

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:**

**TERRELL TIMMERMANN** (“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”), 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 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 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 in whole or in part by Grantee.

Signature page to follow:

In witness whereof, this instrument is executed this \_\_\_\_ day of \_\_\_\_\_, 2013.

**GRANTOR:**

**TERRELL TIMMERMANN  
P. O. BOX 4785  
AUSTIN, TEXAS 78765**

**By:**

\_\_\_\_\_  
**Terrell Timmermann**

**AGREED AND ACCEPTED:**

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

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

ATTEST:

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

ACKNOWLEDGEMENT

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

This instrument was acknowledged before me on \_\_\_\_\_, 2013, by \_\_\_\_\_, an individual residing in Travis County, Texas.

(seal)

\_\_\_\_\_  
Notary Public Signature

\_\_\_\_\_  
Printed Name of Notary Public

My commission expires: \_\_\_\_\_

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

This instrument was acknowledged before me on \_\_\_\_\_, 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

## DESCRIPTION OF 0.706 ACRE TRACT

DESCRIPTION OF 0.706 OF ONE ACRE OR 30,744 SQUARE FEET OF LAND, MORE OR LESS, OUT OF THE T.G. STEWART SURVEY NO. 6, ABSTRACT NO. 689, TRAVIS COUNTY, TEXAS, AND BEING OUT OF THAT TRACT DESCRIBED AS 129.137 ACRES IN A DEED TO TERRELL TIMMERMANN, OF RECORD IN DOCUMENT NO. 1999104399, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, AND ALSO BEING OUT OF THAT TRACT DESCRIBED AS 136.450 ACRES IN A DEED TO TERRELL TIMMERMANN, OF RECORD IN DOCUMENT NO. 1999104396, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS; SAID 0.706 OF ONE ACRE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a calculated point at the southwest corner of this tract, same being in the interior of the northern remainder of said Timmermann 129.137 acre tract, from which a 1/2" iron rod found with cap in the south line of the northern remainder of said Timmermann 129.137 acre tract, and the north line of East Pflugerville Parkway bears S27°20'38"W 862.97 feet and S62°39'22"E 510.04 feet, and from said point of beginning a 3/8" iron rod found at the northeast corner of Lot 1, North Pflugerville Estates Subdivision, Section Two, a subdivision of record in Document No. 200500294, Official Public Records, Travis County, Texas, bears S27°20'38"W 862.97 feet and N62°39'22"W 496.63 feet and N27°34'27"E 289.87 feet; and said point of beginning having State Plane Coordinates (Texas Central Zone, NAD83, U.S. Feet, Combined Grid to Surface Scale Factor of 1.00010) grid value of N=10,142,204.39 E=3,154,923.74;

THENCE, with the perimeter of this tract, crossing said Timmermann 129.137 acre tract and said Timmermann 136.450 acre tract, the following fourteen (14) courses, numbered 1 through 14:

- 1) **N24°44'51"E 15.02 feet** to a calculated point;
- 2) **S62°35'02"E 143.06 feet** to a calculated point;
- 3) **N79°45'14"E 493.24 feet** to a calculated point;
- 4) **S71°20'15"E 630.20 feet** to a calculated point;
- 5) **N48°15'46"E 377.67 feet** to a calculated point;
- 6) **S79°28'24"E 191.02 feet** to a calculated point;

- 7) **S10°31'36"W 227.50 feet** to a calculated point, from which a 1/2" iron rod found with cap at the northwest corner of that tract described as 9.653 acres in a deed to City of Pflugerville, of record in Document No. 2011115870, Official Public Records, Travis County, Texas, same being at an exterior ell corner in the north line of said remainder of Timmermann 136.450 acre tract bears S62°20'05"E 90.75 feet and N27°39'55"E 187.49 feet and N27°37'38"E 2,237.90 feet and N61°55'12"W 716.15 feet;
- 8) **N79°28'24"W 15.00 feet** to a calculated point;
- 9) **N10°31'36"E 212.50 feet** to a calculated point;
- 10) **N79°28'24"W 168.67 feet** to a calculated point;
- 11) **S48°15'46"W 379.04 feet** to a calculated point;
- 12) **N71°20'15"W 635.07 feet** to a calculated point;
- 13) **S79°45'14"W 494.49 feet** to a calculated point; and
- 14) **N62°35'02"W 147.48 feet** to the POINT OF BEGINNING and containing 0.706 of one acre or 30,744 square feet, more or less, within these metes and bounds.

