

AGENDA ITEM #24

Hold public hearing on replat of Estates of Brushy Creek, Section One, Block A, Lots 10,11 & 12.

Judge Doerfler announced the public hearing open at 10.18 a.m. on Tuesday, March 7, 2000

County Engineer Joe England advised this subdivision is located on the banks of Brushy Creek east of Farm-to-Market 685 and west of Farm-to-Market 1660 in the Hutto area. Certified mail receipts with signatures of adjoining property owners are in the possession of Mr England The owner of Lot 10 wishes to purchase four (4) acres of Lot 11.

Judge Doerfler announced the public hearing closed at 10:20 a m. on Tuesday, March 7, 2000.

AGENDA ITEM #25

Consider approving replat of Estates of Brushy Creek, Section One, Block A, Lots 10, 11 & 12

Moved **Commissioner Limmer**

Seconded **Commissioner Hays**

Motion: To approve Replat of Lots 10, 11 & 12, Block A, Estates of Brushy Creek, Section One

Vote: Motion carried 4 - 0

AGENDA ITEM #26

Consider approving resale of tax foreclosed properties by Round Rock Independent School District.

Moved: **Commissioner Hays**

Seconded: **Commissioner Limmer**

Motion: To approve resale of tax foreclosed properties by Round Rock Independent School District.

Vote Motion carried 4 – 0

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LINEBARGER HEARD GOGGAN BLAIR
GRAHAM PEÑA & SAMPSON, LLP

ATTORNEYS AT LAW
1949 SOUTH I H 35
P O BOX 17428
AUSTIN, TEXAS 78760

(512) 447-6675
FAX (512) 443-3494

Brian E. Brown

February 28, 2000

Honorable John C. Doerfler
Williamson County Judge
Courthouse - 2nd Floor
710 Main St.
Georgetown, Texas 78626

**RE: Approval of Resale of Properties Offered in Sealed Bid Auction by Round
Rock Independent School District, Trustee**

Dear Judge Doerfler:

The Round Rock Independent School District recently conducted a sealed bid auction of the properties it had acquired as a result of previous tax sales. The attached worksheet shows the highest bids received for each property.

Several bids were received for each of the ten listed properties. Bids for more than the total amount due were received for four of the properties. The remaining six high bids ranged from 36% to 99% of the respective judgment amounts. The Round Rock Independent School District Board of Trustees approved the bids at their January 20, 2000 meeting.

The high bid offered for item number 9 was deemed to be too low considering the size & location of the property, so the school board rejected it. The high bid offered for item number 4 was not tendered by the deadline. If a bidder fails to tender a timely bid, then the next highest bidder for that property becomes the highest bidder. The second highest bidder was notified but has not returned our calls. Approval will not be sought for that sale until a bid has been tendered.

The high bids for item numbers 1, 5 and 10 were for less than the judgment amounts, and involve property with taxes due to Williamson County. The City of Round Rock has made an offer for Item #5, therefore, the highest bid received for that property was refunded to the bidder.

Enclosed are originals of the proposed deeds on the two properties for you to execute if the county is willing to agree to the sales. Once you have had all the deeds executed for each property and had the signatures notarized, please return them to me for delivery to the purchasers.

Thank you for your courtesy and assistance in this matter. Please let me know if you have any questions or comments concerning this matter.

Sincerely,



Brian E. Brown
Attorney

Enclosures:

- List of high bids
- Tax Resale Deeds

c Forrest C. Child, Jr , Tax Assessor-Collector
c Round Rock Consolidated Tax Office
P O Box 1750
Round Rock, Texas 78680

