

**THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §**

KNOW ALL MEN BY THESE PRESENTS:

SIGN EASEMENT

Tortuga Operating Company, a Texas corporation (the “GRANTOR”), for and in consideration of the mutual benefits to accrue to the parties, and the receipt and sufficiency of such consideration being hereby acknowledged, does hereby dedicate to the Tomball Economic Development Corporation, an economic development corporation created pursuant to the Development Corporation Act (the “GRANTEE”), its successors and assigns, a perpetual sign easement, triangular in shape, for the benefit of properties lying within the Tomball Business and Technology Park, to construct, operate, maintain, inspect, replace, and remove three monument signs on, across, and over five thousand one hundred eighty-three square feet (5,183 SF) of land in Harris County, Texas, described by metes and bounds in Exhibit ‘A’ attached hereto, and described by survey plat in Exhibit ‘B’ attached hereto, both exhibits being incorporated herein by this reference for all purposes (the “Easement”).

GRANTEE may plant and maintain conifer trees and other landscaping within the Easement, and operate all necessary machinery and equipment to cut, trim, and remove trees, brush, shrubbery, or weeds within the Easement. However, any trees placed within the Easement must be planted at least ten (10) feet from the perimeter boundary of the Easement.

IMPROVEMENT AND MAINTENANCE OF THE EASEMENT.

Maintenance of the Easement, including but not limited to any signs, trees, bushes, and landscaping installed by **GRANTEE**, shall be the responsibility of the **GRANTEE**. Additionally, the **GRANTEE** will maintain all trees, bushes, and landscaping planted within the Easement to ensure they do not grow beyond the boundaries of the Easement, maintaining them in accordance with the standards and appearance of all decorative landscaping existing throughout the Tomball Business and Technology Park.

RESERVATION AND LIMITATION OF RIGHTS

GRANTOR retains, reserves, and shall continue to enjoy the use of the surface of the Easement area for all purposes which do not interfere with or prevent the use by the **GRANTEE** of its rights within the Easement, subject to all applicable laws and regulations of the State of Texas or its political subdivisions.

GRANTEE shall replace in kind or better any improvements owned by the **GRANTOR** that are disturbed during construction, operations, maintenance, inspection, replacement, and removal of any signs or landscaping on, across, and over the Easement.

GRANTEE is limited to the placement of three (3) monument signs of heights no greater than fifteen (15) feet. All signs must be constructed of granite, stone, and brick.

GRANTEE may not construct and maintain any billboard or other commercial signage within the Easement. The sole purpose of any signs placed with the Easement shall be to identify

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STEWART TITLE /48/

the area as being part of the Tomball Business and Technology Park.

Should GRANTEE fail to place and maintain a monument sign within the Easement area for a period of eighteen (18) consecutive months, then this Easement shall automatically terminate, and GRANTEE shall execute the appropriate instrument to file in the Real Property Records of Harris County, Texas, acknowledging the release of the Easement.

GRANTING AND COVENANT CLAUSE

The Easement and the rights and privileges herein granted shall be perpetual between GRANTOR and GRANTEE, subject to all valid and subsisting encumbrances, conditions, covenants, restrictions, reservations, exceptions, rights-of-way, and easements appearing of record in the Official Public Records of Real Property of Harris County, Texas, relative to the above-described property.

GRANTOR covenants that GRANTOR will not voluntarily convey any other easement, or any other right, within the easement area that conflicts with the purpose of this dedication.


This instrument shall be binding upon the successors and assigns of both GRANTOR and GRANTEE.

TO HAVE AND TO HOLD the above-described Easement unto GRANTEE, its successors and assigns, and GRANTOR hereby binds itself and its successors and assigns, to GRANTEE, its successors and assigns, against every person whomsoever lawfully claiming any part thereof, by, through or under GRANTOR, but not otherwise.

EXECUTED this 28th day of APRIL 2023.

FOR GRANTOR:

FOR GRANTEE:


Name [Signature]


Name [Signature]

Peter L. Turbett
Name [Printed]

Kelly Violette
Name [Printed]

President
Title

Executive Director
Title

ACKNOWLEDGEMENTS

FOR GRANTOR

THE STATE OF TEXAS §
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared PETER L. TURBETT, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same as the President of TORTUGA OPERATING COMPANY, and for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 25 day of APRIL 2023.



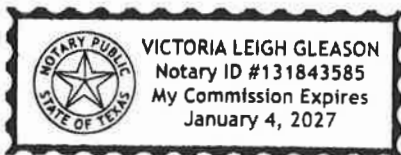
Linda Jean Winquist
Notary Public in and for the State of Texas
My Commission Expires:

FOR GRANTEE

THE STATE OF TEXAS §
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared KELLY VIOLETTE, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same as the Executive Director for the TOMBALL ECONOMIC DEVELOPMENT CORPORATION, and for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 26 day of APRIL 2023.



