

FBC Westpark Park & Ride
Parcel No. 406-003
R-134410

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.

WATER LINE EASEMENT

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

That CubeSmart, L.P., a Delaware Limited Partnership, (hereinafter, called "Grantor"), for the mutual benefits to be derived therefrom and other good and valuable consideration, has GRANTED, SOLD, and CONVEYED, and by these presents does GRANT, SELL, and CONVEY unto Fort Bend County, Texas, a political subdivision of the state of Texas (hereinafter called "Grantee"), a non-exclusive, ten foot (10') Water Line Easement for the purposes of constructing, installing, maintaining, and repairing a water line in, over, under, across, and through that certain tract or parcel of land containing 0.0781 acres (3,400 s.f.) of land situated in the H. D. Brown Survey, Abstract No. 406, Fort Bend County, Texas (the "Easement"), and being out of a called 7.782 acres of land described in Deed to CubeSmart, L.P. recorded under Clerk's File No. 2013153425 of the Official Public Records of Fort Bend County, Texas (the "Grantor Tract"); said Easement being further described by metes and bounds and survey attached hereto as Exhibit "A" and made a part hereof for all intents and purposes.

Grantor and Grantee agree that this Easement shall be subject to and governed by the following provisions:

- (1) The Easement, and the rights privileges herein granted, may be assigned in whole or in part and the provisions hereof shall extend to the successors, and assigns of Grantee. No change or division of ownership in the Grantor Tract, rentals, or royalties, however caused, shall operate to the obligations or diminish the rights of Grantee; nor shall any such change or division be binding upon Grantee for any purpose until such person(s) acquiring any interest has furnished Grantee with certified copies of instrument(s) evidencing the change of title from Grantor to said person(s).

- (2) Grantee shall have the right to cut, trim, and/or control any trees, shrubbery, foliage, vegetation, or brush located within the Easement that may endanger the safety of or interfere with the construction, maintenance, and use of the water line.
- (3) Grantee shall have the right of ingress and egress using reasonable routes over and across the Grantor Tract, for the limited purpose of accessing the Easement, only where natural or manmade conditions or barriers make such access from the public right-of-way impractical or impossible. Grantee shall repair any damage to the surface area of the Grantor Tract that may be disturbed by Grantee's access so as to restore the surface area in as good of condition that existed prior to said access.
- (4) Grantee shall use reasonable care at all times, in all of Grantee's activities and operations related to the water line to prevent injury or damage to any building, fences, or other property belonging to Grantor, including the Grantor Tract. Grantee shall further keep the Easement free and clear of any debris and trash that may be caused by Grantee's activities and operations.
- (5) **GRANTOR AND GRANTEE AGREE, THAT FOR AND IN THE CONSIDERATION HEREIN STATED, GRANTOR DOES HEREBY RELEASE GRANTEE, ITS SUCCESSORS, AND ASSIGNS FROM ANY AND ALL CLAIMS, DEMANDS, SUITS, AND CAUSES OF ACTION WHICH GRANTOR MAY HAVE OR MAY BE ENTITLED TO ASSERT FOR ANY DAMAGES TO CROPS, TIMBER, AND ALL OTHER THINGS GROWING OR SITUATED UPON THE EASEMENT ARISING OUT OF OR RELATED TO ANY OF GRANTEE'S ACTIVITIES AND OPERATIONS IN CONNECTION WITH THE WATER LINE.**
- (6) Grantor, for itself, and its successors and assigns, expressly reserves the right to use and enjoy the surface of the Easement provided, however, that such use and enjoyment does not materially interfere with Grantee's rights and privileges granted herein and the intended purpose of the Easement.
- (7) The Easement hereby granted is non-exclusive, and Grantor, its successors, and assigns, shall have the right from time to time to grant further easements over, across, and through the Easement for any lawful purpose, provided that the holder of such easement does not unduly or materially interfere with Grantee's rights and privileges granted herein and the intended purpose of the Easement.
- (8) The Easement, and the rights and privileges herein granted, shall be perpetual or for so long as Grantee shall utilize the Easement for the purposes intended. The Easement, and rights and privilege herein granted shall terminate when, or at such

time, as the purposes hereof cease to exist, are abandoned by Grantee, or become impossible to perform. Upon such termination, Grantee shall promptly prepare, execute, and file in the Official Public Records of Fort Bend County, Texas an appropriate release instrument and shall forward a copy of the same to Grantee.

