

CAUSE NO. 17-CCV-060761

CITY OF SUGAR LAND,

Plaintiff,

v.

MARNITZ & ASSOCIATES, LLC; FLUOR
ENTERPRISES, INC.; LIFE TIME FITNESS,
INC.; FIRST COLONY COMMUNITY
SERVICES ASSOCIATION, INC.; ROBERT
M. TAYLOR, JR.; ADRIENNE TAYLOR;
FONDREN INVESTMENTS, LTD.; LFD
SUGAR LAND 6, L.P.; TVU PROPERTIES,
LP; KHARIAN PARTNERS, LTD.; LAKE
POINTE TOWN CENTER, LTD.; PANDA
EXPRESS, INC.; BWW SUGAR LAND
PARTNERS LTD. D/B/A BUFFALO WILD
WINGS; PANDA EXPRESS, INC.;
HILCROFT MEDICAL CLINIC
ASSOCIATION; HEA BUILDING LLP;
HEA CLINIC, PA; BEAUTY AND BODY
WELLNESS SPA, LLC; TVU PROPERTIES
LP; TUAN A. VU MD PA; SPINE
SPECIALIST DECOMPRESSION CENTER;
REGIONAL SPECIALTY CLINIC, P.A.;
AND THE TAXING AUTHORITIES OF
FORT BEND COUNTY; FORT BEND
INDEPENDENT SCHOOL DISTRICT; CITY
OF SUGAR LAND; FORT BEND COUNTY
LID #2 AND FIRST COLONY MUD #10

Defendants.

§ IN THE COUNTY CIVIL COURT

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AT LAW NO. 3

OF FORT BEND COUNTY, TEXAS

AWARD OF SPECIAL COMMISSIONERS

On the 15th day of November, 2017, this matter was considered before the undersigned Special Commissioners and freeholders of Fort Bend County, Texas, who were duly appointed by the Judge of the County Civil Court at Law No. 3 of Fort Bend County, Texas.

The Original Petition in Condemnation was filed by City of Sugar Land in this Court, praying for the condemnation of fee simple to the tract of land described as:

Being a 0.0660 of one acre (2,875 square feet) parcel of land located in the S.M. Willams Survey, Abstract No. 97, Fort Bend County, Texas and being portion of a tract described as 1.7007 acres in a conveyance from Marnitz Enterprises, LLC to Mamitz & Associates, LLC, recorded under File No. 2008094506 of the Official Public Records of Fort Bend County, (O.:P.R.F,B.C.)1 and executed August 21; 2008, said 1.7007 acre tract also being Commercial Reserve "D" as shown on the subdivision plat of Lake Pointe Center Commercial Reserves "D", "E" & "G", an Amending Plat as recorded on Plat Number 20050071 of the Fort Bend County Plat Records (F.B.C.P.R.); said 0.0660 of one acre parcel being more particularly described by metes and bounds on Exhibit A.

The following entities/individuals have an interest in the Property: Marnitz & Associates, LLC., Fluor Enterprises, Inc., Life Time Fitness, Inc., First Colony Community Services Association, Inc., Robert M. Taylor, Jr., Adrienne Taylor, Fondren Investments, Ltd., LFD Sugar Land 6, L.P., TVU Properties, LP, Kharian Partners, Ltd., Lake Pointe Town Center, Ltd., Panda Express, Inc., BWW Sugar Land Partners Ltd. d/b/a Buffalo Wild Wings, Panda Express, Inc., Hilcroft Medical Clinic Association, HEA Building LLP, HEA Clinic, PA, Beauty and Body Wellness Spa, LLC, TVU Properties LP, Tuan A. Vu MD PA, Spine Specialist Decompression Center, Regional Specialty Clinic, P.A., and the Taxing Authorities of Fort Bend County, Fort Bend Independent School District, City of Sugar Land, Fort Bend County LID #2 and First Colony MUD #10.

All defendants have been duly and properly served with notice of the time and place of the hearing as required by law through personal service, service by publication and/or certified mail, and all interested parties have appeared in person, through their attorneys, or have waived appearance. A list of those persons in attendance is attached as Exhibit B.

All matters involved in this condemnation proceeding were submitted to the Special Commissioners. The evidence has been heard by us. We, the Special Commissioners, have assessed the damages to the property owner after estimating the extent of the injury and benefit to the property owner, including the effect of the condemnation on the value of the property

owner's remaining property, and find the market value of the Property to be \$ 124,213.00
said funds to be deposited into the Registry of the Court, in an interest bearing account pending
further orders of the Court regarding distribution thereof.

We hereby award the Property to the City of Sugar Land for public purposes, with full
and complete right, use and possession thereof; we also adjudge all costs of this proceeding
against the City of Sugar Land.


