



City of Richmond, Texas
ORDINANCE NO. 2014-16
EASEMENT
(0.072 ACRE)

31A

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

THAT, FORT BEND COUNTY, a body corporate and politic, acting herein by and through its Commissioners' Court, hereinafter called "Grantor", for and in consideration of the conveyance of real property of the same date as this instrument from the Grantee named below to Grantor, the receipt and sufficiency of which are hereby acknowledged and confessed, has GRANTED, SOLD, and CONVEYED, and by these presents does GRANT, SELL, and CONVEY unto the CITY OF RICHMOND, a municipal corporation of Fort Bend County, Texas, hereinafter called "Grantee", its successors and assigns, a permanent and perpetual easement and right-of-way within that certain tract or parcel of land identified as a 0.072 acre tract of land located in Fort Bend County, Texas, hereinafter called the "Easement Tract", being more particularly described as shown in Exhibit "A" attached hereto, incorporated herein 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 additional consideration and a condition of Grantor's conveyance of the easement rights provided herein, Grantor and Grantee agree as follows:

1. Grantor and Grantee agree to terminate the Agreement and Full Release executed by Grantor and Grantee on February 7, 2012, attached as Exhibit "B", incorporated herein and made a part hereof for all purposes.
2. Grantee shall adequately accommodate its storm water drainage requirements in such a manner to avoid negatively impacting Grantor's remaining property.
3. Grantee releases, does release, acquit, and forever discharge the Grantor, its officials, agents, servants, and employees and all persons in privity with Grantor 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 Grantee's usage of Easement Tract.

In the event of Grantee's failure to fulfill its obligations stated herein, all rights provided to Grantee regarding the Easement Tract shall terminate. This conveyance is expressly made subject and subordinate to all validly existing restrictions, covenants, conditions, rights-of-way, easements, ordinances, mineral or royalty reservations or interests affecting the Easement Tract and appearing of record in the Official Public 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.

CCM 11/19/14 # 31A
Fort Bend County Clerk
Return Admin Serv Coord

TO HAVE AND TO HOLD, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Grantee, and unto its successors and assigns forever, and Grantor does hereby bind itself and its successors to **WARRANT AND FOREVER DEFEND**, all and singular the said premises unto the said Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by through or under Grantor, but not otherwise.

Witness my hand and seal of office effective this the 18th day of November 2014.

FORT BEND COUNTY

By:

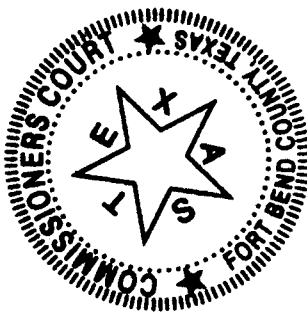


Robert E. Hebert, County Judge

ATTEST:



Dianne Wilson, County Clerk



STATE OF TEXAS

§

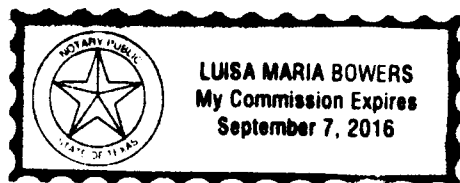
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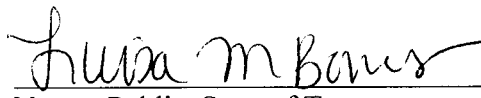
COUNTY OF FORT BEND

§

This instrument was acknowledged before me on this 18th day of November, 2014, by Robert E. Hebert, County Judge of Fort Bend County, Texas.

(NOTARY SEAL)




Notary Public, State of Texas

Attachments:

Exhibit A – Legal Description of the Easement Tract

Exhibit B – Agreement and Full Release

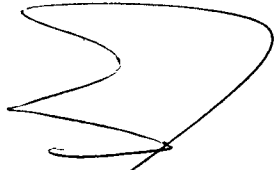
TO HAVE AND TO HOLD, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Grantee, and unto its successors and unto its successors and assigns forever, and Grantor does hereby bind itself and its successors to **WARRANT AND FOREVER DEFEND**, all and singular the said premises unto the said Grantee, its successors and assigns, against every person whomever lawfully claiming or to claim the same or any part thereof, by through or under Grantor, but not otherwise.

