

## **ORDINANCE**

**AN ORDINANCE OF THE CITY OF BURLESON TEXAS CLOSING, VACATING, ABANDONING AND CONVEYING THE PUBLIC RIGHT-OF-WAY KNOWN AS THE 20 FOOT ALLEY IN BLOCK 13 OF THE ORIGINAL TOWN OF BURLESON IN THE CITY OF BURLESON, TEXAS; AUTHORIZING THE CITY MANAGER TO EXECUTE DEEDS WITHOUT WARRANTY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE IN CONFLICT; PROVIDING FOR SEVERABILITY; DECLARING AN EFFECTIVE DATE; AND DIRECTING THE CITY SECRETARY TO RECORD A COPY OF THIS ORDINANCE ON THE JOHNSON COUNTY REAL PROPERTY RECORDS.**

**WHEREAS**, the City of Burleson, Texas ("City") is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, the City of Burleson desires to continue to protect and ensure the public health, safety, and welfare of its residents and businesses by effectively managing the City's real property interests that are held in trust for the public; and

**WHEREAS**, Section 311.007 of the Texas Transportation Code authorizes home-rule cities to vacate, abandon and close any street or alley; and

**WHEREAS**, BTX Old Town, LLC (the "Requestor"), filed an application, attached hereto and incorporated herein as Exhibit A for all purposes, to have the City close, vacate, abandon and convey the 20 foot alley in Block 13, Original Town of Burleson, according to the plat recorded in Volume 59, Page 638, Deed Records, Johnson County, Texas as more specifically described in Exhibit B (the "Property"), which is attached hereto and incorporated herein for all purposes; and

**WHEREAS**, the only other property owners adjacent to the alley, Gary Haas and Linda Haas, have submitted a letter supporting the Requestor's application to have the City close, vacate, and abandon the alley, a copy of which is attached hereto and incorporated herein as Exhibit C for all purposes; and

**WHEREAS**, Section 272.001(c)(2) of the Texas Local Government Code authorizes the conveyance of City streets and alleys to abutting property owners in the same subdivision; and

**WHEREAS**, the Requestor owns fee simple title to multiple tracts adjacent to and in the same subdivision as the alley and desires that the City convey the alley property, subject to the City reserving an easement for public utilities and access; and

**WHEREAS**, the only other property owners adjacent to the alley, Gary Haas and Linda Haas, do not desire any portion of the alley property and desire that the City convey the alley property to the Requestor, subject to the City reserving an easement for public utilities and access; and

**WHEREAS**, the City desires to convey the alley property to the Requestor, subject to the City reserving an easement for public utilities and access, in consideration of cash in hand paid and not having to maintain the property in the future; and

**WHEREAS**, on August 7, 2023, the City Council held a public hearing on the matters set forth in this ordinance at a duly called public meeting; and

**WHEREAS**, the City, after due consideration, hearing from all interested citizens wishing to speak at the public hearing, and vetting the request and confirming with all franchised public utility providers and appropriate City departments, has determined that the Property is no longer needed for a public right of way, with the exception of a reservation of a public access easement interest and public utility easement interest, and that it is in the public interest to close, vacate, abandon and convey the Property to the Requestor in accordance with Section 10 of the City Home Rule Charter; and

**WHEREAS**, the City Council may consider and approve certain ordinances or ordinance amendments at only one meeting in accordance with Section 2-4 of the Code of Ordinances of the City of Burleson; and

**WHEREAS**, the City Council finds that this Ordinance may be considered and approved in only one meeting because the provisions of this Ordinance concerns the closing of an alleyway, roadway, or abandoning a city-owned right-of-way.

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

#### SECTION 1.

The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

#### SECTION 2.

All of the Property described in Exhibit B is hereby closed, abandoned and vacated as a right of way or passage by the City of Burleson, Texas, as the Property has been found to no longer be necessary for public purposes, with the exception of a reservation of a water and public utility easement and public access easement over the Property, and it being found to be in the public interest by the City of Burleson to close, vacate, and abandon the same to the extent of the public right, title and interest in and to the Property that the City may lawfully abandon.

#### SECTION 3.

The Property was possessed by the City as a dedicated right of way and shall be abandoned and released to the Requestor, an abutting property owner in the subdivision, in accordance with Section 272.001(c)(1) of the Texas Local Government Code, and that the City Manager of the City

of Burleson, Texas is hereby authorized, empowered and directed to convey said Property to the Requestor, their successors, heirs and assigns, by virtue of a deed without warranty, subject to a reservation of a public utility easement interest and public access easement, in substantially the form provided as Exhibit D, which is attached hereto and incorporated herein for all purposes.

#### SECTION 4.

This Ordinance shall be cumulative of all other ordinances of the City of Burleson, and this Ordinance shall not operate to repeal, amend or otherwise affect any other ordinances of the City of Burleson except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, are hereby repealed or amended to the extent of such conflict.

#### SECTION 5.

Should any section or part of this Ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this Ordinance are declared to be severable.

#### SECTION 6.

This ordinance shall become effective immediately upon its passage and publication as required by law.

#### SECTION 7.

The City Secretary is hereby directed to file a copy of this Ordinance with the Johnson County Clerk on the Real Property Records, Johnson County, Texas.

**PASSED AND APPROVED** the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**First and Final Reading:** the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Chris Fletcher, Mayor  
City of Burleson, Texas

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Amanda Campos, City Secretary

\_\_\_\_\_  
E. Allen Taylor, Jr., City Attorney

Exhibit “A”  
Application



## ABANDONMENT OF PUBLIC RIGHT-OF-WAY/EASEMENT APPLICATION

### MINIMUM SUBMITTAL REQUIREMENTS

- ☒ Abandonment Fee (\$550 for right-of-way, \$250 for easement)
- ☐ A completed copy of the Abandonment of Public ROW/Easement Application
- ☐ All exhibits processed (except for Exhibit No. 4, which will be processed by staff).
- ☐ A copy of a recent (within 90 days) deed or title insurance policy showing the names of the owners, or, an older deed or titles with a Nothing Further Certificate.
- ☐ For unplatted property, a signed, sealed and dated metes and bounds description and a diagram of the property showing the location of the abandonment.
- ☐ For platted property, a copy of the plat showing the lot, block, subdivision, and recording information.
- ☐ Corporate or partnership owners must furnish a copy of a corporate resolution or other proof of authority to sign on behalf of the corporation, partnership, or joint venture.

