

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 EASEMENT AGREEMENT

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

GRANT OF EASEMENT:

THE LUTHERAN SCHOOL ASSOCIATION OF THE GREATER AUSTIN AREA ("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"), 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 and maintenance of drainage facilities, 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 drainage purposes, to receive storm water from tracts located upstream from the Easement Tract, including placement, construction, installation,

replacement, repair, maintenance, relocation, removal, and operation of drainage facilities, 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 perpetual.

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 Tract.

MAINTENANCE:

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

Grantee has the right to direct the Grantor to perform maintenance of the surface area including but not limited to mowing, trimming and cutting down trees and shrubbery, and removing 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 has the right to alter, modify, and remove vegetation including but not limited to mowing, trimming and cutting down trees and shrubbery, and removing 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 13TH day of NOVEMBER, 20 13

GRANTOR:

**THE LUTHERAN SCHOOL
ASSOCIATION OF THE
GREATER AUSTIN AREA,
a Texas nonprofit corporation**

By: 
Greg D. Herbert,
Chairman of the Board

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 Travis §

This instrument was acknowledged before me on the 13TH day of NOVEMBER, 2013, by Greg D. Herbert, Chairman of the Board of the Lutheran School Association of the Greater Austin Area, a Texas nonprofit corporation, on behalf of said corporation.

[Signature]
Notary Public Signature

YARIELA MUSICK
Printed Name of Notary Public

My commission expires: 04.01.14



ACKNOWLEDGEMENT

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

Printed Name of Notary Public

My commission expires: _____

(seal)

After Recording, Please Return To:

City of Pflugerville

Attn: Brandon E. Wade, City Manager

P.O. Box 589,

Pflugerville, Texas 78691

DESCRIPTION

DESCRIPTION OF AN 11.116 ACRE TRACT OF LAND LOCATED IN THE L.C. CUNNINGHAM SURVEY NO. 68, ABSTRACT NO. 163, TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF A 43.60 ACRE TRACT OF LAND CONVEYED TO LUTHERAN SCHOOL ASSOCIATION OF GREATER AUSTIN AREA BY A DEED RECORDED IN DOCUMENT NUMBER 2012073909, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 11.116 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a point, having a Texas Coordinate System Central Zone NAD83 (2011) coordinate value of N = 10132406.80 and E = 3142733.21, in the northwest right-of-way line of S Heatherwilde Boulevard (90' R.O.W.) as conveyed to Travis County in a Dedication of Right-Of-Way recorded in Volume 11236, Page 802, of the Real Property Records of Travis County, Texas, and in the southeast line of said 43.60 acre tract, for the southeast corner of this tract, from which a 1/2 inch iron rod found in said lines for the southern most corner of a 0.89 acre tract of land conveyed to the City of Pflugerville of record in Document No. 2007221189 of the Official Public Records of Travis County, Texas, bears, North 27°53'14" East, a distance of 1435.68 feet;

THENCE, South 27°53'14" West, with the common line of said S Heatherwilde Boulevard and said 43.60 acre tract, a distance of 276.66 feet to a 1/2 inch iron rod with cap stamped "CUNNINGHAM ALLEN INC" set at the beginning of a curve to the right;

THENCE, continuing with the said common line and with said curve to the right, having a radius of 955.00 feet, an arc length of 537.64 feet, a delta angle of 32°15'23", and a chord which bears South 44°00'55" West, a distance of 530.57 feet, to a point for the southwest corner of this tract, from which a 1/2 inch iron rod with cap stamped "CUNNINGHAM ALLEN INC" set at the end of said curve, bears a chord bearing and distance of South 62°36'59" West, 82.42 feet;

THENCE, departing the said northwest right-of-way line, over and across said 43.60 acre tract, the following twelve (12) courses and distances:

1. North 62°24'06" West, a distance of 61.67 feet to a point;
2. North 29°17'15" West, a distance of 65.86 feet to a point;
3. North 05°13'50" West, a distance of 64.27 feet to a point;
4. North 01°29'09" West, a distance of 78.24 feet to a point;
5. North 07°34'25" East, a distance of 181.68 feet to a point;
6. North 07°51'53" West, a distance of 73.25 feet to a point;
7. North 06°47'18" East, a distance of 36.88 feet to a point;
8. North 29°27'30" East, a distance of 43.97 feet to a point;
9. North 13°41'01" East, a distance of 349.40 feet to a point;
10. North 24°26'47" West, a distance of 157.79 feet to a point;
11. North 30°28'27" West, a distance of 171.78 feet to a point;
12. North 59°04'27" West, a distance of 56.27 feet to a point for the northwest corner of this tract, in the northwest line of said 43.60 acre tract and the southeast line of SPRING HILL VILLAGE, a

subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 7, Page 42, of the Plat Records of Travis County, Texas, from which a 1/2 inch iron rod found for the westernmost corner of said 43.60 acre tract bears, South 27°44'51" West, a distance of 248.85 feet and South 27°33'01" West, a distance of 355.20 feet;

THENCE, North 27°44'51" East, with the northwest line of said 43.60 acre tract and the southeast line of said SPRING HILL VILLAGE, a distance of 401.15 feet to a point for the northeast corner of this tract;

THENCE, departing the northwest line of, and over and across said 43.60 acre tract, the following nine (9) courses and distances:

1. South 36°58'50" East, a distance of 126.31 feet to a point;
2. South 02°37'21" West, a distance of 145.89 feet to a point;
3. South 21°28'34" East, a distance of 182.98 feet to a point;
4. South 25°12'25" East, a distance of 245.70 feet to a point;
5. South 30°43'42" East, a distance of 128.35 feet to a point;
6. South 57°54'47" East, a distance of 199.93 feet to a point;
7. South 00°30'59" West, a distance of 41.08 feet to a point;
8. South 11°38'47" West, a distance of 28.54 feet to a point;
9. South 35°45'18" East, a distance of 24.68 feet to the POINT OF BEGINNING containing 11.116 acres of land within these metes and bounds.

Reference is herein made to the sketch of this tract accompanying this description.

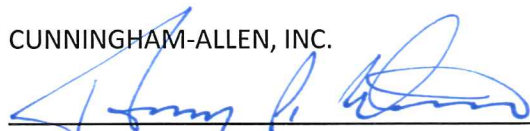
Subject tract described herein is an easement. No monumentation set for corners.

Bearing Basis: TEXAS COORDINATE SYSTEM OF 1983 (NAD_83 (2011)), CENTRAL ZONE. All distances were adjusted to the surface using a surface adjustment factor of 1.000102661. (surface = grid X surface adjustment factor)

All coordinates listed herein are TEXAS COORDINATE SYSTEM OF 1983 (NAD_83 (2011)), CENTRAL ZONE, in U.S. Survey Feet.

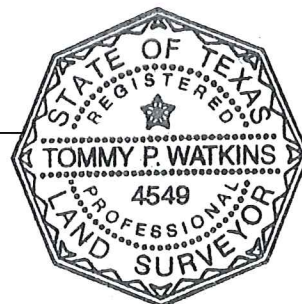
I certify that this description was prepared from a survey made on July 30, 2013, on the ground under my supervision.

CUNNINGHAM-ALLEN, INC.



Tommy P. Watkins, R.P.L.S.
Texas Registration No. 4549
3103 Bee Caves Rd., Ste. 202
Austin, TX 78746
512.327.2946

