



EE

May 14, 2009

Project No. 70026-39

Mr. Jesse Hegemier, P.E.
Fort Bend County Engineer
1124-52 Blume Road
Rosenberg, TX 77471

**Re: HEB-Aliana Proposed Development Plan
Fort Bend County, Texas**

Dear Mr. Hegemier:

On behalf of our Client, HEB Grocery Company, we are requesting a "No Objection" letter for the proposed driveway locations shown on the enclosed Proposed Development Plan. As previously discussed, a minimum driveway spacing of 350-feet is proposed. The proposed driveway on Harlem Road is limited to right in- right out traffic channelization and the two proposed driveways on Madden Road (Future W. Bellfort) are shown as full access driveways. We propose the two future driveways on Madden Road to remain full access and median cuts be permitted as part of the future planned roadway improvements to Madden Road (Future W. Bellfort).

Should you have any questions, please contact me at 713-212-0011 or by email aclowe@burypartners.com.

Sincerely,
BURY+PARTNERS-HOUSTON, INC.

Adriana Clowe, P.E.

Enclosure

cc: Bob Boozer BPI-Houston
Mark Johnson BPI- San Antonio
Mary Rohrer- HEB

I:\70026\039\Sent\No Objection Letter request 05-14-09.docxj

BURY+PARTNERS-HOUSTON, INC.
13100 Northwest Fwy., Suite 150
Houston, Texas 77040

tel (713) 212-0011
fax (713) 212-0010

RECEIVED JUN 01 2009



FORT BEND COUNTY ENGINEERING

Fort Bend County, Texas

D. Jesse Hegemier
County Engineer

May 28, 2009

Ms. Adriana Clowe, P.E.
Bury & Partners-Houston, Inc.
13100 Northwest Freeway, Suite 150
Houston, Texas 77040

**RE: HEB-Aliana Proposed Development Plan
Fort Bend County, Texas**

Dear Ms. Clowe:

Fort Bend County has reviewed the proposed plan, dated May 14, 2009, for the HEB Store at the intersection of Harlem Road and Madden Road. The minimum driveway spacing on both roads is proposed as 350'. The driveway on Harlem Road will be a right in-right out driveway. The two driveways proposed on Madden Road will be full access driveways with 350' minimum spacing for median cuts in the future West Bellfort road when it is constructed.

It is understood that HEB Grocery Company will donate the additional right-of-way required for the future widening of Harlem Road upon approval of the stated conditions above.

Fort Bend County poses no objection to the above conditions as stated.

Sincerely,

A handwritten signature in cursive script that reads "Steven L. Evans".

Steven L. Evans
Assistant to County Engineer

SLE/mjs

Cc: Jess Hegemier, P.E., County Engineer
File



July 29, 2009

Mr. James Patterson
Fort Bend County Commissioner, Precinct 4
12919 Dairy Ashford, Ste. 200
Sugar Land, Texas 77478

Re: H-E-B's Aliana Property -- Donation Deed donating right of way along Harlem Road from Hwy 99 to Madden Road

Dear Commissioner Patterson:

Enclosed is the Donation Deed, signed by H-E-B, conveying 1.095 acres to Fort Bend County as road right-of-way. The property is conveyed with the understanding that it will be used for the purpose of road and related improvements, and with the further understanding and condition that H-E-B's access to roads abutting the H-E-B property will be as agreed in the attached correspondence between Bury & Partners (May 14, 2009 letter) and Fort Bend County Engineering (May 28, 2009 letter).

After the Donation Deed has been recorded, please send me a photocopy of the recorded document for our file.

Thank you very much for your cooperation in this matter.

Yours truly,

Charles F. Blackburn
Director of Real Estate Law

cc: Mary Rohrer
Adriana Clowe

H.E.B.

P.O. Box 839955
San Antonio, Tx. 78283-3955

(210) 938-8932
(210) 938-7788 fax

646 S. Main Avenue
San Antonio, Tx. 78204

Notice of Confidentiality Rights: If you are a natural person, you may remove or strike any of the following information from this instrument before it is filed for record in the public records: your Social Security Number or your Driver's License Number.

