

AGENDA ITEM

Consideration of Motion to Adopt Resolution for the use of eminent domain by record vote for the Old Richmond Road Mobility Project.

3/13/14 original returned to Rose at Co Attorney

MOTION:

I move that Fort Bend County, by record vote, authorize the use of the power of eminent domain to acquire all needed right-of-way for Old Richmond Road from State Highway 6 to Gaines Road BY ADOPTION OF THE RESOLUTION AND ORDER DECREERING THE ACQUISITION OF PROPERTY TO BE A PUBLIC NECESSITY AND AUTHORIZING THE ACQUISITION AND PAYMENT OF COMPENSATION for the public purpose of widening, aligning, construction, operation and maintenance of the Old Richmond Road Mobility Project including appurtenant drainage and detention required for said project. This motion applies to any and all parcels of land that must be condemned along the Old Richmond Road Mobility Project.

Roll Call Vote:

	Yes	No
Precinct 1	<u>✓</u>	_____
Precinct 2	<u>✓</u>	_____
Precinct 3	<u>✓</u>	_____
Precinct 4	<u>✓</u>	_____
County Judge	<u>✓</u>	_____

Date of Vote 3-11-2014

THE STATE OF TEXAS  
COUNTY OF FORT BEND

§  
§  
§

**RESOLUTION AND ORDER DECREERING THE ACQUISITION OF  
PROPERTY TO BE A PUBLIC NECESSITY AND AUTHORIZING THE  
ACQUISITION AND PAYMENT OF COMPENSATION**

WHEREAS, on the 11 day of March, 201<sup>4</sup>2, at a regular meeting of the Commissioners Court of Fort Bend County, Texas, sitting as the governing body of Fort Bend County, upon motion of Commissioner Meyers, seconded by Commissioner Patterson, and upon record vote, passed 5 votes in favor 0 votes opposed:

**RESOLUTION**

**RESOLVED THAT WHEREAS**, the Commissioners Court has received and reviewed the plans for a public project known as the Old Richmond Road Mobility Project, located from State Highway 6 to Gaines Road, in Fort Bend County, Texas; and,

**WHEREAS**, Commissioners Court has determined that public necessity and convenience exists for the location, alignment, construction, operation, and maintenance, including appurtenant drainage and detention requirements, of a public project known as Old Richmond Road Mobility Project, located from State Highway 6 to Gaines Road, in Fort Bend County, Texas, in accordance with said plans, alignment, and tract identifications which are made a part hereof as Exhibit A:

**ORDER**

**NOW THEREFORE, IT IS ORDERED AND DECREED** that the plans for the location, alignment, construction, operation, and maintenance, including appurtenant drainage and detention requirements, of the public project known as Old Richmond Road Mobility Project, located from State Highway 6 to Gaines Road, in Fort Bend County, Texas, is approved.

**IT IS FURTHER ORDERED AND DECREED** that public necessity and convenience exist for the public project, known as Old Richmond Road Mobility Project, located from State Highway 6 to Gaines Road, in Fort Bend County, Texas, and that the County Engineer be

authorized and directed to obtain appraisals, surveys, title information and/or make official offers of specific amount for the purchase of either easement or the fee simple interest in and to the tract(s) situated within such alignment as shown in Exhibit A; that the County Attorney be authorized and directed, and he is hereby authorized and directed to file or cause to be filed proceedings in eminent domain and to acquire thereby easement or fee simple interest for said purposes in the tract(s) which cannot be acquired as aforesaid by donation, dedication, or purchase.

**IT IS FURTHER ORDERED AND DECREED** that this Resolution and Order apply to any and all parcels of land that must be condemned for this project, that the County Judge, or designated representative be authorized and directed to sign any papers or agreements associated with closing the purchase(s); the County Attorney, County Clerk, County Auditor and County Treasurer be authorized and directed to perform any and all necessary acts within their respective spheres of official duties toward the final acquisition of the tract(s) of land, or interest(s) therein, together with the improvement if any, within the said public project known as Old Richmond Road Mobility Project, located from State Highway 6 to Gaines Road, in Fort Bend County, Texas and the payment and compensation therefore.

