

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.

PUBLIC UTILITY EASEMENT AGREEMENT

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

GRANT OF EASEMENT:

CONTINENTAL HOMES OF TEXAS, L.P., a Texas limited partnership (“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”, Exhibit “B”, and Exhibit “C”, attached hereto and incorporated herein by reference (“Easement Tracts”).

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 not otherwise, subject to all title exceptions of record, to the extent the same are valid and subsisting against the Easement Tracts, and the matters set forth herein.

DEFINITIONS

For the purposes of this grant of Easement certain terms shall have the meanings that follow:

“*Permitted Improvements*” shall mean landscaping or planting of vegetation, driveways and sidewalks; but shall not mean parking facilities or other impervious cover, or the construction of a building or structure unless such installation or construction is approved in writing by the City Manager or the City Manager’s designee.

“*Public Utility*” shall mean a service, including but not limited to water, wastewater, drainage, telecommunications, fiber optic, electric, gas, or similar service provided by or on behalf of Grantee

CHARACTER OF EASEMENT:

The Easement is an easement in gross.

PURPOSE OF EASEMENT:

The Easement is granted for the installation, construction, operation, use, enjoyment, maintenance, reconstruction, replacement, repair, re-alignment, upgrade, expansion, inspection, patrol, and removal of Public Utility facilities, together with appurtenances and facilities related to such Public Utility facilities and for making connections therewith.

Grantee shall have the right of access to the Easement Tracts for the operation, repair, maintenance, replacement and expansion of the Public Utility facilities and related appurtenances.

DURATION OF EASEMENT:

The Easement shall be temporary. The Easement will expire upon recordation of a Final Plat and subsequent dedication of right-of-way or an easement over the improvements constructed within each of the Easement Tracts. Upon expiration of the Easement, Grantee agrees to execute and deliver a release of the Easement, in recordable form, upon request by Grantor.

EXCLUSIVENESS OF EASEMENT:

The Easement shall be non-exclusive; and Grantor may dedicate all or any portion of the Easement Tracts to any utility so long as such dedication and use recognizes, accepts and does not unreasonably interfere or conflict with the use of the Easement Tracts by Grantee for the purposes, uses and rights herein provided.

SURFACE USE:

Grantor hereby retains, reserves, and shall continue to enjoy the use of the Easement Tracts for any and all purposes which do not interfere with or prevent the use by Grantee of the Easement for the purposes herein granted. Grantor shall not make any improvements to the Easement Tracts, save and except Permitted Improvements (as defined herein). Grantor further covenants and agrees to use the Easement Tracts only in those ways consistent with the Easement granted herein and agrees to do nothing which would impair, damage, or destroy said Easement. Grantee has the right to trim and cut down trees and shrubbery and to remove other improvements and structures to the extent reasonably necessary to prevent interference with the operation or repairs to Grantee’s facilities in the Easement Tracts, subject to Grantee’s restoration obligations set forth below.

MAINTENANCE:

Except for Grantee’s facilities, which Grantee shall maintain, Grantor shall maintain the Easement Tracts at its expense.

RESTORATION:

Grantee agrees to promptly restore any portion of the surface of the Easement Tracts, and any Permitted Improvements thereon disturbed by Grantee during its use of the Easement to the condition, or substantially to the condition, found prior to such activity.

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 _____, 2012.

GRANTOR:

CONTINENTAL HOMES OF TEXAS, L.P.
(a Texas limited partnership)

Address:
12554 Riata Vista Circle
Austin, Texas 78727

By: CHTEX of Texas, Inc
(a Delaware corporation)
its General Partner

By: _____
Richard Maier, Vice President

[SIGNATURES CONTINUE ON FOLLOWING PAGE]

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 TRAVIS §

This instrument was acknowledged before me on _____,
2012, by Richard Maier, Vice President of CHTEX of Texas, Inc., a Delaware
corporation, as general partner of Continental Homes of Texas, L.P., a Texas limited
partnership, on behalf of said corporation and limited partnership.