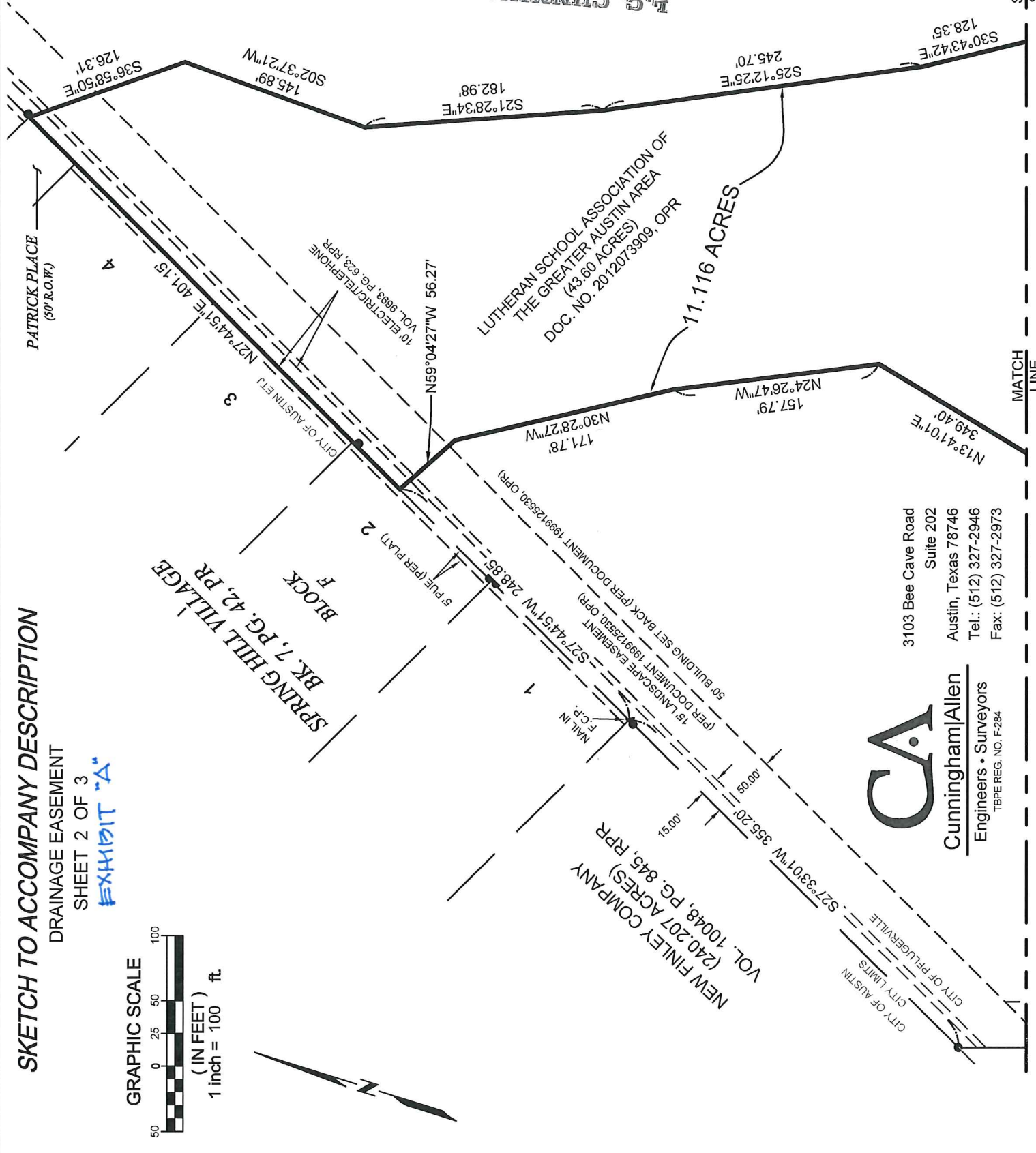
8/23/2012
Date



5/12/13
10/21/13

SHEET 2
SHEET 1

L.C. CUNNINGHAM SURVEY NO. 68
ABSTRACT NO. 163
TRAVIS COUNTY, TEXAS



SKETCH TO ACCOMPANY DESCRIPTION

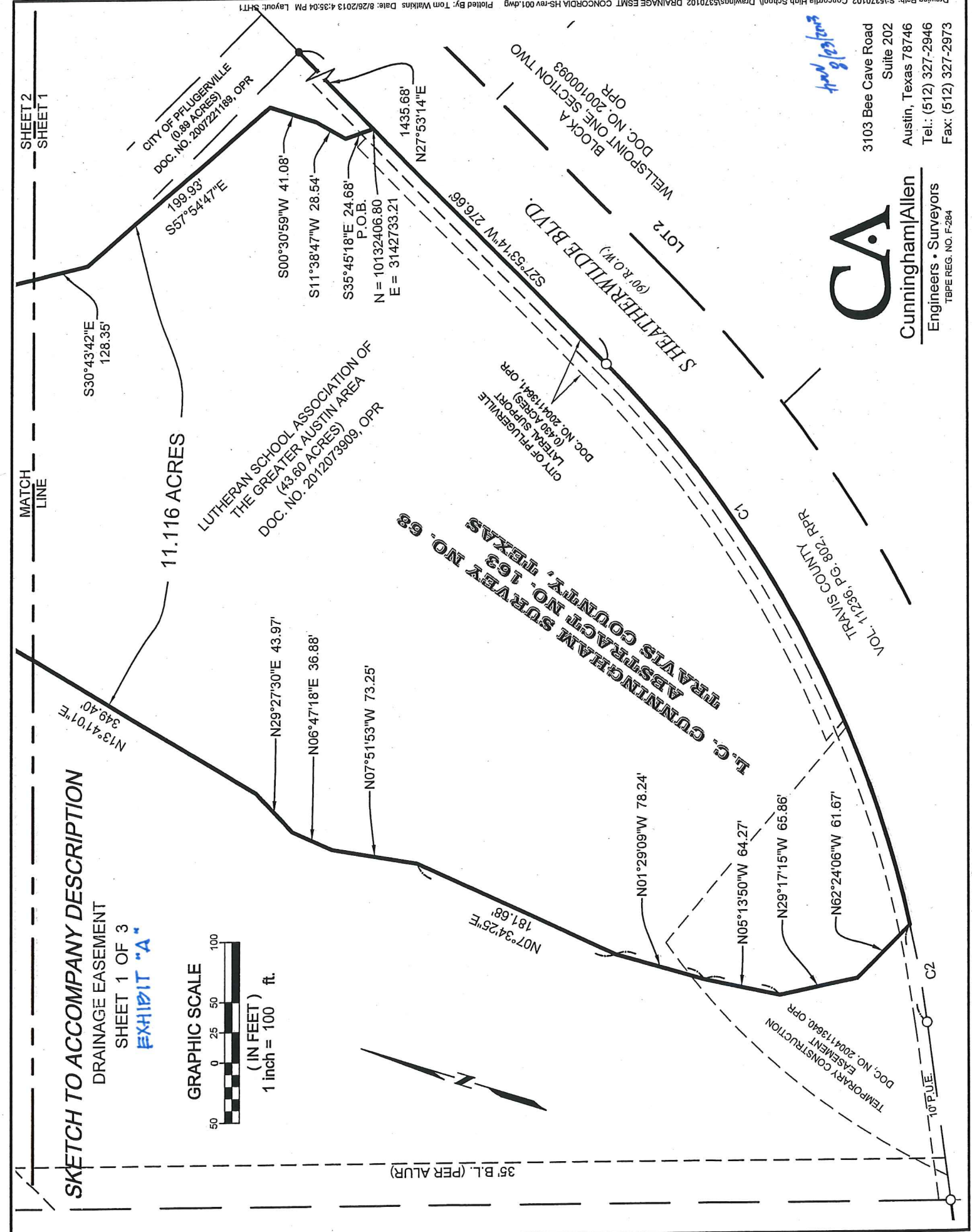
DRAINAGE EASEMENT
SHEET 2 OF 3
EXHIBIT "A"



Cunningham|Allen
Engineers • Surveyors
TBPE REG. NO. F-284

3103 Bee Cave Road
Suite 202
Austin, Texas 78746
Tel.: (512) 327-2946
Fax: (512) 327-2973

MATCH
LINE



SKETCH TO ACCOMPANY DESCRIPTION
 DRAINAGE EASEMENT
 SHEET 1 OF 3
EXHIBIT "A"



35' B.L. (PER ALUR)

Hand 1/21/13

CA
CunninghamAllen
 Engineers • Surveyors
 TBPE REG. NO. F-284

3103 Bee Cave Road
 Suite 202
 Austin, Texas 78746
 Tel.: (512) 327-2946
 Fax: (512) 327-2973

SHEET 2
 SHEET 1

MATCH
 LINE

11.116 ACRES

E.C. CUNNINGHAM SURVEY NO. 163
TRAVIS COUNTY, TEXAS

TRAVIS COUNTY
 VOL. 11236, PG. 802, P.P.P.

