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Bastrop Texas

August 05, 2022 11:57:58 AM

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THE STATE OF TEXAS §

KNOW ALL PERSONS BY THESE PRESENTS:

COUNTY OF BASTROP §

**PARTIAL ASSIGNMENT AND ASSUMPTION OF GOVERNMENTAL APPROVALS**

THIS PARTIAL ASSIGNMENT AND ASSUMPTION OF MEMORANDUM OF GOVERNMENTAL APPROVALS (this "Assignment") is made as of August 4, 2022 by, **DM PECAN PARK ASSOCIATES, Ltd.**, a Texas limited partnership ("DM Pecan" or "Assignor") and **HSD - BASTROP PECAN PARK, LP.**, a Texas limited partnership ("HSD")

WHEREAS, the City of Bastrop, Texas (the "City") and DM Pecan entered into that certain Memorandum of Understanding for Development of Land, dated effective December 12, 2013 ("**MOU**"), a copy of the City's council meeting minutes approving the MOU are attached hereto and incorporated herein as **Exhibit A**,

WHEREAS, the MOU is incorporated herein by reference;

WHEREAS, the City and DM Pecan entered into that certain Amended and Restated Agreement for Development of Land, dated effective July 12, 2022 ("Amended and Restated Agreement"), a copy of the City's council meeting minutes approving Resolution No. R-2022-61 and the Amended and Restated Agreement are attached hereto and incorporated herein as **Exhibit B**;

WHEREAS, the Amended and Restated Agreement is incorporated herein by reference;

WHEREAS, the City approved the Pecan Park Commercial Amended and Restated Plat ("Amended Plat") on July 28, 2022, a copy of which is attached hereto and incorporated herein as **Exhibit C**;

WHEREAS, the MOU, Resolution No. R-2022-61, Amended and Restated Agreement, and Amended Plat (collectively, the "Governmental Approvals") encumber certain real property to be purchased by HSD (the "Property"), which is described in **Exhibit D**, attached hereto and incorporated herein, and

WHEREAS, in connection with the transfer and conveyance of the Property to HSD, DM Pecan has agreed to assign its rights and obligations for the Property under the Governmental Approvals to HSD.

NOW THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. Assignment of the Governmental Approvals. Effective as of the date hereof, DM Pecan hereby conveys and assigns to HSD all of DM Pecan's rights and obligations as Owner under the Governmental Approvals for the Property, but not otherwise.

2. Assumption of Governmental Approvals. Effective as of the date hereof, HSD hereby accepts all the rights under the Governmental Approvals as it relates to the Property and assumes and agrees to perform all of the obligations and duties of DM Pecan under and in connection with the Governmental Approvals as they relate to the Property, but not otherwise.

3. Obligations of DM PECAN. DM Pecan shall continue to be responsible for all its obligations incurred prior to the date of this Assignment and all obligations and duties under the Governmental Approvals for the real property that is not a part of the Property and that is owned by DM Pecan. Except as provided in this section, HSD is not by this Assignment assuming, and it expressly disclaims, any obligations, debts, or responsibilities incurred by DM Pecan prior to the date of this Assignment, which such obligations, debts, and responsibilities shall remain with and be the sole responsibility of DM Pecan. HSD does not assume and it expressly disclaims any assumption of obligations, debts, and responsibilities of the MOU for real property that is not a part of the Property. HSD shall be solely responsible for conducting and submitting the traffic impact analysis for the Property as required by Section 6.05 of the Governmental Approvals.

4. Warranties and Representations of DM Pecan. DM Pecan represents and warrants to HSD that for the Property: (i) DM Pecan has not assigned any right under the Governmental Approvals to any third party; and (ii) DM Pecan has not conveyed any of the Property to a third party. HSD shall be entitled to enforce all remedies available at law or in equity for DM Pecan's breach of the warranties and representations contained in this paragraph.

5. Consent to Assignment. The City by its signature below consents to the Assignment of the Governmental Approvals from DM Pecan to HSD.

6. Further Cooperation. DM Pecan agrees to reasonably cooperate with HSD in executing any further consents and documents that may be requested by HSD from time to time to more effectively carry out the terms of this Assignment. HSD agrees to reasonably cooperate with DM Pecan in executing any further consents and documents and providing information requested by the City or DM Pecan to more effectively carry out the terms of the Assignment or as required or requested under the Governmental Approvals to obtain City approval of this assignment.

7. Miscellaneous. All capitalized terms used but not defined herein shall have the same meaning as provided in the Governmental Approvals.

[Signatures Follow]

IN WITNESS WHEREOF, the parties have executed this Assignment as of the day and year first above written.

**DM PECAN:**

**DM PECAN PARK ASSOCIATES, LTD.,**  
a Texas limited partnership

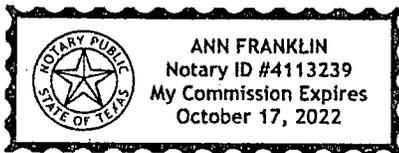
By: McDowell Development, LLC  
a Texas limited liability company  
its general partner

By: \_\_\_\_\_

*Duke McDowell*  
Duke McDowell, Manager

STATE OF TEXAS           §  
                                  *Bastrop*       §  
COUNTY OF ~~TRAVIS~~   §

This instrument was acknowledged before me on August 4, 2022, by Duke McDowell, Manager of McDowell Development, LLC, a Texas limited liability company, in its capacity as the general partner of DM Pecan Park Associates, Ltd., a Texas limited partnership, on behalf of said limited partnership.



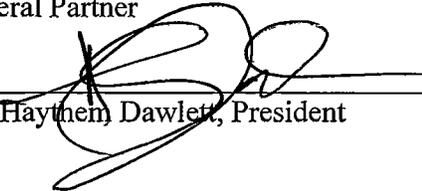
*Ann Franklin*  
\_\_\_\_\_  
Notary Public in and for the State of Texas

**HSD:**

**HSD- Bastrop Pecan Park, LP.,**  
a Texas limited partnership

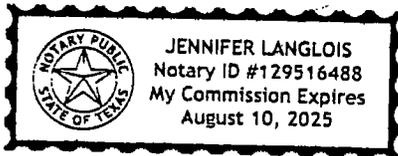
By: HSD-Bastrop Pecan Park GP, Inc.  
A Texas corporation  
Its General Partner

By:

  
\_\_\_\_\_  
Haythem Dawlett, President

STATE OF TEXAS           §  
  §  
COUNTY OF Travis       §

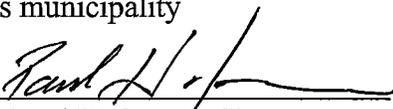
This instrument was acknowledged before me on August 3, 2022, by Haythem Dawlett, the President of HSD-Bastrop Pecan Park GP, Inc. A Texas corporation, in its capacity as the general partner of HSD – Bastrop Pecan Park, LP., a Texas limited Partnership, on behalf of said limited partnership.



