

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY 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:**

**TERRABROOK FALCON POINTE, LLC**, a Delaware limited liability company (“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, by, through or under Grantor, but otherwise.

**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 non-exclusive, and is granted by Grantor and accepted by Grantee subject to any and all easements, covenants, rights-of-way, conditions, restrictions, outstanding mineral interests and royalty interests, if any, relating to the Easement Tract, to the extent, and only to the extent, that the same may still be in force and effect, and either shown of record in the office of the County Clerk of Travis County, Texas, or that may be apparent on the Easement Tract, including without limitation, that Easement and Right of Way granted to Oncor Electric Delivery Company, LLC, recorded under Document No. 2013 \_\_\_\_\_ of the Official Public Records of Travis County, Texas.

**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 August, 2013.

**GRANTOR:**

TERRABROOK FALCON POINTE, LLC

By: \_\_\_\_\_  
E. William Meyer, Vice 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

STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on the \_\_\_\_ day of August, 2013, by E. William Meyer, as Vice President of TERRABROOK FALCON POINTE, LLC, a Delaware limited liability company, on behalf of said limited liability company.

(seal)

\_\_\_\_\_  
Notary Public, State of Texas  
Print Name: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

ACKNOWLEDGEMENT

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

This instrument was acknowledged before me on August \_\_\_\_, 2013, 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: \_\_\_\_\_

**PROPOSED 15-FOOT WASTEWATER EASEMENT  
THE JOHN DAVIS SURVEY, ABSTRACT 13  
CITY OF PFLUGERVILLE, TRAVIS COUNTY, TEXAS**

Being a 1.336 acres (58,210 square feet) of land in the John Davis Survey, Abstract 13, City of Pflugerville, Travis County, Texas, being out of a Remainder of a called 193.94 acres of record to Terrabrook Falcon Pointe, L.P. as recorded in TRV 200164445 and being out of a Remainder of a called 50.790 acres of record to Terrabrook Falcon Pointe, L.P. as recorded in TRV 200164445 also out of a Remainder of a called 132.06 acres of record to Terrabrook Falcon Pointe, L.P. as recorded in TRV 200194445 of the Official Public Records of Travis County, Texas (O.P.R.T.C.T.) and being more particularly described by Meets and Bounds as follows:

**BEGINNING**, at found 1/2-inch iron rod at the northwesterly corner of a called 197.270 acres of record to Timmerman & Hagn, LTD, as recorded in Volume 8394, Page 542 of the Deed Records Travis County, Texas (D.R.T.C.T.), being at a northeasterly corner of said called 193.94 acres of record to Terrabrook Falcon Pointe, L.P., as recorded in TRV 200194445 of the O.P.R.T.C.T., and being on the southerly line of said Terrabrook Falcon Pointe, L.P. 50.790 acre tract;

**THENCE**, South 27° 35' 35" West, with the common line between the said Terrabrook Falcon Pointe, L.P. 193.94 acre tract and the called 197.270 acres of record to Timmerman & Hagn, LTD tract 1288.31 feet to a point;

**THENCE**, North 62° 24' 25" West, departing said common line 15.00 feet to a point;

**THENCE**, North 27° 35' 35" East, 15.00 feet parallel with said common line 1303.26 feet to an angle point in the said 50.790 acre tract;

**THENCE**, South 62° 36' 07" East, 15.00 feet parallel with the common line between the said Terrabrook Falcon Pointe, L.P. 50.790 acre tract and the called 197.270 acres of record to Timmerman & Hagn, LTD tract, 884.53 feet to a point;

**THENCE**, South 62° 12' 56" East, 15.00 feet parallel with said common line between the said Terrabrook Falcon Pointe, L.P. 132.06 acre tract and the called 197.270 acres of record to Timmerman & Hagn, LTD tract, 1707.68 feet to an angle point on the easterly line of said Terrabrook Falcon Pointe, L.P. 132.06 acre tract and the westerly line of Hidden Lake Phase 3A, Lot 10, Block "N" as recorded in TRV 2000400264 of the O.P.R.T.C.T. being deeded to Northeast Travis County Utility District as recorded in Document Number 2006054088 of O.P.R.T.C.T.

