

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF PFLUGERVILLE, TEXAS AUTHORIZING THE VACATION, ABANDONMENT AND RELEASE OF AN EXISTING PUBLIC UTILITY EASEMENT ORIGINALLY GRANTED TO THE CITY IN DOCUMENT VOLUME 86 PAGE 143 AS RECORDED IN THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS ON MAY 9, 1986

WHEREAS, by that certain instrument recorded May 9, 1986, as Document Number Volume 86, Page 143 of the Real Property Records of Travis County, Texas, a Public Utility easement ("Easement") was granted to the City of Pflugerville, Texas affecting property known as Lot 3 and Lot 4, Block A of the 685 Commercial Park Plat ("Property"), recorded as Plat Document No. Volume 86, Page 143 of the Real Property Records of Travis County; 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; and

WHEREAS, the City has received consent from all affected utility providers 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 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

**EXHIBIT A
METES AND BOUNDS
15' P.U.E. TO BE ABANDONED**

BEING 0.069 ACRES (3002 SQFT) OUT OF LOTS 3 AND 4, BLOCK A, 685 COMMERCIAL PARK SUBDIVISION, MAP RECORDED IN VOLUME 86, PAGE 143C, TRAVIS COUNTY, TEXAS, SAID 0.069 ACRE (3002 SQFT) TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT AN IRON ROD FOUND FOR THE SOUTHEAST CORNER OF THE SAID LOT 3,

THENCE, N27°26'16"E, ALONG THE EAST LINE OF SAID LOT 3, SAME BEING THE WEST RIGHT-OF-WAY LINE OF ALGREG STREET, A DISTANCE OF 101.42 FEET TO A CALCULATED POINT FOR THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT, AND THE **POINT OF BEGINNING**;

THENCE, N62°29'46"W, ACROSS THE SAID LOT 3 A DISTANCE OF 200.12 FEET TO A CALCULATED POINT ON THE WEST LINE OF THE SAID LOT 3, FOR THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, N 27°28'14"E, ALONG THE WEST LINE OF THE SAID LOTS 3 AND 4, A DISTANCE OF 15.00 FEET TO A CALCULATED POINT ON THE WEST LINE OF THE SAID LOT 4, FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, S62°29'46"E, ACROSS THE SAID LOT 4, A DISTANCE OF 200.11 FEET TO A CALCULATED POINT ON EAST LINE OF THE SAID LOT 4, SAME BEING THE WEST RIGHT-OF-WAY LINE OF ALGREG STREET, FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, S27°26'16"W, ALONG THE EAST LINE OF THE SAID LOTS 4 AND 3, SAME BEING THE WEST RIGHT-OF-WAY-LINE OF ALGREG STREET, A DISTANCE OF 15.00 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 0.069 ACRES (3002 SQFT)) OF LAND MORE OR LESS.



MANUEL CARRIZALES
REGISTERED PROFESSIONAL LAND SURVEYOR NO.6388
4807 GONDOLA AVENUE
EDINBURG, TEXAS 78542

7-3-19
DATE:



LOT 14, BLOCK A,
685 COMMERCIAL PARK SUBDIVISION
VOLUME 86, PAGE 143C,
T.C.M.R.

LOT 13, BLOCK A,
685 COMMERCIAL PARK SUBDIVISION
VOLUME 86, PAGE 143C,
T.C.M.R.

LOT 12, BLOCK A,
685 COMMERCIAL PARK SUBDIVISION
VOLUME 86, PAGE 143C,
T.C.M.R.

EXHIBIT B
BEING .069 ACRES (3002 SQFT) OUT OF
LOTS 3 AND 4, BLOCK A,
685 COMMERCIAL PARK SUBDIVISION, MAP
RECORDED IN VOLUME 86, PAGE 143C,
TRAVIS COUNTY, TEXAS.

LOT 2, BLOCK A, DETENTION POND EASE
685 COMMERCIAL PARK SUBDIVISION
VOLUME 86, PAGE 143C, T.C.M.R.

(N61°12'00"W 200.00')
N62°29'27"W 200.18'

LOT 3, BLOCK A,
685 COMMERCIAL PARK SUBDIVISION
VOLUME 86, PAGE 143C,
T.C.M.R.

