

8
PORDINANCE NO. 621-01-01-23

AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, ANNEXING APPROXIMATELY 73.839 ACRES OF A 95 ACRE PARCEL OF LAND IN AN AREA LOCATED APPROXIMATELY 600 FEET NORTH OF WILKE LANE, IN TRAVIS COUNTY, TEXAS (LOCALLY KNOWN AS TIM'S ACRES); EXTENDING THE BOUNDARIES OF THE CITY TO INCLUDE THE PROPERTY; BINDING THE PROPERTY TO ALL OF THE ACTS, ORDINANCES, RESOLUTIONS AND REGULATIONS OF THE CITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Pflugerville, Texas (the "City") desires to annex the land described as Area 1 in Exhibit "A", attached hereto and incorporated herein by reference (the "Land");

WHEREAS, after receiving a request from the owner of the Land to annex the Land, the City Council of the City has considered the annexation of the Land, following two public hearings, notice of which was duly given in accordance with all applicable legal requirements and has determined to institute proceedings to annex the Land; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS.

Section 1. The Land described in the attached Exhibit "A", is hereby annexed to 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 bound by the acts, ordinances, resolutions and regulations of the City.

Section 2. Municipal services shall be extended to the Land in accordance with the service plan attached as Exhibit "B"

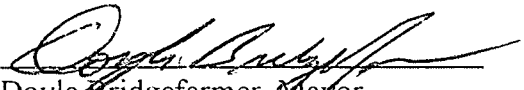
Section 3. The City Secretary is directed to file a certified copy of this ordinance in the office of the County Clerk of Travis County, Texas, and in the official records of the City.

Section 4. This ordinance will take effect upon its adoption by the City Council at first reading; provided that this ordinance is posted and adopted at a subsequent meeting of the City Council in accordance with the provisions of Section 3.15(d) of the City Charter, and provided further that no objection to the annexation is interposed by the United States Attorney General within 60 days of the submission of the annexation pursuant to Section 5 of the Voting Rights Act of 1965, as amended.

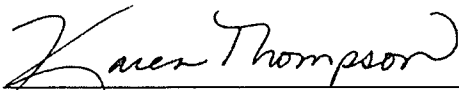
Section 5. The City Council intends to annex all of the property described in this Ordinance; but that if there is included within the description of the territory annexed by this Ordinance any lands or area that may not be annexed by the City for any reason ("Excluded Lands"), then the Excluded Lands should be excluded and excepted from the territory annexed by this Ordinance as fully as if the Excluded Lands were expressly described in this Ordinance, and the remainder of the territory were annexed to the City of Pflugerville.

PASSED AND APPROVED this 23rd day of January, 2001.

CITY OF PFLUGERVILLE, TEXAS

By: 
Doyle Bridgefarmer, Mayor

ATTEST:


Karen Thompson, City Secretary

Proposed Annexation

SUBJECT TRACT

CITY LIMIT

MEISTER LN

MIKE LN

CITY LIMIT



200' 0' 200 Feet



FIELD NOTES

BEING 73.839 ACRES OF LAND OUT OF THE JOHN W. MAXEY SURVEY NO. 2, ABSTRACT NO. 2382, AND THE PETER CONRAD SURVEY NO. 71, ABSTRACT NO. 200, IN TRAVIS COUNTY, TEXAS, AND BEING A PART OF THAT CERTAIN 95.863 ACRE TRACT OF LAND DESCRIBED IN A DEED TO TIM'S ACRES, LTD. RECORDED IN VOLUME 12831, PAGE 757, REAL PROPERTY RECORDS OF TRAVIS COUNTY, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO WIT:

BEGINNING at the southwest corner hereof in the west line of said 95.863 acre tract, from which an iron rod found at the southwest corner thereof bears S 29° 35' 45" W a distance of 575.04 feet;

THENCE N 29° 35' 45" E a distance of 1251.19 feet with the west line of said 95.863 acre tract to an iron rod found at the northwest corner thereof;

THENCE N 87° 45' 36" E a distance of 2168.94 feet with the north line of said 95.863 acre tract to an iron rod found at the northeast corner thereof;

THENCE with the east line of said 95.863 acre tract, the following described three (3) courses and distances:

- 1) S 29° 13' 49" W a distance of 1208.67 feet to an iron rod found;
- 2) N 60° 30' 02" W a distance of 121.81 feet to an iron rod found, and;
- 3) S 29° 29' 05" W a distance of 1317.15 feet to an iron rod found at the southwest corner hereof, from which an iron rod found at the southeast corner of said 95.863 acre tract bears S 29° 28' 45" W a distance of 398.74 feet;

THENCE crossing said 95.863 acre tract, the following described two (2) courses and distances:

- 1) N 15° 24' 26" W a distance of 224.31 feet to a point, and;
- 2) N 61° 25' 11" W a distance of 1572.73 feet to the Place of Beginning, containing 73.839 acres of land.

COALTER & ASSOCIATES, SURVEYORS

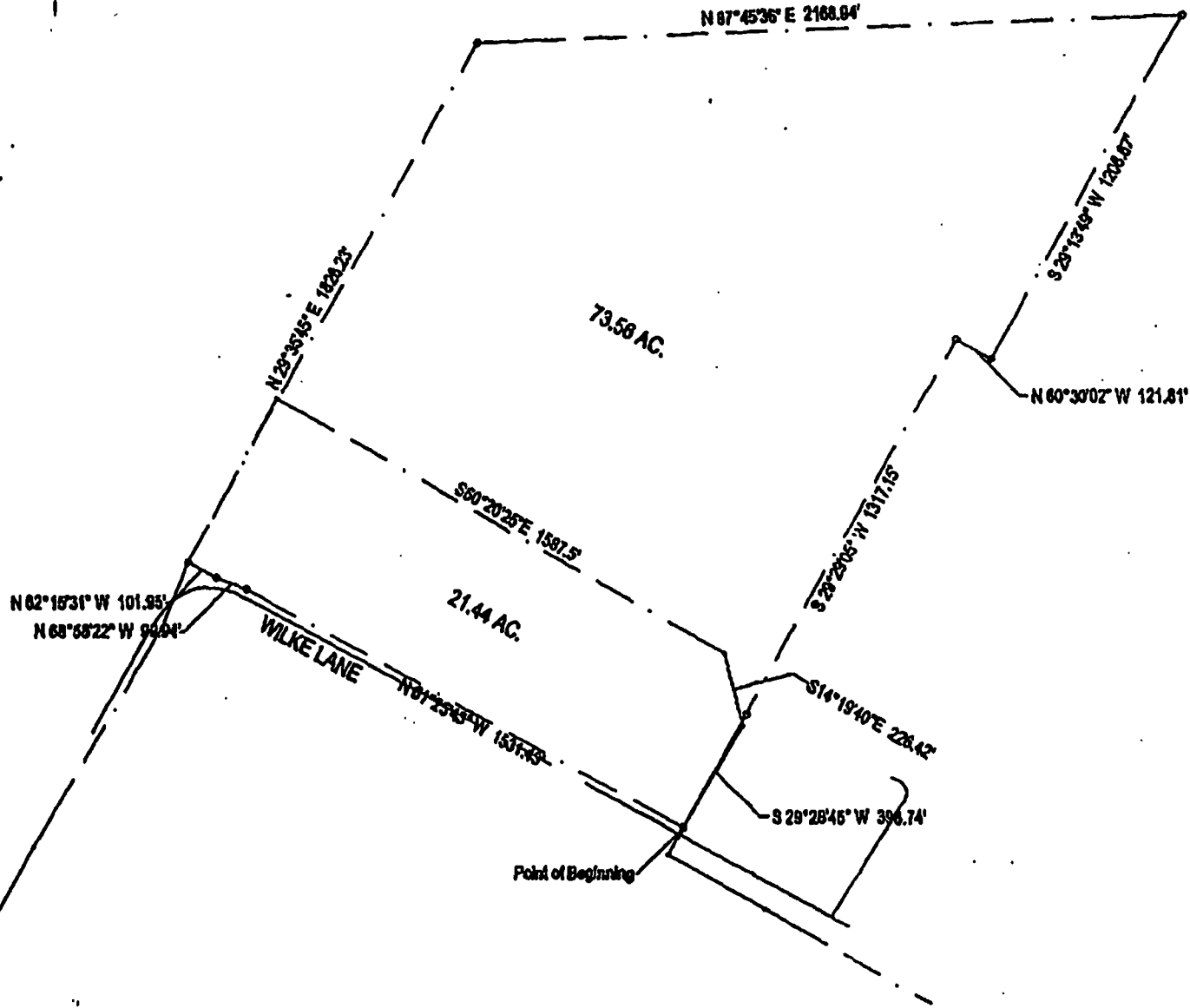
Stan Coalter

Stan Coalter, RPLS, LSLS
10-12-2000 File No. 90319



EXHIBIT A

TOTAL P.02



1" = 500'

<p>1</p>	<p>LAND SURVEYING INC.</p>	<p>ALL LAND SURVEYING WORK IS DONE IN ACCORDANCE WITH THE PROVISIONS OF THE FLORIDA SURVEYING ACT</p>	<p>1</p>	<p>Boundary Exhibit</p>	<p>OWNED INFORMATION</p>	<p>ADDITIONAL SHEET 1 OF 1</p>	<p>TOTAL P. 02</p>
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Timmerman 95 ac.

EXHIBIT "B"

SERVICE PLAN FOR PROPOSED ANNEXATION OF APPROXIMATELY 73.839 ACRES OF A 95 ACRE PARCEL OF LAND IN AN AREA LOCATED APPROXIMATELY 600 FEET NORTH OF WILKE LANE, IN TRAVIS COUNTY, TEXAS (LOCALLY KNOWN AS TIM'S ACRES)

This service plan establishes a program under which the City of Pflugerville, Texas, will provide full municipal services to the area described as Area 1 on the attached Exhibit "A" (the "Annexed Area"), as required by § 43.056 of the Texas Local Government Code.

I.

The City will provide the following municipal services to the Annexed Area at a level consistent with protection to other 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. After 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. The City's police services include neighborhood patrols, criminal investigations, crime prevention, community services and school programs.
- B. **Fire Protection.**
 - (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 after annexation.

II.

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 under a contract between the City and a private refuse collection company. The residential solid waste collection services include garbage collection, recycling, bulky item collection and brush collection or chipping. The City does not provide commercial solid waste collection services.
- B. **Maintenance.** Routine maintenance of the following City-owned facilities, if any, will be provided within the Annexed Area within 60 days of the 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, including street lighting. The City provides street repairs, improvements and inspections. This City does not maintain private streets or right-of-ways.
 - (3) Publicly owned parks, playgrounds, and swimming pools. The City is not aware of any such facilities within the Annexed Area at the time of annexation. Although, as development progresses over time, the City's subdivision ordinance may require dedication of parkland or equivalent payments to the City for the development of recreational facilities.
 - (4) Other publicly-owned facilities or buildings, including drainage facilities, such as drainage channels, storm sewers and detention ponds. The City maintains drainage facilities through regular mowing and cleaning or repair, as needed.
- C. Development Regulation. The City will enforce zoning, subdivision development, site development and building code regulations within the Annexed Area after 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 residents of the Annexed Area on the same basis as those facilities are available to current City residents. City residents receive program preference for some City programs.

III.

Capital Improvements. As provided in the Local Government Code, the City will begin acquiring or constructing capital improvements necessary for providing municipal services adequate to serve the Annexed Area within two years after the date of annexation. These capital improvements will be substantially complete within four and one-half years. The acquisition or construction will occur in accordance with applicable ordinances and regulations of the City. Landowners within the Annexed Area will not be required to fund the capital improvements necessary to provide municipal services to the Annexed Area except as provided below for water and wastewater service.

Water and Wastewater Service. For areas not within the certificated service area of another utility, the City's water and wastewater utility will extend water and wastewater service to the Annexed Area in accordance with the City's service extension policy attached as Exhibit "B" and at the appropriate levels considering the topography, land use and population density of the property requesting service. In addition, unless consistent with the City's existing requirements for funding of extensions of water or wastewater service to areas within the current City limits, landowners

within the Annexed Area will not be required to fund the capital improvements necessary to provide water and wastewater service to the Annexed Area.

However, the Annexed Area is currently within Manville Water Supply Corporation and Windermere Utility Company's certificated service areas. Manville and Windermere will continue to provide water service and Windermere will continue to provide wastewater utility service within those portions of the Annexed Area after annexation until the Annexed Area is released from the respective certificated service areas.

Please return recorded original to:

Karen Thompson
City Secretary
P.O. Box 589
Pflugerville, TX 78691

ORDINANCE NO. 452-97-02-04

AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, ANNEXING APPROXIMATELY 409 ACRES OF LAND IN AN AREA ALONG FM 1825 AND ANOTHER AREA ALONG FM 685 IN TRAVIS COUNTY, TEXAS; EXTENDING THE BOUNDARIES OF THE CITY TO INCLUDE THE PROPERTY; BINDING THE PROPERTY TO ALL OF THE ACTS, ORDINANCES, RESOLUTIONS AND REGULATIONS OF THE CITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Pflugerville, Texas (the "City") desires to annex the land described as Areas 1 and 2 in Exhibit "A", attached hereto and incorporated herein by reference (the "Land"); and

WHEREAS, the City Council of the City has considered the annexation of the Land, following two public hearings, notice of which was duly given in accordance with all applicable legal requirements and has determined to institute proceedings to annex the Land; NOW, THEREFORE,

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

Section 1. The Land described in the attached Exhibit "A", is hereby annexed to 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 bound by the acts, ordinances, resolutions and regulations of the City.

Section 2. Municipal services shall be extended to the annexed Area in accordance with the service plan attached as Exhibit "B".

Section 3. 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 4. This ordinance will take effect upon its passage by 3 affirmative votes of members of the City Council on first reading; provided that this ordinance is posted and adopted at a subsequent meeting of the City Council in accordance with the provisions of Section 3.15(d) of the City Charter, and provided further that no objection to the annexation is interposed by the United States Attorney General within 60 days of the submission of the annexation pursuant to Section 5 of the Voting Rights Act of 1965, as amended.

PASSED AND APPROVED this 4th day of February, 1997.

CITY OF PFLUGERVILLE, TEXAS

By: 

Haywood Ware, Mayor

ATTEST:


Lauri Gillam, City Secretary

EXHIBIT A
DESCRIPTION OF AN AREA OF LAND IN TRAVIS COUNTY, TEXAS,
APPROXIMATELY 102 ACRES IN AREA,
ADJACENT TO FARM TO MARKET ROAD 1825
BETWEEN COMMERCE DRIVE AND YELLOW SAGE STREET
TO BE ANNEXED INTO THE CITY OF PFLUGERVILLE

AREA 1

BEGINNING at a point in the south right-of-way line of Farm-to-Market Road 1825 (Pecan Street) which is also the north boundary of the Thomas W. Pfluger et al tract, at the present City of Pflugerville City Limits Line, which point is also approximately 200 feet east of the intersection of Yellow Sage Street and FM 1825;

THENCE, following the south right-of-way line of FM 1825 in an westerly and northwesterly direction, crossing the intersection of Windermere Drive and crossing the extension of Settlers Valley Drive (Old Austin-Pflugerville Road) at the north boundary of Spring Hill Village Subdivision to a point approximately 30 feet southeast of the intersection of the centerline of Commerce Drive and the FM 1825 right-of-way for corner of this described area;

THENCE, in a northeasterly direction, crossing the right-of-way of FM 1825 and following the southeastern right-of-way of Commerce Drive, which is also the northwest boundary of two tracts owned by Foothill Farms Association to the most northern corner of the second Foothill Farm Association tract for a corner of this described area;

THENCE, in a southeasterly direction with the northeast property line of said Foothill Farm Association tract to the most eastern corner of this tract, which is in the northwestern boundary line of Windermere Center III subdivision, for a corner of this described area;

THENCE, in a northeasterly direction, to the north corner of said Windermere Centre III Subdivision, for a corner of this described area;

THENCE, with the northeast boundary of said subdivision, crossing Windermere Drive, with the northeastern boundary of Windermere Centre II Subdivision, to a point which is the most eastern corner of Windermere Center II and the most eastern corner of this described area;

THENCE, in a southwesterly direction with the southeastern boundary of Windermere Centre II Subdivision and Windermere Centre Subdivision, which is also the northwestern boundary of the Resubdivision of Watson Park lots 3-9 and 19, 33, to the most western corner of this resubdivision to a point for an interior corner of this described area;

THENCE, in an easterly direction, with the south boundary of said resubdivision which is also the northern boundary of Watson Park 1-A and Watson Park subdivisions, to the southeastern corner of said resubdivision for an interior corner of this described area;

THENCE, in a northeasterly direction, with the southeastern boundary of said resubdivision which is also the northwestern boundary of Yellow Sage Section 2 Subdivision and Yellow Sage Section 1 Subdivision to the most northern corner of said Yellow Sage Section 1, for a corner of this described area;

THENCE, in a southeasterly direction, with the northeast boundary of said Yellow Sage Section 1 to the most eastern corner of said subdivision, which point is in the northwestern right-of-way of Yellow Sage Street, for corner of this described area;

THENCE, in a southwesterly direction, with the northwestern right-of-way line of Yellow Sage Street to the north right-of-way line of FM 1825, to a point for corner of this described area;

THENCE, in an easterly direction, with the north right-of-way line of FM 1825, crossing Yellow Sage Street, to the existing City Limit Line, to a point for a corner of this described area;

THENCE, in a southeasterly direction, with the City Limit line, crossing the right-of-way of FM 1825, to the PLACE OF BEGINNING of this described area, containing approximately 102 acres.

EXHIBIT A

**DESCRIPTION OF AN AREA OF LAND IN TRAVIS COUNTY, TEXAS,
APPROXIMATELY 307 ACRES IN AREA
GENERALLY EAST OF FARM TO MARKET ROAD 685,
INCLUDING THIS ROAD RIGHT-OF-WAY, BETWEEN
KELLY LANE AND ROWE LANE
TO BE ANNEXED INTO THE CITY OF PFLUGERVILLE**

AREA 2

BEGINNING in the southeast right-of-way line of Farm to Market Road 685 at the point that the present City of Pflugerville City Limit line crosses FM 685 for the most southerly corner of this described area;

THENCE, with the City Limit line in a northwesterly direction across the right-of-way of FM 685 to a point in the northwestern right-of-way of FM 685 to a point for corner of this described area;

THENCE, in a northeasterly direction with the northwestern right-of-way line of FM 685, crossing its intersection with Wilke Lane and with Panther Drive to a point for corner of this described area, being approximately 30 feet south of the intersection of the centerline of Rowe Lane and said right-of-way line, which is the most northern corner of this described area;

THENCE, in an easterly direction crossing the FM 685 right-of-way with the northern boundary of 685 Commercial Park Subdivision crossing the intersection of Algreg Street and Rowe Lane, past the most eastern corner of said subdivision, with the north line of a Randy B. and Ima S. Sanders 7.550 acre tract to said tract's northeast corner for a corner of this described area;

THENCE, in a southerly direction with the eastern boundary of said Sanders tract to the most northwestern corner of Meadows of Blackhawk Phase I Subdivision to a point for an interior corner of this described area;

THENCE, with the northern and eastern boundary of said Meadows of Blackhawk Subdivision crossing Canterwood Land and Kennemer Drive rights-of-way to the most southern corner of said subdivision for a corner of this described area;

THENCE, in a northwesterly direction with the southwestern boundary of said subdivision, which is also the northeastern boundary of Fairways of Blackhawk, Phase II-A Subdivision, crossing the Kennemer Drive right-of-way again, to the most northern corner of Fairways of Blackhawk Phase II-A, which is also the most eastern corner of Stallion Holdings Joint Venture Limited 211.877 acre tract to a point for an interior corner of this described area;

THENCE, in a southwesterly direction with the line which is the northwestern boundary of said Fairways of Blackhawk Subdivision and the southeast boundary of said Stallion Holdings tract, crossing Kelly Lane to a point in the southwestern right-of-way line of Kelly Lane for corner of this described area;

THENCE, in a northwestern direction with the southwestern right-of-way of Kelly Lane which is also the present City Limit line of the City of Pflugerville, to a point for corner in the southeast right-of-way line of FM 685 for an interior corner of this described area;

THENCE, in a southwesterly direction with the southeastern right-of-way of FM 685 which is the present City limit line to the POINT OF BEGINNING of this described area, containing approximately 307 acres.

**SERVICE PLAN FOR PROPOSED ANNEXATION OF APPROXIMATELY
409 ACRES OF LAND IN AN AREA ALONG FM 1825
AND ANOTHER AREA ALONG FM 685 IN TRAVIS COUNTY, TEXAS**

This service plan establishes a program under which the City of Pflugerville, Texas, will provide full municipal services to the area described as Areas 1 and 2 on the attached Exhibit "A" (the "Annexed Areas"), as required by § 43.056 of the Texas Local Government Code.

I.

The City will provide the following municipal services to the Annexed Areas at a level consistent with protection to other 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. After annexation, police protection will be provided to the Annexed Areas at a level consistent with the service to other areas of the City with similar population density.
- B. Fire Protection.
 - (1) Travis County Emergency Services District No. 2 (TCESD #2) includes the City and the Annexed Areas. TCESD #2 will continue to provide fire protection service to the Annexed Areas 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 Areas after annexation.

II.

The City will provide the following municipal services to the Annexed Areas 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 under a contract between the City and a private refuse collection company, and will provide these services to the Annexed Areas after annexation.
- B. Maintenance. Routine maintenance of the following City-owned facilities will be provided within the Annexed Areas within 60 days of the date of annexation:
 - (1) Water and wastewater facilities that are not within the service area of another water or wastewater utility;

- (2) Streets, including street lighting;
- (3) Parks, playgrounds, and swimming pools; and
- (4) Other publicly-owned facilities or buildings.

III.

Capital Improvements. The City will begin acquiring or constructing capital improvements necessary for providing municipal services adequate to serve the Annexed Areas within 2 years after the date of the annexation. These capital improvements will be substantially complete within 4½ years. The acquisition or construction will occur in accordance within applicable ordinances and regulations of the City. Landowners within the Annexed Areas will not be required to fund the capital improvements necessary to provide municipal services to the Annexed Areas.

Water and Wastewater Service. For areas not within the certificated service area of another utility, the City's water and wastewater utility will extend water and wastewater service to the Annexed Areas in accordance with the City's service extension policy attached as Exhibit "B" and at the appropriate levels considering the topography, land use and population density of the property requesting service, except for those areas described below. In addition, unless consistent with the City's existing requirements for funding of extensions of water or wastewater service to areas within the current City limits, landowners within the Annexed Areas will not be required to fund the capital improvements necessary to provide water and wastewater service to the Annexed Areas. The Annexed Area, described as Area 1 in Exhibit "A", is within the water and wastewater service area of Windermere Utility Co., Inc. and Windermere will continue to provide water and wastewater utility service to Area 1 after annexation. The Annexed Area, described as Area 2 in Exhibit "A", is within the water service area of Manville Water Supply Corporation, and Manville will continue to provide water utility service to Area 2 after annexation.

