

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:**

**LAWRENCE M. KOCH & BEVERLY ANN DARILEK** (“Grantors”), 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 shall be used for public utility purposes, including placement, construction, installation, replacement, repair, maintenance, relocation, removal, and operation of public wastewater 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 wastewater utility facilities and related appurtenances.

At the time of construction of the City of Pflugerville Capital Improvement Project more particularly described as "Rowe Loop Wastewater Improvements", the Grantee will perform lot grading and re-vegetation for the Grantor and mitigation of an existing grinder pump more particularly described on Exhibit "B".

**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 the rights of Grantee hereunder may be assigned in whole or in part by Grantee.

Signature page to follow:

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

**GRANTORS**

**LAWRENCE M. KOCH**

\_\_\_\_\_

**BEVERLY ANN DARILEK**

\_\_\_\_\_

**AGREED AND ACCEPTED:**

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

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

ATTEST:

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

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

This instrument was acknowledged before me on \_\_\_\_\_, 2014, by \_\_Lawrence M. Koch\_\_\_\_\_, an individual residing in Travis County, Texas.

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

(seal)

THE STATE OF TEXAS §

§

COUNTY OF \_\_\_\_\_ §

This instrument was acknowledged before me on \_\_\_\_\_,  
2014, by \_\_\_Beverly Ann Darilek\_\_\_, an individual residing in Travis County, Texas.

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

(seal)

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.

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

(seal)

**WASTEWATER EASEMENT**

**FIELD NOTES**

**0.0896 ACRE, 3,905 SQUARE FEET WASTEWATER EASEMENT OUT OF THE JACOB CASNER SURVEY NO. 9, ABSTRACT NO. 2753, IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF A 5.05 ACRE TRACT CONVEYED TO LAWRENCE M. KOCH AND BEVERLY ANN DARILEK BY DEED RECORDED IN VOLUME 10121, PAGE 831, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS, FOR WHICH A MORE PARTICULAR DESCRIPTION BY METES AND BOUNDS IS AS FOLLOWS:**

**BEGINNING FOR REFERENCE** at a 1/2" iron pipe found in the curving NE line of Rowe Loop, a fifty foot public street, same being the northerly SW corner of a 7.85 acre tract conveyed to Reagan Curtis Stephens by deed recorded in Document No. 2001088318, Official Public Records, also being the S.E. corner of a 5.05 acre tract conveyed to Lawrence M. Koch and Beverly Ann Darilek by deed recorded in Volume 10121, Page 831, Real Property Records;

**THENCE** N35°38'17"E, along the common NW line of said Stephens tract and the SE line of said Koch tract for a distance of 588.22 feet to the SE corner and **POINT OF BEGINNING** of this Wastewater Easement;

**THENCE** the following three(3) courses and distances crossing said Koch 5.05 acre tract:

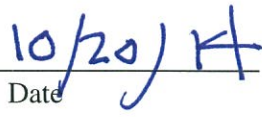
- (1) N81°54'05"W for a distance of 394.01 feet to an angle point, for the SW corner hereof;
- (2) N58°54'11"E for a distance of 15.82 feet to a point in the south line of a 25' Force Main Maintenance Easement out of said 5.05 acres, for the NW corner hereof;
- (3) S81°54'05"E along the south line of said maintenance easement for a distance of 386.96 feet to an angle point in the NW line of said Stephens trace, for the NE corner hereof;

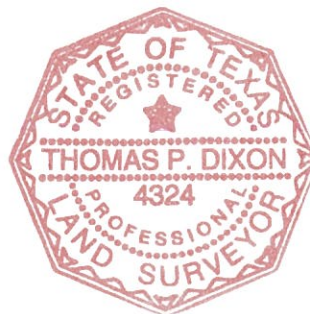
**THENCE** S35°38'17"W, along said line for a distance of 11.28 feet to the **POINT OF BEGINNING** of this Wastewater Easement, containing 0.0896 acre of land, more or less.

