



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

NOTE: By Right-of-Way Donation Deed recorded on August 10, 2023 and recorded under Fort Bend County Clerk's File No. 2023076445 (the "**Prior Deed**"), JDS Nursery Tract, LLC (as Grantor) conveyed certain property to Fort Bend County, Texas (as Grantee). The "**Property**" in the Prior Deed consisted of 11.07 acres of land, but should have been 11.7035 acres of land. This Correction Right-of-Way Donation Deed is being executed and recorded to correct the legal description of the Property and all parties hereby join in the execution of this Correction Right-of-Way Donation Deed to acknowledge and ratify such matter. This Correction Right-of-Way Donation Deed supersedes the Prior Deed in its entirety.

CORRECTION RIGHT-OF-WAY DONATION DEED

Date: August 10, 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 an 11.7035 tract of land, more or less, in the John Foster 2-1/2 Leagues Grant, Abstract 26, Fort Bend County, Texas; said 11.7035 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 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 municipality 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 acknowledgement herein below taken, to be effective as of the date above.

GRANTOR

JDS NURSERY TRACT, LLC,
a Texas limited liability company

By:

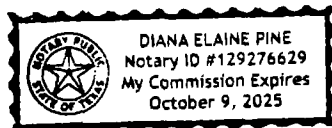
L. Michael Cox,
President

Acknowledgement

THE STATE OF TEXAS §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the 4th day of June, 2025 by L. Michael Cox, President of JDS Nursery Tract, LLC, a Texas limited liability company, on behalf of said limited liability company.

[Seal]



Diana Elaine Pine
Notary Public—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"

County: Fort Bend
Highway: F. M. Highway 359
RCSJ: 0543-02-083
Limits: FM 1093 to south of Gaston Road

December 19, 2023
Parcel P00072826
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PROPERTY DESCRIPTION FOR PARCEL ID# P00072826

BEING a 11.7035 acre (509,805 sq.ft.) parcel of land situated in the John Foster 2-½ Leagues Grant, Abstract 26, Fort Bend County, Texas, being that certain called 11.07 acre tract in Right-Of-Way Donation Deed from JDS Nursery Tract, LLC to Fort Bend County, Texas, recorded under County Clerk's File Number 2023076445, Official Public Records, Fort Bend County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at a 1/2 inch thickwall iron pipe found for the southeast corner of said called 11.07 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 existing 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 parcel, said point having coordinates of X = 2,972,111.63, Y = 13,806,882.89;

- 1) **Thence** along the south line of the herein described parcel and the south line of said called 11.07 acre tract, same being the north line of said adjoining called 137.0556 acre tract, South 87 degrees 30 minutes 16 seconds West, a distance of 58.26 feet to a 5/8 inch iron rod with cap marked "Quiddity Property Corner" found for the southwest corner of the herein described parcel and said called 11.07 acre tract, from said point a 1/2 inch thickwall iron pipe found for the southwest corner of the adjoining residue of a called 200.00 acre tract in Special Warranty Deed from Houston Nursery, LLC to JDS Nursery Tract, LLC recorded under County Clerk's File Number 2019095366, Official Public Records, Fort Bend County, Texas, 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 along a southwesterly line of the herein described parcel, being a southwesterly line of said called 11.07 acre tract, same being an easterly line of said adjoining residue of a called 200.00 acre tract, being the proposed west right-of-way line of F. M. Highway 359, with the following courses and distances:

- 2) North 01 degree 32 minutes 19 seconds West, a distance of 165.07 feet to a found 5/8 inch iron rod with cap marked "Quiddity Property Corner" at the beginning of a curve to the left;
- 3) Along 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 and distance of North 32 degrees 00 minutes 43 seconds West, 1,638.06 feet to a found 5/8 inch iron rod with cap marked "Quiddity Property Corner" at the end of said curve;
- 4) North 62 degrees 29 minutes 07 seconds West, a distance of 350.88 feet to a found 5/8 inch iron rod with cap marked "Quiddity Property Corner" at the beginning of a curve to the right;

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- 5) Along 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 and distance of 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" found at the end of said curve and for the upper northwest corner of the herein described parcel, same being the northeast corner of the adjoining Candela Commercial Reserves, according to map or plat thereof recorded under County Clerk's File Number 20230221, Plat 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 Candela Commercial Reserves bears South 87 degrees 48 minutes 40 seconds West, 393.28 feet;

