

**RIGHT-OF-ENTRY AGREEMENT
TO CONDUCT ARCHEOLOGICAL INVESTIGATION IN
FORT BEND COUNTY, TEXAS**

BACKGROUND

The Texas Department of Transportation (TxDOT) proposes transportation improvements at the following location: [FM 723 (from Avenue D to FM 1093)] (CSJ 0188-09-040)

This transportation undertaking will require additional right-of-way (ROW) and/or easements adjacent to this location which is recorded as property ID # R67862, Legal Description: GOAR & SONGER S/D, BLOCK 3, ACRES 1.0056, the property of:

Landowner (or authorized designee): Fort Bend County, Texas
Address: 301 Jackson Street, Richmond, TX 77469

TxDOT proposes to conduct an archeological investigation on the aforementioned property. This agreement explains the purpose and methods of the archeological investigation and requests that the Landowner/authorized designee grant TxDOT right-of-entry to the property for the purpose of conducting the investigation.

TxDOT is required by federal and state environmental laws to evaluate the potential for impacting archeological sites for all proposed undertakings, including areas of proposed ROW/easements. This work includes survey to identify archeological sites and, if sites are present, further evaluation of those sites to determine their eligibility (significance) for inclusion in the National Register of Historic Places and/or designation as a State Archeological Landmark.

All archeological investigations are conducted by TxDOT archeologists or by TxDOT contractors working under a Texas Antiquities Permit issued by the Texas Historical Commission (THC). Archeological survey will involve surface examination of the property within the area of proposed ROW/easements. In some cases, the survey also involves (only applicable when a box is checked):

- limited hand excavation (such as a series of shovel-dug probes); and/or
- mechanical trenching and scraping (trenches/scrapes typically measure 5 x 15 ft in size and 6 feet in depth).

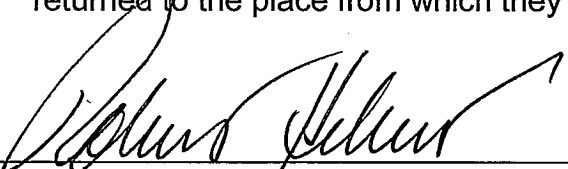
Any excavations that are conducted will be backfilled, and the surface will be returned as closely as practicable to its original state.

GRANT RIGHT-OF-ENTRY

Landowner/authorized designee understands the nature and extent of the proposed archeological study, and hereby grants to TxDOT and its contractors permission to enter the property described in this document to conduct these activities. This right-of-entry shall be valid for a period of one year.

Landowner/authorized designee understands and agrees to the following additional provisions:

- Landowner/authorized designee understands and hereby agrees that TxDOT or its contractors may cross land not included in the proposed right of way to gain access to locations of archeological survey within the proposed right of way (corridor).
- Landowner/authorized designee understands, and TxDOT agrees, that TxDOT will not investigate portions of the Landowner/authorized designee's property outside the area of proposed ROW/easement.
- Landowner/authorized designee may request notification in advance before any archeological evaluation is scheduled, but work may be rescheduled by mutual agreement between Landowner and TxDOT without amending this agreement.
- Any artifacts found during the survey will be documented in the field and then returned to the place from which they were found.



Landowner/Authorized Designee Signature
Robert E. Hebert, County Judge

Printed Name

3-24-15

Date

Telephone Number (optional)

TxDOT Signature

Printed Name

Date

Telephone Number

SPECIAL REQUESTS BY LANDOWNER/AUTHORIZED DESIGNEE (Please explicitly state any special access instructions (i.e. lock combinations, gates, livestock); and/or portions of the property that TxDOT should avoid; and/or areas that the landowner/authorized designee does not want disturbed, including portions of the property located in the proposed project area; and/or limitations on the use of particular excavation methods on the property):

SUPPLEMENTAL INFORMATION REGARDING ARCHEOLOGICAL SURVEYS

Section 106 of the National Historic Preservation Act (Section 106) requires project proponents to consider the effects any federal undertaking would have on cultural resources. In Texas, the Antiquities Code of Texas (ACT) also protects cultural resources that on land owned or controlled by the State of Texas or any political subdivision thereof. As the FM 723 improvements would involve rights-of-way owned or purchased by the State of Texas and controlled by TxDOT (which receives federal money for road improvements) the road expansion is subject to both Section 106 and the ACT. To comply with federal and state laws, TxDOT personnel or their environmental consultants would conduct walking surveys, shovel tests and/or deep trenching using a backhoe on areas of existing and proposed new right-of-way (ROW) to determine if archeological sites are present.

