

AGENDA ITEM 29A

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: August 18, 2010

Submitted By: Laura Dougherty

Court Agenda Date: August 24, 2010

Department: Facilities Management & Planning

Phone Number: 281-633-7017

SUMMARY OF ITEM: Accept Special Warranty Deed between Fort Bend County and Trendmaker Homes, Inc., pertaining to the conveyance of property on Grand Corner Dr. in Katy, Texas, Precinct 3 North Annex

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

List Supporting Documents Attached: Special Warranty Deed

FINANCIAL SUMMARY:

BUDGETED ITEM: YES ☒ NO ☐

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

Account Number:

DESCRIPTION OF LAWSON ACCOUNT: Pct 3 North Annex

COUNTY JUDGE
RECEIVED
AUG 18 2010

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 checked="" type="checkbox"/> Auditor | (281-341-3774) | <input checked="" type="checkbox"/> Comm. Pct. 1 | (281-342-0587) |
| <input checked="" type="checkbox"/> Budget Officer | (281-344-3954) | <input checked="" type="checkbox"/> Comm. Pct. 2 | (281-403-8009) |
| <input checked="" type="checkbox"/> Facilities/Planning | (281-633-7022) | <input checked="" type="checkbox"/> Comm. Pct. 3 | (281-242-9060) |
| <input checked="" type="checkbox"/> Purchasing Agent | (281-341-8642) | <input checked="" type="checkbox"/> Comm. Pct. 4 | (281-980-9077) |
| <input checked="" type="checkbox"/> Information Technology | (281-341-4526) | <input checked="" type="checkbox"/> County Clerk | (281-341-8697) |
| <input type="checkbox"/> Other: | | <input checked="" type="checkbox"/> County Atty | (281-341-4557) |

RECOMMENDATION / ACTION REQUESTED:

Special Handling Requested (specify): Please Approve

8-26-10 orig. recorded in property records at County Clerk
and ret. to Laura at Facilities

FM 102192
648



DEED

2010082837

7 PGS

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.

SPECIAL WARRANTY DEED

STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

TRENDMAKER HOMES, INC., a Texas corporation (the "Grantor"), for and in consideration of the sum of Ten Dollars (\$10.00) cash money and other good and valuable consideration paid to Grantor by the Grantee herein named, the receipt and sufficiency of which are hereby acknowledged, does hereby GRANT, SELL AND CONVEY unto **FORT BEND COUNTY**, a political subdivision of the state of Texas, whose address is 301 Jackson Street, Richmond, Fort Bend County, Texas 77469 (the "Grantee"), the real property situated in Fort Bend County, Texas, described on **Exhibit "A"** attached to this deed, together with all right, title and interest of Grantor in and to adjacent streets, alleys, rights of way, adjacent strips and gores of real estate, easements, and access rights related to such real property (collectively, the "Property").

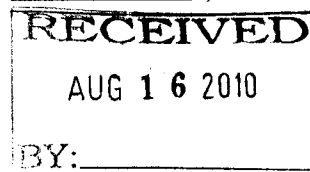
This conveyance is made and accepted subject to all restrictions, reservations, covenants, conditions, liens and easements, if any, relating to the Property, but only to the extent they are still in effect and are shown of record in the Real Property Records of the Office of the County Clerk of Fort Bend County, Texas, and to all zoning laws, regulations and ordinances of municipal and/or other governmental authorities, if any, but only to the extent that they are still in effect and relating to the Property.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said Grantee, its successors and assigns, forever, subject to the aforesaid exceptions, and Grantor does hereby bind itself, its successors and assigns, to **WARRANT AND FOREVER DEFEND** all and singular the Property unto the 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.

Use Restrictions. Pursuant to Article XI, Section 2 of the Declaration of Covenants, Conditions and Restrictions for Grand Lakes (as amended, the "Declaration"), recorded in the Real Property Records of Fort Bend County, Texas, under Fort Bend County Clerk's File No. 9757011, Grantor (as Declarant under the Declaration) hereby approves the following uses of the Property: a landscape buffer or area adjacent to the real property owned by Grantee to the north-northeast and such other reasonably necessary uses that are ancillary and incidental to the primary use of the Property as a landscaping buffer or area (collectively, the "Permitted Use").

WMANNING\001044\00014\530139.1

CCM 8-24-10 #224
Fort Bend County Clerk
Return Admin Serv Coord



The Property shall not be used for any purpose other than the Permitted Use approved by Grantor in this deed. The foregoing restrictions shall be enforceable by (i) Grantor, its successors and assigns, or (ii) the "Association," as defined in the Declaration.

Architectural Review. Grantee, by accepting this deed, acknowledges and agrees that any improvements to be constructed on the Property are subject to architectural and environmental review, as provided in the Declaration, prior to any construction of improvements on the Property. No improvements shall be constructed on the Property, nor shall any improvement be modified or altered, without the prior written approval of the relevant Architectural Committee, as defined in the Declaration.

