

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.

PUBLIC UTILITY EASEMENT AGREEMENT

THE STATE OF TEXAS §

§

COUNTY OF TRAVIS §

GRANT OF EASEMENT:

CONTINENTAL HOMES OF TEXAS, L.P., a Texas limited partnership (“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”, Exhibit “B”, Exhibit “C”, and Exhibit “D” attached hereto and incorporated herein by reference (“Easement Tracts”).

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, 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 Tracts, and the matters set forth herein.

DEFINITIONS

For the purposes of this grant of Easement certain terms shall have the meanings that follow:

“*Permitted Improvements*” shall mean landscaping or planting of vegetation, driveways and sidewalks; but shall not mean parking facilities or other impervious cover, or the construction of a building or structure. Installation or construction of Permitted Improvements must be in accordance with the requirements of the City of Pflugerville Unified Development Code.

“Public Utility” shall mean a service, including but not limited to water, wastewater, drainage, telecommunications, fiber optic, electric, gas, or similar service provided by or on behalf of Grantee

CHARACTER OF EASEMENT:

The Easement is an easement in gross.

PURPOSE OF EASEMENT:

The Easement is granted for the installation, construction, operation, use, maintenance, reconstruction, replacement, repair, re-alignment, upgrade, expansion, inspection, patrol, and removal of Public Utility facilities, together with appurtenances and facilities related to such Public Utility facilities and for making connections therewith.

Grantee shall have the right of access to the Easement Tracts for the operation, repair, maintenance, replacement and expansion of the Public Utility facilities and related appurtenances.

DURATION OF EASEMENT:

The Easement shall be perpetual.

EXCLUSIVENESS OF EASEMENT:

The Easement is non-exclusive and Grantee’s use shall be in common with Grantor and its successors and assigns. To the extent that such entry and use does not interfere with Grantee’s use of the Easement for the purposes authorized herein, Grantor hereby reserves, for itself and its successors and assigns, the right to enter upon and use the surface of the Easement Tracts, subsurface of the Easement Tracts, and the air space over the Easement Tracts. Notwithstanding anything contained herein to the contrary, Grantor shall not use the Easement Tracts in any other manner or grant any easement on or across the Easement Tracts that interferes in any material way, or is inconsistent with, the easements, rights, and privileges granted hereunder or the terms and conditions hereof.

SURFACE USE AND MAINTENANCE:

Grantor hereby retains, reserves, and shall continue to enjoy the use of the Easement Tracts for any and all purposes which do not interfere with or prevent the use by Grantee of the Easement for the purposes herein granted. However, Grantor shall not make any improvements to the Easement Tracts, save and except Permitted Improvements (as defined herein). Grantor further covenants and agrees to use the Easement Tracts only in those ways consistent with the Easement granted herein and agrees to do nothing which would impair, damage, or destroy said Easement.

Grantor shall keep the Easement free from any obstruction not authorized by Grantee. Grantor shall maintain the surface area of the Easement Tracts, which shall include but shall not be limited to regular mowing of the Easement Tracts.

Grantee has the right to trim and cut down trees and shrubbery and to remove other improvements and structures to the extent reasonably necessary to prevent interference with the operation or repairs to Grantee's facilities in the Easement Tracts.

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, provided that any such assignee or transferee assumes in writing all or the applicable obligations of Grantee herein.

In witness whereof, this instrument is executed this 7 day of October, 2013.

GRANTOR:

CONTINENTAL HOMES OF TEXAS, L.P.
(a Texas limited partnership)

Address:
10700 Pecan Park Blvd, Ste 400
Austin, Texas 78750

By: CHTEX of Texas, Inc
(a Delaware corporation)
its General Partner

By: 
Richard Maier, Vice President TJA

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 October 7,
2013, by Richard Maier, Vice President of CHTEX of Texas, Inc., a Delaware
corporation, as general partner of Continental Homes of Texas, L.P., a Texas limited
partnership, on behalf of said corporation and limited partnership.



Stacy M. Laine
Notary Public Signature

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on _____,
2013, by Brandon Wade, City Manager of the City of Pflugerville, Texas, a Texas home-
rule municipality, on behalf of said municipality.

Notary Public Signature

AFTER RECORDING, RETURN TO:

City of Pflugerville
Engineering Dept.
P.O. Box 589
Pflugerville, Texas 78691

EXHIBIT "A"

EASEMENT TRACT

FIELD NOTES

JOB NO. 0594-35
DATE: January 2, 2013
PAGE 1 OF 3

0.07 ACRE

Being 0.07 acre of land situated in Travis County, Texas, out of the Thomas G. Stuart Survey No. 6, Abstract No. 689, and being a portion of that tract described as 61.00 acres in a Special Warranty Deed to Continental Homes of Texas, L.P., dated July 6, 2006 and recorded as Document No. 2006132952 of the Official Public Records of Travis County, Texas, and further described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron pin with yellow cap inscribed "CS, LTD" found in the northerly line of Portchester Castle Path, for the southeast corner of Lot 10, Block O, Highland Park Phase D, Section 1 subdivision as recorded in Document No. 200800121 of said official public records, and for the most westerly corner of this tract.