BILL BELL


OLIVIA "BO" RANDALL


JUDY SCHMID
SPECIAL COMMISSIONERS

RECEIVED:

By: _____
Presiding Judge

Date: _____

County: Fort Bend
Highway: SH 6
Limits: 1,100 feet West of Spur 58 to 500 feet East of Lexington Boulevard
RCSJ: 0192-01-098

Property Description for Parcel 7

Being a 0.0660 of one acre (2,875 square feet) parcel of land located in the S.M. Williams Survey, Abstract No. 97, Fort Bend County, Texas and being portion of a tract described as 1.7007 acres in a conveyance from Marnitz Enterprises, LLC to Marnitz & Associates, LLC, recorded under File No. 2008094506 of the Official Public Records of Fort Bend County, (O.P.R.F.B.C.), and executed August 21, 2008, said 1.7007 acre tract also being Commercial Reserve "D" as shown on the subdivision plat of Lake Pointe Center Commercial Reserves "D", "E" & "G", an Amending Plat as recorded on Plat Number 20050071 of the Fort Bend County Plat Records (F.B.C.P.R.); said 0.0660 of one acre parcel being more particularly described by metes and bounds as follows:

COMMENCING at a 5/8 inch iron rod with a Costello Inc. cap found for the East corner of said Commercial Reserve "D" and the North Corner of Commercial Reserve "E" of said Lake Pointe Center Commercial Reserves "D", "E" & "G", an Amending Plat, thence as follows:

South 27° 01' 56" West, along and with the Southeast line of said Commercial Reserve "D" and the Northwest line of said Commercial Reserve "E", a distance of 284.92 feet to a 5/8 inch iron rod with a TxDOT aluminum Disk set for the East corner and **POINT OF BEGINNING** of the herein described tract, lying in the proposed Northeast right-of-way line of State Highway (SH) 6 (based on a proposed variable width at this point) and having surface coordinates of N=13,783,762.67, E=3,038,767.50;

1. **THENCE**, South 27° 01' 56" West, continuing along and with said Southeast line of Commercial Reserve "D" and said Northwest line of Commercial Reserve "E", a distance of 20.53 feet to a 5/8 inch iron rod with a Costello Inc. cap found for the South corner of the herein described tract and of said Commercial Reserve "D" and the West corner of said Commercial Reserve "E", lying in the existing Northeast right-of-way line of SH 6, (width varies) and the Northeast line of a tract described as 0.0779 of one acre in a conveyance to the State of Texas, recorded under File No. 2006013713 of the O.P.R.F.B.C., dated December 20, 2005;
2. **THENCE**, North 60° 56' 55" West, along and with said existing Northeast right-of-way line of SH 6 and said Northeast line of the 0.0779 of one acre tract and the Southwest line of said Commercial Reserve "D", a distance of 0.08 feet to the Point of Curvature of a curve to the right;



3. **THENCE**, Northwesterly, continuing along and with said existing Northeast right-of-way line of SH 6 and said Northeast line of the 0.0779 of one acre tract and the Southwest line of said Commercial Reserve "D" and the arc of said curve to the right having a Radius of 485.00 feet, a Central Angle of $05^{\circ} 05' 30''$, a long chord of North $58^{\circ} 24' 10''$ West, 43.09 feet and a total arc distance of 43.10 feet to a 5/8 inch iron rod with Costello Inc. cap found for the Point of Tangency and a Southwest corner of said Commercial Reserve "D";
4. **THENCE**, North $55^{\circ} 51' 25''$ West, continuing along and with said existing Northeast right-of-way line of SH 6 and said Northeast line of the 0.0779 of one acre tract and the Southwest line of said Commercial Reserve "D" a distance of 34.03 feet to a 5/8 inch iron rod with a Costello Inc. cap found for the Point of Curvature of a curve to the left and a Southwest corner of said Commercial Reserve "D";
5. **THENCE**, Northwesterly, continuing along and with said existing Northeast right-of-way line of SH 6 and said Northeast line of the 0.0779 of one acre tract and the Southwest line of said Commercial Reserve "D" and the arc of said curve to the left having a Radius of 515.00 feet, a Central Angle of $05^{\circ} 55' 06''$, a long chord of North $58^{\circ} 48' 58''$ West, 53.17 feet and a total arc distance of 53.20 feet to an X in concrete found for the Point of Tangency and a Southwest corner of said Commercial Reserve "D";
6. **THENCE**, North $61^{\circ} 00' 10''$ West, continuing along and with said existing Northeast right-of-way line of SH 6 and said Northeast line of the 0.0779 of one acre tract and the Southwest line of said Commercial Reserve "D", a distance of 88.59 feet to a 5/8 inch iron rod found for the North corner of said 0.0779 of one acre tract and the West corner of said Commercial Reserve "D", lying in an East line of a 14.7490 acre tract called Main Access Easement, (File No. 2003157548 O.P.R.F.B.C. & Slide No. 2547B F.B.C.P.R.) (width varies);
7. **THENCE**, North $14^{\circ} 43' 37''$ West, along and with said West line of Commercial Reserve "D" and the East line of said 14.7490 acre tract, a distance of 14.15 feet to a 5/8 inch iron rod with a TxDOT aluminum cap set for the North corner of the herein described tract, lying in the proposed Northeast right-of-way line of SH 6 and the arc of a non-tangent curve to the left whose center bears North $30^{\circ} 09' 22''$ East, 2,771.79 feet; **
8. **THENCE**, Southeasterly, along and with said proposed Northeast right-of-way line of SH 6 and the arc of said curve to the left having a Radius of 2,771.79 feet, a Central Angle of $03^{\circ} 57' 40''$, a long chord of South $61^{\circ} 49' 28''$ East, 191.59 feet and a total arc distance of 191.63 feet to a 5/8 inch iron rod set for the Point of Reverse Curvature; **

