

**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.**

**DETENTION POND AND DRAINAGE EASEMENT AGREEMENT**

This Detention Pond and Drainage Easement Agreement (the "Easement Agreement") is made by and between Preserve at HWY 6, LLC, a Delaware limited liability company ("Grantor"), and Fort Bend County, Texas, a political subdivision of the state of Texas ("Grantee").

WHEREAS, Grantor is the owner of certain tracts land located in Fresno, Fort Bend County, Texas described as follows (collectively, the "Grantor Tract"):

**Tract 1**

Being a tract of land containing 29.905 acres, more or less, situated in the Moses Shipman Survey, Abstract No. 86, Fort Bend County, Texas, the same being out of Lots 3 and 4, Block 20 and Lots 1,2,3 and 4, Block 23, Cochran and McCluer Subdivision, according to the map or plat thereof recorded under Volume 58, Page 75, Fort Bend County Plat Records; said property being more fully described by metes and bounds in Deed recorded under Clerk File No. 2022115100 of the Official Public Records of Fort Bend County, Texas.

**Tract 2**

Being a tract of land containing 9.738 acres, more or less, the same being out of Lot 8, Block 21, and Lots 1 and 2, Block 22, Cochran & McCluer Subdivision, according to the map or plat thereof recorded under Volume 58, Page 75, Fort Bend County Plat Records; said property being more fully described by metes and bounds in Deed recorded under Clerk File No. 2022115100 of the Official Public Records of Fort Bend County, Texas; and

WHEREAS, the Grantor Tract is located adjacent to the Westenfeldt right-of-way, which right-of-way is part of Fort Bend County road expansion project under Mobility Bond Project No. 17124x; and

WHEREAS, in connection with said road expansion project, Grantee needs storm water detention in a volume sufficient under all regulatory requirements to accommodate the increased storm water flow and drainage from the road expansion project; and

WHEREAS, Grantor has agreed to provide Grantee a perpetual, non-exclusive easement for the purposes of accommodating such storm water flow and drainage from the Westenfeldt right-of-way across a portion of the Grantor Tract as more particularly described on Exhibit "A-1" attached hereto (the "Drainage Easement Area"), to the existing detention pond located on a portion of the Grantor Tract as more particularly described on Exhibit "A-2" attached hereto (the "Detention Pond").

NOW, THEREFORE, for and in consideration of the sum of \$10.00 and other good and valuable consideration the receipt and sufficiency of which is hereby acknowledge, Grantor and Grantee agree as follows:

1. **Recitals.** The recitals set forth above are incorporated herein by reference and made a part of this Easement Agreement.
2. **Easement.** Grantor hereby grants, conveys, and transfers to Grantee a perpetual, non-exclusive easement (the "Easement") for the Road Expansion Project for the purpose of draining storm water flow and discharge from the Westenfeldt right-of-way onto, over, and across the surface of the Drainage Easement Area to the Detention Pond.
3. **Project Description and Outflow.** Grantee shall widen the existing Westenfeldt right-of-way from fifty feet (50') to seventy feet (70') and the existing paved roadway of Westenfeldt from eighteen feet (18') to thirty-six feet (36') (collectively, the "Road Expansion Project"). Grantee shall have the right to drain and discharge storm water across the common boundary of the expanded Westenfeldt right-of-way and the Grantor Tract onto, over, and across the surface of the Drainage Easement Area, through any existing outflow lines, drainage lines, or other facilities, to the Detention Pond in a volume of up to 2.64 acre feet (the same being the "Needed Capacity" for the Detention Pond
4. **Detention Pond Construction.** As part of the consideration for this Easement, Grantor has modified the existing Detention Pond on the Grantor Tract by 2.64 acre-feet to accommodate the storm water flow from the Road Expansion Project; said modification and flow being further described on Grantor's "February 2, 2023 Site Narrative" attached hereto Exhibit "B" and incorporated by reference for all intents and purposes.
5. **Detention Pond Maintenance.** Grantor, at Grantor's sole cost and expense, shall be responsible for providing any maintenance or repairs to the Detention Pond to ensure that the Needed Capacity is available for use by Grantee.

6. **Permits and Storm Water Discharge.** Grantor, at Grantor's sole cost and expense, shall be solely responsible for obtaining all permits, authorizations, licenses, and consents required by any and all governmental entities having jurisdiction over the maintenance and environmental compliance of the Detention Pond, including any permits or authorizations from the Texas Commission on Environmental Quality ("TCEQ"). Grantee, at Grantee's sole cost and expense, shall be solely responsible for obtaining all permits, authorizations, licenses, and consent required by any and all governmental entities having jurisdiction over the transmission and discharge of storm water flow from the Westenfeldt right-of-way, including any permits or authorizations the TCEQ.
7. **No Construction of Barriers.** Grantor, on behalf of itself and its successors and assigns, covenants and agrees that it will not erect, construct, or install any improvements on the Drainage Easement Area that would diminish the discharge of storm water and drainage from the Westenfeldt right-of-way onto, over, and across the Drainage Easement Area to the Detention Pond to less than 2.64 acre feet.
8. **No Right to Construct Improvements.** This Easement Agreement does not grant Grantee any right to engage in any activity or construct or maintain any improvements on or within the Easement. Grantor, for itself, its successors and assigns, hereby reserves and shall have the right, at all times, to remove any structures or improvements not consistent with the terms of this Easement Agreement.
9. **Non-Exclusive Provisions.** The Easement rights, and privileges granted herein are non-exclusive, and Grantor reserves and retains the right to convey, plat, and/or dedicate similar rights and easements, as well as other types of rights and easements, to such other persons or entities as Grantor may deem proper, providing such other conveyances do not materially affect the Grantee's use of the Easement conveyed herein. Subject to the limitations set forth in the preceding sentence of this Easement Agreement, Grantor specifically reserves the right to expand, enlarge, relocate or otherwise modify the Drainage Easement Area and/or Detention Pond, and to expand, enlarge, relocate or otherwise modify the existing outflow lines, drainage lines, or other facilities, provided that such changes would not diminish the discharge of storm water and drainage from Westenfeldt right-of-way onto, over, and across the Drainage Easement Area to the Detention Pond to less than 2.64 acre feet.
10. **Limitations.** Grantor shall have no liability or responsibility for constructing or arranging additional outflow lines, drainage lines, or other facilities to transport storm water flow and drainage from the Road Expansion Project to the Detention Pond other than any outflow lines, drainage lines, or other facilities that currently exist on the Drainage Easement Area. The Easement shall be used for the purpose of serving the detention capacity needs of the Road Expansion Project only as provided in this Easement Agreement, and shall not be used for any other projects of Grantee without the prior written consent Grantor.
11. **Term.** The term of the Easement shall be perpetual until Grantee records a release and abandonment of easement document in the Official Public Records of Fort Bend County, Texas, forever releasing and abandoning the Easement rights and privileges granted herein.