Bearing Basis Note

The bearings described herein are Texas State Plane Grid bearings (Texas Central Zone, NAD83 (CORS96). The Combined Grid to Surface Scale Factor is 1.00010) and was established by GPS observations.

SURVEYED BY:

**McGRAY & McGRAY LAND SURVEYORS, INC.**  
3301 Hancock Dr., Ste. 6, Austin, TX 78731 (512) 451-8591



03/13/13

Chris Conrad, Reg. Professional Land Surveyor No. 5623

Date

Note: This copy of this description is not valid unless an original signature through an original seal appears on its face. There is a plat to accompany this description.

Descriptions 2013/Pflugger Farm Lane/0.706 WWE  
Issued 03/13/13

AUSTIN GRID Q-38, Q-39 & R-39  
TCAD # 02-7541-01-18 & 02-7541-01-33

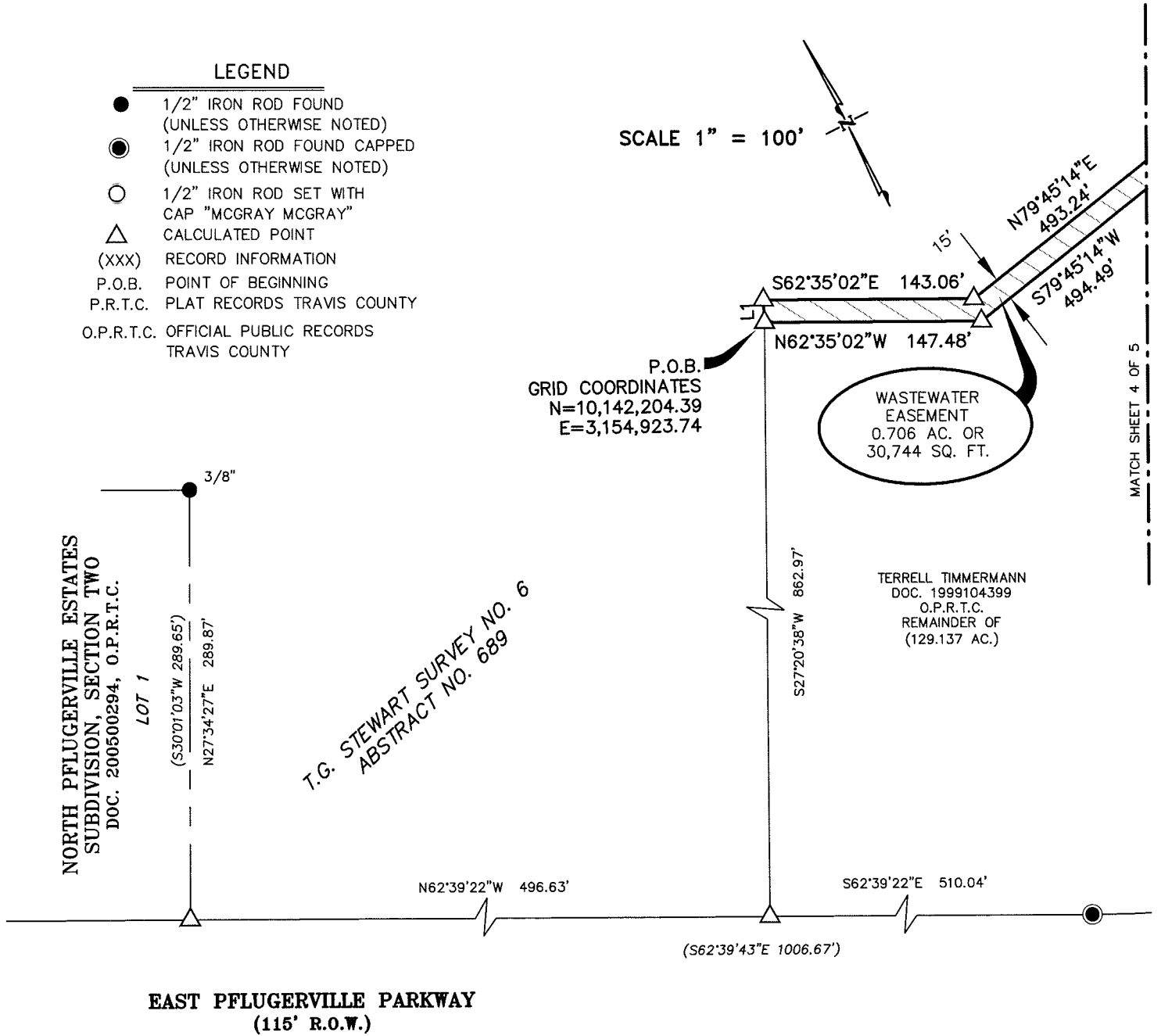
SKETCH TO ACCOMPANY DESCRIPTION  
 OF 0.706 AC. OR 30,744 SQ. FT. OF LAND OUT OF  
 T.G. STEWART SURVEY NO. 6, ABSTRACT NO. 689  
 CITY OF PFLUGERVILLE, TRAVIS COUNTY, TEXAS

