

CITY OF BASTROP, TEXAS

ORDINANCE NO. 2024-12

DISANNEXATION OF COLORADO BEND

AN ORDINANCE OF THE CITY OF BASTROP, TEXAS, DISANNEXING FROM THE CITY LIMITS, FOR FULL PURPOSES, LAND BEING APPROXIMATELY 312.61 ACRES, KNOWN AS BASTROP COLORADO BEND, PHASE 1, OUT OF THE STEPHEN F. AUSTIN SURVEY, ABSTRACT NO. 2, IN BASTROP COUNTY, TEXAS, LOCATED WEST OF LOVERS LAND AND SOUTHEAST OF THE COLORADO RIVER; AMENDING THE BOUNDARIES OF THE CITY TO EXCLUDE THE LAND; DIRECTING THE CITY SECRETARY TO NOTIFY THE TEXAS COMPTROLLER OF THE CHANGE IN BOUNDARIES; AUTHORIZING A REFUND OF TAXES AND FEES UPON DISANNEXATION AS REQUIRED BY LAW; AND PROVIDING FOR FINDINGS OF FACT, REPEALER, SEVERABILITY, EFFECTIVE DATE, PROPER NOTICE, AND MEETING.

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City of Bastrop ("City") has general authority to adopt an ordinance 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, pursuant to Texas Local Government Code Section 43.142, the City may disannex an area according to rules as may be provided by the City Charter, and Charter Section 2.03 allows for an area to be disannexed by ordinance after notice and a public hearing whenever the Council determines the area is not suitable or necessary for City purposes; and

WHEREAS, the land being approximately 312.61 acres, known as Bastrop Colorado Bend, Phase 1, out of the Stephen F. Austin Survey, Abstract No. 2, in Bastrop County, Texas, located west of Lovers Lane and southeast of the Colorado River, as more particularly described in Exhibit "A" (the "Property") attached hereto and incorporated herein, was annexed into the City Limits in 2022 by Ordinance No. 2022-04; and

WHEREAS, the City and Bastrop Colorado Bend, LLC (the "Owner") previously entered into that certain Mutual Release and Termination of Development and Annexation Agreement, effective April 15, 2024 (the "Termination Agreement"), pertaining to the Property, and pursuant to Section 3 of the Termination Agreement the Owner requested and the City agreed to take all necessary action to disannex the Property; and

WHEREAS, the City Council, after notice and a public hearing, finds that the Property is not suitable or necessary for City purposes and desires to discontinue said Property as part of the City and to disannex, for full purposes, the Property from the City limits and upon disannexation to exclude the Property from the City's ETJ.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Bastrop, Texas:

Section 1. Findings of Fact: The foregoing recitals are incorporated into this Ordinance ("Ordinance") by reference as findings of fact as if expressly set forth word-for-word herein.

Section 2. Disannexation: The Property is hereby discontinued as part of the City and disannexed, for full purposes, from the City limits. Upon disannexation, the Property shall not be included within the City limits or the City's ETJ.

Section 3. Amended City Map: The City Council hereby directs that the official City map be amended to show the change in boundaries to exclude the Property and that a certified copy of this Ordinance and the amended map of the City's boundary be filed with the County Clerk of Bastrop County, Texas.

Section 4. Notice to Comptroller: The City Council hereby directs that a certified copy of this Ordinance and the amended map of the City's boundary be provided to the Sales and Tax Division of the Texas Comptroller's Office.

Section 5. Taxes and Fees Refund: The City Council hereby directs that, upon disannexation of the Property, a refund of property taxes and fees shall be calculated and issued, if any is owed, in accordance with Texas Local Government Code Section 43.148.

Section 6. Repealer: To the extent reasonably possible, ordinances are to be read together in harmony. However, all ordinances, 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.

Section 7. Severability: Should any of the clauses, sentences, paragraphs, sections, or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction

over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

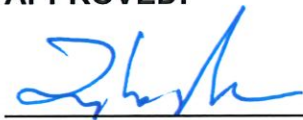
Section 8. Effective Date: This Ordinance shall take effect upon the date of final passage noted below, or when all applicable publication requirements, if any, are satisfied in accordance with the City's Charter, its Code of Ordinances, and the laws of the State of Texas.

