

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

AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING ORDINANCE NO. 1203-15-02-24 OF THE CITY OF PFLUGERVILLE, TEXAS, AS AMENDED, BY CHANGING THE ZONING DESIGNATION OF APPROXIMATELY 127.203 ACRES OF LAND LOCATED GENERALLY NORTHWEST OF THE CELE RD AND MELBER LN INTERSECTION, FROM AGRICULTURE/CONSERVATION (A) TO SINGLE FAMILY RESIDENTIAL (SF-R); TO BE KNOWN AS THE 127.203 ACRES NW CORNER OF MELBER AND CELE REZONING (REZ1509-02); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, under the authority of Texas Local Government Code Chapter 211, the City of Pflugerville adopts regulations and establishes zoning to control the use of land within the corporate limits of the City; and

WHEREAS, the Planning and Zoning Commission held a public hearing on October 5, 2015 and voted for its approval with a vote of 5-0;

WHEREAS, the City has complied with all conditions precedent necessary to take this action, has properly noticed and conducted all public hearings and public meetings pursuant to the Texas Local Government Code and Texas Government Code, as applicable;

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

The City Council finds:

THAT, the zoning amendment is in accordance with the City's Comprehensive Plan for the purpose of promoting the health, safety, morals and general welfare of the City, and is in accordance with the following purposes: 1) lessen congestion in the street; 2) secure safety from fire, panic and other dangers; 3) promote the general health and welfare; 4) provide adequate air and light; 5) prevent undue overcrowding of land; 6) avoid undue concentration of population; and 7) facilitate the adequate provision of transportation, water, sewer, schools, parks and other public requirements.

Section 1: That the Official Zoning Map of the City of Pflugerville, Texas adopted in Ordinance No. 1203-15-02-24, as amended, is amended to change the base zoning district of the property described in Exhibit A, from Agriculture/Conservation (A) to Single Family Residential (SF-R) District.

The property described above may be developed and used in accordance with regulations established for the Single Family Residential (SF-R) District, as applicable, and other applicable ordinances of the City of Pflugerville, Texas.

Section 2. This ordinance shall be cumulative of all other ordinances of the City of Pflugerville, and this ordinance shall not operate to repeal or 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.

Section 3. The sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or invalid, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

Section 4. That this Ordinance will become effective on its adoption and passage by the City Council.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

