

Project:
Westmoor Drive Street Dedication
Trillium

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: Oct 5, 2023

Grantor: MADDEN ROAD LANDFILL LIMITED PARTNERSHIP
a Texas Limited Partnership

Grantor's Mailing Address:

1041 Conrad Sauer Dr.
Houston, Texas 77043

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 0.3019 acre tract of land located in the A.M. Clopper Survey, Abstract No. 151, Fort Bend County, Texas, and being out of a called 179.997 acre tract of land conveyed to Madden Road Landfill Limited Partnership by deed recorded under Clerk's File No. 2004096961 of the Official Public Records of Fort Bend County, Texas; said 0.3019 acre tract of land being more particularly described by metes and bounds and survey attached hereto as Exhibit "A" and incorporated by reference for all intents and purposes (the "Property").

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

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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 Westmoor Drive (the "roadway facility") as provided in the attached Exhibit "A."

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 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 state, local municipal, or county zoning, platting, and/or permit requirements.

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.

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

GRANTOR

MADDEN ROAD LANDFILL LIMITED PARTNERSHIP,
a Texas Limited Partnership

By: Poarch-Swinbank Management, Inc.,
a Texas corporation, its sole general partner

By: *[Signature]*

Name: Donald L Poarch

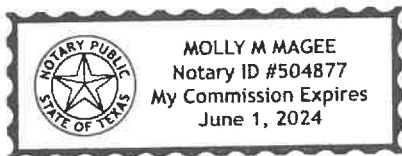
Title: Partner

Acknowledgement

THE STATE OF TEXAS §

COUNTY OF Harris §

This instrument was acknowledged before me on the 5th day of October, 2023, by DONALD L. POARCH, PARTNER of Poarch-Swinbank Management, Inc., a Texas corporation, on behalf of said corporation acting in its capacity as the sole general partner of Madden Road Landfill Limited Partnership, a Texas limited partnership, and on behalf of said limited partnership.



Molly M Magee
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

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EXHIBIT A

(Metes and Bounds and Survey Follow Behind)

County: Fort Bend
Project: Westmoor Drive Street Dedication Sec 2 – Proposed Right-of-Way
C.I. No.: 1074-23 (Exhibit Prepared)
Job Number: 2021-006-606-012

METES AND BOUNDS DESCRIPTION
0.3019 ACRES

Being a 0.3019 acre tract of land located in the A.M. Clopper Survey, Abstract No. 151, Fort Bend County, Texas; said 0.3019 acre tract being a portion of a called 179.997 acre tract of land conveyed to Madden Road Landfill Limited Partnership in Clerk's File (C.F.) No. 2004096961 of the Official Public Records of Fort Bend County (O.P.R.F.B.C.); said 0.3019 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the Texas Coordinate System, North American Datum 1983, South Central Zone):

Beginning at a 1/2-inch iron pipe found at an exterior corner of said 179.997 acre tract and the southwest corner of a called 410.1 acre tract of land recorded in the name of TPHTM 1464, LLC. in C.F. No. 2021182399 of the O.P.R.F.B.C., and being on the north line of Madden Road (width varies);

1. Thence, with a south line of said 179.997 acre tract and said north right-of-way line of Madden Road, South 87 degrees 02 minutes 07 seconds West, a distance of 45.12 feet;

