

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF PFLUGERVILLE, TEXAS AUTHORIZING AN ESTOPPEL CERTIFICATE FOR THE BENEFIT OF PFLUGERVILLE WELLS BRANCH, LLC

WHEREAS, Pflugerville Wells Branch, LLC is pursuing the purchase of “Tract 2”, as defined in the Declaration Document, recorded under Document No. 2007106319, of the Official Public Records of Travis County, Texas and attached hereto as **Exhibit A**; and

WHEREAS, the City is the owner of fee simple title to Property ID 481309 and 571311 as referenced by Travis Central Appraisal District, referred herein as “Tract 1” and “Tract 4” respectively in **Exhibit A**; and

WHEREAS, the Declaration includes a statement in Section 9.02 which indicates no owner may subdivide or otherwise split or divide its lot at any time unless approved in writing by all owners as provided in **Exhibit A**; and

WHEREAS, Pflugerville Wells Branch, LLC has an interest to subdivide “Tract 2” in the future for purposes of development and has requested an estoppel certificate from the City to enable the ability to pursue a future subdivision.

WHEREAS, the City Council finds that granting the estoppel certificate will promote future development and is beneficial to City and promotes the health, safety and general welfare of the City.

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

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 and findings of fact.

Section 2.

The City Council of the City of Pflugerville hereby authorizes the City Manager to execute all documents necessary to effectuate City Council’s intent to enact the estoppel certificate, in substantially the same form attached hereto as **Exhibit B**.

Section 3.

The meeting at which this resolution was approved was in all things conducted in compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

PASSED, APPROVED and EFFECTIVE on this __ day of _____ 2021.

By: _____
Victor Gonzales, Mayor

ATTEST

Karen Thompson, City Secretary

APPROVED AS TO FORM:

