

FORT BEND COUNTY FY 2010
COMMISSIONERS COURT AGENDA REQUEST FORM
 Return Completed Form by E-Mail to: Agenda Coordinator, County Judge's Office

Date Submitted: 01/07/2010	Submitted By: P. Batts
	Department: Engineering
Court Agenda Date: 01/12/2010	Phone Number: 281 633 7507

SUMMARY OF ITEM: (a) Record into Minutes the Correction Special Warranty Deeds for sanitary sewer easements previously recorded under County Clerk's File Numbers 2009020429, 2009020430, 2009020431, 2009020432, and 2009020433 to further clarify that the conveyance of the property is for the right-of-way purposes as detailed in correction deeds, Precinct 3. (b) two parts to this: Take all appropriate action to approve a sanitary sewer easement between Fort Bend County and Fort Bend County Municipality Utility District, Precinct 3. ✓

RENEWAL AGREEMENT/APPOINTMENT YES ☐ NO ☐
 REVIEWED BY COUNTY ATTORNEY'S OFFICE: YES ☐ NO ☐

List Supporting Documents Attached:

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:

Special Handling Requested (specify):

1-13-10 orig. Easement recorded in property records at Co. Clerk & ret. to Paulette at Engineering

261



SANITARY SEWER EASEMENT

[0.0205 acres]

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

THE STATE OF TEXAS §
 § KNOW EVERYONE BY THESE PRESENTS:
COUNTY OF FORT BEND §

THAT **FORT BEND COUNTY TOLL ROAD AUTHORITY**, a local government corporation, and **FORT BEND COUNTY**, a body corporate and politic under the laws of the State of Texas, ("Grantors"), for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable cash consideration to Grantors in hand paid by **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 50**, a conservation and reclamation district and a body politic and corporate and governmental agency of the State of Texas ("Grantee"), the receipt and sufficiency of which are hereby acknowledged, has GRANTED, SOLD, AND CONVEYED and by these presents does GRANT, SELL, AND CONVEY unto Grantee, its successors and assigns, a non-exclusive permanent and perpetual easement and right-of-way (the "Easement") for construction, installation, maintenance, repair, replacement, removal, relocation, and operation of underground sanitary sewer line or lines and all related appurtenances (the "Facilities") across, along, under, and upon that certain 0.0205 acre tract of land described in the metes and bounds description attached hereto as **Exhibit A**, said exhibit being made a part hereof for all purposes (the "Easement Tract").

Grantee may construct, install, maintain, repair, replace, remove, and operate the Facilities on, across, along, over, and under the Easement Tract and may enter upon the Easement Tract to engage in all activities as may be necessary, requisite, convenient, or appropriate in connection therewith. Grantee's rights shall include, without limitation, the right to clear and remove trees, growth, shrubbery, and other improvements from within the Easement Tract and the right to bring and operate such equipment thereupon as may be necessary, convenient, or appropriate to effectuate the purposes for which the Easement is granted. Grantee will at all times after doing any work in connection with the Easement restore the Easement Tract as nearly as possible to its condition prior to the undertaking of such work.

Grantors expressly reserve the right to the use and enjoyment of the Easement Tract for any and all purposes, provided that such use will not prevent Grantee from the exercise of all its rights under the Easement herein granted. If Grantors' use of the

26x

Easement Tract requires the relocation of the Facilities, Grantee will be responsible for the cost of such relocation.

This conveyance is further made subject to any and all restrictions, covenants, easements, rights-of-way, encumbrances, and mineral or royalty reservations or interests affecting the Easement Property and appearing of record in the Official Records of Fort Bend County, Texas, to the extent that said items and matters are in effect and validly enforceable against the Easement granted herein; provided, however, Grantors, to the extent that it has the ability to enforce any of said items or matters, agrees that it shall not enforce any of said items or matters in a manner which would prejudice or interfere with Grantee's rights in the Easement.

