

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

CONSENT TO ENCROACHMENT – SURFACE WATER TRANSMISSION LINE

THE STATE OF TEXAS §
§ KNOW ALL MEN BY THESE PRESENTS
COUNTY OF FORT BEND §

THAT, Fort Bend County Levee Improvement District No. 17 (“LID 17”) owns the following real property in Fort Bend County, Texas:

A 0.093 acre tract of land situated in the Alexander Hodge League Survey, Abstract No. 32, and the S.M. Williams Survey, Abstract No. 97, City of Sugar Land, Fort Bend County, Texas, and being out of the Residue of the called 22.118 acre tract conveyed unto Fort Bend County Levee Improvement District No. 17 as recorded under Instrument No. 2009130558 of the Official Public Records of Fort Bend County, Texas (the “LID 17 Property”).

By instrument recorded in File No. 8904053 of the Fort Bend County Real Property Records, Fort Bend County Drainage District (“District”) was granted a 135’ wide right of way easement across the LID 17 Property, described as follows:

Tract #3. A tract of land containing 20.6834 acres, located in the Alexander Hodge League A-32, Fort Bend County, Texas, said tract being out of the State of Texas 5202.88 acre tract as recorded in Vol. 152, Pg. 425, Fort Bend County Deed Records (the “District Easement”).

The City of Sugar Land, Texas (“City”) is requesting permission from the District to lay, construct, reconstruct, install, maintain, repair, modify, replace, relocate (within the District Easement), remove, use, and operate one or more lines, pipes, conduits, and related facilities for the collection and conveyance of water (the “Improvements”) within the District Easement, as described in Exhibit A, and shown in Exhibit B (“Encroachment Area”). The District agrees to give the City consent to lay, construct, reconstruct, install, maintain, repair, modify, replace, relocate (within the District Easement), remove, use, and operate the Improvements within the District Easement under the conditions of this Consent to Encroachment.

In consideration of the granting of this Consent to Encroachment, the District agrees as follows:

1. The District's consent to encroachment is limited to the location of the Improvements as described and shown in Exhibits A and B.
2. The City will comply with all governmental laws and regulations applicable to the laying, construction, reconstruction, installation, maintenance, repair, modification, replacement, relocation, removal, use, and operation of the Improvements.
3. Prior to the construction and installation of the Improvements, City shall submit for review and approval by District a summary of the proposed Improvements to be constructed and installed in the District Easement. Such submission shall include design plans, diagrams, and specifications showing the location of the proposed Improvements, the manner of construction, and the materials to be used therein. City shall also obtain the necessary and requisite permits for any work within the District Easement. No such construction or installation of the Improvements shall proceed without the express written approval of District.
4. After the construction of the Improvements, the City must perpetually maintain and keep the Improvements within the District Easement in good condition and repair, and the City is solely liable for the cost of laying, construction, reconstruction, installation, maintenance, repair, modification, replacement, relocation, removal, use, and operation of the Improvements.
5. The City may not construct, install or maintain the Improvements within two feet (2') vertically or horizontally from any other public utility facility located within the District Easement.
6. Nothing in this Consent to Encroachment shall be deemed to waive, modify or amend any legal defense available at law or in equity to either the District or the City, or their officers or employees nor to create any legal rights or claims on behalf of any third party. Neither the District or the City, nor their officers or employees waives, modifies or alters to any extent whatsoever the availability of the defense of governmental immunity under Texas law.
7. This Consent to Encroachment shall be binding on the parties' successors, assigns, and grantees.
8. Nothing herein shall be construed to be waiver of any restrictions or ordinance, nor shall it be construed to be a waiver of any permits or approval of any third parties, governmental or otherwise, for the construction of structures except as herein provided.

9. This Consent to Encroachment is not effective until the City records an executed copy in the Real Property Records of Fort Bend County and provides a recorded copy of the recorded instrument to the District. The City's obligations contained in this Agreement run with the land.

GRANTOR:

FORT BEND COUNTY DRAINAGE DISTRICT

By:
Name: _____
Title: _____
Date: _____, 2022

STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

This instrument was acknowledged before me on this _____ day of _____, 2022 by _____, _____ of the Board of Directors of FORT BEND COUNTY DRAINAGE DISTRICT.

Notary Public, State of Texas
Notary's name (printed):

Notary's commission expires:

GRANTEE:

Pursuant to Section 2-11 (a) (7) a. of the Sugar Land Code of Ordinances, the City Manager of the City of Sugar Land accepts this Consent to Encroach – Surface Water Transmission Line on behalf of the City of Sugar Land.

