ORDER OF THE COMMISSIONERS COURT OF BURNET COUNTY, TEXAS

GRANTING A VARIANCE AND ACCEPTING AGATE ROAD IN QUAIL CREEK SUBDIVISION INTO THE BURNET COUNTY ROAD SYSTEM AS COUNTY ROAD 425A

WHEREAS, the Commissioners Court of Burnet County, Texas ("Commissioners Court"), is vested with the authority and responsibility to exercise general control over county roads pursuant to Chapter 251 of the Texas Transportation Code and the Burnet County Subdivision and Development Regulations;

WHEREAS, Quail Creek Subdivision, Sections One & Two, Plat, recorded in 1983, expressly dedicated the streets, alleys, and passageways shown thereon to the use of the public forever;

WHEREAS, the Burnet County Subdivision and Development Regulations require that requests for acceptance of subdivision roads into the county-maintained roadway system be initiated by written petition signed by majority of the property owners within the affected subdivision;

WHEREAS, the Commissioners Court has received a written petition signed by more than fifty percent (50%) of the property owners within Quail Creek Subdivision requesting that the roadway presently known as Agate Road be accepted into the Burnet County road system and be renamed County Road 425A;

WHEREAS, the Commissioners Court finds that the petition satisfies the requirements of Section 8(E) of the Burnet County Subdivision and Development Regulations;

WHEREAS, Agate Road was included within the original subdivision plats and was dedicated to public use through the recorded plat dedication applicable to Quail Creek Subdivision;

WHEREAS, the Commissioners Court previously accepted and adopted County Road 425 located within Quail Creek Subdivision into the Burnet County road system;

WHEREAS, Agate Road is approximately four hundred twenty (420) feet in length and intersects County Road 425 at each end, thereby creating a looped connection with an existing county-maintained roadway; and

WHEREAS, the Commissioners Court finds that Agate Road possesses a right-of-way width meeting or exceeding fifty (50) feet, or otherwise constituting an adequate right-of-way for county maintenance purposes; and

WHEREAS, the Commissioners Court further finds that the roadway improvements, drainage facilities, and present condition of Agate Road meet the standards necessary for acceptance into the county-maintained road system;

WHEREAS, Section 8(D) of the Burnet County Subdivision and Development Regulations provides that only main arterial roads within qualifying subdivisions will generally be considered for maintenance acceptance;

WHEREAS, the Commissioners Court recognizes that Agate Road does not strictly satisfy the definition of a "Main Artery, Street or Road" as set forth in the Burnet County Subdivision and Development Regulations;

WHEREAS, the Commissioners Court further finds that unique facts and circumstances support the granting of a variance from the main arterial roadway requirement and that such variance serves the public interest.

I. Findings of the Commissioners Court

The Commissioners Court specifically finds as follows:

1. Agate Road is dedicated to public use and is located within a subdivision established prior to April 24, 2000.
2. The petition requesting acceptance of Agate Road has been signed by more than fifty percent (50%) of the property owners within Quail Creek Subdivision.
3. Agate Road meets the County's right-of-way requirements or otherwise possesses an adequate right-of-way as contemplated by the Burnet County Subdivision and Development Regulations.
4. The roadway and drainage improvements associated with Agate Road satisfy county requirements for acceptance into the county-maintained roadway system.
5. Agate Road connects directly to County Road 425 at both ends and provides substantial interconnectivity with the existing county road system, a factor expressly recognized within the County's regulations regarding roadway acceptance.
6. Acceptance of Agate Road promotes public safety by ensuring reliable ingress and egress for residents, visitors, emergency responders, school transportation providers, utility personnel, law enforcement officers, and other governmental service providers.
7. Acceptance of Agate Road improves emergency response capabilities and provides redundancy within the local transportation network in the event of accidents, weather events, roadway blockages, fires, infrastructure failures, or other emergencies.
8. Acceptance of Agate Road promotes the safe, orderly, and healthful development of the county and furthers the public-health, safety, and welfare objectives underlying the Burnet County Subdivision and Development Regulations.
9. Acceptance of Agate Road eliminates uncertainty regarding maintenance responsibilities and provides continuity within an existing county-maintained roadway network.
10. Acceptance of Agate Road is consistent with the Commissioners Court's prior acceptance of County Road 425 arising from the same subdivision road network and original plat dedication.

