

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS GRANTING THE USE OF CITY PROPERTY BY EASEMENT TOTALING APPROXIMATELY 0.313 ACRES (13,654 SQUARE FOOT) OF LAND OUT OF THE E. KIRKLAND SURVEY NO.7 IN TRAVIS COUNTY, TEXAS; BEING A PORTION OF SAID 34.728 ACRE TRACT OF LAND DESCRIBED IN WARRANTY DEED TO THE CITY OF PFLUGERVILLE, TEXAS RECORDED IN DOCUMENT NO. 2003032161 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR OPEN MEETING AND ESTABLISHING AN EFFECTIVE DATE.

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 Section 10.01 states that right of control or use of city public property can be transferred only by ordinance; and

WHEREAS, Oncor Electric Delivery Company LLC, a Delaware limited liability company is currently planning to modify the existing transformer to allow for the additional electricity required to power the improvements constructed as part of the expansion of the Surface Water Treatment Plant Expansion Project (“Project”) and has requested an Easement (“Easement”), attached as **Exhibit A**; and

WHEREAS, the City has reviewed the plans and permitted 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.

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

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

I. Recitals.

That the recitals contained in the preamble hereto 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.

II. Description.

The Easement attached in **Exhibit A** is a limited use agreement for the sole purpose of providing a permanent workspace for Oncor Electric Delivery Company LLC, a Delaware limited liability company 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.

III. Cumulative and Repealer Clause.

This ordinance shall be cumulative of all other ordinances of the City of Pflugerville, Texas, and shall not operate to repeal or affect any other ordinances of the City except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, are hereby repealed to the extent of such conflict.

IV. 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.

V. Open Meeting.

That it is officially found, determined and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

VI. Effective Date.

This Ordinance will take effect upon its adoption by the City Council and publication of the caption hereof in accordance with Section 3.15(d) of the City Charter.

PASSED AND APPROVED this _____ day of _____, 2025.

CITY OF PFLUGERVILLE, TEXAS

By: _____
VICTOR GONZALES, Mayor

ATTEST:

TRISTA EVANS, City Secretary

APPROVED AS TO FORM:

Charles E. Zech
Denton Navarro Rodriguez Bernal Santee & Zech P.C

PT #: 2025-3014
District: Hutto
WO #: 21323577
ER #: _____

EASEMENT AND RIGHT OF WAY

STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF TRAVIS §

That **CITY OF PFLUGERVILLE**, a Texas home-rule municipality, hereinafter called "Grantor," whether one or more, for and in consideration of Ten Dollars (\$10.00) and other valuable consideration to Grantor in hand paid by **Oncor Electric Delivery Company LLC, a Delaware limited liability company**, 1616 Woodall Rodgers Freeway, Dallas, Texas 75202-1234, hereinafter referred to as "Grantee," has granted, sold and conveyed and by these presents does grant, sell and convey unto said Grantee, its successors and assigns, an easement and right-of-way for overhead and/or underground electric supply and communications facilities, consisting of a variable number of wires and cables, supporting structures, surface mounted equipment, conduits and all necessary or desirable appurtenances over, under, through, across and upon Grantor's land described as follows:

SEE EXHIBIT "A" (ATTACHED).

Grantor recognizes that the general course of said lines, or the metes and bounds as described above, is based on preliminary surveys only, and Grantor hereby agrees that the easement and right-of-way and its general dimensions hereby granted shall apply to the actual location of said lines when constructed.

Together with the right of ingress and egress along and upon said easement and right-of-way and over and across Grantor's adjoining properties for the purpose of and with the right to construct, maintain, operate, repair, remove, replace, reconstruct, abandon in place, and to change the size and capacity of said facilities; the right to relocate said facilities in the same relative direction of said facilities; the right to relocate said facilities in the same relative position to any adjacent road if and as such is widened in the future; the right to lease wire space for the purpose of permitting others to string or lay wire or cable along said facilities; the right to prevent excavation within the easement area; the right to prevent construction of, within the easement area, any and all buildings, structures or other obstructions which, in the sole judgment of Grantee, may endanger or interfere with the efficiency, safety, and/or convenient operation of said facilities and their appurtenances and the right to trim or remove trees or shrubbery within, but not limited to, said easement area, including by use of herbicides or other similar chemicals approved by the U.S. Environmental Protection Agency, to the extent in the sole judgment of Grantee, as may be necessary to prevent possible interference with the operation of said facilities or to remove possible hazard thereto. Grantor shall not make changes in grade, elevation or contour of the land or impound water within the easement area as described above without prior written consent of Grantee.