I.H. 35

PROPOSED ANNEXATION AREA

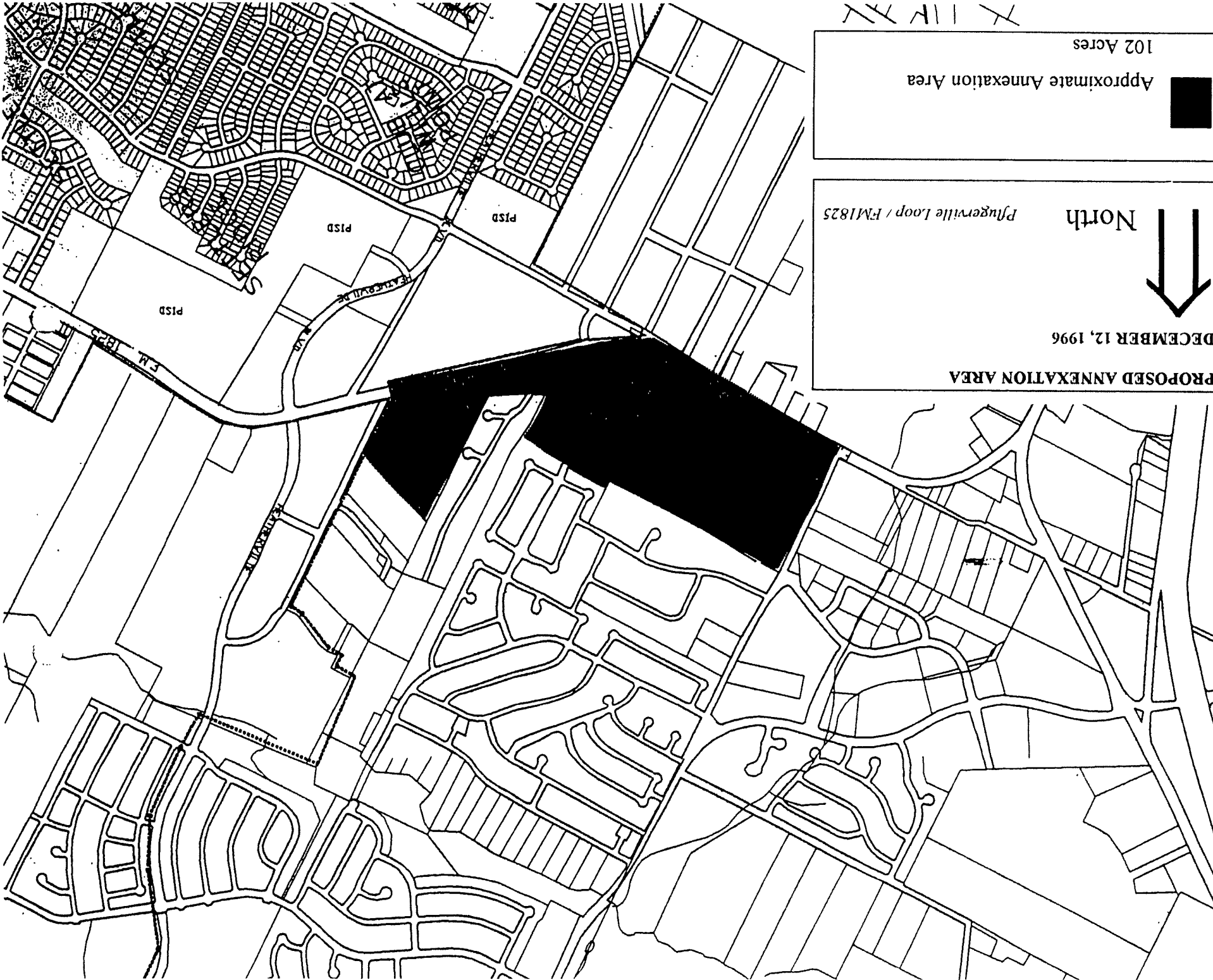
DECEMBER 12, 1996

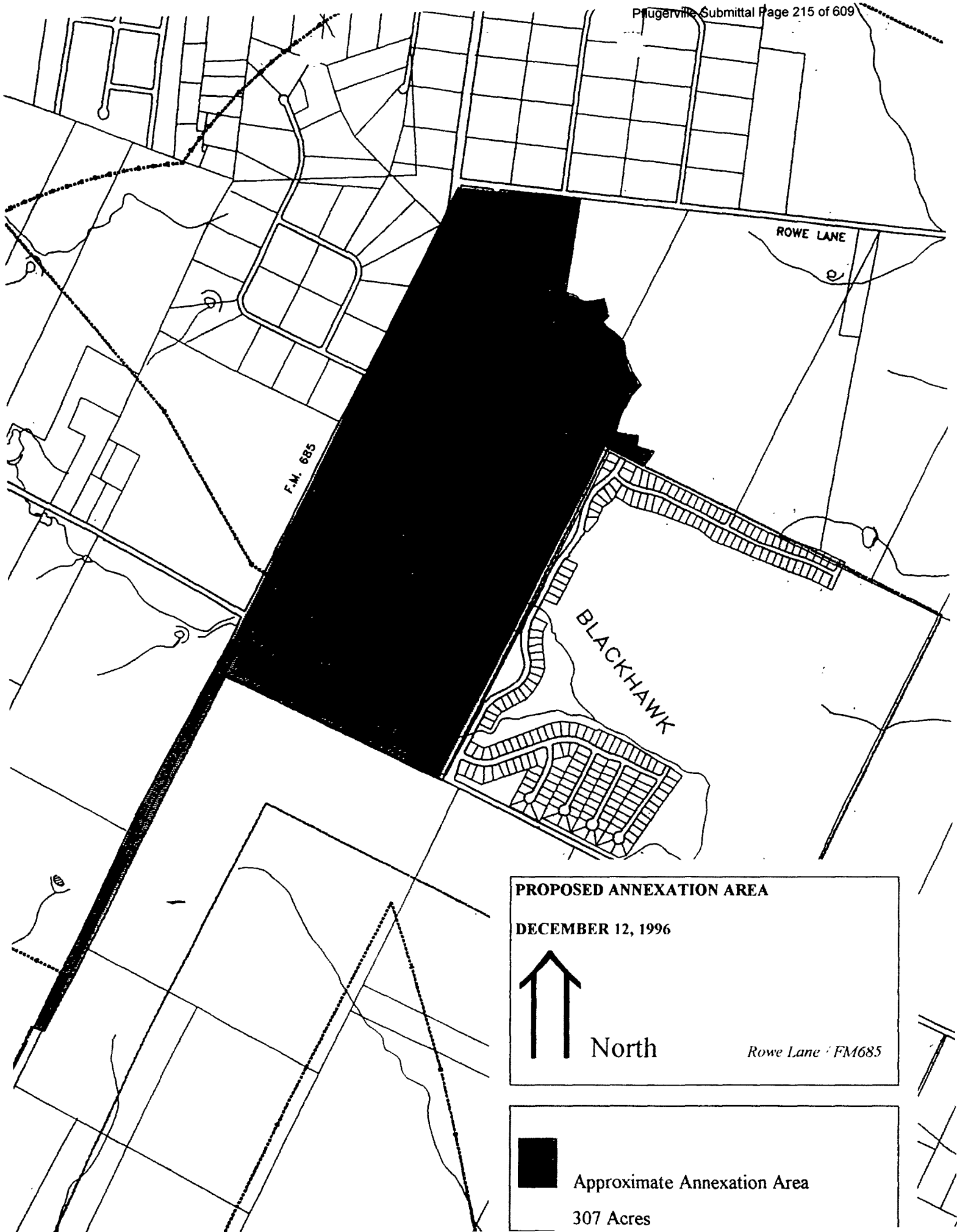
North

Pflugerville Loop / FM1825

Approximate Annexation Area

102 Acres





PROPOSED ANNEXATION AREA
DECEMBER 12, 1996
↑↑ North
Rowe Lane / FM685

■ Approximate Annexation Area
307 Acres

ORDINANCE NO. 847-06-10-24

AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, ANNEXING, FOR FULL PURPOSES, APPROXIMATELY 32.4 ACRES OF RIGHT-OF-WAY FOR STATE HIGHWAY 130, BORDERING THE CITY LIMIT BOUNDARY ON THE WEST SIDE OF THE FM 685 RIGHT-OF-WAY AND ON THE NORTH SIDE OF THE PFLUGERVILLE ACRES II, PHASE ONE SUBDIVISION, IN TRAVIS COUNTY, TEXAS; EXTENDING THE BOUNDARIES OF THE CITY TO INCLUDE THE LAND; 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 32.4 acres of land, more particularly described in Exhibit "A", attached hereto and incorporated herein by reference; and

WHEREAS, the City is authorized, pursuant to Chapter 43, Section 43.021 of the Texas Local Government Code and Section 1.04 of the Home Rule Charter for the City of Pflugerville, to unilaterally annex the Land; and

WHEREAS, pursuant to Chapter 43, Section 43.057 of the Texas Local Government Code, the City finds the annexation to be in the public interest due to resulting promotion of economic development in the Land and surrounding areas; and

WHEREAS, the City Council of the City has considered the annexation of the Land, following two public hearings, notice of which was duly given in accordance with all applicable legal requirements, and has determined to institute proceedings to annex the Land; NOW, THEREFORE,

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

Section 1. The Land is hereby annexed to the City, and the boundaries of the City are extended to include the Land within the corporate limits of the City. From and after the date of this ordinance, the Land shall be bound by the acts, ordinances, resolutions and regulations of the City.

Section 2. The City finds annexation of the Land to be in the public interest due to the promotion of economic growth of the Land and surrounding areas.

Section 3. The service plan attached as Exhibit "B" is approved, and municipal services shall be extended to the Land in accordance therewith.

Section 4. 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.

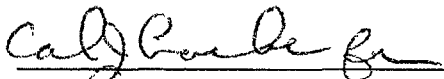
Section 5. This ordinance will take effect upon its adoption by the City Council, and provided further that no objection to the annexation is interposed by the United States Attorney

General within 60 days of the submission of the annexation pursuant to Section 5 of the Voting Rights Act of 1965, as amended.

Section 6. The City Council intends to annex the Land described in this Ordinance; but if there is included within the description of the Land annexed by this Ordinance any lands or area that may not be annexed by the City for any reason ("Excluded Lands"), then the Excluded Lands should be excluded and excepted from the Land annexed by this Ordinance as fully as if the Excluded Lands were expressly described in this Ordinance and the remainder of the Land were annexed to the City of Pflugerville.

PASSED AND APPROVED this 24th day of October, 2006.

CITY OF PFLUGERVILLE, TEXAS

By: 
Catherine T. Callen, Mayor
Carl J. Larosche, Mayor Pro-Tem

ATTEST:

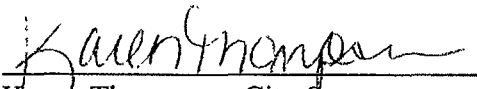

Karen Thompson, City Secretary

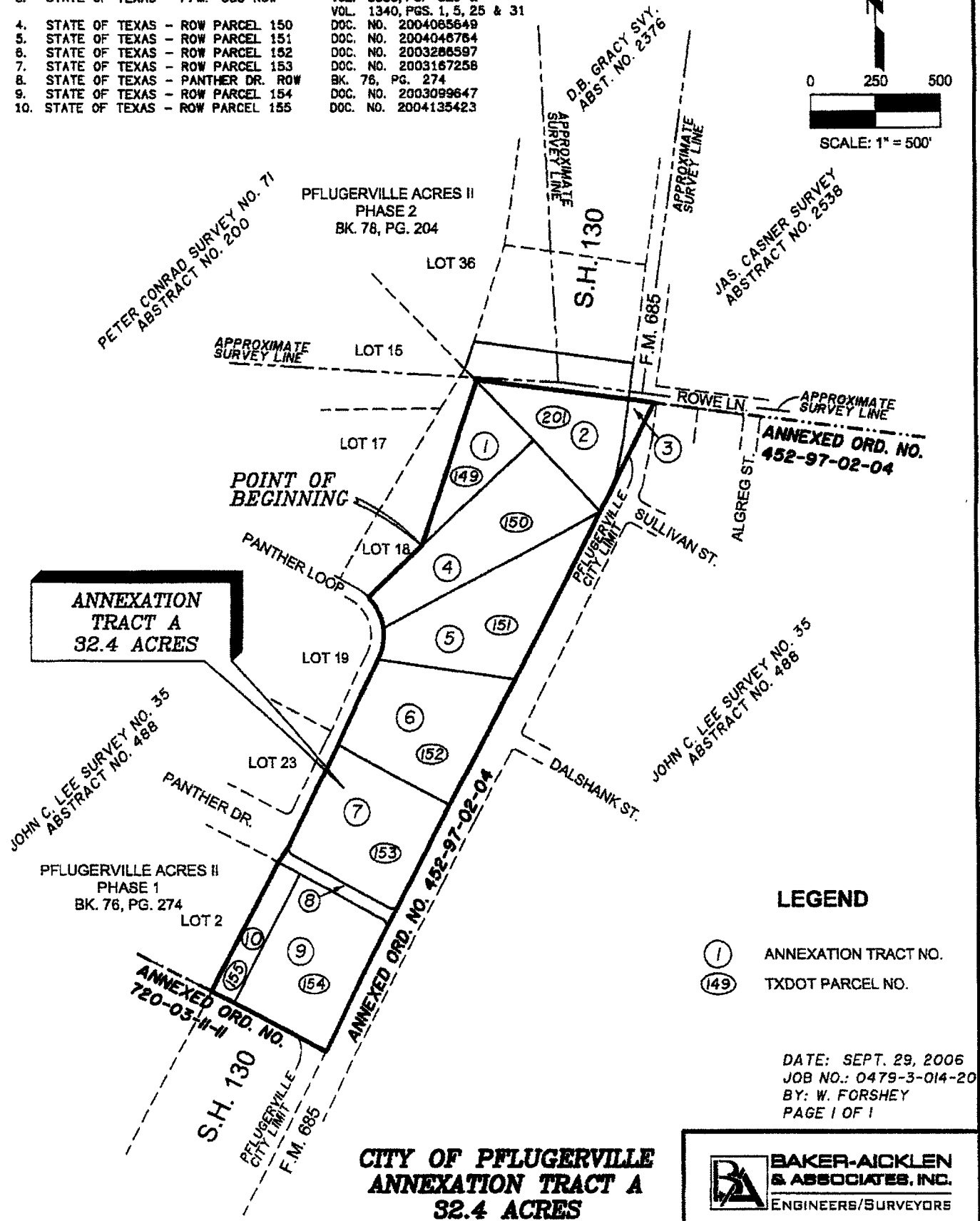
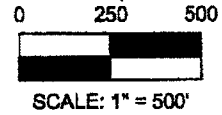
EXHIBIT “A”

Survey attached.

OWNER

INSTRUMENT NO.

1. STATE OF TEXAS - ROW PARCEL 149	DOC. NO. 2005228151
2. STATE OF TEXAS - ROW PARCEL 201	DOC. NO. 2004085847
3. STATE OF TEXAS - F.M. 685 ROW	VOL. 3385, PG. 826 & VOL. 1340, PGS. 1, 5, 25 & 31
4. STATE OF TEXAS - ROW PARCEL 150	DOC. NO. 2004085849
5. STATE OF TEXAS - ROW PARCEL 151	DOC. NO. 2004048764
6. STATE OF TEXAS - ROW PARCEL 152	DOC. NO. 2003286597
7. STATE OF TEXAS - ROW PARCEL 153	DOC. NO. 2003167258
8. STATE OF TEXAS - PANTHER DR. ROW	BK. 76, PG. 274
9. STATE OF TEXAS - ROW PARCEL 154	DOC. NO. 2003099647
10. STATE OF TEXAS - ROW PARCEL 155	DOC. NO. 2004135423



**CITY OF PFLUGERVILLE
TRAVIS COUNTY, TEXAS
ANNEXATION TRACT A
32.4 ACRES
METES AND BOUNDS DESCRIPTION**

THE HEREIN DESCRIPTION AND ACCOMPANYING SKETCH ARE BASED ON A COMBINATION OF FIELD SURVEY DATA AND RECORD INFORMATION OF VARIOUS TRACTS OF LAND LOCATED IN THE JOHN LEE SURVEY NO. 35, ABSTRACT NO. 488, TRAVIS COUNTY, TEXAS AND BEING ALL OR PARTS OF THE FOLLOWING TRACTS:

OWNER	DEED ACREAGE	ANNEX. ACREAGE	INSTRUMENT NO.
1. STATE OF TEXAS – ROW PARCEL 149	2.039	2.039	DOC. NO. 2005228151
2. STATE OF TEXAS – ROW PARCEL 201	5.083	3.079	DOC. NO. 2004065647
3. STATE OF TEXAS – F.M. 685 ROW	N/A	0.359	VOL. 3385, PG. 826 & VOL. 1340, PGS. 1,5,25 & 31
4. STATE OF TEXAS – ROW PARCEL 150	5.051	5.051	DOC. NO. 2004065649
5. STATE OF TEXAS – ROW PARCEL 151	5.053	5.053	DOC. NO. 2004046764
6. STATE OF TEXAS – ROW PARCEL 152	5.024	5.024	DOC. NO. 2003286597
7. STATE OF TEXAS – ROW PARCEL 153	5.022	5.022	DOC. NO. 2003167258
8. STATE OF TEXAS – PANTHER DR. ROW	N/A	0.574	BK. 76, PG. 274
9. STATE OF TEXAS – ROW PARCEL 154	5.049	5.049	DOC. NO. 2003099647
10. STATE OF TEXAS – ROW PARCEL 155	1.181	1.181	DOC. NO. 2004135423

TRACT AREAS CALLED FOR ARE PER TRAVIS COUNTY DEED OR TAX APPRAISAL DISTRICT RECORDS. ACTUAL AREAS MAY VARY. RECORD INSTRUMENTS ARE FROM THE DEED RECORDS OF TRAVIS COUNTY, TEXAS (D.R.T.C.T.) OR THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.T.), TRACT A BEING A 32.4 ACRE TRACT AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A TXDOT ALUMINUM CAPPED IRON ROD FOUND IN THE WEST LINE OF STATE HIGHWAY 130 (S.H. 130), A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY, AND BEING THE SOUTH CORNER OF S.H. 130 RIGHT-OF-WAY PARCEL 149, A 2.039 ACRE TRACT DESCRIBED IN A JUDGEMENT OF CONDEMNATION IN FAVOR OF THE STATE OF TEXAS RECORDED IN DOCUMENT NO. 2005228151, O.P.R.T.C.T., AND LYING IN THE WEST LINE OF S.H. 130 RIGHT-OF-WAY PARCEL 150, A 5.051 ACRE TRACT DESCRIBED IN A JUDGEMENT OF CONDEMNATION IN FAVOR OF THE STATE OF TEXAS RECORDED IN DOCUMENT NO. 2004065649, O.P.R.T.C.T. AND BEING AN ANGLE POINT IN THE EAST LINE OF THE REMAINDER OF LOT 18, PFLUGERVILLE ACRES II, PHASE 1 AS SHOWN ON A PLAT RECORDED IN BOOK 76, PAGE 274, PLAT RECORDS OF TRAVIS COUNTY, TEXAS (P.R.T.C.T.);

THENCE **NORTH 18°18'42" EAST**, WITH THE WEST LINE OF S.H. 130, **650.91 FEET**, TO AN ANGLE POINT ON THE NORTH LINE OF SAID LOT 18 AND LYING ON THE SOUTH LINE OF S.H. 130 RIGHT-OF-WAY PARCEL 201, A 5.083 ACRE TRACT DESCRIBED IN A JUDGEMENT OF CONDEMNATION IN FAVOR OF THE STATE OF TEXAS RECORDED IN DOCUMENT NO. 2004065647, O.P.R.T.C.T.;

THENCE **NORTH 43°45'58" WEST**, WITH THE WEST LINE OF S.H. 130, **6.91 FEET**, TO AN ANGLE POINT LYING ON THE NORTH LINE OF SAID LOT 18 AND LYING ON THE SOUTH LINE OF SAID PARCEL 201, FROM WHICH A 1/2 INCH IRON ROD WAS FOUND BEARING NORTH 43°45'58" WEST, 55.78 FEET FOR THE SOUTHWESTERLY CORNER OF SAID PARCEL 201 AND BEING THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE THROUGH SAID PARCEL 201, ON A PROJECTION OF THE SOUTH LINE OF ROWE LANE, A 60-FOOT WIDE PUBLIC RIGHT-OF-WAY, ACROSS THE S.H. 130 RIGHT-OF-WAY AND ACROSS FARM TO MARKET ROAD 685 (F.M. 685), A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY DESCRIBED IN DEEDS TO THE STATE OF TEXAS RECORDED IN VOLUME 1340, PAGE 1, VOLUME 1340, PAGE 5, VOLUME 1340, PAGE 25, VOLUME 1340, PAGE 31, AND VOLUME 3385, PAGE 826, D.R.T.C.T., **SOUTH 82°37'32" EAST, 693.80 FEET** TO AN ANGLE POINT BEING THE NORTHWEST CORNER OF A CITY OF PFLUGERVILLE ANNEXATION TRACT ESTABLISHED BY ORDINANCE NO. 452-97-02-04, AND BEING THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT, FROM WHICH A TXDOT ALUMINUM CAPPED IRON ROD FOUND AT THE INTERSECTION OF THE EAST LINE OF F.M. 685 WITH THE SOUTH LINE OF ROWE LANE BEARS SOUTH 82°37'32" EAST, 9.25 FEET;

THENCE CONTINUING THROUGH THE SAID F.M. 685 RIGHT-OF-WAY, ON A PROJECTION OF THE WEST LINE OF SAID F.M. 685 WITH THE PFLUGERVILLE CITY LIMIT LINE, **SOUTH 27°28'16" WEST, 459.78 FEET**, TO AN ANGLE POINT IN THE COMMON LINE BETWEEN THE F.M. 685 AND S.H. 130 RIGHT-OF-WAYS AND BEING THE SOUTHEAST CORNER OF SAID PARCEL 201 AND BEING THE EAST CORNER OF SAID PARCEL 150 AND BEING THE NORTHEAST CORNER OF S.H. 130 RIGHT-OF-WAY PARCEL 151, A 5.053 ACRE TRACT DESCRIBED IN A DEED TO THE STATE OF TEXAS RECORDED IN DOCUMENT NO. 2004046764, O.P.R.T.C.T.;

THENCE CONTINUING ON THE COMMON LINE BETWEEN THE F.M. 685 AND S.H. 130 RIGHT-OF-WAYS WITH THE PFLUGERVILLE CITY LIMIT LINE, **SOUTH 27°28'16" WEST, 714.68 FEET** TO THE SOUTHEAST CORNER OF SAID PARCEL 151, BEING THE NORTHEAST CORNER OF S.H. 130 RIGHT-OF-WAY PARCEL 152, A 5.024 ACRE TRACT DESCRIBED IN A DEED TO THE STATE OF TEXAS RECORDED IN DOCUMENT NO. 2003286597, O.P.R.T.C.T.;

