



# CITY COUNCIL

## AGENDA REQUEST

<b>AGENDA OF:</b>	<b>02-07-12</b>	<b>AGENDA REQUEST NO:</b>	<b>VIII-B</b>
<b>INITIATED BY:</b>	<b>CLAYTON TAYLOR, REAL PROPERTY SERVICE MANAGER</b>	<b>RESPONSIBLE DEPARTMENT:</b>	<b>ENGINEERING</b>
<b>PRESENTED BY:</b>	<b>CLAYTON TAYLOR, REAL PROPERTY SERVICE MANAGER</b>	<b>DIRECTOR:</b>	<b>CHRISTOPHER STEUBING, P.E., CFM, CITY ENGINEER <i>CLS</i></b>
		<b>ADDITIONAL DIRECTOR (S):</b>	<b>PHILLIP SAVKO, <i>PHS</i> AIRPORT DIRECTOR</b>

**SUBJECT / PROCEEDING:** ACQUISITION OF 63.331 ACRES OF PARK LAND AND 11.426 ACRES OF AIRPORT PROPERTY FROM NNP-TELFAIR, LP. APPROVE RESOLUTION NO. 12-02

**EXHIBITS:** AREA MAP  
RESOLUTION 12-02

CLEARANCES	APPROVAL
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<b>LEGAL:</b>	<b>EUGENIA CANO, <i>EC</i> ASSISTANT CITY ATTORNEY</b>	<b>ASSISTANT CITY MANAGER:</b>	<b>KAREN DALY <i>KD</i></b>
<b>PURCHASING:</b>	<b>TODD REED, CPPB, PURCHASING MANAGER <i>TR</i></b>	<b>ASSISTANT CITY MANAGER:</b>	<b>N/A</b>
<b>BUDGET:</b>	<b>JENNIFER BROWN, <i>JB</i> DIRECTOR OF BUDGET &amp; RESEARCH</b>	<b>CITY MANAGER:</b>	<b>ALLEN BOGARD <i>Allen Bogard</i></b>

BUDGET
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<b>EXPENDITURE REQUIRED: \$</b>	<b>1,863,951.00</b>
<b>CURRENT BUDGET: \$</b>	<b>2,163,500.00</b>
<b>ADDITIONAL FUNDING: \$</b>	<b>0</b>

RECOMMENDED ACTION
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Approve Resolution No. 12-02 authorizing the purchase of 63.331 acres of land for park purposes and the purchase of 11.426 acres of land for airport purposes from NNP-TELFAIR, LP per the 2003 Development Agreement.

## EXECUTIVE SUMMARY

In 2003, the City approved the Telfair General Plan and entered into a Development Agreement with then NNP-Keepsake, LP, now NNP-Telfair, LP (Developer). In conformance with the City's Parks, Recreation, and Open Space Master Plan, a regional park was included in the Telfair General Plan. During the negotiation of the Development Agreement, it was agreed that the Developer would allow the City to purchase the land for the regional park after compliance with the City's park dedication requirements and also provide an avenue for the City to purchase a maximum of 12 acres in the AZ-02 zone located south of US 90A and east of Easton Ave.

The Agreement stipulated that if the Developer exceeded the parkland dedication requirements, through the dedication of the parkland and other private park development, the City would reimburse the Developer for the additional acreage designated as the regional park. The agreement requires the City to reimburse the Developer at an agreed upon cost of \$35,000 per acre for the park land.

