

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.

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 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 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 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.

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

DURATION OF EASEMENT:

The Easement shall be perpetual.

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.

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 September, 2013.

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 September, 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.

(seal)

Notary Public, State of Texas
Print Name: _____
My commission expires: _____

THE STATE OF TEXAS §

COUNTY OF _____ §

This instrument was acknowledged before me on September ____, 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

**0.027 OF ONE ACRE WASTEWATER EASEMENT
THE JOHN DAVIS SURVEY, ABSTRACT 13
CITY OF PFLUGERVILLE, TRAVIS COUNTY, TEXAS**

Being a 0.027 of one acre (1,155 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 193.94 acres of record to Terrabrook Falcon Pointe, L.P. as recorded in TRV 200164445, 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 found 1/2-inch iron rod (no cap) at the southwesterly corner of a called 197.27 acres of record to Timmerman & Hagn, LTD, as recorded in Volume 8317, Page 542, described in Volume 3310, Page 1434 of the Travis County Deed Records (T.C.D.R.), being at a southeasterly corner of said Terrabrook Falcon Pointe, L.P., called 193.94 acres as recorded in TRV 200194445 of the O.P.R.T.C.T., and being on the existing northerly Right-of-Way (80.00-foot) line of Pfluger Lane as recorded in Volume 2268, Page 185 of the T.C.D.R, being on the south line of a proposed 20.00-foot Right-of Way dedication as shown on the Proposed Falcon Pointe-South Tract Major Facilities, Final Plat;

THENCE, North 27° 35' 35" East, with the common line between the said Terrabrook Falcon Pointe, L.P. 193.94 acre tract and the called 197.270 acres of record to Timmerman & Hagn, LTD tract 632.57 feet to a 1/2-inch iron rod with "MCKRD" cap set for the common rear corner of Lot 1 and Lot 2 Block "B" of said Proposed Falcon Pointe-South Tract Major Facilities, Final Plat;

THENCE, North 27° 35' 35" East, with the common line between said Terrabrook Falcon Pointe, L.P. 193.94 acre tract and the Timmerman & Hagn, LTD called 197.27 acre tract, 632.57 feet to a 1/2-inch iron rod with "MCKCRD" cap set for the common rear corner of Lot 1 and Lot 2 Block "B" of said Proposed Falcon Pointe-South Tract Major Facilities, Final Plat, from which a found a 1/2-inch iron rod for the northwest corner of said Timmerman & Hagn, LTD 197.270 acres tract bears, North 27° 35' 35" East, 2109.01 feet;

THENCE, North 62° 24' 25" West, departing said common line and along the north line of said Lot 2, Block "B", 25.00 feet to 1/2-inch iron rod with "MCKCRD" cap set for the southeast corner of a proposed Lift Station Site;

THENCE, North 62° 24' 25" West, departing said common line and along the north line of said Lot 2, Block "B", 25.00 feet to 1/2-inch iron rod with "MCKCRD" cap set for the southeast corner of a proposed Lift Station Site;

THENCE, over and across the said Terrabrook Falcon Pointe, L.P. 193.94 acre tract and along the north line of said Lot 2, Block "B" the following four (4) courses:

1. North 62°24'25" West, a distance of 53.97 feet to a 1/2-inch iron rod with "MCKCRD" cap set for corner hereof;

Exhibit "A"

2. North 83°05'15" West, a distance of 245.02 feet to a 1/2-inch iron rod with "MCKCRD" cap set for corner hereof;
3. South 29°31'49" West, a distance of 372.16 feet to a 1/2-inch iron rod with "MCKCRD" cap set for corner hereof;
4. South 76°47'20" West, a distance of 50.00 feet to a 1/2-inch iron rod with "MCKCRD" cap set for corner hereof, the southwesterly corner of said Lot 2, Block "B", being a point in the easterly Right-of-Way line of proposed Colorado Sand Drive (90.00' Right-of-Way);

THENCE, South 76°47'20" West, a distance of 90.00 feet, over and across said proposed Colorado Sand Drive, to the **POINT OF BEGINNING** hereof being a point westerly line, from which a 1/2- inch iron rod with "MCKCRD" cap set for a point of tangency on said westerly line bears; South 13°12'40" East, a distance of 145.05 feet;

THENCE, departing said proposed westerly line and over and across said Terrabrook Falcon Pointe, L.P. 193.94 acre tract the following four (4) courses:

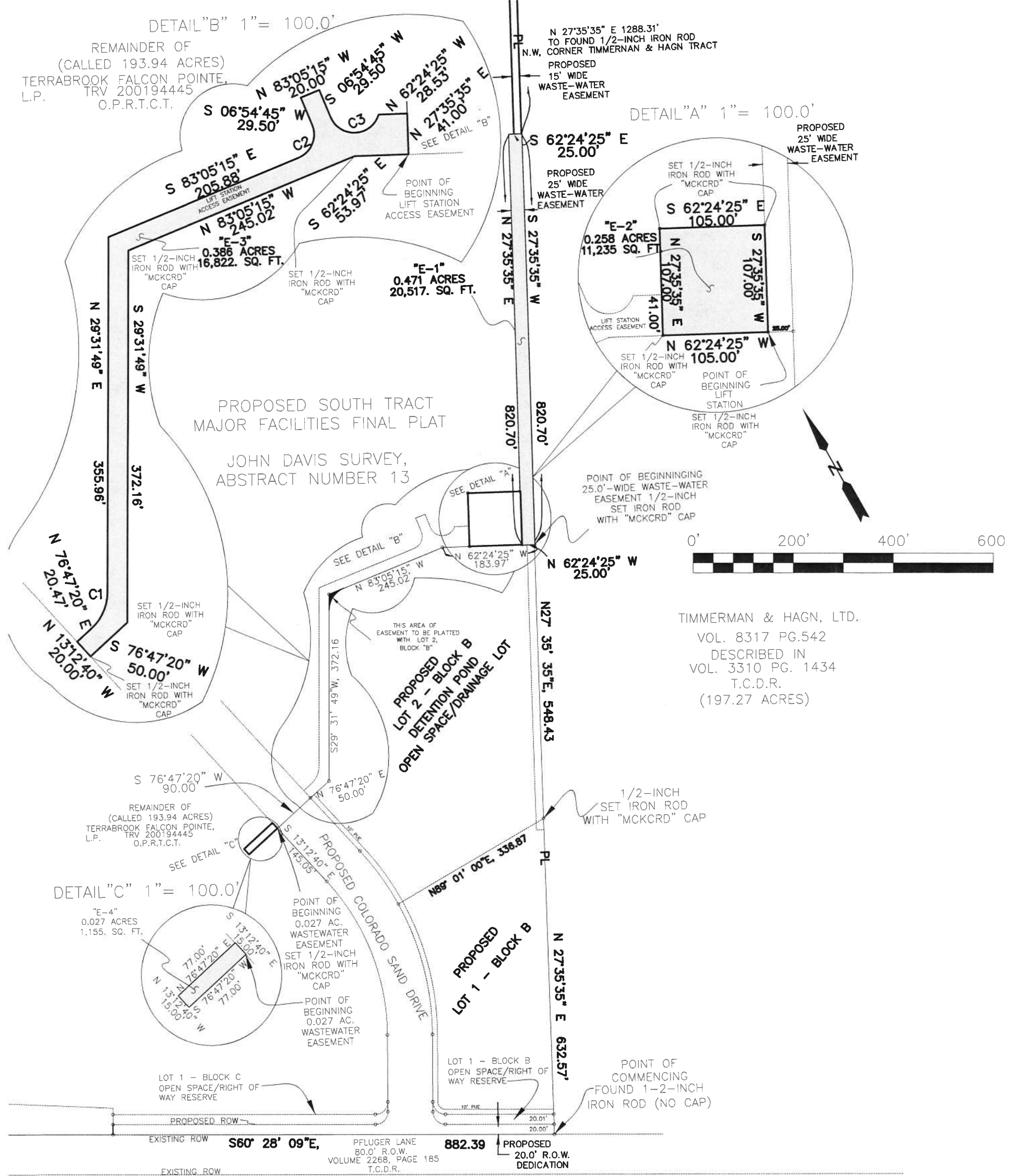
1. South 76°47'20" West, a distance of 77.00 feet to a point for corner hereof;
2. North 13°12'40" West, a distance of 15.00 feet to a point for corner hereof;
3. North 76°47'20" East, a distance of 77.00 feet to a point for corner hereof, being in the said proposed westerly line of said Colorado Sand Drive;
4. South 13°12'40" East, a distance of 15.00 feet, to the **POINT OF BEGINNING** and containing a computed area of 0.027 of one acre (1,155 square feet) of land.

Prepared by McKim & Creed
Job No. 06022-0074

 7-29-13

Darrell D. White, RPLS

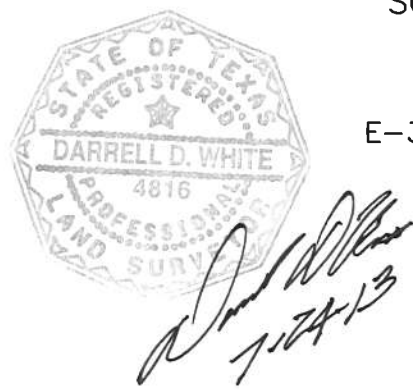




TIMMERMAN & HAGN, LTD.
 VOL. 8317 PG.542
 DESCRIBED IN
 VOL. 3310 PG. 1434
 T.C.D.R.
 (197.27 ACRES)

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	39.18'	47.50'	47°15'31"	N 53°09'35" E	38.08'
C2	40.06'	25.50'	90°00'00"	N 51°54'45" E	36.06'
C3	62.65'	25.50'	140°46'16"	S 63°28'23" E	48.04'

- NOTES:**
1. BEARING BASIS: STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL ZONE, NAD83 DATUM GRID VALUES. ALL DISTANCES EXPRESSED IN U.S. SURVEY FEET.
 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. ROW = RIGHT-OF-WAY
 5. POC = POINT OF COMMENCING
 6. POB = POINT OF BEGINNING
 7. PL = PROPERTY LINE
 8. T.C.D.R. = TRAVIS COUNTY DEED RECORDS



SKETCH OF FOUR EASEMENTS OUT OF THE JOHN DAVIS SURVEY NUMBER 13, ABSTRACT NUMBER 231, CITY OF PFLUGERVILLE, TRAVIS COUNTY, TEXAS
 E-1, BEING 0.471 OF ONE ACRE WASTEWATER EASEMENT.
 E-2, BEING 0.258 OF ONE ACRE LIFT STATION EASEMENT.
 E-3, BEING 0.386 OF ONE ACRE LIFT STATION ACCESS EASEMENT.
 E-4, BEING 0.027 OF ONE ACRE WASTEWATER EASEMENT.

MCKIM & CREED
 ENGINEERS, SURVEYORS, PLANNERS
 10000 METRIC BOULEVARD SUITE 200
 AUSTIN, TEXAS 78758
 (512) 916-0224
 WWW.MCKIMCREED.COM

1"=200'	
FALCON POINTE EASEMENTS	FB: FALCON POINT 8
DDW	MCKIM&CREED NO:06022-0074