

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY 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.

AGREEMENT FOR ACCESS AND USE

THE STATE OF TEXAS

§

KNOW ALL MEN BY THESE PRESENTS:

§

COUNTY OF FORT BEND

§

THAT FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 116, a political subdivision of the State of Texas (hereinafter referred to as "GRANTOR"), whose address is c/o Allen Boone Humphries Robinson LLP, 3200 Southwest Freeway, Suite 2600, Houston, Texas 77027, does hereby grant unto COUNTY OF FORT BEND, TEXAS (hereinafter referred to as "GRANTEE"), whose address is 301 Jackson Street, Richmond, Texas 77469, a temporary non-exclusive right to access the real property described by metes and bounds and depicted on a plat marked as Exhibit "A" attached hereto and made a part hereof for the Purposes (as defined below) to be performed by Grantee on, over, across, through and under that certain tract of land being situated in Fort Bend County, Texas, and being more particularly described to wit: (hereinafter referred to as "Grantor's Land")

SEE EXHIBIT "A"

TO HAVE AND TO HOLD said rights and privileges unto Grantee, its successors and assigns, for Grantee's performance of clearing and grubbing operations and construction in connection with Grantee's road expansion project (the "Purposes") on Grantor's Land, subject to the following conditions:

1. The Term for this agreement shall be for the period of one (1) year from the date of execution of this instrument by the parties hereto or the date upon which Grantee acquires fee simple title in and to Grantor's Land, whichever is later. Notwithstanding anything to the contrary herein, this instrument and the rights and privileges herein granted shall automatically terminate, without the necessity of recording a release hereof or any other instrument, when or at such time as Grantor conveys fee simple title to Grantor's Land to Grantee pursuant to a special warranty deed filed of record in the Official Public Records of Fort Bend County, Texas.
2. At all times immediately after performing any work on Grantor's Land for the Purposes set forth herein, Grantee at its sole cost and expense, shall restore the surface of Grantor's Land to substantially the condition prior to the undertaking of such work.
3. Grantor expressly reserves the right to the use and enjoyment of Grantor's Land for any and all purposes, provided, however, that such use and enjoyment shall not interfere with or restrict the right of Grantee to access Grantor's Land and use the same for the Purposes set forth herein.
4. It is understood and agreed that this grant is not a conveyance of the land described herein or of any interest in the oil, gas and other minerals in, on or under said land, but is a grant solely of the right to access Grantor's Land for the Purposes set forth herein. This grant is made subject to all applicable laws, ordinances, easements, leases, restriction, reservations, covenants or other recorded matters, either of record or evidenced by improvements upon the ground and to the extent same are in force.

5. It is agreed that this instrument covers all agreements between the parties and no representations or statements, verbal or written, have been made, modifying, adding to, or changing the terms of this instrument. It is understood and agreed that this instrument, during its term, and all rights, privileges, and obligations created herein shall run with the land and shall inure to the benefit of and be binding upon the legal representatives, heirs, executors, administrators, successors, and assigns of the parties hereto.
6. This instrument may be signed in multiple counterparts, each of which shall be deemed an original, and all of which taken together shall constitute one instrument.

[Signature pages follow this page.]

EXECUTED by Grantee on the date set forth in the acknowledgment below, but AGREED to, ACCEPTED, and EFFECTIVE as of the date executed by Grantor.

GRANTEE:

COUNTY OF FORT BEND, TEXAS

By: _____
Name: _____
Title: _____

ATTEST:

By: _____
Name: _____
Title: _____

STATE OF TEXAS §
 §
COUNTY OF _____ §

This instrument was acknowledged before me this ____ day of _____, 2017, by _____ of the COUNTY OF FORT BEND, TEXAS, a body corporate and politic under the laws of the State of Texas, on behalf of said body corporate and politic.

