

Control Number: 47941



Item Number: 1

Addendum StartPage: 0

PUC DOCKET NO.

47941

2018 JAN 10 PM 2:48

PETITION BY TERRA INVESTMENTS, LP §  
FOR EXPEDITED RELEASE FROM §  
MONARCH UTILITIES, LP §  
WATER CCN NO. 12983 §

BEFORE THE COMMISSION  
PUBLIC UTILITY COMMISSION  
OF  
TEXAS

**PETITION FOR EXPEDITED RELEASE FROM  
MONARCH UTILITIES, LP'S WATER CCN NO. 12983**

TO THE PUBLIC UTILITY COMMISSION OF TEXAS

COMES NOW, Terra Investments, LP ("Petitioner") and files this Petition with the Public Utility Commission of Texas ("PUC") for the expedited release from Monarch Utilities, LP's water Certificate of Convenience and Necessity ("CCN") No. 12983 pursuant to Texas Water Code §13.254(a-5) and Texas Administration Code §24.113(r), and in support thereof would respectfully show as follows:

**I. LEGAL AUTHORITY**

Petitioner files this petition seeking the expedited release of property owned by Petitioner in Montgomery County, Texas, from water CCN No. 12983 currently held by Monarch Utilities, LP. Pursuant to Texas Water Code §13.254(a-5) and 16 Administrative Code §24.113(r), the owner of a tract of land that is at least 25 acres and that is not receiving service may petition the PUC for an expedited release of the area from the water and sewer CCNs and is entitled to release if the property is located in certain designated counties. As more fully set out herein, Petitioner meets the legal criteria supporting the requested releases.

**II. DECERTIFICATION REQUEST**

In support of its request for decertification, Petitioner has attached the following documents:

- Exhibit A – Affidavit of Dominic Leung
- Exhibit B – Location map for the Property
- Exhibit C – Large scale detailed map of Property
- Exhibit D – Deed records
- Exhibit E – Digital map data (CD)

Petitioner owns 384.2 contiguous acres of property in Montgomery County, Texas (the "Property"), which Petitioner seeks to decertify from water CCN No. 12983. See Exhibits A-E. The Property consists of 384.21 acres of contiguous property identified in Exhibits B-E and is greater than 25 acres. The Property is not receiving water or sewer service from Monarch Utilities, LP, or any other water or sewer provider. See Exhibit A, paragraph 5.

Petitioner requests that the PUC grant expedited release of the Property from water CCN No. 12983. The area Petitioner requests to be released consists of 54.86 acres and is depicted in Exhibits B and C and in the digital mapping data contained in Exhibit E. A copy of this Petition is being sent to Monarch Utilities, LP by certified mail on the same day that this Petition is being filed at the PUC.

### **III. CONCLUSION AND PRAYER**

WHEREFORE, PREMISES CONSIDERED, Petitioner respectfully requests that the PUC process this Petition and release Petitioner's property from water CCN No. 12983 pursuant to Texas Water Code §13.254(a-5) and 16 Texas Administrative Code §24.113(r).

Respectfully submitted

FRITZ, BYRNE, HEAD & GILSTRAP, PLLC

By: Bob Renbarger

Bob Renbarger  
State Bar No. 16768100  
221 West Sixth Street, Suite 960  
Austin, Texas 78701  
TEL: 512-476-2020  
FAX: 512-477-5267  
E-MAIL: [BRenbarger@fbhg.law](mailto:BRenbarger@fbhg.law)

ATTORNEYS FOR PETITIONER  
TERRA INVESTMENTS, LP

CERTIFICATE OF SERVICE

I hereby certify that pursuant to PUC Rule 24.113(s), the above and foregoing Petition for Expedited Release from Monarch Utilities, LP's CCN No. 12983 was served on the CCN Holder, shown below, via certified mail, return receipt requested to the address shown below on the 10th day of January, 2018.

CCN No. 12983, Holder:

Monarch Utilities, LP  
12535 Reed Rd.  
Sugarland, Texas 77478-2837

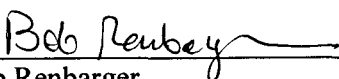
  
\_\_\_\_\_  
Bob Renbarger

EXHIBIT A-  
Affidavit of Dominic Leung

**AFFIDAVIT OF DOMINIC LEUNG**

THE STATE OF TEXAS     §  
  §  
COUNTY OF HARRIS     §

BEFORE ME, the undersigned notary, personally appeared Dominic Leung, a person who is known to me. After administering an oath, the affiant testified that:

1. My name is Dominic Leung. I am over the age of eighteen years, of sound mind, and am capable of making this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.
2. Terra Investments, LP (“Terra”) owns multiple tracts of property in Montgomery County, Texas. The subject 384.2 acre tract (the “Property”), is currently burdened with 54.86 acres which lies within Monarch Utilities water CCN No. 12983. The subject 384.2 acre tract is over 25 acres in size and consists of the properties identified in Exhibits B – E.
3. Terra Investments, LP, is a Texas limited partnership with its sole general partner being Accordant Holdings, LLC (“Accordant”), a Delaware limited liability company. Accordant has executed a limited power of attorney to Richfield Real Estate Corporation (“Richfield”), a ~~Texas~~ <sup>Delaware</sup> corporation, to manage all aspects of Terra Investments, LP’s Property which is the subject of this Petition. I, in turn, am a duly authorized representative of Richfield to act on behalf of Terra pursuant to this limited power of attorney, a copy of which is attached to this affidavit. As Richfield’s representative, I am familiar with Terra’s properties and the bills and accounts relevant to such properties.
4. The exhibits attached to this Petition are as follows: Exhibit B is a true and correct copy of a map showing the location of the Property; Exhibit C is a true and correct copy of a map showing a more detailed version of the boundaries of the Property and CCN overlaps; Exhibit D reflects deed records comprising the Property; and Exhibit E reflects the required digital mapping data as well as an explanation and illustration of various parcels of land comprising the Property derived from the deed records.
5. The Property is not receiving water or sewer service from Monarch Utilities nor any other water or sewer service provider. There are no billing records or any other documents evidencing an existing account with Monarch Utilities for the Property. I am not aware of any lines, meters or other facilities related to the provision of water or sewer services owned or operated by Monarch Utilities on the Property.
6. On behalf of Terra Investments, LP, I request the Public Utility Commission of Texas to release this Property from water CCN No. 12983.

FURTHER AFFIANT SAYETH NAUGHT

Terra Investments LP

By: \_\_\_\_\_

Dominic Leung  
Richfield Real Estate Corporation  
Attorney in Fact

Subscribed and Sworn before me by Dominic Leung on behalf of Terra Investments, LP,  
on this 14<sup>th</sup> day of DEC., 2017, to certify which witness my hand and seal of office.



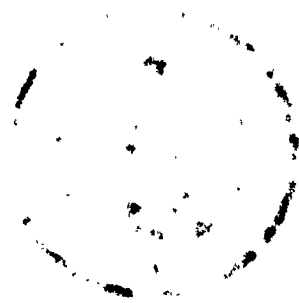
\_\_\_\_\_  
Notary Public in and for the State of Texas

K. RICHTER

\_\_\_\_\_  
Print or type name of Notary Public

Commission Expires 1-29-2018







## LIMITED POWER OF ATTORNEY

**Accordant Holdings, LLC**, a Delaware limited liability company, (hereinafter referred to as "**Company**") General Partner of **Terra Investments, LP**, who is the owner of that certain property located State Hwy 249 & Hwy 149, Tomball, Montgomery County, Texas (hereinafter referred to as "**Property**"), hereby appoints **Richfield Real Estate Corporation** (hereinafter referred to as "**Richfield**") as Attorney-In-Fact to act in the name, place and stead of **Company** for the purposes named below.

**Richfield**, is hereby authorized to execute and deliver and all documents in form and substance to its satisfaction on behalf of **Company**, to provide consents with respect thereto and to consummate the following:

- A. Manage and operate certain property on behalf of and owned by Terra Investments, LP;
- B. Negotiate and enter into contract with governmental agencies, contractors, subcontractors, utility providers, engineers, attorneys, and any other consultants or professionals necessary for the management and operation of the Property;
- C. Act as Owner's representative in meetings with Municipal Utility Districts or any other governmental agencies having jurisdiction over the Property;
- D. Execute application for permits, leases, forms or and other documents necessary for the management and operation of the Property;
- E. Take all necessary actions to ensure the managing and operation of the Properties complies with all laws, regulations and requirements of any federal, state or municipal government having jurisdiction over the Property;
- F. Any other matters incidental and necessary to effect the above duties;

**Company** hereby ratifies and confirms retrospectively all acts and deeds which may have already been performed by **Richfield**, as Attorney-In-Fact.

This Power of Attorney shall be effective until revocation of the appointment.

IN WITNESS WHEREOF, **Angela Chen Sabella** has executed this Power of Attorney this      day of November, 2013.

**Accordant Holdings, LLC**  
a Delaware limited liability company

By: \_\_\_\_\_  
Angela Chen Sabella  
Sole Member


**EXHIBIT B-**  
**Location map for the Property**



**TERRA TRACT**

**Legend**  
 TerraTract

20,000  
 Feet  
1 inch = 20,000 feet

		<b>Costello, Inc.</b> Engineering & Surveying Texas Board of Professional Engineers F-280
<b>TERRA INVESTMENTS CCN OVERLAP</b>		
<b>LOCATION MAP</b>		
2017178-000-000, 901	OCT 2017	BY CJS
Harris County Key Map. Page 207, 208, 247 248		Lambert Tile 4675, 4775, 4674, 4774

