

DRAINAGE UTILITY AND ACCESS EASEMENT AGREEMENT

THE STATE OF TEXAS

COUNTY OF TRAVIS

GRANT OF EASEMENT:

BRANCH BANKING and TRUST COMPANY ("Grantor", whether one or more), 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 parcels of real property of Grantor which are more particularly described on Exhibit "A", and attached hereto and incorporated herein by reference (collectively, "Easement Tract").

TO HAVE AND TO HOLD the same perpetually to Grantee and its successors and assigns, together with the right and privilege at any and all times to enter the Easement Tract, or any part thereof, for the purpose of construction, operation, maintenance, replacement, upgrade, and repair of the improvements which are constructed and installed therein or thereon by Grantee under the terms of this Easement.

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, subject to the matters set forth herein.

CHARACTER OF EASEMENT:

The Easement is an easement in gross.

PURPOSE OF EASEMENT:

The Easement shall be used for public drainage purposes, including placement, construction, installation, repair, maintenance, relocation, removal, and operation of a drainage channel and related drainage facilities, and related appurtenances, or making connections thereto.

DURATION OF EASEMENT:

The Easement shall be perpetual. Grantor hereby binds Grantor and Grantor's heirs, legal representatives, successors and assigns, to warrant and forever defend the Easement unto Grantee, its successors and assigns, against any person whomsoever lawfully claiming or to claim the same or any part thereof.

NO CONFLICTING RIGHTS:

Grantor covenants that Grantor will not convey any 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 by Grantee so long as the assignee utilizes the Easement as contemplated herein.

In witness whereof, this instrument is executed this ____ day of _____, 2012.

BRANCH BANKING and TRUST COMPANY

Signed: _____

Printed Name: _____

Title: _____

AGREED AND ACCEPTED:

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

By: _____

ATTEST:

THE STATE OF TEXAS

COUNTY OF _____

This instrument was acknowledged before me on _____,
20__, by _____, _____ of **BRANCH
BANKING and TRUST COMPANY**, a corporation, on behalf of said corporation.

Notary Public Signature

Printed Name of Notary

My Commission Expires: _____

THE STATE OF TEXAS

COUNTY OF _____

This instrument was acknowledged before me on _____,
20__, by _____, _____ of the City of Pflugerville, Texas, a
Texas home-rule municipality, on behalf of said municipality.

Notary Public Signature

Name: _____

Commission expires: _____

EXHIBIT "A"

County: Travis
Parcel No.: City of Pflugerville—Branch Banking & Trust Co
Half AVO: 28615

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2/10/2012

DESCRIPTION FOR DRAINAGE EASEMENT

BEING A 0.392 ACRE TRACT (17,087 SQUARE FEET) SITUATED IN THE JOHN VAN WINKLE SURVEY NO. 70, ABSTRACT NO. 787, TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF A CALLED 16.625 ACRES TRACT AS DESCRIBED IN A SUBSTITUTE TRUSTEE'S DEED TO BRANCH BANKING AND TRUST COMPANY AND RECORDED IN DOCUMENT NO. 2010003839 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at 1/2-inch iron rod found at the intersection of the west right-of-way line of a called 38.882 acres tract described as Exhibit A, Parcel No. 2, Part Five, in a Special Warranty Deed to the State of Texas and recorded in Volume 11339, Page 2005 of said Deed Records of Travis County, Texas, said 38.882 acres tract being the former right-of-way of The Missouri-Kansas (MO-KAN) Railroad, with the south right-of-way line of New Meister Lane, a 60-foot wide right-of-way according to the plat of Springbrook Corporate Center, a subdivision according to the plat of record in Document No. 200700211 of said Official Public Records of Travis County, Texas, for the northeast corner of said 16.625 acres tract;

THENCE with said west right-of-way line of the 38.882 acres tract, same being the east line of said 16.625 acres tract, S23°44'42"E a distance of 678.78 feet a 1/2-inch iron rod with plastic cap stamped "TJ DODD RPLS 1882" found in said west right-of-way line of the 38.882 acres tract, for the southeast corner of said 16.625 acres tract;