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

EXHIBIT A

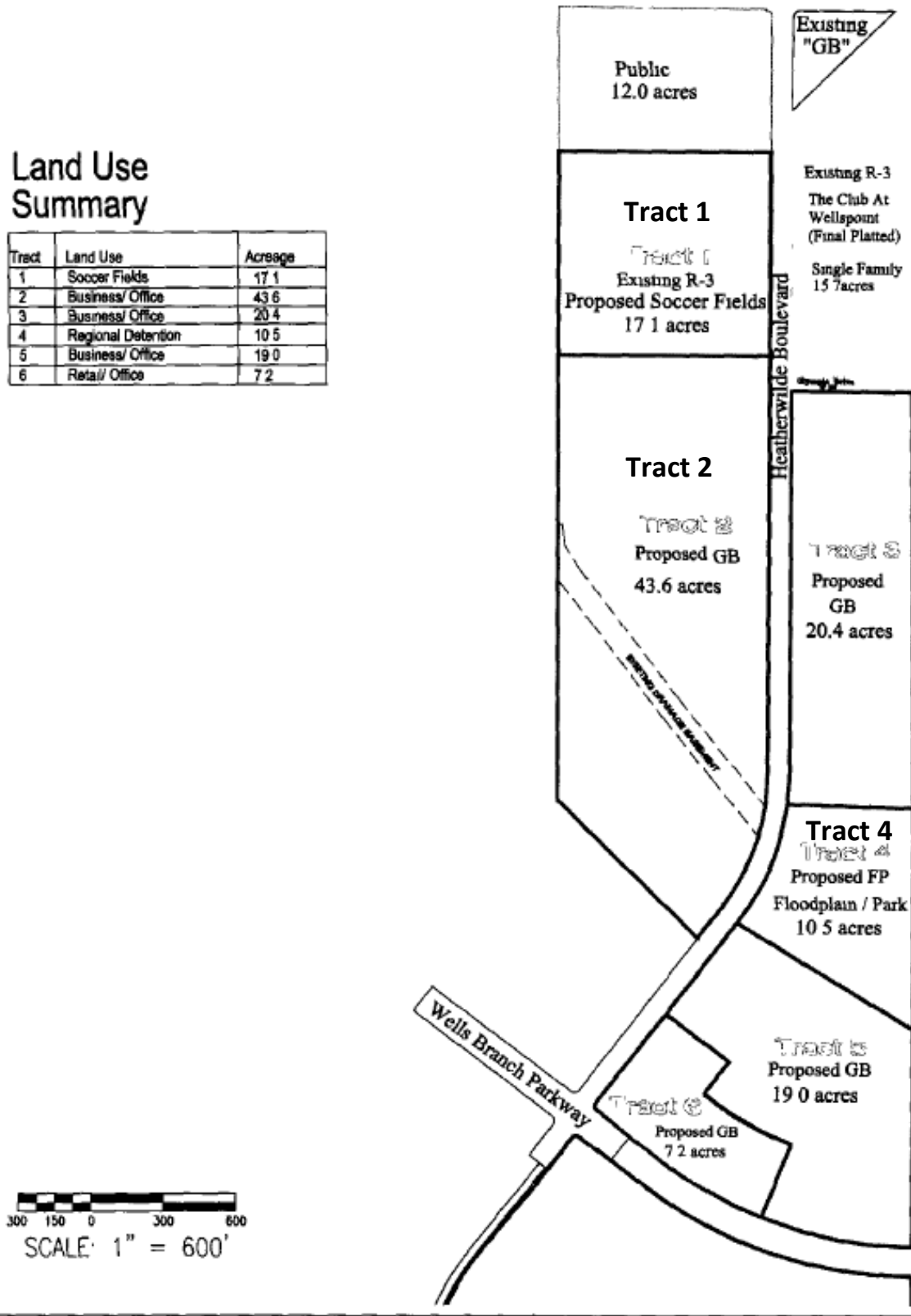
Declaration: Reciprocal Easement Agreement and Declaration of Covenants, Conditions and Restrictions for Wells Point Business Park dated October 20, 1999, recorded under Document No. 1999125530, affected by that certain Correction and Confirmation of Reciprocal Easement Agreement and Declaration of Covenants, Conditions and Restrictions for Wellspoint Business Park dated January 6, 2003 (to be effective as of October 12, 1999), recorded under Document No. 2003008642, and amended by that certain First Amendment to Reciprocal Easement Agreement and Declaration of Covenants, Conditions and Restrictions for Wells Point One Business Park dated June 4, 2007, recorded under Document No. 2007106319, all of the Official Public Records of Travis County, Texas.

No Subdivision

9 02 No Owner may subdivide or otherwise split or divide its Lot at any time unless approved in writing by all Owners, provided, however, so long as Declarant is an Owner, Declarant reserves the right at any time and from time to time to resubdivide, reclassify, and/or consolidate any or all Lots and/or Property which are then owned by Declarant, if and to the extent Declarant deems such action desirable, in the sole discretion of Declarant. In such event, said Lots and/or Property shall be deemed to be resubdivided, reclassified, or consolidated when Declarant files an amended Plat, in compliance with the applicable land use laws of the State of Texas and ordinances of the City of Pflugerville, reflecting such resubdivision, reclassification, or consolidation in the Official Records of Travis County, Texas.

Land Use Summary

Tract	Land Use	Acreage
1	Soccer Fields	17.1
2	Business/ Office	43.6
3	Business/ Office	20.4
4	Regional Detention	10.5
5	Business/ Office	19.0
6	Retail/ Office	7.2



	LAND STRATEGIES INC. 1818 LAND CREEK CV AUSTIN, TX 78744 PH: (512) 888-8888 FAX: (512) 888-8178 LANDSTRATEGIES.COM	WELLSPPOINT EXHIBIT A	OWNER INFORMATION	REVISION BLOCK NO. DATE BY COMMENTS
	1/21/06	1/21/06	1/21/06	1/21/06

EXHIBIT B

ESTOPPEL CERTIFICATE

THIS ESTOPPEL CERTIFICATE (this "Certificate") is executed as of _____, 2021, by City of Pflugerville, Texas ("City") to and for the benefit of Pflugerville Wells Branch, LLC, ("Purchaser"), any future lender of Purchaser, and their respective successors and assigns, (collectively, the "Beneficiary").

