

DRAINAGE EASEMENT

THE STATE OF TEXAS

§

KNOW ALL BY THESE PRESENTS:

COUNTY OF WILLIAMSON

§

§

That **CHRISTINE PETERSON** (herein after referred to as "Grantor"), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by **COUNTY OF WILLIAMSON, TEXAS**, a political subdivision of the State of Texas ("Grantee"), the receipt and sufficiency of which is hereby acknowledged, does hereby GRANT, SELL and CONVEY unto Grantee certain rights and interests in the nature of a perpetual drainage easement and right-of-way in, upon, over, under, above and across the following described property:

Being a 0.101 acre of land situated in the Robert McNutt Survey, Abstract No. 422, Williamson County, Texas; being a part of Lot 10, Block Two, Greenfields, a subdivision recorded in Cabinet D, Slides 166-167, plat records of Williamson County, Texas (P.R.W.C.T.); said 0.101 acre tract being described in Exhibit "A", attached hereto and incorporated herein (The "Easement Area").

The perpetual easement, right-of-way, rights and privileges herein granted shall be used for the purposes of operating, constructing and maintaining a permanent drainage easement and underground storm sewers, along with any structures, appurtenances, materials and grading which may be necessary, to facilitate the proper function of said storm sewers in, along, over, upon and across said premises described in Exhibit "A", together with the right and privilege of the Grantee herein, its agents, employees and representatives of ingress and egress to and from said premises from the adjacent right of way and property for the purpose of making any improvements, modifications or repairs which the Grantee deems necessary.

The perpetual easement, right-of-way, rights and privileges herein granted shall also encompass the right of Grantee to trim, cut, fell and remove therefrom all trees, underbrush, vegetation, and obstructions, structures or obstacles within the limits of the Easement Area, but only such as necessary to carry out the purposes of the easement; reserving to the landowners and their heirs and assigns, however, all such rights and privileges as may be used without interfering with or abridging the rights and purposes of the easement herein acquired by Grantee. In the event an Oak tree is to remain in the Easement Area, but limbs are required to be removed to carry out of the purposes of the easement, Grantee shall trim said limbs only under the direction of the City's Forestry Manager or another qualified arborist. Any such trees or vegetation cut by Grantee shall promptly be removed and properly disposed by Grantee.

Any notice required by this Easement shall be given by Grantee to Grantor in the following manner: at least seven (7) days prior to accessing the premises in order to exercise its rights under

this Easement, Grantee shall give written notice, by certified mail or e-mail to: 19 Evergreen Drive, Round Rock, Texas 78664.

Notwithstanding the foregoing, after completion of construction, Grantee shall endeavor to, but not be required to, give Grantor notice of access related to repair and/or maintenance of the storm sewers of an immediate nature made necessary by malfunction or failure. Furthermore, Grantee may perform inspection and/or internal maintenance of the storm sewers by entering the storm sewers with personnel and/or equipment below the surface of the Easement Area at any time without prior notification to Grantor.

In addition to the Easement, rights, and privileges herein granted, Grantee shall have the temporary right to use the surface of Grantor's adjacent property at two (2) locations limited to variable widths parallel and immediately adjacent to the Easement Area, and as further shown on the sketch which accompanies the description in Exhibit "A" attached hereto (the "Temporary Construction Easement"), to the extent necessary to construct and install the drainage facilities within the Easement Area. Grantee shall endeavor not to remove trees within the Temporary Construction Easement, excepting trees that prevent and/or obstruct reasonable use of the Temporary Construction Easement and/or access to the Temporary Construction Easement and/or the Easement Area by vehicles, equipment, and personnel during construction; and Grantee may trim and remove any limbs or portions of trees that overhang the Temporary Construction Easement that prevent or otherwise obstruct the use of the Temporary Construction Easement by vehicles, equipment, and personnel during construction. The duration of the Temporary Construction Easement shall be for a period of twelve (12) months from the date the Project begins on the Easement Area. Upon the completion of the construction, Grantee shall, as reasonably possible, restore the surface of the Temporary Construction Easement to the condition in which it was found before any such work was undertaken, and Grantee's right to use the Temporary Construction Easement shall thereupon terminate for all purposes.

To the extent allowed by law, Grantee shall indemnify Grantor against any loss and damage which shall be caused by the exercise of the rights of ingress and egress or by any wrongful or negligent act or omission of Grantee's agents or employees in the course of their employment. Grantee shall be responsible for the correction of, or compensation for, any damage to Grantor's property which is the result of actions outside the granted purposes of this easement.

