

ABANDONMENT OF RIGHT OF WAY AND EASEMENT

THE STATE OF TEXAS §
 § KNOW ALL BY THESE PRESENTS:
COUNTY OF FORT BEND §

WHEREAS, FORT BEND COUNTY DRAINAGE DISTRICT (the "District"), currently owns and/or possesses the right to utilize those certain rights of way and easements for drainage canals and other facilities upon, over, through and across those certain tracts of land described in that certain instrument granted by Rubye C. Myers to Grantee, recorded at Volume 319 Page 65, Clerk's File No. 1954032013, of the Official Public Records of Fort Bend County, Texas (the "Original Easement"), a copy of which is attached hereto as Exhibit "A"; and

WHEREAS, DRY CREEK (HOUSTON) ASLI VII, LLC, a Delaware limited liability company has executed a Drainage Easement in favor of the District covering that certain 53.7 acre tract of land (the "53.7 Acre Tract") described on Exhibit "B" attached hereto (the "Replacement Easement"), and within 30 days hereafter, the District will execute the Replacement Easement and record same in the Official Real Property Records of Fort Bend County, Texas; and

WHEREAS, the District has determined the Replacement Easement to have a value that is equal to or greater than the portion of the Original Easement being abandoned by this Abandonment of Right of Way and Easement; and

WHEREAS, the District has determined that it no longer needs to utilize the entire Original Easement and the District desires to release, abandon and relinquish all of its rights, titles, and interests in and to the portion of the Original Easement that is located within the 53.7 Acre Tract;

NOW, THEREFORE, the District does hereby release, abandon, and relinquish all of its rights, titles, and interests in and to the portion of the Original Easement that is located within the 53.7 Acre Tract. The District's rights, titles and interests in the portion of the Original Easement which is abandoned hereby shall terminate as of the date hereof.

COMPARED

RIGHT OF WAY EASEMENT

RUBYE C. MYERS

TO # 91346

FORT BEND COUNTY DRAINAGE DISTRICT

THE STATE OF TEXAS,
COUNTY OF FORT BEND,

KNOW ALL MEN BY THESE PRESENTS: That the undersigned, Rubye C. Myers, (hereinafter called GRANTOR), for and in consideration of the agreements on the part of the District, the sufficiency of which is hereby acknowledged and confessed, has granted, bargained, sold and conveyed, and by these presents hereby grants, bargains, sells and conveys unto said Fort Bend County Drainage District, a corporation (hereinafter called the District), of Fort Bend County, Texas, a right of way and easement for the purpose of constructing, maintaining, operating, repairing and reconstructing a drainage canal, including drains, ditches, and laterals upon, over, through and across the hereinafter described right of way strip:

The DISTRICT shall have an easement of an aggregate width of 100 feet, being 50 feet, extending at right angles, on each side of the following line and course across said land, to-wit:

COMMENCING for connection at the Southeast corner of the James V. Myers tract of land in the Wiley Martin League, Abstract No. 56, in Fort Bend County, Texas, a point in the common boundary of said Myers tract and the adjoining tract of A. P. and Mamie George in said League; THENCE Northeasterly along the Southeast line of said Myers tract an approximate distance of 1967 feet to the intersection point of said Southeast property line and the center line of Dry Creek for the point and place of BEGINNING; THENCE in a Westerly direction following the center line or thread of Dry Creek an approximate distance of 7500 feet to the intersection point of said Dry Creek center line and the Northwest property line of said Myers tract, and which intersection point is approximately 1255 feet along said Northwest property line from the most Northerly or Northwest corner of said Myers tract.

The DISTRICT shall have all rights and benefits necessary or convenient for the full enjoyment or use of the rights herein granted, with the right of ingress and egress to and from said drainage canal right of way, provided, however, that after construction of said drainage canal, said right of ingress and egress of the DISTRICT shall be limited to the said 100 foot right of way, except as hereafter authorized. The DISTRICT is given the right from time to time to cut and remove all trees, undergrowth, and abate other obstruction, upon said canal right of way, that may injure, endanger, or interfere with the construction, operation, maintenance and repair of said drainage canal, except as hereinafter otherwise provided.

The DISTRICT agrees during the life of this easement to

STATE OF TEXAS
COUNTY OF FORT BEND

I, Laura Richard, County Clerk of Fort Bend County, Texas, do hereby certify that the foregoing is a true and correct copy as the same appears on file and recorded in the appropriate records. Note: A portion of a personal identifying number may have been redacted as allowed by law.