Section 9. Proper Notice & Meeting: 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. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

READ & ACKNOWLEDGED on First Reading by the City Council of the City of Bastrop, on this, the 23rd day of April, 2024.

PASSED & APPROVED on Second Reading by the City Council of the City of Bastrop, on this, the 28th day of May, 2024.

APPROVED:

by: 


Lyle Nelson, Mayor

ATTEST:



Ann Franklin, City Secretary

APPROVED AS TO FORM:



Alan Bojorquez, City Attorney

Exhibit "A"

Property Description

The approximately 312.61 acres of land, known as Bastrop Colorado Bend, Phase 1, out of the Stephen F. Austin Survey, Abstract No. 2, in Bastrop County, Texas, located west of Lovers Lane and southeast of the Colorado River, as more particularly described in the attached field notes and accompanying sketch (excluding the approximately 35.5 acres described in such field notes and sketch that is comprised of a portion of the Colorado River).

FIELD NOTES

THAT PORTION OF THE STEPHEN F. AUSTIN SURVEY, ABSTRACT NUMBER 2, BASTROP COUNTY, TEXAS, BEING A PART OF THAT 546.364 ACRE TRACT OF LAND CONVEYED TO BASTROP COLORADO BEND, LLC BY DEED RECORDED IN DOCUMENT NUMBER 202112664, OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS (O.P.R.B.C.TX.) AND A PORTION OF THE COLORADO RIVER; MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGIN at a 1/2 inch iron rod found at the intersection of the north right-of-way line of Margie's Way (60' R.O.W.) and the west right-of-way line of Lovers Lane (R.O.W. Varies) monumenting an eastern corner of the above referenced 546.364 acre tract for an eastern corner of the herein described tract;

THENCE, along a southern line of said 546.364 acre tract, the north line of River Meadows, Phase 1 according to the plat thereof recorded in Cabinet 4, Slide 16-B, Plat Records of Bastrop County, Texas (P.R.B.C.TX.) and the north line of River Meadows, Phase 2 according to the plat thereof recorded in Cabinet 4, Slide 89-B, P.R.B.C.TX., and across said 546.364 acre tract, N77°48'10"W passing at a distance of 3012.19 feet a 1/2 inch iron rod found at the northeast corner of said River Meadows, Phase 2, and continuing on for a total distance of 3418.73 feet, for an inside corner of the herein described tract of land;

THENCE, continuing across said 546.364 acre tract, the following two (2) courses and distances:

- 1) S12°59'16"W a distance of 721.89 feet to a calculated point for a corner and;
- 2) N77°00'44"W a distance of 2890.84 feet to a calculated point on the top of low bank of the Colorado River, for a western corner of the herein described tract;

THENCE, along the common line of said 546.364 acre tract and said top of low bank of the Colorado River, the following sixteen (16) courses and distances:

- 1) N04°27'12"W a distance of 205.83 feet to a calculated point for a corner;
- 2) N23°56'49"E a distance of 405.92 feet to a calculated point for a corner;
- 3) N31°55'03"E a distance of 492.65 feet to a calculated point for a corner;
- 4) N42°19'52"E a distance of 761.71 feet to a calculated point for a corner;
- 5) N24°20'02"E a distance of 76.48 feet to a calculated point for a corner;
- 6) N76°42'21"E a distance of 215.54 feet to a calculated point for a corner;
- 7) S82°26'37"E a distance of 136.05 feet to a calculated point for a corner;
- 8) S71°34'16"E a distance of 245.56 feet to a calculated point for a corner;
- 9) S84°53'14"E a distance of 113.77 feet to a calculated point for a corner;
- 10) S82°27'35"E a distance of 66.95 feet to a calculated point for a corner;
- 11) S76°43'02"E a distance of 57.36 feet to a calculated point for a corner;
- 12) S57°42'57"E a distance of 45.23 feet to a calculated point for a corner;
- 13) S41°47'14"E a distance of 98.85 feet to a calculated point for a corner;
- 14) S86°03'31"E a distance of 334.43 feet to a calculated point for a corner;
- 15) S89°43'45"E a distance of 427.61 feet to a calculated point for a corner;
- 16) N85°04'35"E a distance of 461.81 feet to a calculated point for a corner;

