

HARRIS COUNTY

OFFICE OF THE COUNTY ENGINEER

1001 Preston, Suite 500
Houston, Texas 77002
(713) 755-5370

March 18, 2021

Honorable County Judge
& Commissioners

Attention: Commissioner R. Jack Cagle

SUBJECT: Recommendation That Harris County, Texas, Acting by and Through Its Commissioners Court, Hereby Disclaims Any and All Interest, of Any Kind or Character, as to a Certain Tract of Land and Accept a Real Estate Donation of a Drainage Easement Across 0.5205 Acres, and Execute A Proposed Gift Form, Precinct 4.

Dear Court Members:

It is recommended that Harris County, Texas, acting by and through its Commissioners Court, hereby disclaims any and all interest, of any kind or character, as to that certain tract of land more particularly described as:

All of Reserve "B." In Block One (1), of WEISENBERGER CITY, a subdivision in Harris County, Texas, according to the map or plat thereof, recorded in Volume 31, Page 51, of the Map of Records of Harris County, Texas,

and accept a real estate donation of a drainage easement across 0.5205 acres, collectively as two tracts, and execution of a proposed gift form.

Sincerely,

Loyd Smith for

John R. Blount, P.E.
County Engineer

JRB/SCW/kp

Attachments

cc: Commissioner R. Jack Cagle
Cheryl Guenther
Pamela Rocchi
Freddie Jebousek
Kiley Holbrook

Date: March 30, 2021

PROPOSED GIFT TO HARRIS COUNTY, TEXAS

DEPARTMENT ACCEPTING GIFT AND SUBMITTING REQUEST TO COMMISSIONERS COURT

Department Name	Fund	Department #
Harris County Precinct 4	2201	10430202

DEPARTMENT RETAINING GIFT UPON COMMISSIONERS COURT APPROVAL (IF DIFFERENT FROM ABOVE DEPARTMENT)

Department Name	Fund	Department #

A drainage easement across 0.5205-acre of land, collectively as two tracts,
located in the F. Dirks Survey, Abstract Number 235, Harris County, Texas

Gift Description*

\$ 56,231.52
Total Dollar Amount or Estimated Market Value*

Harmony Public Schools, a Texas non-profit corporation

Name of Donor(s)

***Harris County's acceptance of this donation/gift does not represent Harris County's agreement with the property owner's appraised value or claimed fair market value.**

Special Purposes/Restrictions:

None

NOTE: If there are no restrictions, please indicate. If more space is required, please identify or summarize above and indicate that there is an attachment.

Accepted:

Harris County, Texas

By: Lina Hidalgo, County Judge

Per Commissioners Court Order: Volume _____ Page _____ Date _____

egress across Grantor's property as more particularly described by metes and bounds on Exhibit "C" attached hereto and made a part hereof ("Grantor's Property") to and from the Easement Areas for the purpose of making improvements, modifications, and repairs to Grantee's Facilities which the Grantee deems necessary, provided that Grantee shall not obstruct the flow of traffic across the Grantor's Property during times of peak usage between 6:30 a.m. to 8:30 a.m. and 3:00 p.m. to 5:30 p.m. on weekdays.

Grantee may lay, construct, install, maintain, repair, relocate, replace, remove, modify and operate Grantee's Facilities across, along, under, over, upon and through the Easement Areas, and may enter upon the Easement Areas to engage in all activities as may be necessary, requisite, convenient, or appropriate in connection therewith. Grantee's rights shall include, without limitation, the right to clear and remove trees, growth, shrubbery and other improvements that interfere with Grantee's use of the Easement Areas for the purposes set forth herein from within the Easement Areas and the right to bring and operate such equipment on the Easement Areas as may be necessary, requisite, convenient, or appropriate to effectuate the purposes for which the Easement is granted. Subject to the rights granted to Grantee herein, Grantee will, at all times after doing any work in connection with the Easement, restore the surface of the Easement Areas and Grantor's Property as nearly as reasonably practicable to substantially its condition prior to the undertaking of such work; provided, however, that Grantee shall not be obligated to replace or restore any trees, growth, shrubbery, or other improvements or obstructions removed from within the Easement Areas in

connection with the construction, installation, repair, maintenance, relocating, replacement, removal, upgrade, change in the size of, operation, placement, inspection, protection, or alteration of Grantee's Facilities or that interfere with Grantee's use of the Easement Areas for the purposes set forth herein. Grantee shall remove at Grantee's expense, trash and debris, as well as any dirt, earth or other material excavated from the Easement Areas in connection with Grantee's construction, operation, or maintenance of Grantee's Facilities that is not used in connection with Grantee's activities hereunder.

