## FORT BEND COUNTY FY 2010 COMMISSIONERS COURT AGENDA REQUEST FORM

Return Completed Form by E-Mail to: Agenda Coordinator, County Judge's Office

Date Submitted: 01/07/2010  Court Agenda Date: 01/12/2010	Submitted By:P. Batts Department: Engineering Phone Number: 281 633 7507	
conveyance of the property is for the right-of Precinct 3. (b) two parts to this: Take all appr	ed under County Clerk's File Numbers 432, and 2009020433 to further clarify that the -way purposes as detailed in correction deeds,	
RENEWAL AGREEMENT/APPOINTMENT REVIEWED BY COUNTY ATTORNEY'S OFFICE List Supporting Documents Attached:	YES NO COUNTY JUDGE RECEIVED JAN 07 2010	
information must be provided by Wednesday	t by e-mail, fax, or inter-office mail, and all back-up y at 2:00 p.m. to all those listed below.  County Judge's Office by 2:00 p.m. on Wednesday.  y Judge's Office  (✓ when completed)	
Special Handling Requested (specify):	ON/ACTION REQUESTED:	

1-14-10

5 correction beeds recorded at Co. Clark and ret. to pawlette at Engineering

#### Item 23 continued- Engineering:

D. Take all appropriate action to approve the Modified Contractual Agreement for Right of Way Procurement between Fort Bend County and Texas Department of Transportation (TxDOT) regarding FM 359 at US 90A and United Pacific Rail Road, Precincts 1 and 3.

Moved by Commissioner Meyers, Seconded by Commissioner Morrison, duly put and unanimously carried (5-0), it is ordered to approve the Modified Contractual Agreement for Right of Way Procurement between Fort Bend County and Texas Department of Transportation (TxDOT) regarding FM 359 at US 90A and Union Pacific Rail Road, Precincts 1 and 3.

Judge Hebert	yes	Commissioner Meyers	yes
Commissioner Morrison	yes	Commissioner Patterson	yes
Commissioner Prestage	ves		

E. Take all appropriate action on Standard Utility Agreement between Fort Bend County, Texas Department of Transportation and Copano NGL Services, L.P. regarding roadway improvements (drilling approximately 630 feet of new 6 5/8 – inch O.D. pipe for the expansion of Greenbusch Road) for an amount not to exceed \$178,983; Precinct 3. (Fund: Right of Way)

Moved by Commissioner Meyers, Seconded by Commissioner Morrison, duly put and unanimously carried (5-0), it is ordered to approve Standard Utility Agreement between Fort Bend County, Texas Department of Transportation and Copano NGL Services, L.P. regarding roadway improvements (drilling approximately 630 feet of new 6 5/8 – inch O.D. pipe for the expansion of Greenbusch Road) for an amount not to exceed \$178,983; Precinct 3. (Fund: Right of Way)

Judge Hebert	yes	Commissioner Meyers	yes
Commissioner Morrison	yes	Commissioner Patterson	yes
Commissioner Prestage	yes		



F. Take all appropriate action to accept five Right of Way Dedication Deeds from MPRL Retail Partners, Ltd. for construction of State Highway 99 southbound frontage roads, (from FM 1093 to Bellaire Boulevard), Precinct 3.

Moved by Commissioner Meyers, Seconded by Commissioner Patterson, duly put and unanimously carried (5-0), it is ordered to accept five Right of Way Dedication Deeds from MPRL Retail Partners, Ltd. for construction of State Highway 99 southbound frontage roads, (from FM 1093 to Bellaire Boulevard), Precinct 3.

Judge Hebert	yes	Commissioner Meyers	yes
Commissioner Morrison	yes	Commissioner Patterson	yes
Commissioner Prestage	ves		



"Your Partner in Success"

3003 W. Alabama Houston, Texas 77098

Main: 713-271-5900 Fax: 713-529-5310

January 6, 2010

#### **VIA DELIVERY**

Mr. D. Jesse Hegemier County Engineer Fort Bend County, Texas 1124-52 Blume Road Rosenberg, Texas 77471

Re:

Advance Funding Agreement for Construction of State Highway 99 Southbound Frontage Road from FM 1093 to Bellaire Blvd. (the "<u>Project</u>") between Fort Bend County and MRPL Retail Partners, Ltd. dated May 6, 2008.

### Dear Mr. Hegemier:

In connection with our Advance Funding Agreement, I've enclosed five original correction deeds to clarify that our conveyances were to Fort Bend County for right-of-way purposes to satisfy the requirements of the City of Houston for our plats. The City of Houston has approved our plats subject to our filing of these correction deeds to clarify that our property is adjacent to right-of-way. Bill Vidor in the County Attorney's office has reviewed and approved the form of correction deed, and I've copied him on this letter. Please send me copies, once the deeds have been accepted by Fort Bend County and recorded.

If you have any questions or need any additional information, please do not hesitate to call.

Sincerely,

John S. Moody, Jr.

On behalf of MRPL Retail Partners, Ltd.

& MRPL Retail Partners II, Ltd.

**Enclosures** 

2010

7 PGS

## CORRECTION SPECIAL WARRANTY DEED [Right of Way]

Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all 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.

This Correction Special Warranty Deed [Right of Way] is made as a correction deed in substitution of the deed titled "Special Warranty Deed" dated October 22, 2008 and recorded March 3, 2009 under County Clerk's File No. 2009020429 of the Official Public Records of Ft. Bend County, Texas to further clarify that the conveyance of the Property is for right of way purposes as further detailed below.

Effective Date: October 22, 2008

Grantor: MRPL RETAIL PARTNERS II, LTD., a

Texas limited partnership

Grantor's Mailing Address: 3003 W. Alabama,

Houston, Harris County, Texas 77098

Grantee: FORT BEND COUNTY, a body corporate

and politic under the laws of the State of Texas, acting by and through the Fort Bend

County Commissioner's Court

Grantee's Mailing Address: 301 Jackson Suite 719,

Richmond, Fort Bend County, Texas 77479

Consideration: \$10.00 and other valuable consideration

Property (including any improvements): see **Exhibit A** attached hereto

Reservations from Conveyance: None

Exceptions to Conveyance and Warranty: This conveyance is made by Grantor and accepted by Grantee subject to: any discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments or protrusions or any overlapping of improvements, and all other matters that a current survey or visual inspection of the Property would reveal; all easements, restrictions, conditions, outstanding oil, gas and mineral interests, including royalty interests; all other encumbrances to the extent the same are valid, enforceable and affect the Property; and all laws, rules, and regulations (including zoning ordinances) of applicable governmental authorities having or asserting jurisdiction over the Property.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty for which no lien is retained, either expressed or

implied, grants, gives, and conveys to Grantee the Property for the public use as a public right of way for The Grand Parkway (SH 99) and for public utility purposes with utility providers having the right to obtain utility easements from Grantee pursuant to Grantee's then current requirements, 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. Grantor binds Grantor and Grantor's successors and assigns to warrant and forever defend all and singular the Property to Grantee and Grantee's successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof when the claim is by, through, or under Grantor but not otherwise, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

When the context requires, singular nouns and pronouns include the plural.

All taxes assessed against the Property for the year 2008 have been prorated between the parties.