### APPLICATION

ADDRESS: 141 W. Renfro Street, Burleson Tx 76028

LEGAL DESCRIPTION: Lots 1R, - 6R, Lot 7R2, L0t 9R2, , Block 13, Original Town of Burleson

### APPLICANT (Primary Contact for the Project):

Name: BTX Old Town, LLC email: justin@radev.biz

Street Address: 236 E Ellison Street

City: Burleson State: Texas Zip Code: 76028

Phone Number: 817-880-1220 Fax Number: \_\_\_\_\_

### PROPERTY OWNER'S INFORMATION (If different from above):

Name: City of Burleson, Texas email: \_\_\_\_\_

Street Address: 141 W. Renfro Street

City: Burleson State: Texas Zip Code: 76028

Phone Number: 817-426-9600 Fax Number: \_\_\_\_\_

*The applicant has prepared this application and certifies that the facts stated hereing and exhibits attached hereto are true and correct.*

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Date

Abandonment Location: 141 W. Renfro Street

**APPLICATION FOR  
THE ABANDONMENT OF A  
PUBLIC RIGHT-OF-WAY/EASEMENT**

Date: January 3, 2023

Location of Right-of-way/Easement to be Abandoned:

Approximate 20 foot alley (public right-of-way) of Block 13, Original Town Of Burleson

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Property Owner's Name and Address: City of Burleson, 141 W. Renfro Street, Burleson Tx

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Property Owner's Phone Number: \_\_\_\_\_

Property Owner's email: \_\_\_\_\_

**TO THE MAYOR AND CITY COUNCIL OF THE CITY OF BURLESON:**

The undersigned hereby makes application for the abandonment of that portion of the above right-of-way particularly described in Exhibit No. 1, attached. In support of this application, the undersigned represents and warrants the following:

1. The undersigned will hold the City of Burleson harmless, and indemnify it against all suits, costs, expenses, and damages that may arise or grow out of such abandonment.
2. Attached, marked Exhibit No. 1, are two sealed metes and bounds descriptions (dividing the area in half) of the area sought to be abandoned, prepared by a Registered Public Surveyor.
3. Attached, marked Exhibit No. 2, are two copies of a plat or detailed sketch of that portion of the public right-of-way/easement sought to be abandoned and the surrounding area to the nearest streets in all directions, showing the abutting lots and block, and the subdivision in which the above described right-of-way/easement is situated, together with the record owners of such lots.
4. Attached, marked Exhibit No. 3, is the consent of all public utilities to the abandonment.
5. Attached, marked Exhibit No. 4, is the consent of City of Burleson staff.
6. Attached, marked Exhibit No. 5, is the consent of all the abutting property owners, except the following: (if none, so state)

Attached

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Abandonment Location: 141 W. Renfro Street

7. Such public right-of-way/easement should be abandoned because:  
The alley would serve no public purpose with the re-development of the block.  
\_\_\_\_\_

8. Such public right-of-way/easement has been and is being used as follows:  
The alley has been used for access to one property. This access will be maintained through a public access easement. A public utility easement will also be retained for the existing utilities within the alley.  
\_\_\_\_\_

I swear that all of the information contained in this application is true and correct to the best of my knowledge and belief.

Owner's Signature:

Date:

STATE OF TEXAS

ACKNOWLEDGEMENT

COUNTY OF JOHNSON

Subscribed and sworn to me, a Notary Public, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
by \_\_\_\_\_.

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

## EXHIBIT NO. 1

Attached is a sealed copy of the metes and bounds description of the public right-of-way or easement situated in Original Town of Burleson Addition/Subdivision/Survey to the City of Burleson, Johnson County, Texas, sought to be abandoned.

See Next Page for description



## LEGAL DESCRIPTION

A TRACT OF LAND SITUATED IN THE J.W. HENDERSON SURVEY, ABSTRACT NO. 376, JOHNSON COUNTY, TEXAS, BEING ALL OF THAT 20' ALLEY IN BLOCK 13, ORIGINAL TOWN OF BURLESON, ACCORDING TO THAT PLAT RECORDED IN VOLUME 59, PAGE 638, DEED RECORDS, JOHNSON COUNTY, TEXAS (D.R.J.C.T.), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

BEGINNING AT A 1/2" IRON ROD FOUND WITH A CAP STAMPED "RPLS 5544" AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF SAID 20' ALLEY AND THE EASTERLY RIGHT-OF-WAY LINE OF SOUTH WARREN STREET (80' R-O-W), SAID IRON ALSO BEING THE SOUTHWEST CORNER OF LOT 8R2, BLOCK 13, ORIGINAL TOWN OF BURLESON, ACCORDING TO THAT PLAT RECORDED IN INSTRUMENT NO. 2021-135, P.R.J.C.T.;

THENCE N 84°09'51" E ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 250.00 FEET TO A 1/2" IRON ROD FOUND WITH A CAP STAMPED "RPLS 5544" AT THE INTERSECTION OF SAID NORTHERLY RIGHT-OF-WAY LINE AND THE WESTERLY RIGHT-OF-WAY LINE OF SOUTH WILSON STREET (80' R-O-W), SAID IRON ALSO BEING THE SOUTHEAST CORNER OF LOT 1R, BLOCK 13, ORIGINAL TOWN OF BURLESON, ACCORDING TO THAT PLAT RECORDED IN INSTRUMENT NO. 2021-135, P.R.J.C.T.;

THENCE S 05°50'09" E, A DISTANCE OF 20.00 FEET TO A 1/2" IRON ROD SET WITH A CAP STAMPED "RPLS 5544" AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID 20' ALLEY AND SAID WESTERLY RIGHT-OF-WAY LINE OF SOUTH WILSON STREET (80' R-O-W), SAID IRON ALSO BEING THE NORTHEAST CORNER OF A TRACT OF LAND CONVEYED TO JAMES SCHETTLER AND SHARON SCHETTLER IN THAT DEED RECORDED IN VOLUME 3224, PAGE 657, D.R.J.C.T.;

THENCE S 84°09'51" W ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE 250.00 FEET TO A 5/8" IRON ROD FOUND AT THE INTERSECTION OF SAID SOUTHERLY RIGHT-OF-WAY LINE AND SAID EASTERLY RIGHT-OF-WAY LINE OF SOUTH WARREN STREET (80' R-O-W), SAID IRON ALSO BEING THE NORTHWEST CORNER OF A TRACT OF LAND CONVEYED TO THE CITY OF BURLESON IN THAT DEED RECORDED IN INSTRUMENT NO. 2016-7506, D.R.J.C.T.;

THENCE N 05°50'09" W, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 5000 SQUARE FEET OF LAND, MORE OR LESS.

