

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

### **WASTEWATER EASEMENT AGREEMENT**

THE STATE OF TEXAS     §  
                                      §  
COUNTY OF TRAVIS     §

#### **GRANT OF EASEMENT:**

**Verona Development, Inc.** ("Grantor"), for the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and confessed, does hereby grant, sell and convey unto **THE CITY OF PFLUGERVILLE, TEXAS**, a home-rule city located in Travis County, Texas ("Grantee"), an easement and right-of-way ("Easement") upon and across the property of Grantor which is more particularly described on Exhibit "A", attached hereto and incorporated herein by reference ("Easement Tract").

TO HAVE AND TO HOLD the same perpetually to Grantee and its successors and assigns, together with the rights and privileges and on the terms and conditions set forth below.

Grantor does hereby covenant and agree to WARRANT AND FOREVER DEFEND title to the Easement herein granted, unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

#### **CHARACTER OF EASEMENT:**

The Easement is an easement in gross.

#### **PURPOSE OF EASEMENT:**

The Easement shall be used for public utility purposes, including placement, construction, installation, replacement, repair, maintenance, relocation, removal, and operation of public wastewater utility facilities and related appurtenances, or making connections thereto.

The Easement shall also be used for the purpose of providing access for the operation, repair, maintenance, replacement and expansion of the public wastewater utility facilities and related appurtenances.

**DURATION OF EASEMENT:**

The Easement shall be temporary. The Easement will expire upon recordation of a Final Plat and subsequent dedication of right-of-way or an easement over the improvements constructed within the Easement Tract. Upon expiration of the Easement, Grantee agrees to execute and deliver a release of the Easement, in recordable form, upon request by Grantor.

**EXCLUSIVENESS OF EASEMENT:**

The Easement shall be exclusive. Grantor shall have the right to access the utility facilities, provided such access complies with the City of Pflugerville subdivision and/or site plan application process and shall have the right to use the surface of the Property for any purpose which does not conflict with the subsurface use, including but not limited to landscaping, parking, driveways, signage and roadways but not buildings.

**ENTIRE AGREEMENT:**

This instrument contains the entire agreement between the parties relating to the rights herein granted and the obligations herein assumed. Any oral representation or modification concerning this instrument shall be of no force and effect except for any subsequent modification in writing, signed by the party to be charged.

**BINDING EFFECT:**

This agreement shall bind and inure to the benefit of the respective parties hereto, their heirs, legal representatives, successors and assigns.

**ASSIGNABILITY:**

This Easement and the rights of Grantee hereunder may be assigned in whole or in part by Grantee.

Signature page to follow:

In witness whereof, this instrument is executed this \_\_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_, 2014.

**GRANTOR:**

**Verona Development, Inc.**

By: [Signature]  
**John Lloyd, President**

**AGREED AND ACCEPTED:**

**CITY OF PFLUGERVILLE, TEXAS,**  
a Texas home-rule municipality

By: \_\_\_\_\_  
Brandon Wade, City Manager

**ATTEST:**

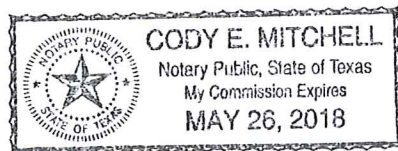
\_\_\_\_\_  
Karen Thompson, City Secretary

THE STATE OF TEXAS     §  
                                          §  
COUNTY OF TRAVIS     §

This instrument was acknowledged before me on NOVEMBER 6 2014  
2014, by John Lloyd, an individual residing in Travis County, Texas.

[Signature]  
Notary Public Signature

(seal)



THE STATE OF TEXAS     §  
                                      §  
COUNTY OF \_\_\_\_\_ §

      This instrument was acknowledged before me on \_\_\_\_\_,  
2014, by Brandon Wade, City Manager of the City of Pflugerville, Texas, a Texas home-  
rule municipality, on behalf of said municipality.

