

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 CONSTRUCTION EASEMENT AGREEMENT

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

GRANT OF EASEMENT:

TERRELL TIMMERMANN (“Grantor”, whether one or more), 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”), a temporary construction easement (“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 Tracts”) for the construction of wastewater interceptor 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 and all validly existing restrictions, covenants, conditions, easements, royalty and mineral reservations, and all other matters of record, if any, affecting the Property.

CHARACTER OF EASEMENT:

The Easement is an easement in gross.

PURPOSE OF EASEMENT:

The Easement shall be used for the placement, construction, installation, replacement, repair, maintenance, relocation, removal, and operation of a public wastewater interceptor.

Grantee shall have a continuous right of access to the Easement Property for the operation, repair, maintenance, replacement and expansion of the wastewater interceptor facility 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 temporary construction 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.

Grantee will restore limits of easement to existing condition prior to the expiration of easement.

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:

**TERRELL TIMMERMANN
P. O. BOX 4785
AUSTIN, TEXAS 78765**

By: _____

Terrell Timmermann

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 _____ §

This instrument was acknowledged before me on _____, 2013, by _____, an individual residing in Travis County, Texas.

(seal)

Notary Public Signature

Printed Name of Notary Public

My commission expires: _____

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.

(seal)

Notary Public Signature

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 1.680 ACRE TRACT

DESCRIPTION OF 1.680 ACRES OR 73,170 SQUARE FEET OF LAND, MORE OR LESS, OUT OF THE T.G. STEWART SURVEY NO. 6, ABSTRACT NO. 689, TRAVIS COUNTY, TEXAS, AND BEING OUT OF THAT TRACT DESCRIBED AS 129.137 ACRES IN A DEED TO TERRELL TIMMERMANN, OF RECORD IN DOCUMENT NO. 1999104399, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, AND ALSO BEING OUT 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; SAID 1.680 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a calculated point at the southwest corner of this tract, same being in the interior of the northern remainder of said Timmermann 129.137 acre tract, from which a 1/2" iron rod found with cap in the south line of the northern remainder of said Timmermann 129.137 acre tract, and the north line of East Pflugerville Parkway bears S27°20'38"W 877.98 feet and S62°39'22"E 510.72 feet, and from said point of beginning a 3/8" iron rod found at the northeast corner of Lot 1, North Pflugerville Estates Subdivision, Section Two, a subdivision of record in Document No. 200500294, Official Public Records, Travis County, Texas, bears S27°20'38"W 877.98 feet and N62°39'22"W 495.95 feet and N27°34'27"E 289.87 feet; and said point of beginning having State Plane Coordinates (Texas Central Zone, NAD83, U.S. Feet, Combined Grid to Surface Scale Factor of plat has 1.00010) grid value of N=10,142,218.03 E=3,154,930.02;

THENCE, with the perimeter of this tract, crossing said Timmermann 129.137 acre tract and said Timmermann 136.450 acre tract, the following twelve (12) courses, numbered 1 through 12:

- 1) **N24°44'51"E 40.04 feet** to a calculated point;
- 2) **S62°35'02"E 131.28 feet** to a calculated point;
- 3) **N79°45'14"E 489.91 feet** to a calculated point;
- 4) **S71°20'15"E 617.23 feet** to a calculated point;
- 5) **N48°15'46"E 374.01 feet** to a calculated point;
- 6) **S79°28'24"E 210.65 feet**, to a calculated point;

