

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

**A RESOLUTION OF THE CITY OF PFLUGERVILLE, TEXAS AUTHORIZING THE VACATION, ABANDONMENT AND RELEASE OF AN EXISTING DRAINAGE EASEMENT GRANTED TO THE CITY BY EASEMENT RECORDED IN TRAVIS COUNTY REAL PROPERTY RECORDS, DOCUMENT NO. 2013075961**

**WHEREAS**, by that certain instrument dated April 29, 2013, recorded as Document No. 2013075961 of the Official Public Records of Travis County, Texas, a drainage easement (“Easement”) was granted to the City of Pflugerville, Texas described as 0.127 acre (5,516 square feet) 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 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 owner has dedicated a new drainage easement with the subdivision final plat for the property recorded in the Travis County Public Records as document number 202000161, and the City is agreeable to vacating, abandoning and releasing the Easement due to the Property owner’s current development plans.

**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 (\$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 incorporate 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 \_\_\_\_\_ 2020.

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**



TRV

2013075961

9 PGS

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.

**DRAINAGE EASEMENT AGREEMENT**

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

**GRANT OF EASEMENT:**

**DIMENSION-RCP STONE HILL, LP**, a Delaware limited partnership ("Grantor", whether one or more), for the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and confessed, does hereby grant, sell and convey unto **THE CITY OF PFLUGERVILLE, TEXAS**, a home rule city located in Travis County, Texas ("Grantee"), a temporary easement and right-of-way ("Easement") upon and across the parcels of real property of Grantor which are more particularly described on Exhibit "A", attached hereto and incorporated herein by reference (collectively, "Easement Tract") for the construction of roadway embankment, a storm drainage crossing to consist of an open enclosed reinforced concrete pipe and channel grading necessary for the Pfluger Farm Lane roadway construction project, and across the following described property, to-wit:

TO HAVE AND TO HOLD the same to Grantee and its successors and assigns, together with the right and privilege at any and all times to enter the Easement Tract, or any part thereof, for the purpose of construction, operation, maintenance, replacement, upgrade, and repair of the improvements which are constructed and installed therein or thereon by Grantee under the terms of this Easement.

Grantor does hereby covenant and agree to **WARRANT AND FOREVER DEFEND** title to the Easement herein granted, unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, subject to the matters set forth herein.

**CHARACTER OF EASEMENT:**

The Easement is an easement in gross.

**PURPOSE OF EASEMENT:**

The Easement shall be used for public roadway and drainage purposes, to receive storm water from tracts located upstream from the Easement Tract, including placement, construction, installation, replacement, repair, maintenance, relocation, removal, and operation of a drainage culvert and roadway improvements, or making connections thereto.

Grantee shall have a continuous right of access to the Easement Property for the operation, repair, maintenance, replacement and expansion of the drainage facilities and related appurtenances.

**DURATION OF EASEMENT**

The Easement shall be perpetual. Grantor hereby binds Grantor and Grantor's heirs, legal representatives, successors and assigns, to warrant and forever defend the Easement unto Grantee, its successors and assigns, against any person whomsoever lawfully claiming or to claim the same or any part thereof.

**EXCLUSIVENESS OF EASEMENT**

The Easement is non-exclusive and Grantee's use shall be in common with Grantor and their successors and assigns. To the extent that such entry or use does not interfere with Grantee's use of the Easement as a drainage easement, Grantor hereby reserve, for themselves and their successors and assigns, the right to enter upon and use the surface of the Easement Tract, subsurface of the Easement Tract and the air space over the Easement Tract.. Notwithstanding anything contained herein to the contrary, Grantor shall not use the Easement Tract in any other manner or grant any easement on or across the Easement Tract that interferes in any material way, or is inconsistent with, the easements, rights, and privileges granted hereunder or the terms and conditions hereof.

**MAINTENANCE:**

Grantor shall keep the Easement free from any obstruction not authorized by Grantee. Grantor shall maintain the surface area of the Easement Property, which shall include but shall not be limited to regular mowing to prevent vegetation from becoming an obstruction to the flow of water within the Easement.

Grantee has the right to trim and cut down trees and shrubbery and to remove other improvements and structures to the extent reasonably necessary to prevent interference with the operation or repairs to Grantee's facilities in the Easement Tract

**ENTIRE AGREEMENT:**

This instrument contains the entire agreement between the parties relating to the rights herein granted and the obligations herein assumed. Any oral representation or modification concerning this instrument shall be of no force and effect except for any subsequent modification in writing, signed by the party to be charged.

**BINDING EFFECT:**

This agreement shall bind and inure to the benefit of the respective parties hereto, their heirs, legal representatives, successors and assigns.

**ASSIGNABILITY:**

This Easement and the rights of Grantee hereunder may be assigned by Grantee so long as the assignee utilizes the Easement as contemplated herein.

Signature page to follow

In witness whereof, this instrument is executed this 18<sup>th</sup> day of April, 2013.

