

**ORDER OF COMMISSIONERS COURT
DISCLAIMING ANY AND ALL INTEREST IN CERTAIN
REAL PROPERTY**

The Commissioners Court of Harris County, Texas convened at a meeting of said Court at the Harris County Administration Building in the City of Houston, Texas, on the ____ day of _____, 2024, with all members present except _____.

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

ORDER DISCLAIMING ALL RIGHT, TITLE, AND INTEREST IN THE FEE ESTATE OF LANDS LOCATED AT LOT 1, BLOCK 2, WILLIAMSBURG HAMLET, SECTION 1, , ACCORDING TO THE PLAT RECORDED IN HARRIS COUNTY MAP RECORDS VOLUME 274, PAGE 113, BEING AN INTEREST ERRONEOUSLY CONVEYED TO HARRIS COUNTY BY THAT CERTAIN GENERAL WARRANTY DEED DATED NOVEMBER 2, 2021, RECORDED AT HARRIS COUNTY OFFICIAL PUBLIC RECORDS INSTRUMENT NUMBER RP-2021-641839, AND FURTHER ACKNOWLEDGING AND AFFIRMING THAT SUCH PROPERTY, WAS AT NO TIME EVER DELIVERED TO OR OTHERWISE ACCEPTED BY HARRIS COUNTY, TEXAS, OR BY ANY REPRESENTATIVE THEREOF, NOR HAVE ANY ACTS BEEN PERFORMED BY HARRIS COUNTY, TEXAS, OR ITS REPRESENTATIVES, AS TO THE PROPERTY DESCRIBED BELOW AS WOULD CONSTITUTE ANY EXERCISE OF CONTROL, DOMINION, POSSESSION, OWNERSHIP, OR SUPERVISION.

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 the following:

RECITALS

WHEREAS, on January 11, 2001, HARRIS COUNTY ("County") condemned a perpetual easement over and across that certain 0.0047 acre parcel of land located in the H.T. & B. Railroad Company Survey, Section 9, Abstract No. 421, Harris County, Texas (the "Condemned Tract"), pursuant to Texas Property Code §21.065;

WHEREAS, the condemnation to the County was made final by that certain *Judgment on the Award* in Cause No. 741,725, in Harris County Civil Court at Law No. 4, recorded in the Official Public Records of Harris County File No. V005015 and pursuant to Texas Property Code 21.065, title to the easement was vested in Harris County on the Condemned Tract by its filed *Judgment on the Award* ("Judgment");

WHEREAS, the Condemned Tract was out of and a part of Lot One (1), Block Two (2), of Williamsburg Hamlet, Section 1, a subdivision in Harris County, Texas, according to the plat recorded in Harris County Map Records Volume 274, Page 113 ("Lot One");

WHEREAS, in November 2021, OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY ("Old Republic") closed a transaction to convey Lot One to Zoila Emilia Subero and Carlos Esteban Rodriguez, husband and wife ("Intended Grantors");

WHEREAS, as part of the above-referenced closing, OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY required the Heirs of Joseph T. Whalen to execute a Deed confirming the prior condemnation of the County's perpetual easement which was recorded as Instrument No. RP-2021-641839 ("Erroneous Deed");

WHEREAS, the Erroneous Deed recorded at Instrument No. RP-2021-641839 mistakenly described the entirety of LOT ONE, the property being conveyed to Zoila Emilia Subero and Carlos Esteban Rodriguez, instead of the County's perpetual easement;

WHEREAS, the Erroneous Deed has created a cloud in the chain of title to ownership of Lot One by conveying all of Lot One to the County instead of the intended Grantors, being the true and correct owners of Lot One;

WHEREAS, Old Republic now intends to correct the Erroneous Deed and clear title to the Lot One by obtaining a disclaimer from the County for the incorrect interest in Lot One conveyed in the Erroneous Deed, pursuant to Texas Property Code §5.029;

WHEREAS, pursuant to Texas Property Code §5.029, the County's cooperation along with the Heirs of Joseph T. Whalen are needed to correct a material correction in the Erroneous Deed;