Laura Richard
Laura Richard, County Clerk
Fort Bend County, Texas
January 27, 2016

repair all damage to roads, passageways, and fences, resulting from operations of the DISTRICT, and to restore the same to the previously existing condition as near as possible and to pay for any damage to any of Grantor's property, or any tenant of Grantor, as to any property not on the easement strip caused, in any manner, by any agents, servants or employees of the District.

GRANTOR reserves the right to use the facilities offered by the drainage canal for the disposal of surface waters, rain, or any excess waters collecting upon her land, and in such connection DISTRICT agrees at its expense during construction only to open up now existing ditches and drains, and to permit Grantor's passage over said existing ditches but in no event shall the DISTRICT be permitted to build any ditch or drain (excepting the main drainage Canal) without the consent of Grantor thereto first obtained.

The DISTRICT agrees:

1. In constructing the drainage channel, to save as many of Grantor's trees as possible, and in connection herewith, Geo. G. Roane as Grantor's Agent, has designated the trees not to be disturbed and marked the same with white paint, and it is agreed that said trees be saved and as many other trees as are reasonably possible in digging said drainage channel.
2. At the place where Grantor has an existing bridge across said channel, to replace said bridge with a new bridge according to standard design of the DISTRICT and grade the dirt up on either side of said bridge, so that a good road is established, so as to permit the passage thereover by Grantor, her heirs or assigns, for general agricultural, pasturage, livestock and other purposes as may be needed by her, or her servants, tenants, or employees in the use of the surface of her said lands. Said bridge to be maintained by the DISTRICT.
3. In levelling the dirt removed from the drainage channel, to repair and replace any fence disturbed or removed by it.
4. At the places where Grantor's fences cross said drainage channel, to maintain said fences on the right of way strip, so as to prevent Grantor's livestock passing through said fences. If conditions require same, to install and maintain water gates on the outside boundary line fences.
5. To establish a concrete culvert crossing, with dirt fill over same, as a graded dirt road, to permit Grantor (her heirs or assigns) passage over the two borrow ditches paralleling Grantor's

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COUNTY OF FORT BEND

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Laura Richard
Laura Richard, County Clerk
Fort Bend County, Texas
January 27, 2016

private graded road being the only graded road on said land near the place where said private road and the two drain ditches come into this right of way strip, and to practice soil erosion measures in said area, and at places where Grantor's existing drain ditches empty in said drainage channel so as to use all reasonable measures to prevent said ditches from washing out and being large ditches at the place where they enter said drainage canal.

6. In case there should be any conflict, it is agreed that any declarations of policy, as previously filed by said DISTRICT, are amended to include the agreements herein contained.

During construction of said drainage channel and during maintenance operations, the DISTRICT is authorized to spread spoil dirt and operate machinery upon the premises of Grantor immediately adjoining and outside of the 100 foot wide easement strip above described.

GRANTOR reserves the oil, gas and sulphur and other minerals in and under the land covered by this easement.

This conveyance is granted unto the said Fort Bend County Drainage District for and during the life of said drainage district.

TO HAVE AND TO HOLD said right of way and easement herein granted, subject to the terms and agreements hereto, unto the said DISTRICT, its successors or assigns.

EXECUTED in duplicate originals this the 13 day of February, A. D. 1952.

Ruby C. Myers
Ruby C. Myers
Grantor

FORT BEND COUNTY DRAINAGE DISTRICT CORPORATION
By *W. C. S. Hake*
Chairman of the Board of Directors of said Drainage District.

THE STATE OF TEXAS
COUNTY OF *Fort Bend*

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Ruby C. Myers, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 13 day of February, A. D. 1952.



GEO. G. ROANE
Notary Public
FORT BEND CO. TEX.

Geo. G. Roane
Notary Public in and for
Fort Bend County, Texas.

STATE OF TEXAS
COUNTY OF FORT BEND

I, Laura Richard, County Clerk of Fort Bend County, Texas, do hereby certify that the foregoing is a true and correct copy as the same appears on file and recorded in the appropriate records. Note: A portion of a personal identifying number may have been redacted as allowed by law.

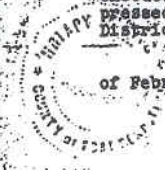


Laura Richard
Laura Richard, County Clerk
Fort Bend County, Texas
January 27, 2016

THE STATE OF TEXAS,
COUNTY OF FORT BEND,

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared H. Cecil Baker, Chairman of the Board of Directors of Fort Bend County Drainage District and County Judge of Fort Bend County, Texas, known to me to be the person whose name is subscribed to the foregoing instrument in the said capacities, and acknowledged to me that he executed the same for the purposes and consideration therein expressed and as the act and deed of the Fort Bend County Drainage District, a corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 12th day of February, A. D. 1952.



