

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, ANNEXING, FOR FULL PURPOSES, 6.798 ACRES OF LAND SITUATED IN THE THOMAS G. STUART SURVEY, ABSTRACT NO. 689, OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY; GENERALLY LOCATED NORTH OF E. PFLUGERVILLE PARKWAY, EAST OF PFLUGER FARM LANE, AND WEST OF F.M. 685; EXTENDING THE BOUNDARIES OF THE CITY TO INCLUDE THE LAND; AND TO BE ZONED AGRICULTURE / CONSERVATION (A); 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 6.798 acres of land situated in the Thomas. G. Survey, Abstract No. 689, of the Real Property Records of Travis County, Texas, more particularly described and depicted in **Exhibit “A”**, 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 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 entered into a written agreement with the owners of the Property regarding the provision of services to the Property upon annexation on December 21, 2017, of which the applicable service plan and schedule is attached hereto and incorporated herein as Exhibit “B,” and

**WHEREAS**, the City Council provided public notice and held public hearings on June 12, 2018 and June 26, 2018 for all interested persons to attend and be heard in accordance with Texas Local Government Code § 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 / Conservation (A).

**Section 5.** The service plan attached as **Exhibit "B"** is approved, and municipal services shall be extended 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 \_\_\_\_\_ 2018.

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 & ZECH, P.C.

## EXHIBIT "A"

### METES AND BOUNDS DESCRIPTION

FOR A 6.798 ACRE TRACT OF LAND LOCATED IN THE THOMAS G. STUART SURVEY, ABSTRACT NO. 689, TRAVIS COUNTY, TEXAS, BEING ALL OF THE CALLED 2.019 ACRE TRACT OF LAND CONVEYED TO TERRELL TIMMERMAN, RECORDED IN DOCUMENT NO. 2002169901, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.T.), (SAID 2.019 ACRE TRACT OF LAND BEING THE SAME CALLED 2.019 ACRE SAVE & EXCEPT TRACT DESCRIBED IN ORDINANCE NO. 788-05-05-24, RECORDED IN DOCUMENT NO. 2005094827, O.P.R.T.C.T.), AND BEING ALL OF THE CALLED 4.778 ACRE TRACT OF LAND CONVEYED TO TERRELL TIMMERMAN, RECORDED IN DOCUMENT NO. 2005167323, O.P.R.T.C.T., (SAID 4.778 ACRE TRACT OF LAND BEING THE SAME CALLED 4.778 ACRE SAVE & EXCEPT TRACT, DESCRIBED IN SAID ORDINANCE NO. 788-05-05-24, RECORDED IN SAID DOCUMENT NO. 2005094827). SAID 6.798 ACRE TRACT OF LAND BEING SURVEYED ON THE GROUND BY DIAMOND SURVEYING IN MAY 2018, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron rod found with cap marked "Chaparral" on the southeast corner of said 4.778-acre Timmermann tract, same being on a point in the easterly boundary line of remnant portion of the called 129.137 acre tract of land conveyed to Terrell Timmermann recorded in Document No. 1999104399, O.P.R.T.C.T., and corrected in Document No. 2005047221, O.P.R.T.C.T., same being on a point in the westerly boundary line of the remnant portion of the called 136.45 acre tract of land conveyed to Terrell Timmermann, recorded in Document No. 1999104396, O.P.R.T.C.T., monumenting an angle point in the southerly boundary line and **POINT OF BEGINNING** hereof;

THENCE with the common boundary line of said 4.778-acre Timmermann tract and said called 129.137-acre Timmermann tract the following three (3) courses and distances:

1. **N 62°24'18" W** for a distance of **400.05 feet** to an iron rod found on the southwest corner of said 4.778-acre Timmermann tract, monumenting the southwest corner hereof;
2. **N 27°35'08" E** for a distance of **400.16 feet** to an iron rod found with cap marked "Chaparral", on the northwest corner of said 4.778-acre Timmermann tract, monumenting the northwest corner hereof;
3. **N 86°34'30" E** for a distance of **466.82 feet** to an iron rod found with cap marked "Chaparral", on the northeast corner of said 4.778-acre Timmermann tract, same being on a point in said easterly boundary line of the called 129.137-acre Timmermann tract, same being on a point in said westerly boundary line of the called 136.45-acre Timmermann tract, monumenting the most northerly corner hereof;

THENCE, **S 27°35'23" W** with the easterly boundary line of said 4.778-acre Timmermann tract, same being with said westerly boundary line of the called 136.45-acre Timmermann tract, for a distance of

**359.10 feet** to a 1/2" iron rod set with cap marked "Diamond Surveying" on the northwest corner of said 2.019-acre Timmermann tract, monumenting an angle point hereof;

THENCE, with the common boundary line of said 2.019-acre Timmermann tract, and said called 136.45-acre Timmermann tract the following three (3) courses and distances:

1. **S 62°23'37" E** for a distance of **389.39 feet** to an iron rod found with cap marked "Chaparral" on the northeast corner of said 2.019-acre Timmermann tract, monumenting the northeast corner hereof;
2. **S 27°35'37" W** for a distance of **258.54 feet** to an iron rod found with cap marked "Chaparral" on the southeast corner of said 2.019-acre Timmermann tract, monumenting the southeast corner hereof;
3. **N 62°24'19" W** for a distance of **120.75 feet** to an iron rod found with cap marked "Chaparral" on the most southerly southeast corner of a remnant portion of the called 138.85 acre tract of land conveyed to Bernice E. Pfluger recorded in Volume 3787, Page 2275, Deed Records of Travis County, Texas, same being the on the most southerly southeast corner of the called 0.294 acre tract of land described in Cause No. D-1-GN-15-002098, 53<sup>rd</sup> Judicial District Court said called 0.294 acre tract of land being the same called 0.294 acre Save & Except tract described in said Ordinance No. 788-05-05-24, recorded in said Document No. 2005094827, (said 0.294 acre tract of land is not part of this survey), monumenting an angle point hereof;

THENCE, with the common boundary line of said 2.019-acre Timmermann tract and said called 0.294-acre Pfluger tract the following five (5) courses and distance:

1. **N 04°01'44" E** for a distance of **42.16 feet** to an iron rod found with cap marked "Chaparral";
2. **S 85°58'53" E** for a distance of **88.08 feet** to an iron rod found with cap marked "Chaparral";
3. **N 03°27'55" E** for a distance of **119.17 feet** to an iron rod found with cap marked "Chaparral" on the northeast corner of said called 0.294-acre Pfluger tract;
4. **N 85°52'19" W** for a distance of **101.64 feet** to an iron rod found with cap marked "Chaparral" on the northwest corner of said called 0.294-acre Pfluger tract;
5. **S 04°07'14" W** for a distance of **154.99 feet** to an iron rod found with cap marked "Chaparral" on an angle point in the southerly boundary line of said 2.019-acre Timmermann tract, same being on the southwest corner of said called 0.294-acre Pfluger tract, same being on a point in the boundary line of said called 136.45-acre Timmermann tract, monumenting an angle point hereof;

THENCE, **N 62°24'19" W** with the common boundary line of said 2.019-acre Timmermann tract, and said called 136.45-acre Timmermann tract for a distance of **252.28 feet** to an iron rod found with cap (marked "Chaparral" on the southwest corner of said 2.019-acre Timmermann tract, same being on a point in the westerly boundary line of said called 136.45-acre Timmermann tract, same being on a point in the easterly boundary line of said 4.778-acre Timmermann tract, monumenting an angle point hereof;

THENCE, **S 27°35'23" W** with said easterly boundary line of the 2.019-acre Timmermann tract, same being with said westerly boundary line of the called 136.45-acre Timmermann tract for a distance of **23.01 feet** to the **POINT OF BEGINNING** hereof and containing 6.798 acres of land more or less

Bearing Basis: NAD-83, Texas Central Zone (4203) State Plain System. Distances shown hereon are surface distances based on a combined surface adjustment factor of 1.00010.

A drawing has been prepared to accompany this metes and bounds description.

< > **DIAMOND SURVEYING, INC.**  
116 SKYLINE ROAD, GEORGETOWN, TX 78626  
(817) 831-3100  
FIRM REGISTRATION NO. 10008900

*Shane Shafer*

May 2, 2018

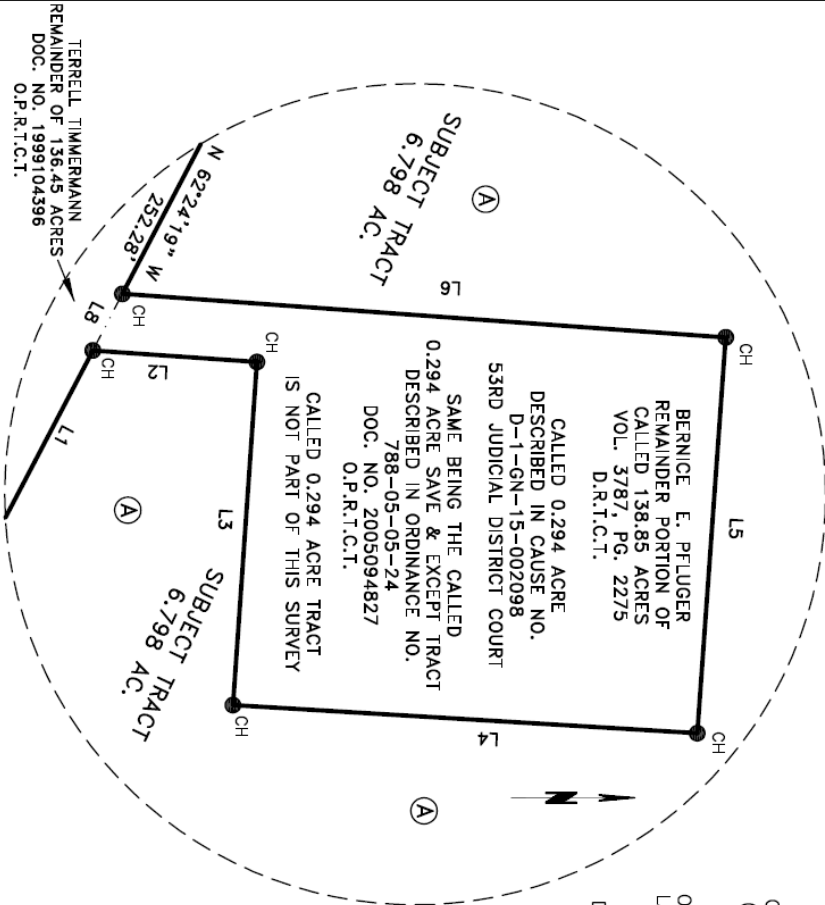
SHANE SHAFER, R.P.L.S. NO. 5281      DATE







