

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.

DRAINAGE AND WASTEWATER EASEMENT AGREEMENT

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

GRANT OF EASEMENT:

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”), 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 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, by, through or under Grantor, but otherwise.

CHARACTER OF EASEMENT:

The Easement is an easement in gross.

PURPOSE OF EASEMENT:

The easement is granted for (a) 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; and (b) access, construction, operation and maintenance of an open drainage channel and/or enclosed drainage lines and associate improvements for the conveyance of stormwater runoff and drainage.

Grantee shall have the right to access to the Easement Tract for the operation, repair, maintenance, replacement and expansion of the public wastewater utility and drainage facilities and related appurtenances.

DURATION OF EASEMENT:

The Easement shall be temporary and shall expire and automatically terminate as to portion of the Easement Tract that is included within the boundaries of a final subdivision plat upon the recording of such final plat in the real property records of Travis County, provided that such final plat contains a plat note that specifically references the release of this Easement; it being contemplated that the Easement granted hereby shall be replaced by an easement dedicated by one of more plats subdividing the land within which the Easement Tract is located, or by an easement granted by separate instrument at the time such plat(s) is/are approved and recorded, or by the dedication of portion of the Easement Tract as public street right-of-way by such plat(s).

EXCLUSIVENESS OF EASEMENT:

The Easement is subject to any and all encumbrances and easements of record, to the extent the same are valid and enforceable. The Easement shall be exclusive, and Grantor covenants that Grantor will not convey any other easement or conflicting rights within the Easement Tract prior to the dates portions of the Easement Tract are included within the boundaries of a recorded final subdivision plat as provided above.

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 follows]

In witness whereof, this instrument is executed this 7th day of NOVEMBER, 2013.

GRANTOR:

TERRABROOK FALCON POINTE, LLC

By: E. William Meyer
E. William Meyer, Vice President

GRANTEE:

AGREED AND ACCEPTED:

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

By: _____
Brandon Wade, City Manager

ATTEST:

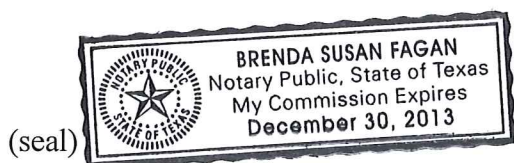
Karen Thompson, City Secretary

ACKNOWLEDGEMENTS

STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on the 7th day of November, 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.



Brenda Fagan
Notary Public, State of Texas
Print Name: Brenda Fagan
My commission expires: 12/30/13

THE STATE OF TEXAS §
 §
COUNTY OF _____ §

This instrument was acknowledged before me on the ____ day of _____, 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