  
\_\_\_\_\_  
Notary Public in and for the State of Texas

**CITY OF BASTROP, TEXAS**

a Texas municipality

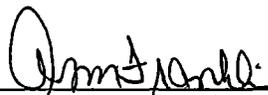
By:   
Paul Hofmann, City Manager

STATE OF TEXAS §

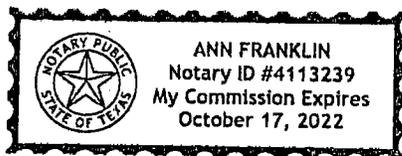
§

COUNTY OF BASTROP §

This instrument was acknowledged before me on August 4, 2022, by Paul Hofmann, City Manager of the City of Bastrop, Texas, a Texas municipality, on behalf of said municipality.



Notary Public in and for the State of Texas



**EXHIBIT A**  
**CITY OF BASTROP COUNCIL MEETING MINUTES ADOPTING THE**  
**MEMORANDUM OF UNDERSTANDING FOR LAND DEVELOPMENT**

**BASTROP CITY COUNCIL  
MINUTES OF REGULAR MEETING  
November 12, 2013 at 6:15 pm**

Pursuant to the Texas Government Code, Chapter § 551, the City Council of Bastrop, Texas held a Regular Meeting on Tuesday, November 12, 2013 at 6:15 p.m. at the Bastrop City Hall Council Chambers located at 1311 Chestnut Street in Bastrop, Texas to consider the following matters:

1. **CALL TO ORDER** - Mayor Terry Orr called the meeting to order at 6:15 p.m. A full quorum was present: Council Members Kay Garcia McAnally, Ken Kesselus, and Dock Jackson were in attendance and an excused absence from Willie De La Rosa and Mayor Pro-Tem Joe Beal.
2. **PLEDGE OF ALLEGIANCE AND INVOCATION** – City Council Member Kay Garcia McAnally led the Pledge of Allegiance. Interim Police Chief Matt Wagner introduced Chaplain Bob Long who led us in prayer.
3. **PRESENTATION** - Bastrop Elementary Student Nathan Stuart addressed the City Council to present his Character Education presentation regarding “Compassion”. He was accompanied by his parents Harry and Gina Stuart and Sister Nya Stuart. Nathan loves learning, building Legos and helping people.
4. **PROCLAMATION** - Mayor Terry Orr proclaimed “Native American Heritage Day” on Friday, November 29<sup>th</sup>, 2013. Ms. Jeannie Weigl, Chairman of the local Lost Pines Chapter NSDAR was unable to attend the meeting, but extended her appreciation for the proclamation.
5. **ANNOUNCEMENTS**

The City Council Members congratulated Main Street Program Director Nancy Wood, as the recipient of the “Susan H. Campbell Award for Professional Excellence.”

City Manager Mike Talbot noted how pleased and excited that the Bastrop Main Street Program Advisory Board selected Nancy Wood as the recipient of this award in recognition of her outstanding leadership, energy, commitment to the growth of the Bastrop’s Main Street Program.

There were no additional announcements; therefore, Mayor Terry Orr thanked everyone for their announcements and introduced City Manager Mike Talbot to present his bi-weekly recap.

**City Manager’s Informational Report for November 12, 2013:** Items for update, discussion & possible action:

**A. Meetings and Events Attended:**

1. Attended a Special Meeting “Lost Pines Groundwater Conservation District” on November 4, 2013.
2. Attended the Texas Downtown Association Annual Banquet on November 7, 2013.

**B. Update on City Projects and Issues:**

1. Water Usage report for the period of October 21, 2013 through November 10, 2013.
2. Update and Discussion regarding Stage II of the Drought Contingency Plan.
3. Update on the Short and Long Term Water Supply Options/.
4. Update on the Top 10 Strategic Priorities as Established by the City Council for 2013-2016.
5. Update on the FY-14 Hotel/Motel Funding
6. Flooding of the Colorado River October 30, 2013 through November 2, 2014.
7. Colors of the Sidewalks on S.H. 304.
8. Bastrop Marketing Corporation Report for the period ending October 31, 2013.
9. Update on S.H. 71 Improvements
10. Status of Board Vacancies

**C. Update on City Various City Operations:**

1. Convention Center Activities
2. Main Street Program
3. Commercial/Residential Construction Projects in the City
4. YMCA Activities

**Inviting input from the City Council related to issues for possible inclusion on future agenda's related to items such as (but not limited to) municipal projects, personnel, public property, development and other City/public business.**

City Manager Mike Talbot pointed out the following items on his City Manager's report:

Update regarding Stage II of the Drought Contingency Plan: The City's daily water average has decreased during the recent two weeks as a result of the recent rain. Even prior to the rainy weather the City had maintained a lower average constant with that seen during the winter months. All water wells have been operating 5-6 hours which is well below the City's maximum run-time of 16 hours.

City Council Member Ken Kesselus noted that the citizens were in concert with the City on water conservation.

Flooding of the Colorado River on October 30, 2013: The Colorado River water level crested slightly over 28 feet in Bastrop during the heavy rains on October 30<sup>th</sup> - November 2<sup>nd</sup>, 2013. The Parks Department Personnel were unable to install the Christmas lights along the "Trail of Lights", due to the week delay taken to remove debris. The Parks Department Staff will undertake the significant task of installing the Christmas lights along the "Trail of Lights" by Thanksgiving.

Sidewalks on S.H. 304: TxDOT is in the process of improving the traffic lanes on SH 304, which will include sidewalks. They have submitted three color choices for the City's consideration on the color of the sidewalks.

Update on the SH 71 Improvements: City Manager Talbot and staff attended the local TxDOT meeting and met with the Engineer Roy Dill who noted potential projects for SH 71. They have requested grant funding for the overpass at Tahitian Village/Loop 150 intersection. TxDOT would like the City's input on the design of the 10 – 12 foot high ramp wall and the City Manager suggested it would be a great project for the Bastrop Art in Public Places Task Force.

With regard to the recent flooding of the Colorado River, City Council Member Ken Kesselus noted his concern that the LCRA's advisory missed the cresting by 20%. The City Manager referenced sites suggested by Mayor Pro-Tem Joe Beal and the City was referencing them throughout the day for up-to-date information. City Manager Mike Talbot stated he would follow up on this issue and invite the LCRA to attend a future meeting.

## **CONSENT AGENDA**

All of the following items on the Consent Agenda are considered to be self-explanatory by the Council and will be enacted with one motion. There will be no separate discussion of these items unless a Council Member(s) so request.

