

ARF-678

DRAINAGE DISTRICT AGENDA

Date: 06/22/2010

ROW Easement Big Creek, RMJ Miller Real Estate**Submitted For:** Mark Vogler, Director **Submitted By:** Drainage District D2**Department:** Drainage District**Renewal Agreement/** No**Appointment:**

AGENDA ITEM

Reviewed by County No**Attorney's Office:****Multiple Originals****Y/N?:**

Information**SUMMARY OF ITEM**

Take all appropriate action on the acceptance of an additional easement on Big Creek from RMJ Miller Real Estate Holdings, Ltd. within Barnabas Wickson, Abstract A-95 of Fort Bend County, Precinct 1

SPECIAL HANDLING

Please return original to Rose Ann Vargas, Drainage District

Attachments

Link: ROW Easement, RMJ Miller

COUNTY JUDGE
RECEIVED
JUN 17 2010

6-28-10

orig. easement recorded in property records
at County Clerk & ret. to Rose Ann at Drainage

71

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:

RMJ MILLER REAL ESTATE HOLDINGS, LTD.

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 additional drainage easement totaling 0.2994 acres parallel and adjacent to the southerly side of an existing easement 80 feet in width previously recorded in Volume 331, on Page 451, of the Deed Records of Fort Bend County Texas. The additional 0.2994 acre drainage easement is further 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.

Ret
CCM 6-28-10 #DDZ
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 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 3RD day of JUNE, A. D. 1920.
James De Long - V. President/Secretary

AS PER ORIGINAL

AS PER ORIGINAL

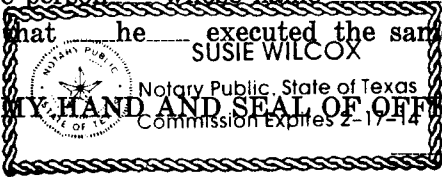
THE STATE OF TEXAS

COUNTY OF Brazoria

BEFORE ME Susie Wilcox

A Notary Public
BRAZORIA
JACALYN DeLange 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 3 day of June,
A. D. 2010
(L. S.) Susie Wilcox

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. 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"

October 27, 2009

Drainage Easement

***0.2994 acre in the B. Wickson League, Abstract No. 95,
Fort Bend County, Texas***

A FIELD NOTE DESCRIPTION of 0.2994 acre (13,040 square feet) of land in the B. Wickson League, Abstract No. 95, Fort Bend County, Texas; said 0.2994 acre tract being out of a 22.00 acre tract of land conveyed to RMJ Miller Real Estate Holdings, Ltd., as recorded in Fort Bend County Clerk's File No. 2007113738; 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 5/8-inch iron rod with cap stamped "Kalkomey" found in the west 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 for the south corner of said 22.00 acre tract and for the east corner of Lot 4, Shiloh Ranch Estates, Section One, according to the map or plat recorded in Plat No. 20050067 of the Fort Bend County Plat Records; said point having the following coordinates: X=3001154.79, Y=13731317.89; from which a 5/8-inch iron rod with cap stamped "Kalkomey" found in the southeast right-of-way line of Shiloh Ranch Road (60 feet wide) bears North 47° 01' 06" West - 372.43 feet;

THENCE, North 42° 54' 12" East - 2,391.45 feet with the southeast line of said 22.00 tract and with the northwest line of said George Foundation tract to a point for the south corner and POINT OF BEGINNING of this tract; said point having the following coordinates: X=3002782.80, Y=13733069.63; from which a disturbed 5/8-inch iron rod with cap stamped "Kalkomey" found bears North 42° 54' 12" East - 66.58 feet;

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

- 1.) In a northwesterly direction with a curve to the left having a radius of 446.00 feet, a central angle of 00° 47' 50", a length of 6.21 feet and a chord bearing North 65° 42' 16" West - 6.20 feet to a point-of-tangency;
- 2.) North 66° 06' 11" West - 82.35 feet to a point-of-curvature;
- 3.) In a westerly direction with a curve to the left having a radius of 420.00 feet, a central angle of 54° 23' 10", a length of 398.67 feet and a chord bearing South 86° 42' 15" West - 383.87 feet to a point for the southwest corner of this tract; said point having the following coordinates: X=3002318.62, Y=13733083.47;

THENCE, North 26° 42' 35" East - 43.63 feet to a point for the northwest corner of this tract;

THENCE, the following six calls with the south line of an 80 foot wide drainage easement, as recorded in Volume 331, Page 451 of the Fort Bend County Deed Records:

- 1.) North 63° 02' 43" East - 60.30 feet;
- 2.) North 80° 38' 10" East - 113.24 feet;
- 3.) South 88° 04' 35" East - 92.68 feet;
- 4.) South 75° 08' 35" East - 83.20 feet;
- 5.) South 68° 50' 01" East - 76.62 feet;

6.) South 67° 54' 53" East - 60.94 feet to a point for the east corner of this tract;

THENCE, South 42° 54' 12" West - 32.15 feet with the southeast line of said 22.00 acre tract and with the northwest line of said George Foundation tract to the POINT OF BEGINNING and containing 0.2994 acre (13,040 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.

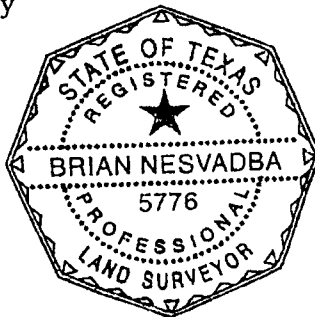
X: 2995971.40

Y: 13734094.51

COMPILED BY:

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

W:\212-2_DE_09.wpd




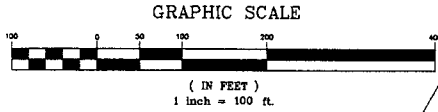

Brian Nesvadba
Registered Professional Land Surveyor
State of Texas No. 5776

EXHIBIT "B"

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



DRAINAGE EASEMENT
0.2994 ACRE
(13,040 SQ. FT.)

