

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:

Geraldine Timmermann Individually and as Executor of the Estate of Terrell Timmermann (“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:

This instrument was acknowledged before me on _____,
2015, 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)

0.223 ACRE
HENRY BLESSING AND T.G. STUART SURVEYS
PFLUGERVILLE, TX

FIELD NOTE FILE: 15.063
PROJECT NO.: 278-001
SEPTEMBER 10, 2015

FIELD NOTES

BEING A 0.223 ACRE TRACT OUT OF THE HENRY BLESSING SURVEY ABSTRACT NO. 99 AND THE T.G. STUART SURVEY ABSTRACT NO. 689, SITUATED IN TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN 129.137 ACRE TRACT CONVEYED TO TERRELL TIMMERMANN, BY DEED OF RECORD IN DOCUMENT NO. 1999104399, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.223 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING, for reference, at a 1/2-inch iron rod with "Wallace Group" cap found in the south right-of-way line of Pflugerville Parkway (115' r.o.w.), being the northeast corner of Lot 1, Block A, North Pflugerville Estates Subdivision, of record in Document No. 200000013, of said Official Public Records, also being the southwest corner of that certain 3.263 acre tract conveyed to the City of Pflugerville, Texas, by Deed of record in Document No. 2005211952, of said Official Public Records, also being in the west line of said 129.137 acre tract;

THENCE, S61°16'14"E, over and across said 129.137 acre tract, along said south right-of-way line of Pflugerville Parkway, being the south line of said 3.263 acre tract, a distance of 429.56 feet to a calculated point, for the **POINT OF BEGINNING** and northwesterly corner hereof;

THENCE, S61°16'14"E, continuing over and across said 129.137 acre tract, along said south right-of-way line, being the south line of said 3.263 acre tract, a distance of 15.21 feet to a calculated point, for the northeasterly corner hereof;

THENCE, leaving said south right-of-way line, continuing over and across said 129.137 acre tract, the following two (2) courses and distances:

- 1.) S19°11'22"W, a distance of 137.81 feet to a calculated point, for an angle point;
- 2.) S28°51'47"W, a distance of 511.04 feet to a calculated point on the south line of said 129.137 acre tract, being the north right-of-way line of Pfennig Lane (r.o.w. varies), for the southeasterly corner hereof;

THENCE, N61°17'13"W, along said north right-of-way line of Pfennig Lane, being the south line of said 129.137 acre tract, a distance of 15.00 feet to a calculated point, for the southwesterly corner hereof, from which a 1/2-inch iron rod with "Wallace Group" cap found at the southeast corner of said Lot 1 bears the following two (2) courses and distances:

- 1.) N61°17'13"W, a distance of 454.34 feet to a calculated point at the southwest corner of said 129.137 acre tract;
- 2.) N28°59'19"E, a distance of 4.30 feet;

THENCE, leaving said north right-of-way line of Pfennig Lane, over and across said 129.137 acre tract, the following two (2) courses and distances:

0.223 ACRE
HENRY BLESSING AND T.G. STUART SURVEYS
PFLUGERVILLE, TX

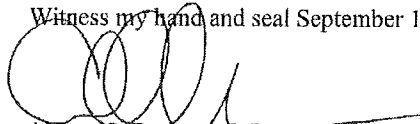
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- 1.) N28°51'47"E, a distance of 509.81 feet to a calculated point, for an angle point;
- 2.) N19°11'22"E, a distance of 139.06 feet to the **POINT OF BEGINNING**, and containing 0.223 acre (9,733 square feet) of land, more or less.

BEARING BASIS: TEXAS COORDINATE SYSTEM, NAD 83(2012A), CENTRAL ZONE, REFERENCING THE LEICA SMARTNET REFERENCE NETWORK. AND ROTATED 01°24'09" CLOCKWISE.

I HEREBY CERTIFY THAT THIS DESCRIPTION AND ANY ACCOMPANYING SKETCHES ARE THE RESULT OF AN ACTUAL ON-THE-GROUND SURVEY PERFORMED UNDER MY DIRECT SUPERVISION DURING THE MONTHS OF AUGUST AND SEPTEMBER, 2014, AND ARE TRUE AND CORRECT TO THE BEST OF MY ABILITIES.

Witness my hand and seal September 10, 2015


Abram C. Dashner, R.P.L.S. 5901
PROJECT NO. 278-001



PFLUGERVILLE PKWY
(115' R.O.W.)

L1

POINT OF COMMENCEMENT

S61°16'14"E 429.56'

POINT OF BEGINNING

N19°11'22"E
139.06'

S19°11'22"W
137.81'

LEGEND

- 1/2-INCH IRON ROD FOUND
- ▲ CALCULATED POINT

0.223 ACRE
(9,733 SQ. FT.)



LOT 1
BLOCK A
NORTH PFLUGERVILLE
ESTATES SUBDIVISION
DOC. NO. 200000013

TERRELL TIMMERMANN
129.137 ACRES
DOC. NO. 1999104399

LINE	BEARING	DISTANCE
L1	S61°16'14"E	15.21'
L2	N61°17'13"W	15.00'
L3	N28°59'19"E	4.30'

N28°51'47"E 509.81'

S28°51'47"W 511.04'




N61°17'13"W 454.34'

L2

PFENNIG LANE
(R.O.W. VARIES)

BEARING BASIS:

TEXAS COORDINATE SYSTEM, NAD 83(2012A), CENTRAL ZONE, REFERENCING THE LEICA SMARTNET CONTINUALLY OPERATING REFERENCE NETWORK, AND ROTATED 01°24'09" CLOCKWISE.

FIELDNOTE NO: 15.063	0.223 ACRE OUT OF THAT CERTAIN 129.137 ACRE TRACT CONVEYED TO TERRELL TIMMERMANN, BY DEED OF RECORD IN DOCUMENT NO. 1999104399, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, PFLUGERVILLE, TEXAS		CLIENT INFORMATION
JOB NUMBER: 278-001			ISSUE DATE: 10/28/15
SHEET: 3 OF 3	EASEMENT EXHIBIT		