## AMENDMENT TO EASEMENT FOR PUBLIC UTILITIES

THE STATE OF TEXAS

KNOW ALL PERSONS BY THESE PRESENTS:

COUNTY OF FORT BEND §

§

This AMENDMENT TO EASEMENT FOR PUBLIC UTILITIES (this "Amendment") is made on this \_\_\_\_\_ day of April, 2017, by DC DEVELOPMENT PARTNERS, LP, a Texas limited partnership ("Grantor"), and FORT BEND COUNTY, TEXAS, a body corporate and politic under the laws of the State of Texas ("Grantee").

## WITNESSETH:

WHEREAS, Grantor owns that certain tract of real property in Fort Bend County, Texas described on **Exhibit A**, attached hereto and incorporated herein by this reference (the "Grantor's Property");

WHEREAS, pursuant to that certain Easement for Public Utilities, recorded in Volume 1493, Page 408 of the Official Records of Fort Bend County, Texas (the "Original Easement"), Grantor's predecessor-in-interest granted unto Grantee a utility easement upon, over, across, and through that certain tract of real property described on Exhibit B, attached hereto and incorporated herein by this reference (the "Original Easement Tract");

WHEREAS, Grantor and Grantee desire amend the Original Easement to relocate that portion of the Original Easement Tract that encumbers the Grantor's Property to run upon, over, across, and through that certain tract of real property described on <u>Exhibit C</u>, attached hereto and incorporated herein by this reference (the "Relocated Easement Tract");

#### AGREEMENT:

NOW, THEREFORE, for and in consideration of \$10.00 and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor and Grantee hereby agree as follows:

- 1. "Exhibit A" of the Original Easement is hereby deleted and replaced in its entirety with the metes-and-bounds description of the Relocated Easement Tract contained on **Exhibit C**.
- 2. Except as amended or modified hereby, the Easement remains in full force and effect. To the extent of any conflict between the terms of the Easement and the terms of this Amendment, the terms of this Amendment shall control. This Amendment may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

[Remainder of page left blank; Signature page follows]

EXECUTED as of the \_\_\_\_\_\_ day of April, 2017, to be effective as of the date recorded with the Fort Bend County Clerk's Office.

GRANTOR:

DC DEVELOPMENT PARTNERS, LP,
a Texas limited partnership

By: DC Development Partners GP, LLC,
its general partner

By: David R. Glunt, President

GRANTEE:

FORT BEND COUNTY, TEXAS,
a body corporate and politic under the laws of the State of Texas

By: \_\_\_\_\_\_

Name: \_\_\_\_\_\_\_
Title: \_\_\_\_\_

## **ACKNOWLEDGEMENTS**

THE STATE OF TEXAS	§	
COUNTY OF HARRIS	§ §	
This instrument was ac President of DC Development F LP, a Texas limited partnership	Partners GP, LLC, wh	ne on the day of April, 2017 by David R. Glunt ich is the general partner of DC Development Partners tity.
WANDA SUE HENDE NOTARY PUBLIC-STATE O COMM. EXP. 07-23- NOTARY ID 18718	F TEXAS	Notary Public—State of Texas
THE STATE OF TEXAS	§ 8	
COUNTY OF FORT BEND	§	
		e on the day of April, 2017 by ody corporate and politic under the laws of the State of
		Notary Public—State of Texas

## **EXHIBIT A**

## Legal Description of the Grantor's Property

A METES & BOUNDS description of a certain 40.37-acre tract of land situated in the H. Shropshire Survey, Abstract No. 313 and Elijah Roark League, Abstract No. 77 in Fort Bend County, Texas, being a portion of a called 88.1380-acre tract of land conveyed to FLC Parkway, LP by Correction General Warranty Deed recorded in Clerk's File No. 2014050617, a portion of a called 37.429-acre tract conveyed to FT Bend Parkway-34 LP by Special Warranty Deed recorded in Clerk's File No. 2012016731 and a portion of a called 19.7056-acre tract conveyed to Fort Bend County MUD No. 48 by Warranty Deed recorded in Clerk's File No. 9887414, all of the Fort Bend County Official Public Records of Real Property; said 40.37-acre tract being more particularly described as follows with all bearings being based on the Texas Coordinate System, South Central Zone, NAD 83:

BEGINNING at a found 3/4-inch iron rod (with cap stamped "Cotton Surveying") at the eastern most corner of Olympia Estates Sec 7, plat of which is recorded in Plat No. 20140226 of the Fort Bend County Plat Records, the north corner of said 37.429-acre tract and in the south line of Lake Olympia Parkway (100' right-of-way) recorded in Clerk's File No.'s 2004110055, 2004110056 and 2004110153, all of the Fort Bend County Official Public Records of Real Property and being the beginning of a curve to the left;

THENCE, along the northeast line of said 37.429-acre tract, common with the south line of said Lake Olympia Parkway and along the arc of said curve to the left having a radius of 1250.00 feet, a central angle of 22°31'51", an arc length of 491.55 feet, and a long chord bearing South 56°45'23" East, 488.38 feet to a set 3/4-inch iron rod (with cap stamped "Jones|Carter Property Corner") for corner at the beginning of a reverse curve in the opposite direction to the left;

THENCE, along the arc of said reverse curve to the left having a radius of 25.00 feet, a central angle of 86°37'40", an arc length of 37.80 feet, and a long chord bearing South 68°39'51" West, 34.30 feet to a set 3/4-inch iron rod (with cap stamped "Jones|Carter Property Corner");

THENCE, South 25°21'02" West, 101.45 feet to a set 3/4-inch iron rod (with cap stamped "Jones Carter Property Corner") at the beginning of a curve to the left;

THENCE, along the arc of said curve to the left having a radius of 370.00 feet, a central angle of 113°00'40", an arc length of 729.79 feet, and a long chord bearing South 31°09'19" East, 617.12 feet, to a set 3/4-inch iron rod (with cap stamped "Jones|Carter Property Corner") for corner;

THENCE, South 87°39'39" East, 97.26 feet to a set 3/4-inch iron rod (with cap stamped "Jones|Carter Property Corner") at the beginning of a curve to the right;

THENCE, along the arc of said curve to the right having a radius of 610.00 feet, a central angle of 32°48'41", an arc length of 349.33 feet, and a long chord bearing South 71°15'19" East, 344.57 feet, to a set 3/4-inch iron rod (with cap stamped "Jones|Carter Property Corner") for corner;

THENCE, North 35°09'02" East, 132.00 feet to a set 3/4-inch iron rod (with cap stamped "Jones|Carter Property Corner") for corner;

THENCE, North 62°55'39" East, 259.89 feet to a set 3/4-inch iron rod (with cap stamped "Jones|Carter Property Corner") in the west line of the remainder of said 19.7056-acre tract, common with the east line of the aforementioned 37.429-acre tract;

THENCE, South 02°53'58" East, along said common line, 416.21 feet to a set 3/4-inch iron rod (with cap stamped "Jones|Carter Property Corner");

THENCE, South 42°00'58" East, 237.80 feet to a set 3/4-inch iron rod (with cap stamped "Jones|Carter Property Corner");

THENCE, South 39°56'27" East, 23.68 feet to a set 3/4-inch iron rod (with cap stamped "Jones|Carter Property Corner");

THENCE, South 27°04'20" East, 803.45 feet to a set 3/4-inch iron rod (with cap stamped "Jones|Carter Property Corner");

THENCE, South 22°42'36" East, 160.76 feet to a set 3/4-inch iron rod (with cap stamped "Jones|Carter Property Corner");

THENCE, South 18°31'41" East, 26.12 feet to a set 3/4-inch iron rod (with cap stamped "Jones|Carter Property Corner");

