RESOLUTION

The Board of Directors of the Fort Bend Grand Parkway Toll Road Authority ("Authority") met and approved the item described in Exhibit A, attached and incorporated herein for all purposes.

NOW, THEREFORE, BE IT RESOLVED BY THE FORT BEND GRAND PARKWAY TOLL ROAD AUTHORITY THAT:

<u>Section 1</u>: The Authority hereby approves the item described in <u>Exhibit A</u>.

Section 2: The Authority hereby directs this Resolution to be made a part of its books and records that are available for inspection by the general public.

<u>Section 3</u>: The Board authorizes the Chair or his designee the authority to take any and all further actions, approve any and all documents and execute and deliver any and all agreements consistent with the provisions of this Resolution to carry out the terms and purposes hereof.

[Execution Page Follows]

SIGNED AND SEALED on March 18, 2024.

FORT BEND GRAND PARKWAY TOLL ROAD AUTHORITY, a Texas local

government corporation

Name:

James D. Rice

Title: Chairman

EXHIBIT A

REQUEST FOR BOARD ACTION

Fort Bend Grand Parkway Toll Road Authority

Item 4 - Discussion of and possible action regarding unpermitted commercial driveway, including

- discussion of and possible action regarding rules and regulations for commercial driveways, related safety concerns and potential actions to remedy and enforce violations; and
- presentation to Board by Property Owner (including discussion about possible options such as extending ramp after driveway, construction of a deceleration lane, etc).

Background:

On or about January 19, 2024, the Toll Road staff at BGE Inc. (BGE) identified the construction of an unpermitted commercial driveway at a strip center near Segment D of the Grand Parkway (SH 99) and the Mason Rd southbound entrance ramp.

When the Toll Road Authority took over Segment D of the Grand Parkway from TxDOT, in accordance with state law, TxDOT authorized the Toll Road Authority to access and use state ROW in order to operate the Segment D toll facilities. In 2011, pursuant to a right of use agreement with TxDOT relating to Segment D, the Toll Road Authority became contractually responsible for maintaining the Segment D ROW. This ROW is now accessible by the unpermitted driveway.

Due to safety concerns, temporary barrels were installed on January 19 to block ingress and egress from the unpermitted driveway. On or about Tuesday, January 23, the Toll Road Authority had a notice of violation physically posted on the barrels at the property location. The notice of violation included a reference to the Fort Bend County regulations that govern the permitting and construction of commercial driveways. These regulations apply to the construction of driveways and culverts on County or public easements or ROW acquired, claimed or maintained by the County for road and road drainage purposes. In the regulations, the term "driveway" is defined as "an improved surface used for vehicular access from the edge of a County roadway to the right of way or easement line." The regulations include procedures for applying for a driveway construction permit and for appealing the denial of a permit by the County Engineer. The County Engineer is charged with enforcement of the regulations. Remedies to enforce violations include removal of an unpermitted driveway by the County road and bridge department following written notice to the property owner of the violation, a lawsuit by the County Attorney to enjoin the violation and punishment by Commissioners Court with an order of contempt which may include a fine not to exceed \$25 or imprisonment not to exceed 24 hours. In addition to the physical posting at the property location, copies of the notice of violation were sent via email and certified mail to business owners at the property, including to Vince Casimir, who is the owner of one of the buildings in the strip center.

Toll Road Authority records indicate that attempts by other business owners at the strip center to obtain a commercial permit for a driveway at the property location in 2018 were unsuccessful because of safety concerns given the proximity of the southbound entrance ramp.

Included with this Request for Board Action is the deed (2353-2556) associated with the property which includes language about the control of access/denied access locations using surveyor callouts. In 2012, BGE surveyors read all of the deeds for the Grand Parkway and prepared exhibits to show where access is permitted and denied. Also included is a sheet for the strip center area where the property is located. BTE added the following to the sheet for clarity:

- Red line: The solid red line represents the access denied line.
- Yellow line: Deed reference information
- Blue circle: Location where driveway was constructed
- Green Circle: The BGE note, circled in yellow, shows "access partially permitted". This
 access permitted area is circled in green which is just to give access for the Mason Rd.
 ROW

On or about February 5, Mike Stone Associates Inc. was contacted by Vince Casimir, who advised that he was the building owner responsible for constructing and installing the unpermitted commercial driveway. Mr. Casimir has asked for an item to be placed on the February Board agenda so that he may address the Board regarding this matter. After the February meeting was scheduled, the attorney for the property owner requested that the Board postpone the presentation until the March Board meeting. He is seeking a time extension before removal of the driveway and has expressed an interest in working with the Toll Road Authority to see if there are any options available that would allow for the driveway to be permitted, such as extending the ramp after the driveway, construction of a deceleration lane, etc.

