

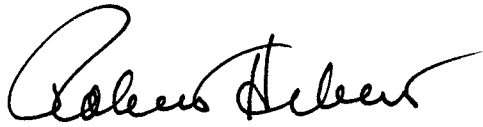


This Consent may be executed in multiple counterparts, each of which shall be deemed an original, and all of which taken together shall constitute one instrument.

*[Signature pages follow this page]*

This Consent is executed effective as of September 13, 2011.

FORT BEND COUNTY, TEXAS

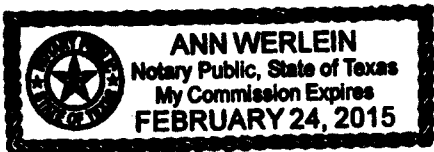
By: 

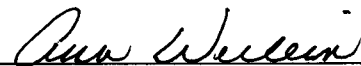
Name: Robert Hebert

Title: County Judge

THE STATE OF TEXAS       §  
  §  
COUNTY OF FORT BEND   §

This instrument was acknowledged before me on this 13 day of September, 2011, by Robert Hebert, County Judge of FORT BEND COUNTY, TEXAS, a political subdivision of the State of Texas, on behalf of said political subdivision.



  
Notary Public, State of Texas

(NOTARY SEAL)

Accepted and agreed to by the Authority effective as of September 12, 2011.

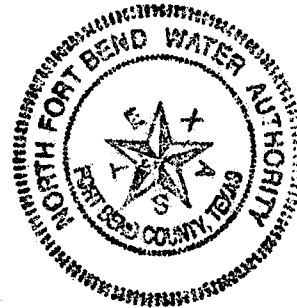
**NORTH FORT BEND WATER AUTHORITY**

By: *Peter C. Houghton*  
Peter C. Houghton  
President, Board of Directors

ATTEST:

By: *Melony Gay David Spell*  
~~Melony Gay David Spell~~  
Secretary, Board of Directors  
Assistant Secretary

(SEAL)



THE STATE OF TEXAS §  
§  
COUNTY OF HARRIS §

This instrument was acknowledged before me on this 12<sup>th</sup> day of September, 2011, by Peter C. Houghton, as President, and ~~Melony Gay~~, as David Spell, as ~~Secretary~~, of the Board of Directors of the NORTH FORT BEND WATER AUTHORITY, a political subdivision of the State of Texas, on behalf of said political subdivision. Assistant Secretary



*Justine Marie Cherne*  
Notary Public, State of Texas

(NOTARY SEAL)

**Attachments:**

Exhibit A -Description of the Water Line Parcel  
Consent of Holder of Repurchase Right

**AFTER RECORDING, PLEASE RETURN TO:** North Fort Bend Water Authority, c/o Yvonne Onak, Allen Boone Humphries Robinson LLP, 3200 Southwest Freeway, Suite 2600, Houston, Texas 77027

AS PER ORIGINAL

Segment: 12B

Property Description For Parcel 12B.01  
30 Foot Wide Permanent Easement

Being a 0.0629 of one acre (2,738 square feet) parcel of land located in the Brooks and Burluson Survey, Abstract No. 144, Fort Bend County, Texas and being out of and a part of that tract described as 3.149 acres in a conveyance to the County of Fort Bend recorded under Fort Bend County Clerk's File (F.B.C.C.F.) No. 2009092081, and dated August 25, 2009, said 0.0629 of one acre parcel also being more particularly described by metes and bounds as follows:

**COMMENCING** at a 5/8-inch iron rod w/cap "Survcon" found lying in the existing North right-of-way line of F.M. 1093 (100 foot width) recorded under Volume 285, Page 292 of the Fort Bend County Deed Records (F.B.C.D.R.) and dated November 25, 1950, marking the Southeast corner of a tract described as 1.764 acres in a conveyance to Norman A. Binz Trust recorded under F.B.C.C.F. No. 2003159920, same being the Southwest corner of said 3.149 acre tract, thence as follows:

North 83° 00' 55" East, 50.68 feet along and with the existing North right-of-way line of said F.M. 1093 to the Southwest corner and **POINT OF BEGINNING** of the herein described parcel and having surface coordinates of X=2,977,463.00 Y=13,816,376.96;

