

**ORDINANCE 2022-20**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, ANNEXING THE PEARL RIVER DEVELOPMENT AND UPDATING THE MUNICIPAL SERVICE PLAN FOR 56.620 ACRES OF LAND OUT OF THE NANCY BLAKEY SURVEY, ABSTRACT NO. 98, LOCATED EAST OF FM 969 AND NORTH OF STATE HIGHWAY 71, AS SHOWN IN EXHIBIT A & B, 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.**

**WHEREAS**, the City of Bastrop, 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 Texas Local Government Code; and

**WHEREAS**, on or about June 13, 2022, the applicant, on behalf of the PRC 01 Bastrop, LLC, submitted a request for voluntary annexation of the property in the area described in Exhibit "A" (the "Property"), which is attached hereto and incorporated herein for all purposes; and,

**WHEREAS**, City Council has entered into a written agreement with the owners of land in the area for the provision of services in the area with the Chapter 43 Development Agreement and Addendum on October 25, 2011; and,

**WHEREAS**, the Municipal Service Plan must be updated every 10 years (Exhibit B); and

**WHEREAS**, in accordance with Texas Local Government Code Chapter 43 Subchapter C-3, public notice was given, and a public hearing was held before the City Council regarding the requested annexation; and

**WHEREAS**, Texas Local Government Code Section 51.001 provides the City general authority to adopt an Ordinance 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**, the base zoning district is established per Section 2.3.003 "Zoning Upon Annexation" as P2, Place Type 2 Rural, the Character District established will extend Cattleman's Character District; and,

**WHEREAS**, after consideration of public input received at the hearing, the information provided by the petitioners, and all other information presented, City Council finds it necessary and proper to enact this Ordinance.

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

**Section 1:** The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

**Section 2:** The property in the area described in Exhibit "A", which is attached hereto and incorporated herein for all purposes, is hereby annexed and brought into the municipal boundaries (i.e., corporate limits) of the City of Bastrop, Texas, and is made an integral part, hereof. The official map and boundaries of the City are hereby amended and revised so as to include the area annexed, and to reflect the expansion of the City's extraterritorial jurisdiction resulting from such annexation.

A service plan prepared in accordance with applicable provisions of state law pertaining to annexation is attached hereto as Exhibit "B" and incorporated herein for all intents and purposes. The owners and inhabitants of the area herein annexed are entitled to all of the rights and privileges of other citizens of the City and are hereby bound by all acts, ordinances and other legal actions now in full force and effect and those that may be hereafter adopted or enacted.

**Section 3:** The base zoning district established is P2 Rural and the Character District established is Cattleman's.

**Section 4:** All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

**Section 5:** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, that invalidity or the unenforceability will not affect any other provisions or applications of this Ordinance that can be given effect without the invalid provision.

**Section 6:** The City Secretary is hereby instructed to include this Ordinance in the records of the City and to have maps prepared depicting the new municipal boundaries and extraterritorial jurisdiction. The City Secretary is hereby instructed to file a certified copy of this Ordinance and the updated maps with the Bastrop County Clerk.

**Section 7:** The City shall have the power to administer and enforce the provisions of this ordinance as may be required by governing law. Any person violating any provision of this ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations, and such violation is hereby declared to be a nuisance. Nothing in this ordinance shall be construed as a waiver of the City's right to

bring a civil action to enforce the provisions of this ordinance and to seek remedies as allowed by law and/or equity.

**Section 8:** This Ordinance shall be effective immediately upon passage and publication.

**Section 9:** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

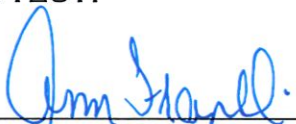
**READ & APPROVED** on First Reading on this the 23<sup>rd</sup> day of August 2022.

**READ & ADOPTED** on the Second Reading on this the 13<sup>th</sup> day of September 2022.

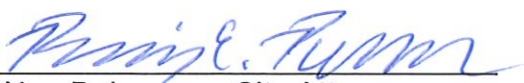
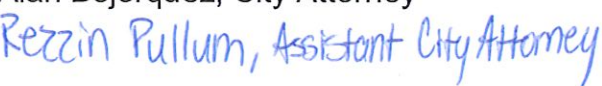
**APPROVED:**

  
\_\_\_\_\_  
Connie B. Schroeder, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Ann Franklin, City Secretary

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Alan Bojorquez, City Attorney  
  
Rezzin Pullum, Assistant City Attorney

**Exhibit "A"**  
**DESCRIPTION OF AREA TO BE ANNEXED**

**A METES AND BOUNDS  
DESCRIPTION OF A  
56.620 ACRE TRACT OF LAND**

BEING a 56.620 acre (2,466,385 square feet) tract of land situated in the Nancy Blakey Survey, Abstract 98, Bastrop County, Texas; and being a portion of a tract called "Reserve" on the plat of Lone Star Storage Subdivision, recorded in Cabinet 4, Page 163-A of the Official Public Records of Bastrop County, also being a portion of that certain 74.974 acre tract described in instrument to PRC 01 Bastrop, LLC, recorded in Document No. 202200112 of the Official Public Records of Bastrop County; and being more particularly described by metes and bounds as follows:

COMMENCING, at a "TXDOT" Concrete Monument found marking the southwest corner end of a cutback at the intersection northerly right-of-way line of State Highway 71 (300' right-of-way wide) and the easterly right-of-way line of Farm to Market Road 969 (80' right-of-way wide), and marking the southern-most southwest corner of the herein described tract;

THENCE, in a northwesterly direction along a said Farm to Market Road 969, the following four (4) courses and distances.

1. North 43°37'41" West, 370.98 feet to a "TXDOT" Concrete Monument found for corner;
2. in a northerly direction along a non-tangent curve to the right, having a radius of 2824.79 feet, a chord North 17°41'54" West, 146.68 feet, a central angle of 2°58'32", and an arc length of 146.69 feet to a POINT OF BEGINNING and southwest corner of the herein described tract;
3. in a northerly direction continuing along a tangent curve to the right, having a radius of 2824.79 feet, a chord North 08°36'51" West, 746.83 feet, a central angle of 15°11'33", and an arc length of 749.02 feet to a 1/2-inch iron rod with plastic cap stamped "KHA" set for corner;
4. North 02°26'48" West, 243.14 feet to a 1/2-inch iron rod with plastic cap stamped "KHA" set for corner;

THENCE, North 87°41'49" East, 2687.44 feet departing the westerly right-of-way line of said Farm to Market Road 969 and along the southerly line of Blakey Lane "North Road Segment II" recorded in Volume 1799, Page 356 of the Official Public Records of Bastrop County, to a 1/2-inch iron rod with plastic cap stamped "KHA" set marking the northwest end of a right-of-way cutback curve at the intersection with the westerly line of Duff Drive (60' wide right-of-way) recorded in Cabinet 5, Page 145A of the Amended Plat of Lots 1, 2, and 3, Block A, Burleson Crossing;

THENCE, along westerly line of said Duff Drive, the following five (5) courses and distances;

