

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:

Century Land Holdings, 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.

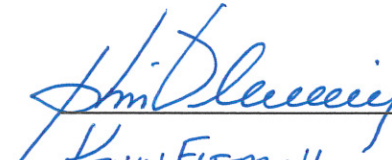
ASSIGNABILITY:

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:


KEVIN FLEMING
EXEC. V.P. OF LAND DEVELOPMENT
CENTURY LAND HOLDINGS II, LLC

AGREED AND ACCEPTED:

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

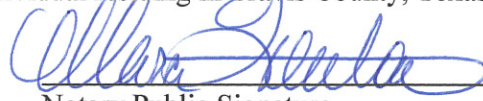
By: _____
Brandon Wade, City Manager

ATTEST:

Karen Thompson, City Secretary

THE STATE OF TEXAS §
§
COUNTY OF Travis §

This instrument was acknowledged before me on September 25, 2014, by Kevin Fleming, an individual residing in Travis County, Texas.



Notary Public Signature

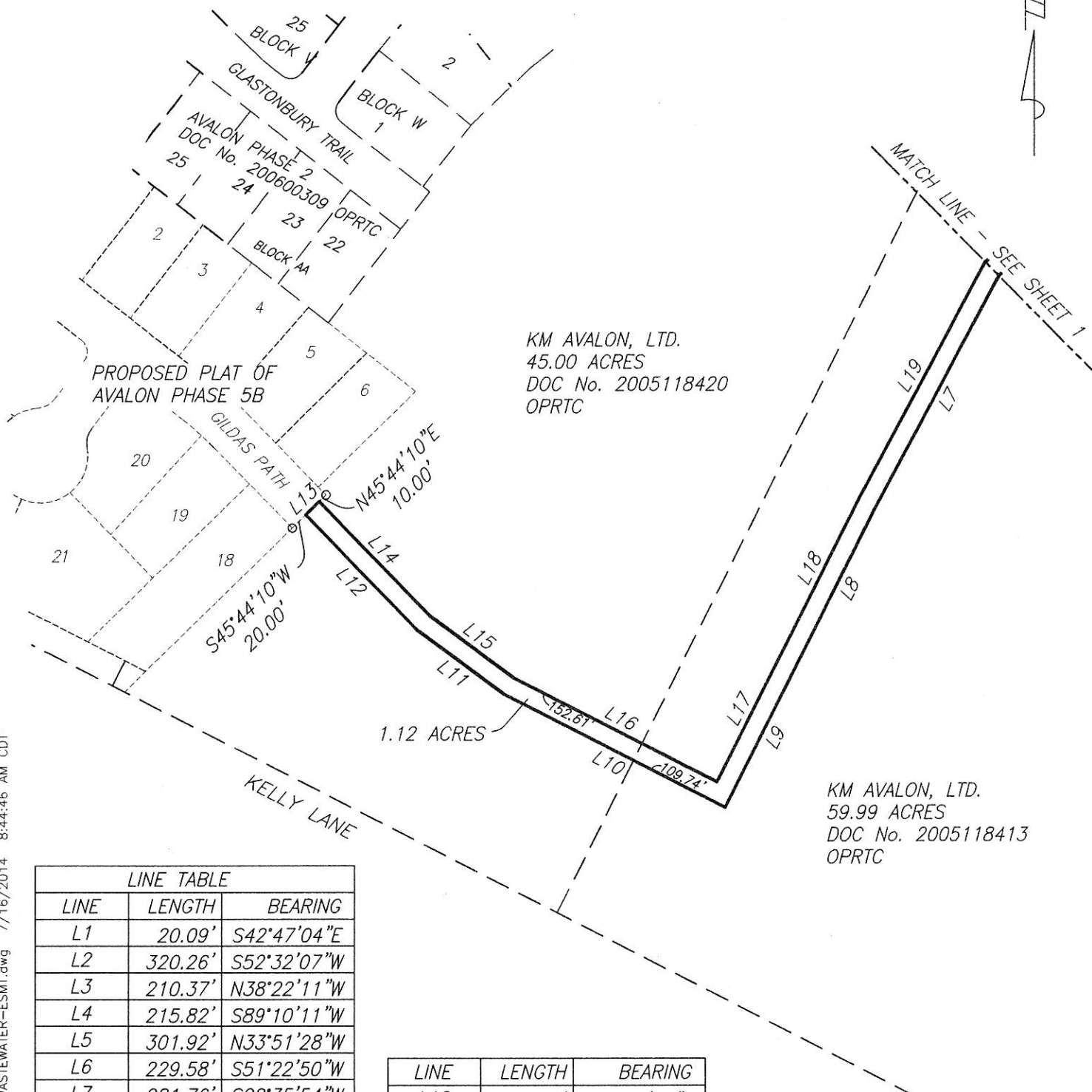


THE STATE OF TEXAS §
 §
COUNTY OF _____ §

