

RESOLUTION 22-1958

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, ACCEPTING A TWENTY FOOT EASEMENT DEDICATED BY HINES FOR WATERLINE ACCESS TO A WATERLINE SERVING LAKESIDE AT TESSERA.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, THAT:

WHEREAS, Hines has constructed a water line extension in a new area of their property to serve the development; and

WHEREAS, upon completion, the waterline will be dedicated to the public; and

WHEREAS, the City will need to access the area to maintain and repair the water line over time and thus Hines is dedicating a twenty foot easement to the city to provide such access; and

BE IT RESOLVED that the easement being 0.158 acres (6,903 square feet) out of the F.F. Faubion Survey No. 97, Abstract No 2541 as further described in Attachment "A" is hereby accepted.

PASSED AND APPROVED by the City Council of the City of Lago Vista this the 11th day of October, 2022.

by: _____

Kevin Sullivan, MAYOR PRO-TEM

ATTEST:

Lucy Aldrich
Lucy Aldrich, CITY SECRETARY



On a motion by Councilmember Hunt, seconded by Councilmember Roberts, the above and foregoing instrument was passed and approved.

ATTACHMENT "A"

Easement with survey and metes and bounds description exhibits



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.

PERMENANT WATERLINE EASEMENT

Date:

October 11, 2022

Grantor:

**HINES LAKE TRAVIS LAND II, LIMITED
PARTNERSHIP, a Texas limited partnership**

Grantor's Address:

811 Main Street, Suite 4100
Houston, Texas 77008

Grantee (or "the City"):

**CITY OF LAGO VISTA, Texas, a municipality situated in
Travis County**

Grantee, the City's Address:

5803 Thunderbird, Lago Vista, TX 78645

Easement Tract:

Being that 0.158 acre (6,903 square feet) tract of land out
of F.F. Faubion Survey No. 97, Abstract No. 2541,
Travis County, Texas, being more
particularly described in the survey plat and metes and bounds
description attached hereto respectively as **Exhibits "A" and
"B"** and incorporated herein.

Easement Duration:

Perpetual

Easement Purpose:

To install, construct, operate, use, maintain, repair, modify,
upgrade, monitor, inspect, replace, make connections with,
and/or remove the Facilities.

Facilities:

Underground public waterlines and related facilities and
equipment, including connections therewith ("the Facilities"),
necessary or desirable for the operation and maintenance of all
types of public waterlines and with all associated appurtenances.

Non-Permitted Activity:

Installation, construction, operation, use, maintenance, repair,
modification, upgrade, and replacement of any structure,
foundation, building, retaining wall, detention or other similar
improvement in the Easement Tract, including the installation,

construction, operation, use, maintenance, repair, modification, upgrade, and replacement of any improvement, encroachment or Permitted Encumbrance of any kind which would impair City's access to the Facilities as determined by the City in its sole discretion.

Repairable Improvements: Improvements that do not interfere in any material way or are not inconsistent with the rights granted the City under this Easement for the Easement Purpose as determined by the City in its sole discretion.

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 easement in, over, under, on, and across the Easement Tract for the Easement Purpose as may be necessary or desirable, together with (i) the right of ingress and egress at all times over, on, and across the Easement Tract for use of the Easement Tract for the Easement Purpose, (ii) the right to eliminate any encroachments in the Easement Tract that interfere in any material way or are inconsistent with the rights granted the City under this instrument for the Easement Purpose as determined by the City in its sole discretion, including without limitation the City's right to remove any obstructions as necessary to keep the obstructions clear of the Facilities, 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 Easement Tract, but in no event shall Grantor enter upon or use any portion of the Easement Tract for any Non-Permitted Activity or in any other manner that interferes in any material way or is inconsistent with the rights granted the City under this Easement for the Easement Purpose as determined by City in its sole discretion.

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 the *City* includes the *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.