12. **Default.** In the event there is a breach by Grantor with respect to any provision of this Easement Agreement or its obligations hereunder, including preservation of Grantor's rights to the Needed Capacity and maintenance of the Detention Pond, Grantee shall give Grantor written notice of such breach. After receipt of such written notice, Grantee shall have forty-eight (48) hours in which to cure any such breach, if such breach constitutes any emergency, or ten (10) days if such breach does not constitute an emergency. Should Grantee fail to cure the breach, upon the expiration of the time limitations set forth herein, Grantee shall have the right to enter upon the Drainage Easement Area and/or Detention Pond and make such modifications to the Detention Pond to provide the Needed Capacity and/or take any and all necessary actions to cure such breach, and seek reimbursement from Grantor for any costs and expenses related to curing such breach. In the event of Grantee's breach of this Easement Agreement, Grantor shall have the right to seek any remedy which may be available to Grantor at law or in equity.
13. **Notices.** Any notice required or permitted to be given under this Easement Agreement shall be in writing, and shall be deemed to have been given when delivered by hand delivery, or when deposited in the U.S. Post Office, registered or certified mail, postage prepaid, return receipt requested, if mailed. Notices shall be addressed as follows:
- If to Grantee:                      Fort Bend County, Texas  
   Attn: County Engineer  
   301 Jackson St.  
   Richmond, Texas 77469
- With a Copy to:                      Fort Bend County Commissioner Pct 2  
   303 Texas Parkway  
   Suite 213  
   Missouri City, Texas 77489
- If to Grantor:                          Preserve at Hwy 6, LLC  
   Attn: Richard Owen, Authorized Signatory  
   3200 Southwest Freeway  
   Suite 1870  
   Houston, Texas 77027
14. **Invalidation.** Invalidation of any one of the covenants contained in this Easement Agreement by a judgment or court order shall not affect any of the other provision of this Easement Agreement, which shall remain in full force and effect.



15. **Matters of Record.** The Easement rights and privileges herein granted shall be subject to all valid and subsisting encumbrances, conditions, covenants, restrictions, reservations, exceptions, rights-of-way, and easement of record, including all laws, regulations, and restrictions by a governmental authority applicable to and enforceable against the Grantor Property and the Westenfeldt right-of-way.
16. **Governing Law.** This Easement Agreement shall be subject to and governed by the laws of the state of Texas and venue shall lie in Fort Bend County, Texas.
17. **Covenants.** The Easement, covenants, and agreements contained herein shall be covenants running with the land and shall inure to the benefit of and be binding upon Grantor and Grantee and their respective successors and assigns.

TO HAVE AND TO HOLD, the above described Easement for the said purposes together with all and singular, the rights, privileges, and appurtenances thereto as described above in anywise belonging to said Grantee, its successors, and assigns forever, subject to the limitations, conditions, and restrictions set forth hereinabove.

When the context requires, singular nouns and pronouns include the plural.

**{Execution Pages Follow}**

EXECUTED on this 28<sup>th</sup> day of August, 2023.

**GRANTOR:**

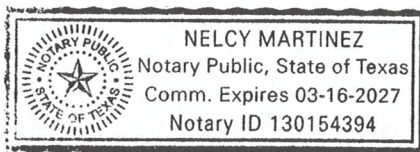
PRESERVE AT HWY 6, LLC,  
a Delaware Limited Liability Company

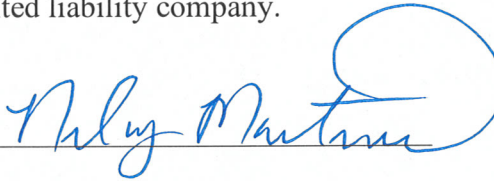
By:   
Name: Richard Owen  
Title: Authorized Signatory

**Acknowledgment**

THE STATE OF TEXAS           §  
  §  
COUNTY OF HARRIS       §

This instrument was acknowledged before me on the 28<sup>th</sup> day of August, 2023, by Richard Owen, the Authorized Signatory of Preserve at HWY 6, LLC, a Delaware limited liability company, on behalf of said limited liability company.



  
\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

AGREED AND ACCEPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

FORT BEND COUNTY, TEXAS,  
A political subdivision of the state of Texas

\_\_\_\_\_  
KP GEORGE,  
COUNTY JUDGE

**Acknowledgment**

THE STATE OF TEXAS           §  
  §  
COUNTY OF FORT BEND       §

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2023, by  
KP George, County Judge of Fort Bend County, Texas, a political subdivision of the state of  
Texas, on behalf of said political subdivision.

\_\_\_\_\_  
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

EXHIBIT “A-1”

Legal Description of the Drainage Easement Area

[See Attached]



SCALE: 1" = 100'

NORTH

### GENERAL NOTES

1. SURVEYOR DID NOT ABSTRACT SUBJECT PROPERTY. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF CURRENT TITLE REPORT OR ABSTRACTS CERTIFICATE AND WOULD BE SUBJECT TO ANY AND ALL CONDITIONS OR RESTRICTIONS THAT A CURRENT TITLE REPORT OR ABSTRACTS CERTIFICATE MAY DISCLOSE.
2. BEARINGS WERE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, (NAD83)
3. THIS EXHIBIT IS ACCOMPANIED BY A SEPARATE METES AND BOUNDS DESCRIPTION.
4. THIS EXHIBIT DOES NOT IMPLY TO BE A LAND TITLE SURVEY OF THE SUBJECT PROPERTY AND IS NOT INTENDED TO BE USED FOR TITLE CONVEYANCE PURPOSES.

UNRESTRICTED RESERVE "A", BLOCK 1  
PRESERVE AT HIGHWAY 6  
PLAT NO. 20220241, F.B.C.P.R.

