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Item #: ~~75.0~~

ARF-2853

**REGULAR SESSION AGENDA**

**Facilities Management & Planning**

Date: 02/08/2011

**Technology Access Easement Agreement**

Submitted For:

Submitted By: Laura Dougherty,  
Facilities  
Management &  
Planning

Don Brady

Department:

Facilities Management & Planning

Type of Item:

Discussion Item

Renewal Agreement/

Appointment:

Reviewed by County

Yes

Attorney's Office:

Multiple Originals Y/N?:

Y

Information

SUMMARY OF ITEM

Take all appropriate action to execute the Technology Access Easement Agreement in Cooperation with the University of Houston in regard to the University Branch Library.

SPECIAL HANDLING

Attachments

Link: Technology Easement Agmt

2-10-11 2 origs. ret. to Laura at Facilities  
1 orig. recorded in property records  
at Co. Clerk



**TECHNOLOGY ACCESS EASEMENT**

THE STATE OF TEXAS           §  
  §       KNOW ALL MEN BY THESE PRESENTS:  
COUNTY OF FORT BEND       §

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL ESTATE BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVERS LICENSE NUMBER.**

THAT, **UNIVERSITY OF HOUSTON SYSTEM**, a system of public institutions of higher education and agency for the State of Texas under Chapter 111.20 of the Texas Education Code, whose address is 4800 Calhoun Road, Houston, Texas 77004 (herein referred to as "Grantor"), for Ten and No/100 Dollars and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby grant unto **FORT BEND COUNTY, TEXAS**, a governmental subdivision of the State of Texas, whose address is 301 Jackson Street, Suite 719, Richmond, Texas 77469 (herein referred to as "Grantee"), its successors and assigns, a non-exclusive perpetual easement (hereinafter referred to as the "Easement Area") for routing various technology related cabling consisting of a variable number of wires and cables and all necessary and desirable equipment and appurtenances, located under the following described tract of land owned by Grantor, to wit:

That certain called 180.9776 acre tract (described as Tract 5, Part 2) conveyed to The Board of Regents, The University of Houston System, by instrument of record under File Number 98103479, Official Public Records of said Fort Bend County (F.B.C.O.P.R.), and being Tract 5, Part 2 as shown on the State of Texas Department of Transportation Partition Plat, a subdivision of record in Slide Nos. 1655B and 1656A, Plat Records of said Fort Bend County.

**The Easement Area granted herein is described as:** An underground easement five feet (5') wide, the location of which is shown as a strip, beginning at the northeastern edge of the 4.202 acres leased by Fort Bend County (pursuant to Agreement between Grantor and Grantee dated October 2, 2009, as amended), and edge of the planned parking lot for the Fort Bend County branch library on the University of Houston System-Sugar Land campus, dimensioned five feet (5') from, more or less, the original parking lot for the University of Houston System-Sugar Land campus, and extending 297 feet in a northeastern arc towards University Boulevard, as depicted in Exhibit A attached hereto and made a part hereof.

The easement hereby granted shall be used only for the purposes of laying, constructing, maintaining, inspecting, operating, protecting, repairing, altering, changing the size of, replacing,

relocating (but only within the Easement Area), substituting and/or removing various related underground cabling and any appurtenant materials, apparatuses and/or facilities as may from time to time be deemed necessary in connection with the use, operation, transportation and furnishing of technological services and/or other beneficial and useful utility services in connection with the agreement dated October 2, 2009 between Grantor and Grantee for the construction of a Fort Bend County Library Branch at the University of Houston System – Sugar Land campus. Subject to the further provisions hereof, Grantee, its agents, employees, contractors and representatives, successors and assigns, shall have the right and privilege of ingress and egress across the Easement Area as may be necessary for the installation, operation and/or maintenance of technology related cabling under the Easement Area. Notwithstanding the foregoing, Grantee, its agents, employees, contractors, representatives, successors, and assigns, must promptly restore the Easement Area and adjacent property to the Easement Area to its previous physical condition if changed by use of the rights granted in this document.

It is expressly understood and agreed by and between the parties that this Easement shall be subject to and governed by the following provisions:

(1) The easement, rights and privileges granted herein are non-exclusive and the Grantor reserves and retains the right to use the Easement Area for all purposes which do not unreasonably interfere with the rights hereby granted.

