



March 28, 2017

Kent Brotherton  
Landmark Industries, Texas general partnership  
11111 Wilcrest Green, Suite 100  
Houston, Texas 77042

Re: ACCEPTANCE OF OFFER TO PURCHASE: FM 1093 Westpark Extension Phase 2  
0.6859 acre of land located in the R.H. Kuykendahl Survey, Abstract No. 274  
Parcel 506, Fort Bend County, Texas

The undersigned seller(s) accept the offer of Fort Bend County to purchase the parcel as described above and agrees to sell the same to Fort Bend County using the following financial breakdown:

Land (29,876 SF x \$16.00/SF)	\$ 478,016.00
Improvements	\$ 16,175.00
Cost to Cure	\$ 350.00
<b>TOTAL OFFER FROM THE COUNTY</b>	<b>\$494,541.00</b>

**Subject to the following conditions:**

1. Curb cuts and corresponding right turn lanes will be permitted in the specific locations as designated by the attached curb cut drawing;
2. Landowner is to acquire own easements across MUD property.
3. All related plans and permits must be approved by appropriate governing entities; and
4. Property owner shall bear responsibility for all related direct and indirect costs.

**THIS IS AN ACCEPTANCE OF THE OFFER AS PRESENTED BY FORT BEND COUNTY, TEXAS FOR THE AMOUNT LISTED ABOVE.**

**SELLER**

LANDMARK INDUSTRIES, a Texas general partnership

By: \_\_\_\_\_

Name: J. Kent Brotherton

Title: Partner

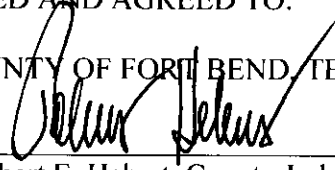
4-13-2017  
Date



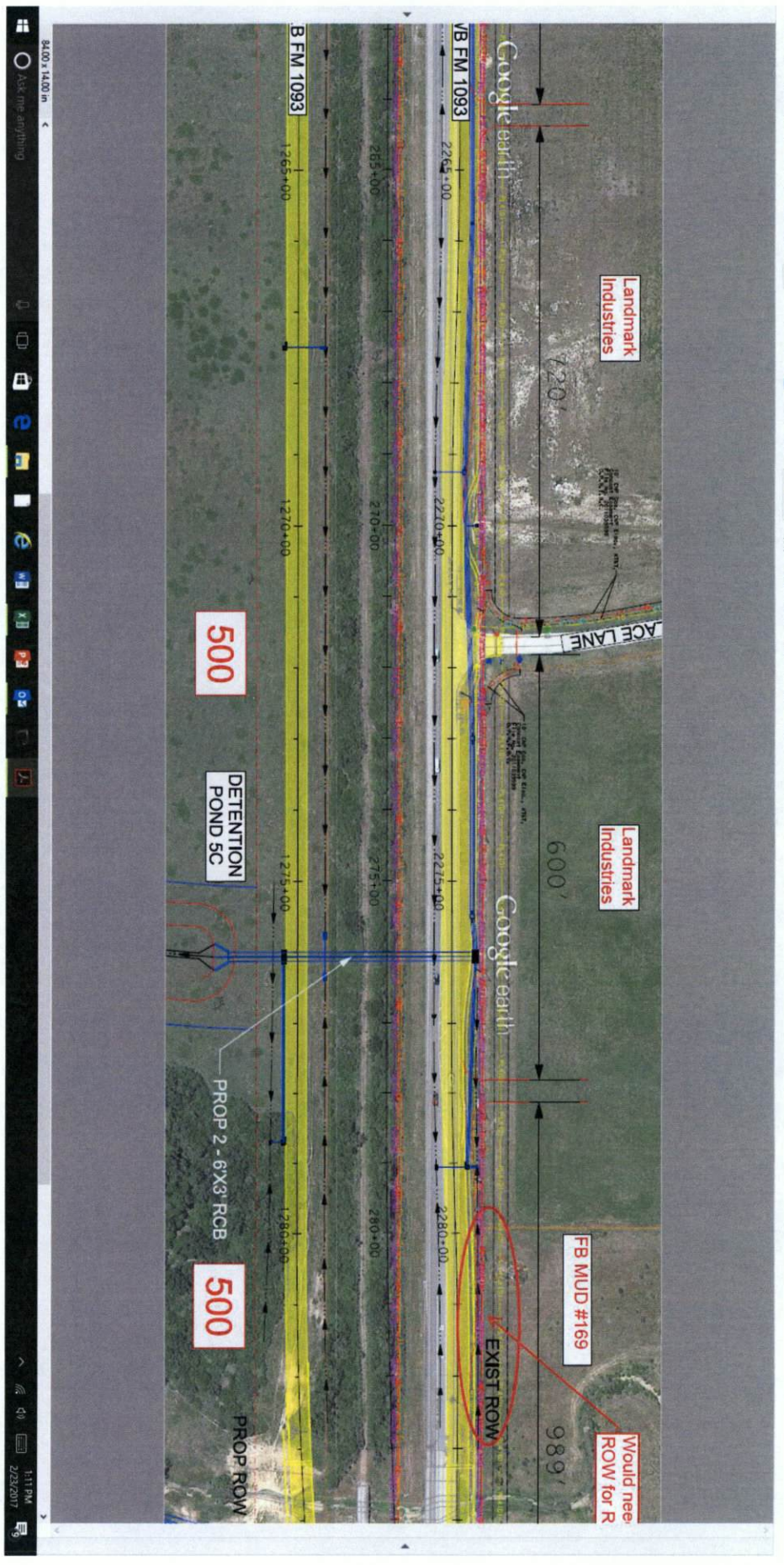
**PERCHERON**

ACCEPTED AND AGREED TO:

THE COUNTY OF FORT BEND, TEXAS

By:   
Robert E. Hebert, County Judge

May 9, 2017  
Date



It is understood that curb cuts may be in location as shown, based on:

- Donation/dedication (as appropriate) of required right of way to construct right turn lanes for each of the two curb cuts;
- Engineering/construction plans prepared by Landmark and submitted to Fort Bend County, City of Fulshear, and/or TxDOT for approval as appropriate;
- Construction by approved contractor
- Property owner to bare full cost of curb cuts, required right turn lanes, acquisition of easement or fee of MUD property for easternmost curb cut right turn lane, and any other expenses related to curb cuts and right turn lane construction
- Construction to be completed after current FM 1093 road construction project is complete

ay



**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

**WARRANTY DEED**

**THE STATE OF TEXAS**

§  
§  
§

