

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PFLUGERVILLE TEXAS VACATING AN APPROXIMATELY 0.0057 ACRE TRACT OF LAND SITUATED IN THE H.W. FARLEY SURVEY, ABSTRACT 288, TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF RUSSELL STREET, ALSO KNOWN AS 1ST STREET, IN THE CITY OF PFLUGERVILLE, TEXAS; AUTHORIZING THE CITY MANAGER TO EXECUTE ANY DOCUMENTS NECESSARY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE IN CONFLICT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Pflugerville is a home-rule municipality acting in accordance with and pursuant to the powers enumerated in or implied by its city charter, as well as all powers of local self-government and all other powers, rights, privileges, and immunities, under the constitution and laws of the State of Texas; and

WHEREAS, the City of Pflugerville desires to continue to protect and ensure the public health, safety, and welfare of its residents and businesses by effectively managing the City's real property interests that are held in trust for the public; and

WHEREAS, Section 311.007 of the Texas Transportation Code authorizes home-rule cities to vacate, abandon and close any street or alley; and

WHEREAS, Section 272.001(b)(2) of the Texas Local Government Code authorizes the conveyance of City streets and alleys owned in fee or used by easement to abutting property owners; and

WHEREAS, the City of Pflugerville has received a request from the abutting property owner, Joel Bennett, requesting that the City close, vacate, abandon and convey a portion of Russell Street, also known as 1st Street, being generally described as a portion of Lot 12, Block F, of the Colored Addition land of the City of Pflugerville, a subdivision in Travis County, Texas and recorded in Volume 2, Page 204 of the Plat Records of Travis County, Texas, as more specifically described in **Exhibit A** (the "Property"), which is attached hereto and incorporated herein for all purposes, in exchange for land of similar size that is needed for a public purpose on the same parcel of land; and

WHEREAS, the City Council has determined that the Property is no longer needed for a public right of way and that it is in the public interest to close, vacate, abandon and convey the Property to the adjacent property owner in accordance with Section 3.14 of the City Charter.

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

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 as findings of fact.

SECTION 2. That the City Council finds that such vacation will cause no harm or injury to the City of Pflugerville or its citizens.

SECTION 3. That pursuant to the authority provided to the City by Section 311.007 of the Texas Transportation Code, the City Council hereby vacates the approximately 0.0057 acre tract of land a portion of Russell Street, also known as 1st Street, being generally described as a portion of Lot 12, Block F, of the Colored Addition land of the City of Pflugerville, a subdivision in Travis County, Texas and recorded in Volume 2, Page 204 of the Plat Records of Travis County, Texas, and as more fully depicted in Exhibit A attached hereto, and said right-of-way is hereby vacated and abandoned as public property; the burden on the fee simple interests of the subservient estate pertaining thereto is hereby released.

SECTION 4. The City Council hereby authorizes the City Manager to execute any documents necessary, in substantially the same form as **Exhibit B**, to vacate and abandon the right-of-way.

SECTION 5. This Ordinance shall be cumulative of all other ordinances of the City of Pflugerville, and this Ordinance shall not operate to repeal, amend or otherwise affect any other ordinances of the City of Pflugerville except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, are hereby repealed or amended to the extent of such conflict.

SECTION 6. Should any section or part of this Ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this Ordinance are declared to be severable.

SECTION 7. This Ordinance will take effect upon its passage and adoption by the City Council in accordance with the provisions of Section 3.15(d) of the City Charter.

PASSED, APPROVED, AND ADOPTED on the ____ day of _____, 2023.

Victor Gonzales, Mayor

ATTEST:

Trista Evans, City Secretary

APPROVED AS TO FORM:

Charles E. Zech, City Attorney
DENTON, NAVARRO, ROCHA, BERNAL & ZECH, P.C.

DESCRIPTION 250 SQUARE FOOT TRACT LOT 7, BLOCK F.

BEING A 0.0057 ACRE (250 SQUARE FEET) TRACT OF LAND SITUATED IN THE H.W. FARLEY SURVEY, ABSTRACT 288, TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF LOT 7, BLOCK F, OF THE COLORED ADDITION TO PFLUGERVILLE TEXAS, A SUBDIVISION RECORDED IN VOLUME 2, PAGE 204, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, CONVEYED UNTO JOEL BENNETT AS RECORDED IN COUNTY CLERK'S DOCUMENT NUMBER 2005176078 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS. SAID 0.0057 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS WITH BEARINGS BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE, NAD 83(2011) 4203.

