

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 LINE EASEMENT AGREEMENT

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

GRANT OF EASEMENT:

HIGHLAND PARK RESIDENTIAL COMMUNITY, INC. ("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 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 easements herein granted, unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise, subject to all title exceptions of record, to the extent 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 line, public 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 water line and related public utility facilities as illustrated in the attached Exhibit B. Any existing landscaping or monuments

damaged or removed at the time of construction will be restored to existing or better conditions by the City or designated agent.

DURATION OF EASEMENT:

The Easement shall be perpetual.

EXCLUSIVENESS OF EASEMENT:

The Easement shall be exclusive except that Grantor has the right to convey other easements crossing perpendicular to (or as near to perpendicular as is reasonably practical under the circumstances) said City exclusive water easement; provided further that any subsequent grant of such perpendicular (or nearly perpendicular) easement or easements must be first approved in writing by Grantee, and shall not be effective until such approval is obtained, with such approval not being unreasonably withheld, conditioned or delayed. In the event Grantee approves such perpendicular (or nearly perpendicular) easement, Grantee's easement shall remain superior to and retain priority rights over the new easement.

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, monuments, 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 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 2 day of FEBRUARY, 2015.

GRANTOR:

Highland Park Residential Community, Inc.
(a Texas non-profit corporation)

By: Thomas J. Anker
Name: THOMAS J. ANKER
Title: President

AGREED AND ACCEPTED:

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

By: _____
Brandon Wade, City Manager

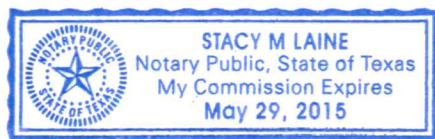
ATTEST:

Karen Thompson, City Secretary

THE STATE OF TEXAS §
 §
COUNTY OF WILLIAMSON §

This instrument was acknowledged before me on February 2, 2015, by
Thomas J. Anker, the President of Highland Park
Residential Community, Inc., a Texas non-profit corporation, on behalf of such corporation.

(seal)



Stacy M. Laine
Notary Public Signature

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.

Notary Public Signature

(seal)

EXHIBIT "A"



Exhibit "A"
Page 1 of 2
July 11, 2014
Revised: September 5, 2014

2259 Sq.Ft. Easement
Private Open Space #2
HIGHLAND PARK, PHASE A, SECTION 1
Travis County, Texas

DESCRIPTION

DESCRIPTION OF A 2259 SQUARE FOOT TRACT OF LAND SITUATED IN THE TG STUART SURVEY, A-689, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT PRIVATE OPEN SPACE #2, OF HIGHLAND PARK, PHASE A, SECTION 1, A MAP OF WHICH IS RECORDED IN DOCUMENT NO. 200300243, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 2259 SQUARE FOOT TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 1/2 inch iron rod found with cap stamped "CCC 4835" on the east boundary line of said Private Open Space #2; same line being the west boundary line of that certain 25 foot wide alley way described as Alley #1 on said map of HIGHLAND PARK, PHASE A, SECTION 1, for the eastern most northeast corner of said Private Open Space #2 and for the southern end of the west return to Great Basin Avenue; a 50 foot wide roadway dedicated on said map of HIGHLAND PARK, PHASE A, SECTION 1, for a corner of said Private Open Space #2;

THENCE, in a northwestern direction, with said west return to Great Basin Avenue, along a curve to the left, having an arc length of 23.56 feet, a radius of 15.00 feet, a delta angle of 89°58'58", and a chord which bears North 08°38'26" West, a distance of 21.21 feet, to a point on said Great Basin Avenue for the northern end of said return, same point being a corner of said Private Open Space #2, and northeast corner and **POINT OF BEGINNING** of the herein described tract, from which point a 1/2 inch iron rod found with cap stamped "CCC 4835" for the northern most northwest corner of Lot 1, Block A, said HIGHLAND PARK, PHASE A, SECTION 1, bears South 53°38'58" East, a distance of 54.02 feet;

THENCE, over and across said Private Open Space #2, the following two (2) courses and distances:

1. South 36°24'13" West, a distance of 108.19 feet to a point for the southeast corner of the herein described tract;
2. North 84°08'22" West, a distance of 73.45 feet to a point on the east right-of-way line of Wilke Ridge Lane, a public right-of-way, no dedication found to date, same line being the west boundary line of said Private Open Space #2, for the southwest corner of the herein described tract;

