ORDINANCE NO.	

AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS GRANTING THE LEASE OF CITY PROPERTY BY EASEMENT TOTALING APPROXIMATELY 3.105 ACRES OF LAND OUT OF THE J. BRAY SURVEY, ABSTRACT NO. 373, IN TRAVIS COUNTY, TEXAS; MORE SPECIFICALLY DESCRIBED IN FOUR DEEDS TO THE CITY OF PFLUGERVILLE, OF RECORD IN DOCUMENT NUMBERS 2006060407TR, 2012195160TR, 2019169055, AND 2015165200 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

WHEREAS, the City Charter, Section 3.14., requires an ordinance to convey or lease or authorize the conveyance or lease of any city land; and

WHEREAS, Atmos Energy Corporation is currently planning a replacement project to start in the Fall to replace approximately 2.5 miles of 30" pipe that will take six (6) months and has requested to use City property adjacent to said project for a Temporary Work Space Easement ("Easement"), attached as **Exhibit A**; and

WHEREAS, the City has reviewed the plans and will be permitting the project in accordance with all federal, state and local rules and regulations applicable to this project; and

WHEREAS, the City Council has determined the granting of said Easement, and the terms and conditions set out therein, does not hinder the long-term use or development of the city-owned property for public purposes; and

WHEREAS, the City finds providing this Easement substantially advances a legitimate interest of the City in assisting with timely and efficient critical infrastructure improvements for its citizens.

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

The City Council of the City of Pflugerville hereby authorizes the City Attorney and City Manager to prepare all documents necessary to execute the Easement in the form attached hereto and as further modified if and as required in connection with the Project and the City Manager to execute any such document on behalf of the City.

I. Description.

The Easement attached in **Exhibit A** is a limited use agreement for the sole purpose of providing temporary work space for Atmos Energy Corporation and their subcontractors, subject to the terms and conditions pursuant to the Easement. All such use of the leased premises shall be consistent with any and all applicable City ordinances, standards and policies.

II. Severability.

If any provision of the Ordinance is illegal, invalid, or unenforceable under present or future laws, the remainder of the Ordinance will not be affected and, in lieu of each illegal, invalid, or unenforceable provision, a provision as similar in terms to the illegal, invalid, or unenforceable provision as is possible and is legal, valid, and enforceable will be added to this Ordinance.

III. Effective Date.

This Ordinance will take effect upo publication of the caption hereof in accordance	<u> </u>	
PASSED AND APPROVED this	day of	, 2021.
	CITY OF PFLUGERVIL	LE, TEXAS
	By:VICTOR GONZA	LES, Mayor
ATTEST:		
KAREN THOMPSON, City Secretary		
APPROVED AS TO FORM:		
Charles E. Zech Denton Navarro Rocha Bernal & Zech P.C.		

Exhibit A

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

TEMPORARY CONSTRUCTION EASEMENT AGREEMENT

THE STATE OF TEXAS §

§ KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS §

THIS TEMPORARY CONSTRUCTION EASEMENT AGREEMENT (this "<u>Agreement</u>") is made and entered into as of the 27th day of April, 2021, by and between City of Pflugerville, Texas, a home -rule municipality ("<u>Grantor</u>") and Atmos Energy Corporation, a Texas and Virginia corporation ("<u>Atmos Energy</u>").

NOW, for and in consideration of the sum of SEVEN THOUSAND NINE HUNDRED SEVENTEEN DOLLARS (\$7,917.00), and other good and valuable consideration, Grantor and Atmos Energy agree as follows:

- 1. Grant of Easement. Grantor does hereby grant unto Atmos Energy a temporary construction easement (the "Easement") on, over, across, under and upon that certain tract of land more particularly described on Exhibit "A" attached hereto and made a part hereof (the "Easement Area"), for the following purposes related to Atmos Energy's construction, maintenance, repair, replacement, inspection and operation of one or more natural gas pipelines and related appurtenances (collectively, the "Activities"): clearing, leveling and grading of the Easement Area; use as temporary construction workspace; boring activities; ingress and egress for equipment and machinery; staging and storage of materials, equipment, and machinery; and all other activities and uses reasonably related to the Activities.
- 2. <u>Duration</u>. The Easement shall automatically terminate on the earlier of: (a) the date on which Atmos Energy's Activities are completed, or (b) six (6) months from the date hereof.
- 3. Rights and Obligations of Parties. Upon termination of the Easement, Atmos Energy shall return the Easement Area to Grantor in a condition as near as practicable to its prior condition, ordinary wear and tear excepted, except that Atmos Energy shall not be required to restore shrubs or any vegetation cleared from the surface of the Easement Area, and Grantor acknowledges that the consideration paid for the Easement includes any and all damages to trees, shrubs, and growing crops within the Easement Area. Atmos Energy and Grantor shall keep the Easement Area free and clear

Temporary Construction Easement Agreement - Page 1

from any liens arising out of any work performed, materials furnished, or obligations incurred by Atmos Energy or Grantor.

4. Miscellaneous.

- (a) This Agreement constitutes the entire agreement between Grantor and Atmos Energy with respect to the subject matter hereof and supersedes all prior agreements and understandings, oral and written, between Granter and Atmos Energy with respect to the subject matter hereof. This Agreement may only be amended by a written agreement executed by both parties.
- (b) All notices related to this Agreement shall be in writing and shall be sufficient in all respects if delivered by hand or mailed by certified mail, postage prepaid, as follows:

If to Atmos Energy: Atmos Energy Corporation

PO Box 650206

Dallas, TX 75265-0205

Attn: Right of Way Department

If to Granter:

City of Pflugerville

PO Box 589

Pflugerville, TX 78691

Any notice given in any manner described above shall be deemed effective upon actual receipt by the party to whom such notice is sent. Addresses may be changed on notice to the other party.

(c) The Easement and obligations contained in this Agreement shall run with the land, are binding upon and inure to the benefit of Granter, Atmos Energy, and their respective successors and assigns.

[Remainder of this page intentionally left blank. Signatures begin on following page.]

first written above.

GRANTOR:	
None	
Name	
STATE OFTEXAS	
COUNTY OF <u>Travis</u>	
	ority, on this day personally appeared, known to me to be the person(s) whose
name is subscribed to the foregoing instrum executed the same for the purposes and cons	ent and acknowledged to me that he/she/they
GIVEN UNDER MY HAND AND, 2021.	SEAL OF OFFICE thisday of
	Notary Public in and for the State of Texas
	1. Comp in and for the state of Texas
	(Print Name of Notary Public Here)
	(Print Name of Notary Public Here) My Commission Expires:
Upon filing return copy to:	
Upon filing return copy to:	

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date

EXECUTED this GM	day of	April, 2021.
ATMOS ENPERIOREDOR Name: AZBD967D055D4BF	ATION	Cos
Title:VP Operations	8	
STATE OF TEXAS	§	
COUNTY OF DALLAS	§ §	

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared TRAVIS COOPER.._VICE PRESIDENT OPERATIONS, MID-TEX DIVISION, OF ATMOS ENERGY CORPORATION, a Texas corporation, 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, in the capacity therein stated, and as the act and deed of said corporation.

