

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”, 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 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 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 public utility facilities and related appurtenances.

DURATION OF EASEMENT:

The Easement shall be perpetual.

EXCLUSIVENESS OF EASEMENT:

The Easement shall be non-exclusive.

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 for the purposes herein granted. Grantor may dedicate all or any portion of the Easement Tract to any utility so long as such dedication and use recognizes, accepts and does not unreasonably interfere or conflict with the use of the Easement Tract by Grantee for the purposes, uses and rights herein provided. Grantor further covenants and agrees to use the Easement Tract only in those ways consistent with the Easement granted herein and agrees to do nothing which would impair, damage, or destroy said Easement. 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.

MAINTENANCE:

Grantee shall maintain Grantee's facilities within the Easement Tract at its expense.

RESTORATION:

Grantee agrees to promptly restore any portion of the surface of the Easement Tract, and any permitted improvements thereon disturbed by Grantee during its use of the Easement to the condition, or substantially to the condition, found prior to such activity.

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.

In witness whereof, this instrument is executed to be effective as of the 5th
day of NOVEMBER, 2010.

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

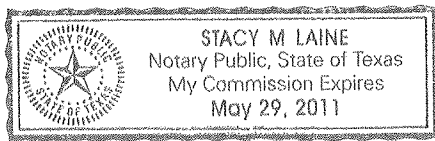
By: CHTEX of Texas, Inc.
a Delaware corporation
its General Partner

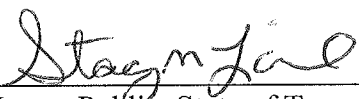
12554 Riata Vista Circle
Austin, Texas 78727

By: 
Richard Maier, Vice President 

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on the 5th day of
November, 2010, by Richard Maier, Vice President of Continental Homes of Texas,
L.P., a Texas limited partnership, on behalf of said limited partnership.




Notary Public, State of Texas

AGREED AND ACCEPTED:
CITY OF PFLUGERVILLE, TEXAS,
a Texas home-rule municipality

By: _____
Brandon Wade, City Manager

ATTEST:

Karen Thompson, City Secretary

STATE OF TEXAS §
 §
COUNTY OF _____ §

This instrument was acknowledged before me on the ____ day of _____, 2010, by Brandon Wade, City Manager of the City of Pflugerville, Texas, a Texas home-rule municipality, on behalf of said municipality.

Notary Public, State of Texas

AFTER RECORDING, RETURN TO:
City of Pflugerville
Engineering Dept.
P.O. Box 589
Pflugerville, Texas 78691

EXHIBIT "A"

EASEMENT TRACT

FIELD NOTES

JOB NO. 0584-00

DATE: NOVEMBER 04, 2010

PAGE 1 OF 2

0.13 ACRES

Being .013 acres 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 of land described as 18.18 acres (Exhibit "C") in a Special warranty Deed to Continental Homes of Texas, L.P., a Texas Limited Partnership doing business as D.R. Horton, dated June 28, 2007 and recorded as Doc. No. 200712290, of the Official Public Records of Travis County, Texas, and further described by metes and bounds as follows:

BEGINNING: at a calculated point for the southwest corner of Lot 1, Block H, Highland Park North, Phase A, Section One, a subdivision in Travis County, Texas, and recorded as Doc. No. 200200341 of the Official Public Records of Travis County, Texas, and in the north line of said Continental Homes tract for the northwest corner of Lot 1, Block E, Highland Park Phase D, Section 3 a proposed subdivision in Travis County, Texas, and this tract, from which a 1/2" iron pin with yellow cap inscribed "CS LTD" found for the northwest corner of said Continental Homes tract bears N 62°20'47" E 375.00 feet;

THENCE: S 62°32'26" E 10.00 feet with the south line of said Lot 1, Block H, and the north line of said Continental Homes tract to a calculated point for the northeast corner of this tract;

THENCE: into and across said Continental Homes tract the following three (3) courses:

1. S 27°34'35" W 85.97 feet to a calculated point,
2. S 30°26'19" W 100.12 feet to a calculated point,
3. S 27°34'35" W 386.39 feet to a calculated point in the north line of Alley #8 of Highland Park Phase D, Section 2 a proposed subdivision in Travis County, Texas, for the southwest corner of this tract,

