

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:

Aldi (Texas) L.L.C. ("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 Construction Easement and the rights of Grantee hereunder may be assigned by Grantee so long as the assignee utilizes the Easement and Construction Easement as contemplated herein.

Signature page to follow:

In witness whereof, this instrument is executed this _____ day of _____, 2014.

GRANTOR:

**Aldi (Texas) L.L.C.,
a Texas limited liability company**


**By: Aldi Inc. (Pennsylvania),
a Pennsylvania corporation**

Its: Sole Member

By: 
Karla Waddleton, Vice President

THE STATE OF Texas §
§
COUNTY OF Harris §

This instrument was acknowledged before me on July 9th, 2014, by Karla Waddleton, an individual residing in Harris County, Texas.


Notary Public Signature

(seal)



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 _____ §

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.

(seal)

Notary Public Signature

EXHIBIT "A"

384 SQUARE FEET
ALDI, INC. - PFLUGERVILLE
WATER LINE EASEMENT

FN. NO. 14-248 (MJJ)
JUNE 27, 2014
JOB NO. R0100114-10002

DESCRIPTION

OF 384 SQUARE FEET OF LAND OUT OF THE SEFRIN EISELIN SURVEY NO. 4, ABSTRACT 265, SITUATED IN THE CITY OF PFLUGERVILLE, TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 1, BLOCK "A", FINAL PLAT OF TOWN CENTER 2, A SUBDIVISION OF RECORD IN DOCUMENT NO. 201400100 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 384 SQUARE FEET OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING for reference, at a 1/2 inch iron rod with "RJ Surveying" cap found at the southerly end of a right-of-way return at the intersection of the easterly right-of-way line of F.M. 685 Road (100' wide) and the southerly right-of-way line of Pfennig Lane (R.O.W. varies);

THENCE, leaving the easterly right-of-way line of F.M. 685 Road, along said right-of-way return, along a curve to the right, having a central angle of $90^{\circ}47'34''$, a radius of 40.00 feet, an arc length of 63.39 feet, and a chord which bears $N70^{\circ}13'13''E$, a distance of 56.96 feet to a 1/2 inch iron rod with "CS Ltd" cap found at the end of said curve;

THENCE, along the southerly right-of-way line of Pfennig Lane, being the northerly line of said Lot 1, the following two (2) courses and distances:

- 1) $S64^{\circ}22'31''E$, a distance of 200.70 feet to a 1/2 inch iron rod found at the point of curvature of a non-tangent curve to the left;
- 2) Along said non-tangent curve to the left, having a central angle of $04^{\circ}15'07''$, a radius of 300.00 feet, an arc length of 22.26 feet, and a chord which bears $S66^{\circ}24'13''E$, a distance of 22.26 feet to the northwesterly corner of that certain 299 square foot Wastewater Easement Agreement of record in Document No. 2009045795 of said Official Public Records, from which a 1/2 inch iron rod with "RJ Surveying" cap found at the northeasterly corner of said Lot 1 bears, $S69^{\circ}21'16''E$, a chord distance of 6.49 feet;

THENCE, $S24^{\circ}50'24''W$, leaving the southerly right-of-way line of Pfennig Lane, over and across said Lot 1, along the westerly line of said 299 square foot Wastewater Easement Agreement, a distance of 6.03 feet to the **POINT OF BEGINNING** and northeasterly corner hereof;

THENCE, $S24^{\circ}50'24''W$, continuing over and across said Lot 1, in part along the westerly line of said 299 square foot Wastewater Easement Agreement of record, for a portion of the easterly line hereof, a distance of 20.35 feet to an angle point hereof;

FN NO. 14-248 (MJJ)
JUNE 27, 2014
PAGE 2 OF 2

THENCE, S65°11'29"E, continuing over and across said Lot 1, for a portion of the easterly line hereof, a distance of 6.49 feet to a point in the easterly line of said Lot 1, for an angle point hereof;

THENCE, S24°48'31"W, along the easterly line of said Lot 1, for a portion of the easterly line hereof, a distance of 11.36 feet to the southeasterly corner hereof, from which a 1/2 inch iron rod with "RJ Surveying" cap found at the southeasterly corner of said Lot 1 bears S24°48'31"W, a distance of 267.77 feet;


THENCE, leaving the easterly line of said Lot 1, and continuing over and across said Lot 1, for the southerly, westerly and northerly lines hereof, the following six (6) courses and distances:

- 1) N65°11'27"W, a distance of 10.00 feet to an angle point;
- 2) N24°48'31"E, a distance of 4.67 feet to an angle point;
- 3) N65°11'29"W, a distance of 8.00 feet to the southwesterly corner hereof;
- 4) N24°48'31"E, a distance of 21.11 feet to the northwesterly corner hereof;
- 5) N69°48'22"E, a distance of 8.38 feet to an angle point;
- 6) S65°11'47"E, a distance of 5.59 feet to the **POINT OF BEGINNING**, containing an area of 384 square feet of land, more or less, within these metes and bounds.