\_\_\_\_\_  
Notary Public Signature

(seal)

1.83 Acres

THAT PART OF THE JAMES P. KEMPE SURVEY No. 12, ABSTRACT No. 462, IN TRAVIS COUNTY, TEXAS, BEING A PART OF THAT 147.591 ACRE TRACT OF LAND CONVEYED TO VERONA DEVELOPMENT, INC., BY DEED RECORDED IN DOCUMENT No. 2014076627 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE at a 1/2" iron rod found in the East Line of said 147.591 Acre Tract, the same being the Northwest Corner of the Louis and El Doris Haverlah 110.48 Acre Tract of land described in Volume 10808, Page 588 of the Real Property Records of Travis County, Texas, being also the Southwest of the Sophie Koch 147.76 Acre Tract of land described in Volume 707, Page 440 of the Travis County Deed Records, said point called the Northwest Corner of the Andrew Austin Survey No. 19 in said Haverlah Deed;

THENCE S.30°30'45"W. (bearing basis) along the East Line of said 147.591 Acre Tract and the West Line of said 110.48 Acre Tract a distance of 299.95 feet (from which point a 1/2" iron rod found bears S.30°30'45"W., 1271.07 feet);

THENCE N.59°29'15"W. across said 147.591 Acre Tract a distance of 242.50 feet to a 1/2" iron rod set at the Point of Beginning;

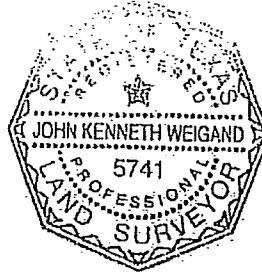
THENCE continue across said 147.591 Acre Tract the following 15 courses;

1. S.30°30'45"W. a distance of 505.00 feet to a point of curvature of a curve to the right;
2. Southwesterly, along the arc of said curve to the right a distance of 100.32 feet, said curve having a radius of 730.29 feet, a central angle of 07°52'16", and a chord bearing S.34°26'53"W., 100.25 feet;
3. S.38°23'01"W. a distance of 98.40 feet to a point of curvature of a curve to the left;
4. Southwesterly, along the arc of said curve to the left a distance of 67.73 feet, said curve having a radius of 493.03 feet, a central angle of 07°52'16", and a chord bearing S.34°26'53"W., 67.68 feet;
5. S.30°30'45"W. a distance of 115.00 feet;
6. N.59°29'15"W. a distance of 755.00 feet to a 1/2" iron rod set;
7. N.30°30'45"E. a distance of 50.00 feet to a 1/2" iron rod set;
8. S.59°29'15"E. a distance of 690.00 feet to a point of curvature of a curve to the left;
9. Easterly, along the arc of said curve to the left a distance of 23.56 feet, said curve having a radius of 15.00 feet, a central angle of 90°00'00", and a chord bearing N.75°30'45"E., 21.21 feet;
10. N.30°30'45"E. a distance of 50.00 feet to a point of curvature of a curve to the right;
11. Northeasterly, along the arc of said curve to the right a distance of 74.60 feet, said curve having a radius of 543.03 feet, a central angle of 07°52'16", and a chord bearing N.34°26'53"E., 74.54 feet;
12. N.38°23'01"E. a distance of 98.40 feet to a point of curvature of a curve to the left;
13. Northeasterly, along the arc of said curve to the left a distance of 93.46 feet, said curve having a radius of 680.29 feet, a central angle of 07°52'16", and a chord bearing N.34°26'53"E., 93.38 feet;
14. N.30°30'45"E. a distance of 505.00 feet to a 1/2" iron rod set;
15. S.59°29'15"E. a distance of 50.00 feet to the said Point of Beginning.

