

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING ORDINANCE NO. 1015-09-09-08 OF THE CITY OF PFLUGERVILLE, TEXAS, AS AMENDED, BY CHANGING THE ZONING DESIGNATION OF TWO SEPARATE TRACTS OUT OF THE J. CASNER SURVEY NO. 9, ABSTRACT NO. 2753, CONSISTING OF 5.013 ACRES LOCALLY ADDRESSED 20607 FM 685 FROM CORRIDOR URBAN LEVEL 4 (CL4) TO GENERAL BUSINESS 2 (GB2) DISTRICT AND 5.001 ACRES LOCALLY ADDRESSED 20511 FM 685 FROM AGRICULTURE/CONSERVATION (A) TO GENERAL BUSINESS 2 (GB2); TO BE KNOWN AS U-HAUL ADDITION REZONING (REZ1305-03), 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 July 1, 2013 and voted for its approval with a vote of 7-0; and

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 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. 1015-09-09-08, as amended, is amended to change the base zoning district of the properties described in Exhibit A, from Corridor Urban Level 4 (CL4) to General Business 2 (GB2) District and from Agriculture/Conservation (A) to General Business 2 (GB2) District.

The properties described above may be developed and used in accordance with regulations established for the General Business 2 (GB2) District, as applicable, and other applicable ordinances of the City of Pflugerville, Texas.

Section 2. That this ordinance will become effective on its adoption and passage by the City Council.

EXHIBIT "A"

PASSED AND APPROVED this _____ day of _____, 2013.

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, P.C.

EXHIBIT "A"

20607 FM 685: 5.013 ACRE TRACT AS RECORDED IN DOCUMENT NO. 200054523
 OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TX SITUATED IN THE JACOB CASNER
 SURVEY NO. 9, ABSTRACT NO. 2753

