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## ORDER CLOSING, ABANDONING, AND VACATING A PORTION OF COUNTY RIGHT-OF-WAY

ON THE \_\_\_\_\_ day of \_\_\_\_\_, 2024, at a duly posted and called meeting of Commissioners Court of Fort Bend County, Texas, upon motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, duly put and carried, by unanimous vote:

WHEREAS, Toll-GTIS Property Owner, LLC has petitioned the Fort Bend County Commissioners Court to close, abandon, and vacate a portion of Fort Bend County right-of-way known as Sienna Oaks Drive to allow for the platting of an adjacent section over the right-of-way; and

WHEREAS, said portion of right-of-way requested to be abandoned is the Southern roundabout leg of the Sienna Oaks Drive right-of-way located in the Sienna Oaks Drive Street Dedication, Phase 2, according to the map of plat thereof recorded under Clerk's File No. 20210017 of the Official Public Records of Fort Bend County, Texas and is more fully described and depicted in "Exhibit A," attached hereto and incorporated herein by reference, as the shaded area on the attached survey and in accordance with the line and curve table of the above-referenced subdivision plat as follows:

Beginning at the Northern most point of a curve in the Eastern Right-of-Way line of Sienna Oaks Drive known as C6; Thence in a Westerly direction along the arc of the 100 ft. radius to the northern most point of a curve of the right-of-way known as C12; Thence in a Southerly direction along the curve of the right-of-way line (from C12 to C11 to L6) to a point in the Southwest corner of the right-of-way; Thence in an Easterly direction along the right-of-way line known as L5 to a point in the Southeast corner of the right-of-way; Thence in a Northerly direction along the curve of the right-of-way line (from the Southeast corner of the right-of-way to C10 to C6) and ending at the point of beginning (the “Southern Roundabout Leg of the Sienna Oaks Drive Right-of-Way”).

WHEREAS, Toll GTIS Property Owner, LLC owns all the property abutting and adjoining the Southern Roundabout Leg of the Sienna Oaks Drive Right-of-Way; and

WHEREAS, the Fort Bend County Commissioners Court has determined that the Southern Roundabout Leg of the Sienna Oaks Drive Right-of-Way is no longer needed and that the public interest would be best served if such portion of right-of-way is closed, abandoned, and vacated; and

WHEREAS, Texas Transportation Code §251.058(b) states:

Title to a public road or portion of a public road that is closed, abandoned, and vacated to the center line of the road vests on the date the order is signed by the county judge in the owner of the property that abuts the portion of the road being closed, abandoned, and vacated. A copy of the order shall be filed in the deed records of the county and serves as the official instrument of conveyance from the county to the owner of the abutting property.

IT IS THEREFORE ORDERED BY THE COMMISSIONERS COURT OF FORT BEND COUNTY, TEXAS the following:

1. The Southern Roundabout Leg of the Sienna Oaks Drive Right-of-Way as described in this Order and in Exhibit B attached hereto is hereby closed, abandoned, and vacated subject to any existing public utility easements pursuant to Sections 251.051 and 251.058(b) of the Texas Transportation Code.
2. Title to the Southern Roundabout Leg of the Sienna Oaks Drive Right-of-Way that is hereby closed, abandoned, and vacated is fully vested in GTIS Property Owner, LLC which owns all the property abutting and adjoining said right-of-way (the "Adjoining Property Owner").
3. The Fort Bend County Clerk shall record a copy of this Order at no cost in the Official Public Records of Fort Bend County, Texas, to serve as the official instrument of conveyance from Fort Bend County, Texas to the Adjoining Property Owner, and shall index said Order in the Official Public Records of Fort Bend County, Texas in a manner that describes (a) Fort Bend County, Texas as Grantor, and (b) the Adjoining Property Owner receiving the conveyance as Grantee, pursuant to Section 251.0158(b) of the Texas Transportation Code.

