

City of Cottonwood Shores

ORDINANCE 14023

AN ORDINANCE OF THE CITY COUNCIL (THE "COUNCIL") OF THE CITY OF COTTONWOOD SHORES, TEXAS (THE "CITY"), AUTHORIZING THE RELEASE OF AN INTEREST IN A 1.268 ACRE RIGHT-OF-WAY ("ROW") ABUTTING LOTS 37 THROUGH 39, 54, 55, AND 68 THROUGH 72, 74 THROUGH 76 AND TRACT 1 NEW CASTLEROCK PARTNERS, LP OF BLUFF VIEW SECTION; AUTHORIZING RELEASE OF SAID ROW TO NEW CASTLEROCK DEVELOPMENT, LLC, ITS ASSIGNS AND SUCCESSORS; AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR OF THE CITY TO EXECUTE AND ATTEST, RESPECTIVELY, AN RELEASE OF ROW, SUBSTANTIALLY IN A FORM AS ATTACHED HERETO AND MARKED EXHIBIT "A".

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COTTONWOOD SHORES, TEXAS, THAT:

SECTION 1. The Council recognized and approved a development agreement (the "Agreement") with New Castle Rock Development, LLC ("NCRD") on January 19, 2017, in which the City agreed to vacate, release, and close the ROW herein described and also known as Ridgeview Drive. The ROW to be vacated, released and closed is further described in Exhibit "A" attached hereto and incorporated herein for all purposes.

SECTION 2. Under the terms of the Agreement and as consideration for releasing the ROW, NCRD shall construct or cause to have constructed the following improvements in the City (known hereafter as the "Improvements"):

- 1) a twenty-four feet (24') paved right-of-way described within the Agreement and also known as Castle Mountain; and
- 2) a twenty five feet (25') paved right-of-way for parking and sidewalks on the west side of Castle Rock Mountain.

The Improvements shall be constructed according to the terms of the Agreement and upon completion, shall be dedicated to the City.

SECTION 3. The Council has studied the release of ROW in view of the public safety, health and other considerations, and has determined that it is in the best interest of the City to release the ROW.

SECTION 4. Pursuant to the terms of the Agreement, from and after the effective date of this Ordinance, the portion of the ROW of Ridgeview Drive, described in Exhibit "B" attached hereto and incorporated herein for all purposes, shall be vacated, released and closed, except with regard to any existing utility lines and facilities, for which an easement shall be reserved by the City.

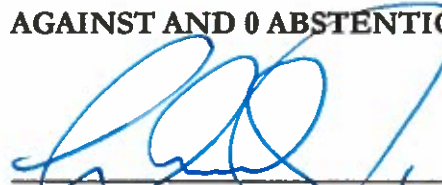
ORIGINAL

SECTION 6. The Council authorizes the Mayor to execute the necessary documents to vacate, release and close the ROW of Ridgeview Drive from the intersection with Wirtz Dam Road on the north to the second (2nd) intersection with Cottonwood Drive on the south.

SECTION 7. The Council hereby finds that the above-described ROW is not needed, with the exception of any utility easements or record, and the Council hereby deems that it is in the best interest of the public to vacate, release and close the ROW of Ridgeview Drive.

SECTION 8. This Ordinance shall become null and void in the event that the Improvements to be constructed under the terms of the Agreement are not constructed according to the terms of such Agreement.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF COTTONWOOD SHORES, TEXAS, THERE BEING A QUORUM PRESENT AT A MEETING ON THE 1ST DAY OF MARCH, 2018 WITH 2 VOTES IN FAVOR, 1 VOTE AGAINST AND 0 ABSTENTIONS.



Donald Orr, Mayor



Attest:



Sheila C. Moore
City Administrator/City Secretary

EXHIBIT B



LEGEND	
●	3/8" IRON PIN FOUND
●	1/4" IRON PIN FOUND (UNLESS NOTED)
○	SET 1/2" IRON PIN WITH CUPLIN PROPERTY CAP CALC POINT
△	TRUST TYPE I CONC. R.O.V. MORNENI TAL.
...	VOLUME/PAGE
P.R.B.C.	PLAT RECORDS BURNET CO.
O.P.R.B.C.	OFFICIAL PUBLIC RECORDS BURNET COUNTY
{ }	RECORD INFO/SUBJECT
[]	RECORD INFO/ADJOINER

