

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

**A RESOLUTION OF THE CITY OF PFLUGERVILLE, TEXAS AUTHORIZING THE VACATION, ABANDONMENT AND RELEASE OF AN EXISTING WATER LINE AND SEWER LINE EASEMENT GRANTED TO THE CITY BY EASEMENT RECORDED IN TRAVIS COUNTY REAL PROPERTY RECORDS, DOCUMENT NO. 00102422**

**WHEREAS**, by that certain instrument dated October 18, 1988, recorded as Document No. 00102422 of the Official Public Records of Travis County, Texas, a water line and sewer line easement (“Easement”) was granted to the City of Pflugerville, Texas affecting property known as 129.65 acres of land lying and being situated in the Travis County, Texas (“Property”), being more particularly described in Exhibit “A”, attached hereto and incorporated herein for all purposes; and

**WHEREAS**, the owners of the Property desire to revise the Property’s development concept necessitating revising the scope of the Easement and has requested that the City vacate, abandon and release the Easement; and

**WHEREAS**, the City has reviewed and approved a new water line and wastewater line easement, said easement to be accepted and recorded after this Easement is officially vacated, and is agreeable to vacating, abandoning and releasing the Easement due to the Property owner’s current development plans.

**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 (\$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**

DOC. NO.

00102422

FILM CODE

000044208761.00

WATER LINE EASEMENT & SEWER LINE EASEMENT

STATE OF TEXAS

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KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS

3:43 PM 0984

11.00 INDX  
2 2 11/03/88  
1024-22-DOC#  
69.19-CHK#

THAT, JOHN PAUL OTTO WUTHRICH, JR., ANGELINE SMITH, EILEEN GANT AND JULIE REEVES STIEWERT, of the County of Travis, State of Texas, hereinafter referred to as "Grantors", whether one or more, for and in consideration of the sum of ONE AND NO/100 DOLLAR (\$1.00) and other good and valuable consideration, to Grantors in hand paid by the CITY OF PFLUGERVILLE, Texas, the receipt and sufficiency of which is hereby ACKNOWLEDGED AND CONFESSED, and for which no lien, expressed or implied, is retained, have this day GRANTED AND CONVEYED, and by these presents do GRANT AND CONVEY unto the CITY OF PFLUGERVILLE, a municipal corporation situated in the County of Travis, a permanent SEWER LINE EASEMENT being 15 feet in width on each side of the centerline of the installed SEWER LINE and a temporary 50-foot wide overlapping construction easement for the construction and maintenance of said SEWER LINE, and a permanent WATER LINE EASEMENT being 10 feet in width on each side of the centerline of the installed WATER LINE and a temporary 50-foot wide overlapping construction easement for the construction and maintenance of said WATER LINE, in, upon and across the following described property, to-wit:

All that certain 129.65 acres of land lying and being situated in the County of Travis, State of Texas, more particularly described in instrument recorder in Volume 2458, Page 312, Deed Records, Travis County.

Grantee is hereby authorized to designate the course of easement herein conveyed, except that when the pipelines are installed the easement herein granted shall be limited to a strip of land (15' SEWER, 10' WATER) on either side of the centerline of the pipeline as installed.

TO HAVE AND TO HOLD the said wide easements perpetually to the CITY OF PFLUGERVILLE, and its successors and assigns, together with the right and privilege at any and all times to enter said premises, or any part thereof, for the purpose of constructing and maintaining said WATER LINE and SEWER LINE, and for making connections therewith; all upon the following conditions being performed by the CITY OF PFLUGERVILLE:

1. The CITY OF PFLUGERVILLE will at all times after doing any work in connection with the construction or repair of said public utility lines restore the surface of said premises to the condition in which the same was found before such work was undertaken.
2. The CITY OF PFLUGERVILLE will install for the Grantors one (1) 1" Water Service for their use only, waiving the expense of the capital recovery fee and the tap fee.