THENCE: N 27°34'35" E 10.00 feet with the east line of said Lot 10 to a calculated point for the most northerly corner of this tract;

THENCE: leaving said Lot 10 and over said Continental Homes tract the following seven (7) courses:

1. S 62°25'25" E 280.55 feet to a calculated point,
2. 7.85 feet with a curve to the left ($\Delta=90^{\circ}00'00"$, $R=5.00$ feet, LC bears N 72°34'35" E 7.07 feet) to a calculated point,
3. N 27°34'35" E 5.00 feet to a calculated point,
4. S 62°25'25" E 10.00 feet to a calculated point for the most easterly corner of this tract, for reference, a 1 inch iron pipe found for the northeast corner of said Continental Homes tract bears N 73°22'24" E 561.22 feet,
5. S 27°34'35" W 5.00 feet to a calculated point,
6. 23.58 feet with a curve to the right ($\Delta=90^{\circ}00'00"$, $R=15.00$ feet, LC bears S 72°34'35" W 21.21 feet) to a calculated point,
7. N 62°25'25" W at 261.14 feet passing the northeast corner of the easterly termination of Portchester Castle Path as dedicated in said Highland Park Phase D, Section 1 subdivision, continuing along the north line of said Portchester Castle Path, for an overall distance of 280.55 feet to the Point of Beginning.

Bearings cited hereon based on Grid North Texas State Plane Coordinate System (Central Zone) NAD83.

Brett A. Butts 1/2/2013

Brett A. Butts, R.P.L.S. No. 6254
Castleberry Surveying, Ltd.
3613 Williams Drive, Suite 903
Georgetown, Texas 78626



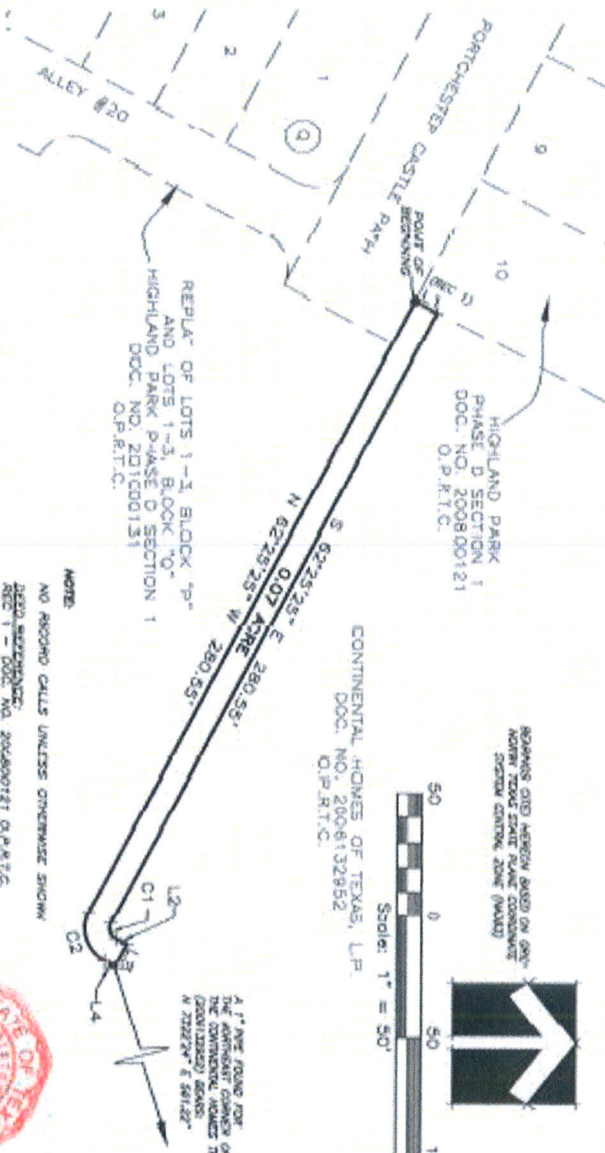
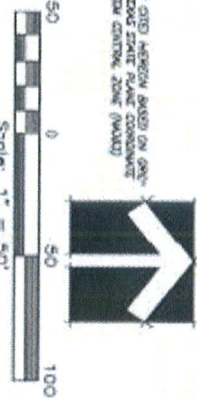
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EXHIBIT TO ACCOMPANY FIELD NOTES FOR
 0.07 ACRE CUT OF THE THOMAS G. STUART SURVEY NO. 5, ABSTRACT NO. 489
 TRAVIS COUNTY, TEXAS

BOUNDARIES CITED ARE BEING SHOWN ON BASIS OF
 A MORE RECENT STATE PLANE COORDINATE
 SYSTEM CENTER 2011 (NAD83)

CONTINENTAL HOMES OF TEXAS, L.P.
 DOC. NO. 200-6132852
 O.P.R.T.C.



