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PETITION FOR ADDITION OF CERTAIN LAND TO  
FORT BEND COUNTY ASSISTANCE DISTRICT NO. 2

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3

THE STATE OF TEXAS           §  
  §  
COUNTY OF FORT BEND       §

TO: THE BOARD OF DIRECTORS OF FORT BEND COUNTY ASSISTANCE DISTRICT NO. 2:

LM LAND HOLDINGS, LP, a Texas limited partnership (the "Petitioner"), acting pursuant to the provisions of Chapter 49, Texas Water Code, particularly Section 49.301, petitions this Honorable Board to add the of land described by metes and bounds in **Exhibit A**, attached hereto and incorporated herein for all purposes, to FORT BEND COUNTY ASSISTANCE DISTRICT NO. 2 (the "District"), and in support of this petition the Petitioner represents, covenants, and agrees as follows:

Section 1: The land sought to be added to the District lies entirely within Fort Bend County, Texas, and is accurately described by metes and bounds in **Exhibit A** (the "Land").

Section 2: The Petitioner holds fee simple title to and full ownership of all the Land, as show on the appraisal rolls of the Fort Bend Central Appraisal District.

Section 3: All of the Land is within the extraterritorial jurisdiction (as such term is defined in Chapter 42, Texas Local Government Code, as amended) of the City of Houston, Texas. No part of the Land is within the limits of any incorporated city, town, or village.

Section 4: The addition of the Land to the District is feasible and practical and will be to the advantage of and a benefit to the District and the roads and other improvements of the District are sufficient or will be sufficient to supply the added Land without injuring the land already within the District.

Section 5: The Petitioner acknowledges, consents to, and affirmatively requests the assumption by the Land, and all improvements thereon presently existing or to be constructed hereafter, of a pro rata share of all present and future obligations of the District, and acknowledges that the District levies a one percent (1%) sales tax.

Section 6: The Petitioner hereby certifies that there are no qualified voters residing on the Land.

Section 7: The Petitioner hereby certifies that there are no holders of liens on the Land except Texas Capital Bank, National Association.

WHEREFORE, the Petitioner prays that this Petition be granted; that the Land be added to and become a part of the District; and that this Petition, if granted, be filed for record and be recorded in the Official Public Records of Fort Bend County, Texas, and filed with the Texas Commission on Environmental Quality.

[EXECUTION PAGE FOLLOWS]



## EXHIBIT A

Page 1 of 3 Pages

County: Fort Bend  
Project: Fort Bend County Assistance District No. 2  
C.I. No.: 1193-13 (Map prepared)  
Job Number: 2011-103-001

### FORT BEND COUNTY ASSISTANCE DISTRICT NO. 2 3.7777 ACRE ANNEXTION TRACT

Being a 3.7777 acre tract of land located in the I. & G.N. R.R. Company Survey, A-353 in Fort Bend County, Texas; said 3.7777 acre tract being a portion of "Tract 1" and a portion of "Tract 2" both recorded in the name of LM Holdings, LP. in Clerk's File Number 2002106104 of the Official Records of Fort Bend County (O.R.F.B.C.); said 3.7777 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):

**Commencing** at a 5/8-inch iron rod found at the north corner of a call 5.5093 acre tract of land recorded in Clerk's File Number 2012144744 of the O.R.F.B.C.;

