

## RESOLUTION 25-11

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS DECLARING THE NECESSITY FOR ACQUIRING BY CONDEMNATION EASEMENTS TO 21 PARCELS OF LAND IN THE M.M. BATTLE SURVEY, ABSTRACT NO. 9, AS MORE PARTICULARLY DESCRIBED AND SHOWN IN EXHIBITS “A” THROUGH “T,” FOR IMPROVEMENTS TO THE NEW TERRITORY WASTEWATER TREATMENT PLANT IN CONNECTION WITH CIP NO. CWW2309 FOR WASTEWATER IMPROVEMENTS.**

WHEREAS, the New Territory Wastewater Treatment Plant (“New Territory WWTP”) is owned by the City, operated by the Brazos River Authority, and currently serves the River Park and New Territory developments as well as the surrounding area; and

WHEREAS, the City Council approved Capital Improvement Project (“CIP”) No. CWW2309 for Wastewater Improvements, designed to enhance the wastewater collection system to support continued development and growth, while also increasing capacity and improving operations at the New Territory WWTP; and

WHEREAS, in 2023, the City completed an expansion study, identifying critical improvements needed to rehabilitate and expand the New Territory WWTP to meet present and future demands; and

WHEREAS, the City Council has determined that acquiring easements is necessary to carry out these improvements and ensure the long-term effectiveness of the City’s wastewater infrastructure; NOW, THEREFORE,

### **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS:**

**Section 1.** That the City Council adopts the findings and recitals set forth in the preamble of this Resolution.

**Section 2.** That the public necessity requires the acquisition of a sixteen-foot wide easement, being a 3,399 square foot parcel of land in the M.M. Battle Survey, Abstract No. 9 in Fort Bend County, Texas, a portion of the 1.3372-acre tract described in the deed from Ellis Creek and Highway 90-A, Ltd to HPI Investments X, LLC (File Number 2023018436, Deed Records of Fort Bend County, Texas), as more particularly described in the attached Exhibit A, which is incorporated into this Resolution, for wastewater improvements in connection with CIP No. CWW2309 Wastewater Improvements (“Easement 1”).

**Section 3.** That the public necessity requires the acquisition of a sixteen-foot wide easement, being a 3,455 square foot parcel of land in the M.M. Battle Survey, Abstract No. 9 in Fort Bend County, Texas, a portion of the 1.5574-acre tract described in the deed from Markborough Development Company Limited to Landmark Industries, Inc. (Volume 2664, Page 54, Deed Records of Fort Bend County, Texas), as more particularly described in the attached Exhibit B, which is

incorporated into this Resolution, for wastewater improvements in connection with CIP No. CWW2309 Wastewater Improvements (“Easement 2”).

**Section 4.** That the public necessity requires the acquisition of a sixteen-foot wide easement, being a 8,277 square foot parcel of land in the M.M. Battle Survey, Abstract No. 9 in Fort Bend County, Texas, a portion of the 4.2917-acre fee strip conveyed to Fort Bend County Drainage District in New Territory Retail Center One (Slide Number 1021-A, Plat Records of Fort Bend County, Texas), as more particularly described in the attached Exhibit C, which is incorporated into this Resolution, for wastewater improvements in connection with CIP No. CWW2309 Wastewater Improvements (“Easement 3”).

**Section 5.** That the public necessity requires the acquisition of a sixteen-foot wide easement, being a 928 square foot parcel of land in the M.M. Battle Survey, Abstract No. 9 in Fort Bend County, Texas, a portion of the 0.1072-acre tract described in the deed from Markborough Development Company Limited to New Territory Nonresidential Owner’s Association, Inc. (File Number 9529480, Deed Records of Fort Bend County, Texas), as more particularly described in the attached Exhibit D, which is incorporated into this Resolution, for wastewater improvements in connection with CIP No. CWW2309 Wastewater Improvements (“Easement 4”).

