

MULTI-PURPOSE APPLICATION

Real Estate Outgrants & Civil Works Project Alteration (section 408)
For use of this form, see SWG-RE 701i



PART I - BUSINESS/COMPANY APPLICANT INFORMATION

1a. BUSINESS/COMPANY NAME Harris County Flood Control District		1b. CAGE CODE (sam.gov)	
1c. LAST NAME (SIGNATORY FOR APPLICANT) Hidalgo	FIRST NAME Lina		M.I.
1d. TITLE Harris County Judge	1e. E-MAIL tina.petersen@hcfcd.hctx.net	1f. PHONE 346-286-4070	
1g. PHYSICAL ADDRESS 9900 Northwest Freeway	1h. CITY Houston	1i. STATE TX	1j. ZIP CODE 77092
1k. MAILING ADDRESS 9900 Northwest Freeway	1l. CITY Houston	1m. STATE TX	1n. ZIP CODE 77092

PART II - AGENT INFORMATION (IF APPLICABLE)

2a. BUSINESS/COMPANY NAME Harris County Flood Control District			
2b. LAST NAME (AGENT) Brock	FIRST NAME Jason		M.I.
2c. TITLE Maintenance Engineering Department Manager	2d. E-MAIL jason.brock@hcfcd.hctx.net	2e. PHONE 346-286-4145	
2f. ADDRESS 7522 Prairie Oak Drive	2g. CITY Houston	2h. STATE TX	2i. ZIP CODE 77086

PART III - LEGAL OFFICER / CERTIFYING OFFICER INFORMATION

(For dredging must be an attorney, for all others must be corporate officer)

3a. LAST NAME Kunst	FIRST NAME Emily		M.I.
3b. TITLE Assistant County Attorney	3c. E-MAIL emily.kunst@hcfcd.hctx.net	3d. PHONE 346-286-4003	
3e. ADDRESS 9900 Northwest Freeway	3f. CITY Houston	3g. STATE TX	3h. ZIP CODE 77092

PART IV - FINANCIAL CONTACT

4a. LAST NAME Bacarisse	FIRST NAME Anthony		M.I.
4b. TITLE Financial and Technical Services Division Director	4c. E-MAIL anthony.bacarisse@hcfcd.hctx.net	4d. PHONE 346-286-4188	
4e. ADDRESS 9900 Northwest Freeway	4f. CITY Houston	4g. STATE TX	4h. ZIP CODE 77092

PART V - PERMITTING

5a. Do you hold a current authorizing Regulatory document (i.e., Section 404, Section 10, Nationwide Permit(s) or Letter of Permission) for the requested activity? If "Yes", ATTACH COPIES of all permits and amendments.		Yes <input type="checkbox"/>	No <input type="checkbox"/>
5b. Have you applied for a regulatory permit for this action? If "Yes" include permit # in box 5c	Yes <input type="checkbox"/>	No <input type="checkbox"/>	5c. SWG-_____ - _____

PART VI - PROJECT DESCRIPTION

6a. TYPE (check all that apply)

Dredging ☐
 Pipeline ☐
 Other Construction ☐
 None of these ☐

6b. DREDGING

New work ☐
 Maintenance ☐
 Estimated c.y. _____

6c. PIPELINE

New work ☐
 Replacement ☐
 Crossing federal channel? Yes ☐ No ☐

6d. GIS/GOOGLE EARTH

Include both GIS shape files (.shp) and Google file (.kmz)

6e.

PROPOSED START DATE: _____

ESTIMATED END DATE: _____

6f. PREVIOUS OUTGRANT NUMBER (if applicable)

DACW64- 9 - 22 - 0012

6g. SUMMARY OF PROJECT

(Describe the project in its entirety, do not limited the project summary to the area description in the regulatory permit. Include the placement areas that will be used, if applicable. Include ingress, egress and lay down areas.)

This application is a request to amend an easement, DACW64-9-22-0012 between the US Army Corps of Engineers-Galveston (USACE-Galveston) and the Harris County Flood Control District (HCFCD) for access along a reach of channel referred to by the HCFCD as W167-04-00 within the Buffalo Bayou watershed. This request will allow HCFCD the use of the right-of-way for maintenance activities.

A copy of the metes and bounds survey information is included.

PART VII REQUIRED DOCUMENTS

When submitting the application include: W9, Articles of Incorporation, GIS Shape file and T-4 form (pipelines) to SWG-RE@USACE.ARMY.MIL

Note: W9 and Articles of Incorporation must match the applicant information listed above.

PART VIII - CERTIFICATION

I HEREBY CERTIFY that I am of legal age and authorized to do business in the State of Texas and that I have personally examined the information contained in this application and believe that the information submitted is correct to the best of my knowledge.

Lina Hidalgo

NAME

SIGNATURE

DATE



Instructions

SWG-RE Form 701i

Part I - Business/Company Applicant Information

1a - The “Applicant” is the entity in whose favor the transactional documents will be issued. Agent information should be entered in Part 2 of the form. The applicant may be as follows:

- An Individual provide the legal name of the individual.
- An Individual Trading as a Firm or Doing Business Under a Firm or Trade Name.
- A Partnership. The name of all the partners or the name of the partnership by one partner who signs as one of the firm.(see notes on Partnerships)
- A Corporation or Association. The name of the corporation and the name of the officer with official capacity signing on its behalf;
- State or local governmental entities. The name of the entity and the name of the officer with official capacity signing on its behalf

1b - DUNS# or CAGE code - All applicants are required to be registered in SAM (System of Award Management) in order to conduct business with the U.S. government. If you are already registered in SAM, we will require your DUNS No. or CAGE code to verify your registration. This section must not be left blank to ensure timely processing of application. If you are not registered in SAM, please go to <http://www.sam.gov> to newly register your entity. Please ensure that your SAM registration and W9 reflect the same information (entity name, address, and tax id number).

For pipeline applications the owner should be placed in Part I, if there is no additional agent the operator may be placed in Part II, (please note “operator” after business name in block 2a). In cases where there is an agent and operator; please provide operator information within the Summary of Project section (6f).