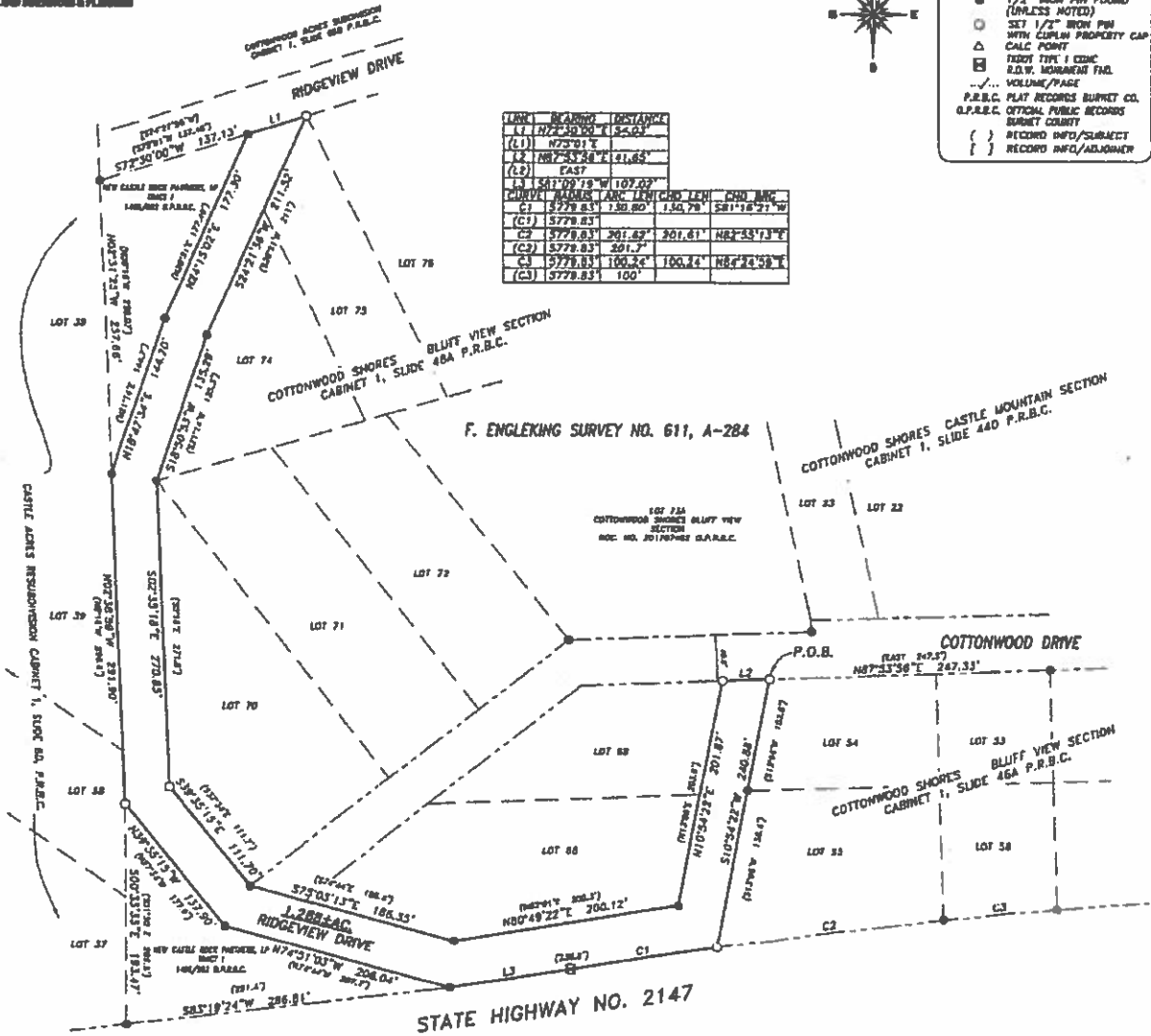


EXHIBIT A

RELEASE OF RIGHT-OF-WAY

**STATE OF TEXAS §
 §
COUNTY OF BURNET §**

KNOW ALL MEN BY THESE PRESENTS:

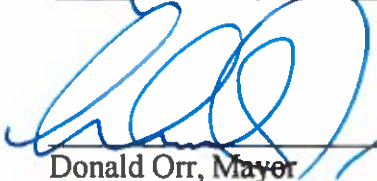
That the **CITY OF COTTONWOOD SHORES (the "City")**, TEXAS, a General Law City, does, by these presents, release and relinquish all of the right-of-way interest and all right, title, and interest of any nature whatsoever held by the City upon and across property being generally described as Ridgeview Drive and further described in Exhibit "A" (the "Property").

This Release shall be subject to certain requirements related to the construction of paved right-of-way further described in the Development Agreement by and between the City and New Castle Rock Development, LLC ("NCRD") and in the City's Ordinance 14023 (the "Requirements").

