

EASEMENT PURCHASE AGREEMENT
HPN Development, a Texas corporation (SELLER)

This Purchase Agreement (this "Agreement") is made and entered into by and between the **CITY OF PFLUGERVILLE, TEXAS**, a Texas municipal corporation ("Buyer"), and **HPN Development, a Texas corporation** ("Seller"), hereafter collectively referred to as the "Parties", upon the premises and for the purposes set out herein, and is effective as stated in this Agreement.

INTRODUCTION

A. Seller is the current owner thereof of a portion of three tracts: Tract 5 a called 15.0016 acres; Tract 3 a called 104.99 acres; Tract 4 a called 105.59 acre tract recorded by Deed Document No 2001136994, official public records, Travis County, Texas.

B. Buyer requires acquisition of a portion of these tracts for Slope Easements (the "Easement") as part of the Heatherwilde Widening Capital Improvement Project more particularly described in **Exhibit "A" and Exhibit "B"**.

C. Seller is willing to convey and Buyer to purchase the easement for the appraised value of **\$26,246.00**.

NOW, THEREFORE, in exchange for the mutual promises provided herein, the Parties agree as follows:

I.

Purchase and Sale Agreement. For the Purchase Price, Seller agrees to sell and convey an Easement to Buyer, and Buyer agrees to buy and pay Seller for an Easement as described in **Exhibit "A" and Exhibit "B"** for the construction, operation, maintenance, replacement, upgrade, or repair, of the improvements or other appurtenances thereto. The promises by Buyer and Seller stated in this contract are the consideration for the formation of this contract. The obligation of the Buyer contained in this agreement are conditional on City Council of Pflugerville's approval and acceptance of the Easement. In the event the City Council does not approve the acceptance of the Easement, Buyer shall pay Seller \$100.00, as consideration for Seller's agreement to the condition on closing and shall return to Seller all original documents, unfiled with the County, at Buyer's expense.

II.

The Purchase Price. **TWENTY SIX THOUSAND TWO HUNDRED FORTY-SIX AND NO/100 (\$26,246.00)** to be paid at closing.

III.

The Property. A varying width Easement over, across, under and through Tract 5 a called 15.0016 acres; Tract 3 a called 104.99 acres; Tract 4 a called 105.59 acre tract located in Travis County, Texas and as referenced in that certain instrument recorded as Deed Document No. 2001136994, in the official public records of Travis County, Texas, and as more particularly described in **Exhibit "A" and Exhibit "B"**, attached hereto and

incorporated by reference for all purposes.

IV.

Easement Instrument. The Instrument of Conveyance shall be in substantial conformance with the form and substance as **Exhibit "C"**, attached hereto and incorporated by reference for all purposes.

V.

Miscellaneous.

- A. *Closing Date.* The parties shall close on this transaction within 10 days of City Council's approval and acceptance of the Easement.
- B. *Notice.* Any notice given under this Agreement must be in writing and may be given: (i) by depositing it in the United States mail, certified, with return receipt requested, addressed to the party to be notified and with all charges prepaid; (ii) by depositing it with Federal Express or another service guaranteeing "next day delivery", addressed to the party to be notified and with all charges prepaid; (iii) by personally delivering it to the party, or any agent of the party listed in this Agreement; or (iv) by facsimile with confirming copy sent by one of the other described methods of notice set forth. Notice by United States mail will be effective on the earlier of the date of receipt or three (3) days after the date of mailing. Notice given in any other manner will be effective only when received. For purposes of notice, the addresses of the parties will, until changed as provided below, be as follows:

Buyer: City of Pflugerville
100 East Main Street
Pflugerville, Texas 78660
Attn: Brandon Wade, City Manager

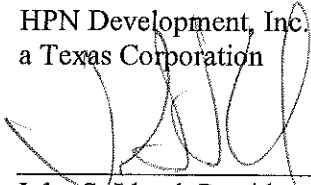
Seller: HPN Development, Inc., a Texas corporation
4720-4 Rockcliff Road
Austin, Texas 78746

- C. *Severability; Waiver.* If any provision of this agreement is illegal, invalid, or unenforceable, under present or future laws, it is the intention of the parties that the remainder of this Agreement not be affected, and, in lieu of each illegal, invalid, or unenforceable provision, that a provision be added to this Agreement which is legal, valid, and enforceable and is similar in terms to the illegal, invalid, or enforceable provision as is possible. Each of the rights and obligations of the parties hereto are separate covenants. Any failure by a party to insist upon strict performance by the other party of any provision of this Agreement will not be deemed a waiver of such provision or any other provision, and such party may at any time thereafter insist upon strict performance of any and all of the provisions of this Agreement.
- D. *Applicable Law and Venue.* The interpretation, performance, enforcement, and validity of this Agreement is governed by the laws of the State of Texas. Venue will be in a court of appropriate jurisdiction in Travis County, Texas.

- E. Entire Agreement.* With the exception of the permits and approvals to be issued in connection with this Agreement, this Agreement contains the entire agreement of the Parties and there are no other agreements or promises, oral or written between the Parties regarding the subject matter of this Agreement. This Agreement can be amended only by written agreement signed by the Parties. This Agreement supersedes all other agreements between the Parties concerning the subject matter hereof.
- F. Exhibits and Counterparts.* All exhibits referred to in or attached to this Agreement are incorporated into and made a part of this Agreement for all purposes. The section headings contained in this Agreement are for convenience only and do not enlarge or limit the scope or meaning of the sections. The Parties acknowledge that each of them have been actively and equally involved in the negotiation of this Agreement. Accordingly, the rule of construction that any ambiguities are to be resolved against the drafting party will not be employed in interpreting this Agreement or any exhibits hereto. If there is any conflict or inconsistency between the provisions of this Agreement and otherwise applicable City ordinances, the terms of this Agreement will control. This Agreement may be executed in any number of counterparts, each of which will be deemed to be an original, and all of which will together constitute the same instrument. This Agreement will become effective only when one or more counterparts bear the signatures of all the parties.
- G. Representations and Warranties by Seller.* Seller warrants, represents, covenants, and agrees that he is has fee simple absolute title to the Property described in **Exhibit "A"**, that said Property is free of any liens or other encumbrances that would prevent this sale, and that Seller meets all requirements to contract with the City of Pflugerville as provided by Chapter 38 of the City's Code of Ordinances.
- H. Eligibility Certification.* Seller certifies that the individual or business entity named in the Agreement is not ineligible to receive the award of or payments under the Agreement and acknowledges that the Agreement may be terminated and payment withheld if this certification is inaccurate.
- I. Payment of Debt or Delinquency to the State or Political Subdivision of the State.* Pursuant to Chapter 38, City of Pflugerville Code of Ordinances, Seller agrees that any payments owing to Seller under the Agreement may be applied directly toward any debt or delinquency that Seller owes the City of Pflugerville, State of Texas or any political subdivision of the State of Texas regardless of when it arises, until such debt or delinquency is paid in full.
- J. Texas Family Code Child Support Certification.* Seller certifies that it is not ineligible to receive the award of or payments under the Agreement and acknowledges that the Agreement may be terminated and payment may be withheld if this certification is inaccurate.

SELLER:

HPN Development, Inc.,
a Texas Corporation



John S. Lloyd, President

APRIL 7, 2015

Date

BUYER:

City of Pflugerville, Texas
a Texas home-rule municipality

Brandon Wade, City Manager

Date

ATTEST:

Karen Thompson, City Secretary

PARCEL ADDRESS:

Intersection of Kingston Lacy Blvd., and S. Heatherwilde Blvd.