Right of First Refusal to Purchase. Grantee hereby grants to Grantor, its successors and assigns, a right of first refusal to purchase the Property (the "Right of First Refusal") for a period of fifteen (15) years after the date hereof (the "Exercise Period"). The Right of First Refusal shall be on the following terms:

(a) If, during the Exercise Period, Grantee shall ever desire to sell or enter into a contract to sell the Property or any part thereof to a third party who has made a bona fide offer to purchase the same, then Grantee shall be required, as a condition to being able to vest title in such third party, to deliver written notice of the proposed sale (the "Offer Notice") and a copy of the third party's offer (the "Third Party Offer") to Grantor at 16285 Park Ten Place, Houston, Texas 77084 (or such other address which Grantor may notify Grantee from time to time is Grantor's notice address for purposes of this Right of First Refusal), via certified mail, return receipt requested, postage prepaid, and properly packaged for delivery by the U.S. Postal Service.

(b) If Grantor, or its successors or assigns, desire to purchase the Property or portion thereof covered by the Offer Notice, then Grantor may exercise its Right of First Refusal and elect to purchase the Property covered by the Offer Notice, on the same terms and conditions as are set forth in the Third Party Offer, by giving written notice thereof (the "Exercise Notice") to Grantee at the address for Grantee set forth in the Offer Notice within twenty (20) days after receipt of the Offer Notice. The Exercise Notice must be sent by U.S. certified mail, return receipt requested. The Exercise Notice shall be deemed given when deposited in the U.S. Mail, postage prepaid and properly addressed. The proper sending of the Exercise Notice shall create a binding contract for the purchase and sale of the Property (or portion covered by the Offer Notice to which it relates) between Grantee, as seller, and Grantor (or successor or assignee), as buyer, on the terms and conditions set forth in the Third Party Offer.

(c) If Grantor, its successors or assigns, do not timely give the Exercise Notice, Grantee shall be entitled to consummate the sale of the Property (or portion covered by the Offer Notice) to the buyer named in the Offer Notice, or its assigns, on the terms and conditions set forth in the Third Party Offer, free and clear of Grantor's Right of First Refusal and upon consummation of such sale the terms of this Right of First Refusal shall terminate as to the portion sold. If the sale to such buyer is not consummated on the terms set forth in the Third Party Offer that was presented to Grantor, Grantor's Right of First Refusal shall continue to apply to any subsequent proposed sale by Grantor within the Exercise Period.

(d) Any third party buyer dealing with Grantee with respect to the proposed purchase of the Property or any part thereof shall be entitled to conclusively presume that Grantor's address for notice under this Right of First Refusal is the address set forth above, or such other address as has been most recently specified by Grantor as its address for notice purposes under this Deed in an instrument recorded in the Real Property Records of Fort Bend County, Texas.

Taxes for the current year have been prorated as of the date hereof and Grantee assumes and agrees to pay the same.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

EXECUTED on the date of acknowledgment set forth below, to be effective as of the 13th day of August, 2010.

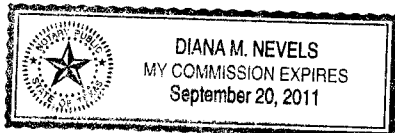
GRANTOR:

TRENDMAKER HOMES, INC.,
a Texas corporation

By: Joel M Marshall
Name: Joel M. Marshall
Title: Senior Vice President

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the 13th day of August, 2010, by Joel M. Marshall, Senior Vice President of **TRENDMAKER HOMES, INC.**, a Texas corporation, on behalf of said corporation.



Diana M Nevels
Notary Public, State of Texas
Printed Name: Diana m Nevels
My Commission Expires: 9-20-2011

**DESCRIPTION OF A 0.740-ACRE TRACT OF
LAND OUT OF THE JOEL E. McCrARY SURVEY
A-403, FORT BEND COUNTY, TEXAS**

Being a 0.740-acre (32,237 square foot) tract of land out of the Joel E. McCrary Survey, A-403, Fort Bend County, Texas, being out of the TMI, Inc. tract of land as recorded under Fort Bend County Clerk's File No. 2002006336, being out of a 69.5449-acre tract of land as recorded under Fort Bend County Clerk's File No. 9716564 and being more particularly described by metes and bounds as follows with the basis of bearings being the Texas Coordinate System, South Central Zone:

BEGINNING at a 3/4-inch iron pipe with cap stamped "Brown & Gay" found in the northerly right-of-way line of Grand Corner Drive (100 feet wide) as recorded under File No. 20070287 of the Fort Bend County Plat Records on a curve to the right;

