

EASEMENT OR RIGHT OF WAY VACATION INSTRUMENT:

**PETITION TO VACATE AND RELEASE
A PORTION OF A DRAINAGE FACILITIES EASEMENT**

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

KNOW ALL MEN BY THESE PRESENTS:

The undersigned, on behalf of **The Highlands Wells Branch, LLC**, a Texas limited liability company ("*Petitioner*") hereby petitions for the vacation of that portion of the Drainage Facilities Easement hereinafter described. In support of said Petition, I/we show the following:

1. Petitioner is the sole owner of the property on which that portion of the Drainage Facilities Easement requested to be vacated herein is situated, more particularly described as follows: Lot 2, Block A, of Carmen Subdivision, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Document No. 201100198 of the Official Public Records of Travis County, Texas, containing 16.586 acres, more or less;
2. The nature and extent of the public use, and the public interest to be subserved, is such as to warrant the vacation of that portion of a drainage facilities easement situated along the west boundary of Petitioner's property adjacent to Wells Branch Parkway, granted pursuant to instrument dated February 28, 2008, recorded in Document No. 2008034698 and amended in Document No. 2012203353, of the Official Public Records of Travis County, Texas (the "*Drainage Facilities Easement*"), as described in the field notes marked as Exhibit "A" and depicted in the sketch marked as Exhibit "B", both being attached hereto and made a part hereof.
3. The Petitioner listed in Paragraph 1, above, for itself and for its successors and assigns, for and in consideration of the vacation of that portion of the Drainage Facilities Easement described in attached Exhibits "A" and "B" and other valuable consideration, hereby releases, remises, and forever discharges the City of Pflugerville, its officers, agents, and employees, from any and all claims, actions, and damages, if any, whatsoever which they may have in law or equity with respect to any damage to its property as a result of the said vacation. This Release is not to be construed as an admission on the part of the City of Pflugerville of any liability in consequence of the above described vacation.
4. By the signature affixed hereto, the undersigned, on behalf of Petitioner, represents and warrants that Petitioner is the owner of the property as set forth in Paragraph 1 of this document and, as such, Petitioner is fully authorized to make this Petition.

PRAYER

The undersigned, on behalf of Petitioner hereby prays that so much of said Drainage Facilities Easement as is described in Exhibits "A" and "B", attached hereto, be vacated of record by the City of Pflugerville to the extent of public use thereof, and that said vacation be recorded in the Official Public Records of Travis County, Texas.

Executed this 30th day of March, 2016.

PETITIONER:

THE HIGHLANDS WELLS BRANCH, LLC,
a Texas limited liability company

By: 

Sam Kumar, its Manager