Notary Public Signature

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on _____,
2012, by Brandon Wade, City Manager of the City of Pflugerville, Texas, a Texas home-
rule municipality, on behalf of said municipality.

Notary Public Signature

AFTER RECORDING, RETURN TO:
City of Pflugerville
Engineering Dept.
P.O. Box 589
Pflugerville, Texas 78691

EXHIBIT "A"

EASEMENT TRACT

FIELD NOTES

JOB NO. 0584-34
DATE: April 2, 2012
PAGE 1 OF 2 (sketch attached)

0.03 ACRE

Being 0.03 acre of land situated in Travis County, Texas, out of the Thomas G. Stuart Survey No. 6, Abstract No. 689, and being a portion of that tract described as 61.29 acres in a Special Warranty Deed to Continental Homes of Texas, L.P., dated June 28, 2007 and recorded as Document No. 2007122920 of the Official Public Records of Travis County, Texas, and further described by metes and bounds as follows:

BEGINNING at a calculated point within said 61.29 acre tract for the northwest corner of this tract, from which a 1/2 inch iron pin with yellow cap inscribed "CS,LTD" found in the west line of said 61.29 acre tract, also being the northeast corner of Highland Park, Phase B, Section 2A as recorded in Document No. 200400308 of said official public records bears N 48°32'55" W 499.58 feet;

THENCE: over said 61.29 acre tract with the following four (4) courses:

1. S 62°25'25" E 50.00 feet to a calculated point for the northeast corner of this tract,
2. S 27°34'35" W 30.00 feet to a calculated point for the southeast corner of this tract, also being the northeast corner of proposed Highland Park, Phase B, Section 3, and the northeast corner of proposed Tallgrass Prairie Drive,
3. N 62°25'25" W 50.00 feet with the north line of proposed Highland Park, Phase B, Section 3, and with the northern terminus of said proposed Tallgrass Prairie Drive to a calculated point for the southwest corner of this tract, from which the said northeast corner of said Highland Park, Phase B, Section 2A bears N 45°15'34" W 507.61 feet,
4. N 27°34'35" E 50.00 feet to the Point of Beginning.

Bearings cited hereon based on Grid North Texas State Plane Coordinate System (Central Zone) NAD83.

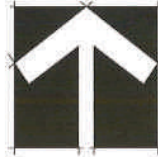
 04/02/2012
Brett A. Butts, R.P.L.S. No. 6254
Castleberry Surveying, Ltd.
3613 Williams Drive, Suite 903
Georgetown, Texas 78628



bab

EXHIBIT TO ACCOMPANY FIELD NOTES FOR
 0.03 ACRE OUT OF THE THOMAS G. STUART SURVEY NO. 6, ABSTRACT NO. 689
 TRAVIS COUNTY, TEXAS

BEARINGS CITED HEREON BASED
 ON GRID NORTH TEXAS STATE
 PLANE COORDINATE SYSTEM
 CENTRAL ZONE (NAD83)