- A.1 Approval of meeting Minutes for the Regular Council Meetings held on October 22, 2013.
- A.2 Consideration, discussion and possible action on the SECOND READING of a proposed ORDINANCE of the City Council of the City of Bastrop Texas, amending the budget for the Fiscal Year 2013 in accordance with existing statutory requirements; appropriating the various amounts herein; repealing all prior Ordinances and actions in conflict herewith; and providing for an effective date.
- A.3 Consideration, discussion and possible action on the SECOND READING of a proposed ORDINANCE granting an amendment to Section 37.2 Construction Standards adding C. Residential Design Standards in Single Family Residential Districts, Chapter 14, Zoning, "Exhibit A" Zoning Ordinance, relating to the regulations of residential design standards for single family homes in residential areas; providing a severability clause; and providing an effective date.
- A.4 Consideration, discussion and possible action on the SECOND READING of a proposed ORDINANCE granting an amendment to Section A-3 Definition 123 Home Occupation and

amending the Use Chart, Section 36.3 to reflect that Home Occupations do not require a Conditional Use Permit (CUP) Chapter 14, Zoning, "Exhibit A" Zoning Ordinance, relating to the regulation of Home Occupation uses in residential areas; providing a severability clause; and providing an effective date.

- A.5 Approval of the Preliminary Plat for XS Ranch, Rivercamp Estates, Phase 2 (29 residential lots) being +/- 251.03 acres within the Extra Territorial Jurisdiction (ETJ) of Bastrop, Texas located off Sayers Road, County Road 157.
- A.6 Approval of the statutory denial, for a period of 180 days from the date of Council action on this request, for the Little Colony Subdivision being a Re-subdivision of Lot 1, Bastrop West Commercial, Section 2 consisting of approximately 1.511 acres within the city limits of Bastrop, Texas.
- A.7 Board Appointment by Mayor Terry Orr and confirmation by the City Council on the appointment of Matthew Brian Lassen as the First Alternate Member for the Zoning Board of Adjustment; a 2-year term to commence on November 2013 through November 2015.
- A.8 Adoption of an Ordinance by the City Council of the City of Bastrop, Texas, Amending and Clarifying the City's Personnel Policies Manual: Chapter 5, Section 14; "Modified Work Duty Program," repealing conflicting Resolutions and Policies including a severability clause; and establishing an effective date.

Mayor Terry Orr pulled consent agenda item A.8 for a first reading at the City Council Meeting on November 26, 2013. Mayor Terry Orr read items A.1 through A.7 on the consent agenda for consideration and approval.

Council Member Kay Garcia McAnally made the motion to approve the consent agenda with exception of item A.8 and the addition of City Council Member Dock Jackson's name on the Meeting Minutes of October 22, 2013. Seconded by Council Member Dock Jackson and motion carried unanimously. Vote was taken and motion passed 3-0.

#### **PUBLIC HEARINGS AND ORDINANCES AND OTHER ITEMS ELIGIBLE FOR CONSIDERATION AND/OR ACTION:**

##### **B.1 APPROVAL OF THE FIRST READING OF A RESOLUTION OF THE CITY COUNCIL OF BASTROP APPROVING A PROJECT (FAÇADE/MEGA GRANT TO CHARLIE AMOS IN AN AMOUNT NOT TO EXCEED \$25,000, FOR RENOVATIONS TO THE BUILDING AT 1008 MAIN ST.), USING FUNDS PROVIDED BY THE BASTROP ECONOMIC DEVELOPMENT CORPORATION, IN AN AMOUNT EXCEEDING \$10,000.**

At 6:44 pm, Mayor Terry Orr read the above caption and invited the public comments. There were no public comments; therefore Mayor Terry closed the public hearing at 6:48 pm.

Council Member Kay Garcia McAnally made a motion to the FIRST READING of a Resolution of the City Council of Bastrop approving a project (façade/mega grant to Charlie Amos in an amount not to exceed \$25,000, for renovations to the building at 1008 Main Street), using funds provided by the Bastrop Economic Development Corporation, in an amount exceeding \$10,000.

Seconded by Council Member Dock Jackson and motion carried unanimously. Vote was taken and Motion passed 3-0.

##### **B.2 CITIZEN COMMENTS – There were no citizen comments.**

**OLD BUSINESS – No items for discussion.**

**D. NEW BUSINESS**

**D.1 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION FOR ACCEPTANCE OF THE PRESENTATION OF THE BASTROP COUNTY HISTORICAL SOCIETY MUSEUM AND VISITORS CENTER OPERATIONS AND MAINTENANCE BUDGET FOR 2014.**

Chief Financial Officer Karla Stovall introduced Bastrop Historical Society Museum Director Libby Sartain who gave a brief presentation on their FY 2014 Budget. She stated that they have done well on donations and they will have a \$3.00 admission fee.

Council Member Ken Kesselus acknowledged their extraordinary staff and stated the "Volunteers are wonderful. We can't put a value on our volunteers; we have volunteers who love helping us" Museum Director Libby Sartain estimated saving approximately \$30,000-40,000 a year due to their volunteers.

Council Member Kay Garcia McAnally made a motion to accept the presentation of the Bastrop County Historical Society Museum and Visitors Center Operations and Maintenance Budget for 2014.

Seconded by Council Member Ken Kesselus and motion carried unanimously. Vote was taken and Motion passed 3-0.

**D2 APPROVAL OF BASTROP MARKETING CORPORATION'S REQUEST FOR REIMBURSEMENT OF EXPENSES.**

Council Member Kay Garcia McAnally made a motion to approve the Bastrop Marketing Corporation's request for reimbursement of expenses.

Seconded by Council Member Ken Kesselus and motion carried unanimously. Vote was taken and Motion passed 3-0.

**D.3 THE BASTROP CENTRAL APPRAISAL DISTRICT HAS SUBMITTED THE OFFICIAL BALLOT FOR THE ELECTION OF THE BOARD OF DIRECTORS WITH THE TERM BEGINNING JANUARY 1, 2014 THROUGH DECEMBER 31, 2015.**

Council Member Ken Kesselus made a motion to cast the City's 214 votes for Emanuel Roderick on the Official Ballot for the Election of the Board of Directors on the Bastrop Central Appraisal District.

Seconded by Council Member Dock Jackson and motion carried unanimously. Vote was taken and Motion passed 3-0.

**D.4 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF BASTROP AND DM PECAN PARK ASSOCIATES, LTD. FOR THE DEVELOPMENT OF LAND.**

City Manager gave a detailed overview of the agreement. City Council Member's held a brief discussion. Council Member Kay Garcia McAnally acknowledged the City Manager's and staffs time and effort into finalizing the agreement and stated "Well Done."

Mayor Terry Orr asked the Developer Duke McDowell how he felt about the agreement. Mr. McDowell responded he was "very pleased."

Council Member Dock Jackson made a motion to approve the MEMORANDUM of UNDERSTANDING between the City of Bastrop and DM PECAN PARK Associates, Ltd. For the Development of Land.

Seconded by Council Member Ken Kesselus and motion carried unanimously. Vote was taken and Motion passed 3-0.

