

**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: April 20, 2010

Submitted By: Mark Vogler

Department: Drainage District

Court Agenda Date: April 27, 2010

Phone Number: 281/342-2863

**SUMMARY OF ITEM:**

Take all appropriate action on the acceptance of a Drainage District Right of Way Easement from Texana Center along Dry Creek (II-B-2), 1.08 acres within the A.P. De May, Abstract A-349 of Fort Bend County, Precinct 1.

RENEWAL AGREEMENT/APPOINTMENT

YES

☐

NO

☒

REVIEWED BY COUNTY ATTORNEY'S OFFICE:

YES

☐

NO

☒

List Supporting Documents Attached: Right of Way Easement, Exhibits

**FINANCIAL SUMMARY:**

BUDGETED ITEM: YES

☐

NO

☒

FUNDNG SOURCE: Accounting Unit:

Activity (If Applicable):

Account Number:

**COUNTY JUDGE  
RECEIVED**

**APR 20 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](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 a Drainage District Right of Way Easement from Texana Center along Dry Creek (II-B-2), 1.08 acres within the A.P. De May, Abstract A-349 of Fort Bend County, Precinct 1.

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

5-4-10 orig. easement recorded in property records at  
Co. Clerk

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# 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:

Texana Center

4706 Airport Avenue

Rosenberg, TX 77471

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 extension of an existing easement along Dry Creek (II-B-2) previously recorded in Volume 303, on Page 558, of the Deed Records of Fort Bend County, Texas. The proposed extension shall bring the total sum of the drainage easement to 1.08 acres and is more particularly described within the attachments labeled as Exhibit "A" and Exhibit "B".

During channel construction and 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.

Ret at Counter

CCM 4-27-10 #112  
Fort Bend County Clerk  
Return Admin Serv Coord

EASEMENT  
7 PGS

2010039933

AS PER ORIGINAL

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 9th day of April, A. D. 2010.

George Tate  
CEO, TEXANA Center

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

THE STATE OF TEXAS

COUNTY OF FORT BEND

BEFORE ME Jodena L. DURAN

Notary Public  
FORT BEND  
George Patterson

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

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 9th day of April 2010,  
A. D. (L. S.)



JODENA L. DURAN  
My Commission Expires  
December 8, 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. 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 \_\_\_\_\_

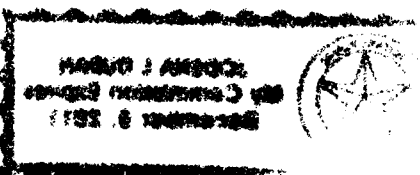
County, Texas, Records of Deeds.

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

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

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

Return to:





# REKHA ENGINEERING, INC.

CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS

**Fort Bend Drainage District Ultimate Dry Creek Easement  
1.084 Acre Easement Tract**

Field Note description of a 1.084 acre (47,201 square feet) tract of land in the A. P. DeMay Survey, Abstract 349 in Fort Bend County, Texas, said 1.084 acre tract being out of a called 10.00 acre tract described in deed to Texana Center recorded under Fort Bend County Clerk's File Number (F.B.C.C.F. No.) 2007067757 and as depicted on the plat recorded under F.B.C.C.F. Number 20080196, said 1.084 acre tract being more particularly described by metes and bounds as follows (with bearings referenced to a called 27.826 acre parent tract recorded under F.B.C.C.F. No. 2007036721)

COMMENCING at a 5/8-inch iron rod found marking the northwesterly corner of said 10.00 acre tract in the southerly Right-of-Way (R.O.W.) line of Airport Avenue (variable width);

THENCE South 01°01'02" West, along the westerly line of said 10.00 acre tract, a distance of 1,333.02 feet northwesterly corner and POINT OF BEGINNING of the herein described tract

THENCE North 87°01'10" East, along the north line of the herein described tract a distance of 291.18 feet to the northeasterly corner of the herein described tract;

THENCE South 01°01'02" West, along the easterly line of the aforesaid 10.00 acre tract, a distance of 162.50 feet to the southeasterly corner of the herein described tract in the westerly line of aforesaid 10.00 acre tract;

THENCE South 87°01'10" West, a distance of 291.18 feet along the herein described 1.084 acre tract to the southwesterly corner of the herein described tract

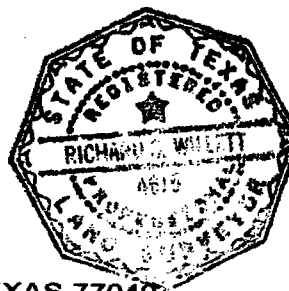
THENCE North 01°01'02" East 162.50 feet to the POINT OF BEGINNING and containing 1.084 acres (47,201 square feet) of land as shown on the exhibit map prepared by Rekha Engineering, Inc. dated 03/09/10.

A handwritten signature in black ink, appearing to read 'RS Willett', is written over a horizontal line.

Richard S. Willett

R.P.L.S 4615

2773-Exhibit\_M&B.doc



# EXHIBIT "B"

FORT BEND COUNTY, TEXAS  
A.P. DeMAY SURVEY - ABSTRACT No. 349

LONGHORN DRIVE  
(80' PUBLIC R.O.W.)

± 1029.23'

AIRPORT AVENUE  
(VARIABLE WIDTH PUBLIC R.O.W.)

POINT OF COMMENCING  
FND. 5/8" IR

S 01°01'02" W-1333.02'

15' WATER LINE EASEMENT  
PER PLAT

TEXANA CAMPUS CENTER  
10.00 ACRES  
F.B.C.C.F. NO. 20080196

POINT OF BEGINNING

N 87°01'00" E-291.18'

EASEMENT TRACT  
1.08 ACRES  
47,201 SQ. FT.

N 01°01'02" E-162.50'

100.25'

HB DITCH

RESERVE "B"  
RESTRICTED TO  
DRAINAGE USE ONLY  
PER PLAT  
H.C.C.F. NO. 20080196

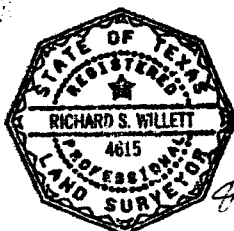
HB DITCH

S 01°01'02" W-162.50'

100.25'

S 87°01'00" W-291.18'

6" DRY CREEK

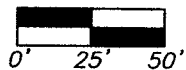


45.943 ACRES  
FBC CCF No. 2004000405  
O.R.F.B.C.T.

*ASW*



SCALE: 1"=50'



SCALE: 1"=50'  
DRAWN BY: JWG  
CHECKED BY: RSW  
APPD BY: JHE  
CLIENT: TEXANA

REKHA ENGINEERING INC.



5301 Hollister Road,  
Suite 190  
HOUSTON, TEXAS 77040  
713-895-8080 TEL.  
713-895-7686 FAX  
Attn: John English

EXHIBIT SHOWING 162.50  
DRAINAGE ESMT. TO THE  
SOUTH OF TEXANA  
CAMPUS CENTER.  
(OVERALL ULTIMATE 325'  
F.B.D.D. DRAINAGE ESMT.)

File Info: I:\2773\EXHIBIT A.dwg Mar 09, 2010 - 8:25am josh

(N.T.S.)

**FILED AND RECORDED**

OFFICIAL PUBLIC RECORDS

*Dianne Wilson*

2010 May 04 11:34 AM

2010039933

BAK \$0.00

Dianne Wilson COUNTY CLERK

FT BEND COUNTY TEXAS