

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.

TEMPORARY GRADING EASEMENT AGREEMENT

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

GRANT OF EASEMENT:

A-S 93 SH 130-SH45, 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 parcels of real property of Grantor which are more particularly described on Exhibit “A”, attached hereto and incorporated herein by reference (collectively, “Easement Tract”) for the construction of roadway embankment necessary for the Pfluger Farm Lane roadway construction project, and across the following described property, to-wit:

TO HAVE AND TO HOLD the same to Grantee and its successors and assigns, together with the right and privilege at any and all times to enter the Easement Tract, or any part thereof, for the purpose of construction, operation, maintenance, replacement, upgrade, and repair of the improvements which are constructed and installed therein or thereon by Grantee under the terms of this Easement.

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, subject to 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 roadway grading and embankment including placement, construction, installation, replacement, repair, maintenance, relocation, removal, and operation of roadway improvements, or making connections thereto.

Grantee shall have a continuous right of access to the Easement Property for the operation, repair, maintenance, replacement and expansion of the drainage facilities and related appurtenances.

DURATION OF EASEMENT:

The Easement shall be temporary. The easement shall expire the earlier of (1) completion of Phase A improvements or (2) March 31, 2014, whichever is earlier. Grantor hereby binds Grantor and Grantor's heirs, legal representatives, successors and assigns, to warrant and forever defend the Easement unto Grantee, its successors and assigns, against any person whomsoever lawfully claiming or to claim the same or any part thereof.

EXCLUSIVENESS OF EASEMENT:

The Easement is non-exclusive and Grantee's use shall be in common with Grantor and their successors and assigns. To the extent that such entry or use does not interfere with Grantee's use of the Easement as a drainage easement, Grantor hereby reserve, for themselves and their successors and assigns, the right to enter upon and use the surface of the Easement Tract, subsurface of the Easement Tract and the air space over the Easement Tract.. Notwithstanding anything contained herein to the contrary, Grantor shall not use the Easement Tract in any other manner or grant any easement on or across the Easement Tract that interferes in any material way, or is inconsistent with, the easements, rights, and privileges granted hereunder or the terms and conditions hereof.

MAINTENANCE:

Grantor shall keep the Easement free from any obstruction not authorized by Grantee. Grantor shall maintain the surface area or the Easement Property, 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 Tract

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 by Grantee so long as the assignee utilizes the Easement as contemplated herein.

Signature page to follow:

In witness whereof, this instrument is executed this ____ day of _____, 2013.

GRANTOR:

AS-93 SH 130-SH45, L.P., a Texas limited partnership

By: _____


Steven D. Alvis, Manager

AGREED AND ACCEPTED:

CITY OF PFLUGERVILLE, TEXAS,

a Texas home-rule municipality

By: _____

Brandon Wade, City Manager

ATTEST:

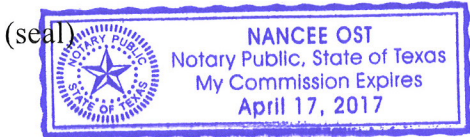
Karen Thompson, City Secretary

ACKNOWLEDGEMENT

THE STATE OF TEXAS §
§
COUNTY OF Harris §

This instrument was acknowledged before me on April 1, 2013, by Steven D. Alvis, an individual residing in Harris County, Texas.

Nancee Ost
Notary Public Signature



Nancee Ost
Printed Name of Notary Public

My commission expires: 4-17-17

THE STATE OF TEXAS §
§
COUNTY OF _____ §

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

(seal)

Printed Name of Notary Public

My commission expires: _____

After Recording, Please Return To:
City of Pflugerville
Attn: Brandon E. Wade, City Manager
P.O. Box 589, Pflugerville, Texas 78691