This agenda item allows for the presentation requested by Mr. Casimir, as well as a discussion by the Toll Road Authority consultants regarding the County's rules and regulations for commercial driveways, related safety concerns and potential action by the Board regarding remedies and enforcement options for the unpermitted driveway.

Board Action:

[X] Board recommends report to Fort Bend County Commissioners Court and request for Commissioners Court action authorizing Board to coordinate with County Engineer and other County Departments, as necessary and appropriate, to enforcement compliance with the County regulations, including possible removal of unpermitted driveway.

2353 2556

SPECIAL WARRANTY DEED CONTROLLED ACCESS HIGHWAY FACILITY

THE STATE OF TEXAS

WHEREAS, the State Highway and Public Transportation Commission has been authorized under House Bill 179, Acts of the 55th Legislature, Regular Session, 1957 (Articles 6674w-1 et seq.) Vernon's Annotated Civil Statutes of Texas) to acquire land and such other property rights deemed necessary for the purposes of facilitating the construction, maintenance and operation of Controlled Access Highways; and,

WHEREAS, the acquisition of the hereinafter described premises has been deemed necessary by the State Highway and Public Transportation Commission for the purposes of facilitating the construction, maintenance, and operation of a Controlled Mccess Highway facility to be known as the Grand Parkway;

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That the Robinson Trusts, W. M. Wheless, Jr., Mary Wheless Wilson, and the W. M. Wheless Trusts, of the County of Harris, State of Texas (hereinafter referred to as Grantors, whether one or more); for and in consideration of the agreement of the State Department of Highways and Public Transportation, acting by and through the State Highway and Public Transportation; Commission, to use the hereinafter described premises for the construction, maintenance, and operation of the Grand Parkway, and by these presents do Grant, Donate, and Convey unto the State of Texas (hereinafter referred to as Grantee), all that certain tract or parcel of land lying and being situated in the County of Fort Bend, State of Texas, more particularly described in Exhibit "L" attached hereto and incorporated herein for all purposes.

Grantors reserve all of the oil, gas and sulphur in and under the land herein conveyed but warve all rights of ingress and egress to the surface thereof for the purpose of exploring, developing, mining or drilling for same; however, nothing in this reservation shall affect the title and rights of the Grantee to take and use all other minerals and materials thereon, therein and thereunder.

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1C/GRA(k)

RETURN TO: EDWARD S. CUTRER P. O. BOX 1804 HOUSTON, TEXAS 77251-1504 The address of the Grantee shall be deemed to be the Dewitt C. Greer State Highway Building, 11th and Brazos Streets, Austin, Texas, 78701. The property described in Exhibit "L" and referenced herein is subject to all matters of record which affect title thereto (the "Permitted Engumbrances").

TO HAVE AND TO HOLD the above described premises herein conveyed together with all and singular the rights and appurtenances thereto in anywise belonging, unto the State of Texas and its assigns forever; and Grantors do hereby bind ourselves, our heirs, executors, administrators, successors, and assigns, to Warrant and Forever Defend all and singular the said premises herein conveyed unto the State of Texas and its assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, subject to the Permitted Encumbrances, by, through, or under the Grantors, but not otherwise.

IN WITNESS WHEREOF, this instrument is executed on this the /Ψ+ day of , 1987.