**ROUND ROCK INDEPENDENT SCHOOL DISTRICT
DECEMBER 1999 SEALED BID AUCTION LIST
HIGHEST BIDS RECEIVED**

Item	Legal description	1999 CAD Value	Judgment Amount	Highest Bid Received	High Bidder's Name & Address
1	Lot 2, Blk A, Greenhill Section 5 (R086599)	\$28,031	\$21,994 86	\$20,227 00	N G (Bunky) Whitlow, 507 W. Oak Dr , Round Rock Texas 78664
2	Lot 1-A, Blk. A, Canyon Creek Sec 18 (R327782)	\$10,515	\$8,518 40	\$3,100 00	Charisse Simpson, 808 Justin Lane, Austin Texas 78757
3	5 00 acres, JH Randall Survey (R321510)	\$37,500	\$9,071 84	\$15,100 00	James Umstardt, 3355 Bee Cave #400, Austin Texas 78746
4	Pt Lot 7, Bk C, Acres West (R056784)	\$10,000	\$10,000 00	\$8,000 00	Wiler & Associates, 13115 Marble Falls Cv , Austin Texas 78729
5	Lot 4, Blk A, Lakecreek Subdivision (R066062)	\$6,000	\$4,641 12	\$2,913 00	Kenneth Schroeder, 10 Applegate Dr , Round Rock Texas 78664
6	Lots 10 & 11, & a parcel adjoining Lot 10, B & M Subd. (R057344 & R357697)	\$7,500	\$7,500.00	\$7,795 00	Jimmy Joseph, 2410 Messick Loop West, Round Rock 78681
7	Pt of Lot 8, WT Sappington (R072529)	\$5,000	\$5,000 00	\$5,100 00	Jimmy Joseph, 2410 Messick Loop West, Round Rock 78681
8	Lot 6, B & M Subdivision (R057340)	\$5,000	\$4,224 00	\$5,150 00	Jimmy Joseph, 2410 Messick Loop West, Round Rock 78681
9	0 2755 ac. PA Holder, aka Pt Lot 17, Merrill Addn. (R066643)	\$10,000	\$10,457 30	\$5,000 00	Wiler & Associates, 13115 Marble Falls Cv, Austin Texas 78729
10	NW 1/2 of Lot 20, Bk 4, Revised Northridge Acres (R068818)	\$5,500	\$2,167 04	\$2,150 00	Jimmy Joseph, 2410 Messick Loop West, Round Rock 78681

TAX RESALE DEED

STATE OF TEXAS

X

X **KNOW ALL MEN BY THESE PRESENTS**

COUNTY OF WILLIAMSON

X

That **ROUND ROCK INDEPENDENT SCHOOL DISTRICT, TRUSTEE**, acting through the presiding officer of its governing body, hereunto duly authorized by resolution and order of its governing body and duly recorded in their official Minutes, hereinafter called grantors, for and in consideration of the sum of \$20,227 00 cash in hand paid by

**N. G. WHITLOW
507 WEST OAK DRIVE
ROUND ROCK TEXAS 78664**

hereinafter called grantee(s), the receipt of which is acknowledged and confessed, have quitclaimed and by these presents do quitclaim unto said grantee(s) all of the right, title and interest of the grantors, they being all of the taxing units interested in the tax foreclosure judgment against the property herein described, acquired by tax foreclosure sale heretofore held under Cause No 97-492-T368, in the district court of said county, said property being located in Williamson County, Texas, and described as follows.

LOT 2, BLOCK A, OF GREENHILL, SECTION FIVE, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN CABINET F, SLIDE 70, PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS

TO HAVE AND TO HOLD the said premises, together with all and singular the rights, privileges, and appurtenances thereto in any manner belonging unto the said grantee(s), their heirs and assigns forever, so that neither the grantors, nor any other taxing unit interested in said tax foreclosure judgment, nor any person claiming under it and them, shall at any time hereafter have, claim or demand any right or title to the aforesaid premises or appurtenances, or any part thereof.

SUBJECT however to the following covenants, conditions and restrictions:

- (a) The above described realty, or any part thereof, shall not be used in the operation of, or in conjunction with, any school or other institution of learning, study or instruction which discriminates against any person because of race, color or national origin, regardless of whether such discrimination be effected by design or otherwise
- (b) The above described realty, or any part thereof, shall not be used in the operation of, or in conjunction with, any school or other institution of learning, study or instruction which creates, maintains, reinforces, renews or encourages, or which tends to create, maintain, reinforce, renew or encourage a dual school system.

These restrictions and conditions shall be binding upon grantee and grantee's successors, assigns, heirs and personal representatives for a period of fifty (50) years from the date hereof

The foregoing restrictions and the other covenants hereafter set out are covenants running with the land, and each and every parcel thereof, and shall be fully binding upon any person, firm, partnership, corporation, trust, church, club, governmental body, or other organization entity whatever (whether private or governmental in nature), without limitation, hereafter acquiring any estate, title, interest or property in said land, whether by descent, devise, purchase or otherwise; and no act or omission upon the part of grantor herein, its successors and assigns, shall be a waiver of the operation or enforcement of such restrictions, but neither restriction shall be construed to be a condition subsequent or special limitation on the estate thereby conveyed.

