

## DETENTION POND MAINTENANCE AGREEMENT

THE STATE OF TEXAS §

COUNTY OF GALVESTON §

THIS DETENTION POND MAINTENANCE AGREEMENT (the "Agreement") is made and entered into this 14 day of JUNE, 2004 by and between SOUTH SHORE HARBOUR MUNICIPAL UTILITY DISTRICT NO. 7 (the "District"), of Galveston County, Texas, a body politic and corporate and governmental agency of the State of Texas, organized and operating pursuant to the provisions of Article XVI, Section 59 of the Texas Constitution and Chapters 49 and 54 of the Texas Water Code, as amended, (the "District"), and THE LAKES OF SOUTH SHORE HARBOUR COMMUNITY ASSOCIATION, a Texas nonprofit corporation (the "Homeowners Association").

WHEREAS, South Shore Harbour Development, Ltd. ("South Shore") has conveyed to the District the site (the Detention Pond Site") described in Exhibits "A," "B," "C," and "D".

WHEREAS, the District and the Homeowners Association desire to execute this Agreement to set forth the specific terms and conditions regarding the maintenance of certain hydraulic features of the Detention Facilities and erosion repairs, as well as maintenance of the Detention Pond Site for aesthetic purposes.

NOW THEREFORE, for and in consideration of TEN AND NO/100 (\$10.00) DOLLARS, and in further consideration of the District's acceptance of the Detention Pond Sites and the Detention Facilities for ownership, the District and the Homeowners Association hereby agree as follows:

Section 1. (a) The Homeowners Association shall be responsible for the maintenance and repair of all the Detention Facilities and associated appurtenances located within the Detention Pond Site, including but not limited to maintenance of any lake water quality and lake banks, water wells for lake water make-up, bulkheads, at the Homeowners Association's sole cost and expense (including all engineering and construction or maintenance costs) The District will be responsible for storm sewer pipes located at inflow and outflow points, and storm sewer siphons, if any, and particularly the storm water detention aspects of the Detention Facilities, which will take precedence over aesthetic

considerations in the maintenance of the Detention Pond Site and the Detention Facilities.

(b) In addition to their utilization for storm water detention purposes, the Detention Facilities and Detention Pond Site are also utilized as amenities and green space areas. Therefore, the Homeowners Association, at its sole cost and expense, except as hereinafter provided, will landscape and maintain the Detention Pond Site for the purposes of enhancing and/or preserving the natural beauty and aesthetic quality of the Detention Pond Site. The foregoing maintenance by the Homeowners Association will consist of mowing, pruning, seeding, planting, fertilizing and other landscaping of the Detention Pond Site, and such other maintenance and aesthetic enhancement as deemed appropriate by the Homeowners Association to accomplish the purposes set forth herein.

(c) If the Homeowners Association fails to maintain the Detention Pond Site or the Detention Facilities and such failure continues for forty-five (45) days following written notice thereof by the District, the District may, at its option, perform said maintenance and charge all costs and expenses of such maintenance to the Homeowners Association.

Section 2. (a) Title to the Detention Pond Site and the Detention Facilities will be and remain in the District. Notwithstanding that title to the Detention Pond Site and the Detention Facilities remains in the District, the Homeowners Association shall have the right to enter and use the Detention Pond Site and the Detention Facilities as necessary in order to carry out its obligations hereunder.

(b) In January of each year during the term hereof, commencing in January, 2005, representatives of the District and the Homeowners Association will meet at the Detention Pond Site in order to inspect the Detention Pond Site and the Detention Facilities to assure that same are being maintained properly and in accordance with the terms of this Agreement and so as to avoid extraordinary or expensive future repairs.

Section 3. This Agreement will apply to the Detention Pond Site and the Detention Facilities, including any future expansion, extension, improvement, enlargement or modification of the Detention Facilities to be constructed in the future by or on behalf of the District.