BEARING BASE: CENTRAL TEXAS ZONE STATE PLANE COORDINATES



Thomas P. Dixon R.P.L.S. 4324  
Waterloo Surveyors, Inc.  
P.O. Box 160176  
Austin, Texas 78716  
Ph: 512-481-9602

  
Date



REFERENCES

TCAD Property ID No.282320  
MAPSCO 409 MS-41

**WASTEWATER LINE EASEMENT**  
 Sketch to Accompany Field Notes  
 Exhibit "A"

STEEDS BK 88 / CROSSING PG 99

BLOCK "K"

LOT 13

LOT 12

LOT 11

LOT 10

LOT 20

LOT 19

LOT 18

LOT 17

LOT 16

LOT 15

LOT 14

20' DRAINAGE EASEMENT

25' Force Main Maintenance Easement

S81°54'05"E

386.96'

N81°54'05"W

394.01'

**10' WASTEWATER  
 LINE EASEMENT  
 0.0896 AC  
 3,905 Sq.ft.**

POINT OF BEGINNING

**LEGAL DESCRIPTION:**

BEING A 0.0896 ACRE, 3,905 SQUARE FEET WASTEWATER LINE EASEMENT OUT OF THE JACOB CASNER SURVEY NO. 9, ABSTRACT NO. 2753, IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF A 5.05 ACRE TRACT CONVEYED TO LAWRENCE M. KOCH AND BEVERLY ANN DARILEK BY DEED RECORDED IN VOLUME 10121, PAGE 831, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS.

LAWRENCE M. KOCH  
 BEVERLY ANN DARILEK  
 (5.05 AC)  
 10121/831

REAGAN CURTIS STEPHENS  
 (7.85 AC)  
 DOC#2001088318

**WASTEWATER EASEMENT  
 COURSE & DISTANCE CALLS**

#	BEARING	DISTANCE
L1	N58°54'11"E	15.82'
L2	S35°38'17"W	11.28'

**BEARING BASE: CENTRAL TEXAS ZONE  
 STATE PLANE COORDINATES**

N35°38'17"E

588.22'

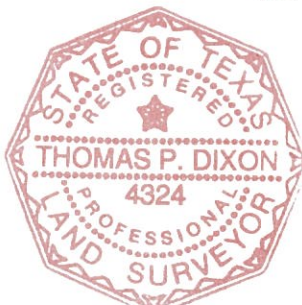


SCALE  
 1" = 80'