It is further covenanted that third party beneficiaries of the restrictions set forth above shall be as follows:

- (1) As to the restrictions set out in (a) above, any person prejudiced by its violation;
- (2) As to the restriction set out in (b) above, any public school district or any person prejudiced by its violation; and
- (3) As to either or both of the restriction set out in (a) and (b) above, the United States of America, as plaintiff, and the America G.I Forum, the League of United Latin American Citizens (LULAC), and the National Association for the Advancement of Colored People (NAACP), as intervenors, in U.S. v. Texas, Civil Action No. 5281, Tyler Division, U S District County, Eastern District of Texas, reported in U.S. v. Texas, 321 F Supp. 1043 (E D. Tex. 1970), U.S v. Texas, 330 F Supp 235 (E D Tex 1971), aff'd with modifications sub nom, U S v State of Texas and J.W. Edgar, et al, 447 F2d 441 (5 Cir. 1971), stay den sub nom Edgar v U.S., 404 U S. 1206 (1971), cert den 404 U S. 1016 (1972)

It is further covenanted that in case of violation of either or both of the above restrictions, any of the third party beneficiaries above alluded to is authorized and empowered to prosecute proceedings at law or in equity against any person, firm, partnership, corporation, trust, church, club, governmental body or other organization or entity whatever (whether private or governmental in nature), without limitation

- (A) To enforce either or both of such restrictions relating to the use of the above-described realty;
- (B) To abate or prevent violations of either or both of such restrictions, and
- (C) To recover damages for a breach of either or both of such restrictions.

It is further covenanted, that any third party beneficiary referred to above shall prosecute proceedings at law or in equity for the aforesaid purposes, such third party beneficiary may recover reasonable attorney's fees from the violator or violators of either or both of such restrictions, if the Court finds that the proceedings were necessary to bring about compliance therewith

Taxes for the present year are to be paid by grantee(s) herein

This deed is given expressly subject to recorded restrictive covenants running with the land, and valid easements of record as of the date of this sale, if such covenants or easements were recorded prior to January 1 of the year the tax lien(s) arose

IN TESTIMONY WHEREOF Round Rock Independent School District has caused these presents to be executed this _____ day of _____, 2000

BY: _____
Gaye Arnold, President
Board of Trustees
Round Rock Independent School District

STATE OF TEXAS X

COUNTY OF WILLIAMSON X

Before me, the undersigned authority, on this day personally appeared Gaye Arnold, President, Board of Trustees, Round Rock Independent School District, Williamson County, Texas, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration, therein expressed and in the capacity therein stated

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE _____ DAY OF _____, 2000

Notary Public, State of Texas
Commission Expires: _____

IN TESTIMONY WHEREOF the City of Round Rock has caused these presents to be executed this _____ day of _____, 2000

BY _____
Robert Stluka
Mayor
City of Round Rock, Texas

116

STATE OF TEXAS X

COUNTY OF WILLIAMSON X

Before me, the undersigned authority, on this day personally appeared Robert Stluka, Mayor, City of Round Rock, Williamson County, Texas, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration, therein expressed and in the capacity therein stated

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE _____ DAY OF _____, 2000.

Notary Public, State of Texas
Commission Expires: _____

IN TESTIMONY WHEREOF Williamson County has caused these presents to be executed this
_____ day of _____, 2000.

BY: John C. Doerfler 3-7-00
John C. Doerfler
County Judge
Williamson County, Texas

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STATE OF TEXAS

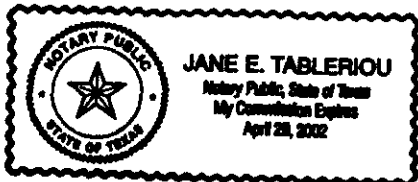
X

COUNTY OF WILLIAMSON

X

Before me, the undersigned authority, on this day personally appeared John C Doerfler, County Judge, Williamson County, Texas, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration, therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE 7 DAY OF MARCH,
2000



Jane E. Tableriou
Notary Public, State of Texas
Commission Expires: 4-29-02

After recording return to:

TAX RESALE DEED

118

STATE OF TEXAS

X

X

KNOW ALL MEN BY THESE PRESENTS

COUNTY OF WILLIAMSON

X

That **ROUND ROCK INDEPENDENT SCHOOL DISTRICT, TRUSTEE**, acting through the presiding officer of its governing body, hereunto duly authorized by resolution and order of its governing body and duly recorded in their official Minutes, hereinafter called grantors, for and in consideration of the sum of \$2,150.00 cash in hand paid by

**JIMMY JOSEPH
2410 MESSICK LOOP
ROUND ROCK, TEXAS 78681**

hereinafter called grantee(s), the receipt of which is acknowledged and confessed, have quitclaimed and by these presents do quitclaim unto said grantee(s) all of the right, title and interest of the grantors, they being all of the taxing units interested in the tax foreclosure judgment against the property herein described, acquired by tax foreclosure sale heretofore held under Cause No 95-369-T368, in the district court of said county, said property being located in Williamson County, Texas, and described as follows

**THE NORTHWEST ONE-HALF OF LOT 20, BLOCK 4, REVISED NORTHRIDGE ACRES,
AND BEING THE SAME PROPERTY CONVEYED IN VOLUME 484, PAGE 244 DEED
RECORDS OF WILLIAMSON COUNTY, TEXAS**

TO HAVE AND TO HOLD the said premises, together with all and singular the rights, privileges, and appurtenances thereto in any manner belonging unto the said grantee(s), their heirs and assigns forever, so that neither the grantors, nor any other taxing unit interested in said tax foreclosure judgment, nor any person claiming under it and them, shall at any time hereafter have, claim or demand any right or title to the aforesaid premises or appurtenances, or any part thereof.

SUBJECT however to the following covenants, conditions and restrictions.

(a) The above described realty, or any part thereof, shall not be used in the operation of, or in conjunction with, any school or other institution of learning, study or instruction which discriminates against any person because of race, color or national origin, regardless of whether such discrimination be effected by design or otherwise.

(b) The above described realty, or any part thereof, shall not be used in the operation of, or in conjunction with, any school or other institution of learning, study or instruction which creates, maintains, reinforces, renews or encourages, or which tends to create, maintain, reinforce, renew or encourage a dual school system.

These restrictions and conditions shall be binding upon grantee and grantee's successors, assigns, heirs and personal representatives for a period of fifty (50) years from the date hereof.

The foregoing restrictions and the other covenants hereafter set out are covenants running with the land, and each and every parcel thereof, and shall be fully binding upon any person, firm, partnership, corporation, trust, church, club, governmental body, or other organization entity whatever (whether private or governmental in nature), without limitation, hereafter acquiring any estate, title, interest or property in said land, whether by descent, devise, purchase or otherwise; and no act or omission upon the part of grantor herein, its successors and assigns, shall be a waiver of the operation or enforcement of such restrictions, but neither restriction shall be construed to be a condition subsequent or special limitation on the estate thereby conveyed.

It is further covenanted that third party beneficiaries of the restrictions set forth above shall be as follows

- (1) As to the restrictions set out in (a) above, any person prejudiced by its violation;
- (2) As to the restriction set out in (b) above, any public school district or any person prejudiced by its violation, and
- (3) As to either or both of the restriction set out in (a) and (b) above, the United States of America, as plaintiff, and the America G I. Forum, the League of United Latin American Citizens (LULAC), and the National Association for the Advancement of Colored People (NAACP), as intervenors, in U S v Texas, Civil Action No. 5281, Tyler Division, U.S. District County, Eastern District of Texas; reported in U S v. Texas, 321 F Supp 1043 (E D Tex 1970), U S v Texas, 330 F Supp. 235 (E D Tex 1971), aff'd with modifications sub nom. U S v. State of Texas and J.W. Edgar, et al., 447 F2d 441 (5 Cir 1971), stay den sub nom. Edgar v U S, 404 U S 1206 (1971); cert den 404 U.S. 1016 (1972)

It is further covenanted that in case of violation of either or both of the above restrictions, any of the third party beneficiaries above alluded to is authorized and empowered to prosecute proceedings at law or in equity against any person, firm, partnership, corporation, trust, church, club, governmental body or other organization or entity whatever (whether private or governmental in nature), without limitation:

- (A) To enforce either or both of such restrictions relating to the use of the above-described realty,
- (B) To abate or prevent violations of either or both of such restrictions; and
- (C) To recover damages for a breach of either or both of such restrictions

It is further covenanted, that any third party beneficiary referred to above shall prosecute proceedings at law or in equity for the aforesaid purposes, such third party beneficiary may recover reasonable attorney's fees from the violator or violators of either or both of such restrictions, if the Court finds that the proceedings were necessary to bring about compliance therewith.

