

STATE OF TEXAS

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COUNTY OF FORT BEND

**ORDER AUTHORIZING SETTLEMENT OF
EMINENT DOMAIN PROCEEDING**

On this 3rd day of January, 2023, the Commissioners Court of Fort Bend County, Texas, being convened at a regular meeting of the Court, sitting as the governing body of Fort Bend County, upon motion of Commissioner Prestage, seconded by Commissioner Morales, duly put and carried, **IT IS HEREBY ORDERED** that:

The County Attorney is hereby authorized to settle Case No. 22-CCV-071463 styled *the State of Texas and Fort Bend County, Texas vs. 521 Properties LLC, et. al.* in the amount of THREE MILLION NINE HUNDRED AND FIFTY THOUSAND AND NO/100 DOLLARS (\$3,950,000.00) pursuant to the terms set forth in the Rule 11 Agreement attached hereto and incorporated herein by reference as if copied verbatim.

IT IS FURTHER ORDERED that **MOBILITY BONDS** be designated as the funding source.

ATTEST:

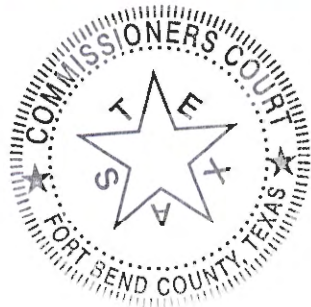


Laura Richard, County Clerk

FORT BEND COUNTY:



K.P. George, County Judge



Attachment



COUNTY ATTORNEY
Fort Bend County, Texas

BRIDGETTE SMITH-LAWSON
County Attorney

(281) 341-4555
Fax (281) 341-4557

December 29, 2022

By E-mail

Jeremy Baker
Warren Baker LLP
2231- Grand Corner Drive, Suite 100
Katy, Texas 77494
jeremy@warrenbakerlaw.com

Re: Case No. 22-CCV-071463; *The State of Texas and Fort Bend County, Texas vs. 521 Properties LLC, et. al.*; Eminent Domain Proceeding Assigned to the Judge of the County Court at Law No. 6 in Fort Bend County, Texas.

Rule 11 Agreement

Mr. Baker:

Subject to approval by the State of Texas and Fort Bend County Commissioners Court, this will confirm the agreement between my clients, the State of Texas and Fort Bend County, Texas (collectively, "Petitioners"), and your client 521 Properties LLC ("521 Properties") to settle the above-referenced condemnation on the following terms:

1. The parties agree to stipulate at the hearing before Special Commissioners that the just compensation owed to 521 Properties as a result of Petitioners' acquisition of the property rights described in their Petition and Statement in Condemnation on file herein ("Petition") is THREE MILLION NINE HUNDRED AND FIFTY THOUSAND AND NO/100 DOLLARS (\$3,950,000.00).
2. After the hearing, 521 Properties will file objections to the award of Special Commissioners for the purpose of invoking the trial court's jurisdiction.
3. Immediately after the trial court's jurisdiction has been invoked, 521 Properties will also file a stipulation declaring that Petitioners:
 - Have the right and power of eminent domain;
 - Are authorized to acquire the property rights described in the Petition; and
 - Have complied with all statutory prerequisites to suit.

The filing will further stipulate that:

- The FM 521 North Project, #17113 (the "Project"), and the construction of the public facilities contemplated by the Project, is a public purpose;

- There exists a public necessity for acquiring the property rights described in the Petition;
 - Petitioners' proposed use of the property rights described in the Petition constitutes a public use under Texas law;
 - Petitioners' acquisition of the property rights described in the Petition is necessary to achieve the public use and is necessary for the location, improvement, alignment, construction, operation, drainage and/or maintenance of the Project and/or the construction of the public facilities contemplated by the Project; and
 - The Project, which includes construction and maintenance of public facilities, is a desired public use for such purposes.
4. After the filing of its (i) objection to the award of special commissioners and (ii) the stipulation described in paragraph 3, Petitioners will deposit the amount of the award into the registry of the court.
 5. After depositing the amount awarded by the special commissioners into the registry of the court, 521 Properties will promptly and diligently take all necessary steps to secure a driveway permit from all necessary regulating entities at the location depicted in Exhibit 1 within 6-months after the filing of its objection to the award of special commissioners. During this process, the parties agree not to take any substantive action in the trial court other than to prevent dismissal of the proceeding for want of prosecution.
 6. If 521 Properties secures the driveway permit from the location depicted in Exhibit 1 within 6-months after the filing of its objection to the award of special commissioners, the parties will present an agreed final judgment for the trial court's rendition awarding Petitioners the property rights described in Petition for total compensation in the amount of THREE MILLION NINE HUNDRED AND FIFTY THOUSAND AND NO/100 DOLLARS (\$3,950,000.00).
 7. If 521 Properties fails to secure a driveway permit from the location depicted in Exhibit 1, the condemnation litigation will commence on the issue of just compensation only. The parties will agree to present the court with an agreed scheduling order governing the proceeding's deadlines.

If this accurately states the parties' agreement with respect to the above-referenced matters, please sign and return this letter to my attention by e-mail.

Sincerely,

/s/ Rolf F. Krueger

Rolf F. Krueger
Counsel for the State of Texas and
Fort Bend County, Texas

Mr. Jeremy Baker
December 29, 2022
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AGREED:

Mr. Jeremy Baker
Counsel for 521 Properties LLC

Exhibit 1

Approximate
Location of Proposed Driveway

