

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 LINES EASEMENTS

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 wastewater lines and associated facilities, and for making connections therewith; all public wastewater lines will be located underground, but the associated facilities and appurtenances related to the wastewater lines may be located above ground.

DURATION OF EASEMENTS:

The Easements shall be perpetual.

EXCLUSIVENESS OF EASEMENTS:

The Easement is non-exclusive. To the extent that such entry or use by Grantor does not interfere with Grantee’s use of the Easement as a wastewater easement, Grantor hereby reserves, for itself and its successors and assigns, the right to enter upon and use the surface of the Easement Tract, and the air space over the Easement Tract. It is acknowledged that Grantor, or its successors and assigns, may need to grant additional public or private easements across the Easement Tract to provide access to and from and/or to bring utility services to the property adjacent to the Easement Tract, 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 Tract 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 wastewater lines or other facilities and the plans comply with applicable codes and construction standards. Grantor shall not otherwise use the Easement Tract 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 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

ACKNOWLEDGEMENT

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: _____

ACKNOWLEDGEMENT

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

**PROPOSED 0.552 OF ONE ACRE WASTEWATER EASEMENT
THE JOHN DAVIS SURVEY, ABSTRACT 13
CITY OF PFLUGERVILLE, TRAVIS COUNTY, TEXAS**

Being a 0.552 of one acre (24,065 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 149.99 acre tract of record to Terrabrook Falcon Pointe, L.P. as recorded from name change from Terrabrook Falcon Ridge, L.P, in TRV 200119445, of the Official Public Records of Travis County, Texas (O.P.R.T.C.T.) and TRV 2000105424 O.P.R.T.C.T. for the description of the property, and being more particularly described by Meets and Bounds as follows:

COMMENCING at a 1/2-inch iron rod found with "AECOM" cap, being the southeast terminus corner of Lone Star Ranch Boulevard, as dedicated (70.00' Right-of-Way) by the final plat of Falcon Pointe, Section 6-B, as recorded in TRV 200700231 of the O.P.R.T.C.T., being an interior ell corner of the remainder of a 44.341 acre tract also recorded and described in TRV 2000105424, O.P.R.T.C.T., being the proposed northeast terminus of said Lone Star Boulevard by Preliminary plat of Falcon Pointe- South Major Facilities Final Plat (Final Plat);

THENCE, South 55°52'11" West, 319.11 feet, departing said corner over and across the remainder of said 44.341 acre tract and along the proposed southeasterly line of said Lone Star Boulevard by Preliminary Final Plat to the **POINT OF BEGINNING** hereof;

THENCE, departing said proposed East Right-of Way line of said Lone Star Boulevard by Preliminary Final Plat, and over and across said 149.99 acre tract the following eleven (11) courses:

1. South 37° 06' 49" East, 115.02 feet to a point hereof;
2. South 04° 59' 49" East, 132.12 feet to a point hereof;
3. South 15° 24' 42" East, 68.22 feet to a point for hereof;
4. South 25° 49' 36" East, 649.30 feet to a point hereof;
5. South 64° 10' 24" West, 25.00 feet to a point hereof;
6. North 25° 49 '36" West, 651.58 feet to a point hereof;
7. North 15° 24' 42" West, 72.78 feet to a point hereof;
8. North 04° 59' 49" West, 127.20 feet to a point hereof;

Exhibit "A"

9. North $37^{\circ} 06' 49''$ West, 108.92 feet to a point hereof, being a point in the radius of a non-tangent curve to the right on the said southeasterly Right-of-Way line of Lone Star Boulevard by Preliminary Final Plat;
10. 22.03 feet along the arc of said curve to the right having a Radius of 1165.00 feet, a Central angle of $01^{\circ} 05' 01''$, a Chord which bears North $55^{\circ} 19' 40''$ East, 22.03 feet to a set 1/2-inch iron rod with "MCKCRD" cap hereof;
11. North $55^{\circ} 52' 11''$ East, 2.99 feet to the **POINT OF BEGINNING** and containing a computed area of 0.552 of one acre (24,065 square feet) of land.