Taxes for the present year are to be paid by grantee(s) herein

This deed is given expressly subject to recorded restrictive covenants running with the land, and valid easements of record as of the date of this sale, if such covenants or easements were recorded prior to January 1 of the year the tax lien(s) arose

IN TESTIMONY WHEREOF Round Rock Independent School District has caused these presents to be executed this _____ day of _____, 2000.

BY _____
 Gaye Arnold, President
 Board of Trustees
 Round Rock Independent School District

STATE OF TEXAS X

COUNTY OF WILLIAMSON X

Before me, the undersigned authority, on this day personally appeared Gaye Arnold, President, Board of Trustees, Round Rock Independent School District, Williamson County, Texas, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration, therein expressed and in the capacity therein stated

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE _____ DAY OF _____, 2000.

 Notary Public, State of Texas
 Commission Expires _____

IN TESTIMONY WHEREOF Williamson County has caused these presents to be executed this
7th day of March, 2000

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BY: John C. Doerfler 3-7-00
John C. Doerfler
County Judge
Williamson County

STATE OF TEXAS

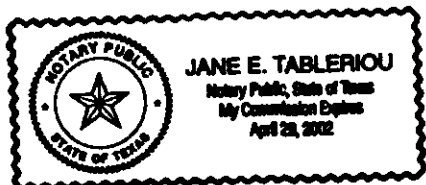
X

COUNTY OF WILLIAMSON

X

Before me, the undersigned authority, on this day personally appeared John C Doerfler, County Judge, Williamson County, Texas, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration, therein expressed and in the capacity therein stated

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE 7th DAY OF MARCH,
2000



Jane E. Tableriou
Notary Public, State of Texas
Commission Expires: 4-29-02

**COMMISSIONERS COURT ADJOURNED TO EXECUTIVE SESSION AT 10:53 A.M.
ON TUESDAY, MARCH 7, 2000.**

AGENDA ITEM #27

122

Discuss personnel matters: (EXECUTIVE SESSION REQUESTED as per VTCA Govt. Code sec. 551 074 relating to personnel matters)

No action was taken in executive session

AGENDA ITEM #28

Discuss right-of-way acquisition for SH 45: (EXECUTIVE SESSION REQUESTED as per VTCA Govt Code sec. 551.072 relating to real property)

No action was taken in executive session.

AGENDA ITEM #29

Discuss land acquisition at County Road 122 and Highway 79 site: (EXECUTIVE SESSION REQUESTED as per VTCA Govt Code sec. 551.072 relating to real property)

No action was taken in executive session.

COMMISSIONERS COURT RECONVENED FROM EXECUTIVE SESSION AT 12:04 P.M. ON TUESDAY, MARCH 7, 2000.

AGENDA ITEM #30

Discuss and take appropriate action on personnel matters, including (but not limited to) staff realignment, interdepartmental transfers, and confirming budget amendments.

Moved: **Judge Doerfler**

Seconded: **Commissioner Limmer**

Motion To authorize a new position in the Juvenile Services Department of Combination Warrants and Juvenile Mental Health Officer **eliminating** the position of Chief Deputy in Constable Precinct #1 **including** elimination of vehicle, radio, and all equipment pertaining to Constable Precinct #1 Chief Deputy position.

Vote: Motion carried 4 – 0

AGENDA ITEM #31

Discuss and take any appropriate action on right-of- way acquisition for SH 45.

No action was taken on this agenda item.

AGENDA ITEM #32

Discuss and take any appropriate action on land acquisition at County Road 122 and Highway 79.

Moved: **Commissioner Limmer**

Seconded: **Commissioner Hays**

Motion: To authorize County Judge John Doerfler signing contract for acquisition of 3.167 acre tract and 2.301 acre tract of land located at southeast intersection of County Road 122 and Highway 79 from John Lewis, Jimmy Nassour and James D. Gressett.

Vote: Motion carried 4 – 0

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