(2) The easement, rights and privileges herein granted shall be perpetual or for so long as Grantee shall utilize the easement for the purposes intended. The easement, rights and privileges granted herein shall terminate when, or at such time, as the purposes hereof cease to exist, are abandoned by Grantee, or become impossible of performance.

(3) The easement, rights and privileges herein granted shall be subject to all valid and subsisting encumbrances, conditions, covenants, restrictions, reservations, exceptions, rights-of-way and easements of record, including all laws, regulations, and restrictions by municipal or other governmental authority applicable to and enforceable against the Easement Area.

(4) Pursuit of any remedies available at law or at equity will not be deemed to be an election of remedies or a waiver of any other rights or remedies available at law or equity.

(5) This easement cannot be varied except by written agreement executed by legally authorized representatives of the parties. The parties agree that there are no oral agreements, representations, or warranties that are not expressly set forth herein.

TO HAVE AND TO HOLD the above described easement for the said purposes, together with all and singular, the rights, privileges, and appurtenances thereto as described above in anywise belonging to the said Grantee, its successors and assigns forever, subject to the limitations, conditions and restrictions set forth hereinabove.

**[THE REMAINDER OF THIS PAGE LEFT INTENTIONALLY BLANK]**

IN WITNESS WHEREOF, this instrument is executed this \_\_\_\_\_ day of \_\_\_\_\_,

2011.

**GRANTOR:**

**UNIVERSITY OF HOUSTON SYSTEM**

By: *[Signature]*

Name: *Carl Carlucci*  
Title: *Exec VC Admin Finance*  
Date: *1/28/11*

**APPROVED AS TO FORM BY:**

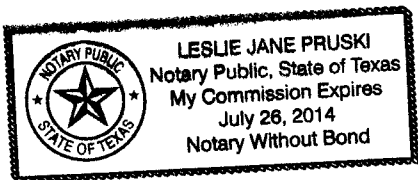
*[Signature]*

**OFFICE OF THE GENERAL COUNSEL  
UNIVERSITY OF HOUSTON SYSTEMS**

THE STATE OF TEXAS           §  
  §  
COUNTY OF HARRIS           §

This instrument was acknowledged before me on this 28<sup>th</sup> day of January, 2011, by Carl P. Carlucci, of the University of Houston System.

AS PER ORIGINAL



(SEAL)

*Leslie Jane Pruski*  
Notary Public in and for the  
State of TEXAS  
LESLIE JANE PRUSKI

Name Printed or Typed  
My Commission Expires: July 26, 2014

**GRANTEE:**

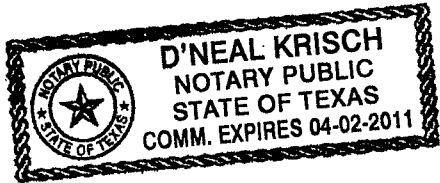
**FORT BEND COUNTY, TEXAS**

By: *Robert Hebert*

Name: Robert Hebert  
Title: County Judge  
Date: February 8, 2011

STATE OF TEXAS                   §  
   §  
COUNTY OF FORT BEND       §

This instrument was acknowledged before me on this 8 day of February, ~~2010~~, 2011  
by Robert Hebert, County Judge, of Fort Bend County.



(SEAL)