RECITALS:

A. Pursuant to that certain Commercial Contract – Unimproved Property dated September 16, 2019 (as amended and assigned, the "Agreement") between Purchaser, as assignee of PHI CESM Investments, LLC, the Owner of Tract 2, and Lutheran School Association of the Greater Austin Area, a Texas nonprofit corporation are parties to that certain, Purchaser has the right to acquire title to that certain tract of land located at in the City of Pflugerville, Travis County, Texas (the "Property") more particularly described in Exhibit A to this Certificate from the Owner of Tract 2.

B. It is anticipated that Purchaser may subdivide the Property into two separate lots during development of the Property. As of the date of this Certificate, it is anticipated the Property will be subdivided into the tracts set forth on Exhibits B-1 and B-2; however, the legal descriptions and configuration of the tracts are subject to modification.

C. Reference is made to that certain Reciprocal Easement Agreement and Declaration of Covenants, Conditions and Restrictions dated October 20, 1999, recorded under Document No. 1999125530, affected by that certain Correction and Confirmation of Reciprocal Easement Agreement and Declaration of Covenants, Conditions and Restrictions for Wellspring Business Park dated January 6, 2003 (to be effective as of October 12, 1999), recorded under Document No. 2003008642, and amended by that certain First Amendment to Reciprocal Easement Agreement and Declaration of Covenants, Conditions and Restrictions for Wells Point One Business Park dated June 4, 2007, recorded under Document No. 2007106319, all of the Official Public Records of Travis County, Texas (as amended, the "Declaration").

D. Unless otherwise defined herein, all initially capitalized terms have the respective meanings assigned to such terms in the Declaration.

In consideration of the recitals set forth above and other good and valuable consideration, the undersigned hereby certifies to Purchaser and Beneficiary the following:

AGREEMENT:

1. The City is the owner of fee simple title to Tract 1 and Tract 4 as defined in the Declaration.
2. Pursuant to Section 9.02 of the Declaration, the City will allow subdivision of the Property upon Purchaser's satisfaction of all City platting requirements and as subsequently approved by the City Council in the manner required by Texas Local Government Code Sec. 212.005.
3. All approvals and other actions required to authorize the execution of this Certificate by the undersigned have been received or otherwise taken and the individual(s) named below have the authority to sign this Certificate on behalf of the City.
4. The City acknowledges that the Purchaser and the Beneficiary have the right to rely and will rely upon this Certificate in connection with acquisition of the Property and any loan from the any Beneficiary relating to the Property, respectively.

IN WITNESS WHEREOF, this Certificate has been executed as of the date and year first above written.

CITY:
CITY OF PFLUGERVILLE, TEXAS,
a home-rule city

By _____
Name: _____
Title: _____

THE STATE OF TEXAS

§

§

COUNTY OF TRAVIS

§

This instrument was acknowledged before me on this ____ day of _____ 2020, by _____, _____ of the City of Pflugerville, Texas, a home-rule city, on behalf of the City.

My Commission Expires:

[SEAL]

Notary Public In and For the State of Texas

Printed Name of Notary

EXHIBIT A

Legal Description of the Property

Lot 1, Block A, CONCORDIA HIGH SCHOOL, a subdivision in Travis County, Texas, according to the map or plat thereof, recorded under Document No. 201400024 of the Official Public Records of Travis County, Texas

EXHIBIT B-1
North Tract

23.570 ACRES
TRAVIS COUNTY, TEXAS

A DESCRIPTION OF 23.570 ACRES (APPROXIMATELY 1,026,694 SQ. FT.), BEING A PORTION OF LOT 1, BLOCK A, CONCORDIA HIGH SCHOOL, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED UNDER DOCUMENT NO. 201400024 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 23.570 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" rebar found in the northwest right-of-way line of S Heatherwilde Boulevard (90' public right-of-way width) as described in Volume 11236, Page 802 of the Real Property Records of Travis County, Texas, being the easternmost corner of said Lot 1, being also the southernmost corner of a 0.89 acre tract described in Document No. 2007221189 of the Official Public Records of Travis County, Texas;

