

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF PFLUGERVILLE, TEXAS AUTHORIZING THE VACATION, ABANDONMENT AND RELEASE OF AN EXISTING WATER LINE EASEMENT ORIGINALLY GRANTED TO THE CITY IN DOCUMENT NUMBER 2005084470 AS RECORDED IN THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS ON MAY 13, 2005

WHEREAS, by that certain instrument recorded May 13, 2005, as Document Number 2005084470 of the Real Property Records of Travis County, Texas, a Water Line easement ("Easement") was granted to the City of Pflugerville, Texas as a co-grantee with Windermere Utility Co., Inc. affecting property known as Lot 2, Block A of the Pfairway Office Park Plat ("Property"), recorded as Plat Document No. 200500126 of the Real Property Records of Travis County, Texas and in Plat Cabinet "AA", Slide 187 of the Real Property Records of Williamson County, Texas; and

WHEREAS, the owner of the Property desires to revise the Property's development concept necessitating revising the use and scope of the Easement and has requested that the City vacate, abandon and release the Easement; and

WHEREAS, the Property receives water service from SWWC Utilities, Inc. dba Windermere Utility Company, which is the successor in interest to the co-grantee originally reflected in the original Easement, and does not receive water service from the City thereby eliminating the need for the City to possess a water easement on the Property; and

WHEREAS, the City is agreeable to vacating, abandoning and releasing the Easement due to the Property owner's current development plans that eliminate the necessity thereof.

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

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 of Pflugerville, Texas for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby for all purposes formally evidence and effectuate its intent to (i) VACATE, ABANDON AND RELEASE that certain Easement provided in **Exhibit A** attached hereto and incorporated herein, "AS IS, WHERE IS" AND WITH ALL FAULTS, AND SUBJECT TO THE PROPERTY OWNER'S ACKNOWLEDGMENT THAT THE CITY OF PFLUGERVILLE SHALL

HAVE NO FURTHER OBLIGATION FOR ANY RESTORATION OR MAINTENANCE OF THE PROPERTY SO VACATED, ABANDONED AND RELEASED; and (ii) hereby relinquishes all of its rights, title, and interest in and to the Easement.

Section 3.

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 vacate, abandon and release the Easement.

PASSED, APPROVED and EFFECTIVE on this ___ day of _____ 2019.

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



WATER LINE EASEMENTS

Date: May 4, 2005

GRANTOR: Pflugerville Pfairway Office Park, L.P., a Texas limited partnership

GRANTOR's Mailing Address (including County): 7112 Burnet Road, Austin, Travis County, Texas 78757

GRANTEE: City of Pflugerville, Texas and Windermere Utility Co., Inc.

GRANTEE's Mailing Address (including County): 100 East Main, Suite 300, Pflugerville, Travis County, Texas 78660

Lienholder: Lawrence C. Reid and Doris J. Reid, Individually and as Trustees under the Reid Trust dated August 20, 2003, as Amended

Lienholder's Mailing Address (including County): 3309 Palm Valley, Round Rock, Williamson County, Texas 78664

Easement Property: That certain parcel of land described on Exhibit A attached hereto and made a part hereof for all pertinent purposes.

Improvements: Water lines and related improvements, all of which must be located below ground level.

Consideration: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and confessed by GRANTOR.

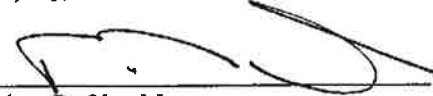
GRANTOR, for the consideration and subject to the reservations from and exceptions to conveyance and warranty set forth herein, hereby grants, sells, and conveys to GRANTEE, its successors and assigns, a non-exclusive public utility easement over, under and across the Easement Property. Grantee shall have the continuing right to construct, maintain, operate, repair, remove, replace and upgrade the Improvements within the Easement Property, so long as all Improvements are located below ground level.

TO HAVE AND TO HOLD the above-described easement, together with all and singular the rights and appurtenances thereto in anywise belonging unto GRANTEE, and GRANTEE's successors and assigns forever, and GRANTOR does hereby bind itself and its successor and assigns to WARRANT AND FOREVER DEFEND all and singular the said easement unto GRANTEE, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof.