By: _____
Michael W. Goodrum, City Manager

Date: _____, 2022

STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

This instrument was acknowledged before me on this _____ day of _____, 2022, by Michael W. Goodrum, City Manager of the City of Sugar Land.

Notary Public, State of Texas
Notary's name (printed):

Notary's commission expires:

AFTER RECORDING RETURN TO:
City of Sugar Land
City Secretary's Office
P.O. Box 110
Sugar Land, Texas 77487-0110

Attachments:
Exhibit A – Metes & Bounds Description of Encroachment Area
Exhibit B – Survey Map of Encroachment Area

EXHIBIT A

Metes & Bounds Description of Encroachment Area

EXHIBIT "A"

**CITY OF SUGAR LAND
SURFACE TRANSMISSION PIPELINE PROJECT
CITY PROJECT 2019-559705
PARCEL NO. PE-3
PERMANENT WATER LINE EASEMENT
ALEXANDER HODGE LEAGUE SURVEY, A-32 AND S.M. WILLIAMS SURVEY, A-97
CITY OF SUGAR LAND, FORT BEND COUNTY, TEXAS**

Being a 0.093 acre tract of land situated in the Alexander Hodge League Survey, Abstract No. 32, and the S.M. Williams Survey, Abstract No. 97, City of Sugar Land, Fort Bend County, Texas, and being out of the called 20.6834 acre tract conveyed unto Fort Bend Drainage District as recorded under Instrument No. 8904053 of the Official Public Records of Fort Bend County, Texas, said 0.093 acre tract being more particularly described by metes and bounds as follows:

COMMENCING at a 5/8-inch iron rod with cap stamped "LJA ENG." found at the northwest corner of the called 3.000 acre tract conveyed unto Fort Bend County Levee Improvement District No. 17 as recorded under Instrument No. 2014094228 of the Official Public Records of Fort Bend County, Texas, said 5/8-inch iron rod with cap being at an exterior corner of the called 18.688 acre tract conveyed unto Fort Bend County Levee Improvement District No. 17 as recorded under Instrument No. 2007115781 of the Official Public Records of Fort Bend County, Texas, said 5/8-inch iron rod with cap being in the east line of the called 12.951 acre tract conveyed unto Fort Bend County Levee Improvement District No. 17 as recorded under Instrument No. 2014126419 of the Official Public Records of Fort Bend County, Texas; **THENCE**, North 87 degrees 12 minutes 13 seconds East, with the north line of said 3.000 acre tract common with an interior line of said 18.688 acre tract, for a distance of 341.16 feet, to a 5/8-inch iron rod with cap stamped "LJA ENG." found at an northeast corner said 3.000 acre tract, said 5/8-inch iron rod with cap being at an interior angle corner of said 18.688 acre tract; **THENCE**, South 39 degrees 37 minutes 19 seconds East, with the east line of said 3.000 acre tract common with an interior line of said 18.688 acre tract, for a distance of 290.90 feet, to a point for corner; **THENCE**, North 50 degrees 17 minutes 50 seconds East, over and across said 18.688 acre tract, for a distance of 100.09 feet, to a point being in an interior line of the called 20.6834 acre tract conveyed unto Fort Bend Drainage District as recorded under Instrument No. 8904053 of the Official Public Records of Fort Bend County, Texas common with an interior line of said 18.688 acre tract, said point being the west corner and **POINT OF BEGINNING** of the herein described 0.093 acre tract;

THENCE, North 50 degrees 17 minutes 50 seconds East, over and across said 20.6834 acre tract, for a distance of 135.03 feet, to a point being in the west line of the 1.5382 acre tract conveyed unto Fort Bend County Levee Improvement District No. 2 as recorded under Instrument No. 2020180011 of the Official Public Records of Fort Bend County, Texas common with an exterior line of said 20.6834 acre tract, said point being the north corner of the herein described 0.093 acre tract;

THENCE, South 39 degrees 37 minutes 19 seconds East, with said west line of the 1.5382 acre tract common with said exterior line of the 20.6834 acre tract, for a distance of 30.00 feet, to a point for the east corner of the herein described 0.093 acre tract;

(Exhibit "A") Page 1 of 2

THENCE, South 50 degrees 17 minutes 50 seconds West, over and across said 20.6834 acre tract, for a distance of 135.03 feet, to a point being in said interior line of the 20.6834 acre tract common with said interior line of the 18.688 acre tract, said point being the south corner of the herein described 0.093 acre tract;

THENCE, North 39 degrees 37 minutes 19 seconds West, with said interior line of the 20.6834 acre tract common with said interior line of the 18.688 acre tract, for a distance of 30.00 feet, to the **POINT OF BEGINNING**, and containing 0.093 acres of land (4,051 square feet), more or less.