REPLAC' OF LOTS 1-3, BLOCK "D"
 AND LOTS 1-3, BLOCK "O"
 OF HIGHLAND PARK PHASE D SECTION 1
 DOC. NO. 201001131
 O.P.R.T.C.

NOTE:

NO RECORD CALLS UNLESS OTHERWISE SHOWN
 ALSO REFERENCED:
 SEE 1 - DOC. NO. 200800121 O.P.R.T.C.

A 1" NAIL FOUND FOR
 THE CONTINENTAL HOMES OF TEXAS
 (20011225) BEARS
 N 72°27'24" E 561.82'



LEGEND	
●	1/2 INCH IRON PIN WITH YELLOW CAP "CE. LTD" FOUND
+	CALCULATED POINT
O.P.R.T.C.	OFFICIAL PUBLIC RECORDS TRAVIS COUNTY

Castleberry Surveying, Ltd
 3613 Williams Drive, Suite 903 - Georgetown, Texas 78628
 (512) 833-1600/(512) 830-8368 fax
 www.castleberrysurveying.com

SHEET
 2 OF 3

EXHIBIT TO ACCOMPANY FIELD NOTES FOR
 0.07 ACRE OUT OF THE THOMAS G. STUART SURVEY NO. 6, ABSTRACT NO. 689
 TRAVIS COUNTY, TEXAS

LINE TABLE		
NUMBER	DIRECTION	DISTANCE
L1	N 27°34'35" E	10.00'
L2	N 27°34'35" E	5.00'
L3	S 62°25'25" E	10.00'
L4	S 27°34'35" W	5.00'

CURVE TABLE					
NUMBER	DELTA	RADIUS	ARC	CHORD	DIRECTION
C1	90°00'00"	5.00'	7.85'	7.07'	N 72°34'35" E
C2	90°00'00"	15.00'	23.56'	21.21'	S 72°34'35" W

RECORD LINE TABLE		
NUMBER	DIRECTION	DISTANCE
L1	S 27°34'35" W	125.00 OVERALL
L2	NO RECORD	
L3	NO RECORD	
L4	NO RECORD	

[Handwritten Signature]
 1/2/2015



Castleberry Surveying, Ltd
 3613 Williams Drive, Suite 503 - Georgetown, Texas 78628
 (512) 930-1600/(512) 930-9399 fax
 www.castleberysurveying.com

SHEET
3 OF **3**

EXHIBIT "B"

EASEMENT TRACT

FIELD NOTES
JOB NO. 0564-35
DATE: January 3, 2013
PAGE 1 OF 3

0.07 ACRE

Being 0.07 acre of land situated in Travis County, Texas, out of the Thomas G. Stuart Survey No. 6, Abstract No. 689, and being a portion of that tract described as 61.00 acres in a Special Warranty Deed to Continental Homes of Texas, L.P., dated July 6, 2006 and recorded as Document No. 2006132852 of the Official Public Records of Travis County, Texas, and further described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron pin with yellow cap inscribed "CS, LTD" found for the northeast corner of Alley #20 as dedicated in the Replat of Lots 1-3, Block "P" and Lots 1-3, Block "Q", Highland Park Phase D, Section 1, recorded as Document No. 201000131 of said official public records, also being the southeast corner of Portchester Castle Path as dedicated in Highland Park Phase D, Section 1 subdivision recorded in Document No. 200800121 of said official public records, for the most northerly corner of this tract.

THENCE: over said Continental Homes tract the following five (5) courses:

1. S 62°25'25" E 261.14 feet to a calculated point,
2. 23.56 feet with a curve to the right ($\Delta=90^{\circ}00'00"$, R=15.00 feet, LC bears S 17°25'25" E 21.21 feet) to a calculated point for the most southerly corner of this tract, from which a 1 inch iron pipe found for the northeast corner of said Continental Homes of Texas tract bears N 67°45'53" E 623.46 feet,
3. N 62°25'25" W 10.00 feet to a calculated point,
4. 7.85 feet with a curve to the left ($\Delta=90^{\circ}00'00"$, R=5.00 feet, LC bears N 17°25'25" W 7.07 feet) to a calculated point,
5. N 62°25'25" W 275.28 feet to a calculated point in the curving east line of said Replat of Lots 1-3, Block "P" and Lots 1-3, Block "Q", Highland Park Phase D, Section 1;

THENCE: 18.46 feet with a curve to the right, and with said curving east line ($\Delta=70^{\circ}31'44"$, R=15.00 feet, LC bears N 82°18'43" E 17.32 feet) to the Point of Beginning.

