

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

A RESOLUTION OF THE CITY OF PFLUGERVILLE, TEXAS AUTHORIZING THE VACATION, ABANDONMENT AND RELEASE OF AN EXISTING DRAINAGE EASEMENT ORIGINALLY GRANTED TO TRAVIS COUNTY IN DOCUMENT NO. 2008034698, AND AS AMENDED IN DOCUMENT NO. 2012203353 AND DOCUMENT NO. 20166087451 AND WHICH IS NOW UNDER THE AUTHORITY OF THE CITY OF PFLUGERVILLE UNDER CITY ORDINANCE NUMBER 554-99-08-10

WHEREAS, by those certain instruments, one dated February 28, 2008, recorded under Document No. 2008034698, which was amended in Document No. 2012203353 and Document No. 2016087451 of the Official Public Records of Travis County, Texas, a Drainage Easement (“Easement”) was granted to Travis County, Texas (“Property”); and

WHEREAS, the City of Pflugerville obtained jurisdiction over the Easement by annexing the Easement under City Ordinance Number 554-99-08-10; 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.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE that:

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

EASEMENT RELEASE OF DRAINAGE FACILITIES EASEMENT

**FIELD NOTES**

**BEING A 0.4281 ACRE DRAINAGE FACILITIES EASEMENT TO BE RELEASED, OUT OF LOT 2B, BLOCK A, CARMEN SUBDIVISION REPLAT OF LOT 2, BLOCK A, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN DOCUMENT NO. 201800050, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, SAID EASEMENT RECORDED IN DOCUMENT NO. 2008034698 AND PARTIALLY RELEASED IN DOCUMENT NO. 2016087451, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS; SAID LOT CONVEYED TO HIGHLAND WELLS BRANCH, LLC, BY DEED RECORDED IN DOCUMENT NO. 2016016763, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS; FOR WHICH A MORE PARTICULAR DESCRIPTION BY METES AND BOUNDS IS AS FOLLOWS:**

**BEGINNING** at a mag nail found in asphalt at the SE corner of Lot 2B, Block A, Carmen Subdivision Replat of Lot 2, Block A, a subdivision in Travis County, Texas, according to the map or plat thereof, recorded in Document No. 201800050, Official Public Records, also being the SW corner of Lot 1, Block A, Carmen Subdivision, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Document No. 201100198, Official Public Records, for the SW corner hereof, and further being in the curving ROW of E. Wells Branch Parkway, said curve having a radius of 1468.00 feet, from which point, a mag nail found at the NE corner of said Lot 2B bears N44°45'14"E at a distance of 200.01 feet;

**THENCE** 468.87 feet along the arc of said curve with a chord bearing N36°53'01"W at a distance of 466.88 feet to a point, for the NW corner hereof, from which point, a 1/2" iron rod with cap(4863) found at the NW corner of said Lot 2B bears N27°38'46"W at a distance of 4.48 feet;

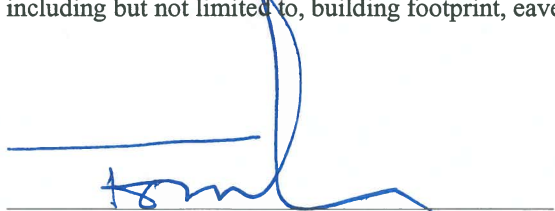
**THENCE** the following six (6) courses and distances crossing through said Lot 2B:

- (1) N62°16'09"E for a distance of 20.15 feet to an angle point, for a corner hereof;
- (2) S69°58'50"E for a distance of 3.90 feet to an angle point, for a corner hereof;
- (3) N62°09'27"E for a distance of 22.37 feet to a non tangent point of curvature of a curve, curving to the left with a radius of 1338.97, for the NE corner hereof,;
- (4) 36.18 feet along said curve with a chord bearing S28°47'46"E at a distance of 36.18 feet to a point, for a corner hereof;
- (5) S60°34'10"W for a distance of 5.25 feet to a non tangent point of curvature of a curve, curving to the left with a radius of 1428.00 feet, for a corner hereof;
- (6) 417.47 feet along the arc of said curve with a chord bearing S37°40'30"E at a distance of 415.98 feet to a point in the SE line of Lot 2B, for the SE corner hereof;

**THENCE** S44°45'14"W for a distance of 39.99 feet to the **POINT OF BEGINNING** of this drainage facilities easement, to be released, containing 0.4281 acre of land, more or less.