EXECUTED effective as of May 4, 2005.

GRANTOR: PFLUGERVILLE PFAIRWAY OFFICE PARK, L.P., a Texas limited partnership

By: NSC MANAGEMENT, L.L.C., a Texas limited liability company, General Partner

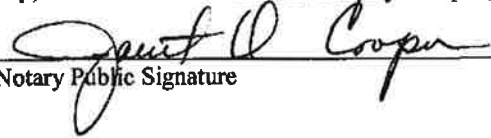
By: 
Robert D. Oler, Manager

THE STATE OF TEXAS §

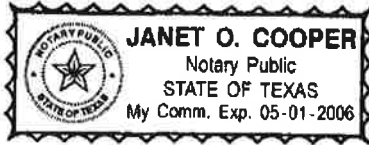
COUNTY OF TRAVIS §

This instrument was acknowledged before me this 4th day of May, 2005 by Robert D. Oler, Manager of NSC Management, L.L.C., a Texas limited liability company, general partner of Pflugerville Pfairway Office Park, L.P., a Texas limited partnership, on behalf of said limited liability company and limited partnership.

(SEAL)



Notary Public Signature



AFTER RECORDING, RETURN TO:

Samuel D. Byars
Armbrust & Brown, L.L.P.
100 Congress Avenue, Suite 1300
Austin, Texas 78701

CONSENT AND SUBORDINATION OF LIENHOLDER

The undersigned lienholder consents to the foregoing grant of easement and rights, and subordinates its lien(s) to the rights and interests of the GRANTEE, its successors and assigns, such that a foreclosure of the lien(s) shall not extinguish said rights and interests.

LIENHOLDER:

Lawrence C. Reid
Lawrence C. Reid, individually and as trustee under the Reid Trust dated August 20, 2003, as amended

Doris J. Reid
Doris J. Reid, individually and as trustee under the Reid Trust dated August 20, 2003, as amended

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me this 10th day of May, 2005 by Lawrence C. Reid, individually and as trustee under the Reid Trust dated August 20, 2003, as amended, on behalf of said trust.

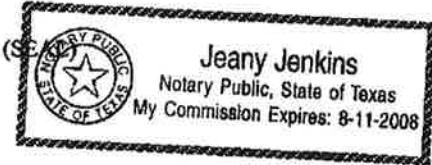


Jeany Jenkins
Notary Public Signature

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me this 10th day of May, 2005 by Doris J. Reid, individually and as trustee under the Reid Trust dated August 20, 2003, as amended, on behalf of said trust.



Jeany Jenkins
Notary Public Signature

FIELD NOTES
FOR

7.5 FOOT WIDE WATER LINE EASEMENTS

ALL OF THOSE CERTAIN TRACTS OR PARCELS OF LAND OUT OF THE WILLIAM BARKER SURVEY NO. 74 IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 9.538 ACRE TRACT OF LAND CONVEYED TO PFLUGERVILLE PFAIRWAY OFFICE PARK, L.P. BY INSTRUMENT RECORDED IN DOCUMENT NO. 2004058307 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, THE HEREIN DESCRIBED TRACTS BEING 7.5 FOOT WIDE WATER LINE EASEMENTS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

TRACT NO. 1

BEGINNING FOR REFERENCE at a capped iron pin found at the Southwest corner of said 9.538 acre tract, being in the East r.o.w. line of County Road 170;

THENCE along the West line of said 9.538 acre tract, being along the East r.o.w. line of County Road 170, N 19°38'32" W for a distance of 264.28 feet to a point;

THENCE leaving the West line of said 9.538 acre tract, N 70°09'53" E for a distance of 133.96 feet to an angle point and N 38°04'45" E for a distance of 14.72 feet to a point for the Northwest corner and PLACE OF BEGINNING hereof;

THENCE along the North line of the herein described easement, N 38°04'45" E for a distance of 7.50 feet to a point for the Northeast corner hereof;

THENCE along the East line of the herein described easement, S 51° 55'15" E for a distance of 107.65 feet to an angle point and S 29°06'53" E for a distance of 37.46 feet to a point for the Southeast corner hereof;

THENCE along the South line of the herein described easement, S 60°53'07" W for a distance of 7.50 feet to a point for the Southwest corner hereof;

THENCE along the West line of the herein described easement, N 29°06'53" W for a distance of 35.95 feet to an angle point and N 51°55'15" W for a distance of 106.14 feet to the PLACE OF BEGINNING hereof.