TO HAVE AND TO HOLD the same, in perpetuity, in and to Grantee, and its successors and assigns, together with all and singular all usual and customary rights thereto in anywise belonging, and together with the right and privilege at any and all times to enter said premises, or any part thereof, for the purpose of constructing or maintaining said storm sewers and for making connections therewith.

Grantor does hereby bind its heirs, executors, administrators and assigns to WARRANT AND FOREVER DEFEND, all and singular, the said premises unto Grantee, its successors and assigns, or under Grantors, but not otherwise. This conveyance is made subject to every

person whomsoever lawfully claiming or to claim the same or any part thereof by, through existing matters of record affecting this Easement Area which are recorded in the Official Records of Williamson County, Texas.

The perpetual easement, right-of-way, rights and privileges granted herein are exclusive, and Grantor covenants not to convey any other easement or conflicting rights within the premises covered by this grant that interfere with the purpose or function of any improvements placed thereon, or the maintenance of the surface of the Easement Area for the conveyance of stormwater drainage without the express written consent of Grantee, which consent shall not be unreasonably withheld.

EXECUTED on this the ____ day of _____, 2019.

(signatures on the following page)

GRANTOR:

Christine Peterson
CHRISTINE PETERSON

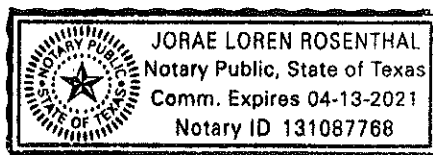
ACKNOWLEDGMENT

STATE OF TEXAS

COUNTY OF Williamson

This instrument was acknowledged before me on this the 18 day of July, 2019, by Christine Peterson, in the capacity and for the purposes and consideration recited herein.

Jorae L. Rosenthal
Notary Public, State of Texas
Printed Name: Jorae L Rosenthal
My Commission Expires: 4/13/2021



GRANTEE
COUNTY OF WILLIAMSON, TEXAS:

By: _____
Bill Gravell, Jr.
County Judge

ACKNOWLEDGMENT

STATE OF TEXAS

COUNTY OF WILLIAMSON

This instrument was acknowledged before me on this the ___ day of _____, 2019 by Bill Gravell, Jr., County Judge of Williamson County, Texas, in the capacity and for the purposes and consideration recited herein.

Notary Public, State of Texas
Printed Name: _____
My Commission Expires _____

After recording, please return to:

Sheets & Crossfield, P.L.L.C.
309 East Main Street
Round Rock, Texas 78664



EXHIBIT "A"

Variable Width Drainage Easement

METES AND BOUNDS DESCRIPTION OF A
0.101 ACRE TRACT OF LAND OUT OF THE
CHRISTINE PETERSON TRACT
LOCATED IN WILLIAMSON COUNTY, TEXAS

BEING A 0.101 ACRE TRACT OF LAND SITUATED IN THE ROBERT McNUTT SURVEY, ABSTRACT NO. 422, WILLIAMSON COUNTY, TEXAS; BEING A PART OF LOT 10, BLOCK TWO, GREENFIELDS, A SUBDIVISION RECORDED IN CABINET D, SLIDES 166-167, PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS (P.R.W.C.T.); SAID 0.101 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 1/2-inch rod found marking the common northeast corner of Lot 9, Block Two, of said subdivision and the northwest corner of said Lot 10, said point also being on the south right-of-way (R.O.W.) line of Evergreen Drive (50' R.O.W.);

THENCE (L1) North 89° 09' 51" East, with the common south R.O.W. line of said Evergreen Drive and the north line of said Lot 10, a distance of 116.73 feet for the **POINT OF BEGINNING** and northernmost northwest corner of the herein described tract, and having Texas Central State Plane Coordinate System grid values of N=10,165,599.80, E=3,154,448.32;

THENCE continuing with the common north line of said Lot 10 and the south R.O.W. line of said Evergreen Drive, (L2) **North 89° 09' 51" East**, a distance of **43.28 feet** to a calculated point for the common northeast corner of said Lot 10 and the northwest corner of Lot 11 of said Block Two, for the northeast corner of the herein described tract;

THENCE with the common east line of said Lot 10 and the west line of said Lot 11, **South 12° 14' 50" East**, a distance of **252.14 feet** to a calculated point for the common southeast corner of said Lot 10 and the southwest corner of said Lot 11, and being on the north line of Lot 12, Block A, Oak Bluff Estates, a subdivision recorded in Cabinet F, Slides 125-127, P.R.W.C.T., for the southeast corner of the herein described tract;