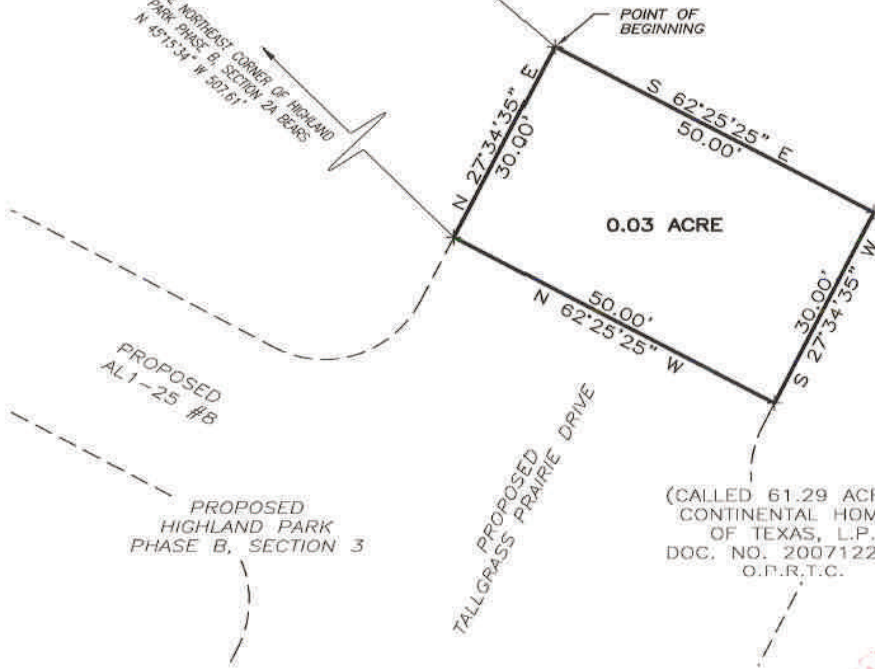
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 Scale: 1" = 20'

(CALLED 61.29 ACRES)
 CONTINENTAL HOMES
 OF TEXAS, L.P.
 DOC. NO. 2007122920
 O.P.R.T.C.

THE NORTHEAST CORNER OF HIGHLAND
 PARK PHASE B, SECTION 2A BEARS
 N 46°52'55" W 499.58'

THE NORTHEAST CORNER OF HIGHLAND
 PARK PHASE B, SECTION 2A BEARS
 N 46°15'34" W 501.61'

POINT OF
 BEGINNING



(CALLED 61.29 ACRES)
 CONTINENTAL HOMES
 OF TEXAS, L.P.
 DOC. NO. 2007122920
 O.P.R.T.C.

LEGEND	
+	CALCULATED POINT
O.P.R.T.C.	OFFICIAL PUBLIC RECORDS TRAVIS CO.

STATE OF TEXAS
 REGISTERED SURVEYOR
 BRETT A. BUTTS
 6254
Brett Butts
 04/02/2012

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	Castleberry Surveying, Ltd. 3613 Williams Drive, Suite 903 - Georgetown, Texas 78628 (512) 930-1600/(512) 930-9389 fax www.castleberrysurveying.com	SHEET 2 OF 2 (FIELD NOTES ATTACHED)
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EXHIBIT "B"

EASEMENT TRACT

FIELD NOTES

JOB NO. 0584-34
DATE: April 2, 2012
PAGE 1 OF 2 (sketch attached)

0.03 ACRE

Being 0.03 acre of land situated in Travis County, Texas, out of the Thomas G. Stuart Survey No. 6, Abstract No. 689, and being a portion of that tract described as 61.29 acres in a Special Warranty Deed to Continental Homes of Texas, L.P., dated June 28, 2007 and recorded as Document No. 2007122920 of the Official Public Records of Travis County, Texas, and further described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron pin with yellow cap inscribed "CS, LTD" found in the westerly line of said 61.29 acres, also being the northeast corner of Highland Park, Phase B, Section 2A as recorded in Document No. 200400308 of said official public records, and being the northwest corner of this tract;

THENCE: over said 61.29 acre tract with the following three (3) courses:

1. S 62°25'25" E 30.00 feet to a calculated point for the northeast corner of this tract,
2. S 27°34'35" W 50.00 feet to a calculated point for the southeast corner of this tract,
3. N 62°25'25" W 30.00 feet to a 1/2 inch iron pin with yellow cap inscribed "CS, LTD" found in the west line of said 61.29 acres, also being the east line of said Highland Park Phase B, Section 2A subdivision, for the southwest corner of this tract;

THENCE: N 27°34'35" E 50.00 feet with the west line of said 61.29 acre tract and the east line of said Highland Park, Phase B, Section 2A subdivision to the Point of Beginning.

Bearings cited hereon based on Grid North Texas State Plane Coordinate System (Central Zone) NAD83.