- 7) **S10°31'36"W 40.00 feet** to a calculated point, from which a 1/2" iron rod found with cap at the northwest corner of that tract described as 9.653 acres in a deed to City of Pflugerville, of record in Document No. 2011115870, Official Public Records, Travis County, Texas, same being at an exterior ell corner in the north line of said remainder of Timmermann 136.450 acre tract bears S62°22'22"E 157.77 feet and N27°37'38"E 2,207.89 feet and N61°55'12"W 716.15 feet;
- 8) **N79°28'24"W 191.02 feet** to a calculated point;
- 9) **S48°15'46"W 377.67 feet** to a calculated point;
- 10) **N71°20'15"W 630.20 feet** to a calculated point;
- 11) **S79°45'14"W 493.24 feet** to a calculated point; and
- 12) **N62°35'02"W 143.06 feet** to the POINT OF BEGINNING and containing 1.680 acres or 73,170 square feet, more or less, 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



03/13/13

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/Pflugger Farm Lane/1.680 TCE
Issued 03/13/13

AUSTIN GRID Q-38, Q-39 & R-39
TCAD # 02-7541-01-18 & 02-7541-01-33

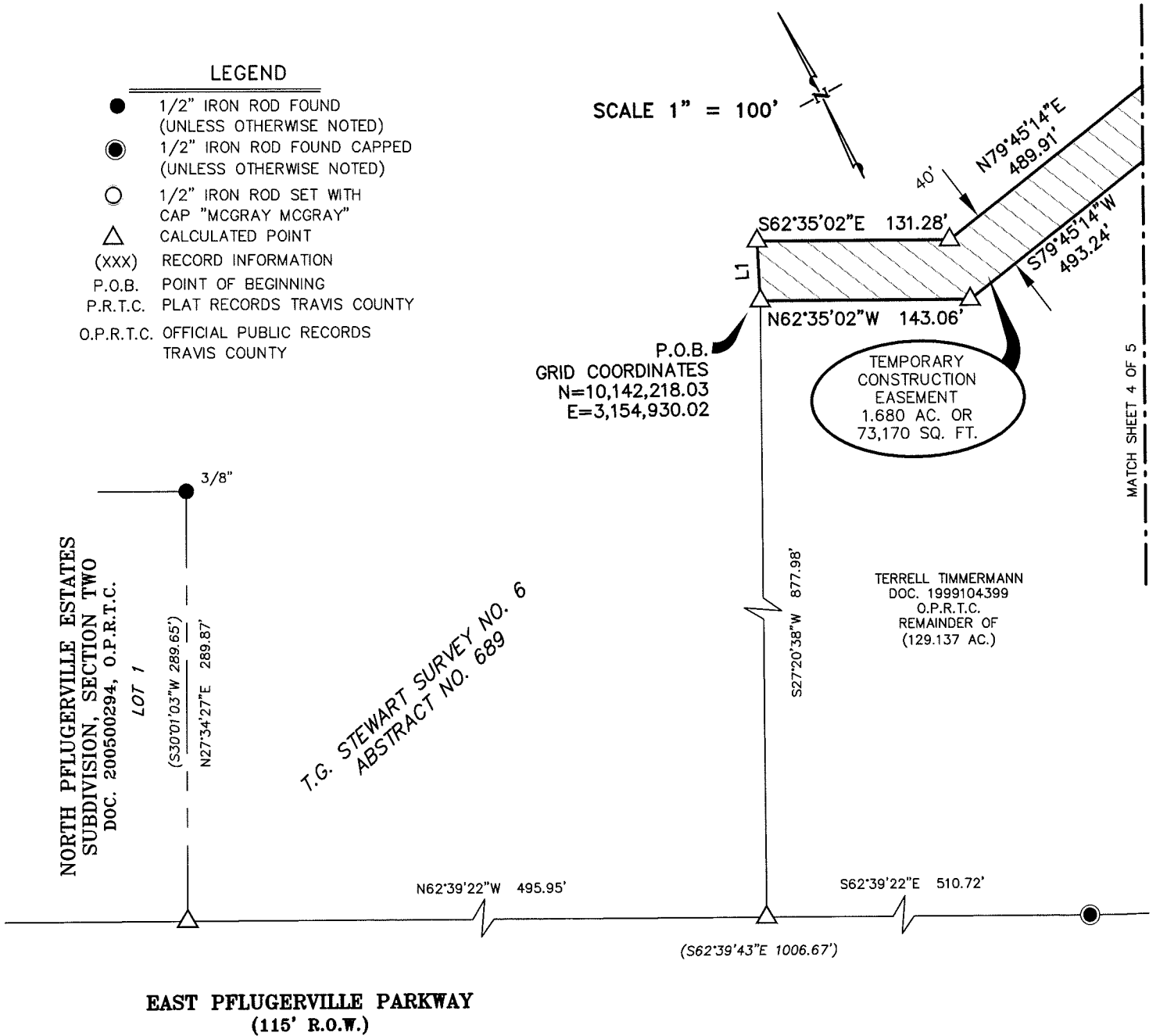
SKETCH TO ACCOMPANY DESCRIPTION
 OF 1.680 AC. OR 73,170 SQ. FT. OF LAND OUT OF
 T.G. STEWART SURVEY NO. 6, ABSTRACT NO. 689
 CITY OF PFLUGERVILLE, TRAVIS COUNTY, TEXAS

