

13B

ARF-11748

REGULAR SESSION AGENDA

Engineering

Meeting
Date: 09/10/2013

Accept Easement

Submitted Marcus Spencer, County
By: Attorney

Department: Engineering

Type of Item: Consent

Renewal No

Agreement/
Appointment:Reviewed Yes
by County
Attorney's
Office:Multiple
Originals
Y/N?:

Information

SUMMARY OF ITEM

Take all appropriate action to accept Right-of-Way Easement from Cinco Residential Property Association, Inc. conveying a 2,916 square feet tract of land for right-of-way widening to Fort Bend County, Precinct 3, and record same in Official Public Records of Fort Bend County, Texas.

→ SPECIAL HANDLING

Record in OPR and Return to Jim Jones in ~~OPR~~

Attachments

ret. 9-13-13EngineeringROW Easement

64



RIGHT OF WAY EASEMENT

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

THAT CINCO RESIDENTIAL PROPERTY ASSOCIATION, INC., ("Grantor"), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration in hand paid by FORT BEND COUNTY, a body corporate and politic under the laws of the State of Texas, acting by and through the Fort Bend County Commissioners Court, with offices at 301 Jackson, Suite 719, Richmond, Texas 77469 ("Grantee"), has GRANTED, SOLD and CONVEYED and by these presents does GRANT, SELL and CONVEY unto the said Grantee, its successors and assigns, a permanent and perpetual easement and right-of-way (the "Easement"), for the construction, installation, repair, replacement, removal, maintenance and operation of a public street including curbs, gutters, storm sewers, drainage ditches, and traffic signals with related equipment (the "Facilities"), and all related appurtenances thereto, across, along, under and upon that certain tract of land (the "Easement Tract"), being more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes. Grantee, its agents, employees, workmen and representatives, shall have the right and privilege of ingress and egress across the Easement Tract as may be necessary for the installation, operation and/or maintenance of the Facilities within the Easement Tract.

This conveyance is further made subject to any restrictions, covenants, easements, rights-of-way, liens, encumbrances and mineral or royalty reservations or interests affecting the Easement Tract and appearing of record in the Official Records of Fort Bend County, Texas, to the extent that said items and matters are in effect and validly enforceable against the Easement granted herein; provided, however, Grantor will not enforce said items and matters, to the extent that it has the ability to enforce any of said items or matters, in a manner which would unreasonably prejudice or interfere with Grantee's rights in the Easement granted herein.

TO HAVE AND TO HOLD, subject to the matters set forth herein, the above-described Easement, together with all and singular the rights and appurtenances thereto in any wise belonging, including all necessary rights of ingress, egress, and regress, unto said Grantee, its successors and assigns, forever. Subject to the matters set forth herein, Grantor does hereby bind itself, its successors and assigns, to WARRANT AND FOREVER DEFEND, all and singular the said Easement and right-of-way and other rights described herein unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

[The remainder of this page intentionally left blank]

EXECUTED this the 14TH day of AUGUST, 2013.

GRANTOR:

CINCO RESIDENTIAL PROPERTY ASSOCIATION, INC.

By: [Signature]

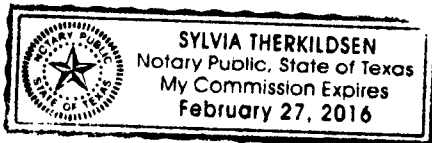
Printed Name: DEAN ZIESCHANG

Title: PRESIDENT

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

This instrument was acknowledged before me on this 30th day of August, 2013, by Dean Zieschang, Board President of the CINCO RESIDENTIAL PROPERTY ASSOCIATION, INC. a Texas non-profit corporation, Grantor.

(NOTARY SEAL)



[Signature]
Notary Public, State of Texas

AGREED AND ACCEPTED on this the 10 day of September, 2013.

GRANTEE:

FORT BEND COUNTY, TEXAS

By:

Robert E. Hebert
Robert E. Hebert, County Judge

ATTEST:

Gaianne Wilson
County Clerk, Fort Bend County, Texas



THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

This instrument was acknowledged before me on the 10th day of September, 2013 by Robert E. Hebert, County Judge of Fort Bend County, Texas.