EXCEPT FOR THE WARRANTY OF TITLE CONTAINED HEREIN, GRANTOR HAS NOT MADE, DOES NOT MAKE, AND HEREBY EXPRESSLY DISCLAIMS ANY EXPRESS OR IMPLIED WARRANTY OR REPRESENTATION OF ANY KIND WHATSOEVER WITH RESPECT TO THE PROPERTY OR THE IMPROVEMENTS THEREON, INCLUDING BUT NOT LIMITED TO: THE MERCHANTABILITY OF THE PROPERTY OR IMPROVEMENTS OR THEIR FITNESS FOR ANY PARTICULAR PURPOSE; THE DESIGN OR CONDITION OF THE IMPROVEMENTS; THE QUALITY OR IMPROVEMENTS; THE WORKMANSHIP CAPACITY OF THE OF THE IMPROVEMENTS OR THE COMPLIANCE BY THE PROPERTY OR IMPROVEMENTS WITH THE REQUIREMENTS OF ANY LAW, RULE, REGULATION OR AGREEMENT BY ACCEPTANCE OF THIS DEED, GRANTEE HAS PERTAINING THERETO. ACCEPTED THE PROPERTY AND IMPROVEMENTS IN THEIR "AS IS, WHERE IS" CONDITION AND "WITH ALL FAULTS".

Grantee's acceptance of this Correction Special Warranty Deed shall be approved by Fort Bend County Commissioner's Court and evidenced by the recording of this instrument in the Official Public Records of Fort Bend County, Texas.

#### **GRANTOR:**

MRPL Retail Partners II, Ltd., a Texas limited partnership

By: MRPL Retail GP II, LLC

a Texas limited liability company

Its: General Partner

Dan M. Moody, III, Manager

THE STATE OF TEXAS \$

COUNTY OF HARRIS \$

This instrument was acknowledged before me, this <u>who</u>day of January, 2010, by Dan M. Moody, III, Manager of MRPL Retail GP II, LLC, a Texas limited liability company, as general partner of MRPL Retail Partners II, Ltd., a Texas limited partnership, on behalf of said limited partnership.

Notary Public for the State of Texas



### EXHIBIT A PAGE 1 OF 3 PAGES

County:

Fort Bend

Project:

Shops @ Bella Terra

M.S.G. No: 081099 Job Number: 1316

#### FIRLD NOTES FOR A 0.6172 ACRE TRACT

Being a tract of land containing 0.6172 acre (26,885 square feet) located in the Joel McCrary Survey, A-403, in Fort Bend County, Texas: said 0.6172 acre tract being out of a call 50.434 acre tract of land recorded in the name of MRPL Retail Partners II, Ltd. in Fort Bend County Clerks File (F.B.C.C.F.) Number 2007017388; said 0.6172 acre tract being more particularly described by metes and bounds as follows (all bearings are based on the Texas State Plane Coordinate System, South Central Zone (NAD83)):

BEGINNING, at a 5/8-inch capped iron rod found at the northeast corner of a call 0.299 acre tract of land recorded in the name of State of Texas in F.B.C.C.F. Number 9029041 on the southwest right-of-way (R.O.W.) line of State Highway 99 (Grand Parkway) (width varies per F.B.C.C.F. Number 9029041);

THENCE, with a line common to said 50.434 acre tract and said 0.299 acre tract, South 73 degrees 27 minutes 38 seconds West, a distance of 87.75 feet to a 5/8-inch capped iron rod found at the northwest corner of said 0.299 acre tract;

THENCE, through and across said 50.434 acre tract, North 16 degrees 32 minutes 22 seconds West, a distance of 540.12 feet to an angle point on a southerly line of a call 5.430 acre tract of land recorded in the name of Fort Bend County Toll Road Authority in F.B.C.C.F. Number 2004018716;

THENCE, with lines common to said 50.434 acre tract and said 5.430 acre tract the following two (2) courses:

- 117.39 feet along the arc of a curve to the right, having a radius of 1169.58 feet, through a central angle of 05 degrees 45 minutes 03 seconds, with a chord bearing of South 30 degrees 06 minutes 56 seconds East, a distance of 117.34 feet to a 5/8-inch capped iron rod found for an angle point;
- South 26 degrees 51 minutes 44 seconds East, a distance of 155.70 feet to a 5/8inch capped iron rod found at the most southerly corner of said 5.430 acre tract on
  the southwest R.O.W. line of said State Highway 99;

AS PER ORIGINA

### EXHIBITA PAGE 2 OF 3 PAGES

THENCE, with said southwest R.O.W. line and the east line of said 50.434 acre tract, 274.92 feet along the arc of a curve to the left, having a radius of 2491.63 feet, through a central angle of 06 degrees 19 minutes 19 seconds, with a chord bearing of South 23 degrees 17 minutes 28 seconds East, a distance of 274.78 feet to the POINT OF BEGINNING and containing 0.6172 acre (26,885 square feet) of land.

An Exhibit Map was prepared in conjunction with and accompanies this metes and bounds description.

Michael Hall, R.P.L.S.

Texas Registration Number 5765

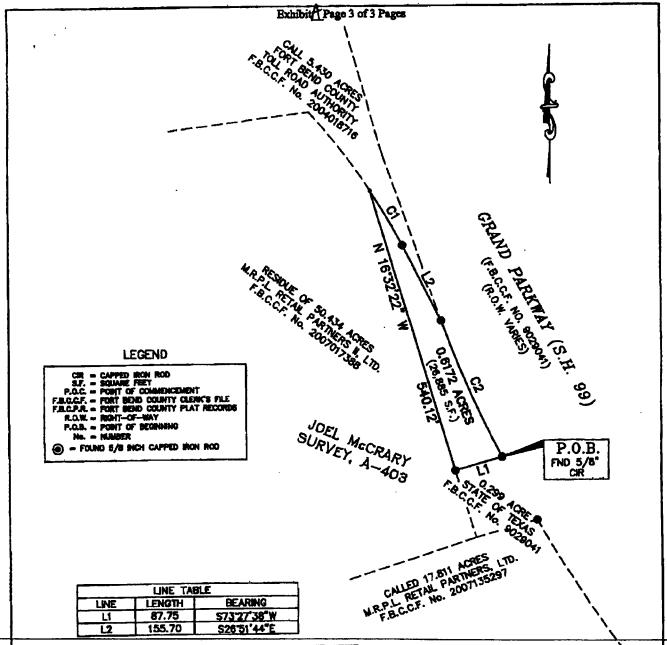


MILLER SURVEY GROUP

PH: (713) 413-1900

JOB: 1316

February 20, 2008 Revised: July 21, 2008 Revised: October 9, 2008



CURVE TABLE					
CURVE LENGTH RADIUS DELTA BEARING CHO DIS					CHO DIST
		1169.58	5'45'03"	S30'06'56"E	117.34
C2	274.92	2491.63	619'19"	S2317'28"E	274.78

### NOTES:

- 1. ALL BEARINGS AND COORDINATES SHOWN HEREON ARE BASED UPON TEXAS SOUTH CENTRAL ZONE No. 4204 STATE PLANE GRID COORDINATES (NAD83).
- 2. A METES AND BOUNDS DESCRIPTION OF THE SUBJECT HAS BEEN PREPARED BY MILLER SURVEY GROUP AND ACCOMPANIES THIS EXHIBIT.

