

WATERLINE RIGHT-OF-WAY EASEMENT

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

Grantor:
 HARRIS COUNTY FLOOD CONTROL DISTRICT, a political subdivision of
 the State of Texas

Grantor's Mailing Address:
 9900 Northwest Freeway, Houston, Texas 77092

Grantee:
 HARRIS COUNTY MUNICIPAL UTILITY DISTRICT No. 558, a political
 subdivision of the State of Texas

Grantee's Mailing Address:
 c/o Allen Boone Humphries Robinson LLP
 3200 Southwest Freeway, Suite 2600, Houston, Texas 77027

Consideration:
 ONE THOUSAND ONE HUNDRED EIGHT AND NO/100 DOLLARS (\$1,108.00) and
 other good and valuable consideration, the receipt and sufficiency of which are hereby
 acknowledged and confessed by Grantor.

Easement Area Granted:

 All of that certain tract or parcel of land in Harris County, Texas, being more particularly
 described in the attached Exhibit A and Exhibit B.

Easement Purpose:

 A perpetual, non-exclusive easement for one (1) pipeline not to exceed twenty (20)
 inches in diameter for water line purposes ("**Water Line Easement**"), subject to the terms and
 provisions hereinafter set forth over, across, along, under and upon the Easement Area.

Reservations:

GRANTOR expressly reserves unto itself and GRANTOR's successors and assigns, the right to use and enjoy the land covered by the Easement Area for any purpose so long as said use and enjoyment does not unreasonably interfere with the rights hereby granted to GRANTEE. GRANTOR reserves the right: (i) to grant additional easements and rights-of-ways across (but not along) the Easement Area to such other persons or entities and for such purposes as GRANTOR may desire, including the right to dedicate private and public roads across (but not along) the Easement Area; (ii) to construct or locate upon or across the surface of the Easement Area landscaping (but not trees), irrigation systems, paved parking areas together with associated curbs, fences, private lighting, private electrical lines, jogging trails, sidewalks, and signage; and (iii) to construct or locate across (but not along) the Easement Area public and private roads and streets, underground water mains, storm water lines, sanitary sewer lines, and other utilities. The uses of and improvements permitted on the Easement Area, as specified in clauses (i) through (iii) above or as otherwise approved pursuant to the terms of this Waterline Right-of-Way Easement, are referred to herein as the "**Permitted Encroachments**".

GRANTOR shall grant, dedicate, or construct the Permitted Encroachments on the Easement Area only in such a manner that: GRANTEE's waterline is not endangered, obstructed, damaged, or interfered with; GRANTEE's access to the Easement Area is not interfered with; the grade of the Easement Area is not changed and cover over the waterline is not reduced below forty- eight (48) inches; GRANTEE's waterline is left with proper, sufficient, and permanent support; and any easements, rights-of-way, road or street dedications, roads, streets, water mains, storm sewer lines, sanitary sewer lines and other utilities shall cross the Easement Area at an angle not less than seventy-five (75) degrees, nor more than one-hundred-five (105) degrees to GRANTEE's waterline. Further, in connection with the design and installation of any Permitted Encroachments, vertical and horizontal separation shall be maintained between the Permitted Encroachments and GRANTEE's waterline as may be prescribed by law or good engineering practices, but in no event shall any Permitted Encroachment be constructed or installed so as to have separation of less than twenty-four (24) inches from the water line; provided, however, that with respect to roads, streets, and paved parking areas, there shall be maintained separation of not less than forty-eight (48) inches between the bottom of the road, street, or paved parking area and the top of the waterline. Within a reasonable time following completion of construction and thereafter following each entry upon the Easement Area for the purposes authorized herein, GRANTOR shall, to the same extent reasonably practicable: (i) repair all damage to Permitted Encroachments directly caused by its activities and promptly restore the surface of the Easement Area to a condition the same as or better than immediately preceding installation of the water line; and (ii) clean-up and restore the surface of the Easement Area to the condition that existed immediately prior to or better than the condition that existed immediately prior to such entry and activities on the Easement Area by the GRANTOR.