1. in a southeasterly direction along a non-tangent curve to the right, having a radius of 25.00 feet, a chord South 47°18'11" East, 35.36 feet, a central angle of 90°00'54", and an arc length of 39.28 feet to a 1/2-inch iron rod with plastic cap stamped "KHA" set for a point of curvature;
2. South 02°18'11" East, 211.62 feet to a 1/2-inch iron rod with plastic cap stamped "KHA" set for corner;
3. in a southerly direction along a tangent curve to the left, having a radius of 1030.00 feet, a chord of South 07°52'45" East, 200.16 feet, a central angle of 11°09'07", and an arc length of 200.48 feet to a 1/2-inch iron rod with plastic cap stamped "KHA" set for point of tangency;
4. South 13°27'19" East, 85.21 feet to a 1/2-inch iron rod with plastic cap stamped "KHA" set for a point of curvature;
5. in a southerly direction along a tangent curve to the right, having a radius of 970.00 feet, a chord of South 09°19'29" East, 139.73 feet, a central angle of 08°15'40", and an arc length of 139.86 feet to a 1/2-inch iron rod with plastic cap stamped "KHA" set for corner marking the northwest corner of Lot 1 of a said Lonestar Storage Subdivision;

THENCE, along the northwest boundary line of said Lot 1, the following two (2) courses and distances;

1. South 87°45'06" West, 663.82 feet to a 1/2-inch iron rod with plastic cap stamped "KHA" set for corner;
2. South 02°14'54" East, 330.32 feet to a point for corner;

THENCE, South 87°45'51" West, 2018.62 feet to the POINT OF BEGINNING, and containing 56.620 acres of land in Bastrop County, Texas. The basis of this description is the Texas State Plane Coordinate System, Central Zone (FIPS 4203) (NAD'83). All distances are on the Surface and shown in U.S. Survey Feet. The Combined Surface to Grid Scale Factor is 1.0000139976. This description was generated on 8/8/2022 at 5:40 PM, based on geometry in the drawing file K:\SNA\_Survey\069300300-PEARL RVR-BASTROP 75AC\DWG\Exhibits\56.620 AC - Pearl River Bastrop Core.dwg, in the office of Kimley-Horn and Associates in San Antonio, Texas.

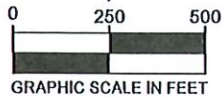


**EXHIBIT OF A  
56.620 ACRE  
NANCY BLAKEY SURVEY,  
ABSTRACT NO. 98  
BASTROP COUNTY, TEXAS**

JOHN G. MOSIER  
REGISTERED PROFESSIONAL  
LAND SURVEYOR NO. 6330  
601 NW LOOP 410, SUITE 350  
SAN ANTONIO, TEXAS 78216  
PH. 210-541-9166  
greg.mosier@kimley-horn.com

*John G. Mosier*  
*8-9-22*

<b>Kimley»Horn</b>		10101 Reunion Place, Suite 400 San Antonio, Texas 78216 FIRM # 10193973		Tel. No. (210) 541-9166 www.kimley-horn.com	
Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	DJG	JGM	8/9/2022	069300300	1 OF 2

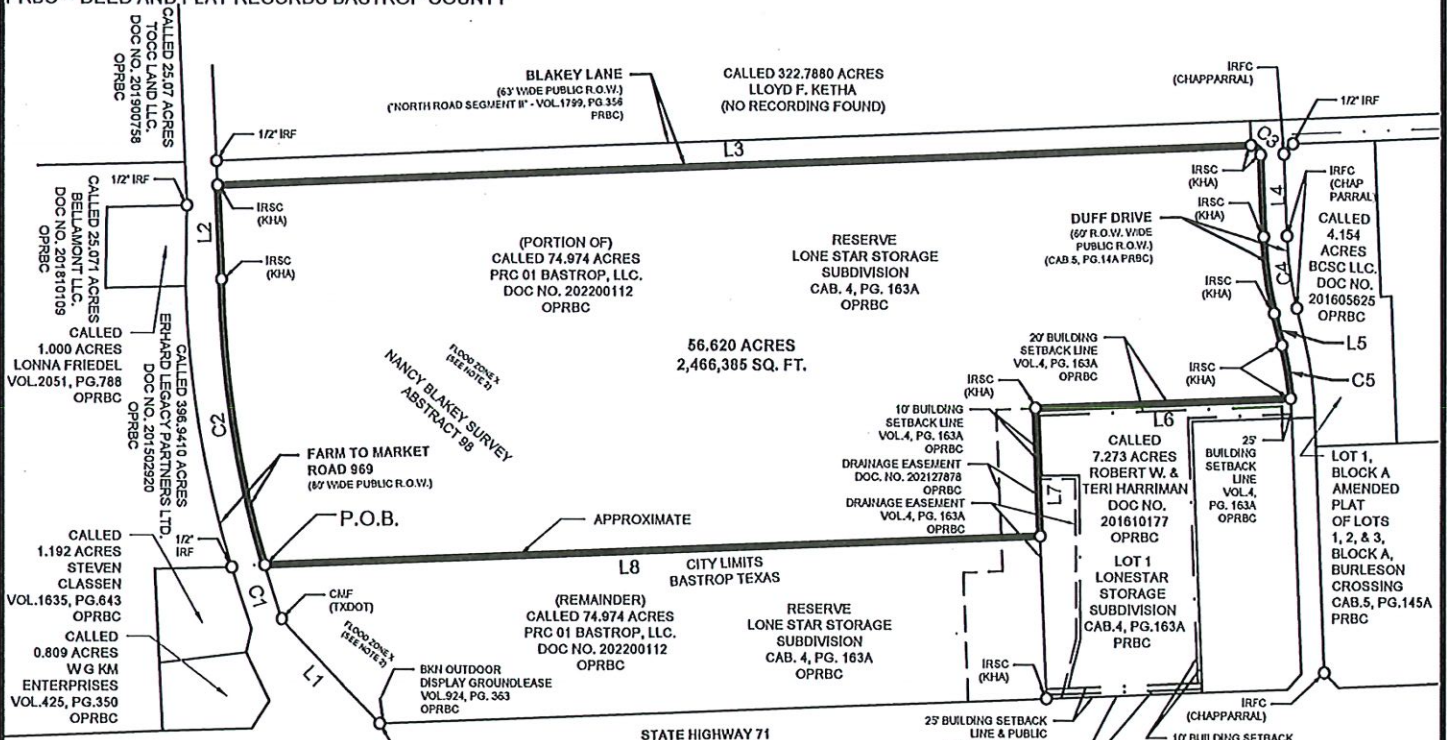


CURVE TABLE					
NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	2°58'32"	2824.79'	146.69'	N17°41'54"W	146.68'
C2	15°11'33"	2824.79'	749.02'	N08°36'51"W	746.83'
C3	90°00'54"	25.00'	39.28'	S47°18'11"E	35.36'
C4	11°09'07"	1030.00'	200.48'	S07°52'45"E	200.16'
C5	8°15'40"	970.00'	139.86'	S09°19'29"E	139.73'

LINE TABLE		
NO.	BEARING	LENGTH
L1	N43°37'41"W	370.98'
L2	N02°26'48"W	243.14'
L3	N87°41'49"E	2687.44'
L4	S02°18'11"E	211.62'
L5	S13°27'19"E	85.21'
L6	S87°45'06"W	663.82'
L7	S02°14'54"E	330.32'
L8	S87°45'51"W	2018.62'

**LEGEND:**

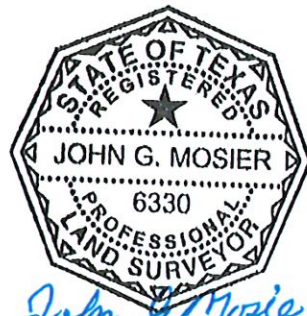
- P.O.C. = POINT OF COMMENCING
- P.O.B. = POINT OF BEGINNING
- IRSC = 1/2" IRON ROD W/ "KHA" CAP SET
- 1/2" IRF = IRON ROD FOUND
- 1/2" IRFC = IRON ROD FOUND (W/CAP STAMPED "\_\_\_\_")
- CMF = CONCRETE MONUMENT FOUND
- CAB. = CABINET NUMBER
- DOC. = CABINET NUMBER
- PG. = PAGE
- OPRBC = OFFICIAL PUBLIC RECORDS BASTROP COUNTY
- PRBC = DEED AND PLAT RECORDS BASTROP COUNTY



GEODETIC NOTE: THE BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE (FIPS 4203) (NAD'83), AS DETERMINED BY THE GLOBAL POSITIONING SYSTEM (GPS). ALL DISTANCES SHOWN HEREON ARE ON THE SURFACE. THE COMBINED GRID TO SURFACE SCALE FACTOR FOR THE PROJECT IS 1.0000139976. THE UNIT OF LINEAR MEASUREMENT IS U.S. SURVEY FEET.

