AGENDA

Special Meeting

City Council

Monday, October 23, 2023

4:30 PM, City Hall

4000 Galleria Parkway

Bee Cave, Texas 78738-3104

THE CITY OF BEE CAVE COUNCIL MEETINGS ARE AVAILABLE TO ALL PERSONS REGARDLESS OF DISABILITY. IF YOU REQUIRE SPECIAL ASSISTANCE, PLEASE CONTACT KAYLYNN HOLLOWAY AT (512) 767-6641 AT LEAST 48 HOURS IN ADVANCE OF THE MEETING. THANK YOU.

A quorum of the Planning and Zoning Commission and/or Development Board may be in attendance at this meeting. No action will be taken by the Commission or Board.

1. Call meeting to order
2. Roll Call
3. First Public Hearing on Ordinance No. 520 regarding annexing a portion of State Highway 71 Right-Of-Way of an approximate total of 11.4 acres
4. Adjournment

The Council may go into closed session at any time when permitted by Chapters 418 or 551, Texas Government Code, or Section 321.3022 of the Texas Tax Code. Before going into closed session a quorum of the Council must be present, the meeting must be convened as an open meeting pursuant to proper notice, and the presiding officer must announce that a closed session will be held and must identify the sections of Chapter 551 or 418, Texas Government Code, or Section 321.3022 of the Texas Tax Code authorizing the closed session.

I certify that the above notice of meeting was posted at Bee Cave City Hall, 4000 Galleria Parkway, Bee Cave, Texas, on the 20th day of October, 2023 at

3:00 P.M. (Seal)

Kaylynn Holloway, City Secretary

City Council Meeting
10/23/2023
Agenda Item Transmittal

Agenda Item:	**3.**
Agenda Title:	**First Public Hearing on Ordinance No. 520 regarding annexing a portion of State Highway 71 Right-Of-Way of an approximate total of 11.4 acres**
Council Action:	**Hold Public Hearing**
Department:	**Assistant City Manager**
Staff Contact:	**Lindsey Oskoui**

1. INTRODUCTION/PURPOSE

To hold a first public hearing regarding the annexation an approximately 11.4 acre portion of SH 71 ROW from approximately the intersection of Vail Divide and State Highway 71 to approximately 2,500' westward of the intersection.

2. DESCRIPTION/JUSTIFICATION

a) Background

Section 1.03 of the Home Rule Charter adopted by the citizens of Bee Cave in May 2013 states that *"The City may from time to time alter its boundaries by annexing any territory adjoining boundaries, as such boundaries may exists from time to time, in any size or shape desired in any manner provided by State law and by any other method provided by law for any type of incorporated municipali8ty, with or without consent of the owners of such territory or the inhabitants thereof. The City may from time to time alter its boundaries by disannexing any territory adjoining its boundaries; as such boundaries may exist from time to time, by passage of an ordinance describing the territory to be disannexed. Any additional territory annexed to the City shall be part of the City for all purposes, and the property situated therein shall bear its pro rata part of the taxes levied by the City as provided by State law. The inhabitants thereof shall be entitled to all right and privileges of all citizens and shall be bound by the acts, ordinances, and resolutions of the City."*

Each calendar year, a City may initiate annexation from within its Extraterritorial Jurisdiction an amount equal to up to 10 percent of the area within its City Limits. (Annexation due to land owner petition does not count against this cap). Any 'unused' acreage from the maximum allowed may be carried over to the next calendar year.

Texas Local Government Code Chapter 43 establishes a detailed process for how annexations must be completed, including, for an annexation of this type ("C-1"):

- preparation of a service plan;

- issuance of notice in the newspaper and via mail to property owners of the subject land and those within 200'; and
- two public hearings at City Council.