(NOTARY SEAL)

Luisa M. Bowers
Notary Public in and for the State of Texas

Attachments:
Exhibit A – Legal Description of the Easement Tract



After Recording, Please Return To:
County Attorney's Office
Attn. Marcus D. Spencer
301 Jackson St. Suite 728
Richmond, Texas 77469

EXHIBIT A

Metes and Bounds Description 10-Foot Right-of-Way Widening, Tract "B" (2,916 Square Feet, Page 1 of 2)

Description of a tract of land containing 2,916 square feet or 0.0669 acres situated in the Thomas Hobermaker Survey, Abstract 190 in Fort Bend County, Texas. Said 2,916-square foot tract being out of Cinco Ranch West Section Six Subdivision, a subdivision according to plat thereof recorded under Slide No. 2102B of the Fort Bend County Map Records in said Fort Bend County, Texas. Said 2,916-square foot tract being more particularly out of a 26.209-acre tract conveyed unto Cinco Residential Property Association, Inc. by deed recorded under Fort Bend County Clerk's File No. 2002069755 of the Official Public Records for Real Property in said Fort Bend County, Texas. Said 2,916-square foot tract being more particularly described by metes and bounds as follows; all coordinates and bearings recited herein are referenced to the Texas Coordinate System of 1983, South Central Zone NAD83 Datum:

BEGINNING at an "X" mark set in a concrete sidewalk for the northeast cutback corner of the intersection of the existing east right-of-way line of a public road known as Cinco Ranch Boulevard (100 feet wide) with the existing south right-of-way line of a public road known as Westheimer Parkway (100 feet wide). Said BEGINNING POINT also being the point of tangency of a 25-foot radius curve and an angle point of said tract herein described. Said POINT OF BEGINNING having grid coordinate values, North (Y) = 13,830,019.94 and East (X) = 2,989,691.13; Scale Factor = 0.99988482;

THENCE South 60°33'34" East with the existing south right-of-way line of said Westheimer Parkway, a distance of 25.00 feet to a 5/8-inch iron rod set for a proposed angle point of said tract herein described and for the beginning point of a curve to the right;

THENCE in a southeasterly direction with the existing south right-of-way line of said Westheimer Parkway, along said curve to the right having a central angle of 00°26'27", radius of 1,950.00 feet, chord distance of 15.00 feet, chord bearing of South 60°20'17" East, for an arc length of 15.00 feet to a 5/8-inch iron rod set for the proposed most northerly northeast corner of said tract herein described;

THENCE South 29°52'53" West, a distance of 10.00 feet to a 5/8-inch iron rod set for the proposed most southerly northeast corner of said tract herein described;

THENCE in a northwesterly direction with a line concentric to and located 10 feet south of the existing south right-of-way line of said Westheimer Parkway, along a curve to the left having a central angle of 00°26'27", radius of 1,940.00 feet, chord distance of 14.93 feet, chord bearing of North 60°20'17" West, for an arc length of 14.93 feet to a 5/8-inch iron rod set for a proposed angle point of said tract herein described;

THENCE North 60°33'34" West with a line parallel to and located 10 feet south of the existing south right-of-way line of said Westheimer Parkway, a distance of 20.00 feet to a 5/8-inch iron rod set for a proposed angle point of said tract herein described;

Metes and Bounds Description
10-Foot Right-of-Way Widening, Tract "B"
(2,916 Square Feet, Page 2 of 2)

THENCE South 74°26'26" West, a distance of 28.28 feet to a 5/8-inch iron rod set for a proposed angle point of said tract herein described;


THENCE South 29°26'26" West with a line parallel to and located 10 feet east of the existing east right-of-way line of said Cinco Ranch Boulevard, a distance of 200.00 feet to a 5/8-inch iron rod set for the proposed southeast corner of said tract herein described;

THENCE North 60°33'34" West, a distance of 10.00 feet to a 5/8-inch iron rod set for the proposed southwest corner of said tract herein described, located in the existing east right-of-way line of said Cinco Ranch Boulevard;

THENCE North 29°26'26" East with the existing east right-of-way line of said Cinco Ranch Boulevard, a distance of 205.00 feet to a 5/8-inch iron rod set for the southwest cutback corner of the intersection of the existing east right-of-way line of said Cinco Ranch Boulevard with the existing south right-of-way line of said Westheimer Parkway. Said point also being the beginning of a curve to the right;

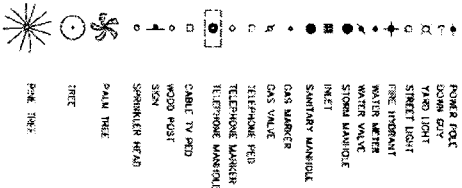
THENCE in a northeasterly direction with said existing cutback line, along said curve to the right having a central angle of 90°00'00", radius of 25.00 feet, chord distance of 35.36 feet, chord bearing of North 74°26'26" East, for an arc length of 39.27 feet to the POINT OF BEGINNING and containing 2,916 square feet or 0.0669 acres of land.

