

Prepared by and Return to:
The Towers, LLC
750 Park of Commerce Drive
Suite 200
Boca Raton, FL 33487
Attention: Allison Cannella, Esq.

Site Name: Rubbish River
Site Number: US-TX-6449

AGREEMENT AND CONSENT

This Agreement and Consent (“**Consent**”) is made and entered into this the _____ day of _____, 2025, by and between **Highland Park North Homeowners Association, Inc.**, a Texas corporation (“**Grantor**”) and **The City of Pflugerville, Texas**, a Texas municipality (“**Grantee**”) for the purpose of granting consent for Grantee’s Tower Lease Tenant to cross over exclusive Landscape Easements.

WITNESSETH:

WHEREAS, Grantee is the fee owner of certain real property situate in the County of Travis, State of Texas, as more fully described on the attached **Exhibit A** attached hereto (the “**Property**”), as evidenced by that Special Warranty Deed dated February 3, 2009 and recorded as Inst No: 200916563 on February 4, 2009 in the County Clerk’s office for Travis County, Texas; and

WHEREAS, the Property is subject to those certain Landscape Easements as set forth below:

- Landscape Easement dated August 2, 2002 and recorded August 2, 2002 as Instrument No: 202142648 in the County Clerk’s office for Travis County, Texas;
- Landscape Easement dated April 7, 2004 and recorded June 17, 2003 as Instrument No: 2003136279 in the County Clerk’s office for Travis County, Texas;
- Landscape Easement dated July 8, 2003 and recorded September 8, 2003 as Instrument No: 2003211525 in the County Clerk’s office for Travis County, Texas and

- Landscape Easement dated July 5, 2011 and recorded December 16, 2011 as Instrument No: 2011184572 in the County Clerk's office for Travis County, Texas (collectively referred to as the "**Landscape Easements**").

WHEREAS, Grantee and The Towers, LLC, a Delaware limited liability company, doing business in Texas as the Towers of Texas, LLC, a Delaware limited liability company (as "**Tenant**"), have executed a Lease Agreement (the "**Lease**"), dated February 11, 2025, and Memorandum of Option to Lease dated February 11, 2025 (the "**Memorandum**") recorded in the Clerk's office for Travis County, Texas on April 16, 2025 as Instrument #2025040971, (collectively, the Lease and the Memorandum shall be referred to herein as the "**Agreement**") whereby Grantee demises and leases to Tenant a portion of the Property for construction and maintenance of a telecommunications tower (the "**Improvements**"), together with access and utility easements appurtenant thereto, more particularly described on a metes and bounds legal description, attached hereto as **Exhibit B** attached hereto and incorporated herein (collectively the "**Tower Site**"); and

WHEREAS, Grantor wishes to grant approval of Tenant to cross over said exclusive Landscape Easements to construct the Improvements on the Tower Site.

NOW, THEREFORE, for good and valuable consideration, receipt and sufficiency of which are hereby acknowledged, that Grantor agree as follows:

1. That Grantor consents to and approves Tenant and its guests, agents, employees, customers, invitees, subtenants, licensees and assigns to cross over said Landscape Easements (a) for ingress and egress, and (b) for the construction, installation, operation, maintenance, repair and replacement of overhead and underground electric and other utility facilities (including fiber, backhaul, wires, poles, guys, cables, conduits and appurtenant equipment), with the right to reconstruct, improve, add to, enlarge, change and remove such facilities, over, across and through any easement for the benefit of and access to the Premises that.
2. This Agreement and Consent shall run with the Property.

[SIGNATURES PAGES TO FOLLOW]

IN WITNESS WHEREOF, the Grantor and Grantee have caused this instrument to be duly executed, the day and year first above stated.

WITNESSES:	GRANTOR:
	Highland Park North Homeowners Association, Inc. , a Texas corporation
Name: _____	By: _____
_____	Name: _____
Name: _____	Title: _____
	Date: _____

STATE OF _____

COUNTY OF _____

This instrument was acknowledged before me on _____, 20_____
by _____ (name of signatory), _____
_____ (title of signatory) of Highland Park North Homeowners Association, Inc., a Texas
corporation on behalf of the company.

Notary Public

Print Name: _____

My Commission Expires:_____

IN WITNESS WHEREOF, the Grantor and Grantee have caused this instrument to be duly executed, the day and year first above stated.

WITNESSES: _____ Name: _____ _____ Name: _____	GRANTEE: City of Pflugerville, Texas a Texas municipality By: _____ Name: _____ Title: _____ Date: _____
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STATE OF _____

COUNTY OF _____

This instrument was acknowledged before me on _____, 20_____
by _____ (name of signatory), _____
_____ (title of signatory) of City of Pflugerville, Texas, a Texas municipality, on behalf
of the City.

