

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF PFLUGERVILLE, TEXAS AUTHORIZING THE VACATION, ABANDONMENT AND RELEASE OF A PORTION OF AN EXISTING PUBLIC DRAINAGE EASEMENT GRANTED TO THE CITY BY EASEMENT RECORDED IN TRAVIS COUNTY REAL PROPERTY RECORDS DOCUMENT NO. 2013220058

WHEREAS, by that certain instrument dated November 13, 2013, recorded as Document No. 2013220058 of the Official Public Records of Travis County, a public drainage easement (“Easement”) was granted to the City of Pflugerville, Texas (“City”) described as an 11.116-acre 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 Easement area serves as a drainage conveyance (“Conveyance”); and

WHEREAS, the owner of the Property (“Owner”) desires to use a portion of the Easement area for development (which development shall be subject to separate review and approval by the City of Pflugerville); and

WHEREAS, the Owner is willing to modify the Easement area by re-grading it in a manner that will reduce the area needed to convey the runoff from the design storm event (“Design Storm Runoff”) in compliance with the City of Pflugerville standards and requirements (“City Standards”); and

WHEREAS, the Owner has requested that the City vacate, abandon and release a portion of the Easement (“Abandoned Area”) that will no longer be needed to convey the Design Storm Runoff, as described in Exhibit “B”; and

WHEREAS, the area to be retained as drainage easement area (“Retained Area”) is comprised of those portions of real property described in Exhibit “A” which are not within the limits of the real property described in Exhibit “B”; and

WHEREAS, the City has reviewed the revised drainage plans and is agreeable to vacating, abandoning and releasing the Abandoned Area as the Retained Area will adequately convey the Design Storm Runoff in accordance with City Standards, said Partial Vacation to be recorded after the work under the revised drainage plans is completed and accepted by the City.

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 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 a portion of the Easement area, which portion to be vacated, abandoned and released is described in Exhibit "B", being attached hereto and incorporated 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 portion of the Easement described in Exhibit "B", while retaining all rights, title and interest in the remainder of the Easement area described in Exhibit "A" that is located outside of the area described in Exhibit "B".

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 a portion of the Easement as set forth herein.

PASSED AND APPROVED this ___ day of _____ 2022.

By: _____
Victor Gonzales, Mayor

ATTEST:

Trista Evans, City Secretary

APPROVED AS TO FORM:

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

Exhibit A
Easement Area (including Retained Area)

DESCRIPTION

DESCRIPTION OF AN 11.116 ACRE TRACT OF LAND LOCATED IN THE L.C. CUNNINGHAM SURVEY NO. 68, ABSTRACT NO. 163, TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF A 43.60 ACRE TRACT OF LAND CONVEYED TO LUTHERAN SCHOOL ASSOCIATION OF GREATER AUSTIN AREA BY A DEED RECORDED IN DOCUMENT NUMBER 2012073909, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 11.116 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a point, having a Texas Coordinate System Central Zone NAD83 (2011) coordinate value of N = 10132406.80 and E = 3142733.21, in the northwest right-of-way line of S Heatherwilde Boulevard (90' R.O.W.) as conveyed to Travis County in a Dedication of Right-Of-Way recorded in Volume 11236, Page 802, of the Real Property Records of Travis County, Texas, and in the southeast line of said 43.60 acre tract, for the southeast corner of this tract, from which a 1/2 inch iron rod found in said lines for the southern most corner of a 0.89 acre tract of land conveyed to the City of Pflugerville of record in Document No. 2007221189 of the Official Public Records of Travis County, Texas, bears, North 27°53'14" East, a distance of 1435.68 feet;

THENCE, South 27°53'14" West, with the common line of said S Heatherwilde Boulevard and said 43.60 acre tract, a distance of 276.66 feet to a 1/2 inch iron rod with cap stamped "CUNNINGHAM ALLEN INC" set at the beginning of a curve to the right;

THENCE, continuing with the said common line and with said curve to the right, having a radius of 955.00 feet, an arc length of 537.64 feet, a delta angle of 32°15'23", and a chord which bears South 44°00'55" West, a distance of 530.57 feet, to a point for the southwest corner of this tract, from which a 1/2 inch iron rod with cap stamped "CUNNINGHAM ALLEN INC" set at the end of said curve, bears a chord bearing and distance of South 62°36'59" West, 82.42 feet;