A parcel map of even date was prepared in conjunction with this property description.


Raymond A. Rahaman
Registered Professional Land Surveyor No. 4354
Western Group Consultants
11111 Katy Freeway, Suite 520
Houston, Texas 77079
(713) 465-6655



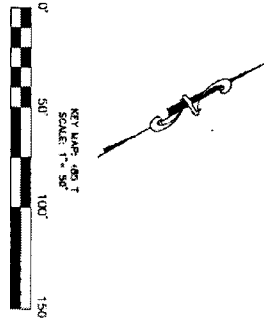
EXISTING LEGEND



THE JAMES H. AND BEVELA M. MORGAN REVOCABLE
LIFE TRUST DATED MAY 5, 1994
1.2807 ACRES
F.A.C.C.F. NO. 2000061071

POB
TRACT 5
SET 1/4" MARK
NORTH (N) = 11,830.0074
EAST (E) = 2,080.65036

REBECCA COUNTY CHURCH
11.962 ACRES
F.A.C.C.F. NO. 2000061143
WESTHEIMER PARKWAY
(100' R.O.W.)
SLIDE NO. 20726
F.O.C.A.N.



CURVE	RADIUS	DELTA	CHORD LENGTH	CHORD BEARING	LENGTH
C1	1,460.00	107°28'37"	13.00'	S40°20'17"E	15.00'
C2	1,460.00	107°28'37"	13.53'	S40°20'17"W	14.93'
C3	75.00'	107°00'00"	55.56'	S74°28'38"E	59.77'

CINCO RESIDENTIAL PROPERTY ASSOCIATION, INC.
F.A.C.C.F. NO. 2002069735

CINCO RANCH WEST
SECTION THREE
SLIDE NO. 20878
F.O.C.A.N.

CINCO RESIDENTIAL PROPERTY ASSOCIATION, INC.
F.A.C.C.F. NO. 2002069735

CINCO RANCH WEST
SECTION SIX
SLIDE NO. 20708
F.O.C.A.N.

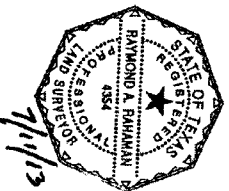
- NOTES:**
1. SET 5/8" IRON PINS AT ALL PARCEL CORNERS UNLESS OTHERWISE SHOWN.
 2. BEARING OPERATIONS ARE BASED UPON THE TEXAS SOUTH CENTRAL ZONE.
 3. ALL 1/4" AND 1/2" IRON PINS ARE PLACED AT THE CORNERS OF THE PARCELS. UNLESS OTHERWISE SHOWN, ALL CORNERS SHALL BE PLACED AT THE CORNERS OF THE PARCELS. SCALE FACTOR = 0.9999942.
 4. A PROPERTY DESCRIPTION OF EACH DATE WAS PREPARED IN CONJUNCTION WITH EACH PARCEL SHOWN HEREON.
 5. BOUNDARY DETERMINATION IS BASED UPON FOUND MONUMENTS SHOWN HEREON AS TOP (CONTROL MONUMENTS).

SURVEYOR'S CERTIFICATION

I, RAYMOND A. RAYMOND, HEREBY CERTIFY THAT THIS MAP CORRECTLY REPRESENTS THE FACTS FOUND AS A RESULT OF AN ACTUAL SURVEY CONDUCTED UNDER MY SUPERVISION DURING THE MONTH OF JUNE, 2013.

THERE ARE NO APPARENT ENCUMBRANCES AND IMPROVEMENTS ARE WITHIN ITS BOUNDARIES UNLESS OTHERWISE SHOWN HEREON.

RAYMOND A. RAYMOND
(Not valid without seal and signature)
JUNE 04, 2013



LINE NO.	BEARING	DISTANCE
L1	S89°33'34"E	23.00'
L2	S29°52'31"W	10.00'
L3	S46°15'14"W	20.00'
L4	S74°28'38"W	28.28'
L5	S89°33'34"W	10.00'

FORT BEND COUNTY, TEXAS
ENGINEERING DEPARTMENT



PROPOSED INTERSECTION
IMPROVEMENTS
WESTHEIMER PARKWAY AT
CINCO RANCH BLVD.
RIGHT-OF-WAY
WIDENING PARCEL MAP
SHEET 2 OF 2

2013 FILE NO. 11-18-13
DATE: 07-26-13
DRAWN BY: J
CHECKED BY: MAM

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Dianne Wilson

Dianne Wilson, County Clerk
Fort Bend County, Texas

September 12, 2013 03:14:28 PM

FEE: \$0.00 RMM
EASEMENT

2013118042

