

114



EASEMENT

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF FORT BEND §

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

THAT **WSE WATERSIDE, LLC**, a Delaware limited liability company ("Grantor"), for and in consideration of the sum of One and No/100 Dollars (\$1.00) and other good and valuable consideration in hand paid by **FORT BEND COUNTY, TEXAS**, a body corporate and politic under the laws of the State of Texas ("Grantee"), has GRANTED, SOLD and CONVEYED and by these presents does GRANT, SELL and CONVEY unto the said Grantee, its successors and assigns, a permanent and perpetual but non-exclusive easement and right-of-way (the "Easement") for the construction, installation, repair, replacement, removal, maintenance and operation of traffic signals with related equipment (the "Facilities"), across, along, under and upon certain tracts of land, one containing approximately 0.01023 of an acre of land and the other approximately 0.0046 of an acre of land (for a combined total of **0.0149 of an acre**) (collectively, the "Easement Tract"), being more particularly described in Exhibit "A" and made a part hereof for all purposes. Grantee, its agents, employees, workmen and representatives, shall have the right and privilege of ingress and egress across the Easement Tract as may be necessary for the installation, operation and/or maintenance of the Facilities within the Easement Tract.

This conveyance is further made subject to any restrictions, covenants, easements, rights-of-way, liens, encumbrances and mineral or royalty reservations or interests affecting the Easement Tract and appearing of record in the Official Records of Fort Bend County, Texas, to the extent that said items and matters are in effect and validly enforceable against the Easement Tract; provided, however, Grantor will not enforce said items and matters, to the extent that it has the ability to enforce any of said items or matters, in a manner which would unreasonably prejudice or interfere with Grantee's rights in the easement granted herein.

TO HAVE AND TO HOLD, subject to the matters set forth herein, the above-described Easement for the said purposes, together with all and singular the rights and appurtenances thereto in any wise belonging, including all necessary rights of ingress, egress, and regress, unto said Grantee, its successors and assigns, forever. Subject to the matters set forth herein, Grantor do hereby bind themselves, their successors and assigns, to WARRANT AND FOREVER DEFEND, all and singular the right and title to the Easement granted herein unto Grantee, its successors and assigns, against all claims arising by, through, or under Grantor, but not otherwise.

EXCEPT AS TO THE SPECIAL WARRANTY OF TITLE GRANTED HEREIN BY GRANTOR, THIS CONVEYANCE IS MADE WITHOUT WARRANTY OR REPRESENTATION OF ANY KIND BY GRANTOR, AND IS EXPRESSLY MADE ON AN

CCM 3-13-2018 # 21C
Fort Bend County Clerk
Return Admin Serv Coord

"AS IS, WHERE IS" AND WITH ALL FAULTS BASIS. Grantee covenants to indemnify, defend and hold Grantor harmless from and against any and all claims against Grantor arising as a result of injury to persons or damage to property resulting from Grantee's and/or Grantee's agents, consultants or contractors entering onto or activities upon the Easement Tract, or from the existence or operation of the Facilities at or upon the Easement Tract; provided, however, the indemnity in favor of Grantor shall not apply to the extent of the negligence or willful misconduct of Grantor, its agents, consultants or contractors. Grantee also covenants that it will not permit the filing of, and shall immediately upon demand cause to be removed from the Easement Tract and from any adjacent property owned by Grantor, any liens, claims or other filings in the Real Property Record of Fort Bend County, Texas relating to any and all work done by or for Grantee on the Easement Tract, and that Grantee will repair and restore immediately upon demand any damage done to the Easement Tract or Grantor's adjacent property caused by Grantee, its agents, consultants or contractors in the exercise of Grantor's rights under this instrument.

Grantee's address is 301 Jackson Street, Richmond, Texas 77469.

[Grantor's signature page follows.]

[The remainder of this page is intentionally blank.]

EXECUTED this the 23 day of February, 2018.