BEARING BASE:CENTRAL TEXAS ZONE STATE PLANE COORDINATES

I, Thomas P. Dixon, licensed to practice Land Surveying in the State of Texas, hereby certify that the foregoing metes and bounds description and the sketch were based on an on-the-ground survey and all encroachments into the easement area are accounted for including but not limited to, building footprint, eaves and roof overhangs and all visible improvements whatsoever.



THOMAS P. DIXON RPLS 4324  
WATERLOO SURVEYORS, INC  
P.O. BOX 160176  
AUSTIN, TEXAS 78716  
TBPLS FIRM# 10124400

5-26-20

DATE

REFERENCE  
Tcad Parcel # 905337

**EASEMENT RELEASE OF DRAINAGE FACILITIES EASEMENT**

**EXHIBIT "A"**

**LEGAL DESCRIPTION:**

0.4281 ACRE DRAINAGE FACILITIES EASEMENT TO BE RELEASED, OUT OF LOT 2B, BLOCK A, CARMEN SUBDIVISION REPLAT OF LOT 2, BLOCK A, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT RECORDED IN DOCUMENT NO. 201800050, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, SAID EASEMENT RECORDED IN DOCUMENT NO. 2008034698, AND PARTIALLY RELEASED IN DOCUMENT NO. 2016087451, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS; SAID LOT CONVEYED TO HIGHLAND WELLS BRANCH, LLC, BY SPECIAL WARRANTY DEED WITH VENDOR'S LIEN RECORDED IN DOCUMENT NO. 2016016763, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS.

**LEGEND**

- FOUND MAG NAIL FMN
- FOUND 1/2" IRON ROD FIR
- FOUND 1/2" IRON PIPE FIP
- FOUND 1/2" IRON ROD W/CAP FIRC
- STORM SEWER MANHOLE (D)
- BURIED CABLE (B)
- WROUGHT IRON FENCE — X — X —
- BEGINNING FOR REFERENCE BFR
- POINT OF BEGINNING POB
- BUILDING SET BACK LINE SBL

**BEARING BASE:**

THE TEXAS COORDINATE SYSTEM OF NAD83 CENTRAL ZONE BASED ON GPS OBSERVATION

**BENCHMARK BM:**

Mag Nail w/washer on concrete inlet, Elevation 775.08' NAVD88

**LINE TABLE**

L#	BEARING	DISTANCE
L1	N62°16'09"E	20.15'
L2	S69°58'50"E	3.90'
L3	N62°09'27"E	22.37'
L4	S60°34'10"W	5.25'
L5	S44°45'14"W	39.99'
L6	N81°53'43"E	22.59'

**CURVE TABLE**

C#	RADIUS	ARC	BEARING	CHORD
C1	1468.00'	468.87'	N36°53'01"W	466.88'
C2	1468.00	4.48'	N27°38'46"W	4.48'
C3	1338.97'	36.18'	S28°47'46"E	36.18'
C4	1428.00'	417.47'	S37°40'30"E	415.98'
C5	37.48'	25.96'	S26°26'10"E	25.45'

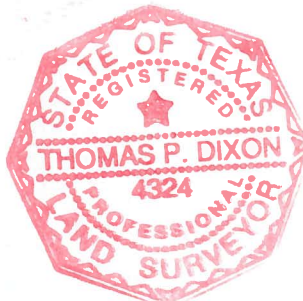
**GRAPHIC SCALE**



( IN FEET )

1 INCH = 50 FT.

The undersigned surveyor hereby certifies that this sketch, and the accompanying field notes were made from an actual and accurate survey made by me or under my direct supervision.