COMMENCE at a ½-inch iron rod found for the northeast corner of Lot 12, Block F, of said Colored Addition To Pflugerville Texas, on the westerly right-of-way line of Russell Street (50' Right-of-Way) at the intersection with the southerly right-of-way line of Grant Avenue (25' Right-of-Way) from which a ½-inch iron rod found for the southeast corner of Lot 1, Block F of said subdivision on said westerly right-of-way line, for reference bears South 27°07'21" West, for a distance of 269.79 feet;

THENCE North 62°22'41" West with the northerly line of Lots 7-12, Block F, of said subdivision and the southerly right-of-way line of said Grant Avenue, for a distance of 275.10 feet to a 1/2-inch iron rod with a cap stamped "HALFF" herein after referred to as "with a cap" set for the **POINT OF BEGINNING** of the herein described tract of land on the northerly line of said Lot 7;

THENCE South 78°46'03" West departing said northerly line over and across said Lot 7, for a distance of 31.88 feet to a 1/2-inch iron rod with a cap set for the southwest corner of the herein described tract of land on the westerly line of said Lot 7 and on the easterly right-of-way line of Caldwell's Lane (25' Right-of-Way) from which a ½-inch iron rod found for the southwest corner of Lot 7, Block F of said Colored Addition To Pflugerville Texas bears South 27°07'21" West, for a distance of 105.09 feet, for reference;

THENCE North 27°07'21" East with the westerly line of said Lot 7 and the easterly right-of-way line of said Caldwell's Lane, for a distance of 20.00 feet to a 1/2-inch iron rod with a cap set for the northwest corner of said Lot 7 and of the herein described tract of land on the southerly right-of-way line of said Grant Avenue;

THENCE South 62°22'41" East with said southerly right-of-way line and the northerly line of said Lot 7, for a distance of 25.00 feet to the **POINT OF BEGINNING** and containing 0.0057 acres or 250 square feet of land more or less.



Compiled by Marvin L. Mardock
Registered Professional Land Surveyor No. 5008
State of Texas.
Halff Associates, Inc.
Firm No. 10029607
13620 Briarwick Drive, Suite 100
Austin, Texas 78729
512-777-4600



Description to accompany sketch: SV-33857.005 250SF-LOT7 BLOCK F, DATED 01-03-2023

