



ENCROACHMENT AGREEMENT

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

STATE OF TEXAS                    §     KNOW ALL PERSONS BY THESE PRESENTS:  
   §  
COUNTY OF BRAZORIA           §

This Encroachment and Easement Agreement (this "Agreement") is made and entered into by and between Brazoria County (the "County") and Cottonwood Bayou Solar, LLC, a Delaware limited liability company, its successors and assigns (the "Encroaching Party").

**RECITALS**

- A. Encroaching Party is the lessee of certain real property in Brazoria County, Texas for the development, construction, and operation of a utility scale solar energy project (the "Project").
- B. The County, for the benefit of the public, is the owner of those certain public rights-of-way lying and being situated within the boundaries of the Project in the County of Brazoria, State of Texas (the "Public ROW"), more particularly described as Tract 4 in the Public Road Dedication recorded in the Official Records of Brazoria County, Texas, Clerk's File No. 2023011412 and by metes and bounds in Exhibit "A", which is attached hereto and incorporated herein.
- C. The County has acquired the Public ROW in an effort to improve mobility in the region in accordance with the Brazoria County Thoroughfare Plan. The County intends to construct a major thoroughfare within the Public ROW at such time that development in the region demands.
- D. Encroaching Party plans to erect, construct, and maintain private improvements within, on, and above the above-referenced Public ROW described as follows: fences and gates. The fences and gates will be installed within and adjacent to the Public ROW (the "Encroachment"). Said Encroachment being more particularly shown in Exhibit "B", which is attached hereto and incorporated herein.
- E. Encroaching Party recognizes that it cannot acquire any right, title or interest in and to the Public ROW by adverse possession or otherwise due to the Encroachment.

In consideration of the matters described above, and of the mutual benefits and obligations set forth in this Agreement, the parties agree as follows:

STATE OF TEXAS COUNTY OF BRAZORIA  
 I certify that the above and foregoing is a full, true and correct photographic copy of the original record on file in my office including redactions, if any, of social security numbers. Given under my hand and seal of the court in my lawful custody and possession.  
 JOYCE HUDMAN, BRAZORIA COUNTY CLERK  
 By *J. Newman* Deputy

**AGREEMENT TO ALLOW ENCROACHMENT**

The County agrees that Encroaching Party shall have the right to have the Encroachment overlap, extend, and encroach on, in, and above the Public ROW as generally depicted in Exhibit "B". The Encroaching Party shall not construct any improvements in the Public ROW except as described herein. Encroaching Party's rights under this Encroachment Agreement shall remain in full force and effect until such time as Brazoria County chooses to develop said Public ROW. Brazoria County shall provide the Encroaching Party one hundred twenty (120) days written notice to remove all Encroachments from the Public ROW at Encroaching Party's sole expense.

**RIGHT TO MAINTAIN**

Encroaching Party shall have the right from time-to-time to go upon the adjoining Public ROW for the purpose of maintaining the private improvements, provided that any damage occurring to the property of the County as a result of such maintenance shall be corrected or repaired at the sole expense of Encroaching Party or its successors and assigns. Under no circumstances shall Encroaching Party be allowed to increase the existing encroachment, absent written approval (including applicable regulatory approval) from the County.

**RELEASE OF CLAIMS**

Encroaching Party releases the County from any and all losses, damages, claims, causes of action, or rights of action, which may arise from construction, maintenance, repair or replacement activities by the County associated with the Public ROW in its present or future configuration and alignment and any of the utilities within the Public ROW and which may arise due to the proximity of the Encroachment to the work activity conducted by the County.

**TERM OF AGREEMENT**

This instrument and all the undertakings, promises and covenants contained in this Agreement shall remain in full force and effect until such time as the Encroachment is removed, demolished or destroyed, whether intentionally or by casualty loss, such as fire, earthquake, or other unforeseen occurrence, in which event all of the rights of Encroaching Party or its successors and assigns under this Agreement to the Encroachment shall cease; provided, however, that if, within a reasonable time (not to exceed one year) after such event, Encroaching Party or its successor in interest initiates repairs, replacements, or reconstruction of the Encroachment in essentially the same outside dimensions and configurations as the original Encroachment, then all its rights shall be reinstated nunc pro tunc and preserved on the same terms set forth in this Agreement. Upon the development of compelling public interests with which the Encroachment may interfere, Encroaching Party, its successors and assigns agree to cooperate with the County to the fullest extent possible under then existing circumstances to accommodate or mitigate such interference by its Encroachment.

**AMENDMENT**

No modification, waiver, amendment, addition or cancellation of this document shall be effective unless in writing and signed by authorized officers of both parties.

STATE OF TEXAS COUNTY OF BRAZORIA  
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JOYCE HUDMAN, BRAZORIA COUNTY CLERK  
By W. Nielsen Deputy



**BINDING EFFECT**

The provisions of this Agreement shall operate as a covenant running with all parcels of land above described and shall be binding upon and inure to the benefit of the parties to this Agreement and their respective successors and assigns.

