



COUNTY ATTORNEY
Fort Bend County, Texas

BRIDGETTE SMITH-LAWSON
County Attorney

(281) 341-4555
Fax (281) 341-4557

LETTER OF REVIEW

On October 15, 2024, the County Attorney's Office reviewed the following document:

- *Fort Bend County Drainage District Right of Way Easement; 25-Drng-100151*

Comments:

The above-referenced document which was submitted by the Drainage District into Onbase has been reviewed by our office and is **approved** as to legal form.

Additionally, please note that the conveyance document incorrectly identifies the Drainage District as "a corporation of Fort Bend County, Texas." As this term is intended to be an identifier of the Grantee, it is recommended that this language be updated to reflect the Drainage District as either a "political subdivision of the state of Texas" or a "Special District organized under the laws of the state of Texas" and it is unclear if title could be affected in the future. Please let our Office know if we can assist you in updating the forms for these easements.

Should you have any questions, please contact me at (281) 344-3930.

/s/ Jennifer L. Fox,
Assistant County Attorney

FORT BEND COUNTY DRAINAGE DISTRICT

RIGHT OF WAY EASEMENT

THE STATE OF TEXAS,
COUNTY OF FORT BEND,

KNOW ALL MEN BY THESE PRESENTS: That the undersigned:

JAMES E. STARK AND MARY T. STARK

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 0.7047 acres parallel and adjacent to the Northeast side of an existing easement 140 feet in width previously recorded within Volume 323, on Page 244 of the Deed Records of Fort Bend County Texas, and more particularly described within the attachment labeled **EXHIBIT "A"**.

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 DISTRICT shall have all rights and benefits, necessary or convenient for the full enjoyment or use of the rights herein granted, with the right of ingress and egress to and from said drainage canal right of way, provided, however, that after construction of said drainage canal, said right of ingress and egress of the DISTRICT shall be limited to the said right of way and to existing roads and passageways. The DISTRICT is given the right from time to time to cut and remove all trees, undergrowth, and abate other obstruction, upon said canal right of way, that may injure, endanger, or interfere with the construction, operation, maintenance and repair of said drainage canal.

The DISTRICT agrees during the life of this easement to repair all damage to roads, passageways and fences resulting from the DISTRICT'S use in going to and from said easement and right of way, and to restore the same to the previously existing condition as near as possible.

GRANTOR reserves the right to use the facilities offered by the drainage canal for the disposal of surface waters, rain, or any excess waters collecting upon his land, and in such connection GRANTOR has the right in the manner provided by law and at his own expense to construct and provide ditches, drains and laterals connecting his said land or portions thereof with the drainage canal.

GRANTOR reserves the oil, gas and sulphur in and under the land covered by this easement, provided however, that during the life of this easement no mining or drilling operations shall be conducted upon the surface of the area included in the easement right of way above described.

It is agreed that if at a future time the DISTRICT, its successors or assigns, shall permanently cease to use said drainage canal right of way for the purposes herein contained, and shall permanently abandon the same, then and in such event the said right of way above described, together with all rights and interests held by the DISTRICT by reason of this instrument, shall revert, pass to and vest in the said GRANTOR, his heirs or assigns.

TO HAVE AND TO HOLD said right of way and easement herein granted, unto the said DISTRICT, its successors or assigns.

EXECUTED this the 4th day of September, A. D. 19 2024.

James E Stark

Mary Stark

THE STATE OF TEXAS

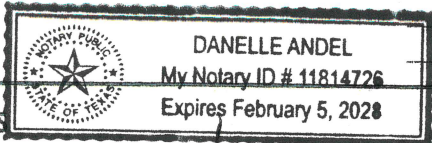
COUNTY OF Fort Bend

BEFORE ME Danelle Anael

James E Stark DA
Fort Bend County, Texas, on this day personally appeared
James E Stark

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 consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This 4 day of September,
A. D. 2024
(L. S.)



