

NewQuest PROPERTIES®

March 27, 2018

Re: ACCESS LETTER
Cane Island Parkway, Fort Bend County, Texas

To The County of Fort Bend, Texas:

The County of Fort Bend, Texas (the "**County**") and A-S 138 Cane Island-FM 1463, L.P. ("**Owner**") entered into that certain Acceptance and Offer to Purchase letter dated effective January 24, 2017, and that certain Side Agreement dated effective January 24, 2017, pursuant to which, among other things, Owner conveyed to the County that certain 1.264 acres of land located in the Jesse Burdett Survey, Abstract No. 383, Tract 3 (Pt) Lot 1, Lexington Estates, Fort Bend County, Texas, as more particularly described on Exhibit A attached hereto and made a part hereof (the "**ROW Property**").

The County intends to construct a right-of-way on the ROW Property. As part of the County's site preparation and construction on the ROW Property, the County requested that Owner allow the County to temporarily access a twenty (20) foot wide portion of Owner's property immediately adjacent to the ROW Property, which property is depicted on Exhibit B attached hereto and made a part hereof, and is labeled the "Proposed 20' Pipeline Easement" (the "**Access Property 1**"), and a variable width portion of Owner's property immediately adjacent to the ROW Property, which property is depicted on Exhibit C attached hereto and made a part hereof ("**Access Property 2**"; Access Property 1 and Access Property 2 collectively being referred to as the "**Access Properties**"), for the sole purpose of preparing the ROW Property for construction, which preparation shall include (i) surveying, (ii) bringing onto the Access Properties construction equipment and machinery and (iii) removing and clearing fences, trees or other obstructions necessary for the construction of the right-of-way on the ROW Property (the "**Clearing Activities**").

Owner hereby grants to the County, subject to the terms contained in this letter, a temporary non-exclusive license to enter the Access Properties for the purpose of conducting the Clearing Activities. All of the Clearing Activities shall be conducted at the sole cost and expense of the County and shall be performed in compliance with applicable laws, and shall take all appropriate measures for the safety of persons and property on the Access Properties.

By entering the Access Properties for the Clearing Activities, the County agrees: to maintain equipment and other materials in an orderly manner while they are located on the Access Properties and to maintain them in locations specified by Owner, if any, to remove all debris and trash resulting from the Clearing Activities on a daily basis, and to remove all equipment and

8827 W. Sam Houston Pkwy. N., Suite 200*Houston, TX 77040*Tel 281.477.4300*Fax 281.477.4390

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other materials used by the County as soon as the activity for which such equipment and other materials are used is completed.

By entering the Access Properties for the Clearing Activities, the County agrees to restore, except with respect to the allowed Clearing Activities, to the condition existing at the time of commencement of the Clearing Activities, any portion of the Access Properties or Owner's other property disturbed or otherwise damages in connection with the Clearing Activities. The County further covenants and agrees that at no time shall the performance of the Clearing Activities upon the Access Properties by the County, or its employees, representatives, agents, or contractors unreasonably interfere with or otherwise impede any ongoing construction activities on the Access Properties, if any.

Owner may terminate this temporary non-exclusive license upon twenty-four (24) hours' prior written notice to the County. Notwithstanding the foregoing, this temporary non-exclusive license shall automatically terminate and shall be deemed null and void upon the earlier of: (i) completion of the Clearing Activities, or (ii) on the ninetieth (90th) day following the date of this letter.

The temporary non-exclusive license to enter and conduct the Clearing Activities upon the Access Properties granted to the County does not constitute the grant of an easement or any other interest in the Access Property.

