

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY OF PFLUGERVILLE, TEXAS AUTHORIZING THE VACATION, ABANDONMENT AND RELEASE OF A PORTION OF AN EXISTING DRAINAGE AND PUBLIC UTILITY EASEMENT LOCATED NORTH OF WELLS BRANCH PARKWAY AND WEST OF IMMANUEL ROAD, ORIGINALLY GRANTED TO THE CITY BY EASEMENT RECORDED IN TRAVIS COUNTY REAL PROPERTY RECORDS DOCUMENT NO. 1999062525; AND AUTHORIZING THE CITY MANAGER TO EXECUTE NECESSARY DOCUMENTS

**WHEREAS**, by that certain instrument dated July 7, 1999, recorded as Document No. 1999062525 of the Official Real Property Records of Travis County, Texas a drainage and public utility easement (“Easement”) was granted to the City of Pflugerville, Texas (“City”) described as an 1.614-acre tract situated in Travis County, Texas (“Property”), being more particularly described in Exhibit “A”, attached hereto and incorporated herein for all purposes; and

**WHEREAS**, the proposed development at the northwest corner of Immanuel Road and Wells Branch Parkway is required to dedicate right-of-way along the proposed Olympic Drive alignment between the north right-of-way line of Wells Branch Parkway northward to the existing Olympic Drive right-of-way that exists in the Mountain Creek East subdivision north of Wells Branch Parkway; and

**WHEREAS**, the right-of-way dedication along the Olympic Drive alignment coincides with a portion of the existing drainage and public utility easement; and

**WHEREAS**, dedicated right-of-way allows drainage and public utility uses (subject to City review and approval) while giving the City greater control than the existing drainage and public utility easement gives the City; and

**WHEREAS**, in general, easements coincident with City right-of-way can create ambiguity as to uses allowed and permitting processes required; and,

**WHEREAS**, the City desires to abandon the portion of the drainage and public utility easement that coincides with the right-of-way dedication (“Abandonment Area”), while retaining the portion of the existing drainage and public utility easement that does not coincide with the right-of-way dedication (“Retained Area”); and

**WHEREAS**, the Abandonment Area is shown in Exhibit “B”, attached hereto and incorporated herein for all purposes.

**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 a portion of the easement area named herein as Abandonment Area, which easement area to be vacated, abandoned and released is described in Exhibit "B", being attached hereto and incorporated herein, "AS IS, WHERE IS AND WITH ALL FAULTS AND SUBJECT TO THE PROPERTY OWNER'S ACKNOWLEDGEMENT 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 that portion of the Easement described in Exhibit "B", while retaining all rights, title and interest in the remainder of the Easement area herein named Retained Area, as depicted in Exhibit "A".