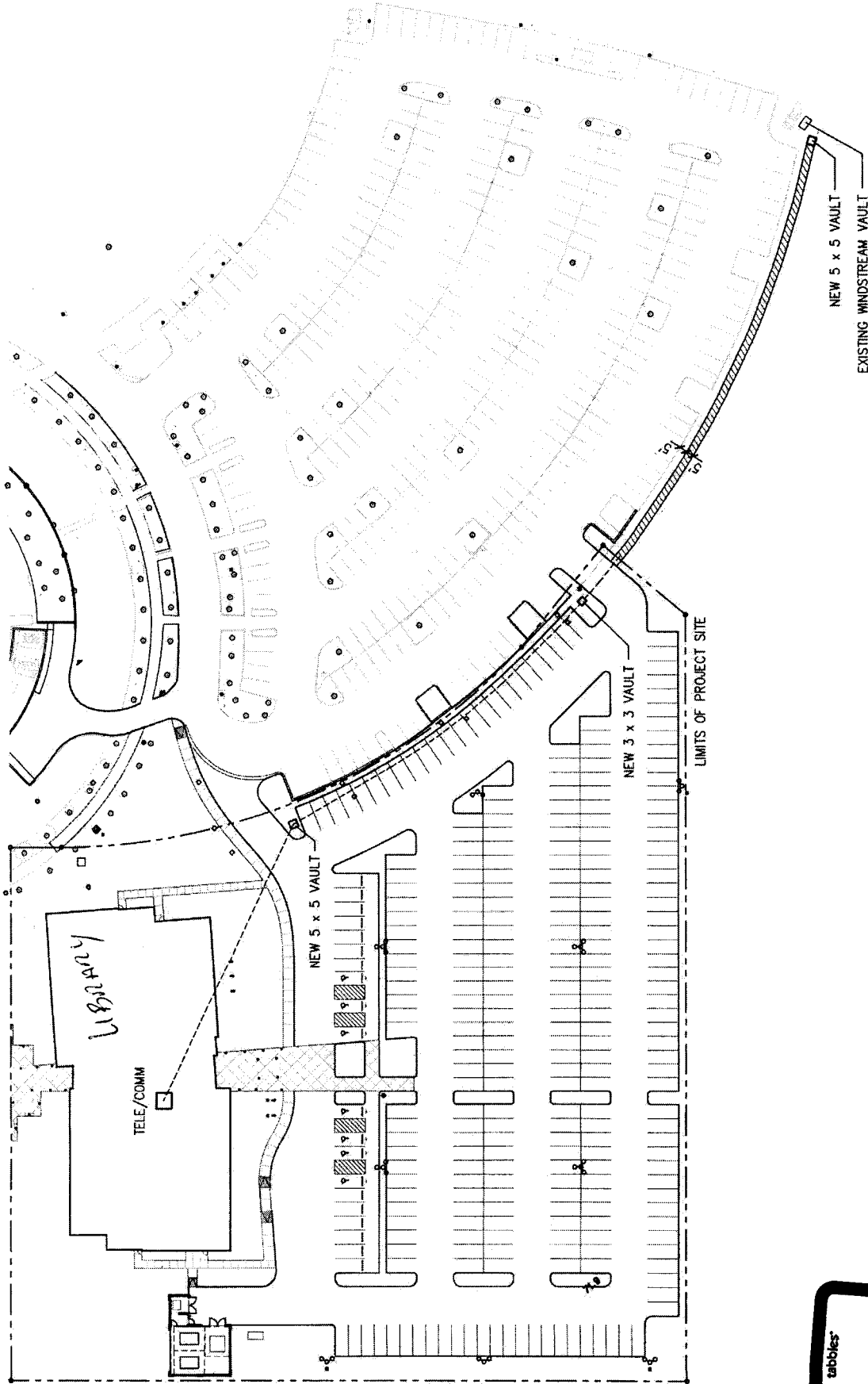
D'Neal Krisch  
Notary Public in and for the  
State of T E X A S

D'Neal Krisch  
Name Printed or Typed  
My Commission Expires: 1/2/11

AS PER ORIGINAL

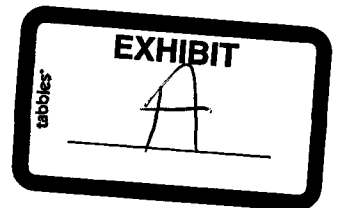
After Recording, Please Return To:  
Fort Bend County Attorney  
301 Jackson Street, Suite 728  
Richmond, Texas 77469