RE: CITY OF PFLUGERVILLE

LEGEND

- 1/2" IRON ROD FOUND
(UNLESS OTHERWISE NOTED)
- 1/2" IRON ROD FOUND CAPPED
(UNLESS OTHERWISE NOTED)
- 1/2" IRON ROD SET WITH
CAP "MCGRAY MCGRAY"
- △ 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

SCALE 1" = 100'



LINE TABLE

LINE	BEARING	LENGTH
L1	N24°44'51"E	40.04
L2	S10°31'36"W	40.00

SURVEYED BY:

ISSUED: 03/13/13
 PAGE 3 OF 5

McGRAY & McGRAY
LAND SURVEYORS, INC.

3301 HANCOCK DRIVE #6
 AUSTIN, TEXAS 78731
 (512) 451-8591

SKETCH TO ACCOMPANY DESCRIPTION
 OF 1.680 AC. OR 73,170 SQ. FT. OF LAND OUT OF
 T.G. STEWART SURVEY NO. 6,
 ABSTRACT NO. 689
 CITY OF PFLUGERVILLE, TRAVIS COUNTY, TEXAS

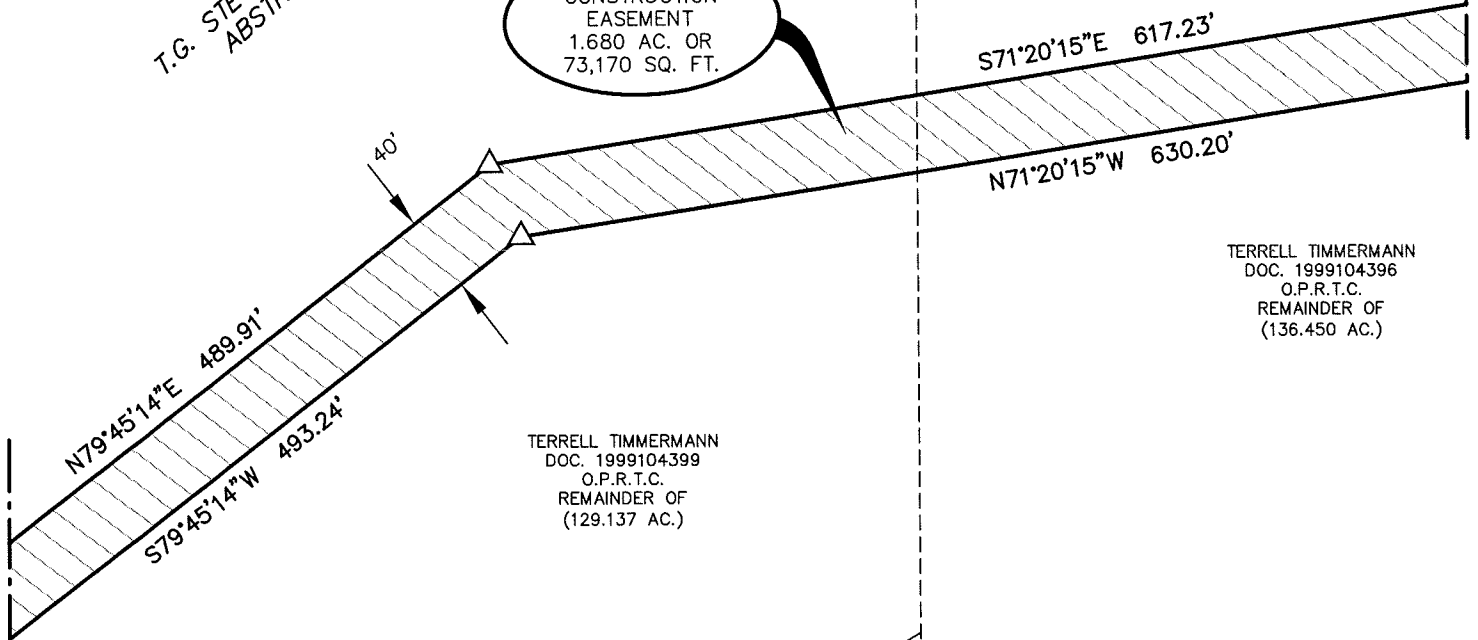
RE: CITY OF PFLUGERVILLE

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

TEMPORARY
 CONSTRUCTION
 EASEMENT
 1.680 AC. OR
 73,170 SQ. FT.

