

ARF-2534

**DRAINAGE DISTRICT AGENDA**

**Date:** 01/04/2011

AGENDA ITEM

D3

**Fulshear Creek-Resolution and Order**

**Submitted By:** Amy Svatek, County Attorney

**Department:** Drainage District

**Renewal Agreement/** No

**Appointment:**

**Reviewed by County** Yes

**Attorney's Office:**

**Multiple Originals** N

**Y/N?:**

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**Information**

**SUMMARY OF ITEM**

Take all appropriate action on Resolution and Order Decreeing the Acquisition of Property to be a Public Necessity and Authorize the Acquisition and Payment of Compensation for public project known as Fulshear Creek Drainage Project, Pct. 3.

**SPECIAL HANDLING**

→ Once recorded, please return to Amy in the FBC Attorney's Office. 1-11-11 1 original

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**Attachments**

Link: Fulshear Creek

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*Funding - in*

THE STATE OF TEXAS           §  
   §  
COUNTY OF FORT BEND       §

**RESOLUTION AND ORDER DECREERING THE ACQUISITION OF  
PROPERTY TO BE A PUBLIC NECESSITY AND AUTHORIZING THE  
ACQUISITION AND PAYMENT OF COMPENSATION**

**WHEREAS**, on the 4 day of January, 2011, at a regular meeting of the Commissioners Court of Fort Bend County, Texas, sitting as the governing body of Fort Bend County and Fort Bend County Drainage District, upon motion of Commissioner Meyers, seconded by Commissioner Prestage, duly put and carried:

**RESOLUTION**

**RESOLVED THAT WHEREAS**, the Commissioners Court sitting as the governing body of Fort Bend County Drainage District has received and reviewed the plans for a public project known as the Fulshear Creek Drainage Project, located along Fulshear Creek, in Fort Bend County, Texas; and,

**WHEREAS**, Commissioners Court has determined that public necessity and convenience exists for the location, alignment, construction, operation, and maintenance of a public project known as Fulshear Creek Drainage Project, located along Fulshear Creek from the northern property line of the Fred Bray property to the northern property line of the Christiaan Stevens property, in Fort Bend County, Texas, in accordance with said plans, alignment, and tract identifications which are part hereof:

**ORDER**

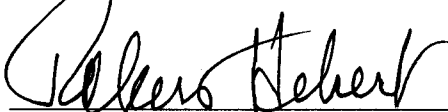
**NOW THEREFORE, IT IS ORDERED AND DECREED** that the plans for the location, alignment, construction, operation, and maintenance of the public project known as Fulshear Creek Drainage Project, along Fulshear Creek from the northern property line of the Fred Bray property to the northern property line of the Christiaan Stevens property, in Fort Bend County, Texas, is approved.

**IT IS FURTHER ORDERED AND DECREED** that public necessity and convenience exist for the public project, known as Fulshear Creek Drainage Project, located along Fulshear Creek from the northern property line of the Fred Bray property to the northern property line of the Christiaan Stevens property, in Fort Bend County, Texas, and that the Fort Bend County Drainage District be authorized and directed to obtain appraisals, surveys, title information and/or make official offers of specific amount for the purchase of either easement or the fee simple interest in and to the tract(s) situated within such alignment [survey(s) attached]; that the County Attorney be authorized and directed, and he is hereby authorized and directed to file or cause to be filed proceedings in eminent domain and to acquire thereby easement or fee simple interest for said purposes in the tract(s) which cannot be acquired as aforesaid by donation, dedication, or purchase.

**IT IS FURTHER ORDERED AND DECREED** that the County Judge or designated representative be authorized and directed to sign any papers or agreements associated with closing the purchase(s); the County Attorney, County Clerk, County Auditor and County Treasurer be authorized and directed to perform any and all necessary acts within their respective spheres of official duties toward the final acquisition of the tract(s) of land, or interest(s) therein, together with the improvement if any, within the said public project known as Fulshear Creek Drainage Project, located Fulshear Creek, in Fort Bend County, Texas and the payment and compensation therefore.

**PASSED AND APPROVED** this 4 day of January, 2011.

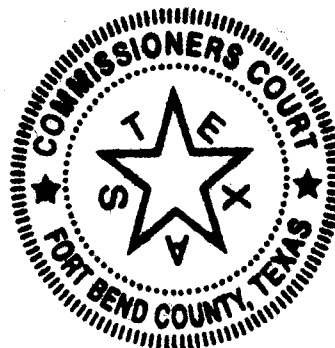
**FORT BEND COUNTY  
DRAINAGE DISTRICT**

  
Robert E. Hebert, County Judge

ATTEST:

  
Dianne Wilson, County Clerk

WHV/as: Fulshear Creek/Resolution and Order (12/29/10)



"EXHIBIT A"

HENRY STEINKAMP, INC.

