

FM120118

THE STATE OF TEXAS §

KNOW ALL MEN BY THESE PRESENTS

COUNTY OF FORT BEND §

AGREEMENT AND FULL RELEASE

This Agreement and Full Release is made and entered into by and between FORT BEND COUNTY, TEXAS (hereinafter referred to as "County"), by and through its governing body, the Commissioners Court, and the City of Richmond, through its governing body, the City Commission (hereinafter referred to as "City").

WHEREAS, County desires to permit City to use County's parking lot (hereinafter referred to as "Parking Lot") consisting of 0.573 acres of land being a portion of the original road right-of-way of Liberty Street, Richmond , Texas, as depicted on attached Exhibit A, to serve a public purpose; and,

WHEREAS, City desires to fully release County of any future claims that may be derived from the use of the Parking Lot; and,

WHEREAS, the parties agree the purpose of the release is to buy peace; and,

WHEREAS, the parties agree that the terms of this release and agreement accurately reflect their intent.

NOW, THEREFORE, in consideration of the covenants and agreement hereinafter contained and subject to the terms and conditions hereinafter stated, the parties hereto do mutually agree as follows:

1. The purpose of this Agreement is to allow City to use County's Parking Lot for a period of twelve (12) months from the effective date of this Agreement. This Agreement may automatically renew for one (1) additional twelve (12) month term upon agreement of the parties.
2. Either party may terminate this Agreement at any time by providing thirty (30) days written notice to the other party.
3. City shall obtain County's written approval prior to the construction and/or placement of any improvements on the Parking Lot.
4. Upon termination of this Agreement, City will be allowed thirty (30) calendar days to remove any improvements and/or property from the Parking Lot. Any improvements that remain on the Parking Lot thirty (30) days after termination of this Agreement shall revert to County property.
5. City shall use reasonable care to prevent damage to the Parking Lot.
6. City shall be responsible for any damage to the Parking Lot and shall reimburse County for any reasonable repairs made by County upon termination of this Agreement.
7. City shall, keep in full force and effect a policy or general liability insurance in which the limits shall not be less than \$1,000,000 for each claim aggregate. The policy shall name the

JAN 31 2012

County as an additional ensured, and shall contain a clause that the insurer will not cancel or change the insurance without first giving County ten (10) days prior written notice. The insurance shall be in a company acceptable to the Fort Bend County Risk Management Department and a copy of the policy or certification of insurance shall be delivered to County no less than five (5) business days before the date of this event.

8. City releases, does release, acquit, and forever discharge the County, its officials, agents, servants, and employees and all persons in privity with the County from any and all future claims or causes of action of any kind whatsoever, at common law, statutory or otherwise, which might arise hereafter, directly or indirectly attributable to City's usage of County property.
9. City shall be solely responsible and at its own cost for obtaining all necessary and proper law enforcement officers to aid in traffic control, if necessary.

EXEUCION

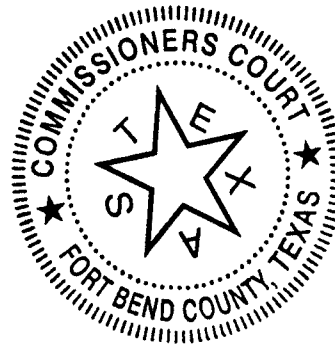
The parties have executed this Agreement on the dates indicated below. The effective date of this Agreement and Full Release is the date executed by the final party.

FORT BEND COUNTY, TEXAS
By: *Robert E. Hebert*
Robert E. Hebert, County Judge

Date signed: 2-7-2012

Attest:
Dianne Wilson
Dianne Wilson, County Clerk

Approved: *Don Brady*
Don Brady, Director
Facilities Management & Planning Department



CITY OF RICHMOND

By: *Helmar G. Moore*
HELMAR G. MOORE
MAYOR

Date: JANUARY 30, 2012

ATTEST:

Mona Matak
City Secretary

Exhibit A

KELLY R. KALUZA & ASSOCIATES, INC.

