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FORT BEND COUNTY FY 2009
COMMISSIONERS COURT AGENDA REQUEST FORM
Return Completed Form by E-Mail to: Agenda Coordinator, County Judge's Office

Date Submitted: 09.16.09 Submitted By: Laura Johnson
Court Agenda Date: 09.22.09 For: Engineering
Phone Number: 4556

SUMMARY OF ITEM: Take all appropriate action to abandon 1.163 acres (30' wide easement) from the S.B. Pentecost Survey, A-378. Easement no longer required by the County.
RENEWAL AGREEMENT/APPOINTMENT YES NO
REVIEWED BY COUNTY ATTORNEY'S OFFICE: YES X NO
List Supporting Documents Attached:

FINANCIAL SUMMARY:
BUDGETED ITEM: YES NO
FUNDNG SOURCE: Accounting Unit: Account Number:
Activity (If Applicable):
DESCRIPTION OF LAWSOM 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:
 Auditor (281-341-3774) Comm. Pct. 1 (281-342-0587)
 Budget Officer (281-344-3954) Comm. Pct. 2 (281-403-8009)
 Facilities/Planning (281-633-7022) Comm. Pct. 3 (281-242-9060)
 Purchasing Agent (281-341-8642) Comm. Pct. 4 (281-980-9077)
 Information Technology (281-341-4526) County Clerk (281-341-8697)
 Risk Management

RECOMMENDATION / ACTION REQUESTED:
Special Handling Requested (specify):

10-1-0A orig. recorded in Property records of County Clerk & ret. to Laura at Co. Attorney

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ABANDONMENT OF RIGHT OF WAY AND EASEMENT

THE STATE OF TEXAS §
 § KNOW ALL BY THESE PRESENTS:
COUNTY OF FORT BEND §

On day, at a regular meeting of the Commissioners Court of Fort Bend County, Texas came on to be heard the matter of the abandonment of a 30 ft. right of way drainage easement in that certain tract of land situated in the County of Fort Bend, State of Texas, acquired in Quit Claim from F.C. Albright and recorded in the Fort Bend County Clerk's deed records on November 29, 1940, Volume 193, Page 269, and

WHEREAS, Windmeadows Investors, Ltd., (the "Landowner") has executed a Drainage Easement in favor of the Fort Bend County Drainage District covering that certain Easement, described on Exhibit "A" attached hereto ("Replacement Easement"), and within 30 days hereafter, the District will execute the Replacement Easement and record same in the Official Real Property Records of Fort Bend County, Texas; and

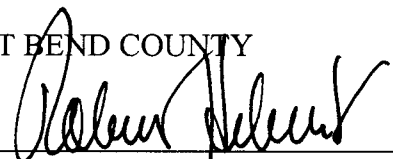
WHEREAS, the County has determined the Replacement Easement to have a value that is equal to or greater than the portion of the Original Easement being abandoned by this Abandonment of Right of Way and Easement; and

WHEREAS, Fort Bend County has determined that it no longer needs to utilize the entire Original Easement and the County desires to release, abandon and relinquish all of its rights, titles and interests in and to the portion of the Original Easement that is described as a 1.163 Acre Tract; more fully described in Exhibit "B" to this Order of Abandonment.

NOW, THEREFORE, Fort Bend County does hereby release, abandon and relinquish all of its rights, titles and interests in and to the portion of the Original Easement that certain 1.163 Acre Tract. The County's rights, titles and interests in the portion of the Original Easement which is abandoned hereby shall terminate as of the date hereof.

EXECUTED this 22 day of September, 2009.

FORT BEND COUNTY

By: 
Robert E. Hebert, County Judge

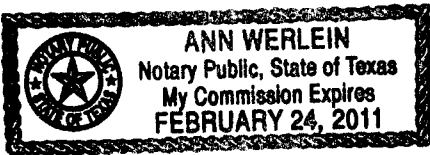
ATTEST:


Dianne Wilson, County Clerk

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

Before me, the undersigned authority, on this day personally appeared Robert E. Hebert, County Judge, of Fort Bend County, known to me or proved to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed said instrument for the purposes and consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of office on September 22, 2009.