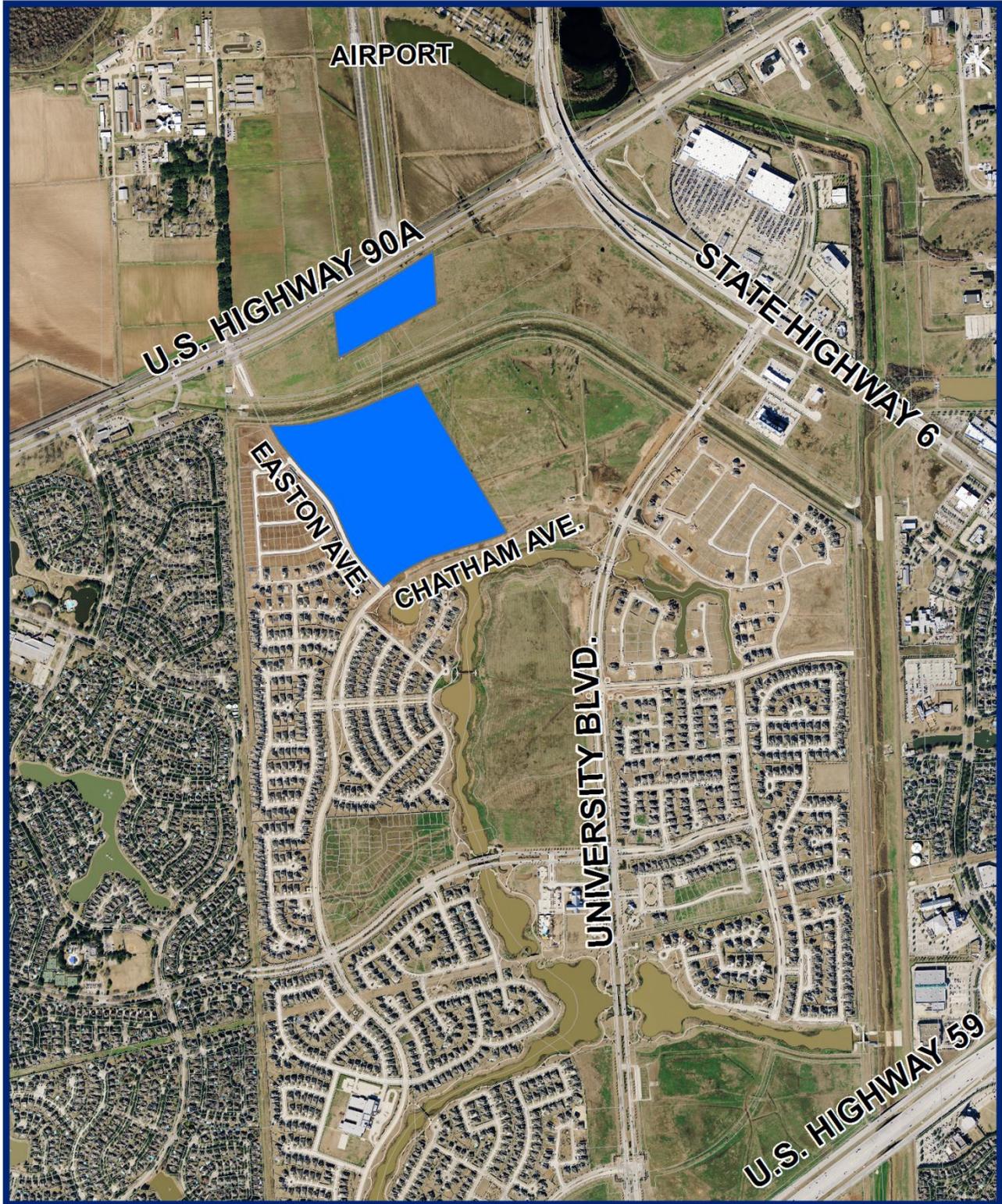
The regional park property area totals 63.331 acres. Based on the formula established in the Development Agreement, the City will reimburse the Developer for 47.151 acres at \$35,000/acre for a total of \$1,650,285.00.

In addition, the development agreement provides that the land, currently within AZ-02, up to a maximum of 12 acres, will be purchased by the City. Per the development agreement, the City agrees to purchase the property for an amount of \$18,700 per acre. The current amount of property contained within the AZ-02 area is 11.426 acres. Therefore, the total purchase price for the AZ-02 property is \$213,666.20.

Currently, the Engineering and Legal Departments are in the process of addressing any title objections or other issues that may affect the City's intended use of the land.

The Engineering and Legal Departments recommend that the City Council approve Resolution 12-02 authorizing the City Manager to sign all documents on behalf of the City necessary for the acquisitions of the parcels within the proposed Resolution.