Part II – Agent Information

The agent of an Applicant cannot sign on behalf of the Applicant. A signatory is typically a corporate officer. Funds for payment of administrative fees or consideration will only be accepted from the Applicant. Agents may not make payment on behalf of an Applicant.

Part III - Legal Officer / Certifying Officer Information

For Legal Officer and Certifying Officer requirements refer to notes which are applicable to your type of entity.

Notes on Partnerships

The signer will be required to furnish, for filing with the outgrant, extracts from the Partnership agreement, which indicates the names of the general partners. In order to expedite the application, please include this with the initial submission. In lieu of this evidence, the signer may furnish a Partnership Certificate, certifying that the signer has authority to bind the partnership as follows:

I, (Partner X) certify that I am a General Partner in the Partnership named as Grantee the attached outgrant, I certify further that (Partner Y), who signed said outgrant on behalf of the Partnership, is also a General Partner and has the authority to bind the Partnership by virtue of the powers vested in him/her in the Partnership agreement.

Notes on Corporations or Associations

The corporation seal will be affixed on the final outgrant documents prior to execution by USACE. The signer will furnish, for filing with the outgrant, extracts from the articles of incorporation (also known as Formation documents), the by-laws, or the minutes of the board of directors, duly certified by the custodian of such records, under the corporate seal (if there is one), which properly vest the signer with authority to bind the corporation. In lieu of this evidence the grantee may furnish a certificate signed by an appropriate corporate officer, other than the person executing the outgrant, as follows:

CORPORATE CERTIFICATE

I (Name) certify that I am the (Secretary) of _____, Inc., that who signed the foregoing instrument on behalf of the corporation was then of the corporation. I further certify that the said officer was acting within the scope of powers delegated to this officer by the governing body of the corporation in executing said instrument.

Corporate Secretary or Appropriate Officer

(AFFIX CORPORATE SEAL)

Notes on State or Local Governmental Entities

The signer will furnish, for filing with the outgrant, an extract from the minutes of the entity indicating that the outgrant was approved by the governing body of the entity and authorizing a named individual to execute the outgrant on its behalf. In lieu of the minutes, the grantee may furnish a certificate signed by an appropriate official, other than the person executing the outgrant, as follows:

CERTIFICATE OF AUTHORITY

I (Name) certify that I am the _____(Clerk) of _____ that who signed the foregoing instrument

on behalf of the grantee was then ____ of _____. I further certify that the said officer was acting within the scope of powers delegated to this governing body of the grantee in executing said instrument.

Part IV – Financial Contact

The financial contact is an individual whom works for the same business/company as the applicant that will be handling the payment and financial inquires for the administration fee to process the outgrant. The financial POC should be able to answer questions regarding debtor/vendor information, Tax ID or W9 issues, and address confirmation of return payments.

Part V - Regulatory Permits

Regulatory Permits control the activities of the Applicant to be performed in the Waters of the United States, including Wetlands, pursuant to applicable laws and regulations, such as Section 10 of the Rivers and Harbor Act of 1899 and Section 404 of the Clean

Water Act. The Real Estate Division cannot issue an outgrant without the applicant first obtaining the proper regulatory permit.

Part VI- Project Description

The project description is the most critical part of the application, for a multi-faceted project please check all required activities box 5a and complete boxes for corresponding activities. Provide a detailed description of the project and include GIS and/or CADD files with the application (see Cadastral Data and Format Requirements). The following sections detail additional requirements for Dredging and Pipeline activities:

Dredging

Please provide complete scope of work along with maps showing the area to be dredged, placement areas to be used and location or alignment of temporary dredge pipelines.

- A hydrographic survey showing the area to be dredged must also be submitted.
- List placement areas identified in Regulatory Permit in order of preference.

- If both new and maintenance dredging are required please select new in the form and discuss maintenance portion within the project description.
- Include detailed timelines for as well as completing line 6e of form.

Sediment Testing Requirement: Approval of sediment testing plans and reports prior to issuance of a Real Estate clearance is required for all Applicants. Contact the Operations Division to obtain information on sediment testing requirements.

Email: SWG-NB@usace.army.mil
Phone: 409-766-3973

Pipelines

Please provide a complete narrative of the project. The narrative should include the pipeline starting and ending points, route, channel crossings, tie-ins, valve stations, access roads, ingress, egress, ROW needed, etc., for the pipeline.

If available please submit:

- Railroad commission of Texas T-4 form which identifies the pipeline owner.
- Railroad commission of Texas PS - 8000A Form
- Geotechnical study

If a pipeline crosses a Federal Channel, Placement Area(s) or Placement Area Levee, Hurricane Levee, or Tributary waters of the United States, the Applicant must provide cross section diagrams depicting depth and entry and exit points for each crossing. Applicants must also provide any and all standoff distances between the pipeline and any of the features listed above, including other pipelines. Identify diameter of each pipeline, type of fuel or product being transported, and pipeline configuration for each bundle. If there will be ground disturbance (e.g. trenching, excavation) please address the following

- What are the dimensions (i.e., length, width, depth) of each type of ground disturbance (e.g., trench, fence post hole, leveling, etc.)?

- Will more than an acre of ground surface be disturbed? How much?
- What kind of equipment will be used? How will the work be done?
- Will access across Government controlled property in addition to the area identified for the requested activity be required for equipment? If so, where?
- Will there be a staging and/or storage areas required? If so, where are they located and what are their dimensions? Will staging/storage areas be at locations different than the site of the proposed action?

Additionally please address the following:

- Are there any cultural resources known to exist in the area? If so, what?
- Describe other reasonable alternative routes or locations considered and reasons not selected
Note: Pipelines 24-inches in diameter or larger, which impact fee simple land owned by the United States require Congressional approval. Applicants should anticipate a delay in processing such outgrants.

Administrative Fees & Consideration

Two types of funds are collected from Applicants, administrative fees and consideration. Administrative fees are paid in advance. Consideration is paid at the time the transactional documents are executed.

