

RIGHT OF ENTRY AND POSSESSION AGREEMENT

STATE OF TEXAS                   §  
  §  
COUNTY OF FORT BEND       §

WHEREAS, John C. Werner, John R. Werner, George C. Gross, Jr. and Wife, Rebecca L. Gross, Brian K. Gammill and Wife, Linda Ruth Gammill (the "Owners") owns the parcel of land described by metes and bounds in the attached **Exhibit A** (the "Property"); and

WHEREAS, Fort Bend County Toll Road Authority (the "Authority"), as part of a public project relating to the construction, operation, and maintenance of the Fort Bend Parkway Toll Road is acquiring right-of-way for construction, installation, maintenance, repair, replacement, removal, and operation of toll road facilities and all related appurtenances thereto across, along, under, over and upon the Property; and

WHEREAS, the Authority and Owners have not been able to agree on the compensation to be paid for the taking of the Property but agree that the Authority has the right to obtain possession of the Property and can begin construction of its project and appurtenances thereto while the terms of a settlement agreement are negotiated and/or a Special Commissioners' hearing can be scheduled; and

WHEREAS, the Authority desires possession of said Property for the purpose of beginning construction of its project; and

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that Owners for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration to it in hand paid by the Authority, the receipt and sufficiency of which is hereby acknowledged and confessed, have Granted, Bargained, Sold and Conveyed and by these presents do Grant, Bargain, Sell and Convey unto the Authority the right to enter upon and possess the Property described in said **Exhibit A** for the purpose of constructing its project.

Further, this Right of Entry and Possession shall extend to the Authority and its contractors, assigns, and/or owners of any utility involved in the project for the additional purposes of locating utility lines, replacing, repairing, making improvements to and/or maintaining the existing utility lines that lie within the Property, if any.

This Right of Entry and Possession is irrevocable.

The Authority and the Owners agree to negotiate in good faith to acquire the Property for its fair market value or other mutually agreed upon consideration. If the parties cannot agree on the fair market value or other consideration, the Authority will proceed to condemnation in a timely manner.

Nothing in this Right of Entry and Possession is intended to affect the rights or obligations of the parties in the condemnation proceeding filed or to be filed by the Authority to acquire the Property other than to grant to the Authority that right of possession pending litigation to which the Authority would be entitled under Section 21.021 of the Texas Property Code had a Special Commissioners' hearing taken place and the amount awarded been deposited into the Registry of

the Court. Upon entry of an award of Special Commissioners, the Authority shall deposit the amount of such award into the Registry of the Court at its earliest convenience but in no event later than 45 days following the filing of such award.

TO HAVE AND TO HOLD the possession of the Property described in the said **Exhibit A** solely for the purposes and subject to the limitations hereinabove set forth.

Executed this the 3rd day of October, 2015.

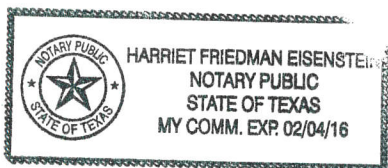
JOHN C. WERNER

By: [Signature]  
John C. Werner

STATE OF TEXAS §  
COUNTY OF Ft. Bend §

On the 3 day of October, 2015, before me personally appeared John C. Werner, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledge to me that he executed the same on behalf of himself.

WITNESS my hand and official seal.



[Signature]  
Notary Public in and for the State of Texas

JOHN R. WERNER

By: [Signature]  
John R. Werner

STATE OF TEXAS §  
COUNTY OF Fort Bend §

On the 2 day of October, 2015, before me personally appeared John R. Werner, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledge to me that he executed the same on behalf of himself.

WITNESS my hand and official seal.

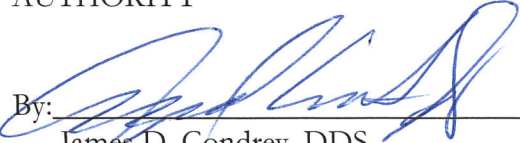


[Signature]  
Notary Public in and for the State of Texas



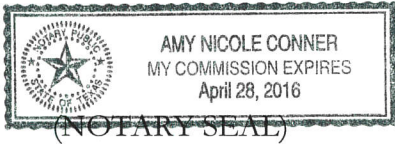


FORT BEND COUNTY TOLL ROAD  
AUTHORITY

By:   
James D. Condrey, DDS  
Chairman, Board of Directors

STATE OF TEXAS           §  
  §  
COUNTY OF FORT BEND   §

This instrument was acknowledged before me on the 19<sup>th</sup> day of August, 2015,  
by James D. Condrey, DDS, Chairman, of the Board of Directors of FORT BEND COUNTY TOLL  
ROAD AUTHORITY, a Texas local government corporation, on behalf of such corporation.



