

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.

SANITARY SEWER EASEMENT

(0.1208 Acre Tract)

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

THAT, **FORT BEND COUNTY**, a political subdivision of the State of Texas, (herein referred to as "Grantor"), for and in consideration of the sum of TEN AND NO/00 DOLLARS (\$10.00) and other good and valuable consideration, has does hereby GRANT, SELL, and CONVEY, **FORT BEND COUNTY FRESH WATER SUPPLY DISTRICT NO. 1**, a political subdivision of the State of Texas, whose principal address is c/o Sanford Kuhl Hagan Kugle Parker Kahn LLP, 1980 Post Oak Boulevard, Suite 1380, Houston, Texas 77056 (herein referred to as "Grantee"), a perpetual, non-exclusive easement and right to construct, reconstruct, operate, and maintain a sanitary sewer line at a minimum depth of sixteen feet (16') below the surface grade and consist of one hundred sixty-four linear feet (164 LF) of trenchless construction Sanitary Sewer Line Easement that will run underneath Sundial Park in Fresno, Texas, and all necessary appurtenances thereto (the "Facilities"), in, on, under, over, across, and through that certain tract or parcel of land containing 0.1208 acres (5,261 s.f.) of land located in the Moses Shipman Survey, A-86, and the Elijah Roark Survey, A-77 in Fort Bend County, Texas (the "Easement"); Said 0.1208 acre tract being a portion of Unrestricted Reserve "G", Block 5, Cambridge Falls Sec. 1, recorded under Plat No. 20050102 of the Fort Bend County Plat Records (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) Construction will consist of a 16" steel casing with 0.25" wall thickness housing a 10" sanitary line that will originate per attached site plan at station 16-56 and end at proposed manhole 2.
- (3) The steel casing shall have a minimum 0.25" wall thickness with end seals and casing spacers.
- (4) All future repairs to the sanitary sewer line shall be borne by the Grantee and shall not disturb any current Sundial Park features and/or amenities such as the Sundial Monument and Sundial Park Sign.
- (5) In the event of future repairs, the Grantee shall employ repair measures and/or alternative repair measures within the area of the steel casing that do not require direct excavation of the sanitary sewer line.
- (6) 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 sanitary sewer line.
- (7) 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.
- (8) Grantee shall use reasonable care at all times, in all of Grantee's activities and operations related to the sanitary sewer 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.
- (9) **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 SANITARY SEWER LINE.

- (10) 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.
- (11) 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.
- (12) 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:

FORT BEND COUNTY,

a political subdivision of the State of Texas

By:

KP George, County Judge

ACKNOWLEDGEMENT

STATE OF TEXAS

§

§

COUNTY OF FORT BEND

§

This Instrument was acknowledged before me, the undersigned notary, on this _____ day of _____ 202__, by KP George, acting in his capacity as County Judge, on behalf of Fort Bend County, a political subdivision of the state of Texas.

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

After Recording Please Return to:

Fort Bend County Parks and Recreation Department

Attn: Parks Director

301 Jackson St.

Richmond, Texas 77469

GRANTEE

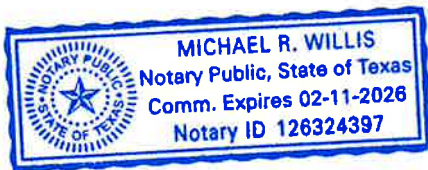
FORT BEND COUNTY FRESH WATER SUPPLY
DISTRICT NO. 1

By: Paul Hamilton
Name: Paul Hamilton
Title: President, Board of Supervisors

THE STATE OF TEXAS
COUNTY OF FORT BEND

§
§
§

This instrument was acknowledged before me on this 15th day of May, 2024, ⁵
by Paul Hamilton, President of the Board of Supervisors of FORT BEND
COUNTY FRESHWATER SUPPLY DISTRICT NO. 1, a political subdivision of the state of Texas, on
behalf of said political subdivision.



