

811



# FORT BEND COUNTY DRAINAGE DISTRICT

## RIGHT OF WAY EASEMENT

THE STATE OF TEXAS,  
COUNTY OF FORT BEND,

KNOW ALL MEN BY THESE PRESENTS: That the undersigned:

Ventana Development Katy, LTD.

410 Brooks Street

Sugar Land, Texas 77478

whose address is as shown above (hereinafter called GRANTOR, whether one or more) for and in consideration of the benefits to be derived on account of and from the construction, operation and maintenance by Fort Bend County Drainage District, of the drainage canal and system upon and through the land hereafter described, the sufficiency of which is hereby acknowledged and confessed, has granted, bargained, sold and conveyed, and by these presents hereby grants, bargains, sells and conveys unto said Fort Bend County Drainage District, a corporation (hereinafter called the DISTRICT), of Fort Bend County, Texas, a right of way and easement for the purpose of constructing, maintaining, operating, repairing and re-constructing a drainage canal, including drains, ditches, laterals and levees, upon, over, through and across the land of GRANTOR along the route hereinafter designated, and said land being situated in Fort Bend County, Texas, to-wit:

The DISTRICT shall have an easement of an aggregate width of 115' feet, being 115' feet, extending at right angles, on the west side of the following line and course across said land, to-wit:

Beginning at the intersection of the centerline of Willow Fork of Buffalo Bayou and the GRANTOR's southern boundary; thence following the centerline of Willow Fork of Buffalo Bayou approximately 3,400 feet to the intersection of said centerline and the GRANTOR's eastern boundary.

CCM 2-04-16 #DD4  
Fort Bend County Clerk  
Return Admin Serv Coord RAC

The DISTRICT shall have all rights and benefits necessary or convenient for the full enjoyment or use of the rights herein granted, with the right of ingress and egress to and from said drainage canal right of way, provided, however, that after construction of said drainage canal, said right of ingress and egress of the DISTRICT shall be limited to the said right of way and to existing roads and passageways. The DISTRICT is given the right from time to time to cut and remove all trees, undergrowth, and abate other obstruction, upon said canal right of way, that may injure, endanger, or interfere with the construction, operation, maintenance and repair of said drainage canal.

The DISTRICT agrees during the life of this easement to repair all damage to roads, passageways and fences resulting from the DISTRICT'S use in going to and from said easement and right of way, and to restore the same to the previously existing condition as near as possible.

GRANTOR reserves the right to use the facilities offered by the drainage canal for the disposal of surface waters, rain, or any excess waters collecting upon his land, and in such connection GRANTOR has the right in the manner provided by law and at his own expense to construct and provide ditches, drains and laterals connecting his said land or portions thereof with the drainage canal.

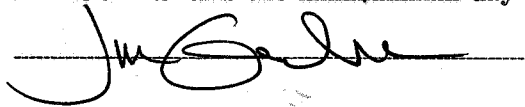
GRANTOR reserves the oil, gas and sulphur in and under the land covered by this easement, provided however, that during the life of this easement no mining or drilling operations shall be conducted upon the surface of the area included in the easement right of way above described.

It is agreed that if at a future time the DISTRICT, its successors or assigns, shall permanently cease to use said drainage canal right of way for the purposes herein contained, and shall permanently abandon the same, then and in such event the said right of way above described, together with all rights and interests held by the DISTRICT by reason of this instrument, shall revert, pass to and vest in the said GRANTOR, his heirs or assigns.

AS PER ORIGINAL

TO HAVE AND TO HOLD said right of way and easement herein granted, unto the said DISTRICT, its successors or assigns.

EXECUTED this the 4<sup>TH</sup> day of JANUARY, A. D. 2016



Ventana Development Katy, LTD.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

THE STATE OF TEXAS

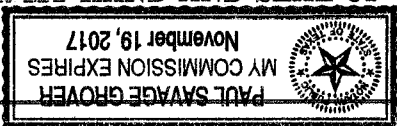
COUNTY OF FORT BEND

BEFORE ME JAMES B. GROVER JR

MANAGER, VENTANA DEVELOPMENT KATY, LTD, in and for FORT BEND COUNTY County, Texas, on this day personally appeared JAMES B. GROVER, JR

known to me to be the person whose name subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This 1 day of JANUARY, A. D. 2016 (L. S.)



Paul Savage Grover

AS PER ORIGINAL

THE STATE OF TEXAS

COUNTY OF

BEFORE ME

, in and for County, Texas, on this day personally appeared, wife of

known to me to be the person whose name is subscribed to the foregoing instrument, and having been examined by me privily and apart from her husband, and having the same fully explained to her, she, the said acknowledged such instrument to be her act and deed, and she declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This day of A. D. 19 (L. S.)

THE STATE OF TEXAS

COUNTY OF

BEFORE ME

, in and for County, Texas, on this day personally appeared and

, his wife, both known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they each executed the same for the purposes and consideration therein expressed, and the said wife of the said having been examined by me privily and apart from her husband, and having the same fully explained to her, she, the said

acknowledged such instrument to be her act and deed, and she declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This day of A. D. 19 (L. S.)