Ann Werlein
Notary Public, State of Texas

ASSIGNMENT OF DRAINAGE EASEMENTS

THE STATE OF TEXAS §
 §
 COUNTY OF FORT BEND § KNOW ALL MEN BY THESE PRESENTS:

That, Fort Bend County Municipal Utility District No. 150 of the County of Fort Bend, State of Texas, hereinafter referred to as Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration to Grantor in hand paid by Fort Bend County Drainage District, hereinafter referred to as Grantee, the receipt of which is hereby acknowledged, and for which no lien is retained, either expressed or implied, does by these presents grant, bargain, sell and convey unto Fort Bend County Drainage District all of Grantor's rights, titles and interests in and to the easements conveyed to Grantor in the following described instruments:

1. Drainage Easement dated March 10, 2006 from Jana Kana, Independent Executrix of the Estate of Clara Demel, Deceased to Fort Bend County Municipal District No. 150 recorded under County Clerk No. 2006135565 of the Official Public Records of Fort Bend County, Texas.
2. Drainage Easement dated October 19, 2006 from Blue Mesa Properties to Fort Bend County Municipal District No. 150 recorded under County Clerk No. 2006028910 of the Official Public Records of Fort Bend County, Texas.
3. Drainage Easement dated May 17, 2006 from Vincent Morales and wife, Regina Morales to Fort Bend County Municipal District No. 150 recorded under County Clerk No. 2006065910 of the Official Public Records of Fort Bend County, Texas SAVE and EXCEPT all of Grantor's rights, titles and interests in and to this Drainage Easement No. 3 insofar as it covers and includes the land described in Exhibits "A" and "C" attached thereto, it being the intention of Grantor and Grantee to only convey Grantor's rights, titles and interests in and to this Easement No. 3 insofar as it covers the land described in Exhibit "B" attached thereto.
4. Drainage Easement dated March 14, 2006 from Ben F. Bryan, Jr. et al to Fort Bend County Municipal District No. 150 recorded under County Clerk No. 2006032599 of the Official Public Records of Fort Bend County, Texas.
5. Drainage Easement dated December 13, 2005 from Ben F. Bryan, Jr. and Rosamond Bryan Chestnut to Fort Bend County Municipal District No. 150 recorded under County Clerk No. 2006001741 of the Official Public Records of Fort Bend County, Texas.
6. Drainage Easement dated September 29, 2005 from Windmeadows Investors, Ltd. to Fort Bend County Municipal District No. 150 recorded under County Clerk No. 2005125129 of the Official Public Records of Fort Bend County, Texas.

TO HAVE AND TO HOLD the above described easements together with all and singular the rights, privileges and appurtenances thereto in any manner belonging, unto Fort Bend County, Texas forever; and Grantor hereby binds itself and its successors or assigns, to warrant and forever defend, all and singular, the above described easements unto Fort Bend County, Texas, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or part thereof by through or under Grantee, but not otherwise.

Grantee agrees to abide by the terms and provisions of above the described easements and does hereby assume all of Grantor's obligations and liabilities relating to or arising out of above described easements from and after the date hereof. In addition, Grantee agrees to maintain and preserve the easements in that condition that is usual and customary for easements of this type in Fort Bend County, Texas and in accordance with the terms and provisions of the easements herein assigned, but Grantee does not accept responsibility for the upkeep and maintenance of the concrete box culvert related to the channel within the above described easements, any slope paving within the channel within the above described easements, or for any detention facilities serving the area within the boundaries of the land subject to the taxing authority of Grantor.

IN WITNESS WHEREOF, this instrument is executed in multiple counterpart originals on the dates set forth below the names set forth below but to be effective the on the 1st day of July, 2009.

**FORT BEND COUNTY MUNICIPAL
UTILITY DISTRICT NO. 150**

By: Michael C. Wilde
Name: Michael C. Wilde
Title: President

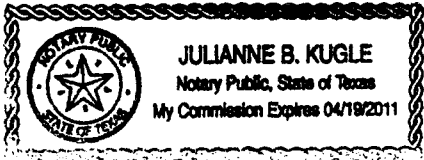
Date: 9-4-09

The State of Texas §
County of Harris §

This instrument was acknowledged before me on ~~July~~ ^{September 4}, 2009 by Michael C. Wilde
President of Fort Bend County Municipal Utility District No. 150, on behalf of said
municipal utility district..

Stamped/Printed Name of Notary
and expiration date.

