

TEXAS TRANSPORTATION COMMISSION

FORT BEND County

MINUTE ORDER

Page 1 of 2

HOUSTON District

In the city of Rosenberg, FORT BEND COUNTY, on FARM TO MARKET ROAD 2218, the State of Texas (state) acquired an easement interest in certain land for highway drainage purposes by instrument recorded in Volume 335, Page 472, Deed Records of Fort Bend County, Texas.

A portion of the land (surplus easement), described in Exhibits A, B, and C, is no longer needed for a state highway purpose.

WM Commercial, L.P., a Texas limited partnership, and 2218 Rosenberg, L.P. (owners), two of the underlying fee owners, have executed an instrument conveying to the state an easement interest in land needed for the realignment and construction of a new drainage facility (new easement), described in Exhibits D and E, and desire to make a partial donation to the state of the value of the new easement.

V.T.C.A., Transportation Code, Chapter 201, Subchapter D, authorizes the department to accept donations of real property for the purpose of carrying out its functions and duties.

V.T.C.A., Government Code, Chapter 575, requires the Texas Transportation Commission (commission) to accept by majority vote at an open meeting any gift or donation valued at over \$500, and the commission hereby finds that acceptance of the donation will provide a significant public benefit and will not influence or reasonably appear to influence the department in the performance of its duties.

An Agreement Concerning the Donation of Property to the Texas Department of Transportation (donation agreement) has been executed by the owners and tendered to the department for acceptance under the provisions of Title 43, Texas Administrative Code, Chapter 1, Subchapter G, since the value of the new easement provided by the owners, which is \$156,275, exceeds the value of the surplus easement, which is \$86,264.

In accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B, the commission may recommend the release of surplus easements and the exchange of surplus easements as partial or full consideration for other land needed by the state for highway purposes.

It is the opinion of the commission that once the title to the new easement is acceptable to the department, the surplus easement will no longer be needed for a state highway purpose and will be surplus. It would then be proper and correct that the state convey its rights and interest in the surplus easement described in Exhibits A and B to owners in exchange and as partial consideration for the conveyance of the new easement to the state and that the state convey its rights and interest in the surplus easement described in Exhibit C to Windmeadows Investors, Ltd.

IT IS THEREFORE ORDERED by the commission that the executive director is hereby authorized to accept the donation of the new easement and that the executive director or the director's designee is authorized and directed to sign and execute a donation agreement with the owners, in accordance with Title 43, Texas Administrative Code, Chapter 1, Subchapter G.

TEXAS TRANSPORTATION COMMISSION

FORT BEND County

MINUTE ORDER

Page 2 of 2

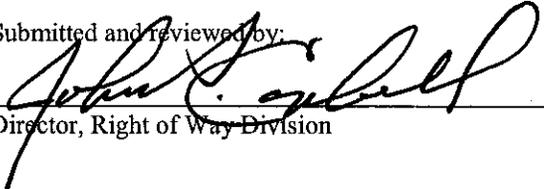
HOUSTON District

IT IS FURTHER ORDERED by the commission that the executive director is authorized to tender the following proposal to owners:

Provided that the title to the new easement is acceptable to the department, then the commission will recommend the conveyance of the surplus easement in accordance with V.T.C.A., Transportation Code, Chapter 202, Subchapter B.

FURTHER, in consideration of the foregoing premises and in accordance with Transportation Code, Chapter 202, Subchapter B, the commission hereby finds if and when owners satisfactorily comply with the conditions of this minute order, the surplus easement is no longer needed for a state highway purpose and recommends, subject to approval by the attorney general, that the Governor of Texas execute a proper instrument conveying all of the state's rights and interest in the surplus easement described in Exhibits A and B to owners in exchange and as partial consideration for the conveyance of the new easement to the state and that the Governor of Texas execute a proper instrument conveying all of the state's rights and interest in the surplus easement described in Exhibit C to Windmeadows Investors, Ltd., a Texas limited partnership.

Submitted and reviewed by:

  
Director, Right of Way Division

Recommended by:

  
Executive Director

**110745 OCT 26 06**

Minute  
Number

Date  
Passed

EXHIBIT A

**METES AND BOUNDS DESCRIPTION  
OF 0.2572 ACRE OF LAND  
IN THE S.B. PENTECOST SURVEY, A-378  
FORT BEND COUNTY, TEXAS**

All that certain 0.2572 acre of land, which is out of the 50' wide right-of-way easement, described in the deed recorded under Volume 335, Page 472, in the Deed Records of Fort Bend County, Texas, in the S.B. Pentecost Survey, A-378, Fort Bend County, Texas, and more particularly described by metes and bounds as follows: (All bearings based on the record bearings of the east line of the 158.5 acre tract described in the deed from 2218 Rosenberg, L.P. to Windmeadows Investors, Ltd., recorded under File No. 2005-095386, in the Official Public Records of Fort Bend County, Texas)

**COMMENCING** at a 5/8" iron rod found for the east corner of said 158.5 acre tract, common to the south corner of the 17.0 acre tract described in the deed from Gipsy L. Bryan to Arnold Bryan, recorded under Volume 913, Page 292, in the Deed Records of Fort Bend County, Texas, common to the east corner of the 95.858 acre tract described as Parcel Two in the deed from Colletta Lake Marshall to Colletta Ray McMillian, et al, recorded under Volume 1971, Page 1741, in the Deed Records of Fort Bend County, Texas, in the northwest line of the 335.34 acre tract described in the deed from Amtex Properties to Amtex Properties, LTD., recorded under File No. 2002-100334, in the Official Public Records of Fort Bend County, Texas, from which a 1/2" iron rod found for the east corner of the 7.802 acre tract described in the deed from Colletta Ray McMillian, et al. to Lane Aviation, Inc., recorded under File No. 9709631, in the Official Public Records of Fort Bend County, Texas, bears South 45° 00' 00" West – 1533.19'; **THENCE** North 45° 04' 10" West – 4504.81', along the northeast line of said 158.5 acre tract, to an angle corner; **THENCE** South 44° 55' 50" West – 640.02', to the east corner and **POINT OF BEGINNING** of the herein described easement;

**THENCE** South 44° 56' 37" West – 50.13', along the southeast line of said 50' wide easement, to the south corner of said 50' wide easement;

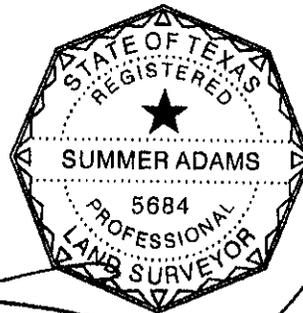
**THENCE** North 49° 13' 48" West – 223.96', along the southwest line of said 50' wide easement, to the west corner of the herein described easement;

**THENCE** North 44° 43' 46" East – 50.12' to the north corner of the herein described easement, in the northeast line of said 50' wide easement;

**THENCE** South 49° 13' 48" East – 224.15', along the northeast line of said 50' wide easement, to the **POINT OF BEGINNING** of the herein described easement and containing 0.2572 acre of land.