Exceptions to Conveyance and Warranty:

This conveyance is made by GRANTOR and accepted by GRANTEE subject to all valid and subsisting encumbrances, conditions, covenants, restrictions, reservations, exceptions, rights-of-way, leases and easements of record in Harris County, Texas, including building and zoning ordinances, all laws, regulations and restrictions by municipal or other government authorities, if any, applicable to and enforceable against the GRANTEE and such other matters as may be apparent to GRANTEE from an inspection of the Easement Area.

GRANTEE shall have access across, under and upon the Easement Area, and may enter such Easement Area to engage in such activities, as may be necessary, requisite, convenient or appropriate in connection with the purposes for which the Water Line Easement is granted. GRANTEE'S rights in and to the Easement Area shall include, without limitation, the right to

bring and operate such equipment thereupon as may be necessary or appropriate to effectuate the purposes for which the Water Line Easement in and to the Easement Area is granted. Any and all plans and specifications for any such use and/or improvements to be constructed upon the Easement Area by GRANTEE will be submitted to and approved by GRANTOR prior to the initiation of any such use or construction.

Within a reasonable time following completion of construction and thereafter following each entry upon the Easement Area for the purposes authorized herein, GRANTEE shall, to the same extent reasonably practicable: (i) repair all damage to Permitted Encroachments directly caused by its activities and promptly restore the surface of the Easement Area to a condition the same as or better than immediately preceding installation of the water line; and (ii) clean-up and restore the surface of the Easement Area to the condition that existed immediately prior to or better than the condition that existed immediately prior to such entry and activities on the Easement Area by the GRANTEE. Nothing contained herein is intended to circumvent or relieve GRANTEE of any existing permitting or approval requirements of Harris County or any other governing agency with jurisdiction.

GRANTOR for the consideration, and subject to Texas Local Government Code Section 272.001(1) and all other applicable law and subject to the reservations from and exceptions to conveyance and warranty described herein, GRANTS, and CONVEYS to GRANTEE, the above-described Water Line Easement, together with all and singular the rights and appurtenances thereto in anywise belonging, to have and to hold unto GRANTEE, its successors and assigns forever. GRANTOR hereby binds itself, its successors and assigns to warrant and forever defend all and singular said Water Line Easement, subject to the exceptions to and reservations from warranty and conveyance set out above, to GRANTEE, its 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.

The Water Line Easement herein conveyed is an underground easement, and it is expressly agreed and provided that Grantee shall not have the right to make use of the surface of the Easement Area other than for appurtenances that are related to the Water Line Easement and are necessary, requisite, convenient or appropriate in connection with the purposes for which this Water Line Easement is granted, with the prior written consent of Grantor. In the event the Grantor shall construct a pedestrian trail on or across the easement area, and the trail conflicts with or endangers the integrity of the water line, the cost of any reasonable relocation or encroachment of the line shall be borne by the Grantee, its successors or assigns.

Should the waterline easement fail to be used by Grantee, its successors or assigns, for the purpose herein granted, for a period of twenty-four (24) months or longer, the waterline easement shall at their option revert to Grantor, its successors or assigns.

GRANTOR makes no representation, warranty, or guarantee with respect to the condition of the Easement Area. GRANTEE accepts the Easement Area "as is, where is and with all faults".

GRANTEE agrees to comply at all times, and at its sole cost, with all applicable federal, state and local laws, rules, regulations and safety standards in connection with GRANTEE'S

activities hereunder, including, without limitation, the construction, use, operation, maintenance, repair, removal, and service of the water line.

