

ARF-3202

REGULAR SESSION AGENDA

Date: 03/22/2011

Resolution and OrderItem #: ~~100~~ 28B
Commissioner Pct 3

✓ **Submitted By:** Amy Svatek, County Attorney
Department: Commissioner Precinct 3
Type of Item: Consent
Renewal Agreement/ Appointment: No
Reviewed by County Attorney's Office: Yes
Multiple Originals n
Y/N?:

AGENDA ITEM

Information**SUMMARY OF ITEM**

Take all appropriate action on Resolution and Order Decreeing the Acquisition of Property to be a Public Necessity and Authorizing the Acquisition and Payment of Compensation for public projects known as the Katy Gaston Road Widening Project and the FM 1093 Widening Project.

SPECIAL HANDLING

✓ Please return to Amy in the County Attorney's Office. 1 orig. ret. 3-24-11

Attachments

Link: Resolution and Order

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 22 day of March, 2011, at a regular meeting of the Commissioners Court of Fort Bend County, Texas, sitting as the governing body of Fort Bend County, upon motion of Commissioner Meyers, seconded by Commissioner Patterson, duly put and carried:

RESOLUTION

RESOLVED THAT WHEREAS, the Commissioners Court has received and reviewed the plans for public projects known as the Katy Gaston Road Widening Project and the FM 1093 Widening Project, both projects located on property believed to be owned by Derwanna Ann Dalio Grover and Debra Ann Dalio Stephens, 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 public projects known as the Katy Gaston Road Widening Project and the FM 1093 Widening Project, both projects located on property believed to be owned by Derwanna Ann Dalio Grover and Debra Ann Dalio Stephens, in Fort Bend County, Texas, in accordance with said plans, alignment, and tract identifications which are part hereof:

ORDER

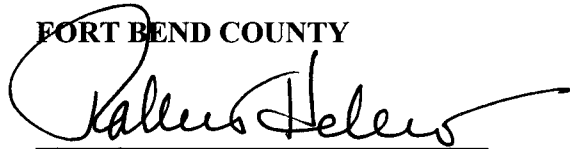
NOW THEREFORE, IT IS ORDERED AND DECREED that the plans for the location, alignment, construction, operation, and maintenance of the public projects known as the Katy Gaston Road Widening Project and the FM 1093 Widening Project, both projects located on property believed to be owned by Derwanna Ann Dalio Grover and Debra Ann Dalio Stephens, in Fort Bend County, Texas, is approved.

IT IS FURTHER ORDERED AND DECREED that public necessity and convenience exist for the public projects, known as the Katy Gaston Road Widening Project and the FM 1093 Widening Project, both projects located on property believed to be owned by Derwanna Ann Dalio Grover and Debra Ann Dalio Stephens, in Fort Bend County, Texas, and that the County Engineer 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 projects known as the Katy Gaston Road Widening Project and the FM 1093 Widening Project, both projects located on property believed to be owned by Derwanna Ann Dalio Grover and Debra Ann Dalio Stephens, in Fort Bend County, Texas and the payment and compensation therefore.

PASSED AND APPROVED this 22 day of March, 2011.

FORT BEND COUNTY



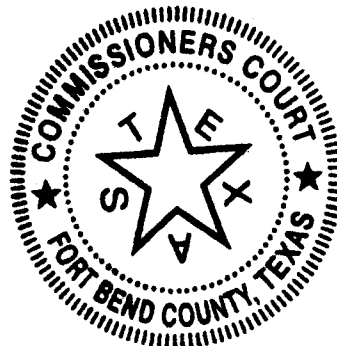
Robert E. Hebert, County Judge

ATTEST:



Dianne Wilson, County Clerk

WHV/as: Katy Gaston/Grover/Resolution and Order (3.8.11)



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November, 2010
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EXHIBIT A

County: Fort Bend
Highway: F.M. 1093
Project Limits: Katy-Gaston Road @ F.M. 1093

Property Description for Parcel

Being a 9.484 acre (413,120 square feet) parcel of land, out of the Walton, Hill and Walton Survey A-435, Fort Bend County, Texas and being out of that certain 43.3670 acre tract of land, described in an Exchange and Partition Deed dated 12-31-2002 set apart to Derwana Ann Dalio Grover and Debra Ann Dalio Stephens, filed in the Official Public Records Fort Bend County, Texas (O.P.R.F.B.C.) at Clerk's File No. 2003010566, and being more particularly described as follows:

COMMENCING at a 5/8-inch iron rod with cap stamped "AECOM" found located in the west line of said 43.3670 acre tract, for the southeast corner of Cinco Ranch Southwest, Section 41 filed in the O.P.R.F.B.C. under Clerk's File No. 20100029 and for the northeast corner of the Residue of a 178.04 acre tract of land, described in a Deed dated 07-14-2004 from Gaston 1093 JV and John Beeson, Trustee to Terrabrook Cinco Ranch Southwest, L.P., filed in the O.P.R.F.B.C. at Clerk's File No. 2004086008; thence as follows:

South 02°06'33" West, a distance of 649.78 feet, along the east line of the Residue of said 178.04 acre tract and the west line of said 43.3670 acre tract, to a set 5/8-inch iron rod with cap stamped "Weisser Eng. Houston, Tx." located in the proposed north right-of-way line of F.M. 1093 (width varies), marking a northwest corner and POINT OF BEGINNING of the herein described parcel;

- 1) THENCE, North 83°01'39" East, a distance of 242.77 feet, along the proposed north right-of-way line of said F.M. 1093, to a 5/8-inch iron rod with cap stamped "Weisser Eng. Houston, Tx." set for an angle point of herein described parcel;
- 2) THENCE, North 78°52'36" East, a distance of 828.94 feet, along the proposed north right-of-way line of said F.M. 1093, to a 5/8-inch iron rod with cap stamped "Weisser Eng. Houston, Tx." set for an angle point of herein described parcel;
- 3) THENCE, North 83°01'39" East, a distance of 300.00 feet, along the proposed north right-of-way line of said F.M. 1093, to a 5/8-inch iron rod with cap stamped "Weisser Eng. Houston, Tx." set for the southwest right-of-way cut-back corner between the proposed north right-of-way line of said F.M. 1093 and proposed Katy-Gaston Road (width varies) and for an interior corner of herein described parcel;

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EXHIBIT A

- 4) THENCE, North 33°54'09" East, a distance of 64.43 feet, along said cut-back line, to a 5/8-inch iron rod with cap stamped "Weisser Eng. Houston, Tx." set in the proposed west right-of-way of said Katy-Gaston Road and for an interior corner of herein described parcel;
- 5) THENCE, North 16°59'47" West, a distance of 85.92 feet, continuing along the proposed west right-of-way line of said Katy-Gaston Road, to a 5/8-inch iron rod with cap stamped "Weisser Eng. Houston, Tx." set, to a point for the beginning of a curve to the left of herein described parcel;
- 6) THENCE, in a northwest direction, with said curve to the left having a radius of 1,500.00 feet, a central angle of 30°35'27" and chord which bears North 32°17'31" West, 791.39 feet, for an arc length of 800.87 feet to the end of said curve, being in the proposed southwest right-of-way line of said Katy-Gaston Road;
- 7) THENCE, North 47°35'14" West, a distance of 1,182.23 feet, along the proposed southwest right-of-way line of said Katy-Gaston Road, to a 5/8-inch iron rod with cap stamped "Weisser Eng. Houston, Tx." set for a northwesterly corner of herein described parcel from which a found 5/8-inch iron rod with cap stamped "JNS ENG. 713-973-9139" bears North 00°39'42" West a distance of 0.42 feet, being in the east line of said Cinco Ranch Southwest, Section 41;
- 8) THENCE, North 02°06'33" East, a distance of 26.23 feet, along the west line of said 43.3670 acre tract, to a found 5/8-inch iron rod in the existing southwest right-of-way line of Katy-Gaston Road (80 feet wide) for the northwest corner of herein described parcel, being the northwest corner of said 43.3670 acre tract;
- 9) THENCE, South 47°35'14" East, a distance of 2,538.56 feet, along the northeast line of said 43.3670 acre tract and the existing southwest right-of-way line of said Katy-Gaston Road, to a found 5/8-inch iron rod with cap stamped "BENCHMARK ENGR.", in the existing north right-of-way of said F.M. 1093 for the southeast corner of herein described parcel;
- 10) THENCE, South 83°01'39" West, a distance of 1,960.55 feet, along the south line of said 43.3670 acre tract and the existing north right-of-way line of said F.M. 1093, to a found 5/8-inch iron rod with cap stamped "BENCHMARK ENGR.", for the southeast corner of said Residue of 178.04 acre tract, for the southwest corner of said 43.3670 acre tract and herein described parcel;
- 11) THENCE, North 02°06'33" East, a distance of 96.21 feet, to the POINT OF BEGINNING and containing 9.484 acres (413,120 square feet) of land.

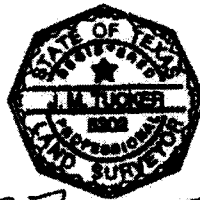
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EXHIBIT A

NOTE: The POINT OF BEGINNING of this description has coordinates of X=2,985,377.79 and Y=13,817,440.56; 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.

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



[Signature]
2/22/2011