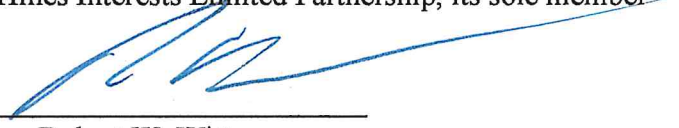
GRANTOR:

HINES LAKE TRAVIS LAND II LIMITED PARTNERSHIP, a Texas limited partnership

By: Hines Lake Travis II GP LLC, its general partner

By: Hines Interests Limited Partnership, its sole member

DL

By: 
Name: Robert W. Witte
Title: Senior Managing Director

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

This instrument was acknowledged before me on October 25, 2022, by Robert W. Witte, the Senior Managing Director of Hines Interests Limited Partnership, in its capacity as sole member of Hines Lake Travis II GP LLC, in its capacity as general partner of Hines Lake Travis Land II Limited Partnership, on behalf of said entities.





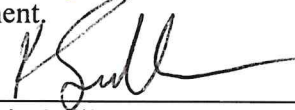
Notary Public, in and for the State of Texas

SEAL

GRANTEE:

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

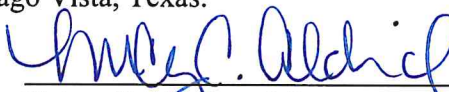
The City of Lago Vista, Texas, a body politic and political subdivision of the State of Texas did at a regular meeting with a quorum being present, on October 11, 2022 vote to authorize the acceptance of this dedication of the Easement.



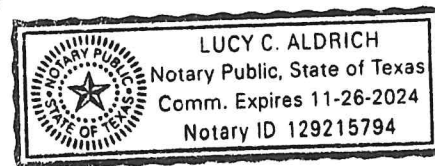
Kevin Sullivan, Mayor Pro-Tem

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on October 20, 2022 by Kevin Sullivan, in his capacity as Mayor Pro-Tem of the City of Lago Vista, Texas.



Notary Public in and for
The State of Texas



AFTER RECORDING RETURN TO

Lucy Aldrich
City Secretary
City of Lago Vista, Texas
5803 Thunderbird Drive Lago
Vista, Texas 78645

EXHIBIT "A"

SURVEY ~~PLAT~~ OF EASEMENT PROPERTY

Recorders Memorandum-At the time of recordation this instrument was found to be inadequate for the best reproduction, because of illegibility, carbon or photocopy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

EXHIBIT 'A'

LOT 92, BLOCK B,
TESSERA ON LAKE TRAVIS
PHASE 1A
DOCUMENT NO. 201400071
O.P.R.T.C.T.

TESSERA PARKWAY
(VARIABLE WIDTH RIGHT OF WAY PER INSTRUMENT NO. 201400071, O.P.R.T.C.T.)

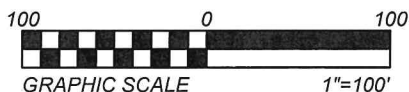
2-X H.O.A., BLOCK C,
TESSERA ON LAKE TRAVIS PHASE 1A
DOCUMENT NO. 201400071, O.P.R.T.C.T.

10' PUBLIC UTILITY EASEMENT
DOCUMENT NO. 201400071
O.P.R.T.C.T.

LOT 1, BLOCK A,
TESSERA ON LAKE TRAVIS
PHASE 1A
DOCUMENT NO. 201400071
O.P.R.T.C.T.

VARIABLE WIDTH
CRITICAL WATER QUALITY
BUFFER ZONE
DOCUMENT NO. 201400071
O.P.R.T.C.T.

TRACT 4A
HINES LAKE TRAVIS LAND II
LIMITED PARTNERSHIP
DOCUMENT NO. 2017190470,
O.P.R.T.C.T.



POINT OF BEGINNING
FD COTTON SPINDLE
SET COTTON SPINDLE
S 46°22'27"E 80.01'
N 48°47'18"E 20.08'
S 46°22'27"E 81.82'

35' RIGHT OF WAY DEDICATION
DOCUMENT NO. 201300034,
O.P.R.T.C.T.