Bearings cited hereon based on Grid North Texas State Plane Coordinate System (Central Zone) NAD83.

Brett A. Butts 1/3/2013

Brett A. Butts, R.P.L.S. No. 6254
Castleberry Surveying, Ltd.
3613 Williams Drive, Suite 903
Georgetown, Texas 78628



bab

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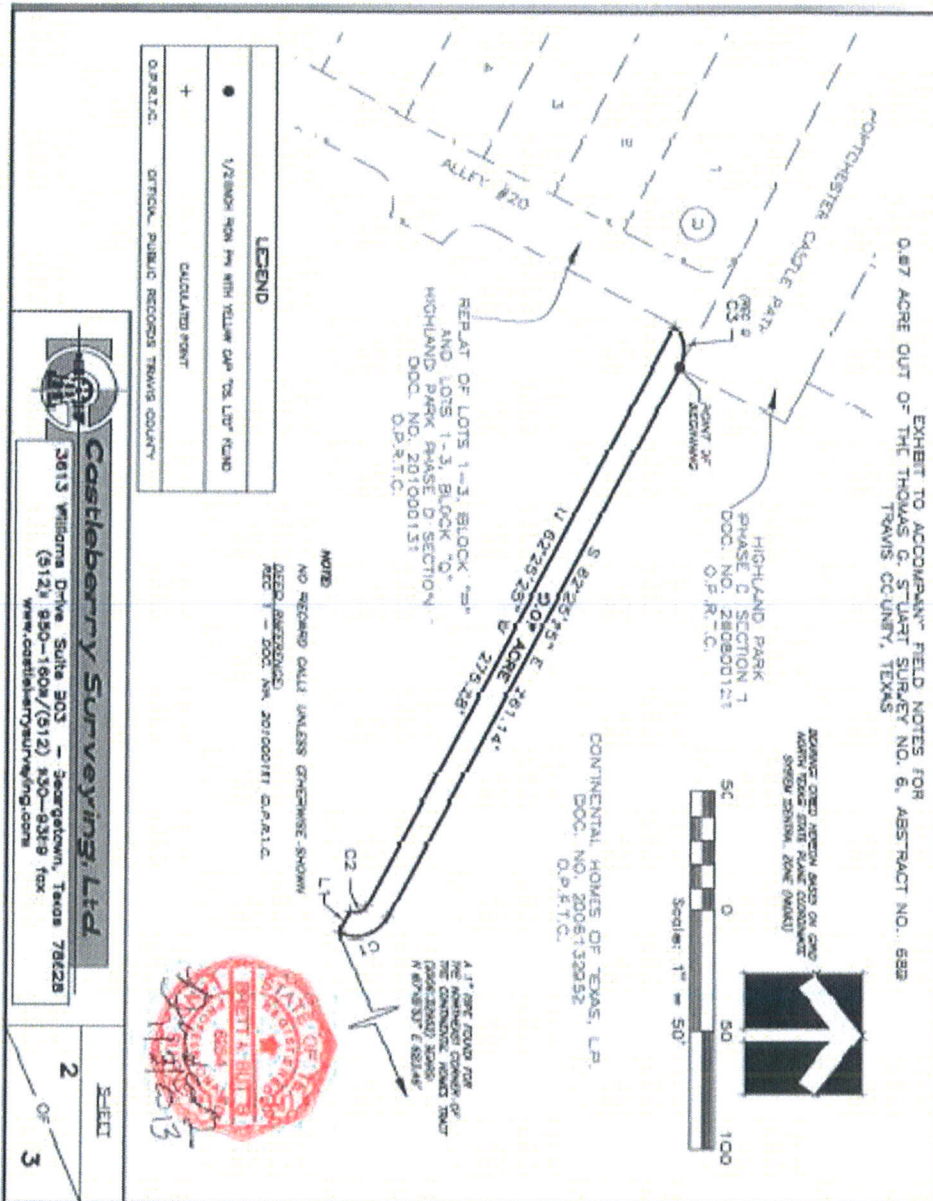


EXHIBIT TO ACCOMPANY FIELD NOTES FOR
 0.07 ACRE OUT OF THE THOMAS G. STUART SURVEY NO. 6, ABSTRACT NO. 639
 TRAVIS COUNTY, TEXAS

