

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.

### **DRAINAGE EASEMENT AGREEMENT**

THE STATE OF TEXAS     §  
                                      §  
COUNTY OF TRAVIS     §

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

**TERRABROOK FALCON POINTE, LLC**, ("Grantor", whether one or more), 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 parcels of real property of Grantor which are more particularly described on Exhibit "A", attached hereto and incorporated herein by reference (collectively, "Easement Tract").

TO HAVE AND TO HOLD the same perpetually to Grantee and its successors and assigns, together with the right and privilege at any and all times to enter the Easement Tract, or any part thereof, for the purpose of construction, operation, maintenance, replacement, upgrade, and repair of the improvements which are constructed and installed therein or thereon by Grantee under the terms of this Easement.

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, subject to the matters set forth herein.

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

The Easement is an easement in gross.

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

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

**DURATION OF EASEMENT:**

The Easement shall be perpetual. Grantor hereby binds Grantor and Grantor's heirs, legal representatives, successors and assigns, to warrant and forever defend the Easement unto Grantee, its successors and assigns, against any person whomsoever lawfully claiming or to claim the same or any part thereof.

**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.

**SURFACE USE:**

Grantor hereby retains, reserves, and shall continue to enjoy the use of the surface of the Easement Tract for any and all purposes which do not interfere with or prevent the use by Grantee of the Easement herein granted. Grantee has the right to trim and cut down trees and shrubbery and to remove other improvements and structures to the extent reasonably necessary to prevent interference with the operation or repairs to Grantee's facilities in 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 by Grantee so long as the assignee utilizes the Easement as contemplated herein.

Signature page to follow:

In witness whereof, this instrument is executed this \_\_\_\_ day of \_\_\_\_\_, 2015.

**GRANTOR:**

**TERRABROOK FALCON POINTE, LLC**  
a Delaware Limited Liability Company

By:   
E. William Meyer,  
Senior Vice President

**AGREED AND ACCEPTED:**

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

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

**ATTEST:**

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

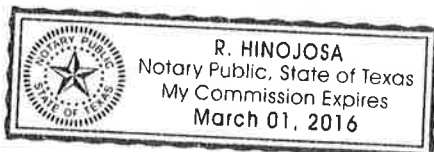
STATE OF TEXAS                   §  
   §  
COUNTY OF WILLIAMSON   §

This instrument was acknowledged before me on the 27th day of December, 2015, by E. William Meyer, Senior Vice President, of Terrabrook Falcon Pointe LLC, a Delaware limited liability company, on behalf of said limited liability company and limited partnership.

[SEAL]

  
Notary Public, State of Texas

My Commission Expires 3-1-16



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

This instrument was acknowledged before me on \_\_\_\_\_, 20\_\_, 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"**

**EASEMENT TRACT**

1,390 SQUARE FEET  
FALCON POINTE  
20' DRAINAGE EASEMENT

FN. NO. 15-436 (KWA)  
NOVEMBER 24, 2015  
JOB NO. R0102640-10111

#### DESCRIPTION

OF A 1,390 SQUARE FOOT TRACT OF LAND OUT OF THE JOHN DAVIS SURVEY NO. 13, ABSTRACT NO. 231, SITUATED IN TRAVIS COUNTY, TEXAS, BEING A PART OF THE REMAINING PORTION OF THAT CERTAIN 149.99 ACRE TRACT OF LAND CONVEYED TO TERRABROOK FALCON POINTE, L.P. BY DEED OF RECORD IN DOCUMENT NO. 2000105424 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 1,390 SQUARE FOOT TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**COMMENCING**, at the intersection of the easterly right-of-way line of State Highway 130 (R.O.W. varies) and the northerly right-of-way line of East Pflugerville Parkway (80' R.O.W.), being the southwesterly corner of said 149.99 acre tract, from which a 1/2 inch iron rod with cap found in the easterly right-of-way line of State Highway 130 bears N04°00'55"W, a distance of 358.55 feet;

**THENCE**, N66°28'01"E, leaving the easterly right-of-way line of State Highway 130, over and across said 149.99 acre tract, a distance of 1030.19 feet to a point in the curving future southerly right-of-way line of Falcon Village Lane (60' R.O.W.) of future Falcon Pointe Pod 7 Entrance Road Final Plat (not yet of record), for the **POINT OF BEGINNING** and northwesterly corner hereof;