THENCE CONTINUING ON THE COMMON LINE BETWEEN THE F.M. 685 AND S.H. 130 RIGHT-OF-WAYS WITH THE PFLUGERVILLE CITY LIMIT LINE, **SOUTH 27°28'16" WEST, 530.17 FEET** TO THE SOUTHEAST CORNER OF SAID PARCEL 152, AND BEING THE NORTHEAST CORNER OF S.H. 130 RIGHT-OF-WAY PARCEL 153, A 5.022 ACRE TRACT DESCRIBED IN A DEED TO THE STATE OF TEXAS RECORDED IN DOCUMENT NO. 2003167258, O.P.R.T.C.T.;

THENCE CONTINUING ON THE COMMON LINE BETWEEN THE F.M. 685 AND S.H. 130 RIGHT-OF-WAYS WITH THE PFLUGERVILLE CITY LIMIT LINE, **SOUTH 27°28'16" WEST, 151.87 FEET** TO AN ANGLE POINT IN THE EAST LINE OF SAID PARCEL 153;

THENCE CONTINUING ON THE COMMON LINE BETWEEN THE F.M. 685 AND S.H. 130 RIGHT-OF-WAYS WITH THE PFLUGERVILLE CITY LIMIT LINE, **SOUTH 27°19'24" WEST, 272.98 FEET** TO THE EASTERLY SOUTHEAST CORNER OF SAID PARCEL 153;

THENCE CONTINUING ON THE COMMON LINE BETWEEN THE F.M. 685 AND S.H. 130 RIGHT-OF-WAYS WITH THE PFLUGERVILLE CITY LIMIT LINE, **SOUTH 27°16'53" WEST, 100.01 FEET**, ALONG A VACATED PORTION OF PANTHER DRIVE, A FIFTY FOOT PUBLIC RIGHT-OF-WAY AS SHOWN ON THE SAID PFLUGERVILLE ACRES II, PHASE 1 PLAT AND INCORPORATED INTO THE S.H. 130 RIGHT-OF-WAY, TO AN ANGLE POINT BEING THE NORTHEAST CORNER OF S.H. 130 RIGHT-OF-WAY PARCEL 154, A 5.049 ACRE TRACT DESCRIBED IN A DEED TO THE STATE OF TEXAS RECORDED IN DOCUMENT NO. 2003099647, O.P.R.T.C.T.;

THENCE CONTINUING ON THE COMMON LINE BETWEEN THE F.M. 685 AND S.H. 130 RIGHT-OF-WAYS WITH THE PFLUGERVILLE CITY LIMIT LINE, **SOUTH 27°19'24" WEST, 525.14 FEET**, TO THE SOUTHEAST CORNER OF SAID PARCEL 154 AND BEING THE NORTHEAST CORNER OF A CITY OF PFLUGERVILLE ANNEXATION TRACT ESTABLISHED BY ORDINANCE NO. 720-03-11-11 AND BEING THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED;

THENCE WITH THE SOUTH LINE OF SAID PARCEL 154 WITH THE PFLUGERVILLE CITY LIMIT LINE, **NORTH 62°10'17" WEST, 400.75 FEET**, TO THE SOUTHWEST CORNER OF SAID PARCEL 154 AND BEING THE SOUTHEAST CORNER OF S.H. 130 RIGHT-OF-WAY PARCEL 155, A 1.181 ACRE TRACT DESCRIBED IN A JUDGEMENT OF CONDEMNATION IN FAVOR OF THE STATE OF TEXAS RECORDED IN DOCUMENT NO. 2004135423, O.P.R.T.C.T.;

THENCE WITH THE SOUTH LINE OF SAID PARCEL 153 WITH THE PFLUGERVILLE CITY LIMIT LINE, **NORTH 62°36'21" WEST, 93.61 FEET**, TO THE SOUTHWEST CORNER OF SAID PARCEL 155 AND BEING THE SOUTHEAST CORNER OF THE REMAINDER OF LOT 2, OF SAID PFLUGERVILLE ACRES II, PHASE 1 AND BEING THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE DEPARTING THE PFLUGERVILLE CITY LIMIT LINE WITH THE WEST LINE OF S.H. 130 AND SAID PARCEL 155, **NORTH 27°19'03" EAST, 549.11 FEET**, TO THE NORTHWEST CORNER OF SAID PARCEL 155;

THENCE CONTINUING WITH THE WEST LINE OF S.H. 130 ACROSS THE SAID PANTHER DRIVE RIGHT-OF-WAY, **NORTH 34°24'36" EAST, 75.13 FEET**, TO THE SOUTHWEST CORNER OF SAID PARCEL 153;

THENCE CONTINUING WITH THE WEST LINE OF S.H. 130 AND SAID PARCEL 153 AND WITH THE EAST LINE OF PANTHER LOOP, A 50 FOOT WIDE PUBLIC RIGHT-OF-WAY AS SHOWN ON THE PLAT OF SAID PFLUGERVILLE ACRES II, PHASE 1, **NORTH 26°47'29" EAST, 424.93 FEET**, TO THE NORTHWEST CORNER OF SAID PARCEL 153 AND BEING THE SOUTHWEST CORNER OF SAID PARCEL 152;

THENCE CONTINUING WITH THE WEST LINE OF S.H. 130 AND SAID PARCEL 152 AND WITH THE EAST LINE PANTHER LOOP, **NORTH 26°47'29" EAST, 359.66 FEET**, TO THE NORTHWEST CORNER OF SAID PARCEL 152 AND BEING THE SOUTHWEST CORNER OF SAID PARCEL 151 AND BEING THE BEGINNING OF A CURVE;

THENCE CONTINUING WITH THE WEST LINE OF S.H. 130 AND SOUTHWESTERLY LINE OF SAID PARCEL 151 ALONG A CURVE TO THE LEFT HAVING A RADIUS OF **203.06 FEET**, A DELTA OF **71°41'49"**, A CHORD BEARING AND DISTANCE OF **NORTH 09°03'26" WEST, 237.85 FEET**, PASSING AT AN ARC LENGTH OF 121.83, THE SOUTHWEST CORNER OF PARCEL 151 AND SOUTHEAST CORNER OF SAID PARCEL 150, IN ALL, A TOTAL ARC LENGTH OF **254.10 FEET** TO A FOUND 1/2 INCH IRON ROD FOR THE SOUTHWEST CORNER OF LOT 150;

THENCE CONTINUING WITH THE WEST LINE OF S.H. 130 AND WESTERLY LINE OF SAID PARCEL 150, **NORTH 46°39'28" EAST, 285.54 FEET** TO THE **POINT OF BEGINNING** AND CONTAINING **32.4 ACRES** OR LAND, MORE OR LESS.

BASIS OF BEARINGS:

BEARINGS SHOWN HEREON ARE REFERENCED TO GRID NORTH FOR THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE NAD 83.

SURVEYOR'S CERTIFICATION:

THIS DOCUMENT, PREPARED UNDER 22 TAC 663.21, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.

William A. Forshey
WILLIAM A. FORSHEY
REGISTERED PUBLIC LAND SURVEYOR NO. 5097

09/29/06

BAKER-AICKLEN & ASSOCIATES, INC.
405 BRUSHY CREEK ROAD
CEDAR PARK, TEXAS 78613
(512) 260-3700

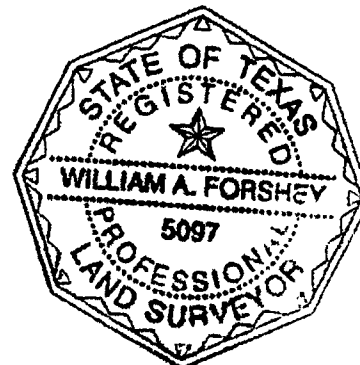


EXHIBIT “B”
SERVICE PLAN

SERVICE PLAN FOR PROPOSED ANNEXATION BY THE CITY OF PFLUGERVILLE, IN TRAVIS COUNTY, TEXAS

This service plan establishes a program under which the City of Pflugerville, Texas (the "City"), will provide full municipal services to the area described on the attached Exhibit "A" (the "Annexed Area"), as required by § 43.065 of the Texas Local Government Code.

I.

The City will provide the following municipal services to the Annexed Area at a level consistent with protection to other 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. After 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. 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 after annexation.
 - 3. The City provides Emergency Medical Transport Services through an interlocal agreement with Travis County, Texas. After 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. 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.

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 a private refuse collection company. The residential solid waste collection services include garbage collection, recycling, bulky item collection and brush collection or chipping. This service will be provided for a fee to any person within the Annexed Area requesting the service after the

date of annexation. The City may not prohibit the collection of solid waste by a private provider or charge a fee for solid waste collection to any resident who continues to use the services of a private provider during the first two years following annexation. If a resident continues to use the services of a private provider during the two years following annexation, the City is not required to provide solid waste collection services to that resident.

B. Maintenance. Routine maintenance of the following City-owned facilities, if any, will be provided within the Annexed Area effective as of the 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.
3. **Publicly owned parks, playgrounds, and swimming pools.** The City will maintain and operate publicly owned land and facilities within the annexation 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. The City maintains drainage facilities through regular mowing and cleaning or repair, as needed. The City will inspect the land a minimum of every six (6) weeks and perform maintenance as required which includes but is not limited to mowing and the removal of debris no fewer than six (6) times a 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. If the City establishes a city-wide maintenance plan after the establishment of this service plan the city-wide service plan will replace the maintenance plan established in this service plan.

C. Development Regulation. The City will enforce zoning, subdivision development, site development and building code regulations within the Annexed Area after 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 residents of the Annexed Area on the same basis as those facilities are available to current City residents. City residents receive program preference for some City programs.

III.

A. Capital Improvements. As provided in Section 43.056(e) of the Local Government Code, the City will begin acquiring or constructing capital improvements necessary for providing

municipal services adequate to serve the Annexed Area. The acquisition or construction will occur in accordance with applicable ordinances and regulations of the City. Landowners within the Annexed Area will not be required to fund the capital improvements necessary to provide municipal services to the Annexed Area except as provided below for water and wastewater service.

- B. Water and Wastewater Service. For portions of the Annexed Area not within the certificated service areas of the City or another utility, the City will extend water and wastewater service to such areas in accordance with the City's service extension policy attached as Exhibit "B", at the appropriate levels considering the topography, land use and population density of the property requesting service. In addition, unless consistent with the City's existing requirements for funding of extensions of water or wastewater service to areas within the current City limits, landowners within the Annexed Area will not be required to fund the capital improvements necessary to provide water and wastewater service under this service plan.

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.

EXHIBIT "A"
to Service Plan

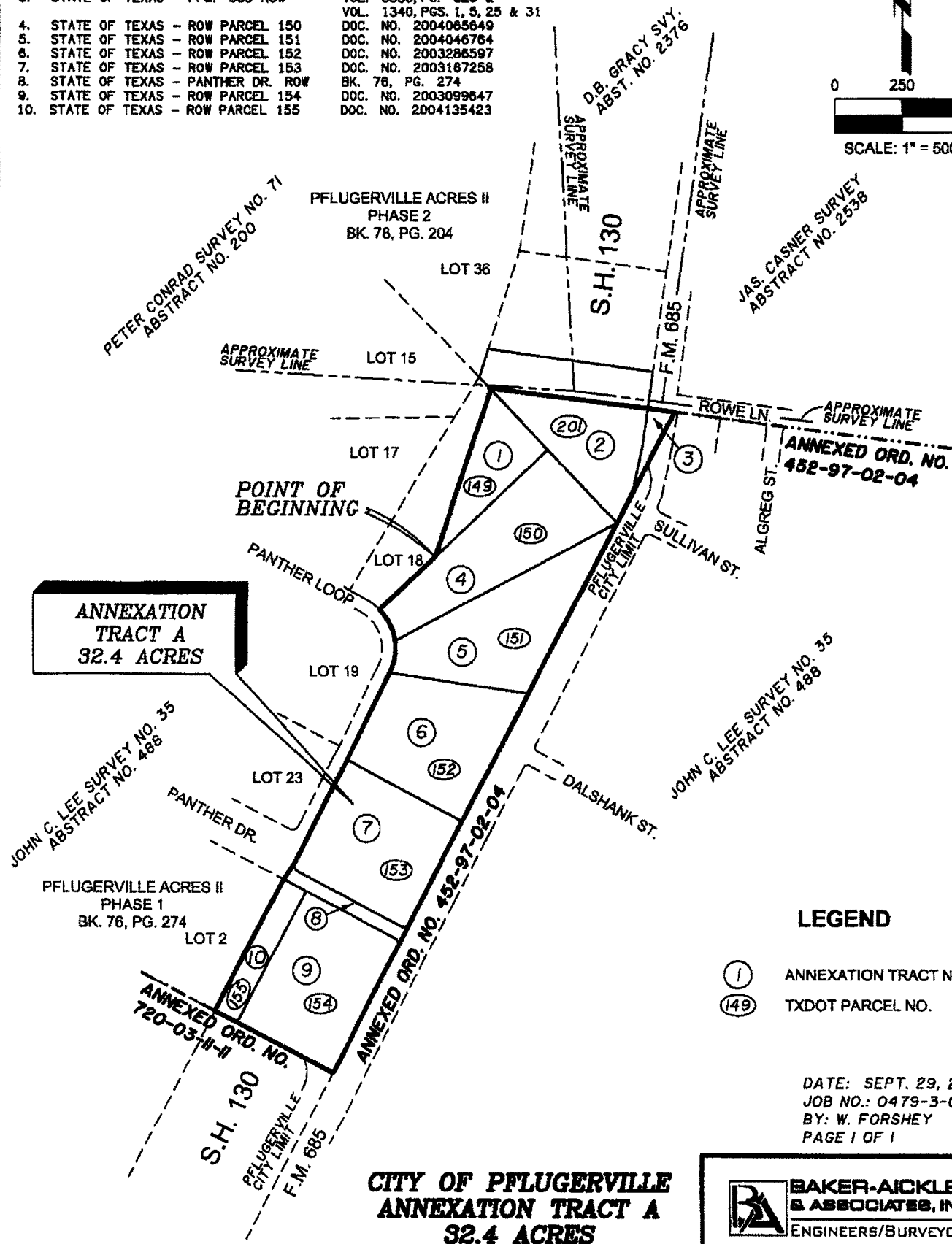
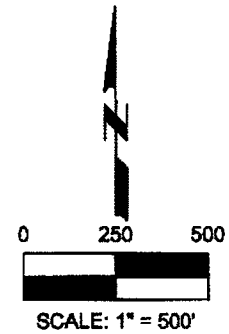
ANNEXED AREA

[ATTACH LEGAL DESCRIPTION]

OWNER

INSTRUMENT NO.

- | | |
|-------------------------------------|-------------------------------|
| 1. STATE OF TEXAS - ROW PARCEL 149 | DOC. NO. 2005228151 |
| 2. STATE OF TEXAS - ROW PARCEL 201 | DOC. NO. 2004085847 |
| 3. STATE OF TEXAS - F.M. 685 ROW | VOL. 3385, PG. 826 & |
| | VOL. 1340, PGS. 1, 5, 25 & 31 |
| 4. STATE OF TEXAS - ROW PARCEL 150 | DOC. NO. 2004065649 |
| 5. STATE OF TEXAS - ROW PARCEL 151 | DOC. NO. 2004046784 |
| 6. STATE OF TEXAS - ROW PARCEL 152 | DOC. NO. 2003286597 |
| 7. STATE OF TEXAS - ROW PARCEL 153 | DOC. NO. 2003167258 |
| 8. STATE OF TEXAS - PANTHER DR. ROW | BK. 76, PG. 274 |
| 9. STATE OF TEXAS - ROW PARCEL 154 | DOC. NO. 2003099847 |
| 10. STATE OF TEXAS - ROW PARCEL 155 | DOC. NO. 2004135423 |



**CITY OF PFLUGERVILLE
TRAVIS COUNTY, TEXAS
ANNEXATION TRACT A
32.4 ACRES
METES AND BOUNDS DESCRIPTION**

THE HEREIN DESCRIPTION AND ACCOMPANYING SKETCH ARE BASED ON A COMBINATION OF FIELD SURVEY DATA AND RECORD INFORMATION OF VARIOUS TRACTS OF LAND LOCATED IN THE JOHN LEE SURVEY NO. 35, ABSTRACT NO. 488, TRAVIS COUNTY, TEXAS AND BEING ALL OR PARTS OF THE FOLLOWING TRACTS:

OWNER	DEED ACREAGE	ANNEX. ACREAGE	INSTRUMENT NO.
1. STATE OF TEXAS – ROW PARCEL 149	2.039	2.039	DOC. NO. 2005228151
2. STATE OF TEXAS – ROW PARCEL 201	5.083	3.079	DOC. NO. 2004065647
3. STATE OF TEXAS – F.M. 685 ROW	N/A	0.359	VOL. 3385, PG. 826 & VOL. 1340, PGS. 1,5,25 & 31
4. STATE OF TEXAS – ROW PARCEL 150	5.051	5.051	DOC. NO. 2004065649
5. STATE OF TEXAS – ROW PARCEL 151	5.053	5.053	DOC. NO. 2004046764
6. STATE OF TEXAS – ROW PARCEL 152	5.024	5.024	DOC. NO. 2003286597
7. STATE OF TEXAS – ROW PARCEL 153	5.022	5.022	DOC. NO. 2003167258
8. STATE OF TEXAS – PANTHER DR. ROW	N/A	0.574	BK. 76, PG. 274
9. STATE OF TEXAS – ROW PARCEL 154	5.049	5.049	DOC. NO. 2003099647
10. STATE OF TEXAS – ROW PARCEL 155	1.181	1.181	DOC. NO. 2004135423

TRACT AREAS CALLED FOR ARE PER TRAVIS COUNTY DEED OR TAX APPRAISAL DISTRICT RECORDS. ACTUAL AREAS MAY VARY. RECORD INSTRUMENTS ARE FROM THE DEED RECORDS OF TRAVIS COUNTY, TEXAS (D.R.T.C.T.) OR THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.T.), TRACT A BEING A 32.4 ACRE TRACT AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A TXDOT ALUMINUM CAPPED IRON ROD FOUND IN THE WEST LINE OF STATE HIGHWAY 130 (S.H. 130), A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY, AND BEING THE SOUTH CORNER OF S.H. 130 RIGHT-OF-WAY PARCEL 149, A 2.039 ACRE TRACT DESCRIBED IN A JUDGEMENT OF CONDEMNATION IN FAVOR OF THE STATE OF TEXAS RECORDED IN DOCUMENT NO. 2005228151, O.P.R.T.C.T., AND LYING IN THE WEST LINE OF S.H. 130 RIGHT-OF-WAY PARCEL 150, A 5.051 ACRE TRACT DESCRIBED IN A JUDGEMENT OF CONDEMNATION IN FAVOR OF THE STATE OF TEXAS RECORDED IN DOCUMENT NO. 2004065649, O.P.R.T.C.T. AND BEING AN ANGLE POINT IN THE EAST LINE OF THE REMAINDER OF LOT 18, PFLUGERVILLE ACRES II, PHASE 1 AS SHOWN ON A PLAT RECORDED IN BOOK 76, PAGE 274, PLAT RECORDS OF TRAVIS COUNTY, TEXAS (P.R.T.C.T.);

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THENCE **NORTH 43°45'58" WEST**, WITH THE WEST LINE OF S.H. 130, **6.91 FEET**, TO AN ANGLE POINT LYING ON THE NORTH LINE OF SAID LOT 18 AND LYING ON THE SOUTH LINE OF SAID PARCEL 201, FROM WHICH A 1/2 INCH IRON ROD WAS FOUND BEARING NORTH 43°45'58" WEST, 55.78 FEET FOR THE SOUTHWESTERLY CORNER OF SAID PARCEL 201 AND BEING THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE THROUGH SAID PARCEL 201, ON A PROJECTION OF THE SOUTH LINE OF ROWE LANE, A 60-FOOT WIDE PUBLIC RIGHT-OF-WAY, ACROSS THE S.H. 130 RIGHT-OF-WAY AND ACROSS FARM TO MARKET ROAD 685 (F.M. 685), A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY DESCRIBED IN DEEDS TO THE STATE OF TEXAS RECORDED IN VOLUME 1340, PAGE 1, VOLUME 1340, PAGE 5, VOLUME 1340, PAGE 25, VOLUME 1340, PAGE 31, AND VOLUME 3385, PAGE 826, D.R.T.C.T., **SOUTH 82°37'32" EAST, 693.80 FEET** TO AN ANGLE POINT BEING THE NORTHWEST CORNER OF A CITY OF PFLUGERVILLE ANNEXATION TRACT ESTABLISHED BY ORDINANCE NO. 452-97-02-04, AND BEING THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT, FROM WHICH A TXDOT ALUMINUM CAPPED IRON ROD FOUND AT THE INTERSECTION OF THE EAST LINE OF F.M. 685 WITH THE SOUTH LINE OF ROWE LANE BEARS SOUTH 82°37'32" EAST, 9.25 FEET;

THENCE CONTINUING THROUGH THE SAID F.M. 685 RIGHT-OF-WAY, ON A PROJECTION OF THE WEST LINE OF SAID F.M. 685 WITH THE PFLUGERVILLE CITY LIMIT LINE, **SOUTH 27°28'16" WEST, 459.78 FEET**, TO AN ANGLE POINT IN THE COMMON LINE BETWEEN THE F.M. 685 AND S.H. 130 RIGHT-OF-WAYS AND BEING THE SOUTHEAST CORNER OF SAID PARCEL 201 AND BEING THE EAST CORNER OF SAID PARCEL 150 AND BEING THE NORTHEAST CORNER OF S.H. 130 RIGHT-OF-WAY PARCEL 151, A 5.053 ACRE TRACT DESCRIBED IN A DEED TO THE STATE OF TEXAS RECORDED IN DOCUMENT NO. 2004046764, O.P.R.T.C.T.;

THENCE CONTINUING ON THE COMMON LINE BETWEEN THE F.M. 685 AND S.H. 130 RIGHT-OF-WAYS WITH THE PFLUGERVILLE CITY LIMIT LINE, **SOUTH 27°28'16" WEST, 714.68 FEET** TO THE SOUTHEAST CORNER OF SAID PARCEL 151, BEING THE NORTHEAST CORNER OF S.H. 130 RIGHT-OF-WAY PARCEL 152, A 5.024 ACRE TRACT DESCRIBED IN A DEED TO THE STATE OF TEXAS RECORDED IN DOCUMENT NO. 2003286597, O.P.R.T.C.T.;

THENCE CONTINUING ON THE COMMON LINE BETWEEN THE F.M. 685 AND S.H. 130 RIGHT-OF-WAYS WITH THE PFLUGERVILLE CITY LIMIT LINE, **SOUTH 27°28'16" WEST, 530.17 FEET** TO THE SOUTHEAST CORNER OF SAID PARCEL 152, AND BEING THE NORTHEAST CORNER OF S.H. 130 RIGHT-OF-WAY PARCEL 153, A 5.022 ACRE TRACT DESCRIBED IN A DEED TO THE STATE OF TEXAS RECORDED IN DOCUMENT NO. 2003167258, O.P.R.T.C.T.;

