

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:

Susann Schoen Cunningham (“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 is granted for the installation, construction, operation, use, maintenance, reconstruction, replacement, repair, re-alignment, upgrade, expansion, inspection, patrol, and removal of public wastewater facilities, together with appurtenances and facilities related to such public wastewater facilities and for making connections therewith; all public wastewater lines will be located underground, but facilities and appurtenances related to the wastewater lines may be located above ground.

Grantee shall have the right to access to the Easement Property 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, and Grantor covenants that Grantor will not convey any other easement or conflicting rights within 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 in whole or in part by Grantee.

In witness whereof, this instrument is executed this 28th day of October, 2013.

GRANTOR:

Susann Schoen Cunningham

Owner

By: Susann Schoen Cunningham
{Grantor's Signature}

GRANTEE:

AGREED AND ACCEPTED:

**CITY OF PFLUGERVILLE,
TEXAS,**

a Texas home-rule municipality

By: _____
Brandon Wade, City Manager

ATTEST:

Karen Thompson, City Secretary

EXHIBIT "A"

EASEMENT TRACT

EXHIBIT A, METES AND BOUNDS DESCRIPTION

6834 SQUARE FEET OR 0.157 ACRE UTILITY EASEMENT

6834 SQUARE FEET OR 0.157 ACRE OF LAND FOR A UTILITY EASEMENT OUT OF THE ALEXANDER WALTER SURVEY 67, ABSTRACT 791 IN TRAVIS COUNTY, TEXAS, COMPRISED OF A PORTION OF A 2.929 ACRE REMAINDER PORTION OF THAT TRACT CONVEYED AS 3.93 ACRES TO SUSANN SCHOEN CUNNINGHAM PER DOCUMENT 2009199225, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, SAID 6834 SQUARE FEET OR 0.157 ACRE DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron rod found for the southwest corner hereof, the common west corner of said 3.93 acres and that tract conveyed as 3.93 acres to Claudeine Schoen per Volume 11387, Page 1094, Real Property Records of Travis County and a point on the east right-of-way of Dessau Road (R.O.W. varies);

THENCE N 26°20'10" E, 455.79 feet along the east line of said Dessau Road to an iron rod found for the northeast corner hereof and the common west corner of said 2.929 acres that tract conveyed as 1.000 acre to C. F. Kuehner, Jr. and Sue Kuehner per Document 2003103964 of said Official Public Records;

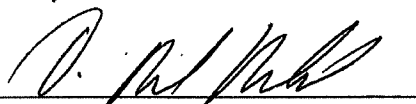
THENCE S 62°00'56" E, 15.01 feet along the common line of said 2.929 acres and said 1.000 acre and to a point for the northeast corner hereof;

THENCE S 26°20'10" W, 455.36 feet over and across said 2.929 acres along a line 15.00 feet east of and parallel to the west line of said 2.929 acres, (said Dessau Road east line) to a point for the southeast corner hereof and being on the common line of said 2.929 acres and said 3.93 acres;

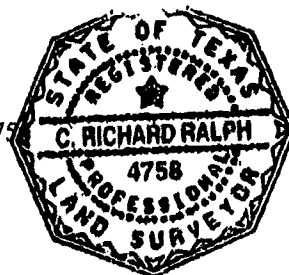
THENCE N 61°55'21" W, 15.01 feet along the common line of 2.929 acres and said 3.93 acres to the POINT OF BEGINNING, containing 6834 square feet or 0.157 acre for a Utility Easement.