S. C. Morrow

S. C. Morrow
Notary Public in and for
Fort Bend County, Texas.

Filed for Record on the 2 day of Feb.
Duly Recorded this the 8 day of Feb.
Instrument No. 91346

A. D. 1954, at 4:00 o'clock P. M.
A. D. 1954, at 11:30 o'clock A. M.

WINONA SCHEDEL, County Clerk
Fort Bend County, Texas

By Pearl Collett Deputy

UNRECORDED

H. A. MEYER ESTATE

Raymond Knippling, et al
To # 91347

**FORT BEND COUNTY DRAINAGE DISTRICT
RIGHT OF WAY DEED**

THE STATE OF TEXAS,
COUNTY OF FORT BEND,

KNOW ALL MEN BY THESE PRESENTS: That the undersigned,

Raymond Knippling and J. E. Junker of Fort Bend County, Texas, and

Mrs. Emma Meyer, a widow of Harris County, Texas,

whose address is as shown above (hereinafter called GRANTOR, whether one or more) for and in consideration of the benefits to be derived on account of and from the construction, operation and maintenance by Fort Bend County Drainage District, of the drainage canal and system upon and through the land hereafter described, the sufficiency of which is hereby acknowledged and confessed, has granted, bargained, sold and conveyed, and by these presents hereby grants, bargains, sells and conveys unto said Fort Bend County Drainage District, a corporation (hereinafter called the DISTRICT), of Fort Bend County, Texas, a right of way and easement for the purpose of constructing, maintaining, operating, repairing and re-constructing a drainage canal, including drains, ditches, laterals and levees, upon, over, through and across the lands of GRANTOR along the route hereinafter designated, and said lands being ~~as shown on Exhibit~~ situated in Fort Bend County, Texas.

The DISTRICT shall have an easement of an aggregate width of 200 feet, being 100 feet, extending at right angles, on each side of the following line and course across said land, to-wit:

BEGINNING at the intersection point of the center line of Dry Creek and the Southeast Line of the H. A. Meyer Estate land lying in the B. B. B.

STATE OF TEXAS
COUNTY OF FORT BEND

I, Laura Richard, County Clerk of Fort Bend County, Texas, do hereby certify that the foregoing is a true and correct copy as the same appears on file and recorded in the appropriate records. Note: A portion of a personal identifying number may have been redacted as allowed by law.



Laura Richard
Laura Richard, County Clerk
Fort Bend County, Texas
January 27, 2016 KA

BRIDLEWOOD ESTATES SECTION 3
 SLIDE NOS. 1660A&B, 1661A&B, 1662A
 P.R.F.B.C.T.

BIG CREEK, L.T.D.
 CALLED 792.95 AC.
 C.C.F. NO. 2007123289
 O.P.R.F.B.C.T.

A. MYERS ROAD

S 67° 49' 42" E 6,568.86'

P.O.C.
 FND 1/2" IP
 @ 0+30.22'

S 22°20'28" W
 1,172.88'

A1

A2

A3

P.O.B.

F. IRBY COBB B TRUST
 RESIDUE CALLED 400.814 AC.
 C.C.F. NO. 2006019259
 O.P.R.F.B.C.T.

DRY CREEK (HOUSTON) ASLI VII, LLC
 CALLED 130.5756 AC.
 C.C.F. NO. 2013129252
 O.P.R.F.B.C.T.

WILEY MARTIN SURVEY
 ABSTRACT 56

HENRY WILCOX SURVEY
 ABSTRACT 342

E. P. EVERETT SURVEY
 ABSTRACT 387

DRAINAGE EASEMENT
 (53.7 ACRES)

DRY CREEK (HOUSTON) ASLI VII, LLC
 CALLED 371.8877 AC.
 C.C.F. NO. 2013131554
 O.P.R.F.B.C.T.

A1
 CHRISTOPHER LEE COBB
 CALLED 3.0 AC.
 C.C.F. NO. 201411212
 O.P.R.F.B.C.T.

A2
 LENNAR HOMES OF TEXAS
 LAND AND CONSTRUCTION, L.T.D.
 CALLED 30.00 AC.
 C.C.F. NO. 2007013845
 O.P.R.F.B.C.T.

