

STATE OF TEXAS

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COUNTY OF FORT BEND

ORDER AUTHORIZING SETTLEMENT

On this 11th day of July, 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:

Fort Bend County, Texas is hereby authorized to purchase fee simple title in and to Parcel No. 7 for the for Vacek Road Project, #20111 pursuant to the terms set forth in the Rule 11 Agreement attached hereto and incorporated herein by reference as if copied verbatim. Fort Bend County is further authorized incur necessary costs and authorizes the County Judge to sign all closing documents necessitated by the purchase and authorizes the County Clerk to record all closing documents in the official public records at no cost.

Mobility bonds will be designated as the funding source.

ATTEST*Laura Richard*

Laura Richard
Fort Bend County Clerk

FORT BEND COUNTY*K.P. George*

K.P. George
Fort Bend County Judge



Attachment



COUNTY ATTORNEY

Fort Bend County, Texas

BRIDGETTE SMITH-LAWSON
County Attorney

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

June 1, 2023

By E-mail

Philip J. Hundl
Land Rights Law PLLC
102 East Norris Street
El Campo, Texas 77437
phundl@landrights-law.com

Re: Vacek Road Project, #20111; Parcel No. 7
Rule 11 Agreement

Mr. Hundl:

Subject to and contingent upon approval by Fort Bend County Commissioners Court, this will confirm the agreement between my client, Fort Bend County, Texas (the "County"), and your clients Jazmin Luna Padron and Maria A. Luna (the "Landowners") to settle the above-referenced matter on the following terms:

1. The parties agree that just and adequate compensation owed as a result of the County's acquisition of fee simple title in and to a 0.3718-acre (16,196-square foot) tract of land described in the attached Exhibit A, together with all improvements located thereon (the "Property"), is FIFTY FIVE THOUSAND AND NO/100 DOLLARS (\$55,000.00).
2. The Landowners agree to convey fee simple title in and to the Property in one of the following ways:
 - Voluntary conveyance of the Property to the County after securing valid and proper releases of all liens and encumbrances; or
 - Stipulating at the hearing before Special Commissioners and at trial, if necessary, that just compensation owed as a result of the County's acquisition of the Property is FIFTY FIVE THOUSAND AND NO/100 DOLLARS (\$55,000.00) if the Landowners are unable to secure valid and proper releases of all liens and encumbrances.
3. If valid and proper releases of all liens and encumbrances are received within 60-days of the signing of this agreement, the County shall proceed with a voluntary conveyance and work diligently to finalize the agreement and release the funds outlined in paragraph 1 to the Landowners.

4. Each party shall bear its own attorneys' fees and costs — including costs of court.
5. In connection with the execution of this Rule 11 Agreement, Landowners warrant and represent that they own fee simple title in and to the Property and no other person or entity owns an interest in the fee title to the Property. Landowners also stipulate that the County:
 - Has the right and power of eminent domain;
 - Is authorized to acquire the fee simple title in and to the Property; and
 - Has complied with all statutory prerequisites to suit.

Landowners further stipulate that:

- The Vacek Road Project, #20111, and the construction and maintenance of the infrastructure and facilities contemplated by the project, is a public purpose;
 - There exists a public necessity for acquiring the Property;
 - The County's proposed use of the Property constitutes a public use under Texas law;
 - The County's acquisition of the Property is necessary to achieve that public use and is necessary for the location, improvement, alignment, construction, operation, and maintenance of the Vacek Road Project, #20111 and the infrastructure and facilities contemplated by the project; and
 - The Vacek Road Project, #20111 is a desired public use for such purposes.
6. As noted above, this agreement is subject to and contingent upon approval by the Fort Bend County Commissioners' Court. If Fort Bend County Commissioners Court does not approve this agreement, the Landowners reserve the right to assert all defenses and counterclaims against the County arising from its acquisition of fee simple title in and to the Property.

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.



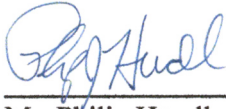
Sincerely,

/s/ Rolf F. Krueger

Rolf F. Krueger
Counsel for Fort Bend County, Texas

Mr. Philip Hundl
June 1, 2023
Page 3

AGREED:

A handwritten signature in blue ink, appearing to read "Philip Hundl", is written over a horizontal line.

