

# FORT BEND COUNTY DRAINAGE DISTRICT

## RIGHT OF WAY EASEMENT AND PARTIAL ABANDONMENT

THE STATE OF TEXAS,  
COUNTY OF FORT BEND,

KNOW ALL MEN BY THESE PRESENTS: That the undersigned:

FLORIENE P. STERN (AS TRUSTEE OF LONNIE H. STERN TRUST)

415 AIRYBROOK LANE

HOUSTON, TX 77094

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 Fort Bend County 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, bargained, sold and conveyed, and by these presents hereby grants, bargains, sells and conveys unto said Fort Bend County Drainage District, a corporation (hereinafter called the DISTRICT), of Fort Bend 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 Fort Bend County, Texas, to-wit:

~~The DISTRICT shall have an easement of an aggregate width of \_\_\_\_\_ feet, being \_\_\_\_\_ feet, extending at right angles, on each side of the following line and course across said land, to-wit:~~

The District shall have an additional easement totaling 0.0441 acres parallel and adjacent to the westerly side of an existing easement totaling 2.3808 acres, previously recorded in Fort Bend County Official Property Records, Instrument No. 2010018727, which when combined with an additional existing easement 80 feet in width previously recorded in Volume 323, on Page 203, of the Deed Records of Fort Bend County Texas, shall provide a strip of land totaling 120 feet in width extending at right angles on the left side, going upstream of the center line or thread of Big Creek as creek flows along a well-defined channel along the north and east side of Grantor's land situated in the Barnabas Wickson League A-95 in Fort Bend County, Texas, and more particularly described in the attached Exhibit "A".

In addition, the Drainage District shall abandon a 0.0441 acre portion of the existing drainage easement totaling 2.3808 acres, previously recorded in Fort Bend County Official Property Records, Instrument No. 2010018727, more particularly described in the attached Exhibit "A" as "ABANDONMENT - PARTIAL 2010 D.E." and the attached field note description.

During channel construction and during channel maintenance operation, 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.



THE STATE OF TEXAS

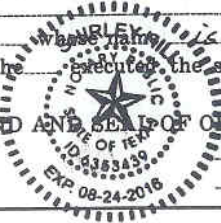
COUNTY OF Harris

BEFORE ME Shirley Hill

notary, in and for Harris County, Texas, on this day personally appeared Ernest Robert Stern

known to me to be the person Ernest Robert Stern 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 18th day of July, A. D. 2016 Shirley Hill (L. S.) Aug. 24, 2016



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 of the said \_\_\_\_\_ 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.) \_\_\_\_\_

ENDORSEMENTS

THE STATE OF TEXAS, }  
County of \_\_\_\_\_

I, \_\_\_\_\_, Clerk of the County Court of said County, do hereby certify that the foregoing instrument of writing, dated the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 19\_\_\_\_\_, with its authentication, was filed for record in my office on the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 19\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and duly recorded this the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 19\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., in the Deed Records of said County, in Volume \_\_\_\_\_ on Page \_\_\_\_\_.

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

Clerk of Court, \_\_\_\_\_ County, Texas.  
By \_\_\_\_\_, Deputy

**RIGHT-OF-WAY  
EASEMENT**

BY

TO

**FORT BEND COUNTY  
DRAINAGE DISTRICT**

Filed for Record

This \_\_\_\_\_ day of \_\_\_\_\_

A. D. 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

Recorded

This \_\_\_\_\_ day of \_\_\_\_\_

A. D. 19\_\_\_\_, in \_\_\_\_\_

County, Texas, Records of Deeds.