Administrative fees. Title 10 U.S.C. 2695 authorizes the collection of the administrative fees to cover the costs to the Government for processing requests for the use of Government controlled property. These costs include but are not limited to payment for work products such as environmental, cultural and historical assessments, contract preparation, determinations of value, and preparation of land surveys, maps, and legal descriptions.

After initial screening, the Realty Specialist assigned to the application performs a scope of work analysis for the purpose of developing an administrative fee cost estimate. Once a cost

estimate is established an administrative fee letter will be sent to the Applicant requesting payment of administrative fees. Payment of administrative fees is required before further work can occur.

If the actual administrative costs for processing the application are greater than the initial request the Applicant will be notified and required to pay the additional amount for processing of the application to continue. If excess funds exist at the time processing of the application is complete, the balance will be refunded to the Applicant.

Cadastral Data & Format Requirement

Applicants must submit their GIS data in either the equivalent or lesser version of the following: AutoCAD 2016 (.dwg) or ESRI ArcMap 10.4.1 (.shp) file to help us in this endeavor. Upon receiving a design CADD or a GIS file we will better determined the location of projects interest and limits. We ask that you please include the Regulatory Permit Tracking Number/Application Number and also indicate the coordinate system and datum that the drawing is currently in. The design data should consist of simple lines and polygons indicating the limits of the completed project.

If a CADD drawing is provided, please ensure that all layers are properly named to describe that specific feature. If the layers are named using acronyms we would need a legend or shoe boxes with leader lines, identifying each feature class within the drawing. All areas must be created in real- world (model space) with an assigned coordinate system. Please do not send drawings with XREFs or reference files, simply insert all needed files or feature layers into one design file. Cut-sheet or plate layouts in CADD are not needed however, PDF's of propose project plans and/or as- built would be greatly appreciated for further review.

If a GIS shape file is provided, again the same applies about assigning a proper name sequence to describe that specific feature or it can also be defined in the spatial data within the shape file.

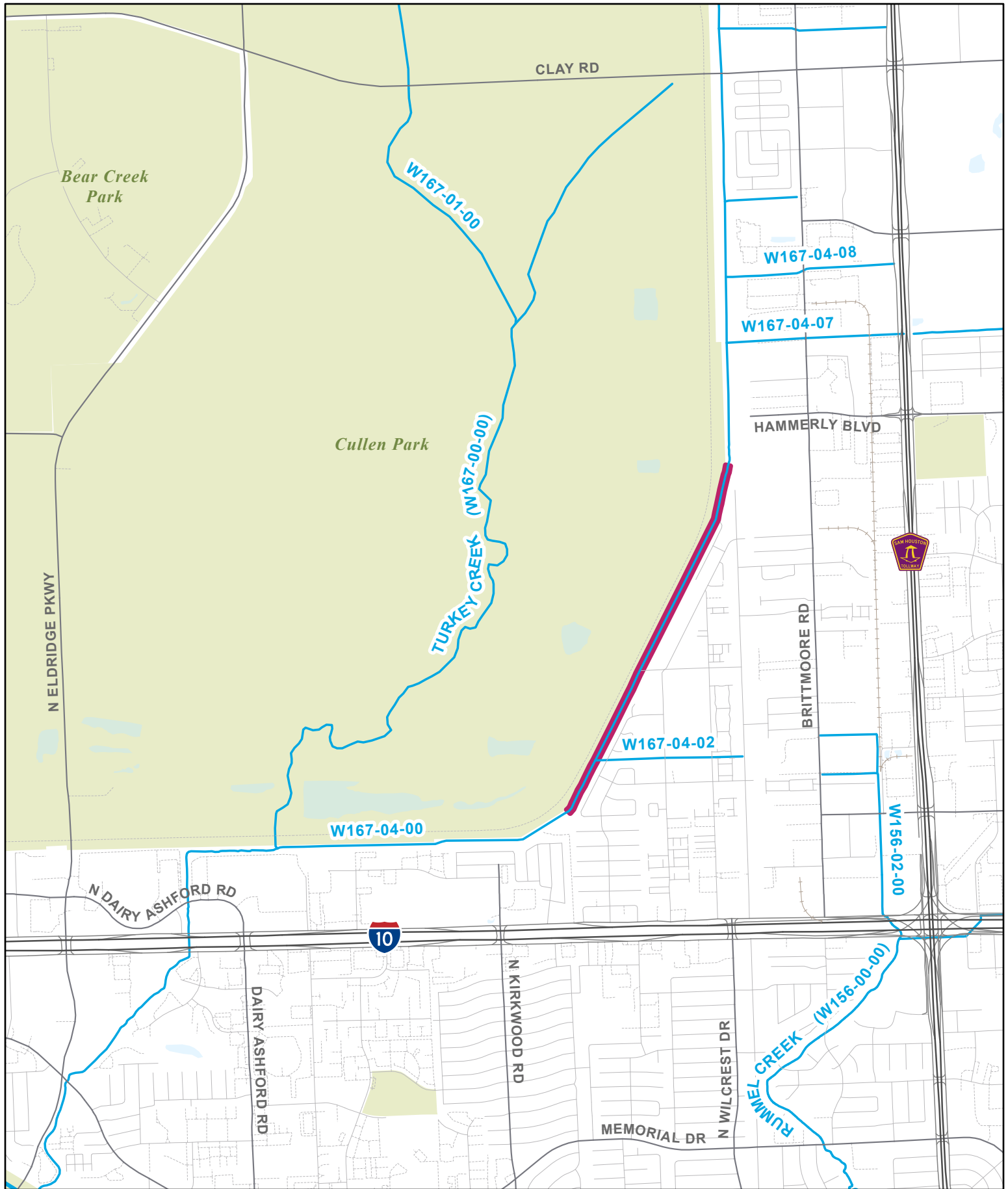
To help keep file sizes to the minimum imagery

and USGS Quads do not need to be provided.

