

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:**

**TERRABROOK FALCON POINTE, LLC**, ("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 \_\_\_\_\_, 2015.

**GRANTOR:**

**TERRABROOK FALCON POINTE, LLC**  
a Delaware Limited Liability Company

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

E. William Meyer,  
Senior Vice President

**AGREED AND ACCEPTED:**

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

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

Brandon Wade, City Manager

ATTEST:

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

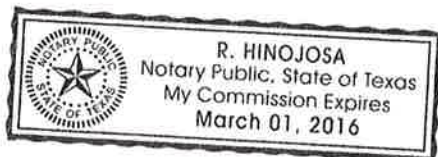
STATE OF TEXAS                   §  
   §  
COUNTY OF WILLIAMSON       §

This instrument was acknowledged before me on the 7<sup>th</sup> day of December, 2015, by E. William Meyer, Senior Vice President, of Terrabrook Falcon Pointe LLC, a Delaware limited liability company, on behalf of said limited liability company and limited partnership.

[SEAL]

R. Hinojosa  
Notary Public, State of Texas

My Commission Expires 3-1-16



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

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

**EXHIBIT "A"**

**EASEMENT TRACT**

0.171 ACRE  
FALCON POINTE  
15' WASTEWATER EASEMENT

FN. NO. 15-437(KWA)  
NOVEMBER 24, 2015  
JOB NO. R0102640-10111

### DESCRIPTION

OF 0.171 ACRE OF LAND OUT OF THE JOHN DAVIS SURVEY NO. 13, ABSTRACT NO. 231, SITUATED IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THE REMAINING PORTION OF THAT CERTAIN 149.99 ACRE TRACT OF LAND CONVEYED TO TERRABROOK FALCON POINTE, L.P. BY DEED OF RECORD IN DOCUMENT NO. 2000105424 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.171 ACRE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**COMMENCING**, at the intersection of the easterly right-of-way line of State Highway 130 (R.O.W. varies) and the northerly right-of-way line of East Pflugerville Parkway (60' R.O.W.), being the southwesterly corner of said 149.99 acre tract, from which a 1/2 inch iron rod with cap found in the easterly right-of-way line of State Highway 130 bears N04°00'55"W, a distance of 358.55 feet;

**THENCE**, N67°40'17"E, leaving the easterly right-of-way line of State Highway 130, over and across said 149.99 acre tract, a distance of 1101.97 feet to a point in the future southerly right-of-way line of Falcon Village Lane (60' R.O.W.) of future Falcon Pointe Pod 7 Entrance Road Final Plat (not yet of record), for the **POINT OF BEGINNING** and northwesterly corner hereof;

**THENCE**, N82°12'10"E, along the future southerly right-of-way line of Falcon Village Lane, continuing over and across said 149.99 acre tract, for the northerly line hereof, a distance of 15.00 feet to a point in the westerly line of that certain 2.470 acre Drainage Easement of record in Document No. 2013181723 of said Official Public Records, for the northeasterly corner hereof;

**THENCE**, leaving the future southerly right-of-way line of Falcon Village Lane, along the westerly line of that certain 2.470 acre Drainage Easement of record, continuing over and across said 149.99 acre tract, for the easterly line hereof, the following (9) courses and distances:

- 1) S07°43'04"E, a distance of 23.38 feet to an angle point hereof;
- 2) S24°08'38"E, a distance of 11.56 feet to an angle point hereof;
- 3) S37°30'37"E, a distance of 3.93 feet to an angle point hereof;
- 4) S25°25'41"E, a distance of 10.47 feet to an angle point hereof;
- 5) S13°20'45"E, a distance of 312.87 feet to an angle point hereof;
- 6) S09°52'53"E, a distance of 5.68 feet to an angle point hereof;
- 7) S05°16'36"E, a distance of 92.07 feet to an angle point hereof;

- 8) S01°30'18"E, a distance of 3.29 feet to an angle point hereof;
- 9) S02°15'59"W, a distance of 32.50 feet to the southeasterly corner hereof;


