RESOLUTION NO. R-2020-40

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, APPROVING APPLICATION FOR A VARIANCE TO SECTION 4.09.002 OF CHAPTER 4, BUSINESS REGULATIONS OF THE CITY OF BASTROP CODE OF ORDINANCES THAT PROHIBITS DRILLING WELLS AND SURFACE MINING WITHIN THE CITY LIMITS. AS SHOWN IN EXHIBIT A; AUTHORIZING THE WATER & WASTEWATER DEPARTMENT DIRECTOR TO EXECUTE ALL NECESSARY DOCUMENTS UPON RECEIPT OF AN ADMINISTRATIVELY COMPLETE APPLICATION; PROVIDING FOR A REPEALING CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Bastrop City Council understands the importance of a sustainable urban farms provided by local property owners; and

WHEREAS, the City of Bastrop City Council understands providing fresh locally sourced vegetables can be a benefit to the community; and

WHEREAS, the City of Bastrop understands the importance of focusing on infrastructure for irrigation can encourage reduced potable water use; and

WHEREAS, the City of Bastrop City Council has received a request for a variance to well drilling and surface mining within the city limits and found the request to be reasonable.

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

Section 1. That the Water & Wastewater department director is hereby authorized to execute a permit for the installation of an agricultural use water well upon administrative completeness of the petition, attached as Exhibit A.

Section 2. The City Council of the City of Bastrop, Texas has found the request for variance to be in compliance with the requirements set forth in Chapter four of the City of Bastrop Code of Ordinances.

Section 3. This resolution shall take effect immediately from and after its passage, and it is duly resolved.
DULY RESOLVED AND ADOPTED by the City Council of the City of Bastrop this 28th day of April, 2020.

APPROVED:

Connie B. Schroeder, Mayor

ATTEST:

Ann Franklin
Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney
REQUEST FOR VARIANCE - Permit Application

Request For Variance To Drill A Water Well Within The Bastrop City Limits
If approved, this form will also serve as the Well Drilling Permit Application

Applicant's Name:  **David Zhang**
Mailing Address:  1940 Main St
Bastrop TX Zip 78602
Email:  david@edimemtrust.com

Is the applicant the OWNER of the property?  Yes / No

Well Driller:  **Jackson Water Well**
Driller's Certificate Number:  59214
Mailing Address:  PO Box 234
Rosanky TX Zip 78953
Phone:  (512) 501-1174 Fax:  

Site Address:  1510 Main St
Bastrop TX 78602

TAX ASSESSORS PARCEL #

Phone:  ( )
If no, list relationship to property:

Consultant:
Mailing Address:

Purpose of Water Well:  Domestic _____  Irrigation/Ag  ✓ Commercial _____  Other _____

If "Other", please describe purpose:

Well Description:  Approximate Size/Depth 45' 220 ft Location of Well

Cost Estimate For Well (Including Specification)  $13,380.00

NOTE: A copy of the engineering plans or detailed description of the operation to be conducted MUST be attached to this application as Exhibit 'A'.

[Signatures and initials]

Applicant agrees that after the Variance is granted by the Council, but prior to the issuance of the well drilling permit by the City, the Applicant must provide documentation to the Director of Utilities that he/she has received a well drilling permit from the Lost Pines Ground Water Conservation District (or other applicable authority).

Applicant agrees that NO DRILLING will be allowed until the Permit for Well Drilling has been issued by the City of Bastrop's Director of Utilities.

Applicant agrees that Driller (listed above) has or will perform all of the necessary line checks prior to beginning the requested work on the property.

Applicant agrees to be liable to the City for any and all damages that may occur as a result of the work on the property, pursuant to the indemnity clause set forth herein, executed and agreed to by the Applicant.

- 1 -
Applicant and/or Driller must provide the City with written documentation of the Driller's valid certificate of insurance, covering the general liability for the proposed drilling activities, in the minimum amount of $1 million US Dollars. In addition, Driller agrees to be liable to the City for any and all damages that may occur as a result of the work on the property, pursuant to the indemnity clause set forth herein, executed and agreed to by the Driller.

Applicant agrees that this Variance shall remain valid and in affect for 120 days from the date executed by the City. A single extension of 60 additional days may be requested, in writing, by the Applicant and may be granted at the discretion of the Director of Utilities.

**Indemnity Clause:**

To the fullest extent permitted by law, the Driller and the Applicant shall indemnify and hold harmless the City and its officers, agents, affiliates and employees from and against all claims, damages, losses and expenses, including, but not limited to attorney's fees, whether incurred in the investigation or defense of same, arising out of or related to the performance of any of the driller's activities on the property, whether for bodily or personal injury, sickness, disease or death, or injury to or destruction of personal property, including the loss of use of any personal property, in whole or in part, by any negligent, grossly negligent or intentional act or omission of the driller or anyone directly or indirectly employed by or working at the direction of or in concert with the driller.

Pursuant to Section 4.09.002 “Variances” of Chapter 4, Business Regulations, Article 4.09 “Drilling or Mining”, I, [Name of Applicant], allege that strict compliance with the City's Code of Ordinances would result in undue hardship and hereby request that a variance for water well drilling be granted.

**Acknowledged and Agreed:**

[Signature]

Applicant / Property Owner

3/1/20

**Notary:**

State of Texas
County of [County]

Sworn to and subscribed before me on the 10th day of March, 2020

[Signature]

Notary Public's Signature
NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BASTROP FINDS THAT:

The circumstances required for granting approval of the above described variance, as set out in Section 4.09.002 of the Code of Ordinances do exist on the Property, and therefore, after consideration of the input received from the Applicant and the City's Staff, the request to grant the variance to the Applicant IS HEREBY GRANTED, with the following conditions, if any:

The above request for a well drilling variance was heard and granted on 04-29-20 by the City Council of Bastrop.