RE: CITY OF PFLUGERVILLE

**LEGEND**

- 1/2" IRON ROD FOUND  
(UNLESS OTHERWISE NOTED)
- 1/2" IRON ROD FOUND CAPPED  
(UNLESS OTHERWISE NOTED)
- 1/2" IRON ROD SET WITH  
CAP "MCGRAY MCGRAY"
- △ CALCULATED POINT
- (XXX) RECORD INFORMATION
- P.O.B. POINT OF BEGINNING
- P.R.T.C. PLAT RECORDS TRAVIS COUNTY
- O.P.R.T.C. OFFICIAL PUBLIC RECORDS  
TRAVIS COUNTY

SCALE 1" = 100'



LINE TABLE		
LINE	BEARING	LENGTH
L1	N24°44'51"E	15.02
L2	N79°28'24"W	15.00

SURVEYED BY: ISSUED: 03/13/13  
 PAGE 3 OF 5

**McGRAY & McGRAY**  
**LAND SURVEYORS, INC.**  
 3301 HANCOCK DRIVE #6  
 AUSTIN, TEXAS 78731  
 (512) 451-8591

SKETCH TO ACCOMPANY DESCRIPTION  
 OF 0.706 AC. OR 30,744 SQ. FT. OF LAND OUT OF  
 T.G. STEWART SURVEY NO. 6,  
 ABSTRACT NO. 689  
 CITY OF PFLUGERVILLE, TRAVIS COUNTY, TEXAS

