

COMMISSIONERS COURT RECESSED TO EXECUTIVE SESSION AT 11:15 A.M. ON TUESDAY, SEPTEMBER 30, 1997.

AGENDA ITEM # 38

September 30, 1997

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Discuss sale of certain Sutton County School lands. (Executive Session requested as per VTCA Government Code 551.072 pertaining to real property.)

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

The sale of certain Sutton County School lands was discussed but no action taken.

AGENDA ITEM # 40

September 30, 1997

Vol 92 Page

Discuss Marosko eminent domain proceedings. (Executive Session requested as per VTCA Government Code 551.071 pertaining to consultation with attorney.)

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

COMMISSIONERS COURT RECONVENED FROM EXECUTIVE SESSION AT 11:27 A.M. ON TUESDAY, SEPTEMBER 30, 1997.

AGENDA ITEM # 39

September 30, 1997

Vol 92 Page

Discuss and take appropriate action on sale of certain Sutton County School lands.

Moved: Commissioner Mehevec

Seconded: Commissioner Boatright

Motion: To take no action on this agenda item.

Vote: Motion carried 5 - 0

AGENDA ITEM # 41

September 30, 1997

Vol 92 Page

Discuss and take appropriate action on authorizing issuance of check and designate funding source pertaining to Marosko Eminent domain proceedings (check to be deposited with Williamson County District Clerk)

Moved: Commissioner Mehevec

Seconded: Judge Doerfler

Motion: To authorize issuance of funds in amount specified by special commissioners to be deposited with the Williamson County District Clerk's Office.

Vote: Motion carried 5 - 0

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NO. 97-353-C26

WILLIAMSON COUNTY, TEXAS	§	IN THE 26TH JUDICIAL
Plaintiff	§	
	§	
V.	§	DISTRICT COURT
MAX M. MAROSKO and wife,	§	
KAREN MAROSKO	§	
Defendants	§	WILLIAMSON COUNTY, TEXAS

**AWARD AND FINDINGS OF THE SPECIAL COMMISSIONERS**

TO THE HONORABLE JUDGE OF SAID COURT:

On September 22, 1997, at 9:30 A.M., at the Williamson County Attorney's Office, 2nd Floor Courthouse Annex Building, 405 Martin Luther King, Georgetown, Williamson County, Texas, 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 the following named Defendant(s), although duly cited did not appear:

MAX M. MAROSKO  
KAREN MAROSKO

SEP 22 1997

*James J. Williams*  
District Clerk, Williamson Co., TX.

**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 fee simple ownership to the real property described in Exhibit "A" and a perpetual easement in, to, upon, over, across and under the real property described in Exhibit "B" (Exhibit "A" and "B" are 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.

**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, 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 real property 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 and described by attached Exhibit "A" and "B", and for the improvements located thereon, the sum of \$ 41,600 and for damages, if any, to the remainder of the defendants' property by reason of such condemnation and taking, the sum of \$ 4,400, being a total sum of \$ 46,000 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 fee simple ownership and perpetual easement purposes (as the case may be) 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 22 day of SEPTEMBER, 1997.

[Signature]  
SPECIAL COMMISSIONER

[Signature]  
SPECIAL COMMISSIONER

[Signature]  
SPECIAL COMMISSIONER

The above Award and Findings of the Special Commissioners is filed with me on this the 22<sup>nd</sup> day of September, 1997.

[Signature]  
JUDGE PRESIDING

Approved by Commissioner's Court:

\_\_\_\_\_  
Date

\_\_\_\_\_  
John C. Doerfler, County Judge



## FIELD NOTES FOR 20.138 ACRES

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 an iron pin set on the East line of the M. K. & T. Railroad in the Southwest corner of the above mentioned First Tract for the Southwest corner of this tract.

THENCE N 05°15'00" E with the East line of the said Railroad 1057.24 feet to the Northwest corner of this tract.

THENCE with the arc of a curve to the right 278.12 feet, said curve having a radius of 500.00 feet, a central angle of 31°52'14", and a sub-chord which bears N 79°18'53" E 274.55 feet to the PT of the said curve.

THENCE S 84°45'00" E 92.00 feet to the PC of a curve to the right said curve having a radius of 500.00 feet and a central angle of 90°00'00".