#### MARIN 19/80/80

EXHIBIT OF A 0.6172 ACRE TRACT OF LAND LOCATED IN THE JOEL McCARY SURVEY, A-403, FORT BEND COUNTY, TEXAS



**SURVEY-GROUP** 

1760 WEST SAM HOUSTON PARKWAY NORTH#HOUSTON, TEXAS 77843 PHONE 713-413-1900\*FAX 713-413-1944

### FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Alinne Milson 2010 Jan 14 01:35 PM

2010003984

CDC \$0.00

Dianne Wilson COUNTY CLERK FT BEND COUNTY TEXAS

DEED 7 PGS 2010003985



## CORRECTION SPECIAL WARRANTY DEED [Right of Way]

Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all 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.

This Correction Special Warranty Deed [Right of Way] is made as a correction deed in substitution of the deed titled "Special Warranty Deed" dated October 22, 2008 and recorded March 3, 2009 under County Clerk's File No. 2009020430 of the Official Public Records of Ft. Bend County, Texas to further clarify that the conveyance of the Property is for right of way purposes as further detailed below.

Effective Date:

October 22, 2008

Grantor:

MRPL RETAIL PARTNERS, LTD., a

Texas limited partnership

Grantor's Mailing Address:

3003 W. Alabama,

Houston, Harris County, Texas 77098

Grantee:

FORT BEND COUNTY, a body corporate and politic under the laws of the State of Texas, acting by and through the Fort Bend

County Commissioner's Court

Grantee's Mailing Address:

301 Jackson Suite 719,

Richmond, Fort Bend County, Texas 77479

Consideration:

Return Admin Serv Coord

\$10.00 and other valuable consideration

Property (including any improvements):

see Exhibit A attached hereto

Reservations from Conveyance:

None

Exceptions to Conveyance and Warranty: This conveyance is made by Grantor and accepted by Grantee subject to: any discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments or protrusions or any overlapping of improvements, and all other matters that a current survey or visual inspection of the Property would reveal; all easements, restrictions, conditions, outstanding oil, gas and mineral interests, including royalty interests; all other encumbrances to the extent the same are valid, enforceable and affect the Property; and all laws, rules, and regulations (including zoning ordinances) of applicable governmental authorities having or asserting jurisdiction over the Property.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty for which no lien is retained, either expressed or

implied, grants, gives, and conveys to Grantee the Property for the public use as a public right of way for The Grand Parkway (SH 99) and for public utility purposes with utility providers having the right to obtain utility easements from Grantee pursuant to Grantee's then current requirements, 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. Grantor binds Grantor and Grantor's successors and assigns to warrant and forever defend all and singular the Property to Grantee and Grantee's successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof when the claim is by, through, or under Grantor but not otherwise, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

When the context requires, singular nouns and pronouns include the plural.

All taxes assessed against the Property for the year 2008 have been prorated between the parties.

EXCEPT FOR THE WARRANTY OF TITLE CONTAINED HEREIN, GRANTOR HAS NOT MADE, DOES NOT MAKE, AND HEREBY EXPRESSLY DISCLAIMS ANY EXPRESS OR IMPLIED WARRANTY OR REPRESENTATION OF ANY KIND WHATSOEVER WITH RESPECT TO THE PROPERTY OR THE IMPROVEMENTS THEREON, INCLUDING BUT NOT LIMITED TO: THE MERCHANTABILITY OF THE PROPERTY OR IMPROVEMENTS OR THEIR FITNESS FOR ANY PARTICULAR PURPOSE: THE DESIGN OR CONDITION OF THE IMPROVEMENTS; THE QUALITY OR **IMPROVEMENTS:** THE WORKMANSHIP CAPACITY OF THE IMPROVEMENTS OR THE COMPLIANCE BY THE PROPERTY OR IMPROVEMENTS WITH THE REQUIREMENTS OF ANY LAW, RULE, REGULATION OR AGREEMENT BY ACCEPTANCE OF THIS DEED, GRANTEE HAS PERTAINING THERETO. ACCEPTED THE PROPERTY AND IMPROVEMENTS IN THEIR "AS IS, WHERE IS" CONDITION AND "WITH ALL FAULTS".

Grantee's acceptance of this Correction Special Warranty Deed shall be approved by Fort Bend County Commissioner's Court and evidenced by the recording of this instrument in the Official Public Records of Fort Bend County, Texas.

#### **GRANTOR:**

MRPL Retail Partners, Ltd., a Texas limited partnership

By: MRPL Retail GP, LLC

a Texas limited liability company

Its: General Partner

Dan M. Moody, III, Manager

2

THE STATE OF TEXAS §

COUNTY OF HARRIS §

This instrument was acknowledged before me, this Aday of January, 2010, by Dan M. Moody, III, Manager of MRPL Retail GP, LLC, a Texas limited liability company, as general partner of MRPL Retail Partners, Ltd., a Texas limited partnership, on behalf of said limited partnership.

Notary Public for the State of Texas

### EXHIBIT APAGE 1 OF 3 PAGES

County: Fort Bend

Project: Shops @ Parkway Lakes

M.S.G. No: 081236 Job Number: 1316

#### FIELD NOTES FOR A 0.1500 ACRE TRACT

Being a tract of land containing 0.1500 acre (6,538 square feet) located in the Joel McCrary Survey, A-403, in Fort Bend County, Texas; said 0.1500 acre tract being out of called 12.479 acre tract of land recorded in the name of MRPL Retail Partners II, Ltd., as recorded Fort Bend County Clerk's File (F.B.C.C.F.) Number 2007135297; said 0.1500 acre tract being more particularly described by metes and bounds as follows (all bearings are based on the Texas State Plane Coordinate System, South Central Zone (NAD83)):

BEGINNING, at a Texas Department of Transportation (TxDOT) monument found at the most southerly corner of a transition line from the northeast right-of-way (R.O.W.) line of State Highway 99 (Grand Parkway, width varies per F.B.C.C.F. No. 9029041) to the southeast R.O.W. line of Bellaire Boulevard (width varies per Slide Number 858A/B of the Fort Bend County Plat Records) at a northwest corner of said 12.479 acre tract;

THENCE, with said transition line and lines common to said 12.479 acre tract the following two (2) courses:

- 1. North 12 degrees 50 minutes 08 seconds West, a distance of 38.12 feet to a 5/8 inch iron rod found at an angle point;
- 2. North 29 degrees 15 minutes 35 seconds Bast, a distance of 17.87 feet to an angle point on the south R.O.W. line of said Bellaire Boulevard;

THENCE, with said south R.O.W. line and the north line of said 12.479 acre tract the following two (2) courses:

- 1. North 49 degrees 43 minutes 09 seconds Bast, a distance of 15.07 feet to a 5/8 inch iron rod found at an angle point;
- 2. North 55 degrees 34 minutes 34 seconds East, a distance of 16.34 feet to an angle point;

THENCE, through and across said 12.479 acre tract the following three (3) courses:

1. South 11 degrees 28 minutes 57 seconds West, a distance of 64.56 feet to an angle point;

## EXHIBIT PAGE 2 OF 3 PAGES

- 272.87 feet along the arc of a curve to the right, having a radius of 4215.00 feet, through a central angle of 03 degrees 42 minutes 33 seconds, with a chord bearing of South 30 degrees 59 minutes 55 seconds East, a distance of 272.83 feet to an angle point;
- 3. South 23 degrees 06 minutes 58 seconds East, a distance of 178.64 feet to an angle point on the southwest line of said 12.479 acre tract and the northeast R.O.W. line of said State Highway 99;

THENCE, with said northeast R.O.W. line and the southwest line of said 12.479 acre tract, 449.21 feet, along the arc of a curve to the left, having a radius of 4200.00 feet, through a central angle of 06 degrees 07 minutes 41 seconds, with a chord bearing of North 29 degrees 47 minutes 02 seconds West, a distance of 449.00 feet to the POINT OF BEGINNING and containing the 0.1500 acres (6,538 square feet) of land.

