

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY 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:**

**TERRABROOK FALCON POINTE, LLC**, a Delaware limited liability company (“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, by, through or under Grantor, but otherwise.

**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 is subject to any and all encumbrances and easements of record, to the extent the same are valid and enforceable. 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 \_\_\_\_\_ day of September, 2013.

**GRANTOR:**

TERRABROOK FALCON POINTE, LLC

By: \_\_\_\_\_  
E. William Meyer, Vice President

**GRANTEE:**

**AGREED AND ACCEPTED:**

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

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

ATTEST:

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

ACKNOWLEDGEMENTS

STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on the \_\_\_\_ day of September, 2013, by E. William Meyer, as Vice President of TERRABROOK FALCON POINTE, LLC, a Delaware limited liability company, on behalf of said limited liability company.

(seal)

\_\_\_\_\_  
Notary Public, State of Texas  
Print Name: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

THE STATE OF TEXAS §

COUNTY OF \_\_\_\_\_ §

This instrument was acknowledged before me on September \_\_\_\_, 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

**0.471 OF ONE ACRE 25-FOOT WASTEWATER EASEMENT  
THE JOHN DAVIS SURVEY, ABSTRACT 13  
CITY OF PFLUGERVILLE, TRAVIS COUNTY, TEXAS**

Being a 0.471 of one acre (20,517 square feet) of land in the John Davis Survey, Abstract No. 13, City of Pflugerville, Travis County, Texas, being out of a Remainder of a called 193.94 acres of land of record to Terrabrook Falcon Pointe, L.P. as recorded in TRV 200164445, of the Official Public Records of Travis County, Texas (O.P.R.T.C.T.) and being more particularly described by Meets and Bounds as follows:

**COMMENCING** at found 1/2-inch iron rod (no cap) at the southwesterly corner of a called 197.27 acres of record to Timmerman & Hagn, LTD, as recorded in Volume 8317, Page 542, described in Volume 3310, Page 1434 of the Travis County Deed Records (T.C.D.R.), being at a southeasterly corner of said Terrabrook Falcon Pointe, L.P., called 193.94 acres as recorded in TRV 200194445 of the O.P.R.T.C.T., and being on the existing northerly Right-of-Way (80.00-foot) line of Pfluger Lane as recorded in Volume 2268, Page 185 of the T.C.D.R, being on the south line of a proposed 20.00-foot Right-of Way dedication as shown on the Proposed Falcon Pointe-South Tract Major Facilities, Final Plat;

**THENCE**, North 27° 35' 35" East, with the common line between said Terrabrook Falcon Pointe, L.P. 193.94 acre tract and the Timmerman & Hagn, LTD called 197.27 acre tract, 632.57 feet to a 1/2-inch iron rod with "MCKCRD" cap set for the common rear corner of Lot 1 and Lot 2 Block "B" of said Proposed Falcon Pointe-South Tract Major Facilities, Final Plat;

**THENCE**, North 27° 35' 35" East, continuing along said common line between 548.43 feet to a 1/2-inch iron rod with "MCKCRD" cap set for the northeast corner of said Lot 2 Block "B" of said Proposed Final Plat, for the southeast corner and **POINT OF BEGINNING** hereof;

**THENCE**, North 62° 24' 25" West, departing said common line and along the north line of said Lot 2, Block "B", 25.00 feet to 1/2-inch iron rod with "MCKCRD" cap set for the southwest corner hereof and the southeast corner of a proposed Lift Station Site;

**THENCE**, North 27° 35' 35" East, 25.00 feet parallel with said common line 820.70 feet to a point in the said Terrabrook Falcon Pointe, L.P. 193.94 acre tract;

**THENCE**, South 62° 24' 25" East, passing at a distance of 10.00 feet a point for a proposed 15.00' wide wastewater easement in all a total distance of 25.00 feet to a point in the said common line from which the northwest corner of said 197.270 acres of record to Timmerman & Hagn, LTD tract bears; North 27° 35' 35" East, 1288.31 feet;

**THENCE**, South 27° 35' 35" West, 820.70 feet along said common line tract to the **POINT OF BEGINNING** and containing a computed area of 0.471 of one acre (20.517 square feet) of land.