Prepared by:  
PATE SURVEYORS  
a division of  
Pate Engineers, Inc.

Job No. 1279-005-00-564  
Issued: November 7, 2005  
Revised date: September 15, 2006

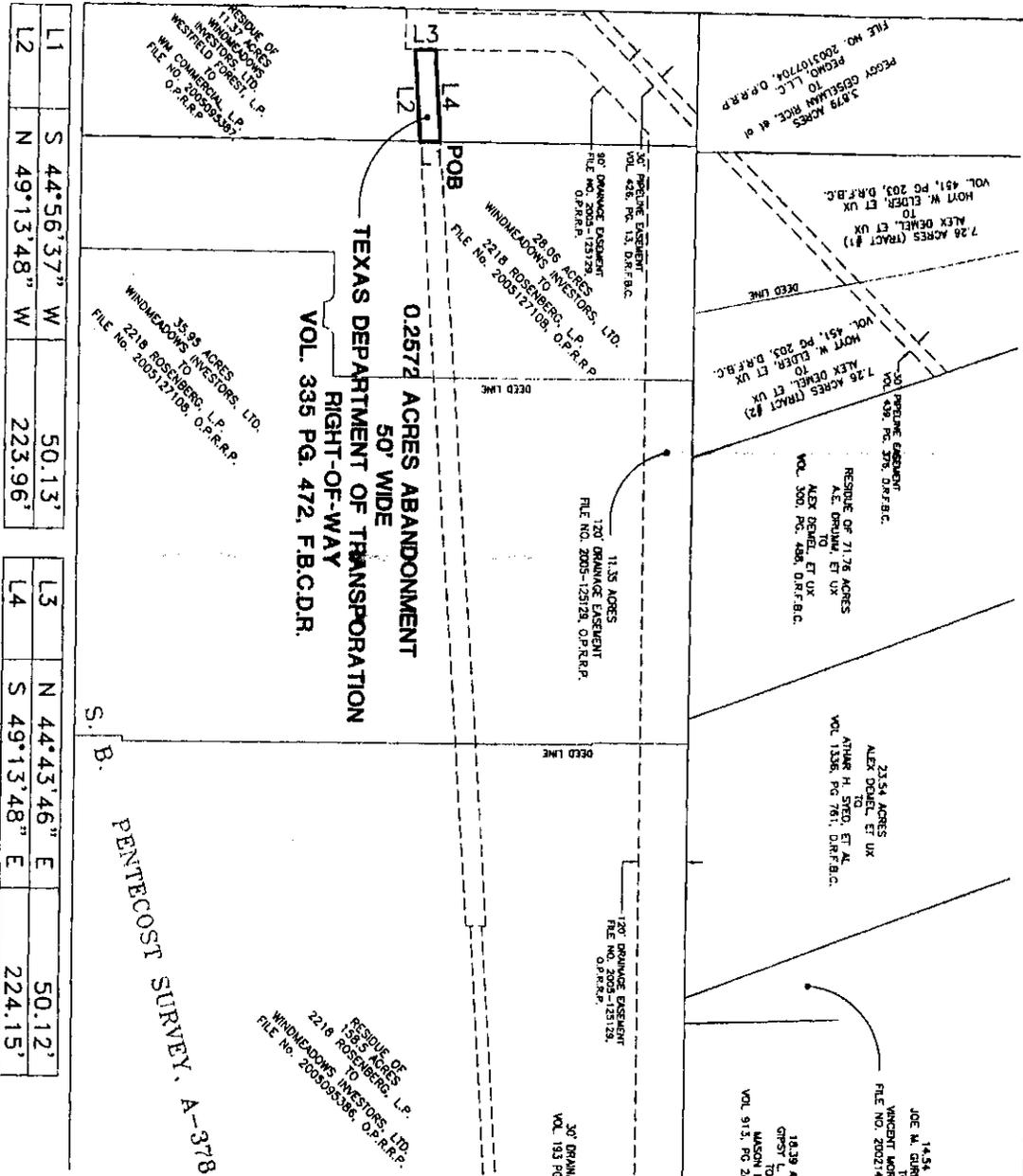


A handwritten signature in black ink, appearing to read "Summer Adams", written over a horizontal line.

Certification Date  
July 3, 2006

THIS LEGAL DESCRIPTION IS ISSUED FOR THE PURPOSE OF ATTACHMENT TO EASEMENT ABANDONMENT DOCUMENTS. IT SHOULD NOT BE USED FOR FEE TITLE TRANSFER.

F. M. HIGHWAY 2218 (100' R.O.W.)



L1	S 44°56'37" W	50.13'	L3	N 44°43'46" E	50.12'
L2	N 49°13'48" W	223.96'	L4	S 49°13'48" E	224.15'

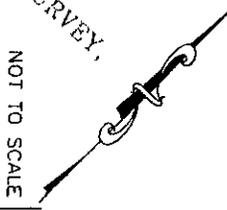
REVISED 9-14-08: REVISED CONFIGURATION OF EASEMENT  
 REVISED 8-16-08: REVISED CONFIGURATION OF EASEMENT  
 ALL BEARINGS ARE BASED ON THE RECORD BEARINGS OF THE EAST LINE OF THE 158.5 ACRE TRACT AS SHOWN HEREON.