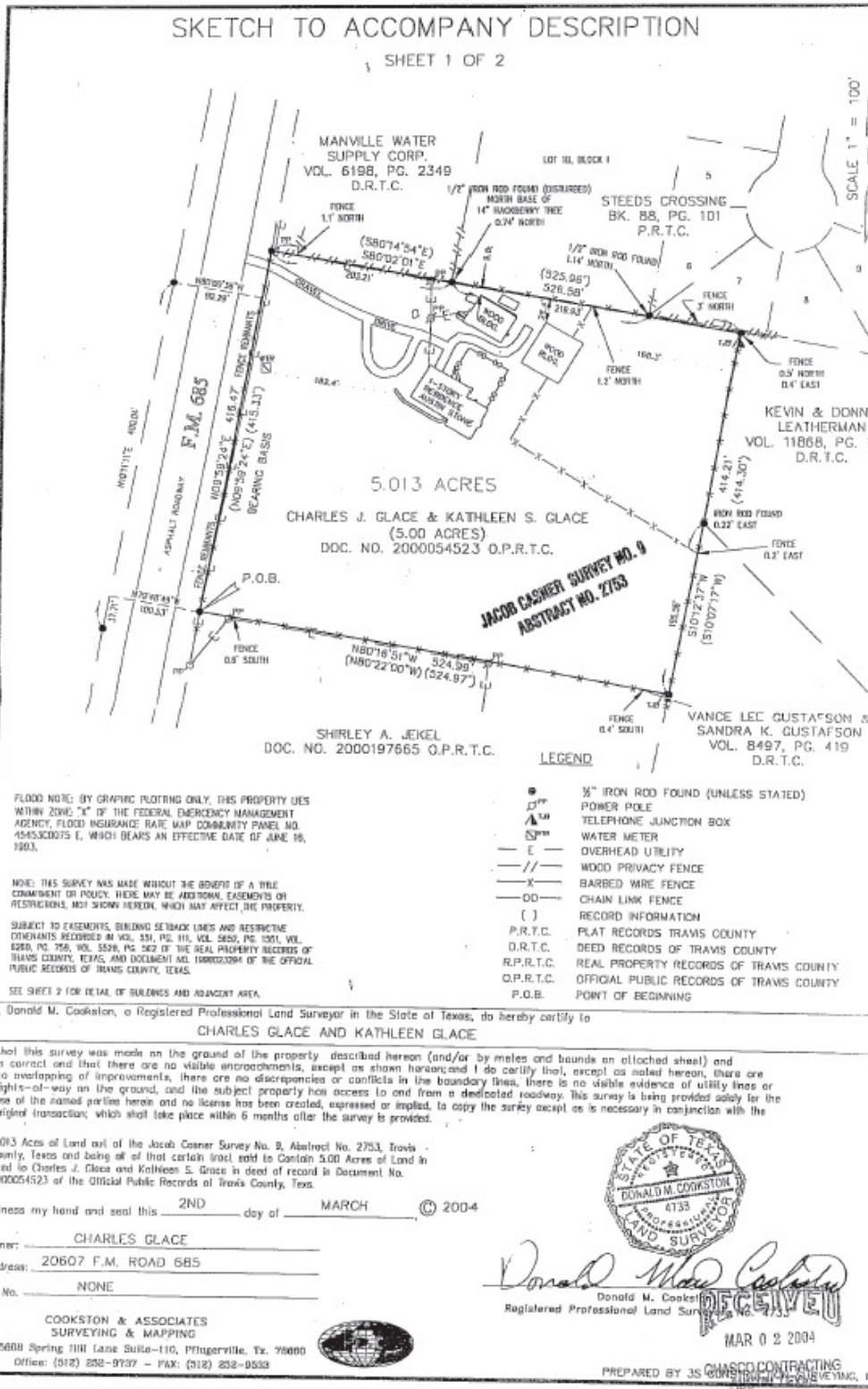


EXHIBIT "A"

BEING ALL OF THAT 5.00 ACRES OF LAND, MORE OR LESS, OUT OF THE JACOB CASNER SURVEY NO. 9, ABSTRACT NO. 2753 IN TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF THE 165.48 ACRE TRACT RECORDED IN VOLUME 5528, PAGE 562 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING THE SAME TRACT OF LAND DESCRIBED IN A WARRANTY DEED FROM KLEPZIC TO POOLE RECORDED IN VOLUME 7157, PAGE 227 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, HAVING BEEN SURVEYED ON THE GROUND NOVEMBER 27, 1955, BY SMS ENGINEERING, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at an iron rod found in the easterly Right of Way line of F.M. 685 at the northwest corner of a 5.01 Acre tract recorded in Volume 6155, Page 116 of the deed records of Travis County, Texas, for the Southwest corner of the tract herein described:

THENCE, following a fence along the easterly Right of Way line of said F.M. 685, same being the westerly line of the tract herein described, N 09°59'24" E, for a distance of 415.38 feet to an iron rod found for the Northwest corner of the tract herein described, same being the southwest corner of a 0.52 Acre tract recorded in Volume 6198, Page 2349 of the Deed Records of Travis County, Texas;

THENCE, leaving the easterly Right of Way line of said F.M. 685 and following a fence along the northerly line of the tract herein described, S 80°14'54" E, for a distance of 525.96 feet to an iron rod found for the Northeast corner of the tract herein described, same being the northwest corner of a 5.19 Acre tract recorded in Volume 11867, Page 1879 of the Real Property Records of Travis County, Texas;

THENCE, following a fence along the easterly line of the tract herein described, S 10°07'17" W, for a distance of 411.30 feet to an iron rod found for the Southeast corner of the tract herein described, same being the northeast corner of said 5.01 Acres;

THENCE, following a fence along the southerly line of the tract herein described, same being the northerly line of said 5.01 Acres, N 80°22'00" W, for a distance of 526.97 feet to the POINT OF BEGINNING and containing 5.00 Acres of Land, MORE OR LESS.

EXHIBIT "A"

**20511 FM 685: 5.001 ACRE TRACT AS RECORDED IN DOCUMENT NO. 2000197665
OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TX SITUATED IN THE JACOB CASNER
LEAGUE, ABSTRACT NO. 2753**