LINE TABLE		
NUMBER	DIRECTION	DISTANCE
L1	N 82°25'25" W	16.00

CURVE TABLE					
SUBNER	DELTA	RADIUS	ARC	CHORD	DIRECTION
C1	90°00'00"	15.00'	21.66'	21.21'	S 77°25'25" E
C2	90°00'00"	5.00'	7.85'	7.67'	N 72°25'25" W
C3	70°35'44"	15.00'	18.46'	17.32'	N 82°18'45" E

RECORD CURVE TABLE					
NUMBER	DELTA	RADIUS	ARC	CHORD	DIRECTION
21					NO RECORD
22					NO RECORD
23	90°00'00"	15.00'	23.97'	21.21'	S 77°25'25" W (OVERALL)



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 (512) 930-1600/(512) 930-8388 fax
 www.cd.stillberry.surveying.com

SHEET
 3 OF 3

EXHIBIT "C"

EASEMENT TRACT

FIELD NOTES

JOB NO. 0584-35

DATE: September 17, 2013

PAGE 1 OF 3

0.07 ACRE

Being 0.07 acre of land situated in Travis County, Texas, out of the Thomas G. Stuart Survey No. 6, Abstract No. 669, and being a portion of that tract described as 81.00 acres in a Special Warranty Deed to Continental Homes of Texas, L.P., dated July 6, 2006 and recorded as Document No. 2006132952 of the Official Public Records of Travis County, Texas, and further described by metes and bounds as follows:

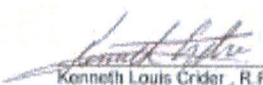
BEGINNING at a calculated point in the east line of said Continental Homes of Texas tract, and in the west line of Stone Hill Town Center, Section Two, Phase One as recorded in Document No. 201100162 of said official public records, for the most easterly corner of this tract, from which a 1 inch iron pipe found for the northeast corner of said Continental Home of Texas tract bears N 27°16'04" E 395.29 feet;

THENCE: S 27°16'04" W 10.00 feet with the common east line of said Continental Homes tract and the west line of said Stone Hill Town Center subdivision to a 5/8 inch iron pin with yellow cap inscribed "TEAM 281-491-2525" found for the northwest corner of Town Center Drive as dedicated in said Stone Hill Town Center subdivision, and for most southerly corner of this tract;

THENCE: over said Continental Homes of Texas tract the following five (5) courses:

1. N 62°25'25" W 339.51 feet to a 1/2 inch iron pin with yellow cap inscribed "CS, LTD" set,
2. 23.56 feet with a curve to the right ($\Delta=90^{\circ}00'00"$, $R=15.00$ feet, LC bears N 17°25'25" W 21.21 feet) to a 1/2 inch iron pin with yellow cap inscribed "CS, LTD" set for the most northerly corner of this tract, from which a 1/2 inch iron pin with yellow cap inscribed "CS, LTD" found for the northeast corner of Alley #20 as dedicated in the Replat of Lots 1-3, Block "P" and Lots 1-3, Block "Q", Highland Park Phase D, Section 1 subdivision, recorded in Document No. 201000131, said official public records, bears N 74°32'15" W 333.56 feet;
3. S 62°25'25" E 10.00 feet to a calculated point,
4. 7.85 feet with a curve to the left ($\Delta=90^{\circ}00'00"$, $R=5.00$ feet, LC bears S 17°25'25" E 7.07 feet) to a calculated point,
5. S 62°25'25" E 339.46 feet to the Point of Beginning.

Bearings cited hereon based on Grid North Texas State Plane Coordinate System (Central Zone) NAD83.


Kenneth Louis Crider, R.P.L.S. No. 5524
Castleberry Surveying, Ltd.
3613 Williams Drive, Suite 800
Georgetown, Texas 78628



