

City of Houston, Texas Ordinance No. 2014-1071

AN ORDINANCE APPROVING AND AUTHORIZING THE SECOND AMENDMENT TO THE REGIONAL PARTICIPATION AGREEMENT BETWEEN THE CITY OF HOUSTON AND THE WOODLANDS TOWNSHIP, A POLITICAL SUBDIVISION OF THE STATE OF TEXAS AND THE SUCCESSOR BY NAME CHANGE TO TOWN CENTER IMPROVEMENT DISTRICT OF MONTGOMERY COUNTY, TEXAS; MAKING VARIOUS FINDINGS AND PROVISIONS RELATING TO THE SUBJECT; CONTAINING PROVISIONS RELATING TO THE SUBJECT; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:

Section 1. The City Council hereby approves and authorizes the contract, agreement or other undertaking described in the title of this Ordinance, in substantially the form as shown in the document which is attached hereto and incorporated herein by this reference. The Mayor is hereby authorized to execute such document and all related documents on behalf of the City of Houston. The City Secretary is hereby authorized to attest to all such signatures and to affix the seal of the City to all such documents.

Section 2. The Mayor is hereby authorized to take all actions necessary to effectuate the City's intent and objectives in approving such agreement, agreements or other undertaking described in the title of this ordinance, in the event of changed circumstances.

Section 3. The City Attorney is hereby authorized to take all action necessary to enforce all legal obligations under said contract without further authorization from Council.

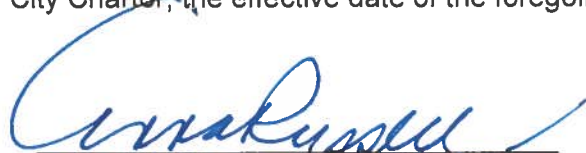
Section 4. There exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor; however, in the event that the Mayor fails to sign this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

PASSED AND ADOPTED this 3rd day of December, 2014

APPROVED this ____ day of

Mayor of the City of Houston, Texas

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is DEC 09 2014.



City Secretary

(Prepared by Legal Dept. Samuel Robert Wadsworth
 Senior Assistant City Attorney *CRG*)

(Requested by Patrick Walsh, Director, Planning and Development Department)
 (L.D. File No. 0611400009001)

AYE	NO	
✓		MAYOR PARKER
....	COUNCIL MEMBERS
✓		STARDIG
✓		DAVIS
✓		COHEN
✓		BOYKINS
✓		MARTIN
✓		NGUYEN
✓		PENNINGTON
✓		GONZALEZ
✓		GALLEGOS
✓		LASTER
✓		GREEN
✓		COSTELLO
✓		ROBINSON
✓		KUBOSH
✓		BRADFORD
✓		CHRISTIE
CAPTION	ADOPTED	

SECOND AMENDMENT TO
REGIONAL PARTICIPATION AGREEMENT

THE STATE OF TEXAS §
 §
COUNTIES OF HARRIS AND §
MONTGOMERY §

THIS SECOND AMENDMENT TO REGIONAL PARTICIPATION AGREEMENT ("Second Amendment") is made and entered into by and between THE WOODLANDS TOWNSHIP (the "Township"), a political subdivision of the State of Texas and the successor by name change to Town Center Improvement District of Montgomery County, Texas (the "District"), and the CITY OF HOUSTON, TEXAS (the "City"), a municipality operating pursuant to its home rule charter.

RECITALS

WHEREAS, the Township, as successor by name change to the District, has heretofore entered into that certain Regional Participation Agreement last countersigned by the City on November 9, 2007 (the "Agreement"), which provides, among other matters, that under the terms and circumstances prescribed therein, certain Territory (as defined in the Agreement) may be released from the ETJ (as defined in the Agreement) of the City upon request of the Township; and

WHEREAS, Section 5.5 of the Agreement further provides that the Township shall not take any action or proceeding to annex or include within its boundaries or any plan of annexation by the Township any lands or territories which at the time are situated within the corporate limits or the ETJ of the City, other than the Territory, without the express written consent of the City given by ordinance or resolution; and

WHEREAS, subsequent to the effective date of the Agreement, the City and the Township entered into a First Amendment to Regional Participation Agreement last countersigned by the City on July 20, 2010 (the "First Amendment") to revise and amend EXHIBIT "A" to the Agreement and provide a procedure for future revisions and reforms to EXHIBIT "A" under limited circumstances; and

WHEREAS, subsequent to the effective date of the First Amendment, both The Woodlands Land Development Company, L.P., the principal developer within the Township, and other landowners have acquired several additional tracts of land more particularly described in EXHIBIT I attached hereto and made a part hereof for all purposes (the "Additional Territory"), which are surrounded by or are adjacent to the existing boundaries of the Township and within the exclusive ETJ of the City; and

WHEREAS, all such additional tracts of land do not meet the requirements and criteria of the First Amendment for certification by the Mayor of the City and for revision and reform of EXHIBIT "A" to the Agreement without further action of the City Council; and

WHEREAS, such additional tracts of land cannot be practically served by the City but are well suited to receive municipal type services from the Township and overlapping municipal utility districts within the Township; and

WHEREAS, EXHIBIT I to the First Amendment includes an erroneous reference to TRACT 645/646 that requires correction; and

WHEREAS, the parties have determined to further amend the Agreement and the First Amendment (the Agreement, as amended by the First Amendment, being hereinafter referred to as the "Amended Agreement"), by entering into this Second Amendment; Now, therefore

AGREEMENT

FOR AND IN CONSIDERATION of the mutual promises, benefits, covenants, undertakings, payments and deposits described in the Agreement and made applicable to the Additional Territory pursuant to this Second Amendment to the Amended Agreement, the Township and the City contract and agree as follows:

Section 1: EXHIBIT "A" to the Amended Agreement is hereby amended and revised and reformed to include the Additional Territory referenced in the recitals hereto and described in EXHIBIT I hereto.

