

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: February 24, 2010

Submitted By: Mark Vogler

Court Agenda Date: March 2, 2010

Department: Drainage District

Phone Number: 281/342-2863

SUMMARY OF ITEM:

Take all appropriate action on the acceptance of a 60' wide drainage easement along Bullhead Slough within the William Morton, Abstract A-62 of Fort Bend County, Precinct 3, from RES/VLS Real Estate Limited Partnerhsip

RENEWAL AGREEMENT/APPOINTMENT

YES ☐ NO ☒

REVIEWED BY COUNTY ATTORNEY'S OFFICE:

YES ☐ NO ☒

List Supporting Documents Attached: Right of Way Easement, Vicinity Map

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:

<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 a 60' wide drainage easement along Bullhead Slough within the William Morton, Abstract A-62 of Fort Bend County, Precinct 3, from RES/VLS Real Estate Limited Partnerhsip

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



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:

RES / VLS Real Estate Limited Partnership

1900 W. Loop South

Suite 1050

Houston, TX 77027

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: _____~~

AS PER ORIGINAL

The District shall have an easement of an aggregate width of 60 feet, being 30 feet extending at right angles, on each side of the center line or thread of an existing drainageway, designated by the Drainage District as Bullhead Slough (II-L). Beginning at a point where the center line or thread of Bullhead Slough (II-L) intersects the north line of Grantor's land situated in the William Morton League, Abstract 62, Fort Bend County, Texas, thence following the center line or thread of Bullhead Slough (II-L) in an easterly direction to the point where the center line intersects the east property line of Grantor's land.

District shall obtain written approval from Grantor prior to any construction, repairing or re-constructing of drainage canal, drains, ditches, laterals or levees along the easement.

Upon acquiring the easement the District intends to perform an initial phase of channel improvements. The District will clear and burn all trees and brush within the proposed 60' easement width. The flow line of the ditch will be re-graded to allow for positive drainage through the property. The District agrees to install a watergate at the two locations where existing fences along the property line cross the channel. The District will install an entrance gate, with a lock and chain, to allow access at the location of the Grantor's choice. The District agrees to install a raised low water crossing slab, minimum 10' in width, to allow for truck and equipment access across the improved channel.

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.

RAC

CCM 3-2-10 #558
Fort Bend County Clerk
Return Admin Serv Coord

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 its land, and in such connection GRANTOR has the right in the manner provided by law and at its own expense to construct and provide ditches, drains and laterals connecting its 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.

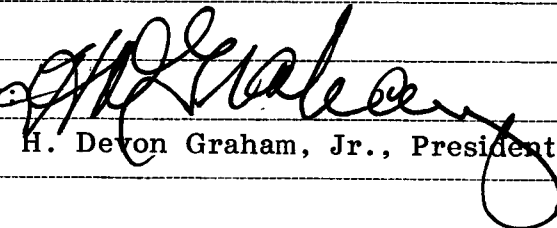
It is agreed that if at a future time the DISTRICT, its successors or assigns, shall permanently cease to use said drainage canal right of way for the purposes herein contained, and shall permanently abandon the same, then and in such event the said right of way above described, together with all rights 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 18 day of February, A. D. 2010.

RES/VLS Real Estate Limited Partnership
By R. E. Smith Interests, Inc.

General Partner

By: 

H. Devon Graham, Jr., President

THE STATE OF TEXAS

COUNTY OF HARRIS

BEFORE ME Annie E. Gandy

a Notary Public
Harris

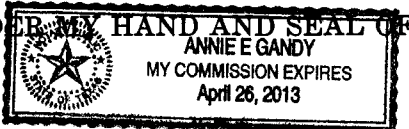
, in and for
County, Texas, on this day personally appeared

H. Devon Graham, Jr., President of R. E. Smith Interests, Inc.

known to me to be the person whose name is 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 18 day of February

A. D. 2010
(L. S.)



Annie E. Gandy

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.
(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 _____