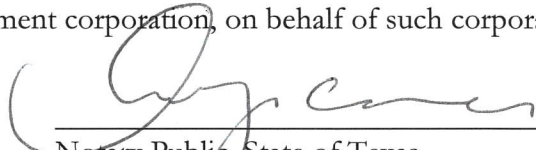
  
Notary Public, State of Texas  
Amy N Conner

EXHIBIT A

**County:** Fort Bend  
**Highway:** Fort Bend Parkway  
**Project Limits:** @ State Highway 6

**PROPERTY DESCRIPTION OF PARCEL 2**

Being a 0.3610 of one acre (15,727 square feet) parcel of land situated in the Moses Shipman Survey, Abstract No. 86, Fort Bend County, Texas, being out of the westerly part of a called 7.682 acre tract of land conveyed to John C. Werner (remaining 50% interest) by instrument filed under Clerk's File Number 2004060874 of the Official Public Records of Fort Bend County, Texas (O.P.R.O.F.B.C.T.), executed May 14, 2004, conveyed to John R. Werner (12 ½% interest) by instrument filed under Clerk's File Number 2005133194 O.P.R.O.F.B.C.T., executed November 01, 2005, conveyed to George C. Gross and Wife, Rebecca L. Gross (25% interest) by instrument filed under Clerk's File Number 2005133195 O.P.R.O.F.B.C.T., executed October 28, 2005 and conveyed to Brian K. Gammil and Wife, Linda Ruth Gammil (12 ½% interest) by instrument filed under Clerk's File Number 2005133196 O.P.R.O.F.B.C.T., executed November 01, 2005, said 0.3289 of one acre being more particularly described by metes and bound as follows:

**COMMENCING** from a 5/8- inch iron rod found for the Southeasterly corner of said called 7.682 tract, being on the westerly line of a called 10.3768 acre tract of land as described by deed filed under Clerk's File Number 2008034270 O.P.R.O.F.B.C.T., executed March 31, 2007, having surface coordinates of N= 13,758,089.27 and E= 3,079,823.44;

**THENCE**, North 02° 37' 23" West (deed: South 02° 37' 23" East) along the common line between said called 7.682 acre tract and said called 10.3768 acre tract, a distance of 706.80 feet to a set 5/8-inch iron rod with TSC Surveying/GeoSurv cap for corner, being on the proposed Easterly right-of-way line of Fort Bend Parkway (proposed width varies) and being the Easterly most Northerly corner and the **POINT OF BEGINNING** of the herein described parcel, having surface coordinates of N= 13,758,795.33 and E= 3,079,791.09;

**THENCE** generally in the Southerly direction along said proposed Easterly right-of-way line of Fort Bend Parkway the following courses and distances:

- 1) South 64°24'52" West, 37.96 feet to a set 5/8-inch iron rod with TSC Surveying/GeoSurv cap;
- 2) South 47°17'27" West, 150.94 feet to a set 5/8-inch iron rod with TSC Surveying/GeoSurv cap;