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)



PROPOSED PLAT OF
AVALON PHASE 5B

KM AVALON, LTD.
45.00 ACRES
DOC No. 2005118420
OPRTC

KM AVALON, LTD.
59.99 ACRES
DOC No. 2005118413
OPRTC

LINE TABLE

LINE	LENGTH	BEARING
L1	20.09'	S42°47'04"E
L2	320.26'	S52°32'07"W
L3	210.37'	N38°22'11"W
L4	215.82'	S89°10'11"W
L5	301.92'	N33°51'28"W
L6	229.58'	S51°22'50"W
L7	281.76'	S28°35'54"W
L8	171.61'	S26°55'25"W
L9	180.00'	S26°55'16"W
L10	264.02'	N63°04'45"W
L11	114.42'	N53°40'21"W
L12	169.62'	N44°15'58"W
L13	20.00'	N45°44'10"E
L14	167.97'	S44°15'58"E
L15	111.13'	S53°40'21"E
L16	242.37'	S63°04'45"E
L17	160.00'	N26°55'16"E

LINE	LENGTH	BEARING
L18	171.90'	N26°55'25"E
L19	286.08'	N28°35'54"E
L20	255.34'	N51°22'50"E
L21	312.80'	S33°51'28"E
L22	214.82'	N89°10'11"E
L23	200.54'	S38°22'11"E
L24	298.71'	N52°32'07"E