Section 2: EXHIBIT I to the First Amendment is hereby amended and revised and reformed to change the reference to "TRACT 645/646" therein to "TRACT 644/645".

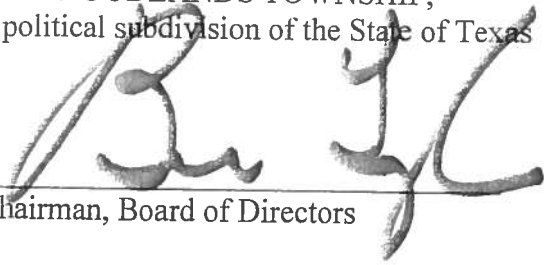
Section 3: By ordinance of the City Council of the City approving and authorizing the execution of this Second Amendment, the City consents to the addition to the boundaries of the Township of the Additional Territory.

Section 4: Except as amended by the terms of this Second Amendment, the remaining terms and provisions of the Amended Agreement shall continue in full force and effect for the term and upon the conditions specified therein.

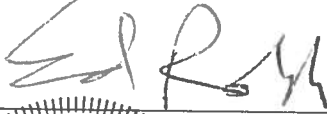
IN WITNESS WHEREOF, the parties have executed this Second Amendment in multiple counterparts, each of which shall be deemed to be an original, as of the latest date of signature set forth below.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

THE WOODLANDS TOWNSHIP,
a political subdivision of the State of Texas


Chairman, Board of Directors

ATTEST:



Secretary, Board of Directors



Date:
November 13, 2014

CITY OF HOUSTON, TEXAS

Mayor

ATTEST/SEAL:


City Secretary

COUNTERSIGNED

City Controller

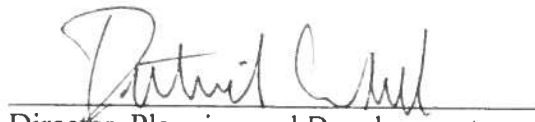
DATE COUNTERSIGNED:

APPROVED AS TO FORM:



Senior Assistant City Attorney

APPROVED:



Director, Planning and Development
Department

EXHIBIT I

Consisting of seven (7) parcels of land located in Montgomery County, Texas, or Harris County, Texas, being more particularly described as follows, but save and except such portions of same, if any, as may be described in EXHIBIT I to the First Amendment or in EXHIBIT "A" to the Agreement:

ADDITIONAL MONTGOMERY COUNTY PARCELS

Parcel A
(Vick Tracts)

COUNTY OF MONTGOMERY

LEGAL DESCRIPTION OF A LAND

A 5.088 acre tract of land located in the Walker County School Land Survey, Abstract 599, Montgomery County, Texas and containing:

- a) that certain called 2.5293 acre Tract 1, as recorded under Montgomery County Clerk's File No. 2010026482, save and except that certain 628 sq. ft. part of current northeasterly R.O.W. of Nursery Road as shown on The Woodlands Village of Grogan's Mill, Section 47 recorded under Montgomery County Map Records Slide D, Sheet 88
- b) that certain called 2.5723 acre Tract 2, as recorded under Montgomery County Clerk's File No. 2010026482

Said 5.088 acre is being further more particularly described by metes and bounds as follows:

BEGINNING at a 5/8" iron rod found on the common northerly corner of Village of Grogan's Mill, Section 47, a subdivision recorded under Montgomery County Map Records Cabinet D, Sheet 88, the called 2.5293 acre Tract 1 and herein described Tract. Said point being on the southerly line of Village of Grogan's Mill, Section 23, as recorded under Montgomery County Map Records, Cabinet B, Sheet 80;

THENCE: North 88°00'37" East, a distance of 240.31 feet with common line of said Tract 1, and said Village of Grogan's Mill, Section 23, to a 5/8" iron rod found on the northeasterly corner of herein described Tract. Said point being the northwesterly corner of Village of Grogan's Mill Section 69, as recorded under Montgomery County Map Records Cabinet Q, Sheet 111;

THENCE: South 02°37'04" East, a distance of 457.27, with common line of said 2,5293 acre, and said Grogan's Mill, Section 69 subdivision, to the 5/8" iron rod found on the corner. Said point being on the southeasterly corner of said 2.5293 acre Tract 1. Said point bearing North 87°21'23" East, a distance of 12.36 feet, from the northwesterly corner of said 2.5723 acre Tract 2;

THENCE: North 87°20'55" East, a distance of 228.08 feet, with common line of said 2.5293 acre Tract 2, and said Grogan's Mill, Section 69 subdivision, to a 5/8" iron rod found on the northeasterly corner of said 2.5723 acre Tract 2. Said point being a corner of said Grogan's Mill, Section 69;

THENCE: South 02°35'56" East, a distance of 467.55 feet, with common line of said 2.5723 acre Tract 2, and said Grogan's Mill, Section 69, to a 5/8" iron rod found on the common corner of herein described Tract, said Tract 2, and said Grogan's Mill, Section 69; Said point being also on northerly line of Grogan's Mill, Section 25, as recorded under Cabinet B, Sheet 66 of Montgomery County Map Records;

THENCE: South 87°48'56" West, a distance of 240.08 feet, with common line of said 2.5723 acre Tract 2, and said Grogan's Mill, Section 25, to a 5/8" iron rod found on common southerly corner of said Tract 2, and said Village of Grogan's Mill, Section 47;