THENCE, North 71°28'19" East, 185.04 feet to a set 3/4-inch iron rod (with cap stamped "Jones|Carter Property Corner") in the east line of the aforementioned 88.1380-acre tract, common with the west line of Fort Bend Toll Road (varying width right-of-way) recorded in Clerk's File No. 2003114427 of the Fort Bend County Official Public Records of Real Property and at the beginning of a non-tangent curve to the right;

THENCE, along said common line and the arc of said curve to the right having a radius of 5579.60 feet, a central angle of 04°23'04", an arc length of 426.97 feet, and a long chord bearing South 21°47'17" East, 426.86 feet to a set 3/4-inch iron rod (with cap stamped "Jones|Carter Property Corner");

THENCE, South 70°53'42" West, 155.37 feet to a set 3/4-inch iron rod (with cap stamped "Jones|Carter Property Corner");

THENCE, South 79°55'44" West, 48.60 feet to a set 3/4-inch iron rod (with cap stamped "Jones|Carter Property Corner");

THENCE, South 80°51'03" West, 222.00 feet to a set 3/4-inch iron rod (with cap stamped "Jones|Carter Property Corner") at the beginning of a non-tangent curve to the left;

THENCE, along the arc of said non-tangent curve to the left having a radius of 1970.00 feet, a central angle of 03°53'32", an arc length of 133.83 feet, and a long chord bearing North 10°46'35" West, 133.81 feet to a set 3/4-inch iron rod (with cap stamped "Jones|Carter Property Corner");

THENCE, South 64°28'52" West, 102.60 feet to a set 3/4-inch iron rod (with cap stamped "Jones|Carter Property Corner");

THENCE, South 50°08'19" West, 141.71 feet to a set 3/4-inch iron rod (with cap stamped "Jones|Carter Property Corner");

THENCE, South 87°06'02" West, 76.80 feet to a set 3/4-inch iron rod (with cap stamped "Jones|Carter Property Corner");

THENCE, North 02°53'58" West, 28.30 feet to a set 3/4-inch iron rod (with cap stamped "Jones|Carter Property Corner");

THENCE, South 87°14'20" West, 125.86 feet to a set 3/4-inch iron rod (with cap stamped "Jones|Carter Property Corner");

THENCE, North 79°22'22" West, 24.84 feet to a set 3/4-inch iron rod (with cap stamped "Jones|Carter Property Corner") in the west line of the aforementioned remainder of said 19.7056-acre tract, common with the east line of Olympia Estates Phase 1 Section 3, plat of which is recorded in Plat No. 20040238 of the Fort Bend County Plat Records;

THENCE, North 02°54'03" West, along said common line, 653.08 feet to a found 5/8-inch iron rod (with cap stamped "Windrose") at the northeast corner of said Olympia Estates Phase 1 Section 3, common with the southeast corner of Olympia Estates Sec. 6, plat of which is recorded in Plat No. 20130259 of the Fort Bend County Plat Records at the beginning of a non-tangent curve to the left;

THENCE, along the east line of said Olympia Estates Sec. 6, common with the west line of the aforementioned 37.429-acre tract and along the arc of said non-tangent curve to the left having a radius of 1959.15 feet, a central angle of 25°12'18", an arc length of 861.85 feet, and a long chord bearing North 37°44'07" West, 854.92 feet to a found 5/8-inch iron rod for corner;

THENCE, North 50°17'09" West, continuing along said common line, 263.29 feet to a found 3/4-inch iron rod for the northeast corner of said Olympia Estates Sec. 6;

THENCE, South 87°06'02" West, along the north line of said Olympia Estates Sec. 6, common with the south line of the aforementioned 37.429-acre tract, 542.59 feet to a set 3/4-inch iron rod (with cap stamped "Jones|Carter Property Corner") for the northwest corner of said Olympia Estates Sec. 6, common with the northeast corner of Olympia Estates Sec. 2 recorded in Slide No.'s 2331 A & B of the Fort Bend County Plat Records;