On 9/12/2023, City Council approved Resolution 2023-15, which initiated the process of annexing an 11.4 acre area encompassing the right of way (ROW) of SH 71 located from approximately the intersection of Vail Divide and SH 71 to approximately 2,500' westward of that intersection, all of which is owned by Texas Department of Transportation (TXDOT). A survey is attached. This area generally includes SH 71 itself and all of the normal utilities and appurtenances found in a state ROW. There is no commercial development, nor residences. Adjacent neighbors include the Canyonside neighborhood and Bee Cave Primitive Park to the North and the Lake Travis Independent School District Bus Ban to the South. This area is outside of a Municipal Utility District.

b) Issues and Analysis

Annexation of this stretch of SH 71 completes incorporating all portions of SH 71 that were formerly within the City's Extraterritorial Jurisdiction.

In addition to initiating the process, approval of Resolution 2023-15 also had the effect of scheduling the two public hearings required by state law as part of this process. This is the first hearing. The second will be held on 10/24/2023.

The ordinance that would complete the annexation is scheduled to be considered at the 11/14/2023 City Council hearing. The complete annexation calendar is attached.

3. FINANCIAL/BUDGET

Amount Requested	Fund/Account No.
Cert. Obligation	GO Funds
Other source	Grant title
Addtl tracking info	

4. TIMELINE CONSIDERATIONS

The rules in the Texas Local Government regarding the timing of each of the steps in annexation are very specific. Once this process is commenced, most dates cannot be modified without starting the process over.

5. RECOMMENDATION

No action.

ATTACHMENTS:

Description	Type
Draft Resolution 2023-15 - Initiating Intent to Annex	Resolution Letter
Map of Area Proposed to Be Annexed	Exhibit
Draft Annexation Calendar	Exhibit
Metes and Bounds	Backup Material

RESOLUTION NO. 2023-15

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF BEE CAVE, TEXAS, DECLARING AN INTENT TO ANNEX A PORTION OF THE HIGHWAY 71 RIGHT OF WAY, OF AN APPROXIMATE TOTAL OF 11.4 ACRES; AUTHORIZING CITY STAFF TO POST AND SEND THE REQUIRED PUBLIC NOTICES, ORDERING THE SCHEDULING OF PUBLIC HEARINGS, DIRECTING CITY STAFF TO PREPARE A DRAFT ANNEXATION ORDINANCE FOR CITY COUNCIL'S CONSIDERATION AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City recognizes certain portions of the Highway 71 right-of-way described in the metes and bounds attached as Exhibit "A," (the "Property") lies outside of the City's municipal limits and in the City's extraterritorial jurisdiction; and

WHEREAS, the City Council finds it is in the best interest of the citizens and public to annex such Property into the City's municipal limits; and

WHEREAS, the City is authorized to annex an area of land which is a road and right-of-way; and

WHEREAS, the City Council hereby shall schedule public hearings, order a service plan to be prepared and notice be published, and otherwise shall comply with the legal requirements for annexation; and

WHEREAS, the area proposed for annexation is contiguous to the city limits of the City; and

WHEREAS, the area proposed for annexation, if annexed, would not exceed the maximum amount of area allowed for annexation per year by the City; and

WHEREAS, the City Council finds that proceeding forward with the annexation process is in the best interest of the public and the City.

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

SECTION 1.
The Council hereby adopts and finds to be true the recitals set out in the preamble to this resolution and they are incorporated for all purposes giving effect to this resolution.

SECTION 2.
Council expressly declares Council's intention to commence with public hearings required to commence the annexation process.

SECTION 3.
Council authorizes and orders the city manager to prepare a service plan that provides for the extension of full municipal services to the Property.

SECTION 4.
Council authorizes and orders the city manager to give written notice of the proposed annexation as required by law.

SECTION 5.
Council authorizes and orders the city manager to schedule two (2) public hearings to allow for the opportunity of persons interested in the proposed annexation to be heard. Such public hearings shall be scheduled for October 23, 2023 at 4:30 p.m., and for October 24, 2023 at 6:00 p.m.