SCALE 1" = 100'

MATCH SHEET 5 OF 5



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

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

TERRELL TIMMERMANN
 DOC. 2005167323
 O.P.R.T.C.
 (4.778 AC.)

LEGEND

- 1/2" IRON ROD FOUND
(UNLESS OTHERWISE NOTED)
- 1/2" IRON ROD FOUND CAPPED
(UNLESS OTHERWISE NOTED)
- 1/2" IRON ROD SET WITH
CAP "MCGRAY MCGRAY"
- △ 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

MATCH SHEET 3 OF 5

LINE TABLE		
LINE	BEARING	LENGTH
L1	N24°44'51"E	40.04
L2	S10°31'36"W	40.00

SURVEYED BY: ISSUED: 03/13/13
 PAGE 4 OF 5

McGRAY & McGRAY
LAND SURVEYORS, INC.
 3301 HANCOCK DRIVE #6
 AUSTIN, TEXAS 78731
 (512) 451-8591

SKETCH TO ACCOMPANY DESCRIPTION
 OF 1.680 AC. OR 73,170 SQ. FT. OF LAND OUT OF
 T.G. STEWART SURVEY NO. 6, ABSTRACT NO. 689
 CITY OF PFLUGERVILLE, TRAVIS COUNTY, TEXAS

