

FILED AND RECORDED OFFICIAL PUBLIC RECORDS

Depra dimon- Hersadi Dyana Limon-Mercado, County Clerk Travis County, Texas Feb 07, 2023 03:33 PM Fee: \$114.00 2023012392 *Electronically Recorded*

ORIGINAL

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 UTILITY AND LIFT STATION EASEMENT

2023 20 23 DATE:

GRANTOR: OKRA LAND INC., a Texas corporation

GRANTOR'S MAILING ADDRESS:9505 Johnny Morris Road Austin, Travis County, Texas 78724

CITY OF MANOR, a Texas home rule municipality GRANTEE:

GRANTEE'S MAILING ADDRESS:

105 E. Eggleston Street Manor, Travis County, Texas 78653

LIENHOLDER: NONE

CONSIDERATION:

Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged.

PROPERTY:

A forty foot (40') wide wastewater utility easement being 3.961 acres, more or less, in the Sumner Bacon Survey No. 62, Travis County, Texas, being a portion of a 136.342 acre tract conveyed to H. Dalton Wallace in a Special Warranty dated November 21, 2013 and recorded in Document No. 2013210018 of the Official Public Records of Travis County, Texas; and an approximately 9,985 square foot lift station easement being 0.229 acres, more or less, in the Sumner Bacon Survey No. 62, Travis County, Texas, being a portion of a 136.342 acre tract conveyed to H. Dalton Wallace in a Special Warranty dated November 21, 2013 and recorded in Document No. 2013210018 of the Official Public Records of Travis County, Texas, said 3.961 acre tract and 0.229 acre tract being more particularly described in Exhibits "A" and "B" attached hereto and incorporated herein as if fully transcribed herein (collectively, the "Property").

EASEMENT PURPOSE:

The easement is dedicated to the public and used solely for the purpose of placing, constructing, installing, operating, repairing, maintaining, rebuilding, replacing, relocating and removing or causing to be placed, constructed, installed, operated, repaired, maintained, rebuilt, replaced, relocated and removed a lift station, structures, related facilities and appurtenances, and making connections thereto, or improvements reasonably necessary and useful for wastewater mains, lines and pipes, and the supplying of wastewater in, upon, under and across the Property and for maintaining the Property by clearing and removing vegetation, litter, and debris (the "Facilities").

GRANT OF EASEMENT:

GRANTOR, for the **CONSIDERATION** paid to **GRANTOR**, hereby grants, sells, and conveys to **GRANTEE**, its successors and assigns, an exclusive, perpetual easement for the Easement Purpose in, upon, under and across the **PROPERTY** more fully described and as shown in Exhibits "A" and "B" attached hereto (collectively the "Easement").

COVENANTS AND CONDITIONS:

This Easement is subject to the following covenants:

- 1. Grantor reserves the right to use the Property for all purposes that do not unreasonably interfere with or prevent Grantee's use of the Property as provided herein. Specifically, and without limiting the generality of the forgoing, Grantor has the right to place, construct, operate, repair, replace and maintain roadways, driveways, drainage, landscaping and signage on, in, under, over and across the Property, so long as such use does not unreasonably interfere with or prevent Grantee's use of the Property as provided herein. But Grantor may not construct any buildings or similar improvements on the Property. Grantor shall be responsible for the cost of replacing such improvements in the event the Grantee removes or alters the improvement to exercise Grantee's rights hereunder.
- 2. This Easement is granted and accepted subject to any and all easements, covenants, rights-of-way, conditions, restrictions, encumbrances, mineral reservations and royalty reservations, if any, relating to the Property to the extent and only to the extent, that the same may still be in force and effect, and either shown of record in the Office of the County Clerk of Travis County, Texas, or apparent on the ground.
- 3. Upon completing construction of the Facilities, Grantee shall restore the ground surface area within the Easement to substantially the same condition as it existed on the date Grantee first begins to use and occupy the area within the Easement.

TEMPORARY CONSTRUCTION EASEMENT:

In addition to the foregoing, and for the consideration set forth above, Grantor grants and conveys unto Grantee, its successors and assigns, a temporary work and construction easement (the "Temporary Construction Easement") in, on and across that portion of Grantor's adjacent property located within twenty-five (25) feet of the Property, containing 2.453 acres, more or less, located in Travis County, Texas said Temporary Construction

Easement being more fully described in Exhibit "C" attached here to and made a part hereof for all purposes. The Temporary Construction Easement is being granted to facilitate Grantee's construction of the Facilities to be constructed within the Property and is for the express purpose of providing for access to the Property as may be necessary for the construction, and all related work, of such Facilities. Grantor grants such Temporary Construction Easement to Grantee, its contractors, subcontractors, agents, engineers, and employees, with necessary equipment, to enter upon and have access to the Property, subject to the provision of this instrument. Upon the completion and acceptance by Grantee of Facilities to be constructed within the Property, this Temporary Construction Easement shall terminate and expire.