**PATE SURVEYORS**  
 A DIVISION OF PATE ENGINEERS, INC.  
 13333 NW Freeway, Ste 200-Houston, TX 77040-7673-4623178-Fax/713-462-3013-[www.pateeng.com](http://www.pateeng.com)

**EXHIBIT**

50' WIDE TEXAS DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY ABANDONMENT  
 S.B. PENTECOST SURVEY, A-378  
 FORT BEND COUNTY, TEXAS

ORANK: CS  
 APPROVED FOR ISSUE: [Signature]  
 ORIGINAL SCALE: NOT TO SCALE  
 ISSUE DATE: NOVEMBER 7, 2005  
 JOB NO.: 1279-005-00-564



NOT TO SCALE

EXHIBIT B

**METES AND BOUNDS DESCRIPTION  
OF 2.072 ACRES OF LAND  
IN THE S.B. PENTECOST SURVEY, A-378  
FORT BEND COUNTY, TEXAS**

All that certain 2.072 acres of land, which is out of the 50' wide right-of-way easement, described in the deed recorded under Volume 335, Page 472, in the Deed Records of Fort Bend County, Texas, in the S.B. Pentecost Survey, A-378, Fort Bend County, Texas, and more particularly described by metes and bounds as follows: (All bearings based on the record bearings of the east line of the 158.5 acre tract described in the deed from 2218 Rosenberg, L.P. to Windmeadows Investors, Ltd., recorded under File No. 2005-095386, in the Official Public Records of Fort Bend County, Texas)

**COMMENCING** at a 5/8" iron rod found for the east corner of said 158.5 acre tract, common to the south corner of the 17.0 acre tract described in the deed from Gipsy L. Bryan to Arnold Bryan, recorded under Volume 913, Page 292, in the Deed Records of Fort Bend County, Texas, common to the east corner of the 95.858 acre tract described as Parcel Two in the deed from Colletta Lake Marshall to Colletta Ray McMillian, et al, recorded under Volume 1971, Page 1741, in the Deed Records of Fort Bend County, Texas, in the northwest line of the 335.34 acre tract described in the deed from Amtex Properties to Amtex Properties, LTD., recorded under File No. 2002-100334, in the Official Public Records of Fort Bend County, Texas, from which a 1/2" iron rod found for the east corner of the 7.802 acre tract described in the deed from Colletta Ray McMillian, et al. to Lane Aviation, Inc., recorded under File No. 9709631, in the Official Public Records of Fort Bend County, Texas, bears South 45° 00' 00" West – 1533.19'; **THENCE** North 45° 04' 10" West – 2704.78', along the northeast line of said 158.5 acre tract, to an angle corner; **THENCE** South 44° 55' 50" West – 509.08', to the east corner and **POINT OF BEGINNING** of the herein described easement;

**THENCE** South 44° 56' 37" West – 50.13', along the southeast line of said 50' wide easement, to the south corner of said 50' wide easement;

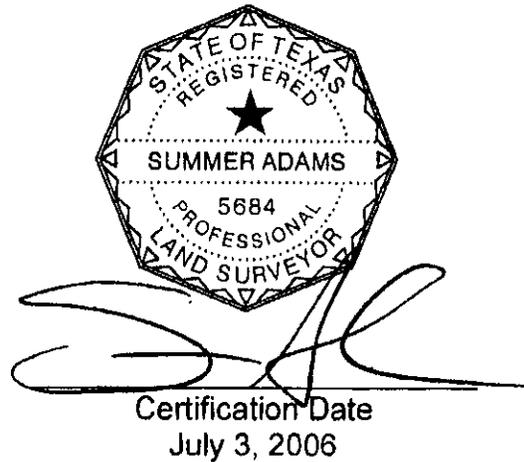
**THENCE** North 49° 13' 48" West – 1804.79', along the southwest line of said 50' wide easement, to the west corner of the herein described easement;

**THENCE** North 44° 56' 37" East – 50.13' to the north corner of the herein described easement, in the northeast line of said 50' wide easement;

**THENCE** South 49° 13' 48" East – 1804.79', along the northeast line of said 50' wide easement, to the **POINT OF BEGINNING** of the herein described easement and containing 2.072 acres of land.

Prepared by:  
PATE SURVEYORS  
a division of  
Pate Engineers, Inc.

Job No. 1279-005-00-564  
Issued: November 7, 2005  
Revised date: September 15, 2006



THIS LEGAL DESCRIPTION IS ISSUED FOR THE PURPOSE OF ATTACHMENT TO EASEMENT ABANDONMENT DOCUMENTS. IT SHOULD NOT BE USED FOR FEE TITLE TRANSFER.



EXHIBIT C

**METES AND BOUNDS DESCRIPTION  
OF 0.1444 ACRE OF LAND  
IN THE S.B. PENTECOST SURVEY, A-378  
FORT BEND COUNTY, TEXAS**

All that certain 0.1444 acre of land, which is out of the 50' wide right-of-way easement, described in the deed recorded under Volume 335, Page 472, in the Deed Records of Fort Bend County, Texas, in the S.B. Pentecost Survey, A-378, Fort Bend County, Texas, and more particularly described by metes and bounds as follows: (All bearings based on the record bearings of the east line of the 158.5 acre tract described in the deed from 2218 Rosenberg, L.P. to Windmeadows Investors, Ltd., recorded under File No. 2005-095386, in the Official Public Records of Fort Bend County, Texas)

**COMMENCING** at a 5/8" iron rod found for the east corner of said 158.5 acre tract, common to the south corner of the 17.0 acre tract described in the deed from Gipsy L. Bryan to Arnold Bryan, recorded under Volume 913, Page 292, in the Deed Records of Fort Bend County, Texas, common to the east corner of the 95.858 acre tract described as Parcel Two in the deed from Colletta Lake Marshall to Colletta Ray McMillian, et al, recorded under Volume 1971, Page 1741, in the Deed Records of Fort Bend County, Texas, in the northwest line of the 335.34 acre tract described in the deed from Amtex Properties to Amtex Properties, LTD., recorded under File No. 2002-100334, in the Official Public Records of Fort Bend County, Texas, from which a 1/2" iron rod found for the east corner of the 7.802 acre tract described in the deed from Colletta Ray McMillian, et al. to Lane Aviation, Inc., recorded under File No. 9709631, in the Official Public Records of Fort Bend County, Texas, bears South 45° 00' 00" West – 1533.19'; **THENCE** North 45° 04' 10" West – 2579.47', along the northeast line of said 158.5 acre tract, to an angle corner; **THENCE** South 44° 55' 50" West – 499.96', to the east corner and **POINT OF BEGINNING** of the herein described easement;

**THENCE** South 44° 34' 21" West – 50.11', along the southeast line of said 50' wide easement, to the south corner of said 50' wide easement;

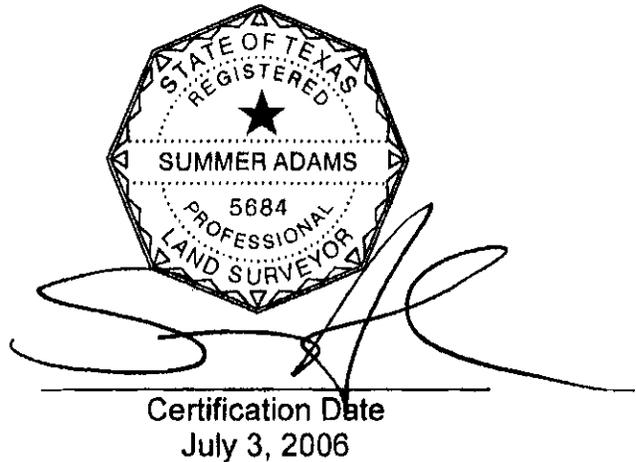
**THENCE** North 49° 13' 48" West – 125.97', along the southwest line of said 50' wide easement, to the west corner of the herein described easement;

**THENCE** North 44° 56' 37" East – 50.13' to the north corner of the herein described easement, in the northeast line of said 50' wide easement;

**THENCE** South 49° 13' 48" East – 125.65', along the northeast line of said 50' wide easement, to the **POINT OF BEGINNING** of the herein described easement and containing 0.1444 acre of land.

