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

TEMPORARY CONSTRUCTION EASEMENT AGREEMENT

THE STATE OF TEXAS \$ \$ KNOW ALL MEN BY THESE PRESENTS: COUNTY OF TRAVIS \$

THIS TEMPORARY CONSTRUCTION EASEMENT AGREEMENT (this "<u>Agreement</u>") is made and entered into as of the 1st day of October, 2020, by and between City of Pflugerville, Texas, a home -rule municipality ("<u>Grantor</u>") and Atmos Energy Corporation, a Texas and Virginia corporation ("Atmos Energy").

NOW, for and in consideration of the sum of SEVEN THOUSAND NINE HUNDRED SEVENTEEN DOLLARS (\$7,917.00), and other good and valuable consideration, Grantor and Atmos Energy agree as follows:

- 1. <u>Grant of Easement</u>. Grantor does hereby grant unto Atmos Energy a temporary construction easement (the "<u>Easement</u>") on, over, across, under and upon that certain tract of land more particularly described on <u>Exhibit "A"</u> attached hereto and made a part hereof (the "<u>Easement Area</u>"), for the following purposes related to Atmos Energy's construction, maintenance, repair, replacement, inspection and operation of one or more natural gas pipelines and related appurtenances (collectively, the "<u>Activities</u>"): clearing, leveling and grading of the Easement Area; use as temporary construction workspace; boring activities; ingress and egress for equipment and machinery; staging and storage of materials, equipment, and machinery; and all other activities and uses reasonably related to the Activities.
- 2. <u>Duration</u>. The Easement shall automatically terminate on the earlier of: (a) the date on which Atmos Energy's Activities are completed, or (b) six (6) months from the date hereof.
- 3. <u>Rights and Obligations of Parties</u>. Upon termination of the Easement, Atmos Energy shall return the Easement Area to Grantor in a condition as near as practicable to its prior condition, ordinary wear and tear excepted, except that Atmos Energy shall not be required to restore shrubs or any vegetation cleared from the surface of the Easement Area, and Grantor acknowledges that the consideration paid for the Easement includes any and all damages to trees, shrubs, and growing crops within the Easement Area. Atmos Energy and Grantor shall keep the Easement Area free and clear

from any liens arising out of any work performed, materials furnished, or obligations incurred by Atmos Energy or Grantor.

4. Miscellaneous.

- (a) This Agreement constitutes the entire agreement between Grantor and Atmos Energy with respect to the subject matter hereof and supersedes all prior agreements and understandings, oral and written, between Grantor and Atmos Energy with respect to the subject matter hereof. This Agreement may only be amended by a written agreement executed by both parties.
- (b) All notices related to this Agreement shall be in writing and shall be sufficient in all respects if delivered by hand or mailed by certified mail, postage prepaid, as follows:

If to Atmos Energy:

Atmos Energy Corporation

PO Box 650206

Dallas, TX 75265-0205

Attn: Right of Way Department

If to Grantor:

City of Pflugerville

PO Box 589

Pflugerville, TX 78691

Any notice given in any manner described above shall be deemed effective upon actual receipt by the party to whom such notice is sent. Addresses may be changed on notice to the other party.

(c) The Easement and obligations contained in this Agreement shall run with the land, are binding upon and inure to the benefit of Grantor, Atmos Energy, and their respective successors and assigns.

[Remainder of this page intentionally left blank. Signatures begin on following page.]

GRANTOR:	
Name	
STATE OF TEXAS	
COUNTY OF _Travis	
BEFORE ME, the undersigned author	
name is subscribed to the foregoing instrumer executed the same for the purposes and considerable to the purposes and considerable to the foregoing instrument.	deration therein expressed.
GIVEN UNDER MY HAND AND SI, 2020.	EAL OF OFFICE this day of
	Notary Public in and for the State of Texas
	(Print Name of Notary Public Here)
	My Commission Expires:
Upon filing return copy to:	

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first written above.

EXECUTED this day of JUHWW, 2020.

\mathbf{A}	IMOS	ENERGY	bCOR	PORA	TION
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Name: Travis Cooper

Title: Vice President Operations, Mid-Tex Division

STATE OF TEXAS

8

COUNTY OF DALLAS

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared TRAVIS COOPER, VICE PRESIDENT OPERATIONS, MID-TEX DIVISION, OF ATMOS ENERGY CORPORATION, a Texas corporation, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated, and as the act and deed of said corporation.