**E. EXECUTIVE SESSION**

- E.1 The Bastrop City Council met in a closed/executive session pursuant to the Texas Government Code, Chapter 551, *et seq*, to discuss the following:
1. SECTION 551.071(1) (A) and SECTION 551.071(2) – Consultation with Attorney concerning: (1) potential, pending, threatened, and/or contemplated litigation or claims, including but not limited to “Pine Forest Investments Group, LLC v The City of Bastrop, et al, cause No. 29,052, In the 21<sup>st</sup> Judicial District Court of Bastrop County, Texas,” and/or (2) matter upon which the Attorney has a duty and/or responsibility to report to the governmental body, concerning same, and/or any other matters posted on the agenda.
  2. SECTION 551.072– Deliberation regarding real property: Regarding the purchase, exchange, lease, disposition, or value of real property.
- E.2 The Bastrop City Council will reconvene into open session to discuss, consider and/or take any actions necessary related to the executive sessions noted herein, or regular agenda items, noted above, and/or related items.

At 7:25 pm, Mayor Orr convened the Bastrop City Council into Executive Session. Mayor Orr reconvened the Bastrop City Council into open session to discuss, consider and/or take action(s) necessary related to the Executive Session noted herein at 8:49 pm.

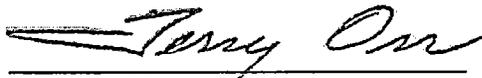
City Manager Mike Talbot recommended that no action be taken as a result of the items posted for executive session. No action was taken.

**F. ADJOURN**

At 8:50 pm, Council Member Kay Garcia McAnally made the motion to adjourn the meeting. Seconded by Council Member Ken Kesselus and motion was carried unanimously, vote of 3-0.

APPROVED:

ATTEST:

  
\_\_\_\_\_  
Terry Orr, Mayor

  
\_\_\_\_\_  
Elizabeth Minerva Lopez, City Secretary

**EXHIBIT B**  
**CITY OF BASTROP COUNCIL MEETING MINUTES ADOPTING THE**  
**RESOLUTION R-2022-61 AND THE AMENDED AND RESTATED MEMORANDUM**  
**OF UNDERSTANDING FOR LAND DEVELOPMENT**

**JULY 12, 2022**

The Bastrop City Council met in a regular meeting on Tuesday, July 12, 2022, at 6:30 p.m. at the Bastrop City Hall Council Chambers, located at 1311 Chestnut Street, Bastrop, Texas. Members present were: Mayor Pro Tem Rogers and Council Members Lee, Plunkett, Crouch and Kirkland. Officers present were City Manager, Paul A. Hofmann; Deputy City Secretary, Victoria Psencik; and City Attorney, Alan Bojorquez.

**CALL TO ORDER**

Mayor Pro Tem Rogers called the meeting to order at 6:30 p.m. with a quorum present. Mayor Schroeder was absent.

**PLEDGE OF ALLEGIANCE**

Grace, Chase, Johnathan, and Tia led the pledges.

**INVOCATION**

Bob Long, Police Chaplain, gave the invocation.

**PRESENTATIONS**

- 4A. Mayor's Report
- 4B. Council Members' Report
- 4C. City Manager's Report

**WORK SESSION/BRIEFINGS**

- 5A. Receive presentation on proposed amendments to the Rules of Procedure for the City Council and Boards and Commissions.  
Submitted by: Ann Franklin, City Secretary  
Presentation was made Alan Bojorquez, City Attorney.

**STAFF AND BOARD REPORTS**

- 6A. Presentation from organizations applying for FY2023 Community Support Funding.  
Submitted by: Candice Butts, Community Impact Manager  
Presentations were made by representatives from the following organizations:
  - Austin Habitat for Humanity
  - Bastrop County Emergency Food Pantry and Support Center
  - Bastrop County First Responders
  - Bastrop County Long Term Recovery Team
  - Bastrop County Women's Shelter, dba Family Crisis Center
  - Bastrop Prayer and Healing Room
  - Bastrop Pregnancy Resource Center
  - Children's Advocacy Center
  - Combined Community Action, Inc. of Central Texas
  - Court Appointed Special Advocates (CASA)
  - In the Street Hands Up High Ministry

CITIZEN COMMENTS - NONE

CONSENT AGENDA

A motion was made by Council Member Plunkett to approve Items 8A, 8B, 8C, 8D, 8E, 8F, and 8G as listed on the Consent Agenda after being read into the record by Deputy City Secretary, Victoria Psencik. Seconded by Council Member Lee, motion was approved on a 4-0 vote.

- 8A. Consider action to approve City Council minutes from the June 28, 2022, Regular meeting. Submitted by: Ann Franklin, City Secretary
  
- 8B. Consider action to approve the second reading of Ordinance No. 2022-05 of the City Council of the City of Bastrop, amending the Comprehensive Plan by changing the Future Land Use designation from Rural Residential to Industry for Bastrop Colorado Bend, LLP for 312.591 +/- acres of land out of the Stephen F. Austin Survey Abstract 2, to the west of Lovers Lane, located within the city limits of the City of Bastrop, as attached in Exhibit A; and providing for findings of fact, adoption, enforcement, a repealer, and severability; establishing an effective date; and proper notice and meeting. Submitted by: Jennifer C. Bills, Director of Planning & Development
  
- 8C. Consider action to approve the second reading of Ordinance No. 2022-06 of the City Council of the City of Bastrop amending the Transportation Master Plan - Master Thoroughfare Plan and Street Grid for Bastrop Colorado Bend, LLP for 546.364 +/- acres of land out of the Stephen F. Austin Survey, Abstract 2, to the west of Lovers Lane, located within the city limits of the City of Bastrop and the City of Bastrop Extraterritorial Jurisdiction; as attached in Exhibit A; and providing for findings of fact, adoption, enforcement, a repealer, and severability; establishing an effective date; and proper notice and meeting. Submitted by: Jennifer C. Bills, Director of Planning & Development
  
- 8D. Consider action to approve the second reading of Ordinance No. 2022-17 of the City Council of the City of Bastrop, Texas approving the 2021 Service Plan Update, including provisions related to assessments for the Hunters Crossing Public Improvement District; approving a Fiscal Year 2022 assessment roll for the District; and containing other provisions related to the Hunters Crossing Public Improvement District and the Hunter's Crossing Local Government Corporation; and providing for an effective date. Submitted by: Tracy Waldron, Chief Financial Officer
  
- 8E. Consider action to approve Resolution No. R-2022-59 of the City Council of the City of Bastrop, Texas, awarding a contract with Southern Utility Works, LLC for the Public Works (PW) Detention Pond Pump Station (PS) to an amount of Two Hundred Ninety-One Thousand Two Hundred Seventy-Three Dollars and Three Cents (\$291,273.03); authorizing the City Manager to execute all necessary documents; providing for a repealing clause; and establishing an effective date. Submitted by: Fabiola M. de Carvalho, MIAM Director of Engineering and Capital Project Management Department
  
- 8F. Consider action to approve Resolution No. R-2022-60 of the City Council of the City of Bastrop, Texas approving a Public Improvement Plan Agreement with Hunt Communities for The Colony MUD 1C Section 8, as attached in Exhibit A; authorizing the City Manager

to execute all necessary documents; providing for a repealing clause; and establishing an effective date.