Thence along the north line of the herein described parcel and the north line of said called 11.07 acre tract, same being the apparent south right-of-way line of McKinnon Road, and the existing south right-of-way line of F. M. Highway 359, with the following courses and distances:

- 6) North 87 degrees 48 minutes 40 seconds East, a distance of 3.63 feet to a found 1/2 inch iron pipe;
- 7) South 60 degrees 55 minutes 03 seconds East, a distance of 15.40 feet to a found 1/2 inch iron pipe;
- 8) North 87 degrees 49 minutes 30 seconds East, a distance of 114.45 feet to a 5/8 inch iron rod with cap marked "Quiddity Property Corner" found in a non-tangent curve to the left for the upper northeast corner of the herein described parcel and the upper northeast corner of said called 11.07 acre tract, from said point a 5/8 inch iron rod found in the north line of a non-contiguous portion of said residue of a 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 along the northeasterly line of the herein described parcel and the northeasterly line of said called 11.07 acre tract, same being a southwesterly line of said adjoining non-contiguous portion of the residue of a called 200.00 acre tract, being the proposed east right-of-way line of F. M. Highway 359, with the following courses and distances:

- 9) Along 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 and distance of South 35 degrees 03 minutes 19 seconds East, 1,782.78 feet to a found 5/8 inch iron rod with cap marked "Quiddity Property Corner" at the end of said curve;
- 10) South 62 degrees 29 minutes 07 seconds East, a distance of 350.88 feet to a found 5/8 inch iron rod with cap marked "Quiddity Property Corner" at the beginning of a curve to the right;

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- 11) Along said curve to the right, having a central angle of 43 degrees 11 minutes 21 seconds, an arc length of 1,315.37 feet, a radius of 1,745.00 feet, and a chord bearing and distance of South 40 degrees 53 minutes 26 seconds East, 1,284.45 feet to a found 5/8 inch iron rod with cap marked "Quiddity Property Corner" at the end of said curve, being in the existing west right-of-way line of F.M. Highway 359, from said point a 5/8 inch iron rod found in the east line of said residue of a called 200.00 acre tract, same being the existing west right-of-way line of F.M. Highway 359, bears North 02 degrees 28 minutes 32 seconds West, 2,194.80 feet;
- 12) Thence along the east line of the herein described parcel and the east line of said called 11.07 acre tract, same being the existing west right-of-way line of F. M. Highway 359, South 02 degrees 28 minutes 32 seconds East, a distance of 696.39 feet to the Place of Beginning and containing 11.7035 acres of land.

All bearings shown hereon are based on the Texas Coordinate System of 1983, South Central Zone, based upon GPS observations.


Coordinates shown hereon are referenced to the Texas State Plane Coordinate System, South Central Zone (4204), North American Datum of 1983 (NAD83). Scale factor = 1.00013

A plat of even date accompanies this property description.

