

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

**AMENDMENT REGARDING ACCESS TO
DEEDS IN LIEU OF CONDEMNATION
BETWEEN SIENNA/JOHNSON NORTH, L.P. AND
FORT BEND COUNTY TOLL ROAD AUTHORITY**

This AMENDMENT REGARDING ACCESS TO DEEDS IN LIEU OF CONDEMNATION ("Amendment") is made and entered into effective the 26th day of February, 2019, by and between SIENNA/JOHNSON NORTH, L.P. ("Grantor") and FORT BEND COUNTY TOLL ROAD AUTHORITY ("Grantee").

WHEREAS, Grantor and Grantee previously executed a Deed in Lieu of Condemnation for Parcel No. 46 of Fort Bend Parkway, Phase B, dated April 20, 2011 and recorded in Fort Bend County Deed Records on April 27, 2011, under Clerk's File No. 2011038461 ("Parcel 46 Deed");

WHEREAS, Grantor and Grantee previously executed a Deed in Lieu of Condemnation for Parcel No. 51 of Fort Bend Parkway, Segment B, dated April 20, 2011 and recorded in Fort Bend County Deed Records on April 27, 2011, under Clerk's File No. 2011038464 ("Original Parcel 51 Deed");

WHEREAS, Grantor and Grantee previously executed a Correction Deed in Lieu of Condemnation for Parcel No. 51 of Fort Bend Parkway, Segment B, dated January 13, 2012 and recorded in Fort Bend County Deed Records on January 20, 2012, under Clerk's File No. 2012006967 ("Parcel 51 Correction Deed"), in order to correct an incorrect description that was set forth in Exhibit A attached to the Original Parcel 51 Deed; and

WHEREAS, Grantor and Grantee desire to revise the access rights under the Parcel 46 Deed and the Parcel 51 Correction Deed.

NOW, THEREFORE, and hereby acknowledged by all parties, Grantor and Grantee hereby agree:

1. **Paragraph 4** of the Parcel 46 Deed is deleted in its entirety and the following is substituted:

Grantor acknowledges that, except as provided herein, the Property will not have access to the toll road Grantee intends to construct on the Property; provided, however, Grantee agrees that the Grantor may have access to the frontage road constructed at the northeast corner of the intersection of the Fort Bend Parkway Toll Road with Sienna Parkway via one (1) public road (the "Road"). The Road shall be constructed at Grantor's sole cost and expense, and meeting the requirements set out herein. The Road must meet the following

requirements: (i) it must conform to all roadway and intersection design specifications, including, without limitation, acceleration and deceleration and right turn lane requirements, established by Fort Bend County and in effect on the date the Road is constructed; (ii) the plans and specifications must be approved by Grantee's engineer, which shall not be unreasonably withheld, delayed, or conditioned; (iii) it must be thirty-seven feet (37') wide; (iv) its westernmost outside pavement edge of the Road must be 580 feet (580') from the easternmost outside pavement edge of the next closest access road or roadway intersection; and (v) any tie in with such toll road must meet the specifications established by Grantee for entrances to such road. The covenants and agreements set forth in this paragraph shall run with the land and shall inure to the benefit of and be binding upon Grantor and Grantee and their respective heirs, legal representatives, successors, and assigns.

2. **Paragraph 4** of the Parcel 51 Correction Deed is deleted in its entirety and the following is substituted:

Grantor acknowledges that, except as provided herein, the Property will not have access to the toll road Grantee intends to construct on the Property; provided, however, Grantee agrees that the Grantor may have access to the frontage road constructed at the northwest corner of the intersection of the Fort Bend Parkway Toll Road with Sienna Parkway (the "Intersection") via one (1) public road (the "Public Road") and one (1) private or public road (the "Private/Public Road," and together with the Public Road, the "Roads"). The Roads shall be constructed at Grantor's sole cost and expense, and meeting the requirements set out herein. The Roads must meet the following requirements: (i) they must conform to all roadway and intersection design specifications, including, without limitation, acceleration and deceleration and right turn lane requirements, established by Fort Bend County and in effect on the date the Roads are constructed; (ii) the plans and specifications must be approved by Grantee's engineer, which shall not be unreasonably withheld, delayed, or conditioned; (iii) they must be thirty-seven feet (37') wide; (iv) the easternmost outside pavement edge of the Private/Public Road must be 450 feet (450') from the westernmost outside pavement edge of the Intersection, and the easternmost outside pavement edge of the Public Road must be 455 feet (455') from the westernmost outside pavement edge of the Private/Public Road; and (v) any tie in with such toll road must meet the specifications established by Grantee for entrances to such road. The covenants and agreements set forth in this paragraph shall run with the land and shall inure to the benefit of and be binding upon Grantor and Grantee and their respective heirs, legal representatives, successors, and assigns.