THENCE, departing the said northwest right-of-way line, over and across said 43.60 acre tract, the following twelve (12) courses and distances:

1. North 62°24'06" West, a distance of 61.67 feet to a point;
2. North 29°17'15" West, a distance of 65.86 feet to a point;
3. North 05°13'50" West, a distance of 64.27 feet to a point;
4. North 01°29'09" West, a distance of 78.24 feet to a point;
5. North 07°34'25" East, a distance of 181.68 feet to a point;
6. North 07°51'53" West, a distance of 73.25 feet to a point;
7. North 06°47'18" East, a distance of 36.88 feet to a point;
8. North 29°27'30" East, a distance of 43.97 feet to a point;
9. North 13°41'01" East, a distance of 349.40 feet to a point;
10. North 24°26'47" West, a distance of 157.79 feet to a point;
11. North 30°28'27" West, a distance of 171.78 feet to a point;
12. North 59°04'27" West, a distance of 56.27 feet to a point for the northwest corner of this tract, in the northwest line of said 43.60 acre tract and the southeast line of SPRING HILL VILLAGE, a

subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 7, Page 42, of the Plat Records of Travis County, Texas, from which a 1/2 inch iron rod found for the westernmost corner of said 43.60 acre tract bears, South 27°44'51" West, a distance of 248.85 feet and South 27°33'01" West, a distance of 355.20 feet;

THENCE, North 27°44'51" East, with the northwest line of said 43.60 acre tract and the southeast line of said SPRING HILL VILLAGE, a distance of 401.15 feet to a point for the northeast corner of this tract;

THENCE, departing the northwest line of, and over and across said 43.60 acre tract, the following nine (9) courses and distances:

1. South 36°58'50" East, a distance of 126.31 feet to a point;
2. South 02°37'21" West, a distance of 145.89 feet to a point;
3. South 21°28'34" East, a distance of 182.98 feet to a point;
4. South 25°12'25" East, a distance of 245.70 feet to a point;
5. South 30°43'42" East, a distance of 128.35 feet to a point;
6. South 57°54'47" East, a distance of 199.93 feet to a point;
7. South 00°30'59" West, a distance of 41.08 feet to a point;
8. South 11°38'47" West, a distance of 28.54 feet to a point;
9. South 35°45'18" East, a distance of 24.68 feet to the POINT OF BEGINNING containing 11.116 acres of land within these metes and bounds.

Reference is herein made to the sketch of this tract accompanying this description.

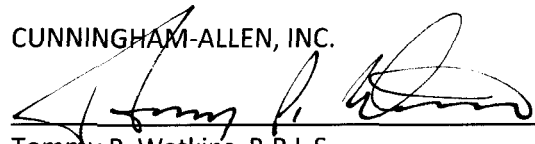
Subject tract described herein is an easement. No monumentation set for corners.

Bearing Basis: TEXAS COORDINATE SYSTEM OF 1983 (NAD_83 (2011)), CENTRAL ZONE. All distances were adjusted to the surface using a surface adjustment factor of 1.000102661. (surface = grid X surface adjustment factor)

All coordinates listed herein are TEXAS COORDINATE SYSTEM OF 1983 (NAD_83 (2011)), CENTRAL ZONE, in U.S. Survey Feet.

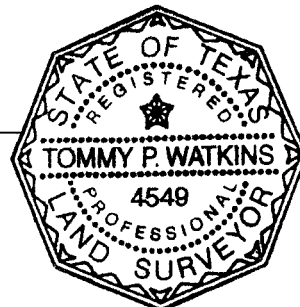
I certify that this description was prepared from a survey made on July 30, 2013, on the ground under my supervision.

CUNNINGHAM-ALLEN, INC.