DESCRIPTION OF 0.005 ACRE TRACT

DESCRIPTION OF 0.005 OF ONE ACRE OR 197 SQUARE FEET OF LAND, MORE OR LESS, OUT OF LOT 20, BLOCK 5, STONE HILL TOWN CENTER, SECTION TWO, PHASE ONE, A SUBDIVISION OF RECORD IN DOCUMENT NO. 200100162, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, SAID LOT 20, BLOCK 5 BEING DESCRIBED IN THAT DEED TO A-S 93 SH 130-SH 45, L.P., OF RECORD IN DOCUMENT NO. 2007090027, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS; SAID 0.005 OF ONE ACRE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a calculated point at the southeast corner of this tract, same being in the south line of said Lot 20, Block 5, and the north line of that tract described as 136.450 acres in a deed to Terrell Timmermann, of record in Document No. 1999104396, Official Public Records, Travis County, Texas, from which a 5/8” iron rod found with cap at the southeast corner of said Lot 20, Block 5 bears S61°57’01”E 128.92 feet; and said point of beginning having State Plane Coordinates (Texas Central Zone, NAD83, U.S. Feet, Combined Grid to Surface Scale Factor of 1.00010) grid value of N=10,143,574.29 E=3,156,611.34;

THENCE, with the south line of this tract and said Lot 20, Block 5, and the north line of said Timmermann tract, **N61°57’01”W 15.08 feet** to a calculated point at the southwest corner of this tract, from which a 5/8” iron rod found with cap at the southwest corner of said Lot 20, Block 5, and the southeast corner of the southern terminus of Pfluger Farm Lane bears N61°57’01”W 10.00 feet;

THENCE, with the perimeter of this tract, crossing said Lot 20, Block 5, the following two (2) courses, numbered 1 and 2:

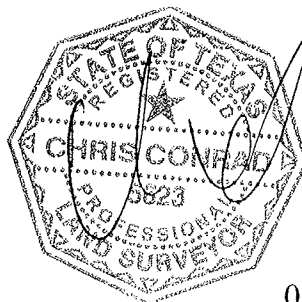
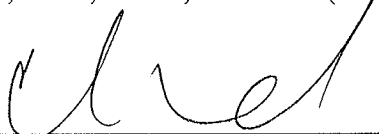
1. **N28°05'01"E 26.09 feet** to a calculated point at the northwest corner of this tract; and
2. **S01°57'45"E 30.13 feet** to the POINT OF BEGINNING, and containing 0.005 of one acre or 197 square feet, more or less, contained within these metes and bounds.

Bearing Basis Note

The bearings described herein are Texas State Plane Grid bearings (Texas Central Zone, NAD83 (CORS96). The Combined Grid to Surface Scale Factor is 1.00010) and was established by GPS observations.

SURVEYED BY:

McGRAY & McGRAY LAND SURVEYORS, INC.
3301 Hancock Dr., Ste. 6, Austin, TX 78731 (512) 451-8591



01/18/13

Chris Conrad, Reg. Professional Land Surveyor No. 5623

Date

Note: This copy of this description is not valid unless an original signature through an original seal appears on its face. There is a plat to accompany this description.

Descriptions 2013/Pfluger Farm Lane/0.005 DE
Issued 01/18/13

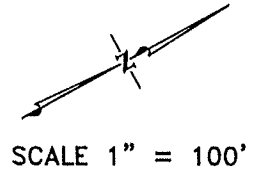
AUSTIN GRID Q-38, Q-39 & R-39
TCAD # 02-8046-01-01

SKETCH TO ACCOMPANY DESCRIPTION
 OF 0.005 AC. OR 197 SQ. FT. OF LAND OUT OF
 STONE HILL TOWN CENTER, SECTION TWO, PHASE ONE
 CITY OF PFLUGERVILLE, TRAVIS COUNTY, TEXAS

RE: CITY OF PFLUGERVILLE

| LINE TABLE | | |
|------------|-------------|--------|
| LINE | BEARING | LENGTH |
| L1 | N61°57'01"W | 15.08' |
| L2 | N28°05'01"E | 26.09' |
| L3 | S01°57'45"E | 30.13' |
| L4 | N61°57'01"W | 10.00' |

TERRELL TIMMERMANN
 DOC. 1999104399, O.P.R.T.C.
 REMAINDER OF
 (129.137 AC.)



T.G. STEWART SURVEY NO. 6
 ABSTRACT NO. 689

STONE HILL TOWN CENTER
 SECTION TWO, PHASE ONE
 DOC. 201100162, O.P.R.T.C.

