

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

The Commissioners Court of Fort Bend County, Texas, convened in REGULAR SESSION AT A REGULAR TERM OF SAID COURT, open to the public, on the 22nd day of March, 2016, at the County Courthouse, and the roll was called of the duly constituted officers and members of the Commissioners Court and officer of the County, to-wit:

Robert Hebert	County Judge
Richard Morrison	Commissioner, Precinct No. 1
Grady Prestage	Commissioner, Precinct No. 2
W. A. "Andy" Meyers	Commissioner, Precinct No. 3
James Patterson	Commissioner, Precinct No. 4
Laura Richard	County Clerk

and all of said persons were present, except _____ . Whereupon, among other business the following was transacted at said meeting: a written order entitled:

ORDER UPON HEARING ON A PETITION TO CREATE FORT BEND COUNTY LEVEE IMPROVEMENT DISTRICT NO. 21; MAKING FINDINGS AND DETERMINATIONS IN CONNECTION THEREWITH; ESTABLISHING FORT BEND COUNTY LEVEE IMPROVEMENT DISTRICT NO. 21 AND DEFINING THE BOUNDARIES THEREOF; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT

(the "Order") was duly introduced for the consideration of the Commissioners Court and reviewed in full. It was then duly moved and seconded that the Order be passed; and, after due discussion, the motion, carrying with it the passage of the Order, prevailed and carried by the following vote:

AYES: 5
NOES: 0

The County Judge thereupon announced that the Order had been duly and lawfully adopted. The Order thus adopted follows:

ORDER UPON HEARING ON A PETITION TO CREATE FORT BEND
COUNTY LEVEE IMPROVEMENT DISTRICT NO. 21;
MAKING FINDINGS AND DETERMINATIONS
IN CONNECTION THEREWITH; ESTABLISHING FORT BEND
COUNTY LEVEE IMPROVEMENT DISTRICT NO. 21
AND DEFINING THE BOUNDARIES THEREOF; AND
CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT

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WHEREAS, there has been presented to the County Judge and Commissioners Court of Fort Bend County, Texas, a petition (hereinafter referred to as the "Petition") requesting creation of a levee improvement district to be known as Fort Bend County Levee Improvement District No. 21 (hereinafter referred to as the "District"), under the authority of Article XVI, Section 59, Texas Constitution and Chapter 57, Texas Water Code, as amended, a copy of which Petition is attached hereto as Exhibit "A" and is incorporated herein for all purposes; and

WHEREAS, by Order duly passed and adopted by the Court on the 1st day of March, 2016, a hearing before the Court on the Petition was set for 22nd day of March, 2016, which date is 15 or more, but not more than 30 days from the date of such Order setting hearing; and

WHEREAS, upon such hearing being convened there was presented proper proof and evidence that notice of such hearing had been posted and had been mailed to the Executive Director of the Texas Commission on Environmental Quality in accordance with the provisions of Section 57.015, Texas Water Code, as amended; and

WHEREAS, the Court invited any interested person, or his attorney, to appear and contend for or contest the creation of the District and to offer testimony pertinent to any issue presented, and heard evidence on the Petition and all issues with respect to the creation of the District, including evidence on (i) whether Petition is signed by the owners of a majority of the acreage in the proposed District; (ii) whether notice of the hearing on the Petition was properly given; (iii) whether the proposed improvements are desirable, feasible, and practicable, and (iv) whether the proposed improvements would be a public utility and a public benefit and would be conducive to public health; and

WHEREAS, the proponents of the District and others offered evidence, both oral and documentary, in favor of all of the foregoing matters and the allegations in the Petition and the creation of the District; and

WHEREAS, the Texas Commission on Environmental Quality ("TCEQ") filed a written report with the Court on the matters which have been investigated, including an examination of the proposed District and of the necessity, feasibility, and probable costs of reclaiming the land of the District from overflow and of draining it properly, and a determination of the costs of

organizing the District and maintaining it, a copy of which is attached to this Order as Exhibit "B" and incorporated herein for all purposes; and

WHEREAS, while the TCEQ's written report only addresses the cost of maintenance of the District for two years, the District will maintain its land for the life of the District; and

WHEREAS, such hearing has been properly convened and based upon the evidence and testimony presented, this Court finds as follows:

- a. That the Petition is in proper form and was signed by the owners of a majority of the acreage in the proposed District, and was accompanied by a deposit of Fifty and No/ 100 Dollars (\$50.00);
- b. That the hearing upon such Petition was properly called, held and conducted and that notice of such hearing was posted within the County and the proposed district and mailed to the Texas Commission on Environmental Quality as required by law;
- c. That this Court has jurisdiction to entertain such Petition and to hold and conduct hearings thereon and to enter upon the record and minutes of this Court its finding relative to such hearing under the provisions of Chapter 57, Texas Water Code, as amended;
- d. That the allegations contained in such Petition are true and correct and the relief sought in such Petition should in all respects be granted;
- e. That creation of the proposed District and that the proposed improvements are desirable, feasible and practicable and would be a public utility and a public benefit and would be conducive to public health;
- f. That the engineering report presented with the Petition is a preliminary estimate of the levee and other drainage facilities to be constructed and the final location and specific levee and drainage facilities shall be determined the by the District in accordance with all applicable laws; and
- g. That this meeting of the Commissioners Court of Fort Bend County, Texas, is open to the public and that proper notice has been given and posted as required by law.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Commissioners Court of Fort Bend County, Texas:

Section 1: The foregoing findings and judgments of this Court are hereby determined to be true, correct and complete and are hereby approved and adopted.