The Easement granted herein is non-exclusive, and Grantee's exercise of the rights granted herein shall not unreasonably interfere with Grantor's ordinary and usual use or operation of the Easement Areas or Grantor's other property adjoining the Easement Areas, including Grantor's Property. Subject to the limitations set forth herein, Grantor expressly reserves unto itself, its successors and assigns, the right at any time and from time to time to the use and enjoyment of the surface of the Easement Areas and Grantor's Property for any and all purposes, including, but not limited to, the right to: (i) construct, install, maintain, operate, modify, repair, replace, or remove, in, upon, over, along, or across the Easement Areas and Grantor's Property, fencing, gates, and related appurtenances, landscaping and other vegetation, and other facilities and structures; (ii) plat the Easement Areas and Grantor's Property, impose restrictions thereon, and otherwise deal in and with the Easement Areas and Grantor's Property in conjunction with Grantor's development of Grantor's other property adjoining the Easement Areas, including Grantor's Property; and (iii) grant to

others the right to engage in any of the foregoing activities; provided, however, that such use and enjoyment of the surface of the Easement Areas and Grantor's Property shall not interfere with, obstruct, or restrict the Grantee's full and complete use and enjoyment of the Easement Areas for the purposes set forth herein. If Grantor constructs, places, installs, or permits any construction, placement, or installation that interferes with, obstructs, or restricts Grantee's full and complete use and enjoyment of the Easement Areas for the purposes set forth herein, Grantee shall have the right to prevent or remove such obstructions, at Grantor's sole cost and expense without any obligation to restore the same or any liability to Grantor.

So long as the Easement exists, Grantor shall not deny access to Grantee to any portion of the Easement Areas. Grantor shall be permitted to erect fencing, a security gate, and any other barricade, across Grantor's Property with reasonable coordination of the same with Grantee, and, if required by Grantee, Grantor shall provide a key or other means of access through any such barricade to Grantee. Grantor and Grantee agree that no placement by Grantee of any structures pursuant to this Easement shall limit the rights of Grantee as to any part of the Easement Areas.

It is further understood that Grantor retains title to all oil, gas, sulfur, and other mineral interests in, on, and under the Easement Areas and Grantor's Property, but expressly waives the right to use the surface of the Easement Areas for development of any such minerals. Any operations for exploration or recovery of any such minerals shall be permissible, provided that these operations shall be

conducted so that the surface of the Easement Areas will be available to Grantee for the purposes described herein.

No provision of this Agreement shall constitute or be construed as a dedication of any interest described in this Agreement to the public or give any member of the public any right whatsoever, it being the intention of the parties that this Agreement shall be strictly limited to and for the purpose herein expressed.

TO HAVE AND TO HOLD the said Easement, unto the County of Harris to be used for said purpose, forever; and GRANTOR does hereby bind itself, its heirs, executors, successors and assigns TO WARRANT AND FOREVER DEFEND all and singular the said premises unto the said Harris County, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof, by, through, or under Grantor, but not otherwise, subject to the matters set forth herein.

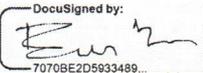
This conveyance is subject to all easements, restrictions, reservations, and other matters of record in the County Clerk's Official Public Records of Real Property of Harris County, which affect the Easement Areas or Grantor's Property, to the extent they are valid and subsisting and are enforceable against a political subdivision of the State of Texas.

This Easement shall remain in full force and effect until terminated upon the mutual written agreement of Grantor and Grantee.

[Signatures follow on next pages.]

EXECUTED this 19 day of January, 2021.

HARMONY PUBLIC SCHOOLS, a Texas non-profit corporation

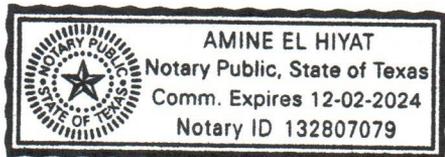
DocuSigned by:

7070BE2D5833489
By: _____
Name: Nihat Bayhan
Title: Chief Financial Officer

ACKNOWLEDGMENT

THE STATE OF TEXAS §

COUNTY OF FORT BEND §

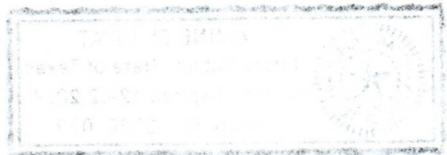
This instrument was acknowledged before me on January 19th, 2021, by NIHAT BAYHAN, as Deputy Superintendent of HARMONY PUBLIC SCHOOLS, a Texas non-profit corporation, on behalf of said corporation.



