

AGREEMENT FOR THE DURATION, RATE, AND ALLOCATION OF SALES AND USE TAX

This Agreement for the Duration, Rate, and Allocation of Sales and Use Tax (the "Agreement") is made and entered into by and between the City of Simonton, Texas (the "City"), Fort Bend County, Texas (the "County"), and Fort Bend County Assistance District No. 8 (the "District"), Fort Bend County, Texas.

RECITALS

WHEREAS, the City requires the execution of this Agreement as a condition to its consent for the creation of the District;

NOW, THEREFORE, in consideration of the mutual covenants and conditions set forth below, the parties agree as follows:

AGREEMENT

Section 1. General. The City consented to the creation of the District on _____, 2017. The City, the County and the District agree that the District's imposition of sales and use tax within the boundaries of the District, as described in Section 5. below, shall be governed by the terms of this Agreement. The City, the County, and the District agree that the District may perform the following functions in the District: (1) the construction, maintenance, or improvement of roads or highways, (2) the provision of law enforcement and detention services, (3) the maintenance or improvement of libraries, museums, parks, or other recreational facilities, (4) the provision of services that benefit the public health or welfare, including the provision of firefighting and fire prevention services, or (5) the promotion of economic development and tourism. Further, the City, the County and the District agree that the District is authorized to enter into an agreement regarding the duration, rate and allocation between the District and the City of sales and use taxes.

Section 2. Duration. This agreement expires on April 1, 2042. In the event the City annexes a portion of the District for limited or full purposes, the City will provide the County and the District with one hundred twenty (120) days' notice of any such annexation and, as of the annexation date, the area annexed shall be automatically excluded from the boundaries of the District. If the City annexes a portion of the District for limited purposes, the District and the City hereby agree to an allocation of fifty percent (50%) of all sales and use tax collected by the City shall be payable to the District within thirty (30) days of receipt by the City. If the City annexes the entirety of the District for limited purposes, the District and the City hereby agree to an allocation of fifty percent (50%) of all sales and use tax collected by the City shall be payable to the District within thirty (30) days of receipt by the City. If the City annexes the entirety or

a portion of the District for full purposes, the City must provide the County and the District one hundred twenty (120) days' notice of such annexation and, as of the annexation date, the District shall no longer be authorized to collect sales and use tax within the District.

Section 3. Rate and Allocation. The sales and use tax imposed by the District may not exceed two (2) percent, and may only be used by the County and District for lawful purposes within the boundaries of the District. The sales and use tax imposed by the District may not exceed two (2) percent and may be used for any lawful purposes. The District and the City hereby agree to an allocation of fifty percent (50%) of all sales and use tax collected by the District shall be payable to the City within thirty (30) days of receipt by the District.

Section 4. Bonds or obligations. Neither the County nor the District may issue or enter into bonds, notes, or other obligations extending beyond April 1, 2042, if such bonds, notes, or other obligations are secured by a pledge or other encumbrance or lien on the sales and use tax collected by the District. Neither the County nor the District may issue or enter bonds, notes, or other obligations secured by a pledge or other encumbrance or lien on the City's allocation of the sales and use tax collected by the District without the City's consent. If the City annexes for limited or full purposes an area of the District encumbered by bonds, notes, or other obligations secured by a pledge or other encumbrance or lien on the District's or County's allocation of the sales and use tax, the City will be obligated to pay the obligation from its sales and use tax allocation the amount attributable to the area annexed for limited or full purposes.

Section 5. Boundaries and Annexation. The City hereby consents to the creation of the District, which boundaries shall include the entire extraterritorial jurisdiction of the City, except for property subject to the Extraterritorial Jurisdiction Development Agreement with Twinwood US, Inc. approved by the City under Ordinance No. 2015-06 on February 17, 2015, ("Twinwood Property") described in Exhibit A attached hereto, incorporated herein for all purposes. City does not consent to the inclusion in the District, property that may be added to the City's extraterritorial jurisdiction or City Limits pursuant to the aforementioned Twinwood agreement. City's consent shall also apply to District's inclusion of public right of way used for road purposes and County-owned property and facilities located within the municipal boundaries of the City which will not generate sales and use tax revenue. The inclusion of such property will allow the District to spend its revenue and perform its functions on the non-sales and use tax revenue generating property used for public purposes. There will be no imposition of the sales and use tax applicable to such that would exceed the maximum combined rate of sales and use taxes imposed by political subdivisions of this state prescribed by Sections 321.101 and 323.101 of the Texas Tax Code.

Section 6. Termination of Agreement. This Agreement is to remain in full force and effect unless terminated by mutual agreement of the parties hereto or by operation of the terms contained herein. Notwithstanding the above, if the City annexes the entirety of the District for full purposes the Agreement shall terminate.

Section 7. Entire Agreement; Modification. This Agreement constitutes the entire agreement between the City, the County, and the District concerning the duration, rate, and allocation of the imposition of sales and use tax by the District. There have been and are no agreements, covenants, representations, or warranties between the parties other than those expressly stated or provided for herein. No modification hereof or subsequent agreement relative to the subject matter hereof shall be binding on any party unless reduced to writing and signed by the parties.

Section 8. Parties in Interest. This Agreement shall be for the sole and exclusive benefit of the City, the County, and the District and shall not be construed to confer any benefit or right upon any other party, including particularly any resident of the District, the County, or the City.

Section 9. Severability. The provisions of this Agreement are severable, and if any word, phrase, clause, sentence, paragraph, section, or other part of this Agreement or the application thereof to any other person or circumstance shall ever be held by any court of competent jurisdiction to contravene or be invalid under the constitution or laws of the State of Texas for any reason, that contravention or invalidity shall not invalidate the entire Agreement. Instead, this Agreement shall be construed as if it did not contain the particular provision or provisions held to be invalid, the rights and obligations of the parties shall be enforced accordingly, and this Agreement shall remain in full force and effect, as construed. The remainder of this Agreement and the application of such word, phrase, clause, sentence, paragraph, section, or other part of this Agreement to the other parties or circumstances shall not be affected thereby.

Section 10. Successors and Assigns. This Agreement shall apply to and be binding upon the parties hereto and their respective officers, directors, successors, and assigns. This Agreement and any of the rights obtained hereunder are not assignable by any party hereto without the express written consent of the other parties, which consent shall not be unreasonably withheld.

Section 11. Authorization. Each party represents that (i) execution and delivery of this Agreement by it has been duly authorized by its governing body or other persons from whom such party is legally bound to obtain authorization; (ii) that the consummation of the contemplated transactions will not result in a breach or violation of, or a default under, any agreement by which it or any of its properties is bound, or by any statute, rule, regulation, order, or other law to which it is subject; and (iii) this Agreement is a binding and enforceable agreement on its part.

Section 12. Applicable Law. This Agreement shall be governed and construed in accordance with the laws of the State of Texas.

Section 13. Effective Date. This Agreement will be effective as of the date of the execution by the last party to execute this Agreement.

IN WITNESS WHEREOF, the Parties have executed this Agreement in multiple counterparts, each of which shall be deemed to be an original.

