

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 7th day of February, 2017, 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 Patterson, seconded by Commissioner Meyers, and upon record vote, passed 5 votes in favor and 0 opposed:

RESOLUTION

RESOLVED THAT WHEREAS, the Commissioners Court has received and reviewed the plans for a public project known as the West Airport Boulevard ROW Project located at the southwest corner of West Airport Boulevard and State Highway 6 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 of a public project known as West Airport Boulevard ROW Project located at the southwest corner of West Airport Boulevard and State Highway 6 in Fort Bend County, Texas, in accordance with said plans, alignment, and tract identifications which are part hereof as Exhibit "A."

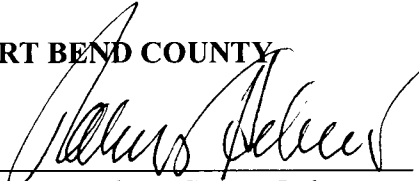
ORDER

NOW THEREFORE, IT IS ORDERED AND DECREED that the plans for the location, alignment, construction, operation, and maintenance of the public project known as West Airport Boulevard ROW Project located at the southwest corner of West Airport Boulevard and State Highway 6 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 West Airport Boulevard ROW Project located at the southwest corner of West Airport Boulevard and State Highway 6 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 as 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 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 West Airport Boulevard ROW Project from located at the southwest corner of West Airport Boulevard and State Highway 6 in Fort Bend County, Texas and the payment and compensation therefore.

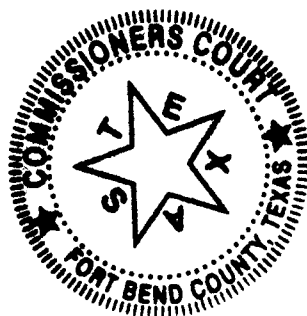
PASSED AND APPROVED this 7 day of February, 2017.

FORT BEND COUNTY

Robert E. Hebert, County Judge

ATTEST:



Laura Richard, County Clerk



**METES AND BOUNDS DESCRIPTION
CANE ISLAND PARKWAY
IH-10 TO FM 1463
PARCEL 5
BEING 5.638 ACRES SITUATED IN
THE JESSE BURDITT SURVEY, ABSTRACT NO. 383
THE CHARLES SCHRIMPF SURVEY, ABSTRACT NO. 412
AND THE THOMAS CRESAP SURVEY, ABSTRACT NO. 369
FORT BEND COUNTY, TEXAS**

BEING A 5.638 ACRE TRACT OF LAND SITUATED IN THE JESSE BURDITT SURVEY, ABSTRACT NO. 383, THE CHARLES SCHRIMPF SURVEY, ABSTRACT NO. 412 AND THE THOMAS CRESAP SURVEY, ABSTRACT NO. 369, FORT BEND COUNTY, TEXAS, BEING A PART OF THAT CERTAIN CALLED 123.4 ACRE TRACT OF LAND DESCRIBED IN THE DEED TO JEFFREY BAIN AND VERNA BAIN DATED JULY 8, 1993 AND RECORDED UNDER FORT BEND COUNTY CLERK'S FILE NUMBER (F.B.C.C.F. NO.) 9343844, SAID 5.638 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS (BEARINGS BASED ON TEXAS STATE PLANE COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE 4204, AS DETERMINED BY GPS MEASUREMENTS):

BEGINNING at a 1-inch iron pipe found marking the southwesterly corner of the called 123.4 acre tract and the northwesterly corner of that certain called 5.00 acre tract described in the deed to Randal A. Everitt and Gayle Everitt dated May 13, 1998 and recorded under F.B.C.C.F. No. 9836213, being in the easterly line of a called 1.512 acre tract of land described in the deed to Phillip and Patricia Baker dated August 18, 2008 and recorded under F.B.C.C.F. No. 2008091659, and marking the southwesterly corner of the herein described tract of land;