**PASSED AND APPROVED** this 11 day of March, 2014.

**FORT BEND COUNTY**



Robert E. Hebert, County Judge

ATTEST:



Dianne Wilson, County Clerk



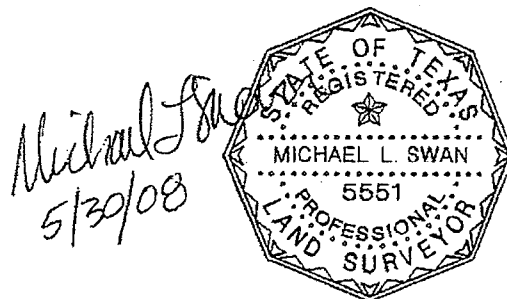
County: Fort Bend County  
Project: Richmond Road  
C.I. No.: 1169-08  
Job Number: 2007-222-001

**METES AND BOUNDS DESCRIPTION FOR 0.2338 ACRES**

Being a 0.2338 acre tract of land located in the John Leverton Survey, Abstract No. 402, Texas; said 0.2338 acre tract being out of a called 8.834 acre tract of land recorded in Volume 797, Page 749 of the Deed Record of Fort Bend County (D.R.F.B.C), Texas; said 0.2338 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the Texas Coordinate System, South Central Zone (NAD 83):

**Beginning** at a 3/4-inch iron pipe found for the northwest corner of said 8.834 acre tract, same being the southeast corner at the intersection of Old Richmond Road (width varies) and Gaines Road (60' Wide), both recorded in Volume 35, Page 232 of the D.R.F.B.C.;

1. Thence, with the south right-of-way line of said Old Richmond Road (as occupied), South 86 degrees 10 minutes 32 seconds East, a distance of 714.34 feet to the northeast corner of the herein described tract, same being the northwest corner of a called 1.512 acre tract recorded in Clerk's File Number 2002009041 of the Official Public Records of Real Property of Fort Bend County, Texas, from which a 5/8-inch iron rod found bears South 86 degrees 10 minutes 32 seconds East, a distance of 109.94 feet;
2. Thence, with the common line of said 8.834 acre tract and said 1.512 acre tract, South 02 degrees 27 minutes 36 seconds West, a distance of 13.14 feet;
3. Thence, through said 8.834 acre tract, the following two (2) courses and distances:
4. North 86 degrees 10 minutes 32 seconds West, a distance of 673.91 feet;
5. South 47 degrees 12 minutes 10 seconds West, a distance of 54.95 feet to the east right-of-way line of said Old Richmond Road and the west line of said 8.834 acre tract;
6. Thence, with said east right-of-way line, North 00 degrees 34 minutes 53 seconds East, a distance of 53.16 feet to the **Point of Beginning** and containing 0.2338 acres of land.



OLD RICHMOND ROAD (60' WIDE)  
VOL. 35, PG. 232

GAINS ROAD (60' WIDE)  
VOL. 35, PG. 232

P.O.B.

OLD RICHMOND ROAD (WIDTH VARIES)  
VOL. 35, PG. 232

JOHN LEVERTON SURVEY, A-402

0.2338 ACRE  
TRACT

CALL 8.834 ACRES  
VOL. 797, PG. 749  
F.B.C.D.R.



CALL 1.512 ACRES  
C.F. NO. 2002009041  
D.P.R.R.P.F.B.C.



Costello, Inc.

Engineering and Surveying  
9990 Richmond Avenue, Suite 450  
North Building  
Houston, Texas 77042  
(713) 783-7788 (713) 783-3580, Fax

EXHIBIT OF  
0.2338 ACRE TRACT IN  
JOHN LEVERTON  
SURVEY, A-402

DRAWN BY: LD DATE: 05-07-2008 SCALE: 1"=100'  
CHECKED BY: MS JOB NO: 2007-222-001 116908 DGN

County: Fort Bend County  
Project: Richmond Road  
C.I. No.: 1170-08  
Job Number: 2007-222-001

**METES AND BOUNDS DESCRIPTION FOR 0.0332 ACRES**

Being a 0.0332 acre tract of land located in the John Leverton Survey, Abstract No. 402, Texas; said 0.0332 acre tract being out of a called 1.512 acre tract of land recorded in Clerk's File Number (C.F. No.) 2002009041 of the Official Public Records of Real Property of Fort Bend County (O.P.R.R.P.F.B.C.), Texas; said 0.0332 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the Texas Coordinate System, South Central Zone (NAD 83):

**Beginning** at the northeast corner of said called 1.512 acre tract, same being the northwest corner of a called 9.4278 acre tract recorded in C.F. No. 2007032100 of the O.P.R.R.P.F.B.C., Texas, on the south right-of-way line of Old Richmond Road (as occupied) recorded in Volume 35, Page 232 of the Deed Records Of Fort Bend County from which a 5/8-inch iron rod found bears South 86 degrees 47 minutes 39 seconds East, a distance of 0.38 feet;