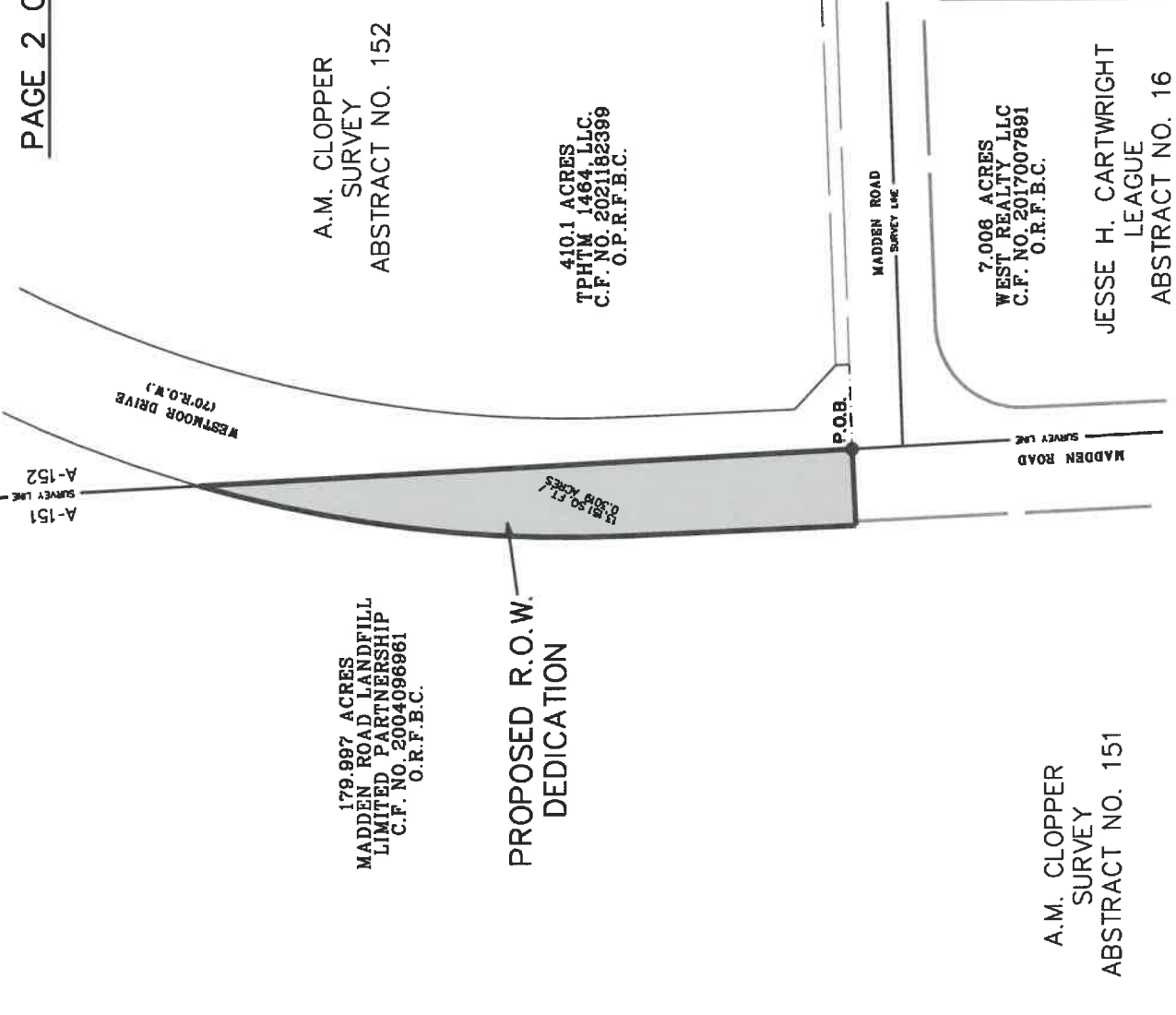
Thence, through said 179.997 acre tract, the following two (2) courses:

2. North 02 degrees 20 minutes 20 seconds West, a distance of 133.93 feet;
3. 254.79 feet along the arc of a curve to the right, said curve having a central angle of 18 degrees 35 minutes 48 seconds, a radius of 785.00 feet and a chord that bears North 06 degrees 57 minutes 34 seconds East, a distance of 253.67 feet to the easterly line of said 179.997 acre tract and a westerly line of said 410.1 acre tract;
4. Thence, with the easterly line of said 179.997 acre tract and the westerly line of said 410.1 acre tract, South 02 degrees 57 minutes 22 seconds East, a distance of 383.80 feet to **the Point of Beginning** and containing 0.3019 acres of land.

Joseph B. May
04-26-2023



N



A.M. CLOPPER
SURVEY
ABSTRACT NO. 152

410.1 ACRES
TPHTM 1464, LLC
C.F. NO. 2021182399
O.P.R.F.B.C.

7,006 ACRES
WEST REALTY, LLC
C.F. NO. 2017007891
O.R.F.B.C.

JESSE H. CARTWRIGHT
LEAGUE
ABSTRACT NO. 16

179.997 ACRES
MADDEN ROAD LANDFILL
LIMITED PARTNERSHIP
C.F. NO. 2004096961
O.R.F.B.C.

PROPOSED R.O.W.
DEDICATION

A.M. CLOPPER
SURVEY
ABSTRACT NO. 151



Engineering and Surveying
2107 CityWest Blvd., 3rd Floor
Houston, Texas 77042
(713) 783-7788 (713) 783-3560, Fax
TBPE FIRM REG. NO. 289
TBPLS FIRM REG. NO. 100468

PROPOSED R.O.W.
WESTMOOR DRIVE
STREET DEDICATION SEC 2

JOB NO. : 2021006-606-012-12C DATE: 04/26/23 EXHIBIT NO. 10743

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EXHIBIT B

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