

Discuss and take appropriate action on authorizing issuance of check and designate funding source pertaining to Williamson County Texas vs. Boyd F. Henry, (check to deposited with Williamson County District Clerk).

Moved: Commissioner Hays

Seconded: Commissioner Mehevec

Motion: To authorize issuance of \$1,380.00 check to be deposited with the Williamson County District Clerk with funding from the Road & Bridge right-of-way line item.

Vote: Motion carried 5 - 0

< Clerk copy here >

NO. 97-151-C368

WILLIAMSON COUNTY, TEXAS	§	IN THE 368TH JUDICIAL
Plaintiff	§	
	§	
V.	§	DISTRICT COURT
	§	
BOYD F. HENRY	§	
Defendants	§	WILLIAMSON COUNTY, TEXAS

AWARD AND FINDINGS OF THE SPECIAL COMMISSIONERS

TO THE HONORABLE JUDGE OF SAID COURT:

On June 20, 1997, at 9:00 A.M., at the Williamson County Courthouse Annex Building, 405 Martin Luther King, Georgetown, TX 78626, the above-entitled and numbered Eminent Domain Proceeding came on to be heard before the undersigned Special Commissioners, and came the Plaintiff, WILLIAMSON COUNTY, TEXAS, by and through its attorney of record, and came the following named Defendant(s), appearing in person or represented by counsel:

Defendant and Attorney Did not appear though duly notified.

FILED
at _____ o'clock _____ M

JUN 20 1997

I.

WILLIAMSON COUNTY, TEXAS has filed its Original Petition with the Honorable Judge of said Court, wherein it seeks a Judgment in Eminent Domain to acquire a perpetual easement in, to, upon, over, across and under the real property described in the Field Notes attached hereto as Exhibit "A" and made a part hereof for all purposes as if fully set out herein, as well as to acquire any and all improvements located upon the real property described in the Field Notes attached hereto as Exhibit "A" and made a part hereof for all purposes as if fully set out herein.

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II.

Special Commissioners having been duly appointed by the Honorable Judge of said Court, having taken the necessary oath, and having issued written Notice of this hearing to each Defendant, and each Defendant having been timely served with this Notice and Plaintiff's Original Petition, or having accepted service by executing a Waiver, or having appeared in person or by an attorney in this matter, all in the manner prescribed by law, we, the undersigned 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 assess the amount of compensation for the value of the perpetual easement sought in the aforescribed land including the improvements thereon, if any,

and for the diminution, if any, in the value of the Remainder by reason of such condemnation, to be paid by the Plaintiff, WILLIAMSON COUNTY, TEXAS, as follows:

For the value of the land taken for perpetual easement in and to the land aforescribed by attached Exhibit "A", and for the improvements located thereon, the sum of \$ 1,380.00 and for damages, if any, to the remainder of the defendants' property by reason of such condemnation and taking, the sum of \$ X, being a total sum of \$ _____ awarded herein for the land and property taken and as damages, if any, to the remainder.

This sum is to be paid into the Registry of this Court payable to the order of the Defendants in this case, said Defendants being listed in Plaintiff's Original Petition.

III.

Plaintiff shall have title to said lands and those rights therein, all as more fully described in Plaintiff's Original Petition heretofore filed in this cause, to which reference is here made and the contents of which are herein included, for all purposes. We, the said Special Commissioners, award the hereinabove described lands, property, and titles thereto to WILLIAMSON COUNTY, TEXAS, for perpetual easement purposes with full and complete right, use and possession thereof.

IV.

The aforesaid total amount of compensation awarded herein by the undersigned Special Commissioners being an amount greater than the total amount of compensation offered by the Plaintiff before instituting these eminent domain proceedings, we, the undersigned Special Commissioners do adjudge that the Plaintiff shall pay all costs of this proceeding, including the fees of each Special Commissioner, all in accordance with Tex. Prop. Code Ann. §21.047 and §21.048 (1983).