1. Thence, with the common line of said called 9.4278 acre tract and said 1.512 acre tract, South 02 degrees 34 minutes 57 seconds East, a distance of 13.22 feet;
2. Thence, through said 1.512 acre tract, North 86 degrees 10 minutes 32 seconds West, a distance of 110.73 feet to the east line of a called 8.834 acre tract recorded in Volume 797, Page 749 of the Deed Records of Fort Bend County, same being the west line of said 1.512 acre tract;
3. Thence, with the common line of said called 8.834 acre tract and said 1.512 acre tract, North 02 degrees 27 minutes 36 seconds East, a distance of 13.14 feet to the northwest corner of said 1.512 acre tract and the northeast corner of said called 8.834 acre tract on the south right-of-way line of said Old Richmond Road;
4. Thence, with the said south right-of-way line, South 86 degrees 10 minutes 25 seconds East, a distance of 109.57 feet to the **Point of Beginning** and containing 0.0332 acres of land.

*Michael L. Swan*  
5/30/08



0.0332 ACRE TRACT

OLD RICHMOND ROAD (WIDTH VARIES)  
VOL. 35, PG. 232

CALL 8.834 ACRES  
VOL. 797, PG. 749  
F.B.C.D.R.

JOHN LEVERTON SURVEY, A-402

CALL 1.512 ACRES  
C.F. NO. 2002009041  
O.P.R.R.P.F.B.C.

P.O.B.

CALL 9.4278 ACRES  
C.F. NO. 2007032100  
O.P.R.R.P.F.B.C.




  
Engineering and Surveying  
9990 Richmond Avenue, Suite 450  
North Building  
Houston, Texas 77042  
(713) 783-7788 (713) 783-3580, Fax

EXHIBIT OF  
0.0332 ACRE TRACT IN  
JOHN LEVERTON  
SURVEY, A-402

DRAWN BY: LD DATE: 05-07-2008 SCALE: 1"=100'  
CHECKED BY: MS JOB NO: 2007-222-00 117008.DGN



County: Fort Bend County  
Project: Richmond Road  
C.I. No.: 1171-08  
Job Number: 2007-222-001

**METES AND BOUNDS DESCRIPTION FOR 0.3246 ACRES**

Being a 0.3246 acre tract of land located in the John Leverton Survey, Abstract No. 402, Texas; said 0.3246 acre tract being out of a called 9.4278 acre tract of land recorded in Clerk's File Number (C.F. No.) 2007032100 of the Official Public Records of Real Property of Fort Bend County (O.P.R.R.P.F.B.C.), Texas; said 0.3246 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the Texas Coordinate System, South Central Zone (NAD 83):

**Beginning** at the northwest corner of said called 9.4278 acre tract, same being the northeast corner of a 1.512 acre tract recorded in C.F. No. 2002009041 of the O.P.R.R.P.F.B.C., Texas, on the south right-of-way line of Old Richmond Road (as occupied) recorded in Volume 35, Page 232 of the Deed Records Of Fort Bend County from which a 5/8-inch iron rod found bears South 86 degrees 47 minutes 39 seconds East, a distance of 0.38 feet;

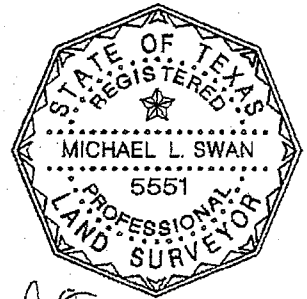
Thence, with said south right-of-way line, the following two (2) courses and distances:

1. South 86 degrees 05 minutes 56 seconds East, a distance of 831.12 feet;
2. North 87 degrees 52 minutes 59 seconds East, a distance of 108.71 feet to a 5/8-inch iron rod found for the northwest corner of a 30 feet strip of land recorded in C.F. No. 2001002927 of the O.P.R.R.P.F.B.C. and the northeast corner of said called 9.4278 acre tract;
3. Thence, with the east line of said 30 feet strip of land, South 02 degrees 35 minutes 37 seconds East, a distance of 17.04 feet;

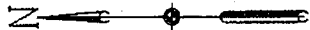
Thence, through said called 9.4278 acre tract, the following three (3) courses and distances:

4. South 87 degrees 59 minutes 06 seconds West, a distance of 108.16 feet;
5. North 85 degrees 50 minutes 19 seconds West, a distance of 792.83 feet;
6. North 86 degrees 10 minutes 32 seconds West, a distance of 39.26 feet to the east line of the aforesaid called 1.512 acre tract and the west line of said called 9.4278 acre tract;

7. Thence, with the said east line, North 02 degrees 34 minutes 57 seconds West, a distance of 13.22 feet to the **Point of Beginning** and containing 0.3246 acres of land.



