

AGENDA ITEM # 22July 22, 1997*

Consider approving inter-local agreement with Liberty Hill Development Foundation for the purchase of picnic tables from the Texas Department of Corrections.

Moved: Commissioner Boatright

Seconded: Judge Doerfler

Motion: To authorize Commissioner Boatright to enter into agreement with Liberty Hill Development Foundation for the purchase of picnic tables from the Texas Department of Corrections to be taken out of the Economic Development fund.

Vote: Motion carried 4 - 0

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AGENDA ITEM # 23July 22, 1997*

Discuss and take appropriate action regarding appointment for Capital Metro Board Member.

No action taken on agenda item at this time.

AGENDA ITEM # 24July 22, 1997*

Consider granting variance to Bratton property off of County Road 269.

Moved: Commissioner Heiligenstein

Seconded: Commissioner Boatright

Motion: To grant variance to 6 acres of Barbara Bratton's property off County Road 269 overriding previous variances to the property.

Vote: Motion carried 4 - 0

AGENDA ITEM # 25July 22, 1997*

Consider approving resolution authorizing McCreary, Veselka, Bragg & Allen, P.C. to assist the City of Cedar Park in acquiring certain real property.

Moved: Commissioner Mehevec

Seconded: Judge Doerfler

Motion: To approve resolution authorizing McCreary, Velelks, Bragg & Allen, P.C. to assist the City of Cedar Park in acquiring certain real property.

Vote: Motion carried 4 - 0

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RESOLUTION NO. _____

**RESOLUTION AUTHORIZING McCREARY, VESELKA, BRAGG & ALLEN, P.C.
TO ASSIST CITY OF CEDAR PARK IN ACQUIRING CERTAIN PROPERTY**

WHEREAS, the County of Williamson has engaged the firm of McCreary, Veselka, Bragg & Allen, P.C., to assist in collection of it delinquent ad valorem taxes; and

WHEREAS, the City of Cedar Park also utilizes the same firm; and

WHEREAS, the City of Cedar Park is desirous of utilizing McCreary, Veselka, Bragg & Allen, P.C. for assistance in procuring a certain piece of property on which there are delinquent taxes owing to both the city and school district which is now under the administration of the United States Bankruptcy Court; and

WHEREAS, the Commissioners' Court of the County of Williamson finds it to be in the public interest to authorize the firm of McCreary, Veselka, Bragg & Allen, P.C. to represent the City of Cedar Park with regard to procuring that certain property, being a tract located on the north side of FM 1431 and under the administration of the bankruptcy of Wayne M. Laymon, notwithstanding any conflicts which may result regarding the collection of taxes on that property;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS' COURT OF THE COUNTY OF WILLIAMSON, THAT:

The County of Williamson consents and approves to the utilization by The City of Cedar Park of the firm of McCreary, Veselka, Bragg & Allen, P.C., for assistance in procuring the above referenced property from the trustee of the above referenced bankruptcy notwithstanding any conflict which may arise therein regarding the ultimate collection of delinquent ad valorem taxes on that property.

The foregoing resolution was moved and seconded and adopted by a majority vote at a meeting of the Commissioners' Court of the County of Williamson on the 22ND day of July, 1997.

John C. Doerfler
John Doerfler, County Judge
County of Williamson

ATTEST:

Elaine Bizzell
Elaine Bizzell, County Clerk
County of Williamson

COPY

July 16, 1997

Gregg Boatright
Williamson County Commissioner
Precinct #2
600 N. Bell Boulevard
Cedar Park, Texas 78613

Re: CASE NO. 84-11503, CHAPTER 11, WAYNE M. LAYMON
Tax Account Number: W01680000023A006

Dear Commissioner Boatright:

As you may be aware, the above referenced bankruptcy has been pending for quite some time. The taxes on the above referenced account have, because of that, become seriously delinquent. There is now \$9,695.57 due the County on that tract since 1987.

The property consists of an approximately 30' wide strip along the north side of 1431 from approximately U.S. Hwy. 183 to near Bagdad Road. The appraisal district has long carried the strip as 11.5 acres. However, recent inquiry indicates that the strip is in fact considerably smaller, perhaps less than four acres. In 1995, the appraisal district devalued the account significantly from several hundred thousand dollars to \$11,500.00 due to the unusual nature of the property. As you I am sure have learned from your discussions with Jane McAdams, the City of Cedar Park wishes to acquire the property in order to provide expansion for FM 1431. The City has asked this firm's assistance in securing the property from the bankruptcy and putting it into the public domain. However, some of the tactics which may be utilitarian in accomplishing that objective might also impair the ability to ever collect the delinquent taxes on the account. Since our firm represents the County as well as the City, we could not take any action which would be contrary to the interests of the County.

Again, as I am sure you have learned from your discussions with Jane McAdams, the City is requesting that the County lend support to the City's acquisition of the property in question by agreeing to, if necessary, forego collection of the taxes on the property. The wisdom of that decision is for you and your fellow commissioners' decision. However, I am comfortable representing to you that it would be within the County's authority to participate in the acquisition of the property in that way since the property would be entering the public domain for the general good of the citizens of the County as well as the citizens of the City.