**THENCE**, along the curving future southerly right-of-way line of Falcon Village Lane, continuing over and across said 149.99 acre tract, for a portion of the northerly line hereof, the following two (2) courses and distances:

- 1) Along a non-tangent curve to the left, having a radius of 495.00 feet, a central angle of 6°12'07", an arc length of 53.58 feet, and a chord which bears N85°18'14"E, a distance of 53.55 feet to the end of said curve;
- 2) N82°12'10"E, a distance of 1.32 feet to an angle point hereof;

**THENCE**, S73°23'45"E, leaving the future southerly right-of-way line of Falcon Village Lane, continuing over and across said 149.99 acre tract, for a portion of the northerly line hereof, a distance of 38.78 feet to a point in the westerly line of that certain 2.470 acre Drainage Easement of record in Document No. 2013181723 of said Official Public Records, for the northeasterly corner hereof;

**THENCE**, along the westerly line of that certain 2.470 acre Drainage Easement of record, continuing over and across said 149.99 acre tract, for the easterly line hereof, the following four (4) courses and distances:

- 1) S07°43'04"E, a distance of 7.36 feet to an angle point;


- 2) S24°08'38"E, a distance of 11.56 feet to an angle point;
- 3) S37°30'37"E, a distance of 3.93 feet to an angle point;
- 4) S25°25'41"E, a distance of 3.00 feet to the southeasterly corner hereof;

**THENCE**, N73°23'45"W, leaving the westerly line of that certain 2.470 acre Drainage Easement of record, continuing over and across said 149.99 acre tract, for the southerly line, a distance of 105.65 feet to the **POINT OF BEGINNING**, containing an area of 1,390 square feet (0.032 acre) of land, more or less, within these metes and bounds.

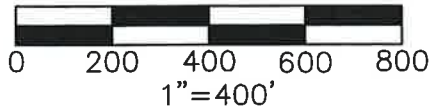
**BEARING BASIS:** THE BASIS OF BEARING OF THE SURVEY SHOWN HEREON IS TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83(96), UTILIZING WESTERN DATA SYSTEMS CONTINUALLY OPERATING REFERENCE STATION (CORS) NETWORK.

I, MARK J. JEZISEK, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION.

BURY-AUS, INC.  
221 WEST SIXTH STREET  
SUITE 600  
AUSTIN, TEXAS 78701

  
MARK J. JEZISEK      DATE 11/24/15  
R.P.L.S. NO. 5267  
STATE OF TEXAS  
TBPLS # F-10107500





## LEGEND

- 1/2" IRON ROD FOUND (UNLESS NOTED)
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT

**STATE HIGHWAY 130 FRONTAGE ROAD**  
(R.O.W. VARIES)

38.14 ACRES  
CLARENCE BOHLS, AS TRUSTEE  
OF THE KENNETH BOHLS  
COUSINS TRUST  
DOCUMENT NO. 2013196388

2.470 ACRE  
DRAINAGE EASEMENT  
DOCUMENT NO. 2013181723

REMAINDER OF 149.599 ACRES  
TERRABROOK FALCON RIDGE, L.P.  
DOCUMENT NO. 2000105424

FUTURE LOT 1 OPEN SPACE, BLOCK 1  
FALCON POINTE POD 7 ENTRANCE ROAD  
FINAL PLAT

**1,390 SQ. FT.**  
(0.032 ACRE)  
20' DRAINAGE  
EASEMENT

FUTURE FALCON  
VILLAGE LANE  
(60' R.O.W.)

P.O.B.

P.O.C.