Section 2: The Petition is in all respects granted.

Section 3: Fort Bend County Levee Improvement District No. 21 is hereby created and established, and the boundaries of such District are hereby defined as containing 5,583.61 acres

of land, more or less, in Fort Bend County, Texas, as more particularly described by metes and bounds in Exhibit "A" to the Petition which description is hereby incorporated by reference for all purposes as if set forth in full herein.

Section 4: That Chuck Hewell, James Michael Flory, and Larry Nemec are hereby appointed to serve as directors of the District to serve as provided by law, and that each director shall be entitled to per diems not to exceed the maximum amount allowed by law.

Section 5: That a copy of this Order and the findings and judgments of this Court relative to the hearing on the Petition to create Fort Bend County Levee Improvement District No. 21 shall be recorded in the minutes of this Court and in the Official Records of Fort Bend County, Texas.

PASSED AND ADOPTED this 22 day of March, 2016.



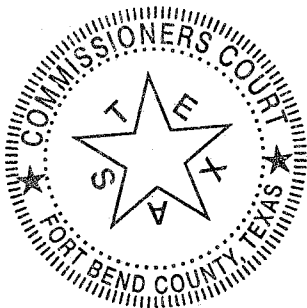
Robert Hebert, County Judge

ATTEST:



Laura Richard
County Clerk and Ex-Officio
Clerk of the Commissioners
Court of Fort Bend County, Texas

(SEAL)



Attachments:

Exhibit A – Petition for Creation

Exhibit B – Texas Commission on Environmental Quality Report

PETITION FOR CREATION, ORGANIZATION AND ESTABLISHMENT OF
FORT BEND COUNTY LEVEE IMPROVEMENT DISTRICT NO. 21

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

TO THE HONORABLE COUNTY JUDGE AND COMMISSIONERS OF FORT BEND
COUNTY, TEXAS:

The undersigned, the owners of the land hereinafter described (herein the
"Petitioners"), acting pursuant to the provisions of Chapter 57, Texas Water Code, as
amended, and in keeping with the provisions of Article XVI, Section 59, of the
Constitution of Texas, respectfully petitions for the creation, organization and
establishment of a levee improvement district and would show the following:

I.

The name of the proposed levee improvement district is FORT BEND COUNTY
LEVEE IMPROVEMENT DISTRICT NO. 21 (the "District").

II.

The District's boundaries will contain an area of 5,583.61 acres of land, more or
less, situated wholly within Fort Bend County, Texas, described by metes and bounds
in Exhibit "A" attached hereto and incorporated herein for all purposes (the "Land").
All of the Land proposed to be included may properly be included in the District.

III.

The Petitioners hold fee simple title to a majority of the acreage comprising the
Land. The Petitioners represent that there are no lienholders on the Land.

IV.

The District shall be organized for the following purposes:

1. to construct and maintain levees and other improvements on, along, and
contiguous to rivers, creeks, and streams;
2. to reclaim lands from overflow from these streams;

3. to control and distribute the waters of rivers and streams by straightening and otherwise improving them;
4. to provide for the proper drainage and other improvement of the reclaimed land; and
5. to purchase or acquire all necessary land, right-of-way easements, sites, equipment, buildings, structures and facilities therefore, for the purpose of purchasing, constructing and maintaining park and recreational facilities, and to maintain same within the boundaries of the District;

all as contemplated by Chapters 49 and 57, Texas Water Code, as amended, and Article XVI, Section 59, of the Constitution of Texas. The District shall operate pursuant to Chapters 49 and 57, Texas Water Code, as amended.

V.

The general nature of the work proposed to be done at this time by the District is the building, acquisition, construction, completion, carrying out, maintaining, protection, and, in case of necessity, the addition to and rebuilding of all works and improvements necessary or proper to fully accomplish a reclamation plan for draining the Land, constructing and maintaining levees on the Land, and reclaiming the Land from overflow or damage by waters from streams inside or adjacent to the District and, where necessary, the straightening of streams, which may injure the Land inside or adjacent to the District.

VI.

There is a necessity for the organization of the District and the proposed improvements for the reason that the territory to be included in the District is being or will be developed for residential and/or commercial, and the health and welfare of the present and future residents of the District and the protection of lands, property, residences, and commercial establishments within the District requires the construction of such proposed improvements.

VII.

The proposed improvements are feasible in that the necessary levees, bridges, drains, and other reclamation improvements can be acquired or constructed at reasonable costs, and taxes at reasonable rates can be levied within the District which will be sufficient to amortize all debt incurred by the District for the purpose of acquiring or constructing the needed improvements and to provide for the payment of all costs of proper maintenance, upkeep, and repair, and additions to the levees and other improvements in the District, and other costs or improvements authorized by

Chapters 49 and 57, Texas Water Code, as amended.

VIII.

The Petitioners propose that taxes to be levied by the District be levied on an ad valorem basis.

IX.

The sum of Fifty Dollars (\$50.00) has been deposited with the County Clerk of Fort Bend County to cover expenses incident to the hearing on this petition.

