

ORDER OF COMMISSIONERS COURT

Authorizing the abandonment of Harris County’s interest in certain lands and authorizing various officials and representatives of Harris County to take certain actions.

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 the _____ day of _____, 2025, with all members present except _____.

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

ORDER AUTHORIZING ABANDONMENT OF HARRIS COUNTY’S INTEREST IN A DRAINAGE EASEMENT 30’ IN WIDTH LOCATED OVER AND ACROSS LOT 1, BLOCK 8 OF THE SUBDIVISION OF THE C. WALTERS SURVEY, AST. 868, IN HARRIS COUNTY, TEXAS AND BEING FURTHER DESCRIBED IN THAT CERTAIN DOCUMENT RECORDED OF RECORD IN VOLUME 1346, PAGE 281, OF THE HARRIS COUNTY DEED RECORDS, SAID DRAINAGE EASEMENT BEING MORE PARTICULARLY DEPICTED AND DESCRIBED BY METES AND BOUNDS IN “EXHIBIT A” ATTACHED HERETO AND MADE A PART HEREOF FOR DESCRIPTIVE PURPOSES.

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 S. Ramsey, P.E.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Lesley Briones	<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, by an instrument dated August 7, 1944, a drainage easement (“Easement”) was conveyed to the County of Harris for the purposes of maintaining a drainage ditch as evidenced by the instrument filed in Volume 1346 on Page 281 of the Harris County Real Property Records, said document incorporated herein as though set forth word for word;

WHEREAS, Harris County and the fee owners of said tract were involved in condemnation proceedings in Cause Number 427,784 in the County Civil Court At Law No. Two (2) in Harris County, Texas;

WHEREAS, an Agreed Judgment was signed March 30, 1998 in the above referenced condemnation proceeding whereby, among other things, the County of Harris agreed to and was further ordered to abandon the drainage easement described in Volume 1346, Page 281 as part of the Agreed Judgment, said Judgment being attached hereto as **Exhibit “B”**;

WHEREAS, after a diligent search of Commissioner’s Court and Harris County Real Property Records, no such order evidencing this agreed abandonment can be located;

NOW THEREFORE, IT IS ORDERED AND DECREED THAT:

1. The Court, presented with the above recitals, has determined the findings to be true and correct and are hereby adopted by the County of Harris, acting by and through its governing body.
2. Harris County, a body corporate and politic under the laws of the State of Texas, hereby abandons and disclaims any and all of its right, title, and interest in and to the easement described in the attached **Exhibit “A”**.
3. This order shall constitute, for all purposes, evidence of the abandonment and disclaimer by Harris County of any and all interest, of any kind or character, in and to the easement described in the attached **Exhibit “A”**.
4. It is further ordered that the appropriate representatives, agents, personnel, and officials of Harris County, be authorized and directed and directed, and are hereby authorized and directed to perform any and all necessary acts within their respective spheres of official duties toward the abandonment of Harris County’s interest in the herein described easement.
5. It is further ordered that County Judge Lina Hidalgo, be and is hereby authorized to execute for and on behalf of Harris County without further voting, any other instruments which may be deemed necessary to accomplish the goal of this order.
6. It is further ordered that the Harris County Clerk is to record a certified copy of this Order in the Official Public Records of Real Property in Harris County, Texas. For the purposes of facilitating and indexing the recording of this Order in the Official Real Property Records of Harris County, Texas, the above-described property shall be identified and indexed as follows:

Grantor: Harris County

Grantees: Kitch Co Realty, Ltd., MetCo Realty, Ltd., & Texan Land and Cattle II, Ltd.

EXHIBIT "A"

Being a strip of land, 30' in width, over and across a part of Lot 1, Block 8 of the Subdivision of the C. Walters Survey, Abst. 868, being a portion of the same land obtained from Henry S. Fox, Jr., by Deed dated the 21st day of August, 1923, and recorded in Vol. 548, Page 13, Harris County Deed Records: and from Bassett Blakely by deed dated the 22nd day of December, 1910, and recorded in Vol. 298, Page 165 of the deed records of Harris County, Texas; said strip of land being more particularly described as follows:

Beginning at a point in the east line of Lot 2, Block 8, said point being also in the southwest right-of-way line of Medberry Road and located a distance of 1833' N 31° 20' W from the southeast corner of said Lot 1;

Thence in a southerly direction, following said curve to the left with a central angle of 69° 14' and radius of 72.53' a distance of 87.64 (to the east right-of-way line of the Bammel Road Outfall Channel;

Thence N. 10°48'W along said east right-of-way line of said channel a distance of 82.15;

Thence N. 58°26' E. a distance of 921.37' to the southwest right-of-way line of Medberry Road;

Thence S. 31°20' E. along said southwestern right-of-way line of Medberry Road, a distance of 30' to place of beginning and containing 0.649 acre of land.