CERTIFICATION: THIS IS A LEGAL DESCRIPTION BASED ON A FIELD SURVEY BY KIMLEY-HORN PERSONNEL. NO IMPROVEMENTS ARE SHOWN. ALL EXISTING EASEMENTS ARE NOT SHOWN. THIS IS NOT A LAND TITLE SURVEY. SEE THE SEPARATE LAND TITLE SURVEY UNDER JOB NUMBER 069300300 FOR ADDITIONAL INFORMATION.

JOHN G. MOSIER  
 REGISTERED PROFESSIONAL  
 LAND SURVEYOR NO. 6330  
 601 NW LOOP 410, SUITE 350  
 SAN ANTONIO, TEXAS 78216  
 PH. 210-541-9166  
 greg.mosier@kimley-horn.com



*John G. Mosier*  
 8-9-22

**EXHIBIT OF A  
 56.620 ACRE  
 NANCY BLAKEY SURVEY,  
 ABSTRACT NO. 98  
 BASTROP COUNTY, TEXAS**

**Kimley»Horn**

10101 Reunion Place, Suite 400 San Antonio, Texas 78216 FIRM # 10193973 Tel. No. (210) 541-9166 www.kimley-horn.com

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 500'	DJG	JGM	8/9/2022	069300300	2 OF 2

**Exhibit "B"**

**ANNEXATION SERVICE PLAN**

**CITY OF BASTROP  
MUNICIPAL SERVICE PLAN  
FOR ANNEXATION OF LONE STAR STORAGE SUBDIVISION  
RESERVE +/- 56.620 ACRES IN THE A98 NANCY BLAKEY SURVEY  
ADJACENT TO THE CITY OF BASTROP MUNICIPAL LIMITS**

**Owner PRC 01 Bastrop LLC**

**Acreage +/-56.620 Acres**

This Municipal Services Plan (“Plan”) is entered into on 9th day of September and between the City of Bastrop, Texas, a home-rule municipality of the State of Texas (“City”) and PRC 01 Bastrop LLC, a Limited Liability Company (“Owner”).

**RECITALS**

**WHEREAS**, Section 43.0671 of the Local Government Code permits the City to annex an area if each owner of land in an area requests the annexation;

**WHEREAS**, where the City elects to annex such an area, the City is required to enter into a written agreement with the property owner(s) that sets forth the City services to be provided for the Property on or after the effective date of annexation;

**WHEREAS**, the City Council of the City of Bastrop has directed staff to proceed with procedures for the annexation of land generally comprised of approximately 56.52 acres within the Lone Star Storage Subdivision Reserve, A98 Nancy Blakey Survey (Number 5) in Bastrop County, such property being more accurately described and set forth in Exhibit “A” which is attached and incorporated herein (“Property”);

**WHEREAS**, the Property consists of undeveloped land and is agriculturally exempt and a topographical map of the Property is attached hereto as Exhibit “B”;

**WHEREAS**, this Plan is made by the City pursuant to Sections 43.056 of the Texas Local Government Code (“LGC”);

**WHEREAS**, the provisions of this Plan were made available for public inspection and explained to the public at the two public hearings held by the City on August 23, 2022 and September 9, 2022 in accordance with Sections 43.056 and 43.063 of the LGC; and

**NOW THEREFORE**, in exchange for the mutual covenants, conditions and promises contained herein, City and Owner agree as follows:

The parties agree that the foregoing recitals are true and correct and form the basis upon which the parties have entered into this Plan.



## **TERM OF SERVICE PLAN**

Pursuant to Section 43.056 of the Local Government Code, this Plan shall be in effect for a ten (10) year period, commencing on the effective date of the ordinance approving the annexation. Renewal of the Plan shall be at the discretion of the City Council and must be accomplished by ordinance.

## **INTENT**

It is the intent of the City of Bastrop that services under this Plan shall provide full municipal services as required and defined by the Texas Local Government Code.

## **FIRE**

*Existing Services:* ESD #2

*Services to be Provided:* The City of Bastrop intends to submit a petition to remove the area from ESD #2 territory, per the Health and Safety Code, Section 775.022 (a) to become the sole provider of emergency services to the annexed area. Until the petition process is complete, fire suppression will continue to be provided from ESD #2, as provided by such service provider's authorized service plans and approved areas, and as approved by the citizens in the election for ESD services for this tract.

ESD #2 fire suppression services may, however, be supplemented by services provided by the Bastrop Fire Department and ESD #1 pursuant to mutual aid and/or interlocal policies, and agreements. If so, such fire response services will be provided from Bastrop Fire Department (Bastrop Station No. 2) located on 120 Corporate Drive in Bastrop, Texas, or ESD #1, Still Forest Station (Bluebonnet No. 1) located on 213 Still Forest Drive in Cedar Creek, Texas, or future stations located in proximity to the Property. Adequate supplemental fire suppression activities by the Bastrop Fire Department may be afforded to the Property within City's current budget appropriation.

In addition, fire prevention activities will be provided by the City of Bastrop's Fire Marshall's office, as needed.

ESD Service areas are shown on attached Exhibit "C."

## **POLICE**

*Existing Services:* Bastrop County Sheriff's Department

*Services to be Provided:* Upon annexation, the City of Bastrop Police Department will extend regular and routine patrols to the Property. Thus, law enforcement protection will be provided to this Property in the same manner as it is currently provided to other similarly situated land

within the corporate limits of the City. These services include routine police patrols and responses to calls, handling of complaints and incident reports, service by special units, such as traffic enforcement, criminal investigations, narcotics, gang suppression, and special tactics team. In addition, the City Code Enforcement and Animal Control Services will be provided by the City of Bastrop to the Property, as appropriate. It is anticipated that the implementation of City's Police Department, Animal Control, and Code Enforcement activities can be effectively accommodated within the City's current budget and staff appropriation.

### **EMERGENCY MEDICAL SERVICE**

*Existing Services:* Bastrop County/Acadian EMS

*Services to be Provided:* Bastrop County/Acadian EMS will continue to provide emergency and safety services to the Property, pursuant to existing agreements.

### **BUILDING INSPECTION**

*Existing Services:* None

*Services to be Provided:* Upon annexation, the City of Bastrop's Building Inspection Department will provide Building Code Enforcement Services. These services will include issuing building permits as well as issuing electrical, HVAC and plumbing permits, for any new construction and remodeling. Upon annexation, the Building Inspection Department will also assist in issuance and enforcement activities related to all other applicable City of Bastrop Codes and regulations which apply to building construction within the City of Bastrop. It is anticipated that the implementation of City's Building Inspection Department activities can be effectively accommodated within the City's current budget and staff appropriation.