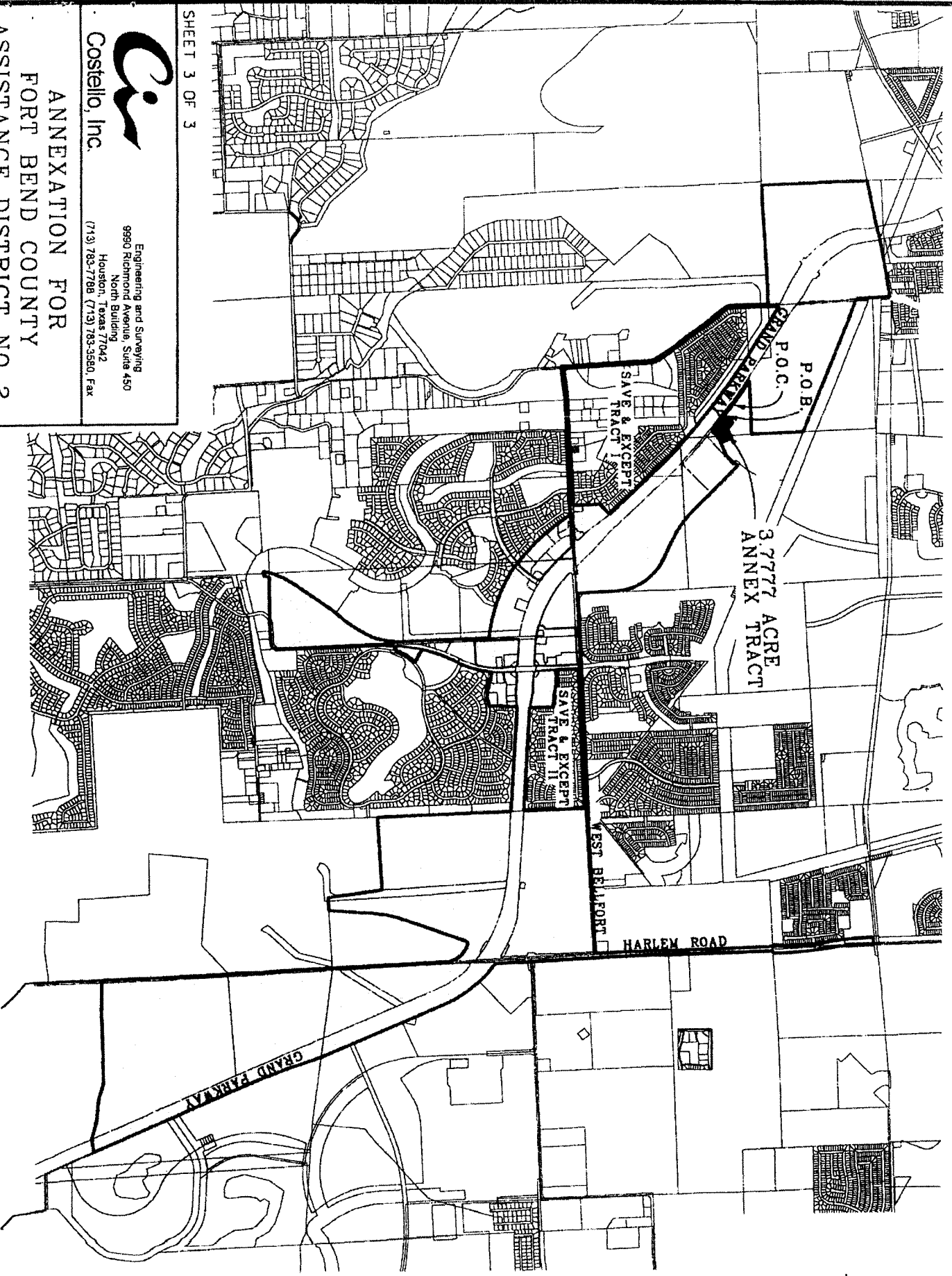
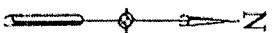
Thence, South 55 degrees 00 minutes 53 seconds East, a distance of 314.87 feet to the **Point of Beginning** of the herein described tract, same being on an interior line of Fort Bend County Assistance District No. 2;

Thence, through said "Tract 2" and said "Tract 1", the following four (4) courses:

1. North 38 degrees 23 minutes 17 seconds East, a distance of 251.19 feet;
2. South 51 degrees 36 minutes 43 seconds East, a distance of 201.49 feet;
3. North 65 degrees 02 minutes 25 seconds East, a distance of 232.77 feet;
4. South 24 degrees 57 minutes 35 seconds East, a distance of 267.29 feet to the northwest line of proposed Long Prairie Tract, same being an interior line of aforesaid Fort Bend Assistance District No. 2;
5. Thence, with said northwest line and said interior line, 355.80 feet along the arc of a curve to the left, said curve having a central angle of 31 degrees 36 minutes 21 seconds, a radius of 645.00 feet and a chord that bears South 51 degrees 31 minutes 53 seconds West, a distance of 351.31 feet;
6. Thence, continuing with said interior line, North 51 degrees 16 minutes 13 seconds West, a distance of 464.92 feet to the **Point of Beginning** and containing 3.7777 acres of land.