SECTION 6.
Council authorizes and orders the city manager to post notice of two (2) scheduled public hearings in a newspaper of general circulation in the municipality and area proposed for annexation as well as on the City's web site, stating that the completed annexation of the area will expand the municipality's extraterritorial jurisdiction, describing the area that would be newly included in the municipality's extraterritorial jurisdiction, stating the purpose of the extraterritorial jurisdiction, and describing municipal ordinances that would be applicable to subdivision and property development within the Property.

SECTION 7.
Council authorizes and orders the city manager to create, or contract for the creation of, and make publicly available a digital map that identifies the area proposed for annexation and any area that would be newly included in the municipality's extraterritorial jurisdiction as a result of the proposed annexation in a format widely used by common geographic information system software or in any other widely used electronic format.

SECTION 8.
Council authorizes and orders the city manager to prepare or have prepared such other maps and documents as legally required for the proposed annexation.

DULY PASSED AND APPROVED, on the _____ day of _____, 2023 at a regular meeting of the City Council of Bee Cave, Texas, which was held in compliance with the Open Meetings Act, Tex. Gov't Code § 551.001, et. Seq. at which meeting a quorum was present and voting.

CITY OF BEE CAVE, TEXAS

_____
Kara King, *Mayor*

ATTEST:

_____
Kaylyn Holloway, *City Secretary*

APPROVED:

_____

Ryan S. Henry, *City Attorney*

SH 71
Vail Divide

DRAFT ANNEXATION CALENDAR:
11.4 acres of SH 71 ROW between Vail Divide/SH 71 Int and ~2,500' west of intersection

COMMENCEMENT		
Adopt Resolution	Tue 12 Sep 2023	Council adopts **RESOLUTION** directing staff to begin annexation process: prepare service plan, set public hearings.
SERVICE PLAN		
Deadline to Prepare Svc Plan	Sat 23 Sep 2023	Same date notices are mailed.
MAILED NOTICES		
Deadline to Mail Notices	Sat 23 Sep 2023	Notices to owners of properties being annexed, service providers, RR company, State Highway Department, etc. Notice must be mailed 30 days prior to first public hearing. Send regular and certified mail.
NEWSPAPER NOTICES		
Overlapping Date Range for Mailed Notices	Wed 4 Oct 2023 to Mon 9 Oct 2023	Notices must be published no fewer than 10 days before public hearing and no more than 20 days.

	20 Days Prior	10 Days Prior
First Public Hearing		
Mon 23 Oct 2023	Tue 3 Oct 2023	Fri 13 Oct 2023
Second Public Hearing		
Tue 24 Oct 2023	Wed 4 Oct 2023	Sat 14 Oct 2023

For hearing dates Mon 23 Oct 2023 and Tue 24 Oct 2023 their overlapping publishing dates are:

Wed 4 Oct 2023 to Mon 9 Oct 2023

Actual publication Date for Public Hearing 1	Wed 4 Oct 2023	If an overlapping date range exists, dates in cell B17 and B20 should be made to be the the same. If there is a Wednesday in the overlapping date range, it should be chosen so publication can be put in the LTV, which is cheaper than the Statesman.
LTV Deadline	*Wed 27 Sep 2023 by 12pm*	LTV publishes on Wednesday; deadline is the preceding Wednesday by **noon**. Doublecheck returned LTV deadline because it needs to be at least one week prior to the publication date.
Statesman Deadline	*Mon 2 Oct 2023 by 3pm*	Statesman publishes every day **except Saturday**. Need to send it in by 3p. Monday--> Thursday 3p Tuesday-->Friday 3p Wednesday --> Monday 3p Thursday--> Tuesday 3p Friday --> Wednesday 3p Saturday--> N/A
Actual publication Date for Public Hearing 2	Wed 4 Oct 2023	If an overlapping date range exists, dates in cell B17 and B20 should be made to be the the same. If there is a Wednesday in the overlapping date range, it should be chosen so publication can be put in the LTV, which is cheaper than the Statesman.
LTV Deadline	*Wed 27 Sep 2023 by 12pm*	LTV publishes on Wednesday; deadline is the preceding Wednesday by **noon**. Doublecheck returned LTV deadline because it needs to be at least one week prior to the publication date.

