

AGENDA ITEM 17

Consider granting final plat approval for Mansions on the Green, II.

Moved: **Commissioner Hays**

Seconded: **Judge Doerfler**

Motion: To grant final plat approval for Mansions on the Green, II

Vote: Motion carried 5 – 0

Regular Agenda**AGENDA ITEM 18**

Consider authorizing advertising and setting date for public hearing for Lot 5, Big Valley.

Moved: Judge Doerfler

Seconded: Commissioner Boatright

Motion: To authorize Steger and Bizzell Engineering advertising 10 o'clock a.m. on October 3, 2000, to hold public hearing on division of Lot 5, Big Valley into three (3) lots.

Vote: Motion carried 5 – 0

AGENDA ITEM 19

Discuss and take appropriate action on boundary dispute at old Farmers State Bank building.

Steger and Bizzell Engineer Don H. Bizzell explained the 1999 survey his firm performed on the Williamson County Historical Museum located in the old Farmers State Bank building located across the street on the west side of the Williamson County Courthouse in Georgetown indicated an encroachment. His firm ties into the coordinates of the old Makemson, Steele, Weir Building on the southwest corner of the square for all their downtown Georgetown surveying.

Mr. Bizzell discussed the Warranty Deed With Vendor's Lien from Samuel H. Neuman to Von Nash recorded in Volume 2599, Page 613 of the Official Records of Williamson County. Page 2 of the deed acknowledged an encroachment in the north wall of the adjoining building to old Farmers State Bank. The owner of the adjoining building acknowledged an encroachment upon receipt of her deed.

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WARRANTY DEED WITH VENDOR'S LIEN

44372

STATE OF TEXAS

COUNTY OF WILLIAMSON

{ KNOW ALL MEN BY THESE PRESENTS:

THAT SAMUEL H. NEUMAN of Brazos County, Texas, herein referred to as "Grantor," not joined by my spouse because the property conveyed herein is my sole and separate property and does not constitute any part of my homestead, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable consideration to the undersigned paid by the Grantee herein named, the receipt of which is hereby acknowledged, and the further consideration of the sum of ONE HUNDRED FIFTEEN THOUSAND AND NO/100 DOLLARS (\$115,000.00), as is evidenced by the execution and delivery by Grantee of her one certain promissory note in the principal sum of ONE HUNDRED FIFTEEN THOUSAND AND NO/100 DOLLARS (\$115,000.00) of even date herewith and bearing interest from date until maturity at the rate specified therein, payable to the order of Grantor at P. O. Box 13249, College Station, Brazos County, Texas 77841, as specified; said note provides for acceleration of maturity and contains the usual attorney's fees clause and the payment of said note is secured by the vendor's lien herein retained, and is additionally secured by a deed of trust of even date herewith to SANDRA L. SEGAL, Trustee, 1722 Broadmoor, Suite 118, Bryan, Texas 77802, has GRANTED, SOLD AND CONVEYED and by these presents does GRANT, SELL AND CONVEY unto VON NASH, herein referred to as "Grantee," of the County of Williamson and State of Texas, as her sole and separate property, all of the following

OFFICIAL RECORDS
WILLIAMSON COUNTY, TEXAS

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described real property in Williamson County, Texas, to-wit:

BEING the south one-half (1/2) of Lot Eight (8), and the east one-fourth (1/4) of Lots Six (6) and Seven (7), Block Forty-One (41), in the CITY OF GEORGETOWN, Williamson County, Texas, according to the map or plat thereof, recorded in Volume 5, Page 211, Deed Records of Williamson County, Texas.

THIS CONVEYANCE IS MADE SUBJECT TO THE FOLLOWING:

1. Any easements presently in use by the City of Georgetown, and any pipes or pipe lines in place under the tract described herein.
2. Any portion of the herein described property which falls within the boundaries of a street or alley.
3. Reciprocal easement and rights resting in parol or otherwise, in and to the north walls as to Lots 8 and 6, and the east and west walls of Lots 6 and 7, of the building located on the insured property, by virtue of the fact that said wall is located partly on the above described property and partly on the property adjoining on the north and west and east.
4. All visible and apparent easements and all underground easements, the existence of which may arise by unrecorded grant or by use.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Grantee, her heirs, assigns and executors forever; and Grantor hereby binds himself, his heirs, assigns and executors to WARRANT AND FOREVER DEFEND all and singular the said premises unto the said Grantee, her heirs, assigns and executors, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

But it is expressly agreed that the VENDOR'S LIEN retained herein as well as the Superior Title in and to the above described premises, is retained by Grantor until the above described

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\$115,000.00 note and all interest thereon are fully paid according to the face, tenor, effect and reading thereof, when this Deed shall become absolute.

