

ARF-2096

**REGULAR SESSION AGENDA****Date:** 11/23/2010**Deed****Submitted By:** Amy Svatek, County Attorney**Department:** County Attorney**Type of Item:** Consent**Renewal Agreement/** No**Appointment:****Reviewed by County** Yes**Attorney's Office:****Multiple Originals** n**Y/N?:**Item # ~~23.0~~

County Attorney

AGENDA ITEM

9A

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**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 4 regarding Phase II of the FM 1464 Mobility Project, for purposes of reimbursement to the County pursuant to the 90/10 Agreement between Fort Bend County and Texas Department of Transportation and authorize County Judge to sign all necessary deeds and closing documents

**SPECIAL HANDLING**

→ Once recorded, please return to Amy in the County Attorney's Office.

11-29-30

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**Attachments**Link: Deed

orig. recorded in property records at CO. Clerk



**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 4

## 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 One Dollar (\$1) 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.

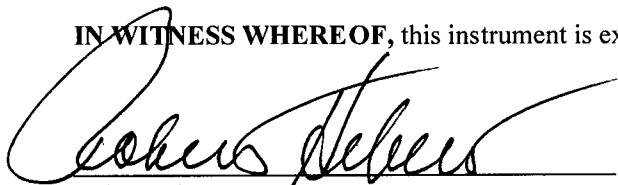
Grantors covenant and agree to remove the above-described improvements from said land by the N/A day of N/A, N/A, subject, however, to such extensions of time as may be granted by Grantee, its successor and assigns, in writing; and if, for any reason, Grantors fail or refuse to remove same within said 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 23 day of November, 2010.



Judge Robert E. Hebert  
Fort Bend County Judge

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**Acknowledgment**

State of Texas  
County of Fort Bend

This instrument was acknowledged before me on 11/23/2010 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

Revised: November 4, 2009

August, 2006

Parcel 4

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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 4

Being a 0.3664 acre (15,959 square feet) parcel of land, out of the J.H. Cartwright Survey A-16, Fort Bend County, Texas and being and being out of that certain 463.0 acre tract of land also being Restricted Reserve "A" of Houstonian Golf Club, filed in the Fort Bend County Plat Records (F.B.C.P.R.) on 03-06-2001 in Slide Number 2126A, and being more particularly described as follows:

COMMENCING at a set 5/8 inch iron rod with cap stamped "Weisser Eng., Houston, TX" for a southwest corner of said 463.0 acre tract; thence as follows:

North 87°55'36" East, a distance of 4,360.59 feet, along the south line of said 463.0 acre tract and the north line of a 204.278 acre tract of land, described in a Special Warranty Deed dated 10-04-1995 from Suzanne R. Benson, H.L. Brown, Jr., Richard H. Skinner and J.T. Trotter to GATX Golf Capital, filed in the Official Public Records Fort Bend County, Texas (O.P.R.F.B.C.) at Clerk's File No. 9560965, to a set 5/8 inch iron rod with TxDOT Aluminum cap located in the proposed west right-of-way line of F.M. 1464 (width varies), marking the southwest corner and POINT OF BEGINNING of the herein described parcel; \*\*

- 1) THENCE, North 02°20'28" East, at a distance of 246.40 feet passing a set 5/8 inch iron rod with TxDOT Aluminum cap \*\* marking Engineer's Station 400+00 and continuing for a total distance of 1,063.94 feet, along the proposed west right-of-way line of said F.M. 1464 to a set 5/8 inch iron rod with TxDOT Aluminum cap for the northwest corner of herein described parcel and being located in the existing west right-of-way line of F.M. 1464 (width varies) as described in Volume 275, Page 253 and Volume 275, Page 244 filed in the Fort Bend County Deed Records (F.B.C.D.R.);
- 2) THENCE, North 87°55'36" East, a distance of 15.04 feet along the existing south right-of-way line of said F.M. 1464 (width varies) and the north line of said 463.0 acre tract, to the northeast corner of herein described parcel;
- 3) THENCE, South 02°20'28" West, a distance of 1,063.94 feet, along the existing west right-of-way line of said F.M. 1464 and the north line of said 463.0 acre tract to the southeast corner of herein described parcel, being located in the north line of said 204.278 acre tract;

Revised: November 4, 2009

August, 2006

Parcel 4

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EXHIBIT A

- 5) THENCE, South  $87^{\circ}55'36''$  West, a distance of 15.04 feet, along the south line of said 463.0 acre tract and the north line of said 204.278 acre tract, to the POINT OF BEGINNING and containing 0.3664 acre (15,959 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.

