

144



13D

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
(6.1433 Acres-Tract 1)**

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

THAT, **MERITAGE HOMES OF TEXAS, LLC**, an Arizona limited liability company, by and through its authorized agent David Jordan, Division Vice President-Land Acquisition and Development, Houston Division, hereinafter called "Grantor", for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00), the receipt and sufficiency of which is hereby acknowledged has **DONATED** and does hereby **GRANT, GIVE, AND CONVEY** unto **FORT BEND COUNTY, TEXAS**, a political subdivision of the State of Texas ("Grantee"), all of that certain tract or parcel of land in Fort Bend County, Texas, more particularly described in **Exhibit A** attached hereto, incorporated herein and made a part hereof for all purposes (the "Property").

For the same consideration stated above, Grantor does hereby grant and convey to Grantee all right, title, and interest, if any, of Grantor in any strips and gores between the Property and abutting properties, whether owned or claimed by deed, limitations or otherwise, and any land owned or claimed by Grantor that is adjacent to, contiguous to, or a part of the Property described herein, whether those lands are owned or claimed by deed, limitations, or otherwise, and whether or not they are located inside or outside the description given herein, or whether or not they are held under fence by Grantor; together with all of Grantor's right, title and interest, if any, to any land situated in an adjacent easement, street or other right-of-way or lying under the bed of any creek, stream or waterway, and all other rights, privileges and appurtenances owned by Grantor and in any way related to the Property, including, without limitation, all right, title an interest of Grantor in and to any sewage treatment capacity and water capacity allocated or available to serve the Property (the forgoing rights and matters in this paragraph being referred to herein as the "Additional Interests"); provided, however, that the conveyance of the Additional Interests by Grantor is made without warranty of title of any nature whatsoever and Grantor hereby expressly excludes and disclaims any warranty of title as to the Additional Interests.

This conveyance is made by Grantor and accepted by Grantee subject to any and all easements, conditions, restrictions, covenants, mineral or royalty interests, mineral reservations, surface waivers, liens, encumbrances, regulations or orders of municipal and/or other governmental authorities appearing of record in the Official Public Records of Fort Bend County, Texas, to the extent such matters are validly existing and affect the Property (collectively, the "Permitted Encumbrances").

It is hereby understood and by the acceptance of this instrument it is recognized that Grantor retains title to all of the oil, gas and sulphur and other mineral interests in and under the Property, but waive any and all rights of ingress and egress to the surface thereof for the purpose

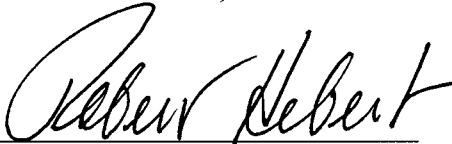
of exploring, developing, mining or drilling for same; provided, however, that operations for exploration or recovery of any such minerals shall be permissible so long as all surface operations in connection therewith are located at a point outside of the Property as described in Exhibit "A," and upon the condition that none of such operations shall be conducted so near the surface of the Property as to interfere with the intended use thereof or in any way interfere with, jeopardize, or endanger the facilities of Fort Bend County, Texas or create a hazard to the public users thereof; it being intended, however, that nothing herein shall affect the rights of Fort Bend County to take and use without additional compensation any water, stone, earth, gravel, caliche, iron ore gravel or any other road building materials upon, in and under said land for the construction and maintenance of the public and county or State Highway System of Texas.

TO HAVE AND TO HOLD the Property, together with, all and singular, the rights and appurtenances thereto in anywise belonging, unto Grantee, its successors and/or assigns forever; and Grantor does hereby bind itself, its successors and/or assigns, to **WARRANT AND FOREVER DEFEND**, all and singular, the Property unto Grantee, its successors and/or assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof by, through, or under Grantor, but not otherwise, subject only to the Permitted Encumbrances.

[Signature pages follow this page.]

AGREED AND ACCEPTED on this the 26 day of June, 2012.

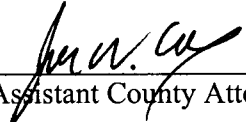
FORT BEND COUNTY, TEXAS

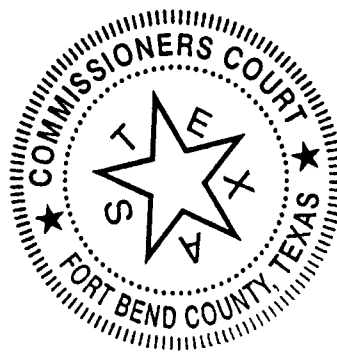
By: 
Robert E. Hebert, County Judge

ATTEST:


County Clerk, Fort Bend County, Texas

APPROVED AS TO FORM:



Assistant County Attorney



THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

This instrument was acknowledged before me on the 26 day of June, 2012 by Robert E. Hebert, County Judge of Fort Bend County, Texas.

