

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.

WATER LINE EASEMENT AGREEMENT

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

GRANT OF EASEMENT:

CSW Pflugerville, LLC ("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 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 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 not otherwise, subject to all title exceptions of record, to the extent the same are valid and subsisting against the Easement Tract, and the matters set forth herein.

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 a water line, public 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 water line and related public utility facilities.

DURATION OF EASEMENT:

The Easement shall be perpetual.

EXCLUSIVENESS OF EASEMENT:

The Easement shall be exclusive. Grantor shall have the right to access the utility facilities, provided such access complies with the City of Pflugerville subdivision and/or site plan application process and shall have the right to use the surface of the Property for any purpose which does not conflict with the subsurface use, including but not limited to landscaping, parking, driveways, signage and roadways but not buildings.

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.

Signature page to follow:

This instrument was acknowledged before me on _____, 2014, 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)

Legal Description

BEING A DESCRIPTION OF A TRACT OF LAND CONTAINING 0.0053 ACRE (230 SQUARE FEET) OUT OF THE THOMAS G. STUART SURVEY NO. 6, ABSTRACT NO. 689, IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF A CALLED 113.76 ACRE TRACT CONVEYED TO TERRELL TIMMERMAN, RECORDED IN VOLUME 12483, PAGE 71 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS (R.P.R.T.C.T.), AND BEING OUT OF AND A PART OF LOT 2, BLOCK 1 OF THE SHOPS AT 685, PHASE 1, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, RECORDED IN DOCUMENT NO. 201500127 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.T.) SAID 0.0053 ACRE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:



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Austin, TX 78709
512.554.3371
jward@4wardls.com
www.4wardls.com

COMMENCING, at a 1/2-inch iron rod with TxDot Type III aluminum cap found at an angle point in the west right-of-way line of F.M. 685 (right-of-way varies), and being an angle point in the west line of said Timmerman tract, and being a corner of a TxDot right-of-way dedication as shown on said plat of Shops at 685, from which a 1/2-inch iron rod found in the east right-of-way line of said F.M. 685, and being in the west line of Lot 1 Block "A" of Bohls Commercial Park, a subdivision recorded in Document #201400040 of the Official Public Records of Travis County, Texas (O.P.R.T.C.T.) bears, S62°27'36"E, a distance of 100.00 feet, and also from which, a 1/2-inch iron rod with illegible cap found at an angle point in the west right-of-way line of said F.M. 685, and being in the north line of said Timmerman tract, and being at the southeast corner of Lot 16, Block 5 of Stone Hill Town Center, a subdivision recorded in Document #200700201 (O.P.R.T.C.T.) and being the northeast corner of Lot 1, Block 1, also of said Shops at 685 plat bears, N20°21'49"E, a distance of 343.84 feet;

THENCE, with the west right-of-way line of said F.M. 685 and the east line of said Timmerman tract, and with the east line of said TxDot right-of-way dedication, S27°32'27"W, a distance of 75.73 feet to a calculated point, from which a calculated point at a point of curvature in the west right-of-way line of said F.M. 685 and the east line of said Timmerman tract bears S27°32'27"W, a distance of 2,110.02 feet, and from said calculated point, a disturbed TxDot Type I concrete monument found bears, S37°59'56"E, a distance of 0.93 feet;

THENCE, leaving the west right-of-way line of said F.M. 685 and the east line of said Timmerman tract, over and across said Timmerman tract, in part over and across said TxDot right-of-way dedication and in part over and across said Lot 2, N62°27'36"W, a distance of 213.32 feet to a calculated point for the northeast corner and **POINT OF BEGINNING** hereof;

THENCE, continuing over and across said Timmerman tract, and continuing over and across said Lot 2, the following four (4) courses and distances:

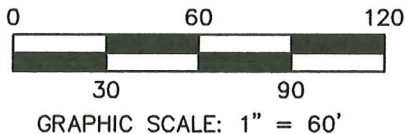
- 1) S28°05'57"W, a distance of 9.96 feet to a calculated point for the southeast corner hereof,
- 2) N62°14'37"W, a distance of 22.98 feet to a calculated point for the southwest corner hereof,
- 3) N27°58'07"E, a distance of 10.05 feet to a calculated point for the northwest corner hereof, and
- 4) S62°01'24"E, a distance of 23.00 feet to the **POINT OF BEGINNING** and containing 0.0053 Acre (230 Square Feet) more or less.