THENCE In a westerly direction with the northerly right-of-way line of said Grand Corner Drive along said curve to the right having a radius of 400.00 feet, a central angle of $45^{\circ} 19' 57''$, a length of 316.48 feet and a chord bearing North $61^{\circ} 44' 27''$ West, a distance of 308.29 feet to a 3/4-inch iron pipe with cap stamped "Brown & Gay" found for a point-of-tangency of this tract;

THENCE North $39^{\circ} 04' 29''$ West, a distance of 261.49 feet with the northeasterly right-of-way line of said Grand Corner Drive to a 3/4-inch iron pipe with cap stamped "Brown & Gay" found for a point-of-curvature of this tract;

THENCE In a northwesterly direction with the northeasterly right-of-way line of said Grand Corner Drive and with a curve to the left having a radius of 2,050.00 feet, a central angle of $04^{\circ} 08' 11''$, a length of 148.00 feet and a chord bearing North $41^{\circ} 08' 34''$ West, a distance of 147.96 feet to a 3/4-inch iron pipe with cap stamped "Brown & Gay" found for the point-of-tangency of this tract;

THENCE North $82^{\circ} 50' 20''$ East, a distance of 28.98 feet to a point, for the northeast corner of this tract;

THENCE South $26^{\circ} 00' 22''$ East, a distance of 14.80 feet to an angle point of this tract;

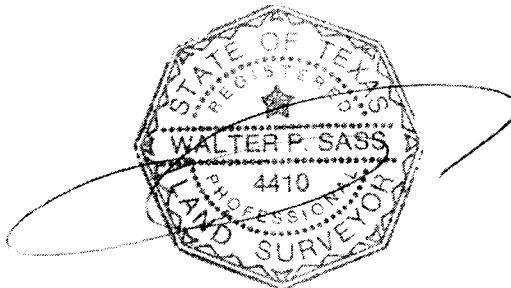
THENCE South $47^{\circ} 01' 44''$ East, a distance of 593.92 feet to an angle point of this tract;

THENCE North $82^{\circ} 50' 25''$ East, a distance of 13.03 feet to an angle point of this tract;

THENCE South $47^{\circ} 01' 44''$ East, a distance of 69.68 feet to the **POINT OF BEGINNING** and containing 0.740 acre (32,237 square feet) of land.

Compiled By:
Weisser Engineering Company
19500 Park Row, Suite 100
Houston, Texas 77084

Job No.: GC404
Date: 07/29/10



14' Utility Esm't w/ 14' Centerpoint Esm't w/
7.5' Aerial Esm't 7.5' Aerial Esm't
F.B.C.C.F No. 2004137440 F.B.C.C.F No. 2004151768

FORT BEND COUNTY
PRECINCT NO 3 SERVICE CENTER
PLAT NO. 2009123380
F.B.C.P.R.

RESTRICTIVE RESERVE "A"

R = 2050.00'
 $\Delta = 04^{\circ}08'11''$
 L = 148.00'
 CH = N $41^{\circ}08'34''$ W
 147.96'

GRAND CORNER DRIVE
(PLAT NO. 2000-000000, PAGE 2-4)
N39°04'29"W - 261.49'

**0.740 ACRE
(32,237 SQ. FT.)**

R = 400.00'
Δ = 45°19'57"
L = 316.48'
CH = N 61°44'27" W
308.29'

10' BCSI, Inc.
Fiber Optic Cable Esm't
F.B.C.C.F No. 2003105943-

- N82°50'25"E
13.03'

- S47°01'44"E
69.68'

30' Kinder Morgan
Tejas Pipeline L.P. Esmt
F.B.C.C.F No. 2007143881

NOTE:
ALL CORNERS SET W/ 5/8" I.R. STAMPED
"WEISSER, HOUSTON" UNLESS OTHERWISE NOTED.

RESTRICTIONS:
VOLUME 2217, PAGE 2261 OF THE OFFICIAL RECORDS OF FORT BEND
COUNTY, TEXAS, AND FILED FOR RECORD UNDER FORT BEND COUNTY
CLERK'S FILE NO(S). 2000072167 (DELETING THEREFROM ANY
RESTRICTIONS INDICATING ANY PREFERENCE, LIMITATION, OR
DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP,
FAMILIAL STATUS OR NATIONAL ORIGIN).

**WEISSER**
Engineering Co.

19500 Park Row, Suite 100
Houston, Texas 77084
(281) 579 - 7300
T.B.P.R. #F-88

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| | | |
|----------------|------------------|-----------------------------|
| DRAWN BY: N.S. | CALC'D. BY: N.S. | SCALE: 1" = 100' |
| F.B. NO: | CHECKED BY: L.Y. | SHEET 1 OF 1 |
| CREW CHIEF: | DATE: 08/12/2010 | JOB No.: GC404 (971-004) |

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dianne Wilson

2010 Aug 26 03:49 PM

2010082837

VG1 \$0.00

Dianne Wilson COUNTY CLERK

FT BEND COUNTY TEXAS