

## RESOLUTION NO. R-2025-03

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

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

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

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

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

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

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

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

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

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

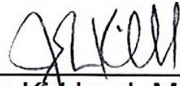
**Section 5. Effective Date:** This Resolution shall take effect upon the date of final passage noted below, or when all applicable publication requirements, if any, are satisfied in accordance with the City's Charter, its Code of Ordinances, and the laws of the State of Texas.

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

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

[Signature Page Follows]


THE CITY OF BASTROP, TEXAS:

  
\_\_\_\_\_  
John Kirkland, Mayor Pro Tempore

ATTEST:

  
\_\_\_\_\_  
City Secretary *for* Assistant City Secretary  
Victoria Bencik

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney



## Exhibit A

December 2, 2024

City of Bastrop  
1311 Chestnut Street  
Bastrop, TX 78602



Dear Sir and Madam:

I moved to Bastrop 4 years ago, following the death of my husband. I bought a lot here, and paid taxes on that lot every year, with the hope that I would eventually build a home there. I tried, at least from January 17, 2022, to ask the City to allow my 1.83 acre lot at 112 Post Oak Rim in Piney Ridge Subdivision to be sub-divided, in order that I might sell approximately half of that lot.

Towards this effort, I paid the City of Bastrop \$1,986.29 on 1/17/22 (copy att); then with the optimistic hope that my request would be granted, I paid the City the additional huge sum of \$3681.00 (receipt att). Moreover, I attended more than one City Council Meeting, the first on July 28, 2022. I sat patiently through the entire meeting, although my name and issue was never addressed. I later learned from Paul Hofmann that my name was not even on the agenda! I waited a month, and attended the next City Council Meeting on August 25, 2022 to reiterate my request verbally. My builder, Donald Barron, also spoke.

My request was denied because there is only one entrance/exit to Post Oak Rim. This street is a Cul-de-Sac! Notwithstanding, the City refused to waiver.

The \$5,667.29 that I have paid the City of Bastrop, all to no purpose, is a tremendous amount of money – to anyone, especially a 78-year old widow like me, who moved to Bastrop in the hope of building a retirement home and watching my only grandchild grow up.

Therefore, I am now requesting a refund of the monies that I paid, in good faith, even though there was only one entrance/exit on Post Oak Rim at the time. The City should have told me, BEFORE I wrote these checks, that a request to subdivide would not be considered until at such time the City provided another entrance/exit to Post Oak Rim. I feel that there has been a terrible injustice and I that am the victim.

Thank you for your consideration.

*Martha A. Miles*

127 N. Kaupo Dr., Unit A  
Bastrop, TX 78602  
email: milesnew23@outlook.com  
(713) 819-7123

# PAYMENT RECEIPT

Receipt ID 22-002001



## RECEIVED FROM

Martha Miles  
127 N. Kaupo Dr.  
Unit A  
Bastrop, TX 78602

## RECEIVED BY

City of Bastrop, TX  
Planning Department  
1311 Chestnut Street  
Bastrop, TX 78602

FEE NAME	INVOICE ID	ACCOUNT NO.	AMOUNT
Subdivision Variance Review Fee	22-002972	101-00-00-4022	\$ 3,681.00
<b>Project Name:</b> Piney Ridge, Section One, Replat, Replat of Lot 11, Block A <b>Project ID:</b> 22-000018 <b>Department:</b> Planning Department <b>Project Address:</b> 112 Post Oak Rim, Bastrop, TX, 78602			
<b>TOTAL PAID</b>			<b>\$ 3,681.00</b>

**Paid Date**

August 09, 2022

**Payment Method**

Check  
# 745

2/19/22, 10:44 AM

A+ Federal Credit Union

**Date:**

1/20/2022

**Type:**

Debit - Check 629

Martha Miles  
127 N. Kaupo Dr., Unit A  
Bastrop, TX 78602

629  
89-7702010  
11

1-17-22  
Date

City of Bastrop  
Pay to the  
Order of  
\$1986.29  
NINETEEN HUNDRED EIGHTY SIX & 27/100 DOLLARS

AT  
Federal P.O. Box 1007  
Bastrop, TX 78602  
For SURVEY

Martha Miles

<

1 of 2

>

Started: 01/17/2022 at 1:07 PM Elapsed time: 1 year 1 month 24 days 22 hours 33 mins Archived: 03/08/2023 Expires: 01/17/2023  
Remaining: Passed Expiration Date

Create New Project

- HOME
- PROJECTS
  - All 11181
  - Active 483
  - Requested 18
  - Expired 7
  - Expiring 22
  - Payments 15
  - Pending Docs 2
  - Pending Archive 4
  - Archived 10878
  - Suspended 0
  - On Hold 17
  - Manager Load

- REVIEWS
- INSPECTIONS
- INVOICES
- TOOLS

#22-000018 - Piney Ridge, Section One, Replat, Replat of Lot 11, ..

Project Type: Replat (C) Department: Planning Department Applicant: JAMES GARON Project Manager: Jennifer Bills

- Overview
- Reviews
- Inspections
- Payments
- Documents
- Updates
- Comments

ADDRESS  
112 Post Oak Rim, Bastrop, TX USA  
78602  
Prop ID: 39494

DESCRIPTION  
Replat of Lot 11, Block A, currently 1.838  
acres into a 1.065 acre & 0.773 acre lot for  
residential use.

This Project has been archived with the status "Permit Denied" on March 08, 2023.

Project Steps Information Fields Fees Credentials 0 Correction Items 7

Fee:	Quantity:	Unit Price:	Total:	Invoiced:	Amount Paid
Completeness Check - Platting Fee	1.00	\$250.00	\$250.00	\$250.00	\$250.00
Replat Fee Per FY22 adopted Master Fee Schedule	1	\$1,510.75	\$1,510.75	\$1,510.75	\$1,510.75
Document Recordation City Fee Per FY22 adopted Master Fee Schedule	1	\$150.00	\$150.00	\$150.00	\$150.00
Administration Fee - Platting Replat Per FY22 adopted Master Fee Schedule	1	\$75.54	\$75.54	\$75.54	\$75.54
Subdivision Variance Review Fee Per FY22 adopted Master Fee Schedule	1	\$3,681.00	\$3,681.00	\$3,681.00	\$3,681.00
			\$5,667.29	\$5,667.29	\$5,667.29