

7-27-10
AGENDA ITEM 16

ARF-998

REGULAR SESSION AGENDA

Date: 07/27/2010

Deed

Item #: ~~23-0~~

County Attorney

Submitted For:

County Attorney

Submitted By:

Angela Molina, County
Attorney

Department:

County Attorney

Type of Item:

Consent

Renewal Agreement/

No

Appointment:

Reviewed by County

Yes

Attorney's Office:

Multiple Originals

Y/N?:

Information

SUMMARY OF ITEM


Approve Deed for the transfer of Title from Fort Bend County to the State of Texas for land described as Parcel 9 regarding Phase II of the FM 1464 Mobility Project, for purposes of reimbursement to teh County pursuant to the 90/10 Agreement between Fort Bend County and Texas Department of Transportation; authorize County Judge to sign all necessary deeds and closing documents.

SPECIAL HANDLING

A copy of the deed is attached. The original will be brought over to the County Judge's Office prior to Commissioners Court.

Attachments

Link: Deed

Approved As To Legal Form:

Asst. County Atty. 7/22/10
Date

8-9-10 orig. recorded in property records at
Co. Clerk & ret. to Angela at Co. Attorney



Notice of Confidentiality Rights: If you are a natural person, you may remove or strike any of the following information from this instrument before it is filed for record in the public records: your Social Security Number or your Driver's License Number.



Form ROW-N-14

Rev. 8/2003

Replaces Forms D-15-11, D-15-14, D-15-141, D-15-142,
ROW-N-12PT, ROW-N-14, ROW-N-141, and ROW-N-142

GSD-EPC

Page 1 of 2

Parcel 9

DEED**THE STATE OF TEXAS**

§

§

COUNTY OF FORT BEND

§

WHEREAS, the Texas Transportation Commission has been authorized under the Texas Transportation Code Chapters 203, 224, and 361 to purchase land and such other property rights (including requesting that counties and municipalities acquire highway right of way) deemed necessary and convenient to a state highway or turnpike project to be constructed, reconstructed, maintained, widened, straightened, or extended, or to accomplish any other purpose related to the location, construction, improvement, maintenance, beautification, preservation, or operation of a state highway or turnpike project, and including the acquisition of such other property rights deemed necessary for the purposes of operating a designated state highway or turnpike project, with control of access as necessary to facilitate the flow of traffic and promote the public safety and welfare on both non-controlled access facilities, as well as facilitating the construction, maintenance and operation of designated controlled access highways and turnpike projects;

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That, Fort Bend County, Texas, hereinafter referred to as Grantors, whether one or more, for and in consideration of the sum of Ten Dollars (\$10.00) to Grantors in hand paid by the State of Texas, acting by and through the Texas Transportation Commission, receipt of which is hereby acknowledged, and for which no lien is retained, either expressed or implied, have this day Sold and by these presents do Grant, Bargain, Sell and Convey unto the State of Texas all that certain tract or parcel of land lying and being situated in the County of Fort Bend, State of Texas, more particularly described in Exhibit "A," which is attached hereto and incorporated herein for any and all purposes.

SAVE and EXCEPT, HOWEVER, it is expressly understood and agreed that Grantors are retaining title to the following improvements located on the property described in said Exhibit "A" to wit: None.

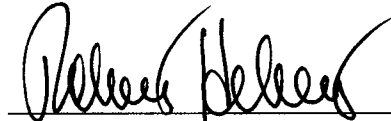
Grantors covenant and agree to remove the above-described improvements from said land by the N/A day of N/A, N/A, subject, however, to such extensions of time as may be granted by Grantee, its successor and assigns, in writing; and if, for any reason, Grantors fail or refuse to remove same within said period of time prescribed, then, without any further consideration, the title to all or any part of such improvements not so removed shall pass to and vest in the Grantee, its successors and assigns, forever.

Grantors reserve all of the oil, gas and sulphur in and under the land herein conveyed but waive all rights of ingress and egress to the surface thereof for the purpose of exploring, developing, mining or drilling for same; however, nothing in this reservation shall affect the title and rights of the Grantee, its successors and assigns, to take and use all other minerals and materials thereon, therein and thereunder.

