

STATE OF TEXAS

§  
§  
§

COUNTY OF FORT BEND

**ORDER AUTHORIZING SETTLEMENT OF  
EMINENT DOMAIN PROCEEDING**

On this 28 day of January, 2025, 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, Texas, upon motion of Commissioner Morales, seconded by Commissioner Meyers, duly put and carried, IT IS HEREBY ORDERED that:

The County Attorney be authorized to settle Case No. 21-CCV-069205 styled *Fort Bend County, Texas v. Belt 15 Partners Ltd., et, al.*, pending in the Fort Bend County Court at Law No. 2, pursuant to the terms set forth in the attached Rule 11 Agreement.

The County Judge is hereby authorized to execute and deliver the settlement agreement recommended for approval by the County Attorney in the above-referenced cause and to approve such terms and provisions for the full and final settlement of all matters set forth therein such settlement and 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

January 17, 2025

### By E-mail

Paul S. Radich  
The Radich Law Firm, PLLC  
7670 Woodway Drive, Suite 357  
Houston, Texas 77063-6507  
[paul@radichlawfirm.com](mailto:paul@radichlawfirm.com)

Re: Case No. 21-CCV-069205; *Fort Bend County, Texas v. Belt 15 Partners Ltd., et. al.*; Eminent Domain Proceeding Assigned to the Judge of the County Court at Law No. 2 in Fort Bend County, Texas  
**Rule 11 Settlement Agreement**

Mr. Radich:

*Subject to, and contingent upon, Fort Bend County Commissioners Court approval, this will confirm the settlement agreement between my client, Fort Bend County, Texas (the "County"), and your client Belt 15 Partners Ltd. ("Landowner") on the following terms:*

1. **Final Total Just Compensation:** The parties agree and stipulate in the above-referenced condemnation that final total just compensation owed for the County's acquisition of the fee simple interest in and to a 0.0425-acre tract of land (1,851 square feet) more particularly described and depicted in Exhibit A attached hereto and incorporated herein by reference (the "Property") is THREE HUNDRED AND SIXTY THOUSAND AND NO/100 DOLLARS (\$360,000.00). The parties further agree that final judgment entered in this proceeding shall be made in the names of all Defendants included in the Petition (*i.e.*, Landowner and the referenced taxing authorities).
2. **Free and Clear Title:** Landowner warrants and represents that the title to the Property is clear of all liens and encumbrances (other than those of record, if any). Payment of the settlement funds set forth in Paragraph 1 above shall promptly be deposited into the registry of the Court following entry of an Agreed Award of Special Commissioners. The County agrees and stipulates that the deposited funds should be disbursed by the Court to Landowner upon presentment by Landowner of a tax certificate issued under Section 31.08 of the Texas Tax Code showing that there are no delinquent taxes, penalties, interest, or costs owing on

the Property or on any larger tract of which the Property forms a part. Tex. Prop Code § 21.0211.

3. **Court Costs and Fees:** In the event this settlement agreement is approved and consummated, each party shall bear its own costs of court and fees for attorneys, appraisers, photographers, and for any other expenses incurred. In the event of approval of this settlement agreement by Fort Bend County Commissioners Court, Landowner agrees to waive any and all claims for costs of court and fees for attorneys, appraisers, photographers, and for any other expenses incurred in connection with this proceeding. In the event such approval is not obtained, is denied, or otherwise does not occur, Landowner does not waive, and hereby expresses its intent to pursue, any and all such claims.
4. **Right-to-Take:** Upon payment of the agreed-upon compensation set forth in Paragraph 1 above, in the manner set forth in Paragraph 2 above, Landowner agrees to stipulate that the County has the right-to-take the fee simple interest in and to the Property and agrees not to contest the County's fee simple acquisition of the Property in any way. In the event approval of this settlement agreement by Fort Bend County Commissioners Court is not obtained, is denied, or otherwise does not occur, landowner does not so stipulate and hereby expresses its intent to maintain any and all such challenges.
5. **Utility Relocation:** Notwithstanding anything herein to the contrary, this agreement is expressly made subject to written confirmation from the County that the utilities (including, but not limited to, those of Fort Bend County MUD No. 118) currently located within the Property being acquired are either: (i) permitted to remain in place or (ii) will not be relocated onto the remainder of Landowner's property. If such confirmation is not, or cannot be, provided, this agreement shall be of no force and effect. The County further agrees to provide such confirmation, and to seek approval of this agreement by Fort Bend County Commissioners Court, as soon as reasonably possible, but in no event not more than 90-days from the signing of this agreement by counsel for the County and Landowner.