(NOTARY SEAL)

Notary Public, State of Texas

Attachment:
Exhibit A - Description and Sketch of Grantor's Land

After recording, please return to:
Jeanette Harris
Allen Boone Humphries Robinson LLP
3200 Southwest Freeway, Suite 2600
Houston, Texas 77027

EXHIBIT "A"

PARCEL 6

DESCRIPTION OF A TRACT OF LAND CONTAINING
0.4833 ACRES (21,054 SQUARE FEET) SITUATED IN
THE JOSEPH KUYKENDAHL LEAGUE, A-49
FORT BEND COUNTY, TEXAS

Being a tract of land containing 0.4833 acres (21,054 square feet) situated in the Joseph Kuykendahl League, A-49, Fort Bend County, Texas, being a part of Lot 5 and Lot 6 of the J.W. Blakely subdivision, recorded under Volume Q, Page 554 of the Deed Records of Fort Bend County, Texas, and a part of a 2.2741-acre tract conveyed unto Fort Bend County M.U.D. No. 116, by deed recorded under County Clerk's File No. 2016130081 of the Official Public Records of Fort Bend County, Texas. Said 0.4833-acre tract being more particularly described by metes and bounds as follows:

Note: The bearings referenced herein are grid values based on the Texas Coordinate System of 1983 (NAD83, 2011 Adjustment), South Central Zone. All coordinates shown herein are grid values. Multiply by a combined adjustment factor of 1.00013 to convert to surface values.

COMMENCING FOR REFERENCE at a found 1/2-inch iron rod located at the northeast corner of a called 4.0525-acre tract conveyed unto TDPHAN, Ltd., by deed recorded under County Clerk's File No. 2007049506 of the Official Public Records of Fort Bend County, Texas, and being in the southwest property line of the residue of a called 63.107-acre tract conveyed unto Williams Way Partnership, Ltd., by deed recorded under County Clerk's File No. 9680818 of the Official Public Records of Fort Bend County, Texas;

THENCE South 21° 45' 45" West with the southeasterly property line of said 4.0525-acre tract and the westerly property line of the residue of said Williams Way Partnership, Ltd. tract, a distance of 59.88 feet to a 5/8-inch iron rod with yellow cap stamped "Cobb Fendley & Associates" set in the proposed northwesterly right-of-way line of Sansbury Boulevard (width varies) for the northwesterly corner of a 33,5075-acre tract (Tract I) conveyed unto The Estates at Lakes of Williams Ranch, Ltd., by deed recorded under County Clerk's File No. 2016134407 of the Official Public Records of Fort Bend County, Texas, for the beginning of a non-tangent curve to the left;

THENCE in a northeasterly direction, with the proposed northerly right-of-way line of said Sansbury Boulevard, same being the south property line of said residue of 63.107-acre tract, and the north line of said 33.5075-acre tract, with the arc of said non-tangent curve to the left having a radius of 2,060.00 feet and a central angle of 10° 09' 18" (chord bears North 76° 56' 23" East, a distance of 364.63 feet) for an arc distance of 365.11 feet to a set 5/8-inch iron rod with plastic cap stamped "Cobb Fendley & Associates", for the northwest corner of said 2.2741-acre tract, for the westernmost corner of said tract herein described and **POINT OF BEGINNING**, having grid coordinates of X=3,012,703.55 and Y=13,762,889.00;

THENCE continuing in a northeasterly direction, with the proposed northerly right-of-way line of said Sansbury Boulevard, same being the south property line of said residue of 63.107-acre tract, and the north line of said 2.2741-acre tract, and with said curve to the left having a radius of 2,060.00 feet and a central angle of 07° 46' 01" (chord bears North 67° 58' 44" East, a distance of 279.03 feet) for an arc distance of 279.25 feet to a set 5/8-inch iron rod with plastic cap stamped "Cobb Fendley & Associates", for the northernmost corner of said 2.2741-acre tract, and for the westernmost corner of a 4.6041-acre tract (Tract II) conveyed unto The Estates at Lakes of Williams Ranch, Ltd., by deed recorded under County Clerk's File No. 2016134407 of the Official Public Records of Fort Bend County, Texas, and for the northernmost corner of said tract herein described;

THENCE South 12° 57' 36" West, with the easterly property line of said 2.2741-acre tract and the westerly property line of said 4.6041-acre tract, a distance of 85.57 feet to a set 5/8-inch iron rod with plastic cap stamped "Cobb Fendley & Associates", for corner;

