

**AGENDA ITEM 11A**

**J. Mark Breeding**  
(713) 220-4709 Phone  
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mbreeding@andrewskurth.com

September 6, 2013

**BY FEDEX**

Commissioner Andy Meyers  
Fort Bend County Precinct 3  
1809 Eldridge Road  
Sugar Land, Texas 77478

Re: International Piping and Procurement Group, L.P. ("IPPG")


Dear Commissioner Meyers:

Enclosed is the fully executed Street Easement for the dedication to Fort Bend County, Texas, of a permanent and perpetual easement across a portion of IPPG's property in Fort Bend County, Texas. As you are aware, this dedication is being made to Fort Bend County with the understanding that (i) IPPG will be issued its building permits that it is legally entitled to for its construction activities at 15637 Ennis Road, its property adjacent to the dedicated easement area and (ii) Fort Bend County will not require IPPG to provide construction plans for improvements to Addicks Clodine Road or to pay for any roadway improvements to Addicks Clodine Road as a condition for the issuance of the building permits for 15637 Ennis Road.

Please have the appropriate individuals with the County record this document in the Real Property Records of Fort Bend County, and if they could send our office a copy of the Street Easement with the recording information, it would be greatly appreciated.

Thank you for your attention to and assistance in this matter.

Sincerely,

  
J. Mark Breeding

JMB:shm  
Enclosure

cc: Mr. Nathan Hatcher (w/encl. by e-mail)

10/3/13 original returned to Jim at Engineering



### **STREET EASEMENT**

**Grantor:** International Piping and Procurement Group, L.P.

**Grantor's mailing address (including county):**

15637 Ennis Road  
Sugarland, Fort Bend County, Texas 77498

**Grantee:** FORT BEND COUNTY, TEXAS, a corporate and political body.

**Grantee's mailing address (including county):**

22333 Grand Corner Drive  
Katy, Fort Bend County, Texas 77494  
Attn: Andy Meyers, Commissioner Precinct 3

**Consideration:**

Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is acknowledged by Grantor.

**Property:**

A permanent and perpetual easement (the "Easement") upon, over, under, along and across (i) a tract or parcel of land containing approximately 0.6158 acres of land (26,823 square feet) and (ii) a tract or parcel of land containing approximately 0.3106 acres of land (13,528 square feet), more or less, being more particularly described by metes and bounds in Exhibit "A" attached hereto and made a part hereof (the "Property").

The Easement herein conveyed shall authorize the Grantee to use and utilize the Easement for the construction, maintenance, repair, replacement and operation of a public street and other related public improvements, whether by Grantee or by others acting with the permission of Grantee.

Grantee shall have such access across, along, under and upon the Easement and may enter upon such Easement to engage in such activities as may be necessary, requisite, convenient, or appropriate in connection therewith. Grantee's rights in and to the Easement, shall include, without limitation, the right to bring and operate such equipment thereupon as may be necessary or appropriate to effectuate the purposes for which the Easement is granted.

This conveyance of the Easement is made subject to all restrictions, covenants, conditions, rights-of-way, easements, mineral reservations and royalty reservations of record, if any, in the Office of the County Clerk of Fort Bend County, Texas, but only to the extent that the same are valid and subsisting, are binding upon municipalities, and affect the Property.

HOU:3327842.1

Grantor, for the consideration herein expressed, Grants, Sells and Conveys to Grantee the Easement in and to the Property for street purposes, together with all and singular the rights and appurtenances thereto in anywise belonging, TO HAVE AND TO HOLD the Easement in and to the Property unto Grantee, its successors and assigns forever. Grantor binds Grantor and Grantor's successors and assigns to warrant and forever defend all and singular the Easement in and to the Property to Grantee and its successors 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.

IN WITNESS WHEREOF, this instrument has been executed by Grantor this 29<sup>th</sup> day of August, 2013.