REMAINDER OF 149.599 ACRES  
TERRABROOK FALCON RIDGE, L.P.  
DOCUMENT NO. 2000105424

**EAST PFLUGERVILLE  
PARKWAY**

(80' R.O.W.) (VOLUME 2268, PAGE 185)

**LONE STAR  
RANCH BOULEVARD**  
(70' R.O.W.) (DOCUMENT NO. 201300218)

FALCON POINTE  
SECTION SIXTEEN  
DOCUMENT NO. 201300217

**COLORADO  
SAND DRIVE**  
(90' R.O.W.)  
(DOCUMENT NO. 201300218)

FALCON POINTE  
-- SECTION EIGHTEEN  
DOCUMENT NO. 201500208

**FALCON VILLAGE LANE**  
(60' R.O.W.)

FALCON POINTE -  
SOUTH TRACT  
MAJOR FACILITIES,  
FINAL PLAT  
DOCUMENT NO.  
201300218

REMAINDER OF  
44.341 ACRES  
TERRABROOK FALCON  
RIDGE, L.P.  
DOCUMENT NO.  
2000105424



# BURY

221 West Sixth Street, Suite 600  
Austin, Texas 78701  
Tel. (512) 328-0011 Fax (512) 328-0325  
TBPE # F-1048. TBPLS # F-10107500  
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## SKETCH TO ACCOMPANY DESCRIPTION

OF 1,390 SQUARE FOOT TRACT OF LAND OUT OF THE JOHN DAVIS SURVEY NO. 13, ABSTRACT NO. 231, SITUATED IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 149.99 ACRE TRACT OF LAND CONVEYED TO TERRABROOK FALCON POINTE, L.P. BY DEED OF RECORD IN DOCUMENT NO. 2000105424 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

**NEWLAND  
COMMUNITIES  
FALCON POINTE**

**SHEET 1 OF 2**

DATE: 11/24/15

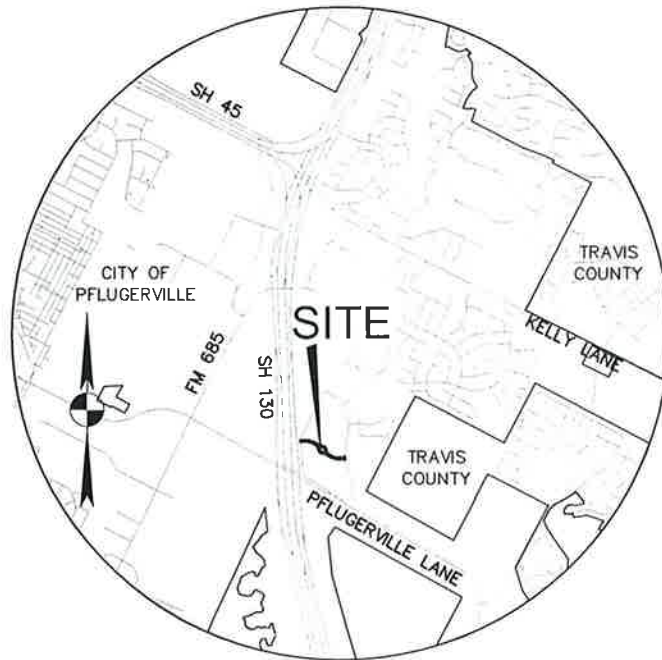
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PROJECT No. R0102640-10111





**VICINITY MAP**  
N.T.S.

**BEARING BASIS NOTE:**

THE BASIS OF BEARING OF THE SURVEY SHOWN HEREON IS TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83(96), UTILIZING WESTERN DATA SYSTEMS CONTINUALLY OPERATING REFERENCE STATION (CORS) NETWORK.

LINE TABLE		
NO.	BEARING	DISTANCE
L1	N82°12'10"E	1.32'
L2	S73°23'45"E	38.78'
L3	S7°43'04"E	7.36'
L4	S24°08'38"E	11.56'
L5	S37°30'37"E	3.93'
L6	S25°25'41"E	3.00'
L7	N73°23'45"W	105.65'



CURVE TABLE					
NO.	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	53.58'	495.00'	6°12'07"	N85°18'14"E	53.55'

**BURY**

221 West Sixth Street, Suite 600  
Austin, Texas 78701  
Tel. (512) 328-0011 Fax (512) 328-0325  
TBPE: #F-1048; TBPLS # F-10107500  
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**NEWLAND  
COMMUNITIES  
FALCON POINTE**

**SHEET 2 OF 2**

DATE: 11/24/15

DRAWN BY: KWA

FN: 15-436(KWA)

FILE: H:\102640\111\102640111EX3.DWG

PROJECT No. R0102640-10111