

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.

DRAINAGE, WATER AND WASTEWATER 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” and Exhibit “B”, attached hereto and incorporated herein by reference (“Easement Tracts”).

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 Tracts, and the matters set forth herein.

DEFINITIONS

For the purposes of this grant of Easement certain terms shall have the meanings that follow:

“Permitted Improvements” shall mean landscaping or planting of vegetation, driveways and sidewalks; but shall not mean parking facilities or other impervious cover, or the construction of a building or structure. Installation or construction of Permitted Improvements must be in accordance with the requirements of the City of Pflugerville Unified Development Code.

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 stormwater, water and wastewater facilities, together with appurtenances and facilities related to such public stormwater, water and wastewater facilities and for making connections therewith; all public stormwater, water and wastewater lines will be located underground, but facilities and appurtenances related to the stormwater, water and wastewater lines may be located above ground.

Grantee shall have the right of access to the Easement Tracts for the operation, repair, maintenance, replacement and expansion of the public stormwater, water and wastewater facilities and related appurtenances.

DURATION OF EASEMENT:

The Easement shall be temporary. The Easement will expire upon recordation of a Final Plat and subsequent dedication of right-of-way or an easement over the improvements constructed within each of the Easement Tracts. Upon expiration of the Easement, Grantee agrees to execute and deliver a release of the Easement, in recordable form, upon request by Grantor.

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 Tracts.

SURFACE USE AND MAINTENANCE:

Grantor hereby retains, reserves, and shall continue to enjoy the use of the Easement Tracts for any and all purposes which do not interfere with or prevent the use by Grantee of the Easement for the purposes herein granted. However, Grantor shall not make any improvements to the Easement Tracts, save and except Permitted Improvements (as defined herein). Grantor further covenants and agrees to use the Easement Tracts only in those ways consistent with the Easement granted herein and agrees to do nothing which would impair, damage, or destroy said Easement.

Grantor shall keep the Easement free from any obstruction not authorized by Grantee. Grantor shall maintain the surface area of the Easement Tracts, which shall include but shall not be limited to regular mowing to prevent vegetation from becoming an obstruction to the flow of water within the 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 Tracts.

RESTORATION:

Grantee agrees to promptly restore any portion of the surface of the Easement Tracts, 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.

ASSIGNABILITY:

This Easement and the rights of Grantee hereunder may be assigned in whole or in part by Grantee, provided that any such assignee or transferee assumes in writing all or the applicable obligations of Grantee herein.

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[SIGNATURES ON FOLLOWING PAGE(S)]

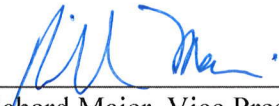
In witness whereof, this instrument is executed this 7 day of October, 2013.

GRANTOR:

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

Address:
10700 Pecan Park Blvd, Ste 400
Austin, Texas 78750

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

By: 
Richard Maier, Vice President TAA

AGREED AND ACCEPTED:

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

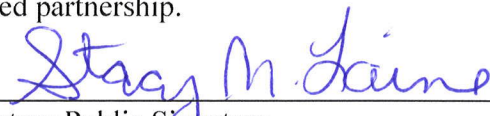
By: _____
Brandon Wade, City Manager

ATTEST:

Karen Thompson, City Secretary

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on October 7, 2013, by Richard Maier, Vice President of CHTEX of Texas, Inc., a Delaware corporation, as general partner of Continental Homes of Texas, L.P., a Texas limited partnership, on behalf of said corporation and limited partnership.


Notary Public Signature



THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on _____,
2013, by Brandon Wade, City Manager of the City of Pflugerville, Texas, a Texas home-
rule municipality, on behalf of said municipality.