If this accurately states the parties' agreement with respect to the settlement of the above-referenced eminent domain matter, 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

## **Exhibit A**

Metes and Bounds Description and Survey

EXHIBIT A

Property Description for Parcel 1  
Mason Road

**COMMENCING** at a 5/8 inch iron rod with cap stamped Carter/Burgess found for the common easterly corner of the remainder of said Unrestricted Reserve "B" and said Unrestricted Reserve "A" and being in the westerly line of said Restricted Reserve "A" and said 6.598 acre tract, thence as follows:

South 02 degrees 39 minutes 41 seconds East, along the line common to said Unrestricted Reserve "A" and said Restricted Reserve "A", a distance of 193.50 feet, to a 5/8 inch iron rod with cap stamped "TRANSYSTEMS CORPORATION" found for the point of intersection with the proposed northerly right-of-way line of State Highway 99 (width varies) and the **POINT OF BEGINNING** of the herein described parcel, having coordinates of N = 13,804,243.83 and E = 3,005,581.92;

- 1) THENCE South 02 degrees 39 minutes 41 seconds East, continuing along the most southerly line common to said Unrestricted Reserve "A" and said Restricted Reserve "A" and the proposed northerly right-of-way line of said State Highway 99, a distance of 10.10 feet, to a 5/8 inch iron rod with cap stamped Carter/Burgess found for the common southerly corner of said Unrestricted Reserve "A" and said Restricted Reserve "A" and the southwesterly corner of said 6.598 acre tract, being the point of intersection with the existing northerly right-of-way line of said State Highway 99, conveyed to the State of Texas by Special Warranty Deed, executed August 14, 1987 and recorded under File Number 9163397, O.P.R.F.B.C.;
- 2) THENCE North 86 degrees 29 minutes 39 seconds West, along the existing northerly right-of-way line of said State Highway 99, a distance of 184.85 feet, to a 5/8 inch iron rod with cap stamped Carter/Burgess found for the common southwesterly corner of said Unrestricted Reserve "A" with southeasterly corner of called .0407 acre tract of land described as Parcel 2 and conveyed to Fort Bend County by Special Warranty Deed, executed November 12, 2019 and recorded under File Number 2019131359, O.P.R.F.B.C.

Revised April 2023  
Revised November 2022  
Revised August, 2019  
December, 2018  
Parcel 1  
Page 2 of 5

EXHIBIT A

- 3) THENCE North 02 degrees 11 minutes 07 seconds East, along the line common to said Unrestricted Reserve "A" and said 0.0407 acre tract, a distance of 10.04 feet, to a 5/8 inch iron rod with cap stamped "TRANSYSTEMS CORPORATION" found for the point of intersection with the proposed northerly right-of-way line of said State Highway 99;
- 4) THENCE South 86 degrees 29 minutes 36 seconds East, along the proposed northerly right-of-way line of said State Highway 99, a distance of 184.00 feet, to the **POINT OF BEGINNING**, containing 0.0425 acre (1,851 square feet) of land within Parcel 1.

Revised April 2023  
Revised November 2022  
Revised August, 2019  
December, 2018  
Parcel 1  
Page 3 of 5

## EXHIBIT A

### NOTES:

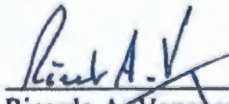
All bearings and coordinates referenced to the Texas Coordinate System, South Central Zone (4204) North American Datum of 1983 (NAD 83) (2011) (Epoch 2010.0000) and are based on GPS Base Stations Referenced DM7155 TXRS Rosenberg CORS ARP, DL9086 TXWH Wharton CORS ARP and DF4062 ZHU1 Houston WAAS1 CORS ARP. Distances and coordinates are surface values expressed in US Survey Feet. To convert to grid divide the surface values by the combined adjustment factor of 1.000120916.

Abstracting was completed in October, 2018.

Field surveys were completed in November, 2018.

A parcel plat of even date was prepared in conjunction with this description.

I, Ricardo A. Vazquez, a Registered Professional Land Surveyor, do hereby certify that the property description hereon and the accompanying parcel plat of even date represent an actual on the ground survey made by me or under my supervision.

  
Ricardo A. Vazquez  
Registered Professional Land Surveyor  
Texas Registration No. 4902