THIS DOCUMENT WAS PREPARED UNDER 22 TAC 663.21, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.





SHEET 3 OF 3



Costello, Inc.

Engineering and Surveying  
9990 Richmond Avenue, Suite 450  
North Building  
Houston, Texas 77042  
(713) 783-7788 (713) 783-3580, Fax

ANNEXATION FOR  
FORT BEND COUNTY  
ASSISTANCE DISTRICT NO. 2

DRAWN BY: LJD DWG. NO.: 119313.DGN DATE: 04-29-13  
CHECKED BY: WA JOB NO: 2011-103-001 SCALE: 1"=3000'

P.O.B. = POINT OF BEGINNING  
P.O.C. = POINT OF COMMENCING

COUNTY CLERK'S CERTIFICATE

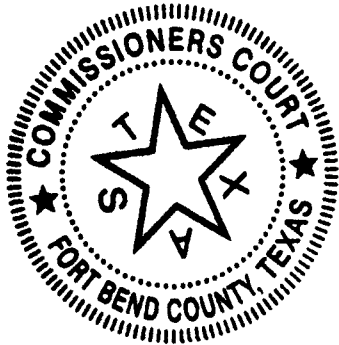
THE STATE OF TEXAS           §  
  §  
COUNTY OF FORT BEND       §

I, the undersigned County Clerk of Fort Bend County, do hereby certify that the attached and foregoing is a true and correct copy of the Petition For Addition Of Certain Land to Fort Bend County Assistance District No. 2 that was filed with the Board of Directors of the District on June 4, 2013.

WITNESS MY HAND AND SEAL on June 4, 2013.

By: *Deanne Wilson*  
FORT BEND COUNTY CLERK

(SEAL)



CERTIFICATE OF AUTHORITY

I, the undersigned officer of LM Land, LLC (the "Company"), hereby certify that:

1. the Company is the general partner of LM LAND HOLDINGS, LP, a Texas limited partnership (the "Partnership");
2. David A. Cannon is the Manager of the Company;
3. in such capacity, he is authorized to execute any and all documents in connection with the annexation of land into Fort Bend County Assistance District No. 2 (the "District"), including, specifically, the Petition for Addition of Certain Land into the District and any certificates needed by the City of Houston, Texas, ~~the Texas Commission on Environmental Quality and the Attorney General of Texas~~ (the "Annexation Documents"); *Fort Bend County*
4. such execution of the Annexation Documents is duly authorized by the Company's organizational documents and by the limited partnership agreement of the Partnership, and such authorizations remained valid as of the date on which the Annexation Documents were executed.

AS PER ORIGINAL

WITNESS MY HAND, this the 20 day of MAY, 2013.

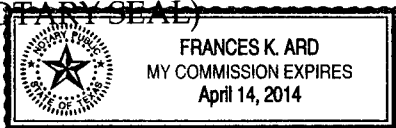
LM LAND, LLC, a Texas limited liability company

By: *Robert E. Fondren*  
Robert E. Fondren, Manager

THE STATE OF TEXAS   §  
  §  
COUNTY OF HARRIS   §

This instrument was acknowledged before me on the 20<sup>th</sup> day of MAY, 2013, by Robert E. Fondren, Manager of LM LAND, LLC, a Texas limited liability company, on behalf of said limited liability company.