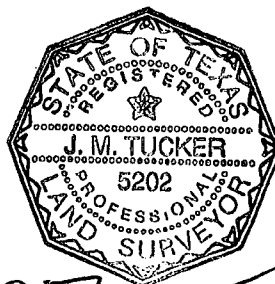
NOTE: The POINT OF BEGINNING of this description has coordinates of  $X=3,022,358.05$  and  $Y=13,792,768.97$ ; All bearings and coordinates are based on the Texas Coordinate System, South Central Zone, NAD 83 (1993 Adj.). All distances and coordinates shown are surface and may be converted to grid by dividing by a combined adjustment factor of 1.00013.

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

NOTE: Access will be permitted to the remainder property abutting the highway facility.

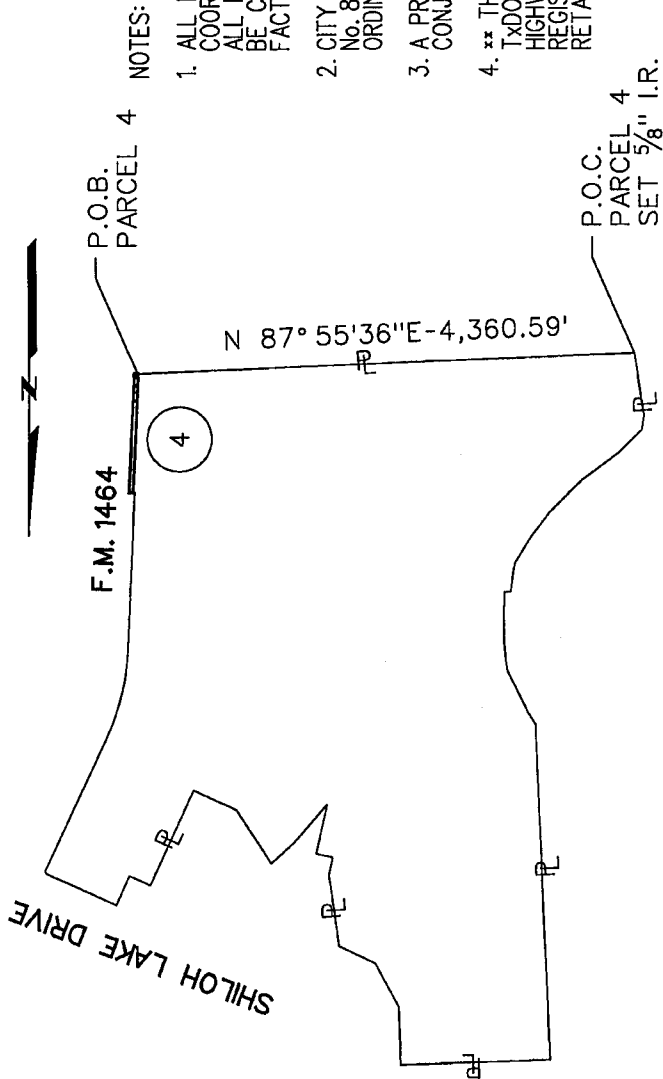
\*\* The monument described and set in this call may be replaced with a TxDOT Type II right-of-way marker upon completion of the highway construction project under the supervision of a Registered Professional Land Surveyor, either employed or retained by TxDOT.