THENCE South 28° 16' 02" East, continuing with the common property line of said 2.2741-acre tract and said 4.6041-acre tract, a distance of 38.21 feet to a set 5/8-inch iron rod with plastic cap stamped "Cobb Fendley & Associates", for corner in the proposed southerly right-of-way line of said Sansbury Boulevard, and the beginning of a non-tangent curve to the right;

THENCE with the proposed southerly right-of-way line of said Sansbury Boulevard, with the arc of said non-tangent curve to the right having a radius of 1,260.00 feet and a central angle of 06° 09' 06" (chord bears South 58° 32' 17" West, a distance of 135.28 feet) for an arc distance of 135.28 feet to a 5/8-inch iron rod with yellow cap stamped "Cobb Fendley & Associates" set in the westerly property line of said 2.2741-acre tract, same being the easterly property line of said 33.5075-acre tract;

THENCE North 28° 16' 02" West, continuing with the common property line between said 2.2741-acre tract and said 33.5075-acre tract, a distance of 47.44 feet to a set 5/8-inch iron rod with plastic cap stamped "Cobb Fendley & Associates", for corner;

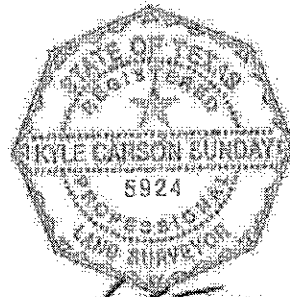
THENCE North 71° 00' 45" West, continuing with the common property line between said 2.2741-acre tract and said 33.5075-acre tract, a distance of 126.67 feet to the **POINT OF BEGINNING** and containing 0.4833 acres (21,054 square feet).

Note: This metes and bounds description is referenced to a survey drawing prepared by Cobb, Fendley & Associates, Inc. of even date.

Cobb, Fendley & Associates, Inc.
TBPLS Firm Registration No. 100487
13430 Northwest Freeway, Suite 1100
Houston, Texas 77040
Phone: 713-462-3242

Job No. 1711-006-01

April 18, 2017



NOTES:

1. ALL BEARINGS AND COORDINATES SHOWN HEREIN ARE GRID VALUES REFERENCED TO THE TEXAS COORDINATE SYSTEM OF 1983. THE SURVEY BEING COMPLETED IN 2011 CORRECTS FOR THE Spheroidal Shape Values by Applying a Spheroidal Adjustment Factor of 1.00013.
2. ALL VERTICAL DATUM REFERENCED HEREIN IS BASED ON NAVD83 VALUES. REFERENCE BENCHMARK IS NATIONAL GEODETIC SURVEY MONUMENT PID NO. AM4730, LOCATED ON THE FRONT OF THE HISTORIC COURTHOUSE BUILDING IN THE CITY OF RICHMOND, TEXAS.
3. ALL FIELD INFORMATION SHOWN HEREON IS BASED ON "ON-THE-GROUND" SURVEY PERFORMED BY COBB, FENDLEY & ASSOCIATES, INC., DURING THE MONTHS OF APRIL AND MAY, 2015.
4. 5/8-INCH IRON RODS WITH YELLOW CAPS STAMPED "COBB FENDLEY & ASSOCIATES" SET AT ALL TRACT CORNERS UNLESS NOTED OTHERWISE.
5. ALL PARCELS ARE REFERENCED TO METES AND BOUNDS DESCRIPTIONS PREPARED BY COBB, FENDLEY & ASSOCIATES, INC. OF EYER DATE.
6. THE WORD CERTIFY IS UNDERSTOOD TO BE AN EXPRESSION OF PROFESSIONAL JUDGMENT BY THE SURVEYOR, WHICH IS BASED ON HIS/HER BEST KNOWLEDGE, INFORMATION AND BELIEF.
7. SQUARE FOOTAGE AREA SHOWN HEREON IS FOR INFORMATION ONLY. SURVEYOR DOES NOT CERTIFY ACCURACY OF SURVEY TO NEAREST SQUARE FOOT.

