

**COUNTY ATTORNEY**  
Fort Bend County, Texas

**BRIDGETTE SMITH-LAWSON**  
County Attorney

(281) 341-4555  
Fax (281) 341-4557

**LETTER OF REVIEW**

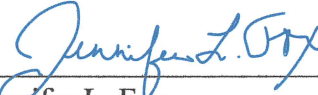
On October 3, 2023, the County Attorney's Office reviewed the following document attached hereto:

- A 0.0883 acre drainage easement from MUD 122 and 123 to FBCDD

**Comments:**

The above-referenced document has been reviewed by our office and is **approved as to legal form.**

Should you have any questions, you please contact me at (281) 344-3930.

  
\_\_\_\_\_  
Jennifer L. Fox,  
Assistant County Attorney

# ALLEN BOONE HUMPHRIES ROBINSON LLP

ATTORNEYS AT LAW

PHOENIX TOWER  
3200 SOUTHWEST FREEWAY  
SUITE 2600  
HOUSTON, TEXAS 77027  
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Direct Line: (713) 800-8674  
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kfields@abhr.com

Kia Fields  
Legal Assistant

August 2, 2023

**VIA FEDEX**

Fort Bend County Drainage District  
Attn: Jacob Clayton  
1124 Blume Rd  
Rosenberg, TX 77471

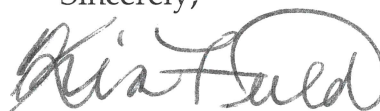
Re: Fort Bend County Municipal Utility District No. 122 and Fort Bend  
County Municipal Utility District No. 123

Dear Jacob:

Enclosed please find the executed Drainage Easement for you to have signed, notarized, and return the original to my attention in the self-addressed stamped envelope enclosed as soon as possible for recording with the county clerk.

Please let me know if you have any questions.

Sincerely,



Kia Fields

Enclosure

cc: Katie Sherborne, Allen Boone Humphries Robinson LLP, District Attorney  
Kyle Kraus, LJA Engineering, District Engineer

**Attachments:**

Exhibit A - Description of the Easement Tract

Exhibit B - Sketch of the Easement Tract

**After recording, please return to:**

Allen Boone Humphries Robinson LLP

3200 Southwest Freeway, Suite 2600

Houston, Texas 77027

Attention: Real Estate Department

May 30, 2023  
Job No. 1786-2202

DESCRIPTION OF  
0.0883 ACRE (3,845 SQUARE FEET)  
DRAINAGE EASEMENT  
5 FEET WIDE

Being 0.0883 acre of land located in the I & G. N. R.R. Company Survey, Abstract 363 and the William Stanley Survey, Abstract 599, Fort Bend County, Texas, more particularly being a portion of Reserve "A" and Reserve "B" of Lakemont Park Sec 1, a subdivision of Record under Plat Number 20230046, of the Plat Records of Fort Bend County, Texas (F.B.C.P.R.), said Reserves "A" and "B" being a portion of that certain called 12.521 acre tract conveyed to Fort Bend County Municipal Utility District No. 122 and Fort Bend County Municipal Utility District No. 123 by an instrument of record under File Number 2020053853, of the Official Public Records of Fort Bend County, Texas, (F.B.C.O.P.R.), said 0.0883 acre tract being more particularly described by metes and bounds as follows (all bearings referenced to the Texas Coordinate System, South Central Zone, NAD83);

BEGINNING at a 5/8-inch iron rod with cap stamped "LJA ENG" found for the southwest corner of said Reserve "A", same being the northwest corner of that certain called 6.118 acre tract conveyed to Fort Bend County Municipal Utility District No. 122 (called Part Two) by an instrument of record under File Number 2012036337, F.B.C.O.P.R., said point lying on the east line of Lakemont Bend Lane, as shown on Lakemont Shores Sec. 1, a subdivision of record under Plat Number 20070091, F.B.C.P.R.;

Thence, North 03° 12' 13" West, along the west line of said Reserve "A", common to the east right-of-way line of said Lakemont Bend Lane, 5.00 feet to a point for corner, from which a 5/8-inch iron rod with a cap stamped "LJA ENG" found at a point of curvature on said common line bears North 03° 12' 13" West, 132.63 feet;