THENCE CONTINUING ON THE COMMON LINE BETWEEN THE F.M. 685 AND S.H. 130 RIGHT-OF-WAYS WITH THE PFLUGERVILLE CITY LIMIT LINE, **SOUTH 27°28'16" WEST, 151.87 FEET** TO AN ANGLE POINT IN THE EAST LINE OF SAID PARCEL 153;

THENCE CONTINUING ON THE COMMON LINE BETWEEN THE F.M. 685 AND S.H. 130 RIGHT-OF-WAYS WITH THE PFLUGERVILLE CITY LIMIT LINE, **SOUTH 27°19'24" WEST, 272.98 FEET** TO THE EASTERLY SOUTHEAST CORNER OF SAID PARCEL 153;

THENCE CONTINUING ON THE COMMON LINE BETWEEN THE F.M. 685 AND S.H. 130 RIGHT-OF-WAYS WITH THE PFLUGERVILLE CITY LIMIT LINE, **SOUTH 27°16'53" WEST, 100.01 FEET**, ALONG A VACATED PORTION OF PANTHER DRIVE, A FIFTY FOOT PUBLIC RIGHT-OF-WAY AS SHOWN ON THE SAID PFLUGERVILLE ACRES II, PHASE 1 PLAT AND INCORPORATED INTO THE S.H. 130 RIGHT-OF-WAY, TO AN ANGLE POINT BEING THE NORTHEAST CORNER OF S.H. 130 RIGHT-OF-WAY PARCEL 154, A 5.049 ACRE TRACT DESCRIBED IN A DEED TO THE STATE OF TEXAS RECORDED IN DOCUMENT NO. 2003099647, O.P.R.T.C.T.;

THENCE CONTINUING ON THE COMMON LINE BETWEEN THE F.M. 685 AND S.H. 130 RIGHT-OF-WAYS WITH THE PFLUGERVILLE CITY LIMIT LINE, **SOUTH 27°19'24" WEST, 525.14 FEET**, TO THE SOUTHEAST CORNER OF SAID PARCEL 154 AND BEING THE NORTHEAST CORNER OF A CITY OF PFLUGERVILLE ANNEXATION TRACT ESTABLISHED BY ORDINANCE NO. 720-03-11-11 AND BEING THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED;

THENCE WITH THE SOUTH LINE OF SAID PARCEL 154 WITH THE PFLUGERVILLE CITY LIMIT LINE, **NORTH 62°10'17" WEST, 400.75 FEET**, TO THE SOUTHWEST CORNER OF SAID PARCEL 154 AND BEING THE SOUTHEAST CORNER OF S.H. 130 RIGHT-OF-WAY PARCEL 155, A 1.181 ACRE TRACT DESCRIBED IN A JUDGEMENT OF CONDEMNATION IN FAVOR OF THE STATE OF TEXAS RECORDED IN DOCUMENT NO. 2004135423, O.P.R.T.C.T.;

THENCE WITH THE SOUTH LINE OF SAID PARCEL 153 WITH THE PFLUGERVILLE CITY LIMIT LINE, **NORTH 62°36'21" WEST, 93.61 FEET**, TO THE SOUTHWEST CORNER OF SAID PARCEL 155 AND BEING THE SOUTHEAST CORNER OF THE REMAINDER OF LOT 2, OF SAID PFLUGERVILLE ACRES II, PHASE 1 AND BEING THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE DEPARTING THE PFLUGERVILLE CITY LIMIT LINE WITH THE WEST LINE OF S.H. 130 AND SAID PARCEL 155, **NORTH 27°19'03" EAST, 549.11 FEET**, TO THE NORTHWEST CORNER OF SAID PARCEL 155;

THENCE CONTINUING WITH THE WEST LINE OF S.H. 130 ACROSS THE SAID PANTHER DRIVE RIGHT-OF-WAY, **NORTH 34°24'36" EAST, 75.13 FEET**, TO THE SOUTHWEST CORNER OF SAID PARCEL 153;

THENCE CONTINUING WITH THE WEST LINE OF S.H. 130 AND SAID PARCEL 153 AND WITH THE EAST LINE OF PANTHER LOOP, A 50 FOOT WIDE PUBLIC RIGHT-OF-WAY AS SHOWN ON THE PLAT OF SAID PFLUGERVILLE ACRES II, PHASE 1, **NORTH 26°47'29" EAST, 424.93 FEET**, TO THE NORTHWEST CORNER OF SAID PARCEL 153 AND BEING THE SOUTHWEST CORNER OF SAID PARCEL 152;

THENCE CONTINUING WITH THE WEST LINE OF S.H. 130 AND SAID PARCEL 152 AND WITH THE EAST LINE PANTHER LOOP, **NORTH 26°47'29" EAST, 359.66 FEET**, TO THE NORTHWEST CORNER OF SAID PARCEL 152 AND BEING THE SOUTHWEST CORNER OF SAID PARCEL 151 AND BEING THE BEGINNING OF A CURVE;

THENCE CONTINUING WITH THE WEST LINE OF S.H. 130 AND SOUTHWESTERLY LINE OF SAID PARCEL 151 ALONG A CURVE TO THE LEFT HAVING A RADIUS OF **203.06 FEET**, A DELTA OF **71°41'49"**, A CHORD BEARING AND DISTANCE OF **NORTH 09°03'26" WEST, 237.85 FEET**, PASSING AT AN ARC LENGTH OF 121.83, THE SOUTHWEST CORNER OF PARCEL 151 AND SOUTHEAST CORNER OF SAID PARCEL 150, IN ALL, A TOTAL ARC LENGTH OF **254.10 FEET** TO A FOUND 1/2 INCH IRON ROD FOR THE SOUTHWEST CORNER OF LOT 150;

THENCE CONTINUING WITH THE WEST LINE OF S.H. 130 AND WESTERLY LINE OF SAID PARCEL 150, **NORTH 46°39'28" EAST, 285.54 FEET** TO THE POINT OF BEGINNING AND CONTAINING **32.4 ACRES** OR LAND, MORE OR LESS.

BASIS OF BEARINGS:

BEARINGS SHOWN HEREON ARE REFERENCED TO GRID NORTH FOR THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE NAD 83.

SURVEYOR'S CERTIFICATION:

THIS DOCUMENT, PREPARED UNDER 22 TAC 663.21, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.

William A. Forshey
WILLIAM A. FORSHEY

09/29/06

REGISTERED PUBLIC LAND SURVEYOR NO. 5097

BAKER-AICKLEN & ASSOCIATES, INC.
405 BRUSHY CREEK ROAD
CEDAR PARK, TEXAS 78613
(512) 260-3700



PROJECT NO. 0479-3-014-20
W:\PROJECTS\CITY OF PFLUGERVILLE\SH 130 ROW\DOC\DESC OF TRACT A.doc

EXHIBIT "B"
to Service Plan

CITY OF PFLUGERVILLE
WATER AND WASTEWATER SERVICE EXTENSION POLICY

A. GENERAL POLICY

- (1) This policy applies to customers requiring extensions to the City's sewer and water systems, including extensions to existing subdivisions that have not previously been served by City utilities, and excluding extensions to new subdivisions that are covered by the City's subdivision ordinance.
- (2)
 - (a) The City will extend a water distribution main up to 50 feet within a dedicated street, alley or easement, without additional cost to the customer above the standard connection charges.
 - (b) The City will extend lateral sewers or sewer mains only upon the payment of the actual costs of the extension by the customer as provided in this policy.
- (3) If a customer desires service which requires an extension of more than 50 feet of water mains, or an extension of lateral sewers or sewer mains, the customer may advance the funds required for the extension and receive a partial refund as future customers connect to the extension.
- (4) The City is not required to fund system extensions from surplus revenues, bond funds or other public funds, but reserves the right, at its discretion, to use these funds if they become available. Projects will be considered based upon the public health and well-being and the willingness of the customers involved to cost-participate. This funding must be approved by the City Council.

B. PROCEDURE

- (1) Customers desiring to advance funds for the City to extend its water or sewer systems to provide service to their property must make a written application to the City Manager stating the lot and block number, name of subdivision and street address of the property to be served and the service required. The application must be signed by all property owners initially requesting service and their signatures must be identified with the property they desire to be served.
- (2) Upon receipt of an application, the City Manager will direct the City Engineer to prepare a cost estimate for the extension to the requested point of service. The cost estimate must include estimated construction costs and repair costs for all streets and public utilities affected by the construction.
- (3) The estimated construction cost, plus the applicable meter deposits, impact fees and tap fees for each of the initial customers requiring the extension, must be deposited with the City before construction is initiated by the City. The City will pay for engineering, administration, field surveys and other similar contingencies related to the extension.

- (4) Each customer participating in a system extension under this policy must execute a written agreement with the City which describes the extension, specifies the total per-customer costs of the extension, and sets forth the names and addresses of each person to whom refunds are payable.
- (5) After all required funds are paid to the City, the customers may require that competitive bids be received from private contractors for the work; otherwise the City Manager will determine whether the work is to be let by competitive bid or performed by City personnel for the amount of the estimate.
- (6) If bids are received on the work, the amount of the deposit will be adjusted, by additional collections or refunds, to the actual contract price plus applicable meter deposits, impact fees and tap fees. These adjustments will be made before the work is begun.

C. ASSIGNMENT OF COSTS

If multiple customers cooperate to fund a system extension, the proportion of the project cost assigned to each participating customer will be determined according to the following formula:

(customer's capacity in project ÷ total project capacity) (total project cost)

In addition to these extension costs, each customer must pay the applicable meter deposits, impact fees and tap fees, and must provide a sewer service line or water service line to the water meter or sewer tap.

D. SUBSEQUENT USER FEES

- (1) The City will require each new customer who connects to a line extension project financed by customers under this policy to pay all standard connection charges plus a subsequent user fee determined in accordance with paragraph C. As these subsequent user fees are collected by the City, refunds will be made to the customers who paid for the extension as provided in the written agreement required under paragraph B(4). Refunds will be made within 30 days after the subsequent user fees are paid to the City, and will be divided among the initial participants in the same proportion as their participation in the extension project.
- (2) No refunds will be made after 5 years from the date of completion of the project and no refunds of less than \$25 per participating customer will be made.

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

2006 Nov 08 02:58 PM

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CORTEZY \$92.00

DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS

ORDINANCE NO. 432-96-02-13

AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, ANNEXING APPROXIMATELY 526 ACRES OF LAND IN TRAVIS COUNTY, TEXAS; EXTENDING THE BOUNDARIES OF THE CITY TO INCLUDE SUCH PROPERTY; BINDING SUCH PROPERTY TO ALL OF THE ACTS, ORDINANCES, RESOLUTIONS AND REGULATIONS OF THE CITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Pflugerville, Texas (the "City") desires to annex the land described in Exhibit "A", as Areas 1, 2, and 3 attached hereto and incorporated herein by reference (the "Land"); and

WHEREAS, the City Council of the City has considered the annexation of the Land, following two public hearings, notice of which was duly given in accordance with all applicable legal requirements and has determined to institute proceedings to annex the Land; NOW, THEREFORE,

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

Section 1. The Land described in the attached Exhibit "A" as Areas 1, 2, and 3 is hereby annexed to the City, and the boundaries of the City are extended to include such property within the corporate limits of the City. From and after the date of this ordinance, such property shall be bound by the acts, ordinances, resolutions and regulations of the City.

Section 2. Municipal services shall be extended to the annexed Areas in accordance with the service plan attached as Exhibit "B".

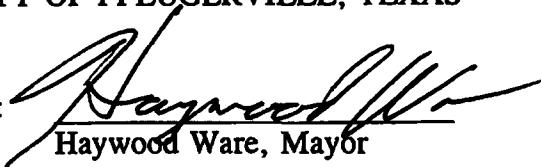
Section 3. The City Secretary is directed to file a certified copy of this ordinance in the office of the County Clerk of Travis County, Texas, and in the official records of the City.

Section 4. This ordinance will take effect upon its passage by 3 affirmative votes of members of the City Council on first reading; provided that this ordinance is posted and adopted at a subsequent meeting of the City Council in accordance with the provisions of Section 3.15(d) of the City Charter, and provided further that no objection to the annexation is interposed by the United States Attorney General within 60 days of the submission of the annexation pursuant to Section 5 of the Voting Rights Act of 1965, as amended.

PASSED AND APPROVED this 13th day of February, 1996.

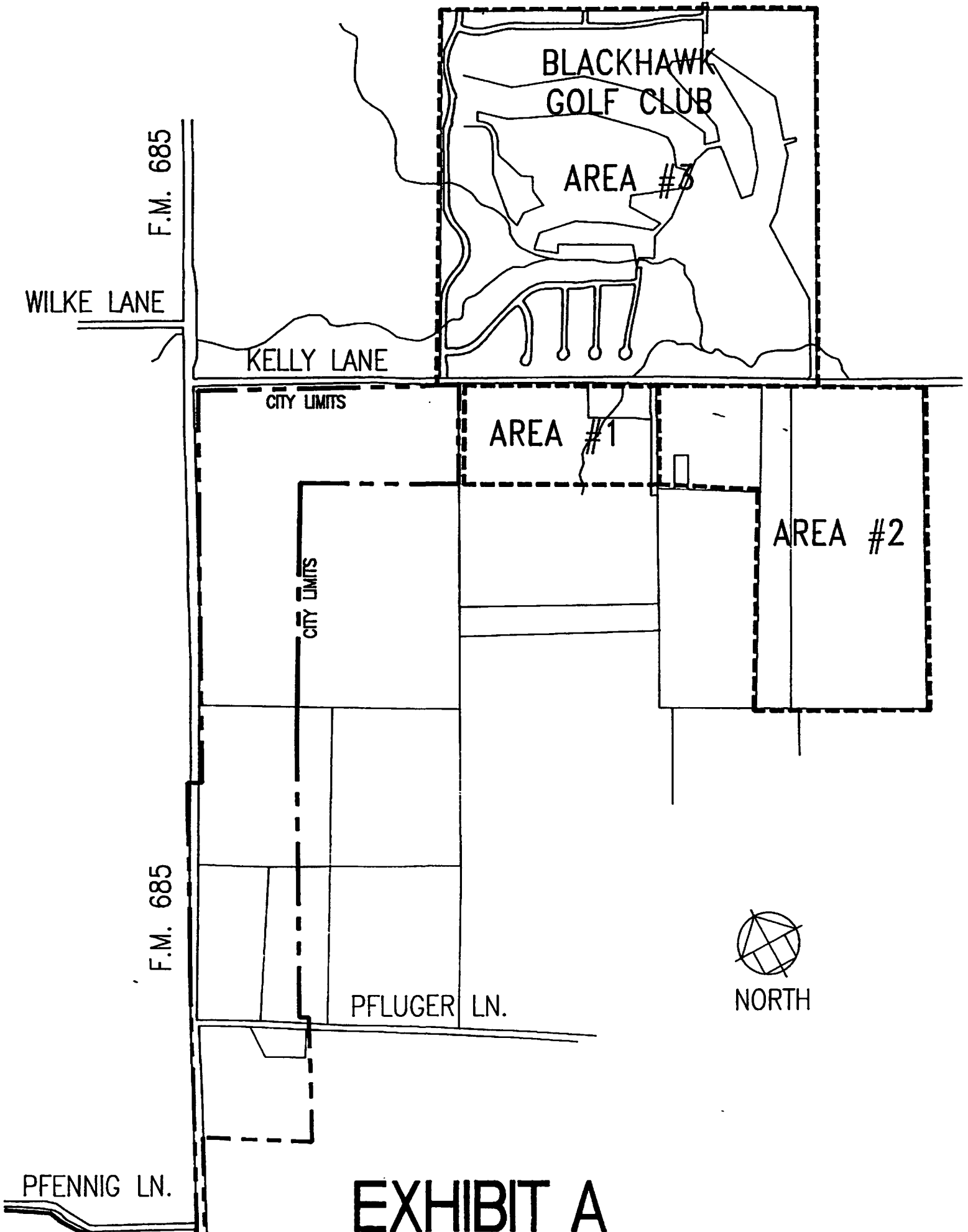
CITY OF PFLUGERVILLE, TEXAS

By:


Haywood Ware, Mayor

ATTEST:


Lauri Gillam, City Secretary



AREA 1
A DESCRIPTION OF AN AREA OF LAND IN TRAVIS COUNTY, TEXAS
APPROXIMATELY 46 ACRES IN AREA, NAMED AREA 1,
TO BE ANNEXED INTO THE CITY OF PFLUGERVILLE

BEGINNING in the southwest right-of-way line of Kelly Lane at the most northeast corner of the present City Limits of the City of Pflugerville, which point is also on the common property line of the Julia Mullenbruch et al 195.42 acre tract and the Lutheran Foundation of the Southwest et al 106.27 acre tract, for the most northern corner of this described tract;

THENCE, following said common property line which is also the present City Limit line in a southwest direction for a distance of 1,000 feet to a point for corner, which is the most western corner of this described area;

THENCE, in a southeast direction parallel to Kelly Lane across said Lutheran Foundation of the Southwest tract to said tract's eastern boundary for a corner;

THENCE, in a southwest direction with the property line common with the Duane Kuhne 1.53 acre tract to this tracts most western corner and following the said Kuhne tracts southwest property line to its most southern corner, also being the most southern corner of this described area;

THENCE, in a northeastern direction with the southeast property line of said Kuhne tract, a distance of approximately 1,093 feet to a point for corner in the southwest right-of-way line of Kelly Lane, said corner being the most eastern corner of this area;

THENCE, in a northwest direction, following the southwest right-of-way line of Kelly Lane to the **PLACE OF BEGINNING** of this described area which comprises 46 acres, more or less.

AREA 2

**A DESCRIPTION OF AN AREA OF LAND IN TRAVIS COUNTY, TEXAS
APPROXIMATELY 150 ACRES IN AREA, NAMED AREA 2,
TO BE ANNEXED INTO THE CITY OF PFLUGERVILLE AND
LOCATED ADJACENT TO AND SOUTHEAST OF AREA 1,
A PREVIOUSLY DESCRIBED 46 ACRE TRACT, ALSO TO BE ANNEXED**

BEGINNING in the southwestern right-of-way of Kelly Lane at the common property line of the Duane Kuhne 1.53 acre tract and the Billy W. And Janet Glenn 24.91 acre tract, following this common property line in a southeast direction to the most western corner of said Glenn Tract;

THENCE, in a southeast direction with the southwestern boundary of said Glenn Tract past the southwestern boundary of the Billy and Brenda Bounds 1.09 acre tract to the most southern corner of said Glenn tract for an interior corner of this described area;

THENCE, in a southwest direction with the northwest boundary of the Billy W. And Janet Glenn 123.95 acre tract to said tracts most western corner, which is also a corner of this described area;

THENCE, in a southeast direction, with the southwestern boundary of said Glenn 123.95 acre tract to its most southern corner which is the most southern corner of this described area;

THENCE, in a northeast direction with the southeastern boundary of said Glenn 123.95 acre tract to its most eastern corner said corner being in the southwestern right-of-way line of Kelly Lane and also being the most eastern corner of this described area;

THENCE, in a northwest direction, with the southwestern right-of-way line of Kelly Lane to the **PLACE OF BEGINNING** of this described area which comprises 150 acres, more or less.

AREA 3

**A DESCRIPTION OF AN AREA OF LAND IN TRAVIS COUNTY, TEXAS
APPROXIMATELY 330 ACRES IN AREA,
CONTAINING FAIRWAYS OF BLACK HAWK SUBDIVISION AND
BLACK HAWK GOLF CLUB, NAMED AREA 3,
TO BE ANNEXED INTO THE CITY OF PFLUGERVILLE AND
LOCATED ADJACENT TO AND NORTHEAST OF PREVIOUSLY DESCRIBED
AREA 1 AND AREA 2, AREAS ALSO TO BE ANNEXED**

BEGINNING at the point in the southwestern right-of-way of Kelly Lane which is also the City limit line of the City of Pflugerville said point being approximately 200 feet northwest of the most northeast corner of the City of Pflugerville, for the most western corner of this described tract;

THENCE, crossing Kelly Lane right-of-way perpendicular to the right-of-way lines to a point which is the northern corner of the intersection of the Kelly Lane and Kennemer Drive right-of-way, also being the most western corner of Fairways of Black Hawk Phase 1 A Subdivision;

THENCE, in a northeast direction in a straight line to the most northern corner of Fairways of Black Hawk Subdivision, partially following the northwestern right-of-way of Kennemer Drive, said point also being the most northern corner of this described area;

THENCE, in a southeast direction, with the boundary of Fairways of Black Hawk Phase II A Subdivision and continuing to the most eastern corner of the Fairways of Black Hawk Limited Partnership 86.646 acre tract, which is also the most eastern corner of this described area;

THENCE, in a southwest direction, with a southeastern boundary of said Fairways of Black Hawk 86.646 acre tract to its most southern corner being in the northeast right-of-way line of Kelly Lane, continuing in this direction perpendicular across the right-of-way of Kelly Lane to a point in the southwestern right-of-way line of Kelly Lane, which is the most southern corner of this described area;

THENCE, in a northwest direction, following the southwest right-of-way of Kelly Lane to the **PLACE OF BEGINNING** of this described tract comprising 330 acres, more or less.

**SERVICE PLAN FOR PROPOSED ANNEXATION OF
APPROXIMATELY 526 ACRES OF LAND IN
TRAVIS COUNTY, TEXAS**

This service plan establishes a program under which the City of Pflugerville, Texas, will provide full municipal services to the areas described on the attached Exhibit "A" (the "Annexed Areas"), as required by § 43.056 of the Texas Local Government Code.

I.

The City will provide the following municipal services to the Annexed Areas at a level consistent with protection to other 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. After annexation, police protection will be provided to the Annexed Areas at a level consistent with the service to other areas of the City with similar population density.
- B. Fire Protection.
 - (1) Travis County Emergency Services District No. 2 (TCESD #2) includes the City and the Annexed Areas. TCESD #2 will continue to provide fire protection service to the Annexed Areas 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 Areas after annexation.

II.

The City will provide the following municipal services to the Annexed Areas on the same basis as it provides such services to other similarly situated areas of the City:

- A. Solid Waste Collection. The City provides solid waste collection services within the City limits under a contract between the City and a private refuse collection company, and will provide these services to the Annexed Areas after annexation.
- B. Maintenance. Routine maintenance of the following City-owned facilities will be provided within the Annexed Areas within 60 days of the date of annexation:
 - (1) Water and wastewater facilities which are not within the service area of another water or wastewater utility;

Exhibit "B"

- (2) Streets, including street lighting;
- (3) Parks, playgrounds, and swimming pools; and
- (4) Other publicly-owned facilities or buildings.

III.

Capital Improvements. The City will begin acquiring or constructing capital improvements necessary for providing municipal services adequate to serve the Annexed Areas within 2 years after the date of the annexation. These capital improvements will be substantially complete within 4½ years. The acquisition or construction will occur in accordance within applicable ordinances and regulations of the City. Landowners within the Annexed Areas will not be required to fund the capital improvements necessary to provide municipal services to the Annexed Areas.

