

137



DRAINAGE EASEMENT

(51.610 Acre Tract)

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 OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL ESTATE BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVERS LICENSE NUMBER.

That **D.R. HORTON-TEXAS, LTD.**, a Texas limited partnership and **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 182**, a conservation and reclamation district and a body politic organized and existing under the laws of the State of Texas (collectively "Grantor"), for and in consideration of the sum of **TEN AND NO/100 DOLLARS (\$10.00)** cash to Grantor in hand paid by **FORT BEND COUNTY DRAINAGE DISTRICT**, a conservation and reclamation district and a body politic and corporate and governmental agency of the State of Texas ("Grantee"), and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, has **GRANTED, BARGAINED, SOLD, AND CONVEYED** and by these presents hereby **GRANTS, BARGAINS, SELLS, AND CONVEYS** unto said Grantee, its successors and assigns, a permanent and perpetual non-exclusive easement and right of-way (the "Easement") for the purpose of constructing, installing, maintaining, operating, and repairing a drainage channel, including drains, ditches and laterals (collectively, the "Channel") upon, over, through and across that certain tract of land described on Exhibit "A" attached hereto (the "Easement Property").

Subject to the terms hereof, Grantee may construct, install, maintain, operate, and repair the Channel within the Easement Property and shall have access upon, over, through and across the Easement Property to engage in all activities as may be necessary, requisite, convenient, or appropriate in connection therewith. Grantor, its successors and assigns, expressly reserves the right to the use and enjoyment of the Easement Property for any and all purposes including, without limitation, for the purposes of construction, installation, maintenance, repair, replacement and operation of: road crossings, trails, sidewalks, road and pedestrian bridges, lighting facilities, irrigation facilities, pavilions no larger than 700 square feet in size located outside the Maintenance Berm (defined below), benches, utility lines, drainage or detention lines or facilities, fitness equipment, trees, greenbelts, and landscaping (any of such lines, facilities, or items installed by Grantor shall be referred to herein as the "Grantor's Facilities"); provided that such use will not prevent or unreasonably interfere with Grantee's ability to construct, install, maintain, operate, or repair the Channel therein or ability to access or travel through the Maintenance Berm, defined below, with maintenance equipment. Accordingly, Grantee shall not utilize the Easement Property, or any other property or easements owned or operated by Grantee, in a manner that would unreasonably interfere with the Grantor's Facilities that are currently or

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CCM 12-1-2020 # DD2
Fort Bend County Clerk
Return Admin Serv Coord - **RAC**

Grantee, in a manner that would unreasonably interfere with the Grantor's Facilities that are currently or hereafter installed by Grantor in the Easement Property or Grantor's use of same. Prior to Grantor, or its successors or assigns, hereafter constructing any of Grantor's Facilities in the Easement Property (except for repair, rehabilitation, or re-installation of previously installed facilities), plans shall be submitted to Grantee for review and approval, which approval shall not be unreasonably withheld or delayed. Grantee shall approve or comment on such plans within 30 days after receipt.

Notwithstanding any provision hereof, the appropriate governmental entity(ies), but not Grantee, shall be responsible for maintenance, repair, replacement and operation of: (i) roads, (ii) bridges, or (iii) other facilities that are accepted (for maintenance, operation, or otherwise) by, or conveyed to, the appropriate governmental entity (ies).

Grantor shall, at its sole cost, be responsible to cause the maintenance and operation of the Grantor's Facilities. Grantee understands and agrees that the grasses within the Easement Property that Grantor will be planting and maintaining vary in height and are not frequently mowed. If Grantee reasonably determines that Grantor has failed to adequately maintain the Grantor's Facilities such that drainage flow is compromised, Grantee may perform maintenance, repair, modifications, or work in the Easement Property, but Grantee must first: (i) give Grantor written notice of its intent to perform same and identify the area(s) where Grantor has failed to adequately maintain, and (ii) give Grantor an opportunity of at least a 60 days to cure Grantor's lack of adequate maintenance. In the event of an emergency or to protect public health and safety, Grantee is not required to give a 60 day opportunity to cure, but Grantee shall provide Grantor with as much notice as is reasonably practicable to allow Grantor an opportunity to cure. Grantee shall invoice Grantor for the actual and reasonable costs incurred by Grantee for maintenance, repair, modifications, or work performed by Grantee pursuant to this paragraph, which invoice will be due and payable by Grantor within 60 calendar days of receipt.