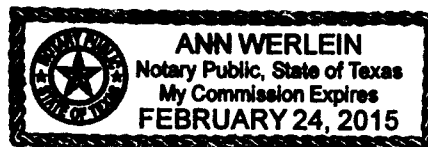
(SEAL)


Notary Public in and for the State of Texas

Attachment:
Exhibit A – Legal Description of the Property

AFTER RECORDING RETURN TO:

Fort Bend County Attorney's Office
301 Jackson Street, Suite 728
Richmond, Texas 77469
Attention: Joe W. Cox



Description of
Tract No. 1 – Greenbusch Ltd.
Gaston and Greenbusch Right of Way
6.1433 Acres

Description of a 6.1433 acre (267,604 square foot) out of a 133.444 acres of land recorded in Fort Bend County Clerk's File No. 2004153394 being that portion of a call 163.884 acre tract of land (Volume 563, Page 118; Deed Records of Fort Bend County, Texas) which appears to be located outside of the Willow Fork of Buffalo Bayou Floodway as depicted on the Federal Emergency Management Agency Flood Insurance Rate Map Numbers 48157C00858 J and 48157C0100 J for Fort Bend County, Texas and Incorporated areas dated January 3, 1997 being in the Stephen Hobemaker Survey, Abstract No. 189, Fort Bend County, Texas. Base Bearing the Northeast line of Cinco Ranch West, Section 25 (Slide Nos. 2539B and 2540A; Plat Records) and of Cinco Ranch West, Section 26 (File No. 2004114080) North 46° 41' 32" West – Note on Plat: "All bearings are referenced to the Texas Coordinate System, South Central Zone (NAD 27)".

Beginning at a found 5/8" iron rod and a point for the South corner of said called 163.884 Acre Tract, said corner being in the intersection of the centerline of Gaston Road (called 60 feet wide as occupied) with the centerline of Greenbusch Road (called 60 feet wide as occupied) and the northeast corner of a called 131.2601 acre Tract as recorded in FBCCD Volume 1204, Page 495 and being the South corner of the said 133.444 acre tract and herein described tract;

THENCE North 47° 05' 44" West, a distance of 335.27 feet along the Southwesterly line of said called 163.884 Acre Tract and 133.444 Acre Tract being along the centerline of said Gaston Road to a point for corner of the herein described tract;

THENCE North 47° 04' 19" West, a distance of 1861.39 feet along the Southwesterly line of said called 163.884 Acre Tract and 133.444 Acre Tract being along the centerline of said Gaston Road to a set PK nail in the asphalt paving for a point for the West corner of the said 163.884 Acre Tract and 133.444 Acre Tract and the herein described tract;

THENCE North 42° 42' 42" East, a distance of 50.01 feet along the Northwesterly line of said called 163.884 Acre Tract and the 133.344 Acre Tract to a 5/8" capped iron rod stamped "JNS Engineers RPLS 4417" and a point for the North corner of the herein described tract;

THENCE South 47° 11' 52" East, a distance of 2,074.33 feet to a found capped 5/8 inch iron rod stamped "Kalkomey" found marking the proposed southwesterly end of return and point for corner of herein described tract;

THENCE South 60° 22' 07" East, a distance of 8.66 feet to a set capped 5/8 inch iron rod stamped "JNS Engineers RPL 4417" found marking a point for corner of herein described tract;

THENCE South 70° 20' 59" East, a distance of 68.88 feet to a capped 5/8 inch iron rod stamped "JNS Engineers RPLS 4417" set marking a point for corner of herein described tract;

THENCE North 42° 51' 10" East, a distance of 2,810.97 feet to a capped 5/8 inch iron rod stamped "JNS Engineers #4417" set marking a point for corner of herein described tract;

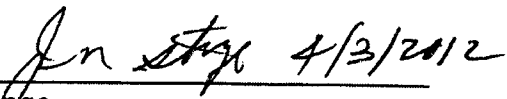
THENCE South 62° 34' 59" East passing a found 5/8 inch iron rod stamped "Kalkomey" at a distance of 20.75 feet continuing for a total distance of 67.67 feet to a set PK Nail set marking a point for corner of herein described tract and being on the existing Greenbusch Road right of way centerline (60 foot wide as occupied);

THENCE South 42° 56' 55" West along said center line of Greenbusch Road right of way to a found PK Nail in asphalt at 1833.44 feet continuing for a total distance of 2910.03 feet marking the POINT OF BEGINNING of the herein described tract and containing 6.1433 Acres (267,604 square feet);

This description is prepared in conjunction with a survey map (sheets 1 of 8 thru 8 of 8) prepared by JNS Engineers, LLC dated April 2, 2012.