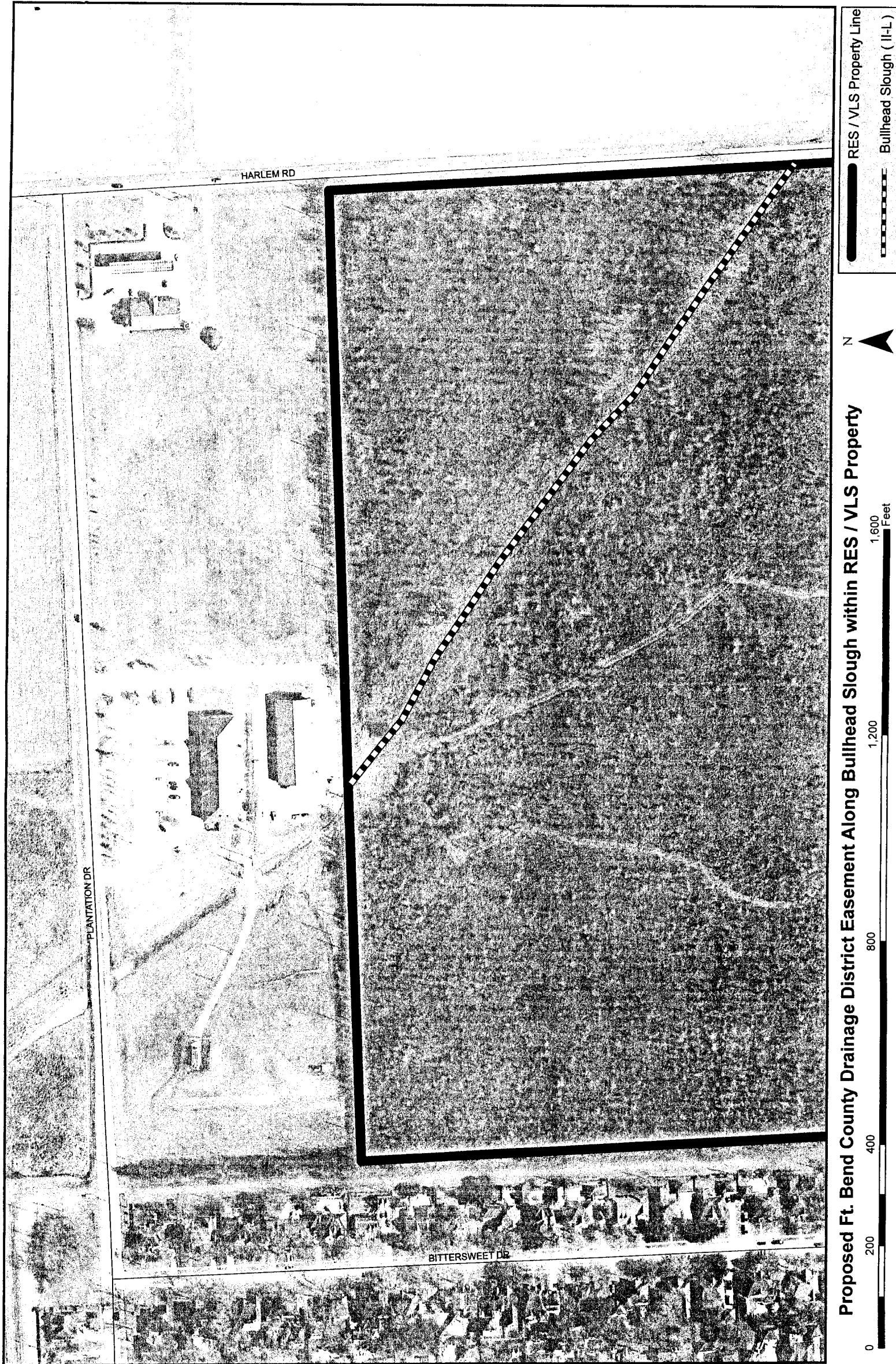
County, Texas, Records of Deeds.