EXHIBIT "A"

County: Travis
Parcel No.: HPND-T1—SL
Project: Heatherwilde Blvd Roadway Improvements
Half AVO: 26890

Page 1 of 4
4/2/2013

DESCRIPTION FOR HPN DEVELOPMENT, INC TRACT—SLOPE EASEMENT

BEING A 0.201 ACRE (8,738 SQUARE FEET) TRACT SITUATED IN THE THOMAS G. STEWART SURVEY NO. 6, ABSTRACT NO. 689, TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THREE TRACTS: A CALLED 15.0016 ACRES TRACT DESCRIBED AS "TRACT 5" IN EXHIBIT A-4, A CALLED 104.99 ACRES TRACT DESCRIBED AS "TRACT 3" IN EXHIBIT A-2, AND A CALLED 105.059 ACRES TRACT DESCRIBED AS "TRACT 4" IN EXHIBIT A-3 OF A SPECIAL WARRANTY DEED TO HPN DEVELOPMENT, INC, AND RECORDED IN DOCUMENT NO. 2001136994 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-inch iron rod with plastic cap stamped "CHAPARRAL BOUNDARY" found in the east right-of-way line of Heatherwilde Blvd, a varying width right-of-way, for the northwest corner of said 15.0016 acres tract, same being the southwest corner of a called 27.067 acres tract described in a Special Warranty Deed to Bancroft Austin 45 LP, said Official Public Records of Travis County, Texas, and from which a 1/2-inch iron rod with plastic cap stamped "CHAPARRAL BOUNDARY" found in said east right-of-way line of Heatherwilde Boulevard, same being the west line of said 27.067 acres tract, bears N27°22'52"E a distance of 14.44 feet;

THENCE with the south line of said 27.067 acres tract, same being the north line of said 15.0016 acres tract, S63°15'43"E a distance of 10.00 feet to a 1/2-inch iron rod with plastic cap stamped "HALFF ESMT" set, and from which a 1/2-inch iron rod found for the east corner of said 15.0016 acres tract bears S63°15'43"E a distance of 337.51 feet;

THENCE leaving said south line of the 27.067 acres tract and said north line of the 15.0016 acres tract, crossing said 15.0016 acres tract, said 104.99 acres tract, and said 105.059 acres tract, S26°45'29"W a distance of 879.95 feet to a 1/2-inch iron rod with plastic cap stamped "HALFF ESMT" set in said east right-of-way line of Heatherwilde Boulevard, and from which a 1/2-inch iron rod found for a point of tangency at the intersection of said east right-of-way line of Heatherwilde Boulevard with the northeast right-of-way line of Kingston Lacy Boulevard, a varying width right-of-way, Final Plat of Highland Park North Phase A Section 1, a subdivision according to the plat of record in Document No. 200200341 of the Plat Records of Travis County, Texas, bears with the arc of a curve to the left a distance of 16.10 feet, said curve having a radius of 25.00 feet, a central angle of 36°54'36", and a chord bearing S44°49'38"W a distance of 15.83 feet;

EXHIBIT " _ "

County: Travis
Parcel No.: HPND-T1—SL
Project: Heatherwilde Blvd Roadway Improvements
Half AVO: 26890

Page 2 of 4
4/2/2013

DESCRIPTION FOR HPN DEVELOPMENT, INC TRACT—SLOPE EASEMENT

THENCE with said east right-of-way line of Heatherwilde Boulevard, the following two (2) courses and distances:

1. with the arc of a curve to the right a distance of 23.19 feet, said curve having a radius of 25.00 feet, a central angle of $53^{\circ}08'20''$, and a chord bearing $N00^{\circ}11'50''E$ a distance of 22.36 feet, and
2. $N26^{\circ}45'29''E$ a distance of 859.94 feet to said **POINT OF BEGINNING** and containing 0.201 acre (8,738 square feet).

NOTES:

All bearings shown hereon are based upon the Texas Coordinate System of 1983, Central Zone. All distances shown hereon are surface distances. The Grid to Surface adjustment scale factor is 1.00011.

I, Dan H. Clark, a Registered Professional Land Surveyor, do hereby certify that the above description and the accompanying plat of even date herewith, are true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey on the ground under my direction and supervision.



Dan H. Clark, R.P.L.S.

Registered Professional Land Surveyor
Texas Registration No. 6011
Half Associates, Inc.,
4030 W. Braker Ln, Suite 450, Austin, Texas 78759, 512-252-8184

4/2/2013
Date



SKETCH TO ACCOMPANY
PARCEL DESCRIPTION



THOMAS G. STEWART
SURVEY NO. 6, A-689

BANCROFT AUSTIN 45 LP
(27.067 AC.)
DOC # 2005085898
O.P.R.T.C.T.

HEATHER WILDE BOULEVARD (VARYING WIDTH R.O.W.)

SEE
DETAIL "A"

S 63°15'43" E 347.51'
S 63°15'43" E 337.51'

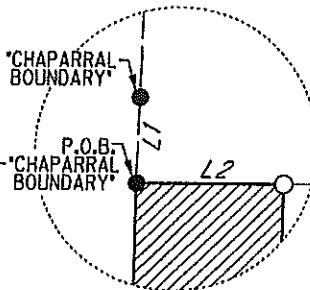
EXISTING 15'
GAS EASEMENT
DOC# 2002241552
DOC# 2002241553
ELECTRICAL EASEMENT
DOC# 2002241546
DOC# 2002241547
O.P.R.T.C.T.

EXISTING 15'
WATERLINE EASEMENT
VOL. 4823, PG. 1839
VOL. 4823, PG. 1975
D.R.T.C.T.

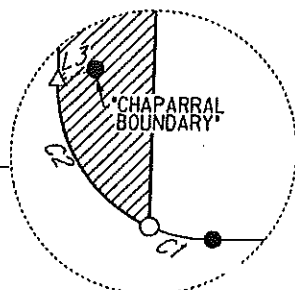
PROPOSED
SLOPE EASEMENT
8,738 SQ. FT.
0.201 AC.

EXISTING 50'
LANDSCAPE DRAINAGE & PUBLIC UTILITY EASEMENT
DOC# 2003136279
LANDSCAPE & SIGNAGE EASEMENT
DOC# 2003211525
LANDSCAPE EASEMENT
DOC# 2002142648
O.P.R.T.C.T.

KINGSTON LACY BOULEVARD (VARYING WIDTH R.O.W.)
DOC. NO. 200200341 P.R.T.C.T.



DETAIL "A"
N.T.S.



DETAIL "B"
N.T.S.

HPN DEVELOPMENT, INC.
TRACT 5 - EXHIBIT A-4 (15.0016 AC.)
TRACT 3 - EXHIBIT A-2 (104.99 AC.)
TRACT 4 - EXHIBIT A-3 (105.059 AC.)
DOC# 2001136994
O.P.R.T.C.T.

PFLUGERVILLE I.S.D.
(17.069 AC.)
DOC# 2004071474
O.P.R.T.C.T.

