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C786899

CAUSE NO. 160,400

EMINENT DOMAIN PROCEEDINGS FILED WITH THE  
JUDGE OF THE COUNTY CIVIL COURT AT LAW NO. 2  
HARRIS COUNTY, TEXAS  
FORMERLY ADMINISTRATIVE NO. 1616

SEP 5 PM 4 00

FILED RECORDS  
VOL 7357 IN 182

097-38-1906

CITY OF HOUSTON

Vs.

SAMUEL KAPLAN, ET AL

JUDGMENT IN  
ABSENCE OF OBJECTIONS

BE IT REMEMBERED:

On the 5<sup>th</sup> day of September, 1968, came on to  
be heard and considered the request of the Plaintiff, City of  
Houston, to make the Award of the Special Commissioners, filed with  
the Judge of this Court on the 29th day of February, 1968, the  
Judgment of this Court.

It appears to the Court, and it is so found, that no  
Objections to said Award were filed within the prescribed time.

It is, therefore, ORDERED, ADJUDGED, and DECREED by the  
Court as follows:

1. The Award of Special Commissioners be, and the same is  
nereby, made the Judgment of this Court.
2. The Clerk of this Court record said Award in the  
minutes of this Court.
3. The City of Houston is entitled to have Judgment against  
the defendants, Samuel Kaplan, and wife, Leah Feld Kaplan; Herbert  
Dunks Spain; G. David Scott, Jr.; Lucille Scott McKinney and husband,  
C. D. McKinney; Elsie Dunks Spain and husband, T. R. Spain; James  
Martindale; and Roy A. Seaberg; for fee simple title to the following  
described land, to-wit:

THE STATE OF TEXAS )  
COUNTY OF HARRIS )

I hereby certify that the above and foregoing is a full, true, and correct  
true and correct copy of the original record now in my lawful custody and  
possession, and on the date stamped thereon and as the same is  
recorded in the County Civil Courts at Law Records in my office and  
transfers on microfilm, and having microfilm identification number 88  
stamped thereon, I hereby certify on

SEP 17 1968

W. E. TURRENTINE, JR.,  
COUNTY CLERK  
HARRIS COUNTY, TEXAS

By Robert L. Smith  
Deputy



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BEGINNING at a point marking the intersection of the North line of the said "TRACT NO. 2", said North line being also the South line of the sixty (60) foot wide right of way for Huffman - Eastgate Road, with the existing center-line of a certain seventy (70) foot wide drainage ditch, designated as and hereinafter referred to as Flood Control Drainage Ditch Q-136-00-00, which was conveyed to the Harris County Flood Control District by Winnie L. Williams and Others, by an instrument dated June 9, 1948, recorded in Volume 1834, Page 89 of the Deed Records of Harris County, Texas, and to which deed record reference is here made for all purposes;

THENCE South 0° 24' 11" East, a distance of 1329.30 feet to a point for corner on the South line of said "TRACT NO. 2";

THENCE in a Northerly direction along and with the said existing center-line of Flood Control Drainage Ditch Q-136-00-00 to the POINT OF BEGINNING;

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I declare under penalty of perjury that the above and foregoing is a full, true, and correct statement of my original record now in my lawful custody and possession as of the date stamped thereon and as the same is being deposited in the County Clerk's Office of Law Records in my office and stamped, hereon, I hereby certify on

R. E. TURRENTINE, JR.,  
COUNTY CLERK  
HARRIS COUNTY, TEXAS

**Deputy**

748 05 0916

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PROVIDED, FURTHER, there is EXCEPTED and RESERVED unto the owners of the aforementioned "TRACT NO. 2", their successors and assigns, out of the above described 29.11 acre tract of land, a permanent easement for irrigation purposes; said easement being thirty (30) feet wide and adjacent to and South of the North line of the said 29.11 acre tract of land and being more particularly described as follows:

BEGINNING at the Northwest corner of said 29.11 acre tract of land on the South line of the sixty (60) foot wide right of way line for Huffman - Eastgate Road;

THENCE South 0° 24' 11" East, 30.00 feet, along and with the West line of said 29.11 acre tract of land to a point for corner;

THENCE North 89° 35' 49" East, 996.06 feet, more or less, parallel to and 30 feet measured southerly at right angles from the said North line of the 29.11 acre tract of land to a point for corner in the center-line of the said Flood Control Drainage Ditch 8-136-00-00;

THENCE in a Northerly direction along the said center-line of the Flood Control Drainage Ditch, 30.00 feet, more or less, to the intersection of the said center-line of the Flood Control Drainage Ditch with the said South line of the right of way for Huffman - Eastgate Road, same being the Northeast corner of the said 29.11 acre tract of land;

THENCE South 89° 35' 49" West, 1000.00 feet, along and with the said North line of said 29.11 acre tract of land and the said South line of the right of way for Huffman - Eastgate Road to the POINT OF BEGINNING;