Tommy P. Watkins, R.P.L.S.
Texas Registration No. 4549
3103 Bee Caves Rd., Ste. 202
Austin, TX 78746
512.327.2946

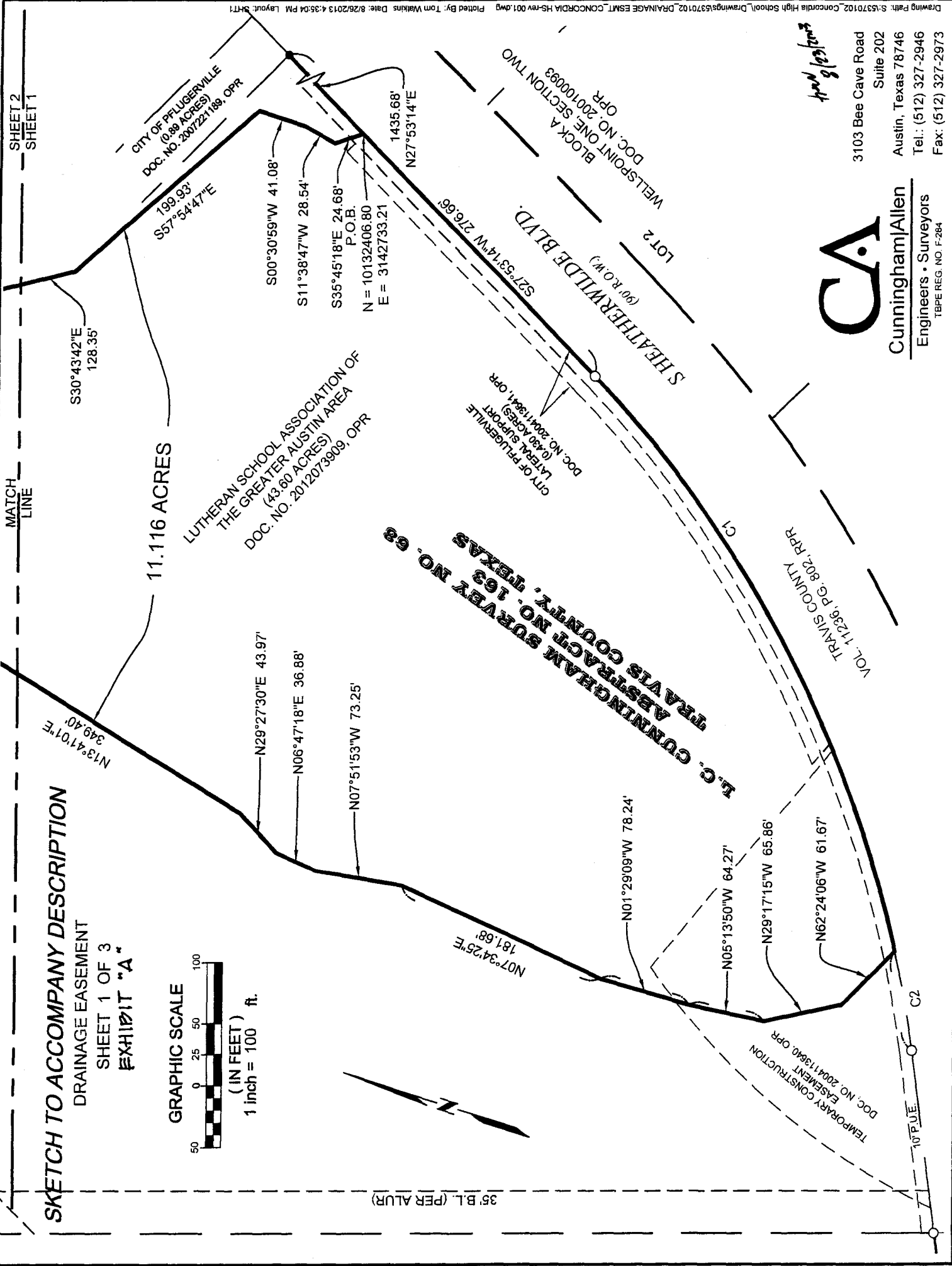
8/23/2012
Date



3103 Bee Cave Road
Suite 202
Austin, Texas 78746
Tel: (512) 327-2946