THENCE South 27°53'17" West with the northwest right-of-way line of S Heatherwilde Boulevard and the southeast line of Lot 1, Block A, of said Concordia High School, a distance of 1435.58 feet to a calculated point, from which a 1/2" rebar found in the northwest right-of-way line of S Heatherwilde Boulevard and the southeast line of Lot 1, Block A, of said Concordia High School, bears South 27°53'17" West, a distance of 276.67 feet;

THENCE crossing Lot 1, Block A, of said Concordia High School, the following twelve (12) courses and distances:

1. North 35°45'15" West, a distance of 24.67 feet to a calculated point;
2. North 11°38'50" East, a distance of 28.54 feet to a calculated point;
3. North 00°31'02" East, a distance of 41.08 feet to a calculated point;
4. North 57°54'44" West, a distance of 199.93 feet to a calculated point;
5. North 30°43'39" West, a distance of 128.35 feet to a calculated point;
6. North 25°12'22" West, a distance of 294.24 feet to a calculated point;

7. North 07°39'16" West, a distance of 13.22 feet to a calculated point;
8. North 21°28'31" West, a distance of 121.70 feet to a calculated point;
9. North 32°40'46" West, a distance of 10.78 feet to a calculated point;
10. North 00°53'24" East, a distance of 90.00 feet to a calculated point;
11. North 04°33'09" East, a distance of 55.72 feet to a calculated point;
12. North 36°58'47" West, a distance of 115.25 feet to a calculated point in the northwest line of Lot 1, Block A, of said Concordia High School, being the easternmost termination of Patrick Place (50' public right-of-way width) as shown on Spring Hill Village, a subdivision of record in Volume 7, Page 42 of the Plat Records of Travis County, Texas, being also the southernmost corner of Lot 1, Block E, of said Spring Hill Village;

THENCE North 27°44'50" East with the northwest line of Lot 1, Block A, of said Concordia High School and the southeast line of Lots 1-6, Block E, of said Spring Hill Village, a distance of 826.27 feet to a 1/2" rebar found for the northernmost corner of Lot 1, Block A, of said Concordia High School, being the westernmost corner of the said 0.89 acre tract, from which a 1/2" rebar found, bears South 19°07'12" West, a distance of 0.80 feet and a 1/2" rebar with "Chaparral 4995" cap found for the northernmost corner of the said 0.89 acre tract, being the westernmost corner of a 17.100 acre tract described in Document No. 2000130609 of the Official Public Records of Travis County, Texas, being also in the southeast line of said Lot 6, bears North 27°44'50" East, a distance of 44.46 feet;

THENCE South 62°09'26" East with the northeast line of Lot 1, Block A, of said Concordia High School and the southwest line of the said 0.89 acre tract, a distance of 871.95 feet to the **POINT OF BEGINNING**, containing 23.570 acres of land, more or less.

Surveyed on the ground on November 11, 2019.

Bearing Basis: The Texas Coordinate System of 1983 (NAD83), Central Zone, utilizing the SmartNet North America Network.

Attachments: Survey Drawing No. 1009-005-NORTH

 11/4/2020

Joe Ben Early, Jr.
Registered Professional Land Surveyor
State of Texas No. 6016

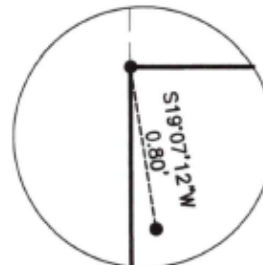


SKETCH TO ACCOMPANY A DESCRIPTION OF 23.570 ACRES (APPROXIMATELY 1,026,694 SQ. FT.), BEING A PORTION OF LOT 1, BLOCK A, CONCORDIA HIGH SCHOOL, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED UNDER DOCUMENT NO. 201400024 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