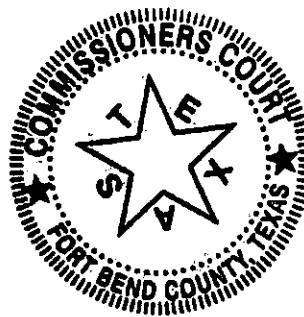
FORT BEND COUNTY, TEXAS

By: 
Robert E. Hebert, County Judge

Date: February 23, 2017

ATTEST:

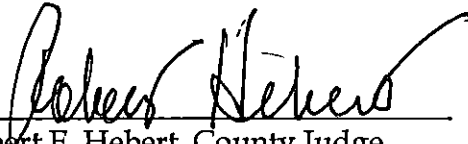
By: 
Laura Richard, County Clerk



APPROVED AS TO FORM:


Marcus D. Spencer, First Assistant County Attorney

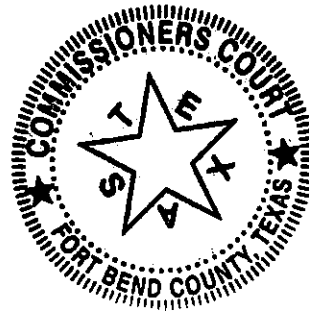
FORT BEND COUNTY ASSISTANCE
DISTRICT NO. 8

By: 
Robert E. Hebert, County Judge

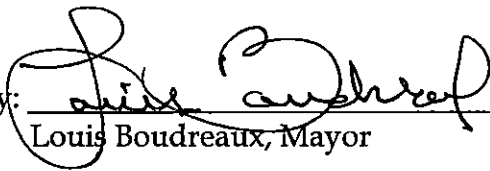
Date: February 23, 2017

ATTEST:

By: 
Laura Richard, County Clerk



CITY OF SIMONTON, TEXAS

By: 
Louis Boudreaux, Mayor

Date: 2/27/2017

ATTEST:

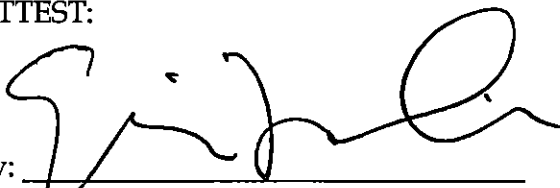
By: 
Erica Molina, Deputy City Secretary

EXHIBIT A

Twinwood Property

July 18, 2014
Job No. 7777-1000

TWINWOOD - SIMONTON ETJ

**DESCRIPTION OF
1,094 ACRES (PARCEL A)**

Being 1,094 acres, more or less, of land situated in the Noel F. Roberts League, Abstract No. 79, Thomas Westall League, Abstract No. 92, Andrew Roberts League, Abstract No. 78, Fort Bend County, Texas, more particularly being portions of that certain called 78.15 acre tract of land conveyed to FM 1093 & Guyler Road Farms, Inc. by instrument of record in File No. 2006077509 of the Official Public Records of Fort Bend County, Texas (F.B.C.O.P.R.), now owned by Twinwood (U.S.), Inc. as conveyed in File No. 2012121483, F.B.C.O.P.R., that certain called 27.95 acre tract of land conveyed to FM 1093 & Guyler Road Farms, Inc. by instrument of record in File No. 2006076340, F.B.C.O.P.R., now owned by Twinwood (U.S.), Inc. as conveyed in File No. 2012121483, F.B.C.O.P.R., that certain called 124.940 acre tract of land conveyed to DDD Ranch Incorporated by instrument of record in File No. 2006083773, F.B.C.O.P.R., now owned by Twinwood (U.S.), Inc. as conveyed in File No. 2012121483, F.B.C.O.P.R., that certain called 5.00 acre tract of land conveyed to DDD Ranch Incorporated by instrument of record in File No. 2006116135, F.B.C.O.P.R., now owned by Twinwood (U.S.), Inc. as conveyed in File No. 2012121483, F.B.C.O.P.R., that certain called 566.003 acre tract of land (described as Tract 1A) conveyed to Twinwood (U.S.), Inc. by instrument of record in File No. 2007046885, F.B.C.O.P.R., that certain called 23.91 acre tract of land conveyed to Twinwood (U.S.), Inc. by instrument of record in File No. 2013104821, F.B.C.O.P.R., that certain called 34.892 acre tract of land (described as Tract 1C) conveyed to Twinwood (U.S.), Inc. by instrument of record in File No. 200746885, F.B.C.O.P.R., that certain called 9.502 acre tract of land conveyed to Twinwood (U.S.), inc. by instrument of record in File No. 1999062096, F.B.C.O.P.R., that certain called 16.986 acre tract of land conveyed to Twinwood (U.S.), inc. by instrument of record in File No. 2002112331, F.B.C.O.P.R., that certain called 2.4043 acre tract of land conveyed to Ralston-Cannon Ventures, Inc. by instrument of record in File No. 2008062584, F.B.C.O.P.R., that certain called 10.3305 acre tract of land conveyed to Ralston-Cannon Ventures, Inc. by instrument of record in File No. 2008074070, F.B.C.O.P.R., that certain called 54.176 acre tract of land conveyed to Sanders Road & FM 1093 Investments, Inc. by instrument of record in File No. 2008055762, F.B.C.O.P.R., now owned by Twinwood (U.S.), Inc. as conveyed in File No. 2012121483, F.B.C.O.P.R., that certain called 81.870 acre tract of

1,094 Acres

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land conveyed to Sanders Road & FM 1093 Investments, Inc. by instrument of record in File No. 2006048625, F.B.C.O.P.R., now owned by Twinwood (U.S.), Inc. as conveyed in File No. 2012121483, F.B.C.O.P.R., that certain called 14.9178 acre tract of land (described as Tract 1) conveyed to Twinwood (U.S.), Inc. by instrument of record in File No. 1999037137, F.B.C.O.P.R., that certain called 53.6119 acre tract of land (described as Tract 2) conveyed to Twinwood (U.S.), Inc. by instrument of record in File No. 1999037137, F.B.C.O.P.R., that certain called 2.65 acre tract of land conveyed to Riverbank Investments, Inc. by instruments of record in File Nos. 2007001713 & 2007004160, F.B.C.O.P.R., that certain called 21.8369 acre tract of land conveyed to Twinwood (U.S.), Inc. by instrument of record in File No. 2006048349, F.B.C.O.P.R., that certain called 5.000 acre tract of land conveyed to Twinwood (U.S.), Inc. by instrument of record in File No. 2006108996, F.B.C.O.P.R., that certain called 124.238 acre tract of land conveyed to Twinwood (U.S.), Inc. by instrument of record in File No. 2005054620, F.B.C.O.P.R., that certain called 52.71 acre tract of land conveyed to Twinwood (U.S.), Inc. by instrument of record in File No. 2006086205, F.B.C.O.P.R., now owned by Twinwood (U.S.), Inc. as conveyed in File No. 2012121483, F.B.C.O.P.R., that certain called 4.5010 acre tract of land conveyed to Riverbank Investments, Inc. by instrument of record in File No. 2006133789, F.B.C.O.P.R., now owned by Twinwood (U.S.), Inc. as conveyed in File No. 2012121483, F.B.C.O.P.R., that certain called 360.3145 acre tract of land conveyed to Ash Road Cattle Co., Inc. by instrument of record in File No. 2006100983, F.B.C.O.P.R., now owned by Twinwood (U.S.), Inc. as conveyed in File No. 2012121483, F.B.C.O.P.R., that certain called 25.6103 acre tract of land (described as Tract B) conveyed to Twinwood (U.S.), Inc. by instrument of record in File No. 2005148447, F.B.C.O.P.R., that certain called 25.6246 acre tract of land (described as Tract A) conveyed to Twinwood (U.S.), Inc. by instrument of record in File No. 2005148448, F.B.C.O.P.R., that certain called 24.0913 acre tract of land conveyed to Twinwood (U.S.), Inc. by instrument of record in File No. 2006115346, F.B.C.O.P.R., that certain called 14.5597 acre tract of land conveyed to Twinwood (U.S.), Inc. by instrument of record in File No. 2006116836, F.B.C.O.P.R., that certain called 14.9298 acre tract of land (described as Tract E) conveyed to Twinwood (U.S.), Inc. by instrument of record in File No. 2005148448, F.B.C.O.P.R., and that certain called 14.9297 acre tract of land (described as Tract F) conveyed to Twinwood (U.S.), Inc. by instrument of record in File No. 2005148447, F.B.C.O.P.R., said 1,094 acres being more particularly described by metes and bounds as follows:

1,094 Acres

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BEGINNING at the northwesterly corner of the aforementioned 78.15 acre tract;

Thence, Easterly, along the northerly line of said 78.15 acre tract and the northerly line of the aforementioned 124.940 acre tract, 6,159 feet, more or less, to a northerly corner of said 124.940 acre tract;

Thence, Southerly, along a northerly line of said 124.940 acre tract, 50 feet, more or less, to a northerly corner of said 124.940 acre tract;

Thence, Easterly, along a northerly line of said 124.940 acre tract, 738 feet, more or less to the northeasterly corner of said 124.940 acre tract, said point being at the approximate City Limits Line of Simonton;

Thence, Southerly along the easterly line of said 124.940 acre tract and the approximate City Limits Line of Simonton, 1,606 feet, more or less, to the southeasterly corner of said 124.940 acre tract and a corner of the approximate City Limits Line of Simonton, said point being on a northerly line of the aforementioned 566.003 acre tract;

Thence, Easterly, along a northerly line of said 566.003 acre tract, a northerly line of the aforementioned 16.986 acre tract, and the approximate City Limits Line of Simonton, 1,287 feet, more or less, to a northeasterly corner of said 16.986 acre tract;

Thence, Southerly, along a northeasterly line of said 16.986 acre tract, 220 feet, more or less to a northeasterly interior corner of said 16.986 acre tract;

Thence, Easterly, along a northerly line of said 16.986 acre tract, 345 feet, more or less, to the northeasterly corner of said 16.986 acre tract, said point being on the westerly right-of-way line of Farm to Market Road 1489 (FM 1489);

Thence, Southerly, along the westerly right-of-way line of said F.M. 1489 and the easterly line of said 16.986 acre tract, 466 feet, more or less, to a point for corner;

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Thence, Easterly, crossing said F.M. 1489 and along the northerly line of the aforementioned 2.4043 acre tract, 621 feet, more or less, to the northeasterly corner of said 2.4043 acre tract;

Thence, Southeasterly, along the easterly line of said 2.4043 acre tract, 225 feet, more or less, to a point for corner, said point being on the northerly line of the aforementioned 10.3305 acre tract;

Thence, Easterly, along the northerly line of said 10.3305 acre tract, 928 feet, more or less, to the northeasterly corner of said 10.3305 acre tract, said point being on the westerly line of the aforementioned 54.176 acre tract;

Thence, Northerly, along the westerly line of said 54.176 acre tract, 1,045 feet, more or less, to a point for corner, said point being at the approximate City Limits Line of Simonton;

Thence, Easterly, along the approximate City Limits Line of Simonton, 1,102 feet, more or less, to a point for corner, said point being on the easterly line of the aforementioned 81.870 acre tract;

Thence, Southerly, along the easterly line of said 81.870 acre tract, 1,072 feet, more or less to a point for corner, said point being on the most northerly line of the aforementioned 124.238 acre tract;

Thence, Easterly, along the most northerly line of said 124.238 acre tract, 879 feet, more or less, to the most northerly northeast corner of said 124.238 acre tract;

Thence, Southerly, along an easterly line of said 124.238 acre tract and the approximate City Limits Line of Simonton, 1,468 feet, more or less, to an interior corner of said 124.238 acre tract and a corner of the approximate City Limits of Simonton;

Thence, Easterly, along a northerly line of said 124.238 acre tract and the approximate City Limits Line of Simonton, 786 feet, more or less, to the most easterly northeast corner of

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said 124.238 acre tract, and a corner of the approximate City Limits of Simonton, said point also being on the westerly line of the aforementioned 25.6246 acre tract;

Thence, Northerly, along the westerly lines of said 25.6246 acre tract, the aforementioned 24.0913 acre tract, and the aforementioned 14.5597 acre tract, and the City Limits Line of Simonton, 2,915 feet, more or less, to the northwesterly corner of said 14.5597 acre tract;

Thence, Easterly, along the northerly line of said 14.5597 acre tract and the approximate City Limits Line of Simonton, 693 feet, more or less, to the northeasterly corner of said 14.5597 acre tract, said point being on the westerly line of the aforementioned 14.9298 acre tract;

Thence, Northerly, along the westerly line of said 14.9298 acre tract and the approximate City Limits Line of Simonton, 537 feet, more or less, to the northwesterly corner of said 14.9298 acre tract;

Thence, Easterly, departing the approximate City Limits Line of Simonton, along the northerly line of said 14.9298 acre tract and the northerly line of the aforementioned 14.9297 acre tract, 1,570 feet, more or less, to the northeasterly corner of said 14.9297 acre tract;

Thence, Southerly, along the easterly line of said 14.9297 acre tract, 828 feet, more or less, to the southeasterly corner of said 14.9297 acre tract, said point being on the northerly line of the aforementioned 360.3145 acre tract;

Thence, Easterly, along the northerly line of said 360.3145 acre tract, 521 feet, more or less, to the northeasterly corner of said 360.3145 acre tract;

Thence, Southerly, along the easterly line of said 360.3145 acre tract, 1,557 feet, more or less, to a point for corner, said point being at the approximate ETJ Line of Simonton, the beginning of a curve;

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Thence, Southwesterly, along the approximate ETJ Line of Simonton, 221 feet, more or less, along the arc of a non-tangent curve to the right, having a radius of 2,640.00 feet, to a point for corner;

Thence, Southerly, along the approximate ETJ Line of Simonton, 1,023 feet, more or less, to a point for corner, the beginning of a curve;

