

7M



DD6

ACCESS AND MAINTENANCE EASEMENT
(External Channel)

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

THAT FORT BEND COUNTY DRAINAGE DISTRICT, a body politic and corporate and governmental agency of the State of Texas, (the "Grantor"), for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration in hand paid by SIENNA PLANTATION LEVEE IMPROVEMENT DISTRICT OF FORT BEND COUNTY, TEXAS, a conservation and reclamation district and ("Grantee"), the receipt and sufficiency of which are hereby acknowledged, has GRANTED, SOLD, and CONVEYED and by these presents does hereby GRANT, SELL, and CONVEY unto Grantee, its successors, and assigns, an easement and right-of-way (the "Easement") for access and maintenance purposes, including, without limitation, the construction, installation, repair, replacement, removal, maintenance, and operation of drainage facilities (the "Facilities") over, across, along, upon, under, and through all that certain tract of land, located in Fort Bend County, Texas, being more particularly described by metes and bounds attached as Exhibit "A" and depicted in a map attached as Exhibit "B (the "Easement Property").

Grantee may use the Easement Property for detention and drainage purposes and may, without limitation, construct, operate, install, maintain, repair, remove, and replace the Facilities on the Easement Property and may enter upon the Easement Property to engage in such activities as may be necessary, requisite, convenient, or appropriate in connection therewith. Grantee's rights shall include, without limitation, the right to clear and remove trees, shrubbery, growth, and other improvements from the Easement Property, and the right to bring and operate such equipment thereon as may be necessary or appropriate to effectuate the purposes for which the Easement is granted.

GRANTOR herein reserves for itself, its successors and assigns, the right to cross the Property with any and all roads, lines, mains, bridges, and other facilities and structures for all public or private transportation and/or utility purposes, or to grant to others these same rights; provided, however, that all such items shall be constructed and maintained so as not to interfere with the use of said Property for levee and flood control purposes, and provided further, that the plans for such items shall be submitted to, and approved by, GRANTEE prior to the start of construction of such items, so that GRANTEE may be certain that such items will create no impediment or obstruction to the levee and drainage facilities constructed, or to be constructed, on said Property, or otherwise interfere with the use of said Property for access and maintenance purposes.

Additionally, Grantee shall maintain the Easement Property where Grantee's facilities encroach into the Easement Property and Grantee may perform maintenance not provided or performed by Grantor when lack of maintenance by Grantor would affect Grantee's facilities.

RAC. CCM 9/14/10 #DD6
Fort Bend County Clerk
Return Admin Serv Coord

Grantor further agrees to provide labor and equipment to Grantee, to the extent practical, to perform necessary maintenance.

This conveyance is further made subject to any restrictions, covenants, easements, rights-of-way, encumbrances and mineral or royalty reservations or interests affecting the Easement Property and appearing of record in the Official Records of Real Easement Property of Fort Bend County, Texas, to the extent that said items and matters are in effect and validly enforceable against the Easement Property; provided, however, Grantor will not enforce said items and matters, to the extent that Grantor has the ability to enforce any of said items or matters, in a manner which would unreasonably prejudice or interfere with Grantee's rights in the Easement granted herein.

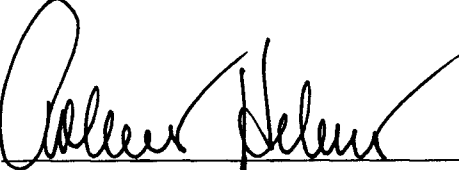
Prior to construction of any new structures in the Easement, the Grantor shall submit all plans and specifications for the facilities to the Grantee for review and approval.

TO HAVE AND TO HOLD, subject to the matters set forth herein, the above-described Easement, together with all and singular the rights and appurtenances thereto in anywise belonging unto said Grantee, its successors and assigns, forever. Grantor does hereby bind itself, its successors and assigns, to warrant and forever defend, all and singular the Easement and right-of-way and other rights described herein unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof by, through, or under Grantor, but not otherwise.


EXECUTED this 14 day of September, 2010.