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



*[Signature]*  
11/5/2009

# J.H. CARTWRIGHT SURVEY A-16



PARENT TRACT INSET

S/O=STATION OFFSET

- SET 5/8" I.R. w/TxDOT ALUM. CAP
- FND. 5/8" I.R. w/TxDOT ALUM. CAP
- SET 5/8" I.R. w/CAP STAMPED "WEISSER ENG. HOUSTON, TX"
- FND. (AS INDICATED)

NOTES:

1. ALL BEARINGS AND COORDINATES ARE BASED ON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD 83 (1993 ADJ.). ALL DISTANCES AND COORDINATES SHOWN ARE SURFACE AND MAY BE CONVERTED TO GRID BY DIVIDING BY A COMBINED ADJUSTMENT 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 WAS PREPARED IN CONJUNCTION WITH THIS PARCEL PLAT.
4. \*\* THE MONUMENT DESCRIBED AND SET MAY BE REPLACED WITH A TxDOT TYPE II RIGHT-OF-WAY MARKER UPON COMPLETION OF THE HIGHWAY CONSTRUCTION PROJECT UNDER THE SUPERVISION OF A REGISTERED PROFESSIONAL LAND SURVEYOR, EITHER EMPLOYED OR RETAINED BY TxDOT.

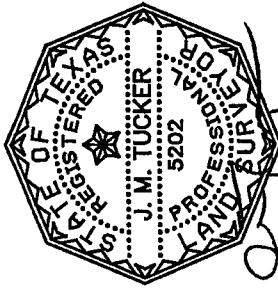
REVISIONS:  
1. 11/2009 - REVISED PARCEL 4

EXISTING	TAKING AC/SF	REMAINDER ACRES	
		LEFT	RIGHT
463.0 AC.	0.3664 AC.		462.6
	15.959 SF		

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

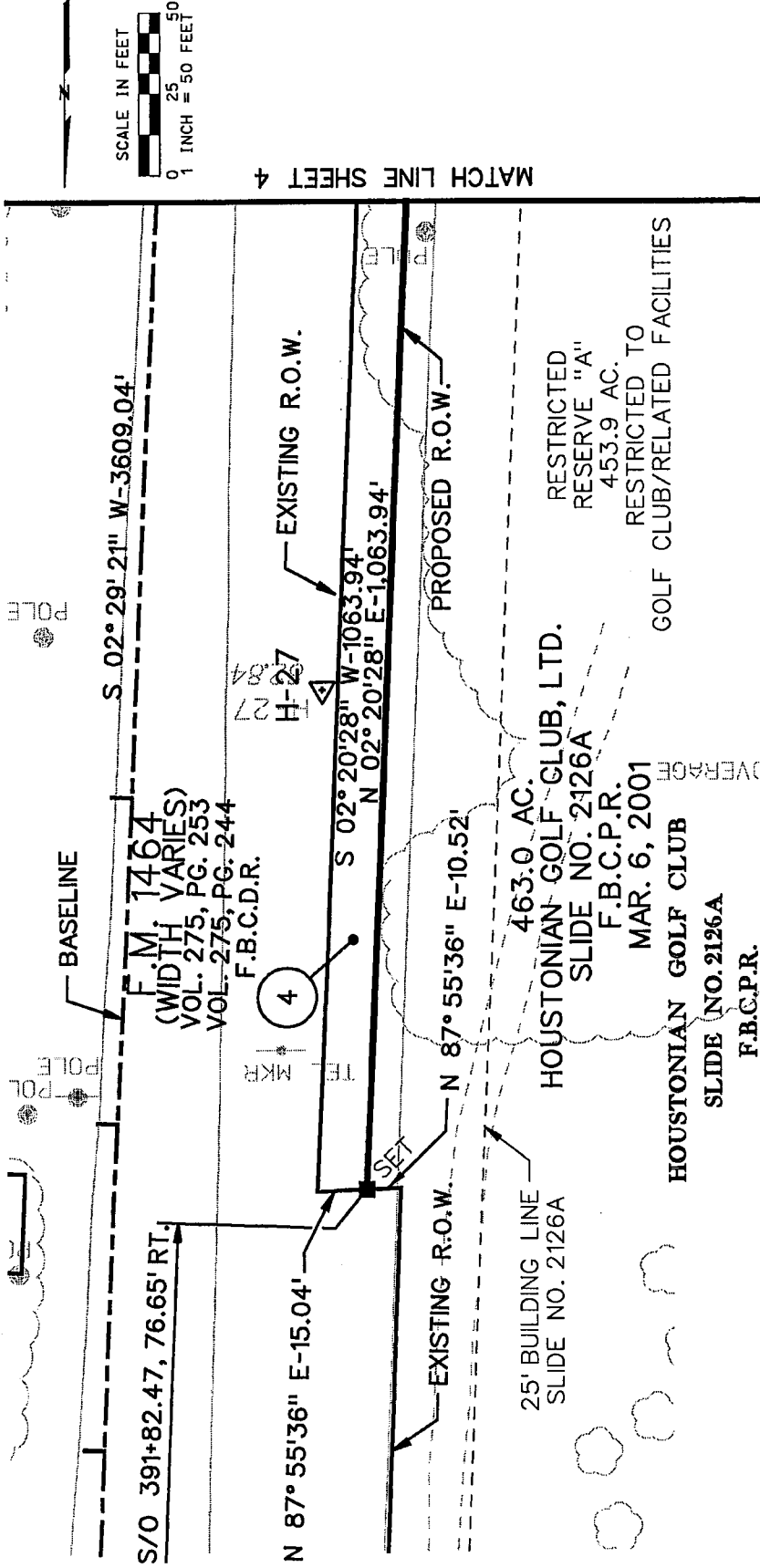
F.M. 1464  
PARCEL PLAT SHOWING PARCEL 4  
FORT BEND COUNTY, TEXAS

