

84



11D



COUNTY ATTORNEY

Fort Bend County, Texas

ROY L. CORDES, JR.
County Attorney

(281) 341-4555
Fax (281) 341-4557

Ignac & Bernice Faltysek
Spur 10 Widening Project/Hartledge Road
Parcel 17 - 0.4527 Ac / Parcel 18 - 0.7690 Ac

RIGHT OF ENTRY AND NON-WAIVER AGREEMENT

State of Texas §
 §
County of Fort Bend §

Whereas The State of Texas and Fort Bend County, Texas, a political subdivision of the State of Texas, desires to acquire from Ignac & Bernice Faltysek, (hereinafter referred to as Grantors) 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" and Exhibit "B" attached hereto and made a part hereof.

And whereas The State of Texas and Fort Bend County and/or their designated agents, if any, desires to enter upon said premises within the immediate future, prior to the date said property is acquired, by conveyance or condemnation, for the purpose of the construction in connection with the widening of Spur 10/Hartledge Road.

And whereas it is mutually agreeable to the Grantors, The State of Texas and Fort Bend County, that the State of Texas 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 The State of Texas and Fort Bend County and/or any of their designated agents, to enter upon and perform any and all acts necessary to construct the widening of Spur 10.

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 highway, and in no way shall jeopardize Grantors' right to receive just compensation for any interest in land and/or improvements; and Grantor does not waive any right it may have under the laws of the State of Texas.

It is agreed and understood that The State of Texas and Fort Bend County shall proceed with acquisition of said property with speed and due diligence.

Ret to:

CCM 2-15-14 #11D
Fort Bend County Clerk
Return Admin Serv Coord

401 Jackson Street, 3rd Floor • Richmond, Texas 77469

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

It is further mutually agreed between Grantors, The State of Texas and Fort Bend County, that the "date of take", for purposes of any future litigation shall be the date upon which this agreement is signed by the Grantors and the State of Texas and/or Fort Bend County.

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 it may have under the laws of the State of Texas. It is further agreed and understood that The State of Texas and Fort Bend County shall proceed with acquisition of said property with speed and due diligence and that The State of Texas and Fort Bend County do not waive any right they may have under the laws of the State of Texas.

FORT BEND COUNTY, TEXAS

APPROVED:



Robert E. Hebert, County Judge

Attest:

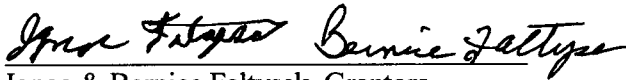


Dianne Wilson, County Clerk

Date: March 5, 2014

Approved by Commissioners Court on 2/25/2014

IGNAC & BERNICE FALTYSEK



Ignac & Bernice Faltysek, Grantors

Date: February 20, 2014



Exhibit A

County: Fort Bend
Highway: Spur 10
Project Limits: U.S. 59 to S.H. 36 (1.5 Mi. S of Pleak)
RCSJ: 0187-05-053

PROPERTY DESCRIPTION FOR PARCEL NO. 17

Being a 0.4527 of one acre (19,721 square feet) parcel of land, located in the G.P. McCauley Survey, Abstract 680, Fort Bend County, Texas and being out of and a part of that certain called 1.18 acre tract of land conveyed from Home Building and Lumber Co. Inc. to Ignac R. Faltysek by instrument dated April 26, 1967 and recorded in Volume 486, Page 578, of the Deed Records of Fort Bend County (F.B.C.D.R.); said 0.4527 of one acre parcel being more particularly described as follows:

COMMENCING for reference at a 1/2-inch iron pipe found marking the east corner of aforementioned 1.18 acres, same being the north corner of that certain called 2.0 acre tract of land conveyed from Adolph Scholze to Willie A. Faltysek and wife Mary F. Faltysek by instrument dated June 25, 1969 and recorded in Volume 516 Page 705, F.B.C.D.R.; thence as follows:

South 41° 57' 26" West, along the southeasterly line of said 1.18 acres and northwesterly line of said 2.0 acres, a distance of 301.66 feet to a 5/8-inch iron rod with TxDOT aluminum disc set for corner on the proposed northeasterly right-of-way line of SP 10 (width varies) and the POINT OF BEGINNING, having surface coordinates of X= 2,971,830.03, Y=13,745,173.69;

