



COUNTY ATTORNEY
Fort Bend County, Texas

ROY L. CORDES, JR.

County Attorney

(281) 341-4555

Fax (281) 341-4557

May 16, 2013

Jack H. Moore
Lytle & Moore
Attorneys at Law
2116 Thompsons Hwy., Suite 116
Richmond, TX 77469

COPY

Fax: 281.232.4882

Re: Parcel 12-Mason Road-Old South Plantation, Inc., Drainage Easement

Dear Mr. Moore:

Enclosed for your review are the following documents.

1. Drainage easement deed conveying the redesigned drainage easement, Parcel 12;
2. Resolution and Order, with legal description abandoning a portion of the previously conveyed drainage easement, described herein as Parcel 9E.

Take a look at these and let me know if you have any concerns. The resolution and order would be included in the Commissioners Court's consent agenda. Following their acceptance by the court, the order and resolution, with the legal description are recorded into the County Clerk's records. The new drainage easement conveyance will be recorded and the matter should finally be concluded.

We appreciate your attention to concluding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe W. Cox".

Joe W. Cox
Assistant County Attorney

Enclosure

NOTICE OF CONFIDENTIALITY RIGHTS: If you are a natural person, you may remove or strike any of the following information from this instrument before it is filed for record in the public records:

Your Social Security Number or you Driver's License Number.

DRAINAGE EASEMENT

THE STATE OF TEXAS

§
§
§

COUNTY OF FORT BEND

KNOW ALL MEN BY THESE PRESENTS:

That, Old South Plantation, Inc., a Texas corporation, hereinafter referred to as Grantor, whether one or more, for and in consideration of the sum of TEN DOLLARS (\$10.00) to Grantor in hand paid by Fort Bend County, Texas, receipt of which is hereby acknowledged, and for which no lien is retained, either expressed or implied, do by these presents Grant, Bargain, Sell and Convey unto Fort Bend County, Texas, hereinafter called Grantee, a drainage easement in, under, along, upon and across the property which is situated in the County of Fort Bend, Texas, which is more particularly described in Exhibit "A", which is attached hereto and incorporated herein for any and all purposes.

The easement conveyed herein is for the purpose of opening, constructing and maintaining a permanent drainage easement in, under, along, upon and across said premises described in Exhibit "A" together with the right and privilege at all times of the Grantee herein, its agents, employees and representatives of ingress and egress to and from said premises for the purpose of making any improvements, modifications or repairs which Fort Bend County deems necessary.

The easement conveyed herein, as described in Exhibit "A", is subject to any and all agreements and conditions described and referenced in Document Number 2012090638, recorded on or about August 13, 2012 in the real property records of the Fort Bend County Clerk's Office. Any and all agreements and conditions described and referenced in Document Number 2012090638, shall be and are equally applicable to this conveyance and are incorporated herein by reference.

This easement is conveyed and accepted subject to the following matters, to the extent same are in effect at this time: (1) any and all restrictions, covenants, assessments, reservations, and outstanding mineral interests held by third parties; (2) conditions and easements, if any, relating to the hereinabove described Property, but only to the extent they are still in effect and shown of record in Fort Bend County, Texas, or to the extent that they are apparent upon reasonable inspection of the Property, said easements, including but not limited to, easements in favor of CVS Pharmacy, Inc., in accordance with *Agreement Providing Reciprocal Access Easements, Temporary Drainage Easement and Spray Field Easement (Septic)* with Grantor, which Agreement has an effective date of April 9, 2012; and (3) Grantor reserves all of the oil, gas and

sulfur in and under the land covered by this Drainage Easement but waives any and all rights of ingress and egress to the surface thereof for the purposes of exploring, developing, mining or drilling for same.

As a part of the grant hereby made it is agreed between the parties hereto that any stone, earth, gravel or caliche which may be excavated in the opening, construction or maintenance of said drainage easement that is not otherwise incorporated into the construction of Mason Road and related storm sewers and facilities will be left on the promises by Grantee and made available to Grantor for spreading on Grantor's adjacent or nearby lands by Grantor.

