

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.

DRAINAGE EASEMENT AGREEMENT

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

GRANT OF EASEMENT:

Cebridge Acquisition L.P. d/b/a Suddenlink Communications ("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 parcels of real property of Grantor which are more particularly described on Exhibit "A", attached hereto and incorporated herein by reference (collectively, "Easement Tract").

TO HAVE AND TO HOLD the same perpetually to Grantee and its successors and assigns, together with the right and privilege at any and all times to enter the Easement Tract, or any part thereof, for the purpose of construction, operation, maintenance, replacement, upgrade, and repair of the improvements which are constructed and installed therein or thereon by Grantee under the terms of this Easement.

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, subject to 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 drainage purposes, including placement, construction, installation, replacement, repair, maintenance, relocation, removal, and operation of a drainage swale and related drainage facilities, and related appurtenances, or making connections thereto.

DURATION OF EASEMENT:

The Easement shall be perpetual. Grantor hereby binds Grantor and Grantor's heirs, legal representatives, successors and assigns, to warrant and forever defend the Easement unto Grantee, its successors and assigns, against any person whomsoever lawfully claiming or to claim the same or any part thereof.

EXCLUSIVENESS OF EASEMENT:

The Easement shall be non-exclusive and Grantee's use shall be in common with Grantor's and their successors and assigns.

SURFACE USE:

Grantor hereby retains, reserves, and shall continue to enjoy the use of the surface of the Easement Tract for any and all purposes which do not interfere with or prevent the use by Grantee of the Easement herein granted. 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 Tract.

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 by Grantee so long as Grantee provides Grantor with prior written notice and the assignee utilizes the Easement as contemplated herein.

In witness whereof, this instrument is executed this 22ND day of April, 2015.

GRANTOR:

**Cebridge Acquisition L.P., d/b/a
Suddenlink Communications**

By: 

Name: John E. Fuhler

Title: Sr. Vice President

STATE OF MISSOURI §
 §
COUNTY OF ST. LOUIS §

This instrument was acknowledged before me on April 22, 2015, by
John F. Fuhler, title of Sr. VICE PRES., authorized agent for the Grantor.

(seal)



GALE A. VOSS
My Commission Expires
February 1, 2016
St. Charles County
Commission #12439202

Gale A. Voss
Notary Public Signature

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 _____, 2015, by
Brandon Wade, City Manager of the City of Pflugerville, Texas, a Texas home-rule
municipality, on behalf of said municipality.

(seal)

Notary Public Signature

EXHIBIT "A"

**City of Pflugerville
15 Foot Wide Drainage Easement**

**METES AND BOUNDS DESCRIPTION
OF A
0.1035 ACRE TRACT OF LAND OUT OF THE
CEBRIDGE ACQUISITION, L.P. TRACT
LOCATED IN THE CITY OF PFLUGERVILLE, TRAVIS COUNTY, TEXAS**

BEING A 0.1035 ACRE (4,507 SQUARE FEET) TRACT OF LAND SITUATED IN THE ALEXANDER WALTERS SURVEY NO. 67, TRAVIS COUNTY, TEXAS; SAID 0.1035 ACRE TRACT BEING A PORTION OF THAT CERTAIN CALLED 2.07 ACRE TRACT OF LAND DESCRIBED IN A SPECIAL WARRANTY DEED TO CEBRIDGE ACQUISITION, L.P., A DELAWARE LIMITED PARTNERSHIP, FILED JUNE 2, 2006, AND RECORDED IN DOCUMENT NO. 2006102624, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS (O.P.R.T.C.T.); WITH SAID 0.1035 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-inch iron rod found marking the northeast corner of said 2.07 acre tract and the herein described tract, same marking the northwest corner of Lot 10, Block F, Creekside Addition, filed on April 4, 1996, and recorded in Volume 96, Pages 308-311, Plat Records, Travis County, Texas (P.R.T.C.T.), said point also being on the south right-of-way (R.O.W.) line of Walter Avenue (having a width of 40 feet at this location);

THENCE South 28° 40' 44" West (bearing basis), departing the south R.O.W. line of said Walter Avenue, and with the common east line of said 2.07 acre tract and the west line of said Block F, a distance of 300.51 feet to a flagged nail on top of wood fence post found marking the southeast corner of said 2.07 acre tract and the herein described tract, same marking the southwest corner of Lot 7 of said Block F, said point also being on the north line of Lot 4 of said Block F;