*April 28, 2023*  
Date

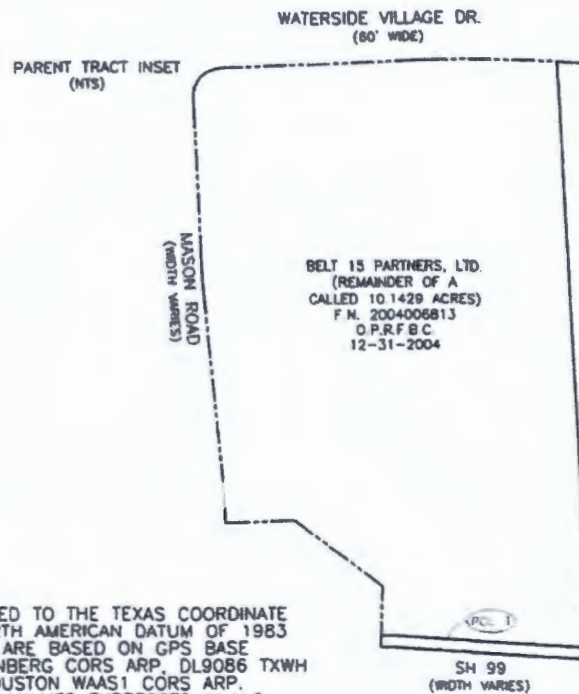


Prepared by:

 **HUITT  
ZOLLARS**

HUITT ZOLLARS - WEST HOUSTON  
10350 RICHMOND AVE., SUITE 300  
281-496-0066  
WWW.HUITT-ZOLLARS.COM





#### NOTES

1. ALL BEARINGS AND COORDINATES REFERENCED TO THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204) NORTH AMERICAN DATUM OF 1983 (NAD 83) (2011) (EPOCH 2010.0000) AND ARE BASED ON GPS BASE STATIONS REFERENCED DM7155 TXRS ROSENBERG CORS ARP, DL9086 TXWH WHARTON CORS ARP AND DF4062 ZHU1 HOUSTON WAAS1 CORS ARP. DISTANCES AND COORDINATES ARE SURFACE VALUES EXPRESSED IN U.S. SURVEY FEET. TO CONVERT TO GRID DIVIDE THE SURFACE VALUES BY THE COMBINED ADJUSTMENT FACTOR OF 1.000120916.
2. O.P.R.F.B.C. DENOTES OFFICIAL PUBLIC RECORDS FORT BEND COUNTY  
F.N. DENOTES FILE NUMBER.  
P.R.F.B.C. DENOTES PLAT RECORDS FORT BEND COUNTY  
P.N. DENOTES PLAT NUMBER.
3. ABSTRACTING WAS COMPLETED IN OCTOBER, 2018.
4. FIELD SURVEYS WERE COMPLETED IN NOVEMBER, 2018.
5. THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT.
6. A PROPERTY DESCRIPTION OF EVEN DATE WAS PREPARED IN CONJUNCTION WITH THIS PARCEL PLAT.

I HEREBY CERTIFY THAT THIS SURVEY WAS PERFORMED ON THE GROUND UNDER MY SUPERVISION AND THAT THIS PARCEL PLAT REPRESENTS THE FACTS AS FOUND AT THE TIME OF THE SURVEY.

*Ricardo A. Vazquez*  
RICARDO A. VAZQUEZ

REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS REGISTRATION NO. 4902

*April 28, 2023*



EXISTING	TAKING	REMAINING
3.5491 (CALC.)	1.851 S.F. 0.0425 AC.	1.6976 AC.