Book _____ Page _____

_____, Clerk

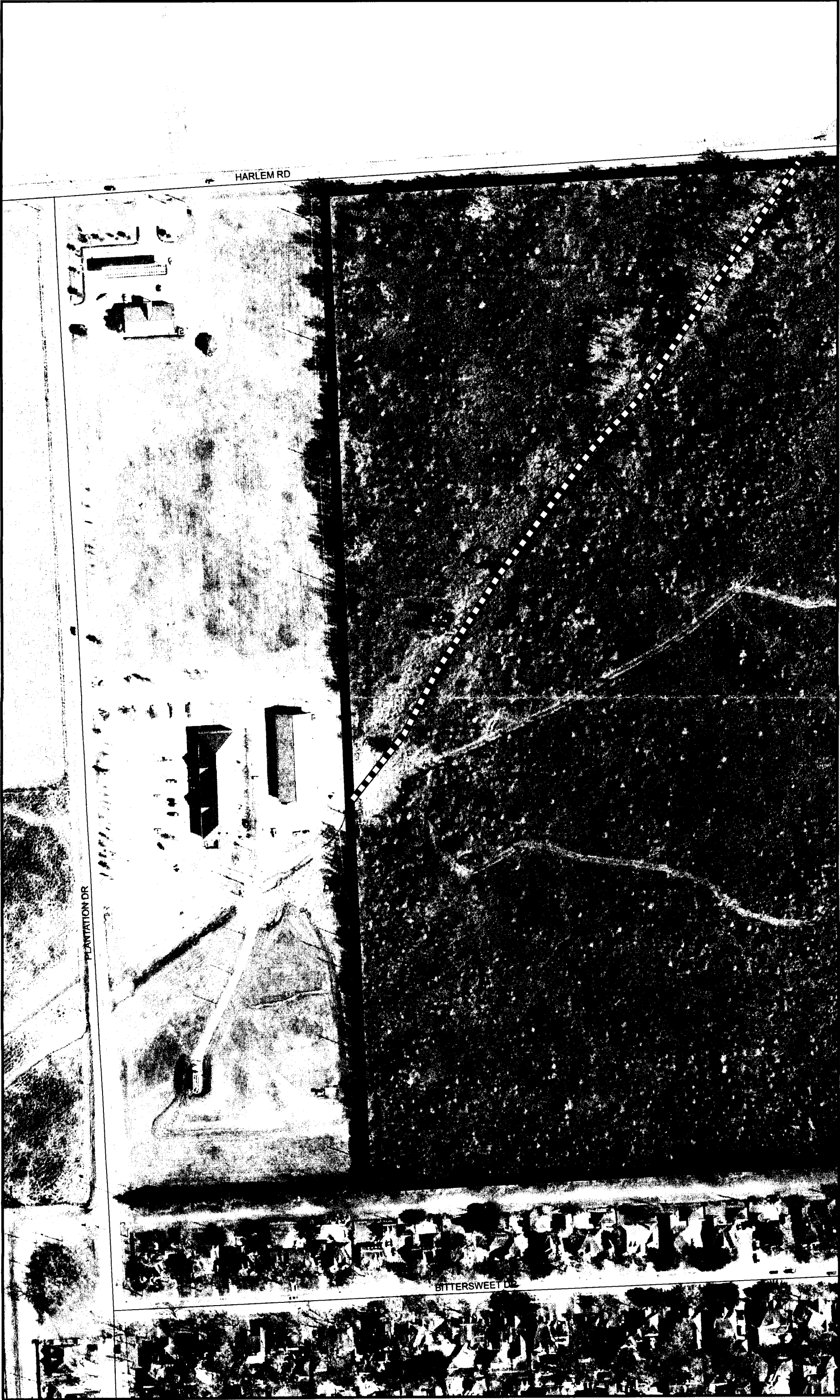
_____, Deputy

Return to:



RECORDER'S MEMORANDUM

This page is not satisfactory for photographic recodation due to carbon or photocopy, discolored paper, etc. All block-outs, additions and changes were presented at time instrument was filed and recorded.



Proposed Ft. Bend County Drainage District Easement Along Bullhead Slough within RES / VLS Property



 RES / VLS Property Line

 Bullhead Slough (II-L)



FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dianne Wilson

2010 Mar 04 03:06 PM

2010018726

DA \$0.00

Dianne Wilson COUNTY CLERK

FT BEND COUNTY TEXAS