

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.

SPECIAL WARRANTY DEED

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

THAT, **TERRABROOK CINCO RANCH SOUTHWEST, LLC**, a Delaware limited liability company, formerly known as Terrabrook Cinco Ranch Southwest, L.P., hereinafter referred to as "Grantor," for and in consideration of the sum of Ten and No/100 Dollar (\$10.00) and other good and valuable consideration to Grantor in hand paid by the **COUNTY OF FORT BEND** (the "County"), whose mailing address is 301 Jackson St., Richmond, Texas 77469, the receipt of which is hereby acknowledged, and for which no lien is retained, either express or implied, has GRANTED, BARGAINED, SOLD, and CONVEYED and, by these presents, does GRANT, BARGAIN, SELL and CONVEY unto the County, all those certain tracts or parcels of land lying and being situated in the County of Fort Bend, State of Texas, more particularly described in Exhibit "A", each of which is attached hereto and incorporated herein for any and all purposes (collectively, the "Property").

TOGETHER WITH, all and singular of Grantor's rights, benefits, privileges, easements, tenements, hereditaments, appurtenances and interests thereon or in anywise appertaining to the Property but only to the extent the same benefit the Property (the "Appurtenant Rights").

Grantor hereby reserves and excepts to itself and its successors and assigns all oil, gas and other minerals in, under and/or that may be produced from the Property, together with all privileges appertaining thereto (collectively, the "Minerals"), provided, however, Grantor, for itself, its successors and assigns, hereby release, waive and relinquish all of Grantor's rights and interest in and to the use of the surface of the Property for exploring, drilling for, developing, producing, storing, processing, marketing and transporting the Minerals from the Property, subject to the right of Grantor to explore, drill for, develop and produce the Minerals from the Property without the use of the surface or any portion thereof, through wells at surface locations situated outside the Property including, without limitation, directional wells drilled off the Property and under or through and bottomed beneath the Property, and entirely below the surface, and wells located off the Property in a pooled unit which includes the Property or a portion or portions thereof and other lands.

THE PROPERTY IS CONVEYED BY GRANTOR TO THE COUNTY ON AN AS-IS BASIS, IN ITS PRESENT CONDITION, BUT WITHOUT ANY EXPRESS WARRANTY (EXCEPT THE SPECIAL WARRANTY OF TITLE CONTAINED HEREIN) AND WITHOUT ANY IMPLIED WARRANTY OF MERCHANTABILITY, HABITABILITY, SUITABILITY OR OTHER IMPLIED WARRANTY. THE CONVEYANCE OF THE APPURTENANT RIGHTS IS MADE WITHOUT ANY REPRESENTATION OR WARRANTY WHATSOEVER, EXPRESS OR IMPLIED.

In addition, this conveyance is made by Grantor and accepted by the County subject to matters that a correct survey of the Property would reflect, easements, restrictions, reservations, covenants and conditions and other matters (other than lien encumbrances) relating to the Property to the extent that the same are valid and enforceable against the Property, as same are shown by instruments filed for record in the Official Public Records of Real Property of Fort Bend County, Texas, or as same are evident upon inspection of the Property (herein collectively called the "Permitted Exceptions").

It is acknowledged and agreed that Grantee is acquiring the Property for the purpose of dedicating, constructing and maintaining a public right of way.

TO HAVE AND TO HOLD the Property, subject to the Permitted Exceptions, unto the County, and its assigns forever; and Grantor binds itself, its successors and assigns to WARRANT AND FOREVER DEFEND, all and singular, the title to the Property, except for the Permitted Exceptions, unto the County, and its assigns, against every person whomsoever lawfully claiming or to claim the same or any part of the Property, by, through or under Grantor, but not otherwise.

