

PRIVATE SIGHT VISIBILITY EASEMENT

This PRIVATE SIGHT VISIBILITY EASEMENT (this "Agreement") is made this ____ day of _____, 2012, by and between THE PFLUGERVILLE LOOP, LTD., a Texas limited partnership ("Grantor"), whose address c/o Ms. Victoria A. Priesmeyer, EGP Enterprises, P.O. Box 14807, Austin, Texas 78761-4807, and VRE PFLUGERVILLE, LLC, a Texas limited liability company, whose address is 502 N. Carroll Avenue, Suite 120, Southlake, Texas 76092, and THE CITY OF PFLUGERVILLE, TEXAS, a Texas home-rule municipality, whose address is c/o City Manager, P.O. Box 5889, Pflugerville, Texas 78691 (collectively, "Grantee").

WITNESSETH

WHEREAS, Grantor is the owner of that certain tract or parcel of land situated in the City of Pflugerville, Travis County, Texas, more particularly described in Exhibit "A" attached hereto and made a part hereof (the "Easement Tract"), which Easement Tract is more particularly depicted on the site plan attached hereto as Exhibit "B"; and

WHEREAS, VRE Pflugerville, LLC is the owner of that certain tract or parcel of land situated in the City of Pflugerville, Travis County, Texas, located adjacent to Easement Tract, as more particularly described in Exhibit "C" attached hereto and made a part hereof (the "VRE Parcel"; the Easement Tract and the VRE Parcel are referred to collectively as the "Parcels"); and

WHEREAS, Grantee has requested from Grantor, and Grantor is desirous of granting to Grantee, jointly and severally, a private sight visibility easement over the Easement Tract.

NOW THEREFORE, in consideration of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor does hereby grant to Grantee a private sight visibility easement over the Easement Tract, subject to the following terms and conditions to which the parties hereto do hereby agree as follows:

1. Easement. The Easement Tract shall contain no landscaping, plantings or structures greater than twenty-four (24) inches in height, measured from the bottom of the curb located on Schultz Lane. Grantor shall be allowed to plant such trees on the Easement Tract or install any signs it may desire, providing that: (i) neither exceeds nine (9) inches in diameter; and (ii) each tree or sign must have a clear canopy height of seven and one-half feet (7.5') maintained above the bottom of the curb on Schultz Lane at all times.

2. Covenants Running with the Land. Each and all of the covenants, restrictions, conditions and provisions contained in this Agreement (whether affirmative or negative in nature) are made for the direct, mutual and reciprocal owners and successors and constitute covenants running with the land, binding and each and every subsequent owner and/or occupant having any fee, leasehold, or other interest in any portion of the Parcels, any time and from time to time. This Agreement shall be perpetual and may not be amended or terminated, except by all

of the beneficiaries. Grantor hereby declares any owner that is an intended beneficiary of this Agreement has the right to enforce the provisions contained herein, including the right to seek injunctive or other equitable relief to prevent any non-compliance with the provisions contained in this Agreement.

3. No Public Grant. Nothing contained herein shall be construed or interpreted to mean a grant to any public agency or governmental authority, save and except The City of Pflugerville, Texas.

4. Entire Agreement. This document contains the entire agreement between Grantor and Grantee, and there are no other terms, conditions, promises, undertakings, statements or representations, express or implied, concerning the matters contemplated by this document.

5. Counterparts. This document may be executed in one or more counterparts, all parties need not be signatories to the same documents, and all counterpart signed documents shall be deemed to be an original and one (1) instrument.

6. Governing Law. This instrument and the obligations of the parties hereunder shall be interpreted, construed and enforced in accordance with the laws of the State of Texas.

[signatures on following page]

IN WITNESS WHEREOF, the undersigned have executed this easement agreement the date first written above.

GRANTOR:

THE PFLUGERVILLE LOOP, LTD.,
a Texas limited partnership

By: _____
Victoria A. Priesmeyer, co-general partner

By: _____
Edward W. Priesmeyer, co-general partner

GRANTEE:

VRE PFLUGERVILLE, LLC,
a Texas limited liability company

By: _____
Jason Keen, Manager

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

By: _____
Brandon Wade, City Manager

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on the ____ day of _____, 2012, by Victoria A. Priesmeyer, co-general partner and Edward W. Priesmeyer, co-general partner, of THE PFLUGERVILLE LOOP, LTD., a Texas limited partnership, on behalf of said partnership.

Notary Public, State of Texas

THE STATE OF TEXAS §
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COUNTY OF TARRANT §

This instrument was acknowledged before me on the ____ day of _____, 2012, by Jason Keen, Manager of VRE PFLUGERVILLE, LLC, a Texas limited liability company, on behalf of said company.

