

2010

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: | 09/29/2009 | Submitted By: | Mary Reveles |
| Court Agenda Date: | 10/06/2009 | Department: | County Attorney |
| | | Phone Number: | 341-4554 |

SUMMARY OF ITEM:

PARKS:

Take all appropriate action to accept Recreational Facilities Easement between Fort Bend County, as Grantee, and the University of Houston System, as Grantor, for construction, installation, repair, replacement, maintenance, and operation of a hiking, jogging and/or bicycle trail in Cinco Ranch and record such easement in the Real Property Records in the County Clerk's Office.

RENEWAL AGREEMENT/APPOINTMENT YES NO

REVIEWED BY COUNTY ATTORNEY'S OFFICE: YES NO

List Supporting Documents Attached:

FINANCIAL SUMMARY: BUDGETED ITEM: YES NO N/A

FUNDNG SOURCE: Accounting Unit: Account Number: N/A

Activity (If Applicable):

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 checked="" type="checkbox"/> | Comm. Pct. 1 | (281-342-0587) |
| <input type="checkbox"/> | Budget Officer | (281-344-3954) | <input checked="" type="checkbox"/> | Comm. Pct. 2 | (281-403-8009) |
| <input checked="" type="checkbox"/> | Facilities/Planning | (281-633-7022) | <input checked="" type="checkbox"/> | Comm. Pct. 3 | (281-242-9060) |
| <input type="checkbox"/> | Purchasing Agent | (281-341-8642) | <input checked="" type="checkbox"/> | Comm. Pct. 4 | (281-980-9077) |
| <input type="checkbox"/> | Road & Bridge | | <input checked="" type="checkbox"/> | County Clerk | (281-341-8697) |
| <input checked="" type="checkbox"/> | Parks, Mike Davis | | <input checked="" type="checkbox"/> | County Atty | (281-341-4557) |

RECOMMENDATION / ACTION REQUESTED:

Special Handling Requested (specify): *10-A-DA 1 orig. recorded with County Clerk. 3 orig. ret. to Mary Lt CO. Attorney*

3. Grantee, as a political subdivision, may establish and implement rules and regulations for the public use of the Easement as long as these rules and regulations do not interfere and/or conflict with Grantor's mission and purposes.

4. This conveyance is further made subject to any restrictions, covenants, easements, rights-of-way, encumbrances, and mineral or royalty reservations or interests affecting the Premises and appearing of record in the Official Records of Fort Bend County, Texas, to the extent that said items and matters are in effect and validly enforceable against the Easement granted herein; provided, however, Grantor will not enforce said items and matters, to the extent that it has the ability to enforce any of said items or matters, in a manner which would unreasonably prejudice or interfere with Grantee's rights in the Easement granted herein.

5. Grantee agrees that no representations about the condition of the Premises granted pursuant to this Easement have been made by Grantor or its agents to Grantee. Grantor makes no representation regarding the physical condition of the Premises. Grantor expressly disclaims any warranty, express or implied, under statutory or common law, or otherwise, with respect to the Premises, including its constructability, suitability, and/or physical condition. Grantee has inspected the Premises and accepts the Premises "as is" in its existing physical and topographic condition. Grantor makes no implied warranties of merchantability, or fitness for a particular purpose, or of any other kind arising out of or that extend beyond this Easement.

6. Grantee shall assume and bear all risks of loss with respect to the rights granted under this Easement.

TO HAVE AND TO HOLD, subject to the matters set forth herein, the above-described Easement, together with all and singular the rights and appurtenances thereto in anywise belonging, including all necessary rights of ingress, egress, and regress, unto said Grantee, its successors and assigns. Subject to the matters set forth herein, Grantor does hereby bind itself, its successors and assigns, to WARRANT AND FOREVER DEFEND, all and singular the said Easement and right-of-way and other rights described herein unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof by, through, or under Grantor, but not otherwise.

[EXECUTION PAGES FOLLOW]

EXECUTED as of the 24th day of September, 2009.

GRANTOR:

BOARD OF REGENTS of the
UNIVERSITY OF HOUSTON SYSTEM,

By: Renu Khator

Name: Renu Khator

Title: Chancellor

ATTEST:

By: *Marie E. Martinez*

Name: MARIE E. MARTINEZ

Title: ~~Secretary~~ ADMIN. ASST.

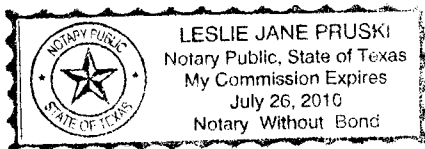
AS PER ORIGINAL

STATE OF TEXAS §

§

COUNTY OF HARRIS §

This instrument was acknowledged before me on the 24th day of September, 2009, by Renu Khator, Chancellor of the University of Houston System, on behalf of and as authorized by the BOARD OF REGENTS of the UNIVERSITY OF HOUSTON SYSTEM.



