

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 AND WASTEWATER EASEMENT AGREEMENT**

THE STATE OF TEXAS     §  
  §  
COUNTY OF TRAVIS     §

**GRANT OF EASEMENT:**

**Timmerman & Hagn, LTD.**, (“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.

**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 drainage and 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 drainage and wastewater utility facilities and related appurtenances.

**DURATION OF EASEMENT:**

The Easement shall be perpetual.

**EXCLUSIVENESS OF EASEMENT:**

The Easement shall be exclusive. Grantor 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.

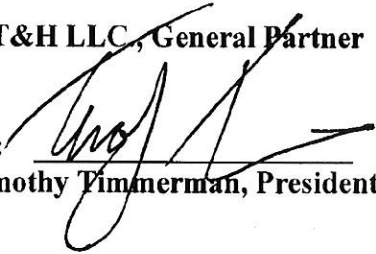
Signature page to follow:

In witness whereof, this instrument is executed this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

**GRANTOR:**

**Timmerman Hagn, Ltd.**

**By: T&H LLC, General Partner**

By:   
**Timothy Timmerman, President**

**AGREED AND ACCEPTED:**

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

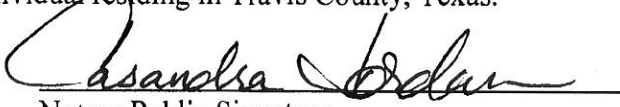
By: \_\_\_\_\_  
Brandon Wade, City Manager

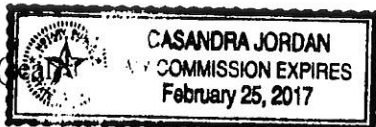
**ATTEST:**

\_\_\_\_\_  
Karen Thompson, City Secretary

THE STATE OF TEXAS    §  
  §  
COUNTY OF Williamson §

This instrument was acknowledged before me on February 27, 2014, by Timothy Timmerman, an individual residing in Travis County, Texas.

