ORDINANCE NO.

AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, ANNEXING, FOR FULL PURPOSES, A 149.96 ACRE TRACT OF LAND, OUT OF THE JOSEPH WEIHL SURVEY NO. 8, ABSTRACT NO. 802, IN TRAVIS COUNTY, TEXAS OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, AND A TRACT OF LAND ENCOMPASSING WEISS LANE RIGHT OF WAY GENERALLY LOCATED BETWEEN EAST PECAN STREET AND KELLY LANE; EXTENDING THE BOUNDARIES OF THE CITY TO INCLUDE THE LAND; AND TO BE ZONED AGRICULTURE / DEVELOPMENT RESERVE (A); TO BE KNOWN AS THE WEISS HIGH SCHOOL 2019 ANNEXATION; BINDING THE LAND TO ALL OF THE ACTS, ORDINANCES, RESOLUTIONS AND REGULATIONS OF THE CITY; APPROVING A SERVICE PLAN; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Pflugerville, Texas (the "City") desires to annex approximately 149.96 acres of land situated in the Joseph Weihl Survey No. 8, Abstract No. 802, of the Real Property Records of Travis County, Texas, and a tract of land encompassing Weiss Lane right-of-way located adjacent to the 149.96-acre tract generally located between East Pecan Street and Kelly Lane, all as more particularly described and depicted in Exhibit "A" and Exhibit "B", attached hereto and incorporated herein by reference (the "Property"); and

WHEREAS, pursuant to Chapter 43, Section 43.003, of the Texas Local Government Code, a home-rule municipality may extend the boundaries of the municipality and annex area adjacent to the municipality; and

WHEREAS, Chapter 43, Subchapter C-3 of the Texas Local Government Code authorizes Tier 2 municipalities, including the City, to annex an area on the request of all property owners in an area; and

WHEREAS, in accordance with Texas Local Government Code, Section 43.0672, the City has negotiated and entered into a written agreement dated February 15, 2019 with the owners of the Property regarding the provision of services to the Property upon annexation, of which the applicable service plan and schedule is attached hereto and incorporated herein as **Exhibit "C"**; and

WHEREAS, in accordance with Texas Local Government Code, Section 43.106, the City is required to annex the entire width of any county road and the adjacent right-of-way on both sides of the road that abuts territory that the City seeks to annex, which in this case includes the described section of Weiss Lane road and right-of-way adjacent to the 149.96-acre tract; and

WHEREAS, the City Council provided public notice and held public hearings on February 26, 2019 and March 12, 2019 for all interested persons to attend and be heard in accordance with Texas Local Government Code, Section 43.0673; and

WHEREAS, the City has complied with all conditions precedent established under the Texas Local Government Code necessary to take this action annexing the Property.

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

- **Section 1**. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.
- **Section 2.** The Property is hereby annexed into the City, and the boundaries of the City are extended to include the Property within the corporate limits of the City. From and after the date of this ordinance, the Property shall be entitled to all the rights and privileges of the City and shall be bound by all the acts, ordinances, resolutions, and regulations of the City.
- **Section 3**. The City finds annexation of the Property to be in the public interest due the Property providing enhancements and greater public access, additional public right-of-way and open spaces, and promoting economic growth of the Property and surrounding areas.
 - **Section 4**. The Property shall be zoned Agriculture / Development Reserve (A).
- **Section 5**. The service plan attached as **Exhibit "C"** is approved, and municipal services shall be provided to the Property in accordance therewith.
- **Section 6**. 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 7**. This Ordinance will take effect upon its adoption by the City Council in accordance with the provisions of Section 3.15(d) of the City Charter.
- **Section 8.** If for any reason any section, paragraph, subdivision, clause, phrase, word, or other provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word, or provision of this ordinance, for it is the definite intent of this Council that every section, paragraph, subdivision, clause phrase, word, or provision hereof shall be given full force and effect for its purpose.

PASSED AND APPROVED this day of 2	.01	()	
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CITY OF PFLUGERVILLE, TEXAS

	By:		
	•	Victor Gonzales, Mayor	
ATTEST:			
Karen Thompson, City Secretary APPROVED AS TO FORM:			
Charles E. Zech, City Attorney DENTON NAVARRO ROCHA BERNAL & ZEC.	н, Р.С.		

EXHIBIT "A"

PROPERTY DESCRIPTION

Land totaling approximately 149.96 acres of land out of the Joseph Weihl Survey No. 8, Abstract 802, in Travis County, Texas.

DESCRIPTION OF A 149.96 ACRE TRACT OF LAND, OUT OF THE JOSEPH WEIHL SURVEY NO. 8, ABSTRACT NO. 802, IN TRAVIS COUNTY, TEXAS, SAID 149.96 ACRE TRACT BEING THE REMAINDER OF AN ORIGINAL 172.85 ACRE TRACT DESCRIBED IN VOLUME 4232 PAGE 2153 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS FROM WHICH 172.85 ACRE TRACT, A 4 ACRE TRACT AND A 16 ACRE TRACT WERE TAKEN OUT OF THE ORIGINAL 172.85 ACRE TRACT, RESULTING IN THE 149.96 ACRE TRACT HEREIN DESCRIBED. THE 4 ACRE TRACT IS AS RECORDED IN VOLUME 4656, PAGE 1010 AND THE 16 ACRE TRACT IS AS RECORDED IN VOLUME 4727, PAGE 383.

A 99/100 UNDIVIDED INTEREST ON THE SAID 149.96 ACRE TRACT WAS CONVEYED IN 2004 TO TIMMERMAN FARMS LTD. IN DOCUMENT NUMBER 2004240368 OF THE OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, AND A 1/100 UNDIVIDED INTEREST WAS CONVEYED IN THE SAME YEAR TO TIMMERMAN FARMS LTD. IN DOCUMENT NUMBER 2004240373 OF THE OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS. AN UNDIVIDED 7.4% INTEREST ON THE SAID 149.96 ACRE TRACT WAS CONVEYED IN 2014 TO CHERYL TIMMERMAN GREINER RECORDED IN DOCUMENT NUMBER 2014151492 OF THE OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY TEXAS.

A 1.00 ACRE TRACT WHOLLY CONTAINED WITHIN THE SAID 149.96 ACRE TRACT DESCRIBED HEREIN WAS CONVEYED IN 2012 TO THEODOR R. TIMMERMAN AND WIFE, MARLENE TIMMERMAN RECORDED IN DOCUMENT NUMBER 2012208998 OF THE OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY AND IS NOT DESCRIBED SEPARATLY FROM THE SAID 149.96 ACRE TRACT WHICH IS HEREIN DESCRIBED MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an ½" rebar found with a destroyed red cap for the southwest corner of the herein described Tract same being the northwest corner of a 1.893 acre Tract conveyed to Sivaramakrishnana Venkatraman recorded in Document Number 2013093529 of the Official Public Records, Travis County, Texas, also being a point on the east right of way line of Weiss Lane, from which a magnetic nail found in a concrete culvert for the southeast corner of a 32.29 acre Tract conveyed to Joe Weiss, recorded in Document Number 2001065238 of the Official Public Records, Travis County, Texas, bears N 62° 03' 05" E 58.84 feet,

THENCE, N 27° 33' 41" E 2503.99 feet along the west line of the herein described Tract same being the east right of way line of Weiss Lane to a ½" pipe found for the northwest corner of the herein described Tract, same being southwest corner of a remainder of 4 acres conveyed as Tract 3 to Irby M. Ford recorded in Volume 11526 Page 796 of the Real Property Records of Travis County, Texas,

THENCE, S 62° 25' 19" E along the north line of the herein described Tract same being the south line of said Tract 3 at 260.60 feet passing the southeast corner of the said remainder of 4 acres Tract 3 and the southwest corner of a 2.00 acre Tract conveyed to Irby M. Ford recorded in Volume 11526 Page 796 of the Real Property Records of Travis County, Texas, in all 521.30 feet to an ½" pipe found for the southeast corner of Tract 2 of said Volume 11526 Page 796, and the southwest corner of a 16.00 acre Tract 1 conveyed to Irby M. Ford recorded in Volume 11526 Page 796 of the Real Property Records of Travis County, Texas, (Tract 2 and 3 are the 4.00 acres in volume 4656 page 1010) Tract 1 is the 16.00 acre Tract in Volume 4727 Page 383

THENCE, S 62° 27' 08" E 2086.85 feet continuing with the north line of the herein described Tract, same being the south line of the said 16.00 acre Tract 1, to a ½" pipe found for the northeast corner of the herein described Tract, same being the southeast corner of said 16.00 acre Tract 3 and being a point on the west line of 51.598 acre Tract conveyed to ARP Autumn Ridge Partners LP. Recorded in Document Number 2007065360 of the Official Public Records of Travis County, Texas,

THENCE, S 27° 32′ 22″ W with the east line of the herein described Tract same being the west line of said 51.598 acre Tract, at 1291.32 feet passing the southwest corner of said 51.598 acre Tract, same being the northwest corner of a 31.782 acre Tract 2A, conveyed to 130 Cactus Investments L.P., recorded in Document Number 2008121344 of the Official Public Records of Travis County, Texas, (no monument was found at this corner) in all 2504.17 feet to a ½″ pipe found for the southeast corner of the herein described Tract, same being the southwest corner of said 31.782 acre Tract, same being a point on the north line of a 46.615 acre Tract conveyed to ARP Autumn Ridge Partners L.P. recorded in Document Number 2007059997 of the Official Public Records of Travis County, Texas.

