

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:

CITY OF PFLUGERVILLE (“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.

IN WITNESS WHEREOF, this instrument is executed this ___ day of _____, 2021.

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

By: _____
Sereniah Breland, City Manager

ATTEST:

Karen Thompson, City Secretary

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on _____, 20__, by Sereniah Breland, City Manager of the City of Pflugerville, Texas, a Texas home-rule municipality, on behalf of said municipality.

Notary Public Signature

(seal)

EXHIBIT A

County: Travis
Parcel: 5 DE
Project: Kelly Lane

June 26, 2020
Page 1 of 4

PROPERTY DESCRIPTION FOR PARCEL 5-DE

DESCRIPTION OF A 0.601 ACRE (26,179 SQUARE FOOT), PARCEL OF LAND SITUATED IN THE JOHN DAVIS SURVEY NO. 13 IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CALLED 15.60 ACRE OF LAND DEPICTED IN WARRANTY DEED TO THE CITY OF PFLUGERVILLE RECORDED IN VOLUME 13196, PAGE 829 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS (R.P.R.T.C.T.) AND DESCRIBED IN CORRECTION WARRANTY DEED TO SAID CITY OF PFLUGERVILLE RECORDED IN DOCUMENT NO. 2000167100 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.T.), SAID 0.601 ACRE (26,179 SQUARE FOOT) PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at an iron rod with aluminum cap stamped "ROW 4933" set, for an ell corner in the proposed southerly Right-of-Way (ROW) line of Kelly Lane (variable width ROW), being in the westerly boundary line of that called 10.00 acre tract of land described in Warranty Deed with Vendor's Lien to Ardalia E. Martin, deceased, recorded in Document No. 2005056379 of the O.P.R.T.C.T., (see Probate Document No. 2018073180 naming Frank E. Martin III as Independent Executor of Estate of Ardalia Ellen Stark Martin), same being the northeasterly corner of said 15.60 acre tract and the southeasterly corner of Block R, Lot 1, a called 20,069 square foot tract dedicated to the City of Pflugerville on Falcon Pointe – Section Eight-A, a subdivision of record in Document No. 2005000062 of the O.P.R.B.C.T. also being the northeasterly corner of a 10' wide P.U.E.;

THENCE, departing said Lot 1, with said westerly boundary line of the 10.00 acre tract, same being the easterly boundary line of said 15.60 acre tract, S 27°24'30" W, a distance of 10.00 feet to the calculated southeasterly corner of said proposed 10' wide P.U.E.;

THENCE, departing said 10.00 acre tract, through the interior of said 15.60 acre tract with the southerly line of said proposed 10' wide P.U.E., N 63°07'13" W, a distance of 573.64 feet to the northeasterly corner and **POINT OF BEGINNING** of the herein described tract;

THENCE, departing said P.U.E., continuing through the interior of said 15.60 acre tract, the following three (3) courses:

- 1) **S 03°06'33" E**, a distance of **150.43** feet to the calculated southeasterly corner of the herein described tract;
- 2) **N 63°06'33" W**, for a distance of **200.97** feet to the calculated southwesterly corner of the herein described tract;
- 3) **N 03°06'33" W**, a distance of **150.39 feet** to a calculated point in said south line of the proposed P.U.E., for the northwesterly corner of the herein described tract, and from which, the southwesterly corner of said P.U.E., being in the proposed southerly ROW line of said Kelly Lane bears N 63°07'13" W, a distance of 220.22 feet;

County: Travis
Parcel: 5 DE
Project: Kelly Lane

June 26, 2020
Page 2 of 4

- 4) **THENCE**, with said southerly line of the P.U.E, same being the northerly line of the herein described tract, **S 63°07'13" E**, for a distance of **200.95** feet to the **POINT OF BEGINNING**, containing 0.601 acre, (26,179 square feet) of land, more or less.

This property description is accompanied by a separate parcel plat.

All bearings recited herein are based on the Texas State Plane Coordinate System, Central Zone No. 4203, NAD 83.

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF WILLIAMSON §

That I, M. Stephen Truesdale, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct and that the property described herein was determined by a survey made on the ground under my direct supervision.

WITNESS MY HAND AND SEAL at Round Rock, Williamson County, Texas.

M. Stephen Truesdale

3 AUG 2020

M. Stephen Truesdale
Registered Professional Land Surveyor No. 4933
Licensed State Land Surveyor
Inland Geodetics, LLC
Firm Registration No: 100591-00
1504 Chisholm Trail Road, Suite 103
Round Rock, TX 78681

Date



EXHIBIT " " PLAT TO ACCOMPANY PARCEL DESCRIPTION

VILAMOURA
(60" ROW WIDTH)

EXISTING R.O.W.

OSTENSIBLE SURVEY LINE
KELLY LANE
(ROW WIDTH VARIES)

P.O.B.
GRID COORDINATES:
N=10,142,561.71
E=3,166,050.47

OSTENSIBLE SURVEY LINE

15' WIDE ROW/PLAT
EXISTING R.O.W. (S63° 06' 33" E 1041.94')

SEE DETAIL "A"

EXISTING R.O.W.

P.O.C.