- (1) **THENCE**, North 02°04'00" West, along the common line of the called 123.4 acre tract and the called 1.512 acre tract, a called 1.9923 acre tract of land described in the deed to Gary and Carol Hennessee dated April 28, 2003 and recorded under F.B.C.C.F. No. 2003068194, a called 8.021 acre tract of land described in the deed to James Williams and Patricia Williams dated April 29, 2005 and recorded under F.B.C.C.F. No. 2005049964, a called 206.44 acre tract of land described in the deed to McAlister Opportunity Fund 2012, L.P. dated November 15, 2012 and recorded under F.B.C.C.F. No. 2012135845, and a called 37.255 acre tract of land described in the deed to Ward-Brown Partners, LLC dated February 22, 2010 and recorded under F.B.C.C.F. No. 2010020254 for a distance of 2,334.87 feet to a 3/4-inch iron pipe found for the northwesterly corner of the called 123.4 acre tract and the southwesterly corner of a called 8.5869 acre tract of land described in the deed to Wayne Shellenberg dated July 18, 1986 and recorded under F.B.C.C.F. No. 8635418.
 - (2) **THENCE**, North 87°57'30" East, along the common line of said 123.4 acre tract of land and the called 8.5869 acre tract for a distance of 101.21 feet to a 5/8-inch capped iron rod stamped "EHRA 713-784-4500" set non-tangentially in the arc of a curve to the left in the proposed easterly right-of-way line of Cane Island Parkway marking the northeasterly corner of the herein described tract of land, from which a 1/2-inch iron pipe found marking the northeast corner of said 123.4 acre tract bears North 87°57'30" East, a distance of 2,166.26 feet.
- THENCE**, along the proposed easterly right-of-way line for Cane Island Parkway, the following six (6) courses and distances:
- (3) **THENCE**, in a southerly direction along the arc of said curve to the left having a radius of 1,450.00 feet, an angle of 06° 56' 35", an arc length of 175.71 feet and a chord bearing South 01°24'17" West, a distance of 175.60 feet to a 5/8-inch capped iron rod stamped "EHRA 713-784-4500" set marking a point of tangency;
 - (4) **THENCE**, South 02°04'00" East, a distance of 1,075.90 feet to a 5/8-inch capped iron rod stamped "EHRA 713-784-4500" set marking an angle point for corner;
 - (5) **THENCE**, South 50°24'00" East, a distance of 73.70 feet to a 5/8-inch capped iron rod stamped "EHRA 713-784-4500" set marking an angle point for corner;
 - (6) **THENCE**, South 01°17'51" West, a distance of 427.14 feet to a 5/8-inch capped iron rod stamped "EHRA 713-784-4500" set marking an angle point for corner.

- (7) **THENCE**, South 10°45'32" West, a distance of 111.04 feet to a 5/8-inch capped iron rod stamped "EHRA 713-784-4500" set marking an angle point for corner;
- (8) **THENCE**, South 06°21'52" East, a distance of 501.59 feet to a 5/8-inch capped iron rod stamped "EHRA 713-784-4500" set marking the southeasterly corner of the herein described tract of land in the southerly line of the called 123.4 acre tract and the northerly line of the aforementioned called 5.00 acre tract, from which a 1/2-inch iron rod found marking the southwesterly corner of a called 2.5764 acre tract of land described in the deed to James A. Fulkerson recorded under F.B.C.C.F. No. 2006098474 and the southeasterly corner of the remainder of said 123.4 acre tract of land bears North 88°00'58" East, a distance of 1,578.36 feet;
- (9) **THENCE**, South 88°00'58" West, along the common line of the called 123.4 acre tract and the called 5.00 acre tract for a distance of 133.51 feet to the **POINT OF BEGINNING** and containing 5.638 acres of land. This description accompanies a Land Title Survey (12101950V-RW05.dwg) prepared by EHRA, Inc. dated February 13, 2015.