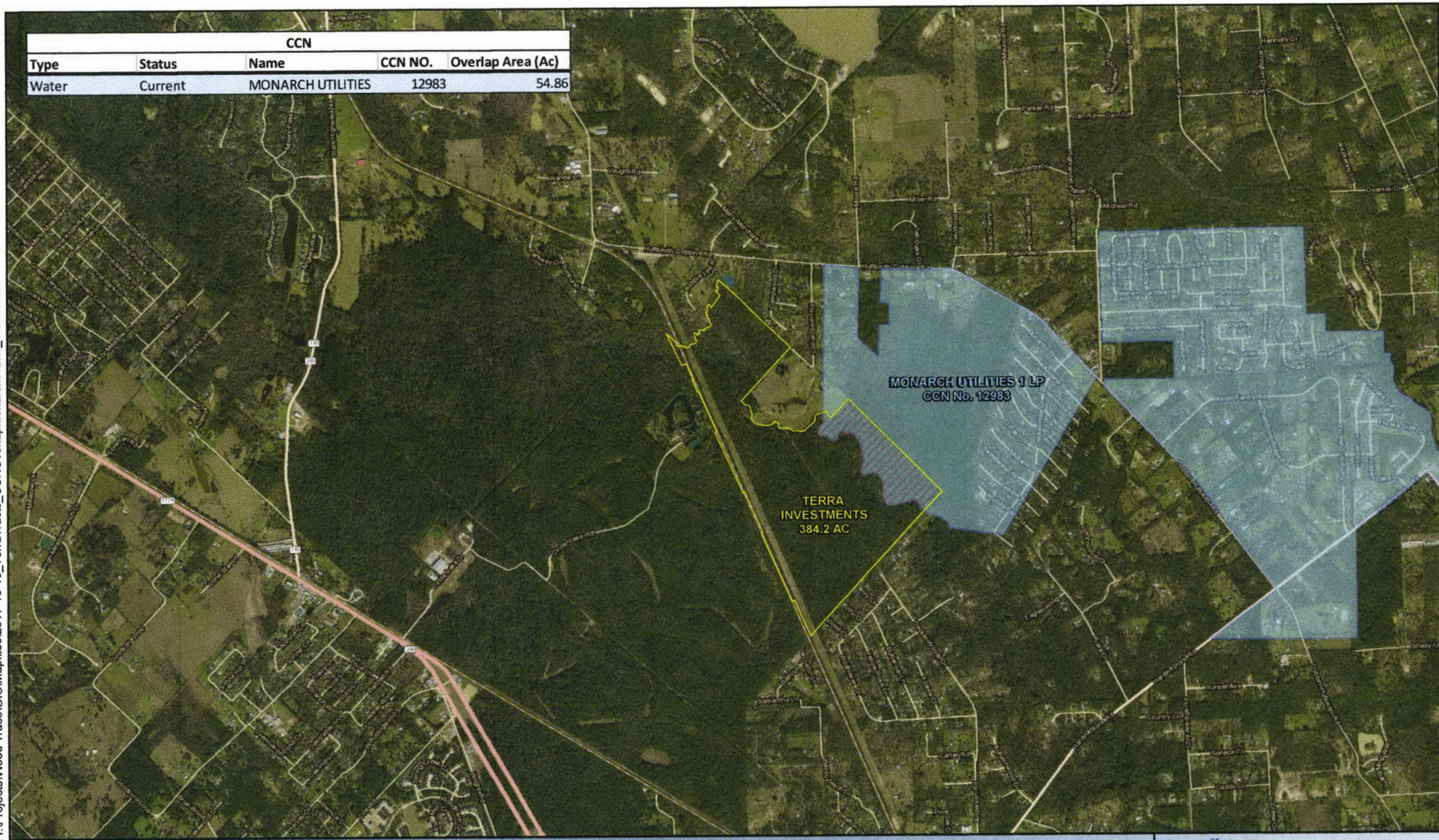
I:\Projects\Wood Trace\GIS\Mapfiles\2017-10-10\_TerraTracts\_CCNOverlap\_LocationMap.mxd

EXHIBIT C-  
Large scale detailed map of Property



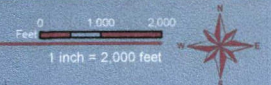
Document Path: I:\Projects\Wood\_Trace\GIS\Mapfiles\2017-10-10\_TerraTracts\_CCNOverlapMonarchWater\_11x17.mxd

CCN				
Type	Status	Name	CCN NO.	Overlap Area (Ac)
Water	Current	MONARCH UTILITIES	12983	54.86



**TERRA INVESTMENTS OVERLAP - MONARCH WATER CCN**

Monarch Utilities 1 LP Water CCN Service Areas  
Montgomery County, Texas



- Legend**
- TerraTracts
  - Water CCN Overlap Area
  - Water CCN Service Areas (Current Status)

**Costello** Costello, Inc.  
Engineering & Surveying  
Texas Board of Professional Engineers F-280

Job#: 2017178-000-00, 901	OCTOBER 2017	BY CJS
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EXHIBIT D-  
Deed records

FL OBY  
FIDELITY NATIONAL TITLE

SPECIAL WARRANTY DEED

W396469  
01/31/03 300057935 \$63.00

WD  
53  
5

THE STATE OF TEXAS §  
§ KNOW ALL MEN BY THESE PRESENTS:  
MONTGOMERY COUNTY §

**RICHFIELD INVESTMENT CORPORATION**, a Texas corporation ("Grantor"), for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration to Grantor in hand paid by **TERRA INVESTMENTS, LP**, a Texas limited partnership ("Grantee"), whose mailing address is 10001 Westheimer Rd., Ste. 2888, Houston, Texas 77042, the receipt and sufficiency of which consideration are hereby acknowledged and confessed, has a GRANTED, SOLD, AND CONVEYED, unto Grantee those certain parcels of land lying and being situated in the State of Texas and County of Montgomery, more particularly described on Exhibit A attached hereto and incorporated herein by reference (the "Land"), together with all improvements located on the Land or affixed thereto (the "Improvements"), and all of Grantor's right, title and interest in and to all easements, tenements, hereditaments, privileges and appurtenances in any way belonging to the Land or the Improvements, (collectively, the "Appurtenant Rights") (all such Land, Improvements, and Appurtenant Rights being herein called the "Property").

(2)  
lee

This conveyance is made by Grantor and accepted by Grantee expressly subject to any and all restrictions, covenants, conditions, ordinances, easements, encroachments, maintenance charges and the liens securing the same, all outstanding royalty or mineral interests, and all other matters, of record or otherwise, to the extent the same are now in force and effect and relate to the Property (the "Permitted Exceptions").

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, unto Grantee, Grantee's successors or assigns, forever; and subject only to the Permitted Exceptions, Grantor does hereby bind Grantor and Grantor's successors to WARRANT AND FOREVER DEFEND all and singular the Property unto Grantee, Grantee's successors and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof, by, through and under Grantor, but not otherwise.

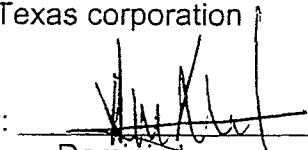
GRANTEE, BY ACCEPTANCE OF THIS SPECIAL WARRANTY DEED, ACKNOWLEDGES THAT IT HAS INSPECTED AND ASSESSED THE PROPERTY AND HAS SATISFIED ITSELF AS TO THE CONDITION OF SAME AND THAT IT ACCEPTS THE PROPERTY "AS IS" AND "WHERE IS" AND WITH ALL FAULTS, WITHOUT REPRESENTATION OR WARRANTY OR ANY KIND, EXPRESSED, IMPLIED, BY OPERATION OF LAW OR OTHERWISE, INCLUDING, WITHOUT LIMITATION, WITHOUT IMPLIED WARRANTY AS TO HABITABILITY, SUITABILITY, MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE OR FITNESS FOR

ANY PURPOSE, SAVE AND EXCEPT THE WARRANTIES OF TITLE CONTAINED  
HEREIN.

Further, by acceptance of this Deed, Grantee acknowledges that ad valorem  
taxes with respect to the Property for the current year have been prorated as of the date  
hereof, and Grantee assumes all obligations to pay the same.

EXECUTED AND DELIVERED the 30<sup>th</sup> day of January, 2003.


RICHFIELD INVESTMENT CORPORATION  
A Texas corporation

By:   
\_\_\_\_\_  
Dominic Leung, Attorney in Fact

207

ACCEPTED AND AGREED TO  
THIS 30<sup>th</sup> DAY OF JANUARY 2003.

TERRA INVESTMENTS, LP,  
a Texas limited partnership

By:   
\_\_\_\_\_  
Ricardo Sabella, Attorney in Fact

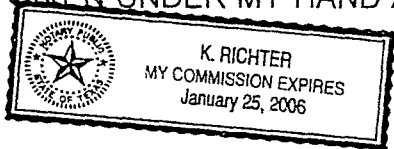
122



THE STATE OF TEXAS           §  
  §  
COUNTY OF HARRIS           §

BEFORE ME, the undersigned authority, on this day personally appeared **Dominic Leung**, Treasurer of Richfield Investment Corporation, a Texas corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and who acknowledged to me that he executed the same for the purposes and consideration therein expressed, and as the act and deed of said corporation.

2003. GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 30<sup>th</sup> day of January,



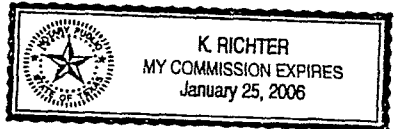
*[Handwritten Signature]*

Notary Public in and for  
The State of Texas

THE STATE OF TEXAS           §  
  §  
COUNTY OF HARRIS           §

BEFORE ME, the undersigned authority, on this day personally appeared **Ricardo Sabella**, Attorney in Fact for and on behalf of Terra Investments, LP, a Texas limited partnership, known to me to be the person whose name is subscribed to the foregoing instrument, and who acknowledged to me that he executed the same for the purposes and consideration therein expressed, and as the act and deed of said limited partnership.

2003. GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 30<sup>th</sup> day of January,



*[Handwritten Signature]*

Notary Public in and for  
The State of Texas

Please return to following  
address upon filing:

Richfield Investment Corporation  
10001 Westheimer Rd., Ste. 2888  
Houston, Texas 77042

Attn: Kathy Richter

EXHIBIT "A"

DESCRIPTION  
East of Highway No. 249

All of that certain 2,253.2253 acre tract of land located partly in the B.B.B. & C.R.R. Co. Survey, Abstract No. 110, the B.B.B. & C.R.R. Co. Survey, Abstract No. 111, the J.D. Cochran Survey, Abstract No. 123, the E.R. Hale Survey, Abstract No. 264 and the Andrew Hensley Survey, Abstract No. 255, Montgomery County, Texas, said 2,253.2253 acre tract of land being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at a 4" X 4" concrete monument beside a ¾ inch iron pipe found for the common occupied west corner of the said B.B.B. & C.R.R. Co. Survey, Abstract No. 110 and the B.B.B. & C.R.R. Co. Survey, Abstract No. 111, said concrete monument is also an angle point in the northwest line of the herein described tract of land.

THENCE North 42 deg. 14 min. 38 sec. East, along and with the said occupied northwest line of the B.B.B. & C.R.R. Co. Survey, Abstract No. 110, said line is also blazed and yellow painted and a fence, a total distance of 1,977.17 feet to a 5" X 5" concrete monument found in the occupied southwest line of the J.D. Cochran Survey, Abstract No. 123, the occupied east corner of the Henry Studz Survey, Abstract No. 513, the occupied north corner of the said B.B.B. & C.R.R. Co. Survey, A-110 and an interior corner of the herein described tract from which a 14 inch Post Oak marked "X" bears North 57 deg. 22 min. 43 sec. East 32.20 feet, a 12 inch Post Oak found marked "X" bears North 70 deg. 18 min. 53 sec. East 22.15 feet, a 29 inch Red Oak found marked "X" bears South 54 deg. 55 min. 17 sec. East 7.10 feet and a 20 inch Oak stump found "=" bears North 15 deg. 18 min. East 4.55 feet;

THENCE North 47 deg. 39 min. 45 sec. West, along a blazed, yellow painted line and generally along a meandering fence along and with the said occupied southwest line of the J.D. Cochran Survey, Abstract No. 123, at 752.91 feet pass a 4" X 4" concrete monument found 0.38 feet to the right, at 1251.33 feet pass a 4" x 4" concrete monument on line in all a total distance of 2,329.58 feet to a ½ inch iron rod set in a fence for a west corner of the herein described tract;

THENCE North 22 deg. 08 min. 07 sec. East, along a blazed yellow painted line and said fence, at 16.73 feet pass an axle found online, in all a total distance of 273.34 feet to an axle found for an interior corner of the herein described tract;

THENCE North 47 deg. 37 min. 18 sec. West, along a blazed yellow painted line and a fence, a total distance of 889.53 feet to a 4 inch iron pipe found in the occupied dividing line between the said J.D. Cochran Survey, A-123, and the Andrew J. Hensley Survey, Abstract No. 255, for an interior corner of the herein described tract from which a double 10 inch Sweet Gum stump found bears North 62 deg. 11 min. West 9.19 feet and an 18

inch Sweet Gum found marked with one hack above and below an "X" bears South 21 deg. 36 min. East 20.69 feet;

THENCE South 41 deg. 26 min. 02 sec. West along and with the said dividing line between the Cochran and Hensley Surveys, a total distance of 257.19 feet to a ½ inch iron rod set for the west corner of the said Cochran Survey, A-123, an angle point in the southeast line of the said Hensley Survey, A-255, and an angle point in the southeast line of the herein described tract;

THENCE South 41 deg. 39 min. 25 sec. West along a blazed, yellow painted line and generally along a meandering fence, also being along and with the said southeasterly line of the Hensley Survey, A-255, a total distance of 2,260.76 feet to a 4 inch iron pipe found for the occupied south corner of the said Hensley Survey, A-255, and a south corner of the herein described tract from which a 1-1/4 inch iron pipe found leaning bears South 00 deg. 34 min. 57 sec, West 0.35 feet and a 27 inch Red Oak found marked "X" bears South 32 deg. West 12.85 feet;

THENCE North 47 deg. 46 min. 25 sec. West, along a blazed and yellow painted line and a meandering fence, also along and with the occupied southwesterly line of the said Hensley Survey, A-255, a total distance of 2,345.07 feet to a ½ inch iron rod set in the occupied east right-of-way line of State Highway No.249 for a west corner of the herein described tract.