**KNOW ALL MEN BY THESE PRESENTS**

**COUNTY OF FORT BEND**

THAT THE UNDERSIGNED, Landmark Industries, a Texas general partnership, whose address is 11111 Wilcrest Green, Suite 100, Houston, TX 77042, hereinafter called "Grantor", whether one or more, for and in consideration of the sum of TEN DOLLARS (\$10.00) cash, and other good and valuable consideration paid to Grantor by the County of Fort Bend, Texas, hereinafter called Grantee, whether one or more, whose mailing address is 301 Jackson St., Richmond, TX 77469, and other good and valuable consideration, the receipt and sufficiency of which consideration are acknowledged, hereby GRANT, SELL and CONVEY unto Grantee, the real property described on attached Exhibit "A", incorporated herein and made a part hereof for all purposes, together with (i) any and all appurtenances belonging or appertaining thereto; (ii) any and all improvements located thereon; (iii) any and all appurtenant easements or rights of way affecting said real property and any of Grantor's rights to use same; (iv) any and all rights of ingress and egress to and from said real property and any of Grantor's rights to use same; (v) any and all mineral rights and interests of Grantor relating to said real property (present or reversionary), save and except as provided herein; (vi) any and all rights to the present or future use of wastewater, wastewater capacity, drainage, water or other utility facilities to the extent same pertain to or benefit said real property or the improvements located thereon, including without limitation, all reservations of or commitments or letters covering any such use in the future, whether now owned or hereafter acquired; (vii) any and all rights and interests of Grantor in and to any leases covering all or any portion of said real property; and (viii) all right, title and interest of Grantor, if any, in and to (a) any and all roads, streets, alleys and ways (open or proposed) affecting, crossing fronting or bounding said real property, including any awards made or to be made relating thereto including, without limitation, any unpaid awards or damages payable by reason of damages thereto or by reason of widening or of changing of the grade with respect to same, (b) any and all strips, gores or pieces of property abutting, bounding or which are adjacent or contiguous to said real property (whether owned or claimed by deed, limitations or otherwise), (c) any and all air rights relating to said real property and (d) any and all reversionary interests in and to said real property (said real property together with any and all of the related improvements, appurtenances, rights and interests referenced in items (i) through (viii) above are herein collectively referred to as the "Property").

