

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:

TFS TEXAS INVESTMENTS, LLC, a limited liability company (“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 Exhibits ”A” and ”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.

Grantors 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.

DURATION OF EASEMENT:

The Easement shall be perpetual.

EXCLUSIVENESS OF EASEMENT:

The Easement shall be exclusive. Grantors 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:

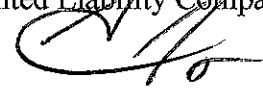
This Easement and the rights of Grantee hereunder may be assigned in whole or in part by Grantee.

Signature page to follow:

In witness whereof, this instrument is executed this 1 day of October, 2014.

GRANTORS:

TFS INVESTMENTS, LLC
a Limited Liability Company

By: 
[Terrance Frazier, Managing Member]

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 _____, an individual residing in Travis County, Texas.

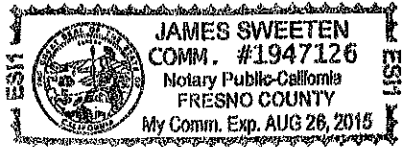
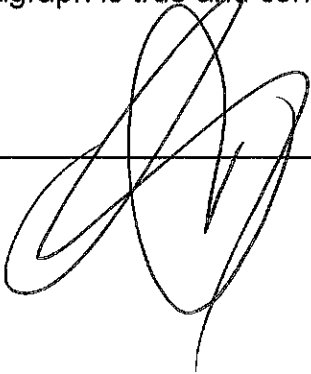
CALIFORNIA ALL PURPOSE ACKNOWLEDGMENT

State of California)
)ss.
County of FRESNO)

On October 1 2014 before me, JAMES SWEETEN, Notary Public, personally appeared TERRANCE FRAZIER, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct. WITNESS my hand and official seal.

Signature _____ (Seal)



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

0.1973 ACRE, 8,593 SQUARE FEET WASTEWATER EASEMENT OUT OF THE JACOB CASNER SURVEY NO. 9, ABSTRACT NO. 2753, IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF A 5.069 ACRE TRACT CONVEYED TO TFS TEXAS INVESTMENTS, LLC., BY DEED RECORDED IN DOCUMENT NO. 2007013595, OFFICIAL PUBLIC 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 rod with cap found in the north line of Rowe Lane, a 65 foot public street, also being in the east line of Rowe Loop, a 50 foot public street, and further being at the SW corner of a 5.069 acre tract conveyed to TFS Texas Investments, LLC., by deed recorded in Document No. 2007013595, Official Public Records, Travis County;

THENCE N8°35'50"E, along the common west line of said TFS tract and the east line of said Rowe Loop for a distance of 15.62 feet to a point, for the SW corner and **POINT OF BEGINNING** of this Wastewater Easement;

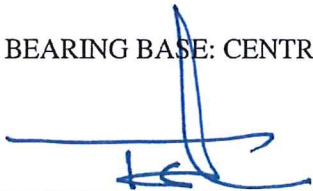
THENCE N8°35'50"E, continuing along said west line for a distance of 15.00 feet to a point, for the NW corner hereof, from which point, a 1/2" iron rod found at the NW corner of said TFS tract, also being the SW corner of a 5.04 acre tract conveyed to Sam G. and Brenda K. Warren by deed recorded in Volume 11347, Page 1725, Real Property Records, bears N8°35'50"E at a distance of 355.08 feet;

THENCE S81°51'31"E crossing through said TFS tract for a distance of 572.92 feet to a calculated point in the west line of a 5.057 acre tract conveyed to TFS Texas Investments, LLC by deed recorded in Document No. 2006239019, Official Public Records, for the NE corner hereof;

THENCE S8°35'17"W along the common line of said TFS tracts for a distance of 15.00 feet to a point, for the SE corner hereof;

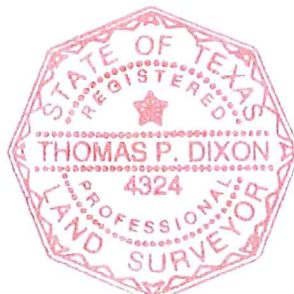
THENCE N81°51'31"W, crossing through said 5.069 acre tract for a distance of 572.92 feet to the **POINT OF BEGINNING** of this Wastewater Easement, containing 0.1973 acre or 8,593 square feet of land, more or less.

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

8/4/14
Date



REFERENCES

TCAD Property ID No.482581
MAPSCO 409 MS-41

WASTEWATER LINE EASEMENT
 Sketch to Accompany Field Notes
 Exhibit "___"

LEGAL DESCRIPTION:
 BEING A 0.1973 ACRE, 8,593 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 5.069 ACRE TRACT CONVEYED TO TFS TEXAS INVESTMENTS, LLC., BY DEED RECORDED IN DOCUMENT NO. 2007013595, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS.

SAM G. & BRENDA K. WARREN
 (5.04 AC)
 11347/1725

ELIZABETH CHARLINE SCHOENER
 (5.04 AC)
 11117/207

ROWE LOOP
 50' R.O.W.
 N8°35'50"E
 355.08'

TFS TEXAS INVESTMENTS, LLC
 (5.069 AC)
 DOC#2007013595

TFS TEXAS INVESTMENTS, LLC
 (5.057 AC)
 DOC#2006239019

ROWE LOOP
 50' R.O.W.

