

AGENDA ITEM # 18

November 25, 1997

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Consider authorizing County Judge to execute deed documents for sale of Williamson County School lands to Mr. Condra.

Moved: Commissioner Boatright

Seconded: Judge Doerfler

Motion: To approve resolution authorizing County Judge John Doerfler to execute deed documents to Mr. Condra for sale of Williamson County School lands in Sutton County.

Vote: Motion carried 5 - 0

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Resolution

The State of Texas

County of Williamson

}
} Know All Men By These Presents:
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That on this, the 25th day of November, 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,
David Hays, Commissioner Precinct Three, and
Jerry Mehevec, Commissioner Precinct Two,

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

Whereas, Article 7, Section 6, of the Texas Constitution provides, in part, that "Each county may sell or dispose of its [school] lands in whole or in part, in manner to be provided by the Commissioners' Court of the county"; and

Whereas, pursuant to this constitutional power and in accordance with Section 263.008 of the Texas Local Government Code, Williamson County has heretofore entered into a contract with J. Frank Childress of Childress Ranch Investments, a person licensed under the Real Estate License Act, to sell certain property described as: *Being* all the following three tracts of land, each of which is described by metes and bounds on an attached exhibit, which said exhibits are hereby incorporated herein as fully and completely as if set out verbatim:

Tract I—Being 1923.35 acres of land, more or less, out of Surveys 28, 29, 30, 31, 32, and 33, all in Block 6, Williamson County School Land, Sutton County, Texas, as described on Exhibit "A"

Tract II—Being 834.31 acres of land out of Survey Nos. 25 and 26, Block 6, Williamson County School Land, Sutton County, Texas, as described on Exhibit "B" and

Tract III—Being an Easement for egress and ingress to Tract I, as described on Exhibit "C;" and

Whereas, in his capacity as Seller's Broker, Mr. Childress marketed the land and negotiated a contract with James M. Condra and wife, Diana C. Condra, and said proposed contract was submitted to the Williamson County Commissioners' Court on August 19, 1997, when it was approved by the Court in a motion carried on a 3-0 vote, said motion and adoption being

recorded in the official Minutes of the Court at Vol. 91, page 431, and the contract set out verbatim on pages 432 through 442, inclusive;

Therefore be it Resolved, that the Williamson County Commissioners Court find, and does hereby find, that all necessary prerequisites under Texas law for the sale of county school lands have been complied with in both substance and detail, and that this Court is empowered to authorize the conveyance of such property and (to the extent permitted by the Texas Constitution and laws without levying a tax or establishing a sinking fund) warrant title to said lands;

Resolved, that County Judge John Doerfler be, and is hereby, authorized and directed to sign, execute, and acknowledge all documents necessary to sell and convey the property described above on behalf of Williamson County and as the act and deed of said county without the necessity of any further action by this Court;

And be it further resolved, that the said County Judge be, and is hereby, authorized to sign this Resolution in duplicate (one copy to be recorded in the Minutes and one copy to be provided to the closing agent) as the act and deed of Commissioners Court in full token of his plenary authority to execute all conveyances and closing documents required for this transaction.

The foregoing Resolution was lawfully moved by Commissioner Borczyk, duly seconded by Judge Doerfler, and duly adopted by the Commissioners Court on a vote of 5 members for the motion and 0 opposed.

John Doerfler
John Doerfler, Williamson County Judge

Attest: Elaine Bizzell
Elaine Bizzell, County Clerk
By: Lillie Hargrett, Deputy Clerk
Acknowledgment

STATE OF TEXAS
COUNTY OF WILLIAMSON

This instrument was acknowledged before me on November 25, 1997, by John Doerfler as County Judge of Williamson County, Texas.

Elaine Bizzell
Elaine Bizzell, Williamson County Clerk
By: Lillie Hargrett, Deputy Clerk

DESCRIPTION OF 1923.35 ACRES OF LAND OUT OF WILLIAMSON COUNTY SCHOOL LAND, BLOCK 6, SUTTON COUNTY, TEXAS.