### **PLANNING AND DEVELOPMENT - SUBDIVISION AND DEVELOPMENT**

*Existing Services:* None

*Services to be Provided:* The Planning and Development Department's responsibility for regulating development and land use through the administration of the City of Bastrop Zoning Ordinance will extend to this Property on the effective date of the annexation. The annexed tract will also continue to be regulated under the requirements of the City of Bastrop Subdivision Ordinance. These services can be provided within the department's current budget. The Plan's services include: site plan review, zoning approvals, sign regulations, platting, and construction services. For a complete list and description of all Planning, Zoning, Subdivision and Development services that will be provided by the City, see the City's Code of Ordinances, Chapter 10 and Chapter 14. It is anticipated that the implementation of these activities can be effectively accommodated within the City's current budget and staff appropriation.

### **LIBRARY**

*Existing Services:* City

*Services to be Provided:* Upon annexation, the City of Bastrop's municipal library use privileges will continue to be provided by the City to persons residing in the Property. It is anticipated that the implementation of these Library activities can be effectively accommodated within the City's current budget and staff appropriation.

### **HEALTH CODE SERVICE**

*Existing Services:* Bastrop County

*Services to be Provided:* Upon the effective date of the annexation, the Bastrop County Health Department will continue to oversee the enforcement of the State, County, and City of Bastrop's health ordinances and regulations, for example those related to inspections of commercial kitchens, mobile food vendors, food preparation establishments, and handling operations.

The City will perform other enforcement of the City of Bastrop's health and sanitation ordinances and regulations, including but not limited to weed, brush control, and control over junked and abandoned vehicles. This service will be provided by the City's Code Enforcement Department and Police Department, and shall begin in this Property on the effective date of the annexation. Additionally, the City's control of dilapidated structures will be handled by the City pursuant to its regulations and Code. It is anticipated that the implementation of these activities can be effectively accommodated within the City's current budget and staff appropriation.

### **STREET**

*Existing Services:* State of Texas ("TxDOT") and Bastrop County

*Services to be Provided:* Upon annexation, the City of Bastrop's Public Works Department will maintain public streets over which the City has jurisdiction. Maintenance to the street facilities will continue to be provided in accordance with the City's policies and procedures for City streets and roadways. Bastrop County shall continue to be responsible for County Roads, and TxDOT shall continue to be responsible for State of Texas highways and farm to market roadways, pursuant to their statutory authorities.

As new subdivisions and development occurs within the Property, the developers of property will be required to dedicate appropriate right-of-way and construct City streets in accordance with the City of Bastrop's Subdivision Code, regulations, and policies that are in place at the time of the development. Upon completion of, dedication to, and the City's acceptance of, new streets and public rights-of-way, the City shall provide on-going operation and maintenance for those streets, rights-of way, and roadways. Emergency street maintenance to street facilities not otherwise maintained by the County or TxDOT, under their respective

governmental authority, will be provided by the City, as of the effective date of the annexation. Routine maintenance of City streets and roadways will be scheduled as part of the City's annual street maintenance program, in accordance with the current policies and procedures of the City. It is anticipated that the implementation of these activities can be effectively accommodated within the City's current budget and staff appropriation.

## **STORM WATER MANAGEMENT**

*Existing Services:* Bastrop County

*Services to be Provided:* Upon annexation, the City Public Works Department and Planning and Development Department will provide maintenance on existing public drainage systems and floodplain management in the Property. The same standard of drainage maintenance and floodplain regulations provided to other residents of the City, as per the City's regulations and Code in effect at the time of development, shall be provided to property owners within the Property. Developers will provide storm water drainage and meet floodplain requirements as per the City's Code, regulations, and policies, and such facilities will be inspected by the City's Engineer at the time of completion of such facilities. The City will maintain public drainage facilities within the City right-of-way, as per the City's Code, regulations, and policies. It is anticipated that the implementation of these activities can be effectively accommodated within the City's current budget and staff appropriation.

## **STREET LIGHTING**

*Existing Services:* None

*Services to be Provided:* Upon annexation, the City of Bastrop will maintain public street lighting over which the City has jurisdiction, and as part of this municipal service, will coordinate any request for improved street lighting with the appropriate and certificated electric provider, in accordance with State and local laws, and the City's and other providers' policies and agreements. It is the policy of the City of Bastrop that adequate street lighting for the protection of the public and property be installed in all new subdivisions. Installation procedures and acceptable standards for street lights shall be governed by the utility standards of the City of Bastrop in effect at the time of subdivision construction or additions thereto. It is anticipated that the implementation of these activities can be effectively accommodated within the City's current budget and staff appropriation.

Emergency street maintenance to street facilities not otherwise maintained by the County or TxDOT, under their respective governmental authority, will be provided by the City, as of the effective date of the annexation. Routine maintenance of City streets and roadways will be scheduled as part of the City's annual street maintenance program, in accordance with the current policies and procedures of the City. It is anticipated that the implementation of these activities can be effectively accommodated within the City's current budget and staff appropriation.

## **WATER SERVICE**

*Existing Services:* Aqua Water Supply Corporation

*Services to be Provided:* Water service to the Property will be provided by Aqua Water Supply Corporation in accordance with the applicable State law and City Codes, regulations, and/or policies applicable to the certified service areas. When property develops, water service shall be provided in accordance with State law or contractual agreements in effect and controlling the areas to be served. When applicable, extension of service by the City shall comply with the City's Code, regulations, and policies. It is anticipated that the implementation of these activities can be effectively accommodated within the City's current budget and staff appropriation.

Water CCN area is shown on attached Exhibit "D."

### **SANITARY SEWER SERVICE/WASTEWATER SERVICE**

*Existing Services:* None – On-Site Septic Facilities

*Services to be Provided:* Sanitary sewer service to the Property will be provided in accordance with applicable State and local regulations and policies and in accord with all applicable laws, and Codes. As property develops in the future, the sanitary sewer service shall be provided in accordance with the then existing City policies, Codes, regulations, and policies in effect at that time and as applicable to similarly situated tracts located within the City's corporate limits, including, when applicable, the City's then existing extension Ordinance and/or policy.

Wastewater CCN area is shown on attached Exhibit "E."

### **SOLID WASTE SERVICES**

*Existing Services:* Varies, by contract.

*Services to be Provided:* If, at the date of annexation, controlling private solid waste service contracts are in place between property owners and service providers within the Property, property owners may elect to continue to have such services pursuant to the contracts for up to 2 years following annexation. At the end of two (2) years, or earlier if desired by the property owners, solid waste services to the Property will be provided as per the City's then existing franchises, contracts, or agreements. At this time, solid waste collection in the City of Bastrop is provided by Waste Connections, pursuant to a franchise ordinance controlling the terms of such service. Solid waste collection and disposal services shall comply with existing City policies and regulations. City of Bastrop services available for the City's residential customers (via Waste Connections) currently includes garbage, recycling, and yard trimmings collection. It is anticipated that the implementation of these activities can be effectively accommodated within the City's current budget and staff appropriation.

### **PARKS AND RECREATION**

*Existing Services:* None

*Services to be Provided:* No City parks, playgrounds, and/or swimming pools exist within the Property, as of the time of annexation. At the time, such parks and recreational facilities are developed in the Property, the City of Bastrop's standards and policies in force within the City limits at that time will be followed in maintaining and expanding recreational facilities to serve the Property. Upon annexation, the owners and residents of property located within the Property shall be entitled to the use of all City of Bastrop parks and recreational facilities, subject to the same restrictions, fees, and availability that pertains to the use of those facilities by other citizens of the City. It is anticipated that the implementation of these activities can be effectively accommodated within the City's current budget and staff appropriation.