ELDERLILIM INDEMNITIES

THE PROPERTY SHOWN HEREON (EITHER IN TOTAL OR A PORTION) IS THE PROPERTY OF THE FOLLOWING ZONE(S) BASED ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP 48157100265L, LAST REVISED APRIL 2, 2014:

SHADED ZONE(S) OF 1% ANNUAL CHANCE FLOOD AREAS OF 1/2 MILE OR MORE FROM WITHIN 1/4 MILE OR LESS THAN 1 FOOT OR WITH SHADING AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.

THE FLOODPLAIN IS THE CHANNEL OF A STREAM OR RIVER AND THE FLOODPLAIN AREAS THAT MUST BE KEPT FREE OF ENCROACHMENT SO THAT THE 1% ANNUAL CHANCE FLOOD CAN BE CARRIED WITHOUT SUBSTANTIAL INCREASES IN FLOOD HEIGHTS.

ELEVATIONS WERE NOT OBTAINED ON THE SUBJECT TRACT TO DETERMINE THE FLOOD ZONES.

DETERMINATION OF THE FLOOD ZONE IS BASED ON THE GRAPHICAL DELINEATION OF THE ZONES AS DEPICTED ON THE FLOOD PLAIN MAP(S).

IF THIS PROPERTY IS NOT WITHIN AN IDENTIFIED FLOOD HAZARD AREA, THIS INFORMATION DOES NOT IMPLY THAT THE PROPERTY AND/OR STRUCTURES HEREON WILL BE FREE FROM FLOODING OCCUR FLOOD DAMAGE HEIGHTS MAY BE INCREASED BY MAN-MADE OR NATURAL CAUSE. THIS FLOODPLAIN INFORMATION SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.

AREA SUMMARY			
PARCEL IDENTIFIER	DASH	FILE NO. (F.C. NO.)	AREA (SQ. FT.)
6	2274 AC	201510001	1,7208 AC (CALC.)

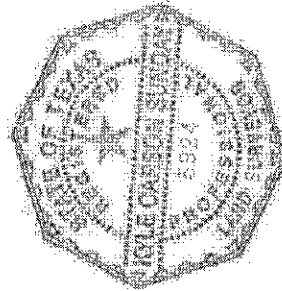
SURVEYOR'S CERTIFICATE

I, THE PROFESSIONAL SURVEYOR, THIS DAY REPRESENTS THE FACTS FOUND ON THE RECORD DURING THE COURSE OF A BOUNDARY SURVEY COMPLETED UNDER MY SUPERVISION DURING THE MONTHS OF APRIL AND MAY, 2015, AND THAT THIS SURVEY SUBSTANTIALLY COMPLETES WITH THE CURRENT STANDARDS OF PRACTICE OF THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING.

WITNESS MY HAND AND SEAL THIS 18TH DAY OF APRIL, 2015, AT HOUSTON, TEXAS.