**THENCE**, leaving the westerly line of that certain 2.470 acre Drainage Easement of record, continuing over and across said 149.99 acre tract, for the southerly and westerly lines hereof, the following ten (10) courses and distances:

- 1) S76°38'45"W, a distance of 15.58 feet to the southwesterly corner hereof;
- 2) N02°15'59"E, a distance of 36.20 feet to an angle point hereof;
- 3) N01°30'18"W, a distance of 2.30 feet to an angle point hereof;
- 4) N05°16'36"W, a distance of 90.97 feet to an angle point hereof;
- 5) N09°52'53"W, a distance of 4.62 feet to an angle point hereof;
- 6) N13°20'45"W, a distance of 310.83 feet to an angle point hereof;
- 7) N25°25'41"W, a distance of 7.30 feet to an angle point hereof;
- 8) N37°30'37"W, a distance of 4.10 feet to an angle point hereof;
- 9) N24°08'38"W, a distance of 15.48 feet to an angle point hereof;
- 10) N07°43'04"W, a distance of 25.53 feet to the **POINT OF BEGINNING**, containing an area of 0.171 acre (7,448 square feet) of land, more or less, within these metes and bounds.

**BEARING BASIS:** THE BASIS OF BEARING OF THE SURVEY SHOWN HEREON IS TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83(96), UTILIZING WESTERN DATA SYSTEMS CONTINUALLY OPERATING REFERENCE STATION (CORS) NETWORK.

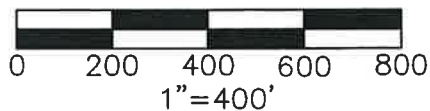
I, MARK J. JEZISEK, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION.

BURY-AUS, INC.  
221 WEST SIXTH STREET  
SUITE 600  
AUSTIN, TEXAS 78701

  
MARK J. JEZISEK  
R.P.L.S. NO. 5267  
STATE OF TEXAS  
TBPLS # F-10107500

DATE





# LEGEND

- 1/2" IRON ROD FOUND (UNLESS NOTED)
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT

STATE HIGHWAY 130 FRONTAGE ROAD  
(R.O.W. VARIES)

38.14 ACRES  
CLARENCE BOHLS, AS TRUSTEE  
OF THE KENNETH BOHLS  
COUSINS TRUST  
DOCUMENT NO. 2013196388

2.470 ACRE  
DRAINAGE EASEMENT  
DOCUMENT NO. 2013181723

REMAINDER OF 149.599 ACRES  
TERRABROOK FALCON RIDGE, L.P.  
DOCUMENT NO. 2000105424

FUTURE LOT 1 OPEN SPACE, BLOCK 1  
FALCON POINTE POD 7 ENTRANCE ROAD  
FINAL PLAT

FUTURE FALCON  
VILLAGE LANE  
(60' R.O.W.)

P.O.B.

P.O.C.

0.171 ACRE  
(7,448 SQ. FT.) L15  
15' WASTEWATER  
EASEMENT  
L12-L14  
L11

EAST PFLUGERVILLE  
PARKWAY

(80' R.O.W.) (VOLUME 2268, PAGE 185)

LONE STAR  
RANCH BOULEVARD

(70' R.O.W.) (DOCUMENT NO. 201300218)

FALCON POINTE  
SECTION SIXTEEN  
DOCUMENT NO. 201300217

COLORADO  
SAND DRIVE

(90' R.O.W.)  
(DOCUMENT NO. 201300218)

FALCON POINTE  
- SECTION EIGHTEEN  
DOCUMENT NO. 201500208

FALCON VILLAGE LANE  
(60' R.O.W.)