Preferred Projected Coordinate System

- Datum: North American 1983 (Survey Feet)
- Projection: State Plane
- Zone: Texas South Central

If you have any questions pertaining to Cadastral requirements please contact Carlos Hidalgo at (409) 766-3169.





DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT
P. O. BOX 1229
GALVESTON, TEXAS 77553-1229

8 December 2020

SUBJECT: Addick Dam Reservoir Project; Harris, Texas; REIN-18-038; Easement
DACW64-2-20-0002

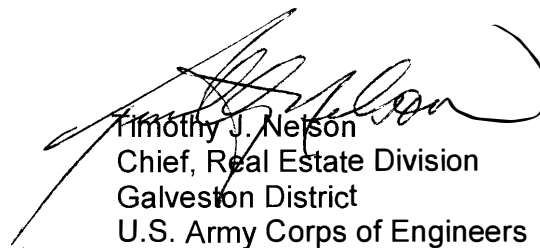
Russell Poppe
Executive Director
Harris County Flood Control District
9900 Northwest Freeway
Houston, Texas 77092

Dear Mr. Poppe:

Enclosed please find an original of the executed Easement DACW64-2-20-0002.
This original is for your records. You are now authorized to proceed under the terms
and conditions of this document.

If you have any further questions, please contact Vinh Nguyen at (409) 766-3813 or
Vinh.X.Nguyen@usace.army.mil.

Sincerely,


Timothy J. Nelson
Chief, Real Estate Division
Galveston District
U.S. Army Corps of Engineers

Enclosure

NO. DACW64-2-20-0002

DEPARTMENT OF THE ARMY

EASEMENT FOR RIGHT-OF-WAY

**BUFFALO BAYOU AND TRIBUTARIES FLOOD CONTROL PROJECT
ADDICK DAM**

HARRIS COUNTY, TEXAS

THE SECRETARY OF THE ARMY under and by virtue of the authority vested in the Secretary by Title 10, United States Code, Section 2668, having found that the granting of this easement will be in the public interest and will not substantially injure the interests of the United States, hereby grants to Harris County Flood Control District (HCFCD), hereinafter referred to as the grantee, an easement for 9.0507 Acres (394,248 SQ. FT) right-of-way for the continued operations and maintenance of a portion of an existing HCFCD ditch, Turkey Creek, W167-00-00, hereinafter referred to as the facilities, over, across, in and upon lands of the United States (Addick Dam Tract AR-108) as identified in Exhibits A and B, hereinafter referred to as the premises, and which are attached hereto and made a part hereof.

THIS EASEMENT is granted subject to the following conditions.

1. TERM

This easement is hereby granted for a term of twenty (20) years, beginning June 17, 2020, and ending June 16, 2040.

2. CONSIDERATION

The consideration for this easement shall be the construction, operation and maintenance of the premises for the benefit of the general public in accordance with the terms and conditions hereinafter set forth.

3. NOTICES

All correspondence and notices to be given pursuant to this easement shall be addressed, if to the grantee, to Mr. Russell Poppe, Executive Director, Harris County Flood Control District, 9900 Northwest Freeway, Houston, Texas 77092; and, if to the United States, to the District Engineer, Attention: Chief, Real Estate Division, P.O. Box 1229, Galveston, Texas 77553-1229; physical address 2000 Fort Point Road, Galveston, Texas 77550, or as may from time to time otherwise be directed by the parties. Notice shall be deemed to have been duly given if and when enclosed in a

properly sealed envelope or wrapper addressed as aforesaid, and deposited postage prepaid in a post office regularly maintained by the United States Postal Service.

4. AUTHORIZED REPRESENTATIVES

Except as otherwise specifically provided, any reference herein to "Secretary", "District Engineer", or "said officer" shall include their duly authorized representatives. Any reference to "grantee" shall include assignees, transferees and their duly authorized representatives.

5. SUPERVISION BY THE DISTRICT ENGINEER

The construction, operation, maintenance, repair or replacement of said facilities, including culverts and other drainage facilities, shall be performed at no cost or expense to the United States and subject to the approval of the District Engineer, Galveston District, hereinafter referred to as said officer. Upon the completion of any of the above activities, the grantee shall immediately restore the premises to the satisfaction of said officer. The use and occupation of the premises for the purposes herein granted shall be subject to such rules and regulations as said officer prescribes in writing from time to time.

6. APPLICABLE LAWS AND REGULATIONS

The grantee shall comply with all applicable Federal, state, county and municipal laws, ordinances and regulations wherein the premises are located.

7. CONDITION OF PREMISES

The grantee acknowledges that it has inspected the premises, knows the condition, and understands that the same is granted without any representation or warranties whatsoever and without any obligation on the part of the United States.

8. INSPECTION AND REPAIRS

The grantee shall inspect the facilities at reasonable intervals and immediately repair any defects found by such inspection or when required by said officer to repair any such defects.

9. PROTECTION OF GOVERNMENT PROPERTY

The grantee shall be responsible for any damage that may be caused to the property of the United States by the activities of the grantee under this easement and shall exercise due diligence in the protection of all property located on the premises against fire or damage from any and all other causes. Any property of the United States damaged or destroyed by the grantee incident to the exercise of the privileges herein granted shall be promptly repaired or replaced by the grantee to a condition satisfactory to said officer, or at the election of said officer, reimbursement made therefor by the grantee in an amount necessary to restore or replace the property to a condition satisfactory to said officer.

10. RIGHT TO ENTER

The right is reserved to the United States, its officers, agents, and employees to enter upon the premises at any time and for any purpose necessary or convenient in connection with Government purposes, to make inspections, to remove timber or other material, except property of the grantee, to flood the premises and/or to make any other use of the lands as may be necessary in connection with Government purposes, and the grantee shall have no claim for damages on account thereof against the United States or any officer, agent, or employee thereof.