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HALFF
4030 WEST BRAKER LANE, SUITE 450
AUSTIN, TEXAS 78759-5356
TEL (512) 252-8184
FAX (512) 252-8141

| | |
|---|--|
| SLOPE EASEMENT HPN DEVELOPMENT, INC. | PROJECT AVO: 26890 |
| | COUNTY: TRAVIS |
| HEATHERWILDE BLVD. ROADWAY IMPROVEMENTS | EASEMENT AREA: 0.201 AC. 8,738 SQ.FT. |
| | SCALE: 1"=200' |
| ACCOMPANYING FILE: h26000s\26890\Draw\VPDR\HPND-T1-SL.DOC | |

LEGEND

- TXDOT TYPE I CONCRETE MONUMENT FOUND
- ◼ TXDOT TYPE II CONCRETE MONUMENT FOUND
- ◻ TXDOT TYPE III CONCRETE MONUMENT SET
- 1/2" IRON ROD SET WITH "HALFF ESMT" CAP (UNLESS NOTED)
- IRON ROD FOUND (SIZE/CAP NOTED)
- ⊙ SQUARE-HEAD BOLT FOUND
- ⊗ IRON PIPE FOUND (SIZE NOTED)
- ▲ FOUND "X" CUT (UNLESS NOTED)
- △ CALCULATED POINT
- ⊙ FENCE POST
- N.T.S. NOT TO SCALE
- (XXX) RECORD INFORMATION PARENT TRACT
- (XXX) RECORD INFORMATION ADJOINER TRACT
- R.O.W. RIGHT-OF-WAY
- ESMT. EASEMENT
- P.U.E. PUBLIC UTILITY EASEMENT
- D.R.W.C.T. DEED RECORDS OF WILLIAMSON COUNTY TEXAS
- P.R.W.C.T. PLAT RECORDS OF WILLIAMSON COUNTY TEXAS
- O.P.R.W.C.T. OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY TEXAS
- O.R.W.C.T. OFFICIAL RECORDS OF WILLIAMSON COUNTY TEXAS
- DOC.# DOCUMENT NUMBER
- D.E. DRAINAGE EASEMENT
- B.L. BUILDING SETBACK LINE
- DISTANCE NOT SHOWN TO SCALE
- PROPERTY LINE
- - - APPROXIMATE SURVEY LINE
- P.O.C. POINT OF COMMENCING
- P.O.B. POINT OF BEGINNING

**SKETCH TO ACCOMPANY
PARCEL DESCRIPTION**

1) THE BEARINGS SHOWN HEREON ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE. ALL DISTANCES SHOWN HEREON ARE SURFACE DISTANCES, THE GRID TO SURFACE ADJUSTMENT SCALE FACTOR IS 1.00011.

2) THE ACREAGE CALCULATED AND SHOWN HEREON IS CONVERTED FROM THE SQUARE FOOTAGE SHOWN HEREON, AND IS FOR INFORMATIONAL PURPOSES ONLY.

3) THE RECORDED EASEMENTS, SETBACKS AND ENCUMBRANCES SHOWN HEREON ARE FROM SCHEDULE B OF THE COMMITMENT FOR TITLE INSURANCE ISSUED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY GF NO. 1207531-KFO, EFFECTIVE DATE APRIL 23, 2012, ISSUE DATE MAY 1, 2012. THE SURVEYOR HAS RELIED UPON THE ACCURACY AND COMPLETENESS OF THE INFORMATION DESCRIBED ABOVE AND HAS MADE NO INDEPENDENT INVESTIGATION OR SEARCH FOR THIS INFORMATION.

CURVE TABLE

| CV. NO. | DELTA | RADIUS | ARC LENGTH | CHORD LENGTH | CHORD BEARING |
|---------|-----------|--------|------------|--------------|---------------|
| C1 | 36°54'36" | 25.00' | 16.10' | 15.83' | S44°49'38"W |
| C2 | 53°08'20" | 25.00' | 23.19' | 22.36' | N0°11'50"E |

LINE TABLE

| LINE NO. | BEARING | DISTANCE |
|----------|-------------|----------|
| L1 | N27°22'52"E | 14.44' |
| L2 | S63°15'43"E | 10.00' |
| L3 | S80°47'28"E | 0.36' |

I HEREBY CERTIFY THAT THIS PLAT AND THE ACCOMPANYING DESCRIPTION OF EVEN DATE HERewith ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT THE PROPERTY SHOWN HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION.



4/2/2013

DAN H. CLARK
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6011

DATE



4030 WEST BRAKER LANE, SUITE 450
AUSTIN, TEXAS 78769-5356
TEL (512) 282-8164
FAX (512) 282-8141

SLOPE EASEMENT
HPN DEVELOPMENT, INC.

HEATHERWILDE BLVD.
ROADWAY IMPROVEMENTS

PROJECT AVO: 26890

COUNTY: TRAVIS

EASEMENT AREA: 0.201 AC.
8,739 SQ.FT.

SCALE: 1"=200'

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EXHIBIT "B"

County: Travis
Parcel No.: HPND-T2—SL
Project: Heatherwilde Blvd Roadway Improvements
Half AVO: 26890

Page 1 of 4
4/2/2013

DESCRIPTION FOR HPN DEVELOPMENT INC. TRACT—SLOPE EASEMENT

BEING A 0.096 ACRE (4,178 SQUARE FEET) TRACT SITUATED IN THE THOMAS G. STEWART SURVEY NO. 6, ABSTRACT NO. 689, TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF A CALLED 105.059 ACRES TRACT DESCRIBED AS "TRACT 4" IN EXHIBIT A OF A SPECIAL WARRANTY DEED TO HPN DEVELOPMENT, INC, AND RECORDED IN DOCUMENT NO. 2001136994 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 1/2-inch iron rod with plastic cap stamped "CHAPARRAL BOUNDARY" found for an angle point in the south right-of-way line of Kingston Lacy Boulevard, a varying width right-of-way, Final Plat of Highland Park North Phase A Section 1, a subdivision according to the plat of record in Document No. 200200341 of the Plat Records of Travis County, Texas;

THENCE with said south right-of-way line of Kingston Lacy Boulevard, N63°16'56"W a distance of 148.46 feet to a 1/2-inch iron rod with plastic cap stamped "HALFF ASSOC INC." set;

THENCE leaving said south right-of-way line of Kingston Lacy Boulevard, crossing said 105.059 acres tract the following four (4) courses and distances:

1. S71°45'59"W a distance of 7.08 feet to a 1/2-inch iron rod with plastic cap stamped "HALFF ESMT" set for the **POINT OF BEGINNING** of the tract described herein,
2. S26°46'00"W a distance of 148.80 feet to a 1/2-inch iron rod with plastic cap stamped "HALFF ESMT" set,
3. S34°12'15"W a distance of 92.71 feet to a 1/2-inch iron rod with plastic cap stamped "HALFF ASSOC INC." set, and
4. S26°46'00"W a distance of 124.14 feet to a 1/2-inch iron rod with plastic cap stamped "HALFF ASSOC INC." set in the south line of said 105.059 acres tract, same being the north line of a called 3.00 acres tract described as "Tract 1" in a Warranty Deed to Bruce Cash, and recorded in Document 2000010288 of said Official Public Records of Travis County, Texas, and from which a 1/2-inch iron rod found for an angle point in said west line of the 105.059 acres tract bears S87°57'34"E a distance of 585.70 feet;

EXHIBIT " _ "

County: Travis
Parcel No.: HPND-T2—SL
Project: Heatherwilde Blvd Roadway Improvements
Half AVO: 26890

Page 2 of 4
4/2/2013

DESCRIPTION FOR HPN DEVELOPMENT INC. TRACT—SLOPE EASEMENT

THENCE with said south line of the 105.059 acres tract and said north line of the 3.00 acres tract, N87°57'32"W a distance of 11.01 feet to a 1/2-inch iron rod with plastic cap stamped "HALFF ASSOC INC." set, and from which a 1/2-inch iron rod found in the southeast right-of-way line of Heatherwilde Boulevard, a varying width right-of-way, for the southeast corner of a called 2.171 acres tract described in a Dedication Deed to the City of Pflugerville and recorded in Document No. 2002240243, said Official Public Records of Travis County, Texas, bears N87°57'32"W a distance of 5.50 feet;

THENCE leaving said north line of the 3.00 acres tract and said south line of the 105.059 acres tract crossing said 105.059 acres tract, the following four (4) courses and distances:

1. N26°46'00"E a distance of 131.63 feet to a 1/2-inch iron rod with plastic cap stamped "HALFF ASSOC INC." set,
2. N34°04'16"E a distance of 66.85 feet to a 1/2-inch iron rod with plastic cap stamped "HALFF ASSOC INC." set,
3. N26°46'00"E a distance of 158.03 feet to a 1/2-inch iron rod with plastic cap stamped "HALFF ASSOC INC." set, and
4. N71°45'59"E, a distance of 19.09 feet to said **POINT OF BEGINNING** and containing 0.096 acre (4,178 square feet).