### **BUSINESS LICENSES AND REGULATIONS**

*Existing Services:* None

*Services to be Provided:* At the time of annexation, existing businesses shall be grandfathered for continuing operation. Otherwise, upon annexation, the provisions of Chapter 4 of the City Code of Ordinances relating to business licenses and regulations (Carnivals Circuses and Other Exhibitions; Electrician's Licenses; Gross Receipts Charge or Street Rental; Peddlers and Solicitors; Taxicabs, Buses and Other Vehicles for Hire; Horse Drawn Carriages and other Non- Motorized Vehicles for Hire; Sexually Oriented Businesses; and Alcoholic Beverages) shall apply in the Property. It is anticipated that the implementation of these activities can be effectively accommodated within the City's current budget and staff appropriation.

### **ELECTRIC SERVICE**

*Existing Services:* Bluebonnet Electric Cooperative

*Services to be Provided:* Bluebonnet Electric will continue to provide electric utility service to all areas in which it is the authorized provider, pursuant to its authority granted by the State and/or the Public Utility Commission of Texas.

Bluebonnet's Electric CCN area is shown on attached Exhibit "F."

### **TRAFFIC ENGINEERING**

*Existing Services:* None

*Services to be Provided:* The City of Bastrop's Public Works Department will provide, after the effective date of annexation, any additional traffic control devices as may be deemed necessary by the City.

Traffic engineering, upon development in the Property, shall comply with City of Bastrop

Codes, regulations, and policies in effect at that time. It is anticipated that the implementation of these activities can be effectively accommodated within the City's current budget and staff appropriation.

### **MISCELLANEOUS**

All other applicable municipal services will be provided to the Property in accordance with the City of Bastrop's established policies governing extension of municipal services to newly annexed and similarly situated areas.

### **CAPITAL IMPROVEMENTS, AVAILABILITY, AND LEVEL OF SERVICES**

The Property annexed in 2022 will be included with all other areas of the City for future planning for any new or expanded facilities, functions, and services to be funded by future capital improvements programs of the City. The priorities assigned by these plans are driven by a desire to maintain an equitable level of service to all areas of the City, with the same population density, land use, and topographical characteristics, and in accord with State and local laws.

Nothing in this plan shall require that the City provide a uniform level or municipal service to each area of the City, including annexed areas, if different characteristics of topography, land use, and population densities are sufficiently distinct to justify a different level of service by the City, or when other service providers areas of service and/or other existing contractual agreements provide for such service.

### **AMENDMENTS**

The City Council may amend the Service Plan to conform to the changed conditions or subsequent occurrences pursuant to the Texas Local Government Code or accommodate significant changes in the population and density characteristics of the 2022 Annexation Area.

### **USE OF PROPERTY**

In accordance with Texas Local Government Code Section 43.002, Continuation of Land Use, all legal uses of property in the 2022 Annexation Area shall be allowed by the City to continue in the manner in which the property was being used on May 23, 2003.

### **CONFLICTS**

In the event that any provision of this Service Plan conflicts with any other plan, comprehensive plan, or program of the City of Bastrop, the provision contained in this Service Plan shall control.

### **STAFFING**

Staffing of City services will be provided to the level necessary to provide equal services to all

residents.

### **SERVICE LEVEL**

The City will provide the Property with a level of services, infrastructure, and infrastructure maintenance that is comparable to the level of services, infrastructure, and infrastructure maintenance available in other parts of the City with topography, land use, and population density similar to those reasonably contemplated or projected for the Property.

### **AUTHORITY**

City and Owner represent that they have full power, authority and legal right to execute, deliver and perform their obligations pursuant to this Plan. Owner acknowledges that approval of the Annexation Case is within the sole jurisdiction of the City Council. Nothing in this Plan guarantees favorable decisions by the City Council.

### **SEVERABILITY**

If any part, term, or provision of this Plan is held by the courts to be illegal, invalid, or otherwise unenforceable, such illegality, invalidity, or unenforceability will not affect the validity of any other part, term or provision, and the rights of the parties will be construed as if the part, term, or provision was never part of the Plan.

### **GOVERNING LAW AND VENUE**

The parties to this Plan covenant and agree that in any litigation relating to this Plan, the terms and conditions of the Plan will be interpreted according to the laws of the State of Texas and construed in conformity with the provisions of Texas Local Government Code Chapter 43. Venue shall be located in Bastrop County, Texas.

### **NO WAIVER**

The failure of either party to insist upon the performance of any term or provision of this Plan or to exercise any right granted hereunder shall not constitute a waiver of that party's right to insist upon appropriate performance or to assert any such right on any future occasion.

### **GOVERNMENTAL POWERS**

It is understood that by execution of this Plan, the City does not waive or surrender any of its governmental powers or immunities.

### **COUNTERPARTS**

This Plan may be executed in any number of counterparts, each of which shall be deemed an original and constitute one and the same instrument.



**CAPTIONS**

The captions to the various clauses of this Plan are for informational purposes only and shall not alter the substance of the terms and conditions of this Plan.

**AGREEMENT BINDS AND BENEFITS SUCCESSORS AND RUNS WITH THE LAND**

This Plan is binding on and inures to the benefit of the parties, their successors, and assigns. The terms of this Plan constitute covenants running with the land comprising the Property, is binding on the Owner and the City, and is enforceable by any current or future owner of any portion of the Property.

**ENTIRE AGREEMENT**

This Plan constitutes the entire agreement between the parties and supersedes all prior oral and written agreements between said parties. This Plan shall not be amended unless executed in writing by both parties.

EXECUTED in multiple originals, and in full force and effect as of the Effective Date.

**CITY:**  
**City of Bastrop, Texas**  
a Texas home-rule municipal corporation

Attest: Ann Franklin  
By: \_\_\_\_\_  
Name: Ann Franklin  
Title: City Secretary

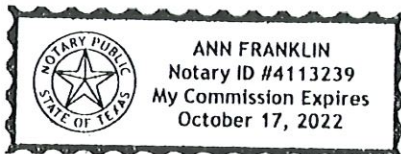
By: Trey Job  
Name: Trey Job  
Title: Acting City Manager

**THE STATE OF TEXAS §**  
**COUNTY OF BASTROP §**

This instrument was acknowledged before me on this 20<sup>th</sup> day of September, 2022, by Trey Job, Acting City Manager of the City of Bastrop, Texas, a Texas home-rule municipal corporation, on behalf of said corporation.


By: Ann Franklin  
\_\_\_\_\_

Notary Public, State of Texas



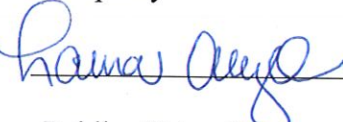
**OWNER:**

**PRC 01 Bastrop LLC**  
a Limited Liability Company

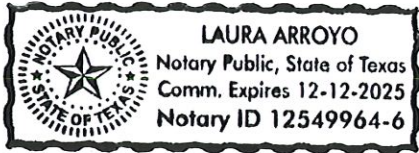
By:   
Name: SPENCER HARKNESS  
Title: Representative

State of Texas §  
County of Bastrop §

This instrument was acknowledged before me on the 12<sup>TH</sup> day of September, 2022  
by Spencer Harkness, Representative of PRC 01 Bastrop, LLC City of Bastrop, a Texas Home-Rule municipality, on behalf of  
said municipality.