This Amendment shall modify the Parcel 46 Deed and the Parcel 51 Correction Deed only insofar as it relates to the matters provided herein. All existing terms and conditions of the Parcel 46 Deed and the Parcel 51 Correction Deed not addressed in this Amendment shall remain in full force and effect and shall control.

[EXECUTION PAGES FOLLOW]

IN WITNESS WHEREOF, the parties hereto have executed this Amendment in multiple copies, each of which shall be deemed to be an original, and this Amendment shall be effective as of the date first specified.

SIENNA/JOHNSON NORTH, L.P., a Texas limited partnership

By: SIENNA/JOHNSON NORTH GP, L.L.C., its sole general partner

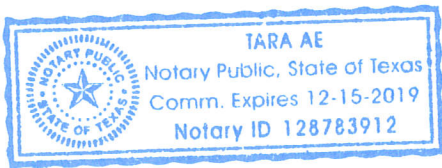
By: Alvin San Miguel
Alvin San Miguel
Vice President/General Manager

STATE OF TEXAS

COUNTY OF FORT BEND

This instrument was acknowledged before me on the 13th day of February, 2019, by Alvin San Miguel, Vice President/General Manager of Sienna/Johnson North GP, L.L.C., a Texas limited liability company, the sole general partner of SIENNA/JOHNSON NORTH, L.P., a Texas limited partnership, on behalf of said limited partnership and said limited liability company.

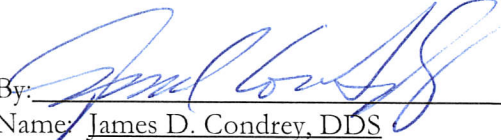
(NOTARY SEAL)



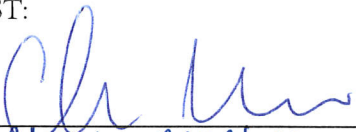
Tara Ae
Notary Public in and for the State of Texas

IN WITNESS WHEREOF, the parties hereto have executed this Amendment in multiple copies, each of which shall be deemed to be an original, and this Amendment shall be effective as of the date first specified.

FORT BEND COUNTY TOLL ROAD
AUTHORITY

By: 
Name: James D. Condrey, DDS
Title: Chairman

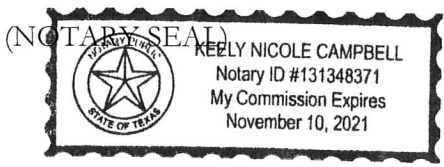
ATTEST:

By: 
Name: Charus Rencher
Title: Secretary



STATE OF TEXAS
COUNTY OF Fort Bend

This instrument was acknowledged before me on this 19th day of December, 2018, by James D. Condrey, DDS as Chairman of the Board of Directors of FORT BEND COUNTY TOLL ROAD AUTHORITY, a local government corporation of the State of Texas, on behalf of said local government corporation.




Notary Public, State of Texas

AFTER RECORDING, please return to The Muller Law Group, PLLC, Attention: Keely Campbell, 202 Century Square Boulevard, Sugar Land, Texas 77478

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

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

OFFICE USE ONLY CERTIFICATION OF FILING

Certificate Number:
2019-454610

Date Filed:
02/19/2019

Date Acknowledged:
2/20/19

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

Sienna Johnson North, L.P.
Missouri City, TX United States

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

Fort Bend County Toll Road Authority

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

60254
Special Warranty Deed for ROW of future Fort Bend Parkway Extension through Sienna Plantation and Access Modification Agreement

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary
	Oyster Creek Investments	Houston, TX United States	X	
	US Prime Site Developments GP	Sugar Land, TX United States	X	

5 Check only if there is NO Interested Party.

6 UNSWORN DECLARATION

My name is Alvin San Miguel, and my date of birth is [REDACTED]

My address is [REDACTED] (street) [REDACTED] (city) [REDACTED] (state) [REDACTED] (zip code) [REDACTED] (country)

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Fort Bend County, State of Texas, on the 19 day of February, 2019.
(month) (year)

Alvin San Miguel
Signature of authorized agent of contracting business entity
(Declarant)