Amine. E
Notary Public signature

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HARRIS COUNTY TEXAS, a body corporate and politic
under the laws of the State of Texas

By: _____
LINA HIDALGO, County Judge

APPROVED AS TO FORM:

CHRISTIAN D. MENEFEE
County Attorney

By: Katherine S. Callahan
Katherine S. Callahan, Assistant County
Attorney CAO File No.: 20GEN0516

STATE OF TEXAS §

COUNTY OF HARRIS §

This instrument was acknowledged before me on _____, 2021,
by Lina Hidalgo as County Judge of HARRIS COUNTY, TEXAS and the
presiding officer of the Commissioners Court of Harris County, Texas, on behalf
of Commissioners Court of Harris County, Texas, as governing body of Harris
County, Texas.

Notary Public signature

Exhibit "A"

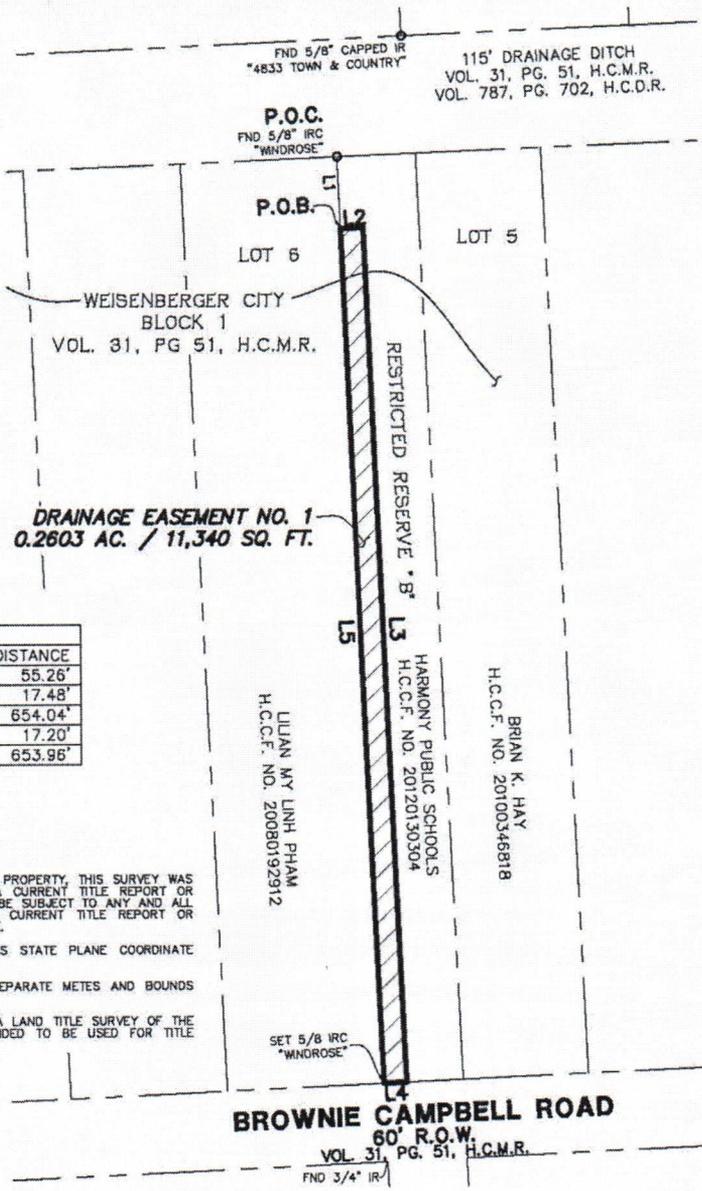
Easement Area - Drainage Easement No. 1

[SEE FOLLOWING PAGES]



NORTH

SCALE: 1" = 100'



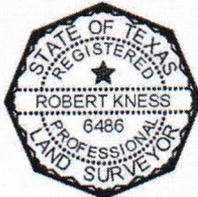
LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 02°34'12" E	55.26'
L2	N 87°16'18" E	17.48'
L3	S 02°32'41" E	654.04'
L4	S 87°31'48" W	17.20'
L5	N 02°34'12" W	653.96'

GENERAL NOTES

1. SURVEYOR DID NOT ABSTRACT SUBJECT PROPERTY; THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT OR ABSTRACTOR'S CERTIFICATE AND WOULD BE SUBJECT TO ANY AND ALL CONDITIONS OR RESTRICTIONS THAT A CURRENT TITLE REPORT OR ABSTRACTOR'S CERTIFICATE MAY DISCLOSE.
2. BEARINGS WERE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD83)
3. THIS EXHIBIT IS ACCOMPANIED BY A SEPARATE METES AND BOUNDS DESCRIPTION.
4. THIS EXHIBIT DOES NOT IMPLY TO BE A LAND TITLE SURVEY OF THE SUBJECT PROPERTY AND IS NOT INTENDED TO BE USED FOR TITLE CONVEYANCE PURPOSES.