TO HAVE AND TO HOLD, subject to the matters set forth herein, the above-described Easement, together with all and singular the rights and appurtenances thereto in anywise belonging, including all necessary rights to ingress, egress, and regress, unto said Grantee, its successors and assigns, forever. Grantors does hereby bind Grantors, and Grantors' successors and assigns to WARRANT AND FOREVER DEFEND, all and singular the said Easement and right-of-way and other rights described herein unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof by, through, or under Grantors, but not otherwise.

[EXECUTION PAGES FOLLOW]

EXECUTED this the 16th day of December, 2009.

FORT BEND COUNTY TOLL ROAD
AUTHORITY

By: [Signature]

Name: James D. Condrey

Title: Chairman, Board of Directors

ATTEST:

By: [Signature]

Name: Charles Rencher

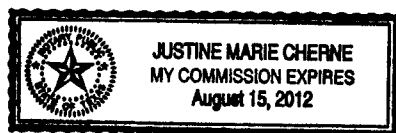
Title: Secretary, Board of Directors

THE STATE OF TEXAS §

§

COUNTY OF FORT BEND §

This instrument was acknowledged before me on this 16th day of December, 2009, by James D. Condrey, Chairman, Board of Directors of Fort Bend County Toll Road Authority, on behalf of said Authority.

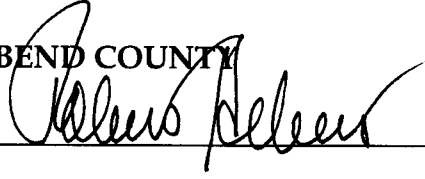


(NOTARY SEAL)

[Signature]
Notary Public in and for the
State of Texas

EXECUTED this 12 day of January, ²⁰¹⁰~~2009~~.


FORT BEND COUNTY

By: 

Name: Robert Hebert

Title: County Judge

ATTEST:

By: 

Name: Dianne Wilson

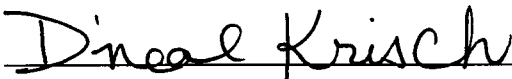
Title: County Clerk

THE STATE OF TEXAS §

§

COUNTY OF FORT BEND §

This instrument was acknowledged before me on the _____ day of _____, 2009, by Robert Hebert, as County Judge of Fort Bend County, Texas, a body corporate and politic and a political subdivision of the State of Texas, on behalf of said political subdivision.



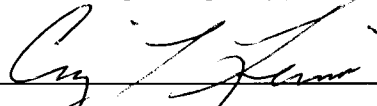
Notary Public, State of Texas



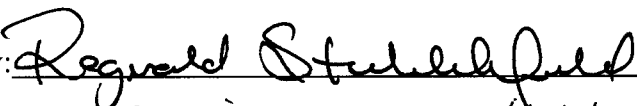
(NOTARY SEAL)

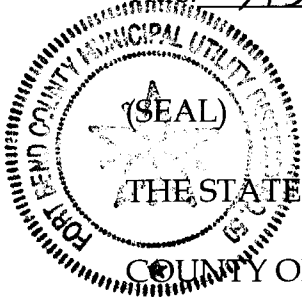
This Easement granted from the Fort Bend County Toll Road Authority is AGREED TO AND ACCEPTED this 8th day of December, 2009, by Fort Bend County Municipal Utility District No. 50.

**FORT BEND COUNTY MUNICIPAL
UTILITY DISTRICT NO. 50**

By: 
Name: Craig Lewis
Title: President

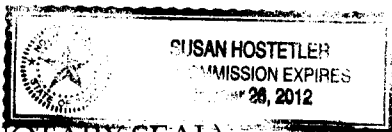
ATTEST:

By: 
Name: Reginald Stubblefield
Title: Assistant Secretary

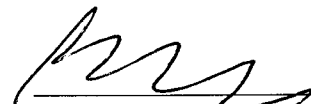


THE STATE OF TEXAS §
§
COUNTY OF FORT BEND §

This instrument was acknowledged before me on this 8th day of December, 2009, by Craig Lewis as President and Reginald Stubblefield Assistant Secretary of the Board of Directors of the Fort Bend County Municipal Utility District No. 50, a political subdivision of the State of Texas, on behalf of said political subdivision.