DONATION DEED

THE STATE OF TEXAS
COUNTY OF FORT BEND

§
§
§
§
§

That, HEB Grocery Company, LP, a Texas limited partnership, hereinafter referred to as Grantor, whether one or more, for and in consideration of the sum of One Dollar (\$1.00) to Grantor in hand paid by FORT BEND COUNTY, TEXAS, whose mailing address is 301 Jackson St., Richmond, TX 77469, receipt of which is hereby acknowledged, and for which no lien is retained, either expressed or implied, has this day Donated and by these presents does Grant, Give and Convey unto FORT BEND COUNTY, TEXAS all that certain tract or parcel of land lying and being situated in the County of Fort Bend, State of Texas, more particularly described in Exhibit "A," which is attached hereto and incorporated herein for any and all purposes (the "Property");

SAVE and EXCEPT, and Grantor hereby reserves, all of the oil, gas, sulphur and all other minerals of every kind, in and under the Property ("Mineral Reservation") but waives all rights of ingress and egress to the surface thereof for the purpose of exploring, developing, mining or drilling for same; however, nothing in this Mineral Reservation shall affect the title and rights of the Grantee, its successors and assigns, to take and use all other materials thereon, therein and thereunder.

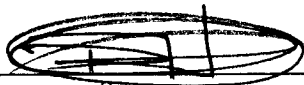
This deed and the conveyance herein are made **SUBJECT TO** all easements, restrictions, reservations, exceptions and other matters set forth in the Official Real Property Records of Fort Bend County, Texas, to the extent same validly exist and affect the Property ("Exceptions").

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in any wise belonging, subject to the Mineral Reservation and the Exceptions, unto FORT BEND COUNTY, TEXAS, and its assigns forever; and Grantor does hereby bind itself and its successors and assigns to Warrant and Forever Defend all and singular the Property unto FORT BEND COUNTY, TEXAS, and its assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise.

IN WITNESS WHEREOF, this instrument is executed on this the 8TH day of JULY, 2009.

HEB Grocery Company, LP,
a Texas Limited partnership

By: _____



Signature

Richard M. Ellwood

Name

Vice President

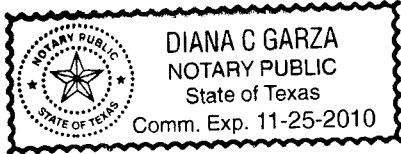
Title



Acknowledgment

State of Texas }
County of Bexar }

This instrument was acknowledged before me this 8TH day of JULY, 2009 by Richard M. Ellwood, Vice President of HEB Grocery Company, LP, a Texas limited partnership, on behalf of said limited partnership.



Diana Garza

Notary Public's Signature

EXHIBIT "A"

County: Fort Bend
Highway: Harlem
Project Limits: From Hwy 99 north to Stone Mission Ln.

Property Description for Parcel 15

Being a 1.095 acre (47,696 square feet) parcel of land, being out of the Jane Wilkins League, A-96, Fort Bend County, Texas, being out of a 1,997.624 acre tract of land described in a Warranty Deed dated 07-28-2005 from State of Texas, filed in the Official Public Records of Fort Bend County (O.P.R.F.B.C.) under Fort Bend County Clerks File (F.B.C.C.F.) No. 2005091010, Fort Bend County, Texas and being more particularly described as follows:

COMMENCING at a found TxDOT brass disc for the point of tangency of a curve to the left located in the existing northeast right-of-way line of State Highway 99 (width varies) as described under F.B.C.C.F. No. 8545029 of the O.P.R.F.B.C. and in the southwest line of said 1,997.624 acre tract of land said curve to the left having a central angle of 29°27'50" and a radius of 3,064.79 feet, the center of said curve being located on a radial bearing South 66°42'18" West from said point,; thence as follows:

in a northwesterly direction along said curve to the left, with the existing northeast right-of-way line of said State Highway 99 and with the southwest line of said 1,997.624 acre tract of land for an arc distance of 1,576.05 feet and a chord bearing North 38°01'38" West, chord distance of 1,558.74 feet, to a 5/8-inch iron rod with cap stamped "Weisser Eng. Houston, Tx." set in the proposed east right-of-way line of Harlem Road (width varies) for the POINT OF BEGINNING and the easterly corner of herein described parcel, said point being in a curve to the left having a central angle of 00°53'24" and a radius of 3,064.79 feet, the center of said curve being located on a radial bearing South 37°14'27" West from said point;