Being all that certain tract or parcel of land lying and being situated in the County of Sutton, State of Texas, comprising a total of 1923.35 acres of land out of the following Original Surveys:

<u>Survey</u>	<u>Grantee</u>	<u>Block</u>	<u>Abst.</u>	<u>Acres±</u>
28	Williamson Co. Sc.	6	773	320.78
29	Williamson Co. Sc.	6	774	323.48
30	Williamson Co. Sc.	6	775	320.46
31	Williamson Co. Sc.	6	776	320.00
32	Williamson Co. Sc.	6	777	319.36
33	Williamson Co. Sc.	6	778	319.27
Total				1923.35

The said 1923.35 acre tract being the same lands described in six Patents from the State of Texas to Williamson County as recorded in Volume 18, Pages 144 thru 149, of the Deed Records of Sutton County, Texas. The said 1923.35 acres being further described by metes and bounds as follows:

BEGINNING at a ½" iron stake set in old rock mound found marking the southwest corner of said Survey No. 31, Abstract No. 776, from which a 16" dead but standing mesquite bears N 51° E, 133.3 feet;

THENCE S 0° 03' E with the west line of Survey No. 3, Brooks and Burleson, Abstract No. 12 and west line of a certain 6359 acre tract (Vol. 30 Pg. 273) a distance of 1667.00 feet to a ½" iron stake set for the SE corner of Survey No. 30;

THENCE S 89° 43' E with the south line of said Survey No. 3 and 6359 acre tract a distance of 2231.83 feet to a ¾" iron pipe found in rock mound marking the NE corner of said Survey No. 29, from which a 24" now 28" LO bears N 5° W, 94.4 feet;

THENCE S 0° 29' E with the west line of said Survey No. 3 and 6359 acre tract a distance of 1706.20 feet to a ½" iron stake set north of caliche road for the NW corner of said Survey No. 28;

THENCE EAST with the south line of said Survey No. 3 and 6359 acre tract a distance of 3754.04 feet to a ½" iron stake set for the NE corner of Survey No. 28;

THENCE S 0° 03' E with the west line of Survey No. 27, J.B. McClain, Abstract No. 497 and west line of said 6359 acre tract a distance of 3722.15 feet to a ¾" iron pipe found with large nail in center marking the SE corner of Survey No. 28;

THENCE WEST with the north line of Survey No. 9, E.M. Phillips, Abstract No. 511 and north line of a certain 6936.22 acre tract (Vol. 30 Pg. 251) a distance of 3754.04 feet to a 2" iron pipe found marked SW 28 WCSL X-1986704.03 Y-312548.38;

THENCE N 0° 03' W with the east line of said Survey No. 9 and said 6936.22 acre tract a distance of 1681.85 feet to a rock mound found marking the SE corner of said Survey No. 29;

THENCE WEST with the north line of Survey No. 9, and 6936.22 acre tract a distance of 3755.99 feet to a ½" iron stake set for the SW corner of Survey No. 29;

THENCE N 0° 03' W with the east line of Survey No. 10, G.W. Tucker, Abstract No. 764 and 6936.22 acre tract a distance of 3757.31 feet to a ½" iron stake set north of caliche road for the NW corner of Survey No. 29;

THENCE WEST with the north line of Survey No. 10 and 6936.22 acre tract a distance of 2222.00 feet to a ½" iron stake set south of caliche road for the SW corner of said Survey No. 30;

THENCE N 0° 03' W with the east line of Survey No. 10 and 6936.22 acre tract a distance of 3739.41 feet to a ½" iron stake set for the NW corner of Survey No. 30;

THENCE EAST with the south line of Survey No. 10 and 6936.22 acre tract a distance of 3733.00 feet to a ½" iron stake set in old rock mound found marking the NE corner of Survey No. 30;

