

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

**AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, GRANTING A PETITION FOR VOLUNTARY ANNEXATION AND ANNEXING, FOR FULL PURPOSES, APPROXIMATELY 7.321 ACRES OF LAND ADJACENT TO THE CITY LIMITS OF THE CITY OF PFLUGERVILLE, TEXAS, GENERALLY LOCATED SOUTH OF PECAN STREET AND WEST OF SH 130, BEING PART OF THE WILLIAM CALDWELL SURVEY NO. 66, ABSTRACT 162 IN TRAVIS COUNTY, TEXAS; EXTENDING THE BOUNDARIES OF THE CITY TO INCLUDE THE LAND; BINDING THE LAND TO ALL OF THE ACTS, ORDINANCES, RESOLUTIONS AND REGULATIONS OF THE CITY; APPROVING A SERVICE PLAN; AND PROVIDING AN EFFECTIVE DATE. (ANX1109-01)**

WHEREAS, the City of Pflugerville, Texas (the "City") desires to annex approximately 7.321 acres of land, more particularly described in Exhibit "A" and shown in Exhibit "B", attached hereto and incorporated herein by reference; and

WHEREAS, pursuant to Chapter 43, Section 43.028 of the Texas Local Government Code, the annexation area is one-half mile or less in width, is contiguous to the annexing municipality, and is vacant and without residents; and

WHEREAS, the City Council of the City has granted an annexation petition submitted to the City of Pflugerville (Exhibit "C"); NOW, THEREFORE,

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

Section 1. The Land is hereby annexed to the City, and the boundaries of the City are extended to include the Land within the corporate limits of the City. From and after the date of this ordinance, the Land shall be bound by the acts, ordinances, resolutions and regulations of the City.

Section 2. The City finds annexation of the Land to be in the public interest due to the promotion of economic growth of the Land and surrounding areas.

Section 3. The service plan attached as Exhibit "D" is approved, and municipal services shall be extended to the Land in accordance therewith.

Section 4. The City Secretary is directed to file a certified copy of this ordinance in the office of the County Clerk of Travis County, Texas, and in the official records of the City.

Section 6. This ordinance will take effect upon its adoption by the City Council, and provided further that no objection to the annexation is interposed by the United States Attorney General within 60 days of the submission of the annexation pursuant to Section 5 of the Voting Rights Act of 1965, as amended.

Section 7. The City Council intends to annex the Land described in this Ordinance; but if there is included within the description of the Land annexed by this Ordinance any lands or

area that may not be annexed by the City for any reason (“Excluded Lands”), then the Excluded Lands should be excluded and excepted from the Land annexed by this Ordinance as fully as if the Excluded Lands were expressly described in this Ordinance and the remainder of the Land were annexed to the City of Pflugerville.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

CITY OF PFLUGERVILLE, TEXAS

By: \_\_\_\_\_  
Jeff Coleman, Mayor

ATTEST:

\_\_\_\_\_  
Karen Thompson, City Secretary

ATTEST AS TO FORM:

\_\_\_\_\_  
Floyd Akers, City Attorney

**EXHIBIT "A"**



**Professional Land Surveying, Inc.  
Surveying and Mapping**

Office: 512-443-1724

Fax: 512-389-0943

3500 McCall Lane  
Austin, Texas 78744

**7.321 ACRES  
WILLIAM CALDWELL SURVEY  
TRAVIS COUNTY, TEXAS**

A DESCRIPTION OF 7.321 ACRES (APPROXIMATELY 318,882 SQ. FT.) IN THE WILLIAM CALDWELL SURVEY NO. 66, ABSTRACT 162, TRAVIS COUNTY, TEXAS, BEING A PORTION OF A 17.800 ACRE TRACT DESCRIBED IN A PROCEEDING IN EMINENT DOMAIN, CAUSE NO. 2319, DATED OCTOBER 13, 1999 AND RECORDED IN DOCUMENT NO. 1999122493 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF A 131-1/4 ACRE TRACT DESCRIBED IN A WARRANTY DEED TO SUSAN ANDERSON LORAS, ROBERT FORD ANDERSON, JR. AND STEVEN MICHAEL ANDERSON, AS TRUSTEE OF THE ROBERT F. ANDERSON NON-REVOCALE TRUST, U/A MAY 19, 1994, DATED MAY 19, 1994 AND RECORDED IN VOLUME 12191, PAGE 114 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 7.321 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at 1/2" rebar with Chaparral cap set for the intersection of the south right-of-way line of Pecan Street (right-of-way width varies) and the east line of said 17.800 acre tract, same being a southwest corner of a 4.194 acre tract described in a Possession and Use Agreement For Transportation Purposes to the State of Texas recorded in Document No. 2004044317 of the Official Public Records of Travis County, Texas, also being the west line of a 30.261 acre tract described in a deed to Park Retail, LTD recorded in Document No. 2003067623 of the Official Public Records of Travis County, Texas, of which said 4.194 acre tract is a portion, also being the northwest corner of a 26.123 acre tract described in a deed to Pflugerville Community Development Corporation recorded in Document No. 2010009406 of the Official Public Records of Travis County, Texas, from which a rebar with Macias Assoc. cap found bears South 64°27'38" East, a distance of 127.57 feet;

**THENCE** South 28°18'01" West, with the east line of said 17.800 acre tract, same being the west line of said 26.123 acre tract, at a distance of 1068.19 feet passing a rebar with G & R Surveying cap found for the southwest corner of said 26.123 acre tract, same being the northwest corner of a 121.790 acre tract described in a deed to Pflugerville Community Development Corporation recorded in Document No. 2008190659 of the Official Public Records of Travis County, Texas, and continuing with the west line of said 121.790 acre tract, for a total distance of 1611.79 feet to a 1/2" rebar with Chaparral cap set, from which a rebar with Travis County TNR cap found for an angle point in the common line of said 17.800 acre tract and said 121.790 acre tract bears South 28°18'01" West, a distance of 1427.76 feet;

Exhibit A

**THENCE** North 61°36'45" West, crossing said 17.800 acre tract, a distance of 199.77 feet to a 1/2" rebar with Chaparral cap set in the west line of said 17.800 acre tract, same being the east line of a 2.56 acre tract described in a deed to the City of Pflugerville recorded in Volume 9236, Page 954 of the Real Property Records of Travis County, Texas, from which a rebar with Travis County TNR cap found for an angle point in the common line of said 17.800 acre tract and said 2.56 acre tract bears South 28°23'15" West, a distance of 26.13 feet;

**THENCE** with the west line of said 17.800 acre tract, same being the east line of said 2.56 acre tract, the following two courses and distances:

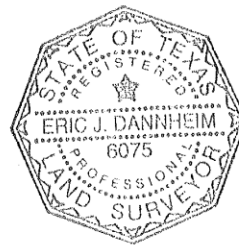
1. North 28°23'15" East, a distance of 1170.56 feet to a rebar with G & R Surveying cap found;
2. North 28°13'44" East, at a distance of 418.61 feet passing 0.10 feet right of a rebar with G & R Surveying cap found, and continuing for a total distance of 427.07 feet to a 1/2" rebar with Chaparral cap set in the apparent south right-of-way line of Pecan Street;

**THENCE** South 65°41'30" East, crossing said 17.800 acre tract, with the apparent south right-of-way line of Pecan Street, a distance of 199.01 feet to the **POINT OF BEGINNING**, containing 7.321 acres of land, more or less.

Surveyed on the ground May 4, 2011. Bearing Basis: Grid azimuth for Texas Central Zone state plane coordinates, 1983/93 HARN, based on GPS solutions from The National Geodetic Survey (NGS) On-line Positioning User Service (OPUS). Attachments: Drawing 271-007-BD1.