PROVIDED, HOWEVER, that the said City of Houston, its successors and assigns, shall have the right to build a road and bridge across said irrigation easement, at a place of its selection, and thereafter maintain and, if necessary, enlarge same, provided that such road and bridge shall not impede in any manner whatever the flow of water in and through said irrigation easement, and provided, further, that such road and bridge shall be adequate for use by vehicles of the maximum size and dimensions authorized to traverse public streets, roads and highways under the laws of the State of Texas, and said City of Houston, its successors and assigns, shall have the further right to construct and maintain a trunk sewer line across said irrigation easement at a crossover location selected by it provided that the size of said sewer line shall be determined solely by the said City of Houston; and,

PROVIDED, FURTHER, there is EXCEPTED and RESERVED out of the above described 29.11 acre tract of land and DEDICATED to the PUBLIC, a permanent easement for drainage purposes in, on, over, under and across the said 29.11 acre tract of land; said drainage easement being more particularly described as follows:

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THE STATE OF TEXAS )  
COUNTY OF HARRIS )

I hereby certify that the above and foregoing is a full, true, and correct copy of the original record now in my lawful custody and possession, filed on the date stamped thereon and as the same is recorded in the County Civil Courts of Law Records in my office and is correct on microfilm, and having microfilm identification number as stamped thereon, I hereby certify on

SEP 17 1968

R. E. TURRENTINE, JR.,  
COUNTY CLERK  
HARRIS COUNTY, TEXAS



Deputy

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BEGINNING at the Northwest corner of the said 29.11 acre tract of land on the South line of the sixty (60) foot wide right of way for Huffman - Eastgate Road;

THENCE South 0° 24' 11" East, 1329.30 feet, along and with the West line of said 29.11 acre tract of land to the Southwest corner of said 29.11 acre tract of land;

THENCE North 89° 37' 05" East, 908.00 feet, more or less, along and with the South line of said 29.11 acre tract of land to the Southeast corner of said 29.11 acre tract of land in the center-line of the aforesaid Flood Control Drainage Ditch Q-136-00-00;

THENCE in a Northerly direction, 30.00 feet, more or less, along and with the said center-line of Flood Control Drainage Ditch Q-136-00-00, same being along the East line of said 29.11 acre tract of land to a point for corner;

THENCE South 89° 37' 05" West, 880.00 feet, more or less, parallel to and 30 feet measured Northerly at right angles from the said South line of 29.11 acre tract of land to a point for corner, said point being located 30 feet measured Easterly at right angles from the said West line of the 29.11 acre tract of land;

THENCE North 0° 24' 11" West, 1329.30 feet, parallel to and 30 feet measured Easterly at right angles from the said West line of the 29.11 acre tract, to a point for corner on the North line of said 29.11 acre tract of land, same being on the said South line of the right of way for Huffman - Eastgate Road;

THENCE South 89° 35' 49" West, 30.00 feet, to the POINT OF BEGINNING.

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THE STATE OF TEXAS )  
COUNTY OF HARRIS )

I, \_\_\_\_\_, do hereby certify that the above and foregoing is a full, true, and correct copy of the original record now in my lawful custody and possession, and that the same is filed in the County Clerk's Office of Harris County, Texas, and is a true and correct copy of the original record as the same is shown on the original record, and having microfilm identification number as shown on the original record, I hereby certify on \_\_\_\_\_

SEP 17 1968

M. E. TURRENTINE, JR.,  
COUNTY CLERK  
HARRIS COUNTY, TEXAS



*Deputy*  
Deputy

748 05 0918

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4. The above named Defendants are entitled to have and recover from the City of Houston, Plaintiff, the sum of \$21,000.00, which sum is the total amount of damages due by reason of this proceeding; which sum has been heretofore deposited by the Plaintiff, City of Houston, in the Registry of this Court in full and final satisfaction of this Judgment.

5. The City of Houston has discharged its constitutional obligation to pay the adequate compensation for the taking of the above described property interest for public use.

6. The Court's Order dated April 26, 1968, which vacated and set aside a Judgment in Absence of Objections which was previously signed and entered on April 1, 1968, and which said Order also decreed that the defendant's late filed Objections to Award of Special Commissioners would be considered as timely filed, is hereby also set aside and held for naught.

7. The costs of this proceeding are to be paid by the City of Houston.

SIGNED, RENDERED AND ENTERED the 5<sup>th</sup> day of

September, 1968.

*William A. Miller, Jr.*  
William A. Miller, Jr.  
Judge of the County Civil  
Court at Law No. 2, Harris  
County, Texas

William A. Olson  
City Attorney  
Fred Spence  
Senior Assistant City Attorney

By: *Fred Spence*  
Fred Spence  
300 City Hall  
Houston, Texas

Attorney for Appellant  
City of Houston

*Charles F. Cockrell, Jr.*  
Charles F. Cockrell, Jr.  
1902 Niels Esperson Building  
Houston, Texas

Attorney for Appellees

THE STATE OF TEXAS )  
COUNTY OF HARRIS )

I, the undersigned, do hereby certify that the above and foregoing is a full, true, and correct copy of the original record now in my lawful custody and possession, filed on the date stamped thereon and as the same is returned in the County Civil Court at Law Records in my office and preserved on microfiche and having microfilm identification number as stamped hereon, I hereby certify on

SEP 17 1968

A. E. TURRENTINE, JR.,  
COUNTY CLERK  
HARRIS COUNTY, TEXAS

*Richard L. Smith*  
Deputy