TO HAVE AND TO HOLD the premises described in Exhibit "A" for said purposes together with all and singular the rights, privileges and appurtenances thereto in any manner belonging, unto Grantee, forever; and Grantor hereby binds itself, its heirs, successors or assigns, to Warrant and Forever Defend, all and singular, the said easement herein conveyed unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through, or under Grantor, but not otherwise.

IN WITNESS WHEREOF, this instrument is executed on this the ____ day of _____, 2013.

GRANTOR:

By: _____

Printed Name: _____
Gary Pochyla

Title: President

CORPORATE ACKNOWLEDGEMENT

STATE OF TEXAS

COUNTY OF _____

This instrument was acknowledged before me on ___ day of _____, 2013, by
GARY POCHYLA (name of officer), PRESIDENT (title), of OLD SOUTH
PLANTATION, INC., a Texas corporation, on behalf of said corporation.

GIVEN under my hand and seal of office on the _____ day of _____, 2013.

_____ Notary

Notary Public in and for the
State of Texas

My commission expires:

EXHIBIT A

County: Fort Bend
Highway: Mason Road
Project Limits: F. M. 359 to Oyster Creek

PROPERTY DESCRIPTION FOR PARCEL 12

Being a 0.3721 acre (16,205 square feet) parcel of land located in the Randall Jones League, Abstract No. 42, Fort Bend County, Texas, being out of and a part of a 25.716 acre residue of a called 119.34 acre tract conveyed to Old South Plantation, Inc. from the Estate of Bert F. Winston, Deceased, by deed dated April 7, 1997, and recorded under Fort Bend County Clerk's File (FBCCF) 9722234, Fort Bend County Official Public Records (FBCOPR); said 0.3721 acre parcel being more particularly described as Part 1 containing 0.1526 acre (6,645 square feet) and Part 2 containing 0.2195 acre (9,560 square feet), by metes and bounds as follows:

Part 1 (0.1526 acre, 6,645 square feet)

COMMENCING at a five-eighths inch iron rod with a TxDOT aluminum cap found on the north right-of-way line of F.M. 359 (width varies, as widened per FBCCF 2010037380 & 2012108727, FBCOPR), being the southwest corner of the residue of a called 1.683 acre tract conveyed to FM 359 TX CVS, L.L.C. from Old South Plantation, Inc. by deed dated June 10, 2005, and recorded under FBCCF 2005068051, FBCOPR and the southerly southeast corner of a called 0.526 acre tract conveyed to CVS Pharmacy, Inc. from Old South Plantation, Inc. by deed dated April 9, 2012, and recorded under FBCCF 2012038879, FBCOPR; thence as follows:

South 89° 13' 03" West, along the north right-of-way line of F.M. 359, at 71.71 feet passing a five-eighths inch iron rod with a plastic cap stamped "Landtech" found for the southwest corner of said 0.526 acre CVS Pharmacy, Inc. tract and the southerly southeast corner of said Old South Plantation, Inc. residue tract and of a called 0.9827 acre Drainage Easement conveyed to Fort Bend County, Texas, by instrument dated August 08, 2012 and recorded in FBCCF 2012090638, FBCOPR, in all a total distance of 567.37 feet to a five-eighths inch iron rod with TxDOT aluminum cap found for corner;

North 02° 32' 04" West, a distance of 20.01 feet to a five-eighths inch iron rod with a plastic cap stamped "Landtech" found for corner on the north line of said called 0.9827 acre Drainage Easement and being the **POINT OF BEGINNING** of the herein described tract, said **POINT OF BEGINNING** having coordinates of N=13,791,636.89 and E=3,002,350.75;