WHEREAS, the Real Property Division of the Office of the County Engineer has examined and reviewed the available records to it and found nothing that reflects an intent to vest the County with ownership of Lot One in addition to the Condemned Tract, nor has the County ever taken possession of or performed any act that would amount to constructive possession/acceptance of Lot One; and

WHEREAS, the County now intends to disclaim all right, title, and interest in Lot One SAVE AND EXCEPT the perpetual easement in the Condemned Tract, being the same interest conveyed in that certain deed recorded at RP-2019-641839, and being further described as all of the fee interest in Lot One SAVE AND EXCEPT that certain perpetual easement awarded to the County in the Judgment;

NOW THEREFORE, IT IS ORDERED AND DECREED 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 all right title and interest in Lot One, SAVE AND EXCEPT any and all interest in the Condemned Tract awarded in the Judgment, and Lot One being more particularly described as:

Lot One (1), Block Two (2), of Williamsburg Hamlet, Section (1), a subdivision in Harris County, Texas, according to the map or plat thereof recorded in Volume 274, Page 113 of the Map Records of Harris County, Texas, SAVE AND EXCEPT that perpetual easement on 0.0047 acre parcel of land located in the H.T. & B. Railroad Company Survey, Section 9, Abstract No. 421, Harris County, Texas, awarded to Harris County in that certain Judgment on the Award recorded in the Official Public Records of Harris County File No. V005015, and being more particularly described in the attached **Exhibit "A"**;

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 Land described herein, and of its determination and finding that neither Harris County, Texas, nor any authorized representative or agent thereof, performed any acts as would be deemed an acceptance of the Land described herein; and
4. It is further ordered that the appropriate representatives, agents, personnel, and officials of Harris County, including, but not limited to, the County Judge of Harris County, Texas, the County Engineer, the County Attorney, County Clerk, County Auditor, and County Treasurer, and their respective representatives, be authorized and directed, and are hereby authorized and directed to perform any and all necessary acts within their respective spheres of official duties toward the disclaimer of Harris County's interest in the above described property, including the recording of a certified copy of this Order in the Official Public Records of Real Property of Harris County, Texas. For the purpose of facilitating the recording of this Order in the Official Real Property Records of Harris County Texas, **Zoila Emilia Subero and Carlos Esteban Rodriguez, husband and wife** having been identified as the correct owners of the fee interest in the above described tract subject of this Order, and for the further purpose of facilitating the indexing of this order in the Official Real Property Records of Harris County, the above described property shall be identified and indexed with **County of Harris, a body corporate and politic under the laws of the State of Texas** as the "Grantor" therein, and **Zoila Emilia Subero and Carlos Esteban Rodriguez, husband and wife** as the "Grantee" therein.

EXECUTED by each party below who was a party to the recorded original instrument as required under Texas Property Code §5.029(b).

ORIGINAL GRANTORS:

Laura M. Clarke
Laura M. Clarke

STATE OF Texas §
COUNTY OF Harris §
§

This instrument was acknowledged before me on January 9th, 2024, by Laura M. Clarke.

[Signature]
Notary Public Signature





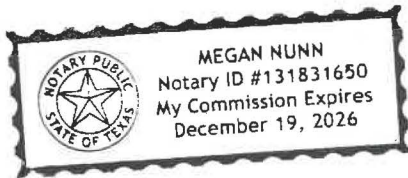
Joseph W. Whalen

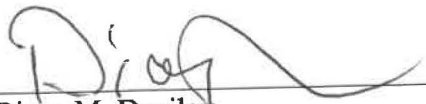
STATE OF Texas §
COUNTY OF Harris §

This instrument was acknowledged before me on January 9th, 2021, by Joseph W. Whalen.



Notary Public Signature

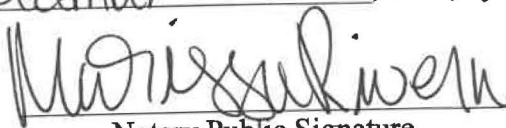


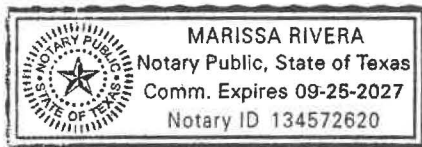

Diane M. Danilov

STATE OF Texas §

COUNTY OF Fort Bend §

This instrument was acknowledged before me on December 21ST, 2023, by Diane M. Danilov.

