

COMMISSIONERS COURT RECESSED AT 9:50 A.M. ON TUESDAY, APRIL 29, 1997

COMMISSIONERS COURT RECONVENED AT 10 A.M. ON TUESDAY, APRIL 29, 1997.

AGENDA ITEM # 23

April 29, 1997

VOL.88, pg 353

Consider and take action on proceeding with condemnation including adoption of resolution for health, safety and welfare pertaining to Coupland Sewer Project.

Moved: Judge Doerfler

Seconded: Commissioner Boatright

Motion: To proceed with condemnation including adoption of resolution for health, safety and welfare pertaining to Coupland Sewer Project.

Vote: Motion carried 4 - 0

*** See Resolution recorded in Volume 88, page 362, 363 & 364

COMMISSIONERS COURT ADJOURNED TO EXECUTIVE SESSION AT 10:20 A.M. ON TUESDAY, APRIL 29, 1997.

AGENDA ITEM # 24

April 29, 1997

VOL.88, pg 353

Discuss pending/potential litigation: Gary D. Doyle, et al vs. County of Williamson, et al (Executive Session requested as per V.T.C.A. Govt. Code, Section 551.071 pertaining to consultation with attorney).

Those present were Judge Doerfler, Commissioners Heiligenstein, Boatright and Hays along with County Attorney Gene Taylor and First Assistant County Attorney Dale Rye.

Pending/potential litigation: Gary D. Doyle, et al vs. County of Williamson, et al was discussed but no action was taken in Executive Session.

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COMMISSIONERS COURT RECONVENED AT 10:29 A.M. ON TUESDAY, APRIL 29, 1997.

AGENDA ITEM # 25

April 29, 1997

VOL.88, pg 353

Discuss and take appropriate action on pending/potential litigation: Gary D. Doyle, et al vs. County of Williamson, et al.

Moved: Commissioner Hays

Seconded: Commissioner Boatright

Motion: To retain attorney Mark Dietz to monitor pending/potential litigation: Gary D. Doyle, et al vs. County of Williamson, et al.

Vote: Motion carried 4 - 0

AGENDA ITEM # 26April 29, 1997*Hear comments from commissioners.

Commissioner Boatright discussed the public meeting held last week in Cedar Park regarding County Road 272 attended by approximately 50 people.

Commissioner Heiligenstein requested 2 agenda items for the May 6, 1997, meeting: consider authorizing appraisal for the portion of the Henderson Tract Subdivision (on County Road 170) to become part of SH 45 and consider authorizing the court to enter into negotiations for purchase of required acreage of the Newman tract.

Judge Doerfler distributed a listing of projects to be discussed in the 4 p.m. public hearing today. In addition to previously discussed projects was County Road 101 bridge and courthouse balustrades. Also he mentioned our county computer system and a decrease in the estimated prices for the Cedar Park annex and the Lake Creek drainage project.

COMMISSIONERS COURT RECESSED AT 10:40 A.M. ON TUESDAY APRIL 29, 1997.

COMMISSIONERS COURT RECONVENED AT 4:00 P.M. ON TUESDAY APRIL 29, 1997.

AGENDA ITEM # 27April 29, 1997*

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Hold public hearing on intent to issue certificates of obligation.

Judge Doerfler announced public hearing open on intent to issue certificates of obligation at 4 p.m. on Tuesday, April 29, 1997.

The County Judge requested each speaker limit their time to 3 minutes and no one repeat a point which had already been brought to the attention of the court.

Charles Roth, President of the Neighborhood Association of Southwest Williamson County spoke in favor of the Lake Creek Drainage project along with Charles Lowe, Carroll Wright, Erica Lustad and numerous residents of the area.

John Behrens and Terry Davis spoke against the improvement of County Road 272 with Philip Joseph, Sandy Vasalek, Bob Coonrod speaking for and Roland and Sharon Krienke both volunteered to donate right-of-way for the improvements which they believed to be necessary.

Residents of Churchill Farms were present to express their displeasure at the extension of Georgetown Innerloop from the intersection of Farm to Market 1460 and Snead Loop to where the existing Georgetown Inner Loop meets Texas 29.

