

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:**

**Timmerman Hagn, Ltd.** ("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.

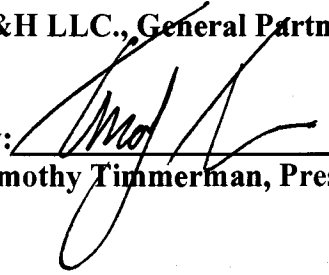
Signature page to follow:

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

**GRANTOR:**

**Timmerman Hagn, Ltd.**

**By: T&H LLC., General Partner**

By:   
Timothy Timmerman, President

**AGREED AND ACCEPTED:**

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

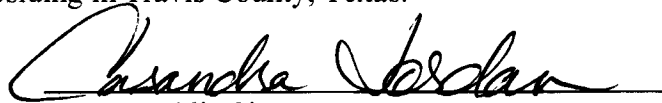
By: \_\_\_\_\_  
Brandon Wade, City Manager

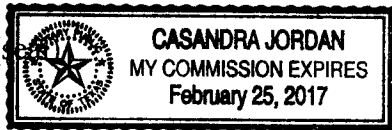
**ATTEST:**

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

THE STATE OF TEXAS   §  
  §  
COUNTY OF Williamson §

This instrument was acknowledged before me on February 27, 2014, by Timothy Timmerman, an individual residing in Travis County, Texas.

  
Notary Public Signature



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.

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

(seal)

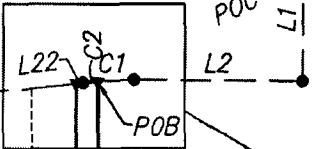
S:\LAND1951-2000\1978\dwg\1978-ESMT 2.dwg 2/27/2014 11:10:25 AM CST

LOT 1  
TOWN CENTER LOTS  
1, 2, 3, & 4, BLOCK B  
DOC No. 200900079 OPRTC  
TLP INVESTMENT VICEROY, LP  
23.21 ACRES  
DOC No. 2011111820 OPRTC



PFENNIG LANE  
ROW VARIES

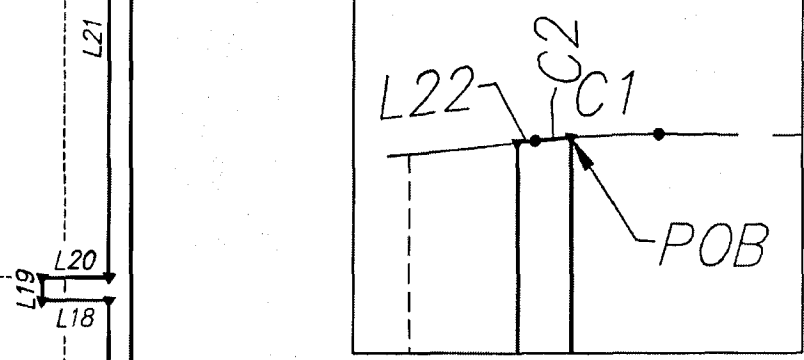
100' ROW



SEE DETAIL A

30.00'

FUTURE TOWN CENTER 2 PLAT  
LOT 1  
BLOCK A  
LOT 2



DETAIL A  
SCALE: 1" = 50'

L19  
L18

L3  
TIMMERMAN & HAGN, LTD  
300.03 ACRES  
DOC No. 2004025616 OPRTC

FM 685

L15  
L14

FUTURE TOWN CENTER 2 PLAT  
LOT 3  
BLOCK A  
LOT 4  
LOT 5

0.411 ACRE

L12  
L11  
L10

110' ROW

L7  
L6

DEED LINE  
LOT 5  
N 107° 27' 31" W  
56.18'

115' ROW

TIMMERMAN & HAGN, LTD  
158.22 ACRES  
VOLUME 8394, PAGE 544

L4

SHEET 1 OF 2 SHEETS

SKETCH TO ACCOMPANY DESCRIPTION  
(SEE DESCRIPTION ON A SEPARATE ATTACHMENT)

DATE: FEB. 25, 2014 SCALE: 1"=120'

**RJ SURVEYING & ASSOCIATES, INC.**  
1212 E. BRAKER LANE, AUSTIN, TEXAS 78753  
(512) 836-4793 FAX: (512) 836-4817

S:\LAND\1951-2000\1978\dwg\1978-ESMT 2.dwg 2/27/2014 11:10:25 AM CST

LINE TABLE		
LINE	LENGTH	BEARING
L1	79.96'	S25°29'52"W
L2	114.24'	N64°23'42"W
L3	1014.05'	S24°49'02"W
L4	15.00'	N65°10'58"W
L5	179.02'	N24°49'02"E
L6	45.00'	N65°10'58"W
L7	15.00'	N24°49'02"E
L8	45.00'	S65°10'58"E
L9	105.61'	N24°49'02"E
L10	45.00'	N65°10'58"W
L11	15.00'	N24°49'02"E
L12	45.00'	S65°10'58"E
L13	118.75'	N24°49'02"E
L14	45.00'	N65°10'58"W
L15	15.00'	N24°49'02"E
L16	45.00'	S65°10'58"E
L17	239.77'	N24°49'02"E
L18	45.00'	N65°10'58"W
L19	15.00'	N24°49'02"E
L20	45.00'	S65°10'58"E
L21	309.46'	N24°49'02"E
L22	5.04'	S71°16'06"E

