

**Notice of Planning and Zoning Commission Regular Meeting
AGENDA**

July 6, 2021 at 6:00 PM

NOTICE TO THE PUBLIC IS HEREBY GIVEN in accordance with the order of the Office of the Governor issued March 16, 2020, the Montgomery Planning and Zoning Commission will conduct its Planning and Zoning Commission Regular Meeting scheduled for **6:00 PM on Tuesday, July 6, 2021**, at the City of Montgomery City Hall, 101 Old Plantersville Road, Montgomery, Texas.

This meeting will **limited in-person** attendance by the public. A temporary suspension of the Open Meetings Act to allow telephone or videoconference public meetings has been granted by Governor Greg Abbott. These actions are being taken to mitigate the spread of COVID-19 by avoiding meetings that bring people into a group setting and in accordance with Section 418.016 of the Texas Government Code. Videoconferencing capabilities will be utilized to allow individuals to address the Commission. Members of the public who wish to submit their written comments on a listed agenda item must submit them by email to rtramm@ci.montgomery.tx.us by 3:00 p.m. on July 6, 2021.

Members of the public may view the meeting live at www.montgomerytexas.gov/meetings and then select **Live Stream Page (located at the top of the page)**.

The Meeting Agenda Pack will be posted online at www.montgomerytexas.gov. The meeting will be recorded and uploaded to the City's website the following day.

CALL TO ORDER

VISITOR/CITIZENS FORUM:

Any citizen with business not scheduled on the agenda may speak to the Commission. Prior to speaking, each speaker must be recognized by the Chairman. The Commission may not discuss or take any action on an item but may place the issue on a future agenda. The number of speakers along with the time allowed per speaker may be limited.

CONSIDERATION AND POSSIBLE ACTION:

- 1.** Consideration and possible action regarding approval of June 1, 2021 Regular Meeting Minutes.
- 2.** Consideration and possible action regarding the following exterior modifications for 14740 Liberty Street (China Chapel site), a City-designated Historic Landmark, as submitted by Cornerstone Community Church.
 - a. Exterior building painting
 - b. Removal of front façade doors
 - c. Wall sign application
- 3.** Consideration and possible action regarding a recommendation from the Planning & Zoning Commission to the City Council on a variance to Section 78-96(b) of the City Code requiring all parking lots to be paved with asphalt or concrete.
- 4.** Consideration and possible action regarding approval of the Final Plat for Town Creek Crossing Section One as submitted by LeFevre Development, Inc.

COMMISSION INQUIRY:

Pursuant to Texas Government Code Sect. 551.042 the Planning & Zoning Commission may inquire about a subject not specifically listed on this Agenda. Responses are limited to recitation of existing policy or a statement of specific factual information given in response to the inquiry. Any deliberation or decision shall be limited to a proposal to place on the agenda of a future meeting.

EXECUTIVE SESSION:

The Planning and Zoning Commission reserves the right to discuss any of the items listed specifically under this heading or for any items listed above in executive closed session as permitted by law including if they meet the qualifications in Sections 551.071(consultation with attorney), 551.072 (deliberation regarding real property),551.073 (deliberation regarding gifts), 551.074 (personnel matters), 551.076 (deliberation regarding security devices), and 551.087 (deliberation regarding economic development negotiations) of Chapter 551 of the Government Code of the State of Texas.

ADJOURNMENT

/s/Dave McCorquodale

Dave McCorquodale, Assistant City Administrator & Director of Planning

I certify that the attached notice of meeting was posted on the bulletin board at City of Montgomery City Hall, 101 Old Plantersville Road, Montgomery, Texas, on July 2, 2021 by 4:30 p.m. I further certify that the following news media was notified of this meeting as stated above: The Courier

This facility is wheelchair accessible and accessible parking spaces are available. Please contact the City Secretary's office at 936-597-6434 for further information or for special accommodations.

MINUTES OF REGULAR MEETING

June 1, 2021

MONTGOMERY PLANNING AND ZONING COMMISSION

CALL TO ORDER

Chairman Waddell declared a quorum was present and called the meeting to order at 6:04 p.m.

Present: Jeffrey Waddell, Merriam Walker, Allyson Clark

Absent: Britnee Ghutzman

Also Present: Dave McCorquodale, Assistant City Admin. / Director of Planning & Development

Chris Roznovsky, PE, Engineer for the City

Katherine Vu, PE, Engineer for the City

VISITOR/CITIZENS FORUM

No comments were given.

1. **Consideration and possible action regarding regular meeting minutes of May 4, 2021.**

Allyson Clark moved to approve the minutes as presented. Merriam Walker seconded the motion, the motion carried unanimously. (3-0)

2. **Consideration and possible action regarding a variance request to the vegetative setback requirements of Section 78-162(a) of the City Code of Ordinance for Commercial Reserve “D” in Town Creek Crossing Section One as submitted by LeFevre Development, Inc.**

Staff introduced the item and explained that a 25-foot vegetative setback is required when commercial property adjoins single-family residential property. The applicant is requesting to locate the 25-foot vegetative setback on the residential lots adjacent to the commercial property. Chris Roznovsky described the location of the properties and that the commercial property is approximately 7-feet higher than the adjacent residential lots, which are being made 25-feet longer than other lots in the subdivision to accommodate the 25-foot setback. Mr. Roznovsky explained this change would allow the commercial property to place their visual barrier / fence at the top of the hill where it would provide more screening for the residential lots below. Merriam Walker asked who would benefit from the

change—the commercial property or the residential properties. Mr. Roznovsky said he felt the residential lots would benefit more than the commercial property. Ms. Walker asked if this change would affect drainage onto the residential lots. Mr. Roznovsky stated the change would not affect drainage between the properties and that a visual barrier would still be required on the commercial property line. Merriam Clark asked if the property has been already platted. Mr. Roznovsky said the property has not been platted yet. Merriam Walker asked if the homeowners who bought these lots would know about the 25-foot vegetative setback. Mr. Roznovsky stated it would show up on the recorded plat of the subdivision and also on the surveys of the individual lots. Mr. Roznovsky stated that if the slope did not exist the variance would not make sense. Mr. Waddell stated the homeowners might be paying more taxes on the additional land and would they have restrictions on what they can do with the land. Mr. Roznovsky stated the setback would be similar to other building lines on residential property but they could use the space for lawn, plantings, etc. Merriam Walker asked if all the rest of the lots could build up to the fence. Mr. Roznovsky stated all residential lots have a rear building line set back from the property line. Allyson Clark asked if the LeFevres owned the other corner parcels at the intersection. Mr. McCorquodale stated they own two of the other three corners at the intersection of Buffalo Springs Drive and Lone Star Parkway. Ms. Clark stated she had drainage concerns about the development of the area and pointed out the street culvert being installed and stated Town Creek was getting additional runoff from the development. Mr. Roznovsky stated the other property in the area was not covered by the drainage study done for this subdivision. Ms. Clark asked how the drainage from the adjacent properties would affect this property. Mr. Roznovsky stated the adjacent properties would have to do their own drainage studies to account for their runoff. Merriam Walker stated she still had questions on who benefits from this variance and how the City is improved if this variance is approved. Mr. Roznovsky stated if the variance is approved the fence will better screen the residential properties from the commercial property because it will be at the top of the hill between the two properties and the elevation change or hill is the only reason they are recommending approval of the variance.

Allyson Clark moved to recommend to City Council approval of the variance request contingent on the applicant providing an updated exhibit drawing better explaining the elevation change issue. Merriam Walker seconded the motion, which carried unanimously. (3-0)

3. Consideration and possible action regarding recent exterior painting for Southern Roots Salon located at 14275 Street in the Historic Preservation District. (Tabled at the May 4, 2021 meeting)

Staff introduced the item and noted Mr. Carl Reed was in attendance if the Commission wanted to ask him for clarification on the request. Merriam Walker asked if the stain on the porch and the paint on the building was in its final form and no more changes were planned. Mr. Reed stated the colors were final and a back porch would be rebuilt to comply with insurance company requirements. Mr. Reed stated the porch stain was supposed to be clear but reacted with the wood and came out a dark color. Jeffrey Waddell stated the ordinance prohibits fluorescent and metallic colors, and the black building color is not prohibited by the ordinance. Mr. Reed stated he did not know the Historic Preservation District guidelines or that he needed approval to change the paint color on his building. Ms. Walker asked Mr. Reed to clarify the connection to the Masonic Lodge he mentioned in his submittal. Mr. Reed said the location of the property was the former Masonic Lodge before it burned down and he currently rents the property from the Montgomery Historical Society. He stated the color black has ties to the history of the Masonic organization. Ms. Walker asked Mr. Reed if he clearly understood the requirements of the Historic Preservation District and that he would be maintaining the building in the future. Allyson Clark stated her only concern was that the applicant was coming for approval after the work was done and she was appreciative of Mr. Reed being in attendance.

Allyson Clark moved to approve the building color as presented. Jeffrey Waddell seconded the motion, the motion carried unanimously. (3-0)

4. Consideration and possible action regarding replacing two existing wall signs and one existing freestanding sign for In Stitches Drapery located at 14427 Liberty Street in the Historic Preservation District.

Staff introduced the item and noted Mr. Tom Hoyt was in attendance representing the owner. Mr. McCorquodale noted the two wall signs were simply replacements of the existing signs that would be allowed without P&Z approval, but since the applicant was requesting a different design of freestanding sign that what is currently there staff wanted to present all the information at hand. Merriam Walker asked if the proposed signs were in compliance with the sign ordinance and staff confirmed they were. Allyson Clark noted the vertical design of the proposed freestanding sign would improve visibility along the roadway. Mr. Hoyt stated the sign would also be moved slightly further from the road which would also improve visibility for cars on Liberty Street. Merriam Walker asked to confirm the material

of the sign. Staff noted the application stated “ACM” which stands for Aluminum Composite Material and the wood posts would be treated.

Merriam Walker moved to approve the signs as presented. Allyson Clark seconded the motion, which carried unanimously. (3-0)

Commission Inquiry

None.

Adjournment

Allyson Clark moved to adjourn the meeting at 7:08 p.m. Merriam Walker seconded the motion, the motion carried unanimously. (3-0)

Prepared by: _____ Date approved: _____
Dave McCorquodale

Chairman Jeffrey Waddell

Attest: _____
Susan Hensley, City Secretary

Montgomery Planning and Zoning Commission
AGENDA REPORT

Meeting Date: 07/01/2021	Budgeted Amount:
Department: Administration	Prepared By: Dave McCorquodale

Subject

Consideration and possible action regarding the following exterior modifications for 14740 Liberty Street (China Chapel site), a City-designated Historic Landmark, as submitted by Cornerstone Community Church.

- a. Exterior building painting
- b. Removal of front façade doors
- c. Wall sign application

Recommendation

Consider the information and approve or deny each request. The items can be considered together or separately. Staff sees no reason to not approve the exterior modifications based on the information provided.

Discussion

While not within the Historic Preservation District, the location of the former China Chapel is a City-designated Historic Landmark. The original church was founded in 1865, though the original building no longer stands on the property. The County tax roll states the current building was erected in 1964.

Cornerstone Community Church has recently purchased the property and plans to use the facility as their new church home. The church has requested to repaint the exterior of the building and install a wall sign on the front of the building. The paint colors will be white walls with black trim, and the sign colors match this color scheme (with the addition of a charcoal gray in the logo).

The church plans to relocate the main entry of the church to existing doors at the rear of the sanctuary. The current entry doors will be behind the planned alter/stage area. The church has met with the fire marshal’s office to ensure the change would not affect ingress and egress requirements and received confirmation that the door modification would not violate fire code.

The sign ordinance allows wall signs to utilize up to 60% of the total wall area. The front façade of the building is 532 sqft, the total area of the sign is 133 sqft, or 25% of the wall area as measured by the ordinance. Note: the sign ordinance measures the total dimensions of the sign. In this case, the actual area of the sign elements is less since these elements are mounted directly on the wall and not on a sign backing.

Approved By

Asst. City Administrator	Dave McCorquodale	Date: 07/01/2021
City Administrator	Richard Tramm	Date:



MEMBER YOUR HERITAGE





Acrylic FCO's

Scale is 1/4" = 1'



1 1/2" 7"
4
7
4
0



*Proposed
Scale is NTS*

Scope of Work...

Manufacture & Install one (1) set of 3/8" thick acrylic Flat Cut Out letters, logo and address. FCO's to be stud mounted and to have spacers where required due to corrugated metal wall.