Except if necessary for Grantee to perform maintenance, repair, modifications or work allowed pursuant to the preceding paragraph, Grantee's access and travel along and through the Easement Property with maintenance equipment shall be limited to solely along and through an unobstructed maintenance berm at least 30 feet wide located on each side of the Channel (collectively, the "Maintenance Berm").

Prior to constructing, or allowing construction of, facilities or improvements in the Easement Property, Grantee shall give Grantor at least 90 days written notice. If pursuant to the preceding sentence, Grantee hereafter installs, or allows installation of, any facilities or improvements within the Easement Property, then Grantee (and not Grantor) shall be responsible for maintenance and repair of such facilities or improvements.

This conveyance is further expressly made SUBJECT TO all restrictions, easements, rights of way and mineral or royalty reservations and interests affecting the Easement Property and appearing of record in the Official Real Property Records of Fort Bend County, Texas, as of the date of this conveyance (the "Permitted Exceptions") to the extent the same are validly existing and enforceable against the Easement Property. Grantor reserves the right to convey to others the fee title for some or all of the Easement Property and/or any and all of the rights that are reserved to Grantor hereunder.

Grantee currently owns and/or possesses the right to utilize those certain rights of way and easements for drainage canals and other facilities upon, over, through and across those certain tracts of land described in those certain instruments granted to Grantee recorded under Clerk's File Nos. 2017089828, 2015058452, 2015058453 and 2015058454 of the Official Public Records of Fort Bend County, Texas. (Such instruments are referred to herein as the "Original Easements"). Within 30 days after Grantee's execution of this Drainage Easement, Grantee will execute and record a written abandonment of the Original Easements.

TO HAVE AND HOLD perpetually, subject to the matters set forth herein, the above described Easement for said purposes, together with all the rights and appurtenances thereto in anywise belonging to Grantee, its successors and assigns, forever, upon the condition that Grantee will at all times, after doing any work in connection with the Easement, restore said premises to the previously existing condition as near as possible; and that in the use of said rights and privileges herein granted to Grantee. Grantee will not create an unreasonable nuisance or do any act that will be unreasonably detrimental to said premises. Subject to the matters set forth herein, Grantor does hereby bind itself and its successors and assigns to **WARRANT AND FOREVER DEFEND** all and singular the easement and rights described herein unto Grantee against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through, or under Grantor, but not otherwise.

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FORT BEND COUNTY MUNICIPAL
UTILITY DISTRICT NO. 182

By: [Signature]

Name: D. SCOTT SULLIVAN

Title: PRESIDENT

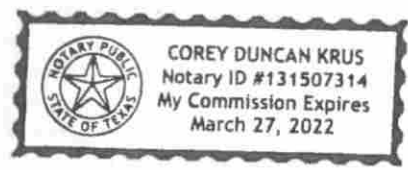
THE STATE OF Texas
COUNTY OF Fort Bend

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§

This instrument was acknowledged before me on this 3 day of September, 2020, by Scott Sullivan, President of Fort Bend County Municipal Utility District No. 182, on behalf of said political subdivision.

[Signature]
Notary Public in and for
the State of Texas

(SEAL)



ACCEPTED this 1 day of December, 2020.

GRANTEE:

FORT BEND COUNTY DRAINAGE DISTRICT

By: KP George

Name: KP George

Title: County Judge

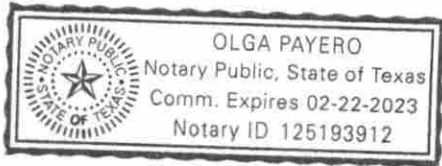
THE STATE OF TEXAS

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§
§

COUNTY OF Fort Bend

AS PER ORIGINAL

This instrument was acknowledged before me on this 1 day of December, 2020, by KP George, County Judge of Fort Bend County Drainage District, on behalf of said political subdivision.