0.0883 ACRE

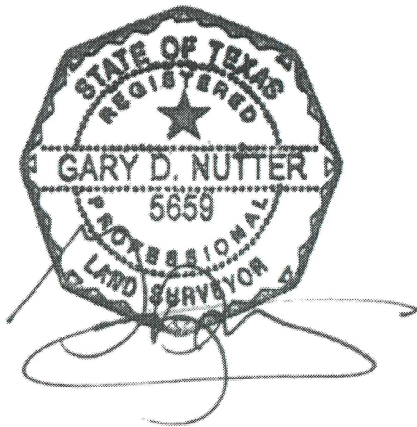
May 30, 2023  
Job No. 1786-2202

Thence, North  $86^{\circ} 47' 47''$  East, departing said common line and along a line 5-feet north of and parallel to the south line of said Reserves "A" and "B", 769.00 feet to a point for corner on an east line of said Reserve "B", common to a west line of said 6.118 acre tract, from which a 5/8-inch iron rod with a cap stamped "LJA ENG" found marking an angle point on the south line of said Reserve "B" bears North  $03^{\circ} 12' 14''$  West, 5.00 feet;

Thence, South  $03^{\circ} 12' 14''$  East, along said common line, 5.00 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" found for an angle point on the south line of said Reserve "B", common to the north line of said 6.118 acre tract;

Thence, South  $86^{\circ} 47' 47''$  West, along said common line of said Reserve "B" and said 6.118 acre tract, at 435.19 feet pass a 5/8-inch iron rod with a cap stamped "LJA SURVEY" set for the common south corner of said Reserves "A" and "B", and continuing along the south line of said Reserve "A" and the north line of said 6.118 acre tract, in all a total distance of 769.00 feet to the POINT OF BEGINNING and containing 0.0883 acre of land

Corner monuments were not set at the Client's request.



LJA Surveying, Inc.



**DRAINAGE EASEMENT  
(0.0883 Acre)**

**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 FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

**THE STATE OF TEXAS                    §  
                                                         §            KNOW ALL BY THESE PRESENTS:  
COUNTY OF FORT BEND               §**

THAT **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 122**, a political subdivision of the State of Texas ("FBC MUD 122"), and **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 123**, a political subdivision of the State of Texas ("FBC MUD 123") (FBC MUD 122 and FBC MUD 123 shall be collectively referred to herein as the "Grantor"), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, has GRANTED, SOLD, AND CONVEYED and, by these presents, does GRANT, SELL, AND CONVEY unto **FORT BEND COUNTY DRAINAGE DISTRICT**, a political subdivision of the State of Texas, its successors and assigns ("Grantee"), a permanent and perpetual non-exclusive easement and right-of-way (the "Easement") for the laying, construction, installation, maintenance, repair, relocation, replacement, removal, modification and operation of drainage facilities and all related connections and appurtenances thereto (collectively, the "Facilities") across, along, under, over, upon and through that certain tract of land located in Fort Bend County, Texas, containing 0.0883 acre, as more particularly described in **Exhibit A** and shown on **Exhibit B**, both attached hereto and incorporated herein for all purposes (the "Easement Tract").

Grantee may lay, construct, install, maintain, repair, relocate, replace, remove, modify and operate the Facilities across, along, under, over, upon and through the Easement Tract, and may enter upon the Easement Tract to engage in all activities as may be necessary, requisite, convenient, or appropriate in connection therewith. Grantee's rights shall include, without limitation, the right to clear and remove trees, growth, shrubbery, and other improvements from within the Easement Tract and the right to bring and operate such equipment on the Easement Tract as may be necessary, requisite, convenient, or appropriate to effectuate the purposes for which the Easement is granted. Subject to the rights granted to Grantee herein, Grantee will, at all times

after doing any work in connection with the Easement, restore the surface of the Easement Tract as nearly as reasonably practicable to substantially its condition prior to the undertaking of such work.

Grantor expressly reserves the right to the use and enjoyment of the surface of the Easement Tract for any and all purposes; provided, however, such use and enjoyment of the surface of the Easement Tract shall not interfere with, obstruct, or restrict the full and complete use and enjoyment of the Easement for the purposes set forth herein.

This conveyance is further made subject to any and all restrictions, covenants, easements, rights-of-way, encumbrances, and mineral or royalty reservations or interests affecting the Easement Tract and appearing of record in the Official Public Records of Fort Bend County, Texas, to the extent in effect and validly enforceable against the Easement Tract (the "Permitted Encumbrances"); provided, however, to the extent that Grantor has the ability to enforce any of the Permitted Encumbrances, Grantor will not do so in a manner that would unreasonably prejudice or interfere with Grantee's exercise of its rights in the Easement and use of the Easement Tract for the purposes set forth herein.

