

MINUTES
BROOKSHIRE-KATY DRAINAGE DISTRICT

August 12, 2024

The Board of Supervisors of Brookshire-Katy Drainage District (the "District") met in public session, at 7:00 p.m. at 1111 Kenney Street, Brookshire, Texas, 77423 inside the boundaries of the District, and the roll was called of the members of the Board:

Arnold England	President
Pat Keeling	Vice-President
David Welch	Secretary
Blake Beckendorff	Supervisor
John Chisum	Supervisor

and all of the above were present, thus constituting a quorum.

Also attending the meeting were Stan Kitzman, General Manager of the District; Wendy Sidwell, District Administrator; Rod Pinheiro, P.E., Steve Berckenhoff, P.E., and Michael McCarthy, P.E., of Quiddity Engineering ("Quiddity" or "Engineer"); Blair Bozoarth, P.E., of Quiddity Engineering Land Development Group representing Sunterra and Grange Developments; Chance Vinklarek of LJA Engineering; and Andrew Johnson, III, and William Petrov, attorneys, and Mirna Croon, paralegal, of Johnson Petrov, LLP ("Johnson Petrov" or "Attorney").

Agenda Item No. 1
CALL TO ORDER

The President called the meeting to order.

Agenda Item No. 2
INVOCATION AND PLEDGE OF ALLEGIANCE

The meeting was opened with the Invocation and Pledge of Allegiance.

Agenda Item No. 3
PUBLIC COMMENT

There was no public comment.

Agenda Item No. 4
MINUTES OF JULY 15, 2024 AND JULY 22, 2024 WORKSHOP AND MINUTES OF JULY 15, 2024 AND JULY 22, 2024 SPECIAL BOARD MEETINGS

Upon motion by Supervisor Keeling, seconded by Supervisor Welch, after full discussion and with all Supervisors present voting aye, the Board approved the minutes of the July 15, 2024 and July 22, 2024 Workshop; and the minutes of the July 15, 2024 and July 22, 2024 Special Board meetings.

Agenda Item No. 5

10TH STREET BRIDGE CONSENT TO ENCROACHMENT AGREEMENT BETWEEN BROOKSHIRE - KATY DRAINAGE DISTRICT AND CITY OF KATY ("ENCROACHMENT AGREEMENT")

Upon motion by Supervisor Welch, seconded by Supervisor Keeling, after full discussion and with all Supervisors present voting aye, the Board approved the Encroachment Agreement, a copy of which is attached hereto as Exhibit "A".

Agenda Item No. 6

PROFESSIONAL SERVICES AGREEMENT FOR QUIDDITY ENGINEERING REGARDING PERMIT APPLICATION PORTAL - NEW APPLICATION FORM.

Upon motion by Supervisor Beckendorff, seconded by Supervisor Welch, after full discussion and with all Supervisors present voting aye, the Board approved the Professional Services Agreement with Quiddity, a copy of which is attached hereto as Exhibit "B".

Agenda Item No. 7

UPDATE ON NEW ADMINISTRATION BUILDING

The Board received an update from Mr. Kitzman on the progress of the Administration Building construction. He reported that plumbing and electrical work is currently underway. The concrete slab is expected to be poured in about three weeks. Additionally, the detention pond is nearly finished, with 90 percent of the work completed.

Agenda Item No. 8

AIA DOCUMENT G702: APPLICATION AND CERTIFICATE FOR PAYMENT FROM COMMERCIAL CONSTRUCTION AND MAINTENANCE OF APPLICATION NO. 001 FOR SERVICES COMPLETED THROUGH JULY 31, 2024 ("PAY APPLICATION NO. 001")

Upon motion by Supervisor Beckendorff, seconded by Supervisor Chisum, after full discussion and with all Supervisors present voting aye, the Board approved Pay Application No. 001, a copy of which is attached hereto as Exhibit "C".

Agenda Item No. 9

ENGINEER'S REPORT

- (a) Permit Extension Request for Tract Development Without Platting for Community Church of God in Christ (ID: 00380 and 23-00727), Permit No. 2022-31. Upon motion by Supervisor Chisum, seconded by Supervisor Welch, after full discussion and with all present Supervisors voting aye, the Board approved a one-year extension from August 12, 2024 for Permit No. 2022-31, as recommended by Quiddity in the letter attached hereto as Exhibit "D".

- (b) Permit Extension Request for Tract Development With Platting for Sunterra Section 47 - Final Drainage Plans (ID: 23-00754), Permit No. 2022-57. Upon motion by Supervisor Welch, seconded by Supervisor Keeling, after full discussion and with all Supervisors present voting aye, the Board approved a one-year extension request from August 12, 2024 for Permit No. 2022-57, as recommended by Quiddity in the letter attached hereto as Exhibit "D-1".
- (c) Permit Application for Tract Development Without Platting for Proposed 3 Building for V-Energy (ID: 00331), Permit No. 2024-86. Upon motion by Supervisor Welch, seconded by Supervisor Beckendorff, after full discussion and with all Supervisors present voting aye, the Board approved Permit No. 2024-86 as recommended by Quiddity in the letter attached hereto as Exhibit "D-2".
- (d) Permit Application for Tract Development Without Platting for Space City Truck Storage (ID: 24-00063), Permit No. 2024-30. Upon motion by Supervisor Beckendorff, seconded by Supervisor Chisum, after full discussion and with all Supervisors present voting aye, the Board approved Permit No. 2024-30, as recommended by Quiddity in the letter attached hereto as Exhibit "D-3".
- (e) Permit Application for Tract Development With Platting for Azalea Section 1 (formerly Maple Grove Section 1)-Final Drainage Plans (ID: 00191) and Final Plat (ID: 00135), Permit No. 2024-46. Upon motion by Supervisor Welch, seconded by Supervisor Keeling, after full discussion and with all Supervisors present voting aye, the Board approved Permit No. 2024-46 as recommended by Quiddity in the letter attached hereto as Exhibit "D-4". The approval is contingent upon payment of all permit fees.
- (f) Permit Application for Tract Development With Platting for Ariaa Townhomes - Preliminary Plat and Drainage Plans (ID: 00366). Mr. McCarthy reviewed the recommendation letter for Permit Application ID: 00366, a copy of which is attached hereto as Exhibit "D-5".
- (g) Permit Application for Tract Development With Platting for Grange Section 5 - Preliminary Plat and Drainage Plans (ID: 00493). Mr. McCarthy reviewed the recommendation letter for Permit Application ID: 00493, a copy of which is attached hereto as Exhibit "D-6".
- (h) Permit Application for Tract Development With Platting for Maple Park Section 1 - Preliminary Plat and Drainage Plans (ID: 00445). Mr. McCarthy reviewed the recommendation letter for Permit Application ID: 00445, a copy of which is attached hereto as Exhibit "D-7".
- (i) Permit Application for Tract Development With Platting for Sofi Lakes Section 2 (aka Katy Highland) - Preliminary Plat and Drainage Plans (ID: 00488). Mr. McCarthy reviewed the recommendation letter for Permit Application ID: 00488, a copy of which is attached hereto as Exhibit "D-8".

- (j) Permit Application for Tract Development With Platting for Sunset Grove Section 1 (aka Freeland Tract) - Preliminary Plat and Drainage Plans (ID: 00492). Mr. McCarthy reviewed the recommendation letter for Permit Application ID No. 00492, a copy of which is attached hereto as Exhibit "D-9".
- (k) Permit Application for Tract Development With Platting for Sunterra Lakes 0.2 MGD Wastewater Treatment Plant-Preliminary Plat and Drainage Plans (ID: 00474). Mr. McCarthy reviewed the recommendation letter for Permit Application ID No. 00474, a copy of which is attached hereto as Exhibit "D-10".
- (l) Permit Application for Tract Development With Platting for Sunterra Lakes Section 4 - Preliminary Plat and Drainage Plans (ID: 00468). Mr. McCarthy reviewed the recommendation letter for Permit Application ID No. 00468, a copy of which is attached hereto as Exhibit "D-11".
- (m) Permit Application for Tract Development With Platting for Waller County Municipal Utility District No. 46 Wastewater Treatment Plant No. 1-Preliminary Plat and Drainage Plans (ID: 00458). Mr. McCarthy reviewed the recommendation letter for Permit Application ID No. 00458, a copy of which is attached hereto as Exhibit "D-12".
- (n) Permit Application for Tract Development With Platting for Yara Drive Street Dedication and Water Plant - Preliminary Plat and Drainage Plans (ID: 00489). Mr. McCarthy reviewed the recommendation letter for Permit Application ID No. 00489, a copy of which is attached hereto as Exhibit "D-13".

Upon motion by Supervisor Chisum seconded by Supervisor Welch, after full discussion and with all Supervisors present voting aye, the Board approved Permit Application ID Nos. 00366, 00493, 00445, 00488, 00492, 00474, 00468, 00458, and 00489, as recommended by Quiddity.

- (o) Permit Application for Utility, Pipeline, and Cable Crossing for Consolidated Communications - Reio for City of Katy GLO Project 10th Street Bridge Replacement (ID: 00497) Permit No. 2024-118. McCarthy reviewed the recommendation letter for Permit Application No. 2024-118, a copy of which is attached hereto as Exhibit "D-14".

Upon motion by Supervisor Welch, seconded by Supervisor Beckendorff, after full discussion and with all Supervisors present voting aye, the Board approved Permit Application No. 2024-118, as recommended by Quiddity.

(p) Permit Application for Utility, Pipeline, and Cable Crossing for Kinder Morgan Pipeline Segment 2 - Bartlett at Snake Creek (ID: 00490) Permit No. 2024-114. Mr. McCarthy reviewed the recommendation letter for Permit No. 2024-114, a copy of which is attached hereto as Exhibit "D-15".

(q) Permit Application for Utility, Pipeline, and Cable Crossing for Kinder Morgan Pipeline Segment 3 - Bartlett at Snake Creek (ID: 00491) Permit No. 2024-115. Mr. McCarthy reviewed the recommendation letter for Permit Application No. 2024-115, a copy of which is attached hereto as Exhibit "D-16".

Upon motion by Supervisor Beckendorff, seconded by Supervisor Chisum, after full discussion and with all Supervisors present voting aye, the Board approved Permit Application Nos. 2024-114 and 2024-115, as recommended by Quiddity.

(r) Update on Sunterra Development. Mr. Bozoarth provided the Board with an update on the Sunterra project. He reported 800 homes have been sold this year.

(s) Update on Grange Development. Mr. Bozoarth updated the Board on the Grange development.

Agenda Item No. 10

GENERAL MANAGER'S REPORT

Mr. Kitzman then reviewed the General Manager's Report, a copy of which is attached hereto as Exhibit "E". He also reviewed the Inspector's Report.

Agenda Item No. 11

FINANCIAL REPORT

Ms. Sidwell presented to and reviewed with the Board the July 2024 bills.

Upon motion by Supervisor Chisum, seconded by Supervisor Beckendorff, after full discussion and with all Supervisors present voting aye, the Board approved paying the July 2024 bills.

Ms. Sidwell then presented to and reviewed with the Board the Financial Report, a copy of which is attached hereto as Exhibit "F". Upon motion by Supervisor Chisum, seconded by Supervisor Beckendorff, after full discussion and with all Supervisors present voting aye, the Board approved the Financial Report.

At 8:21 p.m., upon motion by Supervisor Chisum, seconded by Supervisor Beckendorff, the President called an Executive Session pursuant to Section 551.071 to discuss matters of attorney-client privilege. Only the present Board members, Mr. Kitzman, Ms. Sidwell, Mr. Berckenhoff, Mr. McCarthy, Mr. Pinheiro, Mr. Johnson, Mr. Petrov, and Ms. Croon were present during the executive session.

Agenda Item No. 10
REGULAR SESSION

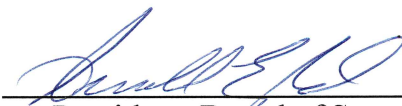
At 8:42 p.m., upon motion by Supervisor Beckendorff, seconded by Supervisor Welch, after full discussion and with all Supervisors present voting aye, the Board reconvened the meeting in regular session. No action was taken in the Executive Session.

ADJOURNMENT

With no additional matters to discuss, upon motion by Supervisor Keeling, seconded by Supervisor Chisum, the Board adjourned the meeting at 8:48 p.m.

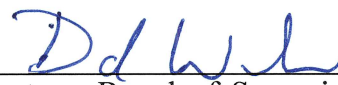
[EXECUTION PAGE FOLLOWS]

SIGNED this 9th day of September 2024.



President, Board of Supervisors

ATTEST:

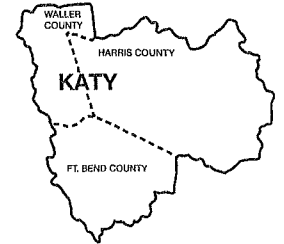


Secretary, Board of Supervisors

Exhibit "A"	Encroachment Agreement
Exhibit "B"	Professional Services Agreement with Quiddity
Exhibit "C"	Pay Application No. 001
Exhibit "D"	Quiddity Recommendation for Permit No. 2022-31
Exhibit "D-1"	Quiddity Recommendation for Permit No. 2022-57
Exhibit "D-2"	Quiddity Recommendation for Permit No. 2024-86
Exhibit "D-3"	Quiddity Recommendation for Permit No. 2024-30
Exhibit "D-4"	Quiddity Recommendation for Permit No. 2024-46
Exhibit "D-5"	Quiddity Recommendation for Permit Application ID 00366
Exhibit "D-6"	Quiddity Recommendation for Permit Application ID 00493
Exhibit "D-7"	Quiddity Recommendation for Permit Application ID 00445
Exhibit "D-8"	Quiddity Recommendation for Permit Application ID 00488
Exhibit "D-9"	Quiddity Recommendation for Permit Application ID 00492
Exhibit "D-10"	Quiddity Recommendation for Permit Application ID 00474
Exhibit "D-11"	Quiddity Recommendation for Permit Application ID 00468
Exhibit "D-12"	Quiddity Recommendation for Permit Application ID 00458
Exhibit "D-13"	Quiddity Recommendation for Permit Application ID 00489
Exhibit "D-14"	Quiddity Recommendation for Permit Application No. 2024-118
Exhibit "D-15"	Quiddity Recommendation for Permit Application No. 2024-114
Exhibit "D-16"	Quiddity Recommendation for Permit Application No. 2024-115
Exhibit "E"	General Manager Report
Exhibit "F"	Financial Report



City of Katy



HUB CITY OF THREE COUNTIES

RESOLUTION NO. 1616

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KATY, TEXAS, AUTHORIZING THE MAYOR TO SIGN A CONSENT TO EASEMENT ENCROACHMENT AGREEMENT WITH BROOKSHIRE-KATY DRAINAGE DISTRICT FOR THE 10TH STREET BRIDGE PROJECT.

* * * * *

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KATY, TEXAS:

Section 1. That the City Council hereby authorizes the Mayor sign a Consent to Easement Encroachment Agreement with Brookshire-Katy Drainage District for the 10th Street Bridge Project, under the terms and conditions of the agreements attached hereto as Exhibit "A" and incorporated herein for all purposes.

PASSED AND APPROVED on this 10th day of June, 2024.

CITY OF KATY, TEXAS

By: William H. Thiele
William H. Thiele, Mayor

ATTEST:

Becky L. McGrew
Becky L. McGrew, City Secretary

APPROVED:

Justin Pruitt
Justin Pruitt, Acting City Attorney

Exhibit A

Resolution No. 1616

THE STATE OF TEXAS §
 §
 COUNTY OF WALLER §

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

CONSENT TO EASEMENT ENCROACHMENT AGREEMENT

THIS CONSENT TO EASEMENT ENCROACHMENT AGREEMENT (this "Agreement") is made by and between the City of Katy, a State of Texas home-rule municipal corporation, whose address is 901 Avenue C, Katy, Harris County, Texas 77493 (the "City"), and the Brookshire-Katy Drainage District, a State of Texas conservation and reclamation district, whose address is 1111 Kenny Street, Brookshire, Waller County, Texas 77423 (the "District") (with the City and the District each being a "Party", and collectively, the "Parties"), and is made effective through its execution by the authorized representative of each Party as of the date provided below (the "Effective Date").

RECITALS

WHEREAS, the District has a Right of Way Easement recorded in the Waller County Records Book 184, Page 552, as Waller County Records No. 52913, attached hereto as "Exhibit A" (the "First Easement"); and,

WHEREAS, the District has a Right of Way Easement recorded in the Waller County Records Book 184, Page 553, as Waller County Records No. 52914, and the Harris County Records as Record No. 099-99-1267, attached hereto as "Exhibit B" (the "Second Easement"); and,

WHEREAS, the District has a Drainage Easement through the Drainage Easement and Berm Maintenance Agreement by and between the District, Katy 859 LLC, and Waller County Municipal Utility District No. 3, recorded in Waller County Records Book 415, Page 389, as Record No. 142817, attached hereto as "Exhibit C" (the "Third Easement"); and,

WHEREAS, the First, Second, and Third Easements were conveyed to the District for public use and relate to certain tracts of land located in Waller County and Harris County, Texas (the "Easement Tracts"), with the Easement Tracts being more particularly described in "Exhibit A", "Exhibit B", and "Exhibit C"; and,

WHEREAS, the District has constructed a stormwater drainage ditch, and has constructed or may construct ditches, culverts, drainage facilities, or other connections or appurtenances within the Easement Tracts (all of which are the "District Facilities"); and,

WHEREAS, the District has the perpetual right, without limitation, to utilize the Easement Tracts from time to time to gain access to, maintain, operate, replace, change the size of, repair, modify, or remove the District Facilities; and,

WHEREAS, the City has requested that the District give its consent to allow a City improvement to be constructed which will encroach into the Easement Tracts (the "Encroachment"), with the Encroachment being more particularly depicted and described in "Exhibit "D" attached hereto; and,

WHEREAS, the District desires to consent to the Encroachment, subject to the terms and conditions contained in this Agreement; and **NOW, THEREFORE**,

IN CONSIDERATION OF THE FOREGOING RECITALS AND THE MUTUAL TERMS AND CONDITIONS CONTAINED HEREIN, AND OTHER GOOD AND VALUABLE CONSIDERATION, THE RECEIPT AND SUFFICIENCY OF WHICH ARE HEREBY ACKNOWLEDGED, THE PARTIES HEREBY AGREE AS FOLLOWS:

CONSENT TO EASEMENT ENCROACHMENT

A. The Recitals in, and the Exhibits attached to, this Agreement are found to be true and correct and are made a part hereof by this reference and incorporated herein for all purposes.

B. THE DISTRICT HEREBY GRANTS ITS CONSENT TO THE CITY TO ALLOW THE ENCROACHMENT UPON THE EASEMENT TRACTS, SUBJECT TO THE PROVISIONS OF THIS AGREEMENT.

C. Except for the right to encroach contemplated herein, the District shall retain its full and exclusive rights to utilize the Easement Tracts and all of its remedies associated therewith.

D. The consent herein granted shall be limited to the construction, maintenance, and use of the Encroachment within the Easement Tracts and shall not apply to any other structures, encroachments, or improvements contemplated, allowed, owned, or operated by the City.

E. IN CONSIDERATION OF THE CONSENT HEREIN GRANTED BY THE DISTRICT TO THE CITY FOR THE USE OF A PORTION OF THE EASEMENT TRACTS FOR THE ENCROACHMENT, BUT ONLY TO THE EXTENT ALLOWED UNDER APPLICABLE LAW AND ONLY FOR THOSE ACTIONS, OMISSIONS, OR EVENTS NOT COVERED BY EITHER PARTY'S INSURANCE, THE CITY HEREBY AGREES FOR ITSELF, ITS SUCCESSORS, ASSIGNS, AND GRANTEEES TO RELEASE AND HOLD THE DISTRICT, ITS OFFICERS, DIRECTORS, CONSULTANTS, ATTORNEYS, ACCOUNTANTS, AGENTS, AND ANY SUCCESSORS AND ASSIGNS (THE "INDEMNITEES"), HARMLESS FROM ANY LIABILITY OR DAMAGES OF ANY KIND OR NATURE DIRECTLY RELATED TO THE ENCROACHMENT, SPECIFICALLY INCLUDING LIABILITY ARISING FROM A GROSSLY NEGLIGENT ACT OR OMISSION OF AN INDEMNITEE, ARISING OUT OF, RESULTING FROM, OR IN ANY WAY CONNECTED WITH THE EXISTENCE OF THE ENCROACHMENT WITHIN THE EASEMENT TRACTS OR THE LOCATION OF, SETTLING OF, OR ANY REPAIRS, MODIFICATIONS, ADDITIONS TO, OR THE MALFUNCTIONING OR REPLACEMENT OF, THE DISTRICT FACILITIES.

F. THE CITY HEREBY BINDS ITSELF, ITS SUCCESSORS AND ASSIGNS, TO THE GREATEST EXTENT ALLOWED BY LAW, TO DEFEND, INDEMNIFY, AND HOLD THE INDEMNITEES HARMLESS FROM ALL COSTS, DAMAGES, LOSSES, LIABILITIES, JUDGMENTS, AND EXPENSES (INCLUDING REASONABLE AND NECESSARY ATTORNEYS' FEES AND COURT COSTS) INCURRED IN CONNECTION WITH CLAIMS FOR INJURY TO OR DEATH OF ANY PERSON, FOR DAMAGE TO THE DISTRICT FACILITIES, OR FOR ANY AND ALL OTHER TYPES OF DAMAGES DIRECTLY RELATED TO THE CONSTRUCTION, MAINTENANCE, OR USE OF THE ENCROACHMENT, OR CLAIMS WHICH RESULT FROM STRICT LIABILITY IMPOSED UPON THE INDEMNITEES BY LAW, OR CLAIMS ARISING FROM INJURIES, DEATHS, OR DAMAGES WHICH WOULD NOT HAVE OCCURRED BUT FOR THE PRESENCE OF THE ENCROACHMENT, OR ANY CLAIMS RELATED TO WATER, STORM, OR OTHER DAMAGE TO THE ENCROACHMENT.

G. In the event any damage is incurred to the District Facilities, District equipment, or Easement Tract as a result of the construction of the Encroachment or existence of the Encroachment, the District shall provide written notice to the City of such damage, and the Parties shall determine the method to correct such damage. If a method to correct the damage is not agreed to by the Parties within thirty (30) days after the District provides written notice to the City of the damage or the damage is not corrected in accordance with the agreed method, then the District may correct the damage and require the City to pay to the District all costs associated with such damage. If the District corrects the damage upon the Parties' inability to collectively determine a method to correct the damage, then, within thirty (30) days of receiving an invoice from the District, the City, its successors, and assigns shall be responsible for and shall, pay to the District, its successors, or assigns, the cost of any repairs, replacements, modifications, relocations, improvements, or alterations incurred by the District for the correction of the damage.

H. If determined by the District, in its sole discretion, that the use or location of the Encroachment within the Easement Tracts by the City, or its successors and assigns, prevents or hinders the District from installing, replacing, repairing, or operating any of the District Facilities in accordance with applicable statutes, laws, rules, regulations, engineering, or other technical requirements, then the District, in its sole discretion, may either: (1) by written notice to the City, require the City, at the City's sole cost and expense, to as soon as reasonably possible, as determined by the District's engineer, after consultation with the City, take the necessary action to alter, modify, lower, raise, change the size of, or remove some or all of the Encroachment within the Easement Tracts. If, within the reasonably possible time provided to the City in the written notice from the District, the City fails to take the appropriate action regarding the Encroachment as provided in the written notice, then, the District may alter, modify, lower, raise, change the size of, or remove some or all of the Encroachment within the Easement Tracts, in which event, the City, its successors and assigns, shall be obligated to reimburse the District for all costs incurred by the District to take such actions; or (2) in the case of a life threatening emergency as determined by the District's engineer, then the District may alter, modify, lower, raise, change the size of, or remove some or all of the Encroachment within the Easement Tract, as necessary to access and conduct work within the Easement Tract solely to abate the life threatening emergency, in which event, the City, its successors, and assigns, shall be obligated to reimburse the District for all costs incurred by the District related to the abatement of the life threatening emergency.

I. The Parties hereby expressly understand and agree that the District shall have no liability to the City for any damage caused to the curbs, sidewalk, guardrail, or any other encroachment within the Easement Tract, not including the thirty foot (30') bridge itself, as depicted in Exhibit D, that may be caused by the District Facilities, District equipment, the District, or the District's agents through the normal and routine access and use of the Easement Tract by the District. Additionally, it is expressly understood and agreed that the District shall have no liability to the City for any cosmetic and non-substantive damage caused to the thirty foot (30') bridge itself that may be caused by the District Facilities, District equipment, the District, or the District's agents through the normal and routine access and use of the Easement Tract by the District. Further it is expressly understood and agreed that the District shall have no liability for any damage, which would reasonably be expected by the Parties, through the use of the bridge by the District to cross the Easement Tract.

J. It is further expressly understood and agreed that the District's consent to the location of the Encroachment within the Easement Tracts shall remain in force and effect only so long as the Encroachment shall remain in use, and upon the removal, destruction, or cessation thereof, all rights hereunder shall cease and terminate.

K. No currently existing lienholder as to the Encroachment (including, without limitation, any holder of a vendor's lien or right of prior title) shall be a beneficiary of this Agreement unless and until such lienholder delivers a document in recordable form wherein such lienholder agrees to be bound by all of the terms and conditions of this Agreement.

L. The consent contemplated by this Agreement shall benefit only the City and its respective successors, assigns, and grantees, except as provided in Section H.

M. No waiver by either Party of any breach or default of any term, condition, or provision of this Agreement shall be deemed a waiver of any other or subsequent breaches or defaults of any kind, character, or description under any circumstance. No waiver of any breach or default of any term, condition, or provision of this Agreement shall be implied from any action or non-action of either Party, and any such waiver, to be effective, shall be set out in a written instrument signed by the Parties. Each Party hereby expressly retains any and all governmental immunities it may now have or acquire subsequent to the Effective Date.

N. The individuals signing this Agreement on behalf of each Party hereby represent that they have the requisite authority to bind their respective Party.

O. This Agreement constitutes the entire agreement of the Parties with respect to its subject matter, and all prior agreements with respect thereto are merged herein. This Agreement shall be binding upon and inure to the benefit of the Parties and their respective successors and assigns.

P. The prevailing Party in any suit, action, or other proceeding instituted in connection with any controversy arising out of this Agreement shall be entitled to recover its reasonable attorneys' fees from the other Party.

Q. Notwithstanding anything in this Agreement to the contrary, in the event the City fails to comply with the terms of this Agreement, and after the District provides written notice to the City identifying the specific provisions of this Agreement for which the City has failed to comply and

after the District provides a reasonable amount of time for the City to come into compliance with such provision, the District's sole and exclusive remedy to address the City's failure to comply shall be to bring a lawsuit against the City in a court of competent jurisdiction located in, or having jurisdiction in, Waller County, Texas.

R. This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, and all of which taken together shall constitute one instrument.

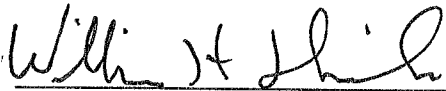
S. The rights granted to the City in this Agreement relate only to the District's interests in the Easement Tracts. The City shall be fully and solely responsible for notifying and obtaining permission and approval from all other parties in possession of the portion of the Easement Tracts affected by the Encroachment.

SIGNATURES

IN WITNESS WHEREOF this Agreement is executed on this 10th day of June, 2024.

FOR: CITY OF KATY, TEXAS

FOR: BROOKSHIRE-KATY DRAINAGE DISTRICT


 WILLIAM H. THIELE, MAYOR

 ARNOLD ENGLAND, PRESIDENT

[ACKNOWLEDGEMENTS AND EXHIBITS ON FOLLOWING PAGES]

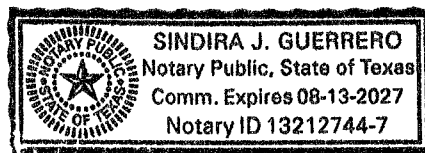
ACKNOWLEDGEMENTS*FOR THE CITY OF KATY, TEXAS*

THE STATE OF TEXAS §
 §
 COUNTY OF Harris §

Before me on this day, personally appeared **WILLIAM H. THIELE**, proved to me to be the person and the Mayor of the City of Katy whose name is subscribed to the foregoing instrument and acknowledged to me that the instrument was the act of the **CITY OF KATY**, a political subdivision of the State of Texas, and that he executed the instrument as the act of said political subdivision for the purposes and consideration expressed therein, by proper authority, and in the capacity stated in the instrument.

Given under my hand and seal of office, this 10th day of June, 2024.

[S. 4.1]



Sindira Guerrero
 Notary Public in and for the State of Texas

My Commission Expires 8-13-27

FOR THE BROOKSHIRE-KATY DRAINAGE DISTRICT

THE STATE OF TEXAS §
 §
 COUNTY OF WALLER §

Before me on this day, personally appeared **ARNOLD ENGLAND**, proved to me to be the person and the President of the Board of Directors whose name is subscribed to the foregoing instrument and acknowledged to me that the instrument was the act of **BROOKSHIRE-KATY DRAINAGE DISTRICT**, a conservation and reclamation district and a body politic of the State of Texas, and that he executed the instrument as the act of said political subdivision for the purposes and consideration expressed therein, by proper authority, and in the capacity stated in the instrument.

Given under my hand and seal of office, this _____ day of _____, 2024.

[S. 4.1]

 Notary Public in and for the State of Texas

My Commission Expires _____

EXHIBIT A: FIRST EASEMENT

16.52.913	
RIGHT-OF-WAY EASEMENT	
BY	
HAL CARDIFF	
TO	
BROOKSHIRE-KATY DRAINAGE DISTRICT	
Filed for Record	
This <u>15</u> day of <u>Oct.</u>	
A.D. 19 <u>44</u> , at <u>10:30</u> o'clock <u>A.M.</u>	
Recorded	
This <u>19</u> day of <u>Oct.</u>	
A.D. 19 <u>44</u> , in <u>Waller</u>	
County, Texas, Records of Deeds	
Book <u>184</u> Page <u>552</u>	
<u>Deke Clegg</u> , Clerk	
<u>Edwin Wright</u> , Deputy	
Return to: <u>125</u>	

CARDIFF

BROOKSHIRE-KATY DRAINAGE DISTRICT

RIGHT OF WAY EASEMENT

No. 52,913
 THE STATE OF TEXAS,
 COUNTY OF WALLER,

KNOW ALL MEN BY THESE PRESENTS: That the undersigned:

J. J. Cardiff of Harris County, Texas,

whose address is as shown above (hereinafter called GRANTOR, whether one or more) for and in consideration of the benefits to be derived on account of and from the construction, operation and maintenance by Brookshire-Katy Drainage District, of the drainage canal and system upon and through the land hereafter described, the sufficiency of which is hereby acknowledged and confessed, has granted, and by these presents hereby grants, unto said Brookshire-Katy Drainage District a corporation (hereinafter called DISTRICT), of Waller County, Texas, a right of way and easement for the purpose of constructing, maintaining, operating, repairing and re-constructing a drainage canal, including drains, ditches, laterals and levees, upon, over, through and across the land of GRANTOR along the route hereinafter designated, and said land being situated in Waller County, Texas, to-wit:

The DISTRICT shall have an easement of an aggregate width of 80 feet, being 40 feet, extending at right angles, on each side of the following line and course across said land, to-wit: BEGINNING at the intersection of the centerline of Cane Island

Branch of the Buffalo Bayou Watershed with the South line of the Grantor's 6.0 Acre Tract of land known as Tract No. 1-A, in the J.J. Crawford Survey, Abstract 113, Waller County, Texas;

Thence, in a generally Northeasterly direction along the centerline of said channel, as constructed, to a point where its centerline intersects the North line of said Tract No. 1-A.

During drainage channel construction and during channel maintenance operations, the District is authorized to spread spoil dirt and excavated material, operate machinery and do any necessary clearing, upon the premises of Grantor immediately adjoining the easement as above described.

2nd V. Cariff

THE STATE OF TEXAS

COUNTY OF Fort Bend

a Notary Public

Fort BendKal V. Cardiff

BEFORE ME the undersigned authority,

, in and for

Fort Bend County, Texas, on this day personally appeared

known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This 22nd day of June,
A. D. 1964 S.O. Morrow

(L. S.)

Notary Public in and for Fort Bend County, Texas

THE STATE OF TEXAS

COUNTY OF _____

BEFORE ME _____

, in and for

_____ County, Texas, on this day personally appeared

_____, wife of

known to me to be the person whose name is subscribed to the foregoing instrument, and having been examined by me privily and apart from her husband, and having the same fully explained to her, she, the said _____ acknowledged such instrument to be her act and deed, and she declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This _____ day of _____,

A. D. 19_____

(L. S.)