N UNDER MY HAND AND SEAL OF OFFICE, this the

Tiffani Deane Dygert Notary Public. State of Texas Expires: 11/09/2020 Notary ID 13089490-5 Notary Public in and for the State of Texas

Tiffani De ane Dygevt
(Print Name of Notary Public Here)

My Commission Expires: 11 19 2020



Exhibit "A"

Easement Area



13621 HWY. 110 S. TYLER, TX 75707 (903) 939-8860 FIRM ID 10122800

EXHIBIT "A" Page 1 of 7

ATMOS ENERGY CORPORATION TEMPORARY WORKSPACES CITY OF PFLUGERVILLE PROJECT LINE P2ND TRAVIS COUNTY, TEXAS

METES AND BOUNDS DESCRIPTION FOR TEMPORARY WORKSPACE-1 J. BRAY SURVEY, ABSTRACT 373 TRAVIS COUNTY, TEXAS

BEING 1.778 acres of land situated in the J. Bray Survey, Abstract 373, of Travis County, Texas and being a part of that certain called 101.2460 acre tract of land, as described in a deed, recorded in Instrument Number 2006060407TR, and a certain called 20.3250 acre tract of land, as described in a deed, recorded in Instrument Number 2012195160TR, of the Travis County Deed Records, said 1.778 acre tract to be more particularly described by metes and bounds as follows:

BEGININING at a 1/2 inch iron rod (set), with plastic cap marked "RMC 5384", for the southeast corner of the herein described 1.778 acre tract of land, same being located in the south boundary line of the above referenced 101.2460 acre tract of land, also being located in the north boundary line of that certain called 4.63 acre tract of land, as described in a deed, recorded in Instrument Number 2016199029, from which a 3/8 inch iron rod (found), for the southeast corner of the above mentioned 101.2460 acre tract of land bears South 62°32'53" East, a distance of 731.11 feet, same being the northwest corner of the above mentioned 4.63 acre tract of land;

THENCE North 62°32'53" West, for a distance of 72.54 feet, to a 1/2 inch iron rod (set), with plastic cap marked "RMC 5384", for southwest corner of the herein described 1.778 acre tract of land, same being located in the south boundary line of said 101.2460 acre tract of land, also being located in the north boundary line of said 4.63 acre tract of land;

THENCE North 15°20'38" East, for a distance of 1059.02 feet, to a 1/2 inch iron rod (set), with plastic cap marked "RMC 5384", for the northwest corner of the herein described 1.778 acre tract of land;

THENCE South 74°08'39" East, for a distance of 76.23 feet, to a 1/2 inch iron rod (set), with plastic cap marked "RMC 5384", for northeast corner of the herein described 1.778 acre tract of land;

THENCE South 15°37'37" West, for a distance of 1073.57 feet, back to the place of beginning and containing 1.778 acres of land.

PAGE 2 OF 7: TEMPORARY WORKSPACES

METES AND BOUNDS DESCRIPTION FOR TEMPORARY WORKSPACE-2 J. BRAY SURVEY, ABSTRACT 373 TRAVIS COUNTY, TEXAS

BEING 0.297 of an acre of land situated in the J. Bray Survey, Abstract 373, of Travis County, Texas and being a part of that certain called 101.2460 acre tract of land, as described in a deed, recorded in Instrument Number 2006060407TR, and a certain called 20.3250 acre tract of land, as described in a deed, recorded in Instrument Number 2012195160TR, of the Travis County Deed Records, said 0.297 of an acre tract to be more particularly described by metes and bounds as follows:

BEGININING at a 1/2 inch iron rod (set), with plastic cap marked "RMC 5384", for the southwest corner of the herein described 0.297 of an acre tract of land, same being located in the occupied south boundary line of the above referenced 101.2460 acre tract of land, also being located in the north boundary line of that certain called 4.63 acre tract of land, as described in a deed, recorded in Instrument Number 2016199029, from which a 3/8 inch iron rod (found), for the southeast corner of the above mentioned 101.2460 acre tract of land bears South 62°32'53" East, a distance of 848.24 feet, same being the northwest corner of the above mentioned 4.63 acre tract of land;

THENCE North 15°21'49" East, for a distance of 1049.41 feet, to a 1/2 inch iron rod (set), with plastic cap marked "RMC 5384", for the northwest corner of the herein described 0.297 of an acre tract of land;