*EJ* 5/12/11

Eric J. Dannheim  
Registered Professional Land Surveyor  
State of Texas No. 6075

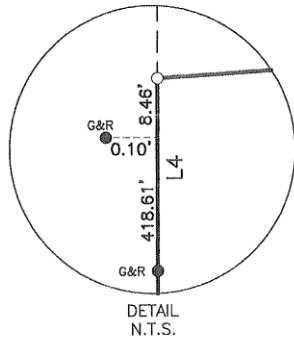


**EXHIBIT "B"**

SKETCH TO ACCOMPANY A DESCRIPTION OF 7.321 ACRES (APPROXIMATELY 318,882 SQ. FT.) IN THE WILLIAM CALDWELL SURVEY NO. 66, ABSTRACT 162, TRAVIS COUNTY, TEXAS, BEING A PORTION OF A 17.800 ACRE TRACT DESCRIBED IN A PROCEEDING IN EMINENT DOMAIN, CAUSE NO. 2319, DATED OCTOBER 13, 1999 AND RECORDED IN DOCUMENT NO. 1999122493 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF A 131-1/4 ACRE TRACT DESCRIBED IN A WARRANTY DEED TO SUSAN ANDERSON LORAS, ROBERT FORD ANDERSON, JR. AND STEVEN MICHAEL ANDERSON, AS TRUSTEE OF THE ROBERT F. ANDERSON NON-REVOCABLE TRUST, U/A MAY 19, 1994, DATED MAY 19, 1994 AND RECORDED IN VOLUME 12191, PAGE 114 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS.

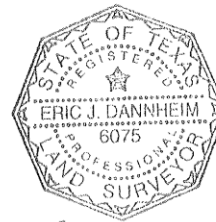
BEARING BASIS: GRID AZIMUTH FOR TEXAS CENTRAL ZONE STATE PLANE COORDINATES, 1983/93 HARN, BASED ON GPS SOLUTIONS FROM THE NATIONAL GEODETIC SURVEY (NGS) ON-LINE POSITIONING USER SERVICE (OPUS).

ATTACHMENTS: METES AND BOUNDS DESCRIPTION 271-007-BD1.



LINE TABLE		
No.	BEARING	LENGTH
L1	S64°27'38"E	127.57'
L2	N61°36'45"W	199.77'
L3	S28°23'15"W	26.13'
L4	N28°13'44"E	427.07'
L5	S65°41'30"E	199.01'