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 86°06'11" W	82.35'
L2	N 26°42'35" E	43.63'
L3	N 63°02'43" E	60.30'
L4	N 80°38'10" E	113.24'
L5	S 88°04'35" E	92.68'
L6	S 75°08'35" E	83.20'
L7	S 68°50'01" E	76.62'
L8	S 67°54'53" E	60.94'
L9	S 42°54'12" W	32.15'

CURVE TABLE				
CURVE	DELTA	RADIUS	LENGTH	CHORD
C1	0°47'50"	446.00'	6.20'	N 65°42'18" W - 6.20'
C2	54°23'10"	420.00'	398.67'	S 85°42'15" W - 393.87'

LEGEND

F.B.C.C.F. - FORT BEND COUNTY CLERK'S FILE
F.B.C.D.R. - FORT BEND COUNTY DEED RECORDS
FND - FOUND
IP - IRON PIPE
IR - IRON ROD
P.O.B. - POINT OF BEGINNING
P.O.C. - POINT OF COMMENCEMENT
R.O.W. - RIGHT OF WAY
SQ. FT. - SQUARE FEET
W/ - WITH

CONTROL MONUMENTS:

FBODD NO. 1 - BRASS DISK STAMPED "FBODD 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

FBODD NO. 2 - BRASS DISK STAMPED "FBODD NO 2" SET AT THE CENTERLINE OF CREEK ON THE DOWNSTREAM SIDE OF BRIDGE FOR FM 2877 OVER BIG CREEK.
X: 2995971.40
Y: 13734094.51

I, Brian Nesvadba, a Registered Professional Land Surveyor of the State of Texas, hereby certify that the above plat correctly represents the facts found at the time of the survey made on the ground under my supervision. This survey substantially complies with the current Texas Society of Professional Surveyors' Standards and Specifications for a Category 1B, Condition II, Survey.



STANDARD LAND SURVEY

OF
A 0.2994 ACRE (13,040 SQ. FT.) TRACT OF LAND
OF BIG CREEK, SEGMENT 4
BEING IN THE 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: 281.491.2655



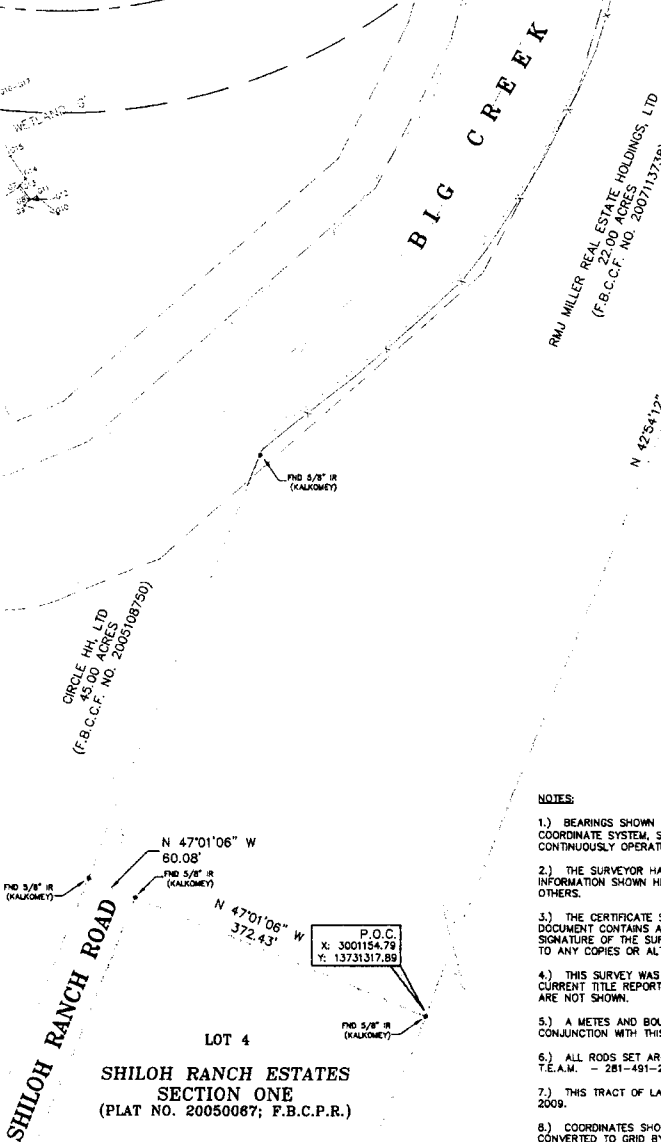
DATE: 10-27-09

SCALE: 1"=100'

JOB NO. 212-2

NOTES:

- 1) BEARINGS SHOWN HEREON ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD83) USING NGS CONTINUOUSLY OPERATING REFERENCE STATIONS.
- 2) THE SURVEYOR HAS NOT ABSTRACTED THIS PROPERTY. DEED INFORMATION SHOWN HEREON WAS RESEARCHED AND PROVIDED BY OTHERS.
- 3) THE CERTIFICATE SHOWN HEREON IS VALID ONLY IF THIS DOCUMENT CONTAINS AN ORIGINAL STAMPED OR IMPRESSION 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. - 281-491-2925.
- 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 0.99985694697.



FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dianne Wilson

2010 Jun 28 11:12 AM

2010059869

BAK \$0.00

Dianne Wilson COUNTY CLERK

FT BEND COUNTY TEXAS