- 1) THENCE, in a northwesterly direction along said curve, with the existing northeast right-of-way line of said State Highway 99 and with the southwest line of said 1,997.624 acre tract of land, for an arc distance of 47.60 feet and a chord bearing North 53°12'15" West, chord distance of 47.60 feet to a point for a southeast cut-back corner of herein described parcel;
- 2) THENCE, North 35°03'25" West, a distance of 46.01 feet, along the existing northeast right-of-way line of said State Highway 99 and with the southwest line of said 1,997.624 acre tract of land, to a TxDOT brass disc in the existing east right-of-way line of Harlem Road (Width Varies), marking the northwest cut-back corner of herein described parcel;

EXHIBIT "A"

- 3) THENCE, North 03°04'52" West, a distance of 225.00 feet, along the existing east right-of-way line of said Harlem Road and with the west line of said 1,997.624 acre tract of land, to a TxDOT brass disc found for an angle point of herein described parcel;
- 4) THENCE, North 06°11'23" West, a distance of 100.20 feet, along the existing east right-of-way line of said Harlem Road and with the west line of said 1,997.624 acre tract of land, to a point for an angle point of herein described parcel, from which a found TxDOT brass disc bears South 84°57'36" West, a distance of 0.47 feet;
- 5) THENCE, North 03°04'15" West, a distance of 450.53 feet, along the existing east right-of-way line of said Harlem Road and with the west line of said 1,997.624 acre tract of land, to a 5/8-inch iron rod with cap stamped "GLO" found in the existing south right-of-way line of Madden Road (Width Varies) for the northwest corner of said 1,997.624 acre tract of land and for the northwest corner of herein described parcel;
- 6) THENCE, North 87°53'09" East, a distance of 250.84 feet, along the existing south right-of-way line of said Madden Road and with the north line of said 1,997.624 acre tract of land to a 5/8-inch iron rod with cap stamped "Weisser Eng. Houston, Tx." set in the proposed east right-of-way line of Madden Road (Width Varies), for the northeast corner of herein described parcel;
- 7) THENCE, South 02°19'14" East, a distance of 40.82 feet, along the proposed east right-of-way line of said Madden Road to a 5/8-inch iron rod with cap stamped "Weisser Eng. Houston, Tx." set for the southeast corner of herein described parcel;
- 8) THENCE, South 80°50'43" West, a distance of 100.79 feet, along the proposed south right-of-way line of said Madden Road to a 5/8-inch iron rod with cap stamped "LJA" found for an angle point of herein described parcel;
- 9) THENCE, South 87°40'46" West, a distance of 43.95 feet, along the proposed south right-of-way line of said Madden Road to a 5/8-inch iron rod with cap stamped "Weisser Eng. Houston, Tx." set for a northeast cut-back corner of herein described parcel;
- 10) THENCE, South 42°23'24" West, a distance of 70.36 feet, along the proposed southeast right-of-way line of said Madden Road to a 5/8-inch iron rod with cap stamped "Weisser Eng. Houston, Tx." set in the proposed east right-of-way line of said Harlem Road for a southwest cut-back corner of herein described parcel;
- 11) THENCE, South 02°53'56" East, a distance of 116.01 feet, along the proposed east right-of-way line of said Harlem Road to a 5/8-inch iron rod with cap stamped "Weisser Eng. Houston, Tx." set for an angle point of herein described parcel;

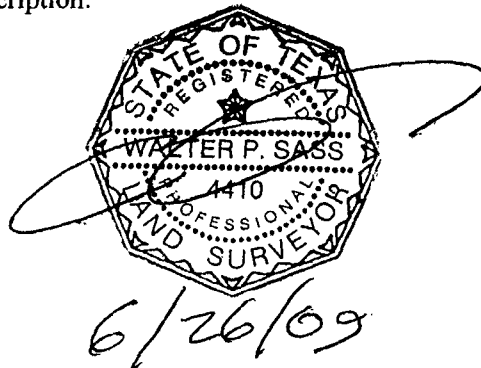
EXHIBIT "A"

- 12) THENCE, South 02°24'34" West, a distance of 129.71 feet, along the proposed east right-of-way line of said Harlem Road to a 5/8-inch iron rod with cap stamped "Weisser Eng. Houston, Tx." set for an angle point of herein described parcel;
- 13) THENCE, South 02°53'56" East, a distance of 442.97 feet, along the proposed east right-of-way line of said Harlem Road to a 5/8-inch iron rod with cap stamped "LJA" found for a northwest cut-back corner of herein described parcel;
- 14) THENCE, South 28°04'21" East, a distance of 58.00 feet, along the proposed northeast right-of-way line of said Harlem Road, to the POINT OF BEGINNING and containing 1.095 acres (47,696 square feet) parcel of land.