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

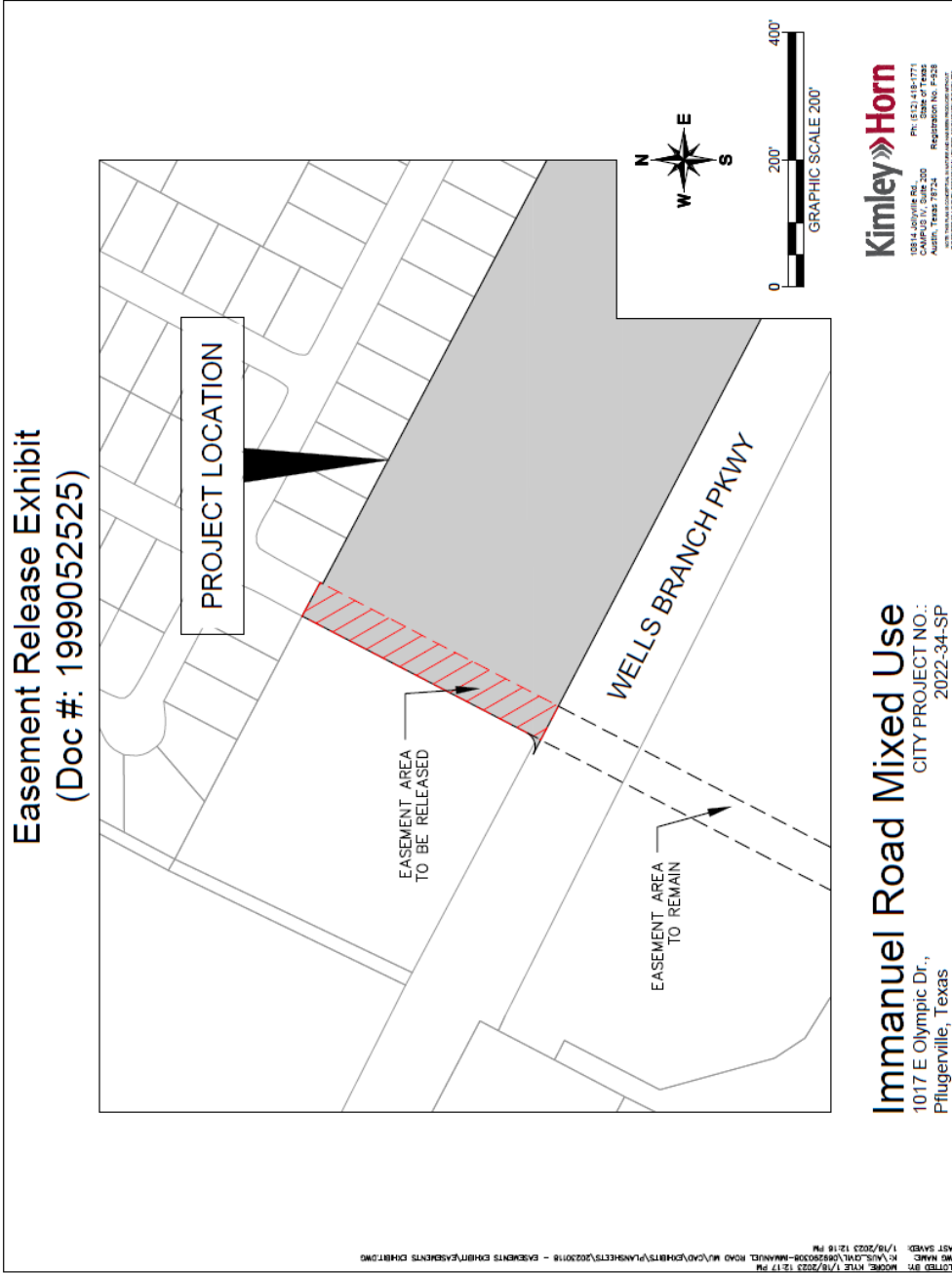
ATTEST:

\_\_\_\_\_  
Trista Evans, City Secretary

APPROVED AS TO FORM:

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

Exhibit A



Easement Release Exhibit  
(Doc #: 1999052525)

**Kimley»Horn**  
10814 JOYVILLE RD., P.O. BOX 11771  
CAMPUS IV, SUITE 300 N. STATE ST. ST. LOUIS, MO 63108  
PH: 314.418.1171 FAX: 314.418.1172  
WWW.KIMLEY-HORN.COM

**Immanuel Road Mixed Use**  
CITY PROJECT NO.: 2022-34-SP  
1017 E Olympic Dr.,  
Pflugerville, Texas

PLotted BY: MOORE, KYLE 1/18/2023 12:17 PM  
DWS DATE: K:\AEC\2011\0835008-IMMANUEL ROAD M\CD\PROJECTS\PLANS\SET\20220118 - EASEMENTS EXHIBIT\EASEMENTS EXHIBIT.DWG  
LAST SAVE: 1/19/2023 12:19 PM

## Exhibit B

**METES & BOUNDS LEGAL DESCRIPTION OF A:**

**PARTIAL RELEASE OF A DRAINAGE AND PUBLIC UTILITY EASEMENT- 0.5814 ACRE**

BEING A 0.5814 ACRE (25,326 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, AS SHOWN ON INSTRUMENT RECORDED UNDER DOCUMENT NO. 2022087873 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.T.), AND ROERS PFLUGERVILLE APARTMENTS LLC, AS SHOWN ON INSTRUMENT RECORDED UNDER DOCUMENT NO. 2022087872, O.P.R.T.C.T., AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 1/2" IRON ROD FOUND IN THE NORTHEASTERLY RIGHT-OF-WAY LINE OF WELLS BRANCH PARKWAY (VARIABLE RIGHT-OF-WAY WIDTH) RECORDED UNDER DOCUMENT NO. 2005191991, O.P.R.T.C.T.; FOR THE WEST CORNER OF SAID 10.342 ACRES TRACT, SAME BEING THE SOUTH CORNER OF A CALLED 4.191 ACRES TRACT OF LAND DESCRIBED TO UNITY FOUR 2150 INVESTMENT LLC, AS SHOWN ON INSTRUMENT RECORDED UNDER DOCUMENT NO. 2022096277, O.P.R.T.C.T.;

