

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:

SORENTO HOLDINGS 2012 LLC, a Texas limited liability company ("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"), a permanent easement and right-of-way ("Permanent Easement") upon and across the property of Grantor which is more particularly described on Exhibit "A", and a temporary workspace easement ("Temporary Easement") more particularly described on Exhibit "B", attached hereto and incorporated herein by reference.

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 Permanent 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 Permanent Easement is an easement in gross.

PURPOSE OF EASEMENT:

The Permanent 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 Permanent 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.

The Temporary Easement as depicted on Exhibit "B" shall be used for any and all purposes incident to constructing the utilities contemplated to occupy the Permanent Easement granted herein, including but not limited to construction staging, equipment storage, temporary spoil storage, and access. The duration of said Temporary Easement shall not exceed twenty-four (24) months, commencing upon execution of this document and terminating upon the earlier of Grantee's completion of construction of utility lines within the Permanent Easement or the expiration of said twenty-four (24) months, whichever date first occurs.

DURATION OF PERMANENT EASEMENT:

The Permanent Easement shall be perpetual.

EXCLUSIVENESS OF EASEMENT:

The Permanent Easement shall be exclusive. Grantor shall have the right to access the utility facilities, provided such access complies with the applicable City of Pflugerville regulations, including without limitation applicable 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 Grantee's use of the Permanent Easement, including but not limited to landscaping, parking, driveways, signage and roadways, but excluding buildings or other permanent vertical structures.

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 Permanent and Temporary Easements 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 1st day of March, 2017 by:

GRANTOR:

SORENTO HOLDINGS 2012 LLC.

Per:



David Nairne
Vice President

AGREED AND ACCEPTED:

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

By: _____
Brandon Wade, City Manager

ATTEST:

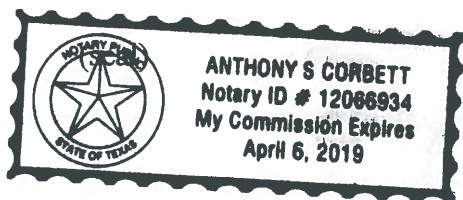
Karen Thompson, City Secretary

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on March 1st, 2017 by David Nairne, as Vice President and authorized signatory on behalf of SORENTO HOLDINGS 2012 LLC, a Texas limited liability company.



Notary Public Signature



THE STATE OF TEXAS §

§

COUNTY OF _____ §

This instrument was acknowledged before me on _____,
2015, by Brandon Wade, City Manager of the City of Pflugerville, Texas, a Texas home-
rule municipality, on behalf of said municipality.

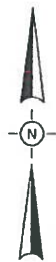
Notary Public Signature

(seal)

AFTER RECORDING, RETURN TO:

City of Pflugerville
Attn.: Amy Giannini, City Engineer
Public Works
P.O. Box 589
Pflugerville, Texas 78691

Dwg into: G:\Survey\PROJECTS\2015\1312-056-01 Pflugerville-Sorento-WL\CAU\CD\DWG\1312-056-01-Sorento-Perm Esmt-Sorento Holdings Rev 01.dwg - Tab: PG. 1 - Plotted: 4/8/2015 11:05 AM By: STACI HERBOLD



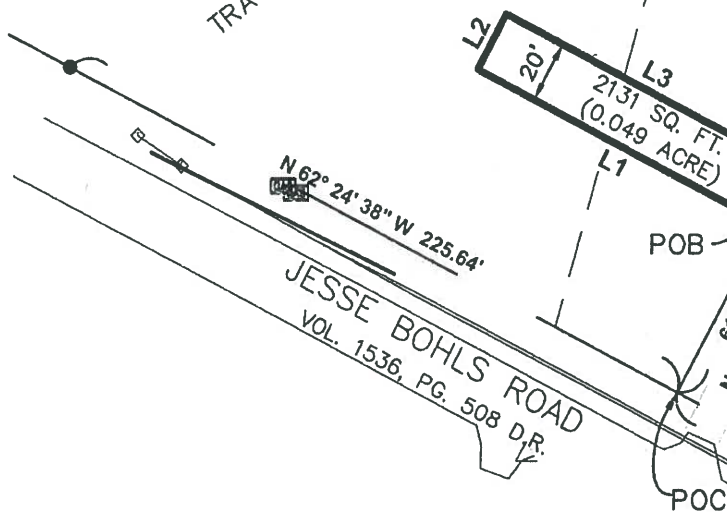
237.56 ACRES
TRACT 2
SORENTO HOLDINGS
2012 LLC
DOCUMENT #
2012164042 O.P.R.

