

ARF-2747
REGULAR SESSION AGENDA
Date: 02/01/2011

Item #: ~~2747~~ 10
County Attorney

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?:

Information

SUMMARY OF ITEM

Approve Deeds for the transfer of Title from Fort Bend County to the State of Texas for land described as Parcel 8 and Parcel 20C regarding Phase I of the FM 1464 Widening 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. 2-3-11

Attachments

Link: Parcel 8 Deed

Link: Parcel 20C Deed

orig. deeds recorded in property records at
County 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 20C

DEED**THE STATE OF TEXAS**

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COUNTY OF FORT BEND

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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.

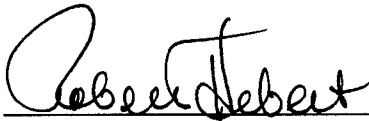
Grantors covenant and agree to remove the above-described improvements from said land by the N/A day of N/A, N/A, subject, however, to such extensions of time as may be granted by Grantee, its successor and assigns, in writing; and if, for any reason, Grantors fail or refuse to remove same within said 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 1 day of February, 2011.



Judge Robert E. Hebert
Fort Bend County Judge

Acknowledgment

State of Texas
County of Fort Bend

This instrument was acknowledged before me on February 1, 2011 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: F.M. 1093 to Shiloh Lake Drive
ROW CSJ: 1415-02-037

Property Description for Parcel 20C

Being a 0.1848 acre (8,049 square feet) parcel of land, out of the John McDonald Survey, A-291, Fort Bend County, Texas and being out of that certain 1.00 acre tract of land described in a Special Warranty Deed dated 06-10-2004 from Howard H. Chen, Trustee, to Sun Meng Liaw, filed in the Official Public Records Fort Bend County, Texas (O.P.R.F.B.C.) at Clerk's File No. 2004073113, being more particularly described as follows:

COMMENCING at a set 5/8 inch iron rod with cap stamped "Weisser Eng., Houston, TX" located at the southeast corner of said 1.00 acre tract of land and being in the north line of a 4.5144 acre tract of land described in a Special Warranty Deed dated 01-16-2003 from Howard H. Chen, Trustee to Thomas D. Snader d/b/a Paint 'N Place, filed in the O.P.R.F.B.C. at Clerk's File No. 2003013827;

Thence, South 87°44'43" West, a distance of 244.67 feet, along the south line of said 1.00 acre tract and along the north line of said 4.5144 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 the POINT OF BEGINNING of the herein described parcel;

- 1) THENCE, South 87°44'43" West, a distance of 55.33 feet, along the south line of said 1.00 acre tract and along the north line of said 4.5144 acre tract of land, to the southwest corner of herein described parcel located in the existing east right-of-way line of F.M. 1464 (width varies) as described in Volume 297, Page 425 and Volume 275, Page 240 filed in the Fort Bend County Deed Records (F.B.C.D.R.);
- 2) THENCE, North 02°15'17" West, a distance of 145.26 feet, along the existing east right-of-way line of said F.M. 1464 and along the west line of said 1.00 acre tract of land to the northwest corner of herein described parcel, located at the southwest corner of a 2.17 acre tract of land described in a Special Warranty Deed dated 01-05-2005 from Howard H. Chen, Trustee, to Muoi T. Quach and Linh Tran, filed in the O.P.R.F.B.C. at Clerk's File No. 2005003615;

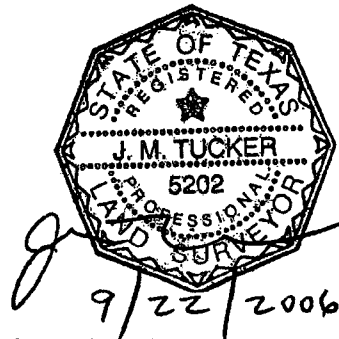
EXHIBIT A

- 3) THENCE, North $87^{\circ}43'28''$ East, a distance of 55.49 feet, along the south line of said 2.17 acre tract and along the north line of said 1.00 acre tract of land, to a set 5/8 inch iron rod with TxDOT Aluminum cap located in the proposed east right-of-way line of said F.M. 1464 also being the northeast corner of herein described parcel; **
- 4) THENCE, South $02^{\circ}11'30''$ East, a distance of 145.28 feet, along the proposed east right-of-way line of said F.M. 1464, to the POINT OF BEGINNING and containing 0.1848 acre (8,049 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 $X=3,020,412.06$ and $Y=13,815,083.26$; 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
September, 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.