THE STATE OF TEXAS

COUNTY OF _____

BEFORE ME _____

, in and for

_____ County, Texas, on this day personally appeared

_____ and _____

_____, his wife, both known to me to be

the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they each executed the same for the purposes and consideration therein expressed, and the said _____

_____ wife or the said _____

having been examined by me privily and apart from her husband, and having the same fully explained to her, she, the same _____

acknowledged such instrument to be her act and deed, and she declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This _____ day of _____,

A. D. 19_____

(L. S.)

ENDORSEMENTS

THE STATE OF TEXAS,

County of Waller

I, Dick Cunny, Clerk of the County Court of said County, do hereby certify that the foregoing instrument of writing, dated the 22 day of June, A. D. 1964 with its authentication, was filed for record in my office on the 15 day of Oct., A. D. 1964 at 10:30 o'clock A. M., and duly recorded this the 19 day of Oct., A. D. 1964 at 3:20 o'clock P. M., in the Deed Records of said County, in Volume 184 on Page 552.

Witness my hand and the seal of the County Court of said County, at office in Hempstead, Texas, the day and year last above written.

Clerk of Court, Dick Cunny Waller County, Texas.By Juanita Hand, Deputy

EXHIBIT B: SECOND EASEMENT

EXHIBIT B

099-99-1270

NOV 16 10 19 AM '84
 CLERK'S OFFICE
 HARRIS COUNTY, TEXAS

No 52914	
RIGHT-OF-WAY EASEMENT	
BY	
TO	
BROOKSHIRE-KATY DRAINAGE DISTRICT	
Filed for Record	
This 15 day of Oct.	
A. D. 1984, at 10:30 o'clock P. M.	
Recorded	
This 19 day of Oct.	
A. D. 1984, in Waller	
County, Texas, Records of Deeds	
Book 184 Page 553	
Dick Cuny, Clerk	
Kathleen Wright, Deputy	
Return to:	125

STATE OF TEXAS
 COUNTY OF HARRIS

I hereby certify that this instrument was FILED in
 File Number Sequence on the date and at the time stamped
 hereon by me; and was duly RECORDED, in the Official
 Public Records of Real Property of Harris County, Texas on

NOV 15 1984



Quita Lockman
 COUNTY CLERK,
 HARRIS COUNTY, TEXAS

Abstract 196 Waller Co.

Stech-Austin-162-1m-79635

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20321

MINZE

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BROOKSHIRE-KATY DRAINAGE DISTRICT**RIGHT OF WAY EASEMENT**

099-99-1267

No. 52,914
THE STATE OF TEXAS,
COUNTY OF WALLER,

CI-11

KNOW ALL MEN BY THESE PRESENTS: That the undersigned:

Ovie Dale Minze Waller County, Texas,

whose address is as shown above (hereinafter called GRANTOR, whether one or more) for and in consideration of the benefits to be derived on account of and from the construction, operation and maintenance by Brookshire-Katy Drainage District, of the drainage canal and system upon and through the land hereafter described, the sufficiency of which is hereby acknowledged and confessed, has granted, and by these presents hereby grants, unto said Brookshire-Katy Drainage District a corporation (hereinafter called DISTRICT), of Waller County, Texas, a right of way and easement for the purpose of constructing, maintaining, operating, repairing and re-constructing a drainage canal, including drains, ditches, laterals and levees, upon, over, through and across the land of GRANTOR along the route hereinafter designated, and said land being situated in Waller County, Texas, to-wit:

The DISTRICT shall have an easement of an aggregate width of 80 feet, being 40 feet, extending at right angles, on each side of the following line and course across said land, to-wit: TRACT NO. 1 - BEGINNING at the intersection of the centerline of Cane Island Branch of the Buffalo Bayou Watershed with the North line of Tenth Street, in the City of Katy, Texas, said point of beginning being situated on the South line of the Grantor's lands situated in the J. W. McCutcheon Survey, Section 44, Abstract 306, Waller County, Texas;

THENCE, in a generally Northeasterly direction along the centerline of said channel, as constructed, to a point where its centerline intersects the North line of the Grantor's lands in said Abstract 306, said North line also being the South right-of-way line of Franz Road in the City of Katy, Texas;

TRACT NO. 2 - A 40 foot wide easement, extending at right angles, on the West side of the following described line and course;

BEGINNING at the intersection of the centerline of Cane Island Branch of Buffalo Bayou Watershed with the North line of Franz Road, said point being the Southeast corner of Grantor's 284 Acre Tract in the H. & T.C.R.R.Co. Survey, Section 43, Abstract 196, Waller County, Texas;

THENCE, in a generally Northwesterly direction, along the centerline of said channel, as constructed, to a point where its centerline intersects the South line of Morton Rd;

During drainage channel construction and during channel maintenance operations, the District is authorized to spread spoil dirt and excavated material, operate machinery and do any necessary clearing, upon the premises of Grantor immediately adjoining the easement as above described.

Brookshire Katy
Drainage District

P.O. Box 608

Brookshire Texas 77423

The DISTRICT shall have all rights and benefits necessary or convenient for the full enjoyment or use of the rights herein granted, with the right of ingress and egress to and from said drainage canal right of way, provided, however, that after construction of said drainage canal, said right of ingress and egress of the DISTRICT shall be limited to the said right of way and to existing roads and passageways. The DISTRICT is given the right from time to time to cut and remove all trees, undergrowth, and abate other obstruction, upon said canal right of way, that may injure, endanger, or interfere with the construction, operation, maintenance and repair of said drainage canal.

GRANTOR reserves the right to use the facilities offered by the drainage canal for the disposal of surface waters, rain, or any excess waters collecting upon his land, and in such connection GRANTOR has the right in the manner provided by law and at his own expense to construct and provide ditches, drains and laterals connecting his said land or portions thereof with the drainage canal.

It is agreed that if at a future time the DISTRICT, its successors or assigns, shall permanently cease to use said drainage canal right of way for the purposes herein contained, and shall permanently abandon the same, then and in such event the said right of way above described, together with all rights and interests held by the DISTRICT by reason of this instrument, shall revert, pass to and vest in the said GRANTOR, his heirs or assigns.

EXECUTED this the 1st day of June, A. D. 1941

Our Late 7 Minus 12

099-99-1269.

THE STATE OF TEXAS

COUNTY OF San Diego

BEFORE ME the undersigned authority,

a Notary Public

.., in and for

Port Bond

County, Texas, on this day personally appeared

Cyle Dale Minzo

known to me to be the person _____ whose name _____ is subscribed to the foregoing instrument, and acknowledged to me that _____ he _____ executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This 1st day of July

A. D. 1943

E.C. 10-209

(L. S.)

Notary Public in and for Fort Bend County, Texas

THE STATE OF TEXAS

COUNTY OF

BEFORE ME

, in and for

County, Texas, on this day personally appeared

..., wife of

known to me to be the person whose name is subscribed to the foregoing instrument, and having been examined by me privily and apart from her husband, and having the same fully explained to her, she, the said _____ acknowledged such instrument to be her act and deed, and she declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This day of

A. D. 19

(L. S.)

THE STATE OF TEXAS

COUNTY OF

BEFORE ME

., in and for

County, Texas, on this day personally appeared

and

..., his wife, both known to me to be

the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they each executed the same for the purposes and consideration therein expressed, and the said _____

wife or the said

having been examined by me privily and apart from her husband, and having the same fully explained to her, she, the same

acknowledged such instrument to be her act and deed, and she declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This day of

A. D. 19

(L. S.)

ENDORSEMENTS

THE STATE OF TEXAS,

County of _____

L.

I, Dick Coney, Clerk of the County Court of said County, do hereby certify that the foregoing instrument of writing, dated the 1 day of June, A.D. 1964 with its authentication, was filed for record in my office on the 15 day of Oct, A.D. 1964 at 10:30 o'clock A.M., and duly recorded this the 17 day of Oct, A.D. 1964 at 3:30 o'clock P.M., in the Deed Records of said County, in Volume 184 on Page 553.

Witness my hand and the seal of the County Court of said County, at office in Hempstead
Texas, the day and year last above written.

Clerk of Court, Haller County, Texas.

By Robbie Wright, Deputy

EXHIBIT C: THIRD EASEMENT

EXHIBIT C

Vol 15 Pg 367

1402517

Exhibit "A"

DRAINAGE EASEMENT AND BERM MAINTENANCE AGREEMENT

STATE OF TEXAS §
 § KNOW ALL MEN BY THE PRESENTS:
COUNTY OF WALLER §

That this agreement is made on the 16th of MAY, 2014 at Waller County, Texas between KATY 850, LLC, a Delaware limited liability company, whose mailing address is 901 North Green Valley Parking, Suite 150, Henderson, Nevada 89074-7105 (hereinafter referred to as Grantor) and Grantee, BROOKSHIRE-KATY DRAINAGE DISTRICT, a statutorily created governmental entity of Waller County, Texas with the authority and responsibility to improve and maintain drainage within the boundaries of the District, whose mailing address is P.O. Box 608, Brookshire, Texas 77423, (hereinafter referred to as District or Grantee), and HARRIS-WALLER COUNTIES MUNICIPAL UTILITY DISTRICT NO. 3, a statutorily created governmental entity of Waller County, Texas, as Second Grantee, whose mailing address is 3200 Southwest Freeway, Suite 2600, Houston, Harris County, Texas 77027, (hereinafter referred to as Second Grantee or MUD NO. 3), whose mailing address is 3200 Southwest Freeway, Suite 2600, Houston, Texas 77027

WHEREAS, the District has identified a need to construct and maintain certain drainage improvements, across property of the Grantor, and

WHEREAS, MUD NO. 3 has agreed to additionally maintain the berm(s) to be constructed within these drainage improvements, and

NOW THEREFORE, for Ten Dollars (\$10.00) and other good and valuable consideration, paid and received by the Grantor, and subject to the exceptions described below, Grantor hereby grants, bargains, sells and conveys and by these presents grants, bargains, sells and conveys unto the District, a drainage Easement, (styled the "Easement No. 1") over and across the following described property in the J. McCutcheon Survey, Abstract No. 306, Waller County, Texas, more specifically described herein in Exhibit "A", attached hereto and is incorporated by reference for all purposes herein (the Property).

The Easement is along Cane Island Branch of Buffalo Bayou and described as follows:

Easement No. 1

A 1.4584 ACRE TRACT OF LAND SITUATED IN THE J. MCCUTCHEON SURVEY, ABSTRACT NO. 306, WALLER COUNTY, TEXAS, BEING A PART OF THAT CERTAIN CALLED 13.128 ACRES (TRACT 2) AND A PART OF THAT CERTAIN CALLED 13.778 ACRES (TRACT 1) OF LAND DESCRIBED IN THE DEED RECORDED UNDER WALLER COUNTY

CLERKS FILE NUMBER 1303199, AND A PART OF THAT CERTAIN CALLED 103.639 ACRES (TRACT 4) DESCRIBED IN CORRECTION DEED TO KATY 850 LLC RECORDED UNDER WALLER COUNTY CLERK'S FILE NUMBER 1303986, SAID 1.4584 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF,

over, through and across the Property, and

Grantor agrees that the District shall have all rights and benefits necessary or convenient for full enjoyment of the Easement granted herein, but limited to the purpose of constructing and maintaining rainwater drainage through the Easement across the Property in the manner described or provided for herein.

The District is given the right from time to time to cut and remove all trees, undergrowth and abate other obstruction upon the Easement that may injure, endanger or interfere with the construction, operation, maintenance, and repair of the drainage Easement.

Grantor further grants, bargains, sells and conveys unto Second Grantee, the HARRIS-WALLER COUNTIES MUNICIPAL UTILITY DISTRICT NO. 3, a Berm Maintenance Agreement, the right to maintain the berms (hereinafter referred to as the "berms") constructed or to be constructed on the Easement. The berms are located within the Easement, described herein as Exhibit "B" and the berms are described in Exhibit "C" attached hereto and made a part hereof. The berms described in Exhibit "C" are herein also referred to as the "Joint Use Area"; provided further the "Joint Use Area" are also set out in Exhibit "D" attached hereto and made a part hereof.

Grantor and MUD NO. 3 are given the right from time to time to cut and remove all trees, undergrowth and abate other obstruction upon said berms that may injure, endanger or interfere with the construction, operation, maintenance, and repair of said berms.

The District agrees to timely repair all damage to roads, passageways, fences and other property of Grantor resulting from the District's use of the Easement, and restore the same as to the previously existing condition within 180 days of expiration of the rights granted herein. Such repair and restoration shall be performed and completed in accordance with all applicable laws and regulations. This paragraph shall survive the termination of this Easement.

The District agrees while operating on this Easement herein granted, to keep closed and locked, all existing fences and gates, except that which is consistent with ingress and egress of the Easement. Only District employees, contractors, or agents having District business upon the Easement shall be permitted to have access to the Easement.

MUD NO. 3 will construct and maintain said berms herein defined as "Joint Use Area,"

pursuant to plans and specifications agreed to by the parties. MUD NO. 3 will notify the District after accessing or working on the "Joint Use Area."

MUD NO. 3 agrees to timely repair all damage to the Easement, berms, "Joint Use Area," roads, passageways, fences and other property of Grantor, resulting from the its maintenance of said berms or "Joint Use Area," and restore the same as to the previously existing condition within 180 days of expiration of the rights and obligations granted herein. Such repair and restoration shall be performed and completed in accordance with all applicable laws and regulations. This paragraph shall survive the termination of this right-of-way Easement.

MUD NO. 3 agrees while maintaining the berms herein granted, to the extent permitted by operations in progress, to keep closed and locked, all existing fences and gates, except that which is consistent with ingress and egress of the berms. Said right-of-way shall restrict access to MUD NO. 3 employees, contractors, or agents having District or MUD NO. 3 business upon the berms.

The Grantor reserves for Grantor and Grantor's assigns and successors the right to use the Easement for any purposes not inconsistent with the purposes for which the Easement is granted, including without limitation the right of access over and across the Easement, the right to construct roads, utilities and communications facilities over, through and across the Easement, and the right to grant an easement and other rights to other parties for any reasonable purpose, subject to the Brookshire-Katy Drainage District Rules and Regulations No. 07-01 in effect as of the date of this Agreement, and to the extent such use does not unreasonably restrict access by District's equipment and vehicles, or restrict the drainage and retention system constructed by the District for which this Easement is herein granted, Grantor further reserves the right to drain into the drainage Easement from all or any portions of property currently owned by Grantor.

Drainage Easement construction and maintenance operations shall be commenced and shall be finished at the sole discretion of the District; provided the initial plans and specifications for the construction shall be approved by the District; providing further the construction and all costs incurred shall be paid by MUD NO. 3.

Maintenance operations on the berms shall be commenced and finished at the sole discretion of MUD NO. 3.

This Easement shall be binding upon Grantor, the District, and their respective assigns and successors, for the term hereof, provided, that the District, with prior written approval from Grantor, may make assignment only to other governmental agencies authorized under law to perform the requirements, obligations, and functions set forth in this Easement.

This berm maintenance easement shall be binding upon Grantor, MUD NO. 3, and their respective assigns and successors, for the term hereof, provided, that MUD NO. 3, with prior written approval from Grantor, may make assignment only to other governmental agencies

authorized under law to perform the requirements, obligations, and functions set forth in this Easement.

Should Grantor or MUD NO. 3 decide to construct any facilities of whatever nature, upon the Easement, Grantor and/or MUD NO. 3 shall restore the Easement to the original condition prior to its construction of facilities, as nearly as reasonably possible and such facilities shall not impede or change the flow characteristics of rain or storm water, through the Easement, and shall comply with the District's Rules and Regulations No. 07-01. District equipment and vehicles access to the Easement for the purpose of construction and maintenance of the Easement shall not be denied or restricted as a result of Grantor's or MUD NO. 3's activities upon the Easement.

Notwithstanding any provision to the contrary, the parties agree as follows:

It is agreed that if at any future time the District or its assigns or successors shall cease to use the Easement for the purpose permitted herein, then and in such event, the Easement above described, together with all rights and interests held by the District and its assigns or successors by reason of this instrument, shall automatically cease, revert, pass to, and vest in the Grantor, its successors and assigns, and the District will cause to be filed a release of this Easement in the Deed Records of Waller County, Texas.

Grantor and Grantor's successors and assigns are and shall be bound to warrant and defend the Easement and rights conveyed in this instrument to District and District's successors and assigns, against every person lawfully claiming or to claim all or any part of the Easement in the Property herein conveyed to District when the claim is by, through, or under Grantor by not otherwise.

This agreement is made without representation or warranty, express or implied, except as to the special warranty of title of Grantor to defend the Easement and the rights conveyed herein, and subject to the provisions hereof shall bind and inure to the benefit of the respective parties, their personal representatives, successors and assigns.

This agreement contains the entire agreement between the parties relating to the subject matter. Any oral representatives or modifications concerning this agreement shall be of no force and effect. Any subsequent amendment or modifications must be in writing and agreed to by all parties.

TO HAVE AND TO HOLD said Easement granted unto the District, its successors and assigns.

TO HAVE AND TO HOLD said Berm Maintenance Easement granted unto MUD NO. 3, its successors and assigns.

This conveyance is made by Grantor and accepted by the District and MUD NO. 3 subject to any and all existing easements, covenants, rights-of-way, conditions, restrictions,

outstanding mineral interests and royalty interests, if any, relating to the Easement, to the extent, and only to the extent, that the same may still be in force and effect, and either shown of record in the office of the County Clerk of the County in which any part of the Property is located, or that may be apparent on the Property.

No rights or privileges are granted hereby except as expressly set forth herein.

Executed the 16th day of MAY, 2014.

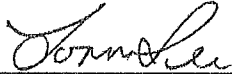
OWNER:

KATY 850 LLC
A DELAWARE LIMITED LIABILITY COMPANY
BY RISE DEVELOPMENT KATY, LLC., A
NEVADA LIMITED LIABILITY COMPANY,
ITS AUTHORIZED AGENT
BY RISE COMMUNITIES, LLC, A NEVADA
LIMITED LIABILITY COMPANY, ITS MANAGER

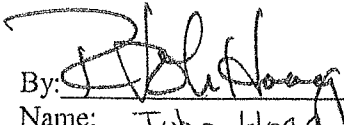
By: 
Name: DANIEL NAEF
Title: PRESIDENT

GRANTEE:

HARRIS-WALLER COUNTIES
MUNICIPAL UTILITY DISTRICT
NO. 3
a Political Subdivision of the State
of Texas

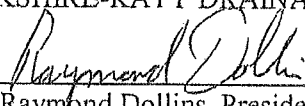
By: 
Name: Lonnie Lee
Title: President, Board of Directors

ATTEST:

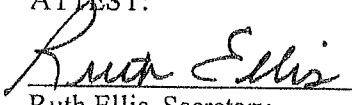
By: 
Name: John Hoag
Title: Secretary, Board of Directors
Asst

DISTRICT:

BROOKSHIRE-KATY DRAINAGE DISTRICT

By: 
Raymond Dollins, President

ATTEST:


Ruth Ellis, Secretary

THE STATE OF TEXASCOUNTY OF HARRIS

This instrument was acknowledged before me on APRIL 29, 2014, by Daniel Naef, President of Rise Communities, LLC, a Nevada Limited Liability Company, Manager for Rise Development Katy, LLC, a Nevada Limited Liability Company, Authorized Agent for Katy 850 LLC, a Delaware Limited Liability Company.

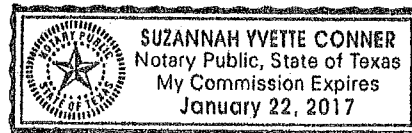


Notary Public in and for
The State of Texas

My Commission Expires:

JANUARY 22, 2017

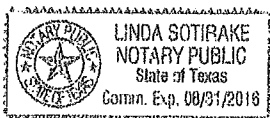
SUZANNAH YVETTE CONNER
Printed Name of Notary



THE STATE OF TEXAS

COUNTY OF HARRIS

This instrument was acknowledged before me on May 2, 2014, by Torrey Lee, President of the Board of Directors, and John Gray, Secretary of the Board of Directors of HARRIS-WALLER COUNTIES MUNICIPAL UTILITY DISTRICT NO. 3, a Political Subdivision of the State of Texas, on behalf of such Political Subdivision.



My Commission Expires:

8/31/16

[Signature]
Notary Public in and for
The State of Texas

LINDA SOTIRAKE
Printed Name of Notary

THE STATE OF TEXAS

COUNTY OF HARRIS

This instrument was acknowledged before me on May 6, 2014, by Raymond Dollins, as President and Ruth Ellis as Secretary of the Board of Directors of Brookshire-Katy Drainage District, a Political Subdivision of the State of Texas, on behalf of said Political Subdivision.

Sharon White

Notary Public in and for

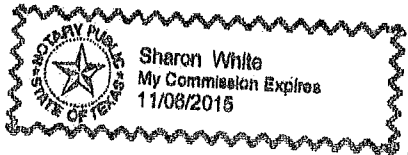
The State of Texas

My Commission Expires:

11/6/2015

Sharon White

Printed Name of Notary



ACCEPTANCE BY LIENHOLDER

By execution of this document, WEST CANE ISLAND, L.P. (Lienholder) agrees to the terms and conditions of this Agreement and further agrees that the liens held by WEST CANE ISLAND, L.P. shall be second and inferior to the rights hereinabove granted to the District and that a foreclosure of such liens shall not terminate the District's rights herein granted.

Lienholder shall have the right, but not the obligation, to cure any default in accordance with the provisions of this Agreement.

Upon foreclosure (or deed in lieu of foreclosure) by Lienholder of its security instrument encumbering the Property, such Lienholder (and its affiliates) and its successors and assigns shall not be liable under this Agreement for any defaults that are in existence at the time of such foreclosure (or deed in lieu of foreclosure). Furthermore, so long as such Lienholder (or its affiliates) is only maintaining the Property and marketing it for sale, and is not engaged in operating the business located on the Property, such Lienholder (and its affiliates) shall not be liable under this Agreement. Upon foreclosure (or deed in lieu of foreclosure) by Lienholder, any Lienholder's operations on the Property shall be in accordance with this Agreement.

Provided however, in the event the Lienholder and/or any of its affiliates and their respective successors and assigns, undertakes operations of the Property, or 90 days after the foreclosure a date of deed in lieu of foreclosure, whichever is earlier, in such event the Lienholder shall be bound by the terms of this Agreement. Any purchaser of the Property from Lienholder shall be bound by the terms of this Agreement and shall be bound to cure any default in the terms of this Agreement and shall satisfy and comply with all the Owner's obligations in

the Agreement.

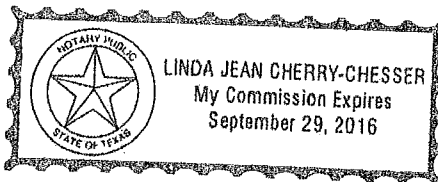
WEST CANE ISLAND, L.P.

By DWM Management Corporation,
General Partner

By: David Minze
David Minze, President

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on this 5TH day of MAY, 2014, by David Minze, President of DWM Management Corporation, the General Partner of West Cane Island, L.P., a Texas limited partnership, on behalf of said partnership.



Linda Jean Cherry-Chesser
Notary Public in and for the
State of Texas

ACCEPTANCE BY LIENHOLDER

By execution of this document, THE MINZE LAND INVESTMENTS LIMITED PARTNERSHIP (Lienholder) agrees to the terms and conditions of this Agreement and further agrees that the liens held by THE MINZE LAND INVESTMENTS LIMITED PARTNERSHIP shall be second and inferior to the rights hereinabove granted to the District and that a foreclosure of such liens shall not terminate the District's rights herein granted.

Lienholder shall have the right, but not the obligation, to cure any default in accordance with the provisions of this Agreement.

Upon foreclosure (or deed in lieu of foreclosure) by Lienholder of its security instrument encumbering the Property, such Lienholder (and its affiliates) and its successors and assigns shall not be liable under this Agreement for any defaults that are in existence at the time of such foreclosure (or deed in lieu of foreclosure). Furthermore, so long as such Lienholder (or its affiliates) is only maintaining the Property and marketing it for sale, and is not engaged in operating the business located on the Property, such Lienholder (and its affiliates) shall not be liable under this Agreement. Upon foreclosure (or deed in lieu of foreclosure) by Lienholder, any Lienholder's operations on the Property shall be in accordance with this Agreement.

Provided however, in the event the Lienholder and/or any of its affiliates and their respective successors and assigns, undertakes operations of the Property, or 90 days after the foreclosure a date of deed in lieu of foreclosure, whichever is earlier, in such event the Lienholder shall be bound by the terms of this Agreement. Any purchaser of the Property from Lienholder shall be bound by the terms of this Agreement and shall be bound to cure any default in the terms of this Agreement and shall satisfy and comply with all the Owner's obligations in

Exhibit "A" - Page 1 of 5

THE TRACT OUT OF WHICH THE EASEMENT IS DRAWN IS OUT OF BOUNDARY TRACT 1, A 13.778 ACRE TRACT AND BOUNDARY TRACT 2, A 13.128 ACRE TRACT DESCRIBED IN DEED DATED APRIL 23, 2013 TO GRANTOR RECORDED UNDER WALLER COUNTY CLERK'S FILE NO. 1303199 AND VOLUME 357 PAGE 706 OF THE OFFICIAL PUBLIC RECORDS OF WALLER COUNTY, TEXAS, AND BOUNDARY TRACT 4, A 103.639 ACRE TRACT, DESCRIBED IN CORRECTION DEED DATED DECEMBER 31, 2012 TO GRANTOR RECORDED UNDER WALLER COUNTY CLERK'S FILE NO. 1303986 AND VOLUME 363 PAGE 542 OF THE OFFICIAL PUBLIC RECORDS OF WALLER COUNTY, TEXAS, AS FOLLOWS, TO-WIT:

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LEGAL DESCRIPTION

METES AND BOUNDS DESCRIPTION
HARRIS-WALLER COUNTIES
BEING 26.906 ACRES
SITUATED IN THE

THE J. McCUTCHEON SURVEY, ABSTRACT NO. 306,
WALLER COUNTY, TEXAS AND THE
THE J. McCUTCHEON SURVEY, ABSTRACT NO. 1348,
HARRIS COUNTY, TEXAS

26.906 ACRES OF LAND SITUATED IN THE J. McCUTCHEON SURVEY, ABSTRACT NO. 306, WALLER COUNTY, TEXAS, AND THE J. McCUTCHEON SURVEY, ABSTRACT NO. 1348, HARRIS COUNTY, TEXAS; THE SAID 26.906 ACRES BEING A PART OF THAT CERTAIN 129.0286 ACRE TRACT OF LAND DESCRIBED IN THE CORRECTION DEED RECORDED UNDER VOLUME 979, PAGE 247 OF THE WALLER COUNTY DEED RECORDS (W.C.D.R.) AND UNDER HARRIS COUNTY CLERK'S FILE (H.C.C.F.) No. 20060013641; THE SAID 26.906 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN TWO (2) TRACTS AS FOLLOWS (BEARINGS BASED ON TEXAS STATE PLANE COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE, AS DETERMINED BY GPS MEASUREMENTS):

BOUNDARY TRACT 1:

A 13.778 ACRE TRACT OF LAND, BEING A PORTION OF THE SAID 129.0286 ACRE TRACT OF LAND, THE SAID 13.778 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a railroad spike found in the northerly line of the said 129.0286 acre tract of land marking a northeasterly corner of a called 103.6389 acre tract described in deed recorded under Vol. 720, Pg. 133, W.C.D.R., being in the common line of said J. McCutcheon Survey Abstract No. 306 and the H.&T.C.R.R. CO. Section 43 Survey Abstract No. 196, being in the centerline of Franz road (as occupied at present) and being the northwesterly corner of the herein described tract of land;

- (1) THENCE, North 87°48'32" East, along the said common survey line, 198.93 feet to a railroad spike found marking a corner of the said 129.0286 acre tract of land;
- (2) THENCE, South 02°00'23" East, at 29.55 feet passing a 1/2-inch iron pipe found 0.21 feet right of line marking the northwesterly corner of a called 4.0 acre tract described in deed recorded in Vol. 245, Pg. 719, W.C.D.R., and continuing along the westerly line of said 4.0 acre tract for a total distance of 378.50 feet to a point for corner from which a found 3/4-inch iron pipe bears South 87°06' East, 0.6 feet;

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- (3) THENCE, North 87°48'32" East, along the southerly line of said 4.0 acre tract, 500.00 feet to a point for corner from which a bent 3/4-inch iron pipe bears South 20°50' East, 0.8 feet;
- (4) THENCE, North 02°00'23" West, along the easterly line of said 4.0 acre tract, at 348.61 feet passing a 1/2-inch iron pipe stamped, "KALKOMEY" found 0.12 feet left of line marking the northeasterly corner of said called 4.0 acre tract and continuing for a total distance of 378.50 feet to a cotton spindle found marking a corner of the called 129.0286 acre tract of land being in the common line of said J. McCutcheon Survey Abstract No. 1348 and the H.&T.C.R.R. Co. Survey Abstract No. 1711, and being in the centerline of Franz road (as occupied at present);
- (5) THENCE, North 87°48'32" East, along the said common survey line, 80.00 feet to a "X" in concrete found marking the northeasterly corner of the called 129.0286 acre tract;
- (6) THENCE, South 02°00'23" East, along the easterly line of said called 129.0286 acre tract, 1014.84 feet to a point for corner, being a northeasterly corner of said 103.6389 acre tract and the southeasterly corner of the herein described tract of land, from which a bent 5/8-inch iron rod bears, North 34°39' East, 5.5 feet;
- (7) THENCE, South 88°00'32" West, along a northerly line of said called 103.6389 acre tract, 778.93 feet to a 1/2-inch iron pipe stamped "KALKOMEY" found marking an internal corner of the said 103.6389 acre tract and the southwesterly corner of the herein described tract of land;
- (8) THENCE, North 02°00'23" West, along the easterly line of said 103.6389 acre tract, at 982.40 feet passing a 1/2-inch iron pipe found 0.14 feet left of line in the monumented southerly right-of-way of Franz Road, and continuing for a total distance of 1012.12 feet to the POINT OF BEGINNING and containing 13.778 acres of land.

BOUNDARY TRACT 2:

A 13.128 ACRE TRACT OF LAND, BEING A PORTION OF A SAID 129.0286 ACRE TRACT OF LAND, THE SAID 13.128 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-inch iron pipe found marking the northeasterly corner of a called 6.2620 acre tract (Tract 1) described in deed and recorded under Vol. 535, Pg. 270, W.C.D.R. and an internal corner of the said 129.0286 acre tract of land, being in the southerly line of the said 103.6389 acre tract of land and marking the northwesterly corner of the herein described tract of land;

- (1) THENCE, North 88°04'50" East, along a southerly line of said called 103.6389 acre tract, at 348.10 feet passing a 3/4-inch iron pipe found for reference, and continuing for a total distance of 995.18 feet to a point marking the northeasterly

corner of the herein described tract of land being in the meanders of the centerline of the Cane Island Branch of Buffalo Bayou as called for being the easterly line of the said 129.0286 acre tract;

THENCE, along the easterly line of the said 129.0286 acre tract, being called the meanders of the centerline of the Cane Island Branch of Buffalo Bayou, the following eight (8) courses and distances:

- (2) THENCE, South 30°22'44" West, 20.86 feet to a point for corner;
- (3) THENCE, South 34°52'08" West, 282.70 feet to a point for corner;
- (4) THENCE, South 20°24'01" West, 64.45 feet to a point for corner;
- (5) THENCE, South 09°14'21" East, 108.98 feet to a point for corner;
- (6) THENCE, South 04°02'15" East, 154.42 feet to a point for corner;
- (7) THENCE, South 11°42'40" East, 168.80 feet to a point for corner;
- (8) THENCE, South 15°19'15" West, 68.22 feet to a point for corner;
- (9) THENCE, South 48°56'03" West, 73.95 feet to a point in the common line of said J. McCutcheon Survey, Abstract No. 306 and the J.J. Crawford Survey, Abstract No. 113, marking the southeasterly corner of the said 129.0286 acre tract and being in the centerline of Tenth Street (60-feet wide as monumented);
- (10) THENCE, South 87°38'46" West, along the said common survey line, 401.99 feet to a point for corner from which a 3/4-inch iron pipe marking a southwesterly corner of the said 129.0286 acre tract found in the easterly line of a called 4.0 acre tract described in deed recorded under Vol. 245, Pg. 717, W.C.D.R. bears South 87°38' 46" West, 8.0 feet;
- (11) THENCE, North 02°03'52" West, along a line parallel to and 8.0 feet east of the common line between the said 4.0 acre tract and the said 129.0286 acre tract, a distance of 382.44 feet to a point for corner;
- (12) THENCE, South 88°07'10" West, along a line parallel to and 6.0 feet north of the common line between the said 4.0 acre tract and the said 129.0286 acre tract, a distance of 356.87 feet to a point in the easterly line of the aforementioned 6.2620 acre tract common to the said 129.0286 acre tract, from which a 1/2-inch iron pipe found for the northwesterly corner of said 4.0 acre tract bears South 02°03'52" West, 6.0 feet;
- (13) THENCE, North 02°03'52" West, along the common line of said 6.2620 acre tract and the said 129.0286 acre tract, a distance of 464.61 feet to the POINT OF BEGINNING and containing 13.128 acres of land, and when combined with TRACT 1 described above, there is a total of 26.906 acres of land.