Consulting Engineers & Surveyors
Engineering Firm No. F-1339
3014 Avenue I, Rosenberg, Texas 77471
(281) 341-0808 ■ FAX (281) 341-6333

January 24, 2012

A FIELD NOTE DESCRIPTION of 0.573 acre of Land being a portion of the original road right-of-way of Liberty Street (80 feet wide; call 0.309 acre - Fort Bend County Clerk's File No. 2000106780) and being a portion of Block No. Ninety-Seven (97) including that portion of Lot Nos. Two (2), Three (3), Four (4), and Five (5) (call 0.116 acre - Volume 1868, Page 1874; Official Records of Fort Bend County, Texas) lying South of the road right-of-way for U.S. Highway No. 90-A East-bound (70 feet wide: call 5186.37 square feet - Tract 1, Volume 134, Page 462 and call 3976.35 square feet - Volume 135, Page 79; Deed Records of Fort Bend County, Texas) and including the Southeast 72.3 feet of Lot No. Six (6) and Lot No. Seven (7) (Volume 1858, Page 2278; Official Records of Fort Bend County, Texas) all being in the City of Richmond (Volume A, Page 62; Deed Records of Fort Bend County, Texas) being in the Jane H. Long Survey, Abstract No. 55, Fort Bend County, Texas.

BEGINNING at the Northwest corner of Block No. Eighty-Six of said City of Richmond in the intersection of the Northeasterly right-of-way line of Third Street (70 feet wide) with the Southeasterly right-of-way line of said Liberty Street; Said beginning corner being the South corner of said call 0.309 acre tract and being the most Southerly corner of this 0.573 acre tract;

THENCE; North 22 degrees, 30 minutes, 0 seconds West, at 80.00 feet pass a point for the West corner of said call 0.309 acre tract and for the Southwest corner of said Block No. Ninety-Seven, in all 152.30 feet along the Northeasterly right-of-way line of said Third Street to a point for the most Westerly Northwest corner of this tract; Said corner being the Northwest corner of said Southeast 72.3 feet of Lot No. Seven and being the Southwest corner of a call 3492 square foot tract of Land (Volume 554, Page 53; Deed Records of Fort Bend County, Texas);

THENCE; North 67 degrees, 30 minutes, 0 seconds East - 60.00 feet, crossing into said Block No. Ninety-Seven to a point for interior corner of this tract; Said corner being the Northeast corner of said Southeast 72.3 feet of Lot No. Six and being the Southeast corner of said call 3492 square foot tract of Land;

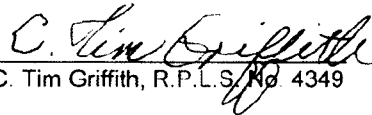
THENCE; North 22 degrees, 30 minutes, 0 seconds West - 28.20 feet along the Northeasterly line of said Lot No. Six along the Southwesterly line of said Lot No. Five to a point for the most Northerly corner of this tract in the Southerly line of said 70 foot wide road right-of-way for U.S. Highway No. 90-A East-bound; Said corner being the Northeast corner of said call 3492 square foot tract of Land;

THENCE; South 67 degrees, 30 minutes, 0 seconds East, at 142.13 feet pass a point on the Southeasterly line of said Block No. Ninety-Seven for the most Northerly corner of said call 0.309 acre tract, in all 212.13 feet along the Southerly line of said 70 foot wide road right-of-way for U.S. Highway No. 90-A East-bound to a point for re-entrant corner of this tract;

