

FORT BEND COUNTY FY 2010
COMMISSIONERS COURT AGENDA REQUEST FORM
Return Completed Form by E-Mail to: Agenda Coordinator, County Judge's Office

Date Submitted: October 20, 2010

Submitted By: Scott Wiegat

Court Agenda Date: October 26, 2010

Department: Road & Bridge

Phone Number: 281-238-3607

SUMMARY OF ITEM: Take all appropriate action on a request for variance to the Fort Bend County Platting Policy, Section 5.2B1, to grant a ten-foot wide easement on Plantation Drive to the General Land Office for the installation of a waterline for the new Fort Bend Independent School District, Precinct 3.

RENEWAL AGREEMENT/APPOINTMENT

YES

☐

NO

☒

REVIEWED BY COUNTY ATTORNEY'S OFFICE:

YES

☒

NO

☐

FINANCIAL SUMMARY:

BUDGETED ITEM: YES ☐

NO ☒

FUNDNG SOURCE: Accounting Unit: Account Number:
Activity (If Applicable):

DESCRIPTION OF LAWSOM ACCOUNT:

Instructions to submit Agenda Request Form:

- Completely fill out agenda form: incomplete forms will not be processed.
- Agenda Request Forms should be submitted by e-mail, fax, or inter-office mail, and all back-up information must be provided by Wednesday at 2:00 p.m. to all those listed below.
- All original back-up must be received in the County Judge's Office by 2:00 p.m. on Wednesday.

DISTRIBUTION:

Original Form Submitted with back up to County Judge's Office X ☐ (✓ when completed)

If by E-Mail to ospindon@co.fort-bend.tx.us

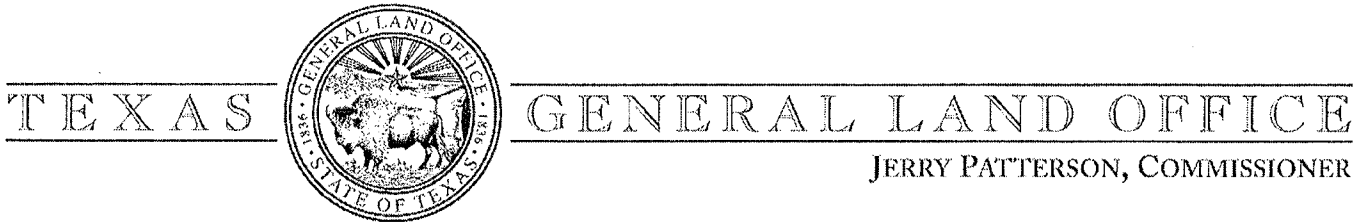
If by Fax to (281) 341-8609

Distribute copies with back-up to all listed below. If by fax, send to numbers below:

<input type="checkbox"/> Auditor	(281-341-3774)	<input checked="" type="checkbox"/> Comm. Pct. 1	(281-342-0587)
<input type="checkbox"/> Budget Officer	(281-344-3954)	<input checked="" type="checkbox"/> Comm. Pct. 2	(281-403-8009)
<input type="checkbox"/> Facilities/Planning	(281-633-7022)	<input checked="" type="checkbox"/> Comm. Pct. 3	(281-242-9060)
<input type="checkbox"/> Purchasing Agent	(281-341-8642)	<input checked="" type="checkbox"/> Comm. Pct. 4	(281-980-9077)
<input type="checkbox"/> Information Technology	(281-341-4526)	<input type="checkbox"/> County Clerk	(281-341-8697)
<input type="checkbox"/> Other:		<input checked="" type="checkbox"/> County Atty	(281-341-4557)

RECOMMENDATION / ACTION REQUESTED:

Special Handling Requested (specify):



Mr. Marc Grant
Road Commissioner
Fort Bend County Road & Bridge
201 Payne Lane
Richmond, TX 77469

Re: Variance Request

Dear Mr. Grant:

I am requesting a variance to the Fort Bend County Regulations of Subdivisions as described in Section 5.4, to Commissioners Court to grant an exception to the regulation and not require the dedication of an additional forty (40) feet of right-of-way off Plantation Road for the property described below:

Property Address: N/A

Property Survey & Abstract: William Morton One-Half League Grant, Abstract Number 62

Tax Account Number: N/A

Owners of Record: Texas General Land Office

Attachments: Field Notes
Deed

Your consideration of this request is appreciated.

Very truly yours,

Texas General Land Office
Portfolio Manager

A handwritten signature in black ink, appearing to read "Russell May", is written over the printed name.

Russell May

Stephen F. Austin Building • 1700 North Congress Avenue • Austin, Texas 78701-1495

Post Office Box 12873 • Austin, Texas 78711-2873

512-463-5001 • 800-998-4GLO

www.glo.state.tx.us

R|M|G ATTORNEYS
Rogers, Morris & Grover, L.L.P.

5718 WESTHEIMER ROAD, SUITE 1200
HOUSTON, TEXAS 77057
PHONE: (713) 960-6000 • FAX: (713) 960-6025
www.rmgllp.com

MICHELLE R. MORRIS
Direct Dial: (713) 960-6009
mmorris@rmgllp.com

October 20, 2010

Via Electronic Mail

Mr. Marc Grant
Road Commissioner
Fort Bend County Road & Bridge
201 Payne Lane
Richmond, TX 77469

Re: Requested Variance for GLO Property, more particularly described in Exhibit
"A" attached hereto.

Dear Mr. Grant:

Please be advised that the undersigned represents Fort Bend Independent School District ("Fort Bend ISD"). Fort Bend ISD is currently in negotiations with the Texas General Land Office ("GLO") to obtain a ten (10) foot waterline easement across the above referenced property. The purpose of the easement is to connect Middle School 14 to the facilities of the Pecan Grove Municipal Utility District (the "MUD"). The terms of the out of district service agreement between the MUD and Fort Bend ISD require that the waterline connecting the school to MUD facilities must be located in a ten foot exclusive easement. Fort Bend ISD and the MUD have determined that the GLO Property is the most feasible location for this easement.

As a condition to granting Fort Bend ISD the waterline easement, the GLO has asked for a variance from the Fort Bend County Regulations of Subdivisions, so that the waterline easement can be located adjacent to the existing right of way. The location of the GLO Property makes the widening of the existing road impossible; therefore, the dedication of additional right of way is unnecessary. Additionally, the GLO has indicated that it is willing to grant the easement holder the right to construct a sidewalk across its property between Middle School 14 and the Pecan Grove neighborhood.

In the event you have any questions, or would prefer to discuss this matter more fully, please do not hesitate to contact me.

Very truly yours,
ROGERS, MORRIS & GROVER, L.L.P.



Michelle R. Morris

Exhibit "A"

REVISED FIELD NOTES

FOR

1551.99 ACRES OF LAND

BEING 1551.99 ACRES OF LAND IN THE WILLIAM MORTON ONE AND ONE HALF LEAGUE GRANT, ABSTRACT NO. 62, THE JANE WILKINS ONE LEAGUE GRANT, ABSTRACT NO. 96 AND THE JESSE H. CARTWRIGHT ONE LEAGUE GRANT, ABSTRACT NO. 16, FORT BEND COUNTY, TEXAS, ALSO BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 5656.65 ACRES IN FIELD NOTES OF A SURVEY OF HARLEM STATE FARM BY R. J. MCMAHON, CIVIL ENGINEER AND TECHNICAL ASSISTANT IN THE STATE RECLAMATION DEPARTMENT DATED JANUARY 31, 1935 AND OF RECORD IN VOLUME 152, PAGE 423 OF THE DEED RECORDS OF FORT BEND COUNTY, TEXAS; SAID 1551.99 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN EIGHT NONCONTIGUOUS TRACTS AS FOLLOWS:

TRACT ONE

BEING 723.13 ACRES OF LAND IN THE WILLIAM MORTON ONE AND ONE HALF LEAGUE GRANT, ABSTRACT NO. 62, FORT BEND COUNTY, TEXAS, ALSO BEING ALL OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 180 4/5 ACRES IN A DEED DATED MAY 1, 1889 FROM J. WARTON FROST, ET AL TO L. S. ROSS, GOVERNOR OF THE STATE OF TEXAS AS RECORDED IN VOLUME V, PAGE 288, A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 1100 ACRES AND A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 200 ACRES, BOTH IN A DEED DATED JUNE 29, 1886 FROM WILLIAM H. GUKON, ET AL TO THE STATE OF TEXAS AS RECORDED IN VOLUME S, PAGE 25 AND A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 30 ACRES IN A DEED DATED SEPTEMBER 21, 1889 FROM GEORGE W. BROOKS TO L. S. ROSS, GOVERNOR OF THE STATE OF TEXAS FOR THE USE AND BENEFIT OF THE PENITENTIARIES AND THE STATE OF TEXAS AS RECORDED IN VOLUME V, PAGE 483, ALL DEED REFERENCES OF THE DEED RECORDS OF FORT BEND, COUNTY, TEXAS; SAID 723.13 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at grid coordinates Y=13797794.5927 feet and X=3010163.9333 feet, an "X" found chiseled in concrete riprap for the most southerly southwest corner of that tract described as TRACT 1, PART THREE, 274.505 acres in a deed dated December 22, 2002 from the Texas Department of Transportation to the State of Texas for the use and benefit of the Permanent School Fund as recorded in file number FBC 2003023371 of the Fort Bend County Official Public Records;

THENCE with the south line of said TRACT 1, PART THREE, 274.505 acres, N 89°33'29" E, at a distance of 38.71 feet pass 8.73 feet S 00°26'31" E of a 1/4" iron rod found, at a distance of 305.13 feet pass 0.27 feet S 00°26'31" E of a 1/2" iron rod found, in all a total distance of 1670.03 feet to a 5/8" iron rod/plastic cap stamped "TEXAS GLO" set in the east line of said Morton Grant, same being the west line of that 60 foot wide tract for use as a public road forever (existing County Road is locally known as Harlem Road) described as 32.7 acres in a deed dated July 16, 1912 from the Board of Prison Commissioners of the State of Texas to Fort Bend County as recorded in Volume 63, Page 203 of the Fort Bend County Deed Records for the northeast corner hereof, from which a 5/8" iron rod/TxDOT aluminum cap found for the southeast corner of said TRACT 1, PART THREE, 274.505 acres bears, N 89°33'29" E a distance of 40.40 feet and a 1" iron pipe found for the most northerly northeast corner of said 5656.65 acre tract bears, N 00°00'38" E a distance of 6089.60 feet;

THENCE with the west line of said Fort Bend County 32.7 acre right-of-way, S 00°00'38" W a distance of 2414.30 feet to a 5/8" iron rod/plastic cap stamped "TEXAS GLO" set for the most northerly southeast corner hereof;

THENCE departing said line and crossing said 5656.65 acre tract with the east line hereof, the following nine (9) courses and distances:

1. S 48°44'07" W a distance of 871.11 feet to a 5/8" iron rod/plastic cap stamped "TEXAS GLO" set,
2. N 83°16'57" W a distance of 2068.09 feet to a 5/8" iron rod/plastic cap stamped "TEXAS GLO" set at a fence corner,
3. S 08°26'06" W a distance of 1378.80 feet to a 5/8" iron rod/plastic cap stamped "Texas GLO" set at a fence corner,
4. S 88°03'39" E a distance of 941.67 feet to a 6" pipepost found for fence corner,
5. S 00°52'35" E a distance of 1653.74 feet to a 5/8" iron rod/plastic cap stamped "TEXAS GLO" set at a fence corner,
6. S 88°40'44" E a distance of 567.92 feet to a 5/8" iron rod/plastic cap stamped "TEXAS GLO" set in fence,
7. S 04°39'19" W a distance of 773.80 feet to a 5/8" iron rod/plastic cap stamped "TEXAS GLO" set at the intersection of the extension of two existing wire fences,
8. S 86°41'04" E a distance of 743.55 feet to a 5/8" iron rod/plastic cap stamped "TEXAS GLO" set at an angle point in fence, and
9. N 85°13'22" E a distance of 698.90 feet to a 5/8" iron rod/plastic cap stamped "TEXAS GLO" set in the east line of said Morton Grant, same being the west line of said Fort Bend County 32.7 acre right-of-way for the most southerly northeast corner hereof;

THENCE with the west line of said Fort Bend County 32.7 acre right-of-way, S 00°00'38" W a distance of 1853.40 feet to a 5/8" iron rod/plastic cap stamped "TEXAS GLO" set in fence at the intersection of the west line of said 32.7 acre tract with the north line of Plantation Drive (also known as John Sharp Road), a 60 foot public right-of-way described as 2.60 acres in a deed dated April 10, 1986 from Garry Mauro, Commissioner of the Texas General Land Office to Fort Bend County as recorded in Volume 1848, Page 795 of the Fort Bend County Official Public Records for the southeast corner hereof;

THENCE with the north line of Plantation Drive, generally along an existing wire fence, S 89°41'08" W a distance of 1859.68 feet to a 5/8" iron rod/plastic cap stamped "TEXAS GLO" set in a west line of said 5656.65 acre tract for the most southerly southwest corner hereof, from which a concrete post found for a southwest corner of said 5656.65 acre tract bears, S 00°04'33" E a distance of 527.21 feet;

THENCE with a west line of said 5656.65 acre tract, same being the east line of that tract described as 8.271 acres in a deed dated December 31, 1979 from Pecan Grove Associates to Pecan Grove Municipal Utility District No. 1 as recorded in Volume 878, Page 9 of the Fort Bend County Deed Records, generally along an existing wire fence, N 00°04'33" W a distance of 180.02 feet to a concrete post found for the northeast corner of said 8.271 acre tract;

THENCE with a south line of said 5656.65 acre tract, same being the north line of said 8.271 acre tract, generally along an existing wire fence, S 89°39'00" W (the basis of bearing line) a distance of 1695.40 feet to a concrete post found for the southeast corner of that tract described as 17.312 acres in a deed dated December 31, 1979 from Pecan Grove Associates to Pecan Grove Municipal Utility District No. 1 as recorded in Volume 878, Page 9 of the Fort Bend County Deed Records;

THENCE with a west line of said 5656.65 acre tract, same being an east line of said 17.312 acre tract, generally along an existing wire fence, N 00°06'21" E a distance of 2983.38 feet to a concrete post found for a reentrant corner of said 5656.65 acre tract;

THENCE with a south line of said 5656.65 acre tract, same being a north line of said 17.312 acre tract, generally along an existing wire fence, N 89°56'14" W a distance of 2668.98 feet to a concrete post found for the most westerly southwest corner of said 5656.65 acre tract;

THENCE with the west line of said 5656.65 acre tract, same being an east line of said 17.312 acre tract, generally along an existing wire fence, N 00°05'34" E a distance of 2944.38 feet to a concrete post found for the most westerly northwest corner of said 5656.65 acre tract;

THENCE with a north line of said 5656.65 acre tract, generally along an existing wire fence, S 89°44'14" E, at a distance of 1027.31 feet pass 0.10 feet S 00°15'46" W of a ½" iron pipe found for the most northerly southeast corner of said 17.312 acre tract, at a distance of 2077.64 feet pass 1.41 feet S 00°15'46" W of a 5/8" iron rod/plastic cap stamped "1535/4035" found, in all a total distance of 2690.34 feet to a concrete post found for the southeast corner of that tract described as 10.64 acres in a deed dated February 15, 1993 from Irvin Goldstein, et al to Richard L. Leiker and wife, Katherine A. Leiker as recorded in Volume 2492, Page 723 of the Fort Bend County Official Public Records;

THENCE with a west line of said 5656.65 acre tract, generally along an existing wire fence, N 00°31'29" E, at a distance of 828.70 feet pass 7.81 feet N 89°28'31" W of a 5/8" iron rod found, at a distance of 3022.48 feet pass 13.93 feet N 89°28'31" W of a 5/8" iron rod/plastic cap stamped "Carter & Burgess" found for the southeast corner of Waterside Estates, Section Four, a subdivision of record in slide number 2069B of the Fort Bend County Plat Records, in all a total distance of 3562.67 feet to a 5/8" iron rod/plastic cap stamped "TEXAS GLO" set for the northwest corner hereof, from which the reestablished northwest corner of said 5656.65 acre tract bears, N 00°31'29" E a distance of 4844.92 feet;

THENCE departing said line and crossing said 5656.65 acre tract with the south line of said TRACT 1, PART THREE, 274.505 acres and a westerly extension thereof, the following two (2) courses and distances:

1. N 89°01'49" E, at a distance of 12.31 feet pass the reestablished southwest corner of said TRACT 1, PART THREE, 274.505 acres, in all a total distance of 1704.37 feet to a 5/8" iron rod/TxDOT aluminum cap found, and
2. S 05°21'27" E a distance of 1268.84 feet to the **POINT OF BEGINNING** and containing 723.13 acres of land.

TRACT TWO

BEING 101.79 ACRES OF LAND IN THE JANE WILKINS ONE LEAGUE GRANT, ABSTRACT NO. 96, FORT BEND COUNTY, TEXAS, ALSO BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 560 1/2 ACRES IN A DEED DATED JUNE 29, 1886 FROM WILLIAM H. GUION, ET AL TO THE STATE OF TEXAS AS RECORDED IN VOLUME S, PAGE 25 OF THE DEED RECORDS OF FORT BEND COUNTY, TEXAS; SAID 101.79 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at grid coordinates Y=13797681.2356 feet and X=3013511.5385 feet, a 5/8" iron rod/plastic cap stamped "TEXAS GLO" set at the intersection of the west line of State Highway No. 99 (locally known as Grand Parkway), a variable width controlled access highway facility, with the south line of that tract described as TRACT 1, PART TWO, 66.691 acres in a deed dated December 22, 2002 from the Texas Department of Transportation to the State of Texas for the use and benefit of the Permanent School Fund as recorded in file number FBC 2003023371 of the Fort Bend County Official Public Records, from which a 5/8" iron rod/TxDOT aluminum cap found for the southeast corner of said TRACT 1, PART TWO, 66.691 acres bears, S 79°42'34" E a distance of 5.48 feet and another 5/8" iron rod/TxDOT aluminum cap found in the west line of said State Highway No. 99 bears, N 20°38'03" W a distance of 231.96 feet;

THENCE with the west line of said State Highway No. 99, S 20°38'03" E a distance of 2201.52