

84



[18.456 Acres plus 0.580 Acres]

19

GIFT DEED

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

WHEREAS, Sprint Sand and Clay, LLC, a Texas limited liability company ("**Grantor**"), as the owner of those two (2) certain tracts of land which are described on **Exhibit A** attached hereto and made a part hereof for all purposes (the "**Land**"), desires to donate the Land, all improvements thereon and any related property rights to Fort Bend County, Texas ("**Grantee**");

NOW, THEREFORE, Grantor has DONATED, GRANTED and CONVEYED and by these presents does DONATE, GRANT AND CONVEY unto Grantee, subject to the matters and exceptions hereinafter made, the Land, together with and including all improvements located thereon and any and all rights, privileges and appurtenances thereunto belonging or appertaining (herein collectively called the "**Property**").

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 assigns forever; and Grantor hereby binds Grantor and its successors and assigns to WARRANT AND FOREVER DEFEND all and singular the Property 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, except this warranty and conveyance are expressly made subject to (i) any and all encumbrances or other matters of record in Fort Bend County, Texas, and (ii) any and all matters that a true and correct survey of the Property would reveal, to the full extent any of such encumbrances or matters described in clauses (i) and/or (ii) above are subsisting and appertain to the Property.

GRANTOR AND GRANTEE, BY GRANTEE'S ACCEPTANCE HEREOF, ACKNOWLEDGE AND AGREE THAT GRANTOR HAS NOT MADE, DOES NOT MAKE AND SPECIFICALLY DISCLAIMS ANY REPRESENTATIONS, WARRANTIES, PROMISES, COVENANTS, AGREEMENTS OR GUARANTEES OF ANY KIND OR CHARACTER WHATSOEVER, WHETHER EXPRESS OR IMPLIED, ORAL OR WRITTEN, PAST, PRESENT OR FUTURE, OF, AS TO, CONCERNING OR WITH RESPECT TO: (I) THE NATURE, QUALITY OR CONDITION OF THE PROPERTY; INCLUDING, WITHOUT LIMITATION, THE WATER, SOIL AND GEOLOGY; (II) THE SUITABILITY OF THE PROPERTY FOR ANY AND ALL ACTIVITIES AND USES WHICH GRANTEE MAY CONDUCT THEREON; (III) THE COMPLIANCE OF OR BY THE PROPERTY OR OPERATIONS CONDUCTED THEREON WITH ANY LAWS, RULES, REGULATIONS, ORDINANCES OR REGULATIONS OF ANY APPLICABLE GOVERNMENTAL AUTHORITY OR BODY; (IV) THE HABITABILITY, MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE OF THE PROPERTY; (V) THE PRESENCE OF ANY ENDANGERED OR THREATENED SPECIES ON THE PROPERTY, AS WELL AS THE SUITABILITY OF THE PROPERTY AS A HABITAT FOR ANY OF THOSE SPECIES; OR (VI) ANY OTHER MATTER WITH RESPECT TO THE PROPERTY (EXCEPT THE

CCM 12-4-12 # 19
Fort Bend County Clerk
Return Admin Serv Coord

SPECIAL WARRANTY OF TITLE CONTAINED HEREIN). WITHOUT LIMITING THE FOREGOING, GRANTEE, BY GRANTEE'S ACCEPTANCE HEREOF, ACKNOWLEDGES AND AGREES THAT GRANTOR HAS NOT MADE AND DOES NOT MAKE ANY REPRESENTATION OR WARRANTY REGARDING THE PRESENCE OR ABSENCE OF ANY HAZARDOUS OR TOXIC WASTE OR SUBSTANCE ON, UNDER OR ABOUT THE PROPERTY OR THE COMPLIANCE OR NON-COMPLIANCE OF THE PROPERTY WITH ANY AND ALL FEDERAL, STATE OR LOCAL ENVIRONMENTAL LAWS, ORDINANCES, REGULATIONS, ORDERS, DECREES OR RULES REGULATING, RELATING TO OR IMPOSING LIABILITY OR STANDARDS OF CONDUCT CONCERNING ANY HAZARDOUS OR TOXIC WASTES OR SUBSTANCES. GRANTEE, BY GRANTEE'S ACCEPTANCE HEREOF, ACKNOWLEDGES AND AGREES THAT HAVING BEEN GIVEN THE OPPORTUNITY TO INSPECT THE PROPERTY PRIOR TO THE DATE HEREOF, GRANTEE ACCEPTS THE PROPERTY PURSUANT TO GRANTEE'S INDEPENDENT EXAMINATION, STUDY, INSPECTION AND KNOWLEDGE OF THE PROPERTY, AND GRANTEE IS RELYING UPON GRANTEE'S OWN DETERMINATION OF THE VALUE AND CONDITION OF THE PROPERTY AND USES TO WHICH THE PROPERTY MAY BE PUT AND NOT UPON ANY INFORMATION THAT HAS BEEN OR WILL BE PROVIDED BY GRANTOR. BY GRANTEE'S ACCEPTANCE HEREOF, GRANTEE ACKNOWLEDGES AND AGREES THAT GRANTEE ACCEPTS THE PROPERTY IN ITS "AS IS" AND "WITH ALL FAULTS" PRESENT CONDITION.