LEGEND  
 FOUND 1/2" IRON ROD    FIR

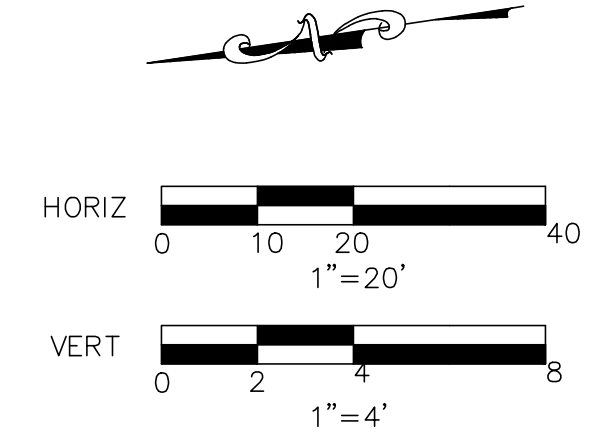
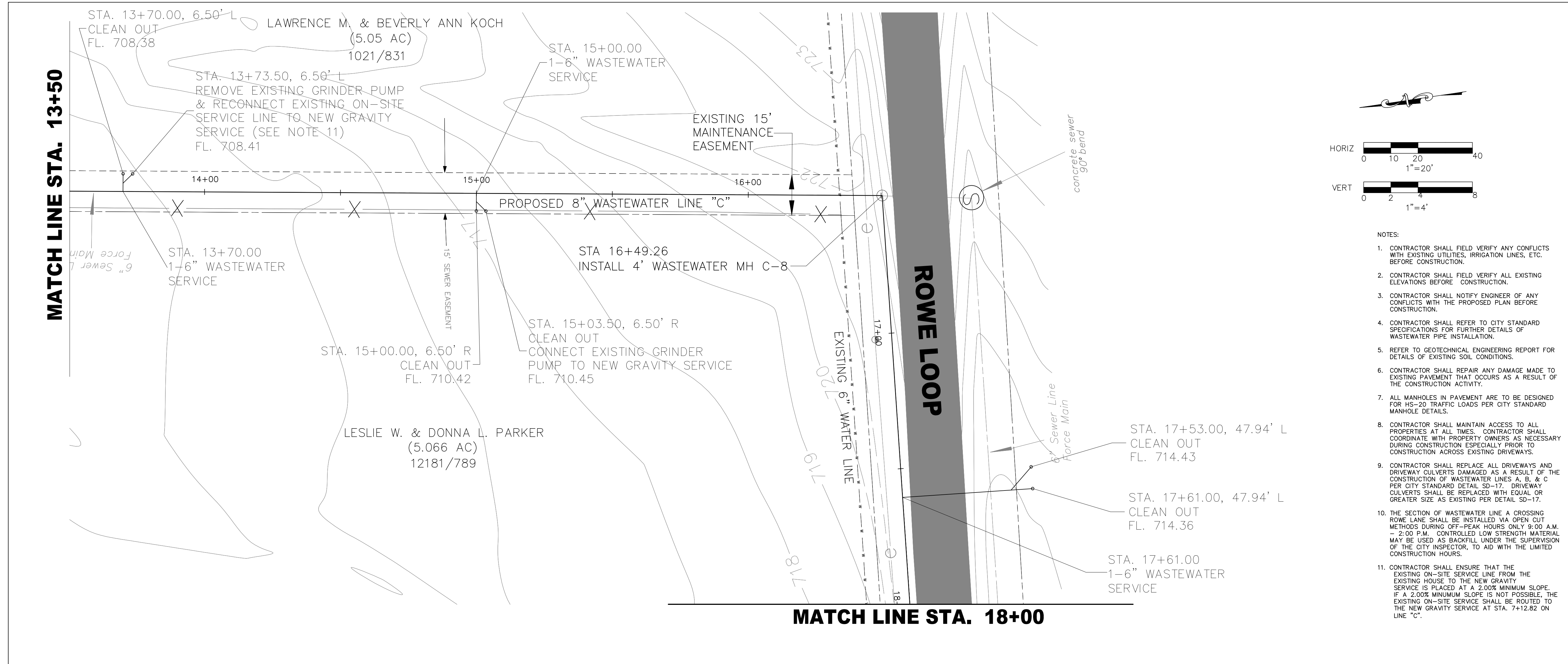
BEGINNING FOR REFERENCE  
 FIR