TRACT NO. 2

BEGINNING FOR REFERENCE at the Northeast corner of the aforesaid Tract No. 1;

THENCE N 38°04'45" E for a distance of 286.50 feet to a point for the Northwest corner and PLACE OF BEGINNING hereof;

THENCE along the North line of the herein described easement, N 38°04'45" E for a distance of 7.50 feet to a point for the Northeast corner hereof;

EXHIBIT A

FIELD NOTES
FOR

7.5 FOOT WIDE WATER LINE EASEMENTS - Page Two

THENCE along the East line of the herein described easement, S 51°55'15" E for a distance of 144.83 feet to a point for the Southeast corner hereof;

THENCE along the South line of the herein described easement, S 38°04'45" W for a distance of 7.50 feet to a point for the Southwest corner hereof;

THENCE along the West line of the herein described easement, N 51°55'15" W for a distance of 144.83 feet to the PLACE OF BEGINNING hereof.

SURVEYED BY:
Roy D. Smith Surveyors, P.C.

Roy D. Smith

ROY D. SMITH
REGISTERED PROFESSIONAL SURVEYOR, P.C. 4094
February 11, 2005



Barker Sur. - Pflugerville

EXHIBIT A

EXHIBIT 'A'
SKETCH TO ACCOMPANY FIELD NOTES
FOR A WATER LINE EASEMENT

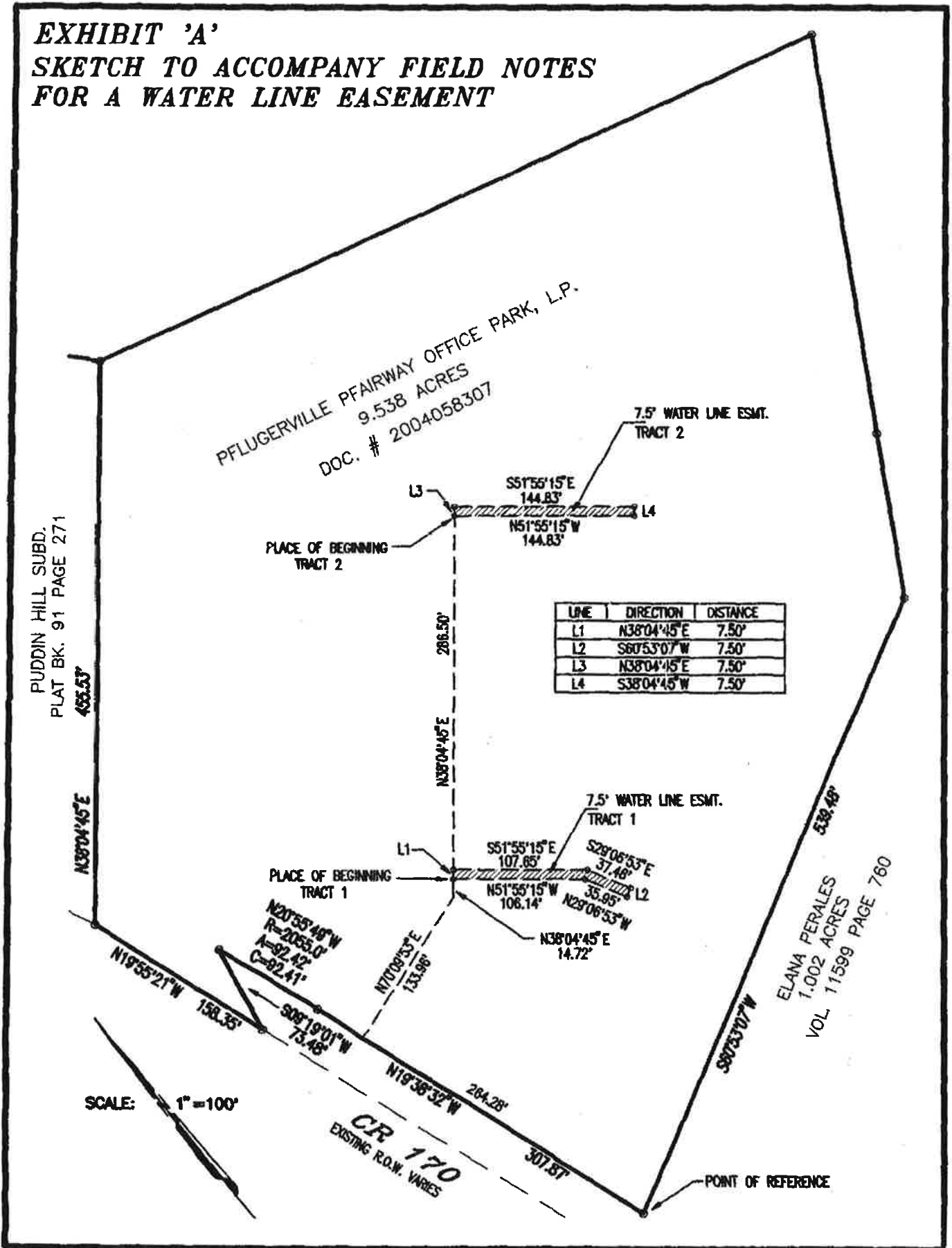


EXHIBIT A

Recorders Memorandum-At the time of recordation this instrument was found to be inadequate for the best reproduction, because of illegibility, carbon or photocopy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

2005 May 13 11:42 AM 2005084470

SIFUENTEZY \$28.00

DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

VACATION, ABANDONMENT AND RELEASE OF EASEMENT

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

WHEREAS, by that certain instrument recorded May 13, 2005, as Document Number 2005084470 of the Real Property Records of Travis County, Texas, a Water Line easement ("Easement") was granted to the City of Pflugerville, Texas and Windermere Utility Co., Inc., as co-grantees, affecting property known as Lot 2, Block A of the Pfairway Office Park Plat ("Property"), recorded as Plat Document No. 200500126 of the Real Property Records of Travis County, Texas and in Plat Cabinet "AA", Slide 187 of the Real Property Records of Williamson County, Texas; and