Witness my hand and seal of office effective this the 20th day of October 2014.

CITY OF RICHMOND

BY Evalyn W. Moore
Evalyn W. Moore, Mayor

ATTEST:



Laura Scarlato, City Secretary

EXHIBIT A

KELLY R. KALUZA & ASSOCIATES, INC.

Consulting Engineers & Surveyors

Engineering Firm No. F-1339

Surveying Firm No. 10010000

3014 Avenue I, Rosenberg, Texas 77471

(281) 341-0808 ■ FAX (281) 341-6333

September 5, 2014

A FIELD NOTE DESCRIPTION of 0.072 acre of Land (3,150 square feet) being a fifteen-foot wide (15') portion of the road right-of-way of Liberty Street (80 feet wide - not open at this location; call 0.309 acre - Fort Bend County Clerk's File No. 2000106780) being out of 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, City of Richmond, Fort Bend County, Texas.

BEGINNING at a mag nail found in asphalt pavement for the West corner of Block No. Eighty-Six (86) of said City of Richmond in the intersection of the Southeasterly right-of-way line of said Liberty Street with the Northeasterly right-of-way line of Third Street (70 feet wide); Said corner being the South corner of said call 0.309 acre tract, bears South 22 degrees, 30 minutes, 0 seconds East - 80.00 feet across said Liberty Street from a mag nail found in asphalt pavement for the West corner of said call 0.309 acre tract and for the South corner of Block No. Ninety-Seven (97) of said City of Richmond; Said beginning corner being the South corner of this 0.072 acre tract of Land;

THENCE; North 22 degrees, 30 minutes, 0 seconds West - 15.00 feet crossing into the road right-of-way of said Liberty Street along the projected Northeasterly road right-of-way of said Third Street being along the Westerly line of said call 0.309 acre tract to a point for the West corner of this tract;

THENCE; North 67 degrees, 30 minutes, 0 seconds East - 210.00 feet crossing said call 0.072 acre tract along a line being 15.00 feet perpendicular distance Northwesterly of and parallel to the Southeasterly right-of-way line of said Liberty Street to a point for the North corner of this tract;

THENCE; South 22 degrees, 30 minutes, 0 seconds East - 15.00 feet along the Easterly line of said call 0.309 acre tract being along the projected Southwesterly right-of-way line of Second Street (70 feet wide) to a 5/8 inch diameter iron rod with plastic cap found for the East corner of this tract; Said corner being the East corner of said call 0.309 acre tract and being the North corner of said Block No. 86 in the intersection of the Southwesterly right-of-way line of said Second Street with the Southeasterly right-of-way line of said Liberty Street;

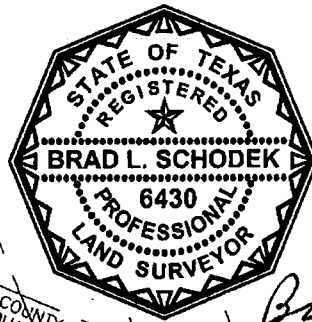
THENCE; South 67 degrees, 30 minutes, 0 seconds West - 210.00 feet (reference bearing) along the Southeasterly right-of-way line of said Liberty Street being along the Southerly line of said call 0.309 acre tract along the Northwesterly line of said Block No. 86 to the **PLACE OF BEGINNING** and containing 0.072 acre of Land.

Brad Schodek

Brad L. Schodek, R.P.L.S. No. 6430



JACKSON STREET
(70' R.O.W.)
(U.S. HIGHWAY 90-A)



Prepared by:
KELLY R. KALUZA & ASSOCIATES, INC.
Consulting Engineers and Surveyors
Texas Licensed Surveying Firm No. 10010000
3014 Avenue I
Rosenberg, Texas 77471
(281) 341-0808
bschodek@kellykaluza.com

Note: Prepared without benefit
of current title report.