20' WIDE CITY OF LAGO VISTA
WATER LINE EASEMENT
6,903 SQUARE FEET OR
0.158 ACRES (SHADED)

R=1406.43'
L=262.21'
CB=S 41°01'59" E
CD=261.83'
R=1386.43'
L=266.21'
CB=S 40°52'24" E
CD=265.80'

30' x 200' CHANNEL EASEMENT
VOLUME 1341 PAGE 271
D.R.T.C.T.

F.M. ROAD 1431
(100' RIGHT OF WAY PER VOLUME
1341, PAGE 438, D.R.T.C.T.)

FD 1/2" REBAR WITH RED
PLASTIC CAP STAMPED
"FOREST 1847"

FD 1/2" REBAR WITH YELLOW
PLASTIC CAP STAMPED
"HAYNIE CONSULTING"

FD 1" REBAR

F.F. FAUBION SURVEY NO. 97
ABSTRACT NO. 2541

CITY OF LAGO VISTA
DOCUMENT NO.
2004005156
O.P.R.T.C.T.

LEGEND

- ... FOUND MONUMENT
- ... DIMENSION POINT, NOTHING SET OR FOUND, UNLESS NOTED OTHERWISE
- FD ... FOUND
- O.P.R.T.C.T. ... OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS
- D.R.T.C.T. ... DEED RECORDS, TRAVIS COUNTY, TEXAS

TEXAS-MEXICO RAILROAD CO.
SURVEY NO. 201
ABSTRACT NO. 2291

DATE: 09/15/2022
JOB NO.: 22161A
DRAWN BY: OP
SHEET 1 OF 2

**CITY OF LAGO VISTA
WATER LINE EASEMENT**
LOT 1, BLOCK A,
TESSERA ON LAKE TRAVIS PHASE 1A
CITY OF LAGO VISTA, TRAVIS COUNTY, TEXAS

MARSHALL LANCASTER & ASSOCIATES, INC.
CONSULTING LAND SURVEYORS
land title surveys · topography · subdivision platting
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1864 Norwood Drive, Suite E, Hurst, TX 76054
metro (817) 268-8000 fax (817) 282-2231 www.mla-survey.com firm no.10045100

EXHIBIT "B"

METES AND BOUNDS DESCRIPTION OF EASEMENT PROPERTY

Recorders Memorandum-At the time of recordation this instrument was found to be inadequate for the best reproduction, because of illegibility, carbon or photocopy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

EXHIBIT 'B'

LEGAL DESCRIPTION

CITY OF LAGO VISTA WATER LINE EASEMENT

ALL THAT CERTAIN TRACT OR PARCEL OF LAND BEING SITUATED IN THE F.F. FAUBION SURVEY NO. 97, ABSTRACT NO. 2541, TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 1, BLOCK A, TESSERA ON LAKE TRAVIS PHASE 1A, AN ADDITION TO THE CITY OF LAGO VISTA, TRAVIS COUNTY, TEXAS, AS RECORDED IN DOCUMENT NO. 201400071, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A COTTON SPINDLE SET AT THE NORTH CORNER OF SAID LOT 1, SAID POINT BEING AT THE INTERSECTION OF THE SOUTHWEST RIGHT OF WAY LINE OF F.M. ROAD 1431 WITH THE SOUTHEAST RIGHT OF WAY LINE OF TESSERA PARKWAY;

THENCE ALONG THE NORTHEAST LINE OF SAID LOT 1 AND SAID SOUTHWEST RIGHT OF WAY LINE, SOUTH 46 DEGREES 22 MINUTES 27 SECONDS EAST A DISTANCE OF 80.01 FEET TO A 1/2" REBAR FOUND AT THE BEGINNING OF A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 1406.43 FEET;