OWNER:


A-S 138 CANE ISLAND-FM 1463, L.P.,
a Texas limited partnership

By: A-S 138, L.C.,
a Texas limited liability company,
its general partner

By:

Name:

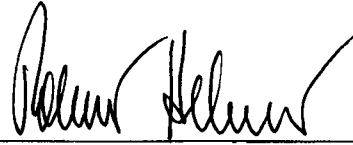
Title:


STEVEN D. ALVIS
Manager

ACKNOWLEDGED AND AGREED:

COUNTY:

THE COUNTY OF FORT BEND

By: _____

Name: Robert E. Hebert

Title: County Judge

April 24, 2018

**EXHIBIT A
ROW PROPERTY**

[SEE ATTACHED LEGAL DESCRIPTION]

**METES AND BOUNDS DESCRIPTION
CANE ISLAND PARKWAY
IH-10 TO FM 1463
PARCEL 2
BEING 1.264 ACRES SITUATED IN
THE JESSE BURDITT SURVEY, ABSTRACT NO. 383
FORT BEND COUNTY, TEXAS**

BEING A 1.264 ACRE TRACT OF LAND SITUATED IN THE JESSE BURDITT SURVEY, ABSTRACT NO. 383, FORT BEND COUNTY, TEXAS, BEING A PART OF THAT CERTAIN CALLED 5.001 ACRE TRACT OF LAND DESCRIBED IN THE DEED TO A-S 138 CANE ISLAND-FM 1463, L.P. DATED SEPTEMBER 7, 2016 AND RECORDED UNDER FORT BEND COUNTY CLERK'S FILE NUMBER (F.B.C.C.F. No.) 2016098968, SAID 1.264 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS (BEARINGS BASED ON TEXAS STATE PLANE COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE 4204, AS DETERMINED BY GPS MEASUREMENTS):

COMMENCING at a 1-1/4-inch iron pipe found in the northerly right-of-way line of F.M. 1463 (variable in width at this location) marking the southwesterly corner of the called 5.001 acre tract and the southeasterly corner of that certain called 1.135 acre tract of land described in the deed to County of Fort Bend dated July 1, 2013 and recorded under F.B.C.C.F. No. 2013084558;

THENCE, North 02°04'00" West, along the common line of the called 5.001 acre tract and the called 1.135 acre tract for a distance of 95.07 feet to a 5/8-inch capped iron rod stamped "EHRA 713-784-4500" set for corner non-tangentially in the arc of a curve in the proposed easterly right-of-way line of Cane Island Parkway and marking the most southerly corner and POINT OF BEGINNING of the herein described tract of land;

- (1) THENCE, North 02°04'00" West, along the common line of the called 5.001 acre tract and the called 1.135 acre tract, a called 1.171 acre tract of land described in the deed to Kelly and Martin Haisten dated Sept. 19, 2007 and recorded under F.B.C.C.F. No. 2008042302 and a called 1.171 acre tract of land described in the deed to Mayne and Janet Broussard dated Sept. 11, 2000 and recorded under F.B.C.C.F. No. 2000078116, for a distance of 259.53 feet to a 5/8-inch capped iron rod stamped "EHRA 713-784-4500" set for corner non-tangentially in the arc of a curve to the left in the proposed westerly right-of-way line of Cane Island Parkway;

THENCE, along the proposed westerly right-of-way line for Cane Island Parkway, the following two (2) courses and distances:

- (2) THENCE, in a northerly direction along the arc of said curve to the left having a radius of 1,010.00 feet, an angle of 20° 18' 50", an arc length of 358.09 feet and a chord bearing North 03°47'33" East, a distance of 356.22 feet to a 5/8-inch capped iron rod stamped "EHRA 713-784-4500" set marking a point of tangency;
- (3) THENCE, North 06°21'52" West, a distance of 42.00 feet to a 5/8-inch capped iron rod stamped "EHRA 713-784-4500" marking the northwesterly corner of the herein described tract of land set in the northerly line of the called 5.001 acre tract and the southerly line of that certain called 123.4 acre tract of land described in the deed to Jeffrey Bain and Verna Bain dated July 8, 1993 and recorded under F.B.C.C.F. No. 9343844, from which corner a 1-inch iron pipe found marking the northwesterly corner of said called 5.00 acre tract and the southwesterly corner of the called 123.4 acre tract of land bears South 88°00'58" West, a distance of 33.22 feet;
- (4) THENCE, North 88°00'58" East, along the common line of the called 5.001 acre tract and the called 123.4 acre tract for a distance of 100.29 feet to a 5/8-inch capped iron rod stamped "EHRA 713-784-4500" marking the northeasterly corner of the herein described tract of land set in the proposed easterly right-of-way line of Cane Island Parkway, from which a 5/8-inch iron rod found marking the northeasterly corner of said called 5.001 acre tract bears North 88°00'58" East, a distance of 154.94 feet;

