

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:

C.E. Kuehner, Jr. & Sue Kuehner (“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 is granted for the installation, construction, operation, use, maintenance, reconstruction, replacement, repair, re-alignment, upgrade, expansion, inspection, patrol, and removal of public wastewater facilities, together with appurtenances and facilities related to such public wastewater facilities and for making connections therewith; all public wastewater lines will be located underground, but facilities and appurtenances related to the wastewater lines may be located above ground.

Grantee shall have the right to access to the Easement Property 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, and Grantor covenants that Grantor will not convey any other easement or conflicting rights within the Easement Tract.

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.

In witness whereof, this instrument is executed this 28th day of October, 2013.

GRANTOR:

C. E. Kuehner, Jr.
Owner

By: 
{Grantor's Signature}

Sue Kuehner
Owner

By: 
{Grantor's Signature}

GRANTEE:

AGREED AND ACCEPTED:

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

By: _____
Brandon Wade, City Manager

ATTEST:

Karen Thompson, City Secretary

ACKNOWLEDGEMENT

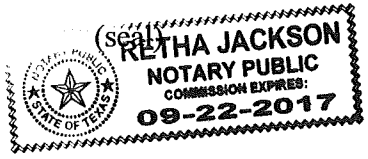
THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on the 28th day of October, 2013, by C & E Kushner, of Pflugerville, TX, owner. Sue Kushner

Retha Jackson
Notary Public Signature

Retha Jackson
Printed Name of Notary Public

My commission expires: 9-22-2017



ACKNOWLEDGEMENT

THE STATE OF TEXAS §
 §
COUNTY OF Travis §

This instrument was acknowledged before me on October 28th, 2013, by Brandon Wade, City Manager of the City of Pflugerville, Texas, a Texas home-rule municipality, on behalf of said municipality.

Notary Public Signature

Printed Name of Notary Public

My commission expires: _____

(seal)

EXHIBIT "A"

EASEMENT TRACT

EXHIBIT A, METES AND BOUNDS DESCRIPTION

1383 SQUARE FEET OR 0.032 ACRE UTILITY EASEMENT

1383 SQUARE FEET OR 0.032 ACRE OF LAND FOR A UTILITY EASEMENT OUT OF THE ALEXANDER WALTER SURVEY 67, ABSTRACT 791 IN TRAVIS COUNTY, TEXAS, COMPRISED OF A PORTION OF THAT TRACT CONVEYED AS 1.000 ACRE TO C. E. KUEHNER, JR. AND SUE KUEHNER PER DOCUMENT 2003103964, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, SAID 1383 SQUARE FEET OR 0.032 ACRE DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron rod found for the southwest corner hereof, the common west corner of said 1.000 acre and a 2.929 acre remainder of that tract conveyed as 3.93 acres to Susann Schoen Cunningham per Document 2009199225 of said Official Public Records and a point on the east right-of-way of Dessau Road (R.O.W. varies);

THENCE N 26°20'10" E, 92.00 feet along the east line of said Dessau Road to a point for the northwest corner hereof and the common west corner of said 1.000 acre and Lot 1, Pflugerville Estates, Section 4, a Subdivision per Volume 84, Page 130 C, Plat Records of Travis County;

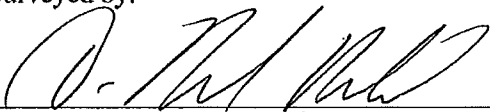
THENCE S 61°55'21" E, 15.01 feet along the common line of said 1.000 acre and said Lot 1 to a point for the northeast corner hereof;

THENCE S 26°20'10" W, 91.98 feet over and across said 1.000 acre along a line 15.00 feet east of and parallel to the west line of said 1.000 acre, (said Dessau Road east line) to a point for the southeast corner hereof and being on the common line of said 1.000 acre and said 2.929 acres;

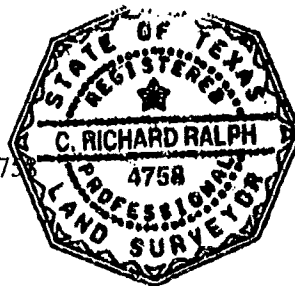
THENCE N 62°00'56" W, 15.01 feet along the common line of said 1.000 acre and said 2.929 acres to the POINT OF BEGINNING, containing 1383 square feet or 0.032 acre for a Utility Easement.

SEE EXHIBIT B, SURVEY PLAT FOR DRAWING PREPARED HERewith

Surveyed by:



