

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

**WASTEWATER LIFT STATION, WASTEWATER LINE AND
ACCESS EASEMENTS AGREEMENT**

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

GRANT OF EASEMENTS:

TERRABROOK FALCON POINTE, LLC, a Delaware limited liability company (“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”), the easements and rights-of-way (the “Easements”) upon and across the property of Grantor which is more particularly described on Exhibit “A” and Exhibit “B,” attached hereto and incorporated herein by reference (individually, “Easement Tract One” and “Easement Tract Two,” respectively, and jointly, the “Easement Tracts”).

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 Easements herein granted, unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but otherwise.

CHARACTER OF EASEMENTS:

The Easements are easements in gross.

PURPOSE OF EASEMENTS:

The easement with respect to Easement Tract One is granted for the installation, construction, operation, use, maintenance, reconstruction, replacement, repair, re-alignment, upgrade, expansion, inspection, patrol, and removal of a public wastewater lift station and associated facilities, and the easements with respect to Easement Tract Two are granted for the installation, construction, operation, use, maintenance, reconstruction, replacement, repair, re-alignment, upgrade, expansion, inspection, patrol, and removal of public wastewater lines and associated facilities, and for making connections therewith, and for the installation, construction, operation, use, maintenance, reconstruction, replacement, repair, re-alignment, upgrade, expansion, inspection, patrol, and removal of a driveway and related improvements to provide access to the

wastewater lift station and associated facilities located on Easement Tract One; all public wastewater lines will be located underground, but the lift station and facilities and appurtenances related to the wastewater lines and the driveway shall be located above ground.

DURATION OF EASEMENTS:

The Easements shall be perpetual.

EXCLUSIVENESS OF EASEMENTS:

The Easement is non-exclusive. The Easement is subject to any and all encumbrances of record, to the extent the same are valid and enforceable. To the extent that such entry or use by Grantor does not interfere with Grantee's use of the Easement, Grantor hereby reserves, for itself and its successors and assigns, the right to enter upon and use the surface of the Easement Tracts, and the air space over the Easement Tract. With respect to Easement Tract Two, Grantor hereby expressly reserves, for itself and its successors and assigns, the right to use the driveway improvements constructed thereon from time to time as an emergency, secondary access to and from the property adjacent to Easement Tract Two. It is acknowledged that Grantor, or its successors and assigns, may need to grant additional public or private easements across Easement Tract Two to provide access to and from and/or to bring utility services to the property adjacent to Easement Tract Two, and that such access and/or utility service are critical to the development, use and enjoyment of such adjacent property. Grantor agrees, however, that the plans for the construction of any improvements or utility lines on or under Easement Tract Two shall be subject to the prior approval of Grantee, which approval shall not be unreasonably conditioned, withheld or delayed so long as such proposed improvements or lines do not cause any damage to Grantee's wastewater lines or other facilities and the plans comply with applicable codes and construction standards. Grantor shall not otherwise use the Easement Tracts in any other manner or otherwise grant any easement on or across the Easement Tracts that interferes in any material way or is inconsistent with the easements, rights, and privileges granted hereunder or the terms and conditions hereof.

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 _____ day of September, 2013.

GRANTOR:

TERRABROOK FALCON POINTE, LLC

By: _____
E. William Meyer, Vice President

GRANTEE:

AGREED AND ACCEPTED:

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

By: _____
Brandon Wade, City Manager

ATTEST:

Karen Thompson, City Secretary

ACKNOWLEDGEMENT

STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on the ____ day of September, 2013, by E. William Meyer, as Vice President of TERRABROOK FALCON POINTE, LLC, a Delaware limited liability company, on behalf of said limited liability company.