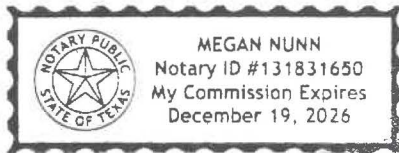

Notary Public Signature



Teresa A. Rowan
Teresa A. Rowan

STATE OF Texas §
COUNTY OF Harris §

This instrument was acknowledged before me on January 9th, 2024, by Teresa A. Rowan.



Megan Nunn
Notary Public Signature

ORIGINAL GRANTEE:

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

By: _____
Lina Hidalgo, County Judge

APPROVED AS TO FORM:

CHRISTIAN D. MENEFFEE
County Attorney

By: Raychel Johnson
Name: Raychel Johnson
Assistant County Attorney
C.A. File No.: 23RPD0067

V005015

259631

EXHIBIT A

JUDGE
JNJ

CLOSED

NO. 741,725

72967 2956

04/25/01 300532360 V005015

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HARRIS COUNTY NO FEE

HARRIS COUNTY, TEXAS

v.

JOSEPH T. WHALEN, ET AL.

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§
§

IN THE COUNTY CIVIL COURT

AT LAW NO. FOUR (4) OF

HARRIS COUNTY, TEXAS

JUDGMENT ON THE AWARD

On January 11, 2001, this cause was heard before Special Commissioners and freeholders of Harris County, Texas, duly appointed by the Judge of County Civil Court at Law No. Four (4) of Harris County, Texas, upon the application and petition of HARRIS COUNTY, TEXAS, ("HARRIS COUNTY"), Plaintiff, filed in this Court, praying for the condemnation of the Property of the Defendants:

JOSEPH T. WHALEN

ATLANTIC MORTGAGE & INVESTMENT CORPORATION d/b/a ATLANTIC SOUTHERN MORTGAGE CORPORATION

WILLIAMSBURG HAMLET MAINTENANCE ASSOCIATION

TAX ASSESSOR FOR HARRIS COUNTY MUNICIPAL UTILITY DISTRICT #64

TAX ASSESSOR-COLLECTOR FOR HARRIS COUNTY, TEXAS AND HARRIS COUNTY RURAL FIRE PREVENTION DISTRICT 48

TAX ASSESSOR-COLLECTOR FOR KATY INDEPENDENT SCHOOL DISTRICT

for the public purpose of opening, widening, straightening, grading, improving, constructing, reconstructing and maintaining a public road and its appurtenant drains and ditches. The Property being condemned is located in Harris County, Texas, and is more particularly described in the field notes attached as Exhibit "A".

FILED

APR 25 AM 8:10

COUNTY CLERK
HARRIS COUNTY, TEXAS

HOLD FOR HARRIS COUNTY ROW

T.O.

HARRIS COUNTY

APR 05 2001

CLERK
BEVERLY B. KAUFMAN, County Clerk
Harris County, Texas

Deputy

SONG TRAN

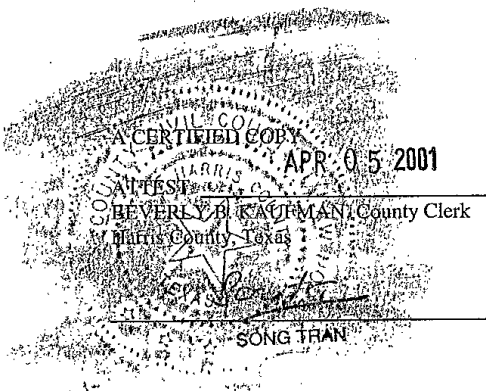
72957 2957
The Special Commissioners, having taken the oath required by law, set a time and place for hearing. The Defendants having been duly and properly served with Notice of Hearing, or having accepted service by executing a Waiver of Service, all as required by law, appeared in person or by their attorneys, or elected not to appear. All parties present announced ready and all matters involved in this condemnation were submitted to the Special Commissioners. The pleadings and evidence of all parties were heard by the Special Commissioners, who made the following Award.

