

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.

PUBLIC UTILITY EASEMENT 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,” respectively, attached hereto and incorporated herein by reference (individually, “Easement Tract One” and “Easement Tract Two,” respectively, and jointly, the “Easement Tracts”) and as depicted on Exhibit “C” attached hereto and incorporated herein by reference.

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 Easements are granted for the installation, construction, operation, use, maintenance, reconstruction, replacement, repair, re-alignment, upgrade, expansion, inspection, patrol, and removal of public utility facilities and related appurtenances, or making connections thereto.

The Easements shall also be used for the purpose of providing for the operation, repair, maintenance, replacement and expansion of the public utility facilities and related appurtenances. Public utilities include, but are not limited to, water, wastewater, electrical lines, gas lines, telecommunications and cable television services.

DURATION OF EASEMENTS:

The Easements shall be perpetual.

EXCLUSIVENESS OF EASEMENTS:

The Easements are subject to any and all encumbrances and easements of record, to the extent the same are valid and enforceable. The Easements shall be non-exclusive. To the extent that such entry or use by Grantor does not interfere with Grantee's use of the Easements as a public utilities 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 Tracts. It is acknowledged that Grantor, or its successors and assigns, may need to grant additional public or private easements across the Easement Tracts to provide access to and from and/or to bring utility services to the property adjacent to the Easement Tracts, 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 the Easement Tracts 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 then existing utility 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 Tract 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 July, 2014.

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

ACKNOWLEDGEMENTS

STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on the ____ day of July, 2014, 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: _____

THE STATE OF TEXAS §
 §
COUNTY OF _____ §

This instrument was acknowledged before me on July ____, 2014, 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

EXHIBIT A

**0.3006 OF ONE ACRE OF LAND
PUBLIC UTILITY EASEMENT OUT OF
THE JOHN DAVIS SURVEY, ABSTRACT 13
CITY OF PFLUGERVILLE, TRAVIS COUNTY, TEXAS**

Being a 0.3006 Acres or (13,095 Square Feet) of land in the John Davis Survey, Abstract 13, City of Pflugerville, Travis Country, Texas, being out of a Remainder of a called 149.99 acre tract of record conveyed to Terrabrook Falcon Pointe, L.P. as recorded in TRV 200105424, 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 with all bearings referenced to Falcon Pointe-South Tract Major Facilities, Final Plat as Recorded in Document Number 201300218 (O.P.R.T.C.T.), with all distances scaled to surface:

POINT OF BEGINNING, Being, a 1 /2 inch iron rod with "McKIM & CREED" cap found for the Northwest curve return of Lot 1 Block "C" Open Space and Right-of Way Reserve, found in the West Right-of -Way of Colorado Sand Drive of said Falcon Pointe-South Tract Major Facilities, Final Plat, Being the beginning of a curve to the Right;

THENCE, along the North line of said Lot 1 Block "C" Open Space and Right-of Way Reserve the following two (2) courses:

1. 39.40 feet along the arc of said curve to the Right, having a Radius of 25.00 feet, a Central angle of 90°18'04", a Chord bearing of South 74°22'49" West, a distance of 35.45 feet to a point of tangency;
2. North 60°28'09" West, a distance of 524.44 feet, to a found 1 /2- inch iron rod with "McKIM & CREED" cap found for the northwest corner of said Lot 1 Block "C" Open Space and Right-of Way Reserve, same being a point in the east line of a called 6.963 acre tract (Parcel 162, I-130 Project) as Recorded in Document Number 2004239501 of the (O.P.R.T.C.T.), from which a 1 /2- inch iron rod with "TXDOT aluminum cap " Bears: South 29°44'08" West, a distance of 40.00 feet;

THENCE, North 29°44'08" East, along the east line of said Parcel 162, a distance of 12.94 feet to a 1 /2- inch iron rod with "TXDOT aluminum cap found for an angle of said Falcon Pointe-South Tract Major Facilities, Final Plat;

