

NO-17-0-14-015-3-00-00

FILED  
9/24/2015 11:09:15 AM  
Stan Stanart  
County Clerk  
Harris County

## NOTICES MAILED

NO. 1066163

HARRIS COUNTY, TEXAS	§	IN THE COUNTY CIVIL
	§	
V	§	COURT AT LAW NUMBER THREE (3)
	§	
JORGE RIVAS and CITY OF	§	
HOUSTON	§	HARRIS COUNTY, TEXAS

### AWARD OF THE SPECIAL COMMISSIONERS

#### TO THE HONORABLE JUDGE OF SAID COURT:

On Wednesday, September 23, 2015, in the Driscoll Courtroom, 1019 Congress, 16<sup>th</sup> Floor, Houston, Texas 77002, the above eminent domain proceeding was heard before the undersigned Special Commissioners. The hearing began at 10 o'clock and ended at 12:10 o'clock. Harris County, Plaintiff, was represented by and through its attorney of record. The following Defendant(s), appeared in person or were represented by counsel:

Jorge Rivas

William F. Harmeyer - counsel for defendant

I.

Harris County filed its Original Petition in Condemnation with the Court, seeking a judgment in eminent domain to acquire an interest in the Property described in Exhibit A, (the Property) and for the acquisition of all improvements located on the Property, if any.

Plaintiff sought to acquire the fee simple title to the Property and all improvements thereon.

II.

Special Commissioners have been duly appointed by the Honorable Judge of this Court, have taken the necessary oath, and have issued written notice of this hearing to each Defendant. Each Defendant has been timely served with Notice of Hearing and the Original Petition in Condemnation or has accepted service by executing a Waiver of Service, or has appeared in person or by an attorney in this matter, all in the manner prescribed by law. We, the Special Commissioners, did swear the parties and witnesses and did proceed to hear the evidence presented by the parties present at the hearing. After consideration, we find and determine and assess total damages to be paid by Harris County for this Condemnation according to the rules of damages set forth in Section 21.042 of the Texas Property Code in the total amount of:

Sixty-three thousand, five hundred DOLLARS

(\$63,500<sup>00</sup>) to be paid into the Registry of this Court, payable to the order of the Defendants listed in Condemner's Original Petition in Condemnation.

III.

With respect to the Property described in Exhibit A Plaintiff is awarded:  
the fee simple title to the Property and all improvements thereon.

Plaintiff is awarded all improvements located on the Property, if any, and any and all other rights described in the Original Petition in Condemnation, which is incorporated herein by reference as if copied herein verbatim.

All costs of this proceeding, including the fees of each Special Commissioner are assessed against Harris County, Texas.

Our decision is reduced to writing. This decision and all other papers connected with this proceeding are returned to the Honorable Judge of this Court.

~~Bruce Watkins~~

Valoree Swanson  
Valoree Swanson  
SPECIAL COMMISSIONERS

NO-TO-RECORD-NO-TO-RECORD

HARDY TOLL ROAD EXTENSION  
PROPOSED DETENTION BASIN  
PARCEL 135  
JORGE RIVAS  
Page 1 of 2

FIELD NOTES FOR 0.2915 ACRE (12,700 SQUARE FEET) OF LAND LOCATED IN THE S.M. HARRIS SURVEY, ABSTRACT NO. 327, HARRIS COUNTY, TEXAS; SAID 0.2915 ACRE OF LAND BEING ALL OF LOTS 9 & 10, BLOCK 7 OF THE T. T. HAILEY'S ADDITION (UNRECORDED); SAID 0.2915 ACRE OF LAND BEING THE SAME PROPERTY DESCRIBED IN DEED DATED SEPTEMBER 1, 2009 TO JORGE RIVAS, RECORDED UNDER HARRIS COUNTY CLERK'S FILE NUMBER (H.C.C.F. No.) 20090462955; SAID 0.2915 ACRE OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: (All bearings are referenced to the Texas Coordinate System, South Central Zone, North American Datum of 1983. All distances and coordinates are surface values and may be converted to grid values by dividing by a scale factor of 1.00013.)

