

FORT BEND COUNTY FY 2010

AGENDA REQUEST FORM

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

Date Submitted: February 24, 2010

Submitted By: Mark Vogler

Department: Drainage District

Court Agenda Date: March 2, 2010

Phone Number: 281/342-2863

SUMMARY OF ITEM:

Take all appropriate action on the acceptance of an additional 2.4788 acre drainage easement along Big Creek within the Barnabas Wickson, Abstract A-95 of Fort Bend County, Precinct 1, from Calvin Eugene Lubojacky.

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

FEB 24 2010

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:

☐ Auditor (281-341-3774)
☐ Budget Officer (281-344-3954)
☐ Facilities/Planning (281-633-7022)
☐ Purchasing Agent (281-341-8642)
☐ Information Technology (281-341-4526)
☐ Other:

☐ Comm. Pct. 1 (281-342-0587)
☐ Comm. Pct. 2 (281-403-8009)
☐ Comm. Pct. 3 (281-242-9060)
☐ Comm. Pct. 4 (281-980-9077)
☐ County Clerk (281-341-8697)
☐ County Atty (281-341-4557)

RECOMMENDATION / ACTION REQUESTED:

Take all appropriate action on the acceptance of an additional 2.4788 acre drainage easement along Big Creek within the Barnabas Wickson, Abstract A-95 of Fort Bend County, Precinct 1, from Calvin Eugene Lubojacky.

Special Handling Requested (specify):

3-4-10 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:

CALVIN EUGENE LUBOJACKY

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,
being _____ feet, extending at right angles, on each side of the following line and course
across said land, to-wit: _____~~

The District shall have an easement totaling 2.4788 acres which is connected to and shall lie south of an existing easement 80 feet in width previously recorded in Volume 323, on Page 247, of the Deed Records of Fort Bend County Texas, and more particularly described within the metes and bounds descriptions 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 22 day of JANUARY, A. D. ~~20~~ 2010.

Calvin Eugene Subzacky

AS FURNISHED

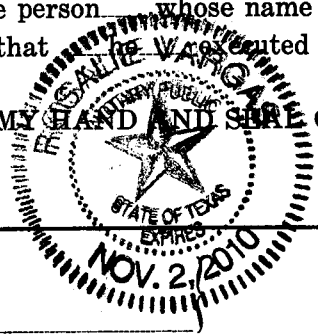
THE STATE OF TEXAS }
COUNTY OF Fort Bend

BEFORE ME ROSALIE VARGAS

_____, in and for
FORT BEND County, Texas, on this day personally appeared

CALVIN EUGENE LUBOJACKY
known to me to be the person whose name _____ subscribed to the foregoing instrument, and
acknowledged to me that _____ executed the same for the purposes and consideration therein
expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This 22 day of JANUARY,
A. D. 2010
(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 pur-
poses 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. 19_____
(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. 19_____
(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. 19_____
with its authentication, was filed for record in my office on the _____ day of _____, A. D. 19_____
at _____ o'clock _____ M., and duly recorded this the _____ day of _____, A. D. 19_____
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. 19____, at _____ o'clock _____ M.

Recorded

This _____ day of _____

A. D. 19____, in _____

County, Texas, Records of Deeds.

Book _____ Page _____

_____, Clerk

_____, Deputy

Return to:

EXHIBIT "A"

September 11, 2009

Drainage Easement

***2.4788 acre in the B. Wickson League, Abstract No. 95,
Fort Bend County, Texas***

A FIELD NOTE DESCRIPTION of 2.4788 acres (107,978 square feet) of land in the B. Wickson League, Abstract No. 95, Fort Bend County, Texas; said 2.4788 acre tract being out of a tract of land conveyed to Calvin Eugene Lubojacky, as recorded under Fort Bend County Clerk's File No. 1999047723; 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 pipe found in the northeast right-of-way line of Psencik Road for the south corner of said Calvin Eugene Lubojacky tract and for the west corner of a tract of land conveyed to Dr. M.L. Friedrich, et ux, as recorded in Volume 544, Page 248 of the Fort Bend County Deed Records; said point having the following coordinates: X=2996320.45, Y=13730629.23;

