

RESOLUTION NO. R-2025-03

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, APPROVING A REQUEST TO REFUND A REPLAT APPLICATION FEE IN THE AMOUNT OF ONE THOUSAND, NINE HUNDRED EIGHTY-SIX DOLLARS AND TWENTY-NINE CENTS (\$1,986.29), AND TO REFUND THE BOARD / COMMISSION APPEAL APPLICATION FEE IN THE AMOUNT OF THREE THOUSAND, SIX HUNDRED EIGHTY-ONE AND 00/100 DOLLARS (\$3,681.00) FOR THE PROPERTY LOCATED AT 112 POST OAK RIM, BASTROP, TEXAS, WITHIN THE CITY LIMITS OF BASTROP, AS ATTACHED IN EXHIBIT A; AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS; AND PROVIDING FOR FINDINGS OF FACT; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING.

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City of Bastrop (“City”) has general authority to adopt an ordinance, resolution, or police regulation that is for the good government, peace, or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, to reduce the financial burden a private citizen, Marty Miles, experienced due to the inability to further develop their property due to the constraints from the development code and various geographical considerations for that area, the private citizen, Marty Miles, has requested that the City refund certain permitting fees related to the project Replat Application (\$1,986.29) and Board Appeal Application (\$3,681.00); and

WHEREAS, the City Council finds there to be unique, unusual, and compelling circumstances creating a justification for a limited refund of certain fees for the private citizen, Marty Miles, in this situation, in order to serve the City’s interests in the public health, safety, and welfare of its residents.

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

Section 1. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Bastrop, Texas, and are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Section 2. The City Council approves Marty Miles’s request for the refund of certain fees totaling the amount of \$5,667.29, as detailed in **Exhibit A** attached hereto. This refund of fees is not assignable and shall only be applicable to the refund request for the property located at 112 Post Oak Rim,

Bastrop, Texas. The City Council authorizes the City Manager to provide direction to staff and to execute any necessary documents granting the refund of the fees.

Section 3. Repealer: To the extent reasonably possible, resolutions are to be read together in harmony. However, all resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters regulated.

Section 4. Severability: Should any of the clauses, sentences, paragraphs, sections, or parts of this Resolution be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Resolution.

Section 5. Effective Date: This Resolution shall take effect upon the date of final passage noted below, or when all applicable publication requirements, if any, are satisfied in accordance with the City's Charter, its Code of Ordinances, and the laws of the State of Texas.

Section 6. Proper Notice & Meeting: It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

DULY RESOLVED & ADOPTED by the City Council of the City of Bastrop, TX, on this, the 14th day of January, 2025.

[Signature Page Follows]

THE CITY OF BASTROP, TEXAS:

Lyle Nelson, Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:

City Attorney