

**EASEMENT OR RIGHT OF WAY VACATION INSTRUMENT:**

**PETITION TO VACATE AND RELEASE A PORTION OF A 15' OFFSITE  
WASTEWATER EASEMENT AGREEMENT**

STATE OF TEXAS

COUNTY OF TRAVIS

**KNOW ALL MEN BY THESE PRESENTS:**

The undersigned, on behalf of **Continental Homes of Texas, L.P.**, a Texas limited partnership ("*Petitioner*") hereby petitions for the vacation of that portion of the Wastewater Easement hereinafter described. In support of said Petition, I/we show the following:

1. Petitioner is the sole owner of the properties which abut that portion of the Wastewater Easement requested to be vacated herein.
2. The nature and extent of the public use, and the public interest to be subserved, is such as to warrant the vacation of that portion of a fifteen foot (15') wide wastewater easement situated between Cumberland Gap Street and Catoctin Drive, granted pursuant to instrument recorded under Document No. 2002244986 of the Official Public Records of Travis County, Texas (the "*Wastewater Easement*"), as described in the field notes marked as Exhibit "A" and depicted in the sketch marked as Exhibit "B", both being attached hereto and made a part hereof.
3. The Petitioner listed in Paragraph 1, above, for itself and for its successors and assigns, for and in consideration of the vacation of that portion of the Wastewater Easement described in attached Exhibits "A" and "B" and other valuable consideration, hereby releases, remises, and forever discharges the City of Pflugerville, its officers, agents, and employees, from any and all claims, actions, and damages, if any, whatsoever which they may have in law or equity with respect to any damage to its properties as a result of the said vacation. This Release is not to be constructed as an admission on the part of the City of Pflugerville of any liability in consequence of the above described vacation.
4. By the signature affixed hereto, the undersigned, on behalf of Petitioner, represents and warrants that Petitioner is the owner of the properties as set forth in Paragraph 1 of this document and, as such, Petitioner is fully authorized to make this Petition.

**PRAYER**

The undersigned, on behalf of Petitioner hereby prays that so much of said Wastewater Easement as is described in Exhibits "A" and "B", attached hereto, be vacated of record by the City of Pflugerville to the extent of public use thereof, and that said vacation be recorded in the Official Records of the Travis County Clerk.

## EXHIBIT "A"

### FIELD NOTES

JOB NO. 0684-00

DATE: 11-17-15

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### 0.09 ACRES

Being 0.09 acres of land situated in Travis County, Texas, out of the Thomas G. Stuart Survey No. 6, Abstract No. 689, and being a portion of a called 0.92 acre tract conveyed to the City of Pflugerville, Texas in a 15' Offsite Wastewater Line Easement Agreement dated December 5, 2002, as recorded in Document No. 2002244986, of the Official Public Records of Travis County, Texas, and further described by metes and bounds as follows:

BEGINNING: at a calculated point in the west line of said 0.92 acre tract, the east line of Cumberland Gap Street, the west line of Lot 3, Block 'K', of the proposed Highland Park, Phase 'C', Section 2, an unrecorded Subdivision in Travis County, Texas, for the northwest corner of this parcel, from which a 5/8" iron rod found in the east line of Heatherwilde Blvd., for the northwest corner of a called 322.40 acres conveyed to WDP, LTD. in a General Warranty Deed dated June 20, 2002, as recorded in Document No. 2002120519 of said Official Public Records bears N 18°51'34" W, 1185.80 feet.

THENCE: S 62°39'38" E, 255.00 feet, along the west line of said 0.92 acre tract, parallel to the north and south lot lines of said Lot 3, to a calculated point in the west line of Catoctin Drive, and the east line of Lot 22, Block 'K', of said proposed Subdivision, for the northeast corner of this parcel, from which a 5/8" iron rod found in the east line of Heatherwilde Blvd., for the northwest corner of said WDP, LTD. tract bears N 26°12'05" W, 1361.17 feet.

