



CITY OF BURNET

PLANNING AND ZONING

ITEM BRIEF

Meeting Date

March 3, 2025

Agenda Item

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

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

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

Information

The proposed Final Plat of The Ranch at Delaware Creek, Phase 2 Subdivision (Exhibit A) is a residential subdivision on approximately 13 acres. The proposed subdivision will create 27 residential lots, which are zoned District R-1, with two drainage and detention tracts.

One new cul-de-sac road has been created for the subdivision, to be named Austerra Way, and Yellow Ribbon Trail has been extended to intersect Ramsey’s Way Blvd.

The preliminary plat was approved by P&Z and City Council in February 2022 with resolution R2021-16. Construction plans for the subdivision were approved by city staff and engineer in July of 2023.

The subdivision infrastructure improvements required have been installed, inspected, and are satisfactorily completed. All documentation for preliminary acceptance of the subdivision has been received, including record drawings, certified test results, and electronic files of the improvements.

Pursuant to Chapter 98 the Developer shall warranty the infrastructure for a period of one year. The Developer proposes to assure this warranty by submitting a bond (Exhibit B),

from Western Surety Company, in an amount equal to 10% of the costs of the infrastructure as certified by the Project Engineer and approved by the City Engineer.

Staff Analysis

The Final Plat of The Ranch at Delaware Creek, Phase 2 Subdivision has been reviewed using Code of Ordinances Section 98-24 (Final Plats) as a guide. It has been found to comply with ordinance requirements relating to form and content.

This resolution authorizes the preliminary acceptance of the infrastructure and approves the maintenance bond as the means to assure the Developer's warranty shall be honored. The resolution further:

1. requires the City Engineer to inspect the infrastructure before the end of the one-year warranty period; and
2. authorizes the City Engineer to issue a letter of acknowledgement of final acceptance of the improvements if the final inspection finds such improvements free of defect or failure; and
3. requires the Developer to cure any discovered defect or failure, and
4. authorizes the City to use the maintenance bond to cure such defect or failure should the Developer fail to do so; and
5. extend the warranty period for any defect or failure for an additional year after the defect or failure is discovered.