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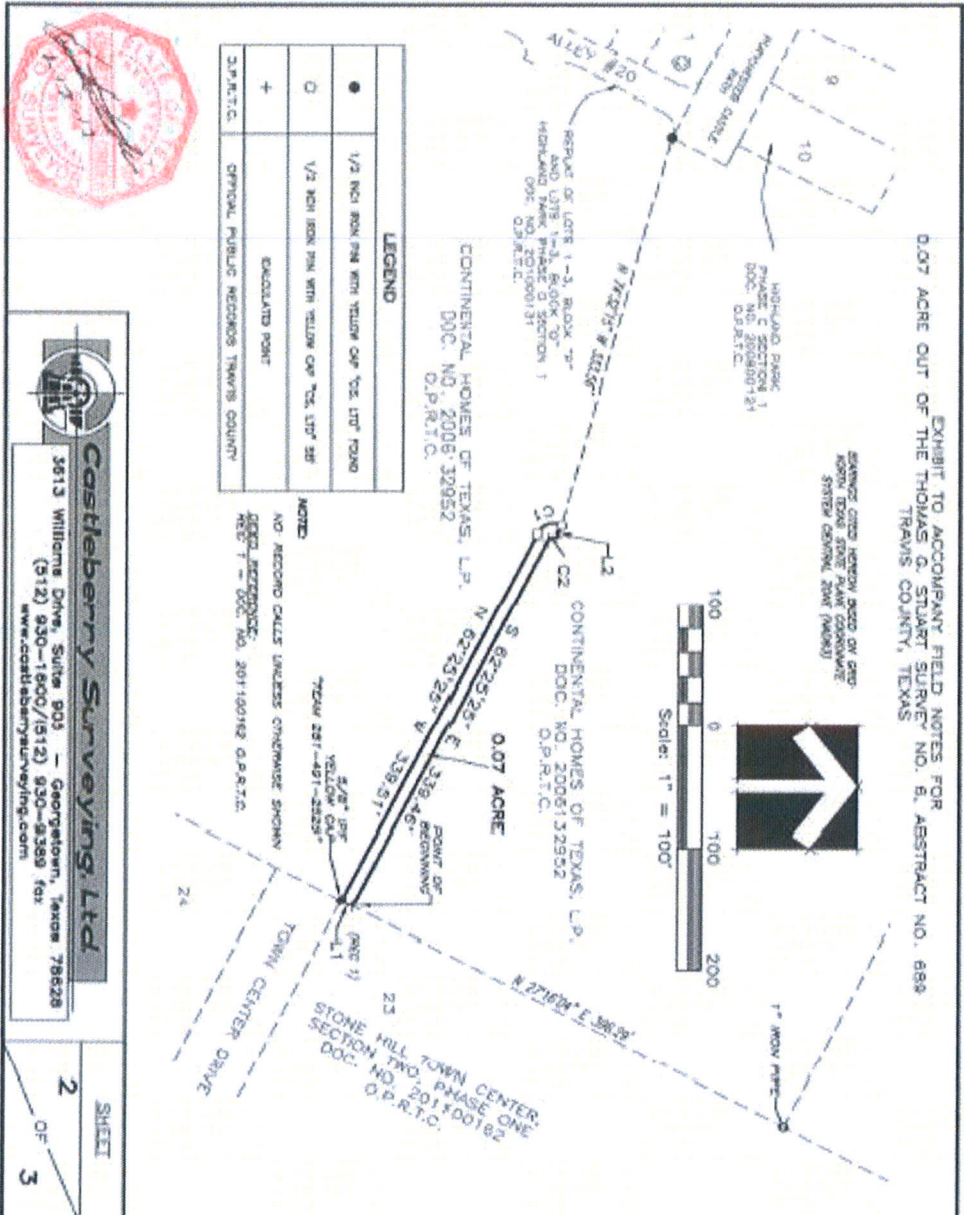



EXHIBIT TO ACCOMPANY FIELD NOTES FOR
 0.07 ACRE CUT OF THE THOMAS G. STUART SURVEY NO. 8, ABSTRACT NO. 899
 TRAVIS COUNTY, TEXAS

LINE TABLE		
NUMBER	DIRECTION	DISTANCE
L1	S 27°16'04" W	10.00'
L2	S 02°25'25" E	10.00'

CURVE TABLE					
NUMBER	DELTA	RADIUS	ARC	CHORD	DIRECTION
G1	90°00'00"	15.00'	23.56'	21.21'	N 17°25'25" W
G2	90°00'00"	5.00'	7.85'	7.07'	S 17°25'25" E

RECORD LINE TABLE		
NUMBER	DIRECTION	DISTANCE
L1	S 27°16'43" W	406.29 OVERALL
L2	NO RECORD	



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 3613 Williams Drive, Suite 903 — Georgetown, Texas 78628
 (512) 830-1600 / (512) 930-8389 fax
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SHEET
 3 OF 3

EXHIBIT "D"

EASEMENT TRACT

FIELD NOTES

JOB NO. 0584-35

DATE: September 17, 2013

PAGE 1 OF 3

0.08 ACRE

Being 0.08 acre of land situated in Travis County, Texas, out of the Thomas G. Stuart Survey No. 6, Abstract No. 689, and being a portion of that tract described as 81.00 acres in a Special Warranty Deed to Continental Homes of Texas, L.P., dated July 6, 2006 and recorded as Document No. 2006132952 of the Official Public Records of Travis County, Texas, and further described by metes and bounds as follows:

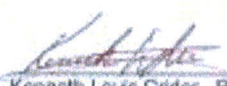
BEGINNING at a 5/8 inch iron pin with yellow cap inscribed "TEAM 281-491-2525" found in the east line of said Continental Homes of Texas tract, and in the west line of Stone Hill Town Center, Section Two, Phase One as recorded in Document No. 201100162 of said official public records, for the most easterly corner of this tract, from which a 1 inch iron pipe found for the northeast corner of said Continental Home of Texas tract bears N 27°16'04" E 468.29 feet;

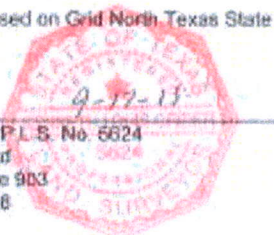
THENCE: S 27°16'04" W 10.00 feet with the common east line of said Continental Homes tract and the west line of said Stone Hill Town Center subdivision to a calculated point for the most southerly corner of this tract.

THENCE: over said Continental Homes of Texas tract the following five (5) courses:

1. N 62°25'25" W 339.89 feet to a calculated point,
2. 7.85 feet with a curve to the left ($\Delta=90^{\circ}00'00"$, $R=5.00$ feet, LC bears S 72°34'35" W, 7.07 feet) to a calculated point,
3. N 62°25'25" W 10.00 feet to a 1/2 inch iron pin with yellow cap inscribed "CS, LTD" set for the most westerly corner of this tract, from which a 1/2 inch iron pin with yellow cap inscribed "CS, LTD" found for the northeast corner of Alley #20 as dedicated in the Replat of Lots 1-3, Block "P", and Lots 1-3, Block "Q", Highland Park Phase D, Section 1, recorded in Document No. 201000131 of said official public records bears N 58°54'52" W 326.75 feet,
4. 23.56 feet with a curve to the right ($\Delta=90^{\circ}00'00"$, $R=15.00$ feet, LC bears N 72°34'35" E 21.21 feet) to a 1/2 inch iron pin with yellow cap inscribed "CS, LTD" set for the most northerly corner of this tract,
5. S 62°25'25" E 339.83 feet to the Point of Beginning.

Bearings cited hereon based on Grid North Texas State Plane Coordinate System (Central Zone) NAD83.

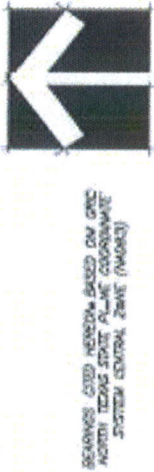

Kenneth Louis Crider, R.P.L.S. No. 6624
Castleberry Surveying, Ltd.
3613 Williams Drive, Suite 903
Georgetown, Texas 78626



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EXHIBIT TO ACCOMPANY FIELD NOTES FOR
 0.06 ACRE OUT OF THE THOMAS G. STUART SURVEY NO. 6, ABSTRACT NO. 689
 TRAVIS COUNTY, TEXAS



BEARINGS G310 HORIZON BASED ON GRS
 NORTH TEXAS STATE PLANE COORDINATE
 SYSTEM CENTRAL ZONE (NAD83)