## SURVEYOR'S CERTIFICATE:

PREPARED BY ME OR UNDER MY DIRECTION.



  
MATT POWELL

REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS REGISTRATION NO. 5544

DATED: 06/13/22



EXHIBIT "A"

SHT. NO.  
2 OF 2

DATE: 06-13-22

DRAWN: R.G.F.

CHECKED: M.P.

DFW JOB No. 2016116-07

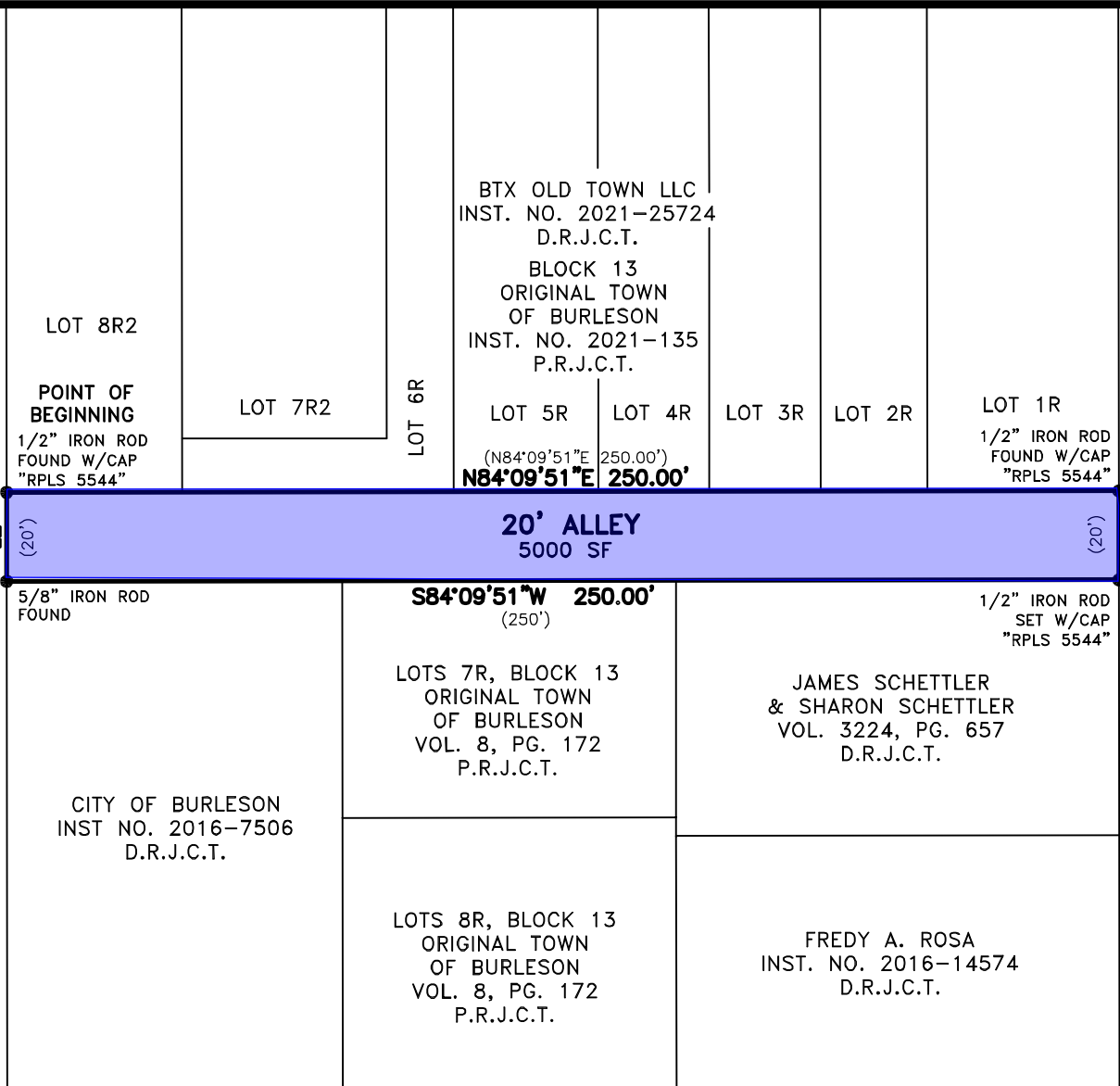
## **EXHIBIT NO. 2**

Attached is a copy of a plat or detailed sketch of the public right-of-way/easement sought to be abandoned in the above-mentioned application, showing the surrounding area to the nearest streets in all directions, abutting lots, the block or blocks in which the portion of the public right-of-way/easement sought to be vacated is situated, and the addition or subdivision in which the portion of the public right-of-way/easement sought to be abandoned is situated. Also, the names of record owners of the abutting lots are shown.