TO HAVE AND TO HOLD the above described Easement, together with all and singular the rights and appurtenances thereto in anywise belonging, including all necessary rights of ingress, egress, and regress, unto Grantee, its successors, and assigns, forever; and Grantor does hereby bind Grantor and Grantor's successors and assigns to WARRANT AND FOREVER DEFEND, all and singular, the Easement unto Grantee, and its successors, and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, subject to all terms, conditions, provisions, and limitations hereinabove set forth and provided.

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

{Execution Page Follows}

GRANTOR:

CubeSmart, L.P.,
a Delaware limited partnership

By: CubeSmart
a Maryland limited liability company
its General Partner

By:  _____

Name: Jeffrey P. Foster

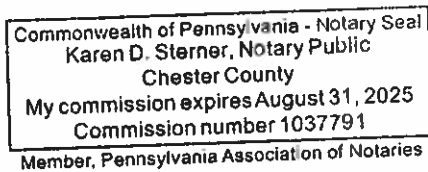
Title: CLO & Secretary


ACKNOWLEDGEMENT

STATE OF ~~TEXAS~~ PA §

COUNTY OF Chester §

This Instrument was acknowledged before me, the undersigned notary, on this 9th day of July 2024, by Jeffrey P. Foster, CLO & Secretary, of CubeSmart, a Maryland limited liability company, the general partner of CubeSmart, L.P., a Delaware limited partnership, on behalf of said limited partnership.




NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

After Recording Please Return to:

Fort Bend County Engineering Department
Attn: County Engineer
301 Jackson St., 4th Floor
Richmond, Texas 77469

EXHIBIT A

(Follows Behind)

10 FEET WATERLINE EASEMENT (CUBESMART)

FIELD NOTES FOR 0.0781 OF AN ACRE OR 3,400 SQUARE FEET OF LAND BEING OUT OF A CALL 7.782 ACRES OF LAND DESCRIBED IN DEED TO CUBESMART, L.P., AS RECORDED IN FILE NO. 2013153425 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF FORT BEND COUNTY, TEXAS (O.P.R.R.P.F.B.C., TX.), IN THE H. D. BROWN SURVEY, ABSTRACT NO. 406, FORT BEND COUNTY, TEXAS [Bearings are referenced to the Texas Coordinate System of 1983, South Central Zone (NAD83). The coordinates shown hereon are State Plane Grid Coordinate and may be brought to surface by applying the combined scale factor of 0.999870017]:

COMMENCING at the northwest corner ($X= 3,005,497.03$, $Y= 13,818,779.64$) of said Cubesmart, L.P. tract and the northeast corner of a certain tract of land conveyed to Robert F. McBee, Trustee and Ellen Lloyd Cummins, as recorded in File No. 2003063957, O.P.R.R.P.F.B.C., TX (from which a found 5/8-inch iron rod bears South 81° West, 1.1 feet);

THENCE South $06^{\circ}56'25''$ East, along the common property line of said Cubesmart, L.P. tract and said Robert F. McBee, Trustee and Ellen Lloyd Cummins tract, a distance of 713.29 feet to a 3/8-inch iron rod with "Landtech" cap set for the **POINT OF BEGINNING** ($X= 3,005,583.21$, $Y= 13,818,071.66$) and the northwest corner of the herein described easement;

THENCE North $83^{\circ}02'49''$ East, parallel to and 10.00 feet north of the north right-of-way line of F.M. 1093 [100.0 feet wide per Volume 175, Page 211, Fort Bend County Deed Records (F.B.C.D.R.)] and the south line of said Cubesmart, L.P. tract, a distance of 340.00 feet to a 3/8-inch iron rod with "Landtech" cap set on the east line of said Cubesmart, L.P. tract and the west line of a certain tract of land conveyed to Vincere Cinco Business Park, L.L.C., as recorded in File No. 2011116995, O.P.R.R.P.F.B.C., TX. for the northeast corner of the herein described easement;

THENCE South $06^{\circ}56'25''$ East, along the east line of said Cubesmart, L.P. tract and the west line of said Vincere Cinco Business Park, L.L.C. tract, a distance of 10.00 feet to a 3/8-inch iron rod with "Landtech" cap set on the north right-of-way line of said F.M. 1093 for the southwest corner of said Vincere Cinco Business Park, L.L.C. tract and the southeast corner of said Cubesmart, L.P. tract and the herein described easement;

10 FEET WATERLINE EASEMENT (CUBESMART)

THENCE South 83°02'49" West, along the south line of said Cubesmart, L.P. tract and the north right-of-way line of said F.M. 1093, a distance of 340.00 feet to a 3/8-inch iron rod with "Landtech" cap found for the southeast corner of said Robert F. McBee, Trustee and Ellen Lloyd Cummins tract and the southwest corner of said Cubesmart, L.P. tract and the herein described easement (from which a found 1/2-inch iron rod bears North 16° West, 1.5 feet);

THENCE North 06°56'25" West, along the east line of said Robert F. McBee, Trustee and Ellen Lloyd Cummins tract and the west line of said Cubesmart, L.P. tract, a distance of 10.00 feet to the **POINT OF BEGINNING** and containing 0.0781 of an acre or 3,400 square feet of land.