Water and Wastewater Service. The City's water and wastewater utility will extend water and wastewater service to the Annexed Areas in accordance with the City's service extension policy attached as Exhibit "B" and at the appropriate levels considering the topography, land use and population density of the property requesting service, except for those areas described below. In addition, unless consistent with the City's existing requirements for funding of extensions of water or wastewater service to areas within the current City limits, landowners within the Annexed Areas will not be required to fund the capital improvements necessary to provide water and wastewater service to the Annexed Areas. The Annexed Areas, described in Exhibit "A", are within the service area of Manville Water Supply Corporation and Manville will continue to provide water utility service to the Annexed Areas after annexation. Annexed Area 3, described on Exhibit "A", sheet 3, is within the service area of Kelly Lane Utilities, and Kelly Lane Utilities will continue to provide sewer utility service to Annexed Area 3 after annexation.

Exhibit "B"

Exhibit "A"

CITY OF PFLUGERVILLE WATER AND WASTEWATER SERVICE EXTENSION POLICY

A. GENERAL POLICY

(1) This policy applies to customers requiring extensions to the City's sewer and water systems, including extensions to existing subdivisions that have not previously been served by City utilities but excluding extensions to new subdivisions that are covered by the City's subdivision ordinance.

(2) (a) The City will extend a water distribution main up to 50 feet within a dedicated street, alley or easement, without additional cost to the customer above the standard connection charges.

(b) The City will extend lateral sewers or sewer mains only upon the payment of the actual costs of the extension by the customer as provided in this policy.

(3) If a customer desires service which requires an extension of more than 50 feet of water mains, or an extension of lateral sewers or sewer mains, the customer may advance the funds required for the extension and receive a partial refund as future customers connect to the extension.

(4) The City is not required to fund system extensions from surplus revenues, bond funds or other public funds, but reserves the right, at its discretion, to use these funds if they become available. Projects will be considered based upon the public health and well-being and the willingness of the customers involved to cost-participate. This funding must be approved by the City Council.

B. PROCEDURE

(1) Customers desiring to advance funds for the City to extend its water or sewer systems to provide service to their property must make a written application to the City Manager stating the lot and block number, name of subdivision and street address of the property to be served and the service required. The application must be signed by all property owners initially requesting service and their signatures must be identified with the property they desire to be served.

(2) Upon receipt of an application, the City Manager will direct the City Engineer to prepare a cost estimate for the extension to the requested point of service. The cost estimate must include actual construction costs and repair costs for all streets and public utilities affected by the construction.

(3) The estimated construction cost, plus the applicable meter deposits, impact fees and tap fees for each of the initial customers requiring the extension, must be deposited with the City

before construction is initiated by the City. The City will pay for engineering, administration, field surveys and other similar contingencies related to the extension.

(4) Each customer participating in a system extension under this policy must execute a written agreement with the City which describes the extension, specifies the total per-customer costs of the extension, and sets forth the names and addresses of each person to whom refunds are payable.

(5) After all required funds are paid to the City, the customers may require that competitive bids be received from private contractors for the work; otherwise the City Manager will determine whether the work is to be let by competitive bid or performed by City personnel for the amount of the estimate. B(2)

(6) If bids are received on the work, the amount of the deposit will be adjusted, by additional collections or refunds, to the actual contract price plus applicable meter deposits, impact fees and tap fees. These adjustments will be made before the work is begun.

C. ASSIGNMENT OF COSTS

If multiple customers cooperate to fund a system extension, the proportion of the project cost assigned to each participating customer will be determined according to the following formula:

$$(\text{customer's capacity in project} \div \text{total project capacity}) (\text{total project cost})$$

In addition to these extension costs, each customer must pay the applicable meter deposits, impact fees and tap fees, and must provide a sewer service line or water service line to the water meter or sewer tap.

D. SUBSEQUENT USER FEES

(1) The City will require each new customer who connects to a line extension project financed by customers under this policy to pay all standard connection charges plus a subsequent user fee determined in accordance with paragraph C. As these subsequent user fees are collected by the City, refunds will be made to the customers who paid for the extension as provided in the written agreement required under paragraph B(4) has been repaid. Refunds will be made within 30 days after the subsequent user fees are paid to the City, and will be divided among the initial participants in the same proportion as their participation in the extension project.

(2) No refunds will be made after 5 years from the date of completion of the project and no refunds of less than \$25 per participating customer will be made.

**RESOLUTION OF THE CITY OF PFLUGERVILLE, TEXAS
ADOPTING A POLICY
REGARDING EXTENSION OF UTILITY LINES**

WHEREAS, the City of Pflugerville owns and operates a public water supply system, and a wastewater collection and treatment system; and

WHEREAS, it becomes necessary, on occasion, to extend water and/or sewer lines to provide service to new customers; and

WHEREAS, the City Council deems it necessary and appropriate to adopt a policy regarding the extension of such lines; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS:

That the policy statement, attached hereto as Exhibit A, is hereby approved and adopted as the City's policy regarding the extension of water and wastewater lines.

APPROVED this 14th day of March, 1995.

CITY OF PFLUGERVILLE, TEXAS

By: 

HAYWOOD WARE, Mayor

ATTEST:



LAURI GILLAM, City Secretary



14

ORDINANCE NO. 818-06-02-14

AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, ANNEXING, FOR FULL PURPOSES, APPROXIMATELY 270.2 ACRES OF LAND ADJACENT TO THE CITY LIMITS OF THE CITY OF PFLUGERVILLE, TEXAS, GENERALLY LOCATED EAST OF WEISS LANE, SOUTH OF KELLY LANE, AND NORTH OF JESSE BOHLS ROAD, IN TRAVIS COUNTY, TEXAS; EXTENDING THE BOUNDARIES OF THE CITY TO INCLUDE THE LAND; 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 270.2 acres of land, more particularly described in Exhibit "A", attached hereto and incorporated herein by reference; and

WHEREAS, the City is authorized, pursuant to Chapter 43, Section 43.021 of the Texas Local Government Code and Section 1.04 of the Home Rule Charter for the City of Pflugerville, to unilaterally annex the Land; and

WHEREAS, pursuant to Chapter 43, Section 43.057 of the Texas Local Government Code, the City finds the annexation to be in the public interest due to resulting promotion of economic development in the Land and surrounding areas; and

WHEREAS, the City Council of the City has considered the annexation of the Land, following two public hearings, notice of which was duly given in accordance with all applicable legal requirements, and has determined to institute proceedings to annex the Land; NOW, THEREFORE,

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

Section 1. The Land is hereby annexed to the City, and the boundaries of the City are extended to include the Land within the corporate limits of the City. From and after the date of this ordinance, the Land shall be bound by the acts, ordinances, resolutions and regulations of the City.

Section 2. The City finds annexation of the Land to be in the public interest due to the promotion of economic growth of the Land and surrounding areas.

Section 3. The service plan attached as Exhibit "B" is approved, and municipal services shall be extended to the Land in accordance therewith.

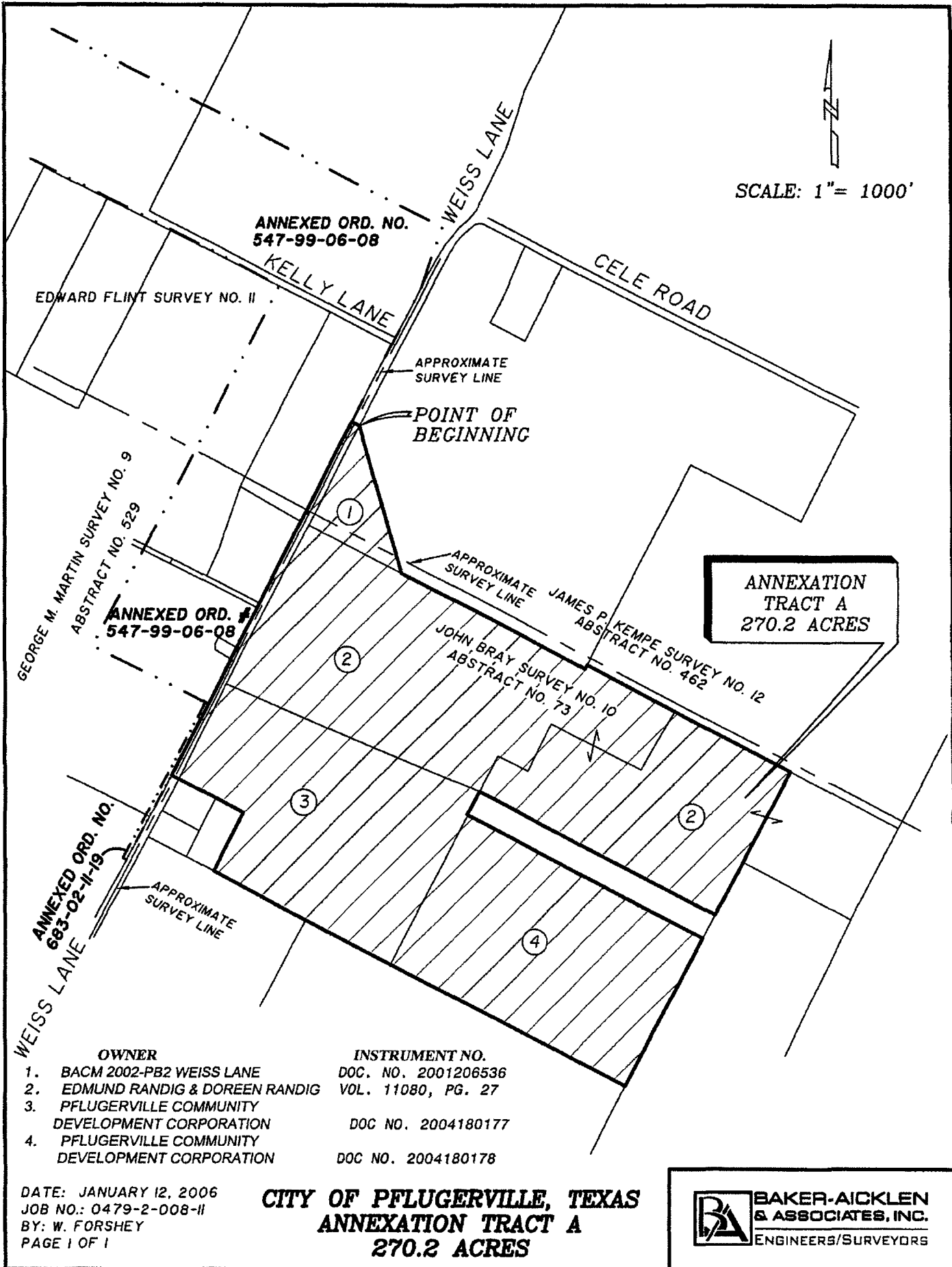
Section 4. The City Secretary is directed to file a certified copy of this ordinance in the office of the County Clerk of Travis County, Texas, and in the official records of the City.

Section 5. This ordinance will take effect upon its adoption by the City Council, and provided further that no objection to the annexation is interposed by the United States Attorney

EXHIBIT "A"

Survey attached.

Recorders Memorandum-At the time of recordation this instrument was found to be inadequate for the best reproduction, because of illegibility, carbon or photocopy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.



DATE: JANUARY 12, 2006
JOB NO.: 0479-2-008-II
BY: W. FORSHEY
PAGE 1 OF 1

**CITY OF PFLUGERVILLE
TRAVIS COUNTY, TEXAS
ANNEXATION TRACT A
270.2 ACRES
METES AND BOUNDS DESCRIPTION**

THE HEREIN DESCRIPTION AND ACCOMPANYING SKETCH ARE BASED ON A COMBINATION OF FIELD SURVEY DATA AND RECORD INFORMATION OF VARIOUS TRACTS OF LAND LOCATED IN THE JOHN DAVIS SURVEY NO. 13, JAMES P. KEMPE SURVEY NO. 12, ABSTRACT NO. 462, JOHN BRAY SURVEY NO. 10, ABSTRACT NO. 73, THE GEORGE M. MARTIN SURVEY NO. 9, ABSTRACT NO. 529, THE EDWARD FLINT SURVEY NO. 11 IN TRAVIS COUNTY, TEXAS AND BEING ALL OR PARTS OF THE FOLLOWING TRACTS:

OWNER	DEED ACREAGE	ANNEX. ACREAGE	INSTRUMENT NO.
1. BACM 2002-PB2 WEISS LANE	172.33	8.436	DOC. NO. 2001206536
2. EDMUND RANDIG & DOREEN RANDIG	+/- 146.4 REM.	128.4	VOL. 11080, PG. 27
3. PFLUGERVILLE COMMUNITY DEVELOPMENT CORPORATION	65.15	65.15	DOC NO. 2004180177
4. PFLUGERVILLE COMMUNITY DEVELOPMENT CORPORATION	63.72	63.72	DOC NO. 2004180178

TRACT AREAS CALLED FOR ARE PER TRAVIS COUNTY DEED OR TAX APPRAISAL DISTRICT RECORDS. ACTUAL AREAS MAY VARY. RECORD INSTRUMENTS ARE FROM THE DEED RECORDS OF TRAVIS COUNTY, TEXAS (D.R.T.C.T.) OR THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.T.), TRACT A BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A POINT IN THE CURRENT EAST RIGHT OF WAY LINE OF WEISS LANE, A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY, IN THE WEST LINE OF A 172.33 ACRE TRACT DESCRIBED IN A DEED TO BACM 2002-PB2 WEISS LANE LIMITED PARTNERSHIP, A TEXAS LIMITED PARTNERSHIP, RECORDED IN DOCUMENT NO. 2004226959, O.P.R.T.C.T., AND IN THE EAST LINE OF A 0.730 ACRE TRACT DESCRIBED IN A DEED TO TRAVIS COUNTY, TEXAS RECORDED IN DOCUMENT NO. 1999033594, O.P.R.T.C.T., FROM WHICH A FOUND IRON ROD WITH AN CAP STAMPED "TERRA FIRMA" BEARS **SOUTH 27°24'28" WEST**, A DISTANCE OF **882.13 FEET**, BEING THE SOUTHWEST CORNER OF THE SAID 172.33 ACRE TRACT AND LYING IN THE NORTH LINE OF A +/- 146.4 ACRE REMAINDER OF A TRACT OF LAND DESCRIBED IN A DEED TO EDMUND A. RANDIG AND DOREEN RANDIG RECORDED IN VOLUME 6870, PAGE 2077, D.R.T.C.T.;

THENCE THROUGH THE SAID 172.33 ACRE TRACT, **SOUTH 15°57'57" EAST, 1213.20 FEET**, TO AN ANGLE POINT ON THE COMMON LINE BETWEEN THE SAID 172.33 ACRE TRACT AND THE RANDIG TRACT;

THENCE WITH THE COMMON LINE BETWEEN THE SAID 172.33 ACRE TRACT AND THE RANDIG TRACT **SOUTH 62°36'38" EAST, 1637.68 FEET** TO THE SOUTHEAST CORNER OF THE SAID 172.33 ACRE TRACT;

THENCE CONTINUING WITH THE COMMON LINE BETWEEN THE SAID 172.33 ACRE TRACT, **NORTH 27°22'51" EAST, 34.68 FEET** TO A CAPPED IRON ROD STAMPED RJ SURVEYING BEING THE SOUTHWEST CORNER OF A CALLED 147.591 ACRE TRACT OF LAND DESCRIBED IN A DEED TO TRM HOLDINGS, LIMITED RECORDED IN DOCUMENT NO. 2004144936, O.P.R.T.C.T.;

THENCE WITH COMMON LINE BETWEEN THE RANDIG TRACT AND THE SAID 147.591 ACRE TRACT, **SOUTH 62°06'53" EAST, 1503.59 FEET** TO AN ANGLE POINT;

THENCE CONTINUING WITH COMMON LINE BETWEEN THE RANDIG TRACT AND THE SAID 147.591 ACRE TRACT, **SOUTH 62°31'07" EAST, 292.89 FEET** TO AN ANGLE POINT;

THENCE THROUGH THE SAID RANDIG TRACT, **SOUTH 27°35'55" WEST, 810.07 FEET** TO A FENCE CORNER BEING AN ELL CORNER IN THE SAID RANDIG TRACT AND BEING THE NORTHWEST CORNER OF A 97.680 ACRE TRACT OF LAND SHOWN ON THE TRAVIS COUNTY TAX APPRAISAL MAP TO BE THE PROPERTY OF ALLEN VORWERK AND GLADYS VORWERK, NO TRAVIS COUNTY CLERK DEED RECORD WAS FOUND;

THENCE WITH THE COMMON LINE BETWEEN THE RANDIG TRACT AND THE VORWERK TRACT, **SOUTH 27°35'55" WEST, 464.72 FEET** TO AN ANGLE POINT BEING THE SOUTHERLY SOUTHEAST CORNER OF THE RANDIG TRACT AND BEING THE NORTHEAST CORNER OF A 10.00 ACRE TRACT OF LAND DESCRIBED IN A DEED TO DALE P. RANDIG RECORDED IN VOLUME 13115, PAGE 987, D.R.T.C.T.;

THENCE WITH COMMON LINE BETWEEN THE SAID EDMUND RANDIG TRACT AND THE SAID RANDIG 10.00 ACRE TRACT, **NORTH 62°37'32" WEST, 2104.56 FEET** TO THE NORTHWEST CORNER OF THE SAID RANDIG 10.00 ARCE TRACT AND BEING THE NORTHEAST CORNER OF A 65.15 ACRE TRACT OF LAND DESCRIBED IN A DEED TO THE PFLUGERVILLE COMMUNITY DEVELOPMENT CORPORATION IN DOCUMENT NO. 2004180177, O.P.R.T.C.T.;

THENCE WITH THE COMMON LINE BETWEEN THE SAID 65.15 ACRE TRACT AND THE 10.00 ACRE TRACT, THE FOLLOWING TWO COURSES:

- 1) **SOUTH 27°39'04" WEST, 206.95 FEET** TO THE SOUTHEAST CORNER OF THE SAID 10.00 ACRE TRACT;
- 2) **SOUTH 62°37'32" EAST, 8.80 FEET** TO THE NORTHEAST CORNER OF THE SAID 65.15 ACRE TRACT AND BEING THE NORTHWEST CORNER OF A 63.72 ACRE TRACT DESCRIBED IN A DEED TO PFLUGERVILLE COMMUNITY DEVELOPMENT CORPORATION RECORDED IN DOCUMENT NO. 2004180178, O.P.R.T.C.T.;

THENCE WITH THE COMMON LINE BETWEEN THE SAID 10.00 ACRE AND 63.72 ACRE TRACTS, **SOUTH 62°37'32" EAST, 2096.07 FEET** TO THE NORTHEAST CORNER OF THE SAID 63.72 ACRE TRACT, THE SOUTHEAST CORNER OF THE 10.00 ACRE TRACT AND LYING IN THE WEST LINE OF THE SAID VORWERK TRACT;

THENCE WITH COMMON LINE BETWEEN THE SAID 63.72 ACRE TRACT AND THE VORWERK TRACT, **SOUTH 27°28'43" WEST, 1326.52 FEET** TO THE SOUTHEAST CORNER OF THE SAID 63.72 ACRE TRACT AND BEING THE NORTHEAST CORNER OF A CERTAIN 239.12 ACRES OF LAND DESCRIBED IN AN EXECUTOR'S DEED TO HERBERT BOHLS AND OTHERS RECORDED IN DOCUMENT NO. 2003126589, O.P.R.T.C.T.;

THENCE WITH THE COMMON LINE BETWEEN THE 63.72 ACRE TRACT AND THE BOHLS TRACT, **NORTH 62°36'47" WEST, 2089.60 FEET** TO THE SOUTHWEST CORNER OF THE 63.72 ACRE TRACT AND THE SOUTHEAST CORNER OF THE SAID 65.15 ACRE TRACT;

THENCE WITH THE COMMON LINE BETWEEN THE 63.72 ACRE TRACT AND THE BOHLS TRACT, **NORTH 62°32'16" WEST, 1593.45 FEET** TO THE SOUTHWEST CORNER OF THE 65.15 ACRE TRACT AND THE SOUTHEAST CORNER OF A 3.00 ACRE TRACT DESCRIBED IN A DEED TO SUSIE LEVERETT RECORDED IN DOCUMENT NO. 1999148172, O.P.R.T.C.T.;

THENCE WITH THE COMMON LINE BETWEEN THE 65.15 ACRE TRACT AND THE 3.00 ACRE TRACT, THE FOLLOWING TWO COURSES:

- 1) **NORTH 27°22'43" EAST, 520.55 FEET** TO THE NORTHEAST CORNER OF THE SAID 3.00 ACRE TRACT;
- 2) **NORTH 62°35'55" WEST, 251.07 FEET** TO THE NORTHWEST CORNER OF THE SAID 3.00 ACRE TRACT AND BEING THE NORTHEAST CORNER OF A 2.00 ACRE TRACT DESCRIBED IN A DEED TO TONY FRIESEN AND DENA FRIESEN, HUSBAND AND WIFE;

THENCE WITH THE COMMON LINE BETWEEN THE 65.15 ACRE TRACT AND THE 2.00 ACRE TRACT, **NORTH 62°32'40" WEST, 334.59 FEET** TO THE SOUTHWEST CORNER OF THE 65.15 ACRE TRACT AND BEING THE NORTHWEST CORNER OF THE 2.00 ACRE TRACT AND LYING ON THE EAST RIGHT-OF-WAY LINE OF WEISS LANE;

THENCE ACROSS THE WEISS LANE RIGHT-OF-WAY, **NORTH 62°32'40" WEST, 57.99 FEET** TO AN ANGLE POINT ON THE WEST RIGHT-OF-WAY LINE OF WEISS LANE AND LYING ON THE EAST LINE OF THE REMAINDER OF A 293.104 ACRE TRACT OF LAND DESCRIBED IN A DEED TO PFLUGERVILLE EAST, L.L.C., A TEXAS LIMITED LIABILITY COMPANY RECORDED IN DOCUMENT NO. 2002118297, O.P.R.T.C.T. AND ALSO LYING ON THE EAST LINE OF THE CURRENT PFLUGERVILLE CITY LIMIT ESTABLISHED BY ORDINANCE 683-02-11-19;

THENCE WITH THE WEST RIGHT-OF-WAY LINE OF WEISS LANE AND THE EAST LINE OF THE SAID 293.104 ACRE REMAINDER TRACT AND ALONG THE SAID CITY LIMIT AND ALSO ALONG THE EAST LINE OF THE CURRENT PFLUGERVILLE CITY LIMIT ESTABLISHED BY ORDINANCE 547-99-06-08, **NORTH 27°23'22" EAST, 1030.69 FEET** TO THE SOUTHWEST CORNER OF A 0.370 ACRE TRACT OF LAND DESCRIBED IN A DEED TO THE CITY OF PFLUGERVILLE RECORDED IN DOCUMENT NO. 2004009877, O.P.R.T.C.T.;

THENCE CONTINUING WITH THE SAID EAST CITY LIMIT LINE AND THE EAST LINE OF THE SAID 0.370 ACRE TRACT AND WEST LINE OF WEISS LANE, **NORTH 27°23'16" EAST, 100.35 FEET**;

THENCE CONTINUING WITH THE SAID EAST CITY LIMIT LINE AND THE EAST LINE OF THE SAID 293.104 ACRE REMAINDER TRACT AND WEST LINE OF WEISS LANE, **NORTH 27°23'19" EAST, 359.49 FEET** TO THE NORTHEAST CORNER OF THE SAID REMAINDER OF THE 293.104 ACRE TRACT AND THE SOUTHEAST CORNER OF A 0.722 ACRE TRACT DESCRIBED IN A DEED TO KAROLYN AND DENNIS GRAF RECORDED IN DOCUMENT NO. 2002118295, O.P.R.T.C.T.;

THENCE CONTINUING WITH THE SAID EAST CITY LIMIT LINE AND THE EAST LINE OF THE SAID 0.722 ACRE TRACT AND WEST LINE OF WEISS LANE, **NORTH 27°23'19" EAST, 40.00 FEET** TO THE NORTHEAST CORNER OF THE SAID 0.722 ACRE TRACT AND BEING THE SOUTHEAST CORNER OF A 7.198 ACRE TRACT DESCRIBED IN A DEED TO STEPHEN M. JONES AND FRANKIE SUE JONES RECORDED IN VOLUME 13094, PAGE 251, D.R.T.C.T.;

THENCE CONTINUING WITH THE SAID EAST CITY LIMIT LINE AND THE EAST LINE OF THE SAID 7.198 ACRE TRACT AND WEST LINE OF WEISS LANE, **NORTH 27°12'59" EAST, 731.09 FEET** TO THE NORTHEAST CORNER OF THE SAID 7.198 ACRE TRACT AND THE SOUTHEAST CORNER OF A 20.115 ACRE TRACT DESCRIBED IN A DEED TO RONNY W. RINDERKNECHT AND LONNY C. RINDERKNECHT RECORDED IN VOLUME 12756, PAGE 1278, D.R.T.C.T.;

THENCE CONTINUING WITH THE SAID EAST CITY LIMIT LINE AND THE EAST LINE OF THE SAID 20.115 ACRE TRACT AND WEST LINE OF WEISS LANE, **NORTH 27°24'31" EAST, 884.62 FEET** TO AN ANGLE POINT;

THENCE CROSSING THE WEISS LANE RIGHT-OF-WAY, **SOUTH 62°35'08" EAST, 69.10 FEET** TO THE POINT OF BEGINNING AND CONTAINING 270.2 ACRE OR LAND, MORE OR LESS.