The market value of the perpetual easement prayed for in Plaintiff's Original Petition and taken in the Property described by Exhibit "A", including all improvements thereon, if any, and damages, if any, to the remainder of Defendants' Property by reason of this condemnation, taking into consideration the uses to which the Property is to be or could be subjected for public road purposes, was determined to be the total sum of *ONE THOUSAND TWO HUNDRED AND NO/100 DOLLARS (\$1,200.00)*, this amount being the Award of the Special Commissioners.

The Award was filed with the Judge of this Court on *January 18, 2001*, together with all papers associated with the proceeding, and Plaintiff did, on *February 23, 2001*, deposit into the Registry of this Court the amount of the Award, thus entitling the Plaintiff to possession of the Property.

The Court finds that no objections to the Award of the Special Commissioners has been filed in this cause, therefore, such Award is final, and should be made the Judgment of this Court. Therefore,

It is ORDERED that the Award of the Special Commissioners is adopted and made the Judgment of this Court, and the Clerk is directed to enter the Judgment in the Minutes of this Court;

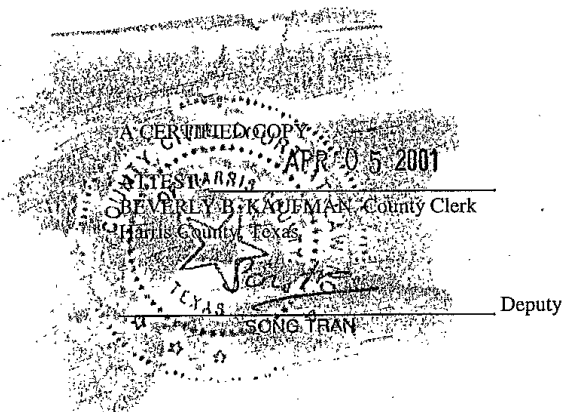


It is ORDERED that the Award sum of ~~ONE THOUSAND TWO HUNDRED AND~~ ^{72267 2558} ~~NO/100 DOLLARS (\$1,200.00)~~, deposited by the Plaintiff into the Registry of this Court, if not previously withdrawn pursuant to an Order of this Court, be kept in the Registry, subject to the withdrawal by the Defendants upon their application to this Court, to be withdrawn in a manner in accordance with an Order of this Court;

It is ORDERED that there is reserved to Defendants any interest which they may have in all oil, gas and sulfur under the perpetual easement provided, however, that the Defendants 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, but will be permitted to extract oil, gas and sulfur from and under the perpetual easement by directional drilling or other means from the property located outside the boundaries of the perpetual easement so long as Plaintiff's use of the perpetual easement is not disturbed, and the facilities located and to be located on the Property and the public's use of the Property are not obstructed, endangered or interfered with;

It is 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 Property described by Exhibit "A", including all improvements thereon, if any, be, and the same is hereby divested out of all Defendants, and the perpetual easement is hereby granted to and vested in HARRIS COUNTY, and that a Writ of Possession be issued in favor of HARRIS COUNTY;

The Court finds that HARRIS COUNTY has discharged its constitutional obligation to pay just compensation for the taking of the Property described by Exhibit "A", including all improvements thereon, if any, and for the damages, if any, to the remainder of Defendants'



Property, taking into consideration the uses to which the Property is to be or could be subjected for all public purposes;

It is therefore ORDERED that HARRIS COUNTY be and is hereby discharged of its constitutional obligation to pay just compensation for the taking of the Property described by Exhibit "A", for the improvements thereon, if any, and for the damages, if any, to the remainder of Defendants' Property, taking into consideration the uses to which the Property is to be or could be subjected for all public purposes; and

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

SIGNED this _____ day of APR -3 2001, 2001.