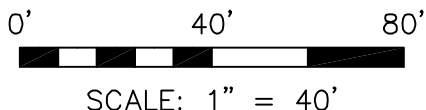
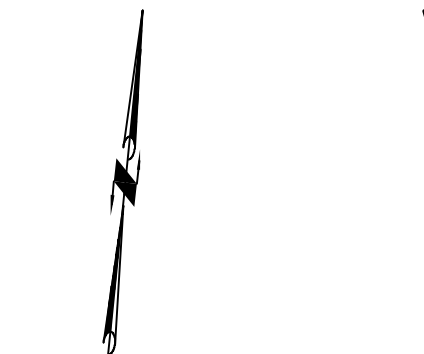
See Next Page for description

S. WARREN STREET  
(80' R-O-W)

S. WILSON STREET  
(80' R-O-W)



W. BUFFORD STREET  
(80' R-O-W)



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S05°50'09"E	20.00'
L2	N05°50'09"W	20.00'

**NOTES:**

1. THIS EXHIBIT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT AND IS SUBJECT TO ALL EASEMENTS, RIGHTS-OF-WAY AND OTHER MATTERS OF RECORD THAT MAY AFFECT THE SUBJECT PROPERTY.

**LEGEND:**

- — 1/2" IRON ROD SET W/CAP STAMPED "RPLS 5544" UNLESS OTHERWISE NOTED.

**BASIS OF BEARINGS:**

BASIS OF BEARINGS ARE BASED ON NORTH AMERICAN DATUM OF 1983, TEXAS NORTH CENTRAL ZONE, DERIVED FROM GPS OBSERVATIONS.

AN EXHIBIT SHOWING A  
**20' ALLEY**  
**RIGHT-OF-WAY ABANDONMENT**  
**CITY OF BURLESON, JOHNSON COUNTY, TEXAS**



**EXHIBIT "A"**

SHT. NO.  
1 OF 2

DATE: 06-13-22

DRAWN: R.G.F.

CHECKED: M.P.

DFW JOB No. 2016116-07

**EXHIBIT NO. 3**  
**ROW ANDONMENT**  
**UTILITY COMPANY SIGN OFF SHEET**

The undersigned public utility companies, using or entitled to use under the terms and provisions of agreements with the City of Burleson, that portion of the public alley sought to be abandoned, in Block 12 of the Original Town of Burleson Addition to the City of Burleson, Johnson County, Texas.

**ONCOR ELECTRIC DELIVERY**

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

**AT&T**

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

**CHARTER CABLE**

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

**BETHESDA WATER SUPPLY CORP.**

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

**JOHNSON COUNTY SPECIAL  
UTILITY DISTRICT**

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

**PATHWAY COMMUNICATIONS**

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

**UNITED COOPERATIVE SERVICES**

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

**ATMOS ENERGY**

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

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

NOTE: ONLY UTILITY COMPANIES THAT PROVIDE SERVICE IN THE AREA REQUESTED FOR USE MUST COMPLETE THIS EXHIBIT.

#### **EXHIBIT NO. 4**

The undersigned, City staff of the City of Burleson, certify that they have carefully considered the Application for Abandonment of the public right-of-way/easement referred to above from the standpoint of the City of Burleson ordinances and with respect to present and future needs of the City of Burleson and see no objection to the requested abandonment from the City's standpoint.

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Assistant Director of Public Works/Utilities  
City of Burleson

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Assistant Director of Public Works/Streets and Solid Waste  
City of Burleson

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Assistant Director of Public Works- City Engineer  
City of Burleson

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Director of Development Services  
City of Burleson

---

Fire Marshal  
City of Burleson

---

Building Official  
City of Burleson

**EXHIBIT NO. 5**

The undersigned owners of property abutting upon that portion of the public right-of-way/easement named and described in the Application for Abandonment of a Public Right-of-Way/Easement referred to above, do hereby consent to such abandonment.

Name: Please see attached letter in support from adjacent property owner, Gary and Linda Haas

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Signature: \_\_\_\_\_

STATE OF TEXAS

COUNTY OF \_\_\_\_\_

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein.

WITNESS MY HAND AND SEAL OF OFFICE THIS THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

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

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Signature: \_\_\_\_\_

STATE OF TEXAS

COUNTY OF \_\_\_\_\_

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein.

WITNESS MY HAND AND SEAL OF OFFICE THIS THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

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

*Attach as many copies of this sheet as necessary.*

Abandonment Location: 141 W. Renfro Street

May 18, 2023

Eric Oscarson, Director of Public Works  
City of Burleson, Texas  
141 W. Renfro St.  
Burleson, TX 76028

RE: Support Letter – Alley Dedication between Warren St. and Wilson St.

Dear Mr. Oscarson:

Our family owns property located at 132 W. Bufford St. We are offering this letter as support for the City's actions to abandon the alley adjacent to our property.

It is our understanding that the City now desires to abandon the public right-of-way located between Warren St. and Wilson St. We also understand that we are allowed the opportunity to acquire our fair portion of the right-of-way as additional property. The other property owner in the area, BTX Old Town LLC, has pledged to provide ongoing access to our property through a shared use agreement. As a result, we do not desire to acquire any portion of the right-of-way and would support BTX in its acquisition of this property.

Our expectations of BTX include:

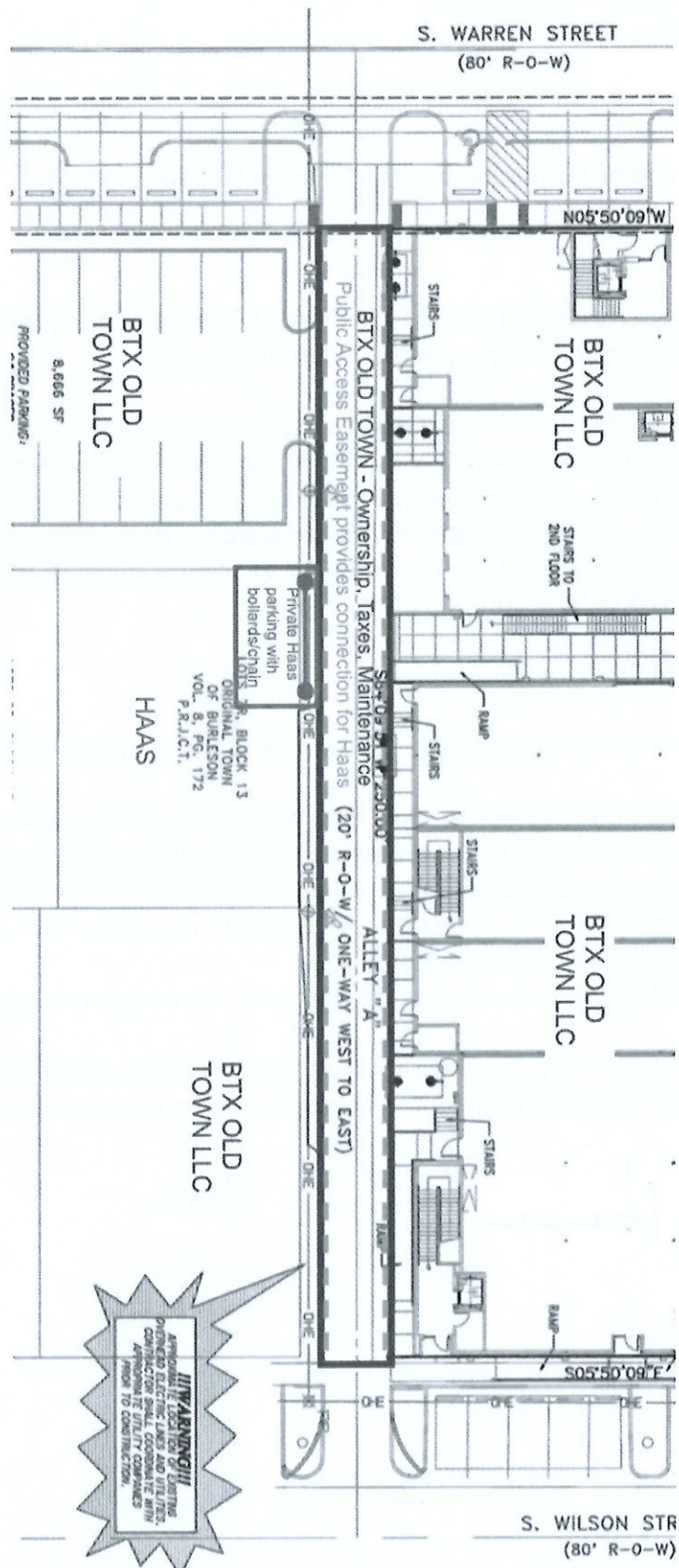
1. They will take on all responsibilities of ownership and maintenance for the abandoned property.
2. They will replat the property to show this change in ownership at no cost to us.
3. They will preserve access to our property through a platted public access easement as well as a private use agreement that will be filed of record with our property.
4. They will pave and create a concrete access area to our property as a part of their construction project north of our property.
5. They will abide by any other terms established in the private use agreement.

If further evidence of our desire for the alley abandonment are required, please let us know as soon as possible. Our contact information is below if we need to be reached.

Signed,

Handwritten signature in blue ink, appearing to read "Barry Hays Linda Hays".

# **PROPERTY DESCRIPTION**





## LEGAL DESCRIPTION

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## SURVEYOR'S CERTIFICATE:

PREPARED BY ME OR UNDER MY DIRECTION.



*Matt Powell*  
MATT POWELL

REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS REGISTRATION NO. 5544

DATED: 06/13/22



DATE: 06-13-22

DRAWN: R.G.F.

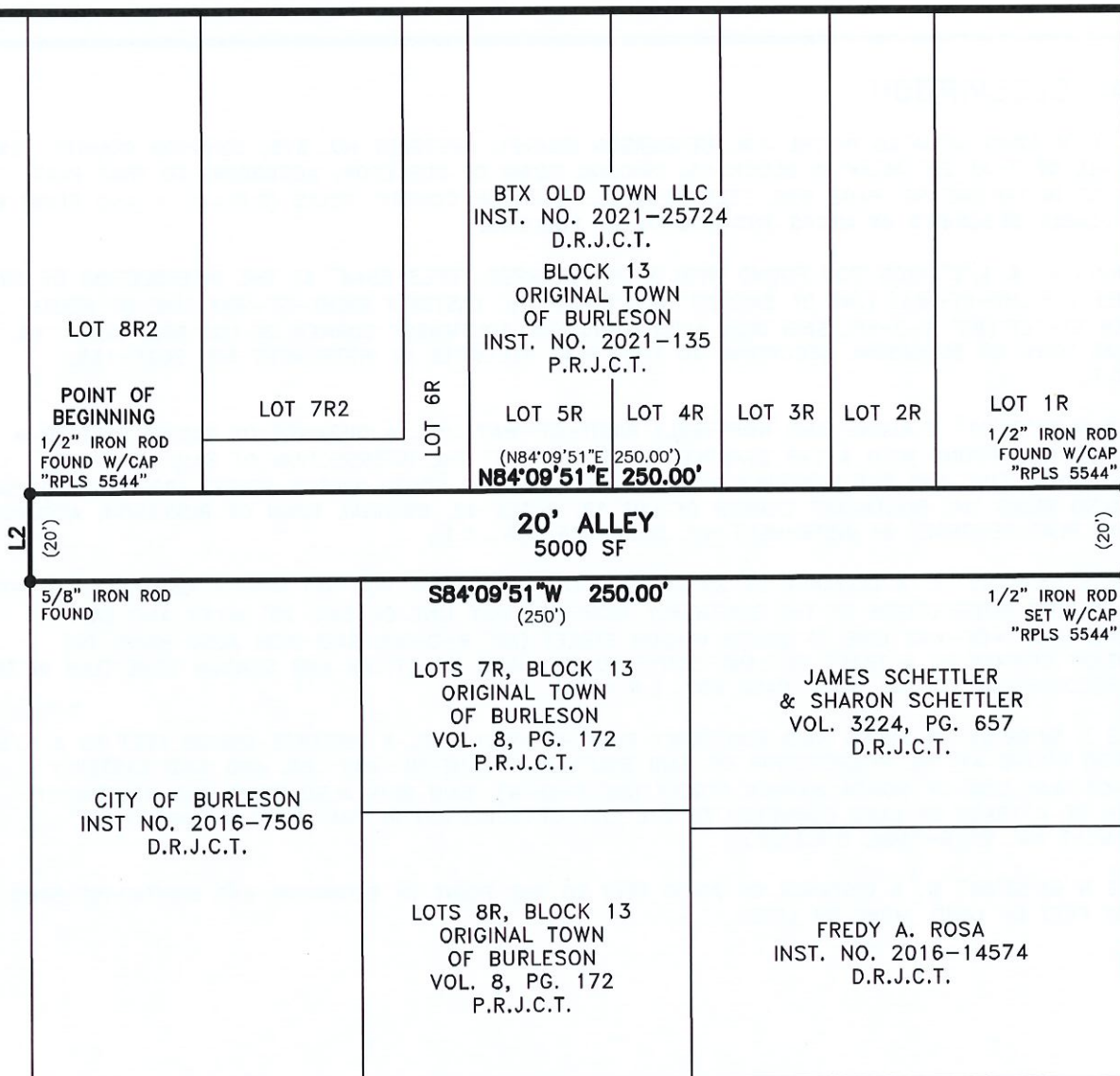
CHECKED: M.P.