Grantor reserves the right to use the land within the above described easement area for purposes not inconsistent with Grantee's use of such property, provided such use shall not, in the sole judgment of Grantee, interfere with the exercise by Grantee of the rights hereby granted.

TO HAVE AND TO HOLD the above described easement and right-of-way unto the said Grantee, its successors and assigns, until all of said electric lines and facilities shall be abandoned, and in that event said easement and right-of-way shall cease and all rights herein granted shall terminate and revert to Grantor or Grantor's heirs, successors or assigns, and legal representatives, and Grantor hereby binds Grantor and Grantor's heirs, successors, assigns, and legal representatives, to warrant and forever defend the above described easement and right-of-way unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

EXECUTED this _____ day of _____, 2025.

The City of Pflugerville

By: _____
Sereniah Breland
City Manager

Acknowledgement

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same as the act and deed of _____, as the _____ thereof, for the purposes and consideration therein expressed, in the capacity therein stated and that he/she is authorized to do so.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, A.D. 2025.

Notary Public in and for the State of _____

FIELD NOTES
For a 0.313-acre (13,654 square feet)
Variable Width Electric Easement

BEING A 0.313-ACRE (13,654 SQ. FT) TRACT OF LAND, SITUATED IN THE E. KIRKLAND SURVEY NO. 7, ABSTRACT NO. 458, TRAVIS COUNTY, TEXAS, AND BEING OUT OF A CALLED 34.728-ACRE TRACT CONVEYED TO THE CITY OF PFLUGERVILLE BY SPECIAL WARRANTY DEED, RECORDED IN DOCUMENT NO. 2003032161, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.T.), AND BEING OUT OF A CALLED 9.294-ACRE TRACT CONVEYED TO THE CITY OF PFLUGERVILLE BY SPECIAL WARRANTY DEED, RECORDED IN DOCUMENT NO. 2003097726 (O.P.R.T.C.T.), AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING at a point (N = 10,133,054.93, E = 3,167,504.97), on the south line of a called 5.399-acre Public Access Easement granted to the City of Pflugerville by instrument recorded in Document No. 2017035244 (O.P.R.T.C.T.), the south line of said 9.294-acre tract, and the north line of a called 15.005-acre tract conveyed to TAWR Property Owners, Ltd. by deed recorded in Document No. 2022097025 (O.P.R.T.C.T.), for the southeast corner of this herein described tract, from which a found 1/2-inch iron rod with orange cap for the northeast corner of said 15.005-acre tract bears the following; S 62°39'18" E, a distance of 51.97-feet, and S 17°21'31" E, a distance of 35.15-feet;

THENCE N 62°30'06" W, along the south line of said 9.294-acre tract, and said Public Access Easement, a distance of 15.00-feet to a point, for the southwest corner of this herein described tract;

THENCE N 27°37'23" E, departing the south line of said 9.294-acre tract and said Public Access Easement, at a distance of 54.13-feet, pass the north line of said 9.294-acre tract and the south line of said 34.728-acre tract, at a distance of 106.13-feet, pass the north line of said Public Access Easement, from which a found 1/2-inch iron rod with orange cap on the north line of said Public Access Easement bears N 62°27'35" W – 94.48-feet, and continuing along the previous course of N 27°37'23" E a total distance of 170.57-feet, to a point, for an angle corner of this herein described tract;

THENCE continuing over and across said 34.728-acre tract, the following (9) courses:

1. S 62°22'37" E, a distance of 63.34-feet;
2. N 28°45'11" E, a distance of 622.38-feet;
3. N 62°22'37" W, a distance of 7.27-feet;
4. N 27°37'23" E, a distance of 29.00-feet;
5. S 62°22'37" E, a distance of 28.00-feet, for the northeast corner of this herein described tract, from which the northeast corner of said 34.728-acre tract bears, N 44°58'33" E – 207.71-feet;
6. S 27°37'23" W, a distance of 29.00-feet;
7. N 62°22'37" W, a distance of 5.73-feet;