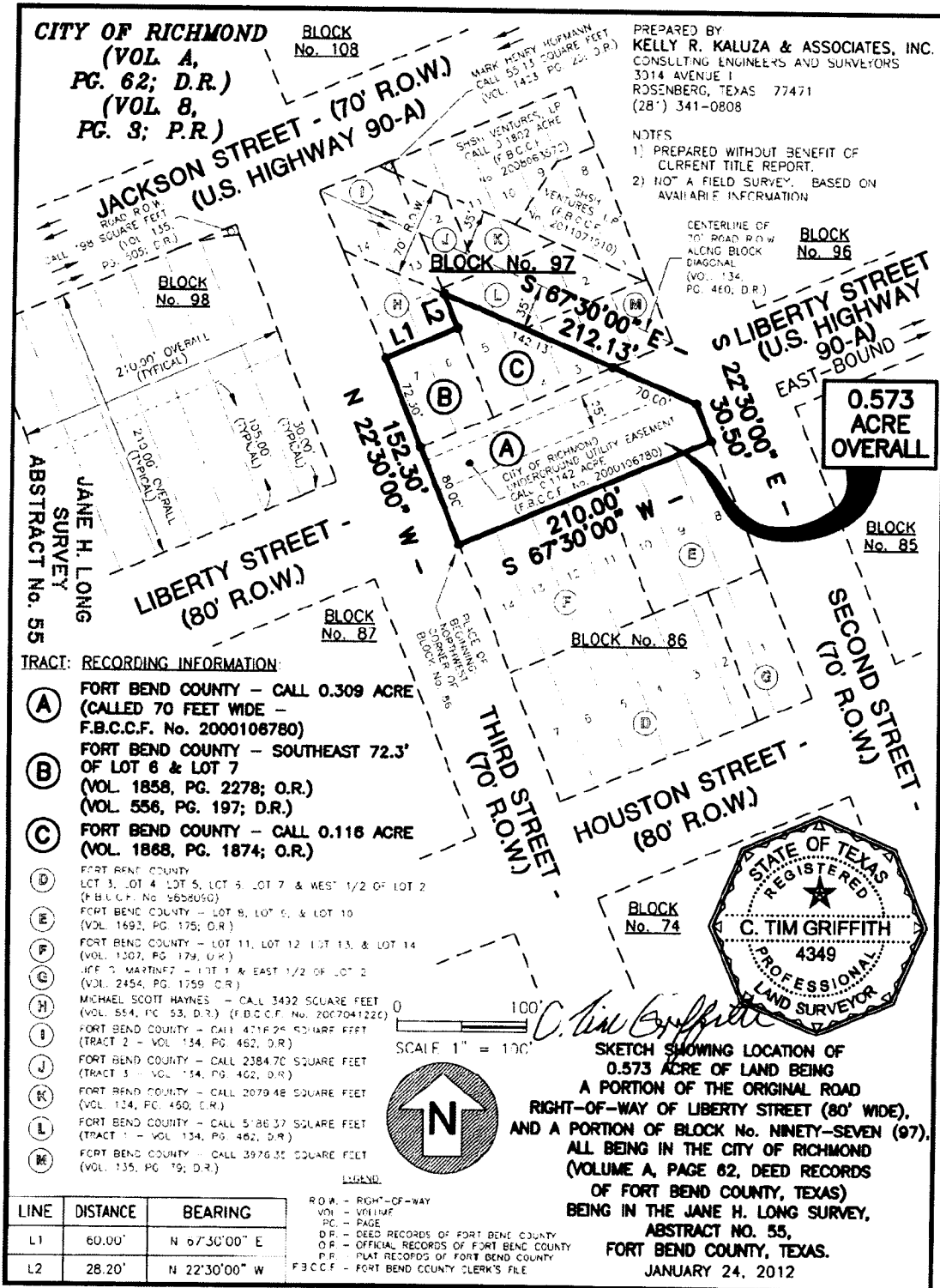
A Field Note Description
0.573 acre of Land
January 24, 2012
Page Two (2)

THENCE; South 22 degrees, 30 minutes, 0 seconds East - 30.50 feet along a projection of the Southwesterly right-of-way line of Second Street (70 feet wide) to a point for the most Easterly corner of this tract; Said corner being the East corner of said call 0.309 acre tract and being the Northeast corner of said Block No. Eighty-Six;

THENCE; South 67 degrees, 30 minutes, 0 seconds West - 210.00 feet along the Northwesterly line of said Block No. Eighty-Six along the Southeasterly right-of-way line of said Liberty Street to the **PLACE OF BEGINNING** and containing 0.573 acre of Land.


C. Tim Griffith, R.P.L.S. No. 4349





CITY OF RICHMOND
(VOL. A,
PG. 62; D.R.)
(VOL. 8,
PG. 3; P.R.)