STORM SEWER EASEMENT  
0.2702 ACRES / 11,770 SQ. FT.

PRESERVE HW6, LLC  
F.B.C.C.F. NO. 2021202848

DRAINAGE EASEMENT NO. 1  
6.5009 ACRES / 283,178 SQ. FT.  
F.B.C.C.F. NO. 2022041216

LINE	BEARING	DISTANCE
L1	S 03°05'44" E	10.07'
L2	S 80°01'44" W	115.32'
L3	S 12°38'50" W	95.82'
L4	S 87°10'07" W	106.08'
L5	N 16°11'08" E	10.58'
L6	N 87°10'07" E	95.03'
L7	N 12°38'50" E	95.82'
L8	N 80°01'44" E	115.90'

APPARANT R.O.W. EASEMENT  
(NO DOCUMENT FOUND)

WESTENFELDT  
WIDTH VARIES  
PLAT NO. 20040224 F.B.C.P.R.  
PLAT NO. 20220241, F.B.C.P.R.

RESERVE "A", BLOCK 1  
TEXAS RHYTHMICS SUBDIVISION  
PLAT NO. 20040224, F.B.C.P.R.

P.O.C.  
FND 5/8" CAPPED IR  
"WINDROSE"

S 03°05'44" E 268.99'

S 86°58'32" W 292.39'

289.89'

FND 1/2" CAPPED IP  
"ATT"

FND 3/8" IP  
BEARS  
533.36' E 0.31'

### EXHIBIT OF

STORM SEWER EASEMENT  
0.2702 ACRES / 11,770 SQ. FT.  
SITUATED IN THE  
MOSES SHIPMAN LEAGUE, A-86  
FORT BEND COUNTY, TEXAS

FILED BY:	-	DATE:	08/15/2023
DRAWN BY:	JLR/V	REV:	
CHECKED BY:	MC	REV:	
JOB NO.	56336-STM-1	REV:	
SHEET 1 OF 2		REV:	



**WINDROSE**  
LAND SURVEYING & PLATTING

5353 W 54th HOUSTON PKWY N, STE 150  
HOUSTON, TX 77041 | 713.458.2281  
FIRM REGISTRATION NO. 10108800 | WINDROSESERVICES.COM



# WINDROSE

LAND SURVEYING | PLATTING

## DESCRIPTION OF 0.2702 ACRES OR 11,770 SQ. FT.

A TRACT OR PARCEL CONTAINING 0.2702 ACRES OR 11,770 SQUARE FEET OF LAND SITUATED IN THE MOSES SHIPMAN LEAGUE, ABSTRACT NO. 86, FORT BEND COUNTY, TEXAS, BEING OUT OF UNRESTRICTED RESERVE "A", BLOCK 1, PRESERVE AT HIGHWAY 6, AS RECORDED UNDER PLAT NO. 20220241, FORT BEND COUNTY PLAT RECORDS (F.B.C.P.R.), CONVEYED TO PRESERVE HW6, LLC, AS RECORDED UNDER FORT BEND COUNTY CLERK'S FILE (F.B.C.C.F.) NO. 202102848, WITH SAID 0.2702 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, WITH ALL BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD 83):


**COMMENCING** AT A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" FOUND IN THE WEST RIGHT-OF-WAY (R.O.W.) LINE OF WESTENFELDT (R.O.W. WIDTH VARIES), MARKING THE MOST EASTERLY NORTHEAST CORNER OF SAID PRESERVE AT HIGHWAY 6, FROM WHICH THE SOUTHEAST CORNER OF RESERVE "A" BLOCK 1, TEXAS RHYTHMICS SUBDIVISION, MAP OR PLAT THEREOF RECORDED UNDER PLAT NO. 20040224, F.B.C.P.R. FOR REFERENCE BEARS SOUTH 86 DEG. 58 MIN. 32 SEC. WEST - 2.50 FEET, FROM WHICH A 3/8 INCH IRON PIPE FOUND FOR REFERENCE BEARS SOUTH 33 DEG. 36 MIN. EAST - 0.31 FEET;

**THENCE**, SOUTH 03 DEG. 05 MIN. 44 SEC. EAST, WITH THE WEST R.O.W. LINE OF SAID WESTENFELDT, A DISTANCE OF 268.99 FEET TO THE NORTHEAST CORNER AND **POINT OF BEGINNING** OF THE HEREIN DESCRIBED EASEMENT;

**THENCE**, SOUTH 03 DEG. 05 MIN. 44 SEC. EAST, CONTINUING WITH THE WEST R.O.W. LINE OF SAID WESTENFELDT, A DISTANCE OF 10.07 FEET TO THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED EASEMENT;

**THENCE**, OVER AND ACROSS SAID UNRESTRICTED RESERVE "A", THE FOLLOWING NINE (9) COURSES AND DISTANCES;

1. SOUTH 80 DEG. 01 MIN. 44 SEC. WEST, A DISTANCE OF 115.32 FEET TO AN ANGLE POINT OF THE HEREIN DESCRIBED TRACT;
2. SOUTH 87 DEG. 10 MIN. 07 SEC. WEST, A DISTANCE OF 861.51 FEET TO AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;
3. SOUTH 12 DEG. 38 MIN. 50 SEC. WEST, A DISTANCE OF 95.82 FEET TO AN ANGLE POINT OF THE HEREIN DESCRIBED TRACT;
4. SOUTH 87 DEG. 10 MIN. 07 SEC. WEST, A DISTANCE OF 106.08 FEET TO THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;
5. NORTH 16 DEG. 11 MIN. 08 SEC. EAST, A DISTANCE OF 10.58 FEET TO THE MOST WESTERLY NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;
6. NORTH 87 DEG. 10 MIN. 07 SEC. EAST, A DISTANCE OF 95.03 FEET TO AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;
7. NORTH 12 DEG. 38 MIN. 50 SEC. EAST, A DISTANCE OF 95.82 FEET TO THE MOST NORTHERLY NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;
8. NORTH 87 DEG. 10 MIN. 07 SEC. EAST, A DISTANCE OF 868.49 FEET TO AN ANGLE POINT OF THE HEREIN DESCRIBED TRACT;
9. NORTH 80 DEG. 01 MIN. 44 SEC. EAST, A DISTANCE OF 115. FEET TO THE **POINT OF BEGINNING** AND CONTAINING 0.2702 ACRES OR 11,770 SQUARE FEET OF LAND, AS SHOWN ON JOB NO. 55336-STM-1, PREPARED BY WINDROSE LAND SERVICES.