The Requirements are expressly deemed to be limitations on the Property released herein, it being the express intent of the City that this instrument releases the Property. Upon any breach of the Requirements, which breach remains uncured for more than 30 days after mailing written notice to NCRD, all right, title and interest in and to all of the Property may, upon the City's sole election, revert to the City and this Release shall be null and void.

EXECUTED this, the 2nd day of March, 2018.





Donald Orr, Mayor
City of Cottonwood Shores, Texas

ATTEST:



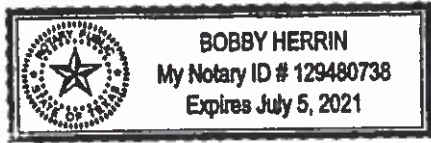
Sheila Moore, City Secretary/City Administrator
City of Cottonwood Shores, Texas

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF BURNET §

BEFORE ME, the undersigned authority, on this day personally appeared DONALD ORR, known to me to be the Mayor of the City of Cottonwood Shores, Texas, and SHEILA MOORE, known to me to be the City Secretary/Administrator of the City of Cottonwood Shores, Texas, whose names are subscribed to the foregoing instrument, and acknowledge to me that they executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND and seal of office this, the 2 day of MARCH, 2018.



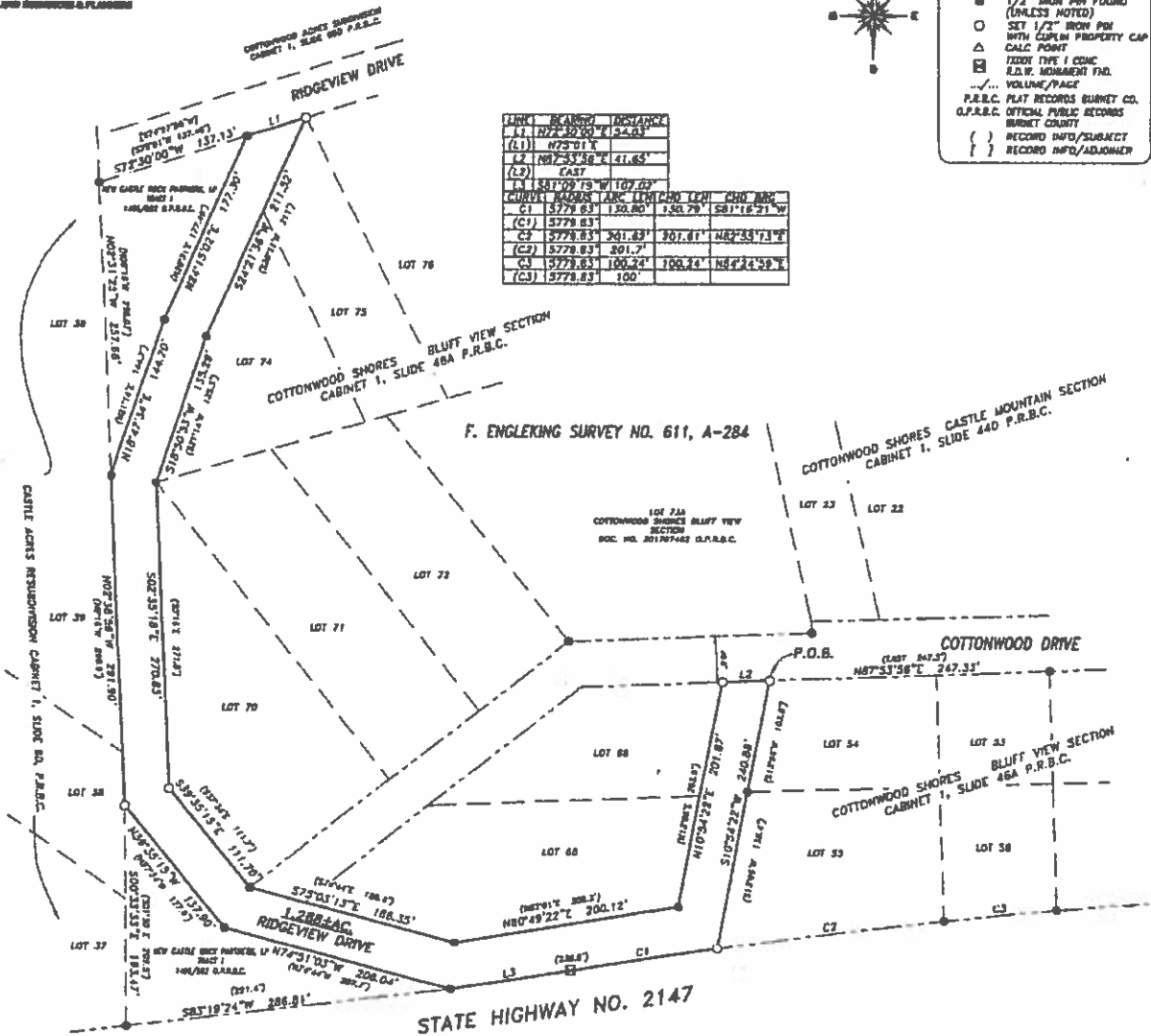
Bobby Herrin
Notary Public in and for the
State of Texas

