

ARF-683

DRAINAGE DISTRICT AGENDA

Date: 06/22/2010

D3

ROW Easement Big Creek, Lubojacky, R.

Submitted For: Mark Vogler, Director**Submitted By:** Drainage District**Department:** Drainage District**Renewal Agreement/** No**Appointment:**

AGENDA ITEM

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

Information**SUMMARY OF ITEM****SPECIAL HANDLING**

COUNTY JUDGE
RECEIVED
JUN 17 2010

6-28-10 orig. easement recorded in property records
at County Clerk & ret. to Rose Ann at Drainage

AS PER ORIGINAL



EASEMENT
8 PGS
2010059870

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:

RONALD LUBOJACKY

8831 Psencik Rd.

Richmond, TX 77469-8832

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 easement totaling 0.2174 acres parallel and adjacent to the westerly side 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 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.

Rat
CCM 6-22-10 #003
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 9TH day of JUNE, A. D. ~~19~~ 2010.

<u>Ronald Lubjaky</u>	

AS PER ORIGINAL

THE STATE OF TEXAS

COUNTY OF

Fort Bend

BEFORE ME

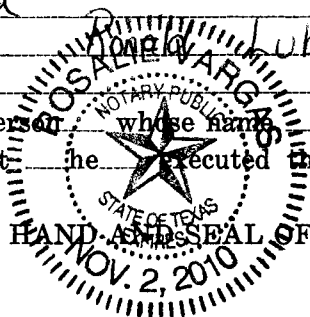
Rosalie Vargas

Notary Public
Fort Bend

, 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 June, A. D. 2010 (L. S.)



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"

September 11, 2009

Drainage Easement

***0.2174 acre in the B. Wickson League, Abstract No. 95,
Fort Bend County, Texas***

A FIELD NOTE DESCRIPTION of 0.2174 acre (9,471 square feet) of land in the B. Wickson League, Abstract No. 95, Fort Bend County, Texas; said 0.2174 acre tract being out of a tract of land conveyed to Ronald Lubojacky, as recorded under Fort Bend County Clerk's File No. 9520019; 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 Ronald Lubojacky tract and for the west corner of a tract of land conveyed to Robert Lubojacky, Jr., as recorded under Fort Bend County Clerk's File No. 9520020; said point having the following coordinates: X=2995318.47, Y=13731045.59;

THENCE, North 42° 25' 23" East, at a distance of 586.74 feet pass a ½-inch iron pipe found and continuing for a total distance of 2,726.63 feet with the southeast line of said Ronald Lubojacky tract and with the northwest line of said Robert Lubojacky tract to a point for the south corner and POINT OF BEGINNING of this tract; said point having the following coordinates: X=2997157.86, Y=13733058.35; from which a 5/8-inch iron rod with cap stamped "Kalkomey" bears North 42° 25' 23" East - 9.70 feet;

THENCE, the following two 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 300.00 feet, a central angle of 38° 05' 31", a length of 199.45 feet and a chord bearing North 35° 22' 16" West - 195.80 feet to a point-of-tangency;
- 2.) North 16° 19' 31" West - 154.26 feet to a point for the west corner of this tract; said point having the following coordinates: X=2997001.16, Y=13733366.04; from which a 3-inch iron pipe sticking 18-inches above ground found bears North 42° 26' 51" East - 4.91 feet;

THENCE, North 42° 26' 51" East - 29.24 feet with the southeast line of a tract of land conveyed to Floriene P. Stern, as trustee of The Lonnie H. Stern Estate Trust, as recorded in Fort Bend County Clerk's File No. 2009009564 and with the northwest line of said Ronald Lubojacky tract to a point for the north corner of this tract;

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

- 1.) South 16° 19' 31" East - 156.24 feet to a point-of-curvature;
- 2.) In a southeasterly direction with a curve to the left having a radius of 290.00 feet, a central angle of 39° 01' 23", a length of 197.51 feet and a chord bearing South 35° 50' 12" East - 193.72 feet to a point for the east corner of this tract;

THENCE, South 42° 25' 23" West - 30.19 feet with the southeast line of said Ronald Lubojacky tract and with the northwest line of said Robert Lubojacky tract to the POINT OF BEGINNING and containing 0.2174 acre (9,471 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.