THE STATE OF TEXAS

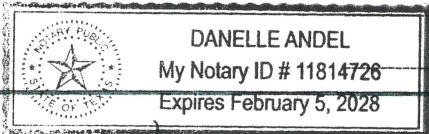
COUNTY OF Fort Bend

BEFORE ME Danelle Anael

Fort Bend County, Texas, on this day personally appeared
Mary T. Stark, wife of
James E Stark

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 Mary T. Stark 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 4 day of September,
A. D. 2024
(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

EXHIBIT "A"

August 22, 2022

Drainage Easement 32***0.7047 of an acre of land in the Charles B. Stewart Survey, Abstract No. 90
Fort Bend County, Texas***

Being a 0.7047 of an acre (30,696 square feet) of land in the Charles B. Stewart Survey, Abstract No. 90, Fort Bend County, Texas; said 0.7047 of an acre tract being out of the residue of a called 9.25 acre tract described in a deed from Donn T. Moore and Joy Fern Moore Jones to James E. Stark and Mary T. Stark, recorded in Volume 837, Page 236, Fort Bend County Deed Records (F.B.C.D.R.); said 0.7047 of an acre tract of land being more particularly described by metes and bounds as follows with bearings referenced to the Texas Coordinate System, South Central Zone, North American Datum of 1983 (NAD 83), 2011 Adjustment, Epoch 2010.00, which coordinates and distances shown hereon are surface values in U.S. Survey Feet and may be converted to grid by multiplying by a scale factor of 0.99986701753:

COMMENCING at a 1/4-inch iron pipe found, having coordinates of N=13,735,055.69, E=2,984,727.47, in the existing southwest right-of-way line of Ansel Lane (60 feet wide per Volume 551, Page 836, F.B.C.D.R.), the southeast boundary line of the residue of said 9.25 acre tract and the northwest boundary line of the residue of a called 1.0 acre tract (Tract 3) described in a deed from Wesley Martin Luster and wife, Sandra K. Luster to Martin P. Duran and wife, Elena Duran, recorded under Fort Bend County Clerk's File (F.B.C.C.F.) No. 2001118719, Official Public Records Fort Bend County (O.P.R.F.B.C.);

THENCE, South 30°26'07" West, along the southeast boundary line of the residue of said 9.25 acre tract and the northwest boundary line of the residue of said 1.0 acre tract, at a distance of 422.91 feet pass the southwest corner of the residue of said 1.0 acre tract and the northwest corner of a called 10.0675 acre tract described in a deed from Wesley M. Luster and wife, Sandra K. Luster to Fort Bend Flood Control Water Supply Corporation, recorded under F.B.C.C.F. No. 2001105526, O.P.R.F.B.C., continuing for a total distance of 573.29 feet to a 3/8-inch iron rod with "Landtech" cap set in the proposed northeast drainage easement for the easterly southeast corner of the herein described tract and the **POINT OF BEGINNING** having coordinates of N=13,734,561.40, E=2,984,437.06;

1. **THENCE**, South 30°26'07" West, continuing along the southeast boundary line of the residue of said 9.25 acre tract and the northwest boundary line of said 10.0675 acre tract, a distance of 66.97 feet to a point in the existing northeast line of Fort Bend County Drainage District (F.B.C.D.D.) 140 feet wide drainage canal and right-of-way easement, recorded in Volume 323, Page 244, F.B.C.D.R., for the southerly southeast corner of the herein described tract and being in a curve to the left whose center bears South 46°31'05" West, 220.00 feet;

THENCE, along the existing northeast line of said F.B.C.D.D. easement the following five (5) courses and distances:

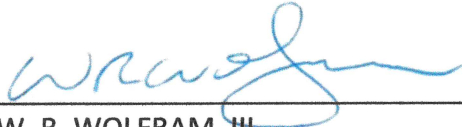
2. Around said curve to the left having a radius of 220.00 feet, an arc length of 20.47 feet, a central angle of 05°19'55", and a chord which bears North 46°08'53" West, 20.47 feet to the point of tangency;
3. North 48°48'51" West, a distance of 130.80 feet to the point of curvature of a curve to the right;
4. Around said curve to the right having a radius of 80.00 feet, an arc length of 34.34 feet, a central angle of 24°35'31", and a chord which bears North 36°31'05" West, 34.07 feet to the point of tangency;
5. North 24°13'20" West, a distance of 241.33 feet to the point of curvature of a curve to the left;
6. Around said curve to the left having a radius of 220.00 feet, an arc length of 192.40 feet, a central angle of 50°06'26", and a chord which bears North 49°16'33" West, 186.33 feet to a point in the northwest boundary line of the residue of said 9.25 acre tract and the southeast boundary line of a called 10.998 acre tract described in a deed from Texas Funding Corporation to Lucia Hernandez Hernandez and Omar Alejandro Esquivel, recorded under F.B.C.C.F. No. 2016085068, O.P.R.F.B.C., for the westerly northwest corner of the herein described tract;
7. **THENCE**, North 41°52'36" East, along the northwest boundary line of the residue of said 9.25 acre tract and the southeast boundary line of said 10.998 acre tract, a distance of 49.16 feet to a 3/8-inch iron rod with "Landtech" cap set in said proposed northeast drainage easement, having coordinates of N=13,735,009.61, E=2,984,062.26, for the northerly northwest corner of the herein described tract and being in a curve to the right whose center bears South 20°22'12" West, 265.00 feet;