I DO HEREBY CERTIFY THAT THIS SURVEY WAS THIS DAY MADE ON THE GROUND AND WAS PERFORMED UNDER MY SUPERVISION, THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF THIS SURVEY TO THE BEST OF MY KNOWLEDGE.

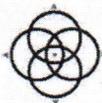
[Signature]
05/05/20



ROBERT KNESS
Registered Professional Land Surveyor
Texas Registration No. 6486

EXHIBIT OF
0.2603 AC. / 11,340 SQ. FT.
SITUATED IN THE
F. DIRKS SURVEY, A-235
HARRIS COUNTY, TEXAS

FILED BY: -	DATE: 12/23/2019
DRAWN BY: AT	REV: 5/5/2020 OP
CHECKED BY: RK	REV:
JOB NO. 54519-DE1 R1	REV:
SHEET 1 OF 2	REV:



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DESCRIPTION OF 0.2603 ACRES OR 11,340 SQ. FT.

A TRACT OR PARCEL CONTAINING 0.2603 ACRES OR 11,340 SQUARE FEET OF LAND SITUATED IN THE F. DIRKS SURVEY, ABSTRACT NO. 235, HARRIS COUNTY, TEXAS, WITH SAID 0.2603 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, BEING OUT OF RESTRICTED RESERVE "B", BLOCK 1, WEISENBERGER CITY, MAP OR PLAT THEREOF RECORDED IN VOL. 31, PG. 51, HARRIS COUNTY MAP RECORDS (H.C.M.R.), CONVEYED TO HARMONY PUBLIC SCHOOLS, RECORDED IN HARRIS COUNTY CLERK'S FILE (H.C.C.F.) NO. 20120130304, WITH ALL BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD 83):

COMMENCING AT A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" FOUND ON THE SOUTH LINE OF A 115 FOOT DRAINAGE DITCH, RECORDED IN VOL. 31, PG. 51, H.C.M.R., VOL. 787, PG. 702, HARRIS COUNTY DEED RECORDS (H.C.D.R.), THE NORTHEAST CORNER OF LOT 6, OF SAID WEISENBERGER CITY BLOCK 1, AND THE NORTHWEST CORNER OF RESTRICTED RESERVE "B";

THENCE, SOUTH 02 DEG. 34 MIN. 12 SEC. EAST, ALONG THE COMMON LINE OF SAID RESTRICTED RESERVE "B" AND SAID LOT 6, A DISTANCE OF 55.26 FEET TO THE NORTHWEST CORNER AND **POINT OF BEGINNING** OF THE HEREIN DESCRIBED EASEMENT;

THENCE, OVER AND ACROSS SAID RESTRICTIVE RESERVE "B" THE FOLLOWING THREE (3) COURSES AND DISTANCE:

NORTH 87 DEG. 16 MIN. 18 SEC. EAST, A DISTANCE OF 17.48 FEET TO THE NORTHEAST CORNER OF THE HEREIN DESCRIBED EASEMENT;

SOUTH 02 DEG. 32 MIN. 41 SEC. EAST, A DISTANCE OF 654.04 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY (R.O.W.) LINE OF BROWNIE CAMPBELL ROAD, (60' R.O.W.), VOL. 31, PG. 51, H.C.M.R., SAME BEING THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED EASEMENT;

SOUTH 87 DEG. 31 MIN. 48 SEC. WEST, ALONG THE NORTH R.O.W. LINE OF SAID BROWNIE CAMPBELL ROAD, A DISTANCE OF 17.20 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET FOR THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 02 DEG. 34 MIN. 12 SEC. WEST, ALONG THE COMMON LINE OF SAID LOT 6 AND SAID RESTRICTED RESERVE "B", A DISTANCE OF 653.96 TO THE **POINT OF BEGINNING** AND CONTAINING 0.2603 ACRES OR 11,340 SQUARE FEET OF LAND, AS SHOWN ON JOB NO. 54519-DE1 R1, PREPARED BY WINDROSE LAND SERVICES.

