

62



13A

Parcel No. 1
FBCED# R33845
Road: James Lane From: F.M. 1093
To: End of James Lane

RIGHT OF ENTRY AND NON-WAIVER AGREEMENT

THE STATE OF TEXAS §

COUNTY OF FORT BEND §

WHEREAS the County of Fort Bend, a political subdivision of the State of Texas, desires to acquire from John D. and Janice W. McCann (hereinafter referred to as Grantor) a right of entry for construction purposes, over, upon and across property lying and being situated in the County of Fort Bend, State of Texas, as more particularly described in Exhibit "A", attached hereto and made a part hereof.

WHEREAS Fort Bend County, and/or its designated agents, if any, desires to enter upon said premises within the immediate future, prior to the date said property is acquired, by conveyance for the purpose of the construction of a bridge and associated drainage on the proposed James Lane at Bessies Creek.

WHEREAS it is mutually agreeable to the Grantor and Fort Bend County that the County and/or its designated agents, if any, shall have the right to enter upon the aforesaid land for the above-stated purpose or purposes.

NOW, THEREFORE, the Grantor does hereby grant permission to Fort Bend County and/or any of its designated agents, to enter upon and perform any and all acts necessary to construct the bridge and associated drainage on James Lane at Bessies Creek.

This agreement is made prior to the execution of formal legal documents in order to avoid delay in the commencement of work on the subject roadway, and in no way shall jeopardize Grantor's right to receive just compensation for any interest in land and/or improvements; and Grantor does not waive any right they may have under the laws of the State of Texas.

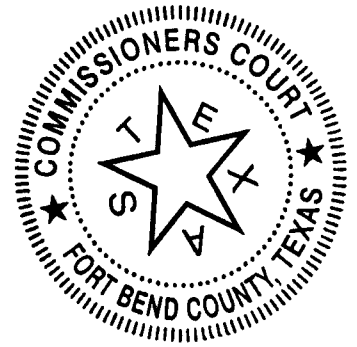
It is further agreed and understood that the County shall proceed with acquisition of said property with speed and due diligence.

It is further agreed and understood that this Agreement shall in no way jeopardize Fort Bend County's legal rights nor waive any right it may have under the laws of the State of Texas.

IN WITNESS WHEREOF, this instrument is EXECUTED on this the 20 day of December, 20 11.

original returned to Paulette at Engineering
12/30/11

CCM 12-20-11 # 13A
Fort Bend County Clerk
Return Admin Serv Coord



FORT BEND COUNTY, TEXAS
APPROVED:

ATTEST:

Robert E. Hebert, County Judge

Dianne Wilson, County Clerk

Date: 12-20-2011

John D. McCann

Janice W. McCann

Date: 11-28-2011

This Agreement is subject to approval by Commissioners Court of Fort Bend County.

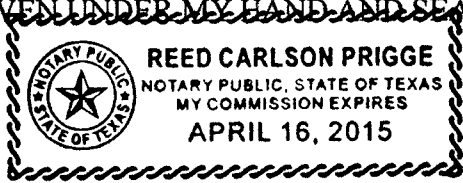
ACKNOWLEDGMENT

THE STATE OF TEXAS §

COUNTY OF FORT BEND §

BEFORE ME, the undersigned, a Notary Public, on this day personally appeared John D. McCann and Janice W. McCann known to me (or proved to me on the oath of _____, a credible witness,) to be the person(s) whose name(s) is (are) subscribed to the foregoing instrument and acknowledged to me that he/she/they executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 28 day of November, 2011.



Reed Carlson Prigge
Notary Public, State of Texas

My commission expires on the 1 day of 16, 2015.

Kenneth G. McCann
 Gerald W. McCann
 John D. McCann
 File No. 2005014002
 Official Public Records of
 Fort Bend County Texas

Fulshear Land Investment Partners, Ltd.
 File No. 2008006215
 Official Public Records of
 Fort Bend County Texas

0.269 AC.
 (11,728 SQ. FT.)

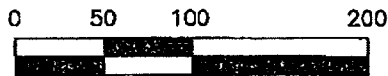
John Douglas McCann and
 wife Janice Webb McCann
 File No. 2005106235
 Official Public Records of
 Fort Bend County Texas

Call: 10.00 Ac.
 Less: 0.269 Ac.
 Remaining: 9.731 Ac.