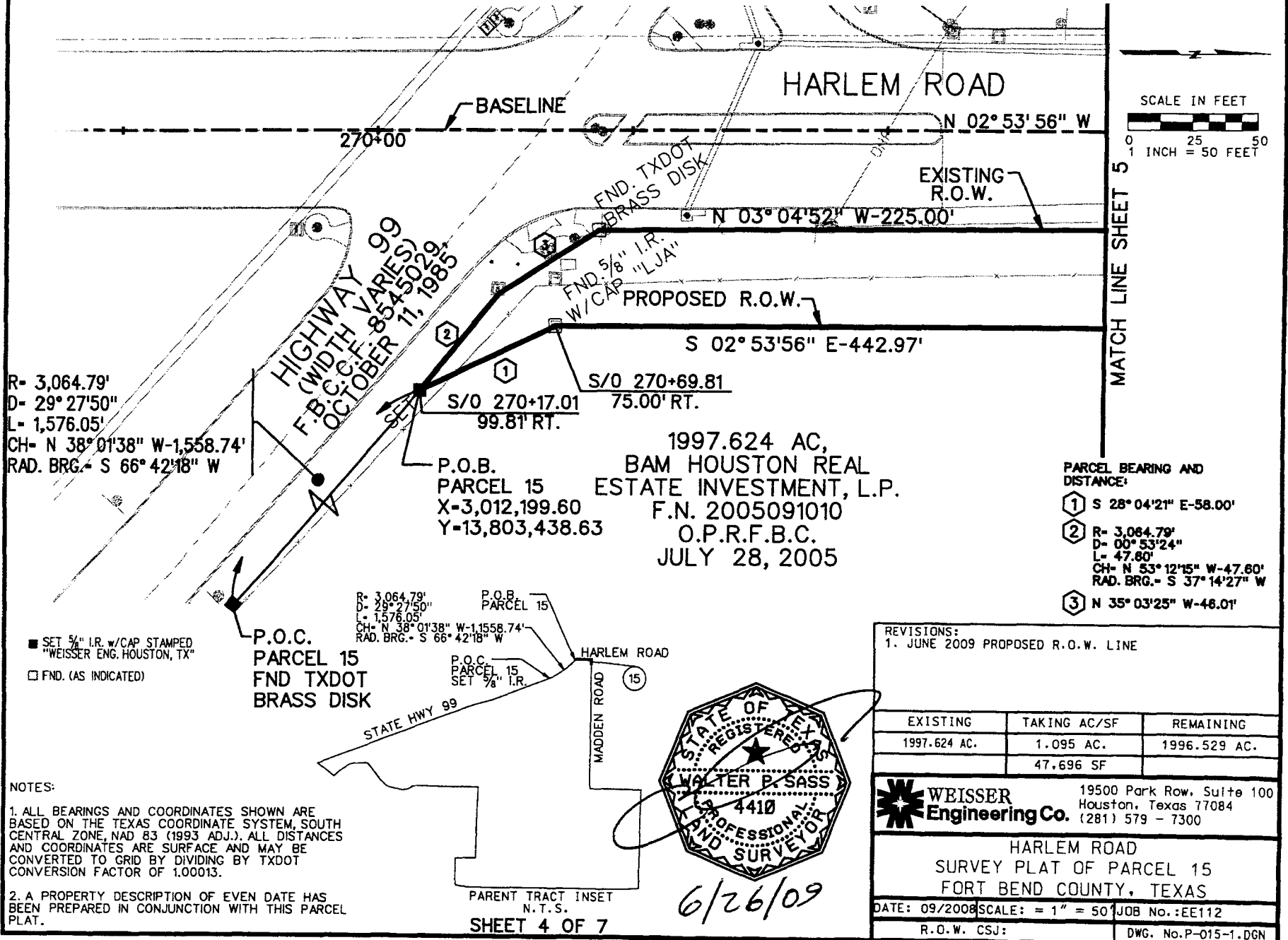
NOTE: The Point of Beginning of this description has coordinates of X=3,012,199.60 and Y=13,803,438.63; All bearings are based on the Texas Coordinate System, South Central Zone NAD, 83 (1993 Adj.), All coordinates shown are surface and may be converted to grid by dividing by a TxDOT combined adjustment factor of 1.00013.