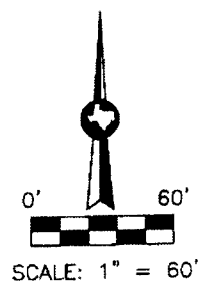
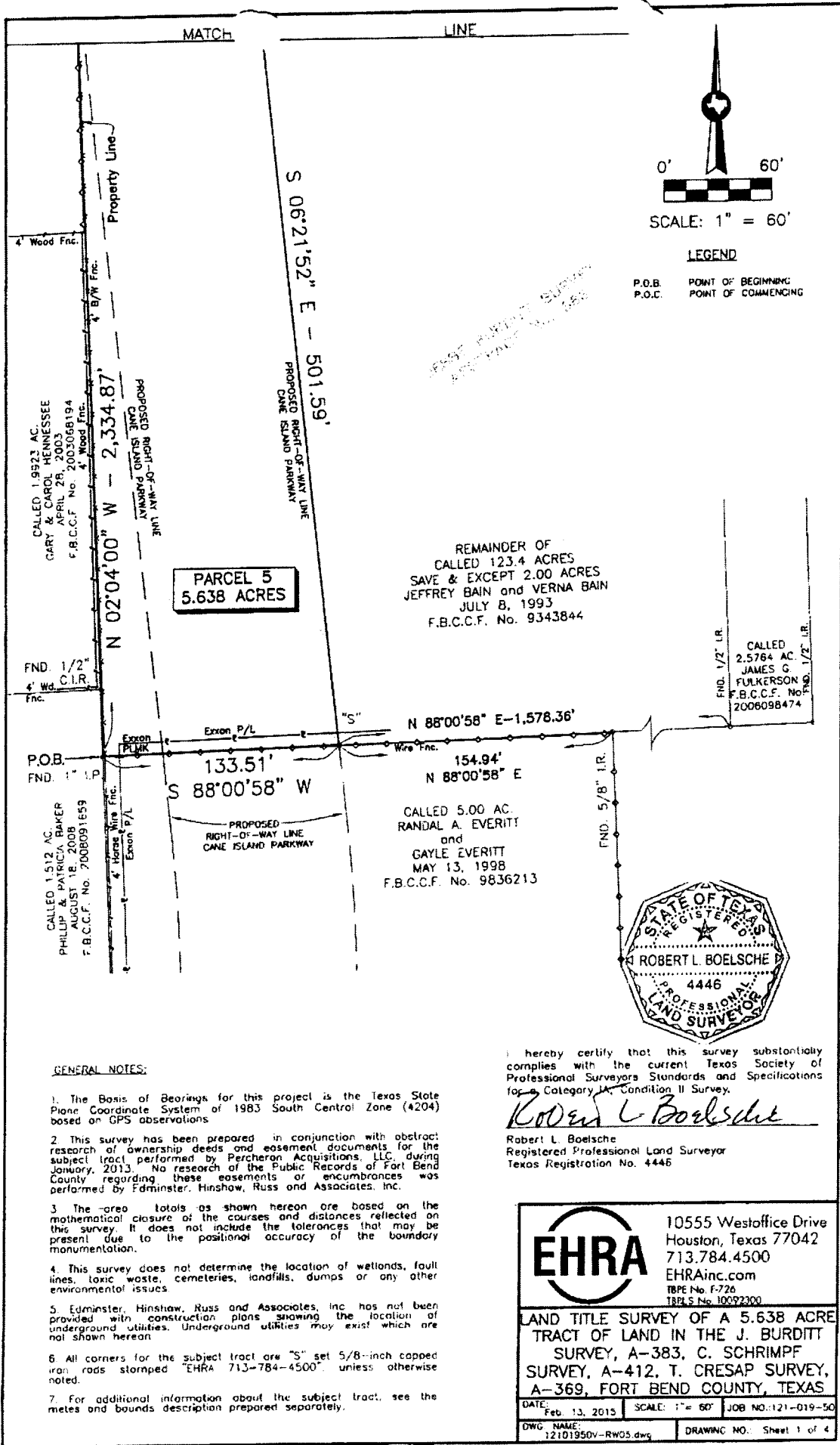
EDMINSTER, HINSHAW, RUSS AND ASSOCIATES, INC. dba EHRA, Inc. TBPLS No. 10092300