GRANTOR:

FORT BEND COUNTY DRAINAGE DISTRICT

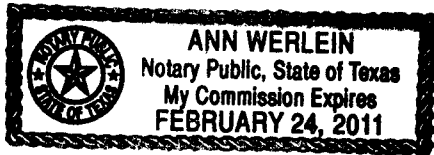
By: 
Name: Robert Hebert
Title: County Judge

ATTEST:

By: 
Name: Dianne Wilson
Title: County Clerk

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND§

This instrument was acknowledged before me on this 24 day of September, 2010, by Robert Hebert, as County Judge of of and Dianne Wilson as County Clerk of Fort Bend County Drainage District, a political subdivision of the State of Texas, on behalf of said political subdivision.



Ann Werlein
Notary Public, State of Texas

(NOTARY SEAL)

After recording, return to Grantee: Sienna Plantation Levee Improvement District of Fort Bend County, Texas, c/o Allen Boone Humphries Robinson LLP, Attn: Brenda Presser, 3200 Southwest Freeway, Suite 2600, Houston, Texas 77027.

AS PER ORIGINAL

Exhibit A

ESPEY, HUSTON & ASSOCIATES, INC.

SEE
893 11-224

EASEMENT DESCRIPTION
169.706 ACRES
LOCATED IN THE
ORIGINAL SCANLAN FOUNDATION TRACT,
THOMAS BARNETT LEAGUE, ABSTRACT 7,
DAVID FITZGERALD LEAGUE, ABSTRACT 25,
AND
WILLIAM HALL LEAGUE, ABSTRACT 31
FORT BEND COUNTY, TEXAS

Being a tract or parcel of land containing 169.706 acres out of the original Scanlan Foundation Tract being in the Thomas Barnett League, Abstract 7, David Fitzgerald League, Abstract 25, and William Hall League, Abstract 31, Fort Bend County, Texas and more particularly described as follows:

Commencing at an existing iron pipe found at the northeast corner of the original Scanlan Foundation Tract at the intersection of the south line of McKeever Road and east line of the Thomas Barnett League, Abstract 7 and running thence North $89^{\circ}38'50''$ West 6621.39' along said south line of McKeever Road to the northwest corner of a 17.056-acre tract shown on the Plat of Survey by Franklin R. Schodek, Registered Public Surveyor No. 1535, dated December 1976, revised February 1977; thence South $0^{\circ}21'10''$ West 907.56' along the west line of said 17.056-acre tract to an existing iron pipe, thence North $89^{\circ}40'13.5''$ West 1977.00' to the Point of Beginning of this description;

THENCE, South $0^{\circ}21'9.2''$ West 150.0' to a point for a corner;
THENCE, North $89^{\circ}40'13.2''$ West 4190.13' to a point for a corner;
THENCE, North $4^{\circ}6'35.8''$ East 851.31' to a point for a corner;
THENCE, North $89^{\circ}50'0.3''$ West 8387.98' to a point for a corner;
THENCE, South $33^{\circ}42'42''$ West 378.64' to a point for a corner;
THENCE, South $1^{\circ}53'30.9''$ West 783.29' to a point for a corner;
THENCE, South $89^{\circ}58'38''$ West 6742.26' to a point for a corner;
THENCE, South 2381.52' to a point for a corner;
THENCE, South $20^{\circ}26'20''$ East 470.63' to a point for a corner;
THENCE, South $54^{\circ}48'58''$ East 1292.11' to a point for a corner;
THENCE, South $43^{\circ}0'0''$ East 800.00' to a point for a corner;

EXHIBIT A_{PI}

AS PER ORIGINAL

Exhibit A (Cont'd)

ESPEY, HUSTON & ASSOCIATES, INC.

