

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:**

**MONICA & TERRY SULLIVAN** (“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 of roadway embankment, reconstruction of a private driveway including installation of a reinforced concrete culvert crossing, existing fence relocation and drainage channel grading necessary for the Heatherwilde Boulevard widening roadway construction project, 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 roadway and 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 a drainage culvert and channel drainage improvements, 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. Grantor hereby binds Grantor and Grantor's heirs, legal representatives, successors and assigns, to warrant and forever defend the Easement unto Grantee, its successors and assigns, against any person whomsoever lawfully claiming or to claim the same or any part thereof.

**EXCLUSIVENESS OF EASEMENT:**

The Easement is non-exclusive and Grantee's use shall be in common with Grantor and their successors and assigns. To the extent that such entry or use does not interfere with Grantee's use of the Easement as a drainage easement, Grantor hereby reserve, for themselves and their successors and assigns, the right to enter upon and use the surface of the Easement Tract, subsurface of the Easement Tract and the air space over the Easement Tract. Notwithstanding anything contained herein to the contrary, Grantor shall not use the Easement Tract in any other manner or grant any easement on or across the Easement Tract that interferes in any material way, or is inconsistent with, the easements, rights, and privileges granted hereunder or the terms and conditions hereof.

**MAINTENANCE:**

Grantor shall keep the Easement free from any obstruction not authorized by Grantee. Grantor shall maintain the surface area or 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 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.

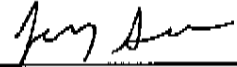
Signature page to follow:

In witness whereof, this instrument is executed this 29 day of August, 2013.

**GRANTOR:**

**MONICA & TERRY SULLIVAN**

By:   
Name: Monica Sullivan

By:   
Name: Terry Sullivan

**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 Williamson §

This instrument was acknowledged before me on August 29, 2013, by Sullivan's Irrigation an individual residing in Travis County, Texas.

[Signature]  
Notary Public Signature



Jimmy L. Hall  
Printed Name of Notary Public

My commission expires: Feb 25, 2017

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)

\_\_\_\_\_  
Printed Name of Notary Public

My commission expires: \_\_\_\_\_

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.

(seal)

\_\_\_\_\_  
Notary Public Signature

\_\_\_\_\_  
Printed Name of Notary Public

My commission expires: \_\_\_\_\_

After Recording, Please Return To:  
City of Pflugerville  
Attn: Brandon E. Wade, City Manager  
P.O. Box 589, Pflugerville, Texas 78691

EXHIBIT "A"

County: Travis  
Parcel No.: Sullivan—DR  
Project: Heatherwilde Blvd Roadway Improvements  
Half AVO: 26890

Page 1 of 4  
4/2/2013

DESCRIPTION FOR SULLIVAN TRACT—DRAINAGE EASEMENT

BEING A 0.119 ACRE (5161 SQUARE FEET) TRACT SITUATED IN THE PETER CONRAD SURVEY NO. 71, ABSTRACT NO. 200, TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF LOT 1, LIVELY SUBDIVISION, A SUBDIVISION OF RECORD IN VOLUME 90, PAGE 118 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID LOT 1 BEING FURTHER DESCRIBED AS A CALLED 0.70 ACRE TRACT IN A GENERAL WARRANTY DEED TO MONICA SULLIVAN AND TERRY SULLIVAN, HUSBAND AND WIFE, AND RECORDED IN DOCUMENT NO. 2006164193 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a 1/2-inch iron rod found in concrete for an angle point in the west right-of-way line of Heatherwilde Boulevard, a varying width right-of-way, same being the south line of a called 3.35 acres tract as described in a Warranty Deed to Arlene Robinson, and recorded in Volume 5871, Page 1901 of the Deed Records of Travis County, Texas, for the northeast corner of a said Lot 1, and from which a 1/2-inch iron rod found for an angle point in said west right-of-way line of Heatherwilde Boulevard, for the southeast corner of said 3.35 acres tract, bears N87°12'41"E a distance of 11.58 feet;

