

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:**

A-S 93 SH 130-SH 45, L.P. (“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)

**EXHIBIT "A"**  
**EASEMENT TRACT**

**ATTACHED**

**EXHIBIT "A"**

**10 Foot Wide Water Easement**

**METES AND BOUNDS DESCRIPTION OF A  
0.0570 ACRE TRACT OF LAND OUT OF  
LOT 5, BLOCK 4, STONE HILL TOWN CENTER  
SITUATED IN THE THOMAS J. STUART SURVEY NO. 6, ABSTRACT NO. 689,  
CITY OF PFLUGERVILLE, TRAVIS COUNTY, TEXAS**

BEING A 0.0570 ACRE (2,483 SQUARE FOOT) TRACT OF LAND SITUATED IN THE THOMAS J. STUART SURVEY NO. 6, ABSTRACT NO. 689, CITY OF PFLUGERVILLE, TRAVIS COUNTY, TEXAS; SAID 0.0570 ACRE TRACT BEING A PART OF LOT 5, BLOCK 4, STONE HILL TOWN CENTER, FILED ON JUNE 18, 2007, AND RECORDED IN DOCUMENT NO. 200700201, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.T.); SAID 0.0570 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS WITH BEARINGS REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM (CENTRAL ZONE, NAD 83) WHICH IS BASED ON LEICA'S CENTRAL TEXAS GPS COOPERATIVE CORS RTK NETWORK:

**COMMENCING** at a mag nail with shiner found marking the common southeast corner of said Lot 5 and the northeast corner of Lot 6, Block 4 of said Stone Hill Town Center, said point also being on the west right-of-way (R.O.W.) of State Highway 130 – also known as F.M. Highway 685 (having a variable width);

**THENCE** (C-1) In a Northerly direction, with the common west R.O.W. line of said State Highway 130 and the east line of said Lot 5, a distance of 13.43 feet along the arc of a curve to the left, having a radius of 2,809.79 feet, a central angle of 00 degrees 16 minutes 26 seconds, and a chord bearing and distance of North 21 degrees 30 minutes 51 seconds East – 13.43 feet to a calculated point for the **POINT OF BEGINNING** and southeast corner of the herein described tract;

**THENCE** departing the west R.O.W. line of said State Highway 130, and traveling across the interior of said Lot 5, the following nine (9) calls:

- 1) (C-2) In a Westerly direction, and with a line 13.0 feet north of and parallel with the common south line of said Lot 5 and the north line of said Lot 6, a distance of 182.61 feet along the arc of a curve to the right, having a radius of 987.00 feet, a central angle of 10 degrees 36 minutes 02 seconds, and a chord bearing and distance of North 77 degrees 44 minutes 51 seconds West – 182.35 feet to a calculated point for the southernmost southwest corner of the herein described tract, and from which a cut "X" in concrete found marking the common southwest corner of said Lot 5 and the northwest corner of said Lot 6 bears (L-7) North 80 degrees 47 minutes 42 seconds West, at a distance of 72.03 feet;
- 2) (L-1) North 27 degrees 35 minutes 00 seconds West, a distance of 25.15 feet to a calculated point for a corner of the herein described tract;

**Exhibit "A" continued**  
**Description of a 0.0570 acre tract**

- 3) (L-2) North 17 degrees 36 minutes 21 seconds East, a distance of 10.89 feet to a calculated point for the westernmost northwest corner of the herein described tract;
- 4) (L-3) South 72 degrees 23 minutes 39 seconds East, a distance of 10.00 feet to a calculated point for a corner of the herein described tract;
- 5) (L-4) South 17 degrees 36 minutes 21 seconds West, a distance of 6.73 feet to a calculated point for a corner of the herein described tract;
- 6) (L-5) South 27 degrees 35 minutes 00 seconds East, a distance of 16.85 feet to a calculated point for a corner of the herein described tract and being the beginning of a curve to the left;
- 7) (C-3) In a Easterly direction, and with a line 23 feet north of and parallel with the common south line of said Lot 5 and the north line of said Lot 6, a distance of 168.88 feet along the arc of said curve to the left, having a radius of 977.00 feet, a central angle of 09 degrees 54 minutes 14 seconds, and a chord bearing and distance of South 77 degrees 38 minutes 27 seconds East – 168.67 feet to a calculated point for a corner of the herein described tract and being the beginning of a curve to the left;
- 8) (C-4) In a Northerly direction, and with a line 10 feet west of and parallel with the common west R.O.W. line of said State Highway 130 and the east line of said Lot 5, a distance of 38.81 feet along the arc of said curve to the left, having a radius of 2,799.79 feet, a central angle of 00 degrees 47 minutes 39 seconds, and a chord bearing and distance of North 20 degrees 49 minutes 15 seconds East – 38.81 feet to a calculated point for the northernmost corner of the herein described tract;
- 9) (L-6) South 69 degrees 29 minutes 58 seconds East, a distance of 10.00 feet to a calculated point for the easternmost northeast corner of the herein described tract and being the beginning of a curve to the right, said point also being on the common west R.O.W. line of said State Highway 130 and the east line of said Lot 5;