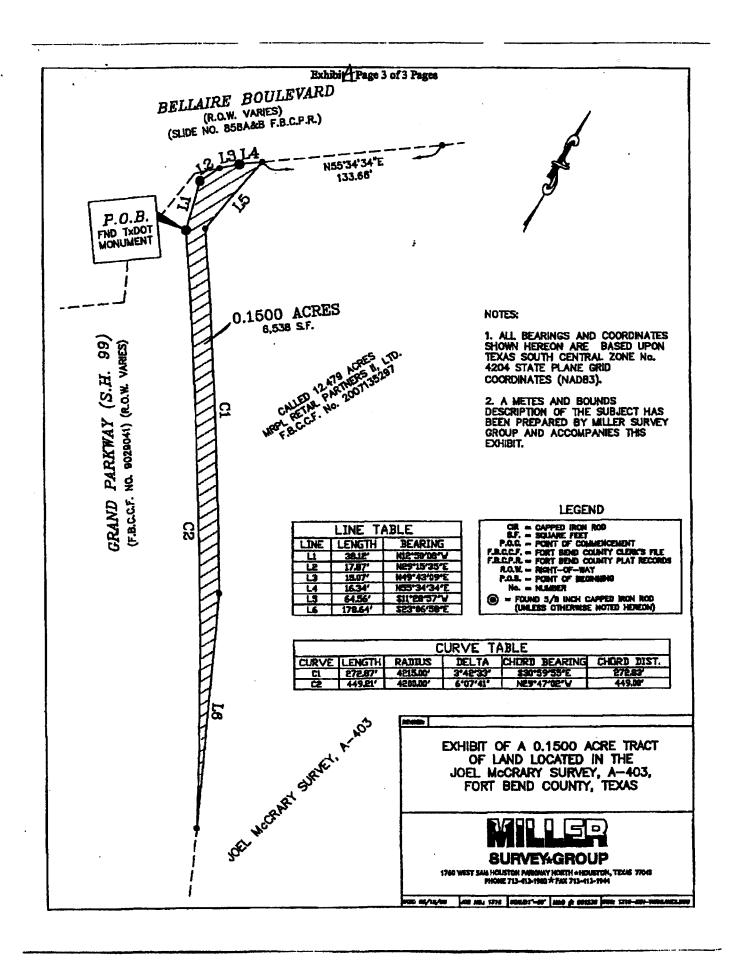
An Exhibit Map was prepared in conjunction with and accompanies this metes and bounds description.

Michael Hall, R.P.L.S.

Texas Registration Number 5765

MICHAEL HALL STOS SUBJECTION

MILLER SURVEY GROUP PH: (713) 413-1900 JOB: 1316 May 15, 2008



### FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

2010 Jan 14 01:35 PM

2010003985

CDC \$0.00

Dianne Wilson COUNTY CLERK FT BEND COUNTY TEXAS



DEED

2010003986

## CORRECTION SPECIAL WARRANTY DEED [Right of Way]

Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all 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.

This Correction Special Warranty Deed [Right of Way] is made as a correction deed in substitution of the deed titled "Special Warranty Deed" dated October 22, 2008 and recorded March 3, 2009 under County Clerk's File No. 2009020431 of the Official Public Records of Ft. Bend County, Texas to further clarify that the conveyance of the Property is for right of way purposes as further detailed below.

Effective Date: October 22, 2008

Grantor: MRPL RETAIL PARTNERS, LTD., a

Texas limited partnership

Grantor's Mailing Address: 3003 W. Alabama,

Houston, Harris County, Texas 77098

Grantee: FORT BEND COUNTY, a body corporate

and politic under the laws of the State of Texas, acting by and through the Fort Bend

County Commissioner's Court

Grantee's Mailing Address: 301 Jackson Suite 719,

Richmond, Fort Bend County, Texas 77479

Consideration: \$10.00 and other valuable consideration

Property (including any improvements): see **Exhibit A** attached hereto

Reservations from Conveyance: None

Exceptions to Conveyance and Warranty: This conveyance is made by Grantor and accepted by Grantee subject to: any discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments or protrusions or any overlapping of improvements, and all other matters that a current survey or visual inspection of the Property would reveal; all easements, restrictions, conditions, outstanding oil, gas and mineral interests, including royalty interests; all other encumbrances to the extent the same are valid, enforceable and affect the Property; and all laws, rules, and regulations (including zoning ordinances) of applicable governmental authorities having or asserting jurisdiction over the Property.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty for which no lien is retained, either expressed or

implied, grants, gives, and conveys to Grantee the Property for the public use as a public right of way for The Grand Parkway (SH 99) and for public utility purposes with utility providers having the right to obtain utility easements from Grantee pursuant to Grantee's then current requirements, 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. Grantor binds Grantor and Grantor's successors and assigns to warrant and forever defend all and singular the Property to Grantee and Grantee's successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof when the claim is by, through, or under Grantor but not otherwise, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

When the context requires, singular nouns and pronouns include the plural.

All taxes assessed against the Property for the year 2008 have been prorated between the parties.

EXCEPT FOR THE WARRANTY OF TITLE CONTAINED HEREIN, GRANTOR HAS NOT MADE, DOES NOT MAKE, AND HEREBY EXPRESSLY DISCLAIMS ANY EXPRESS OR IMPLIED WARRANTY OR REPRESENTATION OF ANY KIND WHATSOEVER WITH RESPECT TO THE PROPERTY OR THE IMPROVEMENTS THEREON, INCLUDING BUT NOT LIMITED TO: THE MERCHANTABILITY OF THE PROPERTY OR IMPROVEMENTS OR THEIR FITNESS FOR ANY PARTICULAR PURPOSE; THE DESIGN OR CONDITION OF THE IMPROVEMENTS; THE QUALITY OR WORKMANSHIP OF THE IMPROVEMENTS: THE CAPACITY IMPROVEMENTS OR THE COMPLIANCE BY THE PROPERTY OR IMPROVEMENTS WITH THE REQUIREMENTS OF ANY LAW, RULE, REGULATION OR AGREEMENT BY ACCEPTANCE OF THIS DEED, GRANTEE HAS PERTAINING THERETO. ACCEPTED THE PROPERTY AND IMPROVEMENTS IN THEIR "AS IS, WHERE IS" CONDITION AND "WITH ALL FAULTS".

Grantee's acceptance of this Correction Special Warranty Deed shall be approved by Fort Bend County Commissioner's Court and evidenced by the recording of this instrument in the Official Public Records of Fort Bend County, Texas.

#### **GRANTOR:**

MRPL Retail Partners, Ltd., a Texas limited partnership

By: MRPL Retail GP, LLC

a Texas limited liability company

Its: General Partner

Dan M. Moody, III, Manager

THE STATE OF TEXAS §
COUNTY OF HARRIS §

This instrument was acknowledged before me, this Luday of January, 2010, by Dan M. Moody, III, Manager of MRPL Retail GP, LLC, a Texas limited liability company, as general partner of MRPL Retail Partners, Ltd., a Texas limited partnership, on behalf of said limited partnership.