THENCE: North 02°38'25" West, a distance of 465.58 feet, with common line of said 2.5723 acre Tract 2, and said Grogan's Mill Section 47, to a point;

THENCE: South 87°21'35" West, a distance of 196.36 feet, with said Grogan's Mill Section 47, to a point on the centerline of said Nursery Road (60' wide);

THENCE: North 02°38'25" West, a distance of 20.00 feet, with said Grogan's Mill, Section 47, and across said 2.5293 acre Tract, to a 5/8" iron rod found on the corner;

THENCE: South 87°21'35" West, a distance of 31.42 feet, across said 2.5293 acre Tract, and with said Grogan's Mill, Section 47, to a 5/8" iron rod found on the westerly line of said 2.5293 acre;

THENCE: North 02°38'25" West, a distance of 440.01 feet, with common line of said 2.593 Tract 1, and said Grogan's Mill, Section 47, to the POINT of BEGINNING, and containing 221,643 sq. ft. or 5.088 acres of land.



Piotr A. Debiski,
RPLS No. 5902

Job No.: 12091-01
GF No.: N/A
January 23, 2014

Parcel B
(Silver Crest, Section 2 Tracts)

Tract 1
Description of 0.716 Acre

BEING A TRACT OR PARCEL, CONTAINING 0.716 ACRES OR 31,189 SQUARE FEET OF LAND SITUATED IN THE WALKER COUNTY SCHOOL LAND SURVEY, ABSTRACT NO. 689 IN MONTGOMERY COUNTY, TEXAS AND BEING IN THE NORTH HALF OF THE WEST HALF OF THE WEST 3 ACRES OF LOT 129, MC WILLIAMS SUBDIVISION ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 1, PAGE 42, MAP RECORDS OF MONTGOMERY COUNTY, TEXAS, AND BEING THAT SAME PROPERTY CONVEYED TO JOHN BRUCE ILLER AND WIFE SHARYN W. ILLER RECORDED IN MONTGOMERY COUNTY CLERK'S FILE NO. 9342668 OF THE OFFICIAL RECORDS OF REAL PROPERTY OF MONTGOMERY COUNTY, TEXAS. SAID 0.716 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING FOR REFERENCE AT A FOUND 1 1/4 INCH IRON PIPE FOR THE SOUTHEAST CORNER OF A CALLED 1.433 ACRE TRACT 3 (62,370 SQ. FT.) CONVEYED UNDER THE SAME DEED REFERENCED ABOVE;

THENCE, S89°46'20" W, WITH THE SOUTH LINE OF THE SAID 1.433 ACRE TRACT 3, SAME BEING, THE NORTH LINE OF NURSERY ROAD (WIDTH VARIES), A DISTANCE OF 92.25 FEET TO THE SOUTHEAST CORNER OF A 0.716 ACRE TRACT 2;

THENCE, N0°11'23"W, WITH THE EAST LINE OF SAID 0.716 ACRE TRACT 2, SAME BEING THE COMMON WEST LINE OF SAID 1.433 ACRE TRACT 3, A DISTANCE OF (CALL = 338.22) 337.98 FEET TO A SET 1/4 INCH IRON ROD FOR THE SOUTHEAST CORNER AND POINT OF BEGINNING OF THIS DESCRIBED TRACT 1;

THENCE, S89°46'13" W, WITH THE SOUTH LINE OF THE HEREIN DESCRIBED 0.716 ACRE TRACT 1, SAME BEING THE COMMON NORTH LINE OF SAID 0.716 ACRE TRACT 2, A DISTANCE OF 92.25 FEET TO A SET 1/4 INCH IRON ROD FOR THE SOUTHWEST CORNER;

THENCE, N0°11'23"W, WITH THE WEST LINE OF THIS DESCRIBED 0.716 ACRE TRACT 1, AND LOT 129, MC WILLIAMS SUBDIVISION, A DISTANCE OF 338.22 FEET TO A SET 1/4 INCH IRON ROD FOR THE NORTHWEST CORNER;

THENCE, N89°46'13"E, WITH THE NORTH LINE OF THIS DESCRIBED TRACT AND SAID LOT 129, MCWILLIAMS SUBDIVISION, SAME BEING THE SOUTH LINE OF A CALLED 0.2627 ACRE TRACT 2, A DISTANCE OF 92.25 FEET TO A SET 1/4 INCH ROD FOR THE NORTHEAST CORNER;

THENCE, S0°11'23"E, WITH THE EAST LINE OF THE HEREIN DESCRIBED TRACT 1, SAME BEING THE COMMON WEST LINE OF THE PREVIOUSLY DESCRIBED 1.433 ACRE TRACT 3, A DISTANCE OF 338.22 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.716 ACRES OR 31,189 SQUARE FEET OF LAND, MORE OR LESS.



