

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:**

Texas Conference Association of Seventh-day Adventists, a Texas Non-Profit Corporation ("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 is granted for the installation, construction, operation, use, maintenance, reconstruction, replacement, repair, re-alignment, upgrade, expansion, inspection, patrol, and removal of public wastewater facilities, together with appurtenances and facilities related to such public wastewater facilities and for making connections therewith; all public wastewater lines will be located underground, but facilities and appurtenances related to the wastewater lines may be located above ground.

Grantee shall have the right to access to the Easement Property 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 exclusive, and Grantor covenants that Grantor will not convey any other easement or conflicting rights within 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 in whole or in part by Grantee.

In witness whereof, this instrument is executed this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

**GRANTOR:**

Texas Conference Association of Seventh-day Adventists,  
a Texas Non-Profit Corporation

By: Roger McMillan  
{Grantor's Signature}

Title: Association Secretary/Treasurer

**GRANTOR:**

Texas Conference Association of Seventh-day Adventists,  
a Texas Non-Profit Corporation

By: Cam Craig  
{Grantor's Signature}

Title: President

**GRANTEE:**

**AGREED AND ACCEPTED:**

**CITY OF PFLUGERVILLE, TEXAS,**  
a Texas home-rule municipality

By: \_\_\_\_\_  
Brandon Wade, City Manager

**ATTEST:**

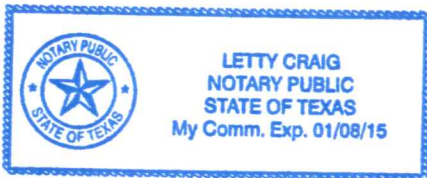
\_\_\_\_\_  
Karen Thompson, City Secretary

ACKNOWLEDGEMENT

THE STATE OF TEXAS           §  
                                          §  
COUNTY OF Johnson       §  
                                          §  
                                          §  
                                          §  
COUNTY OF ~~TRAVIS~~

This instrument was acknowledged before me on the 22nd day of December, 2014, by Roger Meikelburg, of Texas Conference Association of Seventh-day Adventists, a Texas Non-Profit Corporation, on behalf of said corporation.

(seal)



Letty Craig  
Notary Public Signature

Letty Craig  
Printed Name of Notary Public

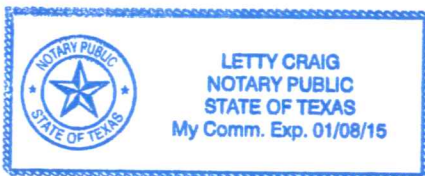
My commission expires: 01-08-15

ACKNOWLEDGEMENT

THE STATE OF TEXAS           §  
                                          §  
COUNTY OF Johnson       §  
                                          §  
                                          §  
                                          §  
COUNTY OF ~~TRAVIS~~

This instrument was acknowledged before me on the 22nd day of December, 2014, by Carlos Craig, of Texas Conference Association of Seventh-day Adventists, a Texas Non-Profit Corporation, on behalf of said corporation.

(seal)



Letty Craig  
Notary Public Signature

Letty Craig  
Printed Name of Notary Public

My commission expires: 01-08-15

ACKNOWLEDGEMENT

THE STATE OF TEXAS   §  
                                  §  
COUNTY OF \_\_\_\_\_ §

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.

(seal)

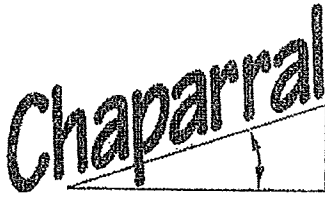
\_\_\_\_\_  
Notary Public Signature

\_\_\_\_\_  
Printed Name of Notary Public

My commission expires: \_\_\_\_\_

**EXHIBIT "A"**

**EASEMENT TRACT**



Professional Land Surveying, Inc.  
Surveying and Mapping

Office: 512-443-1724  
Fax: 512-389-0943

3500 McCall Lane  
Austin, Texas 78744

EXHIBIT " \_\_\_\_\_ "

PORTION OF  
LOT 1, PATHWAYS  
SUBDIVISION FINAL PLAT  
(WASTEWATER EASEMENT)

**0.246 ACRES**  
**EDWARD FLINT SURVEY NO. 11,**  
**ABSTRACT NO. 277**  
**TRAVIS COUNTY, TEXAS**

A DESCRIPTION OF 0.246 ACRES (APPROXIMATELY 10,712 SQ. FT.) IN THE EDWARD FLINT SURVEY NO. 11, ABSTRACT NO. 277, TRAVIS COUNTY, TEXAS, BEING A PORTION LOT 1, PATHWAYS SUBDIVISION FINAL PLAT, A SUBDIVISION OF RECORD IN DOCUMENT NO. 201000077 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, CONVEYED TO THE TEXAS CONFERENCE ASSOCIATION OF SEVENTH DAY ADVENTISTS BY A SPECIAL WARRANTY DEED DATED APRIL 4, 2009 AND RECORDED IN DOCUMENT NO. 2009058575 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.246 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a calculated point in west line of said Lot 1, same being the east line of a 19.96 acre tract described in Document No. 2012106974 of the Official Public Records of Travis County, Texas, from which a 1/2" iron pipe found in the south right-of-way line of Kelly Lane (60' right-of-way width), being the northwest corner of said Lot 1 and also being the northeast corner of said 19.96 acre tract, bears North 26°56'56" East, with the west line of said Lot 1, same being the east line of said 19.96 acre tract, a distance of 1083.71 feet;

**THENCE** crossing said Lot 1, the following two (2) courses and distances:

1. South 45°04'19" East, a distance of 326.43 feet to a calculated point;
2. South 10°49'37" East, a distance of 395.09 feet to a calculated point in the north line of an existing wastewater easement described in Document No. 2005118426 of the Official Public Records of Travis County, Texas;