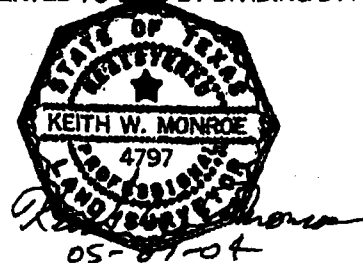
- 1) THENCE, SOUTH 41° 57' 26" West, continuing along the common line of said 1.18 acres and said 2.0 acres, at 146.03 feet pass a 1-inch iron pipe found and at 154.66 feet pass the existing northeasterly right-of-way line of Hartledge Road (width varies), continuing a total distance of 184.66 feet to a point for corner on the southwesterly line of aforementioned G.P. McCauley Survey, the northeasterly line of the H. & T.C.R.R. Survey, Abstract 207, Fort Bend County, Texas, being the south corner of said 1.18 acres, same being the west corner of said 2.0 acres;

Exhibit A

- 2) THENCE, NORTH 47° 26' 48" West, along the southwesterly line of said 1.18 acres and said common survey line, a distance of 107.23 feet to point for corner being the south corner of that certain called 18.529 acre tract of land conveyed from Roy G. Gaubatz, et ux, et al to Violet Jane Vacek by instrument dated March 30, 1972 and recorded in Volume 566, Page 46, F.B.C.D.R., being the west corner of said 1.18 acres, being the west corner of said G.P. McCauley Survey and the south corner of the I.V. Honey Survey, Abstract 575, Fort Bend County, Texas;
- 3) THENCE, NORTH 42° 33' 12" East, along the common line of said 1.18 acres and said 18.529 acres and the common line of said G.P. McCauley Survey and said I.V. Honey Survey, at 30.00 feet pass a 5/8-inch iron rod with TxDOT aluminum disc found marking an angle point on said existing northeasterly right-of-way line of Hartledge Road, continuing along said common line a total distance of 40.00 feet to a 1-inch iron pipe found marking an angle point on the existing right-of-way line of Hartledge Road;
- 4) THENCE, NORTH 42° 00' 09" East, continuing along said common line, a distance of 144.61 feet to a 5/8-inch iron rod with TxDOT aluminum disc set for corner on said proposed northeasterly right-of-way line of SP 10, from which a 3/4-inch iron pipe found marking the north corner of said 1.18 acres bears North 42° 00' 09" East, 305.70 feet;
- 5) THENCE, SOUTH 47° 28' 24" East, along said proposed northeasterly right-of-way line of SP 10, a distance of 106.70 feet to the POINT OF BEGINNING and containing 0.4527 of one acre (19,721 square feet) of land of which 0.0737 of one acre (3,212 square feet) are within the existing right-of-way of Hartledge Road.

This description was prepared from a survey and plat prepared by the undersigned dated May, 2004. Access will be permitted to the highway facility from the remainder of the property lying northeasterly of Spur 10.

ALL BEARINGS AND COORDINATES ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM (NAD 83), SOUTH CENTRAL ZONE, WITH COORDINATES GIVEN IN FEET. ALL DISTANCES AND COORDINATES SHOWN ARE SURFACE AND MAY BE CONVERTED TO GRID BY DIVIDING BY A COMBINED ADJUSTMENT FACTOR OF 1.00013.



I.V. HONEY SURVEY
A-575

HOME BUILDING
AND LUMBER CO. INC.
TO IGNAZ R. FALTYSEK
CALLED 118 ACRES
VOLUME 486, PAGE 578
F.B.C.D.R.
APRIL 26, 1967

P.O.B.
PARCEL 17
X-297183003
Y-1374517369

PROPOSED ROW:
S47°28'24"E 106.70'

ROY G. GAUBATZ, ET UX, ET AL
TO VIOLET JANE VACEK
CALLED 18,529 ACRES
VOLUME 566, PAGE 46, F.B.C.D.R.
MARCH 30, 1972

ADOLPH SCHOLZE TO
WILLIE A. FALTYSEK AND
WIFE MARY F. FALTYSEK
CALLED 20 ACRES
VOLUME 516, PAGE 705, F.B.C.D.R.
JUNE 25, 1969

P.O.C.
PARCEL 17
Fnd. 1/2" P.

N42°00'09"E 305.70'

S47°57'26"W 301.66'

P.O.B.
PARCEL 17
X-297183003
Y-1374517369

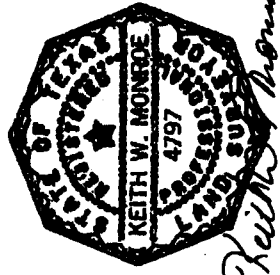
EXISTING ROW.
Fnd. T.I.P.
N42°33'12"E 40.00'

N47°26'48"W 107.23'

HARTLEDGE ROAD (Width Varies)
No Record Information Found

H. & T. C. R. R. SURVEY
A-207

HARTLEDGE ROAD
PARENT TRACT INSET
PARCEL 17



05-01-04

NOTES:

1. PROPERTY DESCRIPTION FOR SUBJECT TRACT PREPARED BY SEPARATE INSTRUMENT BY THE UNDERSIGNED, DATED MAY, 2004.
2. ALL BEARINGS AND COORDINATES ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, ZONE 14N, WITH COORDINATES GIVEN IN FEET. ALL DISTANCES AND COORDINATES SHOWN ARE SURFACE AND HAVE BEEN CORRECTED TO PLD BY DIVIDING BY A COMBINED ADJUSTMENT FACTOR OF 1.00013.

