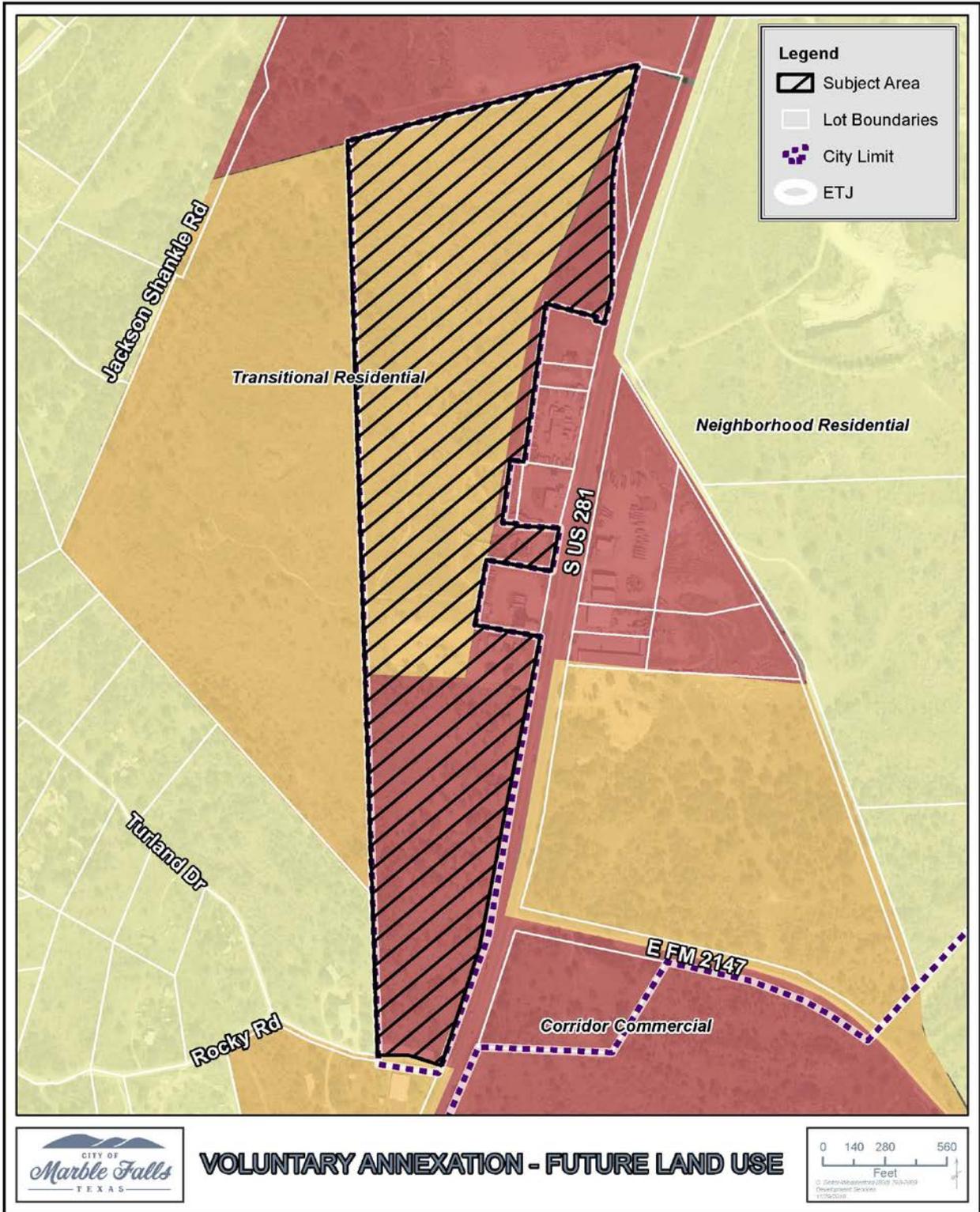


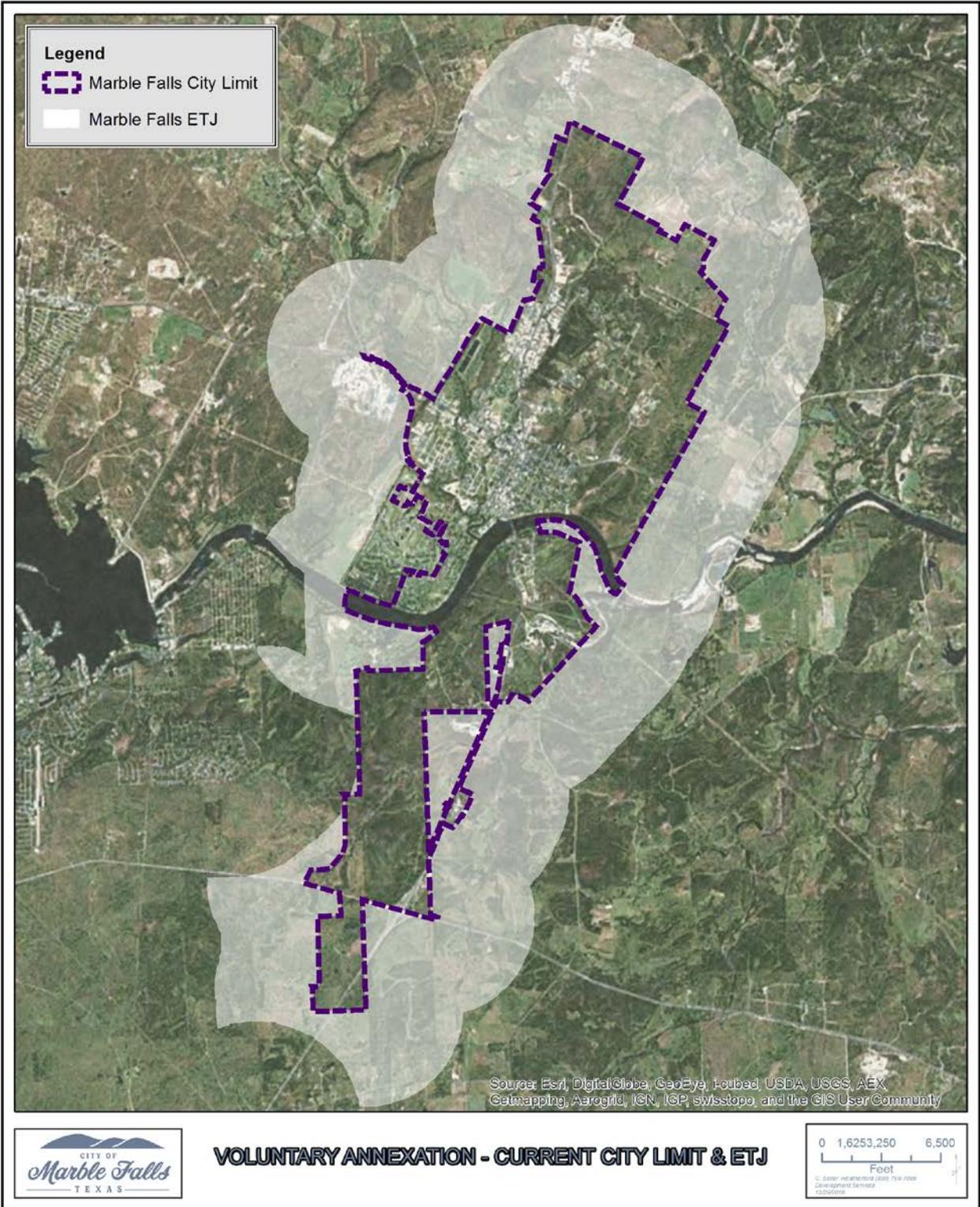


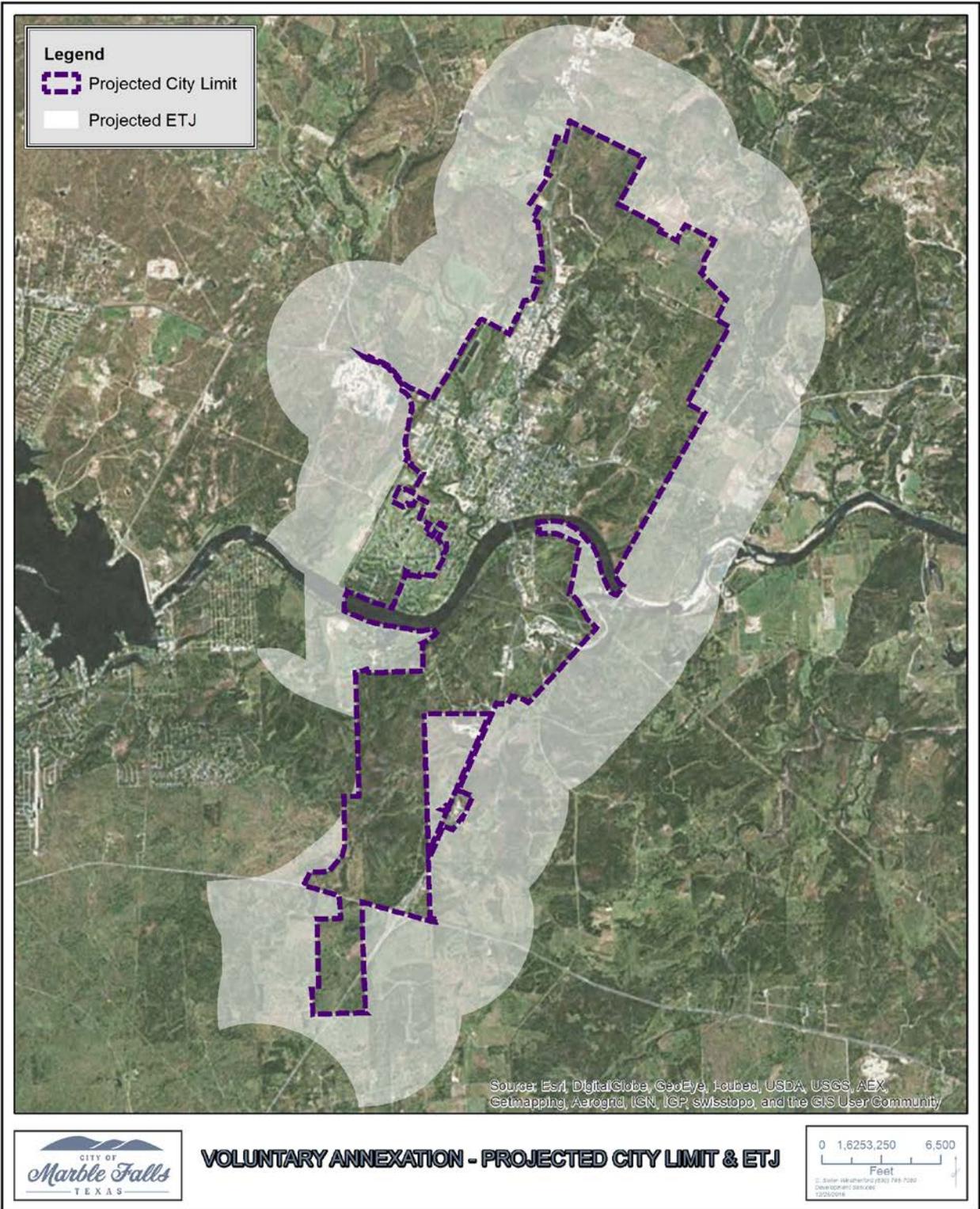












Roper Petition for Voluntary Annexation

STATE OF TEXAS §
 §
COUNTY OF Burnet §

PETITION FOR VOLUNTARY ANNEXATION OF PROPERTY INTO THE CITY LIMITS OF THE CITY OF MARBLE FALLS

To the Mayor and City Council of the City of Marble Falls, Texas:

The undersigned owner(s) of the tract of land described herein hereby request and petition the City of Marble Falls ("City"), pursuant to Section 43.021, and Section 43.052(h) of the Texas Local Government Code and the City of Marble Falls Charter, to extend the present city limits of the City and annex the property described in Exhibit "A" (the "Tract"), which is attached and incorporated herein for all purposes.

I/We certify and swear that:

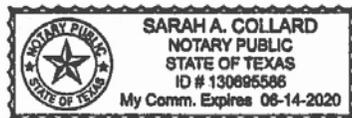
1. I/We are the sole owners of the Tract described in Exhibit "A" and we own more than 50% of the Tract;
