

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS AUTHORIZING THE CONVEYANCE OF A .072 ACRE EASEMENT TO SOUTHWESTERN BELL TELEPHONE COMPANY WITHIN THE JOHN DAVIS SURVEY NO. 13 OF TRAVIS COUNTY, TEXAS; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council finds that Section 3.14 of the City of Pflugerville City Charter requires an ordinance to authorize the conveyance of any city land; and

**WHEREAS**, the City Council finds Section 10.01 of the City of Pflugerville City Charter requires that the right of control or use of city public property can be transferred only by ordinance; and

**WHEREAS**, the City Council finds that the City owns a 1.00 acre tract of land in the John Davis Survey No. 13 in Travis County, Texas; and,

**WHEREAS**, Southwestern Bell Telephone Company has requested a .072 acre easement for an equipment station and underground lines upon, across, over, above, under, and within the City's said 1.00 acre tract of land; and

**WHEREAS**, the City Council has determined the conveyance of the .072 acre easement to Southwestern Bell Telephone Company is in the best interest of the City;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS, THAT:**

**SECTION 1. Findings of Fact.**

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 as findings of fact.

**SECTION 2. Authorization to convey the easement.**

The City Council of the City of Pflugerville hereby authorizes the City Attorney to prepare, and the City Manager to execute, all documents necessary to complete the conveyance of the .072 acre easement to Southwestern Bell Telephone Company as described herein and as shown in the attached Easement agreement (as if recited verbatim) on behalf of the City.

**SECTION 3. Description.**

The .072 acre easement is reflected on the survey and described in the metes and bounds description attached to the Easement agreement, attached hereto as Exhibit A.

**SECTION 4. Severability.**

If any provision of the Ordinance is illegal, invalid, or unenforceable under present or future laws, the remainder of the Ordinance will not be affected and, in lieu of each illegal, invalid, or unenforceable provision, a provision as similar in terms to the illegal, invalid, or unenforceable provision as is possible and is legal, valid, and enforceable will be added to this Ordinance.

**SECTION 5. Effective Date.**

This Ordinance will take effect upon its passage and adoption in accordance with the provisions of Section 3.15(d) of the City Charter.

**PASSED, APPROVED, AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_ 2016.

CITY OF PFLUGERVILLE, TEXAS

By: \_\_\_\_\_  
JEFF COLEMAN, Mayor

ATTEST:

\_\_\_\_\_  
KAREN THOMPSON, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
George E. Hyde, City Attorney  
DENTON NAVARRO ROCHA BERNAL HYDE & ZECH, PC

## **EXHIBIT A**