THENCE, North 42° 31' 51" East - 2,638.10 feet with the southeast line of said Calvin Eugene Lubojacky tract and with the northwest line of said Dr. M.L. Friedrich tract to a point for the south corner and POINT OF BEGINNING of this tract; said point having the following coordinates: X=2998103.78, Y=13732573.29; from which a disturbed 1-1/4-inch iron pipe found bears South 83° 51' 43" East - 1.08 feet;

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

- 1.) North 33° 07' 28" West - 115.83 feet;
- 2.) In a northwesterly direction with a curve to the left having a radius of 300.00 feet, a central angle of 37° 33' 15", a length of 196.63 feet and a chord bearing North 51° 54' 06" West - 193.13 feet;
- 3.) North 70° 40' 43" West - 361.14 feet to a point for the west corner of this tract; said point having the following coordinates: X=2997547.69, Y=13732908.95;

THENCE; North 42° 26' 44" East - 150.09 feet with the northwest line of said Calvin Eugene Lubojacky tract and with the southeast line of a tract of land conveyed to conveyed to Robert Lubojacky, Jr., as recorded under Fort Bend County Clerk's File No. 9520020 to an angle point of this tract;

THENCE, the following five calls with the south line of an 80 foot wide drainage easement, as recorded in Volume 323, Page 247 of the Fort Bend County Deed Records:

- 1.) North 81° 26' 50" East - 56.96 feet;
- 2.) North 44° 37' 27" East - 83.33 feet to a point for the north corner of this tract;

THENCE, South 70° 40' 43" East - 216.22 feet to a point-of-curvature;

THENCE, In a southeasterly direction with a curve to the right having a radius of 540.00 feet, a central angle of 05° 03' 52", a length of 47.73 feet and a chord bearing South 68° 08' 47" East - 47.71 feet to a point for an east corner of this tract;

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

- 1.) South 12° 23' 09" East - 298.95 feet;
- 2.) In a southerly direction with a curve to the left having a radius of 380.00 feet, a central angle of 18° 31' 12", a length of 122.83 feet and a chord bearing South 21° 38' 45" East - 122.30 feet to a point for an east corner of this tract;

THENCE, South 42° 31' 51" West - 26.10 feet with the southeast line of said Calvin Eugene Lubojacky tract and with the northwest line of said Dr. M.L. Friedrich tract to the POINT OF BEGINNING and containing 2.4788 acres (107,978 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.

X: 3010257.57

Y: 13728694.19

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.

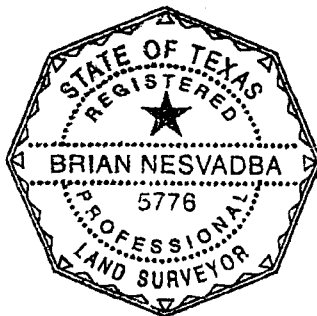
X: 2995971.40

Y: 13734094.51

COMPILED BY:

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

W:\212-2_DE_13.wpd



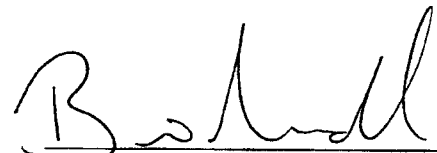
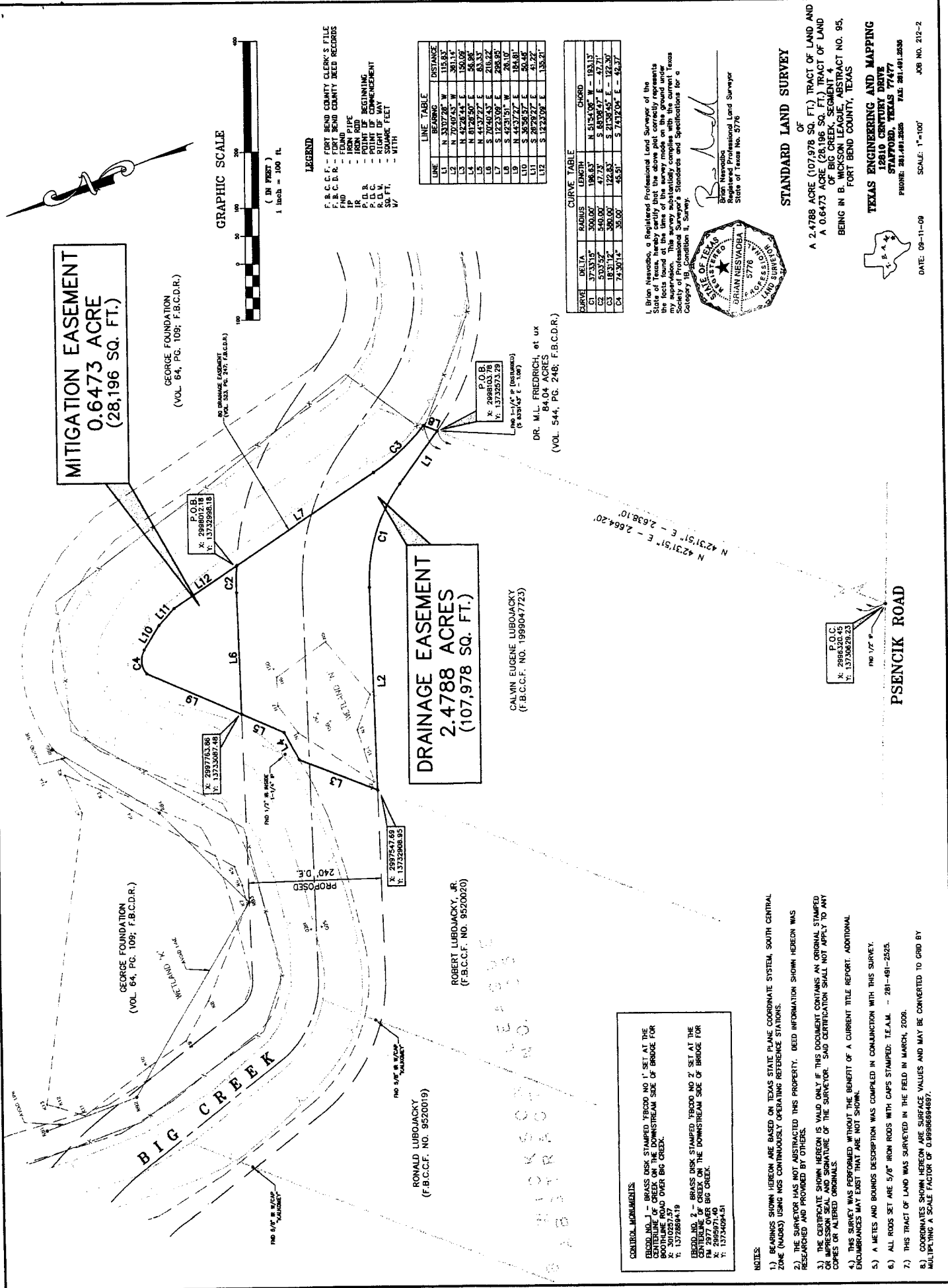

Brian Nesvadba
Registered Professional Land Surveyor
State of Texas No. 5776

EXHIBIT "B"

AS PER ORIGINAL



FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dianne Wilson

2010 Mar 04 03:06 PM

2010018729

DA \$0.00

Dianne Wilson COUNTY CLERK

FT BEND COUNTY TEXAS