

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, ANNEXING, FOR FULL PURPOSES, A TRACT OF LAND TOTALING APPROXIMATELY 1.416 ACRES OF LAND SITUATED IN THE T.S. BARNES SURVEY NO. 46, ABSTRACT NO. 67, IN TRAVIS COUNTY, TEXAS, OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, GENERALLY LOCATED SOUTH OF E. PECAN STREET AND WEST OF SH 130 AND BILTMORE AVENUE; EXTENDING THE BOUNDARIES OF THE CITY TO INCLUDE THE LAND; AND TO BE ZONED AGRICULTURE / DEVELOPMENT RESERVE (A); TO BE KNOWN AS THE HAGN TIMMERMAN 2021 ANNEXATION; BINDING THE LAND TO ALL OF THE ACTS, ORDINANCES, RESOLUTIONS AND REGULATIONS OF THE CITY; APPROVING A SERVICE PLAN; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Pflugerville, Texas (the “City”) desires to annex approximately 1.416 acres of land situated in the T.S. Barnes Survey No. 46, Abstract No. 67, of the Real Property Records of Travis County, Texas, more particularly described and depicted in **Exhibit “A,”** with the exhibit being attached hereto and incorporated herein by reference (collectively, the “Property”); and

WHEREAS, pursuant to Chapter 43, Section 43.003, of the Texas Local Government Code, a home-rule municipality may extend the boundaries of the municipality and annex area adjacent to the municipality; and

WHEREAS, Chapter 43, Subchapter C-3 of the Texas Local Government Code authorizes municipalities to annex an area on the request of all property owners in an area; and

WHEREAS, in accordance with Texas Local Government Code, Section 43.0672, the City has negotiated and entered into a written agreement dated March 24, 2021, with the owners of the Property regarding the provision of services to the Property upon annexation, of which the applicable service plan and schedule is attached hereto and incorporated herein as **Exhibit “B,”** and

WHEREAS, the City Council provided public notice and held a public hearing on April 13, 2021, for all interested persons to attend and be heard in accordance with Texas Local Government Code § 43.0673; and

WHEREAS, the City has complied with all conditions precedent established under the Texas Local Government Code necessary to take this action annexing the Property.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS:

Section 1. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. The Property, lying outside of, but adjacent to and adjoining the City, is hereby annexed into the City, and the boundaries of the City are extended to include the Property within the corporate limits of the City. From and after the date of this ordinance, the Property shall be entitled to all the rights and privileges of the City and shall be bound by all the acts, ordinances, resolutions, and regulations of the City except as otherwise provided for in the attached Exhibit B.

Section 3. The City finds annexation of the Property to be in the public interest due the Property promoting economic growth of the City.

Section 4. The Property shall be temporarily zoned Agriculture / Development Reserve (A).

Section 5. The service plan attached as **Exhibit “B”** is approved, and municipal services shall be provided to the Property in accordance therewith.

Section 6. The City Manager is hereby authorized and directed to take appropriate action to have the official map of the City revised to reflect the addition to the City’s Corporate Limits and the City Secretary is directed to file a certified copy of this Ordinance in the office of the County Clerk of Travis County, Texas, and in the official records of the City.

Section 7. If for any reason any section, paragraph, subdivision, clause, phrase, word, or other provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word, or provision of this ordinance, for it is the definite intent of this Council that every section, paragraph, subdivision, clause phrase, word, or provision hereof shall be given full force and effect for its purpose.

Section 8. This Ordinance will take effect upon its adoption by the City Council in accordance with the provisions of Section 3.15(d) of the City Charter.

PASSED AND APPROVED this _____ day of _____ 2021.

CITY OF PFLUGERVILLE, TEXAS

By: _____
Victor Gonzales, Mayor

ATTEST:

Karen Thompson, City Secretary
APPROVED AS TO FORM:

Charles E. Zech, City Attorney
DENTON NAVARRO ROCHA BERNAL & ZECH, P.C.

EXHIBIT "A"

PROPERTY DESCRIPTION

Tract of land totaling approximately 1.416 acres situated in the T.S. Barnes Survey No. 46, Abstract No. 67, of the Real Property Records of Travis County, Texas.