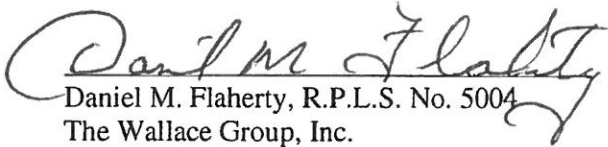
**THENCE** (C-5) In a Southerly direction, with the common west R.O.W. line of said State Highway 130 and the east line of said Lot 5, a distance of 46.75 feet along the arc of said curve to the right, having a radius of 2,809.79 feet, a central angle of 00 degrees 57 minutes 12 seconds, and a chord bearing and distance of South 20 degrees 54 minutes 02 seconds West – 46.75 feet to the **POINT OF BEGINNING** of the herein described tract, delineating and encompassing within the metes recited 0.0570 acre (2,483 square feet) of land, more or less, based on a survey performed by The Wallace Group, Inc., Round Rock, Texas.

**Exhibit "A" continued**  
**Description of a 0.0570 acre tract**

**Basis of Bearings:** Bearings are based on the Texas State Plane Coordinate System (Central Zone – NAD 83) which is based on Leica's Central Texas GPS Cooperative CORS RTK Network.

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

That I, Daniel M. Flaherty, a Registered Professional Land Surveyor, do hereby certify that the above description and exhibit drawing A-4683 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  
See attached Plat No. A-4683  
23113-FN02REV1.doc



03-25-2014  
Date



**EXHIBIT "A"**

**DRAWING TO ACCOMPANY METES AND BOUNDS DESCRIPTION OF A  
10.0 FOOT WIDE (0.0570 ACRE) WATER EASEMENT  
SITUATED IN THE THOMAS J. STUART SURVEY NO. 6, ABSTRACT NO. 689,  
CITY OF PFLUGERVILLE, TRAVIS COUNTY, TEXAS,  
AND BEING A PART OF LOT 5, BLOCK 4, STONE HILL TOWN CENTER,  
AS RECORDED IN DOCUMENT NO. 200700201 OF THE  
OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS**