  
MATTHEW CARPENTER  
R.P.L.S. NO. 6942  
STATE OF TEXAS  
FIRM REGISTRATION NO. 10108800



08/15/2023  
DATE:



EXHIBIT “A-2”

Legal Description of the Detention Pond

[See Attached]



NORTH

SCALE: 1" = 60'

#### GENERAL NOTES

1. SURVEYOR DID NOT ABSTRACT SUBJECT PROPERTY. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT OR ABSTRACTORS CERTIFICATE AND WOULD BE SUBJECT TO ANY AND ALL CONDITIONS OR RESTRICTIONS THAT A CURRENT TITLE REPORT OR ABSTRACTORS CERTIFICATE MAY DISCLOSE.
2. BEARINGS WERE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, (NAD83).
3. THIS EXHIBIT IS ACCOMPANIED BY A SEPARATE METES AND BOUNDS DESCRIPTION.
4. THIS EXHIBIT DOES NOT IMPLY TO BE A LAND TITLE SURVEY OF THE SUBJECT PROPERTY AND IS NOT INTENDED TO BE USED FOR TITLE CONVEYANCE PURPOSES.

CURVE CHART					
CURVE	RADIUS	DELTA	LENGTH	BEARING	CHORD
C1	300.00'	8°08'21"	42.62'	N 02°09'47" E	42.58'

TRACT 1  
CALLED 1.557 ACRES  
DRAINAGE EASEMENT  
FORT BEND COUNTY MUNICIPAL  
UTILITY DISTRICT NO. 23  
VOL. 1396, PG. 715, F.B.D.R.  
VOL. 1488, PG. 480, F.B.C.D.R.  
VOL. 1488, PG. 488, F.B.C.D.R.

SET 5/8" CAPPED IR  
"WINDROSE"

CALLED 29.905 ACRES  
PRESERVE HW6, LLC  
F.B.C.C.F. NO. 202120848

LOT 2, BLOCK 23

P.O.B.

SET 5/8" CAPPED IR  
"WINDROSE"

N 87°25'21" E 234.73'

LOT 8, BLOCK 21

N 01°54'25" W 108.54'

**DRAINAGE EASEMENT #2**  
**0.7614 ACRE / 33,168 SQ. FT.**

LOT LINE

SET 5/8" CAPPED IR  
"WINDROSE"

12

CALLED 1.424 ACRES  
EDWARD DIVOKY, JR., RENEE  
STARBUCK, STEVEN DIVOKY,  
CHRISTINE MIRANDA &  
JODY BRADFORD  
F.B.C.C.F. NO. 2013048750

N 60°55'14" W 125.68'

LOT 1, BLOCK 22

S 28°04'46" W 252.50'

COCHRAN & McCLUER SUBDIVISION  
VOL. 58, PG. 75, F.B.C.P.R.

CALLED 9.738 ACRES  
PRESERVE HW6, LLC  
F.B.C.C.F. NO. 202120847

EXHIBIT OF  
DRAINAGE EASEMENT #2  
0.7614 OF AN ACRE/ 33,168 SQ. FT.  
SITUATED IN THE  
MOSES SHIPMAN SURVEY, A-86  
FORT BEND COUNTY, TEXAS

FILED BY: . DATE: 03/02/2022

DRAWN BY: PH REV:

CHECKED BY: MC REV:

JOB NO: 55338-DE-2 REV:

SHEET 1 OF 2 REV:



**WINDROSE**  
LAND SURVEYING | PLATTING

11117 RICHMOND AVE, STE 150 | HOUSTON, TX 77082 | 713.468.2281  
FIRM REGISTRATION NO. 10108800 | WINDROSESERVICES.COM



# WINDROSE

LAND SURVEYING | PLATTING

## DESCRIPTION OF DRAINAGE EASEMENT #2 0.7614 ACRES OR 33,168 SQ. FT.

A TRACT OR PARCEL CONTAINING 0.7614 ACRES OR 33,168 SQUARE FEET OF LAND SITUATED IN THE MOSES SHIPMAN SURVEY, ABSTRACT NO. 86, FORT BEND COUNTY, TEXAS, BEING OUT LOT 1, BLOCK 22 AND LOT 8, BLOCK 21 OF COCHRAN & MCCLUER SUBDIVISION, MAP OR PLAT THEREOF RECORDED UNDER VOLUME (VOL.) 58, PAGE (PG.) 75, FORT BEND COUNTY PUBLIC RECORDS (F.B.C.P.R.), OUT OF A CALLED 9.738 ACRES, CONVEYED TO PRESERVE HW6, LLC, AS RECORDED UNDER F.B.C.C.F. NO. 202120847, WITH SAID 0.7614 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, WITH ALL BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD 83):

**BEGINNING** AT A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET FOR THE COMMON SOUTH CORNER OF A CALLED 1.557 ACRE (KNOWN AS TRACT 1) DRAINAGE EASEMENT CONVEYED TO FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 23, AS RECORDED UNDER VOL. 1396, PG. 715, VOL. 1488, PG. 480 AND VOL. 1488, PG. 488, F.B.C.D.R., AND A CALLED 29.905 ACRES, CONVEYED TO PRESERVE HW6, LLC, RECORDED UNDER FORT BEND COUNTY CLERK'S FILE (F.B.C.C.F.) NO. 202120848, AND THE COMMON NORTH CORNER OF A CALLED 1.424 ACRE TRACT, CONVEYED TO EDWARD DIVOKY, JR., RENEE STARBUCK, STEVEN DIVOKY, CHRISTINE MIRANDA & JODY BRADFORD, AS RECORDED UNDER F.B.C.C.F. NO. 2013048750, AND SAID CALLED 9.766 ACRES, SAME BEING THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

**THENCE**, NORTH 87 DEG. 25 MIN. 21 SEC. EAST, ALONG THE SOUTH LINE OF SAID CALLED 29.905 ACRES, A DISTANCE OF 234.73 FEET TO THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