THENCE, SOUTH 62°23'48" EAST, ALONG THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID WELLS BRANCH PARKWAY AND THE SOUTHWEST BOUNDARY LINE OF SAID 10.342 ACRES TRACT, A DISTANCE OF 25.04 FEET TO THE POINT OF BEGINNING;

THENCE, NORTH 27°25'58" EAST, DEPARTING THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID WELLS BRANCH PARKWAY, OVER AND ACROSS SAID 10.342 ACRES TRACT, A DISTANCE OF 25.08 FEET PASSING A 1/2" IRON ROD FOUND AT THE NORTH END OF A CUTBACK CURVE TO THE LEFT, IN ALL A DISTANCE OF 422.02 FEET TO A PK NAIL FOUND IN THE SOUTHWEST TERMINUS OF OLYMPIC DRIVE (CALLED 60' RIGHT-OF-WAY WIDTH) ACCORDING TO MOUNTAIN CREEK EAST PHASE A - SECTION ONE, A LEGAL SUBDIVISION ACCORDING TO THE PLAT OF RECORD IN DOCUMENT NO. 199900296, O.P.R.T.C.T., AT THE SOUTH CORNER OF LOT 1, BLOCK A, SAID MOUNTAIN CREEK EAST PHASE A - SECTION ONE, SAME BEING THE EAST CORNER OF SAID 4.191 ACRES TRACT, FOR THE NORTH CORNER OF SAID 10.342 ACRES TRACT;

THENCE, SOUTH 62°33'46" EAST, ALONG SAID SOUTHWEST TERMINUS OF OLYMPIC DRIVE AND A NORTHEAST BOUNDARY LINE OF SAID 10.342 ACRES TRACT, A DISTANCE OF 60.00 FEET TO A 1/2" IRON ROD WITH PLASTIC CAP STAMPED "KHA" SET IN THE NORTHWEST BOUNDARY LINE OF LOT 14, BLOCK B, SAID MOUNTAIN CREEK EAST PHASE A - SECTION ONE, FOR A NORTHEAST CORNER OF SAID 10.342 ACRES TRACT;

THENCE, SOUTH 27°25'58" WEST, ALONG SAID NORTHWEST BOUNDARY LINE OF LOT 14 AND A SOUTHEAST BOUNDARY LINE OF SAID 10.342 ACRES TRACT, A DISTANCE OF 5.00 FEET, DEPARTING THE SOUTHEAST BOUNDARY LINE OF SAID 10.342 ACRES TRACT AND THE NORTHWEST BOUNDARY LINE OF SAID LOT 14, IN ALL A DISTANCE OF 422.19 FEET TO A CALCULATED POINT IN THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID WELLS BRANCH PARKWAY, SAME BEING THE SOUTHWEST BOUNDARY LINE OF SAID 10.342 ACRES TRACT;

THENCE, NORTH 62°23'48" WEST, ALONG THE SOUTHWEST BOUNDARY LINE OF SAID 10.342 ACRES TRACT AND THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID WELLS BRANCH PARKWAY, A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.5814 ACRES 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:**

THE BEARINGS, DISTANCES, AREAS, AND COORDINATES SHOWN HEREON ARE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE (TEXAS STATE PLANE FIPS 4203) SCALED TO SURFACE, BASED ON A COMBINED GRID TO SURFACE SCALE FACTOR OF 1.000095849, AS DETERMINED BY THE GLOBAL POSITIONING SYSTEM (GPS). TO CONVERT SURFACE DISTANCES TO GRID, USE THE COMBINED SURFACE TO GRID SCALE FACTOR OF 0.99990416. THE UNIT OF LINEAR MEASUREMENT IS U.S. SURVEY FEET. AN EASEMENT BOUNDARY EXHIBIT AND A LINE & CURVE TABLE WERE CREATED IN CONJUNCTION WITH THIS METES & BOUNDS DESCRIPTION.