JAMIE ABERCROMBIE ROBINSON TRUST NO. 2 GEORGE ANDERSON ROBINSON TRUST NO. 2

By: Texas Commerce Bank, N.A., Trustee

Printed Name: MARCUS L. IRVIN

Title: Vice President

& Trust Officer

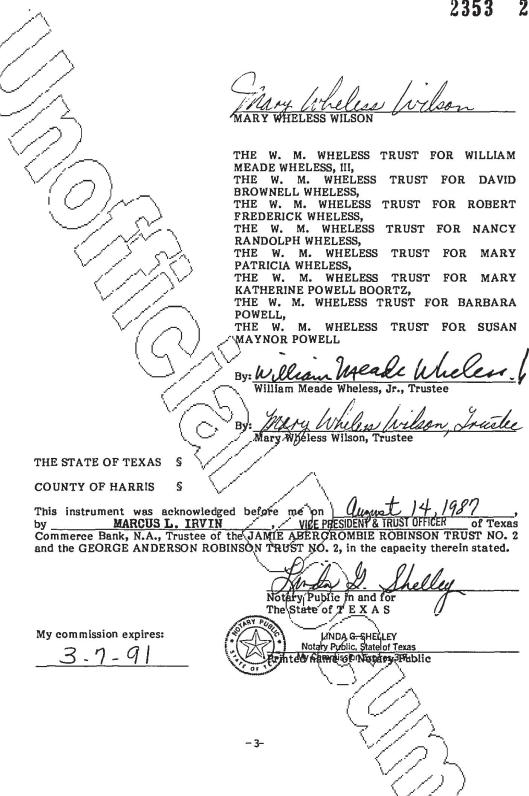
Joe E Coleman Trustee

Arthur C. Lesher, Jr., Trustee

W. M. WHELESS, JR.

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THE STATE OF TEXAS	S
COUNTY OF HARRIS	S
	owledged before me on <u>lumber 14, 1987</u> , by f the JAMIE ABERCROMBIE ROMNSON TRUST NO. 2 and the BINSON TRUST NO. 2, in the capacity therein stated.
(<i>O</i>)	Notary Public in and for
My commission expires	Notary Public, State of Texas My Commission Expires 3-7- 91
	Printed name of Notary Public
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1944 Americ Crack Frisco, CO 1984.3 My Commission Expires August 29, 1989	Notary Public in and for The State of Colorado
My commission expires:	The State of
<u></u>	Printed name of Notary Public
THE STATE OF TEXAS	
COUNTY OF HARRIS	
This instrument was acknowledged before	ore me on <u>August</u> 14, 1987, by
meade wheless, iii, the w. m. whei	f the w. m. wheres trust for william LESS TRUST FOR DAVID BROWNELL WHELESS,
WHELESS TRUST FOR MANCY RAND	ROBERT FREDERICK WHELESS, THE W. M. OLPH WHELESS, THE W. M. WHELESS TRUST THEAN. M. WHELESS TRUST FOR MARY
KATHERINE POWELL BOORTZ, THE	FOR SUSAN MAYNOR POWELL, in the capacity
therein stated.	<u> </u>
	Sinda D. Shelley
	Motary Public in and for The State of TEXAS
My commission expires:	LINDA G. SHELLEY Notary Public, State of Texas
	My Commission Expires 3-7-9/
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James F. Shea Hotary Funds	
104A Miners Greek Frisco, CO 80433	James Slean
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RECORDER'S MEMORANDUM

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November,	1989			
Parcel 11				
Page 1		of	5	_Pages

EXHIBIT L Page 1 of 5 Pages

County: Fort Bend Highway: State Highway 99 Project Limits: From U.S. 59 to F.M. 1093

> Field Notes For Parcel 11 Parts 1 and 2

Being 30.135 acres (1,312,647 square feet) of land, more or less, out of a 639.353 acre residue of a called 645.724 acre tract of land situated in the William Morton Survey, Abstract 62, Fort Bend County, Texas; said 645.724 acre tract being the same land described in deed from W. M. Wheless, Jr., Individually and as Co-Independent Executor of the Estate of W. M. Wheless, deceased, et al to W. M. Wheless, Jr., et al dated December 29, 1976 and recorded in Volume 708, Page 429 of the Fort Bend County Deed Records (F.B.C.D.R.); said 30.135 acres of land, more or less, being more particularly described in two parts by metes and bounds as follows, with all bearings based on the Texas Coordinate System, South Central Zone. All distances and coordinates are surface and may be converted to grid by multiplying by the combined adjustment factor of 0.999870:

PART 1

COMMENCING at a bent concrete nonument found for the northeast corner of said 645.724 acre tract, being also an angle point in the southerly right-of-way line of Morton Road (60.00 feet wide); thence as follows:

South 02°07'45" East, along the easterly line of said 645.724 acre tract, a distance of 1,449.84 feet to a 1-inch galvanized iron pipe found in the proposed northerly right-of-way line of Grand Parkway (State Highway 99) and being the POINT OF HEGINNING (X = 3,040,151.50, Y = 678,983.81);