(SEAL)

Olga Payero
Notary Public in and for
the State of Texas

County: Fort Bend
Project: Tamarron Development
Job No.: 132601
MB No.: 20-525

FIELD NOTES FOR 51.610 ACRES

Being a tract containing 51.610 acres of land located in the Micajah Autrey Survey, Abstract No.100, in Fort Bend County, Texas; Said 51.610 acre tract being portions of a call 30.53 acre tract and 631.26 acre tract recorded in the name of D.R. Horton – Texas, Ltd. in Fort Bend County Clerk’s File (F.B.C.C.F.) Number 2013000056, a call 35.361 acre tract, a call 9.663 acre tract and a call 1.261 acre tract recorded in the name of Fort Bend County Municipal Utility District No.182 in F.B.C.C.F. Numbers 2015041853 and 2015057943 and Reserve “A”, Tamarron Wastewater Treatment Plant Site No.1 recorded in Plat Number 20140184 of the Fort Bend County Plat Records (F.B.C.P.R.); Said 51.610 acre tract being more particularly described by metes and bounds as follows (bearings are based on the Texas Coordinate System, NAD ’83, South Central Zone):

Commencing at the westerly intersection of Tamarron Trace (100 feet wide) recorded in Plat Number 20170239 of the F.B.C.P.R. and Cross Creek Bend Lane (width varies) recorded in Plat Number 20180234 of the F.B.C.P.R. Same being on the southeasterly line of said 30.53 acre tract and the northerly corner of Reserve “A”, Cross Creek Bend Lane Extension No. 11 recorded in said Plat Number 20180234;

Thence, with said southeasterly line of 30.53 acre tract, the northerly line of said Reserve “A”, and the northerly line of a tract of land recorded in the name of CCR Texas Holdings, LP and CCR Loan Subsidiary 1, LP in F.B.C.C.F. Number 2018049229, South 55 degrees 45 minutes 35 seconds West, at a distance of 126.28 feet pass the westerly corner of said Reserve “A”, in all a distance of 136.18 feet to the **Point of Beginning** of the tract herein described;

Thence, continuing with the southeasterly line of said 30.53 acre tract, the northerly line of said CCR Texas Holdings, LP and CCR Loan Subsidiary 1, LP tract and the easterly line of aforesaid Reserve “A”, Tamarron Wastewater Treatment Plant Site No.1, the following two (2) courses:

- 1) South 55 degrees 45 minutes 32 seconds West, a distance of 166.51 feet;
- 2) South 55 degrees 38 minutes 09 seconds West, a distance of 29.91 feet to the southeasterly corner of said Reserve “A” and the northeasterly corner of a call 239.7 acre tract of land recorded in the name of CCR Loan Subsidiary 1, L.P. in F.B.C.C.F. Number 2016059209, styled Tract 10;

Thence, with the southerly line of said Reserve “A” and the northerly line of said 239.7 acre tract, South 87 degrees 28 minutes 47 seconds West, a distance of 81.99 feet;

Thence, through and across said Reserve "A", said 631.26 acre tract, said 35.361 acre tract, said 1.261 acre tract, said 9.663 acre tract and said 30.53 acre tract, the following fifty-one (51) courses:

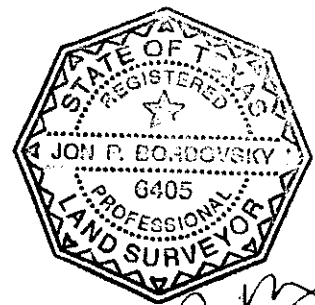
- 1) North 67 degrees 41 minutes 23 seconds West, a distance of 4768.39 feet;
- 2) 168.72 feet along the arc of a curve to the left, said curve having a central angle of 04 degrees 34 minutes 54 seconds, a radius of 2110.00 feet and a chord which bears North 00 degrees 52 minutes 00 seconds West, a distance of 168.68 feet;
- 3) 158.66 feet along the arc of a curve to the right, said curve having a central angle of 72 degrees 43 minutes 27 seconds, a radius of 125.00 feet and a chord which bears North 87 degrees 49 minutes 56 seconds East, a distance of 148.22 feet;
- 4) 35.89 feet along the arc of a curve to the left, said curve having a central angle of 34 degrees 16 minutes 23 seconds, a radius of 60.00 feet and a chord which bears South 72 degrees 56 minutes 31 seconds East, a distance of 35.36 feet;
- 5) North 89 degrees 55 minutes 17 seconds East, a distance of 229.46 feet;
- 6) 56.46 feet along the arc of a curve to the right, said curve having a central angle of 32 degrees 20 minutes 51 seconds, a radius of 100.00 feet and a chord which bears South 73 degrees 54 minutes 17 seconds East, a distance of 55.71 feet;
- 7) 31.10 feet along the arc of a curve to the left, said curve having a central angle of 29 degrees 42 minutes 04 seconds, a radius of 60.00 feet and a chord which bears South 72 degrees 34 minutes 54 seconds East, a distance of 30.76 feet;
- 8) South 87 degrees 25 minutes 56 seconds East, a distance of 24.04 feet;
- 9) 56.19 feet along the arc of a curve to the left, said curve having a central angle of 06 degrees 26 minutes 21 seconds, a radius of 500.00 feet and a chord which bears North 89 degrees 20 minutes 53 seconds East, a distance of 56.16 feet;
- 10) North 86 degrees 07 minutes 43 seconds East, a distance of 93.27 feet;
- 11) 81.65 feet along the arc of a curve to the right, said curve having central angle of 49 degrees 14 minutes 37 seconds, a radius of 95.00 feet and a chord which bears South 69 degrees 14 minutes 59 seconds East, a distance of 79.16 feet;
- 12) South 44 degrees 37 minutes 40 seconds East, a distance of 303.73 feet;
- 13) 35.55 feet along the arc of a curve to the left, said curve having a central angle of 04 degrees 04 minutes 27 seconds, a radius of 500.00 feet and a chord which bears South 46 degrees 39 minutes 53 seconds East, a distance of 35.55 feet;

- 14) South 48 degrees 42 minutes 07 seconds East, a distance of 159.96 feet;
- 15) 31.61 feet along the arc of curve to the left, said curve having a central angle of 19 degrees 03 minutes 54 seconds, a radius of 95.00 feet and a chord which bears South 58 degrees 14 minutes 04 seconds East, a distance of 31.47 feet;
- 16) South 67 degrees 46 minutes 01 second East, a distance of 131.04 feet;
- 17) 41.95 feet along the arc of a curve to the right, said curve having a central angle of 28 degrees 10 minutes 05 seconds, a radius of 85.32 feet and a chord which bears South 53 degrees 40 minutes 59 seconds East, a distance of 41.52 feet;
- 18) 84.13 feet along the arc of a curve to the left, said curve having a central angle of 80 degrees 20 minutes 10 seconds, a radius of 60.00 feet and a chord which bears South 79 degrees 46 minutes 01 second East, a distance of 77.40 feet;
- 19) 113.67 feet along the arc of a curve to the right, said curve having a central angle of 68 degrees 33 minutes 30 seconds, a radius of 95.00 feet and a chord which bears South 85 degrees 39 minutes 21 seconds East, a distance of 107.01 feet;
- 20) 12.00 feet along the arc of a curve to the left, said curve having a central angle of 77 degrees 54 minutes 01 second, a radius of 8.83 feet and a chord which bears North 89 degrees 40 minutes 25 seconds East, a distance of 11.10 feet;
- 21) North 50 degrees 43 minutes 31 seconds East, a distance of 232.49 feet;
- 22) South 39 degrees 16 minutes 36 seconds East, a distance of 141.96 feet;
- 23) South 50 degrees 55 minutes 08 seconds West, a distance of 126.68 feet;
- 24) 24.62 feet along the arc of a curve to the left, said curve having a central angle of 141 degrees 04 minutes 26 seconds, a radius of 10.00 feet and a chord which bears South 19 degrees 38 minutes 28 seconds East, a distance of 18.86 feet;
- 25) North 89 degrees 49 minutes 19 seconds East, a distance of 126.64 feet;
- 26) 8.28 feet along the arc of a curve to the left, said curve having a central angle of 47 degrees 27 minutes 47 seconds, a radius of 10.00 feet and a chord which bears North 66 degrees 05 minute 26 seconds East, a distance of 8.05 feet;
- 27) North 38 degrees 36 minutes 40 seconds East, a distance of 16.80 feet;
- 28) 39.28 feet along the arc of a curve to the right, said curve having a central angle of 11 degrees 06 minutes 03 seconds, a radius of 202.72 feet and a chord which bears North 44 degrees 14 minutes 15 seconds East, a distance of 39.22 feet;