THENCE N 0° 03' W with the east lines of said Survey No. 10 and then Survey No. 34, Williamson County School Land, Abstract No. 779 and east lines of said 6936.22 acre tract and then a certain 6823.15 acre tract (Vol. 265 Pg. 223) a distance of 9133.00 feet to a ½" iron stake set east of fence for the NW corner of said Survey No. 33;

THENCE EAST with the north line of said Survey No. 33 a distance of 3720.22 feet to a ½" iron stake set east of fence for the NE corner of Survey No. 33;

THENCE S 0° 07' E with the west line of Survey No. 5, B.S.&F. Ry. Co., Abstract No. 11 and then aforesaid Survey No. 3 and with the west lines of a certain tract described in Volume 269, Page 205 of the Deed Records of Sutton County and then aforesaid 6359 acre tract a distance of 11205.43 feet to a ½" iron stake set for the SE corner of said Survey No. 31;

THENCE WEST with the north line of said Survey No. 3 and 6359 acre tract a distance of 3733.00 feet to the place of BEGINNING.

THE STATE OF TEXAS
COUNTY OF KERR

I, Paul L. Bushong, a registered professional engineer and registered professional land surveyor, on the basis of my knowledge, information, and belief, hereby certify that as a result of a survey made on the ground under my supervision to the normal standards of care of professional land surveyors in Texas, this is an accurate representation of the property shown hereon.

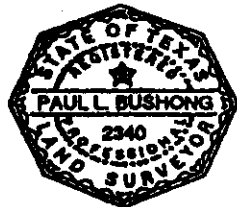
Paul L. Bushong

Paul L. Bushong

Registered Professional Engineer No. 38177

Registered Professional Land Surveyor No. 2340

September 18, 1997



DESCRIPTION OF 834.31 ACRES OF LAND OUT OF SURVEY NOS. 25 AND 26, SUTTON COUNTY, TEXAS.

Being 834.31 acre of land, being approximately 321.43 acre out of Survey No. 25, Williamson County School Land, Block 6, Abstract No. 801 and approximately 512.88 acres out of Survey No. 26, Williamson County School Land, Block 6, Abstract No. 802, lying and being situated in Sutton County, Texas about 19 miles east of Sonora, the county seat. The said 834.31 acre tract being the same lands described in two Patents from the State of Texas to Williamson County as recorded in Volume 18, Pages 142 and 143, of the Deed Records of Sutton County, Texas. The said 834.31 acre tract being further described by metes and bounds as follows:

BEGINNING at a 2" iron pipe found just south of an existing fence line marking the southwest corner of said Survey No. 26, Abstract No. 802;

THENCE N 0° 29' W with the east line of Survey No. 2, J.R. Robbins, Abstract No. 1206 and east line of a certain 93.8 acre tract (Vol. 269 Pg. 205) a distance of 4726.40 feet to a ½" iron stake set just west of field;

THENCE N 89° 45' E crossing field, at 990.5 feet pass 3-way fence corner post, at 1437.16 feet pass 1" i.p., at 4621.7 feet pass 1" i.p. and continue in all a distance of 4718.06 feet to a fence corner post taken as the northeast corner of Survey No. 26;

THENCE S 0° 27' E along fence with the west line of Survey No. 7, Wm. Hornbuckle, Abstract No. 273 a distance of 4746.93 feet to a 3-way fence corner post taken as the southeast corner of said Survey No. 26, Abstract No. 801;

THENCE S 0° 57' E generally along fence with the west line of said Survey No. 7 a distance of 3751.23 feet to a 2-way fence corner post taken as the southeast corner of Survey No. 25;

THENCE WEST right of fence with the north lines of said Survey No. 7 and then Survey No. 24, J.B. McClain, Abstract No. 498 and the north line of a certain 6936.22 acre tract (Vol. 30 Pg. 251 DT) a distance of 3733.00 feet to a ½" iron stake set for the southwest corner of Survey No. 25;

THENCE N 0° 57' W with the east line of aforesaid Survey No. 2 and east line of a certain 227.22 acre tract (Vol. 127 Pg. 780) a distance of 3751.23 feet to a ½" iron stake set just south of fence for the northwest corner of Survey No. 25;

THENCE WEST with the north line of Survey No. 2 a distance of 982.36 feet to the place of **BEGINNING**.