Wilbert Belson and Ed Cole spoke in favor of the bridge on County Road 101.

Judge Doerfler announced public hearing closed on intent to issue certificates of obligation at 6:15 p.m. on Tuesday, April 29, 1997.

AGENDA ITEM # 28

April 29, 1997

*

Discuss and take any appropriate action on issuance of certificates of obligation.

Moved: Commissioner Heiligenstein

Seconded: Commissioner Boatright

Motion: To appoint Judge Doerfler and a representative of First Southwest financial advisors to meet and discuss land purchase for Multi-Purpose facility, Cedar Park Annex, Jail Expansion, County Road 272, Georgetown Inner Loop, Taylor Annex, Lake Creek Drainage, Rodney Montgomery land, Houses on Academy Block, Phone Systems at Criminal Justice Center and Sheriff's Office, Assist with downtown Georgetown parking and Bridge on County Road 101 for tax increase anticipation figures.

Vote: Motion carried 5 - 0

< Clerk copy here >

COMMISSIONERS COURT ADJOURNED AT 6:10 P.M. ON TUESDAY, APRIL 29, 1997.

C.O. 'S
(IN MILLIONS)

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2.2	Multi-Purpose Facilities Land
1	Cedar Park Annex
0.5	Jail Expansion
0.75	County Road 272
0.5	Georgetown Inner Loop
1.5	Taylor Annex
1.75	Lake Creek Drainage
0.15	Rodney Montgomery Place
0.4	Houses on Academy Block
0.25	Phone Systems @ Criminal Justice Center and Sheriff's Office
0.2	Assist with Downtown Georgetown Parking
9.2	TOTAL
-0.2	Cedar Park Annex
-0.5	Lake Creek Drainage
8.5	TOTAL
1.5	Courthouse Ballistrades ????
0.35	Bridge on County Road 101 ????

101

THE FOREGOING MINUTES in Volume 88 on pages 279 through 364, inclusive had at a Special Session of Commissioners Court of Williamson County, Texas, having been read are hereby approved this 6th day of May, 1997.

John C. Doerfler, County Judge

ATTEST: Elaine Bizzell, Clerk County Court & Ex-officio Clerk,
Commissioners Court, Williamson County, Texas

by: _____
Deputy Clerk

*** See Action taken on April 8, 1997, Agenda item #13 recorded in Volume 87, page 867 of the Commissioners Court Records of Williamson County, Texas.

Resolution

The State of Texas }
County of Williamson } Know All Men By These Presents:

That on this, the 8th day of April, A. D. 1997, the Commissioners Court of Williamson County, Texas, met in duly called and convened lawful Session at the County Courthouse in Georgetown, Texas, with the following members present:

John Doerfler, County Judge, Presiding,
Mike Heiligenstein, Commissioner Precinct One,
Greg Boatright, Commissioner Precinct Two, and
David Hays, Commissioner Precinct Three, and

where, among other matters, came up for consideration and adoption the following Resolution:

Whereas, Williamson County is currently making improvements to County Road 279, a public highway in and of said County, said construction being a public project that will greatly benefit the health and safety of the residents of the county;

Whereas, the only practicable means of accomplishing said road improvements require the use of a certain 0.242 acre tract out of Block "D," Live Oak Ranch Unit 2, without existing improvements, said tract being more particularly described on Exhibit "A" to this Resolution, which is hereby incorporated by reference as fully and completely as if set out verbatim herein; and

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Whereas, negotiations for the voluntary sale of such buffer by the owner, Boyd F. Henry, have been conducted by the county in good faith, and have included the offer of the full appraised value of such property to the owner, but such negotiations have reached an impasse,

Therefore be it Resolved, that the Williamson County Commissioners Court find, and does hereby find, that there is a public necessity for the taking of the entire property more particularly described on Exhibit "A" to this Resolution, and that such taking would be for public use as above stated and is required by public necessity;

Further Resolved, that the County Attorney (or such private attorney as may be retained by the County Judge with the consent of the County Attorney) shall be authorized to take whatever steps may appear reasonably necessary to acquire absolute ownership by eminent domain (including, but

not limited to, the filing of a lawsuit) without any further action of this court; and

Further Resolved, that County Judge John Doerfler be, and is hereby, authorized to sign this Resolution as the act and deed of Commissioners Court.

