



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:

FLORIENE P. STERN (AS TRUSTEE OF LONNIE H. STERN TRUST)

415 AIRYBROOK LANE

HOUSTON, TX 77094

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 0.0441 acres parallel and adjacent to the westerly side of an existing easement totaling 2.3808 acres, previously recorded in Fort Bend County Official Property Records, Instrument No. 2010018727, which when combined with an additional existing easement 80 feet in width previously recorded in Volume 323, on Page 203, 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 and east 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 0.0441 acre portion of the existing drainage easement totaling 2.3808 acres, previously recorded in Fort Bend County Official Property Records, Instrument No. 2010018727, 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 8-02-16 #DH
Fort Bend County Clerk
Return Admin Serv Coord RAC

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 18 day of JULY, A. D. ~~20~~ 2016.
Ernst R. H. St., ATTORNEY-IN-FACT FOR FLORIANE P. STERN,
TRUSTEE OF THE LONNIE H. STERN ESTATE TRUST

AS PER ORIGINAL

THE STATE OF TEXAS

COUNTY OF Harris

BEFORE ME

Shirley Hill

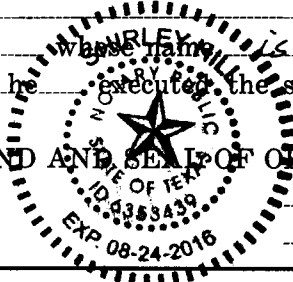
notary

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

Harris
Ernest Robert Stern

known to me to be the person whose name 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 18th day of July,
A. D. 2016
(L. S.)
Shirley Hill
Aug. 24, 2016



