

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF PFLUGERVILLE, TEXAS ABANDONING AND RELEASING A DRAINAGE EASEMENT GRANTED BY A DECLARATION OF EASEMENTS AND RESTRICTIVE COVENANTS ENCUMBERING THE CARMEN AND SANTA CLARA SUBDIVISIONS AND HELD BY THE CITY PURSUANT TO ORDINANCE NO. 554-99-08-10.

WHEREAS, by that certain instrument titled the Wells Branch Parkway/Heatherwilde Boulevard Declaration of Easements and Restrictive Covenants Regarding the Maintenance of Drainage Facilities dated February 28, 2008 and recorded under Document Number 2008034698, which was subsequently amended in Document Nos. 2012203353 and 2016087451 of the Official Public Records of Travis County, Texas, a Drainage Easement (“Easement”) in, along, over, upon, and across certain property more particularly described therein was dedicated to Travis County, Texas, said Easement being more particularly described in **Exhibit A** attached hereto (the “Easement Property”) ; and

WHEREAS, the City of Pflugerville, Texas (“City”) obtained jurisdiction and control over the Easement by annexing the Easement under City Ordinance Number 554-99-08-10; and

WHEREAS, Highlands Wells Branch, LLC, HW Tosca Investment, LP and DPS Megacenter 2000, LTD, including their respective heirs, successors and assigns are the sole owners of the fee simple properties underlying the Easement (collectively, the “Owners”); and

WHEREAS, the Owners have petitioned the City to vacate, abandon, and release the Easement that is in, along, over, upon, and across the Owners’ properties; and

WHEREAS, substitute drainage easements have been granted to the City that eliminate the need for the City to maintain an interest in the Easement and abandonment and release of the Easement is in the best interest of the City.

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

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 and findings of fact.

Section 2: That the City Council of the City of Pflugerville hereby authorizes and directs the City Attorney to prepare all documents necessary to vacate, abandon, and release the Easement encumbering the Easement Property and that the City Manager execute any and all necessary documents on behalf of the City to effectuate the same.

Section 3. This Resolution shall become effective immediately upon its approval and passage.

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.