BEARING BASIS: THE BASIS OF BEARINGS SHOWN HEREON IS TEXAS STATE PLANE COORDINATES CENTRAL ZONE (HARN-NAD83)

I, JOHN T. BILNOSKI, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION.

BURY-AUS, INC.
221 WEST SIXTH STREET
SUITE 600
AUSTIN, TEXAS 78701


7/8/14

JOHN T. BILNOSKI
R.P.L.S. NO. 4998
STATE OF TEXAS
TBPLS # F-10107500

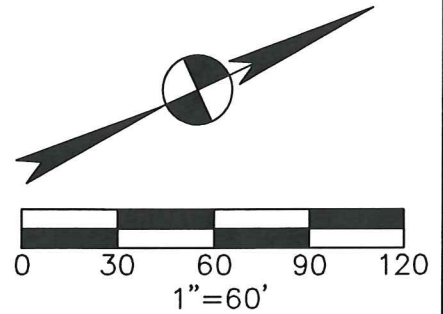


LEGEND

- 1/2" IRON ROD FOUND
- _{CAP} 1/2" IRON ROD WITH CAP FOUND (AS NOTED)
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT

F.M. 685 ROAD

(100' R.O.W.)



"RJ SURVEYING" CAP

S24°48'32"W 267.86'

P.O.C.

"RJ SURVEYING" CAP

CAP
"CS LTD"

LINE TABLE

NO.	BEARING	DISTANCE
L1	S24°50'24"W	6.03'
L2	S24°50'24"W	20.35'
L3	S65°11'29"E	6.49'
L4	S24°48'31"W	11.36'
L5	N65°11'27"W	10.00'
L6	N24°48'31"E	4.67'
L7	N65°11'29"W	8.00'
L8	N24°48'31"E	21.11'
L9	N69°48'22"E	8.38'
L10	S65°11'47"E	5.59'

LOT 2, BLOCK "A"
TOWN CENTER 2
DOC. NO. 201400100

PUBLIC UTILITY
EASEMENT AGREEMENT
DOC. NO. 2009045793

LOT 1, BLOCK "A"
TOWN CENTER 2
DOC. NO. 201400100

PFENNIG LANE

(R.O.W. VARIES)

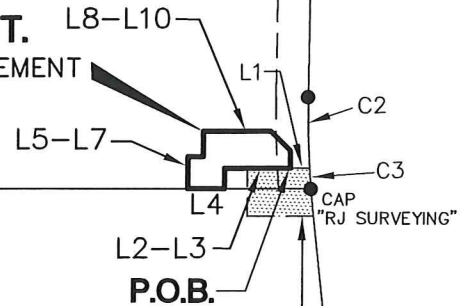
S64°22'31"E 200.70'

"RJ SURVEYING" CAP

S24°48'31"W 267.77'

PORTION OF 300.03 ACRE
REMAINDER TRACT
TIMMERMAN & HAGN
DOC. NO. 2004025616

384 SQ. FT.
WATER LINE EASEMENT



299 SQUARE FOOT
WASTEWATER EASEMENT AGREEMENT
DOC. NO. 2009045795
(DOT HATCHED AREA)

CURVE TABLE

NO.	DELTA	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	90°47'34"	40.00	63.39	56.96	N70°13'13"E
C2	04°15'07"	300.00	22.26	22.26	S66°24'13"E
C3	01°14'24"	300.00	6.49	6.49	S69°21'16"E

BURY

221 West Sixth Street, Suite 600
Austin, Texas 78701
Tel. (512) 328-0011 Fax (512) 328-0325
TBPE # F-1048 TBPLS # F-10107500
Copyright © 2014

SKETCH TO ACCOMPANY DESCRIPTION

OF 384 SQUARE FEET OF LAND OUT OF THE SEFRIN EISELIN
SURVEY NO. 4, ABSTRACT NO. 265, SITUATED IN THE CITY OF
PFLUGERVILLE, TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 1,
BLOCK "A" TOWN CENTER 2, A SUBDIVISION OF RECORD IN
DOCUMENT NO. 201000100 OF THE OFFICIAL PUBLIC RECORDS OF
TRAVIS COUNTY, TEXAS.



ALDI, INC.
PFLUGERVILLE
TEXAS

DATE: 6/27/2014

DRAWN BY: M.J.J.

FN: 14-248 (MJJ)

FILE: H:\100114\1002\100114002EX2.DWG

PROJECT No. R0100114-10002.99