THENCE, N 62° 26' 32" W with the south line of the herein described Tract, same being the north line of said 46.615 acre Tract, at 1243.44 feet passing the northwest corner of said 46.615 acre Tract same being the northeast corner of a 5.0 acre Tract conveyed to C. J. & Irene King recorded in Volume 5426 Page 1856 of the Deed Records of Travis County, Texas, at 1831.27 passing a ½" rebar found for the north west corner of said 5.0 acre Tract, same being the most northerly northeast corner of said 1.893 acre Tract conveyed to

Sivaramakrishnana Venkatraman in all 2609.11 feet to the **POINT OF BEGINNING** and containing 149.96 acres more or less;

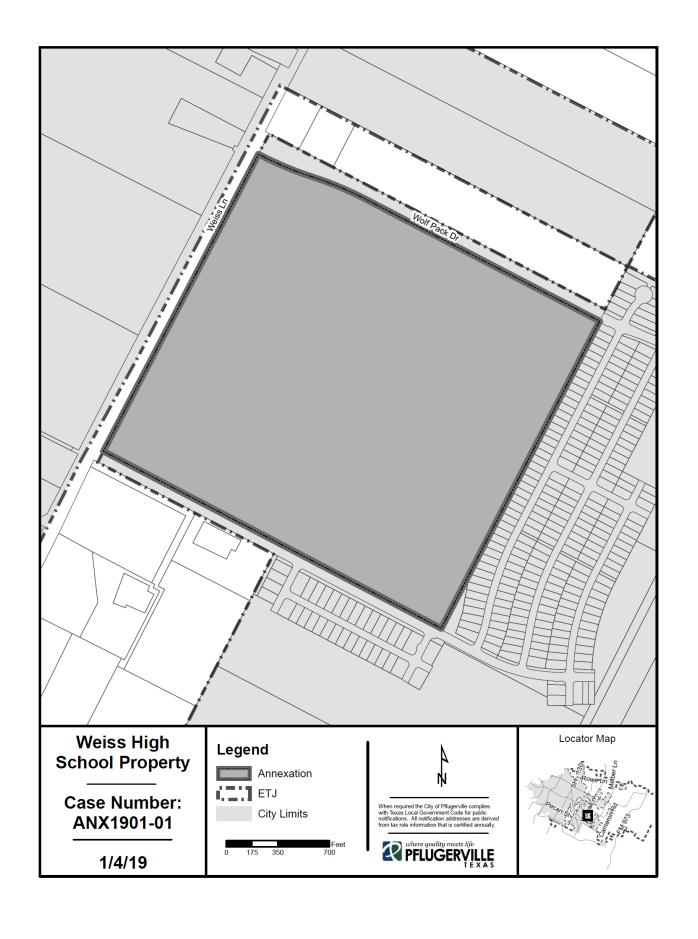


EXHIBIT "B"

PROPERTY DESCRIPTION

Weiss Lane Right-of-Way

DESCRIPTION OF 18.74 ACRES

DESCRIPTION OF 18.74 ACRES OR 816,419 SQUARE FEET OF LAND, MORE OR LESS, BEING THE RIGHT OF WAY OF WEISS LANE FROM EAST PECAN STREET TO EAST PFLUGERVILLE PARKWAY; SAID 18.74 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod with "McGRAY McGRAY" cap set in the northwest right-of-way line of Weiss Lane and the southwest line of that tract described as 5.00 acres (Exhibit "B") conveyed to James R. Bohls by deed, as recorded in Volume 10951, Page 53, Real Property Records, Travis County, Texas, and being in the northeast right-of-way line of East Pecan Street, from which a 1/2" iron rod found at the west corner of said 5.00 acre Bohls tract and the south corner of that tract described as 281.80 acres conveyed to Cactus Commercial South, L.P. by deed, as recorded in Document No. 2014095553, Official Public Records, Travis County, Texas, and being in the northeast right-of-way line of East Pecan Street bears N62°24'20"W 782.17 feet, and said point of beginning having Grid Coordinate Values of N=10,127,104.41 E=3,164,507.48;

THENCE, with the northwest right-of-way line of Weiss Lane, the following sixteen (16) courses, numbered 1 through 16:

- 1) N72°03'33"E 62.07 feet to a 1/2" iron rod with "McGRAY McGRAY" cap set;
- 2) N26°45'44"E 212.92 feet to a 1/2" iron rod with "McGRAY McGRAY" cap set;
- 3) S62°24'20"E 13.00 feet to a 1/2" iron rod with "McGRAY McGRAY" cap set;
- 4) N26°45'44"E 543.25 feet to a 1/2" iron rod with "McGRAY McGRAY" cap set;
- 5) N20°29'06"E 100.60 feet to a 1/2" iron rod with "McGRAY McGRAY" cap set;
- 6) N26°45'44"E 1,002.54 feet to a 1/2" iron rod with "McGRAY McGRAY" cap set;
- 7) N09°03'11"E 311.30 feet to a 1/2" iron rod with "McGRAY McGRAY" cap set;
- 8) N26°12'04"E 345.36 feet to a 1/2" iron rod with "McGRAY McGRAY" cap set;
- 9) N66°56'43"E 110.67 feet to a 1/2" iron rod with "McGRAY McGRAY" cap set;
- 10)N27°33'37"E 2,780.17 feet to a 1/2" iron rod with "McGRAY McGRAY" cap set;

- 11)N62°26'23"W 20.00 feet to a 1/2" iron rod with "McGRAY McGRAY" cap set;
- 12) N27°33'37"E 35.00 feet to a 1/2" iron rod with "McGRAY McGRAY" cap set;
- 13)S62°26'23"E 20.00 feet to a 1/2" iron rod with "McGRAY McGRAY" cap set;
- 14) N27°33'37"E 169.62 feet to a 1/2" iron rod with "McGRAY McGRAY" cap set;
- 15)N27°27'23"E 1,024.51 feet to a 1/2" iron rod with "McGRAY McGRAY" cap set; and
- 16)N17°27'23"W 35.21 feet to a 1/2" iron rod with "McGRAY McGRAY" cap set in the northeast line of that tract described as 32.290 acres (Exhibit "B") conveyed to H.L. Weiss, Jr. by deed, as recorded in Document No. 2001065236, Official Public Records, Travis County, Texas, and the southwest line of that tract described as 9.294 acres conveyed to the City of Pflugerville by deed, as recorded in Document No. 2003074909, Official Public Records, Travis County, Texas, from which a 1/2" iron rod found bears N62°27'35"W 224.96 feet;

THENCE, continuing with the northwest right-of-way line of Weiss Lane, with the southwest line of said 9.294 acre City of Pflugerville tract, S62°27'35"E 90.80 feet to a 1/2" iron rod found at the south corner of said 9.294 acre City of Pflugerville tract;

THENCE, crossing said Weiss Lane, N57°05'52"E 115.11 feet to a 1/2" iron rod found at the north corner of that tract described as 24.596 acres conveyed to the City of Pflugerville by deed, as recorded in Document No. 2003038259, Official Public Records, Travis County, Texas, being in the southeast right-of-way line of Weiss Lane;

THENCE, with the southeast right-of-way line of Weiss Lane, the following twelve (12) courses, numbered 1 through 12:

- 1) S27°38'57"W 815.88 feet to a calculated point;
- 2) S62°34'28"E 19.47 feet to a 1/2" iron rod with cap found;
- 3) S27°33'00"W 333.88 feet to a 1/2" iron rod with cap found;
- 4) N62°25'19"W 20.04 feet to a 1/4" iron pipe found;
- 5) S27°33'37"W 2,504.24 feet to 1/2" iron rod found;

- 6) S62°26'32"E 30.01 feet to a 1/2" iron rod with "McGRAY McGRAY" cap set;
- 7) S27°33'37"W 49.93 feet to a 1/2" iron rod with "McGRAY McGRAY" cap set;
- 8) S27°33'37"W 430.82 feet to a 1/2" iron rod with "McGRAY McGRAY" cap set;
- 9) with a curve to the left, whose intersection angle is 01°21'34", radius is 2,424.50 feet, an arc distance of 57.52 feet, and a chord bearing S26°52'50"W 57.52 feet to a 1/2" iron rod with "McGRAY McGRAY" cap set;
- 10)S26°12'04"W 23.17 feet to a 1/2" iron rod with "McGRAY McGRAY" cap set;
- 11)N62°34'30"W 23.42 feet to a calculated point; and
- 12)S26°45'44"W 2,545.65 feet to a calculated point at the west corner of that tract described as 4.956 acres conveyed to Israel Arreola, Jr. by deed, as recorded in Document No. 2018107473, Official Public Records, Travis County, Texas, and being in the northeast right-of-way line of East Pecan Street;

THENCE, with the northeast right-of-way line of East Pecan Street, crossing said Weiss Lane, N63°17'24"W 145.12 feet to the PLACE OF BEGINNING and containing 18.74 acres, or 816,419 square feet, more or less, contained within these metes and bounds.

Bearing Basis Note

The bearings described herein are Texas Coordinate System, Central Zone, North American Datum of 1983 (2011) Epoch 2010.00. The Combined Grid to Surface Scale Factor is 1.00010 and was established by GPS observations.

SURVEYED BY:

McGRAY & McGRAY LAND SURVEYORS, INC.

3301 Hancock Dr., Ste. 6, Austin, TX 78731 (512) 451-8591

CHRIS CONRAD

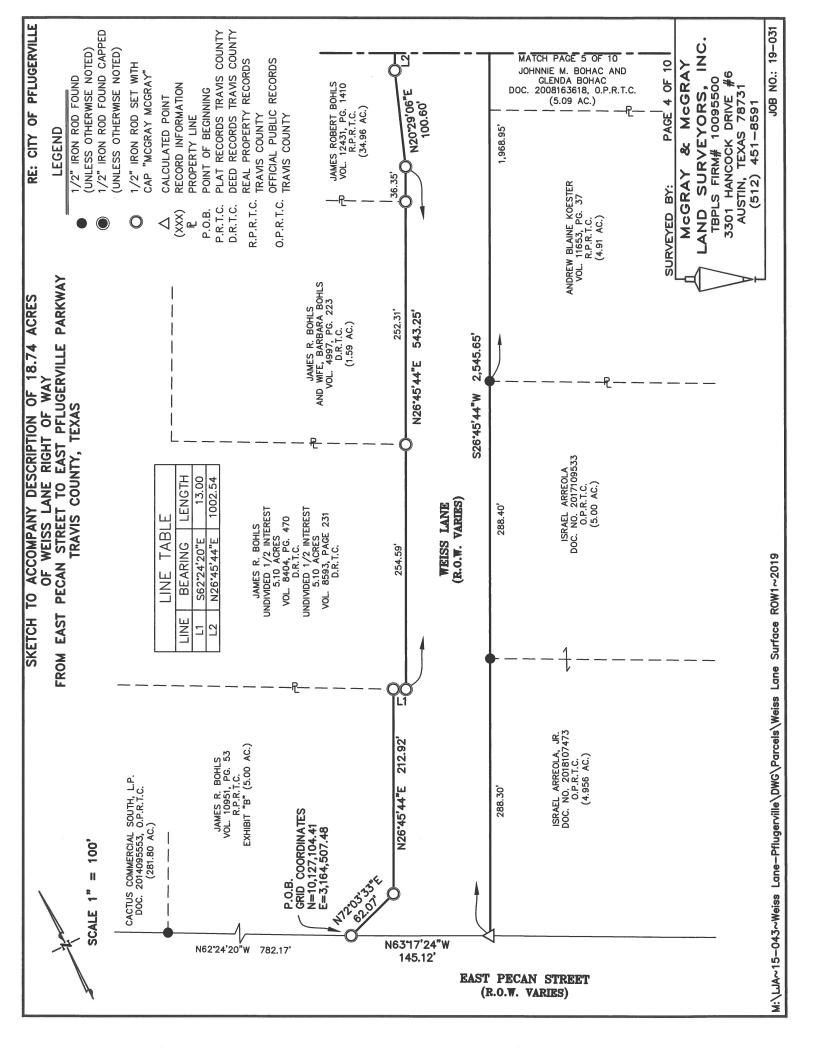
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Date