Notary Public for the State of Texas

AS PER ORIGINAL

### EXHIBIT A PAGE 1 OF 3 PAGES

County:

Fort Bend

Project:

Shops @ Bella Terra

M.S.G. No: 081301 Job Number: 1316

#### FIELD NOTES FOR A 0.1000 ACRE TRACT

Being a tract of land containing 0.1000 acre (4,354 square feet) located in the Joel McCrary Survey, A-403, in Fort Bend County, Texas; Said 0.1000 acre tract being out of a call 17.811 acre tract of land recorded in the name of MRPL Retail Partners, Ltd. in Fort Bend County Clerk's File (F.B.C.C.F.) Number 2007135297; Said 0.1000 acre tract being more particularly described by metes and bounds as follows (all bearings are based on the Texas State Plane Coordinate System, South Central Zone (NAD83)):

BEGINNING, at a 5/8-inch capped iron rod found at the southeast corner of a call 0.299 acre tract recorded in the name of State of Texas in F.B.C.C.F. Number 902941 and the northeast corner of said 17.811 acre tract on the southwest right-of-way (R.O.W.) line of State Highway 99 (Grand Parkway, width varies per F.B.C.C.F. Number 9029041);

THENCE, with the east line of said 17.811 acre tract and said southwest R.O.W. line, 255.68 feet along the arc of a curve to the left, having a radius of 2491.63 feet, through a central angle of 05 degrees 52 minutes 44 seconds, with a chord bearing of South 32 degrees 26 minutes 27 seconds East, a distance of 255.55 feet to a 5/8-inch capped iron rod found at the most northerly corner of a transition line from said southwest R.O.W. line to the north R.O.W. line of Bella Terra Parkway (eighty feet wide per Plat Number 20080052 of the Fort Bend County Plat Records);

THENCE, through and across said 17.811 acre tract and with said north R.O.W. line the following two (2) courses:

- South 09 degrees 23 minutes 07 seconds West, a distance of 20.87 feet to a 5/8inch capped iron rod found at an angle point;
- South 54 degrees 46 minutes 49 seconds West, a distance of 0.65 feet to an angle point;

THENCE, continuing through and across said 17.811 acre tract of land the following three (3) courses:

- 1. North 40 degrees 55 minutes 12 seconds West, a distance of 27.81 feet to an angle point of the herein described tract;
- 214.43 feet along the arc of a curve to the right, having a radius of 2332.83 feet, through a central angle of 05 degrees 16 minutes 00 seconds, with a chord bearing of North 31 degrees 47 minutes 02 seconds West, a distance of 214.36 feet to an angle point;

### EXHIBIT PAGE 2 OF 3 PAGES

3. North 28 degrees 44 minutes 28 seconds West, a distance of 33.36 feet to a point on the south line of said 0.299 acre tract;

THENCE, with a line common to said 0.299 acre tract and said 50.434 acre tract, North 73 degrees 27 minutes 38 seconds East, a distance of 14.62 feet to the POINT OF BEGINNING and containing the 1.0000 acres (4,354 square feet) of land;

An Exhibit Map was prepared in conjunction with and accompanies this metes and bounds description.

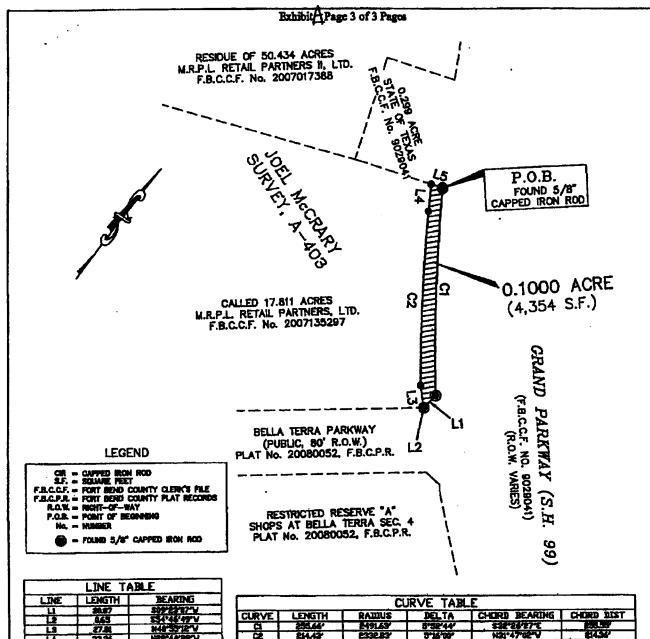
Michael Hall, R.P.L.S.

Texas Registration Number 5765



MILLER SURVEY GROUP PH: (713) 413-1900 JOB: 1316 July 7, 2008

Revised: October 9, 2008



LINE TABLE				
LINE	LENGTH	BEARING		
LI	20.97	S09*23*17*V		
LE	.865	254'46'47'V		
L3		N48-3312-V		
L4	33.36	NEST44/29/V		
15	1449	N72'27'38'E		

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHURD BEARING	CHORD DIST
CL	255.66	249143°	5°52'44'	\$32°26′27°E	35.55
C2	214.A3'	6336'B3.	3,16,00,	N31*47*02*V	214,36

#### **NOTES:**

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1. ALL BEARINGS AND COORDINATES SHOWN HEREON ARE BASED UPON TEXAS SOUTH CENTRAL ZONE No. 4204 STATE PLANE GRID COORDINATES (NAD83).

2. A METES AND BOUNDS DESCRIPTION OF THE SUBJECT HAS BEEN PREPARED BY MILLER SURVEY GROUP AND ACCOMPANIES THIS EXHIBIT.

EXHIBIT OF A 0.1000 ACRE TRACT OF LAND LOCATED IN THE JOEL McCARY SURVEY, A-403, FORT BEND COUNTY, TEXAS



**SURVEY-GROUP** 

1760 WEST SAIA HOUSTON PARKWAY NORTH \* HOUSTON, TEXAS 77043 PHONE 713-413-1900 \* FAX 713-413-1944

10/M/N 100 HEL 1316 MONEY-100" HOS & 05/301 MIN 1710-TIME MIN LINE

### FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Aline Prilson 2010 Jan 14 01:35 PM

CDC \$0.00

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Dianne Wilson COUNTY CLERK FT BEND COUNTY TEXAS

DEED

8 PGS

## CORRECTION SPECIAL WARRANTY DEED [Right of Way]

Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all 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.

This Correction Special Warranty Deed [Right of Way] is made as a correction deed in substitution of the deed titled "Special Warranty Deed" dated October 22, 2008 and recorded March 3, 2009 under County Clerk's File No. 2009020432 of the Official Public Records of Ft. Bend County, Texas to further clarify that the conveyance of the Property is for right of way purposes as further detailed below.