The foregoing Resolution was lawfully moved by Commissioner Hays, duly seconded by Commissioner Boatright, and duly adopted by the Commissioners Court on a vote of 4 members for the motion and none opposed.


John Doerfler, Williamson County Judge

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Exhibit A

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Phone # 512-306-0032
Fax # 512-306-1002

Dixon Land Surveying

25 Years of Surveying Experience
at Your service

Thomas P. Dixon R.P.L.S.
Owner

March 31, 1997

CR279N

Page 1 of 2

FIELD NOTES

FIELD NOTES FOR 0.242 ACRES OF LAND BEING 0.148 ACRES OUT OF AND PART OF LOT 2, BLOCK "D", LIVE OAK RANCH UNIT 2, A SUBDIVISION IN WILLIAMSON COUNTY, TEXAS, TOGETHER WITH 0.094 ACRES OUT OF LOT 1, BLOCK "D", LIVE OAK RANCH UNIT 2, ALL 0.242 ACRES BEING OUT OF AND PART OF THAT CERTAIN TRACT OR PARCEL OF LAND CONVEYED TO BOYD F. HENRY RECORDED IN VOLUME 1642, PAGE 775, DEED RECORDS, WILLIAMSON COUNTY, TEXAS; FOR WHICH A MORE PARTICULAR DESCRIPTION BY METES AND BOUNDS IS AS FOLLOWS:

BEGINNING at an iron rod found on the common north R.O.W. of Antler Trail and the east R.O.W. of County Road 279, same being on the west line of said Lot 2, for the S.W. corner hereof;

THENCE the following four (4) courses and distances along the common east R.O.W. of County Road 279 and the west line of said Boyd F. Henry tract as fenced and occupied on the ground:

1. N14°17'35"W for a distance of 114.88 feet to an iron rod found;
2. N07°48'55"W for a distance of 71.66 feet to an iron rod found;
3. N06°31'43"W for a distance of 190.03 feet to an iron rod found at the common N.W. corner of said Lot 2 and the S.W. corner of said Lot 1 for a corner hereof;
4. N06°22'43"W for a distance of 402.27 feet to an iron rod found at the N.W. corner of said Lot 1, same being the N.W. corner of said Boyd F. Henry tract for the N.W. corner hereof;

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THENCE N71°52'17"E along the north line of said Lot 1 for a distance of 8.21 feet to an iron rod set for the N.E. corner hereof;

THENCE S07°25'29"E, crossing said Lot 1 for a distance of 401.32 feet to an iron rod set on the south line of said Lot 1 for a corner hereof;

THENCE the following three (3) courses and distances crossing said Lot 2:

1. S07°25'29"E for a distance of 214.61 feet to an iron rod set at the point of tangency of a curve to the left having a radius of 1493.00 feet;
2. 129.77 feet along the arc of said curve to the left with a chord which bears S09°54'53"E for a distance of 129.73 feet to an iron rod set at the point of a compound curve to the left having a radius of 30.00 feet;

Exhibit A

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Phone # 512-306-0032
Fax # 512-306-1002

Dixon Land Surveying

25 Years of Surveying Experience
at Your service

Thomas P. Dixon R.P.L.S.
Owner

March 31, 1997

CR279N

Page 1 of 2

FIELD NOTES

FIELD NOTES FOR 0.242 ACRES OF LAND BEING 0.148 ACRES OUT OF AND PART OF LOT 2, BLOCK "D", LIVE OAK RANCH UNIT 2, A SUBDIVISION IN WILLIAMSON COUNTY, TEXAS, TOGETHER WITH 0.094 ACRES OUT OF LOT 1, BLOCK "D", LIVE OAK RANCH UNIT 2, ALL 0.242 ACRES BEING OUT OF AND PART OF THAT CERTAIN TRACT OR PARCEL OF LAND CONVEYED TO BOYD F. HENRY RECORDED IN VOLUME 1642, PAGE 775, DEED RECORDS, WILLIAMSON COUNTY, TEXAS; FOR WHICH A MORE PARTICULAR DESCRIPTION BY METES AND BOUNDS IS AS FOLLOWS:

BEGINNING at an iron rod found on the common north R.O.W. of Antler Trail and the east R.O.W. of County Road 279, same being on the west line of said Lot 2, for the S.W. corner hereof;

THENCE the following four (4) courses and distances along the common east R.O.W. of County Road 279 and the west line of said Boyd F. Henry tract as fenced and occupied on the ground:

1. N14°17'35"W for a distance of 114.88 feet to an iron rod found;
2. N07°48'55"W for a distance of 71.66 feet to an iron rod found;
3. N06°31'43"W for a distance of 190.03 feet to an iron rod found at the common N.W. corner of said Lot 2 and the S.W. corner of said Lot 1 for a corner hereof;
4. N06°22'43"W for a distance of 402.27 feet to an iron rod found at the N.W. corner of said Lot 1, same being the N.W. corner of said Boyd F. Henry tract for the N.W. corner hereof;

81

THENCE N71°52'17"E along the north line of said Lot 1 for a distance of 8.21 feet to an iron rod set for the N.E. corner hereof;

THENCE S07°25'29"E, crossing said Lot 1 for a distance of 401.32 feet to an iron rod set on the south line of said Lot 1 for a corner hereof;

THENCE the following three (3) courses and distances crossing said Lot 2:

1. S07°25'29"E for a distance of 214.61 feet to an iron rod set at the point of tangency of a curve to the left having a radius of 1493.00 feet;
2. 129.77 feet along the arc of said curve to the left with a chord which bears S09°54'53"E for a distance of 129.73 feet to an iron rod set at the point of a compound curve to the left having a radius of 30.00 feet;

5. 47.28 feet along the arc of said curve to the center
with a chord which bears S63°16'29"E for a distance
of 42.54 feet to an iron rod set on the north R.O.W.
of Antler Trail for the S.E. corner hereof;

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6305 Forest Hills Drive
Austin, Texas 78746

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Phone # 512-306-0032
Fax # 512-306-1002

Dixon Land Surveying

25 Years of Surveying Experience
at Your service

Thomas P. Dixon R.P.L.S.
Owner

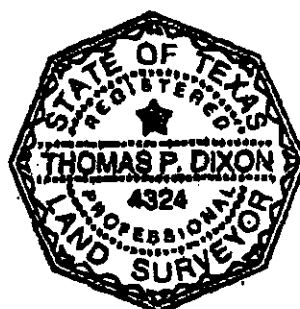
March 31, 1997

Page 2 of 2

THENCE S71°52'17"W along the north R.O.W. of Antler Trail for a distance of 46.01 feet to the POINT OF BEGINNING, containing 0.242 acres of land, more or less.

"I, the undersigned do hereby certify that the field notes shown hereon were prepared from an on-the-ground survey under my direct supervision and that they are true and correct to the best of my knowledge."


Thomas Parker Dixon R.P.L.S. 4324



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Resolution

The State of Texas }
County of Williamson } Know All Men By These Presents:

That on this, the 29th day of April, A. D. 1997, the Commissioners Court of Williamson County, Texas, met in duly called and convened lawful Session at the County Courthouse in Georgetown, Texas, with the following members present:

John Doerfler, County Judge, Presiding,
Mike Heiligenstein, Commissioner Precinct One,
Greg Boatright, Commissioner Precinct Two, and
David Hays, Commissioner Precinct Three, and

where, among other matters, came up for consideration and adoption the following Resolution:

Whereas, Williamson County is participating in the construction of a wastewater treatment plant for the unincorporated community of Coupland within said county, said construction being a public project that will greatly benefit the health and safety of the residents of the county;