April GIVEN UNDER MY HAND AND SEAL OF OFFICE this day of

Jump Dump Dygert

Notary Public in and for the State of Texas

Than Deane Dygert

(Print Name of Notary Public Here)

My Commission Expires: 11 109 2024



Exhibit "A"

Easement Area

Temporary Construction Easement Agreement -Exhibit "A"



13621 HWY. 110 S. TYLER, TX 75707 (903) 939-8860 FIRM ID 10122800

EXHIBIT "A"
Page 1 of 7

ATMOS ENERGY CORPORATION TEMPORARY WORKSPACES CITY OF PFLUGERVILLE PROJECT LINE P2ND TRAVIS COUNTY, TEXAS

METES AND BOUNDS DESCRIPTION FOR TEMPORARY WORKSPACE-1 J. BRAY SURVEY, ABSTRACT 373 TRAVIS COUNTY, TEXAS

BEING 1.778 acres of land situated in the J. Bray Survey, Abstract 373, of Travis County, Texas and being a part of that certain called 101.2460 acre tract of land, as described in a deed, recorded in Instrument Number 2006060407TR, and a certain called 20.3250 acre tract of land, as described in a deed, recorded in Instrument Number 2012195160TR, of the Travis County Deed Records, said 1.778 acre tract to be more particularly described by metes and bounds as follows:

BEGININING at a 1/2 inch iron rod (set), with plastic cap marked "RMC 5384", for the southeast corner of the herein described 1.778 acre tract of land, same being located in the south boundary line of the above referenced 101.2460 acre tract of land, also being located in the north boundary line of that certain called 4.63 acre tract of land, as described in a deed, recorded in Instrument Number 2016199029, from which a 3/8 inch iron rod (found), for the southeast corner of the above mentioned 101.2460 acre tract of land bears South 62°32'53" East, a distance of 731.11 feet, same being the northwest corner of the above mentioned 4.63 acre tract of land;

THENCE North 62°32'53" West, for a distance of 72.54 feet, to a 1/2 inch iron rod (set), with plastic cap marked "RMC 5384", for southwest corner of the herein described 1.778 acre tract of land, same being located in the south boundary line of said 101.2460 acre tract of land, also being located in the north boundary line of said 4.63 acre tract of land;

THENCE North 15°20'38" East, for a distance of 1059.02 feet, to a 1/2 inch iron rod (set), with plastic cap marked "RMC 5384", for the northwest corner of the herein described 1.778 acre tract of land;

THENCE South 74°08'39" East, for a distance of 76.23 feet, to a 1/2 inch iron rod (set), with plastic cap marked "RMC 5384", for northeast corner of the herein described 1.778 acre tract of land;

THENCE South 15°37'37" West, for a distance of 1073.57 feet, back to the place of beginning and containing 1.778 acres of land.

PAGE 2 OF 7: TEMPORARY WORKSPACES

METES AND BOUNDS DESCRIPTION FOR TEMPORARY WORKSPACE-2 J. BRAY SURVEY, ABSTRACT 373 TRAVIS COUNTY, TEXAS

BEING 0.297 of an acre of land situated in the J. Bray Survey, Abstract 373, of Travis County, Texas and being a part of that certain called 101.2460 acre tract of land, as described in a deed, recorded in Instrument Number 2006060407TR, and a certain called 20.3250 acre tract of land, as described in a deed, recorded in Instrument Number 2012195160TR, of the Travis County Deed Records, said 0.297 of an acre tract to be more particularly described by metes and bounds as follows:

BEGININING at a 1/2 inch iron rod (set), with plastic cap marked "RMC 5384", for the southwest corner of the herein described 0.297 of an acre tract of land, same being located in the occupied south boundary line of the above referenced 101.2460 acre tract of land, also being located in the north boundary line of that certain called 4.63 acre tract of land, as described in a deed, recorded in Instrument Number 2016199029, from which a 3/8 inch iron rod (found), for the southeast corner of the above mentioned 101.2460 acre tract of land bears South 62°32'53" East, a distance of 848.24 feet, same being the northwest corner of the above mentioned 4.63 acre tract of land;

THENCE North 15°21'49" East, for a distance of 1049.41 feet, to a 1/2 inch iron rod (set), with plastic cap marked "RMC 5384", for the northwest corner of the herein described 0.297 of an acre tract of land;