Fax: (512) 327-2973

CA
CunninghamAllen
Engineers • Surveyors
TYPE REG. NO. F-264

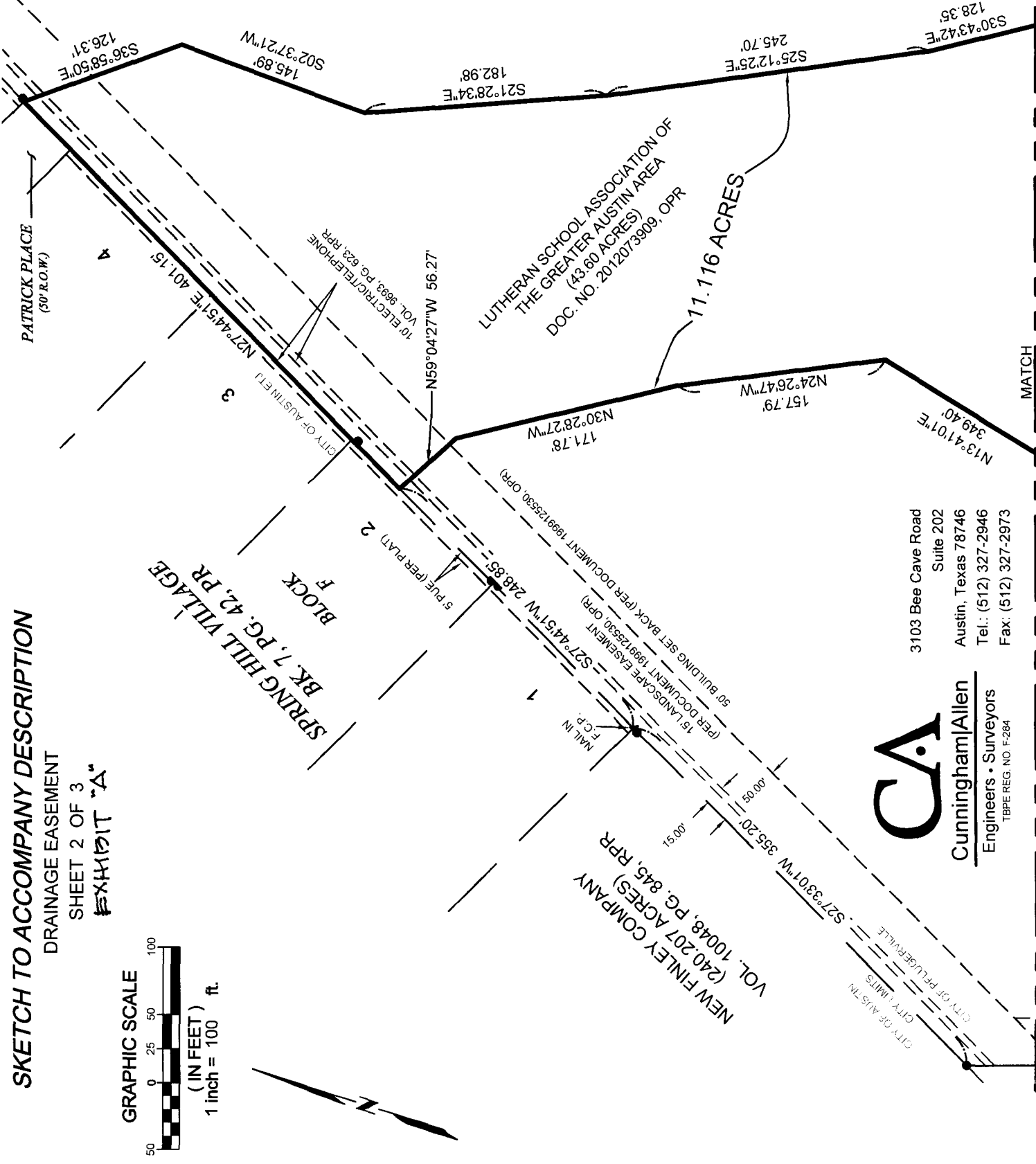
Surveyed 8/21/13



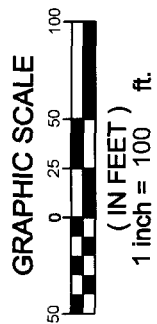
L.G. CUNNINGHAM SURVEY NO. 68
ABSTRACT NO. 163
TRAVIS COUNTY, TEXAS