ET
 FORT BEND COUNTY DRAINAGE DISTRICT
 CALLED 100' WIDE RIGHT-OF-WAY EASEMENT
 VOL. 319, PG. 65
 D.R.F.B.C.T.

A3
 LENNAR HOMES OF TEXAS
 LAND AND CONSTRUCTION, L.T.D.
 CALLED 21.29 AC.
 C.C.F. NO. 2008017096
 O.P.R.F.B.C.T.

EXHIBIT
 A OF
 DRAINAGE EASEMENT
 BEING
 53.7 ACRES
 OUT OF THE
 WILEY MARTIN SURVEY, ABSTRACT 56
 FORT BEND COUNTY, TEXAS
 APRIL 2015

CHARLIE KALKOMEY
 Surveying, Inc.
 Land Surveyors
 6415 Bonding Road
 Suite 201
 Houston, Texas 77071-6065
 Texas Board of Professional Land Surveying Registration No. 1046104
 a Jones & Carter Company
 Austin • Savannah • Bryan • Dallas • Houston
 Roseberry • San Antonio • The Woodlands

SCALE: 1" = 600'

SHEET: 1 OF 2

CURVE	DELTA	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	45°41'11"	291.97'	230.52'	S 58°02'06" E	224.58'
C2	74°39'27"	146.00'	190.24'	S 65°05'45" E	177.06'
C3	40°00'08"	593.25'	414.19'	S 72°35'07" E	405.83'
C4	40°55'50"	602.95'	430.73'	S 63°17'58" E	421.63'
C5	17°25'25"	1200.30'	365.01'	S 89°04'58" E	363.61'
C6	12°55'29"	768.10'	173.27'	N 89°13'43" E	172.90'
C7	20°46'07"	561.24'	203.44'	S 76°32'01" E	202.33'
C8	59°40'32"	633.37'	648.62'	S 69°01'23" E	620.65'
C9	27°12'49"	582.51'	276.67'	S 57°00'22" E	274.08'
C10	06°39'49"	2902.39'	337.55'	S 70°36'14" E	337.36'
C11	26°22'21"	658.67'	303.18'	S 53°05'57" E	300.51'
C12	47°57'41"	215.44'	180.34'	S 75°05'12" E	175.12'
C13	35°22'23"	362.76'	223.96'	N 83°34'16" E	220.42'
C14	33°49'18"	238.96'	141.06'	N 80°51'52" E	139.02'
C15	27°42'42"	455.27'	220.20'	S 80°54'03" E	218.06'
C16	67°57'13"	96.61'	114.58'	N 70°12'19" E	107.98'
C17	30°13'38"	184.85'	97.52'	N 48°40'19" E	96.40'
C18	74°02'03"	341.21'	440.89'	N 88°56'59" E	410.85'
C19	12°33'23"	894.30'	195.99'	S 48°43'15" E	195.60'
C20	42°04'08"	58.68'	43.08'	S 80°56'11" E	42.12'
C21	37°57'54"	528.04'	349.89'	S 79°03'28" E	343.52'
C22	09°07'29"	389.02'	61.95'	S 63°18'55" E	61.89'
C23	23°45'30"	314.47'	130.40'	S 60°43'53" E	129.46'
C24	34°10'49"	61.58'	36.74'	S 61°00'34" E	36.19'
C25	15°21'46"	729.39'	195.57'	S 68°36'13" E	194.98'
C26	41°27'02"	454.71'	328.96'	S 43°10'27" E	321.83'
C27	22°09'53"	889.34'	344.04'	S 11°26'48" E	341.90'
C28	26°44'54"	145.32'	67.84'	S 13°44'35" E	67.23'
C29	12°19'28"	605.00'	130.14'	S 20°57'18" E	129.89'
C30	33°38'14"	200.00'	117.42'	N 31°50'11" W	115.74'
C31	01°33'49"	800.00'	21.83'	N 14°14'09" W	21.83'
C32	13°39'47"	300.00'	71.54'	N 20°17'08" W	71.37'

GENERAL NOTES:

1. Bearings are based upon the Texas Coordinate System, South Central Zone, NAD83, based upon GPS observations.
2. For reference and further description, see metes and bounds description, job number 12268-0005-00, prepared by Charlie Kalkomey Surveying, Inc. on same date.