GRANTOR:

WSE WATERSIDE LLC,
a Delaware limited liability company

By: Westwood Financial Corporation,
a Delaware corporation,

Its: Manager

By: Joe Dykstra
Name: Joe Dykstra
Title: Co-Chief Executive officer

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)

) ss.

COUNTY OF LOS ANGELES)

On Feb 26, 2018, before me, M. LAMORIE, a Notary Public, personally appeared Joe Dykstra, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacities, and that by his signature on the instrument the person, or the entities upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

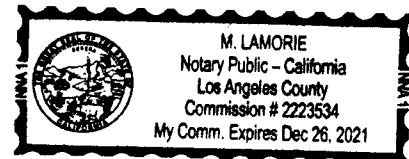
WITNESS my hand and official seal.

Signature

[Signature]

[NOTARY SEAL]

My Commission Expires: Dec 26, 2021



Attachments:

Exhibit A – Legal Description of the Easement Tract

After Recording Return to:
Fort Bend County Engineering
Attn: Bryan Norton
301 Jackson Street
Richmond, Texas 77469

EXHIBIT A

County: Fort Bend County
Project Location: W. Belfort Avenue and Mason Road

Property Description for Parcel 3 (Part 1 & 2)

Being a 0.0149-acre (651 square feet) tract of land situated in the William Morton League Survey, A-62, Fort Bend County, Texas, and being part of and out of Restricted Reserve "B", Waterside Marketplace, recorded under Plat No. 20080087 of the Plat Records of Fort Bend County, Texas (F.B.C.P.R.), said 0.0149-acre tract (Parts 1 & 2) being more particularly described as follows, with the basis of bearings being Texas State Plane Coordinate System, South Central Zone 4204 (The coordinates shown herein are surface coordinates and may be converted to grid by dividing by a combined adjustment factor of 1.0001206045, all distances are surface distances):

Part 1

COMMENCING at a 1/2-inch iron rod with cap stamped "WEISSER ENG HOUSTON, TX" set in the existing south right-of-way of W. Belfort Avenue (100 feet wide) as recorded under Plat No. 20080087 and 20060014 of the F.B.C.P.R. and for the northwest corner of said Restricted Reserve "B";

THENCE North 87° 28' 37" East, with the existing south right-of-way line of said W. Belfort Avenue and with the north line of said Restricted Reserve "B", a distance of 260.32 feet, to a 1/2-inch iron rod with cap stamped "WEISSER ENG HOUSTON, TX" set in the proposed right-of-way cut-back of said W. Belfort Avenue, for the northwest corner and **POINT OF BEGINNING** of said tract herein described;

THENCE North 87° 28' 37" East, with the existing south right-of-way line of said W. Belfort Avenue, with the north line of said Restricted Reserve "B" and with the north line of said tract herein described, a distance of 30.00 feet to a point for the southwest intersection of said W. Belfort Avenue and Mason Road (width Varies) as recorded under Slide No. 2098A of the F.B.C.P.R., the northeast corner of said Restricted Reserve "B" and the northeast corner of said tract herein described;

THENCE South 02° 20' 26" East, with the existing west right-of-way line of said Mason Road, with the east line of said Restricted Reserve "B" and with the east line of said tract herein described, a distance of 30.00 feet to a 1/2-inch iron rod with cap stamped "WEISSER ENG HOUSTON, TX" set for the southeast corner of said tract herein described;

THENCE North 47° 25' 47" West, over and across said Restricted Reserve "B", with the southwest line of said tract herein described and along the proposed south right-of-way cut-back of said W. Belfort Avenue, a distance of 42.36 feet to the **POINT OF BEGINNING** and containing 0.0103 acre (450 Sq. Ft.) of land.

