

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:

KS Capital LTD ("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 perpetual.

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 30th day of December, 2014.

GRANTOR:

KS Capital LTD

By: _____

JEAN. PELISSERO,
President of KSCAPITAL GP.
its General Partners,

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 December 30, 2014, by Jean Pelissero, an individual residing in Travis County, Texas.



Kaci K. Witt
Notary Public Signature

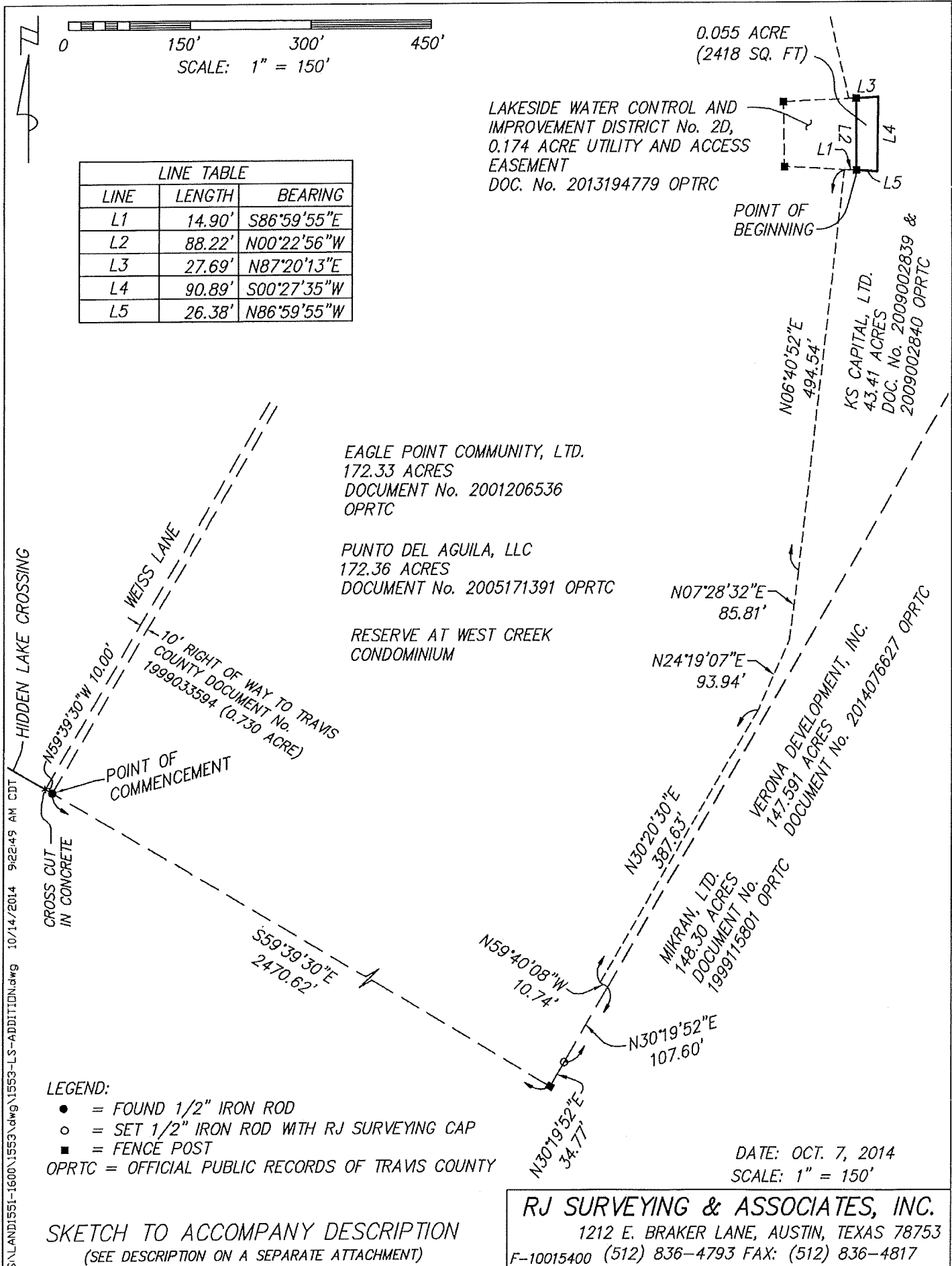
THE STATE OF TEXAS §
 §
COUNTY OF _____ §