## EXHIBITS



# TELFAIR LAND ACQUISITION TRACTS

FEBRUARY, 2012  
0 220 440 880 1,320 1,760 Feet  
The map has been prepared from official records. Every effort has been made to ensure the accuracy of this map. However, the City of Sugar Land does not warrant the accuracy or completeness of the information. © 2012 City of Sugar Land



## RESOLUTION NO. 12-02

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, AUTHORIZING THE PURCHASE OF 63.331 ACRES OF LAND LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF EASTON AND CHATHAM AVENUES IN TELFAIR (AS DESCRIBED IN EXHIBIT A) IN AN AMOUNT NOT TO EXCEED \$1,650,285 FOR PARK PURPOSES; AND AUTHORIZING THE PURCHASE OF 11.426 ACRES OF LAND LOCATED SOUTH OF US HIGHWAY 90A AND EAST OF EASTON AVENUE (AS DESCRIBED IN EXHIBIT B) IN AN AMOUNT NOT TO EXCEED \$213,666 FOR AIRPORT PURPOSES.**

WHEREAS, in 2003 the City entered into a Development Agreement with NNP-Keepsake, LP, now NNP-Telfair, LP, that provides for the City to purchase land for a park and for the Sugar Land Regional Airport (Airport); and

WHEREAS, Section 4.09 of the Development Agreement provides that the City will purchase the park land acreage remaining after Telfair meets its park dedication requirements for \$35,000 per acre, which has been calculated as 63.331 acres; and

WHEREAS, Development Agreement, as modified by a memorandum of understanding, provides that the land for the Airport will not exceed 12 acres at \$18,700 per acre; NOW, THEREFORE,

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

**Section 1.** That it authorizes the purchase of 63.331 acres of land from NNP-Telfair, LP located in the M.M. Battle League, Abstract 9 and the Alexander Hodge League, Abstract 32, Fort Bend County, Texas, on the northeast corner of the intersection of Easton and Chatham Avenues in Telfair, as described and shown in the attached Exhibit A incorporated into this Resolution. The total purchase amount for the 63.331 acres will not exceed \$1,650,285 (\$35,000 per acre).

**Section 2.** That it authorizes the purchase of 11.426 acres of land from NNP-Telfair, LP located in the M.M. Battle League, Abstract 9 and the Alexander Hodge League, Abstract 32, Fort Bend County, Texas, south of US Highway 90A and east of Easton Avenue, as described and shown in the attached Exhibit B incorporated into this Resolution. The total purchase amount for the 11.426 acres will not exceed \$213,666 (\$18,700 per acre).

**Section 3.** That the City is authorized to pay any required closing costs in connection with these purchases of land.

**Section 4.** That closing is subject to resolution of any title or other issues that may affect the City's intended use of the land.

**Section 5.** That the City Manager is authorized to sign all documents on behalf of the City necessary for the transactions contemplated in this Resolution.

APPROVED on \_\_\_\_\_, 2012.

\_\_\_\_\_  
James A. Thompson, Mayor

ATTEST:

\_\_\_\_\_  
Glenda Gundermann, City Secretary

Reviewed for Legal Compliance:

*Eugenia A. Cano*

DESCRIPTION OF  
63.331 ACRES

Being 63.331 acres of land located in the M. M. Battle League, Abstract 9 and the Alexander Hodge League, Abstract 32, Fort Bend County, Texas, more particularly being a portion of the residue of a called 1651.239 acre tract conveyed to NNP-Keepsake, L.P., by an instrument of record in File No. 2003149525, Official Public Records of said Fort Bend County, Texas (F.B.C.O.P.R.), said NNP-Keepsake, L.P. now known as NNP-Telfair LP, by an instrument of record in File No. 2006007940, F.B.C.O.P.R., said 63.331 acres being more particularly described by metes and bounds as follows (all bearings referenced to the Texas State Plane Coordinate System, South Central Zone, NAD 83, 1993 adjustment);

BEGINNING at the most northerly corner of Chatham Avenue (called 70 feet wide at this point) as shown on Easton Avenue Phase 2 Street Dedication, a street dedication of record in Plat No. 20090041, Plat Records of said Fort Bend County, Texas (F.B.C.P.R.), same being the northwest corner of Chatham Avenue (called 70 feet wide at this point) as shown on Chatham Avenue Phase III Street Dedication, a street dedication of record in Plat No. 20090040, F.B.C.P.R.;

Thence, with the easterly right-of-way line of Easton Avenue (width varies) as shown on said Easton Avenue Phase 2 Street Dedication, the following six (6) courses:

- 1) 38.38 feet along the arc of a curve to the right, having a radius of 25.00 feet, a central angle of  $87^{\circ} 58' 17''$  and a chord which bears North  $85^{\circ} 51' 27''$  West, 34.72 feet to a point corner;
- 2) North  $41^{\circ} 52' 18''$  West, 291.44 feet to a point for corner, the beginning of a curve;
- 3) 260.65 feet along the arc of a tangent curve to the right, having a radius of 815.00 feet, a central angle of  $18^{\circ} 19' 28''$  and a chord which bears North  $32^{\circ} 42' 34''$  West, 259.55 feet to a point for corner;