This conveyance, however, is made and accepted subject to the following matters, to the extent same are in effect at this time: (1) any and all restrictions, covenants, assessments, reservations, outstanding mineral interests held by third parties; (2) conditions, and easements, if any, relating to the hereinabove described property, but only to the extent they are still in effect and shown of record in the hereinabove mentioned County and State or to the extent that they are apparent upon reasonable inspection of the property; (3) all zoning laws, regulations and ordinances of municipal and/or other governmental authorities, if any but only to the extent they are still in effect and relating to the hereinabove described property; (4) Grantor reserves all of the oil, gas and sulphur in and under the land herein conveyed but waives any and all rights of ingress and egress to the surface thereof for the purpose of exploring, developing, mining or drilling for same; however, nothing in this reservation shall affect

the title and rights of the Grantee, its successors and assigns, to take and use other minerals and materials thereon, therein and thereunder.

If current ad valorem taxes on Property have not been prorated at the time of closing, Grantor and Grantee shall be responsible for payment of its respective share thereof based on period of ownership. Grantee, as a governmental entity, shall be responsible for applying and perfecting any exemption for which it is entitled relating to period of ownership.

**TO HAVE AND TO HOLD** the Property described herein and herein conveyed together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Grantee, its successors and assigns forever, subject to the matters herein stated: and Grantor does hereby bind itself and its successors and assigns, to **WARRANT AND FOREVER DEFEND**, all and singular, the Property unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

EXECUTED this 13<sup>th</sup> day of April, 2017.

GRANTOR:

LANDMARK INDUSTRIES, a Texas general partnership

By:

Name: J. Kent Brotherton

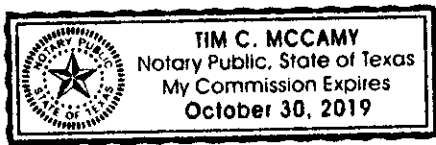
Title: Partner

STATE OF TEXAS

COUNTY OF Harris

Before me, the undersigned Notary Public, on this day personally appeared J. Kent Brotherton known to me or proved to me on the oath of J. Kent Brotherton, or proved to me through \_\_\_\_\_ (Driver's License description and number) to be the person and officer whose name is subscribed to the attached warranty deed. He/She acknowledged to me that he/she executed and is duly authorized to execute the attached warranty deed in the name of and on behalf of LANDMARK INDUSTRIES, a Texas general partnership, for purposes and consideration express in the attached agreement.

GIVEN under my hand and seal of office on the 13<sup>th</sup> day of April, 2017.



Timothy McCamy  
Notary Public in and for the  
State of Texas

AS PER ORIGINAL



EXHIBIT A

County: Fort Bend  
Highway: F.M. 1093  
Project Limits: West of Fulshear to FM 1463 / FM 359  
RCSJ: 0543-02-071

Property Description for Parcel 506

Being a 0.6859 acre (29,876 square feet) parcel of land, out of the R.H. Kuykendahl Survey, A-274, Fort Bend County, Texas, and being part of and out of that certain called 41.78 acre tract of land, described in a Deed dated May 02, 2013 from Landmark Industries Development, LTD to Landmark Industries, filed in the Official Public Records of Fort Bend County, Texas (O.P.R.F.B.C.) at Clerk's File No. 2013073162, said 0.6859 acre parcel being more particularly described as follows:

COMMENCING at a 1/2-inch iron rod found in the existing east right-of-way line of Flewellen Way (60 feet wide) as described under Clerk's File No. 20110015 of the Plat Records of Fort Bend County, Texas (F.B.C.P.R.) and being an angle point in the west line of said 41.78 acre tract; thence as follows:

South  $06^{\circ}59'58''$  East, a distance of 59.47 feet, along the east right-of-way line of said Flewellen Way and along a west line of said 41.78 acre tract, to a 5/8-inch iron rod with TxDOT aluminum cap set in the proposed north right-of-way line of FM 1093 (width varies) for the northwest corner and POINT OF BEGINNING of the herein described parcel, said point having Coordinates of N=13,815,406.84 and E=2,969,051.66;\*\*