Letters & Numbers are painted black
Logo is painted black & charcoal gray

PG. 1

Monument Item 2.

s/f

Qty.1

Paint

-
-
-
-

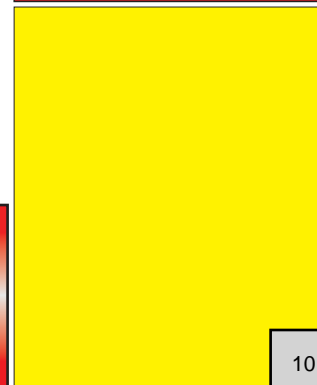
Vinyl & Digital Print

-
-
-
-
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-
-

Materials

-
-
-
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-

NOTES



11201 FM 1485 -Conroe, Tx. 77306
Phone:936-446-1239 Fax: 936-231-1220
www.BakersSigns.com

Sales Rep: Ismael H. Designer: SJF
P.M.: Hunter M. Date: 02.02.21

Project: Cornerstone Community Church
Location: 821 Eva Street, Montgomery TX 77356

COPYRIGHT

This design & rendering is the property of Baker's Signs and any reproduction or other use is strictly prohibited. All rights reserved.

CLIENT APPROVAL

Signed: _____ / /

LANDLORD APPROVAL

Signed: _____ / /

REVISIONS

A:	DATE/REVISIONS
B:	
C:	
D:	

OVERALL SIGN SQ. FT. -----

PROOF SCALE: Scale valid Printed On Legal

INSTALLATION NOTES:

We always strive to match as close as possible. However..... Many factors influence perceived color of a finished drawing in relation to the finished product. These include color, film, monitor & printer settings as well as ambient light, and the physical limits of the photographic process.
Note.... Sizes, Colors & Prints may vary slightly in Production.



WWW.MONTGOMERYTEXAS.GOV

Sign Permit Application

CITY OF MONTGOMERY

101 Old Plantersville Road
 Montgomery, Texas 77356
 936-597-6434
 permits@ci.montgomery.tx.us

SIGN PERMIT APPLICATION EXPIRES IN
 180 DAYS (NON-TRANSFERABLE)

TEMPORARY SIGN?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
PERMANENT SIGN?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
Pre-Existing OR New	Pre-Existing <input type="checkbox"/>	NEW <input checked="" type="checkbox"/>

Permit: _____

Date: _____

JOB ADDRESS: 14740 Liberty St. Montgomery 77356	BUSINESS NAME: Cornerstone Community Church
BUSINESS OWNER: Cornerstone Community Church	MAILING ADDRESS: P.O. Box 1734 Mont. 77356
APPLICANT: Cornerstone Community Church	TELEPHONE: 281-732-0053
CONTRACTOR LICENSE (if electrical): N/A	

IS THE SIGN IN THE HISTORIC PRESERVATION DISTRICT? YES NO IS THE SIGN ILLUMINATED? YES NO

SIGN PLACEMENT: Front of Building

VALUATION: _____

SIGN DESIGN & COLOR SCHEME: Name, Logo, Address Black Acrylic

SIGN TYPE		SIGN DIMENSIONS	
FREESTANDING MONUMENT SIGN	<input type="checkbox"/>	SIGN HEIGHT	7' 10"
BUILDING WALL SIGN	<input checked="" type="checkbox"/>	SIGN WIDTH	14'
BANNER	<input type="checkbox"/>	TOTAL SQ FT	110'
OTHER	<input type="checkbox"/>	SET BACK	72'
		LOT LINEAR FOOTAGE	206.28

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of law and ordinances governing this type of work will be complied with whether or not specified herein. The granting of a permit does not presume to give authority to violate or cancel the provisions of any state or local law regulating construction or the performance of construction.

NAME: Gerald Coleman SIGNATURE:

OFFICE USE ONLY

APPROVED		TOTAL FEE:	\$
DATE			
COMMENTS:			

Montgomery Planning and Zoning Commission
AGENDA REPORT

Meeting Date: 07/06/2021	Budgeted Amount:
Department: Administration	Prepared By: Dave McCorquodale

Subject

Consideration and possible action regarding a recommendation from the Planning & Zoning Commission to the City Council on a variance to Section 78-96(b) of the City Code requiring all parking lots to be paved with asphalt or concrete.

Recommendation

Consider the information included in the request and the opinion of the City Engineer. The motion will be to recommend to City Council that they approve or deny the variance. Include the most important points of your decision in the motion to capture the full opinion of the Commission.

Discussion

Cornerstone Community Church has recently purchased the property and plans to use the facility as their new church home. The previous occupant was a non-profit organization who utilized the facility for several years as a counseling center. The parking lot has been gravel/crushed concrete for a number of years and does not appear to have ever been a paved surface. Included for your review are site photos and a survey of the property showing where the church plans to position their parking lot, which is mostly where the existing parking lot is located.

The property has generally mild cross-slopes, but none that would present a unique situation that other developments in the City do not have to deal with. In conversations with the applicant, City staff feels the primary reason for the request is an economic one. For reference, the criteria for granting a variance to the Subdivision Ordinance is included below:

Sec. 78-28. - Variances.

When a subdivider or developer can show that a provision of this Chapter would cause unnecessary hardship if strictly adhered to, or where because of some condition peculiar to the site or the unique nature of the development compliance with this chapter is not consistent with or required by good engineering and planning practices, and if in the opinion of the City Council, Planning and Zoning Commission and the City Engineer, a departure from this Chapter may be made without destroying the intent of this Chapter, the City Council may authorize a variance.

Because economic hardship is not identified as a criterion for granting a variance, City staff does not find a justifiable reason for the Commission to recommend the variance be granted.

Approved By

Asst. City Administrator	Dave McCorquodale	Date: 07/01/2021
City Administrator	Richard Tramm	Date:



July 2, 2021

The Planning and Zoning Commission
City of Montgomery
101 Old Plantersville Road
Montgomery, Texas 77316

Re: Variance Request
Cornerstone Community Church
City of Montgomery

Dear Commission:

The City received a variance request from the owners of the Cornerstone Community Church, formerly China Chapel. The Developer is requesting the following variance from the City's Code of Ordinances:

- Section 78-96(b): Any parking lots or drives, excluding single-family residential driveways, shall be paved with asphalt or concrete.

Enclosed you will find the request for variance as submitted by the owners of the property. We recommend the City reject the request for a variance, as the Code of Ordinances does not place an undue hardship upon the development of the property and does not prohibit the use of proper engineering, as outlined in Section 78-28 of the Code of Ordinances.

If you have any questions or comments, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Chris Roznovsky". The signature is fluid and cursive.

Chris Roznovsky, PE
Engineer for the City

CVR/kmv

Z:\00574 (City of Montgomery)_900 General Consultation\Correspondence\Letters\2021.07.02 MEMO to P&Z RE Cornerstone Community Church Variance Request.docx

Enclosures: Variance Request

Cc (via email): Mr. Richard Tramm – City of Montgomery, City Administrator
Ms. Susan Hensley – City of Montgomery, City Secretary
Mr. Dave McCorquodale – City of Montgomery, Director of Planning & Development
Mr. Alan Petrov – Johnson Petrov, LLP, City Attorney



Variance Request Application

City of Montgomery
101 Old Plantersville Road
Montgomery, Texas 77316
(936) 597-6434

Upon completion return application to dmecorquodale@ci.montgomery.tx.us

Contact Information

Property Owner(s): Cornerstone Community Church of Montgomery

Address: 14740 Liberty St. Montgomery, TX Zip Code: 77356

Email Address: colemang2611@gmail Phone: 281-732-0053

Applicants: same as above

Address: _____

Email Address: _____ Phone: _____

Parcel Information

Property Identification Number (MCAD R#): R31340

Legal Description: A0008 - Corner John, TRACT 13, Acres 1

Street Address or Location: 14740 Liberty St. Montgomery, TX 77356

Acreage: 1 Present Zoning: _____ Present Land Use: _____

Variance Request

Applicant is requesting a variance from the following:

City of Montgomery Ordinance No.: Chap 78 Section(s): 78-96 (b)

Ordinance wording as stated in Section (78-96(b)):

Any parking lots or drives, excluding single-family residential driveways, shall be paved with asphalt or concrete.

Detail the variance request by comparing what the ordinance states to what the applicant is requesting:

Continue to use existing gravel parking lot for a period not to exceed 3 years. We will regrade to smooth out and add some dressing material of gravel.

Signatures

Owner(s) of record for the above described parcel:

Signature: Gerard Colas Date: 6-25-21

Signature: _____ Date: _____

Signature: _____ Date: _____

Note: Signatures are required for all owners of record for the property proposed for variance. Attach additional signatures on a separate sheet of paper.

Additional Information

The following information must also be submitted:

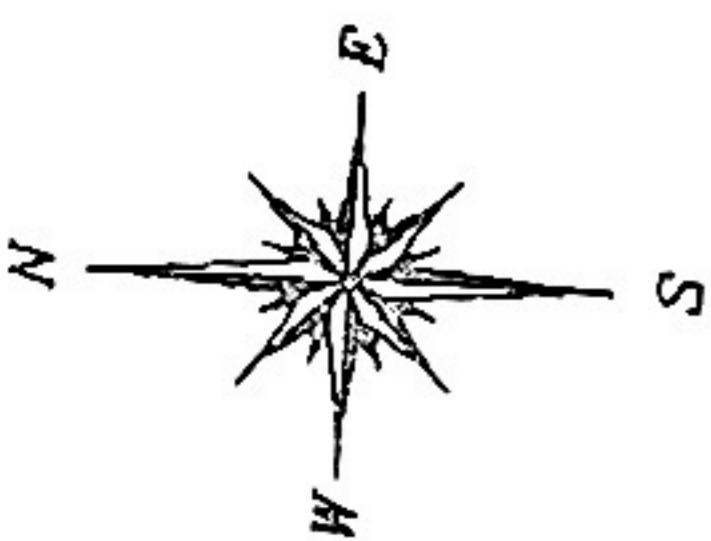
Cover letter on company letterhead stating what is being asked.

A site plan.

All applicable fees and payments.

The application form must be signed by the owner/applicant. If the applicant is not the owner, written authorization from the owner authorizing the applicant to submit the variance request shall be submitted.

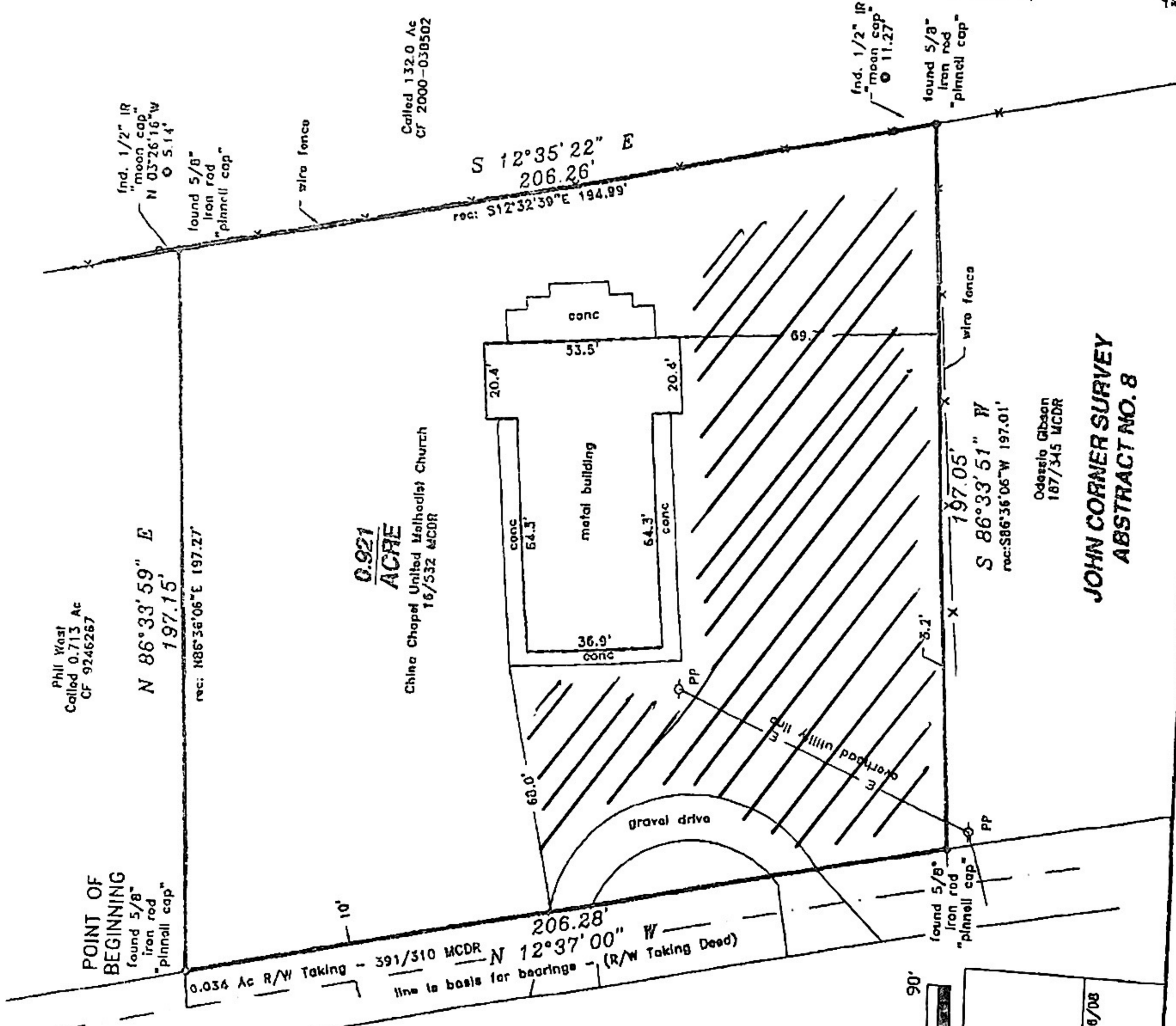
<p>Date Received <i>Office Use</i></p>	
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F.M. HIGHWAY 149
(A.K.A. NORTH LIBERTY STREET)



TEXAS PROFESSIONAL SURVEYING, LLC. 3032 N. FRAZIER STREET, STE A CANTROE, TEXAS 77313 (806) 756-7447 FAX (806) 756-7448	
PROJECT NO. C104-01 3597	DRAWING DATE: 06/26/08 REVISIONS: 123T DRAWN BY: JMH



BOUNDARY & IMPROVEMENT SURVEY

316 NORTH LIBERTY STREET
MONTGOMERY, TEXAS 77316
BEING a 0.921 acre tract of land situated in the John Corner Survey, Abstract No. 8, Montgomery County, Texas, being that same tract as described in deed to The China Chapel United Methodist Church as recorded in Volume 16, Page 532 of the Deed Records of Montgomery County, Texas.