ENDORSEMENTS

THE STATE OF TEXAS,

County of

I, Clerk of the County Court of said County, do hereby certify that the foregoing instrument of writing, dated the day of A. D. 19 with its authentication, was filed for record in my office on the day of A. D. 19 at o'clock M., and duly recorded this the day of A. D. 19 at o'clock M., in the Deed Records of said County, in Volume on Page

Witness my hand and the seal of the County Court of said County, at office in Texas, the day and year last above written.

Clerk of Court, County, Texas.

By Deputy

**RIGHT-OF-WAY  
EASEMENT**

BY  
Ventana Development Katy, LTD.

TO  
**FORT BEND COUNTY  
DRAINAGE DISTRICT**

Filed for Record

This \_\_\_\_\_ day of \_\_\_\_\_

A. D. 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

Recorded

This \_\_\_\_\_ day of \_\_\_\_\_

A. D. 19\_\_\_\_, in \_\_\_\_\_

County, Texas, Records of Deeds.

Book \_\_\_\_\_ Page \_\_\_\_\_

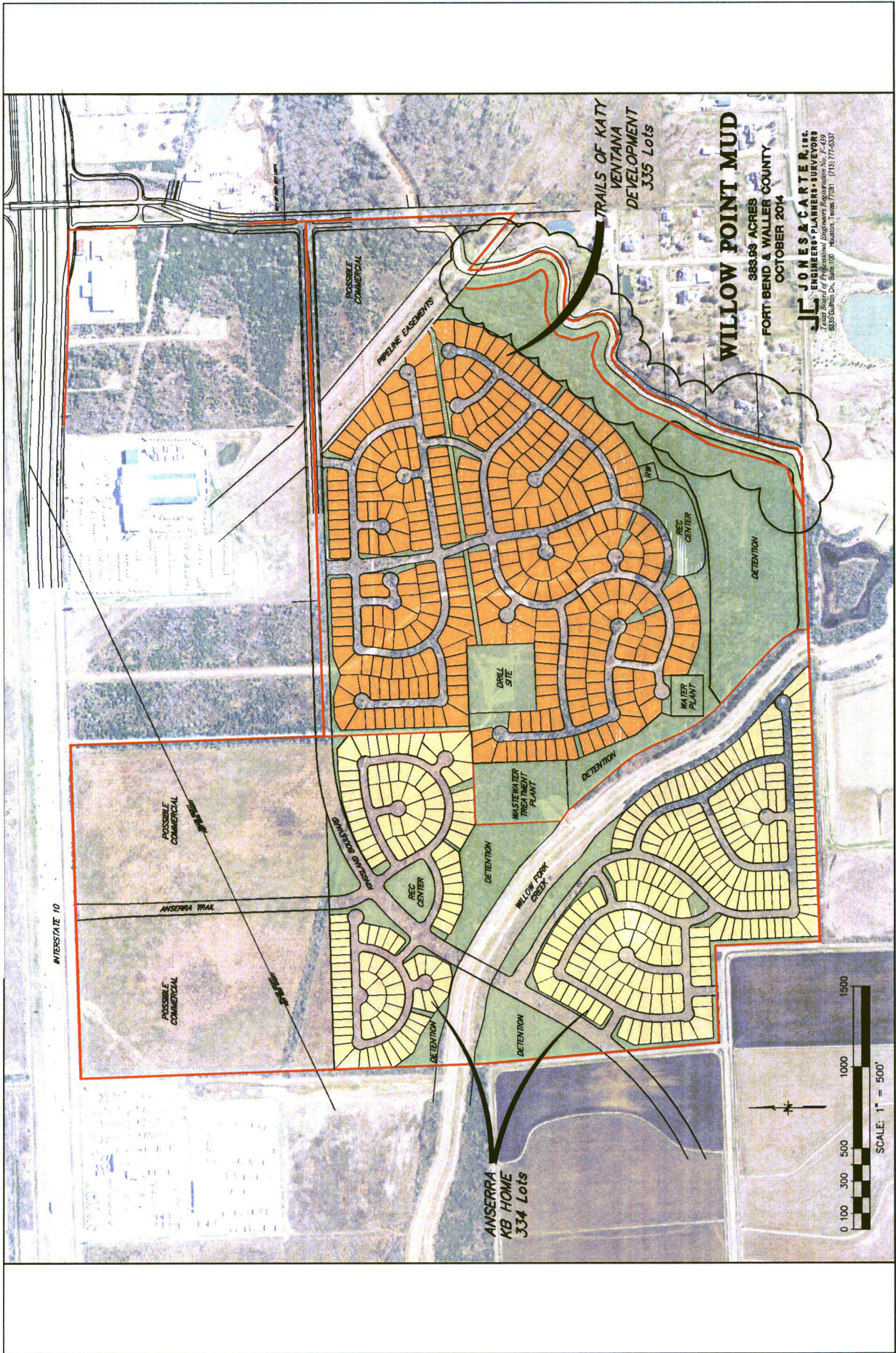
\_\_\_\_\_, Clerk

\_\_\_\_\_, Deputy

Return to:

RECORDER'S MEMORANDUM

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



LIENHOLDER'S SUBORDINATION TO DEDICATION

THE STATE OF TEXAS §

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF FORT BEND §

WHEREAS, Ventana Development Katy, LTD., a Texas limited partnership (herein referred to as "Owner"), has dedicated that certain property referenced in Exhibit "A" in Fort Bend County, Texas, attached hereto, which property was surveyed on \_\_\_\_\_ by Jones & Carter, Inc. and known as Trails of Katy Phase II and filed in Slide No. \_\_\_\_\_ of the Plat Records of Fort Bend County and under Clerk's File No. \_\_\_\_\_ of the Fort Bend County Official Public Records of Real Property; and

WHEREAS, International Bank of Commerce, (the "Lienholder"), is the present owner and holder of a lien against the above-referenced property, said lien being evidenced as recorded under Clerk's File No. 2014141289 of the Fort Bend County Official Public Records of Real Property and is the holder of the promissory note secured by said lien, desires to subordinate said lien to the dedication of all rights-of-way and easements as well as other terms and conditions referred to on the Fort Bend County Drainage District Right of Way Easement for Trails of Katy;

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: That for and in consideration of the premises, and the sum of \$10.00 and other good and valuable consideration this day paid by Owner to said Lienholder, the receipt and sufficiency of which is hereby acknowledged and confessed, the said Lienholder as the present owner and holder of the note and the lien given to secure the payment of the same, does hereby fully subordinate its lien to the Fort Bend County Drainage District Right of Way Easement for Trails of Katy and the dedication evidenced thereby, and does hereby RATIFY, CONFIRM AND APPROVE in all respects the dedications, terms and provisions evidenced thereby.

The said Lienholder does hereby WARRANT AND REPRESENT that it is the present owner and holder of the note and the lien given to secure the payment of the same and that it is thereby authorized to execute this instrument as the owner and holder of the said note and lien.

EXCEPT as expressly modified hereby, the lien shall remain in full force and effect.

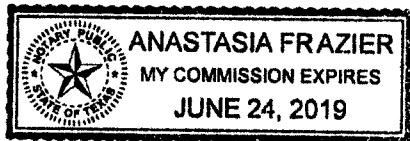
Executed this 21 day of Sept, 2015.

"Lienholder"  
International Bank of Commerce

By: [Signature]  
Name: Delores Hansen  
Title: SVP

THE STATE OF Texas  
COUNTY OF Harris

This instrument was acknowledged before me on the 21<sup>st</sup> day of September, 2015 by Delores Hansen Sr. VP of International Bank of Commerce, on behalf of said corporation.



[Signature]

Notary Public in and for the State of TX

Printed Name: Anastasia Frazier

My Commission Expires: June 24, 2019

EXHIBIT "A"

Beginning at the intersection of the centerline of Willow Fork of Buffalo Bayou and the GRANTOR's southern boundary; thence following the centerline of Willow Fork of Buffalo Bayou approximately 3,400 feet to the intersection of said centerline and the GRANTORS's eastern boundary.

Ret  
FBC Clerk Admin Serv Coord

**FILED AND RECORDED**  
OFFICIAL PUBLIC RECORDS

*Laura Richard*

Laura Richard, County Clerk  
Fort Bend County, Texas

February 11, 2016 12:24:21 PM

FEE: \$0.00 JE  
EASEMENT

2016014105



# CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.  
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

## OFFICE USE ONLY CERTIFICATION OF FILING

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.  
Ventana Development Katy, Ltd.  
Sugar Land, TX United States

Certificate Number:  
2016-8860

Date Filed:  
02/03/2016

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.  
Fort Bend County Drainage District

Date Acknowledged:

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the goods or services to be provided under the contract.  
2016-DD  
Drainage Right of Way Easement

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary

5 Check only if there is NO Interested Party.

6 AFFIDAVIT I swear, or affirm, under penalty of perjury, that the above disclosure is true and correct.



Paul Grover  
Signature of authorized agent of contracting business entity

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said Paul Grover, this the 3 day of February, 2016, to certify which, witness my hand and seal of office.

Jim Grover Signature of officer administering oath  
James B. Grover, Jr Printed name of officer administering oath  
Co-MANAGER Title of officer administering oath

# CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.  
 Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

**OFFICE USE ONLY  
 CERTIFICATION OF FILING**

**1 Name of business entity filing form, and the city, state and country of the business entity's place of business.**

Ventana Development Katy, Ltd.  
 Sugar Land, TX United States

Certificate Number:  
 2016-8860

Date Filed:  
 02/03/2016

**2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.**

Fort Bend County Drainage District

Date Acknowledged:  
 02/10/2016

**3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the goods or services to be provided under the contract.**

2016-DD  
 Drainage Right of Way Easement

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary

5 Check only if there is NO Interested Party.

**6 AFFIDAVIT**

I swear, or affirm, under penalty of perjury, that the above disclosure is true and correct.

\_\_\_\_\_  
 Signature of authorized agent of contracting business entity

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said \_\_\_\_\_, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, to certify which, witness my hand and seal of office.

\_\_\_\_\_  
 Signature of officer administering oath      Printed name of officer administering oath      Title of officer administering oath