Daniel W. Goodale 1-12-2010
DANIEL W. GOODALE, R.P.L.S. #4919
PRIME TEXAS SURVEYS, LLC

Tract 2
Description of 0.716 Acre

BEING A TRACT OR PARCEL, CONTAINING 0.716 ACRES OR 31,189 SQUARE FEET OF LAND SITUATED IN THE WALKER COUNTY SCHOOL LAND SURVEY, ABSTRACT NO. 589 IN MONTGOMERY COUNTY, TEXAS AND BEING IN THE SOUTH HALF OF THE WEST HALF OF THE WEST 3 ACRES OF LOT 129, MC WILLIAMS SUBDIVISION ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 1, PAGE 42, MAP RECORDS OF MONTGOMERY COUNTY, TEXAS, AND BEING THAT SAME PROPERTY CONVEYED TO JOHN BRUCE ILER AND WIFE SHARYN W. ILER RECORDED IN MONTGOMERY COUNTY CLERK'S FILE NO. 9348658 OF THE OFFICIAL RECORDS OF REAL PROPERTY OF MONTGOMERY COUNTY, TEXAS. SAID 0.716 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING FOR REFERENCE AT A FOUND 1 1/2 INCH IRON PIPE FOR THE SOUTHEAST CORNER OF A CALLED 1.433 ACRE TRACT 3 (62,370 SQ. FT.) CONVEYED UNDER THE SAME DEED REFERENCED ABOVE;

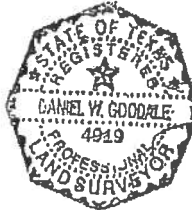
THENCE, S89°45'20" W, WITH THE SOUTH LINE OF THE SAID 1.433 ACRE TRACT 3, SAME BEING, THE NORTH LINE OF NURSERY ROAD (WIDTH VARIES), A DISTANCE OF 92.25 FEET TO A SET 1/2" IRON ROD FOR THE SOUTHEAST CORNER AND POINT BEGINNING OF THIS DESCRIBED 0.716 ACRE TRACT 2;

THENCE, CONTINUE S89°45'20" W, WITH THE SOUTH LINE OF THE HEREIN DESCRIBED TRACT 2, SAME BEING THE NORTH LINE OF NURSERY ROAD (WIDTH VARIES), A DISTANCE OF 92.25 FEET TO A SET 1/2 INCH IRON ROD FOR THE SOUTHWEST CORNER;

THENCE, N0°11'23"E, WITH THE WEST LINE OF THIS DESCRIBED 0.716 ACRE TRACT 2, AND THE SAID LOT 129, MCWILLIAMS SUBDIVISION, A DISTANCE OF (CALL = 338.22) 337.99 FEET TO A SET 1/2 INCH IRON ROD FOR THE NORTHWEST CORNER.

THENCE, N89°46'13" E, WITH THE NORTH LINE OF THE HEREIN DESCRIBED 0.716 ACRE TRACT 2, SAME BEING THE SOUTH LINE OF SAID 0.716 ACRE TRACT 1, A DISTANCE OF 92.25 FEET TO A SET 1/2 INCH IRON ROD FOR THE NORTHEAST CORNER;

THENCE, S0°11'23"E, WITH THE EAST LINE OF THIS DESCRIBED TRACT 2, SAME BEING THE WEST LINE OF SAID 1.433 ACRE TRACT 3, A DISTANCE OF (CALL = 338.22) 337.96 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.716 ACRES OR 31,189 SQUARE FEET OF LAND, MORE OR LESS.



Daniel W. Goodale 7-12-2010
DANIEL W. GOODALE, R.P.L.S. #4919
PRIME TEXAS SURVEYS, LLC

Tract 3
Description of 1.433 Acres

BEING A TRACT OR PARCEL, CONTAINING 1.433 ACRES OR 62,370 SQUARE FEET OF LAND SITUATED IN THE WALKER COUNTY SCHOOL LAND SURVEY, ABSTRACT NO. 599 IN MONTGOMERY COUNTY, TEXAS AND BEING IN THE EAST HALF OF THE WEST HALF OF THE WEST 3 ACRES OF LOT 129, MC WILLIAMS SUBDIVISION ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 1, PAGE 42, MAP RECORDS OF MONTGOMERY COUNTY, TEXAS, AND BEING THAT SAME PROPERTY CONVEYED TO JOHN BRUCE ILLER AND WIFE SHARYN W. ILLER RECORDED IN MONTGOMERY COUNTY CLERK'S FILE NO. 9348658 OF THE OFFICIAL RECORDS OF REAL PROPERTY OF MONTGOMERY COUNTY, TEXAS, SAID 1.433 ACRES - TRACT 3 BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A FOUND 1 1/4 INCH IRON PIPE FOR THE SOUTHEAST CORNER AND POINT OF BEGINNING OF THE HEREIN DESCRIBED 1.433 ACRES TRACT 3 AND THE SOUTHWEST CORNER OF A TRACT CONVEYED TO WOODLANDS DEVELOPMENT CORPORATION RECORDED IN VOLUME 785, PAGE 676, MONTGOMERY COUNTY DEED RECORDS, AND ALSO BEING ON THE NORTH LINE OF NURSERY ROAD (WIDTH VARIES);

THENCE, S89°46'20" W, WITH THE SAID NORTH LINE OF NURSERY ROAD, SAME BEING, THE SOUTH LINE OF THE HEREIN DESCRIBED 1.433 ACRE TRACT 3, A DISTANCE OF 92.25 FEET TO A SET 1/4" IRON ROD FOR THE SOUTHWEST CORNER;

THENCE, N0°11'23"W, WITH THE WEST LINE OF THIS DESCRIBED TRACT 3, SAME BEING THE COMMON EAST LINE OF THE PREVIOUSLY DESCRIBED TRACT 1 AND TRACT 2, A DISTANCE OF (CALL = 676.02') 676.18 FEET TO A SET 1/4 INCH IRON ROD FOR THE NORTHWEST CORNER;

THENCE, N89°46'13" E, WITH THE NORTH LINE OF THE HEREIN DESCRIBED TRACT AND THE AFORESAID LOT 129, MCWILLIAMS SUBDIVISION, A DISTANCE OF 92.25 FEET TO A SET 1/4 INCH IRON ROD FOR THE NORTHEAST CORNER;

THENCE, S0°11'23"E, WITH THE EAST LINE OF THIS DESCRIBED 1.433 ACRE TRACT 3, AND THE WEST LINE OF THE PREVIOUSLY REFERENCED WOODLANDS DEVELOPMENT CORPORATION TRACT, A DISTANCE OF (CALL = 676.16) 676.16 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.433 ACRES OR 62,370 SQUARE FEET OF LAND, MORE OR LESS.