NOTES:

All bearings shown hereon are based upon the Texas Coordinate System of 1983, Central Zone. All distances shown hereon are surface distances. The Grid to Surface adjustment scale factor is 1.00011.

I, Dan H. Clark, a Registered Professional Land Surveyor, do hereby certify that the above description and the accompanying plat of even date herewith, are true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey on the ground under my direction and supervision.



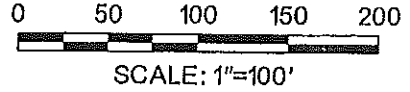
4/2/2013

Dan H. Clark, R.P.L.S.
Registered Professional Land Surveyor
Texas Registration No. 6011
Halff Associates, Inc.,
4030 W. Braker Ln, Suite 450, Austin, Texas 78759, 512-252-8184

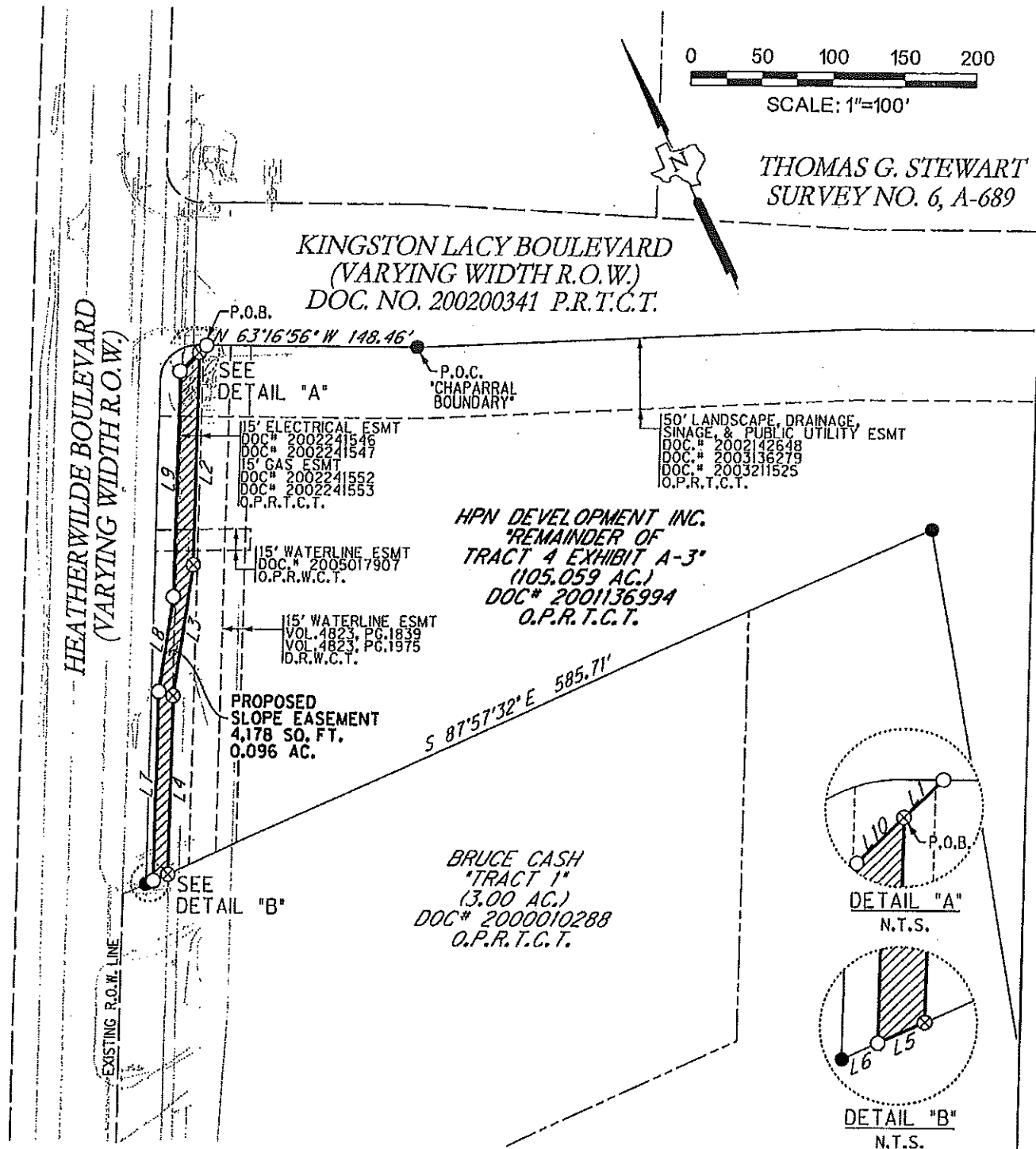
Date



SKETCH TO ACCOMPANY
PARCEL DESCRIPTION

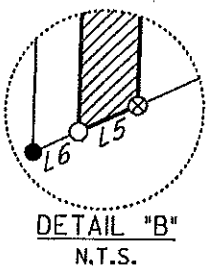
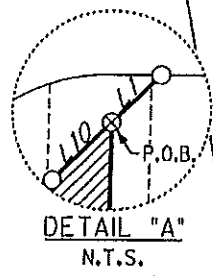


THOMAS G. STEWART
SURVEY NO. 6, A-689



HPN DEVELOPMENT INC.
"REMAINDER OF
TRACT 4 EXHIBIT A-3"
(105.059 AC.)
DOC# 2001136994
O.P.R.T.C.T.

BRUCE CASH
"TRACT 1"
(3.00 AC.)
DOC# 2000010288
O.P.R.T.C.T.



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4030 WEST BRAKER LANE, SUITE 450
AUSTIN, TEXAS 78759-8356
TEL (612) 262-8184
FAX (612) 262-8141

SLOPE EASEMENT
HPN DEVELOPMENT INC.
**HEATHERWILDE BLVD.
ROADWAY IMPROVEMENTS**

ACCOMPANYING FILE: h26000s\26890\Data\Out\VEXH-HPND-T2-5L.DOC

PROJECT AVO: 26890
COUNTY: TRAVIS
ACQUISITION AREA: 0.096 AC.
4,178 SQ. FT.
SCALE: 1"=100'

LEGEND

- TXDOT TYPE I (CONCRETE MONUMENT FOUND)
- TXDOT TYPE II (CONCRETE MONUMENT FOUND)
- ⊗ 1/2" IRON ROD SET WITH 'HALFF ESMT' CAP
- 1/2" IRON ROD SET WITH 'HALFF ASSOC INC.' CAP
- IRON ROD FOUND (SIZE/CAP NOTED)
- ⊕ SQUARE-HEAD BOLT FOUND
- ⊙ IRON PIPE FOUND (SIZE NOTED)
- ▲ FOUND 'X' CUT (UNLESS NOTED)
- △ CALCULATED POINT
- FENCE POST
- N.T.S. NOT TO SCALE
- (XXX) RECORD INFORMATION PARENT TRACT
- (XXX) RECORD INFORMATION ADJONER TRACT
- R.O.W. RIGHT-OF-WAY
- ESMT. EASEMENT
- P.U.E. PUBLIC UTILITY EASEMENT
- D.R.T.C.T. DEED RECORDS OF TRAVIS COUNTY TEXAS
- P.R.T.C.T. PLAT RECORDS OF TRAVIS COUNTY TEXAS
- O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY TEXAS
- R.P.R.T.C.T. REAL PROPERTY RECORDS OF TRAVIS COUNTY TEXAS
- DOC.* DOCUMENT NUMBER
- D.E. DRAINAGE EASEMENT
- B.L. BUILDING SETBACK LINE
- DISTANCE NOT SHOWN TO SCALE
- PROPERTY LINE
- APPROXIMATE SURVEY LINE
- P.O.C. POINT OF COMMENCING
- P.O.B. POINT OF BEGINNING

