



**COUNTY ATTORNEY**  
Fort Bend County, Texas

**BRIDGETTE SMITH-LAWSON**  
County Attorney

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

**LETTER OF REVIEW**

On January 22, 2025, the County Attorney's Office reviewed the following document:

- Right of Way Easement from Connie Jo Bergen and Carl William Schmidt; Onbase File No. 25-Drng-100332

**Comments:**

The above-referenced document (which is attached hereto) has been reviewed by our office and is approved as to legal form.

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

/s/ Jennifer L. Fox,  
Assistant County Attorney

**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.**

**FORT BEND COUNTY DRAINAGE DISTRICT  
RIGHT OF WAY EASEMENT**

THE STATE OF TEXAS  
COUNTY OF FORT BEND,

GRANTORS: **Connie Jo Bergen**  
5315 Ranch Lake Drive  
Magnolia, TX 77354

**Carl William Schmidt**  
12643 Mueck Rd  
Needville, TX 77461

(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 Special District organized under the laws of the state of Texas, (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, and 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 additional easement totaling 0.5779 acre parallel and adjacent to the westerly side of an existing easement 140 feet in width previously recorded within Volume 323, Page 238 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 GRANTOR reserves the right to have the DISTRICT either spread or stockpile excess excavated material generated from the channel expansion or modification at locations mutually agreed upon by the GRANTOR and the DISTRICT.

GRANTOR reserves the right to elect to dispose of the GRANTOR'S stockpiled excess material generated from any modified or expanded channel excavation or bridge repair, modification, or replacement in a manner that does not interfere with the DISTRICT'S use of and access to the easement and right of way for the purposes herein 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 15<sup>th</sup> day of November, 2024.

  
\_\_\_\_\_  
Connie Jo Bergen

  
\_\_\_\_\_  
Carl William Schmidt

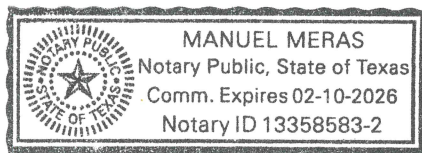
STATE OF TEXAS

COUNTY OF FORT BEND

BEFORE ME ~~Connie~~ <sup>mm</sup> Bergen Manuel Meras, in and for  
Fort Bend County, Texas, on this day personally appeared Connie Bergen  
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 15<sup>th</sup> day of  
November, 2024.

[Signature]  
Notary Public



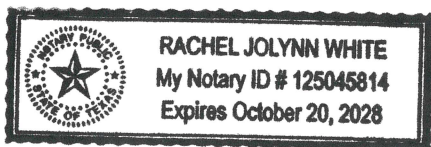
STATE OF TEXAS

COUNTY OF FORT BEND

BEFORE ME Rachel Jolynn White, in and for  
Fort Bend County, Texas, on this day personally appeared Carl William Schmidt  
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 27<sup>th</sup> day of  
November, 2024.

Rachel Jolynn White  
Notary Public





August 22, 2022

***Drainage Easement 52***

***0.5779 of an acre of land in the Angus J. James Survey, Abstract No. 37  
Fort Bend County, Texas***

Being a 0.5779 of an acre (25,174 square feet) of land in the Angus J. James Survey, Abstract No. 37, Fort Bend County, Texas; said 0.5779 of an acre tract being out of a called 16.723 acre tract described in a deed from Dolores Wleczyk and Jean Allen Hartfiel, to Annette Schmidt, recorded under Fort Bend County Clerk's File (F.B.C.C.F.) No. 1999075032, Official Public Records of Fort Bend County (O.P.R.F.B.C.); said 0.5779 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 5/8-inch iron rod with TxDOT aluminum cap found, having coordinates of N=13,738,146.08, E=2,979,696.78, in the existing northeast right-of-way line of Spur 10 (width varies per F.B.C.C.F. No. 2013042163, O.P.R.F.B.C.) for the southwest corner of said 16.723 acre tract and the southeast corner of the residue of a called 52.73 acre tract described in deeds from C. W. Meyer and wife, Lillie A. Meyer, to Viola Nordt, recorded in Volume 465, Page 215, Volume 597, Page 171, Volume 600, Page 652, and Volume 602, Page 762, Fort Bend County Deed Records (F.B.C.D.R.), and described in a deed from Viola Nordt to William H. Nordt (1/2 interest), recorded under F.B.C.C.F. No. 8520032, Volume 1659, Page 786, Official Records of Fort Bend County;