 04/02/12
Brett A. Butts, R.P.L.S. No. 6254
Castleberry Surveying, Ltd.
3613 Williams Drive, Suite 903
Georgetown, Texas 78628



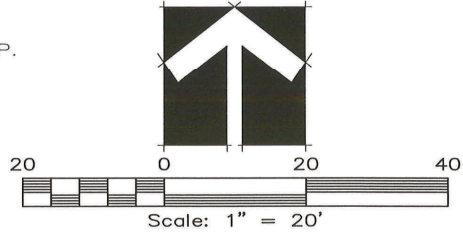
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EXHIBIT TO ACCOMPANY FIELD NOTES FOR
0.03 ACRE OUT OF THE THOMAS G. STUART SURVEY NO. 6, ABSTRACT NO. 689
 TRAVIS COUNTY, TEXAS

(CALLED 61.29 ACRES)
 CONTINENTAL HOMES OF TEXAS, L.P.
 DOC. NO. 2007122920
 O.P.R.T.C.

BEARINGS CITED HEREON BASED
 ON GRID NORTH TEXAS STATE
 PLANE COORDINATE SYSTEM
 CENTRAL ZONE (NAD83)



HIGHLAND PARK
 PHASE B, SECTION 2A
 DOC. NO. 200400308
 O.P.R.T.C.

0.03 ACRE



Brett A. Pitts
 04/02/2012

(CALLED 61.29 ACRES)
 CONTINENTAL HOMES OF TEXAS, L.P.
 DOC. NO. 2007122920
 O.P.R.T.C.

LEGEND	
●	1/2" IRON PIN FOUND w/YELLOW PLASTIC CAP "CCC4835"
+	CALCULATED POINT
O.P.R.T.C.	OFFICIAL PUBLIC RECORDS TRAVIS CO.



Castleberry Surveying, Ltd.
 3613 Williams Drive, Suite 903 - Georgetown, Texas 78628
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 www.castleberrysurveying.com

SHEET
2 OF **2**
 (FIELD NOTES ATTACHED)

EXHIBIT "C"
EASEMENT TRACT

FIELD NOTES

JOB NO. 0584-34
DATE: April 2, 2012
PAGE 1 OF 2 (sketch attached)

0.05 ACRE

Being 0.05 acre of land situated in Travis County, Texas, out of the Thomas G. Stuart Survey No. 6, Abstract No. 689, and being a portion of that tract described as 61.29 acres in a Special Warranty Deed to Continental Homes of Texas, L.P., dated June 28, 2007 and recorded as Document No. 2007122920 of the Official Public Records of Travis County, Texas, and further described by metes and bounds as follows:

BEGINNING at a calculated point within said 61.29 acre tract for the northwest corner of this tract, from which a 1/2 inch iron pin with yellow cap inscribed "CS, LTD" found in the westerly line of said 61.29 acre tract, also being the northeast corner of Highland Park, Phase B, Section 2A as recorded in Document No. 200400308 of said official public records bears N 31°50'40" W 638.85 feet;

THENCE: over said 61.29 acre tract with the following four (4) courses:

1. S 62°25'25" E 30.00 feet to a calculated point for the northeast corner of this tract,
2. S 27°34'35" W 74.00 feet to a calculated point for the southeast corner of this tract,
3. N 62°25'25" W 30.00 feet to a calculated point for the southwest corner of this tract, also being a point in the east line of proposed Highland Park, Phase B, Section 3, and proposed Tallgrass Prairie Drive, from which said northeast corner of said Highland Park, Phase B, Section 2A bears N 26°27'52" W 679.49' feet,
4. N 27°34'35" E 74.00 feet with the proposed east line of proposed Highland Park, Phase B, Section 3 to the Point of Beginning.

Bearings cited hereon based on Grid North Texas State Plane Coordinate System (Central Zone) NAD83.