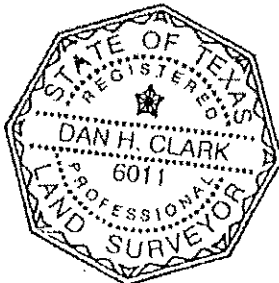
SKETCH TO ACCOMPANY
PARCEL DESCRIPTION

- 1) THE BEARINGS SHOWN HEREON ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE, ALL DISTANCES SHOWN HEREON ARE SURFACE DISTANCES, THE GRID TO SURFACE ADJUSTMENT SCALE FACTOR IS 1.00011.
- 2) THE ACREAGE CALCULATED AND SHOWN HEREON IS CONVERTED FROM THE SQUARE FOOTAGE SHOWN HEREON, AND IS FOR INFORMATIONAL PURPOSES ONLY.
- 3) THE RECORDED EASEMENTS, SETBACKS AND ENCUMBRANCES SHOWN HEREON ARE FROM SCHEDULE B OF THE COMMITMENT FOR TITLE INSURANCE ISSUED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY GF NO. 1207531-KFO, EFFECTIVE DATE APRIL 23, 2012, ISSUE DATE MAY 1, 2012. THE SURVEYOR HAS RELIED UPON THE ACCURACY AND COMPLETENESS OF THE INFORMATION DESCRIBED ABOVE AND HAS MADE NO INDEPENDENT INVESTIGATION OR SEARCH FOR THIS INFORMATION.

LINE TABLE

| LINE NO. | BEARING | DISTANCE |
|----------|---------------|----------|
| L1 | S 71°45'59" W | 7.08' |
| L2 | S 26°46'00" W | 148.80' |
| L3 | S 34°12'15" W | 92.71' |
| L4 | S 26°46'00" W | 124.14' |
| L5 | N 87°57'32" W | 11.01' |
| L6 | N 87°57'32" W | 5.50' |
| L7 | N 26°46'00" E | 131.63' |
| L8 | N 34°04'16" E | 66.85' |
| L9 | N 26°46'00" E | 158.03' |
| L10 | N 71°45'59" E | 19.09' |

I HEREBY CERTIFY THAT THIS PLAT AND THE ACCOMPANYING DESCRIPTION OF EVEN DATE HERewith ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT THE PROPERTY SHOWN HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION.



[Signature]

 DAN H. CLARK
 REGISTERED PROFESSIONAL LAND SURVEYOR
 TEXAS REGISTRATION NO. 6011
 4/2/2013
 DATE



4030 WEST BRAKER LANE, SUITE 450
 AUSTIN, TEXAS 78769-6356
 TEL (512) 262-8164
 FAX (512) 262-8141

SLOPE EASEMENT
 HPN DEVELOPMENT INC.
 HEATHERWILDE BLVD.
 ROADWAY IMPROVEMENTS

PROJECT AV0: 26890
 COUNTY: TRAVIS
 EASEMENT AREA: 0.096 AC.
 4,178 SQ. FT.
 SCALE: 1"=100'

ACCOMPANYING FILE: h26000s\26890\Dat0 Out\VEXH-HPND.T2-SL.DOC

4/2/2013 9:10:00 AM ch2172 HALFF I:\26000s\26890\CADD\SURVEY\VEXH-HPND-T2-SL-26890.dgn IE_HPS550.MDL.FS.FW.plt

EXHIBIT "C"

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.

SLOPE EASEMENT AGREEMENT

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

GRANT OF EASEMENT:

HPN DEVELOPMENT, INC., a Texas corporation ("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" and Exhibit "B", attached hereto and incorporated herein by reference (collectively, "Easement Tract") for the construction and maintenance of an earthen embankment slope as part of the lateral support for that certain City of Pflugerville Heatherwilde Widening Capital Improvement Project in, under, upon, and across the following described property, to-wit:

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 the construction, maintenance, relocation, removal, and operation of an earthen embankment slope for purposes of lateral support of the abutting public road.

Grantee shall have a continuous right of access to the Easement Property for the operation, repair, maintenance, replacement and expansion of the earthen embankment and related appurtenances.

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 non-exclusive; and Grantor may dedicate all or any portion of the Easement Tract to any utility so long as such dedication and use recognizes, accepts and does not unreasonably interfere or conflict with the use of the Easement Tract by Grantee for the purposes, uses and rights herein provided.

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. The Grantor further covenants and agrees to use his property only in those ways consistent with the continued maintenance of the slope easement and agrees to nothing which would impair, damage, or destroy said lateral support, and is further understood and agreed that the covenants and agreements set forth above shall be considered covenants with the land, fully binding upon Grantor and his successors and assigns.

Grantee has the right to trim and cut down trees and take all other actions reasonably necessary to preserve the integrity and grade of the slope and prevent interference with the operation or repairs to Grantee's facilities in the Easement Tract.

MAINTENANCE:

Grantor shall maintain the surface area of the Easement Property, which shall include but shall not be limited to regular mowing.

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.

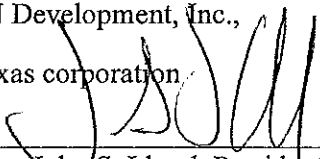
ASSIGNABILITY:

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 7 day of April, 2015

GRANTOR:

HPN Development, Inc.,
a Texas corporation.

By: 
John S. Lloyd, President

GRANTEE:

AGREED AND ACCEPTED:

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

By: _____
Brandon Wade, City Manager

ATTEST:

Karen Thompson, City Secretary

EXHIBIT "A"

County: Travis
Parcel No.: HPND-T1—SL
Project: Heatherwilde Blvd Roadway Improvements
Half AVO: 26890

Page 1 of 4
4/2/2013

DESCRIPTION FOR HPN DEVELOPMENT, INC TRACT—SLOPE EASEMENT

BEING A 0.201 ACRE (8,738 SQUARE FEET) TRACT SITUATED IN THE THOMAS G. STEWART SURVEY NO. 6, ABSTRACT NO. 689, TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THREE TRACTS: A CALLED 15.0016 ACRES TRACT DESCRIBED AS "TRACT 5" IN EXHIBIT A-4, A CALLED 104.99 ACRES TRACT DESCRIBED AS "TRACT 3" IN EXHIBIT A-2, AND A CALLED 105.059 ACRES TRACT DESCRIBED AS "TRACT 4" IN EXHIBIT A-3 OF A SPECIAL WARRANTY DEED TO HPN DEVELOPMENT, INC, AND RECORDED IN DOCUMENT NO. 2001136994 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-inch iron rod with plastic cap stamped "CHAPARRAL BOUNDARY" found in the east right-of-way line of Heatherwilde Blvd, a varying width right-of-way, for the northwest corner of said 15.0016 acres tract, same being the southwest corner of a called 27.067 acres tract described in a Special Warranty Deed to Bancroft Austin 45 LP, said Official Public Records of Travis County, Texas, and from which a 1/2-inch iron rod with plastic cap stamped "CHAPARRAL BOUNDARY" found in said east right-of-way line of Heatherwilde Boulevard, same being the west line of said 27.067 acres tract, bears N27°22'52"E a distance of 14.44 feet;