CITY OF PFLUGERVILLE
 LATERAL SUPPORT
 DOC. NO. 200413840, OPR

CITY OF PFLUGERVILLE
 (0.89 ACRES)
 DOC. NO. 2007221189, OPR

WELLSPONT ONE SECTION TWO
 BLOCK A
 DOC. NO. 200710093

N13°41'01"E
 349.40'

S30°43'42"E
 128.35'

199.93'
 S57°54'47"E

S00°30'59"W 41.08'

S11°38'47"W 28.54'

S35°45'18"E 24.68'

P.O.B.
 N = 10132406.80
 E = 3142733.21

1435.68'
 N27°53'14"E

LUTHERAN SCHOOL ASSOCIATION OF
 THE GREATER AUSTIN AREA
 (43.60 ACRES)
 DOC. NO. 2012073909, OPR

N29°27'30"E 43.97'

N06°47'18"E 36.88'

N07°51'53"W 73.25'

N07°34'25"E
 181.68'

N01°29'09"W 78.24'

N05°13'50"W 64.27'

N29°17'15"W 65.86'

N62°24'06"W 61.67'

TEMPORARY CONSTRUCTION
 EASEMENT
 DOC. NO. 200413840, OPR

10' P.U.E.
 C2

SKETCH TO ACCOMPANY DESCRIPTION

DRAINAGE EASEMENT

SHEET 3 OF 3

EXHIBIT "A"

LEGEND

- 1/2" IRON ROD FOUND (UNLESS OTHERWISE NOTED)
- 1/2" IRON ROD WITH CAP SET W/CAP (CUNNINGHAM ALLEN INC)
- ▲ NAIL FOUND (AS NOTED)
- F.C.P. FENCE CORNER POST
- PR PLAT RECORDS OF TRAVIS COUNTY, TEXAS
- RPR REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS
- OPR OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
- P.U.E. PUBLIC UTILITY EASEMENT
- VOL. VOLUME
- BK. BOOK
- PG. PAGE
- R.O.W. RIGHT-OF-WAY
- P.O.B. POINT OF BEGINNING

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BRG.	CHORD
C1	955.00'	537.64'	32°15'23"	S44°00'55"W	530.57'
C2	955.00'	82.44'	4°56'46"	S62°36'59"W	82.42'

REFERENCE IS HEREON MADE TO THE METES AND BOUNDS DESCRIPTION OF THIS TRACT ACCOMPANYING THIS SKETCH.

ALL COORDINATES SHOWN HEREON ARE TEXAS COORDINATE SYSTEM OF 1983 (NAD_83 (2011)), CENTRAL ZONE, IN U.S. SURVEY FEET.

SUBJECT TRACT SHOWN HEREON IS AN EASEMENT. NO MONUMENTATION SET FOR CORNERS.

BEARING REFERENCE: TEXAS COORDINATE SYSTEM OF 1983 (NAD_83 (2011)), CENTRAL ZONE; GRID NORTH. ALL DISTANCES WERE ADJUSTED TO THE SURFACE USING A SURFACE ADJUSTMENT FACTOR OF 1.000102661. (SURFACE = GRID X SURFACE ADJUSTMENT FACTOR)

SURVEYED BY:

Tommy P. Watkins

TOMMY P. WATKINS, RPLS
TX REG. NO 4549
DATE: 8/23/2013



3103 Bee Cave Road
Suite 202
Austin, Texas 78746
Tel.: (512) 327-2946
Fax: (512) 327-2973

CA
Cunningham|Allen
Engineers • Surveyors
TBPE REG. NO. F-284