

**PETITION TO VACATE AND RELEASE PUBLIC UTILITY EASEMENT**

STATE OF TEXAS           §

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS       §

I/We, the undersigned petitioner(s), hereby petition for the vacation of a portion of a public utility easement granted by WDP, Ltd., a Texas limited partnership, to the City of Pflugerville, a home-rule city located in Travis County, Texas, pursuant to 25' P.U.E. Easement Agreement dated September 5, 2003, recorded in Document No. 2003211530 of the Official Public Records of Travis County, Texas, as hereinafter described. In support of said petition, I/we show the following:

1. The sole owner(s) of the property in which the portion of the public utility easement requested to be vacated herein is located is/are as follows:

Continental Homes of Texas, L.P., a Texas limited partnership, with its address at 12554 Riata Vista Circle, Austin, Texas 78727, Attn: Richard Maier, and owner of that certain 18.18 acre tract of land described in Exhibit C of the deed recorded in Document No. 2007122920 of the Official Public Records of Travis County, Texas, which real property is or is intended to be platted as Highland Park, Phase D, Section 2, and Highland Park, Phase D, Section 3, subdivisions to be recorded in the Official Public Records of Travis County, Texas.

2. The nature and extent of the public use, and the public interest to be subserved, is such as to warrant the vacation of that portion of the public utility easement more particularly described in the field notes marked as Exhibit "A" and depicted in the sketch marked as Exhibit "B", both being attached hereto and made a part hereof.

3. The Petitioner(s) listed in Paragraph 1, above, for themselves and for their heirs, executors, administrators, and assigns, for and in consideration of the vacation of that portion of the public utility easement described in attached Exhibits "A" and "B" and other valuable consideration, hereby RELEASE, REMISE, and FOREVER

DISCHARGE the CITY OF PFLUGERVILLE, its officers, agents, and employees, from any and all claims, actions, and damages, if any, whatsoever which they may have in law or equity with respect to any damage to their properties as a result of the said vacation. This release is not to be constructed as an admission on the part of the CITY OF PFLUGERVILLE of any liability in consequence of the above described vacation.

4. By the signature(s) affixed hereto, I/we represent and warrant that I/we are the owner(s) of the properties as set out in Paragraph 1 of this document and, as such, are fully authorized to make this petition.


**PRAYER**

I/We, the undersigned property owner(s), hereby pray that so much of said public utility easement as is described in Exhibits "A" and "B", attached hereto, be vacated of record by the City of Pflugerville to the extent of public use thereof, and that said vacation be recorded in the Official Public Records of the Travis County Clerk.

EXECUTED this 20 day of August, 2010.

**Continental Homes of Texas, L.P.**  
(a Texas limited partnership)

By: CHTEX of Texas, Inc.  
(a Delaware corporation)  
*Its General Partner*

By:   
Name: RICHARD MAIER  
Title: VICE PRESIDENT

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