[END OF THIS PAGE]

EXECUTED to be effective on the date of the acknowledgment set forth below.

SPRINT SAND AND CLAY, LLC, a Texas
limited liability company

By: _____

Donald L. Poarch, its Vice President

THE STATE OF TEXAS

§
§
§

COUNTY OF HARRIS

This instrument was acknowledged before me on Nov. 20, 2012 by Donald L. Poarch, Vice President of Sprint Sand and Clay, LLC, a Texas limited liability company on behalf of such limited liability company.

Melissa Henry
Notary Public in and for the State of Texas

Melissa Henry
Printed Name of Notary

My Commission Expires: 12.6.15

Grantee's Address:

c/o Marcus Spencer, Esq
Assistant County Attorney
Fort Bend County
301 Jackson, Suite 728
Richmond, Texas 77469



EXHIBIT A

KELLY R. KALUZA & ASSOCIATES, INC.

Consulting Engineers & Surveyors
3014 Avenue I, Rosenberg, Texas 77471
(281) 341-0808 ■ FAX (281) 341-6333

December 16, 2008

A FIELD NOTE DESCRIPTION of 18.456 Acres of Land being a portion of a call 16.3257 Acre Tract (Fort Bend County Clerk's File No. 9757250), being a portion of a call 3.1622 Acre Tract (Parcel No. 4, Fort Bend County Clerk's File No. 9655317), being a portion of a call 3.1622 Acre Tract (Parcel No. 3, Fort Bend County Clerk's File No. 9655317) and a portion of a call 6.3149 Acre Tract (Fort Bend County Clerk's File No. 9655319) being in the John Leverton Survey, Abstract No. 402, Fort Bend County, Texas. The reference bearing for this description being the Northerly West line of a call 187.0178 Acre Tract (Volume 2569, Page 2006; Official Records of Fort Bend County, Texas) being the Easterly line of a call 9.787 Acre Tract (Fort Bend County Clerk's File No. 2001115166) being North 1 Degree, 1 Minute, 56 Seconds East as monumented on the ground.

BEGINNING at a 5/8 inch diameter iron rod with plastic cap set in the intersection of the Southerly right-of-way line of Boss-Gaston Road (50 feet wide) with the Westerly right-of-way line of Old Richmond Road (width varies) for the Northeast corner of said call 16.3257 Acre Tract and for the Northeast corner of this 18.456 Acre Tract;

THENCE; South 3 Degrees, 51 Minutes, 37 Seconds West - 1009.62 feet along the Westerly right-of-way line of said Old Richmond Road being along the Easterly line of said call 16.3257 Acre Tract to a 1/2 inch inside diameter iron pipe found for the Southeast corner of this tract; Said corner being the Southeast corner of said call 16.3259 Acre Tract and being the Northeast corner of a call 2.4236 Acre Tract (Lot No. 1, Volume 932, Page 41; Deed Records of Fort Bend County, Texas);

THENCE; North 89 Degrees, 26 Minutes, 44 Seconds West - 419.76 feet along the Southerly line of said call 16.3259 Acre Tract and along the Northerly line of said call 2.4236 Acre Tract to a point for the Southwest corner of this tract where a 5/8 inch diameter iron rod with cap found for reference bears South 39 Degrees East - 0.83 feet; Said corner being the most Easterly corner of the West Belfort Right-of-Way Parcel 34R - 6.286 Acre Tract (Fort Bend County Clerk's File No. 2008114222) and the Northeast corner of the West Belfort Right-of-Way Tract 35 - call 0.2757 Acre Tract (Fort Bend County Clerk's File No. 2005087733);

