

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.

WASTEWATER EASEMENT AGREEMENT

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

GRANT OF EASEMENT:

That **Bruce Cash** ("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 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 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:

THE STATE OF TEXAS §
COUNTY OF _____ §

This instrument was acknowledged before me on _____,
2015, 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



FIELD NOTES

FOR

A 0.134 ACRE (5,859 SQUARE FOOT) TRACT OF LAND SITUATED IN THE THOMAS G. STEWART SURVEY NO. 6, ABSTRACT NO. 689, TRAVIS COUNTY, TEXAS, BEING A PORTION OF "TRACT 2", A CALLED 8.138 ACRE TRACT OF LAND IN DEED TO BRUCE CASH, RECORDED IN DOCUMENT NO. 2000010288 OF THE OFFICIAL PUBLIC RECORDS OF SAID COUNTY, SAID 0.134 ACRE TRACT BEING MORE FULLY DESCRIBED AS FOLLOWS, WITH BEARINGS BASED ON THE NORTH AMERICAN DATUM OF 1983 (NA 2011) EPOCH 2010.00, FROM THE TEXAS COORDINATE SYSTEM ESTABLISHED FOR THE CENTRAL ZONE:

BEGINNING at a ½" iron rod found on a point in the west boundary line of Lot 1, Block "A" of "HPN Kingston Lacy Commercial Tract 1", a subdivision according to the plat recorded in Document No. 201000025 of said Official Public Records, said point being the southeast corner of Tract 4, a called 105.059 acre tract of land in deed to HPN Development, Inc., recorded in Document No. 2001136994 of said Official Public Records, same being the northeast corner of said 8.138 acre tract, for the northeast corner and **POINT OF BEGINNING** hereof;

THENCE with the west boundary line of said Lot 1, same being the east boundary line of said 8.138 acre tract, **S 15°38'02" W** for a distance of **281.37 feet** to an iron rod with cap found on a point being the southwest corner of said Lot 1, same being the northwest corner of a called 1.000 acre tract of land in deed to the City of Pflugerville, recorded in Document No. 2009016563 of said Official Public Records, for a point in the east boundary line hereof;

THENCE with the west boundary line of said 1.000 acre tract, same being the east boundary line of said 8.138 acre tract, **S 15°38'02" W** for a distance of **85.61 feet** to the southwest corner of said 1.000 acre tract, same being the northwest corner of a Lot 23, Block "A" of "Highland Park North, Phase A, Section 1", a subdivision according to the plat recorded in Document No. 200200341 of said Official Public Records, for a point in the east boundary line hereof;

THENCE with the west boundary line of said Lot 23, same being the east boundary line of said 8.138 acre tract, **S 15°38'02" W** for a distance of **14.01 feet** to a point for the southeast corner hereof;

THENCE departing the west boundary line of said Lot 23, through the interior of said 8.138 acre tract, the following three (3) courses and distances:

1. **N 62°32'07" W** for a distance of **15.33 feet** for the southwest corner hereof, and
2. **N 15°38'02" E** for a distance of **369.56 feet**, for an angle point hereof;

3. **N 84°54'06" W** for a distance of **84.90 feet** to a point in the south boundary line of said 105.059 acre tract, same being the north boundary line of said 8.138 acre tract, for the northwest corner hereof;

THENCE with the south boundary line of said 105.059 acre tract, same being the north boundary line of said 8.138 acre tract, **S 87°57'36" E** for a distance of **101.30 feet** to the **POINT OF BEGINNING** and containing 0.134 acre in Travis County, Texas. Said tract being described in accordance with a survey made on the ground and a survey description and map prepared under job number 50874-00 by Pape-Dawson Engineers, Inc.

PREPARED BY: Pape-Dawson Engineers, Inc.
DATE: October 28, 2015
Job No.: 50874-00
DOC. ID. H:\survey\CIVIL\50874-00\Easements\Word\50874-00-WWL EASEMENT-0.134 AC-FN.docx
TBPE Firm Registration #470
TBPLS Firm Registration #100288-01



LEGEND:

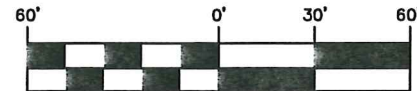
DR DEED RECORDS OF TRAVIS COUNTY, TEXAS
OPR OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
DPR DEED AND PLAT RECORDS OF TRAVIS COUNTY, TEXAS
FD FOUND 1/2" IRON ROD

NOTES:

1. THE PROFESSIONAL SERVICES PROVIDED HERewith INCLUDE THE PREPARATION OF A FIELD NOTE DESCRIPTION.
2. THE BEARINGS ARE BASED ON THE TEXAS COORDINATE SYSTEM ESTABLISHED FOR THE SOUTH CENTRAL ZONE FROM THE NORTH AMERICAN DATUM OF 1983 NAD 83 (NA2011) EPOCH 2010.00.



1 inch = 60'



HPN DEVELOPMENT, INC.
REMNANT OF
105.059 ACRES
TRACT 4
DOC. #2001136994
(O.P.R.)

S87°57'36"E
101.30'

FD. 1/2" I.R.

P.O.B.

LOT 1
BLOCK "A"
HPN KINGSTON LACY
COMMERCIAL TRACT 1
DOC. #201000025 (O.P.R.)

N84°54'06"W
84.90'

0.134 ACRES
(5,859 SQ. FT. MORE OR LESS)

THOMAS G. STEWART
SURVEY NO. 6
ABSTRACT NO. 689

BRUCE CASH
REMNANT OF 8.138 ACRES
TRACT 2
DOC. #2000010288 (O.P.R.)

N15°38'02"E 369.56'
S15°38'02"W 281.37'
S15°38'02"W 380.99'

FD. I.R. (ILLEGIBLE)

CITY OF PFLUGERVILLE
CALLED 1.000 ACRES
DOC. #2009016563 (O.P.R.)

S15°38'02"W
14.01'

LOT 23
BLOCK "A"
HIGHLAND PARK NORTH
PHASE A, SECTION 1
DOC. #200200341 (O.P.R.)

S62°32'07"E
15.33'



[Handwritten signature]

**PAPE-DAWSON
ENGINEERS**

2000 HW LOOP 410 | SAN ANTONIO TEXAS 78213 | PHONE: 210.375.9000
FAX: 210.375.9010
TEXAS BOARD OF PROFESSIONAL ENGINEERS, FIRM REGISTRATION # 470
TEXAS BOARD OF PROFESSIONAL LAND SURVEYING, FIRM REGISTRATION # 10028800

OCTOBER 28, 2015

SHEET 1 OF 1

JOB No.: 50874-00

EXHIBIT "A"