Cynthia Crowe
THE HONORABLE CYNTHIA CROWE
County Civil Court at Law No. 4

APPROVED:

MICHAEL A. STAFFORD 99999939
COUNTY ATTORNEY

By: [Signature]
ROCK W. A. OWENS
Assistant County Attorney
Division Chief, Eminent Domain Division
SBN 15382100
1310 Prairie, Suite 940
Houston, Texas 77002
(713) 755-5280
(713) 755-2681 (Fax)

FILED
2001 APR -3 PM 2 28
Beverly B. Kaufman
COUNTY CLERK
HARRIS COUNTY, TEXAS

FILED
2001 MAR 28 AM 10:50
COUNTY CLERK
HARRIS COUNTY, TEXAS

ATTORNEYS FOR HARRIS COUNTY, TEXAS

CERTIFIED COPY
APR 05 2001
BEVERLY B. KAUFMAN, County Clerk
Harris County, Texas

[Signature]
Deputy

SONG THIAN

PARTIES TO BE NOTIFIED

72967 2960

JOSEPH T. WHALEN
1926 Powderhorn Lane
Katy, Texas 77493

**ATLANTIC MORTGAGE & INVESTMENT CORPORATION d/b/a ATLANTIC
SOUTHERN MORTGAGE CORPORATION**
4348 Southpoint Boulevard, Suite 101
Jacksonville, Florida 32216
Attention: **Joseph L. McDaniels, President**

WILLIAMSBURG HAMLET MAINTENANCE ASSOCIATION
15995 N. Barkers Landing, Suite 162
Houston, Texas 77079
Attention: **Linda P. Frey, Registered Agent**

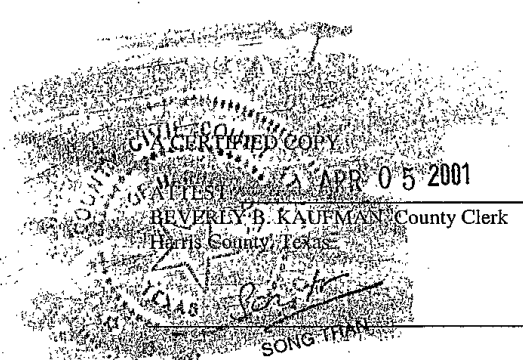
**TAX ASSESSOR FOR HARRIS COUNTY MUNICIPAL UTILITY
DISTRICT #64**
6935 Barney, Suite 110
Houston, Texas 77092
Attention: **Barbara Wheeler**

**TAX ASSESSOR-COLLECTOR FOR HARRIS COUNTY, TEXAS AND HARRIS
COUNTY RURAL FIRE PREVENTION DISTRICT 48**
1001 Preston, First Floor
Houston, Texas 77002
Attention: **Mary Parent, Administration Dept.**

**TAX ASSESSOR-COLLECTOR FOR KATY INDEPENDENT SCHOOL
DISTRICT**
6301 S. Stadium Lane
Katy, Texas 77494.
Attention: **David Piwonka**

**ATTORNEYS FOR HARRIS COUNTY TAX ASSESSOR-COLLECTOR
LINEBARGER HEARD GOGGAN BLAIR GRAHAM PENA & SAMPSON**
1021 Main, Suite 1500
Houston, Texas 77002
Attention: **Leah Stolar or Brian J. Harms**

533-31-1013



COPIED COPY
APR 05 2001

BEVERLY B. KAUFMAN County Clerk
Harris County, Texas

[Signature]
SONG-THAN

Deputy

72967 2961

HARRIS COUNTY ATTORNEY'S OFFICE

1019 Congress; 15th Floor
Houston, Texas 77002

Attention: **Rock W. A. Owens**
Assistant County Attorney
Division Chief, Eminent Domain