WHEREAS, BEH Partners LLC ("Owner") is the current fee simple owner of the Property underlying and encompassing the Easement and has petitioned the City to vacate, abandon, and release the Easement that is in, along, over, upon, and across the Property.

NOW, THEREFORE, KNOW ALL BY THESE PRESENTS that for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City does hereby for all purposes: (i) VACATE, ABANDON AND RELEASE the Easement described in **Exhibit A**, which is attached hereto and incorporated herein; and (ii) relinquish all of its rights, title, and interest in and to the Easement.

FURTHER, OWNER, HAVING PETITIONED FOR THIS VACATION, ABANDONMENT AND RELEASE OF EASEMENT, IS TAKING THE VACATED, ABANDONED AND RELEASED EASEMENT "AS IS, WHERE IS" AND WITH ANY AND ALL DEFECTS. UPON RECORDING OF THIS DOCUMENT, THE CITY OF PFLUGERVILLE SHALL HAVE NO FURTHER OBLIGATION FOR ANY RESTORATION OR MAINTENANCE OF THE PROPERTY THAT IS SUBJECT TO THIS VACATION, ABANDONMENT AND RELEASE.

IN WITNESS WHEREOF the City of Pflugerville, Texas has executed this Vacation, Abandonment and Release of Easement on this __ day of _____ 2019.

Sereniah Breland, City Manager
City of Pflugerville, Texas

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

BEFORE ME, this undersigned, a Notary Public in and for the said County and State, on this day personally appeared Sereniah Breland, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes herein expressed.

GIVEN under my hand and seal of office this the ___ day of _____ 2019.

[Seal]

Notary Public, State of Texas

AFTER RECORDING, RETURN TO:

City of Pflugerville
Development Services Center – Engineering Dept.
201-B East Pecan Street
Pflugerville, Texas 78691

EXHIBIT A



WATER LINE EASEMENTS

Date: May 4, 2005

GRANTOR: Pflugerville Pfairway Office Park, L.P., a Texas limited partnership

GRANTOR's Mailing Address (including County): 7112 Burnet Road, Austin, Travis County, Texas 78757

GRANTEE: City of Pflugerville, Texas and Windermere Utility Co., Inc.