Part 2

COMMENCING at a 1/2-inch iron rod with cap stamped "WEISSER ENG HOUSTON, TX" set in the existing south right-of-way of W. Belfort Avenue (100 feet wide) as recorded under Plat No. 20080087 and 20060014 of the F.B.C.P.R. and for the northwest corner of said Restricted Reserve "B";

THENCE North 87° 28' 37" East, with the existing south right-of-way line of said W. Belfort Avenue and with the north line of said Restricted Reserve "B", a distance of 290.32 feet, to a point for the southwest intersection of said W. Belfort Avenue and Mason Road (width Varies) as recorded under Slide No. 2098A of the F.B.C.P.R. and for the northeast corner of said Restricted Reserve "B";

THENCE South 02° 20' 26" East, with the existing west right-of-way line of said Mason Road and with the east line of said Restricted Reserve "B", a distance of 35.66 feet to the northeast corner and **POINT OF BEGINNING** of said tract herein described;

THENCE South 02° 20' 26" East, with the existing west right-of-way line of said Mason Road, with the east line of said Restricted Reserve "B" and with the east line of said tract herein described, a distance of 15.30 feet to a 1/2-inch iron rod with cap stamped "WEISSER ENG HOUSTON, TX" set for the southeast corner of said tract herein described;

THENCE South 87° 37' 20" West, over and across said Restricted Reserve "B", with the south line of said tract herein described, a distance of 13.35 feet to a 1/2-inch iron rod with cap stamped "WEISSER ENG HOUSTON, TX" set for the southwest corner of said tract herein described;

THENCE North 02° 22' 40" West, over and across said Restricted Reserve "B", with a west line of said tract herein described, a distance of 10.39 feet to a 1/2-inch iron rod with cap stamped "WEISSER ENG HOUSTON, TX" set for an angle point of said tract herein described;

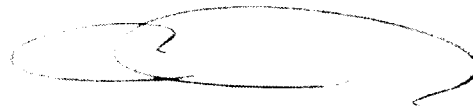
THENCE North 14° 12' 54" East, over and across said Restricted Reserve "B", with a west line of said tract herein described, a distance of 5.12 feet to a 1/2-inch iron rod with cap stamped "WEISSER ENG HOUSTON, TX" set for the northwest corner of said tract herein described;

THENCE North 87° 37' 20" East, over and across said Restricted Reserve "B", with the north line of said tract herein described, a distance of 11.90 feet to the **POINT OF BEGINNING** and containing 0.0046 acre (201 Sq. Ft.) of land.

This description is accompanied by a plat of even survey date.

Compiled By:
Weisser Engineering Company
19500 Park Row, Suite 100
Houston, Texas 77084
TBPLS Reg. No. 100518-00
TBPE Reg. No. F-68

Job No.: EI457
Date: 04/28/17



WILLIAM MORTON LEAGUE SURVEY, A-62

W. BELFORT AVENUE

N 87° 28' 37" E-290.32'
N 87° 28' 37" E-260.32'

POC
PARCEL 3
SET 5/8" I.R.
(PART 1 & 2)

POB
PARCEL 3
(PART 1)

POB
PARCEL 3 (PART 2)

WATERSIDE MARKETPLACE
PLAT No. 20080087
F.B.C.P.R.
RESTRICTED RESERVE "B"
(COMMERCIAL USE)

MASON ROAD

3 (PART 1)

3 (PART 2)

N.T.S.

ABBREVIATIONS

CM = CONTROL MONUMENT
C.F. NO. = CLERK'S FILE NUMBER
F.C. NO. = FILM CODE NUMBER
F.C.M.R. = FORT BEND COUNTY MAP RECORDS
I.R. = IRON ROD
PG = PAGE
R.O.W. = ROW-OF-WAY
O.P.R.R.P.F.C. = OFFICIAL PUBLIC
RECORDS OF REAL PROPERTY FORT BEND COUNTY
POC = POINT OF COMMENCEMENT
POB = POINT OF BEGINNING
SQ. FT. = SQUARE FEET
VOL = VOLUME

BASIS OF BEARINGS:

TEXAS STATE PLANE COORDINATE
SYSTEM, SOUTH CENTRAL ZONE
NO. 4204 (NAD 83) (2011 ADJ.)