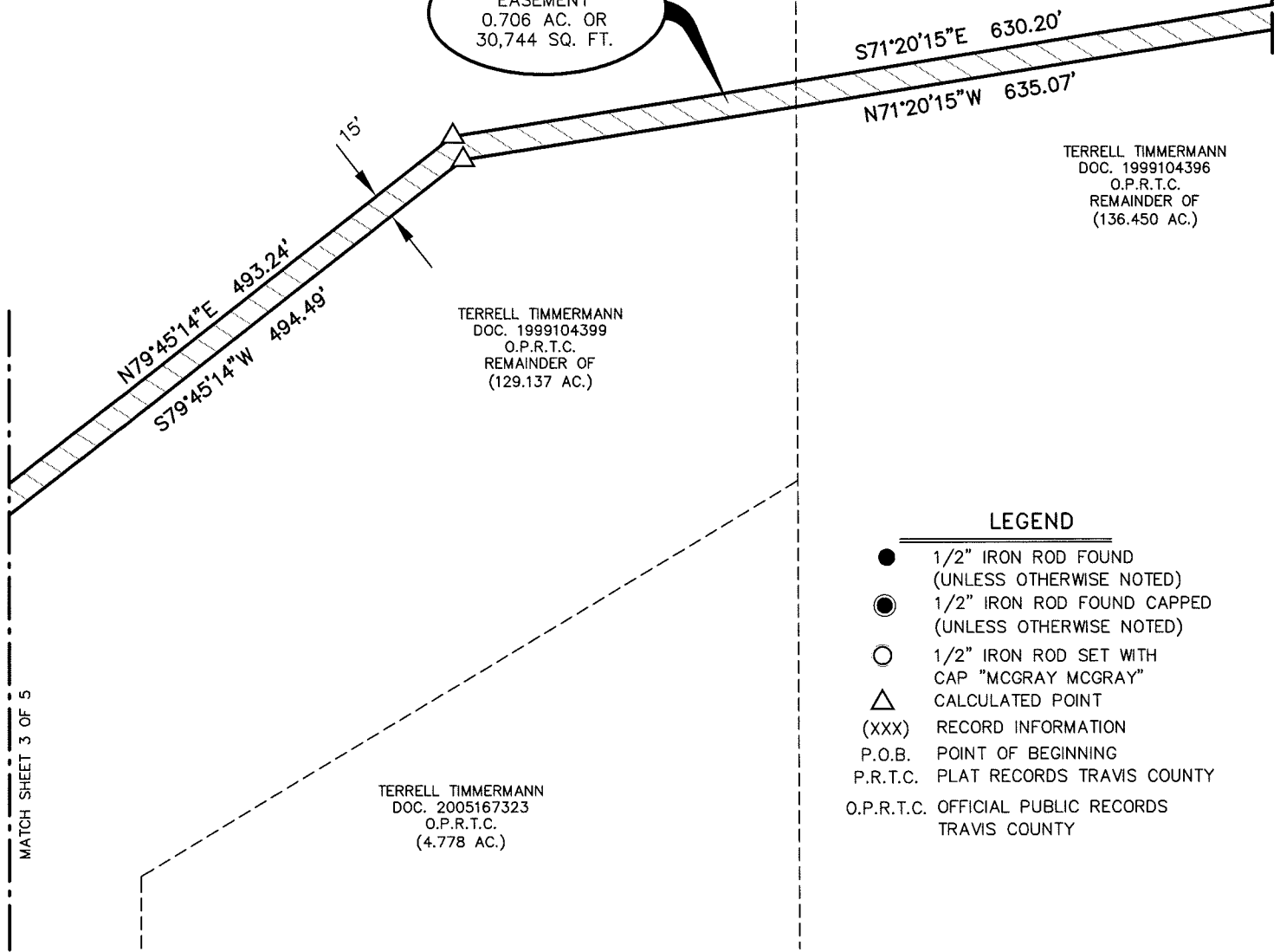
RE: CITY OF PFLUGERVILLE

T.G. STEWART SURVEY NO. 6  
 ABSTRACT NO. 689

WASTEWATER  
 EASEMENT  
 0.706 AC. OR  
 30,744 SQ. FT.

SCALE 1" = 100'

MATCH SHEET 5 OF 5



TERRELL TIMMERMANN  
 DOC. 1999104396  
 O.P.R.T.C.  
 REMAINDER OF  
 (136.450 AC.)

TERRELL TIMMERMANN  
 DOC. 1999104399  
 O.P.R.T.C.  
 REMAINDER OF  
 (129.137 AC.)

TERRELL TIMMERMANN  
 DOC. 2005167323  
 O.P.R.T.C.  
 (4.778 AC.)