Dated: April 2, 2012

Job No.: 262-04
JNS Engineers, LLC
722 Pin Oak Road, Suite 202A
Katy, Texas 77494
281-391-3366



Jon N. Strange
Registered Professional Land Surveyor No. 4417

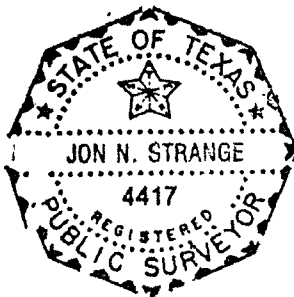
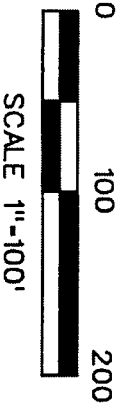
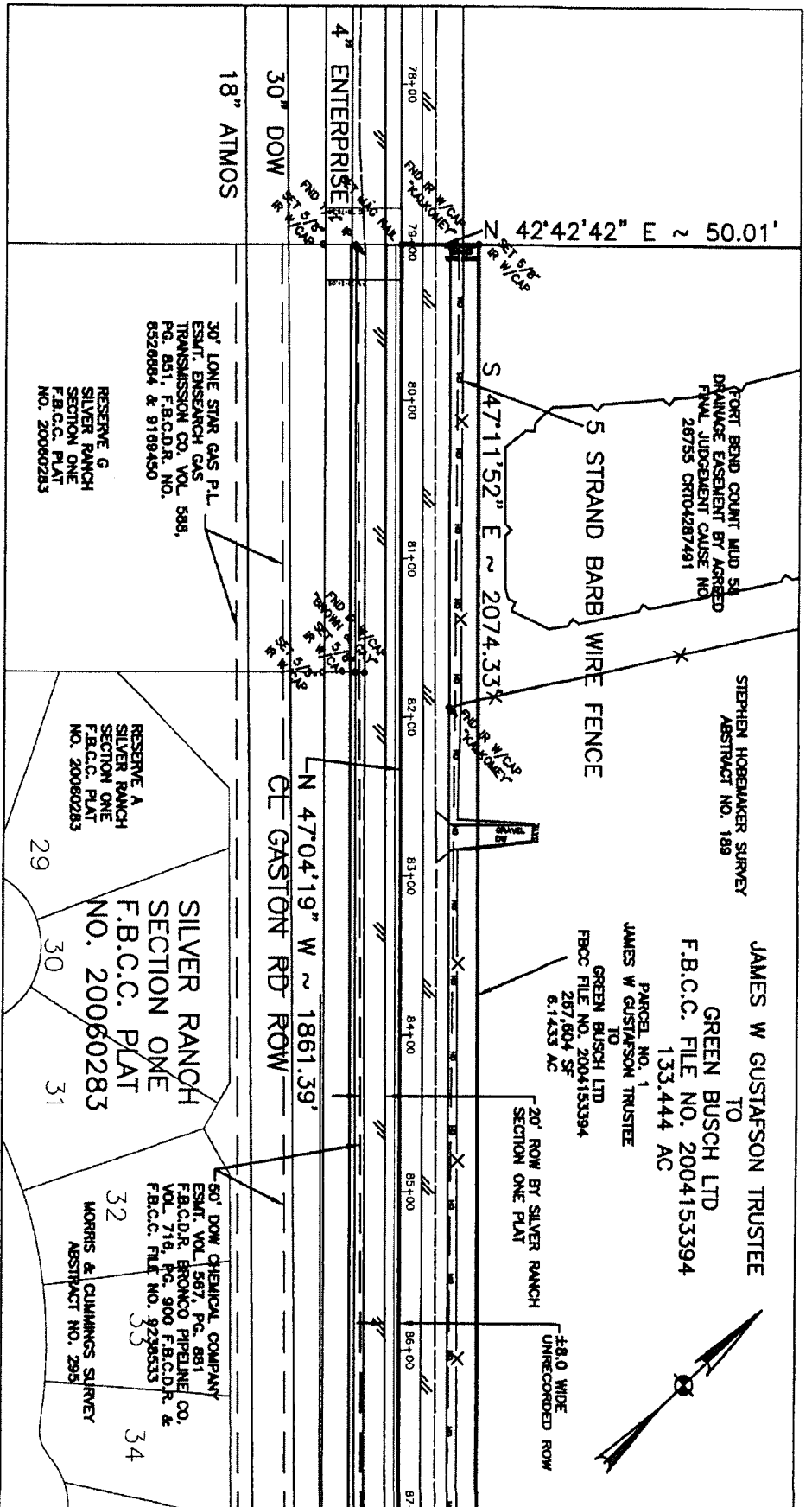


