

## **FINDINGS AND DECLARATIONS:**

**WHEREAS**, Commissioners Court of Harris County, Texas, acting on behalf of the Harris County Flood Control District, has received and reviewed the survey(s) of property to be acquired for the public project known as known Little Cypress Creek Sub-Regional Frontier Program, for the purpose of channel improvements, one (1) fee simple tract in Harris County, Texas (referred to herein as “the Project”), it is **FOUND AND DECLARED** that:

Public necessity exists for the acquisition of the real property identified and/or described in the survey(s) attached hereto as exhibits and any improvements thereon (referred to herein as “the Property”).

**IT IS, THEREFORE, DECLARED** that:

1. Public necessity exists for the Project and for the mandatory acquisition of the Property;
2. The Real Property Division is authorized and directed to obtain appraisal(s), survey(s), title information pertaining to the Property; that official purchase offer(s) be made based on appraised value and to negotiate for the purchase of fee simple in the Property, including, but not necessarily limited to closing costs;
3. The Real Property Division is authorized and directed to provide relocation assistance to displaced property owners or tenants;
4. The Real Property Division is authorized and directed to sign any and all documents required to close the transactions contemplated hereby;
5. The County Attorney of Harris County, Texas, is authorized the use of the power of eminent domain to acquire the Property in the event negotiations fail;
6. The County Judge, County Attorney, the County Clerk, the County Auditor, the County Treasurer; and Harris County Engineering Department are authorized and directed to perform any and all necessary acts, within their respective duties, toward the final acquisition of the Property within the Project and the payment of compensation therefor.

<u>Tract No.</u>	<u>Size</u>	<u>Property interest</u>
L100-00-00-02-016.0	0.5776 acres	fee simple

LITTLE CYPRESS CREEK

Being a 0.5776 acres (25,162 Sq. Ft. more or less) tract of land out of the John H. Callihan Survey, Abstract 10, Harris County, Texas, and being all of Lot 4 of the Cypress Hollows an unrecorded Subdivision conveyed to Floyd M. Bieniek and Alexia E. Bieniek as described in Clerk's File No (HCCF) H182908 of the Official Public Records of Real Property, and being more particularly described by metes and bounds as follows:

The bearings and coordinates used in this description are based on Texas Coordinate System, South Central Zone, NAD 83, and were determined using GPS Observations utilizing the Leica Smartnet Network; All coordinates are GRID; distances are surface and may be converted to GRID by multiplying by a factor of 0.99992938

COMMENCING at a 5/8 inch iron rod found for the north corner of a called 0.8906 acre tract of land conveyed to Harry L. Johns and Glenda J. Johns as described in a deed recorded in HCCF P291311, the west corner of a called 2.441 acre tract of land conveyed to Cathy L. Knox as described in a deed recorded in HCCF 20090020516 and the southeast line of said Kluge Road having a variable width as described in the following: Volume 2496, Pages 602,604,606 and 608 in the Deed Records of Harris County, Texas, HCCF No(s) 20100021986 and 20010012904 and Film Code No. 639080 in the Map Records of Harris County, Texas; said point having GRID coordinates X=3,035,492.30 and Y=13,918,634.16;

THENCE S 47°25'27"E, along and with the common line of said 0.8906 acre tract, and said 2.441 acre tract, a distance of 142.91 feet to a 5/8 inch iron rod found for the east corner of said 0.8906 acre tract, the north corner of said 0.5776 acre tract, in the southwest line of said 2.441 acre tract and the north corner of Lot 5, of said Cypress Hollow Subdivision, conveyed to David F. Dale and E. Ruth Dale as described in HCCF M140568, and being the POINT OF BEGINNING of the herein described tract; said point having GRID coordinates X=3,035,597.54 and Y=13,918,537.47;

THENCE S 18°55'54"W, along and with the common line of said Lot 4 and Lot 5, a distance of 336.85 feet to point for the southeast corner of said Lot 4;

THENCE N 71°31'56" W, along the south line of said Lot 4, a distance of 149.40 feet to point for the southwest corner of said Lot 4;

THENCE N 42°46'24" E, along and with the common line of said Lot 4 and said 0.8906 acre tract, passing at a distance of 119.88 feet a found 5/8 inch iron rod, and continuing for a total distance of 369.60 feet to the POINT OF BEGINNING, containing 0.5776 acres of land, (25,162 Sq. Ft. more or less).