LEGEND

- 1/2" IRON ROD FOUND  
(UNLESS OTHERWISE NOTED)
- 1/2" IRON ROD FOUND CAPPED  
(UNLESS OTHERWISE NOTED)
- 1/2" IRON ROD SET WITH  
CAP "MCGRAY MCGRAY"
- △ CALCULATED POINT
- (XXX) RECORD INFORMATION
- P.O.B. POINT OF BEGINNING
- P.R.T.C. PLAT RECORDS TRAVIS COUNTY
- O.P.R.T.C. OFFICIAL PUBLIC RECORDS  
TRAVIS COUNTY

LINE TABLE		
LINE	BEARING	LENGTH
L1	N24°44'51"E	15.02
L2	N79°28'24"W	15.00

SURVEYED BY: ISSUED: 03/13/13  
 PAGE 4 OF 5

**McGRAY & McGRAY**  
**LAND SURVEYORS, INC.**  
 3301 HANCOCK DRIVE #6  
 AUSTIN, TEXAS 78731  
 (512) 451-8591



SKETCH TO ACCOMPANY DESCRIPTION  
 OF 0.706 AC. OR 30,744 SQ. FT. OF LAND OUT OF  
 T.G. STEWART SURVEY NO. 6, ABSTRACT NO. 689  
 CITY OF PFLUGERVILLE, TRAVIS COUNTY, TEXAS