Daniel W. Goodale 1-12-2010
DANIEL W. GOODALE, R.P.L.S. #4919
PRIME TEXAS SURVEYS, LLC

Parcel C
(Woodforest Bank Tract)

DESCRIPTION OF A TRACT OF LAND CONTAINING
15.3700 ACRES (669,518 SQUARE FEET) SITUATED
IN THE WALKER COUNTY SCHOOL LAND SURVEY,
A-599, MONTGOMERY COUNTY, TEXAS

Being a tract of land containing 15.3700 acres (669,518 square feet) situated in the Walker County School Land Survey, A-599 in Montgomery County, Texas, and also being all of a 7.36-acre tract and the residue of a 7.34-acre tract as conveyed unto A.G. Gonzales and wife, Margaret Gonzales by deed recorded in Volume 542, Page 361 of the Deed Records of Montgomery County, Texas and the residue of a parcel (1.24 acres by calculation), 66 feet by 818.2 feet off of the east side of a 5 acre tract described in a deed from Donald R. Pruett and wife, Vita L. Pruett to Margaret B. Gonzales as recorded in Volume 880, Page 614 of the Deed Records of Montgomery County, Texas. Said 15.3251-acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a found 5/8-inch iron rod with cap located in the north right-of-way line of Sawdust Road (100 feet wide) for the southwest corner of said 1.24-acre tract, for the southeast corner of the residue of a 5-acre tract as conveyed unto Bascom A. Dove, Jr. and wife, Bettye Lane Dove by deed recorded in Volume 520, Page 461 of the Deed Records of Montgomery County, Texas, for the southwest corner of said tract herein described and for the POINT OF BEGINNING from which a found bent 3/8-inch iron rod located at the southwest corner of the residue of said 5-acre tract bears South 79° 04' 12" West with the north right-of-way line of said Sawdust Road, a distance of 184.22 feet;

THENCE North 02° 48' 28" West with the east line of the residue of said 5-acre tract, a distance of 760.24 feet to a found 5/8-inch iron rod with cap located in the south line of said 7.36-acre tract for the northeast corner of the residue of said 5-acre tract and for an interior corner of said tract herein described;

THENCE South 86° 36' 05" West with the south line of said 7.36-acre tract and the north line of the residue of said 5-acre tract, a distance of 200.00 feet to a found 1/2-inch iron rod located in the east line of a 2.38-acre tract as conveyed unto Conroe Independent School District by deed recorded in Volume 839, Page 233 of the Deed Records of Montgomery County, Texas, for the southwest corner of said 7.36-acre tract, for the northwest corner of the residue of said 5-acre tract and for a corner of said tract herein described;

THENCE North 03° 41' 51" West with the west line of said 7.36-acre tract, the east line of said 2.38-acre tract, at 30.08 feet passing the northeast corner of said 2.38-acre tract and the southeast corner of a 31.102-acre tract as conveyed unto Conroe Independent School District by deed recorded in Volume 834, Page 237 of the Deed Records of Montgomery County, Texas, continuing with the east line of said 31.102-acre tract and the west line of said 7.36-acre tract for a total distance of 419.54 feet to a set 5/8-inch iron rod with yellow cap stamped "Cobb, Fendley and Associates" for the northwest corner of said tract herein described, for the northwest corner of said 7.36-acre tract and for an interior corner of said 31.102-acre tract;

THENCE North 86° 12' 51" East with the north line of said 7.36-acre tract and the south line of said 31.102-acre tract, a distance of 773.61 feet to a found 3/4-inch iron rod for the northeast corner of said tract herein described, for the northeast corner of said 7.36-acre tract and the northwest corner of Restricted Reserve "A" of Woodlands Green II, a subdivision plat recorded in Cabinet E, Sheet 66B of the Map Records of Montgomery County, Texas;

THENCE South with the east line of said 7.36-acre tract and the west line of said Restricted Reserve "A", a distance of 425.51 feet to a found 1/2-inch iron rod located in the north line of a 5.3106-acre tract as conveyed unto George H. Bishop by deed recorded under County Clerk's File No. 8216427, Film Code No. 128-01-2240 of the Official Records of Real Property of Montgomery County, Texas, for a corner of said tract herein described, for the southeast corner of said 7.36-acre tract, the southwest corner of said Restricted Reserve "A";

THENCE South 86° 36' 05" West with the south line of said 7.36-acre tract and the north line of said 5.3106-acre tract, a distance of 235.26 feet to a found 1/2-inch iron rod for an interior corner of said tract herein described, for the northeast corner of the residue of said 7.34-acre tract and for the northwest corner of said 5.3106-acre tract from which a found 5/8-inch iron rod (bent) bears North 13° 29' 45" East, a distance of 0.55 feet;

THENCE South 39° 36' 04" East with the northeast line of the residue of said 7.34-acre tract and the west line of said 5.3106-acre tract, a distance of 337.76 feet to found 2-inch aluminum pipe for an angle point in the east line of said tract herein described, for an angle point in the east line of the residue of said 7.34-acre tract, for an angle point in the west line of said 5.3106-acre tract and for the northwest corner of a 1.418-acre tract as conveyed unto George Todd Brady, III and wife, by deed recorded under County Clerk's Film Code No. 153-01-0219 of the Official Records of Real Property of Montgomery County, Texas, from which a wood stake bears North 12° 28' 43" West, a distance of 0.88 feet;