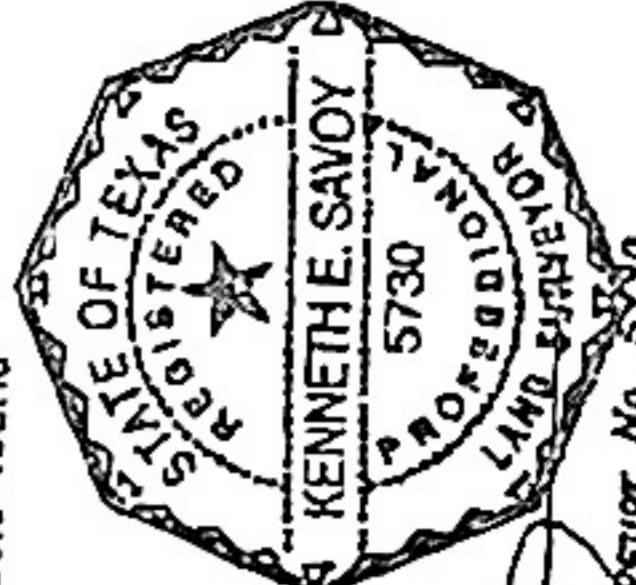
Record data as shown hereon was called upon in part and taken from a Commitment for Title Insurance issued by the following qualified provider:
Old Republic Title Company
D.E. No. 0800721
Effective date: April 28, 2008

The Subject Tract(s) as shown hereon is subject to the following restrictive covenants of record:
Volume 16, Page 532 of the Deed Records of Montgomery County, Texas.

Tract shown hereon is located in ZONE X, areas outside the 500-year flood plain, according to Federal Emergency Management Agency Flood Insurance Rate Map Community Panel No. 48338C 0189 F effective 12/19/96.

I hereby certify that this survey was made on the ground under my supervision and that this drawing correctly represents the facts found at the time of survey.

Date of Survey 25 June 2008



Kenneth E. Savoy
Kenneth E. Savoy
Registered Professional Land Surveyor No. 5730



China Chapel Aerial



7/1/2021, 3:32:26 PM

- Abstracts
- Parcels

© OpenStreetMap (and) contributors, CC-BY-SA

Montgomery Planning and Zoning Commission
AGENDA REPORT

Meeting Date: 07/06/2021	Budgeted Amount:
Department: Administration	Prepared By: Dave McCorquodale

Subject

Consideration and possible action regarding approval of the Final Plat for Town Creek Crossing Section One as submitted by LeFevre Development, Inc.

Recommendation

Approve the Final Plat as submitted.

Discussion

The engineer's memo and submittal information are attached for review. The engineer's memo was written prior to receipt of the maintenance bond and title commitment. These documents have been received by the City, therefore there is no need to conditionally approve the plat. The City has received all required documents with the plat submission.

Approved By

Asst. City Administrator	Dave McCorquodale	Date: 07/01/2021
City Administrator	Richard Tramm	Date:



July 1, 2021

The Planning and Zoning Commission
City of Montgomery
101 Old Plantersville Rd.
Montgomery, Texas 77316

Re: Submission of Final Plat
Town Creek Crossing, Section 1
City of Montgomery

Dear Commission:

We reviewed the Final Plat submission for Town Creek Crossing Section 1, owned by LeFevre Development, Inc. ("the Owner"), on behalf of the City of Montgomery. The Owner has requested platting of the tract for the development of 102 single-family residential lots and 14 reserves.

Our review was based on The City of Montgomery's 2004 Code of Ordinances, Chapter 78, Section 61 and any other applicable chapters. We offer no objection to the plat as submitted. We recommend the Commission approve the plat conditional upon receipt of a performance bond for 100% of the remaining construction contract amount in a format acceptable to the City.

If you have any questions or comments, please do not hesitate to contact me.

Sincerely,

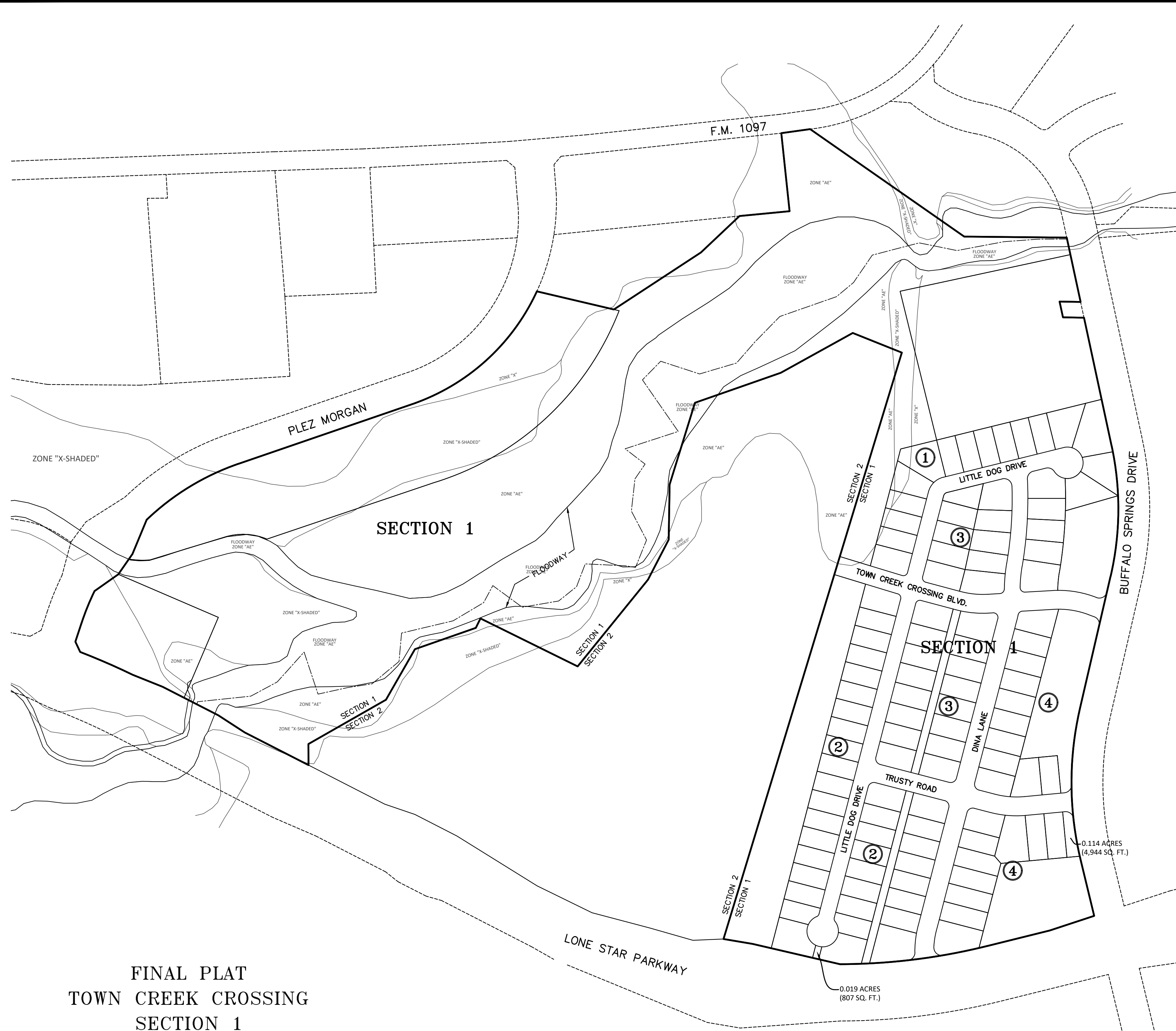
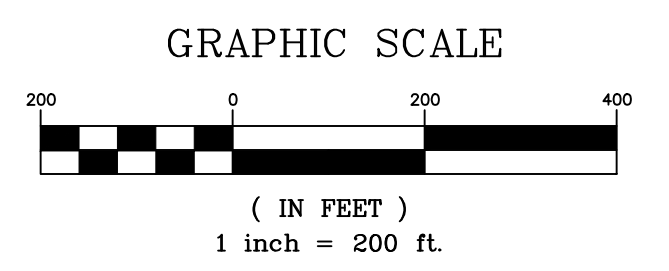
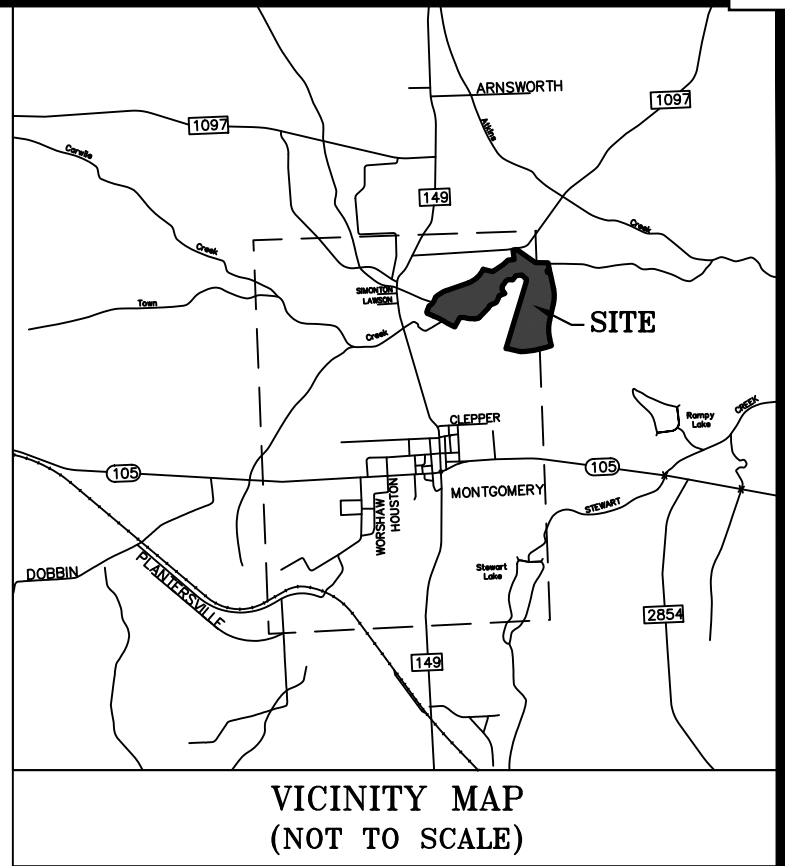
Chris Roznovsky, PE
Engineer for the City

CVR/kmv

Z:\00574 (City of Montgomery)_900 General Consultation\Correspondence\Letters\2021.07.01 MEMO to P&Z re Town Creek Crossing Section 1 Final Plat.docx

Enclosures: Final Plat

Cc (via email): The Honorable Mayor and City Council – City of Montgomery
Mr. Richard Tramm – City of Montgomery, City Administrator
Ms. Susan Hensley – City of Montgomery, City Secretary
Mr. Alan Petrov – Johnson Petrov, LLP, City Attorney
Mr. Jonathan White, PE – L² Engineering