Thence, Southwesterly, along the approximate ETJ Line of Simonton, 4,084 feet along the arc of a non-tangent curve to the right, having a radius of 2,640.00, feet to a point for corner;

Thence, Westerly, along the approximate ETJ Line of Simonton, 596 feet, more or less, to a point for corner, said point being on the westerly line of the aforementioned 52.71 acre tract;

Thence, Northerly, along the westerly line of said 52.71 acre tract, 236 feet, more or less, to the northwesterly corner of said 52.71 acre tract, said point being on the southerly right-of-way line of Sanders Road;

Thence, Easterly, along the northerly line of said 52.71 acre tract, 567 feet, more or less, to the northeasterly corner of said 52.71 acre tract;

Thence, Southerly, along the easterly line of said 52.71 acre tract, 77 feet, more or less to a northwesterly corner of the aforementioned 4.5010 acre tract;

Thence, Easterly, along a northwesterly line of said 4.5010 acre tract, 215 feet, more or less, to a northwesterly interior corner of said 4.5010 acre tract;

Thence, Northerly, along a northwesterly line of said 4.5010 acre tract and a southwesterly line of the aforementioned 25.6103 acre tract, 179 feet, more or less to a southwesterly corner of said 25.6103 acre tract;

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Thence, Westerly, along a southwesterly line of said 25.6103 acre tract, 215 feet, more or less, to a southwesterly corner of said 25.6103 acre tract, said point being on an easterly line of the aforementioned 124.238 acre tract;

Thence, Southerly, along the easterly line of said 124.238 acre tract, 91 feet, more or less, to the southeasterly corner of said 124.238 acre tract, said point being on the northerly right-of-way line of said Sanders Road;

Thence, Westerly, along the southerly line of said 124.238 acre tract and the northerly line of said Sanders Road, 1,691 feet, more or less, to the southwesterly corner of said 124.238 acre tract, said point being on an easterly line of the aforementioned 2.65 acre tract;

Thence, Southerly, along an easterly line of said 2.65 acre tract, 119 feet, more or less, to a point for corner, said point being at the approximate ETJ Line of Simonton, the beginning of a curve;

Thence, Northwesterly, along the approximate ETJ Line of Simonton, 345 feet, more or less along the arc of a non-tangent curve to the right, having a radius of 2,640.00 feet, to a point for corner, said point being on the northerly line of the aforementioned 5.000 acre tract;

Thence, Easterly, along the northerly line of said 5.000 acre tract and the northerly line of said 2.65 acre tract, 332 feet, more or less, to a point for corner, said point being on the westerly line of said 124.238 acre tract;

Thence, Northerly, along the westerly line of said 124.238 acre tract, 1,379 feet, more or less, to the southeasterly corner of the aforementioned 81.870 acre tract;

Thence, Westerly, along the southerly line of said 81.870 acre tract, 379 feet, more or less, to the northeasterly corner of the aforementioned 21.8369 acre tract;

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Thence, Southerly, along the easterly line of said 21.8369 acre tract, 1,346 feet, more or less, to a point for corner, said point being on the approximate ETJ Line of Simonton, the beginning of a curve;

Thence, Northwesterly, along the approximate ETJ Line of Simonton, 1,669 feet, more or less, along the arc of a non-tangent curve to the right, having a radius of 2,640.00 feet, to a point for corner, said point being on a northerly line of the aforementioned 14.9178 acre tract;

Thence, Easterly, along a northerly line of said 14.9178 acre tract, 458 feet, more or less, to a point for corner, said point being on the westerly line of the aforementioned 54.176 acre tract;

Thence, Northerly, along the westerly line of said 54.176 acre tract, 2,231 feet, more or less, to the southeasterly corner of the aforementioned 10.3305 acre tract;

Thence, Westerly, along the southerly line of said 10.3305 acre tract and crossing F.M. 1489, 1,598 feet, more or less, to a point for corner, said point being on the westerly right-of-way line of said F.M. 1489 and an easterly line of the aforementioned 9.502 acre tract;

Thence, Southerly, along the easterly line of said 9.502 acre tract, the easterly line of the aforementioned 566.003 acre tract and the westerly right-of-way line of said F.M. 1489, 337 feet, more or less, to an easterly corner of said 566.003 acre tract, said point being on a northerly line of the aforementioned 34.892 acre tract;

Thence, Southeasterly, departing the westerly right-of way line of said F.M. 1489, along a northerly line of said 34.892 acre tract, 52 feet, more or less, to a northeasterly corner of said 34.892 acre tract;

Thence, Southerly, along the easterly line of said 34.892 acre tract, 874 feet, more or less, to the southeasterly corner of said 34.892 acre tract;

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Thence, Westerly, along the southerly line of said 34.892 acre tract, 50 feet, more or less, to the northeasterly corner of the aforementioned 23.91 acre tract, said point being in the westerly right-of-way line of F.M. 1489;

Thence, Southerly, along the easterly line of said 23.91 acre tract, 228 feet, more or less, to a point for corner, said point being at the approximate ETJ Line of Simonton;

Thence, Westerly, along the approximate ETJ Line of Simonton, 1,567 feet, more or less, to a point for corner, the beginning of a curve;

Thence, Northwesterly, along the approximate ETJ Line of Simonton, 3,247 feet, more or less, along the arc of a non-tangent curve to the right, having a radius of 2,640.00 feet, to a point for corner,

Thence, Westerly, along the approximate ETJ Line of Simonton, 1,466 feet, more or less, to a point for corner, said point being on a westerly line of the aforementioned 566.003 acre tract;

Thence, Northerly, along the westerly line of said 566.003 acre tract, 989 feet, more or less, to the southeasterly corner of the aforementioned 27.95 acre tract;

Thence, Westerly, along the southerly line of said 27.95 acre tract, 2,933 feet, more or less, to the southwesterly corner of said 27.95 acre tract;

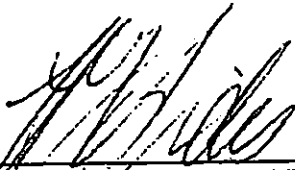
1,094 Acres

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Thence, Northerly, along the westerly line of said 27.95 acre tract and the westerly line of the aforementioned 78.15 acre tract, 1,585 feet, more or less, to the POINT OF BEGINNING and containing 1,094 acres of land, more or less.

This description is based on record information only, and corners were not set at the client's request.

"This document was prepared under 22 TAC § 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared"


Heather L. Sides, RPLS, CFedS
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LJA Engineering, Inc.