L1

L2-L5

L6

L7

L8-L10

FALCON POINTE -  
SOUTH TRACT  
MAJOR FACILITIES,  
FINAL PLAT  
DOCUMENT NO.  
201300218

REMAINDER OF  
44.341 ACRES  
TERRABROOK FALCON  
RIDGE, L.P.  
DOCUMENT NO.  
2000105424



## BURY

221 West Sixth Street, Suite 600  
Austin, Texas 78701  
Tel. (512) 328-0011 Fax (512) 328-0325  
TBPE # F-1048. TBPLS # F-10107500 ..  
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## SKETCH TO ACCOMPANY DESCRIPTION

OF 0.171 ACRE OF LAND OUT OF THE JOHN DAVIS SURVEY NO. 13,  
ABSTRACT NO. 231, SITUATED IN TRAVIS COUNTY, TEXAS, BEING A  
PORTION OF THAT CERTAIN 149.99 ACRE TRACT OF LAND CONVEYED  
TO TERRABROOK FALCON POINTE, L.P. BY DEED OF RECORD IN  
DOCUMENT NO. 2000105424. OF THE OFFICIAL PUBLIC RECORDS OF  
TRAVIS COUNTY, TEXAS.

## NEWLAND COMMUNITIES FALCON POINTE

SHEET 1 OF 2

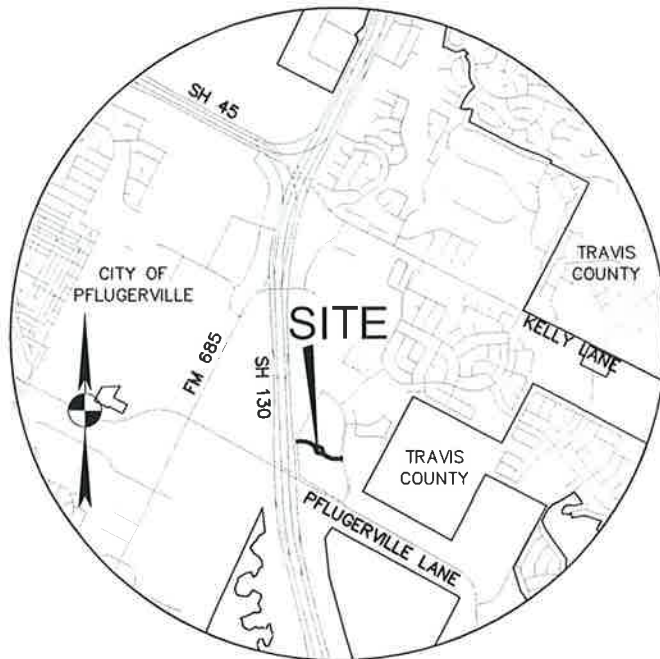
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PROJECT No. R0102640-10111



### VICINITY MAP

#### BEARING BASIS NOTE:

N.T.S.

THE BASIS OF BEARING OF THE SURVEY SHOWN HEREON IS TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83(96), UTILIZING WESTERN DATA SYSTEMS CONTINUALLY OPERATING REFERENCE STATION (CORS) NETWORK.

LINE TABLE		
NO.	BEARING	DISTANCE
L1	N82°12'10"E	15.00'
L2	S7°43'04"E	23.38'
L3	S24°08'38"E	11.56'
L4	S37°30'37"E	3.93'
L5	S25°25'41"E	10.47'
L6	S13°20'45"E	312.87'
L7	S9°52'53"E	5.68'
L8	S5°16'36"E	92.07'
L9	S1°30'18"E	3.29'
L10	S2°15'59"W	32.50'

LINE TABLE		
NO.	BEARING	DISTANCE
L11	S76°38'45"W	15.58'
L12	N2°15'59"E	36.20'
L13	N1°30'18"W	2.30'
L14	N5°16'36"W	90.97'
L15	N9°52'53"W	4.62'
L16	N13°20'45"W	310.83'
L17	N25°25'41"W	7.30'
L18	N37°30'37"W	4.10'
L19	N24°08'38"W	15.48'
L20	N7°43'04"W	25.53'

# BURY

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Austin, Texas 78701  
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## NEWLAND COMMUNITIES FALCON POINTE

**SHEET 2 OF 2**

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