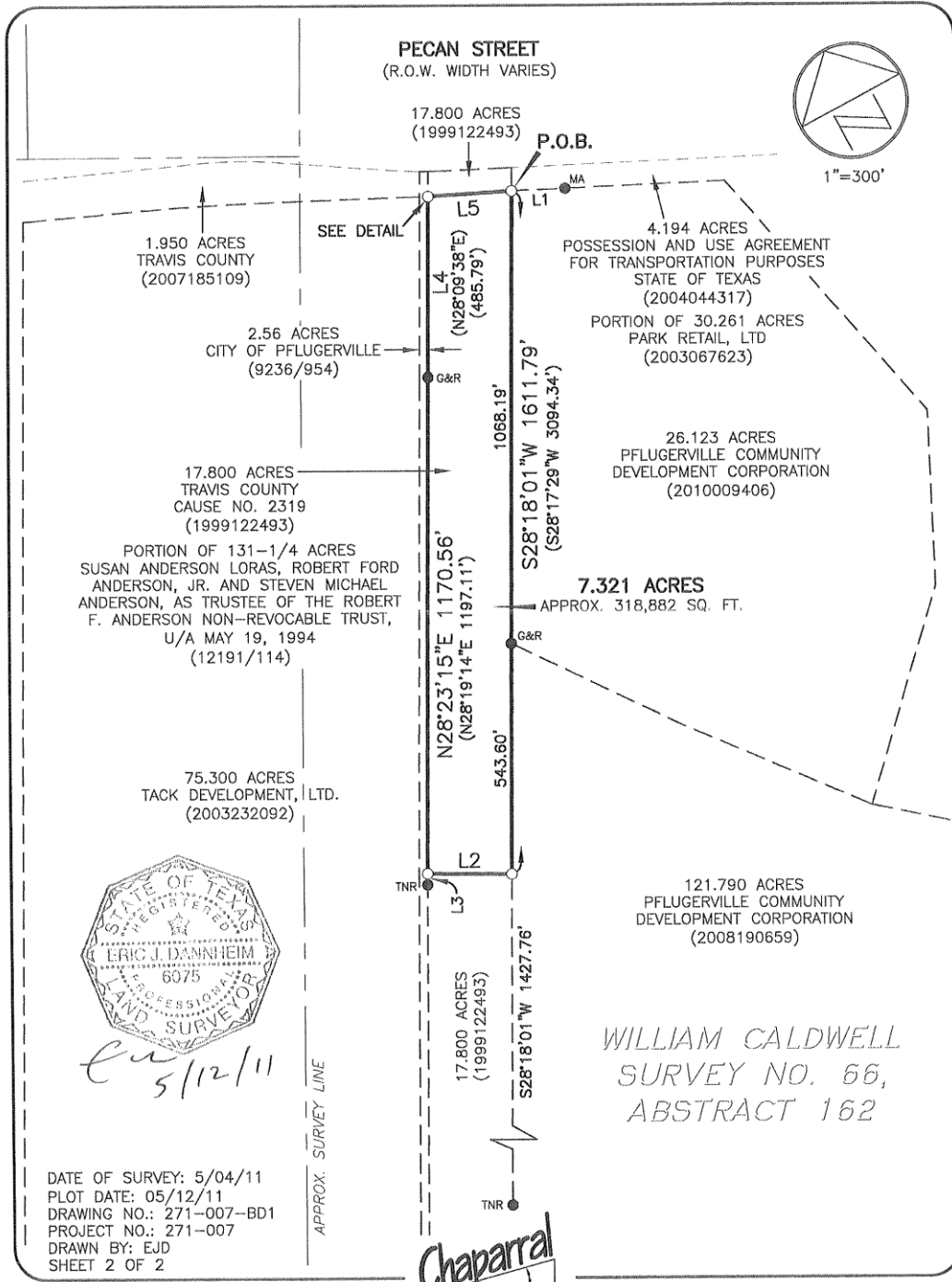
LEGEND	
TNR ●	REBAR WITH TRAVIS COUNTY TNR CAP FOUND
G&R ●	REBAR WITH G & R SURVEYING CAP FOUND
MA ●	REBAR WITH MACIAS ASSOC. CAP FOUND
○	1/2" REBAR WITH CHAPARRAL CAP SET



*ew*  
5/12/11

DATE OF SURVEY: 5/04/11  
 PLOT DATE: 05/12/11  
 DRAWING NO.: 271-007-BD1  
 PROJECT NO.: 271-007  
 DRAWN BY: EJD  
 SHEET 1 OF 2





**EXHIBIT "C"**



RECEIVED  
AUG 19 2011

F cD  
AUG 19 2011

Planning Department

STATE OF TEXAS                   §  
   §  
COUNTY OF TRAVIS           §

**PETITION & REQUEST FOR THE ANNEXATION OF LAND INTO THE CITY LIMITS  
OF THE CITY OF PFLUGERVILLE**

Whereas, the undersigned is the owner(s) of that certain lot, tract or parcel of land in Travis County, Texas, as particularly described hereinafter in Section 2 (the "Property");

Whereas, the Property to be included is not within the extraterritorial jurisdiction ("ETJ") of any other City;

Whereas, pursuant to §43.028 (b), *Tex. Loc. Gov't Code*, the undersigned seek to have the Property included within the corporate limits of the City of Pflugerville ("Pflugerville"); and

Whereas, the undersigned petition and request that the Property be included within the corporate limits of the City of Pflugerville;

NOW THEREFORE, the undersigned by this Petition and Request:


Section One. Requests the City Council of Pflugerville to adopt such ordinance or resolution, or to take such other action as is necessary in its judgment, to accept and incorporate the Property into and as part of the corporate limits of the City of Pflugerville, effective as of the earliest date deemed legally permissible, i.e. the date of this petition is filed in Pflugerville, the date this petition is filed with a public officer on behalf of Pflugerville, or the date this petition and request is accepted and granted by the City Council of Pflugerville, whichever date is earliest.