THENCE leaving said west right-of-way line of the 38.882 acres tract, with the south line of said 16.625 acres tract, S67°16'25"W a distance of 25.00 feet, and from which a 1/2-inch iron rod with plastic cap stamped "CBD 5780" found for a point of curvature in said south line of the 16.625 acres tract, bears S67°16'25"W a distance of 330.49 feet;

THENCE leaving said south line of the 16.625 acres tract, crossing said 16.625 acres tract, N23°44'42"W a distance of 688.25 feet to a point in said south right-of-way line of New Meister Lane, same being the north line of said 16.625 acres tract, and from which a 1/2-inch iron rod with plastic cap stamped "CBD 5780" found for a point of curvature in said south right-of-way line of New Meister Lane and said north line of the 16.625 acres tract, bears S87°53'01"W a distance of 324.28 feet;

EXHIBIT "A"

County: Travis
Parcel No.: City of Pflugerville—Branch Banking & Trust Co
Half AVO: 28615

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DESCRIPTION FOR DRAINAGE EASEMENT

THENCE with said south right-of-way line of New Mesiter Lane and said north line of the 16.625 acres tract, N87°53'01"E a distance of 26.89 feet to said POINT OF BEGINNING and containing 0.392 acre (17,087 square feet);

NOTES:

All bearings shown hereon are based upon the Texas Coordinate System of 1983, Central Zone. All distances shown hereon are surface distances. The Grid to Surface adjustment scale factor is 1.00014.

I, Dan H. Clark, a Registered Professional Land Surveyor, do hereby certify that the above description and the accompanying plat of even date herewith, are true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey on the ground under my direction and supervision.



Dan H. Clark, R.P.L.S.
Registered Professional Land Surveyor
Texas Registration No. 6011
Half Associates, Inc.,
4030 W. Braker Ln, Suite 450, Austin, Texas 78759, 512-252-8184