**THENCE**, South 26° 34' 29" West, with the common line between the said Terrabrook Falcon Pointe, L.P. 132.06 acre tract and the westerly line of said Hidden Lake Phase 3A, Lot 10, Block "N, 15.00 feet to a point on the said common line between said Terrabrook Falcon Pointe, L.P. 132.06 acre tract and said Timmerman & Hagn, LTD 197.270 tract;

**THENCE**, North 62° 12' 56" West with said common line between said Terrabrook Falcon Pointe, L.P. 132.06 acre tract and said Timmerman & Hagn, LTD 197.270 tract 1707.95 feet to an angle point and a found 1/2-inch iron rod;

**THENCE**, North 62° 36' 07" West with said common line between Terrabrook Falcon Pointe, L.P. 50.790 acre tract and said Timmerman & Hagn, LTD 197.270 tract, 869.53 feet to the **POINT OF BEGINNING** and containing a computed area of 1.336 acres or (58,210 square feet) of land.

Prepared by McKim & Creed

Job No. 06022 - 0074

 7-17-13

Darrell D. White, RPLS





REMAINDER OF  
(CALLED 105.530 ACRES)  
TERRABROOK FALCON  
POINTE, L.P.  
TRV 200194445  
O.P.R.T.C.T.

REMAINDER OF  
(CALLED 50.790 ACRES)  
TERRABROOK FALCON  
POINTE, L.P.  
TRV 200194445  
O.P.R.T.C.T.

REMAINDER OF  
(CALLED 132.06 ACRES)  
TERRABROOK FALCON POINTE, L.P.  
TRV 200194445  
O.P.R.T.C.T.

REMAINDER OF  
(CALLED 193.94 ACRES)  
TERRABROOK FALCON  
POINTE, L.P.  
TRV 200194445  
O.P.R.T.C.T.

(CALLED 197.270 ACRES)  
TIMMERMAN & HAGN, LTD.  
VOLUME 8394, PAGE 542  
D.R.T.C.T.

- NOTES:
1. BEARING BASIS: STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL ZONE, NAD83 DATUM GRID VALUES. ALL DISTANCES EXPRESSED IN U.S. SURVEY FEET, SCALED TO SURFACE WITH A COMBINED SCALE FACTOR 1.00012.
  2. THIS BOUNDARY MAP EXHIBIT IS ACCOMPANIED BY A NARRATIVE METES AND BOUNDS DESCRIPTION.
  3. O.P.R.T.C.T. = OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.
  4. D.R.T.C.T. = DEED RECORDS TRAVIS COUNTY TEXAS



*Handwritten signature and date: 7-1-13*

**SKETCH OF  
PROPOSED 15' WIDE WASTE-WATER  
EASEMENT**  
BEING 1.336 ACRES (58,210 SQ. FT.) OF LAND IN  
THE JOHN DAVIS SURVEY, ABSTRACT 13, CITY OF  
PFLUGERVILLE, TRAVIS COUNTY, TEXAS

ENGINEERS, SURVEYORS, PLANNERS 10000 METRIC BOULEVARD SUITE 200 AUSTIN, TEXAS 78758 (512) 916-0224 WWW.MCKIMCREED.COM	
1"=200'	
FALCON POINT SECTION 13 WASTEWATER EASEMENT	FB: FALCON POINTE 8
DDW	McKIM&CREED NO:06022-0074

LOT 10, BLOCK "N"  
NORTHEAST TRAVIS COUNTY  
UTILITY DISTRICT  
DOCUMENT NUMBER  
2006054088 O.P.R.T.C.T.

FINAL PLAT OF  
HIDDEN LAKE  
PHASE 3A  
TRV 200040026  
O.P.R.T.C.T.