KYLE CARSON SUNDORY
REGISTERED PROFESSIONAL LAND SURVEYOR #5924



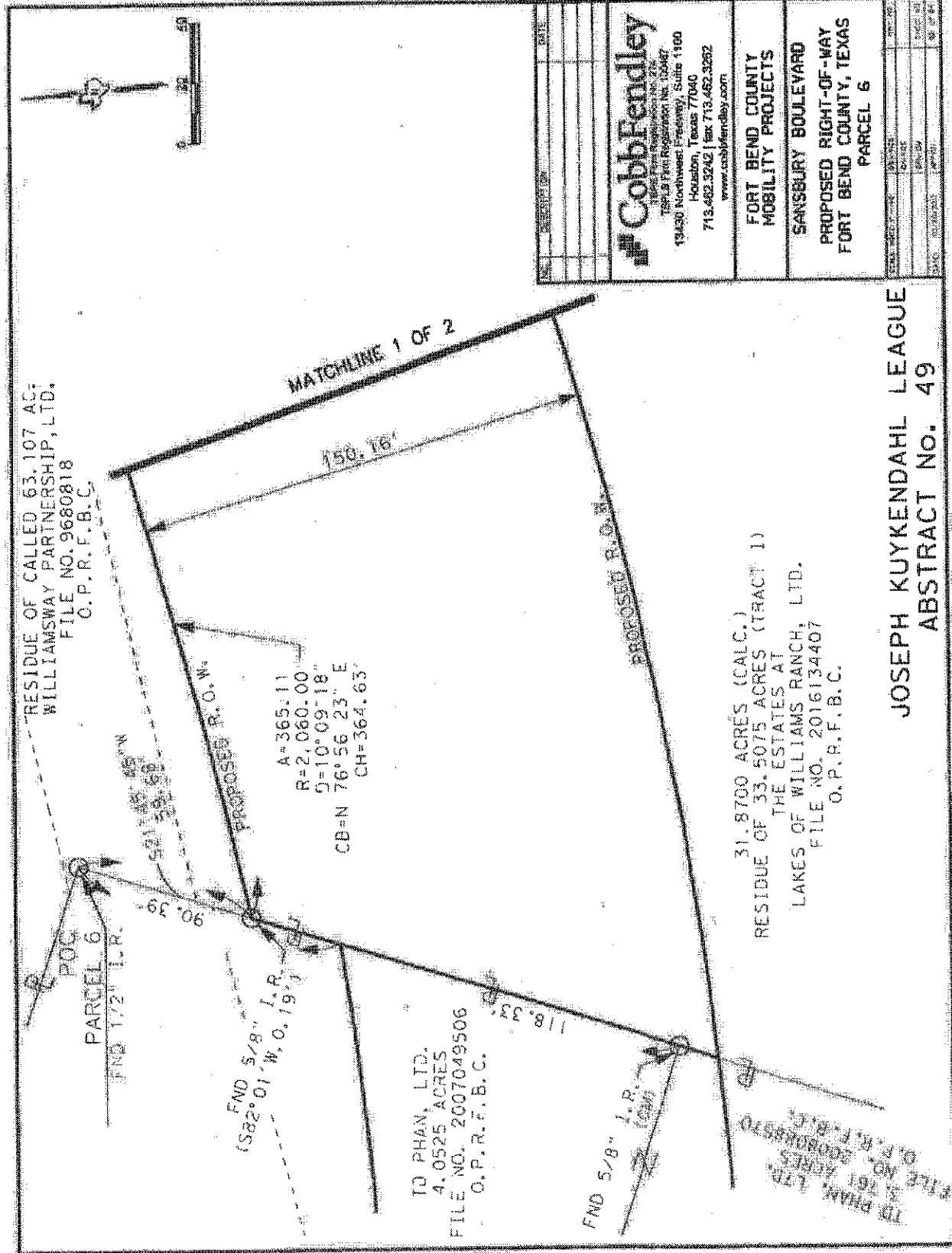
CobbFendley
19430 Northwest Freeway, Suite 1100
Houston, Texas 77040
713.462.3242 | fax 713.462.3262
www.cobbfendley.com