EXHIBIT A

- 1) **THENCE**, North 87° 00' 21" East, a distance of 466.61 feet to a set five-eighths inch iron rod with a plastic cap stamped "Landtech";
- 2) **THENCE**, North 00° 48' 25" West, parallel with and 10.00 feet west of the west line of said 0.9827 acre Drainage Easement, a distance of 226.74 feet to a set five-eighths inch iron rod with a plastic cap stamped "Landtech";
- 3) **THENCE**, North 89° 11' 33" East, a distance of 10.00 feet to a five-eighths inch iron rod with a plastic cap stamped "Landtech" found on the west line of said 0.9827 acre Drainage Easement for the northeast corner of the herein described tract;
- 4) **THENCE**, South 00° 48' 25" East, along the west line of said 0.9827 acre Drainage Easement, a distance of 244.75 feet to a found five-eighths inch iron rod with a plastic cap stamped "Landtech" on the north line of said 0.9827 acre Drainage Easement;
- 5) **THENCE**, South 89° 13' 03" West, along the north line of said 0.9827 acre Drainage Easement, a distance of 476.27 feet to the **POINT OF BEGINNING** and containing 0.1526 acres (6,645 square feet) of land.

Part 2 (0.2195 acre, 9,560 square feet)

COMMENCING at a five-eighths inch iron rod with TxDOT aluminum cap found on the west right-of-way line of Mason Road (formerly Farmer Road, width varies as widened per FBCCF 2010037380 & 2012108727, FBCOPR), being the northeast corner of the residue of said 1.683 acre FM 359 TX CVS, L.L.C. tract and the most easterly southeast corner of said called 0.526 acre CVS Pharmacy, Inc. tract; thence as follows:

North 00° 57' 58" East, along the west right-of-way line of said Mason Road and the east line of said 0.526 acre CVS Pharmacy, Inc. tract, a distance of 20.00 feet to a five-eighths inch iron rod with a plastic cap stamped "Landtech" found at the northeast corner of said 0.526 acre CVS Pharmacy, Inc. tract and the easterly southeast corner of said Old South Plantation, Inc. residue tract and of the aforesaid 0.9827 acre Drainage Easement;

South 89° 11' 33" West, along the north line of said 0.526 acre CVS Pharmacy, Inc. tract and the south line of said Old South Plantation, Inc. residue tract and of said 0.9827 acre Drainage Easement, a distance of 73.20 feet to a five-eighths inch iron rod with a plastic cap stamped "Landtech" found;

EXHIBIT A

North 00° 46' 57" West, a distance of 20.00 feet to a five-eighths inch iron rod with a plastic cap stamped "Landtech" set on the north line of said 0.9827 acre Drainage Easement for the **POINT OF BEGINNING** of the herein described tract, said **POINT OF BEGINNING** having coordinates of N=13,791,892.17 and E=3,003,110.44;

- 1) **THENCE**, South 89° 11' 33" West, along the north line of said 0.9827 acre Drainage Easement, a distance of 20.00 feet to a five-eighths inch iron rod with a plastic cap stamped "Landtech" set for the southwest corner of the herein described tract;
- 2) **THENCE**, North 00° 46' 57" West, a distance of 327.90 feet to a five-eighths inch iron rod with a plastic cap stamped "Landtech" set;
- 3) **THENCE**, North 42° 32' 03" East, a distance of 96.91 feet to a five-eighths inch iron rod with a plastic cap stamped "Landtech" set on the west line of said 0.9827 acre Drainage Easement for the north corner of the herein described tract;
- 4) **THENCE**, South 02° 27' 57" East, along the west line of said 0.9827 acre Drainage Easement, a distance of 28.28 feet to a five-eighths inch iron rod with a plastic cap stamped "Landtech" set;
- 5) **THENCE**, South 42° 32' 03" West, a distance of 68.96 feet to a five-eighths inch iron rod with a plastic cap stamped "Landtech" set;
- 6) **THENCE**, South 00° 46' 57" East, a distance of 73.85 feet to a five-eighths inch iron rod with a plastic cap stamped "Landtech" set;
- 7) **THENCE**, North 87° 32' 08" East, a distance of 70.93 feet to a five-eighths inch iron rod with a plastic cap stamped "Landtech" set on the west right-of-way line of Mason Road (formerly Farmer Road, width varies, FBCCF 2012108727, FBCOPR);
- 8) **THENCE**, South 02° 27' 57" East, along the west right-of-way line of said Mason Road, a distance of 20.00 feet to a five-eighths inch iron rod with a plastic cap stamped "Landtech" set;
- 9) **THENCE**, South 87° 34' 06" West, a distance of 71.52 feet to a five-eighths inch iron rod with a plastic cap stamped "Landtech" set;
- 10) **THENCE**, South 00° 46' 57" East, a distance of 226.14 feet to the **POINT OF BEGINNING** and containing 0.2195 acres (9,560 square feet) of land.

