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SPECIAL WARRANTY DEED
(Texas Heritage Parkway ROW, Parcel 2: 0.3571 Acres)

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.

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

THAT **WAYNE SCHRAMME** ("Grantor"), for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00), the receipt and sufficiency of which are hereby acknowledged, and for which no lien is retained, either express or implied, hereby GRANTS, SELLS, and CONVEYS unto **FORT BEND COUNTY, TEXAS**, a political subdivision of the State of Texas ("Grantee"), all of that certain tract or parcel of land in Fort Bend County, Texas, more particularly described in **Exhibit A** attached hereto, incorporated herein and made a part hereof for all purposes (the "Property").

This conveyance is made by Grantor and accepted by Grantee subject to all easements, rights of way, conditions, restrictions, covenants, mineral or royalty interests, mineral reservations, leases, surface waivers, liens, encumbrances, and regulations or orders of municipal and/or other governmental authorities, appearing of record in the Official Public Records of Fort Bend County, Texas, to the extent such matters are validly existing and affect the Property (collectively, the "Permitted Encumbrances").

Grantor reserves all oil, gas, and other minerals in, on, or under the Property, but waives all right to use the surface of the Property for, and all rights of ingress and egress for, the purpose of exploring, developing, mining, or drilling for the same; provided, however, that nothing herein shall prohibit or in any manner restrict the right of Grantor to extract oil, gas, and other minerals from and under the Property by directional drilling or other means that does not interfere with or disturb the surface of the Property or the use of the Property for roadway purposes.

The Property is being conveyed to Grantee for the development and construction of the proposed Texas Heritage Parkway as a public limited access major thoroughfare (the "Roadway"), with an esplanade, a multi-use trail, and related additional improvements. Accordingly, Grantor acknowledges and agrees that access to the Roadway across the property line between the Property and the remainder of Grantor's property adjacent to the Roadway to be constructed on the Property (the "Remainder Property") shall be limited as follows:

- i. one driveway or access road connecting the Remainder Property with the Roadway located 350 feet from the FM 1093 right-of-way as generally illustrated on **Exhibit B**. The driveway and associated turn lane will be a minimum 40 foot in width with a 50-foot radius. Grantor agrees to coordinate access to the Roadway with owners of adjoining property, where commercially reasonable to do so, so as to minimize the number of access points between intersections with public rights of way.

CCM 5/28/2019 # 25D
Fort Bend County Clerk
Return Admin Serv Coord - RAC

- ii. No construction of any driveway, roadway, or other access from the Roadway to the Remainder Property shall be commenced until the plans and specifications therefore have been reviewed, solely for conformity with this Deed, and approved in writing by the County Engineer, which approval shall not be unreasonably withheld, conditioned or delayed. Grantor acknowledges that, in connection with approval of any such plans and specifications, the County may require acceleration and deceleration lanes in the vicinity of any proposed driveway, roadway, or other access point, which may require conveyance of additional property out of the Remainder Property. Nothing in this provision shall restrict or impact driveways from FM 1093 or any other roadway other than the Roadway.

The covenants and agreements set forth in this instrument shall run with the land and shall inure to the benefit of and shall be binding upon Grantor, Grantee, the fee owners of adjoining real property, and their respective successors and assigns.

In the event that construction of the Roadway fails to begin on or before seven (7) years from the date of this deed, the rights in the Property granted by Grantor to Grantee shall automatically revert to and be owned by the Grantor and its successors, without the necessity of any further act on the part of the Grantor or Grantee, it being Grantor's intent to convey a fee simple determinable estate to Grantee by the Deed.

TO HAVE AND TO HOLD the Property, together with, all and singular, the rights and appurtenances thereto in any wise belonging, unto Grantee, its successors and assigns, forever, and Grantor does hereby bind itself, 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, by, through, or under Grantor, but not otherwise, subject only to the matters expressly set forth herein and the Permitted Encumbrances.

The Property and other rights conveyed hereunder are conveyed and accepted in **"AS IS, WHERE IS"** and **"WITH ALL FAULTS"** condition, and without any representation or warranty (except for the special warranty of title set forth herein), whether express or implied, on the part of Grantor or anyone purporting to represent Grantor, of any kind or nature whatsoever (including but not limited to any representation or warranty concerning hazardous substances, materials or contamination, or environmental, geophysical or legal status or condition), concerning the Property or such other rights. Grantee acknowledges that it is relying solely on its own inspections and evaluations in executing this instrument, and accepting the Property and such other rights, and agrees that Grantor (except as to said warranty of title) and its partners, and its and their respective affiliates, and the officers, directors, members, managers, employees, agents and representatives of any of the foregoing, shall have no liability or responsibility with respect to the Property or such other rights or matters (any such liability or responsibility – including without limitation strict liability or responsibility – of Grantor or such other persons or entities which would otherwise exist or arise under applicable law being hereby **WAIVED** and **RELEASED** by Grantor, to the greatest extent permitted by applicable law).