EXHIBIT \_\_\_\_\_

- 3) South  $44^{\circ}33'07''$  West, 209.60 feet to a set 5/8-inch iron rod with TSC Surveying/GeoSurv cap marking the point of curvature for a non-tangent curve to the right;
- 4) Curving to the right, an arc distance of 262.10 feet, a delta of  $03^{\circ} 58' 41''$ , a radius of 3,775.00 feet with a chord bears South  $50^{\circ} 43' 51''$  West, 262.05 feet to a set 5/8-inch iron rod with TSC Surveying/GeoSurv cap;
- 5) South  $67^{\circ}38'56''$  West, 54.07 feet to a set 5/8-inch iron rod with TSC Surveying/GeoSurv cap;
- 6) South  $60^{\circ}34'03''$  West, a distance of 104.52 feet to a set 5/8-inch iron rod with TSC Surveying/ GeoSurv cap for corner, being on the northerly line of aforementioned called 7.882 acre tract, being on the existing easterly right-of-way line of said Fort Bend Parkway (existing 300-foot width, C.F.N. 2004060873 F.B.C.O.P.R.) and being the most Southerly corner of the herein described parcel;
- 7) **THENCE**, in a Northeasterly direction along a non-tangent curve to the left, same being along said existing Easterly right-of-way line of said Fort Bend Parkway, having an arc distance of 738.34 feet (deed:  $R= 3,750.00$  feet), a delta of  $11^{\circ} 16' 51''$ , a radius of 3,750.00 feet with a chord bears North  $49^{\circ} 27' 40''$  East, 737.14 feet to a 5/8-inch iron rod with cap (R.P.L.S. 4344) found marking the point of compound curve, being an interior corner for said called 7.882 acre tract and being an interior corner of the herein described parcel;
- 8) **THENCE**, in a Northeasterly direction curving to the left, same being along said existing Easterly right-of-way line of said Fort Bend Parkway, having an arc distance of 44.95 feet (deed: Arc= 44.94 feet,  $R= 5,879.60$  feet, delta=  $00^{\circ} 26' 17''$  and chord bears North  $43^{\circ} 36' 05''$  East, 44.94 feet), a delta of  $00^{\circ} 26' 17''$ , a radius of 5,879.60 feet with a chord bears North  $43^{\circ} 36' 05''$  East, 44.95 feet to a 5/8-inch iron rod found for corner, being an interior corner of said called 7.882 acre tract, being a right-of-way cutback corner and being an interior corner of the herein described parcel;
- 9) **THENCE** North  $80^{\circ}23'46''$  East (deed: North  $80^{\circ}23'46''$  East, 44.92 feet) along the cut-back line, a distance of 44.92 feet to a 5/8-inch iron rod found for corner, being on the existing Southerly right-of-way line of State Highway 6 (existing width varies, Slide No. 9356717, 943409 and 9810630 F.B.C.O.P.R.), being the Northwesterly corner of aforementioned called 10.3768 acre tract, being the Northeasterly corner of said called 7.882 acre tract and being the Northern most Northerly corner of the herein described parcel, from which a found 5/8-inch iron rod with cap (Weisser Surveying) bears North  $27^{\circ}55'12''$  West, 0.65 feet;

EXHIBIT \_\_\_\_\_

- 10) **THENCE** South 02°37'23" East (deed: South 02° 37' 23" East) along aforementioned common line between said called 7.682 acre tract and said called 10.3768 acre tract, a distance of 13.25 feet to the **POINT OF BEGINNING**, containing a computed 0.3610 of one acre (15,727 square feet) of land

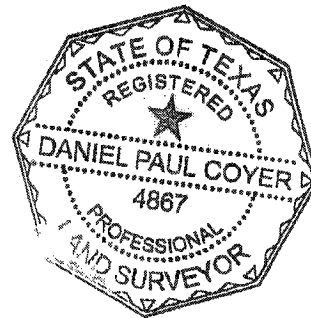
This property description was prepared in conjunction with a map of the same date.

Ground surveying was completed in April 2015.

All bearings are based on the Texas State Plane Coordinate System, South Central Zone, North American Datum of 1983. All distances and coordinates shown are surface and may be converted to grid by multiplying the surface values by a combined adjustment factor of 0.9998657.

*Daniel Paul Coyer*

Daniel Paul Coyer, R.P.L.S.  
Registered Professional Land Surveyor No. 4867  
GeoSurv, Inc. d/b/a/ TSC Surveying  
1710 S. Dairy Ashford, Suite 200  
Houston, Texas 77077  
Tel.: 713-784-7777  
Fax: 713-784-7733



Texas Firm Registration No. 10083100

CURVE DATA TABLE				CURVE DATA TABLE (CALLED)					
CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH	DOCUMENTS
2-C1			REMOVED 09/2015						N/A
2-C2	262.10'	3,775.00'	3° 58'41"	S 50° 43'51" W	262.05'	N/A	N/A	N/A	N/A
2-C3	738.34'	3,750.00'	11° 16'51"	N 49° 27'40" E	737.14'	N/A	N/A	N/A	2004060874
2-C4	44.95'	5,879.60'	0° 26'17"	N 43° 36'05" E	44.95'	44.94'	N 43° 36'05" E	44.94'	2004060874

FIELD		CALLED	
LINE	BEARING & DISTANCE	BEARING & DISTANCE	DOCUMENTS
2-L1	S 64° 24'52" W - 37.96'	N/A	N/A
2-L2	S 47° 17'27" W - 150.94'	N/A	N/A
2-L3	REMOVED 09/2015	N/A	N/A
2-L4	S 67° 38'56" W - 54.07'	N/A	N/A
2-L5	N 80° 23'46" E - 44.92'	N80° 23'46"E - 44.92'	2004060874
2-L6	S 02° 37'23" E - 13.25'	S02° 37'23"E	2004060874