Compiled by:
Weisser Engineering Company
19500 Park Row, Suite 100
Houston, Texas 77084
June, 2009

NOTE: A parcel plat of even date was prepared in conjunction with this property description.



JANE WILKINS LEAGUE, A-96



R- 3,064.79'
 D- 29° 27'50"
 L- 1,576.05'
 CH- N 38° 01'38" W-1,558.74'
 RAD. BRG.- S 66° 42'18" W

HIGHWAY 99
 (WIDTH VARIES 99.52'
 F.B.C.C.F. 854-5029
 OCTOBER 11, 1985)

P.O.B.
 PARCEL 15
 X-3,012,199.60
 Y-13,803,438.63

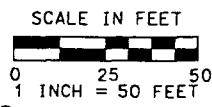
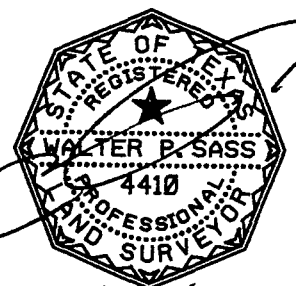
1997.624 AC,
 BAM HOUSTON REAL
 ESTATE INVESTMENT, L.P.
 F.N. 2005091010
 O.P.R.F.B.C.
 JULY 28, 2005

PARCEL BEARING AND
 DISTANCE:
 ① S 28° 04'21" E-58.00'
 ② R- 3,064.79'
 D- 00° 53'24"
 L- 47.80'
 CH- N 53° 12'15" W-47.60'
 RAD. BRG.- S 37° 14'27" W
 ③ N 35° 03'25" W-46.01'

■ SET 5/8" I.R. w/CAP STAMPED
 "WEISSER ENG. HOUSTON, TX"
 □ FND. (AS INDICATED)

NOTES:
 1. ALL BEARINGS AND COORDINATES SHOWN ARE
 BASED ON THE TEXAS COORDINATE SYSTEM, SOUTH
 CENTRAL ZONE, NAD 83 (1993 ADJ.). ALL DISTANCES
 AND COORDINATES ARE SURFACE AND MAY BE
 CONVERTED TO GRID BY DIVIDING BY TXDOT
 CONVERSION FACTOR OF 1.00013.
 2. A PROPERTY DESCRIPTION OF EVEN DATE HAS
 BEEN PREPARED IN CONJUNCTION WITH THIS PARCEL
 PLAT.