*Michael L. Swan*  
5/30/08



P.O.B.

OLD RICHMOND ROAD (WIDTH VARIES)  
VOL. 35, PG. 232

JOHN LEVERTON SURVEY, A-402

CALL 1.512 ACRES  
C.F. NO. 2002009041  
O.P.R.R.P.F.B.C.

CALL 9.4278 ACRES  
C.F. NO. 2007032100  
O.P.R.R.P.F.B.C.

0.3246 ACRE  
TRACT

CALL 30' STRIP  
PB 16132  
P.R.F.B.C.  
VOL. 403, PG. 552  
D.R.F.B.C.



Costello, Inc.

Engineering and Surveying  
9980 Richmond Avenue, Suite 450  
North Building  
Houston, Texas 77042  
(713) 783-7788 (713) 783-3580, Fax

EXHIBIT OF  
0.3246 ACRE TRACT IN  
JOHN LEVERTON  
SURVEY, A-402

DRAWN BY: LD	DATE: 05-07-2008	SCALE: 1"=100'
CHECKED BY: MS	JOB NO: 20071222-001	117108.DGN

County: Fort Bend County  
Project: Richmond Road  
C.I. No.: 1172-08  
Job Number: 2007-222-001

**METES AND BOUNDS DESCRIPTION FOR 0.0117 ACRES**

Being a 0.0117 acre tract of land located in the John Leverton Survey, Abstract No. 402, Texas; said 0.0117 acre tract being out of a called 30 feet strip of land described in Volume 403 Page 552 of the Deed Records of Fort Bend County and conveyed by File Number 16132 of the Probate Record of Fort Bend County, Texas; said 0.0117 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the Texas Coordinate System, South Central Zone (NAD 83):

**Beginning** at a 5/8-inch iron rod found for northwest corner of said 30 feet wide strip of land, same being the northeast corner of a 9.4278 acre tract recorded in Clerk's File Number 2007032100 of the Official Public Records of Real Property of Fort Bend County, Texas, on the south right-of-way line of Old Richmond Road (as occupied) recorded in Volume 35, Page 232 of the Deed Records Of Fort Bend County;

1. Thence, with said south right-of way line, North 87 degrees 56 minutes 24 seconds East, a distance of 30.00 feet to the northeast corner of said called 30 feet strip of land;
2. Thence, with the east line of said 30 feet wide strip of land, South 02 degrees 35 minutes 37 seconds East, a distance of 17.06 feet;
3. Thence, through said 30 feet strip of land, South 87 degrees 59 minutes 06 seconds West, a distance of 30.00 feet to the east line of aforesaid called 9.4278 acre tract and the west line of said 30 feet wide strip of land;
4. Thence, with the said east line, North 02 degrees 35 minutes 37 seconds West, a distance of 17.04 feet to the **Point of Beginning** and containing 0.0117 acres of land.

*Michael L. Swan*  
5/30/08



P.O.B.

OLD RICHMOND ROAD (WIDTH VARIES)  
VOL. 35, PG. 232

0.0117 ACRE  
TRACT

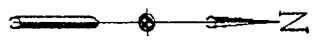
CALL 9.4278 ACRES  
C.F. ND. 2007032100  
O.P.R.R.P.F.B.C.


CALL 30' STRIP  
PB 16132  
P.R.F.B.C.  
VOL. 403, PG. 552  
D.R.F.B.C.

CALL 8.0139 ACRES  
C.F. ND. 9899378  
O.P.R.R.P.F.B.C.

CALL 8.0183 ACRES  
C.F. ND. 2006046581  
O.P.R.R.P.F.B.C.