(NOTARY SEAL)


Notary Public in and for the
State of Texas

AFTER RECORDING, PLEASE RETURN TO:

Allen Boone Humphries Robinson LLP
Attn: Hope Jeffers
3200 Southwest Freeway, Suite 2600
Houston, TX 77027

County: Fort Bend
Project: Shops @ Bella Terra
M.S.G. No: 091197
Job Number: 1316

FIELD NOTES FOR A 0.0205 ACRE TRACT

Being a tract of land containing 0.0205 acre (893 square feet) located in the Joel McCrary Survey, A-403, in Fort Bend County, Texas; said 0.0205 acre tract being out of a call 0.6172 acre tract of land recorded in the name of Fort Bend County in Fort Bend County Clerk's File (F.B.C.C.F.) Number 2009020429 and out of a call 5.430 acre tract of land recorded in the name of Fort Bend County Toll Road Authority in F.B.C.C.F. Number 2004018716; said 0.0205 acre tract being more particularly described by metes and bounds as follows (all bearings are based on the Texas State Plane Coordinate System, South Central Zone (NAD83)):

COMMENCING at 5/8 inch capped iron rod found at the most northerly corner of Restricted Reserve "A" of Shops at Bella Terra Sec. 7, a subdivision recorded in Slide Number 2009017752 of the Fort Bend County Plat Records (F.B.C.P.R.) on an east line of the remainder of a call 50.434 acre tract of land recorded in the name of MRPL Retail Partners II, Ltd. in Fort Bend County Clerk's File (F.B.C.C.F.) Number 2007017388 and on the west line of a call 0.299 acre tract of land recorded in the name of State of Texas in F.B.C.C.F. Number 9029041, from which a capped 5/8 inch iron rod found at the southwest corner of said 0.299 acre tract bears South 16 degrees 32 minutes 22 seconds East, a distance of 9.12 feet;

THENCE, with the an east line of said 50.434 acre tract and the west line of said 0.299 acre tract, North 16 degrees 32 minutes 22 seconds West, at 120.88 feet pass a 5/8 inch capped iron rod found at the northwest corner of said 0.299 acre tract and the southwest corner of said 0.6172 acre tract and continuing through said 50.434 acre tract with the west line of said 0.6172 acre tract an overall distance of 636.19 feet to the **POINT OF BEGINNING** of the herein described tract;

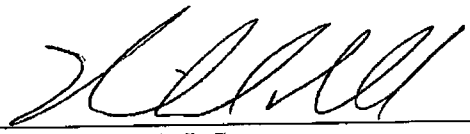
THENCE, continuing through said 50.434 acre tract with the west line of said 0.6172 acre tract, North 16 degrees 32 minutes 22 seconds West, a distance of 20.01 feet to an angle point from which a 5/8 inch capped iron rod found at the north corner of said 0.6172 acre tract on a southeast line of said 5.430 acre tract bears North 16 degrees 32 minutes 22 seconds West, a distance of 4.80 feet;

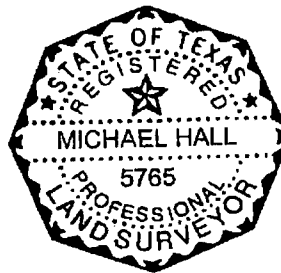
THENCE, through and across said 0.6172 acre tract and said 5.430 acre tract, North 74 degrees 46 minutes 53 seconds East, a distance of 44.22 feet to an angle point on the east line of said 5.430 acre tract and on the west right-of-way line of State Highway 99 (the Grand Parkway) (width varies per F.B.C.C.F. Number 9029041);

THENCE, with the east line of said 5.430 acre tract and said west right-of-way line, South 19 degrees 04 minutes 46 seconds East, a distance of 20.05 feet to an angle point;

THENCE, through and across said 5.430 acre tract and said 0.6172 acre tract, South 74 degrees 46 minutes 53 seconds West, a distance of 45.11 feet to the **POINT OF BEGINNING** and containing 0.0205 acre (893 square feet) of land.