  
Notary Public Signature



THE STATE OF TEXAS §

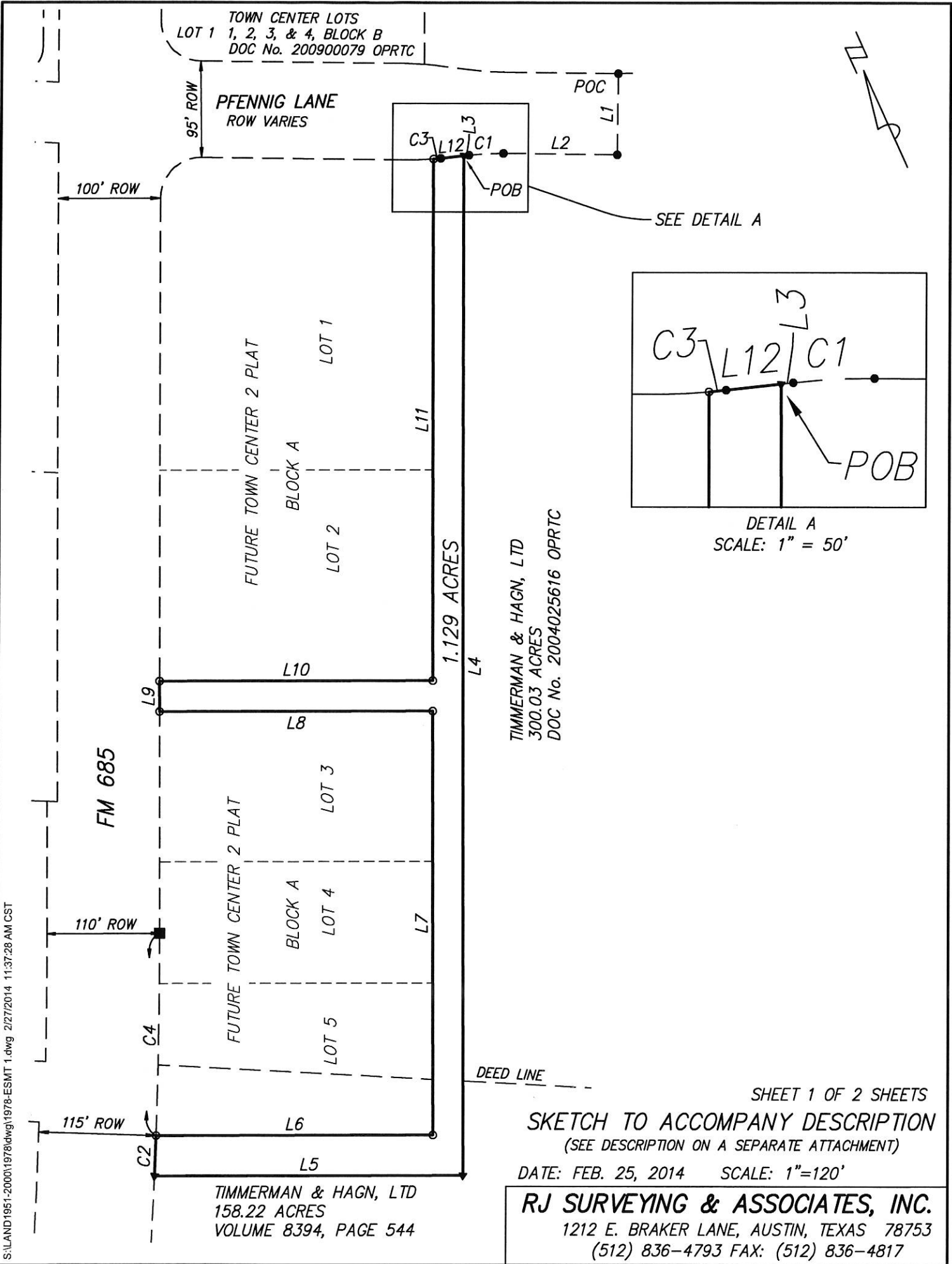
§

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)



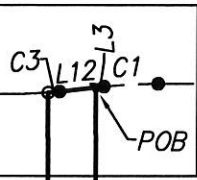
TOWN CENTER LOTS  
 LOT 1 1, 2, 3, & 4, BLOCK B  
 DOC No. 200900079 OPRTC

PFENNIG LANE  
 ROW VARIES

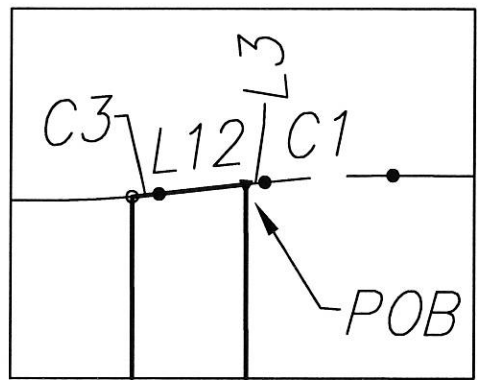
100' ROW

95' ROW

POC  
 L1  
 L2



SEE DETAIL A



DETAIL A  
 SCALE: 1" = 50'

FUTURE TOWN CENTER 2 PLAT  
 BLOCK A  
 LOT 1  
 LOT 2

1.129 ACRES  
 L4

TIMMERMAN & HAGN, LTD  
 300.03 ACRES  
 DOC No. 2004025616 OPRTC

FM 685

110' ROW

L9  
 L10  
 L8

FUTURE TOWN CENTER 2 PLAT  
 BLOCK A  
 LOT 3  
 LOT 4  
 LOT 5

L7

DEED LINE

115' ROW

C4  
 L6  
 L5

TIMMERMAN & HAGN, LTD  
 158.22 ACRES  
 VOLUME 8394, PAGE 544

SHEET 1 OF 2 SHEETS  
 SKETCH TO ACCOMPANY DESCRIPTION  
 (SEE DESCRIPTION ON A SEPARATE ATTACHMENT)

DATE: FEB. 25, 2014 SCALE: 1"=120'

**RJ SURVEYING & ASSOCIATES, INC.**  
 1212 E. BRAKER LANE, AUSTIN, TEXAS 78753  
 (512) 836-4793 FAX: (512) 836-4817

S:\LAND1951-2000\1978\dwg\1978-ESMT 1.dwg 2/27/2014 11:37:28 AM CST

LINE TABLE		
LINE	BEARING	LENGTH
L1	S25°29'52"W	79.96
L2	N64°23'42"W	114.24
L3	N71°16'06"W	5.04
L4	S24°49'02"W	1005.11
L5	N65°10'58"W	305.01
L6	S65°10'58"E	273.47
L7	N24°49'02"E	418.38
L8	N65°10'58"W	270.00
L9	N24°49'02"E	30.00
L10	S65°10'58"E	270.00
L11	N24°49'02"E	513.62
L12	S71°16'06"E	23.05

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BRNG.	CHORD
C1	34.48	300.00	6°35'10"	N68°01'10"W	34.47
C2	40.03	5729.58	0°24'01"	N27°00'46"E	40.03
C3	7.12	300.00	1°21'33"	S70°33'31"E	7.12
C4	199.55	5729.58	1°59'44"	N25°48'54"E	199.54

**LEGEND**

- = FOUND 1/2" IRON ROD
  - = FOUND TXDOT CONCRETE MONUMENT
  - = SET 1/2" IRON ROD WITH RJ SURVEYING CAP
  - ▶ = CALCULATED POINT
- POC = POINT OF COMMENCEMENT  
 POB = POINT OF BEGINNING  
 ROW = RIGHT OF WAY  
 OPRTC= OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY

BEARINGS ARE TEXAS STATE PLANE CENTRAL, NAD 83

DATE: FEB. 25, 2014

SHEET 2 OF 2 SHEETS

**RJ SURVEYING & ASSOCIATES, INC.**

1212 E. BRAKER LANE, AUSTIN, TEXAS 78753

(512) 836-4793 FAX: (512) 836-4817

1.129 Acres

A PARCEL OF LAND IN TRAVIS COUNTY, TEXAS, BEING A PART OF THE SEFRIN EISELIN SURVEY No. 4, ABSTRACT 265, A PART OF THAT 300.03 ACRE TRACT OF LAND CONVEYED TO TIMMERMAN & HAGN, LTD., BY DEED RECORDED IN DOCUMENT No. 2004025616 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND A PART OF THAT 158.22 ACRE TRACT OF LAND CONVEYED TO TIMMERMAN AND HAGN, LTD., BY DEED RECORDED IN VOLUME 8394, PAGE 544 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE at a 1/2" iron rod found at the Northeasterly End of Pfennig Lane as shown on the plat of Town Center Lots 1, 2, 3 & 4, Block B, according to the plat thereof recorded in Document No. 200900079 of the Official Public Records of Travis County, Texas;

THENCE S.25°29'52"W. along the East End of Pfennig Lane a distance of 79.96 feet to a 1/2" iron rod found at the Southeasterly Corner of Pfennig Lane.

THENCE along the Southerly Line of Pfennig Lane the following three courses:

1. N.64°23'42"W. a distance of 114.24 feet to a 1/2" iron rod found at a point on a non-tangent curve to the left;
2. Westerly along the arc of said curve, a distance of 34.48 feet, said curve having a radius of 300.00 feet, a central angle of 06°35'10" and a chord bearing N.68°01'11"W., 34.47 feet;
3. N.71°16'06"W. a distance of 5.04 feet to the Point of Beginning;

THENCE S.24°49'02"W. across said 300.03-Acre Tract (at 911.84 feet pass the South Line of said 300.03 Acre Tract and the North Line of the said 158.22-Acre Tract) in all a distance of 1005.11 feet.

THENCE N.65°10'58"W. a distance of 305.01 feet to the East Line of F M 685 and to a point on a non-tangent curve to the left.

THENCE northeasterly along the arc of said curve and along the East Line of F M 685, a distance of 40.03 feet, said curve having a radius of 5729.58 feet, a central angle of 00°24'01" and a chord bearing N.27°00'46"E., 40.03 feet (from which point a concrete monument found in said East Line bears northerly along the arc of a curve to the left a distance of 199.55 feet, said curve having a radius of 5729.58 feet, a central angle of 01°59'44" and a chord bearing N.25°48'54"E., 199.54 feet) to a 1/2" iron rod set.

THENCE across said 158.22 Acre Tract the following two courses:

1. S.65°10'58"E. a distance of 273.47 feet to a 1/2" iron rod set;
2. N.24°49'02"E. (at 54.92 feet pass the South Line of said 300.03 Acre Tract and the North Line of the said 158.22 Acre Tract) in all a distance of 418.38 feet to a 1/2" iron rod set.

THENCE N.65°10'58"W. across said 300.03-Acre Tract a distance of 270.00 feet to the East Line of F M 685 and a 1/2" iron rod set.

THENCE N.24°49'02"E. along said East Line a distance of 30.00 feet to a 1/2" iron rod set.

1.129 Acres

THENCE across said 300.03 Acre Tract the following two courses:

1. S.65°10'58"E. a distance of 270.00 feet to a 1/2" iron rod set;
2. THENCE N.24°49'02"E. a distance of 513.62 feet to a 1/2" iron rod set on a non-tangent curve to the left in the South Line of Pfennig Lane.

THENCE along said South Line the following two courses:

Easterly along the arc of said curve, a distance of 7.12 feet, said curve having a radius of 300.00 feet, a central angle of 01°21'33" and a chord bearing S.70°33'31"E., 7.12 feet to a 1/2" iron rod found.

THENCE S.71°16'06"E. a distance of 23.05 feet to the said Point of Beginning.

Containing 1.129 acres, more or less, as shown on the sketch attached.

*J. Kenneth Weigand Feb. 27, 2014*

J. Kenneth Weigand  
Registered Professional Land Surveyor No. 5741  
State of Texas

RJ Surveying & Associates, Inc.  
1212 East Braker Lane  
Austin, Texas 78753



All iron rods set have RJ Surveying caps  
Bearings are Texas State Plane Central Zone NAD 83