By: 

Notary Public, State of Texas



**A METES AND BOUNDS  
DESCRIPTION OF A  
56.620 ACRE TRACT OF LAND**

BEING a 56.620 acre (2,466,385 square feet) tract of land situated in the Nancy Blakey Survey, Abstract 98, Bastrop County, Texas; and being a portion of a tract called "Reserve" on the plat of Lone Star Storage Subdivision, recorded in Cabinet 4, Page 163-A of the Official Public Records of Bastrop County, also being a portion of that certain 74.974 acre tract described in instrument to PRC 01 Bastrop, LLC, recorded in Document No. 202200112 of the Official Public Records of Bastrop County; and being more particularly described by metes and bounds as follows:

COMMENCING, at a "TXDOT" Concrete Monument found marking the southwest corner end of a cutback at the intersection northerly right-of-way line of State Highway 71 (300' right-of-way wide) and the easterly right-of-way line of Farm to Market Road 969 (80' right-of-way wide), and marking the southern-most southwest corner of the herein described tract;

THENCE, in a northwesterly direction along a said Farm to Market Road 969, the following four (4) courses and distances.

1. North 43°37'41" West, 370.98 feet to a "TXDOT" Concrete Monument found for corner;
2. in a northerly direction along a non-tangent curve to the right, having a radius of 2824.79 feet, a chord North 17°41'54" West, 146.68 feet, a central angle of 2°58'32", and an arc length of 146.69 feet to a POINT OF BEGINNING and southwest corner of the herein described tract;
3. in a northerly direction continuing along a tangent curve to the right, having a radius of 2824.79 feet, a chord North 08°36'51" West, 746.83 feet, a central angle of 15°11'33", and an arc length of 749.02 feet to a 1/2-inch iron rod with plastic cap stamped "KHA" set for corner;
4. North 02°26'48" West, 243.14 feet to a 1/2-inch iron rod with plastic cap stamped "KHA" set for corner;

THENCE, North 87°41'49" East, 2687.44 feet departing the westerly right-of-way line of said Farm to Market Road 969 and along the southerly line of Blakey Lane "North Road Segment II" recorded in Volume 1799, Page 356 of the Official Public Records of Bastrop County, to a 1/2-inch iron rod with plastic cap stamped "KHA" set marking the northwest end of a right-of-way cutback curve at the intersection with the westerly line of Duff Drive (60' wide right-of-way) recorded in Cabinet 5, Page 145A of the Amended Plat of Lots 1, 2, and 3, Block A, Burluson Crossing;

THENCE, along westerly line of said Duff Drive, the following five (5) courses and distances;

1. in a southeasterly direction along a non-tangent curve to the right, having a radius of 25.00 feet, a chord South 47°18'11" East, 35.36 feet, a central angle of 90°00'54", and an arc length of 39.28 feet to a 1/2-inch iron rod with plastic cap stamped "KHA" set for a point of curvature;
2. South 02°18'11" East, 211.62 feet to a 1/2-inch iron rod with plastic cap stamped "KHA" set for corner;
3. in a southerly direction along a tangent curve to the left, having a radius of 1030.00 feet, a chord of South 07°52'45" East, 200.16 feet, a central angle of 11°09'07", and an arc length of 200.48 feet to a 1/2-inch iron rod with plastic cap stamped "KHA" set for point of tangency;
4. South 13°27'19" East, 85.21 feet to a 1/2-inch iron rod with plastic cap stamped "KHA" set for a point of curvature;
5. in a southerly direction along a tangent curve to the right, having a radius of 970.00 feet, a chord of South 09°19'29" East, 139.73 feet, a central angle of 08°15'40", and an arc length of 139.86 feet to a 1/2-inch iron rod with plastic cap stamped "KHA" set for corner marking the northwest corner of Lot 1 of a said Lonestar Storage Subdivision;

THENCE, along the northwest boundary line of said Lot 1, the following two (2) courses and distances;

1. South 87°45'06" West, 663.82 feet to a 1/2-inch iron rod with plastic cap stamped "KHA" set for corner;
2. South 02°14'54" East, 330.32 feet to a point for corner;

THENCE, South 87°45'51" West, 2018.62 feet to the POINT OF BEGINNING, and containing 56.620 acres of land in Bastrop County, Texas. The basis of this description is the Texas State Plane Coordinate System, Central Zone (FIPS 4203) (NAD'83). All distances are on the Surface and shown in U.S. Survey Feet. The Combined Surface to Grid Scale Factor is 1.0000139976. This description was generated on 8/8/2022 at 5:40 PM, based on geometry in the drawing file K:\SNA\_Survey\069300300-PEARL RVR-BASTROP 75AC\DWG\Exhibits\56.620 AC - Pearl River Bastrop Core.dwg, in the office of Kimley-Horn and Associates in San Antonio, Texas.



JOHN G. MOSIER  
REGISTERED PROFESSIONAL  
LAND SURVEYOR NO. 6330  
601 NW LOOP 410, SUITE 350  
SAN ANTONIO, TEXAS 78216  
PH. 210-541-9166  
greg.mosier@kimley-horn.com

*John G. Mosier*  
*8-9-22*

**EXHIBIT OF A  
56.620 ACRE  
NANCY BLAKEY SURVEY,  
ABSTRACT NO. 98  
BASTROP COUNTY, TEXAS**

**Kimley»Horn**

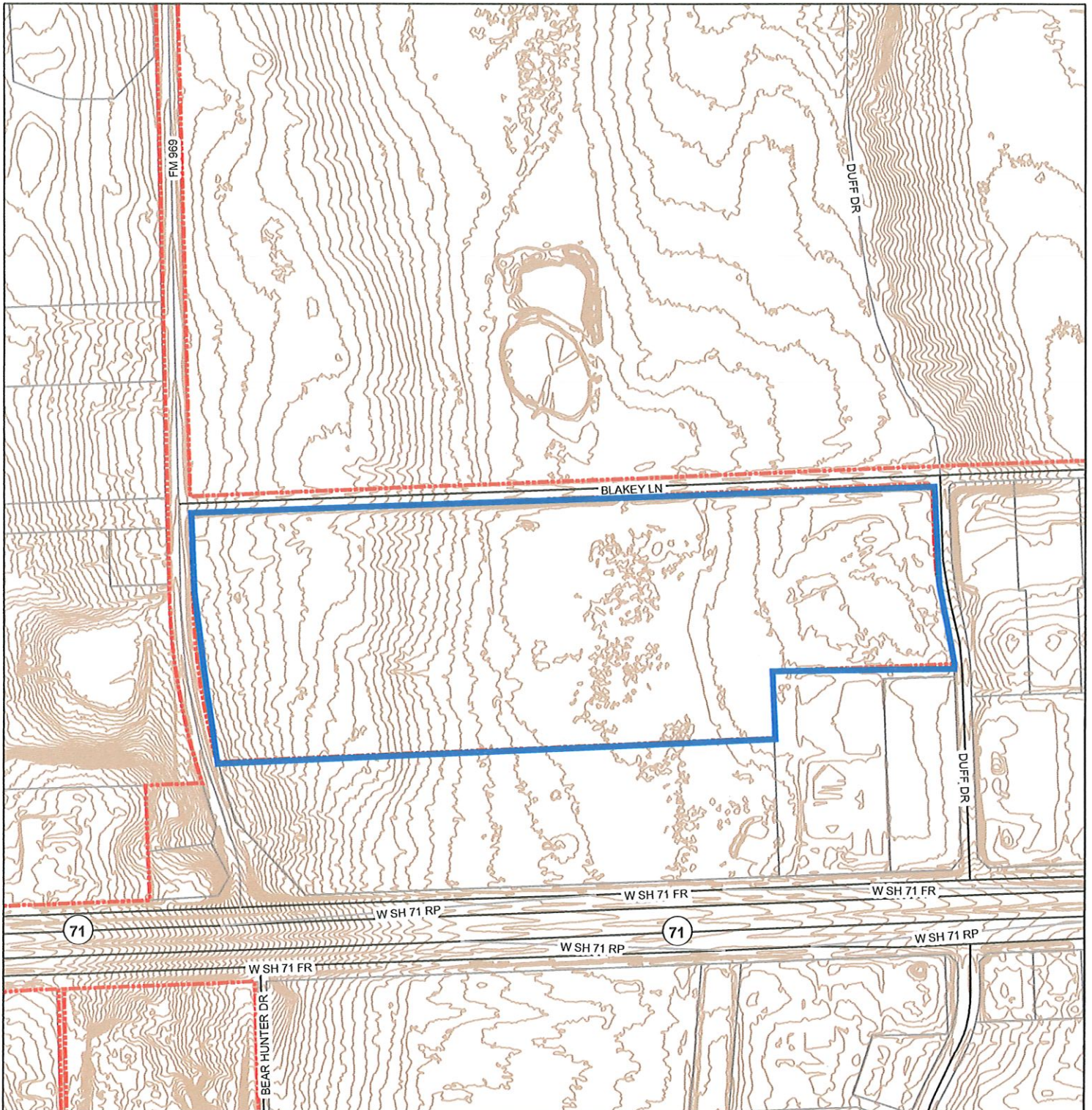
10101 Reunion Place, Suite 400  
San Antonio, Texas 78216 FIRM # 10103973