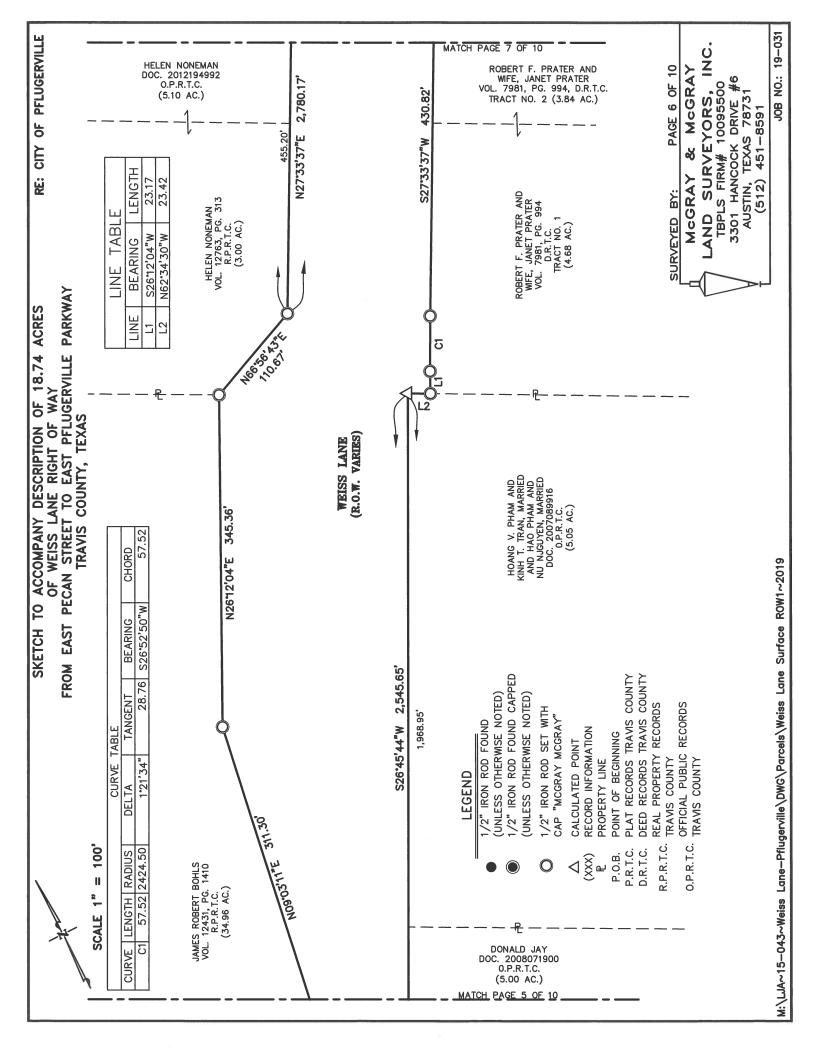
Chris Conrad, Reg. Professional Land Surveyor No. 5623

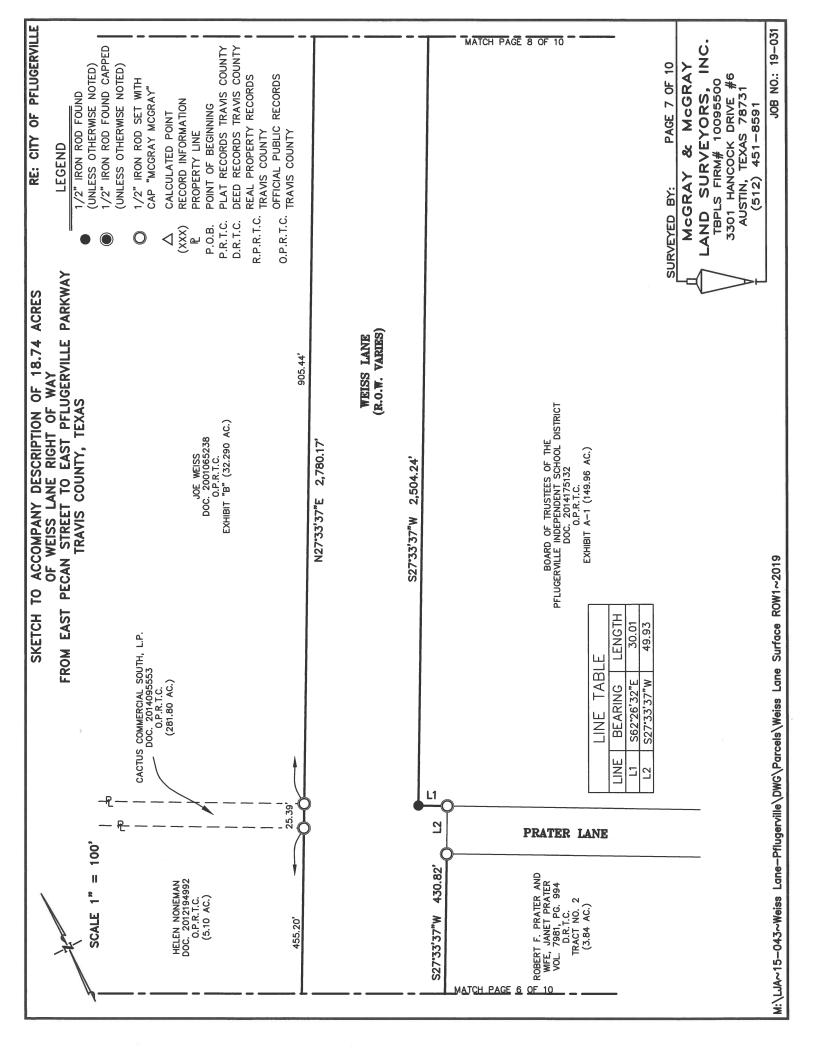
Note: There is a plat to accompany this description.

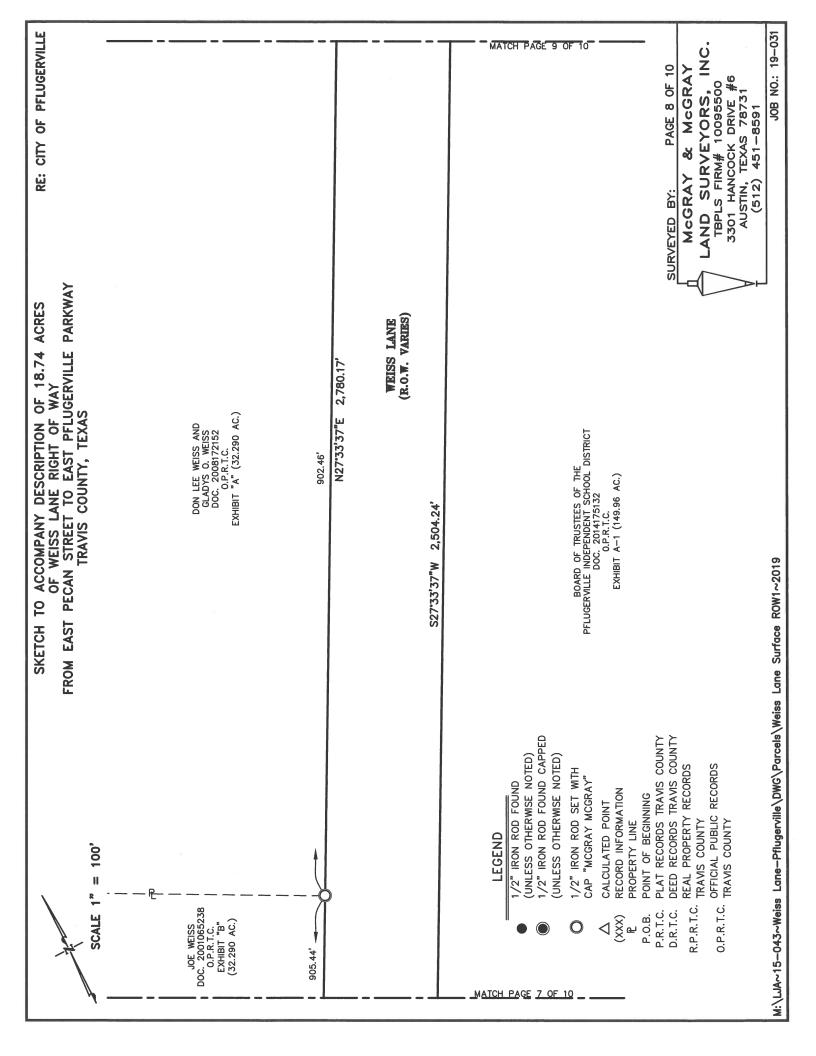
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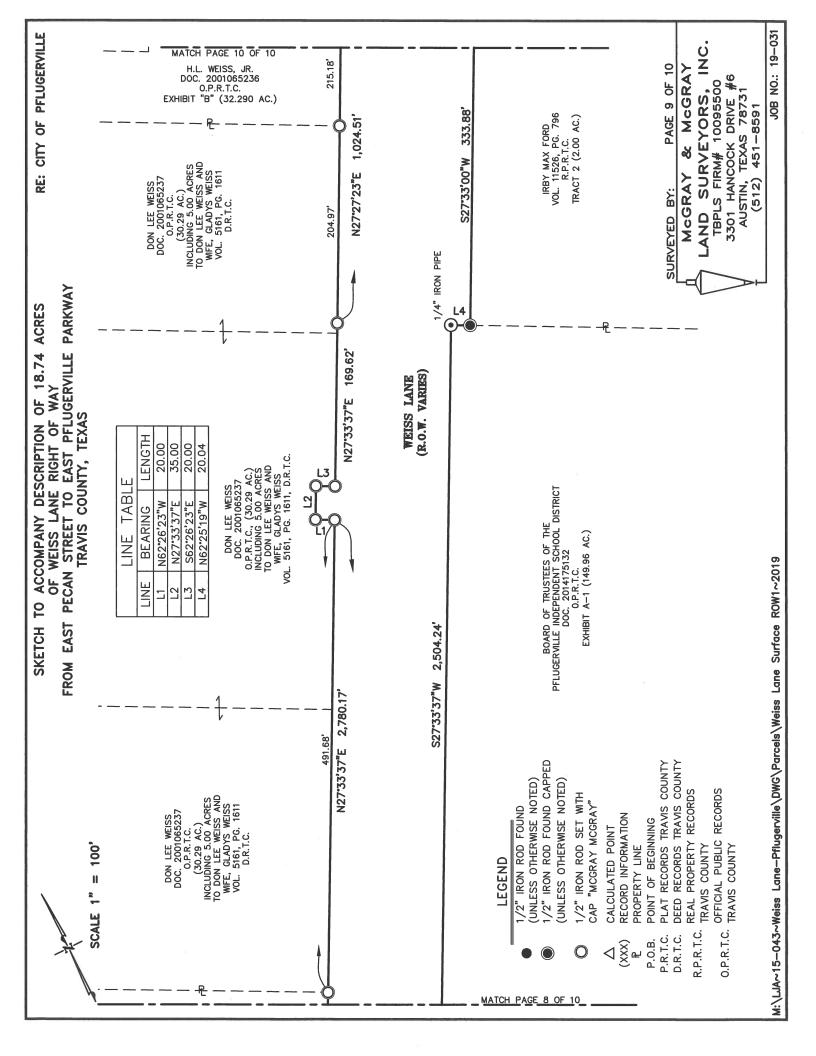


