

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING ORDINANCE NO. 1203-15-02-24 OF THE CITY OF PFLUGERVILLE, TEXAS, AS AMENDED, BY CHANGING THE ZONING DESIGNATION OF AN APPROXIMATE 6.798 ACRE TRACT OF LAND OUT OF THE THOMAS G. STUART SURVEY ABSTRACT NO. 689, LOCATED GENERALLY NORTHEAST OF THE PFLUGER FARM LN AND E. PFLUGERVILLE PKWY INTERSECTION FROM AGRICULTURE/CONSERVATION (A) TO URBAN LEVEL 4 (CL4) DISTRICT; TO BE KNOWN AS THE TIMMERMANN 2018 REZONING (REZ1807-02); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, under the authority of Chapter 211 of the Texas Local Government Code, the City of Pflugerville (City) adopts regulations and establishes zoning to control the use of land within the corporate limits of the City; and

WHEREAS, the City has been petitioned by the property owner in accordance with the procedures of the City of Pflugerville's Code of Ordinances, Chapter 157, Unified Development Code, to amend the zoning of approximately 6.798 acres, located generally northeast of the Pfluger Farm Ln and E. Pflugerville Pkwy, from Agriculture/Conservation (A) to Urban Level 4 (CL4) District as depicted and described in **Exhibit A**, which is attached hereto and fully incorporated herein for all purposes (Proposed Zoning); and

WHEREAS, the Planning and Zoning Commission held a public hearing on August 6, 2018, determined that the petition and associated application for the Proposed Zoning met the requirements of Chapter 157 of the City's Unified Development Code, and voted affirmatively in favor of its approval of the Proposed Zoning with a vote of 5-0; and

WHEREAS, the City has complied with all conditions precedent necessary to take this action, has properly noticed and conducted all public hearings and public meetings pursuant to the Texas Local Government Code and Texas Government Code, as applicable.

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 City Council finds:

That the Proposed Zoning is in accordance with the City's Comprehensive Plan for the purpose of promoting the health, safety, morals and general welfare of the City, and is in accordance with the following purposes: 1) lessen congestion in City streets and thoroughfares; 2) secure safety from fire, panic and other dangers; 3) promote the general health and welfare; 4) provide adequate air and light; 5) prevent undue overcrowding of land; 6) avoid undue concentration of population; and 7) facilitate the adequate provision of transportation, water, sewer, schools, parks and other public requirements.

SECTION 3: The City Council amends the Official Zoning Map of the City of Pflugerville, Texas adopted in Ordinance No. 1203-15-02-24, as amended, to change the base zoning district of the property described in Exhibit A, from Agriculture/Conservation (A) to Urban Level 4 (CL4) District. The property described herein may be developed and used in accordance with regulations established for the Urban Level 4 (CL4) District, as applicable, and all other applicable ordinances of the City.

SECTION 4. 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.

SECTION 5. Severability Clause. The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional or invalid, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

SECTION 6. Effective Date. That this Ordinance will become effective on its adoption and passage by the City Council in accordance with Section 3.15(d) of the City Charter.

PASSED AND APPROVED this _____ day of _____, 2018.

CITY OF PFLUGERVILLE,
TEXAS

by:

VICTOR GONZALES, Mayor

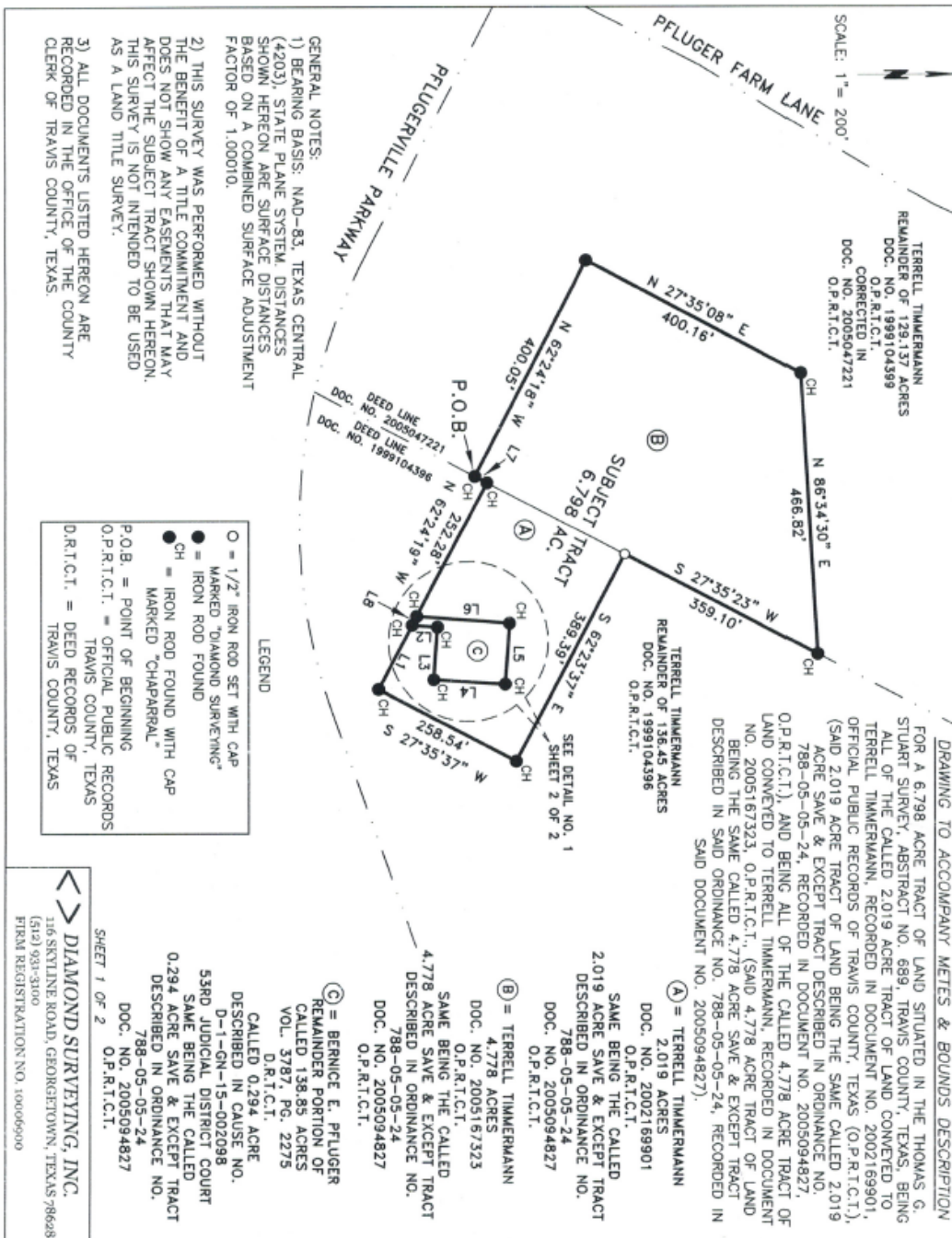
ATTEST:

KAREN THOMPSON, City Secretary

APPROVED AS TO FORM:

CHARLES E. ZECH, City Attorney
DENTON NAVARRO ROCHA BERNAL & ZECH, PC

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 130.45 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, 53rd 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.**
118 SKYLINE ROAD, GEORGETOWN, TX 78626
(512) 831-3100
FIRM REGISTRATION NO. 10008800

Shane Shafer

May 2, 2018

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

DATE



DETAIL NO. 1
NOT TO SCALE

BERNICE E. PFLUGER
REMAINDER PORTION OF
CALLED 138.85 ACRES
VOL. 3787, PG. 2275
D.R.T.C.T.

CALLLED 0.294 ACRE
DESCRIBED IN CAUSE NO.
D-1-GN-15-002098
53RD JUDICIAL DISTRICT COURT

SAME BEING THE CALLED
0.294 ACRE SAVE & EXCEPT TRACT
DESCRIBED IN ORDINANCE NO.
788-05-05-24
DOC. NO. 2005094827
O.P.R.T.C.T.

IS NOT PART OF THIS SURVEY

CALLLED 0.294 ACRE TRACT
DESCRIBED IN ORDINANCE NO.
788-05-05-24
DOC. NO. 2005094827
O.P.R.T.C.T.

SUBJECT TRACT
6.798 AC.

SUBJECT TRACT
6.798 AC.

TERRELL TIMMERMAN
REMAINDER OF 136.45 ACRES
DOC. NO. 1999104396
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 UNDERSTOOD SURVEYOR. USE OF THIS SURVEY BY OTHER PARTIES SHALL BE AT THEIR OWN RISK AND UNDERSTOOD SURVEYOR.