(seal)

Notary Public, State of Texas
Print Name: _____
My commission expires: _____

ACKNOWLEDGEMENT

THE STATE OF TEXAS §
 §
COUNTY OF _____ §

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

(seal)

Notary Public Signature

Printed Name of Notary Public

My commission expires: _____

AFTER RECORDING, PLEASE RETURN TO:

City of Pflugerville
Attn: Brandon E. Wade, City Manager
P.O. Box 589, Pflugerville, Texas 78691

**0.258 OF ONE ACRE LIFT STATION EASEMENT
THE JOHN DAVIS SURVEY, ABSTRACT 13
CITY OF PFLUGERVILLE, TRAVIS COUNTY, TEXAS**

Being a 0.258 of one acre (11,235 square feet) of land in the John Davis Survey, Abstract No. 13, City of Pflugerville, Travis County, Texas, being out of a remainder of a called 193.94 acres of record to Terrabrook Falcon Pointe, L.P. as recorded in TRV 200164445, of the Official Public Records of Travis County, Texas (O.P.R.T.C.T.) and being more particularly described by Meets and Bounds as follows:

COMMENCING at found 1/2-inch iron rod (no cap) at the southwesterly corner of a called 197.27 acres of record to Timmerman & Hagn, LTD, as recorded in Volume 8317, Page 542, described in Volume 3310, Page 1434 of the Travis County Deed Records (T.C.D.R.), being at a southeasterly corner of said Terrabrook Falcon Pointe, L.P., called 193.94 acres as recorded in TRV 200194445 of the O.P.R.T.C.T., and being on the existing northerly Right-of-Way (80.00-foot) line of Pflugger Lane as recorded in Volume 2268, Page 185 of the T.C.D.R, being on the south line of a proposed 20.00-foot Right-of Way dedication as shown on the Proposed Falcon Pointe-South Tract Major Facilities, Final Plat;

THENCE, North 27° 35' 35" East, with the common line between said Terrabrook Falcon Pointe, L.P. 193.94 acre tract and the Timmerman & Hagn, LTD called 197.27 acre tract, 632.57 feet to a 1/2-inch iron rod with "MCKCRD" cap set for the common rear corner of Lot 1 and Lot 2 Block "B" of said Proposed Falcon Pointe-South Tract Major Facilities, Final Plat;

THENCE, North 27° 35' 35" East, continuing along said common line between 548.43 feet to a 1/2-inch iron rod with "MCKCRD" cap set for the northeast corner of said Lot 2 Block "B" of said Proposed Final Plat;

THENCE, North 62° 24' 25" West, departing said common line and along the north line of said Lot 2, Block "B", 25.00 feet to 1/2- inch iron rod with "MCKCRD" cap set for the southeast corner of a proposed Lift Station Site and being the **POINT OF BEGINNING** hereof;

THENCE, North 62° 24' 25" West, along the north line of said Lot 2, Block "B", 105.00 feet to 1/2-inch iron rod with "MCKCRD" cap set for the southwest corner of said proposed Lift Station Site;

THENCE, North 27° 35' 35" East, over and across said Terrabrook Falcon Pointe, L.P. 193.94 acre tract, 107.00 feet to 1 /2-inch iron rod with "MCKCRD" cap set for the northwest corner of said proposed Lift Station Site;

**Exhibit A
Easement Tract One**

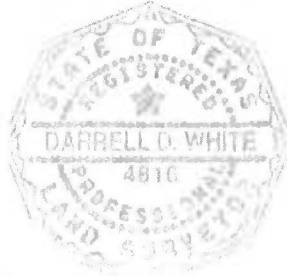
THENCE, South 62° 24' 25" East, over and across said Terrabrook Falcon Pointe, L.P. 193.94 acre tract, with the north line of said proposed Lift Station Site 105.00 feet to 1/2-inch iron rod with "MCKCRD" cap set for the northeast corner of said proposed Lift Station Site, being a point in the west line of a called 25.00-foot wastewater easement prepared by McKim & Creed;

THENCE, South 27° 35' 35" West, along the said west line of said 25.00-foot wastewater easement, 107.00 feet to the **POINT OF BEGINNING** and containing a computed area of 0.258 of one acre (11,235square feet) of land.

