

Project:
FM 359 Realignment

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.

RIGHT-OF-WAY DONATION DEED

Date: _____, 2023

Grantor: JDS NURSERY TRACT, LLC
a Texas Limited Liability Company

Grantor's Mailing Address:

5005 Riverway Drive
Ste 500
Houston, Texas 77056

Grantee: FORT BEND COUNTY, TEXAS
a political subdivision of the State of Texas

Grantee's Mailing Address:

c/o County Judge
401 Jackson Street
Richmond, Texas 77469

Consideration: Ten and 00/100 Dollars (\$10.00) and other valuable consideration.

Property (including any improvements): Being a 11.07 acre tract of land, more or less, in the John Foster 2-1/2 Leagues Grant, Abstract No. 26, Fort Bend County, Texas, and also being out of the residue of that certain called 200 acre tract recorded under Clerk's File No. 2019095366 of the Official Public Records of Fort Bend County, Texas; said 11.07 acres being more particularly described by metes and bounds attached hereto as Exhibit "A" and incorporated by reference for all intents and purposes (the "Property").

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Reservations from Conveyance: Grantee is not acquiring herein, and there is reserved to Grantor and Grantor's heirs, successors, and assigns, all rights, if any, in and to the oil, gas, sulphur, uranium, fissional materials, and other minerals in and under the surface of the Property acquired in this conveyance; provided, however, that Grantee, Fort Bend County, is acquiring all surface rights of any kind to or on the Property. The acquisition of such surface rights shall not prevent the owners of any mineral estate, interest, or lease from extracting all oil, gas, sulphur, uranium, fissional materials, and other minerals from under such Property by directional drilling or other means, so long as no part of the surface of the Property is used or affected.

Exceptions to Conveyance: This conveyance is made and accepted subject to any and all valid covenants, easements, and outstanding mineral and/or royalty interest in the oil, gas, and other minerals, now outstanding or affecting the Property herein conveyed, now of record in the County Clerk's Office of Fort Bend County, Texas, but only to the extent they are still in force and effect.

The purpose of this conveyance is to donate to Fort Bend County, Texas, a portion of the right-of-way for the FM 359 Realignment; TXDOT Project No. CSJ 0543-02-078.

As additional consideration for the conveyance of the Property, Grantor and Grantee agree that Grantor shall construct or cause the construction of the new FM 359 Right-of-Way, including any improvements thereon, in accordance with the terms of that certain Development Agreement executed between Grantor and Grantee on September 24, 2019. The representations herein shall survive closing.

Grantor hereby acknowledges that the Property herein conveyed shall become a part of a roadway facility and that Grantor's use of and access to the roadway facility shall be and forever remain subject to the same regulation by legally constituted authority as applies to the public's use thereof, and Grantor further acknowledges that the design and operation of such roadway facility may require that rights of ingress and egress and the right of direct access to and from Grantor's remaining property (if any) to said roadway facility shall hereafter be governed by the provisions set out in Exhibit "B" attached hereto and incorporated by reference for all intents and purposes; SAVE AND EXCEPT in the event access, or access points may be specifically allowed or permitted in said Exhibit "B", such access shall be subject to such regulation as is determined by the Texas Department of Transportation, Fort Bend County, Texas or the applicable municipality, if any, to be necessary in the interest of public safety and in compliance with approved engineering principles and practices and subject to compliance with any applicable local municipal or county zoning, platting, and/or permit requirements.

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Grantor, for the Consideration and subject to the Reservations from Conveyance and Exceptions to Conveyance and Warranty, GRANTS, GIVES, and CONVEYS to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's successors, and assigns forever.

If current ad valorem taxes on the Property have not been prorated at the time of closing, Grantor and Grantee shall be responsible for payment of its respective share thereof based on period of ownership. Grantee, as a governmental entity, shall be responsible for applying and perfecting any exemption for which it is entitled relating to period of ownership.

Executed on the date of the acknowledgment herein below taken, to be effective as of the date above.