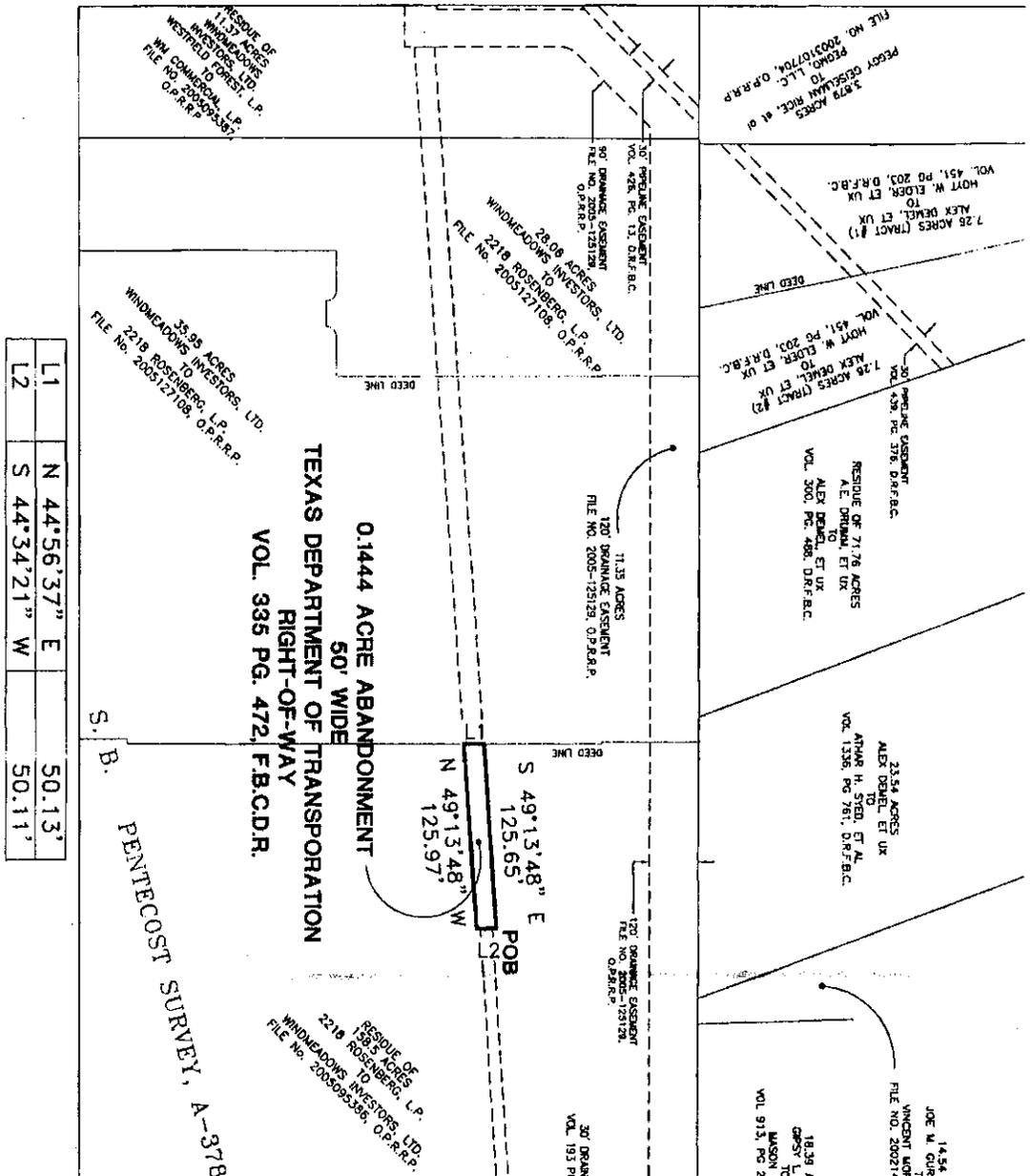
Prepared by:  
PATE SURVEYORS  
a division of  
Pate Engineers, Inc.

Job No. 1279-005-00-564  
Issued: November 7, 2005  
Revised date: September 15, 2006



THIS LEGAL DESCRIPTION IS ISSUED FOR THE PURPOSE OF ATTACHMENT TO EASEMENT ABANDONMENT DOCUMENTS. IT SHOULD NOT BE USED FOR FEE TITLE TRANSFER.

F. M. HIGHWAY 2218 (100' R.O.W.)



L1	N 44°56'37" E	50.13'
L2	S 44°34'21" W	50.11'

REVISOR 9-14-06: REVISED CONFIGURATION OF EASEMENT  
 REVISOR 8-16-06: REVISED CONFIGURATION OF EASEMENT  
 ALL BEARINGS ARE BASED ON THE RECORD BEARINGS OF THE EAST LINE OF THE 158.5 ACRE TRACT AS SHOWN HEREON.

**PATE SURVEYORS**  
 A DIVISION OF PATE ENGINEERS, INC.  
 13335 HW Freeway, Ste. 300-Houston, TX 77040-7973-462-3178 Fax:713-462-3015 www.pateeng.com

**EXHIBIT**

50' WIDE TEXAS DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY ABANDONMENT  
 S.B. PENTECOST SURVEY, A-378  
 FORT BEND COUNTY, TEXAS

DRAWN: CS  
 APPROVED FOR ISSUE: [Signature]

ORIGINAL: NOVEMBER 7, 2005  
 ISSUE DATE: NOVEMBER 7, 2005  
 JOB NO.: 1279-005-00-564

ORIGINAL SCALE: NOT TO SCALE

170 ACRES  
 GUST L. BRYAN  
 ARNOLD BRYAN  
 VOL. 913, PG. 292, D.R.F.B.C.

18.39 ACRES  
 GUST L. BRYAN  
 LAMSON BRYAN  
 VOL. 913, PG. 288, D.R.F.B.C.

1.434 ACRES  
 JOE M. GUNTER, ET UX  
 VINCENT AGUILES, ET UX  
 FILE NO. 200214308, O.P.R.A.P.

23.54 ACRES  
 ALEX DEKEL, ET UX  
 ALVARO H. STED, ET AL.  
 VOL. 1336, PG. 761, D.R.F.B.C.

RESIDUE OF 2176 ACRES  
 A.E. ORRMAN, ET UX  
 TO  
 ALEX DEKEL, ET UX  
 VOL. 300, PG. 468, D.R.F.B.C.