Notes:

- (1) A plat of even date accompanies this legal description.
- (2) Bearings and coordinates are referenced to the Texas State Plane Coordinate System, NAD-83 (2011), South Central Zone (4204). All distances and areas shown are surface.

Job No. FNI_2009.00

Date: May 16, 2022

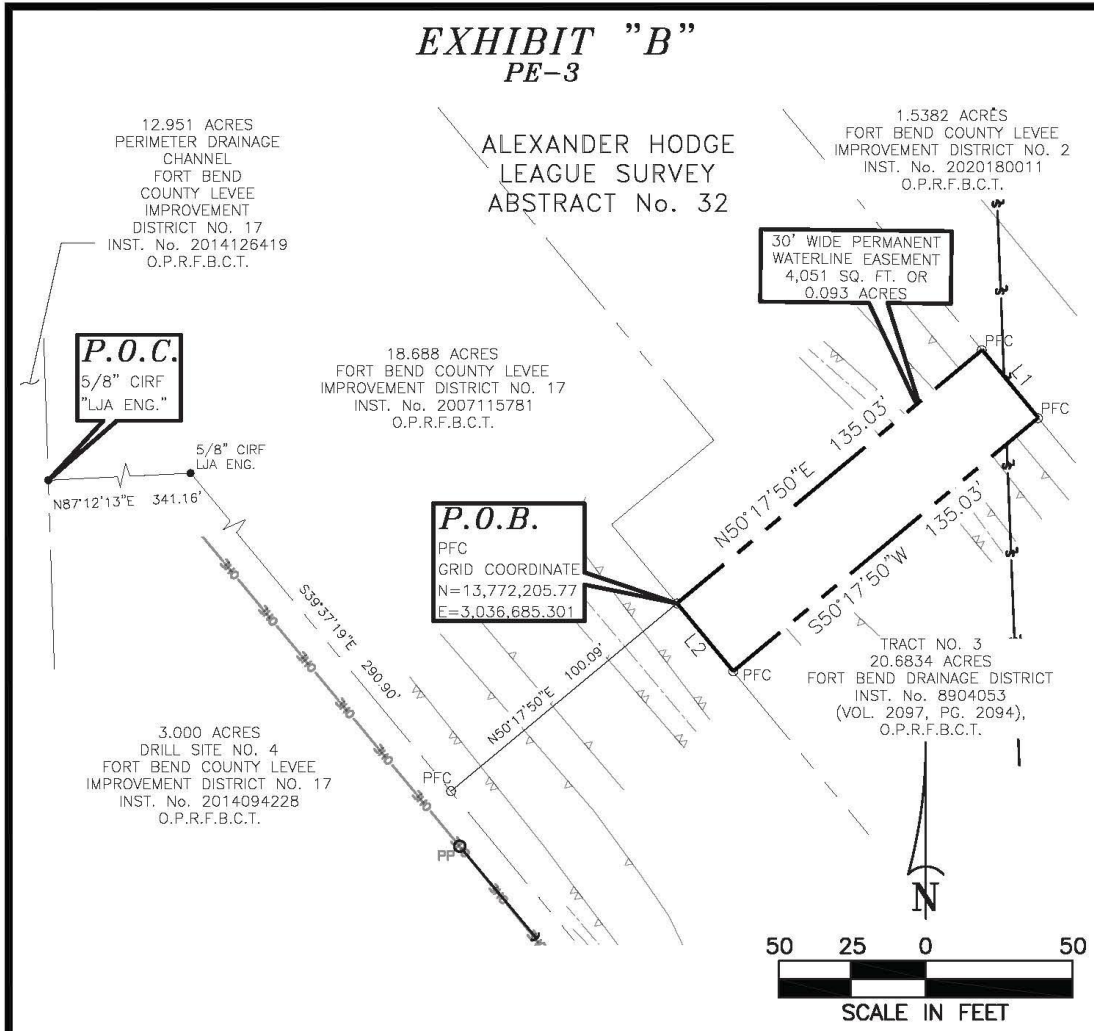


Kevin Marquez
Registered Professional Land Surveyor
Texas No. 6914
Gorrondona & Associates, Inc.
Firm No. 10106902