THENCE South 74°08'39" East, for a distance of 13.24 feet, to a 1/2 inch iron rod (set), with plastic cap marked "RMC 5384", for the northeast corner of the herein described 0.297 of an acre tract of land:

THENCE South 15°20'38" West, for a distance of 1052.21 feet, to a 1/2 inch iron rod (set), with plastic cap marked "RMC 5384", for the southeast corner of the herein described 0.297 of an acre tract of land, same being located in the south boundary line of said 101.2460 acre tract of land, also being located in the north boundary line of said 4.63 acre tract of land;

THENCE North 62°32'53" West, for a distance of 13.91 feet, back to the place of beginning and containing 0.297 of an acre of land.

PAGE 3 OF 7: TEMPORARY WORKSPACES

METES AND BOUNDS DESCRIPTION FOR TEMPORARY WORKSPACE-3 J. BRAY SURVEY, ABSTRACT 373 TRAVIS COUNTY, TEXAS

BEING 0.294 of an acre of land situated in the J. Bray Survey, Abstract 373, of Travis County, Texas and being a part of that certain called 9.847 acre tract of land, as described in a deed recorded in, Instrument Number 2019169055, of the Travis County Deed Records, said 0.294 of an acre tract to be more particularly described by metes and bounds as follows:

BEGININING at a 1/2 inch iron rod (set), with plastic cap marked "RMC 5384", for the northeast corner of the herein described 0.294 of an acre tract of land, same being located in the northth boundary line of the above referenced 9.847 acre tract of land, also being located in the south boundary line of that certain called 4.63 acre tract of land, as described in a deed, recorded in Instrument Number 2016199029, from which a 1/2 inch iron rod (found), for the northeast corner of the above mentioned 9.847 acre tract of land bears South 62°38'03" East, a distance of 685.70 feet, same being the southeast corner of the above mention 4.63 acre tract of land;

THENCE South 15°22'11" West, for a distance of 170.91 feet, to a 1/2 inch iron rod (set), with plastic cap marked "RMC 5384", for southeast corner of the herein described 0.294 of an acre tract of land, same being located in the west boundary line of said 9.847 acre tract of land, also being located in the east boundary line of that certain called 11.9586 acre tract of land, as described in a deed, recorded in Instrument Number 2012164042TR;

THENCE North 41°44'44" West, for a distance of 32.65 feet, to a 1/2 inch iron rod (set), with plastic cap marked "RMC 5384", for an angle break in the west line of the herein described 0.294 of an acre tract of land, same being located at an angle break in the west line of the said 9.847 acre tract of land, also being located at an angle break in the east line of the above mentioned 11.9586 acre tract of land:

THENCE North 12°30'46" West, for a distance of 23.54 feet, to a 1/2 inch iron rod (set), with plastic cap marked "RMC 5384", for an angle break in the west line of the herein described 0.294 of an acre tract of land, same being located at an angle break in the west line of the said 9.847 acre tract of land, also being located at an angle break in the east line of the said 11.9586 acre tract of land;

THENCE North 23°35'56" West, for a distance of 35.08 feet, to a 1/2 inch iron rod (set), with plastic cap marked "RMC 5384", for an angle break in the west line of the herein described 0.294 of an acre tract of land, same being located at an angle break in the west line of the said 9.847 acre tract of land, also being located at an angle break in the east line of the said 11.9586 acre tract of land;

THENCE North 11°48'41" West, for a distance of 31.06 feet, to a 1/2 inch iron rod (set), with plastic cap marked "RMC 5384", for an angle break in the west line of the herein described 0.294 of an acre tract of land, same being located at an angle break in the west line of the said 9.847 acre tract of land, also being located at an angle break in the east line of the said 11.9586 acre tract of land;

THENCE North 01°14'24" West, for a distance of 59.99 feet, to a 1/2 inch iron rod (set), with plastic cap marked "RMC 5384", for an angle break in the west line of the herein described 0.294 of an acre tract of land, same being located at an angle break in the west line of the said 9.847 acre tract of land, also being located at an angle break in the east line of the said 11.9586 acre tract of land;

THENCE North 33°06'20" West, for a distance of 78.44 feet, to a 1/2 inch iron rod (found), for north west corner of the herein described 0.294 of an acre tract of land, same being located at northwest corner of the said 9.847 acre tract of land, also being located at an angle break in the east line of the said 11.9586 acre tract of land, and being located in the south boundary line of said 4.63 acre tract of land;

THENCE South 62°37'21" East, for a distance of 153.92 feet, back to the place of beginning and containing 0.294 of an acre of land.