THENCE with the arc of the said curve 785.40 feet the long chord of which bears S 39°45'00" E 707.11 feet to the PT of the said curve.

THENCE S 05°15'00" W 205.50 feet to the PC of a curve to the right said curve having a radius of 500.00 feet and a central angle of 62°01'57".

THENCE with the arc of the said curve 541.34 feet the sub-chord of which bears S 36°15'59" W 515.28 feet to a point on the East line of Block 2 of the Otto C. Pfluger Addition to the City of Coupland, for the Southeast corner of this tract.

THENCE N 05°10'00" E 21.07 feet to the Northeast corner of the said Block 2 for an ell corner of this tract.

THENCE N 84°50'00" W with the North line of Block 2 and Block 1 391.33 feet to an angle point of this tract.

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

THENCE N 84°30' 00" W 200.00 feet to the POINT OF BEGINNING containing 20.138 acres of land, more or less.

I, Claude F. Hinkle, Jr., a Registered Professional Land Surveyor, do hereby certify that these field notes were prepared from public records, supplemental surveys, and calculations made under my supervision during March of 1996 and are correct to the best of my knowledge and belief.



*Claude F. Hinkle, Jr.*  
 Claude F. Hinkle, Jr.  
 R.P.L.S. No. 4629

Date 5-12-96  
 606.DOC

Exhibit A



317

# Sketch to accompany field notes for wastewater site in the Jos. Jordan Survey, A-357, in Williamson Co., Texas

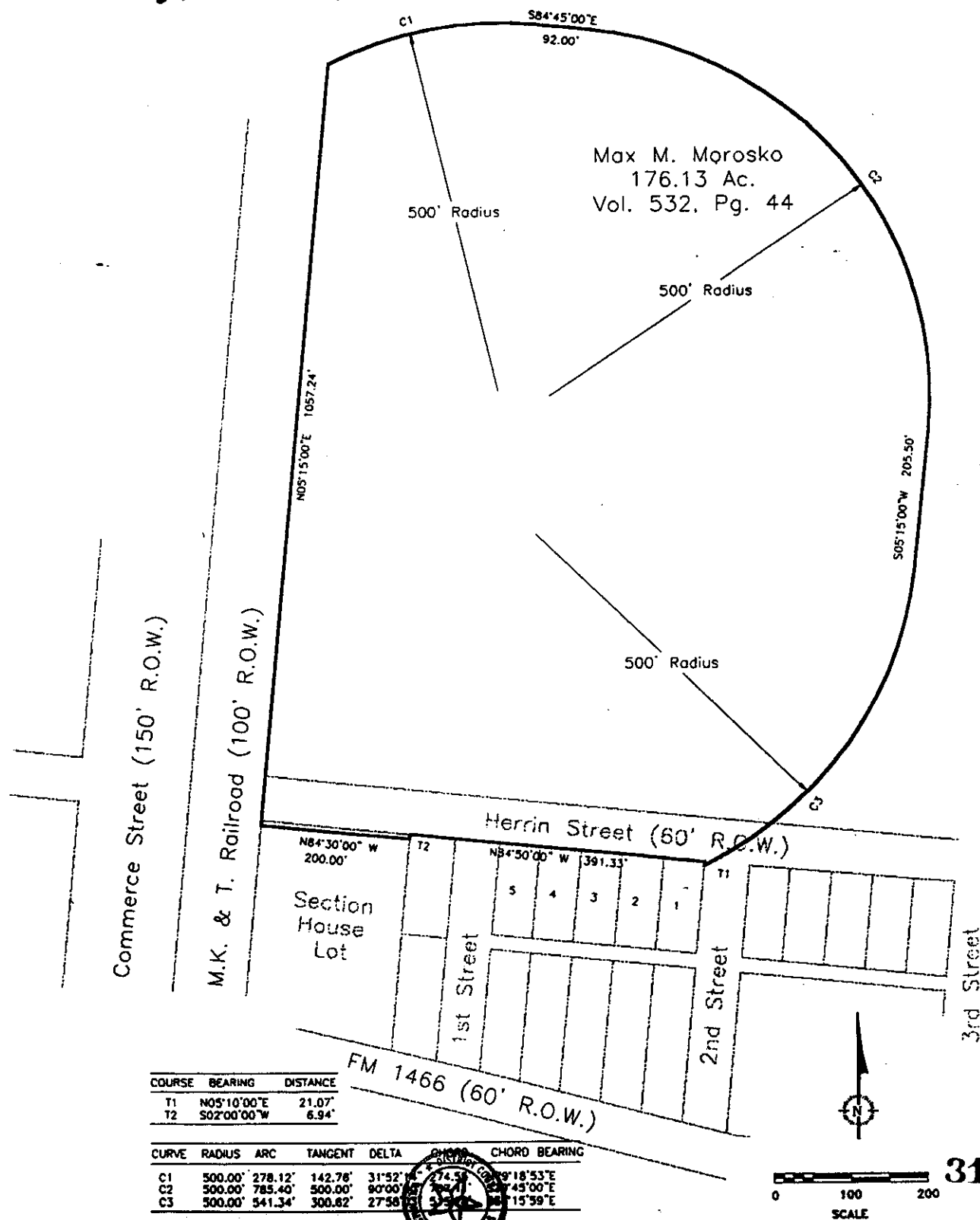


Exhibit A P.2

## FIELD NOTES FOR 0.34 ACRE EASEMENT

Description of a 5-foot wide easement crossing 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 and being more particularly described as follows:

COMMENCING at a found iron rod located next to a concrete headwall on a bridge on FM 1466 crossing an unnamed intermittent stream. Said pin being the intersection of the easterly right of way line of Second Street as recorded in the Otto C. Pfluger Addition to the City of Coupland with the northern right of way line of FM 1466. Thence west, 16.00 feet to the center of the unnamed intermittent stream, thence 1,356.00 feet along the centerline of the stream in a northerly direction to the PLACE-OF BEGINNING of the easement whose centerline is described herein;