Shovel tests would be placed at a rate of 1 every 100 meters for linear projects (or 3 shovel tests per acre), although if an area seems to have a higher probability based on an on-ground assessment of topographic features and vegetation, there may be a greater density of shovel tests. If cultural material is encountered archeologists will do additional shovel tests in order to define the boundaries of the site within the proposed FM 723 ROW.

Backhoe trenches, if warranted, would be placed near creeks and major waterways only. For the FM 723 project backhoe trenching may be warranted at the Brazos River and at Jones Creek or its tributaries. Generally one to two trenches will be placed on each side of a channel within the proposed ROW only.

The soil removed from these tests will be screened on-site to determine if artifacts are present. No artifacts would be collected or removed from private property, but will be returned to their original location as shovel tests and trenches are back-filled. All holes including shovel tests and backhoe trenches will be completely backfilled and compacted in the same day they are excavated. TxDOT and its representatives will leave all gates closed and, if requested, locked.

Locations of archeological sites will be recorded and documented, and can be provided to the landowner upon request. However, to protect sensitive cultural resources, and to protect private property owners, archeological site records will not be made available the general public.



Texas Department of Transportation

RIGHT-OF-ENTRY FORM

FM 723 (Avenue D to FM 1093)
Fort Bend County, Texas
CSJ No. 0188-09-040
Parcel ID No. R155550

- The Right-of-Entry shall be effective the date this document is executed and shall remain in effect until (1) the date that this Right-of-Entry is revoked in writing by Owner, Owners or representative with signatory authority (2) the date the Right-of-Entry document exceeds 3 years or (3) the property subject to this Right-of-Entry is acquired by the State of Texas.
- The Owner, Owners, or authorized representative with signatory authority, shall have the right to be present during all operations as they are performed. Please indicate the method for notifying the owner of scheduled activities and the advanced notification required in the comment section on the bottom of this form.
- If there are any tenants or lessees on the property who must be contacted, the Owner, Owners, or authorized representative with signatory authority, will agree to contact them or will provide to TxDOT the names and contact numbers of these individuals (see page 3 for entry spaces) so that TxDOT or others sharing in this Right-of-Entry may give proper notice prior to entering the property.
- The Right-of-Entry, unless revoked or terminated, shall extend to and bind the signatory parties, their heirs, executors, administrators, legal representatives, successors, and assigns, including the contractors, consultants, agents and all others TxDOT has deemed necessary to share in this Right-of-Entry.
- If Owner is not an individual, by signature, the undersigned authorized representative of the Owner with signatory authority warrants and represents that he or she is duly authorized and empowered to enter into and to execute this Right-of-Entry on behalf of the Owner.
- If property is owned by more than one Owner, both legal Owners must sign this Right-of-Entry Form for it to be effective.

This Right-of-Entry is granted to TxDOT by the Owner(s) with respect of the parcel identified at the top of this page for the specific purpose described subject to the terms of the Owner or Owners' grant of this Right-of-Entry. Should the Owner(s) have any concerns or questions regarding the activities of any person sharing or claiming to share in this Right-of-Entry, the Owner(s) may contact TxDOT at 713-802-5262.

IN WITNESS WHEREFORE, this Right-of-Entry is executed on and shall be effective as of this

24th day of March, 2015.

1st PROPERTY OWNER Telephone Number/Email Address 281-341-8608

Fort Bend County, Texas
PRINT NAME 1st Line Mailing Address 301 Jackson Street, Richmond TX 77469

2nd Line Alternate Mailing Address (if applicable)



Texas Department of Transportation

RIGHT-OF-ENTRY FORM

FM 723 (Avenue D to FM 1093)
Fort Bend County, Texas
CSJ No. 0188-09-040
Parcel ID No. R155550

The Texas Department of Transportation (TxDOT) proposes to construct improvements along Farm-to-Market Road (FM) 723 between Avenue D in Rosenberg, Texas, and FM 1093 in north Fort Bend County, Texas.

The referenced real estate property shown on the enclosed property map is located adjacent to the Project and may be affected by the proposed transportation project. To comply with state and federal laws, TxDOT is required to determine whether there are specific environmental resources located in the vicinity of the project. In addition, TxDOT or its agents, and may be performing surveying for the proposed roadway improvement project and may be locating environmental resources along the proposed project route such as those identified below:

WETLANDS AND STREAMS

HAZARDOUS MATERIALS

THREATENED AND ENDANGERED SPECIES

SENSITIVE HABITAT/AREAS

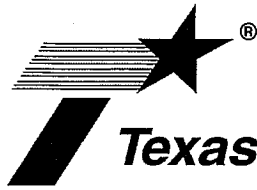
CULTURAL RESOURCES

LAND SURVEYING

The Owner, Owners, or authorized representative with signatory authority, known to be _____, based on County appraisal district records, hereby grants Right-of-Entry to TxDOT, its contractors, consultants, agents, and others that TxDOT deems necessary to perform work necessary for the completion of schematic design, surveying and environmental studies needed for the Project. The nature and extent of the environmental studies to be conducted are limited soil boring or testing needed to determine the existence of cultural resources that may be protected by federal and state laws or the presence of hazardous materials and/or petroleum products under conditions of release. In addition, TxDOT may need to investigate habitat and areas that may include threatened and endangered species and areas that may be wetlands or streams. Land surveying in the project vicinity, along the right-of-way may also need to be performed. Field surveys will be conducted on foot or ATV depending upon the activities.

- After granting the requested Right-of-Entry, the Owner, Owners, or authorized agent with signatory responsibilities reserves all rights, title, and interest in and to the property.
- This Right-of-Entry shall not prejudice Owner's rights to any relocation benefits for which the Owner or Owners would otherwise be eligible.
- The Owner, Owners, or authorized representative with signatory authority, grants TxDOT, its contractors, consultants, agents, and all others necessary to perform work required, at its own risk and expense, the right of ingress and egress over and across the property for the purpose of accessing the area of investigation or surveying.
- TxDOT, and all others sharing in the Right-of-Entry, will use non-destructive testing methods to the extent possible during planned investigations. Temporary flagging may be placed on the property. However, if this is not possible, the property will be restored to prior condition or TxDOT will make reimbursement to the Owner or Owners for any damage to the property.

R155550



Texas Department of Transportation

RIGHT-OF-ENTRY FORM

FM 723 (Avenue D to FM 1093)
Fort Bend County, Texas
CSJ No. 0188-09-040
Parcel ID No. R155550

2nd PROPERTY OWNER

Telephone Number/Email Address

PRINT NAME

1st Line Mailing Address

2nd Line Alternate Mailing Address (if applicable)

AUTHORIZED REPRESENTATIVE
WITH SIGNATURE AUTHORITY

281-341-8608
Telephone Number/Email Address

Robert E. Hebert
PRINT NAME

301 Jackson St. Richmond TX 77469
1st Line Mailing Address

2nd Line Alternate Mailing Address (if applicable)

If you have any questions about the surveys that may be conducted, or if you have information about the property, please contact Sarah Wyckoff, at 713-802-5262. Note that information, conditions, or comments concerning the property may be described below. Please return the three pages of this completed Right-of-Entry Form to Bruce Darnell by fax at (512) 329-0012, or to Sonny Kaiser by e-mail at skaiser@eprusa.net or in the enclosed stamped envelope before April 1, 2015.

COMMENTS/CONDITIONS FOR RIGHT-OF-ENTRY OR DENIAL OF RIGHT-OF-ENTRY:

PERMISSION FOR RIGHT-OF-ENTRY

SUPPLEMENTAL INFORMATION REGARDING ARCHEOLOGICAL SURVEYS

Section 106 of the National Historic Preservation Act (Section 106) requires project proponents to consider the effects any federal undertaking would have on cultural resources. In Texas, the Antiquities Code of Texas (ACT) also protects cultural resources that on land owned or controlled by the State of Texas or any political subdivision thereof. As the FM 723 improvements would involve rights-of-way owned or purchased by the State of Texas and controlled by TxDOT (which receives federal money for road improvements) the road expansion is subject to both Section 106 and the ACT. To comply with federal and state laws, TxDOT personnel or their environmental consultants would conduct walking surveys and shovel tests on areas of existing and proposed new right of way (ROW) to determine if archeological sites are present.

Shovel tests would be placed at a rate of 1 every 100 meters for linear projects (or 3 shovel tests per acre), although if an area seems to have a higher probability based on an on-ground assessment of topographic features and vegetation, there may be a greater density of shovel tests. If cultural material is encountered archeologists will do additional shovel tests in order to define the boundaries of the archeological site within the proposed FM 723 ROW.

The soil removed from these tests will be screened on-site to determine if artifacts are present. No artifacts would be collected or removed from private property, but will be returned to their original location as shovel tests are back-filled. All shovel tests will be completely backfilled and compacted in the same day they are excavated. TxDOT and its representatives will leave all gates closed and, if requested, locked.

Locations of archeological sites will be recorded and documented, and can be provided to the landowner upon request. However, to protect sensitive cultural resources, and to protect private property owners, archeological site records will not be made available the general public.