**THENCE**, SOUTH 29 DEG. 04 MIN. 46 SEC. WEST, A DISTANCE OF 252.50 FEET TO THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

**THENCE**, NORTH 60 DEG. 55 MIN. 14 SEC. WEST, A DISTANCE OF 125.68 FEET TO A POINT ON THE EAST LINE OF SAID CALLED 1.424 ACRE TRACT, FOR THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT AND THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

**THENCE**, WITH A CURVE TO THE LEFT, HAVING A RADIUS OF 300.00 FEET, A CENTRAL ANGLE OF 08 DEG. 08 MIN. 21 SEC., AN ARC LENGTH OF 42.62 FEET, AND A CHORD BEARING AND DISTANCE OF NORTH 02 DEG. 09 MIN. 47 SEC. EAST, - 42.58 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET ON THE COMMON LINE OF SAID CALLED 1.424 ACRE TRACT AND SAID CALLED 9.766 ACRE TRACT, FOR AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;

**THENCE**, NORTH 01 DEG. 54 MIN. 25 SEC. WEST, ALONG THE COMMON LINE OF SAID CALLED 1.424 ACRE TRACT AND SAID CALLED 9.766 ACRE TRACT, A DISTANCE OF 106.54 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 0.7614 ACRES OR 33,168 SQUARE FEET OF LAND, AS SHOWN ON JOB NO. 55336-DE-2, PREPARED BY WINDROSE LAND SERVICES.

ROBERT KNESS  
R.P.L.S. NO. 6486  
STATE OF TEXAS  
FIRM REGISTRATION NO. 10108800



03/02/2022  
DATE:

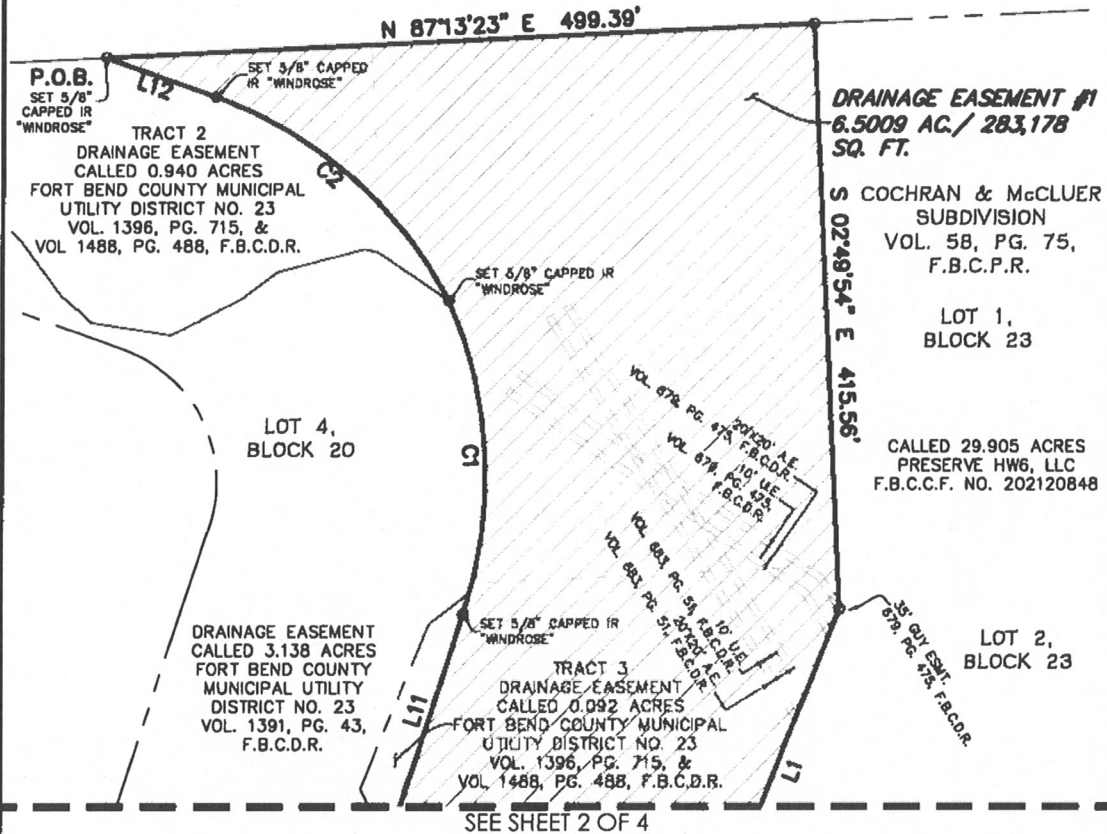
# GENERAL NOTES

1. SURVEYOR DID NOT ABSTRACT SUBJECT PROPERTY, THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT OR ABSTRACTORS CERTIFICATE AND WOULD BE SUBJECT TO ANY AND ALL CONDITIONS OR RESTRICTIONS THAT A CURRENT TITLE REPORT OR ABSTRACTORS CERTIFICATE MAY DISCLOSE.
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3. THIS EXHIBIT IS ACCOMPANIED BY A SEPARATE METES AND BOUNDS DESCRIPTION.
4. THIS EXHIBIT DOES NOT IMPLY TO BE A LAND TITLE SURVEY OF THE SUBJECT PROPERTY AND IS NOT INTENDED TO BE USED FOR TITLE CONVEYANCE PURPOSES.



SCALE: 1" = 100'

**RABB ROAD**  
CALLED 40' R.O.W.  
BY PLAT NO. 20040224 F.B.C.P.R.



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 21°28'34" W	237.73'
L2	S 23°31'26" E	6.70'
L3	S 16°11'08" W	74.37'
L4	S 29°04'46" W	80.64'
L5	N 02°54'33" E	68.89'
L6	N 17°41'26" E	40.46'
L7	N 86°35'37" E	45.68'
L8	N 64°25'06" E	3.90'
L9	N 36°03'48" E	46.07'
L10	N 25°01'50" W	88.41'
L11	N 17°41'26" E	172.41'
L12	N 70°08'37" W	82.09'

CURVE CHART					
CURVE	RADIUS	DELTA	LENGTH	BEARING	CHORD
C1	304.15'	42°54'18"	227.76'	N 02°55'29" W	222.47'
C2	300.00'	42°47'39"	224.07'	N 48°44'47" W	218.90'

EXHIBIT OF  
DRAINAGE EASEMENT #1  
6.5009 AC./ 283,178 SQ. FT.  
SITUATED IN THE  
M. SHIPMAN SURVEY, A-86  
FORT BEND COUNTY, TEXAS

FILED BY	-	DATE	03/02/2022
DRAWN BY	PH	REV.	
CHECKED BY	MC	REV.	
JOB NO	55336-DE-1	REV.	
SHEET 1 OF 4		REV.	