TWINWOOD - SIMONTON ETJ

**DESCRIPTION OF
709 ACRES (PARCEL B)**

Being 709 acres, more or less, of land situated in the Noel F. Roberts League, Abstract No. 79, more particularly being portions of that certain called 647.182 acre tract of land (described as Tract A) conveyed to Mullins Ranch, Inc. by instrument of record in File No. 2010075498 of the Official Public Records of said Fort Bend County, Texas (F.B.C.O.P.R.), now owned by Twinwood (U.S.), Inc. as conveyed in File No. 2012121483, F.B.C.O.P.R., that certain called 18.525 acre tract of land (described as Tract B) conveyed to Mullins Ranch, Inc. by instrument of record in File No. 2010075498, F.B.C.O.P.R., now owned by Twinwood (U.S.), Inc. as conveyed in File No. 2012121483, F.B.C.O.P.R., that certain called 6.041 acre tract of land conveyed to Mullins Ranch, Inc. by instrument of record in File No. 2006135668, F.B.C.O.P.R., now owned by Twinwood (U.S.), Inc. as conveyed in File No. 2012121483, F.B.C.O.P.R., that certain called 5.8496 acre tract of land conveyed to Mullins Ranch, Inc. by instrument of record in File No. 2008114524, F.B.C.O.P.R., now owned by Twinwood (U.S.), Inc. as conveyed in File No. 2012121483, F.B.C.O.P.R., that certain called 4.9694 acre tract of land conveyed to Mullins Ranch, Inc. by instrument of record in File No. 2008119863, F.B.C.O.P.R., now owned by Twinwood (U.S.), Inc. as conveyed in File No. 2012121483, F.B.C.O.P.R., that certain called 5.00 acre tract of land (described as Tract 1), certain called 1.334 acre tract of land (described as Tract 2), and certain called 20.647 acre tract of land (described as Tract 3) conveyed to Mullins Ranch, Inc. by instrument of record in File No. 2010044259, F.B.C.O.P.R., now owned by Twinwood (U.S.), Inc. as conveyed in File No. 2012121483, F.B.C.O.P.R., said 709 acres being more particularly described by metes and bounds as follows:

BEGINNING at the most northerly northwest corner of said 647.182 acre tract, said point being in the southerly right-of-way line of Hannibal Road;

Thence, Easterly, along the northerly line of said 647.182 acre tract and the southerly right-of-way line of said Hannibal Road, 829 feet, more or less, to the most northerly corner of said 647.182 acre tract and the northwesterly corner of that certain called 10.0 acre tract of land

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conveyed to Mullins Ranch, Inc. by instrument of record in File No. 2006062118, F.B.C.O.P.R., now owned by Twinwood (U.S.), Inc. as conveyed in File No. 2012121483, F.B.C.O.P.R.;

Thence, Southerly, along an easterly line of said 647.182 acre tract and the westerly line of said 10.0 acre tract, 1,218 feet, more or less, to an interior corner of said 647.182 acre tract and the southwesterly corner of said 10.0 acre tract;

Thence, Easterly, along a northerly line of said 647.182 acre tract, 3,247 feet, more or less, to a northeasterly corner of said 647.182 acre tract and the northwesterly corner of that certain called 43.348 acre tract of land conveyed to Mullins Ranch, Inc. by instrument of record in File No. 2006109294 F.B.C.O.P.R., now owned by Twinwood (U.S.), Inc. as conveyed in File No. 2012121483, F.B.C.O.P.R.;

Thence, Southerly, along an easterly line of said 647.182 acre tract, 2,085 feet, more or less, to an interior corner of said 647.182 acre tract;

Thence, Easterly, along a northeasterly line of said 647.182 acre tract, 986 feet, more or less, to an easterly corner of said 647.182 acre tract;

Thence, Southerly, along an easterly line of said 647.182 acre tract, 2,018 feet, more or less, to an easterly corner of said 647.182 acre tract and a northwesterly interior corner of that certain called 45.7951 acre tract of land conveyed to Mullins Ranch, Inc. by instrument of record in File No. 2006143619 F.B.C.O.P.R., now owned by Twinwood (U.S.), Inc. as conveyed in File No. 2012121483, F.B.C.O.P.R.;

Thence, Westerly, along an interior line of said 647.182 acre tract and a northerly line of said 45.7951 acre tract, 1,446 feet, more or less, to an easterly interior corner of said 647.182 acre tract, a northwesterly corner of said 45.7951 acre tract, and the northeasterly corner of said 18.525 acre tract;

Thence, Southerly, along the westerly line of said 45.7951 acre tract, and the easterly line of said 18.525 acre tract, 507 feet, more or less, to the most westerly southwest corner of

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said 45.7951 acre tract, and the southeasterly corner of said 18.525 acre tract, said point being on an interior line of said 647.182 acre tract;

Thence, Easterly, along an interior line of said 647.182 acre tract and a southerly line of said 45.7951 acre tract, 2,273 feet, more or less, to an easterly corner of said 647.182 acre tract and a southerly interior corner of said 45.7951 acre tract;

Thence, Southerly, along an easterly line of said 647.182 acre tract and a southeasterly line of said 45.7951 acre tract, 252 feet, more or less, to an easterly corner of said 647.182 acre tract and a southeasterly corner of said 45.7951 acre tract;

Thence, Easterly, along a southeasterly line of said 647.182 acre tract and a southerly line of said 45.7951 acre tract, 337 feet, more or less, to an easterly corner of said 647.182 acre tract and the southeasterly corner of said 45.7951 acre tract, said point also being on the westerly right-of-way line of Pool Hill Road;

Thence, Southerly, along an easterly line of said 647.182 acre tract and the westerly right-of-way line of said Pool Hill Road, 458 feet, more or less to the most easterly southeast corner of said 647.182 acre tract;

Thence, Westerly, along a southeasterly line of said 647.182 acre tract, 690 feet, more or less, to a southeasterly interior corner of said 647.182 acre tract;

Thence, Southerly, along a southeasterly line of said 647.182 acre tract, 115 feet, more or less, to a southeasterly corner of said 647.182 acre tract;

Thence, Westerly, along the southerly line of said 647.182 acre tract and the northerly line of the aforementioned 6.0141 acre tract, 2,793 feet, more or less, to a point for corner at the approximate ETJ Line of Simonton, the beginning of a curve;

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Thence, Southeasterly, along the approximate ETJ Line of Simonton, 457 feet, more or less, along the arc of a non-tangent curve to the right, having a radius of 2,640.00 feet, to a point for corner, said point being on the easterly line of said 6.041 acre tract;

Thence, Southerly, along the easterly line of said 6.041 acre tract and the easterly line of the aforementioned 5.8496 acre tract, 643 feet, more or less, to the southeasterly corner of said 5.8496 acre tract;

Thence, Westerly, along the southerly line of said 5.8496 acre tract, 303 feet, more or less, to the northeasterly corner of the aforementioned 4.9694 acre tract;

Thence, Southerly, along the easterly line of said 4.9694 acre tract, 429 feet, more or less, to the southeasterly corner of said 4.9694 acre tract;

Thence, Westerly, along the southerly line of said 4.9694 acre tract, 675 feet, more or less, to the southwesterly corner of said 4.9694 acre tract;

Thence, Northeasterly, along the northwesterly line of said 4.9694 acre tract, 581 feet, more or less, to the northwesterly corner of said 4.9694 acre tract;

Thence, Easterly, along the northerly line of said 4.9694 acre tract, 115 feet, more or less, to the southwesterly corner of said 5.8496 acre tract;