BASIS OF BEARINGS:

BEARINGS SHOWN HEREON ARE REFERENCED TO GRID NORTH FOR THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE NAD 83.

William A. Forshey
BAKER-AICKLEN & ASSOCIATES, INC.

405 BRUSHY CREEK ROAD
CEDAR PARK, TEXAS 78613
(512) 260-3700

01/12/06

0479-2-011-10.20

W:\PROJECTS\CITY OF PFLUGERVILLE\WEISS LND\DOC\DESCRIPTION OF 270 ACRE TRACT

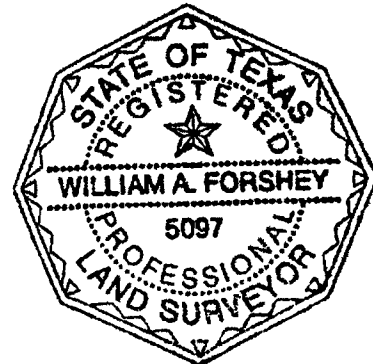


EXHIBIT "B"
SERVICE PLAN

Recorders Memorandum-At the time of recordation this instrument was found to be inadequate for the best reproduction, because of illegibility, carbon or photocopy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

SERVICE PLAN FOR PROPOSED ANNEXATION BY THE CITY OF PFLUGERVILLE, IN TRAVIS COUNTY, TEXAS

This service plan establishes a program under which the City of Pflugerville, Texas, will provide full municipal services to the area described on the attached Exhibit "A" (the "Annexed Area"), as required by § 43.065 of the Texas Local Government Code.

I.

The City will provide the following municipal services to the Annexed Area at a level consistent with protection to other 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. After 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. 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 after annexation.
 - 3. The City provides Emergency Medical Transport Services through an interlocal agreement with Travis County, Texas. After 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. 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.

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 a private refuse collection company. The residential solid waste collection services include garbage collection, recycling, bulky item collection and brush collection or chipping. This service

will be provided for a fee to any person within the Annexed Area requesting the service after the date of annexation. The City may not prohibit the collection of solid waste by a private provider or charge a fee for solid waste collection to any resident who continues to use the services of a private provider during the first two years following annexation. If a resident continues to use the services of a private provider during the two years following annexation, the City is not required to provide solid waste collection services to that resident.

- B. Maintenance. Routine maintenance of the following City-owned facilities, if any, will be provided within the Annexed Area effective as of the 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, including street lighting. The City provides street repairs, improvements and inspections. This City does not maintain private streets or right-of-ways.
 3. Publicly owned parks, playgrounds, and swimming pools. The City is not aware of any such facilities within the Annexed Area at the time of annexation. Although, as development progresses over time, the City's subdivision ordinance may require dedication of parkland or equivalent payments to the City for the development of recreational facilities.
 4. Other publicly-owned facilities or buildings, including drainage facilities, such as drainage channels, storm sewers and detention ponds. The City maintains drainage facilities through regular mowing and cleaning or repair, as needed.
- C. Development Regulation. The City will enforce zoning, subdivision development, site development and building code regulations within the Annexed Area after 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 residents of the Annexed Area on the same basis as those facilities are available to current City residents. City residents receive program preference for some City programs.

III.

Capital Improvements. As provided in Section 43.056(e) of the Local Government Code, the City will begin acquiring or constructing capital improvements necessary for providing municipal services

adequate to serve the Annexed Area. The acquisition or construction will occur in accordance within applicable ordinances and regulations of the City. Landowners within the Annexed Area will not be required to fund the capital improvements necessary to provide municipal services to the Annexed Area except as provided below for water and wastewater service.

Water and Wastewater Service. For portions of the Annexed Area not within the certificated service areas of the City or another utility, the City will extend water and wastewater service to such areas in accordance with the City's service extension policy attached as Exhibit "B" at the appropriate levels considering the topography, land use and population density of the property requesting service. In addition, unless consistent with the City's existing requirements for funding of extensions of water or wastewater service to areas within the current City limits, landowners within the Annexed Area will not be required to fund the capital improvements necessary to provide water and wastewater service under this service plan.

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.

EXHIBIT B

CITY OF PFLUGERVILLE WATER AND WASTEWATER SERVICE EXTENSION POLICY

A. GENERAL POLICY

- (1) This policy applies to customers requiring extensions to the City's sewer and water systems, including extensions to existing subdivisions that have not previously been served by City utilities but excluding extensions to new subdivisions that are covered by the City's subdivision ordinance.
- (2)
 - (a) The City will extend a water distribution main up to 50 feet within a dedicated street, alley or easement, without additional cost to the customer above the standard connection charges.
 - (b) The City will extend lateral sewers or sewer mains only upon the payment of the actual costs of the extension by the customer as provided in this policy.
- (3) If a customer desires service which requires an extension of more than 50 feet of water mains, or an extension of lateral sewers or sewer mains, the customer may advance the funds required for the extension and receive a partial refund as future customers connect to the extension.
- (4) The City is not required to fund system extensions from surplus revenues, bond funds or other public funds, but reserves the right, at its discretion, to use these funds if they become available. Projects will be considered based upon the public health and well-being and the willingness of the customers involved to cost-participate. This funding must be approved by the City Council.

B. PROCEDURE

- (1) Customers desiring to advance funds for the City to extend its water or sewer systems to provide service to their property must make a written application to the City Manager stating the lot and block number, name of subdivision and street address of the property to be served and the service required. The application must be signed by all property owners initially requesting service and their signatures must be identified with the property they desire to be served.
- (2) Upon receipt of an application, the City Manager will direct the City Engineer to prepare a cost estimate for the extension to the requested point of service. The cost estimate must include estimated construction costs and repair costs for all streets and public utilities affected by the construction.
- (3) The estimated construction cost, plus the applicable meter deposits, impact fees and tap fees for each of the initial customers requiring the extension, must be deposited with the City before construction is initiated by the City. The City will pay for engineering, administration, field surveys and other similar contingencies related to the extension.

- (4) Each customer participating in a system extension under this policy must execute a written agreement with the City which describes the extension, specifies the total per-customer costs of the extension, and sets forth the names and addresses of each person to whom refunds are payable.
- (5) After all required funds are paid to the City, the customers may require that competitive bids be received from private contractors for the work; otherwise the City Manager will determine whether the work is to be let by competitive bid or performed by City personnel for the amount of the estimate.
- (6) If bids are received on the work, the amount of the deposit will be adjusted, by additional collections or refunds, to the actual contract price plus applicable meter deposits, impact fees and tap fees. These adjustments will be made before the work is begun.

C. ASSIGNMENT OF COSTS

If multiple customers cooperate to fund a system extension, the proportion of the project cost assigned to each participating customer will be determined according to the following formula:

$$(\text{customer's capacity in project} \div \text{total project capacity}) (\text{total project cost})$$

In addition to these extension costs, each customer must pay the applicable meter deposits, impact fees and tap fees, and must provide a sewer service line or water service line to the water meter or sewer tap.

D. SUBSEQUENT USER FEES

- (1) The City will require each new customer who connects to a line extension project financed by customers under this policy to pay all standard connection charges plus a subsequent user fee determined in accordance with paragraph C. As these subsequent user fees are collected by the City, refunds will be made to the customers who paid for the extension as provided in the written agreement required under paragraph B(4) has been repaid. Refunds will be made within 30 days after the subsequent user fees are paid to the City, and will be divided among the initial participants in the same proportion as their participation in the extension project.
- (2) No refunds will be made after 5 years from the date of completion of the project and no refunds of less than \$25 per participating customer will be made.

General within 60 days of the submission of the annexation pursuant to Section 5 of the Voting Rights Act of 1965, as amended.

Section 6. The City Council intends to annex the Land described in this Ordinance; but if there is included within the description of the Land annexed by this Ordinance any lands or area that may not be annexed by the City for any reason ("Excluded Lands"), then the Excluded Lands should be excluded and excepted from the Land annexed by this Ordinance as fully as if the Excluded Lands were expressly described in this Ordinance and the remainder of the Land were annexed to the City of Pflugerville.

PASSED AND APPROVED this 14th day of February, 2006.

CITY OF PFLUGERVILLE, TEXAS

By: Catherine T. Callen
Catherine T. Callen, Mayor

ATTEST:

Karen Thompson
Karen Thompson, City Secretary

Return:

City of Pflugerville
PO Box 589
Pflugerville TX 78691

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

2006 Mar 09 09:21 AM 2006042112

RANEYJ \$68.00

DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS



13

ORDINANCE NO. 823-06-03-28

AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, ANNEXING, FOR FULL PURPOSES, APPROXIMATELY 60 ACRES OF LAND ADJACENT TO THE CITY LIMITS OF THE CITY OF PFLUGERVILLE, TEXAS IN THE J. BRAY AND A. AUSTIN SURVEYS, LOCATED EAST OF WEISS LANE AND SOUTH OF CELE ROAD, IN TRAVIS COUNTY, TEXAS; EXTENDING THE BOUNDARIES OF THE CITY TO INCLUDE THE LAND; 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 60 acres of land, more particularly described in Exhibit "A", attached hereto and incorporated herein by reference; and

WHEREAS, the City is authorized, pursuant to Chapter 43, Section 43.021 of the Texas Local Government Code and Section 1.04 of the Home Rule Charter for the City of Pflugerville, to unilaterally annex the Land; and

WHEREAS, pursuant to Chapter 43, Section 43.057 of the Texas Local Government Code, the City finds the annexation to be in the public interest due to resulting promotion of economic development in the Land and surrounding areas; and

WHEREAS, the City Council of the City has considered the annexation of the Land, following two public hearings, notice of which was duly given in accordance with all applicable legal requirements, and has determined to institute proceedings to annex the Land; NOW, THEREFORE,

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

Section 1. The Land is hereby annexed to the City, and the boundaries of the City are extended to include the Land within the corporate limits of the City. From and after the date of this ordinance, the Land shall be bound by the acts, ordinances, resolutions and regulations of the City.

Section 2. The City finds annexation of the Land to be in the public interest due to the promotion of economic growth of the Land and surrounding areas.

Section 3. This annexation causes an area to be entirely surrounded by the City limits, and the City finds that surrounding the area is in the public interest.

Section 4. The service plan attached as Exhibit "B" is approved, and municipal services shall be extended to the Land in accordance therewith.

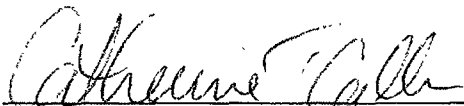
Section 5. The City Secretary is directed to file a certified copy of this ordinance in the office of the County Clerk of Travis County, Texas, and in the official records of the City.

Section 6. This ordinance will take effect upon its adoption by the City Council, and provided further that no objection to the annexation is interposed by the United States Attorney General within 60 days of the submission of the annexation pursuant to Section 5 of the Voting Rights Act of 1965, as amended.

Section 7. The City Council intends to annex the Land described in this Ordinance; but if there is included within the description of the Land annexed by this Ordinance any lands or area that may not be annexed by the City for any reason ("Excluded Lands"), then the Excluded Lands should be excluded and excepted from the Land annexed by this Ordinance as fully as if the Excluded Lands were expressly described in this Ordinance and the remainder of the Land were annexed to the City of Pflugerville.

PASSED AND APPROVED this 28th day of March, 2006.

CITY OF PFLUGERVILLE, TEXAS

By: 
Catherine T. Callen, Mayor

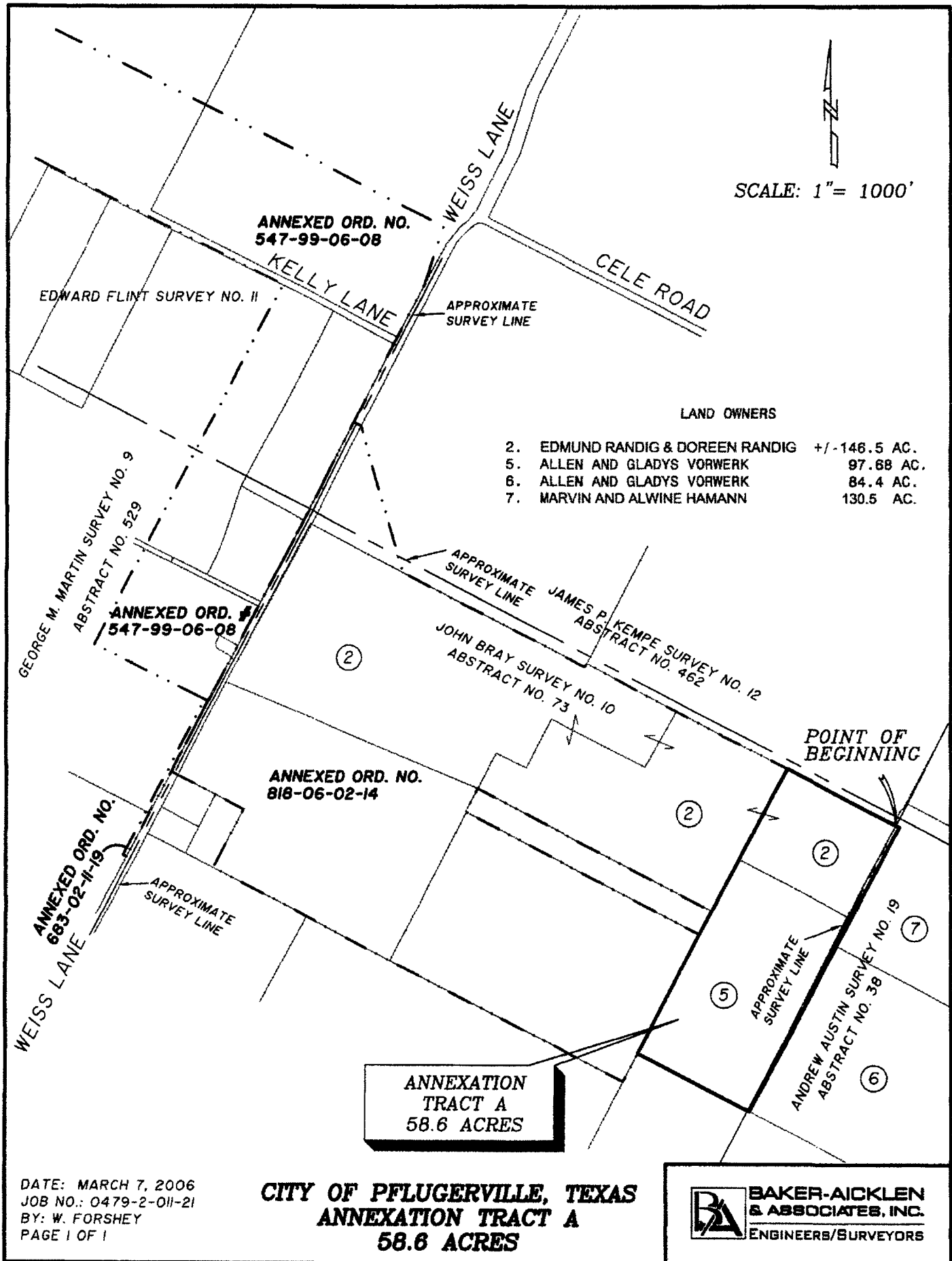
ATTEST:


Karen Thompson, City Secretary

EXHIBIT "A"

Survey attached.

EXHIBIT “B”
SERVICE PLAN



**CITY OF PFLUGERVILLE
TRAVIS COUNTY, TEXAS
ANNEXATION TRACT A
NET 58.6 ACRES
METES AND BOUNDS DESCRIPTION**

THE HEREIN DESCRIPTION AND ACCOMPANYING SKETCH ARE BASED ON A COMBINATION OF FIELD SURVEY DATA AND RECORD INFORMATION OF VARIOUS TRACTS OF LAND LOCATED IN THE JOHN BRAY SURVEY NO. 10, ABSTRACT NO. 73 AND THE ANDREW AUSTIN SURVEY NO. 19, ABSTRACT NO. 38, TRAVIS COUNTY, TEXAS AND BEING ALL OR PARTS OF THE FOLLOWING TRACTS:

OWNER	DEED ACREAGE	ANNEX. ACREAGE	INSTRUMENT NO.
1. NOT USED IN THIS DESCRIPTION			
2. EDMUND RANDIG & DOREEN RANDIG	+/-146.5 REM.	+/-146.5	VOL. 11080, PG. 27
3. NOT USED IN THIS DESCRIPTION			
4. NOT USED IN THIS DESCRIPTION			
5. ALLEN AND GLADYS VORWERK	97.68	38.9	VOL. 13123, PG. 929
6. ALLEN AND GLADYS VORWERK	84.4	0.8	VOL. 13123, PG. 929
7. MARVIN AND ALWINE HAMANN	130.5	0.8	VOL. 3975, PG. 2149

TRACT AREAS CALLED FOR ARE PER TRAVIS COUNTY DEED OR TAX APPRAISAL DISTRICT RECORDS. ACTUAL AREAS MAY VARY. RECORD INSTRUMENTS ARE FROM THE DEED RECORDS OF TRAVIS COUNTY, TEXAS (D.R.T.C.T.) OR THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.T.), TRACT A BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A FOUND CAPPED IRON ROD STAMPED "R.J. SURVEYING" FOR THE NORTHEAST CORNER OF A +/- 146.5 ACRE REMAINDER OF TWO TRACTS OF LAND DESCRIBED IN A DEED TO EDMUND A. RANDIG AND DOREEN RANDIG RECORDED IN VOLUME 6870, PAGE 2077, D.R.T.C.T. AND LYING ON THE WEST LINE OF A 130.5 ACRE TRACT CONVEYED TO MARVIN HAMANN AND WIFE ALWINE HAMANN IN A DEED RECORDED IN VOLUME 3975, PAGE 2149, D.R.T.C.T.;

THENCE THROUGH THE SAID 130.5 ACRE TRACT, **SOUTH 62°30'02" EAST, 31.38 FEET** TO AN ANGLE POINT AND BEING THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE CONTINUING THROUGH THE SAID 130.5 ACRE TRACT, **SOUTH 27°35'55" WEST, 1061.87 FEET** TO AN ANGLE POINT ON THE APPROXIMATE SOUTH LINE OF THE SAID 130.5 ACRE TRACT AND ON THE APPROXIMATE NORTH LINE OF AN APPARENT 84.4

ACRE TRACT OF LAND BEING PART OF LANDS INHEIRETED BY ALLEN VORWERK FROM THE ESTATES OF REUBEN FRITZ VORWERK, DORA ELSIE VORWERK AND RONALD LYNN VORWERK AS DESCRIBED IN AN AFFIDAVIT OF HEIRSHIP RECORDED IN VOLUME 13123, PAGE 929, D.R.T.C.T., OWNERSHIP OF SAID PROPERTY IS APPARENTLY SHARED WITH HIS WIFE, GLADYS VORWERK, NO METES AND BOUNDS DESCRIPTION OF THE 84.4 ACRE TRACT WAS FOUND;

THENCE, CONTINUING THROUGH THE SAID 84.4 ACRE TRACT, THE FOLLOWING THREE COURSES:

1. **SOUTH 27°35'55" WEST, 214.38 FEET** TO AN ANGLE POINT;
2. **SOUTH 27°33'58" WEST, 206.96 FEET** TO AN ANGLE POINT;
3. **SOUTH 27°28'43" WEST, 1069.77 FEET** TO AN ANGLE POINT ON THE APPROXIMATE SOUTH LINE OF THE SAID 84.4 ACRE TRACT AND LYING ON THE APPROXIMATE NORTH LINE OF A 119.00 ACRE TRACT BEING PART OF THE ABOVE DESCRIBED ALLEN VORWERK INHEIRETENCE, NO METES AND BOUNDS DESCRIPTION WAS FOUND FOR THE 119.00 ACRE TRACT, SAID POINT BEING THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE WITH THE APPROXIMATE COMMON LINE BETWEEN THE SAID 84.4 AND 119.0 ACRE TRACTS, **NORTH 62°31'17" WEST, 16.04 FEET** TO A POINT BEING THE APPROXIMATE WEST CORNER OF THESE TWO TRACTS AND LYING ON THE APPROXIMATE EAST LINE OF A 97.68 ACRE TRACT BEING PART OF THE ABOVE DESCRIBED ALLEN VORWERK INHEIRETENCE, NO METES AND BOUNDS DESCRIPTION WAS FOUND FOR THE 97.68 ACRE TRACT;

THENCE THROUGH THE SAID 97.68 ACRE TRACT, **NORTH 62°31'17" WEST, 983.96 FEET** TO A POINT LYING ON THE WEST LINE OF THE SAID 97.68 ACRE TRACT AND LYING ON THE EAST LINE OF A 63.72 ACRE TRACT DESCRIBED IN A DEED TO PFLUGERVILLE COMMUNITY DEVELOPMENT CORPORATION RECORDED IN DOCUMENT NO. 2004180178, O.P.R.T.C.T. AND BEING THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, **NORTH 27°28'43" EAST**, WITH THE COMMON LINE BETWEEN THE 97.68 ACRE AND 63.72 ACRE TRACTS, **1071.29 FEET** TO A ½ INCH IRON ROD BEING THE NORTHEAST CORNER OF THE SAID 63.72 ACRE TRACT AND BEING THE SOUTHEAST CORNER OF A 10.00 ACRE TRACT OF LAND DESCRIBED IN A DEED TO DALE P. RANDIG RECORDED IN VOLUME 13115, PAGE 987, D.R.T.C.T.;

THENCE WITH COMMON LINE BETWEEN THE SAID 10.00 ACRE AND 97.68 ACRE TRACTS, **NORTH 27°33'58" EAST 206.96 FEET** TO THE NORTHEAST CORNER OF THE SAID 10.00 ACRE TRACT AND BEING AN ANGLE POINT IN THE RANDIG 146.5 ACRE REMAINDER AND ALSO LYING ON THE WEST LINE OF THE SAID 97.68 ACRE TRACT;

THENCE, **NORTH 27°35'55" EAST**, WITH COMMON LINE BETWEEN THE SAID RANDIG 146.5 ACRE REMAINDER, AND THE SAID 97.68 ACRE TRACT, **464.72 FEET** TO A FENCE CORNER BEING AN ELL CORNER IN THE SAID RANDIG 146.5 ACRE REMAINDER AND ALSO BEING THE NORTHWEST CORNER OF THE SAID 97.68 ACRE TRACT;

THENCE THROUGH THE SAID RANDIG TRACT, **NORTH 27°35'55" EAST, 810.37 FEET** TO A POINT FOR A CORNER ON THE NORTH LINE OF THE SAID RANDIG 146.5 ACRE TRACT

AND ALSO LYING ON THE SOUTH LINE OF A CALLED 147.591 ACRE TRACT OF LAND DESCRIBED IN A DEED TO TRM HOLDINGS, LIMITED RECORDED IN DOCUMENT NO. 2004144936, O.P.R.T.C.T. AND BEING THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, **SOUTH 62°30'02" EAST**, WITH THE COMMON LINE BETWEEN THE SAID 147.591 ACRE AND RANDIG 146.5 ACRE TRACTS, **968.62 FEET** TO THE POINT OF BEGINNING AND CONTAINING **58.6 ACRES** OR LAND, MORE OR LESS.