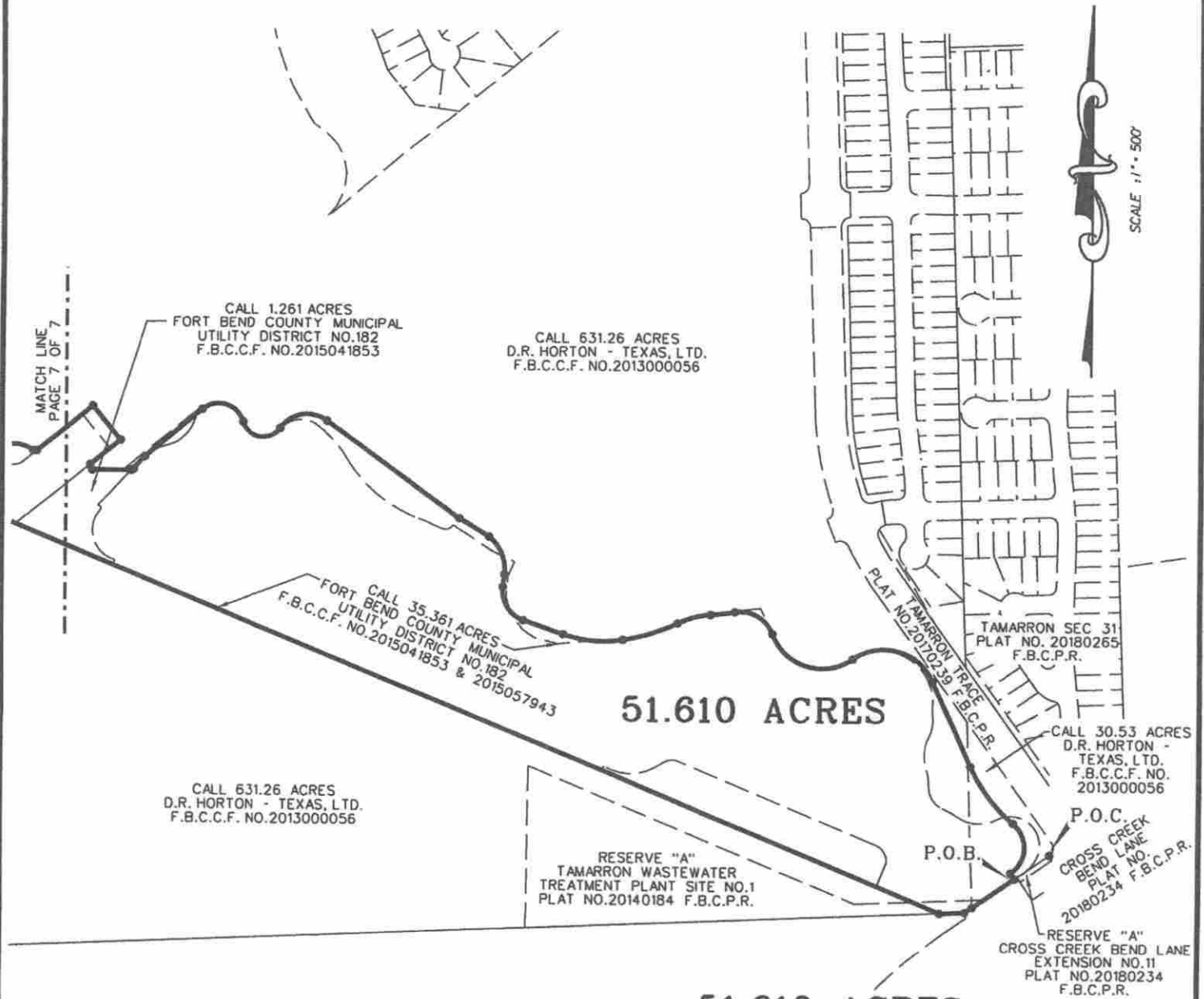
- 29) North 49 degrees 51 minutes 49 seconds East, a distance of 240.54 feet;
- 30) 163.89 feet along the arc of a curve to the right, said curve having a central angle of 113 degrees 07 minutes 58 seconds, a radius of 83.00 feet and a chord which bears South 73 degrees 34 minutes 12 seconds East, a distance of 138.53 feet;
- 31) 111.91 feet along the arc of a curve to the left, said curve having a central angle of 93 degrees 45 minutes 14 seconds, a radius of 68.39 feet and a chord which bears South 63 degrees 52 minutes 50 seconds East, a distance of 99.84 feet;
- 32) 40.74 feet along the arc of a curve to the left, said curve having a central angle of 34 degrees 07 minutes 37 seconds, a radius of 68.40 feet and a chord which bears North 52 degrees 10 minutes 42 seconds East, a distance of 40.14 feet;
- 33) 171.03 feet along the arc of a curve to the right, said curve having a central angle of 90 degrees 48 minutes 50 seconds, a radius of 107.90 feet and a chord which bears North 80 degrees 31 minutes 18 seconds East, a distance of 153.68 feet;
- 34) South 54 degrees 04 minutes 17 seconds East, a distance of 522.64 feet;
- 35) 8.55 feet along the arc of a curve to the left said curve having a central angle of 04 degrees 53 minutes 58 seconds, a radius of 100.00 feet and a chord which bears South 56 degrees 31 minutes 16 seconds East, a distance of 8.55 feet;