The covenants and terms of this Easement and Temporary Construction Easement are covenants running with the land, and inure to the benefit of, and are binding upon, Grantor, Grantee, and their respective heirs, executors, administrators, legal representatives, successors and assigns.

TO HAVE AND TO HOLD the above-described Easement and Temporary Construction Easement, together with all and singular the rights and appurtenances thereto in anywise belonging unto GRANTEE, and GRANTEE's successors and assigns forever; and GRANTOR does hereby binds itself, its heirs, executors, successors and assigns to WARRANT AND FOREVER DEFEND all and singular the Easement and Temporary Construction Easement unto GRANTEE, its successor and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof, subject to the exceptions set forth above.

When the context requires, singular nouns and pronouns include the plural.

IN WITNESS WHEREOF, this instrument is executed on the date first provided above.

[Separate signature pages follow this page]

GRANTOR:

Okra Land, Inc., a Texas Corporation

By: _

Dalton H. Wallace, President

THE STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me on this the <u>30</u> day of <u>50</u> day of <u>50</u> day of <u>50</u> day <u>50</u> day <u>50</u> day of <u>50</u> day <u>50</u> day <u>50</u> day of <u>50</u> day <u>50</u>

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GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the <u>30th</u> day of January 20<u>23</u>.

(SEAL)



Notary/Public-State of Texas My commission expires: <u>528</u>2023

ACCEPTED:

GRANTEE: City of Manor, Texas:

By: Dr Christopher Harvey, Mayor

THE STATE OF TEXAS

COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this the day of <u>February</u> 203, personally appeared Dr. Christopher Harvey, Mayor of the City of Manor, Grantee herein, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

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(SEAL)

LLUVIA T. ALMARAZ Notary Public, State of Texas Comm. Expires 10-25-2025 Notary ID 11988227

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Notary Public-State of Texas My commission expires: $\boxed{0.35-3055}$

City of Manor, Texas

AFTER RECORDING RETURN TO:

Attn: City Secretary 105 E. Eggleston Street Manor, Texas 78653 <u>Exhibit "A"</u> [ATTACHED]

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Professional Land Surveying, Inc. Surveying and Mapping Office: 512-443-1724 Fax: 512-389-0943

3500 MoCall Lane Austin, Texas 78744

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EXHIBIT "__A___"

PORTION OF 136.342 AC. H. DALTON WALLACE (WASTEWATER EASEMENT)

3.961 ACRES SUMNER BACON SURVEY NO. 62 TRAVIS COUNTY, TEXAS

A DESCRIPTION OF 3.961 ACRES (APPROXIMATELY 172,537 SQ. FT.) IN THE SUMNER BACON SURVEY NO. 62, TRAVIS COUNTY, TEXAS, BEING A PORTION OF A 136.342 ACRE TRACT CONVEYED TO H. DALTON WALLACE IN A SPECIAL WARRANTY DEED DATED NOVEMBER 21, 2013 AND RECORDED IN DOCUMENT NO. 2013210018 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 3.961 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch rebar found for the southeast corner of said 136.342 acre tract, being the south corner of a 0.896 acre tract described in Document No. 2004019177 of the Official Public Records of Travis County, Texas, also being the west line of a 32.950 acre tract described in Document No. 2020230923 of the Official Public Records of Travis County, Texas, being the approximate centerline of Manor and Taylor Lane as shown in Travis County Road Book, Precinct 1, Page 72, also being a portion of an abandoned county road referenced in Documents Nos. 2000046321, 2001205199 and 202100182, all of the Official Public Records of Travis County, Texas;

THENCE North 63°25'37" West, with the south line of the 136.342 acre tract, being the north line of said abandoned road, a distance of 25.86 feet to a fencepost found for the northeast comer of Lot 38, Block P, Shadowglen Phase 2, Sections 25-26, a subdivision of record in Document No. 202100182 of the Official Public Records of Travis County, Texas;

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THENCE North 62°07'10" West, continuing with the south line of the 136.342 acre tract, being the north line of said Lot 38, the north line of Lot 1, Block P of said Shadowglen Phase 2, Sections 25-26, the north terminus of Silent Falls Lane (60' right-of-way width) as described in Document No. 202100181 of the Official Public Records of Travis County, Texas, the north line of Lot 24, Block T of Shadowglen Phase 2, Section 28, a subdivision of record in said Document No. 202100181, the North Terminus of Caldera Way (50' right-of-way width) as described in Document No. 202100181, the North Terminus of Caldera Way (50' right-of-way width) as described in Document No. 202100181, and a portion of the north line of Lot 1, Block F, Shadowglen Phase 2, Sections 27A-27B described in Document No. 202100183 of the Official Public Records of Travis County, Texas, a distance of **3056.52 feet** to a calculated point;