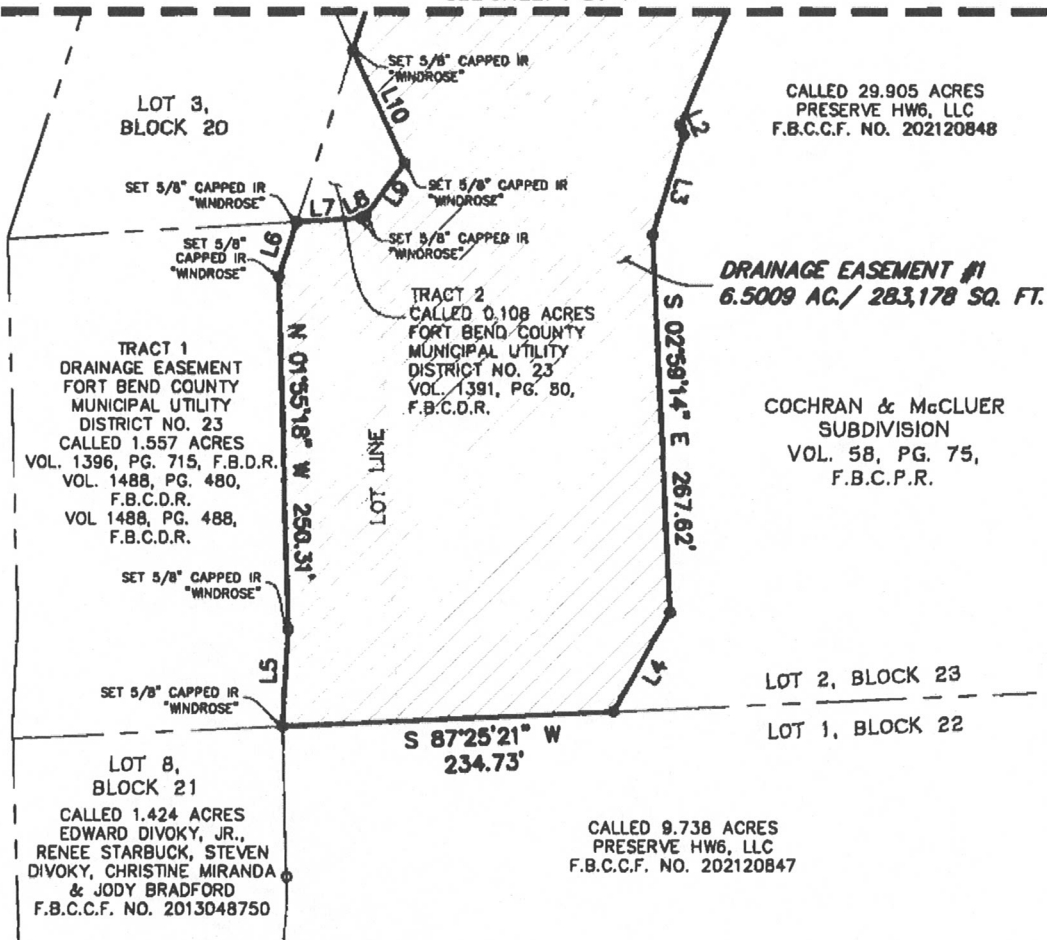
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FIRM REGISTRATION NO. 10108800 | WINDROSESERVICES.COM

1. SURVEYOR DID NOT ABSTRACT SUBJECT PROPERTY. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT OR ABSTRACTORS CERTIFICATE AND WOULD BE SUBJECT TO ANY AND ALL CONDITIONS OR RESTRICTIONS THAT A CURRENT TITLE REPORT OR ABSTRACTORS CERTIFICATE MAY DISCLOSE.
2. BEARINGS WERE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE. (NAD83)
3. THIS EXHIBIT IS ACCOMPANIED BY A SEPARATE METES AND BOUNDS DESCRIPTION.
4. THIS EXHIBIT DOES NOT IMPLY TO BE A LAND TITLE SURVEY OF THE SUBJECT PROPERTY AND IS NOT INTENDED TO BE USED FOR TITLE CONVEYANCE PURPOSES.



SEE SHEET 1 OF 4



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 21°28'34" W	237.73'
L2	S 23°31'26" E	6.70'
L3	S 16°11'08" W	74.37'
L4	S 29°04'48" W	80.64'
L5	N 02°54'33" E	68.89'
L6	N 17°41'26" E	40.46'
L7	N 86°35'37" E	45.68'
L8	N 64°25'06" E	3.90'
L9	N 38°03'48" E	46.07'
L10	N 25°01'50" W	88.41'
L11	N 17°41'26" E	172.41'
L12	N 70°08'37" W	82.09'

CURVE CHART					
CURVE	RADIUS	DELTA	LENGTH	BEARING	CHORD
C1	304.15'	42°54'18"	227.76'	N 02°55'29" W	222.47'
C2	300.00'	42°47'36"	224.07'	N 48°44'47" W	218.90'

EXHIBIT OF  
DRAINAGE EASEMENT #1  
6.5009 AC./ 283,178 SQ. FT.  
SITUATED IN THE  
MOSES SHIPMAN SURVEY, A-86  
FORT BEND COUNTY, TEXAS

FIELD BY	-	DATE	03/02/2022
DRAWN BY	PH	REV	
CHECKED BY	MC	REV	
JOB NO	55336-DE-1	REV	
SHEET 2 OF 4		REV	



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# WINDROSE

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## DESCRIPTION OF DRAINAGE EASEMENT #1 6.5009 ACRES OR 283,178 SQ. FT.