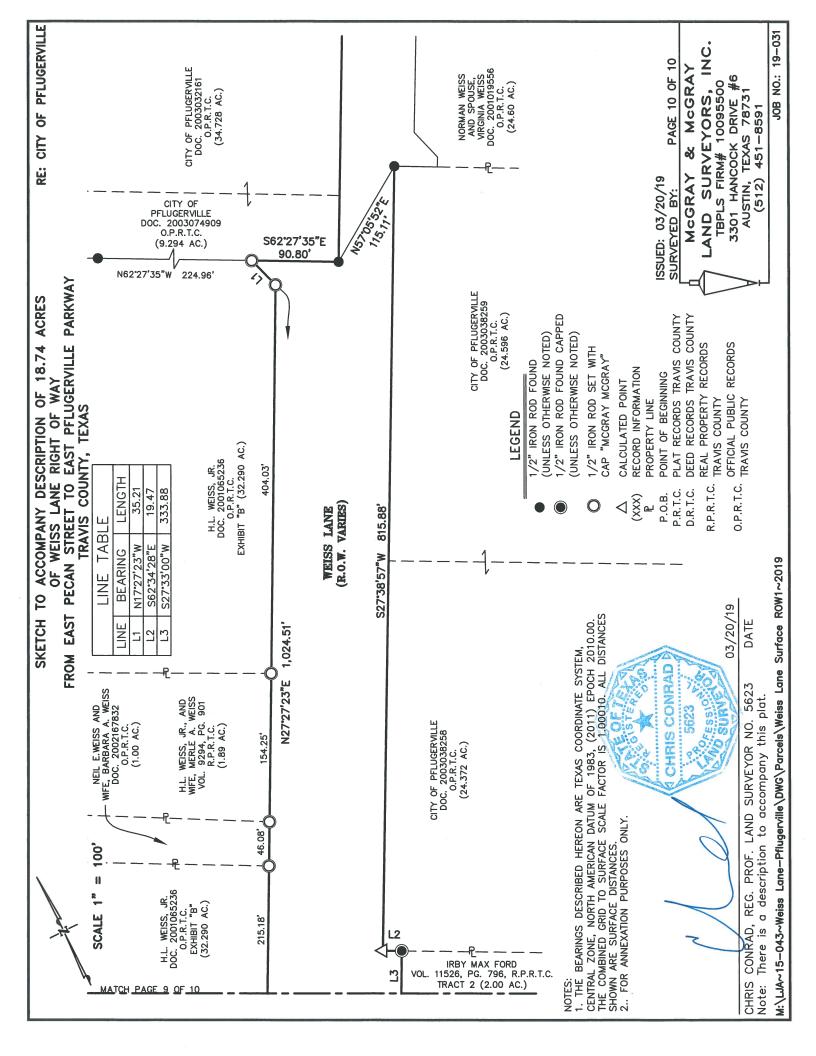
JOB NO.: 19-031 RE: CITY OF PFLUGERVILLE MATCH PAGE 6 OF 10 LAND SURVEYORS, INC. 1/2" IRON ROD FOUND CAPPED PLAT RECORDS TRAVIS COUNTY DEED RECORDS TRAVIS COUNTY PAGE 5 OF 10 & McGRAY 3301 HANCOCK DRIVE #6 (UNLESS OTHERWISE NOTED) (UNLESS OTHERWISE NOTED) TBPLS FIRM# 10095500 OFFICIAL PUBLIC RECORDS REAL PROPERTY RECORDS 1/2" IRON ROD SET WITH AUSTIN, TEXAS 78731 (512) 451-8591 CAP "MCGRAY MCGRAY" 1/2" IRON ROD FOUND RECORD INFORMATION POINT OF BEGINNING CALCULATED POINT TRAVIS COUNTY TRAVIS COUNTY PROPERTY LINE LEGEND McGRAY SURVEYED BY: R.P.R.T.C. 0.P.R.T.C. DONALD JAY DOC. 2008071900 0.P.R.T.C. (5.00 AC.) P.R.T.C. D.R.T.C. P.O.B. SKETCH TO ACCOMPANY DESCRIPTION OF 18.74 ACRES
OF WEISS LANE RIGHT OF WAY
FROM EAST PECAN STREET TO EAST PFLUGERVILLE PARKWAY
TRAVIS COUNTY, TEXAS JAMES ROBERT BOHLS VOL. 12431, PG. 1410 R.P.R.T.C. (34.96 AC.) N26'45'44"E 1,002.54 S26'45'44"W 2,545.65' (R.O.W. VARIES) WEISS LANE 1,968.95 M:\LJA~15-043~Weiss Lane-Pflugerville\DWG\Parcels\Weiss Lane Surface ROW1~2019 JAMES B. KOEHLER VOL. 12141, PG. 1304 R.P.R.T.C. (9.77 AC.) JOHNNIE M. BOHAC AND GENDA BOHAC DOC. 2008163618 0.P.R.T.C. (5.09 AC.) 100 SCALE 1" MATCH PAGE 4 OF 10











DESCRIPTION OF 18.94 ACRES

DESCRIPTION OF 18.94 ACRES OR 824,929 SQUARE FEET OF LAND, MORE OR LESS, BEING THE RIGHT OF WAY OF WEISS LANE FROM EAST PFLUGERVILLE PARKWAY TO KELLY LANE; SAID 18.94 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod found in the northwest right-of-way line of Weiss Lane at the south line of that tract described as 9.294 acres conveyed to the City of Pflugerville by deed, as recorded in Document No. 2003074909, Official Public Records, Travis County, Texas, from which a 1/2" iron rod found in the southwest line of said 9.294 acre City of Pflugerville tract and the northeast line of that tract described as 32.290 acres (Exhibit "B") conveyed to H.L. Weiss, Jr. by deed, as recorded in Document No. 2001065236, Official Public Records, Travis County, Texas, and said point of beginning having Grid Coordinate Values of N=10,132,988.96 E=3,167,631.39;

THENCE, with the northwest right-of-way line of Weiss Lane, the following sixteen (16) courses, numbered 1 through 16:

- 1) N27°39'55"E 3,252.08 feet to a 1/2" iron rod with cap found;
- 2) N62°24'39"W 29.99 feet to a 1/2" iron rod with cap found;
- 3) N27°38'09"E 421.25 feet to a 1/2" iron rod with cap found;
- 4) N27°22'47"E 653.71 feet to a 1/2" iron rod with cap found;
- 5) N27°23'17"E 502.09 feet to a calculated point;
- 6) N27°12'44"E 60.00 feet to a calculated point;
- 7) N27°24'51"E 161.80 feet to a calculated point;
- 8) S59°53'01"E 30.03 feet to a calculated point;
- 9) N27°24'56"E 100.36 feet to a calculated point;
- 10)N60°23'43"W 30.03 feet to a calculated point;
- 11)N27°24'51"E 358.07 feet to a 1/2" iron rod with cap found;

- 12)S63°08'15"E 0.81 feet to a 1/2" iron rod with cap found;
- 13) N27°31'23"E 40.16 feet to a 1/2" iron rod with "McGRAY McGRAY" cap set;
- 14) N27°31'23"E 16.24 feet to a 1/2" iron rod with "McGRAY McGRAY" cap set;
- 15) with curve to the left, whose intersection angle is **02°01'44"**, radius is **2,442.50 feet**, an arc distance of **86.49 feet**, and a chord bearing **N26°30'31"E 86.48 feet** to a 1/2" iron rod with "McGRAY McGRAY" cap set;
- 16) N23°33'41" E 147.36 feet to a 1/2" iron rod with "McGRAY McGRAY" cap set;
- 17) N22°10'56" E 316.15 feet to a 1/2" iron rod with "McGRAY McGRAY" cap set;
- 18) N27°06'28" E 293.57 feet to a 1/2" iron rod with "McGRAY McGRAY" cap set;
- 19) N28°17'24"E 1,404.74 feet to a 1/2" iron rod with "McGRAY McGRAY" cap set; and
- 20)N17°08'45"W 35.55 feet to a 1/2" iron rod with "McGRAY McGRAY" cap set in the northeast line of that tract described as 20.162 acres conveyed to Ronny Wayne Rinderknecht, Lonny Charges Rinderknecht, and Becky Rinderknecht Krueger by deed, as recorded in Volume 9868, Page 82, Real Property Records, Travis County, Texas, and in the southwest right-of-way line of Kelly Lane;

