

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF PFLUGERVILLE, TEXAS AUTHORIZING THE VACATION, ABANDONMENT AND RELEASE OF AN EXISTING DRAINAGE EASEMENT LOCATED AT THE NORTHWEST CORNER OF IMMANUEL ROAD AND WELLS BRANCH PARKWAY, ORIGINALLY GRANTED TO THE CITY BY EASEMENT RECORDED IN TRAVIS COUNTY REAL PROPERTY RECORDS DOCUMENT NO. 1999062527; AND AUTHORIZING THE CITY MANAGER TO EXECUTE NECESSARY DOCUMENTS

WHEREAS, by that certain instrument dated July 7, 1999, recorded as Document No. 1999062527 of the Official Real Property Records of Travis County, Texas a drainage easement (“Easement”) was granted to the City of Pflugerville, Texas (“City”) described as an 0.367-acre tract situated in Travis County, Texas; and

WHEREAS, a warranty deed for right-of-way along Wells Branch Parkway was recorded over a portion of the Easement, which right-of-way warranty deed is recorded in Document No. 2005191991 of the Official Real Property Records of Travis County, Texas; and

WHEREAS, the portion of the Easement that coincided with the right-of-way dedication merged with the right-of-way; and

WHEREAS, the portion of the Easement that falls outside of City right-of-way and was not merged with the right-of-way is 0.2805 acres, more particularly described in Exhibit “A”, attached hereto and incorporated herein for all purposes; and

WHEREAS, the portion of the Easement that falls outside of City right-of-way serves as a drainage conveyance for an existing drainage channel (“Channel”); and

WHEREAS, the owner of the parcel of land at the northwest corner of Immanuel Road and Wells Branch Parkway that underlies the Easement (“Owner”) is going to relocate the Channel along a new alignment as part of the development of the site; and

WHEREAS, the Owner has dedicated a new drainage easement along the new alignment; and

WHEREAS, the City no longer has a need for the Easement along the previous alignment; and

WHEREAS, the Owner has requested that the City vacate, abandon and release the Easement.

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 of Pflugerville, Texas for and in consideration of the sum of Ten and No/100 dollars 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 the easement area named herein, which easement area to be vacated, abandoned and released is described in Exhibit "A", being 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 that area.

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 area as set forth herein.

PASSED AND APPROVED this ___ day of _____ 2023.

By: _____
Victor Gonzales, Mayor

ATTEST:

Trista Evans, City Secretary

APPROVED AS TO FORM:

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

Exhibit A

**METES & BOUNDS LEGAL DESCRIPTION FOR A:
DRAINAGE EASEMENT TO BE RELEASED- 0.2805 ACRE**

BEING A 0.2805 ACRE (12,218 SQ. FT.) TRACT OF LAND SITUATED IN THE ALEXANDER WALTERS SURVEY, ABSTRACT 791, TRAVIS COUNTY, TEXAS; AND BEING A PORTION OF A CALLED 10.342 ACRES TRACT OF LAND DESCRIBED TO BOOM RIGHT THERE MEDIA LLC, A NEW YORK LIMITED LIABILITY COMPANY, AS SHOWN ON INSTRUMENT RECORDED UNDER DOCUMENT NO. 2022087873 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.) AND TO ROERS PFLUGERVILLE APARTMENTS LLC, AS SHOWN ON INSTRUMENT RECORDED UNDER DOCUMENT NO. 2022087872 OF THE O.P.R.T.C.T.; SAME BEING A PORTION OF A CALLED 0.367 ACRE DRAINAGE EASEMENT DEDICATED TO THE CITY OF PFLUGERVILLE, TEXAS AS SHOWN UNDER DOCUMENT NO. 1999062527 OF THE O.P.R.T.C.; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 1/2-INCH IRON ROD FOUND IN THE NORTHWESTERLY RIGHT-OF-WAY LINE OF IMMANUEL ROAD, A VARIABLE WIDTH RIGHT-OF-WAY, AND AT THE EAST CORNER OF SAID 10.342 ACRES TRACT;

THENCE, NORTH 62°33'48" WEST, WITH THE NORTHEAST BOUNDARY LINE OF SAID 10.342 ACRES TRACT AND SAID NORTHWESTERLY RIGHT-OF-WAY LINE OF IMMANUEL ROAD, PASSING A POINT AT THE SOUTH CORNER OF LOT 1, BLOCK B, MOUNTAIN CREEK EAST, PHASE A, SECTION ONE, A LEGAL SUBDIVISION AS SHOWN ON PLAT RECORDED UNDER DOCUMENT NO. 199900296 OF THE O.P.R.T.C.T., AND CONTINUING ALONG SAID NORTHEAST BOUNDARY LINE OF 10.342 ACRES TRACT AND SAID SOUTHWEST BOUNDARY LINE OF MOUNTAIN CREEK EAST SUBDIVISION, A DISTANCE OF 567.13 FEET TO THE POINT OF BEGINNING;