THENCE North 08 deg. 35 min. 16 sec. West, along and with the occupied east right-of-way line of said State Highway 249 and a fence a total distance of 841.25 feet to a ½ inch rod found for a Point of Curve to the right;

THENCE in a northwesterly direction, continuing along the occupied east right-of-way line of said State Highway No. 249, following said curve to the right having a Central Angle of 05 deg. 59 min. 03 sec., a Radius of 2,787.83 feet, an Arc Length of 291.17 feet and a Long Chord which bears North 05 deg. 35 min. 45 sec. West 291.04 feet to a ¼ inch iron rod found for a west corner of the herein described tract;

THENCE North 42 deg. 18 min. 44 sec. East, along a blazed and yellow painted line and a fence, a total distance of 1,390.50 feet to a 2-1/2 inch iron pipe found for an angle point of the herein described tract;

THENCE North 43 deg. 05 min. 06 sec. East, continuing along a blazed and yellow painted line and a fence, a total distance of 714.17 feet to a 1 inch galvanized iron pipe found for an angle point of the herein described tract;

THENCE North 41 deg. 30 min. 39 sec. East, continuing along a blazed and yellow painted line and a fence, a total distance of 1,876.15 feet to a ¾ inch iron pipe found for an angle point of the herein described tract;

THENCE North 41 deg. 50 min. 49 sec. East, continuing along a blazed and yellow painted line and a fence, a total distance of 3,343.49 feet to a ½ inch iron rod set in the

occupied northeast line of the said Hensley Survey, A-255, for the north corner of the herein described tract;

THENCE South 47 deg 49 min. 11 sec. East along a blazed and yellow painted line and generally a meandering fence also along and with the said occupied northeast line of the Hensley Survey, A-255, at 3.71 feet pass a 4 inch iron pipe found on line, in all a total distance of 3,142.99 feet to a 4 inch iron pipe found in the northwesterly line of the said Cochran Survey, A-123, for the occupied east corner of the said Hensley Survey, A-255, and an east corner of the herein described tract, from which a 22 inch Elm found marked with one hack above and below an "X" bears South -06 deg. 30 min. East 28.30 feet;

THENCE South 41 deg. 26 min. 02 sec. West along and with the occupied dividing line between the said Cochran and Hensley Surveys, at 62.49 feet pass a 12 inch Post Oak found blazed fore and aft and painted blue on line, at 267.57 feet pass a ½ inch iron rod set on line for reference, in all a total distance of 317.57 feet to its intersection with the centerline of Mill Creek for an interior corner of the herein described tract;

THENCE downstream along the centerline of said creek with the following meanders:

THENCE South 40 deg. 14 min. 25 sec. East, 3.45 feet;  
THENCE South 58 deg. 25 min. 02 sec. East, 201.92 feet;  
THENCE South 73 deg. 09 min. 05 sec. East, 115.58 feet;  
THENCE North 74 deg. 20 min. 37 sec. East, 46.27 feet;  
THENCE North 73 deg. 47 min. 22 sec. East, 166.85 feet;  
THENCE North 17 deg. 09 min. 37 sec. East, 45.08 feet;  
THENCE North 26 deg. 27 min. 19 sec. East, 23.35 feet;  
THENCE North 82 deg. 53 min. 07 sec. East, 26.89 feet;  
THENCE South 84 deg. 07 min. 38 sec. East, 30.93 feet;  
THENCE South 55 deg. 11 min. 42 sec. East, 34.75 feet;  
THENCE South 15 deg. 00 min. 28 sec. East, 61.82 feet;  
THENCE South 58 deg. 09 min. 25 sec. East, 43.84 feet;  
THENCE North 75 deg. 25 min. 05 sec. East, 44.23 feet;  
THENCE North 76 deg. 29 min. 06 sec. East, 46.94 feet;  
THENCE South 80 deg. 42 min. 55 sec. East, 64.72 feet;  
THENCE South 86 deg. 50 min. 45 sec. East, 60.53 feet;  
THENCE North 36 deg. 39 min. 15 sec. East, 73.15 feet;  
THENCE North 18 deg. 33 min. 02 sec. West, 57.31 feet;  
THENCE North 18 deg. 45 min. 50 sec. East, 83.26 feet;  
THENCE North 27 deg. 55 min. 55 sec. East, 34.76 feet;  
THENCE South 85 deg. 18 min. 17 sec. East, 34.54 feet;  
THENCE South 29 deg. 46 min. 38 sec. East, 30.04 feet;  
THENCE South 17 deg. 21 min. 13 sec. East, 55.65 feet;  
THENCE South 02 deg. 17 min. 41 sec. West, 19.33 feet;  
THENCE South 25 deg. 27 min. 35 sec. West, 31.69 feet;  
THENCE South 36 deg. 58 min. 17 sec. East, 29.30 feet;  
THENCE North 66 deg. 24 min. 25 sec. East, 27.50 feet;

THENCE North 30 deg. 38 min. 53 sec. East, 68.33 feet;  
THENCE North 66 deg. 53 min. 07 sec. East, 42.01 feet;  
THENCE South 69 deg. 35 min. 09 sec. East, 51.93 feet;  
THENCE South 83 deg. 58 min. 20 sec. East, 33.40 feet;  
THENCE South 57 deg. 01 min. 02 sec. East, 20.46 feet;  
THENCE South 55 deg. 56 min. 01 sec. East, 45.88 feet;  
THENCE South 52 deg. 24 min. 02 sec. East, 35.24 feet;  
THENCE North 85 deg. 55 min. 25 sec. East, 35.59 feet;  
THENCE North 73 deg. 28 min. 31 sec. East, 45.24 feet;  
THENCE North 53 deg. 54 min. 24 sec. East, 41.78 feet;  
THENCE North 15 deg. 19 min. 11 sec. West, 36.63 feet;  
THENCE North 39 deg. 16 min. 38 sec. West, 61.69 feet;  
THENCE North 22 deg. 42 min. 12 sec. West, 26.40 feet;  
THENCE North 71 deg. 43 min. 49 sec. East, 98.69 feet;  
THENCE South 83 deg. 02 min. 24 sec. East, at 171.41 feet past the westerly right-of-way line of the said C.R.I.&P.&F.W.&D.R.R., in all a total distance of 174.72 feet;

THENCE South 45 deg. 03 min. 10 sec. East, 89.19 feet;  
THENCE South 50 deg. 09 min. 30 sec. East, 215.24 feet;

THENCE South 03 deg. 30 min. 21 sec. East, 54.82 feet;  
THENCE South 20 deg. 02 min. 16 sec. East, 37.70 feet;  
THENCE North 88 deg. 19 min. 17 sec. East, 44.39 feet;  
THENCE North 85 deg. 38 min. 35 sec. East, 27.30 feet;  
THENCE North 65 deg. 08 min. 14 sec. East, 24.55 feet;

THENCE South 44 deg. 23 min. 51 sec. East, 36.03 feet;  
THENCE North 81 deg. 44 min. 46 sec. East, 20.02 feet;  
THENCE North 84 deg. 26 min. 11 sec. East, 29.33 feet;  
THENCE South 36 deg. 39 min. 46 sec. East, 24.03 feet;  
THENCE South 78 deg. 58 min. 07 sec. East 39.20 feet;

THENCE North 86 deg. 05 min. 01 sec. East, at 5.73 feet pass the easterly right-of-way line of the said C.R.I.&P. & F.W. & D.R.R., in all a total distance of 22.72 feet;

THENCE North 65 deg. 03 min. 06 sec. East, 35.22 feet;  
THENCE North 28 deg. 51 min. 31 sec. East, 24.61 feet;  
THENCE North 38 deg. 48 min. 42 sec. East, 22.80 feet;  
THENCE North 55 deg. 36 min. 13 sec. East, 32.36 feet;  
THENCE North 78 deg. 50 min. 25 sec. East, 74.30 feet;  
THENCE North 50 deg. 08 min. 54 sec. East, 28.09 feet;  
THENCE North 26 deg. 11 min. 13 sec. East, 22.71 feet;  
THENCE North 19 deg. 28 min. 17 sec. East, 26.11 feet;  
THENCE North 14 deg. 06 min. 25 sec. West, 20.13 feet;  
THENCE North 42 deg. 38 min. 46 sec. West, 43.42 feet;  
THENCE North 12 deg. 00 min. 05 sec. West, 113.03 feet;  
THENCE North 39 deg. 02 min. 17 sec. East, 34.22 feet;

THENCE South 69 deg. 43 min. 50 sec. East, 27.69 feet;  
THENCE South 30 deg. 14 min. 18 sec. East, 56.66 feet;  
THENCE North 36 deg. 24 min. 53 sec. East, 29.94 feet;  
THENCE North 44 deg. 53 min. 54 sec. East, 37.03 feet;  
THENCE North 03 deg. 15 min. 42 sec. West, 51.37 feet;  
THENCE North 49 deg. 56 min. 32 sec. East, 29.20 feet;  
THENCE South 82 deg. 03 min. 05 sec. East, 102.24 feet to its intersection with the center line of a gully;

THENCE: northerly and easterly along and with the centerline of said gully with its meanders upstream as follows:

North 14 deg. 15 min. 56 sec. East, 47.43 feet;  
North 70 deg. 36 min. 01 sec. East, 52.42 feet  
North 61 deg. 12 min. 25 sec. East 104.30 feet;  
North 20 deg. 17 min. 28 sec. West, 166.23 feet;  
North 62 deg. 49 min. 54 sec. West, 40.61 feet  
North 32 deg. 41 min. 01 sec. East, 40.55 feet;  
North 60 deg. 40 min. 18 sec. West, 46.50 feet;  
North 30 deg. 09 min. 24 sec. East, 37.94 feet;  
North 43 deg. 46 min. 37 sec. West, 42.24 feet;  
North 45 deg. 55 min. 50 sec. East, 37.07 feet;  
North 08 deg. 17 min. 58 sec. East, 142.81 feet;  
North 33 deg. 29 min. 34 sec. East, 100.25 feet;  
North 64 deg. 02 min. 14 sec. West, 59.00 feet;  
North 71 deg. 17 min. 47 sec. East, 133.57 feet;  
North 64 deg. 02 min. 14 sec. West, 100.00 feet  
North 68 deg. 32 min. 18 sec. East, 140.42 feet  
North 64 deg. 02 min. 14 sec. West, 104.80 feet;  
North 72 deg. 14 min. 34 sec. East, 151.92 feet;  
North 07 deg. 44 min. 37 sec. East, 67.17 feet;  
North 57 deg. 14 min. 54 sec. West, 42.30 feet;  
North 12 deg. 46 min. 20 sec. East, 26.29 feet;  
North 13 deg. 07 min. 58 sec. East, 99.07 feet;  
North 26 deg. 58 min. 13 sec. East, 45.08 feet to an old angle iron found on the northeast boundary line of the J.D. Cochran Survey, A-123, on the north bank or head of a gully for the north corner of the herein described tract of land from which an old railroad tie post found at end of a southeast fence bears North 77 deg. 00 min. 26 sec. East 0.59 feet;

THENCE South 47 deg. 56 min. 17 sec. Est, along and with the said occupied northeast line of the Cochran Survey, A-123, said line is also blue painted at 652.30 feet pass a  $\frac{5}{8}$  inch iron pipe 0.42 feet right, at 777.51 feet pass a  $\frac{5}{8}$  inch iron pipe 0.31 feet right, at 981.54 feet pass a  $\frac{5}{8}$  inch iron pipe 0.18 feet right, at 1,231.59 feet pass a  $\frac{1}{2}$  inch iron rod 1.07 feet right; at 2, 103.77 feet pass the beginning of a barbed wire fence 0.79 feet left, at 2,126.12 feet past a  $\frac{1}{2}$  inch iron rod 0.43 feet left, in all a total distance of 2,140.82 feet to an old angle iron found for the east corner of the herein described tract

of land, from which a 4" x 6" wood post bears South 20 deg. 01 min. 12 sec. East 0.70 feet to a 36 inch pine painted blue bears North 53 deg. 23 min. 19 sec. West 32.16 feet;

THENCE South 42 deg. 29 min. 43 sec. West along and with the common dividing line between a called 15.0 acre tract of land now or formerly owned by Edward and Helen Holdridge per instrument recorded in Film Code Number 467-01-2320 of the County Clerk's office of Montgomery County, Texas, and the herein described tract, as 50.78 feet pass beginning of a fence 1.16 feet left, at 1695.00 feet past a railroad the corner post 2.69 feet right, said corner post in a northeast and southeast fence, in all a total distance of 1,727.49 feet to a point for corner in the center line of Mill Creek;

THENCE along and with the centerline of Mill Creek with it's meanders down stream as follows:

South 64 deg. 41 min. 47 sec. East 52.72 feet;  
South 21 deg. 48 min. 18 sec. East 52.81 feet;  
South 64 deg. 41 min. 36 sec. East, 54.96 feet;

THENCE South 83 deg. 18 min. 32 sec. East, 61.10 feet;  
THENCE South 54 deg. 20 min. 49 sec. East, 27.20 feet;  
THENCE South 11 deg. 07 min. 49 sec. East, 113.60 feet;  
THENCE South 27 deg. 0 min. 49 sec. East, 45.71 feet;  
THENCE South 07 deg. 58 min. 28 sec. East, 42.29 feet;  
THENCE South 17 deg. 45 min. 44 sec. West, 32.30 feet;  
THENCE South 21 deg. 41 min. 48 sec. West, 61.06 feet;  
THENCE South 44 deg. 44 min. 07 sec. East, 56.04 feet;  
THENCE South 34 deg. 40 min. 32 sec. East, 30.79 feet;  
THENCE South 55 deg. 36 min. 46 sec. East, 90.41 feet;  
THENCE South 73 deg. 54 min. 21 sec. East, 118.48 feet;  
THENCE South 85 deg. 59 min. 57 sec. East, 83.51 feet;  
THENCE North 84 deg. 57 min. 13 sec. East, 116.43 feet;  
THENCE North 57 deg. 37 min. 43 sec. East, 140.93 feet;  
THENCE South 57 deg. 05 min. 09 sec. East, 84.24 feet;  
THENCE South 17 deg. 30 min. 52 sec. West, 51.67 feet;  
THENCE South 04 deg. 55 min. 00 sec. East, 10.08 feet;  
THENCE South 31 deg. 47 min. 41 sec. East, 55.23 feet;  
THENCE North 89 deg. 15 min. 06 sec. East, 224.42 feet;  
THENCE South 48 deg. 47 min. 25 sec. East, 107.54 feet;  
THENCE North 74 deg. 55 min. 17 sec. East, 61.27 feet;  
THENCE South 78 deg. 55 min. 54 sec. East, 121.00 feet;  
THENCE North 71 deg. 52 min. 15 sec. East, 77.90 feet;  
THENCE North 49 deg. 58 min. 05 sec. East, 278.38 feet;  
THENCE North 26 deg. 38 min. 59 sec. East, 43.39 feet;  
THENCE North 09 deg. 39 min. 19 sec. East, 135.91 feet;  
THENCE North 73 deg. 14 min. 43 sec. East, 110.43 feet;  
THENCE North 72 deg. 44 min. 00 sec. East, 130.57 feet;  
THENCE South 61 deg. 47 min. 52 sec. East, 31.32 feet;

THENCE South 14 deg. 45 min. 20 sec. East, 47.51 feet;  
THENCE South 37 deg. 46 min. 20 sec. East, 70.58 feet;  
THENCE South 79 deg. 12 min. 47 sec. East, 37.44 feet;

THENCE South 47 deg. 23 min. 10 sec. East, 6.47 feet to it's intersection with the southwesterly projection of a fence line for the most southerly south corner of a tract of land now or formerly owned by Mitchell and Mitchell Corp. and an interior corner of the herein described tract;

THENCE North 42 deg. 36 min. 51 sec. East, along a blazed and blue painted line, at 25.99 feet pass a 1-1/2 inch iron pipe with tee on line from which a 22 inch Pine stump found bears South 61 deg. 26 min. 52 sec. East 16.42 feet, in all a total distance of 557.62 feet to a 3 inch iron pipe found in the occupied northeast line of said J.D. Cochran Survey, A-123, for a lower north corner of the herein described tract of land from which a 16-inch Black Gum found marked with one hack above and two hacks below a "X" bears South 57 deg. 06 min. West 25.93 feet, a 18 inch Hickory found marked with one hack above and two hacks below a "X" bears West 26.7 feet, a 20 inch Black Gum found with one hack above and two hacks below a "X" bears North 41 deg. 36 min. East 26.34 feet and a 20 inch Hickory found marked with one hack above and two hacks below a "X" bears south 40 deg. West 30.1 feet;

THENCE South 47 deg. 32 min. 00 sec. East, along and with the said occupied northeast line of the said Cochran Survey, A-123, a total distance of 2,965.05 feet to a 4 inch round concrete monument with a brass disc. stamped "C.P. & F.M-85" found beside a 1-1/4 inch iron pipe for the occupied east corner of the said Cochran Survey, A-123, an interior occupied corner of the John Foster Survey, Abstract No. 205, and a lower east corner of the herein described tract from which a 4 inch iron pipe found bears South 66 deg. 01 min. 47 sec. East 23.46 feet, a 10 inch Sweet Gum Found marked with one hack above and below a "X" bears North 10 deg. 30 min. West 25.04 feet;

THENCE South 41 deg. 31 min. 41 sec. West, along a blazed, orange painted line and an old fence also being the occupied dividing line between the said Cochran and Foster Surveys, a total distance of 3,998.52 feet to a 4"x4" concrete monument with a brass disc stamped "C.P. & F.M.-84" found for an angle point in the southeast line of the said Cochran Survey, A-123, the common occupied northerly corner of the said Foster Survey, A-204, and the E.R. Hale Survey, Abstract No. 264 from which a 14 inch Red Oak found marked with one hack above and two below a "X" bears North 45 deg. West 13.08 feet, a 22 inch Pine found with an "alligator" bears North 62 deg. East 22.50 feet, a Pine knot found bears South 07 deg. 41 min. 44 sec. East 0.79 feet and another Pine knot found bears South 03 deg. 12 min. 39 sec. West 0.98 feet;

THENCE South 41 deg. 32 min. 47 sec. West, along a blazed and yellow painted line and northwesterly of a fence, at 446.10 feet pass the easterly right-of-way line of the C.R.I. & P. & F.W. & D.R.R. (Formerly R & B.V.R.R.), at 555.77 feet pass the westerly right-of-way line of the said railroad, in all a total distance of 2,634.46 feet to a truck axle found for an angle corner of the herein described tract from which a 16 inch Sweet Gum found marked with one hack above and two hacks below a "X" bears South 64 deg. 30



min. East 31.40 feet, another 16 inch Sweet Gum found marked with one hack above and one hack below a "X" bears South 25 deg. 30 min. East 35.10 feet and a 14 inch Sweet Gum found marked with one hack above and two hacks below a "X" bears North 72 deg. 30 min. West 19.90 feet;

THENCE South 01 deg. 42 min. 53 sec. East, along a blazed and orange painted line also being a lower east line of the herein described tract, a total distance of 3,031.06 feet to a ½ inch iron rod set in the northeast right-of-way line of the Missouri Pacific Railroad from which an axle bears South 01 deg. 42 min. 53 sec. East 32.14 feet;

THENCE North 59 deg. 20 min. 49 sec. West along and with the said railroad right-of-way line, and said line being parallel to and 75.00 feet northeasterly, measured at a right angle, from the centerline of the said railroad, a total distance of 1,772.25 feet to a ½ inch iron rod set for an exterior corner of the herein described tract of land;

THENCE North 30 deg. 39 min. 11 sec. East along and with the said railroad right-of-way line a total distance of 50.00 feet to a ½ inch iron rod set for an interior corner of the herein described tract of land;

THENCE North 59 deg. 20 min. 49 sec. West, along and with the said railroad right-of-way line, said line being parallel to and 125.00 feet northeasterly measured at a right angle, from the centerline of the said railroad, a total distance of 304.65 feet to a ½ inch iron rod set for an interior corner of the herein described tract of land;

THENCE South 02 deg. 49 min. 09 sec. East, along and with the said railroad right-of-way line, a total distance of 59.94 feet to a ½ inch iron rod set for an exterior corner of the herein described tract of land;

THENCE North 59 deg. 20 min. 49 sec. West, along and with the said railroad right-of-way line, said line being parallel to and 75.00 feet northeasterly, measured at a right angle, from the centerline of the said railroad, a total distance of 775.63 feet to a ½ inch iron rod set in the occupied dividing line between the E.R. Hale Survey, A-264, and the B.B.B. & C.R.R. Co. Survey, Abstract No. 110 for an interior corner of the herein described tract of land:

THENCE South 02 deg. 40 min. 02 sec. East, along and with the said occupied dividing line between the said Hale, A-264, and B.B.B. & C.R.R. Co. Surveys, A-110, said line is also blazed and yellow painted, at 5.98 feet pass a ½ inch iron rod set for an east corner of the said railroad right-of-way based on a width of 140.00 feet, at 173.53 feet pass a ½ inch iron rod set for a south corner of the said railroad right-of-way line, at 179.65 feet pass a point for the west corner of the said railroad right-of-way line based on a width of 150.00 feet, in a total distance of 2,866.38 feet to a 4"x4" concrete monument found for the northeast corner of the Patridge Addition, an unrecorded subdivision, and a southeast corner of the herein described tract of land from which a 14 inch Post Oak found marked with two hacks above and one hack below a "X" bears south 85 deg. 00 min. East 23.60 feet and a 16 inch Post Oak found marked "X" bears south 37 deg. 00 min. West 37.50 feet;

THENCE South 87 deg. 10 min. 15 sec. West, along a blazed and yellow painted line and the northline of the said Patridge Addition, a total distance of 1,370.95 feet to a ¾ inch iron rod found in the northeasterly right-of-way line of State Highway No. 249 for a southwesterly corner of the herein described tract of land:

THENCE North 30 deg. 33 min. 12 sec. West, along and with the easterly right-of-way line of Highway No. 249, a total distance of 1,730.93 feet to a TXDOT metal disc. on a ⅝ inch rod round for a corner of the herein described tract;

THENCE North 14 deg. 26 min. 48 sec. East, along and with the southeasterly right-of-way line of Highway No. 249, a total distance of 77.78 feet to a TXDOT metal disc on a ⅝ inch iron rod found for a corner of the herein described tract;

THENCE North 30 deg. 33 min. 12 ec. West, along and with the easterly right-of-way line of Highway No. 249, a total distance of 120.00 feet to a TXDOT metal disc. on a ⅝ inch iron rod found for a corner of the herein described tract;

THENCE North 75 deg. 33 min. 12 sec. West, along and with the northeasterly right-of-way line of Highway No. 249, a total distance of 77.78 feet to a TXDOT metal disc on a ⅝ inch iron rod found for a corner of the herein described tract;

THENCE North 30 deg. 33 min. 12 sec. West, along and with the easterly right-of-way line of Highway No. 249, a total distance of 3,378.84 feet to a ½ inch iron rod set in the occupied northwest line of the said B.B.B. & C.R.R. Co. Survey, Abstract No. 111, for the northwest corner of the herein described tract;

THENCE North 42 deg. 22 min. 36 sec. East, along and with the occupied northwest line of the said B.B.B. & C.R.R. Co. Survey. Abstract No. 111, a total distance of 565.69 feet in the PLACE OF BEGINNING and containing a GROSS AREA of 2,420.0166 acres of land SAVE AND EXCEPT, therefrom the following tracts of land:

FIRST TRACT: All that certain 69.8152 acres tract of land being out of and a part of the above described 2,253.2253 acre tract, said 69.8152 acre tract being same as described per instrument recorded in Volume 536 on Page 503 of the Deed Records, Montgomery County, Texas and being more particularly described by metes and bound as follows, to wit:

COMMENCING at a 4 inch iron pipe found in the northwesterly line of said Cochran Survey, A-123, for the occupied east corner of the said Hensley Survey, A-255, from which a 22 inch Elm found marked with one hack above and below a "X" bears South 06 deg. 30 min. East 28.30 feet;

THENCE South 41 deg. 26 min. 02 sec. West, along and with the occupied dividing line between the said Cochran and Hensley Surveys, a total distance of 3,564.28 feet to a point at its intersection with a south projection of the east line of a 69.8152 acre tract now or formerly owned by W. F. Hohrusen;

THENCE North 07 deg. 47 min. 53 sec. West, a total distance of 739.28 feet to the PLACE OF BEGINNING at a 4 inch iron pipe found for the southeast corner of the herein described tract, from which an 18 inch Pipe stump bears North 39 deg. 30 min. East 6.0 feet;

THENCE South 88 deg. 08 min. 09 sec. West, along a blazed and blue painted line and a fence, a total distance of 1,716.19 feet to a 4 inch iron pipe found for the southwest corner of the herein described tract, from which a 25 inch Post Oak found marked with two hacks above and one hack below an "X" bears North 11 deg. 30 min. East 25.5 feet and an 8 inch Post Oak found marked with two hacks above and one hack below an "X" bears North 55 deg. East 25.7 feet;

THENCE North 02 deg. 59 min. 58 sec. East, along a blazed and yellow painted line and a fence, a total distance of 840.88 feet to its intersection with the centerline of Mill Creek for an upper west corner of the herein described tract;

THENCE downstream along the centerline of said creek with the following meanders;

THENCE North 47 deg. 26 min. 34 sec. East 143.32 feet;  
THENCE North 08 deg. 12 min. 04 sec. East 106.67 feet;  
THENCE North 25 deg. 52 min. 22 sec. West 375.00 feet;  
THENCE North 84 deg. 58 min. 27 sec. West 161.81 feet;  
THENCE North 28 deg. 58 min. 39 sec. West 42.52 feet;  
THENCE North 16 deg. 19 min. 22 sec. West 68.73 feet;  
THENCE North 33 deg. 17 min. 02 sec. East 116.67 feet;  
THENCE North 56 deg. 48 min. 12 sec. East 122.26 feet;  
THENCE North 77 deg. 12 min. 45 sec. East 65.13 feet;  
THENCE North 27 deg. 40 min. 57 sec. East 242.23 feet;  
THENCE North 41 deg. 20 min. 31 sec. East 201.26 feet;  
THENCE North 65 deg. 47 min. 25 sec. East 48.76 feet;  
THENCE North 36 deg. 34 min. 44 sec. East 91.35 feet;  
THENCE North 12 deg. 18 min. 29 sec. East 143.84 feet;  
THENCE North 59 deg. 52 min. 24 sec. East 124.85 feet;  
THENCE North 66 deg. 52 min. 02 sec. East 215.63 feet;  
THENCE North 66 deg. 04 min. 25 sec. East 58.08 feet;  
THENCE North 35 deg. 18 min. 46 sec. East 33.19 feet;  
THENCE North 44 deg. 02 min. 56 sec. West 41.78 feet;  
THENCE North 12 deg. 06 min. 46 sec. West 119.26 feet;  
THENCE North 28 deg. 20 min. 58 sec. East 99.91 feet;  
THENCE North 77 deg. 48 min. 46 sec. West 126.12 feet;  
THENCE South 66 deg. 05 min. 56 sec. East 190.04 feet;  
THENCE South 84 deg. 14 min. 54 sec. East 120.28 feet;  
THENCE North 53 deg. 35 min. 25 sec. East 111.45 feet;  
THENCE South 88 deg. 03 min. 44 sec. East 64.53 feet;  
THENCE South 35 deg. 18 min. 36 sec. East 59.35 feet;  
THENCE South 00 deg. 56 min. 25 sec. East 154.66 feet;

THENCE South 63 deg. 48 min. 10 sec. West 57.06 feet;  
THENCE North 52 deg. 09 min. 03 sec. West 38.20 feet;  
THENCE South 62 deg. 23 min. 01 sec. West 70.69 feet;  
THENCE South 39 deg. 00 min. 47 sec. West 75.69 feet;  
THENCE South 09 deg. 42 min. 04 sec. West 98.76 feet;  
THENCE South 66 deg. 55 min. 29 sec. East 58.31 feet;  
THENCE South 27 deg. 49 min. 51 sec. East 56.57 feet;  
THENCE South 35 deg. 57 min. 39 sec. East 54.00 feet;  
THENCE South 38 deg. 07 min. 56 sec. East 156.64 feet;  
THENCE North 64 deg. 57 min. 26 sec. West 145.10 feet;  
THENCE South 88 deg. 09 min. 46 sec. West 67.83 feet;  
THENCE South 38 deg. 48 min. 57 sec. West 20.39 feet;  
THENCE South 54 deg. 15 min. 40 sec. East 58.05 feet;  
THENCE South 00 deg. 00 min. 52 sec. West 44.28 feet;  
THENCE South 02 deg. 57 min. 17 sec. East 57.11 feet;  
THENCE South 34 deg. 40 min. 34 sec. East 74.89 feet;  
THENCE South 06 deg. 37 min. 01 sec. East 64.45 feet;  
THENCE South 70 deg. 31 min. 53 sec. East 67.03 feet;  
THENCE South 71 deg. 05 min. 53 sec. East 200.54 feet;  
THENCE North 75 deg. 18 min. 45 sec. East 45.48 feet to its intersection with the east line of the herein described tract; for an upper East corner of the herein described tract;

THENCE South 07 deg. 47 min. 53 sec. East, along a blazed and yellow painted line and a fence, a total distance of 1,109.94 feet to the PLACE OF BEGINNING and containing 69.8152 acres of land.

SECOND TRACT: Also SAVE AND EXCEPT from the above described 2,253.2253 acre tract the following described 10.0000 acre tract of land deeded to Magnolia Independent School District by deed dated August 30, 1993, and filed of record under County Clerk's File Number 9350680 in the Real Property Records of Montgomery County, Texas.

Being a 10.0000 acre tract of land situated in Montgomery County, Texas in the Andrew J. Hensley Survey, A-255, and being more particularly described by metes and bounds as follows with all control referred to the State Department of Highways and Public Transportation surface Coordinates based on the Texas State Plane Coordinate System, Central Zone:

BEGINNING at a 5/8 inch iron rod with an aluminum cap found for the south corner of the herein described tract located in the southwest line of said Andrew J. Hensley Survey, A-255 common to the northeast line of the Buckman Canfield Survey, A-120, same being in the east line of that certain tract of land called to contain 3.94 acres owned by A.C. Rickett as recorded in Volume 333, Page 535 of the Montgomery County Deed Records. Said POINT OF BEGINNING having a Coordinate value of X=3,469,643.23, Y=214,871.77 and being N 47° 46'25" W, 1,585.59 feet from the south corner of said Andrew J. Hensley Survey, A-255;

THENCE along said common line N 47° 46'25" W, 759.48 feet to a 5/8 inch iron rod with an aluminum cap found for corner in the east right-of-way line of existing Farm to Market Road No. 149;

THENCE along the east right-of-way line of said Farm to Market Road No. 149, N 08° 35'16" W, 220.58 feet to a 5/8 inch iron rod with an aluminum cap set for corner;

THENCE leaving said right-of-way line N 81° 24'44" E, 200.00 feet to a 5/8 inch iron rod with an aluminum cap found for corner;

THENCE N 08° 35'16" W, 30.00 feet to a 5/8 inch iron rod with an aluminum cap found for corner;

THENCE N 54° 50'52" E, 44.73 feet to a 5/8 inch iron rod with an aluminum cap set for corner;

THENCE N 81° 24'44" E, 342.11 feet to a 5/8 inch iron rod found with an aluminum cap set for corner;

THENCE S 30° 32'17" E, 629.68 feet to a 5/8 inch iron rod with an aluminum cap set for corner;

THENCE S 42° 13'35" W, 435.59 feet to the POINT OF BEGINNING and containing 10.0000 acres of land.