Tel. No. (210) 541-9166  
www.kimley-horn.com

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	DJG	JGM	8/8/2022	069300300	1 OF 2



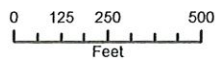
# Exhibit B Location Map



Date: 5/10/2022

## Topographic Map

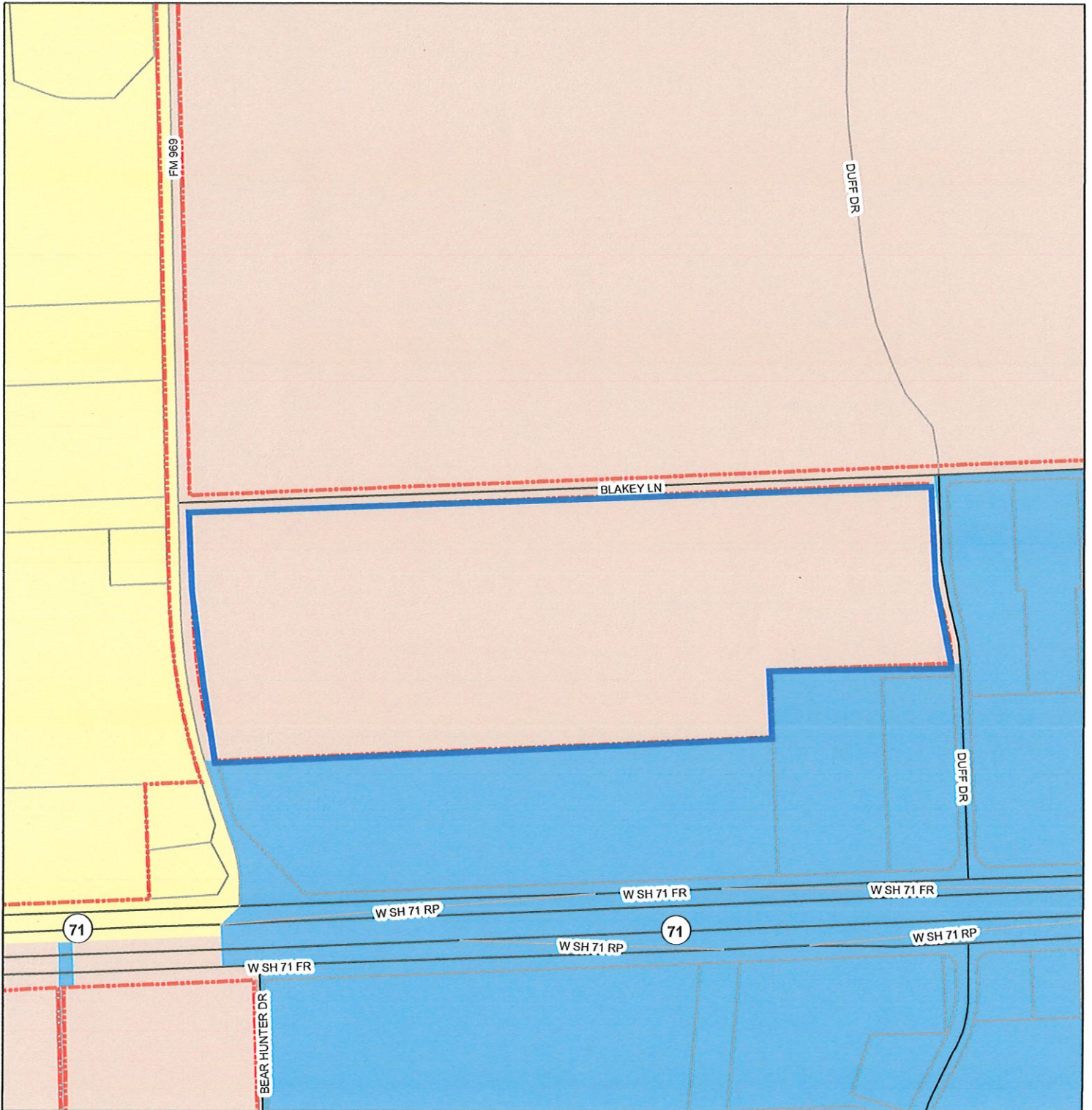
The accuracy and precision of this cartographic data is limited and should be used for information/planning purposes only. This data does not replace surveys conducted by registered Texas land surveyors nor does it constitute an "official" verification of zoning, land use classification, or other classification set forth in local, state, or federal regulatory processes. The City of Bastrop, nor any of its employees, do not make any warranty of merchantability and fitness for particular purpose, or assumes any legal liability or responsibility for the accuracy, completeness or usefulness of any such information, nor does it represent that its use would not infringe upon privately owned rights.



