

STATE OF TEXAS
COUNTY OF MONTGOMERY

SOUTHEAST TEXAS DEVELOPMENT GROUP, INC., dba BENCHMARK DEVELOPMENT CO., its authorized agent, acting herein by and through its President, Paul Ryan, owner (hereinafter referred to as "Owner") of the property subdivided in the above and foregoing map of BAY POINTE ESTATES ON LAKE CONROE, do hereby make subdivision of said property for and on behalf of said SOUTHEAST TEXAS DEVELOPMENT GROUP, INC., according to the lines, streets, lots, alleys, parks, building lines, and easements thereon shown and designate said subdivision as BAY POINTE ESTATES ON LAKE CONROE. Located in the William C. Clark Survey Abstract 6 and James Smith Survey, Abstract 37, in Montgomery County, Texas and on behalf of said SOUTHEAST TEXAS DEVELOPMENT GROUP, INC; and dedicate to public use, as such, the streets, alleys, parks and easements shown thereon forever; and do hereby waive any claims for damages occasioned by the establishing of grades as approved for the streets and alleys dedicated, or occasioned by the alteration of the surface of any portion of streets or alleys to conform to such grades; and do hereby bind myself, our successors and assigns to warrant and forever defend the title to the land so dedicated.

THIS is to certify that the SOUTHEAST TEXAS DEVELOPMENT GROUP, INC., dba BENCHMARK DEVELOPMENT CO., its authorized agent, acting herein by and through its President, Paul Ryan, Owner of the property subdivided in the above foregoing map of BAY POINTE ESTATES ON LAKE CONROE, have complied or will comply with all regulations heretofore on file with the Montgomery County Engineer and adopted by the Commissioner's Court of Montgomery County, Texas.

FURTHER, Owner has dedicated and by these presents does dedicate to the use of the public for public utility purposes forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional eleven feet, six inches (11'-6") for ten feet (10'-0") perimeter ground easements or five feet six inches (5'-6") for sixteen feet (16'-0") perimeter ground easements, from a plane sixteen feet (16'-0") above ground level upward, located adjacent to and adjoining said public utility easements that are designated with aerial easements (U.E. & A.E.) as indicated and depicted hereon, whereby the aerial easement totals twenty one feet, six inches (21'-6") in width.

FURTHER, Owner has dedicated and by these presents does dedicate to the use of the public for public utility purposes forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional ten feet (10'-0") for ten feet (10'-0") back-to-back ground easements or seven feet (7'-0") for sixteen feet (16'-0") back-to-back ground easements, from a plane sixteen feet (16'-0") above ground level upward, located adjacent to both sides and adjoining said public utility easements that are designated with aerial easements (U.E. & A.E.) as indicated and depicted hereon, whereby the aerial easement totals thirty feet (30'-0") in width.

FURTHER, Owner does hereby dedicate forever to the public a strip, a minimum of land fifteen feet (15'-0") wide on each side of the centerline of any and all gullies, ravines, draws sloughs, or other natural drainage courses located in the said subdivision, as easements for drainage purposes, giving Montgomery County and/or any other public agency the right to enter upon said easements at any and all times for the purpose of constructing and/or maintaining drainage work and/or structures.

FURTHER, I, do hereby covenant and agree that those streets located within the boundaries of this plat specifically noted as private streets, shall be hereby established and maintained as private streets by the owners, heirs, and assigns to property located within the boundaries of this plat and always available for the general use of said owners and to the public for fireman, firefighting equipment, police and other emergency vehicles of whatever nature at all times and do hereby bind myself, my heirs, and assigns to warrant and forever defend the title to the land so designated and established as private streets.

FURTHER, all of the property subdivided in the above and foregoing map shall be restricted in its use, which restrictions shall run with the title to the property, and shall be enforceable at the option of Montgomery County, by Montgomery County or any citizen thereof, by injunction as follows:

- 1) That drainage of septic tanks into any road, street, alley or other public ditches, either directly or indirectly, is strictly prohibited.
- 2) Drainage structures under private driveways shall have a net drainage opening area of sufficient size to permit the free flow of water without backwater, and shall be a minimum of one and three quarters (1-3/4) square feet (18" diameter pipe culvert).

FURTHER, Owner does hereby declare that all parcels of land designated as lots on this plat are originally intended for the construction of residential dwelling units thereon and shall be restricted for same under the terms and conditions of such restrictions filed separately, unless otherwise noted.

FURTHER, Owner does hereby certify that it is the owner of all property immediately adjacent to the boundaries of the above and foregoing plat of BAY POINTE ESTATES ON LAKE CONROE where building setback lines or public utility easements are to be established outside the boundaries of the above and foregoing plat and does hereby make and establish all building setback lines and dedicates to the use of the public forever all public utility easements shown in said adjacent acreage.

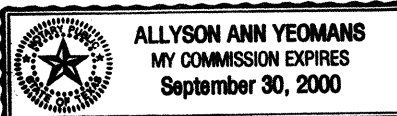
IN TESTIMONY WHEREOF, BENCHMARK DEVELOPMENT CO., acting in its capacity as authorized agent of SOUTHEAST TEXAS DEVELOPMENT GROUP, INC., has caused these presents to be signed by Paul Ryan, its President, hereunto authorized, this the 5th day of January, 1998.

SOUTHEAST TEXAS DEVELOPMENT GROUP, INC.,
dba: BENCHMARK DEVELOPMENT CO.
By: Paul Ryan
Paul Ryan, President

BEFORE ME, the undersigned authority, on this day personally appeared Paul Ryan, President of BENCHMARK DEVELOPMENT CO., authorized agent of SOUTHEAST DEVELOPMENT GROUP, INC., 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 considerations therein expressed, and in the capacity therein and herein set out, and as an act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 5th day of January, 1998.

Allison Ann Yeomans
Notary Public in and for the State of Texas.
My Commission expires: September 30, 2000



File # 9806334 Cab K Sheet 69

STATE OF TEXAS
COUNTY OF MONTGOMERY

The undersigned lien holder, being the owner and holder of a lien against the real property herein platted as BAY POINTE ESTATES ON LAKE CONROE Subdivision does hereby ratify and confirm said subdivision and dedication, and does hereby in all things subordinate to said subdivision and dedication the lien against said land held by the undersigned, FIRST BANK OF CONROE, N.A.

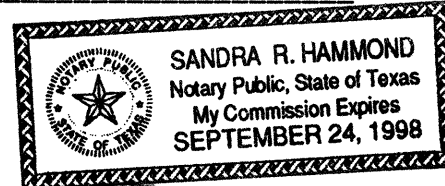
Don B. Dominey
Don B. Dominey, President
James E. Crow, Jr.
James E. Crow, Jr., Executive Vice President

BEFORE ME, the undersigned authority, on this day personally appeared Don B. Dominey, President and James E. Crow, Jr., Executive Vice President of FIRST BANK OF CONROE, N.A., 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 considerations therein expressed, and in the capacity therein and herein set out, and as an act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 5th day of January, 1998.

Sandra R. Hammond
Notary Public in and for the State of Texas.

My Commission expires:



- NOTES:
1. B.L. indicates a building line
U.E. indicates a utility easement
STM. SWR. ESM'T. indicates a storm sewer easement
W.L.E. indicates a water line easement
S.S.E. indicates a sanitary sewer easement
VOL., PG. indicates Volume, Page
M.C.M.R. indicates Montgomery County Map Records
M.C.O.P.R.R.P. indicates Montgomery County Official Public Records of Real Property
Esm't. indicates Easement
F.H.E. indicates a fire hydrant easement
R.O.S.R. indicates a Restricted Open Space Reserve
D.E. indicates a Drainage easement
 2. All non-perimeter easements on property lines are centered unless otherwise noted.
 3. All bearings are based on the Texas State Plane Coordinate System, South Central Zone.

On the 15 day of January, 1998, this plat was approved by the Planning and Zoning Commission of the City of Conroe, Texas. The approval will be automatically revoked if this plat is not filed in the Map Records of Montgomery County, Texas within one year of the date of approval.

WITNESS the official signatures of the Chairman and Secretary of the City Planning and Zoning Commission of the City of Conroe, Texas, this 15 day of January, 1998.

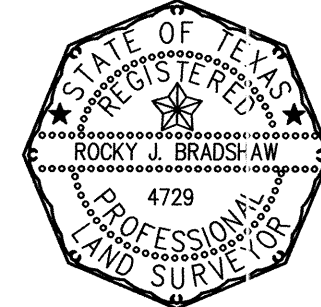
[Signature]
Chairman
[Signature]
Secretary

I, J. D. Blanton, P.E., County Engineer of Montgomery County, Texas, do hereby certify that the plat of this subdivision complies with all of the existing rules and regulations of this office as adopted by the Montgomery County Commissioners' Court.

I further certify that the plat of this subdivision complies with requirements for internal subdivision drainage as adopted by the Commissioners' Court; however, no certification is hereby given as to the effect of drainage from this subdivision on the intercepting drainage artery or parent stream or on any other area of subdivision within the watershed.

[Signature]
J. D. Blanton, P. E.
Montgomery County Engineer

I, Rocky J. Bradshaw, am authorized under the laws of the State of Texas to practice the profession of surveying and hereby certify that the above subdivision is true and correct; was prepared from an actual survey of the property made under my supervision on the ground; that the elevation benchmark reflected on the face of the plat was established as required by regulation; that all corners and angle points of the boundaries of the original tract to be subdivided of reference have been marked with iron rods having a diameter of not less than five-eighths of an inch (5/8") and a length of not less than three feet (3'); and that the plat boundary corners have been tied to the nearest survey corner.



[Signature]
Rocky J. Bradshaw
Registered Professional Land Surveyor
Texas Registration No. 4729

APPROVED by the Commissioners Court of Montgomery County, Texas, this 26 day of January, 1998.

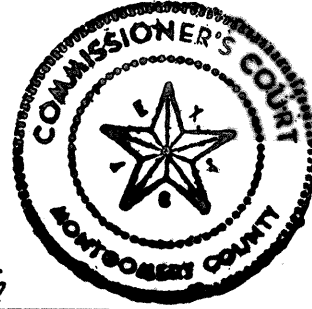
[Signature] Mike Meador, Commissioner, Precinct 1
[Signature] Malcolm Purvis, Commissioner, Precinct 2
[Signature] Alan B. Sadler, County Judge
[Signature] John Simmons, Commissioner, Precinct 4

I, Mark Turnbull, Clerk of the County Court of Montgomery County, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on January 26, 1998 at 9:30 o'clock A.M., and duly recorded on January 30, 1998 at 3:25 o'clock P.M., in Cabinet K Sheet 69-70, of record-of-Maps for said County.

WITNESS MY HAND AND SEAL OF OFFICE, at Conroe, Montgomery County, Texas, the day and date last above written.

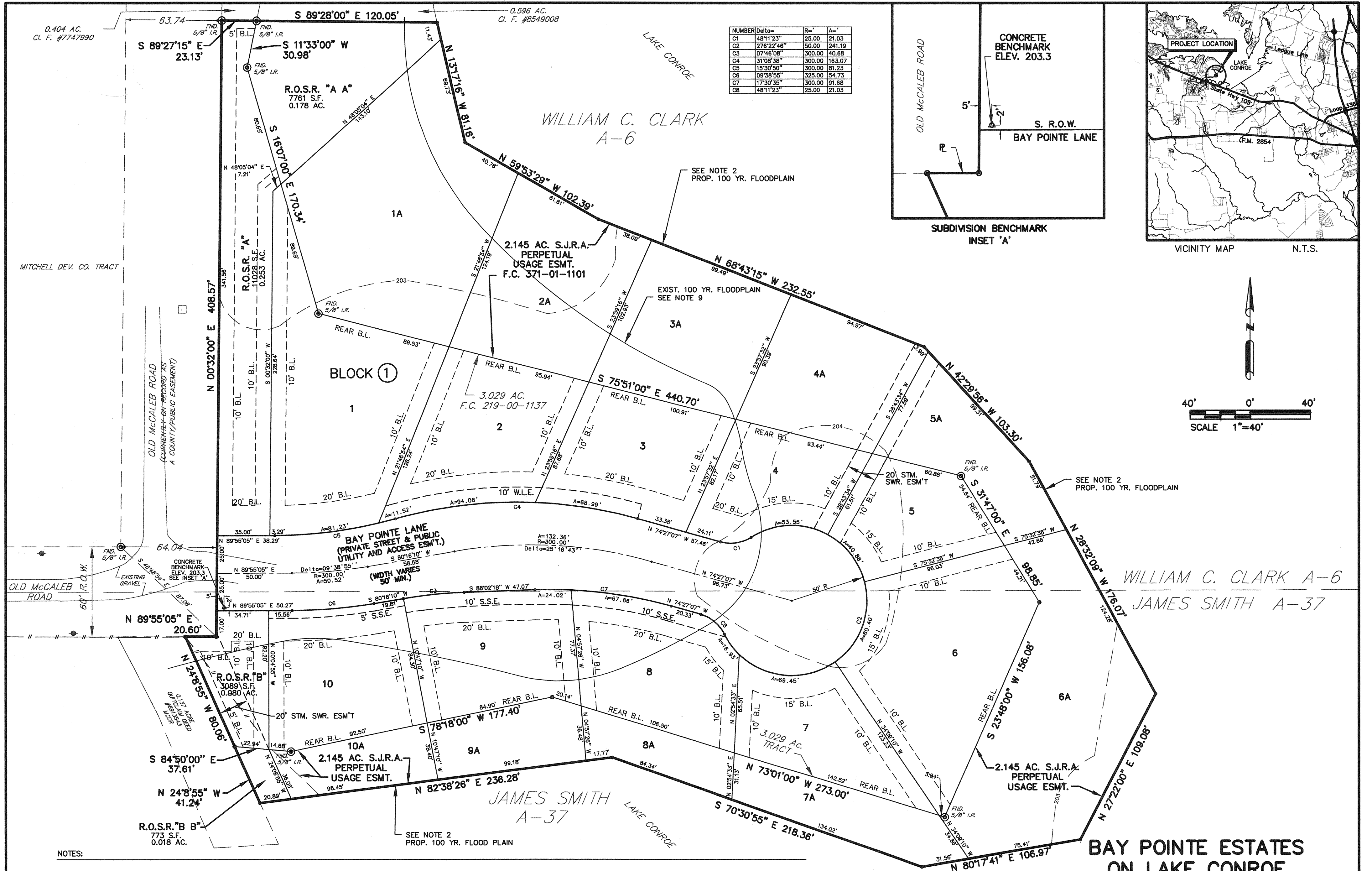
[Signature]
Mark Turnbull, Clerk of the County Court
Montgomery County, Texas.

Issued _____ By: [Signature] Deputy

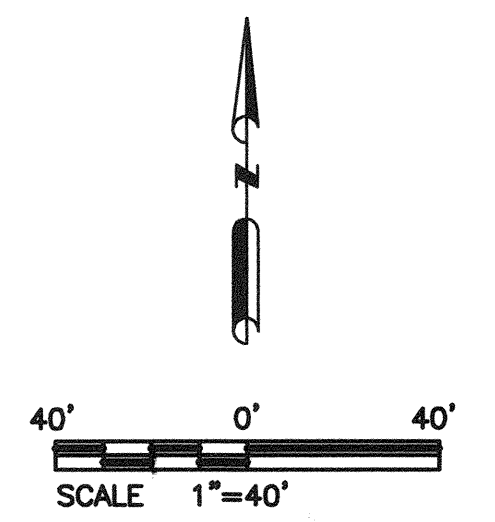
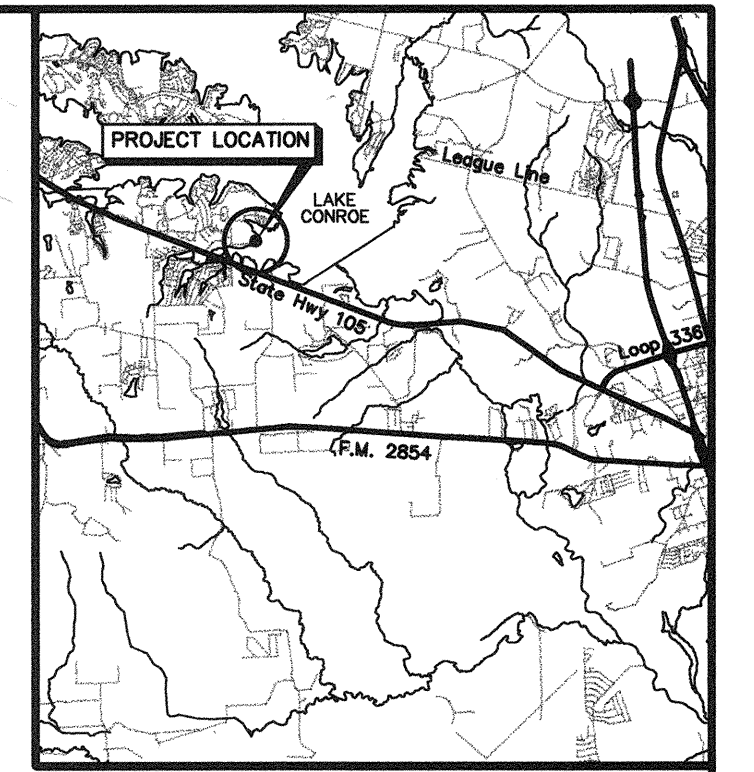
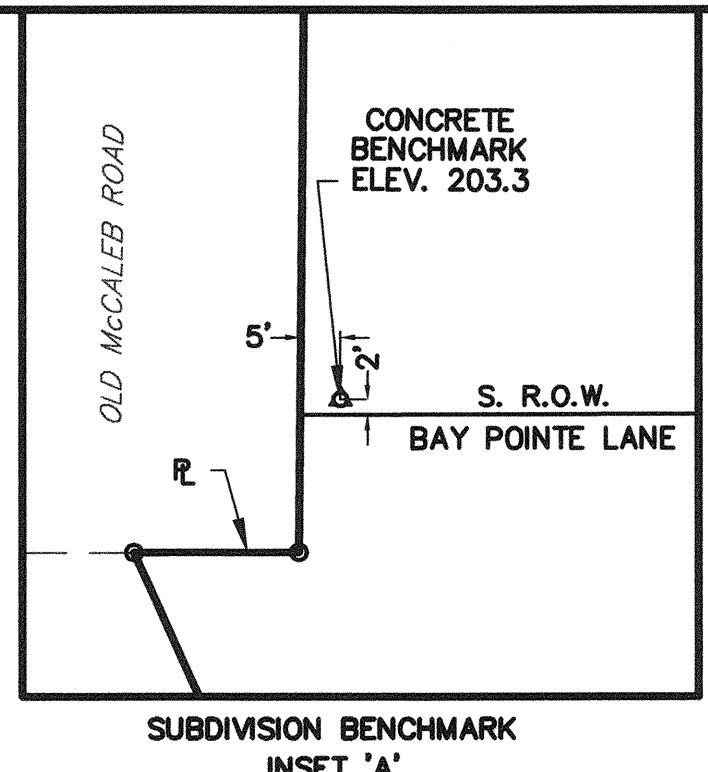


FILED FOR RECORD
98 JAN 30 PH 3:25
MARK TURNBULL, CO. CLERK
MONTGOMERY COUNTY, TEXAS
DEPUTY

**BAY POINTE ESTATES
ON LAKE CONROE**
A SUBDIVISION OF
5.200 ACRES
CONTAINING
**1 BLOCK, 2 RESTRICTED
RESERVES AND 10 LOTS**
OUT OF THE
**WILLIAM C. CLARK SURVEY, A-6 AND
THE JAMES SMITH SURVEY, A-37**
MONTGOMERY COUNTY, TEXAS
**OWNER: SOUTHEAST TEXAS
DEVELOPMENT GROUP, INC.
(dba BENCHMARK DEVELOPMENT CO.)**
2204 TIMBERLOCH PLACE, SUITE 285
THE WOODLANDS, TX, 77380
ENGINEER: PATE ENGINEERS, INC.
13405 N.W. FRWY., SUITE 300 - HOUSTON, TEXAS 77040
JOB No. 659-001-00 JANUARY 5, 1997
SHEET 1 OF 2



NUMBER	Delta	R	A
C1	48°11'23"	25.00	21.03
C2	276°22'46"	50.00	241.19
C3	07°46'08"	300.00	40.68
C4	31°08'38"	300.00	163.07
C5	15°30'50"	300.00	81.23
C6	08°38'55"	325.00	54.73
C7	17°30'35"	300.00	91.68
C8	48°11'23"	25.00	21.03



NOTES:

1. R.O.S.R. - INDICATES RESTRICTED OPEN SPACE RESERVE
2. PROPOSED 100 YEAR FLOODPLAIN; SUBJECT TO LOMA BEING APPROVED AS SUBMITTED, WILL SHOW TOTAL SUBDIVISION OUT OF FLOODPLAIN.
- 3A. THE AREAS DESIGNATED AS LOTS 1A THROUGH 10A ARE EASEMENT RIGHTS ONLY AND ARE SUBJECT TO THE TERMS AND CONDITIONS OF THE PERPETUAL USAGE EASEMENT AGREEMENT BETWEEN THE SAN JACINTO RIVER AUTHORITY AND NORMAN EATON AS RECORDED IN FILM CODE NO. 371-01-1101 REAL PROPERTY RECORDS OF MONTGOMERY COUNTY TEXAS, AS REFERENCED AND RENEWED ON DEC. 18, 1996 INSTRUMENT RECORDED UNDER FILM CODE NO. 219-00-1137 REAL PROPERTY RECORDS OF MONTGOMERY COUNTY, TEXAS AND AS RECORDED ON SEPTEMBER 23, 1997 INSTRUMENT RECORDED UNDER CLERK'S FILE NO. 9761030 REAL PROPERTY RECORDS OF MONTGOMERY COUNTY, TEXAS.
- 3B. EACH LOT "A" SHALL BE AN EASEMENT RUNNING WITH THE LAND AND MAY NOT BE SEVERED FROM THE ADJACENT LOT WITH CORRESPONDING NUMBER. THE CONVEYANCE OF EACH LOT HEREIN SHALL ALSO INCLUDE THE "A" LOT PERPETUAL EASEMENT AREA ADJACENT THERETO AND DESIGNATED WITH THE SAME LOT NUMBER.
4. MINIMUM SLAB ELEVATIONS SHALL BE 207.00 M.S.L.
5. Portions of the property in this subdivision are subject to one of the following:
 - a. A flowage and inundation easement up to 207 m.s.l. in favor of the San Jacinto River Authority (SJRA).
 - b. A waiver of damages caused by flooding or inundation in favor of SJRA above 201 m.s.l.; or
 - c. A waiver of damages caused by flooding or inundation in favor of SJRA between 201 m.s.l. and 207 m.s.l.
6. STREET CENTERLINE RADII ARE LESS THAN 600 FOOT MINIMUM (VARIANCE).
7. 5/8" IRON RODS HAVE BEEN SET AT ALL PLAT BOUNDARY AND LOT CORNERS, UNLESS OTHERWISE NOTED, AND NO CORNER STAKING IS PROVIDED ALONG THE EXTERIOR OF THE PERPETUAL USAGE EASEMENT.
8. PLAT BEARING REFERENCE BASED ON 3.029 AC. TRACT, F.C. 219-00-1137
9. EXIST. 100 YEAR FLOODPLAIN PER F.I.R.M. PANEL #48339C0335F (EFFECTIVE DATE DECEMBER 19, 1996).

BAY POINTE ESTATES ON LAKE CONROE

A SUBDIVISION OF
5.200 ACRES
 CONTAINING
1 BLOCK, 2 RESTRICTED RESERVES AND 10 LOTS

OUT OF THE
WILLIAM C. CLARK SURVEY, A-6 AND THE JAMES SMITH SURVEY, A-37
 MONTGOMERY COUNTY, TEXAS

OWNER: SOUTHEAST TEXAS DEVELOPMENT GROUP, INC. (dba BENCHMARK DEVELOPMENT CO.)

ENGINEER: PATE ENGINEERS, INC.
 13405 N.W. FRWY., SUITE 300 - HOUSTON, TEXAS 77040

JOB No. 659-001-00 JANUARY 21, 1998
 SHEET 2 OF 2

File# 9806334 Cab. K Sheet 70

PATE ENGINEERS, INC. 13405 N.W. FRWY., SUITE 300 - HOUSTON, TEXAS 77040
 281-461-1111 FAX 281-461-1112