Submitted by: Jennifer C. Bills, Director of Planning & Development

- 8G. Consider action to approve Resolution No. R-2022-61 of the City Council of the City of Bastrop, Texas, approving an amendment to the 2013 Memorandum of Understand between DM Pecan Park Associates, Ltd., and the City of Bastrop shown herein as Exhibit A, authorizing, authorizing the city manager to execute all necessary documents; providing for a repealing clause; and establishing an effective date.  
Submitted by: Trey Job, Assistant City Manager

**ITEMS FOR INDIVIDUAL CONSIDERATION**

- 9A. Consider action to approve Resolution No. R-2022-55 for approving an appeal of a Certificate of Appropriateness to paint the rear masonry wall of the building at 910 & 912 Main Street, on 0.17 acres of Building Block 9 West of Water Street, known as the Kleinert and Kesselus buildings, attached in Exhibit A; authorizing the city manager to execute all necessary documents; providing for a repealing clause; and establishing an effective date.  
Submitted by: Jennifer C. Bills, Director of Planning & Development  
Presentation was made by Jennifer C. Bills, Director of Planning & Development

**SPEAKER**

Ryan Holiday  
912 Main St  
Bastrop, TX 78602  
213-479-3039

A motion was made by Council Member Kirkland to acknowledge that this has been approved and to take no further action with the Municipal Court, seconded by Council Member Crouch, motion was approved on a 4-0 vote.

- 9B. Hold public hearing and consider action to approve the first reading of Ordinance No. 2022-18 of the City of Bastrop, Texas updating and amending Bastrop Code of Ordinances, Chapter 13, Article 13.12, entitled "Impact Fees", updating the land use assumptions, capital improvement plan and amending impact fees for water and wastewater utilities, providing for an effective date; and move to include on the July 26, 2022 agenda for a second reading.  
Submitted by: Tracy Waldron, Chief Financial Officer  
Presentation was made by Tracy Waldron, Chief Financial Officer and Chis Ekrot, NewGen Strategies & Solutions.

Public hearing was opened.

Public hearing was closed.

A motion was made by Council Member Lee to approve the first reading of Ordinance No. 2022-18 and to include on the July 26, 2022, agenda for the second reading, seconded by Council Member Plunkett, motion was approved on a 4-0 vote.

- 9C. Consider action to approve the second reading of Ordinance No. 2022-15 of the City Council of the City of Bastrop, Texas, approving the Burleson Crossing East Zoning Concept Scheme, changing the zoning for 12.95 acres out of the Nancy Blakey Survey

Abstract 98, from P2 Rural to P5 Core and establishing warrants on 19.81 acres, located east of Edward Burleson Lane and north of State Highway 71, within the city limits of Bastrop, Texas, as shown in Exhibits A, B, and C, providing for findings of fact, adoption, repealer, severability and enforcement, proper notice and meeting; and establishing an effective date.

Submitted by: Jennifer C. Bills, Director of Planning & Development

**Presentation was made by Jennifer C. Bills, Director of Planning & Development**

**A motion was made by Council Member Kirkland to approve the second reading of Ordinance No. 2022-15, seconded by Council Member Crouch, motion was approved on a 4-0 vote.**

- 9D. Consider action to approve Resolution No. R-2022-56 of the City Council of the City of Bastrop, Texas approving the First Amendment to the Development and Annexation Agreement between the City of Bastrop a Home Rule City, and Bastrop Colorado Bend, LLC, a Texas Limited Liability Company for 546.364+/- acres of land out of the A2 Stephen F. Austin, to the West of Lovers Lane, located within the City of Bastrop Extraterritorial Jurisdiction, as attached in Exhibit A; authorizing the City Manager to execute all necessary documents; providing for a repealing clause; and establishing an effective date.

Submitted by: Jennifer C. Bills, Director of Planning & Development

**Presentation was made by Jennifer C. Bills, Director of Planning & Development**

**A motion was made by Council Member Kirkland to approve Resolution No. 2022-56, seconded by Council Member Lee, motion was approved on a 4-0 vote.**

- 9E. Consider action to approve the second reading of Ordinance No. 2022-04 of the City Council of the City of Bastrop, Texas, annexing Bastrop Colorado Bend phase 1, for 312.61 acres of land out of the Stephen F. Austin Survey, Abstract No. 2, located west of Lovers Lane and southeast of the Colorado River, as shown in Exhibit A, providing for findings of fact, adoption, establishing zoning and character district, repealer, severability, filing and enforcement; establishing an effective date; and proper notice and meeting.

Submitted by: Jennifer C. Bills, Director of Planning & Development

**Presentation was made by Jennifer C. Bills, Director of Planning & Development**

**A motion was made by Council Member Kirkland to approve the second reading of Ordinance No. 2022-04, seconded by Council Member Lee, motion was approved on a 4-0 vote.**

- 9F. Consider action to approve the second reading of Ordinance No. 2022-07 of the City Council of the City of Bastrop, Texas, approving the Bastrop Colorado Bend Zoning Concept Scheme, changing the zoning for 312.591 acres out of the Stephen F. Austin Survey Abstract 2, from P2 Rural to PEG Employment Center and establishing a plan on 312.591 acres, located west of Lovers Lane, within the city limits of the City of Bastrop, as shown in Exhibit A, providing for findings of fact, adoption, repealer, severability and enforcement, proper notice and meeting; and establishing an effective date.

Submitted by: Jennifer C. Bills, Director of Planning & Development

**Presentation was made by Jennifer C. Bills, Director of Planning & Development**

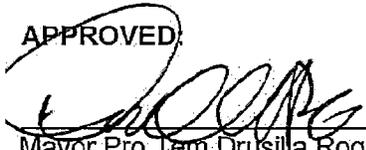
**A motion was made by Council Member Lee to approve the second reading of Ordinance No. 2022-07, seconded by Council Member Kirkland, motion was approved on a 4-0 vote.**

REGULAR COUNCIL MINUTES

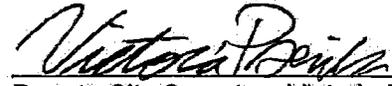
JULY 12, 2022

Adjourned at 8:51 p.m. without objection.