THENCE North 61° 16' 18" West, with the common south line of said 2.07 acre tract and the north line of said Lot 4, Block F, a distance of 15.00 feet to a calculated point for the southwest corner of the herein described tract, and from which a 1/2-inch iron rod found marking the common southwest corner of said 2.07 acre tract and the northwest corner of Lot 1 of said Block F bears North 61° 16' 18" West, at a distance of 284.99 feet, said iron rod being also being on the east R.O.W. line of Railroad Avenue (having a width of 60 feet at this location);

THENCE North 28° 40' 44" East, departing the north line of said Lot 4, Block F, and traveling across the interior of said 2.07 acre tract, a distance of 300.51 feet to a calculated point for the northwest corner of the herein described tract, said point being on the common north line of said 2.07 acre tract and the south R.O.W. line of said Walter Avenue;

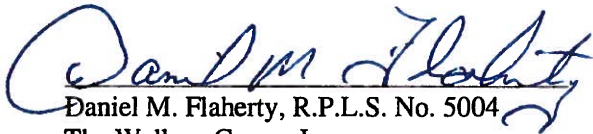
THENCE South 61° 16' 18" East, with the common north line of said 2.07 acre tract and the south line of said Walter Avenue, a distance of 15.00 feet to the **POINT OF BEGINNING** and containing 0.1035 acre (4,507 square feet) of land, more or less, based on the survey and exhibit drawing made by The Wallace Group, Round Rock, Texas.

Exhibit "A" continued
Description of a 0.1035 acre tract
(15 Foot Wide Drainage Easement)

This metes and bounds description is accompanied by an exhibit drawing.

Basis of Bearings: Bearings are based on the record information for the west line of Lots 7-10, Block F, Creekside Addition, a plat recorded in Volume 96, Pages 308-311, Plat Records, Travis County, Texas, having a plat bearing of North 28° 40' 44" East.

That I, Daniel M. Flaherty, a Registered Professional Land Surveyor, do hereby certify that the above description and exhibit drawing A-4755 attached hereto is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.



Daniel M. Flaherty, R.P.L.S. No. 5004

The Wallace Group, Inc.