SEVENTH TRACT: All of that certain 13.4763 acre tract of land located in the B.B.B. & C.R.R. Co. Survey, Abstract No. 110 and B.B.B. & C.R.R. Co. Survey, Abstract No. 111, also being within the Missouri Pacific Railroad right-of-way, said 13.4763 acre tract of land being more particularly described by metes and bounds as follows, to wit:

BEGINNING at a 4" X 4" concrete monument beside a ¾ inch iron pipe found for the common occupied west corner of the said B.B.B. & C.R.R. Co. Survey, A-110;

THENCE North 42 deg. 14 min. 38 sec. East, along and with the occupied northwest line of the B.B.B. & C.R.R. Co. Survey, Abstract No. 110, a total distance of 21.11 feet to a ½ inch iron rod set for the northeast corner of the herein described tract;

THENCE South 59 deg. 20 min. 49 sec. East, along and with the northeasterly right-of-way line, said line being 70.00 feet, measured at a right angle, from the centerline of said railroad, a total distance of 4,132.55 feet to a ½ inch iron rod set in the occupied dividing line between the said B.B.B. & C.R.R. Co. Survey, Abstract No. 110, and the E.R. Hale Survey, Abstract No. 264, for the southeast corner of the herein described tract;

THENCE South 02 deg. 40 min. 02 sec. East, along and with the said dividing line, a total distance of 167.54 feet to a ½ inch iron rod set for the southwest corner of the herein described tract;

THENCE North 59 deg. 20 min. 49 sec. West, along and with the southwesterly right-of-way line, said line being 70.00 feet, measured at a right angle, from the centerline of said railroad, a total distance of 4,253.59 feet to a ½ inch iron rod set in the occupied northwest line of the said B.B.B. & C.R.R. Co. Survey, Abstract No. 111 for the northwest corner of the herein described tract;

THENCE North 42 deg. 22 min. 36 sec. East, along and with the said occupied northwest line, a total distance of 121.86 feet to the PLACE OF BEGINNING and containing 13.4763 acres of land;

EIGHTH TRACT: All of that certain 4.0800 acre of land located in the J.D. Cochran Survey, Abstract No. 123, said 4.0800 acre tract conveyed to Mobil Pipe Line Company from Mitchell and Mitchell for use as a station site for a 12" pipe line and being more particularly described by metes and bounds as follows, to-wit:

COMMENCING at a 4 inch iron pipe found in the occupied dividing line between the said J.D. Cochran Survey, A-123, and the Andrew J. Hensley Survey, Abstract No. 255, for a interior corner of the above described 2,253.2253 acre tract;

THENCE South 47 deg. 37 min. 18 sec. East, along a blazed, yellow painted line and fence, a total distance of 433.29 feet to a 4 inch round monument with a brass disc stamped "Mobil Pipe Line Company: found in an upper southwest line of the above described 2,253.2253 acre tract for the northwest corner and PLACE OF BEGINNING of the herein described tract of land;

THENCE North 44 deg. 38 min. 42 sec. East, a total distance of 475.40 feet to a ½ inch iron rod found for the north corner of the herein described tract from which a 4 inch round concrete monument with a brass disc stamped "Mobile Pipe Line Company" found bears South 88 deg. 19 min. 29 sec. West 0.71 feet;

THENCE South 49 deg. 09 min. 03 sec. East , a total distance of 370.80 feet to a ½ inch rod set for the east corner of the herein described tract from which a 4 inch round concrete monument with a brass disc stamped "Mobil Pipe Line Company" found bears North 62 deg. 22 min. 19 sec. West 0.62 feet;

THENCE South 44 deg. 38 min. 41 sec. West, a total distance of 485.30 feet to a 4 inch round concrete monument with a brass disc stamped "Mobil Pipe Line Company" found for the herein described tract;

THENCE North 47 deg. 37 min. 18 sec. West, along a blazed, yellow painted line and generally a fence, a total distance 370.28 feet to the PLACE OF BEGINNING and containing 4.0800 acres of land.

NINTH TRACT: All of that 43.0969 acre tract located in the J.D. Cochran Survey, Abstract No. 123, Montgomery County, Texas, also being all of that tract of land conveyed to the Diocese of Galveston-Houston by Marek Brothers Co. Per instrument

recorded under Film Code 032-00-0561, said 43.0969 acre tract being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at a 5" X 5" concrete monument found for the northwest corner of the said 43.0969 acre tract from which a 25 inch Red Oak found marked with two hacks above and one hack below a "X" bears North 48 deg. 19 min. West 38.88 feet;

THENCE North 41 deg. 42 min. 29 sec. East, along and with a blazed and yellow painted line, a total distance of 1,630.66 feet to a 5" X 5" concrete monument and a 3 inch iron pipe found in the westerly right-of-way line of the C.K.I. & P. & F.W. & D.R.R. for the northwest corner of the herein described tract;

THENCE South 24 deg. 12 min. 25 sec. East, along and with the said westerly right-of-way line of the said railroad, a total distance of 124.57 feet to a point for corner;

THENCE South 65 deg. 47 min. 35 sec. West, along and with an offset in the westerly right-of-way line of said railroad, a total distance of 25.00 feet to a point for corner;

THENCE South 24 deg. 12 min. 25 sec. East, along and with the said westerly right-of-way line of the said railroad, a total distance of 300.00 feet to a point for corner;

THENCE North 65 deg. 47 min. 35 sec. East, along and with an offset in the westerly right-of-way line of the said railroad, a total distance of 25.00 feet to a point for corner;

THENCE South 24 deg. 12 min. 25 sec. East, along and with the said westerly right-of-way line of the said railroad, a total distance of 1,000.00 feet to a point for corner;

THENCE South 65 deg. 47 min. 35 sec. West, along and with an offset in the westerly right-of-way line of the said railroad, a total distance of 50.00 feet to a point for corner;

THENCE South 24 deg. 12 min. 25 sec. East, along and with the westerly right-of-way line of the said railroad, a total distance of 458.70 feet to a ½ inch iron rod set for the southeast corner of the herein described tract of land;

THENCE South 42 deg. 12 min. 04 sec. West, along and with a blazed, blue painted line and fence, a total distance of 439.67 feet to a ½ inch iron rod set for a lower south corner of the herein described tract of land;

THENCE North 24 deg. 12 min. 25 sec. West, along a blazed, blue painted line and the lower westerly line of the said Diocese of Galveston-Houston tract, a total distance of 500.00 feet to a ½ inch iron rod set for an interior corner of the herein described tract of land;

THENCE South 42 deg. 11 min. 59 sec. West, along a blazed, blue painted line and a fence for the occupied upper southeast line of the said Diocese of Galveston-Houston, a total distance of 587.70 feet to a 5" X 5" concrete monument found for the upper south corner of the herein described tract of land;

THENCE North 47 deg. 58 min. 31 sec. West along a blazed yellow painted line and a fence along the occupied southwest line of the said Diocese of Galveston-Houston tract a total distance of 1233.64 feet to the PLACE OF BEGINNING and containing 43.0969 acres of land.

TENTH TRACT: All of that 26.3229 acre tract of land located in the J.D. Cochran Survey, Abstract No. 123, Montgomery County, Texas, being all of the C.R.I. & P. & F.W. & D.R.K. (Formerly the T. & D.V.R.R.) Right-of-way out of and a part of the above described 2,253.2253 acre tract, said 26.3229 acre tract of land being more particularly described by metes and bounds as follows, to-wit:

COMMENCING at a 4" x 4" concrete monument with a brass disc stamped "C.P. & F M-84" (found for a angle point in the southwest line of the said Cochran Survey, A123 the common occupied northerly corner of the John Foster Survey, Abstract No. 205, and the E.R. Hale Survey, Abstract No. 264, from which is 14 inch Red Oak found marked with one hack above and two hacks below a "X" bears North 45 deg. West 18.08 feet, a 22 inch Pine found marked with an "alligator" bears North 62 degrees East 22.50 feet, a Pine knot found bears South 07 deg. 41 min. 44 sec. East 0.79 Feet and another Pine knot found bears South 03 deg. 12 min. 39 sec. West 0.98 feet;

Marked with an "alligator" bears North 62 degrees East 22.50 feet, a Pine knot found bears South 07 deg. 41 min. 44 sec. East 0.79 Feet and another Pine knot found bears South 03 deg. 12 min. 39 sec. West 0.98 feet;

THENCE South 41 deg. 32 min. 47 sec. West, along a blazed and yellow painted line and northwesterly of a fence, at 446.10 feet to a ½ inch iron rod set in the easterly right-of-way line of the said railroad for the southeasterly corner and PLACE OF BEGINNING of the herein described tract of land;

THENCE South 41 deg. 32 min. 47 sec. West, continuing along a blazed and yellow painted line and northwesterly of a fence, a total distance of 109.67 feet to ½ inch iron rod set for the southwesterly corner of the herein described tract of land;

THENCE North 24 deg. 12 min. 25 sec. West, along and with the westerly right-of-way line of the said railroad, based on a width of 100.00 feet, a total distance of 908.52 feet to a ½ inch iron rod set for a corner;

THENCE South 65 deg. 47 min. 35 sec. West, along and with an offset in the Westerly right-of-way line of the said railroad, a total distance of 50.00 feet to a ½ inch iron rod set for a corner;

THENCE North 24 deg. 12 min. 25 sec. West, along and with the westerly right-of-way line of the said railroad, based on a width of 200.00 feet, a total distance of 1,700.00 feet to a ½ inch iron rod set for a corner;



THENCE North 65 deg. 47 min. 35 sec. East, along and with an offset in the westerly right-of-way line of the said railroad, a total distance of 50.00 feet to a ½ inch iron rod set for a corner;

THENCE North 24 deg. 12 min. 25 sec. West, along and with the westerly right-of-way line of the said railroad, based on a width of 100.00 feet, a total distance of 1001.00 feet to a ½ inch iron rod set for a corner;

THENCE South 65 deg. 47 min. 35 sec. West, along and with an offset in the westerly right-of-way line of the said railroad, a total distance of 50.00 feet to a ½ inch iron rod set for a corner;

THENCE, North 24 deg. 12 min. 25 sec. West, along and with the westerly right-of-way line of the said railroad, based on a width of 200.00 feet at 1042.30 feet pass a ½ inch iron rod set for the southeastern corner of the Diocese of Galveston-Houston 43.0969 acre tract of land, in all a total distance of 1501.00 feet to a point for a corner;

THENCE North 65 deg. 47 min. 35 sec. East, along and with an offset in the westerly right-of-way line of the said railroad, a total distance of 50.00 feet to a point for a corner;

THENCE North 24 deg. 12 min. 25 sec. West, along and with the westerly right-of-way line of the said railroad, based on a width of 100.00 feet, a total distance of 1000.00 feet to point for a corner;

THENCE South 65 deg. 47 min. 35 sec. West, along and with an offset in the westerly right-of-way line of the said railroad, a total distance of 25.00 feet to point for a corner;

THENCE North 24 deg. 12 min. 25 sec. West, along and with the westerly right-of-way line of the said railroad based on a width of 150.00 feet, a total distance of 300.00 feet to a point for a corner;

THENCE North 65 deg. 47 min. 35 sec. East, along and with an offset in the westerly right-of-way line of the said railroad, a total distance of 25.00 feet to a point for a corner;

THENCE North 24 deg. 12 min. 25 sec. West, along and with the westerly right-of-way line of the said railroad, at 124.57 feet pass a 5"x 5" concrete monument and a 3 inch iron pipe found on line for the northeasterly corner of the said 43.0969 acre tract, in all a total distance for 400.00 feet to ½ inch iron rod set for a corner;

THENCE South 65 deg. 47 min. 35 sec. West, along and with the westerly right-of-way line of the said railroad, a total distance of 100.00 feet to a ½ inch iron rod set for a corner;

