

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:

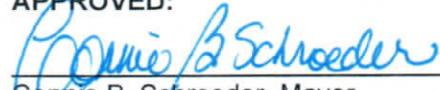
Section 1. That the Water& Wastewater department director is hereby authorized to execute a permit for the installation of an agricultural use water well upon administrative completeness of the petition, attached as Exhibit A.

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:



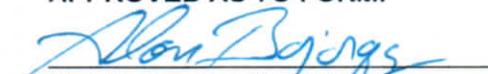
Connie B. Schroeder, Mayor

ATTEST:



Ann Franklin, 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 BARKER
Mailing Address: 1940 Main St
Bastrop TX Zip 78602
Email: david@edingerstaustrm.com

Site Address: 1910 Main St
Bastrop TX 78602
TAX ASSESSORS PARCEL # _____
Phone: () _____

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

If no, list relationship to property: _____

Well Driller: JACKSON WATER WELL
Driller's Certificate Number: 59214
Mailing Address: PO Box 234
ROSANKY TX. Zip 78953
Phone: (512) 581-1176 Fax: () _____

Consultant: _____
Mailing Address: _____ Zip _____
Phone: () _____ Fax: () _____

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

If "Other", please describe purpose: _____

Well Description: Approximate Size/Depth 4.5" 320 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'**.

DB (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).

PH (initials) 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.

OH (initials) 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.

PH (initials) 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.

AA (initials) 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.

AV (initials) 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, DAVID BARROW, 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:

David Barrow
Applicant / Property Owner

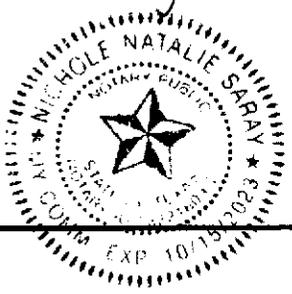
3/1/20
Date

Notary:

State of Texas
County of TRAVIS

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

(Seal)



N Saray
Notary Public's Signature

Acknowledged and Agreed:

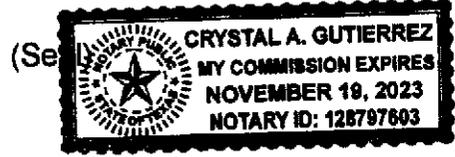
[Signature]
Well Driller

2-28-20
Date

Notary:

State of Texas
County of Bastrop

Sworn to and subscribed before me on the 28 day of February, 2020
by Jackson Water Well, Dake Jackson



[Signature]
Notary Public's Signature

This section to be completed by Mayor of City of Bastrop:

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. Date

Ordered and Executed on Behalf of the City Council:

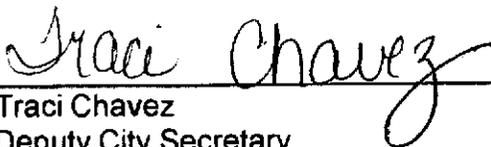
[Signature]
Mayor, City of Bastrop

STATE OF TEXAS
COUNTY OF BASTROP

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§

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

, 20 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 4th day of May, 2020.

Acknowledged By:



Trey Job, Assistant City Manager



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
02/28/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING 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 endorsement(s).

PRODUCER Germer Insurance Services Bastrop Division 799 Highway 71W Bastrop TX 78602-3177	CONTACT NAME: Karen Vaughan	FAX (A/C, No): (512) 303-6573	
	PHONE (A/C, No, Ext): (512) 303-5617	E-MAIL ADDRESS: karen@germerinsurance.com	
INSURED JACKSON WATER WELL DRILLING & SERVICE LLC; Well Scope 1661 FM 535 SMITHVILLE TX 78957	INSURER(S) AFFORDING COVERAGE		NAIC #
	INSURER A: State Auto Insurance Companies		
	INSURER B: Texas Mutual Insurance Company		
	INSURER C:		
	INSURER D:		
	INSURER E:		
INSURER F:			

COVERAGES CERTIFICATE NUMBER: CL1973008096 REVISION NUMBER:

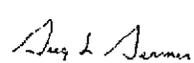
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE 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.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	Y	Y	PBP2866821	06/01/2019	06/01/2020	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMPIOP AGG \$ 2,000,000
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS ONLY	Y	Y	BAP2478036	09/21/2019	06/01/2020	COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ Liability \$ 1,000,000
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$	Y	Y	PBP2866821	06/01/2019	06/01/2020	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ 1,000,000
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y	N/A	0002019801	08/28/2019	08/28/2020	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000