DFW JOB No. 2016116-07

EXHIBIT "A"

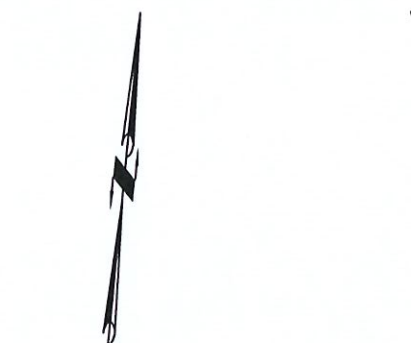
SHT. NO.  
2 OF 2

S. WARREN STREET  
(80' R-O-W)



S. WILSON STREET  
(80' R-O-W)

W. BUFFORD STREET  
(80' R-O-W)



0' 40' 80'

SCALE: 1" = 40'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S05°50'09"E	20.00'
L2	N05°50'09"W	20.00'

**NOTES:**

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**LEGEND:**

- — 1/2" IRON ROD SET W/CAP STAMPED "RPLS 5544" UNLESS OTHERWISE NOTED.

AN EXHIBIT SHOWING A  
**20' ALLEY**  
**RIGHT-OF-WAY ABANDONMENT**  
CITY OF BURLESON, JOHNSON COUNTY, TEXAS

**BASIS OF BEARINGS:**

BASIS OF BEARINGS ARE BASED ON NORTH AMERICAN DATUM OF 1983, TEXAS NORTH CENTRAL ZONE, DERIVED FROM GPS OBSERVATIONS.



**EXHIBIT "A"**

SHT. NO.  
1 OF 2

DATE: 06-13-22

DRAWN: R.G.F.

CHECKED: M.P.

DFW JOB No. 2016116-07

Type of Request (Please check the appropriate box to indicate the type of development request):

<input type="checkbox"/> Final Plat (\$500 + \$10/lot Residential) ( \$500 + \$15/acre Non-Residential)	<input type="checkbox"/> Zoning Change/SUP <input type="checkbox"/> (\$700) less than 3 acres
<input type="checkbox"/> Replat (\$500 + \$10/lot)	<input type="checkbox"/> (\$900) 3.1 - 10 acres <input type="checkbox"/> (\$1,400) 11 - 29 acres
<input type="checkbox"/> Preliminary Plat (\$850 + \$15/lot Residential) ( \$500 + \$20/acre Non-Residential)	<input type="checkbox"/> (\$1,600) + \$15 acre over 30 (max \$2,800) 30+ acres
<input type="checkbox"/> Minor Plat (\$400)	<input type="checkbox"/> Zoning Variance Request (\$250)
<input type="checkbox"/> Amending Plat (\$350)	<input type="checkbox"/> Planned Development (\$1,000 + \$20 per acre)
<input type="checkbox"/> Vacating Plat (\$300)	<input checked="" type="checkbox"/> Commercial Site Plan (\$500)
<input type="checkbox"/> Waiver Request (\$250)	<input type="checkbox"/> Commercial Site Plan Amendment (\$250)
Specify Type: <input type="checkbox"/> Masonry Ordinance Waiver Request <input type="checkbox"/> Subdivision Ordinance Waiver Request <input type="checkbox"/> Other (Example: fence, landscape, etc.)	<input type="checkbox"/> Annexation/Disannexation Requests (\$500)
	<input type="checkbox"/> Sign Variance (\$250)
	<input type="checkbox"/> Shopping Center Sign Plan (\$250)
	<b>Engineering Fees:</b> <input type="checkbox"/> TIA/Traffic Analysis (\$1,250) <input type="checkbox"/> Floor Study (\$1 per foot studied with \$2,000 minimum)

**Purpose of Request** (REQUIRED OR APPLICATION WILL NOT BE PROCESSED)

**Commercial Site Plan - Ellison on the Plaza**

**Site Information**

Address:	<b>135 W. Ellison St.</b>
Description:	<b>Block 13, Original Town of Burleson</b>
Zip Code:	<b>76028</b>
Adjoining Streets and/or Nearest Intersection:	<b>S. Warren &amp; S. Wilson</b>

**Plat and Subdivision Information**

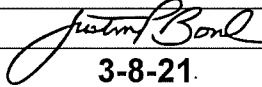
Proposed/Existing Subdivision Name:	<b>Original Town of Burleson</b>
Number of Lots:	<b>8</b>
Number of Open Space Lots:	<b>1 Common Area</b>
Total Acreage:	<b>28,750 sqft</b> _____ Acres

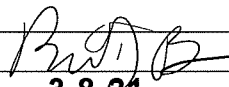
**Commercial Site Plan/Zoning/SUP Applications**

Current Zoning:	<b>CC</b>
Proposed Zoning:	<b>CC</b>
Proposed Use: (Required or application may not be processed)	<b>Restaurant, Retail, Office</b>



I hereby certify that this application is in conformance with the requirements of the City's Subdivision Ordinance, as amended and other ordinances, maps, and codes of the City of Burleson that pertain to this submittal. I further certify that all required documents listed on this application have been provided and if the application is deemed incomplete, understand the case may be forwarded to the next submittal date. I understand that it is my responsibility to have the Applicant, Owner or other authorized agent present at the Planning and Zoning Commission and City Council meetings. Should an authorized person not be at the meeting to represent the application, I understand that the Commission or Council may continue this item to a future date to allow for questions regarding the case. I further understand that this request will be placed on the appropriate Planning & Zoning Commission and City Council agendas or other appropriate boards in accordance with the City's current ordinances.