EXHIBIT "A"

County: Travis
Project: Helios Way
Halff AVO: 36677.001

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A METES AND BOUNDS DESCRIPTION OF 1.416 ACRES (APPROX. 61,687 SQUARE FEET) OUT OF AND A PORTION OF THE T.S. BARNES SURVEY, ABSTRACT NO. 67, IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THE CALLED 165.15 ACRES OF LAND DESCRIBED IN THE FOLLOWING WARRANTY DEEDS TO HAGN & TIMMERMAN, LTD., A TEXAS LIMITED PARTNERSHIP, RECORDED IN THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS (R.P.R.T.C.T.); VOLUME 10398, PAGE 907, DATED JUNE 17, 1987; VOLUME 10398, PAGE 911 AND VOLUME 10398, PAGE 915, DATED JULY 17, 1987 AND VOLUME 10398, PAGE 919, DATED JULY 20, 1987; SAID 1.416 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 5/8-inch iron rod found in the southwest right-of-way line of East Pecan Street (right-of-way width varies), described in Document No. 2007185109 of the Official Public Records of Travis County, Texas O.P.R.T.C.T., at the most northerly corner of a called 75.30 acre tract of land conveyed to TACK Development, Ltd in Document No. 2003232092, O.P.R.T.C.T., also being the most easterly corner of the 165.15 acre tract of land conveyed to Hagn & Timmerman, LTD. in Volume 10398, Pages 907,901, 915 and 919 of the Real Property Records of Travis County, Texas (R.P.R.T.C.T.)

THENCE South 28°16'34" West, with the common line of the said 165.15 acre Hagn & Timmerman tract and the said 75.30 acre TACK Development, Ltd. tract, a distance of 1448.04 feet to a 1/2-inch iron rod with cap stamped "Halff Associates, Inc." for the most northerly corner of a 0.4513 acre access easement, the description of which is attached hereto, the **POINT OF BEGINNING** and most easterly corner of the herein described tract of land;

THENCE South 28°16'34" West, continuing with the common line of the said 165.15 acre Hagn & Timmerman tract and the said 75.30 acre TACK Development, Ltd. tract, being the northwest line of the said 0.4513 acre tract, a distance of 80.05 feet to a 1/2-inch iron rod with cap stamped "Halff Associates, Inc." for the most southerly corner of the herein described tract of land, being the most westerly corner of the said 0.4513 acre tract;

THENCE crossing the said 165.15 acre Hagn & Timmerman tract with the proposed southwesterly right-of-way line of Helios Way, the following two (2) courses and distances:

1. North 59°41'48" West, a distance of 562.60 feet, to a 1/2-inch iron rod with cap stamped "Halff Associates, Inc." set for the point of curvature of a tangent circular curve to the right;
2. With a curve to the right, having a radius of 871.64 feet, a delta angle of 13°39'32", an arc length of 207.79 feet and a chord which bears North 52°52'02" West, a distance of 207.30 feet to a 1/2-inch iron rod with cap stamped "Halff Associates, Inc." set for the most westerly corner of the herein described tract of land;

THENCE North 27°46'38" East, continuing over and across the said 165.15 acre Hagn & Timmerman tract, with the westerly terminus of said proposed section of Helios Way, a distance of 83.66 feet to a 1/2-inch iron rod with cap stamped "Halff Associates, Inc." set for the most northerly corner of the herein described tract of land;

THENCE continuing over and across the said 165.15 acre Hagn & Timmerman tract, with the proposed northeasterly right-of-way line of Helios Way, the following two (2) courses and distances:

EXHIBIT "A"

County: Travis
Project: Helios Way
Halff AVO: 36677.001

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1. With a curve to the left, having a radius of 791.64 feet, a delta angle of 15°20'48", an arc length of 212.04 feet and a chord bearing South 52°01'24" East, a distance of 211.41 feet to a 1/2-inch iron rod with cap stamped "Halff Associates, Inc." set for endpoint of said curve;
2. South 59°41'48" East, a distance of 559.77 feet to the **POINT OF BEGINNING** and containing 1.416 acres of land, more or less, within these metes and bounds.

NOTES:

Basis of bearings is the Texas Coordinate System of 1983, Central Zone 4203 (NAD83/2011). All distances shown hereon are surface and may be converted to grid by dividing by the surface adjustment factor of 1.0001. Units: U.S. Survey Feet. Date of Field Survey: November 7, 2019.

I, Curtis W. Watts, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

12/06/19

Curtis W. Watts, R.P.L.S.
Registered Professional Land Surveyor
Texas Registration No. 6614
Halff Associates, Inc., TBPLS Firm No. 10029607
9500 Amberglen Blvd., Bldg. F, Suite 125
Austin, Texas 78729
512-777-4600

Date



EXHIBIT "B"

SERVICE PLAN AGREEMENT FOR PROPERTY ANNEXED