THENCE, along said proposed drainage easement the following five (5) courses and distances:

8. Around said curve to the right having a radius of 265.00 feet, an arc length of 210.02 feet, a central angle of 45°24'29", and a chord which bears South 46°55'34" East, 204.56 feet to a 3/8-inch iron rod with "Landtech" cap set for the point of tangency;
9. South 24°13'20" East, a distance of 157.50 feet to a 3/8-inch iron rod with "Landtech" cap set for the point of curvature of a curve to the left;

10. Around said curve to the left having a radius of 255.00 feet, an arc length of 124.77 feet, a central angle of 28°02'08", and a chord which bears South 38°14'24" East, 123.53 feet to a 3/8-inch iron rod with "Landtech" cap set for the point of tangency;
11. South 52°15'28" East, a distance of 75.24 feet to a 3/8-inch iron rod with "Landtech" cap set for the point of curvature of a curve to the right;
12. Around said curve to the right having a radius of 265.00 feet, an arc length of 33.03 feet, a central angle of 07°08'32", and a chord which bears South 48°41'12" East, 33.01 feet to the **POINT OF BEGINNING** and containing 0.7047 of an acre (30,696 square feet) of land.

A separate Plat accompanies this Metes and Bounds description.



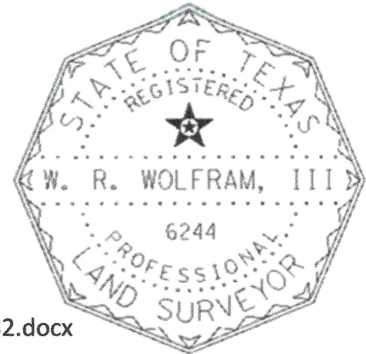
08-22-2022

W. R. WOLFRAM, III

Date

Texas Registered Professional Land Surveyor No. 6244

S:\2021\2120085\SURVEY\Drainage Easement Descriptions\Drainage Easement 32.docx



LUCIA HERNANDEZ HERNANDEZ AND
OMAR ALEJANDRO ESQUIVEL
CALLED 10.998 ACRES
F.B.C.C.F. NO. 2016085068
O.P.R.F.B.C.