EXHIBIT A

All coordinates and bearings shown hereon are referenced to the Texas Coordinate System, South Central Zone, North American Datum of 1983 (NAD 83), 1993 adjustment. All distances and coordinates shown hereon are surface and may be converted to grid by dividing by the combined adjustment factor of 1.00013.

This property description is prepared in conjunction with a parcel plat of equal date and is based on a survey completed on the ground in January, 2013.



William J. Massey
William J. Massey

1/31/2013
Date

Registered Professional Land Surveyor No. 4793

Landtech Consultants, Inc.
2525 North Loop West, Suite 300
Houston, TX 77008
Phone 713-861-7068

s:\2010\1010025\SURVEY\DECEMBER 2012\Parcel 12.doc
s:\2010\1010025\ENG\CADD-SEG 1\WRK\Kyle\Survey Parcel Maps\PARCEL PLAT

LEGEND

EXISTING R.O.W.

PROPOSED R.O.W.

PROPERTY LINE

EXISTING FENCE -x-

PARCEL NUMBER

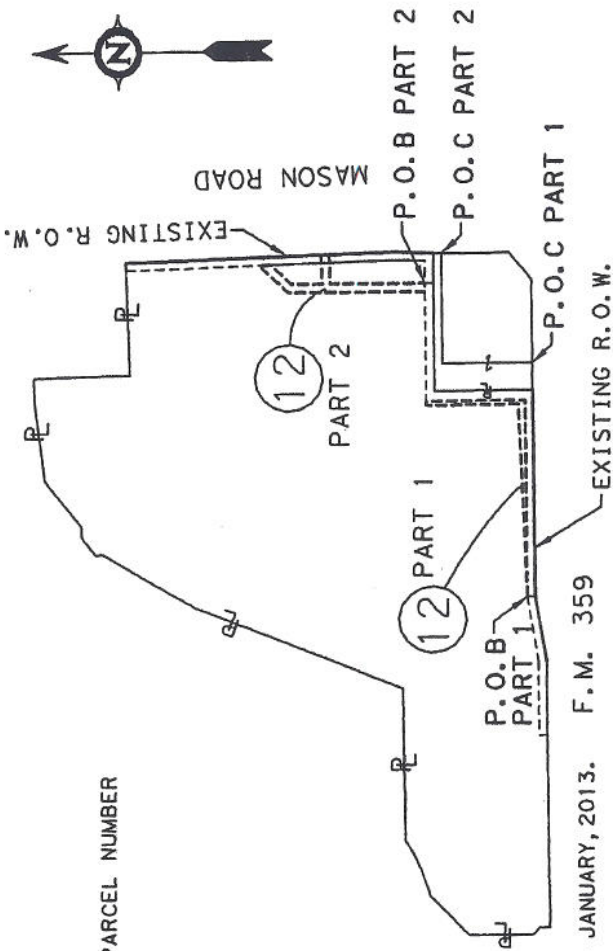
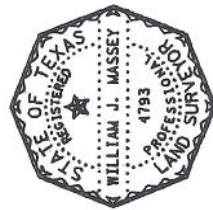
- ⊙ PROPERTY CORNER (FOUND AS NOTED)
- ⊙ SET 5/8" IR W/PLASTIC CAP STAMPED "LANDTECH"
- ⊙ PHONE MANHOLE
- ⊙ STORM MANHOLE
- ⊙ 'BB' INLET
- ⊙ POWER POLE
- ⊙ WATER VALVE
- ⊙ WATER METER
- ⊙ GUY
- ⊙ PED BOX
- ⊙ FIRE HYDRANT
- ⊙ STREET LIGHT
- ⊙ METER POLE
- ⊙ SIGN
- ⊙ WATER MARKER
- ⊙ PHONE MARKER
- ⊙ GAS MARKER
- ⊙ PHONE BOX