7.28 ACRES (TRACT #2)  
 HOYT W. ELDER, ET UX  
 TO  
 ALEX DEKEL, ET UX  
 VOL. 431, PG. 203, D.R.F.B.C.

7.28 ACRES (TRACT #1)  
 HOYT W. ELDER, ET UX  
 TO  
 ALEX DEKEL, ET UX  
 VOL. 431, PG. 203, D.R.F.B.C.

3.878 ACRES  
 PEORY GEORGEHAM RICE, JR. & P.F.A.P.  
 FILE NO. 200307704, O.P.R.A.P.

28.08 ACRES  
 WINDMEADOWS TO INVESTORS, L.P.  
 FILE NO. 2005227108, O.P.R.A.P.

28.08 ACRES  
 WINDMEADOWS TO INVESTORS, L.P.  
 FILE NO. 2005227108, O.P.R.A.P.

90' DRAINAGE EASEMENT  
 FILE NO. 2005-125129, O.P.R.A.P.

90' DRAINAGE EASEMENT  
 FILE NO. 2005-125129, O.P.R.A.P.

11.35 ACRES  
 120' DRAINAGE EASEMENT  
 FILE NO. 2005-125129, O.P.R.A.P.

120' DRAINAGE EASEMENT  
 FILE NO. 2005-125129, O.P.R.A.P.

120' DRAINAGE EASEMENT  
 FILE NO. 2005-125129, O.P.R.A.P.

30' DRAINAGE EASEMENT  
 VOL. 193, PG. 289, F.B.C.D.R.

30' DRAINAGE EASEMENT  
 VOL. 193, PG. 289, F.B.C.D.R.

200' WIDE FORT BEND COUNTY DRAINAGE DISTRICT EASEMENT  
 VOL. 519, PG. 63, O.P.R.F.B.C.

RESIDUE OF 158.5 ACRES  
 WINDMEADOWS TO INVESTORS, L.P.  
 FILE NO. 2005095358, O.P.R.A.P.

RESIDUE OF 11.37 ACRES  
 WINDMEADOWS TO INVESTORS, L.P.  
 FILE NO. 2005095358, O.P.R.A.P.

35.95 ACRES  
 WINDMEADOWS TO INVESTORS, L.P.  
 FILE NO. 2005227108, O.P.R.A.P.

0.1444 ACRE ABANDONMENT  
 50' WIDE  
 TEXAS DEPARTMENT OF TRANSPORTATION  
 RIGHT-OF-WAY  
 VOL. 335 PG. 472, F.B.C.D.R.

PENTECOST SURVEY, A-378

PENTECOST SURVEY, A-362  
 NOT TO SCALE

ABSTRACT LINE (APPROXIMATE LOCATION)

POB

POC

DRY CREEK

EXHIBIT D

**DRAINAGE EASEMENT**

**METES AND BOUNDS DESCRIPTION  
1.534 ACRES OF LAND  
IN THE S.B. PENTECOST SURVEY, A-378  
FORT BEND COUNTY, TEXAS**

All that certain 1.534 acres of land, out of the 11.37 acre tract described in the deed from Wind Meadows Investors, Ltd. and Westfield Forest, L.P., to WM Commercial, L.P., recorded under File No. 2005-095387 in the Official Public Records of Real Property of Fort Bend County, Texas, in the S.B. Pentecost Survey, A-378, Fort Bend County, Texas, and more particularly described by metes and bounds as follows: (All bearings based on the record bearings of the northeast line of the 28.06 acre tract described in the deed from Wind Meadows Investors, Ltd., to 2218 Rosenberg, L.P., recorded under File No. 2005-127108 in the Official Public Records of Real Property of Fort Bend County, Texas)

**COMMENCING** at a 5/8" iron rod found for the southeast corner of the 17.0 acre tract described in the deed from Gipsy L. Bryan to Arnold Bryan, recorded under Volume 913, Page 292, in the Deed Records of Fort Bend County, Texas, common to the east corner of the 158.5 acre tract described in the deed from 2218 Rosenberg, L.P. to Wind Meadows Investors, Ltd., recorded under File No. 2005-095386, in the Official Public Records of Fort Bend County, Texas, in the northwest line of the 335.34 acre tract described in the deed from Amtex Properties to Amtex Properties, Ltd., recorded under File No. 2002-100334, in the Official Public Records of Fort Bend County, Texas, from which a 1/2" iron rod found for the east corner of the 7.802 acre tract described in the deed from Colletta Ray McMillian, et al. to Lane Aviation, Inc., recorded under File No. 97-09631, in the Official Public Records of Fort Bend County, Texas, bears South 45° 00' 00" West – 1533.19'; **THENCE** North 45° 04' 10" West – 4504.67' along the northeast line of said 158.5 acre tract, and the northeast line of said 28.06 acre tract, to the most easterly corner and **POINT OF BEGINNING** of the herein described easement;

**THENCE** South 44° 56' 37" West – 120.00' to an angle corner of the herein described easement;

**THENCE** North 45° 04' 10" West – 28.61' to an angle corner of the herein described easement;

**THENCE** South 89° 27' 18" West – 259.30' to the Point of Curvature of a curve to the left, having a central angle of 44° 43' 32", and a radius of 50.00';

**THENCE** along said curve to the left, in a southwesterly direction, an arc distance of 39.03', to the end of curve;

**THENCE** South 44° 43' 46" West – 316.19' to the south corner of the herein described easement, in the northeast line of the 50' Texas Department of Transportation right-of-way easement described in the deed recorded under Volume 335, Page 472, in the Deed Records of Fort Bend County, Texas;

**THENCE** North 49° 13' 48" West – 100.24', along said northeast line, to the most westerly corner of the herein described easement, in the northwest line of aforesaid 11.37 acre tract, common to the southeast right-of-way line of F.M. 2218 (100' right-of-way);

**Page 2 – Drainage Easement**

**THENCE** North 44° 43' 46" East – 13.38', along the northwest line of said 11.37 acre tract, common to the southeast right-of-way line of said F.M. 2218, to an angle corner of the herein described easement;