One Chisholm Trail, Suite 130

Round Rock, Texas 78681

Ph. (512) 248-0065

TBPLS Firm No. 10051701

See attached Plat No. A-4755

23539-FN01.doc

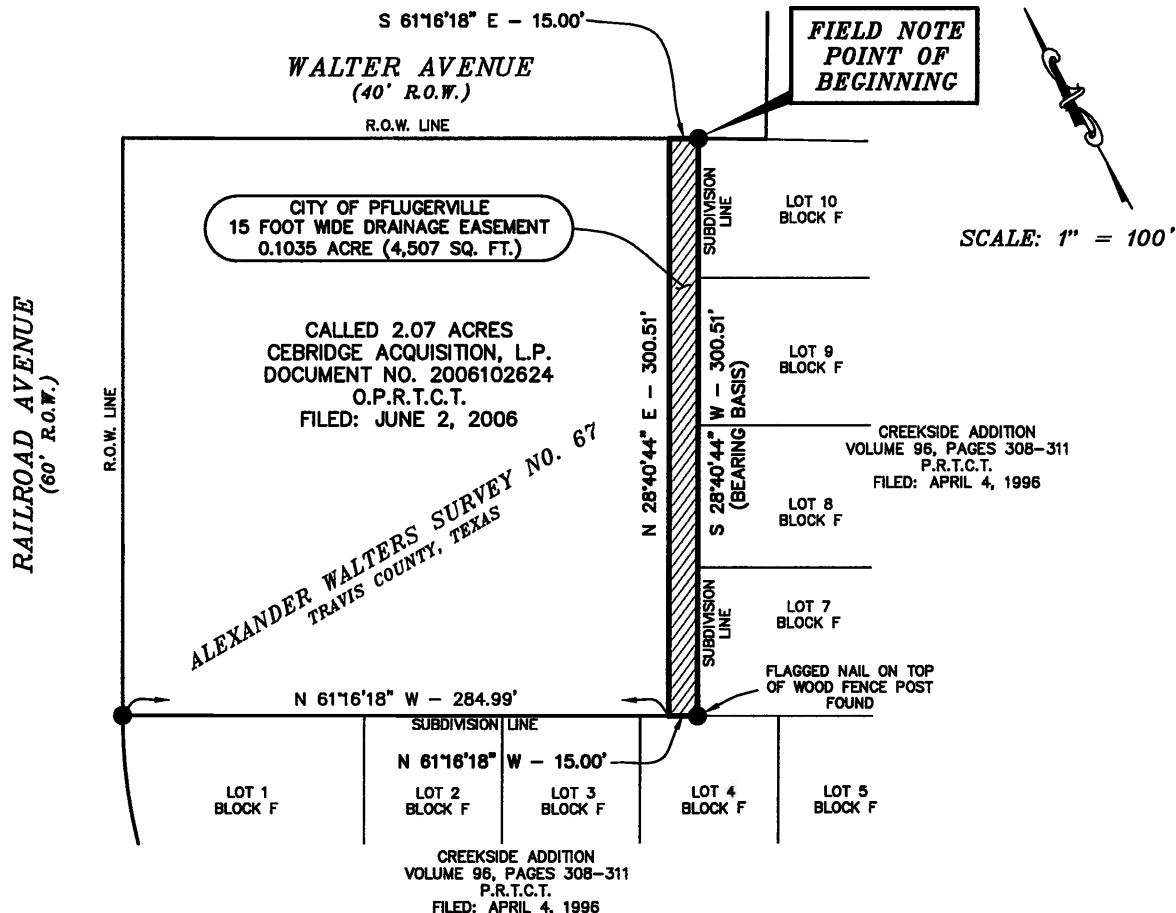


02-17-2015

Date

EXHIBIT "B"

DRAWING TO ACCOMPANY METES AND BOUNDS DESCRIPTION OF A
CITY OF PFLUGERVILLE 15 FOOT WIDE (0.1035 ACRE) DRAINAGE EASEMENT
LOCATED IN THE ALEXANDER WALTERS SURVEY NO. 67, TRAVIS COUNTY, TEXAS
AND BEING PART OF THAT CERTAIN CALLED 2.07 ACRE TRACT OF LAND
DESCRIBED IN SPECIAL WARRANTY DEED TO CEBRIDGE ACQUISITION, L.P.,
RECORDED IN DOCUMENT NO. 2006102624, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS



GENERAL NOTES:

- 1.) ALL PROPERTY CORNERS FOUND ARE CONTROL MONUMENTS.
- 2.) SUBJECT TO ANY AND ALL COVENANTS, RESTRICTIONS, EASEMENTS AND CONDITIONS THAT MAY BE APPLICABLE.
- 3.) THE SURVEYOR DID NOT ABSTRACT THE SUBJECT TRACT.
- 4.) THIS DRAWING IS ACCOMPANIED BY A METES AND BOUNDS DESCRIPTION.
- 5.) BEARINGS ARE BASED ON THE RECORD INFORMATION FOR THE WEST LINE OF LOTS 7-10, BLOCK F, CREEKSIDE ADDITION, A PLAT RECORDED IN VOLUME 96, PAGES 308-311, PLAT RECORDS, TRAVIS COUNTY, TEXAS, HAVING A PLAT BEARING OF NORTH 28 DEGREES 40 MINUTES 44 SECONDS EAST.

LEGEND

- = 1/2" IRON ROD FOUND (UNLESS OTHERWISE NOTED)
O.P.R.T.C.T. = OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS
P.R.T.C.T. = PLAT RECORDS, TRAVIS COUNTY, TEXAS



TBPLS 10051701

The Wallace Group

One Chisholm Trail, Suite 130, Round Rock, Texas 78681 (512) 248-0065

Engineers ■ Architects ■ Planners ■ Surveyors

Waco * Killeen * Dallas * Round Rock

TBPE F-54

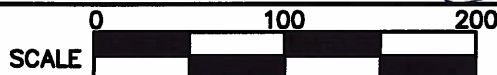
I HEREBY STATE THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF THAT
THIS PLAT AND THE SURVEY UPON WHICH IT IS BASED MEETS THE REQUIREMENTS FOR LAND
SURVEYS IN THE STATE OF TEXAS. THIS THE 17TH DAY OF FEBRUARY, 2015.

SURVEYED: 02-16-2015

DANIEL M. FLAHERTY, RPLS NO. 5004



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PLAT NO. A-4755

DRAFT DATE 02-17-2015

DRAWN BY TAB

WORK ORDER NO. 23539

FIELDBOOK/PG. 207/15

TAB # A-4755

DIGITAL FILE 23539R-SURVEY

F/N # 23539-FN01