Notary Public

Print Name: _____

My Commission Expires: _____

Exhibit A

Property

Legal description for a 1.000 acre tract of land out of the Thomas G. Stewart Survey No. 6, Abstract No. situated in Travis County, being out of the remaining portion of a called 105.058 acre tract conveyed to HPN Development, Inc., in a Special Warranty Deed executed on August 14, 2001, recorded in Document No. 2001138994 of the official public records of Travis County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at a ½" iron rod with plastic cap stamped "Survitex" set at on a West line of said 105.058 acre remainder tract, same being the East line of a called 6.128 acre tract conveyed to Bruce Cash on "Tract 2" in a Warranty Deed dated January 11, 2000, recorded in Document No. 2000010288 of the Official Public Records of Travis County, Texas, and further described by metes and bounds in Volume 11747, Page 375 of the Real Property Records of Travis County, Texas, same being a Northwest corner of Lot 23, Block A, Highland Park North, Phase A, Section 1, a subdivision recorded in Document No. 200200341 of the Official Public Records of Travis County, Texas, for the Southwest corner of this tract, from which a ½" iron rod found on the North line of a called 337.85 acre tract conveyed to Homer E. Wieland, et al, in Volume 12807, Page 1158 of the Real Property Records of Travis County, Texas, same being the Southeast corner of said 6.128 acre tract and the Southwest corner of said Lot 23 bears South 15°38'22" West, 516.54 feet;

Thence North 15°28'22" East along a common line of said 105.058 acre remainder tract and said 8.128 acre tract, a distance of 85.53 feet to a ½" iron rod with plastic cap stamped "Survitex" set for a Northwest corner of this tract, from which a ½" iron rod found at a common corner of said 105.058 acre tract and said 8.128 acre tract bears North 15°28'22" East, 281.56 feet;

Thence crossing said 105.059 acre remainder tract the following two (2) courses:

1. South 74°21'38" East, 307.30 feet to a ½" iron rod with plastic cap stamped "Survitex" set for an interior corner of this tract, and
2. North 26°46'31" East, 358.83 feet to a ½" iron rod with plastic cap stamped "Survitex" set on the South right-of-way line of Kingston Lacy Boulevard, a 70-foot wide right-of-way as recorded in Document No. 200200341 of the Official Public Records of Travis County, Texas, for a Northwest corner of this tract;

Thence South 63°14'06" East, continuing across said 105.059 acre remainder tract, with said South right of way line of Kingston Lacy Boulevard, a distance of 20.00 feet to a ½" iron rod with plastic cap stamped "Survitex" set for a Northwest corner of said Lot 23, and the Northeast corner of this tract;

Thence South 26°48'31" West continuing across said 105.059 acre remainder tract, with a West line of said Lot 23, 500.11 feet to a ½" iron rod with plastic cap stamped "Survitex" set for an interior corner of said Lot 23, and the Southeast corner of this tract;

Thence North 63°13'29" West continuing across said 105.059 acre remainder tract, with a North line of said Lot 23, a distance of 305.00 feet to the Point of Beginning, containing 1.000 acre of land, more or less.

Bearings are based on the Texas State Plane Coordinate System, Central Zone, NAD 83 (CORS). Distances shown herein are surface values created using a Surface Adjustment Factor of 1.00011.

Parcel ID 780898 (Geo ID: 0284400204)

This being the same property conveyed to City of Pflugerville, Texas from Kenny Dryden, in a deed dated February 3, 2009 and recorded February 4, 2009 as Instrument No. 2009016563.

Exhibit B

Tower Site

LEASE AREA

BEING a 0.057 acre (2,500.00 square feet) tract of land situated in the Thomas G Stuart Survey, Section No. 6, Abstract 689, being out of a called 1.000 acres, described in deed to City of Pflugerville, recorded in Instrument No. 2009016563TR, Deed Records, Travis County, Texas, and being more particularly described by metes and bounds as follows;

COMMENCING at a found 1/2" iron rod at the northeast corner of said 1.000 acres, situated on the southwest right-of-way line of Kingston Lacy Blvd (70' public right-of-way);

THENCE South 28° 10' 11" West for a distance of 450.11 feet to a set 1/2" iron rod for the POINT OF BEGINNING;

THENCE South 28° 10' 11" West for a distance of 50.00 feet to a set 1/2" iron rod for corner;

THENCE North 61° 49' 49" West for a distance of 50.00 feet to a set 1/2" iron rod for corner;

THENCE North 28° 10' 11" East for a distance of 50.00 feet to a set 1/2" iron rod for corner;

THENCE South 61° 49' 49" East a distance of 50.00 feet to the POINT OF BEGINNING, and containing 0.057 acre (2,500.00 square feet) of land, more or less.

ACCESS AND UTILITY EASEMENT

BEING a 0.057 acre (2,500.00 square feet) tract of land situated in the Thomas G Stuart Survey, Section No. 6, Abstract 689, being out of a called 1.000 acres, described in deed to City of Pflugerville, recorded in Instrument No. 2009016563TR, Deed Records, Travis County, Texas, and being more particularly described by metes and bounds as follows;

BEGINNING at a found 1/2" iron rod at the northeast corner of said 1.000 acres, situated on the southwest right-of-way line of Kingston Lacy Blvd (70' public right-of-way);

THENCE South 28° 10' 11" West for a distance of 450.11 feet to a set 1/2" iron rod for corner;

THENCE North 61° 49' 49" West for a distance of 50.00 feet to a set 1/2" iron rod for corner;

THENCE North 28° 10' 11" East for a distance of 20.00 feet to a point for corner;

THENCE South 61° 49' 49" East for a distance of 10.00 feet to the beginning of a curve;

THENCE with said curve turning to the left through an angle of 90° 00' 00", having a radius of 20.00 feet, an arc distance of 31.42 feet, and whose long chord bears North 73° 10' 11" East for a distance of 28.28 feet;

THENCE North 28° 10' 11" East for a distance of 410.11 feet to a point for corner, situated on the southwest right-of-way line of Kingston Lacy Blvd (70' public right-of-way);

THENCE South 61° 50' 26" East, along said right-of-way, a distance of 20.00 feet to the POINT OF BEGINNING, and containing 0.057 acre (2,500.00 square feet) of land, more or less.