**FINAL PLAT
TOWN CREEK CROSSING
SECTION 1**

A RESIDENTIAL SUBDIVISION OF
89.743 ACRES (3,909,186 SQ. FT.)
OF LAND IN THE
JOHN CORNER SURVEY, A-8
MONTGOMERY COUNTY, TEXAS

4 BLOCKS * 102 LOTS * 14 RESERVES
July 2021

ENGINEER:



L SQUARED ENGINEERING
3307 WEST DAVIS ST., STE. 100
CONROE, TX 77304
(936)647-0420
www.lsquarengineering.com

SURVEYOR:



LANDPOINT
525 SAWDUST ROAD, STE. 200
THE WOODLANDS, TX 77380
(281)465-8730
www.landpoint.net

OWNER:

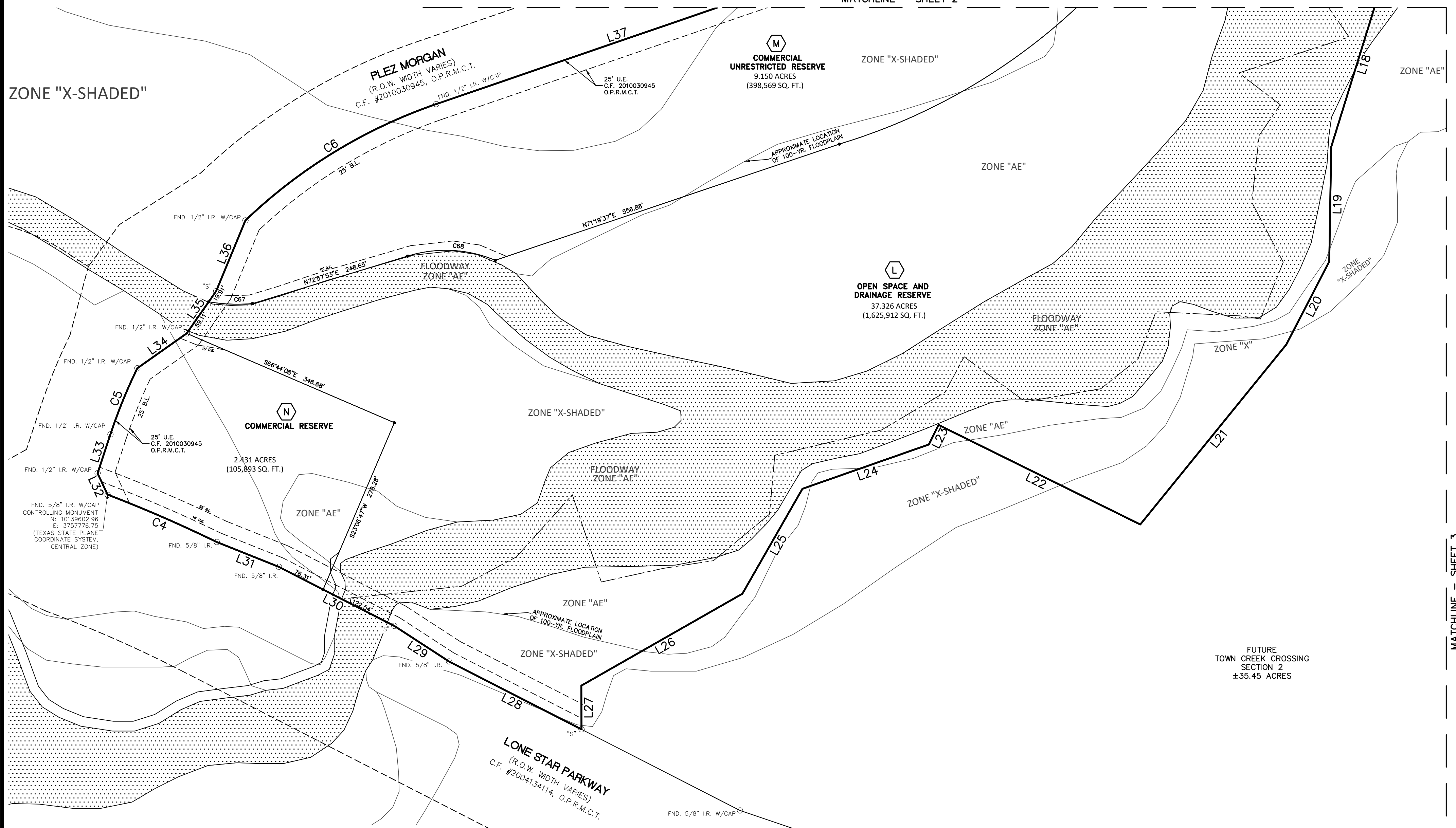
LeFevre Development, Inc.
780 Clepper Drive
Suite 100
Montgomery, Texas 77356
(936)582-1088

TBPELS REG. NO. 10194172

SHEET 1 OF 5

X:\2021\21-0365\WORKING\BASE MAPS\21-0365_TOWN CREEK CROSSING_SEC.1 (REV. 06.29.21).DWG Jun. 29, 2021-1:30 PM

MATCHLINE - SHEET 2



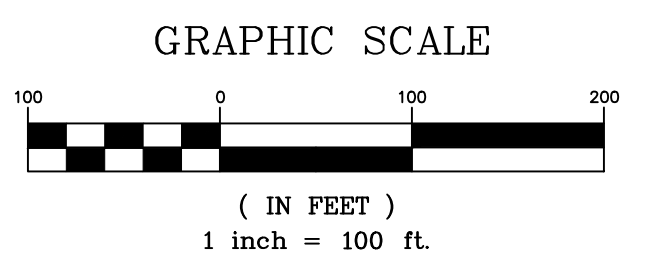
**FINAL PLAT
TOWN CREEK CROSSING
SECTION 1**

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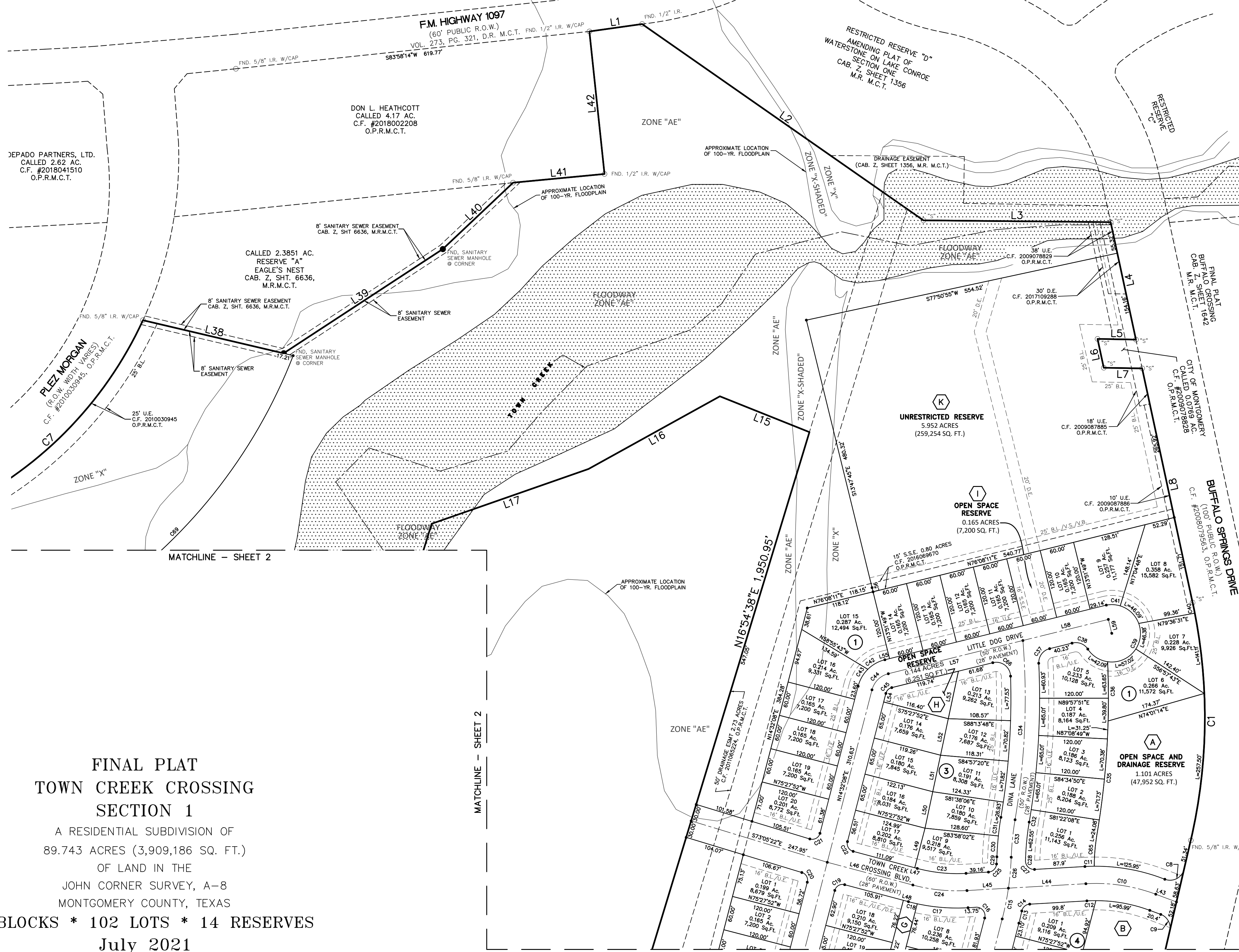
ENGINEER: L SQUARED ENGINEERING
SURVEYOR: LANDPOINT
OWNER: LeFevre Development, Inc.
 780 Clepper Drive
 Suite 100
 Montgomery, Texas 77356
 (936)582-1088

FINAL PLAT
BUFFALO SPRINGS
SECTION TWO
CAB. Z, SHEET 0641
M.R. M.C.T.



X:\2021\21-0365\WORKING\BASE MAPS\21-0365_TOWN CREEK CROSSING_SEC.1 (REV. 06.29.21).DWG Jun. 29, 2021-1:30 PM

MATCHLINE - SHEET 3

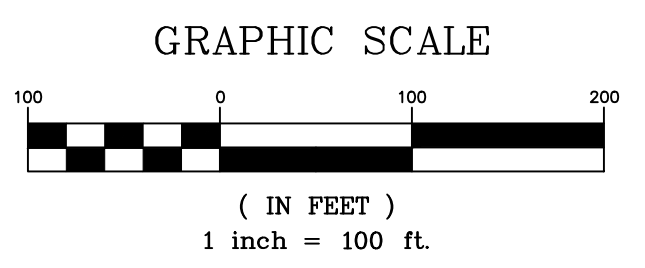


FINAL PLAT
TOWN CREEK CROSSING
SECTION 1
 A RESIDENTIAL SUBDIVISION OF
 89.743 ACRES (3,909,186 SQ. FT.)
 OF LAND IN THE
 JOHN CORNER SURVEY, A-8
 MONTGOMERY COUNTY, TEXAS
4 BLOCKS * 102 LOTS * 14 RESERVES
July 2021

ENGINEER:  L SQUARED ENGINEERING
 3307 WEST DAVIS ST., STE. 100
 CONROE, TX 77304
 (936)647-0420
 www.lquaredengineering.com

SURVEYOR:  LANDPOINT
 525 SAWDUST ROAD, STE. 200
 THE WOODLANDS, TX 77380
 (281)465-8730
 www.landpoint.net
 TBPELS REG. NO. 10194172

OWNER: LeFevre Development, Inc.
 780 Clepper Drive
 Suite 100
 Montgomery, Texas 77356
 (936)582-1088



X:\2021\21-0365\WORKING\BASE MAPS\21-0365_TOWN CREEK CROSSING_SEC.1 (REV. 06.29.21).DWG Jun. 29, 2021-1:30 PM

STATE OF TEXAS
COUNTY OF MONTGOMERY

That LeFevre Development, Inc. herein acting individually or through the undersigned duly authorized agents, does hereby adopt this plat designating the herein described real property as the TOWN CREEK CROSSING SUBDIVISION, SECTION 1, and does hereby make subdivision of said property according to the lines, streets, alleys, parks, and easements therein shown, and dedicate to public use forever all areas shown on this plat as streets, alleys, parks, and easements, except those specifically indicated as private; and does hereby waive any claims for damages occasioned by the establishing of grades as approved for the streets and alleys dedicated, or occasioned by the alteration of the surface of any portion of streets or alleys to conform to such grades and does hereby bind Owner, and Owner's successors and assigns to warrant and forever defend the title to the land so dedicated.

Owner hereby certifies that Owner has or will comply with all applicable regulations of the city, and that a rough proportionality exists between the dedications, improvements, and exactions required under such regulations and the projected impact of the subdivision.

IN TESTIMONY WHEREOF, the Lefevre Development, Inc. has caused these presents to be signed by _____ its Vice President and its common seal hereunto affixed this _____ day of _____ 2021.

Lefevre Development, Inc.

