

Project No. 17202/20202  
Chimney Rock  
Parcel 15

**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**

**Grantor:** HIGHTOWER PHASE I OWNER, LLC,  
a Delaware limited liability company

**Grantor's Mailing Address:**

3819 Maple Avenue  
Dallas, Texas 75219

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

**Grantee's Mailing Address:**

c/o County Auditor  
301 Jackson Street  
Richmond, Texas 77469

**Grantee's Authority:** Fort Bend County, Texas, acting by and through the Fort Bend County Commissioners Court, is authorized under the Section 81.032 of the Texas Local Government Code to accept donations of property for the purpose of performing a function conferred by law on the County. Fort Bend County, Texas, acting by and through the Fort Bend County Commissioners Court, is also authorized under Section 252.019 of the Texas Transportation Code to accept donations of property to aid in building or maintaining roads in the County.

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

**Property (including any improvements):** Being 0.5065 acres (22,063 s.f.) of land, more or less, situated in the T. Hobermaker Survey, Abstract No. 191, Fort Bend County, Texas, and being out of that certain called 18.001 acre tract conveyed to OSY, LLC by deed under Clerk's File No. 2022116924 of the Official Public Records of Fort Bend County, Texas; said 0.5065 acre parcel 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:** None.

**Exceptions to Conveyance:** This Right of Way Donation Deed and the conveyance hereinabove set forth are executed by Grantor and accepted by Grantee subject to the terms, conditions and provisions hereof and is further subject to all easements, mineral and/or royalty interests, mineral reservations, surface waivers, utility conveyances, if any, or other matters of record in the Official Public Records of Fort Bend County, Texas, but only to the extent the same are validly existing, applicable to the Property and enforceable against a political division of the State of Texas.

The purpose of this conveyance is to donate to Fort Bend County, Texas, a portion of the right-of-way for Chimney Rock Road (the "roadway facility") as provided in the attached Exhibit "A" for public use and enjoyment as and for a public street or road, together with the electrical power and telecommunications, gas, water, sanitary, and storm sewer lines constructed thereunder (if any), and is executed by Grantor and accepted by Grantee subject to the terms, conditions, and provisions hereof.

**GRANTEE IS TAKING POSSESSION OF THE PROPERTY ON AN "AS IS" "WHERE IS" "WITH ALL FAULTS" BASIS. GRANTEE ACKNOWLEDGES AND AGREES THAT, EXCEPT FOR THE SPECIAL WARRANTY OF TITLE CONTAINED IN THIS DEED, GRANTOR HAS NOT MADE, DOES NOT MAKE, AND SPECIFICALLY DISCLAIMS ANY REPRESENTATIONS, WARRANTIES, PROMISES, COVENANTS, AGREEMENTS, OR GUARANTIES OF ANY KIND OR CHARACTER WHATSOEVER, WHETHER STATUTORY, EXPRESS OR IMPLIED, ORAL OR WRITTEN, PAST, PRESENT, OR FUTURE, OF, AS TO, CONCERNING, OR WITH RESPECT TO THE NATURE, QUALITY, OR CONDITION OF THE PROPERTY.**

Grantor hereby acknowledges that the Property herein conveyed shall become a part of a public 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.

Grantor, for the Consideration and subject to the Reservations from Conveyance and Exceptions to Conveyance, 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. Grantor binds Grantor and Grantor's successors and assigns to warrant and forever defend all and singular the Property to Grantee and Grantee's successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof when the claim is by, through or under Grantor, but not otherwise, except as to the Reservations from and Exceptions to Conveyance.

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.

[Signature Page Follows]



**GRANTOR**

HIGHTOWER PHASE I OWNER, LLC,  
a Delaware limited liability company

By: Hightower Investor Holdings, LLC,  
a Delaware limited liability company,  
its sole member

By: CHI Gulf Coast 106 Hightower, L.P.,  
a Delaware limited partnership,  
its administrative member

By: CHI LTH GP, L.L.C.,  
a Delaware limited liability company,  
its general partner

By: *Cory Driskill*  
Name: Cory Driskill  
Title: Vice President

STATE OF TEXAS       §  
                                  §  
COUNTY OF HARRIS   §

The foregoing instrument was ACKNOWLEDGED before me this 14 day of April, 2025, by Cory Driskill, a Vice President of CHI LTH GP, L.L.C., a Delaware limited liability company, the general partner of CHI Gulf Coast 106 Hightower, L.P., a Delaware limited partnership, the administrative member of Hightower Investor Holdings, LLC, a Delaware limited liability company, the sole member of Hightower Phase I Owner, LLC, a Delaware limited liability company, on behalf of said limited liability companies and limited partnership.

