

CUTLASS SOLAR LLC  
155 FEDERAL STREET, 17<sup>TH</sup> FLOOR  
BOSTON, MA 02110

November 24, 2020

Fort Bend County Drainage District  
301 Jackson Street  
Richmond, Texas 77469

Subject: Cutlass Solar Project – Fort Bend County, Texas;  
Access Agreement

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Ladies and Gentlemen,

The purpose of this letter is to follow up on various communications between Frans van Boden with Cutlass Solar LLC and Brian Fambrough with Fort Bend County Drainage District (“**FBCDD**”) with respect to the proposed crossings of FBCDD easements with certain fencing as well as underground and overhead electrical facilities (“the “**Facilities**”) to be installed and operated by Cutlass Solar LLC (“**Cutlass Solar**”) as part of the Cutlass Solar Project in Fort Bend County, Texas (the “**Project**”).

It is my understanding that FBCDD is the current owner and holder of one or more drainage easements and rights-of-way upon and across certain tracts of land in Fort Bend County, Texas that are within the leasehold property of the Project (the “**Project Site**”), including, without limitation, (i) a Right of Way Easement recorded on November 14, 1956 in Volume 356, Page 474 of the Official Public Records of Fort Bend County, Texas (the “**Drainage Easement**”).

Further, it is my understanding that FBCDD has no objection to the proposed crossings of the Facilities across the Drainage Easements or Cutlass Solar’s right to install, maintain, repair or replace any of the Facilities across, under or through the areas of the Drainage Easements, subject to Cutlass Solar’s adherence to the following terms and conditions:

1. The Facilities shall be installed in substantially the locations and in accordance with the specifications described on the site plan attached hereto as Exhibit 1 (the “**Site Plan**”), and Cutlass Solar shall obtain a permit from the Fort Bend County Engineering Department, 281-633-7500, prior to any work within the Fort Bend County Drainage District right-of-way area of the Drainage Easements. Contractor must submit an original bond or cashier’s check to the Fort Bend County Engineering Department in the amount of \$5000 minimum or 25% of Cutlass Solar’s cost of work within the right of way area of the Drainage Easements, whichever is higher. At the conclusion of any such activities, Cutlass Solar shall remove all debris and other materials at or near the crossing locations and restore such areas to existing conditions or better and shall seed all disturbed areas.

2. Prior to entry upon the Drainage Easements, Cutlass Solar or its contractor(s) (as applicable) shall maintain commercial general liability insurance with limits of liability not less than \$1,000,000.00 (or such greater amount as Cutlass Solar or its contractor(s) may otherwise ordinarily carry) from and against all liabilities, damages, losses, claims and actions on, about or arising out of the use of the Project Site by Cutlass Solar and/or its contractor(s) and their respective subcontractors and invitees. Certificates of insurance shall be furnished upon reasonable written request. Cutlass Solar shall at all times comply with all applicable laws, rules, regulations and industry standards.

Last, it is my understanding that FBCDD may need access across certain portions of the Project Site that are outside of the Drainage Easements for the limited purposes of performing erosion control, debris removal, inspections and/or other reasonable maintenance, repair, or replacement of improvements located on the segments of the Drainage Easements. Cutlass Solar has no objection to FBCDD's access across such portions of the Project Site that are outside of the Drainage Easements to perform such activities, subject to FBCDD's adherence to the following terms and conditions:

1. FBCDD's access rights shall be strictly limited to the gates and routes labeled and depicted on Exhibit 1 attached hereto and in accordance with the Notes included therein. Nothing herein shall be construed to limit FBCDD's rights as provided in the Drainage Easements. Notwithstanding the foregoing, FBCDD shall use reasonable efforts to minimize any interference with Cutlass Solar's activities within the Project Site and with all construction, maintenance and operation of the Project.
2. Prior to entry upon any portion of the Project Site that is outside of the Drainage Easements, FBCDD or its contractor(s) (as applicable) shall furnish to Cutlass Solar a certificate of insurance evidencing that that FBCDD has in place commercial general liability insurance with limits of liability not less than \$1,000,000.00 (or such greater amount as FBCDD or its contractor(s) may otherwise ordinarily carry) from and against all liabilities, damages, losses, claims and actions on, about or arising out of the use of the Project Site by FBCDD and/or its contractor(s) and their respective subcontractors and invitees. FBCDD shall at all times comply with all applicable laws, rules, regulations and industry standards.