INTERNATIONAL PIPING AND  
PROCUREMENT GROUP, L.P.,  
a Texas limited partnership

By: [Signature]  
Name: Mack A. McDonald  
Title: CEO & President

STATE OF TEXAS

COUNTY OF Harris

Before me, the undersigned authority, a Notary Public in, and for said County and State, on this day personally appeared Mack A. McDonald, CEO & President of International Piping and Procurement Group, L.P., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed said instrument for the purposes and consideration therein expressed on behalf of said limited partnership.



My Commission Expires:

Oct. 23/2014

[Signature]  
Notary Public in and for the State of Texas

**LIENHOLDER'S ACKNOWLEDGMENT  
AND SUBORDINATION AGREEMENT**

James D. Stein, as trustee under the Deed of Trust, Security Agreement and Financing Statement dated June 5, 2012, Bank of Houston ("Lender"), as beneficiary of the Deed of Trust, Security Agreement and Financing Statement (the "Deed of Trust"), recorded under Clerk's File No. 2012074005 in the Official Public Records of Real Property of Fort Bend County, Texas and securing the payment of a certain promissory note dated June 5, 2012, in the stated principal amount of \$482,675.00 in favor of Bank of Houston (the "Note"), said Deed of Trust, Note, and any and all other liens and security interests held by Lender and secured by the property subject to the Street Easement granted herein being hereinafter collectively referred to as the "Lien", does hereby, in all things, acknowledge and consent to the grant of the Street Easement herein and subordinates the Lien to the Street Easement. Lender confirms that it is the present owner and holder of the Deed of Trust, Note, and Lien and has not assigned the same or any part thereof.

IN WITNESS WHEREOF, these presents have been executed by the undersigned on this 11 day of July, 2013.

BANK OF HOUSTON

By: [Signature]

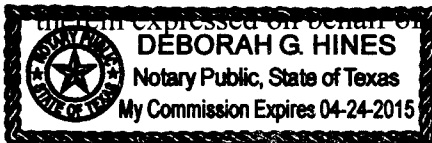
Name: Dennis R. Watson

Title: CEO - R/O

STATE OF TEXAS

COUNTY OF Harris

Before me, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Dennis R. Watson, CEO/R/O of Bank of Houston, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed said instrument for the purposes and consideration ~~therein expressed on behalf of~~ said limited partnership.



[Signature]  
Notary Public in and for the State of Texas

My Commission Expires:

04-24-2015

## EXHIBIT A

June 5, 2013

***R.O.W. 1***

***0.6158 acre of land in the John Leverton Survey, Abstract No. 402,  
Fort Bend County, Texas***

A FIELD NOTE DESCRIPTION of a 0.6158 acre (26,823 square feet) tract of land in the John Leverton Survey, Abstract No. 402, Fort Bend County, Texas; said 0.6158 acre tract being out of a 3.659 acre tract of land conveyed to Ennis Road Holdings, LLC, as recorded in Fort Bend County Clerk's File No. 2012074004 and being more particularly described by metes-and-bounds as follows with the bearings being based on Texas State Plane Coordinate System, South Central Zone (NAD83) per GPS Observations using National Geodetic Survey Continuously Operating Reference Stations:

COMMENCING FOR REFERENCE at a 5/8-inch iron rod with cap stamped "1948-4349" found in the east line of a 15.3527 acre tract of land conveyed to Ivan Musil and Lidia Musil, as recorded in Fort Bend County Clerk's File No. 2008130591 for the southwest corner of the remainder of a 1.000 acre tract of land conveyed to Raul Peralta, et ux, as recorded in Fort Bend County Clerk's File No. 2000056570 and for the northwest corner of a 7.465 acre tract of land conveyed to Ennis Road Holdings, LLC, as recorded in Fort Bend County Clerk's File No. 2012074004; from which a T-post found for the northwest corner of Jessie Parker Road (called 40 feet wide) bears North 02° 16' 44" West – 188.11 feet;

THENCE, South 89° 53' 36" East – 539.15 feet (called South 87° 34' 00" East) with the north lines of said 7.465 acre tract and said 3.659 acre tract to a 5/8-inch iron rod with cap stamped "T.E.A.M." set for the for the northwest corner and POINT OF BEGINNING of this tract;