CITY OF PFLUGERVILLE, TEXAS

by: \_\_\_\_\_  
JEFF COLEMAN, Mayor

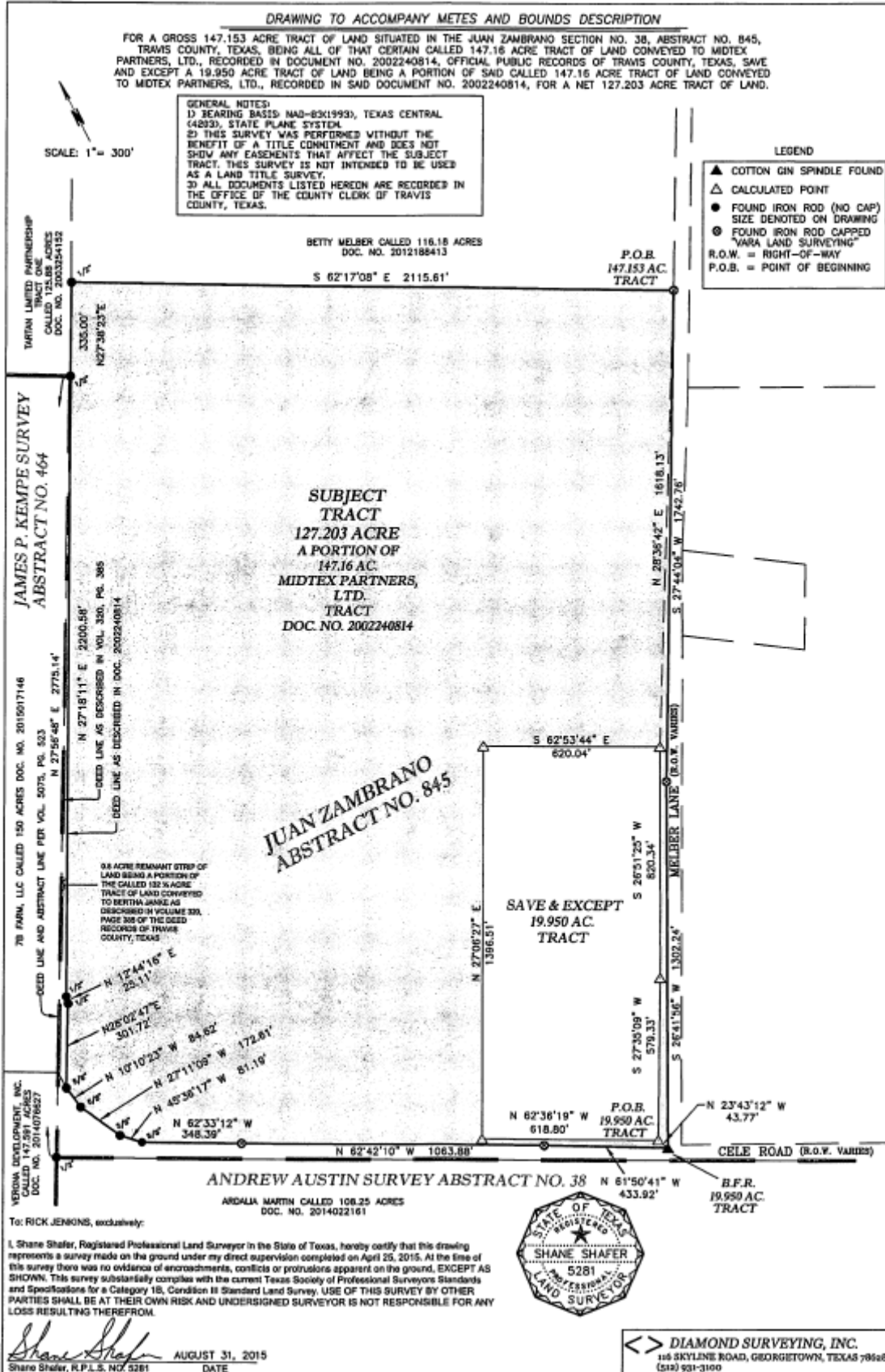
ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
GEORGE E. HYDE, City Attorney  
DENTON, NAVARRO, ROCHA, BERNAL, HYDE & ZECH P.C.

EXHIBIT "A"



METES AND BOUNDS DESCRIPTION

FOR A 147.153 ACRE TRACT OF LAND SITUATED IN THE JUAN ZAMBRANO SECTION NO. 38, ABSTRACT NO. 845, TRAVIS COUNTY, TEXAS, BEING ALL OF THAT CERTAIN CALLED 147.16 ACRE TRACT OF LAND CONVEYED TO MIDTEX PARTNERS, LTD., RECORDED IN DOCUMENT NO. 2002240814, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAVE AND EXCEPT A 19.950 ACRE TRACT OF LAND, BEING A PORTION OF SAID CALLED 147.16 ACRE TRACT OF LAND CONVEYED TO MIDTEX PARTNERS, LTD., RECORDED IN SAID DOCUMENT NO. 2002240814, FOR A NET 127.203 ACRE TRACT OF LAND, SAID 147.153 ACRE TRACT OF LAND AND SAID 19.950 ACRE SAVE AND EXCEPT TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**DESCRIPTION FOR 147.153 ACRE TRACT:**

BEGINNING at an iron rod found monumenting the northeast corner of said 147.16 acre Midtex Partners tract, same being the southeast corner of the called 116.18 acre tract of land conveyed to Betty Melber as described in Document No. 2012188413 of the Official Public Records of Travis County, Texas, same being a point in the westerly right-of-way line of Melber Lane, same being the northeast corner and **POINT OF BEGINNING** hereof;

THENCE with the common boundary line of said 147.16 acre Midtex Partners tract and Melber Lane right-of-way line the following two (2) courses and distances:

1. **S27°44'04"W**, for a distance of **1742.76 feet** to an iron rod found monumenting an angle point hereof;
2. **S26°41'56"W**, for a distance of **1302.24 feet** to a cotton gin spindle found monumenting the southeast corner of said 147.16 acre Midtex Partners tract, same being the intersection of the westerly right-of-way line and the northerly right-of-way line of Melber Lane and Cele Road, for the southeast corner hereof;

THENCE, with common boundary line of said 147.16 acre Midtex Partners tract and said Cele Road right-of-way line, the following six (6) courses and distances:

1. **N61°50'41"W** for a distance of **433.92 feet** to an iron rod found monumenting an angle point hereof;
2. **N62°42'10"W** for a distance of **1063.88 feet** to an iron rod found monumenting an angle point hereof;
3. **N62°33'12"W** for a distance of **348.39 feet** to an iron rod found monumenting an angle point hereof;
4. **N45°36'17"W** for a distance of **81.19 feet** to an iron rod found monumenting an angle point hereof;

5. **N27°11'09"W** for a distance of **172.61 feet** to an iron rod found monumenting an angle point hereof;
6. **N10°10'23"W** for a distance of **84.62 feet** to an iron rod found monumenting an angle point hereof, same being on an angle point in the boundary line of a 0.8 acre remnant strip of land, being a portion of the called 132 ½ acre tract of land conveyed to Bertha Janke as described in Volume 320, Page 385 of the Deed Records of Travis County, Texas;

THENCE, departing the northerly right-of-way line of said Cele Road, with the westerly boundary line of said 147.16 acre Midtex Partners tract, same being with the easterly boundary line of said 0.8 acre remnant portion of the 132 ½ acre Janke tract the following three (3) courses and distances:

- 1) **N28°02'47"E** for a distance of **301.72 feet** to an iron found monumenting an angle point hereof;
- 2) **N12°44'16"E** for a distance of **25.11 feet** to an iron found monumenting an angle point hereof;
- 3) **N27°18'11"E** for a distance of **2200.58 feet** to an iron found monumenting the northwest corner of said 132 ½ acre Janke tract, same being on the southeast corner of the called 125.88 acre tract of land conveyed to Tartan Limited Partnership, described as Tract One in Document No. 2003254152 of the Official Public Records of Travis County, Texas, for an angle point hereof;

THENCE, with the common boundary line of said 147.16 acre Midtex Partners tract and said 125.88 acre Tartan Limited Partnership tract, **N27°38'23"E** for a distance of **335.00 feet** to an iron found monumenting the northwest corner of said 147.16 acre Midtex Partners tract, same being the southwest corner of aforesaid 116.18 Betty Melber tract, for the northwest corner hereof;

THENCE, with the common boundary line of said 147.16 acre Midtex Partners tract and said 116.18 Betty Melber tract, **S62°17'08"E** for a distance of **2115.61 feet** to the **POINT OF BEGINNING** hereof, and containing 147.153 acres of land more or less.

**DESCRIPTION FOR 19.950 ACRE SAVE AND EXCEPT TRACT:**

BEGIN FOR REFERENCE at a cotton gin spindle found in asphalt monumenting the southeast corner of said 147.16 acre Midtex Partners tract, same being the intersection of the westerly right-of-way line and the northerly right-of-way line of Melber Lane and Cele Road;


THENCE through the interior of said 147.16 acre Midtex Partners tract, **N23°43'12"W** for a distance of 43.77 feet to a calculated point for the southeast corner and **POINT OF BEGINNING** hereof;

THENCE continuing through the interior of said 147.16 acre Midtex Partners tract the following five (5) courses and distances:

1. **N62°36'19"W**, for a distance of **618.80 feet** to a calculated point for the southwest corner hereof;
2. **N27°06'27"E**, for a distance of **1396.51 feet** to a calculated point for the northwest corner hereof;
3. **S62°53'44"E**, for a distance of **620.04 feet** to a calculated point for the northeast corner hereof, and from which an iron rod found with cap marked "Vara Land Surveying" on the northeast corner of said 147.16 acre Midtex Partners tract bears **N28°36'2"E**, for a distance of **1618.13 feet**;
4. **S26°51'25"W**, for a distance of **820.34 feet** to a calculated point hereof;
5. **S27°35'09"W**, for a distance of **579.33 feet** to the POINT OF BEGINNING hereof and containing **19.950 acres** of land more or less.

BEARING BASIS: NAD-83 (1993), TEXAS CENTRAL (4203), STATE PLANE SYSTEM.

A survey drawing has been prepared to accompany this metes and bounds description.

 **DIAMOND SURVEYING, INC.**  
116 SKYLINE ROAD, GEORGETOWN, TX 78628  
(512) 931-3100

  
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SHANE SHAFER, R.P.L.S. NO. 5281      August 31, 2015      DATE