**GRANTOR:**

**Dimension-RCP Stone Hill, LP**  
A Delaware Limited Partnership

By: [Signature]  
Name: Michael Neary  
Title: GP

**AGREED AND ACCEPTED:**

**CITY OF PFLUGERVILLE, TEXAS,**

a Texas home-rule municipality

By: [Signature]  
Brandon Wade, City Manager

ATTEST:

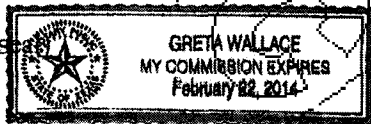
[Signature]  
Karen Thompson, City Secretary

UNOFFICIAL DOCUMENT

ACKNOWLEDGEMENT

THE STATE OF TEXAS §  
§  
COUNTY OF DALLAS §

This instrument was acknowledged before me on April 18, 2013, by Michael L. Neary, an individual residing in Dallas County, Texas.



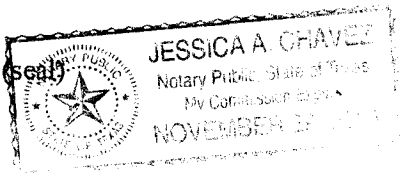
Greta Wallace  
Notary Public Signature

Greta Wallace  
Printed Name of Notary Public

My commission expires: February 22, 2014

THE STATE OF TEXAS §  
§  
COUNTY OF Tarrant §

This instrument was acknowledged before me on April 24, 2013, by Brandon Wade, City Manager of the City of Pflugerville, Texas, a Texas home-rule municipality, on behalf of said municipality.



Jessica A. Chavez  
Notary Public Signature

Jessica A. Chavez  
Printed Name of Notary Public

My commission expires: November 29, 2014

**SEAL**

After Recording, Please Return To:  
City of Pflugerville  
Attn: Brandon E. Wade, City Manager  
P.O. Box 589, Pflugerville, Texas 78691



## DESCRIPTION OF 0.127 ACRE TRACT

DESCRIPTION OF 0.127 OF ONE ACRE OR 5,516 SQUARE FEET OF LAND, MORE OR LESS, OUT OF THE T.G. STEWART SURVEY NO. 6, ABSTRACT NO. 689, TRAVIS COUNTY, TEXAS, AND BEING OUT OF THAT TRACT DESCRIBED AS 40.36 ACRES IN A DEED TO DIMENSION-RPC STONE HILL, LP, OF RECORD IN DOCUMENT NO. 2012171907, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS; SAID 0.127 OF ONE ACRE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a calculated point at the northeast corner of this tract, same being in the north line of said Dimension-RPC tract and the south line of Lot 19, Block 6, Stone Hill Town Center, Section Two, Phase One, a subdivision of record in Document No. 201100162, Official Public Records, Travis County, Texas, from which a 5/8" iron rod found with cap at the northeast corner of said Dimension-RPC tract, and an exterior ell corner of that tract described as 136.450 acres in a deed to Terrell Timmermann of record in Document No. 1999104396, Travis County, Texas, and at the southeast corner of said Lot 19, Block 6, and the southwest corner of the southern terminus of Pfluger Farm Lane bears S61°57'01"E 10.00 feet; and said point of beginning having State Plane Coordinates (Texas Central Zone, NAD83, U.S. Feet, Combined Grid to Surface Scale Factor of 1.00010) grid value of N=10,143,623.71 E=3,156,518.61;

THENCE, with the perimeter of this tract, crossing said Dimension-RPC tract, the following three (3) courses, numbered 1 through 3:

1. S28°05'15"W 415.34 feet to a calculated point at the south corner of this tract;
2. N24°22'07"E 400.84 feet to a calculated point at the most westerly corner of this tract; and
3. N63°02'57"E 18.71 feet to a calculated point at the northwest corner of this tract, same being in the north line of said Dimension-RPC tract and the south line of said Lot 19, Block 6, from which a 1/2" iron rod found in the north line of said Dimension-RPC tract and the south line of said Lot 19, Block 6 bears N61°57'01"W 699.93 feet;

0.127 AC

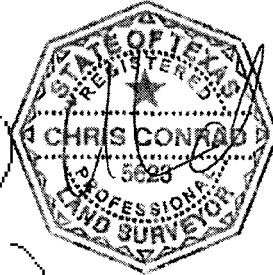
THENCE, with the north line of this tract and said Dimension-RPC tract, and the south line of said Lot 19, Block 6, **S61°57'01"E 15.28 feet** to the POINT OF BEGINNING, and containing 0.127 of one acre or 5,516 square feet, more or less, contained within these metes and bounds.

Bearing Basis Note

The bearings described herein are Texas State Plane Grid bearings (Texas Central Zone, NAD83 (CORS96). The Combined Grid to Surface Scale Factor is 1.00010) and was established by GPS observations.

SURVEYED BY:

**McGRAY & McGRAY LAND SURVEYORS, INC.**  
3301 Hancock Dr., Ste. 6, Austin, TX 78731 (512) 451-8591



03/19/13

Chris Conrad, Reg. Professional Land Surveyor No. 5623

Date

Note: This copy of this description is not valid unless an original signature through an original seal appears on its face. There is a plat to accompany this description.