11. Because Agate Road is only approximately 420 feet in length, acceptance will impose only a minimal fiscal and maintenance burden upon Burnet County while providing substantial public benefits.
12. The public interest, public safety, welfare, and convenience of the citizens of Burnet County will be served by granting a variance and accepting Agate Road into the county-maintained roadway system.
13. The granting of this variance and acceptance of Agate Road as County Road 425A is based upon the unique facts and circumstances present in the Quail Creek Subdivision, including but not limited to the roadway's public dedication, compliance with applicable roadway, drainage, and right-of-way requirements, direct connection to an existing county-maintained roadway at both ends, enhancement of emergency access and public safety, minimal fiscal impact upon the County, and significant interconnectivity with the existing county road network.
14. This action is site-specific and fact-specific and shall not be construed as a determination that any other subdivision roadway is entitled to acceptance into the Burnet County road system, nor shall this Order be interpreted as establishing a precedent requiring the Commissioners Court to grant similar variances or accept other roads that do not satisfy the requirements of applicable law or the Burnet County Subdivision and Development Regulations. Each future request shall be considered independently upon its own facts and circumstances.
15. The variance granted herein constitutes the minimum variance necessary to provide relief under the circumstances presented, while promoting public safety, roadway interconnectivity, efficient governmental services, and the public welfare, and while preserving the intent and purpose of the Burnet County Subdivision and Development Regulations.

II. Order of the Commissioners Court

ORDERED BY THE COMMISSIONERS COURT OF BURNET COUNTY, TEXAS:

1. The recitals and findings made above are adopted by the Commissioners Court and incorporated herein for all purposes as if fully set forth in this section.
2. Variance- The Commissioners Court hereby grants a variance from the requirement contained within the Burnet County Subdivision and Development Regulations limiting roadway acceptance to main arterial roads.

   The Commissioners Court finds that the variance is justified by the unique circumstances described herein and is necessary to promote public safety, emergency access, roadway interconnectivity, efficient delivery of governmental services, and the general welfare of the citizens of Burnet County.
3. Acceptance- The roadway presently known as Agate Road, located within Quail Creek Subdivision and dedicated to public use, is hereby accepted into the Burnet County road system for public maintenance purposes.

4. Re-name- Effective upon adoption of this Order, Agate Road shall be renamed and designated as: **COUNTY ROAD 425A**

   The Burnet County Development Services Department, Burnet County 911 Coordinator, County Engineer, Precinct Commissioner, County Clerk, and all other appropriate County officials are authorized and directed to take all actions necessary to implement this designation and update all applicable records.
5. County Maintenance- The Commissioners Court finds that County Road 425A satisfies the applicable requirements for county maintenance, including public dedication, petition requirements, right-of-way adequacy, roadway condition, drainage adequacy, public safety considerations, and overall suitability for inclusion within the county road system. Accordingly, County Road 425A shall henceforth be maintained as part of the Burnet County road system in the same manner as other county-maintained roads.
6. No Precedent- The Commissioners Court specifically declares that this Order is based upon the unique facts and findings set forth herein.

   Nothing in this Order shall be construed as waiving, amending, or modifying the Burnet County Subdivision and Development Regulations generally, nor shall this Order create any vested right, expectation, or entitlement in favor of any other subdivision, landowner, homeowners' association, developer, or petitioner seeking acceptance of any roadway into the Burnet County road system.

   Future roadway acceptance requests shall remain subject to the independent discretion of the Commissioners Court and the requirements of applicable law and County regulations. Each request shall be evaluated on its own facts, circumstances, public-safety considerations, roadway characteristics, and compliance with County policy.
7. This Order shall become effective upon its adoption by the Burnet County Commissioners Court.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, *2026* BY THE BURNET COUNTY COMMISSIONERS COURT.

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Burnet County Judge Bryan Wilson | Commissioner Pct. 1 Jim Luther

_____ _____

Commissioner Pct. 2 Damon Beierle | Commissioner Pct. 3 Chad Collier

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Commissioner Pct. 4 Joe Don Dockery

ATTEST: _____

Burnet County Clerk Vicinta Stafford