**THENCE** with said west right-of-way line of Heatherwilde Boulevard, same being the east line of said Lot 1, S27°21'59"W a distance of 193.87 feet to a 1/2-inch iron rod found in said west right-of-way line of Heatherwilde Boulevard, same being the north line of a called 9.26 acres tract described in a Special Warranty Deed to Rady Family Trust, and recorded in Volume 12328, Page 182, said Deed Records of Travis County, Texas, for the southeast corner of said Lot 1, and from which a 1/2-inch iron rod found for an angle point in said west line of the right-of-way line of Heatherwilde Boulevard, for the northeast corner of said 9.26 acres tract bears N87°46'24"E a distance of 11.61 feet;

**THENCE** leaving said west right-of-way line of Heatherwilde Boulevard and said east line of Lot 1, with the south line of said Lot 1, same being the north line of said 9.26 acres tract, S87°46'24"W a distance of 30.93 feet to a 1/2-inch iron rod with plastic cap stamped "HALFF ESMT" set, and from which a 1/2-inch iron rod found in concrete for the southwest corner of said Lot 1 bears S87°46'24"W a distance of 150.94 feet;

**THENCE** leaving said north line of the 9.26 acres tract and said south line of Lot 1, crossing said Lot 1, N27°31'09"E a distance of 193.88 feet to a 1/2-inch iron rod with plastic cap stamped "HALFF ESMT" in the north line of Lot 1, same being the south line of said 3.35 acres tract, and from which a 1/2-inch iron rod found in concrete for the northwest corner of said Lot 1 bears S87°18'41"W a distance of 152.23 feet;

EXHIBIT " \_ "

County: Travis  
Parcel No.: Sullivan—DR  
Project: Heatherwilde Blvd Roadway Improvements  
Half AVO: 26890

Page 2 of 4  
4/2/2013

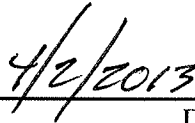
DESCRIPTION FOR SULLIVAN TRACT—DRAINAGE EASEMENT

**THENCE** with said north line of Lot 1 and said south line of the 3.35 acres tract, N87°18'41"E a distance of 30.48 feet to said **POINT OF BEGINNING** and containing 0.119 acre (5,161 square feet).

NOTES:

All bearings shown hereon are based upon the Texas Coordinate System of 1983, Central Zone. All distances shown hereon are surface distances. The Grid to Surface adjustment scale factor is 1.00011.

I, Dan H. Clark, a Registered Professional Land Surveyor, do hereby certify that the above description and the accompanying plat of even date herewith, are true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey on the ground under my direction and supervision.



\_\_\_\_\_  
Dan H. Clark, R.P.L.S.

Registered Professional Land Surveyor

Texas Registration No. 6011

Half Associates, Inc.,

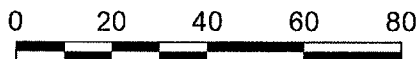
4030 W. Braker Ln, Suite 450, Austin, Texas 78759, 512-252-8184

Date





SKETCH TO ACCOMPANY  
PARCEL DESCRIPTION



SCALE: 1"=40'  
PETER CONRAD SURVEY  
NO. 71, A-200

ARLENE ROBINSON  
(3.35 ACRES)  
VOL. 5871, PAGE 1901  
D.R.T.C.T.