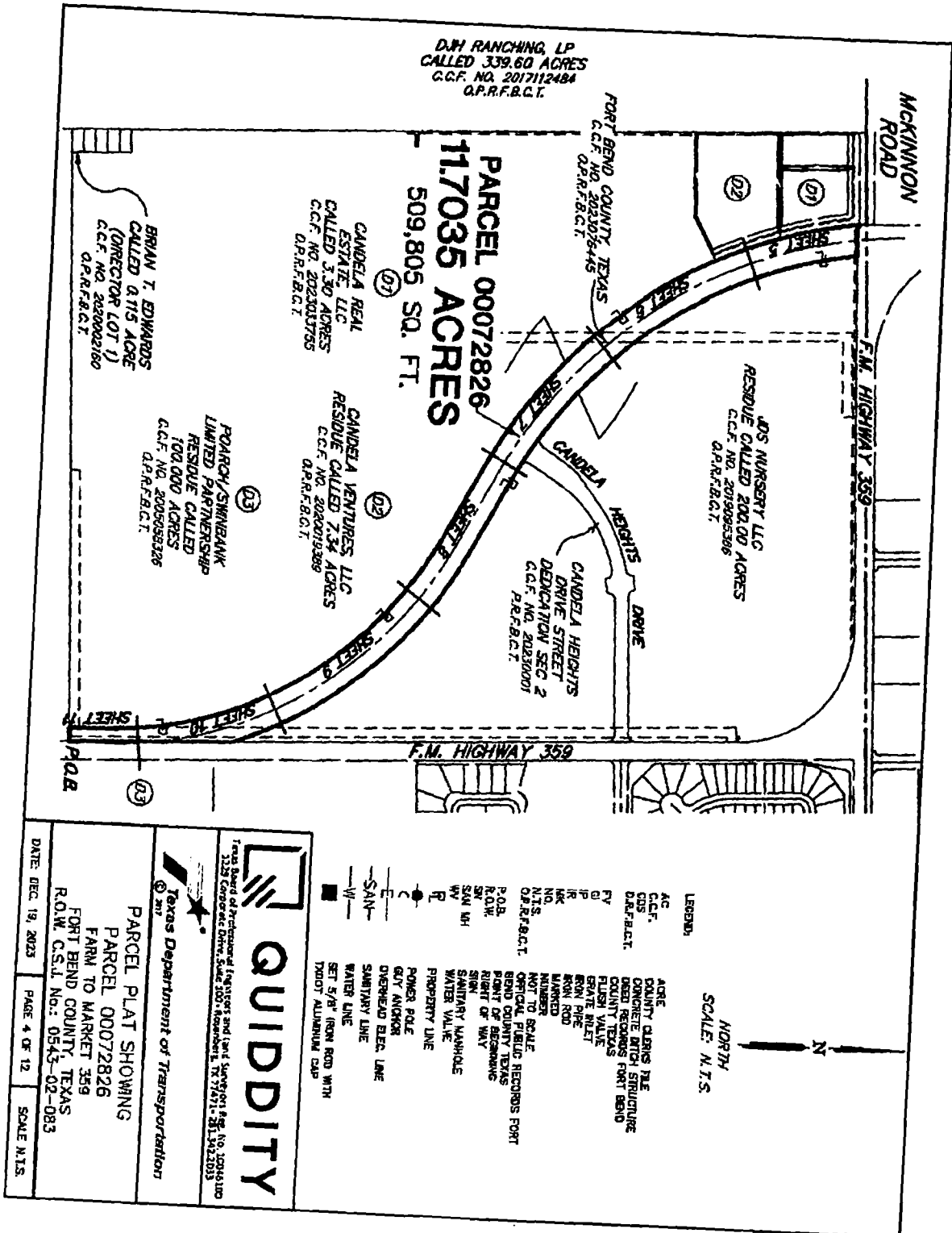
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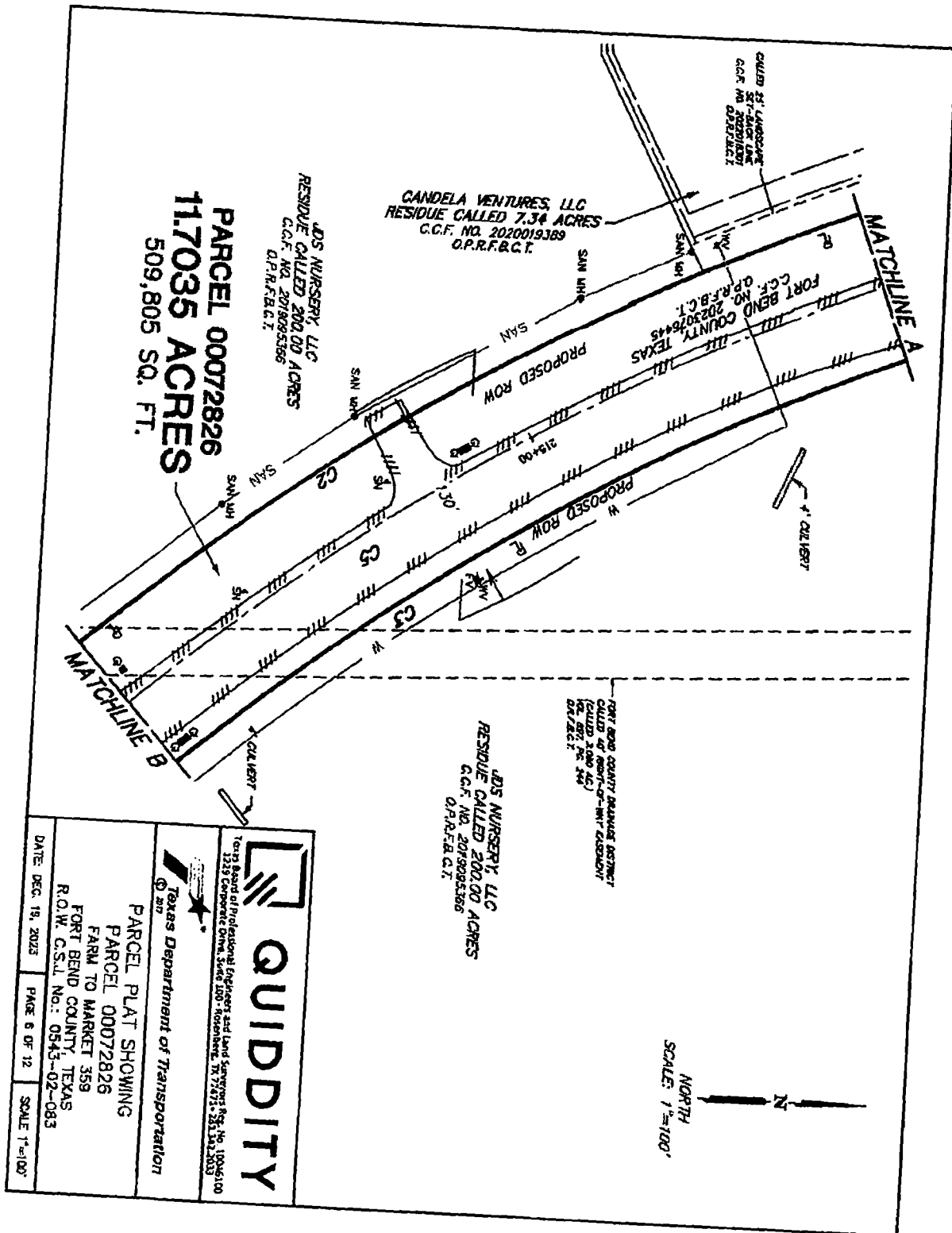
Quiddity Engineering, LLC
1229 Corporate Drive, Suite 100
Rosenberg, TX 77471
(281) 342-2033
Texas Board of Professional Land
Surveying Registration No. 10046100