THENCE, North 26°46'02" East, with said east right-of-way line of Wilke Ridge Lane, a distance of 10.70 feet to a point for the western most northwest corner of the herein described tract, from which point a 1/2 inch iron rod found with cap stamped "CCC 4835" bears North 26°46'02" East, at 33.53 feet leaving said east right-of-way line of Wilke Ridge Lane, in all a total distance of 107.20 feet;

THENCE, over and across said Private Open Space #2, the following two (2) courses and distances:

505 East Highland Drive, Suite 400 | Austin, Texas 78752 | 512.834.9798 | fax 512.834.9553 | www.cobbhendley.com

2004 Comptroller's Pub. 174 / 19913 Registration Pub. 10046/01

Handwritten:
Mdf
5 Sept 2014

Exhibit "A"

Page 1

Exhibit "A"
Page 2 of 2
September 5, 2014

2259 Sq. Ft. Easement
Private Open Space #2
HIGHLAND PARK, PHASE A, SECTION 1
Travis County, Texas

1. South 84°08'22" East, a distance of 58.12 feet to a point;
2. North 36°24'13" East, a distance of 105.43 feet to a point on the south right-of-way line of said Great Basin Avenue, same line being the north boundary line of said Private Open Space #2, for the northern most northwest corner of the herein described tract, from which point a 1/8 inch iron rod found with cap stamped "CCC 4835" bears North 53°38'58" West, with said south right-of-way line of Great Basin Ave, at 27.81 feet leaving said south right-of-way line, in all a total distance of 43.48 feet;

THENCE, South 53°38'58" East, with said south right-of-way line, a distance of 15.00 feet to the **POINT OF BEGINNING** and containing 2259 square feet of land within these metes and bounds.

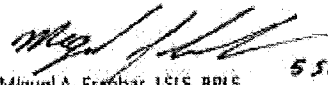
Reference is herein made to the sketch of this tract accompanying this metes and bounds description.

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

Bearings are based on the Texas Coordinate System of 1983, Central Zone (NAD_83 (2011)). All distances were adjusted to the surface using a Surface Adjustment Factor of 1.0001. (Surface = Grid X Surface Adjustment Factor)

I certify that this description was prepared from a survey made on the ground on July 10, 2014 under my supervision.

COBB, FENDLEY & ASSOCIATES


Miguel A. Escobar, LSLS, RPLS
Texas Registration No. 5630

5 Sept 2014



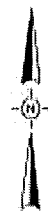
G:\Survey\PROJECTS\2014\1402-D10-D1 LAN-Heatherwild\Metes and Bounds Descriptions\1402-D10-D1-esmt-POS#2-perm-rev.docx

505 East Highland Drive, Suite 403 | Austin, Texas 78752 | 512.834.9798 | fax 512.834.9553 | www.cobbfendley.com

LSLS Registration No. 274 | RPLS Registration No. 110657

Line Table		
Line #	Direction	Length
L1	S 36°24'13" W	108.19'
L2	N 84°08'22" W	73.45'
L3	N 26°46'02" E	10.70'
L4	S 84°08'22" E	58.12'
L5	N 38°24'13" E	105.43'
L6	S 53°38'56" E	15.00'

Curve Table					
Curve #	Length	Radius	Delta	Bearing	Chord
C1	23.56'	15.00'	089°58'58"	N 08°38'26" W	21.21'

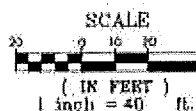


LEGEND

RR - REAL PROPERTY RECORDS OF THAVIS
COUNTY, TEXAS

OFF - OFFICIAL PUBLIC RECORDS OF TEXAS
COUNTY, TEXAS

• - 1 IRON RED WITH CAP STAMPED
"CC 4835", EXCEPT AS NOTED



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

SUBJECT TRACT DESCRIBED HEREIN IS AN
EASEMENT. NO MONUMENTATION SET FOR
CORNERS.

BEARING REFERENCE: TEXAS COORDINATE
SYSTEM OF 1983, CENTRAL ZONE
(NAD_83 (2011)). ALL DISTANCES WERE
ADJUSTED TO THE SURFACE USING A
SURFACE ADJUSTMENT FACTOR OF 1.0001
(SURFACE = GRID X SURFACE
ADJUSTMENT FACTOR)



I CERTIFY THAT THIS DESCRIPTION WAS
PREPARED FROM A SURVEY MADE ON THE
GROUND ON JULY 10, 2014 UNDER MY
SUPERVISION.

CUBB, FENDLEY & ASSOCIATES, INC.