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

**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.

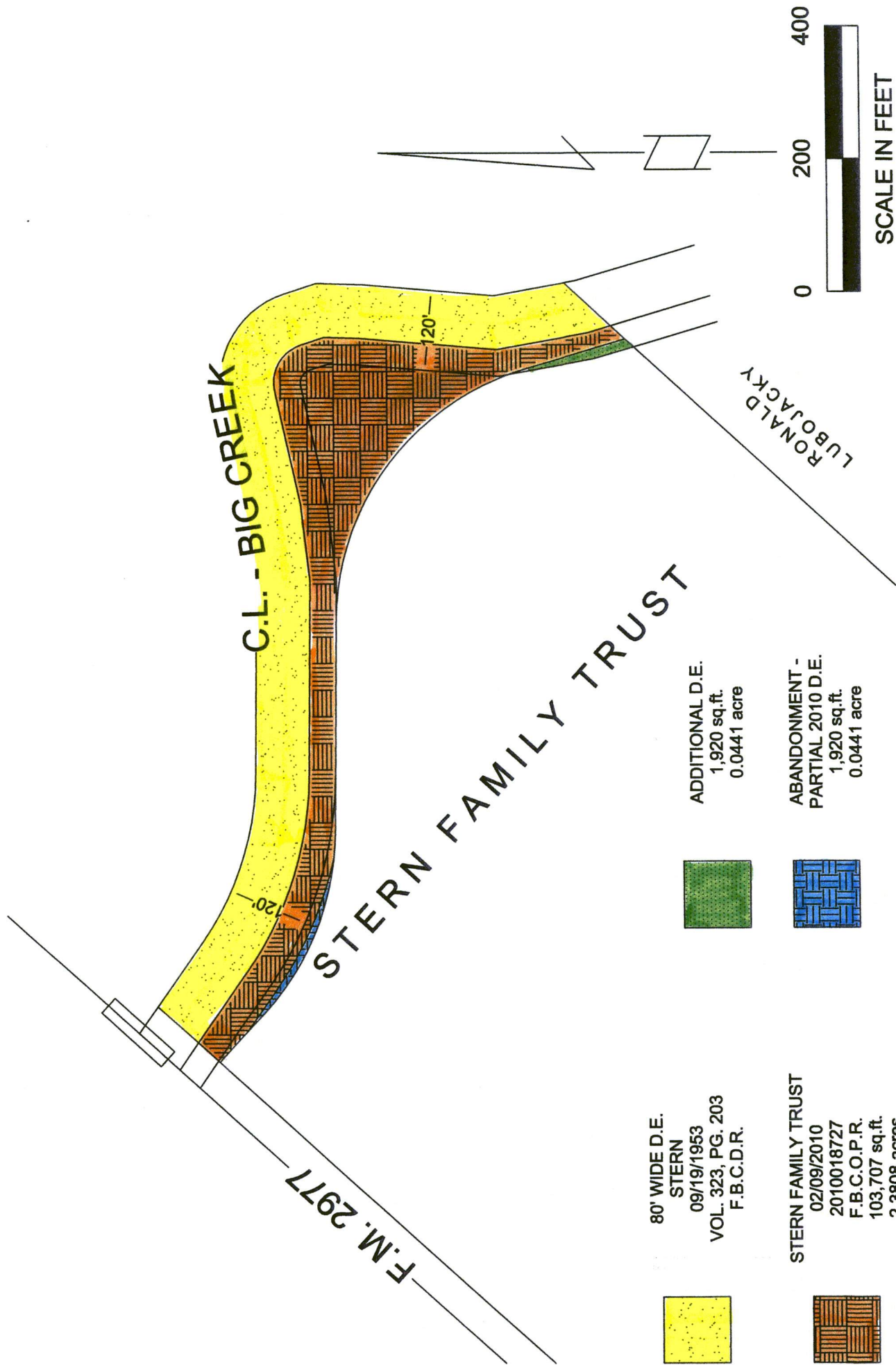
Book _____ Page _____

_____, Clerk

_____, Deputy

Return to:

EXHIBIT "A"
'STERN FAMILY TRUST' TRACT
BIG CREEK ~ SEGMENT FOUR

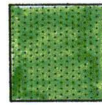
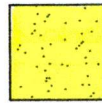


80' WIDE D.E.
 STERN
 09/19/1953
 VOL. 323, PG. 203
 F.B.C.D.R.

STERN FAMILY TRUST
 02/09/2010
 2010018727
 F.B.C.O.P.R.
 103,707 sq.ft.
 2.3808 acres

ADDITIONAL D.E.
 1,920 sq.ft.
 0.0441 acre

ABANDONMENT -
 PARTIAL 2010 D.E.
 1,920 sq.ft.
 0.0441 acre



***Abandonment of Portion out of 2.3808 Acre Drainage Easement
0.0441 acre in the B. Wickson League, Abstract No. 95,
Fort Bend County, Texas***

A FIELD NOTE DESCRIPTION of 0.0441 acre (1,920 square feet) of land in the B. Wickson League, Abstract No. 95, Fort Bend County, Texas; said 0.0441 acre tract being out of an existing 2.3808 acre drainage easement conveyed from Stern Family Trust to Fort Bend County Drainage District, 2010018727, F.B.C.O.P.R., said tract being more particularly described by metes and bounds as follows:

COMMENCING FOR REFERENCE at the most westerly corner of the aforementioned 2.3808 acre drainage easement;

THENCE S47°48'47"E – 63.28' to the most westerly corner and **POINT OF BEGINNING** of this tract;

THENCE S47°48'47"E – 37.00' to a point-of-curvature;

THENCE in a southeasterly direction with a curve to the left having a radius of 415.00', a central angle of 35°54'33", a length of 260.09' and a chord bearing S65°46'03"E – 255.86' to a point-of-tangency/point-of-curvature;

THENCE in a northwesterly direction with a curve to the right having a radius of 581.56', a central angle of 21°30'12", a length of 218.26' and a chord bearing N66°17'12"W – 216.98' to a point-of-tangency;

THENCE N55°32'07"W – 75.28' to the POINT OF BEGINNING and containing 0.0441 acre (1,920 square feet) of land.

RETURN AT COUNTER:
Fort Bend County Clerk
Admin Serv Coord.

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Laura Richard

Laura Richard, County Clerk
Fort Bend County, Texas

August 16, 2016 01:10:02 PM

FEE: \$0.00 BAK
ROW

2016089002



8/12/2016
→ Co. Clerk
(No 1295 required,
see e-mail attached)
also

8/9/2016
Holding for 1295

ARF-23137
DRAINAGE DISTRICT AGENDA
Meeting Date: 08/02/2016
TITLE: Big Creek ROW Easement/Partial Abandonment
Submitted By: RoseAnn Vargas, Drainage District
Originals for signature: Yes
Date Approved by County Attorney: 7/18/2016 County Attorney Initials: Spencer

COUNTY JUDGE
RECEIVED
AUG 01 2016

D4

Information

SUMMARY OF ITEM:

Take all appropriate action on acceptance of a Drainage District Right-of-Way Easement and Partial Abandonment for Big Creek within the Barnabas Wickson Survey, Abstract 95 of Fort Bend County, Texas, Precinct 1.

FUNDING SOURCE:

Accounting Unit, Project or Grant Name;
Account Name;

8/12/16
→ Linda
Ready!

Attachments

Big Creek ROW Easement/Partial Abandonment Stern

Return original to Rose Ann Vargas.

Donna,

One original attached for the August 2nd DDB.

Thank you,
Rose Ann 7/27/16

Ospina, Donna

From: Ahmed, Huma
Sent: Thursday, August 11, 2016 4:50 PM
To: Ospina, Donna
Cc: Janecek, Jeffrey
Subject: FW: Drainage District Deed
Attachments: Stern Big Creek ROW Easement&Partial Abandonment.pdf

Donna-

The County will not require a 1295 Form for this Agreement. I do not believe that the trust is a business entity as required for a Form 1295. Please give me a call if you have any questions.

Huma