Drawing No. 1936-C-1721
Job No. 1010102.03
February 24, 2016




William J. Massey
Registered Professional Land Surveyor No. 4793

Landtech Consultants, Inc.
TBPLS Firm Registration Certificate No. 10019100
2525 North Loop West, Suite 300, Houston, Texas 77008
Phone: 713-861-7068

This metes and bounds description is accompanied by a separate plat.

S:\2010\1010102\03 EASEMENTS\DCRP\WLE CUBESMART.DOC

H. D. BROWN SURVEY, A - 406

NW CORNER CALL 7.782 AC.
 POC:
 X=3,005,497.03
 Y=13,818,779.64
 FND. 5/8" IR
 BEARS S 81° W. 1.1'

FND. 5/8" IR
 W/CAP "RPLS 4729"
 FND. 1/2" IR
 BEARS S 04° W. 0.8'



LEGEND

- POB POINT OF BEGINNING
- POC POINT OF COMMENCING
- F.B.C.D.R. FORT BEND COUNTY DEED RECORDS
- SET 3/8" IR W/CAP STAMPED "LANDTECH"
- FND. FOUND
- IR IRON PIPE
- IR IRON ROD
- PC PAGE
- VOL. VOLUME
- SQ. FT. SQUARE FEET
- AC. ACRE
- CONC. CONCRETE
- O.P.R.P.F.B.C.TX OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF FORT BEND COUNTY, TEXAS

NOTES:

1. BEARINGS SHOWN HEREON ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE (NAD83)
2. THE COORDINATES SHOWN HEREON ARE TEXAS SOUTH CENTRAL ZONE NO. 4204 STATE PLANE GRID COORDINATES (NAD 83) AND MAY BE BROUGHT TO SURFACE BY APPLYING THE COMBINED SCALE FACTOR OF 0.999870017
3. THIS PLAT IS ACCOMPANIED BY A SEPARATE METES AND BOUNDS DESCRIPTION

LANDTECH CONSULTANTS, INC.
 Civil Engineering & Land Surveying
 2525 North Loop West
 Suite 300
 Houston, Texas 77008
 Tel. (713) 861-7008 Fax (713) 861-4138

TRPLS NO. 1001900
 DATE: FEBRUARY, 2018
 SCALE: 1"=40'
 DEED NO. 1388-C-171
 JOB NO. 1010203
 SHEET: 1 OF 1

FND. 3/8" IR (BENT)

CLUBESMART, L.P.
 FILE NO. 2013153425
 O.P.R.P.F.B.C.TX
 CALL 7.782 ACRES

VINCERE CINCO BUSINESS
 PARK, L.L.C.
 FILE NO. 201116995
 O.P.R.P.F.B.C.TX
 2.998 ACRES RESIDUE TRACT

AMOCO GAS COMPANY
 50' PIPELINE EASEMENT
 VOL. 660, PG. 36 B.C.D.R.
 AND VOL. 488, PG. 694 B.C.D.R.

50' PIPELINE EASEMENT
 PIPE LINE COMPANY
 VOL. 666, PG. 95 F.B.C.D.R.
 AND VOL. 206, PG. 117 F.B.C.D.R.

PROPOSED 40' WATERLINE EASEMENT
 0.0781 AC. (3,400 SQ. FT.)
 SET 3/8" IR (BENT)

POB
 X=3,005,583.21
 Y=13,818,071.66

(100' WIDE PER VOL 175, PG. 211, F.B.C.D.R.)

FND. 3/8" IR
 W/CAP "LANDTECH"
 FND. 1/2" IR
 BEARS N16°W. 1.5'

LINE NO.	BEARING	DIST.
L1	N 06°56'25" W	10.00'
L2	S 06°56'25" E	10.00'

SURVEY FOR 0.0781 OF AN ACRE OR 3,400 SQUARE FEET OF LAND BEING OUT OF A CALL 7.782 ACRES OF LAND DESCRIBED IN DEED TO CLUBESMART, L.P., AS RECORDED IN FILE NO. 2013153425 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF FORT BEND COUNTY, TEXAS (O.P.R.P.F.B.C.TX), IN THE H. D. BROWN SURVEY, ABSTRACT NO. 406, FORT BEND COUNTY, TEXAS

