

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: May 19, 2010

Submitted By: Laura Dougherty

Court Agenda Date: May 25, 2010

Department: Facilities Management & Planning

Phone Number: 281-633-7017

SUMMARY OF ITEM: Deliberate and take all appropriate action to approve and record in the Real Property Records the 3-Phase Overhead and Underground Easement Agreement with CenterPoint Energy Houston Electric, LLC. to provide electrical services for the Justice Center.

RENEWAL AGREEMENT/APPOINTMENT

YES

☐

NO

☐

REVIEWED BY COUNTY ATTORNEY'S OFFICE:

YES

☒

NO

☐

List Supporting Documents Attached: Easement

FINANCIAL SUMMARY:

BUDGETED ITEM: YES ☐

NO ☐

FUNDNG SOURCE: Accounting Unit: Account Number:
Activity (If Applicable):

DESCRIPTION OF LAWSON ACCOUNT: Justice Center

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:

6/2/10 3 orig. easements ret. to Laura at Facilities
 1 easement recorded in property records at
 Special Handling Requested (specify): County Clerk

104

FM 101541



EASEMENT 2010050763

11 PGS

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Map 4449D
S/C Fort Bend

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.

**SHORT FORM BLANKET EASEMENT
3-PHASE OVERHEAD AND UNDERGROUND**

STATE OF TEXAS }

KNOW ALL PERSONS BY THESE PRESENTS:

COUNTY OF FORT BEND}

THAT, Fort Bend County, a governmental entity, herein called Grantor, whether one or more, for and in consideration of the sum of ONE DOLLAR (\$1.00) CASH to Grantor paid by CenterPoint Energy Houston Electric, LLC, herein called Grantee, whose principal address is P. O. Box 1700, Houston, Texas 77251-1700, has **GRANTED, SOLD AND CONVEYED** and by these presents, does **GRANT, SELL AND CONVEY** unto said Grantee, its successors and assigns, all or in part, a **blanket** easement (hereinafter referred to as the "Easement Area", whether one or more) for electric distribution and communication facilities (hereinafter referred to as "Facilities") consisting of a variable number of wires and cables and all necessary and desirable equipment and appurtenances, including, but not limited to, towers or poles made of wood, metal or other materials, props and guys, lying within the following described lands owned by Grantor, to wit:

That certain tract of land being all of Hillcrest Circle Subdivision City of Richmond, Texas, a subdivision located in the Jane H. Long League, Abstract No. 55, Fort Bend County, Texas, according to the map or plat

Return at counter

CCM 5-25-10 #270
Fort Bend County Clerk
Return Admin Serv Coord

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thereof recorded in Slide No. 1672B and 1673A of the Plat Records of said County and State, being the same properties described in deeds recorded in 2003160477 and 2003163568 of the Official Public Records of Fort Bend County, Texas.

The locations of facilities shown on the attached Exhibit "A" are approximate. Grantor or its successors or assigns shall observe and exercise all notification laws as per the Underground Facility Damage Prevention and Safety Act, also known as "ONE CALL" & "CALL BEFORE YOU DIG" when working in or near the Easement Area.

To the extent that such Laws and Codes apply to Grantor, its successors or assigns, Grantor or its successors or assigns shall observe all safety codes and laws which apply to working along, within and or near the Easement Area and Facilities during construction activities and safe clearance from such Facilities, including O.S.H.A., Chapter 752 of the Texas Health and Safety Code, the National Electric Code, and the National Electrical Safety Code. Grantor, its successors or assigns, is hereby obligated to place National Electrical Safety Code notices into Community Deed Restrictions when Easement Areas fall within Residential Developments.

The Easement Area herein granted is a blanket easement and shall apply only insofar as the boundaries of the above described property will permit. Grantee further reserves the right to extend services and drops within the herein described property and to adjacent land owners from said Facilities.

Grantor shall not allow other utilities to cross within eighteen (18) inches of Grantee's Facilities.

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No structures shall be permitted closer than five (5) feet to the centerline of any below ground and above ground Facilities.

No structures shall be permitted closer than fifteen (15) feet to the centerline of any overhead electrical Facilities, beginning at a plane sixteen (16) feet above the ground and extending upward.

If Grantor, its successors or assigns should, at any future date, request that the easement herein granted be further defined, Grantee agrees, at Grantor's expense, to prepare a new, defined easement described by a sealed survey sketch. Defined easements shall be further described by, but not limited to, the following descriptions:

- 1.) A ten (10) foot ground easement for underground facilities;
- 2.) A ten (10) foot ground easement with ten (10) foot aerial easement adjoining both sides of said ten (10) foot ground easement for facilities that are not located adjacent to property lines;
- 3.) A ten (10) foot ground easement with an adjoining eleven (11) foot, six (6) inch aerial easement for perimeter facilities;
- 4.) An easement fifteen (15) feet wide and seventeen (17) feet long for Grantee's pad-mounted transformer station purposes.
- 5.) An easement sixteen (16) feet wide and twenty (20) feet long for Grantee's pad-mounted transformer station purposes.