Grantors hereby acknowledge that their use of and access to the state highway facilities and/or turnpike project (hereafter called highway facility) to be constructed in conjunction with the highway facility of which the land hereby conveyed shall become a part, shall be and forever remain subject to the same regulation by legally constituted authority as applies to the public's use thereof; and Grantors further acknowledge that the design and operation of such highway facility requires that rights of ingress and egress and the right of direct access to and from Grantors' remaining property (if any) to said Highway facility, shall hereafter be governed by the provisions set out in said Exhibit "A", **SAVE AND EXCEPT** in the event access, or access points may be specifically allowed or permitted in said Exhibit "A", such access shall be subject to such regulation as is determined by the Texas Department of Transportation and/or the Texas Turnpike Authority Division to be necessary in the interest of public safety and in compliance with approved engineering principles and practices and subject to compliance with any applicable local municipal or county zoning, platting and/or permit requirements.

TO HAVE AND TO HOLD the premises herein described and herein conveyed together with all and singular the rights and appurtenances thereto in any wise belonging unto the State of Texas and its assigns forever; and Grantors do hereby bind ourselves, our heirs, executors, administrators, successors and assigns to Warrant and Forever Defend all and singular the said premises herein conveyed unto the State of Texas and its assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof.

IN WITNESS WHEREOF, this instrument is executed on this the 5 day of August, 2010.



Judge Robert E. Hebert
Fort Bend County Judge

Acknowledgment

State of Texas
County of Fort Bend

This instrument was acknowledged before me on August 5, 2010 by

Judge Robert E. Hebert, Fort Bend County Judge of Fort Bend County, Texas.





Notary Public's Signature

After Recording Return To:

Shelly Johnson
Property Acquisition Services, Inc.
19855 Southwest Freeway, Suite 200
Sugar Land, TX 77479

EXHIBIT A

County: Fort Bend
Highway: F.M. 1464
Project Limits: Shiloh Lake Drive to State Highway 99
ROW CSJ: 1415-02-041

Property Description for Parcel 9

Being a 0.3812 acre (16,607 square feet) parcel of land, out of the J.H. Cartwright Survey, A-16, Fort Bend County, Texas and located in that certain 15.1242 acre tract of land, described in a Deed dated 11-07-1984 from Robert Schumann to Timothy L. Schumann, filed in the Fort Bend County Deed Records (F.B.C.D.R.) in Volume 1563, Page 406 Fort Bend County, Texas, being more particularly described as follows:

COMMENCING at a set 5/8 inch iron rod with cap stamped "Weisser Eng., Houston, TX" located at a southeast corner of said 15.1242 acre tract, also being the northeast corner of the Residue of a 21.8493 acre tract of land, described in a Special Warranty Deed dated 04-19-2000 from Frank K. Muth Land Trust by John Julius Muth and Lawrence W Schumann, Trustees; William L. Schumann; Max A. Schumann to Robert Schumann, filed in the Official Public Records Fort Bend County, Texas (O.P.R.F.B.C.) at Clerk's File No. 2000031768 and being located in the southwest line of Oyster Creek as described in a Deed dated 07-20-1988 from Brazos River Authority to Galveston County Water Authority, filed in the F.B.C.D.R. in Volume 2059, Page 2245 Fort Bend County, Texas; thence as follows:

South 87°19'59" West, a distance of 1,664.14 feet, along the south line of said 15.1242 acre tract and the north line of the Residue of said 21.8493 acre tract, to a set 5/8 inch iron rod with TxDOT Aluminum cap located in the proposed east right-of-way line of F.M. 1464 (width varies), marking the southeast corner and POINT OF BEGINNING of the herein described parcel;

- 1) THENCE, South 87°19'59" West, a distance of 47.67 feet, continuing along the south line of said 15.1242 acre tract and the north line of the Residue of said 21.8493 acre tract, to the southwest corner of herein described parcel, being located in the existing right-of-way line of F.M. 1464 (called 80 foot width) as described in Volume 275, Page 244 filed in the F.B.C.D.R.;
- 2) THENCE, North 02°25'41" West, a distance of 253.68 feet, along the west line of said 15.1242 acre tract and the existing east right-of-way line of said F.M. 1464 to a set 5/8 inch iron rod with TxDOT Aluminum cap for a point of a curve to the right of herein described parcel, said curve having a central angle of 01°04'29" and a radius of 2,824.79 feet, the center of said curve being located on a radial bearing North 87°34'19" East from said point;