THENCE, across said Colorado River, N04°39'34"W a distance of 535.42 feet to the southwest corner of The Final Plat of Pecan Park, Section 2 according to the plat thereof recorded in Cabinet 7, Sildes 29-A - 30-A, P.R.B.C.TX.;

THENCE, along the north line of said Colorado River and the south line of said Pecan Park, Section 2, the following seven (7) courses and distances:

- 1) N84°06'49"E a distance of 554.84 feet;
- 2) N74°14'36"E a distance of 638.98 feet;
- 3) N70°04'04"E a distance of 506.08 feet;
- 4) N75°55'45"E a distance of 346.22 feet;
- 5) N79°50'42"E a distance of 670.03 feet;
- 6) N65°43'00"E a distance of 758.29 feet;
- 7) N75°40'31"E a distance of 481.30 feet;

THENCE, across said Colorado River, S29°43'36"E a distance of 281.95 feet to a calculated point at the northeast corner of said 546.364 acre tract, same being at the apparent northwest corner of a called 5.098 acre tract of land conveyed to James Mikulenka and Cindy Mikulenka by deed recorded in Volume 2336, Page 69, O.P.R.B.C.TX., for the northeast corner of the herein described tract of land;

THENCE, along the common line of said 5.098 acre tract and said 546.364 acre tract, S10°27'05"W, passing at a distance of 100.00 feet a capped 1/2 inch iron rod set stamped "CBD SETSTONE" for reference, and continuing for a total distance of 465.77 feet to a 1/2 inch iron rod found on the northern right-of-way line of said Lovers Lane monumenting the southwest corner of said 5.098 acre tract, for an angle point of the herein described tract;

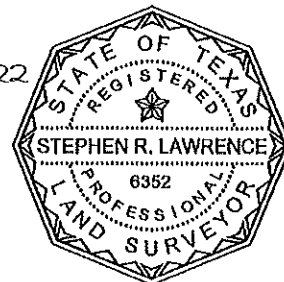
THENCE, along the common line of said 546.364 acre tract and the west right-of-way line of Lovers Lane, S10°55'05"W a distance of 3056.71 feet to the **POINT OF BEGINNING** and containing 348.1 acres of land.

This document was prepared under 22TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

PREPARED BY:  1/25/2022

Stephen R. Lawrence, R.P.L.S. No. 6352

Carlson, Brigrance & Doering, Inc.
Firm ID #10024900
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Austin, Texas 78750
(512) 280-5160 (512) 280-5165 (Fax)
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BEARING BASIS: TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE (4203)