1.83 Acres

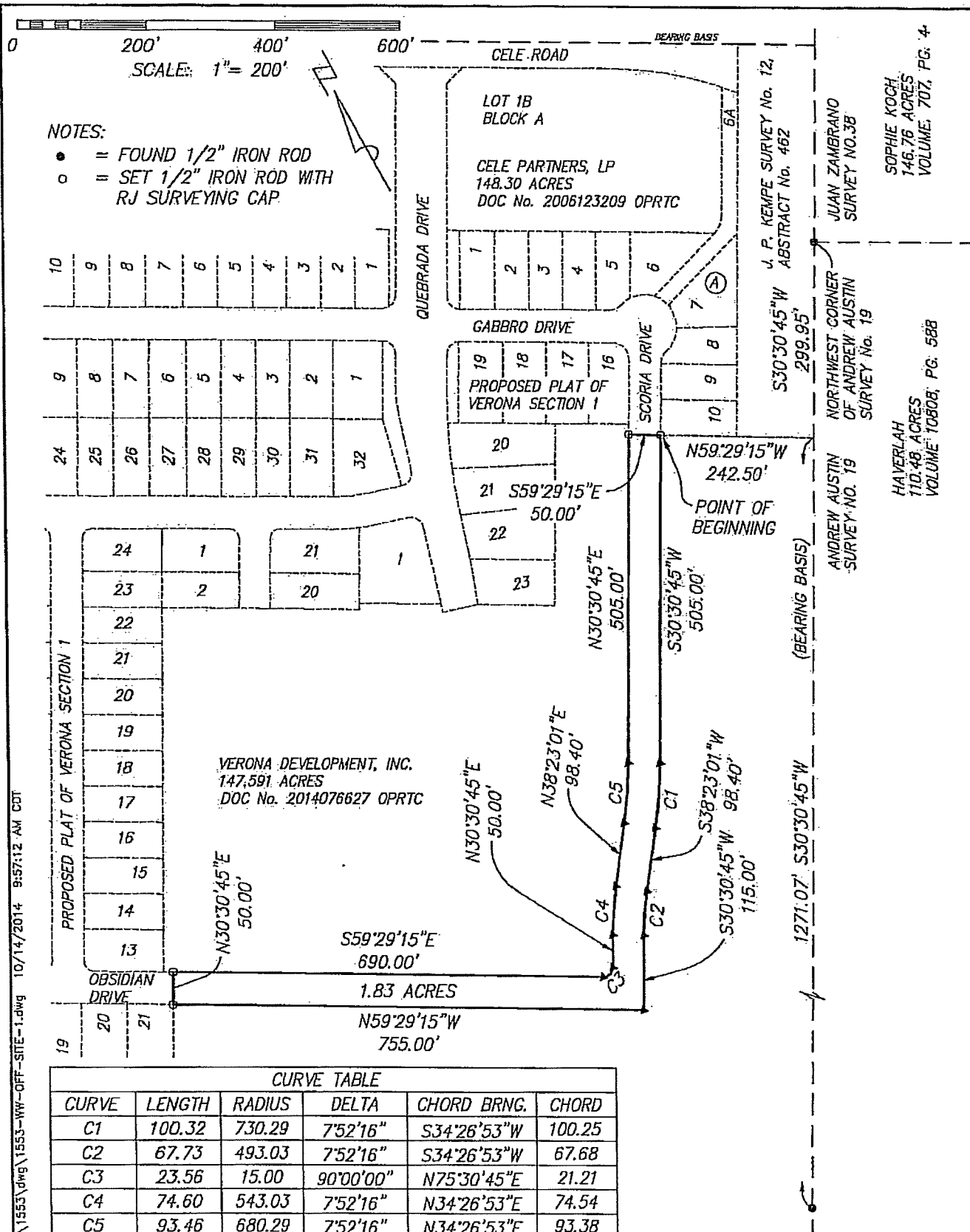
Containing 1.83 acres, more or less, as shown on the sketch attached.

*John H. Weigand Oct. 14, 2014*  
J. Kenneth Weigand  
Registered Professional Land Surveyor No. 5741  
State of Texas



RJ Surveying & Associates, Inc.  
1212 East Braker Lane  
Austin, Texas 78753  
F-10015400

All iron rods set have RJ Surveying caps



DATE: OCT. 14, 2014

SKETCH TO ACCOMPANY DESCRIPTION  
(SEE DESCRIPTION ON A SEPARATE ATTACHMENT)

**RJ SURVEYING & ASSOCIATES, INC.**  
1212 E. BRAKER LANE, AUSTIN, TEXAS 78753  
F-10015400 (512) 836-4793 FAX: (512) 836-4817