

FORT BEND COUNTY DRAINAGE DISTRICT RIGHT OF WAY EASEMENT AND PARTIAL ABANDONMENT

THE STATE OF TEXAS,
COUNTY OF FORT BEND,

KNOW ALL MEN BY THESE PRESENTS: That the undersigned:

ROBERT LUBOJACKY, JR.

whose address is as shown above (hereinafter called GRANTOR, whether one or more) for and in consideration of the benefits to be derived on account of and from the construction, operation and maintenance by Fort Bend County Drainage District, of the drainage canal and system upon and through the land hereafter described, the sufficiency of which is hereby acknowledged and confessed, has granted, bargained, sold and conveyed, and by these presents hereby grants, bargains, sells and conveys unto said Fort Bend County Drainage District, a corporation (hereinafter called the DISTRICT), of Fort Bend County, Texas, a right of way and easement for the purpose of constructing, maintaining, operating, repairing and re-constructing a drainage canal, including drains, ditches, laterals and levees, upon, over, through and across the land of GRANTOR along the route hereinafter designated, and said land being situated in Fort Bend County, Texas, to-wit:

~~The DISTRICT shall have an easement of an aggregate width of _____ feet, being _____ feet, extending at right angles, on each side of the following line and course across said land, to-wit:~~

The District shall have an additional easement totaling 0.0350 acres parallel and adjacent to the southerly side of an existing easement totaling 0.5887 acres, previously recorded in Fort Bend County Official Property Records, Instrument No. 2010018728, which when combined with an additional existing easement 80 feet in width previously recorded in Volume 323, on Page 247, of the Deed Records of Fort Bend County Texas, shall provide a strip of land totaling 120 feet in width extending at right angles on the left side, going upstream of the center line or thread of Big Creek as creek flows along a well-defined channel along the north side of Grantor's land situated in the Barnabas Wickson League A-95 in Fort Bend County, Texas, and more particularly described in the attached Exhibit "A".

In addition, the Drainage District shall abandon a 0.0350 acre portion of the existing drainage easement totaling 0.5887 acres, previously recorded in Fort Bend County Official Property Records, Instrument No. 2010018728, more particularly described in the attached Exhibit "A" as "ABANDONMENT - PARTIAL 2010 D.E." and the attached field note description.

During channel construction and during channel maintenance operation, the District is authorized to spread spoil dirt and excavated material, operate machinery and do any necessary clearing, upon the premises of Grantor immediately adjoining the easement as above described.

CCM 4/5/16 # DL
Fort Bend County Clerk
Return Admin Serv Coord

6 PCS
EASEMENT
2016035207

AS PER ORIGINAL

The DISTRICT shall have all rights and benefits necessary or convenient for the full enjoyment or use of the rights herein granted, with the right of ingress and egress to and from said drainage canal right of way, provided, however, that after construction of said drainage canal, said right of ingress and egress of the DISTRICT shall be limited to the said right of way and to existing roads and passageways. The DISTRICT is given the right from time to time to cut and remove all trees, undergrowth, and abate other obstruction, upon said canal right of way, that may injure, endanger, or interfere with the construction, operation, maintenance and repair of said drainage canal.

The DISTRICT agrees during the life of this easement to repair all damage to roads, passageways and fences resulting from the DISTRICT'S use in going to and from said easement and right of way, and to restore the same to the previously existing condition as near as possible.

GRANTOR reserves the right to use the facilities offered by the drainage canal for the disposal of surface waters, rain, or any excess waters collecting upon his land, and in such connection GRANTOR has the right in the manner provided by law and at his own expense to construct and provide ditches, drains and laterals connecting his said land or portions thereof with the drainage canal.

GRANTOR reserves the oil, gas and sulphur in and under the land covered by this easement, provided however, that during the life of this easement no mining or drilling operations shall be conducted upon the surface of the area included in the easement right of way above described.

It is agreed that if at a future time the DISTRICT, its successors or assigns, shall permanently cease to use said drainage canal right of way for the purposes herein contained, and shall permanently abandon the same, then and in such event the said right of way above described, together with all rights and interests held by the DISTRICT by reason of this instrument, shall revert, pass to and vest in the said GRANTOR, his heirs or assigns.

TO HAVE AND TO HOLD said right of way and easement herein granted, unto the said DISTRICT, its successors or assigns.

