

Drainage
AGENDA ITEM
2

ORIGINAL

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

This Agreement (the "Agreement"), made and entered into by and between SIENNA/JOHNSON NORTH, L.P., a Texas limited partnership (the "Owner"), SIENNA PLANTATION LEVEE IMPROVEMENT DISTRICT OF FORT BEND COUNTY, TEXAS, a political subdivision of the State of Texas, organized pursuant to Article 16, Section 59 of the Constitution of the State of Texas and action pursuant to Chapter 57 of the Texas Water Code (the "LID"), and FORT BEND COUNTY DRAINAGE DISTRICT (the "District"), a political subdivision of the State of Texas, also organized pursuant to Article 16, Section 59 of the Constitution of the State of Texas.

WITNESSETH:

THAT WHEREAS, the District has the authority to provide drainage improvements for the Fort Bend County, Texas; and

WHEREAS, the Owner and the LID have the authority and responsibility to provide flood control and drainage improvements for the real property described in Exhibit "A" attached hereto, and made a part hereof, said property being located within the boundaries of the LID (the "Property"); and

WHEREAS, on the 12th day of September, 1998, the Drainage District Board passed and approved the Resolution Adopting Capital Improvements Plan and Authorizing Imposition of Impact Fees (the "Resolution"); and

WHEREAS, on the 23rd day of March, 2004, the Drainage District Board passed and approved a request by the LID to approve the Amended Petition for Approval of Permanent Detention Facilities and Reduction of Impact Fees in the Oyster Creek Service Area; and

WHEREAS, the capital improvements project defined by said Capital Improvements Plan provides drainage capacity for new development within the watershed of Fort Bend County and the Oyster Creek Service Area (the "Service Area"); and

WHEREAS, the Property lies within the Service Area; and

WHEREAS, the Resolution requires payment of impact fees for all new development within the Service Area; and

WHEREAS, the Owner has paid impact fees on the property as shown in Exhibit "B" attached hereto and made a part hereof; and

WHEREAS, the LID desires to reimburse the Owner for the payment of said impact fees;

NOW, THEREFORE, for and in consideration of the representations and promises herein contained, the parties hereby agree as follows:

I.

IMPACT FEES

- 1.01 The District hereby acknowledges receipt from the Owner of impact fees in the amounts shown and for the lands described in EXHIBIT "B," said lands comprising the Property, and has no objection to the capacity thereby acquired being transferred to the LID.
- 1.02 The impact fees described in 1.01 above have been used to create outfall capacity for the Property pursuant to the aforescribed Capital Improvements Plan approved by the District.
- 1.03 The rights to the capacity are subject to TEX. LOC. GOV. ANN. Section 395.001 et. Seq. (Vernon 1992), to the Texas Water Code (Vernon 1992), to the Rules and Regulations of the Texas Commission on Environmental Quality and to the terms and conditions of the Drainage District's Capital Improvement Plan approved September 12, 1998 and by the Fort Bend County Drainage District.


II.

RESPONSIBILITY OF LID

- 2.01 The drainage system provided by the District's Capital Improvement Plan does not relieve the LID of its responsibility to maintain existing detention capacity within the Sienna Plantation development.
- 2.02 The Owner and the LID hereby acknowledge their continuing responsibilities to provide flood protection for the Property and any development thereon.

IN WITNESS WHEREOF, the parties set their hands hereto on the date indicated.
The effective date of this Agreement is the date of the last signature hereto.