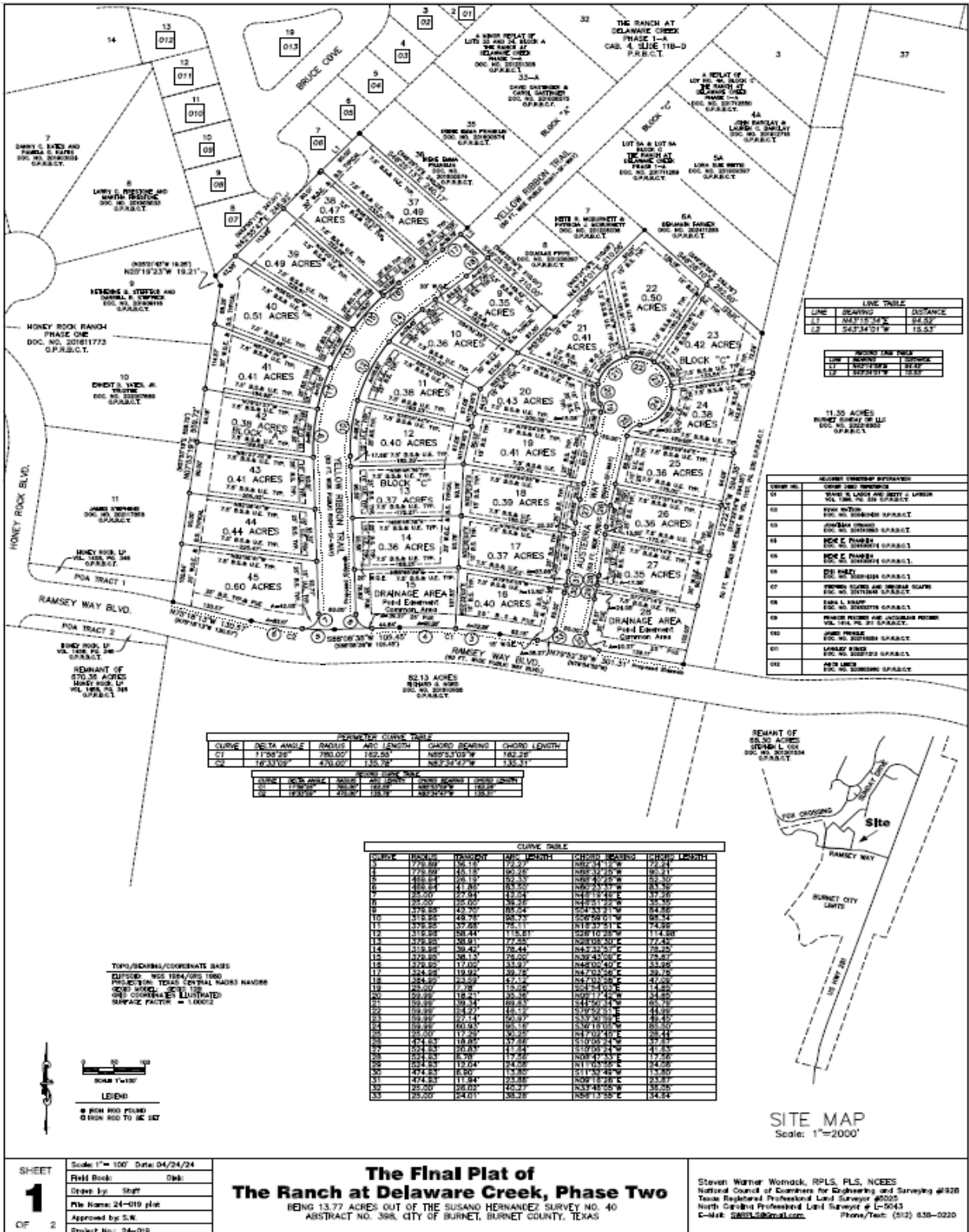
Fiscal Impact

N/A

Recommendation

Staff recommends approval of the Final Plat and preliminary acceptance of The Ranch at Delaware Creek, Phase 2 Subdivision and approval of Resolution R2025-13 as presented.

Exhibit "A" - Final Plat



LINE TABLE		
LINE	BEARING	DISTANCE
11	S47°15'21" W	34.52
12	S47°34'21" W	15.57

ADJUSTED TIES		
LINE	BEARING	DISTANCE
11	S47°15'21" W	34.52
12	S47°34'21" W	15.57

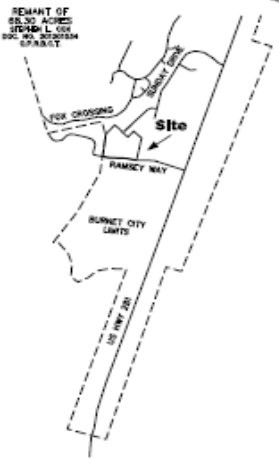
11.30 ACRES
REMANENT OF L.L.
DOC. NO. 2022807

RECORD CROSS-REFERENCED	
BOOK NO.	PAGE NO.
01	2011
02	2012
03	2013
04	2014
05	2015
06	2016
07	2017
08	2018
09	2019
10	2020
11	2021
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90	2100

PROPOSED CURVE TABLE					
CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	17°58'26"	280.00'	162.55'	N89°37'09" W	162.28'
C2	17°33'59"	470.00'	335.78'	S27°32'47" W	335.31'

EXISTING CURVE TABLE					
CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	17°58'26"	280.00'	162.55'	N89°37'09" W	162.28'
C2	17°33'59"	470.00'	335.78'	S27°32'47" W	335.31'

CURVE TABLE					
CURVE	BEARING	DISTANCE	ARC LENGTH	CHORD BEARING	CHORD LENGTH
1	17°58'26"	280.00'	162.55'	N89°37'09" W	162.28'
2	17°58'26"	280.00'	162.55'	N89°37'09" W	162.28'
3	17°58'26"	280.00'	162.55'	N89°37'09" W	162.28'
4	17°58'26"	280.00'	162.55'	N89°37'09" W	162.28'
5	17°58'26"	280.00'	162.55'	N89°37'09" W	162.28'
6	17°58'26"	280.00'	162.55'	N89°37'09" W	162.28'
7	17°58'26"	280.00'	162.55'	N89°37'09" W	162.28'
8	17°58'26"	280.00'	162.55'	N89°37'09" W	162.28'
9	17°58'26"	280.00'	162.55'	N89°37'09" W	162.28'
10	17°58'26"	280.00'	162.55'	N89°37'09" W	162.28'
11	17°58'26"	280.00'	162.55'	N89°37'09" W	162.28'
12	17°58'26"	280.00'	162.55'	N89°37'09" W	162.28'
13	17°58'26"	280.00'	162.55'	N89°37'09" W	162.28'
14	17°58'26"	280.00'	162.55'	N89°37'09" W	162.28'
15	17°58'26"	280.00'	162.55'	N89°37'09" W	162.28'
16	17°58'26"	280.00'	162.55'	N89°37'09" W	162.28'
17	17°58'26"	280.00'	162.55'	N89°37'09" W	162.28'
18	17°58'26"	280.00'	162.55'	N89°37'09" W	162.28'
19	17°58'26"	280.00'	162.55'	N89°37'09" W	162.28'
20	17°58'26"	280.00'	162.55'	N89°37'09" W	162.28'
21	17°58'26"	280.00'	162.55'	N89°37'09" W	162.28'
22	17°58'26"	280.00'	162.55'	N89°37'09" W	162.28'
23	17°58'26"	280.00'	162.55'	N89°37'09" W	162.28'
24	17°58'26"	280.00'	162.55'	N89°37'09" W	162.28'
25	17°58'26"	280.00'	162.55'	N89°37'09" W	162.28'
26	17°58'26"	280.00'	162.55'	N89°37'09" W	162.28'
27	17°58'26"	280.00'	162.55'	N89°37'09" W	162.28'
28	17°58'26"	280.00'	162.55'	N89°37'09" W	162.28'
29	17°58'26"	280.00'	162.55'	N89°37'09" W	162.28'
30	17°58'26"	280.00'	162.55'	N89°37'09" W	162.28'
31	17°58'26"	280.00'	162.55'	N89°37'09" W	162.28'
32	17°58'26"	280.00'	162.55'	N89°37'09" W	162.28'
33	17°58'26"	280.00'	162.55'	N89°37'09" W	162.28'
34	17°58'26"	280.00'	162.55'	N89°37'09" W	162.28'