FILED

893 ENL 225

THENCE, South $21^{\circ}47'00''$ East 1300.00' to a point for a corner;
THENCE, South $2^{\circ}22'50.4''$ East 394.60' to a point for a corner;
THENCE, South $14^{\circ}41'30.3''$ West 399.60' to a point for a corner;
THENCE, South $12^{\circ}09'8''$ West 384.60' to a point for a corner;
THENCE, South $15^{\circ}10'0''$ West 800.00' to a point for a corner;
THENCE, South $20^{\circ}26'20''$ East 1400.00' to a point for a corner;
THENCE, South $50^{\circ}19'56''$ East 677.60' to a point for a corner;
THENCE, South $28^{\circ}0'0''$ East 1140.00' to a point for a corner;
THENCE, South $15^{\circ}0'0''$ East 861.10' to a point for a corner;
THENCE, South $11^{\circ}0'0''$ East 2500.00' to a point for a corner;
THENCE, South $20^{\circ}54'14.7''$ East 2858.86' to a point for a corner;
THENCE, South $0^{\circ}12'30.5''$ East 223.68' to a point for a corner;
THENCE, South $89^{\circ}47'29.5''$ West 235.44' to a point for a corner;
THENCE, South $33^{\circ}28'53.7''$ West 98.14' to a point for a corner;
THENCE, South $89^{\circ}47'29.5''$ West 648.00' to a point for a corner in the Brazos River;
THENCE, North $0^{\circ}12'30.5''$ West 350.00' to a point for a corner in the Brazos River;
THENCE, North $89^{\circ}47'29.5''$ East 689.12' to a point for a corner;
THENCE, North $20^{\circ}54'14.7''$ West 2727.87' to a point for a corner;
THENCE, North $11^{\circ}0'0''$ West 2527.39' to a point for a corner;
THENCE, North $15^{\circ}0'0''$ West 790.23' to a point for a corner;
THENCE, North $28^{\circ}0'0''$ West 1077.74' to a point for a corner;
THENCE, North $50^{\circ}19'56''$ West 691.51' to a point for a corner;
THENCE, North $20^{\circ}26'20''$ West 1524.09' to a point for a corner;
THENCE, North $18^{\circ}30'0''$ East 861.10' to a point for a corner;
THENCE, North $13^{\circ}0'9.8''$ East 377.95' to a point for a corner;

AS PER ORIGINAL

APL

Exhibit A (Cont'd)

ESPEY, HUSTON & ASSOCIATES, INC.

THENCE, North $14^{\circ}41'30.3''$ East 372.53' to a point for a corner;
THENCE, North $2^{\circ}22'50.4''$ West 330.39' to a point for a corner;
THENCE, North $21^{\circ}47'0''$ West 1228.40' to a point for a corner;
THENCE, North $43^{\circ}0'0''$ West 741.84' to a point for a corner;
THENCE, North $54^{\circ}48'58''$ West 1333.28' to a point for a corner;
THENCE, North $28^{\circ}26'20''$ West 568.55' to a point for a corner;
THENCE, North 2617.50' to a point for a corner in the north line of said Scanlan Original Foundation Tract;
THENCE, North $89^{\circ}58'38''$ East 6748.76' along the north line of said Scanlan Original Foundation Tract to a 3" iron pipe found for a corner;
THENCE, North $1^{\circ}55'30.9''$ East 1099.65' along the west line of said Scanlan Original Foundation Tract to a 4" iron pipe found for a corner;
THENCE, South $89^{\circ}50'0.3''$ East 5995.95' along the north line of said Scanlan Original Foundation Tract and that part of the said R.O.W. line of said McKeever Road to a point for a corner;
THENCE, South $4^{\circ}35'5''$ West 982.04' to a point for a corner;
THENCE, South $89^{\circ}40'13.4''$ East 3979.84' to the Point of Beginning, containing an area of 169.706 acres of land.
Subject to all easements and right-of-ways of record.

FILED FOR RECORD
TIME 3:15 PM
APR 11 1980

Pearl Elliott
COUNTY CLERK, FORT BEND COUNTY, TEX.