THENCE, crossing said Weiss Lane, S62°34'55"E 140.31 feet to a calculated point in the northwest line of The Reserve at Westcreek, a Condominium Development, of record in Document No. 2006224774, Official Public Records, Travis County, Texas, being in the southeast right-of-way line of Weiss Lane;

THENCE, with the southeast right-of-way line of Weiss Lane, the following twelve (12) courses, numbered 1 through 12:

- 1) S27°25'05"W 674.63 feet to a calculated point;
- 2) S27°22'12"W 880.20 feet to a calculated point;
- 3) N62°36'51"W 10.00 feet to a calculated point;
- 4) S27°30'12"W 169.20 feet to a calculated point;

- 5) S50°22'59"E 30.68 feet to 1/2" iron rod with cap found;
- 6) S27°31'27"W 801.23 feet to a 1/2" iron rod with cap found;
- 7) **S27°31'15"W 409.76 feet** to a 1/2" iron rod found;
- 8) **S26°30'57"W 118.84 feet** to a calculated point;
- 9) S27°25'42"W 1,763.93 feet to a calculated point;
- 10)**S27°47'16"W 1,740.18 feet** to a calculated point;
- 11)S62°17'16"E 10.87 feet to a 1/2" iron rod with cap found;
- 12)S27°25'40"W 193.56 feet to a calculated point;
- 13)**S30°18'33"W 89.14 feet** to a 1/2" iron rod with cap found;
- 14)S28°01'32"W 55.10 feet to a 1/2" iron rod with cap found;
- 15)**N62°30'11"W 9.90 feet** to a 1/2" iron rod with cap found;
- 16)S27°59'37"W 424.59 feet to a 1/2" iron rod with cap found;
- 17)S27°56'20"W 375.29 feet to a 1/2" iron rod with cap found;
- 18)S16°50'34"E 35.44 feet to a calculated point;
- 19)S28°11'47"W 10.19 feet to a 1/2" iron rod with cap found; and
- 20)N62°19'45"W 44.98 feet to a 1/2" iron rod found at the north corner of that tract described as 24.596 acres conveyed to the City of Pflugerville by deed, as recorded in Document No. 2003038259, Official Public Records, Travis County, Texas;

THENCE, crossing said Weiss Lane, S57°05'52"W 115.11 feet to the PLACE OF BEGINNING and containing 18.94 acres, or 824,929 square feet, more or less, contained within these metes and bounds.

Bearing Basis Note

The bearings described herein are Texas Coordinate System, Central Zone, North American Datum of 1983 (2011) Epoch 2010.00. The Combined Grid to Surface Scale Factor is 1.00010 and was established by GPS observations.

SURVEYED BY:

McGRAY & McGRAY LAND SURVEYORS, INC.

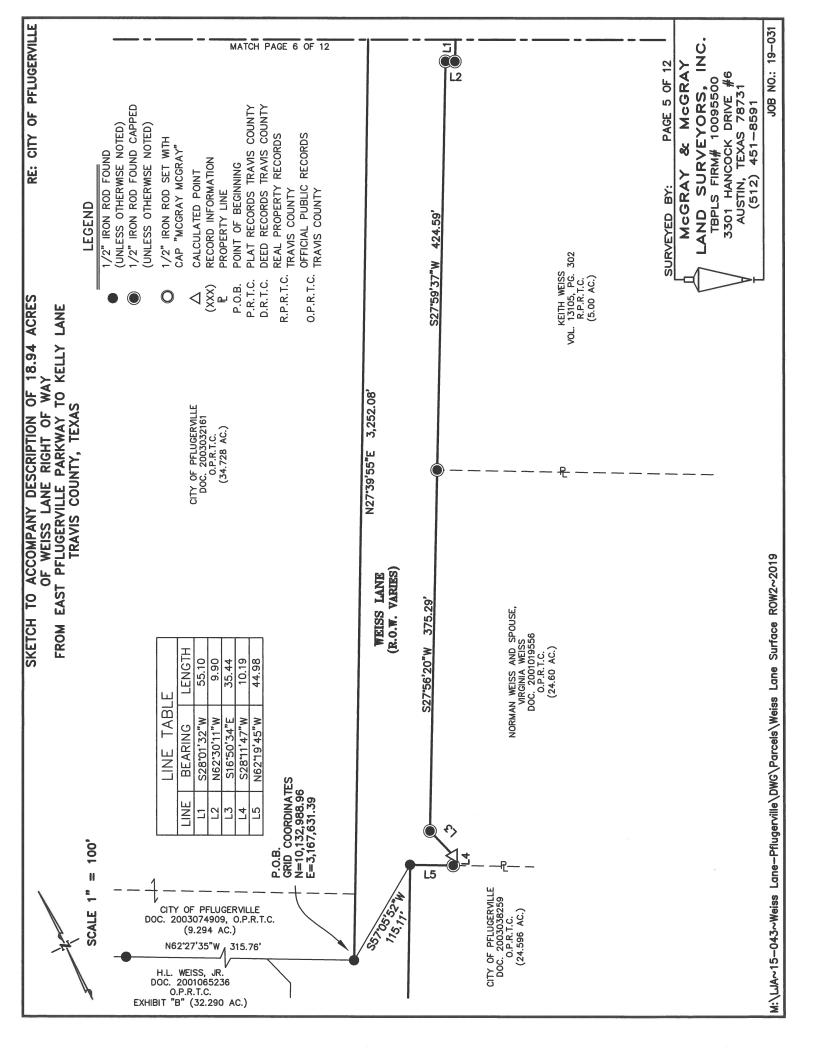
3301 Hancock Dr., Ste. 6, Austin, TX 78731 (512) 451-8591