1 inch = 500 feet



# Exhibit C Location Map

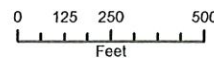


### Legend

- BCESD 2
- BCESD 1
- City of Bastrop Fire

## Emergency Service Zones

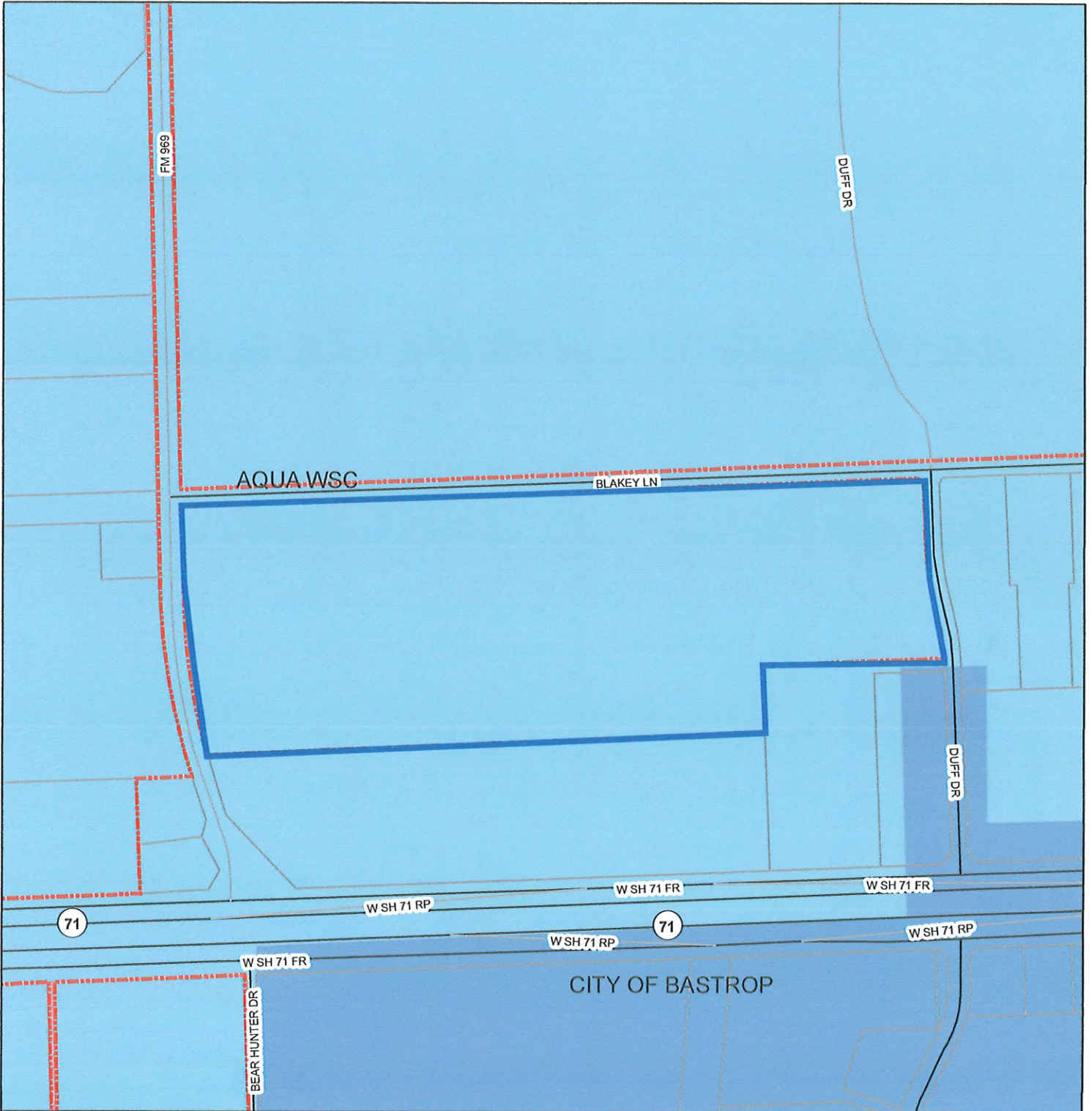
1 inch = 500 feet



Date: 5/10/2022

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# Exhibit D Location Map



### Legend

#### Water CCN

- AQUA WSC
- CITY OF BASTROP

### Water CCN

1 inch = 500 feet



Date: 5/10/2022

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# Exhibit E Location Map



**Legend**  
**Wastewater CCN**  
 CITY OF BASTROP

## Wastewater CCN

1 inch = 500 feet

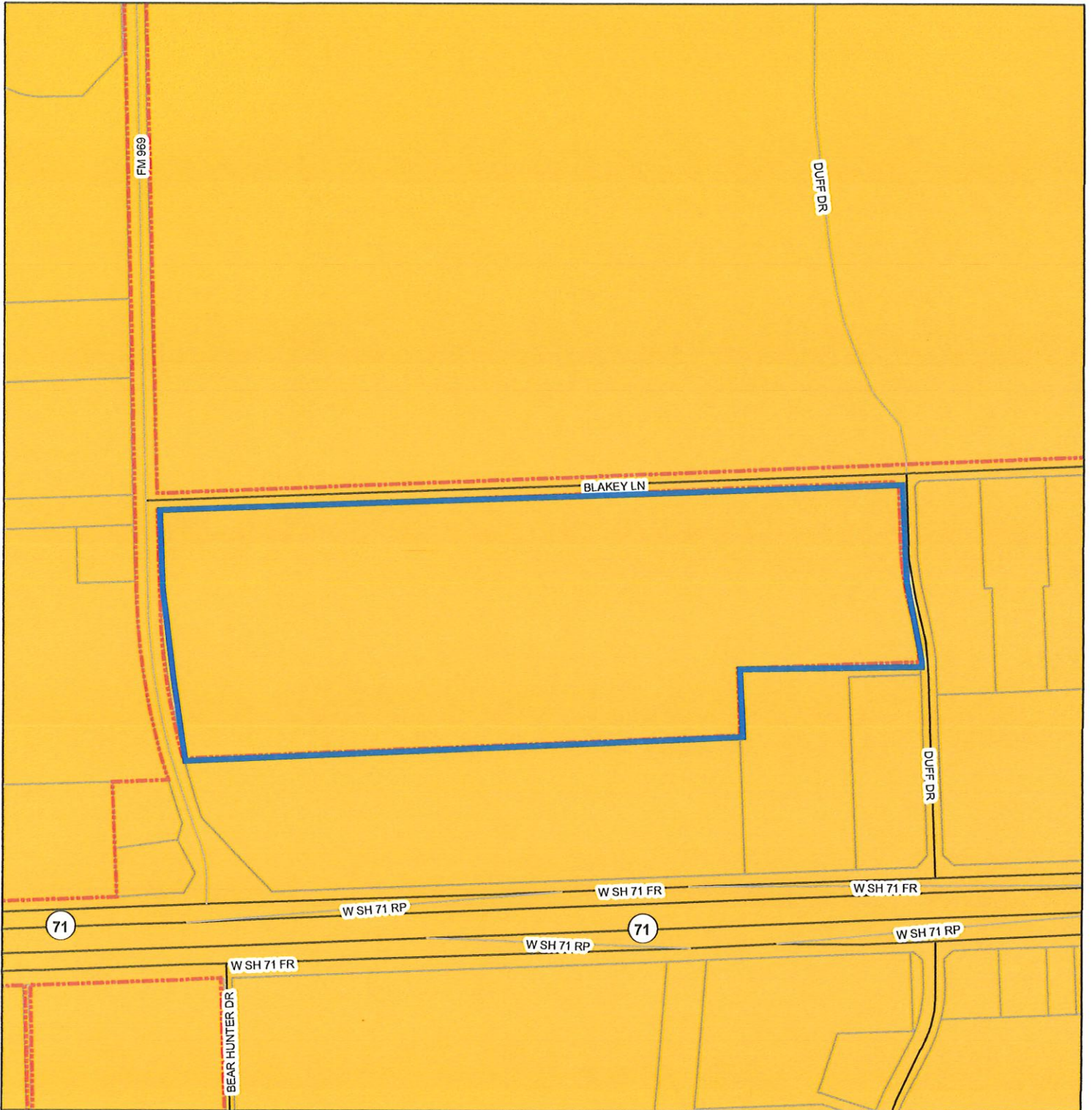


Date: 5/10/2022

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# Exhibit F Location Map

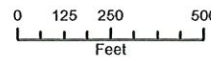


### Legend

 Electric Bluebonnet

## Electric Service Territory

1 inch = 500 feet



Date: 5/10/2022

The accuracy and precision of this cartographic data is limited and should be used for information/planning purposes only. This data does not replace surveys conducted by registered Texas land surveyors nor does it constitute an "official" verification of zoning, land use classification, or other classification set forth in local, state, or federal regulatory processes. The City of Bastrop, nor any of its employees, do not make any warranty of merchantability and fitness for particular purpose, or assumes any legal liability or responsibility for the accuracy, completeness or usefulness of any such information, nor does it represent that its use would not infringe upon privately owned rights.