Notes:

All bearings are based on the Texas State Plane Coordinate System, Grid North, Central Zone (4203); all distances were adjusted to surface using a combined scale factor of 1.000109348183. See attached sketch (reference drawing: 00416_Water Meter Esmt.dwg.)

Jason Ward, RPLS #5811
4Ward Land Surveying, LLC





P.O.B.

GRID N: 10,142,402.06
GRID E: 3,157,935.13

LOT 2

LOT 1

[B]
LOT 16, BLOCK 5
STONE HILL
TOWN CENTER
DOC. NO. 200700201
O.P.R.T.C.T.

**WATER METER
EASEMENT**
0.0053 ACRE(S)
230 SQUARE FEET

SHOPS AT 685, PHASE 1
DOC. NO. 201500127
O.P.R.T.C.T.

LOT 3

15' PUBLIC UTILITY
EASEMENT AND
ACCESS EASEMENT
DOC. #2001072925

(10' PUBLIC UTILITY
&
ACCESS EASEMENT)

FROM WHICH
A DISTURBED
TXDOT TYPE I
CONCRETE MONUMENT
FOUND BEARS,
S37°59'56"E, 0.93'

P.O.C.
GRID N: 10,142,370.61
GRID E: 3,158,159.21

TXDOT RIGHT OF
WAY DEDICATION
PER PLAT

**F.M. 685
(R.O.W. VARIES)**

LOT 1, BLOCK A
BOHLS COMMERCIAL PARK
DOC. # 201400040
O.P.R.T.C.T.

[A]
CALLED 105.64 ACRES
CLARENCE BOHLS,
TRUSTEE
DOC. # 2013199552
O.P.R.T.C.T.

**JOHN DAVIS
SURVEY NO. 13
ABSTRACT NO. 231**

**0.0053 ACRE
WATER METER
EASEMENT**

**City of Pflugerville,
Travis County, Texas**



PO Box 90876, Austin Texas 78709
WWW.4WARDLS.COM (512) 537-2384
TBPLS FIRM #10174300

Date:	7/22/2015
Project:	00416
Scale:	1" = 60'
Reviewer:	JSW
Tech:	JP
Field Crew:	JCR/KDL
Survey Date:	JUNE 2015
Sheet:	1 OF 2

LEGEND

—	PROPERTY LINE
— — —	EXISTING PROPERTY LINES
●	1/2" IRON ROD FOUND (UNLESS NOTED)
■	IRON ROD WITH ILLEGIBLE CAP FOUND
△	CALCULATED POINT
■	DISTURBED TXDOT TYPE I CONCRETE MONUMENT FOUND
□	1/2" IRON ROD WITH TXDOT TYPE III ALUMINUM CAP FOUND
DOC. #	DOCUMENT NUMBER
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
VOL./PG.	VOLUME, PAGE
R.O.W.	RIGHT-OF-WAY
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS
R.P.R.T.C.T.	REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS
[.....]	RECORD INFORMATION PER TXDOT PARCEL MAPS
[[.....]]	RECORD INFORMATION PER PLAT DOC. NO. 2013199552
((.....))	RECORD INFORMATION PER PLAT DOC. NO. 201400040
(.....)	RECORD INFORMATION PER PLAT DOC. NO. 201500127

LINE TABLE

LINE #	DIRECTION	LENGTH
L1	S28°05'57"W	9.96'
L2	N62°14'37"W	22.98'
L3	N27°58'07"E	10.05'
L4	S62°01'24"E	23.00'

NOTES:

1) ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, GRID NORTH, CENTRAL ZONE, (4203), NAD83, ALL DISTANCES WERE ADJUSTED TO SURFACE USING A COMBINED SCALE FACTOR OF 1.000109348183.

2) SEE ATTACHED METES AND BOUNDS DESCRIPTION.

3) THE RECORDED SUBDIVISION PLAT FOR THIS TRACT IS NOT VERY LEGIBLE. IN ADDITION, THE 15' PUBLIC WATER EASEMENT DEDICATED BY SAID PLAT, IS NOT TIED TO THE BOUNDARY LINES OF SAID PLAT. SURVEYOR WAS UNABLE TO ACCURATELY PLOT THE LOCATION OF SAID EASEMENT. THE LOCATION SHOWN HEREON, SHOULD BE CONSIDERED APPROXIMATE. NO BOUNDARY CORNERS WERE SET BY EVSTUDIO (SURVEYOR FOR PLAT), FOR THE LOTS SHOWN ON THE PLAT.



Handwritten signature and date: 7-22-15

**0.0053 ACRE
WATER METER
EASEMENT
City of Pflugerville,
Travis County, Texas**



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