NOTE:

THE COORDINATES AND DISTANCES
SHOWN HEREON ARE SURFACE COORDINATES AND
MAYBE COVERED TO GRID BY DIVIDING BY A
COMBINED ADJUSTMENT FACTOR OF 1.0001206045.

NOTE:

ALL CORNERS SET WITH 1/2" I.R. W/ CAP STAMPED
"WEISSER ENG HOUSTON, TX" UNLESS OTHERWISE NOTED.



**WEISSER
Engineering Co.**

19500 Park Row, Suite 100
Houston, Texas 77084
(281) 579 - 7300
TBPLS Reg. No. 100518-00
TBPE Reg. No. F-68

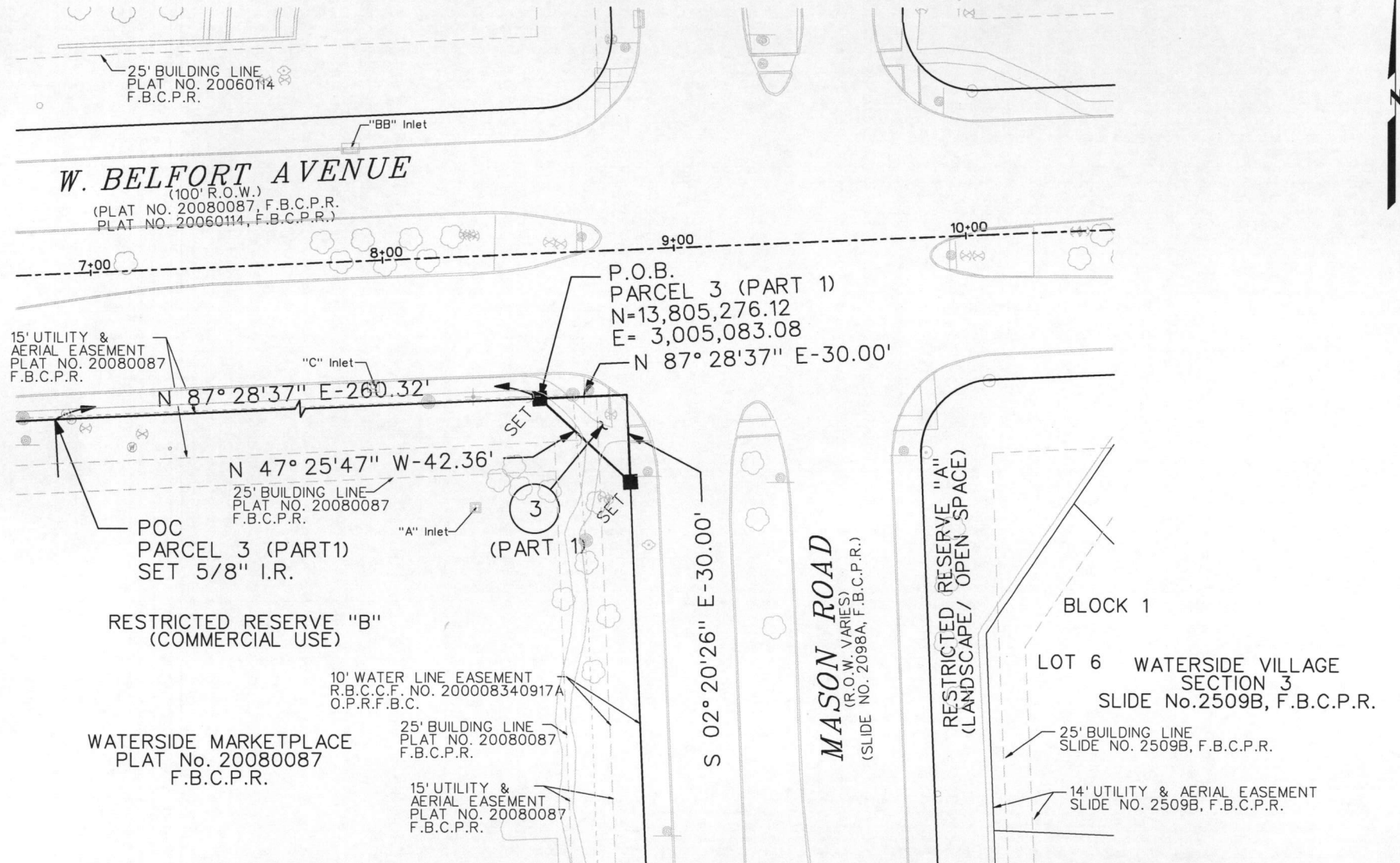
PARCEL 03 (PARTS 1 & 2)
RIGHT-OF-WAY TAKING
WILLIAM MORTON LEAGUE
SURVEY, A-62
FORT BEND COUNTY, TEXAS