**THENCE**, North 43°00'11" East, along the northwest boundary line of said 16.723 acre tract and the southeast boundary line of the residue of said 52.73 acre tract, a distance of 1,336.77 feet to a 3/8-inch iron rod with "Landtech" cap set in the proposed southwest drainage easement for the westerly northwest corner of the herein described tract and the **POINT OF BEGINNING** having coordinates of N=13,739,123.68, E=2,980,608.51;

1. **THENCE**, North 43°00'11" East, continuing along the northwest boundary line of said 16.723 acre tract and the southeast boundary line of the residue of said 52.73 acre tract, a distance of 68.07 feet to a point in the existing southwest line of Fort Bend County Drainage District (F.B.C.D.D.) 185 feet wide drainage canal and right-of-way easement, recorded in Volume 323, Page 235, Volume 323, Page 237, and Volume 1558, Page 525, F.B.C.D.R., for the northerly northwest corner of the herein described tract; from which a found 5/8-inch iron rod with cap bears North 43°00'11" East, 17.00 feet;

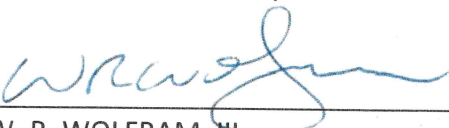
**THENCE**, along the existing southwest line of said F.B.C.D.D. easement the following three (3) courses and distances:

2. South 01°37'54" West, a distance of 48.07 feet to the point of curvature of a curve to the left;
3. Around said curve to the left having a radius of 470.00 feet, an arc length of 395.53 feet, a central angle of 48°13'03", and a chord which bears South 22°28'38" East, 383.96 feet to the point of tangency;
4. South 46°35'10" East, a distance of 121.94 feet to a point in the southeast boundary line of said 16.723 acre tract and the northwest boundary line of a called 17.723 acre tract described in a deed from Annette Schmidt and Dolores Wleczyk to Jean Allen Hartfiel, recorded under F.B.C.C.F. No. 1999075033, O.P.R.F.B.C., for the easterly southeast corner of the herein described tract;
5. **THENCE**, South 42°11'28" West, along the southeast boundary line of said 16.723 acre tract and the northwest boundary line of said 17.723 acre tract, a distance of 45.01 feet to a 3/8-inch iron rod with "Landtech" cap set in said proposed southwest drainage easement, having coordinates of N=13,738,653.46, E=2,980,858.72, for the southerly southeast corner of the herein described tract;

**THENCE**, along said proposed drainage easement the following two (2) courses and distances:

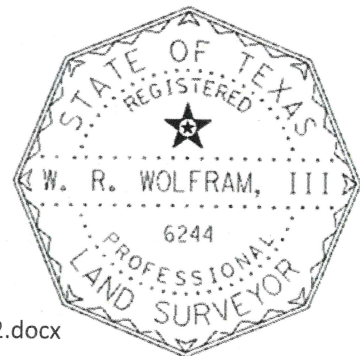
6. North 46°35'10" West, a distance of 122.90 feet to a 3/8-inch iron rod with "Landtech" cap set for the point of curvature of a curve to the right;
7. Around said curve to the right having a radius of 515.00 feet, an arc length of 430.39 feet, a central angle of 47°52'57", and a chord which bears North 22°38'42" West, 417.97 feet to the **POINT OF BEGINNING** and containing 0.5779 of an acre (25,174 square feet) of land.

A separate Plat accompanies this Metes and Bounds description.

  
W. R. WOLFRAM, III  
08-22-2022  
Date

Texas Registered Professional Land Surveyor No. 6244

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# ANGUS J. JAMES SURVEY ABSTRACT NO. 37

FND. 5/8" I.R. W/CAP BEARS  
N 43°00'11" E, 17.00'  
P.O.B.  
VIOLA NORDT  
RESIDUE OF A  
CALLED 52.73 ACRES  
VOL. 466, PG. 215, F.B.C.D.R.  
VOL. 597, PG. 171, F.B.C.D.R.  
VOL. 600, PG. 652, F.B.C.D.R.  
VOL. 602, PG. 762, F.B.C.D.R.  
WILLIAM H. NORDT  
(1/2 INTEREST)  
F.B.C.C.F. NO. 8620032  
VOL. 1659, PG. 786,  
O.R.F.B.C.