Notary Public Signature

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

EXHIBIT "A"

EASEMENT TRACT

FIELD NOTES

JOB NO. 0584-35
DATE: January 3, 2013
PAGE 1 OF 2

0.03 ACRE

Being 0.03 acre 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 described as 61.00 acres in a Special Warranty Deed to Continental Homes of Texas, L.P., dated July 6, 2006 and recorded as Document No. 2006132952 of the Official Public Records of Travis County, Texas, and further described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron pin with yellow cap inscribed "CS, LTD" set within said Continental Homes of Texas tract for the most westerly corner of this tract, from which a 1/2 inch iron pin with yellow cap inscribed "CS, LTD" found for the northeast corner of Alley #20 as dedicated in the Replat of Lots 1-3, Block "P" and Lots 1-3, Block "Q", recorded in Document No. 201000131 of said official public records, bears N 76°38'54" W 284.87 feet;

THENCE: over said Continental Home of Texas tract the following four (4) courses:

1. N 27°34'35" E 25.00 feet to a calculated point for the most northerly corner of this tract,
2. S 62°25'25" E 50.00 feet to a calculated point for the most easterly corner of this tract, from which a 1 inch iron pipe found for the northeast corner of said Continental Homes of Texas tract bears N 71°27'49" E 508.22 feet,
3. S 27°34'35" W 25.00 feet to a 1/2 inch iron pin with yellow cap inscribed "CS, LTD" set for the most southerly corner of this tract,
4. N 62°25'25" W 50.00 feet to the Point of Beginning.

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

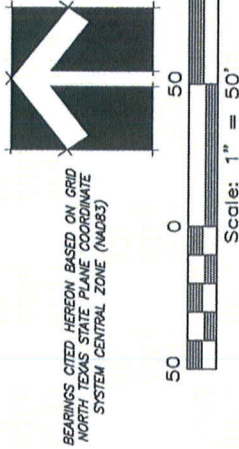
Brett A. Butts 1/3/2013

Brett A. Butts, R.P.L.S. No. 6254
Castleberry Surveying, Ltd.
3613 Williams Drive, Suite 903
Georgetown, Texas 78628

bab



EXHIBIT TO ACCOMPANY FIELD NOTES FOR
 0.03 ACRE OUT OF THE THOMAS G. STUART SURVEY NO. 6, ABSTRACT NO. 689
 TRAVIS COUNTY, TEXAS



BEARINGS CITED HEREON BASED ON GRID
 NORTH TEXAS STATE PLANE COORDINATE
 SYSTEM - CENTRAL ZONE (NAD83)

HIGHLAND PARK
 PHASE D SECTION 1
 DOC. NO. 200800121
 O.P.R.T.C.

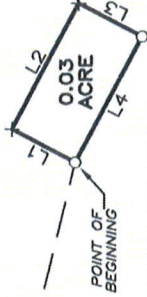
PORTCHESTER PATH CASTLE

CONTINENTAL HOMES OF TEXAS, L.P.
 DOC. NO. 2006132952
 O.P.R.T.C.

A 1" PIPE FOUND FOR
 THE NORTHEAST CORNER OF
 THE CONTINENTAL HOMES TRACT
 (2006132952) BEARINGS:
 N 71°27'49" E 508.22'

N 76°38'54" W 284.87'

REPLAT OF LOTS 1-3, BLOCK "P"
 AND LOTS 1-3, BLOCK "O"
 HIGHLAND PARK PHASE D SECTION 1
 DOC. NO. 201000131
 O.P.R.T.C.



NOTE:
 NO RECORD CALLS.



NUMBER	DIRECTION	DISTANCE
L1	N 27°34'35" E	25.00'
L2	S 62°25'25" E	50.00'
L3	S 27°34'35" W	25.00'
L4	N 62°25'25" W	50.00'

LEGEND	
●	1/2 INCH IRON PIN WITH YELLOW CAP "CS. LTD" FOUND
+	CALCULATED POINT
O.P.R.T.C.	OFFICIAL PUBLIC RECORDS TRAVIS COUNTY

SHEET
 2 OF 2

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

EXHIBIT "B"