THENCE with the south line of said Lot 10, and partway with the north line of said Lot 12, Block A and partway with the north line of Lot 11 of said Block A, (L3) **South 89° 09' 51" West**, a distance of **33.00 feet** to a calculated point for the southernmost southwest corner of the herein described tract, and from which a 1/2-inch rod found marking the common southeast corner of said Lot 9, Block Two and the southwest corner of said Lot 10, Block Two bears South 89° 09' 51" West, at a distance of 177.00 feet;

THENCE traveling through the interior of said Lot 10, Block Two, the following six (6) calls:

1. (L4) **North 00° 50' 19" West**, a distance of **15.00 feet** to a calculated point for a corner of the herein described tract;
2. (L5) **North 89° 09' 51" East**, a distance of **9.00 feet** to a calculated point for a corner of the herein described tract;



Exhibit "A" continued
Description of a 0.101 acre tract

3. (L6) **North 00° 50' 09" West**, a distance of **28.09 feet** to a calculated point for a corner of the herein described tract;
4. **North 12° 14' 50" West**, a distance of **197.98 feet** to a calculated point for a corner of the herein described tract;
5. (L7) **South 89° 09' 51" West**, a distance of **30.00 feet** to a calculated point for a corner of the herein described tract;
6. (L8) **North 00° 50' 09" West**, a distance of **10.00 feet** to the **POINT OF BEGINNING** and containing 0.101 acre of land more or less, based on the survey and exhibit drawing made by CP&Y, Inc.

Temporary Construction Easements

In addition, it is intended to create two (2) variable width Temporary Construction Easements adjacent and parallel to the west line of the above-described Drainage Easement. These Temporary Construction Easements contain a computed area of 0.048 acre of land to the north and 0.065 acre of land to the south (combined area of 0.113 acre).

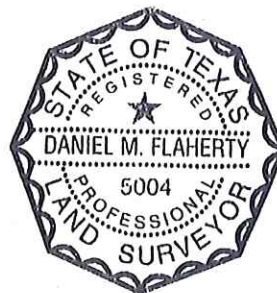
This metes and bounds description is accompanied by an exhibit drawing.

Basis of Bearings: Bearings are based on the Texas Central Zone Coordinate System, NAD '83 (HARN '93), which is based upon the Allterra Trimble RTK Network.

Surveyed in the field during April & May of 2019.



Daniel M. Flaherty, R.P.L.S. No. 5004
CP&Y, Inc.
One Chisholm Trail, Suite 130
Round Rock, Texas 78681
Ph. (512) 248-0065
TBPLS Firm No. 10194125