HARRIS COUNTY PUBLIC INFRASTRUCTURE DEPARTMENT

RIGHT OF WAY SECTION

2223 West Loop South, Suite 239
Houston, Texas 77027

Attention: **Robert F. Gaskins**
General Manager

539-31-1223

UNRECORDED COPY

APR 05 2001

REVERLY B. KAUFMAN County Clerk
Harris County, Texas

SONG, TRAN

Deputy

BEING a tract or parcel containing 0.0047 acre (205 square feet) of land situated in the H.T. & B. Railroad Company Survey, Section 9, Block 3, Abstract Number 421, Harris County, Texas; and being out of and a portion of Lot 1, Block 2, of Williamsburg Hamlet, Section One, a subdivision of record in Volume 274, Page 113, of the Harris County Map Records (H.C.M.R.) as described in the deed to Joseph T. Whalen, recorded under Harris County Clerk's File (H.C.C.F.) Number M818030; said 0.0047 acre tract being more particularly described as follows; (bearings are oriented to the Texas State Plane Coordinate System, South Central Zone, as established and shown on the Texas Department of Transportation Right-of-Way plans for the Grand Parkway (S.H. 99), C.S.J. Project Number 3510-05-05, Sheet Number 14; all distances and coordinates are surface and may be converted to grid by multiplying by the combined adjustment factor of 0.999870):

BEGINNING at a 5/8" iron rod with plastic cap stamped "TERRA SURVEYING" set marking the intersection of the south Right of Way (R.O.W.) line of Franz Road (100 feet wide) and the curved east R.O.W. line of Powderhorn Lane (60 feet wide), common with the northwest corner of said Lot 1, Block 2, and the herein described tract, having surface coordinates of X=3,021,456.52 and Y=729,774.60;

THENCE, North 88°02'07" East, along said south R.O.W. line, common with the north line of said Lot 1, Block 2, a distance of 20.00 feet to a 5/8" iron rod with plastic cap stamped "TERRA SURVEYING" set marking the north corner of the proposed southeast R.O.W. cutback line at the intersection of said Powderhorn Lane and said Franz Road (proposed width varies) and the northeast corner of the herein described tract;

THENCE, South 40°35'26" West, along said proposed cut back line, a distance of 27.02 feet to a 5/8" iron rod with plastic cap stamped "TERRA SURVEYING" set in the aforesaid curved east R.O.W. line of Powderhorn Lane, common with the westerly line of said Lot 1, Block 2, and the south corner of said proposed cutback line and the southwest corner of the herein described tract;

EXHIBIT "A"

CERTIFIED COPY

APR 05 2001

BEVERLY B. KAUFMAN, County Clerk
Harris County, Texas

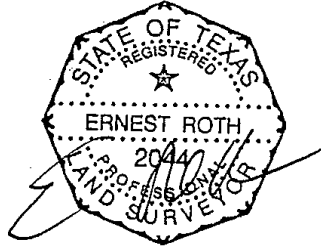
Deputy

SONG TRAN

FRANZ ROAD
~~72567010963~~
TRACT 10
0.0047 ACRE
(205 SQUARE FEET)
PAGE 2 OF 2

THENCE, in a northwesterly direction along said easterly R.O.W. line, and a curve to the right having a central angle of 09°56'18", an arc length of 20.00 feet, a radius of 115.30 feet and a chord which bears North 06°55'56" West, 19.98 feet to the POINT OF BEGINNING and containing 0.0047 acre (205 square feet) of land. This description is based on a Land Title Survey and alignment map prepared by Terra Surveying Company, Inc., dated June 11, 1996 and updated on May 2, 2000, TSC Project Number 1215-9604-S.

Compiled by: Joel D. Hiller L.S.I.T.
Reviewed with: Mark Piriano
Compiled: June 11, 1996
Revised: May 2, 2000
TSC Project Number 1215-9604-S
MJP: Tract10.doc



RECORDERS MEMORANDUM
ALL BLACKOUTS, ADDITIONS AND CHANGES
WERE PRESENT AT THE TIME THE INSTRUMENT
WAS FILED AND RECORDED.

EXHIBIT "A"

A CERTIFIED COPY

APR 05 2001

ATTEST
BEVERLY B. KAUFMAN, County Clerk
Harris County, Texas

Song Tran
SONG TRAN

Deputy

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW THE STATE OF TEXAS
COUNTY OF HARRIS
I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped herein by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas on:

APR 25 2001



Beverly B. Kaufman
COUNTY CLERK
HARRIS COUNTY, TEXAS