Section 4. The Homeowners Association shall obtain general liability insurance, together with such other insurance as it deems appropriate, in connection with its obligations hereunder. The general liability insurance shall provide a minimum coverage of \$500,000. per occurrence and shall name the District as an additional insured. Simultaneously with the execution of this Agreement, the Homeowners Association shall provide the District with a certificate of insurance meeting the requirements stated herein. The Homeowners Association shall give, or cause its insurance agent to give, the District thirty (30) days prior written notice of any material change to, or cancellation of, said policies.

Section 5. THE HOMEOWNERS ASSOCIATION SHALL PROTECT, INDEMNIFY AND SAVE THE DISTRICT HARMLESS FROM AND AGAINST ALL CLAIMS, LOSSES, DAMAGES, CAUSES OF ACTION, SUITS, AND LIABILITY OF COURT COSTS AND ATTORNEY'S FEES ON ACCOUNT OF INJURIES OR DAMAGES TO ANY PERSON OR PROPERTY IN ANY WAY ARISING OUT OF RELATING TO THE WORK UNDER THIS AGREEMENT BY THE HOMEOWNERS ASSOCIATION, ANYONE DIRECTLY OR INDIRECTLY EMPLOYED BY THE HOMEOWNERS ASSOCIATION, OR ANYONE FOR WHOSE ACTS THE HOMEOWNERS MAY BE LIABLE, EXCEPT THAT INDEMNITY PROVIDED FOR IN THIS SECTION 5 SHALL HAVE NO APPLICATION TO ANY CLAIM, LOSSES, DAMAGE, CAUSE OF ACTION, SUIT OR LIABILITY TO THE EXTENT THE SAME RESULTS FROM THE NEGLIGENCE OF THE DISTRICT, ITS OFFICERS, AGENTS OR EMPLOYEES. THE HOMEOWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR ALL DAMAGES AND LOSSES SUSTAINED BY IT TO ITS TOOLS AND EQUIPMENT UTILIZED IN THE PERFORMANCE OF ITS OBLIGATION UNDER THIS AGREEMENT.

Section 6. This Agreement is binding upon the parties herto, their successors and assigns, and may not be amended or assigned except by written instrument, executed by both parties.

Section 7. This Agreement is governed in accordance with the laws of the State of Texas.

Section 8. This Agreement will continue in force and effect from the date first herein set forth for a period of forty (40) years and thereafter shall automatically be renewed in successive forty (40) year terms unless otherwise terminated by written agreement between the parties; provided, however, upon the dissolution of the District; whether as a result of abolition by

the City of League City or otherwise, a written agreement terminating this agreement must, in order to be effective, be signed by the person, entity or other political subdivision of the State which holds fee title to the Detention Pond Site.

Section 9. No waiver or waivers of any breach or default by the District of any term, covenant, condition or liability hereunder of performance by the Homeowners Association of any duty or obligation hereunder will be deemed a waiver thereof in the future, nor will any such waiver or waivers be deemed or construed to be a waiver of subsequent breaches or defaults or any kind, character or description, under any circumstances.

Section 10. This Agreement is for the sole and exclusive benefit of the District and the Homeowners Association and will not be construed to confer any benefit upon any other party.

Section 11. The provisions of this Agreement are severable, and if any provision or part of this Agreement or the application thereof to any person or circumstance is ever held by any court of competent jurisdiction to be invalid or unconstitutional for any reason, the remainder of this Agreement and the application of such provision or part of this Agreement to other persons or circumstances will not be affected thereby.

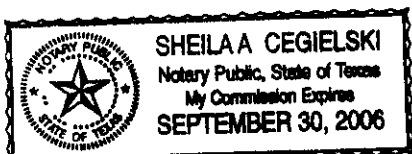
IN WITNESS WHEREOF, this Agreement is executed in multiple counterparts, each of equal dignity, as of the date and year first written herein.

DISTRICT:  
SOUTH SHORE HARBOUR MUNICIPAL  
UTILITY DISTRICT NO. 7

By: Paul Hopkins, Jr.  
Paul Hopkins, Jr., President

THE STATE OF TEXAS §  
§  
COUNTY OF GALVESTON §

This instrument was acknowledged before me on this 8th day of June, 2004 by Paul Hopkins, Jr., President of the Board of Directors of South Shore Harbour Municipal Utility District No. 7, a political subdivision of the State of Texas, on behalf of said political subdivision.