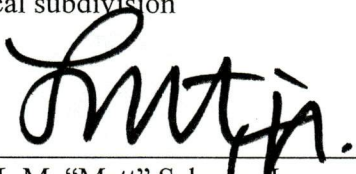
**RECORDING**

Upon approval and execution, this Agreement shall be filed with the Brazoria County Clerk and recorded in the Official Records of Brazoria County, Texas.


This Agreement may be executed in counterpart originals with the same legal effect as if all parties hereto had signed the same.


Executed this the 23<sup>rd</sup> day of October, 2024.

**BRAZORIA COUNTY, TEXAS**  
a political subdivision

By:   
L.M. "Matt" Sebesta, Jr.  
County Judge

**COTTONWOOD BAYOU SOLAR, LLC**

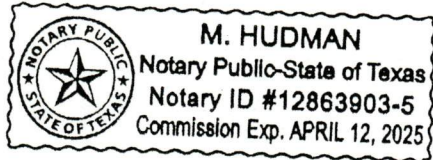
By:   
GREG NELSON  
VICE PRESIDENT

STATE OF TEXAS COUNTY OF BRAZORIA  
I certify that the above and foregoing is a full, true and correct photographic copy of the original record on file in my office including redactions, if any, of social security numbers. Given under my hand and seal of the court in my lawful custody and possession.  
JOYCE HUDMAN, BRAZORIA COUNTY CLERK  
By  Deputy

STATE OF TEXAS §  
COUNTY OF BRAZORIA §

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared L.M. "Matt" Sebesta, Jr., County Judge of Brazoria County, Texas, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated, and as the act and deed of said County.

Given under my hand and seal of office this 29<sup>th</sup> day of October, 2024.

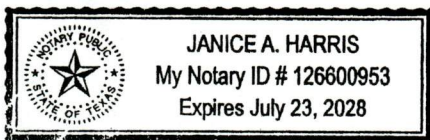


M. Hudman  
Notary Public in and for the State of Texas

STATE OF TEXAS §  
COUNTY OF TRAVIS §

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared GREG NELSON, VICE PRESIDENT of Cottonwood Bayou Solar, LLC, a Delaware limited liability company, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated, and as the act and deed of said company.

Given under my hand and seal of office this 23<sup>rd</sup> day of October, 2024.



Janice A Harris  
Notary Public in and for the State of Texas

RETURN TO:

Brazoria County Engineering Department  
451 N. Velasco, Suite 230  
Angleton, Texas 77515

STATE OF TEXAS COUNTY OF BRAZORIA  
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JOYCE HUDMAN, BRAZORIA COUNTY CLERK  
By J. Hudson Deputy



# EXHIBIT

# A

STATE OF TEXAS COUNTY OF BRAZORIA  
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JOYCE HUDMAN, BRAZORIA COUNTY CLERK

By *[Signature]* Deputy

STATE OF TEXAS COUNTY OF BRAZORIA  
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JOYCE HUDMAN, BRAZORIA COUNTY CLERK

By *[Signature]* Deputy



PUBLIC ROAD DEDICATION

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THE STATE OF TEXAS            §            KNOW ALL PERSONS BY THESE PRESENTS:  
  §  
COUNTY OF BRAZORIA         §

THAT COTTONWOOD BAYOU SOLAR, LLC, a Delaware limited liability company authorized to do business in Texas, hereinafter called "Grantor," for and in consideration of the general welfare and benefit of the public, has this day Dedicated in Fee, and grants and conveys all of its rights, title and interest thereto, and by these presents do Dedicate in Fee unto BRAZORIA COUNTY, a political subdivision of the State of Texas, (hereinafter referred to as "Grantee") for the use of the public, forever, a right of way for the purposes of laying out, opening, constructing, operating, maintaining a road or street thereon, together with necessary incidentals and appurtenances thereto, in, along, upon and across the following described tracts of land in the County of Brazoria, State of Texas (collectively the "Public ROW"), more particularly described as follows, to wit:

Tract 1: *Being a 18.359 acre tract of land situated in the Louisiana Morton Survey, Abstract No. 101, Brazoria County, Texas; said tract being part of that certain tract of land referenced in a Warranty Deed subject to Vendor's Lien to Rafter J East, LP recorded in Instrument No. 2021080173 of the Official Public Records of Brazoria County, and being described as 1,223.69 acres in a Special Warranty Deed to Douglas Mike Johnson and Peggy Ann Johnson recorded in Instrument No. 2018001654 of the Official Public Records of Brazoria County; said 18.359 acre tract being more particularly described by metes and bounds in Exhibit "A" attached hereto; and*

Tract 2: *Being 27.121 acre tract of land a part of the Henry Austin League, Abstract No. 11, the E.P. Myrick Survey, Abstract No. 102, Brazoria County, Texas and being part of Section 2 and part of Section 3 of the Texas Colonization Company Subdivision of the North 1/2 of the Henry Austin League, Abstract No. 11 according to the Plat recorded in Volume 36, Page 23 of the Plat Records, Brazoria County, Texas; said tract also being part of a called 3093.97 acre tract of land described in Warranty Deed to Mi6 Farms, L.P. recorded in Instrument No. 2019001230 of the Official Public Records, Brazoria County, Texas; said 27.121 acre tract being more particularly described by metes and bounds in Exhibit "B" attached hereto; and*