APPROVED:

  
\_\_\_\_\_  
Mayor Pro Tem Drusilla Rogers

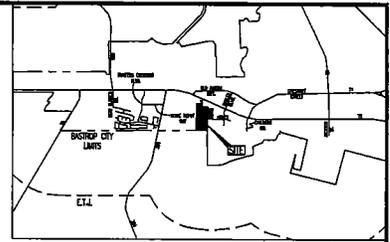
ATTEST:

  
\_\_\_\_\_  
Deputy City Secretary Victoria Psencik

The Minutes were approved on July 26, 2022, by Council Member Lee's motion, Council Member Crouch's second. The motion was approved on a 5-0 vote.

**EXHIBIT C**  
**AMENDED PLAT**

# PECAN PARK COMMERCIAL AMENDED PRELIMINARY PLAT



SCALE: 1" = 100'

GRAPHIC SCALE

(IN FEET)  
1 inch = 100 ft.

### LEGEND

- CONCRETE MONUMENT FRAME
- 1/2" DIA. IRON PIPES (EXCEPT OTHERWISE NOTED)
- ⋄ 1" IRON IN CONCRETE
- MESQUITE CITY LIMITS
- LINES OF ORIGINAL PRELIM PLAT (EXCEPT OTHERWISE NOTED)

**FLOODPLAIN INFORMATION:**  
NO PORTION OF THIS TRACT IS WITHIN THE BOUNDARIES OF THE 100 YEAR FLOODPLAIN PER THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP REVISIONS DATED JANUARY 19, 2006.

**LEGAL DESCRIPTION:**  
BEING A 55.555 ACRES TRACT OF LAND AND OUT OF AND A PART OF THE HANCOCK BLAKEY SURVEY NO. 88, MESQUITE COUNTY, TEXAS AS RECORDED IN VOLUME 1482 PAGE 70 OF THE MESQUITE COUNTY OFFICIAL RECORDS.

**UTILITIES:**  
WATER: CITY OF MESQUITE  
SEWER: CITY OF MESQUITE  
GAS: CENTROPOWER ENERGY  
ELECTRIC: BURNHEIM ELECTRIC  
TELEPHONE: A&T  
CABLE: SPECTRUM

**NOTE:**  
LOT 2 SHALL ONLY HAVE ACCESS FROM ORCHARD PARKWAY. NO DIRECT ACCESS TO HWY. 71 OR SCHWABER BLVD. WILL BE PERMITTED.

TOTAL ACRES: 55.555 ACRES  
SURVEY: HANCOCK BLAKEY SURVEY, ABSTRACT No. 88  
COMMERCIAL LOTS: 8 TOTAL: 50.842 ACRES  
NO. OF BLOCKS: 1 TOTAL: 4.513 ACRES  
R.O.W.: TOTAL: 1.344 FT

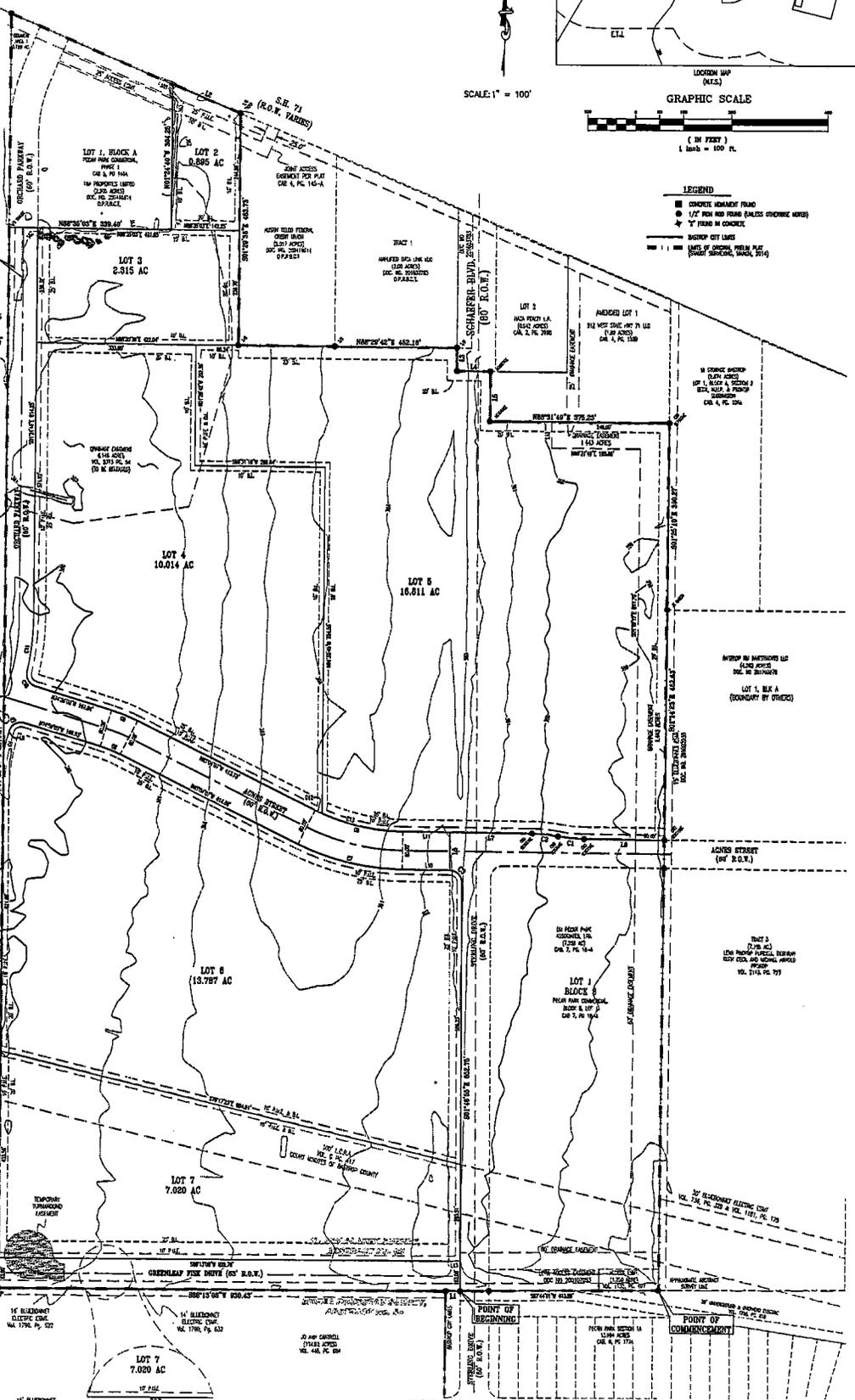
LINEAL FOOTAGE OF FRONT-OF-WAY			
ADAMS STREET	80' R.O.W.	943	FT LOCAL
ORCHARD PKWY	80' R.O.W.	982	FT LOCAL
GREENLEAF FLEX DRIVE	65' R.O.W.	951	FT LOCAL
TOTAL		1,344	FT

