

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.

WATER EASEMENT AGREEMENT

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

GRANT OF EASEMENT:

A-S 93 SH 130-SH 45, LP, 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 property of Grantor which is more particularly described on Exhibit "A", attached hereto and incorporated herein by reference (“Easement Tract”).

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.

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, through, or under Grantor, but not otherwise, subject to all title exceptions of record, to the extent of the same are valid and subsisting against the Easement Tract, and 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 utility purposes, including placement, construction installation, replacement, repair, maintenance, relocation, removal, and operation of a water meter, public utility facilities, and related appurtenances, or making connections thereto.

The Easement shall be used for the purpose of providing access for the operation, repair, maintenance, replacement, and expansion of the water meter, water line, and related public utility facilities.

DURATION OF EASEMENT:

The Easement shall be perpetual.

EXCLUSIVENESS OF EASEMENT:

Subject to the following sentence and the section entitled "Surface Use" below, the Easement shall be exclusive, and Grantor covenants the Grantor will not convey any other easement or conflicting rights within the Easement Tract. Grantor may alter or otherwise use the surface of the Easement Tract for such purposes that do not interfere with the exercise by Grantee of the rights herein granted provided that the plans for all improvements to be placed in the Easement Tract by Grantor must be approved by Grantee before the improvements are constructed, with such approval not to be unreasonably withheld.

SURFACE USE:

Grantor hereby retains, reserves, and shall continue to enjoy the use of the surface of the Easement Tract for any and all purposes which to not interfere with or prevent the use by Grantee of the Easement herein granted. 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 the 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:

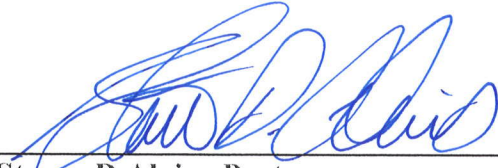
This agreement shall bind and inure to the benefit of the respective parties hereto, their heirs, legal representatives, successors and assigns.

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.

In witness whereof, this instrument is executed this 30 day of January, 2013.

GRANTOR:



Steven D Alvis - Partner
A-S 93 SH 130-SH 45, LP, a Texas Limited Partnership

AGREED AND ACCEPTED:

CITY OF PFLUGERVILLE, TEXAS,
a Texas home-rule municipality

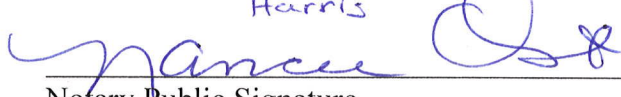
By: _____
Brandon Wade, City Manager

ATTEST:

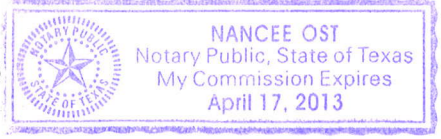
Karen Thompson, City Secretary

THE STATE OF TEXAS §
 §
 §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on January 30,
2013, by Steven D. Alvis, an individual residing in Harris County, Texas.



Notary Public Signature

(seal) 

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)

EXHIBIT "A"
EASEMENT TRACT

ATTACHED

Legal Description

BEING A DESCRIPTION OF A TRACT OF LAND CONTAINING 0.0023 ACRE, (100 SQUARE FEET), BEING OUT OF LOT 4, BLOCK 2 OF STONE HILL TOWN CENTER, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, RECORDED IN DOCUMENT #200700201 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.T.), SAID 0.0023 ACRE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:



PO Box 90876
Austin, TX 78709
512.554.3371
jward@4wards.com
www.4wards.com

COMMENCING, at a 5/8-inch iron rod with “Team” cap found in the west right-of-way line of State Highway 130 (Right-of-way Varies), said point being in the east line of said Lot 4, and being the southeast corner of a called 1.45 Acre tract described in Document #2011085216 (O.P.R.T.C.T.), from which a Mag Nail found in concrete at the northeast corner of said Lot 4, and being the southeast corner of Lot 3, Block 2, also of said Stone Hill Town Center, and being a point in the west right-of-way line of said State Highway 130 bears, 247.52 feet along the arc of a curve to the right, having a radius of 6,042.65 feet and whose chord bears N16°28’13”E, a distance of 247.50 feet;