(SEAL)

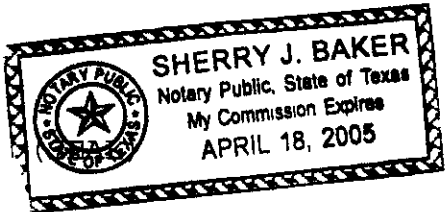
Sheila A Cegielski  
Notary Public in and for  
the State of Texas

THE LAKES OF SOUTH SHORE HARBOUR  
COMMUNITY ASSOCIATION

BY: Michael W. McCroskey  
Michael W. McCroskey, President

THE STATE OF TEXAS §  
§  
COUNTY OF GALVESTON §

This instrument was acknowledged before me on this 11th day  
of June, 2004 by MICHAEL W. McCroskey, President of The  
Lakes of South Shore Harbour Community Association, Inc.



Sherry J. Baker  
Notary Public in and for  
the State of Texas

**EXHIBIT 'A'**  
**(PAGE 1)**  
**LINEAR DETENTION BASIN 'A'**  
**SOUTH SHORE HARBOUR - THE LAKES**

All those certain tracts or parcels of land being out of and a part of the **FINAL PLAT FOR THE DEDICATION OF SOUTH SHORE BOULEVARD PUBLIC RIGHT-OF-WAY, DETENTION BASIN 'A' - PHASE 1 & DETENTION BASIN 'B' - PHASE 1; SOUTH SHORE HARBOUR, SECTION SF 50-1; SOUTH SHORE HARBOUR, SECTION 65-2; SOUTH SHORE HARBOUR, SECTION 60-2, and, SOUTH SHORE HARBOUR, SECTION 50-2;** all being located and situated in the City of League City, Galveston County, Texas, said certain tracts or parcels being more particularly described as follows,

DETENTION BASIN 'A' - PHASE 1, being 10 27 acres, out of the **FINAL PLAT FOR THE DEDICATION OF SOUTH SHORE BOULEVARD PUBLIC RIGHT-OF-WAY, DETENTION BASIN 'A' - PHASE 1 & DETENTION BASIN 'B' - PHASE 1,** according to the map or plat thereof recorded at Map Record 18, Map Number 1146, **SAVE and EXCEPT** that portion, 0 14 acres, lying within the right-of-way of Woodcock Drive, a 60 foot public roadway right-of-way out of **SOUTH SHORE HARBOUR, SECTION SF 50-1,** according to the map or plat thereof recorded at Map Record 18, Map Number 1376, all being of record in the Office of the County Clerk of Galveston County, Texas,

RESTRICTED RESERVE 'A', being 1 26 acres, and RESTRICTED RESERVE 'B', being 1 33 acres, out of **SOUTH SHORE HARBOUR, SECTION SF 50-1,** according to the map or plat thereof recorded at Map Record 18, Map Number 1376, in the Office of the County Clerk of Galveston County, Texas,

RESTRICTED RESERVE 'C', being 3 77 acres, out of **SOUTH SHORE HARBOUR, SECTION SF 65-2,** according to the map or plat thereof recorded at Map Record 18, Map Number 1406, in the Office of the County Clerk of Galveston County, Texas,

RESTRICTED RESERVE 'D', being 0 86 acres, out of **SOUTH SHORE HARBOUR, SECTION 60-2,** according to the map or plat thereof recorded at Map Record 2003A, Map Number 1, in the Office of the County Clerk of Galveston County, Texas,

RESTRICTED RESERVE 'B', being 6 93 acres, and RESTRICTED RESERVE 'C', being 2 51 acres, out of **SOUTH SHORE HARBOUR, SECTION 50-2,** according to the map or plat thereof recorded at Map Record 2003A, Map Number 73, in the Office of the County Clerk of Galveston County, Texas,  
and containing a total area of 26 79 acres of Linear Detention Basin