- 4) North 23° 32' 50" West, 280.03 feet to a point for corner, the beginning of a curve;
- 5) 277.81 feet along the arc of a tangent curve to the left, having a radius of 885.00 feet, a central angle of 17° 59' 10" and a chord which bears North 32° 32' 25" West, 276.68 feet to a point for corner;
- 6) North 41° 32' 00" West, at 521.06 feet pass the north corner of said Easton Avenue Phase 2 Street Dedication, same being the southeast corner of Easton Avenue Phase 3 Street Dedication, a street dedication of record in Plat No. 20090119, F.B.C.P.R. and continuing with the easterly right-of-way line of said Easton Avenue (called 70 feet wide) as shown on said Easton Avenue Phase 3 Street Dedication, in all a distance of 601.63 feet to a point for corner, the beginning of a curve;

Thence, continuing with the easterly right-of-way line of said Easton Avenue as shown on said Easton Avenue Phase 3 Street Dedication, 267.94 feet along the arc of a tangent curve to the right, having a radius of 965.00 feet, a central angle of 15° 54' 31" and a chord which bears North 33° 34' 45" West, 267.08 feet to a point for corner on the southerly line of that certain called 12.366 acre tract conveyed to Fort Bend County Levee Improvement District No. 17, by an instrument of record in File No. 2006126305, F.B.C.O.P.R., the beginning of a curve;

Thence, with the southerly line of said 12.366 acre tract, 1,019.19 feet along the arc of a non-tangent curve to the left, having a radius of 2,670.00 feet, a central angle of 21° 52' 15" and a chord which bears North 77° 26' 34" East, 1,013.01 feet to a point for corner;

Thence, continuing with said southerly line, North 66° 30' 27" East, 1,002.56 feet to a point for corner;

63.331 acres

July 12, 2011  
Job No. 1800-0011A

Thence, leaving said southerly line, South  $14^{\circ} 53' 14''$  East, 1,771.42 feet to a point for corner on the north right-of-way line of the aforementioned Chatham Avenue Phase III Street Dedication, the beginning of a curve;

Thence, with the north right-of-way line of Chatham Avenue (called 80 feet wide at this point) as shown on said Chatham Avenue Phase III Street Dedication, the following eight (8) courses:

- 1) 129.90 feet along the arc of a non-tangent curve to the right, having a radius of 810.00 feet, a central angle of  $09^{\circ} 11' 19''$  and a chord which bears South  $69^{\circ} 02' 02''$  West, 129.76 feet to a point for corner;
- 2) South  $73^{\circ} 37' 41''$  West, 487.39 feet to a point for corner, the beginning of a curve;
- 3) 546.21 feet along the arc of a tangent curve to the left, having a radius of 1,675.00 feet, a central angle of  $18^{\circ} 41' 02''$  and a chord which bears South  $64^{\circ} 17' 10''$  West, 543.79 feet to a point for corner, the beginning of a compound curve;
- 4) 47.97 feet along the arc of a tangent curve to the left, having a radius of 511.50 feet, a central angle of  $05^{\circ} 22' 24''$  and a chord which bears South  $52^{\circ} 15' 27''$  West, 47.95 feet to a point for corner;
- 5) South  $49^{\circ} 34' 15''$  West, 86.89 feet to a point for corner, the beginning of a curve;
- 6) 4.99 feet along the arc of a tangent curve to the right, having a radius of 487.50 feet, a central angle of  $00^{\circ} 35' 10''$  and a chord which bears South  $49^{\circ} 51' 50''$  West, 4.99 feet to the POINT OF BEGINNING and containing 65.446 gross acres of land.

63.331 acres

July 12, 2011  
Job No. 1800-0011A

SAVE & EXCEPT however, the following tract of land.