[Signature pages to follow]

EXHIBIT A

LEGAL DESCRIPTION AND SURVEY

Exhibit A – Description of the Easement Area

June 1, 2022
Job No. 2025-0026

DESCRIPTION OF 0.4070 ACRE 20 FEET WIDE WATERLINE EASEMENT

Being 0.4070 acre (17,731 square feet) of land located in the Samuel Young Survey, Abstract 942, and the Thomas J. Nichols Survey, Abstract 606, Harris County, Texas, more particularly being a portion of that certain called 106.8648 acre tract described in the deed to Harris County Flood Control District by an instrument of record in File Number RP-2016-213637, in the Official Public Records of Real Property of Harris County, Texas (H.C.O.P.R.R.P.), and that certain called 4.3274 acre tract described in the deed to Harris County Flood Control District by an instrument of record in File Number RP-2020-568818, H.C.O.P.R.R.P., said 0.4070 acre tract being more particularly described by metes and bounds as follows (all bearings referenced to the Texas Coordinate System, South Central Zone, NAD83 (NA2011) Epoch 2010.00);

COMMENCING for reference at a 5/8-inch iron rod found marking the southwest corner of said 106.8648 acre tract, same being the northwest corner of Tealpointe Lake Estates, a subdivision of record under Film Code Number 687076, of the Map Records of Harris County, Texas, (H.C.M.R.), said point lying on the east line of that certain called 5.0221 acre tract, described in the deed to Evaristo Ortiz-Vargas and Marilu Robledo-Briceno Ortiz, by an instrument of record in File Number 20130106465, H.C.O.P.R.R.P.;

Thence, North 02° 37' 22" West, along the west line of said 106.8648 acre tract and the east line of said 5.0221 acre tract, 100.00 feet, to the southwest corner and POINT OF BEGINNING of the herein described tract;

Thence, North 02° 37' 22" West, continuing along said common line, the east line of that certain called 1.714 acre tract, described in the deed to Juan and Rose Perez, by an instrument of record under File Number T895126, H.C.O.P.R.R.P., the east line of that certain called 1.500 acre tract described in the deed to Brenda M. Phillips, by an instrument of record under File Number X585758, H.C.O.P.R.R.P., at 836.55 feet passing the northwest corner of said

0.4070 Acre

June 1, 2022
Job No. 2025-0026

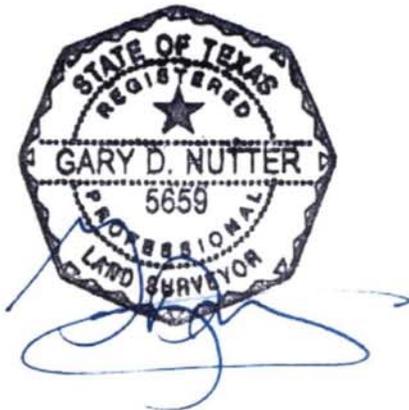
106.8648 acre tract and the northeast corner of said 1.500 acre tract, said point lying on the south line of the aforementioned 4.3274 acre tract, from which a 1/2-inch iron rod with cap bears North 02° 46' 35" West, 0.69 feet, and a 5/8-inch iron rod bears South 02° 49' 04" East, 1.84 feet, continuing in all a total distance of 886.55 feet to a point for corner on the north line of said 4.3274 acre tract and the south line of that certain called 3.196 acre tract described in the deed to M/I Homes of Houston, LLC, and JDS FM 2920, LLC, by an instrument of record in File Numbers RP-2021-106662 and RP-2021-106664, H.C.O.P.R.R.P., the beginning of a curve;

Thence, 20.00 feet along the north line of said 4.3274 acre tract, the south line of said 3.196 acre tract, and the arc of a non-tangent curve to the right, having a radius of 525.00 feet, a central angle of 02° 10' 59", and a chord which bears North 88° 19' 28" East, 20.00 feet to a point for corner;

Thence, South 02° 37' 22" East, departing said common line, 886.41 feet to a point for corner;

Thence, South 02° 55' 27" West, 20.00 feet to the POINT OF BEGINNING and containing 0.4070 acre of land.