WHEREFORE, Petitioners pray (1) this petition be properly filed as provided by law; (2) that upon filing of this petition, the Honorable Commissioners Court of Fort Bend County, Texas, if it be in session, and if not, then the Honorable County Judge of Fort Bend County, Texas, order that a hearing be set on this petition before said Commissioners Court or County Judge during the period beginning with the fifteenth (15th) day and ending with the thirtieth (30th) day after the date of such order; (3) that the County Clerk be ordered to issue notice informing all persons concerned of the time and place of such hearing and of their right to appear at the hearing and contend for or contest the creation of the District; (4) that such notice be given and posted as required by law by posting notice of such hearing at the courthouse door and at four different places inside the proposed District for at least ten days before the date of the hearing; (5) that the County Clerk be ordered to mail notice of the hearing to the Texas Commission on Environmental Quality, Austin, Texas, stating that this petition has been filed and including a statement of its general purpose and the time and place of the hearing; (6) that said hearing be held and conducted as required by law and, if upon such hearing it be found that this petition sets forth and conforms to the requirements of law and is signed by the owners of a majority of the acreage in the proposed District, that notice of the hearing was given, that the proposed improvements are desirable, feasible, and practicable and would be a public utility and benefit and conducive to public health, and that the District should be created, that the Commissioners Court so find and render its judgment reciting such findings and creating and establishing the District; (7) that the Commissioners Court appoint Chuck Hewell, James Michael Flory, and Larry Nemecek to serve as directors of the District in the manner provide by law; and (8) for such other proceedings and orders are proper and necessary and appropriate to the creation and organization of said District and to the execution of the purposes for which said District shall be created and organized.

[EXECUTION PAGE FOLLOWS]

RESPECTFULLY SUBMITTED this 3 day of June, 2015.

PETITIONERS:

FOSTER FARMS, INC.

By: [Signature]
Name: Robert Lynch
Title: President

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

This instrument was acknowledged before me on the 3rd day of June, 2015, by Robert Lynch, President of Foster Farms, Inc., a Texas corporation, on behalf of said corporation.

[Signature]
Notary Public, State of Texas

(NOTARY SEAL)



RESPECTFULLY SUBMITTED this 28 day of July, 2015.

FASH FAMILY PARTNERSHIP '92

By: [Signature]
Name: Robert E. Fondren

By: [Signature]
Name: Michael W. Springer

By: [Signature]
Name: Ellanor A. Beard

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

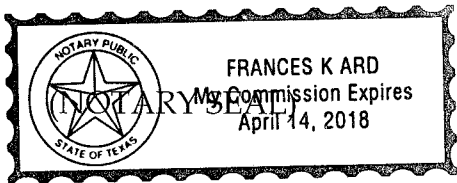
This instrument was acknowledged before me on the 21st day of July, 2015, by Robert E. Fondren, of the Fash Family Partnership '92, on behalf of said partnership.



[Signature]
Notary Public, State of Texas

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

This instrument was acknowledged before me on the 28 day of July, 2015, by Michael W. Springer, of the Fash Family Partnership '92, on behalf of said partnership.



[Signature]
Notary Public, State of Texas

THE STATE OF TEXAS

§

COUNTY OF FORT BEND

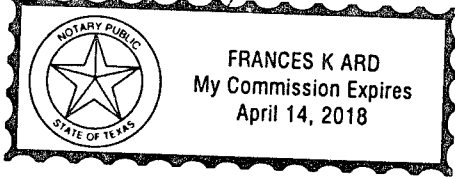
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This instrument was acknowledged before me on the 24 day of July, 2015, by Ellanor A. Beard, of the Fash Family Partnership '92, on behalf of said partnership.

Frances K. Ard
Notary Public, State of Texas

(NOTARY SEAL)



RESPECTFULLY SUBMITTED this 4 day of Aug., 2015.

DAVID M. UNDERWOOD

By: Lynda K. Underwood
Name: David M. Underwood, by Lynda K. Underwood as attorney-in-fact and agent for and on behalf of David M. Underwood

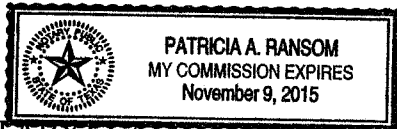
I, Lynda K. Underwood, represent and warrant that certain Statutory Durable Power of Attorney executed by David M. Underwood and dated, and effective July 2, 2002, remains in full force and effect as of this 4, day of August, 2015, and has not been revoked in any manner whatsoever.

By: Lynda K. Underwood
Name: Lynda K. Underwood

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

This instrument was acknowledged before me on the 4 day of August, 2015, by Lynda K. Underwood as attorney-in-fact and agent for and on behalf of David M. Underwood and on his own behalf.

Patricia A. Ransom
Notary Public, State of Texas



(NOTARY SEAL)

Exhibit A

Metes and Bounds Description of the Land

EXHIBIT A

F.B.C.L.I.D. NO. 21
FOSTER FARMS & RIVER RANCH
5,583.61 ACRES

FEBRUARY 25, 2014
JOB NO. 2207-00
PAGE 1 OF 10

DESCRIPTION OF A 5,583.61 ACRE TRACT OF LAND SITUATED
IN THE JOHN FOSTER 2-1/2 LEAGUE GRANT, ABSTRACT NO. 26
AND THE RANDON & PENNINGTON LEAGUE, ABSTRACT NO. 75
FORT BEND COUNTY, TEXAS

BEING a 5,583.61 acre tract of land situated in the John Foster 2-1/2 League Grant, Abstract No. 26 and the Randon & Pennington League, Abstract No. 75 of Fort Bend County, Texas and being part of a called 3,063.45 acre tract of land described as First Tract and of a called 1,410.69 acre tract of land described as Second Tract in a conveyance to Foster Farms, Inc. recorded in Volume 362, Page 549 of the Fort Bend County Deed Records (F.B.C.D.R.) also being all of a called 1,081.9 acre tract of land described and recorded under Fort Bend County Clerk's File Number (F.B.C.C.F. No.) 9231591, said 5,583.61 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at the most northerly Northwest corner of said 3,063.45 acre tract and the Northeast corner of a called 339.63 acre tract described and recorded in Volume 349, Page 524 of the F.B.C.D.R. also the Southwest corner of a called 314 acre tract described and recorded in Volume 465, Page 585 of the F.B.C.D.R.;