**Section 6.** That the public necessity requires the acquisition of a sixteen-foot wide easement, being a 17,644 square foot parcel of land in the M.M. Battle Survey, Abstract No. 9 in Fort Bend County, Texas, a portion of the 14.2185-acre tract described as Tract III in the deed from Markborough Development Company Limited to New Territory-Residential Community Association, Inc. (Volume 2556, Page 1804, Deed Records of Fort Bend County, Texas), as more particularly described in the attached Exhibit E, which is incorporated into this Resolution, for wastewater improvements in connection with CIP No. CWW2309 Wastewater Improvements (“Easement 5”).

**Section 7.** That the public necessity requires the acquisition of a sixteen-foot wide easement, being a 7,548 square foot parcel of land in the M.M. Battle Survey, Abstract No. 9 in Fort Bend County, Texas, a portion of the 3.000-acre tract described as Drill Site “E” in the deed from Clayton Foundation Company to Lexington Development Company (Volume 1400, Page 311, Deed Records of Fort Bend County, Texas), as more particularly described in the attached Exhibit F, which is incorporated into this Resolution, for wastewater improvements in connection with CIP No. CWW2309 Wastewater Improvements (“Easement 6”).

**Section 8.** That the public necessity requires the acquisition of a variable width easement, being a 5,012 square foot parcel of land in the M.M. Battle Survey, Abstract No. 9 in Fort Bend County, Texas, a portion of the Restricted Reserve “B” of Spencer’s Glen Subdivision (Slide Number 1101-A, Plat Records of Fort Bend County, Texas), as more particularly described in the attached Exhibit G, which is incorporated into this Resolution, for wastewater improvements in connection with CIP No. CWW2309 Wastewater Improvements (“Easement 7”).

**Section 9.** That the public necessity requires the acquisition of a variable width easement, being a 7,461 square foot parcel of land in the M.M. Battle Survey, Abstract No. 9 in Fort Bend County, Texas, a portion of the (Ellis Creek Lake) described in the deed from Markborough Development Company Limited to Fort Bend County Levee Improvement District No. 7 (Volume

2660, Page 1173, Deed Records of Fort Bend County, Texas), and being described in Restricted Reserve “C” of Spencer’s Glen Subdivision (Slide Number 1101-A, Plat Records of Fort Bend County, Texas), as more particularly described in Part 1 of the attached Exhibit H, which is incorporated into this Resolution, for wastewater improvements in connection with CIP No. CWW2309 Wastewater Improvements (“Easement 8”).

**Section 10.** That the public necessity requires the acquisition of a sixteen-foot wide easement, being a 2,353 square foot parcel of land in the M.M. Battle Survey, Abstract No. 9 in Fort Bend County, Texas, a portion of the (Ellis Creek Lake) described in the deed from Markborough Development Company Limited to Fort Bend County Levee Improvement District No. 7 (Volume 2660, Page 1173, Deed Records of Fort Bend County, Texas), and being described in Restricted Reserve “C” of Spencer’s Glen Subdivision (Slide Number 1101-A, Plat Records of Fort Bend County, Texas), as more particularly described in Part 2 of the attached Exhibit H, for wastewater improvements in connection with CIP No. CWW2309 Wastewater Improvements (“Easement 9”).

**Section 11.** That the public necessity requires the acquisition of a variable width temporary construction easement, being a 1,582 square foot parcel of land in the M.M. Battle Survey, Abstract No. 9 in Fort Bend County, Texas, a portion of the 4.2917-acre fee strip conveyed to Fort Bend County Drainage District in New Territory Retail Center One (Slide Number 1021-A, Plat Records of Fort Bend County, Texas), as more particularly described in Part 1 of the attached Exhibit I, which is incorporated into this Resolution, for wastewater improvements in connection with CIP No. CWW2309 Wastewater Improvements (“TCE 1”).