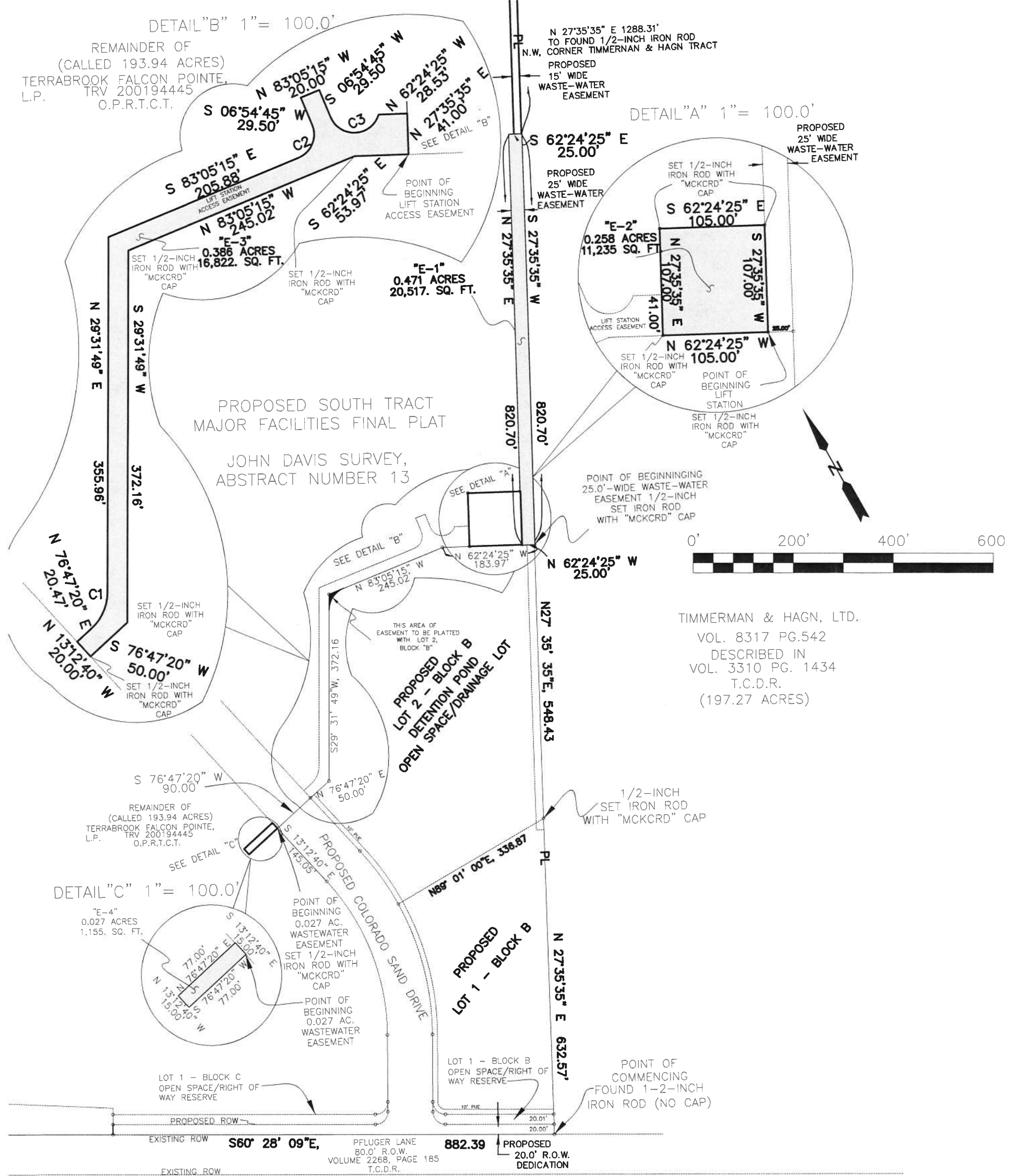
Prepared by McKim & Creed

Job No. 06022-0074

*Darrell D. White* 7-24-13

Darrell D. White, RPLS

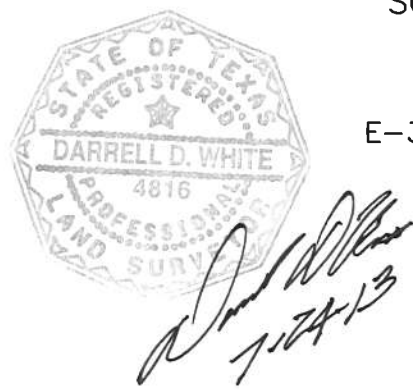




TIMMERMAN & HAGN, LTD.  
 VOL. 8317 PG.542  
 DESCRIBED IN  
 VOL. 3310 PG. 1434  
 T.C.D.R.  
 (197.27 ACRES)

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	39.18'	47.50'	47°15'31"	N 53°09'35" E	38.08'
C2	40.06'	25.50'	90°00'00"	N 51°54'45" E	36.06'
C3	62.65'	25.50'	140°46'16"	S 63°28'23" E	48.04'

- NOTES:**
1. BEARING BASIS: STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL ZONE, NAD83 DATUM GRID VALUES. ALL DISTANCES EXPRESSED IN U.S. SURVEY FEET.
  2. THIS BOUNDARY MAP EXHIBIT IS ACCOMPANIED BY A NARRATIVE METES AND BOUNDS DESCRIPTION.
  3. O.P.R.T.C.T. = OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.
  4. ROW = RIGHT-OF-WAY
  5. POC = POINT OF COMMENCING
  6. POB = POINT OF BEGINNING
  7. PL = PROPERTY LINE
  8. T.C.D.R. = TRAVIS COUNTY DEED RECORDS



SKETCH OF FOUR EASEMENTS OUT OF THE JOHN DAVIS SURVEY NUMBER 13, ABSTRACT NUMBER 231, CITY OF PFLUGERVILLE, TRAVIS COUNTY, TEXAS  
 E-1, BEING 0.471 OF ONE ACRE WASTEWATER EASEMENT.  
 E-2, BEING 0.258 OF ONE ACRE LIFT STATION EASEMENT.  
 E-3, BEING 0.386 OF ONE ACRE LIFT STATION ACCESS EASEMENT.  
 E-4, BEING 0.027 OF ONE ACRE WASTEWATER EASEMENT.

**MCKIM & CREED**  
 ENGINEERS, SURVEYORS, PLANNERS  
 10000 METRIC BOULEVARD SUITE 200  
 AUSTIN, TEXAS 78758  
 (512) 916-0224  
 WWW.MCKIMCREED.COM

1"=200'	
FALCON POINTE EASEMENTS	FB: falcon point 8
DDW	McKIM&CREED NO:06022-0074