LOT 19
 BLOCK 6
 (RESTRICTED TO MULTI-FAMILY USE)

WESTERN RIM INVESTORS 2011-1, L.P.
 DOC. NO. 2011160861, O.P.R.T.C.
 (LOT 19)

TERRELL TIMMERMANN
 DOC. 1999104396, O.P.R.T.C.
 REMAINDER OF
 (136.450 AC.)

DRAINAGE EASEMENT
 0.005 AC. OR
 197 SQ. FT.

PFLUGER FARM LANE
 (70' R.O.W.)

A-S 93 SH 130-SH 45, L.P.
 DOC. NO. 2007090027
 REMAINDER OF
 (60.6420 ACRES)

LOT 20
 BLOCK 5

STONE HILL TOWN CENTER
 SECTION TWO, PHASE ONE
 DOC. 201100162, O.P.R.T.C.

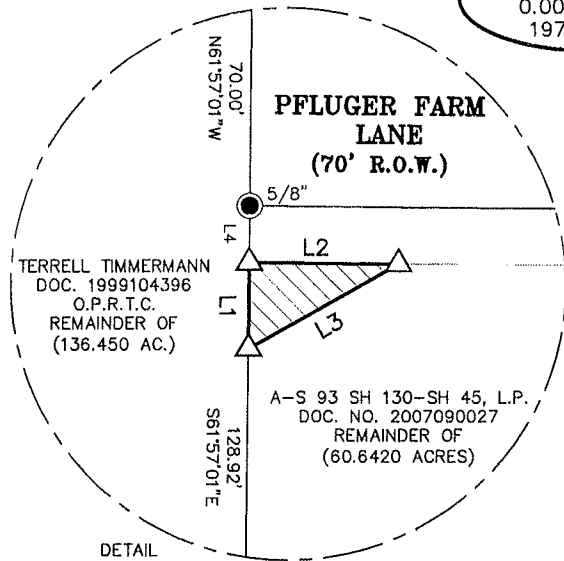
LOT 15
 BLOCK 5

STONE HILL
 TOWN CENTER
 DOC. 200700201, O.P.R.T.C.

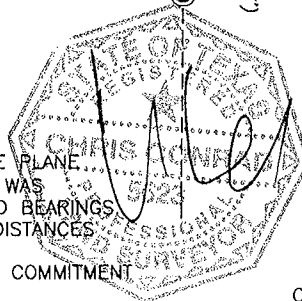
LEGEND

- 1/2" IRON ROD FOUND (UNLESS OTHERWISE NOTED)
- 1/2" IRON ROD FOUND CAPPED (UNLESS OTHERWISE NOTED)
- △ CALCULATED POINT
- (XXX) RECORD INFORMATION
- P.O.B. POINT OF BEGINNING
- P.R.T.C. PLAT RECORDS TRAVIS COUNTY
- O.P.R.T.C. OFFICIAL PUBLIC RECORDS TRAVIS COUNTY

P.O.B.
 GRID COORDINATES
 N=10,143,574.29
 E=3,156,611.34



CITY OF PFLUGERVILLE, TEXAS
 DOC. 2011115870, O.P.R.T.C.
 (9.653 AC.)



NOTES:
 1. THE COORDINATE SHOWN HEREON IS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD83 (CORS96) DATUM AND WAS ESTABLISHED BY GPS OBSERVATION. THE BEARINGS SHOWN ARE GRID BEARINGS. THE COMBINED GRID TO SURFACE SCALE FACTOR IS 1.00010. ALL DISTANCES SHOWN ARE SURFACE DISTANCES.
 2. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT OR EASEMENT REPORT.

Chris Conrad

01/18/13

CHRIS CONRAD, REG. PROF. LAND SURVEYOR NO. 5623 DATE
 Note: This copy of this plat is not valid unless an original signature through an original seal appears on its face. There is a description to accompany this plat.

SURVEYED BY: ISSUED: 01/18/13
 PAGE 3 OF 3

McGRAY & McGRAY
LAND SURVEYORS, INC.
 3301 HANCOCK DRIVE #8
 AUSTIN, TEXAS 78731
 (512) 451-8591