THENCE northerly along and with the meanderings of the centerline of the unnamed intermittent stream 3,000 feet to its termination at Brushy Creek and the end of the easement, and containing 15,000 square feet, more or less.

I, Douglas C. Hearn, a Registered Professional Land Surveyor, do hereby certify that these field notes were prepared from public records, supplemental surveys, and calculations made under my supervision made under my supervision during August of 1996 and July of 1997 and are correct to the best of my knowledge and belief.



*Douglas C. Hearn*  
7/24/97



Exhibit B

**NO. 97-353-C26**

**WILLIAMSON COUNTY, TEXAS**

**Plaintiff**

**Y.**

**MAX M. MAROSKO and wife,**

**KAREN MAROSKO**

## Defendants

www.wiley.com

IN THE 26TH 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:

C. BUD STOCKTON SPECIAL COMMISSIONER \$ 300.00 3<sup>rd</sup> Hrs.

PATRICK CAREY SPECIAL COMMISSIONER \$ 300.00 3+ Hrs.

FRITZ STELZER SPECIAL COMMISSIONER \$ 300.00 3<sup>1</sup>/2 Hrs.

SIGNED this 22 day of SEPT, 1997.

  
JUDGE PRESIDING  
26TH Judicial District Court  
WILLIAMSON County, Texas

FILED  
APR 10 1964  
FBI - NEW YORK

Discont. Clerk, Williamson Co., TX.



320

AGENDA ITEM # 42September 30, 1997Vol 92 Page

Consider authorizing payment of Special Commissioners in Marosko condemnation suit and authorize issuance of checks.

Moved: Commissioner Mehevec

Seconded: Judge Doerfler

Motion: To authorize payment of \$300.00 each for Special Commissioners out of 100-409-5000.

Vote: Motion carried 5 - 0

AGENDA ITEM # 43September 30, 1997Vol 92 Page

Discuss and take any appropriate action on continuance of Northridge Acres Project.

Several representatives for the Northridge Acres project addressed the court while answering all questions.

Moved: Commissioner Heiligenstein

Seconded: Commissioner Mehevec

Motion: To retain Loomis & Moore for the Civil & environmental engineering of the Northridge Acres Project in the amount of \$59,000.00 to be paid by the State of Texas.

Vote: Motion carried 4 - 0 With Judge Doerfler absent from the dais.

Moved: Commissioner Heiligenstein

Seconded: Commissioner Mehevec

Motion: To appoint Mike Williams and Patty Ericson as representatives for Williamson County on the Northridge Acres Project.

Vote: Motion carried 4 - 0 With Judge Doerfler absent from the dais.

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