AJ/OC

"CLOSED"

ENTRY

4-9-98

off Potters

EXHIBIT B

NO. 427,784

887-21-1783

HARRIS COUNTY, TEXAS

§
§
§
§
§

IN THE COUNTY CIVIL COURT

v.

239955

AT LAW NO. TWO (2) OF

HENRY J.N. TAUB, ET AL.

HARRIS COUNTY, TEXAS

AGREED JUDGMENT

Be it remembered on this day came on to be heard the above-styled and numbered cause and both parties announced to the Court that the parties have fully settled and compromised all matters in controversy among them in this case. The Court having heard the representations of counsel and having considered the matters before it, finds as follows:

The Court finds that on June 27, 1983, was heard the above matter before Special Commissioners and freeholders of Harris County, Texas, duly appointed by the Judge of County Civil Court at Law No. 2 of Harris County, Texas, upon the application and petition of Harris County, Texas, (hereinafter referred to as "Harris County" or "Plaintiff") heretofore filed in said Court, praying for the condemnation of a certain parcel of land required for right-of-way over the lands and premises of the following Defendant:

HENRY J.N. TAUB

(hereinafter referred to as "Taub" or "Defendant") for the public purpose of opening, widening, straightening, constructing, grading, improving, repairing and maintaining a public road and its appurtenant drains and ditches, for which application to condemn was filed herein; said land being condemned is located in Harris County, Texas, and is more particularly described in the Field Notes attached hereto and marked Exhibit "A", which Exhibit is incorporated herein by reference for all purposes as if fully set out herein.

The Court further finds that the Special Commissioners, having taken the oath required by law, set a place and time for hearing the parties herein, and having given notice, and Taub having been duly and properly served with notice of the time of hearing and the place of

meeting, or having accepted service by executing a Waiver of Service, all as required by law, and all parties having either appeared in person or by their attorneys, or elected not to appear, and announced ready for trial, all matters involved in said condemnation were submitted to the Special Commissioners; and at the appointed time and place, the pleadings and evidence of all parties concerned having been heard by the Special Commissioners, they made the following Award:

The market value of the perpetual easement prayed for in Plaintiff's Amended Original Petition and sought in the land described by Exhibit "A" and purchased and taken by this condemnation case, including all improvements thereon, if any, and damages, if any, to the remainder of Defendant's property by reason of such condemnation and taking, taking into consideration the uses to which the condemned property is to be or could be subjected for public road purposes, was determined to be the total sum of NINE HUNDRED FORTY-EIGHT AND 50/100 DOLLARS (\$948.50), said total amount being the Award of the Special Commissioners herein.

The Court finds the Award was filed on July 20, 1983, together with all papers associated with the condemnation proceeding, and Plaintiff did, on August 16, 1983, deposit in the Registry of the Court the amount of said Award, thus entitling the Plaintiff to possession of the aforescribed land.

The Court finds that Taub timely filed objections to the Award and Findings of the Special Commissioners. Harris County and Taub have advised the Court that they have settled all issues in the case as follows:

1. Harris County and Taub agree that a total sum of FOURTEEN HUNDRED FORTY-EIGHT AND 50/100 DOLLARS (\$1,448.50), plus all accrued interest on the \$948.50 presently in the Registry of the Court, is a fair and reasonable amount as full payment for the market value of the real property acquired herein and said sum represents payment for the property taken and for the improvements located thereon, if any, and any damages, if any, to the remainder property as a result of the taking.

2. As stated above, Harris County previously deposited NINE HUNDRED FORTY-EIGHT AND 50/100 DOLLARS (\$948.50) into the registry of the Court for the benefit of Taub, which \$948.50 still remains in the Court's registry together with any interest accrued thereon and which said funds constitute a portion of the total sum to be paid to Taub as referenced above. Accordingly, Harris County shall only pay an additional sum of FIVE HUNDRED AND NO/100 DOLLARS (\$500.00) to Taub, which said sum is the difference between the total sum \$1,448.50 and the \$948.50 referenced herein.

