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**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:	03/29/2010	Submitted By:	Paul Stewart
Court Agenda Date:	04/06/2010	Department:	County Attorney
		Phone Number:	341-4555

SUMMARY OF ITEM:

COMMISSIONER PRECINCT 4:

Accept Special Warranty Gift Deed from Sprint Sand and Clay, LLC (as Grantor) to Fort Bend County (as Grantee) for 0.160 Acre of Land in the D.A. Conner Survey, Abstract No. 158 at no cost to Fort Bend County and record in the Official Public Records of the County Clerk's Office.

RENEWAL AGREEMENT/APPOINTMENT	YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>
REVIEWED BY COUNTY ATTORNEY'S OFFICE:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>

List Supporting Documents Attached: Special Warranty Gift Deed

FINANCIAL SUMMARY:BUDGETED ITEM: YES ☐ NO ☐ N/A

FUNDNG SOURCE: Accounting Unit: _____ Account Number: N/A
Activity (If Applicable): _____

DESCRIPTION OF LAWSOM 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 checked="" type="checkbox"/>	Comm. Pct. 1	(281-342-0587)
<input type="checkbox"/>	Budget Officer	(281-344-3954)	<input checked="" type="checkbox"/>	Comm. Pct. 2	(281-403-8009)
<input type="checkbox"/>	Facilities/Planning	(281-633-7022)	<input checked="" type="checkbox"/>	Comm. Pct. 3	(281-242-9060)
<input type="checkbox"/>	Purchasing Agent	(281-341-8642)	<input checked="" type="checkbox"/>	Comm. Pct. 4	(281-980-9077)
<input checked="" type="checkbox"/>	Road & Bridge		<input checked="" type="checkbox"/>	County Clerk	(281-341-8697)
<input checked="" type="checkbox"/>	Engineering		<input checked="" type="checkbox"/>	County Atty	(281-341-4557)

RECOMMENDATION / ACTION REQUESTED:

Special Handling Requested (specify): 4-9-10 recorded in prop. records
at Co. Clerk & ret. to Paul at Co. Attorney



(0.160 Acres)

SPECIAL WARRANTY GIFT DEED

THE STATE OF TEXAS §
 §
 COUNTY OF FORT BEND §

WHEREAS, Sprint Sand and Clay, LLC, a Texas limited liability company ("**Grantor**"), as the owner of that certain land which is described on Exhibit A attached hereto and made a part hereof for all purposes (the "**Land**"), desires to donate the Land and related property rights to Fort Bend County, Texas ("**Grantee**");

NOW, THEREFORE, Grantor has DONATED, GRANTED and CONVEYED and by these presents does DONATE, GRANT AND CONVEY unto Grantee, subject to the matters and exceptions hereinafter made, the Land, together with and including any and all improvements, appurtenant easements and other appurtenances located thereon and thereunto belonging or appertaining (herein collectively called the "**Property**").

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging unto Grantee, its successors and assigns forever; and Grantor hereby binds Grantor and its successors and assigns to WARRANT AND FOREVER DEFEND all and singular the Property 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 Grantor but not otherwise, except this warranty and conveyance are expressly made subject to (i) any and all encumbrances or other matters of record in Fort Bend County, Texas, and (ii) any and all matters that a true and correct survey of the Property would reveal, to the full extent any of such encumbrances or matters described in clauses (i) and/or (ii) above are subsisting and appertain to the Property.

GRANTOR AND GRANTEE, BY GRANTEE'S ACCEPTANCE HEREOF, ACKNOWLEDGE AND AGREE THAT GRANTOR HAS NOT MADE, DOES NOT MAKE AND SPECIFICALLY DISCLAIMS ANY REPRESENTATIONS, WARRANTIES, PROMISES, COVENANTS, AGREEMENTS OR GUARANTEES OF ANY KIND OR CHARACTER WHATSOEVER, WHETHER EXPRESS OR IMPLIED, ORAL OR WRITTEN, PAST, PRESENT OR FUTURE, OF, AS TO, CONCERNING OR WITH RESPECT TO: (I) THE NATURE, QUALITY OR CONDITION OF THE PROPERTY; INCLUDING, WITHOUT LIMITATION, THE WATER, SOIL AND GEOLOGY; (II) THE SUITABILITY OF THE PROPERTY FOR ANY AND ALL ACTIVITIES AND USES WHICH GRANTEE MAY CONDUCT THEREON; (III) THE COMPLIANCE OF OR BY THE PROPERTY OR OPERATIONS CONDUCTED THEREON WITH ANY LAWS, RULES, REGULATIONS, ORDINANCES OR REGULATIONS OF ANY APPLICABLE GOVERNMENTAL AUTHORITY OR BODY; (IV) THE HABITABILITY, MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE OF THE PROPERTY; (V) THE PRESENCE OF ANY ENDANGERED OR THREATENED SPECIES ON THE PROPERTY, AS WELL AS THE SUITABILITY OF THE PROPERTY AS A HABITAT FOR ANY OF THOSE SPECIES; OR (VI) ANY OTHER MATTER WITH RESPECT TO THE PROPERTY (EXCEPT THE

