

**PARTIAL ABANDONMENT AND RELEASE OF
EXISTING 50' LANDSCAPE EASEMENT**

THE STATE OF TEXAS

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COUNTY OF TRAVIS

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This **PARTIAL ABANDONMENT AND RELEASE OF EXISTING 50' LANDSCAPE EASEMENT** (the "Partial Release") is made effective as of the ____ day of November, 2018 (the "Effective Date") by the City of Pflugerville, Texas (the "City").

WITNESSETH:

WHEREAS, by those certain instruments, one dated August 2, 2002, recorded under Document Number 2002142648 of the Official Public Records of Travis County, Texas, and the other dated April 7, 2003, recorded under Document Number 2003136279 of the Official Public Records of Travis County, Texas, the City is the owner of two essentially identical Fifty Foot Landscape Easements (collectively "Easement") in, along, over, upon, and across certain property more particularly described therein; and;

WHEREAS, Austin SR 1, LLC, a Texas limited liability company (the "Property Owner") is the owner of that certain tract of real property located in Pflugerville, Travis County, Texas, as more particularly described on **Exhibit "A"** attached hereto and incorporated herein (the "Subject Tract")

WHEREAS, the Subject Tract is a portion of the real property originally affected by the Easement; and

WHEREAS, Property Owner has petitioned the City to vacate, abandon, and release that portion of the Easement that is in, along, over, upon, and across the Subject Tract.

NOW, THEREFORE, for and in consideration of the sum of Ten Dollars (\$10.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, the City does hereby for all purposes (i) vacate, abandon, and release that portion of the Easement that is in, along, over, upon, and across the Subject Tract or which otherwise affects the Subject Tract; and (ii) relinquishes all of its rights, title, and interest in and to the Subject Tract to the extent such rights, title and interest arise out of the Easement.

EXHIBIT "A"

Legal Description of Subject Tract

A DESCRIPTION OF 7.064 ACRES (APPROXIMATELY 307,718 SQ. FT.) IN THE THOMAS G. STEWART SURVEY NO. 6 IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF A 104.99 ACRE TRACT (TRACT 3), A PORTION OF A 105.059 ACRE TRACT (TRACT 4), AND A PORTION OF A 15.0016 ACRE TRACT (TRACT 5) CONVEYED TO HPN DEVELOPMENT, INC. IN A SPECIAL WARRANTY DEED DATED AUGUST 14, 2001, RECORDED IN DOCUMENT NO. 2001136994 OF THE OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS; SAID 7.064 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" rebar with "Chaparral" cap found in the north right-of-way line of Kingston Lacy Boulevard (right-of-way width varies), recorded in Document No. 200200341 of the Official Public Records of Travis County, Texas, being the southeast corner of said 7.064 acre tract, same being the southwest corner of a 17.069 acre tract conveyed to The Board of Trustees of The Pflugerville ISD in a Special Warranty Deed dated April 15, 2004, recorded in Document No. 2004071474 of the Official Public Records of Travis County, Texas, for the southeast corner hereof;

THENCE with the north right-of-way line of said Kingston Lacy Boulevard and the south line of said 7.064 acre tract the following four (4) courses and distances:

1. North 60°26'18" West, a distance of 162.32 feet to a 1/2" rebar with "Chaparral" cap set;
2. with a curve to the left, having a radius of 100.00 feet, a delta angle of 02°46'14", an arc length of 4.84 feet, and a chord which bears North 61°49'24" West, a distance of 4.84 feet to a 1/2" rebar with "Chaparral" cap found;
3. North 63°21'29" West, a distance of 155.16 feet to a 1/2" rebar with "Chaparral" cap found;
4. with a curve to the right, having a radius of 25.00 feet, a delta angle of 89°42'47", an arc length of 39.14 feet, and a chord which bears North 18°00'05" West, a distance of 35.27 feet to a 1/2" rebar with "Chaparral" cap set in the east right-of-way line of N. Heatherwilde Boulevard (90' right-of-way width), recorded in Document No. 2002240243 and Document No. 2009210762 of the Official Public Records of Travis County, Texas, being in the west line of said 7.064 acre tract;

THENCE North 26°44'04" East, a distance of 860.01 feet to a 1/2" rebar with "Chaparral" cap found in the east right-of-way line of said N. Heatherwilde Boulevard, being the northwest corner of said 7.064 acre tract, same being the southwest corner of a 27.0654 acre tract conveyed to Heatherwilde 45 2017, LP in a Special Warranty Deed with Vendor's Lien dated January 4, 2017 recorded in Document No. 2017001428 of the Official Public Records of Travis County,

Texas, from which a 1/2" rebar with "Chaparral" cap found bears North 27°02'10" East, a distance of 14.47 feet;

THENCE South 63°16'01" East, a distance of 347.34 feet to a 1/2" rebar with "Chaparral" cap found in the south line of said 27.0654 acre tract, being the northwest corner of said 17.069 acre tract, same being the northeast corner of said 7.064 acre tract, from which a 1/2" rebar with "Chaparral" cap found in the west line of Lot 39, Highland Park North Phase A, Section 1, a subdivision in Travis County, Texas according to the map or plat thereof, recorded in Document No. 200200341 of the Official Public Records of Travis County, Texas, being the southeast corner of said 27.0654 acre tract, same being the northeast corner of said 17.069 acre tract, bears South 63°16'01" East, a distance of 822.36 feet;

THENCE South 26°45'38" West, a distance of 892.95 feet to the POINT OF BEGINNING, containing 7.064 acres of land, more or less.