Prepared by McKim & Creed, August, 2013
Job No. 06022-0074

 8-8-13

Darrell D. White, RPLS



**PROPOSED 0.519 OF ONE ACRE WASTEWATER EASEMENT
THE JOHN DAVIS SURVEY, ABSTRACT 13
CITY OF PFLUGERVILLE, TRAVIS COUNTY, TEXAS**

Being a 0.519 of one acre (22,622 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 149.99 acre tract of record to Terrabrook Falcon Pointe, L.P. as recorded from name change from Terrabrook Falcon Ridge, L.P, in TRV 200119445, of the Official Public Records of Travis County, Texas (O.P.R.T.C.T.) and TRV 2000105424 O.P.R.T.C.T. for the description of the property, and being more particularly described by Meets and Bounds as follows:

COMMENCING at a 1/2-inch iron rod found with "AECOM" cap, being the southeast terminus corner of Lone Star Ranch Boulevard, as dedicated (70.00' Right-of-Way) by the final plat of Falcon Pointe, Section 6-B, as recorded in TRV 200700231 of the O.P.R.T.C.T., being an interior ell corner of the remainder of a 44.341 acre tract also recorded and described in TRV 2000105424, O.P.R.T.C.T., being the proposed northeast terminus of said Lone Star Boulevard by Preliminary plat of Falcon Pointe- South Major Facilities Final Plat (Final Plat);

THENCE, South 55°52'11" West, 322.10 feet, departing said corner over and across the remainder of said 44.341 acre tract and along the proposed southeasterly line of said Lone Star Boulevard by Preliminary Final Plat to a set 1/2-inch iron rod with "MCKCRD" cap for point of curvature to the left;

THENCE, 276.93 feet along the arc of said curve to the left, over and across the remainder of said 44.341 acre tract and along the proposed southeasterly line of said Lone Star Boulevard by Preliminary Final Plat, having a radius of 1165.00 feet, a Central angle of 13°37'10" , a Chord which bears South 49°03'36" West, 276.27 feet; to a set 1/2-inch iron rod with "MCKCRD" cap for point of tangency;

THENCE, South 42°15'01" West, 100.69 feet, over and across the remainder of said 44.341 acre tract and along the proposed southeasterly line of said Lone Star Boulevard by Preliminary Final Plat, to the **POINT OF BEGINNING** hereof;

THENCE, departing said proposed East Right-of Way line of said Lone Star Boulevard by Preliminary Final Plat, and over and across said 149.99 acre tract the following eleven (11) courses:

1. South 47° 44' 59" East, 33.87 feet to a point hereof;
2. South 06° 33' 05" East, 84.40 feet to a point hereof;
3. South 36° 24' 20" East, 226.05 feet to a point for hereof;

Exhibit "B"

4. South 25° 49' 36" East, 543.46 feet to a point hereof;
5. South 33° 15' 08" East, 22.19 feet to a point hereof;
6. South 64° 10' 24" West, 25.21 feet to a point hereof;
7. North 33° 15' 08" West, 20.55 feet to a point hereof;
8. North 25° 49' 36" West, 542.76 feet to a point hereof;
9. North 36° 24' 20" West, 230.40 feet to a point hereof;
10. North 06° 33' 05" West, 81.67 feet to a point hereof;
11. North 47° 44' 59" West, 24.47 feet to a point, being a point in the said southeasterly Right-of Way line of Lone Star Boulevard by Preliminary Final Plat;
12. North 42° 15' 01" East, 25.00 feet to the **POINT OF BEGINNING** and containing a computed area of 0.519 of one acre (22,622 square feet) of land.

Prepared by McKim & Creed, August, 2013

Job No. 06022-0074

 8-8-13

Darrell D. White, RPLS



H.J. BOHL
VOLUME 3106 PAGE 2379
D.R.T.C.T.
(49.47 ACRES)

CALLED 44.341 ACRES
TERRABROOK FALCON POINTE, L.P.
BY NAME CHANGE
TRV 200119445
O.P.R.T.C.T.
TERRABROOK FALCON RIDGE, L.P.
TRV 2000105424
O.P.R.T.C.T.