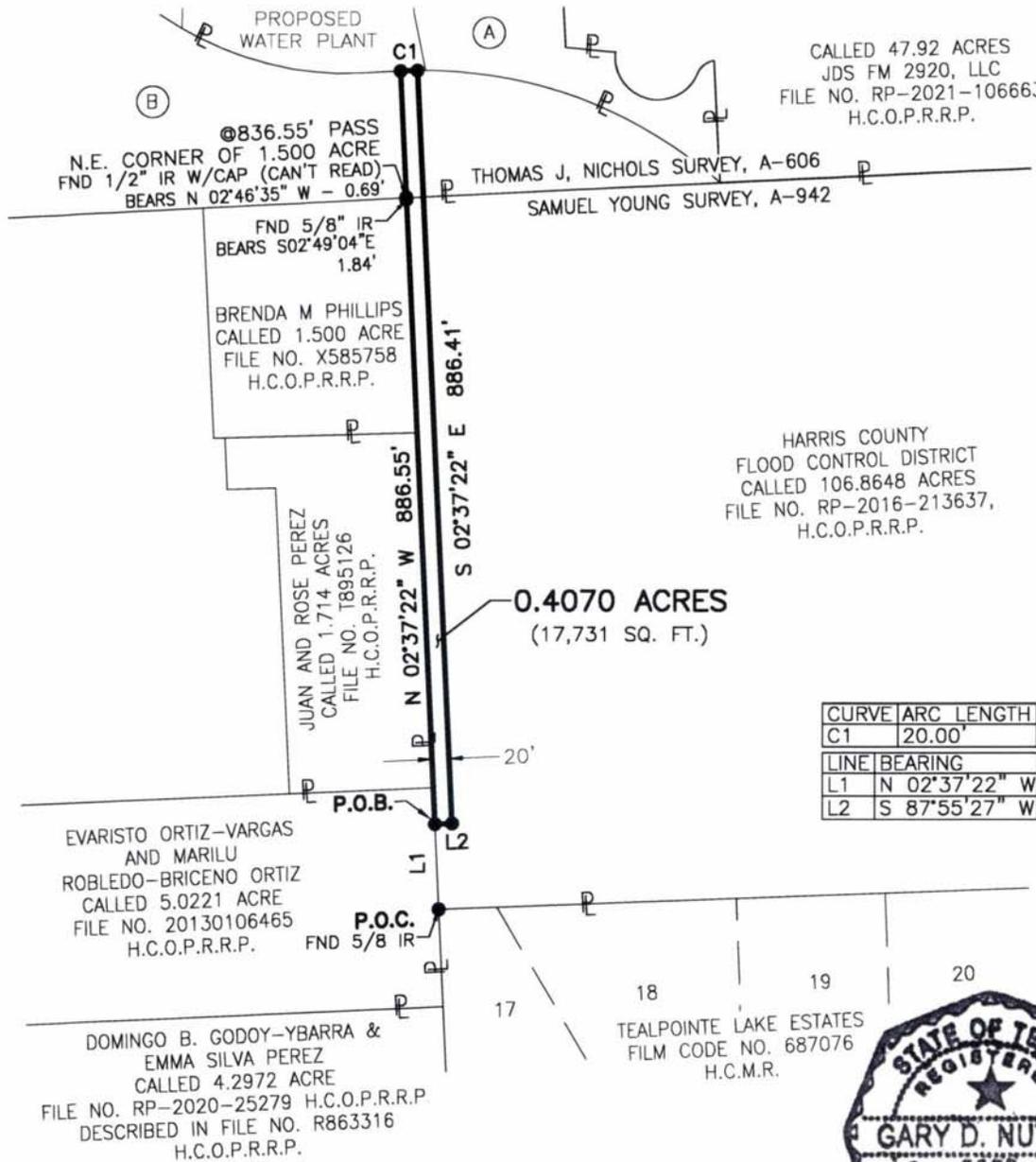
Corner monuments were not set at the Client's request.



LJA Surveying, Inc.

Exhibit B – Sketch of the Easement Area

S:\Sector\Survey\Projects\LIAS001\2025\0026\CAD\0.407Ac Offsite W.L.E.dwg 6/7/2022



CALLLED 47.92 ACRES
JDS FM 2920, LLC
FILE NO. RP-2021-106663
H.C.O.P.R.R.P.