0 60'
SCALE 1" = 60'

Brad Schodek
SEPTEMBER 5, 2014

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

BLOCK No. 98
FORT BEND COUNTY
0.386 ACRE
(TRACT B; F.B.C.C.F.
No. 2013023666)
LIBERTY STREET -
(80' R.O.W.;
NOT OPEN)

THIRD STREET
(70' R.O.W.)

BLOCK No. 87

TRACT 1 - CALL 3486.37 SQUARE FEET
(VOL. 134, PG. 462; D.R.)
TRACT 2 - CALL 4716.25 SQUARE FEET
(VOL. 134, PG. 462; D.R.)
TRACT 3 - CALL 2384.70 SQUARE FEET
(VOL. 134, PG. 462; D.R.)
TRACT 4 - CALL 2079.48 SQUARE FEET
(VOL. 134, PG. 462; D.R.)
TRACT 5 - CALL 3976.35 SQUARE FEET
(VOL. 134, PG. 462; D.R.)
TRACT 6 - CALL 3492 SQUARE FEET
(VOL. 554, PG. 53; D.R.)
(F.B.C.C.F. No. 2007041226)
FORT BEND COUNTY
(VOL. 1858, PG. 2278; O.R.)
(VOL. 356, PG. 197; D.R.)
FORT BEND COUNTY
CALL 0.116 ACRE
(VOL. 1868, PG. 1874; O.R.)
N 67°30'00" E - 160.50'
CALL N 67°30' E - 160.50'
F.B.C.C.F. No. 2000106780

BLOCK No. 97

CITY OF RICHMOND
UNDERGROUND UTILITY
EASEMENT
CALL 0.1142 ACRE
(F.B.C.C.F. No. 2000106780)

BLOCK No. 96

LIBERTY STREET
(U.S. HIGHWAY 90-A)

SECOND STREET
(70' R.O.W.) - 15.00'

LIBERTY STREET - NOT OPEN
(80' R.O.W. FORT BEND COUNTY
CALL 0.309 ACRE
(CALLED 70 FEET WIDE;
F.B.C.C.F. No. 2000106780)
N 67°30'00" E - 210.00'

0.072 ACRE

BLOCK No. 86

CITY OF RICHMOND
(TRACT C;
F.B.C.C.F. No. 2013023668)

PLACE OF BEGINNING:
FOR WEST CORNER
OF BLOCK No. 86
FOUND MAG NAIL IN
ASPHALT PAVEMENT

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

HOUSTON STREET -
(80' R.O.W.)

JANE H. LONG
SURVEY
ABSTRACT No. 55

BLOCK No. 74

SKETCH SHOWING LOCATION OF
0.072 ACRE OF LAND (3,150 SQUARE FEET)
BEING A FIFTEEN-FOOT WIDE (15') PORTION
OF THE ROAD RIGHT-OF-WAY OF LIBERTY STREET
(80 FEET WIDE - NOT OPEN AT THIS LOCATION;
CALL 0.309 ACRE - FORT BEND COUNTY CLERK'S
FILE NO. 2000106780) BEING OUT OF 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,
CITY OF RICHMOND, FORT BEND COUNTY, TEXAS.

EXHIBIT B

FM120118

27

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.