GRANTOR

JDS NURSERY TRACT, LLC
a Texas Limited Liability Company

By: _____

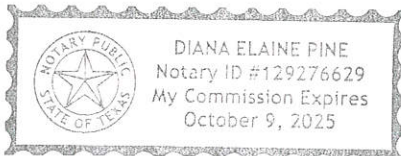
Name: L. Michael Cox

Title: President

Acknowledgement

THE STATE OF TEXAS §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the 20th day of July, 2023, by L. Michael Cox, President of JDS Nursery Tract, LLC, a Texas limited liability company, on behalf of said limited liability company.



Diana Elaine Pine
**NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS**

After Recording Please Return To:
Fort Bend County Engineering Dept.
301 Jackson St.
Richmond, Texas 77469

F.M. Highway 359 Right-of-Way Dedication
11.07 Acres

John Foster 2-½ Leagues, Abstract 26
Fort Bend County, Texas

STATE OF TEXAS §

COUNTY OF FORT BEND §

A **METES & BOUNDS** description of a 11.07 acre tract of land in the John Foster 2-½ Leagues Grant, Abstract 26, Fort Bend County, Texas, being out of and a part of the residue of that certain called 200.00 acre tract recorded under County Clerk's File Number 2019095366, Official Public Records, Fort Bend County, Texas, with all bearing based on the Texas Coordinate System of 1983, South Central Zone, based upon GPS observations.

Beginning at a 1/2 inch thickwall iron pipe found for the southeast corner of said called 200.00 acre tract, same being the northeast corner of an adjoining called 137.0556 acre tract recorded under County Clerk's File Number 9681280, Official Public Records, Fort Bend County, Texas, and being in the west right-of-way line of F.M. Highway 359 (called 80-foot wide), for the southeast corner and **Place of Beginning** of the herein described tract;

Thence South 87 degrees 30 minutes 16 seconds West along the south line of the herein described tract and the south line of said called 200.00 acre tract, same being the north line of said adjoining called 137.0556 acre tract, 58.26 feet to a 5/8 inch iron rod with cap mark "Quiddity Property Corner" set for the southwest corner of the herein described tract, from said point a 1/2 inch thickwall iron pipe found for the southwest corner of said called 200.00 acre tract, same being the northwest corner of said adjoining called 137.0556 acre tract bears South 87 degrees 30 minutes 16 seconds West, 2,542.14 feet;

Thence establishing a southwesterly line of the herein described tract to points at the following courses and distances:

North 01 degree 32 minutes 19 seconds West, 165.07 feet to a set 5/8 inch iron rod with cap marked "Quiddity Property Corner" and the beginning of a curve to the left;

Thence with said curve to the left, having a central angle of 60 degrees 56 minutes 49 seconds, an arc length of 1,717.91 feet, a radius of 1,615.00 feet, and a chord bearing North 32 degrees 00 minutes 43 seconds West, 1,638.06 feet to a set 5/8 inch iron rod with cap marked "Quiddity Property Corner" and the end of said curve;

North 62 degrees 29 minutes 07 seconds West, 350.88 feet to a set 5/8 inch iron rod with cap marked "Quiddity Property Corner" and the beginning of a curve to the right;

Thence with said curve to the right, having a central angle of 55 degrees 25 minutes 37 seconds, an arc length of 1,997.64 feet, a radius of 2,065.00 feet, and a chord bearing North 34 degrees 46 minutes 19 seconds West, 1,920.66 feet to a 5/8 inch iron rod with cap marked "Quiddity Property Corner" set for the end of said curve and for the upper northwest corner of the herein described tract and the upper northwest corner of the residue of said called 200.00 acre tract, same being the northeast corner of an adjoining called 7.34 acre tract recorded under County Clerk's File Number 2020019389, Official Public Records, Fort Bend County, Texas, and being in the apparent south right-of-way line of McKinnon Road, from said point a 1/2 inch iron pipe found for the northwest corner of said adjoining called 7.34 acre tract, being a reentry corner to a called 378.40 acre tract recorded under County Clerk's File Number 2017112484, Official Public Records, Fort Bend County, Texas, and described in Volume 349, Page 524 and Volume 340, Page 285, Deed Records, Fort Bend County, Texas, bears South 87 degrees 48 minutes 40 seconds West, 393.28 feet;