*PREPARED*  
*FEBRUARY 11, 2004*  
*BY*

**DALE L. HARDY / GEOSURV, LLC.**  
**REGISTERED PROFESSIONAL LAND SURVEYORS**  
**P.O. BOX 246, LEAGUE CITY, TEXAS 77574**  
**PH 281-554-7739    FAX 281-554-6928    E-MAIL: dhardy@geosurvllc.com**

**EXHIBIT 'B'**  
**(PAGE 1)**  
**PART OF DETENTION BASIN 'A', PHASE I**  
**SOUTH SHORE HARBOUR, SECTION SF 85-1**

All that certain tract or parcel of land being out of and a part of RESTRICTED RESERVE 'C', SOUTH SHORE HARBOUR, SECTION SF 85-1, a Subdivision in Galveston County, Texas, according to the map or plat thereof recorded at Map Record 18, Map Number 1397, in the Office of the County Clerk of Galveston County, Texas, said tract further being known as DETENTION BASIN 'B' - PHASE I, and being more particularly described by metes and bounds as follows,

NOTE ALL BEARINGS ARE LAMBERT GRID BEARINGS AND ALL COORDINATES REFER TO TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, AS DEFINED BY ARTICLE 21 071 OF THE NATURAL RESOURCES CODE OF THE STATE OF TEXAS, 1983 DATUM (1987 ADJUSTMENT) ALL DISTANCES ARE ACTUAL DISTANCE SCALE FACTOR = 0.999867785

**BEGINNING** at a 5/8 inch iron rod with cap being the most Southeasterly corner of said RESTRICTED RESERVE 'C', the same being the most Northeasterly corner of RESERVE 'A' out of SOUTH SHORE HARBOUR, SF 70-1, a Subdivision of record at Map Record 18, Map Number 1142, Galveston County Map Records, said point further being at the Westerly right-of-way line of South Shore Boulevard, a 100 foot public roadway right-of-way,  
**THENCE** in a Westerly and Northwesterly direction along and with the bounds of said RESTRICTED RESERVE 'C', the following courses and distances,

S 86°11'44" W, 200.49 feet to a point for angle to the left,  
S 58°33'10" W, 71.80 feet to a point for angle to the left,  
S 33°29'49" W, 127.57 feet to a point for corner lying in a curve, said curve having a radius of 320.00 feet and being the Northeasterly right-of-way of Cayman Bend Lane, a 60 foot public roadway right-of-way,

**THENCE** in a Northwesterly direction along said right-of-way line and with said curve to the right, an arc distance of 190.45 feet, the chord of which curve bears N 30°00'48" W, 187.65 feet to a point for tangency,  
**THENCE** continuing along and with the bounds of said RESTRICTED RESERVE 'C', the following courses and distances,

N 12°57'47" W, 95.43 feet to a point for angle to the left,  
N 28°36'32" E, 35.05 feet to a point for angle to the left,  
N 17°30'41" W, 67.01 feet to a point for angle to the left,  
N 28°05'17" W, 88.86 feet to a point for angle to the left,  
N 34°13'38" W, 90.01 feet to a point for angle to the left,



**EXHIBIT 'B'**  
**(PAGE 2)**

N 44°53'25" W, 91 81 feet to a point for angle to the left,  
N 55°00'05" W, 80 62 feet to a point for angle to the left,  
N 65°06'04" W, 91 62 feet to a point for angle to the left,  
N 75°50'42" W, 91 57 feet to a point for angle to the left,  
N 86°34'59" W, 91 52 feet to a point for angle to the left,  
S 82°41'09" W, 91 45 feet to a point for angle to the left,  
S 73°32'50" W, 64 42 feet to a point for angle to the left,  
S 10°23'32" W, 63 91 feet to a point for angle to the left, and,  
S 24°06'34" E, 87 46 feet to a point for corner, said point being at the Northerly right-of-way line of the aforesaid Cayman Bend Lane and being at a curve having a radius of 350 00 feet,

**THENCE** in a Southwesterly direction along said right-of-way and with said curve to the left, an arc distance of 65 79 feet, the chord of which curve bears S 60°30'21" W, 65 69 feet, to a point for reverse curve, said reverse curve having a radius of 25 00 feet,