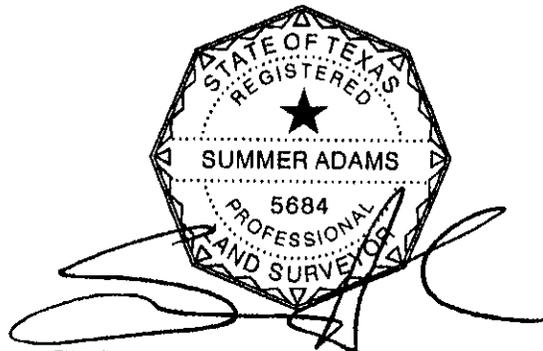
**THENCE** South 45° 16' 14" East – 10.00' to an angle corner of the herein described easement;

**THENCE** North 44° 43' 46" East – 367.32', ten feet southeast of and parallel with aforesaid southeast right-of-way line, to an angle corner of the herein described easement;

**THENCE** North 89° 27' 18" East – 396.69' to an angle corner of the herein described easement, in the northeast line of aforesaid 11.37 acre tract;

**THENCE** South 45° 04' 10" East - 36.85', continuing along the northeast line of said 11.37 acre tract to the **POINT OF BEGINNING** of the herein described easement and containing 1.534 acres of land.

Prepared by:  
**PATE SURVEYORS**  
a division of Pate Engineers, Inc.  
Issue date: July 5, 2006  
Revised date: September 15, 2006  
Job No.: 1279-005-00-565



Certification Date:  
July 3, 2006

**THIS LEGAL DESCRIPTION IS ISSUED FOR ATTACHMENT TO EASEMENT DEDICATION DOCUMENTS. IT SHOULD NOT BE USED FOR TITLE TRANSFER.**

EXHIBIT D

**DRAINAGE EASEMENT**

**METES AND BOUNDS DESCRIPTION  
1973 SQUARE FEET OF LAND  
IN THE S.B. PENTECOST SURVEY, A-378  
FORT BEND COUNTY, TEXAS**

All that certain 1973 square feet of land, out of the 11.37 acre tract described in the deed from Wind Meadows Investors, Ltd. and Westfield Forest, L.P., to WM Commercial, L.P., recorded under File No. 2005-095387 in the Official Public Records of Real Property of Fort Bend County, Texas, in the S.B. Pentecost Survey, A-378, Fort Bend County, Texas, and more particularly described by metes and bounds as follows: (All bearings based on the record bearings of the northeast line of the 28.06 acre tract described in the deed from Wind Meadows Investors, Ltd., to 2218 Rosenberg, L.P., recorded under File No. 2005-127108 in the Official Public Records of Real Property of Fort Bend County, Texas)

**COMMENCING** at a 5/8" iron rod found for the southeast corner of the 17.0 acre tract described in the deed from Gipsy L. Bryan to Arnold Bryan, recorded under Volume 913, Page 292, in the Deed Records of Fort Bend County, Texas, common to the east corner of the 158.5 acre tract described in the deed from 2218 Rosenberg, L.P. to Wind Meadows Investors, Ltd., recorded under File No. 2005-095386, in the Official Public Records of Fort Bend County, Texas, in the northwest line of the 335.34 acre tract described in the deed from Amtex Properties to Amtex Properties, Ltd., recorded under File No. 2002-100334, in the Official Public Records of Fort Bend County, Texas, from which a 1/2" iron rod found for the east corner of the 7.802 acre tract described in the deed from Colletta Ray McMillian, et al. to Lane Aviation, Inc., recorded under File No. 97-09631, in the Official Public Records of Fort Bend County, Texas, bears South 45° 00' 00" West – 1533.19'; **THENCE** North 45° 04' 10" West – 4830.67', along the northeast line of said 158.5 acre tract, the northeast line of said 28.06 acre tract, and the northeast line of said 11.37 acre tract, to the north corner of said 11.37 acre tract, in the southeast right-of-way line of F.M. 2218 (100' right-of-way); **THENCE** South 44° 43' 46" West – 714.15', along said southeast right-of-way line, common to the northwest line of said 11.37 acre tract, to the north corner and **POINT OF BEGINNING** of the herein described easement, in the southwest line of the 50' Texas Department of Transportation right-of-way easement, described in the deed recorded under Volume 335, Page 472, in the Deed Records of Fort Bend County, Texas;

**THENCE** South 49° 29' 46" East – 100.27', along said southwest line, to the east corner of the herein described easement;

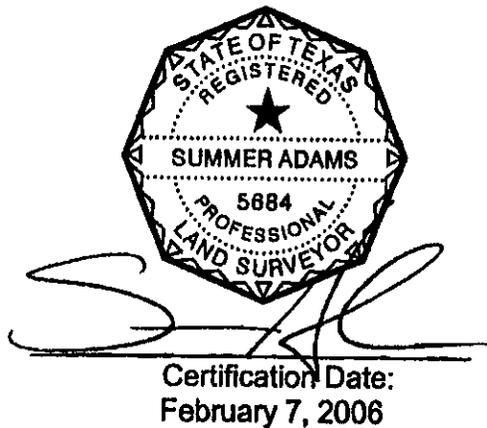
**THENCE** South 44° 43' 46" West – 23.42', one hundred and twenty feet southeast of and parallel with aforesaid southeast right-of-way line, to the south corner of the herein described easement;

**THENCE** North 45° 16' 14" West – 100.00' to the west corner of the herein described easement, in said southeast right-of-way line;

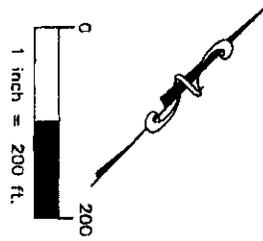
**Page 2 – Drainage Easement**

**THENCE North 44° 43' 46" East – 16.03', along said southeast right-of-way line, to the POINT OF BEGINNING of the herein described tract and containing 1973 square feet of land.**

Prepared by:  
PATE SURVEYORS  
a division of Pate Engineers, Inc.  
Issue date: August 21, 2006  
Job No.: 1279-005-00-565



