

#D4

**FORT BEND COUNTY FY 2010
DRAINAGE DISTRICT AGENDA REQUEST FORM**

Return Completed Form by E-Mail to: Agenda Coordinator, County Judge's Office

Date Submitted: December 8, 2009
Court Agenda Date: December 15, 2009

Submitted By: Mark Vogler
Department: Drainage District
Phone Number: 281/342-2863

SUMMARY OF ITEM:

Take all appropriate action on the acceptance of an additional easement on Big Creek within Barnabas Wickson, Abstract A-95 of Fort Bend County, Precinct 1, from Frank E. Kunz.

RENEWAL AGREEMENT/APPOINTMENT YES ☐ NO ☒
REVIEWED BY COUNTY ATTORNEY'S OFFICE: YES ☐ NO ☒

List Supporting Documents Attached: Right of Way Easement, Exhibit A, and Exhibit B

FINANCIAL SUMMARY:

BUDGETED ITEM: YES ☐ NO ☒

FUNDNG SOURCE: Accounting Unit:
Activity (If Applicable):

Account Number:

COUNTY JUDGE
RECEIVED

DEC 11 2009

DESCRIPTION OF LAWSON ACCOUNT: _____

Instructions to submit Agenda Request Form:

- Completely fill out agenda form: incomplete forms will not be processed.
- Agenda Request Forms should be submitted by e-mail, fax, or inter-office mail, and all back-up information must be provided by Wednesday at 2:00 p.m. to all those listed below.
- All original back-up must be received in the County Judge's Office by 2:00 p.m. on Wednesday.

DISTRIBUTION:

Original Form Submitted with back up to County Judge's Office ☐ (✓ when completed)

If by E-Mail to ospindon@co.fort-bend.tx.us

If by Fax to (281) 341-8609

Distribute copies with back-up to all listed below. If by fax, send to numbers below:

<input type="checkbox"/> Auditor	(281-341-3774)	<input type="checkbox"/> Comm. Pct. 1	(281-342-0587)
<input type="checkbox"/> Budget Officer	(281-344-3954)	<input type="checkbox"/> Comm. Pct. 2	(281-403-8009)
<input type="checkbox"/> Facilities/Planning	(281-633-7022)	<input type="checkbox"/> Comm. Pct. 3	(281-242-9060)
<input type="checkbox"/> Purchasing Agent	(281-341-8642)	<input type="checkbox"/> Comm. Pct. 4	(281-980-9077)
<input type="checkbox"/> Information Technology	(281-341-4526)	<input type="checkbox"/> County Clerk	(281-341-8697)
<input type="checkbox"/> Other:		<input type="checkbox"/> County Atty	(281-341-4557)

RECOMMENDATION / ACTION REQUESTED:

Take all appropriate action on the acceptance of an additional easement on Big Creek within Barnabas Wickson, Abstract A-95 of Fort Bend County, Precinct 1, from Frank E. Kunz.

Special Handling Requested (specify): Return originals to Rose Ann Vargas, Drainage after recording

12-22-09 orig. recorded in property records at Co. Clerk
 & ret. to Rose Ann at Drainage

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:

FRANK E. KUNZ

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, here _____ 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 1.9538 acres parallel and adjacent to the westerly side of an existing easement 80 feet in width previously recorded in Volume 319, on Page 268, of the Deed Records of Fort Bend County Texas, and more particularly described within the metes and bounds description attached as Exhibit "A" and the standard land survey attached as Exhibit "B".

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.

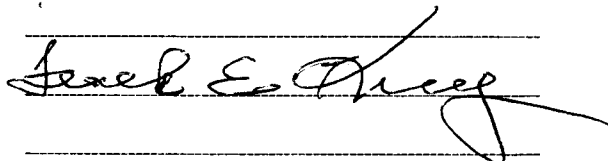
GRANTOR reserves the right to use the facilities offered by the drainage canal for the disposal of surface waters, rain, or any excess waters collecting upon his land, and in such connection GRANTOR has the right in the manner provided by law and at his own expense to construct and provide ditches, drains 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 3rd day of December, A. D. 2009.