**ROWE LOOP**

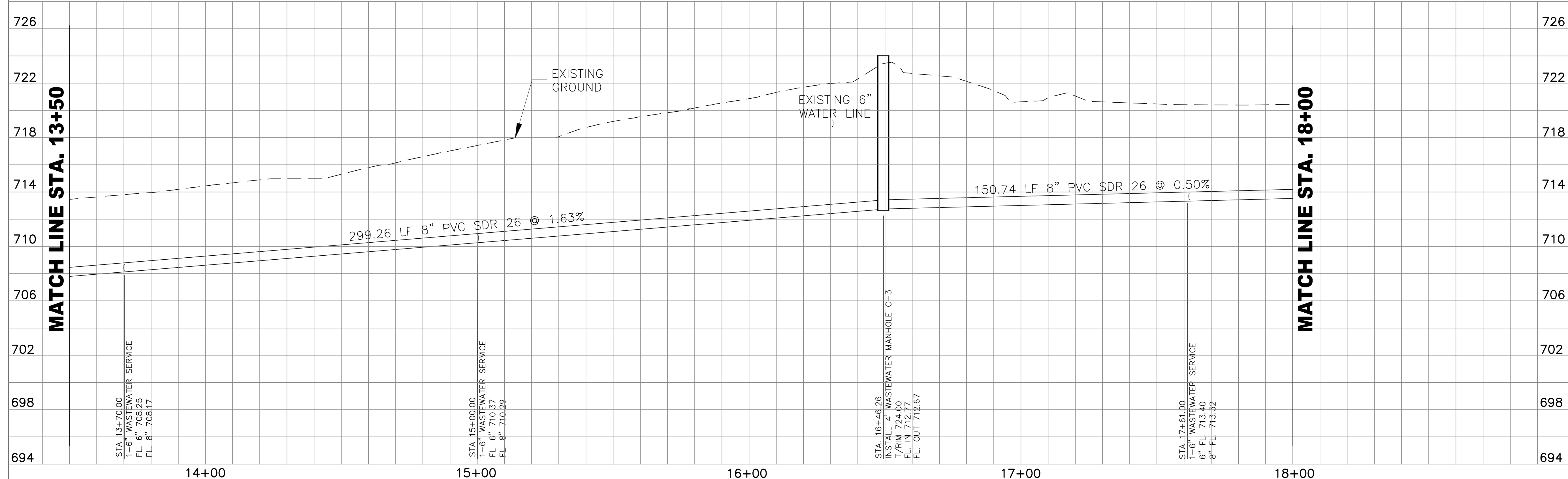


MARK A. AND KIMBERLY V. DONNELL  
 (5.21 AC)  
 DOC#1999002082

Thomas Dixon R.P.L.S. 4324  
 Waterloo Surveyors Inc.  
 P.O. Box 160176  
 Austin, Texas 78746



- NOTES:**
- CONTRACTOR SHALL FIELD VERIFY ANY CONFLICTS WITH EXISTING UTILITIES, IRRIGATION LINES, ETC. BEFORE CONSTRUCTION.
  - CONTRACTOR SHALL FIELD VERIFY ALL EXISTING ELEVATIONS BEFORE CONSTRUCTION.
  - CONTRACTOR SHALL NOTIFY ENGINEER OF ANY CONFLICTS WITH THE PROPOSED PLAN BEFORE CONSTRUCTION.
  - CONTRACTOR SHALL REFER TO CITY STANDARD SPECIFICATIONS FOR FURTHER DETAILS OF WASTEWATER PIPE INSTALLATION.
  - REFER TO GEOTECHNICAL ENGINEERING REPORT FOR DETAILS OF EXISTING SOIL CONDITIONS.
  - CONTRACTOR SHALL REPAIR ANY DAMAGE MADE TO EXISTING PAVEMENT THAT OCCURS AS A RESULT OF THE CONSTRUCTION ACTIVITY.
  - ALL MANHOLES IN PAVEMENT ARE TO BE DESIGNED FOR HS-20 TRAFFIC LOADS PER CITY STANDARD MANHOLE DETAILS.
  - CONTRACTOR SHALL MAINTAIN ACCESS TO ALL PROPERTIES AT ALL TIMES. CONTRACTOR SHALL COORDINATE WITH PROPERTY OWNERS AS NECESSARY DURING CONSTRUCTION ESPECIALLY PRIOR TO CONSTRUCTION ACROSS EXISTING DRIVEWAYS.
  - CONTRACTOR SHALL REPLACE ALL DRIVEWAYS AND DRIVEWAY CULVERTS DAMAGED AS A RESULT OF THE CONSTRUCTION OF WASTEWATER LINES A, B, & C PER CITY STANDARD DETAIL SD-17. DRIVEWAY CULVERTS SHALL BE REPLACED WITH EQUAL OR GREATER SIZE AS EXISTING PER DETAIL SD-17.
  - THE SECTION OF WASTEWATER LINE A CROSSING ROWE LANE SHALL BE INSTALLED VIA OPEN CUT METHODS DURING OFF-PEAK HOURS ONLY 9:00 A.M. - 2:00 P.M. CONTROLLED LOW STRENGTH MATERIAL MAY BE USED AS BACKFILL UNDER THE SUPERVISION OF THE CITY INSPECTOR, TO AID WITH THE LIMITED CONSTRUCTION HOURS.
  - CONTRACTOR SHALL ENSURE THAT THE EXISTING ON-SITE SERVICE LINE FROM THE EXISTING HOUSE TO THE NEW GRAVITY SERVICE IS PLACED AT A 2.00% MINIMUM SLOPE. IF A 2.00% MINIMUM SLOPE IS NOT POSSIBLE, THE EXISTING ON-SITE SERVICE SHALL BE ROUTED TO THE NEW GRAVITY SERVICE AT STA. 7+12.82 ON LINE "C".