- 36) South 58 degrees 58 minutes 15 seconds East, a distance of 113.81 feet;
- 37) 136.88 feet along the arc of a curve to the right, said curve having a central angle of 58 degrees 41 minutes 35 seconds, a radius of 133.63 feet and a chord which bears South 22 degrees 47 minutes 47 seconds East, a distance of 130.98 feet;
- 38) South 06 degrees 59 minutes 58 seconds West, a distance of 40.70 feet;
- 39) 136.09 feet along the arc of a curve to the left, said curve having a central angle of 77 degrees 58 minutes 18 seconds, a radius of 100.00 feet and a chord which bears South 31 degrees 59 minutes 11 seconds East, a distance of 125.83 feet;
- 40) South 70 degrees 58 minutes 20 seconds East, a distance of 136.09 feet;
- 41) 196.26 feet along the arc of a curve to the left, said curve having a central angle of 28 degrees 06 minutes 46 seconds, a radius of 400.00 feet and a chord which bears South 85 degrees 01 minute 43 seconds East, a distance of 194.30 feet;
- 42) 185.80 feet along the arc of a curve to the left, said curve having a central angle of 16 degrees 29 minutes 01 second, a radius of 645.81 feet and a chord which bears North 72 degrees 40 minutes 23 seconds East, a distance of 185.16 feet;