N 43°00'11" E 1,336.77'  
WIRE FENCE  
P.O.C.  
N=13,738, 146.08  
E=2,979,696.78  
FND. 5/8" I.R. W/CAP DOT  
ALUMINUM CAP  
SPUR 10  
EXISTING  
ROW  
(WIDTH VARIES PER  
O.P.R.F.B.C.)  
F.B.C.C.F. NO. 2013042163

ANNETTE SCHMIDT  
CALLED 16.723 ACRES  
F.B.C.C.F. NO. 1999075032  
O.P.R.F.B.C.

DRAINAGE EASEMENT 52  
0.5779 ACRE  
(25,174 SQ. FT.)

N=13,738,653.46  
E=2,980,858.72

JEAN ALLEN HARTFIEL  
CALLED 17.723 ACRES  
F.B.C.C.F. NO. 1999075033  
O.P.R.F.B.C.

PATRICK EICHER  
CALLED 80.00 ACRES  
F.B.C.C.F. NO. 9305237  
VOL. 2486, PG. 1742  
O.R.F.B.C.

FORT BEND COUNTY  
DRAINAGE DISTRICT  
140' AGGREGATE DRAINAGE CANAL  
RIGHT-OF-WAY AND EASEMENT  
VOL. 1537, PG. 387, F.B.C.D.R.  
FORT BEND COUNTY  
DRAINAGE DISTRICT  
80' DRAINAGE CANAL  
RIGHT-OF-WAY AND EASEMENT  
VOL. 342, PG. 549, F.B.C.D.R.

FORT BEND COUNTY DRAINAGE DISTRICT  
70' DRAINAGE CANAL RIGHT-OF-WAY AND EASEMENT  
VOL. 323, PG. 238, F.B.C.D.R.  
FORT BEND COUNTY DRAINAGE DISTRICT  
70' DRAINAGE CANAL RIGHT-OF-WAY AND EASEMENT  
VOL. 323, PG. 235, F.B.C.D.R.  
FORT BEND COUNTY DRAINAGE DISTRICT  
45' DRAINAGE CANAL RIGHT-OF-WAY AND EASEMENT  
VOL. 1538, PG. 325, F.B.C.D.R.

LINE	BEARING	DISTANCE
L1	N 43°00'11" E	68.07'
L2	S 01°37'54" W	48.07'
L3	S 46°35'10" E	121.94'
L4	S 42°11'28" W	45.01'
L5	N 46°35'10" W	122.90'
L6	N 42°11'28" E	13.42'

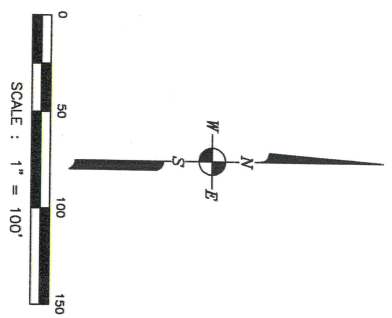
CURVE	RADIUS	LENGTH	DELTA	CHORD
C1	470.00'	395.53'	48°13'03"	383.96'
C2	515.00'	430.39'	47°52'57"	417.97'



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



- LEGEND:
- O.P.R.F.B.C. — OFFICIAL PUBLIC 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)

- 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 0.99986701753.
  - 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 METES & BOUNDS ACCOMPANIES THIS PLAT

**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 52**  
0.5779 ACRE (25,174 SQ. FT.) TRACT OF LAND IN THE ANGUS J. JAMES SURVEY, ABSTRACT NO. 37  
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 existing drainage easement of Big Creek in Rosenberg, Fort Bend County, Texas 77471 and further described as:

A 0.5779 of an acre (25,174 square feet) of land in the Angus J. James Survey, Abstract No. 37, Fort Bend County, Texas; said 0.5779 of an acre tract being out of a called 16.723 acre tract described in deed from Dolores Wleczyk and Jean Allen Hartfiel, to Annette Schmidt, recorded under Fort Bend County Clerk's File (F.B.C.C.F.) No. 1999075032, Official Public Records of Fort Bend County (O.P.R.F.B.C.).

Fort Bend County hereby offers a price amount of \$56,642.00 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-six thousand, six hundred forty-two dollars and zero cents (\$56,642.00) for the easement on 0.5779 acres of Easement 52.

☐ I do **not** accept the purchase offer of fifty-six thousand, six hundred forty-two dollars and zero cents (\$56,642.00) for the easement on 0.5779 acres of Easement 52 and wish to negotiate.

Owner: Allen William Schmidt Connie Jo Bergen

Signature: Allen William Schmidt Connie Jo Bergen

Date: 10-28-24