PARCEL PLAT
SHOWING

EXIST. ACRES	TOTAL TAKING AREA	AREA WITHIN EXIST. ROW	AREA OF PROPOSED ADDT. ROW		REMAINDER ACRES	
			LEFT	RIGHT	LEFT	RIGHT
1.18	12.17	9.91	0.26	0.26	0.73	

- FOUND 5/8" IRON ROD (Unless otherwise noted)
- SET 5/8" IRON ROD (Unless otherwise noted)
- FOUND 5/8" IRON ROD W/TXDOT AL. DISC
- SET 5/8" IRON ROD W/TXDOT AL. DISC

SPUR 10
RCSJ 0187-06-053
FORT BEND COUNTY
LJA ENGINEERING & SURVEYING, INC. MAY, 2004
PROJECT NO. 0950-1009-002
SCALE: 1" = 50'

Exhibit B

County: Fort Bend
Highway: Spur 10
Project Limits: U.S. 59 to S.H. 36 (1.5 Mi. S of Pleak)
RCSJ: 0187-05-053

PROPERTY DESCRIPTION FOR PARCEL NO. 18

Being a 0.7690 of one acre (33,497 square feet) parcel of land, located in the G.P. McCauley Survey, Abstract 680, Fort Bend County, Texas and being out of and a part of that certain called 2.0 acre tract of land conveyed from Adolph Scholze to Willie A. Faltysek and wife Mary F. Faltysek by instrument dated June 25, 1969 and recorded in Volume 516 Page 705, of the Deed Records of Fort Bend County (F.B.C.D.R.); said 0.7690 of one acre parcel being more particularly described as follows:

COMMENCING for reference at a 1-inch iron pipe found marking the east corner of aforementioned 2.0 acres, same being a westerly interior corner of that certain called 68.1324 acre tract of land conveyed from Pauline Ruskey, et al to Pauline Ruskey, Trustee for the benefit of Louise Rude by instrument dated February 28, 1991 and recorded in Volume 2298 Page 874 of the Official Records of Fort Bend County, (F.B.C.O.R.); thence as follows:

South 42° 07' 36" West, along the southeasterly line of said 2.0 acres and a northwesterly line of said 68.1324 acres, a distance of 292.61 feet to a 5/8-inch iron rod with TxDOT aluminum disc set for corner on the proposed northeasterly right-of-way line of SP 10 (width varies) and the POINT OF BEGINNING, having surface coordinates of X= 2,971,863.89, Y=13,745,050.92;

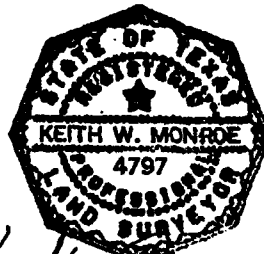
- 1) THENCE, SOUTH 42° 07' 36" West, continuing along the common line of said 2.0 acres and said 68.1324 acres, at 154.74 feet pass a the existing northeasterly right-of-way line of Hartledge Road (width varies), continuing a total distance of 184.74 feet to a point for corner on the southwesterly line of aforementioned G.P. McCauley Survey, the northeasterly line of the H. & T.C.R.R. Survey, Abstract 207, Fort Bend County, Texas, being the south corner of said 2.0 acres, same being the west corner of said 68.1324 acres;

Exhibit B

- 2) THENCE, NORTH 47° 28' 48" West, along the southwesterly line of said 2.0 acres and said common survey line, a distance of 181.09 feet to point for corner, being the south corner of that certain called 1.18 acre tract of land conveyed from Home Building and Lumber Co. Inc. to Ignac R. Faltysek by instrument dated April 26, 1967 and recorded in Volume 486, Page 578, F.B.C.D.R., being the west corner of said 2.0 acres;
- 3) THENCE, NORTH 41° 57' 26" East, along the common line of said 2.0 acres and said 1.18 acres at 30.00 feet pass said existing northeasterly right-of-way line of Hartledge Road and at 38.64 feet pass a 1-inch iron pipe found, continuing along said common line a total distance of 184.66 feet to a 5/8-inch iron rod with TxDOT aluminum disc set for corner on said proposed northeasterly right-of-way line of SP 10, from which a 1/2-inch iron pipe found marking the north corner of said 2.0 acres bears North 41° 57' 26" East, 301.66 feet;
- 4) THENCE, SOUTH 47° 28' 24" East, along said proposed northeasterly right-of-way line of SP 10, a distance of 181.63 feet to the POINT OF BEGINNING and containing 0.7690 of one acre (33,497 square feet) of land of which 0.1247 of one acre (5,434 square feet) are within the existing right-of-way of Hartledge Road.