DATE: SEPTEMBER 18, 2011  
BY: PECAN PARK ASSOCIATES, LTD.  
3505 WILD CANYON DRIVE  
DALLAS, TEXAS 75238  
PHONE: (214) 263-2214

ENGINEER & SURVEYOR:  
MORAN W. THOMPSON, P.E., L.S. AND  
DORCAS H. RUSSELL, AS  
CARLETON BRIGANCE & DOERING, INC.  
501 WEST WILLOW CANYON  
AUSTIN, TX 78719  
(512) 290-5189  
(512) 290-5185 fax

Line #	Length	Bearing
L1	32.37	S87°42'17"W
L2	152.79	S87°42'17"W
L3	48.53	S87°42'17"W
L4	83.88	S87°42'17"W
L5	103.13	S87°42'17"W
L6	167.88	S87°42'17"W
L7	177.62	S87°42'17"W
L8	88.00	S87°42'17"W
L9	111	N1°44'07"W
L10	98.78	N87°42'17"W
L11	98.07	N87°42'17"W
L12	52.00	S87°42'17"W
L13	32.84	S87°42'17"W

Curve #	Length	Radius	Chord Distance	Chord Length	Offset
C1	34.88	300.00	N45°25'27"W	54.79	27.51
C2	34.88	300.00	N45°25'27"W	54.79	27.51
C3	30.17	35.00	S47°00'00"W	38.36	25.80
C4	14.13	442.00	S27°12'17"W	42.11	27.58
C5	16.28	32.00	S87°42'17"W	32.84	22.52
C6	45.00	290.00	N87°42'17"W	44.94	22.52
C7	233.88	480.00	S27°12'17"W	223.23	112.80
C8	147.58	410.00	S27°12'17"W	138.83	72.48
C9	28.00	240.00	N87°42'17"W	26.77	28.48
C10	37.75	25.00	S27°12'17"W	34.23	23.48
C11	113.23	80.00	N87°42'17"W	110.89	28.85
C12	16.23	410.00	S87°42'17"W	16.23	8.12
C13	171.28	410.00	S87°42'17"W	170.11	84.24



SHEET NO. 1 OF 2

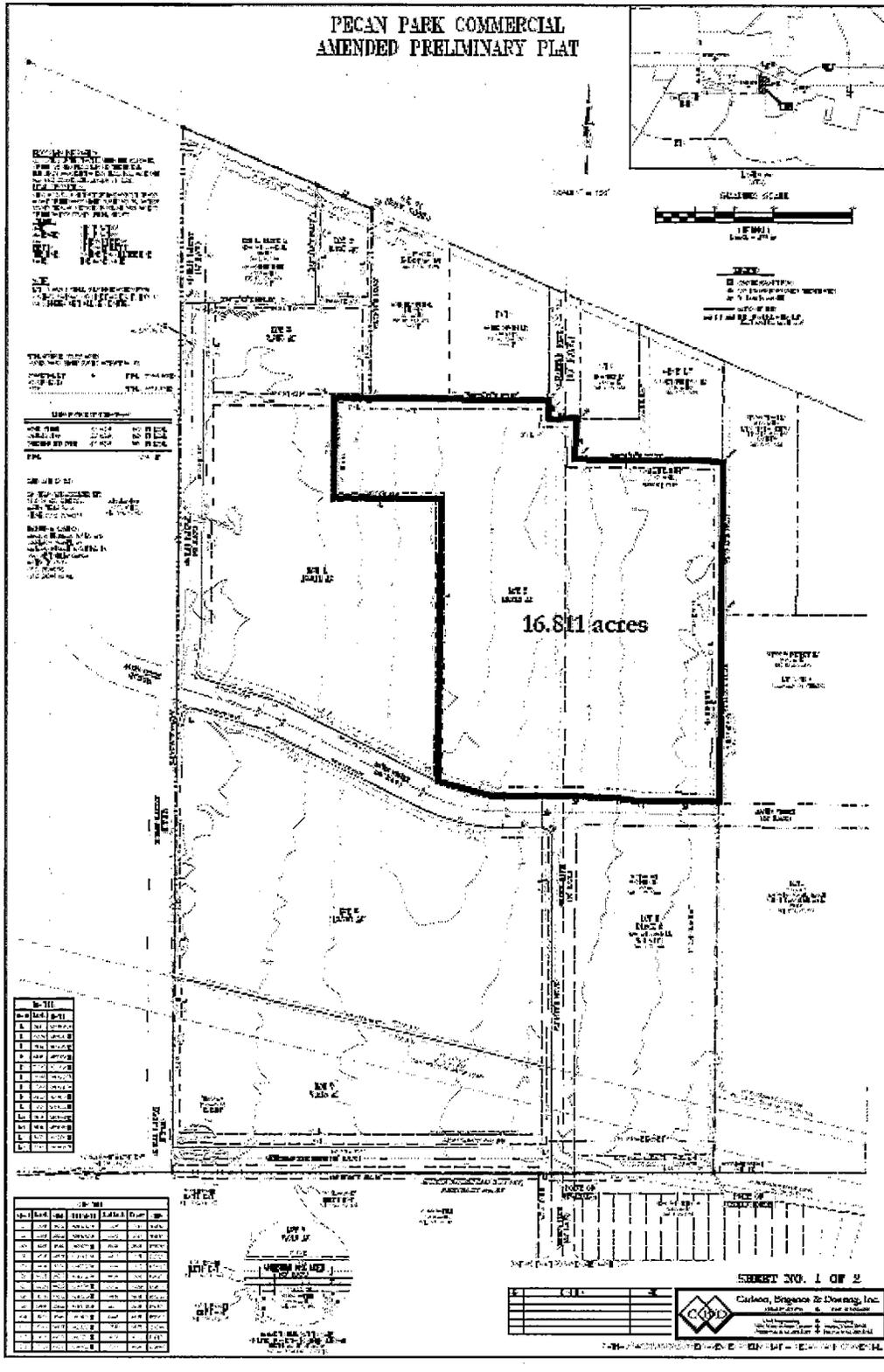
REV.	DESCRIPTION	DATE
1	REVISED PER SPT. 16 MEETING COMMENTS	09/19/11

**CBD** Carlson, Brigance & Doering, Inc.  
PEMB ID #97971 REG. # 1002900

Civil Engineering Surveying  
 1501 West Wilshire Causeway • Austin, Texas 78719  
 Phone No. (512) 290-5189 • Fax No. (512) 290-5185