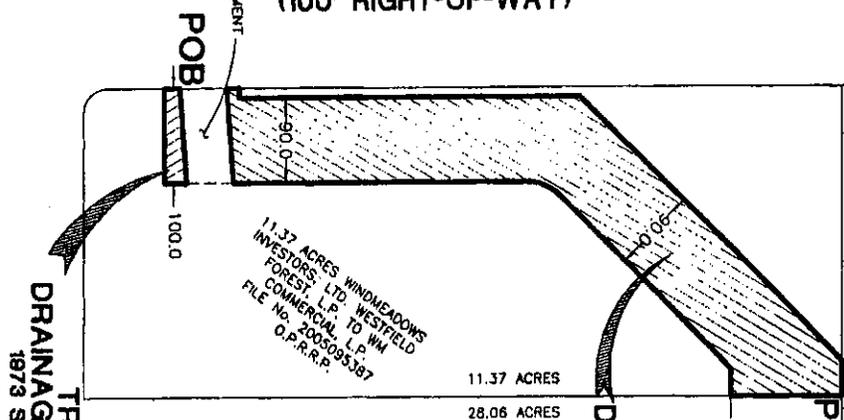
**THIS LEGAL DESCRIPTION IS ISSUED FOR ATTACHMENT TO EASEMENT DEDICATION DOCUMENTS. IT SHOULD NOT BE USED FOR TITLE TRANSFER.**



**F. M. 2218**  
**(100' RIGHT-OF-WAY)**

50' WIDE RIGHT-OF-WAY EASEMENT  
VOL. 335 PG. 472, F.B.C.O.R.

1.819 ACRES BEGGY GIBSELMAN  
TRACT 10 TO PERMO, L.P.  
FILE NO. 2002107074, O.P.R.R.P.



**TRACT 2**  
**DRAINAGE EASEMENT**  
1873 SQUARE FEET

11.37 ACRES  
28.06 ACRES

**TRACT 1**  
**DRAINAGE EASEMENT**  
1534 ACRES

28.06 ACRES  
WINDMEADOWS INVESTORS, LTD.  
TO 2218 ROSENBERG, L.P.  
FILE NO. 2005127108  
O.P.R.R.P.

S. B.  
PENITECOST SURVEY, A-378

7.802 ACRES  
COLLETTA TRAY MCILLILIAN TO  
LANE AVANTON, INC.  
FILE NO. 9709551  
O.P.R.R.P.

158.5 ACRES  
2218 ROSENBERG, L.P. TO  
WINDMEADOWS INVESTORS, LTD.  
FILE NO. 2005095388  
O.P.R.R.P.

170 ACRES BRYAN  
VOL. 913, PG. 292, F.B.C.D.R.

335.345 ACRES  
AMTEX PROPERTIES, LTD.  
AMTEX PROPERTIES, LTD.  
FILE NO. 2002100334  
O.P.R.R.P.

**ABBREVIATION TABLE**

POC	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
F.B.C.O.R.	DEED RECORDS OF FORT BEND COUNTY
O.P.R.R.P.	OFFICIAL PUBLIC RECORDS OF FORT BEND COUNTY, TEXAS

**PATE SURVEYORS**  
a division of Pate Engineers Inc.  
13331 NW Freeway, Ste 500, Houston, TX 77040 (713) 463-3176 (713) 463-5013 www.pate.com

**DRAINAGE EASEMENTS TRACTS 1 & 2**  
**S. B. PENITECOST SURVEY, A-378**  
FORT BEND COUNTY, TEXAS

Drawn: EP/CS  
Approved for Issue: [Signature]  
Original Date: JULY 1, 2006  
Original Scale: 1" = 200'

JOB NO. 1279-005-00-565

EXHIBIT E

**DRAINAGE EASEMENT**

**METES AND BOUNDS DESCRIPTION  
0.9914 ACRE OF LAND  
IN THE S.B. PENTECOST SURVEY, A-378  
FORT BEND COUNTY, TEXAS**

All that certain 0.9914 acre of land, out of the 28.06 acres of land described in the deed from Wind Meadows Investors, Ltd., to 2218 Rosenberg, L.P., recorded under File No. 2005-127108 in the Official Public Records of Real Property of Fort Bend County, Texas, in the S.B. Pentecost Survey, A-378, Fort Bend County, Texas, and more particularly described by metes and bounds as follows: (All bearings based on the record bearings of the northeast line of the said 28.06 acre tract )

**COMMENCING** at a 5/8" iron rod found for the southeast corner of the 17.0 acre tract described in the deed from Gipsy L. Bryan to Arnold Bryan, recorded under Volume 913, Page 292, in the Deed Records of Fort Bend County, Texas, common to the east corner of the 158.5 acre tract described in the deed from 2218 Rosenberg, L.P. to Wind Meadows Investors, Ltd., recorded under File No. 2005-095386, in the Official Public Records of Fort Bend County, Texas, in the northwest line of the 335.34 acre tract described in the deed from Amtex Properties to Amtex Properties, Ltd., recorded under File No. 2002-100334, in the Official Public Records of Fort Bend County, Texas, from which a 1/2" iron rod found for the east corner of the 7.802 acre tract described in the deed from Colletta Ray McMillian, et al. to Lane Aviation, Inc., recorded under File No. 97-09631, in the Official Public Records of Fort Bend County, Texas, bears South 45° 00' 00" West – 1533.19'; Thence North 45° 04' 10" West – 4144.79' along the northeast line of said 158.5 acre tract, and the northeast line of the said 28.06 acre tract, to the **POINT OF BEGINNING** and most easterly corner of the herein described easement;

**THENCE** South 44° 55' 50" West – 120.00' to the most southerly corner of the herein described easement;

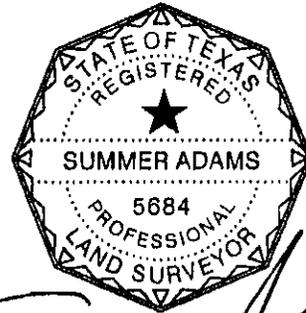
**THENCE** North 45° 04' 10" West – 359.90', one hundred and twenty feet southeast of and parallel with the northeast line of aforesaid 28.06 acre tract and aforesaid 11.37 acre tract, to the most westerly corner of the herein described easement;

**THENCE** North 44° 56' 37" East – 120.00', along the northwest line of said 28.06 acre tract, common to the southeast line of said 11.37 acre tract, to the most northerly corner of the herein described easement;

**Page 2 – Drainage Easement**

**THENCE** South 45° 04' 10" East - 359.87', along the northeast line of said 11.37 acre tract and aforesaid 28.06 acre tract, to the **POINT OF BEGINNING** and containing 0.9914 acre of land.

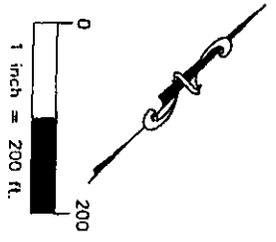
Prepared by:  
PATE SURVEYORS  
a division of Pate Engineers, Inc.  
Issue date: July 5, 2006  
Job No.: 1279-005-00-565  
Revised date: September 15, 2006



A handwritten signature in black ink, appearing to be "S. Adams", written over a horizontal line.