(NOTARY SEAL)



*Frances K. Ard*  
Notary Public, State of Texas

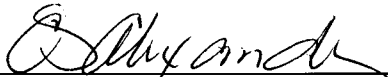


CERTIFICATE OF LIENHOLDER'S CONSENT

TEXAS CAPITAL BANK, NATIONAL ASSOCIATION, a national banking association, being a lienholder on land proposed to be included within the boundaries of Fort Bend County Assistance District No. 2, which land is described by metes and bounds on **Exhibit A** attached hereto, hereby consents to the annexation of said land into Fort Bend County Assistance District No. 2.

WITNESS MY HAND this 21 day of May, 2013.

TEXAS CAPITAL BANK, NATIONAL  
ASSOCIATION, a national banking  
association

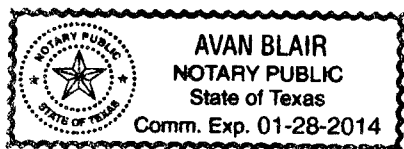
By: 

Name: Carolynn Alexander


Title: Sr. Vice President

THE STATE OF TEXAS   §  
  §  
COUNTY OF HARRIS   §

This instrument was acknowledged before me on the 21<sup>st</sup> day of May, 2013, by Carolynn Alexander, Sr. Vice President of TEXAS CAPITAL BANK, NATIONAL ASSOCIATION, a national banking association, on behalf of said banking association.



(NOTARY SEAL)

  
Notary Public, State of Texas

**Attachment: Exhibit A - Description of the land to be annexed**

EXHIBIT A

Page 1 of 3 Pages

County: Fort Bend  
Project: Fort Bend County Assistance District No. 2  
C.I. No.: 1193-13 (Map prepared)  
Job Number: 2011-103-001

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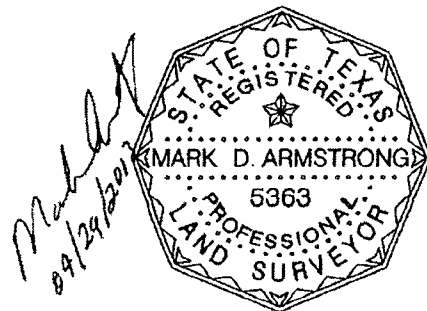
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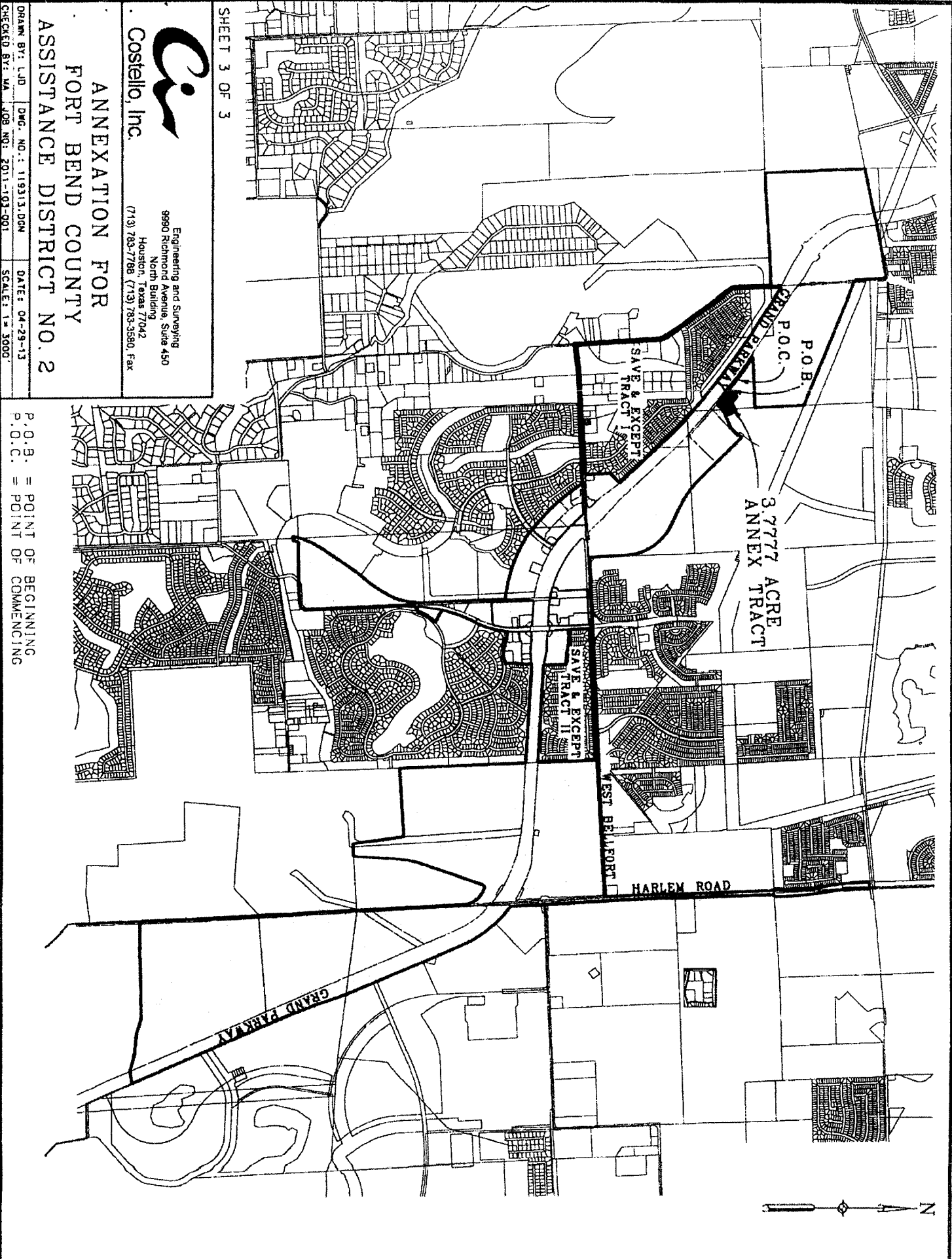
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CHECKED BY: MA JOB NO.: 2011-103-001 SCALE: 1" = 3000'