A TRACT OR PARCEL CONTAINING 6.5009 ACRES OR 283,178 SQUARE FEET OF LAND SITUATED IN THE MOSES SHIPMAN SURVEY, ABSTRACT NO. 86, FORT BEND COUNTY, TEXAS, BEING OUT LOTS 1 AND 2, BLOCK 23 OF COCHRAN & MCCLUER SUBDIVISION, MAP OR PLAT THEREOF RECORDED UNDER VOLUME (VOL.) 58, PAGE (PG.) 75, FORT BEND COUNTY PUBLIC RECORDS (F.B.C.P.R.), SAME BEING OUT OF A CALLED 29.905 ACRES, CONVEYED TO PRESERVE HW6, LLC, RECORDED UNDER FORT BEND COUNTY CLERK'S FILE (F.B.C.C.F.) NO. 202120848, WITH SAID 6.5009 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, WITH ALL BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD 83):

**BEGINNING** AT A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET ON THE SOUTH RIGHT-OF-WAY (R.O.W.) LINE OF RABB ROAD [CALLED 40 FOOT R.O.W.], RECORDED UNDER PLAT NO. 20040224, F.B.C.P.R., SAME BEING THE COMMON NORTH CORNER OF A CALLED 0.940 ACRE (KNOWN AS TRACT 2) DRAINAGE EASEMENT, CONVEYED TO FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 23, AS RECORDED UNDER VOL. 1396, PG. 715, & VOL. 1488, PG. 488, FORT BEND COUNTY DEED RECORDS (F.B.C.D.R.), SAID CALLED 29.905 ACRES, AND OF THE HEREIN DESCRIBED TRACT;

**THENCE**, NORTH 87 DEG. 13 MIN. 23 SEC. EAST, ALONG THE SOUTH R.O.W. LINE OF SAID RABB ROAD, A DISTANCE OF 499.39 FEET TO THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

**THENCE**, OVER AND ACROSS SAID CALLED 29.905 ACRES, THE FOLLOWING SIX (6) COURSES AND DISTANCES:

1. SOUTH 02 DEG. 49 MIN. 54 SEC. EAST, A DISTANCE OF 415.56 FEET TO AN ANGLE POINT OF THE HEREIN DESCRIBED TRACT;
2. SOUTH 21 DEG. 28 MIN. 34 SEC. WEST, A DISTANCE OF 237.73 FEET TO AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;
3. SOUTH 23 DEG. 31 MIN. 26 SEC. EAST, A DISTANCE OF 6.70 FEET TO AN ANGLE POINT OF THE HEREIN DESCRIBED TRACT;
4. SOUTH 16 DEG. 11 MIN. 08 SEC. WEST, A DISTANCE OF 74.37 FEET TO AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;
5. SOUTH 02 DEG. 59 MIN. 14 SEC. EAST, A DISTANCE OF 267.62 FEET TO AN ANGLE POINT OF THE HEREIN DESCRIBED TRACT;
6. SOUTH 29 DEG. 04 MIN. 46 SEC. WEST, A DISTANCE OF 80.64 FEET TO A POINT ON THE NORTH LINE OF LOT 1, BLOCK 22 OF SAID COCHRAN AND MCCLUER SUBDIVISION, THE NORTH LINE OF A CALLED 9.738 ACRES, CONVEYED TO PRESERVE HW6, LLC, AS RECORDED UNDER F.B.C.C.F. NO. 202120847, FOR THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

**THENCE**, SOUTH 87 DEG. 25 MIN. 21 SEC. WEST, ALONG THE NORTH LINE OF SAID CALLED 9.738 ACRES, A DISTANCE OF 234.73 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET, MARKING THE COMMON NORTH CORNER OF A CALLED 1.424 ACRE TRACT CONVEYED BY AFFIDAVIT OF HEIRSHIP TO EDWARD DIVOKY JR., RENEE STARBUCK, STEVEN DIVOKY, CHRISTINE MIRANDA AND JODY BRADFORD, AS RECORDED UNDER F.B.C.C.F. NO. 2013048750 AND OF SAID CALLED 9.738 ACRES, SAME BEING THE COMMON SOUTH CORNER OF A CALLED 1.557 ACRE (KNOWN AS TRACT 1) DRAINAGE EASEMENT CONVEYED TO FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 23, AS RECORDED UNDER VOL. 1396, PG. 715, VOL. 1488, PG. 480 AND VOL. 1488, PG. 488, F.B.C.D.R. AND OF THE HEREIN DESCRIBED TRACT;

**THENCE**, ALONG THE COMMON LINE OF SAID CALLED 1.557 ACRE DRAINAGE EASEMENT AND OF THE HEREIN DESCRIBED TRACT, THE FOLLOWING THREE (3) COURSES AND DISTANCES:

1. NORTH 02 DEG. 54 MIN. 33 SEC. EAST, A DISTANCE OF 68.89 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET, MARKING AN ANGLE POINT OF THE HEREIN DESCRIBED TRACT;
2. NORTH 01 DEG. 55 MIN. 18 SEC. WEST, A DISTANCE OF 250.31 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET, MARKING AN ANGLE POINT OF THE HEREIN DESCRIBED TRACT;
3. NORTH 17 DEG. 41 MIN. 26 SEC. EAST, A DISTANCE OF 40.46 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET, MARKING THE COMMON SOUTH CORNER OF A CALLED 3.138 DRAINAGE EASEMENT CONVEYED TO FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 23, AS RECORDED UNDER VOL. 1391, PG. 43, F.B.C.D.R. AND OF A CALLED 0.108 ACRE TRACT (KNOWN AS TRACT 2) CONVEYED TO FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 23, AS RECORDED UNDER VOL. 1396, PG. 715 AND VOL. 1488, PG. 488, F.B.C.D.R., SAME BEING THE COMMON NORTH CORNER OF SAID CALLED 1.557 ACRE DRAINAGE EASEMENT AND OF THE HEREIN DESCRIBED TRACT;



**THENCE**, ALONG THE COMMON LINE OF SAID CALLED 0.108 ACRE TRACT AND OF THE HEREIN DESCRIBED TRACT, THE FOLLOWING FOUR (4) COURSES AND DISTANCES:


1. NORTH 86 DEG. 35 MIN. 37 SEC. EAST, A DISTANCE OF 45.68 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET, MARKING AN ANGLE POINT OF THE HEREIN DESCRIBED TRACT;
2. NORTH 64 DEG. 25 MIN. 06 SEC. EAST, A DISTANCE OF 3.90 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET, MARKING AN ANGLE POINT OF THE HEREIN DESCRIBED TRACT;
3. NORTH 36 DEG. 03 MIN. 48 SEC. EAST, A DISTANCE OF 46.07 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET, MARKING AN ANGLE POINT OF THE HEREIN DESCRIBED TRACT;
4. NORTH 25 DEG. 01 MIN. 50 SEC. WEST, A DISTANCE OF 88.41 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET, MARKING THE SOUTH CORNER OF A CALLED 0.092 ACRE (KNOWN AS TRACT 3) EASEMENT CONVEYED TO FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 23, AS RECORDED UNDER VOL. 1396, PG. 715 AND VOL. 1488, PG. 488, F.B.C.D.R., SAME BEING AN ANGLE POINT OF THE HEREIN DESCRIBED TRACT;

**THENCE**, NORTH 17 DEG. 41 MIN. 26 SEC. EAST, ALONG THE EAST LINE OF SAID CALLED 0.092 ACRE EASEMENT, A DISTANCE OF 172.41 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET, MARKING THE BEGINNING OF A NON TANGENT CURVE TO THE LEFT OF THE HEREIN DESCRIBED TRACT;

**THENCE**, WITH SAID CURVE TO THE LEFT, HAVING A RADIUS OF 304.15 FEET, A CENTRAL ANGLE OF 42 DEG. 54 MIN. 18 SEC., AN ARC LENGTH OF 227.76 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 02 DEG. 55 MIN. 29 SEC. WEST - 222.47 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET, MARKING THE EAST CORNER OF A CALLED 0.940 ACRE (KNOWN AS TRACT 2) EASEMENT CONVEYED TO FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 23, AS RECORDED UNDER VOL. 1396, PG. 715, AND VOL. 1488, PG. 488, F.B.C.D.R., SAME BEING A POINT OF COMPOUND CURVE TO THE LEFT OF THE HEREIN DESCRIBED TRACT;

**THENCE**, ALONG THE NORTHEAST CURVE OF SAID CALLED 0.940 ACRE EASEMENT, WITH SAID CURVE TO THE LEFT, HAVING A RADIUS OF 300.00 FEET, A CENTRAL ANGLE OF 42 DEG. 47 MIN. 39 SEC., AN ARC LENGTH OF 224.07 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 48 DEG. 44 MIN. 47 SEC. WEST - 218.90 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET, MARKING A POINT OF TANGENCY OF THE HEREIN DESCRIBED TRACT;

**THENCE**, NORTH 70 DEG. 08 MIN. 37 SEC. WEST, CONTINUING ALONG THE NORTHEAST LINE OF SAID CALLED 0.940 ACRE EASEMENT, A DISTANCE OF 82.09 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 6.5009 ACRES OR 283,178 SQUARE FEET OF LAND, AS SHOWN ON JOB NO. 55336-DE-1, PREPARED BY WINDROSE LAND SERVICES.

  
ROBERT KNESS  
R.P.L.S. NO. 6486  
STATE OF TEXAS  
FIRM REGISTRATION NO. 10108800



03/02/2022  
DATE:

# **EXHIBIT B**

(Site Narrative Follows Behind)

February 2, 2023

## **Preserve at Hwy 6 – Site Narrative:**

Fort Bend County has a project that is widening Westenfelt Road and have requested us to accommodate their detention in our pond. This narrative provides changes made to project from the set Issue from Construction dated 9/23/2022 to the plans titled “Public Revision” delta 3 issued 11/10/2022..

- Revised Sheets – C4.2, C4.3, C4.4, C4.5, C5.2, C5.5, C5.6, C5.7, C6.1, C6.2, & C7.1

### C4.2 – Grading Plan

- Bottom of the detention pond was lowered by 1.6 feet.

### C4.3 – Grading Plan

- We are no longer regrading Westenfelt’s roadside ditch and have removed grading callouts in ROW.

### C4.4 – Grading Plan

- Bottom of detention pond was lowered by 1.6 feet.

### C4.5 – Grading Plan

- We are no longer regrading Westenfelt’s roadside ditch and have removed grading callouts in ROW.
- The County is widening Westenfeldt Road to a 36’ asphalt road with a 16’ roadside ditch. Grades, inlet and culverts were shifted back to match up with the County’s project. In the future the County will regrade Westenfelt’s roadside ditch to our culverts at our driveway. This ROW drainage is then routed through our storm sewer to our detention pond.

### C5.2 – Water & Sanitary Sewer Layout

- The sanitary main directly below the WWTP was lowered by appoximatly 6 feet.
- The Sanitary main directly to the north of the WWTP was lower approximately 6 feet.

### C5.5 – Water & Sanitary Sewer Layout

- Sanitary main north of our driveway was lower approximately 2.25 feet.



CONSULTING ENGINEERS

- Domestic waterline on the north side of the driveway was revised to enter the front of the buildings. Before it entered from the back.
- One sanitary manhole was removed at the driveway.
- Sanitary main at the driveway running east (103 lf pipe and 271 lf pipe) was lowed approximately 1 foot.

#### C5.6 – Storm Sewer Layout

- 18" pipe at pond toe was lowered by 1.6 feet.

#### C5.7 – Storm Sewer Layout

- Culvert in driveway increased from an 18" to a 24". The Culvert was also lowered
- Inlet was adjusted for County's future widening project
- 144 lf of 24" storm was added at the driveway inlet running west.
- Storm trunkline "B" running from driveway at Westenfeldt to the detention pond was increased.
- Storm pipes outfalling to the pond were lowered by 1.6 feet.
- Storm pipe directly to the north and south of WWTP we lowered by approximately 3 feet

#### C6.1 – Drainage Area Map

- Sheet was revised to account for Westenfeldt mobility project offsite drainage.

#### C6.2 – Drainage Area Map and Calculations

- Sheet was revised to account for Westenfeldt mobility project offsite drainage.

#### C7.1 – Detention Pond

- Sheet was revised to show the bottom of the detention pond lowered by 1.6 feet.
- Calculations were updated to account for Westenfeldt mobility project additional detention

If you have any questions or comments, please do not hesitate to contact me at 210.585.3700.

Regards,

A handwritten signature in black ink, appearing to read 'BR-R' or similar, with a stylized flourish.

Brandon Rayne

Project Engineer