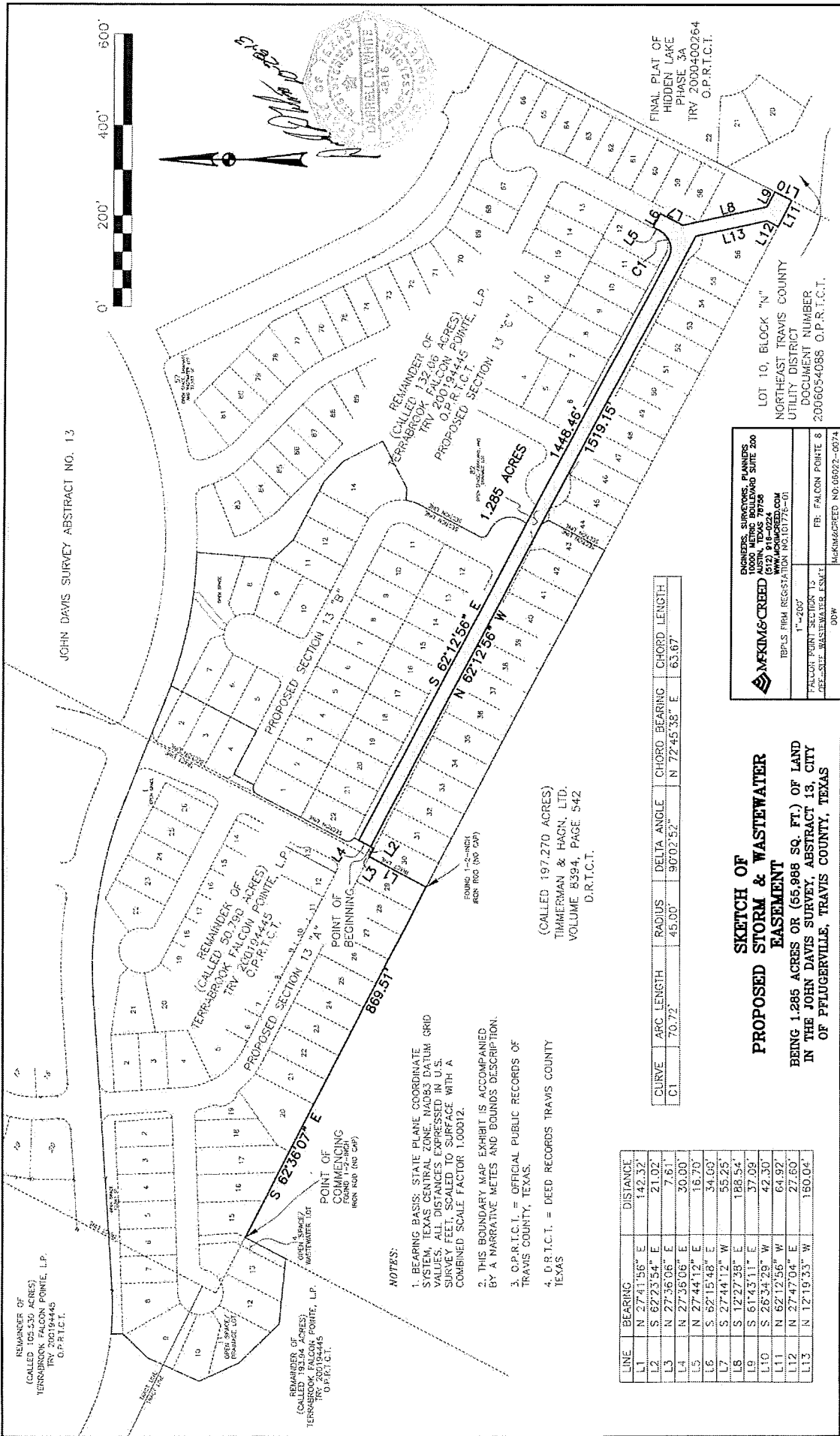
Printed Name of Notary Public

My commission expires: _____

AFTER RECORDING, PLEASE RETURN TO:

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

JOHN DAVIS SURVEY ABSTRACT NO. 13



NOTES:

1. BEARING BASIS: STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL ZONE, NAD83 DATUM. GRID VALUES. ALL DISTANCES EXPRESSED IN U.S. SURVEY FEET, SCALED TO SURFACE WITH A COMBINED SCALE FACTOR 1.00012.
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. O.B.T.C.T. = DEED RECORDS TRAVIS COUNTY TEXAS

(CALLED 197,270 ACRES)
TIMMERMAN & HAGN, LTD.
VOLUME 6394, PAGE 542
D.R.T.C.T.

LINE	BEARING	DISTANCE
L1	N 27°41'56" E	142.32'
L2	S 62°23'54" E	21.02'
L3	N 27°36'06" E	7.61'
L4	N 27°36'06" E	30.00'
L5	N 27°44'12" E	16.79'
L6	S 62°15'48" E	34.63'
L7	S 12°27'38" E	55.25'
L8	S 12°27'38" E	188.54'
L9	S 61°43'11" E	37.09'
L10	S 26°34'29" W	42.30'
L11	N 62°12'56" W	64.92'
L12	N 27°47'04" E	27.60'
L13	N 12°19'33" W	160.04'

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	70.72'	45.00'	90°02'52"	N 72°45'38" E	63.67'

SKETCH OF PROPOSED STORM & WASTEWATER EASEMENT
BEING 1.285 ACRES OR (65,986 SQ. FT.) OF LAND IN THE JOHN DAVIS SURVEY, ABSTRACT 13, CITY OF PFLUGERVILLE, TRAVIS COUNTY, TEXAS

MCKIM & CREED
ENGINEERS, SURVEYORS, PLANNERS
1000 METERS BLVD SUITE 200
AUSTIN, TEXAS 78758
(512) 941-0225
www.mckimandcreed.com

TRAVIS COUNTY REGISTRATION NO. 101778-01
1"=200'

FALCON POINT SECTION 13
DEE-SITE WASTEWATER ESM1
DDW

FR. FALCON POINTE 8
2006054088 O.P.R.T.C.T.

FINAL PLAT OF
HIDDEN LAKE
PHASE 3A
TRV 200400264
O.P.R.T.C.T.