DATE: 08/2006 SCALE: N.T.S. JOB No.: EE086  
R.O.W. CSJ: 1415-02-041 DWG. No.: P-4-1-DGN



11/5/2009

J.H. CARTWRIGHT SURVEY A-16



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

F.M. 1464  
SURVEY PLAT OF PARCEL 4  
FORT BEND COUNTY, TEXAS

DATE: 08/20/06 SCALE: 1" = 50' JOB NO.: EE086

R.O.W. CSJ: 1415-02-041 DWG. No.: P-04-2.DGN

SCALE IN FEET  
0 25 50  
1 INCH = 50 FEET

MATCH LINE SHEET 3

395+00

BASELINE

24" RCP

50' BUILDING LINE  
SLIDE NO. 2126A

463.0 AC.  
HOUSTONIAN GOLF CLUB, LTD.  
SLIDE NO. 2126A  
F.B.C.P.R.  
MAR. 6, 2001

HOUSTONIAN GOLF CLUB  
SLIDE NO. 2126A  
F.B.C.P.R.

RESTRICTED RESERVE "A"  
453.9 AC.  
RESTRICTED TO  
GOLF CLUB/RELATED FACILITIES

PROPOSED R.O.W.

EXISTING R.O.W.

S 02° 20' 28" W-1063.94'  
N 02° 20' 28" E-1063.94'

F.M. 1464  
(WIDTH VARIES)  
VOL. 275, PG. 253  
VOL. 275, PG. 244  
F.B.C.D.R.

4

MATCH LINE SHEET 5

**SHEET 5 OF 6**



**WEISSER**  
**Engineering Co.**

**F.M. 1464**

**SURVEY PLAT OF PARCEL 4  
FORT BEND COUNTY, TEXAS**

DATE:08/2006 SCALE: = 1" = 50' JOB No.:EE086

R.O.W. CSJ: 1415-02-041



MATCH LINE SHEET 4



**WEISSER**  
**Engineering Co.**

19500 Park Row, Suite 100  
Houston, Texas 77084  
(281) 579 - 7300

F.M. 1464

**SURVEY PLAT OF PARCEL 4  
FORT BEND COUNTY, TEXAS**

DATE:08/2006 SCALE: = 1" = 50' JOB No.:EE086

R.O.W. CSJ: 1415-02-041

**FILED AND RECORDED**

OFFICIAL PUBLIC RECORDS

*Dianne Wilson*

2010 Nov 29 10:36 AM

2010115401

JH \$0.00

Dianne Wilson COUNTY CLERK

FT BEND COUNTY TEXAS