THENCE; Northwestery, along the Northeasterly line of said 6.286 Acre Tract with the following courses and distances:

North 35 Degrees, 25 Minutes, 49 Seconds West - 225.32 feet to a 5/8 inch diameter iron rod found for corner;

Along a tangent curve to the left with the following curve data:

A Field Note Description
18.456 Acres of Land
December 16, 2008
Page Two (2)

Radius: 1,750.00 feet
Delta: 24 Degrees, 46 Minutes, 34 Seconds
Length: 756.74 feet
Tangent: 384.38 feet
Chord: North 47 Degrees, 49 Minutes, 6 Seconds West -
750.86 feet to a 5/8 inch diameter iron rod with cap
found for corner;

North 14 Degrees, 29 Minutes, 18 Seconds West - 20.86 feet to a 5/8 inch
diameter iron rod with cap found for the most Westerly corner of this tract;

THENCE; Northerly, along an Easterly line of said 6.286 Acre Tract with the following courses
and distances:

North 31 Degrees, 28 Minutes, 36 Seconds East - 62.49 feet to a 5/8 inch
diameter iron rod with cap found for corner;

Along a tangent curve to the left with the following curve data:

Radius: 250.00 feet
Delta: 29 Degrees, 36 Minutes, 53 Seconds
Length: 129.22 feet
Tangent: 66.09 feet
Chord: North 16 Degrees, 40 Minutes, 9 Seconds East -
127.79 feet to a 5/8 inch diameter iron rod with cap
found for corner;

Along a reverse curve to the right with the following curve data:

Radius: 30.00 feet
Delta: 74 Degrees, 42 Minutes, 31 Seconds
Length: 39.12 feet
Tangent: 22.90 feet
Chord: North 39 Degrees, 12 Minutes, 58 Seconds East -
36.40 feet to a 5/8 inch diameter iron rod with plastic
cap set for the Northwest corner of this tract; Said
corner being an Easterly corner of said 6.286 Acre
Tract;

THENCE; North 85 Degrees, 15 Minutes, 4 Seconds East, at 23.12 feet pass a point where
a 1/2 inch inside diameter iron pipe found for reference bears North - 0.09 feet, at
174.05 feet pass a point where a 1/2 inch inside diameter iron pipe found for
reference bears North - 0.34 feet, at 322.73 feet pass a point where a 1/2 inch
inside diameter iron pipe found for reference bears North - 0.51 feet, in all 383.60
feet along the Southerly right-of-way line of said Boss-Gaston Road being along the
Northerly lines of said call 6.3149 Acre Tract, said call 3.1622 Acre Tracts and said
call 16.3257 Acre Tract to a 5/8 inch diameter iron rod with cap found for the
Northwest corner of a 15.000 Acre Agreement Tract (Fort Bend County Clerk's File
No. 2005003074);

A Field Note Description
18.456 Acres of Land
December 16, 2008
Page Three (3)

THENCE; North 85 Degrees, 10 Minutes, 11 Seconds East - 707.89 feet continuing along the Southerly right-of-way line of said Boss-Gaston Road and along the Northerly line of said call 16.3257 Acre Tract to the **PLACE OF BEGINNING** and containing 18.456 Acres of Land.

C. Tim Griffith
C. Tim Griffith, R.P.L.S. No. 4349



KELLY R. KALUZA & ASSOCIATES, INC.
Consulting Engineers & Surveyors
3014 Avenue I, Rosenberg, Texas 77471
(281) 341-0808 ■ FAX (281) 341-6333

December 16, 2008

A FIELD NOTE DESCRIPTION of 0.580 Acre of Land being a portion of a call 6.3149 Acre Tract (Fort Bend County Clerk's File No. 9655319) and a portion of a call 6.3149 Acre Tract (Fort Bend County Clerk's File No. 9655320) being in the John Leverton Survey, Abstract No. 402, Fort Bend County, Texas. The reference bearing for this description being the Northerly West line of a call 187.0178 Acre Tract (Volume 2569, Page 2006; Official Records of Fort Bend County, Texas) being the Easterly line of a call 9.787 Acre Tract (Fort Bend County Clerk's File No. 2001115166) being North 1 Degree, 1 Minute, 56 Seconds East as monumented on the ground.