EXECUTED this the 21st day of March, A. D. 192016.

[Handwritten Signature]

AS PER ORIGINAL

THE STATE OF TEXAS }
COUNTY OF Fort Bend

BEFORE ME Rosalie Vargas

_____, in and for
Fort Bend County County, Texas, on this day personally appeared

Robert Lubajacky, Jr.

known to me to be the person whose name IS subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This 21st day of March,
A. D. 192016
(L. S.) _____
Rosalie Vargas



THE STATE OF TEXAS }
COUNTY OF _____

BEFORE ME _____

_____, in and for
_____ County, Texas, on this day personally appeared
_____, wife of _____

known to me to be the person whose name is subscribed to the foregoing instrument, and having been examined by me privily and apart from her husband, and having the same fully explained to her, she, the said _____ acknowledged such instrument to be her act and deed, and she declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This _____ day of _____,
A. D. 19 _____
(L. S.) _____

THE STATE OF TEXAS }
COUNTY OF _____

BEFORE ME _____

_____, in and for
_____ County, Texas, on this day personally appeared
_____ and _____

_____, his wife, both known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they each executed the same for the purposes and consideration therein expressed, and the said _____ wife of the said _____ having been examined by me privily and apart from her husband, and having the same fully explained to her, she, the said _____

acknowledged such instrument to be her act and deed, and she declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This _____ day of _____,
A. D. 19 _____
(L. S.) _____

ENDORSEMENTS

THE STATE OF TEXAS, }
County of _____

I, _____, Clerk of the County Court of said County, do hereby certify that the foregoing instrument of writing, dated the _____ day of _____, A. D. 19 _____ with its authentication, was filed for record in my office on the _____ day of _____, A. D. 19 _____ at _____ o'clock _____ M., and duly recorded this the _____ day of _____, A. D. 19 _____ at _____ o'clock _____ M., in the Deed Records of said County, in Volume _____ on Page _____.

Witness my hand and the seal of the County Court of said County, at office in _____, Texas, the day and year last above written.

Clerk of Court, _____ County, Texas.
By _____, Deputy

AS PER ORIGINAL

**RIGHT-OF-WAY
EASEMENT**

BY

TO

**FORT BEND COUNTY
DRAINAGE DISTRICT**

Filed for Record

This day of

A. D. 19....., at o'clock M.

Recorded

This day of

A. D. 19....., in

County, Texas, Records of Deeds.

Book Page

....., Clerk


....., Deputy


Return to:


EXHIBIT "A"