Thence, Northerly, along the westerly lines of said 5.8496 acre tract and the westerly line of said 6.041 acre tract, 1,029 feet, more or less, to the northwesterly corner of said 6.041 acre tract, said point being on a southerly line of said 647.182 acre tract;

Thence, Westerly, along a southerly line of said 647.182 acre tract, 1,504 feet, more or less to a southerly corner of said 647.182 acre tract;

Thence, Northwesterly, along a southerly line of said 647.182 acre tract, 149 feet, more or less, to a southerly corner of said 647.182 acre tract;

Thence, Westerly, along a southerly line of said 647.182 acre tract, 845 feet, more or less, to a southerly interior corner of said 647.182 acre tract;

Thence, Southerly, along a southerly line of said 647.182 acre tract, 1,468 feet, more or less, to a southerly interior corner of said 647.182 acre tract;

Thence, Northeasterly, along an interior line of said 647.182 acre tract, 144 feet, more or less, to a southerly corner of said 647.182 acre tract;

Thence, Southerly, along a southerly line of said 647.182 acre tract, 469 feet, more or less, to the most southerly southeast corner of said 647.182 acre tract;

Thence, Westerly, along the most southerly line of said 647.182 acre tract, 800 feet, more or less, to the most southerly southwest corner of said 647.182 acre tract;

Thence, Northerly, along a southwesterly line of said 647.182 acre tract, 368 feet, more or less, to a southwesterly corner of the said 647.182 acre tract;

Thence, Northwesterly, along a southwesterly line of said 647.182 acre tract, 1,712 feet, more or less, to the most westerly southwest corner of said 647.182 acre tract and the southeasterly corner of the aforementioned 20.647 acre tract;

Thence, Westerly, along the southerly line of said 20.647 acre tract, the southerly line of the aforementioned 1.334 acre tract and the southerly line of the aforementioned 5.00 acre tract, 710 feet, more or less, to the southwesterly corner of said 5.00 acre tract;

Thence, Northerly, along the westerly line of said 5.00 acre, 1,283 feet, more or less, to the northwesterly corner of said 5.00 acre tract, said point being in the right-of-way of Mullins Road;

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Thence, Easterly, along the northerly line of said 5.00 acre tract, the northerly line of said 20.647 acre tract, and a northwesterly line of said 647.182 acre tract, 2,667 feet, more or less, to a northwesterly interior corner of said 647.182 acre tract;

Thence, Northerly, along a westerly line of said 647.182 acre tract, 5,896 feet, more or less, to the POINT OF BEGINNING and containing 721 acres of land, more or less.

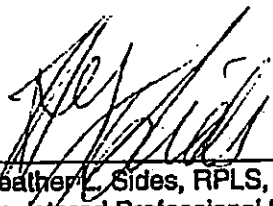
SAVE AND EXCEPT

That certain called 12 acres of land conveyed to Most Reverend Daniel Cardinal DiNardo, Archbishop of Galveston-Houston and his successors in Office by Last Will and Testament recorded in File No. 2011025573, F.B.C.O.P.R.

Resulting in a net area of 709 acres of land, more or less.

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TWINWOOD - SIMONTON ETJ

**DESCRIPTION OF
65.1 ACRES (PARCEL C)**

Being 65.1 acres of land, more or less, situated in the Thomas Westall League, Abstract No. 92, Fort Bend County, Texas, more particularly being portions of that certain called 28.914 acre tract of land conveyed to FM 1489 Farms, Inc. by Instrument of record in File No. 2006122891 of the Official Public Records of said Fort Bend County, Texas (F.B.C.O.P.R.), now owned by Twinwood (U.S.), Inc. as conveyed in File No. 2012121483, F.B.C.O.P.R., that certain called 49.505 acre tract of land conveyed to FM 1489 Farms, Inc. by instrument of record in File No. 2006122891, F.B.C.O.P.R., now owned by Twinwood (U.S.), Inc. as conveyed in File No. 2012121483, F.B.C.O.P.R., and that certain called 25.2643 acre tract of land conveyed to FM 1489 Farms, Inc. by Instrument of record in File No. 2006134150, F.B.C.O.P.R., now owned by Twinwood (U.S.), Inc. as conveyed in File No. 2012121483, F.B.C.O.P.R., said 65.1 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at the northeasterly corner of said 25.2643 acre tract, said point being in the westerly right-of-way line of Stanberry Lane;

Thence, Southerly, along the easterly line of said 25.2643 acre tract and the westerly right-of-way line of said Stanberry Lane, 1,426 feet, more or less, to a point for corner, said point being at the approximate City Limits Line of Simonton;

Thence, Westerly, along the approximate City Limits Line of Simonton, 1,845 feet, more or less, to a point for corner, said point being on a southwesterly line of said 49.505 acre tract;

Thence, Northerly, along the westerly line of said 49.505 acre tract, 38 feet, more or less, to the southeasterly corner of the aforementioned 28.914 acre tract;

Thence, Westerly, along the southerly line of said 28.914 acre tract, 951 feet, more or less, to a point for corner, said point being at the approximate City Limits Line of Simonton;

Thence, Northerly, along the approximate City Limits Line of Simonton, 1,282 feet, more or less, to a point for corner, said point being on the northerly line of said 28.914 acre tract;

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Thence, Easterly, along the northerly line of said 28.914 acre tract, 942 feet, more or less, to the northeasterly corner of said 28.914 acre tract;

Thence, Southerly, along an easterly line of said 28.914 acre tract, 711 feet, more or less, to a northwesterly corner of said 49.505 acre tract;

Thence, Easterly, along a northerly line of said 49.505 acre tract, 1,265 feet, more or less, to a northwesterly interior corner of said 49.505 acre tract;

Thence, Northerly, along a northwesterly line of said 49.505 acre tract, 1,877 feet, more or less, to the most northerly northwest corner of said 49.505 acre tract;

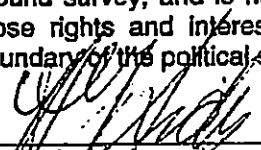
Thence, Easterly, along the most northerly line of said 49.505 acre tract, 100 feet, more or less, to the northeasterly corner of said 49.505 acre tract;

Thence, Southerly, along the easterly line of said 49.505 acre tract, 887 feet, more or less to the northwesterly corner of the aforementioned 25.2643 acre tract;

Thence Easterly, along the northerly line of said 25.2643 acre tract, 483 feet, more or less, to the POINT OF BEGINNING and containing 65.1 acres of land, more or less.