THENCE North 24 deg. 12 min. 25 sec. West, along and with the westerly right-of-way line of the said railroad, based on a width of 300.00 feet, in all a total distance of 750.74

feet to a point in the centerline of Mill Creek for the northwest corner of the herein described tract;

THENCE downstream along the centerline of said creek with the following meanders:

South 83 deg. 02 min. 24 sec. East 3.23 feet;  
South 45 deg. 03 min. 10 sec. East 89.19 feet;  
South 50 deg. 09 min. 30 sec. East 214.25 feet;  
South 03 deg. 30 min. 21 sec. East 54.82 feet;  
South 20 deg. 02 min. 16 sec. East 37.70 feet;  
North 88 deg. 19 min. 17 sec. East 44.39 feet;  
North 35 deg. 38 min. 35 sec. East 27.30 feet;  
North 65 deg. 08 min. 14 sec. East 24.55 feet;  
South 44 deg. 23 min. 51 sec. East 36.02 feet;  
North 81 deg. 44 min. 46 sec. East 20.62 feet;  
North 84 deg. 26 min. 11 sec. East 29.33 feet;  
South 36 deg. 39 min. 46 sec. East 24.03 feet;  
South 78 deg. 58 min. 07 sec. East 39.20 feet;

North 86 deg. 04 min. 59 sec. East 5.73 feet to a point in the easterly right-of-way line of the said railroad for the northeasterly corner of the herein described tract;

THENCE South 24 deg. 12 min. 25 sec. East, along and with the easterly right-of-way line of the said railroad, a total distance of 261.27 feet to a ½ inch iron set for a corner;

THENCE South 65 deg. 47 min. 35 sec. West, along and with an offset in the easterly right-of-way line of the said railroad a total distance of 100.00 feet to a ½ inch iron rod set for a corner;

THENCE South 24 deg., 12 min. 25 sec. East, along and with the easterly right-of-way line of the said railroad, a total distance of 400.00 feet to ½ inch iron rod set for a corner;

THENCE North 65 deg. 47 min. 35 sec. East, along and with an offset in the easterly right-of-way line of the said railroad, a total distance of 25.00 feet to a ½ inch iron rod set for a corner;

THENCE South 24 deg. 12 min. 25 sec. East, along and with the easterly right-of-way line of the said railroad, a total distance of 300.00 feet to a ½ inch iron rod set for a corner;

THENCE South 65 deg. 47 min. 35 sec. West, along and with an offset in the easterly line of the said railroad, a total distance of 25.00 feet to a ½ inch iron rod set for a corner;

THENCE South 24 deg. 12 min. 25 sec. East, along and with the easterly right-of-way line of the said railroad, a total distance of 1,000.00 feet to ½ inch iron rod set for a corner;

THENCE North 65 deg. 47 min. 35 sec. East, along and with an offset in the easterly right-of-way line of said railroad, a total distance of 50.00 feet to a ½ inch iron rod set for a corner;

THENCE South 24 deg. 12 min. 25 sec. East, along and with the easterly right-of-way line of the said railroad, a total distance of 1,501.00 feet to a ½ inch iron rod set for a corner;

THENCE South 65 deg. 47 min. 35 sec. West, along and with an offset in the easterly right-of-way line of the said railroad, a total distance of 50.00 feet to a ½ inch iron rod set for a corner;

THENCE South 24 deg. 12 min. 25 sec. East, along and with the easterly right-of-way line of the said railroad, a total distance of 1,001.00 feet to a ½ inch iron rod set for a corner;

THENCE North 65 deg. 47 min. 35 sec. East, along and with an offset in the easterly right-of-way line of the said railroad a distance of 50.00 feet to a ½ inch iron rod set for a corner;

THENCE South 24 deg. 12 min. 25 sec. East, along and with the easterly right-of-way line of the said railroad, a total distance of 1,700.00 feet to a ½ inch iron rod set for a corner;

THENCE South 65 deg. 47 min. 35 sec. West, along and with an offset in the easterly right-of-way line of said railroad, a total distance of 50.00 feet to a ½ inch iron rod set for a corner;

THENCE South 24 deg. 12 min. 25 sec. East, along and with the easterly right-of-way line of the said railroad a total distance of 863.48 feet to the PLACE OF BEGINNING and containing 26.3229 acres of land leaving a NET TOTAL AREA of 2,253.2253 acres of land.

#### 0.4104 Acre Tract Cripple Creek Farms

All of that certain 0.4104 acre tract of land located in the E.R. Hale Survey Abstract No. 264, Montgomery County, Texas, also being a part of Tract No. 24, Section 3, Cripple Creek Farms Subdivision, and also being a part of 124 acre tract of land conveyed by D.W.R. Land Corp. To Cripple Creek Farms, Inc. By deed recorded in Volume 539 on Page 337 of the Deed Records of Montgomery County, Texas, said 0.4104 acre tract of land being more particularly by metes and bounds as follows, to wit:

BEGINNING at a ½ inch iron rod set in the dividing line between Tracts 24 and 25 at it's intersection with the southwest right-of-way line of the Missouri Pacific Railroad, based on a width of 250.00 feet for the northwest corner of the herein described tract from which a 4" x 4" concrete monument bears north 03 deg. 22 min. 37 sec. West 60.33 feet;

THENCE South 59 deg. 20 min. 49 sec. East, along and with the southwest right-of-way line of the said railroad, a total distance of 73.06 feet to a ½ inch iron rod set for the northeast corner of the herein described tract;

THENCE South 03 deg. 22 min. 37 sec. East, along a fence, a total distance of 275.95 feet to a ½ inch iron rod found in the northeast right-of-way of Cripple Creek Drive for the southeast corner of the herein described tract, from which an 8 inch post found bears North 03 deg. 30 min. 52 sec. west 7.77 feet;

THENCE North 59 deg. 53 min. 11 sec. West, along and with the northeast right-of-way line of said Cripple Creek Drive, a total distance of 72.6 feet to a ½ inch iron found for the southwest corner of the herein described tract, from which a 4" x 4" concrete monument found bears North 09 deg. 26 min. 22 sec. West 0.76 feet;

THENCE North 03 deg. 22 min. 37 sec. West, along a fence, a total distance of 276.77 feet in the PLACE OF BEGINNING and containing 0.4104 acres of land.

Tracts 5 – 6 Oakcrest Description

All of that certain 6.0177 acre tract of land located in the John Raimon Survey, Abstract No. 472, Montgomery County, Texas also being all of tracts 5 and 6, Oakcrest Subdivision, an unrecorded subdivision out of and a part of a tract of land conveyed to M.E. Lunda by Hallie Guthrie et al per instrument dated June 27, 1978 and recorded in volume 1075 on Page 644 in the Deed Records of Montgomery County, Texas, said 6.0177 acre tract, being more particularly described by metes and bounds as follows, to wit:

COMMENCING at a 5/8 inch iron rod with an aluminum cap found in the northwest line of the B.B.B. & C.R.R. Co. Survey, Abstract No. 111, at its intersection with the westerly right-of-way line of Wright Road for the East corner of the said subdivision;

THENCE South 42 deg. 22 min. 36 sec. West, along and with the said northwest line of the B.B.B. & C.R.R. Co. Survey, A-111, a total distance of 1962.45 feet to a point for the east corner of said tract 6 and the PLACE OF BEGINNING of the herein described tract, said point is also in the south line of Coe Road, a 60 feet wide road easement recorded in File NO. 8127609 of the Real Property Records of Montgomery County, Texas, said point for the corner is also the south corner of tract 7 now or formerly owned by James & Jamie Morris per instrument of record in the Real Property Records under Film Code No. 207-00-13 80;

THENCE South 42 deg. 22 min. 36 sec. West, continuing along and with the said northwest line, same being the southeast line of said Oakcrest Subdivision, a total distance of 413.43 feet to a point for the south corner of the said tract 5, the east corner of tract 4 and the south corner of the herein described tract;

THENCE North 47 deg. 36 min. 53 sec. West, along and with the northeast line of said tract 4, at 60.00 past a 5/8 inch iron rod found on line and in the northwest right-of-way line of the said Coe Road, in all a total distance of 634.20 feet to a 5/8 inch iron rod found in the southeast line of Cripple Creek Farms West Subdivision for the West corner of said Tract 5 and the North corner of said tract 4;

THENCE North 42 deg. 32 min. 46 sec. East, along and with the southeast line of Cripple Creek Farms West Subdivision, a total distance of 414.02 feet to a 5/8 inch iron rod found for the north corner of the said tract 6 and the west corner of said tract 7;

THENCE South 47 deg. 33 min. 41 sec. East, along and with the southwest line of tract 7, at 572.97 feet pass a 5/8 inch iron set in the northwest right-of-way line of Coe Road, in all a total distance of 632.97 feet to the PLACE OF BEGINNING and containing 6.0177 acres of land.

ADDITIONAL SAVE AND EXCEPT

Being 1295.994 acres of land located in the B.B.B. & C.R.R. Co. Survey, Abstract 110, the B.B.B. & C.R.R. Co. Survey, Abstract 111, the J.D. Cochran Survey, Abstract 123 and the E.R. Hale Survey, Abstract 264, Montgomery County, Texas, more particularly being a portion of that certain called 2253.2253 acre tract described as Tract 1, conveyed to Richfield Investment Corporation by instrument of record under File No. 9869221, Public Records of Real Property, Montgomery County, Texas (M.C.P.R.R.P.), said 1295.994 acres being more particularly described by metes and bounds as follows (all bearings referenced to said 2253.2253 acre tract);

BEGINNING at the most southerly southwest corner of aforementioned 2253.2253 acres, same being on the northeasterly right-of-way line of State Highway 249 (SH 249) width varies;

THENCE, with the common line of said 2253.2253 acres and SH 249, the following five (5) courses:

- 1) North 30° 33' 12" West, 1730.93 feet to a point for corner;
- 2) North 14° 26' 48" East, 77.78 feet to a point for corner;
- 3) North 30° 33' 12" West, 120.00 feet to a point for corner;
- 4) North 75° 33' 12" West, 78.84 feet to a point for corner;
- 5) North 30° 33' 12" West, 3378.84 feet to a point for corner on the northwesterly line of aforementioned B.B.B. & C.R.R. Co. Survey, Abstract 111 and the southeasterly line of the John Raimon Survey, Abstract 472, same being a westerly corner of said 2253.2253 acres;

THENCE, leaving said northeasterly right-of-way line, with a northwesterly line of said 2253.2253 acres and with the northwesterly line of said B.B.B. & C.R.R. Co. Survey, Abstract 111 and the southeasterly line of said John Raimon Survey and the Henry Studz Survey, Abstract 513, Montgomery County, Texas, North 42° 22' 36" East, 565.69 feet to a point for corner at the most westerly corner of said B.B.B. & C.R.R. Co. Survey, Abstract 110 and the most westerly north corner of said B.B.B. & C.R.R. Co. Survey, Abstract 111;

THENCE, continuing with a northwesterly line of said 2253.2253 acres and with the common line of said B.B.B. & C.R.R. Co. Survey, Abstract 111 and said Henry Studz Survey, North 42° 14' 38" East, 1977.17 feet to a point for corner on the southwesterly line of aforementioned J.D. Cochran Survey, same being a re-entrant corner on the westerly line of said 2253.2253 acres, the east corner of said Henry Studz Survey and the north corner of said B.B.B. & C.R.R. Co. Survey, Abstract 110;