ROBERT KNESS
R.P.L.S. NO. 6486
STATE OF TEXAS
FIRM REGISTRATION NO. 10108800



5-5-2020
DATE:

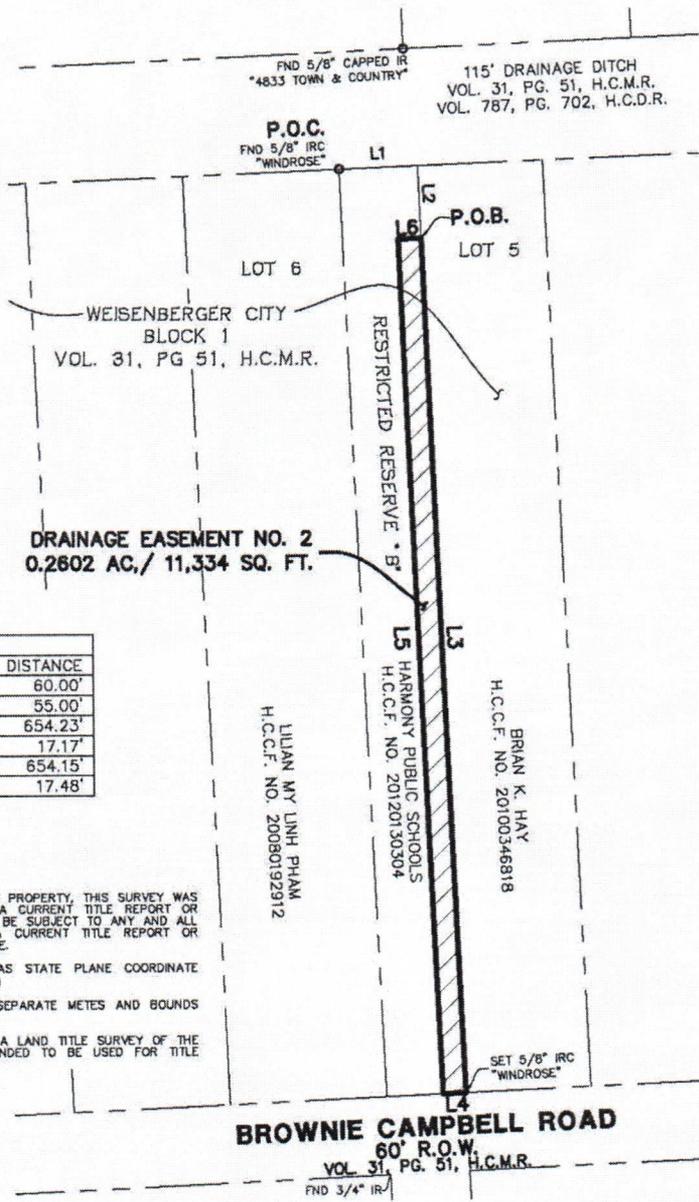
Exhibit "B"
Easement Area - Drainage Easement No. 2

[SEE FOLLOWING PAGES]



NORTH

SCALE: 1" = 100'



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 87°30'48" E	60.00'
L2	S 02°34'12" E	55.00'
L3	S 02°34'12" E	654.23'
L4	S 87°31'48" W	17.17'
L5	N 02°35'52" W	654.15'
L6	N 87°16'18" E	17.48'

GENERAL NOTES

1. SURVEYOR DID NOT ABSTRACT SUBJECT PROPERTY. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT OR ABSTRACTORS CERTIFICATE AND WOULD BE SUBJECT TO ANY AND ALL CONDITIONS OR RESTRICTIONS THAT A CURRENT TITLE REPORT OR ABSTRACTORS CERTIFICATE MAY DISCLOSE.
2. BEARINGS WERE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE. (NAD83)
3. THIS EXHIBIT IS ACCOMPANIED BY A SEPARATE METES AND BOUNDS DESCRIPTION.
4. THIS EXHIBIT DOES NOT IMPLY TO BE A LAND TITLE SURVEY OF THE SUBJECT PROPERTY AND IS NOT INTENDED TO BE USED FOR TITLE CONVEYANCE PURPOSES.

I DO HEREBY CERTIFY THAT THIS SURVEY WAS THIS DAY MADE ON THE GROUND AND WAS PERFORMED UNDER MY SUPERVISION THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF THIS SURVEY TO THE BEST OF MY KNOWLEDGE.