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

CERTIFICATE HOLDER

CANCELLATION

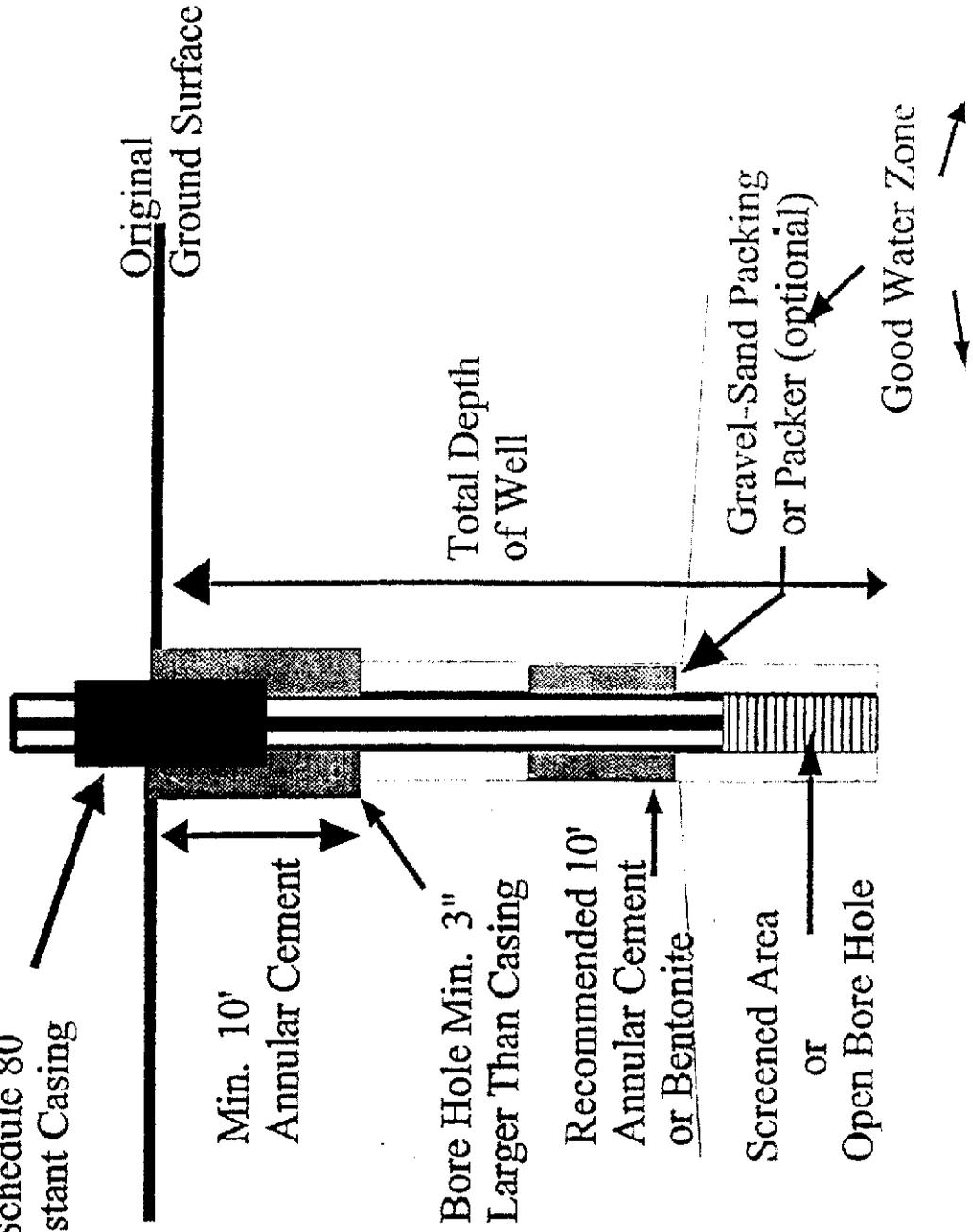
City of Bastrop P O Box 427 Bastrop TX 78602	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
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Alternative Surface Completion

Chapter 76.100 (g)

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



Min. 10'
Annular Cement

Bore Hole Min. 3"
Larger Than Casing

Recommended 10'
Annular Cement
or Bentonite

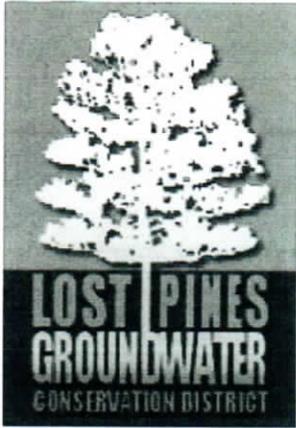
Screened Area
or
Open Bore Hole

Total Depth
of Well

Gravel-Sand Packing
or Packer (optional)

Good Water Zone

Original
Ground Surface



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.

A handwritten signature in blue ink, appearing to read "James Totten", is written over a horizontal line.

James Totten, General Manager

Lost Pines Groundwater Conservation District

A handwritten date "4-30-2020" in blue ink is written over a horizontal line.

Date