**THENCE** in a Northwesterly direction along the arc of said reverse curve to the right, an arc distance of 35 59 feet, the chord of which reverse curve bears N 84°05'44" W, 32 66 feet, to a point for tangency being along the Northeasterly right-of-way line of Broad Bay Lane, a 60 foot public roadway right-of-way,

**THENCE** N 43°18'46" W, along and with said right-of-way line, a distance of 29 25 feet to a point for curve to the left, said curve having a radius of 680 00 feet,

**THENCE** in a Northwesterly direction along the arc of said curve to the left, an arc distance of 83 82 feet, the chord of which curve bears N 32°20'39" W, 83 69 feet, to a point for corner,

**THENCE** continuing along and with the bounds of said RESTRICTED RESERVE 'C', the following courses and distances,

N 31°29'54" E, 105 62 feet to a point for angle to the left,  
N 15°19'45" W, 20 52 feet to a point for angle to the left,  
N 62°09'14" W, 75 27 feet to a point for angle to the left,  
N 67°50'17" W, 79.34 feet to a point for angle to the left,  
N 73°39'07" W, 82 95 feet to a point for angle to the left,  
N 05°52'04" W, 57 60 feet to a point for angle to the left,  
N 27°39'18" W, 75 39 feet to a point for angle to the left,  
N 41°53'25" W, 71 52 feet to a point for angle to the left, and,  
N 74°55'17" W, 11 62 feet to a point for corner,

**THENCE** N 47°00'45" E, a distance of 248 46 feet to a point for corner being at the Northeasterly line of said RESTRICTED RESERVE 'C', said point being at the Southwesterly line of Lot 2, Block 3, SOUTH SHORE HARBOUR, SECTION SF 85-1,

**THENCE** S 43°21'44" E, along said common line, a distance of 35 19 feet to a point for angle to the left,

**THENCE** in a Southeasterly direction along the Northerly and Northeasterly line of said RESTRICTED RESERVE 'C' and with the Southerly and Southeasterly line of said Block 3, SOUTH SHORE HARBOUR, SECTION SF 85-1, the following courses and distances,

**EXHIBIT 'B'**  
**(PAGE 3)**

S 46°46'51" E, 108 29 feet to a point for angle to the left,  
S 67°52'54" E, 108 29 feet to a point for angle to the left,  
S 76°53'03" E, 107 15 feet to a point for angle to the left,  
S 89°55'10" E, 107 15 feet to a point for angle to the left,  
N 77°02'43" E, 107 15 feet to a point for angle to the left,  
N 74°04'14" E, 78 87 feet to a point for corner,  
S 60°24'23" E, 110 04 feet to a point for angle to the right,  
S 43°57'46" E, 93 74 feet to a point for angle to the left,  
S 55°51'02" E, 72 74 feet to a point for angle to the right,  
N 75°04'31" E, 45 76 feet to a point for angle to the right,  
N 28°40'24" E, 97 06 feet to a point for angle to the right, and,  
N 19°58'14" W, 20 00 feet to a point for corner being at a cul-de-sac terminus of Port  
Rose Lane, a 60 foot public roadway right-of-way, said cul-de-sac having a radius of 50 00 feet,  
**THENCE** in a Northeasterly direction along the arc of said cul-de-sac to the left, an arc distance  
of 62.68 feet, the chord of which curve bears N 34°06'46" E, 58 66 feet, to a point for corner,  
said point being the most Southerly Southeast corner of Lot 7, Block 1, SOUTH SHORE  
HARBOUR, SECTION SF 85-1,  
**THENCE** N 88°11'46" E, along and with the Southerly line of said Lot 7, a distance of 20 00  
feet to a point for angle to the left,  
**THENCE** N 37°56'43" E, along the Southeasterly line of said Lot 7, a distance of 110 87 feet to  
a point for angle to the left,  
**THENCE** N 09°01'10" W, a distance of 20 38 feet to a point for angle to the right,  
**THENCE** N 27°57'38" E, a distance of 23 15 feet to a point for corner being at the South right-  
of-way line of Austin Street, a 70 foot public roadway right-of-way, said point being at a curve  
having a radius of 1035 00 feet,  
**THENCE** in a Southeasterly direction along the arc of said curve to the left, an arc distance of  
246 75 feet, the chord of which curve bears S 68°21'35" E, 246 16 feet, to a point for tangency,  
**THENCE** S 75°11'22" E, continuing along said right-of-way, a distance of 44 77 feet to a point  
for cut-back curve to the right, said curve having a radius of 25 00 feet,  
**THENCE** in a Southeasterly direction along the arc of said cut-back curve to the right, an arc  
distance of 38 55 feet to a point reverse curve, said reverse curve having a radius of 2050 00 feet  
and being the Westerly right-of-way line of the aforesaid South Shore Boulevard,  
**THENCE** in a Southwesterly direction along said curve to the left and with the Westerly right-  
of-way line of said South Shore Boulevard, an arc distance of 919 63 feet, the chord of which  
curve bears S 00°18'08" W, 911 94 feet, to the **POINT OF BEGINNING** and containing a  
calculated area of 17 42 acres of land