Texas Department of Transportation

RIGHT-OF-ENTRY FORM

FM 723 (Avenue D to FM 1093)

Fort Bend County, Texas

CSJ No. 0188-09-040

Parcel ID No. R 1 9 3 7 2 9 , R 2 5 2 6 0 4 , R 2 5 2 6 1 4 , R 2 7 6 3 4 2 , R 3 3 7 9 6 2 ,
R 3 3 9 5 1 1 , R 3 4 0 0 9 6 , R 3 4 5 2 2 3 , R 3 4 5 2 2 9 , R 4 1 8 9 5 4

Property Legal Descriptions: CREEK COLONY ESTATES, ACRES 1.152, CREEK COLONY DRIVE ROW, EXEMPT, 0003 Wm Andrews, TRACT 1 (Pt), ACRES 3.8115, (Pt) Bellaire Boulevard ROW, Bellaire Boulevard Canal Road to FM 723, 0144 BROOKS AND BURL, ACRES 1.028, (Pt) Bellaire Boulevard ROW, Bellaire Boulevard Canal Road to FM 723, RIVERSIDE RANCH SEC 1, ACRES 1.1853, RIVERSIDE BOULEVARD ROW, EXEMPT, Canyon Gate At Westheimer Lakes Sec 1, ACRES 0.99, FM 723 (ROW), 0144 BROOKS AND BURL, ACRES 8.2818, Canyon Fields Drive ROW, 0003 Wm Andrews, TRACT 1 (Pt), ACRES 0.099, (Pt) Bellaire Boulevard ROW, Bellaire Boulevard Canal Road to FM 723, Pt in Fulshear Fire District, Kingdom Heights Sec 1, ACRES 3.8983, Kingdom Heights Boulevard ROW, Kingdom Heights Sec 1, ACRES 3.7429, Oxford Lake Drive ROW, GOAR & SONGER S/D, BLOCK 3, ACRES 0.2744

The Texas Department of Transportation (TxDOT) proposes to construct improvements along Farm-to-Market Road (FM) 723 between Avenue D in Rosenberg, Texas, and FM 1093 in north Fort Bend County, Texas.

The referenced real estate property shown on the enclosed property map is located adjacent to the Project and may be affected by the proposed transportation project. To comply with state and federal laws, TxDOT is required to determine whether there are specific environmental resources located in the vicinity of the project. In addition, TxDOT or its agents, and may be performing surveying for the proposed roadway improvement project and may be locating environmental resources along the proposed project route such as those identified below:

WETLANDS AND STREAMS

THREATENED AND ENDANGERED SPECIES

CULTURAL RESOURCES

LAND SURVEYING

HAZARDOUS MATERIALS

SENSITIVE HABITAT/AREAS

The Owner, Owners, or authorized representative with signatory authority, known to be _____, based on County appraisal district records, hereby grants Right-of-Entry to TxDOT, its contractors, consultants, agents, and others that TxDOT deems necessary to perform work necessary for the completion of schematic design, surveying and environmental studies needed for the Project. The nature and extent of the environmental studies to be conducted are limited soil boring or testing needed to determine the existence of cultural resources that may be protected by federal and state laws or the presence of hazardous materials and/or petroleum products under conditions of release. In addition, TxDOT may need to investigate habitat and areas that may include threatened and endangered species and areas that may be wetlands or streams. Land surveying in the project vicinity, along the right-of-way may also need to be performed. Field surveys will be conducted on foot or ATV depending upon the activities.

- After granting the requested Right-of-Entry, the Owner, Owners, or authorized agent with signatory responsibilities reserves all rights, title, and interest in and to the property.
- This Right-of-Entry shall not prejudice Owner's rights to any relocation benefits for which the



Texas Department of Transportation

RIGHT-OF-ENTRY FORM

FM 723 (Avenue D to FM 1093)

Fort Bend County, Texas

CSJ No. 0188-09-040

**Parcel ID No. R 1 9 3 7 2 9, R 2 5 2 6 0 4, R 2 5 2 6 1 4, R 2 7 6 3 4 2, R 3 3 7 9 6 2,
R 3 3 9 5 1 1, R 3 4 0 0 9 6, R 3 4 5 2 2 3, R 3 4 5 2 2 9, R 4 1 8 9 5 4**

Owner or Owners would otherwise be eligible.