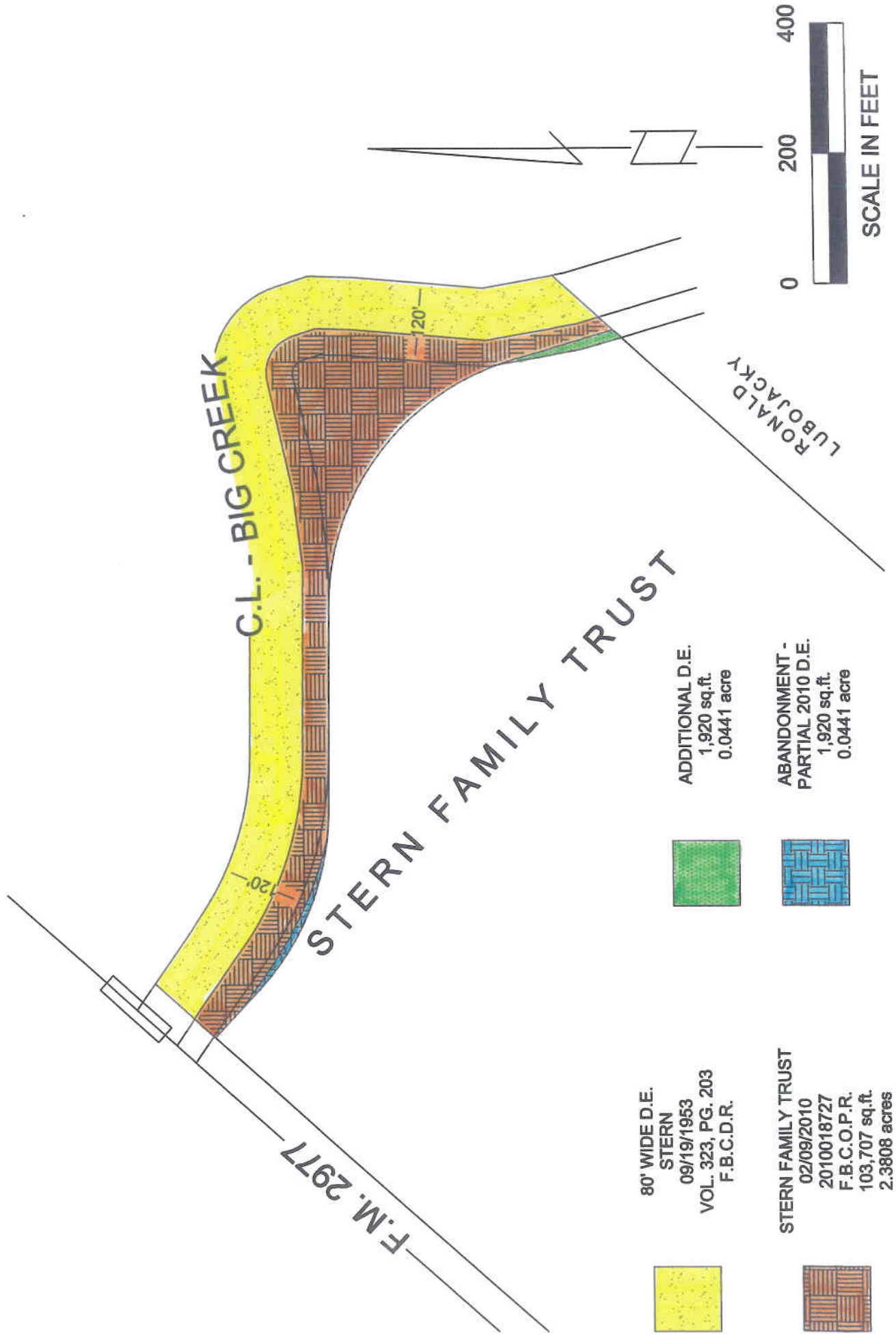
Book \_\_\_\_\_ Page \_\_\_\_\_

Clerk

Deputy

Return to:

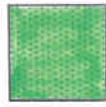
**EXHIBIT "A"**  
**'STERN FAMILY TRUST' TRACT**  
**BIG CREEK ~ SEGMENT FOUR**



80' WIDE D.E.  
 STERN  
 09/19/1953  
 VOL. 323, PG. 203  
 F.B.C.D.R.



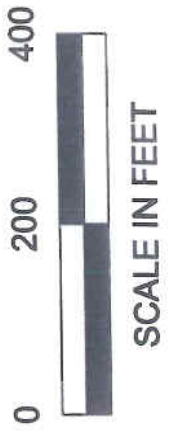
STERN FAMILY TRUST  
 02/09/2010  
 2010018727  
 F.B.C.O.P.R.  
 103,707 sq.ft.  
 2.3808 acres



ADDITIONAL D.E.  
 1,920 sq.ft.  
 0.0441 acre



ABANDONMENT -  
 PARTIAL 2010 D.E.  
 1,920 sq.ft.  
 0.0441 acre



***Abandonment of Portion out of 2.3808 Acre Drainage Easement  
0.0441 acre in the B. Wickson League, Abstract No. 95,  
Fort Bend County, Texas***

A FIELD NOTE DESCRIPTION of 0.0441 acre (1,920 square feet) of land in the B. Wickson League, Abstract No. 95, Fort Bend County, Texas; said 0.0441 acre tract being out of an existing 2.3808 acre drainage easement conveyed from Stern Family Trust to Fort Bend County Drainage District, 2010018727, F.B.C.O.P.R., said tract being more particularly described by metes and bounds as follows:

COMMENCING FOR REFERENCE at the most westerly corner of the aforementioned 2.3808 acre drainage easement;

THENCE S47°48'47"E – 63.28' to the most westerly corner and **POINT OF BEGINNING** of this tract;

THENCE S47°48'47"E – 37.00' to a point-of-curvature;

THENCE in a southeasterly direction with a curve to the left having a radius of 415.00', a central angle of 35°54'33", a length of 260.09' and a chord bearing S65°46'03"E – 255.86' to a point-of-tangency/point-of-curvature;

THENCE in a northwesterly direction with a curve to the right having a radius of 581.56', a central angle of 21°30'12", a length of 218.26' and a chord bearing N66°17'12"W – 216.98' to a point-of-tangency;

THENCE N55°32'07"W – 75.28' to the POINT OF BEGINNING and containing 0.0441 acre (1,920 square feet) of land.