-- LINE TABLE --

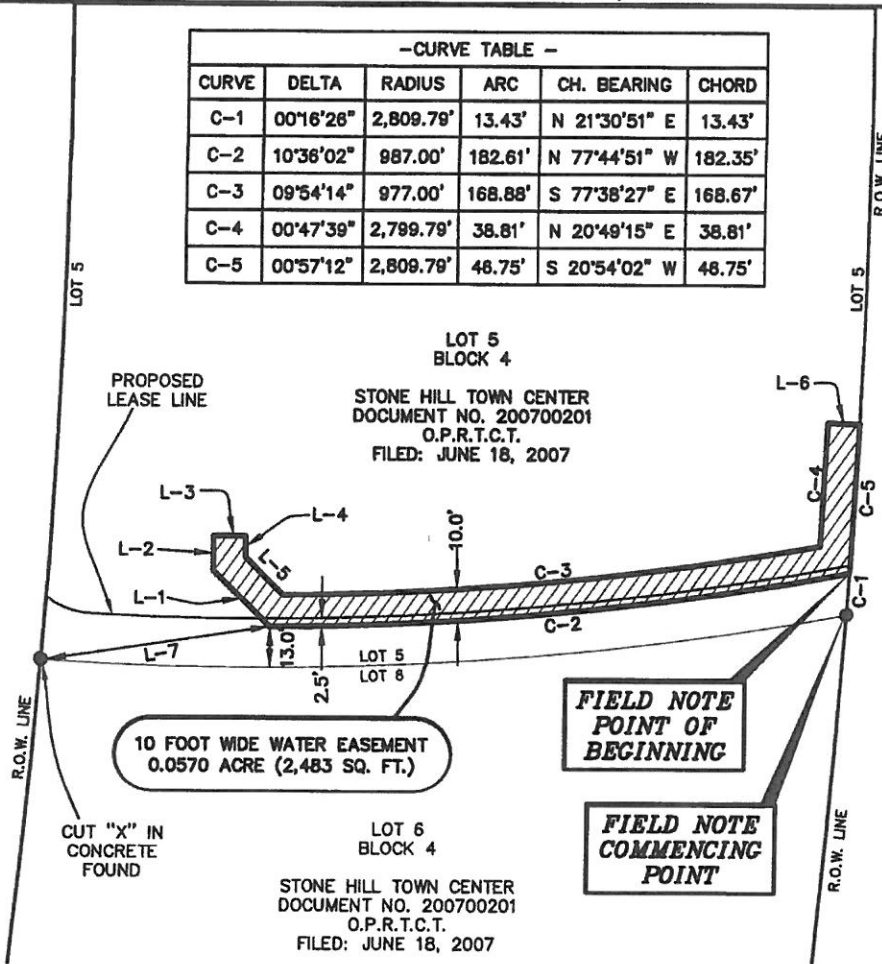
LINE	BEARING	LENGTH
L-1	N 27°35'00" W	25.15'
L-2	N 17°36'21" E	10.89'
L-3	S 72°23'39" E	10.00'
L-4	S 17°36'21" W	6.73'
L-5	S 27°35'00" E	16.85'
L-6	S 69°29'58" E	10.00'
L-7	N 80°47'42" W	72.03'

-- CURVE TABLE --

CURVE	DELTA	RADIUS	ARC	CH. BEARING	CHORD
C-1	00°16'28"	2,809.79'	13.43'	N 21°30'51" E	13.43'
C-2	10°36'02"	987.00'	182.61'	N 77°44'51" W	182.35'
C-3	09°54'14"	977.00'	168.88'	S 77°38'27" E	168.67'
C-4	00°47'39"	2,799.79'	38.81'	N 20°49'15" E	38.81'
C-5	00°57'12"	2,809.79'	48.75'	S 20°54'02" W	48.75'

THOMAS J. STUART SURVEY NO. 6  
ABSTRACT NO. 689  
TRAVIS COUNTY, TEXAS

LIMESTONE COMMERCIAL DRIVE  
(60' R.O.W.)



10 FOOT WIDE WATER EASEMENT  
0.0570 ACRE (2,483 SQ. FT.)

FIELD NOTE  
POINT OF  
BEGINNING

FIELD NOTE  
COMMENCING  
POINT

**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 TEXAS STATE PLANE COORDINATE SYSTEM (CENTRAL ZONE, NAD83) WHICH IS BASED ON LEICA'S CENTRAL TEXAS GPS COOPERATIVE CORS RTK NETWORK.

**LEGEND**

- = MAG NAIL WITH SHINER FOUND (UNLESS OTHERWISE NOTED)
- O.P.R.W.C.T. = OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS



**The Wallace Group, Inc.**

One Chisholm Trail, Suite 130, Round Rock, Texas 78681 (512) 248-0065  
Engineers ■ Architects ■ Planners ■ Surveyors  
Waco \* Killeen \* Dallas \* Round Rock

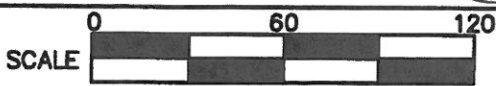


I HEREBY STATE THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF THAT THIS PLAT AND THE SURVEY UPON WHICH IT IS BASED MEETS THE REQUIREMENTS FOR LAND SURVEYS IN THE STATE OF TEXAS. THIS THE 25TH DAY OF MARCH, 2014.

SURVEYED: 02-27-2014

*Daniel M. Flaherty*  
DANIEL M. FLAHERTY, RPLS NO. 5004

4 OF 4



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PLAT NO. A-4683 DRAFT DATE 03-25-2014 DRAWN BY TAB  
WORK ORDER NO. 23113 FIELDBOOK/PG. 184/68 TAB # A-4683  
DIGITAL FILE 23113R-ESMT F/N # 23113-FN02REV1

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