2. All of the Tract is currently located within the City's ETJ and is contiguous and adjacent to current city limits of the City;
3. The Tract is not located within the corporate limits or ETJ of any other municipality or other special district;
4. The Tract contains fewer than 100 separate tracts of land on which one or more residential dwellings are located on each tract; and
5. This request for inclusion of the Tract in the Marble Falls city limits is made voluntarily.

I/We certify and swear that this petition is signed and acknowledged by each and every person and corporation owning said tract, or having an interest in any part thereof.

Ronald Roper President
Name
Address: Box 682
Marble Falls, TX
Date: 10-20-16

STATE OF TEXAS §
COUNTY OF Burnet §

This instrument was sworn to, signed and acknowledged before me by on this, the 20th day of October, 2016



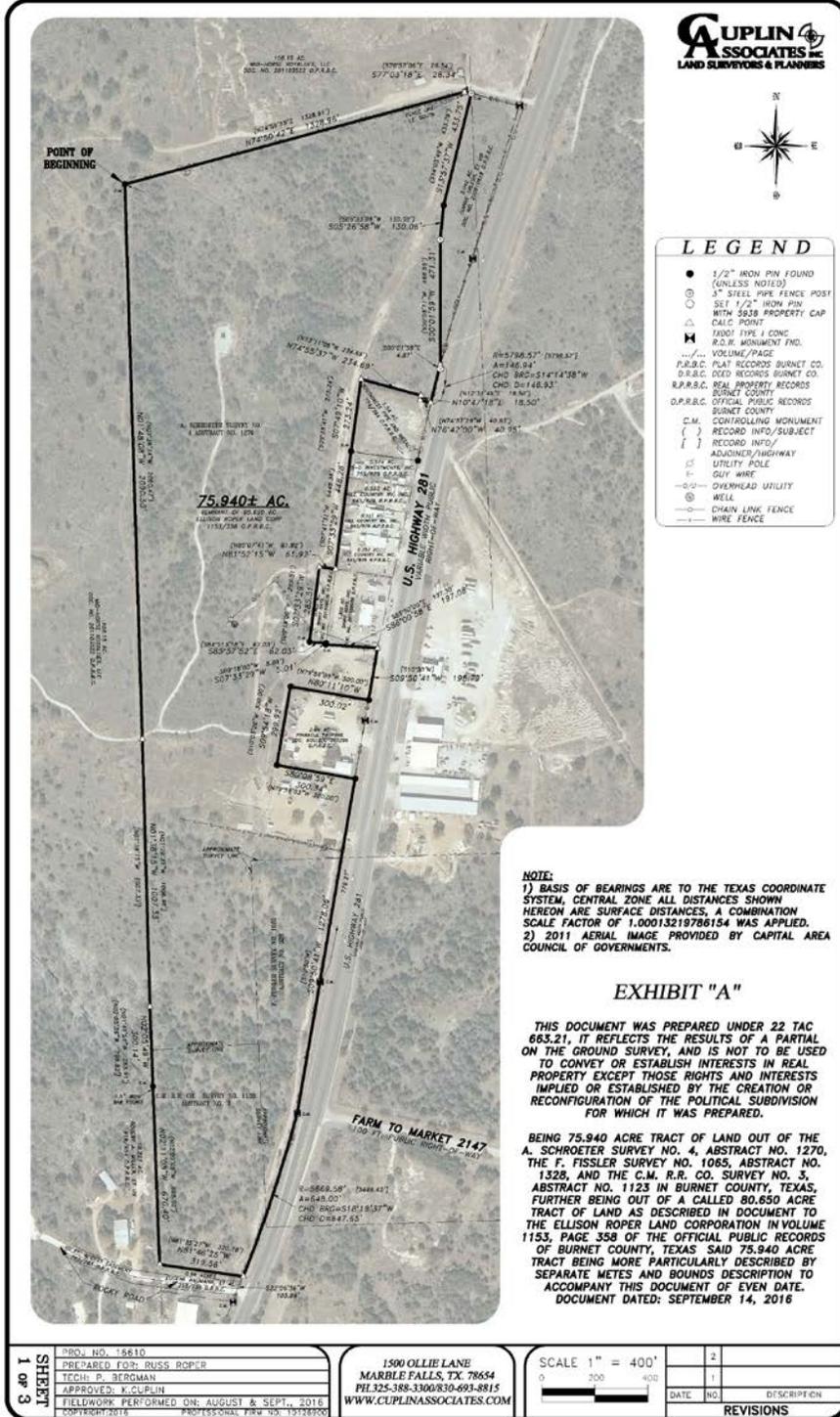
Sarah A. Collard
Notary Public, State of Texas