Tract 3: *Being a 24.584 acre tract of land situated in the Louisiana Morton Survey, Abstract No. 101, Brazoria County, Texas; said tract being part of a called 1276.66 acre tract of land described as Tract 2 (Bailey Farm) in Special*

STATE OF TEXAS COUNTY OF BRAZORIA  
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JOYCE HUDMAN, BRAZORIA COUNTY CLERK  
By *[Signature]* Deputy

STATE OF TEXAS COUNTY OF BRAZORIA  
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JOYCE HUDMAN, BRAZORIA COUNTY CLERK  
By *[Signature]* Deputy



Warranty Deed with Encumbrance for Owelty of Partition Vendor's Lien to Noah E. Estrada recorded in Instrument No. 2014020639 of Official Public Records of Brazoria County, Texas; said 24.584 acre tract being more particularly described by metes and bounds in Exhibit "C" attached hereto; and

Tract 4: Being a 6.721 acre tract of land situated in the Louisiana Morton Survey, Abstract No. 101, Brazoria County, Texas, being part of that certain called 1276.66 acre tract of land as described in a Special Warranty Deed with Encumbrance for Owelty of Partition Vendor's Lien to Noah E. Estrada, recorded in County Clerk's Instrument No. 2014020639, Official Public Records, Brazoria County, Texas; said 6.721 acre tract being more particularly described by metes and bounds in Exhibit "D" attached hereto.

EXECUTED as of the 14<sup>th</sup> day of March, 2023.

**GRANTOR:**

**COTTONWOOD BAYOU SOLAR, LLC**  
a Delaware Limited Liability Company


By: TotalEnergies CWB I Solar, LLC  
Its Sole Member

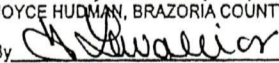
By: TotalEnergies Renewables USA, LLC  
Its Sole Member


By:   
GREG NELSON  
CHIEF DEVELOPMENT OFFICER

**GRANTEE:**

**BRAZORIA COUNTY**  
a body politic

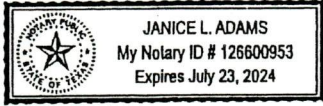
By:   
L. M. "MATT" SEBESTA, JR.  
BRAZORIA COUNTY JUDGE

STATE OF TEXAS COUNTY OF BRAZORIA  
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JOYCE HUDMAN, BRAZORIA COUNTY CLERK  
By:  Deputy

STATE OF TEXAS COUNTY OF BRAZORIA  
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JOYCE HUDMAN, BRAZORIA COUNTY CLERK  
By:  Deputy

THE STATE OF Texas §  
COUNTY OF Travis §

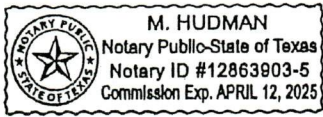
This instrument was acknowledged before me on this 7<sup>th</sup> day of March, 2023, by GREG NELSON, Chief Development Officer of COTTONWOOD BAYOU SOLAR, LLC, a Delaware limited liability company, and acknowledged to me that said person executed the same for the purposes and consideration therein expressed, in the capacity therein stated, as the act and deed of said corporation.



Janice L. Adams  
Notary Public in and for the State of Texas

THE STATE OF TEXAS §  
COUNTY OF BRAZORIA §

This instrument was acknowledged before me on this 14<sup>th</sup> day of March, 2023, by L. M. "MATT" SEBESTA, JR., County Judge of Brazoria County, Texas, a body politic on behalf of said County.



M. Hudman  
Notary Public in and for the State of Texas

RETURN TO (GRANTEE):

Brazoria County Engineering Department  
451 N Velasco, Suite 230  
Angleton, Texas 77515

STATE OF TEXAS COUNTY OF BRAZORIA  
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JOYCE HUDMAN, BRAZORIA COUNTY CLERK  
By J. Swain Deputy

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JOYCE HUDMAN, BRAZORIA COUNTY CLERK  
By J. Swain Deputy



# Westwood

## Proposed 120-Foot Right-of-Way

Being a 18.359 tract of land situated in the Louisiana Morton Survey, Abstract No. 101, Brazoria County, Texas; said tract being part of that certain tract of land referenced in a Warranty Deed subject to Vendor's Lien to Rafter J East, LP recorded in Instrument No. 2021080173 of the Official Public Records of Brazoria County, and being described as 1,223.69 acres in a Special Warranty Deed to Douglas Mike Johnson and Peggy Ann Johnson recorded in Instrument No. 2018001654 of the Official Public Records of Brazoria County; said 18.359 acre tract being more particularly described as follows:

BEGINNING at a point in County Road 210, and being in the northwest line of said Rafter J East, LP tract, and being in the southeast line of that certain tract of land described as Tract 2 in a Special Warranty Deed with Vendor's Lien to CR210 Farm & Ranch, LLC recorded in Instrument No. 2011031392 of said Official Public Records; from said point a mag nail set at the east corner of said CR210 Farm & Ranch, LLC tract bears North 36 degrees 18 minutes 38 seconds East, a distance of 864.94 feet;