THENCE, S 89° 43' 00" E, a distance of 1,834.00 feet to the most northerly northeast corner of said 3063.45 acre tract and being in the western right-of-way line of Winner-Foster Road (Width Varies);

THENCE, along the western and northern right-of-way lines of said Winner-Foster Road the following courses and distances:

S 00° 12' 10" W, a distance of 1,613.96 feet to a point for corner;

S 00° 23' 10" W, a distance of 2,431.50 feet to a point for corner;

S 12° 46' 40" W, a distance of 62.54 feet to a point for corner;

S 02° 56' 10" W, a distance of 213.03 feet to a point for corner;

S 00° 09' 30" E, a distance of 2,657.90 feet to a point for corner;

S 00° 06' 10" W, a distance of 1,724.00 feet to a point for corner;

THENCE, S 27° 37' 18" E, a distance of 56.51 feet to a point for corner in the west line of a called 34.2634 acre tract described and recorded under F.B.C.C.F. No. 2009110478;

THENCE, along the West and South lines of said 34.2634 acre tract the following courses and distances:

S 00° 55' 00" W, a distance of 1,406.40 feet to a point for corner;

N 89° 23' 37" E, a distance of 1,270.51 feet to a point for corner;

THENCE, S 17° 30' 13" E, a distance of 40.58 feet to a point for corner and being in the western line of a called 34.2634 acre tract described and recorded under F.B.C.C.F. No. 2009110478;

F.B.C.L.I.D. NO. 21
FOSTER FARMS & RIVER RANCH
5,583.61 ACRES
PAGE 2

THENCE, along the western and southern lines of said 34.2634 acre tract the following courses and distances:

- S 65° 29' 00" W, a distance of 117.65 feet to a point for corner;
- S 42° 36' 00" W, a distance of 195.00 feet to a point for corner;
- S 18° 58' 00" W, a distance of 200.00 feet to a point for corner;
- S 00° 28' 00" W, a distance of 176.00 feet to a point for corner;
- S 19° 47' 00" E, a distance of 400.00 feet to a point for corner;
- S 36° 17' 00" E, a distance of 500.00 feet to a point for corner;
- S 38° 17' 00" E, a distance of 275.00 feet to a point for corner;
- S 53° 47' 00" E, a distance of 117.00 feet to a point for corner;
- S 37° 17' 00" E, a distance of 150.00 feet to a point for corner;
- S 57° 20' 00" E, a distance of 300.00 feet to a point for corner;
- S 38° 20' 00" E, a distance of 200.00 feet to a point for corner;
- S 50° 14' 00" E, a distance of 800.00 feet to a point for corner;
- S 61° 40' 00" E, a distance of 685.00 feet to a point for corner;
- S 72° 40' 00" E, a distance of 11.59 feet to a point for corner being in the West line of said 1,410.69 acre tract;

THENCE, N 00° 03' 10" E, a distance of 212.73 feet to a point for corner being in the centerline of Jones Creek;

THENCE, along the centerline of Jones Creek the following courses and distances:

- S 78° 51' 08" E, a distance of 391.70 feet to a point for corner;
- N 84° 10' 17" E, a distance of 331.68 feet to a point for corner;
- N 76° 23' 23" E, a distance of 204.37 feet to a point for corner;
- N 70° 21' 24" E, a distance of 176.10 feet to a point for corner;
- N 65° 02' 57" E, a distance of 120.94 feet to a point for corner;

F.B.C.L.I.D. NO. 21
FOSTER FARMS & RIVER RANCH
5,583.61 ACRES
PAGE 3

N 73° 07' 51" E, a distance of 134.93 feet to a point for corner;
N 40° 10' 10" E, a distance of 140.10 feet to a point for corner;
N 29° 07' 50" E, a distance of 206.30 feet to a point for corner;
N 36° 42' 30" E, a distance of 179.60 feet to a point for corner;
N 46° 15' 10" E, a distance of 231.00 feet to a point for corner;
N 57° 46' 30" E, a distance of 210.50 feet to a point for corner;
N 60° 28' 30" E, a distance of 234.75 feet to a point for corner;
N 63° 30' 20" E, a distance of 209.90 feet to a point for corner;
N 75° 53' 50" E, a distance of 245.40 feet to a point for corner;
N 84° 23' 30" E, a distance of 314.25 feet to a point for corner;
S 87° 35' 30" E, a distance of 228.80 feet to a point for corner;
S 78° 18' 00" E, a distance of 302.14 feet to a point for corner;
S 71° 40' 10" E, a distance of 173.50 feet to a point for corner;
S 79° 09' 30" E, a distance of 326.40 feet to a point for corner;
N 79° 30' 30" E, a distance of 151.50 feet to a point for corner;
N 50° 57' 20" E, a distance of 209.40 feet to a point for corner;
N 29° 11' 50" E, a distance of 147.40 feet to a point for corner;
N 02° 35' 50" E, a distance of 202.20 feet to a point for corner;
N 07° 38' 30" W, a distance of 560.65 feet to a point for corner;
N 06° 01' 40" W, a distance of 671.97 feet to the most northerly northwest corner of the herein described tract;