BASIS OF BEARINGS:

BEARINGS SHOWN HEREON ARE REFERENCED TO GRID NORTH FOR THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE NAD 83.

SURVEYOR'S CERTIFICATION:

THIS DOCUMENT, PREPARED UNDER 22 TAC 663.21, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.

William A. Forshey *March 07, 2006*

William A. Forshey, R.P.L.S. No. 5097

BAKER-AICKLEN & ASSOCIATES, INC.

405 BRUSHY CREEK ROAD

CEDAR PARK, TEXAS 78613

(512) 260-3700



SERVICE PLAN FOR PROPOSED ANNEXATION BY THE CITY OF PFLUGERVILLE, IN TRAVIS COUNTY, TEXAS

This service plan establishes a program under which the City of Pflugerville, Texas, will provide full municipal services to the area described on the attached Exhibit "A" (the "Annexed Area"), as required by § 43.065 of the Texas Local Government Code.

I.

The City will provide the following municipal services to the Annexed Area at a level consistent with protection to other 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. After 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. 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 after annexation.
 - 3. The City provides Emergency Medical Transport Services through an interlocal agreement with Travis County, Texas. After 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. 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.

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 a private refuse collection company. The residential solid waste collection services include garbage collection, recycling, bulky item collection and brush collection or chipping. This service

will be provided for a fee to any person within the Annexed Area requesting the service after the date of annexation. The City may not prohibit the collection of solid waste by a private provider or charge a fee for solid waste collection to any resident who continues to use the services of a private provider during the first two years following annexation. If a resident continues to use the services of a private provider during the two years following annexation, the City is not required to provide solid waste collection services to that resident.

- B. Maintenance. Routine maintenance of the following City-owned facilities, if any, will be provided within the Annexed Area effective as of the 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, including street lighting. The City provides street repairs, improvements and inspections. This City does not maintain private streets or right-of-ways.
 3. Publicly owned parks, playgrounds, and swimming pools. The City is not aware of any such facilities within the Annexed Area at the time of annexation. Although, as development progresses over time, the City's subdivision ordinance may require dedication of parkland or equivalent payments to the City for the development of recreational facilities.
 4. Other publicly-owned facilities or buildings, including drainage facilities, such as drainage channels, storm sewers and detention ponds. The City maintains drainage facilities through regular mowing and cleaning or repair, as needed.
- C. Development Regulation. The City will enforce zoning, subdivision development, site development and building code regulations within the Annexed Area after 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 residents of the Annexed Area on the same basis as those facilities are available to current City residents. City residents receive program preference for some City programs.

III.

Capital Improvements. As provided in Section 43.056(e) of the Local Government Code, the City will begin acquiring or constructing capital improvements necessary for providing municipal services

adequate to serve the Annexed Area. The acquisition or construction will occur in accordance within applicable ordinances and regulations of the City. Landowners within the Annexed Area will not be required to fund the capital improvements necessary to provide municipal services to the Annexed Area except as provided below for water and wastewater service.

Water and Wastewater Service. For portions of the Annexed Area not within the certificated service areas of the City or another utility, the City will extend water and wastewater service to such areas in accordance with the City's service extension policy attached as Exhibit "B" at the appropriate levels considering the topography, land use and population density of the property requesting service. In addition, unless consistent with the City's existing requirements for funding of extensions of water or wastewater service to areas within the current City limits, landowners within the Annexed Area will not be required to fund the capital improvements necessary to provide water and wastewater service under this service plan.

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.

EXHIBIT B

CITY OF PFLUGERVILLE WATER AND WASTEWATER SERVICE EXTENSION POLICY

A. GENERAL POLICY

- (1) This policy applies to customers requiring extensions to the City's sewer and water systems, including extensions to existing subdivisions that have not previously been served by City utilities but excluding extensions to new subdivisions that are covered by the City's subdivision ordinance.
- (2)
 - (a) The City will extend a water distribution main up to 50 feet within a dedicated street, alley or easement, without additional cost to the customer above the standard connection charges.
 - (b) The City will extend lateral sewers or sewer mains only upon the payment of the actual costs of the extension by the customer as provided in this policy.
- (3) If a customer desires service which requires an extension of more than 50 feet of water mains, or an extension of lateral sewers or sewer mains, the customer may advance the funds required for the extension and receive a partial refund as future customers connect to the extension.
- (4) The City is not required to fund system extensions from surplus revenues, bond funds or other public funds, but reserves the right, at its discretion, to use these funds if they become available. Projects will be considered based upon the public health and well-being and the willingness of the customers involved to cost-participate. This funding must be approved by the City Council.

B. PROCEDURE

- (1) Customers desiring to advance funds for the City to extend its water or sewer systems to provide service to their property must make a written application to the City Manager stating the lot and block number, name of subdivision and street address of the property to be served and the service required. The application must be signed by all property owners initially requesting service and their signatures must be identified with the property they desire to be served.
- (2) Upon receipt of an application, the City Manager will direct the City Engineer to prepare a cost estimate for the extension to the requested point of service. The cost estimate must include estimated construction costs and repair costs for all streets and public utilities affected by the construction.
- (3) The estimated construction cost, plus the applicable meter deposits, impact fees and tap fees for each of the initial customers requiring the extension, must be deposited with the City before construction is initiated by the City. The City will pay for engineering, administration, field surveys and other similar contingencies related to the extension.

- (4) Each customer participating in a system extension under this policy must execute a written agreement with the City which describes the extension, specifies the total per-customer costs of the extension, and sets forth the names and addresses of each person to whom refunds are payable.
- (5) After all required funds are paid to the City, the customers may require that competitive bids be received from private contractors for the work; otherwise the City Manager will determine whether the work is to be let by competitive bid or performed by City personnel for the amount of the estimate.
- (6) If bids are received on the work, the amount of the deposit will be adjusted, by additional collections or refunds, to the actual contract price plus applicable meter deposits, impact fees and tap fees. These adjustments will be made before the work is begun.

C. ASSIGNMENT OF COSTS

If multiple customers cooperate to fund a system extension, the proportion of the project cost assigned to each participating customer will be determined according to the following formula:

$$(\text{customer's capacity in project} \div \text{total project capacity}) (\text{total project cost})$$

In addition to these extension costs, each customer must pay the applicable meter deposits, impact fees and tap fees, and must provide a sewer service line or water service line to the water meter or sewer tap.

D. SUBSEQUENT USER FEES

- (1) The City will require each new customer who connects to a line extension project financed by customers under this policy to pay all standard connection charges plus a subsequent user fee determined in accordance with paragraph C. As these subsequent user fees are collected by the City, refunds will be made to the customers who paid for the extension as provided in the written agreement required under paragraph B(4) has been repaid. Refunds will be made within 30 days after the subsequent user fees are paid to the City, and will be divided among the initial participants in the same proportion as their participation in the extension project.
- (2) No refunds will be made after 5 years from the date of completion of the project and no refunds of less than \$25 per participating customer will be made.

City of Pflugerville
P.O. Box 589
Pflugerville, TX 78691

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

2006 Apr 12 02:32 PM 2006067059

HERRERAR \$64.00

DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS

ORDINANCE NO. 708-03-06-24

AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, ANNEXING APPROXIMATELY 146.359 ACRES IN AN AREA LOCATED NORTH OF PFLUGER LANE AND WEST OF WEISS LANE, IN TRAVIS COUNTY, TEXAS; EXTENDING THE BOUNDARIES OF THE CITY TO INCLUDE THE PROPERTY; BINDING THE PROPERTY TO ALL OF THE ACTS, ORDINANCES, RESOLUTIONS AND REGULATIONS OF THE CITY; AND PROVIDING AN EFFECTIVE DATE

14

WHEREAS, the City of Pflugerville, Texas (the "City") desires to annex the land described as Area 1 in Exhibit "A", attached hereto and incorporated herein by reference (the "Land");

WHEREAS, the City Council of the City has considered the annexation of the Land, following two public hearings, notice of which was duly given in accordance with all applicable legal requirements and has determined to institute proceedings to annex the Land; NOW, THEREFORE,

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

Section 1. The Land described in the attached Exhibit "A", is hereby annexed to 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 bound by the acts, ordinances, resolutions and regulations of the City.

Section 2. Municipal services shall be extended to the Land in accordance with the service plan attached as Exhibit "B".

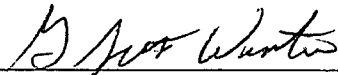
Section 3. The City Secretary is directed to file a certified copy of this ordinance in the office of the County Clerk of Travis County, Texas, and in the official records of the City.

Section 4. This ordinance will take effect upon its adoption by the City Council at first reading; provided that this ordinance is posted and adopted at a subsequent meeting of the City Council in accordance with the provisions of Section 3.15(d) of the City Charter, and provided further that no objection to the annexation is interposed by the United States Attorney General within 60 days of the submission of the annexation pursuant to Section 5 of the Voting Rights Act of 1965, as amended.

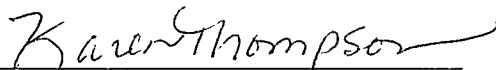
Section 5. The City Council intends to annex all of the property described in this Ordinance; but that if there is included within the description of the territory annexed by this Ordinance any lands or area that may not be annexed by the City for any reason ("Excluded Lands"), then the Excluded Lands should be excluded and excepted from the territory annexed by this Ordinance as fully as if the Excluded Lands were expressly described in this Ordinance, and the remainder of the territory were annexed to the City of Pflugerville.

PASSED AND APPROVED this 24th day of June, 2003.

CITY OF PFLUGERVILLE, TEXAS

By: 
G. Scott Winton, Mayor

ATTEST:


Karen Thompson, City Secretary

MARK & LORI
EINFALT
TR2001089067
. 1.822 A

KAROLYN GRAF
ET. VIR.
5251/383
2.20 A

KAROLYN &—
DENNIS GRAF
TR2002118295
0.722 A
027550046

44X 6/8/99

TONY & DENA
FRIESEN
TR2000087383
2.000 A

**PFLUGERVILLE
EAST LLC**

PFLUGENVELL RASI LLC
TR2002007074
12.574 A

REBECCA
TALLEY
13357/889
2.00 A

2

CITY OF PFLUGERVILLE
TR2002007069
90.248 A
0267500202

3

JESSE G & ERNA BUNNY ETAL
12113/88
7977A

ROBERT WEISS
TR2001065239
34.791 A
025750019

B. KIRKLAND SUR. 7
ABS. 458

KATHLEEN M. ENGLAND &
JAY L. JOHNSON
12118/195
146.50 A
0267500105

H. L. WEISS JR.
TR2001065238
30.400 A
0267500106

MERLE A. &
 H. L. WEISS JR.
 9294/901
 1.89 A

JESSE G & ERNA BOHLS
ETAL

0257500479
NORMAN &
VIRGINIA WEISS
12732/44
5.00 A

0257 500-420
TIMOTHY J. &
DENICE A
KARDOSZ
TR2001154433
5.00 A
0257 500-424
GREG & MEL

NORMAN & VIRGINIA WEISS
TR2001019556
24.600 A

ERNEST & MARGE CHERRY
TR2001019555
24 JUN A

(27.290 A)

FIDELITY NATIONAL TITLE

01-81542 UP

SPECIAL WARRANTY DEED

THE STATE OF TEXAS §

§

KNOW ALL MEN BY THESE PRESENTS: THAT

COUNTY OF TRAVIS §

§

 TRV 2002007069
7 999

RMD Holdings, L.P., a Texas limited partnership ("Grantor"), for the consideration hereinafter stated, paid and secured to be paid to Grantor by the City of Pflugerville, Texas, a home-rule city located in Travis County, Texas ("Grantee"), whose mailing address is P.O. Box 589, Pflugerville, Texas 78691, the receipt and sufficiency of which consideration is hereby acknowledged and confessed, has GRANTED, SOLD AND CONVEYED, and by these presents does GRANT, SELL AND CONVEY, unto Grantee, subject to all of the reservations, exceptions and other matters set forth or referred to herein, the following described property:

1. Approximately 146 acres of land in Travis County, Texas, as described on Exhibit "A" attached hereto and incorporated herein by reference (the "Land");
2. All of Grantor's right, title and interest in and to all oil, gas, and other minerals in or under the surface of the Land (the "Minerals");
3. All improvements of any kind or nature located in, on, or under the Land (all of the foregoing being referred to herein collectively as the "Improvements");
4. All appurtenances benefitting or pertaining to the Land or the Improvements, including, without limitation, all of Grantor's right, title, and interest in and to all streets, alleys, rights-of-way, or easements adjacent to or benefitting the Land (all of the foregoing being referred to herein collectively as the "Appurtenances").

The Land, Minerals, Improvements and Appurtenances are collectively referred to herein as the "Property".

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging unto Grantee, and Grantee's successors or assigns, forever; and, subject to all of the matters set forth or referred to herein, Grantor does hereby bind itself and its successors to **WARRANT AND FOREVER DEFEND** all and singular the Property unto Grantee, Grantee's successors and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof, by, through or under Grantor, but not otherwise; provided, however that this conveyance is made by Grantor and accepted by Grantee subject to: (a) all of the title exceptions revealed in or by the recorded documents and other matters listed on Exhibit "B" attached hereto and incorporated herein by reference; (b) all standby fees, taxes and assessments by

any taxing authority for the current and all subsequent years, and all liens securing the payment of any of the foregoing.

EXECUTED AND DELIVERED effective as of the 4th day of January, 2002.

RMD HOLDINGS, L.P., a Texas limited partnership

By: **RMD & Co., Inc.**, a Texas corporation, its
General Partner

By: 
Rhett Dawson, President

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on January 4th, 2002, by Rhett Dawson, President of RMD & Co., Inc., a Texas corporation, General Partner of RMD Holdings, L.P., a Texas limited partnership, on behalf of said corporation and partnership.

(seal)



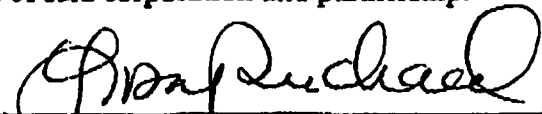

Notary Public Signature

EXHIBIT "B"**TITLE EXCEPTIONS**

1. Electric transmission and/or distribution line easement granted to Texas Power & Light Company as described in document dated November 6, 1936, recorded in Volume 551, Page 437, Deed Records of Travis County, Texas.
2. Easement granted to Manville Water Supply Corp., as described in document dated June 26, 1972, recorded in Volume 4858, page 1468, Deed Records of Travis County, Texas.
3. Electric transmission and/or distribution line easement granted to Texas Power & Light Company as described in document dated November 6, 1936, recorded in Volume 567, Page 202, Deed Records of Travis County, Texas.
4. Electric transmission and/or distribution line easement granted to Texas Power & Light Company as described in document dated November 6, 1936, recorded in Volume 567, Page 204, Deed Records of Travis County, Texas.
5. Easement granted to Southwestern Bell Telephone Company, as described in document dated July 1, 1969, recorded in Volume 3706, Page 467, Deed Records of Travis County, Texas.
6. Overhead electric line located along the southwest property line as shown on the survey prepared by Roy D. Smith R.P.L.S. No. 4094, dated December 7, 2001.
7. Protective Covenants set forth in that certain Warranty Deed With Vendor's Lien of even date herewith from Kermit and Lydia Hees, Dana Hees and Barbara Masi to Grantor.

For Recording:
County National Title
515 Congress Ave., #100
Austin, TX 78701
CFL _____

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Dana Debeauvoir
01-10-2002 04:25 PM 2002007069
FORDL \$21.00
DANA DEBEAUVOIR, COUNTY CLERK
TRAVIS COUNTY, TEXAS

FIELD NOTES
FOR

144.291 ACRES OF LAND

ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF THE GEORGE M. MARTIN SURVEY NO. 9 IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 100.746 ACRE TRACT OF LAND CONVEYED TO RMD HOLDINGS, L.P. BY INSTRUMENT RECORDED IN DOCUMENT NO. OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN 103.829 ACRE TRACT OF LAND CONVEYED TO RMD HOLDINGS, L.P. BY INSTRUMENT RECORDED IN DOCUMENT NO. OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, THE HEREIN DESCRIBED TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½ inch capped iron pin set at the Southeast corner of said 100.746 acre tract, being at the intersection of the West r.o.w. line of Weiss Lane, a 60 foot wide public right-of-way, and the North r.o.w. line of Pfluger Lane, a 60 foot wide public right-of-way, for the Southeast corner and PLACE OF BEGINNING hereof:

THENCE along the South line of said 100.746 acre tract, being along the North r.o.w. line of Pfluger Lane, N 72°49'07" W for a distance of 1044.00 feet to a ½ inch capped iron pin set at an angle point and N 62°03'15" W for a distance of 709.46 feet to a ½ inch capped iron pin set at the Southwest corner of said 100.746 acre tract, being at the Southeast corner of said 103.829 acre tract:

THENCE along the South line of said 103.829 acre tract, being along the North r.o.w. line of Pfluger Lane for the following courses:

N 62°03'15" W for a distance of 604.13 feet to a ½ inch capped iron pin set

N 62°36'36" W for a distance of 628.98 feet to a ½ inch capped iron pin set

N 63°59'46" W for a distance of 485.18 feet to a ½ inch capped iron pin set

N 62°56'56" W for a distance of 41.07 feet to a ½ inch iron pin set at the Southwest corner of said 103.829 acre tract, being at the Southeast corner of a 60 foot wide roadway easement, for the Southwest corner hereof:

THENCE along the West line of said 103.829 acre tract, N 27°53'03" E for a distance of 762.00 feet to a ½ inch capped iron pin set for a Westerly corner hereof:

THENCE along the Westerly line of the herein described tract for the following courses:

S 17°24'34" E for a distance of 630.24 feet to a ½ inch capped iron pin set

S 27°35'22" E for a distance of 205.66 feet to a ½ inch capped iron pin set at a point of non-tangent curve

FIELD NOTES
FOR

144.291 ACRES OF LAND – Page Two

Along a curve to the left whose radius is 450.00 feet, whose arc is 956.81 feet and whose chord bears S 79°32'08" E for a distance of 786.49 feet to a ½ inch capped iron pin set at a point of non-tangency

N 39°36'16" E for a distance of 122.88 feet to a ½ inch capped iron pin set

N 22°18'48" E for a distance of 492.30 feet to a ½ inch capped iron pin set

N 02°59'26" E for a distance of 600.82 feet to a ½ inch capped iron pin set

N 35°17'01" W for a distance of 673.77 feet to a ½ inch capped iron pin set

N 31°56'21" W for a distance of 291.24 feet to a ½ inch capped iron pin set

N 24°05'28" W for a distance of 208.24 feet to a ½ inch capped iron pin set

N 27°53'03" E for a distance of 255.85 feet to a ½ inch capped iron pin set for the Northwest corner hereof;

THENCE along the North line of the herein described tract for the following courses:

S 83°03'14" E for a distance of 317.57 feet to a ½ inch capped iron pin set

S 74°29'09" E for a distance of 196.52 feet to a ½ inch capped iron pin set in the North line of said 103.829 acre tract, being in the South line of that certain 177.301 acre tract of land described in Volume 10431, Page 422, Volume 10555, Page 214 and Volume 11091, Page 691 of the Real Property Records of Travis County, Texas;

THENCE continuing along the North line of the herein described tract, being along the North lines of said 103.829 acre tract and said 100.746 acre tract, S 62°58'21" E for a distance of 1224.11 feet to a ½ inch capped iron pin set at an angle point hereof;

THENCE continuing along the North line of the herein described tract for the following courses:

S 40°33'03" E for a distance of 911.99 feet to a ½ inch capped iron pin set

S 38°53'19" E for a distance of 142.53 feet to a ½ inch capped iron pin set

S 23°48'12" E for a distance of 368.41 feet to a ½ inch capped iron pin set

N 66°11'48" E for a distance of 284.21 feet to a ½ inch capped iron pin set

FIELD NOTES
FOR


144.291 ACRES OF LAND - Page Three

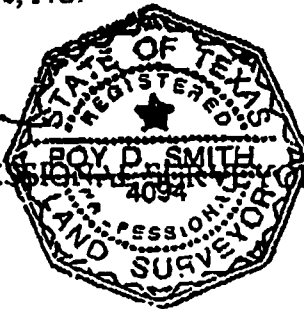
S 62°21'14" E for a distance of 254.16 feet to a ½ inch capped iron pin set in the East line of said 100.746 acre tract, being in the West r.o.w. line of Weiss Lane for the Northeast corner hereof;

THENCE along the East line of said 100.746 acre tract, being along the West r.o.w. line of Weiss Lane, S 27°38'46" W for a distance of 1991.21 feet to the PLACE OF BEGINNING and containing 144.291 acres of land, more or less.