Robert L. Boelsche

Robert L. Boelsche, R.P.L.S.
Texas Registration No. 4446
10555 Westoffice Drive
Houston, Texas 77042
713-784-4500



Date: February 13, 2015
Job No: 121-019-50
File No: \\Client\RS\2012\121-019-50\documents\technical\12101950V-RW05-MB.doc



LEGEND

P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCING

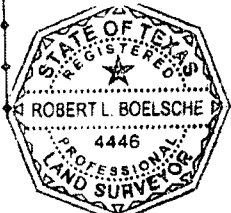
FIRST PUBLIC SURVEY
APPROVED BY THE STATE OF TEXAS

**PARCEL 5
5.638 ACRES**

REMAINDER OF
CALLED 123.4 ACRES
SAVE & EXCEPT 2.00 ACRES
JEFFREY BAIN and VERA BAIN
JULY 8, 1993
F.B.C.C.F. No. 9343844

CALLLED
2.5784 AC.
JAMES G.
FULKERSON
F.B.C.C.F. No.
2006098474

CALLLED 5.00 AC.
RANDAL A. EVERITT
and
GAYLE EVERITT
MAY 13, 1998
F.B.C.C.F. No. 9836213



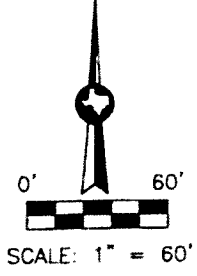
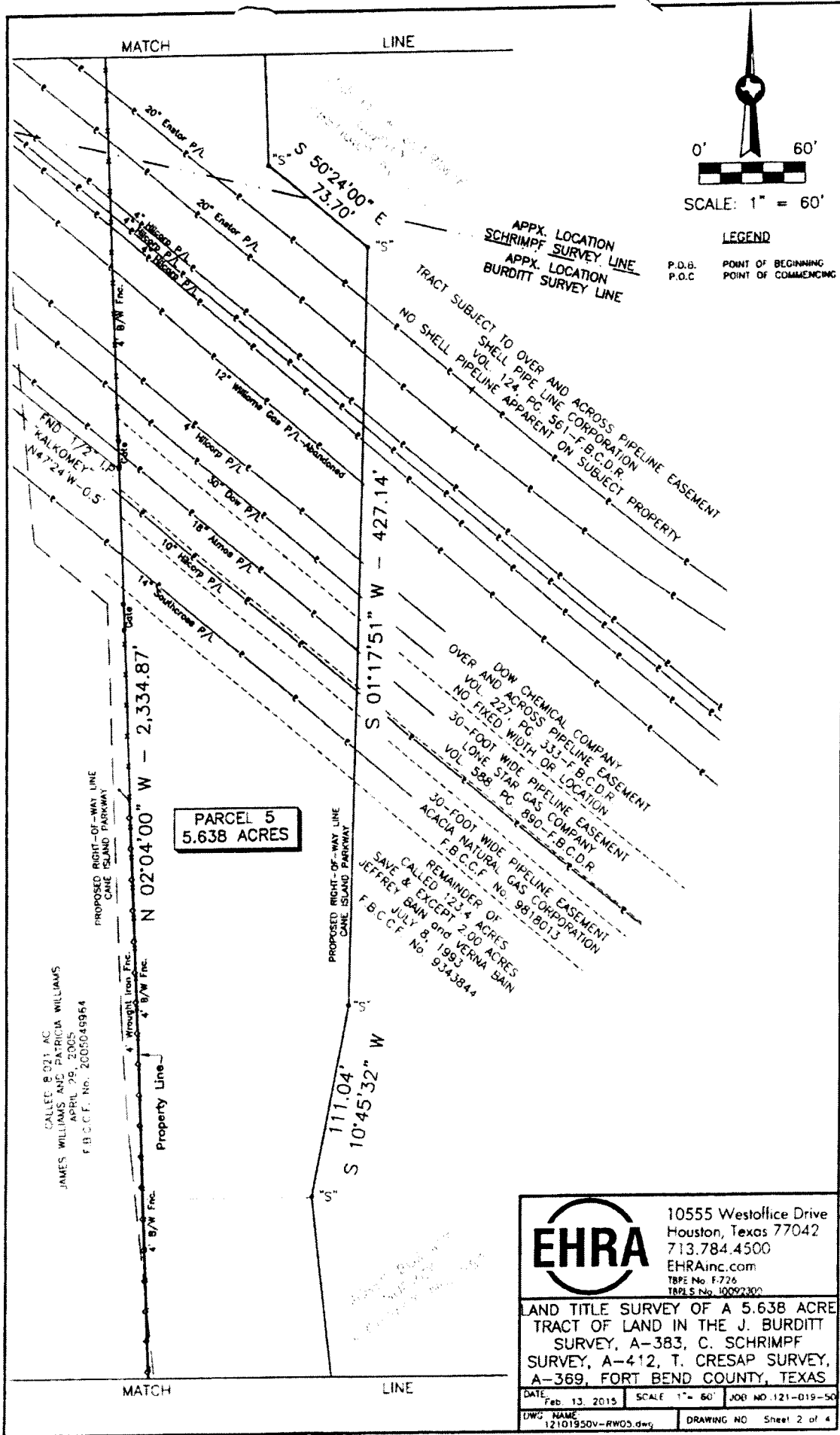
GENERAL NOTES:

1. The Basis of Bearings for this project is the Texas State Plane Coordinate System of 1983 South Central Zone (4204) based on GPS observations
2. This survey has been prepared in conjunction with abstract research of ownership deeds and easement documents for the subject tract performed by Percheron Acquisitions, LLC, during January, 2013. No research of the Public Records of Fort Bend County regarding these easements or encumbrances was performed by Edminster, Hinshaw, Russ and Associates, Inc.
3. The area totals as shown hereon are based on the mathematical closure of the courses and distances reflected on this survey. It does not include the tolerances that may be present due to the positional accuracy of the boundary monumentation.
4. This survey does not determine the location of wetlands, fault lines, toxic waste, cemeteries, landfills, dumps or any other environmental issues
5. Edminster, Hinshaw, Russ and Associates, Inc. has not been provided with construction plans showing the location of underground utilities. Underground utilities may exist which are not shown hereon.
6. All corners for the subject tract are 5/8-inch capped iron rods stamped "EHRA 713-784-4500" unless otherwise noted.
7. For additional information about the subject tract, see the metes and bounds description prepared separately.

I hereby certify that this survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for Category II, Condition II Survey.

Robert L. Boelsche
Robert L. Boelsche
Registered Professional Land Surveyor
Texas Registration No. 4446

EHRA	10555 Westoffice Drive Houston, Texas 77042 713.784.4500 EHRAinc.com FBPE No. F-726 TBLIS No. 10092300	
	LAND TITLE SURVEY OF A 5.638 ACRE TRACT OF LAND IN THE J. BURDITT SURVEY, A-383, C. SCHRIMPF SURVEY, A-412, T. CRESAP SURVEY, A-369, FORT BEND COUNTY, TEXAS	
DATE: Feb. 13, 2013	SCALE: 1" = 60'	JOB NO.: 121-019-50
DWG. NAME: 121D1950V-RW05.dwg	DRAWING NO.: Sheet 1 of 4	



LEGEND
 P.D.B. POINT OF BEGINNING
 P.O.C. POINT OF COMMENCING

PARCEL 5
5.638 ACRES

CALLED B-021 AC
 JAMES WILLIAMS AND PATRICIA WILLIAMS
 APRIL 29, 2005
 F.B.C.C.F. No. 200504994

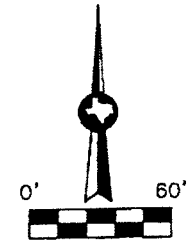
EHRA 1055 Westoffice Drive
 Houston, Texas 77042
 713.784.4500
 EHRAinc.com
 TBPE No. F-726
 TBPLS No. 10097300