THENCE over and across said Rafter J East, LP tract the following seven (7) calls:

- South 33 degrees 55 minutes 41 seconds East, a distance of 2,535.16 feet to an angle point;
- South 49 degrees 42 minutes 32 seconds East, a distance of 315.26 feet to an angle point;
- South 39 degrees 54 minutes 15 seconds East, a distance of 213.74 feet to an angle point;
- South 35 degrees 56 minutes 02 seconds East, a distance of 218.94 feet to an angle point;
- South 25 degrees 13 minutes 03 seconds East, a distance of 418.03 feet to an angle point;
- South 18 degrees 51 minutes 46 seconds East, a distance of 379.06 feet to an angle point;
- South 34 degrees 00 minutes 38 seconds East, a distance of 2609.74 feet to an angle point at the most easterly point of the herein described tract, and being in the southeast line of said Rafter J East, LP tract in the north line of that certain tract of land described in a Warranty Deed to MI6 farms, L. P. recorded in Instrument No. 2019001230 of said Official Public Records; said point also being in the north line of the Henry Austin Survey, Abstract No. 11 and the south line of said Louisiana Morton Survey;

THENCE South 60 degrees 05 minutes 56 seconds West, along said common boundary, a distance of 120.31 feet to an angle point, and being the most southerly point of the herein described tract;

THENCE over and across said Rafter J East, LP tract, the following seven (7) calls:

- North 34 degrees 00 minutes 38 seconds West, a distance of 2617.07 feet to an angle point;
- North 18 degrees 51 minutes 46 seconds West, a distance of 388.35 feet to an angle point;
- North 25 degrees 13 minutes 03 seconds West, a distance of 400.11 feet to an angle point;
- North 35 degrees 56 minutes 02 seconds West, a distance of 203.52 feet to an angle point;
- North 39 degrees 54 minutes 15 seconds West, a distance of 199.28 feet to an angle point;
- North 49 degrees 42 minutes 32 seconds West, a distance of 321.60 feet to an angle point;
- North 33 degrees 55 minutes 41 seconds West, a distance of 2508.68 feet to a point in the northwest line of said Rafter J East, LP tract, and being in the southeast line of said CR210 Farm & Ranch, LLC tract; said point being the most westerly corner of the herein described tract;

westwoodps.com  
(888) 937-5150

STATE OF TEXAS COUNTY OF BRAZORIA  
I certify that the above and foregoing is a full, true and correct photographic copy of the original record on file in my office including redactions, if any, of social security numbers. Given under my hand and seal of the court in my lawful custody and possession.  
JOYCE HUDMAN, BRAZORIA COUNTY CLERK

By [Signature] Deputy

STATE OF TEXAS COUNTY OF BRAZORIA  
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JOYCE HUDMAN, BRAZORIA COUNTY CLERK

By [Signature] Deputy

# Westwood

THENCE North 36 degrees 18 minutes 38 seconds East, along said common boundary, a distance of 127.51 feet to the POINT OF BEGINNING and containing 18.359 acres of land, more or less.

westwoodps.com  
(888) 937-5150

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JOYCE HUDMAN, BRAZORIA COUNTY CLERK

By *M. Swain* Deputy

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JOYCE HUDMAN, BRAZORIA COUNTY CLERK

By *M. Swain* Deputy



# Westwood

## Proposed 120-Foot Right-of-Way

DESCRIPTION, of a 27.121 acre tract of land a part of the Henry Austin League, Abstract No. 11, the E.P. Myrick Survey, Abstract No. 102, Brazoria County, Texas and being a part of Section 2 and part of Section 3 of the Texas Colonization Company Subdivision of the North 1/2 of the Henry Austin League, Abstract No. 11 according to the Plat Recorded in Volume 36, Page 23 of the Plat Records, Brazoria County, Texas; said tract also being part of a called 3093.97 acre tract of land described in Warranty Deed to Mi6 Farms, L.P. recorded in Instrument No. 2019001230 of the Official Public Records, Brazoria County, Texas; said 27.121 acre tract being more particularly described as follows:

COMMENCING, at a 2-inch pipe found at the northernmost corner of said 3093.97 acre tract, from which a brass cap in concrete monument found bears South 89 degrees 24 minutes 25 seconds West, a distance of 3.5 feet; said point also being in the common line between said Henry Austin League, Abstract No. 11 and the Louisiana Morton League, Abstract No. 101, in the north line of Block 13, Section 2 of said Texas Colonization Company Subdivision and in the southeast line of that certain tract of land described as Tract 2 (Bailey Farm) in Special Warranty Deed with Encumbrance for Owelty of Partition Vendor's Lien to Noah E. Estrada recorded in Instrument No. 2014020639 of said Official Public Records and being South 60 degrees 05 minutes 46 seconds West, a distance of 30.0 feet from the northeast corner of said Block 13 and the northwest corner of Block 12;

THENCE, South 36 degrees 53 minutes 01 seconds West, over and across said 3093.97 acre tract, a distance of 184.31 feet to the POINT OF BEGINNING;