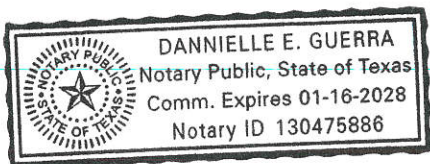
[S E A L]

My Commission Expires:

1/16/2028

*Dannielle Guerra*  
Notary Public, State of Texas

Dannielle Guerra  
Printed Name of Notary Public



After Recording Please Return To:  
Fort Bend County Engineering Dept.  
301 Jackson St., 4<sup>th</sup> Floor  
Richmond, Texas 77469

i:\agreements\2025 agreements\engineering\osy, llc (25-eng-100314)\right-of-way donation deed  
- parcel 15.docx - JLF

**EXHIBIT "A"**  
**METES AND BOUNDS DESCRIPTION**  
**0.5065 ACRES (22,063 SQ. FT.)**  
**OUT OF CALLED 18.001 ACRE TRACT**  
**T. HOBERMAKER SURVEY, A-191**  
**FORT BEND COUNTY, TEXAS**

Being a tract or parcel of land containing a total of 0.5065 acres (22,063 square feet), more less, situated in the T. Hobermaker Survey, Abstract No. 191, in Fort Bend County, Texas, said 0.5065 acre tract being out of that certain tract called 18.001 acres conveyed to OSY, LLC by special warranty deed dated September 8, 2022, recorded in Fort Bend County Clerk's File No. 2022116924, of the Official Public Records of Fort Bend County, Texas, said 0.5065 acre parcel being more particularly described by metes and bounds as follows (with all bearings referenced to the Texas Coordinate System, South Central Zone, NAD '83):

BEGINNING at a 5/8-inch iron rod with a Tejas cap (X=3,087,429.18; Y=13,777,170.99; surface, feet) found in the existing southerly right-of-way line of F. M. 2234 (width varies) as widened in Fort Bend County Clerk's File No. 2015094417 at its intersect with the existing westerly line right-of-way line of Chimney Rock Road as described in Fort Bend County Clerk's File No. 2018083553, being the most northerly northeast corner of said 18.001 acre tract and the herein described 0.5065 acre parcel;

THENCE, in a southeasterly direction, a distance of 31.31 feet along the existing westerly right-of-way line of said Chimney Rock Road, following the arc of a curve to the right, having a radius of 25.00 feet and a central angle of 71°45'53" (Ch=S38°52'48"E, 29.31 feet) to a 5/8-inch iron rod with a Tejas cap found for a point of tangency;

THENCE South 02°59'52" East along the existing west right-of-way line of said Chimney Rock Road (100 feet wide), a distance of 850.65 feet to 5/8-inch iron rod with a Tejas cap found for an interior corner in said existing westerly right-of-way line of Chimney Rock Road, being also the southeast corner of said 18.001 acre tract and the herein described parcel;

THENCE South 87°00'08" West, along the existing westerly right-of-way line of said Chimney Rock Road and a southerly line of said 18.001 acre tract, a distance of 25.00 feet to the to 5/8-inch iron rod with a Tejas cap found for a northwesterly corner on the existing westerly right-of-way line of Chimney Rock Road (150 feet wide), being an interior corner of said 18.001 acre tract and the southwest corner of the herein described parcel;

THENCE North 02°59'52" West, crossing said 18.001 acre tract along the proposed westerly right-of-way line of said Chimney Rock Road, a distance of 849.39 feet to 5/8-inch iron rod with a Tejas cap set for an angle point;

THENCE North 47°59'15" West, crossing said 18.001 acre tract along the proposed westerly right-of-way line of said Chimney Rock Road, a distance of 35.37 feet to 5/8-inch iron rod with a Tejas cap set in the southerly right-of-way line of said F. M. 2234 as widened in Fort Bend County Clerk's file No. 2015103684, for the northwest corner of the herein described parcel;

THENCE North 87°01'23" East along the southerly right-of-way line of said F.M. 2234 and the northerly line of said 18.001 acre tract, a distance of 32.83 feet to the POINT OF BEGINNING and containing 0.5065 acres (22,063 square feet) of land, more or less.