- 43) 112.32 feet along the arc of a curve to the right, said curve having a central angle of 21 degrees 27 minutes 07 seconds, a radius of 300.00 feet and a chord which bears North 75 degrees 09 minutes 26 seconds East, a distance of 111.67 feet;
- 44) 78.34 feet along the arc of a curve to the left, said curve having a central angle of 05 degrees 34 minutes 22 seconds, a radius of 805.40 feet and a chord which bears North 83 degrees 05 minutes 49 seconds East, a distance of 78.30 feet;
- 45) 152.66 feet along the arc of a curve to the right, said curve having a central angle of 79 degrees 12 minutes 02 seconds, a radius of 110.44 feet and a chord which bears South 60 degrees 05 minutes 22 seconds East, a distance of 140.79 feet;
- 46) 315.78 feet along the arc of a curve to the left, said curve having a central angle of 104 degrees 51 minutes 04 seconds, a radius of 172.56 feet and a chord which bears South 72 degrees 54 minutes 53 seconds East, a distance of 273.53 feet;
- 47) 309.35 feet along the arc of a curve to the right, said curve having a central angle of 100 degrees 42 minutes 22 seconds, a radius of 176.00 feet and a chord which bears South 74 degrees 59 minutes 13 seconds East, a distance of 271.04 feet;
- 48) South 24 degrees 38 minutes 02 seconds East, a distance of 302.19 feet;
- 49) 230.76 feet along the arc of curve to the left, said curve having a central angle of 26 degrees 26 minutes 37 seconds, a radius of 500.00 feet and a chord which bears South 37 degrees 51 minutes 21 seconds East, a distance of 228.72 feet;
- 50) 186.64 feet along the arc of a curve to the right, said curve having a central of 106 degrees 56 minutes 09 seconds, a radius of 100.00 feet and a chord which bears South 02 degrees 23 minutes 26 West, a distance of 160.70 feet;
- 51) South 34 degrees 14 minutes 28 seconds East, a distance of 22.40 feet to the **Point of Beginning** and containing 51.610 acres of land.