My commission expires: 6/14/2020

Exhibit "A"

Property Description

Attached is a description of the Property intended to be annexed by the City of Marble Falls by request of the owner(s) and a map or drawing of same



BEING A 75.940 ACRE TRACT OF LAND OUT OF THE A. SCHROETER SURVEY NO. 4, ABSTRACT NO. 1270, THE F. FISSLER SURVEY NO. 1065, ABSTRACT NO. 1328, AND THE C.M. R.R. CO. SURVEY NO. 3, ABSTRACT NO. 1123 IN BURNET COUNTY, TEXAS, FURTHER BEING OUT OF A CALLED 80.650 ACRE TRACT OF LAND AS DESCRIBED IN DOCUMENT TO THE ELLISON ROPER LAND CORPORATION IN VOLUME 1153, PAGE 358 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS SAID 75.940 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS DESCRIPTION AS FOLLOWS:

BEGINNING at a 1.5" iron bar found at the northwest corner of said 80.650 acre tract and an interior corner of a called 108.15 acre tract described in document to Mid-Horse Royalties, LLC in Document No. 201103522 of the Official Public Records of Burnet County, Texas, for the northwest corner hereof;

THENCE along the north line of said 80.650 acre tract and a south line of said 108.15 acre tract the following courses and distances:

- 1) North 74°50'42" East, a distance of 1328.96' to a calculated point;
- 2) South 77°03'18" East, a distance of 26.34' to a 3" steel pipe fence corner post at the northeast corner of said 80.650 acre tract and the northwest corner of a called 3.042 acre tract described in document to Dianne Orlesh, Et Vir in Document No. 200910619 of the Official Public Records of Burnet County, Texas, for the northeast corner hereof;

THENCE along the west line of said Orlesh tract and the east line of said 80.650 acre tract, and hereof, generally along a fence, the following courses and distances:

- 1) South 13°57'37" West, a distance of 433.75' to a 1/2" iron pin found;
- 2) South 05°26'58" West, a distance of 130.06' to a 3" pipe fence post;
- 3) South 00°01'59" West, a distance of 471.31' to a calculated point along the west right-of-way line of U.S. Highway No. 281, for an easterly corner hereof, whence a 3" steel pipe fence post bears South 00°01'59" West 4.87';

THENCE along said Highway right-of-way line, the east line of said 80.650 and the east line hereof along a curve to the left having an arc length of 146.94', a radius of 5798.57', a chord bearing of South 14°14'38" West, and a chord length of 146.93' to a calculated point at the most easterly northeast corner of a called 1.54 acre tract described in document to Southwest Pipe and Metal in Volume 774, Page 394 of the Official Public Records of Burnet County, Texas;

THENCE continuing with the east line hereof, along the perimeter of said 1.54 acre tract the following courses and distances as follows:

- 1) North 76°42'00" West, a distance of 40.95' to a calculated point;
- 2) North 10°47'18" East, a distance of 18.50' to a calculated point;
- 3) North 74°55'37" West, a distance of 234.69' to a calculated point
- 4) South 07°49'10" West, a distance of 273.24' to a 1/2" iron pin found at the southwest corner of said 1.54 acre tract and the northwest corner of a called 0.574 acre tract described in document to 5-D Investments, Inc. in Volume 755, Page 825 of the Official Public Records of Burnet County, Texas;

THENCE continuing along the east line hereof the following courses and distances:

- 1) South 07°33'29" West, along the west line of said 0.574 acer tract, then the west lines of a called 0.552 acre tract, a called 0.531 acre tract, and a called 0.757 acre tract all of which are described in document to Hill Country RV, Inc. in Volume 643, Page 879 of the Real Property Records of Burnet County, Texas, a distance of 448.28' to a calculated point at the southwest corner of said 0.757 acre tract, the northwest corner of a called 1.302 acre tract and the northeast corner of a 0.403 acre tract, both of which are described in document to Spirit Rays, Inc. in Document No. 201508036 of the Official Public Records of Burnet County, Texas;
- 2) North 81°52'15" West, a distance of 61.92' to a calculated point at the northwest corner of said 0.403 acre tract;
- 3) South 07°33'26" West, a distance of 285.51' to a 1/2" iron pin found at the southwest corner of said 0.403 acre tract;

- 4) South 85°57'52" East, a distance of 62.03' to a 1/2" iron pin found at the southeast corner of said 0.403 acre tract along the west line of said 1.302 acre tract;
- 5) South 07°33'29" West, a distance of 5.01' to a 1/2" iron pin found at the southwest corner of said 1.302 acre tract;
- 6) South 86°00'58" East, a distance of 197.08' to a calculated point along the west right-of-way line of said Highway and the east line of said 80.650 acre tract;
- 7) South 09°50'41" West, along said Highway right-of-way and the east line of said 80.650 acre tract, a distance of 198.79' to a 1/2" iron pin found at the northeast corner of a called 2.06 acre tract described in document to Pinnacle Propane in Document No. 201200295 of the Official Public Records of Burnet County, Texas;

THENCE continuing along the east line hereof with the perimeter of said 2.06 acre tract the following courses and distances:

- 1) North 80°11'10" West, a distance of 300.02' to a 1/2" iron pin found;
- 2) South 09°54'18" West, a distance of 299.92' to a 1/2" iron pin found;
- 3) South 80°08'59" East, a distance of 300.34' to a 1/2" iron pin found with a property cap stamped "4452" at the southeast corner of said 2.06 acre tract along said Highway right-of-way line and the east line of said 80.650 acre tract;

THENCE continuing along the east line hereof and of said 80.650 acre tract and the west right-of-way line of said Highway the following courses and distances:

- 1) South 09°50'41" West, at a distance of 776.27' pass a TXDOT Type I concrete right-of-way monument, for a total distance of 1278.06' to a TXDOT Type I concrete right-of-way monument;
- 2) Along a curve to the right having an arc length of 648.00', a radius of 5669.58', a chord bearing of South 18°19'37" West, and a chord length of 647.65' to a calculated point for corner at the southeast corner of said 80.650 acre tract and the northeast corner of a called 0.69 acre tract described in document to Eugene Naumann, Et Al, in Volume 255, Page 135 of the Deed Records of Burnet County, Texas, for the southeast corner hereof, whence a TXDOT Type I concrete right-of-way monument; bears South 22°06'36" West 103.86';

THENCE North 81°46'25" West, along the south line of said 80.650 acre tract and hereof and the north line of said 0.69 acre tract, a distance of 319.56' to a calculated point at the southwest corner of said 80.650 acre tract and the northwest corner of said 0.69 acre tract along the east line of a called 18.222 acre tract described in document to Robert A. Miller, Et Ux in Volume 919, Page 654 of the Official Public Records of Burnet County, Texas, for the southwest corner hereof;

THENCE along the west line of said 80.650 acre tract and hereof, generally along a fence, the following courses and distances:

- 1) North 02°11'08" West, a distance of 670.40' to a 1.5" iron bar found at the northeast corner of said 18.222 acre tract and the southeast corner of said 108.15 acre tract;
- 2) North 02°05'49" West, a distance of 300.14' to a calculated point;
- 3) North 01°38'15" West, a distance of 1007.33' to calculated point;
- 4) North 01°48'08" West, a distance of 2090.50', to the **POINT OF BEGINNING**, and containing 75.940 acres, more or less.

THIS DOCUMENT WAS PREPARED UNDER 22 TAC 663.21, IT REFLECTS THE RESULTS OF A PARTIAL ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.

- 1) Basis of Bearings: NAD 83, Texas Coordinate System-Central Zone
- 2) The coordinates and distances contained herein are surface values using a combined scale factor of 1.00013219786154 feet.
- 3) An exhibit of even date was prepared and attached hereto as part of this survey.