THENCE, S 78° 30' 50" E, a distance of 117.07 feet to the Southwest corner of a called 0.72 acre tract described and recorded in Volume 362, Page 549 of the F.B.C.D.R.;

THENCE, N 11° 29' 10" E, a distance of 23.31 feet to Northwest corner of said 0.72 acre tract and being in the southern right-of-way line of F. M. 359 (100-foot wide);

F.B.C.L.I.D. NO. 21
FOSTER FARMS & RIVER RANCH
5,583.61 ACRES
PAGE 4

THENCE, along the southern right-of-way lines of said F. M. 359 the following courses and distances:

S 69° 55' 20" E, a distance of 1,402.20 feet to the point of curvature of a curve to the right;

In an Southeasterly direction along said curve to the right, a distance of 92.41 feet, having a radius of 3,770.00 feet, a central angle of 01° 24' 16" and a chord which bears S 69° 13' 12" E, 92.41 feet to the most easterly Northeast corner of the herein described tract and being the Northwest corner of a called 26.00 acre tract described and recorded under F.B.C.C.F. No. 9725243;

THENCE, S 00° 39' 06" E, a distance of 4,527.65 feet along the line common to said 26.00 acre tract and said 1,410.69 acre tract to a point being in the southern right-of-way line of Beadle Drive (80-foot wide)

THENCE, S 00° 40' 10" E, a distance of 222.50 feet to a point for corner;

THENCE, S 88° 36' 40" E, a distance of 331.42 feet to a point for corner being in the West line of a called 174.27 acre tract described and recorded in Volume 495, Page 841 of the F.B.C.D.R.;

THENCE, along the East lines of said 1,410.69 acre tract and the West lines of said 174.27 acre tract and a called 6.5331 acre tract described and recorded under F.B.C.C.F. No. 9818471 and a called 3.6430 acre tract described and recorded under F.B.C.C.F. No.9812369 also a called 194.2072 acre tract described and recorded under F.B.C.C.F. No. 2001015964 the following courses and distances:

S 00° 06' 00" E, a distance of 8,803.69 feet to a point for corner;

S 03° 02' 20" W, a distance of 1,460.00 feet to the Southeast corner of the herein described tract and the Northwest corner of a called 132 acres described and recorded under F.B.C.C.F. No. 9465434;

THENCE, along the southern lines of said 1,410.69 acre tract and the northern lines of Evans Road (40-foot wide) the following courses and distances:

S 70° 59' 40" W, a distance of 193.60 feet to a point for corner;

S 83° 22' 20" W, a distance of 94.60 feet to a point for corner;

N 78° 41' 00" W, a distance of 123.30 feet to a point for corner;

N 70° 30' 40" W, a distance of 196.30 feet to a point for corner;

N 60° 46' 40" W, a distance of 154.40 feet to a point for corner;

N 54° 14' 30" W, a distance of 2,586.55 feet to a point for corner;

N 60° 10' 20" W, a distance of 167.80 feet to a point for corner;

N 64° 29' 30" W, a distance of 1,714.80 feet to a point for corner;

F.B.C.L.I.D. NO. 21
FOSTER FARMS & RIVER RANCH
5,583.61 ACRES
PAGE 5

THENCE, S 16° 49' 30" W, a distance of 40.16 feet over said Evans Road to the Northeast corner of a called 16.3 acre tract described and recorded in Volume 362, Page 549 of the F.B.C.D.R. also the Northwest corner of a called 30 acre tract described and recorded under F.B.C.C.F. No. 2002110527;

THENCE, S 00° 20' 00" W, a distance of 1,525.20 feet along the line common to said 16.3 acre tract and said 30 acre tract to a point for corner on the northern high bank of the Brazos River;

THENCE along the northern high bank of the Brazos River the following twenty-four (24) courses and distances:

- N 59° 41' 40" W, a distance of 152.20 feet to an angle point;
- N 44° 27' 50" W, a distance of 258.50 feet to an angle point;
- N 45° 43' 20" W, a distance of 328.10 feet to an angle point;
- N 21° 50' 30" W, a distance of 292.20 feet to an angle point;
- N 19° 53' 20" W, a distance of 461.00 feet to an angle point;
- N 33° 23' 30" W, a distance of 889.20 feet to an angle point;
- N 23° 21' 00" W, a distance of 381.20 feet to an angle point;
- N 33° 07' 30" W, a distance of 705.90 feet to an angle point;
- N 59° 50' 40" W, a distance of 535.00 feet to an angle point;
- N 75° 30' 40" W, a distance of 643.50 feet to an angle point;
- S 87° 13' 00" W, a distance of 259.31 feet to an angle point;
- S 68° 53' 20" W, a distance of 397.00 feet to an angle point;
- S 51° 47' 20" W, a distance of 756.00 feet to an angle point;
- S 47° 20' 20" W, a distance of 470.70 feet to an angle point;
- S 44° 25' 20" W, a distance of 240.25 feet to an angle point;
- S 13° 24' 20" W, a distance of 130.20 feet to an angle point;
- S 31° 44' 00" W, a distance of 429.30 feet to an angle point;
- S 22° 44' 00" W, a distance of 149.10 feet to an angle point;

F.B.C.L.I.D. NO. 21
FOSTER FARMS & RIVER RANCH
5,583.61 ACRES
PAGE 6

S 29° 42' 00" W, a distance of 104.75 feet to an angle point;

S 31° 45' 20" W, a distance of 163.70 feet to an angle point;