Grantee further agrees to release the herein above described blanket easement upon execution and delivery of the new defined easement by Grantor.

In the event that Grantor, its successors and assigns, desires that Grantee's Facilities be relocated, then Grantee agrees to relocate said Facilities provided that Grantor furnishes a suitable and feasible site or location for such relocation and, provided that Grantor, its successors and assigns, shall, if requested by Grantee, furnish to Grantee a suitable and acceptable easement covering the new location. Any and all costs associated

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with relocating said Facilities will be at Grantor's sole expense.

Grantee shall also have reasonable rights of ingress and egress to and from said Easement Area, together with reasonable working space, for the purposes of erecting, installing, operating, maintaining, replacing, inspecting, and removing said Facilities, together with the additional right to remove from said easement and land adjoining thereto, all bushes, trees and parts thereof, or other structures which, in the opinion of Grantees, endanger or may interfere with the efficiency, safe and proper operation, and maintenance of said Facilities.

TO HAVE AND TO HOLD the above described Easement Area, together with all and singular the rights and appurtenances thereto in anywise belonging, unto Grantee, its successors or assigns, forever, and Grantor does hereby bind itself and its successors, heirs, assigns, and legal representatives, to fully warrant and forever defend all and singular the above described Easement Area and rights unto said 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. In the event of a deficiency in title or actions taken by others which results in the relocation of Grantee's Facilities, the Grantor herein, its successors and assigns, will be responsible for all costs associated with the relocation and/or removal of Grantee's Facilities.

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EXECUTED this 25 day of May, 2010.

Fort Bend County, a governmental entity

BY: [Signature]
Signature

County Judge
Title

Robert Hebert
Name typed or printed

STATE OF TEXAS }

COUNTY OF }

This instrument was acknowledged before me on May 25, 2010, by Robert Hebert, County Judge of Fort Bend County, a governmental entity, on behalf of said entity.



D'Neal Krisch
Notary's Signature

D'Neal Krisch
Name typed or printed

4/2/2011
Commission Expires

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**ATTACHMENT
AFFIDAVIT**

STATE OF TEXAS }

COUNTY OF FORT BEND}

BEFORE me the undersigned authority on this day personally appeared the Commissioners Court of Fort Bend County, a governmental entity, hereinafter referred to as Affiant, who being duly sworn, deposes and says that Affiant is the current owner of the tract of land described in an easement instrument executed by the same on even date herewith, said tract of land is further described as follows:

That certain tract of land being all of Hillcrest Circle Subdivision City of Richmond, Texas, a subdivision located in the Jane H. Long League, Abstract No. 55, Fort Bend County, Texas, according to the map or plat thereof recorded in Slide No. 1672B and 1673A of the Plat Records of said County and State, being the same properties described in deeds recorded in 2003160477 and 2003163568 of the Official Public Records of Fort Bend County, Texas.

Affiant further says that the said premises have been held by Affiant, that possession thereof has been peaceable and undisturbed, and that the title thereto has never been disputed or questioned to Affiant's knowledge, nor does Affiant know of any facts by reason of which said possession or title might be disturbed or questioned, or by reason of which any claim to said premises, or any part thereof, might arise or be set up adverse to this Affiant.

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EXECUTED this 25 day of May, 2010.

Fort Bend County, a governmental entity

BY: [Signature]
Signature

County Judge
Title

Robert Hebert
Name typed or printed

SUBSCRIBED and SWORN before me this 25 day of May,
2010.



D'Neal Krisch
Notary's Signature

D'Neal Krisch
Name typed or printed

4/2/11
Commission Expires

AFTER RECORDING RETURN TO:
SURVEYING & RIGHT OF WAY
CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC
P. O. BOX 1700
HOUSTON, TX 77251-1700



GENERAL LOCATION SKETCH

LAMBERT

SECTION

KEY MAP

FUNCTIONAL LOCATION

SCALE

CIRCUIT

ORDER NO.