SAVE AND EXCEPT TRACT

Being 2.115 acres of land located in the M. M. Battle League, Abstract 9, Fort Bend County, Texas, more particularly being all of that certain called 2.115 acre tract conveyed to the City of Sugar Land, by an instrument of record in File No. 2006128546, F.B.C.O.P.R.;

COMMENCING for reference at the most northerly corner of Chatham Avenue (called 70 feet wide at this point) as shown on said Easton Avenue Phase 2 Street Dedication, same being the northwest corner of Chatham Avenue (called 70 feet wide at this point) as shown on said Chatham Avenue Phase III Street Dedication;

Thence, with the easterly right-of-way line of Easton Avenue (width varies) as shown on said Easton Avenue Phase 2 Street Dedication, the following six (6) courses:

- 1) 38.38 feet along the arc of a curve to the right, having a radius of 25.00 feet, a central angle of  $87^{\circ} 58' 17''$  and a chord which bears North  $85^{\circ} 51' 27''$  West, 34.72 feet to a point;
- 2) North  $41^{\circ} 52' 18''$  West, 291.44 feet to a point, the beginning of a curve;
- 3) 260.65 feet along the arc of a tangent curve to the right, having a radius of 815.00 feet, a central angle of  $18^{\circ} 19' 28''$  and a chord which bears North  $32^{\circ} 42' 34''$  West, 259.55 feet to a point;
- 4) North  $23^{\circ} 32' 50''$  West, 280.03 feet to a point, the beginning of a curve;
- 5) 277.81 feet along the arc of a tangent curve to the left, having a radius of 885.00 feet, a central angle of  $17^{\circ} 59' 10''$  and a chord which bears North  $32^{\circ} 32' 25''$  West, 276.68 feet to a point;

63.331 acres

July 12, 2011  
Job No. 1800-0011A

6) North 41° 32' 00" West 601.63 feet to a point;

Thence, leaving said easterly right-of-way line, North 48° 28' 00" East, 30.00 feet to the southwest corner of the aforementioned 2.115 acre tract and the POINT OF BEGINNING;

Thence, with the west line of said 2.115 acre tract, North 00° 31' 32" West, 301.43 feet to a the northwest corner of said 2.115 acre tract;

Thence, with the north line of said 2.115 acre tract, North 89° 40' 26" East, 293.81 feet to the northeast corner of said 2.115 acre tract;

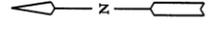
Thence, with the east line of said 2.115 acre tract, South 01° 03' 53" West, 335.31 feet to a the southeast corner of said 2.115 acre tract;

Thence, with the south line of said 2.115 acre tract, North 82° 53' 40" West, 287.02 feet to the POINT OF BEGINNING and containing 2.115 acres of land.

Resulting, however, in a net area of 63.331 acres of land.

This description is based on record information only and does not reflect an on the ground survey. Corners were not set at the client's request.