An Exhibit Map was prepared in conjunction with and accompanies this metes and bounds description.


Michael Hall, R.P.L.S.
Texas Registration Number 5765



MILLER SURVEY GROUP
PH: (713) 413-1900
M&B #: 091197
November 30, 2009

EXHIBIT A, PAGE 3 OF 3 PAGES

CALL 5.430 ACRES
FORT BEND COUNTY TOLL
ROAD AUTHORITY
F.B.C.C.F. No. 2004018716

LINE TABLE		
LINE	LENGTH	BEARING
L1	20.01'	N16°32'22"W
L2	44.22'	N74°46'53"E
L3	20.05'	S19°04'46"E
L4	45.11'	S74°46'53"W
L5	4.80'	N16°32'22"W
L6	9.12'	S16°32'22"E

0.0205 ACRE
893 S.F.

P.O.B.

GRAND PARKWAY (S.H. 89)
(F.B.C.C.F. No. 8029041)
(R.O.W. VARIES)

CALL 50.434 ACRES
MRPL RETAIL PARTNERS II, LTD.
F.B.C.C.F. No. 2007017388

CANAL ROAD
(66' R.O.W.)
(SLIDE NO. 858AB F.B.C.P.R.)

CALL 0.6172 ACRE
FORT BEND COUNTY
F.B.C.C.F. No. 2009020429

100' A.E./U.E.
F.B.C.C.F. No. 2009017803

CALL 0.299 ACRE
STATE OF TEXAS
F.B.C.C.F. No. 8029041

75' DRAINAGE EASEMENT
VOL. 290, PG. 232 F.B.C.D.R.

P.O.C.
FND5/8" C.I.R.

CALL 3.000 ACRES
MRPL RETAIL PARTNERS, LTD.
F.B.C.C.F. No. 2007135296

RESTRICTED RESERVE "A"
SHOPS AT BELLA TERRA SEC 6
SLIDE NO. 2009017696 F.B.C.P.R.

RESTRICTED RESERVE "A"
SHOPS AT BELLA TERRA SEC 7
SLIDE NO. 2009017752 F.B.C.P.R.

NOTES:

1. ALL BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE.

2. A METES AND BOUNDS DESCRIPTION OF THE SUBJECT TRACT HAS BEEN PREPARED BY MILLER SURVEY GROUP AND ACCOMPANIES THIS EXHIBIT.

LEGEND

A.E. = ACCESS EASEMENT
U.E. = UTILITY EASEMENT
SEC. = SECTION
S.H. = STATE HIGHWAY
FND = FOUND
C.I.R. = CAPPED IRON ROD
F.B.C.P.R. = FORT BEND COUNTY PLAT RECORDS
F.B.C.C.F. = FORT BEND COUNTY CLERK'S FILE
No. = NUMBER
P.O.B. = POINT OF BEGINNING
R.O.W. = RIGHT-OF-WAY
S.F. = SQUARE FEET
P.O.C. = POINT OF COMMENCEMENT
⊙ = FOUND 5/8" C.I.R. (UNLESS OTHERWISE NOTED)

EXHIBIT

BEING 0.0205 ACRE LOCATED IN
THE JOEL McCRARY SURVEY, A-403,
FORT BEND COUNTY, TEXAS

MILLER
SURVEY GROUP

1760 WEST SAM HOUSTON PARKWAY NORTH
HOUSTON, TEXAS 77043
PHONE 713-413-1900 FAX 713-413-1944

JOB NO.: 1316

SCALE: 1"=150'

DATE: 11/30/2009

FIELD BOOK: N/A

DWG. NO.: 1316-SSE-SEC 8-2

DRAWN BY: MHH

CHK. BY: BEW

M&B No.: 091197

AS PER ORIGINAL

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dianne Wilson

2010 Jan 13 01:37 PM

2010003515

CDC \$0.00

Dianne Wilson COUNTY CLERK

FT BEND COUNTY TEXAS