THENCE, South 89° 53' 36" East – 76.35 feet (called South 87° 34' 00" East) with the north line of said 3.659 acre tract to a 5/8-inch iron rod with cap stamped "T.E.A.M." set in the south line of the remainder of a 1.000 acre tract conveyed to Constancio Arana and Maria Arana, as recorded in Fort Bend County Clerk's File No. 2001003128 for the northeast corner of said 3.659 acre tract and for the northeast corner of this tract;

THENCE, South 01° 43' 09" East – 366.94 feet (called South 00° 36' 20" West – 366.85 feet) with the east line of said 3.659 acre tract to a 3/4-inch iron pipe found in the west right-of-way line of Ennis Road (called 60 feet wide) for an angle point of this tract;

THENCE, South 01° 05' 58" East – 183.60 feet (called South 00° 50' 00" West – 183.60 feet) with the east line of said 3.659 acre tract and with the west right-of-way line of said Ennis Road to a 5/8-inch iron rod with cap stamped "T.E.A.M." set for the southeast corner of said 3.659 acre tract and for the southeast corner of this tract; from which a 5/8-inch iron rod with cap stamped "RPLS 4354" found for the most easterly northeast corner of a 2.0132 acre tract of land conveyed to Ennis Road Holdings, LLC, as recorded in Fort Bend County Clerk's File No. 2009098653 bears South 01° 05' 58" East – 74.74 feet; and from which a 5/8-inch iron rod found for an angle point bears South 01° 05' 58" East – 146.16 feet;

THENCE, South 89° 52' 22" West – 42.96 feet (called North 88° 11' 40" West) with the south line of said 3.659 acre tract to a 5/8-inch iron rod with cap stamped "T.E.A.M." set for the southwest corner of this tract;

THENCE, in a northerly direction with the proposed west right-of-way line of Addicks Clodine Road and with a curve to the left having a radius of 750.00 feet, a central angle of 04° 00' 35", a length of 52.49 feet and a chord bearing North 01° 07' 01" East – 52.48 feet to a 5/8-inch iron rod with cap stamped "T.E.A.M." set for a point-of-tangency;

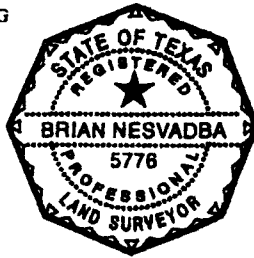
THENCE, North 00° 53' 17" West – 100.00 feet with the proposed west right-of-way line of Addicks Clodine Road to a 5/8-inch iron rod with cap stamped "T.E.A.M." set for a point-of-curvature;


THENCE, in a northerly direction with the proposed west right-of-way line of Addicks Clodine Road and with a curve to the left having a radius of 1,950.00 feet, a central angle of 11° 48' 05", a length of 401.65 feet and a chord bearing North 06° 47' 19" West – 400.94 feet to the POINT OF BEGINNING and containing 0.6158 acre (26,823 square feet) of land.

Note: This metes-and-bounds description was written in conjunction with a survey performed on even date.

COMPILED BY:

TEXAS ENGINEERING AND MAPPING  
Civil Engineers - Land Surveyors  
Stafford, Texas  
Job No. 1048-1



  
Brian Nesvadba  
Registered Professional Land Surveyor  
State of Texas No. 5776

June 5, 2013

**R.O.W. 2**

**0.3106 acre of land in the John Leverton Survey, Abstract No. 402,  
Fort Bend County, Texas**

A FIELD NOTE DESCRIPTION of a 0.3106 acre (13,528 square feet) tract of land in the John Leverton Survey, Abstract No. 402, Fort Bend County, Texas; said 0.3106 acre tract being out of a 2.0132 acre tract of land conveyed to Ennis Road Holdings, LLC, as recorded in Fort Bend County Clerk's File No. 2009098653 and being more particularly described by metes-and-bounds as follows with the bearings being based on Texas State Plane Coordinate System, South Central Zone (NAD83) per GPS Observations using National Geodetic Survey Continuously Operating Reference Stations:

COMMENCING FOR REFERENCE at a 5/8-inch iron rod with cap stamped "1948-4349" found in the east line of a 15.3527 acre tract of land conveyed to Ivan Musil and Lidia Musil, as recorded in Fort Bend County Clerk's File No. 2008130591 for the southwest corner of the remainder of a 1.000 acre tract of land conveyed to Raul Peralta, et ux, as recorded in Fort Bend County Clerk's File No. 2000056570 and for the northwest corner of a 7.465 acre tract of land conveyed to Ennis Road Holdings, LLC, as recorded in Fort Bend County Clerk's File No. 2012074004; from which a T-post found for the northwest corner of Jessie Parker Road (called 40 feet wide) bears North 02° 16' 44" West – 188.11 feet;

THENCE, South 89° 53' 36" East – 615.50 feet (called South 87° 34' 00" East) with the north line of said 7.465 acre tract and the north line of a 3.659 acre tract of land conveyed to Ennis Road Holdings, LLC, as recorded in Fort Bend County Clerk's File No. 2012074004 to a 5/8-inch iron rod with cap stamped "T.E.A.M." set in the south line of the remainder of a 1.000 acre tract conveyed to Constancio Arana and Maria Arana, as recorded in Fort Bend County Clerk's File No. 2001003128 for the northeast corner of said 3.659 acre tract;

THENCE, South 01° 43' 09" East – 366.94 feet (called South 00° 36' 20" West – 366.85 feet) with the east line of said 3.659 acre tract to a 3/4-inch iron pipe found in the west right-of-way line of Ennis Road (called 60 feet wide) for an angle point;

THENCE, South 01° 05' 58" East (called South 00° 50' 00" West) with the west right-of-way line of said Ennis Road, at a distance of 183.60 feet (called 183.60 feet) pass a 5/8-inch iron rod with cap stamped "T.E.A.M." set for the southeast corner of said 3.659 acre tract and continuing for a total distance of 258.34 feet to a 5/8-inch iron rod with cap stamped "RPLS 4354" found for the most easterly northeast corner of said 2.0132 acre tract and for the northeast corner and POINT OF BEGINNING of this tract;

THENCE, South 01° 05' 58" East – 71.42 feet (called South 00° 50' 00" West – 71.49 feet) with the west right-of-way line of said Ennis Road and with an east line of said 2.0132 acre tract to a 5/8-inch iron rod found for an angle point of this tract;

THENCE, South 28° 17' 26" West (called South 30° 50' 00" West) with the northwest right-of-way line of said Ennis Road and with the southeast line of said 2.0132 acre tract, at a distance of 104.54 feet (called 104.59 feet) pass a 5/8-inch iron rod with cap stamped "RPLS 4354" found and continuing for a total distance of 119.64 feet (called 119.99 feet) to a 5/8-inch iron rod with cap stamped "T.E.A.M." set for an angle point of this tract;

THENCE, South 01° 30' 05" East – 132.96 feet (called South 00° 50' 00" West – 132.76 feet) with the west right-of-way line of said Ennis Road and with an east line of said 2.0132 acre tract to a 5/8-inch iron rod with cap stamped "T.E.A.M." set for the southeast corner of said 2.0132 acre tract and for the southeast corner of this tract; from which a found 5/8-inch iron rod bears South 88° 00' 05" East – 0.51 feet; and from which a found 1/2-inch iron pipe bears South 65° 20' 08" West – 0.61 feet;

THENCE, North 88° 00' 05" West – 40.07 feet (called North 85° 28' 00" West) with the north line of a 1.00 acre tract of land conveyed to James P. Mills, Jr., as recorded in Fort Bend County Clerk's File No. 2004113802 and with the south line of said 2.0132 acre tract to a 5/8-inch iron rod with cap stamped "T.E.A.M." set for the southwest corner of this tract; from which a 5/8-inch iron rod with cap stamped "Gruller 5476" found in the east line of said 7.465 acre tract for the southwest corner of said 2.0132 acre tract bears North 88° 00' 05" West – 229.16 feet (called North 85° 28' 00" West);