*PREPARED*  
*FEBRUARY 11, 2004*  
*BY*

**DALE L. HARDY / GEOSURV, LLC.**  
**REGISTERED PROFESSIONAL LAND SURVEYORS**  
**P.O. BOX 246, LEAGUE CITY, TEXAS 77574**  
**PH 281-554-7739 FAX 281-554-6928 E-MAIL: dhardy@geosurvllc.com**

**EXHIBIT 'C'**  
**(PAGE 1)**  
**PART OF DETENTION BASIN 'A', PHASE II**  
**SOUTH SHORE HARBOUR, SECTION SF 85-1**

All that certain tract or parcel of land being out of and a part of RESTRICTED RESERVE 'C', SOUTH SHORE HARBOUR, SECTION SF 85-1, a Subdivision in Galveston County, Texas, according to the map or plat thereof recorded at Map Record 18, Map Number 1397, in the Office of the County Clerk of Galveston County, Texas, said tract further being known as DETENTION BASIN 'B' - PHASE I, and being more particularly described by metes and bounds as follows,

NOTE ALL BEARINGS ARE LAMBERT GRID BEARINGS AND ALL COORDINATES REFER TO TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, AS DEFINED BY ARTICLE 21 071 OF THE NATURAL RESOURCES CODE OF THE STATE OF TEXAS, 1983 DATUM (1987 ADJUSTMENT) ALL DISTANCES ARE ACTUAL DISTANCE SCALE FACTOR = 0.999867785

**BEGINNING** at a 5/8 inch iron rod set for the most Westerly corner of Lot 1, Block 3, SOUTH SHORE HARBOUR, SECTION SF 85-1, said point further being along the Easterly line of the aforesaid RESTRICTED RESERVE 'C',

**THENCE** S 24°23'54" E, along the Southwesterly line of said Block 3 and with the Northeasterly line of said RESTRICTED RESERVE 'C', a distance of 109.50 feet to a point for angle to the left,

**THENCE** S 43°21'44" E, continuing along and with said common line a distance of 73.69 feet to a point for corner,

**THENCE** S 47°00'45" W, along and with the division line of DETENTION BASIN 'A', PHASE I and PHASE II, a distance of 248.46 feet to a point for corner being at the Southwesterly line of said RESTRICTED RESERVE 'C',

**THENCE** in an Easterly, Southeasterly and Northeasterly direction along and with the Southwesterly line of said RESTRICTED RESERVE 'C' the following courses and distances,

N 74°55'17" W, 68.98 feet to a point for angle to the left;  
S 77°20'13" W, 71.08 feet to a point for angle to the left,  
S 50°41'14" W, 82.64 feet to a point for angle to the left,  
S 31°10'28" W, 71.54 feet to a point for angle to the left,  
S 10°07'52" E, 59.57 feet to a point for corner,  
S 82°47'21" W, 71.74 feet to a point for angle to the right,  
N 88°50'07" W, 57.26 feet to a point for angle to the right,  
N 72°18'31" W, 57.72 feet to a point for angle to the right,  
N 55°42'51" W, 57.72 feet to a point for angle to the right,  
N 15°01'39" W, 120.87 feet to a point for angle to the right,  
N 07°51'43" W, 71.69 feet to a point for angle to the left,

