

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:**

**CBH Properties Pflugerville, 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 non-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:



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)

# Exhibit "A"

## HOLT CARSON, INCORPORATED

1904 FORTVIEW ROAD  
AUSTIN, TX 78704  
TELEPHONE: (512) 442-0990  
e-mail: hci@austin.rr.com

December 23, 2014

**DESCRIPTION OF 0.045 ACRE OF LAND OUT OF THE THOMAS STUART SURVEY NO. 6, ABSTRACT NO. 669, IN TRAVIS COUNTY, TEXAS AND BEING A PROPOSED WASTEWATER EASEMENT, OVER AND ACROSS A PORTION OF LOT 2A, AMENDED FINAL PLAT OF LOTS 1, 2, 3 AND 6, BLOCK A, PFLUGER ROSSING SOUTH, PHASE 1, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN DOCUMENT NO. 201200133 OF THE OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**BEGINNING FOR REFERENCE** at a 1/2" iron rod with a plastic cap imprinted "Holt Carson, Inc." found in the curving South right-of-way line of Pflugerville Parkway, at the Northeast corner of Lot 2A, Amended Final Plat of Lots 1, 2, 3 and 6, Block A, Pfluger Crossing South, Phase 1, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Document No. 201200133 of the Official Public Records of Travis County, Texas, same being the Northwest corner of Lot 3A, Amended Final Plat of Lots 1, 2, 3 and 6, Block A, Pfluger Crossing South, Phase 1, from which a 1/2" rod found in the South right-of-way line of Pflugerville Parkway at the Northwest corner of said Lot 2A bears, S 87 deg. 15'31" W 208.24' (chord bearing and distance);

**THENCE** leaving the South right-of-way line of Pflugerville Parkway with the common line of said Lot 2A and Lot 3A, S 02 deg. 21'47" W 42.78 ft. to a calculated point for the Northeast corner and the **PLACE OF BEGINNING** of the herein described easement;

**THENCE** continuing with the common line of said Lot 2A and Lot 2A, S 02 deg. 21'47" W 10.12 ft. to a calculated point for the Southeast corner of the herein described easement, from which a 1/2" iron rod with a plastic cap imprinted "Holt Carson, Inc." found at angle corner of said Lot 2A and Lot 3A bears, S 02 deg. 21'47" W 11.03 ft.;

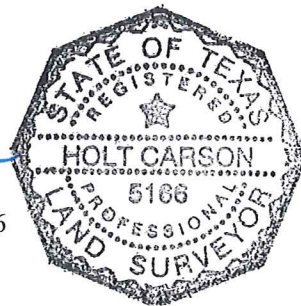
**THENCE** crossing through the interior of said Lot 2A, the following three (3) courses:

- 1.) S 88 deg. 37'11" W 186.92 ft. to a calculated point for the West corner of the herein described easement;
- 2.) N 80 deg. 31'43" E 123.60 ft. to a calculated point for the most Northerly corner of the herein described easement;
- 3.) S 84 deg. 59'43" E 65.61 ft. to the **PLACE OF BEGINNING** and containing 0.045 acre of land.

PREPARED: December 23, 2014

  
Holt Carson

Registered Professional Land Surveyor No. 5166  
Holt Carson, Incorporated  
Reference map: C891152

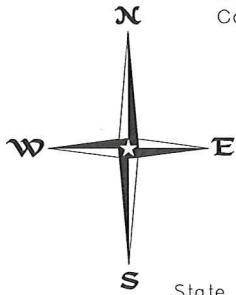


SCALE: 1"= 50'

Orientation for this survey is based upon the State Plane Coordinate System  
NAD83 (4203 Texas Central Zone). All distances shown hereon are surface values.  
Combined Scale Factor: 0.99989724