(A) = CALLLED 3.196 ACRE
M/I HOMES OF HOUSTON, LLC
& JDS FM 2920, LLC
FILE NO. RP-2021-106662
FILE NO. RP-2021-106664
H.C.O.P.R.R.P.

(B) = CALLLED 4.3274 ACRES
HARRIS COUNTY FLOOD
CONTROL DISTRICT
FILE NO. RP-2020-568818
H.C.O.P.R.R.P.

HARRIS COUNTY
FLOOD CONTROL DISTRICT
CALLLED 106.8648 ACRES
FILE NO. RP-2016-213637,
H.C.O.P.R.R.P.

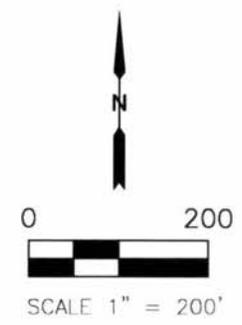
0.4070 ACRES
(17,731 SQ. FT.)

LEGEND

- H.C.O.P.R.R.P. HARRIS COUNTY OFFICIAL PUBLIC RECORDS OF REAL PROPERTY
- H.M.C.R. HARRIS COUNTY MAP RECORDS
- P.O.B. POINT OF BEGINNING
- P PROPERTY LINE

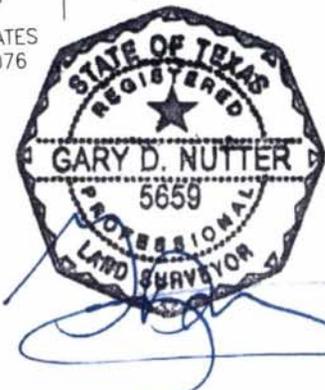
CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	20.00'	525.00'	02°10'59"	N 88°19'28" E	20.00'

LINE	BEARING	DISTANCE
L1	N 02°37'22" W	100.00'
L2	S 87°55'27" W	20.00'



NOTES:

- 1) ALL BEARINGS REFERENCED TO THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD 83 (NA2011) EPOCH 2010.00.
- 2) CORNER MONUMENTS NOT SET AT THE CLIENT'S REQUEST.



**0.4070 ACRE
(20' WIDE)
WATERLINE EASEMENT
IN THE
SAMUEL YOUNG SURVEY, A-942
& THOMAS J. NICHOLS SURVEY,
A-606
HARRIS COUNTY, TEXAS**

JUNE 2022 JOB NO. 2025-0026.300

JA Surveying, Inc.

3600 W Sam Houston Parkway S Phone 713.953.5200
Suite 175 Fax 713.953.5026
Houston, Texas 77042 T.B.P.E.L.S. Firm No. 10194382

EXHIBIT B

LEGAL DESCRIPTION AND SURVEY

Exhibit A – Description of the Easement Area

June 1, 2022
Job No. 2025-0026

DESCRIPTION OF
2.536 ACRES
20 FEET WIDE
WATERLINE EASEMENT

Being 2.536 acres (110,473 square feet) of land located in the Samuel Young Survey, Abstract 942, Harris County, Texas, more particularly being a portion of that certain called 106.8648 acre tract described in the deed to Harris County Flood Control District by an instrument of record in File Number RP-2016-213637, in the Official Public Records of Real Property of Harris County, Texas (H.C.O.P.R.R.P.), said 2.536 acre tract being more particularly described by metes and bounds as follows (all bearings referenced to the Texas Coordinate System, South Central Zone, NAD83 (NA2011) Epoch 2010.00);

BEGINNING at a 5/8-inch iron rod found marking the southwest corner of said 106.8648 acre tract, same being the northwest corner of Tealpointe Lake Estates, a subdivision of record under Film Code Number 687076, of the Map Records of Harris County, Texas, (H.C.M.R.), said point lying in the east line of that certain called 5.0221 acre tract, described in the deed to Evaristo Ortiz-Vargas and Marilu Robledo-Briceno Ortiz, by an instrument of record in File Number 20130106465, H.C.O.P.R.R.P.;