PARENT TRACT INSET
 N.T.S.
 SHEET 4 OF 7




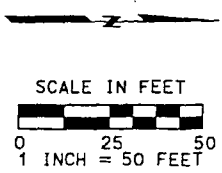
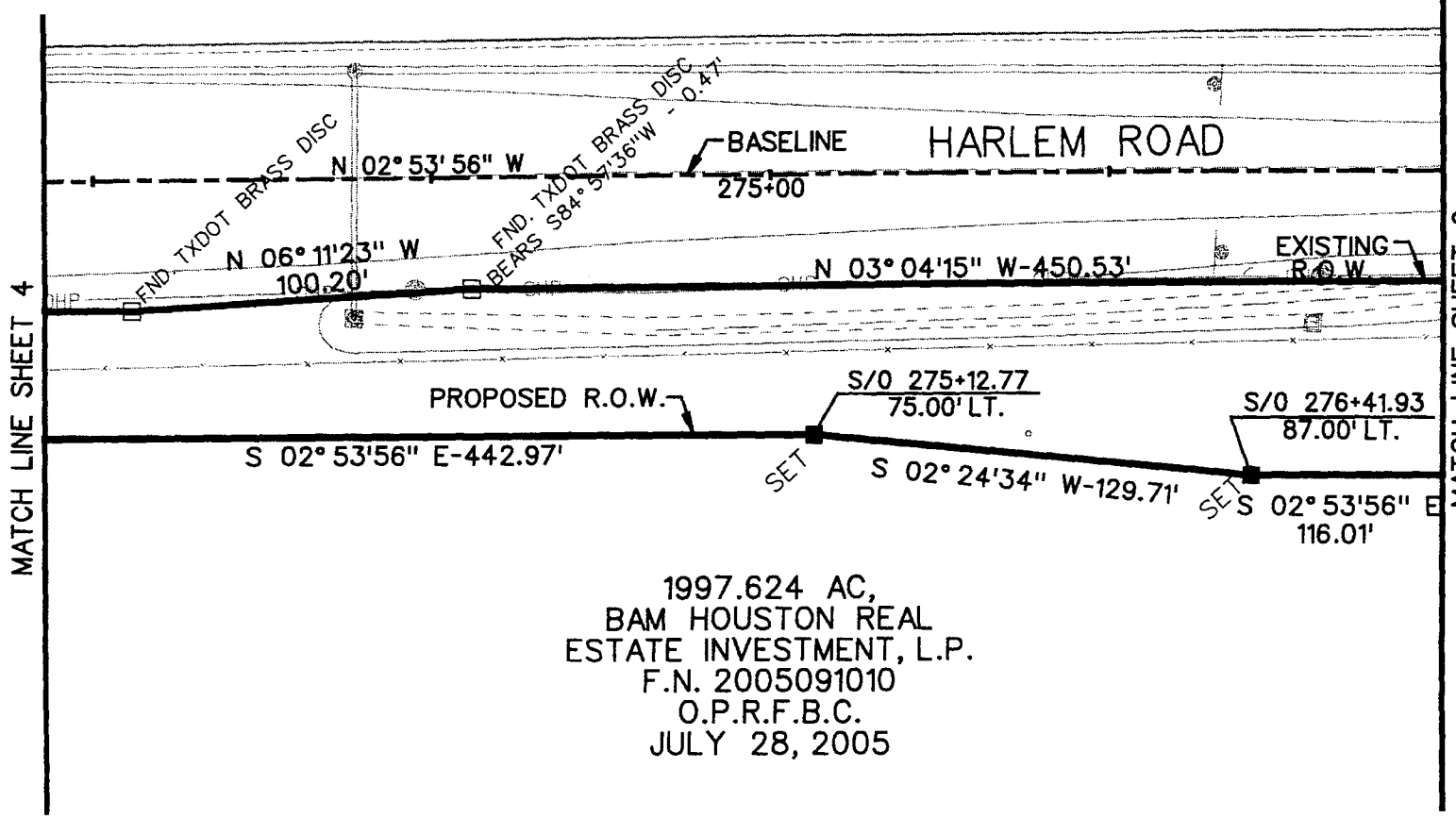