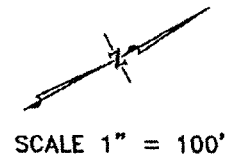
Descriptions 2013/Pflugger Farm Lane/0.127 DE REV  
Issued 01/18/13, Revised 03/19/13

AUSTIN GRID R-39  
TCAD # 02-7541-01-36

SKETCH TO ACCOMPANY DESCRIPTION  
 OF 0.127 AC. OR 5,516 SQ. FT. OF LAND OUT OF  
 T.G. STEWART SURVEY NO. 6, ABSTRACT NO. 689  
 CITY OF PFLUGERVILLE, TRAVIS COUNTY, TEXAS

RE: CITY OF PFLUGERVILLE

LINE TABLE		
LINE	BEARING	LENGTH
L1	N63°02'57"E	18.71'
L2	S61°57'01"E	45.28'



DIMENSION-RPC STONE HILL, LP  
 DOC. 2012171807, O.P.R.T.C.  
 (40.36 AC.)

STONE HILL TOWN CENTER  
 SECTION TWO, PHASE ONE  
 DOC. 201100162, O.P.R.T.C.

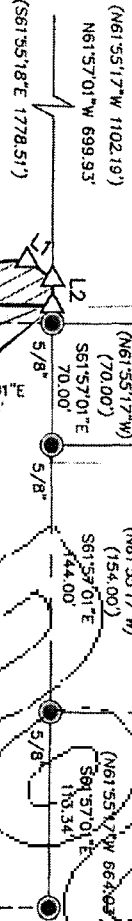
LOT 19  
 BLOCK 6  
 (RESTRICTED TO MULTI-FAMILY USE)

WESTERN RIM INVESTORS 2011-1, L.P.  
 DOC. NO. 2011160861, O.P.R.T.C.  
 (LOT 19)

DRAINAGE EASEMENT  
 0.127 AC. OR  
 5,516 SQ. FT.

N24°22'07"E 400.84'  
 S28°08'15"W 415.34'

P.O.B.  
 GRID COORDINATES  
 N=10,143,623.71  
 E=3,156,518.61



PFLUGER FARM LANE  
 (70' R.O.W.)

LOT 20  
 BLOCK 5  
 (RESTRICTED TO COMMERCIAL,  
 DRAINAGE & UTILITIES)

STONE HILL TOWN CENTER  
 SECTION TWO, PHASE ONE  
 DOC. 201100162, O.P.R.T.C.

LOT 15  
 BLOCK 5

STONE HILL  
 TOWN CENTER  
 DOC. 200700201, O.P.R.T.C.

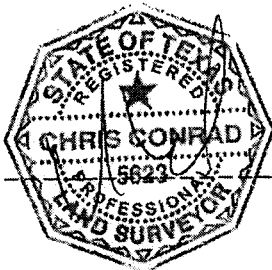
LEGEND

- 1/2" IRON ROD FOUND  
(UNLESS OTHERWISE NOTED)
- 1/2" IRON ROD FOUND CAPPED  
(UNLESS OTHERWISE NOTED)
- △ CALCULATED POINT
- (XXX) RECORD INFORMATION
- P.O.B. POINT OF BEGINNING
- P.R.T.C. PLAT RECORDS TRAVIS COUNTY
- O.P.R.T.C. OFFICIAL PUBLIC RECORDS  
TRAVIS COUNTY

T.G. STEWART SURVEY NO. 6  
 ABSTRACT NO. 689

TERRELL TIMMERMANN  
 DOC. 1999104396, O.P.R.T.C.  
 REMAINDER OF  
 (136.450 AC.)

CITY OF PFLUGERVILLE, TEXAS  
 DOC. 2011115870, O.P.R.T.C.  
 (9.653 AC.)



NOTES:

1. THE COORDINATE SHOWN HEREON IS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD83 (CORS96) DATUM AND WAS ESTABLISHED BY GPS OBSERVATION. THE BEARINGS SHOWN ARE GRID BEARINGS. THE COMBINED GRID TO SURFACE SCALE FACTOR IS 1.00010. ALL DISTANCES SHOWN ARE SURFACE DISTANCES.
2. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT OR EASEMENT REPORT.

*Chris Conrad*

03/19/13

CHRIS CONRAD, REG. PROF. LAND SURVEYOR NO. 5623 DATE  
 Note: This copy of this plat is not valid unless an original signature through an original seal appears on its face. There is a description to accompany this plat.  
 TCAD# 02-7541-01-36

SURVEYED BY: ISSUED: 03/19/13  
 PAGE 3 OF 3

McGRAY & McGRAY  
 LAND SURVEYORS, INC.  
 3301 HANCOCK DRIVE #B  
 AUSTIN, TEXAS 78731  
 (512) 451-8581

After Recording Please Return To:  
City of Pflugerville  
City Managers Office  
PO Box 589  
Pflugerville, TX 78691

**Recorder's 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*

Apr 29, 2013 09:15 AM

2013075961

SCOTTR: \$48.00

Dana DeBeauvoir, County Clerk

Travis County TEXAS