THE STATE OF TEXAS

COUNTY OF

Fort Bend

BEFORE ME

Rosalie Vargas

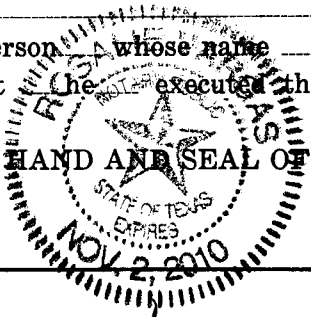
a notary public
Fort Bend

, in and for
County, Texas, on this day personally appeared

Frank KUNZ

known to me to be the person whose name 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 3rd day of December, A. D. 2009 (L. S.) Rosalie Vargas



THE STATE OF TEXAS

COUNTY OF

BEFORE ME

, in and for
County, Texas, on this day personally appeared
, wife of

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 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. (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. (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. with its authentication, was filed for record in my office on the day of A. D. at o'clock M., and duly recorded this the day of A. D. 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

**RIGHT-OF-WAY
EASEMENT**

BY

TO

**FORT BEND COUNTY
DRAINAGE DISTRICT**

Filed for Record

This _____ day of _____

A. D. _____, at _____ o'clock _____ M.

Recorded

This _____ day of _____

A. D. _____, in _____

County, Texas, Records of Deeds.

Book _____ Page _____

_____, Clerk

_____, Deputy

Return to:

Exhibit "A"

August 26, 2009

Drainage Easement

***1.9538 acres in the B. Wickson League, Abstract No. 95,
Fort Bend County, Texas***

A FIELD NOTE DESCRIPTION of 1.9538 acres (85,106 square feet) of land in the B. Wickson League, Abstract No. 95, Fort Bend County, Texas; said 1.9538 acre tract being out of the remainder of a 312.5 acre tract conveyed to Frank E. Kunz, et ux, as recorded in Volume 329, Page 473 of the Fort Bend County Deed Records; said tract being more particularly described by metes and bounds as follows with the bearings being based on the Texas State Plane Coordinate System, South Central Zone using National Geodetic Survey Continuously Operating Reference Stations:

COMMENCING FOR REFERENCE at a ½-inch iron rod with cap stamped "Precision" found at the intersection of the northeast right-of-way line of Psencik Road with the northwest right-of-way line of Boothline Road; said point having the following coordinates: X=3007671.91, Y=13725912.00;

THENCE, North 42° 16' 55" East - 3,797.46 feet with the northwest right-of-way line of said Boothline Road to a point for the south corner and POINT OF BEGINNING of this tract; said point having the following coordinates: X=3010146.02, Y=13728632.72;

THENCE, the following ten calls with the west and south line of a proposed 240 foot wide Drainage Easement:

- 1.) North 48° 59' 09" West - 39.37 feet to a point-of-curvature;
- 2.) in a northwesterly direction with a curve to the left having a radius of 260.00 feet, a central angle of 05° 04' 08", a length of 23.00 feet and a chord bearing North 51° 31' 13" West - 22.99 feet to a point-of-tangency;
- 3.) North 54° 03' 17" West - 98.11 feet to a point-of-curvature;
- 4.) In a northwesterly direction with a curve to the right having a radius of 740.00 feet, a central angle of 08° 33' 15", a length of 110.48 feet and a chord bearing North 49° 46' 39" West - 110.38 feet to a point-of-tangency;
- 5.) North 45° 30' 02" West - 215.61 feet to a point-of-curvature;
- 6.) In a northwesterly direction with a curve to the right having a radius of 620.00 feet, a central angle of 40° 54' 42", a length of 442.71 feet and a chord bearing North 25° 02' 41" West - 433.36 feet to a point-of-tangency;
- 7.) North 04° 35' 20" West - 388.51 feet to a point-of-curvature;
- 8.) In a northwesterly direction with a curve to the left having a radius of 80.00 feet, a central angle of 76° 36' 00", a length of 106.95 feet and a chord bearing North 42° 53' 20" West - 99.16 feet to a point-of-tangency;
- 9.) North 81° 11' 21" West - 271.19 feet to an angle point of this tract;
- 10.) North 79° 56' 43" West - 365.47 feet to a point for the west corner of this tract; said point having the following coordinates: X=3008870.96, Y=13729910.73;

THENCE, North 42° 23' 51" East - 38.49 feet with the northwest line of said remainder of Frank E. Kunz tract and with the southeast line of a 38.288 acre tract of land conveyed to Dorothy A. Holecek, as described in Volume 621, Page 455 of the Fort Bend County Deed Records to a point in the southwest line of an 80 foot wide drainage easement, as recorded in Volume 319, Page 268 of the Fort Bend County Deed Records for the north corner of this tract;

THENCE, the following eight calls with the southwest line of said 80 foot wide drainage easement:

- 1.) South 81° 11' 21" East - 615.31 feet;
- 2.) In a southeasterly direction with a curve to the right having a radius of 120.00 feet, a central angle of 77° 35' 02", a length of 162.49 feet and a chord bearing South 42° 23' 50" East - 150.36 feet;
- 3.) South 03° 36' 18" East - 348.99 feet;
- 4.) South 07° 05' 09" East - 152.78 feet;
- 5.) South 26° 36' 21" East - 120.69 feet;
- 6.) South 40° 45' 28" East - 179.24 feet;
- 7.) South 44° 48' 02" East - 200.92 feet;
- 8.) South 48° 59' 09" East - 282.50 feet to a point in the northwest right-of-way line of said Boothline Road for the east corner of this tract;

THENCE, South 42° 16' 55" West - 40.01 feet with the northwest right-of-way line of said Boothline Road to the POINT OF BEGINNING and containing 1.9538 acres (85,106 square feet) of land.

Note: This metes and bounds description was written in conjunction with a survey performed on even date herewith.

Reference Control Monuments:

F.B.C.D.D. No. 1: Brass disk stamped 'FBCDD NO 1' set at the centerline of creek on the downstream side of bridge for boothline road over Big Creek.

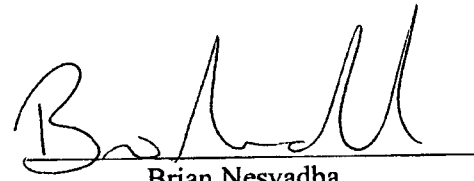
F.B.C.D.D. No. 2: Brass disk stamped 'FBCDD NO 2' set at the centerline of creek on the downstream side of bridge for F.M. 2977 over Big Creek.

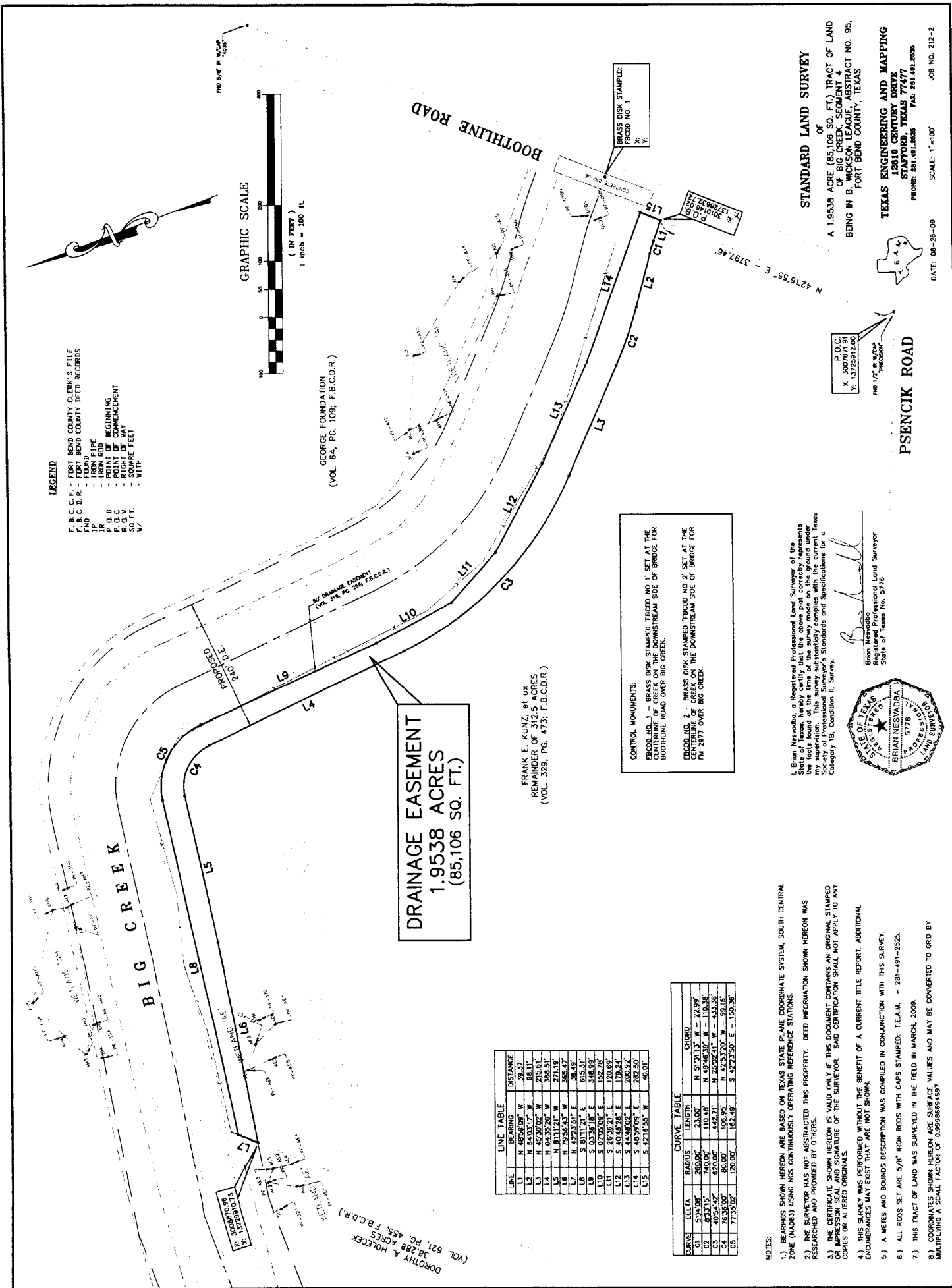
COMPILED BY:

Texas Engineering And Mapping Company
Civil Engineers - Land Surveyors
Stafford, Texas
Job No. 212-2

W:\212-2 DE_01.wpd




Brian Nesvadba
Registered Professional Land Surveyor
State of Texas No. 5776



LINE		TABLE		DISTANCE	
L1	N 48°30' W	L1	38.37		
L2	N 4°03'12" E	L2	96.11		
L3	N 4°03'12" E	L3	96.11		
L4	N 4°35'20" W	L4	369.51		
L5	N 11°21' W	L5	271.19		
L6	N 79°56'43" W	L6	565.47		
L7	N 42°25'51" E	L7	38.49		
L8	S 81°11'21" E	L8	615.31		
L9	S 03°36'18" E	L9	346.99		
L10	S 07°05'09" E	L10	152.78		
L11	S 24°35'21" E	L11	120.69		
L12	S 40°45'38" E	L12	179.74		
L13	S 44°58'02" E	L13	200.32		
L14	S 45°09'59" E	L14	262.85		
L15	S 45°09'59" E	L15	262.85		
L16	S 45°09'59" E	L16	262.85		

CURVE	DELTA	RADIUS	LENGTH	CHORD
C1	574.08°	260.00'	23.00'	N 51.31° E W = 22.99'
C2	83.51°	740.00'	110.48'	N 49.46° 39' W = 130.38'
C3	80.54°	42.00'	442.71'	N 25.02° E W = 433.36'
C4	76.36°	80.00'	186.95'	N 42.33° 50' W = 99.16'
C5	73.55°	120.00'	187.48'	S 42.23° 50' E W = 150.36'

- NOTES:
- 1) BEARINGS SHOWN HEREON ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD83) USING NOS CONTINUOUSLY OPERATING REFERENCE STATIONS.
 - 2) THE SURVEYOR HAS NOT ABSTRACTED THIS PROPERTY. DEED INFORMATION SHOWN HEREON WAS RESEARCHED AND PROVIDED BY OTHERS.
 - 3) THE GEODATUM SHOWN HEREON IS VALID ONLY IF THIS DOCUMENT CONTAINS AN ORIGINAL, STAMPED COPY OF IMPRESSION SEAL AND SIGNATURE OF THE SURVEYOR. SAID CERTIFICATION SHALL NOT APPLY TO ANY COPIES OR ALTERED ORIGINALS.
 - 4) THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT. ADDITIONAL ENCUMBRANCES MAY EXIST THAT ARE NOT SHOWN.
 - 5) A METES AND BOUNDS SURVEY WAS COMPILED IN CONJUNCTION WITH THIS SURVEY.
 - 6) ALL ROSS SET ARE 5/8" IRON RODS WITH CAPS STAMPED: T.E.A.M. - 281-481-2525.
 - 7) THIS TRACT OF LAND WAS SURVEYED IN THE FIELD IN MARCH, 2009.
 - 8) GEODATUMS SHOWN HEREON ARE SURFACE VALUES AND MAY BE CONVERTED TO GRID BY ADDING THE SCALE FACTOR OF 0.999968684987.

let: Fort Bend County Clerk
Administrative Service Coordinator

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dianne Wilson

2009 Dec 17 01:15 PM

2009131205

CDC \$0.00

Dianne Wilson COUNTY CLERK

FT BEND COUNTY TEXAS