3. Taub and Harris County agree to withdraw objections to the Special Commissioners' Award herein.

4. Harris County, further, agrees to abandon the drainage easement (27,362 sq. ft., 0.6281 acres of land) more particularly described in Volume 1346, Page 281 of the Harris County Deed Records.

The Court finds these terms are fair and just. The Court further finds that Harris County and Taub agree that the balance of FIVE HUNDRED AND NO/100 DOLLARS (\$500.00) paid to Taub, referenced herein, is the total additional amount that Harris County will ever make in regard to the condemnation of the property described in Exhibit "A", and that, together with the funds of \$948.50, plus accrued interest presently on deposit in the Court's registry, said combined amounts of \$1,448.50, plus all accrued interest on the \$948.50 presently in the Registry of the Court, constitute full payment for the property taken, including all improvements thereon, if any, and any damages to the remainder property. Further, Taub agrees that Harris County shall have a decree of condemnation for the purposes prayed for in Plaintiff's Amended Original Petition filed in this cause. The Court hereby approves the aforesaid agreements and enters Judgment accordingly. It is therefore,

ORDERED, that the objections of the Defendant to the Award are withdrawn and the terms of Settlement be, and the same hereby are, adopted and made the Judgment in this cause, and the Clerk is directed to enter the same in the Minutes of this Court,

ORDERED, that the aforesaid Award sum of **NINE HUNDRED FORTY-EIGHT AND 50/100 DOLLARS (\$948.50)**, plus all accrued interest on that sum, heretofore deposited by the Plaintiff into the Registry of this Court, be disbursed to Henry J.N. Taub by the County Clerk by check made payable to: Henry J.N. Taub, Texan Building, 4th Floor, 333 West Loop North, Houston, Texas 77024,

ORDERED, that Harris County pay to Taub the additional sum of **FIVE HUNDRED AND NO/100 DOLLARS (\$500.00)** as just compensation for the land acquired in this cause and the improvements located thereon, if any, and for the damages, if any, to the remaining property as a result of the taking,

ORDERED, that Harris County shall abandon the drainage easement (27,362 sq. ft., 0.6281 acres of land) more particularly described in Volume 1346, Page 281 of the Harris County Deed Records,

ORDERED, that there is reserved to Defendant, all oil, gas and sulfur under the perpetual easement and right of way provided, however, that the Defendant shall not be permitted to explore, develop, drill, mine, operate or produce for such oil, gas and sulfur on the surface of the perpetual easement and right of way, but will be permitted to extract oil, gas and sulfur from and under the said perpetual easement and right of way by directional drilling or other means from land located outside the boundaries of the perpetual easement and right of way, so long as Plaintiff's use of the said perpetual easement and right of way for the purposes set forth herein is not disturbed, and the facilities located and to be located thereon and the public's use of the same are not obstructed, endangered or interfered with,

ORDERED, that a perpetual easement for public road purposes, appurtenant drains and ditches, and the appurtenances necessary thereto in, to, upon, over, across and under the real property described by the attached "A", including title to all improvements thereon, if any, be, and the same is hereby divested out of the Defendant in this cause, and said perpetual easement is hereby granted to and vested in Harris County, Texas, and that a Writ of Possession issue in favor of Harris County, Texas.

The Court finds that Harris County has discharged its constitutional obligation to pay just compensation for the condemnation and taking of the real property described by Exhibit "A", for the improvements thereon, if any, and for the damages, if any, to the remainder of Defendant's land, taking into consideration the uses to which the condemned property is to be or could be subjected for public road purposes. It is therefore,

ORDERED, that Harris County, be and is hereby discharged of its constitutional obligation to pay just compensation for the condemnation and taking of the real property described by Exhibit "A", for the improvements thereon, if any, and for the damages, if any, to the remainder of Defendant's land, taking into consideration the uses to which the condemned property is to be or could be subjected for public road purposes.

ORDERED, that all costs of Court incurred in this case be taxed against the Plaintiff, which costs have been paid.

SIGNED this _____ day of MAR 30 1998, 1998.