Acting By/Through Chris D. Kalkomey
Registered Professional Land Surveyor
No. 5869
cdkalkomey@quiddity.com

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QUIDDITY

16113 Board of Professional Engineers and Land Surveyors Reg. No. 10064100
1215 Corporate Drive, Suite 100 - Houston, TX 77037-2813

Texas Department of Transportation

PARCEL PLAT SHOWING

PARCEL 00072826

FARM TO MARKET 359

FORT BEND COUNTY, TEXAS

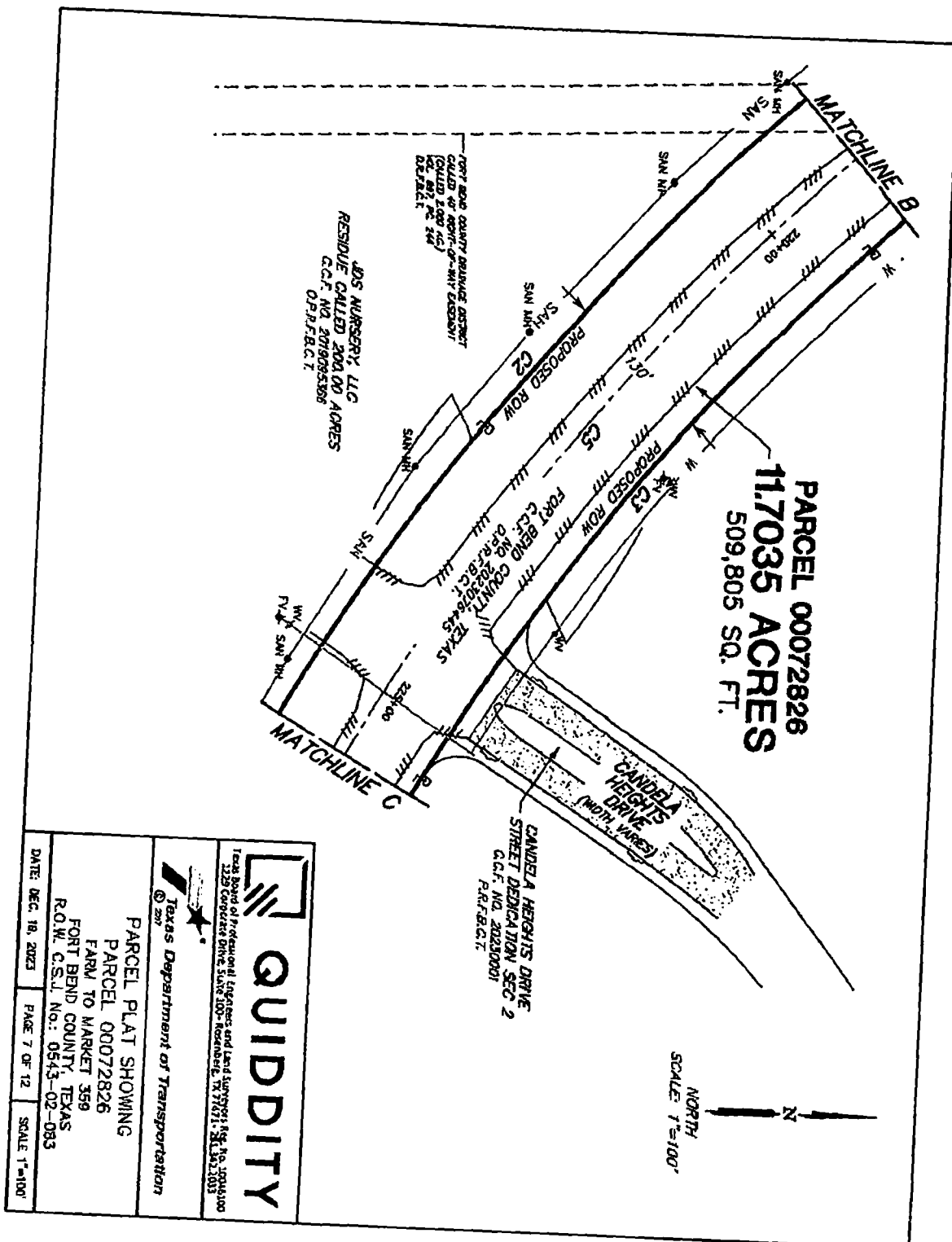
R.O.W. C.S.L. No.: 0543-02-083