Thence along the north line of the herein described tract and the north line of said called 200.00 acre tract, same being the apparent south right-of-way line of McKinnon Road with the following courses and distances:

North 87 degrees 48 minutes 40 seconds East, 3.63 feet to a found ½ inch iron pipe;

South 60 degrees 55 minutes 03 seconds East, 15.40 feet to a found ½ inch iron pipe;

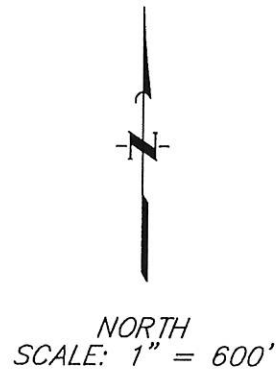
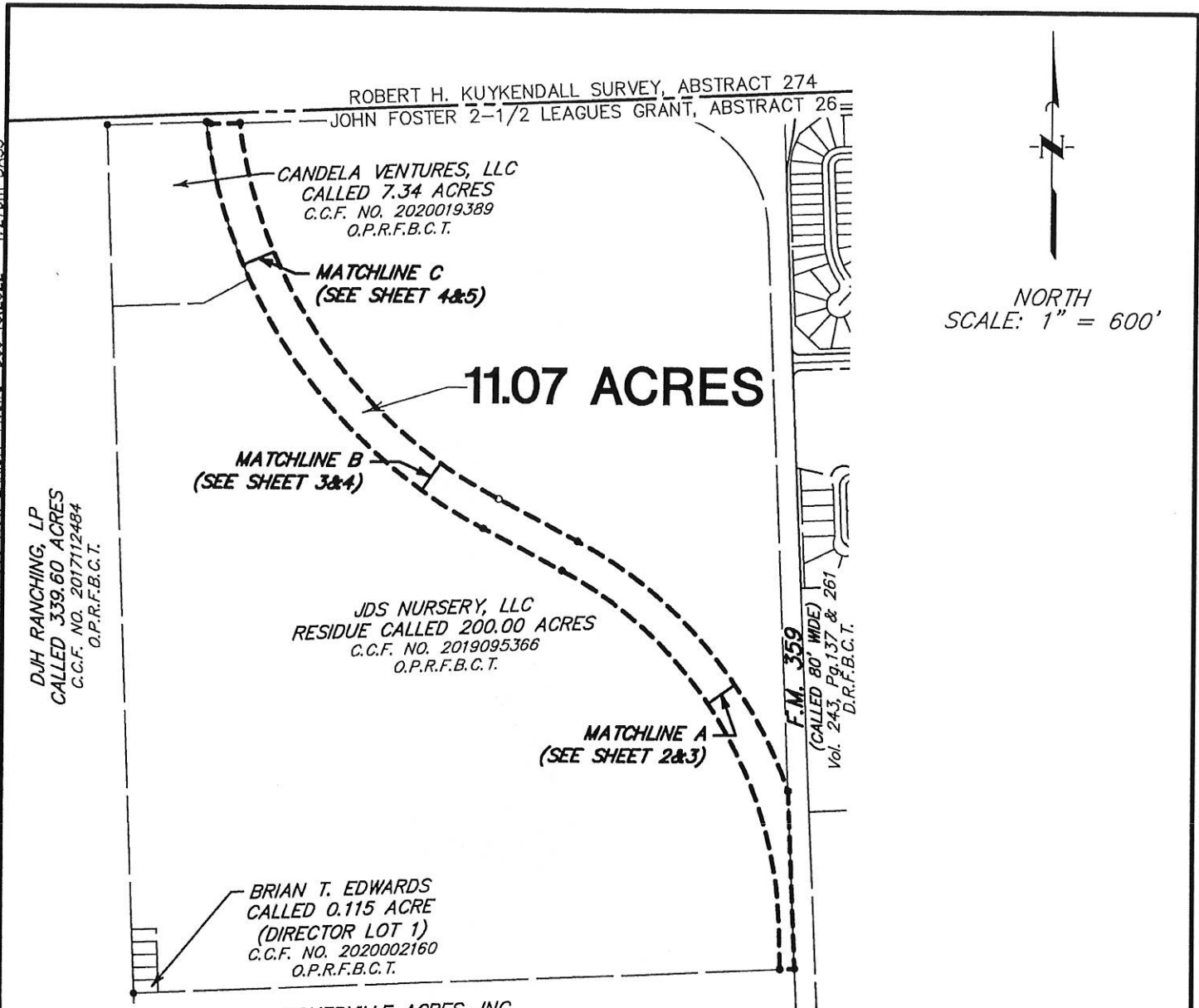
North 87 degrees 49 minutes 30 seconds East, 114.45 feet to a 5/8 inch iron rod with cap marked "Quiddity Property Corner" set in a non-tangent curve to the left for the upper northeast corner of the herein described tract, from said point a 5/8 inch iron rod found in the north line of said called 200.00 acre tract, same being the south right-of-way line of F.M. Highway 359, and being in a non-tangent curve to the right, bears North 87 degrees 49 minutes 30 seconds East, 1,583.95 feet;