Please confirm our understanding regarding the matters set forth herein by signing a counterpart of this letter in the space provided below and mailing it back to my attention at the address shown above. Please also email a signed copy to: [fvanboden@advancedpowerna.com](mailto:fvanboden@advancedpowerna.com). If you have any questions regarding this letter, you can also reach Mr. Van Boden at (857) 472-2508.

[signatures on following page]

Sincerely,

**Cutlass Solar LLC,**  
a Delaware limited liability company

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

**Accepted and Agreed to this \_\_\_\_\_ day of \_\_\_\_\_, 2020**

**Fort Bend County Drainage District**

By: \_\_\_\_\_  
KP George, County Judge

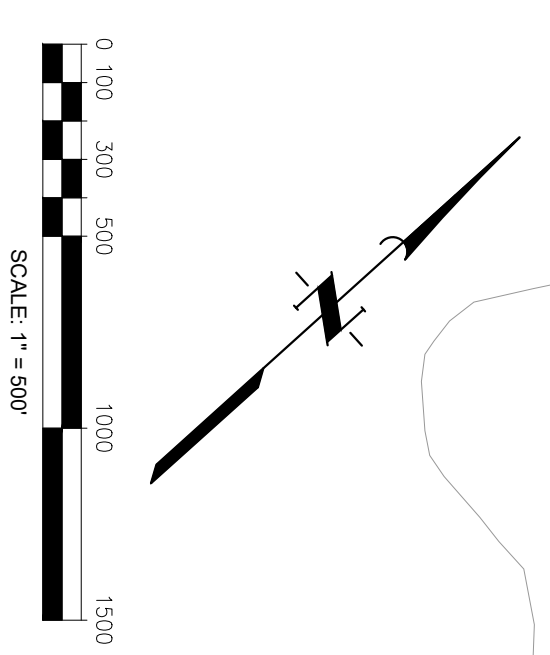
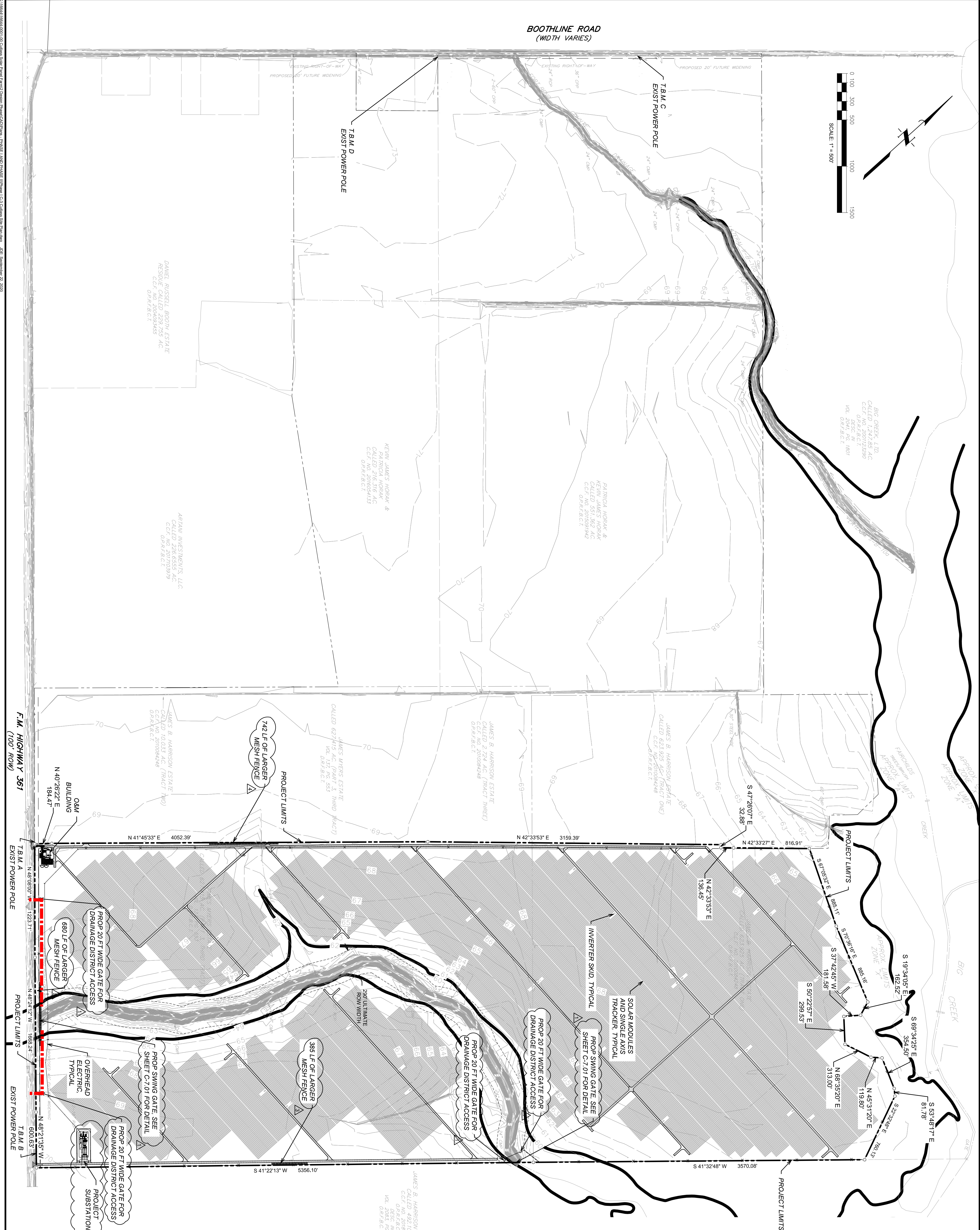
ATTEST:

By: \_\_\_\_\_  
Laura Richard, County Clerk

**EXHIBIT 1**

**SITE PLAN**

*[Attached]*



DANIEL RUSSELL BOOTH ESTATE  
 RESUBDIVISION CALLED 229.755 AC.  
 C.C.F. NO. 2004939453  
 O.P.R.F.A.C.T.

ARTIAN INVESTMENTS, LLC  
 CALLED 28.200 AC.  
 C.C.F. NO. 201702979  
 O.P.R.F.A.C.T.

JAMES B. HARRISON ESTATE  
 CALLED 10.033 AC. (TRACT TWO)  
 C.C.F. NO. 200894248  
 O.P.R.F.A.C.T.

PROP 20 FT WIDE GATE FOR  
 DRAINAGE DISTRICT ACCESS  
 680 LF OF LARGER  
 MESH FENCE

PROP SWING GATE, SEE  
 SHEET C-7.01 FOR DETAIL

PROP 20 FT WIDE GATE FOR  
 DRAINAGE DISTRICT ACCESS  
 388 LF OF LARGER  
 MESH FENCE

742 LF OF LARGER  
 MESH FENCE

PROP 20 FT WIDE GATE FOR  
 DRAINAGE DISTRICT ACCESS

PROP 20 FT WIDE GATE FOR  
 DRAINAGE DISTRICT ACCESS

PROP 20 FT WIDE GATE FOR  
 DRAINAGE DISTRICT ACCESS

JAMES B. HARRISON ESTATE  
 CALLED 2.724 AC. (TRACT THREE)  
 C.C.F. NO. 2010084248  
 O.P.R.F.A.C.T.

