

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 DRAINAGE EASEMENT**

STATE OF TEXAS                   §  
  §  
COUNTY OF TRAVIS           §

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 was granted to the City of Pflugerville, Texas (“City”) described as an 0.367-acre tract situated in Travis County, Texas (“Easement”); 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, **ROERS PFLUGERVILLE APARTMENTS LLC**, a Delaware limited liability company, (“Owner”) is the current fee simple owner of the property underlying and encompassing that portion of the Easement that is located outside of City of Pflugerville right-of-way and has petitioned the City to vacate, abandon, and release the Easement.

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 entirety of 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 SO VACATED, ABANDONED AND RELEASED.

IN WITNESS WHEREOF the City of Pflugerville, Texas has executed this Vacation, Abandonment and Release of Easement on this \_\_\_ day of \_\_\_\_\_ 2023.

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Sereniah Breland, City Manager  
City of Pflugerville, Texas

STATE OF TEXAS           §  
  §  
COUNTY OF TRAVIS       §

BEFORE ME, the 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 \_\_\_\_\_ 2023.

[Seal]

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Notary Public, State of Texas

AFTER RECORDING, RETURN TO:  
City of Pflugerville  
Development Engineering  
100 W Main Street  
P.O. Box 589  
Pflugerville, Texas 78691

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°33'46" 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°26'15" 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°23'46" EAST, A DISTANCE OF 341.31 FEET;

THENCE, NORTH 62°23'46" 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°26'15" 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°33'46" 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**

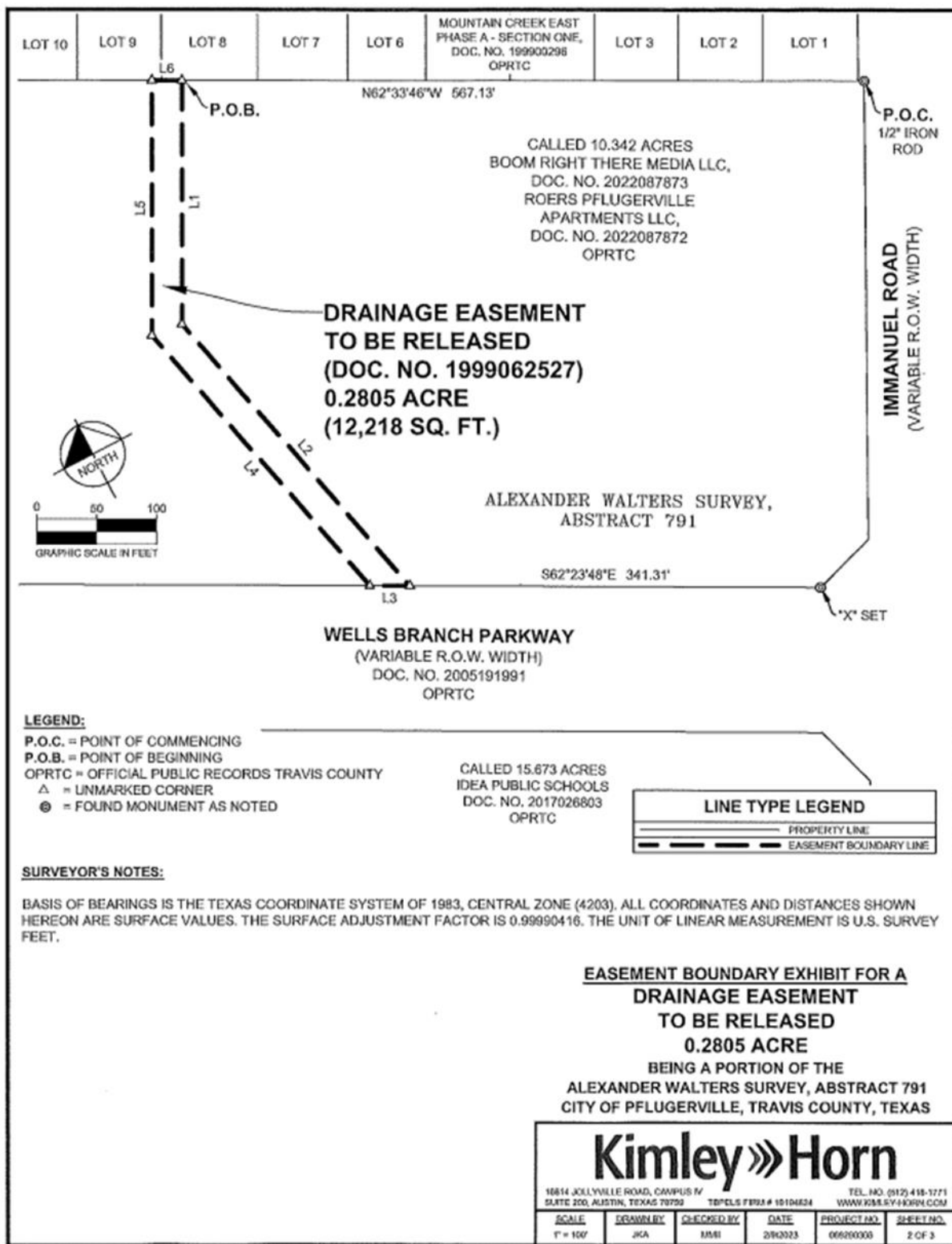
**0.2805 ACRE**

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

**Kimley»Horn**

9914 JOLLYVILLE ROAD, CAMPUS IV SUITE 202, AUSTIN, TEXAS 78759 TEL. NO. (512) 418-1771  
TSP#15 FIRM # 1019424 WWW.KIMLEY-HORN.COM

| SCALE | DRAWN BY | CHECKED BY | DATE     | PROJECT NO. | SHEET NO. |
|-------|----------|------------|----------|-------------|-----------|
| N/A   | JKA      | MMB        | 2/9/2023 | 66020039    | 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:**

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.

**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**

16614 JOLLYVILLE ROAD, CAMPUS IV  
 SUITE 200, AUSTIN, TEXAS 78756      T&E P&S FIRM # 10194624      TEL. NO. (512) 418-1771  
 WWW.KIMLEY-HORN.COM

| SCALE | DRAWN BY | CHECKED BY | DATE    | PROJECT NO. | SHEET NO. |
|-------|----------|------------|---------|-------------|-----------|
| N/A   | JKA      | MBE        | 2/20/23 | 06500358    | 3 OF 3    |