Mr. Philip Hundl
Counsel for Jazmin Luna Padron and Maria A. Luna

Exhibit A

EXHIBIT "A"
METES AND BOUNDS DESCRIPTION
0.3718 ACRES (16,196 SQ. FT.)
OUT OF CALLED 1.0 ACRE TRACT
BARNABUS WICKSON LEAGUE, A-95
FORT BEND COUNTY, TEXAS

Being a tract or parcel of land containing 0.3718 acres (16,196 square feet), more less, situated in the Barnabus Wickson League, Abstract No. 95, in Fort Bend County, Texas, said 0.3718 acre tract being out of that certain tract called 1.0 acre conveyed to Lawrence J. Sbrusch, Jr. and Edward J. Tydlacka, by special warranty deed dated October 04, 2019, recorded in Fort Bend County Clerk's File No. 2019114699 of the Official Public Records of Fort Bend County, Texas, said 0.3718 acre parcel being more particularly described by metes and bounds as follows (with all bearings referenced to the Texas Coordinate System, South Central Zone, NAD '83):

COMMENCING (N=13,721,791.18, E=2,999,523.57) at a 1-inch iron rod with a Survey1 cap found for the east corner of said 1.0 acre tract, in the northwest line of that certain tract called 14.316 acres conveyed to Christopher Jay Stallings and wife, Angel M. Stallings, by general warranty deed dated May 23, 2013, recorded in Fort Bend County Clerk's File No. 2013063562 of the Official Public Records of Fort Bend County;

THENCE South 42°32'04" West along the southeast line of said 1.0 acre tract (called S45°16'35"W) and northwest line of said 14.316 acre tract (called S45°16'35"W), a distance of 88.26 feet to a 5/8-inch iron rod with a Tejas cap set on the proposed northeasterly right-of-way line of Vacek Road for the **POINT OF BEGINNING** (N=13,721,726.15, E=2,999,463.91) and east corner of the herein described 0.3718 acre parcel;

THENCE continuing South 42°32'04" West along the southeast line of said 1.0 acre tract (called S45°16'35"W) and northwest line of said 14.316 acre tract (called S45°16'35"W), a distance of 50.72 feet to the south corner of said 1.0 acre tract and the herein described parcel, being also the west corner of said 14.316 acre tract in the centerline of Vacek Road (60 feet wide) as dedicated in Vol. 10, Pg. 82, of the Deed Records of Fort Bend County;

THENCE North 57°08'47" West (called N54°26'W) along the southwest line of said 1.0 acre tract and the centerline of said Vacek Road, a distance of 323.84 feet (called 324.45 feet) to the west corner of said 1.0 acre tract and the herein described parcel, being also the south corner of that certain tract called 2.000 acres conveyed to Donald Russell, by special warranty deed dated December 26, 2019, recorded in Fort Bend County Clerk's File No. 2020000218 of the Official

Fort Bend County Mobility Project
Vacek Road:
Fairchilds to Boothline

June 24, 2022
Parcel 7

Public Records of Fort Bend County, at an intersection with the centerline of Leroy Road (60 feet wide – no record information for right-of-way dedication found);

THENCE North 42°21'13" East along the northwest line of said 1.0 acre tract (called N44°05'58"E) and the southeast line of said 2.000 acre tract (called N44°55'20"E), being also the centerline of said Leroy Road, a distance of 50.70 feet to an intersect with the proposed northeast right-of-way line of said Vacek Road for the north corner of the herein described parcel;

THENCE South 57°08'47" East along the proposed northeast right-of-way of said Vacek Road, at a distance of 30.42 feet pass a 5/8-inch iron rod with a Tejas cap set for reference at an intersect with the existing southeast right-of-way line of said Leroy Road, and continue, in all a distance of 324.00 feet to the POINT OF BEGINNING of the herein described parcel and containing 0.3718 acres (16,196 square feet) of land, more or less, of which 0.2370 acres (10,325 square feet) is within the existing rights-of-way of Vacek Road and Leroy Road.

Note: This description is accompanied by a plat of survey of even date herewith. All iron rods set with Tejas caps are stamped with "RPLS 4079". All distances and coordinates shown hereon are surface. To convert to grid, multiply by a scale factor = 0.9998700169.