THENCE, South 30 degrees 13 minutes 12 seconds East, a distance of 139.07 feet;

THENCE, South 29 degrees 25 minutes 26 seconds West, a distance of 589.27 feet;

THENCE, South 24 degrees 57 minutes 08 seconds West, a distance of 965.40 feet;

THENCE, South 26 degrees 25 minutes 05 seconds West, a distance of 1,010.69 feet;

THENCE, South 36 degrees 46 minutes 46 seconds West, a distance of 945.29 feet;

THENCE, South 39 degrees 36 minutes 03 seconds West, a distance of 982.56 feet;

THENCE, South 45 degrees 48 minutes 07 seconds West, a distance of 1,053.25 feet;

THENCE, South 60 degrees 40 minutes 21 seconds West, a distance of 985.58 feet;

THENCE, South 60 degrees 18 minutes 09 seconds West, a distance of 2,114.33 feet;

THENCE, South 60 degrees 06 minutes 57 seconds West, a distance of 1,191.44 feet;

THENCE, North 33 degrees 53 minutes 26 seconds West, a distance of 120.29 feet;

THENCE, North 60 degrees 06 minutes 57 seconds East, a distance of 1,200.04 feet;

THENCE, North 60 degrees 18 minutes 09 seconds East, a distance of 2,114.91 feet;

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(888) 937-5150

STATE OF TEXAS COUNTY OF BRAZORIA  
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JOYCE HUDMAN, BRAZORIA COUNTY CLERK

By *J. Ruzaric* Deputy

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JOYCE HUDMAN, BRAZORIA COUNTY CLERK

By *J. Michael* Deputy

# Westwood

THENCE, North 60 degrees 40 minutes 21 seconds East, a distance of 970.31 feet;  
THENCE, North 45 degrees 48 minutes 07 seconds East, a distance of 1,031.09 feet;  
THENCE, North 39 degrees 36 minutes 03 seconds East, a distance of 973.10 feet;  
THENCE, North 36 degrees 46 minutes 46 seconds East, a distance of 931.45 feet;  
THENCE, North 26 degrees 25 minutes 05 seconds East, a distance of 998.27 feet;  
THENCE, North 24 degrees 57 minutes 08 seconds East, a distance of 968.55 feet;  
THENCE, North 29 degrees 25 minutes 26 seconds East, a distance of 664.24 feet to the POINT OF BEGINNING;  
CONTAINING, 1,181,385 square feet or 27.121 acres of land, more or less.

westwoodps.com  
(888) 937-5150

STATE OF TEXAS COUNTY OF BRAZORIA  
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JOYCE HUDMAN, BRAZORIA COUNTY CLERK

By  Deputy

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JOYCE HUDMAN, BRAZORIA COUNTY CLERK

By  Deputy

# Westwood

Parkway Centre 1  
2901 Dallas Parkway, Suite 400  
Plano, TX 75093

main (214) 473-4640

**LEGAL DESCRIPTION**

**24.584 ACRES**

**LOUISIANA MORTON SURVEY, ABSTRACT NO. 101**

**BRAZORIA COUNTY, TEXAS**

DESCRIPTION, OF A 24.584 ACRE TRACT OF LAND SITUATED IN THE LOUISIANA MORTON SURVEY, ABSTRACT NO. 101, BRAZORIA COUNTY, TEXAS; SAID TRACT BEING PART OF A CALLED 1276.66 ACRE TRACT OF LAND DESCRIBED AS TRACT 2 (BAILEY FARM) IN SPECIAL WARRANTY DEED WITH ENCUMBRANCE FOR OWELTY OF PARTITION VENDOR'S LIEN TO NOAH E. ESTRADA RECORDED IN INSTRUMENT NO. 2014020639 OF OFFICIAL PUBLIC RECORDS OF BRAZORIA COUNTY, TEXAS; SAID 24.584 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING**, AT A 3/4-INCH IRON PIPE FOUND AT THE SOUTHERNMOST CORNER OF SAID 1276.66 ACRE TRACT AND THE EASTERNMOST CORNER OF A CALLED 1223.69 ACRE TRACT OF LAND DESCRIBED IN WARRANTY DEED SUBJECT TO VENDOR'S LIEN TO RAFTER J. EAST, LP RECORDED IN DOCUMENT NO. 2021080173 OF THE SAID OFFICIAL PUBLIC RECORDS; COUNTY

**THENCE**, NORTH 60 DEGREES 04 MINUTES 59 SECONDS EAST, ALONG THE SOUTHEAST LINE OF SAID 1276.66 ACRE TRACT, A DISTANCE OF 1631.42 FEET TO THE **POINT OF BEGINNING**;