 **Dated: 9/14/2016**
Registered Professional Land Surveyor No. 5938



1500 Ollie Lane, Marble Falls, Texas 78654
PH: 325.388.3300 Fax: 325.388.3320 Prof. Firm No. 10126900
www.cuplinassociates.com

ORDINANCE NO. 2017-O-01B

AN ORDINANCE DECLARING THE INTENT OF THE CITY OF MARBLE FALLS TO ANNEX INTO THE CITY LIMITS APPROXIMATELY 75.94 ACRES MORE OR LESS (THE PROPERTY) IN BURNET COUNTY, TEXAS, AS MORE PARTICULARLY DESCRIBED WITHIN EXHIBIT "A"; PROVIDING WRITTEN NOTICE TO THE SERVICE PROVIDERS, AND OWNERS OF RAILROAD RIGHT-OF-WAY, IF ANY, LOCATED IN SUCH TERRITORY, PROVIDING FOR TWO PUBLIC HEARINGS AND DIRECTING THE CITY MANAGER TO PREPARE A SERVICE PLAN PROVIDING FOR FULL MUNICIPAL SERVICES TO THE AREA TO BE ANNEXED; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the property to be annexed consists 75.94 acres of land out of the A. Schroeter Survey No. 4, Abstract No. 1270, The F. Fissler Survey No. 1065, Abstract No. 1328, and the C.M. R.R. Co. Survey No. 3, Abstract No. 1123 in Burnet County, Texas.; and

WHEREAS, the property to be annexed is adjacent to and runs parallel to the boundaries of the City; and

WHEREAS, the Property landowners have requested annexation into the City of Marble Falls in accordance with a Petition for Annexation which is attached hereto as Exhibit "B"; and

WHEREAS, the property to be annexed is within the City's extraterritorial jurisdiction and the property is not within the extraterritorial jurisdiction of any other city; and

WHEREAS, the property to be annexed contains fewer than a 100 separate tracts of land on which one or more residential dwellings are located on each tract and is less than ½ mile in distance from the City limit; and

WHEREAS, the City is authorized by law to annex such areas.

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

1. The City Council hereby finds that the statements set forth in the recitals of this Ordinance are true and correct, and the City hereby incorporates such recitals as a part of this Ordinance.
2. Before the City institutes annexation proceedings it shall provide written notice to each public entity or private entity that provides services in the area to be annexed and to each railroad company which owns right-of-way in the area to be annexed prior to the date of the first public hearing.

3. The City shall conduct two public hearings at which times persons interested in the annexation shall be given the opportunity to be heard. The first public hearing shall be conducted in the Council Chamber of City Hall of the City of Marble Falls, on the 17th day of January, 2017 at 6:00 p.m. The second public hearing shall be conducted in the Council Chamber of City Hall of the City of Marble Falls on the 24th day of January, 2017 at 12:00 p.m.
4. Notice of these public hearings shall be published in the Highlander on or before 6th day of January, 2017. The notice will also be posted on the City's Internet website on or before 6th day of January, 2017 and shall remain posted until the dates of the hearings.
5. Before the notice of the first hearing is published, the City Manager shall prepare a Service Plan meeting the requirements of Section 43.065 of the Texas Local Government Code.
6. This Ordinance shall become effective immediately upon passage.

PASSED AND APPROVED this 3rd day of January, 2017, by a ____ to ____ vote of the City Council of the City of Marble Falls, Texas.

John Packer, Mayor

ATTEST:

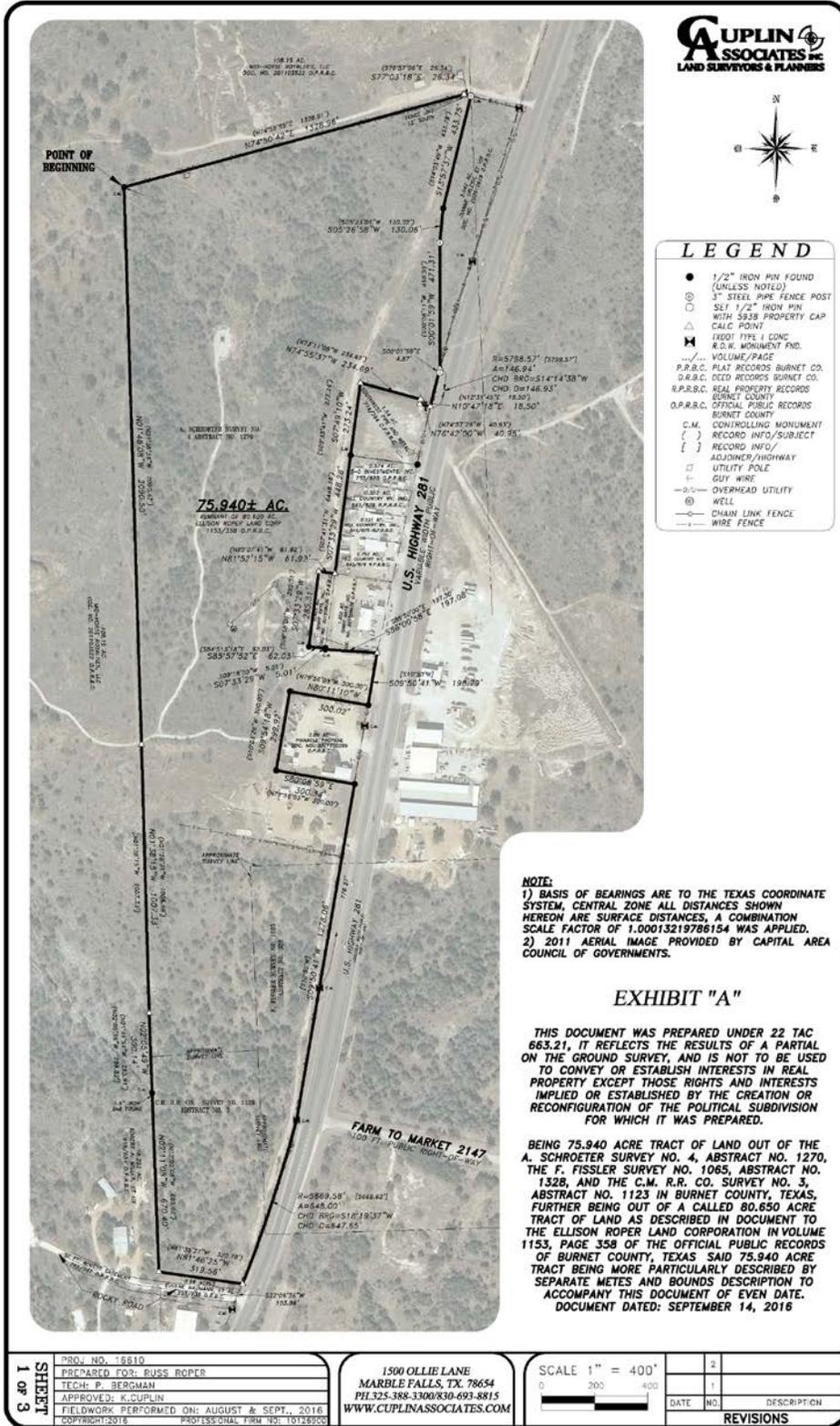
Christina McDonald, City Secretary

(SEAL)

APPROVED AS TO FORM:

Patty L. Akers, City Attorney

Exhibit "A" (1 of 3)



CUPLIN ASSOCIATES, INC.
LAND SURVEYORS & PLANNERS



LEGEND

- 1/2" IRON PIN FOUND (UNLESS NOTED)
- SET 1/2" IRON PIN WITH 5/8" PROPERTY CAP
- △ C&L POINT
- ⊠ IRON TYPE I CONC. & D.W. MONUMENT FND.
- VOLUME/PAGE
- P.R.B.C. PLAT RECORDS BURNET CO.
- D.R.B.C. DEED RECORDS BURNET CO.
- R.P.R.B.C. REAL PROPERTY RECORDS BURNET COUNTY
- O.P.R.B.C. OFFICIAL PUBLIC RECORDS BURNET COUNTY
- C.M. CONTROLLING MONUMENT
- () RECORD INFO/SUBJECT
- [] RECORD INFO/ADJACENT/HIGHWAY
- UTILITY POLE
- GUY WIRE
- OVERHEAD UTILITY
- WELL
- CHAIN LINK FENCE
- WIRE FENCE

NOTE:
1) BASIS OF BEARINGS ARE TO THE TEXAS COORDINATE SYSTEM, CENTRAL ZONE ALL DISTANCES SHOWN HEREON ARE SURFACE DISTANCES, A COMBINATION SCALE FACTOR OF 1.00013219786154 WAS APPLIED.
2) 2011 AERIAL IMAGE PROVIDED BY CAPITAL AREA COUNCIL OF GOVERNMENTS.