BY: _____

STATE OF TEXAS
COUNTY OF MONTGOMERY

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED _____ ITS VICE PRESIDENT OF _____ KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED, AND IN THE CAPACITY THEREIN AND HEREIN SET OUT, AND AS THE ACT AND DEED OF SAID CORPORATION.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____ 2021.

NOTARY PUBLIC

PRINTED NAME _____

MY COMMISSION EXPIRES _____

SURVEYOR'S CERTIFICATION

THAT I, HAROLD L. MOYER, DO HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN THEREOF WERE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION, IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF MONTGOMERY, TEXAS.

HAROLD L. MOYER, R.P.L.S.
TEXAS REGISTRATION NO. 5656

CITY OF MONTGOMERY

I, THE UNDERSIGNED, ENGINEER FOR THE CITY OF MONTGOMERY, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THE CITY AS TO WHICH HIS APPROVAL IS REQUIRED.

BY: _____
CHRIS ROZNOVSKY, P.E.
CITY ENGINEER - CITY OF MONTGOMERY

THIS PLAT AND SUBDIVISION HAS BEEN SUBMITTED TO AND CONSIDERED BY THE CITY PLANNING AND ZONING COMMISSION, AND IS HEREBY APPROVED BY SUCH COMMISSION.

DATED THIS _____ DAY OF _____, 2021.

BY: _____
JEFFREY WADDELL, CHAIRMAN
PLANNING AND ZONING COMMISSION

CITY OF MONTGOMERY

THIS PLAT AND SUBDIVISION HAS BEEN SUBMITTED TO AND CONSIDERED BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, AND IS HEREBY APPROVED BY SUCH COUNCIL.

DATED THIS _____ DAY OF _____, 20____.

BY: _____
SARA COUNTRYMAN, MAYOR

ATTEST: _____
SUSAN HENSLEY, CITY SECRETARY

COUNTY CLERK

I, MARK TURNBULL, CLERK OF THE COUNTY COURT OF MONTGOMERY COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR REGISTRATION IN MY OFFICE ON _____ DAY OF _____, 2021, AT _____ O'CLOCK ____M., AND DULY RECORDED ON _____ DAY OF _____, 2021, AT _____ O'CLOCK ____M., IN CABINET _____, SHEET _____ OF RECORDS OF _____ FOR SAID COUNTY.

WITNESS MY HAND AND SEAL OF OFFICE, AT CONROE, MONTGOMERY COUNTY, TEXAS THE DAY AND DATE LAST ABOVE WRITTEN.

BY: _____
MARK TURNBULL, CLERK, COUNTY COURT,
MONTGOMERY COUNTY, TEXAS

BY: _____ DEPUTY

LEGEND / ABBREVIATIONS

- C.F. CLERK'S FILE NUMBER
- FND. FOUND
- I.R. IRON ROD
- O.P.R. OFFICIAL PUBLIC RECORDS
- M.R. MAP RECORDS
- M.C.T. MONTGOMERY COUNTY, TEXAS
- R.O.W. RIGHT OF WAY
- D.R. DEED RECORDS
- B.L. BUILDING LINE
- U.E. UTILITY EASEMENT
- V.S. VEGETATION SETBACK
- V.B. VISUAL BARRIER
- P.U.E. PUBLIC UTILITY EASEMENT
- S.S.E. SANITARY SEWER EASEMENT
- "S" SET 5/8 INCH IRON ROD WITH CAP
- STAMPED "LANDPOINT 10194172"
- PROPERTY MARKER

NOTES:

1. All corners are set 5/8 inch iron rods w/cap stamped "Landpoint 10194172" unless otherwise shown or noted.
2. This property is situated in Zones "X", "X-Shaded", "AE" and "AE-Floodway" in Montgomery County, Texas according to FEMA map number 48339C 0200G dated 08/18/2014. 100 year base flood elevations are between 234' and 236'. Warning: This statement does not imply that the property and/or the structures thereon will be free from flooding or flood damage. This determination has been made by scaling the property on the referenced map and is not the result of an elevation survey. This flood statement shall not create liability on the part of the surveyor.
3. Fencing may be used as the visual barrier in accordance with City of Montgomery Ordinance.
4. Subject to Restrictions recorded under Vol. 72, Pg. 134, Vol. 72, Pg. 143, Vol. 72, Pg. 288, Vol. 89, Pg. 87, Vol. 112, Pg. 392, Vol. 802, Pg. 158, D.R. M.C.T. and C.F.N. 2008-079561, 2009-078829, 2009-087885, 2009-087886, 2011065224, 2016069670 & 2017109288, O.P.R.M.C.T.
5. Bearings were based on the Texas State Plane Coordinate System, North American Datum 1983 (NAD83), Central Zone (4203).
6. One-foot reserve dedicated to the public in fee as a buffer separation between side or end of streets in subdivision plats where such streets abut adjacent acreage tracts; the condition of such dedication being that when the adjacent property in subdivided in a recorded plat, the one-foot reserve shall thereupon become vested in the public for street right-of-way purposes and the fee title thereto shall revert to and revert in the dedicator, his heirs, assigns or successors.
7. Approval of the plat is not an acceptance by the City of Montgomery of any dedication of open space, drainage, or similar reserve. The City reserves the right to access these reserves but is not accepting ownership or maintenance responsibilities of these areas unless done by separate agreement.
8. There is hereby reserved a ten foot (10') building setback line along the rear of each lot line and a five foot (5') building setback line on either side of each lot line unless otherwise shown.
9. There is a 15' wide drainage easement extending from the edge of the existing floodway, based on the most recent FEMA Firm Panel No. 48339C0200G, no additional surveying was done to establish the limits of the existing floodway.

VARIANCES (APPROVED MAY 12, 2020):

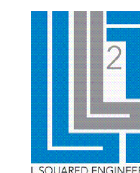
- MINIMUM LOT WIDTH (SECTION 98-122)
 - REQUIRED: 75'
 - VARIANCE: 60'
- MINIMUM LOT AREA (SECTION 98-122)
 - REQUIRED: 9,000 SF
 - VARIANCE: 7,000 SF
- RIGHT OF WAY WIDTH SECTION (78-87)
 - REQUIRED: 60'
 - VARIANCE: 50'
- COMPENSATING GREEN SPACE (SECTION 78-88)
 - PROVIDED DUE TO MINIMUM LOT WIDTH & AREA VARIANCE
 - REQUIRED: 2.78 ACRES
 - VARIANCE: 67+ ACRES
- VEGETATIVE BUFFER (SECTION 78-162)
 - REQUIRED: 25' BUFFER ON COMMERCIAL LOT
 - VARIANCE: 25' BUFFER ON RESIDENTIAL LOT

**FINAL PLAT
TOWN CREEK CROSSING
SECTION 1**

A RESIDENTIAL SUBDIVISION OF
89.743 ACRES (3,909,186 SQ. FT.)
OF LAND IN THE
JOHN CORNER SURVEY, A-8
MONTGOMERY COUNTY, TEXAS

**4 BLOCKS * 102 LOTS * 14 RESERVES
July 2021**

ENGINEER:



L SQUARED ENGINEERING
3307 WEST DAVIS ST., STE. 100
CONROE, TX 77304
(936)647-0420
www.lquaredengineering.com

SURVEYOR:



525 SAWDUST ROAD, STE. 200
THE WOODLANDS, TX 77380
(281)465-8730
www.landpoint.net

OWNER:

LeFevre Development, Inc.
780 Clepper Drive
Suite 100
Montgomery, Texas 77356
(936)582-1088

TBPELS REG. NO. 10194172

SHEET **5** OF **5**

X:\2021\21-0365\WORKING\BASE MAPS\21-0365_TOWN CREEK CROSSING_SEC.1 (REV. 06.29.21).DWG Jun. 29, 2021 - 1:30 PM

TAX CERTIFICATE

Item 4.



TAMMY J. MCRAE
MONTGOMERY COUNTY TAX ASSESSOR-COLLECTOR
400 N. SAN JACINTO
CONROE, TX 77301-2823

Issued To:

L SQUARED ENGINEERING
3307 W DAVIS STE 100
CONROE, TX 77304

Legal Description

A0008 - CORNER JOHN, TRACT 1-J, 57-A,
ACRES 37.86

Fiduciary Number: 28516289

Parcel Address:

Legal Acres: 37.8600

Account Number: 00.0008.00.00116

Print Date: 06/29/2021 11:05:17 AM

Certificate No: 243584640

Paid Date: 06/29/2021

Certificate Fee: \$10.00 CASH

Issue Date: 06/29/2021

Operator ID: NCRUZ

TAX CERTIFICATES ARE ISSUED WITH THE MOST CURRENT INFORMATION AVAILABLE. ALL ACCOUNTS ARE SUBJECT TO CHANGE PER SECTION 26.15 AND 11.43(i) OF THE TEXAS PROPERTY TAX CODE. THIS IS TO CERTIFY THAT ALL TAXES DUE ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN EXAMINED, UP TO AND INCLUDING THE YEAR 2020. TAXES THRU 2020 ARE PAID IN FULL. TAXES HAVE NOT BEEN CREATED FOR YEAR(S): 2021.

Exemptions:

Certified Owner:

TOWN CREEK CROSSING LLC
780 CLEPPER
STE 100
MONTGOMERY, TX 77356-3130

Certified Tax Unit(s):

- 1 MONTGOMERY COUNTY
2 MONTGOMERY CO HOSPITAL DIST
203 MONTGOMERY ISD
303 CITY OF MONTGOMERY
802 MONTGOMERY CO ESD 2

Table with 2 columns: Description, Amount. Rows include 2020 Value (239,790), 2020 Levy (\$5,442.75), 2020 Levy Balance (\$0.00), Prior Year Levy Balance (\$0.00), Total Levy Due (\$0.00), P&I + Attorney Fee (\$0.00), Total Amount Due (\$0.00).

PROPERTY OMITTED FROM THE APPRAISAL ROLL AS DESCRIBED UNDER TAX ROLL SECTION 25.21 IS NOT INCLUDED IN THE CERTIFICATE [TAX ROLL SECTION 31.08(B)]. DUE TO ITS ASSIGNED USAGE, THE ABOVE LEGAL PROPERTY MAY HAVE RECEIVED SPECIAL VALUATION, AND ADDITIONAL ROLLBACK TAXES MAY BECOME DUE BASED ON THE PROVISIONS OF THE SPECIAL VALUATION.

Reference (GF) No: N/A

Issued By:

TAMMY J. MCRAE
MONTGOMERY COUNTY TAX ASSESSOR-COLLECTOR
(936) 539-7897

TAX CERTIFICATE

Item 4.



TAMMY J. MCRAE
MONTGOMERY COUNTY TAX ASSESSOR-COLLECTOR
400 N. SAN JACINTO
CONROE, TX 77301-2823

Issued To:

L SQUARED ENGINEERING
3307 W DAVIS STE 100
CONROE, TX 77304

Legal Description

A0008 - CORNER JOHN, TRACT 1-H, ACRES
42.6315

Fiduciary Number: 28516289

Parcel Address:

Legal Acres: 42.6315

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Account Number: 00.0008.00.00115

Print Date: 06/29/2021 11:02:06 AM

Certificate No: 243584637

Paid Date: 06/29/2021

Certificate Fee: \$10.00 CASH

Issue Date: 06/29/2021

Operator ID: NCRUZ

TAX CERTIFICATES ARE ISSUED WITH THE MOST CURRENT INFORMATION AVAILABLE. ALL ACCOUNTS ARE SUBJECT TO CHANGE PER SECTION 26.15 AND 11.43(i) OF THE TEXAS PROPERTY TAX CODE. THIS IS TO CERTIFY THAT ALL TAXES DUE ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN EXAMINED, UP TO AND INCLUDING THE YEAR 2020. TAXES THRU 2020 ARE PAID IN FULL. TAXES HAVE NOT BEEN CREATED FOR YEAR(S): 2021.

Exemptions:

OPEN SPACE 1-D-1

Certified Owner:

TOWN CREEK CROSSING LLC
780 CLEPPER
STE 100
MONTGOMERY, TX 77356-3130

Certified Tax Unit(s):

- 1 MONTGOMERY COUNTY
2 MONTGOMERY CO HOSPITAL DIST
203 MONTGOMERY ISD
303 CITY OF MONTGOMERY
802 MONTGOMERY CO ESD 2

Table with 2 columns: Description and Amount. Rows include 2020 Value (\$314,960), 2020 Levy (\$181.81), 2020 Levy Balance (\$0.00), Prior Year Levy Balance (\$0.00), Total Levy Due (\$0.00), P&I + Attorney Fee (\$0.00), and Total Amount Due (\$0.00).