- 1) THENCE, South  $54^{\circ}01'37''$  East, a distance of 27.27 feet, along the proposed north right-of-way line of said F.M. 1093, to a 5/8 inch iron rod with TxDOT aluminum cap set for an angle point of the herein described parcel;\*\*
- 2) THENCE, North  $78^{\circ}26'07''$  East, a distance of 68.54 feet, along the proposed north right-of-way line of said F.M. 1093, to a 5/8 inch iron rod with TxDOT aluminum cap set for an angle point of the herein described parcel;\*\*
- 3) THENCE, North  $78^{\circ}02'26''$  East, a distance of 296.86 feet, along the proposed north right-of-way line of said F.M. 1093, to a 5/8 inch iron rod with TxDOT aluminum cap set for an angle point of the herein described parcel and for the beginning of a curve to the right;\*\*

EXHIBIT A

- 4) THENCE, in an easterly direction, with said curve to the right having a radius of 6,591.86 feet, a central angle of  $02^{\circ}13'38''$  and chord which bears North  $79^{\circ}10'01''$  East, 256.22 feet, for an arc length of 256.23 feet to a 5/8-inch iron rod with TxDOT aluminum cap set in the proposed north right-of-way line of said F.M. 1093, in the east line of said 41.78 acre tract, in the west line of a 5.704 acre tract of land, described in a Deed dated November 22, 2011 to Texas Petroleum Group, LLC, filed in the O.P.R.F.B.C. at Clerk's File No. 2011119388 and for the northeast corner of the herein described parcel;\*\*
- 5) THENCE, South  $07^{\circ}00'05''$  East, a distance of 70.21 feet, along the east line of said 41.78 acre tract and the west line of said 5.704 acre tract, to a 1/2 inch iron rod found in the existing north right-of-way line of F.M. 1093 (120 feet wide) as described in Volume 243, Page 159 of the Deed Records of Fort Bend County, Texas (F.B.C.D.R.), and for the southeast corner of the herein described parcel;
- 6) THENCE, South  $82^{\circ}59'56''$  West, a distance of 614.64 feet, along the existing north right-of-way line of said F.M. 1093, to a 1/2 inch iron rod found for an angle point in the existing east right-of-way line of said Flewellen Way and for a southwest corner of the herein described parcel;
- 7) TENCE, North  $51^{\circ}59'58''$  West, a distance of 35.39 feet, along the existing east right-of-way line of said Flewellen Way, to an angle point for a southwest corner of the herein described parcel;
- 8) THENCE, North  $06^{\circ}59'58''$  West, a distance of 15.53 feet, along the east right-of-way line of said Flewellen Way, to the POINT OF BEGINNING and containing 0.6859 acre (29,876 square feet) parcel of land.

NOTE: All bearings are based on the Texas coordinate system, NAD 83 (1993 Adj.), South Central Zone. All coordinates shown are surface and may be converted to grid by Dividing by TxDOT conversion factor of 1.00013.

All coordinates shown hereon are established from TxDOT Control Monuments, H-3, H-4, H-5, and H-13 prepared by Costello, Inc. dated February 23, 2000 and TxDOT Control Monuments H-5A and H-5B prepared by Weisser Engineering Company dated October 2006.

\*\* The monument described and set in this call may be replaced with a TxDOT Type II Right of Way marker upon completion of the highway construction project under the supervision of a Registered Professional Land Surveyor, either employed or retained by TxDOT.

