

Harris County
Armand Bayou Coastal Preserve

Filed October 30 19 96

WAIVER OF INTEREST

GARRY MAURO, Com'r

By Douglas Howard

This Waiver of Interest is executed and delivered by Harris County for the benefit of the State of Texas and the General Land Office (State or GLO) in conjunction with the Armand Bayou Marsh Creation Project (the Marsh Project), a cooperative effort of the Texas Parks and Wildlife Department (TPWD) and the Texas Department of Transportation (TxDOT).

WHEREAS, the GLO has leased to the TPWD certain state-owned submerged lands in Harris County, Texas, as more particularly described in Coastal Lease No. 900007, for public recreation and for the management of an estuarine preserve; and

WHEREAS, Harris County owns littoral property adjacent to the state-owned submerged lands leased to TPWD; and

WHEREAS, TPWD and TxDOT have agreed to jointly fund a project to create 1.5 acres of marsh habitat within the Armand Bayou Coastal Preserve in an area adjacent to the lands of the County; and

WHEREAS, the activities necessary to complete the Marsh Project may result in the emergence or drying of submerged land adjacent to the littoral property of the County; and

WHEREAS, the County and the GLO wish to avoid any conflict or confusion which may arise as a result of a change in the character of the submerged lands adjacent to the littoral property of the County;

NOW, THEREFORE, the parties hereto agree as follows, on the stated terms and conditions, in consideration of the mutual benefits.

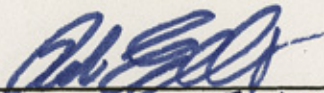
1. GLO does hereby acknowledge its consent to the Marsh Project, as set forth in that certain 1995 Memorandum of Agreement, (the MOA) by and among GLO, TPWD, TxDOT, and the Galveston Bay Foundation (GBF) and the scope of work contained therein.
2. The County hereby acknowledges that the MOA requires that the present delineation between its littoral property and the state-owned submerged land upon which the Marsh Project is to be undertaken to be monumented and documented by the GBF.
3. The County agrees to, and does hereby, waive, relinquish, and release any claim or right to assert a claim to any right, title, interest, or ownership in state-owned submerged land, as documented above, which may become emergent fast land as a result of the activities necessary to complete the Marsh Project described above. Nothing herein constitutes a relinquishment by the County of any real property interest owned by the County.

4. The County represents that it is the owner of the littoral property adjacent to the site of the Marsh Project and has the requisite authority to enter into this agreement, binding itself, its successors and assigns and that the undersigned representative of the County has the authority to execute this agreement for and on behalf of the County.

5. This Waiver of Interest shall be recorded in the records of Harris County, Texas, and constitutes a covenant running with the littoral property of the County, binding on the County and the successors and assigns of the County.


DATED this 31st day of October, 1996.

HARRIS COUNTY


Name: Robert Eckels
Title: County Judge

ACKNOWLEDGED AND AGREED:

GENERAL LAND OFFICE


Spencer Reid
Senior Deputy Commissioner

Date: 10/30/96

2025 OCT 31 12:25 PM
HARRIS COUNTY CLERK
JANIS G. CALDWELL
COMMISSIONER

2025 OCT 31 12:25 PM
HARRIS COUNTY CLERK
JANIS G. CALDWELL
COMMISSIONER

Armand Bayou Coastal Preserve

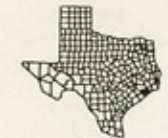
TEXAS GENERAL LAND OFFICE
Austin, Texas

CERRY HADDIS
Commissioner
December 1993



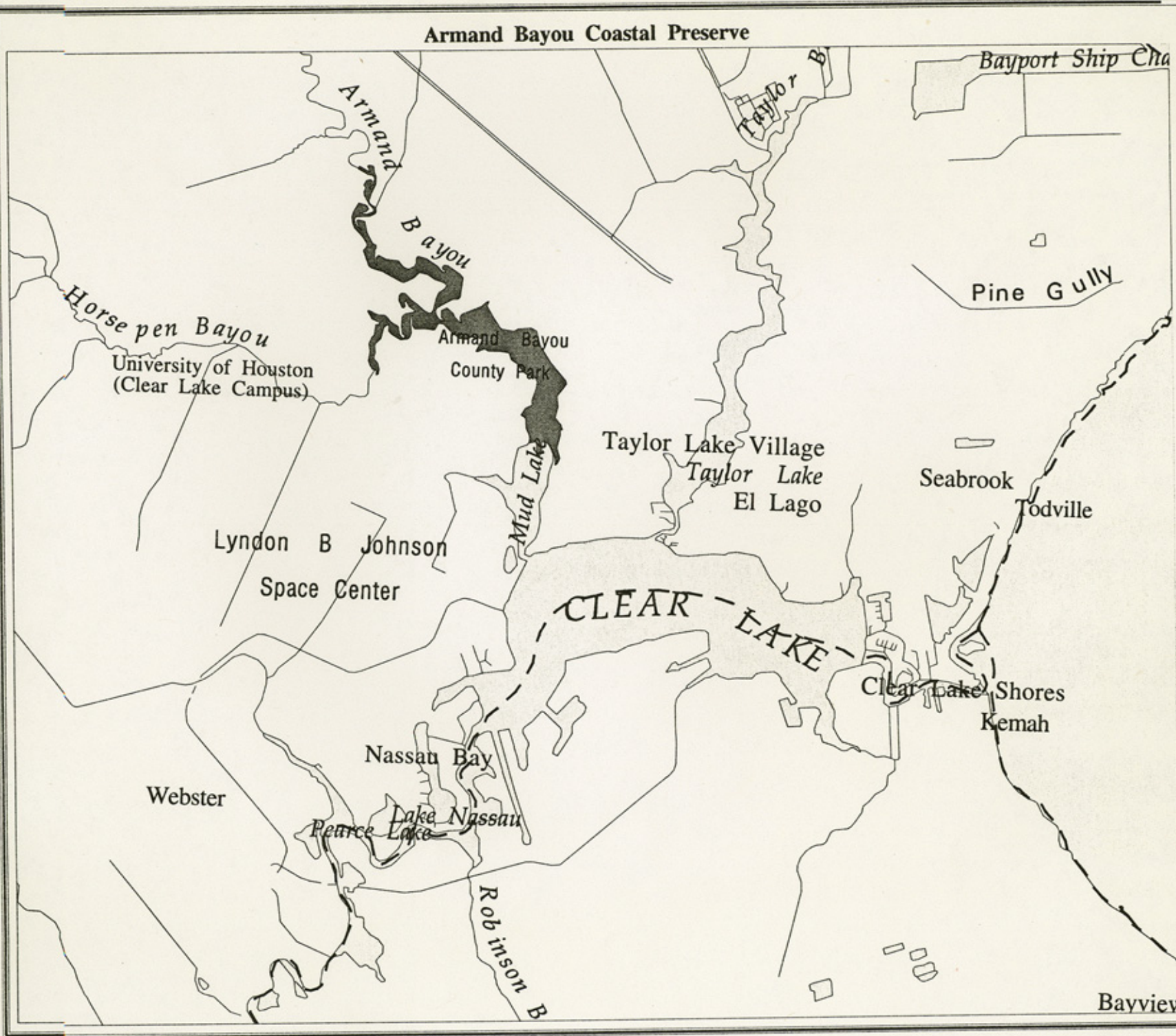
- 1982 Boundary
- 1950-1960 Surveyed Lake
- 1960-1970 Surveyed Lake
- 1970-1980 Surveyed Lake
- 1980-1990 Surveyed Lake
- 1990-1993 Surveyed Lake
- 1993-1995 Surveyed Lake
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- 2020-2021 Surveyed Lake
- 2021-2022 Surveyed Lake
- 2022-2023 Surveyed Lake
- 2023-2024 Surveyed Lake
- 2024-2025 Surveyed Lake

SCALE 1:60,739
One inch represents 0.99 miles
0 1000 2000
Feet
Albers Equal Area Projection



Compiled by Neal Friedman/Bong Houston
Texas General Land Office
Resource Management
Coastal Division

Harris Co. Sketch File 107



coenter 26017

Terry A. Anderson, P.E.

County Engineer
(713) 755-5370



MEMORANDUM

DATE: 18 September 1996

TO: Judge Mike Driscoll
County Attorney

ATTN: Ms. Mary J. McKerral

CC: Mr. Paul Virgadamo, Pct. 2
Mr. Terry A. Anderson, P.E., HCED
Mr. Jackie L. Freeman, HCED
Mr. Robert L. Castille, P.E.
Mr. Michael Swain, AIA
Central File

FROM: Mr. John deBessonnet, RLA
Parks Planner

SUBJECT: Waiver of Interest in Created Uplands Adjacent to Armand Bayou
Nature Center; C.A., File No. 60,657

At your request I have reviewed both the Memorandum of Agreement between the Galveston Bay Foundation (GBF) and Various State Agencies as well as the proposed Waiver of Interest that the GBF has requested of Harris County. The GBF marsh restoration project adjacent to Armand Bayou Nature Center has the potential of converting state owned submerged land to upland property over time. The state has requested that Harris County waive the right to claim any emerged dry land as a result of the restoration project.

As the project will not involve or convert any property currently owned by Harris County, the proposed restoration project and Waiver of Interest will not violate any existing grant guidelines in effect at Armand Bayou Nature Preserve.

Additionally, as the proposed project will ultimately benefit Harris County by reducing the potential of erosion in Armand Bayou Park, I recommend that the waiver be executed so the project may proceed.

If you have any questions or need further information, please give me a call at 755-5583.