Thence, North $02^{\circ} 37' 22''$ West, along the west line of said 106.8648 acre tract and the east line of said 5.0221 acre tract, 100.00 feet to a point for corner;

Thence, North $87^{\circ} 55' 27''$ East, departing said common line, 20.00 feet to a point for corner;

Thence, South $02^{\circ} 37' 22''$ East, 80.00 feet to a point for corner;

Thence, North $87^{\circ} 55' 27''$ East, 5,423.67 feet to a point for corner in the east line of said 106.8648 acre tract and in the west right-of-way line of Mueschke Road (width varies);

2.536 Acres

June 1, 2022
Job No. 2025-0026

Thence, South 02° 37' 39" East, along the east line of said 106.8648 acre tract and the west right-of-way line of said Mueschke Road, 20.00 feet to a point for corner;

Thence, South 87° 55' 27" West, departing the west right-of-way line of said Mueschke Road and along the south line of said 106.8648 acre tract, at 20.50 feet pass a 5/8-inch iron rod with cap stamped "HOVIS SURVEYING" found marking the northeast corner of the aforementioned Tealpointe Lake Estates, continuing along the south line of said 106.8648 acre tract and the north line of said Tealpointe Lake Estates, a total distance of 5,443.67 feet to the POINT OF BEGINNING and containing 2.536 acres of land.

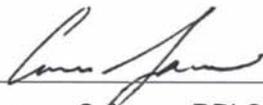
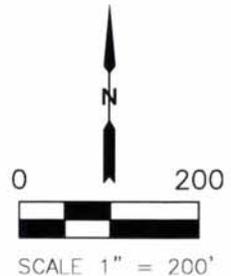
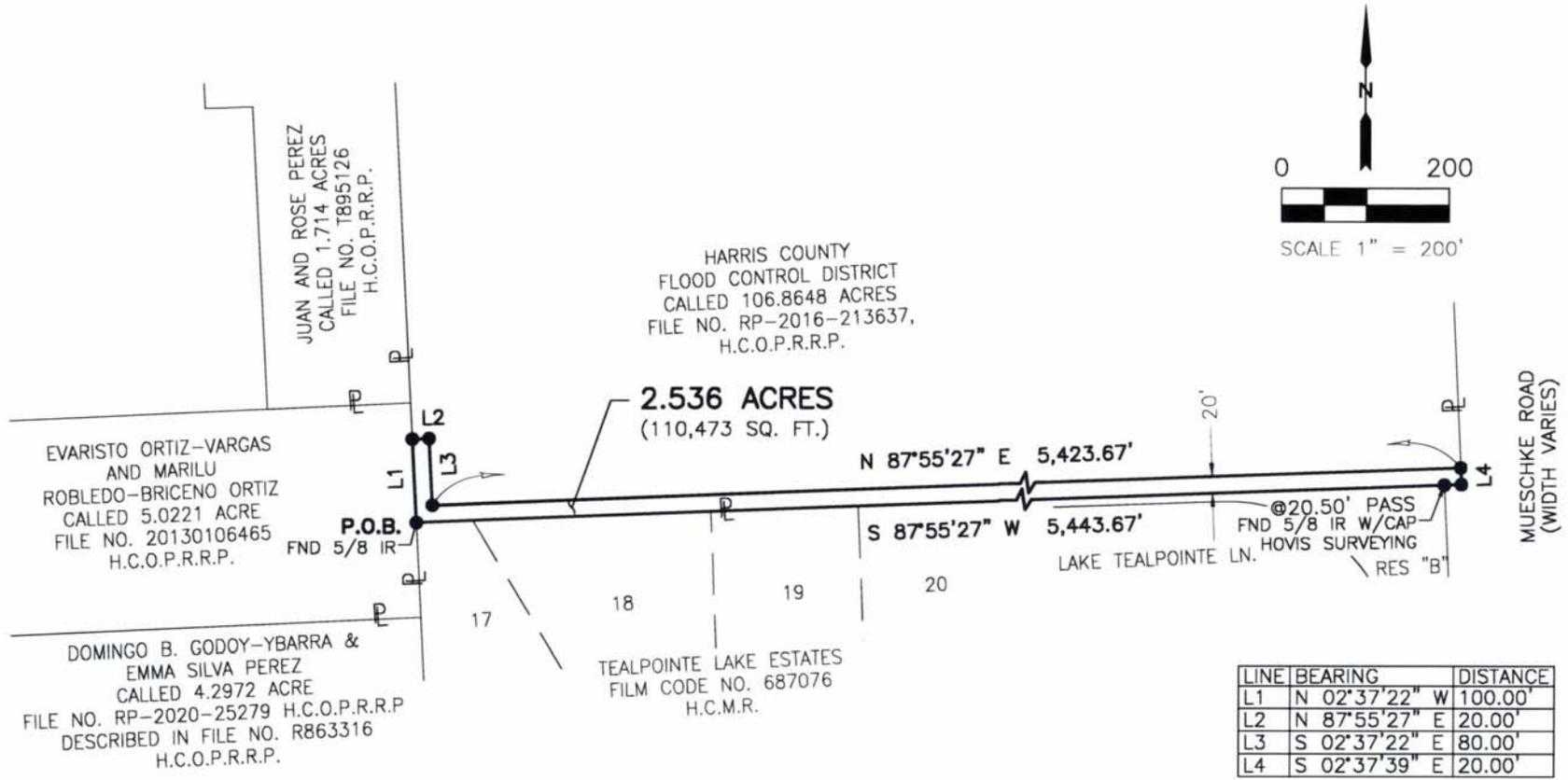