THENCE North 27°45'30" East, crossing the 136.342 acre tract, a distance of 1297.11 feet to a calculated point in the north line of the 136.342 acre tract, being the south line of a 123.550 acre tract described in Document No. 2021275494 of the Official Public Records of Travis County, Texas, from which a 1/2 inch rebar with "Chaparral" cap found for an angle point in the north line of the 136.342 acre tract, being the south line of said 123.550 acre tract, bears North 62°14'29" West, a distance of 254.86 feet;

THENCE South 62°14'29" East, with the north line of the 136.342 acre tract, being the south line of the 123.550 acre tract, a distance of 40.00 feet to a calculated point;

THENCE crossing the 136.342 acre tract the following two (2) courses and distances:

- 1. South 27°45'30" West, a distance of 1257.19 feet to a calculated point;
- South 62°07'10" East, a distance of 3041.88 feet to a calculated point in the east line of the 136.342 acre tract, being the west line of said 0.896 acre tract, also being the approximate centerline of said Manor and Taylor Lane;

THENCE South 27°02'56" West, with the east line of the 136.342 acre tract, being the west line of said 0.896 acre tract, also being the approximate centerline of said Manor and Taylor Lane a distance of 39.41 feet to the POINT OF BEGINNING, of herein described tract, containing 3.961 acres of land, more or less.

Surveyed on the ground December, 2021. Bearing basis: The Texas Coordinate System of 1983 (2011), Central Zone, based on GPS solutions from the National Geodetic Survey (NGS) On-Line Positioning User Service (OPUS). Attachments: 496-002-WWE

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Steven P. Timberlake 0.12, 2022 Registered Professional Land Surveyor State of Texas No. 6240 T.B.P.E.L.S. Firm No. 10124500



496-002-WWE



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Exhibit "B"

[ATTACHED]

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Professional Land Surveying, Inc. Surveying and Mapping Office: 512-443-1724 Fex: 512-389-0943

3500 McCall Lane Austin, Texas 78744

EXHIBIT "_____"

· PORTION OF 136.342 AC. H. DALTON WALLACE (WASTEWATER EASEMENT)

0.229 ACRES SUMNER BACON SURVEY NO. 62 TRAVIS COUNTY, TEXAS

A DESCRIPTION OF 0.229 ACRES (APPROXIMATELY 9,985 SQ. FT.) IN THE SUMNER BACON SURVEY NO. 62, TRAVIS COUNTY, TEXAS, BEING A PORTION OF A 136.342 ACRE TRACT CONVEYED TO H. DALTON WALLACE IN A SPECIAL WARRANTY DEED DATED NOVEMBER 21, 2013 AND RECORDED IN DOCUMENT NO. 2013210018 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.229 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 1/2 inch rebar found for the southeast corner of said 136.342 acre tract, being the south corner of a 0.896 acre tract described in Document No. 2004019177 of the Official Public Records of Travis County, Texas, also being the west line of a 32.950 acre tract described in Document No. 2020230923 of the Official Public Records of Travis County, Texas, being the approximate centerline of Manor and Taylor Lane as shown in Travis County Road Book, Precinct 1, Page 72, also being a portion of an abandoned county road referenced in Documents Nos. 2000046321, 2001205199 and 202100182, all of the Official Public Records of Travis County, Texas;

THENCE North 63°25'37" West, with the south line of the 136.342 acre tract, being the north line of said abandoned road, a distance of 25.86 feet to a fencepost found for the northeast corner of Lot 38, Block P, Shadowglen Phase 2, Sections 25-26, a subdivision of record in Document No. 202100182 of the Official Public Records of Travis County, Texas;

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THENCE North 62°07'10" West, with the south line of the 136.342 acre tract, being the north line of said Lot 38, the north line of Lot 1, Block P of said Shadowglen Phase 2, Sections 25-26, the north terminus of Silent Falls Lane (60' right-of-way width) as described in Document No. 202100181 of the Official Public Records of Travis County, Texas, the north line of Lot 24, Block T of said Shadowglen Phase 2, Section 28, a subdivision of record in said Document No. 202100181, the North Terminus of Caldera Way (50' right-of-way width) as described in Document No. 202100181, and a portion of the north line of Lot 1, Block F, Shadowglen Phase 2, Sections 27A-27B described in Document No. 202100183 of the Official Public Records of Travis County, Texas, a distance of 3056.82 feet to a calculated point;

THENCE crossing the 136.342 acre tract the following five (5) courses and distances:

- 1. North 27°52'50" East, a distance of 144.19 feet to a calculated point for the POINT OF BEGINNING of herein described tract;
- 2. North 62°07'10" West, a distance of 100.00 feet to a calculated point;
- 3. North 27°45'30" East, a distance of 99.74 feet to a calculated point;
- 4. South 62°14'30" East, a distance of 100.00 feet to a calculated point, from which a 1/2 inch rebar with "Chaparral" cap found for an angle point in the north line of the 136.342 acre tract, being the south line of a 123.550 acre tract described in Document No. 2021275494 of the Official Public Records of Travis County, Texas, bears North 14°09'07" East, a distance of 1083.37 feet;
- South 27°45'30" West, a distance of 99.96 feet to the POINT OF BEGINNING, of herein described tract, containing 0.229 acres of land, more or less.

