MAPSCO Page

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**NOTICE OF CONFIDENTIALITY RIGHTS: If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: your Social Security number or your driver’s license number.**

**EXCLUSIVE WATER LINES SUBTERRANEAN TUNNEL**

**EASEMENT**

**Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Grantor: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Grantor’s Address:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 \_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_ County, \_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_

**City: City of Austin, Texas**, a Texas home-rule municipal corporation situated in the counties of Hays, Travis, and Williamson

**City’s Address:** P.O. Box 1088

 Austin, Travis County, Texas 78767-1088

**Easement Tract:** All that parcel of land situated in \_\_\_\_\_\_\_\_\_\_\_\_ County, Texas, containing \_\_\_\_\_\_\_\_\_ acres (approximately \_\_\_\_\_\_\_\_\_ square feet) being a portion of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, as more particularly described in the attached **Exhibit A** that is above the elevation of +/- \_\_\_\_\_\_\_\_\_\_ feet, as more particularly shown in the attached **Exhibit B** based on the North American Vertical Datum of 1988 (NAVD88)

**Easement Duration:** Perpetual

**Easement Purpose:** To access, install, construct, operate, use, maintain, repair, modify, upgrade, monitor, inspect, replace, make connections with, remove, and decommission by means of trench-less construction without surface disturbance the Facilities

**Facilities:** Raw, reclaimed and potable water lines with all associated appurtenances in a subterranean tunnel

**Permitted Encumbrances:** Any easements, liens, encumbrances, and other matters not subordinated to the Easement Tract and of record in the Real Property Records of the Texas county in which the Easement Tract is located that are valid, existing, and affect the Easement Tract as of the Date

Grantor, for **Ten and no/100 Dollars ($10.00)** and other good and valuable consideration paid to Grantor, the receipt and sufficiency of which is acknowledged by Grantor, **grants, sells, and conveys** to the City an exclusive easement within and through the Easement Tract for the Easement Purpose as may be necessary or desirable subject to the Permitted Encumbrances, together with (i) the right of ingress and egress at all times within and through the Easement Tract for use of the Easement Tract for the Easement Purpose, (ii) the right to eliminate any encroachments in the Easement Tract, and (iii) any and all rights and appurtenances pertaining to use of the Easement Tract (collectively, the "**Easement**").

**to have and to hold** the Easement to the City and City’s successors and assigns for the Easement Duration and Easement Purpose; provided, however, Grantor reserves the right to enter upon and use any portion of the property either above or below the Easement Tract so long as the entry or use does not interfere in any material way or is not inconsistent with the rights granted the City under this Easement for the Easement Purpose as determined by City in its reasonable discretion. City shall not be obligated to restore or replace any improvements which have been removed, relocated, altered, damaged, or destroyed as a result of City’s use of the Easement Tract.

Grantor binds Grantor and Grantor’s heirs, successors, and assigns to **warrant and forever defend** the title to the Easement, subject to the Permitted Encumbrances, to the City against every person whomsoever lawfully claiming or to claim the Easement Tract or any part of the Easement Tract when the claim is by, through, or under Grantor, but not otherwise.

Except where the context otherwise requires, *Grantor* includes *Grantor's heirs, successors, and assigns* and *City* includes *City's employees, agents, consultants, contractors, successors and assigns*; and where the context requires, singular nouns and pronouns include the plural.

*--- The remainder of this page is intentionally blank ---*

Executed effective the Date first above stated.

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,**

**a \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**State of** **\_\_\_\_\_\_\_\_\_\_\_\_      §**

**County of** **\_\_\_\_\_\_\_\_\_\_      §**

Before me, the undersigned notary, on this day personally appeared \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, a \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, known to me through valid identification to be the person whose name is subscribed to the preceding instrument and acknowledged to me that the person executed the instrument in the person’s official capacity for the purposes and consideration expressed in the instrument.

Given under my hand and seal of office on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

 [Seal]

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Notary Public, State of \_\_\_\_\_\_\_\_\_\_\_

**Approved as to Form: Reviewed:**

City of Austin, Texas City of Austin, Texas

Law Department Austin Water Utility

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Title: Assistant City Attorney Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

After attaching the required exhibits to this instrument,

the following appropriate documents also need to be attached:

A. Determine whether the instrument is executed by an individual or a legal entity

Affidavit of No Liens (entity)

Affidavit of No Liens (individual)

B. Determine whether there is a lien holder by providing an Ownership and Lien search certificate from a Title Company that shows:

1. All owners of record

2. All lienholders of record, which hold current liens OR a statement that there are no liens

3. A property legal description

Lien Holder Consent

C. Determine whether there is a tenant on the property:

Consent by Tenant

D. Provide the following recording page:

Recording Page