THENCE, with the common southwesterly line of said 2253.2253 acres and said J.D. Cochran Survey, North 47° 39' 45" West, 2329.58 feet to a point for corner;

THENCE, leaving the southwesterly line of said J.D. Cochran survey, with a westerly line of said 2253.2253 acres, North 22° 08' 07" East, 273.34 feet to a point for corner;

THENCE, with a southwesterly line of that 2253.2253 acres, North 47° 37' 18" West, 85.96 feet to a point for corner, same being the south corner of that certain called 4.0800 acre save & except tract, described as "Eighth Tract", under File No. 9869221 of said M.C.P.R.R.P.;

THENCE, with the southeasterly, northeasterly and northwesterly line of said 4.0800 acres the following three (3) courses:

- 1) North 44° 38' 41" East, 485.30 feet to a point for corner;
- 2) North 49° 09' 03" West, 370.80 feet to a point for corner;
- 3) South 44° 38' 42" West, 475.40 feet to a point for corner on a southwesterly line of said 2253.2253 acres and being the west corner of said 4.0800 acres;

THENCE, with said southwesterly line, North 47° 37' 18" West, 25.00 feet, more or less, to a point for corner on the centerline of The Superior Oil Company pipeline, an undefined right-of-way agreement being of record in Volume 271, Page 121, Deed Records, Montgomery County, Texas (M.C.D.R.);

THENCE, leaving said southwesterly line with the centerline of said The Superior Oil Company pipeline, the following eight (8) courses:

- 1) North 44° 34' 39" East 736.16 feet to a point for corner;
- 2) North 44° 52' 56" East, 1038.47 feet to a point for corner;
- 3) North 44° 10' 27" East, 494.99 feet to a point for corner;
- 4) North 42° 48' 40" East, 1020.09 feet to a point for corner;

- 5) North 41° 02' 20" East, 705.64 feet to a point for corner;
- 6) North 41° 16' 52" East, 919.78 feet to a point for corner;
- 7) North 41° 34' 29" East, 189.21 feet to a point for corner;
- 8) North 41° 15' 36" East, 462.69 feet to a point for corner on the centerline of Mill Creek, same being on the northerly line of aforementioned 2253.2253 acres;

THENCE, leaving the centerline of said The Superior Oil Company pipeline, with the centerline meanders of Mill Creek, same being north line of said 2253.2253 acres, the following thirty-one (31) courses:

- 1) South 58° 09' 25" East, 18.91 feet to a point for corner;
- 2) North 75° 25' 05" East, 44.23 feet to a point for corner;
- 3) North 76° 29' 06" East, 46.94 feet to a point for corner;
- 4) South 80° 42' 55" East, 64.72 feet to a point for corner;
- 5) South 86° 50' 45" East, 60.53 feet to a point for corner;
- 6) North 36° 39' 15" East, 73.15 feet to a point for corner;
- 7) North 18° 33' 02" West, 57.31 feet to a point for corner;
- 8) North 18° 45' 50" East, 83.26 feet to a point for corner;
- 9) North 27° 55' 55" East, 34.76 feet to a point for corner;
- 10) South 85° 18' 17" East, 34.54 feet to a point for corner;
- 11) South 29° 46' 38" East, 30.04 feet to a point for corner;
- 12) South 17° 21' 13" East, 55.65 feet to a point for corner;
- 13) South 02° 17' 41" West, 19.33 feet to a point for corner;
- 14) South 25° 27' 35" West, 31.69 feet to a point for corner;
- 15) South 36° 58' 17" East, 29.30 feet to a point for corner;
- 16) North 66° 24' 25" East, 27.50 feet to a point for corner;
- 17) North 30° 38' 53" East, 68.33 feet to a point for corner;
- 18) North 66° 53' 07" East, 42.01 feet to a point for corner;
- 19) South 69° 35' 09" East, 51.93 feet to a point for corner;
- 20) South 83° 58' 20" East, 33.40 feet to a point for corner;
- 21) South 57° 01' 02" East, 20.46 feet to a point for corner;
- 22) South 55° 56' 01" East, 45.88 feet to a point for corner;
- 23) South 52° 24' 02" East, 35.24 feet to a point for corner;
- 24) North 85° 55' 25" East, 35.59 feet to a point for corner;
- 25) North 73° 28' 31" East, 45.24 feet to a point for corner;
- 26) North 53° 54' 24" East, 41.78 feet to a point for corner;
- 27) North 15° 19' 11" West, 36.63 feet to a point for corner;
- 28) North 39° 16' 38" West, 61.69 feet to a point for corner;
- 29) North 22° 42' 12" West, 26.40 feet to a point for corner;
- 30) North 71° 43' 49" East, 98.69 feet to a point for corner;
- 31) South 83° 02' 24" East, 171.41 feet to a point for corner on the westerly right-of-way line of the C.R.I. & P. & F.W. & D. Railroad (Formerly T. & B.V. Railroad); same being the northwest corner of that certain called 26.3229 acre save & except tract, described as "Tenth Tract" under File No. 9869221 of said M.C.P.R.R.P.;

THENCE, leaving said centerline of Mill Creek and the northerly line of said 2253.2253 acre, with the common westerly line of said C.R.I. & P. & F.W. & D.R.R. right-of-way and said 26.3229 acres, the following three (3) courses:

- 1) South 24° 12' 25" East, 750.74 feet to a point for corner;
- 2) North 65° 47' 35" East, 100.00 feet to a point for corner;
- 3) South 24° 12' 25" East, 275.43 feet to a point for corner, same being the north corner of that certain 43.0969 acre save & except tract, described as "Ninth Tract: under File No. 9869221 of said M.C.P.R.R.P.;

THENCE, leaving said commonly westerly line with the northwesterly, southwesterly and southeasterly lines of said 43.0969 acres, the following five (5) courses:

- 1) South 41° 42' 29" West, 1630.66 feet to a point for corner;
- 2) South 47° 58' 31" East, 1233.64 feet to a point for corner;
- 3) North 42° 11' 59" East, 587.70 feet to a point for corner;
- 4) South 24° 12' 25" East, 500.00 feet to a point for corner;
- 5) North 42° 12' 04" East, 439.67 feet to a point for corner on the aforementioned common westerly line of said C.R.I. & P. & F.W. & D.R.R. right-of-way and said 26.3229 acres;

THENCE, with said common westerly line, the following seven (7) courses:

- 1) South 24° 12' 25" East, 1042.30 feet to a point for corner;
- 2) North 65° 47' 35" East, 50.00 feet to a point for corner;
- 3) South 24° 12' 25" East, 1001.00 feet to a point for corner;
- 4) South 65° 47' 35" West, 50.00 feet to a point for corner;
- 5) South 24° 12' 25" East, 1700.00 feet to a point for corner;
- 6) North 65° 47' 35" East, 50.00 feet to a point for corner;
- 7) South 24° 12' 25" East, 908.52 feet to a point for corner on the common line of aforementioned J.D. Cochran Survey and E.R. Hale Survey, also being on a southeasterly line of aforementioned 2253.2253 acres;

THENCE, with said common survey line and said southeasterly line, South 41° 32' 47" West, 2078.69 feet to a point for corner;

THENCE, leaving said common survey line, with an easterly line of said 2253.2253 acres, South 01° 42' 53" East, 3031.06 feet to a point on the northeasterly right-of-way line of the Missouri Pacific Railroad;

THENCE, with the common line of said northeasterly right-of-way and 2253.2253 acres, the following five (5) courses:

- 1) North 59° 20' 49" West, 1772.25 feet to a point for corner;
- 2) North 30° 39' 11" East, 50.00 feet to a point for corner;
- 3) North 59° 20' 49" West, 304.65 feet to a point for corner;



- 4) South 02° 49' 09" East, 59.94 feet to a point for corner;
- 5) North 59° 20' 49" West, 775.63 feet to a point for corner on the common line of aforementioned B.B.B. & C.R.R. Co. Survey, Abstract 110 and said E.R. Hale Survey, same being a re-entrant corner in the southerly line of said 2253.2253 acres;

THENCE, leaving said northwesterly right-of-way line, with said common survey line and an easterly line of said 2253.2253 acres, South 02° 40' 02" East, 2866.38 feet to a point for corner;

THENCE, leaving said common survey line, with the south line of said 2253.2253 acres, South 87° 10' 15" West, 1370.95 feet to the POINT OF BEGINNING and containing a GROSS AREA OF 1309.470 acres of land, SAVE AND EXCEPT, however the following described 13.476 acre tract of land.

Tract

Being 13.476 acres of land located in the B.B.B. & C.R.R. Co. Survey, Abstract 110 and the B.B.B. & C.R.R. Co. Survey, Abstract 111, more particularly being all of that certain called 13.4763 acre save and except tract, described as "Seventh Tract" under File No. 9869221 of said M.C.P.R.R.P.;

BEGINNING at the most westerly corner of said B.B.B. & C.R.R. Co. Survey, Abstract 110 and the most westerly north corner of said B.B.B. & C.R.R. Co. Survey, Abstract 111, same being on the southeasterly line of aforementioned Henry Studz Survey;

THENCE, with the common line of said B.B.B. & C.R.R. Survey, Abstract 110 and said Henry Studz survey, North 42° 14' 38" East, 21.11 feet to a point for corner on the northeasterly line of the Missouri Pacific Railroad right-of-way;

THENCE, leaving said common survey line, with said northeasterly right-of-way line, South 59° 20' 49" East, 4132.55 feet to a point for corner on the common line of said B.B.B. & C.R.R. Co. Survey, Abstract 110 and aforementioned E.R. Hale Survey, same being on an east line of said 2253.2253 acres from which a re-entrant corner on the south line of said 2253.2253 acres bears North 02° 40' 02" West, 5.98 feet;

THENCE, leaving said northeasterly right-of-way line, with said common survey line and said east line, South 02° 40' 02" East, 167.54 feet to a point for corner on the southwesterly right-of-way line of said Missouri Pacific Railroad;

THENCE, leaving said common survey line and said east line with said southwesterly right-of-way line, North 59° 20' 49" West, 4253.59 feet to a point for corner on the common line of aforementioned B.B.B. & C.R.R. Co. Survey, Abstract 111 and said Henry Studz Survey;

THENCE, leaving said southwesterly right-of-way line, with said common survey line,  
North 42° 22' 36" East, 121.86 feet to the POINT OF BEGINNING and containing  
13.476 acres of land leaving a NET TOTAL AREA of 1295.994 acres of land.

ANY PROMISE HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL  
PROPERTY BECAUSE OF COLOR OR RACE IS VOID AND UNENFORCEABLE UNDER FEDERAL LAW  
THE STATE OF TEXAS  
COUNTY OF HARRIS  
I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time  
stamped herein by me, and was duly RECORDED in the Official Public Records of Real Property of Harris  
County, Texas on

JAN 31 2003



*Dorely L. Kayfman*  
COUNTY CLERK  
HARRIS COUNTY, TEXAS

JAN 31 PM 1:53  
HARRIS COUNTY CLERK  
HARRIS COUNTY, TEXAS

45272427.3

✓  
FOR RECORDING RETURN TO:  
GELITY NATIONAL TITLE  
1900 WEST LOOP SOUTH #1444  
HOUSTON, TX 77027  
GF # *182993-MMC*  
(*NO OTP*)