9. THENCE, Southeasterly, continuing along and with said proposed Northeast right-of-way line of SH 6 and the arc of a curve to the right having a Radius of 318.00 feet, a Central Angle of $04^{\circ} 00' 40''$, a long chord of South $61^{\circ} 47' 58''$ East, 36.26 feet and a total arc distance of 36.26 feet to the **POINT OF BEGINNING** and containing 0.0660 of one acre (2,875 square feet) of land.

All bearings are grid and are based on the Texas Coordinate System, South Central Zone, (NAD '83, '93 Adj.) and are referenced to monuments found along the Southwest line of the called 1.7007 acre tract as cited herein. All coordinates and distances are surface and may be converted to grid by dividing by an adjustment factor of 1.00013.

Access will be permitted to the remainder property abutting the highway facility.

Compiled by:

Brown & Gay Engineers, Inc.

10777 Westheimer, Suite 400

Houston, Texas 77042

(281) 558-8700

TBPLS Licensed Survey Firm No. 10106500



4-29-15

NOTES:

A parcel plat of even date has been prepared in conjunction with this property description.

** The monument described and set in this call may be replaced with a TxDOT Type II right-of-way marker upon completion of the highway construction project under the supervision of a Registered Professional Land Surveyor, either employed by or retained by TxDOT.

S.M. WILLIAMS SURVEY, A-97

BASELINE CURVE DATA
 P1 STA = 72+99.17
 N = 13,783.335.33
 E = 3,038.555.30
 R = 2,864.79
 D = 16°30'01" (LT)
 L = 824.97
 T = 415.38
 CH = S 60°59'29" E
 CH DIST = 822.17

COMMERCIAL RESERVE "D"
 LAKE POINTE CENTER
 COMMERCIAL RESERVES D, E & G
 AN AMENDING PLAT
 PN 20050071 FBCPR

MARNITZ & ASSOCIATES, L.L.C.
 1.7007 ACRE TRACT
 FN 2008084506 OPRFBC
 AUG 21, 2008

CALLLED 14,7490
 MAIN ACCESS ROAD BENT
 WIDTH VARIES
 FN 2003157544 OPRFBC
 SN 2547B FBCPR

16' SAN SE
 PN 20040242 FBCPR

10' WLE
 PN 20040242 FBCPR

1 STORY
 BRICK & STUCCO
 COMMERCIAL
 BUILDING
 16' SAN SE
 FN 20040242 FBCPR

FND X IN CONC

STA 74+36.98
 O/S 93.00 LT
 40' BL SN
 2427A FBCPR

STA 72+38.93
 O/S 93.00 LT

FND X IN CONC

STATE OF TEXAS
 0.0779 OF ONE ACRE
 FN 2006013713 OPRFBC
 DEC 26, 2005

STATE HIGHWAY 6
 (WIDTH VARIES)

STATE OF TEXAS
 PARCEL 6
 1.2407 ACRE TRACT
 VOL 1090 PG 661 FBCDR
 SEPT 15, 1982

NUMBER	BEARING	CHORD BEARING	CHORD DISTANCE
C20	43°10'	N 58°05'30" W 43.09'	
C21	53°20'	N 58°48'58" W 53.17'	
C22	191°53'	S 61°49'28" E 191.59'	
C23	36°28'	S 61°47'58" E 35.26'	

75+00

POC PARCEL 7
 END 5/8" IR
 W/COSTELLO INC CAP

SCALE 1" = 50'

COMMERCIAL RESERVE "E"
 LAKE POINTE CENTER
 COMMERCIAL RESERVES
 D, E & G
 AN AMENDING PLAT
 PN 20050071 FBCPR

NUMBER	BEARING	CHORD DISTANCE
L21	S 27°01'56" W 284.92'	
L22	N 55°51'23" W 54.03'	
L23	N 61°00'10" W 58.53'	
L24	N 14°43'37" W 124.11'	
L253	N 60°56'55" W 10.08'	

EXISTING ROW

W/COSTELLO
 INC CAP

Brown & Gay Engineers, Inc.
 10777 Main Street, Suite 200, Houston, TX 77032
 281.251-1555-2200 • FAX 281.251-1555-2201
 19713 Licensed Surveying Firm No. 15783200

PARCEL PLA
 SHOWING
 PARCEL 7
 STATE HIGHWAY 6
 FORT BEND COUNTY
 ROW C.S.J. 0192-01-098
 MARCH 02, 2015
 PAGE 5 OF 5 SCALE 1"=50'

EXHIBIT B

Robert P. Debelok III - Counsel for City of
Sugar Land

Bill Bell

Bo Randall

Judy Schmid

Special
Commissioners