11. TRANSFERS AND ASSIGNMENTS

Without prior written approval by said District Engineer, the grantee shall neither transfer nor assign this easement or any part thereof nor grant any interest, privilege or license whatsoever in connection with this easement. The provisions and conditions of this easement shall extend to and be binding upon and shall inure to the benefit of the representatives, successors and assigns of the grantee.

12. INDEMNITY

The United States shall not be responsible for damages to property or injuries to persons which may arise from or be incident to the exercise of the privileges herein granted, or for damages to the property or injuries to the person of the Grantee's officers, agents, or employees or others who may be on the premises at their invitation or the invitation of any one of them, and the Grantee shall hold the United States harmless from any and all such claims not including damages due to the fault or negligence of the United States or its contractors.

13. SUBJECT TO EASEMENTS

This easement is subject to all other existing easements, or those subsequently granted as well as established access routes for roadways and utilities located, or to be located, on the premises, provided that the proposed grant of any new easement or route will be coordinated with the grantee, and easements will not be granted which will, in the opinion of said officer, interfere with the use of the premises by the grantee.

14. RELOCATION OF FACILITIES

In the event all or any portion of the premises occupied by the said facilities shall be needed by the United States, or in the event the existence of said facilities is determined to be detrimental to Governmental activities, the grantee shall from time to time, upon notice to do so, and as often as so notified, remove said facilities to such other location on the premises as may be designated by said officer. In the event said facilities shall not be removed or relocated within ninety (90) days after such notice, the United States may cause such relocation at the sole expense of the grantee.

15. TERMINATION

This easement may be terminated by the Secretary upon 30 days written notice to the grantee if the Secretary shall determine that the right-of-way hereby granted interferes with the use of said land by the United States, or it may be revoked by the Secretary for failure of the grantee to comply with any or all of the conditions of this easement; or for non-use for a period of two (2) years, or for abandonment.

16. SOIL AND WATER CONSERVATION

The grantee shall maintain, in a manner satisfactory to said officer, all soil and water conservation structures that may be in existence upon said premises at the beginning of or that may be constructed by the grantee during the term of this easement, and the grantee shall take appropriate measures to prevent or control soil erosion within the right-of-way herein granted. Any soil erosion occurring outside the premises resulting from the activities of the grantee shall be corrected by the grantee as directed by said officer.

17. ENVIRONMENTAL PROTECTION

a. Within the limits of their respective legal powers, the parties hereto shall protect the premises against pollution of its air, ground, and water. The grantee shall promptly comply with any laws, regulations, conditions or instructions affecting the activity hereby authorized if and when issued by the Environmental Protection Agency, or any Federal, state, interstate or local governmental agency having jurisdiction to abate or prevent pollution. The disposal of any toxic or hazardous materials within the premises is strictly prohibited. Such regulations, conditions, or instructions in effect or prescribed by the said Environmental Protection Agency or any Federal, state, interstate or local governmental agency are hereby made a condition of this easement. The grantee shall not discharge waste or effluent from the premises in such a manner that the discharge will contaminate streams or other bodies of water or otherwise become a public nuisance.

b. The use of any pesticides or herbicides within the premises shall be in conformance with all applicable Federal, state and local laws and regulations. The grantee must obtain approval in writing from said officer before any pesticides or herbicides are applied to the premises.

c. The grantee will use all reasonable means available to protect the environment and natural resources, and where damage nonetheless occurs arising from the grantee's activities, the grantee shall be liable to restore the damaged resources.

18. PRELIMINARY ASSESSMENT SCREENING

A Preliminary Assessment Screening (PAS) documenting the known history of the property with regard to the storage, release or disposal of hazardous substances thereon, is attached hereto and made a part hereof as Exhibit C. Upon expiration, revocation or termination of this easement, another PAS shall be prepared which will document the environmental condition of the property at that time. A comparison of the two assessments will assist the said officer in determining any environmental restoration

requirements. Any such requirements will be completed by the grantee in accordance with the condition on RESTORATION.

19. HISTORIC PRESERVATION

The grantee shall not remove or disturb, or cause or permit to be removed or disturbed, any historical, archeological, architectural or other cultural artifacts, relics, remains or objects of antiquity. In the event such items are discovered on the premises, the grantee shall immediately notify said officer and protect the site and material from further disturbance until said officer gives clearance to proceed.

20. NON-DISCRIMINATION

The grantee shall not discriminate against any person or persons because of race, color, age, sex, handicap, national origin, or religion in the conduct of operations on the premises.

21. RESTORATION

On or before the expiration or termination of this easement, the grantee shall, without expense to the United States, and within such time as said officer may indicate, remove said facilities and restore the premises to the satisfaction of said officer. In the event the grantee shall fail to remove said facilities and restore the premises, the United States shall have the option to take over said facilities without compensation, or to remove said facilities and perform the restoration at the expense of the grantee, and the grantee shall have no claim for damages against the United States or its officers or agents for such action.

22. DISCLAIMER

This instrument is effective only insofar as the rights of the United States in the property are concerned, and the grantee shall obtain such permission as may be required on account of any other existing rights. It is understood that the granting of this easement does not eliminate the necessity of obtaining any Department of the Army permit which may be required pursuant to the provisions of Section 10 of the Rivers and Harbors Act of 3 March 1899 (30 Stat. 1151; 33 U.S.C. 403), Section 404 of the Clean Water Act (33 U.S.C. 1344) or any other permit or license which may be required by Federal, state or local statute in connection with use of the premises.

23. EXECUTIVE ORDER 13658

It has been determined this contract is not subject to Executive Order 13658 or the regulations issued by the Secretary of Labor in 29 CFR part 10 pursuant to the Executive Order, and the following provisions.

If a duly authorized representative of the United States discovers or determines, whether before or subsequent to executing this contract, that an erroneous determination regarding the applicability of Executive Order 13658 was made, contractor, to the extent permitted by law, agrees to indemnify and hold harmless the United States, its officers, agents, and employees, for and from any and all liabilities, losses, claims, expenses, suits, fines, penalties, judgments, demands or actions, costs,

fees, and damages directly or indirectly arising out of, caused by, related to, resulting from or in any way predicated upon, in whole or in part, the erroneous Executive Order 13658 determination. This includes contractor releasing any claim or entitlement it would otherwise have to an equitable adjustment to the contract and indemnifying and holding harmless the United States from the claims of subcontractors and contractor employees.