[Signature]
Notary Public in and for
the State of Texas

EXHIBIT A

(Follows Behind)

County: Fort Bend
Project: Teal Gardens
M.S.G.: 231247-R1
Job Number: 4522-ESMT

FIELD NOTES FOR A 0.1208 ACRE TRACT

Being a tract of land containing 0.1208 acres (5,261 square feet), located in the Moses Shipman Survey, A-86, and the Elijah Roark Survey, A-77 in Fort Bend County, Texas; Said 0.1208 acre tract being a portion of Unrestricted Reserve "G" (Unrestricted Reserve "G"), Block 5, Cambridge Falls Sec. 1, recorded under Plat No. 20050102 of the Fort Bend County Plat Records (F.B.C.P.R.); said 0.1208 acre tract being more particularly described by metes and bounds as follows (bearings based on the Texas Coordinate system of 1983, South Central Zone, per GPS observations.):

COMMENCING at a 5/8-inch iron rod with cap found at the northeast corner of a called 3.000 acre tract recorded in the name of Nair Bashkaran, under Fort Bend County Clerk's File (F.B.C.C.F.) No. 2009082387, the northwest corner of a called 1.695 acre tract recorded in the name of Sandra Heath-Taylor and Glenna McFee, F.B.C.C.F. No. 2007097236, also being on the south Right Of Way (ROW) of Trammel-Fresno Road (width varies), said point being referenced by a 1/2-inch iron pipe found at the northwest corner of a called 2.5821 acre tract recorded in the name of Fresno General Store, LLC, under F.B.C.C.F. No. 2022052179 that bears South 87 degrees 00 minutes 27 seconds West, a distance of 191.42 feet;

THENCE, through and across said ROW of Trammel-Fresno Road, North 59 degrees 14 minutes 16 seconds East, a distance of 206.31 feet to the southeast corner of Restricted Reserve "F", Block 5, Cambridge Falls Sec. 1, being the most southerly southwest corner of said Unrestricted Reserve "G", also being the most southerly southwest corner of a 20 foot easement recorded in the name of Centerpoint Energy Texas (Centerpoint Easement), under F.B.C.C.F. No. 2005096620, also being located on said north ROW of Trammel-Fresno Road, and also being the **POINT OF BEGINNING** of the herein described tract;


THENCE, through and across said Unrestricted Reserve "G", and with the line common to said Centerpoint Easement, and a portion of the north line of the herein described tract, South 85 degrees 26 minutes 19 seconds East, a distance of 189.45 feet to an angle point in the herein described tract;

THENCE, through and across said Unrestricted Reserve "G", and with a portion of the north line of the herein described tract, South 79 degrees 22 minutes 43 seconds East, a distance of 166.43 feet to the west ROW of California Street (60-feet wide per Vol. 254, Pg. 239 Fort Bend County Deed Records [F.B.C.D.R.]), the east line of said Unrestricted Reserve "G", and the northeast corner of the herein described tract;

THENCE, with the line common to said west ROW of California Street, the east line of said Unrestricted Reserve "G", and the herein described tract, South 02 degrees 59 minutes 46 seconds East, a distance of 20.58 feet, to said north ROW of Trammel-Fresno Road, the southeast corner of said Unrestricted Reserve "G", and the southeast corner of the herein described tract;

THENCE, with the line common to said north ROW of Trammel-Fresno Road, the south line of said Unrestricted Reserve "G", and the herein described tract, North 79 degrees 22 minutes 43 seconds West, a distance of 359.66 feet to the **POINT OF BEGINNING** and containing 0.1208 acres (5,261 square feet) of land.