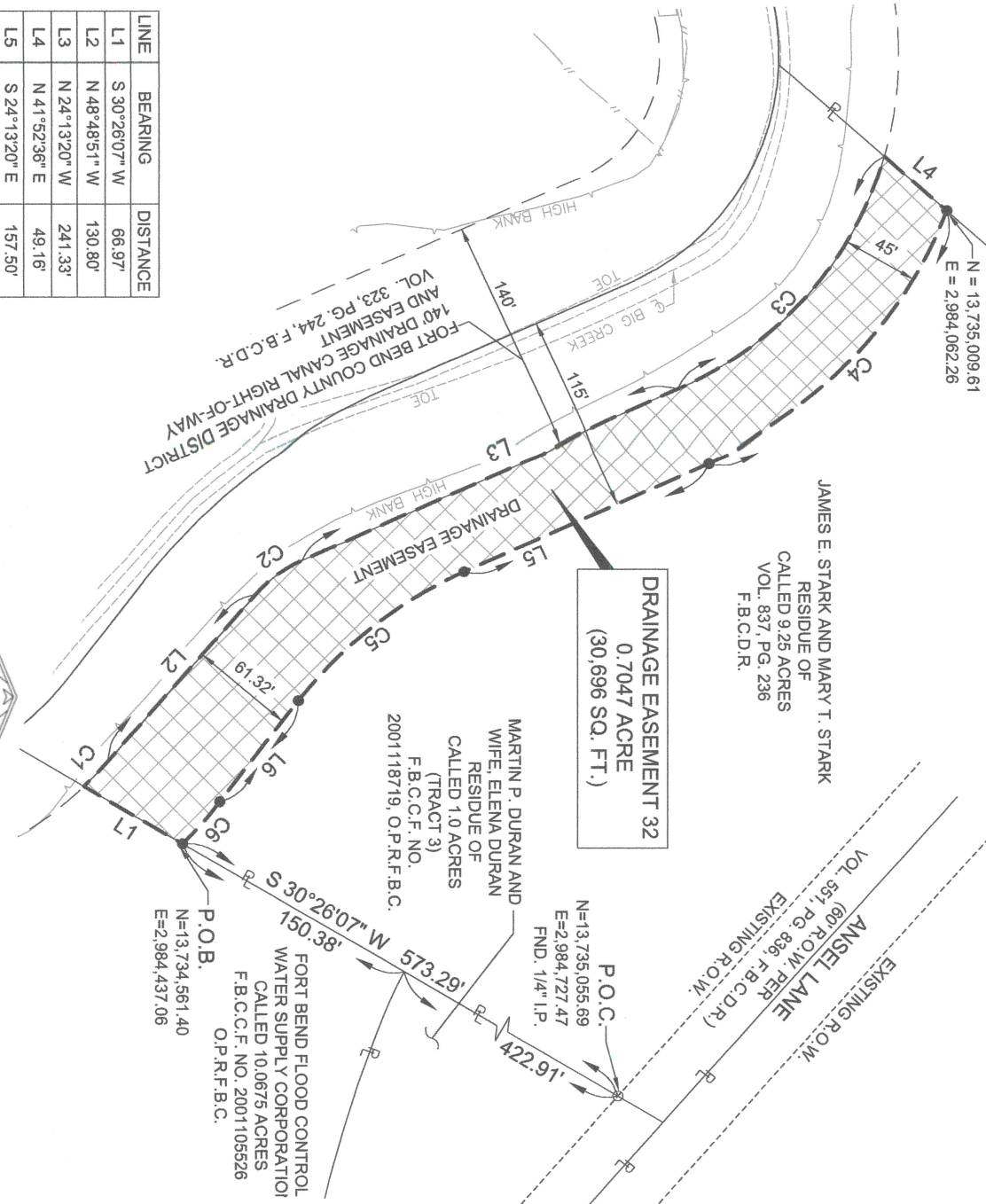
CHARLES B. STEWART SURVEY
ABSTRACT NO. 90

JAMES E. STARK AND MARY T. STARK
RESIDUE OF
CALLED 9.25 ACRES
VOL. 837, PG. 236
F.B.C.D.R.

DRAINAGE EASEMENT 32
0.7047 ACRE
(30,696 SQ. FT.)

MARTIN P. DURAN AND
WIFE ELENA DURAN
RESIDUE OF
CALLED 1.0 ACRES
(TRACT 3)
F.B.C.C.F. NO.
200118719, O.P.R.F.B.C.

P.O.C.
N=13,735,055.69
E=2,984,727.47
FND. 1/4" I.P.
422.91'
S 30°26'07" W 573.29'
150.38'
P.O.B.
N=13,734,561.40
E=2,984,437.06
FORT BEND COUNTY CONTROL
WATER SUPPLY CORPORATION
CALLED 10.0675 ACRES
F.B.C.C.F. NO. 2001105526
O.P.R.F.B.C.



LINE	BEARING	DISTANCE
L1	S 30°26'07" W	66.97'
L2	N 48°48'51" W	130.80'
L3	N 24°13'20" W	241.33'
L4	N 41°52'36" E	49.16'
L5	S 24°13'20" E	157.50'
L6	S 52°15'28" E	75.24'

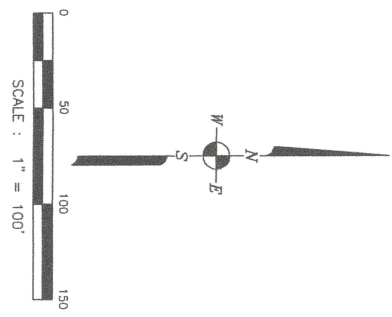
CURVE	RADIUS	LENGTH	DELTA	CHORD
C1	220.00'	20.47'	05°19'55"	N 46°08'53" W 20.47'
C2	80.00'	34.34'	24°35'31"	N 36°31'05" W 34.07'
C3	220.00'	192.40'	50°06'26"	N 49°16'33" W 186.33'
C4	265.00'	210.02'	45°24'29"	S 46°55'34" E 204.56'
C5	255.00'	124.77'	28°02'08"	S 38°14'24" E 123.53'
C6	265.00'	33.03'	07°08'32"	S 48°41'12" E 33.01'