FORT BEND COUNTY
MOBILITY PROJECTS

SANSBURY BOULEVARD

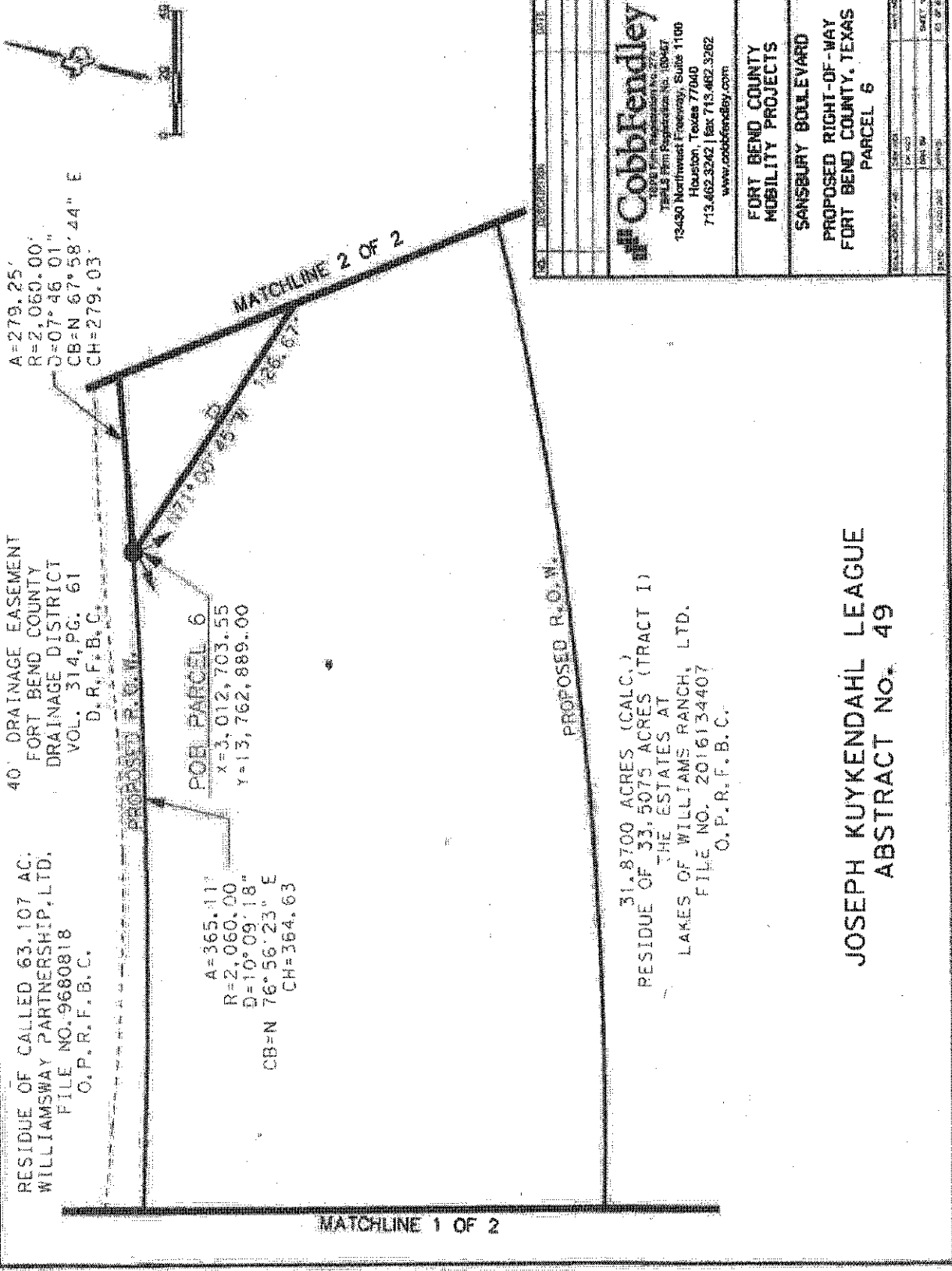
PROPOSED RIGHT-OF-WAY
FORT BEND COUNTY, TEXAS

PARCEL 6



<p>CobbFendley 13430 Northwest Freeway, Suite 1100 Houston, Texas 77040 713.462.3242 fax 713.462.3262 www.cobbfendley.com</p>	<p>FORT BEND COUNTY MOBILITY PROJECTS</p> <p>SANSBURY BOULEVARD PROPOSED RIGHT-OF-WAY FORT BEND COUNTY, TEXAS PARCEL 6</p>
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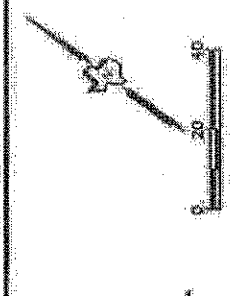
**JOSEPH KUYKENDAHL LEAGUE
ABSTRACT NO. 49**



CobbFendley
 13430 Northwest Freeway, Suite 1108
 Houston, Texas 77040
 713.462.3242 | Fax 713.462.3262
 www.cobbfendley.com

