

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: January 20, 2010	Submitted By: Mark Vogler
Court Agenda Date: January 26, 2010	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 Raymond E. Sitta, Jr. Estate and Donald C. Sitta.

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: \_\_\_\_\_ Account Number: \_\_\_\_\_  
Activity (If Applicable): \_\_\_\_\_

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](mailto: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 Raymond E. Sitta, Jr. Estate and Donald C. Sitta.

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

2-4-10 orig. easement recorded in prop. 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:

RAYMOND E. SITTA, JR. & DONALD C. SITTA

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:

AS PER ORIGINAL

~~The DISTRICT shall have an easement of an aggregate width of \_\_\_\_\_ feet, being \_\_\_\_\_ feet, extending at right angles, on each side of the following line and across said land, to-wit:~~

The District shall have an additional easement totaling 0.8651 acres parallel and adjacent to the westerly side of an existing easement 80 feet in width previously recorded in Volume 323, on Page 264, 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 12<sup>th</sup> day of December, A. D. 2009 ~~19~~

Donald L. Little  
James D. Baker

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

AS PER ORIGINAL

THE STATE OF ~~TEXAS~~ <sup>New Mexico</sup>  
COUNTY OF SAN JUAN }

BEFORE ME Donald C. Sitta  
James D. Baker

\_\_\_\_\_, in and for  
SAN JUAN County, ~~Texas~~ <sup>new Mexico</sup>, on this day personally appeared  
December 16, 2009

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 16<sup>th</sup> day of December,  
A. D. 2009  
(L. S.)  
Victoria Franklin  
Expires 8/30/2011

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. 20 with its authentication, was filed for record in my office on the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 20 at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and duly recorded this the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 20 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. *20* \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

Recorded

This \_\_\_\_\_ day of \_\_\_\_\_

A. D. *20* \_\_\_\_\_, in \_\_\_\_\_

County, Texas, Records of Deeds.

Book \_\_\_\_\_ Page \_\_\_\_\_

\_\_\_\_\_, Clerk

\_\_\_\_\_, Deputy

Return to:

## Exhibit "A"

August 26, 2009

### *Drainage Easement*

*0.8651 acre in the B. Wickson League, Abstract No. 95,  
Fort Bend County, Texas*

A FIELD NOTE DESCRIPTION of 0.8651 acre (37,682 square feet) of land in the B. Wickson League, Abstract No. 95, Fort Bend County, Texas; said 0.8651 acre tract being out of a 57.554 acre tract of land conveyed to Raymond E. Sitta, Jr. And Donald C. Sitta, as recorded in Volume 1485, Page 464 of the Fort Bend County Official 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  $\frac{5}{8}$ -inch iron rod in concrete found for the west corner of said 57.554 acre tract; said point having the following coordinates: X=3004598.45, Y=13729909.19;

THENCE, North  $41^{\circ} 57' 13''$  East - 2,911.10 feet with the northwest line of said 57.554 acre tract and with the southeast line of a tract of land conveyed to George Foundation, as recorded in Volume 168, Page 124 of the Fort Bend County Deed Records and in Volume 217, Page 222 of the Fort Bend County Deed Records to a point for the west corner and POINT OF BEGINNING of this tract; said point having the following coordinates: X=3006544.60, Y=13732074.13;

THENCE, North  $41^{\circ} 57' 13''$  East - 48.44 feet with the northwest line of said 57.554 acre tract and with the southeast line of said George Foundation tract to a point for the north corner of this tract;

THENCE, the following four calls with the southwest line of an 80 foot wide drainage easement, as recorded in Volume 323, Page 264 of the Fort Bend County Deed Records:

- 1.) In a southeasterly direction with a curve to the right having a radius of 100.00 feet, a central angle of  $28^{\circ} 09' 52''$ , a length of 49.16 feet and a chord bearing South  $27^{\circ} 43' 43''$  East - 48.66 feet to a point-of-tangency;
- 2.) South  $13^{\circ} 38' 47''$  East - 197.06 feet;
- 3.) South  $07^{\circ} 39' 22''$  East - 143.49 feet;
- 4.) In a southeasterly direction with a curve to the left having a radius of 1,330.00 feet, a central angle of  $29^{\circ} 07' 44''$ , a length of 676.17 feet and a chord bearing South  $22^{\circ} 13' 14''$  East - 668.91 feet to a point for the east corner of this tract;

THENCE, South  $42^{\circ} 27' 56''$  West - 15.57 feet with the southeast line of said 57.554 acre tract of and and with the northwest line of a 10.9974 acre tract of land conveyed to Helen Webster, as recorded in Fort Bend County Clerk's File No. 2007092686 to a point for the south corner of this tract; said point having the following coordinates: X=3006907.68, Y=13731102.66;

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

- 1.) In a northwesterly direction with a curve to the right having a radius of 1,200.00 feet, a central angle of  $36^{\circ} 13' 51''$ , a length of 758.82 feet and a chord bearing North  $23^{\circ} 14' 21''$  West - 746.24 feet to a point-of-tangency;
- 2.) North  $05^{\circ} 07' 25''$  West - 167.07 feet to a point-of-curvature;
- 3.) In a northwesterly direction with a curve to the left having a radius of 200.00 feet, a central angle of  $38^{\circ} 12' 26''$ , a length of 133.37 feet and a chord bearing North  $24^{\circ} 13' 38''$  West - 130.91 feet to the POINT OF BEGINNING and containing 0.8651 acre (37,682 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.