[EXECUTION PAGES FOLLOW THIS PAGE]

EXECUTED this 7th day of May, 2019.

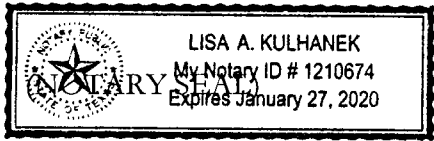
GRANTOR:

Wayne Schramme
WAYNE SCHRAMME

THE STATE OF TEXAS §
 §
COUNTY OF Fort Bend §

This instrument was acknowledged before me on the 7th day of May, 2019, by Wayne Schramme.

Lisa A. Kulhanek
Notary Public, State of Texas

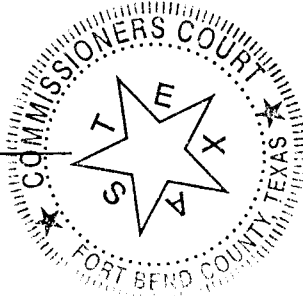


AGREED TO AND ACCEPTED by Grantee this 28th day of May, 2019.

K.P. George
K.P. George
County Judge, Fort Bend County, Texas

ATTEST:

Laura Richard
Laura Richard
County Clerk, Fort Bend County, Texas



APPROVED AS TO FORM:

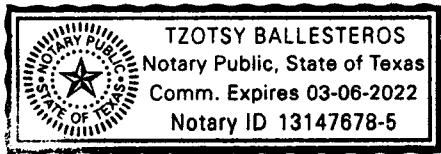
Marcel D. Spencer
Assistant County Attorney

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

This instrument was acknowledged before me on the 28th day of May, 2019, by K.P. George, County Judge of Fort Bend County, Texas.

(NOTARY SEAL)



Tzotsy Ballesteros
Notary Public, State of Texas

Attachment:

Exhibit A – Description of the Property

County: Fort Bend
Highway: Texas Heritage Parkway

Property Description for Parcel 2

Being a 0.3571 acre (15,556 square foot) parcel of land located in the Enoch Latham Survey, Abstract No. 50, Fort Bend County, Texas and being a portion of a 3.4804 acre remainder of a tract of land described as a called 3.662 acre tract of land described in an instrument from GM & JR Investments to Wayne Schramme, dated August 3, 2012 and recorded under Fort Bend County Clerk's File Number (F.B.C.C.F. No.) 2012087343, said 0.3571 acre parcel being more particularly described by metes and bounds as follows:

COMMENCING at a 5/8-inch iron rod with cap stamped "Brown & Gay" found for the Southeast corner of Restricted Reserve "A" of CROSS CREEK RANCH WASTEWATER TREATMENT PLANT, a subdivision per plat recorded under Plat No. 20070244 of the Fort Bend County Plat Records (F.B.C.P.R.), lying on the North line of a called 1.602 acre tract of land described in an instrument to Enterprise Crude Pipeline LLC recorded under F.B.C.C.F. No. 2004025376 and being further described under F.B.C.C.F. No. 2010050522, being located South 83°01'16" West, 99.71 feet from a 1/2-inch iron pipe with cap stamped "Brown & Gay" found for the most Northerly Southwest corner of a called 33.40 acre tract of land described as Tract 3 in an instrument to CCR Texas Holdings, LP recorded under F.B.C.C.F. No. 2012038960;

THENCE, South 83° 01' 16" West, along and with the South line of said Restricted Reserve "A", same being the North line of said 1.602 acre tract, and the North line of said 3.662 acre tract at a distance of 19.09 feet passing a 5/8-inch iron rod found (disturbed) for the Northeast corner of said 3.662 acre tract, same being the Northwest corner of said 1.602 acre tract and continuing for a total distance of 419.09 feet to the Northwest corner of said 3.662 acre tract, same being the Southwest corner of said Restricted Reserve "A", lying on the East line of a called 137.294 acre tract of land described in an instrument to G.M. Equity Group, LLC recorded under F.B.C.C.F. No. 2008000068;