THENCE with the south line of said 27.067 acres tract, same being the north line of said 15.0016 acres tract, S63°15'43"E a distance of 10.00 feet to a 1/2-inch iron rod with plastic cap stamped "HALFF ESMT" set, and from which a 1/2-inch iron rod found for the east corner of said 15.0016 acres tract bears S63°15'43"E a distance of 337.51 feet;

THENCE leaving said south line of the 27.067 acres tract and said north line of the 15.0016 acres tract, crossing said 15.0016 acres tract, said 104.99 acres tract, and said 105.059 acres tract, S26°45'29"W a distance of 879.95 feet to a 1/2-inch iron rod with plastic cap stamped "HALFF ESMT" set in said east right-of-way line of Heatherwilde Boulevard, and from which a 1/2-inch iron rod found for a point of tangency at the intersection of said east right-of-way line of Heatherwilde Boulevard with the northeast right-of-way line of Kingston Lacy Boulevard, a varying width right-of-way, Final Plat of Highland Park North Phase A Section 1, a subdivision according to the plat of record in Document No. 200200341 of the Plat Records of Travis County, Texas, bears with the arc of a curve to the left a distance of 16.10 feet, said curve having a radius of 25.00 feet, a central angle of 36°54'36", and a chord bearing S44°49'38"W a distance of 15.83 feet;

EXHIBIT " _ " "

County: Travis
Parcel No.: HPND-T1—SL
Project: Heatherwilde Blvd Roadway Improvements
Half AVO: 26890

Page 2 of 4
4/2/2013

DESCRIPTION FOR HPN DEVELOPMENT, INC TRACT—SLOPE EASEMENT


THENCE with said east right-of-way line of Heatherwilde Boulevard, the following two (2) courses and distances:

1. with the arc of a curve to the right a distance of 23.19 feet, said curve having a radius of 25.00 feet, a central angle of $53^{\circ}08'20''$, and a chord bearing $N00^{\circ}11'50''E$ a distance of 22.36 feet, and
2. $N26^{\circ}45'29''E$ a distance of 859.94 feet to said POINT OF BEGINNING and containing 0.201 acre (8,738 square feet).

NOTES:

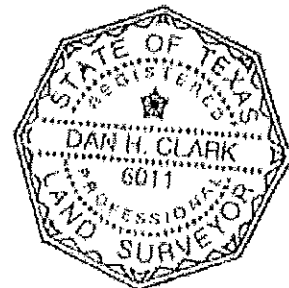
All bearings shown hereon are based upon the Texas Coordinate System of 1983, Central Zone. All distances shown hereon are surface distances. The Grid to Surface adjustment scale factor is 1.00011.

I, Dan H. Clark, a Registered Professional Land Surveyor, do hereby certify that the above description and the accompanying plat of even date herewith, are true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey on the ground under my direction and supervision.

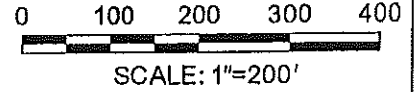


Dan H. Clark, R.P.L.S.
Registered Professional Land Surveyor
Texas Registration No. 6011
Half Associates, Inc.,
4030 W. Braker Ln, Suite 450, Austin, Texas 78759, 512-252-8184

4/2/2013
Date



SKETCH TO ACCOMPANY
PARCEL DESCRIPTION



THOMAS G. STEWART
SURVEY NO. 6, A-689

BANCROFT AUSTIN 45 LP
(27.067 AC.)
DOC # 2005085898
O.P.R.T.C.T.

HEATHERWILDE BOULEVARD (VARYING WIDTH R.O.W.)

SEE
DETAIL "A"
S 63°15'43" E 347.51'
S 63°15'43" E 337.51'

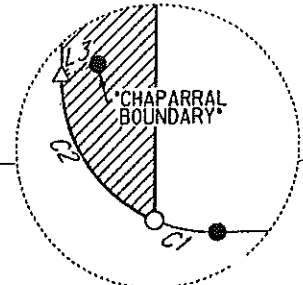
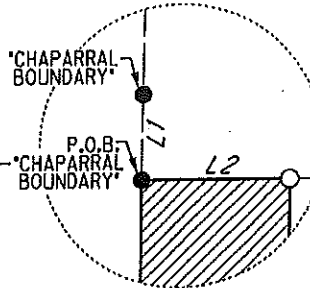
EXISTING 15'
GAS EASEMENT
DOC # 2002241552
DOC # 2002241553
ELECTRICAL EASEMENT
DOC # 2002241546
DOC # 2002241547
O.P.R.T.C.T.

EXISTING 15'
WATERLINE EASEMENT
VOL. 4823, PG. 1839
VOL. 4823, PG. 1975
D.R.T.C.T.

PROPOSED
SLOPE EASEMENT
8,738 SQ. FT.
0.201 AC.

EXISTING 50'
LANDSCAPE, DRAINAGE & PUBLIC UTILITY EASEMENT
DOC # 2003136279
LANDSCAPE & SIGNAGE EASEMENT
DOC # 2003211525
LANDSCAPE EASEMENT
DOC # 2002142648
O.P.R.T.C.T.

KINGSTON LACY BOULEVARD (VARYING WIDTH R.O.W.)
DOC. NO. 200200341 P.R.T.C.T.



HPN DEVELOPMENT, INC.
TRACT 5 - EXHIBIT A-4 (15.0016 AC.)
TRACT 3 - EXHIBIT A-2 (104.99 AC.)
TRACT 4 - EXHIBIT A-3 (105.059 AC.)
DOC # 2001136994
O.P.R.T.C.T.

PFLUGERVILLE I.S.D.
(17.069 AC.)
DOC # 2004071474
O.P.R.T.C.T.

I:\2000s\200200341\03\Drawings\HPND\HPND_TI-SL-26890.dgn

4/2/2013 3:07:37 PM auct2 HALFF

HALFF
4030 WEST BRAKER LANE, SUITE 400
AUSTIN, TEXAS 78759-6350
TEL (512) 282-8184
FAX (512) 282-8141

| | |
|---|--|
| SLOPE EASEMENT HPN DEVELOPMENT, INC. | |
| HEATHERWILDE BLVD. ROADWAY IMPROVEMENTS | |
| ACCOMPANYING FILE: I:\26000s\26890\Draw Data Out\HPND-TI-SL.DOC | |

| |
|--|
| PROJECT AV0: 26890 |
| COUNTY: TRAVIS |
| EASEMENT AREA: 0.201 AC. 8,738 SQ.FT. |
| SCALE: 1"=200' |

LEGEND

- 1XDOT TYPE I CONCRETE MONUMENT FOUND
- ◻ 2XDOT TYPE II CONCRETE MONUMENT FOUND
- ⊙ 3XDOT TYPE III CONCRETE MONUMENT SET
- 1/2" IRON ROD SET WITH "HALF ESHT" CAP UNLESS NOTED
- IRON ROD FOUND (SIZE/CAP NOTED)
- ⊕ SQUARE-HEAD BOLT FOUND
- ⊙ IRON PIPE FOUND (SIZE NOTED)
- ▲ FOUND "X" CUT UNLESS NOTED
- △ CALCULATED POINT
- ⊙ FENCE POST
- N.T.S. NOT TO SCALE
- (XXX) RECORD INFORMATION PARENT TRACT
- (XXX) RECORD INFORMATION ADJOINER TRACT
- R.O.W. RIGHT-OF-WAY
- ESMT. EASEMENT
- P.U.E. PUBLIC UTILITY EASEMENT
- D.R.M.C.T. DEED RECORDS OF WILLIAMSON COUNTY TEXAS
- P.R.M.C.T. PLAT RECORDS OF WILLIAMSON COUNTY TEXAS
- O.P.R.M.C.T. OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY TEXAS
- O.R.M.C.T. OFFICIAL RECORDS OF WILLIAMSON COUNTY TEXAS
- DOC.# DOCUMENT NUMBER
- D.E. DRAINAGE EASEMENT
- B.L. BUILDING SETBACK LINE
- +— DISTANCE NOT SHOWN TO SCALE
- +— PROPERTY LINE
- APPROXIMATE SURVEY LINE
- P.O.C. POINT OF COMMENCING
- P.O.B. POINT OF BEGINNING