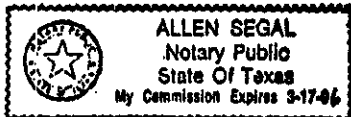
EXECUTED THIS 31 day of August, 1994.

Samuel H. Neuman
SAMUEL H. NEUMAN

THE STATE OF TEXAS
COUNTY OF BRAZOS

BEFORE ME, the undersigned authority on this day personally appeared SAMUEL H. NEUMAN, 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.

GIVEN UNDER MY HAND and seal of office this 31 day of August, 1994.



Allen Segal
Notary Public in and for the
State of TEXAS
My commission expires:
3-17-96

GRANTEE'S ADDRESS:

VON NASH
4201 Val Verde
Georgetown, Texas 78628

AFTER FILING RETURN TO:

Allen J. Segal
Attorney at Law P.C.
1722 Broadmoor, Suite 118
Bryan, Texas 77802

FILED FOR RECORD
WILLIAMSON COUNTY, TX.
SEP 2 PM 4:32
Clare Angel
COUNTY CLERK

STATE OF TEXAS COUNTY OF WILLIAMSON
I hereby certify that this instrument was FILED
on the date and at the time stamped hereon
by me; and was duly RECORDED in the Volume
and Page of the named RECORDS of Williamson
County, Texas, as stamped hereon by me, on



SEP 2 1994
Clare Angel
COUNTY CLERK
WILLIAMSON COUNTY, TEXAS

Mr. Bizzell suggested a boundary line agreement between Williamson County and owner Von Nash would be appropriate.

The surveyor for Ms. Nash was unable to attend this meeting but she did "agree to agree" on a solution to the matter.

< Clerk copy here >

LOOMIS AUSTIN

LAND • WATER • PROPERTY

April 13, 2000

Mr. Robert Tamminga
1818 South Lakeshore Blvd., No. 21
Austin, Texas 78741

RE: Block 41, City of Georgetown, Williamson County, Texas
LAI Job No. 000326

Dear Mr. Tamminga:

At your request, I have prepared the following report to accompany a survey plat and field notes description based on my survey of a portion of Block 41 in the City of Georgetown, Texas.

The subject property was conveyed to Von Nash by deed executed August 31, 1994, and recorded in Volume 2599, Page 615, Official Records of Williamson County, Texas. The property is described as the south one-half of Lot 8 and the east one-quarter of Lots 6 and 7, Block 41, in the City of Georgetown, Williamson County, Texas, according to the map or plat thereof, recorded in Volume 5, Page 211, Deed Records of Williamson County, Texas.

Don Bizzell, a land surveyor with an office in Georgetown, surveyed the north one-half of Lot 8 and prepared a survey plat dated January 2000. Mr. Bizzell's plat shows the building on the south one-half of Lot 8 encroaching onto the north one-half of the lot by approximately two feet. I became involved in this matter in February after you and your client, Von Nash, reviewed Mr. Bizzell's plat. You requested that I look into the matter and give an opinion on the boundary issue.

I obtained a copy of the plat recorded in Volume 5, Page 211, from the Williamson County Deed Records. This recorded map is not dated. Text on the map states that the streets leading from the square are 60 feet wide, the streets leading into the square are 80 feet wide, and the blocks are 240 feet square with the lots being 60 feet by 120 feet. The recorded map does not call for or show monuments at the lot and block corners or any other places. I noticed immediately that the lots and blocks shown on the plat were numbered differently than called for in the deed to Von Nash. I obtained a current tax map from the Williamson Central Appraisal District and found that its lot and block numbering system agrees with the deed description. I began investigating a reason for the difference in numbering systems. I returned to the County Clerk's office and read the subdivision plat index. The index revealed that a "Revised Map of Georgetown" was on file. However, I soon discovered that the map had been removed from the records and was missing. Apparently it has been missing for years. I began inquiring about the map and someone suggested looking for a copy of the map at City of Georgetown offices.

I went to the office of the City of Georgetown Planning and Development to continue my search for the map. There the staff looked through some old files and found a map titled "Map of Georgetown Texas", drawn by Walter Rowntree, County Surveyor, Georgetown, Texas, dated October 1905 and January 1915. I obtained a copy of the map. This map uses the same numbering system as the deed into Von Nash and shown on the tax map. It is apparent to me this map is recognized as the official map of Georgetown.