S 27° 51' 40" W, a distance of 210.40 feet to an angle point;

S 34° 59' 10" W, a distance of 374.80 feet to an angle point;

S 27° 43' 40" W, a distance of 463.00 feet to an angle point;

N 59° 47' 10" W, a distance of 39.22 feet to a point for corner being in the East line of a called 218.562 acre tract described and recorded under F.B.C.C.F. No. 9677436;

THENCE, N 00° 28' 00" W, a distance of 5,120.00 feet along the East line of said 218.562 acre tract and the East line of a called 101.314 acre tract described and recorded under F.B.C.C.F. No. 9677438 to a point for corner;

THENCE, N 89° 52' 00" W, a distance of 1,756.82 feet along the North line of said 101.314 acre tract to an angle point;

THENCE, S 89° 59' 20" W, a distance of 1,582.72 feet to a point for corner being in the East right-of-way line of Stratmore Road (Width Varies);

THENCE, N 00° 05' 10" W, a distance of 1,682.65 feet along said East right-of-way line to a point for corner;

THENCE, N 89° 59' 10" W, a distance of 3,011.45 feet to a point for corner on the high bank of the Brazos River;

THENCE, N 31° 19' 40" W, a distance of 440.85 feet to a point for corner being in the West line of said 3,063.45 acre tract and the East line of said 1,081.9 acre tract also being the western line of said John Foster 2-1/2 League Grant and the eastern line of said Randon & Pennington League;

THENCE along the northern high bank of the Brazos River the following sixteen (16) courses and distances:

N 61° 15' 51" W, a distance of 413.67 feet to an angle point;

N 63° 38' 25" W, a distance of 127.39 feet to an angle point;

N 69° 57' 21" W, a distance of 231.42 feet to an angle point;

N 84° 02' 56" W, a distance of 177.77 feet to an angle point;

S 81° 49' 31" W, a distance of 243.96 feet to an angle point;

F.B.C.L.I.D. NO. 21
FOSTER FARMS & RIVER RANCH
5,583.61 ACRES
PAGE 7

- S 76° 50' 40" W, a distance of 262.11 feet to an angle point;
- S 83° 30' 54" W, a distance of 117.69 feet to an angle point;
- S 63° 26' 12" W, a distance of 532.25 feet to an angle point;
- S 54° 50' 09" W, a distance of 356.23 feet to an angle point;
- S 44° 22' 37" W, a distance of 544.99 feet to an angle point;
- S 28° 38' 41" W, a distance of 555.68 feet to an angle point;
- S 20° 42' 53" W, a distance of 316.44 feet to an angle point;
- S 14° 05' 57" W, a distance of 773.72 feet to an angle point;
- S 06° 56' 47" E, a distance of 674.56 feet to an angle point;
- S 00° 51' 45" E, a distance of 899.67 feet to an angle point;

SOUTH, a distance of 583.32 feet to a point for corner;

THENCE, WEST, a distance of 830.56 feet to the Southwest corner of the herein described tract and the Southwest corner of said 1,081.9 acre tract being a interior ell corner of a called 251.075 acre tract described and recorded in Volume 671, Page 876 of the F.B.C.D.R.;

THENCE, NORTH, a distance of 14,347.22 feet along the East lines of said 251.075 acre tract and a called 391.47 acre tract described and recorded in Volume 569, Page 765 of the F.B.C.D.R. also a called 514.321 acre tract described and recorded in Volume 801, Page 410 of the F.B.C.D.R. and a called 110.8 acre tract described and recorded in Volume 343, Page 276 of the F.B.C.D.R. to the Northwest corner of the herein described tract and the Northwest corner of said 1,081.9 acre tract and the Southwest corner of a called 367.199 acre tract described and recorded in Volume 422, Page 474 of the F.B.C.D.R., said point being in the centerline of Jones Creek;

THENCE, along the North lines of said 1,081.9 acre tract and the South lines of said 367.199 acre tract and with the centerline meanders of said Jones Creek the following seventeen (17) courses and distances:

- S 35° 54' 45" E, a distance of 404.28 feet to an angle point;
- S 53° 07' 30" E, a distance of 178.46 feet to an angle point;
- S 71° 31' 00" E, a distance of 300.73 feet to an angle point;
- S 78° 57' 15" E, a distance of 300.54 feet to an angle point;
- S 73° 50' 05" E, a distance of 206.79 feet to an angle point;

F.B.C.L.I.D. NO. 21
FOSTER FARMS & RIVER RANCH
5,583.61 ACRES
PAGE 8

S 87° 53' 05" E, a distance of 183.89 feet to an angle point;
N 85° 48' 00" E, a distance of 311.23 feet to an angle point;
N 82° 02' 35" E, a distance of 191.06 feet to an angle point;
N 87° 46' 05" E, a distance of 300.24 feet to an angle point;
N 84° 02' 40" E, a distance of 200.07 feet to an angle point;
N 87° 05' 55" E, a distance of 211.83 feet to an angle point;
N 87° 13' 25" E, a distance of 315.20 feet to an angle point;
S 75° 09' 25" E, a distance of 348.37 feet to an angle point;
S 52° 33' 35" E, a distance of 301.30 feet to an angle point;
S 37° 42' 30" E, a distance of 172.73 feet to an angle point;
S 61° 05' 10" E, a distance of 146.38 feet to an angle point;
S 73° 10' 00" E, a distance of 269.73 feet to the Northeast corner of said 1,081.9 acre tract and the most westerly Northwest corner of said 3,063.45 acre tract;