JOHN LEVERTON SURVEY, A-402





Engineering and Surveying  
9990 Richmond Avenue, Suite 450  
North Building  
Houston, Texas 77042  
(713) 783-7788 (713) 783-3580, Fax

EXHIBIT OF  
0.0117 ACRE TRACT IN  
JOHN LEVERTON  
SURVEY, A-402

DRAWN BY:	LD	DATE:	05-07-2008	SCALE:	1"=100'
CHECKED BY:	MS	JOB NO:	2007-222-001		117208.DGN

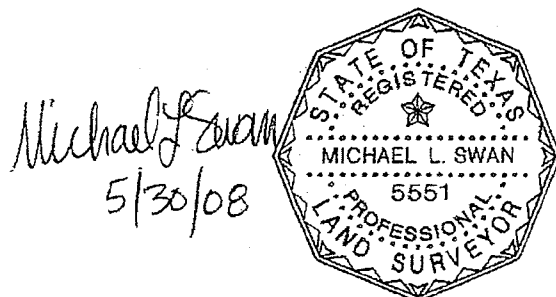
County: Fort Bend County  
Project: Richmond Road  
C.I. No.: 1173-08  
Job Number: 2007-222-001

**METES AND BOUNDS DESCRIPTION FOR 0.1362 ACRES**

Being a 0.1362 acre tract of land located in the John Leverton Survey, Abstract No. 402, Texas; said 0.1362 acre tract being out of a called 1.5316 acre tract of land (Tract I) and a called 4.0161 acre of land (Tract III) both recorded in Clerk's File Number (C.F. No.) 9899378 of the Official Public Records of Real Property of Fort Bend County (O.P.R.R.P.F.B.C.), Texas; said 0.1362 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the Texas Coordinate System, South Central Zone (NAD 83):

**Beginning** at northeast corner of a 30 feet wide strip of land described in Volume 403, Page 552 of the Deed Records of Fort Bend Count, on the south right-of-way line of Old Richmond Road (as occupied) recorded in Volume 35, Page 232 of the Deed Records Of Fort Bend County from which a 5/8-inch iron rod found for the northwest corner of said 30 feet wide strip of land and the northeast corner of a called 9.4278 acre tract of land recorded in C.F. No. 2007032100 of the O.R.R.P.F.B.C. bears South 87 degrees 56 minutes 24 seconds West, a distance of 30.00 feet;

1. Thence, with said south right-of way line, North 87 degrees 56 minutes 24 seconds East, a distance of 345.05 feet to the northwest corner of a called 8.0183 acre tract of land recorded in C.F. No. 2006046581 of the O.P.R.R.P.F.B.C. from which a 5/8-inch iron rod found bears North 02 degrees 32 minutes 36 seconds West, a distance of 0.87 feet;
2. Thence, with the west line of said called 8.0183 acre tract and the east line of aforesaid called 4.0161 acre tract, South 02 degrees 37 minutes 51 seconds East, a distance of 17.33 feet;
3. Thence, through said called 4.0161 acre tract of land and aforesaid called 1.5316 acre tract of land, South 87 degrees 59 minutes 06 seconds West, a distance of 345.06 feet to the east line of aforesaid called 30 feet wide strip of land;
4. Thence, with the said east line, North 02 degrees 35 minutes 37 seconds West, a distance of 17.06 feet to the **Point of Beginning** and containing 0.1362 acres of land.



P.O.B.

OLD RICHMOND ROAD (WIDTH VARIES)  
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CALL 9.4259 ACRES  
C.F. NO. 2007032100  
O.P.R.R.P.F.B.C.

CALL 30' STRIP  
PB 16132  
P.R.F.B.C.  
VOL. 403, PG. 552  
D.R.F.B.C.

0.1362 ACRE  
TRACT

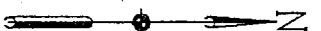
CALL 8.0139 ACRES  
C.F. NO. 9899378  
O.P.R.R.P.F.B.C.

CALL 1.5316 ACRES  
TRACT 1

CALL 4.0161 ACRES  
TRACT 2

CALL 8.0183 ACRES  
C.F. NO. 2006046581  
O.P.R.R.P.F.B.C.

JOHN LEVERTON SURVEY, A-402



Engineering and Surveying  
9990 Richmond Avenue, Suite 450  
North Building  
Houston, Texas 77042  
(713) 783-7788 (713) 783-3580, Fax

EXHIBIT OF  
0.1362 ACRE TRACT IN  
JOHN LEVERTON  
SURVEY, A-402

DRAWN BY: LD	DATE: 05-07-2008	SCALE: 1"=100'
CHECKED BY: MS	JOB NO: 2007-222-001	117308.DGN

County: Fort Bend County  
Project: Richmond Road  
C.I. No.: 1174-08  
Job Number: 2007-222-001

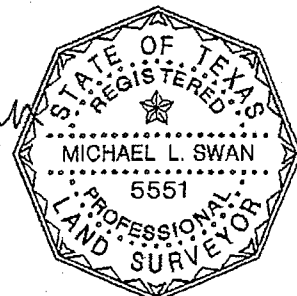
**METES AND BOUNDS DESCRIPTION FOR 0.1502 ACRES**