V.

Our decision is hereby reduced to writing, and it and all other papers connected with this proceeding are herewith returned to the Honorable Judge of said Court.

SIGNED and DATED this the 20th day of June, 1997.

Tom H. Pily
SPECIAL COMMISSIONER

David S. Sells
SPECIAL COMMISSIONER
Paul E. Brinkman
SPECIAL COMMISSIONER

The above Award and Findings of the Special Commissioners is filed with me on this the 20th day of June, 1997.

W. Bud Cron
JUDGE PRESIDING

* The compensation concluded is based on the assumption that Williamson County will replace the perimeter fence along the proposed right of way line with a fence of comparable or better quality and condition than as currently exists

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TNP
D.A.

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;

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;
3. 47.28 feet along the arc of said curve to the left 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

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

Dixon Land Surveying

25 Years of Surveying Experience
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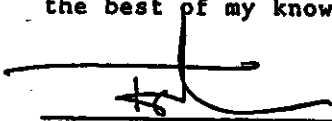
Thomas P. Dixon R.P.L.S.
Owner

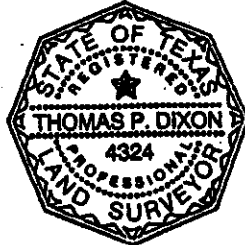
March 31, 1997

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



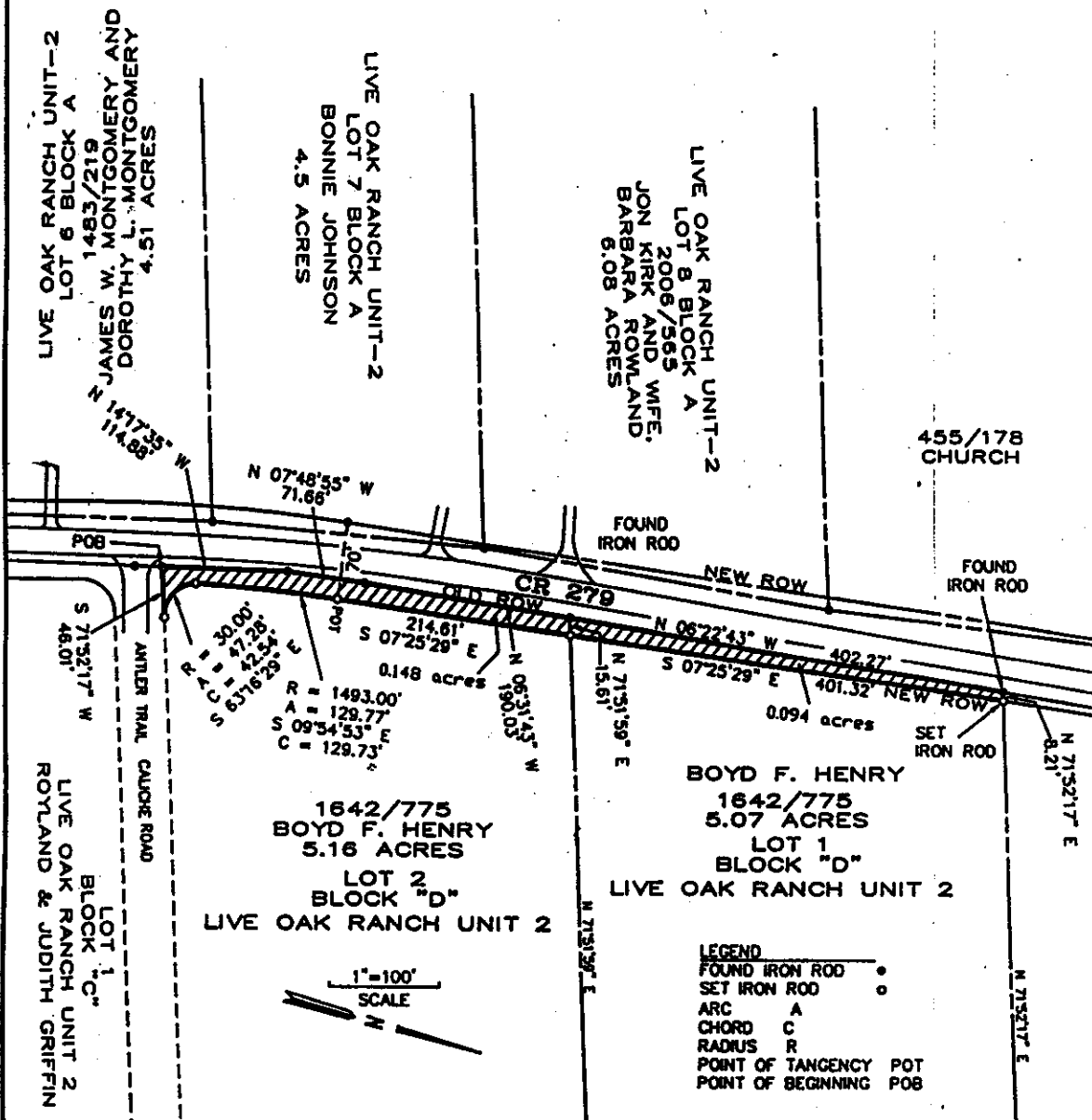
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6305 Forest Hills Drive
Austin Texas 78746