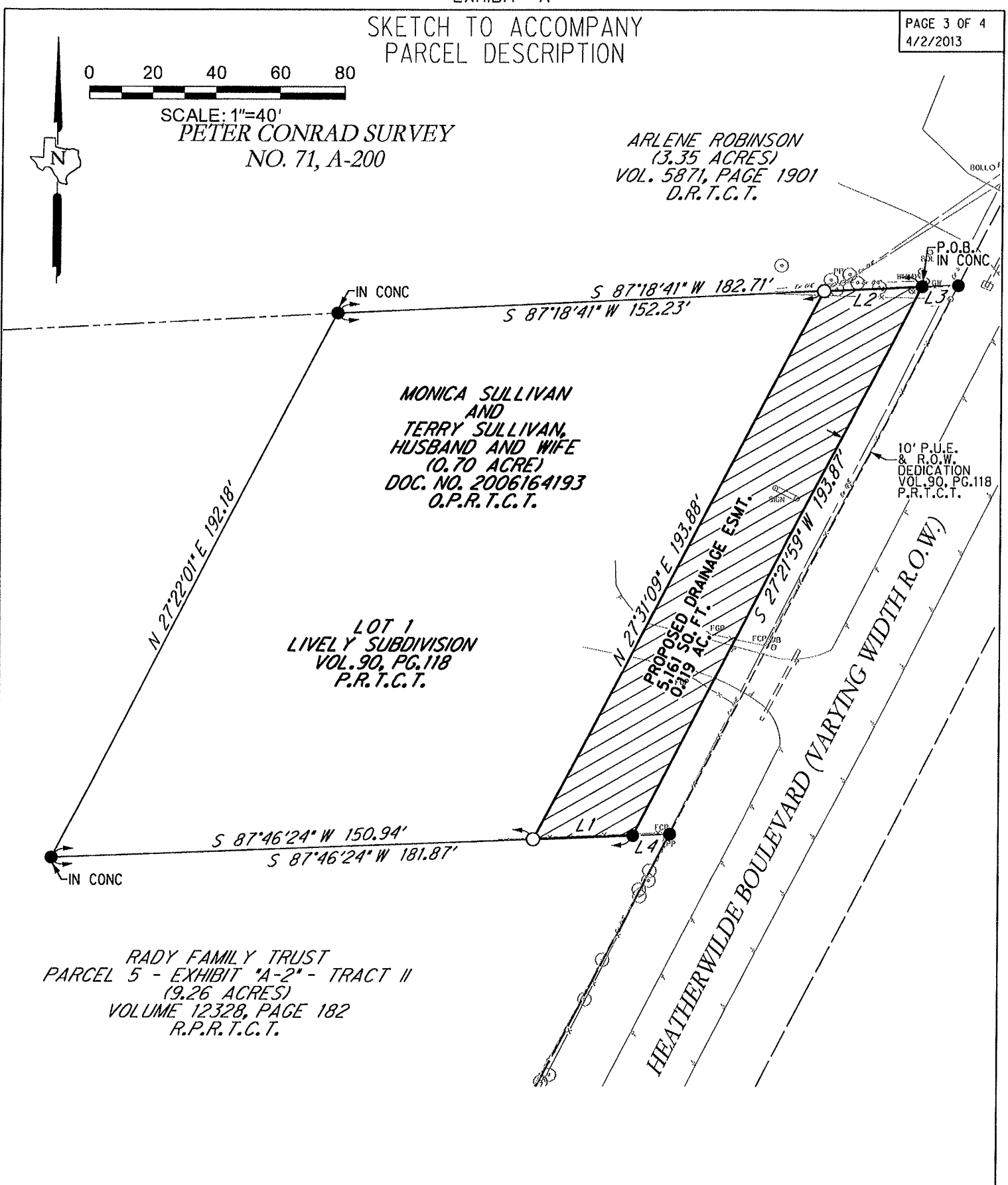
MONICA SULLIVAN  
AND  
TERRY SULLIVAN,  
HUSBAND AND WIFE  
(0.70 ACRE)  
DOC. NO. 2006164193  
O.P.R.T.C.T.

LOT 1  
LIVELY SUBDIVISION  
VOL. 90, PG. 118  
P.R.T.C.T.

RADY FAMILY TRUST  
PARCEL 5 - EXHIBIT "A-2" - TRACT II  
(9.26 ACRES)  
VOLUME 12328, PAGE 182  
R.P.R.T.C.T.

HEATHERWILDE BOULEVARD (VARYING WIDTH R.O.W.)  
10' P.U.E. & R.O.W. DEDICATION VOL. 90, PG. 118 P.R.T.C.T.

PROPOSED DRAINAGE ESMT.  
5,161 SQ. FT.  
0.119 AC.



4/2/2013 4:04:26 PM an2172 HALFF I:\26000s\26890\CADD\Survey\VE\X\LD-SULLIVAN-DR.dgn IE\_HP5550\_MON\_FS\_FW.dwg

<p>4030 WEST BRAKER LANE, SUITE 450 AUSTIN, TEXAS 78759-5358 TEL (512) 252-8184 FAX (512) 252-8141</p>	DRAINAGE EASEMENT SULLIVAN	PROJECT AV0: 26890
	HEATHERWILDE BLVD. ROADWAY IMPROVEMENTS	COUNTY: TRAVIS
	ACCOMPANYING FILE: I:\26000s\26890\Data Out\SV-LD-SULLIVAN-DR.DOC	EASEMENT AREA: 0.119 AC. 5,161 SQ.FT
		SCALE: 1"=40'

LEGEND

SKETCH TO ACCOMPANY  
PARCEL DESCRIPTION

1) THE BEARINGS SHOWN HEREON ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE. ALL DISTANCES SHOWN HEREON ARE SURFACE DISTANCES, THE GRID TO SURFACE ADJUSTMENT SCALE FACTOR IS 1.00011.