24. SITE SPECIFIC CONDITIONS

a. The Corps field POC for this activity shall be Richard Long with the Houston Project Office. He may be reached at 713-296-9177 or at Richard.k.long@usace.army.mil.

b. This Real Estate action is for the continued operations and maintenance of a portion of an existing HCFCD ditch, Turkey Creek, W167-00-00, along the base of Addicks Dam. This action does not permit any new construction or modification to the grades associated with this portion of the ditch on Corps property without the permission of the Corps.

c. HCFCD shall ensure that all access points along the easement are secure with fencing and gates of a length and quality necessary to deter unauthorized vehicle access to the area and as determined necessary by conditions and the Addicks Field Office.

d. HCFCD may remove the fencing and trees separating Turkey Creek and the hike and bike trail to facilitate maintenance of the area.

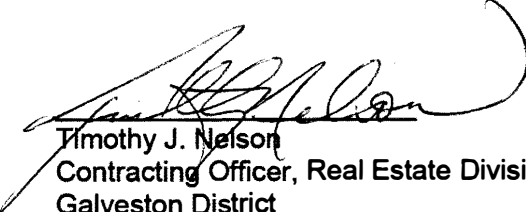
e. With the exception of routine maintenance, HCFCD shall inform the Addicks Field Office of any maintenance and/or repair activities along the ROW and obtain approval for that activity before ingress is made to the ROW. The location and the intensity of the maintenance activity will determine the amount of review, coordination and oversight that may be required by the Corps.

f. Appropriate steps shall be taken to protect the user public of the hike and bike trail when maintenance activities are taking place along the ditch.

g. The top and/or slopes of Addicks Dam shall not be used for ingress or egress to the area without the permission of the Corps.

THIS EASEMENT is not subject to Title 10, United States Code, Section 2662, as amended.

IN WITNESS WHEREOF, I have hereunto set my hand by authority of the Secretary of the Army, this 9TH day of December, 2020.


Timothy J. Nelson
Contracting Officer, Real Estate Division
Galveston District
U.S. Army Corps of Engineers

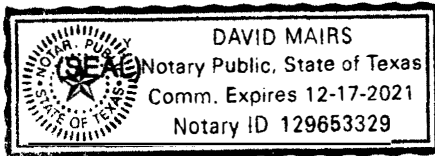
ACKNOWLEDGMENT

STATE OF TEXAS

COUNTY OF GALVESTON

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for said County and State, within my jurisdiction, the within named Timothy J. Nelson, who acknowledged that he is the Contracting Officer, Real Estate Division, and that in said capacity he executed the above and foregoing easement for RIGHT-OF-WAY for the operations and maintenance of a portion of an existing HCFCD ditch, Turkey Creek, W167-00-00 by authority of the Secretary of the Army for the purposes therein expressed and as the act and deed of the United States of America.

GIVEN UNDER MY HAND AND SEAL, this 9 day of December, 2020.





NOTARY PUBLIC

My Commission Expires: 12/17/2021

October **THIS EASEMENT** is also executed by the grantee this 13th day of _____, 2020.



Russell Poppe
Executive Director
Harris County Flood Control District

ACKNOWLEDGMENT

STATE OF TEXAS

COUNTY OF HARRIS

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the county and state, on this 13th day of October, 2020, within my jurisdiction, the within named Russell Poppe, who acknowledged that he is the Executive Director for Harris County Flood Control District, and that for and on behalf of the said Harris County Flood Control District, and as its act and deed he executed the above and foregoing instrument after having been duly authorized by said Harris County Flood Control District, so to do.

GIVEN UNDER MY HAND AND SEAL, this 13th day of October, 2020.



Ernestina Lisa Ortiz
NOTARY PUBLIC

My Commission Expires: April 9, 2024

CERTIFICATE OF AUTHORITY

I, Mitzi Turner, do hereby certify that I am the County Attorney of Harris County Flood Control District and that Mr. Russell Poppe has full authority and legal capability to perform the terms of this Agreement between the Department of the Army and Harris County Flood Control District and that Mr. Russell Poppe who has executed this Agreement on behalf of Harris County Flood Control District has acted within his statutory authority.

IN WITNESS WHEREOF, I have made and executed this certification this _____ day of _____, 2020.

Mitzi Turner
County Attorney
Harris County Flood Control District

Exhibit B

PROPOSED 9.0507 ACRE H.C.F.C.D. EASEMENT
0 U.S. GOVT. RD.
9.0507 ACRES

SEPTEMBER 29, 2017
HCAD No. 040-240-000-0080
PAGE 1 OF 2

DESCRIPTION OF A 9.0507 ACRE TRACT OF LAND
SITUATED IN THE WILLIAM HARDIN SURVEY, A-24 AND
W. PERKINSON SURVEY, A-623, HARRIS COUNTY, TEXAS

Being a 9.0507 acre (394,248 square feet) tract of land situated in the William Hardin Survey, A-24 and W. Perkinson Survey, A-623, Harris County, Texas, and being out of and a part of a called 1,671.4 acre tract, described in a Judgment on Declaration of Taking No. 5 by the United States of America dated November 16, 1946 and recorded under Volume 1551, Page 370 of the Harris County Deed Records (H.C.D.R.), Texas. Said 9.0507 acre of land being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2-inch iron rod having the Texas State Plane Coordinates of N: 13,850,373.27 & E: 3,043,534.99 found along the south line of said 1,671.4 acre tract, at the northeast corner of Restricted Reserve "B" of Woodcreek Park, Section Two, a subdivision recorded under Volume 294, Page 12 of the Harris County Map Records (H.C.M.R.), at the common northwest corner of a called 33.607 acre tract, conveyed to Shell Oil Company as recorded under Harris County Clerk's File Number (H.C.C.F. No.) 20140386978 in the Official Public Records of Real Property of Harris County (O.P.R.R.P.H.C.), and a 150-Foot Harris County Flood Control District (H.C.F.C.D.) Right-Of-Way Easement recorded under H.C.C.F. No. D996904, H.C.D.R., and at the southwest corner of the herein described parcel;