GRANTEE's Mailing Address (including County): 100 East Main, Suite 300, Pflugerville, Travis County, Texas 78660

Lienholder: Lawrence C. Reid and Doris J. Reid, Individually and as Trustees under the Reid Trust dated August 20, 2003, as Amended

Lienholder's Mailing Address (including County): 3309 Palm Valley, Round Rock, Williamson County, Texas 78664

Easement Property: That certain parcel of land described on Exhibit A attached hereto and made a part hereof for all pertinent purposes.

Improvements: Water lines and related improvements, all of which must be located below ground level.

Consideration: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and confessed by GRANTOR.

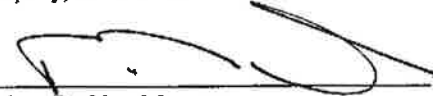
GRANTOR, for the consideration and subject to the reservations from and exceptions to conveyance and warranty set forth herein, hereby grants, sells, and conveys to GRANTEE, its successors and assigns, a non-exclusive public utility easement over, under and across the Easement Property. Grantee shall have the continuing right to construct, maintain, operate, repair, remove, replace and upgrade the Improvements within the Easement Property, so long as all Improvements are located below ground level.

TO HAVE AND TO HOLD the above-described easement, together with all and singular the rights and appurtenances thereto in anywise belonging unto GRANTEE, and GRANTEE's successors and assigns forever, and GRANTOR does hereby bind itself and its successor and assigns to WARRANT AND FOREVER DEFEND all and singular the said easement unto GRANTEE, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof.

EXECUTED effective as of May 4, 2005.

GRANTOR: PFLUGERVILLE PFAIRWAY OFFICE PARK, L.P., a Texas limited partnership

By: NSC MANAGEMENT, L.L.C., a Texas limited liability company, General Partner

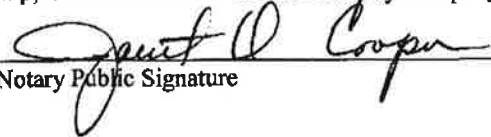
By: 
Robert D. Oler, Manager

THE STATE OF TEXAS §

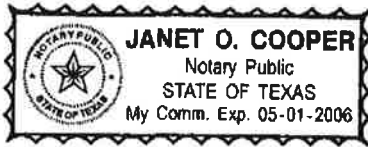
COUNTY OF TRAVIS §

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(SEAL)



Notary Public Signature



AFTER RECORDING, RETURN TO:

Samuel D. Byars
Armbrust & Brown, L.L.P.
100 Congress Avenue, Suite 1300
Austin, Texas 78701

CONSENT AND SUBORDINATION OF LIENHOLDER

The undersigned lienholder consents to the foregoing grant of easement and rights, and subordinates its lien(s) to the rights and interests of the GRANTEE, its successors and assigns, such that a foreclosure of the lien(s) shall not extinguish said rights and interests.

LIENHOLDER:

Lawrence C. Reid
Lawrence C. Reid, individually and as trustee under the Reid Trust dated August 20, 2003, as amended

Doris J. Reid
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THE STATE OF TEXAS §

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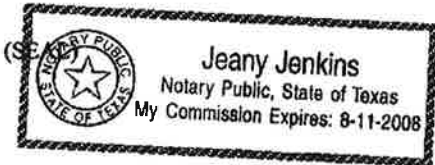


Jeany Jenkins
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THE STATE OF TEXAS §

COUNTY OF TRAVIS §

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Jeany Jenkins
Notary Public Signature

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THENCE along the North line of the herein described easement, N 38°04'45" E for a distance of 7.50 feet to a point for the Northeast corner hereof;

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FIELD NOTES
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7.5 FOOT WIDE WATER LINE EASEMENTS - Page Two

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THENCE along the West line of the herein described easement, N 51°55'15" W for a distance of 144.83 feet to the PLACE OF BEGINNING hereof.

SURVEYED BY:

Roy D. Smith Surveyors, P.C.