Thence establishing the northeasterly line of the herein described tract to points at the following courses and distances:

Thence with said non-tangent curve to the left, having a central angle of 54 degrees 51 minutes 37 seconds, an arc length of 1,852.75 feet, a radius of 1,935.00 feet, and a chord bearing South 35 degrees 03 minutes 19 seconds East, 1,782.78 feet to a set 5/8 inch iron rod with cap marked "Quiddity Property Corner" and the end of said curve;

South 62 degrees 29 minutes 07 seconds East, 350.88 feet to a set 5/8 inch iron rod with cap marked "Quiddity Property Corner" and the beginning of a curve to the right;

K:\16338\16338-0005-01 Candela_Section_1 Paving and Platting\1 Surveying Phase\CAD Files\Working Dwg\CANDELA.ALL\FM_359 ROW EXHIBIT V1.dwg Dec 15, 2022 - 1:27pm BAS3



SURVEY
 OF
11.07 ACRES
 OUT OF THE
JOHN FOSTER 2-1/2 LEAGUES GRANT SURVEY,
ABSTRACT 26
 FORT BEND COUNTY, TEXAS
 NOVEMBER 2022



QUIDDITY

Texas Board of Professional Engineers and Land Surveyors Reg. No. 10046100
 1229 Corporate Drive, Suite 100 • Rosenberg, TX 77471 • 281.342.2033

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MATCHLINE B

SET 5/8" IR W/CAP
MARKED "QUIDDITY
PROPERTY CORNER"

SET 5/8" IR W/CAP
MARKED "QUIDDITY
PROPERTY CORNER"

SET 5/8" IR W/CAP
MARKED "QUIDDITY
PROPERTY CORNER"

SET 5/8" IR W/CAP
MARKED "QUIDDITY
PROPERTY CORNER"

JDS NURSERY, LLC
RESIDUE CALLED 200.00 ACRES
C.C.F. NO. 2019095366
O.P.R.F.B.C.T.

11.07 ACRES

NORTH
SCALE: 1" = 200'



MATCHLINE A

**SURVEY
OF
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K:\16338\16338-0005-01 Candela Section 1 Paving and Platting\1 Surveying Phase\CAD Files\Working Dwg\CANDELA ALL\FM 359 ROW EXHIBIT V1.dwg Dec 15, 2022 - 1:27pm BAS3

CANDELA VENTURES, LLC
CALLED 7.34 ACRES
C.C.F. NO. 2020019389
O.P.R.F.B.C.T.

JDS NURSERY, LLC
RESIDUE CALLED 200.00 ACRES
C.C.F. NO. 2019095366
O.P.R.F.B.C.T.