FALCON POINTE
SECTION 6-B
TRV 200700233
O.P.R.T.C.T.

REMAINDER OF
(CALLED 149.599 ACRES)
TERRABROOK FALCON POINTE, L.P.
BY NAME CHANGE
TRV 200119445
O.P.R.T.C.T.
TERRABROOK FALCON RIDGE, L.P.
TRV 2000105424
O.P.R.T.C.T.

WILLARD PFLUGER ET UX
VOLUME 8317 PAGE 474
D.R.T.C.T.
REMAINING (2,751 ACRES
(OUT OF 193.85 ACRES))

PROPOSED SOUTH TRACT
MAJOR FACILITIES FINAL
PLAT

REMAINDER OF
(CALLED 149.599 ACRES)
TERRABROOK FALCON POINTE, L.P.
BY NAME CHANGE
TRV 200119445
O.P.R.T.C.T.
TERRABROOK FALCON RIDGE, L.P.
TRV 2000105424
O.P.R.T.C.T.

JOHN DAVIS SURVEY,
ABSTRACT NUMBER 13

REMAINDER OF
(CALLED 149.599 ACRES)
TERRABROOK FALCON POINTE, L.P.
BY NAME CHANGE
TRV 200119445
O.P.R.T.C.T.
TERRABROOK FALCON RIDGE, L.P.
TRV 2000105424
O.P.R.T.C.T.

WILLARD PFLUGER & SONS, LTD.
VOL. 8317 PAGE 474
D.R.T.C.T.
RECORDED IN
T.C.D.R. NO. 1434
(197-27 ACRES)

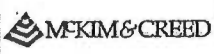
PROPOSED FALCON
POINTE SECTION 16

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
PROPOSED EASEMENTS

BEING 0.519 OF ONE ACRE (22,622 SQ. FT.) WASTEWATER EASEMENT
BEING 0.552 OF ONE ACRE (24,065 SQ. FT.) WASTEWATER EASEMENT
OF LAND IN THE JOHN DAVIS SURVEY, ABSTRACT NO. 13
CITY OF PFLUBERVILLE, TRAVIS COUNTY, TEXAS

 <p>ENGINEERS, SURVEYORS, PLANNERS 10000 METRIC BOULEVARD SUITE 200 AUSTIN, TEXAS 78758 (512) 916-0224 WWW.MCKIMCREED.COM</p>	
SCALE: 1"=200'	
FALCON POINT SOUTH TRACT EASEMENTS	FB: FALCON POINTE 6
DDW	McKIM&CREED NO:06022-0074

LINE TABLE		
LINE	LENGTH	BEARING
L1	179.60	N 29°13'46" E
L2	56.63	N 09°15'54" E
L3	8.61	N 11°44'11" W
L4	75.68	N 03°43'09" E
L5	90.34	N 12°41'43" W
L6	34.55	N 37°26'53" W
L7	57.68	N 12°54'07" W
L8	60.97	N 02°24'04" E
L9	92.07	N 05°08'31" W
L10	312.87	N 13°12'40" W
L11	3.93	N 37°22'32" W
L12	1.80	N 10°57'05" E
L13	51.29	N 08°57'43" W
L14	216.49	N 07°17'09" E
L15	144.98	N 10°12'05" E
L16	63.74	N 04°06'49" E
L17	108.70	N 13°48'48" E
L18	69.40	N 01°28'58" E
L19	25.13	N 11°49'07" E
L20	35.00	N 59°02'53" E
L21	460.50	S 08°38'04" W
L22	582.91	S 13°12'40" E
L23	154.63	S 29°13'46" W
L24	4.87	N 60°28'09" W
L25	115.02	S 37°06'49" E
L26	132.12	S 04°59'49" E
L27	68.22	S 15°24'42" E
L28	649.30	S 25°49'36" E
L30	25.00	S 64°10'24" W
L31	651.58	N 25°49'36" W
L32	72.78	N 15°24'42" W
L33	127.22	N 04°59'49" W
L34	108.91	N 37°07'12" W
L35	2.99	N 55°52'11" E
L36	33.87	S 47°44'59" E
L37	84.40	S 06°33'05" E
L38	226.05	S 36°24'20" E
L39	543.46	S 25°49'36" E
L40	22.19	S 33°15'08" E
L41	25.21	S 64°10'24" W
L42	20.55	N 33°15'08" W
L43	542.76	N 25°49'36" W
L44	230.40	N 36°24'20" W
L45	81.67	N 06°33'05" W
L46	24.47	N 47°44'59" W
L47	25.00	N 42°15'01" E


CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	LENGTH
C1	65.94	425.00	08°53'21"	N 24°47'06" E	65.87
C2	1.93	10.00	11°04'31"	N 14°48'09" E	1.93
C3	9.16	25.00	21°00'05"	N 01°14'08" W	9.11
C4	6.74	25.00	15°27'19"	N 04°00'31" W	6.72
C5	7.16	25.00	16°24'52"	N 04°29'17" W	7.14
C6	10.80	25.00	24°45'10"	N 25°04'18" W	10.72
C7	13.20	25.00	30°15'00"	N 22°19'23" W	13.05
C8	6.68	25.00	15°18'11"	N 05°15'02" W	6.66
C9	3.29	25.00	07°32'34"	N 01°22'13" W	3.29
C10	5.68	47.00	06°55'44"	N 09°44'48" W	5.68
C11	10.54	25.00	24°09'52"	N 25°17'36" W	10.47
C12	11.66	25.00	26°43'57"	N 24°00'33" W	11.56
C13	110.02	1030.00	06°07'12"	N 07°34'59" W	109.97
C14	6.75	25.00	15°28'28"	N 03°12'51" E	6.73
C15	34.76	100.00	19°54'48"	N 00°59'41" E	34.58
C16	28.36	100.00	16°14'52"	N 00°50'17" W	28.26
C17	5.09	100.00	02°54'56"	N 08°44'37" E	5.09
C18	10.63	100.00	06°05'17"	N 07°09'27" E	10.62
C19	16.93	100.00	09°42'00"	N 08°57'48" E	16.91
C20	21.52	100.00	12°19'50"	N 07°38'53" E	21.48
C21	2.66	100.00	01°31'29"	N 02°14'43" E	2.66
C22	112.51	850.00	07°35'01"	N 00°47'03" W	112.42
C23	7.15	25.00	16°23'41"	N 03°37'17" E	7.13
C24	8.30	25.00	19°01'05"	N 02°18'35" E	8.26
C25	356.52	860.00	23°45'09"	N 19°04'32" W	353.97
C26	618.37	895.00	39°35'11"	S 11°09'31" E	606.14
C27	375.56	985.00	21°50'44"	S 02°17'18" E	373.29
C28	337.03	455.00	42°26'26"	S 08°00'33" W	329.38
C29	39.40	25.00	90°18'04"	S 74°22'49" W	35.45
C30	22.04	1165.00	01°05'02"	N 55°19'40" E	22.04
C31	276.93	1165.00	13°37'10"	S 49°03'38" W	276.26

NOTES:

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- PL = PROPERTY LINE
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SKETCH OF
PROPOSED EASEMENTS

BEING 2.470 AC. (107,588 SQ. FT.) DRAINAGE EASEMENT
BEING 0.519 OF ONE ACRE (22,622 SQ. FT.) WASTEWATER EASEMENT
BEING 0.552 OF ONE ACRE (24,065 SQ. FT.) WASTEWATER EASEMENT
OF LAND IN THE JOHN DAVIS SURVEY, ABSTRACT NO. 13
CITY OF PFLUBERVILLE, TRAVIS COUNTY, TEXAS

	
ENGINEERS, SURVEYORS, PLANNERS 10000 METRIC BOULEVARD SUITE 200 AUSTIN, TEXAS 78758 (512) 916-0224 WWW.MCKIMCREED.COM	
FALCON POINT SOUTH TRACT EASEMENTS	FB: FALCON POINTE 6
DDW	McKIM&CREED NO: 06022-0074