NOTES:

1. DEED RESEARCH FOR THIS PROJECT WAS PERFORMED IN SEPTEMBER, 2010, FEBRUARY, 2012 AND JANUARY, 2013.
2. ALL COORDINATES AND BEARINGS SHOWN HEREON ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983 (NAD 83), 1993 ADJUSTMENT. ALL DISTANCES AND COORDINATES SHOWN HEREON ARE SURFACE AND MAY BE CONVERTED TO GRID BY DIVIDING BY THE COMBINED ADJUSTMENT FACTOR OF 1.00013.
3. FIELD WORK FOR THIS PROJECT WAS PERFORMED NOVEMBER, 2010, FEBRUARY, 2012 AND JANUARY, 2013.
4. SURVEY LINE LOCATIONS ARE APPROXIMATE.
5. A PROPERTY DESCRIPTION OF EVEN DATE WAS PREPARED IN CONJUNCTION WITH THIS PARCEL PLAT.

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY SUPERVISION AND THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS AS FOUND AT THE TIME OF THE SURVEY.
 SURVEY DATE: JANUARY, 2013

William J. Massey 1/31/2013
 WILLIAM J. MASSEY
 REGISTERED PROFESSIONAL LAND SURVEYOR
 NO. 4793, STATE OF TEXAS



INSET
 N.T.S.
 ** 27.875 AC. RESIDUE LESS
 1.6331 AC. IN TXDOT R.O.W.
 PARCEL 1, PARTS 1 & 2 FOR
 F.M. 359, AND FARMER ROAD,
 LESS 0.526 AC. CONVEYED
 TO CVS PHARMACY INC.