THENCE, South 02° 37' 40" East, along and with the East line of said 137.294 acre tract, same being the West line of said 3.662 acre tract a distance of 11.75 feet to a 1/2-inch iron pipe with cap stamped "BGE INC" set for the North corner and **POINT OF BEGINNING** of the herein described parcel, lying on the proposed East right-of-way line of Texas Heritage Parkway (width varies) and having surface coordinates of N=13,814,641.21, E=2,959,972.73, and being the beginning of a non-tangent curve to the right from which its center bears South 69° 42' 53" West, 2,081.00 feet;

1. **THENCE**, In a Southerly direction, over and across said 3.662 acre tract and along and with the proposed East right-of-way line of said Texas Heritage Parkway and said curve to the left, a distance of 118.98 feet, having a radius of 2,081.00 feet, a central angle of 03° 16' 33" and a chord which bears South 18° 38' 50" East, 118.96 feet to a 1/2-inch iron pipe with cap stamped "BGE INC" set for a point of tangency;

2. **THENCE**, South 17° 00' 34" East, a distance of 242.42 feet continuing over and across said 3.662 acre tract and along and with the proposed East right-of-way line of said Texas Heritage Parkway to a 1/2-inch iron pipe with cap stamped "Brown & Gay" found for the Southeast corner of the herein described parcel, lying on the North line of a called 0.1816 acre tract of land described as Parcel 425 in an instrument from Wayne Schramme to the County of Fort Bend, Texas recorded under F.B.C.C.F. No. 2017044716, same being the North right-of-way line of F.M. 359 & F.M. 1093 (120 feet wide) recorded under Volume 243, Pages 171 and 197 of the Fort Bend County Deed Records and under said F.B.C.C.F. No. 2017044716;
3. **THENCE**, North 62° 00' 34" West, a distance of 5.66 feet along and with the North right-of-way line of said F.M. 359 & F.M. 1093, same being the North line of said Parcel 425 to the most Southerly Southwest corner of the herein described parcel, same being an interior corner of said Parcel 425;
4. **THENCE**, North 17° 00' 34" West, a distance of 14.11 feet continuing along and with the North right-of-way line of said F.M. 359 & F.M. 1093, same being the North line of said Parcel 425 to an interior corner of the herein described parcel, same being a Northeast corner of said Parcel 425;
5. **THENCE**, South 82° 58' 34" West, a distance of 84.92 feet continuing along and with the North right-of-way line of said F.M. 359 & F.M. 1093, same being the North line of said Parcel 425 to the Southwest corner of the herein described parcel, same being the Northwest corner of said Parcel 425 and the Northeast corner of a called 0.1000 acre tract of land described as Parcel 424 in an instrument from GM Equity Group, LLC to the County of Fort Bend, Texas recorded under F.B.C.C.F. No. 2017077964, lying on the West line of said 3.662 acre tract, same being the East line of a said 137.294 acre tract;
6. **THENCE**, North 02° 37' 40" West, a distance of 339.13 feet along and with the West line of said 3.662 acre tract, same being the East line of said 137.294 acre tract to the **POINT OF BEGINNING** and containing 0.3571 of one acre (15,556 square feet) of land.

All bearings and coordinates are based on the Texas Coordinate System, South Central Zone, North American Datum of 1983 (NAD 83), 2011 Adjustment, Epoch 2010 and all distances and coordinates are surface and may be converted to grid by dividing by a combined adjustment factor of 1.00013.

All bearings are referenced to monuments found along the South line of said CROSS CREEK RANCH WASTEWATER TREATMENT PLANT as cited herein.

Compiled by:
BGE, Inc.
10777 Westheimer, Suite 400
Houston, Texas 77042
(281) 558-8700
TBPLS Licensed Survey Firm No. 10106500



A handwritten signature in black ink, appearing to read "Anthony L. Meier".