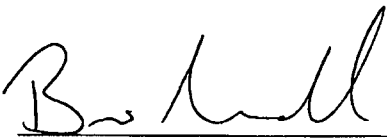
F.B.C.D.D. No. 2: Brass disk stamped 'FBCDD NO 2' set at the centerline of creek on the downstream side of bridge for F.M. 2977 over Big Creek.

COMPILED BY:

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

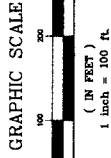
W:\212-2\_DE\_06.wpd



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

# Exhibit "B"

**CONTROL MONUMENTS**  
 BRASS DISK STAMPED TBODD NO 1 SET AT THE  
 CENTERLINE OF CREEK ON THE DOWNSTREAM SIDE OF BRIDGE FOR  
 BOOTHLINE ROAD OVER BIG CREEK.  
 BRASS DISK STAMPED TBODD NO 2 SET AT THE  
 CENTERLINE OF CREEK ON THE DOWNSTREAM SIDE OF BRIDGE FOR  
 FM 2877 OVER BIG CREEK.



LINE	BEARING	DISTANCE
L1	N 133° 17' 47" E	49.18
L2	S 11° 39' 17" E	49.18
L3	S 07° 39' 27" E	144.49
L4	S 42° 27' 56" W	15.57
L5	N 05° 07' 25" W	167.07

CURVE	DELTA	RADIUS	LENGTH	CHORD
C1	28° 09' 52"	100.00'	49.18'	S 27° 43' 43" E - 48.66'
C2	29° 07' 44"	1330.00'	876.17'	S 27° 31' 4" E - 668.91'
C3	56° 13' 51"	1200.00'	758.82'	N 23° 12' 21" W - 746.24'
C4	36° 12' 26"	200.00'	133.37'	N 24° 15' 38" W - 130.91'

GEORGE FOUNDATION  
 (VOL. 64, PG. 109; F.B.C.D.R.)

GEORGE FOUNDATION  
 (VOL. 168, PG. 124; F.B.C.D.R.)  
 (VOL. 217, PG. 222; F.B.C.D.R.)

RAYMOND E. SITTA, JR. AND  
 DONALD C. SITTA  
 57,554 ACRES  
 (VOL. 1485, PG. 464; F.B.C.D.R.)

**DRAINAGE EASEMENT**  
**0.8651 ACRE**  
**(37,682 SQ. FT.)**

P.O.C.  
 X: 300458845  
 Y: 1372950919  
 (IN CHAINS)

- NOTES**
- 1.) BEARINGS SHOWN HEREON ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM (NAD 83) (NAD 83) USING NGS CONTIGUOUSLY OPERATING REFERENCE STATIONS PROVIDED BY OTHERS.
  - 2.) THE SURVEY HAS NOT ABSTRACTED THIS PROPERTY. THE SURVEYOR HAS RESEARCHED AND RESEARCHED AND PROVIDED BY OTHERS.
  - 3.) THE CERTIFICATE SHOWN HEREON IS VALID ONLY IF THE SURVEYOR'S 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 DESCRIPTION WAS COMPILED IN CONJUNCTION WITH THIS SURVEY.
  - 6.) ALL RODS SET ARE 5/8" IRON RODS WITH CAPS STAMPED: T.E.A.M. - 281-491-2325.
  - 7.) THIS TRACT OF LAND WAS SURVEYED IN THE FIELD IN MARCH, 2009.
  - 8.) COORDINATES SHOWN HEREON ARE SURFACE VALUES AND MAY BE CONVERTED TO GRID BY MULTIPLYING A SCALE FACTOR OF 0.99986646877.

**STANDARD LAND SURVEY**  
 OF  
 A 0.8651 ACRE (37,682 SQ. FT.) TRACT OF LAND  
 OF BIG CREEK, SEGMENT 4  
 BEING IN B. WICKSON LEAGUE, ABSTRACT NO. 95,  
 FORT BEND COUNTY, TEXAS

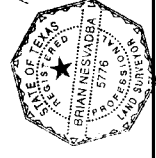
**TEXAS ENGINEERING AND MAPPING**  
 12810 CENTURY DRIVE  
 STAFFORD, TEXAS 77477  
 PHONE: 281.491.2825 FAX: 281.491.2835



DATE: 08-26-09 SCALE: 1"=100' JOB NO: 212-2

I, Brian Nevada, a Registered Professional Land Surveyor of the State of Texas, hereby certify that the above plat correctly represents the survey conducted by me or under my supervision. This survey substantially complies with the current Texas Society of Professional Surveyors' Standards and Specifications for a Category II, Condition II, Survey.

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



**PSENCIK ROAD**

**FILED AND RECORDED**

OFFICIAL PUBLIC RECORDS

*Dianne Wilson*

2010 Feb 04 10:50 AM

2010009931

TD \$0.00

Dianne Wilson COUNTY CLERK

FT BEND COUNTY TEXAS

RETURNED AT COUNTER TO:

Fort Bend County Clerk  
Admin Serv Card