(Exhibit "A") Page 2 of 2

EXHIBIT B

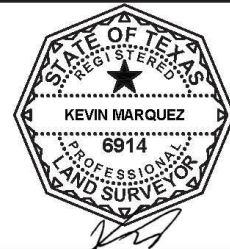
Survey Map of Encroachment Area



City of Sugar Land

2700 TOWN CENTER BLVD. NORTH • SUGAR LAND, TEXAS 77479

**SURFACE WATER TRANSMISSION LINE
EASEMENT PREPARATION**



PE-3	CITY PROJ. NO. 2019-559705	
PERMANENT WATERLINE EASEMENT		
OWNER: FORT BEND DRAINAGE DISTRICT DRAINAGE EASEMENT		
SURVEY: ALEXANDER HODGE LEAGUE SURVEY, A-32 AND S.M. WILLIAMS SURVEY, A-97		
LOCATION: CITY OF SUGAR LAND, FORT BEND COUNTY, TEXAS		
EASEMENT AREA: 4,051 SQUARE FEET OR 0.093 ACRES		
JOB No. FNI_2009.00	DRAWN BY: JL	CAD FILE: SOUTH_E03_R00.DWG
DATE: MAY 16, 2022	EXHIBIT B PAGE 1 OF 2	SCALE: 1" = 50'

KEVIN MARQUEZ
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 6914 TEXAS FIRM No. 10106802

GORRONDONA & ASSOCIATES, INC. • 15710 JOHN F. KENNEDY BLVD. HOUSTON, TX 77032 • OFFICE (281)929-9752

EXHIBIT "B"

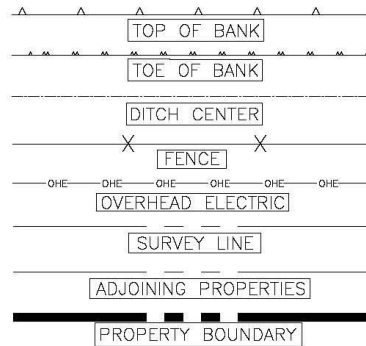
PE-3

ABBREVIATIONS

PFC	●	FOUND MONUMENTATION (SIZE AND TYPE NOTED)
D.R.F.B.C.T.	○	POINT FOR CORNER
P.R.F.B.C.T.		DEED RECORDS OF FORT BEND COUNTY, TEXAS
O.P.R.F.B.C.T.		PLAT RECORDS FORT BEND COUNTY, TEXAS
F.B.C.L.I.D.		OFFICIAL PUBLIC RECORDS FORT BEND COUNTY, TEXAS
P.O.B.		FORT BEND COUNTY LEVEE IMPROVEMENT DISTRICT
P.O.C.		POINT OF BEGINNING
IRF		POINT OF COMMENCEMENT
CIRF		IRON ROD FOUND
INST. No.		CAPPED IRON ROD FOUND
PG.		INSTRUMENT NUMBER
VOL.		PAGE
B.L.		VOLUME
		BUILDING LINE

LEGEND

	⊥	SIGN
	↙	GUY WIRE
PP	○	POWER POLE
EB	⊞	ELECTRIC BOX
HH	⊞	HAND HOLE
WM	⊞	WATER METER
SDMH	⊞	STORM DRAIN MANHOLE
WV	⊞	WATER VALVE
CATVP	⊞	CABLE PEDESTAL
FH	⊞	FIRE HYDRANT
SV	⊞	SPRINKLER VALVE



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S39°37'19"E	30.00'
L2	N39°37'19"W	30.00'

- NOTES:**
1. A LEGAL DESCRIPTION OF EVEN DATE ACCOMPANIES THIS PLAT.
 2. BEARINGS AND COORDINATES ARE REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD-83 (2011), SOUTH CENTRAL ZONE (4204). ALL DISTANCES AND AREAS SHOWN ARE SURFACE.



City of Sugar Land

2700 TOWN CENTER BLVD. NORTH • SUGAR LAND, TEXAS 77479

SURFACE WATER TRANSMISSION LINE EASEMENT PREPARATION



PE-3		CITY PROJ. NO. 2019-559705
PERMANENT WATERLINE EASEMENT		
OWNER: FORT BEND DRAINAGE DISTRICT DRAINAGE EASEMENT		
SURVEY: ALEXANDER HODGE LEAGUE SURVEY, A-32 AND S.M. WILLIAMS SURVEY, A-97		
LOCATION: CITY OF SUGAR LAND, FORT BEND COUNTY, TEXAS		
EASEMENT AREA: 4,051 SQUARE FEET OR 0.093 ACRES		
JOB No. FNI_2009.00	DRAWN BY: JL	CAD FILE: SOUTH_E03_R00.DWG
DATE: MAY 16, 2022	EXHIBIT B PAGE 2 OF 2	SCALE: 1" = 50'

KEVIN MARQUEZ
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NO. 6914 TEXAS FIRM No. 10106902

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