PROVIDED, HOWEVER, that Grantor hereby reserves unto itself, its successors and assigns, a temporary, exclusive easement (the "Landscaping Easement") to enter onto the Property and landscape the Property and to thereafter maintain and/or replace such landscaping, until such time that Grantee has commenced construction of a public right of way (such date being the "Construction Commencement Date"). At least thirty (30) days prior to Construction Commencement Date, Grantee shall provide written notice of the Commencement Construction Date and Grantor shall have the right, but not the obligation, prior to the Construction Commencement Date to remove and relocate from the Property any landscaping it has previously planted.


[Remainder of page intentionally left blank.]

This Special Warranty Deed is EXECUTED as of the date of acknowledgment below to be EFFECTIVE as of the _____ day of _____, 2016.

GRANTOR:

**TERRABROOK CINCO RANCH
SOUTHWEST, LLC**, a Delaware limited
liability company

By:


Alan F. Bauer, Senior Vice President

STATE OF TEXAS

§
§
§

COUNTY OF HARRIS

This instrument was ACKNOWLEDGED before me on the 16th day of March 2016, by Alan F. Bauer, Senior Vice President of Terrabrook Cinco Ranch Southwest, LLC, a Delaware limited liability company.

[S E A L]

My Commission Expires:

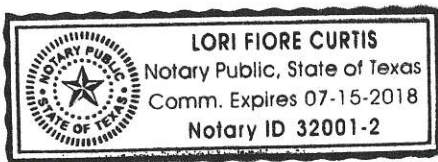
7-15-18



Notary Public in and for the State of Texas

LORI FIORE CURTIS

Printed Name of Notary Public



THE COUNTY OF FORT BEND accepts the foregoing Special Warranty Deed and consents to its form and substance.

----- THE COUNTY OF FORT BEND -----

By: _____
Name: _____
Title: _____

STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

This instrument was ACKNOWLEDGED before me on the _____ day of _____, 2016, by of the County of Fort Bend, on behalf of said county.

[S E A L]

Notary Public in and for the State of Texas

My Commission Expires:

Printed Name of Notary Public

EXHIBIT A

County: Fort Bend
Highway: Katy-Gaston Road
Project Limits: Summerset Ridge Lane to SH 99

Property Description for Parcel 1

Being a 0.3048 acre (13,277 square feet) parcel of land, out of the Walton, Hill and Walton "A" Survey A-435, Fort Bend County, Texas and being all of the residue of a 178.04 acre tract of land, described in a Special Warranty Deed dated July 14, 2004 conveyed to Terrabrook Cinco Ranch Southwest, L.P., filed in the Official Public Records Fort Bend County, Texas (O.P.R.F.B.C.) at Clerk's File No. 2004086008, said 0.3048 of an acre being more particularly described as follows:

BEGINNING at a found 5/8-inch iron rod located in the north corner of a 43.3670 acre tract of land, described in an Exchange and Partition Deed dated December 31, 2002 set apart to Derwanna Ann Dalio Grover and Debra Ann Dalio Stephens, filed in the Official Public Records Fort Bend County, Texas (O.P.R.F.B.C.) under Clerk's File No. 2003010566, at the east corner of the residue of said 178.04 acre tract and in the existing southwest right-of-way line of Katy-Gaston Road (80 feet wide) filed in the Official Public Records Fort Bend County, Texas (O.P.R.F.B.C.) under Clerk's File No. 92-06272, said point having Coordinates of N=13,819,294.84 and E=2,985,445.95, thence as follows:

- 1) THENCE, South 02°06'33" West, a distance of 26.23 feet, along the southeast line of the residue of said 178.04 acre tract, along the northwest line of said 43.3670 acre tract to the east corner of Cinco Ranch Southwest, Section 41 filed in the Plat Records of Fort Bend County, Texas (F.B.C.P.R.) under Clerk's File No. 20100029, and to a 5/8 inch iron rod with cap (stamped "Weisser Eng., Houston, TX") set for the south corner of herein described parcel;
- 2) THENCE, North 47°35'14" West, a distance of 672.32 feet, along the southwest line of the residue of said 178.074 acre tract and along the northeast line of said Cinco Ranch Southwest, Section 41, to a 5/8 inch iron rod found in the existing southeast right-of-way line of Summerset Ridge Lane (60 feet wide) filed in the Plat Records of Fort Bend County, Texas (F.B.C.P.R.) under Clerk's File No. 20070303 and for the west corner of herein described parcel;
- 3) THENCE, North 42°25'20" East, a distance of 20.00 feet, along the northwest line of the residue of said 178.04 acre tract and along the existing southeast right-of-way line of said Summerset Ridge Lane to a point in the existing right-of-way line of said Katy-Gaston Road and for the north corner the of herein described parcel;