AREA TABLE (ACRES)	
EXISTING	TAKING
	AC./S.F.
**25.716	PART 1 0.1526
	6,645
	PART 2 0.2195
	9,560
	REMAINDER 25.716

LANDTECH CONSULTANTS, INC.
 2525 NORTH LOOP WEST #300
 HOUSTON, TX 77008
 713-861-7068

PARCEL PLAT SHOWING
 PARCEL 12

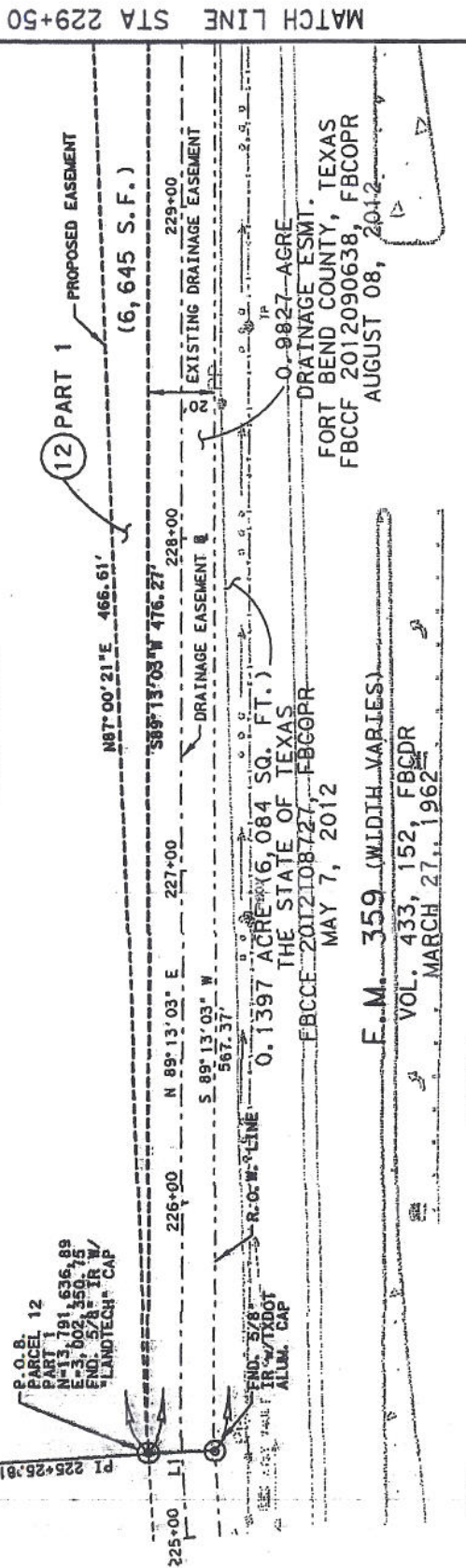
MASON ROAD
 FORT BEND COUNTY
 JANUARY, 2013

**RANDALL JONES LEAGUE
ABSTRACT NO. 42**

25.716 AC. RESIDUE OF CALLED 119.34
AC.

OLD SOUTH PLANTATION, INC.
FBCCF 9722234, FBCCPR
APRIL 7, 1997

REFERENCE: CALLED 31.784 AC.
FBCCF 2005068052, FBCCPR
JUNE 9, 2005



MATCH LINE STA 229+50

P.O.B.
PARCEL 12
PART 1
N=13,791.636,89
E=3,002,350.75
END. 5/8" IR W/
LANDTECH™ CAP

SEE ALSO PLAT
IR W/TAPOOT
ALUM. CAP

F.M. 359 (WIDTH VARIES)
VOL. 433, 152, FBCCDR
MARCH 27, 1962

LANDTECH CONSULTANTS, INC.
2525 NORTH LOOP WEST #300
HOUSTON, TX 77008
713-861-7068

PARCEL PLAT SHOWING
PARCEL 12

MASON ROAD
FORT BEND COUNTY
JANUARY, 2013

LINE	BEARING	DISTANCE
L1	N 02° 32' 04" W	20.01'



**RANDALL JONES LEAGUE
ABSTRACT NO. 42**

25.716 AC. RESIDUE OF
CALLED 119.34 AC.
OLD SOUTH PLANTATION, INC.
FBCCF 9722234, FBCOPR
APRIL 7, 1997

REFERENCE: CALLED 31.784 AC.
FBCCF 2005068052, FBCOPR
JUNE 9, 2005

0.9827 ACRE DRAINAGE ESMT.
FORT BEND COUNTY, TEXAS
FBCCF 2012090638, FBCOPR
AUGUST 08, 2012

LANDTECH CONSULTANTS, INC.