 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)

Exhibit "A"



0.055 Acre

PART OF THE JAMES P. KEMP SURVEY No. 12, ABSTRACT No. 462, IN TRAVIS COUNTY, TEXAS, BEING A PART OF THAT 172.33 ACRE TRACT OF LAND CONVEYED TO EAGLE POINT COMMUNITY, LTD., BY DEED RECORDED IN DOCUMENT No. 2001206536 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND SUBSEQUENTLY CONVEYED TO PUNTO DEL AGUILA, LLC, BY DEED RECORDED IN DOCUMENT No. 2005171391 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND A PART OF THAT 43.41 ACRE TRACT OF LAND CONVEYED TO KS CAPITAL, LTD., BY DEED RECORDED IN DOCUMENT NUMBERS 2009002839 AND 2009002840 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE at 1/2" iron rod found in the North Line of that 158.1 Acre Tract of land conveyed to Edmund A. Randig and Doreen E. Randig by deed recorded in Volume 6870, Page 2077 of the Deed Records of Travis County, Texas, at the Southeast Corner of that 0.730 Acre Tract of land conveyed to Travis County for Road Right-of-way by deed recorded in Document No. 1999033594 of the Official Public Records of Travis County, Texas, and at the West Corner of the said 172.33 Acre Tract, from which point a cross cut in concrete found bears N.59°39'30"W., 10.00 feet;

THENCE S.59°39'30"E. (bearing basis) along the South Line of the 172.33 Acre Tract and the North Line of the 158.1 Acre Tract, a distance of 2470.62 feet to a fence post;

THENCE N.30°19'52"E., along a common line of the 172.33 Acre Tract and the 158.1 Acre Tract, a distance of 34.77 feet to a 1/2" iron rod set at the Southwest Corner of that 148.30 Acre Tract of land conveyed to Mikran, Ltd., by deed recorded in Document No. 1999115801 of the Official Public Records of Travis County, Texas;

THENCE continue N.30°19'52"E., along the common line of 172.33 Acre Tract and the 148.30 Acre Tract, a distance of 107.60 feet;

THENCE crossing the said 172.33 Acre Tract and along the West Line of said 43.41 Acre Tract the following 5 courses:

1. N.59°40'08"W. a distance of 10.74 feet;
2. N.30°20'30"E. a distance of 387.63 feet;
3. N.24°19'07"E. a distance of 93.94 feet;
4. N.07°28'32"E. a distance of 85.81 feet;
5. N.06°40'52"E. a distance of 494.54 feet to a point in the South Line of that 0.174 Acre Utility and Access Easement granted to Lakeside Water Control and Improvement District No. 2D by instrument recorded in Document No. 2013194779 of the Official Public Records of Travis County, Texas;

0.055 Acre

THENCE S.86°59'55"E. along the said South Line and along the Westerly Line of said 43.41 Acre Tract a distance of 14.90 feet to a fence post at the Southeast Corner of said 0.174 Acre Tract and the Point of Beginning;

THENCE N.00°22'56"W. along the East Line of said 0.174 Acre Tract and the West Line of said 43.41 Acre Tract a distance of 88.22 feet to a fence post at the Northeast Corner of said 0.174 Acre Tract;

THENCE across said 143.41 Acre Tract the following three courses:

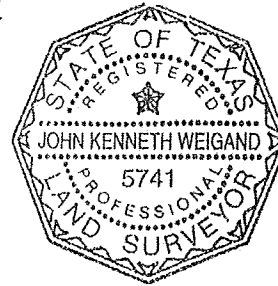
1. N.87°20'13"E. a distance of 27.69 feet;
2. S.00°27'35"W. a distance of 90.89 feet;
3. N.86°59'55"W. a distance of 26.38 feet to the said Point of Beginning.

Containing 0.055 acre, more or less, as shown on the sketch attached.

John K. Weigand Oct. 8, 2014

John 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