



# City of Pflugerville

## Legislation Text

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**File #:** RES-0934, **Version:** 1

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Approving a resolution with the caption: A resolution of the City Council of the City of Pflugerville, Texas, authorizing the acceptance, in accordance with City parkland dedication requirements and through special warranty deed, of certain real property described as Lot 41, Block D, Carmel West Phase 2 Section 1, and Lot 45, Block A, Carmel West Phase 2, Section 5, subdivisions in the Travis County, Texas, recorded in Document No. 201800338 and 201900220 respectively of the Official Public Records of Travis County, Texas, and directing the City Manager and City Attorney, or their respective designees, to take all necessary actions to complete the land conveyance to the City.

Per Section 4.01 (c) 10 of the City Charter, if authorized by the City Council, the City Manager may sign any contract, conveyance or other document. The proposed request is to authorize the City Manager to accept the conveyance of two lots that were platted as public parkland within the Carmel subdivision.

The Carmel development contains two separate municipal utility districts which were consented to in 2015. As part of the consent of the municipal utility districts, the City of Pflugerville entered into the Carmel Development Agreement on October 13, 2015 which established the development plan and specific parameters for how the overall Carmel subdivision would be developed. As part of the development agreement, the developer identified tracts of land that were planned to be dedicated and conveyed as public parkland. A first amendment to the agreement was approved on June 8, 2017 to address architectural adjustments in the subdivision, and later on February 12, 2019 a second amendment was approved to address additional adjustments to the internal and boundary roadway improvements as well as annexation.

The subject properties, described as Lot 41, Block D, Carmel West Phase 2 Section 1, and Lot 45, Block A, Carmel West Phase 2, Section 5 were identified as properties planned to be established as open space and conveyed as public parkland in the original agreement and subsequent amendments. Lot 41, Block D is a 7.94-acre parkland and drainage easement which was platted in 2018 and engineered to convey stormwater from the subdivision through a trickle channel to Wilbarger Creek. Lot 41 does not contain a trail or similar programmed park amenities, but does contain existing trees within the drainage area and provides natural open space that is not within the designated FEMA "100 year" floodplain. Lot 45, Block A, Carmel West Phase 2, Section 5 is a 43.740-acre parkland and drainage easement which was platted in 2019. Lot 45 contains a segment of Wilbarger Creek and is largely FEMA "100 year" floodplain. A segment of the Wilbarger Creek 10-ft wide hike and bike trail was constructed within the lot along the north side of Wilbarger Creek, outside of the floodplain, and extends from the general northwest to southeast portion of the lot. The constructed trail will eventually provide a connection to 1849 Park located to the east. The floodplain with creek retains the natural trees and shrub vegetation while the areas outside of the floodplain provides open space consisting of grassland vegetation.

A portion of the property does contain a drainage channel in it which conveys stormwater down to the creek. There is a small trickle channel that was constructed to help the water move and an access

drive that was constructed from Borromeo to the channel to allow mowers to access more easily. There is additional land within the lot that is outside of the drainage channel which can be used for open play. The development agreement for Carmel identified trails to be constructed in accordance with the trails master plan, which was generally along the main creeks. Per the development agreement, no trail or public amenity improvements were required to be installed in Lot 41. The dedication is consistent with the development agreement that was established for this part of the development. The development agreement identified the area to be conveyed to the city and did not have maintenance provisions that would require the HOA to maintain the land.

Per Subchapter 14 Parkland Standards, Section 14.3.6 of the Unified Development Code, parkland shall be conveyed by general or special warranty deed with acceptable evidence of clear title, and the developer shall provide a title policy and pay all costs of transferring title to the City. The City Attorney has reviewed the Title Commitment, Special Warranty Deed, and Resolution, and will ensure all final documents necessary for conveyance are compliant.

### **Prior City Council Action**

October 2015 - Approval of the Development Agreement  
December 2015 - Approval of MUD Consents  
December 2015 - Approval of Annexation of Carmel West  
June 2016 - Approval of Rezoning of Carmel West  
March 2017 - Approval of the 1st Amendment to the Development Agreement  
May 2017 - Approval of Dedication of Parkland  
February 2019 - Approval of the 2nd Amendment to Development Agreement

### **Deadline for City Council Action**

Action is requested on November 30, 2021

**Funding Expected:** Revenue  Expenditure  N/A

**Budgeted Item:** Yes  No  N/A

**Amount:** N/A

**1295 Form Required?** Yes  No

**Legal Review Required:** N/A  Required  Date Completed: September 10, 2021; November 15, 2021

### **Supporting documents attached:**

1. Location Map
2. Resolution
3. Special Warranty Deed
4. Presentation Slides

### **Recommended Action**

Approve the resolution authorizing the acceptance and conveyance of public parkland, described as Lot 41, Block D, Carmel West Phase 2 Section 1, and Lot 45, Block A, Carmel West Phase 2, Section 5, and directing the City Manager and City Attorney, or their respective designees, to take all necessary actions to complete the land conveyance to the City.