COMMENCING at a 1/2-inch iron pipe in concrete found at the intersection of the northwest right-of-way line of Lyons Avenue (60 feet wide, no deed of record found) and the west right-of-way line of Jensen Drive [width varies per Volume 3, Page 506, Volume 1121, Page 406, Volume 1189, Page 663 and Volume 1218, Page 595, Harris County Deed Records (H.C.D.R.)], said point also being in the southeast line of the J. S. Forbush's Addition, recorded in Volume 3, Page 506, H.C.D.R. for the southeast corner of a certain tract of land described in deed dated June 9, 1966 to Alfred F. Douglass, recorded under H.C.C.F. No. C334965;

THENCE, South 57°01'03" West, along the northwest right-of-way line of Lyons Avenue and the southeast line of said J. S. Forbush's Addition and said Douglass tract, at a distance of 210.60 feet passing an "X" cut in concrete found for the southeast corner of said Block 7 and the southwest corner of said J. S. Forbush's Addition and said Douglass tract, continuing for a total distance of 384.30 feet to a 3/8-inch iron rod with cap stamped "LANDTECH" set for the southwest corner of a certain tract of land described in affidavits of heirship dated February 28, 2014 to Yvonne Phillips Dupree, recorded under H.C.C.F. Nos. 20140117740 & 20140117743 and the southeast corner of said Rivas tract, said point also being the southeast corner and the POINT OF BEGINNING (X=3,128,883.42, Y=13,848,666.56) of the herein described parcel;

THENCE, South 57°01'03" West, along the northwest right-of-way line of Lyons Avenue and the southeast line of said Block 7 and said Rivas tract, a distance of 115.80 feet to a 3/8-inch iron rod with cap stamped "LANDTECH" set in the east right-of-way line of Hill Street (called 40 feet wide per H.C.C.F. No. 20070720562, no deed or dedication of record was found) for the southwest corner of said Block 7, said Rivas tract, and the herein described parcel;

HARDY TOLL ROAD EXTENSION  
PROPOSED DETENTION BASIN

PARCEL 135  
JORGE RIVAS  
Page 2 of 2

THENCE, North 02°41'54" West, along the east right-of-way line of Hill Street and the west line of said Block 7 and said Rivas tract, a distance of 127.00 feet to a 3/8-inch iron rod with cap stamped "LANDTECH" set for the southwest corner of a certain tract of land described in deed dated January 28, 1998 to Peace Community Development Corporation, recorded under H.C.C.F. No. S833997 and the northwest corner of said Rivas tract and the herein described parcel;


THENCE, North 57°01'03" East, along the south line of said Peace Community Development Corporation tract and the north line of said Rivas tract, a distance of 115.80 feet to a 5/8-inch iron rod found for the most westerly southwest corner of a certain tract of land described as "Parcel 2" in deed dated July 13, 2007 to Pleasant Grove Cleveland Investments, Ltd., recorded under H.C.C.F. No. 20070720562, the southeast corner of said Peace Community Development Corporation tract, the northwest corner of said Dupree tract, and the northeast corner of said Rivas tract and the herein described parcel;

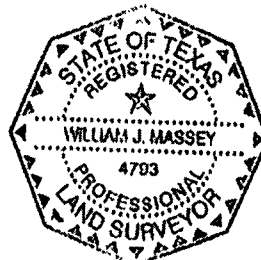
THENCE, South 02°41'54" East, along the west line of said Dupree tract and the east line of said Rivas tract, a distance of 127.00 feet to the POINT OF BEGINNING and containing 0.2915 acre (12,700 square feet) of land.

This metes and bounds description is accompanied by a separate plat.

September 12, 2014  
Landtech Consultants, Inc.  
TBPLS No. 10019100

TBPE No. F-1364

  
William J. Massey  
Registered Professional Land Surveyor No. 4793



L.C. Project No. 08-1-0018.14  
L.C. Drawing No. 1290-C-1591  
s:\2008\0810018\14\Survey\M&B\Parcel 135.doc

NO. 1066163

HARRIS COUNTY, TEXAS

V

JORGE RIVAS and CITY OF HOUSTON

*U. U. U. U. U. U.*

IN THE COUNTY CIVIL.

COURT AT LAW NUMBER THREE (3)

HARRIS COUNTY, TEXAS

### PARTIES TO BE NOTIFIED

William F. Harmeyer  
WILLIAM F. HARMEYER & ASSOCIATES, P.C.  
7322 Southwest Freeway, Suite 475  
Houston, Texas 77074-2047  
Attorney for Defendant Jorge Rivas

Anna Russell,  
City Secretary  
City of Houston  
P.O. Box 1562  
Houston, Texas 77251