

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.

**WASTEWATER EASEMENT AGREEMENT**

THE STATE OF TEXAS     §  
  §  
COUNTY OF TRAVIS     §

**GRANT OF EASEMENT:**

**Pflugerville Community Development Corporation (PCDC), a Texas Limited Partnership**, (“Grantor”), acting through Floyd Akers, Executive Director of PCDC 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” and ”B”, 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.

**CHARACTER OF EASEMENT:**

The Easement is an easement in gross.

**PURPOSE OF EASEMENT:**

The Easement shall be used for public utility purposes, including placement, construction, installation, replacement, repair, maintenance, relocation, removal, and operation of public wastewater utility facilities and related appurtenances, or making connections thereto.

The Easement shall also be used for the purpose of providing access for the operation, repair, maintenance, replacement and expansion of the public wastewater utility facilities and related appurtenances.

**DURATION OF EASEMENT:**

The Easement shall be automatically vacated if right-of-way is established encompassing the Easement, otherwise the Easement shall be perpetual.

**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.

**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:**

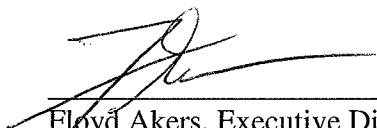
This agreement shall bind and inure to the benefit of the respective parties hereto, their heirs, legal representatives, successors and assigns.

**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 5<sup>th</sup> day of October, 2012.

**GRANTOR:**

  
\_\_\_\_\_  
Floyd Akers, Executive Director of  
Pflugerville Community Development Corporation

**AGREED AND ACCEPTED:**

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

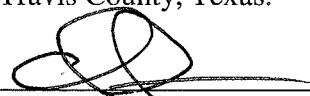
By: \_\_\_\_\_  
Brandon Wade, City Manager

**ATTEST:**

\_\_\_\_\_  
Karen Thompson, City Secretary

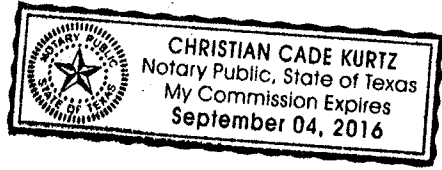
THE STATE OF TEXAS §  
  §  
COUNTY OF Travis §

This instrument was acknowledged before me on October 5<sup>th</sup>, 2012, by  
Floyd Akers, an individual residing in Travis County, Texas.

  
\_\_\_\_\_

Notary Public Signature

(seal)



THE STATE OF TEXAS §  
  §  
COUNTY OF \_\_\_\_\_ §

This instrument was acknowledged before me on \_\_\_\_\_, 2012, by  
Brandon Wade, City Manager of the City of Pflugerville, Texas, a Texas home-rule  
municipality, on behalf of said municipality.

\_\_\_\_\_

Notary Public Signature

(seal)

EXHIBIT A

PROPERTY DESCRIPTION

DESCRIPTION OF A 0.167 ACRE (7,287 SQUARE FOOT), TRACT SITUATED IN THE WILLIAM CALDWELL SURVEY ABSTRACT NO. 162, IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 2, FINAL PLAT OF RENEWABLE ENERGY PARK, A SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN DOCUMENT NO. 201100199 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF THAT 159.788 ACRE TRACT OF LAND CONVEYED TO PFLUGERVILLE COMMUNITY DEVELOPMENT CORPORATION BY INSTRUMENT RECORDED IN DOCUMENT NO. 2008190659 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.167 ACRE (7,287 SQUARE FOOT) TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a calculated point, the grid coordinates of said point for this description being determined as Northing=10127845.54, Easting=3160863.54, Texas State Plane Coordinate System, Texas Central Zone 4203, being in the northerly boundary line of a 1.751 acre temporary drainage easement per said plat, same being in the interior of said Lot 2, for the northwesterly corner of the herein described tract and from which the northeasterly corner of Lot 1 of said plat, also being an interior ell corner of said Lot 2 bears N 61°39'28" W at a distance of 9.97 feet;

- 1) **THENCE**, with the northerly boundary line of said easement, through the interior of said Lot 2, **S 61°39'28" E** for a distance of 20.07 feet to a calculated point, for the northeasterly corner of the herein described tract;

**THENCE**, departing said northerly boundary line, through the interiors of said Lot 2 and said 1.751 acre easement, the following two (2) courses:

- 2) **S 23°35'08" W** for a distance of 233.86 feet to a calculated point;
- 3) **S 02°49'46" W** for a distance of 125.17 feet to a calculated point, being in the northerly right-of-way line of Helios Way (70' right-of-way width), same being in the southerly boundary line of said Lot 2, for the southeasterly corner of the herein described tract;
- 4) **THENCE**, with the southerly boundary line of said Lot 2, same being said northerly right-of-way line, **S 88°10'16" W** for a distance of 20.07 feet to a calculated point, for the southwest corner of the herein described tract and from which a point in the common boundary line of said Lot 1 and Lot 2, same being an exterior ell corner of said Helios Way bears S 88°10'16" W at a distance of 15.59 feet;

**THENCE**, departing said northerly right-of-way line, through the interiors of said Lot 2 and said 1.751 acre easement tract, the following two (2) courses:

- 5) **N 02°49'46" E** for a distance of 130.46 feet to a calculated point;
- 6) **N 23°35'08" E** for a distance of 239.18 feet to the **POINT OF BEGINNING**, containing 0.167 acres (7,287 square feet) of land, more or less.

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

This property description is accompanied by a separate plat.