THENCE South 00° 32' 46" West with the east line of the residue of said 7.34-acre tract and the west line of said 1.418-acre tract, a distance of 485.00 feet to a point located in the north right-of-way line of said Sawdust Road for the southeast corner of said tract herein described and for the beginning of a non-tangent curve to the left from which a found 3/8-inch iron rod bears North 00° 32' 46" East, a distance of 0.40 feet;

THENCE in a southwesterly direction with the north right-of-way line of said Sawdust Road and with said curve to the left whose central angle is 01° 54' 24" and whose radius is 2050.00 feet (chord bears North 88° 00' 45" West, a distance of 68.22 feet) for a curve length of 68.22 feet to a set 5/8-inch iron rod with yellow cap stamped "Cobb, Fendley and Associates" for a corner being in the old northerly right-of-way line of said Sawdust Road;

THENCE North 83° 23' 56" West, along said old northerly right-of-way line, a distance of 103.17 feet to a set 5/8-inch iron rod with yellow cap stamped "Cobb, Fendley and Associates" being an angle point;

THENCE South 80° 59' 15" West, continuing along said old northerly right-of-way line, a distance of 135.33 feet to a set 5/8-inch iron rod with yellow cap stamped "Cobb, Fendley and Associates" for a point on a curve to the left;

THENCE along the northerly right-of-way line of said Sawdust Road and with said curve to the left whose central angle is 05° 04' 15" and whose radius is 2050.00 feet (chord bears South 81° 53' 44" West, a distance of 181.37 feet) for a curve length of 181.43 feet to the POINT OF BEGINNING and containing 15.3700 acres (669,518 square feet) of land, more or less.

Note: This metes and bounds description is referenced to a survey drawing prepared by Cobb, Fendley & Associates, Inc. dated December 7, 2006 and titled "A LAND TITLE SURVEY OF A 15.3700 ACRE TRACT LOCATED IN THE WALKER COUNTY SCHOOL LAND SURVEY, A-599 IN MONTGOMERY COUNTY, TEXAS".

Note: All bearings shown hereon are based on the east line of the 7.36-acre tract, which was rotated to a deed bearing of "South".

Cobb, Fendley & Associates, Inc.
13430 Northwest Freeway, Suite 1100
Houston, Texas 77040

Job No. 0602-056-01

December 7, 2006



Parcel D
(FWLDC Drill Site)

Description of 4.000 Acres

4.000 acres of land, more or less, out of the Isaac Mansfield Survey, Abstract No. 344, Montgomery County, Texas, also known as Drill Site No. 3 in instrument recorded under County Clerk's File No. 8954666 of the Real Property Records of Montgomery County, Texas, more fully described by metes and bounds as follows:

BEGINNING at a ½ inch iron rod found in the centerline of a roadway at a point South 70° 11' 38" West, 1297.89 feet from the concrete monument set at the Northwest corner of the William White Survey, Abstract No. 692;

THENCE South 88° 43' 02" East, 430.00 feet to a ½ inch iron rod set for corner;

THENCE South 03° 47' 12" West, 375.45 feet to a ½ inch iron rod set in the center of a proposed road;

THENCE with said roadway North 87° 00' 00" West 321.71 feet to a ½ inch iron rod set for corner;

THENCE North 64° 50' 15" West, 280.00 feet to a ½ inch iron rod set for the center of existing roadway;

THENCE with said roadway North 35° 09' 45" East, 235.79 feet to a ½ inch iron rod set for corner;

THENCE North 34° 42' 30" East, 16.31 feet to the POINT OF BEGINNING and containing 4.000 acres of land, more or less.

ADDITIONAL HARRIS COUNTY PARCELS

Parcel A
(Del Papa Tract)

METES AND BOUNDS DESCRIPTION
8.459 ACRES OUT OF THE
WILLIAM WHITE SURVEY, A-829
AND THE ANDREW LAWSON SURVEY, A-509
HARRIS COUNTY, TEXAS

A tract of land containing 8.459 acres (368,457 square feet) of land out of the William White Survey, Abstract No. 829 and the Andrew Lawson Survey, Abstract No. 509, Harris County, Texas, being out of a 4.682¹ acre tract of land conveyed to RDJC Kuykendahl L.P. as recorded under County Clerk's File (C.C.F.) No. X343759 of the Official Public Records of Real Property of Harris County (O.P.R.R.P.H.C.), a 1.6576 acre tract conveyed to Del Papa Ventures, Ltd. as recorded under C.C.F. No. X343761 of the O.P.R.R.P.H.C., and a 2.1608 acre tract conveyed to Del Papa Ventures, Ltd., as recorded under C.C.F. No. Y587423 of the O.P.R.R.P.H.C. All bearings and coordinates are based on the Texas State Plane Coordinate System, South Central Zone, North American Datum of 1927, said 8.459 acres being more particularly described as follows:

BEGINNING at a 5/8-inch iron rod being the southwest corner of said 2.1608 acre tract, being in the north line of a 0.0811 acre tract (called Tract 4) Kuykendahl Right-Of-Way conveyed to Harris County under County Clerk's File No. 20100374149 of the O.P.R.R.P.H.C. and lying in an easterly line of a 0.2574 acre tract of land conveyed to Harris County, Kuykendahl Right-Of-Way under County Clerk's File No. 20100386424 of the O.P.R.R.P.H.C. and having a coordinate value of X=3,090,586.73 (E), Y=857,737.12 (N).