(NOTARY SEAL)

Leslie Jane Pruski
Notary Public, State of Texas

EXHIBIT A

TRACT THIRTEEN:

Being 0.6081 of one acre (26,487 square feet) of land situated in the Thomas Hobermaker Survey, A-190, and the R.W. Gardner Survey, A-186, both of Fort Bend County, Texas, and being a portion of Reserve "B" of Cinco Ranch Community Central, a subdivision shown on the map or plat of record under Slide Numbers 935B and 936A of the Fort Bend County Plat Records (F.B.C.P.R.); said 0.6081 acre tract being more particularly described by metes and bounds as follows, with all bearings referenced to the Texas Coordinate System of 1927, South Central Zone;

COMMENCING at a 5/8-inch iron rod with plastic cap found at the point of intersection of the westerly right-of-way line of Mason Road (120 feet wide) as recorded under Slide Numbers 853A through 857B of said F.B.C.P.R. with the northerly line of said Willow Fork Bayou as conveyed to the Willow Fork Drainage District (W.F.D.D.) in deed recorded in Volume 2178, Page 2548 of the Fort Bend County Official Records (F.B.C.O.R.), and being the southeast corner of said Reserve "B";

THENCE, North 02°09'18" West, along said westerly right-of-way line of Mason Road, a distance of 7.80 feet to a point for the southeast corner and POINT OF BEGINNING of the herein described tract;

THENCE, North 88°28'08" West, departing said westerly right-of-way line, a distance of 32.23 feet to a point for the beginning of a tangent curve to the right;

THENCE, Northwesterly 135.66 feet, along the arc of said curve to the right (Central Angle = 21°17'45", Radius = 365.00 feet, Chord Bearing and Distance = North 77°49'16" West, 134.88 feet) to a point of tangency;

THENCE, North 67°10'24" West, a distance of 64.31 feet to a point for the beginning of a tangent curve to the left;

THENCE, Northwesterly 278.13 feet, along the arc of said curve to the left (Central Angle = 39°20'50", Radius = 405.00 feet, Chord Bearing and Distance = North 86°50'49" West, 272.70 feet) to a point of tangency;

THENCE, South 73°28'47" West, a distance of 89.53 feet to a point for the beginning of a tangent curve to the right;

THENCE, Southwesterly 45.15 feet, along the arc of said curve to the right (Central Angle = 05°01'22", Radius = 515.00 feet, Chord Bearing and Distance = South 75°59'27" West, 45.13 feet) to a point for corner in the line common to said Reserve "B" and said Willow Fork Bayou;

THENCE, South 81°01'39" West, along the line common to said Reserve "B" and said Willow Fork Bayou, a distance of 48.23 feet to a point for corner;

THENCE, South 82°33'53" West, departing said common line, a distance of 121.24 feet to a point for the beginning of a tangent curve to the left;

THENCE, Southwesterly 69.12 feet, along the arc of said curve to the left (Central Angle = 15°13'58", Radius = 260.00 feet, Chord Bearing and Distance = South 74°56'54" West, 68.92 feet) to a point for corner in the line common to said Reserve "B" and Restricted Reserve "A" of Bayou Estates, a subdivision shown on the map or plat of record under Slide Number 1819B of the Fort Bend County Plat Records (F.B.C.P.R.);

THENCE, North 02°09'20" West, along the line common to said Reserve "B" and said Restricted Reserve "A", a distance of 31.80 feet to a point for the northwest corner of the herein described tract, and being the beginning of a non-tangent curve to the right;

THENCE, Northeasterly 65.95 feet, along the arc of said curve to the right (Central Angle = 13°01'50", Radius = 290.00 feet, Chord Bearing and Distance = North 76°02'58" East, 65.81 feet) to a point of tangency;

THENCE, North 82°33'53" East, a distance of 132.97 feet to a point for the beginning of a tangent curve to the left;

THENCE, Northeasterly 76.90 feet, along the arc of said curve to the left (Central Angle = 09°05'07", Radius = 485.00 feet, Chord Bearing and Distance = North 78°01'20" East, 76.82 feet) to a point of tangency;

THENCE, North 73°28'47" East, a distance of 89.53 feet to a point for the beginning of a tangent curve to the right;

THENCE, Southeasterly 298.73 feet, along the arc of said curve to the right (Central Angle = 39°20'50", Radius = 435.00 feet, Chord Bearing and Distance = South 86°50'49" East, 292.90 feet) to a point of tangency;

THENCE, South 67°10'24" East, a distance of 64.31 feet to a point for the beginning of a tangent curve to the left;

THENCE, Southeasterly 124.51 feet, along the arc of said curve to the left (Central Angle = 21°17'45", Radius = 335.00 feet, Chord Bearing and Distance = South 77°49'16" East, 123.80 feet) to a point of tangency;

THENCE, South 88°28'08" East, a distance of 30.30 feet to a point for corner in said westerly right-of-way line of Mason Road;

THENCE, South 02°09'18" East, along said westerly right-of-way line of Mason Road, a distance of 30.06 feet to the POINT OF BEGINNING, containing within its bounds a computed area of 0.6081 of one acre (26,487 square feet) of land.

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dianne Wilson

2009 Oct 09 11:13 AM

2009106893

CDC \$0.00

Dianne Wilson COUNTY CLERK

FT BEND COUNTY TEXAS