This description is based on the Land Title Survey and Plat made by Austan W. Luper #6711 Registered Professional Land Surveyor, February 14, 2020.



A handwritten signature in blue ink, appearing to read "Austan W. Luper", is written over a horizontal line.

Austan W. Luper, RPLS 6711  
Pape Dawson Engineers  
TBPLS 10194495  
990 Village Square Drive, Suite P  
Tomball, Texas 77375





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**ABTRACTOR'S CERTIFICATE**  
**Ownership, Property Liens, Easements and Restrictions Only**

**GF Number: 7910-19-3274**

**Parcel: HCAD# 042-209-000-0135**

**Date: September 11, 2019**

The State of Texas

The County of Harris

Title Houston Holdings has examined the real property records, the state district court, and the county court records for the county in which the real property is located. The time period examined extended to 5th day of September, 2019. If you desire different or additional examination, please contact us immediately.

This certificate is not an Abstract of Title. The statement above identifies what real property interests were examined. Please note that an ownership search does not identify leasehold interests (including ground leases) and does not identify any mineral rights. (We have not examined and do not examine for oil, gas, or other mineral rights.) Unless expressly stated otherwise below, only voluntary liens have been identified; federal tax, judgment, child support, and other involuntary liens have not been identified. The examination has identified the following items, during the stated time period, as affecting the real property identified below.

**Record Title Appears to Be Vested In: Floyd M. Bieniek and wife, Alexia E. Bieniek**

By virtue of Warranty Deed dated October 7, 1981, as recorded under County Clerk's File No. H182908.

**Legal Description:**

Lot 4 of CYPRESS HOLLOW, an unrecorded subdivision of a certain 4.8493 acre tract in the J. H. Callahan Survey, A-10, in Harris County, Texas, and described in Deed filed for record under Harris County Clerk's File No. E509673. Said Lot 4 being more particularly described by metes and bounds as follows, to-wit:

COMMENCING for locative purposes, at a 5/8 inch iron rod found marking the Northerly corner of said 4.8493 acre tract, said point being located on the Southeasterly line of Kluge Road;

THENCE S 45 deg. 00' 00" E, a distance of 150.00 feet to a 5/8 inch iron rod set marking the Most Northerly corner and the POINT OF BEGINNING of the herein described tract;

THENCE S 21 deg. 43' 10" W, at 226.85 feet passing a 5/8 inch iron rod set on the Northerly line of a 110 feet wide Harris County Flood Control Drainage Easement, continuing in all a distance of 336.85 feet to the Southeasterly corner of the herein described tract;

THENCE N 68 deg. 44' 40" W, a distance of 149.40 feet to the Southwesterly corner of the herein described tract;

THENCE N 45 deg. 33' 30" E, at 120.69 feet passing the Northerly line of a 110 feet wide HCFCD Easement continuing in all a distance of 369.60 feet to the POINT OF BEGINNING of the herein described tract.