**Section 12.** That the public necessity requires the acquisition of a 20-foot wide temporary construction easement, being a 1,599 square foot parcel of land in the M.M. Battle Survey, Abstract No. 9 in Fort Bend County, Texas, a portion of the 4.2917-acre fee strip conveyed to Fort Bend County Drainage District in New Territory Retail Center One (Slide Number 1021-A, Plat Records of Fort Bend County, Texas), as more particularly described in Part 2 of the attached Exhibit I, for wastewater improvements in connection with CIP No. CWW2309 Wastewater Improvements (“TCE 2”).

**Section 13.** That the public necessity requires the acquisition of a variable width temporary construction easement, being a 887 square foot parcel of land in the M.M. Battle Survey, Abstract No. 9 in Fort Bend County, Texas, a portion of the (Ellis Creek Lake) described in the deed from Markborough Development Company Limited to Fort Bend County Levee Improvement District No. 7 (Volume 2660, Page 1173, Deed Records of Fort Bend County, Texas), and being described in Restricted Reserve “C” of Spencer’s Glen Subdivision (Slide Number 1101-A, Plat Records of Fort Bend County, Texas), as more particularly described in the attached Exhibit J, for wastewater improvements in connection with CIP No. CWW2309 Wastewater Improvements (“TCE 3”).

**Section 14.** That the public necessity requires the acquisition of a variable width temporary construction easement, being a 6,009 square foot parcel of land in the M.M. Battle Survey, Abstract No. 9 in Fort Bend County, Texas, a portion of the Restricted Reserve “B” of Spencer’s Glen Subdivision (Slide Number 1101-A, Plat Records of Fort Bend County, Texas), as more particularly described in the attached Exhibit K, for wastewater improvements in connection with CIP No. CWW2309 Wastewater Improvements (“TCE 4”).

**Section 15.** That the public necessity requires the acquisition of a variable width temporary construction easement, being a 1,425 square foot parcel of land in the M.M. Battle Survey, Abstract No. 9 in Fort Bend County, Texas, a portion of the Restricted Reserve “B” of Spencer’s Glen Subdivision (Slide Number 1101-A, Plat Records of Fort Bend County, Texas), as more particularly described in the attached Exhibit L, for wastewater improvements in connection with CIP No. CWW2309 Wastewater Improvements (“TCE 5”).

**Section 16.** That the public necessity requires the acquisition of a variable width temporary construction easement, being a 3,230 square foot parcel of land in the M.M. Battle Survey, Abstract No. 9 in Fort Bend County, Texas, a portion of the (Ellis Creek Lake) described in the deed from Markborough Development Company Limited to Fort Bend County Levee Improvement District No. 7 (Volume 2660, Page 1173, Deed Records of Fort Bend County, Texas), and being described in Restricted Reserve “C” of Spencer’s Glen Subdivision (Slide Number 1101-A, Plat Records of Fort Bend County, Texas), as more particularly described in the attached Exhibit M, for wastewater improvements in connection with CIP No. CWW2309 Wastewater Improvements (“TCE 6”).

**Section 17.** That the public necessity requires the acquisition of a ten-foot wide temporary construction easement, being a 200 square foot parcel of land in the M.M. Battle Survey, Abstract No. 9 in Fort Bend County, Texas, a portion of the 14.2185-acre tract described as Tract III in the deed from Markborough Development Company Limited to New Territory-Residential Community Association, Inc. (Volume 2556, Page 1804, Deed Records of Fort Bend County, Texas), as more particularly described in the attached Exhibit N, for wastewater improvements in connection with CIP No. CWW2309 Wastewater Improvements (“TCE 7”).

**Section 18.** That the public necessity requires the acquisition of a twenty-foot wide temporary construction easement, being a 3,667 square foot parcel of land in the M.M. Battle Survey, Abstract No. 9 in Fort Bend County, Texas, a portion of the 1.5574-acre tract described in the deed from Markborough Development Company Limited to Landmark Industries, Inc. (Volume 2664, Page 54, Deed Records of Fort Bend County, Texas), as more particularly described in the attached Exhibit O, for wastewater improvements in connection with CIP No. CWW2309 Wastewater Improvements (“TCE 8”).