Section Two. Request the City Council of Pflugerville to adopt an ordinance and to take such other action as is necessary in its judgment, to incorporate and include the following described property (the "Property") within the corporate limits of the City of Pflugerville, to-wit:

All that certain lot, tract or parcel of land, including the roads, streets and rights-of-way within Travis County, Texas, described or shown in Exhibit "A" attached hereto and incorporated herein for all purposes.

Executed and Effective on this 12<sup>th</sup> day of August, 2011.

Pflugerville Community Development Corporation

  
\_\_\_\_\_  
David R. Clay  
President  
No. of Acres: 7.321

THE STATE OF TEXAS

§

COUNTY OF TRAVIS

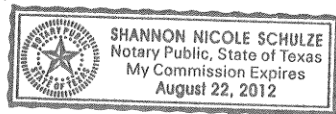
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BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared David R. Clay, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he executed the same for the purposes therein expressed and in the capacity therein stated.

Given Under My Hand and Seal of Office on this the 12<sup>th</sup> day of August, 2011.

(SEAL)



  
\_\_\_\_\_  
Notary Public State of Texas



**EXHIBIT “D”**

**SERVICE PLAN FOR PROPOSED ANNEXATION BY THE CITY OF  
PFLUGERVILLE, IN TRAVIS COUNTY, TEXAS**

**PCDC PETITION ANNEXATION**

This service plan establishes a program under which the City of Pflugerville, Texas (the “City”), will provide full municipal services to the area described on the attached Exhibit “A” (the “Annexed Area”), as required by § 43.065 of the Texas Local Government Code.

The City will provide the following municipal services to the Annexed Area at a level consistent with protection to other areas within the City:

- A. Police Protection. The City provides police service within its City limits, including routine patrols through the City and law enforcement services upon call. After annexation, police protection will be provided to the Annexed Area as applicable at a level consistent with the service to other areas of the City with similar population density. The City’s police services include neighborhood patrols, criminal investigations, crime prevention, community services and school programs.
  
- B. Fire Protection and Emergency Medical Service.
  - 1. Travis County Emergency Services District No. 2 (TCESD #2) includes the City and the Annexed Area. TCESD #2 will continue to provide fire protection service to the Annexed Area after annexation.
  
  - 2. The Travis County Emergency Services District No. 2 (TCESD #2) fire marshal enforces the fire code, investigates fires, and conducts fire prevention inspections within the City limits, and will provide these services within the Annexed Area after annexation.
  
  - 3. The City provides Emergency Medical Transport Services through an interlocal agreement with Travis County, Texas. After annexation, transport services will be provided to the Annexed Area at a level consistent with the service to other areas of the City with similar population density. Emergency Medical First Responder Services are provided by TCESD #2, and TCESD #2 will continue to provide such services to the Annexed Area after annexation.

II.

The City will provide the following municipal services to the Annexed Area on the same basis as it provides such services to other similarly situated areas of the City:

- A. Solid Waste Collection. The Annexed Area consists of an area that is vacant and without residents, therefore solid waste collection is not applicable. Should service be needed, the City will provide solid waste collection services as provided throughout the City limits for a fee and as determined through a contract between the City and a private refuse collection company. The solid waste collection services typically include garbage

collection, recycling, bulky item collection and brush collection or chipping. This service will be provided for a fee to any person within the Annexed Area requesting the service after the date of annexation. The City may not prohibit the collection of solid waste by a private provider or charge a fee for solid waste collection if service is retained by a private provider during the first two years following annexation. If service is retained by a private provider during the two years following annexation, the City is not required to provide solid waste collection services.