**THENCE**, NORTH 52 DEGREES 27 MINUTES 48 SECONDS WEST, DEPARTING THE SAID SOUTHEAST LINE OF THE 1276.66 ACRE TRACT, OVER AND ACROSS SAID 1276.66 ACRE TRACT, A DISTANCE OF 8,923.15 FEET TO A POINT FOR CORNER IN THE COMMON LINE BETWEEN SAID 1276.66 ACRE TRACT AND THAT CERTAIN TRACT OF LAND DESCRIBED IN DEED TO EDGAR FRANKEN RECORDED IN VOLUME 816, PAGE 499 OF THE DEED RECORDS OF BRAZORIA COUNTY, TEXAS; SAID POINT ALSO BEING NORTH 59 DEGREES 29 MINUTES 14 SECONDS EAST, A DISTANCE OF 848.28 FEET FROM A 1-INCH IRON ROD WITH "LS #3666" CAP FOUND AT THE WESTERNMOST CORNER OF SAID 1276.66 ACRE TRACT;

**THENCE**, NORTH 59 DEGREES 29 MINUTES 14 SECONDS EAST, ALONG THE SAID COMMON LINE BETWEEN THE 1276.66 ACRE TRACT AND THE FRANKEN TRACT, A DISTANCE OF 129.38 FEET TO A POINT FOR CORNER;

**THENCE**, SOUTH 52 DEGREES 27 MINUTES 48 SECONDS EAST, DEPARTING THE SAID COMMON LINE BETWEEN THE 1276.66 ACRE TRACT AND THE FRANKEN TRACT, OVER AND ACROSS SAID 1276.66 ACRE TRACT, A DISTANCE OF 8,924.61 FEET TO A POINT FOR CORNER IN THE SAID SOUTHEAST LINE OF THE 1276.66 ACRE TRACT;

**THENCE**, SOUTH 60 DEGREES 04 MINUTES 59 SECONDS WEST, ALONG THE SOUTHEAST LINE OF SAID 1276.66 ACRE TRACT, A DISTANCE OF 129.93 FEET TO THE **POINT OF BEGINNING**;

CONTAINING, 1,070,866 SQUARE FEET OR 24.584 ACRES OF LAND, MORE OR LESS.

**NOTE:**

1. BEARINGS AND DISTANCES ARE BASED UPON THE STATE PLANE COORDINATE SYSTEM, NAD83 (2011), TEXAS SOUTH CENTRAL ZONE (4204), US SURVEY FEET. ALL BEARINGS, DISTANCES, AND AREAS ARE GRID AND CAN BE CONVERTED TO GROUND USING A COMBINED SCALE FACTOR OF 0.99986754.

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"COTTONWOOD 24.584 ACRE THOROUGHFARE DESCRIPTION"  
Page 1 of 1

STATE OF TEXAS COUNTY OF BRAZORIA  
I certify that the above and foregoing is a full, true and correct photographic copy of the original record on file in my office including redactions, if any, of social security numbers. Given under my hand and seal of the court in my lawful custody and possession.  
JOYCE HUDMAN, BRAZORIA COUNTY CLERK

By *[Signature]* Deputy

STATE OF TEXAS COUNTY OF BRAZORIA  
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JOYCE HUDMAN, BRAZORIA COUNTY CLERK

By *[Signature]* Deputy



# Westwood

Parkway Centre 1  
2901 Dallas Parkway, Suite 400  
Plano, TX 75093

main (214) 473-4640

LEGAL DESCRIPTION

6.721 ACRES

LOUISIANA MORTON SURVEY, ABSTRACT NO. 101  
BRAZORIA COUNTY, TEXAS

BEING A 6.721 ACRE TRACT OF LAND SITUATED IN THE LOUISIANA MORTON SURVEY, ABSTRACT NO. 101, BRAZORIA COUNTY, TEXAS, BEING PART OF THAT CERTAIN CALLED 1,276.66 ACRE TRACT OF LAND AS DESCRIBED IN A SPECIAL WARRANTY DEED WITH ENCUMBRANCE FOR OWELTY OF PARTITION VENDOR'S LIEN TO NOAH E. ESTRADA, RECORDED IN COUNTY CLERK'S INSTRUMENT NUMBER 2014-020639, OFFICIAL PUBLIC RECORDS, BRAZORIA COUNTY, TEXAS, SAID 6.721 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

**COMMENCING** FOR REFERENCE AT A 3/4-INCH IRON PIPE (FOUND) AT THE EASTERNMOST CORNER OF THE ABOVE MENTIONED 1,276.66 ACRE ESTRADA TRACT, SAME BEING THE EASTERNMOST CORNER OF THE ABOVE MENTIONED LOUISIANA MORTON SURVEY, THE SOUTHERNMOST CORNER OF THE S. F. AUSTIN SURVEY, ABSTRACT NO. 37, AND THE SOUTHERNMOST CORNER OF THAT CERTAIN CALLED 40.17 ACRE TRACT OF LAND AS DESCRIBED IN A DEED TO LOWREY LAND COMPANY, LLC, RECORDED IN COUNTY CLERK'S INSTRUMENT NUMBER 2016-027501, OFFICIAL PUBLIC RECORDS, BRAZORIA COUNTY, TEXAS, BEING IN A NORTH LINE OF THE H. AUSTIN SURVEY, ABSTRACT NO. 11, THE NORTHWEST LINE OF THAT CERTAIN CALLED 33.576 ACRE TRACT OF LAND AS DESCRIBED IN A DEED TO MARIANNE L. STAVINOHA, RECORDED IN COUNTY CLERK'S INSTRUMENT NUMBER 1996-038769, OFFICIAL PUBLIC RECORDS, BRAZORIA COUNTY, TEXAS, AND THE APPROXIMATE CENTERLINE OF COUNTY ROAD 203;