FOR CONNECTION, begin at a 1/2 inch inside diameter iron pipe found for the Northwest corner of said call 6.3149 Acre Tract (Fort Bend County Clerk's File No. 9655320); Said corner being the Northeast corner of a call 0.9972 Acre Tract (Fort Bend County Clerk's File No. 9662184), being in the Southerly right-of-way line of Boss-Gaston Road (50 foot wide) and being in a Northerly line of the West Bellfort Right-of-Way Parcel 34R - 6.286 Acre Tract (Fort Bend County Clerk's File No. 2008114222); Thence; North 85 Degrees, 15 Minutes, 4 Seconds East, at 318.71 feet pass a point for the Northeast corner of said call 6.3149 Acre Tract (Fort Bend County Clerk's File No. 9655320) and for the Northwest corner of said call 6.3149 Acre Tract (Fort Bend County Clerk's File No. 9655319) being 0.09 feet North of a 1/2 inch inside diameter iron pipe found for reference, in all 339.23 feet along the Southerly line of said Boss-Gaston Road and along the Northerly line of said West Bellfort Parcel 34R - 6.286 Acre Tract to a 5/8 inch diameter iron rod with plastic cap set for a Northeasterly corner of said 6.286 Acre Tract; Said corner being the Northwest corner of and **PLACE OF BEGINNING** for this 0.580 Acre Tract;

THENCE; North 85 Degrees, 15 Minutes, 4 Seconds East - 155.35 feet leaving the Northerly line of said 6.286 Acre Tract along the Southerly right-of-way line of said Boss-Gaston Road being along the Northerly line of said call 6.3149 Acre Tract (Fort Bend County Clerk's File No. 9655319) to a 5/8 inch diameter iron rod with plastic cap set for the Northeasterly corner of this tract; Said corner being a Northwesterly corner of said 6.286 Acre Tract;

THENCE; Southerly, along a Westerly line of said 6.286 Acre Tract with the following courses and distances:

Along a non-tangent curve to the right with the radius point bearing South 3 Degrees, 8 Minutes, 55 Seconds West with the following curve data:

Radius:	30.00 feet
Delta:	100 Degrees, 2 Minutes, 20 Seconds
Length:	52.38 feet
Tangent:	35.78 feet
Chord:	South 36 Degrees, 49 Minutes, 55 Seconds East - 45.98 feet to a point for corner where a 5/8 inch diameter iron rod found for reference bears North 78 Degrees West - 0.18 feet;

A Field Note Description
0.580 Acre of Land
December 16, 2008
Page Two (2)

Along a compound curve to the right with the radius point bearing North 76 Degrees, 48 Minutes, 45 Seconds West with the following curve data:

Radius:	250.00 feet
Delta:	18 Degrees, 17 Minutes, 21 Seconds
Length:	79.80 feet
Tangent:	40.24 feet
Chord:	South 22 Degrees, 19 Minutes, 56 Seconds West - 79.46 feet to a 5/8 inch diameter iron rod with cap found for corner;

South 31 Degrees, 28 Minutes, 36 Seconds West - 65.80 feet to a 5/8 inch diameter iron rod with cap found for corner;

South 74 Degrees, 16 Minutes, 56 Seconds West - 22.02 feet to a 5/8 inch diameter iron rod with cap found for the most Southerly corner of this tract;

THENCE; Northwestery, along a Northerly line of said 6.286 Acre Tract being along a non-tangent curve to the left with the radius point bearing South 26 Degrees, 50 Minutes, 37 Seconds West, with the following curve data:

Radius:	1,750.00 feet
Delta:	4 Degrees, 16 Minutes, 39 Seconds
Length:	130.65 feet
Tangent:	65.35 feet
Chord:	North 65 Degrees, 17 Minutes, 43 Seconds West - 130.62 feet to a 5/8 inch diameter iron rod with plastic cap set for the Southwest corner of this tract;

THENCE; North 11 Degrees, 51 Minutes, 34 Seconds East - 107.22 feet along an Easterly line of said 6.286 Acre Tract to the **PLACE OF BEGINNING** and containing 0.580 Acre of Land.

C. Tim Griffith
C. Tim Griffith, R.P.L.S. No. 4349



FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Dianne Wilson

Dianne Wilson, County Clerk
Fort Bend County, Texas



December 05, 2012 04:17:20 PM

FEE: \$0.00
DEED

2012139315