4449

D2

605H

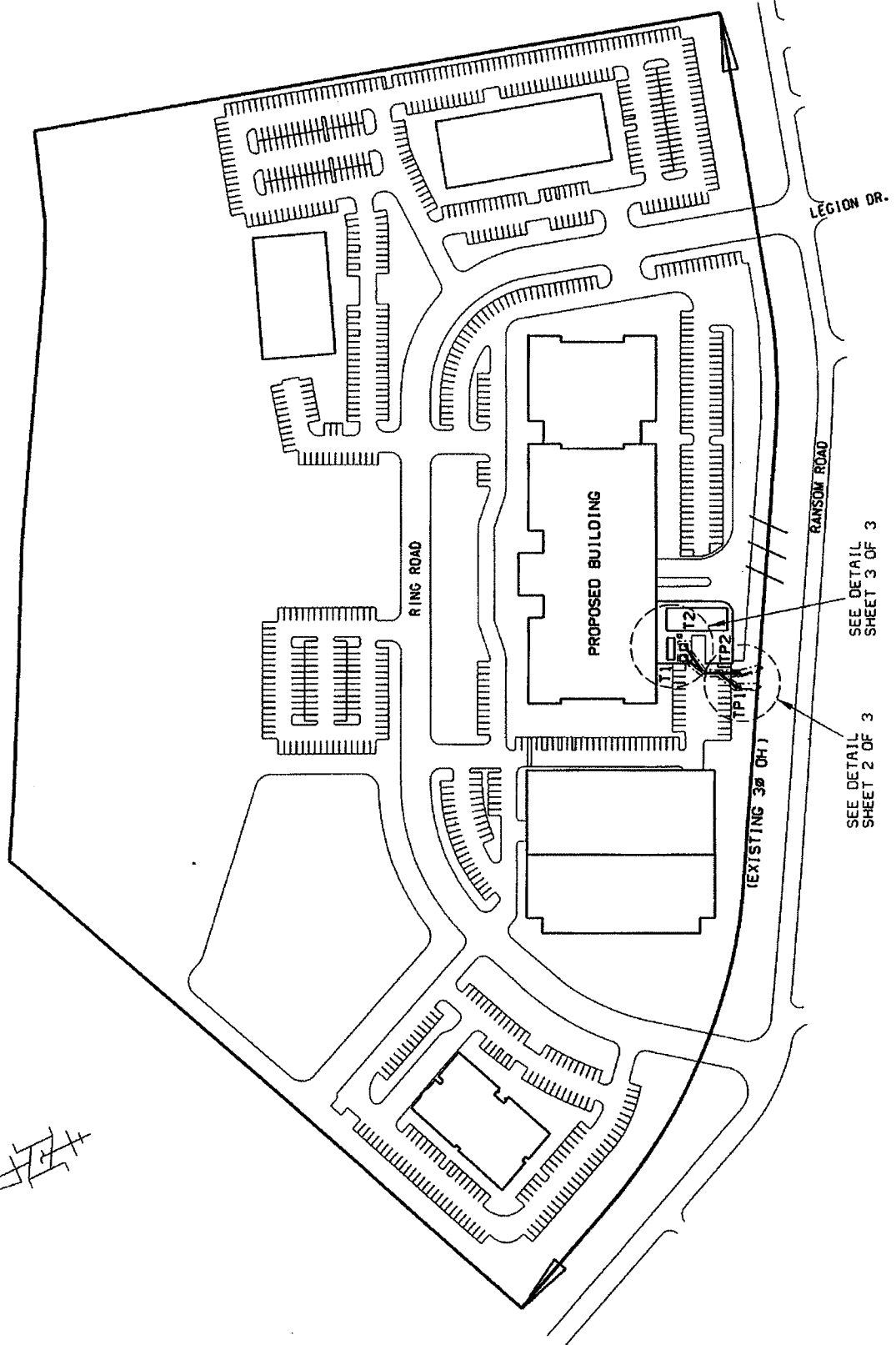
EXHIBIT "A"

N. T. S.

CRB41

50616156

CENTERPOINT ENERGY (CNP) TO UTILIZE
THE CUSTOMER'S PARKING AND DRIVEWAY
FACILITIES FOR EQUIPMENT ACCESS





DETAIL SKETCH

LAMBERT

SECTION

KEY MAP

FUNCTIONAL LOCATION

SCALE

CIRCUIT

ORDER NO.

4449

D2

605H

EXHIBIT "A"

N. T. S.

CRB41

50616156

4-6" CONCRETE ENCASED PVC CONDUITS
2-6" CONDUITS FROM TP1 TO T1 (95'±)
2-6" CONDUITS FROM TP2 TO T2 (85'±)
BY THE CUSTOMER PER SPEC DLF52C

A 10' EASEMENT CENTERED ON
THE CONDUITS TO BE ACQUIRED

CURB

CURB

WALL

WALL

CNP TO INSTALL
TERMINAL POLE

(PROPOSED 3Ø OH)

55'±

A 10' GROUND AND 30' AERIAL
EASEMENT CENTERED ON THE
OVERHEAD LINE TO BE ACQUIRED

(PROPOSED 3Ø OH)

55'±

(EXISTING 3Ø OH)

30'±

CNP TO
INSTALL POLE

EXISTING
CNP POLE



DETAIL SKETCH

LAMBERT SECTION KEY MAP FUNCTIONAL LOCATION SCALE CIRCUIT ORDER NO.