THENCE, DEPARTING SAID NORTHEAST BOUNDARY LINE OF THE 10.342 ACRES TRACT AND SAID SOUTHWEST BOUNDARY LINE OF MOUNTAIN CREEK EAST SUBDIVISION, OVER AND ACROSS SAID 10.342 ACRES TRACT, THE FOLLOWING TWO (2) COURSES AND DISTANCES:

1. SOUTH 27°28'15" WEST, A DISTANCE OF 202.23 FEET TO A POINT;
2. SOUTH 13°45'11" EAST, A DISTANCE OF 288.10 FEET TO A POINT IN THE SOUTHWEST BOUNDARY LINE OF SAID 10.342 ACRES TRACT AND THE NORTHEAST RIGHT-OF-WAY LINE OF WELLS BRANCH PARKWAY, A VARIABLE WIDTH RIGHT-OF-WAY ACCORDING TO DOCUMENT NO. 2005191991 OF THE O.P.R.T.C.T. AND FROM WHICH A "X" SET IN SAID NORTHEAST RIGHT-OF-WAY LINE OF WELLS BRANCH PARKWAY BEARS SOUTH 62°23'48" EAST, A DISTANCE OF 341.31 FEET;

THENCE, NORTH 62°23'48" WEST, WITH SAID SOUTHWEST BOUNDARY LINE OF THE 10.342 ACRES TRACT AND SAID NORTHEAST RIGHT-OF-WAY LINE OF WELLS BRANCH PARKWAY, A DISTANCE OF 33.31 FEET;

THENCE, DEPARTING SAID SOUTHWEST BOUNDARY LINE OF THE 10.342 ACRES TRACT AND SAID NORTHEAST RIGHT-OF-WAY LINE OF WELLS BRANCH PARKWAY, OVER AND ACROSS SAID 10.342 ACRES TRACT, THE FOLLOWING TWO (2) COURSES AND DISTANCES:

1. NORTH 13°45'11" WEST, A DISTANCE OF 275.49 FEET TO A POINT;
2. NORTH 27°28'15" EAST, A DISTANCE OF 211.63 FEET TO A POINT IN SAID NORTHEAST BOUNDARY LINE OF THE 10.342 ACRES TRACT AND SAID SOUTHWEST BOUNDARY LINE OF MOUNTAIN CREEK EAST SUBDIVISION;

THENCE, SOUTH 62°33'48" EAST, WITH SAID NORTHEAST BOUNDARY LINE OF THE 10.342 ACRES TRACT AND SAID SOUTHWEST BOUNDARY LINE OF MOUNTAIN CREEK EAST SUBDIVISION, A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.2805 ACRE (12,218 SQ. FT.) OF LAND, MORE OR LESS, IN TRAVIS COUNTY, TEXAS. THIS DOCUMENT WAS PREPARED IN THE OFFICE OF KIMLEY-HORN INC. IN AUSTIN, TEXAS.

SURVEYOR'S NOTES:

BASIS OF BEARINGS IS THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE (4203). ALL COORDINATES AND DISTANCES SHOWN HEREON ARE SURFACE VALUES. THE SURFACE ADJUSTMENT FACTOR IS 0.99990416. THE UNIT OF LINEAR MEASUREMENT IS U.S. SURVEY FEET.