Prepared by McKim & Creed
Job No. 06022 - 0074

Darrell D. White 7-24-13

Darrell D. White, RPLS



**0.386 OF ONE ACRE ACCESS EASEMENT TO LIFT STATION
THE JOHN DAVIS SURVEY, ABSTRACT 13
CITY OF PFLUGERVILLE, TRAVIS COUNTY, TEXAS**

Being a 0.386 of one acre (16,822 square feet) of land in the John Davis Survey, Abstract No. 13, City of Pflugerville, Travis County, Texas, being out of a Remainder of a called 193.94 acres of record to Terrabrook Falcon Pointe, L.P. as recorded in TRV 200164445, of the Official Public Records of Travis County, Texas (O.P.R.T.C.T.) and being more particularly described by Meets and Bounds as follows:

COMMENCING at found 1/2-inch iron rod (no cap) at the southwesterly corner of a called 197.27 acres of record to Timmerman & Hagn, LTD, as recorded in Volume 8317, Page 542, described in Volume 3310, Page 1434 of the Travis County Deed Records (T.C.D.R.), being at a southeasterly corner of said Terrabrook Falcon Pointe, L.P., called 193.94 acres as recorded in TRV 200194445 of the O.P.R.T.C.T., and being on the existing northerly Right-of-Way (80.00-foot) line of Pfluger Lane as recorded in Volume 2268, Page 185 of the T.C.D.R, being on the south line of a proposed 20.00-foot Right-of Way dedication as shown on the Proposed Falcon Pointe-South Tract Major Facilities, Final Plat;

THENCE, North 27° 35' 35" East, with the common line between said Terrabrook Falcon Pointe, L.P. 193.94 acre tract and the Timmerman & Hagn, LTD called 197.27 acre tract, 632.57 feet to a 1/2- inch iron rod with "MCKCRD" cap set for the common rear corner of Lot 1 and Lot 2 Block "B" of said Proposed Falcon Pointe-South Tract Major Facilities, Final Plat;

THENCE, North 27° 35' 35" East, continuing along said common line between 548.43 feet to a 1/2- inch iron rod with "MCKCRD" cap set for the northeast corner of said Lot 2 Block "B" of said Proposed Final Plat from which a found a 1/2-inch iron for the northwest corner of said 197.270 acres of record to Timmerman & Hagn, LTD tract bears; North 27° 35' 35" East, 2109.01 feet;

THENCE, North 62° 24' 25" West, departing said common line and along the north line of said Lot 2, Block "B", 25.00 feet to 1/2-inch iron rod with "MCKCRD" cap set for the southeast corner of a proposed Lift Station Site;

THENCE, North 62° 24' 25" West, along the north line of said Lot 2, Block "B", 105.00 feet to a 1/2-inch iron rod with "MCKCRD" cap set for the southwest corner of said proposed Lift Station Site and **POINT OF BEGINNING** hereof;

THENCE, over and across the said Terrabrook Falcon Pointe, L.P. 193.94 acre tract and along the north line of said Lot 2, Block "B" the following four (4) courses:

1. North 62°24'25" West, a distance of 53.97 feet to a 1/2-inch iron rod with "MCKCRD" cap set for corner hereof;

**Exhibit B
Easement Tract Two**

2. North $83^{\circ}05'15''$ West, a distance of 245.02 feet to a 1/2-inch iron rod with "MCKCRD" cap set for corner hereof;
3. South $29^{\circ}31'49''$ West, a distance of 372.16 feet to a 1/2-inch iron rod with "MCKCRD" cap set for corner hereof;
4. South $76^{\circ}47'20''$ West, a distance of 50.00 feet to a 1/2-inch iron rod with "MCKCRD" cap set for corner hereof, the southwesterly corner of said Lot 2, Block "B", being a point in the easterly Right-of-Way line of proposed Colorado Sand Drive (90.00' Right-of-Way);

THENCE, North $13^{\circ}12'40''$ West, a distance of 20.00 feet, along the easterly Right-of-Way line of proposed Colorado Sand Drive (90.00' Right-of-Way), to a point for corner hereof;

THENCE, departing said proposed Right-of Way line and over and across the said Terrabrook Falcon Pointe, L.P. 193.94 acre tract the following eleven (11) courses:

1. North $76^{\circ}47'20''$ East, a distance of 20.47 feet to a point of curvature to the left hereof;
2. 39.18 feet along the arc of said curve to the left having a Radius of 47.50 feet, a Central angle of $47^{\circ}15'31''$ and a Chord which bears North $53^{\circ}09'35''$ East, 38.08 feet to a point for corner hereof;
3. North $29^{\circ}31'49''$ East, a distance of 355.96 feet to a point for corner hereof;
4. South $83^{\circ}05'15''$ East, a distance of 205.88 feet to a point of curvature to the left hereof ;
5. 40.06 feet along the arc of said curve to the left having a Radius of 25.50 feet, a Central angle of $90^{\circ}00'00''$ and a Chord which bears North $51^{\circ}54'45''$ East, 36.06 feet to a point for corner hereof;
6. North $06^{\circ}54'45''$ East, a distance of 29.50 feet to an angle point hereof;
7. South $83^{\circ}05'15''$ East, a distance of 20.00 feet to an angle point hereof;
8. South $06^{\circ}54'45''$ West, a distance of 29.50 feet to a point of curvature to the left hereof;
9. 62.65 feet along the arc of said curve to the left having a Radius of 25.50 feet, a Central angle of $140^{\circ}46'16''$, and a Chord which bears South $63^{\circ}28'23''$ East, 48.04 feet to a point for corner hereof;
10. South $62^{\circ}24'25''$ East, a distance of 28.53 feet to a point hereof, being in the west line of said proposed Lift Station Site;

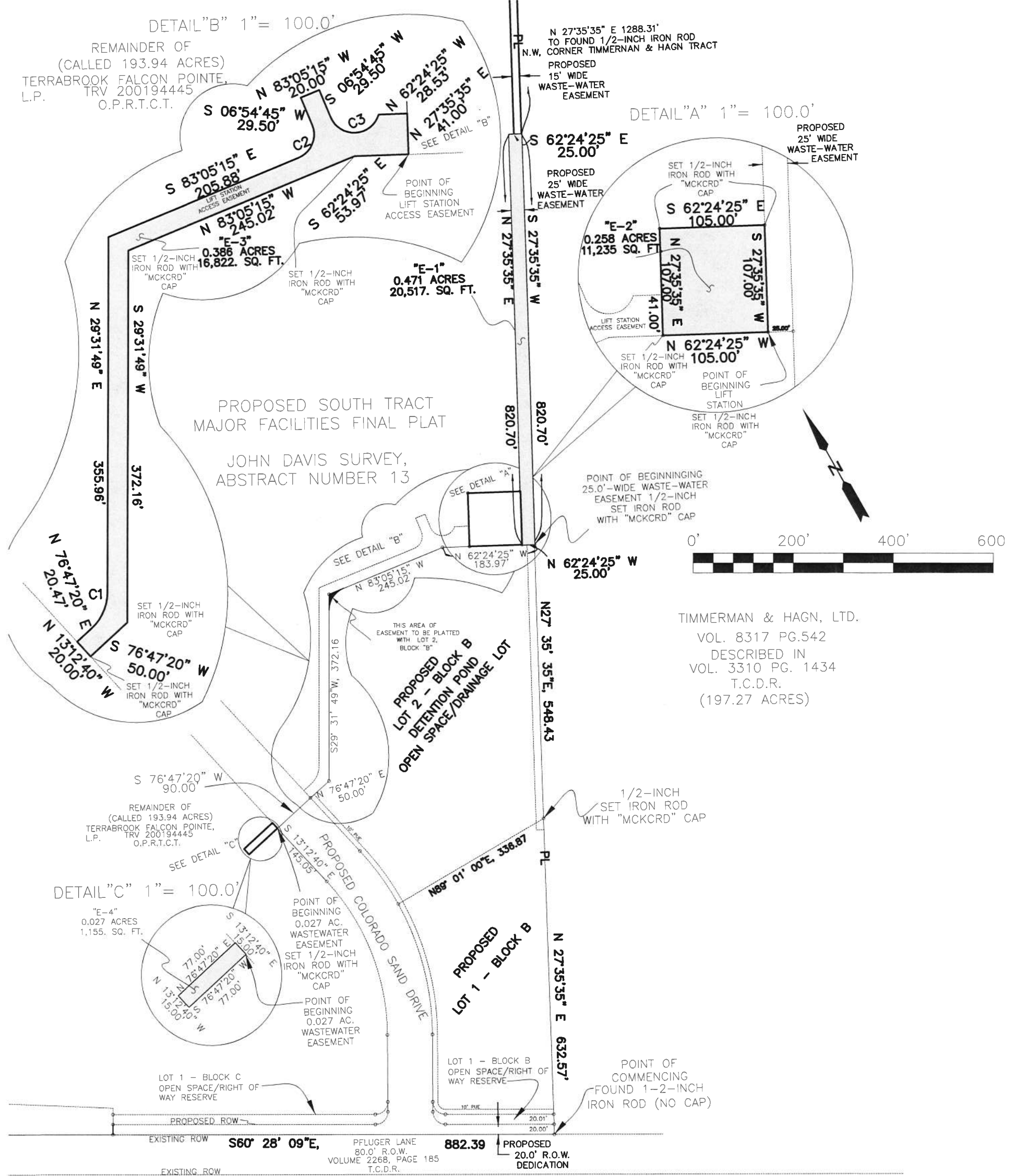
11. South 27°35'35" West, along the west line of said proposed Lift Station Site, a distance of 41.00 feet to the **POINT OF BEGINNING** and containing a computed area of 0.386 of one acre (16,822 square feet) of land.