SPECIAL WARRANTY OF TITLE CONTAINED HEREIN). WITHOUT LIMITING THE FOREGOING, GRANTEE, BY GRANTEE'S ACCEPTANCE HEREOF, ACKNOWLEDGES AND AGREES THAT GRANTOR HAS NOT MADE AND DOES NOT MAKE ANY REPRESENTATION OR WARRANTY REGARDING THE PRESENCE OR ABSENCE OF ANY HAZARDOUS OR TOXIC WASTE OR SUBSTANCE ON, UNDER OR ABOUT THE PROPERTY OR THE COMPLIANCE OR NON-COMPLIANCE OF THE PROPERTY WITH ANY AND ALL FEDERAL, STATE OR LOCAL ENVIRONMENTAL LAWS, ORDINANCES, REGULATIONS, ORDERS, DECREES OR RULES REGULATING, RELATING TO OR IMPOSING LIABILITY OR STANDARDS OF CONDUCT CONCERNING ANY HAZARDOUS OR TOXIC WASTES OR SUBSTANCES. GRANTEE, BY GRANTEE'S ACCEPTANCE HEREOF, ACKNOWLEDGES AND AGREES THAT HAVING BEEN GIVEN THE OPPORTUNITY TO INSPECT THE PROPERTY PRIOR TO THE DATE HEREOF, GRANTEE ACCEPTS THE PROPERTY PURSUANT TO GRANTEE'S INDEPENDENT EXAMINATION, STUDY, INSPECTION AND KNOWLEDGE OF THE PROPERTY, AND GRANTEE IS RELYING UPON GRANTEE'S OWN DETERMINATION OF THE VALUE AND CONDITION OF THE PROPERTY AND USES TO WHICH THE PROPERTY MAY BE PUT AND NOT UPON ANY INFORMATION THAT HAS BEEN OR WILL BE PROVIDED BY GRANTOR. BY GRANTEE'S ACCEPTANCE HEREOF, GRANTEE ACKNOWLEDGES AND AGREES THAT GRANTEE ACCEPTS THE PROPERTY IN ITS "AS IS" AND "WITH ALL FAULTS" PRESENT CONDITION.

[END OF THIS PAGE]

EXECUTED to be effective on the date of the acknowledgment set forth below.

SPRINT SAND AND CLAY, LLC, a Texas
limited liability company

By: 

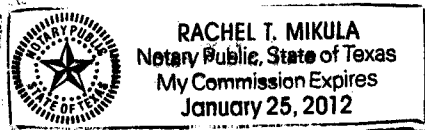
Donald L. Poarch, its Vice President

THE STATE OF TEXAS

§
§
§

COUNTY OF HARRIS

This instrument was acknowledged before me on March 17, 2010 by Donald L. Poarch, Vice President of Sprint Sand and Clay, LLC, a Texas limited liability company on behalf of such limited liability company.



Rachel T. Mikula

Notary Public in and for the State of Texas

Rachel T. Mikula

Printed Name of Notary

My Commission Expires: January 25, 2012

Grantee's Address:

1041 Conrad Sauer Road
Houston, Texas 77043

After recording, please return to:
Zory Agosto
Andrews Kurth LLP
600 Travis, Suite 4200
Houston, TX 77002

HOU:3003802.1

EXHIBIT A

KELLY R. KALUZA & ASSOCIATES, INC.

Consulting Engineers & Surveyors

3014 Avenue I, Rosenberg, Texas 77471

(281) 341-0808 ■ FAX (281) 341-6333

December 16, 2008

A FIELD NOTE DESCRIPTION of 0.160 Acre of Land being a portion of a call 187.0178 Acre Tract (Volume 2569, Page 2006; Official Records of Fort Bend County, Texas) being in the D.A. Conner Survey, Abstract No. 158, Fort Bend County, Texas.