My Commission Expires: 7/5/21

EXHIBIT A



LEGEND	
●	3/8" IRON PIN FOUND
○	1/2" IRON PIN FOUND (UNLESS NOTED)
○	SET 1/2" IRON PIN WITH CUPLIN PROPERTY CAP CALC POINT
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{ }	RECORD INFO/SUBJECT
{ }	RECORD INFO/ADJOINER



LINE	BEARING	DISTANCE
L1	N77°30'00"W	24.85'
(L1)	N75°01'E	
L2	N82°53'58"E	21.85'
(L2)	EAST	
L3	S81°09'19"W	109.00'

CURVE	BEARING	TANG.	CHORD	LEN	CHD. ANG.
C1	S77°03'00"E	120.00'	250.79'	581°16'21"W	
(C1)	S77°03'00"E				
C2	S77°03'00"E	301.89'	307.61'	N82°53'58"E	113°14'
(C2)	S77°03'00"E				
C3	S77°03'00"E	100.24'	100.73'	N82°53'58"E	113°14'
(C3)	S77°03'00"E				

NOTES:
 1) BASES OF BEARINGS ARE TO THE NORTH AMERICAN DATUM OF 1983, TEXAS COORDINATE SYSTEM, CENTRAL ZONE.
 2) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT AND MAY HAVE ADDITIONAL ENCUMBRANCES. SURVEYOR NOT RESPONSIBLE FOR ANY ENCUMBRANCES THAT A TITLE COMMITMENT MAY DISCLOSE.

BOUNDARY EXHIBIT

LOCAL ADDRESS: COTTONWOOD SHORES, TEXAS.

LEGAL DESCRIPTION: BEING 1.268 ACRES OF LAND OUT OF THE F. ENGLEKING SURVEY NO. 611, ABSTRACT NO. 284, BURNET COUNTY, TEXAS, AND BEING A PORTION OF RIDGEVIEW DRIVE AS SHOWN ON PLAT OF COTTONWOOD SHORES BLUFF VIEW SECTION, A SUBDIVISION RECORDED IN CABINET 1, SLIDE 46A OF THE PLAT RECORDS OF BURNET COUNTY, TEXAS, SAID 1.268 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS DESCRIPTION TO ACCOMPANY THIS SURVEY.

THIS PROPERTY SUBJECT TO ALL CURRENT ZONING AND LAND USE REGULATIONS OF THE CITY OF COTTONWOOD SHORES, TEXAS.

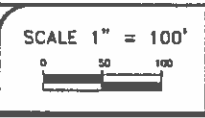
I HEREBY CERTIFY EXCLUSIVELY TO NEW CASTLE DEVELOPMENT THAT THIS SURVEY WAS PERFORMED ON THE GROUND AND WAS SURVEYED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THIS PROFESSIONAL SERVICE MEETS OR EXCEEDS THE CURRENT MINIMUM STANDARDS OF PRACTICE AS ESTABLISHED BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING. CUPLIN & ASSOCIATES, INC. ACCEPTS NO RESPONSIBILITY FOR THE USE OF THIS SURVEY BY ANYONE OTHER THAN THE ABOVE REFERENCED PARTIES HEREBY CERTIFIED TO FOR THIS SPECIFIC TRANSACTION ONLY. COPYRIGHT 2017, CUPLIN & ASSOCIATES, INC. ©.

Kyle P. Cuplin DATED 10/12/2017
 KYLE P. CUPLIN, R.P.L.S. NO. 5938



SHEET 1 OF 3	PROJ. NO. 171216
	PREPARED FOR: NEW CASTLE DEVELOPMENT
	TECH: KC LUST
	APPROVED: K. CUPLIN
	FIELDWORK PERFORMED ON: 10/05/2017
COPYRIGHT: 2017 PROFESSIONAL FUND NO: 10124860	

1500 OLLIE LANE
 MARBLE FALLS, TX. 78654
 TEL: 325-388-3300/830-693-8815
 WWW.CUPLINASSOCIATES.COM



DATE	NO.	DESCRIPTION
	2	
	1	
REVISIONS		