<b>Signature of Applicant or Authorized Agent:</b>	
Date:	<b>3-8-21</b>
Print name:	<b>Justin Bond</b>

<b>Signature of Owner:</b>	
Date:	<b>3-8-21</b>
Print name:	<b>Rocky Bransom</b>

**Information of Parties Involved (Please indicate the PRIMARY CONTACT)**

<b><i>Applicant/Authorized Agent</i></b>	<b><i>Owner</i></b>
Contact Name: <b>Justin Bond</b>	Contact Name:
Company: <b>BTX Old Town, LLC</b>	Company: <b>BTX Old Town, LLC</b>
Address: <b>236 E. Ellison St.</b>	Address: <b>236 E. Ellison St.</b>
Street:	Street:
City/State/Zip: <b>Burleson TX 76028</b>	City/State/Zip: <b>Burleson TX 76028</b>
Telephone: <b>817-880-1220</b>	Telephone: <b>817-480-4445</b>
Email: <b>justin@radev.biz</b>	Email: <b>rwb@radev.biz</b>
Primary Contact: <input checked="" type="checkbox"/> Yes or <input type="checkbox"/> No	Primary Contact: <input type="checkbox"/> Yes or <input type="checkbox"/> No

**\*NOTE:** If no authorized representative/agent is listed, all correspondence will be sent directly to property owner, and the property owner will be responsible for coordinating requested information/documentation accordingly. *Staff strongly recommends the property owner to list the Surveyor, Architect, Engineer, or coordinating agent as the authorized agent.*

**Required documents needed for plat filing:**

1. Tax Certificate (showing no delinquent taxes due)
2. Three (3) mylars/**blackline** copies
3. Filing fee as shown below:

<b>Johnson County</b>
\$50/first sheet (Small – 18" x 24") + \$25/each additional sheet
\$80/first sheet (Large – 24" x 36") + \$25/each additional sheet
<ul style="list-style-type: none"> <li>• All copies MUST have original signatures and seals.</li> <li>• Mylars will not be accepted if anything has been erased or if original ink is on the mylars</li> </ul>

Exhibit "B"  
Property Description

**A TRACT OF LAND SITUATED IN THE J.W. HENDERSON SURVEY, ABSTRACT NO. 376, JOHNSON COUNTY, TEXAS, BEING ALL OF THAT 20' ALLEY IN BLOCK 13, ORIGINAL TOWN OF BURLESON, ACCORDING TO THAT PLAT RECORDED IN VOLUME 59, PAGE 638, DEED RECORDS, JOHNSON COUNTY, TEXAS (D.R.J.C.T.), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**BEGINNING AT A 1/2" IRON ROD FOUND WITH A CAP STAMPED "RPLS 5544" AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF SAID 20' ALLEY AND THE EASTERLY RIGHT-OF-WAY LINE OF SOUTH WARREN STREET (80' R-0-W), SAID IRON ALSO BEING THE SOUTHWEST CORNER OF LOT 8R2, BLOCK 13, ORIGINAL TOWN OF BURLESON, ACCORDING TO THAT PLAT RECORDED IN INSTRUMENT NO. 2021-135, P.R.J.C.T.;**

**THENCE N 84°09'51" E ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 250.00 FEET TO A 1/2" IRON ROD FOUND WITH A CAP STAMPED "RPLS 5544" AT THE INTERSECTION OF SAID NORTHERLY RIGHT-OF-WAY LINE AND THE WESTERLY RIGHT-OF-WAY LINE OF SOUTH WILSON STREET (80' R-0-W), SAID IRON ALSO BEING THE SOUTHEAST CORNER OF LOT 1 R, BLOCK 13, ORIGINAL TOWN OF BURLESON, ACCORDING TO THAT PLAT RECORDED IN INSTRUMENT NO. 2021-135, P.R.J.C.T.;**

**THENCE S 05°50'09" E, A DISTANCE OF 20.00 FEET TO A 1/2" IRON ROD SET WITH A CAP STAMPED "RPLS 5544" AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID 20' ALLEY AND SAID WESTERLY RIGHT-OF-WAY LINE OF SOUTH WILSON STREET (80' R-0-W), SAID IRON ALSO BEING THE NORTHEAST CORNER OF A TRACT OF LAND CONVEYED TO JAMES SCHETTLER AND SHARON SCHETTLER IN THAT DEED RECORDED IN VOLUME 3224, PAGE 657, D.R.J.C.T.;**

**THENCE S 84°09'51" W ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE 250.00 FEET TO A 5/8" IRON ROD FOUND AT THE INTERSECTION OF SAID SOUTHERLY RIGHT-OF-WAY LINE AND SAID EASTERLY RIGHT-OF-WAY LINE OF SOUTH WARREN STREET (80' R-0-W), SAID IRON ALSO BEING THE NORTHWEST CORNER OF A TRACT OF LAND CONVEYED TO THE CITY OF BURLESON IN THAT DEED RECORDED IN INSTRUMENT NO. 2016-7506, D.R.J.C.T.;**

**THENCE N 05°50'09" W, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 5,000 SQUARE FEET OF LAND, MORE OR LESS.**

**SAVE AND EXCEPT THAT PORTION OF THE ALLEY IN BLOCK 13 OF THE ORIGINAL PLAT OF THE CITY OF BURLESON, (BETWEEN SOUTH WARREN AND SOUTH WILSON STREETS) IN THE CITY OF BURLESON, TEXAS, DESCRIBED AS FOLLOWS:**

**BEGINNING AT THE SOUTHEAST CORNER OF LOT 1, BLOCK 13, ORIGINAL TOWN OF BURLESON, JOHNSON COUNTY, TEXAS;**

**THENCE S 05° 11' E, 4 FEET;**

**THENCE S 84° 49' W, PARALLEL TO THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 21 FEET;**

**THENCE N 5° 11' W, 4 FEET TO THE SOUTH LINE OF SAID LOT 1;**

**THENCE N 84° 49' E, WITH THE SOUTH LINE OF LOT 1 A DISTANCE OF 21 FEET TO THE POINT OF BEGINNING.**

Exhibit "C"  
Letter

May 18, 2023

Eric Oscarson, Director of Public Works  
City of Burleson, Texas  
141 W. Renfro St.  
Burleson, TX 76028

RE: Support Letter – Alley Dedication between Warren St. and Wilson St.