FOR CONNECTION, begin at a 5/8 inch diameter iron rod found for interior corner of said call 187.0178 Acre Tract; Said corner being the Southeast corner of a call 11.97 Acre Tract (Volume 367, Page 421; Deed Records of Fort Bend County, Texas); Thence; North 1 Degree, 1 Minute, 56 Seconds East (reference bearing), at 570.96 feet pass a 5/8 inch diameter iron rod with cap found for the Southeast corner of a 9.787 Acre Tract (Fort Bend County Clerk's File No. 2001115166), in all 1586.86 feet along a Northerly West line of said call 187.0178 Acre Tract and along the Easterly line of said 9.787 Acre Tract to a 5/8 inch diameter iron rod found for corner; Thence; North 1 Degree 0 Minutes, 39 Seconds West, at 37.44 feet pass a 5/8 inch diameter iron rod with cap found for the most Westerly Southwest corner of West Bellfort Right-of-Way Parcel 34R - 6.286 Acre Tract (Fort Bend County Clerk's File No. 2008114222), in all 43.20 feet to a point for the Northeast corner of said 9.787 Acre Tract; Thence; North 0 Degrees, 58 Minutes, 41 Seconds East - 96.90 feet along a Northerly West line of said call 187.0178 Acre Tract and along the most Westerly line of said West Bellfort Parcel 34R - 6.286 Acre Tract to a point for the most Westerly Northwest corner of said West Bellfort Parcel 34R - 6.286 Acre Tract where a 5/8 inch diameter iron rod with cap found for reference bears South 14 Degrees West - 0.14 feet; Said corner being the Northeast corner of West Bellfort right-of-way Tract 33 - call 0.2379 Acre Tract (Fort Bend County Clerk's File No. 2008011853) and being the Southwest corner of and **PLACE OF BEGINNING** for this 0.160 Acre Tract;

THENCE; North 0 Degrees, 58 Minutes, 41 Seconds East - 72.50 feet along a Northerly West line of said call 187.0178 Acre Tract to a point for the Northwest corner of this tract; Said corner being the most Northerly Northwest corner of said call 187.0178 Acre Tract;

THENCE; South 88 Degrees, 33 Minutes, 1 Second East - 121.83 feet along the most Northerly line of said call 187.0178 Acre Tract to a point for the Northeast corner of this tract where a 5/8 inch diameter iron rod with cap found for reference bears North 61 Degrees West - 0.19 feet; Said corner being the most Northerly Northwest corner of said West Bellfort Parcel 34R - 6.286 Acre Tract;

A Field Note Description
0.160 Acre of Land
December 16, 2008
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THENCE; South 14 Degrees, 54 Minutes, 27 Seconds East - 23.12 feet along a Westerly line of said Parcel 34R - 6.286 Acre Tract to a point for the East corner of this tract where a 5/8 inch diameter Iron rod with cap found for reference bears North 23 Degrees West - 0.16 feet;

THENCE; South 30 Degrees, 30 Minutes, 28 Seconds West - 21.06 feet along a Westerly line of said Parcel 34R - 6.286 Acre Tract to a 5/8 inch diameter Iron rod with cap found for the Southeast corner of this tract;

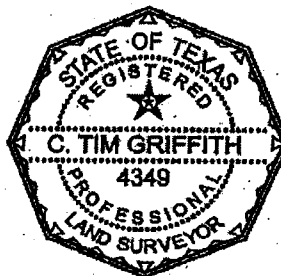
THENCE; Southwesterly, along a Northerly line of said Parcel 34R - 6.286 Acre Tract with the following courses and distances:

South 75 Degrees, 55 Minutes, 22 Seconds West - 69.10 feet to a 5/8 inch diameter iron rod with cap found for corner;

Along a tangent curve to the right with the following curve data:

Radius:	1950.00 feet
Delta:	1 Degree, 32 Minutes, 52 Seconds
Length:	52.68 feet
Tangent:	26.34 feet
Chord:	South 76 Degrees, 41 Minutes, 48 Seconds West - 52.68 feet to the PLACE OF BEGINNING and containing 0.160 Acre of Land.

C. Tim Griffith
C. Tim Griffith, R.P.L.S. No. 4349



FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dianne Wilson

2010 Apr 09 09:52 AM

JW \$0.00

2010030568

Exhibit A - Page 2 of 2

Dianne Wilson COUNTY CLERK
FT BEND COUNTY TEXAS