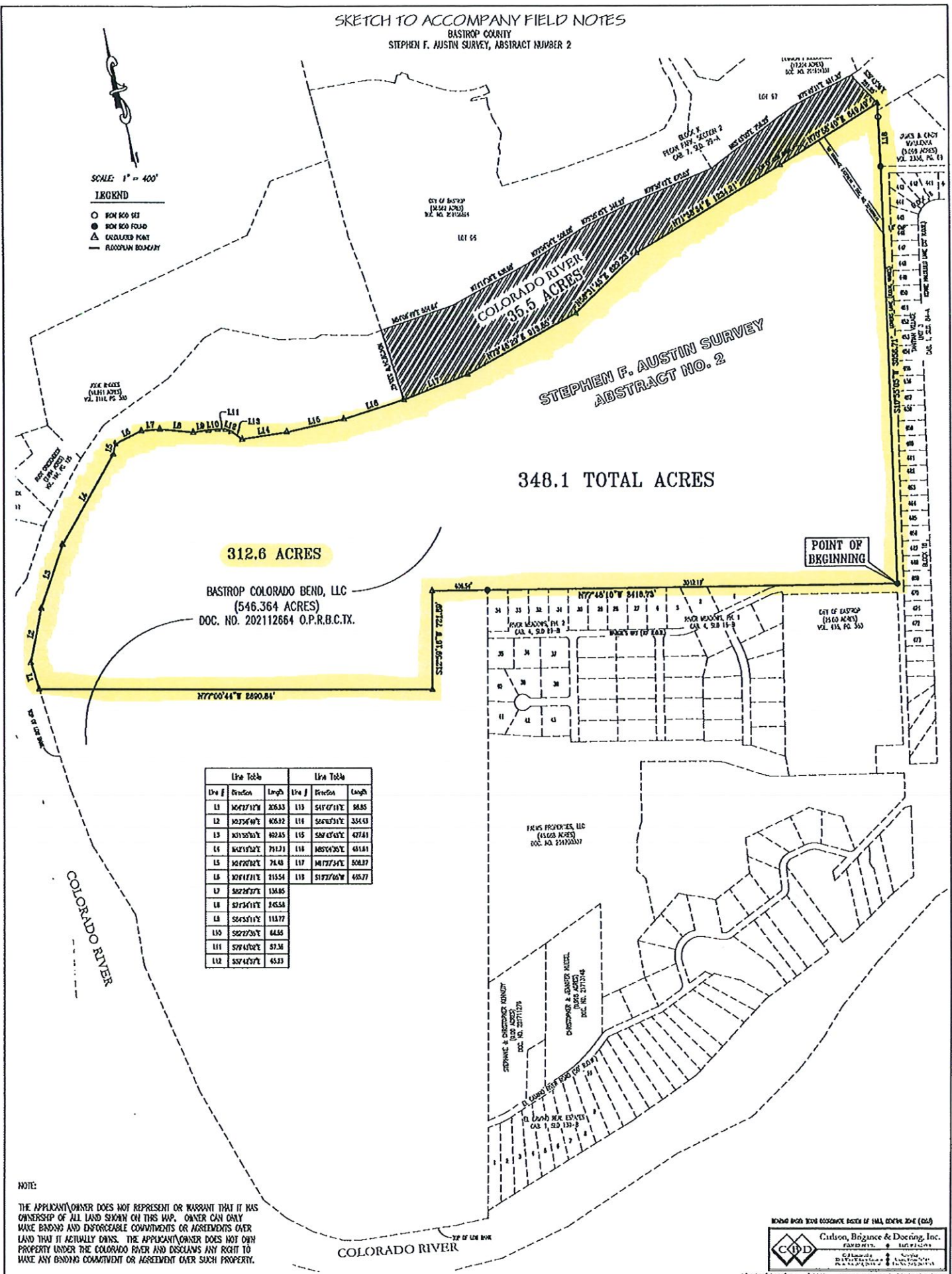
SKETCH TO ACCOMPANY FIELD NOTES

BASTROP COUNTY
STEPHEN F. AUSTIN SURVEY, ABSTRACT NUMBER 2

SCALE: 1" = 400'

LEGEND

- FROM ROD SET
- FROM ROD FOUND
- △ CALCULATED POINT
- FLOODPLAIN BOUNDARY



312.6 ACRES
BASTROP COLORADO BEND, LLC
(546.364 ACRES)
DOC. NO. 202112664 O.P.R.B.C.TX.

348.1 TOTAL ACRES

POINT OF BEGINNING

Line #	Bearing	Length	Line #	Bearing	Length
L1	N07°17'17"W	205.83	L13	S41°07'11"E	86.85
L2	N03°56'49"E	805.92	L14	S64°03'31"E	334.43
L3	N01°55'50"W	892.85	L15	S58°45'45"E	427.81
L4	N42°15'24"E	791.21	L16	N65°04'35"E	481.81
L5	N04°20'32"E	78.48	L17	N47°27'34"E	508.17
L6	N04°17'11"E	215.54	L18	S19°27'46"W	436.77
L7	S82°28'27"E	136.85			
L8	S77°34'11"E	245.58			
L9	S64°51'11"E	114.77			
L10	S82°27'26"E	64.54			
L11	S79°44'02"E	87.38			
L12	S57°42'29"E	65.13			

NOTE:

THE APPLICANT/OWNER DOES NOT REPRESENT OR WARRANT THAT IT HAS OWNERSHIP OF ALL LAND SHOWN ON THIS MAP. OWNER CAN ONLY MAKE BINDING AND ENFORCEABLE COMMITMENTS OR AGREEMENTS OVER LAND THAT IT ACTUALLY OWNS. THE APPLICANT/OWNER DOES NOT OWN PROPERTY UNDER THE COLORADO RIVER AND DISCLAIMS ANY RIGHT TO MAKE ANY BINDING COMMITMENT OR AGREEMENT OVER SUCH PROPERTY.

Revised North Arrow (2008) Based on FTA4, Effective Date (2008)

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