THENCE, with the west right-of-way line of said State Highway 130, and the east line of said Lot 4, 120.74 feet along the arc of a curve to the left, having a radius of 6,042.65 feet and whose chord bears S14°43’28”W, a distance of 120.73 feet to a calculated point for the northeast corner and **POINT OF BEGINNING** hereof;


THENCE, continuing with the west right-of-way line of said State Highway 130 and the east line of said Lot 4, **10.00** feet along the arc of a curve to the left, having a radius of **6,042.65** feet and whose chord bears **S14°06’17”W**, a distance of **10.00** feet to a calculated point for the southeast corner hereof, from which a 5/8-inch iron rod found at a point of curvature in the southeast line of said Lot 4, and being a curving right-of-way transition between said State Highway 130 and Stone Hill Drive (100’ Right-of-way) bears, 85.67 feet along the arc of a curve to the left, having a radius of 6,042.65 feet and whose chord bears S13°39’04”W, a distance of 85.67 feet;

THENCE, leaving the west right-of-way line of said State Highway 130 and the east line of said Lot 4, over and across said Lot 4, the following three (3) courses and distances:

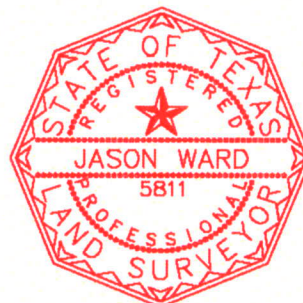
- 1) **N75°50’53”W**, a distance of **10.01** feet to a calculated point for the southwest corner hereof,
- 2) **N14°09’07”E**, a distance of **10.00** feet to a calculated point for the northwest corner hereof, and
- 3) **S75°50’53”E**, a distance of **10.00** feet to the **POINT OF BEGINNING** and containing 0.0023 Acre (100 Square Feet) more or less.