FORT BEND COUNTY
 MOBILITY PROJECTS
 SANSBURY BOULEVARD
 PROPOSED RIGHT-OF-WAY
 FORT BEND COUNTY, TEXAS
 PARCEL 6

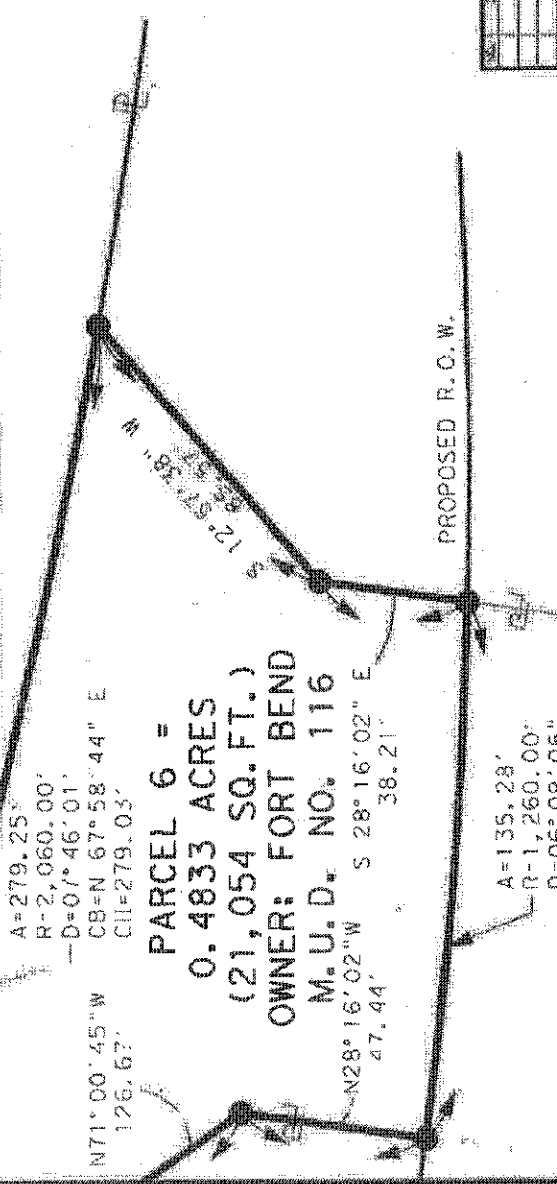
DATE	10/20/2016	BY	JK
SCALE	AS SHOWN	CHECKED	JK
SHEET NO.	63 OF 64	DATE	10/20/2016



40' DRAINAGE EASEMENT
 FORT BEND COUNTY
 DRAINAGE DISTRICT
 VOL. 314, PG. 61
 D.R.F.B.C.

WILLIAMS WAY PARTNERSHIP, LTD.
 RESIDUE OF CALLED 63.107 ACRE
 FILE NO. 9680818
 O.P.R.F.B.C.

PROPOSED R.O.W.



A=279.25'
 R=2,060.00'
 D=0°46'01"
 CB=N 67°58'44" E
 CH=279.03'

PARCEL 6 =
0.4833 ACRES
(21,054 SQ.FT.)
OWNER: FORT BEND
M.U.D. NO. 116

N71°00'45"W 126.67'
 N28°16'02"W 47.44' S 28°16'02" E 38.21'

A=135.28'
 R=1,260.00'
 D=06°09'06"
 CB=S 58°32'17" W
 CH=135.28'

4.0528 ACRES (CALC.)
 RESIDUE OF 4.6041 ACRES (TRACT II)
 THE ESTATES AT
 LAKES OF WILLIAMS RANCH, LID.
 FILE NO. 2016134407
 O.P.R.F.B.C.

1.7908 ACRES (CALC)
 RESIDUE OF 2.2741 ACRES
 FORT BEND COUNTY M.U.D. NO. 116
 FILE NO. 2016130081
 O.P.R.F.B.C.

DRAINAGE & R.O.W. ESM
 FORT BEND COUNTY DRAINAGE DISTRICT
 FILE NO. 2016130975
 O.P.R.F.B.C.

JOSEPH KUYKENDAHL LEAGUE
ABSTRACT NO. 49

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 SURVEYING & ENGINEERING
 13430 Northwest Freeway, Suite 1100
 Houston, Texas 77040
 713.482.3242 | fax 713.482.3262
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FORT BEND COUNTY
MOBILITY PROJECTS
SANSBURY BOULEVARD
PROPOSED RIGHT-OF-WAY
FORT BEND COUNTY, TEXAS
PARCEL 6

DATE	BY	REVISION