

## AGREEMENT REGARDING WATER SERVICE TERRITORY

THE STATE OF TEXAS                   §

COUNTY OF TRAVIS                   §

This Agreement Regarding Water Service Territory (this “Agreement”) is entered into as of \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ (the “Effective Date”), by and between **Manville Water Supply Corporation**, a Texas nonprofit water supply corporation (“Manville”) and the **City of Pflugerville, Texas**, a Texas home rule municipality (the “City”). Manville and the City are hereinafter collectively referred to as the “Parties.”

### RECITALS

A. WHEREAS, Section 13.248 of the Texas Water Code authorizes retail public utilities to enter into contracts designating areas to be served and customers to be served by those retail public utilities;

B. WHEREAS, Sorento Holdings 2012 LLC (“Sorento”) is the owner of that certain real property more particularly described in **Exhibit “A”** attached hereto (the “Property”);

C. WHEREAS, the Property is located within the certificated service territory of Manville, as defined by CCN No. 11144 (the “Manville CCN”);

D. WHEREAS, Manville and the City have each entered into agreements with Sorento that provide for the release of certain real property, including the Property, from the Manville CCN upon acquisition of ownership thereof and upon request by Sorento, so that such property may receive retail water service from the City;

E. WHEREAS, Sorento has requested that Manville and the City cause the release of the Property from the Manville CCN and the inclusion of the Property in the City’s Certificate of Convenience and Necessity No. 11303 (the “City CCN”);

F. WHEREAS, Manville and the City desire to enter into this Agreement pursuant to Section 13.248 of the Water Code to specify that the City shall be the retail water service provider to the Property and to all customers located therein.

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereafter set forth, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby agree as follows:

### I.

#### DESIGNATION OF SERVICE TERRITORY AND CUSTOMERS

**1.1 City Service Territory.** The Parties agree that the City shall provide retail water service to the Property and to all customers within the Property. The City shall provide retail water service in accordance with the laws and rules of the State of Texas, including TCEQ and the City’s applicable ordinances, regulations and policies.

**1.2 Manville Service Obligation.** The City agrees that Manville shall be released of any and all obligation to provide retail water service to and within the Property.

## **II. PUC APPROVAL**

**2.1 Application for Approval.** The City agrees to prepare, file and prosecute at its sole expense all applications required for upon approval of this Agreement by the Texas Public Utility Commission of Texas.

## **III. MISCELLANEOUS**

**3.1 Execution.** This Agreement may be simultaneously executed in any number of counterparts, each of which will serve as an original and, will constitute one and the same instrument.

**3.2 Governing Law.** This Agreement will be governed by the Constitution and laws of the State of Texas.

**3.3 Successors and Assigns.** The assignment of this Agreement by either Party is prohibited. All of the respective covenants, undertakings, and obligations of each of the Parties will bind that Party and will apply to and bind any successors of that Party.

**3.4 Amendments.** This Agreement may be amended or modified only by written agreement duly authorized by all Parties.

**3.5 Cooperation.** Each Party agrees to execute and deliver all such other and further instruments and undertake such actions as are or may become necessary or convenient to effectuate the purposes and intent of this Agreement.

**3.6 Third Party Beneficiaries.** Nothing in this Agreement, express or implied, is intended to confer upon any person, other than the Parties, any rights, benefits, or remedies under or by reason of this Agreement.

**3.7 Exhibits.** All exhibits attached to this Agreement are hereby incorporated in this Agreement as if the same were set forth in full in the body of this Agreement.

**3.8 Entire Agreement.** This Agreement, including the attached exhibit, contains the entire agreement between the Parties with respect to the subject matter hereof and supersedes all previous communications, representations, or agreements, either verbal or written, between the Parties with respect to such matters.

IN WITNESS WHEREOF, the Parties hereto have caused this instrument to be signed, sealed and attested in duplicate by their duly authorized officers, as of the date first set forth above.

**Manville:**

**MANVILLE WATER SUPPLY CORPORATION**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Secretary

**City:**

**CITY OF PFLUGERVILLE**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
City Secretary

## **EXHIBIT A**

### **Property Description**

10.00 acres of land out of the JOHN L. BRAY SURVEY NO. 10, ABSTRACT NO. 73, in Travis County, Texas, being the same property conveyed in correction deed recorded in Volume 13115, Page 987, Real Property Records, Travis County, Texas, being more particularly described by metes and bounds in Exhibit A-1 attached hereto.

**EXHIBIT A-1**

1 1/2" IRON ROD WITH YELLOW CAP MARKED "PAPE-DAWSON" SET AT  
SUBJECT PROPERTY CORNERS UNLESS NOTED OTHERWISE.

2 THE BEARINGS FOR THIS SURVEY ARE BASED ON THE NORTH AMERICAN  
DESIGN OF 1883 AND 1885 OF THE UNITED STATES OF AMERICA COORDINATE  
SYSTEM ESTABLISHED FOR THE CENTRAL ZONE.