LEGEND

- 1/2" REBAR FOUND (OR AS NOTED)
- CH● 1/2" REBAR WITH "CHAPARRAL 4995" CAP FOUND
- ▲ NAIL FOUND IN SOUTHEAST FACE OF 6" WOOD FENCE POST
- △ CALCULATED POINT
- () RECORD INFORMATION

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N35°45'15"W	24.67'
L2	N11°38'50"E	28.54'
L3	N00°31'02"E	41.08'
L4	N57°54'44"W	199.93'
L5	N30°43'39"W	128.35'
L6	N25°12'22"W	294.24'
L7	N07°39'16"W	13.22'
L8	N21°28'31"W	121.70'
L9	N32°40'46"W	10.78'
L10	N00°53'24"E	90.00'
L11	N04°33'09"E	55.72'
L12	N36°58'47"W	115.25'



DETAIL
NOT TO SCALE



JBE
11/4/2020

EARLY LAND SURVEYING, LLC

P.O. BOX 92588
AUSTIN, TX 78709
512-202-8631
FIRM NO. 10194487

DATE OF SURVEY: 11/11/19
PLOT DATE: 11/4/20
DRAWING NO.: 1009-005-NORTH
DRAWN BY: JBE
SHEET 1 OF 2

BEARING BASIS: THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83), CENTRAL ZONE, UTILIZING THE SMARTNET NORTH AMERICA NETWORK.

