

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:

MARK A. DONNELL & KIMBERLY V. DONNELL (“Grantors”), 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.

 Grantors 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 shall be used for public utility purposes, including placement, construction, installation, replacement, repair, maintenance, relocation, removal, and operation of public wastewater 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 public wastewater utility facilities and related appurtenances.

DURATION OF EASEMENT:

The Easement shall be perpetual.

EXCLUSIVENESS OF EASEMENT:

The Easement shall be exclusive. Grantors 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, 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:

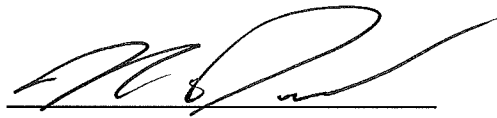
This Easement and the rights of Grantee hereunder may be assigned in whole or in part by Grantee.

Signature page to follow:

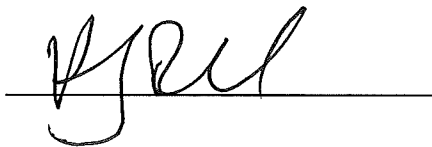
In witness whereof, this instrument is executed this 10th day of October, 2014.

GRANTORS:

MARK A. DONNELL



KIMBERLY V. DONNELL



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 _____ §

This instrument was acknowledged before me on _____, 2014, by _____, an individual residing in Travis County, Texas.

Notary Public Signature

(seal)

THE STATE OF TEXAS §
 §
COUNTY OF Travis §

This instrument was acknowledged before me on October 10,
2014, by Mark Donnell, Kimberly, an individual residing in Travis County, Texas.
Donnell



Jessica A Chavez

Notary Public Signature

THE STATE OF TEXAS §
 §
COUNTY OF _____ §

This instrument was acknowledged before me on _____,
2014, 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)

WASTEWATER EASEMENT

FIELD NOTES

227 SQUARE FEET WASTEWATER EASEMENT OUT OF THE JACOB CASNER SURVEY NO. 9, ABSTRACT NO. 2753, IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF A 5.21 ACRE TRACT CONVEYED TO MARK A. AND KIMBERLY V. DONNELL BY DEED RECORDED IN DOCUMENT NO. 1999002082, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, FOR WHICH A MORE PARTICULAR DESCRIPTION BY METES AND BOUNDS IS AS FOLLOWS:

BEGINNING FOR REFERENCE at a 1/2" iron rod with cap found in the east line of a 7.85 acre tract conveyed to Reagan Curtis Stephens by deed recorded in Document No. 2001088318, Official Public Records, Travis County, Texas, also being in the west line of a Public Utility, Drainage and Open Space Easement, and being the SW corner of Wind Vane West, a fifty foot ROW, as shown on the plat of The Commons at Rowe Lane, Phase B, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Document No. 201100082, Official Public Records, and being the NW corner of a 0.714 acre Lot 15, Block EE, from which point, a 1/2" iron rod found with cap at the NE corner of said Lot 15 bears S81°51'28"E at a distance of 39.76 feet;

THENCE S8°03'28"W, along the common east line of said Stephens tract and the west line of said Lot 15 for a distance of 406.34 feet to a point, being the calculated S.E. corner of the Stephens tract, also being the NE corner of a 5.21 acre tract conveyed to Mark A. and Kimberly V. Donnell by deed recorded in Document No. 1999002082, Official Public Records, for the NE corner and POINT OF BEGINNING of this Wastewater Easement;

THENCE S8°03'28"W along the east line of the Donnell tract for a distance of 15.13 feet to a point, for the SE corner hereof;

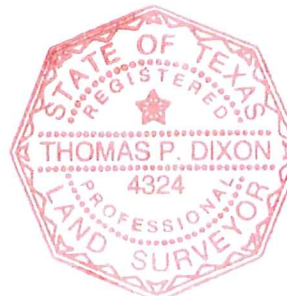
THENCE the following two(2) courses and distances crossing through said Donnell tract:
(1) N81°25'50"W for a distance of 15.00 feet to a point, for the SW corner hereof;
(2) N8°03'28"W for a distance of 15.13 feet to a point in the common line of the Stephens tract and the Donnell tract, from which point a 1/2" iron rod found in the curving East line of Rowe Loop, being the NW corner of said Donnell tract bears N81°25'54"W at a distance of 591.19 feet;

THENCE S81°25'54"E, along said common line for a distance of 15.00 feet to the POINT OF BEGINNING of this Wastewater Easement, containing 227 square feet of land, more or less.

BEARING BASE: CENTRAL TEXAS ZONE STATE PLANE COORDINATES

Handwritten signature of Thomas P. Dixon
Thomas P. Dixon R.P.L.S. 4324
Waterloo Surveyors, Inc.
P.O. Box 160176
Austin, Texas 78716
Ph: 512-481-9602

1/15/14
Date



REFERENCES
TCAD Property ID No.482595
MAPSCO 409 MS-41