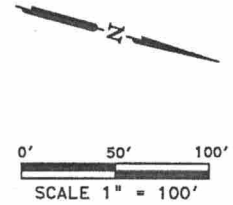
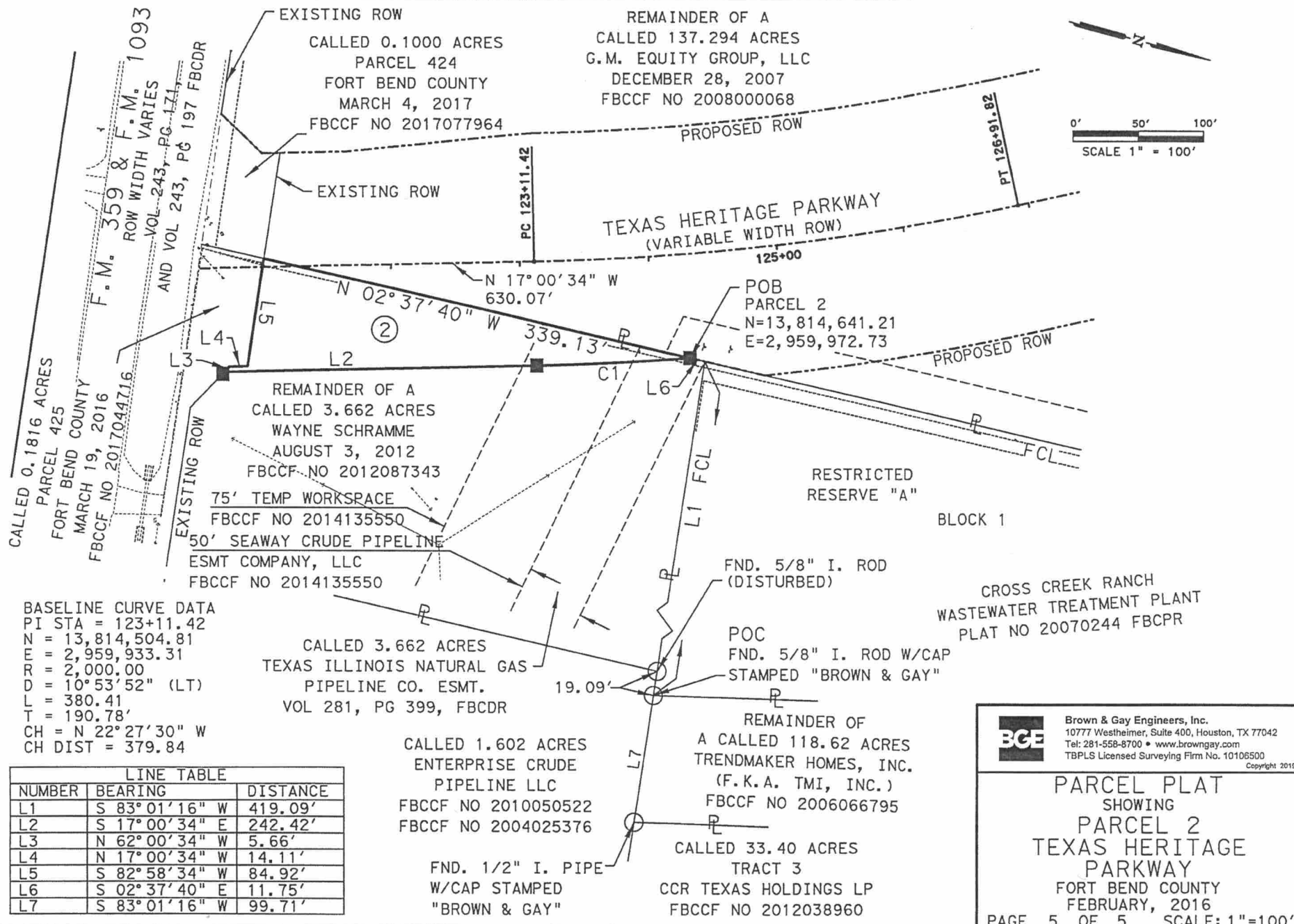
1/23/2019

NOTES:

A parcel plat of even date has been prepared in conjunction with this property description.

CURVE TABLE					
NUMBER	ARC LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD DISTANCE
C1	118.98'	2,081.00'	3° 16' 33"	S 18° 38' 50" E	118.96'