J.B. BRAY SURVEY NO. 10
A - 73
TRAVIS COUNTY, TEXAS

VARIABLE WIDTH
GAS LINE
EASEMENT
DOC. NO.
2015013226
O.P.R.

WITH CAP
STAMPED
"CS LTD"

80.16 ACRES
ALLEN WAYNE VORWERK
VOL. 13123, PG. 929
R.P.R.
DESCRIBED IN
VOL. 291, PG. 60 D.R.



1" IRON
ROD FOUND
WITH ALUMINUM
CAP STAMPED
"SAM INC."

JESSE BOHLS ROAD
VOL. 1536, PG. 514 D.R.

SCALE



(IN FEET)
1 inch = 60 ft.

Mdc
8 Apr 2015

DATE 03-30-2015
REV. DATE: 04-08-2015
TBPLS FIRM REG 10046701

PROJECT: SORENTO_WWL
JOB NUMBER: 1312-056-01
DATE: 2015-04-08
SURVEYOR: M.A. ESCOBAR
PARTY CHIEF: N/A

CobbFendley

505 East Huntland Drive, Suite 485
Austin, Texas 78754-5136
512.834.9798 | fax 512.834.9553

Easement Exhibit " A "
Wastewater Easement
Description

PAGE 1 OF 2

| Line Table | | |
|------------|---------------|---------|
| Line # | Direction | Length |
| L1 | N 62°14'41" W | 106.57' |
| L2 | N 27°45'19" E | 20.00' |
| L3 | S 62°14'41" E | 106.51' |
| L4 | S 27°34'03" W | 20.00' |

LEGEND

- O.P.R. - OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
- D.R. - DEED RECORDS OF TRAVIS COUNTY, TEXAS
- R.P.R. - REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS
- POC - POINT OF COMMENCEMENT
- POB - POINT OF BEGINNING
- - 1/2" IRON ROD FOUND EXCEPT AS NOTED

ADDITIONAL MATTERS

1. POWERLINE EASEMENT, VOL. 551 PG. 431 D.R.
2. GAS EASEMENT, DOC. NO. 2015013226 O.P.R.
3. WATERLINE EASEMENT, VOL. 4822 PG 1483 D.R.
4. WATERLINE EASEMENT, VOL. 13316, PG. 105 R.P.R.
5. WATERLINE EASEMENT, VOL. 4823, PG. 1875 D.R.
6. PHASING AGREEMENT, DOCUMENT NO. 2012159682 O.P.R.
7. PHASING AGREEMENT, DOCUMENT NO. 2012164044 O.P.R.
8. DECLARATION OF COVENANTS, DOCUMENT NO. 2014075772 O.P.R.

REFERENCE IS HEREIN MADE TO THE METES AND BOUNDS DESCRIPTION OF THIS TRACT ACCOMPANYING THIS SKETCH.

THE SUBJECT TRACT DESCRIBED HEREIN IS AN EASEMENT, THEREFORE, NO MONUMENTS WERE SET FOR CORNERS.

BEARING REFERENCE: TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE (NAD_83 (2011)). ALL DISTANCES WERE ADJUSTED TO THE SURFACE USING A SURFACE ADJUSTMENT FACTOR OF 1.00010. (SURFACE = GRID X SURFACE ADJUSTMENT FACTOR)

I CERTIFY THAT THIS DESCRIPTION WAS PREPARED FROM A SURVEY MADE ON THE GROUND ON MARCH 19, 2015, UNDER MY SUPERVISION.