THENCE, North 58°08'09 West, 740.97 feet to a 1 /2- inch iron rod with "TXDOT aluminum cap found for an angle point for the easterly Right-of-Way of the main portion of said I-130 Project;

THENCE, North 03°50'53" West, a distance of 5.12 feet to a point in the east Right-of-Way line of said Parcel 162;

THENCE, departing said east Right-of-Way line and over and across said 149.99 Acre Terrabrook tract the following six (6) courses:

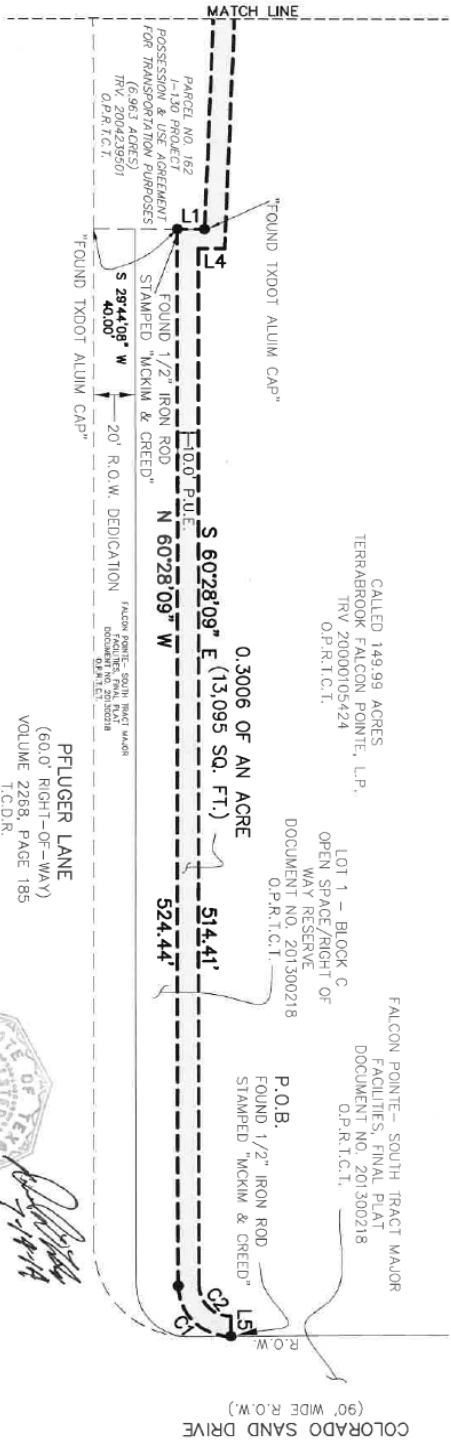
1. North 86°09'07" East, a distance of 10.01 feet to an angle point;
2. South 58°08'09" East, a distance of 745.47 feet to an angle point;
3. South 29°44'08" West, a distance of 12.54 feet to an angle point;
4. South 60°28'09" East, a distance of 514.41 feet to a point of curvature to the Left;
5. 23.64 feet along the arc of said curve to the Left, having a Radius of 15.00 feet, a Central angle of 90°17'54", a Chord bearing of North 74°22'54" East, a distance of 21.27 feet to an angle point;
6. South 60°46'29" East, a distance of 10.00, to the **POINT OF BEGINNING** containing a computed area of 0.3006 of an acre land or 13,095 Square feet of land, more or less.



