



COUNTY ATTORNEY
Fort Bend County, Texas

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November 19, 2019

United States Department of Agriculture
Natural Resources Conservation Service

Re: Award ID Numbers and Project Titles –

- NR 197442 XXXXC033 – Willow Creek Tributary 003 (II)
- NR 197442 XXXXC041 – Willow Creek Tributary 003 (III)
- NR 197442 XXXXC036 – Erosion along Buffalo Bayou 004 (I)
- NR 197442 XXXXC035 – Erosion along Buffalo Bayou 004 (II)
- NR 197442 XXXXC031 – Erosion along Buffalo Bayou 004 (III)

TO WHOM IT MAY CONCERN:

I have examined the documents and relevant law relating to real property acquisition in connection with the above-captioned project. Because of the nature of the project (repair and protect approximately 43,470 linear feet of creek bank), there will be no relocation or displacement of persons or structures nor is there a need to acquire any interest in real estate for this project.

The Fort Bend County Drainage District (the "FBCDD") representatives previously obtained a series of Right of Way Easements from landowners along the site of the project authorizing the FBCDD to enter upon the premises of the owner and conduct the operations now contemplated under the above-captioned project. In my opinion, the Right of Way Easements FBCDD obtained are legally adequate under Texas law for FBCDD, its representatives, agents, contractors, and licensees to conduct the operations contemplated under the above-captioned project.

Sincerely,

Marcus D. Spencer
First Assistant County Attorney
Fort Bend County

Historic Courthouse Building, 401 Jackson St., 3rd Floor, Richmond, Texas 77469

ASSURANCES RELATING TO REAL PROPERTY ACQUISITION

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- A. **PURPOSE** — This form is to be used by sponsor(s) to provide the assurances to the Natural Resources Conservation Service of the U.S. Department of Agriculture which is required in connection with the installation of project measures which involve Federal financial assistance furnished by the Natural Resources Conservation Service.
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- B. **PROJECT MEASURES COVERED** —

Name of project EWP Fort Bend County Drainage District Erosion along Buffalo Bayou, Site 004 (III)

Identity of improvement or development Award ID No. NR197442XXXXC031

Location Fort Bend County

- C. **REAL PROPERTY ACQUISITION ASSURANCE** —

This assurance is applicable if real property interests were acquired for the installation of project measures, and/or if persons, businesses, or farm operations were displaced as a result of such installation; *and* this assurance was not previously provided for in the watershed, project measure, or other type of plan.

If this assurance was not previously provided, the undersigned sponsor(s) hereby assures they have complied, to the extent practicable under State law, with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act (42 U.S.C. 4601-4655), as implemented in 7 C.F.R. Part 21. Any exceptions taken from the real property acquisition requirements under the authority of 42 U.S.C. 4655 because of State law have been or is hereby furnished to the Natural Resources Conservation Service along with the opinion of the Chief Legal Officer of the State containing a full discussion of the facts and law furnished.

- D. **ASSURANCE OF ADEQUACY OF REAL PROPERTY RIGHTS** —

The undersigned sponsor(s) hereby assures that adequate real property rights and interests, water rights if applicable, permits and licenses required by Federal, State, and local law, ordinance or regulation, and related actions have been taken to obtain the legal right to install, operate, maintain, and inspect the above-described project measures, except for structures or improvements that are to be removed, relocated, modified, or salvaged before and/or during the installation process.

This assurance is given with the knowledge that sponsor(s) are responsible for any excess costs or other consequences in the event the real property rights are found to be inadequate during the installation process.

Furthermore, this assurance is supported by an attorney's opinion attached hereto that certifies an examination of the real property instruments and files was made and they were found to provide adequate title, right, permission and authority for the purpose(s) for which the property was acquired.

If any of the real property rights or interests were obtained by condemnation (eminent domain) proceedings, sponsor(s) further assure and agree to prosecute the proceedings to a final conclusion and pay such damages as awarded by the court.

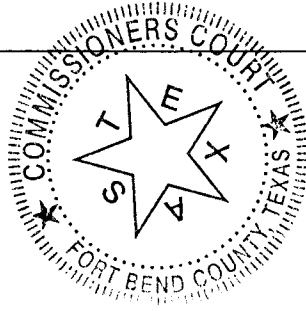
Fort Bend County Drainage District

(Name of Sponsor)

By: Grady Prestage *Grady Prestage*

Title: Commissioner Precinct 2, Presiding Officer

Date: 11/26/19



(Name of Sponsor)

By: _____

Title: _____

Date: _____

This action authorized _____ of the Board of Directors of the

at an official meeting _____

Fort Bend County Drainage District on 26th

day of November, 2019,

at 401 Jackson Street, Richmond, Texas 77469

State of Texas

Attest: Laura Richard *Laura Richard*

(Name)

County Clerk _____

(Title)

This action authorized _____

at an official meeting _____

_____ on _____

day of _____, 19____,

at _____

State of _____

Attest: _____

(Name)

(Title)