REV. NO.	REV. BY	DATE	REVISION DESCRIPTION

**NOT FOR CONSTRUCTION**

THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERIM REVIEW UNDER THE AUTHORITY OF:  
 REYNALDO GONZALEZ JR., PE  
 TEXAS NO. 91803  
 ON 10/10/2014  
 BINKLEY & BARFIELD, INC. F-257  
 NOT FOR REGULATORY APPROVAL, PERMITTING, OR CONSTRUCTION.

**Binkley & Barfield, Inc.**  
 consulting engineers  
 Texas Registration Number F-257  
 1611 CHISHOLM TRAIL DRIVE, SUITE 250, AUSTIN, TEXAS 78661

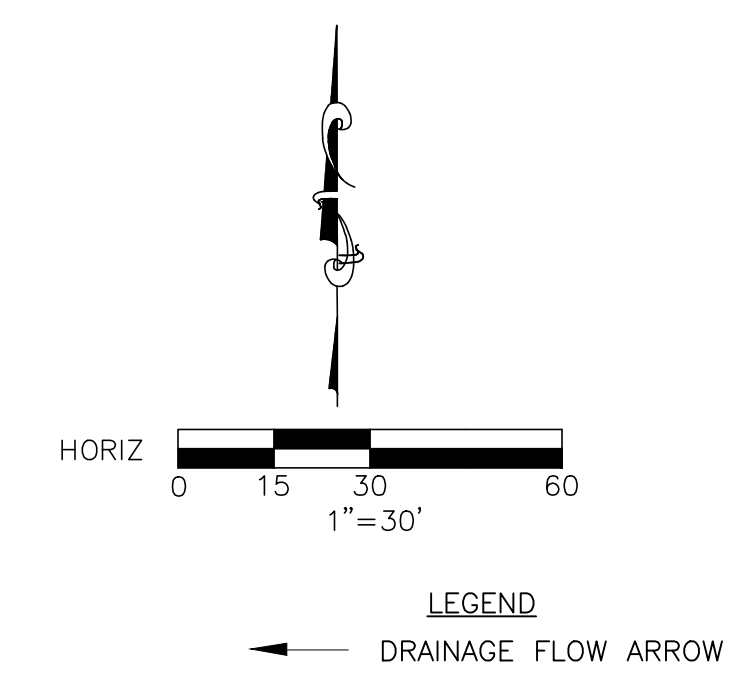
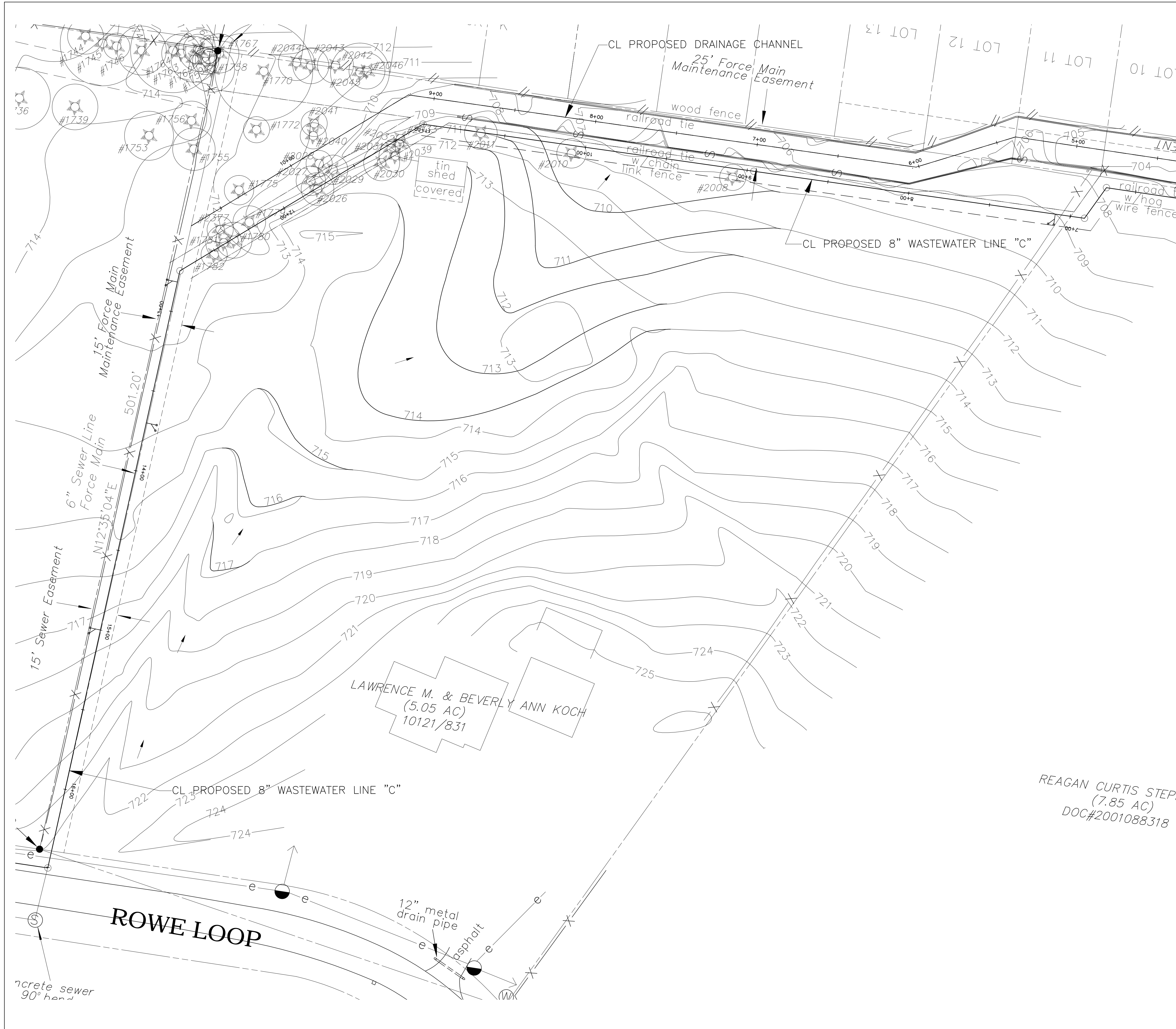
**ROWE LOOP WASTEWATER SERVICE EXTENSION**