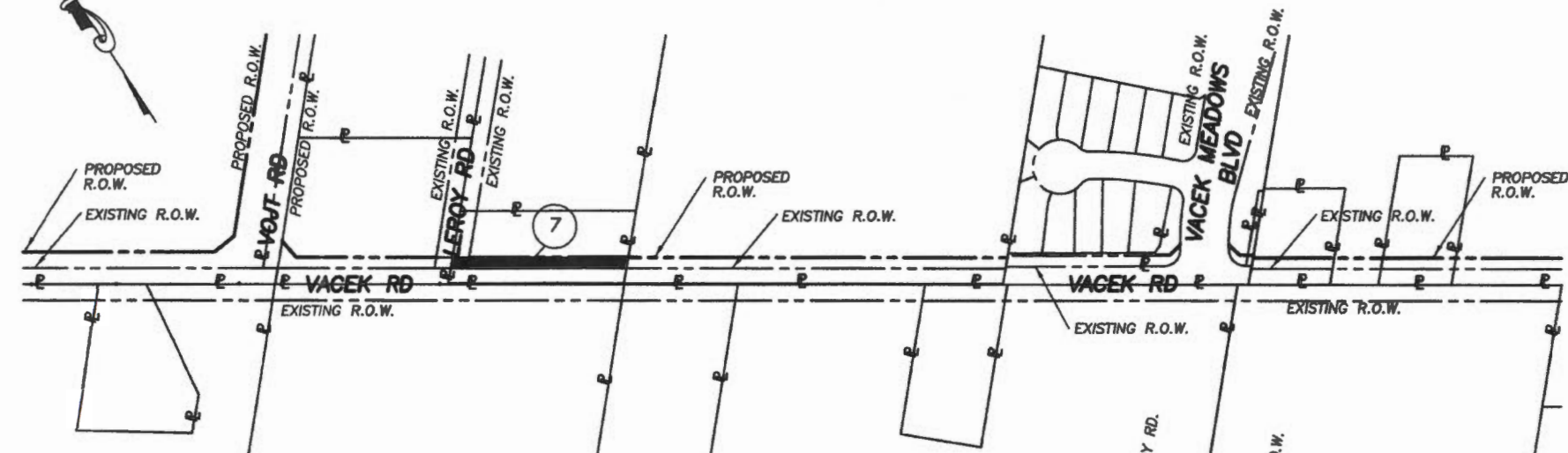
TEJAS SURVEYING, INC.
Firm No. 10031300
Ph: 281 240-9099
Job No. 61-2103 Parcel 7





TEJAS SURVEYING, INC.
FIRM NO. 10031300
1810 FIRST OAKS ST., SUITE 220
RICHMOND, TX 77406
PH: 281 240-9099
rsm@mrsurveyor.com

BARNABUS WICKSON LEAGUE, A-95

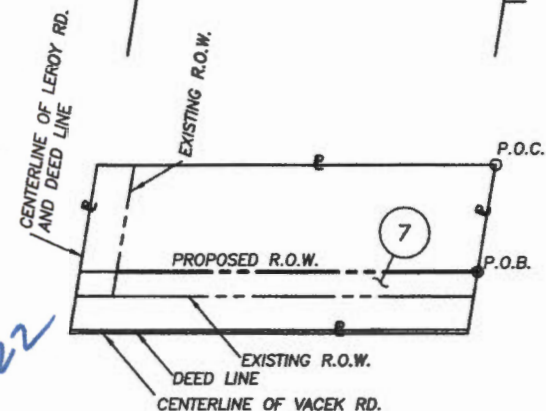


NOTES:

1. THE BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD '83. ALL DISTANCES AND COORDINATES SHOWN HEREON ARE SURFACE. TO CONVERT TO GRID MULTIPLY BY 0.9998700169.
2. THIS SURVEY IS ACCOMPANIED BY A METES AND BOUNDS DESCRIPTION OF EVEN DATE HERewith.
3. THIS SURVEY WAS PREPARED WITH THE BENEFIT OF A LIMITED TITLE CERTIFICATE PREPARED BY COURTHOUSE SPECIALISTS, CERT. NO. 2137633 A-7, CAD NO. R40227, DATED MAY 29, 2022.
4. UNLESS OTHERWISE NOTED, 5/8-INCH IRON RODS WITH YELLOW CADS STAMPED "RPLS 4079" SET AT ALL PARCEL CORNERS.

LEGEND

- - SET 5/8" IR WITH TEJAS CAP STAMPED "RPLS 4079"
- IP - IRON PIPE
- IR - IRON ROD
- FND - FOUND
- E - PROPERTY LINE
- P.O.C. - POINT OF COMMENCING
- P.O.B. - POINT OF BEGINNING
- VOL - VOLUME
- PG. - PAGE
- F.N. - FILE NUMBER
- F.B.C.C. - FORT BEND COUNTY CLERK
- D.R.F.B.C. - DEED RECORDS OF FORT BEND COUNTY
- P.R.F.B.C. - PLAT RECORDS OF FORT BEND COUNTY
- O.P.R.F.B.C. - OFFICIAL PUBLIC RECORDS OF FORT BEND COUNTY