DETAIL NO. 1  
NOT TO SCALE



DRAWING TO ACCOMPANY METES & BOUNDS DESCRIPTION  
FOR A 6.798 ACRE TRACT OF LAND SITUATED IN THE THOMAS G. STUART SURVEY, ABSTRACT NO. 689, TRAVIS COUNTY, TEXAS, BEING ALL OF THE CALLED 2.019 ACRE TRACT OF LAND CONVEYED TO TERRELL TIMMERMANN, RECORDED IN DOCUMENT NO. 2002169901, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.T.), (SAID 2.019 ACRE TRACT OF LAND BEING THE SAME CALLED 2.019 ACRE SAVE & EXCEPT TRACT DESCRIBED IN ORDINANCE NO. 788-05-05-24, RECORDED IN DOCUMENT NO. 2005094827, O.P.R.T.C.T.), AND BEING ALL OF THE CALLED 4.778 ACRE TRACT OF LAND CONVEYED TO TERRELL TIMMERMANN, RECORDED IN DOCUMENT NO. 2005167323, O.P.R.T.C.T., (SAID 4.778 ACRE TRACT OF LAND BEING THE SAME CALLED 4.778 ACRE SAVE & EXCEPT TRACT DESCRIBED IN SAID ORDINANCE NO. 788-05-05-24, RECORDED IN SAID DOCUMENT NO. 2005094827).

LINE	BEARING	DISTANCE
L1	N62°24'19"W	120.75'
L2	N04°01'44"E	42.16'
L3	S85°58'53"E	88.08'
L4	N03°27'55"E	119.17'
L5	N85°52'19"W	101.64'
L6	S04°07'14"W	154.99'
L7	S27°35'23"W	23.01'
L8	N62°24'19"W	16.34'

(A) = TERRELL TIMMERMANN  
2.019 ACRES  
DOC. NO. 2002169901  
O.P.R.T.C.T.  
SAME BEING THE CALLED  
2.019 ACRE SAVE & EXCEPT TRACT  
DESCRIBED IN ORDINANCE NO.  
788-05-05-24  
DOC. NO. 2005094827  
O.P.R.T.C.T.

TERRELL TIMMERMANN  
REMAINDER OF 136.45 ACRES  
DOC. NO. 1999104596  
O.P.R.T.C.T.

To: City of Pflugerville, EXCLUSIVELY,

I, Shane Shafer, Registered Professional Land Surveyor in the State of Texas, hereby certify that this drawing represents a survey made on the ground under my direct supervision completed on May 1, 2018. At the time of this survey there were no encroachments, conflicts or protrusions apparent on the ground, EXCEPT AS SHOWN. This survey substantially complies with the standards for a CATEGORY 1B, CONDITION III STANDARD LAND SURVEY per the current Manual of Practice for Land Surveying in the State of Texas, issued by the Texas Society of Professional Surveyors. USE OF THIS SURVEY BY OTHER PARTIES SHALL BE AT THEIR OWN RISK AND UNDERSIGNED SURVEYOR IS NOT RESPONSIBLE FOR ANY LOSS RESULTING THEREFROM.

SHANE SHAFER, R.P.L.S. NO. 5281  
MAY 2, 2018  
DATE



DIAMOND SURVEYING, INC.  
116 SKYLINE ROAD, GEORGETOWN, TEXAS 78628  
(512) 931-3100  
FIRM REGISTRATION NO. 10006900

**EXHIBIT “B”**

SERVICE PLAN AGREEMENT FOR PROPERTY ANNEXED



# **TEXAS LOCAL GOVERNMENT CODE § 43.0672 SERVICE LIST AND SCHEDULE FOR PROPOSED ANNEXATION BY THE CITY OF PFLUGERVILLE, IN TRAVIS COUNTY, TEXAS**

This service list and schedule ("Service Plan") defines the provision of services agreed to between the landowner(s) of the Annexed Area, as hereinafter defined, and the City of Pflugerville, Texas (the "City") establishing a program under which the City will provide municipal services to the area described on the attached Exhibit "A" (the "Annexed Area"), as required by § 43.0672 of the Texas Local Government Code.

## **I.**

Upon the effective date of the annexation, the City will provide the following municipal services to the Annexed Area at a level consistent with service levels provided to other similarly-situated areas within the City:

- A. Police Protection. 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. Fire Protection and Emergency Medical Service.
  - 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. Maintenance. 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. Development Regulation. 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.

### III.

- A. Capital Improvements. 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. Water and Wastewater Service. For portions of the Annexed Area 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.