SKETCH TO ACCOMPANY
PARCEL DESCRIPTION

- 1) THE BEARINGS SHOWN HEREON ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE, ALL DISTANCES SHOWN HEREON ARE SURFACE DISTANCES, THE GRID TO SURFACE ADJUSTMENT SCALE FACTOR IS 1.00011.
- 2) THE ACREAGE CALCULATED AND SHOWN HEREON IS CONVERTED FROM THE SQUARE FOOTAGE SHOWN HEREON, AND IS FOR INFORMATIONAL PURPOSES ONLY.
- 3) THE RECORDED EASEMENTS, SETBACKS AND ENCUMBRANCES SHOWN HEREON ARE FROM SCHEDULE B OF THE COMMITMENT FOR TITLE INSURANCE ISSUED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY OF NO. 1207531-KFO, EFFECTIVE DATE APRIL 23, 2012, ISSUE DATE MAY 1, 2012, THE SURVEYOR HAS RELIED UPON THE ACCURACY AND COMPLETENESS OF THE INFORMATION DESCRIBED ABOVE AND HAS MADE NO INDEPENDENT INVESTIGATION OR SEARCH FOR THIS INFORMATION.

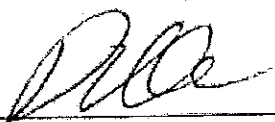
CURVE TABLE

| CV. NO. | DELTA | RADIUS | ARC LENGTH | CHORD LENGTH | CHORD BEARING |
|---------|-----------|--------|------------|--------------|---------------|
| C1 | 36°54'36" | 25.00' | 16.10' | 15.83' | S44°49'38"W |
| C2 | 53°08'20" | 25.00' | 23.19' | 22.36' | N0°11'50"E |

LINE TABLE

| LINE NO. | BEARING | DISTANCE |
|----------|-------------|----------|
| L1 | N27°22'52"E | 14.44' |
| L2 | S63°15'43"E | 10.00' |
| L3 | S60°47'28"E | 0.36' |

I HEREBY CERTIFY THAT THIS PLAT AND THE ACCOMPANYING DESCRIPTION OF EVEN DATE HERewith ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT THE PROPERTY SHOWN HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION.



4/2/2013

DAN H. CLARK
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6011

DATE



4000 WEST BRAKER LANE, SUITE 400
AUSTIN, TEXAS 78758-3356
TEL (512) 252-8184
FAX (512) 252-8191

SLOPE EASEMENT
HPN DEVELOPMENT, INC.

HEATHERWILDE BLVD.
ROADWAY IMPROVEMENTS

ACCOMPANYING FILE: h2600a\26090\data\out\HPND-T1-SL.DOC

PROJECT AVO: 26090

COUNTY: TRAVIS

EASEMENT AREA: 0.201 AC.
8,739 SQ.FT.

SCALE: 1"=200'

20130423 10:45:11 AM 1/2"=100' PLAT 1/2"=100'

EXHIBIT "B"

County: Travis
Parcel No.: HPND-T2—SL
Project: Heatherwilde Blvd Roadway Improvements
Halff AVO: 26890

Page 1 of 4
4/2/2013

DESCRIPTION FOR HPN DEVELOPMENT INC. TRACT—SLOPE EASEMENT

BEING A 0.096 ACRE (4,178 SQUARE FEET) TRACT SITUATED IN THE THOMAS G. STEWART SURVEY NO. 6, ABSTRACT NO. 689, TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF A CALLED 105.059 ACRES TRACT DESCRIBED AS "TRACT 4" IN EXHIBIT A OF A SPECIAL WARRANTY DEED TO HPN DEVELOPMENT, INC, AND RECORDED IN DOCUMENT NO. 2001136994 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 1/2-inch iron rod with plastic cap stamped "CHAPARRAL BOUNDARY" found for an angle point in the south right-of-way line of Kingston Lacy Boulevard, a varying width right-of-way, Final Plat of Highland Park North Phase A Section 1, a subdivision according to the plat of record in Document No. 200200341 of the Plat Records of Travis County, Texas;

THENCE with said south right-of-way line of Kingston Lacy Boulevard, N63°16'56"W a distance of 148.46 feet to a 1/2-inch iron rod with plastic cap stamped "HALFF ASSOC INC." set;

THENCE leaving said south right-of-way line of Kingston Lacy Boulevard, crossing said 105.059 acres tract the following four (4) courses and distances:

1. S71°45'59"W a distance of 7.08 feet to a 1/2-inch iron rod with plastic cap stamped "HALFF ESMT" set for the **POINT OF BEGINNING** of the tract described herein,
2. S26°46'00"W a distance of 148.80 feet to a 1/2-inch iron rod with plastic cap stamped "HALFF ESMT" set,
3. S34°12'15"W a distance of 92.71 feet to a 1/2-inch iron rod with plastic cap stamped "HALFF ASSOC INC." set, and
4. S26°46'00"W a distance of 124.14 feet to a 1/2-inch iron rod with plastic cap stamped "HALFF ASSOC INC." set in the south line of said 105.059 acres tract, same being the north line of a called 3.00 acres tract described as "Tract 1" in a Warranty Deed to Bruce Cash, and recorded in Document 2000010288 of said Official Public Records of Travis County, Texas, and from which a 1/2-inch iron rod found for an angle point in said west line of the 105.059 acres tract bears S87°57'34"E a distance of 585.70 feet;

EXHIBIT " _ "

County: Travis
Parcel No.: HPND-T2—SL
Project: Heatherwilde Blvd Roadway Improvements
Half AVO: 26890

Page 2 of 4
4/2/2013

DESCRIPTION FOR HPN DEVELOPMENT INC. TRACT—SLOPE EASEMENT

THENCE with said south line of the 105.059 acres tract and said north line of the 3.00 acres tract, N87°57'32"W a distance of 11.01 feet to a 1/2-inch iron rod with plastic cap stamped "HALFF ASSOC INC." set, and from which a 1/2-inch iron rod found in the southeast right-of-way line of Heatherwilde Boulevard, a varying width right-of-way, for the southeast corner of a called 2.171 acres tract described in a Dedication Deed to the City of Pflugerville and recorded in Document No. 2002240243, said Official Public Records of Travis County, Texas, bears N87°57'32"W a distance of 5.50 feet;


THENCE leaving said north line of the 3.00 acres tract and said south line of the 105.059 acres tract crossing said 105.059 acres tract, the following four (4) courses and distances:

1. N26°46'00"E a distance of 131.63 feet to a 1/2-inch iron rod with plastic cap stamped "HALFF ASSOC INC." set,
2. N34°04'16"E a distance of 66.85 feet to a 1/2-inch iron rod with plastic cap stamped "HALFF ASSOC INC." set,
3. N26°46'00"E a distance of 158.03 feet to a 1/2-inch iron rod with plastic cap stamped "HALFF ASSOC INC." set, and
4. N71°45'59"E, a distance of 19.09 feet to said **POINT OF BEGINNING** and containing 0.096 acre (4,178 square feet).

NOTES:

All bearings shown hereon are based upon the Texas Coordinate System of 1983, Central Zone. All distances shown hereon are surface distances. The Grid to Surface adjustment scale factor is 1.00011.

I, Dan H. Clark, a Registered Professional Land Surveyor, do hereby certify that the above description and the accompanying plat of even date herewith, are true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey on the ground under my direction and supervision.