Dear Mr. Oscarson:

Our family owns property located at 132 W. Bufford St. We are offering this letter as support for the City's actions to abandon the alley adjacent to our property.

It is our understanding that the City now desires to abandon the public right-of-way located between Warren St. and Wilson St. We also understand that we are allowed the opportunity to acquire our fair portion of the right-of-way as additional property. The other property owner in the area, BTX Old Town LLC, has pledged to provide ongoing access to our property through a shared use agreement. As a result, we do not desire to acquire any portion of the right-of-way and would support BTX in its acquisition of this property.

Our expectations of BTX include:

1. They will take on all responsibilities of ownership and maintenance for the abandoned property.
2. They will replat the property to show this change in ownership at no cost to us.
3. They will preserve access to our property through a platted public access easement as well as a private use agreement that will be filed of record with our property.
4. They will pave and create a concrete access area to our property as a part of their construction project north of our property.
5. They will abide by any other terms established in the private use agreement.

If further evidence of our desire for the alley abandonment are required, please let us know as soon as possible. Our contact information is below if we need to be reached.

Signed,

A handwritten signature in blue ink, appearing to read "Barry Haas", followed by a second signature that is less legible but appears to be "Linda Haas".

Exhibit "D"  
Deed



BTX Old Town, LLC  
124 S Main St, Ste 207  
Burleson, TX 76028

[illegible]

The Grantor hereby reserves a water and public utility easement over the Property attached hereto and incorporated herein by reference ("**Utility Easement**"). Grantor, its successors, assigns, or agents, and owners of other public utilities as approved by the Grantor shall have the right and privilege to enter upon, under, over, across and along the tract or parcel covered by the Utility Easement, and all premises adjacent to the outside boundaries of said Utility Easement, to the extent necessary and at any time that Grantor or approved public utility providers deem proper for the purpose of exercising their rights and privileges for the purpose of constructing, reconstructing, operating, maintaining and repairing publicly owned utilities within said Utility Easement; and for the purpose of ingress and egress to and from said Utility Easement. Maintenance of the Utility Easement shall be at the sole expense of Grantee. Grantee expressly acknowledges that Grantor shall not bear any responsibility or liability for the maintenance or repair of the Utility Easement.

The Grantor hereby reserves a public access easement over the Property attached hereto and incorporated herein by reference ("**Public Access Easement**"). Grantor, its successors, assigns, or agents shall have the right and privilege to enter upon, under, over, across and along the tract or parcel covered by the Public Access Easement for providing free and uninterrupted pedestrian and vehicular ingress and egress along the Public Access Easement as if the Public Access Easement were a platted public alley in conformance with the City of Burleson Code of Ordinances and for the benefit of the general public. Maintenance of the Public Access Easement shall be at the sole expense of Grantee. Grantee expressly acknowledges that Grantor shall not bear any responsibility or liability for the maintenance or repair of the Public Access Easement.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance, conveys to Grantee the Property to have and to hold it to Grantee, Grantee's heirs, successors or assigns forever, **WITHOUT EXPRESS OR IMPLIED WARRANTY**, and all warranties that might arise by common law and the warranties in Section 5.023 of the Texas Property Code (or its successor) are excluded.

Grantee agrees to be responsible for any ad valorem taxes with respect to the Property accruing after the date of this conveyance and Grantee assumes and agrees to pay the same and to indemnify and hold Grantor harmless with respect thereto. Any and all ad valorem taxes with respect to the Property assessed for periods prior to the date hereof shall be the sole responsibility of Grantor, including any rollback taxes due to a change in use of the Property, and Grantor assumes and agrees to pay the same and to indemnify and hold harmless Grantee and Grantee's assigns with respect thereto.

*[Signatures appear on the following page.]*

EXECUTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

GRANTOR:  
CITY OF BURLESON

ATTEST:

BY: \_\_\_\_\_  
Tommy Ludwig, City Manager

\_\_\_\_\_  
Amanda Campos, City Secretary

STATE OF TEXAS                   §  
   §  
COUNTY OF JOHNSON         §

**ACKNOWLEDGMENT**

BEFORE ME, the undersigned authority, on this date personally Tommy Ludwig, City Manager of the City of Burleson, a Texas home-rule municipal corporation, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed, as the act and deed of said municipality, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Notary Public, State of Texas

### **Grantee's Acceptance of Deed**

BTX Old Town, LLC, a Texas limited liability corporation, Grantee, accepts the attached deed and consents to its form and substance. Grantee acknowledges that the terms of the deed conform with Grantee's intent and agrees to the obligations imposed on Grantee by the terms of the deed.

BTX Old Town, LLC

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

**STATE OF TEXAS**

§

#### **ACKNOWLEDGMENT**

**COUNTY OF JOHNSON**

§

§

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2023 by the signatory set forth in the Grantee signature block above and the same was executed by the signatory on behalf of BTX Old Town, LLC, a Texas limited liability company.

\_\_\_\_\_  
Notary Public, State of Texas

**Exhibit 1**  
**Legal Description**

**A TRACT OF LAND SITUATED IN THE J.W. HENDERSON SURVEY, ABSTRACT NO. 376, JOHNSON COUNTY, TEXAS, BEING ALL OF THAT 20' ALLEY IN BLOCK 13, ORIGINAL TOWN OF BURLESON, ACCORDING TO THAT PLAT RECORDED IN VOLUME 59, PAGE 638, DEED RECORDS, JOHNSON COUNTY, TEXAS (D.R.J.C.T.), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

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