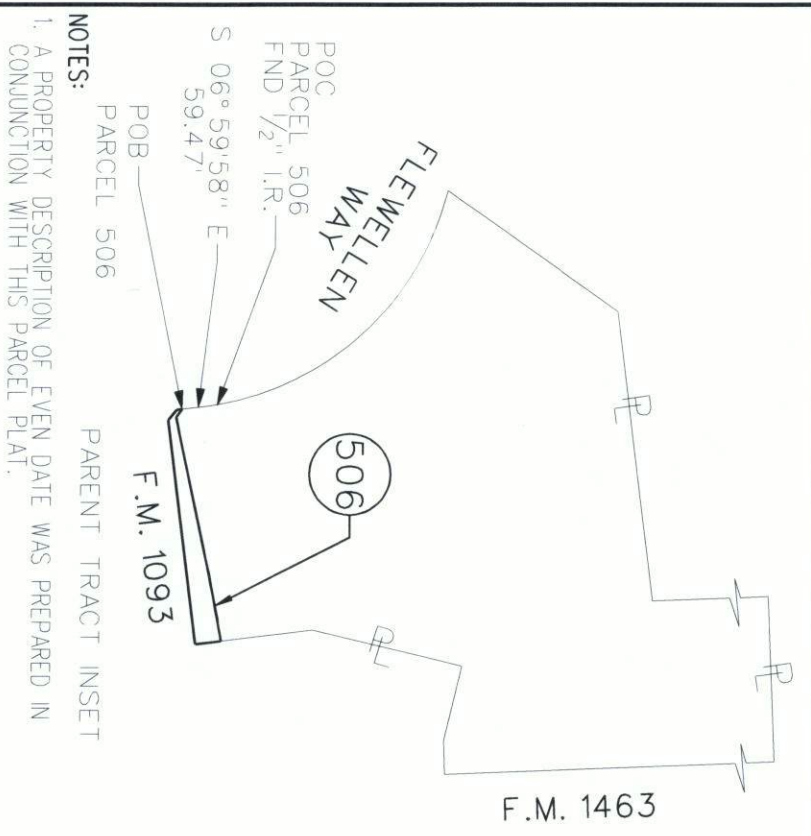
July, 2015  
Parcel 506  
Page 3 of 6 Pages

**EXHIBIT A**

Access will be permitted to the remainder property abutting the highway facility.

NOTE: A parcel plat of even date was prepared in conjunction with this property description.

Compiled by:  
Weisser Engineering Company  
TBPLS Firm Reg. No. 100518-00  
19500 Park Row, Suite 100  
Houston, Texas 77084  
(281) 579-7300  
July, 2015



**NOTES:**  
 1. A PROPERTY DESCRIPTION OF EVEN DATE WAS PREPARED IN CONJUNCTION WITH THIS PARCEL PLAT.  
 2. \*\* THE MONUMENT DESCRIBED AND SET MAY BE REPLACED WITH A TXDOT TYPE II RIGHT-OF-WAY MARKER UPON COMPLETION OF THE HIGHWAY CONSTRUCTION PROJECT UNDER THE SUPERVISION OF A REGISTERED PROFESSIONAL LAND SURVEYOR, EITHER EMPLOYED OR RETAINED BY TXDOT.  
 3. ALL BEARINGS AND COORDINATES ARE BASED ON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD 83 (1993 ADJ.), ALL DISTANCES AND COORDINATES SHOWN ARE SURFACE AND MAY BE CONVERTED TO GRID BY DIVIDING BY A COMBINED ADJUSTMENT FACTOR OF 1.00013.  
 4. ALL COORDINATES AND ELEVATIONS SHOWN HEREON ARE ESTABLISHED FROM TXDOT CONTROL MONUMENTS H-3, H-4, H-5, AND H-13 PREPARED BY COSTELLO, INC. DATED FEBRUARY 23, 2000 AND TXDOT CONTROL MONUMENTS H-5A AND H-5B PREPARED BY WEISSER ENGINEERING COMPANY DATED OCTOBER 2006.  
 5. ABSTRACTING PERFORMED BY: POSTLE PROPERTY SERVICES 12/2013 TO 01/2014 AND UPDATED ON 07/2015.  
 6. GROUND SURVEY PERFORMED 03/2012, 09/2014 & 07/2015.

**CONVENTIONAL SIGNS:**

- EXISTING RIGHT-OF-WAY LINE
- ACCESS DENIAL LINE
- PROPOSED RIGHT-OF-WAY LINE
- PROPERTY LINE
- SURVEY LINE
- DENOTES PARCEL No.
- DENOTES BEARING AND DISTANCE NOTE No.
- SET 5/8" I.R. W/TXDOT ALUM. CAP (SEE NOTE 2)
- SET 5/8" I.R. W/TXDOT ALUM. CAP (STAMPED "ADL")
- FOUND 5/8" I.R. W/TXDOT ALUM. CAP
- SET (AS INDICATED)
- FOUND (AS INDICATED)



EXISTING	TAKING AC/SF	REMAINING
41.78	0.6859 AC 29,876. SF	41.09 LT.