THENCE South 74°08'39" East, for a distance of 13.24 feet, to a 1/2 inch iron rod (set), with plastic cap marked "RMC 5384", for the northeast corner of the herein described 0.297 of an acre tract of land;

THENCE South 15°20'38" West, for a distance of 1052.21 feet, to a 1/2 inch iron rod (set), with plastic cap marked "RMC 5384", for the southeast corner of the herein described 0.297 of an acre tract of land, same being located in the south boundary line of said 101.2460 acre tract of land, also being located in the north boundary line of said 4.63 acre tract of land;

THENCE North 62°32'53" West, for a distance of 13.91 feet, back to the place of beginning and containing 0.297 of an acre of land.

PAGE 3 OF 7: TEMPORARY WORKSPACES

METES AND BOUNDS DESCRIPTION FOR TEMPORARY WORKSPACE-3 J. BRAY SURVEY, ABSTRACT 373 TRAVIS COUNTY, TEXAS

BEING 0.294 of an acre of land situated in the J. Bray Survey, Abstract 373, of Travis County, Texas and being a part of that certain called 9.847 acre tract of land, as described in a deed recorded in, Instrument Number 2019169055, of the Travis County Deed Records, said 0.294 of an acre tract to be more particularly described by metes and bounds as follows:

BEGININING at a 1/2 inch iron rod (set), with plastic cap marked "RMC 5384", for the northeast corner of the herein described 0.294 of an acre tract of land, same being located in the northth boundary line of the above referenced 9.847 acre tract of land, also being located in the south boundary line of that certain called 4.63 acre tract of land, as described in a deed, recorded in Instrument Number 2016199029, from which a 1/2 inch iron rod (found), for the northeast corner of the above mentioned 9.847 acre tract of land bears South 62°38'03" East, a distance of 685.70 feet, same being the southeast corner of the above mention 4.63 acre tract of land;

THENCE South 15°22'11" West, for a distance of 170.91 feet, to a 1/2 inch iron rod (set), with plastic cap marked "RMC 5384", for southeast corner of the herein described 0.294 of an acre tract of land, same being located in the west boundary line of said 9.847 acre tract of land, also being located in the east boundary line of that certain called 11.9586 acre tract of land, as described in a deed, recorded in Instrument Number 2012164042TR;

THENCE North 41°44'44" West, for a distance of 32.65 feet, to a 1/2 inch iron rod (set), with plastic cap marked "RMC 5384", for an angle break in the west line of the herein described 0.294 of an acre tract of land, same being located at an angle break in the west line of the said 9.847 acre tract of land, also being located at an angle break in the east line of the above mentioned 11.9586 acre tract of land;

THENCE North 12°30'46" West, for a distance of 23.54 feet, to a 1/2 inch iron rod (set), with plastic cap marked "RMC 5384", for an angle break in the west line of the herein described 0.294 of an acre tract of land, same being located at an angle break in the west line of the said 9.847 acre tract of land, also being located at an angle break in the east line of the said 11.9586 acre tract of land;

THENCE North 23°35'56" West, for a distance of 35.08 feet, to a 1/2 inch iron rod (set), with plastic cap marked "RMC 5384", for an angle break in the west line of the herein described 0.294 of an acre tract of land, same being located at an angle break in the west line of the said 9.847 acre tract of land, also being located at an angle break in the east line of the said 11.9586 acre tract of land;

THENCE North 11°48'41" West, for a distance of 31.06 feet, to a 1/2 inch iron rod (set), with plastic cap marked "RMC 5384", for an angle break in the west line of the herein described 0.294 of an acre tract of land, same being located at an angle break in the west line of the said 9.847 acre tract of land, also being located at an angle break in the east line of the said 11.9586 acre tract of land;

THENCE North 01°14'24" West, for a distance of 59.99 feet, to a 1/2 inch iron rod (set), with plastic cap marked "RMC 5384", for an angle break in the west line of the herein described 0.294 of an acre tract of land, same being located at an angle break in the west line of the said 9.847 acre tract of land, also being located at an angle break in the east line of the said 11.9586 acre tract of land;