**THENCE** continuing across said Lot 1, with the north and west lines of said wastewater easement, the following two (2) courses and distances:

1. North  $63^{\circ}02'13''$  West, a distance of 7.67 feet to a calculated point;
2. South  $26^{\circ}57'47''$  West, a distance of 14.59 feet to a calculated point;

**THENCE** continuing across said Lot 1, the following two (2) courses and distances:

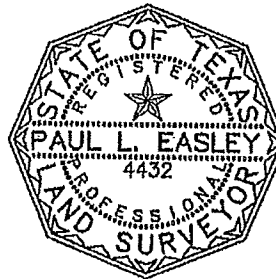
1. North  $10^{\circ}49'37''$  West, a distance of 397.30 feet to a calculated point;
2. North  $45^{\circ}04'19''$  West, a distance of 316.94 feet to a calculated point in the west line of said Lot 1, same being the east line of said 19.96 acre tract, from which a 1/2" rebar with "Chaparral" cap set in for the southwest corner of said Lot 1, same being the southeast corner of said 19.96 acre tract and also being in the north line of Lot 41-Park Block B, the Villages of Hidden Lake Phase 1, a subdivision of record in Document No. 200300119 of the Official Public Records of Travis County, Texas, bears South  $26^{\circ}56'56''$  West, with the west line of said Lot 1, same being the east line of said 19.96 acre tract, a distance of 485.69 feet;

**THENCE** North  $26^{\circ}56'56''$  East, with the west line of said Lot 1, same being the east line of said 19.96 acre tract, a distance of 15.77 feet to the **POINT OF BEGINNING**, containing 0.246 acres of land, more or less.

Surveyed February 6, 2013. Bearing Basis: Grid azimuth for Texas Central Zone state plane coordinates, NAD1983, based on GPS solutions from The National Geodetic Survey (NGS) On-line Positioning User Service (OPUS). Attachments: Drawing 883-001-WWE

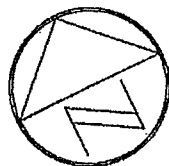
  
Paul L. Easley  
Registered Professional Land Surveyor  
State of Texas No. 4432  
T.B.P.L.S. Firm No. 10124500

04/02/2014  
Date



REFERENCES  
TCAD Property ID: 783832  
Austin Grid Map T38

SKETCH TO ACCOMPANY A DESCRIPTION OF 0.246 ACRES (APPROXIMATELY 10,712 SQ. FT.) IN THE EDWARD FLINT SURVEY NO. 11, ABSTRACT NO. 277, TRAVIS COUNTY, TEXAS, BEING A PORTION LOT 1, PATHWAYS SUBDIVISION FINAL PLAT, A SUBDIVISION OF RECORD IN DOCUMENT NO. 201000077 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, CONVEYED TO THE TEXAS CONFERENCE ASSOCIATION OF SEVENTH DAY ADVENTISTS BY A SPECIAL WARRANTY DEED DATED APRIL 4, 2009 AND RECORDED IN DOCUMENT NO. 2009058575 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.



1" = 100'

LEGEND

- 1/2" REBAR WITH "CHAPARRAL" CAP SET
- ⊙ 1/2" IRON PIPE FOUND
- △ CALCULATED POINT
- ( ) RECORD INFORMATION

S26°56'56"W 485.69'

L3 P.O.B.

N26°56'56"E 1585.17'  
(N30°05'55"E 1587.14')

N26°56'56"E 1083.71'

19.96 ACRES  
HOLY WORD EVANGELICAL  
LUTHERAN CHURCH  
(2012106974)

LOT 1  
PATHWAYS  
SUBDIVISION  
FINAL PLAT  
(201000077)

TEXAS CONFERENCE  
ASSOCIATION OF  
SEVENTH DAY ADVENTISTS  
(2009058575)

WASTEWATER EASEMENT  
0.246 ACRES  
APPROX. 10,712 SQ. FT.

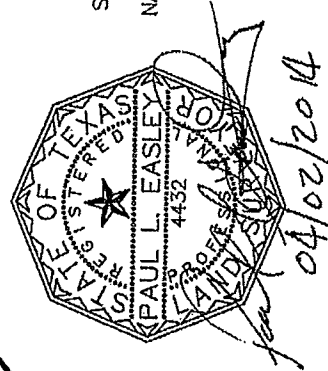
LOT 41-PARK  
BLOCK B  
THE VILLAGES OF  
HIDDEN LAKE  
PHASE 1  
(200300119)

EDWARD FLINT  
SURVEY NO. 11  
ABS. NO. 277

LINE	BEARING	DISTANCE
L1	N63°02'13"W	7.67'
L2	S26°57'47"W	14.59'
L3	N26°56'56"E	15.77'

BEARING BASIS: THE TEXAS COORDINATE  
SYSTEM OF 1983 (NAD83), CENTRAL ZONE,  
BASED ON GPS SOLUTIONS FROM THE  
NATIONAL GEODETIC SURVEY (NGS) ON-LINE  
POSITIONING USER SERVICE (OPUS).

ATTACHMENTS: METES AND BOUNDS  
DESCRIPTION 883-001-WWE



EXISTING 10'X20'  
WASTEWATER  
EASEMENT  
(201000077)

40.00 ACRES  
KM AVALON LTD.  
(2005118426)

Chaparral

DATE OF SURVEY: 02/06/13  
PLOT DATE: 04/02/14  
DRAWING NO.: 883-001-WWE  
PROJECT NO.: 883-001  
T.B.P.L.S. FIRM NO. 10124500  
DRAWN BY: JDB

KELLY LANE  
(60' RIGHT-OF-WAY WIDTH)