Exhibit A



- NOTE:
1. SEE SHEET 8 OF 8 FOR NOTES, ACREAGE SUMMARY AND P.L.S CERTIFICATION.
 2. PARCEL NO. 4A HAS A BOUNDARY DISCREPANCY ALONG THE SOUTHWEST LINE OF THE 36.525 AC TRACT ON GASTON RD FRONTAGE. A GAP EXISTS BETWEEN THE 131.2601 AC KISD SITE AND THE 36.525 AC KING PROPERTY (PARCEL NO. 4A) AND AN OVERLAP OF ENCROACHMENT EXISTS BETWEEN THE TWO TRACTS.
 3. FRONTAGE OF SILVER RANCH SECTION ONE HAS AN APPROXIMATE 10' STRIP OF OCCUPIED UNRECORDED ROW.
 4. FRONTAGE OF GREENBUSCH ESTATES AND WOODLAKE ESTATES HAS A OCCUPIED UNRECORDED ROW ALONG THE FRONTAGE OF GREENBUSCH RD. WOODLAKE ESTATES AND GREENBUSCH ESTATES PLAT DEDICATED AN ADDITIONAL 20' OF ROW OUTSIDE OF THE OCCUPIED UNRECORDED ROW.

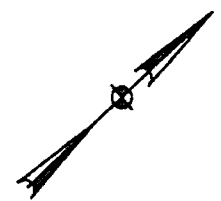
• NOT FOUND
 • INDICATES SETBACKS, "AS ENGINEERS" CAP OR AS NOTED
 • INDICATES FOUND MOMENT AS NOTED

PARCEL PLAT
 SHOWING PROPERTY OF
 PARCEL 1
 SHEET 1 OF 8
 GASTON ROAD
 FT. BEND COUNTY, TEXAS
 J.N.S. ENGINEERS, LLC
 APRIL, 2012
 SCALE 1"=100'

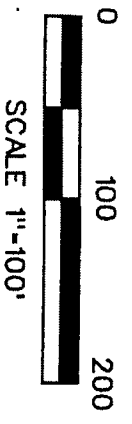
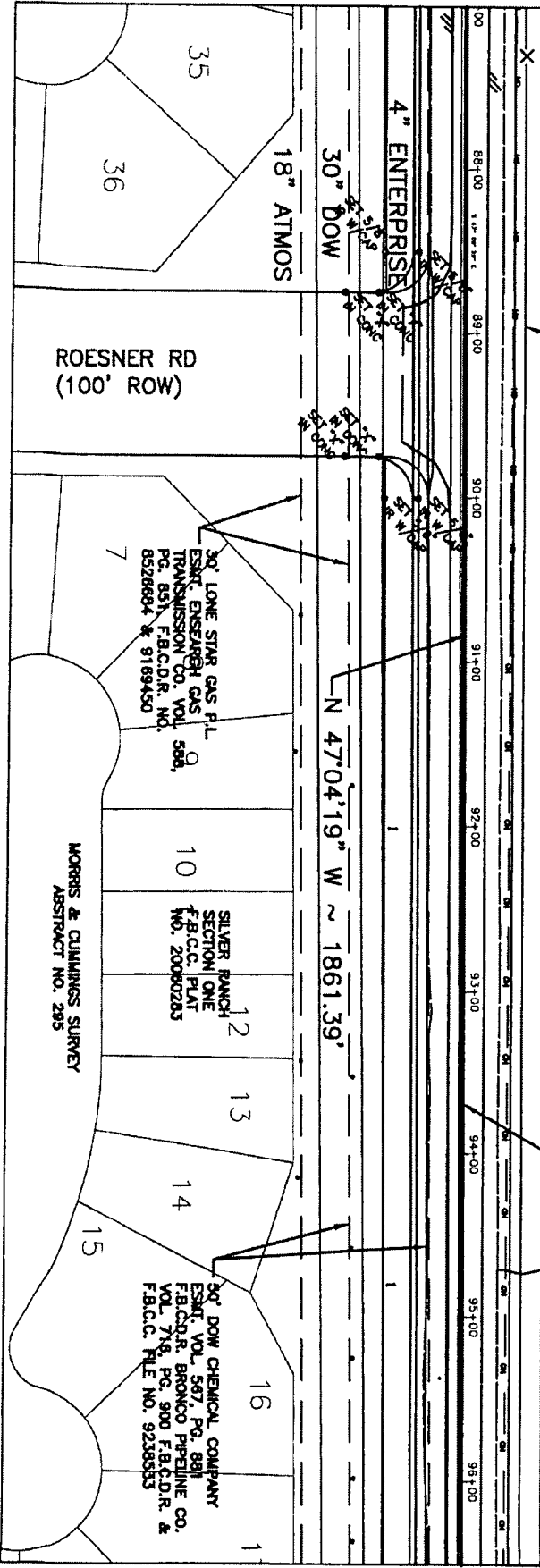
STEPHEN HOBEMAKER SURVEY
ABSTRACT NO. 189