**EXHIBIT 'C'**  
**(PAGE 2)**

N 11°18'24" W, 84 78 feet to a point for angle to the left,  
N 21°43'26" W, 97 09 feet to a point for angle to the left,  
N 32°35'50" W, 90 58 feet to a point for angle to the left, and,  
N 37°55'43" W, 219 70 feet to a point for corner being at the proposed Southerly right-of-line of Austin Street, said point being at the Northwesterly line of said RESTRICTED RESERVE 'C' and further being at a curve having a radius of 1035 00 feet,

**THENCE** in a Northeasterly direction along the arc of said curve to the left, an arc distance of 239 56 feet, the chord of which curve bears N 44°22'16" E, 238 82 feet, to a point for tangency,  
**THENCE** N 37°44'46" E, a distance of 105 47 feet to a point for curve to the right, said curve having a radius of 765 00 feet,

**THENCE** in a Northeasterly direction along the arc of said curve to the right, an arc distance of 340 49 feet, the chord of which curve bears N 50°29'48" E, 337 68 feet, to a point for corner,  
**THENCE** S 25°31'18" E, a distance of 134 38 feet to a point for corner,  
**THENCE** S 87°54'52" E, a distance of 18 95 feet to a point for corner, said point being at a curve, said curve having a radius of 70 00 feet,

**THENCE** in a Southeasterly direction along the arc of said curve to the left, an arc distance of 129 64 feet, the chord of which curve bears S 41°58'11" E, 111 89 feet, to a point for corner being at the Easterly line of the aforesaid RESTRICTED RESERVE 'C',

**THENCE** in a Southeasterly direction along and with the Easterly line of said RESTRICTED RESERVE 'C' the following courses and distances,

S 12°00'23" E, 84 81 feet to a point for angle to the left,  
S 59°08'53" E, 20 41 feet to a point for angle to the left,  
N 73°42'37" E, 150 75 feet to a point for angle to the right,  
N 85°15'00" E, 77 33 feet to a point for angle to the right,  
S 76°26'32" E, 24 79 feet to a point for corner,  
S 32°59'48" W, 110 47 feet to a point for angle to the left,  
S 12°22'02" W, 109 20 feet to a point for angle to the left,  
S 05°12'36" W, 109 81 feet to a point for angle to the left, and,  
S 13°56'38" E, 110 00 feet to the **POINT OF BEGINNING** and containing a calculated area of 15 69 acres of land

*PREPARED*  
*FEBRUARY 11, 2004*  
*BY*

**DALE L. HARDY / GEOSURV, LLC.**  
**REGISTERED PROFESSIONAL LAND SURVEYORS**  
**P.O. BOX 246, LEAGUE CITY, TEXAS 77574**  
**PH 281-554-7739    FAX 281-554-6928    E-MAIL: dhardy@geosurvllc.com**

## EXHIBIT 'D'

All that certain 18 61 acres tract or parcel of land being out of and a part of that certain called 477 305 acres tract or parcel being all of Lots 19 and 25 and a part of Lot 17, all being in Block 4 of the **JARBOE ADDITION to the CITY OF LEAGUE CITY** located in the **MICHAEL MULDOON TWO LEAGUE GRANT**, Abstract #18, and the **S F AUSTIN LEAGUE**, Abstract #3, said 477 305 acres being located and situated in the City of League City, Galveston County, Texas, and being that same called 477 305 acres as conveyed by Pathfinder Investments, N V , to South Shore Harbour Development, Ltd , by instrument dated April 27, 2000, and recorded at Film Code 014-50-2087, said 18 61 acres being more particularly described by metes and bounds as follows,

**BEGINNING** at a 5/8 inch iron rod with cap found for the most Northerly corner of **SOUTH SHORE HARBOUR, SECTION SF 50-3**, a subdivision in Galveston County, Texas according to the map or plat thereof recorded at Plat Record 2004A, Map Number 57 in the Office of the County Clerk of Galveston County, Texas,