Surveyed on the ground December 2021. Bearing basis: The Texas Coordinate System of 1983 (2011), Central Zone, based on GPS solutions from the National Geodetic Survey (NGS) On-Line Positioning User Service (OPUS). Attachments: 496-002-WWE2

Steven P. Timberlake Registered Professional Land Surveyor State of Texas No. 6240 T.B.P.E.L.S. Firm No. 10124500

CITYON P TRANSPORT

496-002-WWE2

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Exhibit "C"

[ATTACHED]



Professional Land Surveying, Inc. Surveying and Mapping Office: 512-443-1724 Fax: 512-389-0943

3500 McCall Lane Austin, Texas 78744

EXHIBIT "____"

PORTION OF 136.342 AC. H. DALTON WALLACE (TEMPORARY CONSTRUCTION EASEMENT)

2.453 ACRES SUMNER BACON SURVEY NO. 62 TRAVIS COUNTY, TEXAS

A DESCRIPTION OF 2.453 ACRES (APPROXIMATELY 106,849 SQ. FT.) IN THE SUMNER BACON SURVEY NO. 62, TRAVIS COUNTY, TEXAS, BEING A PORTION OF A 136.342 ACRE TRACT CONVEYED TO H. DALTON WALLACE IN A SPECIAL WARRANTY DEED DATED NOVEMBER 21, 2013 AND RECORDED IN DOCUMENT NO. 2013210018 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 2.453 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 1/2 inch rebar found for the southeast corner of said 136.342 acre tract, being the south corner of a 0.896 acre tract described in Document No. 2004019177 of the Official Public Records of Travis County, Texas, also being the west line of a 32.950 acre tract described in Document No. 2020230923 of the Official Public Records of Travis County, Texas, being the approximate centerline of Manor and Taylor Lane as shown in Travis County Road Book, Precinct 1, Page 72, also being a portion of an abandoned county road referenced in Documents Nos. 2000046321, 2001205199 and 202100182, all of the Official Public Records of Travis County, Texas;

THENCE North 27°02'56" East, with the east line of the 136.342 acre tract, being the west line of said 0.896 acre tract, also being the approximate centerline of said Manor and Taylor Lane, a distance of 39.41 feet to a calculated point for the POINT OF BEGINNING of herein described tract;

THENCE crossing the 136.342 acre tract the following two (2) courses and distances:

1. North 62°07*10" West, a distance of 3041.88 feet to a calculated point;

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2. North 27°45'30" East, a distance of 1257.19 feet to a calculated point in the north line of the 136.342 acre tract, being the south line of a 123.550 acre tract described in Document No. 2021275494 of the Official Public Records of Travis County, Texas, from which a 1/2 inch rebar with "Chaparral" cap found for an angle point in the north line of the 136.342 acre tract, being the south line of said 123.550 acre tract, bears North 62°14'29" West, a distance of 294.86 feet;

THENCE South 62°14'29" East, with the north line of the 136.342 acre tract, being the south line of the 123.550 acre tract, a distance of 25.00 feet to a calculated point;

THENCE crossing the 136.342 acre tract the following two (2) courses and distances:

- 1. South 27°45'30" West, a distance of 1232.25 feet to a calculated point;
- South 62°07'10" East, a distance of 3016.57 feet to a calculated point in the east line of the 136.342 acre tract, being the west line of said 0.896 acre tract, also being the approximate centerline of said Manor and Taylor Lane;

THENCE South 27°02'56" West, with the east line of the 136.342 acre tract, being the west line of said 0.896 acre tract, also being the approximate centerline of said Manor and Taylor Lane a distance of 25.00 feet to the POINT OF BEGINNING, of herein described tract, containing 2.453 acres of land, more or less.

Surveyed on the ground December 2021. Bearing basis: The Texas Coordinate System of 1983 (2011), Central Zone, based on GPS solutions from the National Geodetic Survey (NGS) On-Line Positioning User Service (OPUS). Attachments: 496-002-TCE

Steven P. Timberlake 817200 Registered Professional Land Surveyor State of Texas No. 6240 T.B.P.E.L.S. Firm No. 10124500



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