LAND TITLE SURVEY OF A 5.638 ACRE TRACT OF LAND IN THE J. BURDITT SURVEY, A-383, C. SCHRIMPF SURVEY, A-412, T. CRESAP SURVEY, A-369, FORT BEND COUNTY, TEXAS

DATE: Feb. 13, 2015	SCALE: 1" = 60'	JOB NO. 121-019-50
DWG. NAME: 12101950V-RW05.dwg	DRAWING NO. Sheet 2 of 4	

MATCH

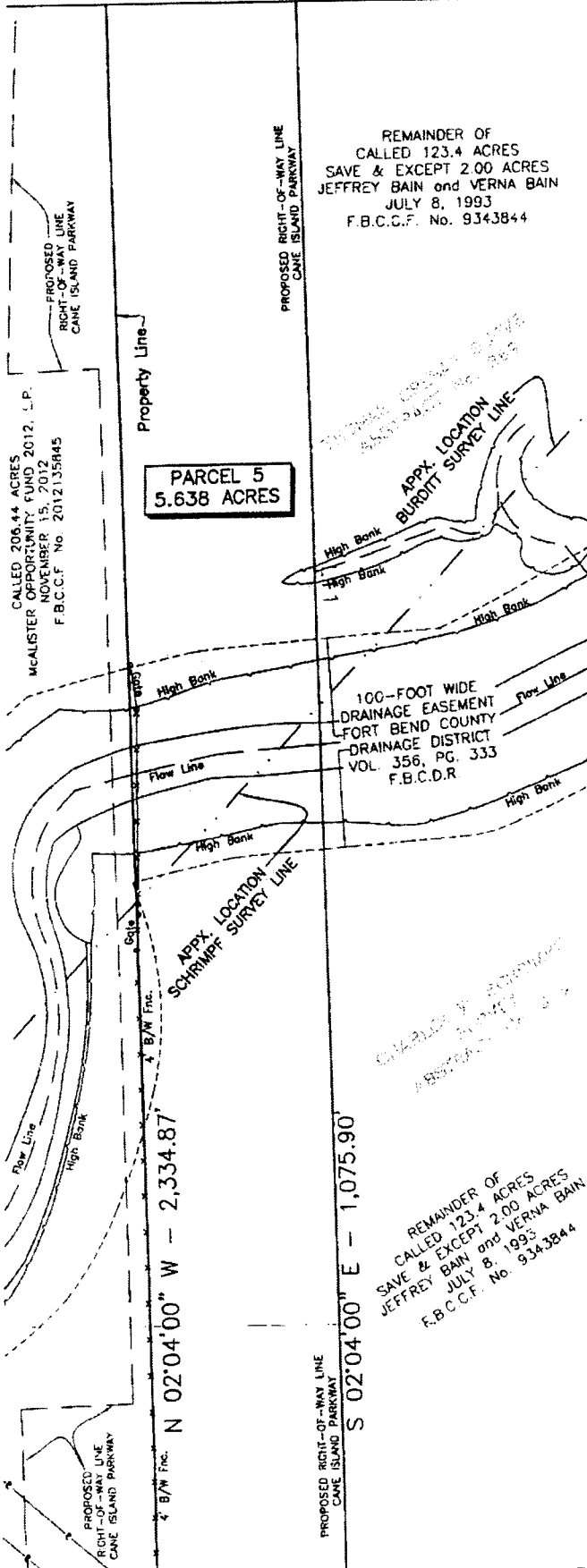
LINE



SCALE: 1" = 60'