B. Maintenance. Routine maintenance of the following City-owned facilities, if any, will be provided within the Annexed Area effective as of the date of annexation:

1. **Water and wastewater facilities** that are not within the service area of another water or wastewater utility. These facilities will include all internal water and wastewater distribution and collection lines owned by the City that are within the Annexed Area. The City maintains distribution and collection lines and handles all customer billing, service calls and complaints.
2. **Public streets and right-of-ways.** The City provides street repairs, improvements, inspections, street lighting and traffic control devices. The City does not maintain private streets, private right-of-ways or State Highway facilities.
3. **Other public easement, facilities or buildings,** including drainage facilities, such as drainage channels, storm sewers and detention ponds contained within dedicated public easements. The City maintains drainage facilities through regular mowing and cleaning or repair, as needed. The City will inspect the land a minimum of every six (6) weeks and perform maintenance as required which includes but is not limited to mowing and the removal of debris no fewer than six (6) times a year. Any unacceptable conditions that exist in the drainage areas and are reported to the City of Pflugerville between scheduled inspections will be evaluated and resolved as necessary. A maintenance schedule for these areas can be obtained from the Public Works and Parks and Recreation Departments. If the City establishes a city-wide maintenance plan after the establishment of this service plan the city-wide service plan will replace the maintenance plan established in this service plan.

### III.

A. Capital Improvements. As provided in Section 43.056(e) of the Local Government Code, the City will begin acquiring or constructing capital improvements necessary for providing municipal services adequate to serve the Annexed Area. The acquisition or construction will occur in accordance with applicable ordinances and regulations of the City. Landowners within the Annexed Area will not be required to fund the capital improvements necessary to provide municipal services to the Annexed Area except as provided below for water and wastewater service.

B. Water and Wastewater Service. For portions of the Annexed Area not within the certificated service areas of the City or another utility, the City will extend water and wastewater service to such areas in accordance with the City's service extension policy

attached as Exhibit “B”, at the appropriate levels considering the topography, land use and population density of the property requesting service. In addition, unless consistent with the City’s existing requirements for funding of extensions of water or wastewater service to areas within the current City limits, landowners within the Annexed Area will not be required to fund the capital improvements necessary to provide water and wastewater service under this service plan.

The portions of the Annexed Area that are currently within the certificated service areas of other water and wastewater utilities will continue to receive water and wastewater utility services from such utility providers after annexation.

EXHIBIT "A" - TO SERVICE PLAN



**Professional Land Surveying, Inc.  
Surveying and Mapping**

Office: 512-443-1724  
Fax: 512-389-0943

3500 McCall Lane  
Austin, Texas 78744

**7.321 ACRES  
WILLIAM CALDWELL SURVEY  
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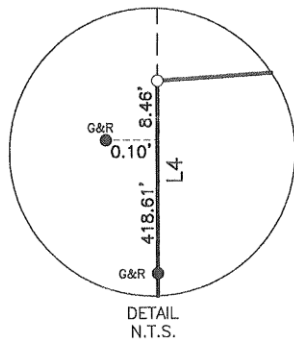
**THENCE** South 28°18'01" West, with the east line of said 17.800 acre tract, same being the west line of said 26.123 acre tract, at a distance of 1068.19 feet passing a rebar with G & R Surveying cap found for the southwest corner of said 26.123 acre tract, same being the northwest corner of a 121.790 acre tract described in a deed to Pflugerville Community Development Corporation recorded in Document No. 2008190659 of the Official Public Records of Travis County, Texas, and continuing with the west line of said 121.790 acre tract, for a total distance of 1611.79 feet to a 1/2" rebar with Chaparral cap set, from which a rebar with Travis County TNR cap found for an angle point in the common line of said 17.800 acre tract and said 121.790 acre tract bears South 28°18'01" West, a distance of 1427.76 feet;

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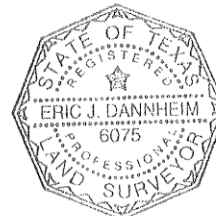
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ATTACHMENTS: METES AND BOUNDS DESCRIPTION 271-007-BD1.