#### PARCEL PLAT SHOWING PROPERTY OF

PARCEL 1

MASON ROAD FORT BEND COUNTY

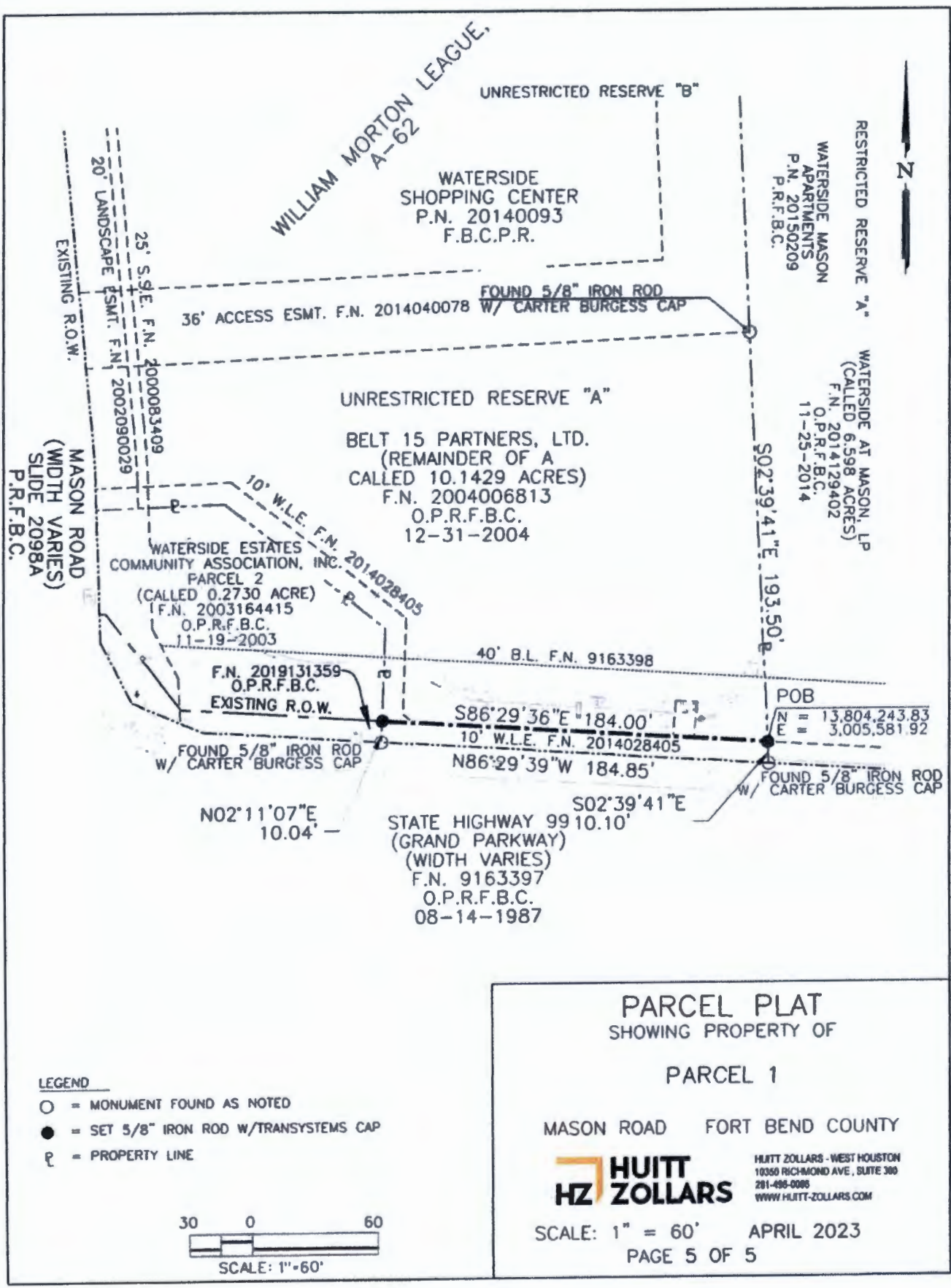
**HUITT ZOLLARS**

HUITT ZOLLARS - WEST HOUSTON  
10300 RICHMOND AVE., SUITE 300  
281-486-0086  
WWW.HUITT-ZOLLARS.COM

SCALE: NTS

APRIL 2023

PAGE 1 OF 1



WILLIAM MORTON LEAGUE,  
A-62

WATERSIDE  
SHOPPING CENTER  
P.N. 20140093  
F.B.C.P.R.

UNRESTRICTED RESERVE "B"

RESTRICTED RESERVE "A"  
WATERSIDE MASON  
APARTMENTS  
P.N. 20150209  
P.R.F.B.C.

WATERSIDE AT MASON, LP  
(CALLED 6.598 ACRES)  
F.N. 2014129402  
O.P.R.F.B.C.  
11-25-2014

36' ACCESS ESMT. F.N. 2014040078  
FOUND 5/8" IRON ROD  
W/ CARTER BURGESS CAP

UNRESTRICTED RESERVE "A"

BELT 15 PARTNERS, LTD.  
(REMAINDER OF A  
CALLED 10.1429 ACRES)  
F.N. 2004006813  
O.P.R.F.B.C.  
12-31-2004

MASON ROAD  
(WIDTH VARIES)  
SLIDE 2096A  
P.R.F.B.C.

WATERSIDE ESTATES  
COMMUNITY ASSOCIATION, INC.  
PARCEL 2  
(CALLED 0.2730 ACRE)  
F.N. 2003164415  
O.P.R.F.B.C.  
11-19-2003

F.N. 2019131359  
O.P.R.F.B.C.  
EXISTING R.O.W.

40' B.L. F.N. 9163398

S86°29'36"E 184.00'  
10' W.L.E. F.N. 2014028405  
N86°29'39"W 184.85'

N02°11'07"E  
10.04'

STATE HIGHWAY 99  
(GRAND PARKWAY)  
(WIDTH VARIES)  
F.N. 9163397  
O.P.R.F.B.C.  
08-14-1987

POB  
N = 13,804,243.83  
E = 3,005,581.92

FOUND 5/8" IRON ROD  
W/ CARTER BURGESS CAP

Mr. Paul S. Radich  
January 17, 2025  
Page 3

AGREED:

A handwritten signature in black ink, appearing to read 'PSR', is written above a horizontal line.

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Mr. Paul S. Radich  
Counsel for Belt 15 Partners Ltd.