THE TEMPORARY overlapping construction easements shall terminate upon completion and acceptance by the City of the original construction.

IN WITNESS WHEREOF, Grantors have caused this instrument to be executed on this 18 day of OCTOBER.

JOHN PAUL OTTO WUTHRICH, JR.

By: John Paul Otto Wuthrich, Jr.

ANGELINE SMITH

By: Angeline W. Smith

EILEEN GANT

By: Eileen W. Gant

JULIE REEVES STIEWERT

By: Julia Reeves Stiewert

NWA 1016-88 (R)

REAL PROPERTY RECORDS  
TRAVIS COUNTY, TEXAS  
10810 1202  
10810 1202

ACKNOWLEDGEMENT

STATE OF TEXAS

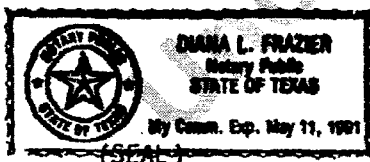
COUNTY OF TRAVIS

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BEFORE ME, the undersigned, a Notary Public in and for said State, on this day personally appeared Angelyn W Smith

known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 21<sup>st</sup> day of September, 1988.



Diana L. Frazier  
Notary Public in and for  
the State of Texas

My Commission Expires: 5-11-91

REAL PROPERTY RECORDS  
TRAVIS COUNTY, TEXAS

10810 1203

ACKNOWLEDGEMENT

STATE OF TEXAS

COUNTY OF TRAVIS

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BEFORE ME, the undersigned, a Notary Public in and for said State, on this day personally appeared Eileen W Gant

known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 21<sup>st</sup> day of September, 1988.



(SEAL)

Diana L. Frazier  
Notary Public in and for  
the State of Texas

My Commission Expires: 5-11-91

REAL PROPERTY RECORDS  
TRAVIS COUNTY, TEXAS

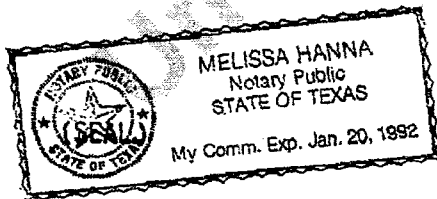
10810 1204

STATE OF TEXAS  
COUNTY OF TRAVIS

601016

BEFORE ME, the undersigned, a Notary Public in and for said State, on this day personally appeared John Paul Otto Wuthrich, Jr. known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 18 day of OCTOBER, 1988.



Melissa Hanna  
Notary Public in and for  
the State of Texas

My Commission Expires: 1-20-92

REAL PROPERTY RECORDS  
TRAVIS COUNTY, TEXAS  
10810 1205

ACKNOWLEDGEMENT

STATE OF TEXAS  
COUNTY OF TRAVIS

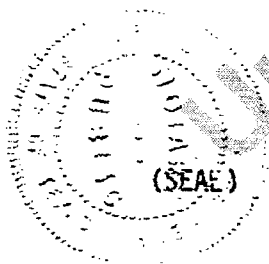
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BEFORE ME, the undersigned, a Notary Public in and for said State, on this day personally appeared JULIA REEVES

STIEWERT

known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 20th day of September, 1988.



NOTARY SEAL

Geraldine Behrens  
Notary Public in and for  
the State of Texas

My Commission Expires: 10-22-88

STATE OF TEXAS COUNTY OF TRAVIS  
I hereby certify that this instrument was FILED on  
the date and at the time stamped hereon by me; and  
was duly RECORDED, in the Volume and Page of the  
named RECORDS of Travis County, Texas, on

NOV 8 1988



Lana Robinson  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

FILED

1988 NOV -3 PM 3:36

DANA DE BEAUVOIR  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

CITY OF PFLUGERVILLE  
P.O. Box 589  
PFLUGERVILLE, TX 78660

REAL PROPERTY RECORDS  
TRAVIS COUNTY, TEXAS

10810 1206