SKETCH TO ACCOMPANY DESCRIPTION

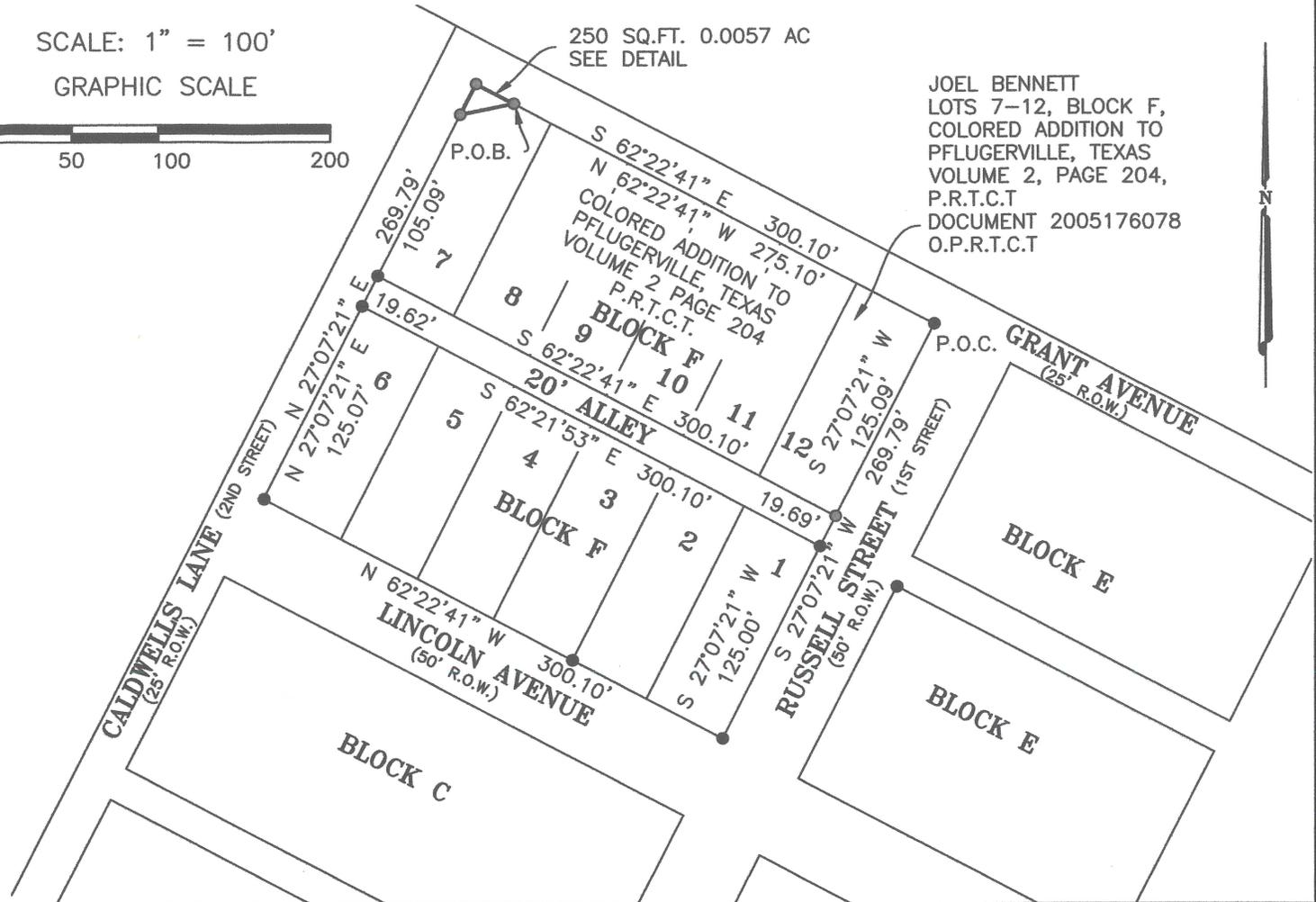
EXHIBIT A

SCALE: 1" = 100'
GRAPHIC SCALE



250 SQ.FT. 0.0057 AC
SEE DETAIL

JOEL BENNETT
LOTS 7-12, BLOCK F,
COLORED ADDITION TO
PFLUGERVILLE, TEXAS
VOLUME 2, PAGE 204,
P.R.T.C.T.
DOCUMENT 2005176078
O.P.R.T.C.T



LEGEND

- P.R.T.C.T. PLAT RECORDS, TRAVIS COUNTY, TEXAS.
- O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS.
- SET 1/2" IRON ROD WITH "HALFF" CAP
- FOUND 1/2" IRON ROD UNLESS OTHERWISE NOTED.
- R.O.W. RIGHT OF WAY
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT

NOTE: BEARINGS ARE BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE, NAD 83(2011) 4203 BY GPS OBSERVATIONS REFERENCING THE LEICA SMARTNET REFERENCE NETWORK.

Marvin L. Mardock

MARVIN L. MARDOCK R.P.L.S. 5008



Issued:	01/03/2023
Scale:	AS SHOWN
Drawn By:	MLM
Approved By:	MLM
HALFF Office:	AUS
SV-33857-005 250 SF -LOT7_BLK F	

250 SQ.FT. CORNER TRACT
LOT 7-12, BLOCK F
COLORED ADDITION TO PFLUGERVILLE, TEXAS

13620 BRIARWICK DRIVE
SUITE 100
AUSTIN, TEXAS 78729
TEL (512) 777-4600
FAX (512) 252-8141
PELS ENG. FIRM #F-312
PELS SURVEY #110029607

DESCRIPTION 250 SQUARE FOOT TRACT, RUSSELL STREET

BEING A 0.0057 ACRE (250 SQUARE FEET) TRACT OF LAND SITUATED IN THE H.W. FARLEY SURVEY, ABSTRACT 288, TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF RUSSELL STREET ALSO KNOWN AS 1ST STREET (50' WIDE RIGHT-OF-WAY), OF THE COLORED ADDITION TO PFLUGERVILLE TEXAS, A SUBDIVISION RECORDED IN VOLUME 2, PAGE 204, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.0057 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS WITH BEARINGS BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE, NAD 83(2011) 4203.