Land Boundary & Topographic Surveying  
909 Fifth Street  
Rosenberg, Texas 77471  
Telephone/Fax 281.342.2241  
email: schodek@yahoo.com

Franklin R. Schodek  
Registered Professional Land Surveyor

James L. Syptak, Sr.  
Registered Professional Land Surveyor

August 11, 2010

A Field Note Description of a 50.0 foot wide Strip of Land off of the Northwestern end of the James E. Eiteman call 9.341 Acre Tract (Volume 715, Page 19 and Volume 947, Page 815 of the Deed Records of Fort Bend County, Texas) in the Churchill Fulshear League, Abstract No. 29, Fort Bend County, Texas.

For Connection Begin at a point on the center of James Lane (approximately 50 feet wide) marking the Northeast corner of the original Chester Roland Beach Tract (Volume 409, Page 406; Deed Records of Fort Bend County, Texas) and the Southeast corner of the Original McCann Brothers Tract; said corner bears South 82deg.37' East, 25.83 feet from an iron rod found in the West right-of-way line of James Lane; said corner being the Northeast corner of said Christiaan H. Stevens, et al 5.00 Acre Tract (FBC 2003035681); THENCE, South 06deg.12'40" West, along a line in said James Lane, 266.51 feet to a point marking the Southeast corner of said 5.00 Acre Tract & the Northeast corner of said James E. Eiteman 9.341 Acre Tract; THENCE, North 82deg.37' West, 874.41 feet to a point marking the Northeast corner of and **place of beginning** for this 50.0 foot wide Drainage Easement;

THENCE, South 50deg.19'58" West, 92.74 feet to an angle point;

THENCE, South 59deg.42'54" West, 143.79 feet to a point marking the Southwest corner of this Drainage Easement;

THENCE, North 20deg.31'40" West, 50.73 feet to a point on the centerline of Fulshear Creek for the Northwest corner of this tract;

THENCE, North 59deg.42'54" East, along the centerline of Fulshear Creek, 131.09 feet to an angle point;

THENCE, North 50deg.19'58" East, along the centerline of Fulshear Creek to a point marking the Northwest corner of this Drainage Easement;

Page 2.

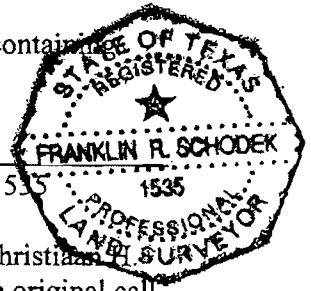
0.235 Acre Drainage Easement  
Churchill Fulshear League, Ab. 29  
Fort Bend County, Texas

THENCE, South 82deg.37' East, 68.31 feet to the place of beginning and containing  
0.235 Acre of Land (10243 square feet).

Signed:

*Franklin R. Schodek*

Registered Professional Land Surveyor No. 1535



Note: Base Bearing is South 82deg.37' East, along the North line of said Christians  
Stevens, et al call 5.00 Acre Tract (FBC 2003035681) and North line of the original call  
Chester Roland Beach call 94.35 Acre Tract (Volume 409, Page 406; Deed Records of  
Fort Bend County, Texas.

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August 11, 2010

A Field Note Description of a 50.0 foot wide Drainage Easement along the Northerly line of the Fred E. Bray call 70.3591 Acre Tract (FBC 1999099289) in the Churchill Fulshear League, Abstract No. 29, Fort Bend County, Texas.

For Connection Begin at a 5/8 inch iron pipe found marking the Northwesterly corner of said 70.3591 Acre Tract; said corner being a re-entrant corner of Lot No. 4, Block No. 2 of **FULBROOK, SECTION NO. 2E** (FBC 2001065026-Slide No. 2173A of the Plat Records of Fort Bend County, Texas); THENCE, South 89deg.24'52" East, 185.94 feet to a point marking the Northwest corner of and **place of beginning** for this 50.0 foot wide Drainage Easement Tract;

THENCE, South 89deg.24'52" East 50.11 feet to a point on the centerline of Fulshear Creek marking the Westerly Northeast corner of this tract;

THENCE, Southerly and Easterly along the centerline of Fulshear Creek with the following courses and distances:

South 03deg.07'50" East, 68.99 feet to an angle point;  
South 26deg.07' East, 55.95 feet to an angle point;  
South 38deg.25'34" East, 75.28 feet to an angle point;  
South 63deg.18'58" East, 59.35 feet to an angle point;  
South 81deg.05'46" East, 81.92 feet to an angle point;  
North 79deg.36'49" East, 60.67 feet to an angle point;  
North 58deg.46'36" East, 103.21 feet to an angle point;  
North 45deg.14'38" East, 118.87 feet to an angle point;  
North 48deg.27'41" East, 187.80 feet to an angle point;  
North 57deg.52'04" East, 102.94 feet to an angle point;  
North 69deg.11'13" East, 324.40 feet to an angle point;  
North 70deg.30'42" East, 154.13 feet to an angle point;  
North 69deg.51'06" East, 173.22 feet to an angle point;  
North 67deg.28'45" East, 216.83 feet to an angle point;  
North 63deg.24'36" East, 77.57 feet to a point marking the Northeast corner of this Drainage Easement;

Page 2.

2.192 Acre Drainage Easement  
Churchill Fulshear League, Ab. 29  
Fort Bend County, Texas

THENCE, South 19deg.08'16" East, 50.43 feet along the Southwest line of said Kerry A. Kilburn call 10.0 Acre Tract (FBC 2004099392) to a point for corner;

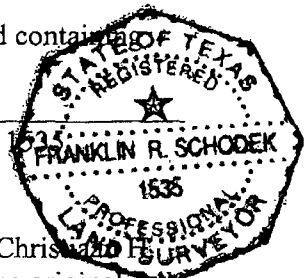
THENCE, Westerly and Northerly along a line 50.0 feet Southerly from and parallel to the centerline of Fulshear Creek with the following courses and distances:

South 63deg.24'36" West, 72.81 feet to an angle point;  
South 67deg.28'45" West, 219.64 feet to an angle point;  
South 69deg.51'06" West, 174.54 feet to an angle point;  
South 70deg.30'42" West, 153.84 feet to an angle point;  
South 69deg.11'13" West, 318.87 feet to an angle point;  
South 57deg.52'04" West, 93.87 feet to an angle point;  
South 48deg.27'41" West, 182.28 feet to an angle point;  
South 45deg.14'38" West, 123.40 feet to an angle point;  
South 58deg.46'36" West, 118.34 feet to an angle point;  
South 79deg.36'49" West, 78.36 feet to an angle point;  
North 81deg.05'46" West, 98.24 feet to an angle point;  
North 63deg.18'49" West, 78.20 feet to an angle point;  
North 38deg.25'34" West, 91.70 feet to an angle point;  
North 26deg.07' West, 71.51 feet to an angle point;  
North 03deg.07'50" West, 82.40 feet to the place of beginning and containing

2.192 Acres (95478 Square Feet).

Signed: \_\_\_\_\_

Registered Professional Land Surveyor No. \_\_\_\_\_



Note: Base Bearing is South 82deg.37' East, along the North line of said Chris Stevens, et al call 5.00 Acre Tract (FBC 2003035681) and North line of the original call Chester Roland Beach call 94.35 Acre Tract (Volume 409, Page 406; Deed Records of Fort Bend County, Texas.

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August 11, 2010

A Field Note Description of a 50.0 foot wide Strip of Land off of the Northwest end of the Kerry A. Kilburn and Cynthia H. Kilburn call 10.0 Acre Tract (FBC 2004099392), in the Churchill Fulshear League, Abstract No. 29, Fort Bend County, Texas.

For Connection Begin at a point on the center of James Lane (approximately 50 feet wide) marking the Northeast corner of the original Chester Roland Beach Tract (Volume 409, Page 406; Deed Records of Fort Bend County, Texas) and the Southeast corner of the Original McCann Brothers Tract; said corner bears South 82deg.37' East, 25.83 feet from an iron rod found in the West right-of-way line of James Lane; said corner being the Northeast corner of said Christiaan H. Stevens, et al 5.00 Acre Tract; THENCE, South 06deg.12'40" West, along a line in said James Lane, at 266.51 feet to a point marking the Southeast corner of said 5.00 Acre Tract & the Northeast corner of the James E. Eiteman call 9.341 Acre Tract (Volume 715, Page 19 and Volume 947, Page 815 of the Deed Records of Fort Bend County, Texas); in all 616.0 feet to a point marking the Northeast corner of said Kerry A. Kilburn, et al call 10.0 Acre Tract; THENCE, North 89deg.56'50" West, 902.37 feet to the Southwest corner of said James E. Eiteman 9.341 Acre Tract; THENCE, North 20deg.31'40" West, 349.46 feet to a point marking the Southeast corner of and **place of beginning** for this 50.0 foot wide Drainage Easement;