PAGE 4 OF 7: TEMPORARY WORKSPACES

METES AND BOUNDS DESCRIPTION FOR TEMPORARY WORKSPACE-4 J. LEISSE SURVEY, ABSTRACT 373 TRAVIS COUNTY, TEXAS

BEING 0.709 of an acre of land situated in the J. Leisse Survey, Abstract 496, of Travis County, Texas and being a part of that certain called 31.99 acre tract of land, as described in a deed, recorded in Instrument Number 2015165200, of the Travis County Deed Records, said 0.709 of an acre tract to be more particularly described by metes and bounds as follows:

BEGININING at a 1/2 inch iron rod (set), with plastic cap marked "RMC 5384", for the northeast corner of the herein described 0.709 of an acre tract of land, same being located in the west boundary line of the above referenced 31.99 acre tract of land, also being located in the east boundary line of that certain called 7.058 acre tract of land, as described in a deed, recorded in Instrument Number 2017099899, from which a 1/2 inch iron rod (found), for the northwest corner of the above mentioned 31.99 acre tract of land, same being an angle break in the west line of the above mentioned 7.058 acre tract of land, bears North 27°20'50" East, a distance of 240.72 feet;

THENCE South 15°22'49" West, for a distance of 656.92 feet, to a 1/2 inch iron rod (set), with plastic cap marked "RMC 5384", for southeast corner of the herein described 0.709 of an acre tract of land, same being located in the south boundary line of said 31.99 acre tract of land, also being located in the north boundary line of called 119.3463 acre tract of land, as describe in a deed, recorded in Instrument Number 2005003460;

THENCE North 62°55'11" West, for a distance of 63.06 feet, to a 1/2 inch iron rod (set), with plastic cap marked "RMC 5384", for the southwest corner of the herein described 0.709 of an acre tract of land, same being located in the south boundary line of said 31.99 acre tract of land, also being located in the north boundary line of the above mentioned 119.3463 acre tract of land;

THENCE North 15°39'38" East, for a distance of 361.15 feet, to a 1/2 inch iron rod (set), with plastic cap marked "RMC 5384", for the northwest corner of the herein described 0.709 of an acre tract of land, same being located in the west boundary line of said 31.99 acre tract of land, also being located in the east boundary line of said 7.058 acre tract of land;

THENCE North 27°20'50" East, for a distance of 289.28 feet, back to the place of beginning and containing 0.709 of an acres of land.

PAGE 5 OF 7: TEMPORARY WORKSPACES

METES AND BOUNDS DESCRIPTION FOR TEMPORARY WORKSPACE-5 J. LEISSE SURVEY, ABSTRACT 496 TRAVIS COUNTY, TEXAS

BEING 0.027 of an acre of land situated in the J. Leisse Survey, Abstract 496, of Travis County, Texas and being a part of that certain called 31.99 acre tract of land, as described in a deed recorded in, Instrument Number 2015165200, of the Travis County Deed Records, said 0.027 of an acre tract to be more particularly described by metes and bounds as follows:

BEGININING at a 1/2 inch iron rod (set), with plastic cap marked "RMC 5384", for the north corner of the herein described 0.027 of an acre tract of land, same being located in the west boundary line of the above referenced 31.99 acre tract of land, also being located in the east boundary line of that certain called 7.058 acre tract of land, as described in a deed, recorded in Instrument Number 2017099899, from which a 1/2 inch iron rod (found), for the northwest corner of the above mentioned 31.99 acre tract of land, same being an angle break in the west line of the above mentioned 7.058 acre tract of land, bears North 27°20'50" East, a distance of 776.80 feet;

THENCE South 15°39'38" West, for a distance of 109.32 feet, to a 1/2 inch iron rod (set), with plastic cap marked "RMC 5384", for southeast corner of the herein described 0.027 of an acre tract of land, same being located in the south boundary line of said 31.99 acre tract of land, also being located in the north boundary line of called 119.3463 acre tract of land, as describe in a deed, recorded in Instrument Number 2005003460;

THENCE North 62°55'11" West, for a distance of 22.15 feet, to a 1/2 inch iron rod (set), with plastic cap marked "RMC 5384", for the southwest corner of the herein described 0.027 of an acre tract of land, same being located in the south boundary line of said 31.99 acre tract of land, also being located in the north boundary line of the above mentioned 119.3463 acre tract of land;

THENCE North 27°20'50" East, for a distance of 107.16 feet, back to the place of beginning and containing 0.027 of an acres of land.

