

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.

**DRAINAGE EASEMENT AGREEMENT**

THE STATE OF TEXAS      §  
                                  §  
COUNTY OF TRAVIS      §

**GRANT OF EASEMENT:**

**BASTROP INVESTMENT GROUP, LP**, a Texas limited partnership ("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 exclusive easement and right-of-way ("Easement") upon and across the parcels of real property of Grantor which are more particularly described on Exhibit "A", attached hereto and incorporated herein by reference (collectively, "Easement Tract").

TO HAVE AND TO HOLD the same perpetually to Grantee and its successors and assigns, together with the right and privilege at any and all times to enter the Easement Tract, or any part thereof, for the purpose of construction, operation, maintenance, replacement, upgrade, and repair of the improvements which are constructed and installed therein or thereon by Grantee under the terms of this Easement.

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, by through or under Grantor, but not otherwise, subject to 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 drainage purposes, including placement, construction, installation, replacement, repair, maintenance, relocation, removal, and operation of a drainage channel and related drainage facilities, and related appurtenances, or making connections thereto.

**DURATION OF EASEMENT:**

The Easement shall be perpetual. Grantor hereby binds Grantor and Grantor's heirs, legal representatives, successors and assigns, to warrant and forever defend the Easement unto Grantee, its successors and assigns, against any person whomsoever lawfully claiming or to claim the same or any part thereof.

**EXCLUSIVENESS OF EASEMENT:**

The Easement shall be exclusive and Grantor covenants that Grantor will not convey any other easement or conflicting rights within the Easement Tract without the express written consent of the Grantee or its designee; provided, however, that no such consent shall be granted for any purpose which materially interferes with or prevents the use by Grantee of the Easement herein granted for the purposes herein contemplated.

**GRANTOR USE:**

Grantor hereby retains, reserves, and shall continue to enjoy the use of the Easement Tract (or grant to others the right to do the same as conditioned herein) for any and all purposes which do not materially interfere with or prevent the use by Grantee of the Easement herein granted. Grantee has the right to trim and cut down trees and shrubbery and to remove other improvements and structures to the extent reasonably necessary to prevent interference with the operation or repairs to Grantee's facilities in the Easement Tract.

**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]

In witness whereof, this instrument is executed this 8th day of March, 2017.

**GRANTOR:**

**Bastrop Investment Group, LP,**  
a Texas limited partnership

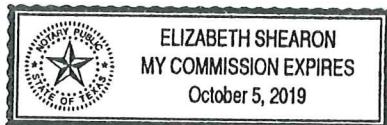
By: Inn Keeper Management, its general partner

By: Yogesh Kumar  
Name: Yogesh Kumar  
Title: partner

THE STATE OF TEXAS §  
§  
COUNTY OF Travis §

This instrument was acknowledged before me on March 8th, 2017, by  
Yogesh Kumar, general partner of Bastrop Investment Group, LP, a Texas limited partnership, an individual  
residing in Travis County, Texas.

(seal)



Notary Public Signature

**AGREED AND ACCEPTED:**

By: \_\_\_\_\_

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

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

**ATTEST:**

Karen Thompson, City Secretary

THE STATE OF TEXAS      §  
                                  §  
CITY OF \_\_\_\_\_      §

This instrument was acknowledged before me on \_\_\_\_\_, 2017, by  
Brandon Wade, City Manager of the City of Pflugerville, Texas, a Texas home-rule  
municipality, on behalf of said municipality.

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Notary Public Signature

(seal)

## EXHIBIT "A"

### EASEMENT TRACT



Professional Land Surveying, Inc.  
Surveying and Mapping

Office: 512-443-1724  
Fax: 512-389-0943  
3500 McCall Lane  
Austin, Texas 78744

EXHIBIT "A"