Darrell D. White
Registered Professional Land Surveyor
Texas Registration Number 4816
Prepared by: McKim & Creed, Inc.
10000 Metric Blvd., Suite 200
Austin, Texas 78758
TBPLS Firm Registration number 101776-01

Date: 7/17/14





- NOTES:**
1. BEARING BASIS: FALCON POINTE-SOUTH MAJOR FACILITIES, FINAL PLAT, WITH ALL DISTANCES SCALED TO SURFACE.
 2. THIS BOUNDARY MAP EXHIBIT IS ACCOMPANIED BY A NARRATIVE METES AND BOUNDS DESCRIPTION.
 3. T.C.D.R. = TRAVIS COUNTY DEED RECORDS.
 4. O.P.R.T.C.T. = OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

SHEET 1 OF 1

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DRAWING: PUE Easement_1.dwg 2004.dwg

LINE TABLE				
LINE	LENGTH	BEARING		
L1	12.94'	N 28°44'08" E		
L2	5.12'	N 3°50'53" W		
L3	10.01'	S 86°08'07" W		
L4	12.54'	S 28°44'08" W		
L5	10.00'	S 60°46'29" E		

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	LENGTH
C1	39.40'	25.00'	90°18'04"	S 74°22'49" W	35.45'
C2	23.64'	15.00'	90°17'54"	N 74°22'54" E	21.27'

PFLUGER LANE
(60.0' RIGHT-OF-WAY)
VOLUME 2288, PAGE 185
T.C.D.R.



Darryl D. White
9/17/14

PROPOSED P.U.E. EASEMENT
SKETCH OF
BEING 0.3006 OF AN ACRE (13,095 SQ. FT.) OF
LAND IN THE JOHN DAVIS SURVEY, ABSTRACT 13,
CITY OF PFLUGERVILLE, TRAVIS COUNTY, TEXAS

MCKIM & CREED
ENGINEERS, SURVEYORS, PLANNERS
1000 METRIC BLVD., SUITE 200
AUSTIN, TX 78758
512.916.0224
www.mckimcreed.com
TBRPS FIRM REGISTRATION NO. 101778-01

SCALE:	1"=60'	JOB NO.	060220264
DATE:	07-11-2014	F.B. NO.	
DRAWN BY:	BM	PROJECT:	EASEMENTS

EXHIBIT B

0.0568 OF ONE ACRE TRACT OF LAND PUBLIC UTILITY EASEMENT OUT OF THE JOHN DAVIS SURVEY, ABSTRACT 13 CITY OF PFLUGERVILLE, TRAVIS COUNTY, TEXAS

Being a 0.0568 (2,476 Square foot) tract of land in the John Davis Survey, Abstract 13, City of Pflugerville, Travis County, Texas, being out of a Remainder of a called 149.99 acre tract of record conveyed to Terrabrook Falcon Pointe, L.P. as recorded in TRV 200105424, 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 with all bearings referenced to Falcon Pointe-South Tract Major Facilities, Final Plat as Recorded in Document Number 201300218 (O.P.R.T.C.T.), with all distances scaled to surface:

POINT OF BEGINNING, Being, a 1/2- inch iron rod with "McKIM & CREED" cap found for the Northwest curve return of Lot 1 Block "B" Open Space and Right-of-Way Reserve of said Falcon Pointe-South Tract Major Facilities, Final Plat, being a point in the east Right-of-Way of Colorado Sand Drive;

THENCE, over and across said 149.99 acre tract the following three (3) courses:

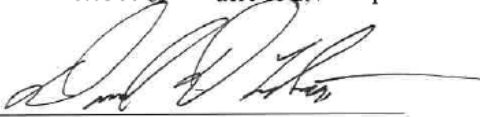
1. South 60°46'14" East, a distance of 10.00 feet to a point of curvature to the Left;
2. 23.48 feet along the arc of said curve to the Left having a Radius of 15.00 feet, a Central angle of 89°41'56", a Chord bearing of South 15°37'11" East, a distance of 21.16 feet to a point of tangency;
3. South 60°28'09" East, a distance of 216.11 feet to a point in the common line of said 149.99 acre tract and the west line of a called 197.270 acre tract conveyed to Timmerman & Hagn, LTD, as recorded in Volume 8394, Page 542 of the Deed Records Travis County, Texas (D.R.T.C.T.);