1. **THENCE**, North 16° 23' 33" West, 91.28 feet over and across said 3.149 acre tract, 50.00 feet East of and parallel to the East line of said 1.764 acre tract to a point for the Northwest corner of the herein described parcel and lying in the South line of a tract described as 59.3354 acres in a conveyance to Terrabrook Cinco Ranch Southwest, L.P. recorded under F.B.C.C.F. No. 2002071043 and dated July 1, 2002, same being the North line of said 3.149 acre tract;
2. **THENCE**, North 83° 00' 55" East, 30.41 feet along and with the South line of said 59.3354 acre tract and the North line of said 3.149 acre tract to a point for the Northeast corner of the herein described parcel;
3. **THENCE**, South 16° 23' 33" East, 91.28 feet over and across said 3.149 acre tract, 80.00 feet East of and parallel to the East line of said 1.764 acre tract to a point in the existing North right-of-way line of said F.M. 1093 for the Southeast corner of the herein described parcel, being located South 83° 00' 55" West, 72.98 feet from a 5/8-inch iron rod found marking the Southeast corner of a 22 foot wide easement described in a conveyance to Houston Lighting & Power Company recorded under Volume 409, Page 499 F.B.C.D.R.;

February 05, 2010

Parcel 12B.01

Page 2 of 3


4. **THENCE**, South 83° 00' 55" West, 30.41 feet along and with the existing North right-of-way line of said F.M. 1093 to the **POINT OF BEGINNING** and containing 0.0629 of one acre (2,738 square feet) of land.

All bearings are grid and are based on the Texas State Plane Coordinate System, South Central Zone, (NAD '83). All coordinates and distances are surface and may be converted to grid by dividing by a scale factor of 1.00013.

NOTES:

A parcel plat of even date has been prepared in conjunction with this property description.



  
Jim Sullivan RPLS No. 6036  
Brown & Gay Engineers, Inc.  
10777 Westheimer Road, Suite 400  
Houston, Texas 77042  
Telephone: (281) 558-8700



**CONSENT OF HOLDER OF REPURCHASE RIGHT  
(Terrabrook Cinco Ranch Southwest, L.P.)**

- A. Pursuant to Special Warranty Deed (the "Deed") dated effective as of August 25, 2009, TERRABROOK CINCO RANCH SOUTHWEST, L.P., a Delaware limited partnership ("Terrabrook"), conveyed to the COUNTY OF FORT BEND, TEXAS (the "County") certain real property located in Fort Bend County, Texas, and more particularly described in the Deed (the "Public Right of Way").
- B. The Deed provides, in part, that, in the event the County has not, on or before the 10<sup>th</sup> anniversary of the date of the Deed (as such date may be extended pursuant to the Deed), commenced construction of the Right of Way (as defined in the Deed), Terrabrook shall have the right to require the County to reconvey the Public Right of Way, or a portion of the Public Right of Way selected by Terrabrook, to Terrabrook or Terrabrook's designee (the "Repurchase Option"). The Deed prescribes that upon exercise of the Repurchase Option the Public Right of Way shall be reconveyed in the physical condition existing on the date of the Deed (or its then present physical condition), at Terrabrook's option.
- C. The NORTH FORT BEND WATER AUTHORITY, a political subdivision of the State of Texas (the "Authority") intends to use a portion of the Public Right of Way ("Parcel 12B.01") as described in the Consent to Use of Public Right of Way (the "County's Consent") to which this Consent of Holder of Repurchase Option is attached for the Authority's Facilities as defined and set forth in the County's Consent.

Now, therefore, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Terrabrook hereby:

1. Consents to the use by the Authority of Parcel 12B.01 for the uses set forth in the County's Consent; and
2. Acknowledges and agrees that if Terrabrook exercises the Repurchase Option, Terrabrook will not require the Authority to remove any of its Facilities from Parcel 12B.01.

Executed and effective as of the 31 day of August, 2011.

**TERRABROOK CINCO RANCH  
SOUTHWEST, L.P., a Delaware limited  
partnership**

By: Terrabrook Cinco Ranch  
Southwest GP, LLC, a Delaware  
limited liability company, its  
General Partner

By: *Alan F. Bauer*

Name: **Alan F. Bauer**

Title: **Vice President**

STATE OF TEXAS                   §  
  §  
COUNTY OF FORT BEND       §

This instrument was acknowledged before me on the 31 day of August, 2011,  
by **Alan F. Bauer**, **Vice President** of Terrabrook  
Cinco Ranch Southwest GP, LLC, a Delaware limited liability company, General Partner  
of TERRABROOK CINCO RANCH SOUTHWEST, L.P., a Delaware limited  
partnership, on behalf of said limited liability company and said limited partnership.

(NOTARY SEAL)



*Kathleen J. Hawn*  
Notary Public, State of Texas

Kathleen J. Hawn  
Printed Name of Notary Public

My commission expires:  
6-9-2014

**FILED AND RECORDED**

OFFICIAL PUBLIC RECORDS

*Dianne Wilson*

2011 Sep 26 10:48 AM

DA \$0.00

Dianne Wilson COUNTY CLERK  
FT BEND COUNTY TEXAS

2011094831