Brett A. Butts 04/02/2012

Brett A. Butts, R.P.L.S. No. 6254
Castleberry Surveying, Ltd.
3613 Williams Drive, Suite 903
Georgetown, Texas 78628

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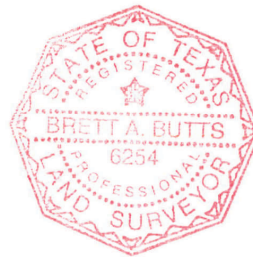
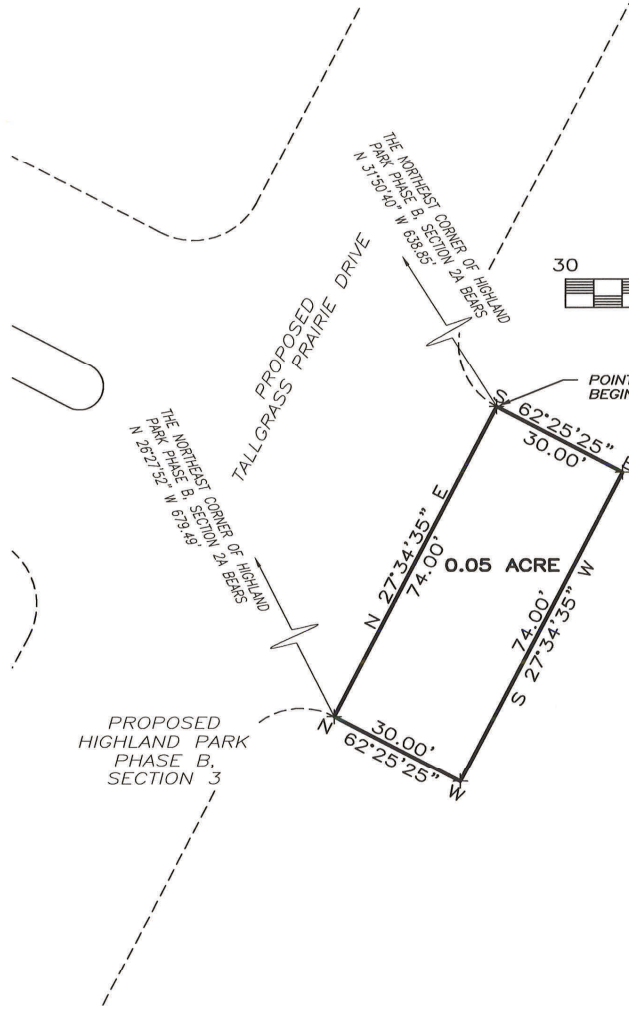
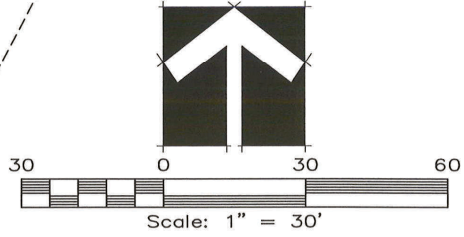


EXHIBIT TO ACCOMPANY FIELD NOTES FOR
 0.05 ACRE OUT OF THE THOMAS G. STUART SURVEY NO. 6, ABSTRACT NO. 689
 TRAVIS COUNTY, TEXAS

BEARINGS CITED HEREON BASED
 ON GRID NORTH TEXAS STATE
 PLANE COORDINATE SYSTEM
 CENTRAL ZONE (NAD83)



CONTINENTAL HOMES
 OF TEXAS, L.P.
 DOC. NO. 2007122920
 O.P.R.T.C.



Brett A. Butts
 04/02/2012

LEGEND	
●	1/2" IRON PIN FOUND w/YELLOW PLASTIC CAP "CCC4835"
+	CALCULATED POINT
O.P.R.T.C.	OFFICIAL PUBLIC RECORDS TRAVIS CO.

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 www.castleberysurveying.com

SHEET

2 OF 2
 (FIELD NOTES ATTACHED)