THENCE: S 27°20'22" W, 15.00 feet, crossing said 0.92 acre tract, and along the west line of Catoctin Drive, and the east line of said Lot 22, to a calculated point in the east line of said 0.92 acre tract, for the southeast corner of this parcel.

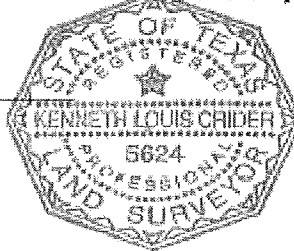
THENCE: N 62°39'38" W, 255.00 feet, along the east line of said 0.92 acre tract, parallel to the north and south lot lines of said Lot 22, to a calculated point in the east line of Cumberland Gap Street, and the west line of said Lot 3, for the southwest corner of this parcel.

THENCE: N 27°20'22" E, 15.00 feet, crossing said 0.92 acre tract, and along the east line of Cumberland Gap Street, and the west line of said Lot 3 to the Point of Beginning.

Bearings cited hereon based on Grid North Texas State Plane Coordinate System Central Zone (NAD83).

 12-7-15

Kenneth Louis Crider, R.P.L.S. No. 5624  
Texas Land Surveying, Inc.  
3613 Williams Drive, Suite 903  
Georgetown, Texas 78626



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3613 Williams Drive, Suite 903 - Georgetown, Texas 78626  
(512) 930-1600 [www.texas-land-surveying.com](http://www.texas-land-surveying.com)  
TBPLS FIRM No. 10056200

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**EXHIBIT "B"**

BOUNDARY EXHIBIT FOR PARTIAL VACATION OF A 15' OFFSITE WASTEWATER  
EASEMENT, AS RECORDED IN DOCUMENT NO. 2002244988 OF THE OFFICIAL  
PUBLIC RECORDS, TRAVIS COUNTY, TEXAS.

JOS NO. 0084  
GRAPH. D.J.  
P.C. 0098

Scale: 1" = 50'

BEARINGS AND DISTANCES BASED ON  
STATE PLANE COORDINATES ZONE 10N,  
CENTRAL ZONE, TEXAS MAP 83 (88)

1.	CLASSIFIED PLAT
2002244988	OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

LINE TABLE		
NUMBER	BEARING	DISTANCE
1	S 27°00'22" W	16.00'
2	N 27°20'22" E	15.00'

PAGE 2 OF 2

STATE OF TEXAS: I, KNOW ALL MEN BY THESE PRESENTS,  
COUNTY OF WILLAMSON: I  
THAT SURVEYOR JESSE B. BARNES, INC. AND THIS DATE CAUSED TO BE RECORDED IN THE OFFICE  
COUNTY CLERK'S OFFICE OF THE FOLLOWING: PLATTED TRACT OF LAND AND TO THE BEST OF MY KNOWLEDGE AND  
BELIEF THAT NO UNLAWFUL ACTS, CONVICTIONS OR VIOLATIONS OF ANY LAWS, ORDINANCES, RULES, STATUTES OR  
LAWS, AND THAT THE PROPERTY HAS ACCESS TO AND FROM A DELEGATE HIGHWAY, RIGHT OF WAY, OR  
HIGHWAY.

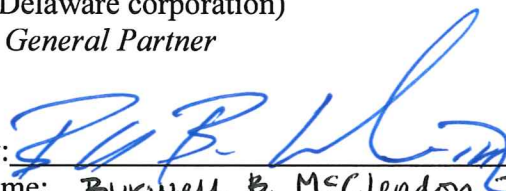
**Texas Land Surveying, Inc.**  
3813 Wilshire Drive, Suite 203, Georgetown, Texas 78626  
(512) 930-1688 / (512) 930-9389 fax  
www.tlsurvey.com  
TSP#5 FIRM NO. 100566200

Executed this 14<sup>th</sup> day of December, 2015.

PETITIONER

**Continental Homes of Texas, L.P.**  
(a Texas limited partnership)

By: CHTEX of Texas, Inc.  
(a Delaware corporation)  
*Its General Partner*

By:   
Name: Burwell B. McClendon III  
Title: Vice President

TJA