** THE MONUMENT DESCRIBED AND SET IN THIS CALL MAY BE REPLACED WITH A TXDOT TYPE IRRIGHT OF WAY MARKER UPON COMPLETION OF HIGHWAY CONSTRUCTION PROJECT UNDER THE SUPERVISION OF A REGISTERED LAND SURVEYOR, EITHER EMPLOYED OR RETAINED BY TXDOT.

JOHN McDONALD SURVEY

A-291

2.17 AC.
MUOIT. QUACH
AND LINH TRAN
F.N. 2005003615
O.P.R.F.B.C.
JANUARY 5, 2005

1.00 AC.
SUN MENG LIAW
F.N. 2004073113
O.P.R.F.B.C.
JUNE 10, 2004

P.O.B.
PARCEL 20C
X-3,020.412.06
Y-13,815.083.26
N 87° 43'28" E-55.49'

P.O.C.
PARCEL 20C
SET 5/8" I.R.

S 87° 44'43" W-244.67'
4.5144 AC.
THOMAS D. SNADER d/b/a PAINT 'N PLACE
F.N. 2003013827
O.P.R.F.B.C.
JAN. 16, 2003

SCALE IN FEET
0 25 50
1 INCH = 50 FEET

Exhibit A

SURVEY LINE
(APPROXIMATE LOCATION)

S/O 168+67.48, 100.72'

EXISTING R.O.W.

S 2° 11'30" E-2,744.72'

BASELINE

S/O-STATION OFFSET

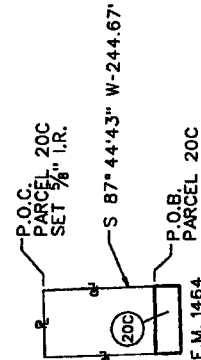
- SET 5/8" I.R. w/TXDOT ALUM. CAP
- FND. 5/8" I.R. w/TXDOT ALUM. CAP
- SET 5/8" I.R. w/CAP STAMPED
"WEISSER ENG. HOUSTON, TX"
- FND. (AS INDICATED)

NOTES:

1. ALL BEARINGS AND COORDINATES 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. 253986 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.

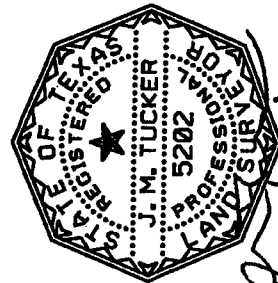
BENJAMIN ORSBURN SURVEY

A-390



PARENT TRACT INSET
SCALE: 1" = 400'

SHEET 3 OF 3



9/22/2006

REVISIONS:

1.

EXISTING	TAKING AC/SF	REMAINING
1.00 AC.	0.1848 AC.	0.8152 AC.
	8.049 SF	

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

F.M. 1464

SURVEY PLAT OF PARCEL 20C
FORT BEND COUNTY, TEXAS

DATE: 09/2006 SCALE: 1" = 50' JOB No.: EE086
R.O.W. CSJ: 1415-02-037 DWG. No.: P-020C-1

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dianne Wilson

2011 Feb 03 01:33 PM

2011011726

KL \$0.00

Dianne Wilson COUNTY CLERK

FT BEND COUNTY TEXAS



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 8

DEED**THE STATE OF TEXAS**

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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.

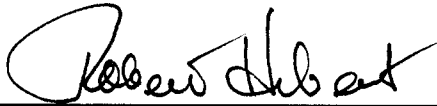
Grantors covenant and agree to remove the above-described improvements from said land by the N/A day of N/A, N/A, subject, however, to such extensions of time as may be granted by Grantee, its successor and assigns, in writing; and if, for any reason, Grantors fail or refuse to remove same within said 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 1 day of February, 2011.



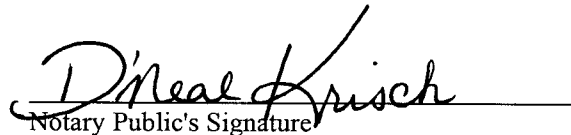
Judge Robert E. Hebert
Fort Bend County Judge

Acknowledgment

State of Texas
County of Fort Bend

This instrument was acknowledged before me on February 1, 2011 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: F.M. 1093 to Shiloh Lake Drive
ROW CSJ: 1415-02-037