LEGEND

P.O.B. POINT OF BEGINNING
 P.O.C. POINT OF COMMENCING



PARCEL 5
5.638 ACRES

CALLED 206.44 ACRES
 McALISTER OPPORTUNITY FUND 2012, L.P.
 NOVEMBER 15, 2012
 F.B.C.C.F. No. 2012135845

REMAINDER OF
 CALLED 123.4 ACRES
 SAVE & EXCEPT 2.00 ACRES
 JEFFREY BAIN and VERA BAIN
 JULY 8, 1993
 F.B.C.C.F. No. 9343844

Appx. Location Survey Line
 BURDITT SURVEY

100-FOOT WIDE
 DRAINAGE EASEMENT
 FORT BEND COUNTY
 DRAINAGE DISTRICT
 VOL. 356, PG. 333
 F.B.C.D.R.

N 02°04'00" W - 2,334.87'

S 02°04'00" E - 1,075.90'

REMAINDER OF
 CALLED 123.4 ACRES
 SAVE & EXCEPT 2.00 ACRES
 JEFFREY BAIN and VERA BAIN
 JULY 8, 1993
 F.B.C.C.F. No. 9343844

EHRA 10555 Westoffice Drive
 Houston, Texas 77042
 713.784.4500
 EHRAinc.com
 TBPE No. F-726
 TBPLS No. 10092300

LAND TITLE SURVEY OF A 5.638 ACRE TRACT OF LAND IN THE J. BURDITT SURVEY, A-383, C. SCHRIMPF SURVEY, A-412, T. CRESAP SURVEY, A-369, FORT BEND COUNTY, TEXAS

DATE: Feb. 13, 2015	SCALE: 1" = 60'	JOB NO. 121-019-50
DWG NAME: 12101950V-RW05.dwg		DRAWING NO. Sheet 3 of 4