SHEET 2
SHEET 1

new slope parts



SKETCH TO ACCOMPANY DESCRIPTION
 DRAINAGE EASEMENT
 SHEET 2 OF 3
 EXHIBIT "A"



LUTHERAN SCHOOL ASSOCIATION OF
 THE GREATER AUSTIN AREA
 (43.60 ACRES)
 DOC. NO. 2012073909, OPR

11.116 ACRES

SPRING HILL VILLAGE
 BK 7, PG. 42, PR

BLOCK F

NEW FINLEY COMPANY
 (240.207 ACRES)
 VOL. 10048, PG. 845, RPR



Cunningham/Allen
 Engineers • Surveyors
 TBPE REG. NO. F-284

3103 Bee Cave Road
 Suite 202
 Austin, Texas 78746
 Tel.: (512) 327-2946
 Fax: (512) 327-2973

Exhibit B
Abandoned Area

EARLY LAND SURVEYING, LLC

P.O. Box 92588, Austin, TX 78709

512-202-8631

earlysurveying.com

TBPELS Firm No. 10194487

4.682 ACRES PARTIAL DRAINAGE EASEMENT RELEASE TRAVIS COUNTY, TEXAS

A DESCRIPTION OF 4.682 ACRES (APPROXIMATELY 203,948 SQ. FT.) OUT OF LOT 1, BLOCK A, CONCORDIA HIGH SCHOOL, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED UNDER DOCUMENT NO. 201400024 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF AN 11.116 ACRE DRAINAGE EASEMENT DESCRIBED IN DOCUMENT NO. 2013220058 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 4.682 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 1/2" rebar found in the northwest right-of-way line of S Heatherwilde Boulevard (90' public right-of-way width) as described in Volume 11236, Page 802 of the Real Property Records of Travis County, Texas, being the southernmost corner of said Lot 1, Block A, Concordia High School;

THENCE with the northwest right-of-way of S Heatherwilde Boulevard and the southeast line of said Lot 1, Block A, Concordia High School, the following two (2) courses and distances:

1. North 65°06'06" East, a distance of 149.37 feet to a 1/2" rebar with "Cunningham Allen" cap found;
2. With a curve to the left, having a radius of 955.00 feet, a delta angle of 04°56'51", an arc length of 82.47 feet, and a chord which bears North 62°36'37" East, a distance of 82.44 feet to a calculated point for the southernmost corner of the said drainage easement, for the **POINT OF BEGINNING**;

THENCE with the southwest line of the drainage easement and crossing said Lot 1, Block A, Concordia High School, the following eleven (11) courses and distances:

1. North 62°24'03" West, a distance of 61.74 feet to a calculated point;
2. North 29°17'12" West, a distance of 65.86 feet to a calculated point;

3. North 05°13'47" West, a distance of 64.27 feet to a calculated point;
4. North 01°29'06" West, a distance of 78.24 feet to a calculated point;
5. North 07°34'28" East, a distance of 181.68 feet to a calculated point;
6. North 07°51'50" West, a distance of 73.25 feet to a calculated point;
7. North 06°47'21" East, a distance of 36.88 feet to a calculated point;
8. North 29°27'33" East, a distance of 43.97 feet to a calculated point;
9. North 13°41'04" East, a distance of 349.40 feet to a calculated point;
10. North 24°26'44" West, a distance of 157.79 feet to a calculated point;
11. North 30°28'24" West, a distance of 171.78 feet to a calculated point, from which a nail found in the southeast face of a 6" wood fence post for the easternmost corner of Lot 7, Block F, of Ballantyne Section 2, a subdivision of record in Document No. 201900101 of the Official Public Records of Travis County, Texas, being the southernmost corner of Lot 1, Block F, Spring Hill Village, a subdivision of record in Volume 7, Page 42 of the Plat Records of Travis County, Texas, and being an angle point in the northwest line of said Lot 1, Block A, Concordia High School, bears South 40°37'44" West, a distance of 252.15 feet;