Prepared by McKim & Creed
Job No. 06022-0074

 7-24-13

Darrell D. White, RPLS

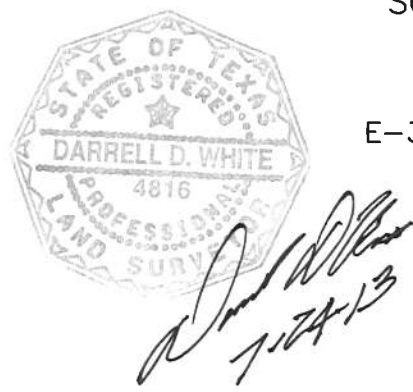




TIMMERMAN & HAGN, LTD.
 VOL. 8317 PG.542
 DESCRIBED IN
 VOL. 3310 PG. 1434
 T.C.D.R.
 (197.27 ACRES)

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	39.18'	47.50'	47°15'31"	N 53°09'35" E	38.08'
C2	40.06'	25.50'	90°00'00"	N 51°54'45" E	36.06'
C3	62.65'	25.50'	140°46'16"	S 63°28'23" E	48.04'

- NOTES:**
1. BEARING BASIS: STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL ZONE, NAD83 DATUM GRID VALUES. ALL DISTANCES EXPRESSED IN U.S. SURVEY FEET.
 2. THIS BOUNDARY MAP EXHIBIT IS ACCOMPANIED BY A NARRATIVE METES AND BOUNDS DESCRIPTION.
 3. O.P.R.T.C.T. = OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.
 4. ROW = RIGHT-OF-WAY
 5. POC = POINT OF COMMENCING
 6. POB = POINT OF BEGINNING
 7. PL = PROPERTY LINE
 8. T.C.D.R. = TRAVIS COUNTY DEED RECORDS



SKETCH OF FOUR EASEMENTS OUT OF THE JOHN DAVIS SURVEY NUMBER 13, ABSTRACT NUMBER 231, CITY OF PFLUGERVILLE, TRAVIS COUNTY, TEXAS
 E-1, BEING 0.471 OF ONE ACRE WASTEWATER EASEMENT.
 E-2, BEING 0.258 OF ONE ACRE LIFT STATION EASEMENT.
 E-3, BEING 0.386 OF ONE ACRE LIFT STATION ACCESS EASEMENT.
 E-4, BEING 0.027 OF ONE ACRE WASTEWATER EASEMENT.

MCKIM & CREED
 ENGINEERS, SURVEYORS, PLANNERS
 10000 METRIC BOULEVARD SUITE 200
 AUSTIN, TEXAS 78758
 (512) 916-0224
 WWW.MCKIMCREED.COM

1"=200'	
FALCON POINTE EASEMENTS	FB: falcon point 8
DDW	McKIM&CREED NO:06022-0074