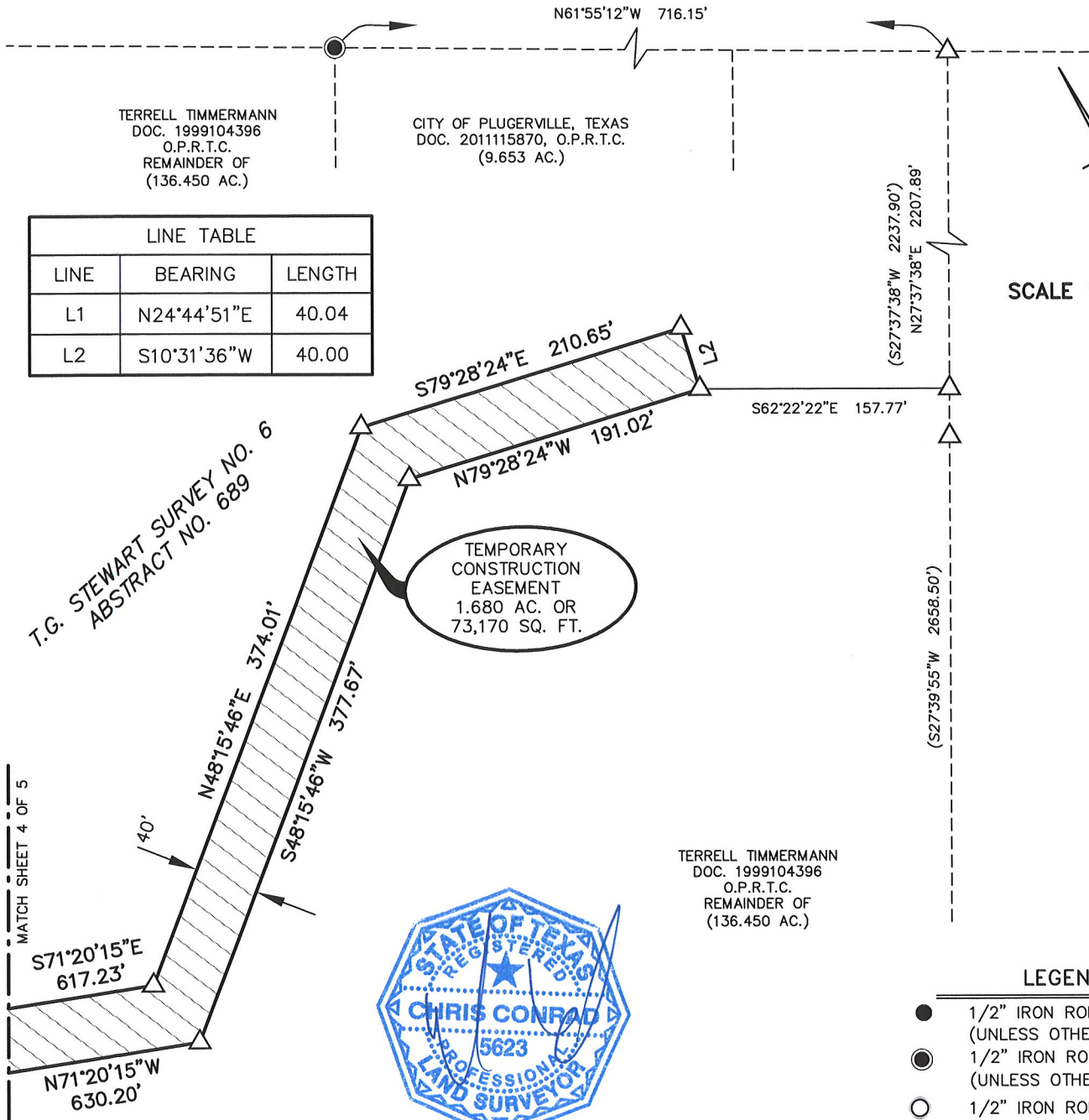
RE: CITY OF PFLUGERVILLE

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

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

LINE TABLE		
LINE	BEARING	LENGTH
L1	N24°44'51"E	40.04
L2	S10°31'36"W	40.00

SCALE 1" = 100'



TEMPORARY
 CONSTRUCTION
 EASEMENT
 1.680 AC. OR
 73,170 SQ. FT.



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

LEGEND

- 1/2" IRON ROD FOUND (UNLESS OTHERWISE NOTED)
- 1/2" IRON ROD FOUND CAPPED (UNLESS OTHERWISE NOTED)
- 1/2" IRON ROD SET WITH CAP "MCGRAY MCGRAY"
- △ 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

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
 03/13/13

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.

ISSUED: 03/13/13
 PAGE 5 OF 5

SURVEYED BY: **McGRAY & McGRAY**
LAND SURVEYORS, INC.
 3301 HANCOCK DRIVE #6
 AUSTIN, TEXAS 78731
 (512) 451-8591