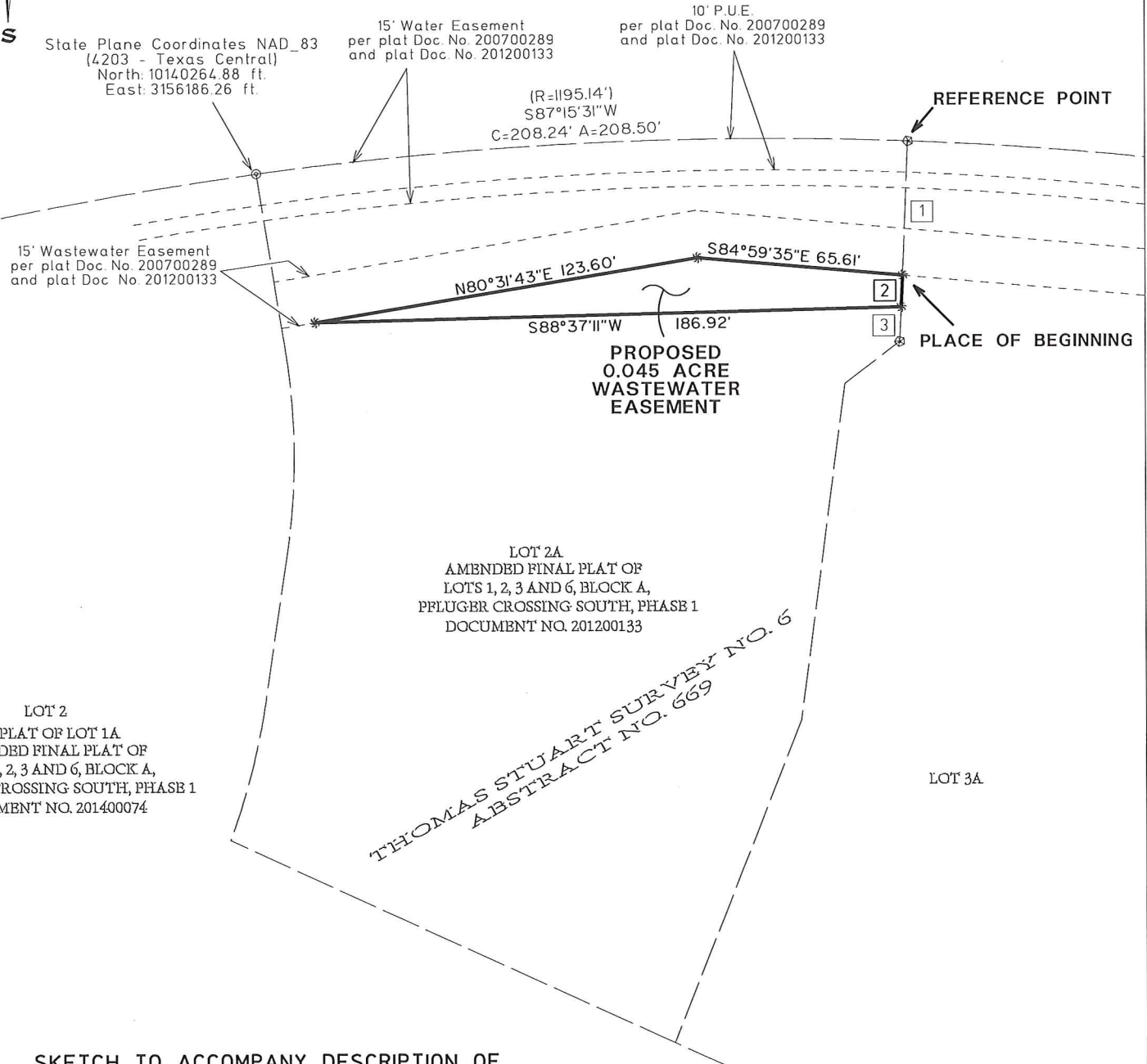
## Legend

- ⊗ ½" Iron Rod Found
  - ⊗ ½" Iron Rod Found with plastic cap imprinted with "Holt Carson, Inc."
  - \* Calculated Point
- (Record Bearing and Distance)



NUMBERED COURSES			
1	S 02°21'47" W	42.78'	
2	S 02°21'47" W	10.12'	
3	S 02°21'47" W	11.03'	

## E PFLUGERVILLE PARKWAY (115' R.O.W.)



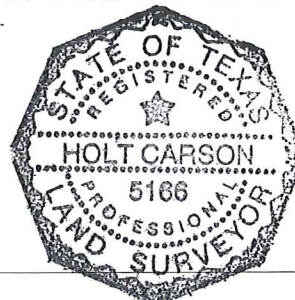
SKETCH TO ACCOMPANY DESCRIPTION OF  
0.045 ACRE OF LAND OUT OF THE THOMAS STUART SURVEY NO. 6, ABSTRACT NO. 669,  
IN TRAVIS COUNTY, TEXAS, AND BEING A PROPOSED WASTEWATER EASEMENT, OVER  
AND ACROSS A PORTION OF LOT 2A, AMENDED FINAL PLAT OF LOTS 1, 2, 3 AND 6, BLOCK A,  
PFLUGER CROSSING SOUTH, PHASE 1, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING  
TO THE MAP OR PLAT THEREOF RECORDED IN DOCUMENT NO. 201200133 OF THE OFFICIAL  
PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

PREPARED: DECEMBER 23, 2014.

BY

*Holt Carson*

Holt Carson  
Registered Professional Land Surveyor No. 5166



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PROFESSIONAL LAND SURVEYORS  
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Texas Licensed Surveying Firm Registration No. 10050700

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