COBB, FENDLEY & ASSOCIATES, INC.

Miguel A. Escobar *Edgar 2015*

MIGUEL A. ESCOBAR, LSLS, RPLS
TEXAS REG NO. 5630

DATE 03-30-2015
REV. DATE: 04-08-2015



TBPLS FIRM REG 10046701

PROJECT: SORENTO WWL
JOB NUMBER: 1312-056-01
DATE: 2015-04-08
SURVEYOR: M.A. ESCOBAR
PARTY CHIEF: N/A

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Easement Exhibit " A "
Wastewater Easement
Description

PAGE 2 OF 2

Exhibit " " "
Page 1 of 2
April 7, 2015

0.049 Acre Wastewater Easement
J. B. Bray Survey No. 10
Abstract - 73
Travis County, Texas

DESCRIPTION

DESCRIPTION OF A 2131 SQUARE FOOT (0.049 ACRE) TRACT OF LAND SITUATED IN THE J. B. BRAY SURVEY NO. 10, ABSTRACT 73, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 237.56 ACRE TRACT DESCRIBED AS TRACT 2 IN A SPECIAL WARRANTY DEED CONVEYED TO SORENTO HOLDINGS 2012 LLC OF RECORD IN DOCUMENT NO. 2012164042, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 2131 SQUARE FOOT (0.049 ACRE) TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a point on the north right-of-way line of Jesse Bohls Road, described in Volume 1536, Page 508, and in Volume 1536, Page 514, Deed Records of Travis County, Texas, said point being on the common boundary line between said Tract 2 and a certain 80.16 acre tract, conveyed to Allen Wayne Vorwerk, in an Affidavit of Heirship of record in Volume 13123, Page 929, Real Property Records of Travis County and being described in Volume 291, Page 60, said Deed Records, from which point a 1/2 inch iron rod found on said north right-of-way line bears North 62°24'38" West, a distance of 225.64 feet and from said point a 1/2 inch iron rod found with an aluminum cap stamped "SAM INC" on the north right-of-way line of Jesse Bohls Road, described in Volume 1536, Page 514, said Deed Records, bears South 62°24'38" East, a distance of 811.71 feet;

THENCE, North 27°34'03" East, with the common boundary line between said Tract 2 and said 80.16 acre tract, a distance of 61.21 feet to the **POINT OF BEGINNING** of the herein described tract;

THENCE, over and across said Tract 2, the following three (3) courses and distances:

1. North 62°14'41" West, a distance of 106.57 feet to a point;
2. North 27°45'19" East, a distance of 20.00 feet to a point;
3. South 62°14'41" East, a distance of 106.51 feet to a point on said common boundary line, from which point a 1/2 inch iron rod found with cap stamped "CS LTD" bears North 27°34'03" East, a distance of 164.62 feet;

*MAJ
8 Apr 2015*

Exhibit " "

Page 2 of 2

April 7, 2015

0.049 Acre Wastewater Easement

J.B. Bray Survey No. 10

Abstract - 73

Travis County, Texas

THENCE, South 27°34'03" West, continuing with said common boundary line, a distance of 20.00 feet to the **POINT OF BEGINNING** and containing 2131 square feet (0.049 acres) of land within these metes and bounds.


Reference is herein made to the sketch of this tract accompanying this metes and bounds description.

The subject tract described herein is an easement, therefore no monuments were set for corners.

Bearings are based on the Texas Coordinate System of 1983, Central Zone (NAD_83 (2011)). All distances were adjusted to the surface using a Surface Adjustment Factor of 1.00010. (Surface = Grid X Surface Adjustment Factor)

I certify that this description was prepared from a survey made on the ground on March 19, 2015, under my supervision.