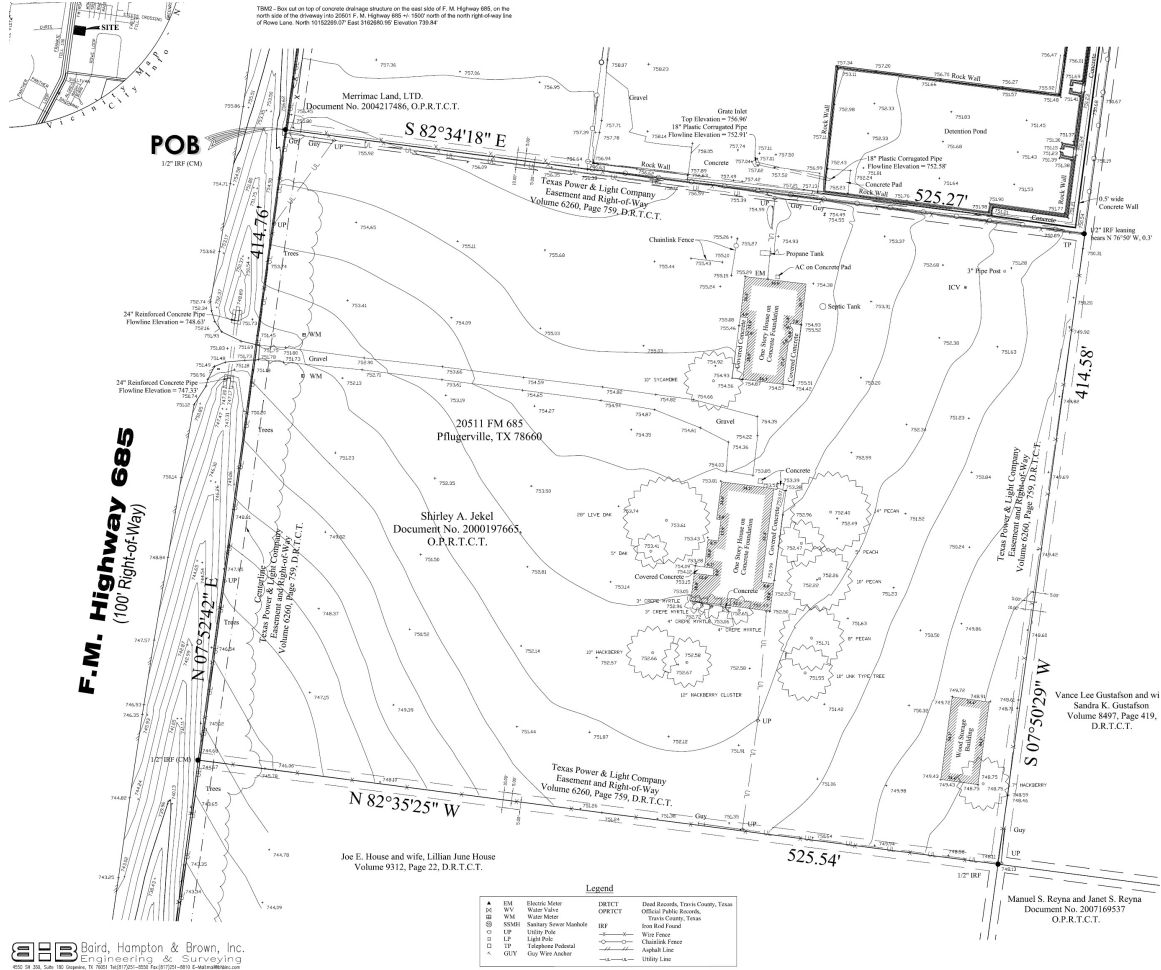


EXHIBIT "A"

BEING a 5.001 acre tract of land situated in the Jacob Casner League, Abstract No. 2753, Travis County, Texas conveyed to Shirley A. Jekel according to the Warranty Deed recorded in Document No. 2000197665, Official Public Records, Travis County, Texas (O.P.R.T.C.T.) and being more particularly described by metes and bounds as follows:

BEGINNING at a found 1/2 inch iron rod for the northwest corner of said Jekel Tract also being the southwest corner of that certain tract of land conveyed to Merrimac Land, LTD. According to the Warranty Deed with Vendor's Lien recorded in Document No. 2004217486 O.P.R.T.C.T. in the east right-of-way line of F. M. Highway 685 (100' right-of-way);

THENCE South 82°34'18" East, departing the east right-of-way line of said F. M. Highway 685 and with the common line between said Jekel Tract and said Merrimac Tract, a distance of 525.27 feet to a point for the northeast corner of said Jekel Tract also being the southeast corner of said Merrimac Tract in the west line of that certain tract of land conveyed to Vance Lee Gustafson and wife, Sandra K. Gustafson according to the Warranty Deed recorded in Volume 8497, Page 419, Deed Records, Travis County, Texas (D.R.T.C.T.) from which a found 1/2 inch iron rod leaning bears North 76°50' West, a distance of 0.3 feet;