I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY SUPERVISION AND THAT THIS PLAT REPRESENTS THE FACTS AS FOUND AT THE TIME OF THE SURVEY.
SURVEY DATE: AUGUST, 2022

WILLIAM R. WOLFRAM, III
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6244
08-22-2022

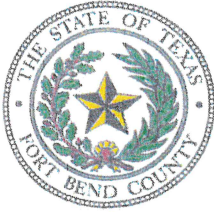
- NOTES:
- 1) ALL BEARINGS ARE BASED ON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983 (NAD83), 2011 ADJUSTMENT, EPOCH 2010.00. ALL COORDINATES AND DISTANCES SHOWN ARE SURFACE VALUES IN US SURVEY FEET AND MAY BE CONVERTED TO GRID COORDINATES BY MULTIPLYING BY A SCALE FACTOR OF 0.999868701753.
 - 2) THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT.
 - 3) FIELD SURVEYS WERE PERFORMED BETWEEN AUGUST, 2021 AND AUGUST, 2022
 - 4) A SEPARATE METERS & BOUNDS ACCOMPANIES THIS PLAT
- LEGEND:
- O.P.R.F.B.C. — OFFICIAL PUBLIC RECORDS FORT BEND COUNTY
 - O.R.F.B.C. — OFFICIAL RECORDS FORT BEND COUNTY
 - F.B.C.D.R. — FORT BEND COUNTY DEED RECORDS
 - F.B.C.C.F. — FORT BEND COUNTY CLERK'S FILE
 - P.O.B. — POINT OF BEGINNING
 - P.O.C. — POINT OF COMMENCING
 - FND. — FOUND
 - I.R. — IRON ROD
 - I.P. — IRON PIPE
 - R.O.W. — RIGHT-OF-WAY
 - SQ. FT. — SQUARE FEET
 - — PROPERTY LINE
 - — CENTERLINE
 - — FOUND (AS NOTED)
 - SET 3/8" I.R. W/LANDTECH CAP (UNLESS OTHERWISE NOTED)



LANDTECH
2525 North Loop West, Suite 300,
Houston, Texas 77008
T: 713-861-7068 F: 713-861-4131
TBPELS Registration No. 10019100

PROPOSED DRAINAGE EASEMENT 32
0.7047 ACRE (30,696 SQ. FT.) TRACT OF LAND IN THE CHARLES
B. STEWART SURVEY, ABSTRACT NO. 90
FORT BEND COUNTY, TEXAS

DATE: AUGUST 22, 2022 SCALE: 1" = 100'
DRAWING No.: 981-A-SHEET No.: 1 OF 1



DRAINAGE DISTRICT

Fort Bend County, Texas

- INVOLUNTARY ACQUISITION - - Purchase Offer Form -

Locality: Fort Bend County

Contract No. 20-065-092-C257

Fort Bend County proposes to purchase an easement on your property located along the southern portion of Big Creek in Richmond, Fort Bend County, Texas 77469 and further described as:

A 0.7047-acre (30,696 square feet) tract of land in the Charles B. Stewart Survey, Abstract No. 90, Fort Bend County, Texas; said 0.7047 of an acre tract being out of the residue of a called 9.25-acre tract described in deed from Donn T. Moore and Joy Fern Moore Jones to James E. Stark and Mary T. Stark, recorded in Volume 837, Page 236, Fort Bend County Deed Records (F.B.C.D.R.).

Fort Bend County hereby offers a price amount of \$55,253.00 to obtain an easement on this property. **Please indicate on the form below if you would like to accept the price amount or would like to proceed with negotiations.**

I accept the purchase offer of fifty-five thousand, two hundred fifty-three dollars and zero cents (\$55,253.00) for the easement on 0.7047 acres of Easement 32.

I do **not** accept the purchase offer of fifty-five thousand, two hundred fifty-three dollars and zero cents (\$55,253.00) for the easement on 0.7047 acres of Easement 32 and wish to negotiate.

Owner: JAMES E. STARK + MARY T. STARK

Signature: James E Stark Mary T Stark

Date: 8/25/24