THENCE, continuing along the meanders of said Jones Creek and with the Northwestern lines of said 3,063.45 acre tract also being the Southwestern lines of a called 208.59 acre tract described and recorded in Volume 2227, Page 2203 of the F.B.C.D.R. and a called 339.63 acre tract described and recorded in Volume 349, Page 524 of the F.B.C.D.R. the following sixteen (16) courses and distances:

S 68° 04' 50" E, a distance of 2,041.63 feet to an angle point;
S 76° 02' 10" E, a distance of 999.67 feet to an angle point;
S 79° 34' 20" E, a distance of 320.08 feet to an angle point;
N 73° 55' 30" E, a distance of 196.72 feet to an angle point;
N 52° 35' 50" E, a distance of 658.02 feet to an angle point;
N 48° 44' 00" E, a distance of 247.46 feet to an angle point;
SOUTH, a distance of 54.85 feet to an angle point;
N 48° 44' 00" E, a distance of 37.99 feet to an angle point;

F.B.C.L.I.D. NO. 21
FOSTER FARMS & RIVER RANCH
5,583.61 ACRES
PAGE 9

N 72° 44' 20" E, a distance of 277.48 feet to an angle point;

N 63° 43' 20" E, a distance of 114.44 feet to an angle point;

N 54° 03' 20" E, a distance of 145.76 feet to an angle point;

N 43° 36' 20" E, a distance of 706.04 feet to an angle point;

N 42° 01' 20" E, a distance of 285.46 feet to an angle point;

N 34° 49' 20" E, a distance of 345.87 feet to an angle point;

N 30° 43' 15" E, a distance of 402.71 feet to an angle point;

N 00° 06' 00" W, a distance of 80.27 feet to the most southern corner of a called 27.66 acre tract described and recorded under Fort Bend County Clerk's File Number (F.B.C.C.F. No.) 2005020109;

THENCE, along the East and North lines of said 27.66 acre tract the following seventeen (17) courses and distances:

N 28° 53' 21" E, a distance of 59.08 feet to an angle point;

N 23° 57' 27" E, a distance of 299.97 feet to an angle point;

N 16° 15' 51" E, a distance of 331.81 feet to an angle point;

N 19° 01' 38" E, a distance of 580.70 feet to an angle point;

N 44° 58' 18" E, a distance of 189.22 feet to an angle point;

N 66° 56' 01" E, a distance of 188.69 feet to an angle point;

N 77° 44' 37" E, a distance of 323.41 feet to an angle point;

N 81° 28' 55" E, a distance of 55.99 feet to an angle point;

N 12° 18' 48" W, a distance of 107.20 feet to an angle point;

N 07° 07' 38" E, a distance of 117.89 feet to an angle point;

N 15° 08' 03" W, a distance of 58.15 feet to an angle point;

N 25° 50' 24" W, a distance of 58.30 feet to an angle point;

N 34° 49' 05" W, a distance of 274.94 feet to an angle point;

F.B.C.L.I.D. NO. 21
FOSTER FARMS & RIVER RANCH
5,583.61 ACRES
PAGE 10

N 38° 03' 02" W, a distance of 118.88 feet to an angle point;

N 16° 17' 08" W, a distance of 54.86 feet to an angle point;

N 03° 12' 23" E, a distance of 7.00 feet to an angle point;

N 86° 00' 03" W, a distance of 239.04 feet to an angle point;

N 84° 46' 54" W, a distance of 585.18 feet to the Northwest corner of said 27.66 acre tract and being in the East line of said 339.63 acre tract;

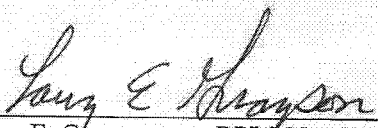
THENCE, N 00° 06' 00" W, a distance of 4,823.96 feet along the line common to said 339.63 acre tract and said 3,063.45 acre tract to the **POINT OF BEGINNING** and containing 5,583.61 acres of land.

Bearing orientation is based on the west line of the called 3,063.45 acre tract described as First Tract in the deed recorded in Volume 362, Page 549 of the Fort Bend County Deed Records and called to be South.

This metes and bounds description was prepared under 22 Texas Annotated Code 663.21 and reflects the assembly of instruments of record to describe the political boundary limits shown hereon 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.

Dated this the 25th day of February, 2014.




Larry E. Grayson RPLS No. 5071
Brown & Gay Engineers, Inc.
10777 Westheimer Road, Suite 400
Houston, Texas 77042
Telephone: (281) 558-8700
TBPLS Licensed Surveying Firm No. 10106500

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 21, 2016

Ms. Laura Richard, County Clerk and
Ex-Officio Clerk of the Commissioners
Court of Fort Bend County, Texas
Fort Bend Courthouse
301 Jackson Street
Richmond, Texas 77469

Re: Proposed Fort Bend County Levee Improvement District No. 21
Petition Comments

Dear Ms. Richard:

On March 8, 2016, TCEQ received an executed copy of a petition dated, March 1, 2016, to create the captioned Levee Improvement District ("LID"). As received, this petition includes an "Affidavit of Forwarding Notice of Hearing", an "Order Setting the Hearing", and the "Certificate for Order," all dated March 1, 2016, and executed by Laura Richard, County Clerk of Fort Bend County. We also received on March 8, 2016, a signed and sealed engineer's report and have conducted a preliminary investigation and feasibility analysis in accordance with TEXAS WATER CODE Section 57.016 and 30 TEX. ADMIN. CODE Section 301.21 (c). We understand that a creation hearing, before the Fort Bend County Commissioners Court, is scheduled for March 22, 2016, at 1:00 P.M.