PROP SWING GATE, SEE  
 SHEET C-7.01 FOR DETAIL

PROP 20 FT WIDE GATE FOR  
 DRAINAGE DISTRICT ACCESS

PROP 20 FT WIDE GATE FOR  
 DRAINAGE DISTRICT ACCESS

JAMES B. HARRISON ESTATE  
 CALLED 627.415 AC. (PART 3, THIRD TRACT)  
 C.C.F. NO. 200894248  
 O.P.R.F.A.C.T.

PROP 20 FT WIDE GATE FOR  
 DRAINAGE DISTRICT ACCESS

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 DRAINAGE DISTRICT ACCESS

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 DRAINAGE DISTRICT ACCESS

JAMES B. HARRISON ESTATE  
 CALLED 623.925 AC. (TRACT ONE)  
 C.C.F. NO. 2010084248  
 O.P.R.F.A.C.T.

PROP 20 FT WIDE GATE FOR  
 DRAINAGE DISTRICT ACCESS

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 DRAINAGE DISTRICT ACCESS

JAMES B. HARRISON ESTATE  
 CALLED 623.925 AC. (TRACT ONE)  
 C.C.F. NO. 2010084248  
 O.P.R.F.A.C.T.

PROP 20 FT WIDE GATE FOR  
 DRAINAGE DISTRICT ACCESS

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 DRAINAGE DISTRICT ACCESS

JAMES B. HARRISON ESTATE  
 CALLED 623.925 AC. (TRACT ONE)  
 C.C.F. NO. 2010084248  
 O.P.R.F.A.C.T.

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 CALLED 623.925 AC. (TRACT ONE)  
 C.C.F. NO. 2010084248  
 O.P.R.F.A.C.T.

PROP 20 FT WIDE GATE FOR  
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 DRAINAGE DISTRICT ACCESS

WARNING: OVERHEAD ELECTRICAL FACILITIES  
 OVERHEAD LINES MAY EXIST ON THE PROPERTY.  
 THESE LINES ARE NOT SHOWN ON THIS PLAN.  
 SINCE THEY ARE CLEARLY VISIBLE, THE LINES  
 SHOULD BE LOCATED PRIOR TO BEGINNING ANY  
 CONSTRUCTION. TEXAS LAW, SECTION 752, UTTERS  
 INTO EFFECT A PENALTY FOR ANY PERSON WHO  
 KNOWS OR SHOULD KNOW THAT SUCH LINES  
 ARE LOCATED AND WHO FAILS TO TAKE THE  
 NECESSARY PRECAUTIONS TO AVOID CONTACT  
 WITH SUCH LINES. PARTIES RESPONSIBLE FOR THE WORK,  
 INCLUDING CONTRACTORS, ARE LEGALLY  
 RESPONSIBLE FOR OBTAINING ALL NECESSARY  
 INFORMATION AND CIVIL LIABILITY. THIS CARRIES BOTH  
 CONTRACT AND CIVIL LIABILITY. TO ARRANGE FOR  
 LINES TO BE TURNED OFF OR REMOVED, CALL  
 CENTRAL ENERGY AT (713) 297-2222.

TEXAS 811 NOTIFICATION SYSTEM  
**CALL BEFORE YOU DIG!!!**  
 www.texas811.org  
 Texas811 or 1-800-344-4377  
 FBC Engineering Approval