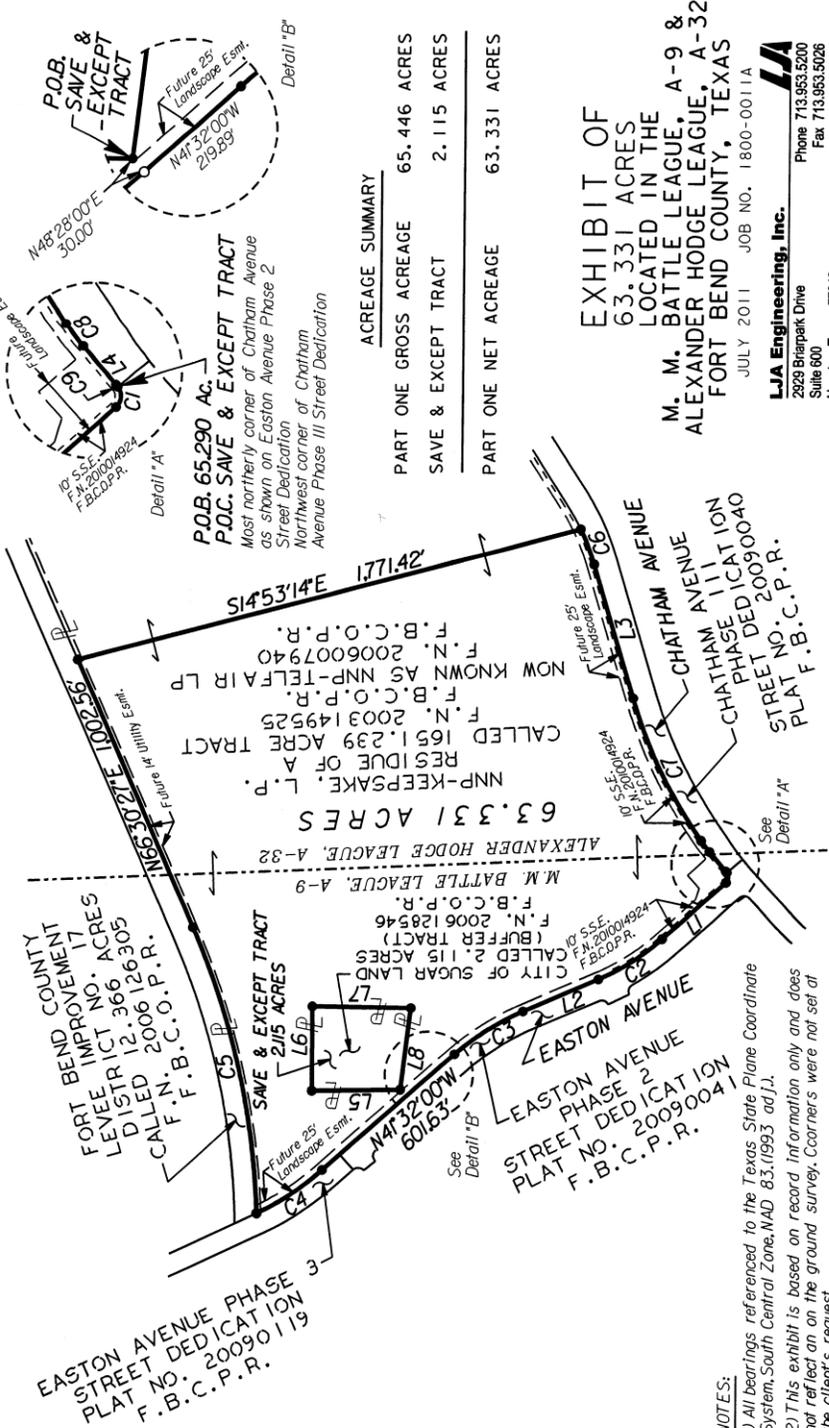
LJA Engineering, Inc.



Scale: 1" = 500'

Line	Bearing	Distance
1	N41°52'18"W	291.44'
2	N23°32'50"W	280.03'
3	S73°37'41"W	487.39'
4	S49°34'15"W	86.89'
5	N00°31'32"W	301.43'
6	S89°40'26"E	293.81'
7	S01°03'53"W	335.31'
8	N82°53'40"W	287.02'

Curve	Radius	Tangent	Chord	Arc	Delta	Chord Bearing
1	25.00'	24.13'	34.72'	38.38'	87°58'17"	N85°51'27"W
2	815.00'	131.45'	259.65'	260.65'	18°19'28"	N32°42'34"W
3	885.00'	140.06'	276.68'	277.81'	17°59'10"	N32°32'25"W
4	965.00'	134.84'	267.08'	267.94'	15°54'31"	N33°34'45"W
5	2670.00'	515.87'	1013.01'	1019.19'	21°52'15"	N77°26'34"E
6	810.00'	65.09'	129.76'	129.90'	09°11'19"	S69°02'02"W
7	1675.00'	275.55'	543.79'	546.21'	18°41'02"	S52°15'27"W
8	511.50'	24.00'	47.95'	47.97'	05°22'24"	S52°15'27"W
9	487.50'	2.49'	4.99'	4.99'	00°35'10"	S49°51'50"W



ACREAGE SUMMARY

PART ONE GROSS ACREAGE	65.446 ACRES
SAVE & EXCEPT TRACT	2.115 ACRES
PART ONE NET ACREAGE	63.331 ACRES

EXHIBIT OF

63.331 ACRES  
 LOCATED IN THE  
 M. M. BATTLE LEAGUE, A-9 &  
 ALEXANDER HODGE LEAGUE, A-32  
 FORT BEND COUNTY, TEXAS

JULY 2011 JOB NO. 1800-0011A

**LJA Engineering, Inc.**  
 2929 Briarpark Drive  
 Suite 600  
 Houston, Texas 77042  
 Phone 713.953.5200  
 Fax 713.953.5026

NOTES:  
 1) All bearings referenced to the Texas State Plane Coordinate System, South Central Zone, NAD 83, (1993 ad/j).  
 2) This exhibit is based on record information only and does not reflect on the ground survey. Corners were not set at the client's request.