THENCE, generally along the fenced and common line of said 149.99 acre tract and said 197.20 acre tract, South 27°35'35" East, a distance of 10.01 feet to the northeast corner of Lot 1, Block "B" of said Falcon Pointe-South Tract Major Facilities, Final Plat, the relocated Southeast corner of a remainder of said 149.99 acre tract,

THENCE, along the north line of said Lot 1, Block "B" of said Falcon Pointe-South Tract Major Facilities, Final Plat, the following two (2) courses:

1. North 60°28'09" West, a distance of 216.45 feet to a point of curvature to the Right;

2. 39.14 feet along the arc of said curve to the Left having a Radius of 25.00 feet, a Central angle of $89^{\circ}41'56''$, a Chord bearing of North $15^{\circ}37'11''$ West, a distance of 35.26 feet to the **POINT OF BEGINNING** containing a computed area of 0.0568 of one acre or 2,476 square feet of land, more or less.



Date: 7-17-14

Darrell D. White
Registered Professional Land Surveyor
Texas Registration Number 4816
Prepared by: McKim & Creed, Inc.
10000 Metric Blvd., Suite 200
Austin, Texas 78758
TBPLS Firm Registration number 101776-01





Abel D. Whitfield
 Surveyor



COLORADO SAND DRIVE
 (90' WIDE R.O.W.)

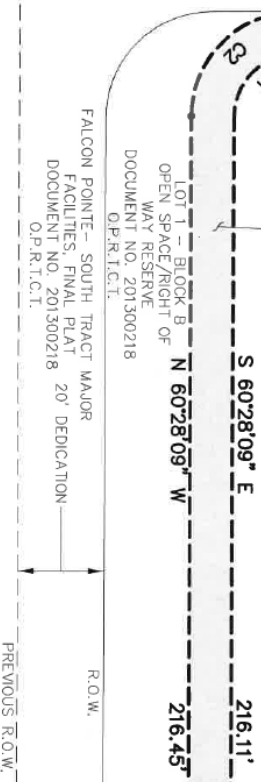
FALCON POINTE - SOUTH TRACT MAJOR FACILITIES, FINAL PLAT
 DOCUMENT NO. 201300218
 O.P.R.I.C.T.

POINT OF BEGINNING
 FOUND 1/2" IRON ROD
 STAMPED "MCKIM & CREED"

0.0568 OF AN ACRE
 (2,476 SQ. FT.)

TERABROOK FALCON POINTE, L.P.
 TRV 20000105424
 O.P.R.I.C.T.

CALLED 197.27 ACRES
 IMMERMANN & HAGN, LTD.
 VOLUME 3310, PAGE 1434
 T.C.D.R.



PFLUGER LANE
 (60.0' RIGHT-OF-WAY)
 VOLUME 2268, PAGE 185
 T.C.D.R.

LINE TABLE

LINE	LENGTH	BEARING
L1	10.01'	S 27°35'35" W

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	LENGTH
C1	23.48'	15.00'	89°41'56"	S 15°37'11" E	21.16'
C2	39.14'	25.00'	89°41'56"	N 15°37'11" W	35.26'

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SHEET 1 OF 1

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 DRAWING: -InclPUE Easement_2_VER 2004-.dwg

SKETCH OF
PROPOSED P.U.E. EASEMENT
 BEING 0.0568 OF AN ACRE (2,476 SQ. FT.) OF
 LAND IN THE JOHN DAVIS SURVEY, ABSTRACT 13,
 CITY OF PFLUGERVILLE, TRAVIS COUNTY, TEXAS

MCKIM & CREED
 ENGINEERS, SURVEYORS, PLANNERS
 1000 METRIC BLDG., SUITE 200
 DALLAS, TX 75201
 512.916.0224
 512.916.0224
 TPLS FIRM REGISTRATION NO. 101776-01

SCALE:	1" = 30'	JOB NO.	060220264
DATE:	07-11-2014	F.B. NO.	
DRAWN BY:	BM	PROJECT:	EASEMENTS