**THE STATE OF TEXAS
COUNTY OF KERR**

I, Paul L. Bushong, a registered professional engineer and registered professional land surveyor, on the basis of my knowledge, information, and belief, hereby certify that as a result of a survey made on the ground under my supervision to the normal standards of care of professional land surveyors in Texas, this is an accurate representation of the property shown hereon.

Paul L. Bushong

Paul L. Bushong
Registered Professional Engineer No. 38177
Registered Professional Land Surveyor No. 2340
September 18, 1997

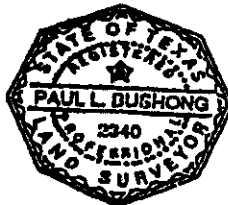


EXHIBIT C

VOL 0094 PAGE 110

ALLISON-WILLIAMSON COUNTY EASEMENT

A non-exclusive easement and right-of-way of sixty feet (60') in width the north (north east) and west boundary line of which is described as follows:

BEGINNING in Survey 42, Block B, HE&WT Ry. Co. At the U.S. Interstate 10 and Allison Ranch Road interchange where the north (north east) boundary of U.S. Interstate 10 intersects the East boundary line of the Allison Ranch Road; THENCE in a southwesterly direction parallel to and at a distance of sixty feet (60') At right angles from the North line of said U.S. Interstate 10 across the East part of Survey 42, Block B, HE&WT Ry. Co. and completely traversing Survey 41, Block B to a point sixty feet (60') north of and at right angles to an existing fence at or near the South boundary line of said Survey 40; THENCE eastward a distance of sixty feet (60') north of and at right angles to an existing fence across Survey 40 and 39, Block B, to the East boundary line of said Survey 39, Block B; THENCE continuing eastward sixty feet (60') north of and at right angles to the South line of G. Tucker Survey 10 to a point sixty feet (60') west of and at right angles to the most southerly East boundary line of said G. Tucker Survey 10; THENCE northward sixty feet (60') west of and at right angles to the most southerly East line of G. Tucker Survey 10 to the South line of Survey 29, Williamson County School Land, all in Sutton County, Texas.

Exhibit "C"
C-5804-JMC/DCC
August 20, 1997
Sondra Abstract Company, as Agent
for Stewart Title Guaranty Company
by *Domingo Martinez*

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AGENDA ITEM # 19November 25, 1997

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Discuss and take appropriate action on Wylie Post Road in Breakaway Park.

No action was taken on this agenda item.

AGENDA ITEM # 20November 25, 1997

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Discuss and take appropriate action on flooding at County Roads 346 and 347.

First Assistant County Attorney Dale Rye advised the two major sections of the law dealing with this situation are:

A land owner may not alter their land in such a fashion as to alter the natural state.

Texas Transportation Code essentially states when we build a road we are supposed to provide inches that will take the run off the road itself and conduct that to a natural water course.

Engineer Don H. Bizzell addressed the court with his experience and work in this area for the past several years. He gave his drainage analysis and recommendations for correction of the problem.

1. Install a small culvert on County Road 346 at the location of the recently constructed waterway on the south side of the county road along with a ditch block on the north side of the road.
2. There may be a need to upsize the culverts at the intersection. A further analysis would determine the actual size.
3. Clean and maintain the ditch along the west side of County Road 347 between the intersection and the main drainage channel.
4. Under **NO** circumstances shall the flows be allowed to cross County Road 347 near the intersection. This would be an unnatural diversion into another drainage basin.

A representative of Martinez and Wright Engineers agreed with Mr. Bizzell's recommendations.

Moved: Judge Doerfler

Seconded: Commissioner Boatright

Motion: To authorize Williamson County Road and Bridge Department to accomplish the necessary work by the end of 1997, weather permitting.

Vote: Motion carried 5 - 0

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