**Section 19.** That the public necessity requires the acquisition of a twenty-foot wide temporary construction easement, being a 4,276 square foot parcel of land in the M.M. Battle Survey, Abstract No. 9 in Fort Bend County, Texas, a portion of the 1.3372-acre tract described in the deed from Ellis Creek and Highway 90-A, Ltd to HPI Investments X, LLC (File Number 2023018436, Deed Records of Fort Bend County, Texas), as more particularly described in the attached Exhibit P, for wastewater improvements in connection with CIP No. CWW2309 Wastewater Improvements (“TCE 9”).

**Section 20.** That the public necessity requires the acquisition of a variable width temporary construction easement, being a 205 square foot parcel of land in the M.M. Battle Survey, Abstract No. 9 in Fort Bend County, Texas, a portion of the 1.5574-acre tract described in the deed from Markborough Development Company Limited to Landmark Industries, Inc. (Volume 2664, Page 54, Deed Records of Fort Bend County, Texas), as more particularly described in the attached Exhibit Q, for wastewater improvements in connection with CIP No. CWW2309 Wastewater Improvements (“TCE 10”).

**Section 21.** That the public necessity requires the acquisition of a variable width temporary construction easement, being a 2,358 square foot parcel of land in the M.M. Battle Survey, Abstract No. 9 in Fort Bend County, Texas, a portion of the 0.1072-acre tract described in the deed from Markborough Development Company Limited to New Territory Nonresidential Owner’s Association, Inc. (File Number 9529480, Deed Records of Fort Bend County, Texas), as more particularly described in the attached Exhibit R, for wastewater improvements in connection with CIP No. CWW2309 Wastewater Improvements (“TCE 11”).

**Section 22.** That the public necessity requires the acquisition of a variable width temporary construction easement, being a 236 square foot parcel of land in the M.M. Battle Survey, Abstract No. 9 in Fort Bend County, Texas, described as Tract 1 in the deed from Surinder K. Trehan, Lalita Trehan and Dhruv Trehan to Telfair Properties LLC (File Number 20210835778, Deed Records of Fort Bend County, Texas), as more particularly described in the attached Exhibit S, for wastewater improvements in connection with CIP No. CWW2309 Wastewater Improvements (“TCE 12”).

**Section 23.** That the City’s attorney is authorized and directed to acquire, by purchase or condemnation, Easements 1, 2, 3, 4, 5, 6, 7, 8, and 9 and TCEs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, free and clear of any liens, leases, restrictions or conflicting easements.

**Section 24.** That the City’s staff is directed to offer the most-current appraised value of Easements 1, 2, 3, 4, 5, 6, 7, 8, and 9 and TCEs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 to the respective property owners.

**Section 25.** That the City Manager is authorized to execute deeds and other documents in connection with the acquisition of Easements 1, 2, 3, 4, 5, 6, 7, 8, and 9 and TCEs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 in accordance with State law and City ordinances.

APPROVED on \_\_\_\_\_, 2025

\_\_\_\_\_  
Joe R. Zimmerman, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Linda Mendenhall, City Clerk

*Angela [Signature]*

- Attachments: Exhibit A: Easement 1
- Exhibit B: Easement 2
- Exhibit C: Easement 3
- Exhibit D: Easement 4
- Exhibit E: Easement 5

Exhibit F: Easement 6  
Exhibit G: Easement 7  
Exhibit H: Easement 8 & 9  
Exhibit I: TCE 1 & 2  
Exhibit J: TCE 3  
Exhibit K: TCE 4  
Exhibit L: TCE 5  
Exhibit M: TCE 6  
Exhibit N: TCE 7  
Exhibit O: TCE 8  
Exhibit P: TCE 9  
Exhibit Q: TCE 10  
Exhibit R: TCE 11  
Exhibit S: TCE 12  
Exhibit T: Map of Project Limits