COBB, FENDLEY & ASSOCIATES, INC


Miguel A. Escobar, LSLS, RPLS
Texas Registration No. 5630
Date: 3-30-2015
Rev. Date: 4-8-2015



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237.56 ACRES
TRACT 2
SORENTO HOLDINGS
2012 LLC
DOCUMENT #
2012164042 O.P.R.

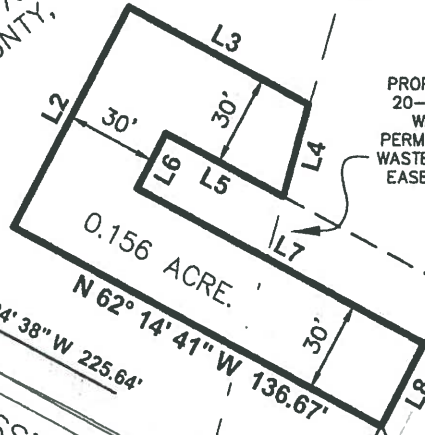
J.B. BRAY SURVEY NO. 10
A - 73
TRAVIS COUNTY, TEXAS

VARIABLE WIDTH
GAS LINE
EASEMENT
DOC. NO.
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WITH CAP
STAMPED
"CS LTD"

PROPOSED
20-FOOT
WIDE
PERMANENT
WASTEWATER
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80.16 ACRES
ALLEN WAYNE VORWERK
VOL. 13123, PG. 929 R.P.R.
DESCRIBED IN
VOL. 291, PG. 60 D.R.



JESSE BOHLS ROAD
VOL. 1536, PG. 508 D.R.

1" IRON
ROD FOUND
WITH ALUMINUM
CAP STAMPED
"SAM INC."

JESSE BOHLS ROAD
VOL. 1536, PG. 514 D.R.

SCALE
30 0 15 30 60
(IN FEET)
1 inch = 60 ft.

mdf
8 Apr 2015

DATE 03-30-2015
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PARTY CHIEF: N/A

CobbFendley

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Austin, Texas 78754-5136
512.834.9798 | fax 512.834.9553

Easement Exhibit "B"
Temporary Wastewater
Easement

PAGE 1 OF 2

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| Line Table | | |
|------------|---------------|---------|
| Line # | Direction | Length |
| L1 | N 27°34'03" E | 31.21' |
| L2 | N 27°45'19" E | 80.01' |
| L3 | S 62°14'41" E | 66.82' |
| L4 | S 15°22'44" W | 30.72' |
| L5 | N 62°14'41" W | 43.40' |
| L6 | S 27°45'19" W | 20.00' |
| L7 | S 62°14'41" E | 106.57' |
| L8 | S 27°34'03" W | 30.00' |

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- 8. DECLARATION OF COVENANTS, DOCUMENT NO. 2014075772 O.P.R.

I CERTIFY THAT THIS DESCRIPTION WAS PREPARED FROM A SURVEY MADE ON THE GROUND ON MARCH 19, 2015, UNDER MY SUPERVISION.

COBB, FENDLEY & ASSOCIATES, INC.

Miguel A. Escobar
MIGUEL A. ESCOBAR, LSLS, RPLS
TEXAS REG NO. 5630



DATE 03-30-2015
REV. DATE: 04-08-2015

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BEARING REFERENCE: TEXAS
COORDINATE SYSTEM OF 1983,
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ADJUSTMENT FACTOR OF 1.00010.
(SURFACE = GRID X SURFACE
ADJUSTMENT FACTOR)

TBPLS FIRM REG 10046701

| |
|-------------------------|
| PROJECT: SORENTO_WWL |
| JOB NUMBER: 1312-056-01 |
| DATE: 2015-04-08 |
| SURVEYOR: M.A. ESCOBAR |
| PARTY CHIEF: N/A |
| |
| |
| |
| |

**CobbFendley**

505 East Huntland Drive, Suite 485
Austin, Texas 78754-5136
512.834.9798 | fax 512.834.9553

Easement Exhibit " A "
Temporary Wastewater
Easement
PAGE 2 OF 2