Julianne B. Kugle
Notary Public in and for the State of Texas



AS PER ORIGINAL

**METES AND BOUNDS DESCRIPTION
OF 1.163 ACRES OF LAND
IN THE S.B. PENTECOST SURVEY, A-378
FORT BEND COUNTY, TEXAS**

All that certain 1.163 acres of land, which is the 30' wide right-of-way easement, described in the deed recorded under Volume 193, Page 269, in the Deed Records of Fort Bend County, Texas, in the S.B. Pentecost Survey, A-378, Fort Bend County, Texas, and more particularly described by metes and bounds as follows: (All bearings based on the record bearings of the east line of the 158.5 acre tract described in the deed from 2218 Rosenberg, L.P. to Windmeadows Investors, Ltd. recorded under File No. 2005-095386, in the Official Public Records of Fort Bend County, Texas)

COMMENCING at a 5/8" iron rod found for the east corner of said 158.5 acre tract, common to the south corner of the 17.0 acre tract described in the deed from Gypsy L. Bryan to Arnold Bryan, recorded under Volume 913, Page 292, in the Deed Records of Fort Bend County, Texas, common to the east corner of the 95.858 acre tract described as Parcel Two in the deed from Colletta Lake Marshall to Colletta Ray McMillian, et al, recorded under Volume 1971, Page 1741, in the Deed Records of Fort Bend County, Texas, in the northwest line of the 335.34 acre tract described in the deed from Amtex Properties to Amtex Properties, LTD., recorded under File No. 2002-100334, in the Official Public Records of Fort Bend County, Texas, from which a 1/2" iron rod found for the east corner of the 7.802 acre tract described in the deed from Colletta Ray McMillian, et al. to Lane Aviation, Inc., recorded under File No. 9709631, in the Official Public Records of Fort Bend County, Texas, bears South 45°00' 00" West - 1533.19'; **THENCE** North 45° 04' 10" West - 997.80', along the northeast line of said 158.5 acre tract, to the north corner of the 200' wide Fort Bend County Drainage District easement, recorded under Volume 319, Page 85, in the Official Public Records of Fort Bend County, Texas; **THENCE** South 46° 08' 18" West - 134.75', along the northwest line of said 200' wide easement, to an angle corner; **THENCE** South 36° 50' 32" West - 122.78', continuing along said northwest line, to an angle corner; **THENCE** South 13° 39' 27" West - 119.16', continuing along said northwest line, to an angle corner; **THENCE** South 18° 43' 37" West - 45.38', continuing along said northwest line, to the east corner and **POINT OF BEGINNING** of the herein described easement;

THENCE South 18° 43' 37" West - 32.45', continuing along said northwest line, common to the southeast line of said 30' wide easement, to the south corner of said 30' wide easement;

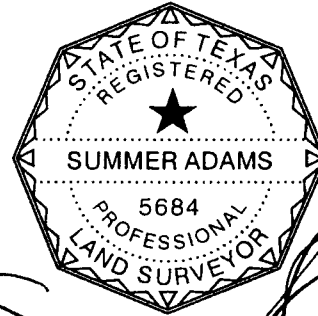
THENCE North 48° 51' 33" West - 1695.78', along the southwest line of said 30' wide easement, to the west corner of said 30' wide easement;

THENCE North 44° 34' 21" East – 30.05', along the northwest line of said 30' wide easement, to the north corner of said 30' wide easement;

THENCE South 48° 51' 33" East – 1681.61', along the northeast line of said 30' wide easement, to the **POINT OF BEGINNING** of the herein described easement and containing 1.163 acres of land.

Prepared by:
PATE SURVEYORS
a division of
Pate Engineers, Inc.

Job No. 1279-005-00-563



A handwritten signature in black ink, appearing to be "S. Adams", written over a horizontal line.

Certification Date
November 7, 2005

THIS LEGAL DESCRIPTION IS ISSUED FOR THE PURPOSE OF ATTACHMENT TO EASEMENT ABANDONMENT DOCUMENTS. IT SHOULD NOT BE USED FOR FEE TITLE TRANSFER.

Set: Fort Bend County Clerk
Administrative Services Coordinator

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dianne Wilson

2009 Oct 01 02:16 PM

2009103469

CDC \$0.00

Dianne Wilson COUNTY CLERK

FT BEND COUNTY TEXAS