3 THE SURVEYOR DOES NOT HAVE KNOWLEDGE AS TO THE AVAILABILITY  
OF SERVICE TO, OR THE STATUS OF THE UTILITIES ON THIS SITE.

4 THE PROFESSIONAL SERVICES PROVIDED HEREWITH INCLUDE THE  
PREPARATION OF A SURVEY MAP AND A SURVEY REPORT.

5 THE SUBJECT PROPERTY IS WITHIN THE FOLLOWING FLOOD ZONE(S) AS  
DEPICTED ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY  
(FEMA) FLOOD INSURANCE RATE MAP NUMBER 445C0282H DATED  
SEPTEMBER 26, 2008 FOR TRAVIS COUNTY, TEXAS AND INCORPORATED  
THEREIN. A FLOOD CERTIFICATE FOR THIS PROPERTY IS AVAILABLE ON THE  
WEBSITE [WWW.MSC.FEMA.GOV](http://WWW.MSC.FEMA.GOV).

AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE  
FLOODPLAIN.

## NO BASE ELEVATIONS DETERMINED

THE 1% ANNUAL CHANCE FLOOD (100 YEAR FLOOD), ALSO KNOWN AS THE BASE FLOOD, IS THE FLOOD THAT HAS A 1% CHANCE OF BEING EQUALLED OR EXCEEDED IN ANY GIVEN YEAR. THE FLOOD HAZARD AREA IS THE AREA SUBJECT TO FLOODING BY THE 1% ANNUAL CHANCE FLOOD. THE BASE FLOOD ELEVATION IS THE WATER-SURFACE ELEVATION OF THE 1% ANNUAL CHANCE FLOOD.

6) FLOOD LIMIT LINES DO NOT REPRESENT THAT THE PROPERTY WILL OR WILL NOT FLOOD. SUCH LINES AND AREAS ARE FROM SAID FEDERAL EMERGENCY MANAGEMENT AGENCY DATA SOURCES AND ARE STATISTICAL ONLY. THE SURVEYOR ACCEPTS NO RESPONSIBILITY FOR THE ACCURACY OF SAID DATA

7) ADJOINERS SHOWN FOR INFORMATIONAL PURPOSES ONLY.

8) THIS PROPERTY IS DESIGNATED AS TCAD PARCEL NO. 271707.

9) THE PROPERTY IS LOCATED IN CITY GRID T37

A 10.020 acre, or 436,470 square feet more or less, tract of land being all of a called 10.00 acre tract of land conveyed to Sorento Holdings 2012, LLC recorded in Document No. 2013123225 of the Official Public Records of Travis County, Texas, situate in the John C. Bray, Survey No. 10, Abstract 73, in the City of Pflugerville, Travis County, Texas. Said 10.020 acre tract being more fully described as follows, with the bearings based on the North American Datum of 1983 (CORS 1996), from the Texas Coordinate System established for the Central Zone.

COMMENCING: At a found 1/2" iron rod with yellow cap marked "Pape-Dawson", the northeast corner of Aventura Ave., a 60 foot right of way as shown in Final Plat of Sorento, Phase 1 recorded in Document No. 201400017 of the Official Public Records of Travis County, Texas and a point in a west line of the remaining portion of said called 119.023 acre tract;

THENCE: N 27°25'40" E, separating the north right of way line of said Adventure Ave., along and with an east line of said Final Plat of Sorento, Phase 1 and a west line of the remaining portion of said called 119.023 acre tract, a distance of 277.50 feet to a found 1/8" iron rod with yellow cap marked "Pape-Dawson", the northeast corner of said Final Plat of Sorento, Phase 1, the northwest corner of the remaining portion of said called 119.023 acre tract and a point in the south line of a called 101.246 acre tract conveyed to the City of Pflugerville in Document No. 2012164042 of the Official Public Records of Travis County, Texas;

THENCE: S 67°15'22" E, along and with the north line of the remaining portion of said called 119.023 acre tract and the south line of said called 101.246 acre tract, a distance of 195.18 feet to a found 1/2" iron rod with yellow cap marked "Pape-Dawson", a northeast corner of the remaining portion of said called 119.023 area tract, a point in the south line of said called 101.246 acre tract and the northwest corner of said called 10.00 acre tract, the POINT OF BEGINNING;

THENCE: S 62°37'39" E, along and with the north line of said called 10.00 acre tract and the south line of said called 101.246 acre tract, a distance of 2104.09 feet to a found  $\frac{3}{4}$ " iron rod, the northeast corner of said called 10.00 acre tract, the southeast corner of said called 101.246 acre tract and a point in the west line of a called 97.68 acre tract conveyed to the City of Pflugerville recorded in Document No. 2008063161 of the Official Public Records of Travis County, Texas;

