

7N



13B

Parcel No. 1
FBCED# R33140
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 Kenneth G. McCann, Gerald W. McCann and John D. McCann (hereinafter referred to as Grantor's) 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's 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's 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.

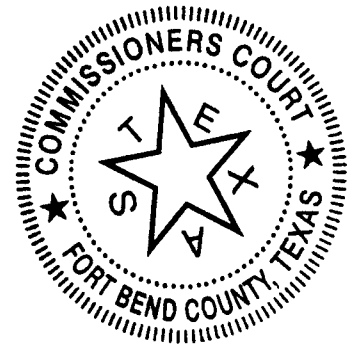
It is further agreed and understood that the County shall proceed with acquisition of said property with speed and due diligence.

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
1/5/12

Ret:
CCM 12-20-11 #13B
Fort Bend County Clerk
Return Admin Serv Coord

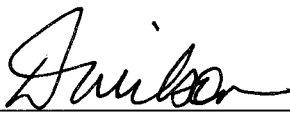


FORT BEND COUNTY, TEXAS
APPROVED:

ATTEST:



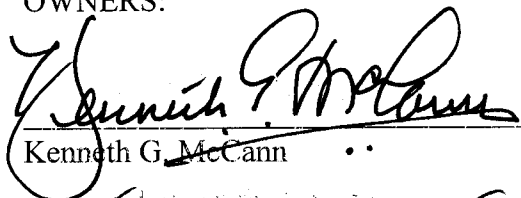
Robert E. Hebert, County Judge



Dianne Wilson, County Clerk

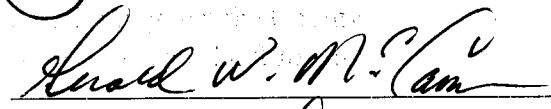
Date: 12-20-2011

OWNERS:



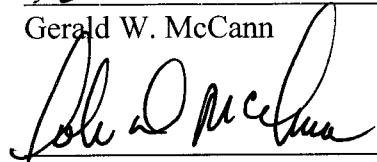
Kenneth G. McCann

11.30.11
Date



Gerald W. McCann

11.30.11
Date



John D. McCann

12-9-11
Date

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

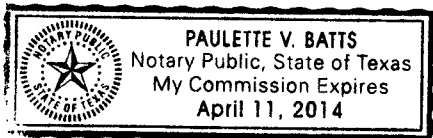
ACKNOWLEDGMENT

THE STATE OF TEXAS §

COUNTY OF FORT BEND §

BEFORE ME, the undersigned, a Notary Public, on this day personally appeared John D. McCann, 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 9th day of December, 2011.



Paulette V. Batts
Notary Public, State of Texas

My commission expires on the 11 day of APRIL, 2011.

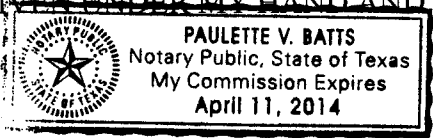
ACKNOWLEDGMENT

THE STATE OF TEXAS §

COUNTY OF FORT BEND §

BEFORE ME, the undersigned, a Notary Public, on this day personally appeared KENNETH 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 30th day of NOVEMBER, 20 11.



Paulette V. Batts

Notary Public, State of Texas

My commission expires on the 11 day of APRIL, 20 14.

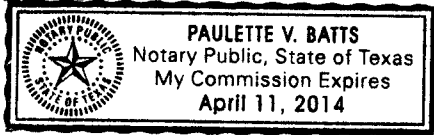
ACKNOWLEDGMENT

THE STATE OF TEXAS §

COUNTY OF FORT BEND §

BEFORE ME, the undersigned, a Notary Public, on this day personally appeared GERAUS 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 30th day of NOVEMBER, 2011.



Paulette V. Batts

Notary Public, State of Texas

My commission expires on the 11th day of APRIL, 2014.

0.2274 AC.
(9,903 SQ. FT.)

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

Call: 125.55 Ac.
Less: 0.2274 Ac.
Remaining: 125.3226 Ac.