[Signature]

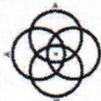
05/05/20

ROBERT KNESS
Registered Professional Land Surveyor



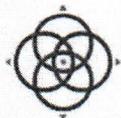
EXHIBIT OF
0.2602 AC. / 11,334 SQ. FT.
SITUATED IN THE
F. DIRKS SURVEY, A-235
HARRIS COUNTY, TEXAS

FILED BY: -	DATE: 12/23/2019
DRAWN BY: AT	REV: 5/5/2020 OP
CHECKED BY: RK	REV:
JOB NO. 54519-DE2 R1	REV:
SHEET 1 OF 2	REV:



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DESCRIPTION OF 0.2602 ACRES OR 11,334 SQ. FT.

A TRACT OR PARCEL CONTAINING 0.2602 ACRES OR 11,334 SQUARE FEET OF LAND SITUATED IN THE F. DIRKS SURVEY, ABSTRACT NO. 235, HARRIS COUNTY, TEXAS, BEING OUT OF RESTRICTED RESERVE "B", BLOCK 1, WEISENBERGER CITY, MAP OR PLAT THEREOF RECORDED IN VOL. 31, PG. 51, HARRIS COUNTY MAP RECORDS (H.C.M.R.), CONVEYED TO HARMONY PUBLIC SCHOOLS, RECORDED IN HARRIS COUNTY CLERK'S FILE (H.C.C.F.) NO. 20120130304, WITH SAID 0.2602 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, WITH ALL BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD 83):

COMMENCING AT A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" FOUND ON THE SOUTH LINE OF A 115 FOOT DRAINAGE DITCH, RECORDED IN VOL. 31, PG. 51, H.C.M.R., VOL. 787, PG. 702, HARRIS COUNTY DEED RECORDS (H.C.D.R.), MARKING THE NORTHEAST CORNER OF LOT 6, OF SAID WEISENBERGER CITY BLOCK 1, AND THE NORTHWEST CORNER OF RESTRICTED RESERVE "B";

THENCE, NORTH 87 DEG. 30 MIN. 48 SEC. EAST, ALONG THE COMMON LINE OF SAID 115 FOOT DRAINAGE DITCH AND SAID RESTRICTED RESERVE "B", A DISTANCE OF 60.00 FEET TO A POINT;

THENCE, SOUTH 02 DEG. 34 MIN. 12 SEC. EAST, ALONG THE COMMON LINE OF SAID RESTRICTED RESERVE "B" AND A TRACT OF LAND CONVEYED TO BRIAN K. HAY, RECORDED IN H.C.C.F. NO. 20100346818, A DISTANCE OF 55.00 FEET TO THE NORTHEAST CORNER AND **POINT OF BEGINNING** OF THE HEREIN DESCRIBED EASEMENT;

THENCE, SOUTH 02 DEG. 34 MIN. 12 SEC. EAST, CONTINUING ALONG SAID COMMON LINE, A DISTANCE OF 654.23 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET ON THE NORTH RIGHT-OF-WAY (R.O.W.) LINE OF BROWNIE CAMPBELL ROAD (60' R.O.W.), RECORDED IN VOL. 31, PG. 51, H.C.M.R., FOR THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED EASEMENT;

THENCE, SOUTH 87 DEG. 31 MIN. 48 SEC. WEST, ALONG THE NORTH R.O.W. LINE OF SAID BROWNIE CAMPBELL ROAD, A DISTANCE OF 17.17 FEET TO THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED EASEMENT;

THENCE, NORTH 02 DEG. 35 MIN. 52 SEC. WEST, OVER AND ACROSS SAID RESTRICTED RESERVE "B", A DISTANCE OF 654.15 TO THE NORTHWEST CORNER OF THE HEREIN DESCRIBED EASEMENT;

THENCE, NORTH 87 DEG. 16 MIN. 18 SEC. WEST, OVER AND ACROSS RESTRICTED RESERVE "B", A DISTANCE OF 17.48 TO THE **POINT OF BEGINNING** AND CONTAINING 0.2602 ACRES OR 11,334 SQUARE FEET OF LAND, AS SHOWN ON JOB NO. 54519-DE2 R1, PREPARED BY WINDROSE LAND SERVICES.

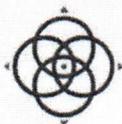

ROBERT KNESS
R.P.L.S. NO. 6486
STATE OF TEXAS
FIRM REGISTRATION NO. 10108800



5/5/2020
DATE:

Exhibit C

Grantor's Property



WINDROSE
LAND SURVEYING | PLATTING

DESCRIPTION OF 0.9769 ACRES OR 42,553 SQ. FT.