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BRNG.	CHORD
C1	24.46	300.00	4°40'15"	N67°03'43"W	24.45
C2	10.03	300.00	1°54'54"	S70°21'18"E	10.03

**LEGEND**

- = FOUND 1/2" IRON ROD
  - = FOUND TXDOT CONCRETE MONUMENT
  - = SET 1/2" IRON ROD WITH RJ SURVEYING CAP
  - ▶ = CALCULATED POINT
- POC = POINT OF COMMENCEMENT  
 POB = POINT OF BEGINNING  
 ROW = RIGHT OF WAY  
 OPRTC= OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY

BEARINGS ARE TEXAS STATE PLANE CENTRAL, NAD 83

DATE: FEB. 25, 2014

SHEET 2 OF 2 SHEETS

**RJ SURVEYING & ASSOCIATES, INC.**  
 1212 E. BRAKER LANE, AUSTIN, TEXAS 78753  
 (512) 836-4793 FAX: (512) 836-4817

0.411 Acre

A PARCEL OF LAND IN TRAVIS COUNTY, TEXAS, BEING A PART OF THE SEFRIN EISELIN SURVEY No. 4, ABSTRACT 265, A PART OF THAT 300.03 ACRE TRACT OF LAND CONVEYED TO TIMMERMAN & HAGN, LTD., BY DEED RECORDED IN DOCUMENT No. 2004025616 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND A PART OF THAT 158.22 ACRE TRACT OF LAND CONVEYED TO TIMMERMAN AND HAGN, LTD., BY DEED RECORDED IN VOLUME 8394, PAGE 544 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE at a 1/2" iron rod found at the Northeasterly End of Pfennig Lane as shown on the plat of Town Center Lots 1, 2, 3 & 4, Block B, according to the plat thereof recorded in Document No. 200900079 of the Official Public Records of Travis County, Texas;

THENCE S.25°29'52"W. along the East End of Pfennig Lane a distance of 79.96 feet to a 1/2" iron rod found at the Southeasterly Corner of Pfennig Lane;

THENCE along the Southerly Line of Pfennig Lane the following two courses:

1. N.64°23'42"W. a distance of 114.24 feet to a 1/2" iron rod found at a point on a non-tangent curve to the left;
2. Northwesterly along the arc of said curve, a distance of 24.46 feet, said curve having a radius of 300.00 feet, a central angle of 04°40'15" and a chord bearing N.67°03'43"W., 24.45 feet to the Point of Beginning;

THENCE S.24°49'02"W. across said 300.03 Acre Tract (at 914.10 feet pass the South Line of said 300.03 Acre Tract and the North Line of the said 158.22 Acre Tract) in all a distance of 1014.05 feet;

THENCE across said 158.22 Acre Tract the following two courses:

N.65°10'58"W. a distance of 15.00 feet (from which point a 1/2" iron rod set bears N.07°27'31"W., 56.18 feet);  
N.24°49'02"E. (at 100.77 feet pass the South Line of said 300.03 Acre Tract and the North Line of the said 158.22 Acre Tract) in all a distance of 179.02 feet;

THENCE across said 300.03 Acre Tract the following 16 courses:

1. N.65°10'58"W. a distance of 45.00 feet;
2. N.24°49'02"E. a distance of 15.00 feet;
3. S.65°10'58"E. a distance of 45.00 feet;
4. N.24°49'02"E. a distance of 105.61 feet;
5. N.65°10'58"W. a distance of 45.00 feet;
6. N.24°49'02"E. a distance of 15.00 feet;
7. S.65°10'58"E. a distance of 45.00 feet;
8. N.24°49'02"E. a distance of 118.75 feet;
9. N.65°10'58"W. a distance of 45.00 feet;
10. N.24°49'02"E. a distance of 15.00 feet;
11. S.65°10'58"E. a distance of 45.00 feet;
12. N.24°49'02"E. a distance of 239.77 feet;
13. N.65°10'58"W. a distance of 45.00 feet;
14. N.24°49'02"E. a distance of 15.00 feet;
15. S.65°10'58"E. a distance of 45.00 feet;
16. N.24°49'02"E. a distance of 309.46 feet to the South Line of Pfennig Lane;

0.411 Acre

THENCE along said South Line the following two courses:

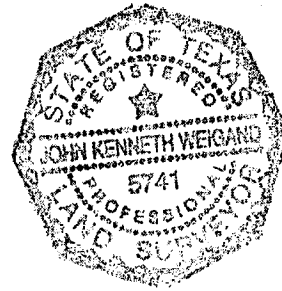
1. S.71°16'06"E. a distance of 5.04 feet to a 1/2" iron rod found at to a point on a non-tangent curve to the right;
2. Easterly along the arc of said curve, a distance of 10.03 feet, said curve having a radius of 300.00 feet, a central angle of 01°54'54" and a chord bearing S.70°21'18"E., 10.03 feet to the said Point of Beginning.

Containing 0.411 acre, more or less, as shown on the sketch attached.

*J. Kenneth Weigand Feb. 27, 2014*

J. Kenneth Weigand  
Registered Professional Land Surveyor No. 5741  
State of Texas

RJ Surveying & Associates, Inc.  
1212 East Braker Lane  
Austin, Texas 78753



All iron rods set have RJ Surveying caps  
Bearings are Texas State Plane Central Zone NAD 83