Tom Sullivan

TOM SULLIVAN, JUDGE PRESIDING
County Civil Court at Law No. 2
Harris County, Texas

FILED
98 MAR 30 PM 1:31
Barbara K. Keefner
COUNTY CLERK
HARRIS COUNTY, TEXAS

COPY

FILED
98 MAR 27 PM 2:25
Barbara K. Keefner
COUNTY CLERK
HARRIS COUNTY, TEXAS

APPROVED AS TO FORM AND CONTENT:

MICHAEL P. FLEMING 99999939
County Attorney



ANTHONY F. LORIA
Assistant County Attorney
SBN 12580500
1001 Preston, Suite 634
Houston, Texas 77002
(713) 755-5280
FAX (713) 755-8823

ATTORNEY FOR HARRIS COUNTY, TEXAS



W. ROBERT BROWN
Attorney at Law
SBN 03178000
4615 Post Oak Place, Suite 150
Houston, Texas 77027
(713) 759-1234
FAX (713) 759-1325

ATTORNEY FOR HENRY J. N. TAUB

UNOFFICIAL

Medberry Road
Parcel 10

Being a 0.0124 acre (542 sq. ft.) strip or parcel of land out of a 254.15 acre tract of land as conveyed to Henry J. N. Taub as recorded in Clerk's File No. E-596897 H.C.D.R. in the Christopher Walter Survey, A-868, Harris County, Texas. Said 0.0124 acre strip herein conveyed being more particularly described as follows:

COMMENCING: At the Southwest corner of a 39.4372 acre tract as conveyed to Dr. Clarence C. Kaiser, in a substitute Trustee's Deed, as said point also being the Northwest corner of a 7.98567 acre tract as conveyed to William Hall, Trustee as recorded in Clerk's File No. D-749384 H.C.D.R., with said point being in the common line between the Calvin Richey Survey and the Christopher Walter Survey and further being the intersection of the East line of Medberry Road, a 40 foot right-of-way, with the common line between the above mentioned surveys as recorded in the plat of Hungarian Farms, Volume 86, Page 380 H.C.D.R.;

THENCE: North $31^{\circ}48'$ West, along the East line of Medberry Road, 2251.49 feet to a point for corner;

THENCE: South $58^{\circ}12'$ West, 70.00 feet to a point for corner in the West line of Medberry Road as recorded in a right-of-way deed filed under Volume 1225, Page 37 H.C.D.R., said point being point of curvature of a curve to the left and the Southeasterly corner and Place of Beginning of the herein described tract of land;

THENCE: In a Northwesterly direction, around a curve to the left, whose radius equals 1859.86 feet, subtending a central angle of $5^{\circ}37'05''$, for an arc distance of 182.36 feet to a point for corner in a common line, the most Easterly North line of the Henry J. N. Taub Tract and the South line of the 82.23 acre tract as conveyed to John Ben Taub in a deed recorded in Clerk's File No. E-596897 H.C.D.R.;

THENCE: North $58^{\circ}12'$ East, along the above mentioned common line, 8.93 feet to a point for corner in the West line of Medberry Road;

THENCE: South $31^{\circ}48'$ East, along the West line of Medberry Road, 182.07 feet to the Place of Beginning and containing 0.0124 acres (542 sq. ft.) of land.

EXHIBIT "A"

PARTIES TO BE NOTIFIED**W. ROBERT BROWN**

Attorney at Law

4615 Post Oak Place, Suite 150

Houston, Texas 77027

Attorney For Henry J.N. Taub

HARRIS COUNTY ATTORNEY'S OFFICE

1001 Preston, Suite 634

Houston, Texas 77002

Attn: Anthony F. Loria

MICHAEL SURFACE, DIRECTOR**HARRIS COUNTY FACILITIES AND PROPERTY MANAGEMENT**

1310 Prairie, Suite 1304

Houston, Texas 77002

Attn: Thurman Black

Real Estate Division

RECORDER'S MEMORANDUM
AT THE TIME OF RECORDATION, THIS
INSTRUMENT WAS FOUND TO BE INADEQUATE
FOR THE BEST PHOTOGRAPHIC REPRODUCTION
BECAUSE OF ILLEGIBILITY, CARBON OR
PHOTO COPY, DISCOLORED PARTS, ETC

I want to...