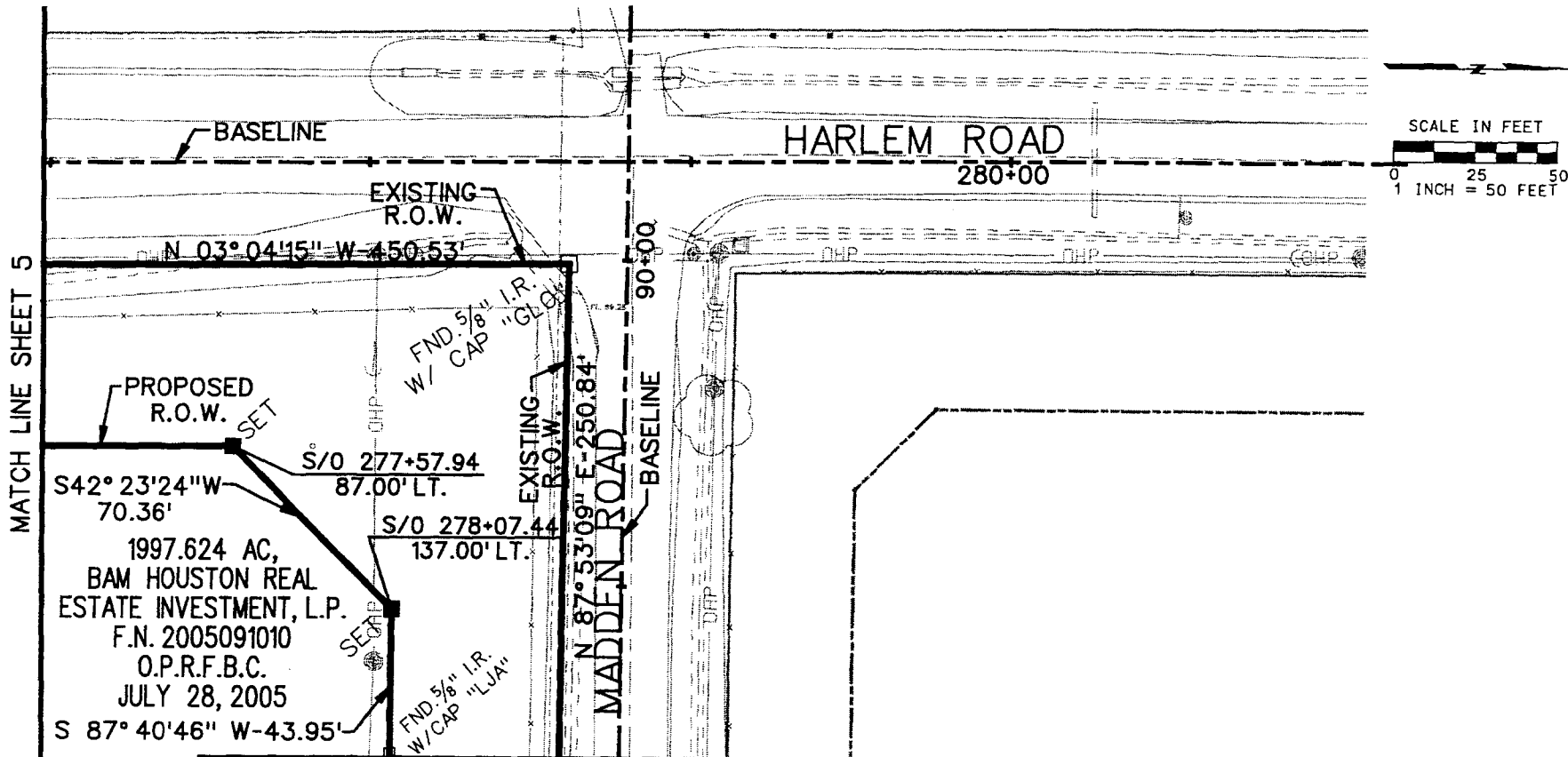
REVISIONS: 1. JUNE 2009 PROPOSED R.O.W. LINE		
EXISTING	TAKING AC/SF	REMAINING
1997.624 AC.	1.095 AC.	1996.529 AC.
	47,696 SF	
 WEISSER Engineering Co. 19500 Park Row, Suite 100 Houston, Texas 77084 (281) 579 - 7300		
HARLEM ROAD SURVEY PLAT OF PARCEL 15 FORT BEND COUNTY, TEXAS		
DATE: 09/2008	SCALE: = 1" = 50'	JOB No.: EE112
R.O.W. CSJ:	DWG. No. P-015-1.DGN	

Exhibit "A"
 Page 4 of 7



1997.624 AC,
 BAM HOUSTON REAL
 ESTATE INVESTMENT, L.P.
 F.N. 2005091010
 O.P.R.F.B.C.
 JULY 28, 2005

 WEISSER Engineering Co.	19500 Park Row, Suite 100 Houston, Texas 77084 (281) 579 - 7300	
	HARLEM ROAD SURVEY PLAT OF PARCEL 15 FORT BEND COUNTY, TEXAS	
DATE: 09/2008	SCALE: = 1" = 50'	JOB No.: EE112
R.O.W. CSJ:	DWG. No. P-015-2.DGN	