PARENT TRACT INSET



EXISTING	TAKING AC/SF	REMAINING
5.567 AC	PART 1 0.0103 AC 450 SQ FT	5.5521 AC
	PART 2 0.0046 AC 201 SQ FT	
© Copyright 2017 Weisser Engineering Company, Inc.		
DRAWN BY: B.P.	CALCULATED BY: J.H.	SCALE: N.T.S.
F.B. No.:	CHECKED BY: L.Y.	SHEET 4 OF 6
CREW CHIEF:	DATE: 04/28/17	JOB No.: EI457

WILLIAM MORTON LEAGUE SURVEY, A-62



**WEISSER
Engineering Co.**

19500 Park Row, Suite 100
Houston, Texas 77084
(281) 579 - 7300
TBPLS Reg. No. 100518-00
TBPE Reg. No. F-68

PARCEL 03 (PART 1)
RIGHT-OF-WAY TAKING
WILLIAM MORTON LEAGUE
SURVEY, A-62
FORT BEND COUNTY, TEXAS

© Copyright 2017 Weisser Engineering Company, Inc.

DRAWN BY: B.P.

CALCULATED BY: J.H.

SCALE: 1" = 50'

F.B. No.:

CHECKED BY: L.Y.

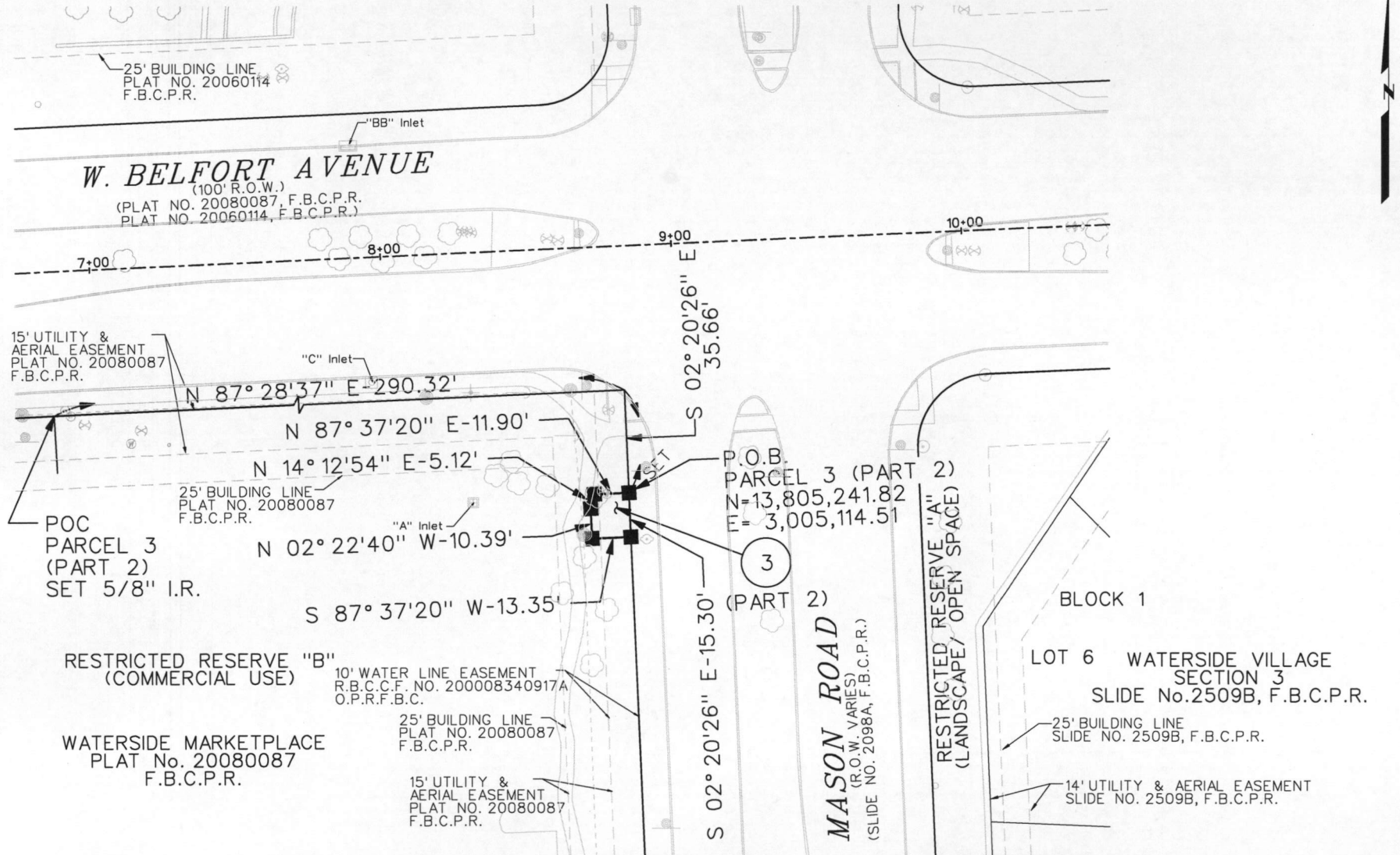
SHEET 5 OF 6

CREW CHIEF:

DATE: 04/28/17

JOB No.: EI457

WILLIAM MORTON LEAGUE SURVEY, A-62



**WEISSER
Engineering Co.**

19500 Park Row, Suite 100
Houston, Texas 77084
(281) 579 - 7300
TBPLS Reg. No. 100518-00
TBPE Reg. No. F-68

PARCEL 03 (PART 2)
RIGHT-OF-WAY TAKING
WILLIAM MORTON LEAGUE
SURVEY, A-62
FORT BEND COUNTY, TEXAS

© Copyright 2017 Weisser Engineering Company, Inc.

DRAWN BY: B.P.

CALCULATED BY: J.H.

SCALE: 1" = 50'

F.B. No.:

CHECKED BY: L.Y.

SHEET 6 OF 6

CREW CHIEF:

DATE: 04/28/17

JOB No.: E1457

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Laura Richard

Laura Richard, County Clerk

Fort Bend County Texas

March 15, 2018 03:18:25 PM

FEE: \$0.00

RMM

2018027213



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.

WSE Waterside LLC
Houston, TX United States

Certificate Number:
2018-320617

Date Filed:
03/01/2018

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

Date Acknowledged:
03/13/2018

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.

Traffic Signal Easement
West Bellfort at Mason Traffic Signal Easement from WSE Waterside, LLC

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary
	WSE Waterside LLC	Houston, TX United States	X	

5 Check only if there is NO Interested Party.

☐

6 UNSWORN DECLARATION

My name is _____, and my date of birth is _____.

My address is _____, _____, _____, _____, _____.
(street) (city) (state) (zip code) (country)

I declare under penalty of perjury that the foregoing is true and correct.

Executed in _____ County, State of _____, on the _____ day of _____, 20____.
(month) (year)

Signature of authorized agent of contracting business entity
(Declarant)