8. S 28°45'11" W, a distance of 637.38-feet;

9. N 62°22'37" W, a distance of 63.05-feet;

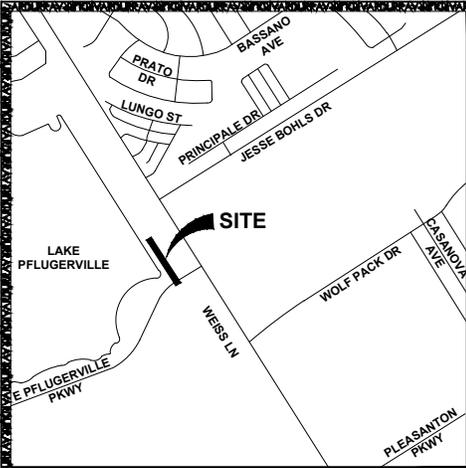
THENCE S 27°37'23" W, over and across said 34.728-acre tract and said 9.294-acre tract, at a distance of 49.42-feet, pass the north line of said Public Access Easement, at a distance of 101.45-feet, pass the south line of said 34.728-acre tract and the north line of said 9.294-acre tract, and continuing on the same course, a total distance of 155.54-feet to the **POINT OF BEGINNING** and containing within these metes and bounds a 0.313-acre (13,654 sq. ft.) tract of land, more or less. Said tract being described in accordance with an actual survey made on the ground and a survey map prepared by Ardurra Group, Inc.

All distances shown hereon are GRID, with bearings based on the Texas State Plane Coordinate System, NAD 83, Central Zone (4203). This description is accompanied by and made a part of an exhibit with the same date and acreage.

I, Salvador A. Salas, a Registered Professional Land Surveyor, do hereby certify this 17th day of January, 2025, that the above description is true and correct to the best of my knowledge and belief, and that the tract described herein was determined by a survey made on the ground, under my direction and supervision.


SALVADOR A. SALAS
REGISTERED PROFESSIONAL LAND SURVEYOR
LICENSE NO. 6612, STATE OF TEXAS

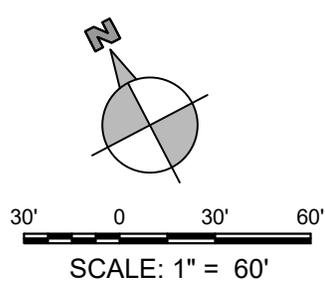




SKETCH TO ACCOMPANY LEGAL DESCRIPTION

OWNER: CITY OF PFLUGGERVILLE
PROJECT NAME: 0.313-ACRE EASEMENT

MATCHLINE - SEE SHEET 4



LOCATION MAP N.T.S.

NOTES:

1. ACCOMPANYING METES AND BOUNDS DESCRIPTION HAS BEEN PREPARED.
2. BASIS OF BEARING OF THIS SURVEY IS GRID NORTH AS OBSERVED BY GPS, TEXAS COORDINATE SYSTEM OF 1983(NAD83), CENTRAL ZONE 4203.
3. PARENTHESIS INDICATE CALLED BEARING AND/OR DISTANCE.
4. THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT, AND AS SUCH, NOT ALL EASEMENTS OR SERVITUDE HAVE BEEN RESEARCHED AND/OR SHOWN AT THIS TIME.

REFERENCES:

- O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
- P.O.B. POINT OF BEGINNING

LEGEND:

- FOUND 1/2-INCH IRON ROD W/ ORANGE CAP
- CALCULATED POINT
- ⊕ ELECTRIC MANHOLE
- ⊗ VALVE
- ⊙ SANITARY SEWER MANHOLE

LINE	BEARING	DISTANCE
L1	N 62°30'06" W	15.00'

0.313-ACRE (13,654 SQ.FT.)

CITY OF PFLUGGERVILLE
PUBLIC ACCESS EASEMENT
AGREEMENT
DOCUMENT# 2017035244
(5.399-ACRES CALLED)
O.P.R.T.C.T.