P.O.B. = POINT OF BEGINNING  
P.O.C. = POINT OF COMMENCING

**CERTIFICATE OF AUTHORITY**

I, the undersigned officer of TEXAS CAPITAL BANK, NATIONAL ASSOCIATION, a national banking association (the "Bank"), hereby certify that:

- (1) Cardynn Alexander is a SVP of the Bank;  
(name of officer who signed lienholder's consent) (title of officer who signed consent)
- (2) in such capacity he/she executed a Certificate of Lienholder's Consent (the "Certificate"), and is authorized to execute any and all such documents in connection with the annexation of land into Fort Bend County Assistance District No. 2, including, but not limited to, the Certificate; and
- (3) such execution of the Certificate was duly authorized and adopted in conformity with the Bank's charter.

WITNESS MY HAND this 21<sup>st</sup> day of May, 2013.

**TEXAS CAPITAL BANK, NATIONAL ASSOCIATION, a national banking association**

By: Celli Lyon  
(Sig. of officer OTHER THAN officer who signed Consent)

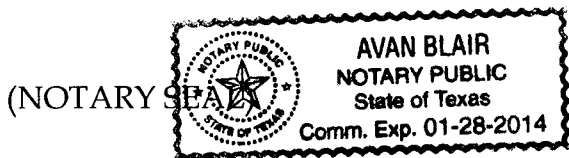
Name: Celli Lyon

Title: Vice President

THE STATE OF TEXAS §  
§  
COUNTY OF HARRIS §

This instrument was acknowledged before me on the 21<sup>st</sup> day of May, 2013, by Celli Lyon, VP of TEXAS CAPITAL BANK, NATIONAL ASSOCIATION, a national banking association, on behalf of said banking association.

Avan Blair  
Notary Public, State of Texas



**FILED AND RECORDED**  
**OFFICIAL PUBLIC RECORDS**

*Dianne Wilson*

Dianne Wilson, County Clerk  
Fort Bend County, Texas



June 13, 2013 11:42:47 AM

FEE: \$0.00 LW  
PETITION

2013072790