John Douglas McCann and
wife Janice Webb McCann
File No. 2005106285
Official Public Records of
Fort Bend County Texas

Churchill Fulshear League
Abstract No. 29

NO.	BEARING	DIST.
L1	N05°55'37"E	39.00'
L2	S80°30'29"E	10.57'

0 50 100 200



SCALE : 1" = 100'

NOTES:

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

FM 1093
(100' ROW)
Vol.285, Pg.282 DRFBCT

P.O.C.
FND 5/8' IR

SET 3/8' IR W/CAP
"LANDTECH"
P.O.B.

SET 3/8' IR W/CAP
"LANDTECH"
High Bank

SET 3/8' IR W/CAP
"LANDTECH"

Bessies
Creek

Low Bank (Channel)

Bessies
Creek

Low Bank (Channel)

Bessies
Creek

Low Bank (Channel)

High Bank

Fence Corner Post

FND 5/8' IR

40.00'

James Lane
40' wide prescriptive easement
per Fort Bend County
No Deed Found

SURVEY OF 0.2274 OF ONE ACRE (9,903 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 KENNETH G. MCCANN, GERALD W. MCCANN, AND JOHN D. MCCANN AS RECORDED IN FILE NO. 2005014002 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) 861-7088

Fax (713) 861-4131

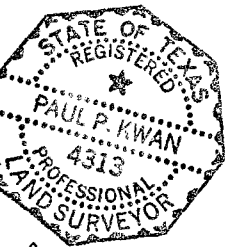
FIELDWORK DATE: JUNE 21, 2011

SCALE: 1" = 100' (8.5x11)

DRAWING NO.: 1489-A-4025

JOB NO.: 11-1-0099.01

FIELD BOOK: M11-002"C"



Paul Kwan
7/18/2011



Field notes for 0.2274 of one acre (9,903 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 Kenneth G. McCann, Gerald W. McCann, and John D. McCann as recorded in File No. 2005014002 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 intersection of the south right-of-way line FM 1093 (100.00 feet wide per Volume 285, Page 282 D.R.F.B.C.T.) and the west right-of-way line of James Lane (40.00 feet wide prescriptive easement per Fort Bend County, no deed found), said corner being the Northeast corner of said Kenneth G. McCann, Gerald W. McCann, and John D. McCann tract;

THENCE South 02° 45' 51" West, along the east line of said Kenneth G. McCann, Gerald W. McCann, and John D. McCann tract and the west right-of-way line of said James Lane, a distance of 1269.39 feet to a 3/8-inch iron rod with cap "Landtech" set for the northeast corner and the **POINT OF BEGINNING** of the herein described parcel;

THENCE South 02° 45' 51" West, continuing along the east line of said Kenneth G. McCann, Gerald W. McCann, and John D. McCann tract and the west right-of-way line of said James Lane, a distance of 219.46 feet to a point on the Bessies Creek, said point being the northeast corner 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, and the southeast corner of the herein described parcel;

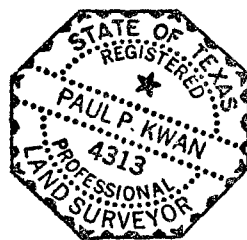
THENCE North 65° 14' 46" West, along the north line of said John Douglas McCann and wife, Janice Webb McCann tract, a distance of 77.34 feet to the southwest corner of the herein described parcel;

THENCE North 05° 55' 37" East, a distance of 39.00 feet to a 3/8-inch iron rod with cap "Landtech" set for an angle point of the herein described parcel;

THENCE North 23° 56' 15" East, a distance of 163.86 feet to a 3/8-inch iron rod with cap "Landtech" set for the northwest corner of the herein described parcel;

THENCE South 80° 30' 29" East, a distance of 10.57 feet to the **POINT OF BEGINNING** and containing 0.2274 of one acre (9,903 square feet) of land.

Job No. 11-1-0099.00
Dwg. No. 1489-A-4025
Fieldwork date: June 21, 2011
Landtech Consultants, Inc.



Paul Kwan

11/18/2011

Paul P. Kwan
Texas Registered Professional Land Surveyor No. 4313

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dianne Wilson

2012 Jan 04 03:12 PM

2012001352

RMM \$0.00

Dianne Wilson COUNTY CLERK
FT BEND COUNTY TEXAS