THENCE South 07°50'29" West, with the common line between said Jekel Tract and said Gustafson Tract, a distance of 414.58 feet to a found 1/2 inch iron rod for the southeast corner of said Jekel Tract also being the southwest corner of said Gustafson Tract and the northwest corner of that certain tract of land conveyed to Manuel S. Reyna and Janet S. Reyna according to the Warranty Deed recorded in Document No. 2007169537 D.R.T.C.T. and the northeast corner of that certain tract of land conveyed to Joe E. House and wife, Lillian June House according to the Warranty Deed recorded in Volume 9312, Page 22 D.R.T.C.T.;

THENCE North 82°35'25" West, with the common line between said Jekel Tract and said House Tract, a distance of 525.54 feet to a found 1/2 inch iron rod for the southwest corner of said Jekel Tract also being the northwest corner of said House Tract in the east right-of-way line of the aforementioned F. M. Highway 685;

THENCE North 07°52'42" East, with the common line between said Jekel Tract and the east right-of-way line of said F. M. Highway 685, a distance of 414.76 feet to the **POINT OF BEGINNING** and containing 217,864 square feet or 5.001 acres of land, more or less.

Only those easements and restrictions provided by Schedule B of File No. 1215523, effective date October 31, 2012 and shown below have been reviewed and impact the subject property as detailed:

- b. An electric transmission and/or distribution line easement, together with a right of ingress and egress, granted to Texas Power & Light Company as described in Volume 551, Page 111, Deed Records, Travis County, Texas; - **UNABLE TO LOCATE DUE TO AMBIGUOUS DESCRIPTION**
- c. An electric transmission and/or distribution line easement, together with a right of ingress and egress, granted to Texas Power & Light Company, as described in Volume 692, Page 329, Deed Records, Travis County, Texas; - **UNABLE TO LOCATE DUE TO AMBIGUOUS DESCRIPTION**
- d. A 15' pipeline easement granted to Manville Water Supply Corporation, as described in Volume 4822, Page 1689, Deed Records, Travis County, Texas; - **UNABLE TO LOCATE DUE TO AMBIGUOUS DESCRIPTION**
- e. A 50' ingress and egress easement granted to the public, as described in Volume 5827, Page 1975, Deed Records, Travis County, Texas; - **DOES NOT AFFECT.**
- f. 10' and 5' electric distribution line easement granted to Texas Power & Light Company, as described in Volume 6260, Page 759, Deed Records, Travis County, Texas; - **AFFECTS AS SHOWN**

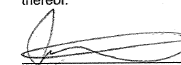
Surveyor Notes:

1. Basis of bearing being State Plane Grid as established using GPS technology in conjunction with the Texas RTK Cooperative Network. Reference frame is NAD83 Cors 96 Epoch 2002.0000.
2. All distances shown are at ground.
3. Vertical Datum established using GPS technology in conjunction with the Texas RTK Cooperative Network. All elevations shown are NAVD88.
4. By scale location this area shown by FEMA map FIRM 48453C0280H, with a revised date of September 26, 2008 this tract is with area Zone X (non-shaded)

Zone X (non-shaded) - Areas determined to be outside the 0.02% annual chance floodplain.

Certification: Shirley A. Jekel, Americo Real Estate Company of Texas, Inc., Stewart Title Guaranty Company and Gracy Title Company:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 5, 7a, 7b1, 8, 9, 11a, 13 & 16 of Table A thereof.


John Margotta
Registered Professional Land Surveyor
No. 5956
12-21-12 Date



Benchmarks:

TBM1 - Box cut on top of concrete drainage structure on the east side of F. M. Highway 685, on the north side of the driveway into the property owned by Meinhard Lorenzen +/- 770' north of the north right-of-way line of Rowe Lane. North 10151531.43' East 3162573.37' Elevation 722.98'

TBM2 - Box cut on top of concrete drainage structure on the east side of F. M. Highway 685, on the north side of the driveway into 20501 F. M. Highway 685 +/- 1500' north of the north right-of-way line of Rowe Lane. North 10152269.07' East 3162680.95' Elevation 739.84'