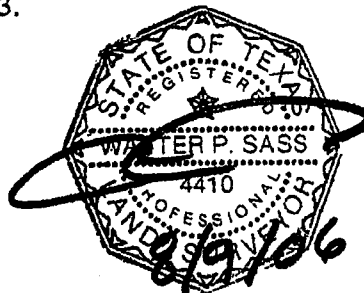
EXHIBIT A

- 3) THENCE, in a northwest direction along said curve of herein described parcel, said 15.1242 acre tract and the existing east right-of-way line of said F.M. 1464, for an arc distance of 52.99 feet to the northwest corner of said parcel herein described, and a chord bearing North 01°53'26" West, chord distance of 52.99 feet, being located at a southwest corner of said Oyster Creek;
- 4) THENCE, North 74°25'58" East, a distance of 59.71 feet, along the northwest line of herein described parcel and the north line of said 15.1242 acre tract and the south line of said Oyster Creek to a set 5/8 inch iron rod with TxDOT Aluminum cap for the northeast corner of herein described parcel; **
- 5) THENCE, South 00°27'50" East, a distance of 320.23 feet, along the east line of herein described parcel and the proposed east right-of-way line of said F.M. 1464, to the POINT OF BEGINNING and containing 0.3812 acre (16,607 square feet) parcel of land.

** The monument described and set in this call may be replaced with a TxDOT Type II Right of Way marker upon the completion of the highway construction project under the supervision of a Registered Professional Land Surveyor, either employed or retained by TxDOT.

NOTE: The Point of Beginning of this description has coordinates of X=3,022,466.13 and Y=13,788,921.66; All bearings are based on the Texas State Plane coordinate system, NAD 83 (1993 Adj.), South Central Zone. All coordinates shown are surface and may be converted to grid by Dividing by TxDOT conversion factor of 1.00013.

Compiled by:
Weisser Engineering Company
19500 Park Row, Suite 100
Houston, Texas 77084
August, 2006