Statesman Deadline	*Mon 2 Oct 2023 by 3pm*	Statesman publishes every day **except Saturday**. Need to send it in by 3p. Monday--> Thursday 3p Tuesday-->Friday 3p Wednesday --> Monday 3p Thursday--> Tuesday 3p Friday --> Wednesday 3p Saturday--> N/A Sunday--> Thursday 3pm
HEARINGS		
Public Hearing Date Range	Thu 5 Oct 2023 to Wed 25 Oct 2023	Period during which two public hearings must be held—both must occur no fewer than 20 days and no more than 40 days preceding adoption date. **One of the hearings is likely to need to be a special meeting**
First Hearing Date	Mon 23 Oct 2023	Special Meeting. 4:30pm
Second Hearing Date	Tue 24 Oct 2023	Regularly scheduled meeting. 6 pm
ADOPTION		
Adoption Date	Tue 14 Nov 2023	Regular Council meeting. **ORDINANCE** needed. Metes and bounds and service plan attached.

DOUCET

7401B Highway 71 West, Suite 160, Austin, TX 78735
Office: 512.583.2600
Fax: 512.583.2601
Doucetengineers.com

"Exhibit "------"

11.13 Acre Highway 71 Annexation Tract Description **D&A Job No. 2051-003**
Travis County, Texas **September 8, 2023**

DESCRIPTION

BEING A 11.13 ACRE TRACT OF LAND IN THE T.C. RR. CO. SURVEY, ABSTRACT NUMBER 2259, AND THE T.C. RR. CO. SURVEY, ABSTRACT NUMBER 2525, TRAVIS COUNTY, TEXAS, SAID 11.13 ACRE TRACT OF LAND BEING A PORTION OF STATE HIGHWAY 71 (A VARIABLE WIDTH RIGHT-OF-WAY), DESCRIBED IN A DEED TO THE STATE OF TEXAS IN VOLUME 790, PAGE 582, DEED RECORDS, TRAVIS COUNTY, TEXAS, SAID 11.13 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY THE METES AND BOUNDS AS FOLLOWS:

BEGINNING at a calculated point on the north right-of-way line of said State Highway 71, for the southernmost southeast corner of Final Plat of Lot 1A, 1B and 1C, Block A of Falconhead West, Phase 1, Section 2 & Phase 2, a subdivision of record in Document Number 201700231 of the Official Public Records, Travis County, Texas [O.P.R.T.C.T.], same being the southwest corner of a called 22.997 acre tract described in a deed to Protestant Episcopal Church Council of the Diocese of Texas, recorded in Document Number 2018104077, O.P.R.T.C.T., and the northeast corner of the tract described herein;

THENCE over and across said State Highway 71, S28°04'41"W, a distance of 162.74 feet to a calculated point in the south right-of-way line of State Highway 71, for the northwest corner of Bella Colinas Commercial Plat, a subdivision of record in Document Number 201600051 O.P.R.T.C.T., same being the northeast corner of a called 136.059 acre tract of land described in a deed to Lake Travis Independent School District in Document Number 2010014061, O.P.R.T.C.T., and the southeast corner of the tract described herein;

THENCE with the south right-of-way line of said State Highway 71, same being the north line of said Lake Travis Independent School District tract, and the south line of the tract described herein, the following three (3) courses and distances:

1) N84°33'47"W, a distance of 168.86 feet to a calculated point of curvature,

2) With a curve to the left, defined by an arc length of 1,531.04 feet, a radius of 5,639.33 feet, a delta angle of 15°33'19", and a chord which bears S87°39'02"W, a distance of 1,526.34 feet to a calculated point of tangency, and