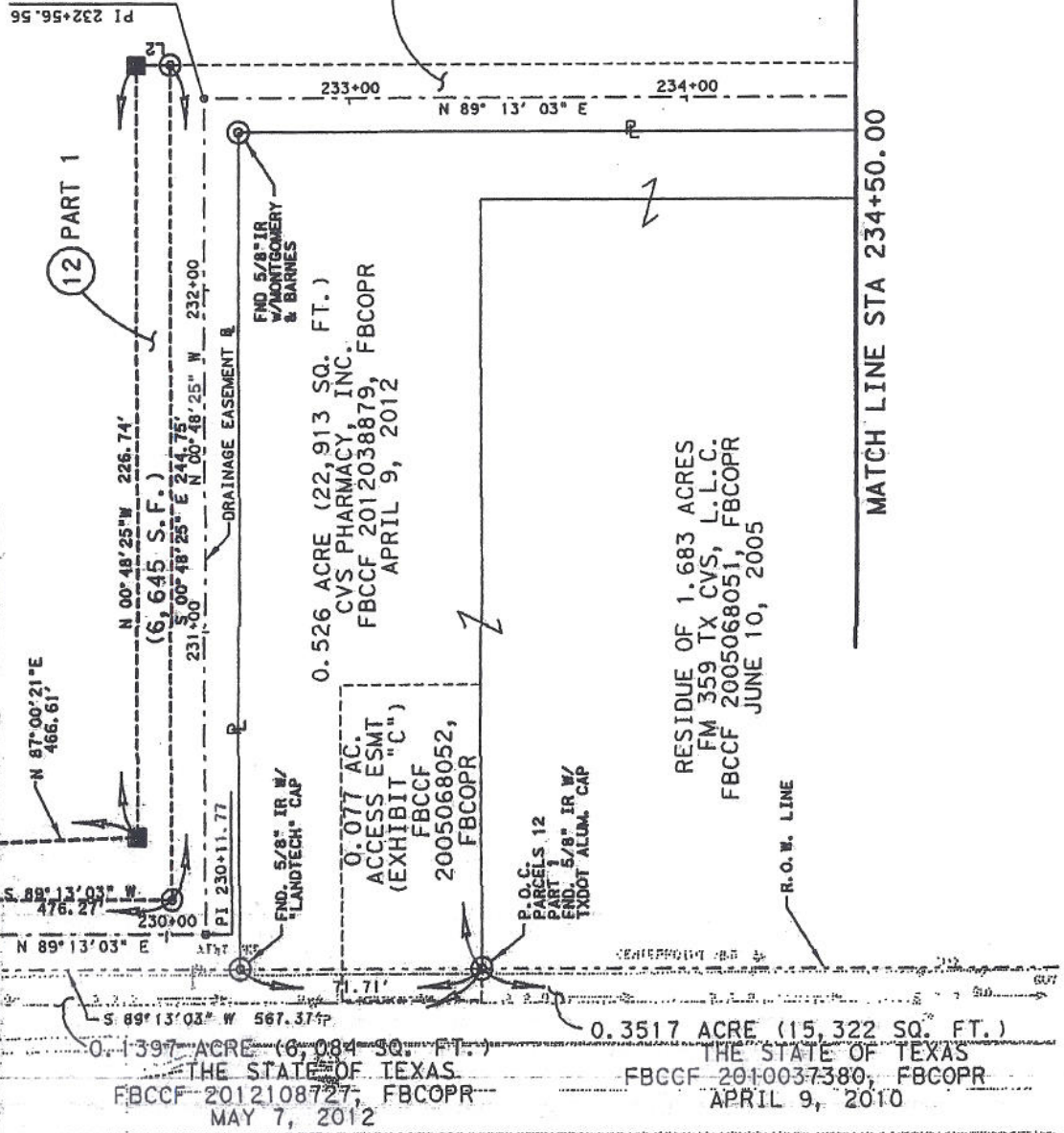
2525 NORTH LOOP WEST #300
HOUSTON, TX 77008
713-861-7068

**PARCEL PLAT SHOWING
PARCEL 12**

MASON ROAD
FORT BEND COUNTY
JANUARY, 2013

LINE	BEARING	DISTANCE
L2	N 89° 11' 33" E	10.00'

MATCH LINE STA 229+50.00



MATCH LINE STA 234+50.00

F.M. 359 (WIDTH VARIES)