EXECUTION

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, County Judge

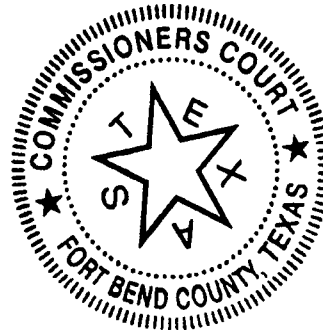
Date signed: 2-7-2012

Attest:

Dianne Wilson
Dianne Wilson, County Clerk

Approved: _____

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;

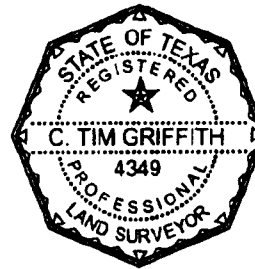
THENCE; South 67 degrees, 30 minutes, 0 seconds East, at 142.13 feet pass a point on the Southeasterly line of said Block No. Ninety-Seven for the most Northerly corner of said call 0.309 acre tract, in all 212.13 feet along the Southerly line of said 70 foot wide road right-of-way for U.S. Highway No. 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
C. Tim Griffith, R.P.L.S. No. 4349



CITY OF RICHMOND
(VOL. 4,
PG. 62; D.R.)
(VOL. 8,
PG. 9; P.R.)

BLOCK
No. 108

JACKSON STREET - (70' R.O.W.)
(U.S. HIGHWAY 90-A)

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

CENTERLINE OF
THE ROAD R.O.W.
ALONG BLOCK
DIAGONAL
(VOL. 134,
PG. 460, D.R.)

BLOCK
No. 96

LIBERTY STREET
(U.S. HIGHWAY
90-A)
EAST-BOUND

0.573
ACRE
OVERALL

BLOCK
No. 85

JANE H. LONG
SURVEY
ABSTRACT No. 55

LIBERTY STREET -
(80' R.O.W.)

BLOCK
No. 87

BLOCK
No. 86

SECOND STREET -
(70' R.O.W.)

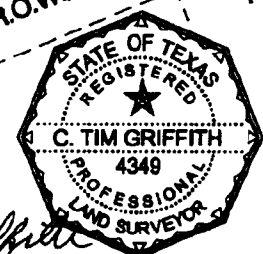
HOUSTON STREET -
(80' R.O.W.)

THIRD STREET -
(70' R.O.W.)

TRACE: 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 6, LOT 7 & WEST 1/2 OF LOT 2
(F.B.C.C.F. No. 200005050)
- (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 T. MARTINEZ - LOT 1 & EAST 1/2 OF LOT 2
(VOL. 2454, PG. 1759; O.R.)
- (H)** MICHAEL SCOTT HAYNES - CALL 3492 SQUARE FEET
(VOL. 554, PG. 53, D.R.) (F.B.C.C.F. No. 2007041226)
- (I)** FORT BEND COUNTY - CALL 4516.24 SQUARE FEET
(TRACT 2 - VOL. 134, PG. 462; O.R.)
- (J)** FORT BEND COUNTY - CALL 2384.70 SQUARE FEET
(TRACT 3 - VOL. 134, PG. 462; O.R.)
- (K)** FORT BEND COUNTY - CALL 2079.48 SQUARE FEET
(VOL. 124, PG. 450; O.R.)
- (L)** FORT BEND COUNTY - CALL 5186.37 SQUARE FEET
(TRACT 1 - VOL. 134, PG. 462; O.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

R.O.W. - RIGHT-OF-WAY
V.O.I. - VERTICAL
P.C. - PAGE
O.R. - DEED RECORDS OF FORT BEND COUNTY
O.F. - OFFICIAL RECORDS OF FORT BEND COUNTY
P.F. - PLAT RECORDS OF FORT BEND COUNTY
F.B.C.C.F. - FORT BEND COUNTY CLERK'S FILE

RECORDER'S MEMORANDUM
This page is not satisfactory for photographic recordation due to carbon or photo copy, discolored paper, etc. All block-outs, additions and changes were presented at time instrument was filed and recorded.

This page is not satisfactory for photographic recordation due to carbon photo copy, discolored paper, etc. All block-outs, additions and changes were presented at time instrument was filed and recorded.



RETURN:
FORT BEND COUNTY CLERK
ADMIN SERV COORDINATOR

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Dianne Wilson

Dianne Wilson, County Clerk
Fort Bend County, Texas

November 20, 2014 02:11:36 PM

FEE: \$0.00 JE
EASEMENT

2014127159