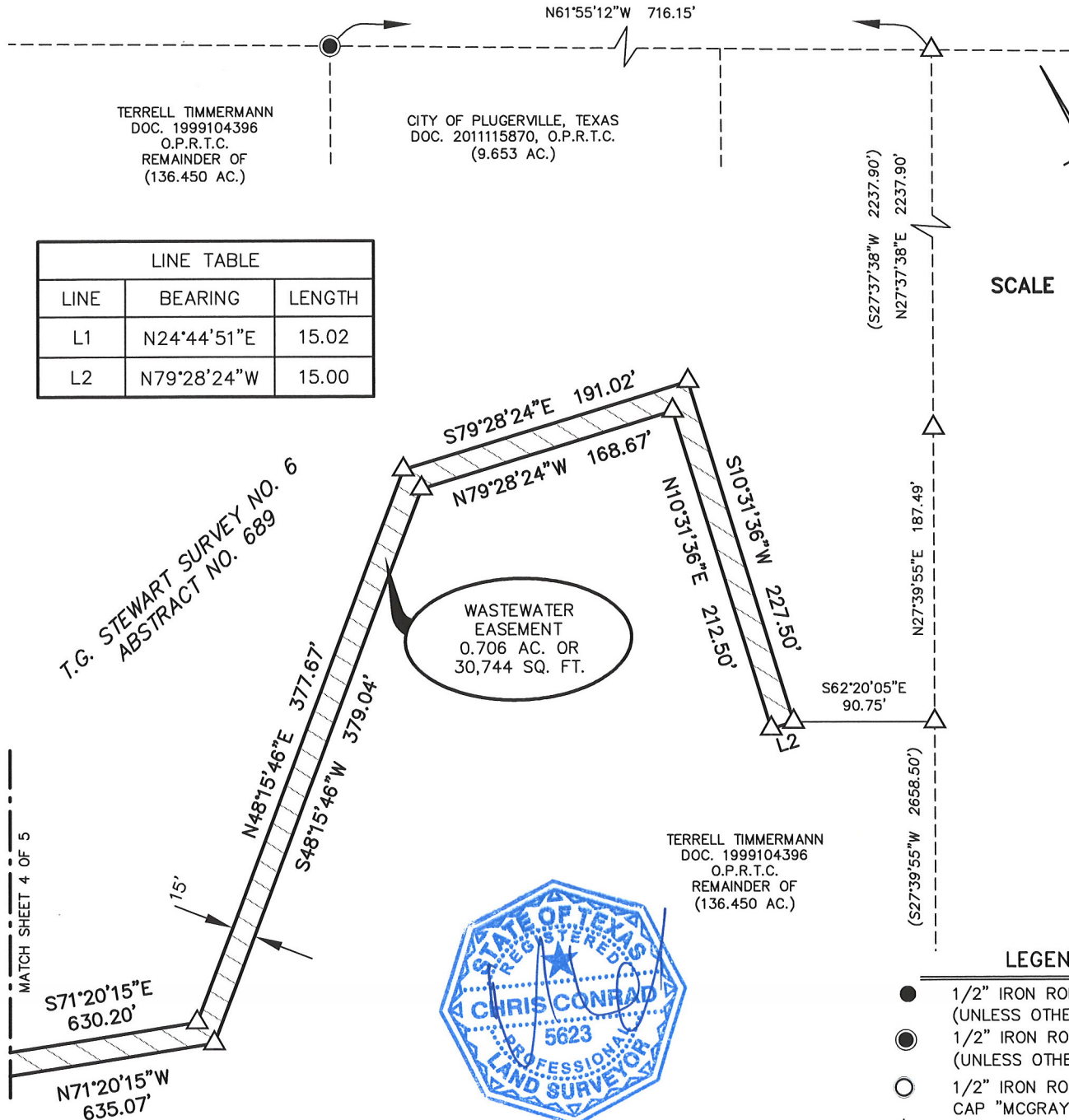
RE: CITY OF PFLUGERVILLE

TERRELL TIMMERMANN  
 DOC. 1999104396  
 O.P.R.T.C.  
 REMAINDER OF  
 (136.450 AC.)

CITY OF PFLUGERVILLE, TEXAS  
 DOC. 2011115870, O.P.R.T.C.  
 (9.653 AC.)

LINE TABLE		
LINE	BEARING	LENGTH
L1	N24°44'51"E	15.02
L2	N79°28'24"W	15.00

SCALE 1" = 100'



MATCH SHEET 4 OF 5

- NOTES:
1. THE COORDINATE SHOWN HEREON IS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD83 (CORS96) DATUM AND WAS ESTABLISHED BY GPS OBSERVATION. THE BEARINGS SHOWN ARE GRID BEARINGS. THE COMBINED GRID TO SURFACE SCALE FACTOR IS 1.00010. ALL DISTANCES SHOWN ARE SURFACE DISTANCES.
  2. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT OR EASEMENT REPORT.



TERRELL TIMMERMANN  
 DOC. 1999104396  
 O.P.R.T.C.  
 REMAINDER OF  
 (136.450 AC.)

LEGEND

- 1/2" IRON ROD FOUND (UNLESS OTHERWISE NOTED)
- 1/2" IRON ROD FOUND CAPPED (UNLESS OTHERWISE NOTED)
- 1/2" IRON ROD SET WITH CAP "MCGRAY MCGRAY" CALCULATED POINT
- △ (XXX) RECORD INFORMATION
- P.O.B. POINT OF BEGINNING
- P.R.T.C. PLAT RECORDS TRAVIS COUNTY
- O.P.R.T.C. OFFICIAL PUBLIC RECORDS TRAVIS COUNTY

*Handwritten signature of Chris Conrad*

03/13/13

CHRIS CONRAD, REG. PROF. LAND SURVEYOR NO. 5623 DATE  
 Note: This copy of this plat is not valid unless an original signature through an original seal appears on its face. There is a description to accompany this plat.

TCAD# 02-7541-01-18 & 02-7541-01-33

M:\LJA~12-112~Pflugger Farms Lane Project\DWG\Parcels\WWE.dwg

SURVEYED BY: ISSUED: 03/13/13  
 PAGE 5 OF 5

**McGRAY & McGRAY**  
**LAND SURVEYORS, INC.**  
 3301 HANCOCK DRIVE #6  
 AUSTIN, TEXAS 78731  
 (512) 451-8591

AUSTIN GRID#: Q-38, Q-39 & R-39 JOB NO.: 12-112