POINT OF BEGINNING
 FOUND 1/2" IRON ROD
 FOR REFERENCE



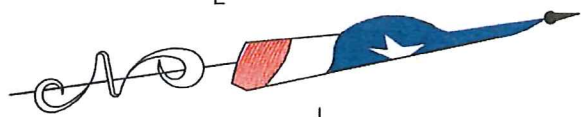
0.1973 AC
8593 Sq.ft.
15' WASTEWATER LINE EASEMENT

WASTEWATER EASEMENT
 COURSE & DISTANCE CALLS

#	BEARING	DISTANCE
L1	N8°35'50"E	15.62'
L2	N8°35'50"E	15.00'
L3	S8°35'17"W	15.00'

BEARING BASE: CENTRAL TEXAS ZONE
 STATE PLANE COORDINATES

SCALE
 1" = 120'



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

WASTEWATER EASEMENT

FIELD NOTES

0.1973 ACRE, 8,593 SQUARE FEET WASTEWATER EASEMENT OUT OF THE JACOB CASNER SURVEY NO. 9, ABSTRACT NO. 2753, IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF A 5.057 ACRE TRACT CONVEYED TO TFS TEXAS INVESTMENTS, LLC., BY DEED RECORDED IN DOCUMENT NO. 2006239019, OFFICIAL PUBLIC 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 rod found in the north line of Rowe Lane, a 65 foot public street, also being in the east line of Rowe Loop, a 50 foot public street, and further being at the SW corner of a 5.069 acre tract conveyed to TFS Texas Investments, LLC., by deed recorded in Document No. 2007013595, Official Public Records, Travis County;

THENCE the following two courses and distances along and through said 5.069 acre tract:

- (1) N8°35'50"E along Rowe Loop for a distance of 15.62 feet to a point;
- (2) S81°51'31"E crossing through said 5.069 acre tract for a distance of 572.92 feet to a point in the west line of a 5.057 acre tract conveyed to TFS Texas Investments, LLC., by deed recorded in Document No. 20069239019, Official Public Records, for the SW corner and **POINT OF BEGINNING** of this Wastewater Easement;

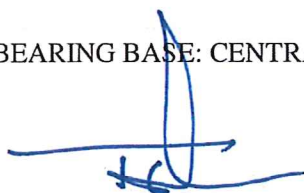
THENCE N8°35'17"E along said west line for a distance of 15.00 feet to a point, for the NW corner hereof;

THENCE S81°51'31"E crossing through said 5.057 acre TFS tract for a distance of 572.99 feet to a calculated point in the east line of said 5.057 acre tract, also being in the west line of Rowe Loop;

THENCE S8°35'59"W along the west line of Rowe Loop for a distance of 15.00 feet to a point, for the SE corner hereof, from which point a 1/2" iron rod found in the east line of Rowe Loop, at the SW corner of a 5.05 acre tract conveyed to TFS Texas Investments by deed recorded in Document No. 2006239020, Official Public Records, bears S36°57'54"E at a distance of 69.91 feet;

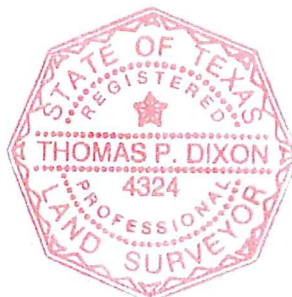
THENCE N81°51'31"W, crossing through said 5.057 acre tract for a distance of 572.99 feet to the **POINT OF BEGINNING** of this Wastewater Easement, containing 0.1973 acre or 8,595 square feet of land, more or less.

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

8/4/14
Date



REFERENCES

TCAD Property ID No.482588
MAPSCO 409 MS-41

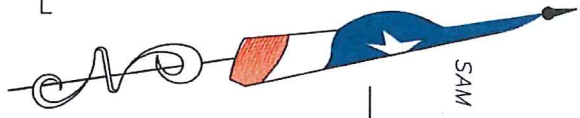
WASTEWATER LINE EASEMENT
 Sketch to Accompany Field Notes
 Exhibit "___",

LEGAL DESCRIPTION:
 BEING A 0.1973 ACRE, 8,595 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 5.057 ACRE TRACT CONVEYED TO TFS INVESTMENTS, LLC. BY DEED RECORDED IN DOCUMENT NO. 2006239019, OFFICIAL PUBLIC RECORDS, TRAVIS

ROWE LOOP
 50' R.O.W.

N8°35'50"E
 370.08'

SCALE
 1" = 120'



SAM G. & BRENDA K. WARREN
 (5.04 AC)
 11347/1725

TFS TEXAS INVESTMENTS, LLC
 (5.069 AC)
 DOC#2007013595

ELIZABETH CHARLINE SCHOENER
 (5.04 AC)
 11117/207

TFS TEXAS INVESTMENTS, LLC
 (5.057 AC)
 DOC#2006239019

ROWE LOOP
 50' R.O.W.

TFS TEXAS INVESTMENTS, LLC (5.05 AC) DOC#2006239020

FOUND 1/2" IRON ROD BEGINNING FOR REFERENCE



POINT OF BEGINNING

ROWE LANE
 60' R.O.W.

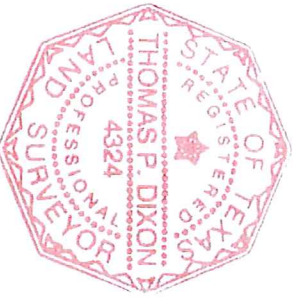
0.1973 AC
 8,595 Sq. ft.
 15' WASTEWATER LINE EASEMENT

FOUND 1/2" IRON ROD

WASTEWATER EASEMENT COURSE & DISTANCE CALLS

#	BEARING	DISTANCE
L1	N8°35'50"E	15.62'
L2	N8°35'17"E	15.00'
L3	S8°35'59"W	15.00'
L4	S67°15'29"E	51.48'

BEARING BASE: CENTRAL TEXAS ZONE
 STATE PLANE COORDINATES



[Signature]
 Thomas Dixon R.P.L.S. 4323
 Waterloo Surveyors Inc.
 P.O. Box 160176
 Austin, Texas 78746