# EXHIBIT D DESCRIPTION OF THE PROPERTY



**EXHIBIT D**  
**DESCRIPTION OF THE PROPERTY**

16.811 ACRES  
NANCY BLAKEY SURVEY  
ABSTRACT NUMBER 98  
BASTROP COUNTY, TX

FIELD NOTES

BEING ALL OF THAT CERTAIN 16.811 ACRE TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE NANCY BLAKEY SURVEY, ABSTRACT NUMBER 98, SITUATED IN BASTROP COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED AS BEING A PORTION OF A CALLED 69.296 ACRE (EXHIBIT E) TRACT OF LAND CONVEYED TO DM PECAN PARK ASSOCIATES, LTD., IN VOLUME 1482, PAGE 70 OF THE OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS, (O.P.R.B.C.TX.), SAID 16.811 ACRE TRACT OF LAND BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a 1/2 Inch capped iron rod set, stamped "CBD SETSTONE", being a point on an eastern boundary line of said 69.296 acre tract, same being the southwest corner of Lot 1, Block A Beck, N.H.P. & Prokop Subdivision, Section Three, a subdivision recorded in Cabinet 6, Slide 36A, Plat Records of Bastrop County, Texas (P.R.B.C.TX.), being also a point on a northern right-of-way line of Agnes Street (60' R.O.W.), for the POINT OF BEGINNING of the herein described tract,

THENCE, with the northern right-of-way line of said Agnes Road, and across the remainder of said 69.926 acre tract the following four (4) courses and distances, numbered 1 through 4,

1. S88°43'03"W, a distance of 167.95 feet to a capped 1/2 inch Iron rod set stamped "CBD SETSTONE", being at a point of curvature, for a curve to the right,
2. with said curve to the right, having a radius of 300.00 feet, an arc length of 54.86 feet and a chord that bears N86°02'57"W, a distance of 54.79 feet to a capped 1/2 Inch Iron rod set stamped "CBD SETSTONE", being at a point of curvature, for a curve to the left,
3. with said curve to the left, having a radius of 300.00 feet, an arc length of 54.86 feet and a chord that bears N86°02'37"W, a distance of 54.79 feet to a capped 1/2 Inch Iron rod set stamped "CBD SETSTONE", and
4. S88°43'03"W a distance of 268.88 feet to a capped 1/2 Inch Iron rod set stamped "CBD SETSTONE", being at a point of curvature, for a curve to the right, and

THENCE, continuing over and across the remainder of said 69.926 acre tract the following five (5) courses and distances, numbered 1 through 5,

1. with said curve to the right, having a radius of 410.00 feet, an arc length of 171.35 feet and whose chord bears N79°18'35"W, a distance of 170.11 feet to a capped 1/2 Inch iron rod set stamped "CBD SETSTONE",
2. N01°33'45"W, a distance of 724.55 feet to a capped 1/2 inch Iron rod set stamped "CBD SETSTONE",
3. S88°31'18"W, a distance of 269.84 feet to a capped 1/2 Inch Iron rod set stamped "CBD SETSTONE",
4. N01°28'42"W, a distance of 252.36 feet to a capped 1/2 inch Iron rod set stamped "CBD SETSTONE", and
5. N88°30'39"E, a distance of 88.24 feet to a 5/8 inch Iron rod found, being the southwest corner of a called 2.017 acre tract conveyed to Austin Telco Federal Credit Union in Document Number 200416614 O.P.R.B.C.TX.,

THENCE N88°29'42"E, with the common boundary line of said 69.296 acre tract, said 2.017 acre tract, and a called 2.00 acre tract of land conveyed to Amplified Data Link, LLC. in Document Number 201603783 (O.P.R.B.C.TX.), passing at a distance of 198.85 feet a 5/8 inch Iron rod found, being the southeast corner of said 2.017 acres tract, also being the southwest corner of said 2.00 acre tract, continuing for a total distance of 452.16 feet to a 5/8 Inch Iron rod found, being a northeastern corner of said 69.296 acre tract, same being a southeastern corner of said 2.00 acre tract and being also a point on a western right-of-way line of Schaefer Boulevard (80' R.O.W.),

16.811 ACRES  
NANCY BLAKEY SURVEY  
ABSTRACT NUMBER 98  
BASTROP COUNTY, TX

THENCE, with the common boundary line of said 69.296 acre tract and said Schaefer Boulevard, the following two (2) courses and distances, numbered 1 and 2,

1. S01°43'53"E, a distance of 48.52 feet to a 5/8 inch iron rod found, and
2. N88°19'51"E, a distance of 69.96 feet to a 1/2 inch capped iron rod found stamped "HEARITIGE SURVEYING", being a point on a northern boundary line of said 69.296 acre tract, same being a point on a southern terminus line of said Schaefer Boulevard, and being also a western corner of a Lot 1 of the Amended Plat of Lot 1 Schaefer West, a subdivision recorded in Cabinet 4, Page 152-B (P.R.B.C.TX.),

THENCE with the common line of said 69.296 acre tract and said Lot 1, the following two (2) courses and distances, numbered 1 and 2,

1. S01°18'50"E, a distance of 103.62 feet to a 1/2 inch capped iron rod found stamped "HEARITIGE SURVEYING", and
2. N88°31'49"E, a distance of 375.23 feet to a 1/2 inch capped iron rod set stamped "CBD SETSTONE", being a point on an eastern boundary line of said 69.296 acre tract, same being a southeastern corner of said Lot 1, Schaefer West Subdivision, and being also a point on a western boundary line of Lot 1, Block A, Beck, N.H.P. & Prokop Subdivision, Section Two, a subdivision recorded in Cabinet 4, Page 106-A (P.R.B.C.TX.),

THENCE S01°25'10"E, with the common boundary line of said 69.296 acre tract and said Lot 1, Block A, Beck, N.H.P. & Prokop Subdivision, Section Two, a distance of 390.27 feet to a 1/2" capped iron rod found stamped "JE GARON RPLS", being an eastern corner of said 69.296 acre tract, same being a southwestern corner of said Lot 1, Block A, Beck, N.H.P. & Prokop Subdivision, Section Two, and being also a northwestern corner of said Lot 1, Block A, Beck, N.H.P. & Prokop Subdivision, Section Three a subdivision recorded in Cabinet 6, Slide 36A (P.R.B.C.TX.),

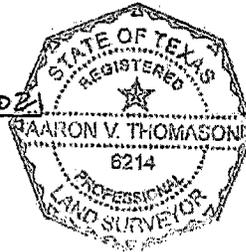
THENCE, S01°14'23"E, with the common boundary line of said 69.296 acre tract and said Lot 1, Block A, Beck, N.H.P. & Prokop Subdivision, Section Three, a distance of 482.63 feet to the POINT OF BEGINNING and containing 16.811 acres of land.

Surveyed by:



15 SEP 2021

AARON V. THOMASON, R.P.L.S. NO. 6214  
Carlson, Brignace & Doering, Inc.  
REG.# 10024900  
5501 West William Cannon  
Austin, TX 78749  
Ph: 512-280-5160  
Fax: 512-280-5165  
aaron@cbdeng.com



BEARING BASIS: TEXAS COORDINATE SYSTEM, CENTRAL ZONE (4203)