

APPENDIX D
TRACT OF LAND CONSENTED-TO UNDER SECTION 3.04

The land consented-to under Section 3.04 is described in the metes-and-bounds description attached to and made a part of this Agreement, for all purposes.

(METES-AND-BOUNDS DESCRIPTION OF 4.871 ACRES, 2 PAGES,
FOLLOWS THIS PAGE)

EXHIBIT "A"

BEING 4.871 ACRES OF LAND IN THE WILLIAM ATKINS SURVEY, A - 3, MONTGOMERY COUNTY, TEXAS, SAID 4.871 ACRES BEING ALL OF THE APRIL PLAZA MARINA, INC; 4.5105 ACRE TRACT OF LAND DEED OF WHICH IS RECORDED UNDER COUNTY CLERK'S FILE NUMBER 2002-032917, MONTGOMERY COUNTY REAL PROPERTY RECORDS, AND THE APRIL PLAZA MARINA, INC; 0.670 ACRE TRACT OF LAND DEED OF WHICH IS RECORDED UNDER COUNTY CLERK'S FILE NUMBER 2004-064629, MONTGOMERY COUNTY REAL PROPERTY RECORDS, SAVE AND EXCEPT THE SAN JACINTO RIVER AUTHORITY 0.104 ACRE TRACT OF LAND DEED OF WHICH IS RECORDED UNDER COUNTY CLERK'S FILE NUMBER 2004-064630, MONTGOMERY COUNTY REAL PROPERTY RECORDS, SAVE AND EXCEPT THE SAN JACINTO RIVER AUTHORITY 0.1962 ACRE TRACT AND THE 0.0149 ACRE TRACT OF LAND DEED OF WHICH IS RECORDED UNDER COUNTY CLERK'S FILE NUMBER 8934971, MONTGOMERY COUNTY REAL PROPERTY RECORDS, SAID 4.871 ACRES BEING DESCRIBED MORE PARTICULARLY AS FOLLOWS:

BEGINNING at a 1/2" iron rod found in the Northeast line of State Highway 105. (Right of Way varies) for the South corner of the said 4.5105 acre tract, the West corner of the residual of the Aleta Ferne Lapaglia 1.0 acre tract of land deed of which is recorded in Volume 1139, Page 715, Montgomery County Deed Records, same being the South corner of the herein described tract;

THENCE N. 63° 50' 00" W., along the Northeast line of Highway 105, the Southwest line of the 4.5105 acre tract for a distance of 534.30 feet to a 1/2" iron rod found for the Southwesterly corner of the herein described tract, the South corner of the said 0.1962 acre tract, the Southwesterly corner of the 4.5105 acre tract;

THENCE N. 00° 51' 14" W., leaving the Northeast line of Highway 105, along the East line of the 0.1962 acre tract for a distance of 39.08 feet to a 1/2" iron rod set for the Southwest corner of the said 0.104 acre tract;

THENCE S. 87° 15' 04" E., along the South line of the 0.104 acre tract for a distance of 59.31 feet to a 1/2" iron rod set for it's Southeast corner;

THENCE N. 20° 11' 01" E., along the East line of the 0.104 acre tract for a distance of 15.38 feet to a 60d nail set;

THENCE N. 13° 26' 18" E., continuing along said East line for a distance of 40.06 feet to a " V " set in a concrete boat ramp for the Northeast corner of the 0.104 acre tract;

THENCE N. 79° 50' 35" W., along the North line of the 0.104 acre tract for a distance of 26.86 feet to a " X " set in said boat ramp;

THENCE N. 50° 30' 48" W., continuing along said North line for a distance of 16 50 feet to an " X " set in said boat ramp;

THENCE N. 65° 22' 20" W., continuing along said North line for a distance of 39.49 feet to a P K nail set for the Northwest corner of the 0.104 acre tract, in the East line of the said 0.1962 acre tract, a line of the said 0.670 acre tract;

THENCE S. 00° 06' 57" W., along the above mentioned lines for a distance of 1.27 feet;

THENCE N. 52° 50' 39" W., along the Northerly line of the 0.670 acre tract, generally along a wood bulkhead, passing at 0.69 feet a P K nail set for reference and continuing in all for a distance of 19.38 feet to a 60d nail set;

THENCE N. 03° 11' 15" E., continuing along the above mentioned line and bulkhead for a distance of 54.58 feet;

THENCE N. 61° 49' 44" E., continuing along the above mentioned line and bulkhead, passing at 0.50 feet a P K nail set for reference and continuing in all for a distance of 225.30 feet to a 60d nail set;

THENCE N. 66° 01' 28" E., continuing along the above mentioned line and bulkhead for a distance of 87.72 feet to a 60d nail set for the North corner of the 0.670 acre tract, the most Northerly corner of the herein described tract;

THENCE S. 57° 42' 33" E., along the Easterly line of the 0.670 acre tract continuing along said bulkhead for a distance of 43.82 feet to a ½" iron rod set;

THENCE S. 21° 05' 22" E., continuing along said Easterly line and said bulkhead for a distance of 18.56 feet to a 60d nail set;

THENCE S. 13° 47' 00" E., continuing along said Easterly line and bulkhead passing at 24.50 feet the Northwest corner of the said 0.0149 acre tract, same being the North line of the said 4.5105 acre tract and continuing along the West line of the 0.0149 acre tract for a distance of 111.00 feet to a 60d nail set for its South corner;

THENCE S. 10° 12' 54" E., continuing along the said Easterly line and bulkhead for a distance of 68.15 feet to a 60d nail set;

THENCE S. 47° 51' 38" E., continuing along said Easterly line and bulkhead for a distance of 54.33 feet to a 60d nail set;

THENCE N. 83° 10' 10" E., along a Lower North line of the said 0.670 acre tract, continuing along said bulkhead for a distance of 193.47 feet to a 60d nail set;

THENCE N. 72° 38' 59" E., continuing along said Lower North line, and bulkhead for a distance of 183.36 feet to the Lower Northeast corner of the 0.670 acre tract, the Lower Northeast corner of the herein described tract;

THENCE S. 17° 21' 01" E., along the East line of the 0.670 acre tract, passing at 1.00 foot a ½" iron rod set for reference and continuing in all for a distance of 31.26 feet to a ½" iron rod found for the most Easterly corner of the herein described tract, the East corner of the said 4.5105 acre tract, the Northwest corner of Colony Place, a Subdivision, map of which is recorded in Cabinet I, Sheet 84A, Condominium Records;

THENCE S. 22° 11' 10" W., along the East line of the 4.5105 acre tract, the West line of Colony Place for a distance of 283.10 feet to a " X " set for corner, same being Lapaglia's Northeast corner;

THENCE N. 58° 27' 43" W., along Lapaglia's North line for a distance of 116.32 feet to a P K nail found for her North corner;

THENCE S. 26° 12' 36" W., along Lapaglia's West line for a distance of 176.52 feet to the POINT OF BEGINNING and containing in all 4.871 acres of land.