C. Richard Ralph
Registered Professional Land Surveyor No. 4758
Project No. 13045WW1 - 128/72



October 15, 2013

LEGEND

- (XXX) IRON ROD FOUND RECORD DATA

24" SANITARY SEWER

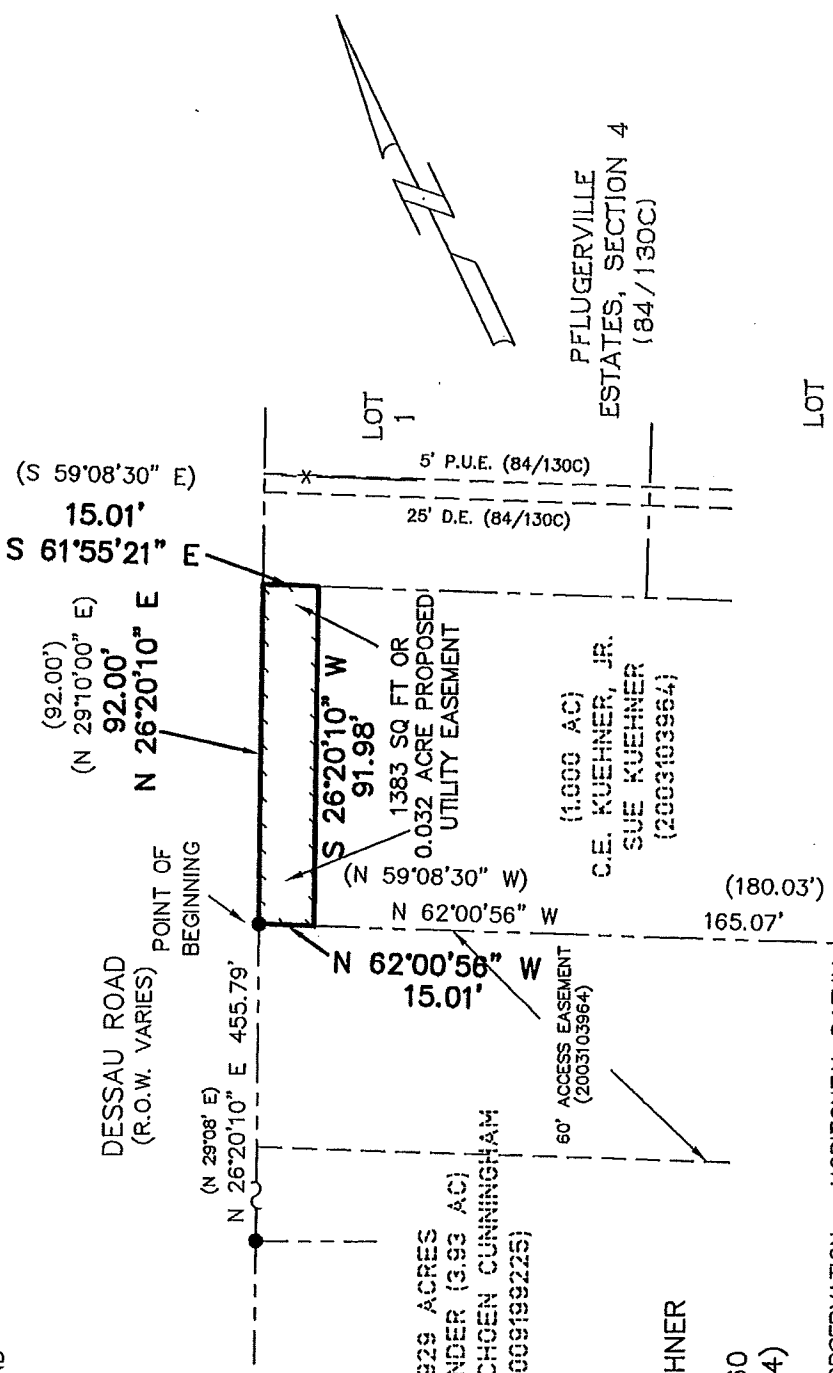
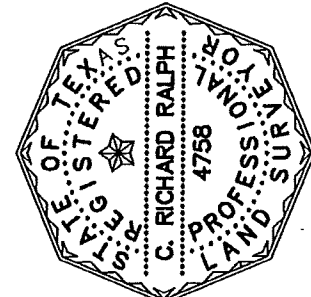


EXHIBIT B, SURVEY PLAT

REFERENCE: ADNOUNA AWAD
 PROJECT: UTILITY EASEMENT
 1383 SQUARE FEET OR 0.032 ACRE OUT OF THE
 ALEXANDER WALTERS SURVEY 67, ABSTRACT 791,
 TRAVIS COUNTY, TEXAS

DRAWN: CRR DATE: 10/15/13 REVISED:
 CHECKED: CRR PROJECT NO.: 13045.1UE FB: 128/72

SEE EXHIBIT A FOR METES AND BOUNDS
 DESCRIPTION PREPARED HERewith



PREPARED BY: *C. Richard Ralph* 10/15/2013
 REGISTERED PROFESSIONAL LAND SURVEYOR DATE

PROFESSIONAL LAND SURVEYORS
 1515 CHESTNUT STREET
 BASTROP, TEXAS 78602
 PH: (512) 303-0952
 FAX: (512) 332-0961
 PROFLNDSUR@AOL.COM

OWNERSHIP:
 C.E., JR. AND SUE KUEHNER
 20103 PANTHER DR
 PFLUGERVILLE, TX 78660
 (DOCUMENT 2003103964)

HORIZONTAL DATA PER GPS OBSERVATION - HORIZONTAL DATUM
 (BEARING BASIS): TEXAS CENTRAL COORDINATE SYSTEM, NAD83

2.929 ACRES (3.93 AC)
 REMAINDER (3.93 AC)
 SUSANN SCHOEN CUNNINGHAM
 (2009199225)

(1.000 AC)
 C.E. KUEHNER, JR.
 SUE KUEHNER
 (2003103964)

PFLUGERVILLE
 ESTATES, SECTION 4
 (84/130C)

LOT
 2