3) S79°54'05"W, at distance of 276.48 feet passing a calculated point for the northwest corner of said Lake Travis Independent School District Tract, same being the northeast corner of Sweetwater Crossing Lot 9, Block A Final Plat, a subdivision of record in Document Number 201700109 O.P.R.T.C.T., continuing for a total of 986.80 feet to a calculated point of curvature in the common line of State Highway 71 and the north line of said Sweetwater Crossing Lot 9, Block A Final Plat, and the south line of the tract described herein;

THENCE with the south right-of-way line of said State Highway 71, same being the north line of said Sweetwater Crossing Lot 9, Block A Final Plat, and with said curve to the right, defined by an arc length of 63.83 feet, a radius of 1,522.37 feet, a delta angle of 02°24'09", and a chord which bears S80°57'37"W, for a distance of 63.83 feet, to a calculated point for a northwestern corner of said Sweetwater Crossing Lot 9, Block A Final Plat, same being the northeastern corner of Sweetwater Crossing Phase One Final Plat, a subdivision of record described in Document Number 201700299 O.P.R.T.C.T., also being a point on curve to the right for the tract described herein;

THENCE with the south right-of-way line of said State Highway 71, same being the north line of said Sweetwater Crossing Phase One Final Plat, and continuing with a curve to the right, defined by an arc length of 340.85 feet, a radius of 1,522.37 feet, a delta angle of 12°49'41", and a chord which bears S88°34'54"W, for a distance of 340.14 feet, to a calculated point for the southwest corner of the tract described herein;

(CONTINUED ON NEXT PAGE)

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THENCE over and across the said State Highway 71 right-of-way, N00°00'00"E, a distance of 178.80 feet to a calculated point in the north right-of-way line of State Highway 71, for the southwest corner of Mansions at Lakeway, a subdivision of record in Document Number 201300276, O.P.R.T.C.T., same being the southwest corner of Falconhead West Phase 1, Section 2 & Phase 2 Final Plat, a subdivision of record in Document Number 200800106, O.P.R.T.C.T., for a point of curvature and the northwest corner of the tract described herein;

THENCE with the north right-of-way line of said State Highway 71, same being the south line of said Falconhead West Phase 1, Section 2 & Phase 2 Final Plat, and the north line of the tract described herein, the following four (4) courses and distances;

1. With a curve to the left, defined by an arc length of 373.01 feet, a radius of 1,342.39 feet, a delta angle of 15°55'15", and a chord which bears N87°42'00E, for a distance of 371.81 feet, to a calculated point,

2. N83°41'22"E, a distance of 447.21 feet to a calculated point,

3. N79°50'35"E, a distance of 541.10 feet to a calculated point of curvature, and

4. With a curve to the right, defined by an arc length of 1,051.53 feet, a radius of 5,789.58 feet, a delta angle of 10°24'23", and a chord which bears N85°02'47E, for a distance of 1,050.09 feet, to a calculated point on curve to the right, said point being on the west right-of-way line of Vail Divide (a variable width right-of-way) as described in Document Number 200800106, O.P.R.T.C.T.,

THENCE with the north right-of-way line of said State Highway 71, same being the south line of said Vail Divide, also being the north line of the tract described herein with said curve to the right, defined by an arc length of 100.27 feet, a radius of 5,789.58 feet, a delta angle of 0°59'32", and a chord which bears S89°15'16E, for a distance of 100.27 feet, to a calculated point on curve to the right, being a southwest corner of Final Plat of Lot 1A, 1B, and 1C, Block A of Falconhead West, Phase 1, Section 2, & Phase 2, a subdivision of record in described in Document Number 201700231, O.P.R.T.C.T.,

(CONTINUED ON NEXT PAGE)

DOUCET

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THENCE continuing with the north right-of-way line of said State Highway 71, and the south line of said Final Plat of Lot 1A, 1B, and 1C, Block A of Falconhead West, Phase 1, Section 2, & Phase 2, the following two (2) courses and distances;