THENCE, in a northerly direction with the proposed west right-of-way line of Addicks Clodine Road and with a curve to the right having a radius of 550.00 feet, a central angle of 10° 33' 01", a length of 101.28 feet and a chord bearing North 03° 46' 25" East – 101.13 feet to a 5/8-inch iron rod with cap stamped "T.E.A.M." set for a point-of-tangency;

THENCE, North 09° 02' 56" East – 207.46 feet with the proposed west right-of-way line of Addicks Clodine Road to a 5/8-inch iron rod with cap stamped "T.E.A.M." set for a point-of-curvature;

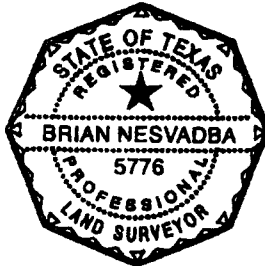
THENCE, in a northerly direction with the proposed west right-of-way line of Addicks Clodine Road and with a curve to the left having a radius of 750.00 feet, a central angle of 00° 11' 00", a length of 2.40 feet and a chord bearing North 08° 57' 26" East – 2.40 feet to a 5/8-inch iron rod with cap stamped "T.E.A.M." set in a north line of said 2.0132 acre tract for the northwest corner of this tract;

THENCE, North 89° 52' 22" East – 52.24 feet (called South 88° 11' 40" East) with a north line of said 2.0132 acre tract to the POINT OF BEGINNING and containing 0.3106 acre (13,528 square feet) of land.

Note: This metes-and-bounds description was written in conjunction with a survey performed on even date.

COMPILED BY:

TEXAS ENGINEERING AND MAPPING  
Civil Engineers - Land Surveyors  
Stafford, Texas  
Job No. 1048-1