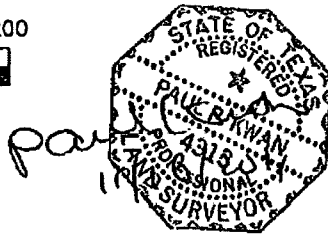
Churchill Fulshear League
 Abstract No. 29



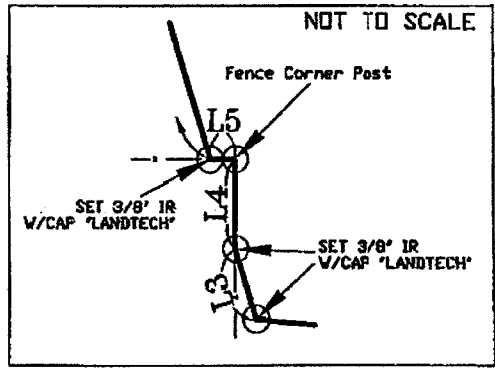
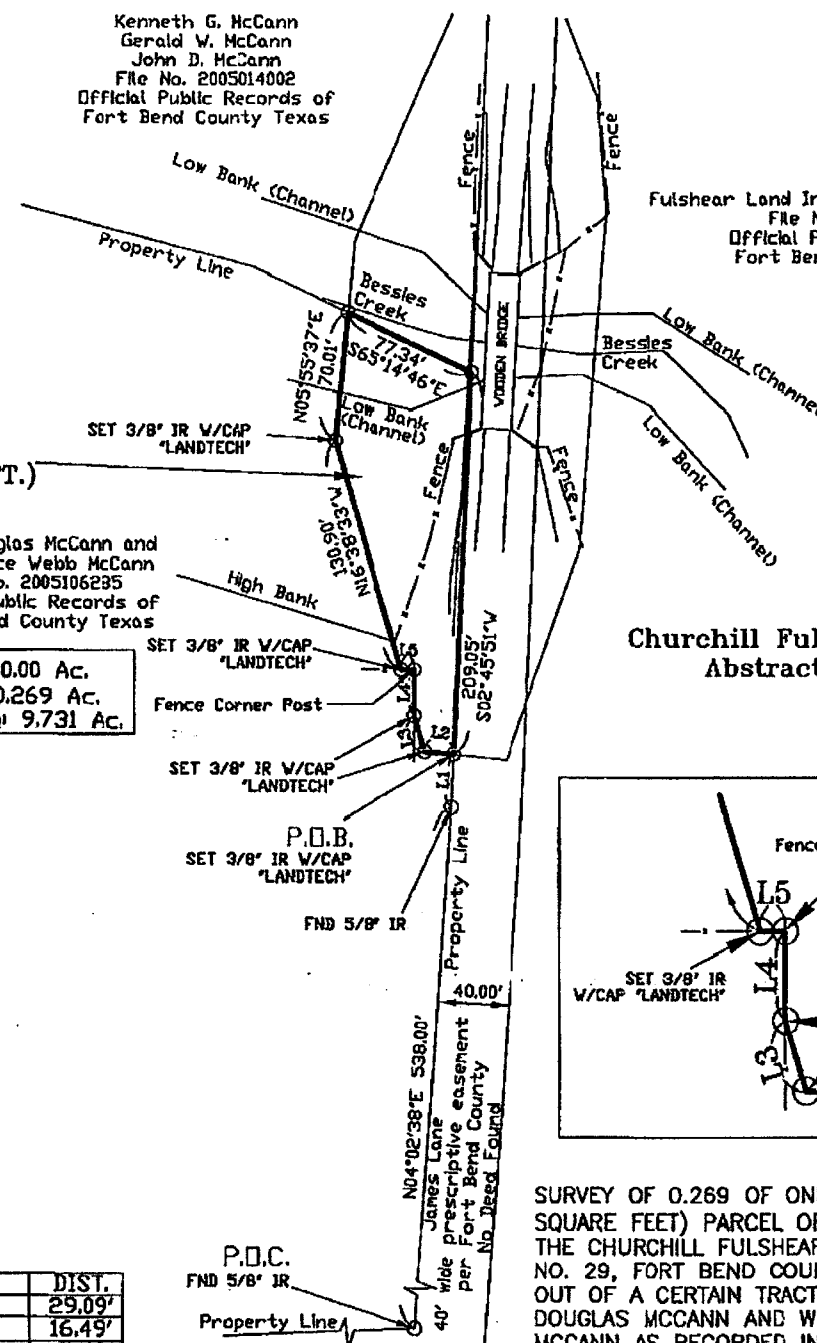
NO.	BEARING	DIST.
L1	N02°45'51"E	29.09'
L2	N85°02'38"W	16.49'
L3	N16°37'36"W	20.69'
L4	North	24.89'
L5	West	7.44'



SCALE : 1" = 100'



Paul



SURVEY OF 0.269 OF ONE ACRE (11,728 SQUARE FEET) PARCEL OF LAND SITUATED IN THE CHURCHILL FULSHEAR LEAGUE, ABSTRACT NO. 29, FORT BEND COUNTY, TEXAS, BEING OUT OF A CERTAIN TRACT CONVEYED TO JOHN DOUGLAS MCCANN AND WIFE, JANICE WEBB MCCANN AS RECORDED IN FILE NO. 2005106285 OF THE OFFICIAL PUBLIC RECORDS OF FORT BEND COUNTY OF TEXAS.