(N61°12'00"W)
N62°29'46"W 200.12'

S62°29'46"E
(S61°12'00"E) 200.11'

LOT 4, BLOCK A,
685 COMMERCIAL PARK SUBDIVISION
VOLUME 86, PAGE 143C,
T.C.M.R.

S62°30'05"E 200.05'
(S61°12'00"E 200.00')

LOT 5, BLOCK A,
685 COMMERCIAL PARK SUBDIVISION
VOLUME 86, PAGE 143C,
T.C.M.R.

15.0' P.U.E. TO BE
ABANDONED
0.069 ACRES
3002 SQFT

BEARING BASIS
TEXAS STATE PLANE
COORDINATE SYSTEM,
TEXAS CENTRAL
ZONE 4203

SCALE 1" = 40'



5.0' DRAINAGE EASE, VOLUME 86, PAGE 143C, T.C.M.R.
N27°26'16"E 101.42'
S27°26'16"W 108.92'
(S28°48'00"W 108.90')

P.O.C.
P.O.B.
S27°26'16"W 15.00'
(S28°48'00"W)

5.0' DRAINAGE EASE, VOLUME 86, PAGE 143C, T.C.M.R.
S27°26'15"W 108.92'
(S28°48'00"W 108.90')

ALGREG STREET
(60' RIGHT-OF-WAY)

- LEGEND
- 1/2" IRON ROD FOUND
 - CALCULATED POINT

Manuel Carrizales
MANUEL CARRIZALES
R.P.L.S. #6388

DATE
7-3-15



Carrizales
and

Urveying, LLC



Texas Registered Surveying Firm
13137 Rockwell Street
Austin, Texas 78758
Office: 512.947.2187
www.tkshc.com

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

VACATION, ABANDONMENT AND RELEASE OF EASEMENT

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

WHEREAS, by that certain instrument recorded May 9, 1986, as Document Number Volume 86, Page 143 of the Real Property Records of Travis County, Texas, a Public Utility easement (“Easement”) was granted to the City of Pflugerville, Texas affecting property known as Lot 3 and Lot 4, Block A of the 685 Commercial Park Plat (“Property”), recorded as Plat Document No. Volume 86, Page 143 of the Real Property Records of Travis County, Texas; and

WHEREAS, Miguel Jaimes, Jaimes Brothers, Inc. a Texas LLC (“Owner”) is the current fee simple owner of the Property underlying and encompassing the Easement and has petitioned the City to vacate, abandon, and release the Easement that is in, along, over, upon, and across the Property.

NOW, THEREFORE, KNOW ALL BY THESE PRESENTS that 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, the City does hereby for all purposes: (i) VACATE, ABANDON AND RELEASE the Easement described in **Exhibit A**, which is attached hereto and incorporated herein; and (ii) relinquish all of its rights, title, and interest in and to the Easement.

FURTHER, OWNER, HAVING PETITIONED FOR THIS VACATION, ABANDONMENT AND RELEASE OF EASEMENT, IS TAKING THE VACATED, ABANDONED AND RELEASED EASEMENT “AS IS, WHERE IS” AND WITH ANY AND ALL DEFECTS. UPON RECORDING OF THIS DOCUMENT, THE CITY OF PFLUGERVILLE SHALL HAVE NO FURTHER OBLIGATION FOR ANY RESTORATION OR MAINTENANCE OF THE PROPERTY THAT IS SUBJECT TO THIS VACATION, ABANDONMENT AND RELEASE.

IN WITNESS WHEREOF the City of Pflugerville, Texas has executed this Vacation, Abandonment and Release of Easement on this __ day of _____ 2020.

Sereniah Breland, City Manager
City of Pflugerville, Texas

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

BEFORE ME, this undersigned, a Notary Public in and for the said County and State, on this day personally appeared Sereniah Breland, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes herein expressed.

GIVEN under my hand and seal of office this the ___ day of _____ 2020.