THENCE crossing the said drainage easement and said Lot 1, Block A, Concordia High School, the following eighteen (18) courses and distances:

1. South 59°04'24" East, a distance of 80.00 feet to a calculated point;
2. South 30°28'24" East, a distance of 50.00 feet to a calculated point;
3. South 17°09'58" East, a distance of 100.00 feet to a calculated point;
4. South 24°26'44" East, a distance of 120.79 feet to a calculated point;
5. South 13°41'04" West, a distance of 15.00 feet to a calculated point;
6. South 32°58'26" East, a distance of 100.00 feet to a calculated point;
7. South 41°55'59" East, a distance of 60.00 feet to a calculated point;
8. South 30°26'52" East, a distance of 85.00 feet to a calculated point;
9. South 11°28'53" East, a distance of 100.00 feet to a calculated point;

10. South 24°13'41" East, a distance of 40.00 feet to a calculated point;
11. South 02°29'44" East, a distance of 45.00 feet to a calculated point;
12. South 04°38'16" West, a distance of 140.00 feet to a calculated point;
13. South 11°39'09" West, a distance of 85.00 feet to a calculated point;
14. South 16°46'39" East, a distance of 50.00 feet to a calculated point;
15. South 25°58'50" West, a distance of 20.00 feet to a calculated point;
16. South 05°25'49" East, a distance of 30.00 feet to a calculated point;
17. With a curve to the right, having a radius of 935.00 feet, a delta angle of 06°03'17", an arc length of 98.81 feet, and a chord which bears South 46°39'47" West, a distance of 98.76 feet to a calculated point;
18. South 40°18'34" East, a distance of 20.00 feet to a calculated point in the northwest right-of-way of S Heatherwilde Boulevard and the southeast line of said Lot 1, Block A, Concordia High School, same being the southeast line of the said drainage easement, from which a 1/2" rebar found for a point of tangency in said line, bears with a curve to the left, having a radius of 955.00 feet, a delta angle of 21°48'33", an arc length of 363.51 feet, and a chord which bears North 38°47'10" East, a distance of 361.32 feet;

THENCE with the northwest right-of-way of S Heatherwilde Boulevard and the southeast line of said Lot 1, Block A, Concordia High School, same being the southeast line of the said drainage easement, with a curve to the right, having a radius of 955.00 feet, a delta angle of 10°26'45", an arc length of 174.11 feet, and a chord which bears South 54°54'49" West, a distance of 173.87 feet to the **POINT OF BEGINNING**, containing 4.682 acres of land, more or less.

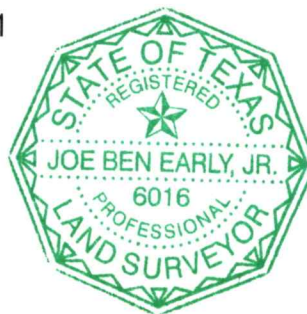
Surveyed on the ground on November 11, 2019.

Bearing Basis: The Texas Coordinate System of 1983 (NAD83), Central Zone, utilizing the SmartNet North America Network.

Attachments: Survey Drawing No. 1009-005-REL1

Joe Ben Early, Jr.
Registered Professional Land Surveyor
State of Texas No. 6016

 9/13/21

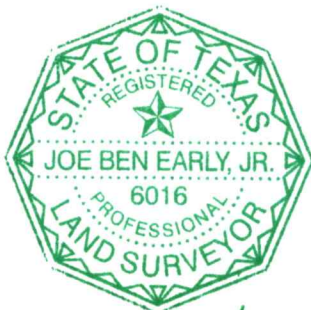


SKETCH TO ACCOMPANY A DESCRIPTION OF 4.682 ACRES (APPROXIMATELY 203,948 SQ. FT.) OUT OF LOT 1, BLOCK A, CONCORDIA HIGH SCHOOL, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED UNDER DOCUMENT NO. 201400024 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF AN 11.116 ACRE DRAINAGE EASEMENT DESCRIBED IN DOCUMENT NO. 2013220058 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