BEGIN at a ½-inch iron rod found for the northeast corner of Lot 12, Block F, of said Colored Addition To Pflugerville Texas, conveyed unto Joel Bennett as recorded in County Clerk's Document Number 2005176078 of the Official Public Records of Travis County, Texas, on the westerly right-of-way line of Russell Street (50' Right-of-Way) at the intersection with the southerly right-of-way line of Grant Avenue (25 foot' Right-of-Way) for the **POINT OF BEGINNING** from which a ½-inch iron rod found for the southeast corner of Lot 1, Block F of said subdivision on the westerly right-of-way line of said Russell Street at the intersection with Lincoln Avenue (50 foot Right-of-Way), for reference bears South 27°07'21" West, for a distance of 269.79 feet;

THENCE South 62°22'41" East with the extension of the northerly line of Lots 7-12, Block F, of said subdivision and the southerly right-of-way line of said Grant Avenue over and across the right-of-way of said Russell Street, for a distance of 2.00 feet to a 1/2-inch iron rod with a cap stamped "HALFF" herein after referred to as "with a cap" set for the northeasterly corner of the herein described tract of land;

THENCE South 27°07'21" West parallel with the westerly right-of-way line of said Russel Street, for a distance of 125.09 feet to a 1/2-inch iron rod with a cap set for the southeast corner of the herein described tract of land;

THENCE North 62°22'41" West, for a distance of 2.00 feet to a 1/2-inch iron rod with a cap set for the southeast corner of said Lot 12, Block F, and the northeast corner of a called 20' wide Alley on the westerly right-of-way line of said Russell Street for the southwest corner of the herein described tract of land from which a 1/2-inch iron rod found for the northeast corner of Lot 1, Block F, of said subdivision and the southeast corner of said Alley bears South 27°07'21" West, for a distance of 19.69 feet for reference;

THENCE North 27°07'21" East with said westerly right-of-way line and the easterly line of said Lot 12, Block F, for a distance of 125.09 feet to the **POINT OF BEGINNING** and containing 0.0057 acres or 250 square feet of land more or less.

Compiled by Marvin L. Mardock
Registered Professional Land Surveyor No. 5008
State of Texas.
Halff Associates, Inc.
Firm No. 10029607
13620 Briarwick Drive, Suite 100
Austin, Texas 78729
512-777-4600


01-03-2023



Description to accompany sketch: SV-33857.005 RUSSELL STREET TRACT BLK F, DATED 01-03-2023