Being a 0.1502 acre tract of land located in the John Leverton Survey, Abstract No. 402, Texas; said 0.1502 acre tract being out of a called 8.0183 acre tract of land recorded in Clerk's File Number (C.F. No.) 2006046581 of the Official Public Records of Real Property of Fort Bend County (O.P.R.R.P.F.B.C.), Texas; said 0.1502 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the Texas Coordinate System, South Central Zone (NAD 83):

**Beginning** at 1-inch iron pipe found for the northwest corner of Sugar Grove Section 1 recorded in Slide Number 2314A of the Plat Records of Fort Bend County, same being the northeast corner of said called 8.0183 acre tract on the south right-of-way line of Old Richmond Road (width varies) recorded in Volume 35, Page 232 of the Deed Records of Fort Bend County;

1. Thence, with the east line of said Sugar Grove Section 1, South 02 degrees 45 minutes 30 seconds East, a distance of 17.63 feet;
2. Thence, through said called 8.0183 acre tract, South 87 degrees 59 minutes 06 seconds West, a distance of 374.46 feet to the east line of a called 4.0161 acre tract recorded in C.F. No. 9899378 of the O.P.R.R.P.F.B.C.;
3. Thence, with the east line of said called 4.0161 acre tract of land, North 02 degrees 37 minutes 51 seconds West, a distance of 17.33 feet to the south right-of-way line said Old Richmond Road and the northeast corner of said called 4.0161 acre tract from which a 5/8-inch iron rod found bears North 02 degrees 32 minutes 36 seconds West, a distance of 0.87 feet;
4. Thence, with said south right-of-way line, North 87 degrees 56 minutes 24 seconds East, a distance of 374.42 feet to the **Point of Beginning** and containing 0.1502 acres of land.

Michael L. Swan  
5/30/08







OLD RICHMOND ROAD (WIDTH VARIES)  
VOL. 35, PG. 232

P.O.B.

OLD RICHMOND ROAD (50' WIDE)  
SLIDE NO. 2314A  
P.R.F.B.C.

DEDICATED FOR R.O.W.  
RESERVE "A"

0.1502 ACRE TRACT

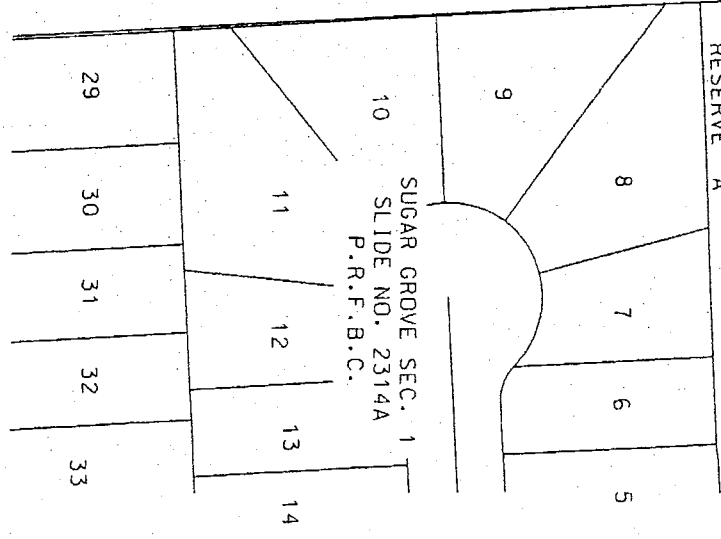
CALL 8.0139 ACRES  
C.F. NO. 9899378  
O.P.R.R.P.F.B.C.

CALL 1.5316 ACRES  
TRACT 1

CALL 4.0161 ACRES  
TRACT 2

CALL 8.0183 ACRES  
C.F. NO. 2006046581  
O.P.R.R.P.F.B.C.

JOHN LEVERTON SURVEY, A-402



Engineering and Surveying  
9990 Richmond Avenue, Suite 450  
North Building  
Houston, Texas 77042  
(713) 783-7788 (713) 783-3580, Fax

EXHIBIT OF  
0.1502 ACRE TRACT IN  
JOHN LEVERTON  
SURVEY, A-402

DRAWN BY: LD DATE: 05-07-2008 SCALE: 1"=100'  
CHECKED BY: MS JOB NO: 2007-222-001 117408.DGN