THE UNDERSIGNED, REGISTERED PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFIES THAT THE FOREGOING DESCRIPTION ACCURATELY SETS OUT THE METES AND BOUNDS OF THIS EASEMENT TO BE PARTIALLY RELEASED.

**METES & BOUNDS LEGAL DESCRIPTION OF A  
PARTIAL RELEASE OF A DRAINAGE AND  
PUBLIC UTILITY EASEMENT**

**0.5814 ACRE**

BEING A PORTION OF THE  
ALEXANDER WALTERS SURVEY, ABSTRACT 791  
CITY OF PFLUGERVILLE, TRAVIS COUNTY, TEXAS

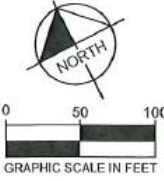
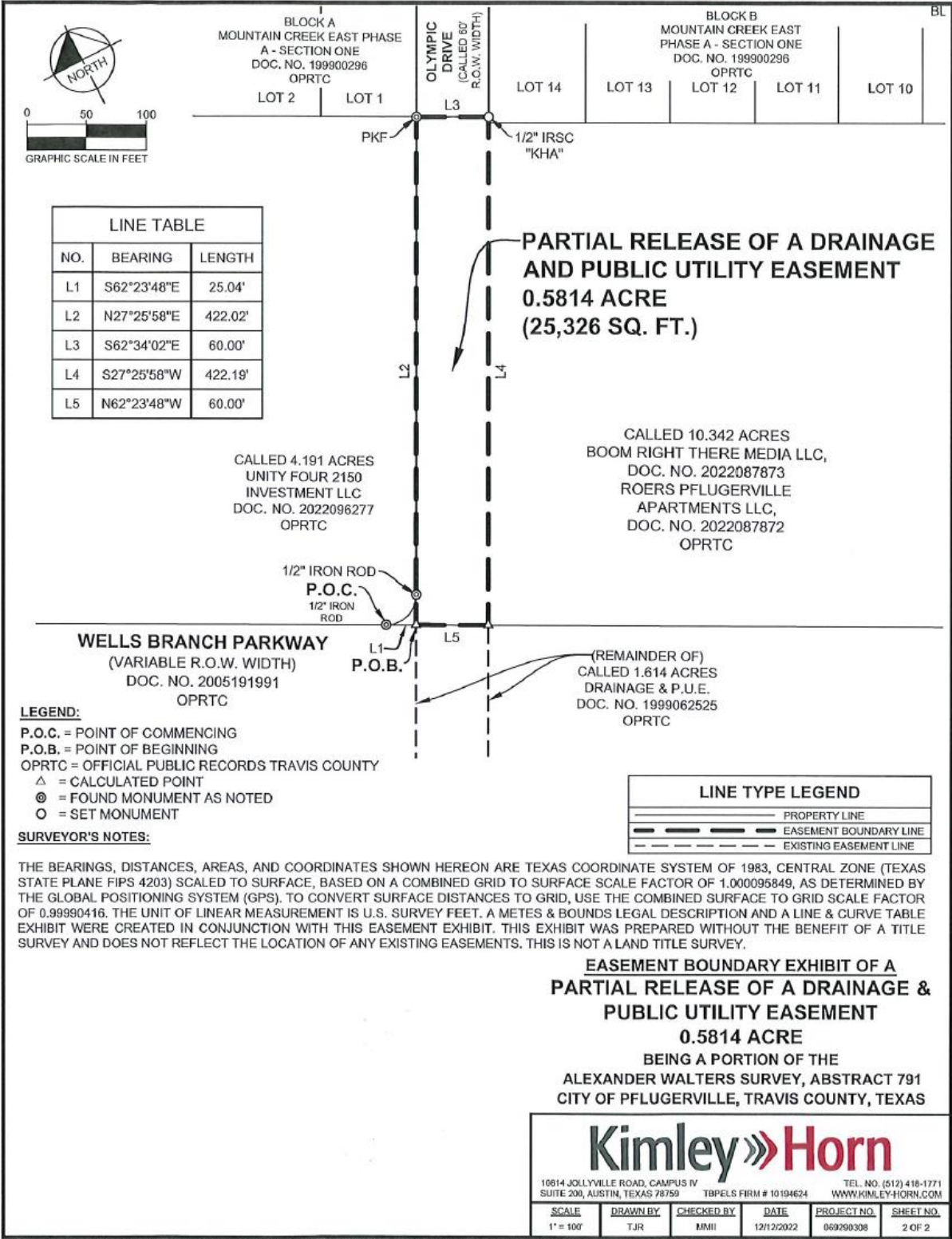
*Michael A. Montgomery II*  
12/12/2022  
MICHAEL A. MONTGOMERY II, R.P.L.S.  
REGISTERED PROFESSIONAL  
LAND SURVEYOR NO. 6890