EASEMENT TRACT

FIELD NOTES

JOB NO. 0584-35
DATE: January 3, 2013
PAGE 1 OF 2

0.03 ACRE

Being 0.03 acre 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 described as 61.00 acres in a Special Warranty Deed to Continental Homes of Texas, L.P., dated July 6, 2006 and recorded as Document No. 2006132952 of the Official Public Records of Travis County, Texas, and further described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron pin with yellow cap inscribed "CS, LTD" set within said Continental Homes of Texas tract for the most northerly corner of this tract, from which a 1/2 inch iron pin with yellow cap inscribed "CS, LTD" found for the northeast corner of Alley #20 as dedicated in the Replat of Lots 1-3, Block "P" and Lots 1-3, Block "Q", recorded in Document No. 201000131 of said official public records, bears N 58°16'52" W 276.86 feet;

THENCE: over said Continental Home of Texas tract the following four (4) courses:

1. S 62°25'25" E 50.00 feet to a 1/2 inch iron pin with yellow cap inscribed "CS, LTD" set for the most easterly corner of this tract, from which a 1 inch iron pipe found for the northeast corner of said Continental Homes of Texas tract bears N 63°46'56" E 596.46 feet,
2. S 27°34'35" W 25.00 feet to a calculated point for the most southerly corner of this tract,
3. N 62°25'25" W 50.00 feet to a calculated point for the most westerly corner of this tract,
4. N 27°34'35" E 25.00 feet to the Point of Beginning.

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

Brett A. Butts 1/3/2013

Brett A. Butts, R.P.L.S. No. 6254
Castleberry Surveying, Ltd.
3613 Williams Drive, Suite 903
Georgetown, Texas 78628

bab

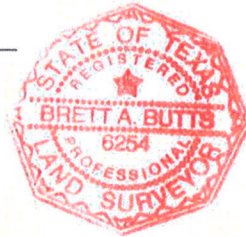
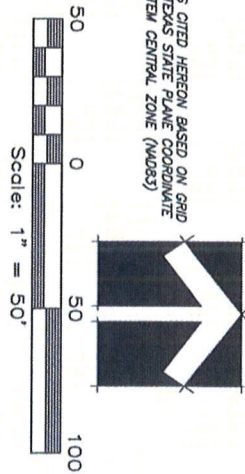


EXHIBIT TO ACCOMPANY FIELD NOTES FOR
 0.03 ACRE OUT OF THE THOMAS G. STUART SURVEY NO. 6, ABSTRACT NO. 689
 TRAVIS COUNTY, TEXAS

BEARINGS CITED HEREON BASED ON GRID
 NORTH TEXAS STATE PLANE COORDINATE
 SYSTEM CENTRAL ZONE (NAD83)



CONTINENTAL HOMES OF TEXAS, L.P.
 DOC. NO. 2006132952
 O.P.R.T.C.

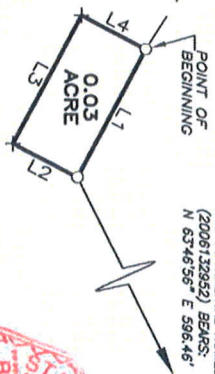
REPLAT OF LOTS 1-3, BLOCK "A"
 AND LOTS 1-3, BLOCK "Q"
 HIGHLAND PARK PHASE D SECTION 1
 DOC. NO. 201000131
 O.P.R.T.C.

HIGHLAND PARK
 PHASE D SECTION 1
 DOC. NO. 200800121
 O.P.R.T.C.

NUMBER	DIRECTION	DISTANCE
L1	S 62°25'25" E	50.00'
L2	S 27°34'35" W	25.00'
L3	N 62°25'25" W	50.00'
L4	N 27°34'35" E	25.00'

LEGEND	
●	1/2 INCH IRON PIN WITH YELLOW CAP "CS, LTD" FOUND
+	CALCULATED POINT
O.P.R.T.C.	OFFICIAL PUBLIC RECORDS TRAVIS COUNTY

NOTE:
 NO RECORD CALLS.



A 1" PIPE FOUND FOR
 THE NORTHEAST CORNER OF
 THE CONTINENTAL HOMES TRACT
 (2006132952) BEARS
 N 53°46'56" E 396.46'



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SHEET
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