JAMES W GUSTAFSSON TRUSTEE
TO
GREEN BUSCH LTD
F.B.C.C. FILE NO. 2004153394
133,444 AC

PARCEL NO. 1
TO
JAMES W GUSTAFSSON TRUSTEE
GREEN BUSCH LTD
FBOC FILE NO. 2004153394
287,604 SF
6.1433 AC



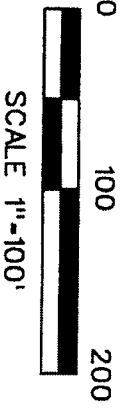
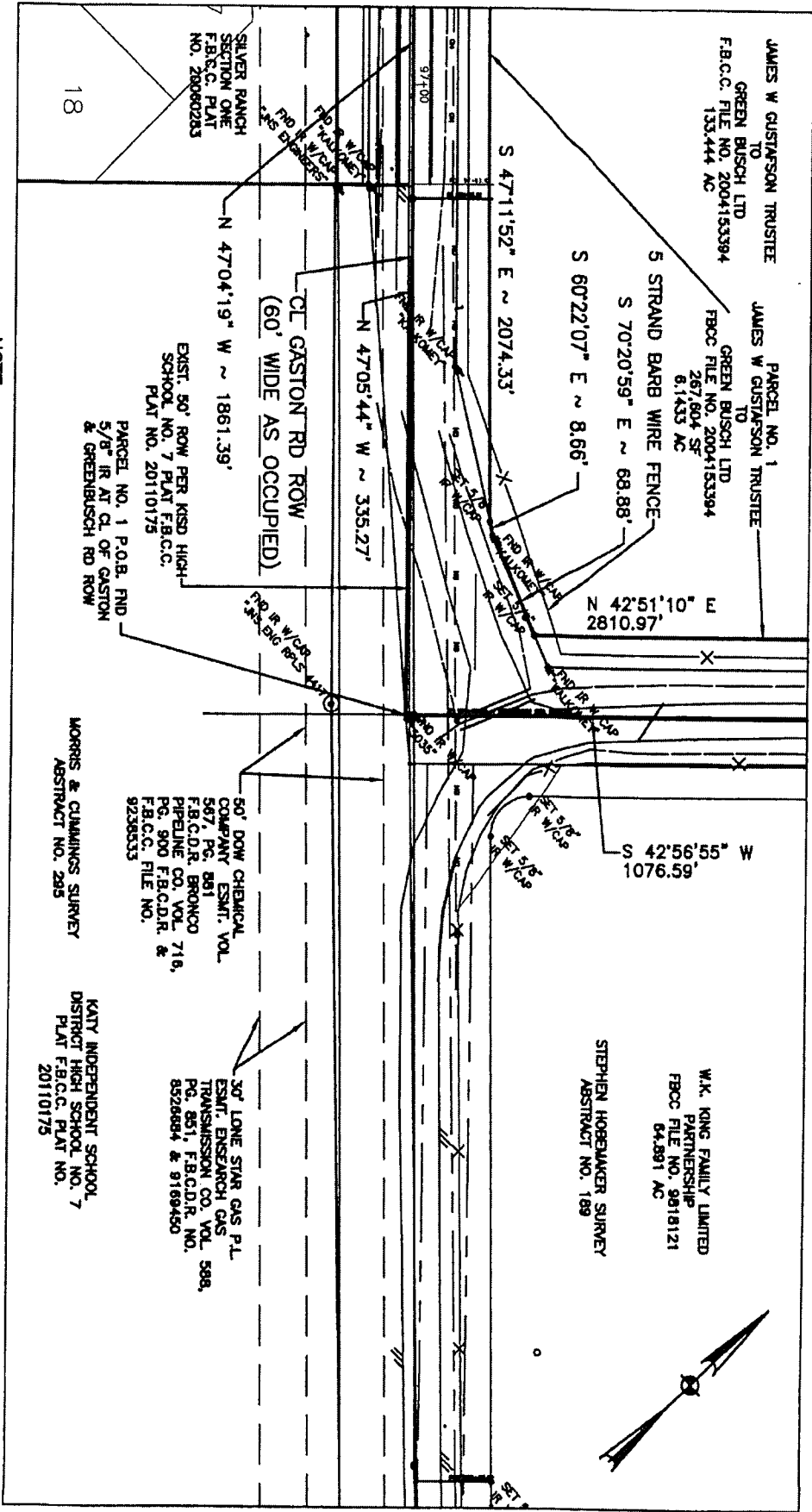
5 STRAND BARB WIRE FENCE
S 47°11'52" E ~ 2074.33'
CL GASTON RD ROW
(60' WIDE AS OCCUPIED)