Whereas, by the provisions of 31 Texas Administrative Code § 309.13(e)(1)(B) and the laws of the State of Texas, the construction of such plant requires the creation of a buffer around the plant that would restrict the owner of the property, his heirs, assigns, or tenants from using, or allowing any other person or entity to use, any existing or future structure (including, but not limited to, a house, apartment, duplex, trailer, mobile home, shack, tent, garage, or other outbuilding) located within the buffer as a residence, either temporarily or permanently;

Whereas, the public convenience and necessity require that the buffer for the Coupland treatment plant be located on property owned in fee simple and occupied as an integral part of the project;

Whereas, the only land that can possibly serve as the required buffer is that certain property without existing improvements more particularly described on Exhibit "A" to this Resolution, which is hereby incorporated by reference as fully and completely as if set out verbatim herein; and

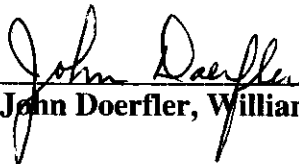
Whereas, negotiations for the voluntary sale of such property by the owners, Max M. Marosko and wife, Karen Marosko, have been conducted by the county in good faith, and have included the offer of the full appraised value of such property to the owners, but such negotiations have reached an impasse,

Therefore be it Resolved, that the Williamson County Commissioners Court find, and does hereby find, that there is a public necessity for the taking of the entire property more particularly described on Exhibit "A" to this Resolution, and that such taking would be for public use as above stated and is required by public necessity;

Further Resolved, that the County Attorney (or such private attorney as may be retained by the County Judge with the consent of the County Attorney) shall be authorized to take whatever steps may appear reasonably necessary to acquire absolute ownership by eminent domain (including, but not limited to, the filing of a lawsuit) without any further action of this court; and

Further Resolved, that County Judge John Doerfler be, and is hereby, authorized to sign this Resolution as the act and deed of Commissioners Court.

The foregoing Resolution was lawfully moved by Judge Doerfler, duly seconded by Commissioner Boatright and duly adopted by the Commissioners Court on a vote of 4 members for the motion and none opposed.


John Doerfler, Williamson County Judge

FIELD NOTES FOR 6.64 ACRE CONTROL EASEMENT

All that certain tract or parcel of land situated in Williamson County, Texas and being a part of the Jos. Jordan Survey, A-357, and being also a part of a 176.13 acre tract of land, designated as the First Tract, conveyed to Max M. Morosko by deed recorded in Volume 532, Page 44 of the Deed Records of Williamson County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a point on the East line of the M. K. & T. Railroad in the Southwest corner of the above referenced First tract and being the Northwest corner of the O.C. Pfluger Addition to the City of Coupland.

THENCE N 05° 15'E with the East line of the said Railroad 365.80 feet to the Northwest corner of this tract.

THENCE with the arc of a circle to the right 281.82 feet, said curve having a radius of 500.00 feet, a central angle of 32° 17' 37", and a chord which bears N 79° 43' 30" E 278.10 feet to the PT of the said curve.

THENCE S 84° 30' 00" E a distance of 68.00' to the PC of a curve having a radius of 500.00 feet and a central angle of 90°.

THENCE with the arc of the said curve 785.40 feet, the chord of which bears S 39° 07' 41" E 707.11 feet to the PT of the said curve.

THENCE S 05° 52' 19" W 72.14 feet to a point on the north line of Lot 9, Block 3 of the O.C. Pfluger Addition.

THENCE N 84° 50' W 23 7.43 feet to the Northeast corner of Lot 10, Block 2 of the O. C. Pfluger Addition.

THENCE N 05° 10' E 145.00 feet to the Northeast corner of Lot 5, Block 2 of the O. C. Pfluger Addition.

THENCE N 84° 50' W 391.33 feet with the North line of Block 2 and Block 1 to an angle point of this tract.

THENCE S 02° 00' W 6.94 feet the Northeast corner of the Section House lot for an angle point of this tract.

THENCE N 84° 30' W 200.00 feet to the POINT OF BEGINNING containing 6.64 acres (7.64 acres less 1.00 acre within dedicated ROW) of land more or less.