THENCE, South 59deg.42'54" West, 68.94 feet to an angle point;

THENCE, South 63deg.24'36" West, 138.45 feet to a point marking the Southwest corner of this Drainage Easement;

THENCE, North 19deg.08'16" West, 50.43 feet to the Northwest corner of said Kerry A. Kilburn, et al call 10.0 Acre Tract and Northwest corner of this tract;

THENCE, North 63deg.24'36" East, 130.30 feet along the centerline of Fulshear Creek to an angle point;

THENCE, North 59deg.42'54" East, 75.92 feet along the centerline of Fulshear Creek to a point marking the Northeastery of this Drainage Easement;



Page 2.

50.0 foot wide Drainage Easement

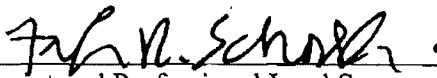
0.237 Acre

Churchill Fulshear League, Ab. 29

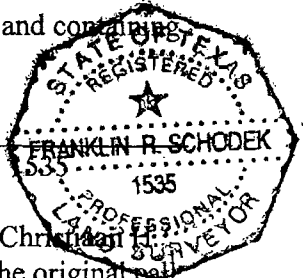
Fort Bend County, Texas.

THENCE, South 20deg.31'40" East, 50.73 feet to the place of beginning and containing  
0.237 Acre Tract (10340 square feet.)

Signed:



Registered Professional Land Surveyor No.



Note: Base Bearing is South 82deg.37' East, along the North line of said Christian H. Stevens, et al call 5.00 Acre Tract (FBC 2003035681) and North line of the original call Chester Roland Beach call 94.35 Acre Tract (Volume 409, Page 406; Deed Records of Fort Bend County, Texas.

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August 11, 2010

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For Connection Begin at a point on the center of James Lane (approximately 50 feet wide) marking the Northeast corner of the original Chester Roland Beach Tract (Volume 409, Page 406; Deed Records of Fort Bend County, Texas) and the Southeast corner of the Original McCann Brothers Tract; said corner bears South 82deg.37' East, 25.83 feet from an iron rod found in the West right-of-way line of James Lane; said corner being the Northeast corner of said Christiaan H. Stevens, et al 5.00 Acre Tract; THENCE, South 06deg.12'40" West, along a line in said James Lane, 266.51 feet to a point marking the Southeast corner of said 5.00 Acre Tract & the Northeast corner of the James E. Eiteman call 9.341 Acre Tract (Volume 715, Page 19 and Volume 947, Page 815 of the Deed Records of Fort Bend County, Texas); THENCE, North 82deg.37' West, 874.41 to a point marking the Southeast corner of and **place of beginning** for this 50.0 foot wide Drainage Easement;

THENCE, North 82deg.37' West, 68.31 feet to the Southwest corner of this Drainage Easement;

THENCE, North 50deg.19'58" East, 166.17 feet along the centerline of Fulshear Creek to an angle point;

THENCE, North 36deg.32'02" East, 109.80 feet along the centerline of Fulshear Creek to an angle point;

THENCE, North 25deg.40'11" East, 51.54 feet to a point marking the Northwest corner of this Drainage Easement;

THENCE, South 82deg.37' East, 52.66 feet along the South line of the Fort Bend County Drainage District 75 foot wide Easement (Volume 332, Page 343 of the Deed Records of Fort Bend County, Texas) to a point for corner;

THENCE, South 25deg.40'11" West, 72.81 feet to an angle point;

Page 2.

50 foot wide Drainage Easement

0.371 Acre

Churchill Fulshear League, Ab. 29

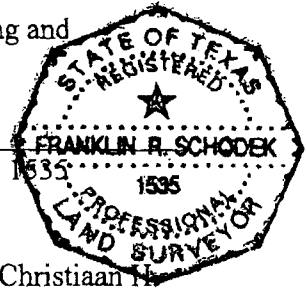
Fort Bend County, Texas.

THENCE, South 36deg.32'02" West, 120.61 feet to an angle point;

THENCE, South 50deg.19'58" West, 125.68 feet to the place of beginning and containing 0.371 Acre of Land (16165 square feet).

Signed: \_\_\_\_\_

Registered Professional Land Surveyor No. 1535



Note: Base Bearing is South 82deg.37' East, along the North line of said Christiaan H. Stevens, et al call 5.00 Acre Tract (FBC 2003035681) and North line of the original call Chester Roland Beach call 94.35 Acre Tract (Volume 409, Page 406; Deed Records of Fort Bend County, Texas.