EXHIBIT A

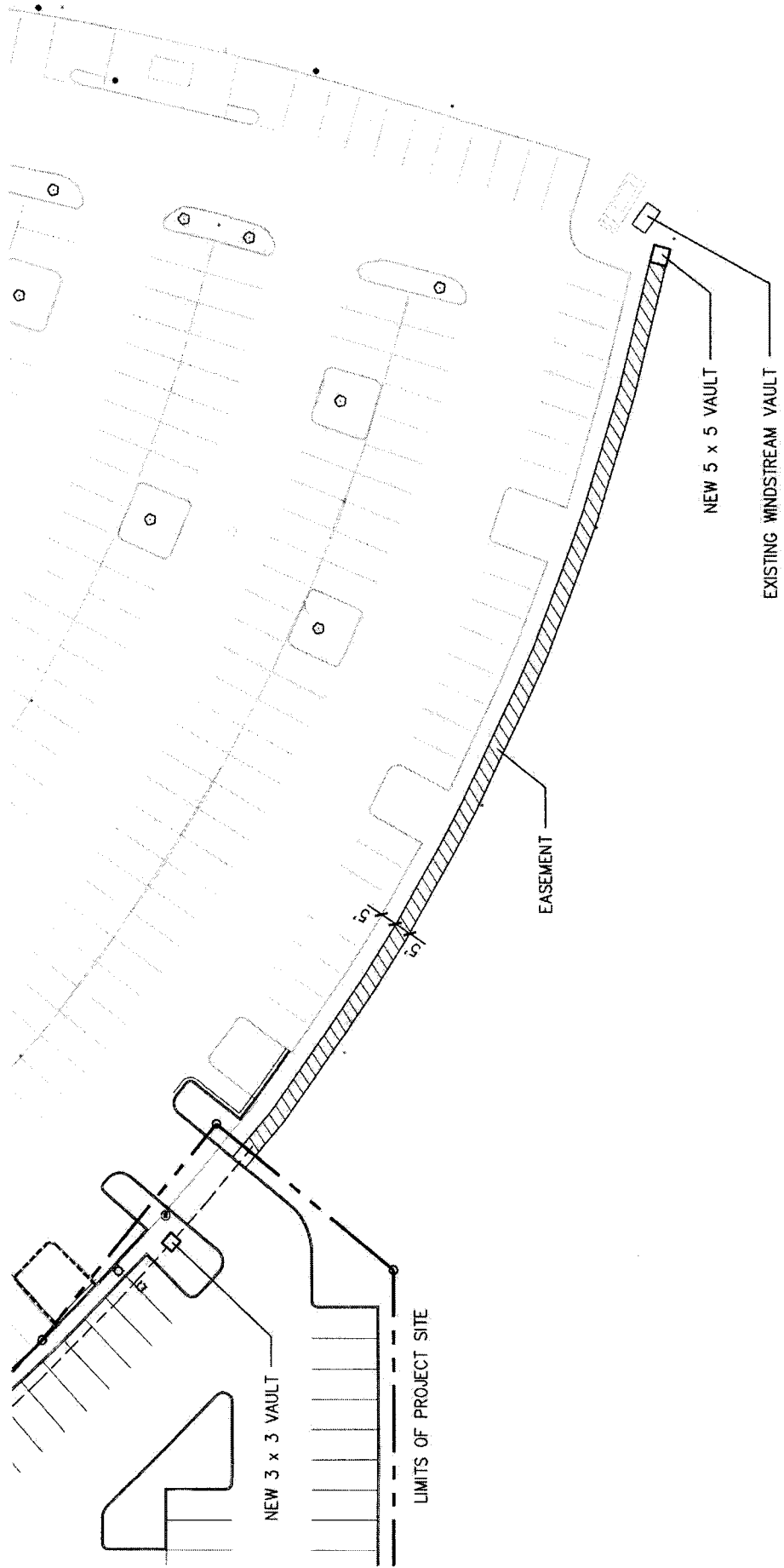


UNIVERSITY BRANCH LIBRARY  
TECHNOLOGY ACCESS ROUTE  
NOT TO SCALE

AS PER ORIGINAL



AS PER ORIGINAL



UNIVERSITY BRANCH LIBRARY  
TECHNOLOGY ACCESS ROUTE  
NOT TO SCALE

RETURNED AT COUNTER TO:

Fort Bend County Clerk  
Admin Serv Coord

**FILED AND RECORDED**

OFFICIAL PUBLIC RECORDS

*Dianne Wilson*

2011 Feb 10 11:08 AM

TD \$0.00

2011013542

Dianne Wilson COUNTY CLERK

FT BEND COUNTY TEXAS