MATCH

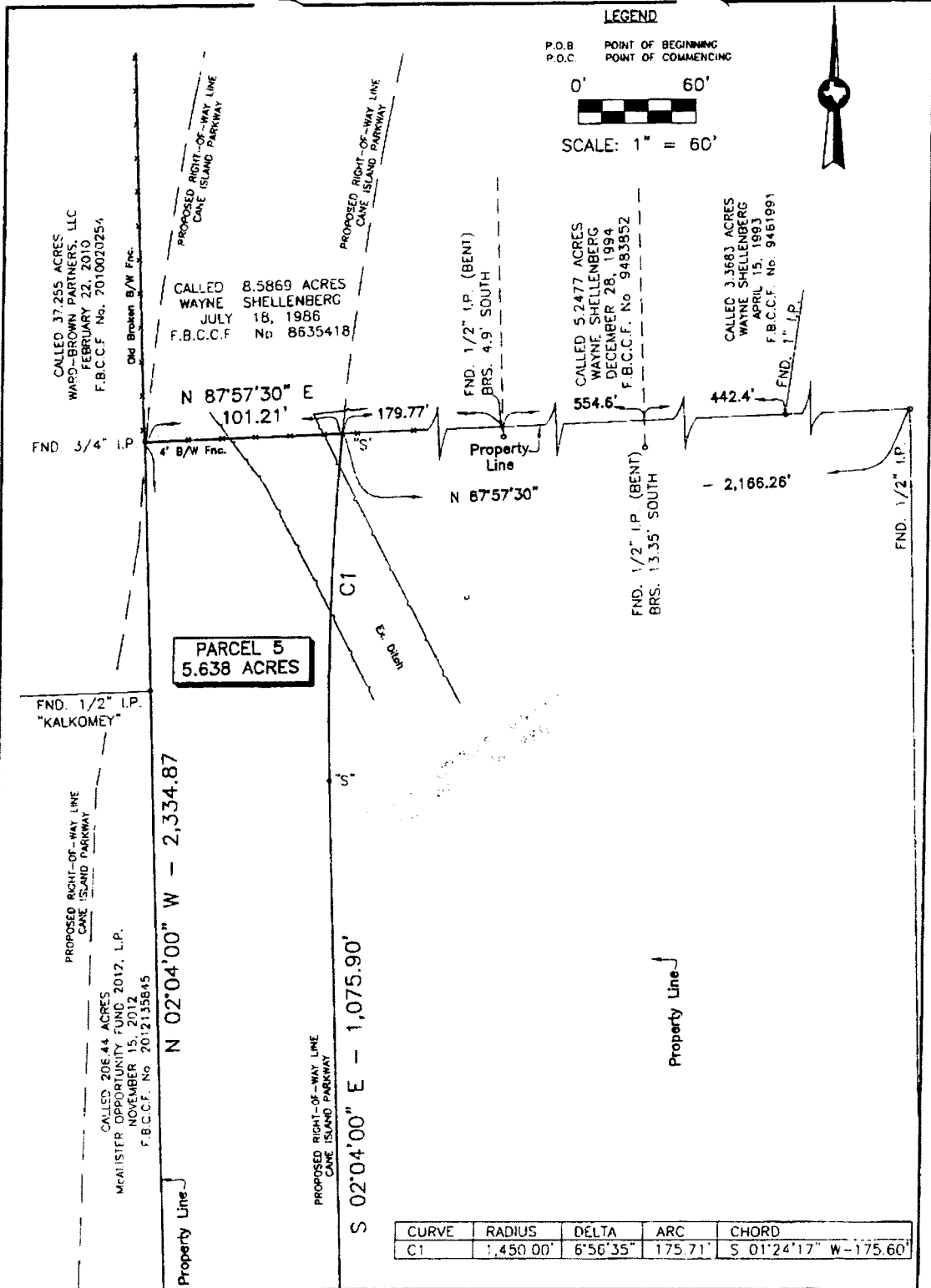
LINE

LEGEND

P.O.B. POINT OF BEGINNING
 P.O.C. POINT OF COMMENCING



SCALE: 1" = 60'



**PARCEL 5
 5.638 ACRES**

CALLED 37.255 ACRES
 WARD-BROWN PARTNERS, LLC
 FEBRUARY 22, 2010
 F.B.C.C.F. No. 7010020254

8.5869 ACRES
 WAYNE SHELLENBERG
 JULY 18, 1986
 F.B.C.C.F. No. 8635418

5.2477 ACRES
 WAYNE SHELLENBERG
 DECEMBER 28, 1994
 F.B.C.C.F. No. 9483852

3.3683 ACRES
 WAYNE SHELLENBERG
 APRIL 13, 1993
 F.B.C.C.F. No. 9461991

1/2" I.P.
 "KALKOMEY"

PROPOSED RIGHT-OF-WAY LINE
 CAVE ISLAND PARKWAY

206.44 ACRES
 MCALISTER OPPORTUNITY FUND 2012, L.P.
 NOVEMBER 15, 2012
 F.B.C.C.F. No. 2012135845

PROPOSED RIGHT-OF-WAY LINE
 CAVE ISLAND PARKWAY

CURVE	RADIUS	DELTA	ARC	CHORD
C1	1,450.00'	6°56'35"	175.71'	S 01°24'17" W - 175.60'

MATCH LINE



10555 Westoffice Drive
 Houston, Texas 77042
 713.784.4500
 EHRAinc.com
 TBPE No. F-726
 TBPS No. 10092300

LAND TITLE SURVEY OF A 5.638 ACRE TRACT OF LAND IN THE J. BURDITT SURVEY, A-383, C. SCHRIMPF SURVEY, A-412, T. CRESAP SURVEY, A-369, FORT BEND COUNTY, TEXAS

DATE: Feb. 13, 2015 SCALE: 1" = 60' JOB NO.: 121-019-50

DWG. NAME: 12101950V-RWD5.dwg DRAWING NO. Sheet 4 of 4

MOTION
WEST AIRPORT BOULEVARD ROW PROJECT

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 the West Airport Boulevard ROW Project located at the southwest corner of West Airport Boulevard and State Highway 6 in Fort Bend County, Texas 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 West Airport Boulevard ROW 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 West Airport Boulevard ROW 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 2-07-2017