EXHIBIT "A"

THIS DOCUMENT WAS PREPARED UNDER 22 TAC 663.21, IT REFLECTS THE RESULTS OF A PARTIAL ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.

BEING 75.940 ACRE TRACT OF LAND OUT OF THE A. SCHROETER SURVEY NO. 4, ABSTRACT NO. 1270, THE F. FISSLER SURVEY NO. 1065, ABSTRACT NO. 1328, AND THE C.M. R.R. CO. SURVEY NO. 3, ABSTRACT NO. 1123 IN BURNET COUNTY, TEXAS, FURTHER BEING OUT OF A CALLED 80.650 ACRE TRACT OF LAND AS DESCRIBED IN DOCUMENT TO THE ELLISON ROPER LAND CORPORATION IN VOLUME 1153, PAGE 358 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS SAID 75.940 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY SEPARATE METES AND BOUNDS DESCRIPTION TO ACCOMPANY THIS DOCUMENT OF EVEN DATE. DOCUMENT DATED: SEPTEMBER 14, 2016

PROJ. NO. 16610
PREPARED FOR: JESS ROOPER
TECH: P. BERGMAN
APPROVED: K. CUPLIN
FIELDWORK PERFORMED ON: AUGUST & SEPT., 2016
COPYRIGHT 2016 PROFESSIONAL FIRM NO: 10128900

1500 OLLIE LANE
MARBLE FALLS, TX. 78654
PH. 325-388-3300/330-693-8815
WWW.CUPLINASSOCIATES.COM

SCALE 1" = 400'
0 200 400

| | |
|-----------|-----------------|
| 2 | |
| 1 | |
| DATE | NO. DESCRIPTION |
| REVISIONS | |

Exhibit "A" (2 of 3)



Prepared For: Russ Roper
Project No.: 16610
Date: 9/14/2016

BEING A 75.940 ACRE TRACT OF LAND OUT OF THE A. SCHROETER SURVEY NO. 4, ABSTRACT NO. 1270, THE F. FISSLER SURVEY NO. 1065, ABSTRACT NO. 1328, AND THE C.M. R.R. CO. SURVEY NO. 3, ABSTRACT NO. 1123 IN BURNET COUNTY, TEXAS, FURTHER BEING OUT OF A CALLED 80.650 ACRE TRACT OF LAND AS DESCRIBED IN DOCUMENT TO THE ELLISON ROPER LAND CORPORATION IN VOLUME 1153, PAGE 358 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS SAID 75.940 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS DESCRIPTION AS FOLLOWS:

BEGINNING at a 1.5" iron bar found at the northwest corner of said 80.650 acre tract and an interior corner of a called 108.15 acre tract described in document to Mid-Horse Royalties, LLC in Document No. 201103522 of the Official Public Records of Burnet County, Texas, for the northwest corner hereof;

THENCE along the north line of said 80.650 acre tract and a south line of said 108.15 acre tract the following courses and distances:

- 1) North 74°50'42" East, a distance of 1328.96' to a calculated point;
- 2) South 77°03'18" East, a distance of 26.34' to a 3" steel pipe fence corner post at the northeast corner of said 80.650 acre tract and the northwest corner of a called 3.042 acre tract described in document to Dianne Orlesh, Et Vir in Document No. 200910619 of the Official Public Records of Burnet County, Texas, for the northeast corner hereof;

THENCE along the west line of said Orlesh tract and the east line of said 80.650 acre tract, and hereof, generally along a fence, the following courses and distances:

- 1) South 13°57'37" West, a distance of 433.75' to a 1/2" iron pin found;
- 2) South 05°26'58" West, a distance of 130.06' to a 3" pipe fence post;
- 3) South 00°01'59" West, a distance of 471.31' to a calculated point along the west right-of-way line of U.S. Highway No. 281, for an easterly corner hereof, whence a 3" steel pipe fence post bears South 00°01'59" West 4.87';

THENCE along said Highway right-of-way line, the east line of said 80.650 and the east line hereof along a curve to the left having an arc length of 146.94', a radius of 5798.57', a chord bearing of South 14°14'38" West, and a chord length of 146.93' to a calculated point at the most easterly northeast corner of a called 1.54 acre tract described in document to Southwest Pipe and Metal in Volume 774, Page 394 of the Official Public Records of Burnet County, Texas;

THENCE continuing with the east line hereof, along the perimeter of said 1.54 acre tract the following courses and distances as follows:

- 1) North 76°42'00" West, a distance of 40.95' to a calculated point;
- 2) North 10°47'18" East, a distance of 18.50' to a calculated point;
- 3) North 74°55'37" West, a distance of 234.69' to a calculated point
- 4) South 07°49'10" West, a distance of 273.24' to a 1/2" iron pin found at the southwest corner of said 1.54 acre tract and the northwest corner of a called 0.574 acre tract described in document to 5-D Investments, Inc. in Volume 755, Page 825 of the Official Public Records of Burnet County, Texas;

THENCE continuing along the east line hereof the following courses and distances:

- 1) South 07°33'29" West, along the west line of said 0.574 acer tract, then the west lines of a called 0.552 acre tract, a called 0.531 acre tract, and a called 0.757 acre tract all of which are described in document to Hill Country RV, Inc. in Volume 643, Page 879 of the Real Property Records of Burnet County, Texas, a distance of 448.28' to a calculated point at the southwest corner of said 0.757 acre tract, the northwest corner of a called 1.302 acre tract and the northeast corner of a 0.403 acre tract, both of which are described in document to Spirit Rays, Inc. in Document No. 201508036 of the Official Public Records of Burnet County, Texas;
- 2) North 81°52'15" West, a distance of 61.92' to a calculated point at the northwest corner of said 0.403 acre tract;
- 3) South 07°33'26" West, a distance of 285.51' to a 1/2" iron pin found at the southwest corner of said 0.403 acre tract;

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Page 2 of 3

Exhibit "A" (3 of 3)

- 4) South 85°57'52" East, a distance of 62.03' to a 1/2" iron pin found at the southeast corner of said 0.403 acre tract along the west line of said 1.302 acre tract;
- 5) South 07°33'29" West, a distance of 5.01' to a 1/2" iron pin found at the southwest corner of said 1.302 acre tract;
- 6) South 86°00'58" East, a distance of 197.08' to a calculated point along the west right-of-way line of said Highway and the east line of said 80.650 acre tract;
- 7) South 09°50'41" West, along said Highway right-of-way and the east line of said 80.650 acre tract, a distance of 198.79' to a 1/2" iron pin found at the northeast corner of a called 2.06 acre tract described in document to Pinnacle Propane in Document No. 201200295 of the Official Public Records of Burnet County, Texas;

THENCE continuing along the east line hereof with the perimeter of said 2.06 acre tract the following courses and distances:

- 1) North 80°11'10" West, a distance of 300.02' to a 1/2" iron pin found;
- 2) South 09°54'18" West, a distance of 299.92' to a 1/2" iron pin found;
- 3) South 80°08'59" East, a distance of 300.34' to a 1/2" iron pin found with a property cap stamped "4452" at the southeast corner of said 2.06 acre tract along said Highway right-of-way line and the east line of said 80.650 acre tract;

THENCE continuing along the east line hereof and of said 80.650 acre tract and the west right-of-way line of said Highway the following courses and distances:

- 1) South 09°50'41" West, at a distance of 776.27' pass a TXDOT Type I concrete right-of-way monument, for a total distance of 1278.06' to a TXDOT Type I concrete right-of-way monument;
- 2) Along a curve to the right having an arc length of 648.00', a radius of 5669.58', a chord bearing of South 18°19'37" West, and a chord length of 647.65' to a calculated point for corner at the southeast corner of said 80.650 acre tract and the northeast corner of a called 0.69 acre tract described in document to Eugene Naumann, Et Al, in Volume 255, Page 135 of the Deed Records of Burnet County, Texas, for the southeast corner hereof, whence a TXDOT Type I concrete right-of-way monument; bears South 22°06'36" West 103.86';

THENCE North 81°46'25" West, along the south line of said 80.650 acre tract and hereof and the north line of said 0.69 acre tract, a distance of 319.56' to a calculated point at the southwest corner of said 80.650 acre tract and the northwest corner of said 0.69 acre tract along the east line of a called 18.222 acre tract described in document to Robert A. Miller, Et Ux in Volume 919, Page 654 of the Official Public Records of Burnet County, Texas, for the southwest corner hereof;

THENCE along the west line of said 80.650 acre tract and hereof, generally along a fence, the following courses and distances:

- 1) North 02°11'08" West, a distance of 670.40' to a 1.5" iron bar found at the northeast corner of said 18.222 acre tract and the southeast corner of said 108.15 acre tract;
- 2) North 02°05'49" West, a distance of 300.14' to a calculated point;
- 3) North 01°38'15" West, a distance of 1007.33' to calculated point;
- 4) North 01°48'08" West, a distance of 2090.50', to the **POINT OF BEGINNING**, and containing 75.940 acres, more or less.