Together with ingress and egress over a certain 35.00 feet wide road way and utility easement being the Southwesterly 35.00 feet of the Northeasterly 36.00 feet of Cypress Hollow, an unrecorded subdivision of a certain 4.8493 acre tract in the J. H. Callahan Survey, A-10, Harris County, Texas, and described in Deed filed for record in Harris County Clerk's File No. E509673, said 35.00 feet wide roadway and utility easement being more particularly described by metes and bounds as follows, to-wit:

COMMENCING for locative purposes at a 5/8 inch iron rod found marking the Northeasterly corner of said Cypress Hollow Subdivision;

THENCE S 45 deg. 33' 30" W, along the Southeasterly line of Kluge Road, a distance of 1.00 feet to the Northeasterly corner and the POINT OF BEGINNING of the herein described tract;

THENCE S 45 deg. 00' 00" E, a distance of 793.55 feet to the Southeasterly corner of the herein described tract;

THENCE S 21 deg. 06' 22" W, a distance of 38.30 feet to the Southwesterly corner of the herein described tract;

THENCE N 45 deg. 00' 00" W, a distance of 809.12 feet to the Northwesterly corner of the herein described tract;

THENCE N 45 deg. 33' 30" E, along the Southeasterly line of Kluge Road, a distance of 35.00 feet to the POINT OF BEGINNING of the herein described tract.

**Restrictions:**

None of records.

**Building lines, Easements, other:**

110 foot wide Right of Way and Easement granted to Harris County Flood Control District in Volume 2510, Page 97 of the Deed Records of Harris County, Texas.

10 foot wide Right of Way Easement granted to Houston Lighting and Power Company recorded under County Clerk's File No. E975985.

**Property Liens:**

None of record.

NOTICE: Title Houston Holdings (the "Company") has provided this report or certificate to you under the terms set forth below. **By accepting this report or certificate, you agree to these terms and you agree**

**that the Company has no liability to you, except as expressly limited herein.** To the maximum extent allowed by law, the Company disclaims any and all warranties, express or implied, concerning this report or certificate and the information contained therein. Your only remedy for any mistake, misstatement, inaccuracy, error or omission made or occurring in this report or certificate, or made or occurring in its delivery or non-delivery, is expressly limited to an action to recover damages, which damages you expressly agree are limited to an amount equal to the sum actually paid for this report or certificate plus the sum of \$100.00. You further agree that: the Company is not liable for consequential or special damages; the limitation of damages set forth herein is reasonable considering the amount paid, the limited services requested, and the intended use of this report or certificate; the Company would not provide the requested report or certificate without this limitation of damages; the limitation of damages applies to all claims, whether the claim arises under contract, tort or other law; and the Company has no liability to any third person arising from or related to this report or certificate. **This report or certificate is not a title insurance policy or title opinion and is not a guaranty or warranty of title.** In its role as a title insurance agent, the Company sells policies of title insurance. If you desire protection against title defects, you should purchase a title insurance policy. Liability will then exist only under the terms of the policy will be measured and limited by the policy, and the liability will be that of the title insurance company named in the policy. No representative of the Company has the authority to make any oral statements correcting, contradicting, revising, amending or supplementing this report or certificate, including the terms of this notice.

When preparing this report or certificate, the Company used only the information contained in the public records specifically identified above. (If none is identified, the Company used only the Real Property Records of the county in which the property is located.) Documents not recorded and events and other matters not reflected in the public records may affect ownership and title but will not be reflected on this report or certificate. No inspection has been made of the property. Matters that may be shown by an inspection or on a survey may also affect ownership and title but will not be reflected on this report or certificate.

The Company may identify a document listed above by a term commonly used to describe similar documents. By way of illustration, a document titled "Restrictive Covenants" may be referred to as "Deed Restrictions" or as "Covenants, Conditions and Restrictions." The Company may also identify a document using its actual title. The Company, however, makes no warranty or representation that the term, title or other name used to describe the document accurately reflects the legal effect of the document. For example, a document titled "Restrictive Covenants" may also establish a lien, an easement, or some other interest.

In order to determine the effect of a document, the document must be carefully reviewed. The Company does not provide legal advice concerning the effect or significance of documents shown on this report or certificate. If you have a question as to the effect or significance of a document, you should obtain the assistance of a qualified professional.

**Title Houston Holdings**

V. ANDREEV

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Vladimir Andreev  
Title Examiner