SURVEYED BY:

Roy D. Smith Surveyors, P.C.


ROY D. SMITH
REGISTERED PROFESSIONAL SURVEYOR NO. 4094
December 7, 2001



FIELD NOTES
FOR

2.068 ACRES

ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF THE GEORGE M. MARTIN SURVEY NO. 9 IN TRAVIS COUNTY, TEXAS, BEING ALL OF THAT CERTAIN 2.068 ACRE TRACT OF LAND CONVEYED TO RMD HOLDINGS, L.P. BY INSTRUMENT RECORDED IN DOCUMENT NO. _____ OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, THE HEREIN DESCRIBED TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:


BEGINNING at a 1/2 inch iron pin found at the Southeast corner of said 2.068 acre tract, being at the Northeast corner of that certain 164.4 acre tract of land described in Volume 559, Page 457 of the Deed Records of Travis County, Texas, being in the West r.o.w. line of Weiss Lane, a 60 foot wide public right-of-way, for the Southeast corner and PLACE OF BEGINNING hereof;

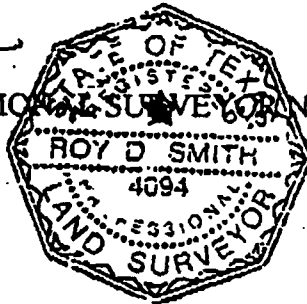
THENCE along the South line of said 2.068 acre tract, N 62°40'11" W for a distance of 1001.87 feet to a 1/2 inch capped iron pin set at an angle point in the South r.o.w. line of Pfluger Lane, a 60 foot wide public right-of-way, for the most Westerly corner hereof;

THENCE along the South r.o.w. line of Pfluger Lane, S 72°49'07" E for a distance of 1020.72 feet to a 1/2 inch capped iron pin set at the intersection of the South r.o.w. line of Pfluger Lane and the West r.o.w. line of Weiss Lane, for the Northeast corner hereof;

THENCE along the West r.o.w. line of Weiss Lane, S 28°14'46" W for a distance of 179.88 feet to the PLACE OF BEGINNING and containing 2.068 acres of land, more or less.

SURVEYED BY:
Roy D. Smith Surveyors, P.C.


ROY D. SMITH
REGISTERED PROFESSIONAL SURVEYOR NO. 4094
December 7, 2001
Job No. 2644a



SERVICE PLAN FOR PROPOSED ANNEXATION OF APPROXIMATELY 146.359 ACRES OF LAND IN AN AREA GENERALLY LOCATED WEST OF WEISS LANE AND NORTH OF PFLUGER LANE IN TRAVIS COUNTY, TEXAS

This service plan establishes a program under which the City of Pflugerville, Texas, will provide full municipal services to the area described on the attached Exhibit "A" (the "Annexed Area"), as required by § 43.065 of the Texas Local Government Code.

I.

The Annexed Area will contain a portion of the City's water supply reservoir. The City will provide the following municipal services to the Annexed Area at a level consistent with protection to other 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. After 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. 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 after annexation.
 - 3. The City provides Emergency Medical Transport Services through an interlocal agreement with Travis County, Texas. After 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. 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.

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 a private refuse collection company. The residential solid waste collection services include garbage collection, recycling, bulky item collection and brush collection or chipping. The City does not provide commercial solid waste collection services. This service will be provided to any person within the Annexed Area requesting the service after the date of annexation. This service will be provided to all residences within the Annexed Area for a fee effective upon the second anniversary of the annexation.
- B. **Maintenance.** Routine maintenance of the following City-owned facilities, if any, will be provided within the Annexed Area effective as of the 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, including street lighting. The City provides street repairs, improvements and inspections. This City does not maintain private streets or right-of-ways.
 3. Publicly owned parks, playgrounds, and swimming pools. The City is not aware of any such facilities within the Annexed Area at the time of annexation. Although, as development progresses over time, the City's subdivision ordinance may require dedication of parkland or equivalent payments to the City for the development of recreational facilities.
 4. Other publicly-owned facilities or buildings, including drainage facilities, such as drainage channels, storm sewers and detention ponds. The City maintains drainage facilities through regular mowing and cleaning or repair, as needed.
- C. **Development Regulation.** The City will enforce zoning, subdivision development, site development and building code regulations within the Annexed Area after 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 residents of the Annexed Area on the same basis as those facilities are available to current City residents. City residents receive program preference for some City programs.

III.

Capital Improvements. As provided in Section 43.056(e) of the Local Government Code, the City will begin acquiring or constructing capital improvements necessary for providing municipal

services adequate to serve the Annexed Area. The acquisition or construction will occur in accordance within applicable ordinances and regulations of the City. Landowners within the Annexed Area will not be required to fund the capital improvements necessary to provide municipal services to the Annexed Area except as provided below for water and wastewater service.

Water and Wastewater Service. For areas not within the certificated service area of another utility, the City's water and wastewater utility will extend water and wastewater service to the Annexed Area in accordance with the City's service extension policy attached as Exhibit "B" and at the appropriate levels considering the topography, land use and population density of the property requesting service, except for those areas described below. In addition, unless consistent with the City's existing requirements for funding of extensions of water or wastewater service to areas within the current City limits, landowners within the Annexed Area will not be required to fund the capital improvements necessary to provide water and wastewater service to the Annexed Area.

The Annexed Area is currently within Manville Water Supply Corporation's certificated service area for water. Manville will continue to provide water utility service within the Annexed Area after annexation.



AGENDA ITEM COVER PAGE

AGENDA ITEM:

3A

MEETING DATE:

June 24, 2003

SUBJECT:

Second reading of an ordinance annexing the City of Pflugerville's reservoir site, an approximately 146.359 acre tract of land out of the George M. Martin Survey No. 9, Travis County, Texas, located south of Kelly Lane and west of Weiss Lane.

BACKGROUND:

The land was deeded to the City on January 4, 2002 and will be used for the site of the City's freshwater reservoir. It is contiguous to the existing City limit via a 30 foot strip of land along Weiss Lane.

Public hearings were held on May 6 and May 13, 2003. The property description and annexation service plan are included as Exhibits A and B of the ordinance.

The ordinance was approved on first reading on June 10, 2003.

STAFF RECOMMENDATION:

Approve the ordinance.

ACTION REQUIRED BY:

There is no required action date.

PREPARED BY:

Clyde von Rosenberg, AICP, Planning Director

Return:

Karen Thompson
P.O. Box 589
Pflugerville TX

78691

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

07-10-2003 09:30 AM 2003156811
HAYWOODK \$35.00
DANA DEBEAUVOIR, COUNTY CLERK
TRAVIS COUNTY, TEXAS

RECEIVED

JUL 2 8 2003

City of Pflugerville



ORDINANCE NO. 744-04-03-23

AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, ANNEXING, FOR FULL PURPOSES, APPROXIMATELY 143.43 ACRES OF LAND ADJACENT TO THE CITY LIMITS OF THE CITY OF PFLUGERVILLE, TEXAS, GENERALLY LOCATED EAST OF FM 685, SOUTH OF KELLY LANE AND WEST OF WEISS LANE, IN TRAVIS COUNTY, TEXAS ("KELLY LANE PROPERTY") AND APPROXIMATELY 133.603 ACRES OF LAND ADJACENT TO THE CITY LIMITS OF THE CITY OF PFLUGERVILLE, TEXAS, GENERALLY LOCATED WEST OF WEISS LANE AND NORTH AND SOUTH OF AND INCLUDING A PORTION OF PFLUGER LANE IN TRAVIS COUNTY, TEXAS ("PFLUGER LANE PROPERTY"); EXTENDING THE BOUNDARIES OF THE CITY TO INCLUDE THE LAND; 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 three tracts of land known as the Kelly Lane Property, more particularly described in Exhibit "A", attached hereto and incorporated herein by reference; and

WHEREAS, the City also desires to annex 133.603 acres of land known as the Pfluger Lane Property, more particularly described in Exhibit "B", attached hereto and incorporated herein by reference (collectively, the Kelly Lane Property and Pfluger Lane Property are sometimes referred to as the "Land"); and

WHEREAS, the City is authorized, pursuant to Chapter 43, Section 43.021 of the Texas Local Government Code and Section 1.04 of the Home Rule Charter for the City of Pflugerville, to unilaterally annex the Land; and

WHEREAS, the City is authorized, pursuant to Chapter 43, Section 43.071(e) of the Texas Local Government Code, to annex the tract identified in Exhibit "A" as Tract 3 out of the Kelly Lane Property, located within a water or sewer district, if: (i) the governing body of the district consents to the annexation, (ii) the owners in fee simple of the area to be annexed consent to the annexation; and (iii) the annexed area does not exceed 525 feet in width at its widest point; and

WHEREAS, the governing body of the district and the owner in fee simple of Tract 3 has consented to the annexation, and Tract 3 does not exceed 525 feet in width at its widest point; and

WHEREAS, pursuant to Chapter 43, Section 43.057 of the Texas Local Government Code, though an area not being annexed will be surrounded by the Land, the City finds the annexation to be in the public interest due to resulting promotion of economic development and reconstruction of roadways in the Land and surrounding areas; and

WHEREAS, the City Council of the City has considered the annexation of the Land, following two public hearings, notice of which was duly given in accordance with all applicable legal requirements, and has determined to institute proceedings to annex the Land; NOW, THEREFORE,

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

Section 1. The Land is hereby annexed to the City, and the boundaries of the City are extended to include the Land within the corporate limits of the City. From and after the date of this ordinance, the Land shall be bound by the acts, ordinances, resolutions and regulations of the City.

Section 2. The City finds annexation of the Land to be in the public interest due to promotion of economic growth and reconstruction of roadways the Land and surrounding areas.

Section 3. The service plan attached as Exhibit "C" is approved, and municipal services shall be extended to the Land in accordance therewith.

Section 4. 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 5. This ordinance will take effect upon its adoption by the City Council, and provided further that no objection to the annexation is interposed by the United States Attorney General within 60 days of the submission of the annexation pursuant to Section 5 of the Voting Rights Act of 1965, as amended.

Section 6. The City Council intends to annex the Land described in this Ordinance; but if there is included within the description of the Land annexed by this Ordinance any lands or area that may not be annexed by the City for any reason ("Excluded Lands"), then the Excluded Lands should be excluded and excepted from the Land annexed by this Ordinance as fully as if the Excluded Lands were expressly described in this Ordinance and the remainder of the Land were annexed to the City of Pflugerville.

PASSED AND APPROVED this 23rd day of March, 2004.

CITY OF PFLUGERVILLE, TEXAS

By: G. Scott Winton
G. Scott Winton, Mayor

ATTEST:

Karen Thompson
Karen Thompson, City Secretary

EXHIBIT "A"

DESCRIPTION OF THE KELLY LANE PROPERTY

Recorders Memorandum-At the time of recordation this instrument was found to be inadequate for the best reproduction, because of illegibility, carbon or photocopy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

EXHIBIT "B"

DESCRIPTION OF THE PFLUGER LANE PROPERTY

Recorders Memorandum-At the time of recordation this instrument was found to be inadequate for the best reproduction, because of illegibility, carbon or photocopy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

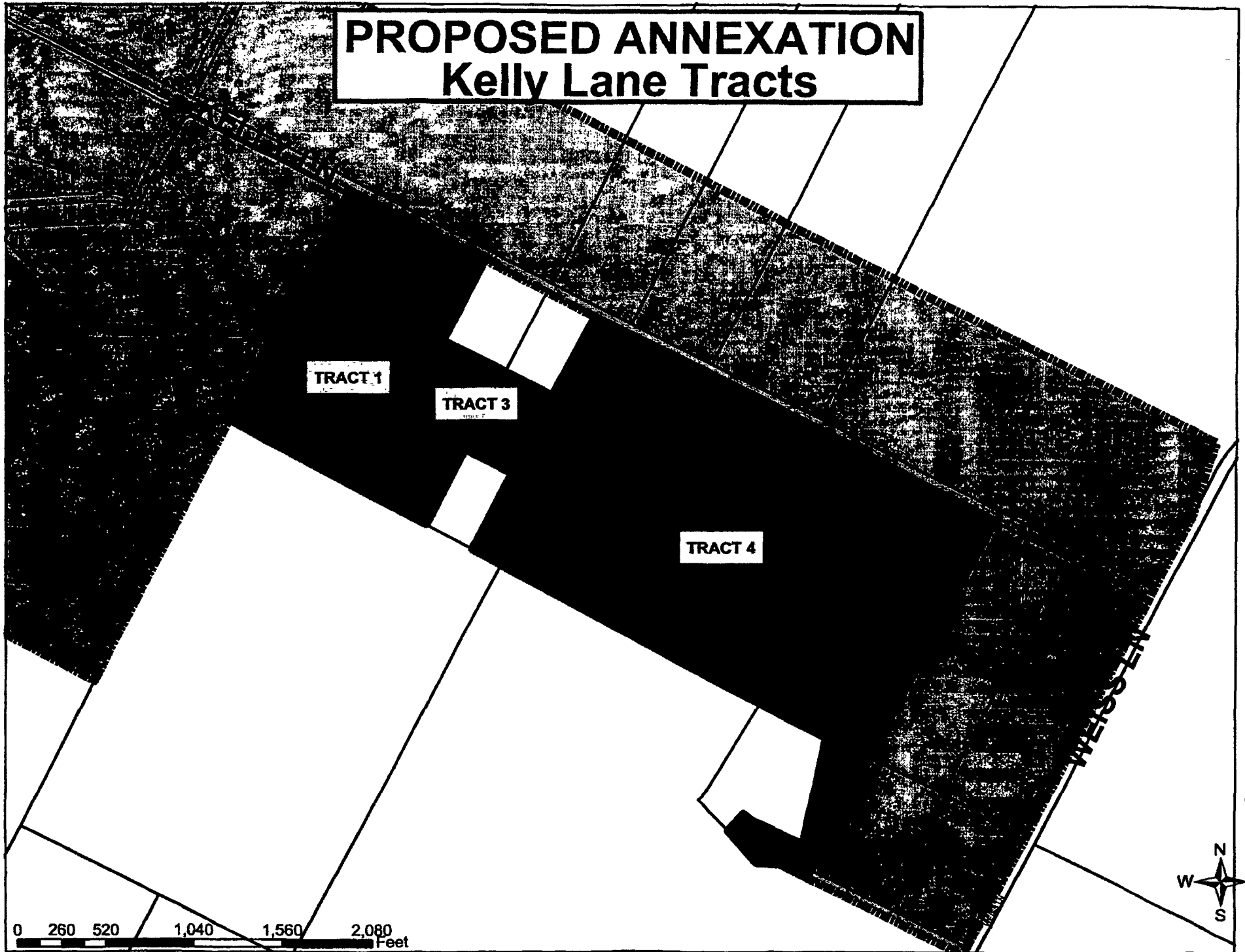
EXHIBIT "C"
SERVICE PLAN

Recorders Memorandum-At the time of recordation this instrument was found to be inadequate for the best reproduction, because of illegibility, carbon or photocopy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

EXHIBIT "A"
DESCRIPTION OF THE KELLY LANE PROPERTY

Recorders Memorandum-At the time of recordation this instrument was found to be inadequate for the best reproduction, because of illegibility, carbon or photocopy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

PROPOSED ANNEXATION Kelly Lane Tracts



**METES AND BOUNDS DESCRIPTION
OF
35.69 ACRES (TRACT 1)
IN THE
EDWARD FLINT SURVEY NO. 11 ABSTRACT 277
TRAVIS COUNTY, TEXAS**

Being a metes and bounds description of a 35.69 acre tract in the Edward Flint Survey No. 11 Abstract 277 in Travis County, Texas and being all of Lot 1 of the Bratcher Subdivision as recorded in Volume 90 Page 142 of the Plat Records of Travis County, Texas and being further described in a deed to Norris W. Cole et ux and recorded under Volume 12160 Page 1900 of the Real Property Records of Travis County, Texas, (R.P.R.T.C.T.) being all of a call 10.00 acre tract as described in a deed to Andrea Walker Stallsworth as recorded in Volume 11784 Page 394 of the R.P.R.T.C.T., being all of a call 9.99 acre tract as described in a deed to Wendee Whitehead and Anne Matrone and recorded under Document No. 1999099272 of the Official Public Records of Travis County, Texas, being all of a call 10.00 acre tract as described in a deed to Wayne R. Moore and Colleen B. Moore and recorded in Volume 8209 Page 417 of the Deed Records of Travis County, Texas, said 35.69 acre tract being more fully described by metes and bounds with attached sketch as follows:

BEGINNING at ½" inch iron rod found marking the southwest corner of the said Andrea Walker Stallsworth 10.00 acre tract, being the northwest corner of a call 64.84 acre tract as described in a deed to Len-Buf/Hiddenlake 2-JV LTD and recorded under Document No. 2003147835 of the Official Public Records of Travis County, Texas (O.P.R.T.C.T.), and being an angle point in the east line of a call 132.06 acre tract as described in a deed to Terrabrook Falcon Ridge L.P. and recorded under Document No. 2000167101 of the O.P.R.T.C.T.;

THENCE departing the southwest corner of the said 10.00 acre tract and the northwest corner of the said 234.064 acre tract and with the east line of the 132.06 acre tract the following two (2) courses and distances;

1. **N 12°17'38" E** for a distance of **50.07** feet to a 60D nail found;
2. **N 27°20'37" E** for a distance of **306.38** feet to a ½" inch iron rod found for the southeast corner of a call 15.60 acre tract as described in a deed to the City of Pflugerville and recorded under Volume 13196 Page 829 of the R.P.R.T.C.T.;

THENCE with the east line of the said 15.60 acre tract the following two (2) courses and distances;

1. **N 27°21'10" E** for a distance of **429.94** feet to a 60D nail found in top of a fence post;
2. **N 27°28'27" E** for a distance of **733.38** feet to a set ½" inch iron rod with cap marked Pate Eng, and being the northwest corner of the said 10.00 acre Andrea Walker Stallsworth tract and being in the south right-of-way line of Kelly Lane having a 60 foot wide right-of-way at this point, said south right-of-way line being the City Limit line of the City of Pflugerville Texas as described in Ordinance No. 547-99-06-08 and recorded under Document No. 1999083182 of the O.P.R.T.C.T. ;

THENCE with the said south right-of-way line, City Limit line, and the north line of the 10.00 acre tract **S 62°58'25" E** for a distance of **286.05** feet to a ½" inch iron rod found marking the northeast corner of the said 10.00 acre tract and the northwest corner of the Wendee Whitehead and Anne Matrone 9.99 acre tract ;

THENCE with the south right-of-way line of Kelly Lane, the City Limit line, and the north line of the said 9.99 acre tract **S 63°03'09" E** for a distance of **286.26** feet to a set ½" inch iron rod with cap marked Pate Eng, marking the northeast corner of the said 9.99 acre tract and the northwest corner of the Wayne R. Moore and Colleen B. Moore 10.00 acre tract;

THENCE with the south right-of-way line of Kelly Lane, the City Limit line, and the north line of the said 10.00 acre tract **S 63°07'21" E** for a distance of **283.22** feet to a ½" inch iron pipe found, marking the northeast corner of the said Wayne R. Moore and Colleen B. Moore 10.00 acre tract and the northwest corner of Lot 1 of the Bratcher Subdivision;

THENCE with the said south right-of-way line of Kelly Lane, the City Limit line and the north line of Lot 1 of the Bratcher Subdivision **S 63°03'47" E** for a distance of **20.03** feet to a ½" inch iron rod found marking the northeast corner of said Lot 1 and the northwest corner of Lot 2 of said subdivision and being further described in a deed to Lennar Homes of Texas Land and Construction LTD. recorded under Document No. 2002118294 of the O.P.R.T.C.T.;

THENCE departing the south right of way line of Kelly Lane, and the City Limit line and with the common line of Lots 1 & 2 of said Bratcher Subdivision **S 26°55'25" W** for a distance of **1041.25** feet to a cotton spindle found in an asphalt road marking the southwest corner of Lot 2 and a interior ell corner of Lot 1;

THENCE continuing with the common line of Lot 1 and Lot 2 of the Bratcher Subdivision **S 61°46'56" E** for a distance of **418.49** feet to a ½" inch iron rod found and being the northeast corner of Lot 1, the southeast corner of Lot 2 and being in the west line of a call 10.836 acre tract as described in a deed to Lennar

Homes of Texas Land and Construction LTD and recorded under Document No. 2002118293 of the O.P.R.T.C.T.;

THENCE with the common line of the said Lot 1 of the Bratcher Subdivision and the 10.836 acre tract **S 26°55'14" W** for a distance of **495.86** feet to a ½" inch iron rod found for the southeast corner of Lot 1 of the Bratcher Subdivision, the southwest corner of the 10.836 acre tract, and being in the north line of Lot 5 Block A of The Villages of Hidden Lake Phase One as recorded under Document No. 200300119 O.P.R.T.C.T.;

THENCE with the common line of the said Lot 1 and Block A of The Villages of Hidden Lake Phase One **N 61°44'27" W** for a distance of **438.96** feet to a calculated point for corner and being the southeast corner of the said Wayne R. Moore and Colleen B. Moore 10.00 acre tract and the southwest corner of Lot 1 of the aforementioned Bratcher Subdivision;

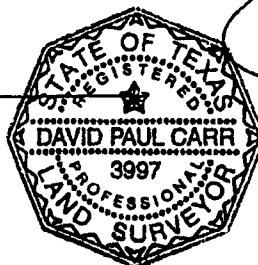
THENCE with the common line of the said Block A of The Villages of Hidden Lake Phase One, the 10.00 acre tract, the north line of the aforementioned 64.84 acre tract and the north line of a call 0.10 acre tract (Tract 4) as described in a deed to Len-Buf/Hiddenlake 2-JV, LTD and recorded under Document No. 2003234221 of the O.P.R.T.C.T., **N 61°52'39" W** for a distance of **284.69** feet to a ½" inch iron pipe found marking the southwest corner of the 10.00 acre tract, the southeast corner of the said Wendee Whitehead and Anne Matrone 9.99 acre tract, the;

THENCE with the south line of the said 9.99 acre tract, and the north line of the 64.84 acre tract **N 61°51'19" W** for a distance of **283.80** feet to a ½" inch iron rod found and being the southwest corner of the 9.99 acre tract and the southeast corner of the said Andrea Walker Stallsworth 10.00 acre;

THENCE with the south line of the said 10.00 acre tract and the north line of the said 64.84 acre tract **N 61°45'03" W** for a distance of **286.72** to the **POINT OF BEGINNING** of the herein described tract and containing 35.69 acres of land more or less.

I David Paul Carr a duly Registered Professional Land Surveyor in the State of Texas do hereby certify that the foregoing description was prepared from a on the ground survey that was performed in December of 2003 under my supervision and direction and it is true and correct to the best of my knowledge and belief.

David Paul Carr R.P.L.S.
Texas Registration No. 3997



Date