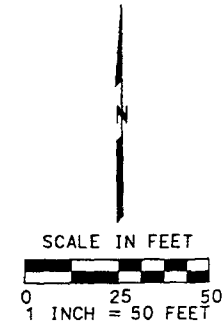
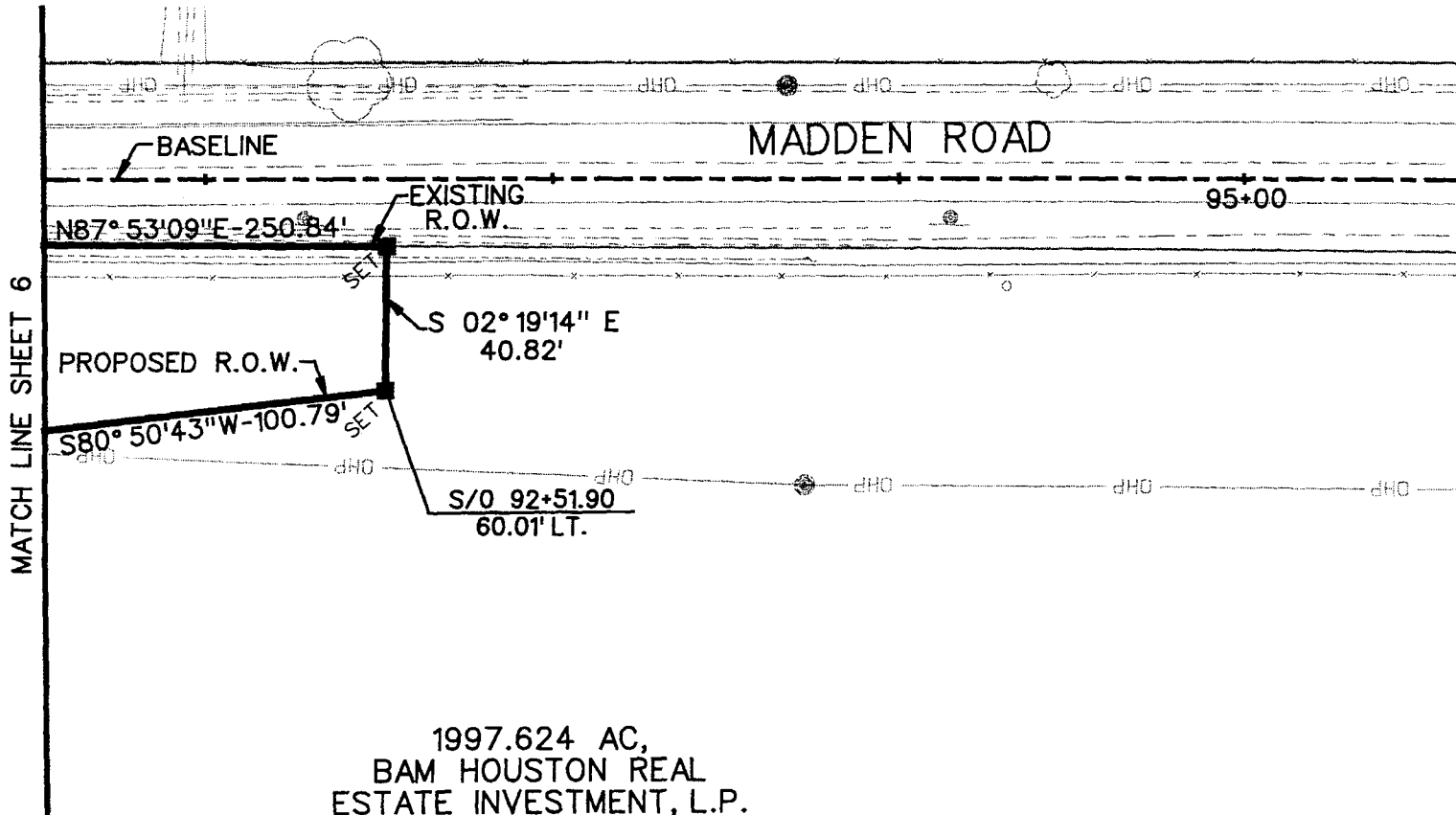
MATCH LINE SHEET 5

MATCH LINE SHEET 7

1997.624 AC,
BAM HOUSTON REAL
ESTATE INVESTMENT, L.P.
F.N. 2005091010
O.P.R.F.B.C.
JULY 28, 2005


SHEET 6 OF 7

 WEISSER Engineering Co.	19500 Park Row, Suite 100 Houston, Texas 77084 (281) 579 - 7300	
	HARLEM ROAD SURVEY PLAT OF PARCEL 15 FORT BEND COUNTY, TEXAS	
DATE: 09/2008	SCALE: = 1" = 50'	JOB No.: EE112
R.O.W. CSJ:	DWG. No. P-015-3.DGN	



1997.624 AC,
 BAM HOUSTON REAL
 ESTATE INVESTMENT, L.P.
 F.N. 2005091010
 O.P.R.F.B.C.
 JULY 28, 2005

MATCH LINE SHEET 6

 WEISSER Engineering Co.	19500 Park Row, Suite 100 Houston, Texas 77084 (281) 579 - 7300	
	HARLEM ROAD SURVEY PLAT OF PARCEL 15 FORT BEND COUNTY, TEXAS	
DATE: 09/2008	SCALE: = 1" = 50'	JOB No.: EE112
R.O.W. CSJ:	DWG. No. P-015-4.DGN	