Bearings, distances, and coordinates are based on the Texas Coordinate System, Central Zone, North American Datum of 1983 and are derived from GPS observations using the Leica GNSS network. The values were collected in the North America Datum of 1983 (2011) using Geoid 12B.

See Plat, prepared even date.

I, R. L. McCrary, Registered Professional Land Surveyor, do hereby certify that the above description was prepared from a survey made on the ground under my supervision during the month of June, 2020.

GIVEN UNDER MY HAND AND SEAL, this the 20th day of July, 2020.

R. L. McCrary

Registered Professional Land Surveyor No. 5384

EXHIBIT "A" Page 6 of 7

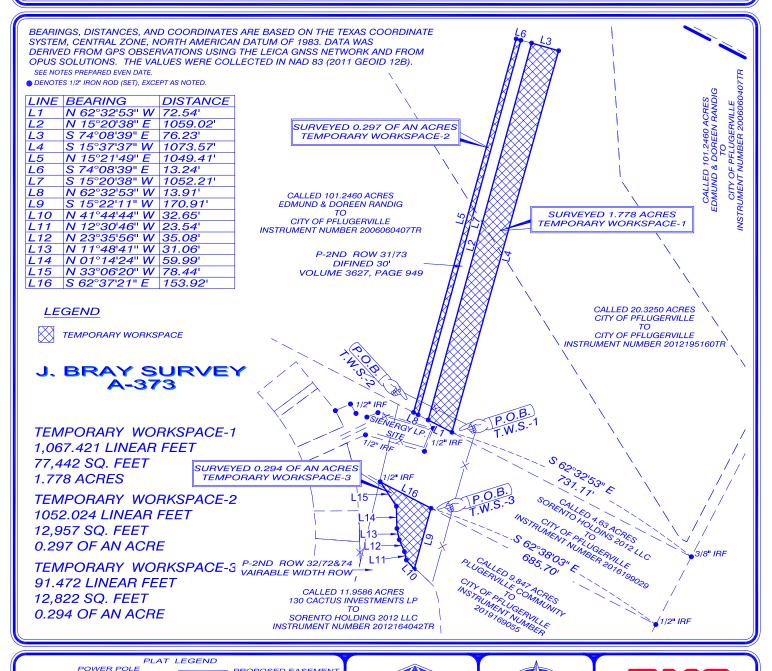




EXHIBIT "A"

BEARINGS, DISTANCES, AND COORDINATES ARE BASED ON THE TEXAS COORDINATE SYSTEM, CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983. DATA WAS DERIVED FROM GPS OBSERVATIONS USING THE LEICA GNSS NETWORK AND FROM OPUS SOLUTIONS. THE VALUES WERE COLLECTED IN NAD 83 (2011 GEOID 12B). SEE NOTES PREPARED EVEN DATE. DENOTES 1/2" IRON ROD (SET), EXCEPT AS NOTED. P.O.B. TEMPORARY WORKSPACE-4 *509.030 LINEAR FEET* 30,863 SQ. FEET CALLED 7 058 ACRES CITY OF PFLUGERVILLE 0.709 OF AN ACRE INSTRUMENT NUMBER 2017099899 TEMPORARY WORKSPACE-5 54.580 LINEAR FEET 1,187 SQ. FEET 0.027 OF AN ACRE **LEGEND** TEMPORARY WORKSPACE R/W NO. 26/79 30' DEFINED SURVEYED 0.709 OF AN ACRE TEMPORARY WORKSPACE-4 VOLUME 2932, PAGE 504 CALLED 31.99 ACRES SURVEYED 0.027 OF AN ACRE TEMPORARY WORKSPACE-5 CITY OF PFLUGERVILLE INSTRUMENT NUMBER 2015165200 J. LEISSE SURVEY CALLED 119.3463 ACRES WINNIE M. & JACK MURCHISON TO WINNIE M. & JACK MURCHISON INSTRUMENT NUMBER 2005003460TR LEGEND POWER POLE PROPOSED EASEMENT **OVERHEAD WIRES** EXISTING LINE K5 EXISTING HWY. SURVEY LINE TRACT BOUNDARY