THENCE, over and across said 1,671.4 acre tract the following courses:

North 01° 18' 10" West, a distance of 49.00 feet;

North 88° 41' 22" East, a distance of 2,486.92 feet;

North 88° 40' 36" East, a distance of 2,386.36 feet;

North 68° 40' 48" East, a distance of 146.37 feet;

North 88° 51' 22" East, a distance of 352.93 feet;

North 88° 40' 36" East, a distance of 1,436.90 feet;

North 58° 26' 36" East, a distance of 1,126.79 feet;

South 03° 07' 24" East, a distance of 55.72 feet to the common northeast corner of a 70-Foot Wide H.C.F.C.D. Drainage Easement, recorded in Volume 1902, Page 95, H.C.D.R. and a called 1.6624 acre tract conveyed to The City of Houston as recorded in Volume 7451, Page 224, H.C.D.R.;

THENCE, along the north line of said H.C.F.C.D. Drainage Easement the following courses:

South 58° 26' 36" West, a distance of 1,113.50 feet to the southwest corner of said 1.6624 acre tract and a point along the north line of Block 4 of

EXHIBIT B

Exhibit B

PROPOSED 9.0507 ACRE H.C.F.C.D. EASEMENT
0 U.S. GOVT. RD.
9.0507 ACRES

SEPTEMBER 29, 2017
HCAD No. 040-240-000-0080
PAGE 2 OF 2

Westwick Section One, a subdivision recorded in Volume 258, Page 143, H.C.M.R.;

South 88° 40' 36" West, along the north line of said Block 4, a distance of 1,450.23 feet to the northwest corner of said Block 4 and northeast corner of Wood Branch Office Park, a subdivision recorded in Volume 307, Page 59, H.C.M.R.;

South 88° 51' 22" West, a distance of 303.98 feet;

South 02° 19' 12" West, a distance of 50.00 feet;

South 88° 40' 36" West, a distance of 2,569.58 feet to the common northwest corner of said Wood Branch Office Park and said 70-Foot H.C.F.C.D. Drainage Easement and common northeast corner of a called 41.3557 acre tract conveyed to Shell Oil Company as recorded under H.C.C.F. No. W193349, O.P.R.O.R.P.H.C. and said 150-Foot H.C.F.C.D. Right-Of-Way Easement;

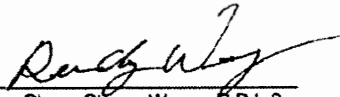
THENCE, South 88° 41' 22" West, along the north line of said H.C.F.C.D. Right-Of-Way Easement, at 934.77 feet passing the northwest corner of said called 41.3557 acre tract and northeast corner of said called 33.607 acre tract and continuing for a total distance of 2486.94 feet to the POINT OF BEGINNING and containing 9.0507 acre (394,248 square feet) of land, more or less.

All bearings and distances are based on Texas State Plane Coordinate System, South Central Zone, NAD 83 (CORS96). All distances are in surface.

The coordinates shown hereon are Texas South Central Zone No. 4204 State Plane Grid Coordinates (NAD83) and may be brought to surface by dividing by the combined scale factor 0.999870017.

A survey plat has been prepared in association with this field note description.

Compiled By:


Ren Chyun Steven Weng., R.P.L.S.
Registered Professional Land Surveyor
Texas Reg. No. 6491



Kuo & Associates, Inc.
10700 Richmond Ave., Suite 113
Houston, Texas 77042
Ph.: (713) 975-8769
TBPLS Firm Registration No. 10075600

EXHIBIT B

PRELIMINARY ASSESSMENT SCREENING

1. REAL PROPERTY TRANSACTION: an easement for a 9.0507 Acres (394,248 SQ. FT) right-of-way for the continued operations and maintenance of a portion of an existing HCFCD ditch, Turkey Creek, W167-00-00 will go over, across, in and upon lands of the United States, also known as tract AR-108. Addick Dam Reservoir Project, Harris County, Texas. REIN-18-038; DACW64-2-20-0002;

a. A COMPREHENSIVE RECORDS SEARCH during 2019 included a review of the following areas:

- 1) Real Estate Division outgrant files
- 2) Real Estate Division maps
- 3) Aerial photos
- 4) Operations Division files
- 5) Planning, Environmental and Regulatory Division files
- 6) Engineering-Construction Division files.

b. SITE INVESTIGATIONS were performed during 2019.

2. STATEMENT OF FINDINGS

a. COMPREHENSIVE RECORDS SEARCH SUMMARY

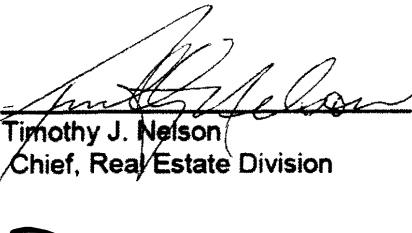
A complete search of Galveston District files revealed no evidence that hazardous substances as identified in 42 U.S.C. 9601 (14) (B) (D) or (E) have been stored, released, or disposed on the property involved.

b. SITE INVESTIGATION SUMMARY

The site investigation revealed no evidence that hazardous substances have been stored, released or disposed on the property. There were no unusual odors, suspicious seepage or other evidence of the presence of hazardous wastes.