10814 JOLLYVILLE ROAD, CAMPUS IV SUITE 200, AUSTIN, TEXAS 78759      TBPELS FIRM # 10194624      TEL. NO. (512) 416-1771      WWW.KIMLEY-HORN.COM

SCALE	DRAWN BY	CHECKED BY	DATE	PROJECT NO.	SHEET NO.
N/A	TJR	MMII	12/12/2022	069290308	1 OF 2



LINE TABLE		
NO.	BEARING	LENGTH
L1	S62°23'48"E	25.04'
L2	N27°25'58"E	422.02'
L3	S62°34'02"E	60.00'
L4	S27°25'58"W	422.19'
L5	N62°23'48"W	60.00'

**PARTIAL RELEASE OF A DRAINAGE AND PUBLIC UTILITY EASEMENT**  
**0.5814 ACRE**  
**(25,326 SQ. FT.)**

CALLED 4.191 ACRES  
 UNITY FOUR 2150  
 INVESTMENT LLC  
 DOC. NO. 2022096277  
 OPRTC

CALLED 10.342 ACRES  
 BOOM RIGHT THERE MEDIA LLC,  
 DOC. NO. 2022087873  
 ROERS PFLUGERVILLE  
 APARTMENTS LLC,  
 DOC. NO. 2022087872  
 OPRTC

**WELLS BRANCH PARKWAY**  
 (VARIABLE R.O.W. WIDTH)  
 DOC. NO. 2005191991  
 OPRTC

(REMAINDER OF)  
 CALLED 1.614 ACRES  
 DRAINAGE & P.U.E.  
 DOC. NO. 1999062525  
 OPRTC

- LEGEND:**  
 P.O.C. = POINT OF COMMENCING  
 P.O.B. = POINT OF BEGINNING  
 OPRTC = OFFICIAL PUBLIC RECORDS TRAVIS COUNTY  
 △ = CALCULATED POINT  
 ⊙ = FOUND MONUMENT AS NOTED  
 ○ = SET MONUMENT

LINE TYPE LEGEND	
	PROPERTY LINE
	EASEMENT BOUNDARY LINE
	EXISTING EASEMENT LINE

**SURVEYOR'S NOTES:**

THE BEARINGS, DISTANCES, AREAS, AND COORDINATES SHOWN HEREON ARE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE (TEXAS STATE PLANE FIPS 4203) SCALED TO SURFACE, BASED ON A COMBINED GRID TO SURFACE SCALE FACTOR OF 1.000095849, AS DETERMINED BY THE GLOBAL POSITIONING SYSTEM (GPS). TO CONVERT SURFACE DISTANCES TO GRID, USE THE COMBINED SURFACE TO GRID SCALE FACTOR OF 0.99990416. THE UNIT OF LINEAR MEASUREMENT IS U.S. SURVEY FEET. A METES & BOUNDS LEGAL DESCRIPTION AND A LINE & CURVE TABLE EXHIBIT WERE CREATED IN CONJUNCTION WITH THIS EASEMENT EXHIBIT. THIS EXHIBIT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SURVEY AND DOES NOT REFLECT THE LOCATION OF ANY EXISTING EASEMENTS. THIS IS NOT A LAND TITLE SURVEY.

**EASEMENT BOUNDARY EXHIBIT OF A  
 PARTIAL RELEASE OF A DRAINAGE &  
 PUBLIC UTILITY EASEMENT**  
**0.5814 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 78759      TEL. NO. (512) 416-1771  
 TBP/ELS FIRM # 10194624      WWW.KIMLEY-HORN.COM

SCALE 1" = 100'	DRAWN BY TJR	CHECKED BY MMH	DATE 12/12/2022	PROJECT NO. 069290308	SHEET NO. 2 OF 2
--------------------	-----------------	-------------------	--------------------	--------------------------	---------------------