SIENNA PLANTATION LEVEE
IMPROVEMENT DISTRICT OF FORT BEND
COUNTY, TEXAS

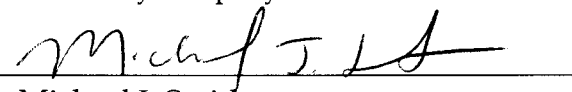
By: 
Kendall Beckman
President, Board of Directors
April 1, 2009

ATTEST:

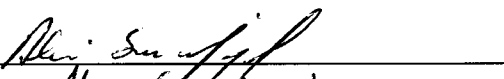
By: 
Michael L. Johnson
Secretary, Board of Directors

SIENNA/JOHNSON NORTH, L.P.,
a Texas limited partnership

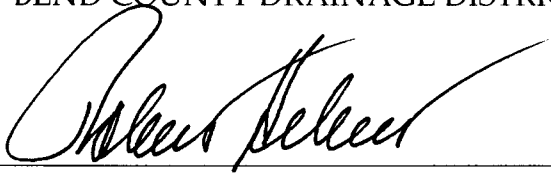
By: Sienna/Johnson North GP, LLC, its sole
general partner and a Texas limited
liability company

By: 
Michael J. Smith
Vice President
Date: 04-01-09

ATTEST:

By: 
Name: Alvin San Miguel
Title: Development Manager

FORT BEND COUNTY DRAINAGE DISTRICT

By: 

Name: Robert Hebert

Title: County Judge, Chairman, Drainage District

Date: June 2, 2009

ATTEST:



Dianne Wilson, County Clerk

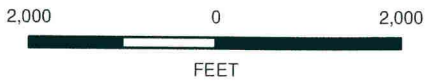


EXHIBIT "B"

Impact Fee Payments

<u>Section</u>	<u>Acre</u>	<u>Fee</u>
Water Plant No. 2 Phase 2	2.56	\$5,882.13
Sienna Village Center Section 1	1.66	\$3,759.28
Sienna Ranch Road Phase 1	35.23	\$80,197.27
Sienna Ranch Road Phase 2	5.17	\$11,883.69
Sienna Ranch Road Reserves	2.19	\$5,094.98
Sienna Springs Blvd Phase 1	2.60	\$3,132.42
Sienna Springs Blvd Phase 2	6.14	\$13,587.81
Sienna Village of Anderson Springs Section 1A	32.14	\$70,996.34
Sienna Village of Anderson Springs Section 1B	29.44	\$69,006.81
Sienna Village of Anderson Springs Section 2	9.84	\$23,065.57
Sienna Village of Anderson Springs Section 3A	16.32	\$36,051.53
Sienna Village of Anderson Springs Section 3B	9.62	\$22,097.61
Sienna Village of Anderson Springs Section 4A	28.14	\$62,723.94
Sienna Village of Anderson Springs Section 4B	25.82	\$59,294.45
Sienna Village of Anderson Springs Section 4C	13.80	\$32,344.31
Sienna Village of Anderson Springs Section 5A	25.77	\$57,446.97
Sienna Village of Anderson Springs Section 5B	7.46	\$17,127.31
Sienna Village of Anderson Springs Section 5C	28.37	\$66,498.41
Sienna Village of Anderson Springs Section 6	14.92	\$35,393.48
Sienna Village of Bees Creek Section 2	41.77	\$95,979.10
Sienna Village of Bees Creek Section 3	25.24	\$58,832.29
Sienna Village of Bees Creek Section 4A	44.18	\$102,976.31
Sienna Village of Bees Creek Section 4B	18.92	\$44,097.41
Quadrangle Way Street Dedication	1.47	\$3,487.76
Sienna Ranch Road North Phase 1	7.28	\$11,391.34
Sienna Village of Anderson Springs Section 7	23.37	\$56,837.51
Sienna Ranch Road North Phase 2	7.29	\$24,032.98
Sienna Village of Bee Creek Section 1	63.24	\$156,155.41
FBISD Elementary School No. 43 Entry Roads	1.96	\$34,796.48
Sienna Springs Boulevard West	2.26	\$14,707.36
Sienna Springs Boulevard & Sienna Ranch Road Adjacent to the Rec Center	5.80	\$5,746.48
Sienna Ranch Road North Phase 3	5.04	\$12,789.34
Estimated Future Acreage (to be paid at time of platting)	1,397.94	\$3,561,098.37

Exhibit A



**FORT BEND COUNTY DISTRICT
IMPACT FEE AREA FOR
SIENNA PLANTATION NORTH**

AERIAL PHOTOGRAPH DATE: MARCH 2008