**THENCE** along and with the North line of said of **SOUTH SHORE HARBOUR, SECTION SF 50-3**, the following courses

S 71°14'46" W, 188 13 feet to a 5/8 inch iron rod with cap found for angle point to the left,  
S 63°40'47" W, 113 58 feet to a 5/8 inch iron rod with cap found for angle point to the left,  
S 61°55'52" W, 56 54 feet to a 5/8 inch iron rod with cap found for angle point to the left,  
S 59°52'28" W, 250 00 feet to a 5/8 inch iron rod with cap found for angle point to the left,  
S 58°35'18" W, 91 14 feet to a 5/8 inch iron rod with cap found for angle point to the left,  
S 43°27'40" W, 83 05 feet to a 5/8 inch iron rod with cap found for angle point to the left,  
S 33°04'02" W, 25 98 feet to a 5/8 inch iron rod with cap found for corner, said point being at the Northeasterly line of Brook Arbor Lane, a 60 foot wide public roadway right-of-way, and at the Northeasterly line of a 60 foot wide utility easement established in the plat of said **SOUTH SHORE HARBOUR, SECTION SF 50-3**,

**THENCE** N 56°27'04" W, along the Northeasterly line of said 60 foot utility easement, a distance of 35 24 feet to a 5/8 inch iron rod with cap found for point of curve to the left, said curve having a radius of 520 00 feet,

**THENCE** Northwesterly, along the arc of said curve to the left and the Northeasterly line of said 60 foot utility easement, an arc distance of 193.13 feet, the chord of which bears N 67°05'27" W, 192 02 feet, to a 5/8 inch iron rod with cap set for the Southwest corner of the herein described tract of land,

**THENCE** N 04°48'07" W, a distance of 105 25 feet to a 5/8 inch iron rod with cap set for angle point to the right,

**THENCE** N 00°34'31" W, a distance of 70 19 feet to a 5/8 inch iron rod with cap set for angle point to the left,

**THENCE** N 09°08'08" W, a distance of 95 74 feet to a 5/8 inch iron rod with cap set for angle point to the left,

**THENCE** N 44°32'05" W, a distance of 147 32 feet to a point for angle to the right, said point being the Southeast corner of that certain tract or parcel of land conveyed to Phillip R. Flowers by instrument of record in Volume 3165, Page 835 of the Deed Records of Galveston County, Texas,

**THENCE** N 18°47'36" W, along the Northeast line of said Flowers tract, a distance of 419 39 feet to a point for the Northwest corner of the herein described tract of land, said point being at the South line Tucker Road, a 40 foot wide public roadway right-of-way,

**THENCE N 71°12'14" E**, along the South line of said Tucker Road, a distance of 950 14 feet to a point for the Northeast corner of the herein described tract of land, said point being at the East line of Columbia Memorial Parkway, also known as F M 1266, an 80 foot wide public roadway right-of-way,

**THENCE S 18°46'48" E**, along the East line of said Columbia Memorial Parkway, a distance of 823 36 feet to the **POINT OF BEGINNING** and containing a calculated area of 18 61 acres of land

*PREPARED  
JUNE 7, 2004  
BY*

**GEOSURV, LLC**  
**REGISTERED PROFESSIONAL LAND SURVEYORS**  
**P.O. BOX 246, LEAGUE CITY, TEXAS 77574**  
**PH 281-554-7739 FAX 281-554-6928 E-MAIL: [dhardy@geosurvlc.com](mailto:dhardy@geosurvlc.com)**

F:\FIELD NOTES\SS-POND.DOC

**Return to:**  
**South Shore Harbour Development**  
**P. O. Box 2152**  
**League City, TX 77574**  
**Attn: Sheila Cegielski**

**EXHIBIT 'D'**

Page 2 of 2

FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS OF REAL PROPERTY

*Mary Ann Daigle*

2004 JUN 16 08:08 AM 2004039504  
VALDEZ\_S \$35.00  
Mary Ann Daigle, COUNTY CLERK  
GALVESTON, TEXAS