- NOTE:
1. SEE SHEET 8 OF 8 FOR NOTES, ACREAGE SUMMARY AND RPLS CERTIFICATION.
 2. PARCEL NO. 4A HAS A BOUNDARY DISCREPANCY ALONG THE SOUTHWEST LINE OF THE 36.525 AC TRACT ON GASTON RD FRONTAGE. A GAP EXISTS BETWEEN THE 131.2601 AC KISD SITE AND THE 36.525 AC KING PROPERTY (PARCEL NO. 4A) AND AN OVERLAP OF ENCROACHMENT EXISTS BETWEEN THE TWO TRACTS.
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● NOT FOUND
■ INDICATES SETBACK, "JMS ENGINEERS" CAP OR AS NOTED
○ INDICATES FOUND MONUMENT AS NOTED

PARCEL PLAT
SHOWING PROPERTY OF
PARCEL 1
SHEET 2 OF 8
GASTON ROAD
FT. BEND COUNTY, TEXAS
J.N.S. ENGINEERS, LLC
APRIL, 2012
SCALE 1\"/>



- NOTE:
1. SEE SHEET 8 OF 8 FOR NOTES, ACREAGE SUMMARY AND RPLS CERTIFICATION.
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• NOT FOUND
 • INDICATES SETBACKS - WAS ENGINEER'S GAP OR AS NOTED
 • INDICATES FOUND MONUMENT AS NOTED

PARCEL PLAT
 SHOWING PROPERTY OF
 PARCEL 1
 SHEET 3 OF 8
 GASTON ROAD
 FT. BEND COUNTY, TEXAS
 J.N.S. ENGINEERS, LLC
 APRIL, 2012
 SCALE 1"=100'

Exhibit A

STEPHEN HOEBAKER SURVEY
ABSTRACT NO. 189

JAMES W GUSTAFSON TRUSTEE
TO
GREEN BUSCH LTD
F.B.C. FILE NO. 2004153394
133.444 AC

PARCEL NO. 1
TO
GREEN BUSCH LTD
F.B.C. FILE NO. 2004153394
287,804 SF
6.1433 AC

5 STRAND BARB WIRE FENCE

SET PK NAIL FOR NORTH
CORNER OF PARCEL NO. 4B
ON CL OF ROW

N 42°51'10" E ~ 2810.97'

S 42°56'55" W ~ 2910.03'

S 42°56'55" W ~ 1076.59'
CENTERLINE GREENBUSCH RD ROW

W.K. KING FAMILY LIMITED
PARTNERSHIP
FBCC FILE NO. 9818121
64.891 AC

GREENBUSCH ESTATES
F.B.C. PLAT NO. 18578

S 42°56'55" W ~ 1833.44'
CENTERLINE GREENBUSCH RD ROW



SCALE 1"=100'

- NOTE:
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Exhibit A

PARCEL PLAT
SHOWING PROPERTY OF

PARCEL 1
SHEET 5 OF 8

GREENBUSCH ROAD
FT. BEND COUNTY, TEXAS
J.N.S. ENGINEERS, LLC
APRIL 2012
SCALE 1"=100'

* NOT FOUND
* INDICATES SETTING, "JNS ENGINEERS" CAP OR AS NOTED
* INDICATES FOUND MONUMENT AS NOTED

STEPHEN HOBEJAKER SURVEY
ABSTRACT NO. 189

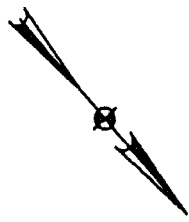
N 42°51'10" E ~ 2810.97'