THENCE, South 87°04'54" West, along the north line of said Olympia Estates Section 2, common with the south line of said 37.429-acre tract, 175.04 feet to a set PK Nail in concrete for the southeast corner of Olympia Estates Phase 1 Section 4, plat of which is recorded in Plat No. 20040240 of the Fort Bend County Plat Records;

THENCE, along the east line of said Olympia Estates Phase 1 Section 4, common with the west line of said 37.429-acre tract, the following four (4) courses and distances:

- 1. North 02°53'58" West, 336.12 feet to a point, from which a found 5/8-ineh iron rod (with cap stamped "VTSM") bears South 89°52'03" West, 0.45 feet;
- 2. North 26°12'14" West, 384.41 feet to a point, from which a found 5/8-inch iron rod (with cap stamped "VTSM") bears South 67°07'34" West, 0.30 feet;
- 3. South 63°47'46" West, 110.00 feet to a point, from which a found 5/8-inch iron rod (with cap stamped "VTSM") bears South 53°45'16" West, 0.34 feet;

4. North 26°37'47" West, 23.76 feet to a found 5/8-inch iron rod for the southeast corner of Olympia Estates Sec. 7, plat of which is recorded in Plat No. 20140226 of the Fort Bend County Plat Records;

THENCE, North 01°57'50" West, along the east line of said Olympia Estates Sec. 7, common with the west line of the aforementioned 37.429-acre tract, 196.32 feet to a found 5/8-inch iron rod (with cap stamped "VTSM") for corner;

THENCE, North 37°21'31" East, continuing along said common line, 491.52 feet to the **POINT OF BEGINNING**, **CONTAINING** 40.37 acres of land in Fort Bend County, Texas, as shown on Drawing No. 10680 in the office of Jones Carter in Bellaire, Texas.

#### EXHIBIT B

### Legal Description of Original Easement Tract

BEING 2.34186 acres of land located in the Elijah Roark League. Abstract No. 77 and the H. Shropshire Survey, Abstract No. 313, Fort Bend County, Texas; said tract being part of the same land conveyed from T. Martin to T. J. Eving. et. 21., as recorded in Yolume 75, Page 525 of the Deed Records of Fort Bend County, Texas;

BEGINNING at a 5/8 inch iron rod at the Southwest corner of the Thomas Hober-maker Survey, Abstract No. 191, Fort Bend County, Texas; said corner being the Southeast corner of the H. Shropshire Survey, Abstract No. 313, Fort Bend County, Texas; and said corner being in the North line of the flijah Roark League, Abstract No. 77, Fort Bend County, Texas;

THENCE, South a distance of 375.00 feet:

THENCE, West a distance of 150.00 feet;

THENCE, South a distance of 3889.24 feet to a point on the North Time of Vicksburg, Village of Shiloh, Section One as recorded on Slide No. 524888 of the Plat Records of Fort Bend County, Texas;

THENCE, North B9051°55" West a distance of 16.00 feet along the North line of said Vicksburg, Village of Shiloh, Section One;

THENCE, North a distance of 3905.20 feet;

THENCE, East a distance of 150.00 feet;

THENCE, Horth & distance of 1810,20 feet:

THENCE, West a distance of 80.00 feet;

THENCE, North a distance of 430.32 feet, passing at 158.89 feet the centerline of a 20 foot Dow chemical Pipeline Easement as recorded in Yolume 228, Page 353 of the Deed Records of Fort Bend County, Texas:

THENCE, East a distance of 16.00 feet to a point on the West line of an 80 TOOK Brazos River Authority Canal Fee Strip as recorded in Volume 815, Page 110 of the Deed Records of Fort Bend County, Texas;

THERCE, South a distance of 414.32 feet along the West line of said Brazes River Authority Canal Fee Strip, passing at 278.01 feet the centerline of said Dow Chemical Pipeline Easement;

THEHCE, East a distance of 80.00 feet along the South line of said Brazos River Authority Canal Fee Strip;

THENCE South a distance of 1467.20 feet to a point, said point being the POINT OF BEGINNING and containing 2.34186 acres of land, more or less.