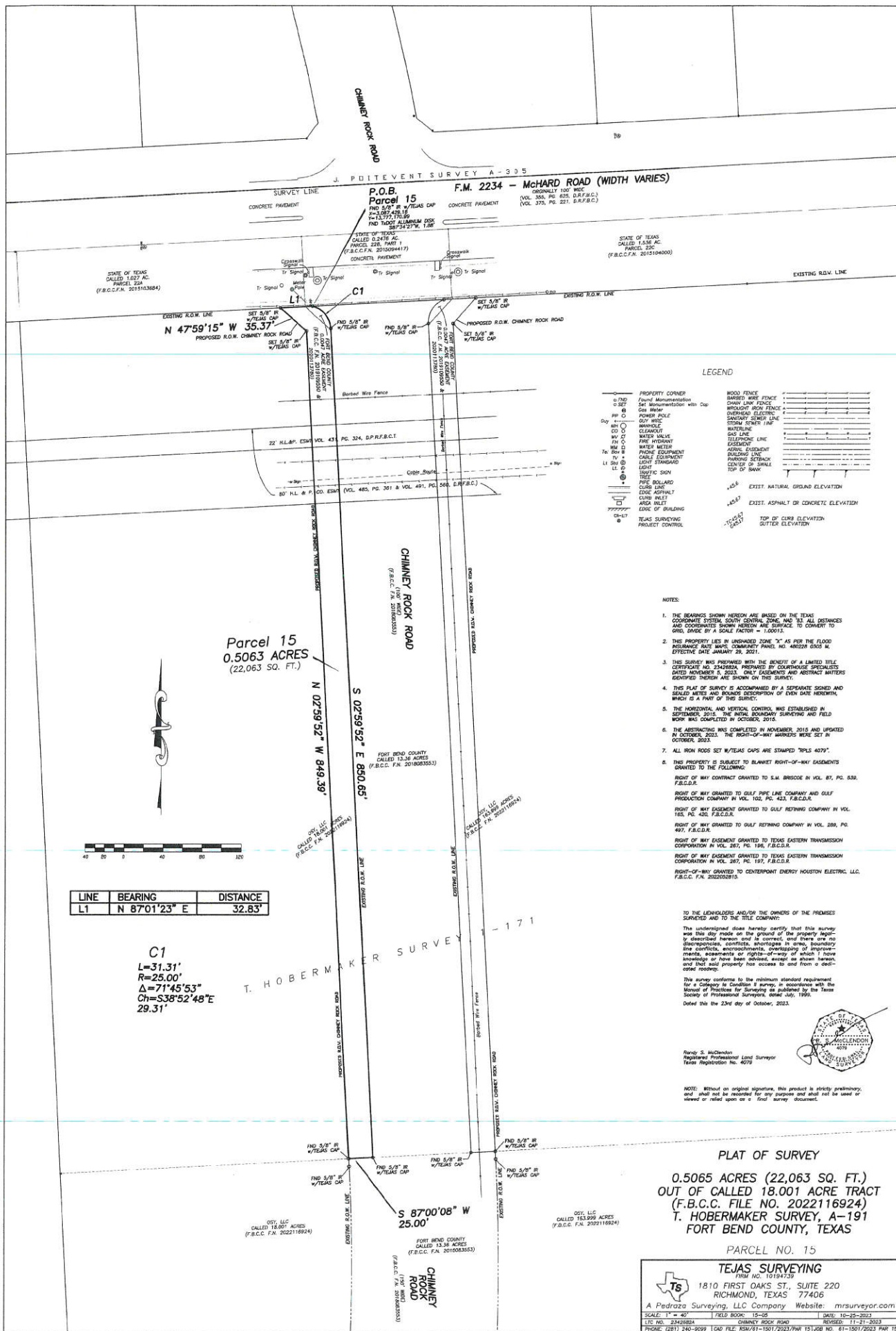
Note: This description is accompanied by a plat of survey of even date herewith. All iron rods set with Tejas caps are stamped with "RPLS 4079".

All distances and coordinates shown hereon are surface. To convert to grid, divide by a scale factor = 1.00013.