**WASTEWATER LINE 'C' - STA 13+50 TO 18+00**

NOTES	NAME	DATE
SURVEY BY	-	-
DRAWN BY	DH	11/13
CHECKED BY	BDE	11/13
DESIGNED BY	RG	11/13
REVIEWED BY	BDR	11/13

SCALE:  
 CADD REF. NO.:  
 CADD DIR.:

SHEET NUMBER	18 OF 36
--------------	----------



- NOTES:
- CONTRACTOR SHALL COORDINATE WITH THE CITY INSPECTOR AND RESPECTIVE LANDOWNER PRIOR TO ANY WORK ON PRIVATE PROPERTY; AND RE-ESTABLISHING VEGETATION ON THE KOCH'S PROPERTY AFTER COMPLETION OF ALL GRADING.

REAGAN CURTIS STEP  
 (7.85 AC)  
 DOC#2001088318

REV. NO.	REV. BY	DATE	REVISION DESCRIPTION

NOT FOR CONSTRUCTION  
 THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERIM REVIEW UNDER THE AUTHORITY OF:  
 REYNALDO GONZALEZ JR., PE  
 TEXAS NO: 91803  
 BINKLEY & BARFIELD, INC. F-257  
 ON 10/10/2014  
 NOT FOR REGULATORY APPROVAL, PERMITTING, OR CONSTRUCTION.

**Binkley & Barfield, Inc.**  
 consulting engineers  
 Texas Registration Number F-257  
 1611 CHISHOLM TRAIL DRIVE, SUITE 250, AUSTIN, TEXAS 78661

**ROWE LOOP WASTEWATER SERVICE EXTENSION**

**KOCH PROPERTY GRADING PLAN**

			NOTES	NAME	DATE
			SURVEY BY	-	-
			DRAWN BY	DH	11/13
			CHECKED BY	BDE	11/13
DESIGNED BY	RG	11/13			
REVIEWED BY	BDR	11/13			
SCALE:					
CADD REF. NO.:					
CADD DIR.:					
SHEET NUMBER	<b>34 OF 36</b>				