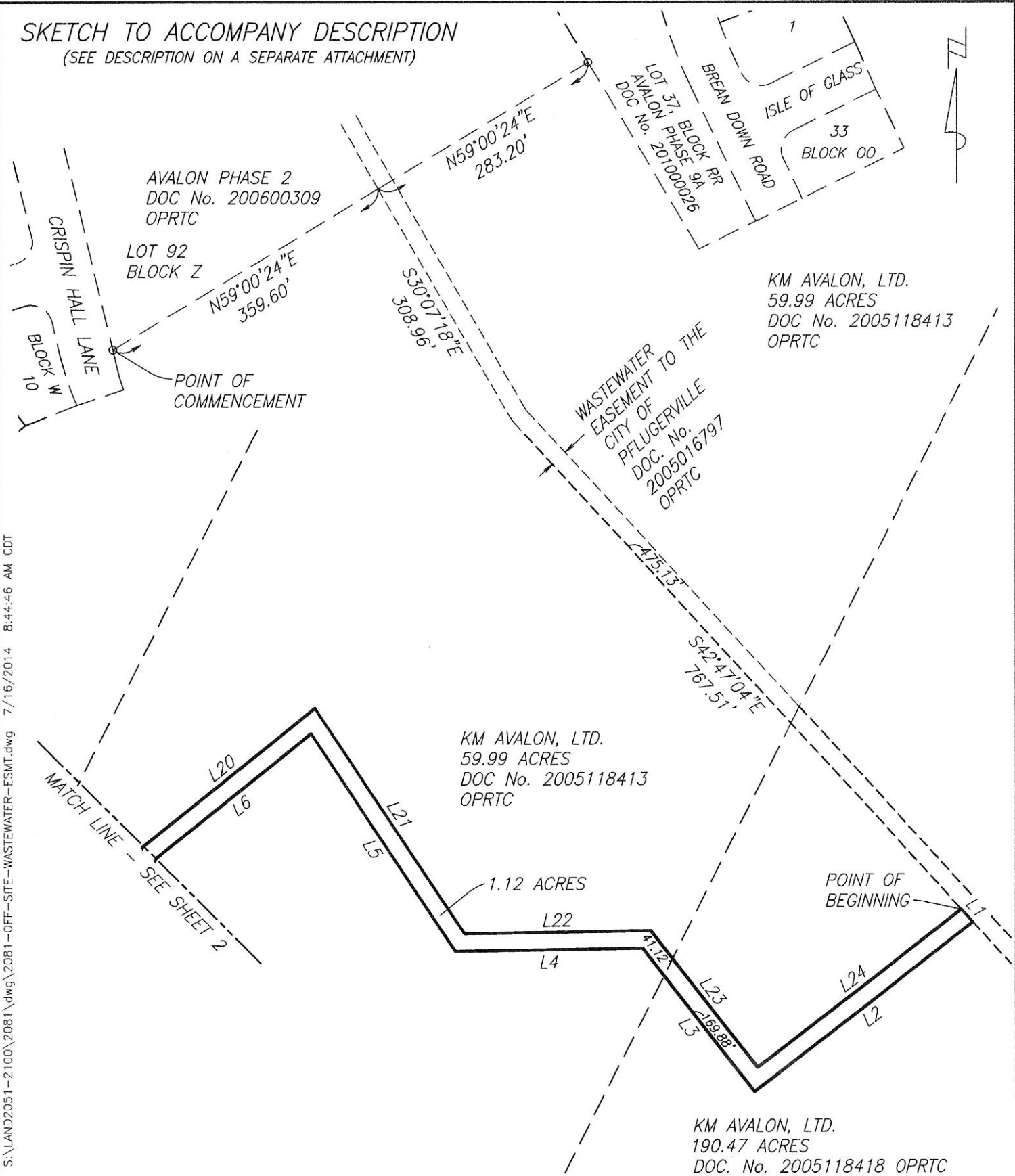
DATE: JULY 15, 2014 SCALE: 1" = 150'

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

S:\LAND2051-2100\2081\dwg\2081-OFF-SITE-WASTEWATER-ESMT.dwg 7/16/2014 8:44:46 AM CDT

SKETCH TO ACCOMPANY DESCRIPTION

(SEE DESCRIPTION ON A SEPARATE ATTACHMENT)



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NOTES:

- o = SET 1/2" IRON ROD WITH RJ SURVEYING CAP
- OPRTC = OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY
- BEARINGS ARE TEXAS STATE PLANE CENTRAL ZONE NAD 83

DATE: JULY 15, 2014 SCALE: 1" = 150'

RJ SURVEYING & ASSOCIATES, INC.

1212 E. BRAKER LANE, AUSTIN, TEXAS 78753
 F-10015400 (512) 836-4793 FAX: (512) 836-4817

1.12 Acre

A PARCEL OF LAND IN TRAVIS COUNTY, TEXAS, OUT OF THE EDWARD FLINT SURVEY No. 11, ABSTRACT No. 277, BEING A PART OF THAT 45.00 ACRE TRACT OF LAND CONVEYED TO KM AVALON, LTD., BY DEED RECORDED IN DOCUMENT No. 2005118420 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A PART OF THAT 59.99 ACRE TRACT OF LAND CONVEYED TO KM AVALON, LTD., BY DEED RECORDED IN DOCUMENT No. 2005118413 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; AND A PART OF THAT 190.47 ACRE TRACT OF LAND CONVEYED TO KM AVALON, LTD., BY DEED RECORDED IN DOCUMENT No. 2005118418 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE at a 1/2" iron rod set in the East Line of Crispin Hall Lane at the South Corner of Lot 92, Block Z, Avalon Phase 2, according to the plat thereof recorded in Document No. 200600309 of the Official Public Records of Travis County, Texas;