SITE MAP
Scale: 1"=2000'

SHEET 1 OF 2
Scale: 1"=100' Date: 04/24/24
Reid Book: Deb.
Drawn by: SHP
File Name: 24-019.plt
Approved by: S.W.
Project No.: 24-019

The Final Plat of The Ranch at Delaware Creek, Phase Two

BEING 13.77 ACRES OUT OF THE SUSANO HERNANDEZ SURVEY NO. 40
ABSTRACT NO. 398, CITY OF BURNET, BURNET COUNTY, TEXAS

Steven Warner Womack, RPLS, PLS, NCEES
National Council of Examiners for Engineering and Surveying #5025
Texas Registered Professional Land Surveyor #5025
North Carolina Registered Professional Land Surveyor # L-5043
E-mail: SWW@sww.com Phone/Fax: (512) 636-0220

Exhibit "B" – Maintenance Bond pg. 1

MAINTENANCE BOND

Bond Number: 67338843

KNOW ALL PERSONS BY THESE PRESENTS, That we J & L Builders, LLC of 1670 County Road 304, Bertram, TX 78605, hereinafter referred to as the Principal, and WESTERN SURETY COMPANY, as Surety, are held and firmly bound unto City of Burnet of Burnet, TX, hereinafter referred to as the Obligee, in the sum of One Hundred Fifteen Thousand Ninety Seven and 00/100 Dollars (\$115,097.00), for the payment of which we bind ourselves, our legal representatives, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the said Principal entered into a contract with the City of Burnet dated _____, for Ranches at Delaware Creed Phase 2.

WHEREAS, said contract provides that the Principal will furnish a bond conditioned to guarantee for the period of One (1) year(s) after approval of the final estimate on said job, by the owner, against all defects in workmanship and materials which may become apparent during said period, and

WHEREAS, the said contract has been completed, and was approved on February 5th, 2025

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH that, if the Principal shall indemnify the Obligee for all loss that the Obligee may sustain by reason of any defective materials or workmanship which become apparent during the period of One (1) year(s) from and after February 5th, 2025 then this obligation shall be void, otherwise to remain in full force and effect.

SIGNED, SEALED AND DATED this 5th day of February, 2025.

J & L Builders, LLC
(Principal)

By _____ (Seal)

WESTERN SURETY COMPANY
(Surety)

By _____ (Seal)
Arlene Kay Kuske, Attorney-in-Fact

Exhibit "B" - Maintenance Bond pg. 2

Western Surety Company

POWER OF ATTORNEY - CERTIFIED COPY

Bond No. 67338843

Know All Men By These Presents, that WESTERN SURETY COMPANY, a corporation duly organized and existing under the laws of the State of South Dakota, and having its principal office in Sioux Falls, South Dakota (the "Company"), does by these presents make, constitute and appoint Arlene Kay Kuske

its true and lawful attorney(s)-in-fact, with full power and authority hereby conferred, to execute, acknowledge and deliver for and on its behalf as Surety, bonds for:

Principal: J & L Builders, LLC

Obligee: City of Burnet

Amount: \$1,000,000.00

and to bind the Company thereby as fully and to the same extent as if such bonds were signed by the Vice President, sealed with the corporate seal of the Company and duly attested by its Secretary, hereby ratifying and confirming all that the said attorney(s)-in-fact may do within the above stated limitations. Said appointment is made under and by authority of the following bylaw of Western Surety Company which remains in full force and effect.