2/10/2012

Date

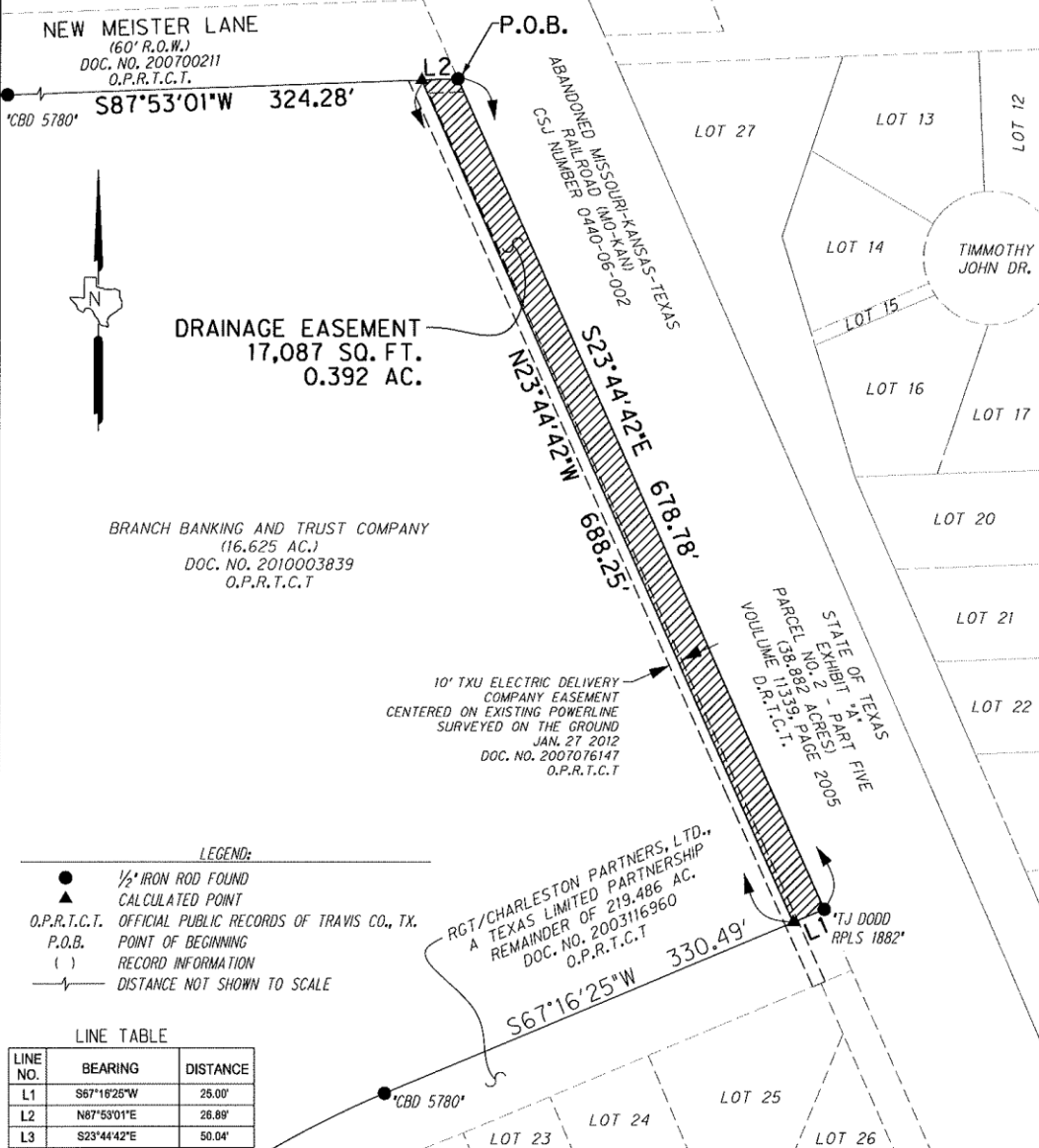


EXHIBIT "A"

0 50 100 150 200
SCALE: 1"=100'

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SKETCH TO ACCOMPANY
PARCEL DESCRIPTION



DRAINAGE EASEMENT
17,087 SQ. FT.
0.392 AC.

BRANCH BANKING AND TRUST COMPANY
(16.625 AC.)
DOC. NO. 2010003839
O.P.R.T.C.T

10' TXU ELECTRIC DELIVERY
COMPANY EASEMENT
CENTERED ON EXISTING POWERLINE
SURVEYED ON THE GROUND
JAN. 27 2012
DOC. NO. 2007076147
O.P.R.T.C.T

RGT/CHARLESTON PARTNERS, LTD.,
A TEXAS LIMITED PARTNERSHIP
REMAINDER OF 219.486 AC.
DOC. NO. 2003116960
O.P.R.T.C.T

- LEGEND:
- 1/2" IRON ROD FOUND
 - ▲ CALCULATED POINT
 - O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS OF TRAVIS CO., TX.
 - P.O.B. POINT OF BEGINNING
 - () RECORD INFORMATION
 - DISTANCE NOT SHOWN TO SCALE

LINE TABLE

LINE NO.	BEARING	DISTANCE
L1	S67°16'25"W	25.00'
L2	N87°53'01"E	26.89'
L3	S23°44'42"E	50.04'

4030 WEST BRAKER LANE, SUITE 450
AUSTIN, TEXAS 78769-8356
TEL (512) 252-8194
FAX (512) 252-8141

CITY OF PFLUGERVILLE DRAINAGE EASEMENT		ACRES	SQUARE FEET
PROJECT NO. 28615		0.392	17,087
SCALE 1" = 100'	ACCOMPANYING FILE: h:\28000s\28615 Data Out\SV-LD-SYE-28615.docx		
	COUNTY TRAVIS		

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