This proposed LID is located, according to the engineer's report, in the extraterritorial jurisdiction of the City of Fulshear. The petitioners own approximately 5,583.61 acres in the affected area. According to the Federal Emergency Management Agency's ("FEMA") Flood Insurance Rate Maps, a substantial portion of this acreage is currently encumbered by the Brazos River's floodway and its floodplains. Inadequate internal drainage and possible problems with Jones Creek overflowing also require attention. The proposed LID addresses these issues in a cost-effective manner with a proposed levee situated outside and contiguous to the Brazos River's floodway, a levee contiguous to the south side of Jones Creek, and levees along Montgomery Road and just west of FM 723 to manage the Brazos River's floodplains. Three storm water pump stations with other necessary improvements constructed by the LID, situated along the levee contiguous to the Brazos River's floodway, will convey the internal 100-year event directly into the Brazos River. Municipal Utility Districts inside the LID will provide the required internal facilities for conveying drainage to these pump stations. The engineer's report further states that the construction of these levees will not adversely affect downstream and upstream land owners. The engineer is required to submit a conditional letter of map amendment to FEMA and others with jurisdiction for initial approval of the levee construction plans.

The engineer's report states, that with the construction of this levee system and the filling of certain onsite areas, the petitioner projects to have approximately 3,319.5 acres available for development. The projected taxable assessed valuation present value of this acreage, according

Ms Laura Richard, County Clerk
Page 2
March 21, 2016

to the report, is \$2,042,500,000. According to this report, the total bond issue requirement ("BIR") to construct the required LID facilities and maintain them for two years is \$74,400,000. Considering the estimated total bond issue requirement of \$74,400,000, assuming 100% developer financing, an interest rate of 6.5%, and a 30-year bond life, the annual average debt service requirement is \$5,697,362. Assuming that no operating revenues are available for debt service, a tax rate of \$0.31 per \$100 of assessed valuation would be required to amortize this debt, with a 90% collection rate. This LID will also levy a maintenance tax of \$0.10 per \$100 of assessed valuation for operations. Therefore, the total estimated LID tax levy would be \$0.41 per \$100 of assessed valuation.

Debt service for the construction and maintenance tax requirements for operating each separate Municipal Utility District in the LID, according to the creation report, can be monitored to maintain each Municipal Utility District's tax rate to approximately a \$1.00 per \$100 assessed valuation. Therefore, the total LID tax rate projection of \$1.41 per \$100 of assessed valuation is within what is allowed by the TCEQ (\$1.50). When considering the total combined overlapping area tax rates, a tax rate of \$3.38 per \$100 assessed valuation is established. This tax rate is reasonable and acceptable for a development of this type.

The Commission staff has reviewed the material submitted, and concludes that the proposed LID is necessary to accomplish this reclamation effort, operate, and maintain these levee improvements. The proposed LID is also considered feasible from an economic and engineering standpoint.

Please contact Clyde Sifford P.E. of the Districts Section at (512) 239-4623, or by email at clyde.sifford@tceq.texas.gov, if you have any questions.

Sincerely,



Tom Glab, P.E. Leader
Districts Section
Texas Commission on Environmental Quality

GB/cs

cc: Ms. Angela Lutz – Allen Boone Humphries Robinson, LLP (via e-mail)
Mr. Kevin J. Gilligan – Brown and Gay, Inc. (via e-mail)
TCEQ Region 12 Office

CERTIFICATE FOR ORDER

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

We, the undersigned officers of the Commissioners Court (the "Court") of Fort Bend County, Texas, (the "County") do hereby certify as follows:

1. That we are the duly chosen, qualified and acting officers of the Court for the offices shown below our signatures and that as such we are familiar with the facts herein certified.

2. That there is attached to and follows this certificate an excerpt of proceedings from the minutes of a meeting of the Court which is a true, full and complete excerpt of all proceedings from the minutes of the Court pertaining to the adoption of the order described therein; and that the persons named in such excerpt as the officers and members of the Court or as officers of the County are the duly chosen, qualified and acting officers and members as indicated therein.

3. That a true and complete copy of the order (the "Order"), as adopted at the meeting described in such excerpt from the minutes, is attached to and follows such excerpt.

4. That the Order has been duly and lawfully adopted by the Court and that the County Judge of the County has approved, and hereby approves, the Order; that the County Judge and the County Clerk of the County have duly signed and attested the Order and each, respectively, hereby declares that the signing of this certificate shall also constitute the signing of the Order for all purposes; and that the Order, as signed, has been duly recorded in the minutes of the Court for such meeting.

5. That each of the officers and members of the Court was duly and sufficiently notified officially and personally, in advance, of the date, hour, place and subject of such meeting of the Court, and that the Order would be introduced and considered for passage at such meeting, and each of such officers and members consented, in advance, to the holding of such meeting to consider and act upon such subject.

6. That written notice of the date, hour, place and subject of the meeting of the Court described in the excerpt from the minutes was posted on a bulletin board located at a place convenient to the public in the County Courthouse of the County; and that such meeting was open to the public as required by law at all times during which

the Order and the subject matter thereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Article 6252-17, Vernon's Texas Civil Statutes, as amended.

SIGNED AND SEALED THE 22 day of March, 2016.

Laura Richard

Laura Richard
County Clerk

Robert Hebert

Robert Hebert
County Judge