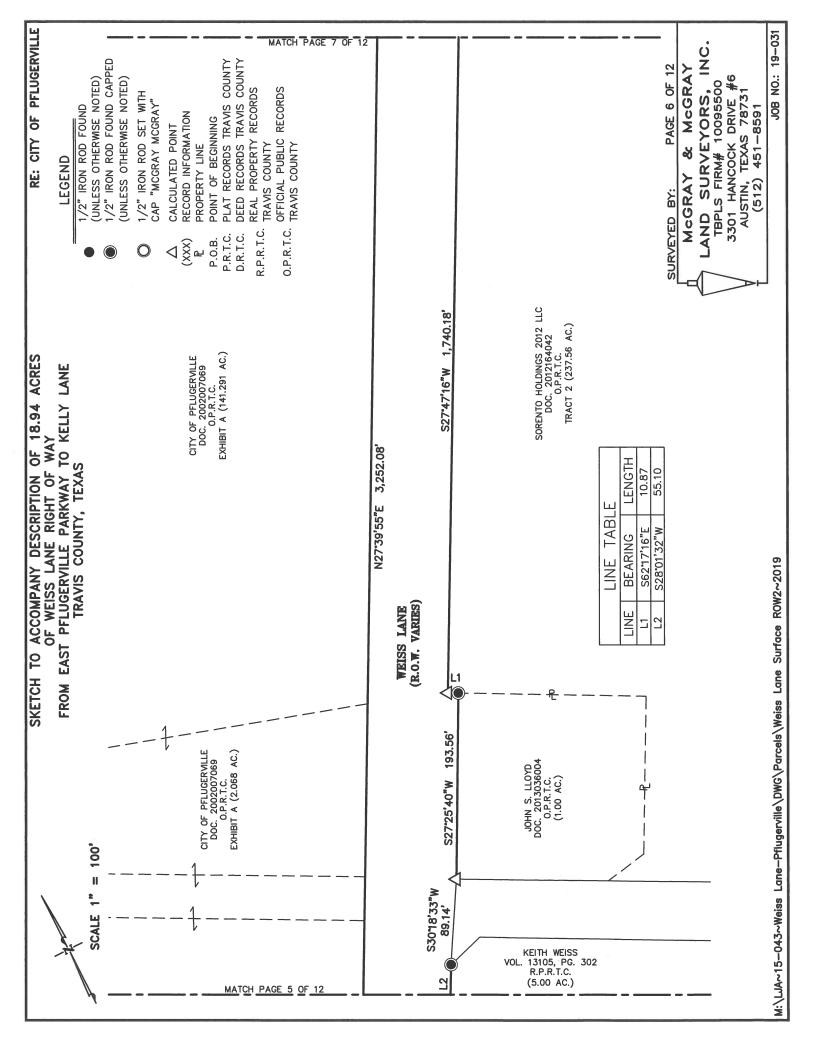
03/20/19 Date

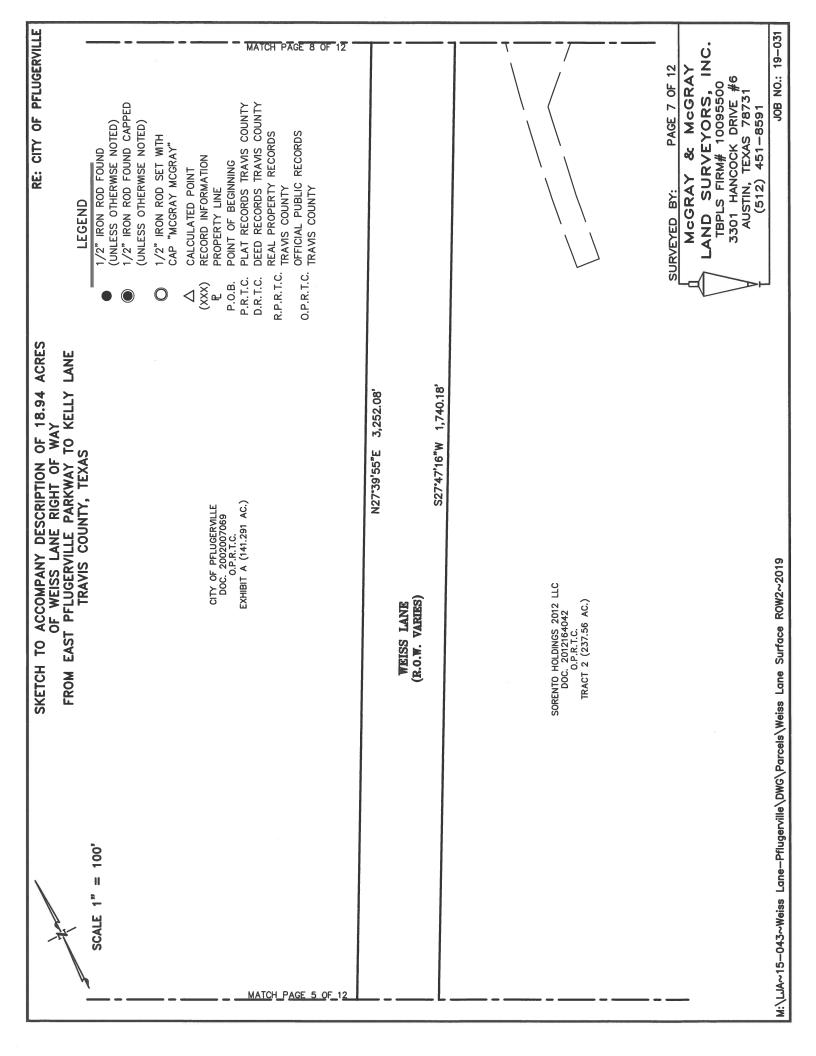
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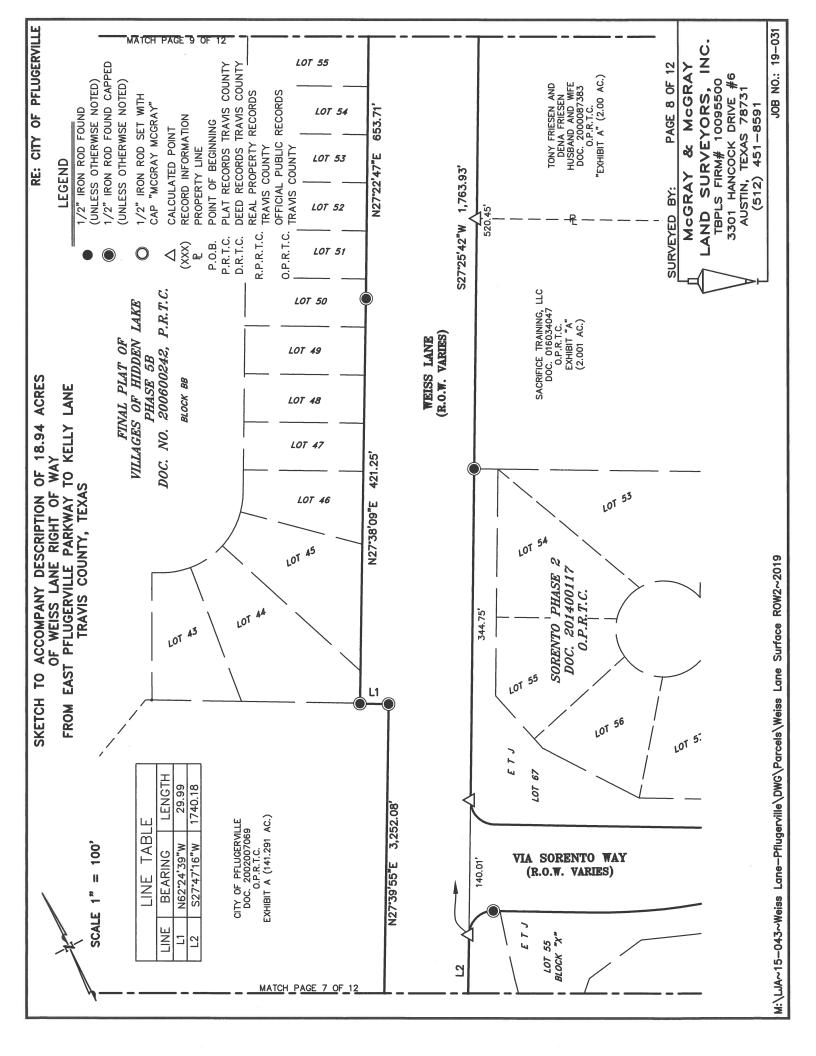
Note: There is a plat to accompany this description.

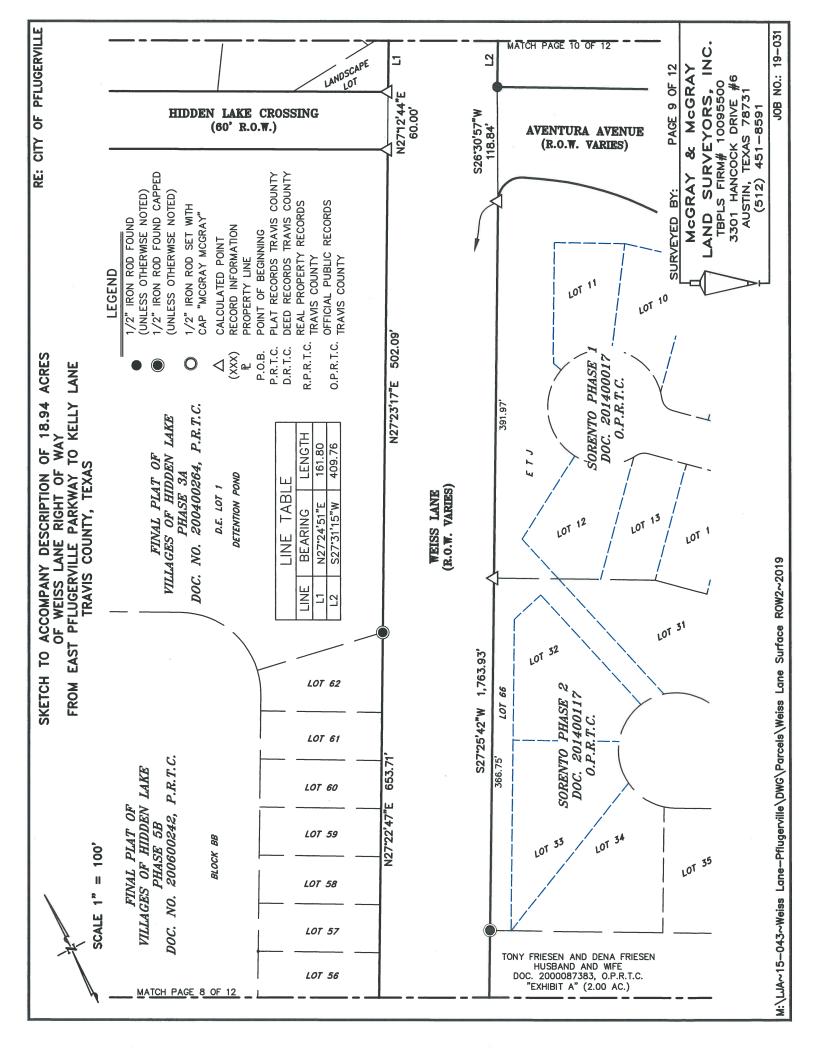
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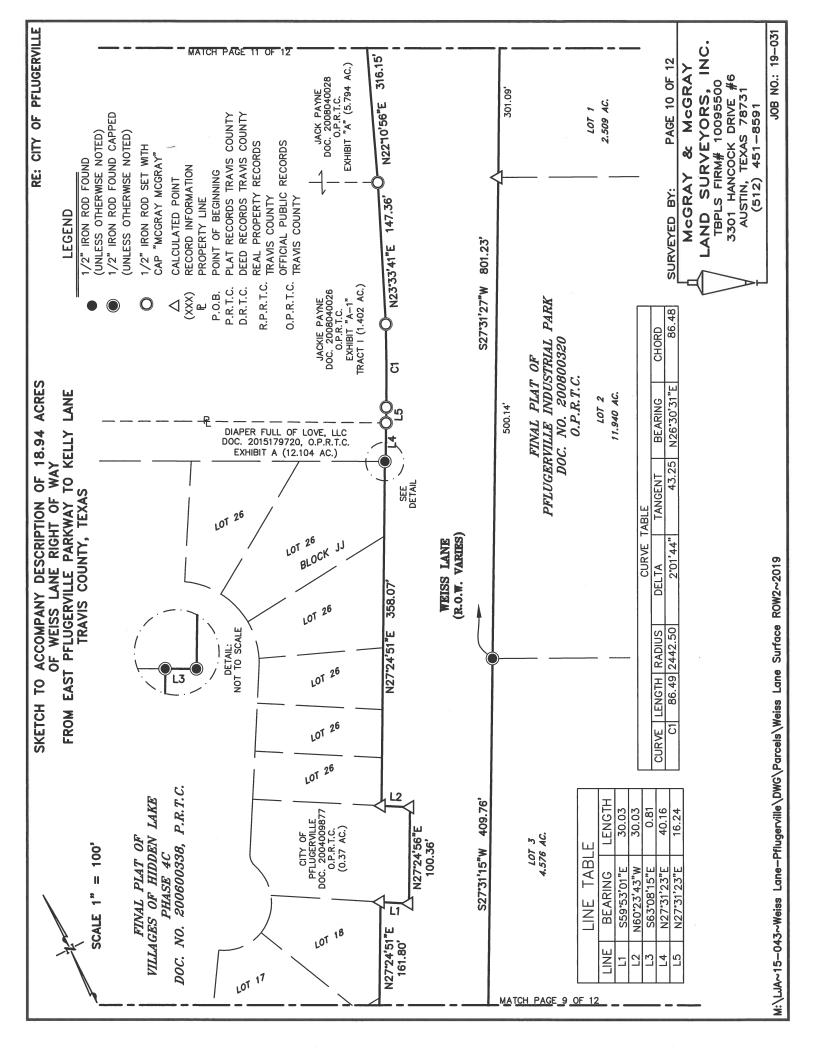