Block 41 is located directly across Austin Avenue from, and west of, the Williamson County Courthouse. All of the buildings located in the courthouse square are old. The historical signs posted on the buildings indicate that most of these buildings were constructed during the period of 1885 to 1910. The maps of Georgetown do not call for or show monuments of any type to mark the lot and block corners. Therefore, there are no original monuments to locate in this area.

My next step was to make an on-the-ground survey of Block 41. Douglas Edwards, a Registered Professional Land Surveyor and member of my staff, and I, went to the field and spent a full day in Georgetown to work on this survey. We searched for evidence of lot and block corners in Block 41 and adjacent blocks. We ran a traverse around the subject area to make survey ties to the found survey markers, building corners and other evidence, which we deemed pertinent to construct the boundaries of Block 41.

Block 37 is directly north and across 9th Street from of Block 41. We found a 5/8-inch iron rod at the southwest and northeast corners of Block 37. At the southeast corner of Block 37 we found a cross cut in the concrete pavers sidewalk. Our measurements to these found markers showed they fit the call for a 240-foot square block. On Block 41 we found the two drill holes set by Don Bizzell and shown on his plat. These two drill holes, according to the Bizzell plat, mark the northeast and southeast corners of the north one-half of Lot 8, Block 41. A concrete nail in the sidewalk was found near the northeast corner of Block 50, directly south of and across 8th Street from Block 41. The concrete nail is shown on the Bizzell plat as the northeast corner of Block 50. We made survey ties to each of these found survey markers and building corners on Block 41, Block 50 and Block 37.

To construct the corners of Block 41, I held a bearing of N 00° 00' 00" E between the cross cut in the sidewalk at the southeast corner of Block 37 and the 5/8-inch iron rod found at the northwest corner of Block 37 for the north orientation. From the cross cut in the sidewalk I constructed a line S 00° 00' 00" E a distance of 80.00 feet (across 9th Street) to the northeast corner of Block 41. This calculated point is in-line with the north side of the building situated on the north side of Block 41. I then continued along the bearing of S 00° 00' 00" E, for the east line of Block 41, to a point being 1.76 feet east of, and in-line with, the south side of the building situated on the south side of Block 41. With this construction, the east line of Block 41 is 240.73 feet, the lots in Block 41 having a prorated width of 60.18 feet. From the calculated southeast corner of Block 41, I continued with the bearing of S 00° 00' 00" E a distance of 80.00 feet (across 8th Street) to a point for the northeast corner of Block 50. This calculated corner is 1.48 feet north and 1.87 feet east of the northeast corner of the building situated on the north part of Block 50. The concrete nail found and shown on the Bizzell plat is near the northeast corner of the building. I then calculated the southeast corner of Block 50 by continuing the bearing of S 00° 00' 00" E a distance of 240.00 feet from the calculated northeast corner of Block 50. The calculated southeast corner of Block 50 is 1.17 feet north and 0.37 feet east of the southeast corner of the building situated on the south part of Block 50.

From the calculated southeast corner of Block 41, I ran the south line of the block a bearing of S 90° 00' 00" W a distance of 240.00 to a calculated point for the southwest corner of Block 41. I then calculated the interior lot lines of the block to be parallel with the south block line.

This construction of Block 41 results in block dimensions of 240.73 feet (north-south) by 240.00 feet (east-west). Although my construction of the block creates an excess of 0.73 feet in the north-south direction, it does fit the buildings within the block lines along the east side of the block, the street rights-of-way adjacent to Block 41 maintain their width according to the recorded plat, and the block and lot lines are parallel and perpendicular according to the recorded plat. In boundary retracement, the surveyor must attempt to harmonize the calls found in a deed or on a plat with the evidence found on the ground. My construction of the block and lot lines of Block 41 accomplishes that.

Mr. Bizzell's location of the north one-half of Lot 8, Block 41, the property adjoining the Von Nash property on the north, places the building on Von Nash's property (the south one-half of Lot 8) nearly two feet onto the north one-half of the lot. I disagree with the Bizzell construction of the lot lines in Block 41. His location of Block 41, according to his survey plat, apparently is based solely on the location of the concrete nail found near the northeast corner of Block 50. No other ties to survey monuments, other than the two called for drill holes set by Bizzell along the east line of Block 41 and an iron rod set by Bizzell called for at the northwest corner of said Lot 8 (found destroyed during our survey), are shown on the Bizzell plat. The Bissell plat shows a line labeled "North line Block 50 Bearing Basis" with a bearing of East from the concrete nail, however there is no monument shown at the other end of the line. I know Mr. Bizzell has been a practitioner of land surveying in the Georgetown and Williamson County area for about twenty-five years. His construction of the north one-half of Lot 8, Block 41, City of Georgetown, may be based on other information obtained by him on previous surveys in this area. However, it is not shown on his survey plat. His construction of the portion of Block 41, according to his survey plat, will place the buildings located within Block 41 in conflict with the record lot lines.