EXHIBIT A

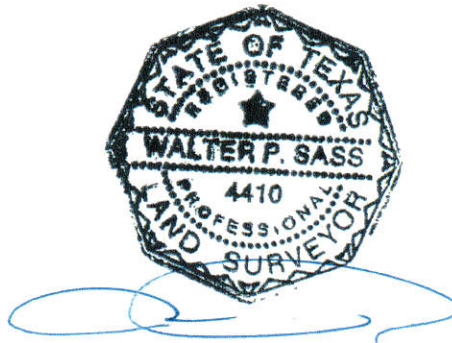
- 4) THENCE, South 47°35'14" East, a distance of 655.35 feet, along the northeast line of the residue of said 178.04 acre tract and along the existing southwest right-of-way line of said Katy-Gaston Road, to the POINT OF BEGINNING and containing 0.3048 acre (13,277 square feet) parcel of land.

NOTE: All bearings and coordinates are based on the Texas coordinate system, South Central Zone, NAD 83 (1993 Adj.). All distances and coordinates shown are surface and may be converted to grid by dividing by a combined adjustment factor of 1.00013.

All coordinates and elevations shown hereon are established from TxDOT Control Monuments, H-3, H-4, H-5, and H-13 prepared by Costello, Inc. dated February 23, 2000 and TxDOT Control Monuments H-5A and H-5B prepared by Weisser Engineering Company dated October 2006.

NOTE: A parcel plat of even date was prepared in conjunction with this property description.

Compiled by:
Weisser Engineering Company
TBPLS Firm Reg. No. 100518-00
19500 Park Row, Suite 100
Houston, Texas 77084
(281) 579-7300
May, 2015





NOTES:

- [illegible]