ATTACHMENTS: METES AND BOUNDS DESCRIPTION 1009-005-NORTH

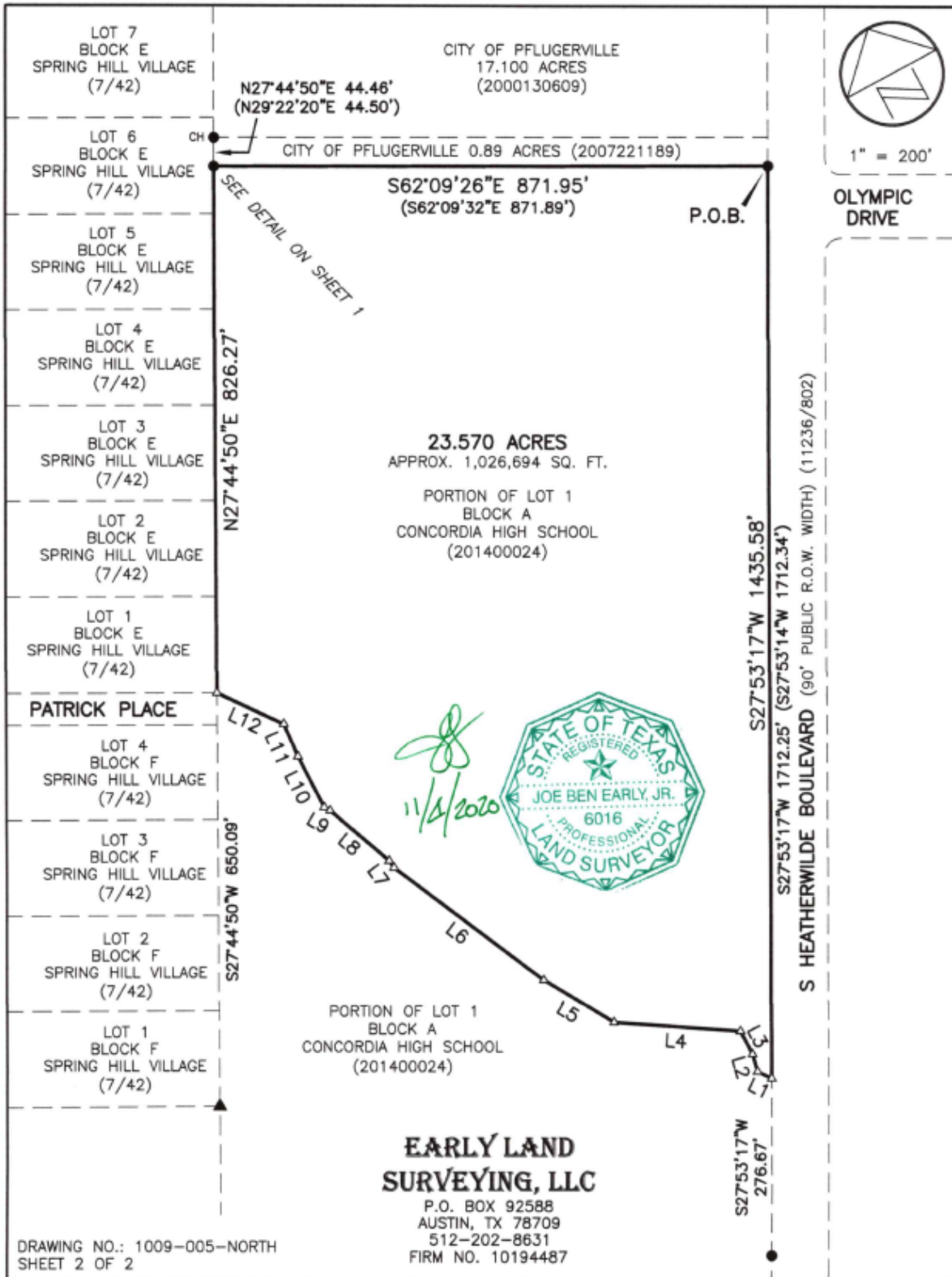


EXHIBIT B-2
South Tract

**19.141 ACRES
TRAVIS COUNTY, TEXAS**

A DESCRIPTION OF 19.141 ACRES (APPROXIMATELY 833,784 SQ. FT.), BEING A PORTION OF LOT 1, BLOCK A, CONCORDIA HIGH SCHOOL, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED UNDER DOCUMENT NO. 201400024 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 19.141 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" rebar found in the northwest right-of-way line of S Heatherwilde Boulevard (90' public right-of-way width) as described in Volume 11236, Page 802 of the Real Property Records of Travis County, Texas, being the southernmost corner of said Lot 1;

THENCE North 17°23'14" West with the southwest line of Lot 1, Block A, of said Concordia High School and the northeast line of Lot 1, Block A, Ballantyne Retail, a subdivision of record in Document No. 201700199 of the Official Public Records of Travis County, Texas, a distance of 817.95 feet to a calculated point for the westernmost corner of Lot 1, Block A, of said Concordia High School, being the northernmost corner of Lot 1, Block A, of said Ballantyne Retail, being also in the southeast line of Lot 12, Block J, Ballantyne Section 2, a subdivision of record in Document No. 201900101 of the Official Public Records of Travis County, Texas;

THENCE North 27°28'31" East with the northwest line of Lot 1, Block A, of said Concordia High School and the southeast line of said Ballantyne Section 2, a distance of 356.03 feet to a nail found in the southeast face of a 6" wood fence post for the easternmost corner of Lot 7, Block F, of said Ballantyne Section 2, being the southernmost corner of Lot 1, Block F, Spring Hill Village, a subdivision of record in Volume 7, Page 42 of the Plat Records of Travis County, Texas;

THENCE North 27°44'50" East with the northwest line of Lot 1, Block A, of said Concordia High School and the southeast line of said Spring Hill Village, a distance of 650.09 feet to a calculated point;

THENCE crossing Lot 1, Block A, of said Concordia High School, the following twelve (12) courses and distances:

1. South 36°58'47" East, a distance of 115.25 feet to a calculated point;
2. South 04°33'09" West, a distance of 55.72 feet to a calculated point;
3. South 00°53'24" West, a distance of 90.00 feet to a calculated point;
4. South 32°40'46" East, a distance of 10.78 feet to a calculated point;
5. South 21°28'31" East, a distance of 121.70 feet to a calculated point;
6. South 07°39'16" East, a distance of 13.22 feet to a calculated point;
7. South 25°12'22" East, a distance of 294.24 feet to a calculated point;
8. South 30°43'39" East, a distance of 128.35 feet to a calculated point;
9. South 57°54'44" East, a distance of 199.93 feet to a calculated point;
10. South 00°31'02" West, a distance of 41.08 feet to a calculated point;
11. South 11°38'50" West, a distance of 28.54 feet to a calculated point;
12. South 35°45'15" East, a distance of 24.67 feet to a calculated point in the northwest right-of-way line of S Heatherwilde Boulevard and the southeast line of Lot 1, Block A, of said Concordia High School, from which a 1/2" rebar found in the northwest right-of-way line of S Heatherwilde Boulevard, being the easternmost corner of Lot 1, Block A, of said Concordia High School, bears North 27°53'17" East, a distance of 1435.58 feet;