Property Description for Parcel 8

Being a 0.3104 acre (13,521 square feet) parcel of land, out of the Benjamin Orsburn Survey A-390, Fort Bend County, Texas and being out of that certain 0.6419 acre tract of land described in a Warranty Deed dated 05-12-1997 from James Leon Mladenka and wife, Donna Watkins to Benina L. Ferrel, filed in the Fort Bend County Deed Records (F.B.C.D.R.) in Volume 724, Page 220 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 the southeast corner of said 0.6419 acre tract and in the north line of a 1.564 acre tract of land described in a Special Warranty Deed dated 08-22-2002 from FBC 120, Ltd. and Hannover Estates, Ltd. to Asgor, Ltd., filed in the Official Public Records Fort Bend County, Texas (O.P.R.F.B.C.) at Clerk's File No. 2002101360; thence as follows:

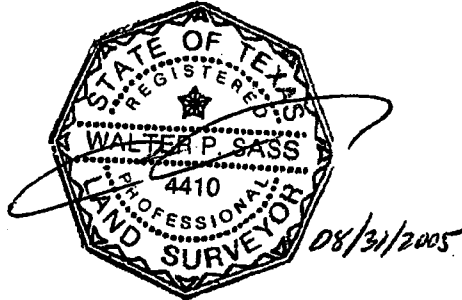
- South 87°11'40" West, a distance of 100.18 feet, along the south line of said 0.6419 acre tract and the north line of said 1.564 acre tract, to a set 5/8 inch iron rod with TxDOT Aluminum cap located in the proposed east right-of-way line of F.M. 1464 (width varies), marking the southeast corner and POINT OF BEGINNING of the herein described parcel;
- 1) THENCE, South 87°11'40" West, a distance of 94.81 feet, continuing along the south line of said 0.6419 acre tract and the north line of said 1.564 acre tract, to the southeast corner of herein described parcel, being located in the existing east right-of-way line of F.M. 1464 (width varies) as described in Volume 275, Page 278 filed in the F.B.C.D.R.;
 - 2) THENCE, North 01°57'01" West, a distance of 143.10 feet, along the west line of said 0.6419 acre tract and existing east right-of-way line of said F.M. 1464, to a found 5/8 inch iron rod marking the northwest corner of herein described parcel;
 - 3) THENCE, North 87°11'40" East, a distance of 94.19 feet, along the south line of a 64.059 acre tract known as Restricted Reserve "A" of Fort Bend Independent School District George Bush High School, as recorded in Slide Number 2180B Fort Bend County Plat Records (F.B.C.P.R.), Fort Bend County, Texas, and the north line of said 0.6419 acre tract to a set 5/8 inch iron rod with TxDOT Aluminum cap for the northeast corner of herein described parcel, being located in the proposed east right-of-way line of said F.M. 1464;

EXHIBIT A

- 4) THENCE, South $02^{\circ}11'55''$ East, a distance of 143.09 feet, along the proposed east right-of-way line of said F.M. 1464, to the POINT OF BEGINNING and containing 0.3104 acre (13,521 square feet) parcel of land.

NOTE: The Point of Beginning of this description has coordinates of $X=3,020,265.62$ and $Y=13,819,846.19$; 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, 2005