NORTH
SCALE: 1" = 200'

MATCHLINE C

MATCHLINE B

11.07 ACRES

**SURVEY
OF
11.07 ACRES
OUT OF THE
JOHN FOSTER 2-1/2 LEAGUES GRANT SURVEY,
ABSTRACT 26
FORT BEND COUNTY, TEXAS
NOVEMBER 2022**



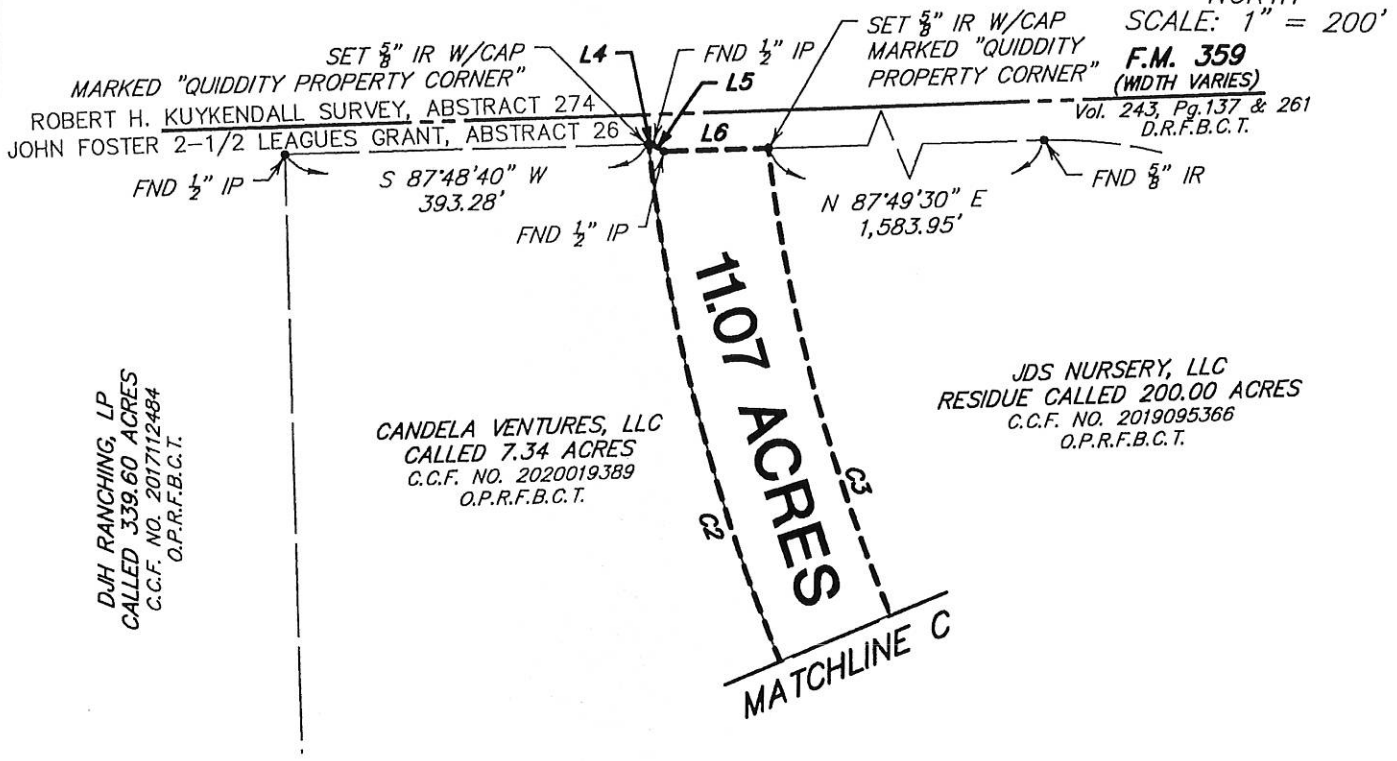
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K:\16338\16338-0005-01 Candela Section 1 Paving and Plotting\1 Surveying Phase\CAD Files\Working Dwg\CANDELA ALL F.M. 359 ROW EXHIBIT VI.dwg Dec 15, 2022 - 1:27pm BAS3



NORTH
SCALE: 1" = 200'



DJH RANCHING, LP
CALLED 339.60 ACRES
C.C.F. NO. 2017112484
O.P.R.F.B.C.T.

CANDELA VENTURES, LLC
CALLED 7.34 ACRES
C.C.F. NO. 2020019389
O.P.R.F.B.C.T.