GRAVEL DRIVEWAY
WITH PIPE GATE

PARCEL NO. 1
TO
JAMES W GUSTAFSON TRUSTEE
GREEN BUSCH LTD
FBOC FILE NO. 2004153394
267.60+ SF
8.1433 AC

JAMES W GUSTAFSON TRUSTEE
TO
GREEN BUSCH LTD
F.B.C.C. FILE NO. 2004153394
133.444 AC

5 STRAND BARB WIRE FENCE



S 42°56'55" W ~ 2910.03'

S 42°56'55" W ~ 1833.44'
CENTERLINE GREENBUSCH RD ROW

GREENBUSCH ESTATES
F.B.C.C. PLAT NO. 1957B

WOODLAKE ESTATES
F.B.C.C. PLAT NO. 1945B, 1946A,
1946B



SCALE 1"=100'

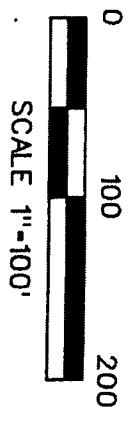
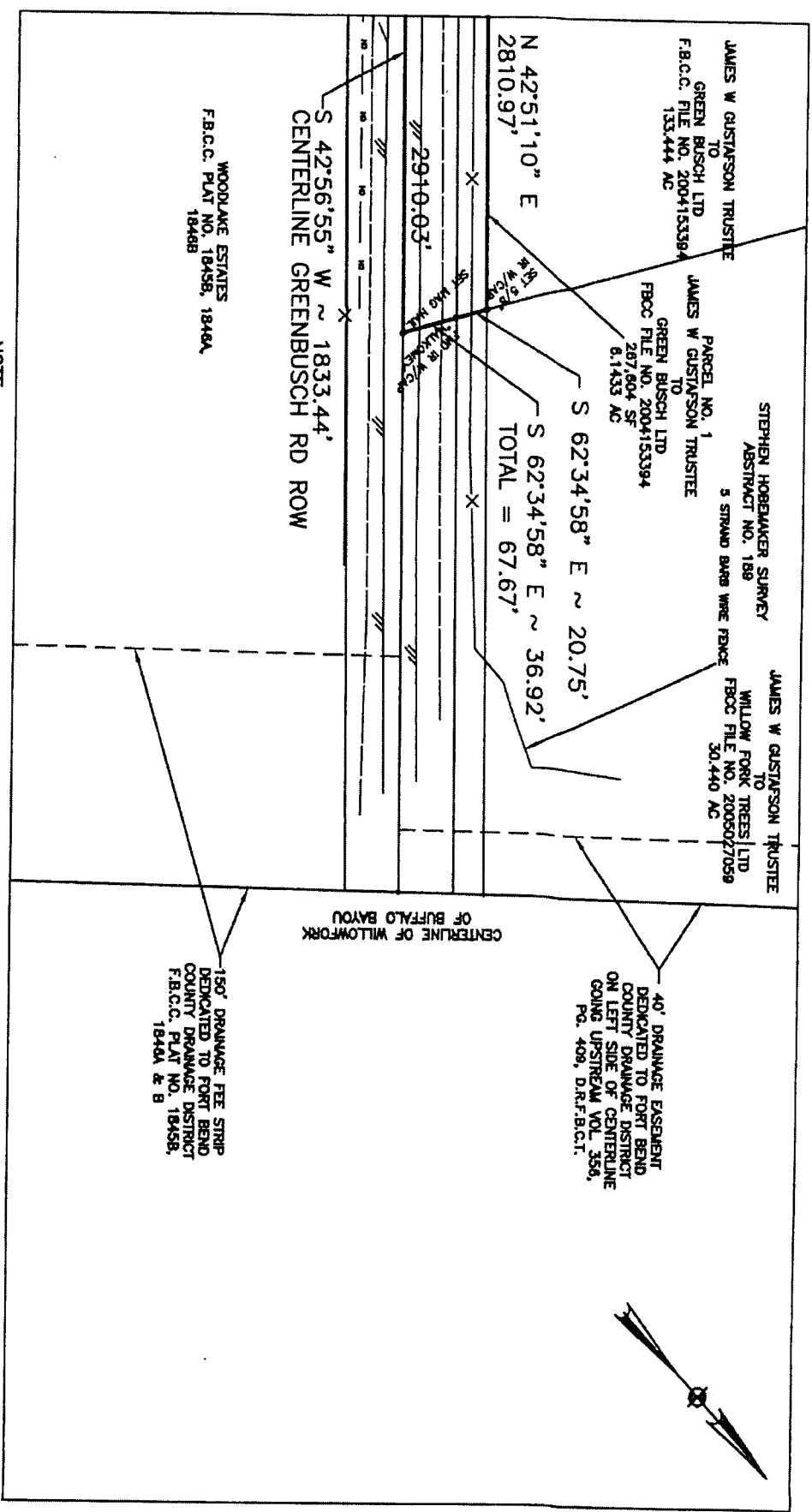
- NOTE:
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* NOT FOUND
* INDICATES SETBACK, *S UN ENGINEERS' GAP OR AS NOTED
o INDICATES FOUND MONUMENT AS NOTED