LEGEND

FND. 5/8" I.R. W/TSC SURVEYING/GEOSURV CAP  
UNLESS OTHERWISE NOTED

FND. 5/8" I.R. W/TxDOT ALUMINUM CAP

FOUND PROPERTY CORNER  
UNLESS OTHERWISE NOTED

POINT

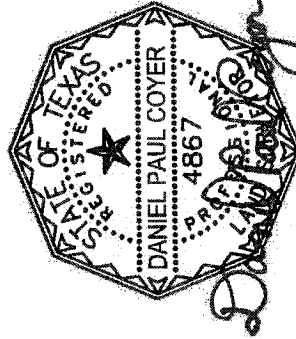
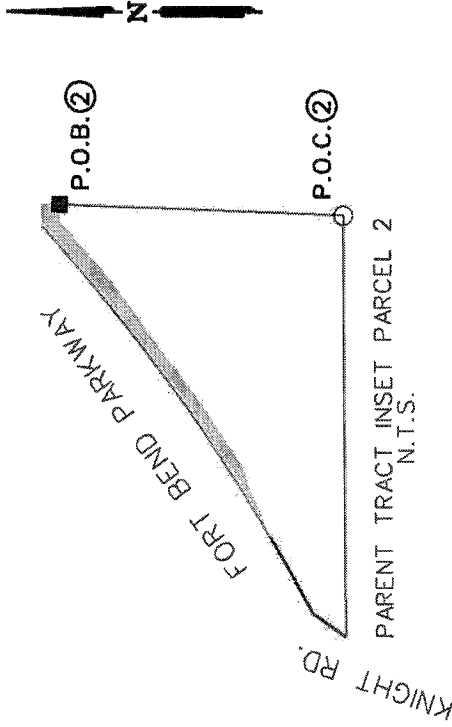
PROPERTY LINE

NOTES:

1. ALL BEARINGS AND COORDINATES ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NORTH AMERICAN DATUM 1983. ALL DISTANCES AND COORDINATES SHOWN ARE SURFACE AND MAY BE CONVERTED TO GRID BY MULTIPLYING BY A COMBINED ADJUSTMENT FACTOR OF 0.9998657.

2. \*\*THE MONUMENT DESCRIBED AND SET MAY BE REPLACED WITH A TXDOT TYPE IRRIGHT OF WAY MARKER UPON THE COMPLETION OF THE HIGHWAY CONSTRUCTION PROJECT UNDER THE SUPERVISION OF A REGISTERED PROFESSIONAL LAND SURVEYOR, EITHER EMPLOYED OR RETAINED BY TXDOT.

3. PROPERTY DESCRIPTIONS OF EVEN DATE WERE MADE IN CONJUNCTION WITH THIS MAP HAVING SAME DATE.



TSC SURVEYING  
"A GEOSURV, INC. COMPANY"

**GEOSURV**  
Mapping and Surveying  
270 S. Gray Ave., Suite 200  
Fort Worth, TX 76104  
Tel: 715-768-6465  
Fax: 715-768-6880

EXISTING ACRES	TAKING ACRES/ S.F.	REMAINDER ACRES
7.682	0.3610 15,727	7.321

**PARCEL PLAT**

SHOWING PROPERTY OF  
**PARCEL 02**

FORT BEND TOLL  
FORT BEND COUNTY  
SEPTEMBER, 2015

TSC SURVEYING

SCALE: 1"=50'

**PARCEL 02**

PAGE 4 OF 6

JOHN C. WERNER (50% REMAINING INT.)  
 CALLED 7.682 ACRE TRACT  
 F.N. 2004060874 F.B.C.O.P.R.  
 MAY 14, 2004

P.O.C. ②  
 FND. 5/8" I.R.  
 N - 13,758,089.27  
 E - 3,079,823.44

A-S 91 FT. BEND PARKWAY-HWY 6, L.P.  
 CALLED 10.3768 ACRE TRACT  
 C.F.N. 2008034270 F.B.C.O.P.R.  
 MARCH 31, 2007

STA. 819+05.00  
 173.00' LT.

STA. 818+70.67  
 186.67' LT.