BEARING BASIS

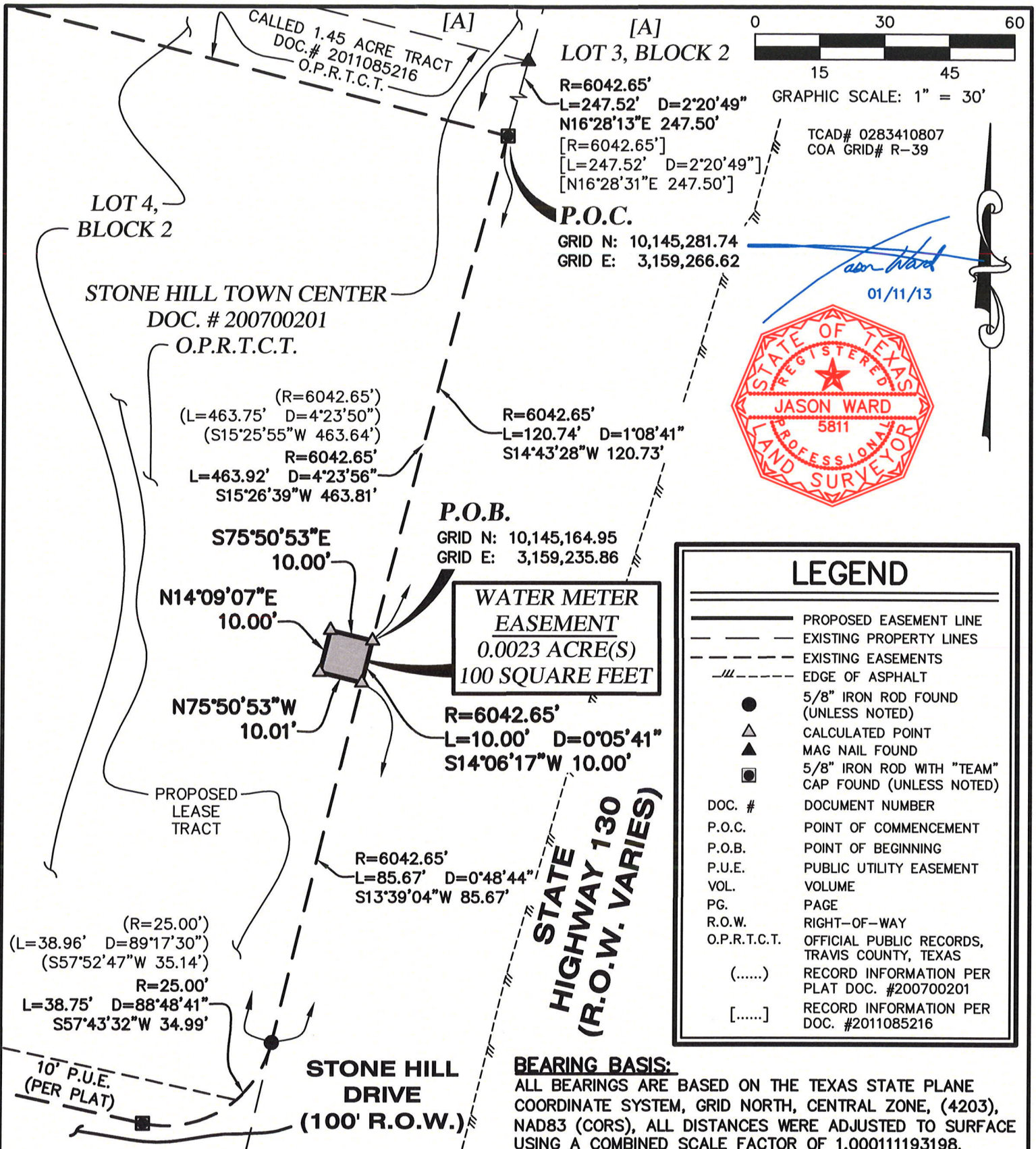
All bearings are based on the Texas State Plane Coordinate System, Grid North, Central Zone, (4203), NAD83 (CORs), all distances were adjusted to surface using a Combined Scale Factor of 1.000111193198.


Jason Ward, RPLS #5811
4Ward Land Surveying, LLC

1/11/13



References:
TCAD #0283410807
COA Grid #R-39



LEGEND	
	PROPOSED EASEMENT LINE
	EXISTING PROPERTY LINES
	EXISTING EASEMENTS
	EDGE OF ASPHALT
	5/8" IRON ROD FOUND (UNLESS NOTED)
	CALCULATED POINT
	MAG NAIL FOUND
	5/8" IRON ROD WITH "TEAM" CAP FOUND (UNLESS NOTED)
DOC. #	DOCUMENT NUMBER
P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
P.U.E.	PUBLIC UTILITY EASEMENT
VOL.	VOLUME
PG.	PAGE
R.O.W.	RIGHT-OF-WAY
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS
(.....)	RECORD INFORMATION PER PLAT DOC. #200700201
[.....]	RECORD INFORMATION PER DOC. #2011085216

BEARING BASIS:
 ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, GRID NORTH, CENTRAL ZONE, (4203), NAD83 (CORS), ALL DISTANCES WERE ADJUSTED TO SURFACE USING A COMBINED SCALE FACTOR OF 1.000111193198.

WATER METER EASEMENT
City of Plugerville
Travis, Texas



PO Box 90876, Austin Texas 78709
 www.4Wardls.com (512) 554-3371

Date:	01/11/13
Project:	00182
Scale:	1" = 30'
Reviewer:	JSW
Tech:	DDL
Field Crew:	JSW
Survey Date:	9-22-12
Sheet:	1 OF 1