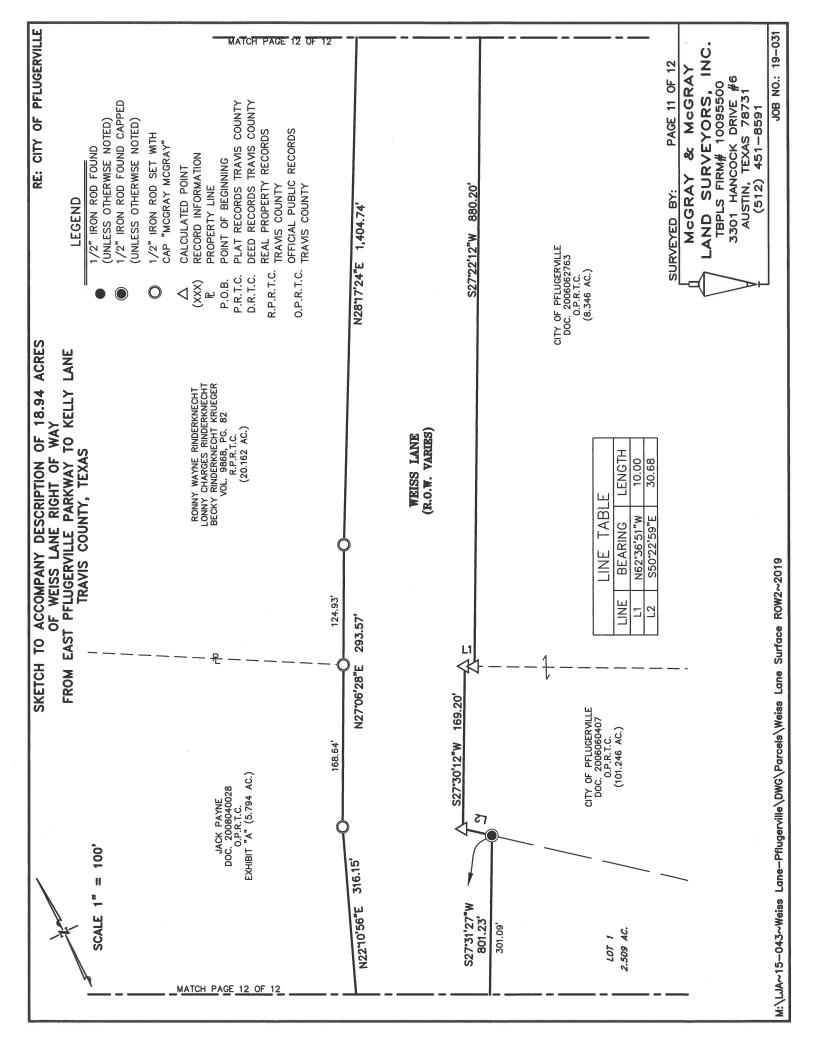


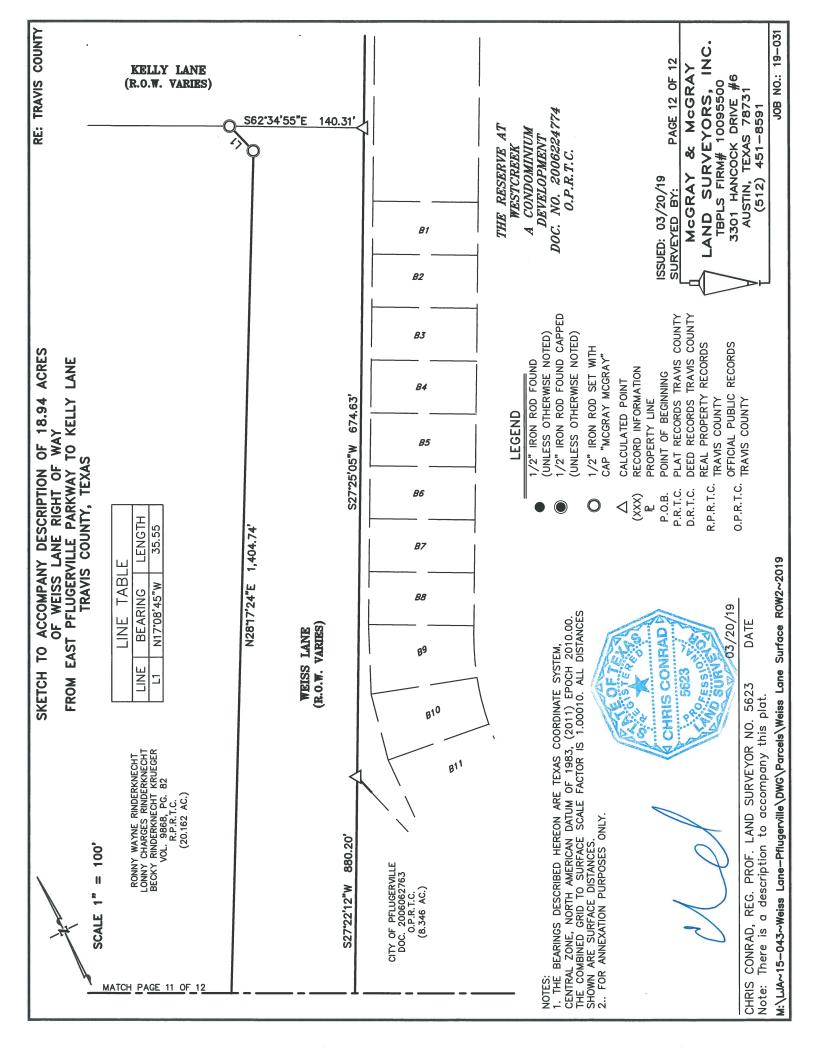












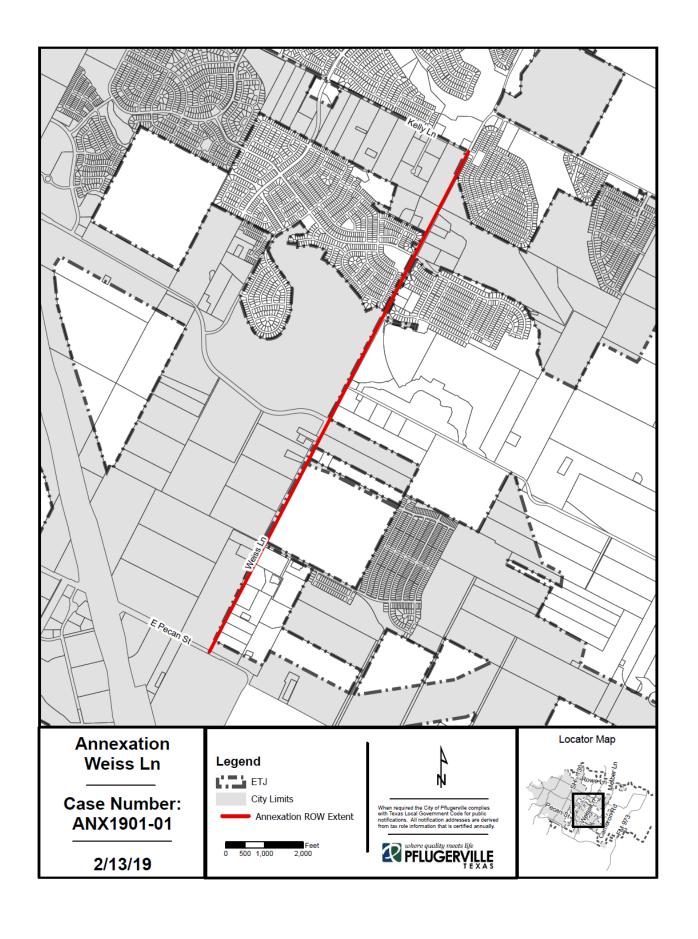


EXHIBIT "C"

SERVICE PLAN AGREEMENT FOR PROPERTY ANNEXED

AGREEMENT REGARDING POST-ANNEXATION PROVISION OF SERVICES

This Agreement is entered into by and between the City of Pflugerville, a Texas Municipal Corporation ("City"), acting by and through its City Manager, and Pflugerville Independent School District ("Landowner"), both of which may be referred to herein singularly as "Party" or collectively as the "Parties."

Recitals

WHEREAS, the Landowner has requested that the City consider annexation of a tract of land totaling approximately 149.96 acres of land situated in the Joseph Weihl Survey No. 8, Abstract No. 802, Travis County, Texas, as specifically described in **Exhibit "A"** ("Property"), which is attached hereto and incorporated herein for all purposes; and

WHEREAS, in accordance with Texas Local Government Code, Chapter 43, Sub-Chapter C-3, Sections 43.067 et seq., the City and the Landowner must enter into a written agreement identifying a list of public services to be provided to the Property and a schedule for provision of the same; and

WHEREAS, this Agreement is being entered into by and between the Parties to comply with the Texas Local Government Code prior to the City's consideration of an ordinance annexing the Property, it being understood and agreed to by the Parties that annexation of the Property is a condition precedent to this Agreement becoming effective; and

WHEREAS, this Agreement shall be deemed effective on the effective date of an ordinance approved by the City annexing the Property (the "Effective Date").

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

Section 1.

The Parties hereto acknowledge and agree that the foregoing recitals are hereby found to be true and correct and are hereby adopted by the Parties and made a part hereof for all purposes.

Section 2.

The following service list and schedule ("Service Plan") represents the provision of services agreed to between the Landowner of the Property and the City establishing a program under which the City will provide municipal services to the Property (referred to hereinafter as the "Annexed Area") on the Effective Date of this Agreement, as required by § 43.0672 of the Texas Local Government Code, which will be provided at a level consistent with service levels provided to other similarly-situated areas within the City:

A. <u>Police Protection</u>. The City provides police service within its City limits, including routine patrols through the City and law enforcement services upon call. Upon annexation, police protection will be provided to the Annexed Area at a level consistent with the service to other areas of the City with similar population density and characteristics. The City's police services include neighborhood patrols, criminal investigations, crime prevention, community services and school programs.

B. <u>Fire Protection and Emergency Medical Service</u>.

- 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 City fire marshal enforces the City fire code, investigates fires, and conducts fire prevention inspections within the City limits, and will provide these services within the Annexed Area upon annexation.
- 3. The City provides Emergency Medical Transport Services through an interlocal agreement with Travis County, Texas. Upon 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 and characteristics. 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.

Upon annexation, 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 City provides residential solid waste collection services within the City limits for a fee under a contract between the City and various private refuse collection companies. The residential solid waste collection services include garbage collection, recycling, bulky item collection and brush collection or chipping. Commercial solid waste collection services are also available. This service will be provided for a fee to any person within the Annexed Area requesting the service after the date of annexation, provided that a privately owned solid waste management service provider ("POSWMSP") is unavailable. In the event that the Annexed Area is already receiving service, or desires to receive service from a POSWMSP, the City may not prohibit solid waste collection by the POSWMSP, nor may the City offer solid waste collection services for a period of two years following the effective date of the annexation unless a POSWMSP is or becomes unavailable, as established by Texas Local Government Code § 43.0661. If a landowner uses the services of a POSWMSP or services are available from a POSWMSP during the two years following annexation, the City will not provide solid waste collection services to that landowner.