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BOUNDARY TRACT 4:

A 103.639 ACRE TRACT OF LAND BEING ALL THAT CERTAIN TRACT OF LAND CALLED 103.6389 ACRES DESCRIBED IN DEED TO WEST CANE ISLAND, L.P. RECORDED UNDER VOL. 720, PG. 133, W.C.D.R. AND SITUATED IN THE J. MCCUTCHEON SURVEY, ABSTRACT NO. 306, WALLER COUNTY, TEXAS, AND THE J. MCCUTCHEON SURVEY, ABSTRACT NO. 1348, HARRIS COUNTY, TEXAS, THE SAID 103.639 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-inch capped iron pipe stamped "Kalkomey" found marking the southwesterly corner of said J. McCutcheon Survey, Abstract 306 and the

northwesterly corner of the J.C. Paul Survey, Abstract No. 386, being in the easterly line of the H. & T. C.C. R.R. Co. Survey Abstract No. 203 and that certain tract called 2.3123 acres by deed recorded under Vol. 731, Pg. 133, W.C.D.R., marking the southwesterly corner of the herein described called 103.6389 acre tract of land, having Texas State Plane, South Central Zone, 1983 grid coordinates of X = 2,970,699.96 and Y = 13,849,878.67 and being in Bartlett Road (as occupied at present);

- (1) THENCE, North 02°03'11" West, along the common westerly line of the J. McCutcheon Survey, A-306 and the easterly line of the H. & T. C.C. R.R. Co. Survey A-203, same being the common westerly line of said called 103.6389 acre tract and the easterly line of said called 2.3122 acre tract, at 187.62 feet passing a 1/2-inch capped iron pipe stamped "Kalkomey" found marking the northeasterly corner of said called 2.3123 acre tract and the southeasterly corner of a called 146.685 acre tract recorded under Vol. 701, Pg. 737, W.C.D.R., and continuing for a total distance of 1,700.22 feet to a 1/2-inch iron pipe found for the southwesterly corner of a called 5.0 acre tract of land described by deed recorded in Vol. 95, Pg. 396, W.C.D.R. and being a northwesterly corner of the herein described called 103.6389 acre tract of land;
- (2) THENCE, North 87°48'32" East, along the southerly line of said called 5.0 acre tract, at 17.7 feet passing a 1/2-inch iron pipe found for reference, and continuing for a total distance of 921.80 feet to a 1/2-inch iron pipe found marking the southeasterly corner of a called 5.0 acre tract recorded under Vol. 103, Pg. 67, W.C.D.R. and an internal corner of the herein described called 103.6389 acre tract of land;
- (3) THENCE, North 02°03'11" West, along the easterly line of the said called 5.0 acre tract, at 482.49 feet passing a 1/2-inch capped iron pipe stamped "Kalkomey" found in a southerly right-of-way line of Franz Road (60 feet wide as occupied at present), and continuing for a distance of 510.32 feet to a railroad spike found marking a northwesterly corner of the said called 103.6389 acre tract in the common northerly line of the J. McCutcheon Survey, Abstract 306 and the southerly line of the H. & T. C.C. R.R. Co. Survey Abstract No. 196, and being in the centerline of Franz Road (as occupied at present);

Exhibit "A" - Page 5 of 5

- (4) THENCE, North 87°48'32" East, along the common northerly line of the J. McCutcheon Survey, A-306 and the southerly line of the H. & T. C.C. R.R. Co. Survey A-196 for a distance of 1,624.07 feet to a railroad spike found marking a northeasterly corner of the herein described called 103.6389 acre tract and the northwesterly corner of a 13.778 acre tract out of a called 129.0286 acre tract of land as described by deed recorded under Vol. 979, Pg. 247, W.C.D.R.;
- (5) THENCE, South 02°00'23" East, along the common line of the said called 103.6389 acre tract and the said 13.778 acre tract for a distance of 1,012.12 feet to a 1/2-inch capped iron pipe stamped "Kalkomey" found for an internal corner of said called 103.6389 acre tract and the southwesterly corner of said 13.778 acre tract;
- (6) THENCE, North 88°00'32" East, along the common line of the said called 103.6389 acre tract and the said 13.778 acre tract for a distance of 778.93 feet to a point for corner in a westerly line of Robertson Subdivision as per plat recorded in Vol. 27, Pg. 32, of the Harris County Map Records and being a northeasterly corner of the called 103.6389 acre tract of land from which a bent 5/8-Inch iron rod bears North 34°39' East, 5.5 feet;
- (7) THENCE, South 02°00'23" East, along a westerly line of said Robertson Subdivision being the most easterly line of said called 103.6389 acre tract for a distance of 68.83 feet to a 1/2-inch capped iron pipe stamped "Kalkomey" found for the northeasterly corner of a called 4.5845 acre tract of land recorded in Vol. 341, Pg. 709, W.C.D.R. and a southeasterly corner of said called 103.6389 acre tract;
- (8) THENCE, South 87°59'37" West, along a northerly line of said called 4.5845 acre tract for a distance of 43.25 feet to a point for corner;
- (9) THENCE, South 30°22'19" West, along a northwesterly line of said called 4.5845 acre tract for a distance of 155.88 feet to a point for corner, being the southeasterly corner for the called 103.6389 acre tract and the northeasterly corner of a 13.128 acre tract out of said called 129.0286 acre;
- (10) THENCE, South 88°04'50" East, along the common northerly line of said 13.128 acre tract and a southerly line of said called 103.6389 acre tract, passing at 647.15 feet a 3/4-inch iron pipe found for reference, passing at 995.70 feet a 1/2-inch iron pipe found marking the northwesterly corner of said 13.128 acre tract, same being the northeasterly corner of a called 6.2620 acre tract (Tract 1) recorded under Vol. 0535, Pg. 270, W.C.D.R., and continuing for a total distance of 1451.96 feet to a 1/2-inch iron pipe found marking the northwesterly corner of a called 3.7651 acre tract (Tract 2) recorded under Vol. 0535, Pg. 270, W.C.D.R. and an internal corner of said called 103.6389 acre tract;
- (11) THENCE, South 02°51'35" East, along the common westerly line of said called 3.7651 acre tract and an southeasterly line of said called 103.6389 acre tract for a distance of 1,010.83 feet to a PK nail found marking the southwesterly corner of said called 3.7651 acre tract and a southerly corner of said 103.6389 acre tract, being in the common southerly line of the J. McCutcheon Survey, A-306 and the northerly line of the J.C. Paul Survey, A-386, and being in the centerline of Bartlett Road (as occupied at present);
- (12) THENCE, South 88°04'38" West, along the common southerly line of the J. McCutcheon Survey, A-306 and the northerly line of the J.C. Paul Survey, A-386, same being the southerly line of said called 103.6389 acre tract, for a distance of 1,759.35 feet to the POINT OF BEGINNING and containing 103.639 acres of land.

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METES AND BOUNDS DESCRIPTION
DRAINAGE EASEMENT NO. 1
BEING 1.4584 ACRES SITUATED IN
THE J. MCCUTCHEON SURVEY, ABSTRACT NO. 306
WALLER COUNTY, TEXAS

A 1.4584 ACRE TRACT OF LAND SITUATED IN THE J. MCCUTCHEON SURVEY, ABSTRACT NO. 306, WALLER COUNTY, TEXAS, BEING A PART OF THAT CERTAIN CALLED 13.128 ACRES (TRACT 2) AND A PART OF THAT CERTAIN CALLED 13.778 ACRES (TRACT 1) OF LAND DESCRIBED IN THE DEED RECORDED UNDER WALLER COUNTY CLERKS FILE NUMBER 1303199, AND A PART OF THAT CERTAIN CALLED 103.639 ACRES (TRACT 4) DESCRIBED IN CORRECTION DEED TO KATY 850 LLC RECORDED UNDER WALLER COUNTY CLERK'S FILE NUMBER 1303986, SAID 1.4584 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS (BEARINGS BASED ON TEXAS STATE PLANE COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE 4204, AS DETERMINED BY GPS MEASUREMENTS):

COMMENCING at a 3/4-inch Iron pipe found marking the southwesterly corner of that certain called 129.0286 acre tract of land described in correction deed recorded under Vol. 979, Pg. 247 of the Waller County Deed Records (W.C.D.R.) found in the easterly line of a called 4.0 acre tract described in deed recorded under Vol. 245, Pg. 717, W.C.D.R and being in the centerline of Tenth Street (60-feet wide as monumented);

THENCE, North 87°38'46" East, along the centerline of said Tenth Street, same being in the southerly line of said called 129.0286 acres, for a distance of 369.41 feet to a point for corner;

THENCE, North 02°21'14" West, for a distance of 70.00 feet to the southwesterly corner and POINT OF BEGINNING of the herein described tract of land;

- (1) THENCE, North 48°56'03" East, for a distance of 37.68 feet to a point for corner;
- (2) THENCE, North 15°19'15" East, for a distance of 24.83 feet to a point for corner;
- (3) THENCE, North 11°42'40" West, for a distance of 154.94 feet to a point for corner;
- (4) THENCE, North 04°02'15" West, for a distance of 156.15 feet to a point for corner;
- (5) THENCE, North 09°14'21" West, for a distance of 126.51 feet to a point for corner;
- (6) THENCE, North 20°24'01" East, for a distance of 95.77 feet to a point for corner;
- (7) THENCE, North 34°52'08" East, for a distance of 289.78 feet to a point for corner;
- (8) THENCE, North 30°22'17" East, for a distance of 156.38 feet to a point for corner;
- (9) THENCE, North 02°00'24" West, for a distance of 618.61 feet to the northwesterly corner of the herein described tract of land being in the common line of Harris and Waller County from which a brass cap stamped "H.C.E.D. Harris and Waller County" bears North 18°54'19" West, 423.95 feet;
- (10) THENCE, South 18°54'19" East, along the said county line, for a distance of 137.61 feet to the northeasterly corner of the herein described tract of land;
- (11) THENCE, South 02°00'24" East, for a distance of 498.56 feet to a point for corner;
- (12) THENCE, South 30°22'17" West, for a distance of 169.56 feet to a point for corner;
- (13) THENCE, South 34°52'08" West, for a distance of 286.28 feet to a point for corner;
- (14) THENCE, South 20°24'01" West, for a distance of 80.11 feet to a point for corner;
- (15) THENCE, South 09°14'21" East, for a distance of 117.75 feet to a point for corner;
- (16) THENCE, South 04°02'15" East, for a distance of 155.29 feet to a point for corner;

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- (17) THENCE, South 11°42'40" East, for a distance of 161.87 feet to a point for corner;
- (18) THENCE, South 15°19'15" West, for a distance of 46.43 feet to a point for corner;
- (19) THENCE, South 87°38'46" West, for a distance of 63.87 feet to the POINT OF BEGINNING and containing 1.4584 acres of land.

EDMINSTER, HINSHAW, RUSS AND ASSOCIATES, INC. dba EHRA, Inc.

Robert L. Boelsche

Robert L. Boelsche, R.P.L.S.
Texas Registration No. 4446
10555 Westoffice Drive
Houston, Texas 77042
713-784-4500
TBPLS NO. 10092300



Date: March 11, 2014

Job No: 101-057-00

File No: \\Client\\R\$\\2010\\101-057-00\\documents\\technical\\10105700-DE-1-MB.doc

Exhibit "C" - Page 1 of 2

METES AND BOUNDS DESCRIPTION
 SHARED BERM EASEMENT
 BEING 1.1063 ACRES SITUATED IN
 THE J. MCCUTCHEON SURVEY, ABSTRACT NO. 306
 WALLER COUNTY, TEXAS

A 1.1063 ACRE TRACT OF LAND SITUATED IN THE J. MCCUTCHEON SURVEY, ABSTRACT NO. 306, WALLER COUNTY, TEXAS, BEING A PART OF THAT CERTAIN CALLED 13.128 ACRES (TRACT 2) AND A PART OF THAT CERTAIN CALLED 13.778 ACRES (TRACT 1) OF LAND DESCRIBED IN THE DEED RECORDED UNDER WALLER COUNTY CLERKS FILE NUMBER 1303199, AND A PART OF THAT CERTAIN CALLED 103.639 ACRES (TRACT 4) DESCRIBED IN CORRECTION DEED TO KATY 850 LLC RECORDED UNDER WALLER COUNTY CLERK'S FILE NUMBER 1303986, SAID 1.1063 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS (BEARINGS BASED ON TEXAS STATE PLANE COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE 4204, AS DETERMINED BY GPS MEASUREMENTS):

COMMENCING at a 3/4-Inch Iron pipe found marking the southwesterly corner of that certain called 129.0286 acre tract of land described in correction deed recorded under Vol. 979, Pg. 247 of the Waller County Deed Records (W.C.D.R.) found in the easterly line of a called 4.0 acre tract described in deed recorded under Vol. 245, Pg. 717, W.C.D.R and being in the centerline of Tenth Street (60-feet wide as monumented);

THENCE, North 87°38'46" East, along the centerline of said Tenth Street, same being in the southerly line of said called 13.128 acres, for a distance of 369.41 feet to a point for corner;

THENCE, North 02°21'14" West, for a distance of 70.00 feet to the southwesterly corner and POINT OF BEGINNING of the herein described tract of land;

- (1) THENCE, North 48°56'03" East, for a distance of 37.68 feet to a point for corner;
- (2) THENCE, North 15°19'15" East, for a distance of 24.83 feet to a point for corner;
- (3) THENCE, North 11°42'40" West, for a distance of 154.94 feet to a point for corner;
- (4) THENCE, North 04°02'15" West, for a distance of 156.15 feet to a point for corner;
- (5) THENCE, North 09°14'21" West, for a distance of 126.51 feet to a point for corner;
- (6) THENCE, North 20°24'01" East, for a distance of 95.77 feet to a point for corner;
- (7) THENCE, North 34°52'08" East, for a distance of 289.78 feet to a point for corner;
- (8) THENCE, North 30°22'17" East, for a distance of 156.38 feet to a point for corner;
- (9) THENCE, North 02°00'24" West, for a distance of 618.61 feet to the northwesterly corner of the herein described tract of land being in the common line of Harris and Waller County from which a brass cap stamped "H.C.E.D. Harris and Waller County" bears North 18°54'19" West, 423.95 feet;
- (10) THENCE, South 18°54'19" East, along the said county line, for a distance of 103.21 feet to the northeasterly corner of the herein described tract of land;
- (11) THENCE, South 02°00'24" East, for a distance of 528.57 feet to a point for corner;
- (12) THENCE, South 30°22'17" West, for a distance of 166.26 feet to a point for corner;
- (13) THENCE, South 34°52'08" West, for a distance of 287.15 feet to a point for corner;
- (14) THENCE, South 20°24'01" West, for a distance of 84.03 feet to a point for corner;
- (15) THENCE, South 09°14'21" East, for a distance of 119.94 feet to a point for corner;
- (16) THENCE, South 04°02'15" East, for a distance of 155.50 feet to a point for corner;

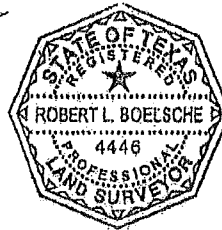
Exhibit "C" - Page 2 of 2

- (17) THENCE, South 11°42'40" East, for a distance of 160.13 feet to a point for corner;
- (18) THENCE, South 15°19'15" West, for a distance of 41.10 feet to a point for corner;
- (19) THENCE, South 48°56'03" West, for a distance of 9.31 feet to the southeasterly corner of the herein described tract of land;
- (20) THENCE, South 87°38'46" West, for a distance of 47.97 feet to the POINT OF BEGINNING and containing 1.1063 acres of land,

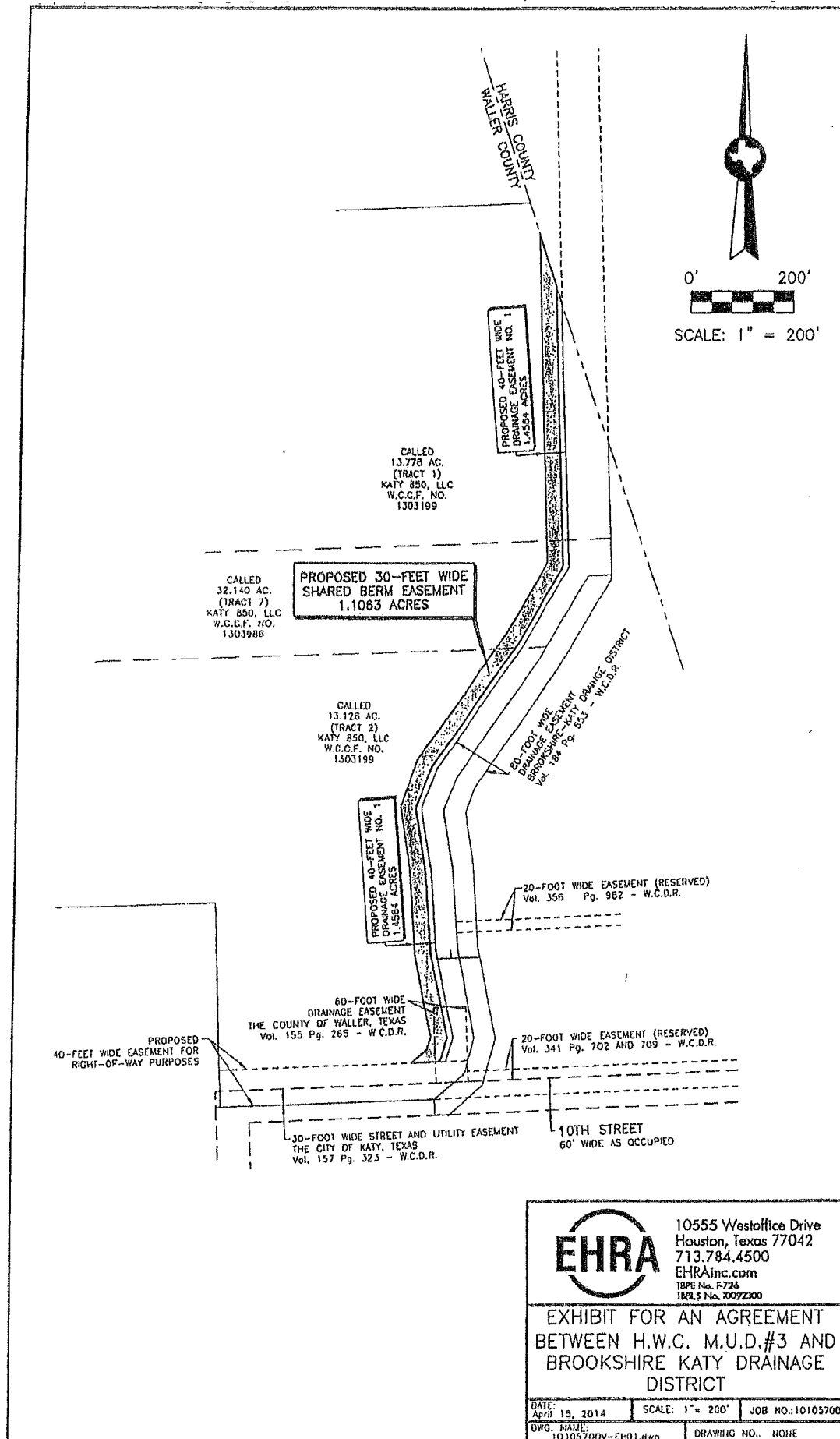
EDMINSTER, HINSHAW, RUSS AND ASSOCIATES, INC. dba EHRA, Inc.

Robert L. Boelsche

Robert L. Boelsche, R.P.L.S.
Texas Registration No. 4446
10555 Westoffice Drive
Houston, Texas 77042
713-784-4500
TBPLS NO. 10092300



Date: February 11, 2014
Job No: 101-057-00
File No: R\2010\101-057-00\documents\technical\10105700-5B01-MB.doc



1402817

FILED FOR RECORD

14 MAY -7 AM 8:30

DEBBIE HOLLAN
COUNTY CLERK
WALLER COUNTY, TX.

Alphonse Compagnon DEPUTY

② 89.00
10.00
1.00

100.00

Brookshire Katy Drainage District
PO BOX 608
Brookshire, TX 77423

THE STATE OF TEXAS
COUNTY OF WALLER

I hereby certify that this instrument was FILED on the date and at the time stamped hereon by me and was duly RECORDED in the Official Public Records of Waller County, Texas, in the Volume and Page as noted hereon by me.



Debbie Hollan

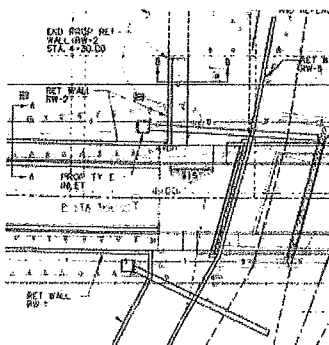
County Clerk, Waller County, Texas

EXHIBIT D: ENCROACHMENT

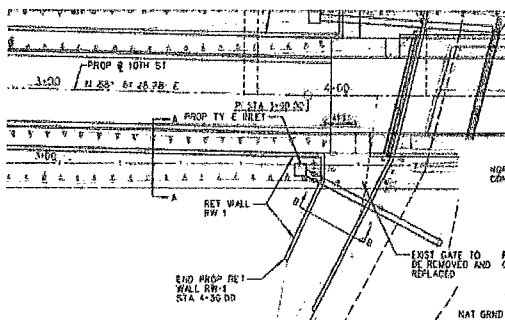
10TH STREET BRIDGE AT CANE ISLAND BRANCH

Access Issues

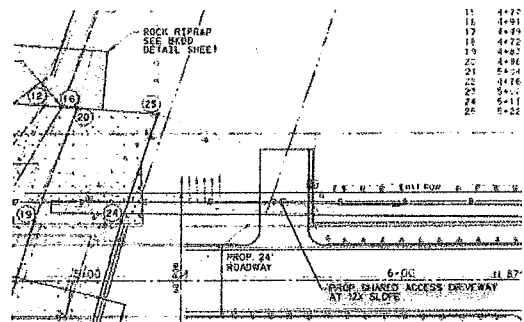
1) Min. 20-ft wide access is required for BKDD equipment to pass.



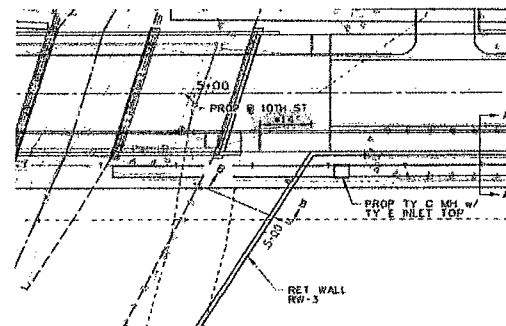
2) Min. 20-ft wide access is required for BKDD equipment to pass. With the retaining wall location, turn radius is also limited.



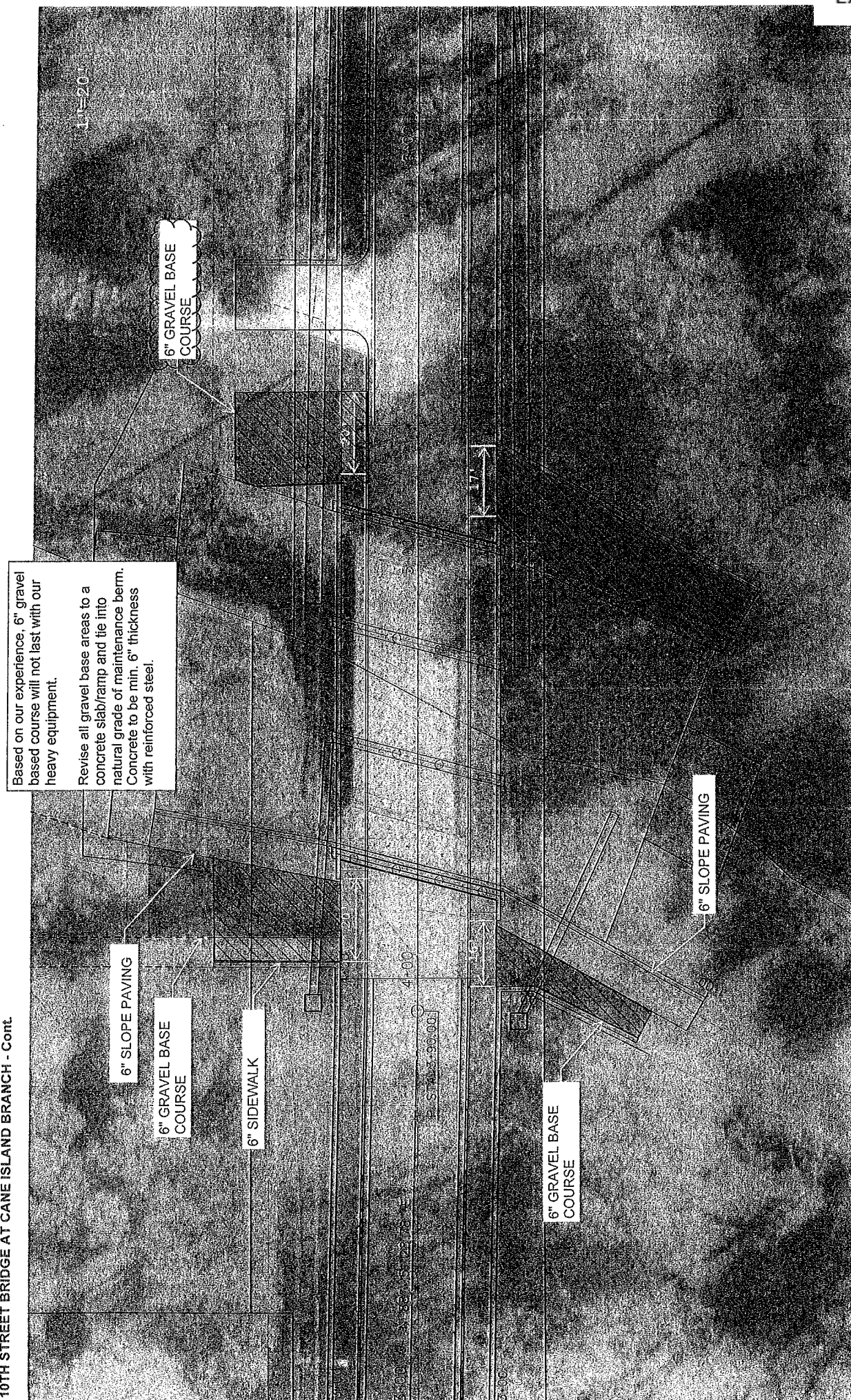
3) BKDD can't share access with a private driveway. Need separate min. 20-ft wide access for BKDD equipment to pass.



4) Min. 20-ft wide access is required for BKDD equipment to pass.



10TH STREET BRIDGE AT CANE ISLAND BRANCH - Cont.





2322 W Grand Parkway North, Suite 150
Katy, Texas 77449
Tel: 832.913.4000
www.quiddity.com

July 30, 2024

Mr. Arnold England, President
Brookshire-Katy Drainage District
PO Box 608
Brookshire, Texas 77423

Re: Professional Engineering Services for
Permit Application Portal – New Application Form

Dear Mr. England:

Quiddity Engineering (ENGINEER) is pleased to submit this proposal to the Brookshire-Katy Drainage District (DISTRICT) in an effort to develop and add the Detention Facilities Maintenance Agreement (DFMA) Application Form to the Portal.

Scope of Services

The ENGINEER was requested to enhance the DISTRICT Permit Application Portal by creating a new online DFMA form and associated workflow/database components. The scope below outlines detailed requirements and enhancements included as part of this scope of work (SOW).

Step 1

- Development and configuration of a new DFMA form with standard form steps.
- Create and configure database fields.
- Update notification/email features.
- Utilize the existing automation to trigger and configure the automated process.
- Map the PDF fillable form for the new DFMA form submission.

The compensation for completing the DFMA form customization and configuration (Step 1) is a Lump Sum fee of **\$4,150.00**. Suppose the DISTRICT desires to make an additional request(s) beyond the items noted above. In that case, the ENGINEER will provide a cost estimate to the DISTRICT for approval before performing any work. These will be billed hourly per the Schedule of Hourly Rates previously approved by the Board.

Step 2

- Coordinate the new form and required fields with the Legal and DISTRICT Team.
- Create the final form design in PDF format.
- Update existing workflows and forms.
- Test and roll out new DFMA form.
- Others as required.



Mr. Arnold England, President

Page 2

July 30, 2024

The ENGINEER proposed to perform the scope of services above (Step 2) and bill hourly in accordance with the Schedule of Hourly Rates previously approved by the Board. Pending the final scope and requirements to be defined by the DISTRICT, the cost for this effort could range between **\$1,000 to \$2,500**.

Schedule

We are prepared to proceed with these services upon acceptance and authorization to proceed. We estimate it will take approximately 45 calendar days from the authorization to proceed to the start of the Rollout.

Conclusion

We thank you for the opportunity to submit this proposal and look forward to working with you on this Project. The proposed compensations shall be considered in their entirety for the scope of services. Should the DISTRICT wish to contract with the ENGINEER for only a portion of the work, the ENGINEER reserves the right to negotiate individual scope items on their own merits. This proposal shall be **valid for thirty (30) days** from this date and may be extended upon written approval by the ENGINEER and the DISTRICT.

We hope you will find this proposal to be acceptable. Please feel free to contact me if you have any questions.

Please review and advise if you require any additional information and/or clarifications. We look forward to providing these services to the DISTRICT.

Very truly yours,

Rod Pinheiro, PE, PMP, CFM

RDP/dme

02 - BKDD DFMA Form Scope (07-30-24).docx

ACCEPTED ON BEHALF OF BROOKSHIRE-KATY DRAINAGE DISTRICT BY:

DATE: _____

ARNOLD ENGLAND
PRESIDENT

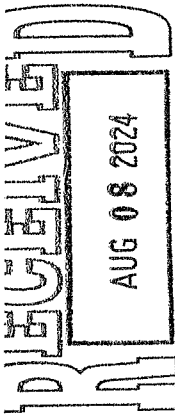


AIA Document G702 - 1992

Application and Certificate for Payment

TO OWNER:	Brookshire-Katy Drainage District 1111 Kenney Street Brookshire, TX. 77423	PROJECT:	BKDD Admin Building	APPLICATION NO:	001	By:		Distribution to:	OWNER: ☒
FROM	Commercial Construction and Maintenance 5690 Pine Lane Circle Bessemer, AL 35022	VIA		PERIOD TO:	July 31, 2024			ARCHITECT:	☒
CONTRACTOR:		ARCHITECT:		CONTRACT FOR:	3,147,189.00			CONTRACTOR:	☒
				CONTRACT DATE:	May 30, 2024			FIELD:	☐
				PROJECT NOS:	/ /			OTHER:	☐

X _____
Board Signature



78190 (2)

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract.
AIA Document G703[®], Continuation Sheet, is attached.

1. ORIGINAL CONTRACT SUM \$3,147,189.00
2. NET CHANGE BY CHANGE ORDERS \$0.00
3. CONTRACT SUM TO DATE (Line 1 + 2) \$3,147,189.00
4. TOTAL COMPLETED & STORED TO DATE (Column G on G703) \$500,906.31

5. RETAINAGE:

- a. 10.00 % of Completed Work (Column D + E on G703) \$50,090.63
- b. 0 % of Stored Material (Column F on G703) \$0.00

Total Retainage (Lines 5a + 5b or Total in Column I of G703) \$50,090.63

6. TOTAL EARNED LESS RETAINAGE \$450,815.68

(Line 4 Less Line 5 Total)

7. LESS PREVIOUS CERTIFICATES FOR PAYMENT

(Line 6 from prior Certificate)

..... \$0.00

8. CURRENT PAYMENT DUE \$450,815.68

9. BALANCE TO FINISH, INCLUDING RETAINAGE

(Line 3 less Line 6)

..... \$2,696,373.32

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	\$0.00	\$0.00
Total approved this Month	\$0.00	\$0.00
TOTALS	\$0.00	\$0.00
NET CHANGES by Change Order		\$0.00

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR:

By: _____

State of: AL

County of: Jefferson

Subscribed and sworn to before

me this 1st day of Aug

Notary Public _____

My Commission expires: 03/27/28

Ronda Lynne Komegay

Notary Public, Alabama State At Large

My Commission Expires 03/27/2028

Date: 8/1/2024

ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising this application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED

(Attach explanation if amount certified differs from the amount applied. Initial all figures on this Application and on the Continuation Sheet that are changed to conform with the amount certified.)

