

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:

Temple Real Estate Investments, Inc. (“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:

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)

PUBLIC WATER EASEMENT

These field notes describe that certain tract of land in Travis County, Texas, lying and situated in the **THOMAS STEWART SURVEY NO. 6, ABSTRACT NO. 669**, located within the City of Pflugerville, Travis County, Texas, subject tract being a portion of that certain Lot 1, Block 1, REPLAT OF LOT 1A, AMENDED PLAT OF LOTS 1,2,3 AND 6, BLOCK A, PFLUGER CROSSING SOUTH, PHASE 1, an addition to the City of Pflugerville, Travis County, Texas, according to the plat recorded in Document Number 201400074 of the Official Public Records of Travis County, (O.P.R.T.C.) Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a point bearing NORTH 45°48'41" WEST, 42.25 feet from a cotton spindle found N. 10139326.99, E. 3156357.62 at the most southerly southeast corner of said Lot 1, Block 1, Replat of Pfluger Crossing South Phase I, and in the north line of Lot 1A, Block "A" resubdivision of Lot 1, Block A, PFENNIG LANE/FM 685 COMMERCIAL SUBDIVISION, (Wal-mart tract) an addition to the City of Pflugerville, Travis County, according to the plat recorded in Document Number 200800039 (O.P.R.T.C.) Texas;

THENCE over and across said Lot 1, Block 1, the following three (3) calls;

1. **NORTH 65°12'01" WEST, 15.00 feet** to a point;
2. **NORTH 24°47'59" EAST, 30.00 feet** to a point;
3. **SOUTH 65°12'01" EAST, 15.00 feet** to a point;

THENCE continuing over and across said Lot 1, Block 1, SOUTH 24°47'59" WEST, 30.00 feet to the PLACE OF BEGINNING and containing 450.00 Square Feet of land.

I, Bruce L. Bryan, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that these field notes are a correct representation of a survey made on the ground under my supervision.

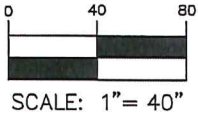


 Bruce Lane Bryan, Registered Professional Land Surveyor #4249, 12-20-13
Date

Note: Bearings shown hereon based on Texas State plane coordinate system, (Central Zone) NAD 83, 93 Adjustment. Distances are shown as grid values.

See attached surveyors plat, which accompanies this set of field notes

EXHIBIT "A"



PUBLIC WASTEWATER EASEMENT
913.72 S.F.

15' PUBLIC EXISTING WASTEWATER EASEMENT
10' WIDE ATMOS GAS EASEMENT
DOC.# 2008002213 OPRTC
DOC.# 2008103252 OPRTC L

LOT 1, BLK. 1
REPLAT OF LOT 1A
PLAT OF LOTS 1, 2, 3, AND 6.
AMENDED PLAT OF
DOC. NO. 201400074

PUBLIC WATER EASEMENT
450.00 S.F.

WATER EASEMENT BY REC. PLAT
DOC.# 200700289 OPRTC

COTTON SPINDLE FND.
N.10139326.99
E.3156357.62

THOMAS STEWART SURVEY #669
ABSTRACT NO. 669 #6

PFLUGER CROSSING SOUTH PHASE 1
DOC. NO. 200700289

LOT 8

LOT 9



B. L. Bryan

L1	N.45°48'41"W.-42.25
L2	N.65°12'01"W.-15.00
L3	N.24°47'59"E.-30.00
L4	S.65°12'01"E.-15.00
L5	S.24°47'59"W.-30.00
L6	N.65°21'47"W.-15.63
L7	N.08°18'32"E.-60.88
L8	S.65°34'57"E.-15.61
L9	S.08°18'32"W.-60.95

NOTE: BEARINGS SHOWN HEREON BASED ON TEXAS STATE PLANE COORDINATE SYSTEM (CENTRAL ZONE) NAD 83, 93 ADJUSTMENT.

THIS IS TO CERTIFY THAT, ON THIS DATE, A TRUE AND ACCURATE SURVEY WAS MADE ON THE GROUND UNDER MY SUPERVISION OF PROPERTY LOCATED AT F.M. 685 IN TRAVIS COUNTY, TEXAS, DESCRIBED AS FOLLOWS: UTILITY EASEMENT OVER AND ACROSS LOT 1, BLOCK 1, REPLAT OF LOT 1A AMENDED PLAT OF LOTS 1, 2, 3, AND 6. A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT RECORDED IN DOCUMENT NO. 201400074 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

FLOOD NOTE:
THE PROPERTY DEPICTED HEREON IS NOT WITHIN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY; THE FLOOD AREA BEING IDENTIFIED ON F. I. R. M. PANEL NO. 48453C0280H EFFECTIVE 09-26-08 LOCATED IN ZONE "X".

NOTE: THIS TRACT IS SUBJECT TO EASEMENTS, COVENANTS, CONDITIONS, RESTRICTIONS AND RIGHT TO CREATE ADDITIONAL PUBLIC UTILITY EASEMENTS, IF ANY, ACROSS SUBJECT PROPERTY AS SHOWN IN

SURVEYORS CERTIFICATE

THE PLAT SHOWN HEREON IS A TRUE, CORRECT AND ACCURATE REPRESENTATION OF THE PROPERTY AS DETERMINED BY SURVEY, THE LINES AND DIMENSIONS OF SAID PROPERTY BEING AS INDICATED BY THE PLAT; THE SIZE, LOCATION AND TYPE OF BUILDINGS ARE AS SHOWN, ALL IMPROVEMENTS BEING WITHIN THE BOUNDARIES OF THE PROPERTY, SET BACK FROM THE PROPERTY LINES THE DISTANCES INDICATED. THERE ARE NO ENCROACHMENTS, CONFLICTS OR PROTRUSIONS, EXCEPT AS SHOWN HEREON, AND SAID PROPERTY HAS ACCESS TO AND FROM A DEDICATED ROADWAY.

DATE: DECEMBER 20, 2013

BRYAN TECHNICAL SERVICES, INC.



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