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**DESCRIPTION OF
43.3 ACRES (PARCEL D)**

Being 43.3 acres, more or less, of land situated in the Andrew Roberts League, Abstract No. 78, Fort Bend County, Texas, more particularly being a portion of that certain called 46.071 acre tract of land conveyed to FM 1093 & Guyler Road Farms, Inc. by instrument of record in File No. 2008093601 of the Official Public Records of said Fort Bend County, Texas (F.B.C.O.P.R.), now owned by Twinwood (U.S.), Inc. as conveyed in File No. 2012121483, F.B.C.O.P.R., said 43.3 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at the northeasterly corner of said 46.071 acre tract, said point being on the westerly right-of-way line of Guyler Road;

Thence, Southerly, along the easterly line of said 46.071 acre tract and the westerly right-of-way line of said Guyler Road, 768 feet, more or less, to a point for corner, said point being at the approximate ETJ Line of Simonton;

Thence, Southwesterly, along the approximate ETJ Line of Simonton, 1468 feet, more or less, to a point for corner, said point being on the southerly line of said 46.071 acre tract;

Thence, Westerly, along the southerly line of said 46.071 acre tract, 687 feet, more or less, to the southwesterly corner of said 46.071 acre tract;

Thence, Northerly, along the westerly line of said 46.071 acre tract, 935 feet, more or less, to the northwesterly corner of said 46.071 acre tract;

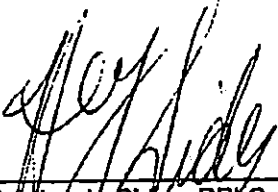
43.3 Acres

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Thence, Easterly, along the northerly line of said 46.071 acre tract, 2,150 feet, more or less, to the POINT OF BEGINNING and containing 43.3 acres of land, more or less.

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**DESCRIPTION OF
5.0 ACRES (PARCEL E)**

Being 5.0 acres, more or less, of land situated in the Noel F. Roberts League, Abstract No. 79, Fort Bend County, Texas, more particularly being that certain called 4.99 acre tract conveyed to Mair Investments, Inc. by instrument of record in File No. 2008065525 of the Official Public Records of Fort Bend County, Texas (F.B.C.O.P.R.), now owned by Twinwood (U.S.), Inc. as conveyed in File No. 2012121483, F.B.C.O.P.R., said 5.0 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at the intersection of the southerly right-of-way line of FM 1093 and the westerly right-of-way line of Lori Lane, said point being the northeasterly corner of said 4.99 acre tract;

Thence, Southerly, along the westerly right-of-way line of said Lori Lane and the easterly line of said 4.99 acre tract, 886 feet, more or less, to the southeasterly corner of said 4.99 acre tract;

Thence, Westerly, along the southerly line of said 4.99 acre tract, 249 feet, more or less, to the southwesterly corner of said 4.99 acre tract;

Thence, Northerly, along the westerly line of said 4.99 acre tract, 859 feet, more or less, to the northwesterly corner of said 4.99 acre tract, said point being on the southerly right-of-way line of said FM 1093;

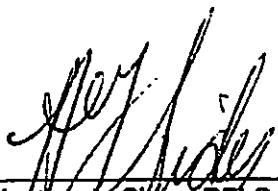
5.0 Acres

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Thence Easterly, along the northerly line of said 4.99 acre tract and the southerly right-of-way line of said FM 1093, 251 feet, more or less, to the POINT OF BEGINNING and containing 5.0 acres of land, more or less.

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**DESCRIPTION OF
6.4 ACRES (PARCEL F)**

Being 6.4 acres, more or less, of land situated in the Andrew Roberts League, Abstract No. 78, Fort Bend County, Texas, more particularly being that certain called 6.38057 acre tract of land conveyed to FM 1093 & Guyler Road Farms, Inc. by instrument of record in File No. 2006131022 of the Official Public Records of Fort Bend County, Texas (F.B.C.O.P.R.), now owned by Twinwood (U.S.), Inc. as conveyed in File No. 2012121483, F.B.C.O.P.R., said 6.4 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at the northeasterly corner of said 6.38057 acre tract;

Thence, Southerly, along the easterly line of said 6.38057 acre tract, 1,507 feet, more or less, to the southeasterly corner of said 6.38057 acre tract;

Thence, Westerly, along the southerly line of said 6.38057 acre tract, .186 feet, more or less, to the southwesterly corner of said 6.38057 acre tract;

Thence, Northerly, along the westerly line of said 6.38057 acre tract, 1,486 feet, more or less, to the northwesterly corner of said 6.38057 acre tract;

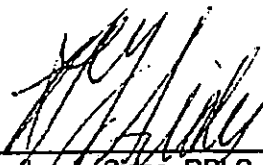
6.4 Acres

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Thence, Easterly, along the northerly line of said 6.38057 acre tract, 187 feet, more or less, to the POINT OF BEGINNING and containing 6.4 acres of land, more or less.

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January 6, 2015
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TWINWOOD - SIMONTON ETJ

**DESCRIPTION OF
528 ACRES (PARCEL G)**

Being 528 acres, more or less, of land situated in the Andrew Roberts League, Abstract No. 78, the Randolph Foster League, Abstract No. 28, and the Thomas Westall League, Abstract No. 92, Fort Bend County, Texas, more particularly being out of that certain called 753.14 acre tract of land conveyed to Twinwood (U.S.), Inc., as conveyed in File No. 2010042222, Official Public Records of Fort Bend County, Texas (F.B.C.O.P.R.), said 528 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at the intersection of the most easterly east line of said 753.14 acre tract, and the approximate City Limits Line of Simonton;

Thence, Southerly, along said east line, 386 feet, more or less, to a southeasterly corner of said 753.14 acre tract;

Thence, Westerly, along a southerly line of said 753.14 acre tract, 1,654 feet, more or less, to an interior corner of said 753.14 acre tract;

Thence, Southerly, along an easterly line of said 753.14 acre tract, 1,730 feet, more or less, to a southeasterly corner of said 753.14 acre tract;

Thence, Westerly, along a southerly line of said 753.14 acre tract, 1,794 feet, more or less, to an interior corner of said 753.14 acre tract;

Thence, Southerly, along an easterly line of said 753.14 acre tract, 4,074 feet, more or less, to a southeasterly corner of said 753.14 acre tract;

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Thence, Westerly, along a southerly line of said 753.14 acre tract, 1,214 feet, more or less, to an interior corner of said 753.14 acre tract;

Thence, Southerly, along an easterly line of said 753.14 acre tract, 1,224 feet, more or less, to the southeasterly corner of said 753.14 acre tract;

Thence, Westerly, along a southerly line of said 753.14 acre tract, 2,809 feet, more or less, to the southwesterly corner of said 753.14 acre tract;

Thence, Northwesterly, along the westerly line of said 753.14 acre tract, 3,723 feet, more or less, to the westerly corner of said 753.14 acre tract;

Thence, Northeasterly, along the westerly line of said 753.14 acre tract, 907 feet, more or less, to a northerly corner of said 753.14 acre tract;

Thence, Southeasterly, along the westerly line of said 753.14 acre tract, 2,488 feet, more or less, to an interior corner of said 753.14 acre tract;

Thence, Northeasterly, along the westerly line of said 753.14 acre tract, 2,486 feet, more or less, to an interior corner of said 753.14 acre tract;

Thence, Northerly, along the westerly line of said 753.14 acre tract, 1,043 feet, more or less, to an interior corner of said 753.14 acre tract;

Thence, Westerly, along a southerly line of said 753.14 acre tract, 1,301 feet, more or less, to a westerly corner of said 753.14 acre tract;

Thence, Northerly, along the westerly line of said 753.14 acre tract, 2,561 feet, more or less, to the intersection of the westerly line of said 753.14 acre tract and the approximate City Limits Line of Simonton;

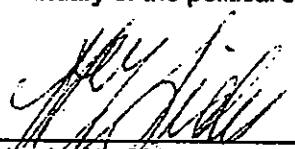
528 Acres

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Thence, Easterly, along the approximate City Limits Line of Simonton, 4,692 feet, more or less, to the POINT OF BEGINNING and containing 528 acres of land, more or less.

