

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 LSR FAMILY LIVING TRUST** (“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 of 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 Drainage 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

**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 \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**GRANTOR:**

**THE LSR FAMILY LIVING TRUST**

By: \_\_\_\_\_

Scott Rohrman, Trustee

**AGREED AND ACCEPTED:**

**CITY OF PFLUGERVILLE, TEXAS,**

a Texas home-rule municipality

By: \_\_\_\_\_

Brandon Wade, City Manager

**ATTEST:**

\_\_\_\_\_

Karen Thompson, City Secretary



After Recording, Please Return To:

City of Pflugerville  
Attn: Brandon E. Wade, City Manager  
P.O. Box 589,  
Pflugerville, Texas 78691

DESCRIPTION

DESCRIPTION OF A 3,098 SQUARE FOOT TRACT OF LAND SITUATED IN THE JOHN VAN WINKLE SURVEY NO. 70, ABSTRACT NO. 787, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THE REMAINING ACREAGE CONVEYED TO RGT/CHARLESTON PARTNERS IN A DEED OF RECORD IN DOCUMENT NO. 2003116960, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 3,098 SQUARE FOOT TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** a point in the east boundary line of that certain called 38.882 acre tract of land described as "Parcel No. 2-Part Five", in a Special Warranty Deed to the State of Texas, of record in Volume 11339, Page 2005, of the Real Property Records of Travis County, Texas, same line being the west boundary line of said RGT/Charleston Partners Tract, for the southeast corner of that certain called 16.625 acre tract of land described as "Parcel 3C", in that certain Substitute Trustee's Deed, of record in Document No. 2010003839, of the Official Public Records of Travis County, Texas, and for the northeast corner of the herein described tract, from which point a ½ inch iron rod found with cap stamped "T.J. DOOD RPLS 1882" bears South 62° 21' West, a distance of 0.16 feet;

**THENCE**, South 23° 44' 47" East, with the common line of said State of Texas Tract and said RGT/Charleston Partners Tract, a distance of 49.96 feet, to a point for the northeast corner of Lot 81, Block "M", SPRING TRAIL PHASE 1-B, a map of which is recorded in Document No. 200700171, said Official Public Records of Travis County, Texas, and for the southeast corner of the herein described tract;

**THENCE**, South 67° 16' 43" West, with the north boundary line of said SPRING TRAIL PHASE 1-B, at 25.00 feet pass a ½ inch iron rod found with cap stamped "CBD 5780" for the common north corner of said Lot 81 and Lot 25, said Block "M", in all a total distance of 62.01 feet to a point for the southwest corner of the herein described tract, from which point a ½ inch iron rod found with cap stamped "CBD 5780" for the common north corner of said Lot 25 and Lot 24, said Block "M", bears South 67° 16' 43" West, a distance of 102.11 feet;

**Thence**, North 23° 44' 47" West, crossing said remaining acreage of RGT/Charleston Partners Tract, a distance of 49.96 feet to a point on the south boundary line of said 16.625 acre tract of land for the northwest corner of the herein described tract, from which point a ½ inch iron rod found with cap stamped "CBD 5780" on said south boundary line of the 16.625 acre tract of land bears South 67° 16' 43" West, a distance of 293.57 feet;

MAE  
2 JULY 2013

**Thence**, North 67° 16' 43" East, with said south boundary line of the 16.625 acre tract of land, a distance of 62.01 feet to the POINT OF BEGINNING containing 3,098 square feet of land within these metes and bounds.

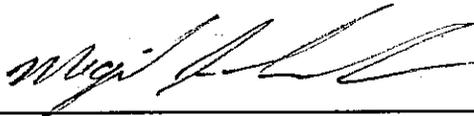
Reference is herein made to the sketch of this tract accompanying this description.

Bearing Basis: Texas Coordinate System of 1983 (NAD\_83 (COORS 96)), Central Zone, Grid North. All distances were adjusted to the surface using a Surface Adjustment Factor of 1.0001112142. (Surface = Grid X Surface Adjustment Factor).

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

I certify that this description was prepared from a survey made in May and June, 2013, on the ground under my supervision.

CUNNINGHAM-ALLEN, INC.



2 July 2013

Miguel A. Escobar, L.S.L.S., R.P.L.S.

Date

Texas Registration No. 5630  
3103 Bee Caves Rd., Ste. 202  
Austin, TX 78746  
512.327.2946

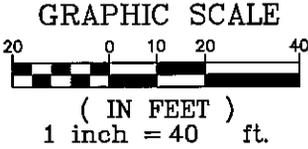


# SKETCH TO ACCOMPANY DESCRIPTION

DRAINAGE EASEMENT

SHEET 1 OF 1

CENTERLINE OF 10' WIDE EASEMENT & R.O.W. CONVEYED TO TXU IN DOC. NO. 2007076147, OPR  
NOTE THAT THE EASEMENT IS BASED ON ACTUAL LINES AS CONSTRUCTED



(16.625 AC)  
BRANCH BANKING  
AND TRUST COMPANY  
DOC. # 2010003839  
OPR

RGT/CHARLESTON  
PARTNERS  
DOC. NO. 2003116960  
OPR

SPRING TRAIL PHASE 1-B  
DOC. NO. 200700171, OPR

STATE OF TEXAS  
EXHIBIT "A"  
PARCEL NO. 2-PART FIVE  
(38.882 ACRES)  
VOL. 1139, PG. 2005, RPR

JOHN VAN WINKLE SURVEY NO. 70  
ABSTRACT NO. 787,  
TRAVIS COUNTY, TEXAS

## LEGEND

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

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

BEARING REFERENCE:  
TEXAS COORDINATE SYSTEM OF 1983 (NAD\_83 (COORS 96)), CENTRAL ZONE, GRID NORTH, ALL DISTANCES WERE ADJUSTED TO THE SURFACE USING A SURFACE ADJUSTMENT FACTOR OF 1.0001112142. (SURFACE = GRID X SURFACE ADJUSTMENT FACTOR)

DATE OF LAST FIELD WORK: JUNE 25, 2013

- 1/2" IRON ROD WITH CAP FOUND MARKED CBD 5780 (UNLESS OTHERWISE NOTED)
- DODD CAP STAMPED "T. J. DODD RPLS 1882"
- HALFF CAP STAMPED "HALFF ASSOCIATES"
- RPR REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS
- OPR OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
- R.O.W. RIGHT OF WAY
- P.U.E. PUBLIC UTILITY EASEMENT
- P.O.B. POINT OF BEGINNING

SURVEYED BY:

MIGUEL A. ESCOBAR, LSLs, RPLS  
TX REG. NO. 5630  
DATE: 2 July 2013



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

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Austin, Texas 78746  
Tel.: (512) 327-2946  
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