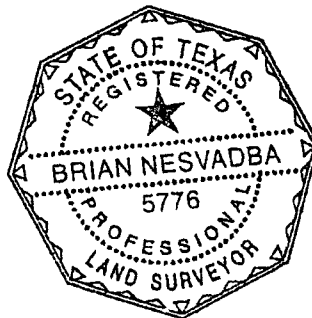
X: 2995971.40

Y: 13734094.51

COMPILED BY:

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

W:\212-2 DE_15.wpd



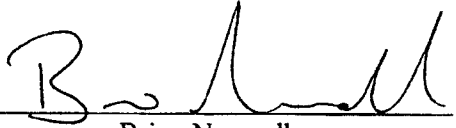

Brian Nesvadba
Registered Professional Land Surveyor
State of Texas No. 5776

EXHIBIT "B"

FLORENCE P. STERN, AS TRUSTEE OF
THE LOHNE H. STERN ESTATE TRUST
(F.B.C.F. NO. 2009009564)

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

BIG CREEK

DRAINAGE EASEMENT
0.2174 ACRE
(9,471 SQ. FT.)

RONALD LUBOJACKY
(F.B.C.F. NO. 9520019)

ROBERT LUBOJACKY, JR.
(F.B.C.F. NO. 9520020)

CALVIN EUGENE LUBOJACKY
(F.B.C.F. NO. 1999047723)



CONTROL MONUMENTS
BRASS DISK STAMPED "TBCD NO 1" SET AT THE
CENTRELINE OF CREEK ON THE DOWNSTREAM SIDE OF BRIDGE FOR
SECTION 1 AND 2 OF BIG CREEK.
X: 3010257.27
Y: 13728694.19
BRASS DISK STAMPED "TBCD NO 2" SET AT THE
CENTRELINE OF CREEK ON THE DOWNSTREAM SIDE OF BRIDGE FOR
SECTION 2 OF BIG CREEK.
X: 3010257.27
Y: 13728694.19

LEGEND

B.C.D. - DRAINAGE EASEMENT
F.B.C.F. - FIRST BEND COUNTY CLERK'S FILE
F.B.C.D.R. - FIRST BEND COUNTY DEED RECORDS
TBCD - TOWNSHIP
IR - IRON ROD
P.O.B. - POINT OF BEGINNING
P.O.C. - POINT OF COMMENCEMENT
R.O.W. - RIGHT OF WAY
S.D. - SQUARE FEET
S.F. - SQUARE FEET

LINE	BEARING	DISTANCE
L1	N 161°12' W	154.26'
L2	N 42°25'23" E	29.24'
L3	S 181°31' E	194.24'
L4	S 42°25'23" W	30.19'

CURVE	BEING	RAIUS	LENGTH	CHORD
C1	300.00'	199.45'	N 35°21'12" E - 193.80'	
C2	300.00'	192.21'	S 35°50'12" E - 193.17'	

PSENCIK ROAD

P.O.C.
X: 2998508.47
Y: 13730056.25

N 42°25'23" E - 2,726.63'

NOTES

- 1) BEARINGS SHOWN HEREON ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD83) USING AN UNINTERRUPTED OPERATING REFERENCE STATION.
- 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 ROADS SET ARE 5/8" IRON RODS WITH CAPS STAMPED: TEAM - 281-491-2935.
- 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 0.9998640937.



STANDARD LAND SURVEY

A 0.2174 ACRE (9,471 SQ. FT.) TRACT OF LAND
OF BIG CREEK, SECTION 4,
BEND IN B. WICKSON LEASE, TRACT NO. 95,
FIRST BEND COUNTY, TEXAS

TEXAS ENGINEERING AND MAPPING
12810 CENTURY DRIVE
STAFFORD, TEXAS 77477
PHONE: 281.481.2553 FAX: 281.481.2555



DATE: 09-11-09

SCALE: 1"=100'

JOB NO. 212-2

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dianne Wilson

2010 Jun 28 11:18 AM

2010059870

BAK \$0.00

Dianne Wilson COUNTY CLERK

FT BEND COUNTY TEXAS