**THENCE** NORTH 51 DEGREES 57 MINUTES 02 SECONDS WEST, ALONG THE NORTHEAST LINE OF SAID LOUISIANA MORTON SURVEY, SAME BEING THE NORTHEAST LINE OF SAID 1,276.66 ACRE ESTRADA TRACT, THE SOUTHWEST LINE OF THE ABOVE MENTIONED 40.17 ACRE LOWREY LAND COMPANY TRACT, AND GENERALLY ALONG THE CENTERLINE OF COUNTY ROAD 203, A DISTANCE OF 154.94 FEET TO A CALCULATED CORNER AT THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT;

**THENCE** OVER AND ACROSS SAID 1,276.66 ACRE ESTRADA TRACT, SOUTH 39 DEGREES 38 MINUTES 06 SECONDS WEST, A DISTANCE OF 4,635.68 FEET TO A CALCULATED CORNER;

**THENCE** CONTINUING OVER AND ACROSS SAID 1,276.66 ACRE ESTRADA TRACT, SOUTH 31 DEGREES 13 MINUTES 12 SECONDS WEST, A DISTANCE OF 185.48 FEET TO A CALCULATED CORNER IN A SOUTHEAST LINE OF SAID 1,276.66 ACRE ESTRADA TRACT, IN A NORTH LINE OF THAT CERTAIN CALLED 22.27 ACRE TRACT OF LAND AS DESCRIBED IN A DEED TO JOSE M. RAMIREZ AND MIRTHA RAMIREZ, RECORDED IN COUNTY CLERK'S INSTRUMENT NUMBER 2017-041345, OFFICIAL PUBLIC RECORDS, BRAZORIA COUNTY, TEXAS, FROM WHICH A 60D NAIL (FOUND) FOR REFERENCE AT A SOUTH CORNER OF SAID 1,276.66 ACRE ESTRADA TRACT, IN A NORTH LINE OF THE ABOVE MENTIONED 22.27 ACRE RAMIREZ TRACT BEARS NORTH 60 DEGREES 04 MINUTES 59 SECONDS EAST, A DISTANCE OF 352.09 FEET;

**THENCE** ALONG A SOUTH LINE OF SAID 1,276.66 ACRE ESTRADA TRACT AND A NORTH LINE OF SAID 22.27 ACRE RAMIREZ TRACT SOUTH 60 DEGREES 04 MINUTES 59 SECONDS WEST, A DISTANCE OF 124.30 FEET TO A CALCULATED CORNER, FROM WHICH A 2-INCH IRON PIPE (FOUND) FOR REFERENCE IN A SOUTH LINE OF SAID 1,276.66 ACRE ESTRADA TRACT, AT THE NORTHERNMOST CORNER OF THAT CERTAIN CALLED 3,093.97 ACRE TRACT OF LAND AS DESCRIBED IN A DEED TO MI6 FARMS, L.P., RECORDED IN COUNTY CLERK'S

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"COTTONWOOD 6.721 ACRE THOROUGHFARE DESCRIPTION"  
Page 1 of 2

STATE OF TEXAS COUNTY OF BRAZORIA  
I certify that the above and foregoing is a full, true and correct photographic copy of the original record on file in my office including redactions, if any, of social security numbers. Given under my hand and seal of the court in my lawful custody and possession.  
JOYCE HUDMAN, BRAZORIA COUNTY CLERK  
By [Signature] Deputy

STATE OF TEXAS COUNTY OF BRAZORIA  
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JOYCE HUDMAN, BRAZORIA COUNTY CLERK  
By [Signature] Deputy

INSTRUMENT NUMBER 2019001230, OFFICIAL PUBLIC RECORDS, BRAZORIA COUNTY, TEXAS BEARS SOUTH 60 DEGREES 04 MINUTES 59 SECONDS WEST, A DISTANCE OF 79.21 FEET;

THENCE OVER AND ACROSS SAID 1,276.66 ACRE ESTRADA TRACT, NORTH 31 DEGREES 13 MINUTES 12 SECONDS EAST, A DISTANCE OF 298.75 FEET TO A CALCULATED CORNER;

THENCE CONTINUING OVER AND ACROSS SAID 1,276.66 ACRE ESTRADA TRACT, NORTH 39 DEGREES 38 MINUTES 06 SECONDS EAST, A DISTANCE OF 4638.43 FEET TO A CALCULATED CORNER IN THE NORTHEAST LINE OF SAID 1,276.66 ACRE ESTRADA TRACT, IN THE SOUTHWEST LINE OF SAID 40.17 ACRE LOWREY LAND COMPANY, LLC TRACT, IN THE APPROXIMATE CENTERLINE OF COUNTY ROAD 203, FROM WHICH A MAG NAIL (FOUND) FOR REFERENCE AT AN ANGLE BREAK IN THE NORTHEAST LINE OF SAID 1,276.66 ACRE ESTRADA TRACT BEARS NORTH 51 DEGREES 57 MINUTES 01 SECONDS WEST, A DISTANCE OF 4,460.31 FEET;