TO HAVE AND TO HOLD, subject to the matters set forth herein and the Permitted Encumbrances, the Easement, together with, all and singular, the rights and appurtenances thereto in any wise belonging, including all necessary rights to ingress, egress, and regress, unto Grantee, its successors and assigns, forever. Grantor does hereby bind itself and its successors and assigns to WARRANT AND FOREVER DEFEND, all and singular, the Easement and right-of-way and other rights described herein unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through, or under Grantor, but not otherwise.

The covenants and agreements contained herein shall run with the land and shall inure to the benefit of and shall be binding upon Grantor and Grantee and their respective successors and assigns.

The prevailing party in any suit, action, or other proceeding instituted in connection with any controversy arising out of this instrument or the Easement shall be entitled to recover its reasonable attorneys' fees from the other party.

The individual signing this instrument on behalf of Grantor represents that he/she has the requisite authority to bind Grantor.

Neither party's failure to insist on strict performance of any part of this instrument shall be construed as a waiver of the performance in any other instance.

This instrument shall be interpreted and construed in accordance with the laws of the State of Texas, without regard to conflict of laws, principles, and venue for any suit, action, or proceeding instituted in connection with any controversy arising out of this instrument or the Easement shall be the state courts situated in Fort Bend County, Texas.

This instrument may be executed in multiple counterparts, each of which shall be deemed an original, and all of which, taken together, shall constitute one instrument.

Grantee's address is c/o Allen Boone Humphries Robinson LLP, 3200 Southwest Freeway, Suite 2600, Houston, Texas 77027.

*[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 Effective Date.

**GRANTEE:**

**FORT BEND COUNTY  
DRAINAGE DISTRICT**

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

**ATTEST:**

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

THE STATE OF TEXAS           §  
                                                          §  
COUNTY OF \_\_\_\_\_       §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2023, by \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_ of FORT BEND COUNTY DRAINAGE DISTRICT, a political subdivision of the State of Texas, on behalf of said political subdivision.

(NOTARY SEAL)

\_\_\_\_\_  
Notary Public, State of Texas



EXECUTED by FBC MUD 122 on the date set forth in the acknowledgment below, but EFFECTIVE as of the 19th day of July, 2023 (the "Effective Date").

**FBC MUD 122:**

**FORT BEND COUNTY MUNICIPAL  
UTILITY DISTRICT NO. 122**

By: *Diane Perkins*  
Name: Diane Perkins  
Title: President

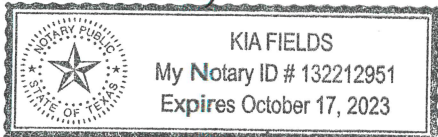
**ATTEST:**

By: *Melissa Colihan*  
Name: Melissa Colihan  
Title: Secretary

THE STATE OF TEXAS           §  
                                                          §  
COUNTY OF Harris           §

This instrument was acknowledged before me on, the 19th day of July, 2023, by Diane Perkins, President, and Melissa Colihan, Secretary of the Board of Directors of FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 122, a political subdivision of the State of Texas, on behalf of said political subdivision.

(NOTARY SEAL)



*Kia Fields*  
Notary Public, State of Texas

EXECUTED by FBC MUD 123 on the date set forth in the acknowledgment below, but EFFECTIVE as of the Effective Date.

**FBC MUD 123:**

**FORT BEND COUNTY MUNICIPAL  
UTILITY DISTRICT NO. 123**

By: *[Signature]*  
Name: Joseph Caballero  
Title: Vice President

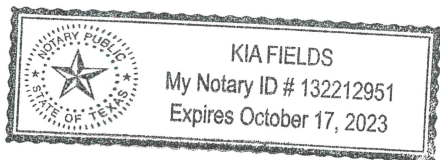
**ATTEST:**

By: *[Signature]*  
Name: Jeffrey Joseph  
Title: Secretary

THE STATE OF TEXAS           §  
                                                          §  
COUNTY OF Harris           §

This instrument was acknowledged before me on the 19th day of July, 2023, by Joseph Caballero, Vice President, and Jeffrey Joseph, Secretary of the Board of Directors of FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 122, a political subdivision of the State of Texas, on behalf of said political subdivision.

(NOTARY SEAL)



*[Signature]*  
Notary Public, State of Texas