THENCE CONTINUING ALONG SAID NORTHEAST LINE OF LOT 1, SAID SOUTHWEST RIGHT OF WAY LINE, AND SAID CURVE THROUGH A CENTRAL ANGLE OF 10 DEGREES 40 MINUTES 56 SECONDS, AN ARC LENGTH OF 262.21 FEET, BEING SUBTENDED BY A CHORD BEARING SOUTH 41 DEGREES 01 MINUTES 59 SECONDS EAST A DISTANCE OF 261.83 FEET TO A "PK" NAIL SET AT THE EAST CORNER OF SAID LOT 1;

THENCE ALONG THE SOUTHEAST LINE OF SAID LOT 1, SOUTH 33 DEGREES 12 MINUTES 06 SECONDS WEST A DISTANCE OF 21.46 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 1386.43 FEET;

THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 11 DEGREES 00 MINUTES 06 SECONDS, AN ARC LENGTH OF 266.21 FEET, BEING SUBTENDED BY A CHORD BEARING NORTH 40 DEGREES 52 MINUTES 24 SECONDS WEST A DISTANCE OF 265.80 FEET;

THENCE NORTH 46 DEGREES 22 MINUTES 27 SECONDS WEST A DISTANCE OF 81.82 FEET TO THE NORTHWEST LINE OF SAID LOT 1, SAID POINT BEING ON SAID SOUTHEAST RIGHT OF WAY LINE OF TESSERA PARKWAY;

THENCE ALONG SAID NORTHWEST LINE OF LOT 1 AND SAID SOUTHEAST RIGHT OF WAY LINE, NORTH 48 DEGREES 47 MINUTES 18 SECONDS EAST A DISTANCE OF 20.08 FEET TO THE POINT OF BEGINNING, CONTAINING 6,903 SQUARE FEET OR 0.158 ACRES OF LAND, MORE OR LESS.

GENERAL NOTES

1. THE BASIS OF BEARINGS FOR THIS SURVEY IS THE PLAT OF LOT 1, BLOCK A, TESSERA ON LAKE TRAVIS PHASE 1A, AN ADDITION TO THE CITY OF LAGO VISTA, TRAVIS COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN DOCUMENT NO. 201400071, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS.
2. OWNERSHIP REFERENCES SHOWN HEREON ARE BASED ON TRAVIS COUNTY APPRAISAL DISTRICT WEB PAGE DATA (WWW.TRAVISCAD.ORG).
3. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE WORK. EASEMENTS SHOWN ON THIS SURVEY ARE BASED ON PLAT OF LOT 1, BLOCK A, TESSERA ON LAKE TRAVIS PHASE 1A, AN ADDITION TO THE CITY OF LAGO VISTA, TRAVIS COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN DOCUMENT NO. 201400071, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS. EASEMENTS AND OTHER TITLE ENCUMBRANCES, BOTH RECORDED AND UNRECORDED, MAY EXIST THAT ARE NOT SHOWN ON THIS SURVEY.
4. IMPROVEMENTS EXIST THAT ARE NOT SHOWN ON THIS EXHIBIT.



ROBERT T. HIDE LL
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6583
DATE: SEPTEMBER 15, 2022



DATE: 09/15/2022
JOB NO.: 22161A
DRAWN BY: OP
SHEET 2 OF 2

**CITY OF LAGO VISTA
WATER LINE EASEMENT**
LOT 1, BLOCK A,
TESSERA ON LAKE TRAVIS PHASE 1A
CITY OF LAGO VISTA, TRAVIS COUNTY, TEXAS

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2022173782

**FILED AND RECORDED
OFFICIAL PUBLIC RECORDS**

A handwritten signature in black ink, appearing to read "R. Guerrero", is written over the printed name.

**Rebecca Guerrero, County Clerk
Travis County, Texas**

Oct 28, 2022 04:42 PM

Fee: \$58.00

ESPINOZAY

Recorders Memorandum-At the time of recordation this instrument was found to be inadequate for the best reproduction, because of illegibility, carbon or photocopy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.