

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS,
AUTHORIZING THE RELEASE AND VACATION OF A BUFFER
EASEMENT ASSOCIATED WITH THE DECOMMISSIONED KELLY
LANE WASTEWATER TREATMENT PLANT ENCOMPASSING 6.492
ACRES OF LAND OUT OF THE JOHN BECKHAM SURVEY NO 16,
ABSTRACT NO. 55 IN PFLUGERVILLE, TX (VAC1010-01);
PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN
EFFECTIVE DATE

WHEREAS, there is presently a Buffer Easement encompassing 6.492 acres of land out of the John Beckham Survey No. 16, Abstract No. 55 recorded in a Warranty Deed in Volume 11209 Page 1291 of the official public records of Travis County, Texas (the "Easement"), depicted in the metes and bounds description attached hereto as Exhibit "A" and as depicted in the sketch attached hereto as Exhibit "B" and made a part hereof; and

WHEREAS, the easement was associated with the former Kelly Lane Wastewater Treatment Plant and intended to address the Location Standards as defined in the Texas Administrative Code Title 30, Chapter 309, Rule 309.13 which pertains to distance requirements for wastewater treatment plants from property lines; and

WHEREAS, the City of Pflugerville acquired Kelly Lane Utility in 2002 and decommissioned the wastewater treatment plant around 2006; and

WHEREAS, the Texas Commission on Environmental Quality does not require a buffer easement when a wastewater treatment plant is decommissioned; and

WHEREAS, the City Council of the City of Pflugerville, after due investigation and consideration, has determined that the Easement is not, and will not be, needed by the City and should be released and vacated; NOW THEREFORE,

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

Section 1: That the Buffer Easement encompassing 6.492 acres of land out of the John Beckham Survey No. 16, Abstract No. 55 recorded in a Warranty Deed in Volume 11209 Page 1291 of the official public records of Travis County, Texas is hereby RELEASED AND VACATED.

Section 2: That the City Secretary is directed to record a certified copy of this Ordinance in the Real Property Records of Travis County, Texas.

Section 3: That the provisions of this Ordinance are severable, and if any provision or part of this Ordinance or the application thereof to any person or circumstance is ever held by a

court of competent jurisdiction to be invalid or unconstitutional for any reason, the remainder of this Ordinance and the application of the other provisions or parts hereof will not be affected thereby.

Section 4: That this Ordinance will take effect on its passage by 3 affirmative votes of members of the City Council. On first reading however, this Ordinance must be posted and approved at a subsequent meeting as required by Section 3.15 (d) of the City Charter.

ADOPTED this ____ day of _____, 2010.

CITY OF PFLUGERVILLE, TEXAS

By: _____
Jeff Coleman, Mayor

ATTEST:

Karen Thompson, City Secretary

APPROVED AS TO FORM:

Floyd Akers, City Attorney

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

Before me, the undersigned authority, on this day personally appeared Jeff Coleman, Mayor of the City of Pflugerville, known to be 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 considerations therein expressed.

Given under my hand and seal of office on this the ____ day of _____, 2010.

Notary Public, State of Texas

STATE OF TEXAS §

COUNTY OF TRAVIS §
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Before me, the undersigned authority, on this day personally appeared Karen Thompson, City Secretary of the City of Pflugerville, known to be 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 considerations therein expressed.

Given under my hand and seal of office on this the ____ day of _____, _____.

Notary Public, State of Texas

Exhibit "A"

EXHIBIT "D"

FIELD NOTES OF 6.492 ACRES FOR BUFFER EASEMENT

ALL THAT CERTAIN TRACT OR PARCEL OF 6.492 ACRES OF LAND OUT OF THE JOHN BECKHAM SURVEY NUMBER 16, ABSTRACT NUMBER 55, SITUATED IN TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THE 214.99 ACRE TRACT OF LAND CONVEYED BY DEED TO C. K. MURCHISON AND WIFE, MARGARET ANN MURCHISON IN VOLUME 4215, PAGE 1552 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, FOR A BUFFER EASEMENT TO KELLY LANE UTILITY COMPANY, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING for reference at an iron rod found at the southwest corner of CHURCHILL ESTATES SECTION 1, PHASE 1, a subdivision in Travis County, Texas, as recorded in volume 86, pages 142 C & D of the Travis County Plat Records; the same being the southeast corner of the said Murchison tract;

THENCE, with the boundary division of the said Murchison tract and Churchill Estates Subdivision N 30°14'47" E, 1973.02 feet to the POINT OF BEGINNING for the Northeasterly corner;

THENCE, for the north line of said 6.492 acres, the following five (5) courses being parallel to and 150.00 feet from the 3.104 acre sewage treatment plant tract out of the said Murchison tract;

N 52°05'09" W, 190.29 feet to an iron rod set,
N 81°17'12" W, 53.98 feet to an iron rod set,
N 45°58'23" W, 131.53 feet to an iron rod set,
N 01°29'01" W, 32.69 feet to an iron rod set,
N 56°27'23" W, 381.14 feet to an iron rod set, for the

Northwesterly corner;

THENCE, S 30°14'47" W, 638.11 feet to an iron rod set, for the Southwesterly corner;

THENCE, S 59°45'13" E, 764.24 feet to an iron rod set in the east boundary of said Murchison tract for the Southeasterly corner;

THENCE, with the east line of the Murchison tract, N 30°14'47" E, 150.00 feet to an iron rod set;

THENCE, N 59°45'13" W, 150.00 feet to an iron rod found, which being the southeasterly corner of the 3.104 acre sewage treatment plant tract;

THENCE, with the boundary of said 3.104 acre tract, the following seven (7) courses;

N 59°45'13" W, 464.24 feet to an iron rod found,
N 30°14'47" E, 329.22 feet to an iron rod found,
S 56°27'23" E, 144.21 feet to an iron rod found,
S 01°29'01" E, 16.00 feet to an iron rod found,
S 45°58'23" E, 240.63 feet to an iron rod found,
S 81°17'12" E, 62.65 feet to an iron rod found,
S 52°05'09" E, 20.06 feet to an iron rod found, which

being the northeast corner of the 3.104 acre sewage treatment plant tract;

THENCE, S 52°05'09" E, 151.35 feet to an iron rod set in the east boundary of the Murchison tract;

THENCE, with the said east boundary, N 30°14'47" E, 151.35 feet to the POINT OF BEGINNING, and containing 6.492 acres of land, more or less.

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

11209 1291

Exhibit "B"