\$450,815.68

ARCHITECT:

By: _____

Date: 8/8/2024

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Insurance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

A	B	C	D	E	F	G	H	I	J	K	L	M	N
Division No.	AIA Division	SCHEDULED COST	CHANGE ORDERS COST	CHANGE ORDERS CHMP 15%	CHANGE ORDERS TOTAL	TOTAL VALUE	WORK COMPLETED FROM PREVIOUS APPLICATIONS	DEPOSIT/MATERIAL PRESENTLY STORED	TOTAL COMPLETED & STORED TO DATE (J+K)	% G/C	BALANCE TO FINISH (G-K)	RETAINAGE 10%	
01100	Upfront GR Costs - Permit, Performance Bond, Builders Risk Insurance	\$ 59,463.90	\$ -	\$ -	\$ -	\$ 59,463.90	\$ -	\$ -	\$ 59,463.90	100%	\$ -	\$5,946.39	
01310	On-Going General Requirement Costs - Production Coordination	\$ 210,749.61	\$ -	\$ -	\$ -	\$ 210,749.61	\$ -	\$ -	\$ 33,719.94	16%	\$ 177,029.67	\$3,371.99	
01500	Temporary Facilities	\$ 11,812.63	\$ -	\$ -	\$ -	\$ 11,812.63	\$ -	\$ -	\$ 1,890.02	16%	\$ 9,922.61	\$198.00	
01524	Temporary Construction Waste Management	\$ 7,348.87	\$ -	\$ -	\$ -	\$ 7,348.87	\$ -	\$ -	\$ 1,175.82	16%	\$ 6,173.05	\$117.58	
02230	Site Clearing and Erosion Control	\$ 39,386.48	\$ -	\$ -	\$ -	\$ 39,386.48	\$ -	\$ -	\$ 36,033.44	91%	\$ 3,353.04	\$3,603.34	
02300	Earthwork, Grading, Pond and Soil Stabilization	\$ 393,899.56	\$ -	\$ -	\$ -	\$ 393,899.56	\$ -	\$ -	\$ 315,119.65	80%	\$ 78,779.91	\$31,511.97	
02301	Surveying/Layout	\$ 4,899.25	\$ -	\$ -	\$ -	\$ 4,899.25	\$ -	\$ -	\$ 2,449.62	50%	\$ 2,449.62	\$244.96	
02305	Concrete Wash Out	\$ 3,810.53	\$ -	\$ -	\$ -	\$ 3,810.53	\$ -	\$ -	\$ -	0%	\$ 3,810.53	\$0.00	
02361	Termite Control	\$ 2,177.44	\$ -	\$ -	\$ -	\$ 2,177.44	\$ -	\$ -	\$ -	0%	\$ 2,177.44	\$0.00	
02466	Drilled Piers	\$ 40,827.07	\$ -	\$ -	\$ -	\$ 40,827.07	\$ -	\$ -	\$ -	0%	\$ 40,827.07	\$0.00	
02510	Domestic Water Supply - Water Utilities	\$ 25,258.35	\$ -	\$ -	\$ -	\$ 25,258.35	\$ -	\$ -	\$ -	0%	\$ 25,258.35	\$0.00	
02530	Sanitary Sewer Supply - Sewer Utilities	\$ 48,992.48	\$ -	\$ -	\$ -	\$ 48,992.48	\$ -	\$ -	\$ -	0%	\$ 48,992.48	\$0.00	
02630	Storm Utilities	\$ 74,468.57	\$ -	\$ -	\$ -	\$ 74,468.57	\$ -	\$ -	\$ -	0%	\$ 74,468.57	\$0.00	
02751	Exterior Concrete Paving & Striping	\$ 107,239.10	\$ -	\$ -	\$ -	\$ 107,239.10	\$ -	\$ -	\$ -	0%	\$ 107,239.10	\$0.00	
02821	Chain Link Fence and Gates	\$ 9,782.17	\$ -	\$ -	\$ -	\$ 9,782.17	\$ -	\$ -	\$ -	0%	\$ 9,782.17	\$0.00	
02920	Irrigation, Landscaping and Pressure Washing	\$ 42,078.00	\$ -	\$ -	\$ -	\$ 42,078.00	\$ -	\$ -	\$ -	0%	\$ 42,078.00	\$0.00	
03200	Concrete Reinforcement	\$ 6,384.06	\$ -	\$ -	\$ -	\$ 6,384.06	\$ -	\$ 1,080.00	\$ 1,080.00	17%	\$ 5,284.06	\$108.00	
03300	Cast in Place Concrete - Footings and Slab	\$ 85,434.42	\$ -	\$ -	\$ -	\$ 85,434.42	\$ -	\$ -	\$ -	0%	\$ 85,434.42	\$0.00	
04720	Cast Stone Materials and Labor	\$ 4,354.89	\$ -	\$ -	\$ -	\$ 4,354.89	\$ -	\$ -	\$ -	0%	\$ 4,354.89	\$0.00	
04810	Unit Masonry - Labor - Brick and Block	\$ 35,814.92	\$ -	\$ -	\$ -	\$ 35,814.92	\$ -	\$ -	\$ -	0%	\$ 35,814.92	\$0.00	
04861	Natural Stone Veneer - Labor	\$ 18,121.00	\$ -	\$ -	\$ -	\$ 18,121.00	\$ -	\$ -	\$ -	0%	\$ 18,121.00	\$0.00	
05121	Structural Steel - PEMB materials and handrails	\$ 121,209.24	\$ -	\$ -	\$ -	\$ 121,209.24	\$ -	\$ 0.00	\$ 41,583.23	34%	\$ 79,626.01	\$4,158.32	
05400	Cold-Framed Metal Framing - Materials and Labor	\$ 134,348.28	\$ -	\$ -	\$ -	\$ 134,348.28	\$ -	\$ -	\$ -	0%	\$ 134,348.28	\$0.00	
05500	Metal Fabrications/Installation of PEMB	\$ 76,210.53	\$ -	\$ -	\$ -	\$ 76,210.53	\$ -	\$ -	\$ -	0%	\$ 76,210.53	\$0.00	
06100	Rough Carpentry	\$ 6,804.51	\$ -	\$ -	\$ -	\$ 6,804.51	\$ -	\$ -	\$ -	0%	\$ 6,804.51	\$0.00	
07210	Building Insulation	\$ 47,903.76	\$ -	\$ -	\$ -	\$ 47,903.76	\$ -	\$ -	\$ -	0%	\$ 47,903.76	\$0.00	
08111	Steel Doors and Frames	\$ 25,055.60	\$ -	\$ -	\$ -	\$ 25,055.60	\$ -	\$ -	\$ -	0%	\$ 25,055.60	\$0.00	
08211	Flush Wood Plastic Laminate Doors	\$ 19,180.16	\$ -	\$ -	\$ -	\$ 19,180.16	\$ -	\$ -	\$ -	0%	\$ 19,180.16	\$0.00	
08411	Aluminum-Framed Entrances, Storefronts and Windows	\$ 57,540.95	\$ -	\$ -	\$ -	\$ 57,540.95	\$ -	\$ -	\$ -	0%	\$ 57,540.95	\$0.00	
08711	Door Hardware and Install	\$ 21,929.40	\$ -	\$ -	\$ -	\$ 21,929.40	\$ -	\$ -	\$ -	0%	\$ 21,929.40	\$0.00	
09263	Gypsum Sheathing, Gypsum Board and Assemblies/Drywall	\$ 171,177.56	\$ -	\$ -	\$ -	\$ 171,177.56	\$ -	\$ -	\$ -	0%	\$ 171,177.56	\$0.00	
09310	Floor Coverings	\$ 75,667.26	\$ -	\$ -	\$ -	\$ 75,667.26	\$ -	\$ -	\$ -	0%	\$ 75,667.26	\$0.00	
09511	Acoustical Ceilings	\$ 33,750.38	\$ -	\$ -	\$ -	\$ 33,750.38	\$ -	\$ -	\$ -	0%	\$ 33,750.38	\$0.00	
09912	Painting	\$ 17,822.38	\$ -	\$ -	\$ -	\$ 17,822.38	\$ -	\$ -	\$ -	0%	\$ 17,822.38	\$0.00	
10431	Signage	\$ 2,473.99	\$ -	\$ -	\$ -	\$ 2,473.99	\$ -	\$ -	\$ -	0%	\$ 2,473.99	\$0.00	
10532	Walkway Covers/Canopies	\$ 112,356.09	\$ -	\$ -	\$ -	\$ 112,356.09	\$ -	\$ -	\$ -	0%	\$ 112,356.09	\$0.00	
10801	Bathroom and Toilet Accessories, Partitions	\$ 18,292.07	\$ -	\$ -	\$ -	\$ 18,292.07	\$ -	\$ -	\$ -	0%	\$ 18,292.07	\$0.00	

A DIVISION NO.	B AUA Division	C SCHEDULED COST	D CHANGE ORDERS COST	E CHANGE ORDERS OH&P 15%	F CHANGE ORDERS TOTAL	G TOTAL VALUE	H WORK COMPLETED FROM PREVIOUS APPLICATIONS	I WORK COMPLETED THIS PERIOD	J DEPOSITS/MATERIAL PRESENTLY STORED	K TOTAL COMPLETED & STORED TO DATE (I + J + K)	L % C/C	M BALANCE TO FINISH (G - K)	N RETAINAGE 10%
12494	Roller Shades	\$ 7,078.87	\$ -	\$ -	\$ -	\$ 7,078.87	\$ -	\$ -	\$ -	\$ -	0%	\$ 7,078.87	\$0.00
15100	Mechanical - HVAC materials and labor	\$ 353,174.83	\$ -	\$ -	\$ -	\$ 353,174.83	\$ -	\$ -	\$ -	\$ -	0%	\$ 353,174.83	\$0.00
15200	Mechanical - Plumbing materials and labor	\$ 159,466.18	\$ -	\$ -	\$ -	\$ 159,466.18	\$ -	\$ -	\$ -	\$ -	0%	\$ 159,466.18	\$0.00
16100	Electrical - Materials and labor	\$ 189,678.74	\$ -	\$ -	\$ -	\$ 189,678.74	\$ -	\$ 8,390.68	\$ -	\$ 8,390.68	4%	\$ 181,288.06	\$893.07
16670	Lightning Protection System	\$ 11,734.80	\$ -	\$ -	\$ -	\$ 11,734.80	\$ -	\$ -	\$ -	\$ -	0%	\$ 11,734.80	\$0.00
21100	Fire Water Line	\$ 57,266.77	\$ -	\$ -	\$ -	\$ 57,266.77	\$ -	\$ -	\$ -	\$ -	0%	\$ 57,266.77	\$0.00
21200	Fire Suppression System	\$ 61,240.17	\$ -	\$ -	\$ -	\$ 61,240.17	\$ -	\$ -	\$ -	\$ -	0%	\$ 61,240.17	\$0.00
28100	Fire Alarm System	\$ 15,405.41	\$ -	\$ -	\$ -	\$ 15,405.41	\$ -	\$ -	\$ -	\$ -	0%	\$ 15,405.41	\$0.00
01210.1	Allowance 1 - TAS	\$ 2,500.00	\$ -	\$ -	\$ -	\$ 2,500.00	\$ -	\$ -	\$ -	\$ -	0%	\$ 2,500.00	\$0.00
01210.2	Allowance 2 - Interior and Exterior Signage Material	\$ 15,000.00	\$ -	\$ -	\$ -	\$ 15,000.00	\$ -	\$ -	\$ -	\$ -	0%	\$ 15,000.00	\$0.00
01210.3	Allowance 3 - Brick Material	\$ 6,318.62	\$ -	\$ -	\$ -	\$ 6,318.62	\$ -	\$ -	\$ -	\$ -	0%	\$ 6,318.62	\$0.00
01210.4	Allowance 4 - Stone Material	\$ 24,339.15	\$ -	\$ -	\$ -	\$ 24,339.15	\$ -	\$ -	\$ -	\$ -	0%	\$ 24,339.15	\$0.00
01210.5	Allowance 5 - Refrigerator	\$ 2,500.00	\$ -	\$ -	\$ -	\$ 2,500.00	\$ -	\$ -	\$ -	\$ -	0%	\$ 2,500.00	\$0.00
01210.6	Allowance 6 - Contingency	\$ 67,500.00	\$ -	\$ -	\$ -	\$ 67,500.00	\$ -	\$ -	\$ -	\$ -	0%	\$ 67,500.00	\$0.00
		\$ 3,147,189.00	\$ -	\$ -	\$ -	\$ 3,147,189.00	\$ -	\$ 459,323.08	\$ 41,583.23	\$ 500,906.31	16%	\$ 2,646,282.70	\$50,090.73

Change Orders:		
Auds	Previously Approved	This period
Deducts	\$ -	\$ -
Total	\$ -	\$ -

Division Explanatory Comments for Work Completed in Column I and J Above

- 01100 Represents the Up Front General Requirement costs
- 01310 Represents the On-Going General Requirement Costs for the project
- 01500 Represents the Temporary Facilities costs for the project
- 01524 Represents the Temporary Dumpster costs for the project
- 02230 Represents the Site Clearing and Erosion Control costs for the project
- 02300 Represents the Earthwork, Grading and Detention Pond costs for the project
- 02301 Represents the Site Surveying costs for the project
- 03200 Represents the Concrete Reinforcement for the project
- 05121 Represents the Structural Steel - PEMB materials and handrails; specifically deposit invoice for pre-engineering/material deposits
- 16100 Represents the Electrical costs for the project; Specifically the temporary power setup

COMMERCIAL CONSTRUCTION
AND MAINTENANCE, INC.

OWNER	
ARCHITECT	
CONTRACTOR	X
FIELD	
OTHER	

Modified

APPLICATION NO:	1
APPLICATION DATE:	8/1/2024
PERIOD FROM:	6/6/2024
PERIOD TO:	7/31/2024

The Contract is changed as follows:

CCM APPROVAL: Taylor Chapman
Director of Production

Not valid until signed by the Owner and Contractor.

\$ 3,147,189.00

\$

\$ 3,147,189.00

§

\$3,147,189.00

0

1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 26

OWNER/DEVELOPER

Address

BY

Kevin Pence President

8/1/2024

DATE _____

CONDITIONAL WAIVER AND RELEASE ON PROGRESS PAYMENT

NOTICE: THIS DOCUMENT WAIVES THE CLAIMANT'S LIEN, STOP PAYMENT NOTICE, AND PAYMENT BOND RIGHTS EFFECTIVE ON RECEIPT OF PAYMENT. A PERSON SHOULD NOT RELY ON THIS DOCUMENT UNLESS SATISFIED THAT THE CLAIMANT HAS RECEIVED PAYMENT.

Identifying Information

Name of Claimant: Commercial Construction & Maintenance, Inc

Name of Customer: Brookshire-Katy Drainage District

Job Location: 1111 Kenney Street Brookshire, TX 77423

Owner: Brookshire-Katy Drainage District

Through Date: 07/31/2024

Conditional Waiver and Release

This document waives and releases lien, stop payment notice, and payment bond rights the claimant has for labor and service provided, and equipment and material delivered, to the customer on this job through the Through Date of this document. Rights based upon labor or service provided, or equipment or material delivered, pursuant to a written change order that has been fully executed by the parties prior to the date that this document is signed by the claimant, are waived and released by this document, unless listed as an Exception below. This document is effective only on the claimant's receipt of payment from the financial institution on which the following check is drawn:

Maker of Check: Brookshire-Katy Drainage District

Amount of Check: \$ 450,815.68

Check Payable to: Commercial Construction & Maintenance, Inc

Exceptions

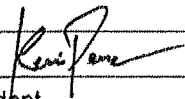
This document does not affect any of the following:

- (1) Retentions.
 - (2) Extras for which the claimant has not received payment.
 - (3) The following progress payments for which the claimant has previously given a conditional waiver and release but has not received payment:

Date(s) of waiver and release: _____

Amount(s) of unpaid progress payment(s): \$ _____
 - (4) Contract rights, including (A) a right based on rescission, abandonment, or breach of contract, and (B) the right to recover compensation for work not compensated by the payment.
-

Signature

Claimant's Signature: 

Claimant's Title: President

Date of Signature: 08/01/2023

BROOKSHIRE COMMUNITY CHURCH OF GOD IN CHRIST

Brookshire-Katy Drainage District
Attention: Board of Supervisors
1111 Kenney St
Brookshire, Texas 77423

Ref: Community Church of God in Christ
Brookshire Community Church of God in Christ-Final Construction Plans
Waiver of fees to permit
Permit No. 2022-31
Quiddity Job No. R0002-1003-07

To whom it may concern,

My name is Pastor Charlie Tryels. Over the past several years, our congregation has been trying with the greatest of diligence to build our new Church. In those years, we have tried our best to have this project commence, however throughout those years we have had to battle against a contractor not representing or looking after our best interest, Covid, misleading funding from a lending institution and the greatest of all being fund raising. While we are still fund raising to complete the entire church project, we have reached a goal to start the first stage of our project, which is the drainage and flood work. We are committed to the completion of the project and have already signed contracts with our contractor DiCass Construction, Inc. Therefore, we formally request that the permits be renewed so we can begin to move forward. I have been in constant communication with my contractor, and he is ready to start the project as soon as we get this approval. I understand that once an approval is given, the contractor must meet with representatives of the district before any work or mobilization is to begin. However, once approval is given and that meeting has taken place, the contractor will be ready to mobilize the necessary materials and workforce to start the project, which is expected to take approximately 90 days, depending on weather. Furthermore, your request for a particular date to start and complete cannot be given due to the fact we have been left in limbo for over 3 months to re-issue the permits. I can only assure you that once approval is given, we and the contractor are ready to begin with the time frame as mentioned earlier.

Sincerely,

Pastor Charlie Tryels III



PO Box 1536
4623 11th Street
Brookshire, TX. 77423
Phone: (281) 934-4845
Email: brookshirecommunitycogic@gmail.com

BROOKSHIRE COMMUNITY CHURCH OF GOD IN CHRIST

A 0.9968 ACRE COMMERCIAL TRACT, A.K.A. TRACT 203
AS RECORDED IN VOLUME 231, PAGE 448 D.R.W.C.
LOCATED IN THE OFFICIAL PUBLIC RECORDS OF WALLER COUNTY, TEXAS

PROPERTY ADDRESS:
34002 13TH ST. BROOKSHIRE, TX 77423

PROPERTY OWNER/DEVELOPER: CHARLIE AND ELLA TRYELS
COMMUNITY CHURCH OF GOD IN CHRIST
34002 13TH STREET
BROOKSHIRE, TX 77423
PH: 713.542.1002 / 281.543.7804



WILSON ENGINEERING COMPANY, PLLC
208 FOWLKES STREET
SEALY, TEXAS 77474
PHONE: 979-885-3344
www.wilsonengr.com
TXBPE FIRM NO. F-7678

TEXAS BOARD OF PROFESSIONAL ENGINEERS REGISTRATION NO. F-7678

SITE ENGINEER:

BROOKSHIRE-KATY DRAINAGE DISTRICT
PERMIT NO. 2022-31



"The seal appearing on this document was authorized by Steven A. Wilson, P.E. 65489, on June 3, 2024."

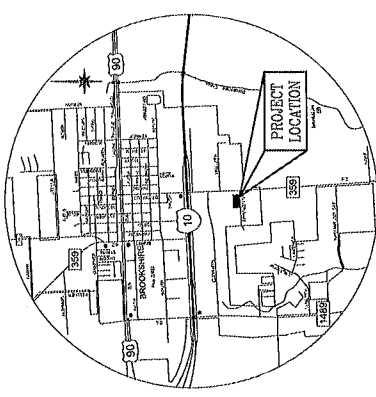
FRANCHISE UTILITY NOTES
1. CAUTION: ALL UTILITIES ARE LOCATED IN THIS AREA. 48 HOURS PRIOR TO ANY CONSTRUCTION ACTIVITIES, CONTACT LINE LOCATES FOR FRANCHISE UTILITY INFO. CALL BEFORE YOU DIG.
2. TEXAS EXCAVATION & SAFETY SYSTEM (TRESS)
3. TEXAS ONE CALL SYSTEMS
4. 800-368-4344
5. LOWE'S NOTIFICATION CENTER
6. 800-699-9344 EXT. 4

BEFORE YOU DIG...

CAUTION: ALL UTILITIES ARE LOCATED IN THIS AREA. 48 HOURS PRIOR TO ANY CONSTRUCTION ACTIVITIES, CONTACT LINE LOCATES FOR FRANCHISE UTILITY INFO. CALL BEFORE YOU DIG.

BROOKSHIRE MUNICIPAL WATER DISTRICT NOTE
CONTRACTOR MUST NOTIFY BROOKSHIRE MUNICIPAL WATER DISTRICT (936-754-6100) TEN CALENDAR DAYS BEFORE BEGINNING ANY WORK OF ANY TYPE ON THE SITE. OTHERWISE, THE CONTRACTOR RUNS THE RISK OF UNCOVERING OR TEAR-OUT WORK THAT HAS BEEN DONE.

BROOKSHIRE-KATY DRAINAGE DISTRICT NOTES
1. THE CONTRACTOR MUST NOTIFY BROOKSHIRE-KATY DRAINAGE DISTRICT (936-754-6100) FOURTY-EIGHT (48) HOURS PRIOR TO START OF CONSTRUCTION.
2. ALL PERMITS REQUIRED BY BROOKSHIRE-KATY DRAINAGE DISTRICT MUST BE OBTAINED PRIOR TO CONSTRUCTION.
3. THE PROFESSIONAL ENGINEER WHO PREPARED, SIGNED, DATED, AND SEALED THESE DRAWINGS CERTIFY THAT THE PROPOSED DEVELOPMENT WILL BE CONSTRUCTED IN ACCORDANCE WITH THE DRAINAGE DISTRICT'S STANDARDS AND WILL NOT CAUSE ANY ADVERSE IMPACT TO NEIGHBORING PROPERTIES OR DOWNSTREAM UPGRADE FACILITIES.
4. THE CONTRACTOR'S RESPONSIBILITY IS THE SOLE RESPONSIBILITY OF THE OWNER OF THE PROPERTY.
5. ALL DRAINAGE PLANS AND PLATS SHALL BE IN CONFORMANCE WITH THE DRAINAGE DISTRICT'S STANDARDS AND REQUIRE APPROVAL OF A DRAINAGE PLANS REVIEWER TO CONSTITUTE PERMISSION TO DEVELOP.



VICINITY MAP
RTS

- PROJECT GENERAL NOTES**
1. SIZE AND LOCATION OF ALL UTILITIES HAVE BEEN PROVIDED BY SURVEYOR CONTRACTOR TO VERIFY SIZE AND LOCATION OF ALL UTILITIES PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION ACTIVITY.
 2. BASE ELEVATION INFORMATION: DISPECTED HEREON IS BASED ON THE RECORDED DEED INFORMATION AND THE SURVEY PREPARED BY OTHERS.
 3. THE SUBJECT PROPERTY IS SHOWN ON THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP PANEL NUMBER 84702000000000000000 DATED FEBRUARY 18, 2006 AND IS SHOWN BY GRADING PLOTTING TO BE SITUATED IN ZONE X.
 4. THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE PROPERTY OR STRUCTURES THEREON ARE NOT SUSCEPTIBLE TO FLOODING. FLOODING MAY BE CAUSED BY MAN-MADE OR NATURAL CAUSES. THE LOCATION OF THE FLOOD ZONE WAS DETERMINED BY ELEVATION DATA AND FLOOD ELEVATION DATA. FLOODING DETERMINED BY ELEVATION DATA MAY DIFFER. WILSON ENGINEERING COMPANY, PLLC ASSUMES NO LIABILITY AS TO THE ACCURACY OF THE LOCATION OF FLOOD ZONE OR FLOOD ELEVATION DATA. THE CONTRACTOR SHALL NOT CURE THE LIABILITY OF THE PART OF WILSON ENGINEERING COMPANY, PLLC.
 5. PRIOR TO ANY CONSTRUCTION ACTIVITY, THE CONTRACTOR SHALL BECOME FAMILIAR WITH THE PLANS AND SPECIFICATIONS INCLUDING ALL NOTES, THE CITY STANDARDS FOR PUBLIC WORKS CONSTRUCTION AND ANY OTHER APPLICABLE STANDARD AND SPECIFICATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND SPECIFICATIONS PERTAINING TO THIS WORK SHALL IN NO WAY BE CONSIDERED A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED HEREON. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND SPECIFICATIONS. REFER TO THE RELEVANT DETAILS AND GENERAL NOTES PLANS FOR PAVING, CURBSIDE, AND UTILITY STANDARD DETAILS AND GENERAL NOTES.

SHEET NO.:	DESCRIPTION:
C1	COVER SHEET
C2	DEVELOPMENT LAYOUT W/ FIRE LANE
C3	PAVEMENT & UTILITY PLAN
C4	GRADING PLAN
C5	DETENTION PLAN
C6	DRAINAGE PLAN
C7	EROSION CONTROL & GENERAL NOTES



6330 West Loop South, Suite 150
Bellaire, Texas 77401
Tel: 713.777.5337
www.quiddity.com

July 31, 2024

Michael McCarthy, P.E.
Project Engineer
Brookshire-Katy Drainage District
2322 West Grand Parkway South, Suite 150
Katy, Texas 77498

Re: Construction of Water, Sanitary, Drainage and Paving Facilities in Sunterra Section 47
Construction Plan Permit Renewal (BKDD Permit No. 2022-57)

Mr. McCarthy,

We are requesting the permit for Sunterra Section 47 (BKDD Permit No. 2022-57) be renewed. Sunterra Section 47 was never constructed after the original BKDD plan approval and has extended past the review agency's signature validity date. The Home Builder was not ready to move forward with construction. The design for this section did not change from the original BKDD approval and permit issuance on 2/13/23. The only updates made since the original BKDD approval date were contact information and general construction notes. Contact information for Waller County and City of Houston was updated on the cover sheet. The same contact information for Waller County was updated in the general notes along with updating the Waller County construction notes. See sheets 1 & 7. We resubmitted the plans to the City of Houston and obtained their reapproval on 7/23/24.

Construction for Sunterra Section 47 is scheduled to begin with Water, Sanitary and Drainage Facilities on 10/10/24, then Paving Facilities are scheduled to begin 11/14/24. All construction activities should be completed by 1/22/25 with Final Acceptance ending on 4/11/25.

Should you have any questions or need any additional information, please call me.

Sincerely,

C. Chad Cagle, PE
Project Manager

CCC

K:\16537\16537-0101-00 Sunterra Section 47 WSD&P\Project Management\Submittals\BKDD\Reapproval Submittal\Sunterra Sec 47 BKDD Permit Renewal Letter.docx

Enclosures



2322 W Grand Parkway North, Suite 150
Katy, Texas 77449
Tel: 832.913.4000
www.quiddity.com

August 8, 2024

Mr. Arnold England, President
Brookshire-Katy Drainage District
PO Box 608
Brookshire, Texas 77423

Reference: Adkisson Development
Proposed 3 Buildings for V-Energy – **Final Drainage Plans**
Application ID No. 00331
Permit No. 2024-86
Quiddity, Inc. Job No. R0002-1020-01.0037

Dear Mr. England:

The Brookshire-Katy Drainage District (District) received a permit application as follows:

Applicant: ATR Engineering

Permit Type: Tract Development without Platting – Final Drainage Plans

Location: 3020, 3024, and 3028 V-Energy Drive
North of FM 529, south of Morrison Road, and west of Pattison Road

Survey: H. & T. C. R. R. Company Survey, Section 83, Abstract 159, Waller County, Texas

Description: The Proposed 3 Buildings for V-Energy (Development) is located within the V-Energy Industrial Park and encompasses approximately 11.16 acres and includes 0 lots, 3 reserves, and 0 blocks. The development includes the construction of three (3) buildings on reserves A4, A5, and A6 with accompanying private water, sanitary sewer, paving, and drainage facilities.

The drainage for the proposed development is conveyed through an internal underground storm sewer system which connects to the existing storm sewer system along the V-Energy drive. The V-Energy drive storm sewer system outfalls to the existing detention pond located along the western boundary of the V-Energy Industrial Park, which then outfalls into the roadside ditch along FM 529. The existing V-Energy drive storm sewer facilities and detention pond were included in the construction plans titled "V-Gas" that were approved under Permit No. 2021-14 on April 26, 2021.

Mr. Arnold England, President
August 8, 2024
Page 2

DFMA: The existing detention facility is included in a fully executed and recorded Detention Facilities Maintenance Agreement (DFMA) with the District.

Technical Review: Based on our review of the final drainage plans (plans), the permit application generally complies with the District's Rules and Regulations (R&R); we interpose no objection and recommend its approval by the District's Board of Supervisors.

Please note that this recommendation does not necessarily mean that the proposed design and all the calculations provided in the accompanying documentation have been completely checked and verified. Omissions in this review do not relieve the Development from complying with the District's R&R or any other regulatory requirements from a different entity having jurisdiction. Moreover, a Professional Engineer has prepared, dated, signed, and sealed the plans submitted. This Professional is licensed to practice in the State of Texas, conveying these professional responsibilities and accountability.

At this time, no deviation or variance requests from the District's R&R have been requested or granted. The proposed Development shall be constructed per the District's approved plans and in conformance with the District's R&R.

For the Applicant: Please be advised that in an effort to comply with the District's policy to maintain zero net increase in stormwater runoff rates and to ensure that no adverse impacts are attributable to the proposed Development, all detention facilities (i.e., drainage infrastructure and outfall(s)) must be constructed and functional before beginning construction of any impervious improvements.

At least two business days prior to starting construction of the Detention Facilities and Drainage infrastructure, the Developer's contractor shall notify the District's General Manager in writing. The Pre-Construction Notification form can be found on the District's website under Permit Application and Engineering Documents (<https://www.bkdd.dst.tx.us/page/BKDD.Home>).



QUIDDITY

Exhibit "D-2"

Mr. Arnold England, President
August 8, 2024
Page 3

The Applicant shall not use this letter to commence any construction activities prior to receiving the **approved permits** from all applicable governing entities with jurisdiction.

Please do not hesitate to call if you have any questions or need additional information.

Sincerely,

Michael H. McCarthy, PE

MHM/dme

https://jonesandcarter.sharepoint.com/sites/BKDDTeamSite/Shared Documents/BKDD All Permits/R0002-1020-01.037 Proposed 3 Buildings for V-Energy_00331/2.0 - Letters/Proposed 3 Buildings for V-Energy Final Drg Plan Approval Ltr 080824.docx

cc: Mr. Anthony Sarao – Adkisson Development via email anthony@adkissondevelopment.com
Mr. Aaron Rendon, PE – ATR Engineering via email arendon@atrengineering.com
Mr. Ross McCall, PE – Waller County Engineer via email engineering@wallercounty.us
Mr. Andrew Johnson, III – Johnson Petrov, LLP via email bkddlegal@johnsonpetrov.com



2322 W Grand Parkway North, Suite 150
Katy, Texas 77449
Tel: 832.913.4000
www.quiddity.com

August 8, 2024

Mr. Arnold England, President
Brookshire-Katy Drainage District
PO Box 608
Brookshire, Texas 77423

Reference: Space City Self Storage, LLC
Space City Truck Parking – **Final Drainage Plans**
Application ID No. 24-00063
Permit No. 2024-30
Quiddity, Inc. Job No. R0002-1020-01.015

Dear Mr. England:

The Brookshire-Katy Drainage District (District) received a permit application as follows:

Applicant: M Lanza Engineering, PLLC

Permit Type: Tract Development w/o Platting – Final Drainage Plans

Location: 1688 FM 362, Brookshire, Texas 77423

Survey: H. & T.C. Rail Road Company Survey, Abstract 197, Waller County, Texas

Previous Approvals: N/A

Description: The proposed Space City Truck Parking (Development) is located to the east of FM 362, north of Stella Road, and west of Briarbrook Drive. The Development encompasses 28.18 acres and is part of the Twin Lakes development. The Development includes paving and drainage improvements.