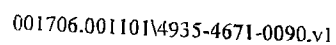
DATE: DEC. 19, 2023

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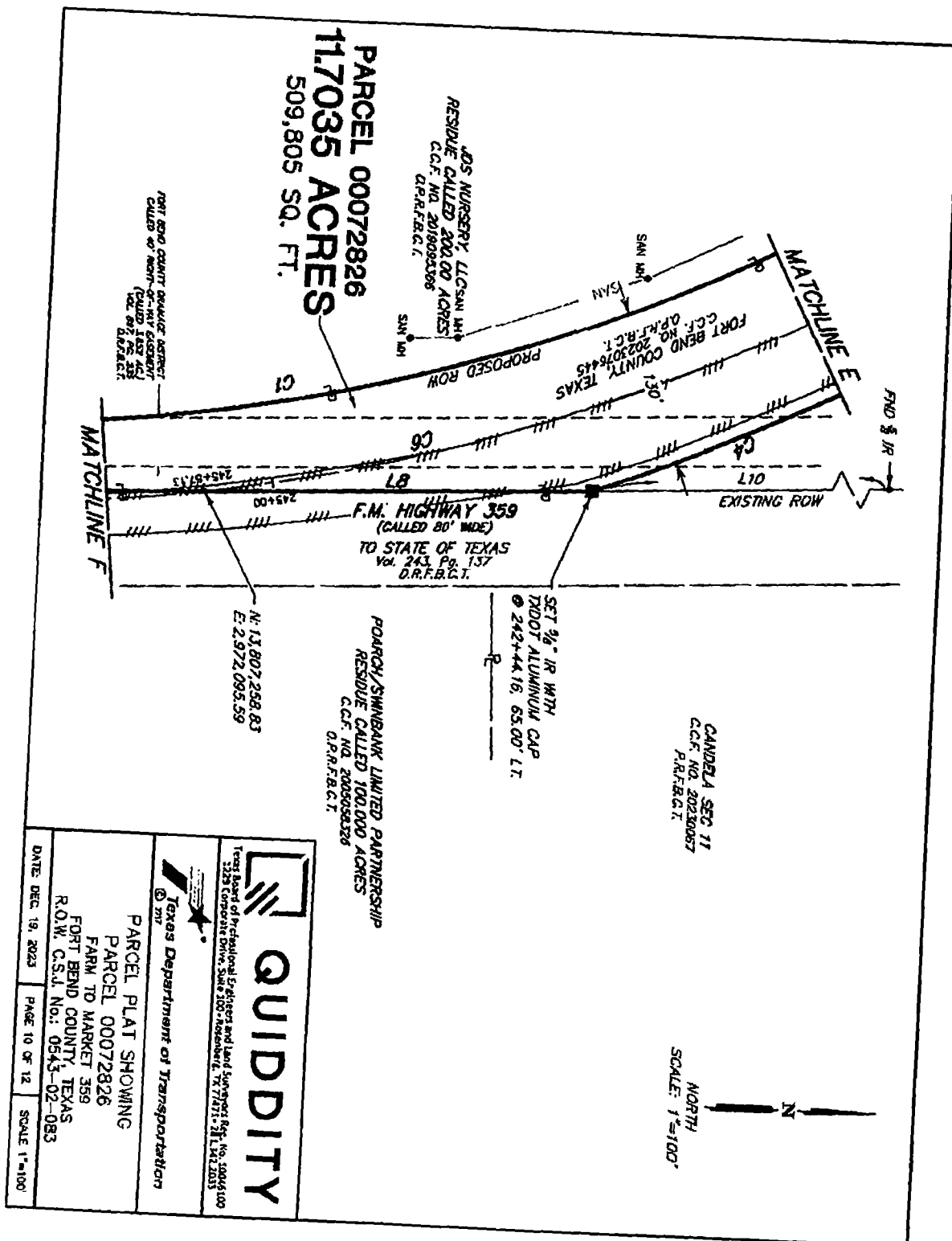
SCALE 1"=100'

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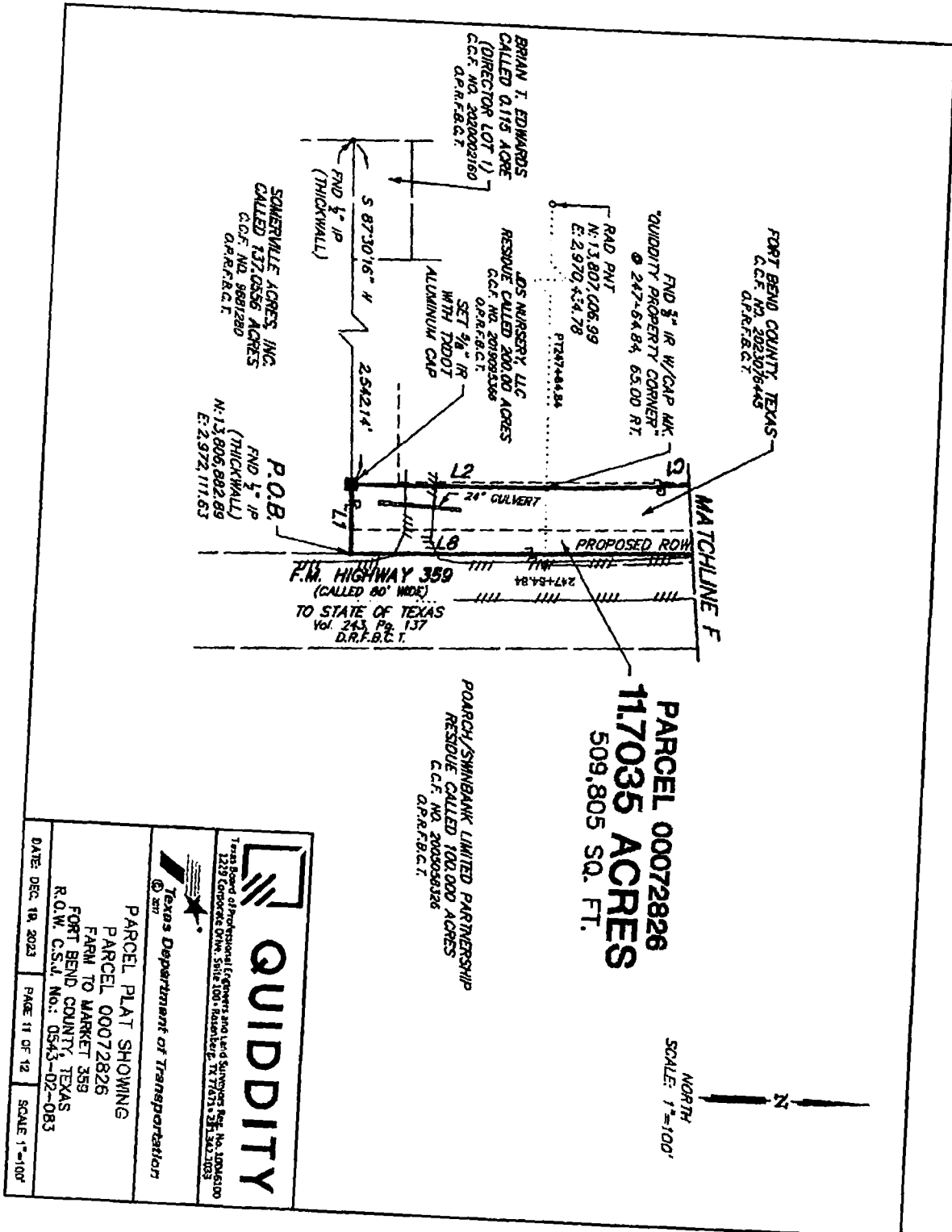




