

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

AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS GRANTING THE LEASE OF CITY PROPERTY BY EASEMENT TOTALING APPROXIMATELY 3.105 ACRES OF LAND OUT OF THE J. BRAY SURVEY, ABSTRACT NO. 373, IN TRAVIS COUNTY, TEXAS; MORE SPECIFICALLY DESCRIBED IN FOUR DEEDS TO THE CITY OF PFLUGERVILLE, OF RECORD IN DOCUMENT NUMBERS 2006060407TR, 2012195160TR, 2019169055, AND 2015165200 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

**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

**WHEREAS**, Atmos Energy Corporation is currently planning a replacement project to start in the Fall to replace approximately 2.5 miles of 30" pipe that will take six (6) months and has requested to use City property adjacent to said project for a Temporary Work Space Easement ("Easement"), attached as **Exhibit A**; and

**WHEREAS**, the City has reviewed the plans and will be permitting 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.

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

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

I. Description.

The Easement attached in **Exhibit A** is a limited use agreement for the sole purpose of providing temporary work space for Atmos Energy Corporation 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.

## II. 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.

## III. 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 \_\_\_\_\_, 2020.

CITY OF PFLUGERVILLE, TEXAS

By: \_\_\_\_\_  
VICTOR GONZALES, Mayor

ATTEST:

\_\_\_\_\_  
KAREN THOMPSON, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Charles E. Zech  
Denton Navarro Rocha Bernal & Zech P.C.

**Exhibit “A”**  
**TEMPORARY WORK SPACE EASEMENT**