A TRACT OR PARCEL CONTAINING 0.9769 ACRES OR 42,553 SQUARE FEET OF LAND SITUATED IN THE F. DIRKS SURVEY, ABSTRACT NO. 235, HARRIS COUNTY, TEXAS, BEING ALL OF RESERVE "B" OF WEISENBERGER CITY, AS RECORDED IN VOL. 31, PG. 51 OF THE HARRIS COUNTY MAP RECORDS (H.C.M.R.), CONVEYED TO HARMONY PUBLIC SCHOOLS IN HARRIS COUNTY CLERKS FILE (H.C.C.F.) NO. 20120130304 WITH SAID 0.9769 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, WITH ALL BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD 83):

BEGINNING AT A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" FOUND ON THE NORTH RIGHT-OF-WAY LINE OF BROWNIE CAMPBELL ROAD (60' R.O.W.) AS DESCRIBED IN VOL. 31, PG. 51, H.C.M.R., MARKING THE SOUTHEAST CORNER OF LOT 6, OF SAID WEISENBERGER CITY, FOR THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT, FROM WHICH A 3/8 INCH IRON ROD FOUND FOR REFERENCE BEARS NORTH 04 DEG. 11 MIN. 21 SEC. EAST, 0.91 FEET;

THENCE, NORTH 02 DEG. 34 MIN. 12 SEC. WEST, ALONG AND WITH THE COMMON LINE BETWEEN SAID RESERVE "B" AND SAID LOT 6, A DISTANCE OF 709.22 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" FOUND MARKING THE COMMON NORTHERLY CORNER BETWEEN SAID RESERVE "B" AND SAID LOT 6, FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 87 DEG. 30 MIN. 48 SEC. EAST, ALONG THE NORTH LINE OF SAID RESERVE "B", A DISTANCE OF 60.00 FEET TO A CAPPED 5/8" IRON ROD STAMPED "WINDROSE" FOUND MARKING THE COMMON NORTHERLY CORNER BETWEEN SAID RESERVE "B" AND LOT 5 OF SAID WEISENBERGER CITY FOR THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 02 DEG. 34 MIN. 12 SEC. EAST, ALONG AND WITH THE COMMON LINE BETWEEN SAID RESERVE "B" AND SAID LOT 5, A DISTANCE OF 709.23 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" FOUND ON THE NORTH RIGHT-OF-WAY LINE OF SAID BROWNIE CAMPBELL ROAD, MARKING THE COMMON SOUTHERLY CORNER BETWEEN SAID RESERVE "B" AND SAID LOT 5 FOR THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 87 DEG. 31 MIN. 48 SEC. WEST, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 60.00 FEET, TO THE **PLACE OF BEGINNING** AND CONTAINING 0.9769 ACRES OR 42,553 SQUARE FEET OF LAND, AS SHOWN ON JOB NO. 54519, PREPARED BY WINDROSE LAND SERVICES.

ROBERT KNESS
R.P.L.S. NO. 6486
STATE OF TEXAS
FIRM REGISTRATION NO. 10108800



08-12-2019
DATE:

ORDER OF COMMISSIONERS COURT

The Commissioners Court of Harris County, Texas, met in regular session at its regular term at the Harris County Administration Building in the City of Houston, Texas, on _____, with all members present except _____.

A quorum was present. Among other business, the following was transacted:

AN ORDER OF THE COMMISSIONERS COURT OF HARRIS COUNTY, TEXAS, ACTING FOR AND ON BEHALF OF SAID HARRIS COUNTY, TEXAS, DISCLAIMING ANY INTEREST IN RESERVE "B," IN BLOCK ONE, WEISENBERGER CITY, A SUBDIVISION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 31, PAGE 51, OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS, AND FURTHER ACKNOWLEDGING AND AFFIRMING THAT THE DESIGNATION OF SUNDALE ROAD SECTION NO. 37670-1 BY HARRIS COUNTY COMMISSIONERS COURT DATED DECEMBER 1, 1955, WAS IN ERROR BASED ON A MISTAKEN REFERENCE TO A ROAD DEDICATION, THAT RESERVE "B" WAS NOT DEDICTATED FOR ROADWAY PURPOSES BY THE OWNER OF THE PROPERTY AT THE TIME THE PLAT WAS FILED AND HAS NEVER BEEN DELIVERED TO OR OTHERWISE ACCEPTED BY HARRIS COUNTY AS A ROAD, OR BY ANY REPRESENTATIVE THEREOF, NOR HAVE ANY ACTS BEEN PERFORMED BY HARRIS COUNTY, TEXAS OR ITS REPRESENTATIVES, AS TO RESERVE "B" THAT WOULD CONSTITUTE ANY EXERCISE OF CONTROL, DOMINION, POSSESSION, OWNERSHIP OR SUPERVISION AS TO SUCH RESERVE "B" NOR HAVE ANY IMPROVEMENTS BEEN PLACED UPON SAID RESERVE "B" OR HAS IT BEEN OTHERWISE IMPROVED, AND IN CONNECTION THEREWITH, COMMISSIONERS COURT ACCEPTS THE GRANTING BY HARMONY PUBLIC SCHOOLS, THE CURRENT OWNER OF SAID RESERVE "B" OF A DRAINAGE EASEMENT LOCATED WITHIN SAID RESERVE.