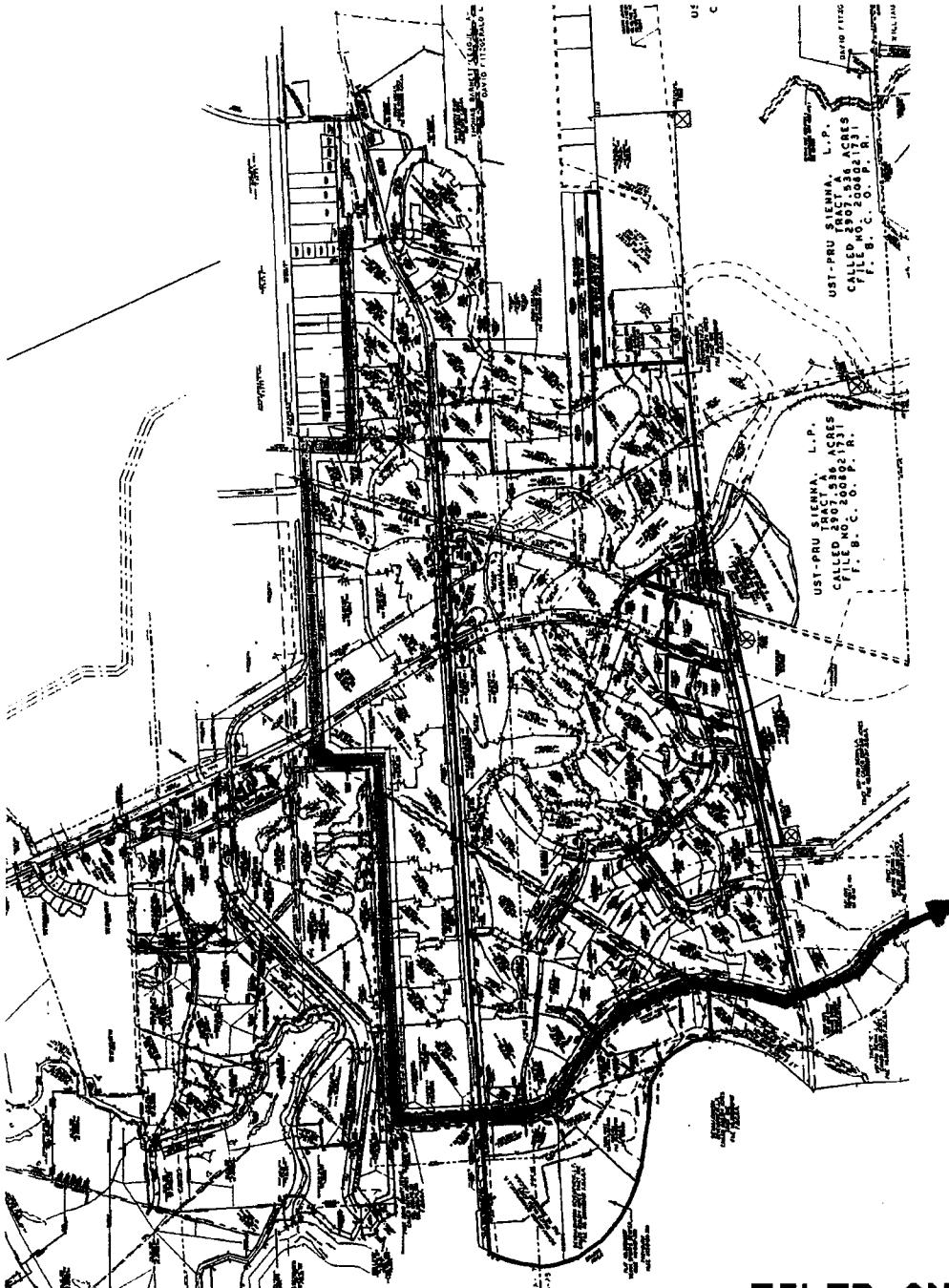
APJ

Duly recorded this the 14 day of April 1980 A.D. at 4:30 O'Clock P.M.
By Pearl Elliott deputy
Pearl Elliott, County Clerk
Fort Bend County, Texas

AS PER ORIGINAL

Exhibit B

↑
1" = 200'
(11" x 17")



FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dianne Wilson

2010 Sep 17 02:33 PM

2010090999

DA \$0.00

Dianne Wilson COUNTY CLERK

FT BEND COUNTY TEXAS

RECORDER'S MEMORANDUM

This page is not satisfactory for photographic recordation due to carbon or photocopy, discolored paper, etc. All block-outs, additions and changes were presented at time instrument was filed and recorded.