

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:

MOST REVEREND JOE S. VASQUEZ, BISHOP OF THE CATHOLIC DIOCESE OF AUSTIN, AND HIS SUCCESSORS IN OFFICE, FOR THE BENEFIT OF ST. ELIZABETH CATHOLIC CHURCH – PFLUGERVILLE, TEXAS (“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 21ST day of November, 2014.

GRANTOR: The Most Reverend Joe S. Vásquez, Bishop of the Catholic Diocese of Austin, and his successors in office, for the benefit of St. Elizabeth Catholic Church – Pflugerville, Texas



By Very Rev Daniel E. Garcia, Vicar General and Attorney in Fact for the Most Reverend Joe S. Vásquez

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 TRAVIS §

This instrument was acknowledged before me on November 21 2014, by Very Rev. Daniel E. Garcia, Vicar General for the Catholic Diocese of Austin and attorney in fact for the Most Reverend Joe S. Vásquez, Bishop of the Catholic Diocese of Austin on behalf of the Catholic Diocese of Austin and St. Elizabeth Catholic Church – Pflugerville, 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

EXHIBIT A
PROPERTY DESCRIPTION

DESCRIPTION OF A 0.156 ACRE (6,795 SQUARE FOOT), TRACT OF LAND SITUATED IN THE E. BEEBE SURVEY NO. 5, ABSTRACT NO. 53, IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CALLED 11.22 ACRE TRACT CONVEYED TO THE MOST REVEREND GREGORY M. AYMOND, BISHOP OF THE DIOCESE OF AUSTIN AND HIS SUCCESSORS IN OFFICE BY INSTRUMENT RECORDED IN DOCUMENT NO. 2005110394 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.156 ACRE (6,795 SQUARE FOOT) TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at the calculated northeasterly corner of the herein described 0.156 acre easement tract in the southerly right-of-way line of Pflugerville Parkway (variable width right-of-way), same being the northerly boundary line of said 11.22 acre tract, also being the northwesterly corner of a 25 foot wide (0.55 acre) Public Utility Easement conveyed to The City of Pflugerville, Texas by instrument recorded in Document No. 2003138303 of the Official Public Records of Travis County, Texas, and from which a 1/2" iron rod found for the northeasterly corner of said 11.22 acre tract, same being an ell corner in said southerly right-of-way line, also being the northeasterly corner of said Easement, bears S 62°19'04" E at a distance of 25.00 feet;

THENCE, departing said southerly right-of-way line, through the interior of said 11.22 acre tract, with the easterly, southerly and westerly lines of the herein described tract, also with a portion of the westerly line of said Easement, the following three (3) courses:

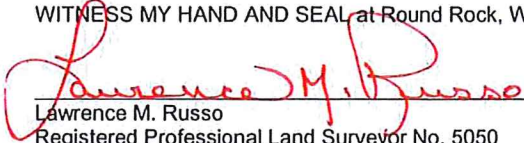
- 1) **S 27°22'46" W** for a distance of **684.47** feet to the calculated southeasterly corner of the herein described tract, and from which a 1/2" iron rod found in the easterly boundary line of said 11.22 acre tract, same being the southwesterly corner of St. Elizabeth's Catholic Church, a subdivision of record in Volume 97, Page 111 of the Plat Records of Travis County, Texas, also being the northwesterly corner of Parkcrest Final Plat (Lot 1, Block "D", called 23.6724 acre Pflugerville I.S.D. School Site Tract), a subdivision of record in Volume 92, Page 274 of the Plat Records of Travis County, Texas, bears S 57°16'46" E at a distance of 25.10 feet;
- 2) **N 17°45'00" W** for a distance of **14.11** feet to the calculated southwesterly corner of the herein described tract;
- 3) **N 27°22'46" E** for a distance of **674.56** feet to the calculated northwesterly corner of the herein described tract in said southerly right-of-way line of Pflugerville Parkway, same being the northerly boundary line of said 11.22 acre tract, and from which 1/2" I.D. pipe found for the northwesterly corner of said 11.22 acre tract, bears N 62°19'04" W at a distance of 523.32 feet;
- 4) **THENCE, S 62°19'04" E**, with the common southerly right-of-way line and northerly boundary line, for a distance of **10.00** feet, to the **POINT OF BEGINNING**, containing 0.156 acres (6,795 square feet) of land, more or less;

All bearings cited herein are based on the Texas State Plane Coordinate System, Central Zone No. 4203, NAD 83.

This property description is accompanied by a separate exhibit.

That I, Lawrence M. Russo, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct and that the property described herein was determined by a survey made on the ground under my direct supervision.

WITNESS MY HAND AND SEAL at Round Rock, Williamson County, Texas.


Lawrence M. Russo
Registered Professional Land Surveyor No. 5050
Inland Geodetics, L.L.C.
Firm Registration No. 100591-00
1504 Chisholm Trail Road, Suite 103
Round Rock, TX 78681
512-238-1200

Date

03/13/2014



PLAT TO ACCOMPANY DESCRIPTION