4449

D2

KEY MAP

605H

EXHIBIT "A"

SCALE

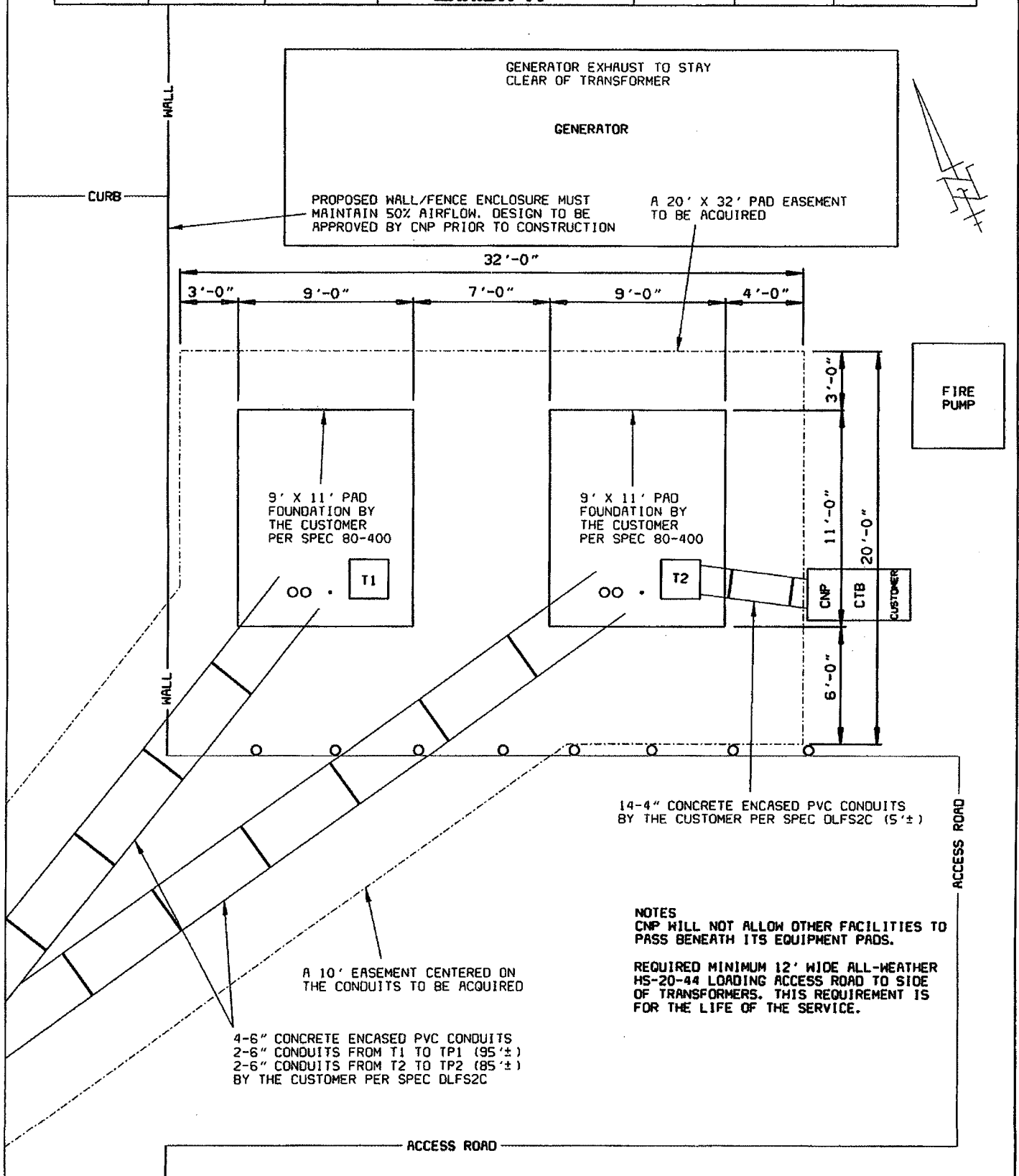
N. T. S.

CIRCUIT

CRB41

ORDER NO.

50616156



FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dianne Wilson

2010 Jun 03 10:12 AM

2010050763

CDC \$0.00

Dianne Wilson COUNTY CLERK

FT BEND COUNTY TEXAS