JDS NURSERY, LLC
RESIDUE CALLED 200.00 ACRES
C.C.F. NO. 2019095366
O.P.R.F.B.C.T.

SURVEY
 OF
11.07 ACRES
 OUT OF THE
JOHN FOSTER 2-1/2 LEAGUES GRANT SURVEY,
ABSTRACT 26
 FORT BEND COUNTY, TEXAS
 NOVEMBER 2022



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| CURVE | DELTA | RADIUS | ARC LENGTH | CHORD BEARING | CHORD LENGTH |
|-------|-----------|-----------|------------|---------------|--------------|
| C1 | 60°56'49" | 1,615.00' | 1,717.91' | N 32°00'43" W | 1,638.06' |
| C2 | 55°25'37" | 2,065.00' | 1,997.64' | N 34°46'19" W | 1,920.66' |
| C3 | 54°51'37" | 1,935.00' | 1,852.75' | S 35°03'19" E | 1,782.78' |
| C4 | 43°11'21" | 1,745.00' | 1,315.37' | S 40°53'26" E | 1,284.45' |

GENERAL NOTES:

- This tract lies within Zone "X" of the Flood Insurance Rate Map, Community No. 480228, Map Number 48157C0155L, Panel 0115, Suffix "L" dated April 2, 2014, for Fort Bend County, Texas and incorporated areas.
Zone "X" is defined as areas determined to be outside the 0.2% annual chance floodplain

This flood statement does not imply that the property or structures thereon will be free from flooding or flood damage. On rare occasions floods can and will occur and flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor.

The location of the flood zone lines shown hereon were determined by scaling from said FIRM map. The actual location as determined by elevation contours may differ. Quiddity assumes no liability as to the accuracy of the location of the flood zone limits.

- This survey was prepared without the benefit of a current Commitment for Title Insurance or Abstractor's Certification and therefore easements or encumbrances may exist which are not shown hereon. No research of the Public Records of Fort Bend County, Texas regarding these easements or encumbrances was performed by Quiddity.
- Bearings are based upon the Texas Coordinate System of 1983, South Central Zone, based upon GPS observations.
- The surveyor has not been provided with construction plans showing the location of underground utilities. Underground utilities may exist which are not shown hereon.
- This survey does not provide any determination concerning wetlands, fault lines, toxic waste or any other environmental issues. Such matters should be directed by the client or prospective purchaser to an expert consultant.
- Development of the subject tract may require submittal, approval, and/or recording of a plat or replat. Rules and regulations are established by the governmental agency, which has jurisdiction. These rules and regulations may include dedication of setback lines, easements, additional right-of-way, and other matters.
- This survey has been prepared for the sole purpose of a conveyance of title and real property interests as referenced in the above-mentioned title commitment. This survey is not intended for site design, layout or engineering purposes.
- Determination of the ownership, location, or development of minerals related to the Subject Tract fall outside the scope of the survey. Such matters should be directed by the client to an expert consultant.
- Improvements exist which are not shown hereon.
- For reference and further description, see metes and bounds description, job number 16338-0062-00, prepared by Quiddity on same date.

| LINE | BEARING | DISTANCE |
|------|---------------|-----------|
| L1 | S 87°30'16" W | 58.26' |
| L2 | N 01°32'19" W | 165.07' |
| L3 | N 62°29'07" W | 350.88' |
| L4 | N 87°48'40" E | 3.63' |
| L5 | S 60°55'03" E | 15.40' |
| L6 | N 87°49'30" E | 114.45' |
| L7 | S 62°29'07" E | 350.88' |
| L8 | S 02°28'32" E | 696.39' |
| L9 | N 02°28'32" W | 2,194.80' |

Subject to the General Notes shown:

We, Quiddity, acting by and through Martin G. Hicks, a Registered Professional Land Surveyor, hereby certify that this survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category 1B, Condition III Survey.

Surveyed: 11-28-2022

Mart. G. Hicks

Martin G. Hicks
Registered Professional Land Surveyor
No. 4387
MHicks@quiddity.com



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EXHIBIT B

Access is permitted to the roadway facility from the remainder of the abutting property.