THENCE ALONG THE NORTHEAST LINE OF SAID 1,276.66 ACRE ESTRADA TRACT, THE SOUTHWEST LINE OF SAID 40.17 ACRE LOWREY LAND COMPANY, LLC TRACT, AND ALONG THE APPROXIMATE CENTERLINE OF COUNTY ROAD 203, SOUTH 51 DEGREES 57 MINUTES 02 SECONDS EAST, A DISTANCE OF 60.02 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT, CONTAINING 6.721 ACRES OF LAND, MORE OR LESS;

**NOTE:**

1. BEARINGS AND DISTANCES ARE BASED UPON THE STATE PLANE COORDINATE SYSTEM, NAD83 (2011), TEXAS SOUTH CENTRAL ZONE (4204), US SURVEY FEET. ALL BEARINGS, DISTANCES, AND AREAS ARE GRID AND CAN BE CONVERTED TO GROUND USING A COMBINED SCALE FACTOR OF 0.99986754.

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"COTTONWOOD 6.721 ACRE THOROUGHFARE DESCRIPTION"

Page 2 of 2

STATE OF TEXAS COUNTY OF BRAZORIA  
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JOYCE HUDMAN, BRAZORIA COUNTY CLERK

By *A. Swaine* Deputy

STATE OF TEXAS COUNTY OF BRAZORIA  
I certify that the above and foregoing is a full, true and correct photographic copy of the original record on file in my office including redactions, if any, of social security numbers. Given under my hand and seal of the court in my lawful custody and possession.  
JOYCE HUDMAN, BRAZORIA COUNTY CLERK

By *M. McCoach* Deputy

# FILED and RECORDED

Instrument Number: 2023011412

Filing and Recording Date: 03/15/2023 08:18:04 AM Pages: 11 Recording Fee: \$0.00

I hereby certify that this instrument was FILED on the date and time stamped hereon and RECORDED in the OFFICIAL PUBLIC RECORDS of Brazoria County, Texas.



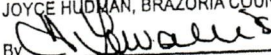
A handwritten signature in cursive script, appearing to read "Joyce Hudman".


Joyce Hudman, County Clerk  
Brazoria County, Texas

ANY PROVISION CONTAINED IN ANY DOCUMENT WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE REAL PROPERTY DESCRIBED THEREIN BECAUSE OF RACE OR COLOR IS INVALID UNDER FEDERAL LAW AND IS UNENFORCEABLE.

**DO NOT DESTROY - Warning, this document is part of the Official Public Record.**

cclerk-yadira

STATE OF TEXAS COUNTY OF BRAZORIA  
I certify that the above and foregoing is a full, true and correct photographic copy of the original record on file in my office including redactions, if any, of social security numbers. Given under my hand and seal of the court in my lawful custody and possession.  
JOYCE HUDMAN, BRAZORIA COUNTY CLERK  
By  Deputy

STATE OF TEXAS COUNTY OF BRAZORIA  
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JOYCE HUDMAN, BRAZORIA COUNTY CLERK  
By  Deputy



# EXHIBIT B

STATE OF TEXAS COUNTY OF BRAZORIA  
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JOYCE HUDMAN, BRAZORIA COUNTY CLERK  
By *M. Wallace* Deputy

STATE OF TEXAS COUNTY OF BRAZORIA  
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JOYCE HUDMAN, BRAZORIA COUNTY CLERK  
By *M. Wallace* Deputy



# Encroachment Agreement Map

White = Thoroughfares  
Black = Privacy Screen Fencing  
Fence 1 = Tract 4 within Exhibit A

Legend

Fence 1 Total Encroachment Acreage = 1.33 Acres  
Fence 1 Max Encroachment Width = 54.5 ft



STATE OF TEXAS COUNTY OF BRAZORIA  
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JOYCE HUDMAN, BRAZORIA COUNTY CLERK  
By *M. McCreary* Deputy



THE UNIVERSITY OF THE SOUTH PACIFIC  
SCHOOL OF DISTANCE EDUCATION  
SUVA, FIJI  
DEPARTMENT OF EDUCATION  
SUVA, FIJI





# FILED and RECORDED

Instrument Number: 2024046878

Filing and Recording Date: 10/29/2024 04:23:43 PM Pages: 19 Recording Fee: \$0.00

I hereby certify that this instrument was FILED on the date and time stamped hereon and RECORDED in the OFFICIAL PUBLIC RECORDS of Brazoria County, Texas.



*Joyce Hudman*

Joyce Hudman, County Clerk  
Brazoria County, Texas

ANY PROVISION CONTAINED IN ANY DOCUMENT WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE REAL PROPERTY DESCRIBED THEREIN BECAUSE OF RACE OR COLOR IS INVALID UNDER FEDERAL LAW AND IS UNENFORCEABLE.

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STATE OF TEXAS COUNTY OF BRAZORIA  
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JOYCE HUDMAN, BRAZORIA COUNTY CLERK

By *Joyce Hudman* Deputy