SIGNED AND ENTERED this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

FORT BEND COUNTY, TEXAS

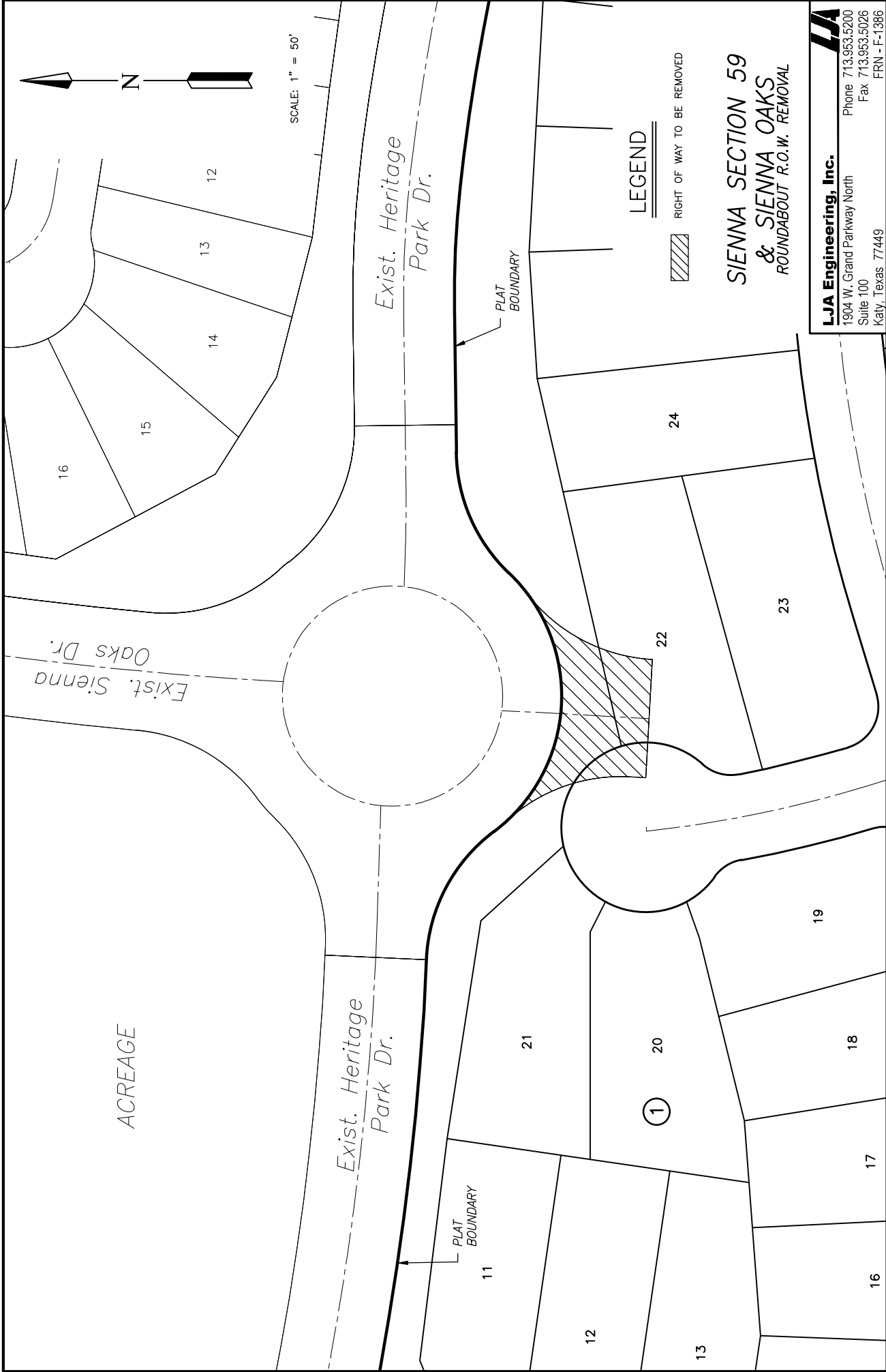
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KP GEORGE, COUNTY JUDGE

ATTEST:

\_\_\_\_\_  
LAURA RICHARD, COUNTY CLERK

# **EXHIBIT A**

(Follows Behind)





PETITION TO CLOSE,	§	IN THE COMMISSIONERS COURT
	§	
ABANDON, AND	§	OF
	§	
VACATE A COUNTY ROAD	§	FORT BEND COUNTY, TEXAS

TO THE COMMISSIONERS COURT OF FORT BEND COUNTY, TEXAS:

Toll-GTIS Property Owner, LLC (“Petitioner”), a Texas limited liability company, hereby petitions the Commissioners Court of Fort Bend County, Texas, (the “Commissioners Court”), pursuant to Section 251.051 of the Texas Transportation Code to close, abandon, and vacate a portion of a County road right-of-way known as Sienna Oaks Drive located in the Sienna Oaks Drive Street Dedication, Phase 2, according to the map of plat thereof recorded under Clerk’s File No. 20210017 of the Official Public Records of Fort Bend County, Texas, and in support thereof would respectfully represent and show the Commissioners Court as follows:

I.

Petitioners requests that the Southern roundabout leg of the Sienna Oaks Drive right-of-way be abandoned to allow for the platting of an adjacent section over said right-of-way. The Southern roundabout leg of Sienna Oaks Drive that Petitioner is requesting to be abandoned is described and depicted in “Exhibit A”, attached hereto and incorporated herein by reference.

Petitioner owns all the property adjoining the portion of right-of-way to be abandoned. Petitioner further represents to the Commissioners Court that no other landowner uses that portion of Sienna Oaks Drive to be abandoned for access to their property, and that the formal abandonment of this portion of the Sienna Oaks Drive right-of-way will not and could not adversely affect any other property owner.

Petitioner understands that Fort Bend County’s action of formally abandoning this portion of Sienna Oaks Drive is not intended to and should not and will not terminate or adversely affect the established and existing private easement rights, if any, of any person, whether or not such easement rights are recorded in the Real Property Records of Fort Bend County, Texas.

II.

The closure, abandonment, and vacation of the described portion of the above-described right-of-way is in the best interest not only of the Petitioner, but also of Fort Bend County, Texas. Petitioner warrants and covenants that they shall not seek to enjoin the entry or enforcement of an order of the Commissioners Court to close, abandon, and vacate the right-of-way, regardless of the fact that the portion of the road being closed, abandoned, and vacated may provide the only ingress to or egress from their property, and furthermore, Petitioner forever waives and relinquishes their right to so enjoin such action by any Court, and/or to seek damages as a result

of the abandonment. Petitioner warrants that they have secured or will secure alternate access to their property, if necessary, by agreements entered into by them and/or easements granted to them, as the case may be.

WHEREFORE, Petitioner prays that after due notice and hearing, the Fort Bend County Commissioners' Court order the closure, abandonment, and vacation of the Southern roundabout leg of Sienna Oaks Drive.

Toll-GTIS Property Owner, LLC,  
a Texas limited liability company

By: Toll Sienna Member, LLC,  
Its sole managing member

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

#### **Acknowledgment**

THE STATE OF TEXAS           §  
  §  
COUNTY OF \_\_\_\_\_ §

This instrument was acknowledged before me, the undersigned notary, on this \_\_\_\_\_ day of \_\_\_\_\_, 2024 by \_\_\_\_\_, \_\_\_\_\_ of Toll Sienna Member, LLC, the sole managing member of Toll-GTIS Property Owner, LLC, a Texas limited liability company, on behalf of said limited liability company.

\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