1.) THENCE, SOUTH 02°07'45" East, continuing along said easterly line of said 645.724 acre tract, a distance of 301.45 feet to a 1-inch galvanized iron pipe found in the proposed southerly right-of-way line of said Grand Parkway;

THENCE, Westerly along said proposed southerly right-of-way line of Grand Parkway, the following courses:

CERTIFIED

THE STATE OF

RECORDER'S MEMORANDUM

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EXHIBIT L Page 2 of 5 Pages

2.) NORTH 86°29'55" West, a distance of 2,358.06 feet to a 5/8-inch iron rod with SDHPT aluminum disc set for an angle point.

3.) SeVIH 86°19'15" West, a distance of 400.00 feet to a 5/8-inch iron rod with SDHPT aluminum disc set for an angle point;

4.) NORTH-86°29'55" West, a distance of 443.12 feet to a 5/8-inch iron rod with SENPT aluminum disc set for an angle point;

5.) SOUTH 71°25°22° West, a distance of 40.60 feet to a 5/8-inch iron rod with SDHPT aluminum disc set for an angle point;

6.) SOUTH 25°22'46" West, a distance of 37.80 feet to a 5/8-inch iron rod with SPHPT aluminum disc set in the existing easterly right-of-way line of Mason Road (width varies);

7.) THENCE, NORTH 62°20°42° West, along said existing easterly right-of-way line of Mason Road, a distance of 492.56 feet to a 5/8-inch iron rod with SDEPT aluminum disc set in the proposed northerly right-of-way line of said Grand Parkway;

THENCE, Easterly along said proposed northerly right-of-way line of Grand Parkway, the following courses:

- 8.) SOUTH 27°49'04" East, a distance of 32.37 feet to a 5/8-inch iron rod with SDHFT eluminum disc set for an angle point;
- 9.) SOUTH 67°27'14" East, a distance of 36.92 feet to a 5/8-inch iron rod with SDHPT aluminum size set for an angle point;
- 10.) SOUTH 86'29'55" East, a distance of 452.34 feet to a 5/8-inch iron rod with SDHPT aluminum disc set for an angle point;
- 11.) SOUTH 79°19'04" East, a distance of 490,60 feet to a 5/8-inch iron rod with SDHPT aluminum disc set for an angle point;
- 12.) SOUTH 86°29'55" East, a distance of 2,369.44 feet to the FOINT OF HEGINNING, containing an area of 24.093 acres (1,049,470 square feet) of land, more or less, for Part 1.

GERTIFIED

RECORDER'S MEMORANDUM

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EXHIBIT L Page 3 of 5 Pages

Grantors hereby acknowledge that their use of and access to the expressway lanes to be constructed in conjunction with the highway facility of which the land hereby conveyed shall become a part shall be and forever remain subject to the same regulation by legally constituted authority as applies to the public's use thereof; and Grantors further acknowledge that the design and operation of such highway facility as a Controlled Access Highway require that access from Grantor's remaining property to said highway facility shall be governed henceforth as indicated in Paragraphs (A) and/or (B) hereinbelow; and all abutter's rights, including rights of ingress and egress and the right of direct access to and from Grantor's remaining property to said Controlled Access Highway facility, which have accrued or might otherwise accrue to Grantors, their heirs, successors or assigns are hereby waived, released and relinquished insofar as they appertain to Faragraph (B) hereinbelow:

A. Access to and from Grantor's remaining property will be permitted:

to the south remainder abutting the highway facility between the beginning of the fifth call and the end of the sixth call; also to the north remainder abutting the highway facility between the beginning of the eighth call and the end of the ninth call of the foregoing field, note description.

B. Access to and from Grantor's remaining property will be denied:

to the south remainder abutting the highway facility between the beginning of the second call and the end of the fourth call; also to the north remainder abutting the highway facility between the beginning of the tenth call and the end of the twelfth call of the foregoing field note description.