THENCE, along the proposed easterly right-of-way line for Cane Island Parkway, the following two (2) courses and distances:

- (5) THENCE, South 06°21'52" East, a distance of 34.34 feet to a 5/8-inch capped iron rod stamped "EHRA 713-784-4500" set marking a point of curvature;

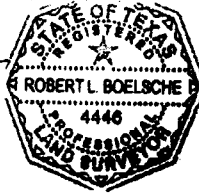
CANE ISLAND PARKWAY
IH-10 TO FM 1463
PARCEL 2

- (6) THENCE, in a southerly direction along the arc of said curve to the right having a radius of 1,110.00 feet, an angle of $33^{\circ} 18' 05''$, an arc length of 645.15 feet and a chord bearing South $10^{\circ} 17' 10''$ West, a distance of 636.11 feet to the POINT OF BEGINNING and containing 1.264 acres of land. This description accompanies a Land Title Survey (12101950V-RW02.dwg) prepared by EHRA, Inc. dated September 15, 2014, revised December 19, 2014 and revised September 16, 2016.

EDMINSTER, HINSHAW, RUSS AND ASSOCIATES, INC. dba EHRA, Inc. TBPLS No. 10092300

Robert L. Boelsche

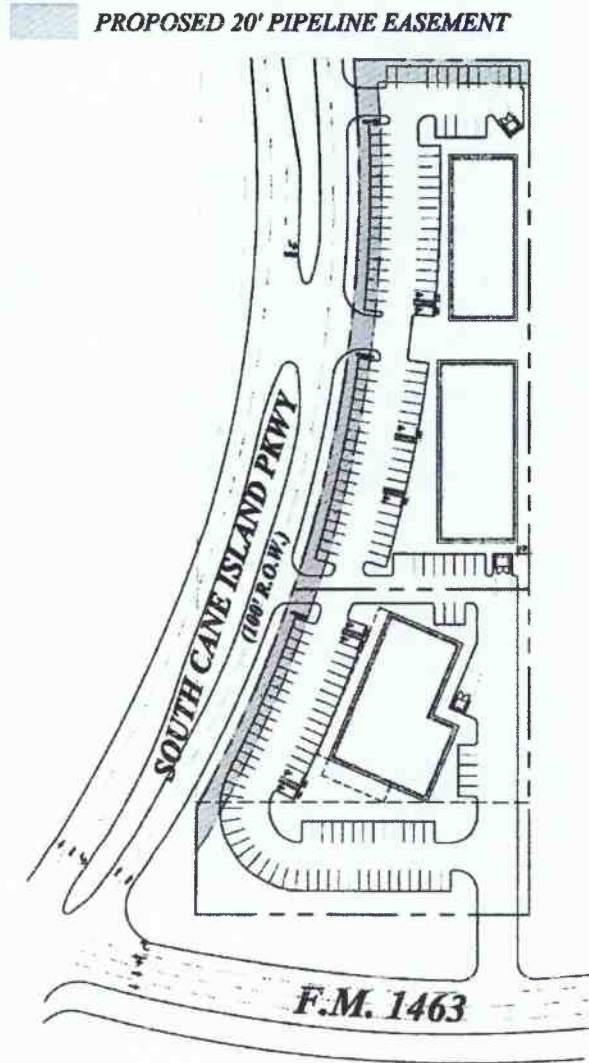
Robert L. Boelsche, R.P.L.S.
Texas Registration No. 4446
10555 Westoffice Drive
Houston, Texas 77042
713-784-4500



Date: September 15, 2014; revised December 19, 2014; revised September 16, 2016
Job No: 121-019-50
File No: \\Client\RS\2012\121-019-50\documents\technical\12101950V-RW02-MB.doc