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CURVE	DELTA	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH	TANGENT
C1	60°56'49"	1,613.00'	1,717.91'	N 32°00'43" W	1,638.06'	950.30'
C2	55°25'37"	2,065.00'	1,992.64'	N 34°46'19" W	1,920.66'	1,084.77'
C3	54°51'37"	1,935.00'	1,882.75'	S 36°03'19" E	1,782.78'	1,004.30'
C4	43°11'21"	1,745.00'	1,715.37'	S 40°53'26" E	1,284.45'	690.27'
C5	59°02'17"	2,000.00'	1,921.19'	S 34°57'59" E	1,848.17'	1,041.98'
C6	53°51'47"	1,680.00'	1,578.35'	S 35°33'14" E	1,521.87'	853.47'

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	174.45'
L7	S 62°29'07" E	350.88'
L8	S 02°28'32" E	896.39'
L9	S 62°29'07" E	350.88'
L10	N 02°28'32" W	2,194.80'

GENERAL NOTES:

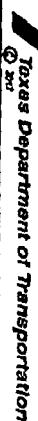
- Bearings are based upon the Texas Coordinate System of 1983, South Central Zone, based upon GPS observations.
- Coordinates shown are Surface, divide by 1.00013 to convert to grid.
- Monuments described And set may be replaced with a TxDOT Type II right-of-way marker upon completion of the highway construction project under the supervision of a Registered Professional Land Surveyor, either employed or retained by TxDOT.
- A property description of even date accompanies this plat.

ACREAGE TABLE

EXISTING ACRES	TOTAL ACRES	LEFT	RIGHT
11.7035	11.7035 AC 509.805 S.F.	N/A	N/A



Texas Board of Professional Engineers and Land Surveyors, Reg. No. 10046100
1239 Corporate Drive, Suite 100, Rockville, TX 77611-3134, 2023

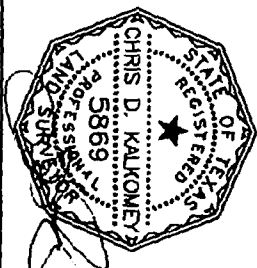


PARCEL PLAT SHOWING
PARCEL 00072826
FARM TO MARKET 359
FORT BEND COUNTY, TEXAS
R.O.W. C.S.L. No.: 0543-02-083

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SCALE N.T.S.



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EXHIBIT "B"

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