PROPERTY OMITTED FROM THE APPRAISAL ROLL AS DESCRIBED UNDER TAX ROLL SECTION 25.21 IS NOT INCLUDED IN THE CERTIFICATE [TAX ROLL SECTION 31.08(B)]. DUE TO ITS ASSIGNED USAGE, THE ABOVE LEGAL PROPERTY MAY HAVE RECEIVED SPECIAL VALUATION, AND ADDITIONAL ROLLBACK TAXES MAY BECOME DUE BASED ON THE PROVISIONS OF THE SPECIAL VALUATION.

Reference (GF) No: N/A

Issued By:

TAMMY J. MCRAE
MONTGOMERY COUNTY TAX ASSESSOR-COLLECTOR
(936) 539-7897

TAX CERTIFICATE

Item 4.



TAMMY J. MCRAE
MONTGOMERY COUNTY TAX ASSESSOR-COLLECTOR
400 N. SAN JACINTO
CONROE, TX 77301-2823

Issued To:

L SQUARED ENGINEERING
3307 W DAVIS STE 100
CONROE, TX 77304

Legal Description

A0008 - CORNER JOHN, TRACT 1-L, ACRES
43.9465

Fiduciary Number: 28516289

Parcel Address:

Legal Acres: 43.9465

Account Number: 00.0008.00.00119

Print Date: 06/29/2021 11:02:30 AM

Certificate No: 243584638

Paid Date: 06/29/2021

Certificate Fee: \$10.00 CASH

Issue Date: 06/29/2021

Operator ID: NCRUZ

TAX CERTIFICATES ARE ISSUED WITH THE MOST CURRENT INFORMATION AVAILABLE. ALL ACCOUNTS ARE SUBJECT TO CHANGE PER SECTION 26.15 AND 11.43(i) OF THE TEXAS PROPERTY TAX CODE. THIS IS TO CERTIFY THAT ALL TAXES DUE ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN EXAMINED, UP TO AND INCLUDING THE YEAR 2020. TAXES THRU 2020 ARE PAID IN FULL. TAXES HAVE NOT BEEN CREATED FOR YEAR(S): 2021.

Exemptions:

Certified Owner:

TOWN CREEK CROSSING LLC
780 CLEPPER
STE 100
MONTGOMERY, TX 77356-3130

Table with 2 columns: Description and Amount. Rows include 2020 Value (\$329,600), 2020 Levy (\$7,481.26), 2020 Levy Balance (\$0.00), Prior Year Levy Balance (\$0.00), Total Levy Due (\$0.00), P&I + Attorney Fee (\$0.00), and Total Amount Due (\$0.00).

Certified Tax Unit(s):

- 1 MONTGOMERY COUNTY
2 MONTGOMERY CO HOSPITAL DIST
203 MONTGOMERY ISD
303 CITY OF MONTGOMERY
802 MONTGOMERY CO ESD 2

PROPERTY OMITTED FROM THE APPRAISAL ROLL AS DESCRIBED UNDER TAX ROLL SECTION 25.21 IS NOT INCLUDED IN THE CERTIFICATE [TAX ROLL SECTION 31.08(B)]. DUE TO ITS ASSIGNED USAGE, THE ABOVE LEGAL PROPERTY MAY HAVE RECEIVED SPECIAL VALUATION, AND ADDITIONAL ROLLBACK TAXES MAY BECOME DUE BASED ON THE PROVISIONS OF THE SPECIAL VALUATION.

Reference (GF) No: N/A

Issued By:

TAMMY J. MCRAE
MONTGOMERY COUNTY TAX ASSESSOR-COLLECTOR
(936) 539-7897



Plat Filing Fee Calculation Sheet

Upon completion return calculation sheet with plat fee to Dave McCorquodale at Montgomery City Hall, 101 Old Plantersville Road, Montgomery, TX 77316

Please complete the information below corresponding to the type of plat you are submitting. Your calculation of the plat fee will be verified upon submittal to the City.

A. CONTACT INFORMATION

Plat Name: Town Creek Crossing Section 1

Name of Development: Town Creek Crossing Section 1

Development Number: 2008

Name of Owner: Lefevre Development Inc

Mailing Address: 780 Clepper Street

City/State/Zip: Montgomery, TX 77356

Telephone Number: 936-524-1659 Fax Number: _____

Cell Phone: _____ Email: plefevre@lefco-inc.com

Name of registered Professional Land Surveyor: Harold Moyer

Firm Name & Registration No.: Landpoint Surveyors

Mailing Address: 525 Sawdust Road Suite 200

City/State/Zip: The Woodlands TX 77380

Telephone Number: 281-465-8730 Fax Number: _____

Cell Phone: _____ Email: hmoyer@landpoint.net

B. DEVELOPMENT INFORMATION

Number of Acres: 89.743 Number of Lots: 102

C. PRELIMINARY PLAT

- 1. \$200.00 Base Fee.....\$200.00
- 2. \$5.00/acre Additional Fee.....\$ 448.715
- 3. \$5.00/lot Additional Fee.....\$ 510

Total Plat Fee Due (Sum of 1 and greater of 2 or 3):.....\$ n/a

D. FINAL, AMENDING, REPLAT, AND MINOR PLAT

- 1. \$200.00 Base Fee.....\$200.00
- 2. \$30.00/acre Additional Fee.....\$ 2692.29
- 3. \$8.00/lot Additional Fee.....\$ 816

Total Plat Fee Due (Sum of 1 and greater of 2 or 3):.....\$ 448.00

E. DEVELOPMENT PLAT

- 1. \$200.00 Base Fee.....\$200.00
- 2. \$5.00/acre Additional Fee.....\$ 448.715

Total Plat Fee Due (Sum of 1 and 2):.....\$ n/a

For City Use Only

Amount Received: _____ Date Received: _____

Check Number: _____

Received by: _____
Date _____



CITY PLANNING LETTER
July 2, 2021

City Planning Commission

RE: 2000056

To Whom It May Concern:

This company ("Title Company") certifies that a diligent search of the real property records of Title Company's title plant has been made, as to the herein described property, and as of 8:00 AM on the 6/21/2021, we find the following:

Record Owner:

TOWN CREEK CROSSING LLC, a Texas limited liability company

RE: BEING 89.743 acres (3,909,186 square feet) of land situated in the John Corner Survey, A-8 of Montgomery County, Texas, being a called 1.010 acre tract described in instrument to LeFevre Development, Inc. recorded in Clerk's File Number 2020050951 of the Official Public Records of Montgomery County, Texas (O.P.R.M.C.T.); the residue of that certain called 43.6507 acre tract described in instrument to Lefevre Development, Inc., recorded in Clerk's File No. 2008064097, O.P.R.M.C.T.; the residue of that certain called 43.9804 acre tract described as "Tract Two" in instrument to Lefevre Development, Inc., recorded in Clerk's File No. 2014009518, O.P.R.M.C.T.; and the residue of that certain called 75.032 acre tract described in instrument to Lefevre Development, Inc., recorded in Clerk's File No. 2010001857, O.P.R.M.C.T., said 89.743 acre tract of land being more particularly described by metes and bounds as follows (Bearings referenced herein are based on the Texas State Plane Coordinate System, Central Zone (4203), National American Datum 1983 (NAD83)):

BEGINNING at a 1/2 inch iron rod with cap found on the southerly right-of-way of Farm to Market Road 1097 (FM 1097, 60 foot width), recorded in Volume 273, Page 321 of the Deed Records of Montgomery County, Texas (D.R.M.C.T.), being the northeasterly corner of a called 4.17 acre tract as described in special warranty deed to Don L. Heathcott as recorded in County Clerk's File Number 2018002208, of the Official Public Records of Montgomery County, Texas same being the most northerly northwest corner of the herein described 89.743 acre tract, from which a 1/2 inch iron rod with cap found along the southerly right-of-way of FM 1097 bears South 83°58'14" West, 619.77 feet;

THENCE North 82°02'15" East, 92.69 feet with said southerly right-of-way of FM 1097 to a 1/2 inch iron rod found at the beginning of a curve to the left, for the common northerly corner of said residue of 75.032 acre tract and Restricted Reserve "D" of the Amending Plat of Waterstone on Lake Conroe, Section One, as shown on the map or plat thereof, recorded in Cabinet Z, Sheet 1356 of the Map Records of Montgomery County, Texas (M.R.M.C.T.), being the most northerly northeast corner of the herein described 89.743 acre tract;

THENCE South 55°05'51" East, 598.05 feet, with the northeasterly line of said 43.9804 acre tract and the northerly northeast line of said residue of 43.6507 acre tract, common to the southwesterly line of said Reserve "D", to a 5/8 inch iron rod with cap stamped "Landpoint 10194172" set for a common corner of said residue of 43.6507 acre tract and said Reserve "D", being an interior corner of the herein described 89.743 acre tract;

THENCE South 89°26'33" East, 326.41 feet, continuing with the common line of said residue of 43.6507 acre tract and said Reserve "D", to a 5/8 inch iron rod with cap stamped "Landpoint 10194172" set in the westerly right-of-way of Buffalo Springs Drive (100 foot width), recorded in Clerk's File No. 2008079563, O.P.R.M.C.T., for the common easterly corner of said residue of 43.6507 acre tract and said Reserve "D", being the most northerly northeast corner of the herein described 89.743 acre tract;

THENCE South 12°09'05" East, 209.48 feet, with the northerly east line of said residue of 43.6507 acre tract and the westerly right-of-way of said Buffalo Springs Drive, to a 5/8 inch iron rod with cap stamped "Landpoint 10194172" set for the common easterly corner of said residue of 43.6507 acre tract and a called 0.0769 acre tract described in instrument to City of Montgomery, Texas, recorded in Clerk's File No. 2009078828, O.P.R.M.C.T., being the most northerly southeast corner of the herein described 89.743 acre tract;

THENCE North 89°00'22" West, 66.98 feet, with the common line of said residue of 43.6507 acre tract and said 0.0769 acre tract, to a 5/8 inch iron rod with cap stamped "Landpoint 10194172" set for a common corner of the same, being an interior corner of the herein described 89.743 acre tract;

THENCE South 12°09'05" East, 51.35 feet, continuing with the common line of said residue of 43.6507 acre tract and said 0.0769 acre tract, to a 5/8 inch iron rod with cap stamped "Landpoint 10194172" set for a common corner of the same, being an interior corner of the herein described 89.743 acre tract;

THENCE South 89°00'22" East, 66.98 feet, with the common line of said residue of 43.6507 acre tract and said 0.0769 acre tract, to a 5/8 inch iron rod with cap stamped "Landpoint 10194172" set in the westerly right-of-way of said Buffalo Springs Drive, for the common easterly corner of said residue of 43.6507 acre tract and said 0.0769 acre tract, being the most easterly northeast corner of the herein described 89.743 acre tract;

THENCE South 12°09'05" East, 417.64 feet, with an easterly line of said residue of 43.6507 acre tract and the westerly right-of-way of said Buffalo Springs Drive, to a 5/8 inch iron rod with cap stamped "Landpoint 10194172" set for the beginning of a curve to the right;

THENCE in a southerly direction, continuing with an easterly line of said residue of 43.6507 acre tract, the westerly right-of-way of said Buffalo Springs Drive, and with the arc of said curve to the right, an arc distance of 418.20 feet, having a radius of 950.00 feet, a central angle of $25^{\circ}13'19''$, and a chord that bears South $00^{\circ}27'12''$ West, 414.83 feet, to a 5/8 inch iron rod with cap found for the end of said curve to the right;

THENCE South $13^{\circ}02'36''$ West, 431.45 feet, continuing with an easterly line of said residue of 43.6507 acre tract and the westerly right-of-way of said Buffalo Springs Drive, to a 5/8 inch iron rod with cap found for the beginning of a curve to the left;

THENCE in a southerly direction, continuing with an easterly line of said residue of 43.6507 acre tract, the westerly right-of-way of said Buffalo Springs Drive, and with the arc of said curve to the left, an arc distance of 490.18 feet, having a radius of 1,050.00 feet, a central angle of $26^{\circ}44'53''$, and a chord that bears South $00^{\circ}19'50''$ East, 485.74 feet, to a 5/8 inch iron rod with cap stamped "Landpoint 10194172" set for the end of said curve to the left;

THENCE South $13^{\circ}37'24''$ East, 179.96 feet, continuing with an easterly line of said residue of 43.6507 acre tract and the westerly right-of-way of said Buffalo Springs Drive, to a 5/8 inch iron rod with cap stamped "Landpoint 10194172" set at the intersection of the westerly right-of-way of said Buffalo Springs Drive with the northerly right-of-way of Lone Star Parkway (width varies), recorded in Clerk's File No. 2004134114, O.P.R.M.C.T., for the most southerly southeast corner of said residue of 43.6507 acre tract and the herein described 89.743 acre tract;

THENCE South $71^{\circ}44'18''$ West, 148.65 feet, with the southerly line of said residue of 43.6507 acre tract and the northerly right-of-way of said Lone Star Parkway, to a 5/8 inch iron rod found for a common corner of the same, being an angle corner in the southerly line of the herein described 89.743 acre tract;