THENCE: S 27°36'09" W, along and with the east line of said called 10.00 acre tract and the west line of said called 97.68 acre tract, a distance of 207.52 feet to a found ½" iron rod, the southwest corner of said called 10.00 acre tract, a point in the west line of said called 97.68 acre tract and the northeast corner of the remaining portion of a called 63.72 acre tract conveyed to Pflugerville Community Development Corporation recorded in Document No. 2004180178 of the Official Public Records of Travis County, Texas;

THENCE: N 62°37'21" W, departing the west line of said called 97.68 acre tract, along and with the south line of said called 10.00 acre tract and the north line of the remaining portion of said called 63.72 acre tract, at a distance of 841.34 feet passing a found iron rod with marred cap, the northwest corner of the remaining portion of said called 63.72 acre tract and the northeast corner of a called 11.9203 acre tract conveyed to Sorento Holdings 2012, LLC, recorded in Document No. 2012164042 of the Official Public Records of Travis County, Texas, continuing along and with the south line of said called 10.00 acre tract and a north line of said called 11.9203 acre tract for a total distance of 2095.94 feet to a found  $\frac{1}{2}$ " iron rod;

THENCE: N 59°54'51" W, continuing along and with the south line of said called 10.00 acre tract and a north line of said called 119.023 acre tract, a distance of 8.35 feet to a set 1/2" iron rod with yellow cap marked "Pape-Dawson", the southwest corner of said called 10.00 acre tract and a northeast corner of said called 119.023 acre tract;

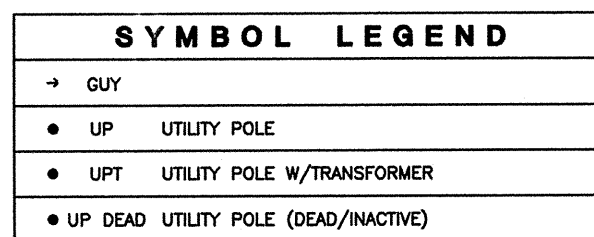
THENCE: N 27°39'19" E, along and with the west line of said called 10.00 acre tract and an east line of said called 119.023 acre tract, a distance of 206.95 feet to the POINT OF BEGINNING and containing 10.020 acres in the City of Pflugerville, Travis County, Texas. Said tract being described in accordance with a survey made on the ground and a survey description and map prepared under Job No. 50703-50 by Pape Dawson Engineers, Inc.

D.R. DEED RECORDS OF TRAVIS COUNTY, TEXAS  
D.P.R. DEED AND PLAT RECORDS OF TRAVIS COUNTY, TEXAS  
O.P.R. OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

FD.	FOUND
I.R.	IRON ROD



SCALE: 1" = 100'



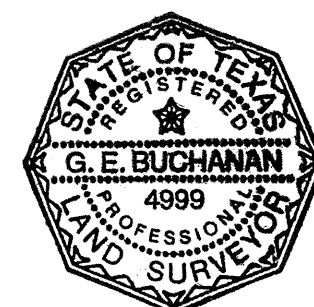
LINE LEGEND	
— x — x — x — x —	BARBED WIRE FENCE
— □ — □ — □ — □ —	POST & RAIL/HOG WIRE FENCE
— DE — DE — DE — DE —	OVERHEAD ELECTRIC
— GAS — GAS —	UNDERGROUND GAS LINE ATMOS GAS LINE (LONE STAR GAS LINE)

I hereby certify that:

1) this survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category 1A, Condition II Survey. The field work was completed on May 15, 2014;

This 28th day of July, 2014 A.D.

G.E. Buchanan  
Registered Professional Land Surveyor No. 4999  
Pape-Dawson Engineers  
7800 Shoal Creek, Suite 200 West  
Austin, TX 78757  
Email: [bbuchanan@pape-dawson.com](mailto:bbuchanan@pape-dawson.com)



LAND TITLE SURVEY

A 10.020 ACRE, OR 436,470 SQUARE FEET MORE OR LESS, TRACT OF LAND BEING ALL OF A CALLED 10.00 ACRE TRACT OF LAND AND CONVEYED TO SORENTO HOLDINGS 2012, LLC RECORDED IN DOCUMENT NO. 2013132325 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SITUATE IN THE JOHN C. BRAY, SURVEY NO. 10, ABSTRACT 73, IN THE CITY OF PFLUGERVILLE, TRAVIS COUNTY, TEXAS

**JOB NO. 50703-50**

DATE JULY 2014

CIVIL JOB NO. 50703-50

REFERENCE: 50703-00

SHEET 1 OF 1

**FIELD NOTES****FOR**

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PREPARED BY: Pape-Dawson Engineers, Inc.  
DATE: July 28, 2014  
JOB No.: 50703-50  
DOC.ID.: H:\survey\CIVIL\50703-50\WORD\10.20Ac\_RandigTract.docx  
TCAD PARCEL: 271707  
CITY GRID: T37  
TBPE Firm Registration #470  
TBPLS Firm Registration #100288-00