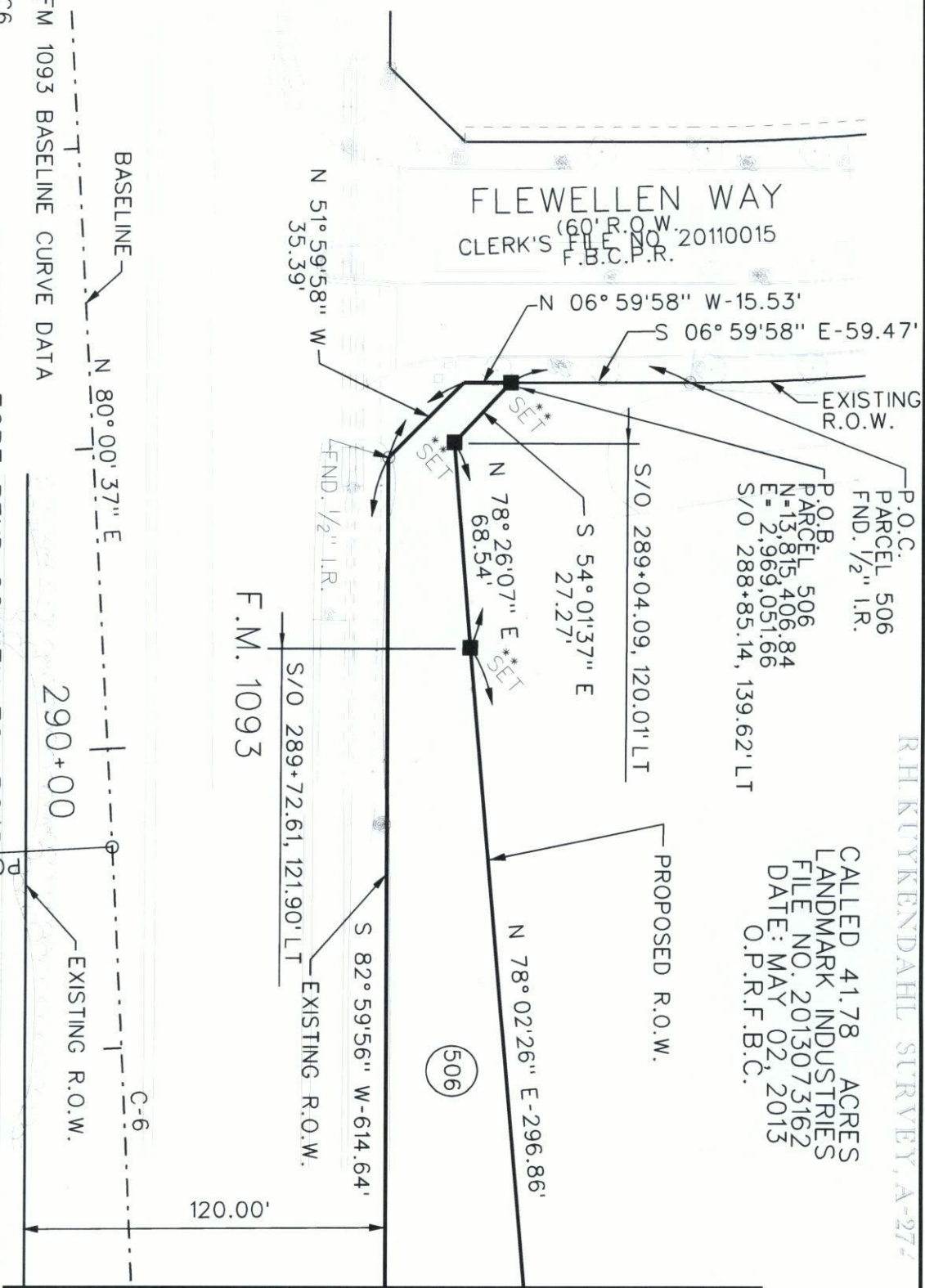
**WEISSER Engineering Co.**  
 19500 Park Row, Suite 100  
 Houston, Texas 77084  
 (281) 579-7300  
 TBPLS Firm Reg No. 100518-00

PARCEL PLAT SHOWING  
 PARCEL 506  
 FM 1093, FORT BEND COUNTY, TEXAS

DATE: 01/2015 SCALE: N.T.S. JOB No.: EG676  
 RCSJ No.: 0543-02-071 DWG. No.: P-506-01

CALLED 41.78 ACRES  
 LANDMARK INDUSTRIES  
 FILE NO. 2013073162  
 DATE: MAY 02, 2013  
 O.P.R.F.B.C.