Effective Date: October 22, 2008

Grantor: MRPL RETAIL PARTNERS, LTD., a

Texas limited partnership

3003 W. Alabama, Grantor's Mailing Address:

Houston, Harris County, Texas 77098

FORT BEND COUNTY, a body corporate Grantee:

> and politic under the laws of the State of Texas, acting by and through the Fort Bend

County Commissioner's Court

301 Jackson Suite 719, Grantee's Mailing Address:

Richmond, Fort Bend County, Texas 77479

\$10.00 and other valuable consideration Consideration:

see Exhibit A attached hereto Property (including any improvements):

None Reservations from Conveyance:

This conveyance is made by Grantor and Exceptions to Conveyance and Warranty: accepted by Grantee subject to: any discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments or protrusions or any overlapping of improvements, and all other matters that a current survey or visual inspection of the Property would reveal; all easements, restrictions, conditions, outstanding oil, gas and mineral interests, including royalty interests; all other encumbrances to the extent the same are valid, enforceable and affect the Property; and all laws, rules, and regulations (including zoning ordinances) of applicable governmental authorities having or asserting jurisdiction over the Property.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty for which no lien is retained, either expressed or implied, grants, gives, and conveys to Grantee the Property for the public use as a public right of way for The Grand Parkway (SH 99) and for public utility purposes with utility providers having the right to obtain utility easements from Grantee pursuant to Grantee's then current requirements, 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. Grantor binds Grantor and Grantor's successors and assigns to warrant and forever defend all and singular the Property to Grantee and Grantee's successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof when the claim is by, through, or under Grantor but not otherwise, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

When the context requires, singular nouns and pronouns include the plural.

All taxes assessed against the Property for the year 2008 have been prorated between the parties.

EXCEPT FOR THE WARRANTY OF TITLE CONTAINED HEREIN, GRANTOR HAS NOT MADE, DOES NOT MAKE, AND HEREBY EXPRESSLY DISCLAIMS ANY EXPRESS OR IMPLIED WARRANTY OR REPRESENTATION OF ANY KIND WHATSOEVER WITH RESPECT TO THE PROPERTY OR THE IMPROVEMENTS THEREON, INCLUDING BUT NOT LIMITED TO: THE MERCHANTABILITY OF THE PROPERTY OR IMPROVEMENTS OR THEIR FITNESS FOR ANY PARTICULAR PURPOSE; THE DESIGN OR CONDITION OF THE IMPROVEMENTS; THE QUALITY OR WORKMANSHIP **IMPROVEMENTS:** THE OF THE CAPACITY OF THE IMPROVEMENTS OR THE COMPLIANCE BY THE PROPERTY OR IMPROVEMENTS WITH THE REQUIREMENTS OF ANY LAW, RULE, REGULATION OR AGREEMENT BY ACCEPTANCE OF THIS DEED, GRANTEE HAS PERTAINING THERETO. ACCEPTED THE PROPERTY AND IMPROVEMENTS IN THEIR "AS IS, WHERE IS" CONDITION AND "WITH ALL FAULTS".

Grantee's acceptance of this Correction Special Warranty Deed shall be approved by Fort Bend County Commissioner's Court and evidenced by the recording of this instrument in the Official Public Records of Fort Bend County, Texas.

#### **GRANTOR:**

MRPL Retail Partners, Ltd., a Texas limited partnership

By: MRPL Retail GP, LLC

a Texas limited liability company

Its: General Partner

Dan M. Moody, III, Marrager

THE STATE OF TEXAS §
COUNTY OF HARRIS §

This instrument was acknowledged before me, this Haday of January, 2010, by Dan M. Moody, III, Manager of MRPL Retail GP, LLC, a Texas limited liability company, as general partner of MRPL Retail Partners, Ltd., a Texas limited partnership, on behalf of said limited partnership.

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Notary Public for the State of Texas

### EXHIBITA PAGE 1 OF 4 PAGES

County:

Fort Bend

Project:

Shops @ Parkway Lakes

M.S.G. No: 081435 Job Number: 1316

### FIELD NOTES FOR A 1.2199 ACRE TRACT

Being a tract of land containing 1.2199 acres (53,137 square feet) located in the Joel McCrary Survey, A-403, in Fort Bend County, Texas; Said 1.2199 acre tract being out of a call 47.825 acre tract of land recorded in the name of MRPL Retail Partners, Ltd. in Fort Bend County Clerks File (F.B.C.C.F.) Number 2007017372, a call 17.811 acre tract of land recorded in the name of MRPL Retail Partners, Ltd. in F.B.C.C.F. Number 2007135297, a call 11.687 acre tract of land recorded in the name of MRPL Retail Partners, Ltd. in F.B.C.C.F. Number 2007110110, same 1.2199 acre tract being out of Restricted Reserve "A" of Shops at Bella Terra Sec. 1, a subdivision recorded under Plat Number 20070225 of the Fort Bend County Plat Records (F.B.C.P.R.), out of Restricted Reserve "A" and Restricted Reserve "B" of Shops at Bella Terra Sec. 2, a subdivision recorded under Plat Number 20070226 of the F.B.C.P.R., out of Restricted Reserve "A" of Shops at Bella Terra Sec. 3, a subdivision recorded under Plat Number 20070147 of the F.B.C.P.R. and out of Restricted Reserve "A" of Shops at Bella Terra Sec. 4, a subdivision recorded under Plat Number 20080052 of the F.B.C.P.R.; Said 1.2199 acre tract being more particularly described by metes and bounds as follows (all bearings are based on the Texas State Plane Coordinate System, South Central Zone (NAD83)):

COMMENCING at a Texas Department of Transportation (TxDOT) monument in concrete found at the most northerly corner of a transition line from the northwest right-of-way (R.O.W.) line of Bellaire Boulevard (one hundred feet wide per Slide Number 858A/B, F.B.C.P.R.) to the southwest R.O.W. line of State Highway 99 (Grand Parkway, width varies per F.B.C.C.F. Number 9029041) at a southeast corner of said Shops at Bella Terra Sec. 1;

THENCE, with said southwest R.O.W. line and the northeast line of said Shops at Bella Terra Sec. 1 the following three courses:

- 140.64 feet along the arc of a curve to the left, having a radius of 3800.00 feet, through a central angle of 02 degrees 07 minutes 14 seconds, with a chord bearing of North 37 degrees 07 minutes 12 seconds West, a distance of 140.63 feet to a TxDOT monument in concrete found at a point of tangency;
- North 38 degrees 10 minutes 49 seconds West, a distance of 305.94 feet to a TxDOT monument in concrete found at an angle point;
- 3. North 33 degrees 24 minutes 01 seconds West, a distance of 218.24 feet to the POINT OF BEGINNING of the herein described tract;

### EXHIBIT A PAGE 2 OF 4 PAGES

THENCE, through and across said Shops at Bella Terra Sections 1 through 4 the following ten (10) courses:

- 1. South 56 degrees 35 minutes 59 seconds West, a distance of 15.00 feet to an angle point;
- 2. North 33 degrees 24 minutes 01 seconds West, a distance of 223.43 feet to an angle point;
- 3. North 38 degrees 10 minutes 49 seconds West, a distance of 107.53 feet to an angle point;
- 4. North 43 degrees 24 minutes 53 seconds West, a distance of 131.49 feet to an angle point;
- 5. North 38 degrees 10 minutes 49 seconds West, a distance of 217.99 feet to an angle point;
- North 33 degrees 16 minutes 49 seconds West, a distance of 140.55 feet to an angle point;
- 160.35 feet along the arc of a curve to the left, having a radius of 4839.12 feet, through a central angle of 01 degrees 53 minutes 55 seconds, with a chord bearing of North 38 degrees 41 minutes 22 seconds West, a distance of 160.35 feet to an angle point;
- 8. North 40 degrees 25 minutes 33 seconds West, a distance of 665.84 feet to a point for the beginning of a curve to the right;
- 100.58 feet along the arc of aforesaid curve to the right, having a radius of 2459.66 feet, through a central angle of 02 degrees 20 minutes 34 seconds, with a chord bearing of North 39 degrees 15 minutes 16 seconds West, a distance of 100.57 feet to an angle point;
- 10. North 40 degrees 55 minutes 12 seconds West, a distance of 29.39 feet to an angle point on a transition line from the south R.O.W. line of Bella Terra Parkway (eighty feet wide per Plat Number 20080052 of the F.B.C.P.R.) to the southwest R.O.W. line of said Grand Parkway;