THENCE North 33°06'20" West, for a distance of 78.44 feet, to a 1/2 inch iron rod (found), for north west corner of the herein described 0.294 of an acre tract of land, same being located at northwest corner of the said 9.847 acre tract of land, also being located at an angle break in the east line of the said 11.9586 acre tract of land, and being located in the south boundary line of said 4.63 acre tract of land;

THENCE South 62°37'21" East, for a distance of 153.92 feet, back to the place of beginning and containing 0.294 of an acre of land.

PAGE 4 OF 7: TEMPORARY WORKSPACES

METES AND BOUNDS DESCRIPTION FOR TEMPORARY WORKSPACE-4 J. LEISSE SURVEY, ABSTRACT 373 TRAVIS COUNTY, TEXAS

BEING 0.709 of an acre of land situated in the J. Leisse Survey, Abstract 496, of Travis County, Texas and being a part of that certain called 31.99 acre tract of land, as described in a deed, recorded in Instrument Number 2015165200, of the Travis County Deed Records, said 0.709 of an acre tract to be more particularly described by metes and bounds as follows:

BEGININING at a 1/2 inch iron rod (set), with plastic cap marked "RMC 5384", for the northeast corner of the herein described 0.709 of an acre tract of land, same being located in the west boundary line of the above referenced 31.99 acre tract of land, also being located in the east boundary line of that certain called 7.058 acre tract of land, as described in a deed, recorded in Instrument Number 2017099899, from which a 1/2 inch iron rod (found), for the northwest corner of the above mentioned 31.99 acre tract of land, same being an angle break in the west line of the above mentioned 7.058 acre tract of land, bears North 27°20'50" East, a distance of 240.72 feet:

THENCE South 15°22'49" West, for a distance of 656.92 feet, to a 1/2 inch iron rod (set), with plastic cap marked "RMC 5384", for southeast corner of the herein described 0.709 of an acre tract of land, same being located in the south boundary line of said 31.99 acre tract of land, also being located in the north boundary line of called 119.3463 acre tract of land, as describe in a deed, recorded in Instrument Number 2005003460;

THENCE North 62°55'11" West, for a distance of 63.06 feet, to a 1/2 inch iron rod (set), with plastic cap marked "RMC 5384", for the southwest corner of the herein described 0.709 of an acre tract of land, same being located in the south boundary line of said 31.99 acre tract of land, also being located in the north boundary line of the above mentioned 119.3463 acre tract of land;

THENCE North 15°39'38" East, for a distance of 361.15 feet, to a 1/2 inch iron rod (set), with plastic cap marked "RMC 5384", for the northwest corner of the herein described 0.709 of an acre tract of land, same being located in the west boundary line of said 31.99 acre tract of land, also being located in the east boundary line of said 7.058 acre tract of land:

THENCE North 27°20'50" East, for a distance of 289.28 feet, back to the place of beginning and containing 0.709 of an acres of land.

PAGE 5 OF 7: TEMPORARY WORKSPACES

METES AND BOUNDS DESCRIPTION FOR TEMPORARY WORKSPACE-5 J. LEISSE SURVEY, ABSTRACT 496 TRAVIS COUNTY, TEXAS

BEING 0.027 of an acre of land situated in the J. Leisse Survey, Abstract 496, of Travis County, Texas and being a part of that certain called 31.99 acre tract of land, as described in a deed recorded in, Instrument Number 2015165200, of the Travis County Deed Records, said 0.027 of an acre tract to be more particularly described by metes and bounds as follows:

BEGININING at a 1/2 inch iron rod (set), with plastic cap marked "RMC 5384", for the north corner of the herein described 0.027 of an acre tract of land, same being located in the west boundary line of the above referenced 31.99 acre tract of land, also being located in the east boundary line of that certain called 7.058 acre tract of land, as described in a deed, recorded in Instrument Number 2017099899, from which a 1/2 inch iron rod (found), for the northwest corner of the above mentioned 31.99 acre tract of land, same being an angle break in the west line of the above mentioned 7.058 acre tract of land, bears North 27°20'50" East, a distance of 776.80 feet;

THENCE South 15°39'38" West, for a distance of 109.32 feet, to a 1/2 inch iron rod (set), with plastic cap marked "RMC 5384", for southeast corner of the herein described 0.027 of an acre tract of land, same being located in the south boundary line of said 31.99 acre tract of land, also being located in the north boundary line of called 119.3463 acre tract of land, as describe in a deed, recorded in Instrument Number 2005003460;

THENCE North 62°55'11" West, for a distance of 22.15 feet, to a 1/2 inch iron rod (set), with plastic cap marked "RMC 5384", for the southwest corner of the herein described 0.027 of an acre tract of land, same being located in the south boundary line of said 31.99 acre tract of land, also being located in the north boundary line of the above mentioned 119.3463 acre tract of land;

THENCE North 27°20'50" East, for a distance of 107.16 feet, back to the place of beginning and containing 0.027 of an acres of land.

Bearings, distances, and coordinates are based on the Texas Coordinate System, Central Zone, North American Datum of 1983 and are derived from GPS observations using the Leica GNSS network. The values were collected in the North America Datum of 1983 (2011) using Geoid 12B.

See Plat, prepared even date.

I, R. L. McCrary, Registered Professional Land Surveyor, do hereby certify that the above description was prepared from a survey made on the ground under my supervision during the month of June, 2020.

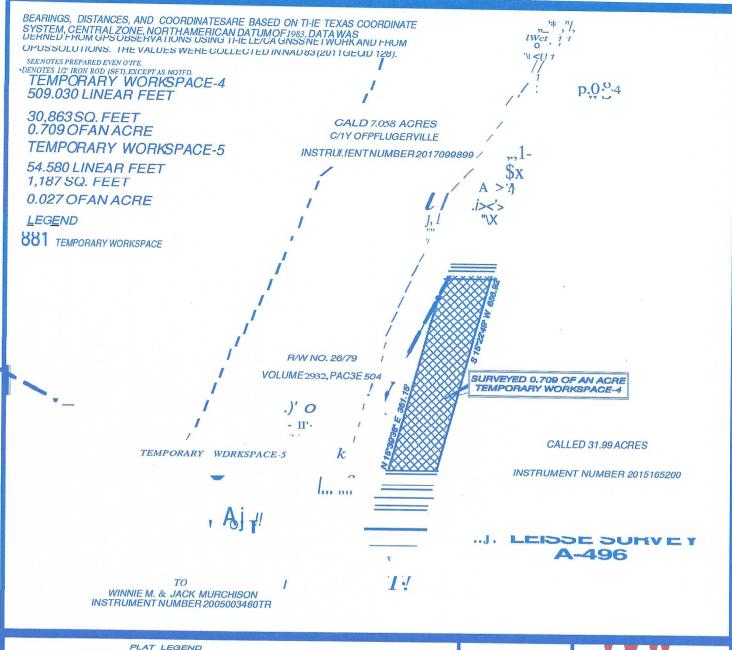
GIVEN UNDER MY HAND AND SEAL, this the 20th day of July, 2020.

R. L. McCrary

Registered Professional Land Surveyor No. 5384 E.;><1--1 I E3 I ""I •• F>aogeo 6 c::>f 7"

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PLAT LEGEND

POWER POLE

PROPOSED EASEMENT

PROPOSED EASEMENT

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SUPPRACTIBOUNDARYX—FENCE EXISTING LINE KG

Ithe undersigned, do here by ce tify that this plat S true R i MCCRARY

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1108 TYLER,TX.75707 (903) 9398860 FIRNIID†0†22800

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