2) THE ACREAGE CALCULATED AND SHOWN HEREON IS CONVERTED FROM THE SQUARE FOOTAGE SHOWN HEREON, AND IS FOR INFORMATIONAL PURPOSES ONLY.

3) THE RECORDED EASEMENTS, SETBACKS AND ENCUMBRANCES SHOWN HEREON ARE FROM SCHEDULE B OF THE COMMITMENT FOR TITLE INSURANCE ISSUED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY OF NO. 1207549-KGO, EFFECTIVE DATE APRIL 4, 2012, ISSUE DATE APRIL 11, 2012. THE SURVEYOR HAS RELIED UPON THE ACCURACY AND COMPLETENESS OF THE INFORMATION DESCRIBED ABOVE AND HAS MADE NO INDEPENDENT INVESTIGATION OR SEARCH FOR THIS INFORMATION.

- TXDOT TYPE I CONCRETE MONUMENT FOUND
- ▣ TXDOT TYPE II CONCRETE MONUMENT FOUND
- ◻ TXDOT TYPE III CONCRETE MONUMENT SET
- 1/2" IRON ROD SET WITH 1/2" ESMT\* CAP (UNLESS NOTED)
- IRON ROD FOUND (SIZE/CAP NOTED)
- ◼ SQUARE-HEAD BOLT FOUND
- ⊙ IRON PIPE FOUND (SIZE NOTED)
- ▲ FOUND "X" CUT (UNLESS NOTED)
- △ CALCULATED POINT
- ⊙ FENCE POST
- N.T.S. NOT TO SCALE
- [XXX] RECORD INFORMATION PARENT TRACT
- [XXX] RECORD INFORMATION ADJOINER TRACT
- R.O.W. RIGHT-OF-WAY
- ESMT. EASEMENT
- P.U.E. PUBLIC UTILITY EASEMENT
- D.R.T.C.T. DEED RECORDS OF TRAVIS COUNTY TEXAS
- P.R.T.C.T. PLAT RECORDS OF TRAVIS COUNTY TEXAS
- O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY TEXAS
- R.P.R.T.C.T. REAL PROPERTY RECORDS OF TRAVIS COUNTY TEXAS
- DOC.# DOCUMENT NUMBER
- D.E. DRAINAGE EASEMENT
- B.L. BUILDING SETBACK LINE
- (with break symbol) DISTANCE NOT SHOWN TO SCALE
- (with 'P' symbol) PROPERTY LINE
- - - - - APPROXIMATE SURVEY LINE
- P.O.C. POINT OF COMMENCING
- P.O.B. POINT OF BEGINNING

LINE TABLE

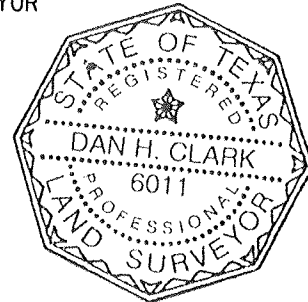
LINE NO.	BEARING	DISTANCE
L1	S 87°46'24" W	30.93'
L2	N 87°18'41" E	30.48'
L3	N 87°12'41" E	11.58'
L4	N 87°46'24" E	11.61'

I HEREBY CERTIFY THAT THIS PLAT AND THE ACCOMPANYING DESCRIPTION OF EVEN DATE HERewith ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT THE PROPERTY SHOWN HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION.



4/2/2013  
DATE

DAN H. CLARK  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS REGISTRATION NO. 6011



4030 WEST BRAKER LANE, SUITE 450  
AUSTIN, TEXAS 78759-5356  
TEL (512) 252-8184  
FAX (512) 252-8141

DRAINAGE EASEMENT  
SULLIVAN

HEATHERWILDE BLVD.  
ROADWAY IMPROVEMENTS

ACCOMPANYING FILE: h26000s\26890\Dat a Out\SV-LD-SULLIVAN-DR.DOC

PROJECT AVO: 26890

COUNTY: TRAVIS

EASEMENT AREA: 0.119 AC.  
5,161 SQ.FT

SCALE: 1"=40'

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