Dixon Land Surveying

SURVEY PLAT

CR279N

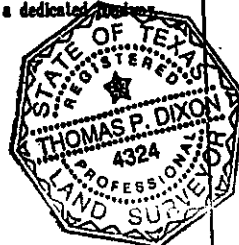


State of Texas:
County of Williamson:

The undersigned does hereby certify that this survey was this day made on the ground on the property legally described hereon and is correct, and that there are no discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements except as shown hereon, and that said property has access to and from a dedicated roadway except as shown hereon.

Dated this the 31ST day of MARCH 1997

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



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AGENDA ITEM # 38

July 1, 1997

*

Consider authorizing payment of special commissioners in Boyd F. Henry condemnation suit and authorizing issuance of checks and designation of funding source.

Moved: Judge Doerfler

Seconded: Commissioner Boatright

Motion: To authorize payment of \$200.00 for each special commissioner (Tom Pilgrim, Dale Illig and Ercel Brashear) for a total of \$600.00 in the Boyd F. Henry condemnation suit with funding to be taken out of Road & Bridge professional services.

Vote: Motion carried 5 - 0

NO. 97-151-C368

WILLIAMSON COUNTY, TEXAS
Plaintiff

V.

BOYD F. HENRY

Defendants

§
§
§
§
§
§
§

IN THE 368TH JUDICIAL

DISTRICT COURT

WILLIAMSON COUNTY, TEXAS

ORDER SETTING FEES OF THE SPECIAL COMMISSIONERS

BE IT REMEMBERED that the Special Commissioners previously appointed by this Court in the above styled and numbered cause, having discharged their duties according to law, and this court, being empowered under and by virtue of Tex. Prop. Code Ann. §21.047(c) (1983) to set their fees, it is, therefore, ORDERED that the fees of the Special Commissioners in this cause be, and they are hereby set and taxed as costs as follows:

Tom Pilgrim	SPECIAL COMMISSIONER	\$ <u>200.00</u>
Dale Illig	SPECIAL COMMISSIONER	\$ <u>200.00</u>
Ercel Brashear	SPECIAL COMMISSIONER	\$ <u>200.00</u>

SIGNED this 20th day of June, 1997.

By Bert Carras
JUDGE PRESIDING
368th Judicial District Court
Williamson County, Texas

FILED
at _____ o'clock _____ M

JUN 20 1997

Bert Carras
District Clerk, Williamson Co., TX

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