THENCE NORTH 54 degrees 48 minutes 43 seconds WEST, 24.96 feet along the east line of said 0.2574 acre Kuykendahl Right-Of-Way tract to a 5/8-inch iron rod with cap found at a southwesterly corner of the herein described tract;

THENCE NORTHERLY along the east line of said 0.2574 acre Kuykendahl Right-Of-Way tract and a curve to the right through a central angle of 10 degrees 24 minutes 55 seconds to a 5/8-inch iron rod with cap set at a westerly corner of the herein described tract, said curve having a radius of 1,166.00 feet, an arc length of 211.96 feet and a long chord bearing NORTH 12 degrees 10 minutes 20 seconds WEST, 211.67 feet;

THENCE NORTH 06 degrees 57 minutes 53 seconds WEST, 57.96 feet along the east line of said 0.2574 acre tract to a 5/8-inch iron rod with cap set at the northwest corner of said 2.1608 acre tract and the southwest corner of the said 1.6576 acre tract and a westerly corner of the herein described tract and being in the east Right-Of-Way of Kuykendahl;

THENCE NORTH 06 degrees 38 minutes 46 seconds EAST, along the west lines of said 1.6576 acre tract and said 4.6842 tract and the east Right-Of-Way of Kuykendahl, at 202.87 feet passing a 5/8-inch iron rod with cap found at the northwest corner of the 1.6576 acre tract and continuing along the west line of the 4.6842 tract for a total distance of 433.68 feet to a PK nail set at the northwest corner of said 4.6842 acre tract and also being the northwest corner of the herein described tract;

THENCE NORTH 87 degrees 58 minutes 26 seconds EAST, along the north line of said 4.6842 acre tract, at 19.52 feet passing a 5/8-inch iron rod with cap found at the southwest corner of a tract conveyed to AAA Self Storage as recorded under Film Code (F.C.) No. 520032 of the Harris County Map Records (H.C.M.R.), continuing along the south line of said AAA Self Storage Tract for a total distance of 763.05 feet to a 5/8-inch iron rod with cap found on a west line of a 10.29 acre tract conveyed to James R. Cochran and Wanda Cochran as recorded under C.C.F.No. W208704 of the O.P.R.R.P.H.C., being the southeast corner of said AAA Self Storage tract and the northeast corner of said 4.6842 acre tract;

THENCE SOUTH 03 degrees 53 minutes 10 seconds WEST, 298.16 feet along the west line of said 10.29 acre tract and the east line of said 4.6842 acre tract to a 5/8-inch iron rod found at the northeast corner of a 4.0000 acre tract conveyed to Jeannie Estelle Cammack McConnell under County Clerk's File No. U382008 of the O.P.R.R.P.H.C., being an easterly corner of the herein described tract;

THENCE SOUTH 89 degrees 15 minutes 11 seconds WEST, 417.41 feet along the north line of said 4.00 acre tract, the south line of said 4.6842 acre tract to a 1/2-inch iron rod found at an easterly corner of said 1.6576 acre tract, being an interior corner of the herein described tract;

THENCE SOUTH 03 degrees 45 minutes 23 seconds WEST, 426.70 feet along the east lines of said 1.6576 acre tract and said 2.1608 acre tract to a 3/4-inch iron pipe found at the southwest corner of said 4.00 acre tract, the southeast corner of said 2.1608 acre tract and being the southeast corner of the herein described tract and lying in the north line of Indian Hill Drive (30 feet wide);

THENCE SOUTH 88 degrees 21 minutes 43 seconds WEST, 275.29 feet along the south line of said 2.1608 acre tract and said north line of Indian Hill Drive (30 feet wide) to the POINT OF BEGINNING, containing 8.459 acres (368,457 square feet) of land.



S & V SURVEYING, INC.

BY: Isidro X. Garza
10/22/13

8.459 Acre Del Papa Tract
October 22, 2013
Job No. 83300-000-3-008
Drawing No. C-2100

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Parcel B
(Tract 650)

DESCRIPTION OF A 2.8573-ACRE TRACT
SITUATED IN THE ANDREW LAWSON
SURVEY, A-509, HARRIS COUNTY, TEXAS

Being a 2.8573-acre tract of land situated in the Andrew Lawson Survey, A-509, Harris County, Texas, being out of a (called) 36.0661-acre tract conveyed to James Lawrence Davis, Jr. and Sallie Rebecca Davis Schwall and out of a (called) 13.1149-acre tract conveyed to Frances Stuart Davis Blackshear as recorded under Clerk's File Number V506564 of the Official Public Records of Real Property Harris County, Texas. Said 2.8573-acre tract being more particularly described by metes and bounds as follows; (bearings based on the Woodlands Coordinate System)

BEGINNING at a 5/8-inch iron rod with cap stamped "WEISSER ENG. HOUSTON, TX" set in the west right-of-way line of Kuykendahl Road (60 feet wide), a south line of a 30-foot wide Private Road, the northeast corner of said 13.1149-acre tract and being the northeast corner of said tract herein described having a Texas State Plane Coordinate value of X=3,090,246.6690, Y=856,226.9768;

THENCE South 06°43'03" West, at a distance of 285.86 feet passing a found 1/2-inch iron rod being the southeast corner of said 13.1149-acre tract and the northeast corner of said 36.0661-acre tract and continuing for a total distance of 424.65 feet to a 5/8-inch iron rod with cap stamped "WEISSER ENG. HOUSTON, TX" set for the southeast corner of said tract herein described;

THENCE South 88°13'45" West, a distance of 265.00 feet to a 5/8-inch iron rod with cap stamped "WEISSER ENG. HOUSTON, TX" set for the southwest corner of said tract herein described;

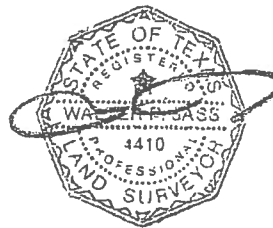
THENCE North 01°46'15" West, at a distance of 137.25 feet passing the northwest corner of said 36.0661-acre tract and the southwest corner of said 13.1149-acre tract and continuing for a total distance of 420.00 feet to a 5/8-inch iron rod with cap stamped "WEISSER ENG. HOUSTON, TX" set for the northwest corner of said tract herein described, located in a south line of said 30-foot wide Private Road, also being the north line of said 13.1149-acre tract;

THENCE North 88°13'45" East along a south line of said 30-foot wide Private Road and the north line of said 13.1149-acre tract, a distance of 327.68 feet to the POINT OF BEGINNING and containing 2.8573 acres of land.