Roy D. Smith

ROY D. SMITH

REGISTERED PROFESSIONAL SURVEYOR No. 4094

February 11, 2005

Barker Sur. - Pflugerville



EXHIBIT A

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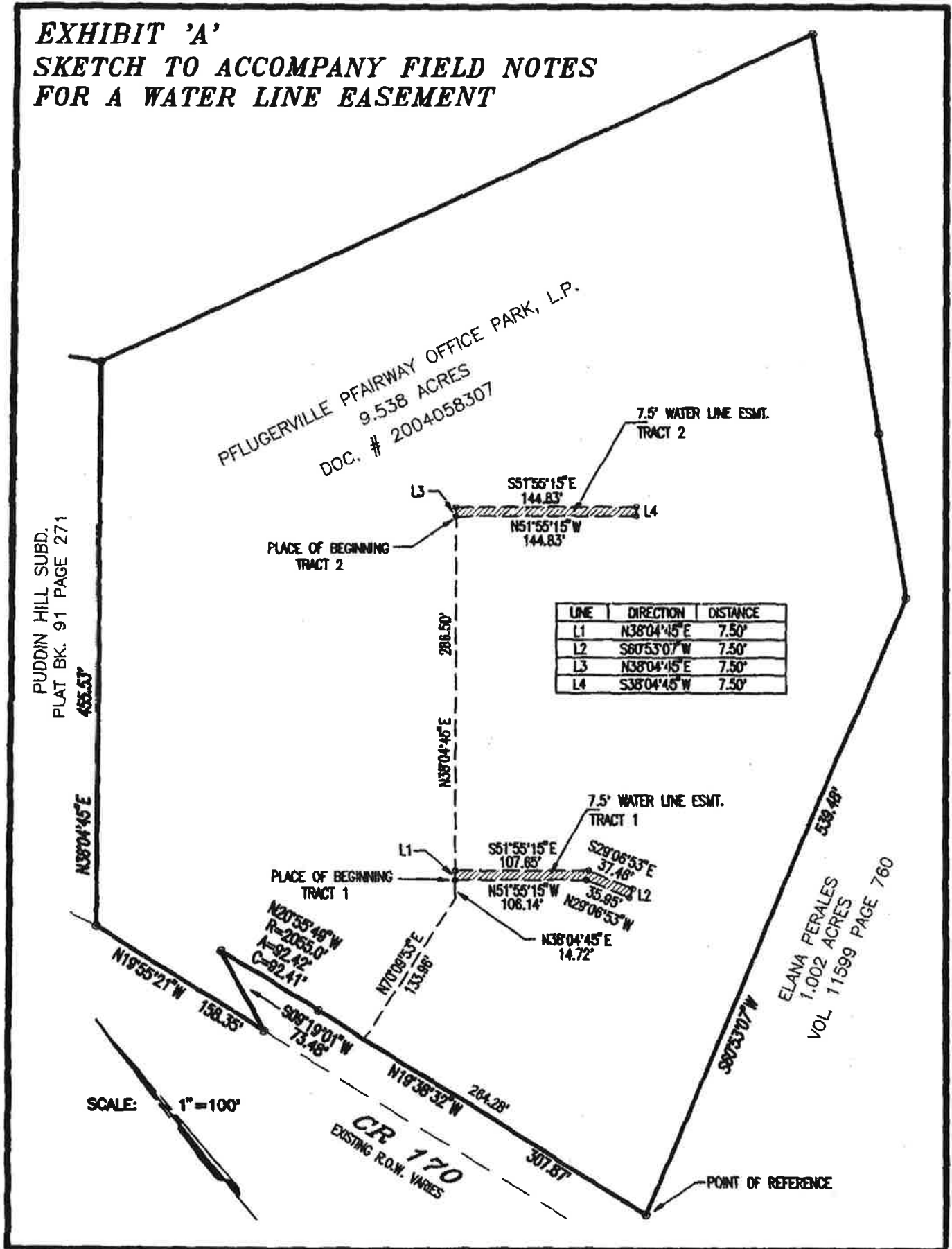


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Dana DeBeauvoir

2005 May 13 11:42 AM 2005084470

SIFUENTEZY \$28.00

DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS