

THE STATE OF TEXAS           §  
  §  
COUNTY OF FORT BEND       §

**RESOLUTION AND ORDER DECREERING THE ACQUISITION OF PROPERTY TO BE A PUBLIC NECESSITY AND AUTHORIZING THE ACQUISITION AND PAYMENT OF COMPENSATION**

**WHEREAS**, on the \_\_\_\_ day of \_\_\_\_\_, 2019, at a regular meeting of the Commissioners Court of Fort Bend County, Texas, sitting as the governing body of Fort Bend County, upon motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and upon record vote, passed \_\_\_\_ votes in favor \_\_\_\_ votes opposed:

**RESOLUTION**

**RESOLVED THAT WHEREAS**, the Commissioners Court has received and reviewed the plans for a public project known as the Sims Road Project #17119x, Precinct 1, in Fort Bend County, Texas; and,

**WHEREAS**, Commissioners Court has determined that public necessity and convenience exists for the location, alignment, construction, operation, and maintenance, including appurtenant drainage and detention requirements, of a public project known as the Sims Road Project #17119x, Precinct 1 beginning 1500’ southwest of Texas Spur 10 and ending at Cottonwood School Road Intersection Texas Spur 10 in Fort Bend County, Texas, in accordance with said plans, alignment, and tract identifications which are made a part hereof as Exhibit A:

**ORDER**

**NOW THEREFORE, IT IS ORDERED AND DECREED** that the plans for the location, alignment, construction, operation, and maintenance, including appurtenant drainage and detention requirements, of the public project known as the Sims Road Project #17119x, Precinct 1 beginning 1500’ southwest of Texas Spur 10 and ending at Cottonwood School Road Intersection Texas Spur 10 in Fort Bend County, Texas, is approved.

**IT IS FURTHER ORDERED AND DECREED** that public necessity and convenience exist for the public project, known as the Sims Road Project #17119x, Precinct 1 beginning 1500' southwest of Texas Spur 10 and ending at Cottonwood School Road Intersection Texas Spur 10 in Fort Bend County, Texas, and that the County Engineer be authorized and directed to obtain appraisals, surveys, title information and/or make official offers of specific amount for the purchase of either easement or the fee simple interest in and to the tract(s) situated within such alignment as shown in Exhibit A; that the County Attorney be authorized and directed, and he is hereby authorized and directed to file or cause to be filed proceedings in eminent domain and to acquire thereby easement or fee simple interest for said purposes in the tract(s) which cannot be acquired as aforesaid by donation, dedication, or purchase.

**IT IS FURTHER ORDERED AND DECREED** that this Resolution and Order apply to any and all parcels of land that must be condemned for this project, that the County Judge, or designated representative be authorized and directed to sign any papers or agreements associated with closing the purchase(s); the County Attorney, County Clerk, County Auditor and County Treasurer be authorized and directed to perform any and all necessary acts within their respective spheres of official duties toward the final acquisition of the tract(s) of land, or interest(s) therein, together with the improvement if any, within the said public project known as the Sims Road Project #17119x, Precinct 1 beginning 1500' southwest of Texas Spur 10 and ending at Cottonwood School Road Intersection Texas Spur 10, in Fort Bend County, Texas and the payment and compensation therefore.

**PASSED AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2019.

**FORT BEND COUNTY**

ATTEST:

\_\_\_\_\_  
KP George, County Judge

\_\_\_\_\_  
Laura Richard, County Clerk

**METES AND BOUNDS DESCRIPTION  
5.5670-ACRES IN THE  
J.T. PEAK SURVEY, ABSTRACT NUMBER 666  
FORT BEND COUNTY, TEXAS**

A 5.5670-ACRE TRACT OF LAND SITUATED IN THE J.T. PEAK SURVEY, ABSTRACT NUMBER 666, FORT BEND COUNTY, TEXAS, BEING OUT OF A CALLED 73.24-ACRE TRACT OF LAND DESCRIBED IN DEED TO WILLIAM PEAK GAUPP RECORDED UNDER FORT BEND COUNTY CLERK'S FILE NUMBER 2009053748 OF THE OFFICIAL PUBLIC RECORDS, SAID 5.5670-ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, (BEARINGS BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE (4204), AS DETERMINED BY GPS MEASUREMENTS):

**COMMENCING** at a 5/8-inch iron rod with a TxDot aluminum disk found in the northwesterly right-of-way line of Spur 10 (width varies) and the southeasterly right-of-way line of Sims Road dedicated by the plat of Cottonwood Meadows Subdivision recorded on Slide Number 2361-A of the Fort Bend County Plat Records, marking the north corner of Lot 7 of said Cottonwood Meadows Subdivision;

**THENCE** North 47°51'28" West, 50.00 feet to a point in the northwest line of the H&TC RR CO Section 1 Survey Abstract Number 207, the southeast line of said J.T. Peak Survey, Abstract Number 666 and the southeast line of said called 73.24-acre tract to the **POINT OF BEGINNING** of the herein described tract of land, within the margins of said Sims Road;

- (1) **THENCE** South 42°08'29" West, 1,393.96 feet within the margins of said Sims Road, with the northwest line of said H&TC RR CO Section 1 Survey, Abstract Number 207 and said Cottonwood Meadows Subdivision, the southeast line of said J.T. Peak Survey, Abstract Number 666 and the southeast line of said called 73.24-acre tract, and, to a PK nail with shiner set for the most southerly east corner of the herein described tract of land;

**THENCE** over and across said called 73.24-acre tract the following seven (7) courses;

- (2) North 47°42'55" West, at 36.38 feet pass the recognized northwest right-of-way line of said Sims Road, continuing in all a total distance of 50.00 feet to a 5/8-inch iron rod with cap stamped "RPLS 5485" set at the point of curvature of a non-tangent curve to the left marking the west corner of the herein described tract of land;
- (3) In a northeasterly direction, 605.98 feet along the arc of said curve to the left, having a radius of 1,950.00 feet, a central angle of 17°48'18" and a chord which bears North 33°22'56" East, 603.54 feet to a 5/8-inch iron rod with cap stamped "RPLS 5485" set at the point of tangency;
- (4) North 24°28'47" East, 113.36 feet to a 5/8-inch iron rod with cap stamped "RPLS 5485" set at the point of curvature of a curve to the right;

- (5) In a northeasterly direction 637.06 feet along the arc of said curve to the right, having a radius of 2,050.00 feet, a central angle of 17°48'18" and a chord which bears North 33°22'56" East, 634.50 feet to a 5/8-inch iron rod with cap stamped "RPLS 5485" set at the point of tangency;
- (6) North 42°17'05" East, 36.84 feet to a 5/8-inch iron rod with cap stamped "RPLS 5485" set at an interior corner of the herein described tract of land;
- (7) North 02°20'56" West, 35.59 feet to a 5/8-inch iron rod with cap stamped "RPLS 5485" set in the northwest right-of-way line of said Spur 10 (width varies) marking a westerly north corner of the herein described tract of land from which a 5/8-inch iron rod with TxDot aluminum disk bears North 47°51'28" West 4,951.57 feet;
- (8) North 42°08'32" East, 30.00 feet to a point in the southwest line of H&TC RR CO, Section 9 Survey, Abstract Number 211, the northeast line of said J.T. Peak Survey, Abstract Number 666, and said called 73.24-acre tract, same being the most northerly corner of the herein described tract of land;
- (9) **THENCE** South 47°51'28" East, 297.77 feet, with the southwest line of said called H&TCRR CO, Section 9 Survey and the I.V. Haney Survey, Abstract 575, the northeast line of said J.T. Peak Survey, Abstract Number 666 and said called 73.24-acre tract to a point at the common corner of said H&TC RR CO, Section 1, Abstract Number 207, the east corner of said J.T. Peak Survey, Abstract Number 666, said called 73.24-acre tract and the herein described tract of land;
- (10) **THENCE** South 42°08'29" West, 30.00 feet, within the margins of said Sims Road, with southeast line of said J.T. Peak Survey, Abstract Number 666 and said called 73.24-acre tract to the **POINT OF BEGINNING** and containing 5.5670 acres of land (242,501 square feet), of which 1.3694 acres of land lies in the existing right-of-way line and leaving a **PROPOSED NET TAKING** of 4.1977 acres of land more or less. This description accompanies a proposed right-of-way map, prepared by KM Surveying, LLC and dated this the 15 day of November, 2018. (Revised November 20<sup>th</sup>, 2018)

## KM SURVEYING, LLC

Kevin Drew McRae, R.P.L.S.  
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Rosenberg, Tx 77471

Date: 11/19/18 MR  
Job No: 2030-1801  
File No: Z:\KM PROJECTS\2030-1801\documents\technical\2030-1801-desc-R1.doc