- B. <u>Maintenance</u>. Routine maintenance of the following City-owned facilities, if any, will be provided within the Annexed Area upon the effective 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. This City does not maintain private streets or private right-of-ways or other public owned streets under the ownership and control of another public entity.
 - 3. **Publicly owned parks, playgrounds, and swimming pools**. The City will maintain and operate City-owned land and facilities within the Annexed Area.
 - 4. **Other public easement, facilities or buildings**, including drainage facilities, such as drainage channels, storm sewers and detention ponds contained within dedicated public easements not under the ownership and control of another public entity. The City maintains drainage facilities through regular mowing and cleaning or repair, as needed. The City will periodically inspect facilities and perform maintenance on facilities in the Annexed Area as necessary to ensure continued functionality of the facilities through the 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.
- C. <u>Development Regulation</u>. The City will impose and enforce zoning, subdivision development, site development and building code regulations within the Annexed Area upon the effective date of the annexation. Enforcement will be in accordance with City ordinances. Development plans and plats for projects within the Annexed Area will be reviewed for compliance with City standards.
- D. Other Services. City recreational facilities, including parks and library, will be available for use by landowners or residents of the Annexed Area on the same basis as those facilities are available to current City landowners and residents. City residents receive program preference for some City programs. Other City services including Animal Control, Code Enforcement, Municipal Court and General Administration services will be also be available to landowners and residents in the Annexed Area on the same basis those facilities are available to current City landowners and residents. All other services contemplated herein will be available upon the effective date of annexation.

- A. <u>Capital Improvements</u>. Capital improvement acquisition or construction will occur in accordance with applicable ordinances and regulations and the adopted capital improvement plans of the City, as amended, which are incorporated herein by reference.
- B. <u>Water and Wastewater Service</u>. For portions of the Annexed Area not within the certificated service areas of the City, water and wastewater service to such areas will be subject to service extension regulations and policies provided in the City's Unified Development Code, as amended.

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, unless subsequent agreements are entered into between the City and the other utility providers.

IV.

A. In accordance with Texas Local Government Code § 43.0672(c), no other services are contemplated by this Service Plan and a schedule for future services as contemplated by Texas Local Government Code § 43.0672(b) is not applicable as all services identified herein will be provided upon the effective date of annexation.

Section 3.

General Terms.

- 1. Binding Effect/Authority. This Agreement binds and inures to the benefit of the Parties and their respective heirs, successors, and permitted assigns. Each Party further warrants that each signatory to this Agreement is legally authorized to bind the respective individual or entity for the purposes established herein.
- 2. Choice of Law. This Agreement will be construed under the laws of the State of Texas, without regard to choice-of-law rules of any jurisdiction. Venue for any dispute shall lie exclusively in Travis County, Texas.
- 3. Counterparts. This Agreement may be executed in any number of counterparts with the same effect as if all signatory Parties had signed the same document. All counterparts will be construed together and will constitute one and the same instrument.
- 4. Legal Construction. If any provision in this Agreement is for any reason found to be unenforceable, to the extent the unenforceability does not destroy the basis of the bargain among the parties, the unenforceability will not affect any other provision hereof, and this Agreement will be construed as if the unenforceable provision had never been a part of the Agreement. Whenever context requires, the singular will include the plural and neuter include the masculine or feminine gender, and vice versa. Headings in this Agreement are for reference only and are not intended to

restrict or define the text of any section. This Agreement will not be construed more or less favorably between the Parties by reason of authorship or origin of language.

5. Entire Agreement. This Agreement contains the entire Agreement between the Parties relating to the rights herein granted and the obligations herein assumed and cannot be varied except by written agreement of the Parties. Any oral representation or modification concerning this instrument shall be of no force and effect except for any subsequent modification in writing, signed by the Party to be charged.

Executed and Agreed to by the Parties on this the day of February 2019

CITY OF PFLUGERVILLE

by: Sereniah Breland, City Manager

by: Laten Thompson, City Secretary

Date: 2 19 2019

Date: 2 19 2019

APPROVED AS TO FORM:

Charles E. Zech, City Attorney
Denton, Navarro, Rocha, Bernal & Zech, P.C.

PROPERTY OWNER(S):

Pflugerville-Independent School District
By: Vernagene Mott
Name (Print): Mrs. Vernagene Mott
Title: President, Board of Trustees
Date: $2 - 7 - 2019$

EXHIBIT "A"

PROPERTY/ANNEXED AREA

DESCRIPTION OF A 149.96 ACRE TRACT OF LAND, OUT OF THE JOSEPH WEIHL SURVEY NO. 8, ABSTRACT NO. 802, IN TRAVIS COUNTY, TEXAS, SAID 149.96 ACRE TRACT BEING THE REMAINDER OF AN ORIGINAL 172.85 ACRE TRACT DESCRIBED IN VOLUME 4232 PAGE 2153 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS FROM WHICH 172.85 ACRE TRACT, A 4 ACRE TRACT AND A 16 ACRE TRACT WERE TAKEN OUT OF THE ORIGINAL 172.85 ACRE TRACT, RESULTING IN THE 149.96 ACRE TRACT HEREIN DESCRIBED. THE 4 ACRE TRACT IS AS RECORDED IN VOLUME 4656, PAGE 1010 AND THE 16 ACRE TRACT IS AS RECORDED IN VOLUME 4727, PAGE 383.

A 99/100 UNDIVIDED INTEREST ON THE SAID 149.96 ACRE TRACT WAS CONVEYED IN 2004 TO TIMMERMAN FARMS LTD. IN DOCUMENT NUMBER 2004240368 OF THE OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, AND A 1/100 UNDIVIDED INTEREST WAS CONVEYED IN THE SAME YEAR TO TIMMERMAN FARMS LTD. IN DOCUMENT NUMBER 2004240373 OF THE OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS. AN UNDIVIDED 7.4% INTEREST ON THE SAID 149.96 ACRE TRACT WAS CONVEYED IN 2014 TO CHERYL TIMMERMAN GREINER RECORDED IN DOCUMENT NUMBER 2014151492 OF THE OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY TEXAS.

A 1.00 ACRE TRACT WHOLLY CONTAINED WITHIN THE SAID 149.96 ACRE TRACT DESCRIBED HEREIN WAS CONVEYED IN 2012 TO THEODOR R. TIMMERMAN AND WIFE, MARLENE TIMMERMAN RECORDED IN DOCUMENT NUMBER 2012208998 OF THE OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY AND IS NOT DESCRIBED SEPARATLY FROM THE SAID 149.96 ACRE TRACT WHICH IS HEREIN DESCRIBED MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an ½" rebar found with a destroyed red cap for the southwest corner of the herein described Tract same being the northwest corner of a 1.893 acre Tract conveyed to Sivaramakrishnana Venkatraman recorded in Document Number 2013093529 of the Official Public Records, Travis County, Texas, also being a point on the east right of way line of Weiss Lane, from which a magnetic nail found in a concrete culvert for the southeast corner of a 32.29 acre Tract conveyed to Joe Weiss, recorded in Document Number 2001065238 of the Official Public Records, Travis County, Texas, bears N 62° 03' 05" E 58.84 feet,

THENCE, N 27° 33' 41" E 2503.99 feet along the west line of the herein described Tract same being the east right of way line of Weiss Lane to a ½" pipe found for the northwest corner of the herein described Tract, same being southwest corner of a remainder of 4 acres conveyed as Tract 3 to Irby M. Ford recorded in Volume 11526 Page 796 of the Real Property Records of Travis County, Texas,

THENCE, S 62° 25′ 19″ E along the north line of the herein described Tract same being the south line of said Tract 3 at 260.60 feet passing the southeast corner of the said remainder of 4 acres Tract 3 and the southwest corner of a 2.00 acre Tract conveyed to Irby M. Ford recorded in Volume 11526 Page 796 of the Real Property Records of Travis County, Texas, in all 521.30 feet to an ½" pipe found for the southeast corner of Tract 2 of said Volume 11526 Page 796, and the southwest corner of a 16.00 acre Tract 1 conveyed to Irby M. Ford recorded in Volume 11526 Page 796 of the Real Property Records of Travis County, Texas, (Tract 2 and 3 are the 4.00 acres in volume 4656 page 1010) Tract 1 is the 16.00 acre Tract in Volume 4727 Page 383

THENCE, S 62° 27' 08" E 2086.85 feet continuing with the north line of the herein described Tract, same being the south line of the said 16.00 acre Tract 1, to a ½" pipe found for the northeast corner of the herein described Tract, same being the southeast corner of said 16.00 acre Tract 3 and being a point on the west line of 51.598 acre Tract conveyed to ARP Autumn Ridge Partners LP. Recorded in Document Number 2007065360 of the Official Public Records of Travis County, Texas,

THENCE, S 27° 32′ 22″ W with the east line of the herein described Tract same being the west line of said 51.598 acre Tract, at 1291.32 feet passing the southwest corner of said 51.598 acre Tract, same being the northwest corner of a 31.782 acre Tract 2A, conveyed to 130 Cactus Investments L.P., recorded in Document Number 2008121344 of the Official Public Records of Travis County, Texas, (no monument was found at this corner) in all 2504.17 feet to a ½″ pipe found for the southeast corner of the herein described Tract, same being the southwest corner of said 31.782 acre Tract, same being a point on the north line of a 46.615 acre Tract conveyed to ARP Autumn Ridge Partners L.P. recorded in Document Number 2007059997 of the Official Public Records of Travis County, Texas.

THENCE, N 62° 26' 32" W with the south line of the herein described Tract, same being the north line of said 46.615 acre Tract, at 1243.44 feet passing the northwest corner of said 46.615 acre Tract same being the northeast corner of a 5.0 acre Tract conveyed to C. J. & Irene King recorded in Volume 5426 Page 1856 of the Deed Records of Travis County, Texas, at 1831.27 passing a ½" rebar found for the north west corner of said 5.0 acre Tract, same being the most northerly northeast corner of said 1.893 acre Tract conveyed to

Sivaramakrishnana Venkatraman in all 2609.11 feet to the **POINT OF BEGINNING** and containing 149.96 acres more or less;