[Seal]

Notary Public, State of Texas

AFTER RECORDING, RETURN TO:

City of Pflugerville
Development Services Center – Engineering Dept.
201-B East Pecan Street
Pflugerville, Texas 78691

EXHIBIT A

**EXHIBIT A
METES AND BOUNDS
15' P.U.E. TO BE ABANDONED**

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THENCE, N27°26'16"E, ALONG THE EAST LINE OF SAID LOT 3, SAME BEING THE WEST RIGHT-OF-WAY LINE OF ALGREG STREET, A DISTANCE OF 101.42 FEET TO A CALCULATED POINT FOR THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT, AND THE **POINT OF BEGINNING**;

THENCE, N62°29'46"W, ACROSS THE SAID LOT 3 A DISTANCE OF 200.12 FEET TO A CALCULATED POINT ON THE WEST LINE OF THE SAID LOT 3, FOR THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, N 27°28'14"E, ALONG THE WEST LINE OF THE SAID LOTS 3 AND 4, A DISTANCE OF 15.00 FEET TO A CALCULATED POINT ON THE WEST LINE OF THE SAID LOT 4, FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, S62°29'46"E, ACROSS THE SAID LOT 4, A DISTANCE OF 200.11 FEET TO A CALCULATED POINT ON EAST LINE OF THE SAID LOT 4, SAME BEING THE WEST RIGHT-OF-WAY LINE OF ALGREG STREET, FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, S27°26'16"W, ALONG THE EAST LINE OF THE SAID LOTS 4 AND 3, SAME BEING THE WEST RIGHT-OF-WAY-LINE OF ALGREG STREET, A DISTANCE OF 15.00 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 0.069 ACRES (3002 SQFT)) OF LAND MORE OR LESS.



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LOT 12, BLOCK A, COMMERCIAL PARK SUBDIVISION VOLUME 86, PAGE 143C, T.C.M.R.

LOT 2, BLOCK A, DETENTION POND EASE 685 COMMERCIAL PARK SUBDIVISION VOLUME 86, PAGE 143C, T.C.M.R.

(N61°12'00"W 200.00')
(N62°29'27"W 200.18')

LOT 3, BLOCK A, COMMERCIAL PARK SUBDIVISION VOLUME 86, PAGE 143C, T.C.M.R.

(N61°12'00"W) 200.12'
(S61°12'00"E 200.00')
(S62°29'46"E 200.12')

LOT 4, BLOCK A, COMMERCIAL PARK SUBDIVISION VOLUME 86, PAGE 143C, T.C.M.R.

(S62°29'46"E 200.12')
(S61°12'00"E 200.00')

LOT 5, BLOCK A, COMMERCIAL PARK SUBDIVISION VOLUME 86, PAGE 143C, T.C.M.R.

5.0' DRAINAGE EASE, VOLUME 86, PAGE 143C, T.C.M.R.
N27°26'16"E 101.42'
S27°26'16"W 108.92'
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S27°26'16"W 108.92'
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ALGREG STREET (60' RIGHT-OF-WAY)

15.0' P.U.E. TO BE ABANDONED
0.069 ACRES
3002 SQFT

EXHIBIT B
BEING .069 ACRES (3002 SQFT) OUT OF LOTS 3 AND 4, BLOCK A, 685 COMMERCIAL PARK SUBDIVISION, MAP RECORDED IN VOLUME 86, PAGE 143C, TRAVIS COUNTY, TEXAS.

BEARING BASIS
TEXAS STATE PLANE
COORDINATE SYSTEM,
TEXAS CENTRAL
ZONE 4203

SCALE 1" = 40'

SURVEY DONE WITHOUT THE BENEFIT OF A TITLE COMMITMENT.
CLIENT REQUESTED A METES AND BOUNDS SURVEY ONLY.
NO IMPROVEMENTS WERE LOCATED AT THE REQUEST OF THE CLIENT.
NO EASEMENT RESEARCH WAS PERFORMED BY THIS SURVEYOR.



Manuel Carrizales
MANUEL CARRIZALES
R.P.L.S. #6388

DATE

7-3-15

Carrizales and surveying, LLC



Travis Registered Surveying Firm
1845 First National
Lubbock, Texas 79402
Office: 806.787.2161
www.chs152.com

LEGEND
● 1/2" IRON ROD FOUND
○ CALCULATED POINT