The drainage for the site will be conveyed through drainage swales which outfall into an existing private detention pond (Detention Pond 3) on the eastern side of the tract via a proposed 42-inch HDPE pipe. Detention Pond 3 includes both a gravity and pumped outfall with controlled discharge into the ditch along Briarbrook and then into the Stella Road northside ditch. The existing Detention Pond 3 and outfall were included in the drainage plans titled "Twin Lakes Development Detention" and approved by the District on January 24, 2022, under Permit No. 2021-23 and Addendum No. 1 on July 25, 2022, under Permit No. 2022-83, and Addendum No. 2 on November 14, 2022, under Permit No. 2023-01.

DFMA: The existing Detention Pond 3 is included in a fully executed and recorded Detention Facilities Maintenance Agreement (DFMA) with the District.

Technical Review: Based on our review of the final drainage plans (plans), the permit application generally complies with the District's Rules and Regulations (R&R); we interpose no objection and recommend its approval by the District's Board of Supervisors.



Mr. Arnold England, President
 August 8, 2024
 Page 2

Please note that this recommendation does not necessarily mean that the proposed design and all the calculations provided in the accompanying documentation have been completely checked and verified. Omissions in this review do not relieve the Development from complying with the District's R&R or any other regulatory requirements from a different entity having jurisdiction. Moreover, a Professional Engineer has prepared, dated, signed, and sealed the plans submitted. This Professional is licensed to practice in the State of Texas, conveying these professional responsibilities and accountability.

At this time, no deviation or variance requests from the District's R&R have been requested or granted. The proposed Development shall be constructed per the District's approved plans and in conformance with the District's R&R.

For the Applicant:

Please be advised that in an effort to comply with the District's policy to maintain zero net increase in stormwater runoff rates and to ensure that no adverse impacts are attributable to the proposed Development, all detention facilities (i.e., drainage infrastructure and outfall(s)) must be constructed and functional before beginning construction of any impervious improvements.

At least two business days prior to starting construction of the Detention Facilities and Drainage infrastructure, the Developer's contractor shall notify the District's General Manager in writing. The Pre-Construction Notification form can be found on the District's website under Permit Application and Engineering Documents (<https://www.bkdd.dst.tx.us/page/BKDD.Home>).

The Applicant shall not use this letter to commence any construction activities prior to receiving the **approved permits** from all applicable governing entities with jurisdiction.

Please do not hesitate to call if you have any questions or need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael H. McCarthy".

Michael H. McCarthy, PE

MHM/dme

<https://jonesandcarter.sharepoint.com/sites/BKDDTeamSite/Shared Documents/BKDD All Permits/R0002-1020-01.015 Space City Truck Storage/3.0 - LETTERS/Space City Truck Storage Final Drg Plan Approval Ltr 080824.docx>

cc: Mr. Vinodkumar Kikani – Space City Self Storage, LLC via email vinodkkn206@gmail.com
 Mr. Mario E. Lanza, PE – M Lanza Engineering, PLLC via email mlanza@mlanzaengineering.com
 Mr. Ross McCall, PE – Waller County Engineer via email engineering@wallercounty.us
 Mr. Andrew Johnson, III – Johnson Petrov, LLP via email bkddlegal@johnsonpetrov.com



2322 W Grand Parkway North, Suite 150
Katy, Texas 77449
Tel: 832.913.4000
www.quiddity.com

August 7, 2024

Mr. Arnold England, President
Brookshire-Katy Drainage District
PO Box 608
Brookshire, Texas 77423

Reference: Maple Grove Development, LLC
Azalea Section 1 - **Final Plat and Drainage Plans**
Application ID No. 00135 (FP) and 00191 (FDP)
Permit No. 2024-46
Quiddity Job No. R0002-1003-79.003

Dear Mr. England:

The Brookshire-Katy Drainage District (District) received a permit application as follows:

Applicant: LJA Engineering, Inc.

Permit Type: Tract Development with Platting – Final Plat and Drainage Plans

Location: North of Morton Road, south of Prairie Grass Lane, east of Neuman Road, and west of Cardiff Road

Survey: T.S. Reese Survey, Section 67, Abstract 328, Waller County, Texas

Previous Approvals: The District approved the Preliminary Plat for Maple Grove Section 1 (now referred to as Azalea Section 1) on January 29, 2024.

Description: The proposed Azalea Section 1 (Development) encompasses approximately 39.125 acres of single-family residential development and includes 124 lots, 7 blocks, and 8 reserves. The Development is located within the future Maple Grove development, comprising of approximately 160 acres of land.

The drainage for the site is conveyed through curb and gutter inlets, which connects to an underground public storm sewer system that outfalls into Detention Pond C which will then outfall into the northern ditch along Morton Road. Detention Pond C was included in the construction plans titled, "Phase 1 Detention Plan to serve Maple Grove" that was approved by the District under Permit No. 2024-25 on May 13, 2024. Additionally, the drainage impact assessment (DIA) for Maple Grove Phase 1 has been reviewed and accepted by the District on February 12, 2024. The drainage and detention components outlined in the plans for the Development are designed in accordance with the Maple Grove Phase 1 DIA.



Mr. Arnold England, President
August 7, 2024
Page 2

DFMA: The property owner will be required to execute a DFMA that includes Detention Pond C. The Board will consider approval of this agreement once recommended by the District's attorney.

Technical Review: Based on our review of the final plat and final drainage plans (plans), the permit application generally complies with the District's Rules and Regulations (R&R); we interpose no objection and recommend its approval by the District's Board of Supervisors.

Please note that this recommendation does not necessarily mean that the proposed design and all the calculations provided in the accompanying documentation have been completely checked and verified. Omissions in this review do not relieve the Development from complying with the District's R&R or any other regulatory requirements from a different entity having jurisdiction. Moreover, the plat and plans submitted have been prepared, dated, signed, and sealed by a Professional Land Surveyor and Professional Engineer, respectively, who are licensed to practice in the State of Texas, conveying these professional responsibilities and accountability.

At this time, no deviation or variance requests from the District's R&R have been requested or granted. The proposed Development shall be constructed per the District's approved plans and in conformance with the District's R&R.

For the Applicant: Please be advised that in an effort to comply with the District's policy to maintain zero net increase in stormwater runoff rates and to ensure that no adverse impacts are attributable to the proposed Development, all detention facilities (i.e., drainage infrastructure and outfall(s)) must be constructed and functional before beginning construction of any impervious improvements.

At least two business days prior to starting construction of the Detention Facilities and Drainage Infrastructure, the Developer's contractor shall notify the District's General Manager in writing. The Pre-Construction Notification form can be found on the District's website under Permit Application and Engineering Documents (<https://www.bkdd.dst.tx.us/page/BKDD.Home>).

The applicant shall not use this letter to commence any construction activities prior to receiving all **approved permits** from the governing entities with jurisdiction.



Mr. Arnold England, President
August 7, 2024
Page 3

Please do not hesitate to call if you have any questions or need additional information.

Sincerely,

Michael H. McCarthy, PE

MHM/dme

<https://jonesandcarter.sharepoint.com/sites/BKDDTeamSite/Shared Documents/BKDD All Permits/R0002-1003-79.003 Maple Grove Section 1/3.0 - LETTERS/Azalea Section 1 Final Plat & Final Drg Plans Approval Ltr 080724.docx>

cc: Mr. Chance Vinklarek, PE – LJA Engineering, Inc. - via email cvinklarek@lja.com
Mr. Reginald Smith, PE – LJA Engineering, Inc. - via email rsmith@lja.com
Mr. Ross McCall, PE – Waller County Engineer via email engineering@wallercounty.us
Mr. Andrew Johnson, III – Johnson Petrov, LLP via email bkddlegal@johnsonpetrov.com



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www.quiddity.com

August 7, 2024

Mr. Arnold England, President
Brookshire-Katy Drainage District
PO Box 608
Brookshire, Texas 77423

Reference: Crownrite Enterprises, Inc.
Ariaa Townhomes– **Preliminary Plat and Preliminary Drainage Plan**
Application ID No. 00366
Permit No. – N/A
Quiddity Job No. R0002-1020-01.043

Dear Mr. England:

The Brookshire-Katy Drainage District (District) received a permit application as follows:

Applicant: Adeo Homes

Permit Type: Tract Development with Platting – Preliminary Plat and Preliminary Drainage Plan

Location: North of N Depot St., south of 4th St., east of Franklin St., and west of Otto St.

Legal Description: William Cooper Survey, Abstract 20, Waller County, Texas

Technical Review: Based on our review of the Preliminary Plat of Ariaa Townhomes, the permit application generally complies with the District's Rules and Regulations; we interpose no objection and recommend its acceptance by the District's Board of Supervisors.

It is to be understood that the **acceptance of the Preliminary Plat** by the District's Board of Supervisors does not constitute official acceptance of the proposed development by the District but does constitute an authorization to begin and proceed with the preparation of the Final Drainage Plans and Final Plat.

The applicant shall not use this Preliminary approval to commence any construction activities until the Final Drainage Plans and Final Plat have been **approved and accepted** in official actions by the District and from any governing entity with jurisdiction.

For the Applicant: The applicant's next step is to submit **two** separate applications: **one for the Final Plat**, outlining the development's layout and design, and **another for the Final Drainage Plans**, including construction plans and drainage calculations. Both applications should include all necessary engineering information and documents for a thorough and comprehensive review.



QUIDDITY

Mr. Arnold England, President

August 7, 2024

Page 2

DFMA:

If proposing detention facilities, the proposed development will require a Detention Facilities Maintenance Agreement (DFMA) with the District. The submittal of the DFMA shall include all required information/documents for review and coordination with the District's Legal Counsel.

Please do not hesitate to call if you have any questions or need additional information.

Sincerely,

Michael H. McCarthy, PE

MHM/dme

https://jonesandcarter.sharepoint.com/sites/BKDDTeamSite/Shared Documents/BKDD All Permits/R0002-1020-01.043 Ariaa Townhomes_00366/2.0 - Letters/Ariaa Townhomes Prelim Plat Approval Ltr 080724.docx

cc: Mr. Raphael Ogbongbemiga – Adeo Homes - via email raphael@adeohomes.com
Ms. Ana Chacon – Interfield Group – via email achacon@interfield.net
Mr. Mike Qaddumi – Interfield Group – via email mfq@interfield.net
Mr. Ross McCall, PE - Waller County Engineer via email engineering@wallercounty.us
Mr. Andrew Johnson, III - Johnson Petrov, LLP via email bkddlegal@johnsonpetrov.com



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August 7, 2024

Mr. Arnold England, President
Brookshire-Katy Drainage District
PO Box 608
Brookshire, Texas 77423

Reference: Katy 2855 Development, LLC
Grange Section 5 – **Preliminary Plat and Preliminary Drainage Plans**
Application ID No. 00493
Permit No. – N/A
Quiddity, Inc. Job No. R0002-1021-01.015

Dear Mr. England:

The Brookshire-Katy Drainage District (District) received a permit application as follows:

<u>Applicant:</u>	Quiddity Engineering LDS
<u>Permit Type:</u>	Tract Development with Platting – Preliminary Plat and Preliminary Drainage Plans
<u>Location:</u>	West of Bartlett Road, east of FM 2855, south of Morton Road, and north of Franz Road
<u>Survey:</u>	H. & T.C. Railroad Company Survey, Section 123, Abstract 202, Waller County, Texas
<u>Technical Review:</u>	Based on our review of the Preliminary Plat of Grange Section 5, the permit application generally complies with the District's Rules and Regulations; we interpose no objection and recommend its acceptance by the District's Board of Supervisors. It is to be understood that the acceptance of the Preliminary Plat by the District's Board of Supervisors does not constitute official acceptance of the proposed development by the District but does constitute an authorization to begin and proceed with the preparation of the Final Drainage Plans and Final Plat. The applicant shall not use this Preliminary approval to commence any construction activities until the Final Drainage Plans and Final Plat have been approved and accepted in official actions by the District and from any governing entity with jurisdiction.
<u>For the Applicant:</u>	The applicant's next step is to submit two separate applications: one for the Final Plat, outlining the development's layout and design, and another for the Final Drainage Plans, including construction plans and drainage calculations. Both applications should include all necessary engineering information and documents for a thorough and comprehensive review.



Mr. Arnold England, President
August 7, 2024
Page 2

DFMA: If proposing detention facilities, the proposed development will require a Detention Facilities Maintenance Agreement (DFMA) with the District. The submittal of the DFMA shall include all required information/documents for review and coordination with the District's Legal Counsel.

Please do not hesitate to call if you have any questions or need additional information.

Sincerely,

Michael McCarthy, PE

MHM/dme

[https://jonesandcarter.sharepoint.com/sites/BKDDTeamSite/Shared Documents/BKDD All Permits/R0002-1021-01.015 Grange Section 5/2.0 - Letters/Grange Section 5 - Prelim Plat Letter 080524.docx](https://jonesandcarter.sharepoint.com/sites/BKDDTeamSite/Shared%20Documents/BKDD%20All%20Permits/R0002-1021-01.015%20Grange%20Section%205/2.0%20Letters/Grange%20Section%205%20-%20Prelim%20Plat%20Letter%20080524.docx)

cc: Mr. Jacob Rice – Katy 2855 Development, LLC via email jacobr@johnsondev.com
Ms. Chantelle Jamnik – Quiddity Engineering, LLC. via email cjamnik@quiddity.com
Mr. Hayden D. Dixon, PE – Quiddity Engineering, LLC. via email hdixon@quiddity.com
Mr. Ross McCall, PE – Waller County Engineer via email r.mccall@wallercounty.us
Mr. Andrew Johnson, III – Johnson Petrov, LLP via email bkddlegal@johnsonpetrov.com



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August 6, 2024

Mr. Arnold England, President
Brookshire-Katy Drainage District
PO Box 608
Brookshire, Texas 77423

Reference: Maple Park Development, LLC
Maple Park Section 1– **Preliminary Plat and Preliminary Drainage Plan**
Application ID No. 00445
Permit No. – N/A
Quiddity Job No. R0002-1037-01.001

Dear Mr. England:

The Brookshire-Katy Drainage District (District) received a permit application as follows:

Applicant: LJA Engineering, Inc.

Permit Type: Tract Development with Platting – Preliminary Plat and Preliminary Drainage Plan

Location: North of Stella Road, south of Morton Road, east of FM 362, and west of Stalknecht Road

Survey: H. & T. C. Railroad Company Survey, Section 45, Abstract 197, Waller County, Texas

Technical Review: Based on our review of the Preliminary Plat of Maple Park Section 1, the permit application generally complies with the District's Rules and Regulations; we interpose no objection and recommend its acceptance by the District's Board of Supervisors.

It is to be understood that the **acceptance of the Preliminary Plat** by the District's Board of Supervisors does not constitute official acceptance of the proposed development by the District but does constitute an authorization to begin and proceed with the preparation of the Final Drainage Plans and Final Plat.

The applicant shall not use this Preliminary approval to commence any construction activities until the Final Drainage Plans and Final Plat have been **approved and accepted** in official actions by the District and from any governing entity with jurisdiction.

For the Applicant: The applicant's next step is to submit **two** separate applications: **one for the Final Plat**, outlining the development's layout and design, and **another for the Final Drainage Plans**, including construction plans and drainage calculations. Both applications should include all necessary engineering information and documents for a thorough and comprehensive review.



Mr. Arnold England, President

August 6, 2024

Page 2

DFMA:

If proposing detention facilities, the proposed development will require a Detention Facilities Maintenance Agreement (DFMA) with the District. The submittal of the DFMA shall include all required information/documents for review and coordination with the District's Legal Counsel.

Please do not hesitate to call if you have any questions or need additional information.

Sincerely,

Michael H. McCarthy, PE

MHM/dme

<https://jonesandcarter.sharepoint.com/sites/BKDDTeamSite/Shared Documents/BKDD All Permits/R0002-1037-01.001 Maple Park Section 1/2.0 - Letters/Maple Park Section 1 Prelim Plat Approval Ltr 080624.docx>

cc: Ms. Ruby Nunez – LJA Engineering, Inc. - via email rnunez@lja.com
Mr. Reginald Smith, PE – LJA Engineering, Inc. - via email rsmith@lja.com
Mr. Chance Vinklarek, PE – LJA Engineering, Inc. - via email cvinklarek@lja.com
Mr. Ross McCall, PE - Waller County Engineer via email engineering@wallercounty.us
Mr. Andrew Johnson, III - Johnson Petrov, LLP via email bkddlegal@johnsonpetrov.com



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August 6, 2024

Mr. Arnold England, President
Brookshire-Katy Drainage District
PO Box 608
Brookshire, Texas 77423

Reference: 622 Sofi Lakes, L.P.
Sofi Lakes Section 2– **Preliminary Plat and Preliminary Drainage Plan**
Application ID No. 00488
Permit No. – N/A
Quiddity Job No. R0002-1003-21.007

Dear Mr. England:

The Brookshire-Katy Drainage District (District) received a permit application as follows:

Applicant: R.G. Miller Engineers, Inc.

Permit Type: Tract Development with Platting – Preliminary Plat and Preliminary Drainage Plan

Location: North of FM 529, east of FM 2855, and south of Morrison Road

Survey: H. & T. C. Railroad Company Survey, Block 113, Abstract 173, Waller County, Texas

Technical Review: Based on our review of the Preliminary Plat of Sofi Lakes Section 2, the permit application generally complies with the District's Rules and Regulations; we interpose no objection and recommend its acceptance by the District's Board of Supervisors.

It is to be understood that the **acceptance of the Preliminary Plat** by the District's Board of Supervisors does not constitute official acceptance of the proposed development by the District but does constitute an authorization to begin and proceed with the preparation of the Final Drainage Plans and Final Plat.

The applicant shall not use this Preliminary approval to commence any construction activities until the Final Drainage Plans and Final Plat have been **approved and accepted** in official actions by the District and from any governing entity with jurisdiction.

For the Applicant: The applicant's next step is to submit **two** separate applications: **one for the Final Plat**, outlining the development's layout and design, and **another for the Final Drainage Plans**, including construction plans and drainage calculations. Both applications should include all necessary engineering information and documents for a thorough and comprehensive review.



Mr. Arnold England, President

August 6, 2024

Page 2

DFMA:

If proposing detention facilities, the proposed development will require a Detention Facilities Maintenance Agreement (DFMA) with the District. The submittal of the DFMA shall include all required information/documents for review and coordination with the District's Legal Counsel.

Please do not hesitate to call if you have any questions or need additional information.

Sincerely,

Michael H. McCarthy, PE

MHM/dme

<https://jonesandcarter.sharepoint.com/sites/BKDDTeamSite/Shared Documents/BKDD All Permits/R0002-1003-21.007 Sofi Lakes Section 2/2.0 - Letters/Sofi Lakes Section 2 Prelim Plat Approval Ltr 080624.docx>

cc: Mr. Chrishone Peterson – RG Miller Engineers, Inc. - via email cpeterson@rgmiller.com
Mr. Richard Le – RG Miller Engineers, Inc. – via email rle@rgmiller.com
Mr. Ross McCall, PE - Waller County Engineer via email engineering@wallercounty.us
Mr. Andrew Johnson, III - Johnson Petrov, LLP via email bkddlegal@johnsonpetrov.com



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August 6, 2024

Mr. Arnold England, President
Brookshire-Katy Drainage District
PO Box 608
Brookshire, Texas 77423

Reference: Freeland (Houston) ASLI X, LLC
Sunset Grove Section 1– **Preliminary Plat and Preliminary Drainage Plan**
Application ID No. 00492
Permit No. – N/A
Quiddity Job No. R0002-1003-77.002

Dear Mr. England:

The Brookshire-Katy Drainage District (District) received a permit application as follows:

Applicant: BGE, Inc.

Permit Type: Tract Development with Platting – Preliminary Plat and Preliminary Drainage Plan

Location: North of Morton Road, south of FM 529, east of Cardiff Road, and west of FM 2855

Survey: J. Bennett Survey and H. & T. C. Railroad Company Survey, Section 98, Abstract 286, Waller County, Texas

Technical Review: Based on our review of the Preliminary Plat of Sunset Grove Section 1, the permit application generally complies with the District's Rules and Regulations; we interpose no objection and recommend its acceptance by the District's Board of Supervisors.

It is to be understood that the **acceptance of the Preliminary Plat** by the District's Board of Supervisors does not constitute official acceptance of the proposed development by the District but does constitute an authorization to begin and proceed with the preparation of the Final Drainage Plans and Final Plat.

The applicant shall not use this Preliminary approval to commence any construction activities until the Final Drainage Plans and Final Plat have been **approved and accepted** in official actions by the District and from any governing entity with jurisdiction.

For the Applicant: The applicant's next step is to submit **two** separate applications: **one for the Final Plat**, outlining the development's layout and design, and **another for the Final Drainage Plans**, including construction plans and drainage calculations. Both applications should include all necessary engineering information and documents for a thorough and comprehensive review.



Mr. Arnold England, President
August 6, 2024
Page 2

DFMA: If proposing detention facilities, the proposed development will require a Detention Facilities Maintenance Agreement (DFMA) with the District. The submittal of the DFMA shall include all required information/documents for review and coordination with the District's Legal Counsel.

Please do not hesitate to call if you have any questions or need additional information.

Sincerely,

Michael H. McCarthy, PE

MHM/dme

<https://jonesandcarter.sharepoint.com/sites/BKDDTeamSite/Shared Documents/BKDD All Permits/R0002-1003-77.002 Sunset Grove Section 1/2.0 - Letters/Sunset Grove Section 1 Prelim Plat 080624.docx>

cc: Ms. Kristina Galati – Brown & Gay Engineers, Inc. - via email kgalati@bgeinc.com
Mr. John Whitman – Brown & Gay Engineers, Inc. - via email jwhitman@bgeinc.com
Mr. Ross McCall, PE - Waller County Engineer via email engineering@wallercounty.us
Mr. Andrew Johnson, III - Johnson Petrov, LLP via email bkddlegal@johnsonpetrov.com



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www.quiddity.com

August 6, 2024

Mr. Arnold England, President
Brookshire-Katy Drainage District
PO Box 608
Brookshire, Texas 77423

Reference: Astro Sunterra West, LP
Sunterra Lakes 0.2 MGD WWTP & LS – **Preliminary Plat and Preliminary Drainage Plans**
Application ID No. 00474
Permit No. – N/A
Quiddity Job No. R0002-1036-01.011

Dear Mr. England:

The Brookshire-Katy Drainage District (District) received a permit application as follows:

Applicant: Quiddity Engineering, LDS

Permit Type: Tract Development with Platting – Preliminary Plat and Preliminary Drainage Plan

Location: North of Stockdick Road, south of FM 529, east of FM 362, and west of FM 2855

Survey: H. & T. C. Railroad Company Survey, Section 49 Abstract 142, Waller County, Texas

Technical Review: Based on our review of the Preliminary Plat of Sunterra Lakes 0.2 MGD Wastewater Treatment Plant & Lift Station, the permit application generally complies with the District's Rules and Regulations; we interpose no objection and recommend its acceptance by the District's Board of Supervisors.

It is to be understood that the **acceptance of the Preliminary Plat** by the District's Board of Supervisors does not constitute official acceptance of the proposed development by the District but does constitute an authorization to begin and proceed with the preparation of the Final Drainage Plans and Final Plat.

The applicant shall not use this Preliminary approval to commence any construction activities until the Final Drainage Plans and Final Plat have been **approved and accepted** in official actions by the District and from any governing entity with jurisdiction.

For the Applicant: The applicant's next step is to submit **two** separate applications: **one for the Final Plat**, outlining the development's layout and design, and **another for the Final Drainage Plans**, including construction plans and drainage calculations. Both applications should include all necessary engineering information and documents for a thorough and comprehensive review.



Mr. Arnold England, President

August 6, 2024

Page 2

DFMA:

If proposing detention facilities, the proposed development will require a Detention Facilities Maintenance Agreement (DFMA) with the District. The submittal of the DFMA shall include all required information/documents for review and coordination with the District's Legal Counsel.

Please do not hesitate to call if you have any questions or need additional information.

Sincerely,

Michael H. McCarthy, PE

MHM/dme

<https://jonesandcarter.sharepoint.com/sites/BKDDTeamSite/Shared Documents/BKDD All Permits/R0002-1036-01.011 Sunterra Lakes 0.2 MGD WWTP & Lift Station/2.0 - Letters/Sunterra Lakes 0.2 MGD WWTP & LS Prelim Plat Approval Ltr 080624.docx>

cc: Mr. Brian Stidham – Astro Sunterra West, LP via email bstidham@starwoodland.com
Ms. Caitlyn Nguyen – Quiddity Engineering via email ctnguyen@quiddity.com
Mr. Chad Walker, PE – Quiddity Engineering via email cwalker@quiddity.com
Mr. Ross McCall, PE – Waller County Engineer via email engineering@wallercounty.us
Mr. Andrew Johnson, III – Johnson Petrov, LLP via email bkddlegal@johnsonpetrov.com



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August 6, 2024

Mr. Arnold England, President
Brookshire-Katy Drainage District
PO Box 608
Brookshire, Texas 77423

Reference: Astro Sunterra West, LP
Sunterra Lakes Section 4 – **Preliminary Plat and Preliminary Drainage Plans**
Application ID No. 00468
Permit No. – N/A
Quiddity Job No. R0002-1036-01.010

Dear Mr. England:

The Brookshire-Katy Drainage District (District) received a permit application as follows:

Applicant: Quiddity Engineering, LDS

Permit Type: Tract Development with Platting – Preliminary Plat and Preliminary Drainage Plan

Location: North of Stockdick Road, south of FM 529, east of FM 362, and west of FM 2855

Survey: H. & T. C. Railroad Company Survey, Section 49 Abstract 142, Waller County, Texas

Technical Review: Based on our review of the Preliminary Plat of Sunterra Lakes Section 4, the permit application generally complies with the District's Rules and Regulations; we interpose no objection and recommend its acceptance by the District's Board of Supervisors.

It is to be understood that the **acceptance of the Preliminary Plat** by the District's Board of Supervisors does not constitute official acceptance of the proposed development by the District but does constitute an authorization to begin and proceed with the preparation of the Final Drainage Plans and Final Plat.

The applicant shall not use this Preliminary approval to commence any construction activities until the Final Drainage Plans and Final Plat have been **approved and accepted** in official actions by the District and from any governing entity with jurisdiction.

For the Applicant: The applicant's next step is to submit **two** separate applications: **one for the Final Plat**, outlining the development's layout and design, and **another for the Final Drainage Plans**, including construction plans and drainage calculations. Both applications should include all necessary engineering information and documents for a thorough and comprehensive review.



Mr. Arnold England, President

August 6, 2024

Page 2

DFMA: If proposing detention facilities, the proposed development will require a Detention Facilities Maintenance Agreement (DFMA) with the District. The submittal of the DFMA shall include all required information/documents for review and coordination with the District's Legal Counsel.

Please do not hesitate to call if you have any questions or need additional information.

Sincerely,

Michael H. McCarthy, PE

MHM/dme

<https://jonesandcarter.sharepoint.com/sites/BKDDTeamSite/Shared Documents/BKDD All Permits/R0002-1036-01.010 Sunterra Lakes Section 4/2.0 - Letters/Sunterra Lakes Section 4 Prelim Plat Approval Ltr 080624.docx>

cc: Mr. Brian Stidham – Astro Sunterra West, LP via email bstidham@starwoodland.com
Ms. Caitlyn Nguyen – Quiddity Engineering via email ctnguyen@quiddity.com
Mr. Chad Walker, PE – Quiddity Engineering via email cwalker@quiddity.com
Mr. Ross McCall, PE – Waller County Engineer via email engineering@wallercounty.us
Mr. Andrew Johnson, III – Johnson Petrov, LLP via email bkddlegal@johnsonpetrov.com



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August 6, 2024

Mr. Arnold England, President
Brookshire-Katy Drainage District
PO Box 608
Brookshire, Texas 77423

Reference: GAMAL 318 Acres, LLC
Waller County MUD No. 46 WWTP No. 1 – **Preliminary Plat and Preliminary Drainage Plan**
Application ID No. 00458
Permit No. – N/A
Quiddity Job No. R0002-1035-01.003

Dear Mr. England:

The Brookshire-Katy Drainage District (District) received a permit application as follows:

Applicant: Edminster, Hinshaw, Russ, and Associates

Permit Type: Tract Development with Platting – Preliminary Plat and Preliminary Drainage Plan

Location: North of FM 529, south of Morrison Road, east of FM 362, and west of Peregrine Estates

Survey: H. & T. C. Railroad Company Survey, Section 51, Abstract 143, Waller County, Texas

Technical Review: Based on our review of the Preliminary Plat of Waller County Municipal Utility District No. 46 Wastewater Treatment Plant No. 1, the permit application generally complies with the District's Rules and Regulations; we interpose no objection and recommend its acceptance by the District's Board of Supervisors.

It is to be understood that the **acceptance of the Preliminary Plat** by the District's Board of Supervisors does not constitute official acceptance of the proposed development by the District but does constitute an authorization to begin and proceed with the preparation of the Final Drainage Plans and Final Plat.

The applicant shall not use this Preliminary approval to commence any construction activities until the Final Drainage Plans and Final Plat have been **approved and accepted** in official actions by the District and from any governing entity with jurisdiction.

For the Applicant: The applicant's next step is to submit **two** separate applications: **one for the Final Plat**, outlining the development's layout and design, and **another for the Final Drainage Plans**, including construction plans and drainage calculations. Both applications should include all necessary engineering information and documents for a thorough and comprehensive review.



Mr. Arnold England, President

August 6, 2024

Page 2

DFMA:

If proposing detention facilities, the proposed development will require a Detention Facilities Maintenance Agreement (DFMA) with the District. The submittal of the DFMA shall include all required information/documents for review and coordination with the District's Legal Counsel.

Please do not hesitate to call if you have any questions or need additional information.

Sincerely,

Michael H. McCarthy, PE

MHM/dme

<https://jonesandcarter.sharepoint.com/sites/BKDDTeamSite/Shared Documents/BKDD All Permits/R0002-1035-01.003 Waller County MUD 46 WWTP No. 1/2.0 - Letters/Waller County MUD 46 WWTP 1 Prelim Plat Approval Ltr 080624.docx>

cc: Ms. Paige Lipetska – Edminster, Hinshaw, Russ & Associates - via email plipetska@ehra.team
Ms. Ashley Waggoner – Edminster, Hinshaw, Russ & Associates - via email awaggoner@ehra.team
Mr. Ross McCall, PE - Waller County Engineer via email engineering@wallercounty.us
Mr. Andrew Johnson, III - Johnson Petrov, LLP via email bkddlegal@johnsonpetrov.com



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August 6, 2024

Mr. Arnold England, President
Brookshire-Katy Drainage District
PO Box 608
Brookshire, Texas 77423

Reference: 622 Sofi Lakes, L.P.
Yara Drive Street Dedication and Water Plant – **Preliminary Plat and Preliminary Drainage Plan**
Application ID No. 00489
Permit No. – N/A
Quiddity Job No. R0002-1003-21.008

Dear Mr. England:

The Brookshire-Katy Drainage District (District) received a permit application as follows:

Applicant: R.G. Miller Engineers, Inc.

Permit Type: Tract Development with Platting – Preliminary Plat and Preliminary Drainage Plan

Location: North of FM 529, east of FM 2855, and south of Morrison Road

Survey: H. & T. C. Railroad Company Survey, Block 113, Abstract 173, Waller County, Texas

Technical Review: Based on our review of the Preliminary Plat of Yara Drive Street Dedication and Water Plant, the permit application generally complies with the District's Rules and Regulations; we interpose no objection and recommend its acceptance by the District's Board of Supervisors.

It is to be understood that the **acceptance of the Preliminary Plat** by the District's Board of Supervisors does not constitute official acceptance of the proposed development by the District but does constitute an authorization to begin and proceed with the preparation of the Final Drainage Plans and Final Plat.

The applicant shall not use this Preliminary approval to commence any construction activities until the Final Drainage Plans and Final Plat have been **approved and accepted** in official actions by the District and from any governing entity with jurisdiction.

For the Applicant: The applicant's next step is to submit **two** separate applications: **one for the Final Plat**, outlining the development's layout and design, and **another for the Final Drainage Plans**, including construction plans and drainage calculations. Both applications should include all necessary engineering information and documents for a thorough and comprehensive review.



Mr. Arnold England, President

August 6, 2024

Page 2

DFMA:

If proposing detention facilities, the proposed development will require a Detention Facilities Maintenance Agreement (DFMA) with the District. The submittal of the DFMA shall include all required information/documents for review and coordination with the District's Legal Counsel.

Please do not hesitate to call if you have any questions or need additional information.

Sincerely,

Michael H. McCarthy, PE

MHM/dme

<https://jonesandcarter.sharepoint.com/sites/BKDDTeamSite/Shared Documents/BKDD All Permits/R0002-1003-21.008 Yara Drive Street Dedication & Water Plant/2.0 - Letters/Yara Drive Street Dedication & WP Prelim Plat Approval Ltr 080624.docx>

cc: Mr. Chrishone Peterson – RG Miller Engineers, Inc. - via email cpeterson@rgmiller.com
Mr. Richard Le – RG Miller Engineers, Inc. – via email rle@rgmiller.com
Mr. Ross McCall, PE - Waller County Engineer via email engineering@wallercounty.us
Mr. Andrew Johnson, III - Johnson Petrov, LLP via email bkddlegal@johnsonpetrov.com



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August 8, 2024

Mr. Arnold England, President
Brookshire-Katy Drainage District
PO Box 608
Brookshire, Texas 77423

Reference: Consolidated Communications
Relocation for City of Katy GLO Project: 10th St. Bridge Replacement
Application ID No. 00497
Permit No. 2024-118
Quiddity Job No. R0002-1003-88.001.01

Dear Mr. England:

The Brookshire-Katy Drainage District (District) received a permit application as follows:

Applicant: Cobb Fendley

Permit Type: Cable Crossing

Location: 6300 – 6332 10th Street, Katy, Texas 77493

Survey: J.J. Crawford Survey, Abstract 113, Waller County, Texas

Previous Approvals: N/A

Description: The District received a Permit Application for the Consolidated Communications Cable Relocation for City of Katy GLO Project: 10th Street Bridge Replacement (Cable Relocation Crossing). The Cable Relocation Crossing will begin along 10th Street and cross Cane Island Branch of Buffalo Bayou which includes an existing District 80-ft wide drainage easement (Deed Records of Waller County Volume 184, pg. 552). The Cable Relocation Crossing includes the installation of three (3) 1.25" HDPE conduit via trenchless construction under the District's drainage easement. The top of the proposed conduit will be set at an elevation that meets the District's minimum vertical clearance requirement of 10 feet below the bottom flowline elevation of the District's ultimate channel cross section.

Additionally, the plans for the 10th Street Bridge Replacement, which includes the ultimate channel cross section, has been submitted to the District under a separate permit application and are under review. This permit application does not include any drainage or structural improvements related to the proposed bridge replacement project.



QUIDDITY

Mr. Arnold England, President

August 8, 2024

Page 2

Technical Review: Based on our review of the submitted documentation, the permit application generally complies with the District's Rules and Regulations(R&R). We interpose no objection and recommend its approval by the District's Board of Supervisors.

Please note that this recommendation does not necessarily mean that the proposed design and all the calculations provided in the accompanying documentation have been completely checked and verified. Omissions in this review do not relieve the Development from complying with the District's R&R or any other regulatory requirements from a different entity having jurisdiction. Moreover, a Professional Engineer has prepared, dated, signed, and sealed the plans submitted. This Professional is licensed to practice in the State of Texas, conveying these professional responsibilities and accountability.

At this time, no deviation or variance requests from the District's R&R have been requested or granted. The proposed Development shall be constructed per the District's approved plans and in conformance with the District's R&R.

For the Applicant: **At least two business days prior to starting construction of the Detention Facilities and Drainage infrastructure, the Developer's contractor shall notify the District's General Manager in writing. The Pre-Construction Notification form can be found on the District's website under Permit Application and Engineering Documents (<https://www.bkdd.dst.tx.us/page/BKDD.Home>).**

The applicant shall not use this letter to commence any construction activities prior to receiving the **approved permit** from the governing entity with jurisdiction.

Please do not hesitate to call if you have any questions or need additional information.

Sincerely,

Michael H. McCarthy, PE

MHM/dme

<https://jonesandcarter.sharepoint.com/sites/BKDDTeamSite/Shared Documents/BKDD All Permits/R0002-1003-88 10th Street Bridge Replacement Permit Rvw/5.0 - Utility Pipeline & Cable Crossing/2.0 - Letters/Consolidated Comm Relo for City of Katy 10th St Bridge Approval Ltr 080624.docx>

cc: Mr. Robert Rychlik – Consolidated Communications via email robert.rychlik@consolidated.com
 Mr. Jarod Branstetter, PE – Cobb Fendley & Associates via email jbranstetter@cobb fendley.com
 Mr. Ross McCall, PE – Waller County Engineer via email engineering@wallercounty.us
 Mr. Andrew Johnson, III – Johnson Petrov, LLP via email bkddlegal@johnsonpetrov.com



2322 W Grand Parkway North, Suite 150
Katy, Texas 77449
Tel: 832.913.4000
www.quiddity.com

August 6, 2024

Mr. Arnold England, President
Brookshire-Katy Drainage District
PO Box 608
Brookshire, Texas 77423

Reference: Tennessee Gas Pipeline
Kinder Morgan Pipeline Segment 2 - Bartlett @ Snake Creek (Katy Special Permit)
Application ID No. 00490
Permit No. 2024-114
Quiddity Job No. R0002-1020-01.050

Dear Mr. England:

The Brookshire-Katy Drainage District (District) received a permit application as follows:

Applicant: Gary Austin

Permit Type: Pipeline Crossing

Location: 3501 Bartlett Road, Katy, Texas 77449

Survey: T.S. Reese Survey Section 124, Abstract 334, Waller County, Texas

Previous Approvals: N/A

Description: The District received a Permit Application for the Kinder Morgan Pipeline Segment 2 crossing (Segment 2 crossing) of the District's 70-ft wide drainage easement (Deed Records of Waller County Volume 585, pg. 30) located to the west of Bartlett Road, south of Morton Road, north of US-90, and east of Schlipf Road. The Segment 2 crossing includes the installation of approximately 204 linear feet of a proposed 30-inch natural gas distribution line via open-cut construction under the existing District drainage easement. The top of the proposed pipeline will be set at an elevation that exceeds the District's minimum vertical clearance requirement of 10 feet below the bottom flowline elevation of the District's drainage easement.

Additionally, the applicant plans to install two additional pipeline crossings at this location. The Kinder Morgan Pipeline Segment 1 was approved by the District on June 24, 2024 under Permit No. 2024-91. The Kinder Morgan Pipeline Segment 3 is under review with the District and will be considered for Board approval at the August 12, 2024 meeting under Permit No. 2024-115.

**QUIDDITY**

Mr. Arnold England, President

August 6, 2024

Page 2

The ultimate Right-of-Way (ROW) of the District's drainage easement at this crossing was analyzed using findings from the District's Master Drainage Plan – Phase 1 and coordination with the engineer for the future Grange development, which is located directly west of the crossing. The estimated ultimate ROW for the District's drainage easement is calculated to have an approximate width of 150 feet which was used by the applicant in the design and location of the proposed pipeline crossing. Bartlett Road is proposed to be abandoned at this location in the ultimate condition as reflected in the Grange (Plow Realty Tract) Phase 1 Drainage Impact Analysis that was approved by the District on February 26, 2024.

Technical Review:

Based on our review of the submitted documentation, the permit application generally complies with the District's Rules and Regulations(R&R). We interpose no objection and recommend its approval by the District's Board of Supervisors.

Please note that this recommendation does not necessarily mean that the proposed design and all the calculations provided in the accompanying documentation have been completely checked and verified. Omissions in this review do not relieve the Development from complying with the District's R&R or any other regulatory requirements from a different entity having jurisdiction. Moreover, a Professional Engineer has prepared, dated, signed, and sealed the plans submitted. This Professional is licensed to practice in the State of Texas, conveying these professional responsibilities and accountability.

At this time, no deviation or variance requests from the District's R&R have been requested or granted. The proposed Development shall be constructed per the District's approved plans and in conformance with the District's R&R.

For the Applicant:

Please be advised that in an effort to comply with the District's policy to maintain zero net increase in stormwater runoff rates and to ensure that no adverse impacts are attributable to the proposed Development, all detention facilities (i.e., drainage infrastructure and outfall(s)) must be constructed and functional before beginning construction of any impervious improvements.

At least two business days prior to starting construction of the Detention Facilities and Drainage infrastructure, the Developer's contractor shall notify the District's General Manager in writing. The Pre-Construction Notification form can be found on the District's website under Permit Application and Engineering Documents (<https://www.bkdd.dst.tx.us/page/BKDD.Home>).



Mr. Arnold England, President
August 6, 2024
Page 3

The applicant shall not use this letter to commence any construction activities prior to receiving the **approved permit** from the governing entity with jurisdiction.

Please do not hesitate to call if you have any questions or need additional information.

Sincerely,

Michael H. McCarthy, PE

MHM/dme

https://jonesandcarter.sharepoint.com/sites/BKDDTeamSite/Shared Documents/BKDD All Permits/R0002-1020-01.050 Kinder Morgan Pipeline Seg 2 Bartlett @ Snake Creek_00490/2.0 - Letters/Kinder Morgan Pipeline Seg 2 Crossing Approval Ltr_080624.docx

cc: Mr. Gary Austin – Legacy Land Partners, LLC via email gary@legacylandpartners.net
Mr. James Piggott, Jr., PE – Kinder Morgan via email james_piggott@kindermorgan.com
Mr. Ross McCall, PE – Waller County Engineer via email engineering@wallercounty.us
Mr. Andrew Johnson, III – Johnson Petrov, LLP via email bkddlegal@johnsonpetrov.com



2322 W Grand Parkway North, Suite 150
Katy, Texas 77449
Tel: 832.913.4000
www.quiddity.com

August 6, 2024

Mr. Arnold England, President
Brookshire-Katy Drainage District
PO Box 608
Brookshire, Texas 77423

Reference: Tennessee Gas Pipeline
Kinder Morgan Pipeline Segment 3 - Bartlett @ Snake Creek (Katy Special Permit)
Application ID No. 00491
Permit No. 2024-115
Quiddity Job No. R0002-1020-01.051

Dear Mr. England:

The Brookshire-Katy Drainage District (District) received a permit application as follows:

Applicant: Gary Austin

Permit Type: Pipeline Crossing

Location: 3501 Bartlett Road, Katy, Texas 77449

Survey: T.S. Reese Survey Section 124, Abstract 334, Waller County, Texas

Previous Approvals: N/A

Description: The District received a Permit Application for the Kinder Morgan Pipeline Segment 3 crossing (Segment 3 crossing) of the District's 70-ft wide drainage easement (Deed Records of Waller County Volume 585, pg. 30) located to the west of Bartlett Road, south of Morton Road, north of US-90, and east of Schlipf Road. The Segment 3 crossing includes the installation of approximately 204 linear feet of a proposed 30-inch natural gas distribution line via open-cut construction under the existing District drainage easement. The top of the proposed pipeline will be set at an elevation that exceeds the District's minimum vertical clearance requirement of 10 feet below the bottom flowline elevation of the District's drainage easement.

Additionally, the applicant plans to install two additional pipeline crossings at this location. The Kinder Morgan Pipeline Segment 1 was approved by the District on June 24, 2024 under Permit No. 2024-91. The Kinder Morgan Pipeline Segment 2 is under review with the District and will be considered for Board approval at the August 12, 2024 meeting under Permit No. 2024-114.



Mr. Arnold England, President
August 6, 2024
Page 2

The ultimate Right-of-Way (ROW) of the District's drainage easement at this crossing was analyzed using findings from the District's Master Drainage Plan – Phase 1 and coordination with the engineer for the future Grange development, which is located directly west of the crossing. The estimated ultimate ROW for the District's drainage easement is calculated to have an approximate width of 150 feet which was used by the applicant in the design and location of the proposed pipeline crossing. Bartlett Road is proposed to be abandoned at this location in the ultimate condition as reflected in the Grange (Plow Realty Tract) Phase 1 Drainage Impact Analysis that was approved by the District on February 26, 2024.

Technical Review:

Based on our review of the submitted documentation, the permit application generally complies with the District's Rules and Regulations (R&R). We interpose no objection and recommend its approval by the District's Board of Supervisors.

Please note that this recommendation does not necessarily mean that the proposed design and all the calculations provided in the accompanying documentation have been completely checked and verified. Omissions in this review do not relieve the Development from complying with the District's R&R or any other regulatory requirements from a different entity having jurisdiction. Moreover, a Professional Engineer has prepared, dated, signed, and sealed the plans submitted. This Professional is licensed to practice in the State of Texas, conveying these professional responsibilities and accountability.

At this time, no deviation or variance requests from the District's R&R have been requested or granted. The proposed Development shall be constructed per the District's approved plans and in conformance with the District's R&R.

For the Applicant:

Please be advised that in an effort to comply with the District's policy to maintain zero net increase in stormwater runoff rates and to ensure that no adverse impacts are attributable to the proposed Development, all detention facilities (i.e., drainage infrastructure and outfall(s)) must be constructed and functional before beginning construction of any impervious improvements.

At least two business days prior to starting construction of the Detention Facilities and Drainage infrastructure, the Developer's contractor shall notify the District's General Manager in writing. The Pre-Construction Notification form can be found on the District's website under Permit Application and Engineering Documents (<https://www.bkdd.dst.tx.us/page/BKDD.Home>).



Mr. Arnold England, President

August 6, 2024

Page 3

The applicant shall not use this letter to commence any construction activities prior to receiving the **approved permit** from the governing entity with jurisdiction.

Please do not hesitate to call if you have any questions or need additional information.

Sincerely,

Michael H. McCarthy, PE

MHM/dme

https://jonesandcarter.sharepoint.com/sites/BKDDTeamSite/Shared Documents/BKDD All Permits/R0002-1020-01.051 Kinder Morgan Pipeline Seg 3 Bartlett @ Snake Creek_00491/2.0 - Letters/Kinder Morgan Pipeline Seg 3 Crossing Approval Ltr_080624.docx

cc: Mr. Gary Austin – Legacy Land Partners, LLC via email gary@legacylandpartners.net
Mr. James Piggott, Jr., PE – Kinder Morgan via email james_piggott@kindermorgan.com
Mr. Ross McCall, PE – Waller County Engineer via email engineering@wallercounty.us
Mr. Andrew Johnson, III – Johnson Petrov, LLP via email bkddlegal@johnsonpetrov.com

BROOKSHIRE-KATY DRAINAGE DISTRICT
MONTHLY EQUIPMENT MILEAGE/HOUR, AND EXPENSE REPORT

JULY 2024

TRACTORS

EQUIPMENT	YEAR MODEL	LIFETIME HOURS	HOURS THIS MONTH	FISCAL YTD HOURS	EXPENSES THIS MONTH	FISCAL YTD EXPENSES
JD 5100E BAT-WING TRACTOR	2019	3,043	32	465	\$48.34	\$1,280.75
JD 6145M 2019 BOOM MOWER	2019	2,646	2	288	\$0.00	\$6,634.74
JD 6145M 2021 BOOM MOWER	2021	1,543	84	386	\$1,943.89	\$10,993.10
JD 6150M BOOM MOWER	2015	6,543	76	582	\$0.00	\$6,686.04
JD 930M Z-TRAK MOWER	2018	625	8	70	\$0.00	\$141.40

HEAVY EQUIPMENT

EQUIPMENT	YEAR MODEL	LIFETIME HOURS	HOURS THIS MONTH	FISCAL YTD HOURS	EXPENSES THIS MONTH	FISCAL YTD EXPENSES
CAT 920 WHEEL LOADER	2024	13	13	13	\$0.00	\$0.00
CAT D6k2 DOZER	2019	1,730	23	462	\$0.00	\$2,424.09
CAT 323 EXCAVATOR	2018	4,608	56	762	\$1,785.15	\$5,585.61
CAT 416E BACKHOE	2012	3,602	14	435	\$0.00	\$661.36
JD 755A TRACK LOADER	1982	2,632	0	18	\$0.00	\$2,605.99
NORAM 65E MOTOR GRADER	2014	2,970	4	62	\$0.00	\$13.99

VEHICLES

EQUIPMENT	YEAR MODEL	LIFETIME MILES	MILES THIS MONTH	FISCAL YTD MILES	EXPENSES THIS MONTH	FISCAL YTD EXPENSES
F-250 4X4 w/FUEL TANK (CREW)	2020	16,904	840	3,926	\$0.00	\$704.08
TACOMA SR 4X4 (INSPECTOR)	2020	47,976	843	7,367	\$0.00	\$290.86
F-150 4X4 (INSPECTOR)	2017	92,695	1,300	12,641	\$16.50	\$311.19
F-250 4X4 (CREW)	2016	103,772	10	1,207	\$0.00	\$261.79
F-750 DUMP TRUCK	2011	47,020	551	8,598	\$8.77	\$1,002.59
FREIGHTLINER HAUL TRUCK	2000	772	270	866	\$0.00	\$7,651.11
DODGE RAM 4X4 (2301) (CREW)	2023	5,468	633	3,402	\$0.00	\$182.87
DODGE RAM 4X4 (2302) (FOREMAN)	2023	14,384	1,027	9,268	\$141.41	\$324.30
TACOMA TDR 4X4 (ASST GM)	2023	11,812	1,068	11,812	\$0.00	\$375.03
FREIGHTLINER DUMP TRUCK	2020	52,689	250	2,516	\$2,321.52	\$3,013.89
KAWASAKI MULE PRO	2024	11	0	11	\$0.00	\$16.75

TRAILERS

EQUIPMENT	YEAR MODEL	EXPENSES THIS MONTH	FISCAL YTD EXPENSES
LOAD MAX TRAIL 20' TANDEM	2020	\$0.00	\$0.00
CARRY-ON 6'x8' 2-WHEEL	2017	\$0.00	\$0.00
NUTTALL LOWBOY	1985	\$0.00	\$0.00
SPRAYER TANK TRAILER	?	\$0.00	\$0.00
HOME-MADE 4-WHEEL	1980	\$0.00	\$0.00

JULY 2024 - FINANCIAL REPORT

Exhibit " F "

General Fund	\$2,077,463.81
Payroll Fund	\$113,119.63
Petty Cash	\$2,678.73
Building Fund	\$3,314,286.32
Capital Improvement Fund	\$765,192.61
Texpool Fund	\$3,194.49
Amegy Bank Checking	\$69,600.84
Austin Co. State Bank CD	\$236,201.26
Bank of Shiner CD	\$184,090.06
Bank of Brenham CD	\$249,449.85
Citizens State Bank CD	\$236,590.24
Fayetteville Bank CD	\$182,269.39
First Nat. Bank Bellville CD	\$183,032.38
Industry State Bank CD	\$249,449.85
TOTAL RECONCILED BALANCE	\$7,866,619.46
<i>All accounts are reconciled.</i>	

RESERVES:
\$1,521,083.03

FUNDS						
	TexPool	Prosperity Bank General Fund	Prosperity Bank Payroll Fund	Amegy Bank Grant - Checking	Prosperity Bank Building Fund	Prosperity Bank Capital Imprvmnts
Fund Balance						
Beginning Balance 7/1	\$3,180.69	\$2,142,323.01	\$174,750.74	\$69,600.84	\$3,316,950.63	\$765,095.40
Deposits and Credits	\$13.80	\$124,715.95	\$18.89	\$0.00	\$421.25	\$97.21
Debits and Withdrawals	\$0.00	\$152,088.75	\$37,316.95	\$0.00	\$5,150.06	\$0.00
Ending Balance 7/31	\$3,194.49	\$2,114,950.21	\$137,452.68	\$69,600.84	\$3,312,221.82	\$765,192.61
Less Total Outstanding Drafts/Deposits (Net Amount)	\$0.00	-\$37,486.40	-\$24,333.05	\$0.00	\$2,064.50	\$0.00
Adjusted Ending Balance 7/31	\$3,194.49	\$2,077,463.81	\$113,119.63	\$69,600.84	\$3,314,286.32	\$765,192.61
Monthly Interest Earned	\$13.80	\$269.33	\$18.89	\$0.00	\$421.25	\$97.21

CERTIFICATES OF DEPOSIT							
	Austin County State Bank	Bank of Shiner	Citizens State Bank	Fayetteville Bank	First National Bank of Bellville	Industry State Bank	Bank of Brenham
Fund Balance							
Beginning Balance 7/1	\$236,201.26	\$184,090.06	\$236,590.24	\$182,269.39	\$183,032.38	\$249,449.85	\$249,449.85
Deposits and Credits	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Debits and Withdrawals	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Ending Balance 7/31	\$236,201.26	\$184,090.06	\$236,590.24	\$182,269.39	\$183,032.38	\$249,449.85	\$249,449.85
Interest/Earned	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

BUDGET	
23-24 FY Budget	\$4,542,009.56
YTD Expenses	\$3,133,075.91
New Equipment	\$239,792.04
Total Budgeted Expenses YTD	\$3,372,867.95

ENFORCEMENT/CIVIL PENALTIES	
Awry Concrete	\$90,000.00 BKDD Received through July, 2024

WORKSHOP MINUTES
BROOKSHIRE-KATY DRAINAGE DISTRICT

August 19, 2024

The Board of Supervisors of Brookshire-Katy Drainage District (the "District") met in special session, open to the public, at 8:30 a.m. on the 19th day of August, 2024, at 1111 Kenney Street, Brookshire, Texas, inside the boundaries of the District, and the roll was called of the members of the Board:

Arnold England	President
Pat Keeling	Vice President
David Welch	Secretary
Blake Beckendorff	Supervisor
John Chisum	Supervisor

and all of the above were present, thus constituting a quorum.

Also attending the meeting were Stan Kitzman, General Manager; Buddy Brand, Assistant General Manager of the District; Wendy Sidwell, District Administrator; Steve Berkenhoff, P.E., and William Petrov, attorney, of Johnson Petrov, LLP ("Johnson Petrov" or "Attorney").

Agenda Item No. 1
CALL TO ORDER

The President called the meeting to order.

Agenda Item No. 2
DISCUSS BROOKSHIRE-KATY DRAINAGE DISTRICT'S 2024-2025 BUDGET

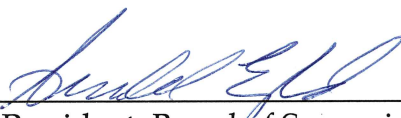
The Board reviewed and discussed the Budget for Fiscal Year Ending September 30, 2025.

ADJOURNMENT

With no additional matters to discuss, the Board adjourned the meeting at 11:20 a.m.

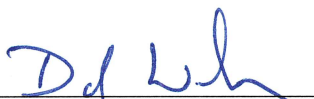
[EXECUTION PAGE FOLLOWS]

SIGNED this 9th day of September 2024.



President, Board of Supervisors

ATTEST:



Secretary, Board of Supervisors

WORKSHOP MINUTES
BROOKSHIRE-KATY DRAINAGE DISTRICT

August 26, 2024

The Board of Supervisors of Brookshire-Katy Drainage District (the "District") met in special session, open to the public, at 8:30 a.m. on the 26th day of August, 2024, at 1111 Kenney Street, Brookshire, Texas, inside the boundaries of the District, and the roll was called of the members of the Board:

Arnold England	President
Pat Keeling	Vice President
David Welch	Secretary
Blake Beckendorff	Supervisor
John Chisum	Supervisor

and all of the above were present, thus constituting a quorum.

Also attending the meeting were Stan Kitzman, General Manager; Buddy Brand, Assistant General Manager of the District; Wendy Sidwell, District Administrator; Buddy Brand, Asst. General Manager; Steve Berckenhorn, P.E., Rod Pinheiro, P.E., and Michael McCarthy, P.E., of Quiddity Engineering ("Quiddity" or "Engineer"); and Andrew P. Johnson, III, and William Petrov, attorneys, and Mirna Croon, paralegal, of Johnson Petrov, LLP ("Johnson Petrov" or "Attorney").

Agenda Item No. 1
CALL TO ORDER

The President called the meeting to order.

Agenda Item No. 2
DISCUSS BROOKSHIRE-KATY DRAINAGE DISTRICT'S 2024-2025 BUDGET

The Board reviewed and discussed the Budget for Fiscal Year Ending September 30, 2025.

Agenda Item No. 3
EXECUTIVE SESSION

At 8:36 a.m., upon motion by Supervisor Beckendorff, seconded by Supervisor Chisum, the President called an Executive Session pursuant to Section 551.074 to deliberate personnel matters. Only the present Board members, Mr. Johnson, Mr. Petrov, and Ms. Croon were present during the executive session.

Agenda Item No. 4
REGULAR SESSION

At 9:11 a.m., upon motion by Supervisor Beckendorff, seconded by Supervisor

2440

SIGNED this ____ day of _____ 2024.

President, Board of Supervisors

ATTEST:

Secretary, Board of Supervisors

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MINUTES
BROOKSHIRE-KATY DRAINAGE DISTRICT

August 26, 2024

The Board of Supervisors of Brookshire-Katy Drainage District (the "District") met in special session, open to the public, at 9:00 a.m. on the 26th day of August, 2024, at 1111 Kenney Street, Brookshire, Texas, inside the boundaries of the District, and the roll was called of the members of the Board:

Arnold England	President
Pat Keeling	Vice President
David Welch	Secretary
Blake Beckendorff	Supervisor
John Chisum	Supervisor

and all of the above were present, thus constituting a quorum.

Also attending the meeting were Stan Kitzman, General Manager of the District; Buddy Brand, Assistant General Manager of the District; Wendy Sidwell, District Administrator; Steve Berkenhoff, P.E., Rod Pinheiro, P.E., and Michael McCarthy, P.E., of Quiddity Engineering ("Quiddity" or "Engineer"); Blair Bozoarth, P.E., of Quiddity Engineering Land Development Group representing Sunterra and Grange Developments; and Andrew Johnson, III, and William Petrov, attorneys, and Mirna Croon, paralegal, of Johnson Petrov, LLP ("Johnson Petrov" or "Attorney").

Agenda Item No. 1
CALL TO ORDER

The President called the meeting to order.

Agenda Item No. 2
INVOCATION AND PLEDGE OF ALLEGIANCE

The meeting was opened with the Invocation and Pledge of Allegiance.

Agenda Item No. 3
PUBLIC COMMENT

There was no public comment.

Agenda Item No. 4
DISCUSS AND TAKE ACTION TO PUBLISH OFFICIAL NOTICE OF PUBLIC HEARING ON PROPOSED 2024-2025 TAX RATE IN THE KATY TIMES

Upon motion by Supervisor Welch, seconded by Supervisor Chisum, after full discussion and with Supervisor Chisum, Supervisor Welch, Supervisor Beckendorff, Supervisor England all voting Aye, and Supervisor Keeling voting Nay resulting in a 4

WORKSHOP MINUTES
BROOKSHIRE-KATY DRAINAGE DISTRICT

August 26, 2024

The Board of Supervisors of Brookshire-Katy Drainage District (the "District") met in special session, open to the public, at 8:30 a.m. on the 26th day of August, 2024, at 1111 Kenney Street, Brookshire, Texas, inside the boundaries of the District, and the roll was called of the members of the Board:

Arnold England	President
Pat Keeling	Vice President
David Welch	Secretary
Blake Beckendorff	Supervisor
John Chisum	Supervisor

and all of the above were present, thus constituting a quorum.

Also attending the meeting were Stan Kitzman, General Manager; Buddy Brand, Assistant General Manager of the District; Wendy Sidwell, District Administrator; Buddy Brand, Asst. General Manager; Steve Berckenhoff, P.E., Rod Pinheiro, P.E., and Michael McCarthy, P.E., of Quiddity Engineering ("Quiddity" or "Engineer"); and Andrew P. Johnson, III, and William Petrov, attorneys, and Mirna Croon, paralegal, of Johnson Petrov, LLP ("Johnson Petrov" or "Attorney").

Agenda Item No. 1
CALL TO ORDER

The President called the meeting to order.

Agenda Item No. 2
DISCUSS BROOKSHIRE-KATY DRAINAGE DISTRICT'S 2024-2025 BUDGET

The Board reviewed and discussed the Budget for Fiscal Year Ending September 30, 2025.

Agenda Item No. 3
EXECUTIVE SESSION

At 8:36 a.m., upon motion by Supervisor Beckendorff, seconded by Supervisor Chisum, the President called an Executive Session pursuant to Section 551.074 to deliberate personnel matters. Only the present Board members, Mr. Johnson, Mr. Petrov, and Ms. Croon were present during the executive session.

Agenda Item No. 4
REGULAR SESSION

At 9:11 a.m., upon motion by Supervisor Beckendorff, seconded by Supervisor Welch, after full discussion and with all Supervisors present voting aye, the Board reconvened the meeting in regular session. No action was taken in the Executive Session.

ADJOURNMENT

With no additional matters to discuss, upon motion by Supervisor Chisum, seconded by Supervisor Welch, the Board adjourned the meeting at 9:14 a.m.

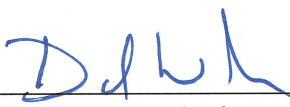
[EXECUTION PAGE FOLLOWS]

2443
SIGNED this 9th day of September 2024.



President, Board of Supervisors

ATTEST:



Secretary, Board of Supervisors

MINUTES
BROOKSHIRE-KATY DRAINAGE DISTRICT

August 26, 2024

The Board of Supervisors of Brookshire-Katy Drainage District (the "District") met in special session, open to the public, at 9:00 a.m. on the 26th day of August, 2024, at 1111 Kenney Street, Brookshire, Texas, inside the boundaries of the District, and the roll was called of the members of the Board:

Arnold England	President
Pat Keeling	Vice President
David Welch	Secretary
Blake Beckendorff	Supervisor
John Chisum	Supervisor

and all of the above were present, thus constituting a quorum.

Also attending the meeting were Stan Kitzman, General Manager of the District; Buddy Brand, Assistant General Manager of the District; Wendy Sidwell, District Administrator; Steve Berckenhoff, P.E., Rod Pinheiro, P.E., and Michael McCarthy, P.E., of Quiddity Engineering ("Quiddity" or "Engineer"); Blair Bozoarth, P.E., of Quiddity Engineering Land Development Group representing Sunterra and Grange Developments; and Andrew Johnson, Ill, and William Petrov, attorneys, and Mirna Croon, paralegal, of Johnson Petrov, LLP ("Johnson Petrov" or "Attorney").

Agenda Item No. 1
CALL TO ORDER

The President called the meeting to order.

Agenda Item No. 2
INVOCATION AND PLEDGE OF ALLEGIANCE

The meeting was opened with the Invocation and Pledge of Allegiance.

Agenda Item No. 3
PUBLIC COMMENT

There was no public comment.

Agenda Item No. 4
DISCUSS AND TAKE ACTION TO PUBLISH OFFICIAL NOTICE OF PUBLIC HEARING ON PROPOSED 2024-2025 TAX RATE IN THE KATY TIMES

Upon motion by Supervisor Welch, seconded by Supervisor Chisum, after full discussion and with Supervisor Chisum, Supervisor Welch, Supervisor Beckendorff, Supervisor England all voting Aye, and Supervisor Keeling voting Nay resulting in a 4 to 1 vote the Board proposed a tax rate not to exceed \$0.057898 per \$100 of assessed valuation and authorized the District Administrator to (i) publish notice of a proposed tax rate of \$0.057898 per \$100 of assessed valuation; and (ii) publish notice of a public hearing on such proposed rate for September 16, 2024 at 8:30 a.m. in Katy Times.

Agenda Item No. 5
GRANGE DEVELOPMENT DETENTION FACILITY MANAGEMENT AGREEMENT BETWEEN BROOKSHIRE-KATY DRAINAGE DISTRICT AND WALLER COUNTY MUNICIPAL UTILITY DISTRICT NO. 55 ("DFMA")

Mr. Petrov addressed the DFMA, noting that Waller County MUD No. 55's legal counsel requested a revision. They proposed that the DFMA should take precedence over the District's Rules and Regulations, which is uncommon. This request stems from concerns that future Supervisors might modify the District's Rules and Regulations regarding amenities, sidewalks, or drainage in ways that conflict with the DFMA.

Mr. Petrov suggested including a provision in the DFMA stating that it would supersede the District's Rules and Regulations under specific conditions. These conditions will be detailed in the DFMA and presented to the Board at a future meeting.

Following discussion, upon motion by Supervisor Chisum, seconded by Supervisor Beckendorff, after full discussion and with all Supervisors present voting aye, the Board approved a 30-day extension for the Grange Development Detention Facility.

Agenda Item No. 6

VARIANCE REQUEST FOR ROYAL ISD TRANSPORTATION CENTER RENOVATIONS (ID: 00421)

Upon motion by Supervisor Welch, seconded by Supervisor Keeling, after full discussion and with all Supervisors present voting aye, the Board approved the Variance Request for Royal ISD Transportation Center Renovations, as recommended by Quiddity. A copy of the recommendation letter is attached hereto as Exhibit "A".

Agenda Item No. 7

PERMIT APPLICATION FOR TRACT DEVELOPMENT WITHOUT PLATTING FOR AWRY READY MIX CONCRETE, LLC (ID:00193, PERMIT NO. 2024-47)

Mr. McCarthy reviewed the recommendation letter for Permit No. 2024-47, a copy of which is attached hereto as Exhibit "A-1".

Agenda Item No. 8

DETENTION FACILITIES MAINTENANCE AGREEMENT BETWEEN BROOKSHIRE-KATY DRAINAGE DISTRICT AND AWRY READY MIX CONCRETE, LLC FOR PERMIT NO. 2024-47 ("DFMA")

Upon motion by Supervisor Beckendorff, seconded by Supervisor Welch, after full discussion and with all Supervisors present voting aye, the Board approved (i) Permit No. 2024-47; and (ii) the DFMA, subject to receipt of the signed DFMA from Awry.

Agenda Item No. 9

PERMIT APPLICATION FOR TRACT DEVELOPMENT WITHOUT PLATTING FOR HERITAGE WEST (ID: 24-00030; PERMIT NO. 2024-20)

Mr. McCarthy reviewed the recommendation letter for Permit No. 2024-20, a copy of which is attached hereto as Exhibit "A-2".

Agenda Item No. 10

DETENTION FACILITIES MAINTENANCE AGREEMENT BETWEEN BROOKSHIRE-KATY DRAINAGE DISTRICT AND IU HERITAGE LP, LLC FOR HERITAGE WEST ("DFMA")

Upon motion by Supervisor Welch, seconded by Supervisor Chisum, after full discussion and with all Supervisors present voting aye, the Board approved (i) Permit No. 2024-20 as recommended by Quiddity; and (ii) the DFMA.

[Supervisor Welch exited the meeting.]

Agenda Item No. 11

PERMIT APPLICATION FOR TRACT DEVELOPMENT WITH PLATTING FOR INNO METAL - PRELIMINARY PLAT (ID: 00520)

Upon motion by Supervisor Chisum, seconded by Supervisor Beckendorff, after full discussion and with all Supervisors present voting aye, the Board approved Permit Application ID 00520, as recommended by Quiddity. A copy of the recommendation letter is attached hereto as Exhibit "A-3".

[Supervisor Welch entered the meeting.]

Agenda Item No. 12

PERMIT APPLICATION FOR TRACT DEVELOPMENT WITH PLATTING FOR SUNSET GROVE SECTION 2 (AKA FREELAND TRACT) - PRELIMINARY PLAT (ID: 00507)

Mr. McCarthy reviewed the recommendation letter for Permit Application No. 00507, a copy of which is attached hereto as Exhibit "A-4".

Agenda Item No. 13

PERMIT APPLICATION FOR TRACT DEVELOPMENT WITH PLATTING FOR SUNSET GROVE SECTION 3 (AKA FREELAND TRACT) PRELIMINARY PLAT (ID: 00499)

Mr. McCarthy reviewed the recommendation letter for Permit Application No. 00499, a copy of which is attached hereto as Exhibit "A-5".

Upon motion by Supervisor Welch, seconded by Supervisor Chisum, after full discussion and with all Supervisors present voting aye, the Board approved Permit Application ID Nos. 00507 and 00499, as recommended by Quiddity.

Agenda Item No. 14

PERMIT EXTENSION REQUEST AND PERMIT SUBMITTAL TYPE CHANGE FOR TRACT DEVELOPMENT WITHOUT PLATTING FOR STELLA ROAD TOWNHOUSES (ID: 23-00529, PERMIT NO. 2020-87) TO BECOME TRACT DEVELOPMENT WITH PLATTING FOR STELLA ROAD TOWNHOUSES (ID: 23-00529, PERMIT NO. 2020-87) - PRELIMINARY PLAT, FINAL PLAT AND FINAL DRAINAGE PLANS

Upon motion by Supervisor Welch, seconded by Supervisor Keeling, after full discussion and with all Supervisors present voting aye, the Board approved the extension request for one year from August 26, 2024 for ID 23-00529, Permit No. 2020-87 and Submittal Type Change to Tract Development With Platting for ID 23-00529, Permit No. 2020-87; Preliminary Plat, Final Plat and Final Drainage Plans, as recommended by Quiddity in the recommendation letter attached hereto as Exhibit "A-6".

Agenda Item No. 15

TEXAS WATER CONSERVATION ASSOCIATION FALL CONFERENCE 2024

Ms. Sidwell stated that the TWCA Fall Conference will be held in San Antonio, Texas, from October 23, 2024, through October 25, 2024.

Agenda Item No. 16

UPDATE ON NEW ADMINISTRATION BUILDING

Mr. Brand updated the Board regarding the Administration Building construction.

Agenda Item No. 17

UPDATE ON ENFORCEMENT

Mr. Petrov updated the Board regarding the enforcement action involving DI Landholdings, LLC and Alfredo Martinez.

Agenda Item No. 18

MANAGEMENT CONSULTING AGREEMENT WITH FISK & BULLER, LLC

This matter was discussed in an executive session.

Agenda Item No. 12

EXECUTIVE SESSION

At 10:33 a.m. upon motion by Supervisor Welch, seconded by Supervisor Beckendorff, the President called an Executive Session pursuant to Sections 551.071 to discuss matters of attorney-client privilege. Only the present Board members, Mr. Johnson, Mr. Petrov, and Ms. Croon were present during the executive session.

Agenda Item No. 13

REGULAR SESSION

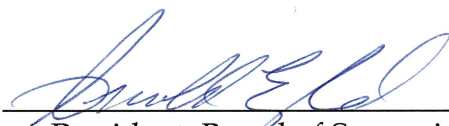
At 10:48 a.m., upon motion by Supervisor Welch, seconded by Supervisor Keeling, after full discussion and with all Supervisors present voting aye, the Board reconvened the meeting in regular session. No action was taken in the Executive Session.

ADJOURNMENT

With no additional matters to discuss, upon motion by Supervisor Keeling, seconded by Supervisor Welch, and with all Supervisors voting aye, the Board adjourned the meeting at 10:49 a.m.

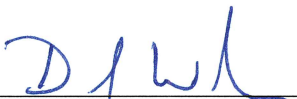
[EXECUTION PAGE FOLLOWS]

SIGNED this 9th day of September 2024.



President, Board of Supervisors

ATTEST:



Secretary, Board of Supervisors

Exhibit "A"	Variance Request recommendation letter
Exhibit "A-1"	Quiddity Recommendation for Permit No. 2024-47
Exhibit "A-2"	Quiddity Recommendation for Permit No. 2024-20
Exhibit "A-3"	Quiddity Recommendation for Permit Application No. 00520
Exhibit "A-4"	Quiddity Recommendation for Permit Application No. 00507
Exhibit "A-5"	Quiddity Recommendation for Permit Application No. 00499
Exhibit "A-6"	Quiddity Recommendation for Permit No. 2020-87

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Rules and Regulations Variance Request Form

08-08-24

SECTION 1 – APPLICANT INFORMATION

Rules and Regulations Variance

- No variance will be granted unless requested in writing and approved by the Board.
- In the instances when an applicant can justify and fully support that a requirement or criteria listed within the District's Rules and Regulations cannot be satisfied, a variance request can be submitted for review.
- Each submittal will be evaluated by the District's Engineer and Brookshire-Katy Drainage District Board on a case-by-case basis.
- All supplemental documentation required to support the variance request shall be submitted for the District's review.
- Submittal of a variance request **does not** in any way guarantee approval of the variance. The District Board reserves the option to deny any variance request.
- Any variance granted will only be applicable to the specific site and conditions for which the variance was granted. It will not modify or change any standards as they apply to other sites or conditions.
- All incomplete variance request forms or requests that do not provide sufficient technical support documentation will be rejected.
- The Applicant must submit a complete variance request form with accompanying documentation to support its desired request of approval 30 days prior to the desired Board meeting date. Additional questions and documentation may be required upon further review by the District.

Mark Type of Variance:

- | | |
|---|--|
| ☐ Utility, Pipeline, and Cable Crossings | ☐ Tract Development without Platting |
| ☐ Private and Public Road Crossings | ☐ Tract Development with Platting |
| ☐ Drainage Connection without Land Use Changes | ☐ Master Drainage Plan |

Specific Section and Rule within District Rules & Regulations that is associated with the variance request
(Ex: Article 1. Sect. 1.A): Article 6 Sect. 5.B.7g

****Required****

Project Information:

Project Address/ Legal Description: ABS A333800 A-338 W W SNYDER TRACT PT 1 ACRES 47.9113 (INSIDE ESD) P/O 167.365 A

BKDD Permit No.: _____

Owner/ Applicant Information:

Owner's Name: Rick Kershner, Superintendent of Schools Royal Independent School District Date: 08-16-2024

Applicant's Engineer Firm Name: PBK Architects (DBA: DIG Engineers)

Engineer of Record Name: Ema Paz, P.E.

Signature: 

E-mail: ema.paz@digengineers.com Phone: (346) 396-3778

**Rules and Regulations
Variance Request Form**

08-08-24

SECTION 2 – ENGINEERING JUSTIFICATION**Engineering Reason for Variance Request (specify details):**

Statement of what the variance request is and why the selected criteria listed within the District's Rules and Regulations should be varied or is not applicable to your development. Justification shall not include cost or reference to cost. If space provided is not adequate, continue/provide on a separate document and attach as needed.

Variances Requested: Please see attachment for variance letter and drainage calculation summary.

SECTION 3 – BKDD REVIEW**For the District use only:****Recommendation/ Reason(s) if not approved:**☐Approved as
Submitted☐

Approved as Noted

☐Not Approved for
Reason(s) Stated☐

Not Applicable

BKDD President

Date: ____ / ____ / ____

BKDD General Manager

BKDD District Engineer

Attention:

The approval of this variance in no way affects the responsibilities and liability of the Owner or Design professional who is responsible for the project and for the associated plan sheet and design. No representation or warranty of any kind is made by the District for any purposes whatsoever.

DIG Engineers
11 Greenway Plaza Blvd., 15th Floor
Houston, TX 77046
Phone: (713) 965-0608
DIGengineers.com

August 16, 2024

VIA: EMAIL



Mr. Michael McCarthy
Brookshire Katy Drainage District (BKDD)
1111 Kenney St.
Brookshire, TX 77423

**RE: Transportation Center Renovations & Royal High School Renovations
Royal Independent School District
PBK Project Number: 230499 & 230500**

To Whom it May Concern:

The purpose of this letter is to request a variance to the Brookshire-Katy Drainage District requirement for drain by gravity for detention basins. The Royal ISD High School is served by a detention basin built in 2009 that is completely drained via the existing storm pump station and discharged into the Royal Road roadside ditch. Royal ISD is proposing to make improvements to the high school campus which include additions to the existing Career & Technology Education (CTE) Building, Transportation Building and Agricultural Expo Center. Royal ISD is also proposing an expansion to the existing high school detention basin to mitigate for the increase in runoff due to the proposed development.

The Brookshire-Katy Drainage District drainage regulations state that pumped detention basins are required to be drained via gravity pipe for a minimum of 50% of the detention volume. However, due to depth constraints at the receiving stream, namely the Royal Road roadside ditch, it is not feasible to install a gravity pipe to meet the BKDD requirements. Royal ISD requests that BKDD allow the continuation of 100% drain by pump station into the Royal Road roadside ditch. Royal ISD offers the following commitments to ensure the proper function of the detention basin system:

Storm Pump Station

The existing storm pump station is a 3-pump system (triplex) with two pumps on duty and one on stand-by. Per the drainage impact analysis titled "Drainage Report for New High School and Early Childhood Center" and approved by BKDD on January 14, 2008, the existing pump station discharges into the Royal Road roadside ditch at a flow rate of 18.5 cfs. The detention basin will be expanded to provide detention volume to mitigate for the additional runoff caused by the proposed development, but the discharge rate into the Royal Road roadside ditch will remain the same.

The storm pump station currently does not include a source of emergency backup power system. To ensure the continued operation of the detention basin system during loss of normal power, Royal ISD is proposing to install a permanent diesel-powered generator with an automatic transfer switch (ATS) and an auto-dialer able to send alert messages to the Royal ISD maintenance department. The proposed generator will be installed within an enclosed secured area at the storm pump station site.

Detention Basin Maintenance

The existing Royal ISD high school detention basin is a dry-bottom facility. The proposed improvements would include the expansion of the footprint of the basin as well as regrading of the bottom to ensure positive drainage towards the storm pump station intake location. In order to ensure the detention basin functions properly, Royal ISD commits to the regular and continued maintenance of the basin which include regular mowing, debris and excessive vegetation removal from the bottom of the basin, and any repairs necessary to any portion of the facility. Royal ISD mowing and inspection schedule is as follow:

Mr. Michael McCarthy
August 15, 2024
Page 2

Detention basin mowing and debris removal: Quarterly (Lift Station Holding Tanks are cleaned once a year)
Detention basin visual inspection: Semi Annually

Should you have any questions, please contact the undersigned at (346) 396-3778 or via email at ema.paz@digengineers.com.

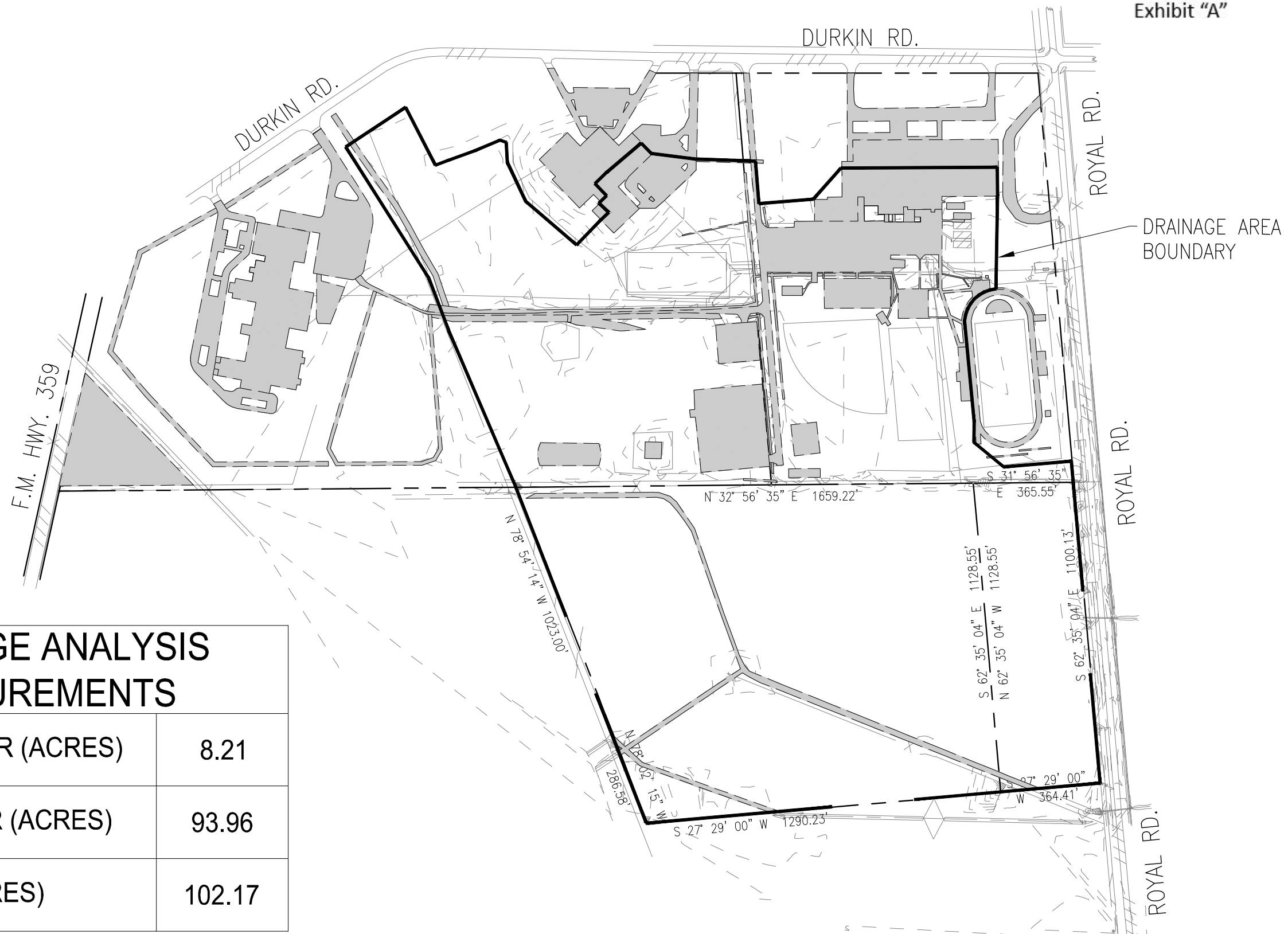
Sincerely,



Ema Paz, P.E.
Project Manager

*Cc: Rick Kershner, Royal Independent School District
Andres Juarez P.E., DIG
Karsten Falke P.E., DIG
File 6E*

Exhibit "A"

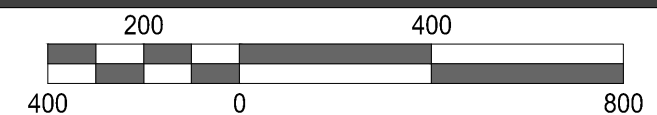


DRAINAGE ANALYSIS MEASUREMENTS

IMPERIOUS COVER (ACRES)	8.21
PERVIOUS COVER (ACRES)	93.96
TOTAL AREA (ACRES)	102.17

PRE-2009 EXIST. CONDITIONS

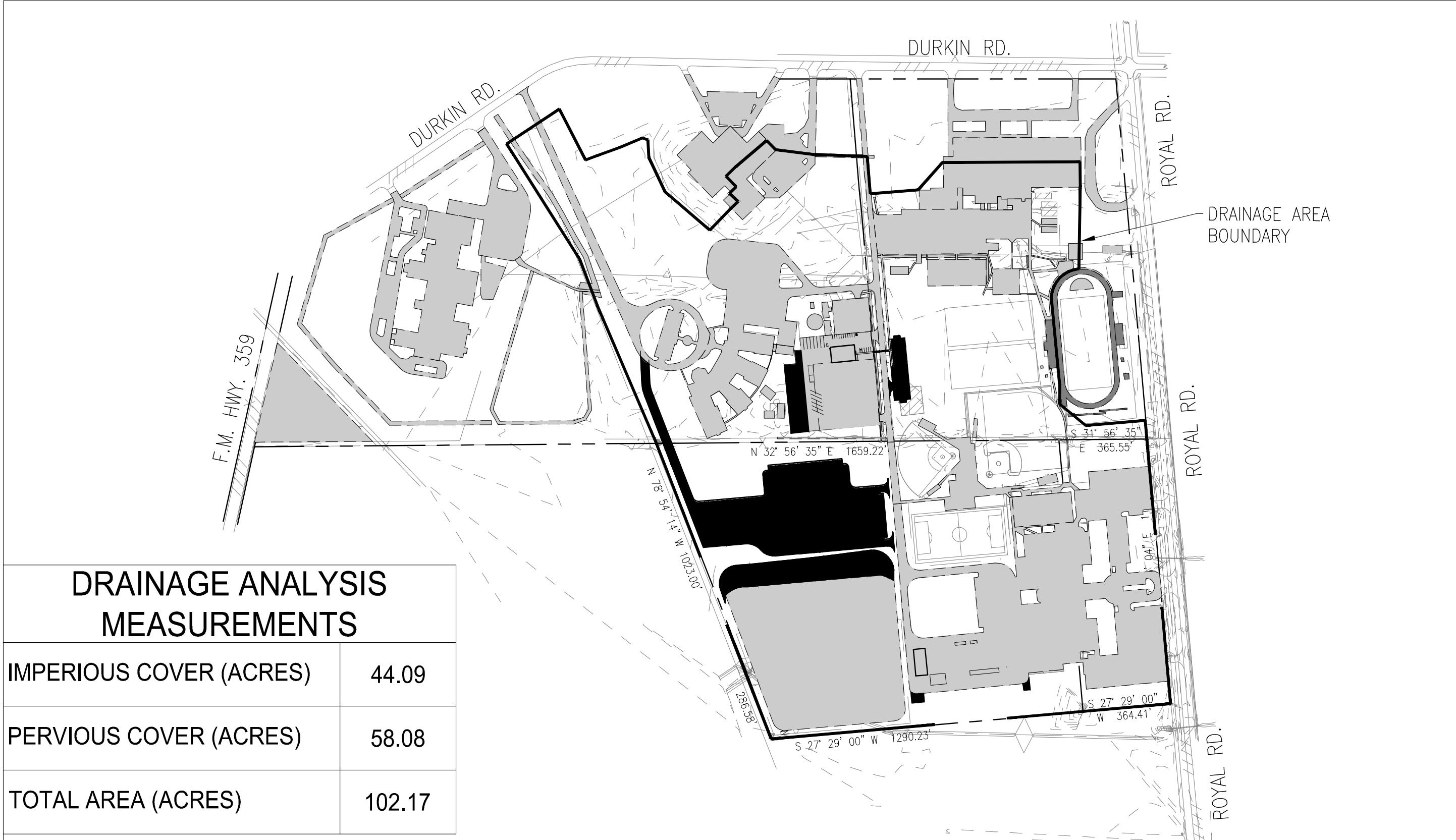
Composite Site Plan





DRAINAGE ANALYSIS MEASUREMENTS	
IMPERIOUS COVER (ACRES)	34.95
PERVIOUS COVER (ACRES)	67.22
TOTAL AREA (ACRES)	102.17

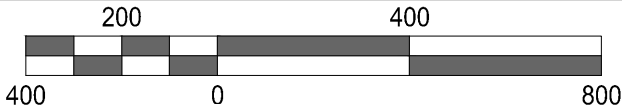
Composite Site Plan

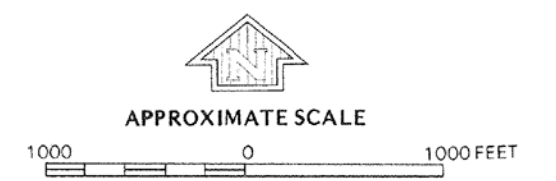
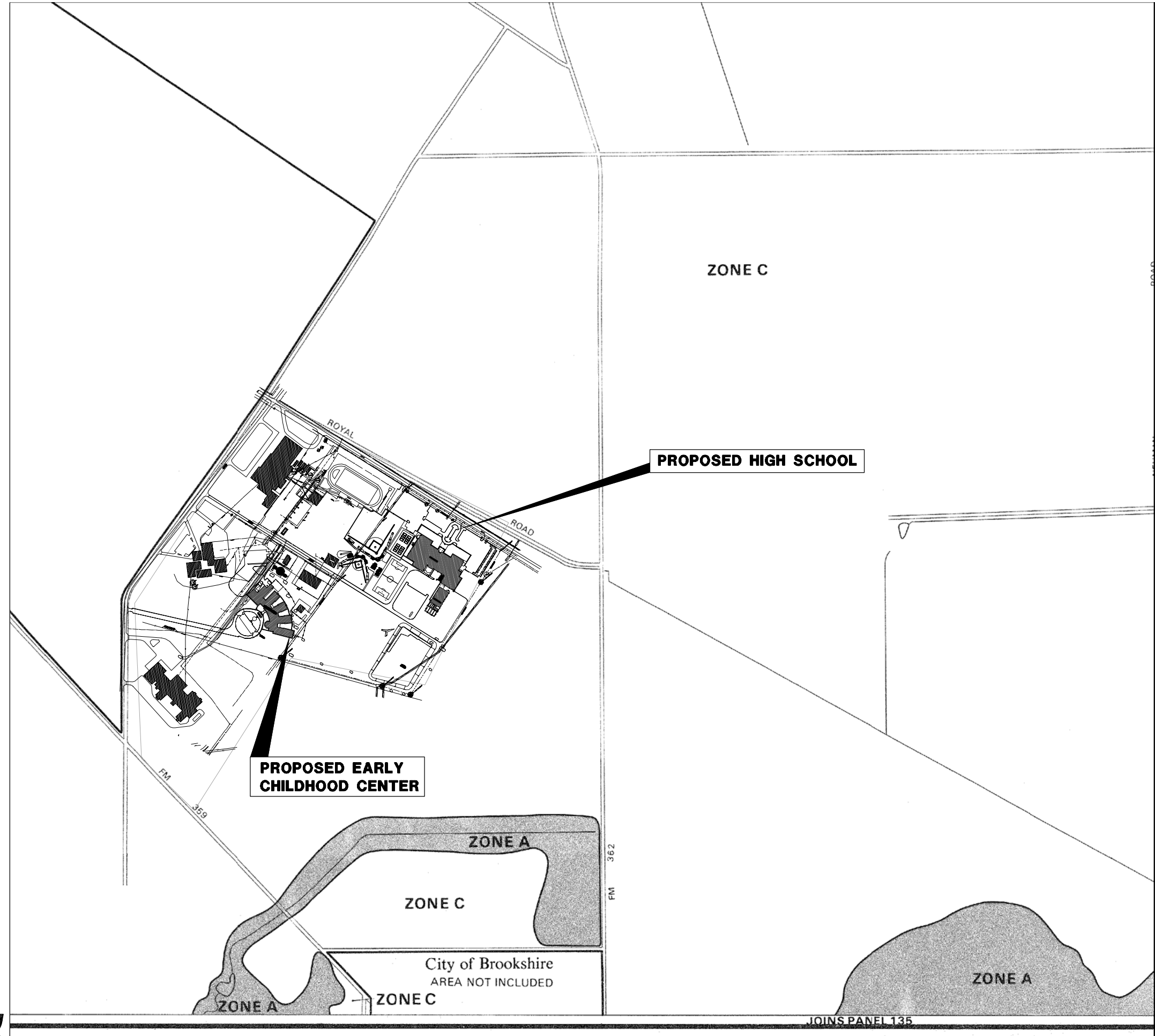


DRAINAGE ANALYSIS MEASUREMENTS	
IMPERIOUS COVER (ACRES)	44.09
PERVIOUS COVER (ACRES)	58.08
TOTAL AREA (ACRES)	102.17

PROPOSED CONDITIONS

Composite Site Plan





NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP

WALLER COUNTY, TEXAS
UNINCORPORATED AREAS

PANEL 120 OF 140
(SEE MAP INDEX FOR PANELS NOT PRINTED)

COMMUNITY-PANEL NUMBER
480640 0120 B

EFFECTIVE DATE:
DECEMBER 18, 1986


Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the

Project: Royal ISD 2009 Improvements - Atlas 14
Brookshire, Texas

100-YEAR DETENTION CALCULATIONS

EXISTING CONDITIONS

AREA

Total Area= 102.17 acre

C COEFFICIENT

Existing Pervious Area Existing Impervious Area
 $A_p = 93.96$ acre $A_{ip} = 8.21$ acre

$C_p = 0.2$ $C_{ip} = 0.9$

$C_p = 0.2562494$

TRAVEL TIME

Overland Travel Distance and Velocity

$DIST.1 = 0$ ft $VEL.1 = 2.3$ ft/s

Shallow Concentrated Travel Distance and Velocity

$DIST.2 = 0$ ft $VEL.2 = 2.0$ ft/s

TC (CALC)=DIST./VEL. 0.00 min.
 TC = 95.00 min. TC MINIMUM IS 10 min.

INTENSITY

$b = 86.2332$ $e = 0.6829$
 $d = 11.1001$
 $i = 3.57$ in/hr

FLOW

Flow: $Q = C \cdot C_f \cdot i \cdot A$ $C_f = 1.25$

Existing $Q = 116.74$ cfs

EXCESS RAINFALL RUN-OFF

12.64 in. (Table H, BKDD Manual)
 1291.43 acre-in

TIME TO PEAK

$T_p = 481.51$ min. $1.25T_p = 601.88$

$T_i = T_p / 10$

$T_i = 48$ Ti MINIMUM IS 5 min.

DEVELOPED CONDITIONS

AREA

Total Area= 102.17 acre

C COEFFICIENT

Proposed Pervious Area Proposed Impervious Area
 $A_p = 67.22$ acre $A_{ip} = 34.95$ acre

$C_p = 0.2$ $C_{ip} = 0.9$

$C_p = 0.4394539$

TRAVEL TIME

Overland Travel Distance and Velocity

DIST.1= 0 ft VEL.1= 2.3 ft/s

Shallow Concentrated Travel Distance and Velocity

DIST.2= 0 ft VEL.1= 2.7 ft/s

Conduit Travel Distance and Velocity

DIST.2= 0 ft VEL.1= 3.9 ft/s

TC (CALC)=DIST./VEL. 0.00 min.

TC = 58.00 min. TC MINIMUM IS 10 min.

INTENSITY

b= 86.2332 e= 0.6829

d= 11.1001

i= 4.78 in/hr

FLOW

Flow: Q = C*Cf*i*A Cf = 1.25

Proposed Q = 268.31 cfs

EXCESS RAINFALL RUN-OFF

13.46 in. (Table H, BKDD Manual)

1375.21 acre-in

TIME TO PEAK

Tp= 223.08 min. 1.25Tp= 278.85

Ti = Tp / 10

Ti= 22 Ti MINIMUM IS 5 min.

Ti (Use)= 20 Minutes

When Ti <= 1.25 Tp use

$$Q_i = \frac{Q_p}{2} \left[1 - \cos \left(\pi \frac{T_i}{T_p} \right) \right]$$

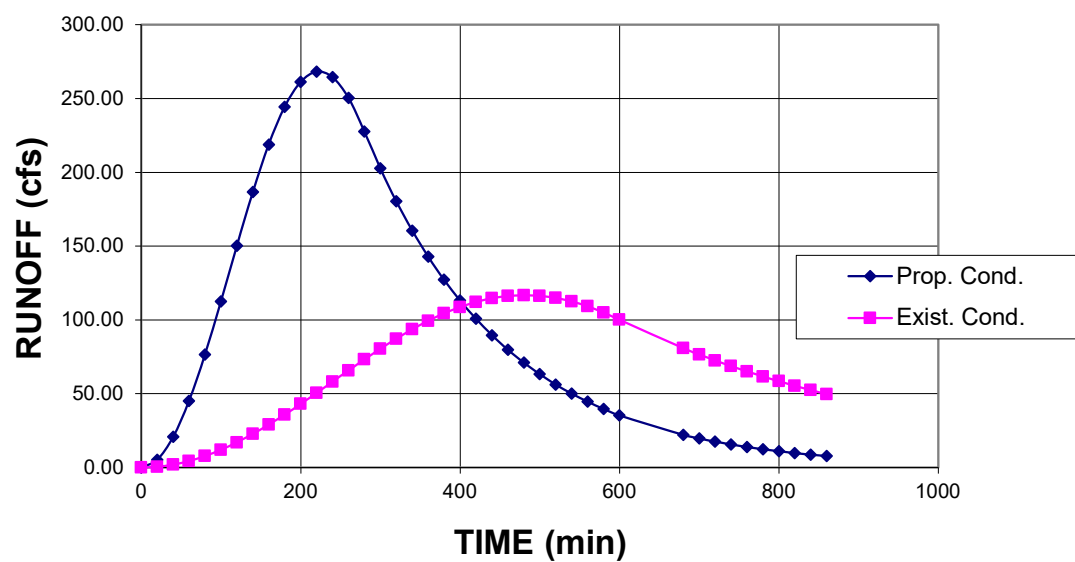
When Ti > 1.25 Tp use

$$Q_i = 4.34 Q_p e^{-1.3 \left(\frac{T_i}{T_p} \right)}$$

100-Year (1%) Hydrograph and Storage Volume				
Ti (min)	Q _{PROPOSED} (cfs)	Q _{EXISTING} (cfs)	Inc. Vol (cf)	Total. Vol (ac-ft)
0	0.00	0.00	0.00	0.00
20	5.29	0.50	5752.39	0.13
40	20.74	1.98	22519.01	0.65
60	45.14	4.42	48867.57	1.77
80	76.56	7.78	82538.85	3.67
100	112.52	12.00	120627.95	6.43
120	150.19	17.01	159817.67	10.10
140	186.59	22.72	196645.43	14.62
160	218.86	29.04	227782.69	19.85
180	244.45	35.86	250304.69	25.59
200	261.33	43.06	261929.09	31.61
220	268.19	50.52	261204.57	37.60
240	264.48	58.12	247634.43	43.29
260	250.49	65.72	221725.15	48.38
280	227.77	73.19	185496.09	52.64
300	202.72	80.42	146759.24	56.01
320	180.41	87.26	111780.67	58.57
340	160.57	93.62	80336.28	60.42
360	142.90	99.38	52231.96	61.62
380	127.18	104.43	27297.00	62.24
400	113.19	108.71	5378.14	62.37
420	100.74	112.13	0.00	62.37
440	89.65	114.63	0.00	62.37
460	79.79	116.17	0.00	62.37
480	71.01	116.74	0.00	62.37
500	63.20	116.30	0.00	62.37
520	56.25	114.89	0.00	62.37

540	50.06	112.51	0.00	62.37
560	44.55	109.21	0.00	62.37
580	39.65	105.04	0.00	62.37
600	35.29	100.08	0.00	62.37
680	22.14	80.79	0.00	62.37
700	19.70	76.55	0.00	62.37
720	17.54	72.52	0.00	62.37
740	15.61	68.71	0.00	62.37
760	13.89	65.10	0.00	62.37
780	12.36	61.68	0.00	62.37
800	11.00	58.43	0.00	62.37
820	9.79	55.36	0.00	62.37
840	8.71	52.45	0.00	62.37
860	7.76	49.70	0.00	62.37
REQ'D. STORAGE =			62.37	ac-ft

100-YR STORAGE VOLUME



Project: Royal ISD Improvements 2024
Brookshire, Texas

100-YEAR DETENTION CALCULATIONS

EXISTING CONDITIONS

AREA

Total Area= 102.17 acre

C COEFFICIENT

Existing Pervious Area Existing Impervious Area
 $A_p = 67.22$ acre $A_{ip} = 34.95$ acre

$C_p = 0.3$ $C_{ip} = 0.9$

$C_p = 0.5052462$

TRAVEL TIME

Overland Travel Distance and Velocity

$DIST.1 = 0$ ft $VEL.1 = 2.3$ ft/s

Shallow Concentrated Travel Distance and Velocity

$DIST.2 = 0$ ft $VEL.2 = 2.0$ ft/s

TC (CALC)=DIST./VEL. 0.00 min.
 TC = 58.00 min. TC MINIMUM IS 10 min.