GBI PARTNERS
TBPELS FIRM #10130300
281.499.4539
November 9, 2020



J. P. Bordovsky
11/9/2020



SCALE 1" = 500'

51.610 ACRES

51.610 ACRES

BEING PORTIONS OF A CALL 30.53 ACRE TRACT AND 631.26 ACRE TRACT RECORDED IN THE NAME OF D.R.HORTON-TEXAS, LTD. IN F.B.C.C.F. NO.2013000056, A CALL 35.361 ACRE TRACT, 9.663 ACRE TRACT AND 1.261 ACRE TRACT RECORDED IN THE NAME OF FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO.182 IN F.B.C.C.F. NOS. 2015041853 AND 2015057943 AND RESERVE "A", TAMARRON WASTEWATER TREATMENT PLANT SITE NO.1 RECORDED IN PLAT NO.20140184 OF THE F.B.C.P.R.

LOCATED IN THE MICAHAH AUTREY SURVEY, A-100

FORT BEND COUNTY, TEXAS



GBI PARTNERS

LAND SURVEYING CONSULTANTS

4724 Vista Road Pasadena, TX 77505

Phone: 281.499.4539 • www.gbisurvey.com

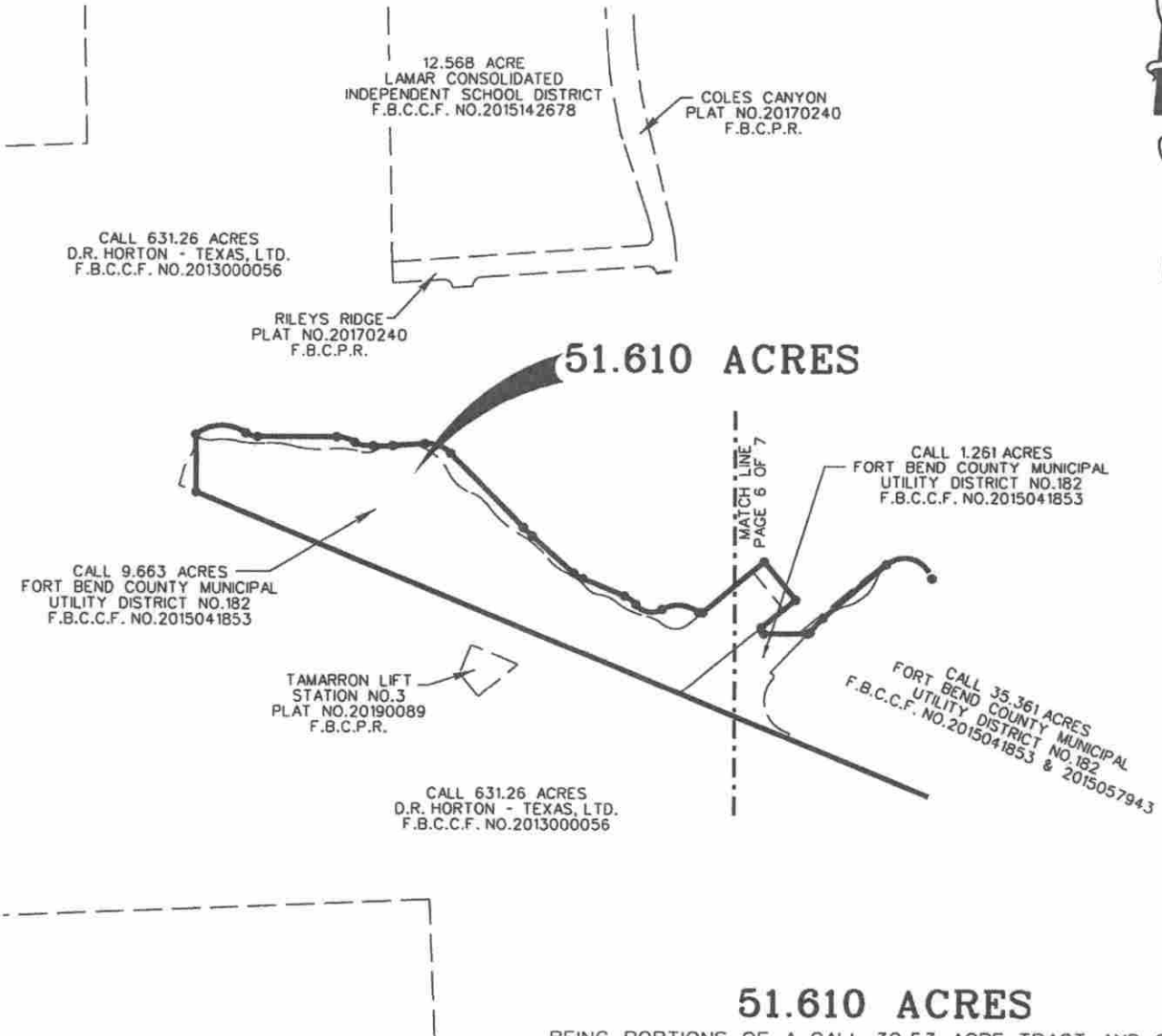
TBPELS FIRM# 10130300

JOB NO: 132601

SCALE: 1"=500'

DATE: 11/09/2020

M&B NO: 20-525



51.610 ACRES

BEING PORTIONS OF A CALL 30.53 ACRE TRACT AND 631.26 ACRE TRACT RECORDED IN THE NAME OF D.R. HORTON-TEXAS, LTD. IN F.B.C.C.F. NO.2013000056, A CALL 35.361 ACRE TRACT, 9.663 ACRE TRACT AND 1.261 ACRE TRACT RECORDED IN THE NAME OF FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO.182 IN F.B.C.C.F. NOS. 2015041853 AND 2015057943 AND RESERVE "A", TAMARRON WASTEWATER TREATMENT PLANT SITE NO.1 RECORDED IN PLAT NO.20140184 OF THE F.B.C.P.R.

LOCATED IN THE MICAHAH AUTREY SURVEY, A-100



FORT BEND COUNTY, TEXAS
GBI PARTNERS

LAND SURVEYING CONSULTANTS
 4724 Vista Road Pasadena, TX 77505
 Phone: 281.499.4539 • www.gbisurvey.com
 TBPELS FIRM# 10130300

JOB NO: 132601
 SCALE: 1"=500'
 DATE: 11/09/2020
 M&B NO: 20-525

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Laura Richard

Laura Richard, County Clerk

Fort Bend County Texas

December 03, 2020 04:10:16 PM

FEE: \$0.00 DP2

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