1. With said curve to the right, defined by an arc length of 419.47 feet, a radius of 5,789.58 feet, a delta angle of 04°09'04", and a chord which bears N86°40'57E, for a distance of 419.38 feet, to a calculated point of tangency, and

2. S84°36'22"E, a distance of 231.62 feet to the **POINT OF BEGINNING** and containing 11.13 acres, more or less.

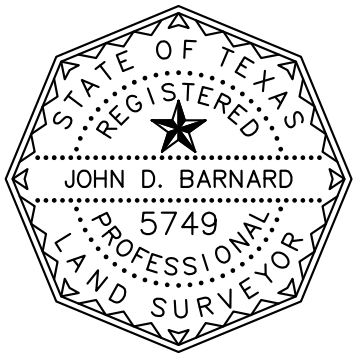
Basis of bearings is the N87°39'02"E, a distance of 1,526.34 feet from said Lake Travis Independent School District Tract, Document Number 2010014061 [O.P.R.T.C.T.].

Units: U.S. Survey Feet.

This document was prepared under 22 TAC §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.

09/08/2023

John Barnard Date
Registered Professional Land Surveyor
Texas Registration No. 5749
Doucet & Associates
JBarnard@DoucetEngineers.com
TBPELS Firm Registration No. 10105800

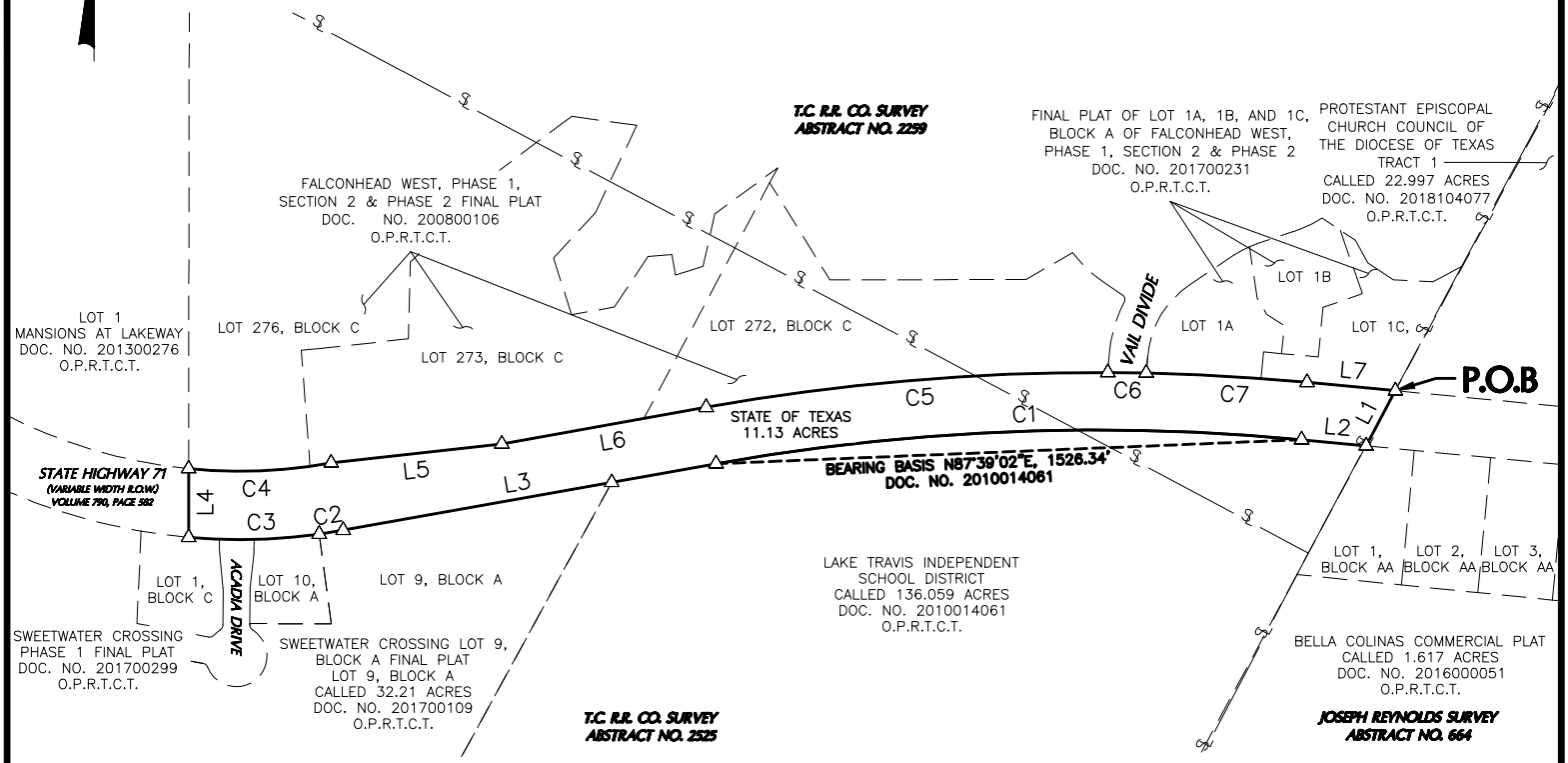


COMMITMENT YOU EXPECT | EXPERIENCE YOU NEED | PEOPLE YOU TRUST

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	1,531.04'	5,639.33'	15°33'19"	S87°39'02"W	1,526.34'
C2	63.83'	1,522.37'	2°24'09"	S80°57'37"W	63.83'
C3	340.85'	1,522.37'	12°49'41"	S88°34'54"W	340.14'
C4	373.01'	1,342.39'	15°55'15"	N87°42'00"E	371.81'
C5	1,051.53'	5,789.58'	10°24'23"	N85°02'47"E	1,050.09'