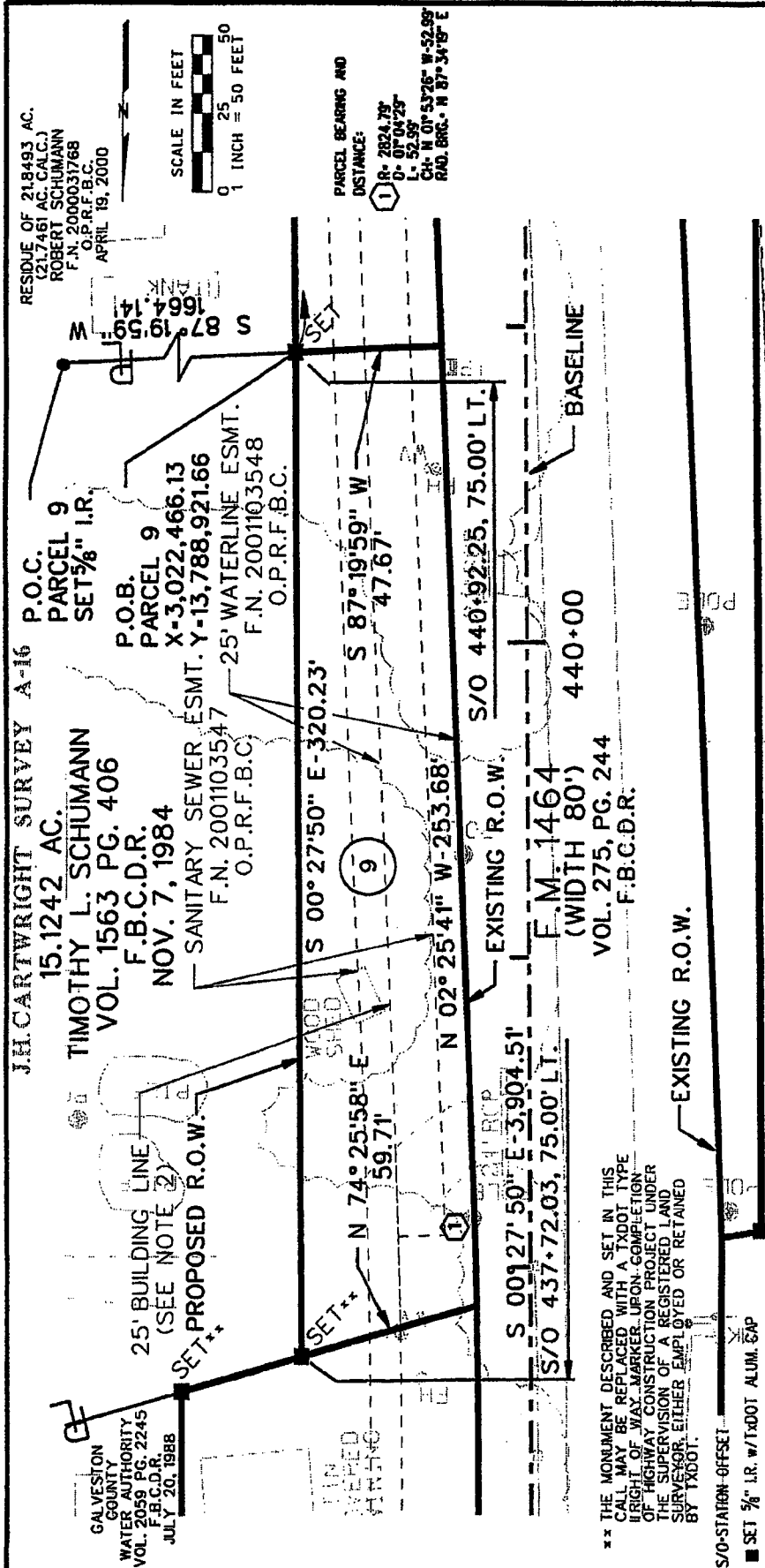


NOTE: A parcel plat of even date was prepared in conjunction with this property description.

Access will be permitted to the highway facility from the remainder of the property.

RECORDER'S MEMORANDUM

This page is not satisfactory for photographic recordation due to carbon or photocopy, discolored paper, etc. All block-outs, additions and changes were presented at time instrument was filed and recorded.



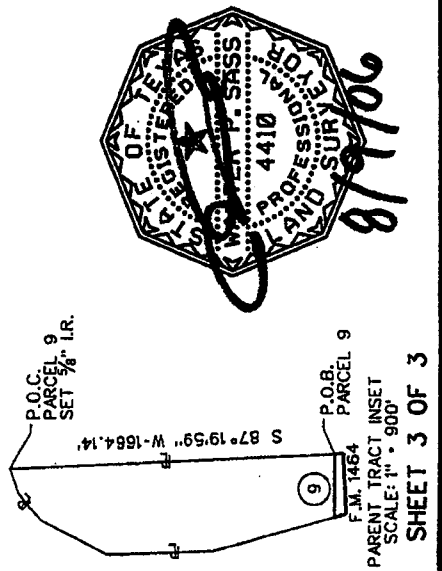
REVISIONS:

EXISTING	TAKING AC/SF	REMAINING
15.1242 AC.	0.3812 AC.	14.7430 AC.
		15.607 SF

WEISSER Engineering Co.
19500 Park Row, Suite 100
Houston, Texas 77084
(281) 579 - 7300

F.M. 1464
SURVEY PLAT OF PARCEL 9
FORT BEND COUNTY, TEXAS

DATE: 08/2006 SCALE: 1" = 50' JOB No.: EE086
P.O.W. CSJ: 1415-02-041 DWG. No.: P-09.DGN



- NOTES:
1. ALL BEARINGS AND COORDINATES SHOWN ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD 83 (1993 ADJ.). ALL DISTANCES AND COORDINATES ARE SURFACE AND MAY BE CONVERTED TO GRID BY DIVIDING BY TXDOT CONVERSION FACTOR OF 1.00013.
 2. CITY OF HOUSTON ORDINANCE No. 82-1010 AMENDED BY ORDINANCE No. 85-1878 H.C.C.F. No. N253886 O.P.R.P.H.C. AND AMENDED BY ORDINANCE No. 99-262
 3. A PROPERTY DESCRIPTION OF EVEN DATE HAS BEEN PREPARED IN CONJUNCTION WITH THIS PARCEL PLAT.
 4. ACCESS WILL BE PERMITTED TO THE HIGHWAY FACILITY FROM THE REMAINDER.

Return to:
Fort Bend County Clerk
Admin Serv Coord.

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dianne Wilson

2010 Aug 09 03:07 PM

2010075734

VCK \$0.00

Dianne Wilson COUNTY CLERK

FT BEND COUNTY TEXAS