ENOCH LATHAM SURVEY, A-50



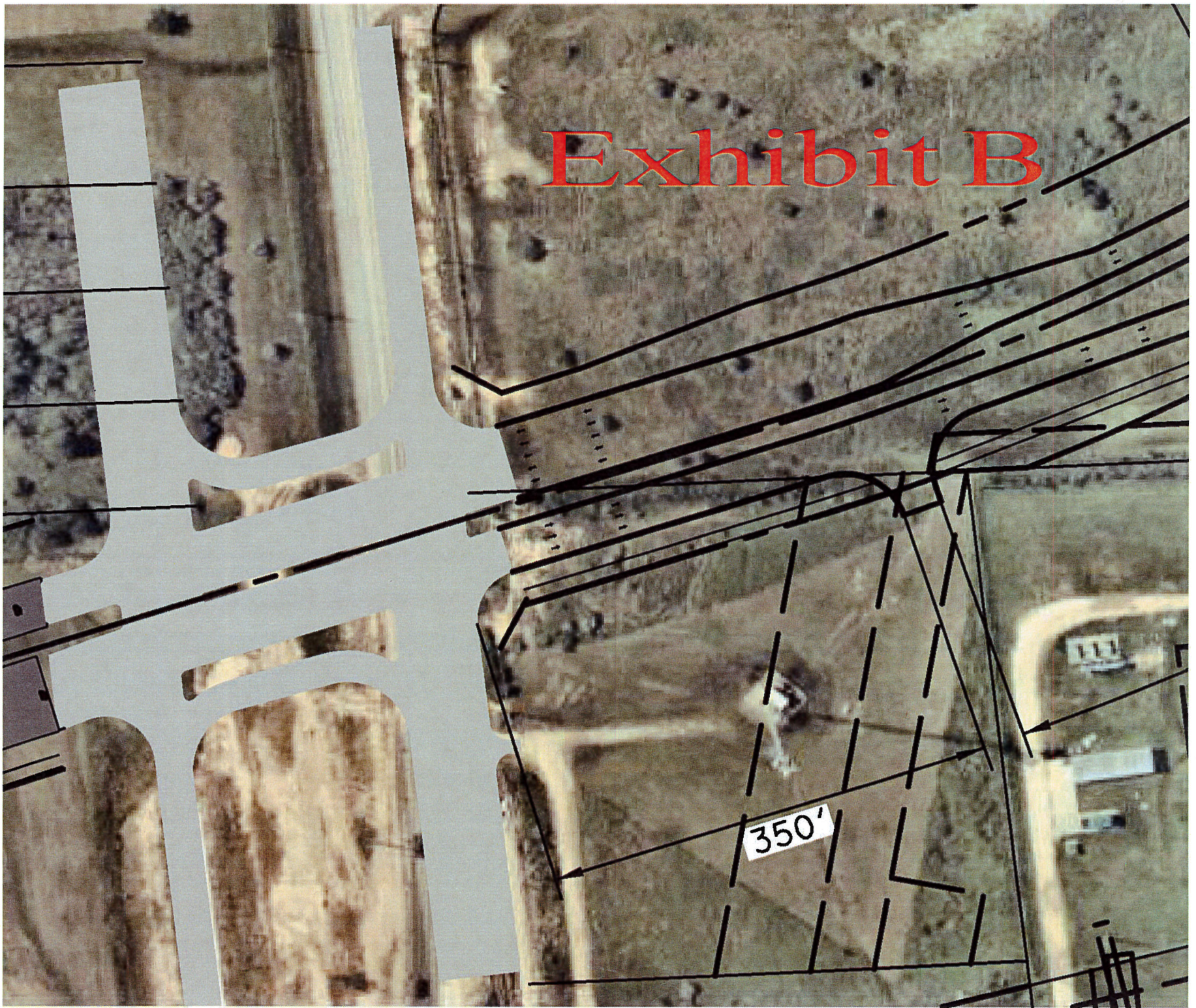
BASELINE CURVE DATA
 PI STA = 123+11.42
 N = 13,814,504.81
 E = 2,959,933.31
 D = 2,000.00
 Δ = 10° 53' 52" (LT)
 L = 380.41
 T = 190.78'
 CH = N 22° 27' 30" W
 CH DIST = 379.84

LINE TABLE		
NUMBER	BEARING	DISTANCE
L1	S 83° 01' 16" W	419.09'
L2	S 17° 00' 34" E	242.42'
L3	N 62° 00' 34" W	5.66'
L4	N 17° 00' 34" W	14.11'
L5	S 82° 58' 34" W	84.92'
L6	S 02° 37' 40" E	11.75'
L7	S 83° 01' 16" W	99.71'

Brown & Gay Engineers, Inc.
 10777 Westheimer, Suite 400, Houston, TX 77042
 Tel: 281-558-8700 • www.browngay.com
 TBPLS Licensed Surveying Firm No. 10106500
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PARCEL PLAT
 SHOWING
PARCEL 2
TEXAS HERITAGE
PARKWAY
 FORT BEND COUNTY
 FEBRUARY, 2016
 PAGE 5 OF 5 SCALE: 1"=100'

Exhibit B



FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Laura Richard

Laura Richard, County Clerk

Fort Bend County Texas

May 31, 2019 04:00:04 PM



FEE: \$0.00 DP2

2019057632