Cameron S. Lowe, RPLS, PLS
Texas Registration No. 6713
LJA Surveying, Inc.



Exhibit B – Sketch of the Easement Area

S:\Sectors\Survey\Projects\JAS001\2025\0026\CAD\2.536Ac_Offsite_WLE.dwg 6/1/2022



LINE	BEARING	DISTANCE
L1	N 02°37'22" W	100.00'
L2	N 87°55'27" E	20.00'
L3	S 02°37'22" E	80.00'
L4	S 02°37'39" E	20.00'

LEGEND

- H.C.O.P.R.R.P. HARRIS COUNTY OFFICIAL PUBLIC RECORDS OF REAL PROPERTY
- H.M.C.R. HARRIS COUNTY MAP RECORDS
- P.O.B. POINT OF BEGINNING
-  PROPERTY LINE

NOTES:

- 1) ALL BEARINGS REFERENCED TO THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD 83 (NA2011) EPOCH 2010.00.
- 2) CORNER MONUMENTS NOT SET AT THE CLIENT'S REQUEST.

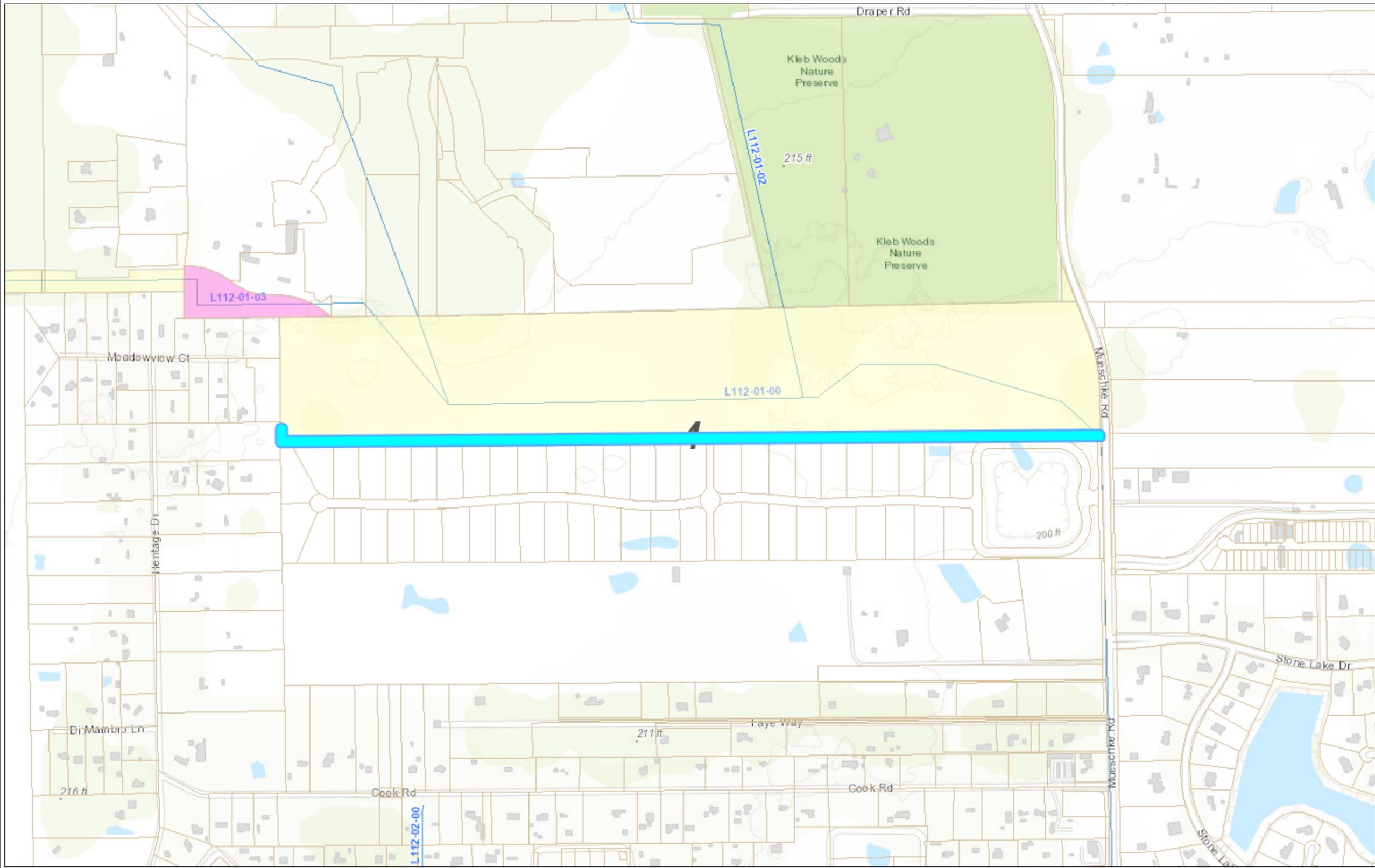

 Cameron S. Lowe, RPLS, PLS
 Registered Professional Land Surveyor
 Texas Registration No. 6713



**2.536 ACRE
 (20' WIDE)
 WATERLINE EASEMENT
 IN THE
 SAMUEL YOUNG SURVEY, A-942
 HARRIS COUNTY, TEXAS**

JUNE 2022 JOB NO. 2025-0026.300

LJA Surveying, Inc. 
 3600 W Sam Houston Parkway S Phone 713.953.5200
 Suite 175 Fax 713.953.5026
 Houston, Texas 77042 T.B.P.E.L.S. Firm No. 10194382



Legend

- Precinct Boundary
 - Precinct Boundary (Outline)
 - 4
- PAS Base Layers
 - Parcels - Harris County
- Right of Way
 - R.O.W. (Acquired Grantee)
 - Other
 - H.C.F.C.D.
- Hydro
 - Channel System
 - OPEN
- Jurisdictions
 - Harris County Boundary



The roadway data used in this map are derived from the STARMap®. STARMap is a registered trademark of the Houston-Galveston Area Council and the Geographic Data Committee.
Key Map® and the Key Map Unique Grid® are registered trademarks of Key Maps, Inc. and are protected by Federal Trademark law. Any use of the Key Map Unique Grid must have the written authorization of Key Maps, Inc.