Thence, with said transition line, South 81 degrees 28 minutes 40 seconds East, a distance of 13.09 feet to a 5/8-inch capped iron rod found at an angle point on said southwest R.O.W. line;

THENCE, with said southwest R.O.W. line and the northeast lines of said Shops at Bella Terra Sections 1 through 4 the following seven (7) courses:

### EXHIBIT A PAGE 3 OF 4 PAGES

- 4. 11.79 feet along the arc of aforesaid curve to the left, having a radius of 2491.63 feet, through a central angle of 00 degrees 16 minutes 16 seconds, with a chord bearing of South 38 degrees 02 minutes 43 seconds East, a distance of 11.79 feet to a TxDOT monument in concrete found at an angle point;
- 5. South 45 degrees 42 minutes 07 seconds East, a distance of 381.96 feet to a TxDOT monument in concrete found at an angle point;
- 6. South 38 degrees 10 minutes 49 seconds East, a distance of 995.42 feet to a TxDOT monument in concrete found at an angle point;
- South 33 degrees 24 minutes 01 seconds East, a distance of 381.90 feet to the POINT OF BEGINNING and containing the 1.2199 acres (53,137 square feet) of land.

An Exhibit Map was prepared in conjunction with and accompanies this metes and bounds description.

Michael Hall, R.P.L.S.

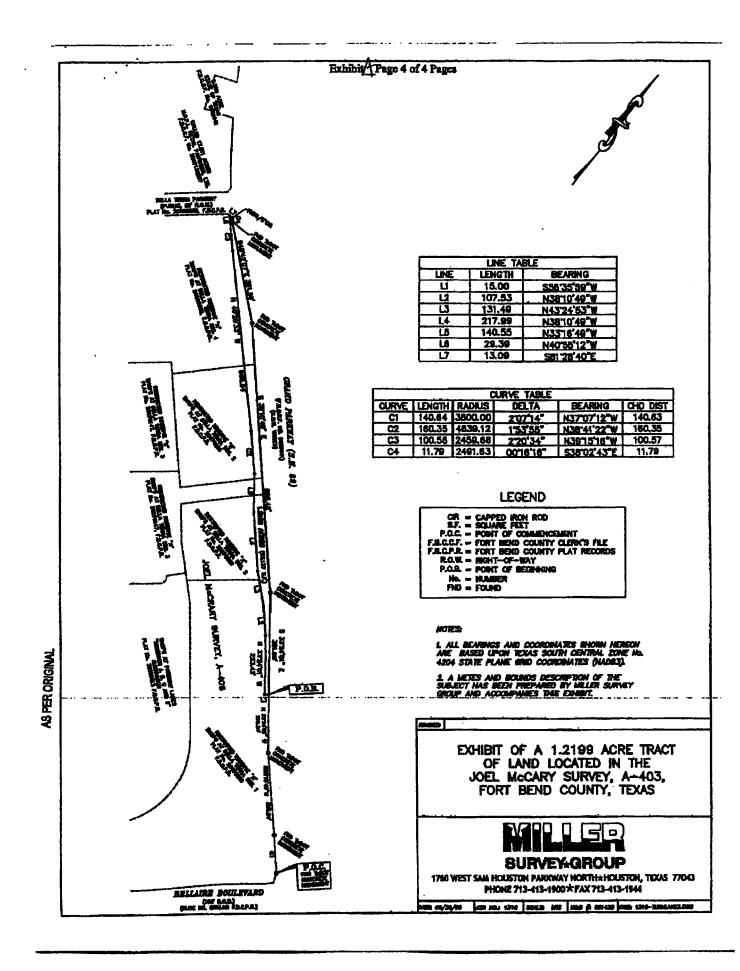
Texas Registration Number 5765

MILLER SURVEY GROUP

PH: (713) 413-1900

JOB: 1316

September 30, 2008



# FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

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CDC \$0.00

Dianne Wilson COUNTY CLERK

FT BEND COUNTY TEXAS



## CORRECTION SPECIAL WARRANTY DEED [Right of Way]

Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all 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.

This Correction Special Warranty Deed [Right of Way] is made as a correction deed in substitution of the deed titled "Special Warranty Deed" dated October 22, 2008 and recorded March 3, 2009 under County Clerk's File No. 2009020433 of the Official Public Records of Ft. Bend County, Texas to further clarify that the conveyance of the Property is for right of way purposes as further detailed below.

Effective Date: October 22, 2008

Grantor: MRPL RETAIL PARTNERS, LTD., a

Texas limited partnership

Grantor's Mailing Address: 3003 W. Alabama,

Houston, Harris County, Texas 77098

Grantee: FORT BEND COUNTY, a body corporate

and politic under the laws of the State of Texas, acting by and through the Fort Bend

County Commissioner's Court

Grantee's Mailing Address: 301 Jackson Suite 719,

Richmond, Fort Bend County, Texas 77479

Consideration: \$10.00 and other valuable consideration

Property (including any improvements): see **Exhibit A** attached hereto

Reservations from Conveyance: None

Exceptions to Conveyance and Warranty: This conveyance is made by Grantor and accepted by Grantee subject to: any discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments or protrusions or any overlapping of improvements, and all other matters that a current survey or visual inspection of the Property would reveal; all easements, restrictions, conditions, outstanding oil, gas and mineral interests, including royalty interests; all other encumbrances to the extent the same are valid, enforceable and affect the Property; and all laws, rules, and regulations (including zoning ordinances) of applicable governmental authorities having or asserting jurisdiction over the Property.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty for which no lien is retained, either expressed or

implied, grants, gives, and conveys to Grantee the Property for the public use as a public right of way for The Grand Parkway (SH 99) and for public utility purposes with utility providers having the right to obtain utility easements from Grantee pursuant to Grantee's then current requirements, 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. Grantor binds Grantor and Grantor's successors and assigns to warrant and forever defend all and singular the Property to Grantee and Grantee's successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof when the claim is by, through, or under Grantor but not otherwise, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

When the context requires, singular nouns and pronouns include the plural.

All taxes assessed against the Property for the year 2008 have been prorated between the parties.

EXCEPT FOR THE WARRANTY OF TITLE CONTAINED HEREIN, GRANTOR HAS NOT MADE, DOES NOT MAKE, AND HEREBY EXPRESSLY DISCLAIMS ANY EXPRESS OR IMPLIED WARRANTY OR REPRESENTATION OF ANY KIND WHATSOEVER WITH RESPECT TO THE PROPERTY OR THE IMPROVEMENTS THEREON, INCLUDING BUT NOT LIMITED TO: THE MERCHANTABILITY OF THE PROPERTY OR IMPROVEMENTS OR THEIR FITNESS FOR ANY PARTICULAR PURPOSE; THE DESIGN OR CONDITION OF THE IMPROVEMENTS; THE QUALITY OR THE WORKMANSHIP **IMPROVEMENTS:** THE CAPACITY IMPROVEMENTS OR THE COMPLIANCE BY THE PROPERTY OR IMPROVEMENTS WITH THE REQUIREMENTS OF ANY LAW, RULE, REGULATION OR AGREEMENT PERTAINING THERETO. BY ACCEPTANCE OF THIS DEED, GRANTEE HAS ACCEPTED THE PROPERTY AND IMPROVEMENTS IN THEIR "AS IS, WHERE IS" CONDITION AND "WITH ALL FAULTS".