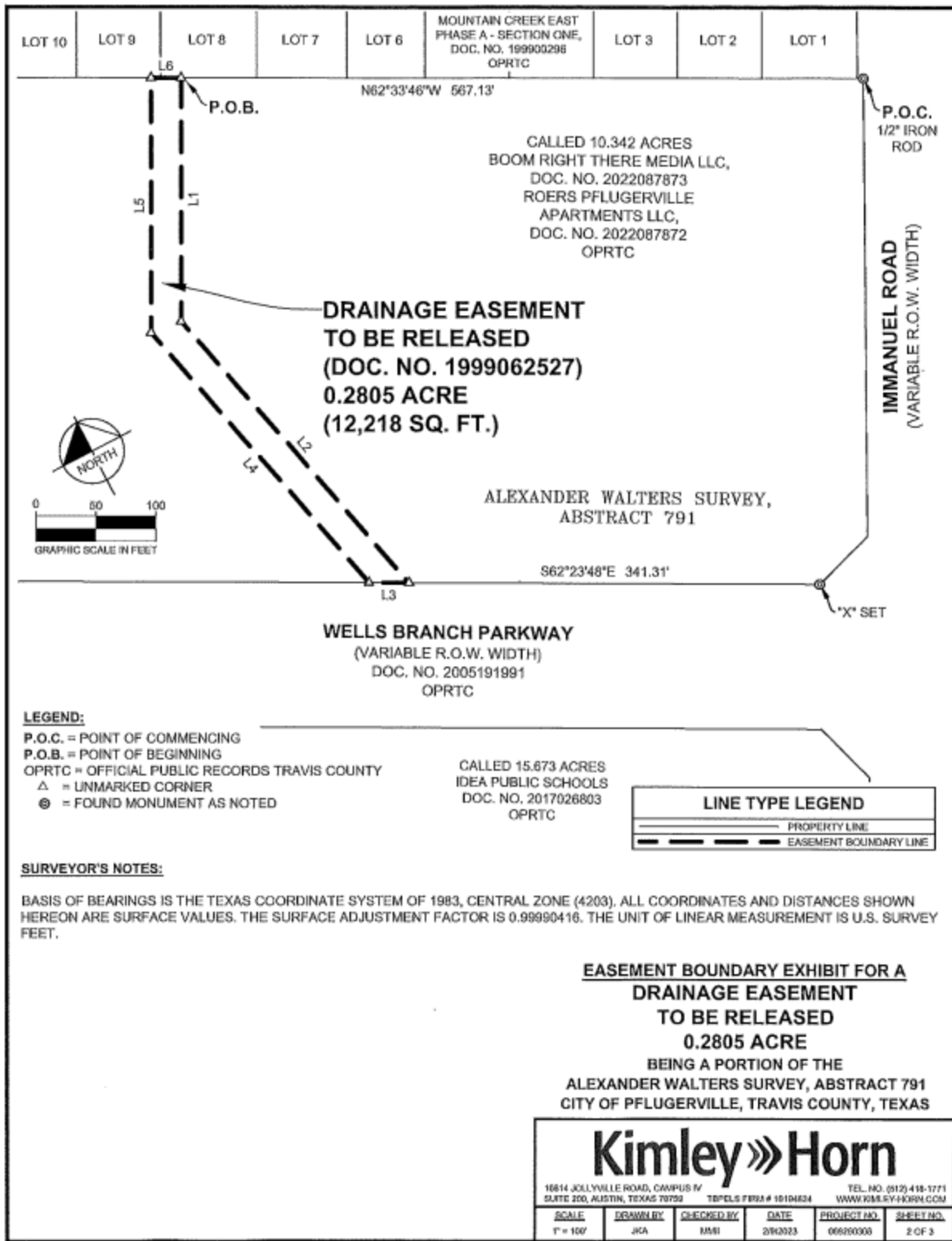
Michael A. Montgomery II
MICHAEL A. MONTGOMERY II, R.P.L.S.
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6890

**METES & BOUNDS LEGAL DESCRIPTION FOR A
DRAINAGE EASEMENT
TO BE RELEASED
0.2805 ACRE
BEING A PORTION OF THE
ALEXANDER WALTERS SURVEY, ABSTRACT 791
CITY OF PFLUGERVILLE, TRAVIS COUNTY, TEXAS**

Kimley»Horn

9914 JOLLYVILLE ROAD, CAMPUS IV SUITE 200, AUSTIN, TEXAS 78759 TEL. NO. (512) 418-1771
TSP/ELS FIRM # 10194624 WWW.KIMLEY-HORN.COM

SCALE	DRAWN BY	CHECKED BY	DATE	PROJECT NO.	SHEET NO.
N/A	JKA	MMB	2/9/2023	066290309	1 OF 3



LINE TABLE		
NO.	BEARING	LENGTH
L1	S27°26'15"W	202.23'
L2	S13°45'11"E	288.10'
L3	N62°23'48"W	33.31'
L4	N13°45'11"W	275.49'
L5	N27°26'15"E	211.63'
L6	S62°33'46"E	25.00'

SURVEYOR'S NOTES:

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**LINE AND CURVE TABLE FOR A
 DRAINAGE EASEMENT
 TO BE RELEASED
 0.2805 ACRE
 BEING A PORTION OF THE
 ALEXANDER WALTERS SURVEY, ABSTRACT 791
 CITY OF PFLUGERVILLE, TRAVIS COUNTY, TEXAS**

Kimley»Horn

10614 JOLLYVILLE ROAD, CAMPUS IV
 SUITE 200, AUSTIN, TEXAS 78758
TSPELS FIRM # 10184624
TEL. NO. (512) 418-1771
 WWW.KIMLEY-HORN.COM

SCALE	DRAWN BY	CHECKED BY	DATE	PROJECT NO.	SHEET NO.
N/A	JKA	MMH	2/9/2023	066000393	3 OF 3