THIS DOCUMENT WAS PREPARED UNDER 22 TAC 663.21, IT REFLECTS THE RESULTS OF A PARTIAL ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.

- 1) Basis of Bearings: NAD 83, Texas Coordinate System-Central Zone
- 2) The coordinates and distances contained herein are surface values using a combined scale factor of 1.00013219786154 feet.
- 3) An exhibit of even date was prepared and attached hereto as part of this survey.


Registered Professional Land Surveyor No. 5938

Dated: 9/14/2016



1500 Ollie Lane, Marble Falls, Texas 78654
PH: 325.388.3300 Fax: 325.388.3320 Prof. Firm No. 10126900
www.cuplinassociates.com

EXHIBIT "B" (1 of 4)

STATE OF TEXAS §
§
COUNTY OF Burnet §

**PETITION FOR VOLUNTARY ANNEXATION OF PROPERTY
INTO THE CITY LIMITS
OF THE CITY OF MARBLE FALLS**

To the Mayor and City Council of the City of Marble Falls, Texas:

The undersigned owner(s) of the tract of land described herein hereby request and petition the City of Marble Falls ("City"), pursuant to Section 43.021, and Section 43.052(h) of the Texas Local Government Code and the City of Marble Falls Charter, to extend the present city limits of the City and annex the property described in Exhibit "A" (the "Tract"), which is attached and incorporated herein for all purposes.

I/We certify and swear that:

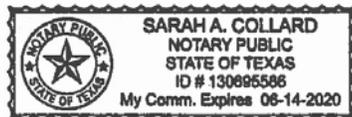
1. I/We are the sole owners of the Tract described in Exhibit "A" and we own more than 50% of the Tract;
2. All of the Tract is currently located within the City's ETJ and is contiguous and adjacent to current city limits of the City;
3. The Tract is not located within the corporate limits or ETJ of any other municipality or other special district;
4. The Tract contains fewer than 100 separate tracts of land on which one or more residential dwellings are located on each tract; and
5. This request for inclusion of the Tract in the Marble Falls city limits is made voluntarily.

I/We certify and swear that this petition is signed and acknowledged by each and every person and corporation owning said tract, or having an interest in any part thereof.

Russell H. Brown President
 Name
 Address: Box 682
Marble Falls, TX
 Date: 10-20-16

STATE OF TEXAS §
COUNTY OF Burnet §

This instrument was sworn to, signed and acknowledged before me by on this, the 20th day of October, 2016



Sarah A. Collard
 Notary Public, State of Texas
 My commission expires: 6/14/2020

EXHIBIT "B" (2 of 4)

Exhibit "A"

Property Description

Attached is a description of the Property intended to be annexed by the City of Marble Falls by request of the owner(s) and a map or drawing of same

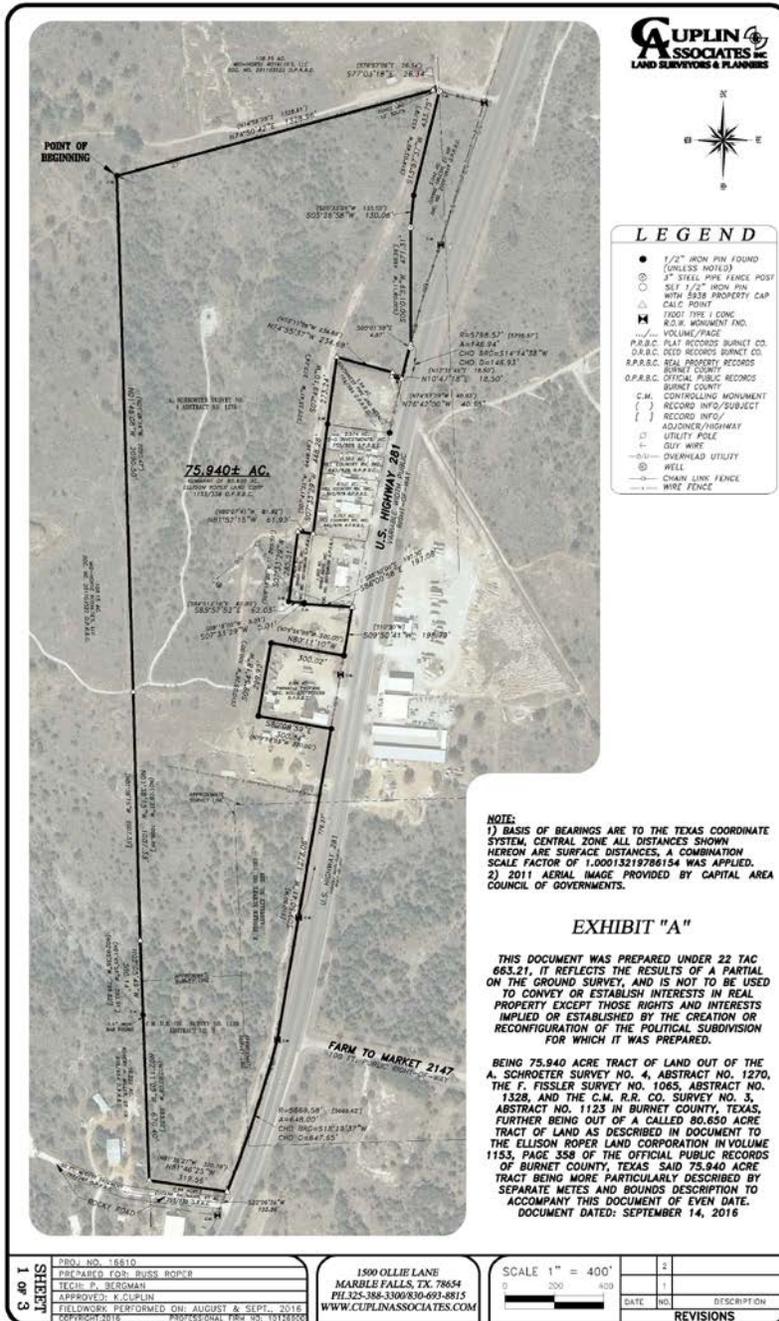


EXHIBIT "B" (3 of 4)



Prepared For: Russ Roper
Project No.: 16610
Date: 9/14/2016

BEING A 75.940 ACRE TRACT OF LAND OUT OF THE A. SCHROETER SURVEY NO. 4, ABSTRACT NO. 1270, THE F. FISSLER SURVEY NO. 1065, ABSTRACT NO. 1328, AND THE C.M. R.R. CO. SURVEY NO. 3, ABSTRACT NO. 1123 IN BURNET COUNTY, TEXAS, FURTHER BEING OUT OF A CALLED 80.650 ACRE TRACT OF LAND AS DESCRIBED IN DOCUMENT TO THE ELLISON ROPER LAND CORPORATION IN VOLUME 1153, PAGE 358 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS SAID 75.940 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS DESCRIPTION AS FOLLOWS:

BEGINNING at a 1.5" iron bar found at the northwest corner of said 80.650 acre tract and an interior corner of a called 108.15 acre tract described in document to Mid-Horse Royalties, LLC in Document No. 201103522 of the Official Public Records of Burnet County, Texas, for the northwest corner hereof;

THENCE along the north line of said 80.650 acre tract and a south line of said 108.15 acre tract the following courses and distances:

- 1) North 74°50'42" East, a distance of 1328.96' to a calculated point;
- 2) South 77°03'18" East, a distance of 26.34' to a 3" steel pipe fence corner post at the northeast corner of said 80.650 acre tract and the northwest corner of a called 3.042 acre tract described in document to Dianne Orlesh, Et Vir in Document No. 200910619 of the Official Public Records of Burnet County, Texas, for the northeast corner hereof;

THENCE along the west line of said Orlesh tract and the east line of said 80.650 acre tract, and hereof, generally along a fence, the following courses and distances:

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- 2) South 05°26'58" West, a distance of 130.06' to a 3" pipe fence post;
- 3) South 00°01'59" West, a distance of 471.31' to a calculated point along the west right-of-way line of U.S. Highway No. 281, for an easterly corner hereof, whence a 3" steel pipe fence post bears South 00°01'59" West 4.87';

THENCE along said Highway right-of-way line, the east line of said 80.650 and the east line hereof along a curve to the left having an arc length of 146.94', a radius of 5798.57', a chord bearing of South 14°14'38" West, and a chord length of 146.93' to a calculated point at the most easterly northeast corner of a called 1.54 acre tract described in document to Southwest Pipe and Metal in Volume 774, Page 394 of the Official Public Records of Burnet County, Texas;

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- 2) North 10°47'18" East, a distance of 18.50' to a calculated point;
- 3) North 74°55'37" West, a distance of 234.69' to a calculated point
- 4) South 07°49'10" West, a distance of 273.24' to a 1/2" iron pin found at the southwest corner of said 1.54 acre tract and the northwest corner of a called 0.574 acre tract described in document to 5-D Investments, Inc. in Volume 755, Page 825 of the Official Public Records of Burnet County, Texas;

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Page 2 of 3

EXHIBIT "B" (4 of 4)

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- 6) South 86°00'58" East, a distance of 197.08' to a calculated point along the west right-of-way line of said Highway and the east line of said 80.650 acre tract;
- 7) South 09°50'41" West, along said Highway right-of-way and the east line of said 80.650 acre tract, a distance of 198.79' to a 1/2" iron pin found at the northeast corner of a called 2.06 acre tract described in document to Pinnacle Propane in Document No. 201200295 of the Official Public Records of Burnet County, Texas;

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- 2) South 09°54'18" West, a distance of 299.92' to a 1/2" iron pin found;
- 3) South 80°08'59" East, a distance of 300.34' to a 1/2" iron pin found with a property cap stamped "4452" at the southeast corner of said 2.06 acre tract along said Highway right-of-way line and the east line of said 80.650 acre tract;

THENCE continuing along the east line hereof and of said 80.650 acre tract and the west right-of-way line of said Highway the following courses and distances:

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- 2) Along a curve to the right having an arc length of 648.00', a radius of 5669.58', a chord bearing of South 18°19'37" West, and a chord length of 647.65' to a calculated point for corner at the southeast corner of said 80.650 acre tract and the northeast corner of a called 0.69 acre tract described in document to Eugene Naumann, Et Al, in Volume 255, Page 135 of the Deed Records of Burnet County, Texas, for the southeast corner hereof, whence a TXDOT Type I concrete right-of-way monument; bears South 22°06'36" West 103.86';

THENCE North 81°46'25" West, along the south line of said 80.650 acre tract and hereof and the north line of said 0.69 acre tract, a distance of 319.56' to a calculated point at the southwest corner of said 80.650 acre tract and the northwest corner of said 0.69 acre tract along the east line of a called 18.222 acre tract described in document to Robert A. Miller, Et Ux in Volume 919, Page 654 of the Official Public Records of Burnet County, Texas, for the southwest corner hereof;

THENCE along the west line of said 80.650 acre tract and hereof, generally along a fence, the following courses and distances:

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- 1) Basis of Bearings: NAD 83, Texas Coordinate System-Central Zone
- 2) The coordinates and distances contained herein are surface values using a combined scale factor of 1.00013219786154 feet.
- 3) An exhibit of even date was prepared and attached hereto as part of this survey.


Registered Professional Land Surveyor No. 5938

Dated: 9/14/2016



1500 Ollie Lane, Marble Falls, Texas 78654
PH: 325.388.3300 Fax: 325.388.3320 Prof. Firm No. 10126900
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**DRAFT MUNICIPAL SERVICE PLAN
FOR PROPERTY TO BE
ANNEXED TO THE CITY OF MARBLE FALLS**

WHEREAS, the City of Marble Falls, Texas (the "City") has instituted annexation proceedings for tracts of land described more fully hereinafter (referred to herein as the "Property"); and,

WHEREAS, Chapter 43, Texas Local Government Code, (referred to herein as "TLGC") requires a service plan be adopted with the annexation ordinance; and,

WHEREAS, it is found that all statutory requirements have been satisfied and the City is authorized by Chapter 43, TLGC, to annex the subject property into the City;

NOW, THEREFORE, by execution hereof, the City agrees to provide, at its sole cost and expense the following services for the subject property on the effective date annexation:

1. Police Protection as follows:
 - a. Routine patrols of areas, radio response to calls for police service and all other police services now being offered to the citizens of the City.
2. Fire Protection and Emergency Medical Services as follows:
 - a. Fire protection by the present personnel and equipment of the City fire department with the limitations of water available. Radio response for Emergency Medical Services with the present personnel and equipment.
3. Solid Waste Collection services as follows:
 - a. Solid waste collection and services as now being offered to the citizens of the City.
4. Water service and maintenance of water facilities as follows:
 - a. Centralized water service is already constructed and available within the Annexed Area. The cost of extending water service to individual property owners within the Annexed Area not already receiving service or requiring service above that which is currently provided shall be at the landowner's cost and in accordance with the City's utility extension ordinance and subdivision ordinance.

Water service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City, subject to all the ordinances, regulations, and policies of the City in effect from time to time. The system will be accepted and maintained by the City in accordance with its usual acceptance and maintenance policies.

- b. Developed tracts within the Annexed Area that are not yet connected to City water systems and are currently being served by water wells shall be permitted to continue to utilize the same until such time, if ever, that City water is requested or such persons become required by operation of law to connect to the City's water system. New development on lots or tracts of sufficient size to support on-site water wells shall be allowed to install water wells unless City water lines have been constructed to that location. Operation and maintenance of water facilities that are not within the service area of another water utility will be provided by the Marble Falls Utility Department on the same basis and at the same level of service as provided throughout the City with comparable topography, land use and population density in accordance with existing Ordinances; including Ordinances governing the extension of water utilities and subdivisions in effect on the date of annexation or as amended from time to time which require a landowner, at the landowner's cost, to extend and install water lines.
- c. Pay the costs of over-sizing of any water facilities within the subject property to a capacity greater than reasonably required to service the subject property, at the time of subdivision of land when necessary and as applicable.
- d. Inspection, maintenance, and repair of water distribution lines as provided by the statutes of the State of Texas.
- e. Provide the necessary improvements to its water system to accommodate the flows needed to provide water service to the Annexed Area.
- f. Provide required water supply demands for firefighting needs in a manner to be determined by the City.

5. Wastewater services and maintenance of wastewater service as follows:

- a. Centralized sanitary wastewater service is already constructed and available within the Annexed Area. The cost of extending centralized wastewater service to individual property owners within the Annexed Area not already receiving service or requiring service

above that which is currently provided shall be at the landowner's cost and in accordance with the City's utility extension ordinance and subdivision ordinance.

- b. Centralized wastewater or on-site sewer service shall be provided by the same means by which the City of Marble Falls extends such services to any other area within the City limits and shall at no time be at a lower level of service than currently provided in the Annexed Area. Persons currently receiving such service(s) from the City shall continue to receive the same, consistent with City ordinances in effect on the date of annexation and as amended from time to time. Persons utilizing on-site septic systems shall be permitted to continue to utilize the same until such time, if ever, that centralized wastewater service is requested from the City or such persons become required by operation of law to connect to the City's wastewater system. New development on lots or tracts of sufficient size to support on-site septic systems shall be allowed to install septic systems unless City centralized wastewater lines have been constructed to that location. Operation and maintenance of wastewater facilities that are not within the service area of another wastewater utility will be provided by the Marble Falls Utility Department on the same basis and at the same level of service as provided throughout the City with comparable topography, land use and population density in accordance with existing Ordinances; including Ordinances governing the extension of wastewater utilities and subdivisions in effect on the date of annexation or as amended from time to time which require a landowner, at the landowner's cost, to extend and install wastewater lines.
- c. Pay the costs of over-sizing of any wastewater facilities within the subject property to a capacity greater than reasonably required to service the subject property, at the time of subdivision of land when necessary and as applicable.
- d. Inspection, maintenance, and repair of sewer lines as provided by the statutes of the State of Texas.
- e. Sewer service provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City, subject to all the ordinances, regulations, and policies of the City in effect from time to time.
- f. Provide the necessary improvements for its wastewater collection system and wastewater treatment system necessary to

12. Construction of any Capital Improvements

Section 43.056(e) of the Texas Local Government Code requires that the City include a program under which the City will initiate after the effective date of the annexation the acquisition or construction of capital improvements necessary for providing municipal services adequate to serve the Annexed Area. Any capital improvements to be constructed in the area being annexed shall be constructed pursuant to the terms of the City's Ordinances and policies. No capital improvements are contemplated or necessary at this time. However, if it becomes necessary to construct capital improvements to implement this Service Plan, the City shall provide such service no later than four and one-half (4½) years after the effective date of the annexation. The City reserves the right to amend this service plan to extend the period of construction in a manner that ensures that construction proceeds with all deliberate speed consistent with generally accepted engineering and architectural standards and practices and consistent with comparable topography, land use and population density, and service needs existing as of the date of this annexation.