WEISS LANE
(VARIABLE WIDTH R.O.W.)

I HEREBY CERTIFY THAT:
THIS SURVEY WAS PREPARED BASED ON A SURVEY MADE ON THE GROUND UNDER MY DIRECT SUPERVISION.

THIS 17TH DAY OF JANUARY, 2025 A.D.



SALVADOR A. SALAS
REGISTERED PROFESSIONAL LAND SURVEYOR
LICENSE NO. 6612

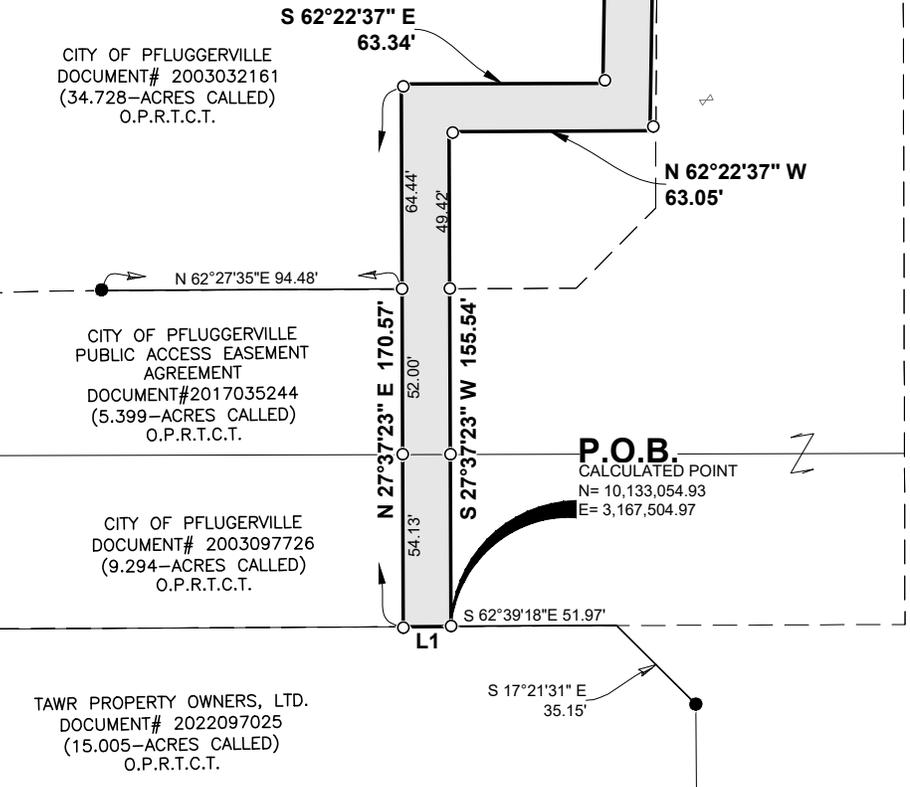


EXHIBIT OF:

BEING A 0.313-ACRE (13,654 SQ. FT) TRACT OF LAND, SITUATED IN THE E. KIRKLAND SURVEY NO. 7, ABSTRACT NO. 458, TRAVIS COUNTY, TEXAS, AND BEING OUT OF A CALLED 34.728-ACRE TRACT CONVEYED TO THE CITY OF PFLUGGERVILLE BY SPECIAL WARRANTY DEED, RECORDED IN DOCUMENT NO. 2003032161, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING OUT OF A CALLED 9.294-ACRE TRACT CONVEYED TO THE CITY OF PFLUGGERVILLE BY SPECIAL WARRANTY DEED, RECORDED IN DOCUMENT NO. 2003097726, TRAVIS COUNTY, TEXAS

DRAWN BY: PM
JOB NO: 200236.000
SURVEYED: 01/13/2025
SHEET:

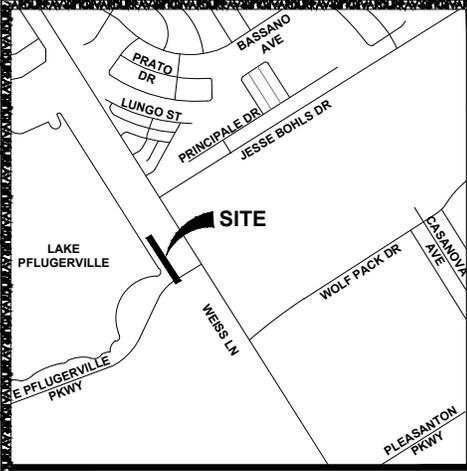
3 OF 4

PLOT DATE: 01-17-25 11:43 AM

8918 Tesoro Dr., Suite 401
San Antonio, Texas 78217
Phone: (210) 822-2232
www.Ardurra.com
Engineering License #F-10053
Ardurra Group, Inc.
Surveying Firm 10194688

OWNER: CITY OF PFLUGGERVILLE
PROJECT NAME: 0.313-ACRE EASEMENT

SKETCH TO ACCOMPANY LEGAL DESCRIPTION



LOCATION MAP N.T.S.

NOTES:

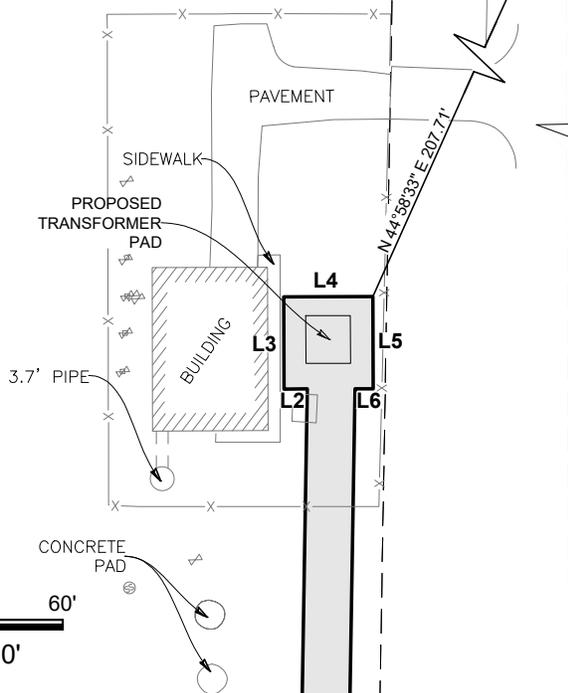
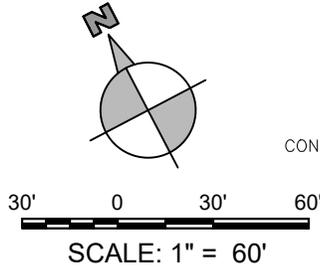
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REFERENCES:

- O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
- P.O.B. POINT OF BEGINNING

LEGEND:

- FOUND 1/2-INCH IRON ROD W/ ORANGE CAP
- CALCULATED POINT
- ⊗ ELECTRIC MANHOLE
- ⊗ VALVE
- ⊗ SANITARY SEWER MANHOLE
- FENCE LINE ——— x ———



**0.313-ACRE
(13,654 SQ.FT.)**

CITY OF PFLUGGERVILLE
DOCUMENT# 2003032161
(34.728-ACRES CALLED)
O.P.R.T.C.T.

I HEREBY CERTIFY THAT:

THIS SURVEY WAS PREPARED BASED ON A SURVEY MADE ON THE GROUND UNDER MY DIRECT SUPERVISION.

THIS 17TH DAY OF JANUARY, 2025 A.D.



SALVADOR A. SALAS
REGISTERED PROFESSIONAL LAND SURVEYOR
LICENSE NO. 6612

LINE	BEARING	DISTANCE
L2	N 62°22'37" W	7.27'
L3	N 27°37'23" E	29.00'
L4	S 62°22'37" E	28.00'
L5	S 27°37'23"W	29.00'
L6	N 62°22'37" W	5.73'

CITY OF PFLUGGERVILLE
PUBLIC ACCESS EASEMENT
AGREEMENT
DOCUMENT#2017035244
(5.399-ACRES CALLED)
O.P.R.T.C.T.

MATCHLINE - SEE SHEET 3

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DRAWN BY: PM
JOB NO: 200236.000
SURVEYED: 01/13/2025
SHEET:

4 OF 4

PLOT DATE: 01-17-25 11:44 AM



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Engineering License #F-10053
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