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G&R ●	REBAR WITH G & R SURVEYING CAP FOUND
MA ●	REBAR WITH MACIAS ASSOC. CAP FOUND
○	1/2" REBAR WITH CHAPARRAL CAP SET



DATE OF SURVEY: 5/04/11  
 PLOT DATE: 05/12/11  
 DRAWING NO.: 271-007-BD1  
 PROJECT NO.: 271-007  
 DRAWN BY: EJD  
 SHEET 1 OF 2

**Chaparral**

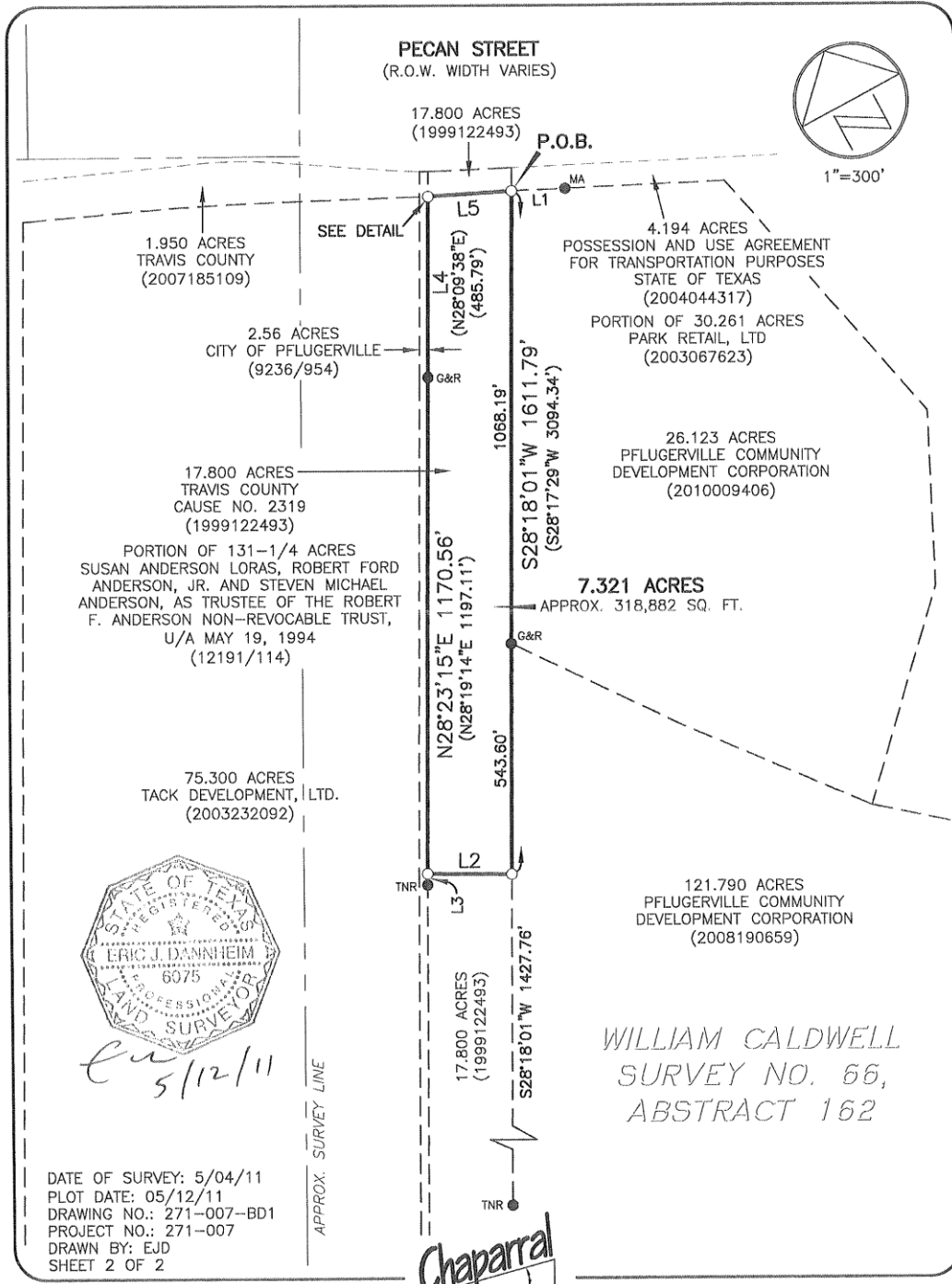


EXHIBIT “B” - TO SERVICE PLAN

CITY OF PFLUGERVILLE  
WATER AND WASTEWATER SERVICE EXTENSION POLICY

**A. GENERAL POLICY**

- (1) This policy applies to customers requiring extensions to the City’s sewer and water systems, including extensions to existing subdivisions that have not previously been served by City utilities, and excluding extensions to new subdivisions that are covered by the City’s subdivision ordinance.
- (2)
  - (a) The City will extend a water distribution main up to 50 feet within a dedicated street, alley or easement, without additional cost to the customer above the standard connection charges.
  - (b) The City will extend lateral sewers or sewer mains only upon the payment of the actual costs of the extension by the customer as provided in this policy.
- (3) If a customer desires service which requires an extension of more than 50 feet of water mains, or an extension of lateral sewers or sewer mains, the customer may advance the funds required for the extension and receive a partial refund as future customers connect to the extension.
- (4) The City is not required to fund system extensions from surplus revenues, bond funds or other public funds, but reserves the right, at its discretion, to use these funds if they become available. Projects will be considered based upon the public health and well-being and the willingness of the customers involved to cost-participate. This funding must be approved by the City Council.

**B. PROCEDURE**

- (1) Customers desiring to advance funds for the City to extend its water or sewer systems to provide service to their property must make a written application to the City Manager stating the lot and block number, name of subdivision and street address of the property to be served and the service required. The application must be signed by all property owners initially requesting service and their signatures must be identified with the property they desire to be served.
- (2) Upon receipt of an application, the City Manager will direct the City Engineer to prepare a cost estimate for the extension to the requested point of service. The cost estimate must include estimated construction costs and repair costs for all streets and public utilities affected by the construction.