"Section 7. All bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile."

This Power of Attorney may be signed by digital signature and sealed by a digital or otherwise electronic-formatted corporate seal under and by the authority of the following Resolution adopted by the Board of Directors of the Company by unanimous written consent dated the 27th day of April, 2022:

"RESOLVED: That it is in the best interest of the Company to periodically ratify and confirm any corporate documents signed by digital signatures and to ratify and confirm the use of a digital or otherwise electronic-formatted corporate seal, each to be considered the act and deed of the Company."

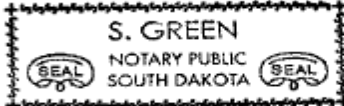
If Bond No. 67338843 is not issued on or before midnight of March 5th, 2025, all authority conferred in this Power of Attorney shall expire and terminate.

In Witness Whereof Western Surety Company has caused these presents to be signed by its Vice President, Larry Kasten, and its corporate seal to be affixed this 5th day of February, 2025.



WESTERN SURETY COMPANY
Larry Kasten
Larry Kasten, Vice President

On this 5th day of February, in the year 2025, before me, a notary public, personally appeared Larry Kasten, who being to me duly sworn, acknowledged that he signed the above Power of Attorney as the aforesaid officer of WESTERN SURETY COMPANY and acknowledged said instrument to be the voluntary act and deed of said corporation.



S. Green
Notary Public - South Dakota
My Commission Expires February 12, 2027

I, the undersigned officer of Western Surety Company, a stock corporation of the State of South Dakota, do hereby certify that the attached Power of Attorney is in full force and effect and is irrevocable, and furthermore, that Section 7 of the bylaws of the Company as set forth in the Power of Attorney is now in force.

In testimony whereof, I have hereunto set my hand and seal of Western Surety Company this 5th day of February, 2025.

WESTERN SURETY COMPANY
Larry Kasten
Larry Kasten, Vice President

To validate bond authenticity, go to www.cnasurety.com > Owner/Obligee Services > Validate Bond Coverage.

RESOLUTION NO. R2025-13

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

WHEREAS, the City Council of the City of Burnet (City Council), Texas, has approved the Final Plat of The Ranch at Delaware Creek, Phase 2; and

WHEREAS, the City Council has determined that public street, water, wastewater, and electrical distribution improvements (Improvements) constructed within The Ranch at Delaware Creek, Phase 2 has been constructed in accordance with the construction plans approved for construction of said subdivision; and

WHEREAS, the City Council has further determined that as constructed, said plans have been found to be in compliance with applicable City design specifications; and

WHEREAS, the developer of the referenced improvements, has satisfied all applicable provisions of the City of Burnet, Code of Ordinances, Chapter 98 – Subdivisions; and

WHEREAS, the developer desires the infrastructure to be dedicated for public maintenance and use in accordance with the City’s Subdivision Ordinance; and

WHEREAS, the City Engineer conducted a preliminary inspection of the infrastructure and determined that there are no substantive defects preventing acceptance.

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

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

Section Two. Approval. The final plat of The Ranch at Delaware Creek, Phase 2, is hereby approved.

Section Two. Preliminary Acceptance of Improvements. The City Council hereby preliminarily accepts for public use and maintenance, the street improvements, public water system, and public infrastructure constructed within The Ranch at Delaware Creek, Phase 2; as shown on the plat of the subdivision to be subject to public dedication.

Section Three. Maintenance guarantee accepted. The Maintenance Bond for the warranty and maintenance of the public improvements required for The Ranch at

Delaware Creek, Phase 2 in an amount equal to ten percent of the cost of improvements verified by the city and running for a period of one calendar year measured from the date of the approval of this resolution is hereby approved subject to the conditions that follows:

- (a) Should a defect or failure of the infrastructure occur within the warranty period, the defect or failure shall be cured by the Developer;
- (b) Should the Developer fail to cure, the City may utilize the Letter of Credit to cure; and
- (c) the warranty period shall extend for an additional year after any cure of a defect or failure and the Developer shall provide fiscal security for the extended warranty period.

Section Four. Final Acceptance of Improvements. Prior to the date of expiration of the Maintenance Bond, the preliminarily accepted improvements shall be inspected by the City Engineer. Should the inspection find such improvements free of defect or failure the City Engineer may issue a letter of acknowledgement of final acceptance of the improvements. However, should a defect or failure be discovered such defect or failure shall be addressed in accordance with section three herein.

Section Five. Open Meetings. It is hereby officially found and determined that the meeting at which this resolution was passed was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

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

PASSED AND APPROVED on this the 11th day of March 2025.

CITY OF BURNET, TEXAS

Gary Wideman, Mayor

ATTEST:

Maria Gonzales, City Secretary