FLEWELLEN WAY  
 CLERK'S (60) F.P.O.W. 20110015  
 F.B.C.P.R.



MATCH LINE SEE SHEET 6

FM 1093 BASELINE CURVE DATA  
 C6  
 RADIUS = 14,100.00'  
 CENTRAL ANGLE = 02° 59' 19" (RT)  
 ARC LENGTH = 735.50'  
 TAN LENGTH = 367.83'  
 CHORD BEARING = N 81° 30' 17" E  
 CHORD DISTANCE = 735.41'  
 PI STATION = 294+00.45  
 PI N = 13,815,358.74  
 PI E = 2,969,583.38

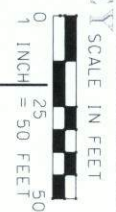
FORT BEND COUNTY TOLLROAD  
 AUTHORITY CORRIDOR  
 F.C. NO. 2015058468  
 F.C. NO. 2015058447  
 F.C. NO. 2015058441

SHEET 5 OF 6

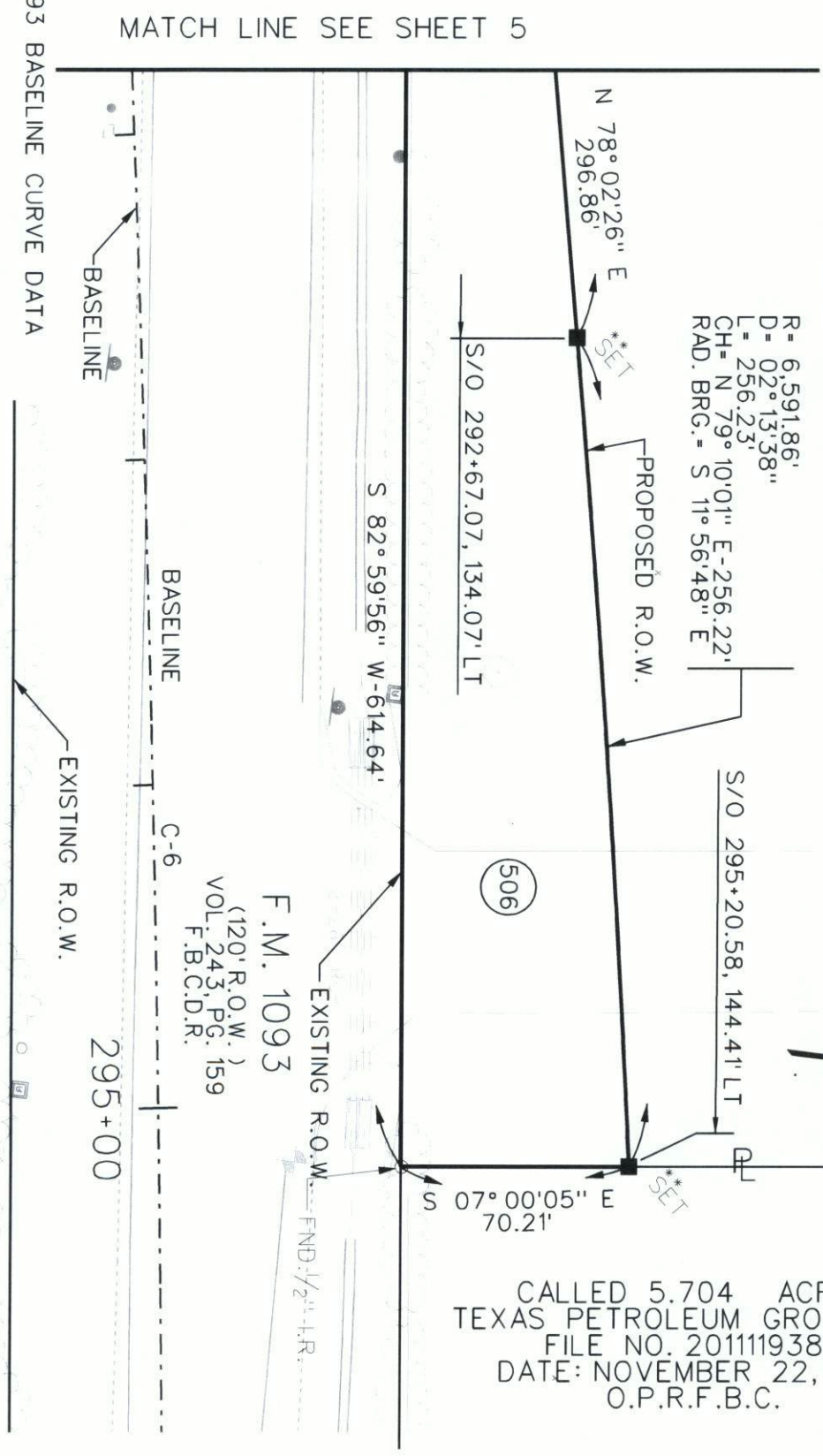
<p><b>WEISSER Engineering Co.</b>                  19500 Park Row, Suite 100                  Houston, Texas 77084                  (281) 579-7300                  TBPLS Firm Reg No. 100518-00</p>		PARCEL PLAT SHOWING	
		PARCEL 506 FM 1093, FORT BEND COUNTY, TEXAS	
DATE: 07/2015	SCALE: 1" = 50'	JOB No.: EG676	
RCSJ No.: 0543-02-071		DWG. No.: P-506-02	