JED/dtj



MIKE DRISCOLL
County Attorney

September 23, 1996

First Assistant:
Marsha L. Floyd

Bureau Chiefs:
James E. McKnight
David R. Hurley
Doel A. Wind

Division Chiefs:
Rosalinda Garcia
Richard S. Hill
Anthony F. Loria
Mary J. McKerral
Vaterie U. Millholland
Rock W. A. Owens
Lisa S. Rice
Frank B. Sanders

Honorable Jim Fonteno
Harris County Precinct Two
Building

Attention: Mr. Paul Virgadamo, Jr.

Re: Waiver of Interest in Created Uplands Adjacent to Armand Bayou
Nature Center; C.A. File No. 60,657

Dear Commissioner Fonteno:

You asked this office to review a proposed Waiver of Interest requested by the Galveston Bay Foundation in connection with the Galveston Bay Foundation's marsh restoration project adjacent to the Armand Bayou Nature Center. We referred the Waiver of Interest to the Harris County Engineer's Office for review concerning any impact on adjoining county property.

Based upon our review of the Waiver of Interest and the Memorandum from the County Engineer's office we recommend that Harris County Commissioner's Court approve the waiver and authorize the Harris County Judge to execute the waiver. A copy of the county engineer's memorandum and the Waiver of Interest are attached.

Please let us know if you have any further questions in this regard.

Yours very truly,

MIKE DRISCOLL,
County Attorney

Mary J. McKerral
MARY J. MCKERALL
Division Chief
Real Property Division

MD:MJM:mjm
attachments

1001 Preston, Suite 634, Houston, TX 77002-1891 (713) 755-5101 Fax# (713) 755-8924

Hospital District Division: 2525 Holly Hall, Suite 190, Houston, TX 77054 (713) 746-6556 Fax# (713) 746-6558

Children's Protective Division: 5100 Southwest Freeway, Houston, TX 77056 (713) 599-5870 Fax# (713) 599-7270

Harris Co. Sk. File 107

Jim Fonteno
COMMISSIONER



NORTH CHANNEL ANNEX #26
14350 WALLISVILLE ROAD
HOUSTON, TEXAS 77049
(713) 455-8104

October 1, 1996

AGENDA ITEM
10/08/96

All Members of Commissioners Court
Harris County Administration Bldg.
1001 Preston, 9th Floor
Houston, Texas 77002

Dear Court Members:

Precinct Two requests Harris County Commissioner's Court approve the waiver and authorize the Harris County Judge to execute the waiver. Attached is a copy of the county engineer's memorandum and the Waiver of Interest.

Thank you for your consideration of this request.

Sincerely,

Jim Fonteno, Commissioner
Harris County, Precinct Two

JF/bb

Attachment

cc: Elmo Wright
Gene Mosley

PRESENTED TO
Commissioners Court
Date OCT 08 1996

Approve
FL

APPROVED:

Approved

Recorded Vol. _____ Page _____

10-3-96
Date
COUNTY BUDGET OFFICER & COMMISSIONERS COURT COORDINATOR

96 OCT -3 PM 3:26

Harris Co. SK. File 107

"Service is Our Priority"

counter 26020

Paul W.

To: ~~Becky Loper~~
From: Pat Jackson
Subject: Agenda Item
Date: October 9, 1996

P.J.

MEMORANDUM

Please have the two attached originals of a Waiver of Interest that was approved in Court on Tuesday, October 8th, signed where indicated by Spencer Reid and return one fully executed original to me for retention in our permanent files.

Please do not hesitate to contact me at extension 6401 if I can be of assistance.



Harris Co. Sk. File 107

Counter 26021

Jim Fonteno
COMMISSIONER



NORTH CHANNEL ANNEX #26
14350 WALLISVILLE ROAD
HOUSTON, TEXAS 77049
(713) 455-8104 4144

October 15, 1996

Texas General Land Office
Mr. Spencer Reid,
Senior Deputy Commissioner
1700 North Congress Avenue
Austin, Texas 78701

Dear Mr. Reid:

Enclosed are the originals of a Waiver of Interest that was approved in Harris County Commissioners Court on October 8, 1996. Please sign the documents and return to our office.

If you have any questions, please contact Paul Virgadamo, Jr. at (713) 455-8104.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jim Fonteno".

Jim Fonteno, Commissioner
Harris County, Precinct Two

JF/bb

GENERAL LAND OFFICE

GARRY MAURO
COMMISSIONER

MEMORANDUM

DATE: January 22, 1997

TO: Doug Howard, Surveying Division

FROM: LaNell Aston

SUBJECT: Armand Bayou Coastal Preserve

Please create a new sketch file for Harris County in which to file the attached documents: Waiver of Interest, related correspondence, and map of location.

You will notice that Item No. 1 in the Waiver refers to a 1995 Memorandum of Agreement. I have requested a copy of that Memorandum and will forward same to you to file with these other documents.

Please make a notation of the new Harris Co. Sk. File No. on the Harris County GLO maps and on the appropriate SAM.

Harris Co. SK. File 107

Counter 26023