APPARENT EASEMENT
AS SHOWN ON DOCUMENT
PROVIDED BY ENGINEER
RECORDING INFO
NOT DETERMINED

APPARENT 0.230 ACRE EASEMENT
AS SHOWN ON DOCUMENT
PROVIDED BY ENGINEER
APPARENT 0.230 ACRE EASEMENT
AS SHOWN ON DOCUMENT
PROVIDED BY ENGINEER

LOT 1, BLOCK R
OPEN SPACE (PARK)
TO BE DEDICATED TO
CITY OF PFLUGERVILLE,
TEXAS
20,069 SQ. FT.
O.P.R.T.C.T.

5-DE
0.601 AC.
26,179 SQ. FT.

FRANK E. MARTIN III AS
INDEPENDENT EXECUTOR
OF ESTATE OF
ARDALIA ELLEN
STARK MARTIN
PROBATE DOC.
NO. 2018073180
O.P.R.B.C.T.
BEING 10.00 ACRES TO
ARDALIA E. MARTIN
DOC. NO. 2005056379
O.P.R.T.C.T.
DESCRIBED IN
VOL. 11784, PG. 394
R.P.R.T.C.T.

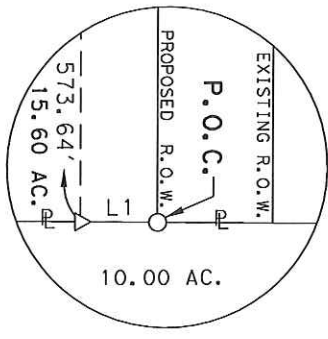
FALCON POINTE BOULEVARD
(VARIABLE ROW WIDTH)

EXISTING R.O.W.

FALCON POINTE-SECTION
EIGHT-A
AMENDED FINAL PLAT
DOC. NO. 200500062
O.P.R.T.C.T.

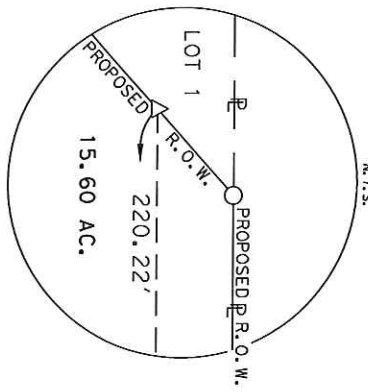
DETAIL "A"

CITY OF PFLUGERVILLE, TEXAS
VOL. 13196, PG. 829
R.P.R.T.C.T.
AND CORRECTED IN
DOC. NO. 2000167100
O.P.R.T.C.T.



NO.	DIRECTION	DISTANCE
L1	S27° 24' 30" W	10.00'

DETAIL "B"



JOHN DAVIS SURVEY NO. 13

PARCEL PLAT SHOWING PROPERTY OF

CITY OF PFLUGERVILLE, TEXAS

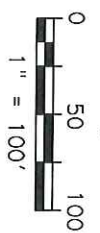
INLAND U
GEODETICS
PROFESSIONAL LAND SURVEYORS
1504 CHISHOLM TRAIL RD, STE. 103
ROUND ROCK, TX, 78681
PH. (512) 238-1200, FAX (512) 238-1251
FIRM REGISTRATION NO. 100591-000

SCALE
1" = 100'

PROJECT
KELLY LANE

COUNTY
TRAVIS

PARCEL 5
D.E.



LEGEND

⊙	1/2" IRON PIPE FOUND, UNLESS NOTED	N	DENOTES COMMON OWNERSHIP
●	1/2" IRON ROD FOUND, UNLESS NOTED	P.O.B.	POINT OF BEGINNING
○	IRON ROD W/ ALUMINUM CAP STAMPED "ROW-4933" SET (UNLESS NOTED OTHERWISE)	P.O.C.	POINT OF COMMENCING
▲	60/D NAIL FOUND	N.T.S.	NOT TO SCALE
▲	MAG NAIL SET	P.U.E.	PUBLIC UTILITY EASEMENT
△	CALCULATED POINT	D.R.T.C.T.	DEED RECORDS TRAVIS COUNTY, TEXAS
△	CENTER LINE	O.R.T.C.T.	OFFICIAL RECORDS TRAVIS COUNTY, TEXAS
⊕	PROPERTY LINE	O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS
()	RECORD INFORMATION	P.R.T.C.T.	PLAT RECORDS TRAVIS COUNTY, TEXAS
— —	LINE BREAK		

1) All bearings shown hereon are based on grid bearing. All distances are surface distances. Coordinates are surface values based on the Texas State Plane Coordinate System, NAD 83, Central Zone.

2) This survey was performed without benefit of a Title Abstract. There may be other instruments of record that affect this tract not depicted hereon.

I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND THAT THE PROPERTY SHOWN HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECT SUPERVISION.

M. Stephen Truesdale
M. STEPHEN TRUESDALE
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4933
DATE *3 AUG 2020*



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GEODETTICS
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PARCEL PLAT SHOWING PROPERTY OF
CITY OF PFLUGERVILLE, TEXAS

SCALE
1" = 100'

PROJECT
KELLY LANE

COUNTY
TRAVIS

PARCEL 5
D.E.