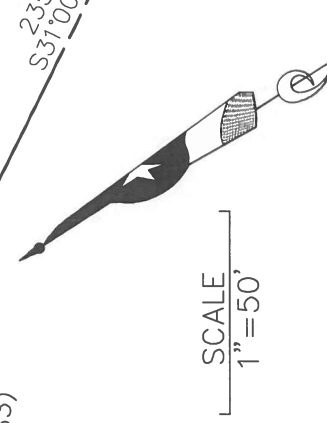
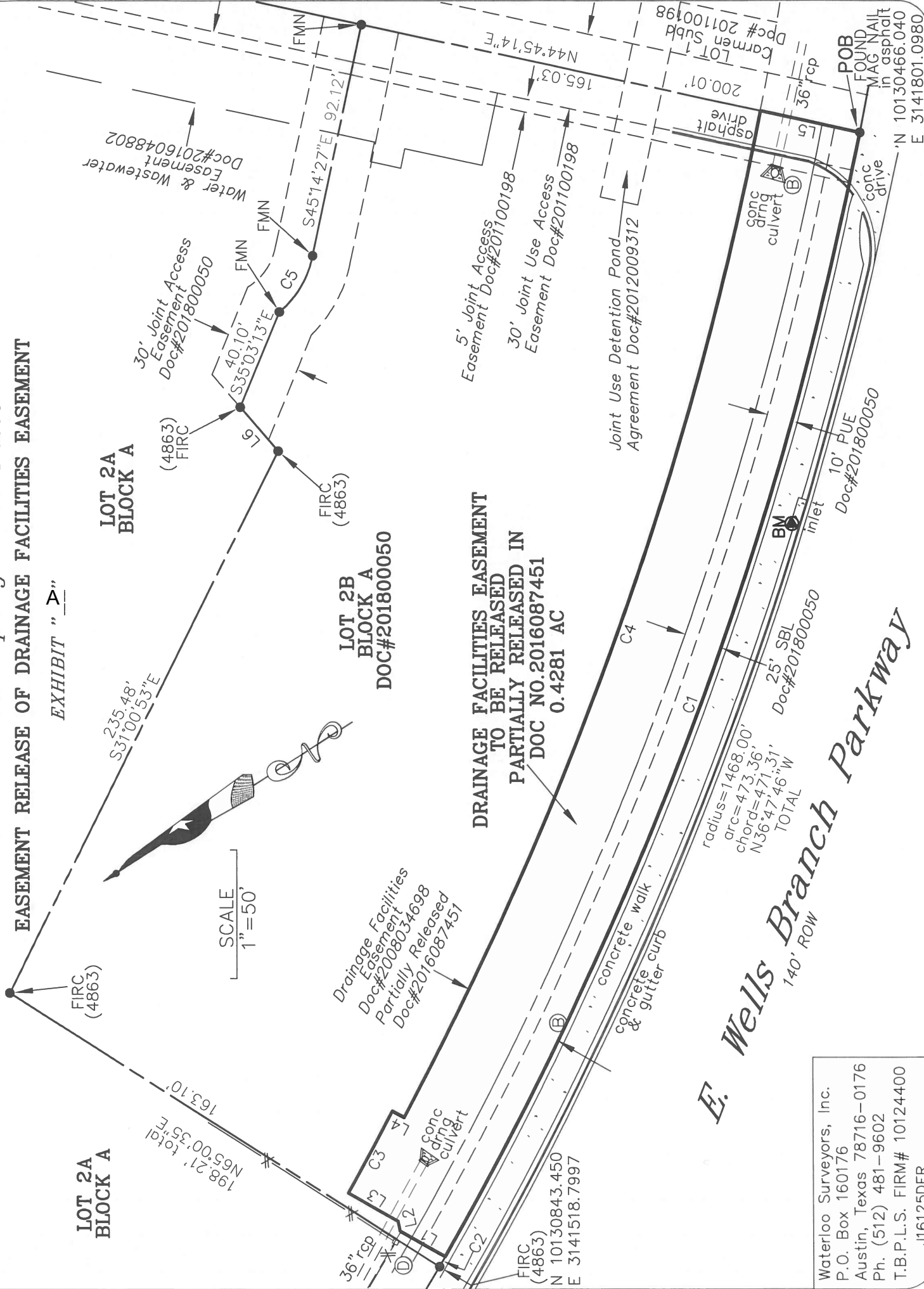
Thomas P. Dixon R.P.L.S. 4324

Waterloo Surveyors, Inc.  
 P.O. Box 160176  
 Austin, Texas 78716-0176  
 Ph. (512) 481-9602  
 T.B.P.L.S. FIRM# 10124400  
 J16125DER

Sketch to Accompany Field Notes

EASEMENT RELEASE OF DRAINAGE FACILITIES EASEMENT

EXHIBIT "D"



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