This description was prepared from a survey and plat prepared by the undersigned dated May, 2004. Access will be permitted to the highway facility from the remainder of the property lying northeasterly of Spur 10.

ALL BEARINGS AND COORDINATES ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM (NAD 83), SOUTH CENTRAL ZONE, WITH COORDINATES GIVEN IN FEET. ALL DISTANCES AND COORDINATES SHOWN ARE SURFACE AND MAY BE CONVERTED TO GRID BY DIVIDING BY A COMBINED ADJUSTMENT FACTOR OF 1.00013.



Keith W. Monroe
05-07-04

G.P. MCCAULEY SURVEY
A-680

HOME BUILDING
AND LUMBER CO., INC.
TO IGNAZ R. FALTYSEK
CALLED 118 ACRES
VOLUME 486, PAGE 578
F.B.C.D.R.
APRIL 26, 1967

ADOLPH SCHOLZE TO
WILLIE A. FALTYSEK AND
WIFE MARY F. FALTYSEK
CALLED 20 ACRES
VOLUME 516, PAGE 705, F.B.C.D.R.
JUNE 25, 1969

PARCEL 18
X-2971963.89
Y-13745050.92
P.O.B.

PROPOSED ROW.

1 STORY
BRICK
HOUSE

18

PROPOSED SPUR 10 (Width Varies)

122-00 S47°28'24"E 2426.47' Project Baseline

EXISTING ROW.

Find. F.I.P.

30.00'

N47°26'48"W 181.09'

Dead Line

Survey Line

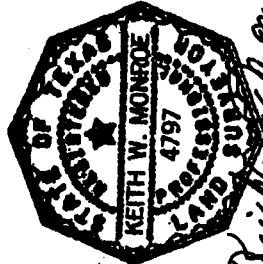
HARTLEDGE ROAD (Width Varies)
No Record Information Found

H. & T. C. R. R. SURVEY
A-207

PAULINE RUSKEY, ET AL
TO THE BENEFIT OF LOUISE RUDE
CALLED 68.324 ACRES
VOLUME 2298, PAGE 874, F.B.C.D.R.
FEBRUARY 28, 1991

Find. 1/2 I.R.
N41°57'26"E 301.66'
S42°07'36"W 292.81'
P.O.C. PARCEL 18
Find. F.I.P.
P.O.B. PARCEL 18
X-2971963.89
Y-13745050.92

HARTLEDGE ROAD
PARENT TRACT INSET
PARCEL 18



Keith W. Monroe
05-07-04

- NOTES:
1. PROPERTY DESCRIPTION FOR SUBJECT TRACT PREPARED BY SEPARATE INSTRUMENT BY THE UNDERSIGNED, DATED MAY, 2004.
 2. ALL BEARINGS AND COORDINATES ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM SOUTH CENTRAL ZONE, NAD 83, WITH COORDINATES GIVEN IN FEET. ALL DISTANCES AND COORDINATES SHOWN ARE SURFACE AND UNADJUSTED FOR CURVATURE. BEARING ADJUSTED BY A COMBINED ADJUSTMENT FACTOR OF 1.00013.

PARCEL PLAT
SHOWING

PARCEL 18:

SPUR 10
FORT BEND COUNTY
RCSJ 0187-05-053
LJA ENGINEERING & SURVEYING, INC. MAY, 2004
PROJECT NO. 0950-1009-002
SCALE: 1" = 50'

EXIST. ACRES	TOTAL TAKING AREA	AREA WITHIN EXIST. ROW	AREA OF PROPOSED ADJUT. ROW	REMAINDER ACRES	
				LEFT	RIGHT
2.0	32.497	8.187	22.653	1.2	

- FOUND 5/8" IRON ROD (Unless otherwise noted)
- SET 5/8" IRON ROD (Unless otherwise noted)
- FOUND 5/8" IRON ROD W/TXDOT AL. DISC
- SET 5/8" IRON ROD W/TXDOT AL. DISC

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Dianne Wilson

Dianne Wilson, County Clerk
Fort Bend County, Texas

March 06, 2014 02:59:32 PM

FEE: \$0.00 BAK
AGREEMNT

2014021596