#### EXHIBIT C

### Legal Description of Relocated Easement Tract

A METES & BOUNDS description of a certain 0.6636 Acre Easement situated in the Elijah Roark League, Abstract No. 77 in Fort Bend County, Texas, being out of a called 37.429 acre tract of land conveyed to Ft Bend Parkway-34 LP by Special Warranty Deed recorded in Clerk's File No. 2012016731, a called 19.7056 acre tract of land conveyed to Fort Bend MUD No 48 by Warranty Deed recorded in Clerk's File No. 9887414 and a called 88.1380 acre tract of land conveyed to FLC Parkway, LP by Correction General Warranty Deed recorded in Clerk's File No. 2014050617, all of the Fort Bend County Official Public Records of Real Property; said 0.6636 acre easement being more particularly described as follows with all bearings being based on the Texas Coordinate System, South Central Zone, NAD 83;

BEGINNING at a found 5/8-Inch iron rod (with cap stamped "Windrose") at the northeast corner of Olympia Estates Phase 1 Section 3, plat of which is recorded in Plat No. 20040238, common with the southeast corner of Olympia Estates Sec. 6, plat of which is recorded in Plat No. 20130259, both of the Fort Bend County Plat Records, being in the west line of said 19.7056 acre tract and at the beginning of a curve to the left;

THENCE, along the arc of said curve to the left having a radius of 1959.15 feet, a central angle of 07°46'38", an arc length of 265.93 feet, and a long chord bearing North 29°01'17" West, 265.72 feet to a point for corner;

THENCE, North 55°35'43" East, 256.28 feet to a point for corner;

THENCE, North 62°55'40" East, 151.49 feet to a point for corner;

THENCE, North 27°04'20" West, 218.03 feet to a point for corner;

THENCE, North 39"56'27" West, 21.58 feet to a point for corner;

THENCE, North 42°00'58" West, 236.93 feet to a point for corner;

THENCE, North 45°55'11" West, 379.25 feet to a point for corner in a north line of a proposed 40.37 acre tract of land (as shown on Drawing No. 10680 in the office of Jones | Carter in Bellaire, Texas);

THENCE, North 35°09'02" East, along proposed north line, 54.67 feet to a found 3/4-inch iron rod (with cap stamped "Jones | Carter Property Corner");

THENCE, North 62°55'39" East, continuing along proposed north line, 259.92 feet to a found 3/4-inch iron rod (with cap stamped "Jones | Carter Property Corner") in the east line of a Public Utility Easement recorded in Volume 1493, Page 408 of the Fort Bend County Deed Records and the aforementioned 37.429 acre tract, common with the west line of the aforementioned 19.7056 acre tract;

THENCE, South 02°53'53" East, along said common line, 17.54 feet to a point for corner;

THENCE, South 62°55'39" West, 248.79 feet to a point for corner;

THENCE, South 35°09'02" West, 37.03 feet to a point for corner;

THENCE, South 45°55'11" East, 366.12 feet to a found 3/4-inch iron rod (with cap stamped "Jones | Carter Property Corner") in the east line of proposed 40.37 acre tract;

THENCE, along proposed east line, the following three (3) courses and distances:

- 1. South 42°00'58" East, 237.77 feet to a found 3/4-Inch iron rod (with cap stamped "Jones| Carter Property Corner");
- 2. South 39°56'27" East, 23.68 feet to a found 3/4-inch iron rod (with cap stamped "Jones| Carter Property Corner");
- 3. South 27°04'20" East, 235.83 feet to a point for corner:

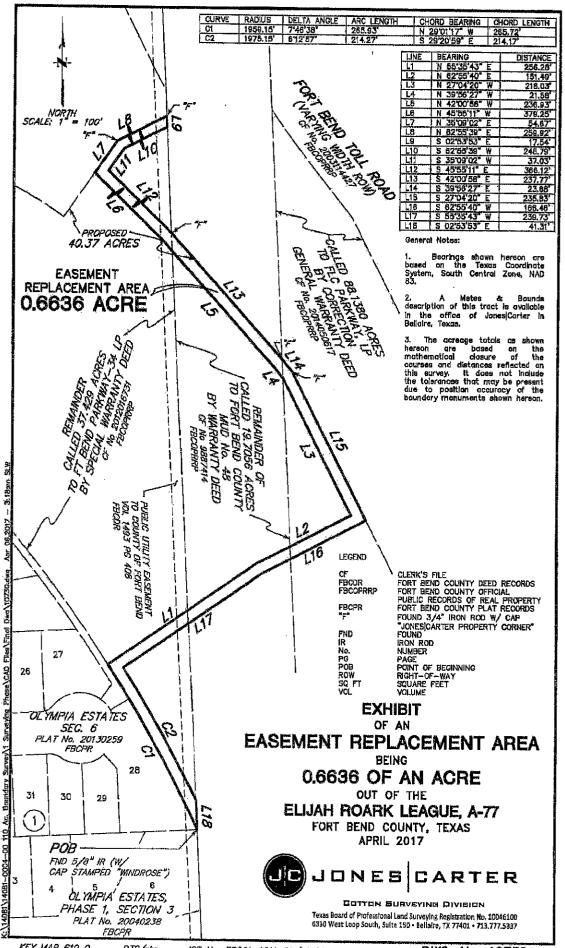
THENCE, South 62°55'40" West, 166.46 feet to a point for corner;

THENCE, South 55°35'43" West, 239.73 feet to a point at the beginning of a non-tangent curve to the right;

THENCE, along the arc of said non-tangent curve to the right having a radius of 1975.15 feet, a central angle of 06°12'57", an arc length of 214.27 feet, and a long chord bearing South 29"20'59" East, 214.17 feet to a point for corner in the west line of the aforementioned 19.7056 acre tract common with the east line of the aforementioned 37.429 acre tract and the east line of the aforementioned Public Utility Easement;

THENCE, South 02'53'53" East, along said common line, 41.31 feet to the **POINT OF BEGINNING**, **CONTAINING** 0.6636 acre of land in Fort Bend County; Texas, as shown on Drawing No. 10730 in the office of Jones [Carter in Bellaire, Texas.

4828-6310-3302, v. 1



# **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.	CEI	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	100000000000000000000000000000000000000	Certificate Number:				
	of business. DC Development Partners, LP	2017	2017-191415				
	Houston, TX United States	Date	Date Filed:				
	Name of governmental entity or state agency that is a party to the contract for which the form is	100000000000000000000000000000000000000	04/12/2017				
	being filed.						
	Fort Bend County	Date	Date Acknowledged:				
3	Provide the identification number used by the governmental entity or state agency to track or identification of the services, goods, or other property to be provided under the contract.	itify the c	ontract, and prov	/ide a			
	05022017						
	Amendment to Easement for Public Utilities						
			l Natura of	interest			
4	Name of Interested Party City, State, Country (place of bo	isiness)	Nature of interest s) (check applicable)				
		200		Controlling Intermediary			
	·						
				E)			
5	Check only if there is NO Interested Party.						
6	AFFIDAVIT I swear, or affirm, under penalty of perjury, that	t the abov	e disclosure is tru	e and correct.			
	WANDA SUE HENDERSON						
	NOTARY PUBLIC STATE OF TEXAS						
	COMM. EXP. 07-23-2018						
	NOTARY ID 187 1807  Signature of authorized agent of contracting business entity						
	AFFIX NOTARY STAMP / SEAL ABOVE						
	Sworn to and subscribed before me, by the said David Glut, this the 12 th day of April,						
	20 17 to certify which, witness my hand and seal of office.						
	elanda Sullanduson Wanda Sue Henderson Notory Public						
	Signature of officer administering oath  Printed name of officer administering oath  Title of officer administering oath						