THENCE South $76^{\circ}02'16''$ West, 206.15 feet, continuing with the southerly line of said residue of 43.6507 acre tract and the northerly right-of-way of said Lone Star Parkway, to a 5/8 inch iron rod found for the beginning of a curve to the right;

THENCE in a westerly direction, continuing with the southerly line of said residue of 43.6507 acre tract, the northerly right-of-way of said Lone Star Parkway, and with the arc of said curve to the right, an arc distance of 472.15 feet, having a radius of 1,960.00 feet, a central angle of $13^{\circ}48'08''$, and a chord that bears South $82^{\circ}57'23''$ West, 471.01 feet, to a 5/8 inch iron rod with cap found for the end of said curve to the right, being an interior corner in the northerly right-of-way of said Lone Star Parkway, and an angle corner in the southerly line of said residue of 43.6507 acre tract and the herein described 89.743 acre tract;

THENCE North $76^{\circ}56'27''$ West, 286.65 feet, continuing with the southerly line of said residue of 43.6507 acre tract and the northerly right-of-way of said Lone Star Parkway, to a 5/8 inch iron rod with cap stamped "Landpoint 10194172" set for a common corner of the same, being an interior corner of the herein described 89.743 acre tract;

THENCE North 80°21'06" West, 93.35 feet, continuing with the southerly line of said residue of 43.6507 acre tract and the northerly right-of-way of said Lone Star Parkway, to a 5/8 inch iron rod found for the common southerly corner of said residue of 43.6507 acre tract and said 43.9804 acre tract, being an angle corner in the northerly right-of-way of said Lone Star Parkway and the an exterior corner of the herein described 89.743 acre tract, from which a 5/8 inch iron rod with cap found bears South 87°32'13" West 97.50 feet;

THENCE leaving the northerly right-of-way of said Lone Star Parkway, over and across said residue of 43.6507 acre tract and 43.9804 acre tract the following fourteen (14) courses:

- 1) North 16°54'38" East, 1,950.95 feet;
- 2) North 68°11'31" West, 168.14 feet;
- 3) South 61°02'42" West, 261.68 feet;
- 4) South 70°44'49" West, 289.60 feet;
- 5) South 17°13'22" West, 272.04 feet;
- 6) South 00°58'56" West, 175.89 feet;
- 7) South 27°20'49" West, 143.63 feet;
- 8) South 39°02'59" West, 355.28 feet;
- 9) North 63°43'34" West, 345.00 feet;
- 10) South 26°16'26" West, 33.44 feet;
- 11) South 70°40'58" West, 205.50 feet;
- 12) South 29°46'21" West, 185.43 feet;
- 13) South 60°16'23" West, 284.38 feet;
- 14) South 00°12'59" East, 66.98 feet;

THENCE North 62°52'32" West, 228.25 feet, with the southerly line of said 43.9804 acre tract and the northerly right-of-way of said Lone Star Parkway, to a 5/8 inch iron rod found for a common corner of the same, being an angle corner in the southerly line of the herein described 89.743 acre tract;

THENCE North 56°59'56" West, 100.12 feet, continuing with the southerly line of said 43.9804 acre tract and the northerly right-of-way of said Lone Star Parkway, to a 5/8 inch iron rod with cap stamped "Landpoint 10194172" set for a common corner of the same, being an interior corner of the herein described 89.743 acre tract;

THENCE North 62°53'18" West, 198.85 feet, with the southerly line of said 43.9804 acre tract and said residue of 75.032 acre tract, continuing with the northerly right-of-way of said Lone Star Parkway, passing Town Creek, to a 5/8 inch iron rod found for an angle corner in said northerly right-of-way, being an interior corner of said residue of 75.032 acre tract and the herein described 89.743 acre tract;

THENCE North 68°11'27" West, 102.52 feet, continuing with the southerly line of said residue of 75.032 acre tract and the northerly right-of-way of said Lone Star Parkway, to a 5/8 inch iron rod found for the beginning of a non-tangent curve to the left, being an interior corner in said northerly right-of-way and an angle corner in the southerly line of said residue of 75.032 acre tract and the herein described 89.743 acre tract;

THENCE in a northwesterly direction, continuing with the southerly line of said residue of 75.032 acre tract and the northerly right-of-way of said Lone Star Parkway, with the arc of said curve to the left, an arc length of 182.78 feet, having a radius of 2,150.00 feet, a central angle of $04^{\circ}52'15''$, and a chord that bears North $66^{\circ}30'34''$ West, 182.72 feet, to a 5/8 inch iron rod with cap found for the end of said curve to the left, and the southerly cutback corner at the intersection of said northerly right-of-way with the easterly right-of-way of Plez Morgan (width varies), recorded in Clerk's File No. 2010030945, O.P.R.M.C.T., being a southwesterly corner of said residue of 75.032 acre tract and the herein described 89.743 acre tract;

THENCE North $24^{\circ}55'35''$ West, 36.09 feet, with said cutback and a southwesterly line of said residue of 75.032 acre tract, to a 1/2 inch iron rod with cap found for the westerly cutback corner at said intersection, being the most westerly corner of said residue of 75.032 acre tract and the herein described 89.743 acre tract;

THENCE North $18^{\circ}17'35''$ East, 62.68 feet, with the most westerly northwest line of said residue of 75.032 acre tract and the southeasterly right-of-way of said Plez Morgan, to a 1/2 inch iron rod with cap found for the beginning of a curve to the right;

THENCE in a northeasterly direction, continuing with the most westerly northwest line of said residue of 75.032 acre tract and the southeasterly right-of-way of said Plez Morgan, with the arc of said curve to the right, an arc length of 109.75 feet, having a radius of 800.00 feet, a central angle of $07^{\circ}51'36''$, and a chord that bears North $22^{\circ}07'07''$ East, 109.66 feet, to a 1/2 inch iron rod with cap found for the end of said curve to the right, being an interior corner in said southeasterly right-of-way, and an angle corner in the most westerly northwest line of said residue of 75.032 acre tract and the herein described 89.743 acre tract;

THENCE North $54^{\circ}49'11''$ East, 92.60 feet, continuing with the most westerly northwest line of said residue of 75.032 acre tract and the southeasterly right-of-way of said Plez Morgan, to a 1/2 inch iron rod with cap found for a common corner of the same, being an interior corner of the herein described 89.743 acre tract;

THENCE North $34^{\circ}53'40''$ East, 79.01 feet, continuing with the most westerly northwest line of said residue of 75.032 acre tract and the southeasterly right-of-way of said Plez Morgan, to a 5/8 inch iron rod with cap stamped "Landpoint 10194172" set for a common corner of the same, being an interior corner of the herein described 89.743 acre tract;

THENCE North $22^{\circ}27'44''$ East, 117.49 feet, continuing with the most westerly northwest line of said residue of 75.032 acre tract and the southeasterly right-of-way of said Plez Morgan, to a 1/2 inch iron rod with cap found for the beginning of a non-tangent curve to the right, being a common corner of the same, and an angle corner in the westerly northwest line of the herein described 89.743 acre tract;

THENCE in a northeasterly direction, continuing with the most westerly northwest line of said residue of 75.032 acre tract and the southeasterly right-of-way of said Plez Morgan, with the arc of said curve to the right, an arc length of 345.28 feet, having a radius of 800.00 feet, a central

angle of $24^{\circ}43'44''$, and a chord that bears North $58^{\circ}36'51''$ East, 342.61 feet, to a 1/2 inch iron rod with cap found for the end of said curve to the right;

THENCE North $71^{\circ}02'38''$ East, 595.09 feet, continuing with the most westerly northwest line of said residue of 75.032 acre tract and the southeasterly right-of-way of said Plez Morgan, to a 1/2 inch iron rod with cap found for the beginning of a curve to the left;

THENCE in a northeasterly direction, continuing with the most westerly northwest line of said residue of 75.032 acre tract and the southeasterly right-of-way of said Plez Morgan, with the arc of said curve to the left, an arc length of 539.65 feet, having a radius of 681.13 feet, a central angle of $45^{\circ}23'40''$, and a chord that bears North $47^{\circ}24'44''$ East, 525.64 feet, to a 5/8 inch iron rod with cap found for the common westerly corner of said residue of 75.032 acre tract and a called 2.3851 acre tract described in instrument to David H. Holle, Trustee, recorded in Clerk's File No. 2019001945, O.P.R.M.C.T., being a northerly corner of the herein described 89.743 acre tract;

THENCE South $76^{\circ}45'52''$ East, 251.85 feet, with the common line of said residue of 75.032 acre tract and said 2.3851 acre tract, to a sanitary sewer manhole found for a common corner of the same, being an interior corner of the herein described 89.743 acre tract;

THENCE North $56^{\circ}46'50''$ East, 331.60 feet, continuing with the common line of said residue of 75.032 acre tract and said 2.3851 acre tract, to a sanitary sewer manhole found for a common corner of the same, being an interior corner of the herein described 89.743 acre tract;

THENCE North $46^{\circ}38'16''$ East, 168.72 feet, continuing with the common line of said residue of 75.032 acre tract and said 2.3851 acre tract, to a 1/2 inch iron rod with cap found in the southerly line of a called 4.17 acre tract described in instrument to Don L. Heathcott, recorded in Clerk's File No. 2018002208, O.P.R.M.C.T., for the common northerly corner of said residue of 75.032 acre tract and said 2.3851 acre tract, being a northwesterly corner of the herein described 89.743 acre tract, from which a 1/2 inch iron rod with cap found in the southeasterly right-of-way of said Plez Morgan, for the common westerly corner of said 2.3851 acre tract and said 4.17 acre tract, bears South $84^{\circ}15'30''$ West, 593.85 feet;

THENCE North $84^{\circ}32'45''$ East, 160.02 feet, with the common line of said residue of 75.032 acre tract and said 4.17 acre tract, to a 1/2 inch iron rod with cap found for a common corner of the same, being an interior corner of the herein described 89.743 acre tract;

THENCE North $06^{\circ}02'45''$ West, 249.91 feet, continuing with the common line of said residue of 75.032 acre tract and said 4.17 acre tract, to a 1/2 inch iron rod with cap found in the southerly right-of-way of said FM 1097, to the PLACE OF BEGINNING and containing a computed 89.743 acres (3,909,186 square feet) of land.

Subject to the following:

1. Restrictions:

As set forth in instrument filed under Montgomery County Clerk's File No. 2004-013561 and 2020128417, and as reflected on the Proposed Plat of TOWN CREEK CROSSING SECTION 1, a subdivision in Montgomery County, Texas. BUT DELETING ANY RESTRICTIONS BASED ON RACE, COLOR, RELIGION, MATERIAL ORIGIN, SEX, FAMILIAL STATUS OR HANDICAP.

2. Easements:

- a. Building lines and easements as reflected on the Proposed Plat of Town Creek Crossing Section 1, a subdivision in Montgomery County, Texas.
- b. Easement granted to Magnolia Petroleum Co., affecting a 734.49 acre tract, set forth, defined and described in instruments recorded Volume 72, Page 134, Volume 72, Page 143, Volume 72, Page 288, and Volume 89, Page 87, of the Deed Records of Montgomery County Texas. Easements were assigned to Magnolia Pipe Line Company by instrument recorded in Volume 112, Page 392, of the Deed Records of Montgomery County, Texas, Amended and defined by that certain Partial Release Agreement, recorded in Volume 802, Page 158 of the Deed Records of Montgomery County, Texas.
- c. Channel Easement awarded to the State of Texas in Judgment resulting from Condemnation Suit styled The State of Texas versus Clifton Rampy, entered in the County Court of Montgomery County, Texas, in Cause No. 1876, recorded in Volume 5, Page 107 of the County Court Civil Minutes of Montgomery County, Texas.
- d. Easement Deed granted to City of Montgomery, as set forth, described and defined in instrument filed under Montgomery County Clerk's File No. 2008-079560.
- e. Easement granted to City of Montgomery, as set forth, described and defined in instrument filed under Montgomery County Clerk's File No. 2008-079561.
- f. Easement granted to City of Montgomery, as set forth, described and defined in instrument filed under Montgomery County Clerk's File No. 2008-079562. Abandonment of Certain Utility Easements executed by City of Montgomery, Texas, filed under Montgomery County Clerk's File No. 2009-078832.
- g. Easement granted to City of Montgomery, as set forth, described and defined in instrument filed under Montgomery County Clerk's File No. 2008-079563.
- h. Dedication of Utility easement granted to City of Montgomery, located in the most northeasterly portion of subject property, being further described and defined in instrument filed under Montgomery County Clerk's File No. 2009-078829.
- i. Easement 20 feet wide, granted to Entery Texas, Inc., located in the most northeasterly portion subject property and along the easterly line of subject property, being further described and defined in instrument filed under Montgomery County Clerk's File No. 2009-087885.
- j. Easement 10 feet wide, granted to Entery Texas, Inc., located along the easterly line of subject property, being further described and defined in instrument filed under Montgomery County Clerk's File No. 2009-087886.