CALLED 41.78 ACRES  
 LANDMARK INDUSTRIES  
 FILE NO. 2013073162  
 DATE: MAY 02, 2013  
 O.P.R.F.B.C.

R.H.K. TYKENDAHIL, SURVEY  
 A-274



CALLED 5.704 ACRES  
 TEXAS PETROLEUM GROUP, LLC  
 FILE NO. 2011119388  
 DATE: NOVEMBER 22, 2011  
 O.P.R.F.B.C.



MATCH LINE SEE SHEET 5

FM 1093 BASELINE CURVE DATA

C6	RADIUS	= 14,100.00'
	CENTRAL ANGLE	= 02° 59' 19" (RT)
	ARC LENGTH	= 735.50'
	TAN LENGTH	= 367.83'
	CHORD BEARING	= N 81° 30' 17" E
	CHORD DISTANCE	= 735.41'
	PI STATION	= 294+00.45
	PI N	= 13,815,358.74
	PI E	= 2,969,583.38

F.M. 1093  
 (120' R.O.W.)  
 VOL. 243, PG. 159  
 F.B.C.D.R.

SHEET 6 OF 6

<p><b>WEISSER Engineering Co.</b></p>	19500 Park Row, Suite 100 Houston, Texas 77084 (281) 579-7300 TBPLS Firm Reg No. 100518-00	
	PARCEL PLAT SHOWING PARCEL 506 FM 1093, FORT BEND COUNTY, TEXAS	
DATE: 07/2015 RCSI No.: 0543-02-071	SCALE: 1" = 50' JOB No.: EG676	DWG. No.: P-506-03

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

*Laura Richard*

Laura Richard, County Clerk  
Fort Bend County, Texas

May 11, 2017 04:36:10 PM

FEE: \$0.00 EW  
DEED

2017051222



# 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.**

Landmark Industries  
Houston, TX United States

**Certificate Number:**  
2017-192435

**Date Filed:**  
04/13/2017

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

County of Fort Bend

**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 services, goods, or other property to be provided under the contract.**

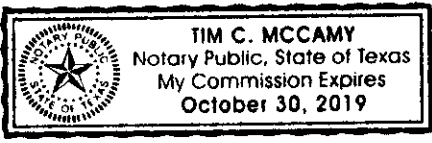
P506  
WestPark Phase II

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.



*[Handwritten Signature]*  
Signature of authorized agent of contracting business entity

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said Marshall E. Dwyka this the 13<sup>th</sup> day of April, 2017, to certify which, witness my hand and seal of office.

*[Handwritten Signature]* Signature of officer administering oath  
 Tim C. McCamy Printed name of officer administering oath  
 Notary Public - Texas Title of officer administering oath