**NOTE**  
 1. FORT BEND COUNTY DRAINAGE DISTRICT SHALL  
 HAVE THE RIGHT TO INSTALL A LOCK ON THE 20  
 FT GATES SHOWN ON THE DRAWING SPECIFIED  
 FOR DRAINAGE DISTRICT ACCESS. THE LOCK LIMIT  
 OR RESTRICTION SHALL BE THE LOCK LIMIT  
 OR RESTRICTION OF THE GATES BY  
 CUTLASS SOLAR.  
 2. THE DRAINAGE DISTRICT SHALL HAVE THE RIGHT  
 ACCESS TO THE EXISTING DRAINAGE EASEMENTS,  
 AS NECESSARY FOR OPERATIONS AND  
 MAINTENANCE PURPOSES PURSUANT TO THE  
 MAINTENANCE EASEMENT AGREEMENT, ATTACHED  
 TO A RIGHT OF WAY EASEMENT, PUBLIC RECORDS  
 OF FORT BEND COUNTY, TEXAS, PAGE 474 OF THE  
 OFFICIAL PUBLIC RECORDS OF FORT BEND COUNTY,  
 TEXAS AND (ii) ANY ACCESS AGREEMENT THAT  
 MAY BE ENTERED INTO BY THE DRAINAGE  
 DISTRICT AND CUTLASS SOLAR, LLC.

**EXISTING LEGEND**  
 Hatched pattern: Hatched contour  
 Dashed line: PROJECT LIMITS  
 Solid line: APPROX FEMA ZONE A  
 Dotted line: LIMITS

**PROPOSED LEGEND**  
 Hatched pattern: 20 FT WIDE CRUSHED  
 GRAVEL ROAD (SEE DETAIL  
 SHEET C-7.02)  
 Dashed line: 18 FT WIDE CRUSHED  
 GRAVEL ROAD (SEE DETAIL  
 SHEET C-7.02)  
 Solid line: 2" WIDE OPENING  
 CHAIN LINK FENCE  
 UNLESS OTHERWISE  
 NOTED  
 Dotted line: 3.5" X 5" WIDE  
 CHAIN LINK  
 FABRIC FENCING

**FLOOD PLAIN NOTE**  
 THIS PROJECT IS WITHIN FLOOD PLAIN ZONE "A" OF THE  
 FORT BEND COUNTY FLOOD PLAIN MAP, COUNTY FNO  
 480228, MAP NUMBERS 48157C(25) AND  
 48157D(40). PANELS 400 AND 425, SURFIX 1.  
 DATED APRIL 2, 2014, FOR FORT BEND COUNTY,  
 TEXAS. AREAS DETERMINED TO BE OUTSIDE  
 THE 0.2% ANNUAL CHANCE FLOODPLAIN ZONE "A" IS  
 DEFINED AS SPECIAL FLOOD HAZARD AREAS  
 DETERMINED BY THE FORT BEND COUNTY  
 CHASE FLOOD NO BASE FLOOD ELEVATIONS  
 DETERMINED

**BENCHMARK**  
 ELEVATIONS SHOWN HEREON ARE BASED UPON  
 HIGHEST AVAILABLE SURVEY ELEVATION OF  
 88.2 (NAD 83). BEARINGS ARE BASED UPON THE TX  
 COORDINATE SYSTEM OF 1983, S. CENTRAL ZONE.

**ISSUE**

No.	Date	ISSUE	App.
1	6/7/2020	FBC Drainage District - Access locations, ultimate ROW, swing gates	JLD
2	7/7/2020	FBC Drainage District - Additional Notes, larger mesh fence callout	JLD
3	9/2/2020	Update project limits and sub-station limits, larger mesh fence callout	JLD

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 Texas811 or 1-800-344-4377  
 FBC Engineering Approval

**CUTLASS SOLAR PROJECT**

**OVERALL SITE PLAN**

SHEET NO. **C-3.00** 5 / 45

**JONES CARTER**

Texas Board of Professional Engineers Registration No. F-439  
 2322 W Grand Parkway North, Suite 150, Katy, TX 77449-7821 (832) 913-4000

SCALE: 1" = 600' DESIGNED BY: SDE/LAK/JLD  
 DATE: SEPTEMBER 2020 CHECKED BY: SDE/FVB/JLD/CCJ  
 JOB NO.: 16644-0001-00 DRAWN BY: JDE/LAK

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