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Austin, TX 78731-4207
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FAX(512) 454-1881

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DENTON
300 E. McKinney St.
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Denton, TX 76201
(817) 382-3546
(817) 387-7475
FAX(817) 380-1311

LONGVIEW
140 East Tyler
Suite 280
Longview, TX 75601
(903) 767-6757
FAX(903) 753-7374

SAN ANGELO
17 E. Chadbourne
Suite 305
San Angelo, TX 76903
(915) 657-0198
FAX(915) 658-1421

VICTORIA
Box 2589
208 W. Constitution
Victoria, TX 77902
(512) 573-9999
FAX(512) 578-0477

WACO
100 N. 6th St.
Suite 704
Waco, TX 76701
(817) 758-7755
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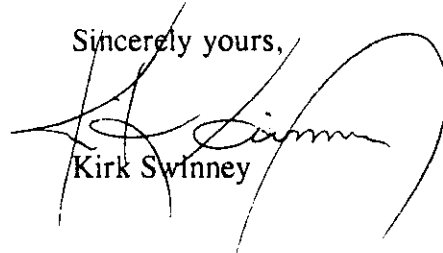
Letter to Gregg Boatright
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At the present time, however, I need some indication from the County whether it is willing to allow McCreary, Veselka, Bragg & Allen, P.C. to proceed with assisting the City in attempting to gain control of the property noting the potential conflict with ultimately collecting the taxes due on the property. I have enclosed a resolution for the Commissioners' Court consideration for that purpose. I will, of course, be glad to visit with you or the court to discuss the matter. I will, unfortunately, be out of touch the week of July 21st through July 25th, though I might be reached by telephone.

At this time, I cannot give the County any reasonable prediction whether the taxes could, as a practical matter, ever actually be collected in any case. The land in question is such an unusual parcel that its value is high dubious. The trustee in the bankruptcy has, on several occasions, received offers for quite significant sums for even small portions of the property. However, in the twelve years in which this bankruptcy has been pending, no offer has come to fruition in a property sale. I am further unable to give a reasonable prediction of the likelihood of success of efforts of the City to wrest the property from the bankruptcy and gain control of it. However, there are many possible scenarios and nuances of the problem which I would be happy to discuss. In any case, if the court decides to adopt the enclosed resolution, it should be only because the court is prepared to lose collection of the taxes on the property if need be to have the City acquire it.

I have discussed this matter with Deborah Hunt. If you or any of the commissioners desire further input or discussion with me, please let me know. Otherwise, if the County could indicate to me its position regarding the matter, specifically whether it will adopt the enclosed resolution, I would be most appreciative. The Leander Independent School District has already consented to the arrangement and has passed a resolution substantially similar to the one enclosed for the County.

Sincerely yours,



Kirk Swinney

DKS/vc
Enclosure

cc: Deborah Hunt, Tax Assessor-Collector, County of Williamson, P.O. Box 449,
Georgetown, TX 78627
Jane McAdams, Planning Director, City of Cedar Park, 600 N. Bell Blvd., Cedar
Park, TX 78613

AGENDA ITEM # 26

July 22, 1997

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Consider authorizing County Judge to sign Quit Claim Deed for portion of County Road 485 used for widening of FM 973.

Moved: Commissioner Mehevec

Seconded: Commissioner Boatright

Motion: To authorize County Judge to sign Quit Claim Deed for portion of County Road 485 used for widening of Fm 973.

Vote: Motion carried 3 - 0 With Commissioner Heiligenstein absent from dais

< Clerk copy here >

Texas Department of Transportation
Form D-15-30
Page 1 of 3 Rev. 9/91

Grantee's mailing address is:
P. O. Drawer 15426
Austin, Texas 78761-5426

Quitclaim Deed

THE STATE OF TEXAS

COUNTY OF WILLIAMSON

KNOW ALL MEN BY THESE PRESENTS:

That, Williamson County, Texas, acting by and through its

County Judge, John C. Doerfler

of the County of Williamson, State of Texas, hereinafter referred to as Grantors, whether one or more, for and in consideration of the sum of Ten and 00/100's-----

Dollars (\$) 10.00

and other good and valuable consideration to Grantors in hand paid by the State of Texas, acting by and through the Texas Transportation Commission, the receipt of which is hereby acknowledged, and for which no lien is retained, either expressed or implied, have Quitclaimed and do by these presents Bargain, Sell, Release and forever Quitclaim unto the State of Texas all of Grantors' right, title, interest, claim and demand in and to that certain tract or parcel of land, situated in the County of Williamson, State of Texas, more particularly described in Exhibit "A," attached hereto and incorporated herein for any and all purposes.

The intent of this instrument is to release and Quitclaim to the State of Texas all of that certain tract or parcel of land containing 0.069 acre, more or less, over and across the herein described tract of land which 0.069 acre is all of County Road 485 lying within the herein described tract of land and as illustrated on page 5 of 5 pages on the attached Exhibit "A".

Account No. 8014-1-86
Parcel 3. 4