**EXHIBIT B
ACCESS PROPERTY**

[SEE BELOW DEPICTION OF 20' ACCESS AREA – LABELED “PROPOSED 20’ PIPELINE EASEMENT”]

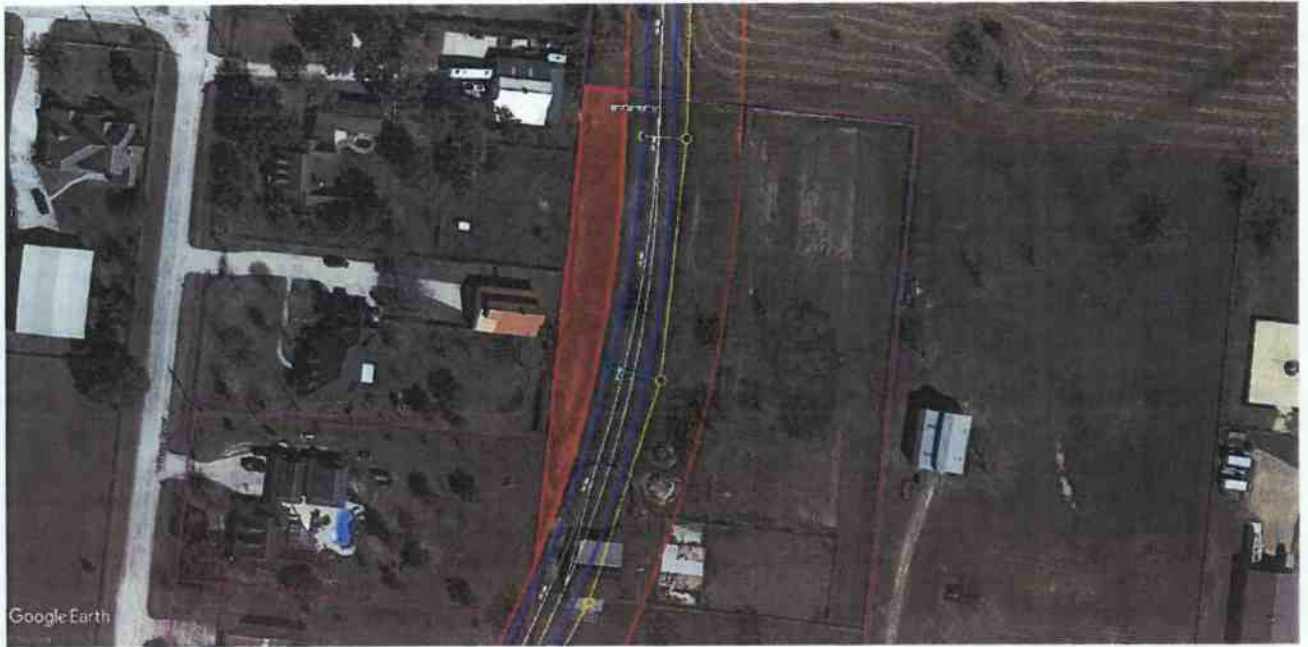


SITE PLAN
F.M. 1463 & S. CANE ISLAND PKWY
EXHIBIT
REC OF THE 100' & S. CANE ISLAND PARKWAY
KATY, TEXAS

Q NewQuest
PROFESSIONAL
600 W. Loop West, Suite 100
Cedar Rapids, IA 52401
515.241.0000

EXHIBIT B
ACCESS PROPERTY 2

[SEE BELOW DEPICTION OF VARIABLE WIDTH ACCESS AREA – SHOWN AS SHADED RED]



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.

A-S 138 Cane Island-FM 1463, L.P.
Houston, TX United States

Certificate Number:
2018-334758

Date Filed:
04/05/2018

Date Acknowledged:
04/24/2018

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

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.

Cane Island
Cane Island temporary access agreement

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary
	Sears, Jay	Houston, TX United States	X	
	Alvis, Steven	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)