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January 6, 2015
Job No. 7777-1000

TWINWOOD - SIMONTON ETJ

DESCRIPTION OF
40.3 ACRES (PARCEL H)

Being 40.3 acres, more or less, of land situated in the Thomas Westall League, Abstract No. 92, Fort Bend County, Texas, more particularly being out of that certain called 40.2793 acre tract of land conveyed to FM 1489 Farms, Inc., as conveyed in File No. 2008062540, Official Public Records of Fort Bend County, Texas (F.B.C.O.P.R.), said 40.3 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at the southwesterly corner of said 40.2793 acre tract;

Thence, Northerly, along the westerly line of said 40.2793 acre tract, 1,870 feet, more or less, to the northwesterly corner of said 40.2793 acre tract;

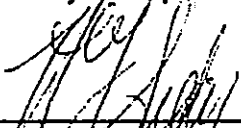
Thence, Easterly, along the northerly line of said 40.2793 acre tract, 936 feet, more or less, to the northeasterly corner of said 40.2793 acre tract;

Thence, Southerly, along the easterly line of said 40.2793 acre tract, 1,869 feet, more or less, to the southeasterly corner of said 40.2793 acre tract;

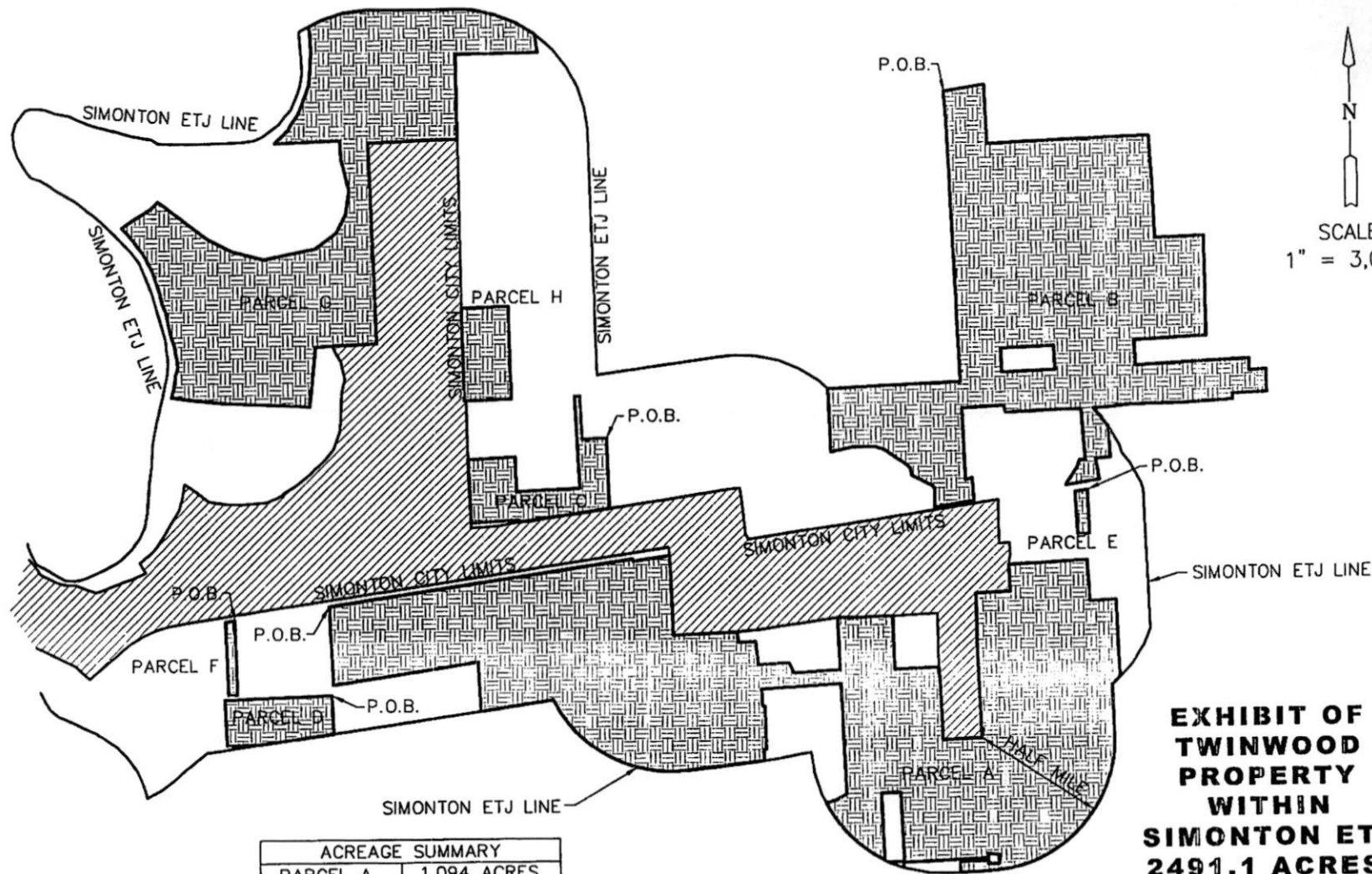
Thence, Westerly, along the southerly line of said 40.2793 acre tract, 941 feet, more or less, to the POINT OF BEGINNING and containing 40.3 acres of land, more or less.

This description is based on record information only, and corners were not set at the client's request.

"This document was prepared under 22 TAC § 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared"


Heather L. Sides, RPLS, CFedS
Registered Professional Land Surveyor
Texas/Registration No. 5997
LJA Engineering, Inc.





ACREAGE SUMMARY	
PARCEL A	1,094 ACRES
PARCEL B	709 ACRES
PARCEL C	65.1 ACRES
PARCEL D	43.3 ACRES
PARCEL E	5.0 ACRES
PARCEL F	6.4 ACRES
PARCEL G	528 ACRES
PARCEL H	40.3 ACRES
TOTAL	2491.1 ACRES

 TWINWOOD PROPERTY INSIDE OF SIMONTON ETJ
(CONVEYED BY VARIOUS DOCUMENTS)

 SIMONTON CITY LIMITS

**EXHIBIT OF
TWINWOOD
PROPERTY
WITHIN
SIMONTON ETJ
2491.1 ACRES,
MORE OR LESS**

NOEL F. ROBERTS LEAGUE, ABSTRACT NO. 79,
THOMAS WESTALL LEAGUE, ABSTRACT NO. 92
ANDREW ROBERTS LEAGUE, ABSTRACT NO. 78
RANDOLPH ROSTER LEAGUE, ABSTRACT NO. 28
FORT BEND COUNTY, TEXAS

JANUARY 2015 JOB NO. 7777-1000

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