PART 2

COMMENCING at a point in the existing southerly right-of-way line of Morton Road (60.00 feet wide), being in the existing easterly right-of-way line of Farmer Road (60.00 feet wide), from which a found fence post bears North 46'02'56" West, 0.50 feet; thence as follows:



RECORDERS MEMORANDUM

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EXHIBIT L Page 4 of 5 Pages

South $02^{\circ}20^{\circ}42^{\circ}$ East, along said existing easterly right-of-way line of Farmer Road, a distance of 962.56 feet to a 5/8-inch iron rod with SIMPT aluminum disc set in the proposed northerly right-of-way line of Grand Parkway (State Highway 99), being the beginning of a non-tangent curve to the left, having a radial bearing of South $08^{\circ}21^{\circ}28^{\circ}$ West, and being the POINT OF EEGINNING (X=3,036,121,38, Y=679,290.09);

THENCE, easterly along said proposed northerly right-of-way line of Grand Parkway the following courses:

- 1.) Along the art of said curve to the left (Central Angle = 04°51'22"; Radius = 2,664.79 feet; Chord Bearing and Distance = South 84°04'13" East, 225.79 feet an arc distance of 225.86 feet to a 5/8-inch iron rod with SDHPT aluminum disc set for the point of tangency;
- 2.) SOUTH 86 29 55 East, a distance of 371.91 feet to a 5/8-inch iron rod with STHTF aluminum disc set for angle point;
- 3.) NORTH 71°29'21" East, a distance of 40.60 feet to a 5/8-inch iron rod with SDHPT aluminum disc set for an angle point;
- 4.) NORTH 25°22'46" East, a distance of 37.80 feet to a 5/8-inch iron rod with SDHFF aluminum disc set in the existing westerly right-of-way line of Mason Road (width varies);
- 5.) THENCE, SOUTH 02'20'42" East, along said existing westerly right-of-way line of Mason Road, a distance of 492.56 feet to a 5/8-inch iron rod with SDHPT aluminum disc set in the proposed southerly right-of-way line of said Grand Parkway:

THENCE, Westerly along said proposed southerly right-of-way line of Grand Parkway the following courses:

6.) NORTH 27°49'03" West, a distance of 32.37 feet to a 5/8-inch iron rod with SDHPT aluminum disc set for an angle point;

CENTIFIED

RECORDER'S MEMORANDUM

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NORTH 67°27'14" West, a distance of 36,92 feet to a 5/8-inch if on rod with SDHPT aluminum disc set for an angle point;

8.) NORTH 86°29'55" West, a distance of 422.08 feet to a 5/8-inch iron rod with SDHPT aluminum disc set for the beginning of a tangent curve to the right;

9.) Westerly, along the arc of said curve to the right (Central Angle = 03°26'46", Radius = 3,064.79 feet, Chord Bearing and Distance = North 84°46'32" West, 184.30 feet) an arc distance of 184.33 feet to a 5/8-inch iron rod with SDHPT aluminum disc set in said existing easterly right-of-way line of Farmer Road;

10.) THENCE, NORTH 02-20'42" West, along said existing easterly right-of-way line of Farmer Road, a distance of 406.14 feet to the FOINT OF HEGINING, Containing an area of 6.042 acres (263,177 square feet) of land, more or less, for Part 2 and a total area of 30.135 acres (1,312,647 square feet) of land, more or less, for Parts 1 and 2.

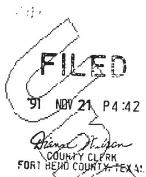
Grantors hereby acknowledge that their use of and access to the expressway lanes to be constructed in conjunction with the highway facility of which the land hereby conveyed shall become a part shall be and forever remain subject to the same regulation by legally constituted authority as applies to the public's use thereof; and Grantors further acknowledge that the design and operation of such highway facility as a Controlled Access Highway require that access from Grantor's remaining property to said highway facility shall be governed henceforth as indicated in Paragraphs (A) and/or (B) hereinbelow; and all abutter's rights, including rights of ingress and egress and the right of direct access to and from Grantor's remaining property to said Controlled Access Highway facility, which have accrued or might otherwise accrue to Grantors, their heirs, successors or assigns are hereby waived, released and reliminated insofar as they appertain to Paragraph (B) hereinbelow:

A. Access to and from Grantor's remaining property will be permitted: to the north and south remainders abutting the highway facility.

B. Access to and from Grantor's remaining property will be denied:

Access will not be denied.

CLRTIFIED



Salam .

STATE OF TELEAS COUNTY OF FORT BEND I, hereby cartify that this incrument was filed on the date end time stamped horson by me and was duly recorded in the volume and page of the Official Records of Fort Bend County, Texas as stamped by me.

NOV 25 1991

County Clerk, Fort Bend Co., Tex.