LINE	BEARING	DISTANCE
L1	N 44°15'01" E	45.95'
L2	S 54°03'57" E	53.11'
L3	S 64°14'22" E	233.88'
L4	S 45°22'19" E	54.10'
L5	S 21°34'07" W	318.76'
L6	N 55°23'59" W	84.59'
L7	N 43°38'01" W	113.70'
L8	N 72°30'35" W	113.21'
L9	N 48°04'47" W	127.65'
L10	N 22°20'28" E	313.88'

CURVE	DELTA	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C33	26°44'54"	450.32'	210.23'	N 13°44'35" W	208.32'
C34	22°11'20"	584.42'	226.33'	N 11°27'27" W	224.92'
C35	41°34'45"	149.71'	108.64'	N 43°10'19" W	106.28'
C36	03°28'36"	3500.98'	212.44'	N 65°33'07" W	212.41'
C37	17°18'02"	319.26'	96.40'	N 58°40'51" W	96.03'
C38	33°51'11"	377.34'	222.95'	N 73°56'35" W	219.72'
C39	25°44'07"	897.00'	144.22'	N 70°46'05" W	399.52'
C40	35°08'39"	235.12'	82.23'	N 67°48'13" W	141.97'
C41	110°13'10"	42.75'	40.39'	S 80°15'14" W	70.13'
C42	09°31'45"	242.87'	210.12'	S 29°52'58" W	40.35'
C43	51°03'05"	235.82'	356.58'	S 53°19'36" W	203.24'
C44	17°55'34"	1139.70'	162.38'	N 88°01'08" W	355.13'
C45	22°13'49"	418.51'	426.10'	S 86°59'31" W	161.36'
C46	20°48'44"	1123.05'	138.57'	S 89°47'59" W	423.76'
C47	15°31'08"	511.61'	301.19'	N 69°53'59" W	138.15'
C48	21°19'39"	809.13'	198.76'	N 58°57'57" W	299.45'
C49	32°46'28"	347.47'	282.99'	N 55°54'17" W	196.06'
C50	07°50'40"	2066.95'	372.32'	N 67°33'14" W	282.77'
C51	15°15'35"	1397.94'	270.16'	N 53°15'42" W	371.22'
C52	48°00'53"	261.74'	219.34'	N 75°05'29" W	212.98'
C53	35°14'26"	439.24'	92.82'	N 80°42'12" W	265.92'
C54	36°50'27"	144.36'	748.29'	N 86°45'14" W	91.23'
C55	28°10'21"	1521.83'	276.88'	N 83°41'35" W	740.77'
C56	21°31'53"	736.78'	370.82'	N 58°34'52" W	275.25'
C57	43°44'35"	485.71'	260.14'	N 75°49'18" W	361.88'
C58	63°26'19"	234.95'	165.74'	N 63°50'22" W	247.05'
C59	38°13'54"	248.38'	165.74'	N 46°59'03" W	162.68'

EXHIBIT
A OF
DRAINAGE EASEMENT
BEING
53.7 ACRES
OUT OF THE

WILEY MARTIN SURVEY, ABSTRACT 56
FORT BEND COUNTY, TEXAS
APRIL 2015



CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

OFFICE USE ONLY CERTIFICATION OF FILING

Certificate Number:
2016-15448

Date Filed:
02/18/2016

Date Acknowledged:

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.

Dry Creek (Houston) ASLI VII, LLC
Winter Park, FL United States

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.

Fort Bend County Drainage District

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the goods or services to be provided under the contract.

R441569
Drainage Easement Acquisition and Abandonment

4 Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
		Controlling	Intermediary
Avanti Strategic Land Investors VIII, LLLP	Winter Park, FL United States	X	

5 Check only if there is NO interested Party.

6 AFFIDAVIT I swear, or affirm, under penalty of perjury, that the above disclosure is true and correct.

DRY CREEK (HOUSTON) ASLI VII, LLC

By: Avanti Strategic Land Investors VII, L.L.L.P.,

By: Avanti Properties Group II, L.L.L.P.,

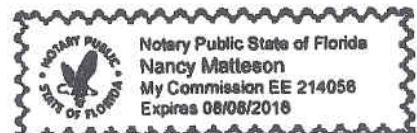
By: Avanti Management Corporation

By: 

Name: Marvin Shapiro

Title: President

Sworn to and subscribed before me, by the said MARVIN SHAPIRO, this the 19TH day of FEBRUARY, 20 16, to certify which, witness my hand and seal of office.




Signature of officer administering oath

NANCY MATTESON
Printed name of officer administering oath

Title of officer administering oath