Grantee's acceptance of this Correction Special Warranty Deed shall be approved by Fort Bend County Commissioner's Court and evidenced by the recording of this instrument in the Official Public Records of Fort Bend County, Texas.

#### **GRANTOR:**

MRPL Retail Partners, Ltd., a Texas limited partnership

By: MRPL Retail GP, LLC

a Texas limited liability company

Its: General Partner

Dan M. Moody, III, Manager

THE STATE OF TEXAS §
COUNTY OF HARRIS §

This instrument was acknowledged before me, this \dday of January, 2010, by Dan M. Moody, III, Manager of MRPL Retail GP, LLC, a Texas limited liability company, as general partner of MRPL Retail Partners, Ltd., a Texas limited partnership, on behalf of said limited partnership.

STREET TEAS.

lotary Public for the State of Texas

### EXHIBIT A PAGE 1 OF 3 PAGES

County:

Fort Bend

Project:

Shops @ Parkway Lakes

M.S.G. No: 081221 Job Number: 1316

#### FIELD NOTES FOR A 0.2472 ACRE TRACT

Being a tract of land containing 0.2472 acre (10,769 square feet) located in the Joel McCrary Survey, A-403, in Fort Bend County, Texas: said 0.2472 acre tract being out of Restricted Reserve "A" of Shops at Bella Terra Sec. 1, a subdivision recorded under Plat Number 20070225 of the Fort Bend County Plat Records (F.B.C.P.R.); said 0.2472 acre tract being more particularly described by metes and bounds as follows (all bearings are based on the Texas State Plane Coordinate System, South Central Zone (NAD83)):

BEGINNING, at a Texas Department of Transportation (TxDOT) monument in concrete found at the most northerly corner of a transition line from the northwest right-of-way (R.O.W.) line of Bellaire Boulevard (one hundred feet wide per Slide No. 858A/B, F.B.C.P.R.) to the southwest R.O.W. line of State Highway 99 (Grand Parkway, width varies per F.B.C.C.F. No. 9029041) at a southeast corner of said Shops at Bella Terra Sec. 1;

THENCE, with said transition line and lines common to said Shops at Bella Terra Sec. 1 the following two (2) courses:

- South 17 degrees 39 minutes 56 seconds East, a distance of 37.53 feet to a
   TxDOT monument in concrete found at an angle point;
- South 49 degrees 43 minutes 09 seconds West, a distance of 31.15 feet to a capped 5/8-inch iron rod found on the north R.O.W. line of said Bellaire Boulevard:

THENCE, through and across said Restricted Reserve "A" of the subdivision plat of Shops at Bella Terra Sec. 1 the following five (5) courses:

- North 02 degrees 03 minutes 37 seconds East, a distance of 45.21 feet to an angle point;
- 142.42 feet along the arc of a curve to the left, having a radius of 3785.00 feet, through a central angle of 02 degrees 09 minutes 21 seconds, with a chord bearing of North 37 degrees 06 minutes 08 seconds West, a distance of 142.41 feet to a point of tangency;
- 3. North 38 degrees 10 minutes 49 seconds West, a distance of 306.56 feet to an angle point of the herein described tract;

### EXHIBIT A PAGE 2 OF 3 PAGES

- 4. North 33 degrees 24 minutes 01 seconds West, a distance of 218.87 feet to an angle point;
- North 56 degrees 35 minutes 59 seconds Bast, a distance of 15.00 feet to an angle
  point on the southeast line of said Restricted Reserve "A" and the southwest
  R.O.W. line of said State Highway 99;

THENCE, with said southwest R.O.W. line and the northeast line of said Restricted Reserve "A" the following three (3) courses:

- South 33 degrees 24 minutes 01 seconds East, a distance of 218.24 feet to a
   TxDOT monument in concrete found for an angle point;
- 2. South 38 degrees 10 minutes 49 seconds East, a distance of 305.94 feet to a TxDOT monument in concrete found for the beginning of a curve to the right;
- 3. 140.64 feet along the arc of said curve to the right, having a radius of 3800.00 feet, through a central angle of 02 degrees 07 minutes 14 seconds, with a chord bearing of South 37 degrees 07 minutes 12 seconds East, a distance of 140.63 feet to the POINT OF BEGINNING and containing the 0.2472 acres (10,769 square feet) of land.

An Exhibit Map was prepared in conjunction with and accompanies this metes and bounds description.

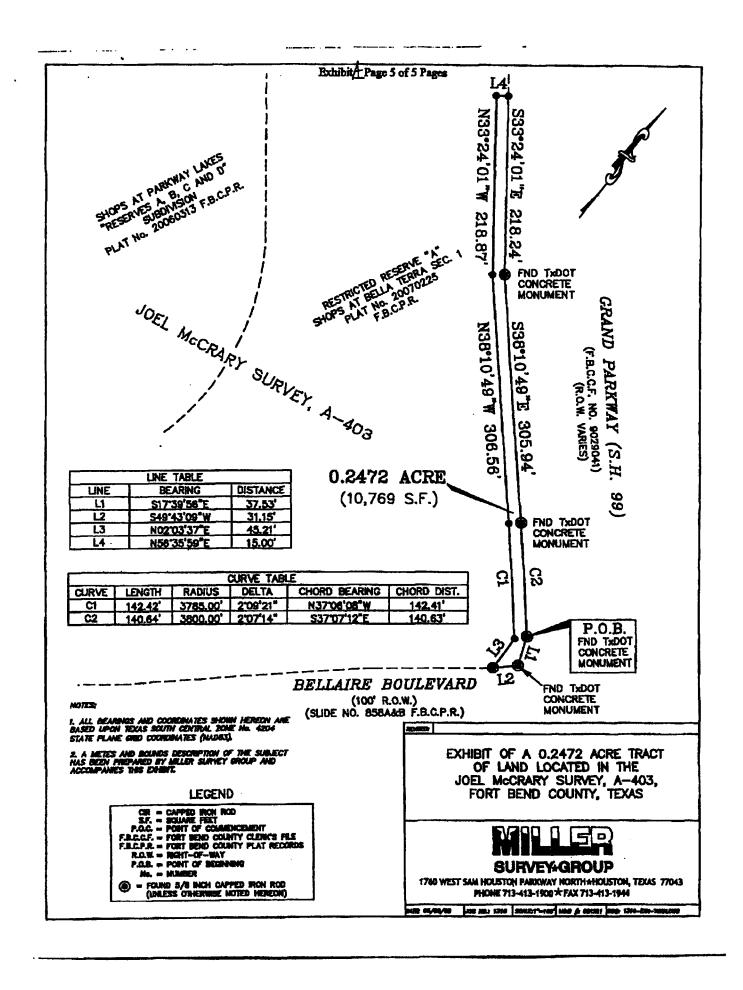
Michael Hall, R.P.L.S.

Texas Registration Number 5765

MICHAEL HALL 5765 FRANCES

MILLER SURVEY GROUP PH: (713) 413-1900

JOB: 1316 May 9, 2008



## FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Aline Milson 2010 Jan 14 01:35 PM

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Dianne Wilson COUNTY CLERK FT BEND COUNTY TEXAS