Prepared by: _____
Vinh Nguyen, CESWG-RE-T

DATE

Approved by: 
Timothy J. Nelson
Chief, Real Estate Division

DATE

Executed by: 
Russell Poppe
Executive Director

DATE

BEING A 6.773 ACRES (295,046 SQUARE FEET) TRACT OF LAND LOCATED IN THE CHRISTIANA WILLIAMS SURVEY, ABSTRACT NO. 834 AND WILLIAM G. PERKINSON SURVEY, ABSTRACT NO. 623, HARRIS COUNTY, TEXAS, OUT OF A CERTAIN TRACT OF LAND DESCRIBED IN DEEDS TO THE UNITED STATES OF AMERICA, RECORDED IN VOLUME 1551, PAGES 370 AND 389, VOLUME 1513, PAGE 496 OF HARRIS COUNTY DEED RECORDS (H.C.D.R.) AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: (Bearings and coordinates are referenced to the Texas Coordinate System, South Central Zone, North American Datum of 1983. Coordinates shown are grid values and distances are surface values in US Survey Feet. Surface may be converted to grid by multiplying by the combined scale factor of 0.999870017.)

COMMENCING at a found U.S. Army Corps of Engineers monument on the south line of J. Curl Survey, Abstract No. 1163, the north line of Christiana Williams Survey, Abstract No. 834 and the east line of said United States of America tract for the northwest corner of a certain tract of land described in deed to Harris County Flood Control District recorded in Volume 1902, Page 97 H.C.D.R.;

THENCE South 01°59'13" East, along the east line of said United States of America tract and the west line of said Harris County Flood Control District tract, a distance of 2,392.80 feet to a set 5/8-inch iron rod with Landtech cap for the north corner and the **POINT OF BEGINNING** of the herein described tract, having grid coordinates of N=13,858,112.76, E= 3,054,419.34;

1. **THENCE** South 01°59'13" East, continuing along the east line of said United States of America tract and the west line of said Harris County Flood Control District tract, a distance of 161.73 feet to a set 5/8-inch iron rod with Landtech cap for the north corner of Lot 12, Block 7 of Sherwood Estates Sec. 3, recorded in Volume 23, Page 71 of Harris County Map Records (H.C.M.R.), the north corner of a Harris County Flood Control District 100 feet wide easement (Unit No. W167-04-00) recorded in Volume 1920, Page 551, Volume 1873, Page 401, Volume 1926, Page 238, Volume 1882, Page 462 & Volume 1926, Pages 236, 253, 247, 241, 250, 244, 234 H.C.D.R. and the northeast corner of the herein described tract;

THENCE along the common line of said United States of America tract, said Block 7 of Sherwood Estates Sec. 3 and said Harris County Flood Control District 100 feet wide easement, the following courses and distances:

2. South 12°19'56" West, a distance of 998.08 feet to a found U.S. Army Corps of Engineers monument for an angle point;
3. South 26°38'47" West, passing at a distance of 3,371.80 feet to a point on the north right-of-way line of Chatterton Drive (60 feet wide per Volume 23, Page 71 H.C.M.R.), continuing for a total distance of 3,423.01 feet to a set 5/8-inch iron rod with Landtech cap for an angle point;
4. **THENCE** South 26°34'13" West, along the east line of said United States of America tract, passing at a distance of 17.04 feet to a point on the south right-of-way line of Chatterton Drive and continuing along the west line of a Harris County Flood Control District easement (Unit No. W167-04-00) recorded in Volume 1902, Pages 93 and 95, Volume 1907, Page 129 H.C.D.R. and Volume 104, Page 57 H.C.M.R., a total distance of 3,080.50 feet to a set 5/8-inch iron rod with Landtech cap for the north corner of a certain tract of land described in deed to the City of Houston recorded in Volume 7451, Page 224 H.C.D.R.;

- A separate survey plat of even date is accompanied with this description.

5/18/2022

STATE OF TEXAS
REGISTERED
★
HONG YANG
6557
PROFESSIONAL
LAND SURVEYOR

*-----
 * Prepared by: Landtech-Inc
 * Routine: Area Summary Coord File: 2220006-Agreement-Calc.crd 5/16/22 11:06:55
 * Input Scale Factor: 1.000000000 Output Scale Factor: 1.000000000
 *-----

POC to POB

221 S01°59'13"E 2392.80 917

Agreement Bndy

Point ID	Ang Rt	Bearing	Distance	Point ID	Northing	Easting
917		S01°59'13"E	161.73	870	13857951.12	3054424.95
870	165°40'50"	S12°19'56"W	998.08	246	13856976.07	3054211.77
246	165°41'10"	S26°38'47"W	3423.01	871	13853916.61	3052676.62
871	180°04'34"	S26°34'13"W	3080.50	872	13851161.45	3051298.73
872	148°12'00"	S58°22'13"W	4.45	881	13851159.12	3051294.94
881	61°29'37"	N03°07'24"W	76.02	882	13851235.03	3051290.80
882	150°15'58"	N26°36'38"E	6436.27	918	13856989.51	3054173.77
918	194°16'42"	N12°19'56"E	1149.78	917	13858112.76	3054419.34
917	14°19'10"					

Perimeter: 15329.84 Cumulative Perimeter: 15329.84

Sq. Feet: 295046 Acres: 6.773

Total - Sq. Feet: 295046 Acres: 6.773

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

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:

**ORDER AUTHORIZING THE HARRIS COUNTY FLOOD CONTROL DISTRICT
TO SUBMIT TO THE US ARMY CORPS OF ENGINEERS
A MULTI-PURPOSE APPLICATION FOR REAL ESTATE OUTGRANTS
HCFCD UNIT NO. W167-04-00**

Commissioner _____ introduced an order and made a motion that the same be adopted. 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
AYES:	Judge Lina Hidalgo	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
NAYS:	Comm. Rodney Ellis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ABSTENTIONS:	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.

NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF HARRIS COUNTY, TEXAS THAT:

1. County Judge Lina Hidalgo is hereby authorized to execute for and on behalf of the Harris County Flood Control District authorization to submit a Multi-Purpose Application for Real Estate Outgrants for access to a channel referred to by Harris County Flood Control as W167-04-00 within the Buffalo Bayou watershed.
2. All Harris County Flood Control District and Harris County officials and employees are authorized to do any and all things necessary or convenient to accomplish the purposes of this order.