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 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
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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 TABLE

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'

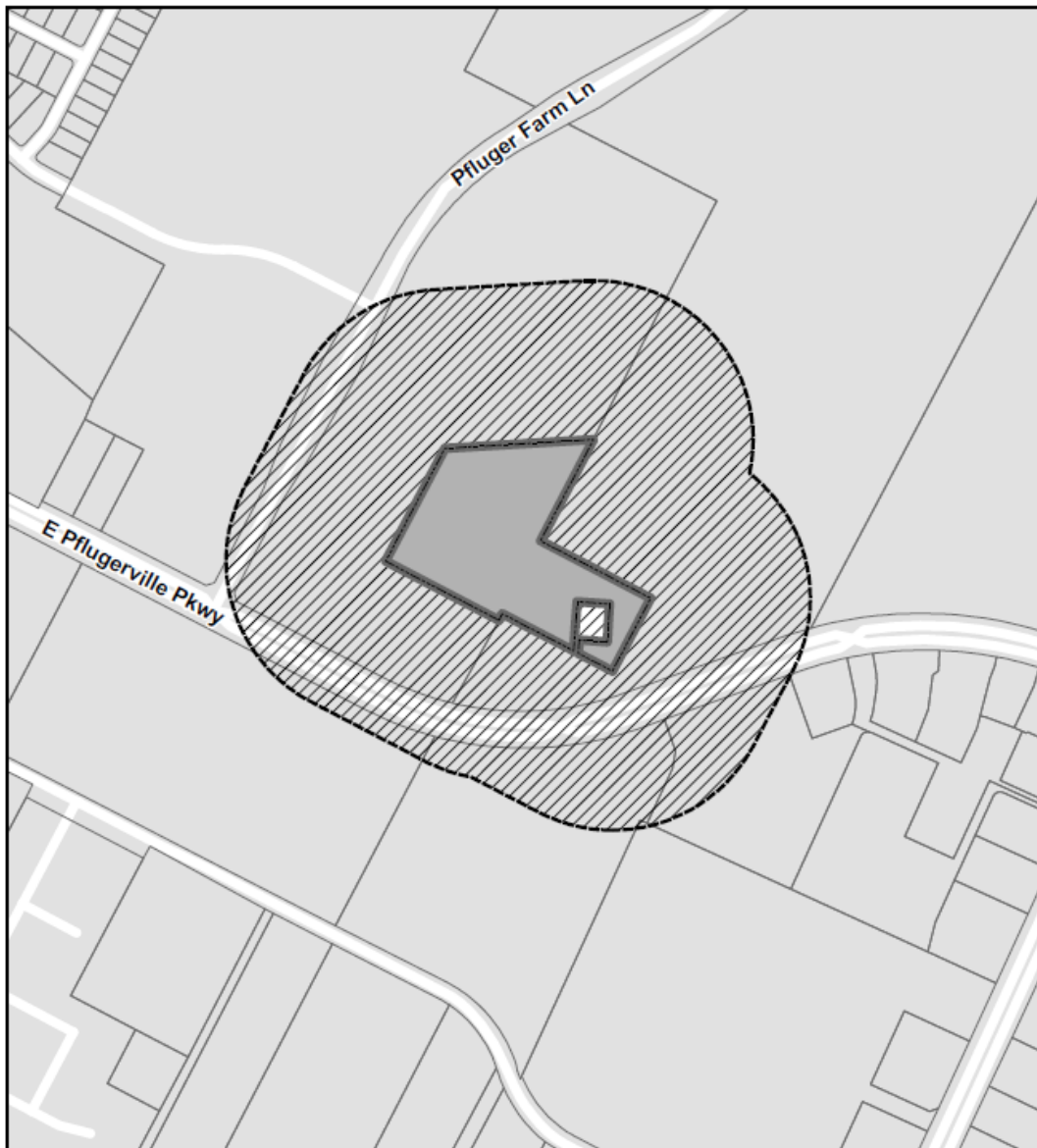
(A) = TERRELL TIMMERMAN
2.019 ACRES
DOC. NO. 2002169901
O.P.R.T.C.T.

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.

SHANE SHAFER
REGISTERED PROFESSIONAL
LAND SURVEYOR
5281
STATE OF TEXAS

DIAMOND SURVEYING, INC.
116 SKYLINE ROAD, GEORGETOWN, TEXAS 78628
(512) 931-3100
FIRM REGISTRATION NO. 1000096000

SHEET 2 OF 2






**Timmermann 2018
(A to CL4)**

**Case Number:
REZ1807-02**

7/13/2018

Legend

-  Rezoning
-  Notification Area
-  City Limits

0 250 500 Feet



When required the City of Pflugerville complies with Texas Local Government Code for public notifications. All notification addressees are derived from tax role information that is certified annually.



Locator Map