5 Sept 2001
MIGUEL A. ESCOBAR, LSLS, RPLS
TEXAS REG NO: 5630

PASSENGER: WILKINS
 JOB NUMBER: 1003-016-02-123
 DATE: 2014-07-10
 SYSTEM: U.S. CUSTOMER
 PART 1003: 1/1



505 East Highland Drive, Suite 455
Austin, Texas 78754-6136
512.834.9798 | fax 512.834.9853

Easement Exhibit " "	Easement Description
----------------------	----------------------

PAGE 1 OF 1

EXHIBIT "B"

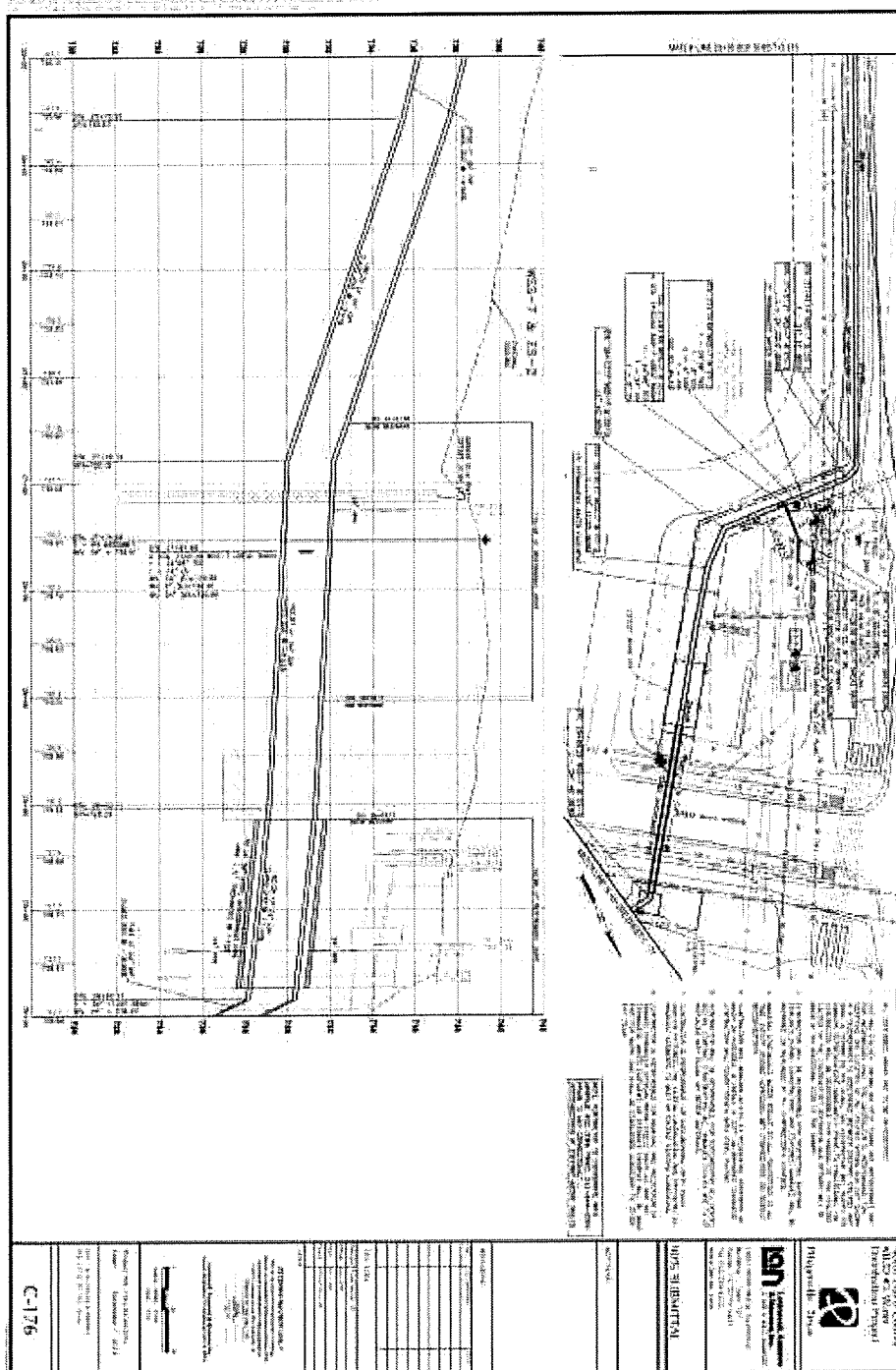


Exhibit "B"
Page 1