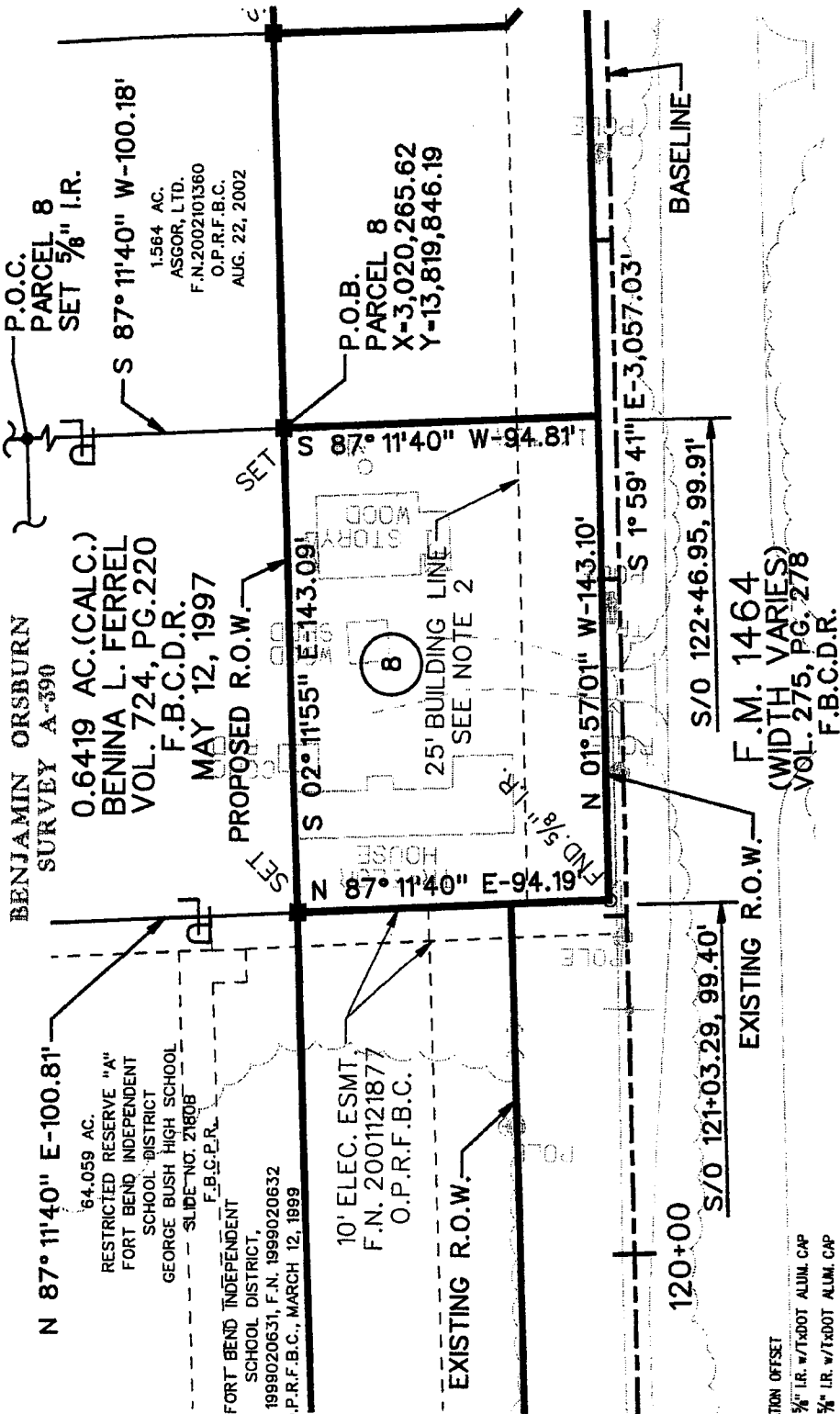


NOTE: A parcel plat of even date was prepared in conjunction with this property description.

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

Exhibit A

SCALE IN FEET
0 25 50
1 INCH = 50 FEET

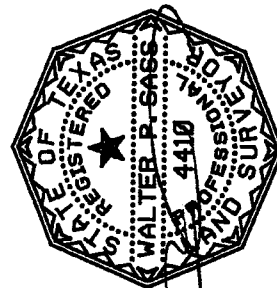


REVISIONS:

EXISTING	TAKING AC/SF	REMAINING
0.6419 AC.	0.3104 AC.	0.3315 AC.
	13.521 SF	

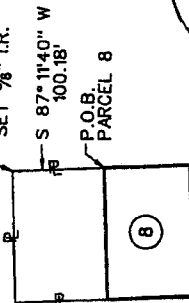
WBEISSER Engineering Co.
19500 Park Row, Suite 100
Houston, Texas 77084
(281) 579 - 7300

F.M. 1464
SURVEY PLAT OF PARCEL 8
FORT BEND COUNTY, TEXAS
DATE: 08/2005 SCALE: 1" = 50' JOB No.: EE086
R.O.W. CSJ: 1415-02-037 DWG. No.: P-08.DGN



08/31/2005

P.O.C.
PARCEL 8
SET 5/8" I.R.



F.M. 1464

PARENT TRACT INSET
SCALE: 1" = 200'

SHEET 3 OF 3

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
- WBEISSER ENG. HOUSTON, TX
- FND. (AS INDICATED)

NOTES:

- 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.
- CITY OF HOUSTON ORDINANCE NO. 82-1010 AMENDED BY ORDINANCE NO. 85-1878 H.C.C.F. NO. N253886 O.P.R.F.H.C. AND AMENDED BY ORDINANCE NO. 99-262
- A PROPERTY DESCRIPTION OF EVEN DATE HAS BEEN PREPARED IN CONJUNCTION WITH THIS PARCEL PLAT.
- ACCESS WILL BE PERMITTED TO THE HIGHWAY FACILITY FROM THE REMAINDER.

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dianne Wilson

2011 Feb 03 01:33 PM

2011011727

KL \$0.00

Dianne Wilson COUNTY CLERK

FT BEND COUNTY TEXAS