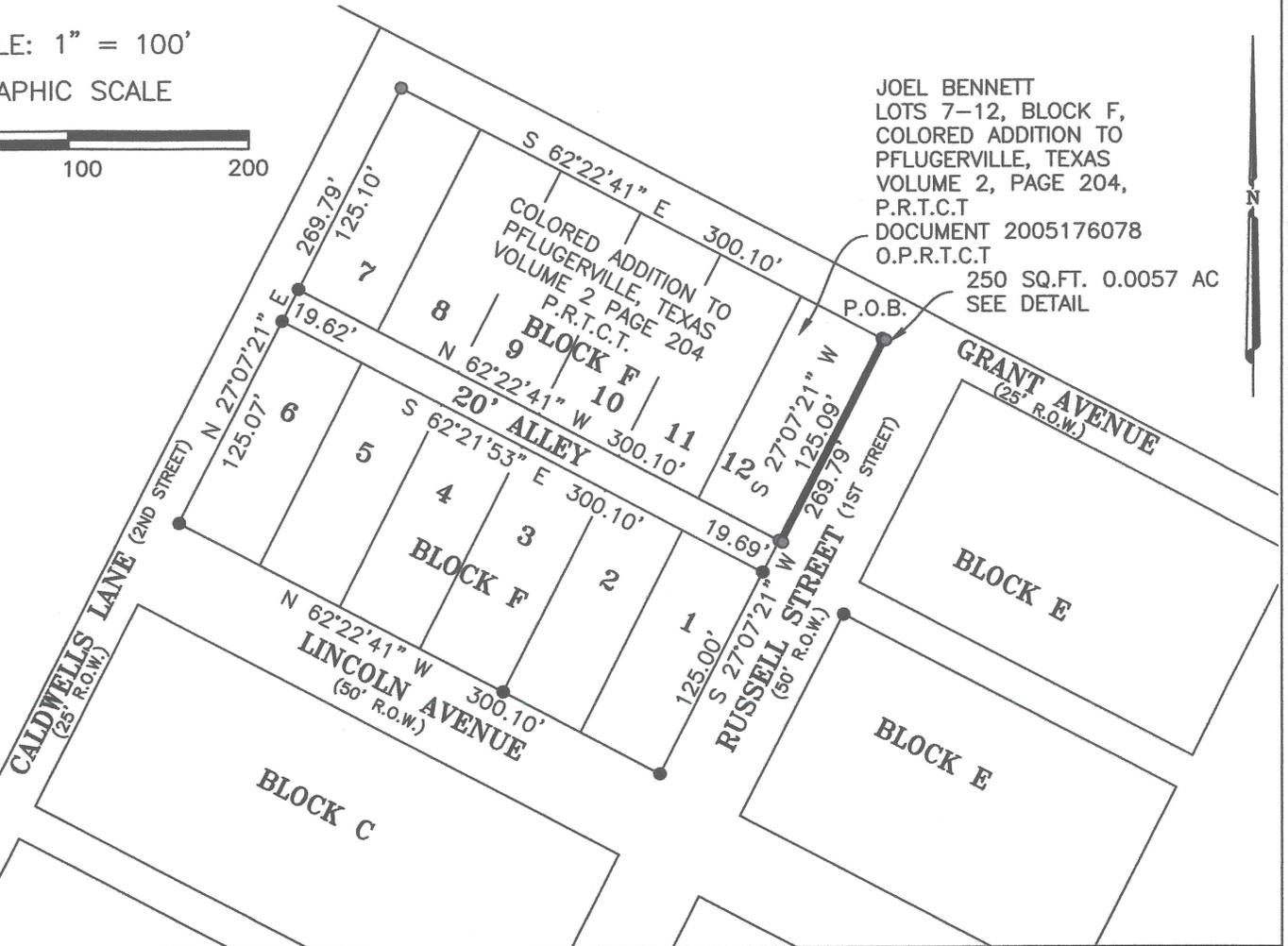
SKETCH TO ACCOMPANY DESCRIPTION

EXHIBIT B

SCALE: 1" = 100'
GRAPHIC SCALE



JOEL BENNETT
LOTS 7-12, BLOCK F,
COLORED ADDITION TO
PFLUGERVILLE, TEXAS
VOLUME 2, PAGE 204,
P.R.T.C.T.
DOCUMENT 2005176078
O.P.R.T.C.T.
250 SQ.FT. 0.0057 AC
SEE DETAIL



LEGEND

P.R.T.C.T. PLAT RECORDS, TRAVIS COUNTY, TEXAS.

O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS
TRAVIS COUNTY, TEXAS.

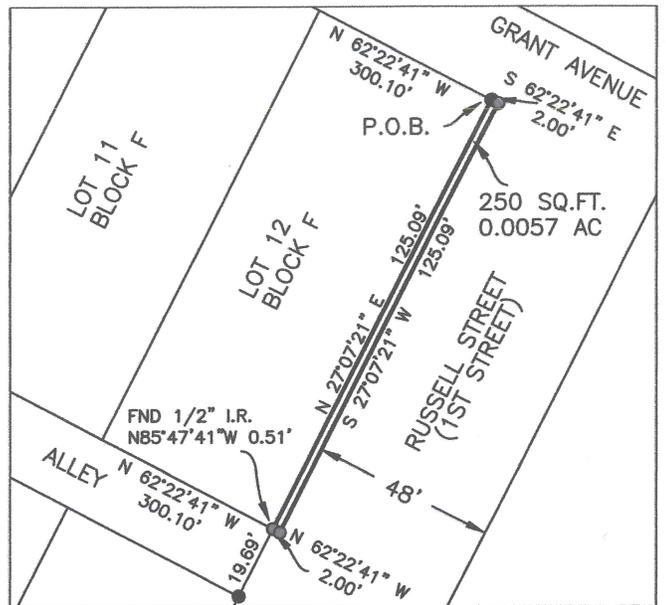
- SET 1/2" IRON ROD WITH "HALFF" CAP
- FOUND 1/2" IRON ROD UNLESS OTHERWISE NOTED.

R.O.W. RIGHT OF WAY

P.O.B. POINT OF BEGINNING

P.O.C. POINT OF COMMENCEMENT

NOTE: BEARINGS ARE BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE, NAD 83(2011) 4203 BY GPS OBSERVATIONS REFERENCING THE LEICA SMARTNET REFERENCE NETWORK.



DETAIL SCALE 1"=50'

Marvin L. Mardock

MARVIN L. MARDOCK R.P.L.S. 5008



Issued:	01/03/2023
Scale:	AS SHOWN
Drawn By:	MLM
Approved By:	MLM
HALFF Office:	AUS
SV-33857-005 250SF RUSSELL STREET	

250 SQ.FT. STRIP
RUSSELL STREET (1ST STREET)
LOT 7-12, BLOCK F
COLORED ADDITION TO PFLUGERVILLE, TEXAS

13620 BRIARWICK DRIVE
SUITE 100
AUSTIN, TEXAS 78729
TEL (512) 777-4800
FAX (512) 252-8141
PELS ENG. FIRM #F-312
PELS SURVEY #10029607