THENCE with the northwest right-of-way line of S Heatherwilde Boulevard and the southeast line of Lot 1, Block A, of said Concordia High School, the following three (3) courses and distances:

1. South 27°53'17" West, a distance of 276.67 feet to a 1/2" rebar found;
2. With a curve to the right, having a radius of 955.00 feet, a delta angle of 37°12'09", an arc length of 620.09 feet, and a chord which bears South 46°28'58" West, a distance of 609.25 feet to a 1/2" rebar with "Cunningham Allen" cap found;

3. South 65°06'06" West, a distance of 149.37 feet to the **POINT OF BEGINNING**, containing 19.141 acres of land, more or less.

Surveyed on the ground on November 11, 2019.

Bearing Basis: The Texas Coordinate System of 1983 (NAD83), Central Zone, utilizing the SmartNet North America Network.

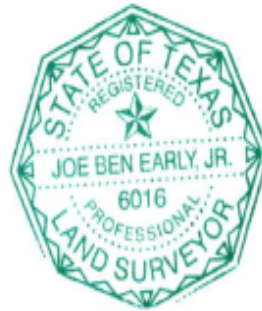
Attachments: Survey Drawing No. 1009-005-SOUTH



Joe Ben Early, Jr.
Registered Professional Land Surveyor
State of Texas No. 6016
TBPLS Firm No. 10194487

11/4/2020

Date



SKETCH TO ACCOMPANY A DESCRIPTION OF 19.141 ACRES (APPROXIMATELY 833,784 SQ. FT.), BEING A PORTION OF LOT 1, BLOCK A, CONCORDIA HIGH SCHOOL, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED UNDER DOCUMENT NO. 201400024 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

LEGEND	
●	1/2" REBAR FOUND (OR AS NOTED)
CA ●	1/2" REBAR WITH "CUNNINGHAM ALLEN" CAP FOUND
▲	NAIL FOUND IN SOUTHEAST FACE OF 6" WOOD FENCE POST
△	CALCULATED POINT
()	RECORD INFORMATION

CURVE TABLE						
CURVE	RADIUS	DELTA	ARC	BEARING	CHORD	(RECORD CHORD)
C1	955.00'	37°12'09"	620.09'	S46°28'58"W	609.25'	(S46°29'18"W 609.25')

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S36°58'47"E	115.25'
L2	S04°33'09"W	55.72'
L3	S00°53'24"W	90.00'
L4	S32°40'46"E	10.78'
L5	S21°28'31"E	121.70'
L6	S07°39'16"E	13.22'
L7	S25°12'22"E	294.24'
L8	S30°43'39"E	128.35'
L9	S57°54'44"E	199.93'
L10	S00°31'02"W	41.08'
L11	S11°38'50"W	28.54'
L12	S35°45'15"E	24.67'



11/4/2020

DATE OF SURVEY: 11/11/19
 PLOT DATE: 11/4/20
 DRAWING NO.: 1009-005-SOUTH
 DRAWN BY: JBE
 SHEET 1 OF 2

EARLY LAND SURVEYING, LLC

P.O. BOX 92588
 AUSTIN, TX 78709
 512-202-8631
 FIRM NO. 10194487

BEARING BASIS: THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83), CENTRAL ZONE, UTILIZING THE SMARTNET NORTH AMERICA NETWORK.

ATTACHMENTS: METES AND BOUNDS DESCRIPTION 1009-005-SOUTH