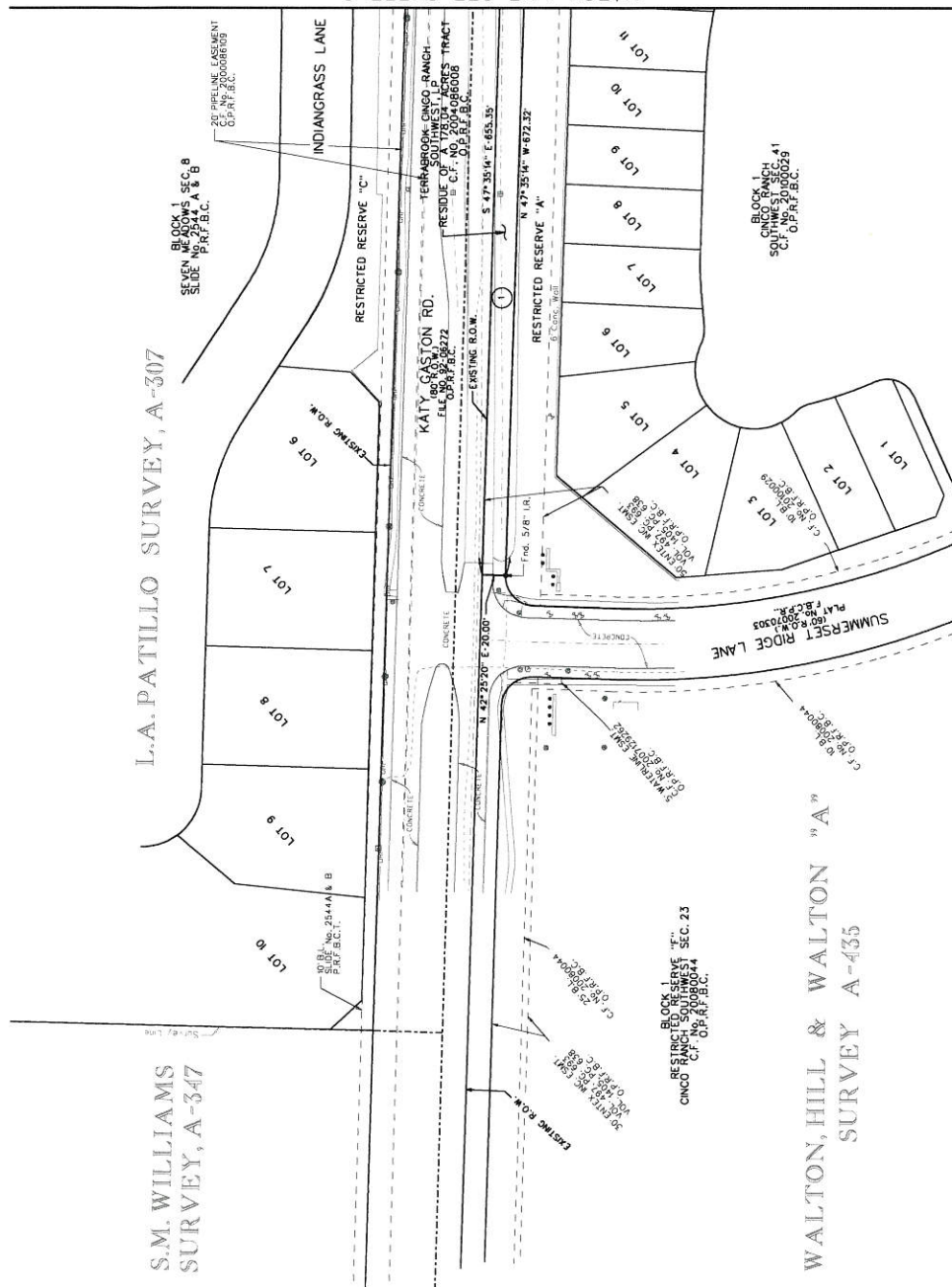
[illegible]

**WEISSER
Engineering Co.**
15500 Park Row, Suite 100
Houston, Texas 77084
(281) 379-1300
TELEX: 318000
FAX: 318000

1975 Reg. no-68
KATY-GASTON ROAD

MAP SHEETS

DESIGNED BY:	DRAWN BY:	
CHECKED BY:	CHECKED BY:	
CONT	SEC	JOB
		HWY NO.
		KATY-GASTON RD
FED. RD. DIV. NO.	PROJECT NO.	
6		
STATE	STATE DIST.	COUNTY
TEXAS	12	FORT BEND
		01
		SHEET NO.

[illegible]

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

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

TERRABROOK CINCO RANCH SOUTHWEST, LLC
Houston, TX United States

Certificate Number:
2016-46213

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

Date Filed:
04/27/2016

Date Acknowledged:

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 services, goods or other property to be provided under the contract.

Parcel 1 – Katy Gaston
SALE OF LAND

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary
	TERRABROOK CINCO RANCH SOUTHWEST,	Houston, TX United States	X	
	Percheron	katy, TX 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.
Terrabrook Cinco Ranch Southwest, LLC

Alan F. Bauer
Signature of authorized agent of contracting business entity
Alan F. Bauer, Sr. Vice President

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said Alan F. Bauer, Sr. Vice President of Terrabrook Cinco Ranch Southwest, LLC this the 28th day of April, 20 16, to certify which, witness my hand and seal of office.

Lori Fiore Curtis

LORI FIORE CURTIS

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

Signature of officer administering oath

Printed name of officer administering oath

Title of officer administering oath