See attached Plat No. A-5194
1800899-A5194-FN03.doc

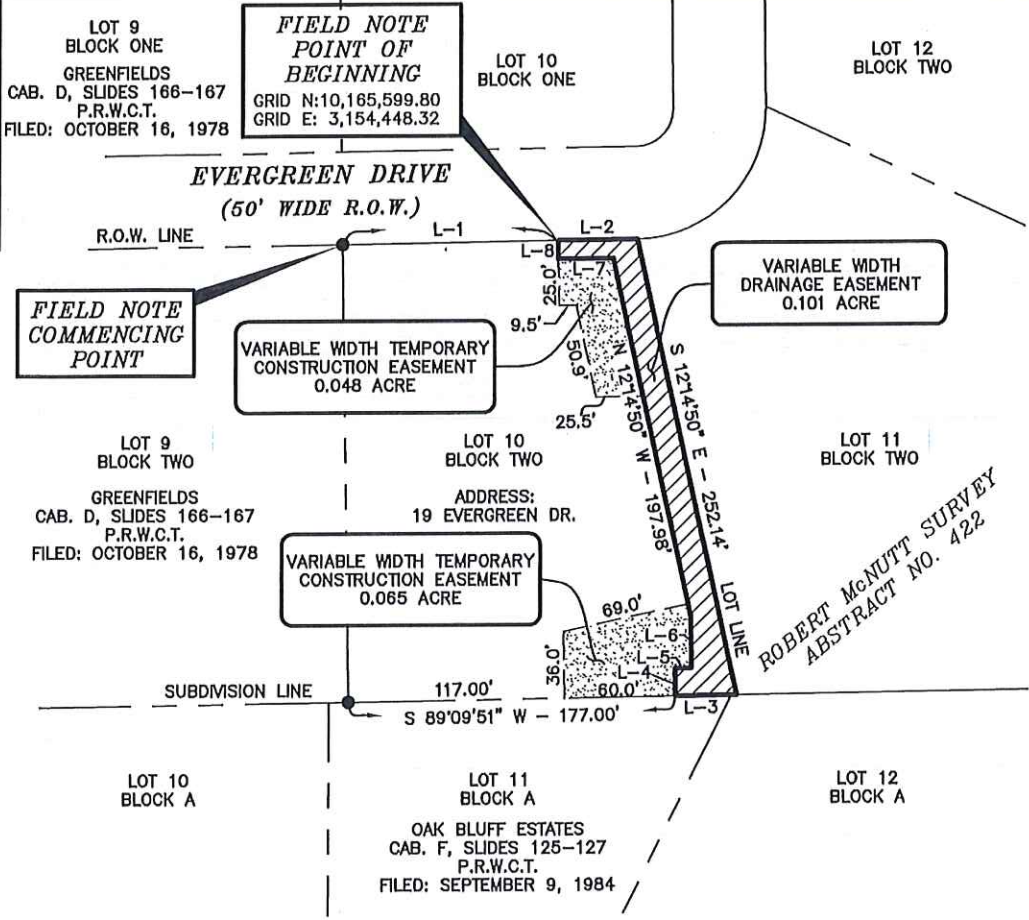
05-21-2019
Date

EXHIBIT "A"
DRAWING TO ACCOMPANY METES AND BOUNDS DESCRIPTION OF A
VARIABLE WIDTH (0.101 ACRE) DRAINAGE EASEMENT AND
TWO (2) VARIABLE WIDTH (0.048 ACRE AND 0.065 ACRE) TEMPORARY CONSTRUCTION EASEMENTS
LOCATED IN THE ROBERT McNUTT SURVEY, ABSTRACT NO. 422, WILLIAMSON COUNTY, TEXAS,
AND BEING PART OF LOT 10, BLOCK TWO, GREENFIELDS SUBDIVISION,
RECORDED IN CABINET D, SLIDES 166-167, PLAT RECORDS, WILLIAMSON COUNTY, TEXAS



SCALE: 1" = 100'

| LINE TABLE | | |
|------------|---------------|---------|
| LINE | BEARING | DIST. |
| L-1 | N 89°09'51" E | 116.73' |
| L-2 | N 89°09'51" E | 43.28' |
| L-3 | S 89°09'51" W | 33.00' |
| L-4 | N 00°50'09" W | 15.00' |
| L-5 | N 89°09'51" E | 9.00' |
| L-6 | N 00°50'09" W | 28.09' |
| L-7 | S 89°09'51" W | 30.00' |
| L-8 | N 00°50'09" W | 10.00' |



- GENERAL NOTES:**
- 1) ALL PROPERTY CORNERS FOUND ARE CONTROL MONUMENTS.
 - 2) SUBJECT TO ANY AND ALL COVENANTS, RESTRICTIONS, EASEMENTS AND CONDITIONS THAT MAY BE APPLICABLE.
 - 3) THIS DRAWING IS ACCOMPANIED BY A METES AND BOUNDS DESCRIPTION.
 - 4) BEARINGS ARE BASED ON THE TEXAS CENTRAL ZONE COORDINATE SYSTEM, NAD '83 (HARN '93), WHICH IS BASED UPON THE ALLTERRA TRIMBLE RTK NETWORK.

- LEGEND**
- = 1/2" IRON ROD FOUND (UNLESS OTHERWISE NOTED)
 - R.O.W. = RIGHT-OF-WAY
 - D.R.W.C.T. = DEED RECORDS WILLIAMSON COUNTY, TEXAS
 - P.R.W.C.T. = PLAT RECORDS WILLIAMSON COUNTY, TEXAS



1 Chisholm Trall, Suite 130, Round Rock, Texas 78681
 512.248.0065
 TEXAS REGISTERED ENGINEERING FIRM F-1741
 TBPLS 10194125

I HEREBY STATE THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF THAT THIS EXHIBIT AND THE SURVEY UPON WHICH IT IS BASED MEETS THE REQUIREMENTS FOR LAND SURVEYS IN THE STATE OF TEXAS.

Daniel M. Flaherty
 DANIEL M. FLAHERTY, R.P.L.S. NO. 5004



SURVEYED: APRIL 29, 2019 3 OF 3

SCALE PLAT NO. A-5194 DRAFT DATE 05-21-2019 DRAWN BY YYG

WORK ORDER NO. 1800899 FIELDBOOK 363 TAB # A-5194

DIGITAL FILE 1800899R-SURVEY- A5194 F/N # 1800899-FN03

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