CURVE TABLE						
CURVE	RADIUS	DELTA	ARC	BEARING	CHORD	(RECORD CHORD)
C1	955.00'	37°12'09"	620.09'	S46°28'58"W	609.25'	(S46°29'18"W 609.25')
C2	955.00'	4°56'51"	82.47'	N62°36'37"E	82.44'	
C3	935.00'	6°03'17"	98.81'	S46°39'47"W	98.76'	
C4	955.00'	10°26'45"	174.11'	S54°54'49"W	173.87'	
C5	955.00'	21°48'33"	363.51'	N38°47'10"E	361.32'	

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N62°24'03"W	61.74'
L2	N29°17'12"W	65.86'
L3	N05°13'47"W	64.27'
L4	N01°29'06"W	78.24'
L5	N07°34'28"E	181.68'
L6	N07°51'50"W	73.25'
L7	N06°47'21"E	36.88'
L8	N29°27'33"E	43.97'
L9	N13°41'04"E	349.40'
L10	N24°26'44"W	157.79'
L11	N30°28'24"W	171.78'
L12	S59°04'24"E	80.00'
L13	S30°28'24"E	50.00'

L14	S17°09'58"E	100.00'
L15	S24°26'44"E	120.79'
L16	S13°41'04"W	15.00'
L17	S32°58'26"E	100.00'
L18	S41°55'59"E	60.00'
L19	S30°26'52"E	85.00'
L20	S11°28'53"E	100.00'
L21	S24°13'41"E	40.00'
L22	S02°29'44"E	45.00'
L23	S04°38'16"W	140.00'
L24	S11°39'09"W	85.00'
L25	S16°46'39"E	50.00'
L26	S25°58'50"W	20.00'
L27	S05°25'49"E	30.00'
L28	S40°18'34"E	20.00'
L29	S40°37'44"W	252.15'



JBE 9/13/21

LEGEND	
●	1/2" REBAR FOUND (OR AS NOTED)
CA ●	1/2" REBAR WITH "CUNNINGHAM ALLEN" CAP FOUND
▲	NAIL FOUND IN SOUTHEAST FACE OF 6" WOOD FENCE POST
△	CALCULATED POINT

DATE OF SURVEY: 11/11/19
 PLOT DATE: 09/13/21
 DRAWING NO.: 1009-005-REL1
 DRAWN BY: JBE
 SHEET 1 OF 2

EARLY LAND SURVEYING, LLC

P.O. BOX 92588
 AUSTIN, TX 78709
 512-202-8631
 FIRM NO. 10194487

BEARING BASIS: THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83), CENTRAL ZONE, UTILIZING THE SMARTNET NORTH AMERICA NETWORK.

ATTACHMENTS: METES AND BOUNDS DESCRIPTION 1009-005-REL1



1" = 200'

LOT 1
BLOCK E

PATRICK PLACE

LOT 4
BLOCK F

LOT 3
BLOCK F

LOT 2
BLOCK F

LOT 1
BLOCK F

SPRING HILL VILLAGE
(7/42)

LOT 2
LOT 3
LOT 4
LOT 5
LOT 6
LOT 7

FALKLAND TRACE

LOT 7
LOT 8
LOT 9
LOT 10
LOT 11
LOT 12

LOT 13
BLOCK J
BALLANTYNE
SECTION 1
(201700110)

LOT 1
BLOCK A
CONCORDIA HIGH SCHOOL
(201400024)

PFLUGERVILLE WELLS
BRANCH, LLC
(2020250304)

PORTION OF
11.116 ACRE
DRAINAGE ESMT.
(2013220058)
TO REMAIN

4.682
ACRES
APPROX.
203,948
SQ. FT.

PORTION OF
DRAINAGE ESMT.
(2013220058)
TO BE RELEASED

BALLANTYNE
SECTION 2
A SMALL LOT
SUBDIVISION
(201900101)

LOT 1
BLOCK A
BALLANTYNE
RETAIL
(201700199)

N27°53'17"E 1712.25' (N27°53'14"E 1712.34')

S HEATHERWILDE BOULEVARD
(90' PUBLIC R.O.W. WIDTH)
(11236/802)

L26
L27
L28
C3
C1
C5

P.O.B.

N65°06'06"E 149.37'
(N65°05'23"E 149.34')

P.O.C.



9/13/21