INTENSITY

$b = 86.2332$ $e = 0.6829$
 $d = 11.1001$
 $i = 4.78$ in/hr

FLOW

Flow: $Q = C \cdot C_f \cdot i \cdot A$ $C_f = 1.25$

Existing $Q = 308.48$ cfs

EXCESS RAINFALL RUN-OFF

13.46 in. (Table H, BKDD Manual)
 1375.21 acre-in

TIME TO PEAK

$T_p = 194.03$ min. $1.25T_p = 242.54$

$T_i = T_p / 10$

$T_i = 19$ Ti MINIMUM IS 5 min.

DEVELOPED CONDITIONS

AREA

Total Area= 102.17 acre

C COEFFICIENT

Proposed Pervious Area Proposed Impervious Area
 $A_p = 58.08$ acre $A_{ip} = 44.09$ acre

$C_p = 0.3$ $C_{ip} = 0.9$

$C_p = 0.5589214$

TRAVEL TIME

Overland Travel Distance and Velocity

DIST.1= 0 ft VEL.1= 2.3 ft/s

Shallow Concentrated Travel Distance and Velocity

DIST.2= 0 ft VEL.1= 2.7 ft/s

Conduit Travel Distance and Velocity

DIST.2= 0 ft VEL.1= 3.9 ft/s

TC (CALC)=DIST./VEL. 0.00 min.

TC = 58.00 min. TC MINIMUM IS 10 min.

INTENSITY

b= 86.2332 e= 0.6829

d= 11.1001

i= 4.78 in/hr

FLOW

Flow: Q = C*Cf*i*A Cf = 1.25

Proposed Q = 341.25 cfs

EXCESS RAINFALL RUN-OFF

13.88 in. (Table H, BKDD Manual)

1418.12 acre-in

TIME TO PEAK

Tp= 180.87 min. 1.25Tp= 226.09

Ti = Tp / 10

Ti= 18 Ti MINIMUM IS 5 min.

Ti (Use)= 20 Minutes

When Ti <= 1.25 Tp use

$$Q_i = \frac{Q_p}{2} \left[1 - \cos \left(\pi \frac{T_i}{T_p} \right) \right]$$

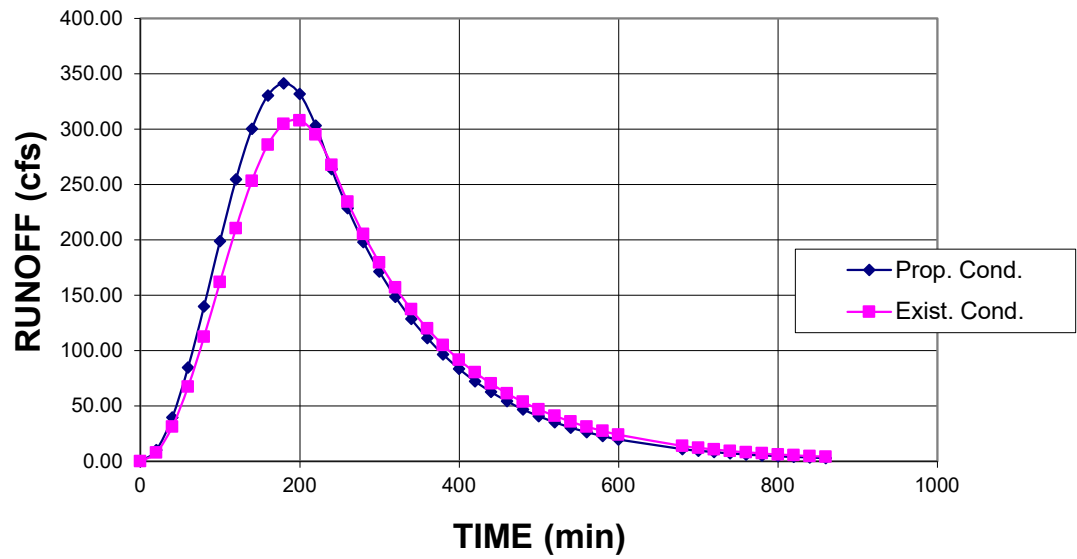
When Ti > 1.25 Tp use

$$Q_i = 4.34 Q_p e^{-1.3 \left(\frac{T_i}{T_p} \right)}$$

100-Year (1%) Hydrograph and Storage Volume				
Ti (min)	Q _{PROPOSED} (cfs)	Q _{EXISTING} (cfs)	Inc. Vol (cf)	Total. Vol (ac-ft)
0	0.00	0.00	0.00	0.00
20	10.20	8.02	2612.80	0.06
40	39.58	31.26	9989.28	0.29
60	84.63	67.28	20814.50	0.77
80	139.96	112.36	33122.74	1.53
100	198.96	161.79	44602.36	2.55
120	254.57	210.43	52959.61	3.77
140	300.14	253.23	56288.66	5.06
160	330.23	285.74	53393.81	6.29
180	341.24	304.56	44015.40	7.30
200	331.85	307.74	28923.91	7.96
220	303.18	294.96	9864.30	8.19
240	263.89	267.54	0.00	8.19
260	228.56	234.53	0.00	8.19
280	197.96	205.12	0.00	8.19
300	171.45	179.39	0.00	8.19
320	148.50	156.90	0.00	8.19
340	128.61	137.22	0.00	8.19
360	111.39	120.01	0.00	8.19
380	96.48	104.96	0.00	8.19
400	83.56	91.80	0.00	8.19
420	72.37	80.29	0.00	8.19
440	62.68	70.22	0.00	8.19
460	54.29	61.41	0.00	8.19
480	47.02	53.71	0.00	8.19
500	40.72	46.97	0.00	8.19
520	35.27	41.08	0.00	8.19

540	30.55	35.93	0.00	8.19
560	26.46	31.43	0.00	8.19
580	22.92	27.48	0.00	8.19
600	19.85	24.04	0.00	8.19
680	11.17	14.06	0.00	8.19
700	9.67	12.30	0.00	8.19
720	8.38	10.76	0.00	8.19
740	7.26	9.41	0.00	8.19
760	6.28	8.23	0.00	8.19
780	5.44	7.20	0.00	8.19
800	4.71	6.29	0.00	8.19
820	4.08	5.51	0.00	8.19
840	3.54	4.81	0.00	8.19
860	3.06	4.21	0.00	8.19
REQ'D. STORAGE =			8.19	ac-ft

100-YR STORAGE VOLUME





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August 21, 2024

Mr. Arnold England, President
Brookshire-Katy Drainage District
PO Box 608
Brookshire, Texas 77423

Reference: Awry Ready Mix Concrete, LLC
Awry Ready Mix Concrete – **Final Drainage Plans**
Application ID No. 00193
Permit No. 2024-47
Quiddity, Inc. Job No. R0002-1020-01.023

Dear Mr. England:

The Brookshire-Katy Drainage District (District) received a permit application as follows:

Applicant: Awry Ready Mix Concrete, LLC

Permit Type: Tract Development w/o Platting – Final Drainage Plans

Location: 1441 Cardiff Road, Brookshire, Texas 77423

Survey: H.& T.C. Rail Road Company Survey Section 1, Abstract 156, Waller County, Texas

Previous Approvals: The District approved the Final Drainage Plans for the Awry Ready Mix Concrete, LLC on November 13, 2018, under Permit No. 2018-27.

The existing Awry Ready Mix Concrete, LLC (Development) is located to the west of Cardiff Road, north of US-Hwy 90, and south of Morton Road. The Development encompasses 5.299 acres and includes a concrete batch plant and on-site private paving and drainage improvements. The construction of the Development was completed under Permit No. 2018-27 which included the existing private storm sewer, detention pond and outfall, and associated parking areas. Following investigation by the District, the drainage and detention facilities were determined to be in noncompliance with the requirements as outlined in the District's approval of Permit No. 2018-27, which included the associated Detention Facilities Maintenance Agreement (DFMA). This permit application represents the Owner's proposed modifications to existing drainage and detention facilities within the Development in order to obtain compliance with the District's rules and regulations.



Mr. Arnold England, President
August 21, 2024
Page 2

The existing drainage for the site is conveyed through an internal private underground storm sewer system, which outfalls into an existing private detention pond on the western side of the tract, which then outfalls to a private underground storm sewer within the site, which will then outfall into Willow Fork of Buffalo Bayou. The existing storm sewer, detention pond, and outfall were included in the plans titled "Awry Ready Mix Concrete LLC" that was approved by the District on November 13, 2018, under Permit No. 2018-27.

Permit Revisions:

The Owner is proposing modifications to the Development's drainage and detention facilities which are summarized below:

- A dry bottom detention pond is proposed to be deepened for a total depth of 15.0 feet, which includes vertical concrete walls and backslope swales surrounding the perimeter. The concrete pilot channel and emergency overflow spillway have been modified. The detention pond includes additional detention storage capacity and mitigation for the prior improvements completed on-site without District approval, while maintaining a minimum of 1-ft of freeboard. Given the excessive depth, a ramp is proposed to allow for access into the pond for maintenance and repairs.
- The outfall from the detention pond will utilize a pumped and gravity discharge with the addition of a stormwater pump station. The original permit included a gravity only outfall. The detention pond will discharge flow into a proposed storm sewer to the north of the detention pond that will be directed east and connect to the existing outfall into Willow Fork of Buffalo Bayou.
- Atlas 14 rainfall criteria was incorporated into the design of the Development, resulting in revisions to all drainage, detention, and floodplain mitigation calculations.
- The existing outfall will be demolished. Approximately 375 LF of 24-inch HDPE downstream of the detention pond's existing outfall is proposed to be abandoned in place with grout. A portion of this storm sewer has failed and collapsed as evident by CCTV footage that was provided by the Owner.
- A couple of segments of the internal storm sewer located upstream of the pond's inflow is proposed to be modified based on the existing storm sewer's condition as evident by CCTV footage that was provided by the Owner. Approximately 162 LF of 18-inch HDPE is proposed to be removed and replaced with 24-inch HDPE and 132 LF of 36-inch HDPE is proposed to be removed and replaced.



Mr. Arnold England, President
August 21, 2024
Page 3

- The site plan for the Development has been updated to reflect existing conditions including locations of batch plant operations and building structures.

Floodplain Permit: The Development previously obtained a floodplain permit for fill located within the floodplain. A new or amended floodplain permit will be required (although not provided) for this project. Waller County is the Floodplain Administrator for the receiving waterways. All local floodplain fill requirements must be coordinated through Waller County for approval.

DFMA: The existing private detention pond is included in a fully executed and recorded DFMA between the Owner and the District. The DFMA will need to be amended to include the proposed revisions as outlined in this letter. The DFMA will be placed on the agenda for District approval once recommended by the District's legal counsel.

Technical Review: Based on our review of the final drainage plans (plans), the permit application generally complies with the District's Rules and Regulations (R&R); we interpose no objection and recommend its approval by the District's Board of Supervisors.

Please note that this recommendation does not necessarily mean that the proposed design and all the calculations provided in the accompanying documentation have been completely checked and verified. Omissions in this review do not relieve the Development from complying with the District's R&R or any other regulatory requirements from a different entity having jurisdiction. Moreover, a Professional Engineer has prepared, dated, signed, and sealed the plans submitted. This Professional is licensed to practice in the State of Texas, conveying these professional responsibilities and accountability.

At this time, no deviation or variance requests from the District's R&R have been requested or granted. The proposed Development shall be constructed per the District's approved plans and in conformance with the District's R&R.

For the Applicant: Please be advised that in an effort to comply with the District's policy to maintain zero net increase in stormwater runoff rates and to ensure that no adverse impacts are attributable to the proposed Development, all detention facilities (i.e., drainage infrastructure and outfall(s)) must be constructed and functional before beginning construction of any impervious improvements.



Mr. Arnold England, President
 August 21, 2024
 Page 4

The District requires the engineer, project owner, and contractor to implement temporary drainage measures during construction to prevent any negative impacts. These measures are crucial to managing stormwater and maintaining site stability throughout construction.

At least two business days prior to starting construction of the Detention Facilities and Drainage infrastructure, the Developer's contractor shall notify the District's General Manager in writing. The Pre-Construction Notification form can be found on the District's website under Permit Application and Engineering Documents (<https://www.bkdd.dst.tx.us/page/BKDD.Home>).

The Applicant shall not use this letter to commence any construction activities prior to receiving the **approved permits** from all applicable governing entities with jurisdiction.

Please do not hesitate to call if you have any questions or need additional information.

Sincerely,

Michael H. McCarthy, PE

MHM/dme

<https://jonesandcarter.sharepoint.com/sites/BKDDTeamSite/Shared Documents/BKDD All Permits/R0002-1020-01.023 Awry Concrete Permit Review/2.0 - LETTERS/Awry Ready Mix Contrete Final Drainage Plans Approval Ltr 082124.docx>

cc: Mr. Rajesh Rochlani – Awry Ready Mix Concrete, Inc. via email awryreadymixconcrete@gmail.com
 Ms. Yogita Rochlani – Awry Ready Mix Concrete, Inc. via email usayogi@gmail.com
 Mr. SK Amjad Hossain, PE – A.H. Engineers & Consulting, LLC via email amjad.hossain@ahellc.com
 Mr. Ross McCall, PE – Waller County Engineer via email engineering@wallercounty.us
 Mr. Andrew Johnson, III – Johnson Petrov, LLP via email bkddlegal@johnsonpetrov.com



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August 21, 2024

Mr. Arnold England, President
Brookshire-Katy Drainage District
PO Box 608
Brookshire, Texas 77423

Reference: IU Heritage LP
Heritage West – **Final Drainage Plans**
Application ID No. 24-00030
Permit No. 2024-20
Quiddity, Inc. Job No. R0002-1004-04.001.01

Dear Mr. England:

The Brookshire-Katy Drainage District (District) received a permit application as follows:

<u>Applicant:</u>	WGA, PLLC
<u>Permit Type:</u>	Tract Development w/o Platting – Final Drainage Plans
<u>Location:</u>	North of US Hwy 90, south of Morton Road, east of Schlipf Road, and west of Bartlett Road
<u>Survey:</u>	N/A
<u>Previous Approvals:</u>	The District approved the drainage impact assessment for the Heritage West development under Application ID 24-00027 on July 22, 2024.
<u>Description:</u>	The proposed 71.98-acre Heritage West and 3.36-acre Schlipf Road extension (Development) are located within the Pederson Road Business Park development which encompasses a total area of 178.2 acres. The Development includes the construction of proposed public underground utilities, drainage improvements, and the extension of Schlipf Road. This Development will serve future industrial development planned for the tract, which will be submitted under a separate permit application to the District once the developer is ready to proceed.



Mr. Arnold England, President
August 21, 2024
Page 2

The drainage for the site will be conveyed through the proposed public underground storm sewer system that is directed east and outfalls into an existing public detention pond, which then outfalls into an existing 60-ft wide District easement located south of the Development and just north of Union Pacific Railroad and US-HWY 90. Flow continues east and ultimately discharges into Snake Creek further downstream. The existing detention facility and outfall were included in the plans titled "Office and Manufacturing Facility for Pederson Road Business Park" and approved under Permit No. 2012-17. Waller County Improvement District No. 2 (WCID No. 2) owns and maintains the existing detention facility and provided their letter of no objection to the plans for the Development.

DFMA:

The existing detention facility is part of an executed Detention Facilities Maintenance Agreement (DFMA) between with the District and WICD No. 2. However, the DFMA will need to be amended to incorporate the Heritage West development. The DFMA will be placed on the agenda for District approval once recommended by the District's legal counsel.

Technical Review:

Based on our review of the final drainage plans (plans), the permit application generally complies with the District's Rules and Regulations (R&R); we interpose no objection and recommend its approval by the District's Board of Supervisors.

Please note that this recommendation does not necessarily mean that the proposed design and all the calculations provided in the accompanying documentation have been completely checked and verified. Omissions in this review do not relieve the Development from complying with the District's R&R or any other regulatory requirements from a different entity having jurisdiction. Moreover, a Professional Engineer has prepared, dated, signed, and sealed the plans submitted. This Professional is licensed to practice in the State of Texas, conveying these professional responsibilities and accountability.

At this time, no deviation or variance requests from the District's R&R have been requested or granted. The proposed Development shall be constructed per the District's approved plans and in conformance with the District's R&R.

For the Applicant:

Please be advised that in an effort to comply with the District's policy to maintain zero net increase in stormwater runoff rates and to ensure that no adverse impacts are attributable to the proposed Development, all detention facilities (i.e., drainage infrastructure and outfall(s)) must be constructed and functional before beginning construction of any impervious improvements.

Mr. Arnold England, President
August 21, 2024
Page 3

The District requires the engineer, project owner, and contractor to implement temporary drainage measures during construction to prevent any negative impacts. These measures are crucial to managing stormwater and maintaining site stability throughout construction.

At least two business days prior to starting construction of the Detention Facilities and Drainage infrastructure, the Developer's contractor shall notify the District's General Manager in writing. The Pre-Construction Notification form can be found on the District's website under Permit Application and Engineering Documents (<https://www.bkdd.dst.tx.us/page/BKDD.Home>).

The Applicant shall not use this letter to commence any construction activities prior to receiving the **approved permits** from all applicable governing entities with jurisdiction.

Please do not hesitate to call if you have any questions or need additional information.

Sincerely,



Michael H. McCarthy, PE

MHM/dme

[https://jonesandcarter.sharepoint.com/sites/BKDDTeamSite/Shared Documents/BKDD All Permits/R0002-1004-04 Heritage West Permit Review/3.0 - LETTERS/Heritage West Final Drainage Plans Approval Ltr 082124.docx](https://jonesandcarter.sharepoint.com/sites/BKDDTeamSite/Shared%20Documents/BKDD%20All%20Permits/R0002-1004-04%20Heritage%20West%20Permit%20Review/3.0%20LETTERS/Heritage%20West%20Final%20Drainage%20Plans%20Approval%20Ltr%20082124.docx)

cc: Mr. Dean Rasmuson, PE – WGA, PLLC via email drasmuson@wga-llp.com
Mr. Steven Ramirez – WGA, PLLC via email sramirez@wga-llp.com
Mr. Ross McCall, PE – Waller County Engineer via email engineering@wallercounty.us
Mr. Andrew Johnson, III – Johnson Petrov, LLP via email bkddlegal@johnsonpetrov.com



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August 21, 2024

Mr. Arnold England, President
Brookshire-Katy Drainage District
PO Box 608
Brookshire, Texas 77423

Reference: Cube Development & Supply, LLC
Inno Metal – **Preliminary Plat and Preliminary Drainage Plans**
Application ID No. 00520
Permit No. – N/A
Quiddity Job No. R0002-1020-01.055

Dear Mr. England:

The Brookshire-Katy Drainage District (District) received a permit application as follows:

Applicant: LJA Engineering, Inc.

Permit Type: Tract Development with Platting – Preliminary Plat and Preliminary Drainage Plan

Location: 2465 FM 359 South, Brookshire, Texas 77423

Survey: Nathan Brookshire Survey, Abstract 16, Waller County, Texas

Technical Review: Based on our review of the Preliminary Plat of Inno Metal, the permit application generally complies with the District's Rules and Regulations; we interpose no objection and recommend its acceptance by the District's Board of Supervisors.

It is to be understood that the **acceptance of the Preliminary Plat** by the District's Board of Supervisors does not constitute official acceptance of the proposed development by the District but does constitute an authorization to begin and proceed with the preparation of the Final Drainage Plans and Final Plat.

The applicant shall not use this Preliminary approval to commence any construction activities until the Final Drainage Plans and Final Plat have been **approved and accepted** in official actions by the District and from any governing entity with jurisdiction.

For the Applicant: The applicant's next step is to submit **two** separate applications: **one for the Final Plat**, outlining the development's layout and design, and **another for the Final Drainage Plans**, including construction plans and drainage calculations. Both applications should include all necessary engineering information and documents for a thorough and comprehensive review.



Mr. Arnold England, President

August 21, 2024

Page 2

DFMA: If proposing detention facilities, the proposed development will require a Detention Facilities Maintenance Agreement (DFMA) with the District. The submittal of the DFMA shall include all required information/documents for review and coordination with the District's Legal Counsel.

Please do not hesitate to call if you have any questions or need additional information.

Sincerely,

Michael H. McCarthy, PE

MHM/dme

https://jonesandcarter.sharepoint.com/sites/BKDDTeamSite/Shared Documents/BKDD All Permits/R0002-1020-01.055 Inno Metal_00520/2.0 - Letters/Inno Metal PP Approval Ltr 082124.docx

CC: Ms. Naomi McAninch – LJA Engineering, Inc. - via email nmcaninch@lja.com
Ms. Hillary McAdams – Cube Development & Supply, LLC - via email hmcadams@innometalstuds.com
Mr. Ross McCall, PE - Waller County Engineer via email engineering@wallercounty.us
Mr. Andrew Johnson, III - Johnson Petrov, LLP via email bkddlegal@johnsonpetrov.com



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August 20, 2024

Mr. Arnold England, President
Brookshire-Katy Drainage District
PO Box 608
Brookshire, Texas 77423

Reference: Freeland (Houston) ASLI X, LLC
Sunset Grove Section 2 – **Preliminary Plat and Preliminary Drainage Plans**
Application ID No. 00507
Permit No. – N/A
Quiddity Job No. R0002-1003-77.003

Dear Mr. England:

The Brookshire-Katy Drainage District (District) received a permit application as follows:

Applicant: BGE, Inc.

Permit Type: Tract Development with Platting – Preliminary Plat and Preliminary Drainage Plan

Location: North of Morton Road, south of FM 529, east of Cardiff Road, and west of FM 2855

Survey: J. Bennett Survey and H. & T. C. Railroad Company Survey, Section 98, Abstract 286, Waller County, Texas

Technical Review: Based on our review of the Preliminary Plat of Sunset Grove Section 2, the permit application generally complies with the District's Rules and Regulations; we interpose no objection and recommend its acceptance by the District's Board of Supervisors.

It is to be understood that the **acceptance of the Preliminary Plat** by the District's Board of Supervisors does not constitute official acceptance of the proposed development by the District but does constitute an authorization to begin and proceed with the preparation of the Final Drainage Plans and Final Plat.

The applicant shall not use this Preliminary approval to commence any construction activities until the Final Drainage Plans and Final Plat have been **approved and accepted** in official actions by the District and from any governing entity with jurisdiction.

For the Applicant: The applicant's next step is to submit **two** separate applications: **one for the Final Plat**, outlining the development's layout and design, and **another for the Final Drainage Plans**, including construction plans and drainage calculations. Both applications should include all necessary engineering information and documents for a thorough and comprehensive review.



Mr. Arnold England, President

August 20, 2024

Page 2

DFMA: If proposing detention facilities, the proposed development will require a Detention Facilities Maintenance Agreement (DFMA) with the District. The submittal of the DFMA shall include all required information/documents for review and coordination with the District's Legal Counsel.

Please do not hesitate to call if you have any questions or need additional information.

Sincerely,

Michael H. McCarthy, PE

MHM/dme

<https://jonesandcarter.sharepoint.com/sites/BKDDTeamSite/Shared Documents/BKDD All Permits/R0002-1003-77.003 Sunset Grove Section 2/2.0 - Letters/Sunset Grove Section 2 PP Approval Ltr 082024.docx>

CC: Ms. Kristina Galati – Brown & Gay Engineers, Inc. - via email kgalati@bgeinc.com
Mr. John Whitman – Brown & Gay Engineers, Inc. - via email jwhitman@bgeinc.com
Mr. Ross McCall, PE - Waller County Engineer via email engineering@wallercounty.us
Mr. Andrew Johnson, III - Johnson Petrov, LLP via email bkddlegal@johnsonpetrov.com



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August 20, 2024

Mr. Arnold England, President
Brookshire-Katy Drainage District
PO Box 608
Brookshire, Texas 77423

Reference: Freeland (Houston) ASLI X, LLC
Sunset Grove Section 3 – **Preliminary Plat and Preliminary Drainage Plans**
Application ID No. 00499
Permit No. – N/A
Quiddity Job No. R0002-1003-77.004

Dear Mr. England:

The Brookshire-Katy Drainage District (District) received a permit application as follows:

Applicant: BGE, Inc.

Permit Type: Tract Development with Platting – Preliminary Plat and Preliminary Drainage Plan

Location: North of Morton Road, south of FM 529, east of Cardiff Road, and west of FM 2855

Survey: J. Bennett Survey and H. & T. C. Railroad Company Survey, Section 98, Abstract 286, Waller County, Texas

Technical Review: Based on our review of the Preliminary Plat of Sunset Grove Section 3, the permit application generally complies with the District's Rules and Regulations; we interpose no objection and recommend its acceptance by the District's Board of Supervisors.

It is to be understood that the **acceptance of the Preliminary Plat** by the District's Board of Supervisors does not constitute official acceptance of the proposed development by the District but does constitute an authorization to begin and proceed with the preparation of the Final Drainage Plans and Final Plat.

The applicant shall not use this Preliminary approval to commence any construction activities until the Final Drainage Plans and Final Plat have been **approved and accepted** in official actions by the District and from any governing entity with jurisdiction.

For the Applicant: The applicant's next step is to submit **two** separate applications: **one for the Final Plat**, outlining the development's layout and design, and **another for the Final Drainage Plans**, including construction plans and drainage calculations. Both applications should include all necessary engineering information and documents for a thorough and comprehensive review.



Mr. Arnold England, President
August 20, 2024
Page 2

DFMA: If proposing detention facilities, the proposed development will require a Detention Facilities Maintenance Agreement (DFMA) with the District. The submittal of the DFMA shall include all required information/documents for review and coordination with the District's Legal Counsel.

Please do not hesitate to call if you have any questions or need additional information.

Sincerely,

Michael H. McCarthy, PE

MHM/dme

<https://jonesandcarter.sharepoint.com/sites/BKDDTeamSite/Shared Documents/BKDD All Permits/R0002-1003-77.004 Sunset Grove Section 3/2.0 - Letters/Sunset Grove Section 3 PP Approval Ltr 082024.docx>

CC: Ms. Kristina Galati – Brown & Gay Engineers, Inc. - via email kgalati@bgeinc.com
Mr. John Whitman – Brown & Gay Engineers, Inc. - via email jwhitman@bgeinc.com
Mr. Ross McCall, PE - Waller County Engineer via email engineering@wallercounty.us
Mr. Andrew Johnson, III - Johnson Petrov, LLP via email bkddlegal@johnsonpetrov.com



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August 22, 2024

Mr. Arnold England, President
Brookshire-Katy Drainage District
PO Box 608
Brookshire, Texas 77423

Reference: Mr. Hector Mario Ramon and Ms. Elda Leticia Ramon
Stella Estates – **Minor Plat**
FDP: Application ID No. 23-00529
FP: Application ID No. 00542
Permit No. – 2020-87
Quiddity Job No. R0002-0901-24.001

Dear Mr. England:

The Brookshire-Katy Drainage District (District) received a permit application as follows:

Applicant: ODARC

Permit Type: Tract Development with Platting – Minor Plat

Location: 3511 Stella Road, Brookshire, Texas 77423

Survey: N/A

Previous Approvals: The District approved the Final Drainage Plans for Stella Road Townhomes on February 10, 2022, under Permit No. 2020-87. The District has received a Permit Extension Request for said plans which included no changes to the drainage and detention facilities that were originally approved by the District. Approval of this Permit Extension Request will be considered by the Board as a separate agenda item at the August 26, 2024 District meeting.

Description: The proposed Stella Estates (Development) encompasses approximately 1.225 acres of land and includes 3 lots and 1 block. This permit application only includes the minor plat submittal of the Development and does not include any additional improvements or revisions to the drainage plans. The drainage for the Development was included in the plans titled "Construction Drawings Stella Road" and approved by the District under Permit No. 2020-87 on February 10, 2022.

DFMA: The existing private detention facilities are part of an executed Detention Facilities Maintenance Agreement (DFMA) with the District and the Owner.



Mr. Arnold England, President
August 22, 2024
Page 2

Technical Review: Based on our review of the minor plat, the permit application generally complies with the District's Rules and Regulations (R&R); we interpose no objection and recommend its approval by the District's Board of Supervisors.

Please note that this recommendation does not necessarily mean that the proposed design and all the calculations provided in the accompanying documentation have been completely checked and verified. Omissions in this review do not relieve the Development from complying with the District's R&R or any other regulatory requirements from a different entity having jurisdiction. Moreover, the plat submitted has been prepared, dated, signed, and sealed by a Professional Land Surveyor who is licensed to practice in the State of Texas, conveying these professional responsibilities and accountability.

At this time, no deviation or variance requests from the District's R&R have been requested or granted. The proposed Development shall be constructed per the District's approved plans and in conformance with the District's R&R.

For the Applicant: Please be advised that in an effort to comply with the District's policy to maintain zero net increase in stormwater runoff rates and to ensure that no adverse impacts are attributable to the proposed Development, all detention facilities (i.e., drainage infrastructure and outfall(s)) must be constructed and functional before beginning construction of any impervious improvements.

The District requires the engineer, project owner, and contractor to implement temporary drainage measures during construction to prevent any negative impacts. These measures are crucial to managing stormwater and maintaining site stability throughout construction.

At least two business days prior to starting construction of the Detention Facilities and Drainage Infrastructure, the Developer's contractor shall notify the District's General Manager in writing. The Pre-Construction Notification form can be found on the District's website under Permit Application and Engineering Documents (<https://www.bkdd.dst.tx.us/page/BKDD.Home>).

The applicant shall not use this letter to commence any construction activities prior to receiving all **approved permits** from the governing entities with jurisdiction. The District informed the Applicant and Owner that any changes to the plans following coordination with the other governing entities will require resubmittal of the plans and/or plat to the District for review and approval, and the permit extension to be considered will no longer be valid.



Mr. Arnold England, President

August 22, 2024

Page 3

Please do not hesitate to call if you have any questions or need additional information.

Sincerely,

Michael H. McCarthy, PE

MHM/dme

<https://jonesandcarter.sharepoint.com/sites/BKDDTeamSite/Shared Documents/BKDD All Permits/R0002-1002-06 Stella Road Townhouses Permit Review/Plan Reviews/Plat Letters/Stella Road Townhomes Minor Plat approval ltr 082224.docx>

cc: Mr. Hector Ramon – via email hrframing@icloud.com
Mr. Roberto Gonzalez, AIA – ODARC - via email roberto@odarc.com
Mr. Craig Kalkomey, PE – City of Brookshire Engineer via email ckalkomey@lja.com
Mr. Ross McCall, PE - Waller County Engineer via email engineering@wallercounty.us
Mr. Andrew Johnson, III - Johnson Petrov, LLP via email bkddlegal@johnsonpetrov.com