LOT 10, BLOCK "N"
NORTHEAST TRAVIS COUNTY
UTILITY DISTRICT
DOCUMENT NUMBER
2006054088 O.P.R.T.C.T.

**PROPOSED STORM & WASTEWATER EASEMENT
THE JOHN DAVIS SURVEY, ABSTRACT 13
CITY OF PFLUGERVILLE, TRAVIS COUNTY, TEXAS**

Being a 1.285 acres (55,988 square feet) of land in the John Davis Survey, Abstract 13, City of Pflugerville, Travis County, Texas, being out of a Remainder of a called 132.06 acres of record to Terrabrook Falcon Pointe, L.P. as recorded in TRV 200194445 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 a found 1/2-inch iron rod at the northwesterly corner of a called 197.270 acres of record to Timmerman & Hagn, LTD, as recorded in Volume 8394, Page 542 of the Deed Records Travis County, Texas (D.R.T.C.T.), being at a northeasterly corner of called 193.94 acres of record to Terrabrook Falcon Pointe, L.P., as recorded in TRV 200194445 of the O.P.R.T.C.T., and being on the southerly line of said Terrabrook Falcon Pointe, L.P. 50.790 acre tract;

THENCE, South 62°36'07" East, with said common line between Terrabrook Falcon Pointe, L.P. 50.790 acre tract and said Timmerman & Hagn tract, 869.51 feet to a 1/2 – inch iron rod found for the southeast corner of said 50.790 acre tract, the southwest corner of said 132.06 acre tract;

THENCE, North 27°41'56" East, 142.32 feet with common line of said 50.790 acre tract and said 132.06 acre tract to a point;

THENCE, South 62° 23' 54" East, departing said common line and over and across said 132.06 acre tract, 21.02 feet to a point in the common proposed section line of Section 13-A and Section 13-B of Falcon Pointe;

THENCE, North 27°36'06" East, 7.61 feet with said proposed common section line to the **POINT of BEGINNING**, hereof;

THENCE, over and across said 132.06 acre tract the following eight (8) courses:

1. North 27°36'06" East, 30.00 feet with said proposed common section line to a point;
2. South 62°12'56" East, 1448.46 feet, to a point of curvature to the left;
3. 70.72 feet along the arc of tangent curve to the left, having a radius of 45.00 feet, a delta angle of 90°02'52" and a chord which bears, North 72°45'38" East, 63.67 feet to a point;

4. North 27°44'12" East, 16.70 feet to a point;
5. South 62°15'48" East, 34.00 feet to a point;
6. South 27°44'12" West, 55.25 feet to a point;
7. South 12°27'38" East, 188.54 feet to a point;
8. South 61°43'11" East, 37.09 feet, to a point in easterly line of said Terrabrook Falcon Pointe, L.P. 132.06 acre tract and the westerly line of Hidden Lake Phase 3A, Lot 10, Block "N" as recorded in TRV 2000400264 of the O.P.R.T.C.T. being deeded to Northeast Travis County Utility District as recorded in Document Number 2006054088 of O.P.R.T.C.T.

THENCE, South 26° 34' 29" West, with the common line between the said Terrabrook Falcon Pointe, L.P. 132.06 acre tract and the westerly line of said Hidden Lake Phase 3A, Lot 10, Block "N", 42.30 feet to a point on the said common line between said Terrabrook Falcon Pointe, L.P. 132.06 acre tract and said Timmerman & Hagn, LTD 197.270 tract;

THENCE, North 62° 12' 56" West with said common line between said Terrabrook Falcon Pointe, L.P. 132.06 acre tract and said Timmerman & Hagn, LTD 197.270 tract 64.92 feet to an angle point;

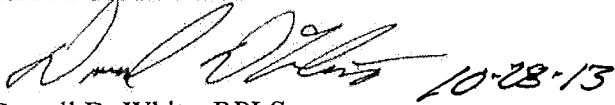
THENCE, departing said common line over and across said 132.06 acre tract the following three (3) courses:

1. North 27°47'04" East, 27.60 feet to a point;
2. North 12°19'33" West, 160.04 feet to a point;
3. North 62° 12' 56" West, 1519.15 feet to the **POINT OF BEGINNING** and containing a computed area of 1.258 acres or (55,988 square feet) of land.

Prepared by McKim & Creed

Job No. 06022 – 0074

TBPLS FIRM REGISTRATION NO. 101776-01


Darrell D. White, RPLS