Commissioner _____ introduced an order and moved that Commissioners Court adopt the order. Commissioner _____ seconded the motion for adoption of the order. The motion, carrying with it the adoption of the order, prevailed by the following vote:

	Yes	No	Abstain
Judge Lina Hidalgo	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Rodney Ellis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Adrian Garcia	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Tom Ramsey	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. R. Jack Cagle	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The County Judge thereupon announced that the motion had duly and lawfully carried and that the order had been duly and lawfully adopted. The order adopted follows:

RECITALS

WHEREAS, the map records of Harris County, Texas, reveal that a plat entitled “Weisenberger City,” naming J. H. Weisenberger, Trustee, as Owner, and Harris County, Texas, as the Grantee, and bearing the date August 8, 1949, is recorded under Volume 31, Page 51, of the map records of Harris County, Texas (the “Plat”);

WHEREAS, the Plat shows a tract identified as “Reserve B” located north of Brownie Campbell Road and at the northern end of Saunders Road, both as shown on the Plat;

WHEREAS, on December 1, 1955, Harris County Commissioners Court authorized a designation of a segment of Sundale Road beginning at Brownie Campbell Road and continuing north 707 feet, being .13 miles in length and 60 feet wide, such designation being noted in Volume 35, Page 47 of the Commissioner’s Court Minutes and shown therein as acquired by dedication;

WHEREAS, Harmony Public Schools, a Texas non-profit corporation (“Harmony”), purchased Reserve B on March 27, 2012, at which time no road was shown as affecting Reserve B on the Official Public Records of Property of Harris County, Texas;

WHEREAS, Harmony requested that Harris County disclaim any interest in Reserve B;

WHEREAS, Harris County has requested that Harmony grant to Harris County a drainage easement agreement for drainage easements, one along the western boundary of Reserve B and one along the eastern boundary of Reserve B, and Harmony has agreed to do so;

WHEREAS, Harris County, Texas (herein sometimes referred to as the “County”), has examined and reviewed those records available to it and has found no evidence of an actual dedication of Reserve B of the Plat as a segment of Sundale Road, or any road;

WHEREAS, the evidence available to the County also reflects that no action at any time was taken by County, or any representative or agent thereof, that would constitute the exercise of any control, supervision, possession, dominion, or ownership by the County of Reserve B of the Plat, including, by way of description, and not by way of limitation, making any improvements or changes to Reserve B of the Plat or otherwise entering it for the purpose of carrying out County business;

IT IS ORDERED that:

1. Each of the findings and determinations recited above are true and correct and are hereby adopted by Harris County, Texas, acting by and through its Commissioners.

2. That Harris County, Texas, acting by and through its Commissioners Court, hereby disclaims any and all interest, of any kind or character, as to that certain tract of land more particularly described as:

All of Reserve "B," in Block One (1), of WEISENBERGER CITY, a subdivision in Harris County, Texas, according to the map or plat thereof, recorded in Volume 31, Page 51, of the Map Records of Harris County, Texas.

3. The Harris County Judge is authorized to execute the attached Drainage Easement Agreement from Harmony to Harris County. The Drainage Easement Agreement is incorporated by reference and made a part of this order for all intents and purposes as though set out in full word for word.

3. This order shall constitute, for all purposes, evidence of the disclaimer, by Harris County, Texas, acting by and through its Commissioners Court, of any and all interest, of any kind or character, in and to the tract of land described herein.

4. It is further ordered that the appropriate representatives, agents, personnel, and officials of Harris County, Texas, including, but not limited to the County Judge of Harris County, Texas, be authorized to take such further action as shall be necessary to carry out and accomplish the purposes of this Order.