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

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

M. Stephen Truesdale 10 OCT 2012  
M. Stephen Truesdale Date

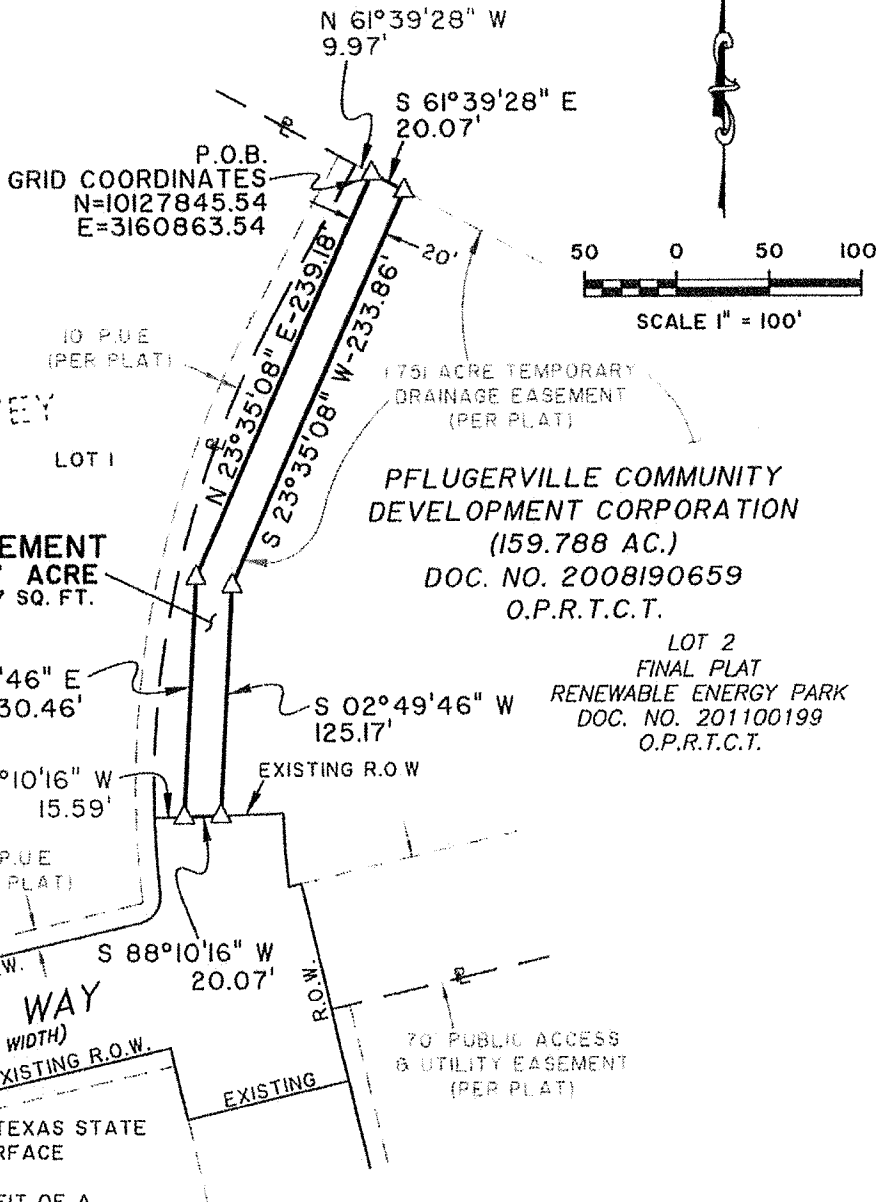
Registered Professional Land Surveyor No. 4933  
Licensed State Land Surveyor  
Inland Geodetics, L.P.  
Firm Registration No. 100591-00  
1504 Chisholm Trail Road Suite 103  
Round Rock, TX 78681  
512-238-1200



**EXHIBIT B**

**PLAT TO ACCOMPANY DESCRIPTION**

LEGEND	
△	CALCULATED POINT
⊥	PROPERTY LINE
O.P.R.W.C.T.	OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS
( )	RECORD INFORMATION



WILLIAM CALDWELL SURVEY  
ABSTRACT NO 162

PFLUGERVILLE COMMUNITY  
DEVELOPMENT CORPORATION  
(159.788 AC.)  
DOC. NO. 2008190659  
O.P.R.T.C.T.

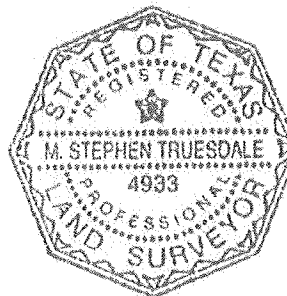
LOT 2  
FINAL PLAT  
RENEWABLE ENERGY PARK  
DOC. NO. 201100199  
O.P.R.T.C.T.

NOTES:  
1) BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM DISTANCES ARE SURFACE DISTANCES.  
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.

AS SURVEYED BY:

*M. Stephen Truesdale* 1 OCT 2012

M. STEPHEN TRUESDALE DATE  
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4933  
LICENSED STATE LAND SURVEYOR  
INLAND GEODETICS, LP  
FIRM REGISTRATION NO. 100591-00  
1504 CHISHOLM TRAIL ROAD, SUITE 103  
ROUND ROCK, TX 78681



**INLAND GEODETICS**  
PROFESSIONAL LAND SURVEYORS  
1504 CHISHOLM TRAIL RD. STE. 103  
ROUND ROCK, TX. 78681  
PH. (512) 238-1200, FAX (512) 238-1251

**EASEMENT**  
0.167 ACRE  
7,287 SQUARE FEET