'ROBERT LUBOJACKY, JR.' TRACT

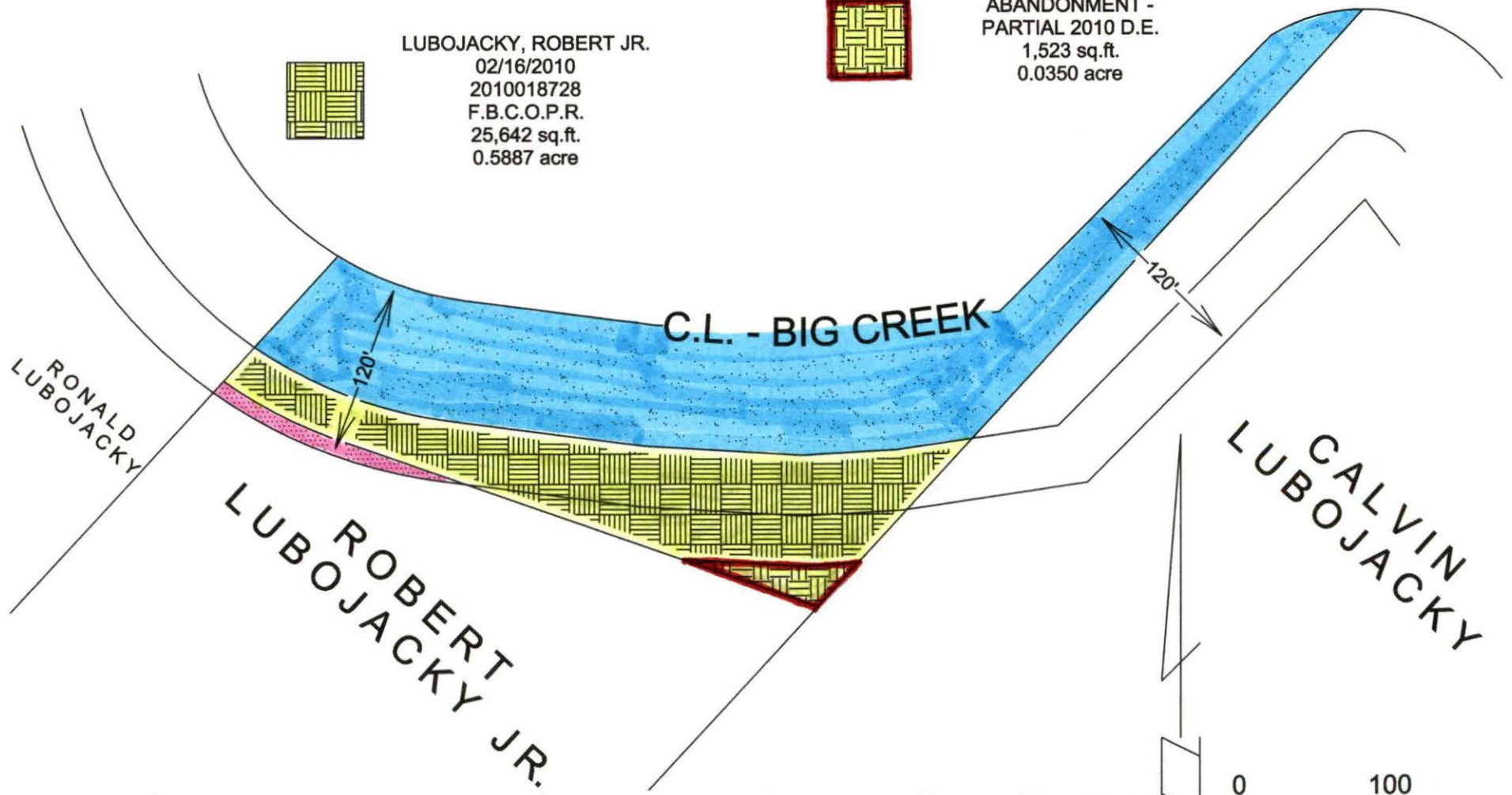
BIG CREEK ~ SEGMENT FOUR


 80' WIDE D.E.
 LUBOJACKY
 09/03/1953
 VOL. 323, PG. 247
 F.B.C.D.R.

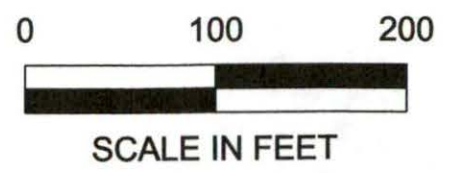

 ADDITIONAL D.E.
 1,523 sq.ft.
 0.0350 acre


 LUBOJACKY, ROBERT JR.
 02/16/2010
 2010018728
 F.B.C.O.P.R.
 25,642 sq.ft.
 0.5887 acre


 ABANDONMENT -
 PARTIAL 2010 D.E.
 1,523 sq.ft.
 0.0350 acre



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



**Abandonment of Portion out of 0.5887 Acre Drainage Easement
0.0350 acre in the B. Wickson League, Abstract No. 95,
Fort Bend County, Texas**

A FIELD NOTE DESCRIPTION of 0.0350 acre (1,523 square feet) of land in the B. Wickson League, Abstract No. 95, Fort Bend County, Texas; said 0.0350 acre tract being out of an existing 0.5887 acre drainage easement conveyed from Robert Lubojacky, Jr. to Fort Bend County Drainage District, 2010018728, F.B.C.O.P.R., said tract being more particularly described by metes and bounds as follows:

BEGINNING at the most southerly corner of the aforementioned 0.5887 acre drainage easement;

THENCE N70°40'43"W – 94.65' to an angle point;

THENCE S86°35'29"E – 79.13' to an angle point;

THENCE N86°50'06"E – 36.57' to an angle point;

THENCE S42°26'44"W – 38.80' to the POINT OF BEGINNING and containing 0.0350 acre (1,523 square feet) of land.

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Laura Richard

Laura Richard, County Clerk
Fort Bend County, Texas



April 06, 2016 03:32:24 PM

FEE: \$0.00 BAK
EASEMENT

2016035207