#### PORTION OF LOT 1 KP BROTHERS SUBDIVISION DRAINAGE EASEMENT

**0.067 ACRES**  
**E. BEBEE SURVEY NO. 5, ABSTRACT NO. 53**  
**TRAVIS COUNTY, TEXAS**

A DESCRIPTION OF 0.067 ACRES (APPROXIMATELY 2,905 SQ. FT.), IN THE E. BEBEE SURVEY NO. 5, TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 1, KP BROTHERS SUBDIVISION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN DOCUMENT NO. 201600230 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS CONVEYED TO KOREAN UNITED METHODIST CHURCH OF AUSTIN BY WARRANTY DEED WITH VENDOR'S LIEN DATED OCTOBER 28, 2002, RECORDED IN DOCUMENT NO. 2002213975 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.067 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** a 1/2" rebar with "Chaparral" cap found at a point of curvature in the southwest right-of-way line of Black Locust Drive (70' R.O.W.), being the west corner of a 0.331 acre tract of land conveyed to the City of Pflugerville, Texas for right-of-way purposes by deed dated March 18, 2001 and recorded in Document No. 2001039980 of the Official Public Records of Travis County, Texas, being the south corner of a 0.207 acre tract of land conveyed to the City of Pflugerville, Texas for right-of-way purposes by deed dated July 5, 2001 and recorded in Document No. 2001118394 of the Official Public Records of Travis County, Texas, being the northeast corner of Lot 1, Logos Baptist Church Subdivision, a subdivision in Travis County, Texas according to the map or plat thereof, recorded in Document No. 2004228871 of the Official Public Records of Travis County, Texas, same being the northwest corner of said Lot 1, for the northwest corner hereof, from which a 1/2" rebar found in the southwest right-of-way line of Black Locust Drive, being in the north line of Lot 1 said Church tract, bears North 63°36'30" West, a distance of 450.30 feet;

**THENCE** along the southwest right-of-way line of Black Locust Drive, along a curve to the right, having a radius of 465.00 feet, a delta angle of 01°13'56", an arc length of 10.00 feet, and a chord which bears South 62°53'01" East, a distance of 10.00 feet to a calculated point in the north line of said Lot 1, for the northeast corner hereof, from which a 1/2" rebar with "Chaparral" cap found in the curving southwest right-of-way line

of said Black Locust Drive, being the northeast corner of said Lot 1, being the south corner of said 0.331 acre tract, and being the west corner of a 2.200 acre tract of land conveyed to the City of Pflugerville, Texas for right-of-way purposes by deed dated July 31, 2001 and recorded in Document No. 2001133155 of the Official Public Records of Travis County, Texas, also being the northwest corner of a 3.10 acre tract of land conveyed to John B. Brook III in a Warranty Deed dated September 16, 2004 and recorded in Document No. 2004190167 of the Official Public Records of Travis County, Texas, bears with a curve to the right, having a radius of 465.00 feet, a delta angle of 32°12'44", an arc length of 261.43 feet, and a chord which bears South 46°09'41" East, a distance of 258.00 feet;

THENCE over and across said Lot 1, the following two (2) courses and distances:

1. South 27°48'22" West, a distance of 290.57 feet to a calculated point for the southeast corner hereof;
2. North 62°11'38" West, a distance of 10.00 feet to a calculated point in the common line of said Logos Baptist Church Subdivision and said Lot 1 for the southwest corner hereof;

THENCE North 27°48'22" East, with said common line, a distance of 290.45 feet to the POINT OF BEGINNING, containing 0.067 acres of land, more or less.

Bearing Basis: The Texas Coordinate System of 1983 (NAD83), Central Zone, based on GPS Solutions from The National Geodetic Survey (NGS) On-Line Positioning User Service (OPUS). Attachments: Drawing 1203-001-DE1

 02/16/17

Paul L. Easley  
Registered Professional Land Surveyor  
State of Texas No. 4432



SKETCH TO ACCOMPANY A DESCRIPTION OF 0.067 ACRES (APPROXIMATELY 2,905 SQ. FT.) IN THE E. BEBEE SURVEY NO. 5, ABSTRACT NO. 53, TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 1, KP BROTHERS SUBDIVISION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN DOCUMENT NO. 201600230 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

LEGEND

- 1/2" REBAR FOUND
- <sup>CH</sup> 1/2" REBAR WITH "CHAPARRAL" CAP FND
- △ CALCULATED POINT

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S27°48'22"W	290.57'
L2	N62°11'38"W	10.00'
L3	N27°48'22"E	290.45'

CURVE TABLE					
CURVE	RADIUS	DELTA	ARC	BEARING	CHORD
C1	465.00'	1°13'56"	10.00'	S62°53'01"E	10.00'
C2	465.00'	32°12'44"	261.43'	S46°09'41"E	258.00'



DATE OF SURVEY: 06/08/16  
 PLOT DATE: 02/16/17  
 DRAWING NO.: 1203-001-DE1  
 PROJECT NO.: 1203-001  
 T.B.P.L.S. FIRM NO. 10124500  
 DRAWN BY: DWC  
 SHEET 1 OF 2

Chaparral

BEARING BASIS: THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83), CENTRAL ZONE, BASED ON GPS SOLUTIONS FROM THE NATIONAL GEODETIC SURVEY (NGS) ON-LINE POSITIONING USER SERVICE (OPUS)

ATTACHMENTS: METES AND BOUNDS  
 DESCRIPTION 1203-001-DE1