- k. Easement 10 feet wide, granted to Entery Texas, Inc., located along the easterly line of subject property, being further described and defined in instrument filed under Montgomery County Clerk's File No. 2009-087888.
- l. Dedication of Utility easement granted to City of Montgomery, 50 feet wide traversing subject property from northerly property line to southerly property line, being further described and defined in instrument filed under Montgomery County Clerk's File No. 2011065224.
- m. Sanitary sewer easement granted to City of Montgomery, as set forth, described and defined in instrument filed under Montgomery County Clerk's File No. 2016069670.
- n. Drainage easement granted to City of Montgomery, 30 feet wide, located along the easterly property line, as set forth, described and defined in instrument filed under Montgomery County Clerk's File No. 2017109288.

, 2004-096195, 2004-096196, 2004-105796, 2004-119577, reference to which instrument is here made for all purposes. Title to said interest has not been investigated subsequent to date of the aforesaid instrument. (As to the 43.6507 acre tract)

All the oil, gas and other minerals, and all other elements not considered a part of the surface estate, the royalties, bonuses, rentals and all other rights in connection with same all of which are expressly excepted therefrom and not insured hereunder, as the same are set forth in Deed filed under Montgomery County Clerk's File No. 2003-132092. (Said interest not investigated subsequent to date of reservation or conveyance.) (As to the 43.9804 acre tract)

Affidavit of Non-Production filed under Montgomery County Clerk's File No. 2004-109403.

All leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges, and immunities relating thereto, appearing in the Public Records whether listed in Schedule B or not. There may be leases, grants, exceptions or reservations of mineral interest that are not listed. (Pursuant to Procedural Rule P-50.1 the above exception must appear on any corresponding policy issued if a T-19.2 or T-19.3 endorsement that meets underwriting standards is requested by the proposed insured.)]

- o. Terms and Provisions contained in that certain Memorandum of Agreement, filed under Montgomery County Clerk's File No. 2004-013561.
- p. Terms, conditions, stipulations and restrictions as set out in instrument creating a restricted water quality zone, executed by Texas Water Quality Board and San Jacinto River Authority, recorded in Volume 741, Page 445 of the Deed Records of Montgomery County, Texas; said instrument having been amended by Order of the Texas Water Quality Board, bearing Order No. 76-1216-4, and being further amended by Order of the San Jacinto River Authority and the Texas Water Commission, issued on February 12, 1988, as contained in 13 Tex Reg. 1004.

3. Liens:

- a. Deed of Trust dated June 20, 2008, filed for record on June 26, 2008, under Montgomery County Clerk's File No. 2008-064101, executed by LEFEVRE DEVELOPMENT, INC., to ROBERT L. PAGE, Trustee(s), to secure the payment of one note in the principal sum of \$15,890,000.00, payable to the order of PHILIP LEFEVRE and wife HOLLY LEFEVRE, and subject to all of the terms, conditions and stipulations contained therein, including but not limited to any other and future indebtedness also secured by this lien. Subordination Agreement filed under Montgomery County Clerk's File No. 2008-064102.

NOTE: Said lien has probably been paid, however, we find no Release of record. Secure evidence of same.

- b. Deed of Trust dated September 24, 2008, filed for record on September 30, 2008, under Montgomery County Clerk's File No. 2008-096316, executed by LEFEVRE DEVELOPMENT, INC., to ROBERT L. PAGE, Trustee(s), to secure the payment of one note in the principal sum of \$15,890,000.00, payable to the order of PHILIP LEFEVRE and wife HOLLY LEFEVRE, and subject to all of the terms, conditions and stipulations contained therein, including but not limited to any other and future indebtedness also secured by this lien. Subordination Agreement filed under Montgomery County Clerk's File No. 2008-096318.

NOTE: Said lien has probably been paid, however, we find no Release of record. Secure evidence of same.

Said lien, having been renewed, modified and/or extended by instrument filed for record under Montgomery County Clerk's File No. 2020128095

- c. Deed of Trust dated November 5, 2020, filed for record on November 6, 2020, under Montgomery County Clerk's File No. 2020128197, executed by Town Creek Crossing, LLC, a Texas limited liability company, to John M Bonner, Trustee(s), to secure the payment of one note in the principal sum of \$4,349,533.00, payable to the order of FC-V Financial, L.P., and subject to all of the terms, conditions and stipulations contained therein, including but not limited to any other and future indebtedness also secured by this lien.

Subordination Agreement, filed for record under Montgomery County Clerk's File No. 2020128416.

- d. Deed of Trust dated November 5, 2020, filed for record on November 9, 2020, under Montgomery County Clerk's File No. 2020128418, executed by Town Creek Crossing, LLC, to John C Rose, Trustee(s), to secure the payment of one note in the principal sum of \$300,000.00, payable to the order of K. Hovnanian of Houston II, LLC, and subject to all of the terms, conditions and stipulations contained therein, including but not limited to any other and future indebtedness also secured by this lien.

Subordination Agreement, filed for record under Montgomery County Clerk's File No. 2020128723.

- e. Deed of Trust dated November 5, 2020, filed for record on November 9, 2020, under Montgomery County Clerk's File No. 2020128419, executed by Town Creek Crossing, LLC, to J Michael O'Donnell, Trustee(s), to secure the payment of one note in the principal sum of \$300,000.00, payable to the order of Anglia Homes, LP, and subject to all of the terms, conditions and stipulations contained therein, including but not limited to any other and future indebtedness also secured by this lien.

Subordination Agreement, filed for record under Montgomery County Clerk's File No. 2020128724.

No examination has been made as to abstracts of judgments, state or federal tax liens, the status of taxes, tax suits or paving assessments.

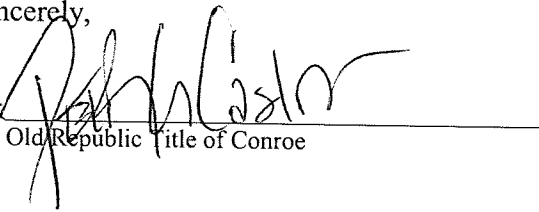
This letter is issued for the use of and shall inure to the benefit of PLATTING. Liability of Title Company for mistakes or errors in this letter is hereby limited to the cost of said letter.

This letter is issued with the express understanding, evidenced by the acceptance thereof, that Title Company does not undertake to give or express any opinion as to the validity or effect of the instruments listed, and this letter is neither a guaranty or warranty of title.

Liability hereunder is limited to the amount paid for same. This report is furnished solely as an accommodation to the party requesting same and should not be relied upon, as a warranty or representation as to the title to the property described herein, and may not be given to or used by any third party. Title Company assumes no liability whatsoever for the accuracy of this report, nor for any omission or error with respect hereto. YOU AGREE TO RELEASE, INDEMNIFY AND HOLD HARMLESS TITLE COMPANY BECAUSE OF ANY NEGLIGENCE BY TITLE COMPANY (WHETHER SOLE, JOINT OR OTHERWISE) FOR ANY CLAIM, LOSS, LIABILITY OR DAMAGES ARISING OUT OF THIS REPORT. This report is not title insurance. If a policy of title insurance is purchased, any liability thereunder shall be determined solely by the terms of such policy.

Sincerely,

By:



Old Republic Title of Conroe

SureTec Insurance Company

RIDER TO BE ATTACHED TO AND FORM A PART OF PERFORMANCE AND PAYMENT BONDS

BOND NO. 4441711

Wherein Jerrico General Contractor, Inc. is named as Principal and SureTec Insurance Company, as Surety in favor of Town Creek Crossing, LLC (on behalf of MC MUD 160) as Obligee, in the amount of Two Million One Hundred Sixty Five Thousand Eight Hundred Fifty Five Dollars and Eighty One Cents (\$2,165,855.81) effective March 1, 2021 for Town Creek Crossing Section 1 to service Montgomery County Municipal Utility District No. 160.

WHEREAS, when this bond was executed Town Creek Crossing, LLC (on behalf of MC MUD 160) was named as Obligee, and

WHEREAS, it is now desired that certain other parties be added as "Additional Obligees".

NOW, THEREFORE, it is hereby understood and agreed that the following shall be considered as Additional Obligees under this bond:

City of Montgomery

The foregoing, however, is subject to the following further provisions:

- (1) The Surety shall not be liable under this bond to the Obligees, or any of them, unless the said Obligees, or any of them, shall make payment to the Principal or Surety strictly in accordance with the term of said contract as to payments, and shall promptly perform all other obligations to be performed to by the Obligee under said contract at the time and in the manner therein set forth.
- (2) The Principal and the Surety shall not be liable to any one or to all of the Obligees in the aggregate in excess of the penal sum of the bond, to wit: \$2,165,855.81 .

Signed, and sealed this 1st day of July, 2021 .

Jerrico General Contractor, Inc.
(Principal)

By: _____

SureTec Insurance Company

By: _____

Dennis M. Descant, Jr., Attorney-in-Fact

SureTec Insurance Company

LIMITED POWER OF ATTORNEY

Know All Men by These Presents, That SURETEC INSURANCE COMPANY (the "Company"), a corporation duly organized and existing under the laws of the State of Texas, and having its principal office in Houston, Harris County, Texas, does by these presents make, constitute and appoint

Jeffrey L. Brady, Dennis M. Descant, Jr., Cheryl A. Sanders, Alicia Cantavella

its true and lawful Attorney-in-fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver any and all bonds, recognizances, undertakings or other instruments or contracts of suretyship to include waivers to the conditions of contracts and consents of surety for, providing the bond penalty does not exceed

Fifty Million and 00/100 Dollars (\$50,000,000.00)

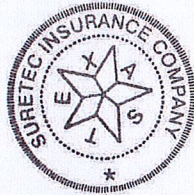
and to bind the Company thereby as fully and to the same extent as if such bond were signed by the President, sealed with the corporate seal of the Company and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney-in-Fact may do in the premises. Said appointment is made under and by authority of the following resolutions of the Board of Directors of the SureTec Insurance Company:

Be it Resolved, that the President, any Vice-President, any Assistant Vice-President, any Secretary or any Assistant Secretary shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

Attorney-in-Fact may be given full power and authority for and in the name of and of behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements or indemnity and other conditional or obligatory undertakings and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be binding upon the Company as if signed by the President and sealed and effected by the Corporate Secretary.

Be it Resolved, that the signature of any authorized officer and seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signature or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached. (Adopted at a meeting held on 20th of April, 1999.)

In Witness Whereof, SURETEC INSURANCE COMPANY has caused these presents to be signed by its President, and its corporate seal to be hereto affixed this 7th day of May, A.D. 2021.



SURETEC INSURANCE COMPANY

By: *Michael C. Keimig*
Michael C. Keimig, President

State of Texas ss:
County of Harris

On this 7th day of May, A.D. 2021 before me personally came Michael C. Keimig, to me known, who, being by me duly sworn, did depose and say, that he resides in Houston, Texas, that he is President of SURETEC INSURANCE COMPANY, the company described in and which executed the above instrument; that he knows the seal of said Company; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said Company; and that he signed his name thereto by like order.



Tanya Sneed
Tanya Sneed, Notary Public
My commission expires March 30, 2023

I, M. Brent Beaty, Assistant Secretary of SURETEC INSURANCE COMPANY, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Company, which is still in full force and effect; and furthermore, the resolutions of the Board of Directors, set out in the Power of Attorney are in full force and effect.

Given under my hand and the seal of said Company at Houston, Texas this 1st day of July, 2021, A.D.

M. Brent Beaty
M. Brent Beaty, Assistant Secretary

Any instrument issued in excess of the penalty stated above is totally void and without any validity. 4221073
For verification of the authority of this power you may call (713) 812-0800 any business day between 8:30 am and 5:00 pm CST.

SureTec Insurance Company

IMPORTANT NOTICE Statutory Complaint Notice/Filing of Claims

To obtain information or make a complaint: You may call the Surety's toll free telephone number for information or to make a complaint or file a claim at: 1-866-732-0099. You may also write to the Surety at:

SureTec Insurance Company
9737 Great Hills Trail, Suite 320
Austin, TX 78759

You may contact the Texas Department of Insurance to obtain information on companies, coverage, rights or complaints at 1-800-252- 3439. You may write the Texas Department of Insurance at:

PO Box 149104
Austin, TX 78714-9104
Fax#: 512-490-1007
Web: <http://www.tdi.texas.gov>
Email: ConsumerProtection@tdi.texas.gov

PREMIUM OR CLAIMS DISPUTES: Should you have a dispute concerning your premium or about a claim, you should contact the Surety first. If the dispute is not resolved, you may contact the Texas Department of Insurance.