[Signature]
Notary Public in and for the State of Texas
My Commission Expires:

ADDRESS OF GRANTOR:

TORTUGA OPERATING CO.
7412 SHADY LANE
HOUSTON, TEXAS 77375

ADDRESS OF GRANTEE:

TOMBALL EDC
PO BOX 820
TOMBALL, TEXAS 77377

ATTACHMENTS:

Exhibit 'A' – Metes and Bounds description for the 5,183 SF Tomball Business and Technology Park Signage Easement

Exhibit 'B' – Survey Plat for the 5,183 SF Tomball Business and Technology Park Signage Easement

EXHIBIT A – SIGNAGE EASEMENT: METES & BOUNDS

C & C Surveying, Inc.

Firm Number 10009400
33300 Egypt Lane, Suite F200
Magnolia, Texas 77354
Office: 281-259-4377 Metro: 281-356-5172

**Metes and Bounds
Maintenance Easement**

**0.119 Acre (5,183 Square Feet)
Jesse Pruitt Survey, Abstract 629
Out of Tomball Business and Technology Park, Section Two
Harris County, Texas**

Being a 0.119 acre tract of land situated in the Jesse Pruitt Survey, Abstract Number 629, of Harris County, Texas, being out of Lot 4, of Tomball Business and Technology Park, Section Two, as recorded in Clerk's File Number 2021-659803 of the Real Property Records of Harris County, and said 0.119 acre being more particularly described as follows with all bearings based on said subdivision and proceeding;

BEGINNING at a point for corner, for the East corner of the herein described tract, common with the East corner of said Lot 4 of said subdivision, being on the Southwest right-of-way line of South Persimmon Street (80 foot right-of-way), and being on the Northwest right-of-way line of an unnamed and unimproved road (30 foot right-of-way) as recorded in Volume 2, Page 65 of the Harris County Map Records;

THENCE, South 42 degrees 49 minutes 19 seconds West, along the Southeast line of the herein described tract, common with the Southeast line of said Lot 4, and being on the Northwest right-of-way line of said unnamed street, a distance of 100.00 feet, to a point for the South corner of the herein described tract;

THENCE, North 02 degrees 01 minutes 41 seconds West, along the West line of the herein described tract, departing said unnamed street, and severing said Lot 4, a distance of 149.28 feet, to a point for the North corner of the herein described, being on the Southwest right-of-way line of the aforementioned South Persimmon Street, and being on a curve to the left;

THENCE, along the Northeast line of the herein described tract, common with the Northeast line of said Lot 4, and the Southwest right-of-way line of South Persimmon Street, along said curve to the left, having a radius of 1,040.00 feet, a central angle of 05 degrees 49 minutes 33 seconds, an arc length of 105.75 feet, and a chord bearing South 44 degrees 09 minutes 59 seconds East, 105.70 feet, back to the **POINT OF BEGINNING** and containing 0.119 acre of land.



Steven L. Crews, Registered Professional Land Surveyor, Number 4141
23-0081
04/14/2023



EXHIBIT B – SIGNAGE EASEMENT: SURVEY/PLAT

Notes:

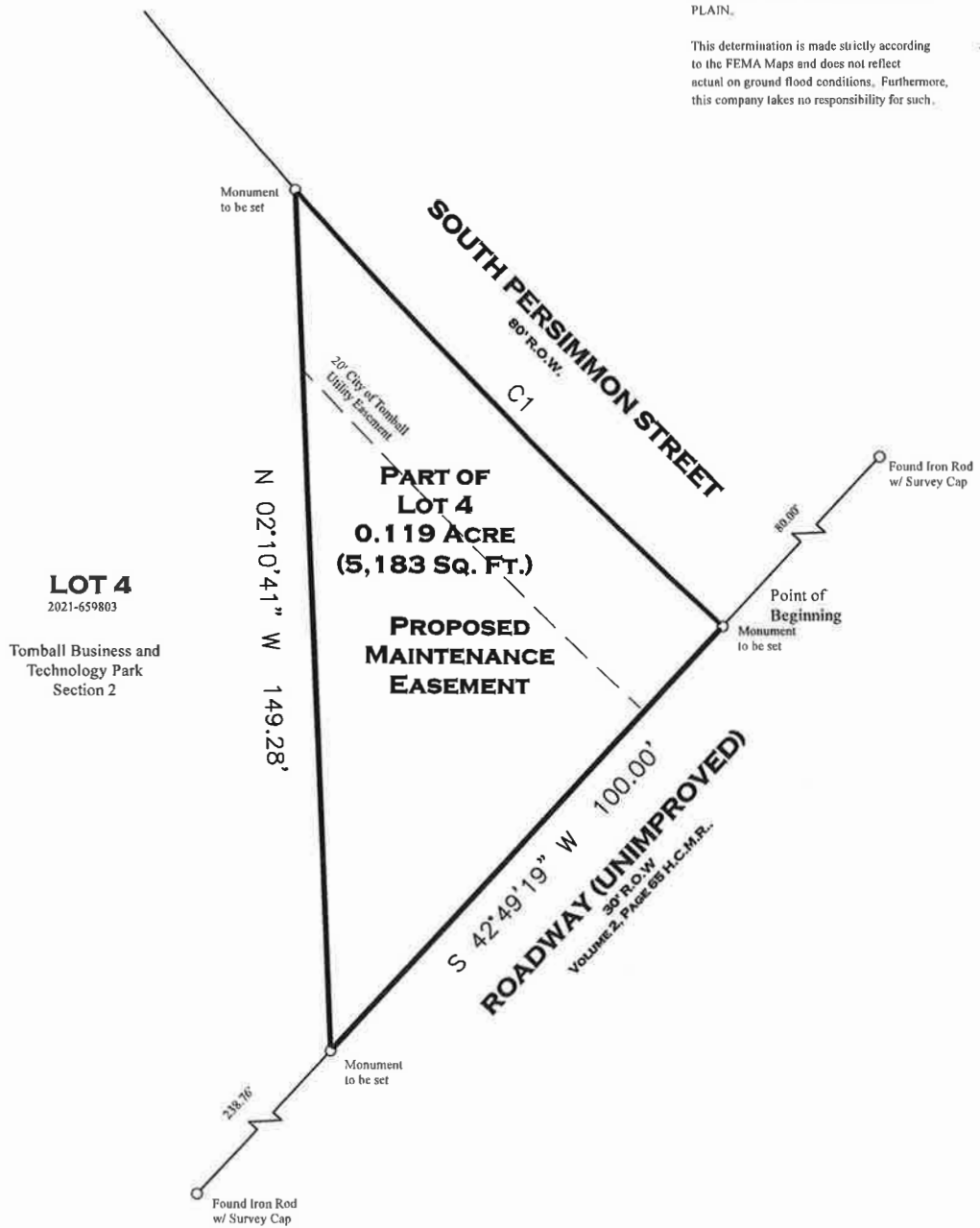
1. Basis of bearings: Recorded Plat
2. Easements and building lines as shown are per the recorded plat.
3. Survey performed without the benefit of a Title Commitment

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	1040.00	1105.75	1105.70	S 44°09'59" E	5°49'33"

This property lies within ZONE 'X' as SCALED from FEMA Map Panel Number 48201C0230L, dated June 18, 2007.

THIS MEANS THAT THE SUBJECT PROPERTY SCALES OUTSIDE THE 100 YEAR FLOOD PLAIN.

This determination is made strictly according to the FEMA Maps and does not reflect actual on ground flood conditions. Furthermore, this company takes no responsibility for such.



Proposed Maintenance Easement being a part of Lot Four (4), in of TOMBALL BUSINESS AND TECHNOLOGY PARK, Section 2, a subdivision in Harris County, Texas, according to the map or plat thereof, recorded in 2021-659803, of the Real Property Records of Harris County, Texas, situated in the Jesse Pruitt Survey, A-629.

Date: April 14, 2023	CF No. 12/16		Certified To: City of Tomball
Job No. 23-0081	Scale: 1" = 20'		Client: Arduzza
Address: South Persimmon Street	Drawn By: DJ	I HEREBY CERTIFY THIS SURVEY WAS MADE ON THE GROUND, AND THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF SURVEY AND THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1B, CONDITION III SURVEY, AND THAT THERE ARE NO ENCROACHMENTS EXCEPT AS SHOWN. Steven L. Crews R.P.L.S. # 4141	
City, State: Tomball, Texas	Zip: 77307		Rec: 0
C & C SURVEYING, INC. Firm Number 10009400 33300 Egypt Lane, Suite F200 Magnolia, Texas 77354 Office: 281-356-5172 survey@surveying.com/www.ccsurveying.com			

RP-2023-164663

Pages 7

05/08/2023 09:03 AM

e-Filed & e-Recorded in the

Official Public Records of

HARRIS COUNTY

TENESHIA HUDSPETH

COUNTY CLERK

Fees \$38.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid 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 hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.



Teneshia Hudspeth
COUNTY CLERK
HARRIS COUNTY, TEXAS

11 74040-1070000

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

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SM/Courtesy

STEWART TITLE /48/



1923 VICTORIA GARDEN DR. RICHMOND, TX 77406
KYLE@BRUNOLANDDESIGN.COM 409.382.6698

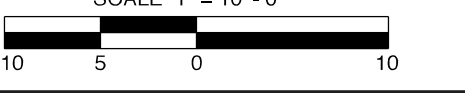
NO.	DATE:	REVISION:

INTERIM REVIEW ONLY

Document incomplete; not intended for permit, bidding or construction.
DATE: 08/25/2022
LANDSCAPE ARCHITECT: Kyle M. Bruno
REGISTRATION: 3211



PLAN NORTH



LANDSCAPE DEVELOPMENT

Monument Exhibit

Tomball Business and Technology Park

29201 Quinn Rd., Suite B, Tomball, Texas 77375

SHEET NUMBER:
EX100