THENCE N.59°00'24"E. along the Southeaster Line of said Lot 92 a distance of 359.60 feet to the Southwesterly Line of that Wastewater Easement granted to the City Pflugerville by instrument recorded in Document No. 2005016797 of the Official Public Records of Travis County, Texas (from which point a 1/2" iron rod set bears N.59°00'24"E., 283.20 feet);

THENCE across said 59.99 Acre Tract and along said Southwesterly Line the following two courses:

1. S.30°07'18"E. a distance of 308.96 feet;
2. S.42°47'04"E. (at 475.13 feet pass the East Line of said 59.99 Acre Tract and continue across said 190.47 Acre Tract) in all a distance of 767.51 feet to the Point of Beginning;

THENCE S.42°47'04"E. along said Southwesterly Line a distance of 20.09 feet;

THENCE across said 190.47 Acre Tract the following two courses:

1. S.52°32'07"W. a distance of 320.26 feet;
2. N.38°22'11"W. (at 169.88 feet pass the West Line of said 190.47 Acre Tract and continue across said 59.99 Acre Tract) in all a distance of 210.37 feet;

THENCE across said 59.99 Acre Tract the following seven courses:

1. S.89°10'11"W. a distance of 215.82 feet;
2. N.33°51'28"W. a distance of 301.92 feet;
3. S.51°22'50"W. a distance of 229.58 feet;
4. S.28°35'54"W. a distance of 281.76 feet;
5. S.26°55'25"W. a distance of 171.61 feet;
6. S.26°55'16"W. a distance of 180.00 feet;
7. N.63°04'45"W. (at 109.74 feet pass the West Line of said 59.99 Acre Tract and continue across said 45.00 Acre Tract) in all a distance of 264.02 feet;

THENCE across said 45.00 Acre Tract the following six courses:

1. N.53°40'21"W. a distance of 114.42 feet;

1.12 Acre

2. N.44°15'58"W. a distance of 169.62 feet (from which point a 1/2" iron rod set bears S.45°44'10"W. 20.00 feet) ;
3. N.45°44'10"E. a distance of 20.00 feet (from which point a 1/2" iron rod set bears N.45°44'10"E. 10.00 feet);
4. S.44°15'58"E. a distance of 167.97 feet;
5. S.53°40'21"E. a distance of 111.13 feet;
6. S.63°04'45"E. (at 152.61 feet pass the East Line of said 45.00 Acre Tract and continue across said 59.99 Acre Tract) in all a distance of 242.37 feet;

THENCE across said 59.99 Acre Tract the following seven courses:

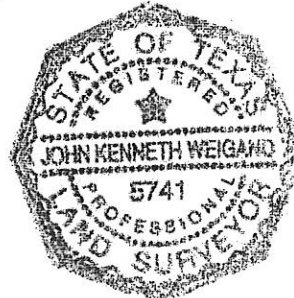
1. N.26°55'16"E. a distance of 160.00 feet;
2. N.26°55'25"E. a distance of 171.90 feet;
3. N.28°35'54"E. a distance of 286.08 feet;
4. N.51°22'50"E. a distance of 255.34 feet;
5. S.33°51'28"E. a distance of 312.80 feet;
6. N.89°10'11"E. a distance of 214.82 feet;
7. S.38°22'11"E. (at 41.12 feet pass the East Line of said 59.99 Acre Tract and continue across said 190.47 Acre Tract) in all a distance of 200.54 feet;

THENCE N.52°32'07"E. across said 190.47 Acre Tract a distance of 298.71 feet to the said Point of Beginning.

Containing 1.12 acre, more or less, as shown on the sketch attached.



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
Bearings are Texas State Plane Central Zone NAD 83