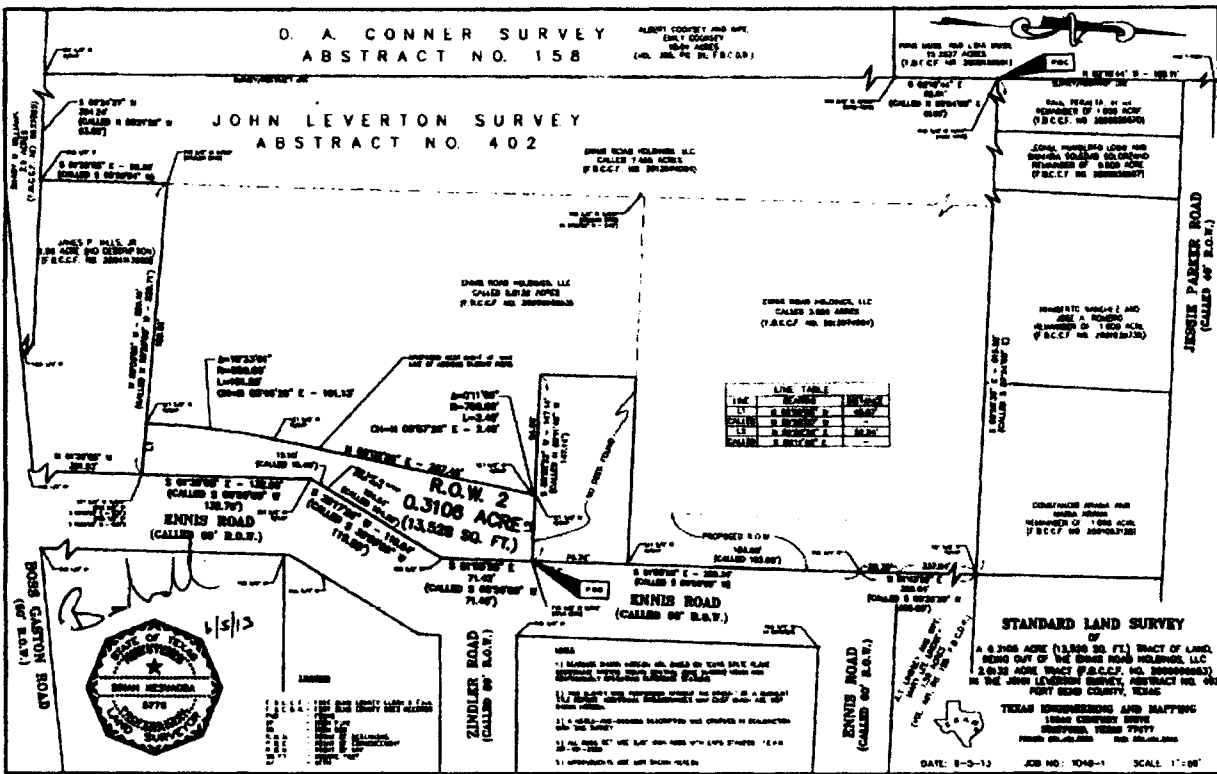


A handwritten signature in black ink, appearing to read "B. Nesvadba".

Brian Nesvadba  
Registered Professional Land Surveyor  
State of Texas No. 5776

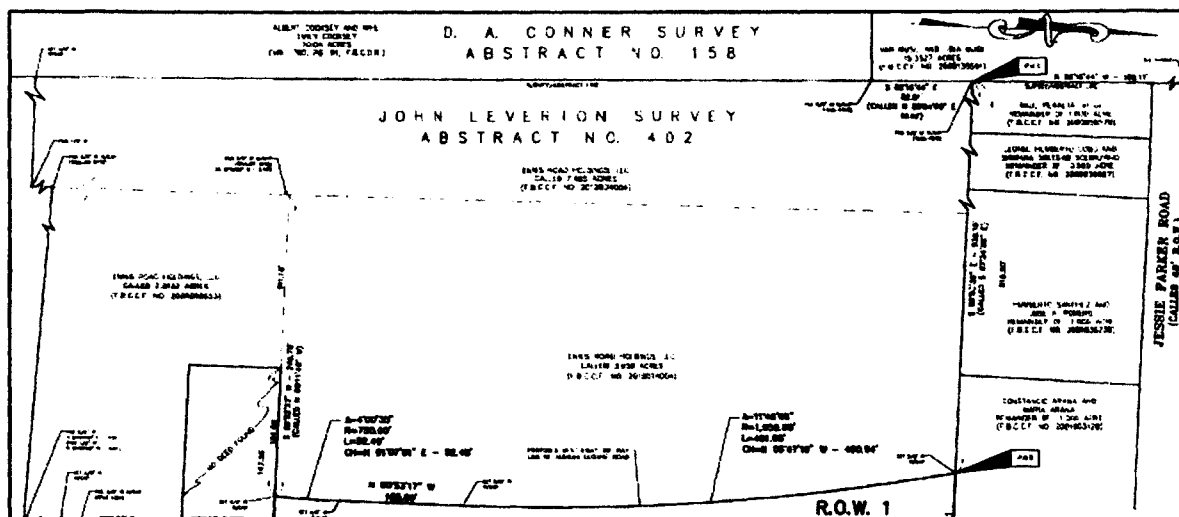


# RECORDER'S MEMORANDUM



RECORDER'S MEMORANDUM

This page is not satisfactory for photographic recordation due to carbon or photocopy, discolored paper, etc. All block-outs, additions and changes were presented at time instrument was filed and recorded.



RETURN AT COUNTER TO:  
FORT BEND COUNTY CLERK  
ADMIN SERV COORD

**FILED AND RECORDED**  
OFFICIAL PUBLIC RECORDS

*Dianne Wilson*

Dianne Wilson, County Clerk  
Fort Bend County, Texas

October 03, 2013 03:23:11 PM

FEE: \$0.00 VCK  
EASEMENT

2013127797