Compiled By:

WEISSER ENGINEERING COMPANY
19500 Park Row, Suite 100
Houston, Texas 77084

Job No.: EG745 (1492-045)
Date: 1/14/03



Description of Harris County Parcel C

Parcel C
(Flair Custom Home Tract)

FIELD NOTES FOR 50.5518 ACRES

Being 50.5518 acres of land located in the William White Survey, Abstract No. 829, in Harris County, Texas. Said 50.5518 acres being a call 5 acre tract of land recorded in the name of Charlotte Huffman under Harris County Clerk's File (H.C.C.F.) No.'s D341068 and 20070604218; a call 22.7914 acre tract (Tract 1) recorded in the name of Carnahan Construction Company, LLC under H.C.C.F. No. 20120183472; and those call 11.1558 (Tract 1) and 11.6321 (Tract 2) acre tracts recorded in the name of Flair Builders, LLC under H.C.C.F. No. 20130313874. Said 50.5518 acres being more particularly described by metes and bounds as follows (Bearings are referenced to the Texas Coordinate System of 1983, South Central Zone, as derived from GPS observations):

BEGINNING at a railroad rail found in the West line of The Woodlands Village of Creekside Park Sec 18, a subdivision of record in Film Code No. 636208 of the Harris County Map Records (H.C.M.R.), and the North line of a call 1,214.63 acre tract recorded in Volume 3144, Page 241 of the Harris County Deed Records (H.C.D.R.) for the Southeast corner of said 11.6321 acre tract, and said rail further being at the common line for said William White Survey and the Andrew Lawson Survey, Abstract No. 509, Harris County, Texas;

THENCE, with said common line, South 88 degrees 14 minutes 53 seconds West, at 400.63 feet pass a 5/8 inch iron rod found for the Southwest corner of said 11.6321 acres and the Southeast corner of said 11.1558 acres, at 801.57 feet pass a railroad rail found for the Southwest corner of said 11.1558 acres and the Southeast corner of said 22.7914 acres, at 1,602.96 feet pass a railroad rail found for the Southwest corner of said 22.7914 acres and the Southeast corner of said 5 acres, and continuing for a total distance of 2,069.17 feet to a 5/8 inch capped iron rod set in the North line of a call 70.2301 acre tract recorded in the name of The Woodlands Corporation under H.C.C.F. No. P649181 for the Southwest corner of said 5 acres and the Southeast corner of a call 10.295 acre tract (Fee Tract One) recorded in the name of James R. Cochran and Wanda M. Cochran under H.C.C.F. No. W208704, from which rod a railroad rail found for the Southwest corner of said 10.295 acres bears South 88 degrees 14 minutes 53 seconds West, a distance of 334.67 feet;

THENCE, with the East line of said 10.295 acres, North 02 degrees 10 minutes 44 seconds East, a distance of 467.60 feet to a 1/2 inch iron rod found for the Northwest corner of said 5 acres and the Southwest corner of a call 2.000 acre tract (Fee Tract One) recorded in the name of Fred LeBlanc, et ux under H.C.C.F. No. V774402;

THENCE, with the North line of said 5 acres and the South line of said 2.000 acres, North 88 degrees 14 minutes 53 seconds East, a distance of 465.77 feet to a point in the West line of the aforementioned 22.7914 acre tract, from which point a found 1 inch iron pipe bears North 79 degrees 51 minutes 42 seconds East, a distance of 1.23 feet;

THENCE, with said West line, North 02 degrees 07 minutes 28 seconds East, a distance of 799.41 feet to a railroad rail found in the South line of Rolling Oaks Country (Unrecorded) for the Northwest corner of said 22.7914 acre tract and the Northeast corner of a call 2.7979 acre tract recorded in the name of Houston Cellular Telephone Company under H.C.C.F. No. S691440;

THENCE, with said South line, the following two (2) courses:

1. North 87 degrees 26 minutes 46 seconds East, a distance of 763.02 feet to a railroad rail found for the Northeast corner of said 22.7914 acre tract and the Northwest corner of said 11.1558 acre tract;
2. North 89 degrees 08 minutes 34 seconds East, at 362.75 feet pass a 5/8 inch iron rod found for the Northeast corner of said 11.1558 acre tract and the Northwest corner of said 11.6321 acre tract, and continuing for a total distance of 762.10 feet to an axle found in the West line of The Woodlands Carlton Woods Creekside Sec 6 in the Village of Creekside Park, a subdivision of record in Film Code No. 560042 of the H.C.M.R., for the Northeast corner of said 11.6321 acre tract and the Southeast corner of said Rolling Oaks Country;

THENCE, with said West line and the West line of the aforementioned The Woodlands Village of Creekside Park Sec 18, South 01 degrees 24 minutes 19 seconds East, a distance of 1,262.89 feet to the **POINT OF BEGINNING** and containing 50.5518 acres of land.