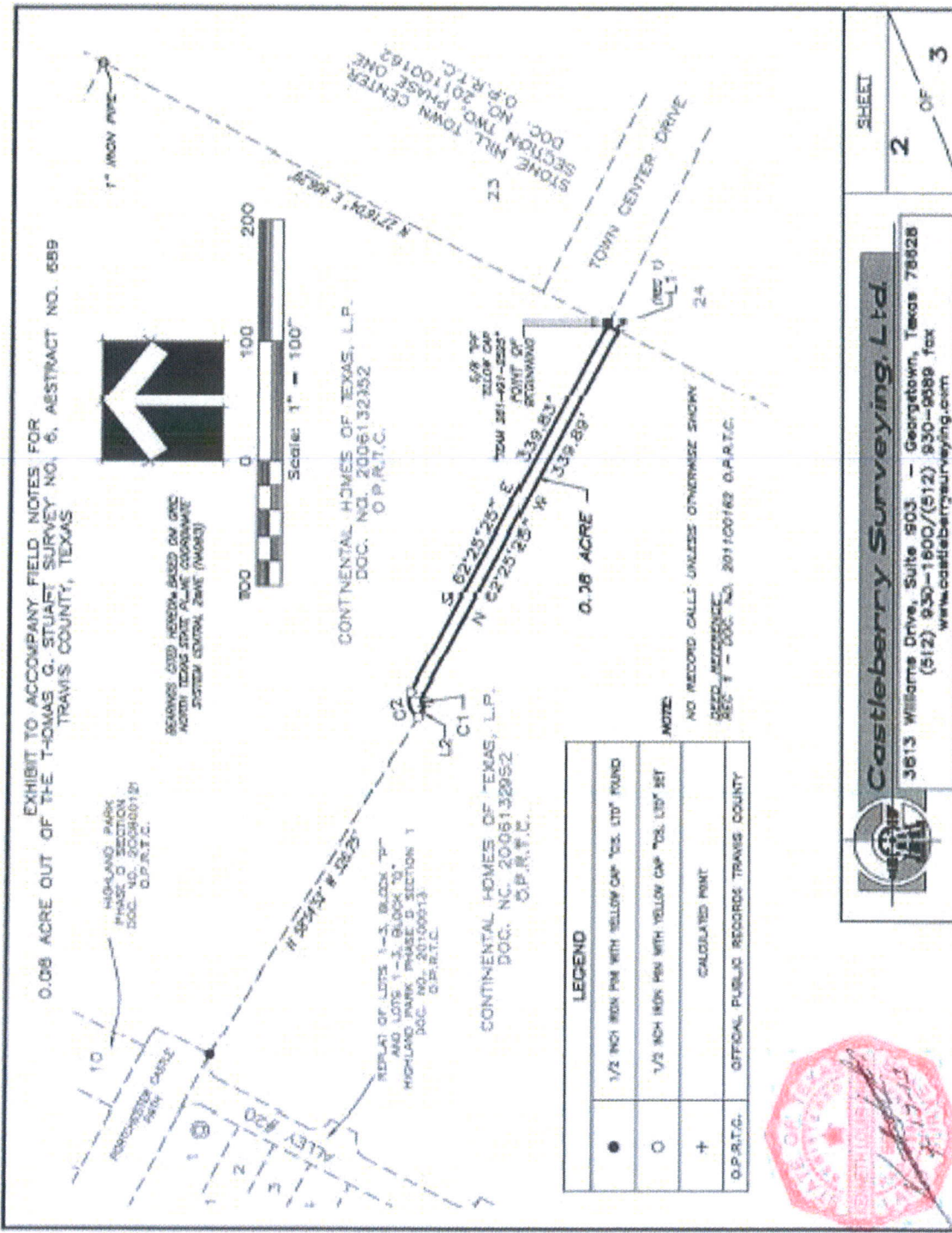
HIGHLAND PARK
 PHASE 2
 SECTION 10
 DOC. NO. 200800187
 O.P.R.T.C.

REPLAT OF LOTS 1-3, BLOCK 7
 AND LOTS 1-3, BLOCK 10,
 HIGHLAND PARK PHASE 2, SECTION 10
 DOC. NO. 201500513
 O.P.R.T.C.

CONTINENTAL HOMES OF TEXAS, L.P.
 DOC. NO. 2006132352
 O.P.R.T.C.

CONTINENTAL HOMES OF TEXAS, L.P.
 DOC. NO. 2006132952
 O.P.R.T.C.

STONE HILL TOWN CENTER
 SECTION TWO, PHASE ONE
 DOC. NO. 201100162
 O.P.R.T.C.



LEGEND	
●	1/2 INCH IRON PIN WITH YELLOW CAP "CAL. LTD" FOUND
○	1/2 INCH IRON PIN WITH YELLOW CAP "CAL. LTD" SET
+	CALCULATED POINT
O.P.R.T.C.	OFFICIAL PUBLIC RECORDS TRAVIS COUNTY

NOTE:
 NO RECORD CALLS UNLESS OTHERWISE SHOWN
 GRS MICROSCOPE
 REC-1 - DOC. NO. 201100162 O.P.R.T.C.



Castleberry Surveying, Ltd.
 3613 Williams Drive, Suite 503 - Georgetown, Texas 78628
 (512) 930-1800 / (512) 930-9889 fax
 www.castleberrysurveying.com


Exhibit D - Page 2

EXHIBIT TO ACCOMPANY FIELD NOTES FOR
 0.09 ACRE OUT OF THE THOMAS G. STUART SURVEY NO. 6, ABSTRACT NO. 689
 TRAVIS COUNTY, TEXAS

LINE TABLE		
NUMBER	DIRECTION	DISTANCE
L1	S 27°16'04" W	10.00'
L2	N 62°25'25" W	10.00'

CURVE TABLE					
NUMBER	DELTA	RADIUS	ARC	CHORD	DIRECTION
C1	90°00'00"	5.00'	7.85'	7.07'	S 72°34'35" W
C2	90°00'00"	15.00'	23.55'	21.21'	N 72°34'35" E

LINE TABLE		
NUMBER	DIRECTION	DISTANCE
L1	N 27°16'43" E	288.83 OVERALL
L2	NO RECORD	



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 3613 Williams Drive, Suite 903 - Georgetown, Texas 78628
 (512) 836-1600 / (512) 830-8359 fax
 www.castiberrysurveying.com

SHEET
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