13. Future Capital Improvements

Construction of other capital improvements shall be considered by the City in the future as the need dictates on the same basis as such capital improvements are considered throughout the City in accordance with Ordinances of the City, including Ordinances which require a developer to install or construct such capital improvements including but not limited to roads, streets, water and sewer lines.

14. Uniform level of services may not be required

Nothing in this Service Plan shall require the City to provide a uniform level of full municipal services to each area of the City, including the Annexation Area, if different characteristics of topography, land use, and population density are considered a sufficient basis for providing different levels of service.

15. Term

This service plan shall be valid for a term of ten (10) years.

January 3, 2017

7. REGULAR AGENDA

- (c) Discussion and Action on Resolution 2017-R-01A authorizing publication of notice of intention to issue Combination Tax and Limited Pledge Revenue Certificates of Obligation in an amount not to exceed \$1,800,000 for the purpose of paying contractual obligations of the City to be incurred for (1) the construction of a Public Safety Facility on City-owned land; (2) City-wide street improvements and drainage incidental thereto; (3) Police Department and Street Department; (5) acquire and install playground equipment for Johnson Park; and (6) the payment of costs of issuance and professional services related thereto. **Margie Cardenas, Finance Director**
-

Background information is attached as follows:

[Cover Memo and Supporting Documentation](#)



Council Agenda Item Cover Memo January 3, 2017

Agenda Item No.: 7(c)
Presenter: Margie Cardenas, Finance Director
Department: Finance
Legal Review:

AGENDA CAPTION

Discussion and Action on Resolution 2017-R-01A authorizing publication of notice of intention to issue Combination Tax and Limited Pledge Revenue Certificates of Obligation in an amount not to exceed \$1,800,000 for the purpose of paying contractual obligations of the City to be incurred for (1) the construction of a Public Safety Facility on City-owned land; (2) City-wide street improvements and drainage incidental thereto; (3) upgrade the equipment on a fire truck; (4) acquire various vehicles for the Police Department and Street Department; (5) acquire and install playground equipment for Johnson Park; and (6) the payment of costs of issuance and professional services related thereto.

BACKGROUND INFORMATION

The City Council is asked to approve the publication of notice of intention to issue Combination Tax and Limited Pledge Revenue Certificates of Obligation, Series 2017 to provide funds for (1) the construction of a Public Safety Facility on City-owned land; (2) City-wide street improvements and drainage incidental thereto; (3) upgrade the equipment on a fire truck; (4) acquire various vehicles for the Police Department and Street Department; (5) acquire and install playground equipment for Johnson Park; and (6) the payment of costs of issuance and professional services related thereto.

The City will be issuing approximately \$1,800,000 in Combination Tax and Limited Pledge Revenue Certificates of Obligation currently scheduled for February 7, 2017. Texas Law requires the City to publish notice of its intention to issue certificates of obligation two times prior to issuing the certificates, with the first publication being at least 30 days prior to the time the City meets to approve the issuance of the certificates.

The City's financial advisors, Mark McLiney and Andrew Friedman of SAMCO Capital Markets, Inc., will arrange for a sale of the Combination Tax and Limited Pledge Revenue Certificates of Obligation at the February 7, 2017 City Council Meeting.

The proposed Resolution is attached. Staff recommends approval of the Resolution.

RESOLUTION NO. 2017-R-01A

**RESOLUTION AUTHORIZING PUBLICATION
OF NOTICE OF INTENTION TO ISSUE
COMBINATION TAX AND LIMITED PLEDGE REVENUE
CERTIFICATES OF OBLIGATION**

**THE STATE OF TEXAS §
COUNTY OF BURNET §
CITY OF MARBLE FALLS §**

WHEREAS, the City Council of the City of Marble Falls, Texas (the "City Council") deems it advisable to give notice of intention to issue combination tax and limited pledge revenue certificates of obligation of said City, as hereinafter provided; and

WHEREAS, it is officially found and determined that the meeting at which this Resolution has been considered and acted upon was open to the public and public notice of the time, place and subject of said meeting was given, all as required by Chapter 551, Texas Government Code, as amended;

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

Section 1. FORM OF NOTICE. Attached hereto and marked Exhibit "A" is a form of Notice of Intention to Issue Combination Tax and Limited Pledge Revenue Certificates of Obligation, the form and substance of which are hereby adopted and approved.

Section 2. PUBLICATION OF NOTICE. Said Notice shall be published, in substantially the form attached hereto, in a newspaper, as defined in Subchapter C of Chapter 2051, Texas Government Code, of general circulation in said City once a week for two consecutive weeks, the date of the first publication thereof to be at least thirty (30) days prior to the date tentatively set for passage of the ordinance authorizing the issuance of such certificates.

PASSED AND APPROVED THIS 3RD DAY OF JANUARY, 2017.

John Packer, Mayor

ATTEST:

Christina McDonald, City Secretary

[City Seal]

Exhibit "A"

**NOTICE OF INTENTION TO ISSUE
COMBINATION TAX AND LIMITED PLEDGE REVENUE
CERTIFICATES OF OBLIGATION**

NOTICE IS HEREBY GIVEN that the City Council of the City of Marble Falls, Texas, will convene at its regular meeting place of said City Council located at the City Hall, 800 Third Street, Marble Falls, Texas at 6:00 p.m. on Tuesday, February 7, 2017, and, during such meeting, the City Council will consider passage of an ordinance and take such other actions as may be deemed necessary to authorize the issuance of combination tax and limited pledge revenue certificates of obligation in an aggregate principal amount not to exceed \$1,800,000 for the purpose of paying contractual obligations of the City to be incurred for (1) the construction of a Public Safety Facility on City-owned land; (2) City-wide street improvements and drainage incidental thereto; (3) upgrade the equipment on a fire truck; (4) acquire various vehicles for the police department and street department; (5) acquire and install playground equipment for Johnson Park; and (6) the payment of costs of issuance and professional services related thereto. The combination tax and limited pledge revenue certificates of obligation will be payable from the levy of an annual ad valorem tax, within the limitations prescribed by law, upon all taxable property within the City and a limited pledge (not to exceed \$1,000) of the surplus revenues of the City's Water and Sewer System. The combination tax and limited pledge revenue certificates of obligation are to be issued, and this notice is given, under and pursuant to the provisions of the Certificate of Obligation Act of 1971, as amended, Local Government Code, Section 271.041, et. seq.

/s/ John Packer
Mayor, City of Marble Falls, Texas

January 3, 2017

7. REGULAR AGENDA

- (d) Discussion of possible refunding of outstanding obligations of the City of Marble Falls, Texas, and authorization of Financial Advisor and Bond Counsel to proceed to develop a plan for the possible refunding of certain outstanding obligations of the city for debt service savings. **Margie Cardenas, Finance Director**
-

Background information is attached as follows:

[Cover Memo and Supporting Documentation](#)



Council Agenda Item Cover Memo
January 3, 2017

Agenda Item No.: 7(d)
Presenter: Margie Cardenas, Finance Director
Department: Finance
Legal Review:

AGENDA CAPTION

Discussion of possible refunding of outstanding obligations of the City of Marble Falls, Texas, and authorization of Financial Advisor and Bond Counsel to proceed to develop a plan for the possible refunding of certain outstanding obligations of the city for debt service savings.

BACKGROUND INFORMATION

The City's financial advisors, Mark McLiney and Andrew Friedman of SAMCO Capital Markets, Inc. have identified possible outstanding obligations of the City that could be refunded to save on debt service payments by the City.

The Financial Advisors have recommended that the City pursue a possible refunding of certain outstanding obligations of the City if the market continues to provide savings.

It is requested that the City Council authorize Financial Advisors and Bond Counsel to proceed with the refunding if market conditions remain favorable.