SEE EXHIBIT B, SURVEY PLAT FOR DRAWING PREPARED HERewith

Surveyed by:



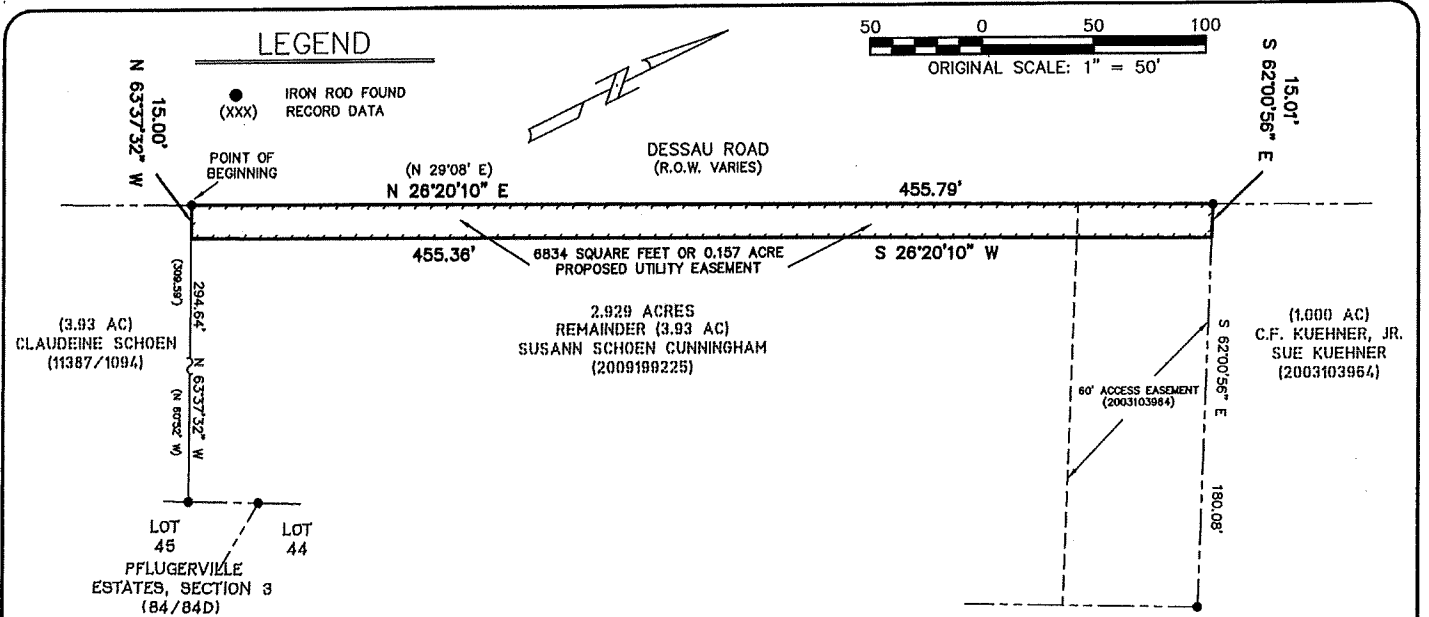
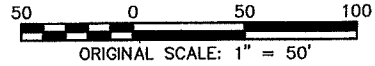
C. Richard Ralph
Registered Professional Land Surveyor No. 4758
Project No. 13045WW2 - 128/72



October 15, 2013

LEGEND

● IRON ROD FOUND
(XXX) RECORD DATA



HORIZONTAL DATA PER GPS OBSERVATION - HORIZONTAL DATUM:
(BEARING BASIS): TEXAS CENTRAL COORDINATE SYSTEM, NAD83

EXHIBIT B, SURVEY PLAT

REFERENCE: ADNOUNA AWAD
PROJECT: UTILITY EASEMENT
6834 SQUARE FEET OR 0.157 ACRE OUT OF THE
ALEXANDER WALTERS SURVEY 67, ABSTRACT 791,
TRAVIS COUNTY, TEXAS

OWNERSHIP:
SUSANN SCHOEN CUNNINGHAM
2016 KENWOOD AVE
AUSTIN, TEXAS 78704
(DOCUMENT 2009199225)

DRAWN: CRR DATE: 10/15/13 REVISED:
CHECKED: CRR PROJECT NO.: 13045.1UE FB: 128/72
SEE EXHIBIT A FOR METES AND BOUNDS
DESCRIPTION PREPARED HEREWITH

PREPARED BY:
C. Richard Ralph
REGISTERED PROFESSIONAL LAND SURVEYOR DATE: 10/15/2013



PROFESSIONAL LAND SURVEYORS
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