Ordered and Executed on Behalf of the City Council:

[Signature]
Mayor, City of Bastrop
STATE OF TEXAS
COUNTY OF BASTROP

§

I, Traci Chavez, Deputy City Secretary of the City of Bastrop, hereby certify that the attached "Action of the City Council of the City of Bastrop Granting a Variance to Drill a Well Within the City Limits" is a true and correct copy of the original document located in the City Secretary's Office, and I further certify that such document accurately reflects the action granting a variance taken by the City Council on 2020 04-28-20.

Traci Chavez
Deputy City Secretary
City of Bastrop
Forms Verification:

☑ Approved Variance Request Application
☑ Proof of Driller's Insurance (attached)
☑ Exhibit A (Diagram of Plans For Well)
☑ Certificate of Authenticity of Variance From City of Bastrop
☑ Copy of the City Council Minutes Reflecting the City’s Final Action To Approve This Variance
☑ Copy of Well Permit (Issued by Lost Pines Ground Water Conservation District or other applicable authority.)

Permit# ____________ for water well drilling inside the city limits of Bastrop has been approved and issued to David Barrow on this _____ day of May, 2020.

Acknowledged By:

Trey Job, Assistant City Manager
CERTIFICATE OF LIABILITY INSURANCE

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFRS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES LISTED BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE INSURING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsements.

PRODUCER
Germer Insurance Services
Bastrop Division
799 Highway 71W
Bastrop TX 78602-3177

INSURED
JACKSON WATER WELL DRILLING & SERVICE LLC; Well Scope
1681 FM 535
SMITHVILLE TX 78957

INSURER(S) AFFORDING COVERAGE
INSURER A: State Auto Insurance Companies
INSURER B: Texas Mutual Insurance Company
INSURER C:
INSURER D:
INSURER E:
INSURER F:

COVERAGES CERTIFICATE NUMBER: CL1973009086 REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

<table>
<thead>
<tr>
<th>INSURER</th>
<th>TYPE OF INSURANCE</th>
<th>AMENDABLE</th>
<th>LIMITS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>COMMERCIAL GENERAL LIABILITY</td>
<td>CLAIMS-MADE</td>
<td>EACH OCCURRENCE: DAMAGE TO RENTED PREMISES (EACH OCCURRENCE)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>OCCUR</td>
<td>MED EXP (ANY ONE PERSON)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>PERSONAL &amp; ADJ INJURY</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>GENERAL AGGREGATE</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>PRODUCTS - COMPV/PAGG</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>INSURER</th>
<th>TYPE OF INSURANCE</th>
<th>AMENDABLE</th>
<th>LIMITS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>AUTOMOBILE LIABILITY</td>
<td></td>
<td>COMBINED SINGLE UNIT (EACH ACCIDENT)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>BODILY INJURY (PER PERSON)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>BODILY INJURY (PER ACCIDENT)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>PROPERTY DAMAGE (PER ACCIDENT)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>LIABILITY</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>INSURER</th>
<th>TYPE OF INSURANCE</th>
<th>AMENDABLE</th>
<th>LIMITS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>UMBRELLA LIABILITY</td>
<td>OCCUR</td>
<td>EACH OCCURRENCE</td>
</tr>
<tr>
<td></td>
<td></td>
<td>CLAIMS-MADE</td>
<td>GENERAL AGGREGATE</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>INSURER</th>
<th>TYPE OF INSURANCE</th>
<th>AMENDABLE</th>
<th>LIMITS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>WORKERS’ COMPENSATION AND EMPLOYER’S LIABILITY</td>
<td>PER STATUTE</td>
<td>E.L. EACH ACCIDENT</td>
</tr>
<tr>
<td></td>
<td></td>
<td>OTHERS</td>
<td>E.L. DISEASE - EA EMPLOYEE</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>E.L. DISEASE - POLICY LIMIT</td>
</tr>
</tbody>
</table>

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER
City of Bastrop
P O Box 427
Bastrop TX 78602

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

©1985-2015 ACORD CORPORATION. All rights reserved.
Alternative Surface Completion
Chapter 76.100 (g)

Steel Sleeve to be 2"
Larger in Diameter
Than Plastic Casing
or PVC Schedule 80
Sun Resistant Casing

Original
Ground Surface

Min. 10'
Annular Cement

Bore Hole Min. 3"
Larger Than Casing

Recommended 10'
Annular Cement
or Bentonite

Screened Area
or
Open Bore Hole

Total Depth
of Well

Gravel-Sand Packing
or Packer (optional)

Good Water Zone
Lost Pines Groundwater Conservation District
Drilling Registration

Application Number: 58-62-2-0058
Date of Application: 04/30/2020
Owner: David Barrow
Address: 1910 Main St.
City, State, Zip Code: Bastrop, TX 78602
Type of Well:

It has been determined that the above applicant plans to drill a water well which would be exempt under Lost Pines Groundwater Conservation District rule 8.6. The applicant has registered the well with the District and may proceed with the drilling of the well. The drilling must comply with Lost Pines Groundwater Conservation District rules and must be completed within one hundred eighty (180) days.

James Totten, General Manager
Lost Pines Groundwater Conservation District

4-30-2020
Date