- The Owner, Owners, or authorized representative with signatory authority, grants TxDOT, its contractors, consultants, agents, and all others necessary to perform work required, at its own risk and expense, the right of ingress and egress over and across the property for the purpose of accessing the area of investigation or surveying.
- TxDOT, and all others sharing in the Right-of-Entry, will use non-destructive testing methods to the extent possible during planned investigations. Temporary flagging may be placed on the property. However, if this is not possible, the property will be restored to prior condition or TxDOT will make reimbursement to the Owner or Owners for any damage to the property.
- The Right-of-Entry shall be effective the date this document is executed and shall remain in effect until (1) the date that this Right-of-Entry is revoked in writing by Owner, Owners or representative with signatory authority (2) the date the Right-of-Entry document exceeds 3 years or (3) the property subject to this Right-of-Entry is acquired by the State of Texas.
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- If Owner is not an individual, by signature, the undersigned authorized representative of the Owner with signatory authority warrants and represents that he or she is duly authorized and empowered to enter into and to execute this Right-of-Entry on behalf of the Owner.
- If property is owned by more than one Owner, both legal Owners must sign this Right-of-Entry Form for it to be effective.

This Right-of-Entry is granted to TxDOT by the Owner(s) with respect of the parcel identified at the top of this page for the specific purpose described subject to the terms of the Owner or Owners' grant of this Right-of-Entry. Should the Owner(s) have any concerns or questions regarding the activities of any person sharing or claiming to share in this Right-of-Entry, the Owner(s) may contact TxDOT at 713-802-5262.



Texas Department of Transportation

RIGHT-OF-ENTRY FORM

FM 723 (Avenue D to FM 1093)
Fort Bend County, Texas
CSJ No. 0188-09-040

Parcel ID No. R 193729, R 252604, R 252614, R 276342, R 337962,
R 339511, R 340096, R 345223, R 345229, R 418954

IN WITNESS WHEREFORE, this Right-of-Entry is executed on and shall be effective as of this

DATE: _____

_____ 281-341-8608
1st PROPERTY OWNER Telephone Number/Email Address


Fort Bend County, TX 301 Jackson St Richmond TX 77469
PRINT NAME 1st Line Mailing Address

2nd Line Alternate Mailing Address (if applicable)

2nd PROPERTY OWNER Telephone Number/Email Address

PRINT NAME 1st Line Mailing Address

2nd Line Alternate Mailing Address (if applicable)


AUTHORIZED REPRESENTATIVE Telephone Number/Email Address
WITH SIGNATURE AUTHORITY

Robert E. Hebert 301 Jackson St Richmond TX 77469
PRINT NAME 1st Line Mailing Address

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If you have any questions about the surveys that may be conducted, or if you have information about the property, please contact Sarah Wyckoff, at 713-802-5262. Note that information, conditions, or comments concerning the property may be described below. Please return the three pages of this completed Right-of-Entry Form to Bruce Darnell by fax at (512) 329-0012, or to Sonny Kaiser by e-mail at skaiser@eprusa.net or in the enclosed stamped envelope before April 1, 2015.

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**RIGHT-OF-ENTRY AGREEMENT
TO CONDUCT ARCHEOLOGICAL INVESTIGATION IN
FORT BEND COUNTY, TEXAS**

BACKGROUND

The Texas Department of Transportation (TxDOT) proposes transportation improvements at the following location: [FM 723 (from Avenue D to FM 1093)] (CSJ 0188-09-040)

This transportation undertaking will require additional right-of-way (ROW) and/or easements adjacent to this location which is recorded as property ID # R67832, Legal Description: GOAR ADDN, BLOCK 1, LOT 31,32, EXEMPT, the property of:

Landowner (or authorized designee): Fort Bend County, Texas
Address: 301 Jackson Street, Richmond, TX 77469

TxDOT proposes to conduct an archeological investigation on the aforementioned property. This agreement explains the purpose and methods of the archeological investigation and requests that the Landowner/authorized designee grant TxDOT right-of-entry to the property for the purpose of conducting the investigation.

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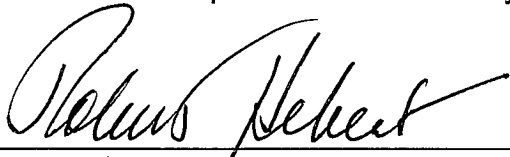
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- Any artifacts found during the survey will be documented in the field and then returned to the place from which they were found.



Landowner/Authorized Designee Signature
ROBERT E. HEBERT

Printed Name

3-24-15

Date

Telephone Number (optional)

TxDOT Signature

Printed Name

Date

Telephone Number

SPECIAL REQUESTS BY LANDOWNER/AUTHORIZED DESIGNEE (Please explicitly state any special access instructions (i.e. lock combinations, gates, livestock); and/or portions of the property that TxDOT should avoid; and/or areas that the landowner/authorized designee does not want disturbed, including portions of the property located in the proposed project area; and/or limitations on the use of particular excavation methods on the property):

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