P.O.B ②  
 FND. 5/8" I.R.  
 N - 13,758,795.33  
 E - 3,079,791.09

JOHN R. WERNER (12 1/2% INT.)  
 F.N. 2005133194 F.B.C.O.P.R.  
 NOVEMBER 01, 2005

BRIAN K. GAMMILL & WIFE,  
 LINDA RUTH GAMMILL (12 1/2% INT.)  
 F.N. 2005133196  
 NOVEMBER 01, 2005

GEORGE C. GROSS, JR. & WIFE,  
 REBECA L. GROSS (25% INT.)  
 F.N. 2005133195 F.B.C.O.P.R.  
 OCTOBER 28, 2005

STA. 820+50.00  
 165.26' LT.

2-L1  
 2-L6  
 2-L5

2-C4  
 FND. 5/8" I.R.  
 FND. 5/8" I.R. W/CAP  
 (R.P.L.S. 4344)

2-C3  
 ARC= 738.34' R= 3,750.00'

EXISTING R.O.W.

STATE HIGHWAY 6  
 (EXISTING R.O.W. WIDTH VARIES)  
 (SLIDE NO. 9434309, 9356717  
 & 9810630 F.B.C.O.P.R.)

FORT BEND PARKWAY  
 (EXISTING 300' R.O.W. WIDTH)  
 (C.F.N. 2004060873)  
 (PROPOSED R.O.W. WIDTH VARIES)

MOSES SHIPMAN SURVEY  
 A-86

DELTA = 42° 48' 01" (RT)  
 DEGREE OF CURVE = 01° 35' 30"  
 TANGENT = 1,410.84'  
 LENGTH = 2,689.23'  
 RADIUS = 3,600.00'  
 PC STATION = 819+65.35  
 PT STATION = 846+54.58

820+00

TSC SURVEYING  
 "A GEOSURV, INC. COMPANY"

**GEOSURV**  
 Mapping and Surveying  
 Houston, Texas 77077  
 Tel: 713-754-4468  
 Fax: 713-754-6868



SCALE: 1"=50'

PARCEL 02

PAGE 5 OF 6

PARCEL PLAT  
 SHOWING PROPERTY OF  
**PARCEL 02**

FORT BEND TOLL  
 FORT BEND COUNTY  
 SEPTEMBER, 2015

TSC SURVEYING

SCALE: 1-50'

MATCHLINE "A"



JOHN C. WERNER (50% REMAINING INT.)  
 CALLED 7.682 ACRE TRACT  
 F.N. 2004060874 F.B.C.O.P.R.  
 MAY 14, 2004

BRIAN K. GAMMILL & WIFE,  
 LINDA RUTH GAMMILL (12 1/2% INT.)  
 F.N. 2005133196  
 NOVEMBER 01, 2005

GEORGE C. GROSS, JR. & WIFE,  
 REBECA L. GROSS (25% INT.)  
 F.N. 2005133195 F.B.C.O.P.R.  
 OCTOBER 28, 2005

JOHN R. WERNER (12 1/2% INT.)  
 F.N./2005133194 F.B.C.O.P.R.  
 NOVEMBER 01, 2005

TEMPORARY  
 CONSTRUCTION  
 EASEMENT  
 F.N. 200403250

STA. 825+00.02  
 173.69' LT.

STA. 825+50.01  
 160.00' LT.

STA. 826+49.62  
 148.33' LT.

PROPOSED R.O.W. 2-C2 ARC= 262.10' R= 3,775.00'

2-C3 ARC= 738.34' R= 3,750.00'

EXISTING R.O.W.

2-L4

S 60° 34' 03" W - 104.52'

**FORT BEND PARKWAY**  
 (EXISTING 300' R.O.W. WIDTH)  
 (C.F.N. 2004060873)  
 (PROPOSED R.O.W. WIDTH VARIES)

DELTA - 42° 48' 01" (RT)  
 DEGREE OF CURVE - 01° 35' 30"  
 TANGENT - 1,410.84'  
 LENGTH - 2,689.23'  
 RADIUS - 3,600.00'  
 PC STATION - 819+65.35  
 PT STATION - 846+54.58

**MOSES SHIPMAN SURVEY**  
**A-86**

PROPOSED BASELINE FORT BEND PARKWAY

825+00

TSC SURVEYING  
 "A GEOSURV, INC. COMPANY"



Mapping and Surveying  
 170 S. Orange Ave., Suite 200  
 Tallahassee, FL 32309  
 Tel: 904-784-4488  
 Fax: 904-784-9800

PARCEL 02

PAGE 6 OF 6



SCALE: 1"=50'

PARCEL PLAT

SHOWING PROPERTY OF  
**PARCEL 02**

FORT BEND TOLL  
 FORT BEND COUNTY  
 SEPTEMBER, 2015

TSC SURVEYING

SCALE: 1"-50'



MATCHLINE "A"