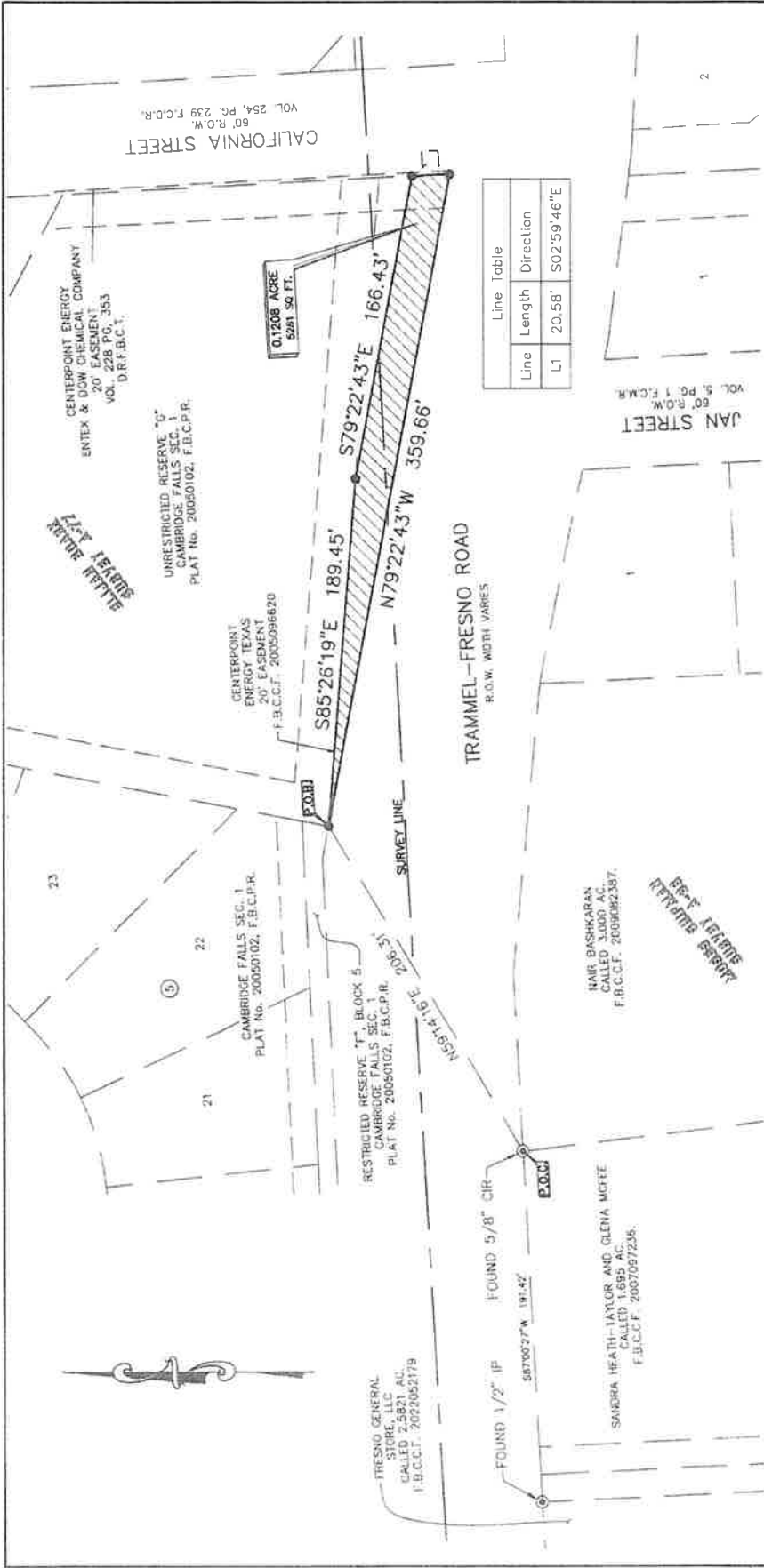
An exhibit of the herein described tract was prepared in conjunction with and accompanies this description.



John Mark Otto
Registered Professional Land Surveyor
Texas Registration No. 6672



Miller Survey | DCCM
Texas Firm Registration No. 10047100
PH: (713) 413-1900
Date: July 24, 2023
Revised: August 23
DWG No. 4522-EXH-7-R1.dwg



Line Table		
Line	Length	Direction
L1	20.58'	S02°59'46"E

LEGEND

F.B.C.C.F. = FORT BEND COUNTY CLERK'S FILE
F.B.C.P.R. = FORT BEND COUNTY PLAT RECORDS
F.B.C.D.R. = FORT BEND COUNTY DEED RECORDS
FND = FOUND
No. = NUMBER
IR = IRON ROD
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
R.O.W. = RIGHT-OF-WAY
S.F. = SQUARE FEET
PG. = PAGE
VOL. = VOLUME
● = FOUND 5/8-INCH IRON ROD (UNLESS OTHERWISE NOTED)
● = ANGLE POINT

- NOTES:**
- ALL BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983 (NAD83), AS PER GPS OBSERVATIONS.
 - A METES AND BOUNDS DESCRIPTION OF THE SUBJECT TRACT HAS BEEN PREPARED BY MILLER SURVEY AND ACCOMPANIES THIS EXHIBIT.

SANITARY SEWER EASEMENT

EXHIBIT

BEING A 0.1208 ACRE TRACT LOCATED IN THE MOSES SHIPMAN SURVEY, A-86 AND THE ELIJAH ROARK SURVEY, A-77 FORT BEND COUNTY, TEXAS

MILLER SURVEY

Miller Survey | Firm Reg. No. 10047100
1760 W. Sam Houston Pkwy N.
Houston, TX 77043
713.413.1900 | millersurvey.com

DCCM

JOB No.: 4522-ESMT	SCALE: N.T.S.	DATE: 08-23-2023	FIELD BOOK: N/A
DWG. No.: 4522-EVH-7-R1	DRAWN BY: ARH	CHK. BY: MO	M&B No.: 231247-R1