PARCEL PLAT
SHOWING PROPERTY OF
PARCEL 1
SHEET 6 OF 8
GREENBUSCH ROAD
FT. BEND COUNTY, TEXAS
J.N.S. ENGINEERS, LLC
APRIL 2012
SCALE 1"=100'

Exhibit A

Exhibit A



- NOTE:
1. SEE SHEET 8 OF 8 FOR NOTES, ACREAGE SUMMARY AND RPLS CERTIFICATION.
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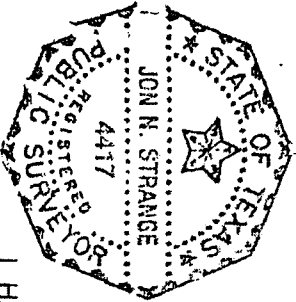
• NOT FOUND
 * INDICATES SETBACKS, "L.R." AND ENGINEERS' CAP OR AS NOTED
 @ INDICATES FOUND MONUMENT AS NOTED

PARCEL PLAT
 SHOWING PROPERTY OF
 PARCEL 1
 SHEET 7 OF 8
 GREENBUSCH ROAD
 FT. BEND COUNTY, TEXAS
 J.N.S. ENGINEERS, LLC
 APRIL, 2012
 SCALE 1"=100'

EXISTING	TAKING	REMAINING
133.444 AC.	6.1433 AC.	267,604 SF
		127,3007 AC.

NOTES

1. F.B.C.C.F.=FORT BEND COUNTY CLERK'S FILE.
2. F.B.C.P.R.=FORT BEND COUNTY PLAT RECORDS.
3. ABSTRACTING PERFORMED JAN. 2012.
4. FIELD SURVEY PERFORMED FEB. 2012.
5. SEE ROW MAPS 1 OF 3, 2 OF 3 & 3 OF 3 FOR GASTON AND GREENBUSCH RD ROW DETAILS FOR GASTON RD FROM FALCON LANDING TO 1100 LF NORTH OF ROESNER RD AND GREENBUSCH RD FROM GASTON RD TO WILLOWFORK BUFFALO BAYOU
6. SEE METES AND BOUNDS DESCRIPTION FOR THIS PARCEL AND OTHER PARCELS DESCRIBING ROW TAKINGS AS REFLECTED ON ROW MAPS DESCRIBED IN ITEM 5 ABOVE.
7. THE BEARINGS HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983 (NAD'83), 1993 ADJUSTMENT
8. PARCEL NO. 4A HAS A BOUNDARY DISCREPANCY ALONG THE SOUTHWEST LINE OF THE 36.525 AC TRACT ON GASTON RD FRONTAGE. A GAP EXISTS BETWEEN THE 131.2601 AC KISD SITE AND THE 36.525 AC KING PROPERTY (PARCEL NO. 4A) AND AN OVERLAP OF ENCROACHMENT EXISTS BETWEEN THE TWO TRACTS.
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I HEREBY CERTIFY THAT THIS PLAT IS BASED ON AN ON THE GROUND SURVEY MADE UNDER MY SUPERVISION AND, TO THE BEST OF MY KNOWLEDGE, IS TRUE AND CORRECT.

Jon Strange
 JON N. STRANGE R.P.L.S.NO.4417

JNS CONSULTING ENGINEERS, L.L.C.
 7222 PIN OAK ROAD, STE 202A
 KATY, TEXAS 77494
 (281) 391-3366



SCALE 1"=100'

• NOT FOUND
 * INDICATES SETBACK, *L.R. *JNS ENGINEERS' CAP OR AS NOTED
 @ INDICATES FOUND MONUMENT AS NOTED

PARCEL PLAT
 SHOWING PROPERTY OF
 PARCEL 1
 SHEET 8 OF 8
 GASTON/GREENBUSCH ROAD
 FT. BEND COUNTY, TEXAS
 J.N.S. ENGINEERS, LLC
 APRIL, 2012
 SCALE 1"=100'

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dianne Wilson

2012 Jun 27 08:16 AM

2012069375

BAK \$0.00

Dianne Wilson COUNTY CLERK

FT BEND COUNTY TEXAS