LANDTECH CONSULTANTS, INC.
 Civil Engineering • Land Surveying
 2525 North Loop West
 Suite 300
 Houston, Texas 77008
 Tel.: (713) 881-7088 Fax (713) 881-4131

- NOTES:**
- Bearing orientation is based on Texas Coordinate System, South Central Zone, NAD 83.
 - See attached metes and bounds description.

FIELDWORK DATE: JUNE 21, 2011
 SCALE: 1" = 100' (8.5x11)
 DRAWING NO.: 1489-A-4026
 JOB NO.: 11-1-0099.01
 FIELD BOOK: M11-002"C

Field notes for 0.269 of one acre (11,728 square feet) parcel of land situated in the Churchill Fulshear League, Abstract No. 29, Fort Bend County, Texas, being out of a certain tract conveyed to John Douglas McCann and wife, Janice Webb McCann as recorded in File No. 2005106285 of the Official Public Records of Fort Bend County of Texas; said parcel is being further described by metes and bounds as follows: (Bearing orientation referenced to Texas Coordinate System, South Central Zone, NAD 83)

COMMENCING at a 5/8-inch iron rod found at the southeast corner of said John Douglas McCann and wife, Janice Webb McCann tract;

THENCE North 04° 02' 38" East, along the east line of said John Douglas McCann and wife, Janice Webb McCann tract and the west right-of-way line of James Lane (40.00 feet wide prescriptive easement per Fort Bend County, no deed found), a distance of 538.00 feet to a 5/8-inch iron rod found for a corner;

THENCE North 02° 45' 51" East, along the east line of said John Douglas McCann and wife, Janice Webb McCann tract and the west right-of-way line of said James Lane, a distance of 29.09 feet to a 3/8-inch iron rod with cap "Landtech" set for the southeast corner and the **POINT OF BEGINNING** of the herein described parcel;

THENCE North 85° 02'38" West, a distance of 16.49 feet to a 3/8-inch iron rod with cap "Landtech" set for the southwest corner of the herein described parcel;

THENCE North 16° 37' 36" West, a distance of 20.69 feet to a 3/8-inch iron rod with cap "Landtech" set for an angle point of the herein described parcel;

THENCE North, a distance of 24.89 feet to a wood fence post for an angle point of the herein described parcel;

THENCE West, a distance of 7.44 feet to a 3/8-inch iron rod with cap "Landtech" set for an angle point of the herein described parcel;

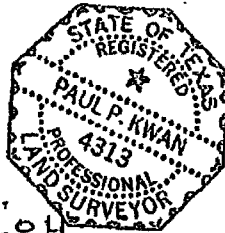
THENCE North 16° 38' 33" West, a distance of 130.90 feet to a 3/8-inch iron rod with cap "Landtech" set for an angle point of the herein described parcel;

THENCE North 05° 55' 37" East, a distance of 70.01 feet to a point on the centerline of the Bessies Creek and on the south interior line of a certain tract conveyed to Kenneth G. McCann, Gerald W. McCann, and John D. McCann as recorded in File No. 2005014002 of the Official Public Records, said point being the northwest corner of the herein described parcel;

THENCE South 65° 14' 46" East, along the south interior line of said Kenneth G. McCann, Gerald W. McCann, and John D. McCann tract, a distance of 77.34 feet to a point on the west right-of-way of said James Lane, said point being the northeast corner of said John Douglas McCann and wife, Janice Webb McCann tract and the northeast corner of the herein described parcel;

THENCE South 02° 45' 51" West, along the east line of said John Douglas McCann and wife, Janice Webb McCann tract and the west right-of-way line of said James Lane, a distance of 209.05 feet to the POINT OF BEGINNING and containing 0.269 of one acre (11,728 square feet) of land.

Job No. 11-1-0099.00
Dwg. No. 1489-A-4026
Fieldwork date: June 21, 2011
Landtech Consultants, Inc.



Paul P. Kwan
11/18/2011
Paul P. Kwan
Texas Registered Professional Land Surveyor No. 4313

RETURNED AT COUNTER TO:
Fort Bend County Clerk
Admin Serv Coord.

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dianne Wilson

2011 Dec 30 11:14 AM

2011130859

CR1 \$0.00

Dianne Wilson COUNTY CLERK

FT BEND COUNTY TEXAS