Notary Public, State of Texas

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

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

Notary Public, State of Texas

After recording, return to:
City of Pflugerville
Attn: George Hyde, City Attorney
P.O. Box 589
Pflugerville, TX 78691

EXHIBIT "A"
LEGAL DESCRIPTION OF EASEMENT TRACT

Being a 0.296 acre tract of land situated in the William Baker Survey, Abstract No. 74, in Travis County, Texas, and being a portion of Lot 4A, Block A, of Amending Plat, Lot 4, Block A, of Resubdivision of Lot 2, Block A, Springbrook Commercial Subdivision, an addition to Travis County, Texas, according to the plat thereof recorded in Document No. 201200066, Plat Records, Travis County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod with "RPLS 3693" cap found for the northeast corner of said Lot 4A, same being the southeast corner of Lot 2, Block A, Resubdivision of Lot 2, Block A Springbrook Commercial Subdivision, an addition to Travis County, according to the plat thereof recorded in Volume 100, Page 198, said Plat Records, same being in the northwest right-of-way line of Schultz Lane (a 70' right-of-way), as dedicated by Instrument No. 2009139730, Deed Records, Travis County, Texas, same being in a curve to the right having a radius of 265.03 feet, and a delta angle of 71 deg. 30 min. 57 sec.;

THENCE in a southwesterly direction, along the common line of said Lot 4A, and the northwest right-of-way line of said Schultz Lane, and along said curve to the right, an arc distance of 330.81 feet, and a chord bearing and distance of South 65 deg. 42 min. 00 sec. West, 309.75 feet to a 1/2 inch iron rod with "RPLS 3693" cap found for an angle point, said point being the beginning of a curve to the left having a radius of 335.03 feet, and a delta angle of 03 deg. 22 min. 24 sec.;

THENCE in a northwesterly direction, continuing along the common line of said Lot 4A, and the northwest right-of-way line of said Schultz Lane, and along said curve to the left, an arc distance of 19.72 feet, and a chord bearing and distance of North 80 deg. 13 min. 44 sec. West, 19.72 feet to a point for the southwest corner of the herein described tract;

THENCE North 66 deg. 56 min. 08 sec. East, through the interior of said Lot 4A, a distance of 320.47 feet to a point in the north line of said Lot 4A, same being in the south line of aforesaid Lot 2;

THENCE South 78 deg. 14 min. 33 sec. East, along the common line of said Lot 4A, and said Lot 2, a distance of 7.03 feet to the POINT OF BEGINNING and containing 12,881 square feet or 0.296 acre of computed land, more or less.

EXHIBIT "C"
LEGAL DESCRIPTION OF VRE PARCEL

BEING all of Lot 4C, Block A, of Replat of Lot 4B, Block A, Amending Plat, Lot 4, Block A, of Resubdivision of Lot 2, Block A, Springbrook Commercial Subdivision, an addition to Travis County, Texas, according to the plat thereof recorded in Document No. 201200077, Plat Records, Travis County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found for the south corner of said Lot 4C, same being the most southerly southwest corner of Lot 4B, said Block A, of said Replat of Lot 4B, Block A, Amending Plat, Lot 4, Block A, of Resubdivision of Lot 2, Block A, Springbrook Commercial Subdivision, same being in the northeast right-of-way line of A.W. Grimes Boulevard (Pflugerville Loop) (a variable width right-of-way), same being in a curve to the right, having a radius of 1517.50 feet, and a delta angle of 07 deg. 44 min. 16 sec.;

THENCE continuing in a northwesterly direction, and along the common line of said Lot 4C, and the northeast right-of-way line of said A.W. Grimes Boulevard, and along said curve to the right, an arc distance of 204.94 feet, and a chord bearing and distance of North 29 deg. 06 min. 00 sec. West, 204.78 feet to a 1/2 inch iron rod found with "RPLS 3693" cap (hereinafter referred to as 1/2 inch iron rod found with cap), said corner being the south end of a called 0.08 acre right-of-way dedication, by Instrument No. 2003242988, aforesaid Deed Records;

THENCE North 19 deg. 04 min. 36 sec. West, along the east line of said Lot 4C, and the current east right-of-way line of said A.W. Grimes Boulevard, a distance of 38.39 feet to a 1/2 inch iron rod found with cap for the beginning of a curve to the right, with a radius of 25.00 feet, and a delta angle of 90 deg. 01 min. 28 sec., said corner being the south end of a corner clip at the intersection of the current east right-of-way line of said A.W. Grimes Boulevard, with the south right-of-way line of Schultz Lane, a called 0.779 acre right-of-way dedication, by Instrument No. 2009139730, said Deed Records;

THENCE along the south right-of-way line of said Schultz Lane as follows:

In a northeasterly direction, and along said curve to the right, an arc distance of 39.28 feet and a chord bearing and distance of North 25 deg. 56 min. 22 sec. East, 35.36 feet to a 1/2 inch iron rod found with cap for the north end of said corner clip;

North 70 deg. 56 min. 30 sec. East, a distance of 53.37 feet to a 1/2 inch iron rod found with cap found for the beginning of a curve to the right having a radius of 265.03 feet, and a delta angle of 27 deg. 03 min. 02 sec.;

In an easterly direction, and along said curve to the right, an arc distance of 125.13 feet, and a chord bearing and distance of North 84 deg. 27 min. 59 sec. East, 123.97 feet to a 1/2 inch iron rod found with "PEISER SURVEYING" red plastic cap for the northeast corner of said Lot 4C, same being the northwest corner of aforesaid Lot 4B;

THENCE South 29 deg. 30 min. 14 sec. East, along the common line of said Lot 4C, and said Lot 4B, a distance of 200.76 feet to a 1/2 inch iron rod found with "PEISER SURVEYING" red plastic cap for the southeast corner of said Lot 4C, same being an internal corner of said Lot 4B;

THENCE South 59 deg. 59 min. 29 sec. West, continuing along the common line of said Lot 4C, and said Lot 4B, a distance of 203.28 feet to the POINT OF BEGINNING and containing 49,459 square feet or 1.135 acres of computed land, more or less.