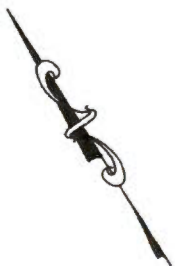
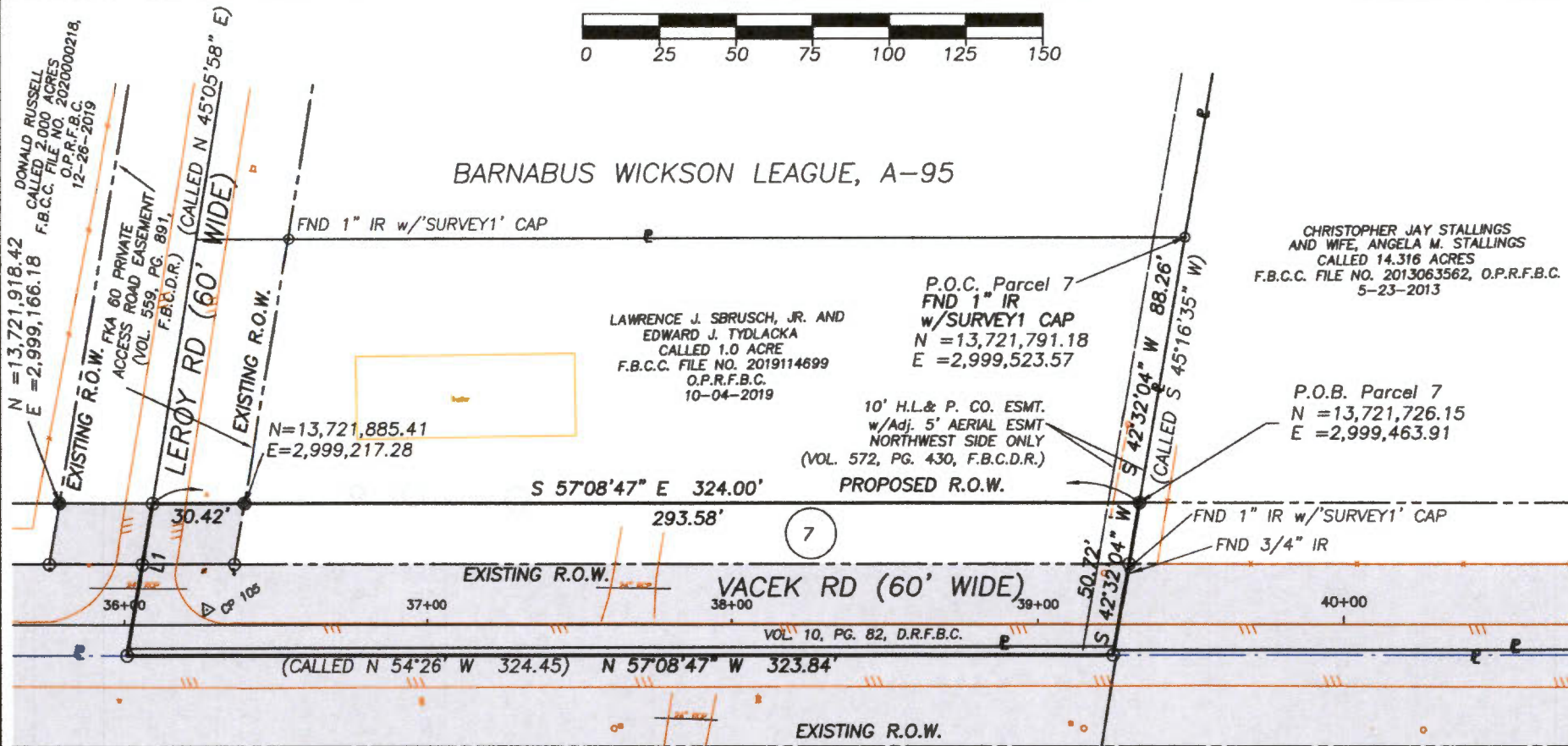


INSET
N.T.S.

OWNER	EXISTING ACREAGE	TOTAL TAKING AREA ACRES/S.F.	AREA WITHIN EXISTING R.O.W. AS OCCUPIED ACRES/S.F.	AREA OF PROPOSED ADDITIONAL R.O.W. ACRES/S.F.	REMAINDER ACREAGE		PARCEL PLAT SHOWING PARCEL 7 VACEK ROAD FORT BEND COUNTY, TEXAS PARCEL VICINITY MAP PAGE 3 OF 4
					LEFT	RIGHT	
LAWRENCE J. SBRUSCH, JR., ET AL	1.0	0.3718/16,196	0.2370/10,325	0.1348/5,871	0.6		



BARNABUS WICKSON LEAGUE, A-95



BARNABUS WICKSON LEAGUE, A-95

LINE	BEARING	DISTANCE
L1	N 42°21'13\" E	50.70'

PARCEL PLAT
 SHOWING
PARCEL 7
VACEK ROAD
 FORT BEND COUNTY, TEXAS
 PARCEL DETAIL PAGE 4 OF 4