TEJAS SURVEYING  
Firm No. 10194739  
Ph: 281 240-9099  
Job No. 61-1501-2023 Parcel 15







- NOTES:
1. THE BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, AND ALL ADJACENT AND COORDINATE SHOWN HEREON ARE SURFACE TO CORRECT TO GRID, MADE BY A SCALE FACTOR = 1.00015.
  2. THIS PROPERTY LIES IN UNIMPAVED ZONE "X" AS FOR THE FLOOD INSURANCE RATE MAPS, COMMUNITY PANEL NO. 48228 ENDS M. EFFECTIVE DATE JANUARY 29, 2021.
  3. THIS SURVEY WAS PREPARED WITH THE BENEFIT OF A LIMITED TITLE CERTIFICATE NO. 254282X PREPARED BY COWBOYHOUSE SPECIALISTS DATED NOVEMBER 5, 2023. ONLY EASEMENTS AND ABSTRACT MATTERS IDENTIFIED THEREIN ARE SHOWN ON THIS SURVEY.
  4. THIS PLAT OF SURVEY IS ACCOMPANIED BY A SEPARATE SIGNED AND SEALED NOTES AND ROUGH DESCRIPTION OF EASEMENT HEREON, WHICH IS A PART OF THIS SURVEY.
  5. THE HORIZONTAL AND VERTICAL CONTROL WAS ESTABLISHED IN SEPTEMBER, 2019. THE INITIAL BOUNDARY SURVEYING AND FIELD WORK WAS COMPLETED IN OCTOBER, 2019.
  6. THE ABSTRACTING WAS COMPLETED IN NOVEMBER, 2015 AND UPDATED IN OCTOBER, 2023. THE RIGHT-OF-WAY MARKERS WERE SET IN OCTOBER, 2023.
  7. ALL IRON RODS SET W/TEAS CAPS ARE STAMPED "TIPS 4079".
  8. THIS PROPERTY IS SUBJECT TO BLANKET RIGHT-OF-WAY EASEMENTS GRANTED TO THE FOLLOWING:  
 RIGHT OF WAY CONTRACT GRANTED TO S.M. BROCK IN VOL. 87, PG. 535, F.B.C.C.F.A.  
 RIGHT OF WAY GRANTED TO GULF PIPE LINE COMPANY AND GULF PRODUCTION COMPANY IN VOL. 102, PG. 423, F.B.C.C.F.A.  
 RIGHT OF WAY EASEMENT GRANTED TO GULF RETIRING COMPANY IN VOL. 183, PG. 100, F.B.C.C.F.A.  
 RIGHT OF WAY GRANTED TO GULF RETIRING COMPANY IN VOL. 288, PG. 497, F.B.C.C.F.A.  
 RIGHT OF WAY EASEMENT GRANTED TO TEXAS EASTERN TRANSMISSION CORPORATION IN VOL. 287, PG. 198, F.B.C.C.F.A.  
 RIGHT OF WAY EASEMENT GRANTED TO TEXAS EASTERN TRANSMISSION CORPORATION IN VOL. 287, PG. 197, F.B.C.C.F.A.  
 RIGHT-OF-WAY GRANTED TO CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC, F.B.C.C.F.A. 202202815.

TO THE LENDHOLDERS AND/OR THE OWNERS OF THE PREMISES SURVEYED AND TO THE TITLE COMPANY:

The undersigned does hereby certify that this survey was this day made on the ground of the property legally described herein and is correct, and there are no discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, easements or rights-of-way of which I have knowledge or have been advised, except as shown herein, and that said property has access to and from a designated roadway.

This survey conforms to the minimum standard requirement for a Category I or Category II survey, in accordance with the Manual of Practices for Surveying as published by the Texas Society of Professional Surveyors, dated July, 1999.

Dated this 23rd day of October, 2023.

Randy S. McCreiden  
 Registered Professional Land Surveyor  
 Texas Registration No. 4079



NOTE: Without original signature, this product is strictly preliminary, and shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document.

**PLAT OF SURVEY**  
 0.5065 ACRES (22,063 SQ. FT.)  
 OUT OF CALLED 18.001 ACRE TRACT  
 (F.B.C.C.F.A. FILE NO. 2022116924)  
 T. HOEBMAKER SURVEY, A-191  
 FORT BEND COUNTY, TEXAS

PARCEL NO. 15

**TEXAS SURVEYING**  
 FIRM NO. 10194739  
 1810 FIRST OAKS ST., SUITE 220  
 RICHMOND, TEXAS 77406  
 A Pedraza Surveying, LLC Company Website: mrsurveyor.com

SCALE: 1" = 40' 1" = 80' 1" = 160' 1" = 320' 1" = 640' 1" = 1280'

DATE: 12-29-2023  
 REVISION: 11-21-2023

FILE NO. 2242828A CHIMNEY ROCK ROAD  
 PHONE: (281) 240-9099 CAD FILE: RSM/61-1501/2023/PLAT 15.1506 NO. 61-1501/2023 PLAT 15