BLOCK
No. 108

PREPARED BY
KELLY R. KALUZA & ASSOCIATES, INC.
 CONSULTING ENGINEERS AND SURVEYORS
 3014 AVENUE I
 ROSENBERG, TEXAS 77471
 (281) 341-0808

NOTES
 1) PREPARED WITHOUT BENEFIT OF
 CURRENT TITLE REPORT.
 2) NOT A FIELD SURVEY. BASED ON
 AVAILABLE INFORMATION

BLOCK
No. 98

BLOCK
No. 97

BLOCK
No. 96

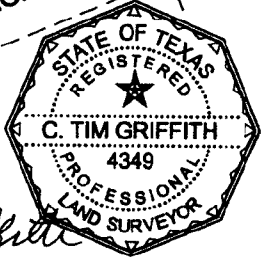
0.573
ACRE
OVERALL

BLOCK
No. 85

BLOCK
No. 87

BLOCK
No. 86

BLOCK
No. 74



TRACT: RECORDING INFORMATION:

- (A)** FORT BEND COUNTY - CALL 0.309 ACRE (CALLED 70 FEET WIDE - F.B.C.C.F. No. 2000106780)
- (B)** FORT BEND COUNTY - SOUTHEAST 72.3' OF LOT 6 & LOT 7 (VOL. 1858, PG. 2278; O.R.) (VOL. 556, PG. 197; D.R.)
- (C)** FORT BEND COUNTY - CALL 0.116 ACRE (VOL. 1868, PG. 1874; O.R.)
- (D)** FORT BEND COUNTY - LOT 3, LOT 4, LOT 5, LOT 7 & WEST 1/2 OF LOT 2 (F.B.C.C.F. No. 5650560)
- (E)** FORT BEND COUNTY - LOT 8, LOT 9, & LOT 10 (VOL. 1693, PG. 175; O.R.)
- (F)** FORT BEND COUNTY - LOT 11, LOT 12, LOT 13, & LOT 14 (VOL. 1307, PG. 179; O.R.)
- (G)** JEFF D. MARTINEZ - LOT 1 & EAST 1/2 OF LOT 2 (VOL. 2454, PG. 1759; O.R.)
- (H)** MICHAEL SCOTT HAYNES - CALL 3432 SQUARE FEET (VOL. 554, PG. 53; D.R.) (F.B.C.C.F. No. 2007041220)
- (I)** FORT BEND COUNTY - CALL 4716.26 SQUARE FEET (TRACT 2 - VOL. 134, PG. 462; D.R.)
- (J)** FORT BEND COUNTY - CALL 2384.70 SQUARE FEET (TRACT 3 - VOL. 134, PG. 462; D.R.)
- (K)** FORT BEND COUNTY - CALL 2079.48 SQUARE FEET (VOL. 134, PG. 460; D.R.)
- (L)** FORT BEND COUNTY - CALL 5186.37 SQUARE FEET (TRACT 1 - VOL. 134, PG. 462; D.R.)
- (M)** FORT BEND COUNTY - CALL 3976.35 SQUARE FEET (VOL. 135, PG. 19; D.R.)

SCALE 1" = 100'



SKETCH SHOWING LOCATION OF
0.573 ACRE OF LAND BEING
A PORTION OF THE ORIGINAL ROAD
RIGHT-OF-WAY OF LIBERTY STREET (80' WIDE),
AND A PORTION OF BLOCK No. NINETY-SEVEN (97),
ALL BEING IN THE CITY OF RICHMOND
(VOLUME A, PAGE 62, DEED RECORDS
OF FORT BEND COUNTY, TEXAS)
BEING IN THE JANE H. LONG SURVEY,
ABSTRACT NO. 55,
FORT BEND COUNTY, TEXAS.
 JANUARY 24, 2012

LINE	DISTANCE	BEARING
L1	60.00'	N 67°30'00" E
L2	28.20'	N 22°30'00" W

LEGEND:
 R.O.W. - RIGHT-OF-WAY
 VOL. - VOLUME
 PG. - PAGE
 D.R. - DEED RECORDS OF FORT BEND COUNTY
 O.R. - OFFICIAL RECORDS OF FORT BEND COUNTY
 P.R. - PLAT RECORDS OF FORT BEND COUNTY
 F.B.C.C.F. - FORT BEND COUNTY CLERK'S FILE