DESCRIPTION OF  
11.426 ACRES  
TRACT ONE

Being 11.426 acres of land located in the M. M. Battle League, Abstract 9 and the Alexander Hodge League, Abstract 32, Fort Bend County, Texas, more particularly being a portion of the residue of a called 1651.239 acre tract conveyed to NNP-Keepsake, L.P., by an instrument of record in File No. 2003149525, Official Public Records, of said Fort Bend County (F.B.C.O.P.R.), said NNP-Keepsake, L.P. now known as NNP-Telfair LP, by an instrument of record in File No. 2006007940, F.B.C.O.P.R., said 11.426 acres being more particularly described by metes and bounds as follows (all bearings referenced to the Texas State Plane Coordinate System, South Central Zone, NAD 83, 1993 adjustment);

COMMENCING for reference at a 5/8-inch iron rod with cap stamped "LJA ENG" previously set marking the northeast corner of Easton Avenue (called 180 feet wide at this point) as shown on Easton Avenue Street Dedication, a street dedication of record in Plat No. 20090034, Plat Records, of said Fort Bend County, same being on the north line of the residue of a called 112.736 acre tract conveyed to Hwy 6 & 90, LTD, by an instrument of record in File No. 2006031364, F.B.C.O.P.R. and on the southerly right-of-way line of U.S. Highway 90A (width varies);

Thence, with the north lines of said 1651.239 and 112.736 acre tracts and said southerly right-of-way line, the following three (3) courses:

- 1) North 65° 38' 01" East, 11.35 feet to a previously found 1-inch galvanized pipe, the beginning of a curve;
- 2) 680.40 feet along the arc of a non-tangent curve to the left, having a radius of 6,000.00 feet, a central angle of 06°29' 50" and chord which bears North 62° 25' 47" East, 680.03 feet to a previously found 1-inch galvanized pipe;

11.426 acres

March 16, 2011  
March 7, 2011  
Job No. 1800-0114A

- 3) North 59° 11' 55" East, 316.56 feet to a 5/8-inch iron rod found marking an angle point in the north line of said 112.736 acre tract and the POINT OF BEGINNING;

Thence, with the north line of said 1651.239 acre tract and said southerly right-of-way line, North 59° 11' 55" East, 931.86 feet to a 5/8-inch iron rod found for corner;

Thence, continuing with said north line and said southerly right-of-way line, North 68° 00' 36" East, 225.10 feet to a 5/8-inch iron rod found marking an angle point in the north line of said 112.736 acre tract;

Thence, with a north line of said 112.736 acre tract, South 06° 21' 09" East, 217.30 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set marking the northeast corner of that certain called 0.115 acre tract conveyed to Nelwyne Poe, by an instrument of record in File No. 2005153795, F.B.C.O.P.R.;

Thence, with the north line of said 0.115 acre tract, South 83° 38' 51" West, 100.00 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set marking the northwest corner of said 0.115 acre tract;

Thence, with the west line of said 0.115 acre tract and the west lines of those certain called 0.115 acre tracts conveyed to Virginia L. Neiser, by an instrument of record in File No. 2005153794, Charles L. Partin, by an instrument of record in File No. 2006004576, William W. Barnes, by an instrument of record in File No. 2005153773 and Michael Thelen, by an instrument of record in File No. 2006041265, all F.B.C.O.P.R., South 06° 21' 09" East, 250.00 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set marking the southwest corner of said Michael Thelen Tract;

11.426 acres

March 16, 2011  
March 7, 2011  
Job No. 1800-0114A

Thence, with the south line of said Michael Thelen tract, North 83° 38' 51" East, 100.00 feet to a 5/8-inch iron rod found marking the southeast corner of said Michael Thelen tract, same being a reentrant corner of the aforementioned 112.736 acre tract;

Thence, with the north line of said 112.736 acre tract, the following three (3) courses:

- 1) South 68° 00' 36" West, 64.47 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" found for an angle point in said north line;
- 2) South 59° 11' 55" West, 1101.78 feet to a 5/8-inch iron rod found marking a reentrant corner of said 112.736 acre tract;
- 3) North 06° 21' 09" West, 494.33 feet to the POINT OF BEGINNING and containing 11.426 acres of land.

This description prepared from a survey and plat prepared by the undersigned dated March 16, 2011.

  
Gary D. Nutter  
Registered Professional Land Surveyor  
Texas Registration No. 5659



LJA Engineering & Surveying, Inc.