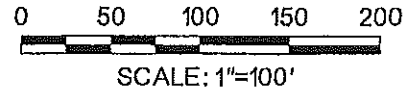


Dan H. Clark, R.P.L.S.
Registered Professional Land Surveyor
Texas Registration No. 6011
Half Associates, Inc.,
4030 W. Braker Ln, Suite 450, Austin, Texas 78759, 512-252-8184

4/2/2013
Date



SKETCH TO ACCOMPANY
PARCEL DESCRIPTION



THOMAS G. STEWART
SURVEY NO. 6, A-689

HEATHERWILDE BOULEVARD
(VARYING WIDTH R.O.W.)

KINGSTON LACY BOULEVARD
(VARYING WIDTH R.O.W.)
DOC. NO. 200200341 P.R.T.C.T.

P.O.B.
N 63°16'56" W 148.46'

SEE
DETAIL "A"
P.O.C.
"CHAPARRAL
BOUNDARY"

15' ELECTRICAL ESMT
DOC# 2002241546
DOC# 2002241547
15' GAS ESMT
DOC# 2002241552
DOC# 2002241553
O.P.R.T.C.T.

150' LANDSCAPE, DRAINAGE,
SEWER, & PUBLIC UTILITY ESMT
DOC.# 2002142648
DOC.# 2003136279
DOC.# 2003211525
O.P.R.T.C.T.

HPN DEVELOPMENT INC.
"REMAINDER OF
TRACT 4 EXHIBIT A-3"
(105.059 AC.)
DOC# 2001136994
O.P.R.T.C.T.

15' WATERLINE ESMT
DOC# 2005017907
O.P.R.W.C.T.

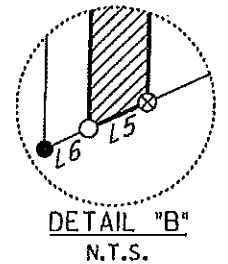
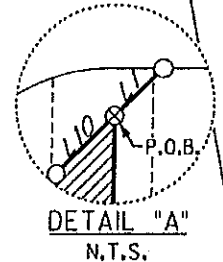
15' WATERLINE ESMT
VOL. 4823, PG. 1839
VOL. 4823, PG. 1975
O.R.W.C.T.

PROPOSED
SLOPE EASEMENT
4,178 SQ. FT.
0.096 AC.

S 87°57'32" E 585.71'

BRUCE CASH
"TRACT 1"
(3.00 AC.)
DOC# 2000010288
O.P.R.T.C.T.

SEE
DETAIL "B"



EXISTING R.O.W. LINE

4/2/2013 9:09:52 AM 04RTTZ HALFF I:\26000s\26890\CADD\Survey\VEXH-HPND-T2-SL.DWG I:\HP5550_MON_FS_FW.plt



4030 WEST BRAKER LANE, SUITE 450
AUSTIN, TEXAS 78759-5366
TEL: (512) 262-8184
FAX: (512) 262-8141

SLOPE EASEMENT
HPN DEVELOPMENT INC.

HEATHERWILDE BLVD.
ROADWAY IMPROVEMENTS

ACCOMPANYING FILE: I:\26000s\26890\Data Out\VEXH-HPND-T2-SL.DWG

PROJECT AV0: 26890

COUNTY: TRAVIS

ACQUISITION AREA: 0.096 AC.
4,178 SQ. FT.

SCALE: 1"=100'

LEGEND

- T&DOT TYPE I CONCRETE MONUMENT FOUND
- T&DOT TYPE II CONCRETE MONUMENT FOUND
- ⊗ 1/2" IRON ROD SET WITH "HALF ESMT" CAP
- 1/2" IRON ROD SET WITH "HALF ASSOC INC." CAP
- IRON ROD FOUND (SIZE/CAP NOTED)
- SQUARE-HEAD BOLT FOUND
- ⊙ IRON PIPE FOUND (SIZE NOTED)
- ▲ FOUND "X" CUT (UNLESS NOTED)
- △ CALCULATED POINT
- ⊙ FENCE POST
- N.T.S. NOT TO SCALE
- (XXX) RECORD INFORMATION PAIANT TRACT
- (XXX) RECORD INFORMATION ADJOINER TRACT
- R.O.W. RIGHT-OF-WAY
- ESMT. EASEMENT
- P.U.E. PUBLIC UTILITY EASEMENT
- D.R.T.C.T. DEED RECORDS OF TRAVIS COUNTY TEXAS
- P.R.T.C.T. PLAT RECORDS OF TRAVIS COUNTY TEXAS
- O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY TEXAS
- R.P.R.T.C.T. REAL PROPERTY RECORDS OF TRAVIS COUNTY TEXAS
- DOC.# COVENANT NUMBER
- D.E. DRAINAGE EASEMENT
- B.L. BUILDING SETBACK LINE
- DISTANCE NOT SHOWN TO SCALE
- PROPERTY LINE
- APPROXIMATE SURVEY LINE
- P.O.C. POINT OF COMMENCING
- P.O.B. POINT OF BEGINNING

SKETCH TO ACCOMPANY
PARCEL DESCRIPTION

- 1) THE BEARINGS SHOWN HEREON ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE. ALL DISTANCES SHOWN HEREON ARE SURFACE DISTANCES, THE GRID TO SURFACE ADJUSTMENT SCALE FACTOR IS 1.00011.
- 2) THE ACREAGE CALCULATED AND SHOWN HEREON IS CONVERTED FROM THE SQUARE FOOTAGE SHOWN HEREON, AND IS FOR INFORMATIONAL PURPOSES ONLY.
- 3) THE RECORDED EASEMENTS, SETBACKS AND ENCUMBRANCES SHOWN HEREON ARE FROM SCHEDULE B OF THE COMMITMENT FOR TITLE INSURANCE ISSUED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY GF NO. 1207531-KFO, EFFECTIVE DATE APRIL 23, 2012, ISSUE DATE MAY 1, 2012. THE SURVEYOR HAS RELIED UPON THE ACCURACY AND COMPLETENESS OF THE INFORMATION DESCRIBED ABOVE AND HAS MADE NO INDEPENDENT INVESTIGATION OR SEARCH FOR THIS INFORMATION.

LINE TABLE

| LINE NO. | BEARING | DISTANCE |
|----------|---------------|----------|
| L1 | S 71°45'59" W | 7.08' |
| L2 | S 26°46'00" W | 148.80' |
| L3 | S 34°12'15" W | 92.71' |
| L4 | S 26°46'00" W | 124.14' |
| L5 | N 87°57'32" W | 11.01' |
| L6 | N 87°57'32" W | 5.50' |
| L7 | N 26°46'00" E | 131.63' |
| L8 | N 34°04'16" E | 66.85' |
| L9 | N 26°46'00" E | 158.03' |
| L10 | N 71°45'59" E | 19.09' |

I HEREBY CERTIFY THAT THIS PLAT AND THE ACCOMPANYING DESCRIPTION OF EVEN DATE HERewith ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT THE PROPERTY SHOWN HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION.



[Handwritten Signature]

4/2/2013

DAN H. CLARK
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6011

DATE

4/2/2013 5:10:00 AM 042172 HALFF J:\260009\26890\DATA\SURVEY\TEXT\HPND\T2-SL-26890.dwg TEL: 955.50.4000 FAX: 955.50.4001



| | |
|---|---|
| SLOPE EASEMENT HPN DEVELOPMENT INC. | PROJECT AVO: 26890 |
| | COUNTY: TRAVIS |
| HEATHERWILDE BLVD. ROADWAY IMPROVEMENTS | EASEMENT AREA: 0.096 AC. 4,178 SQ. FT. |
| ACCOMPANYING FILE: J:\260009\26890\DATA\OUT\TEXT\HPND\T2-SL.DOC | SCALE: 1"=100' |