- (3) The estimated construction cost, plus the applicable meter deposits, impact fees and tap fees for each of the initial customers requiring the extension, must be deposited with the City before construction is initiated by the City. The City will pay for engineering, administration, field surveys and other similar contingencies related to the extension.
- (4) Each customer participating in a system extension under this policy must execute a written agreement with the City which describes the extension, specifies the total

per-customer costs of the extension, and sets forth the names and addresses of each person to whom refunds are payable.

- (5) After all required funds are paid to the City, the customers may require that competitive bids be received from private contractors for the work; otherwise the City Manager will determine whether the work is to be let by competitive bid or performed by City personnel for the amount of the estimate.
- (6) If bids are received on the work, the amount of the deposit will be adjusted, by additional collections or refunds, to the actual contract price plus applicable meter deposits, impact fees and tap fees. These adjustments will be made before the work is begun.

**C. ASSIGNMENT OF COSTS**

If multiple customers cooperate to fund a system extension, the proportion of the project cost assigned to each participating customer will be determined according to the following formula:

$$(\text{customer's capacity in project} \div \text{total project capacity}) (\text{total project cost})$$

In addition to these extension costs, each customer must pay the applicable meter deposits, impact fees and tap fees, and must provide a sewer service line or water service line to the water meter or sewer tap.

**D. SUBSEQUENT USER FEES**

- (1) The City will require each new customer who connects to a line extension project financed by customers under this policy to pay all standard connection charges plus a subsequent user fee determined in accordance with paragraph C. As these subsequent user fees are collected by the City, refunds will be made to the customers who paid for the extension as provided in the written agreement required under paragraph B(4). Refunds will be made within 30 days after the subsequent user fees are paid to the City, and will be divided among the initial participants in the same proportion as their participation in the extension project.
- (2) No refunds will be made after 5 years from the date of completion of the project and no refunds of less than \$25 per participating customer will be made.