C6	100.27'	5,789.58'	0°59'32"	S89°15'16"E	100.27'
C7	419.47'	5,789.58'	4°09'04"	S86°40'57"E	419.38'

LEGEND

———	PROPERTY LINE
— — — —	ADJOINER PROPERTY LINE
——— ℄ ———	APPROXIMATE SURVEY LINE
△	CALCULATED POINT
P.O.B.	POINT OF BEGINNING
DOC. NO.	DOCUMENT NUMBER
R.O.W.	RIGHT-OF-WAY
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S28°04'41"W	162.74'
L2	N84°33'47"W	168.86'
L3	S79°54'05"W	986.80'
L4	N00°00'00"E	178.80'
L5	N83°41'22"E	447.21'
L6	N79°50'35"E	541.10'
L7	S84°36'22"E	231.62'

SURVEYOR'S NOTE:

ALL BEARINGS, DISTANCES AND CURVES SHOWN HEREON ARE RECORD AND DO NOT REFLECT THE THE RESULTS OF AN ON THE GROUND SURVEY.

THIS DOCUMENT WAS PREPARED UNDER 22 TAC §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.

0 1" 2"

GRAPHIC SCALE: 1" = 500'

11.13 ACRE TRACT EXHIBIT

CITY OF BEE CAVE, TRAVIS COUNTY, TEXAS

DOUCET

Civil Engineering // Entitlements // Geospatial
7401 B. Highway 71 W, Ste. 160
Austin, TX 78735, Tel: (512)-583-2600
www.doucetengineers.com
TBPELS Firm Number: 3937
TBPELS Firm Number: 10194551

Date:	09/08/2023
Scale:	1" = 500'
Drawn by:	BSS
Reviewer:	JA/JB
Project:	2051-003
Sheet:	4 of 4
Field Book:	N/A
Party Chief:	N/A
Survey Date:	9/7/2023

X:\Departments\Geospatial\Projects\2051-003 Highway 71 Annexation\CAD\dwg\Active - Exhibits\Highway 71 Annexation - ANNEX EXHIBIT - SRF.dwg