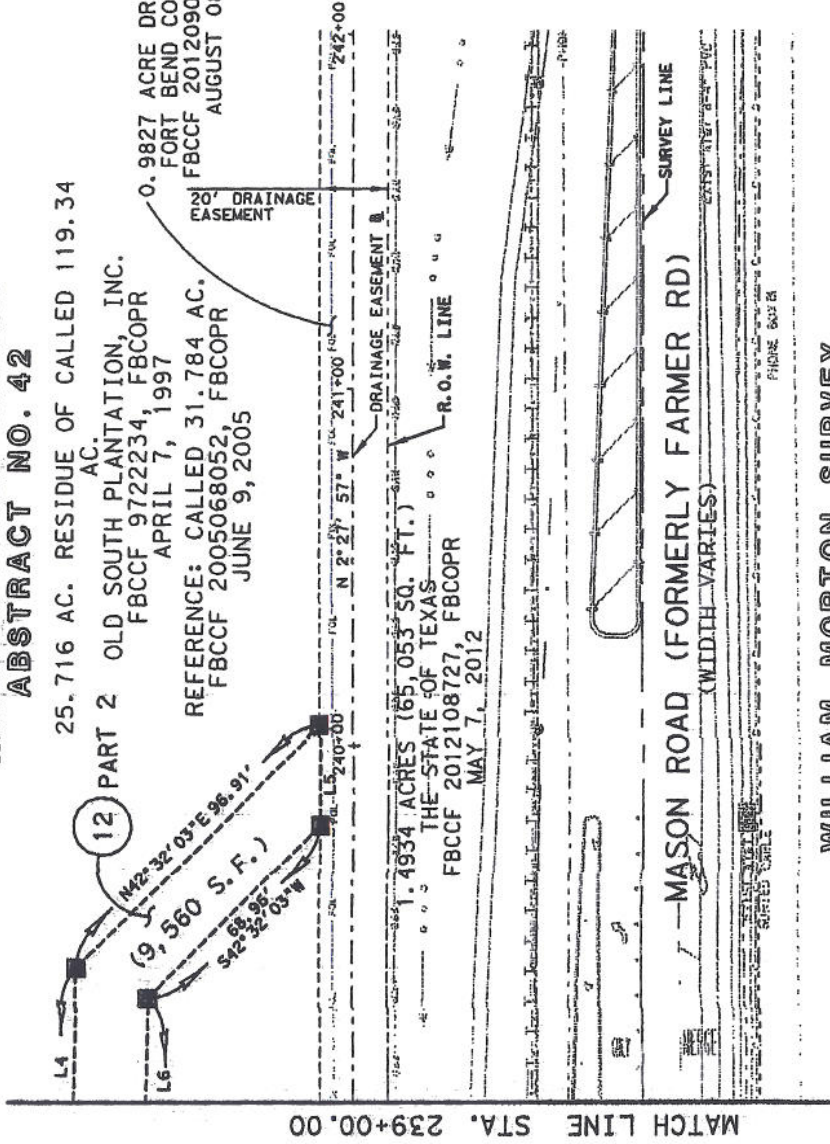
**RANDALL JONES LEAGUE
ABSTRACT NO. 42**

25.716 AC. RESIDUE OF CALLED 119.34 AC.

12 PART 2 OLD SOUTH PLANTATION, INC.
FBCCF 9722234, FBCCPR
APRIL 7, 1997

REFERENCE: CALLED 31.784 AC.
FBCCF 2005068052, FBCCPR
JUNE 9, 2005

0.9827 ACRE DRAINAGE ESMT.
FORT BEND COUNTY, TEXAS
FBCCF 2012090638, FBCCPR
AUGUST 08, 2012



MATCH LINE STA. 239+00.00

**WILLIAM MORTON SURVEY
ABSTRACT NO. 63**

LINE	BEARING	DISTANCE
L4	N 00° 46' 57" W	327.90'
L5	S 02° 27' 57" E	28.28'
L6	S 00° 46' 57" E	73.85'

LANDTECH CONSULTANTS, INC.

2525 NORTH LOOP WEST #300
HOUSTON, TX 77008
713-861-7068

PARCEL PLAT SHOWING
PARCEL 12

MASON ROAD
FORT BEND COUNTY
JANUARY, 2013