THENCE: 18.46 feet along a curve to the right (delta=70°31'44", r=15.00', LC=S 07°41'17" E 17.32') to a calculated point in the east line Kingston Lacy Boulevard, a proposed R.O.W. In said proposed Highland Park Phase D, Section 2, for the southwest corner of this tract,

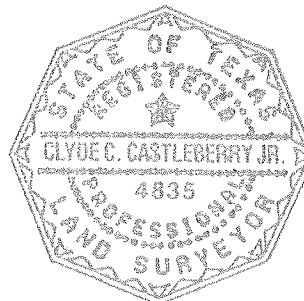
THENCE: with the east line of said Kingston Lacy Boulevard, as shown, the following three (3) courses:

1. N 27°34'35" E 372.50 feet to a calculated point,
2. N 30°26'19" E 100.12 feet to a calculated point,
3. N 27°34'35" E 85.70 feet to the Point of Beginning.

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



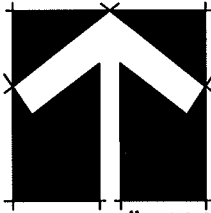
Clyde C. Castleberry, Jr., R.P.L.S. No. 4835
Castleberry Surveying, Ltd.
3613 Williams Drive, Suite 903
Georgetown, Texas 78628



CCC/jrb

EXHIBIT TO ACCOMPANY FIELD NOTES:
**0.13 ACRE OUT OF THE THOMAS G. STUART
 SURVEY No. 6, ABSTRACT No. 689**

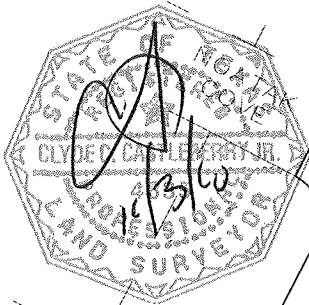
NORTHWEST CORNER OF
 CONTINENTAL HOMES TRACT
 DOC. NO. 2007122920 BEARS
 N 62°20'47" W 375.00'



SCALE: 1"=100'

BEARINGS BASED ON TEXAS STATE
 PLANE COORDINATE SYSTEM
 (CENTRAL ZONE) NAD 83

CONTINENTAL HOMES OF
 TEXAS, L.P.
 (18.18 AC—EXHIBIT "C")
 DOC. NO. 2007122920
 O.P.R.T.C.



**POINT OF
 BEGINNING**

HIGHLAND PARK NORTH
 PHASE A SECTION ONE
 DOC. NO. 200200341

OBED RIVER DRIVE

CONTINENTAL HOMES OF
 TEXAS, L.P.
 (18.18 AC—EXHIBIT "C")
 DOC. NO. 2007122920
 O.P.R.T.C.

KINGSTON LACY BOULEVARD (R.O.W. VARIES)
 N 27°34'35" E 372.50'
 S 27°34'35" W 386.39'

LINE TABLE		
NUMBER	DIRECTION	DISTANCE
L1	S 62°32'26" E	10.00'
L2	S 27°34'35" W	85.97'
L3	S 30°26'19" W	100.12'
L4	N 30°26'19" E	100.12'
L5	N 27°34'35" E	85.70'

CURVE TABLE					
NUMBER	DELTA	RADIUS	ARC	CHORD	DIRECTION
C1	70°31'44"	15.00'	18.46'	17.32'	N 07°41'17" W

LEGEND	
+	CALCULATED POINT
R.P.R.T.C.	REAL PROPERTY RECORDS TRAVIS CO.
O.P.R.T.C.	OFFICIAL PUBLIC RECORDS TRAVIS CO.



Castleberry Surveying, Ltd.
 3613 Williams Drive, Suite 903 — Georgetown, Texas 78628
 (512) 930-1600/(512) 930-9389 fax
 www.castleberrysurveying.com

SHEET
2
 OF
2

DRAWING FILE: R:\Egpt_01\0584_HIGHLAND_PARK\ESMTS\ 0584_NEW 10' PUE_20101102.dwg Nov 04, 2010 — 11:39 am James