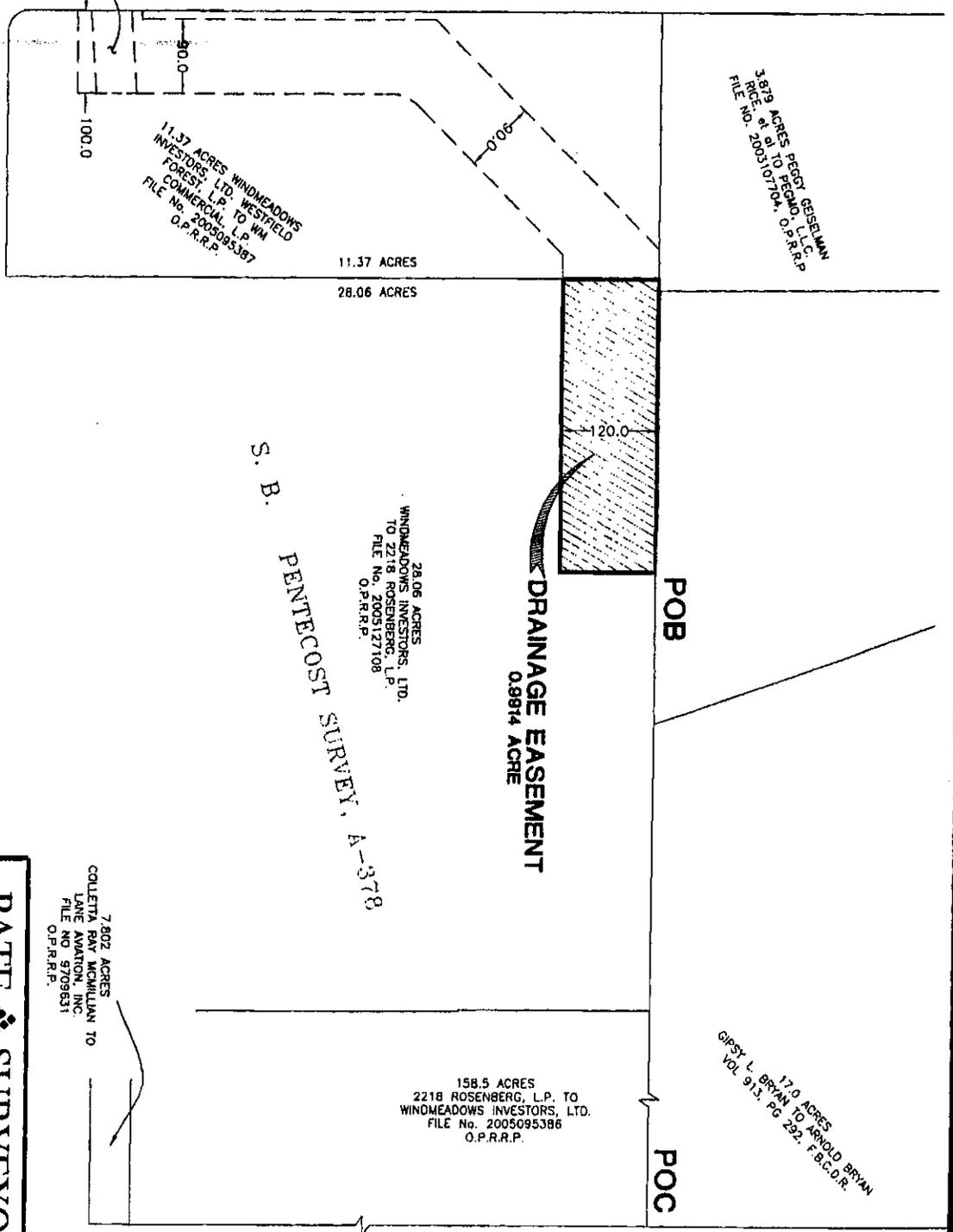
Certification Date:  
July 3, 2006

THIS LEGAL DESCRIPTION IS ISSUED FOR ATTACHMENT TO EASEMENT DEDICATION DOCUMENTS. IT SHOULD NOT BE USED FOR TITLE TRANSFER.



**F. M. 2218  
(100' RIGHT-OF-WAY)**

50' WIDE RIGHT-OF-WAY EASEMENT  
VOL. 339 PG. 472, F.B.C.D.R.



3.898 ACRES REBECCAH GESEMAN  
P.O.B. TO PARCEL OF L.C.C.  
FILE NO. 2002101704, O.P.R.R.P.

11.37 ACRES WINDMEADOWS  
INVESTORS, L.P. TO WESTFIELD  
FOREST, L.P. TO NW  
COMMERCIAL, L.P.  
FILE NO. 2002053387  
O.P.R.R.P.

11.37 ACRES  
28.06 ACRES

28.06 ACRES  
WINDMEADOWS INVESTORS, L.P.  
TO 2218 ROSENBERG, L.P.  
FILE NO. 2005127108  
O.P.R.R.P.

S. B.  
PENTECOST SURVEY, A-378

**DRAINAGE EASEMENT**  
0.9914 ACRE

POB

POC

158.5 ACRES  
2218 ROSENBERG, L.P. TO  
WINDMEADOWS INVESTORS, L.P.  
FILE NO. 2005095386  
O.P.R.R.P.

17.0 ACRES ARNOLD BRYAN  
GIPSY L. BRYAN TO  
VOL. 100 PG. 913, PG. 292, F.B.C.D.R.

335.345 ACRES  
AMTEX PROPERTIES TO  
AMTEX PROPERTIES, LTD.  
FILE NO. 2002100334  
O.P.R.R.P.

7.802 ACRES  
COLETTA RAY MCQUILAN TO  
LANE AVANTON, INC.  
FILE NO. 9709631  
O.P.R.R.P.

**ABBREVIATION TABLE**

- POC POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- F.B.C.D.R. DEED RECORDS OF FORT BEND COUNTY
- O.P.R.R.P. OFFICIAL PUBLIC RECORDS OF FORT BEND COUNTY, TEXAS

**PATE SURVEYORS**

**EASEMENT EXHIBIT**

**DRAINAGE EASEMENT**  
0.9914 ACRE  
S. B. PENTECOST SURVEY, A-378  
FORT BEND COUNTY, TEXAS

13255 Hwy. 290, Houston, TX 77060-7713 (409) 767-1342 (409) 767-1343 www.pate-surveyors.com  
 a Division of Pate Engineers, Inc.  
 DATE: MAY 7, 2008  
 ORIGINAL SCALE: 1" = 200'  
 JOB NO. 1279-005-00-565