In conclusion, it is my opinion the location of the historic buildings located on the lots in Block 41, City of Georgetown, are the best available evidence of the position of the lot and block corners. My construction of the block lines fits the recorded plat of the City of Georgetown and is based on the location of the buildings and found survey monuments.

It has been my pleasure to provide these professional surveying services to you and your client. Please call me at my office for further discussion of this matter or if I can be of service in any other way.

With kindest regards,

William D. "Bill" O'Hara, RPLS
Chief Surveyor

7,222 Sq. Ft. (0.166 Ac.)
Blk 41, City of Georgetown, TX
Williamson County, Texas

LAI Job 000326
FN0040(wdo)
Page 1 of 2

FIELD NOTES DESCRIPTION

DESCRIPTION OF 7,222 SQUARE FEET (0.166 ACRES) OF LAND IN THE CLEMENT STUBBLEFIELD SURVEY, WILLIAMSON COUNTY, TEXAS; BEING THE SOUTH ONE-HALF OF LOT 8 AND THE EAST ONE-QUARTER OF LOTS 6 AND 7, BLOCK 41, ACCORDING TO THE "MAP OF GEORGETOWN, TEXAS" DATED OCTOBER 1905 AND JANUARY 1915, DRAWN BY WALTER ROWNTREE (MAP IS UNRECORDED, A COPY WAS OBTAINED FROM THE CITY OF GEORGETOWN PLANNING AND DEVELOPMENT DEPARTMENT), AND BEING THE TRACT CONVEYED TO VON NASH AS DESCRIBED IN THE DEED OF RECORD IN VOLUME 2599, PAGE 613, OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS; SAID 7,222 SQUARE FOOT TRACT, AS SHOWN ON LOOMIS AUSTIN, INC. DRAWING NO. 000326, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 5/8-inch iron rod found in the west line of Austin Avenue (a.k.a. Brushy Street and Business Loop 35M), an 80-foot right-of-way, for the northeast corner of Block 37 according to said "Map of Georgetown, Texas";

THENCE, S 00° 00' 00" E, (Bearing Basis) with the east line of said Block 37, same being the west line of said Austin Avenue, a distance 239.92 feet to a cross cut in a concrete pavers sidewalk found at the northwest corner of the intersection of said Austin Avenue and 9th Street, and being the southeast corner of said Block 37;

THENCE S 00° 00' 00" E, crossing said 9th Street, at a distance of 80.00 feet pass a calculated point for the northwest corner of said Block 41, and continuing with the east line of said Block 41, being the west line of said Austin Avenue, a distance of 240.73 feet to a calculated point at the northwest corner of the intersection of said Austin Avenue and 8th Street (a.k.a. Oak Street) for the southeast corner of said Lot 8, and the southeast corner of said Block 41, same being the POINT OF BEGINNING and southeast corner of the tract described herein, from which a building corner bears S 90° 00' 00" W a distance of 1.76 feet;

THENCE S 90° 00' 00" W, with the south line of said Lot 8, being the north line of said 8th Street, and being along or near the exterior wall of an existing building, at a distance of 120.00 feet pass the southwest corner of said Lot 8, same being the southeast corner of said Lot 7, continuing for a total distance of 150.00 feet to a calculated point for the southwest corner of the tract described herein;

THENCE N 00° 00' 00" W, crossing said Lot 6 and Lot 7 a distance of 120.36 feet to a calculated point in the north line of said Lot 6, same being the south line of Lot 3, for the northwest corner of the tract described herein;

THENCE S 90° 00' 00" E a distance of 30.00 feet to a calculated point for the common corner of Lots 4, 5, 6 and 3, said Block 41, and being the northern northeast corner of the tract described herein;

THENCE S 00° 00' 00" E, with the common line of said Lots 5 and 6, at a distance of 60.18 feet pass the common corner of said Lots 5, 8, 7 and 6, continuing with the common line of said Lots 8 and 7, for a total distance of 90.27 feet to a calculated point at or near the rock wall of a building;

THENCE S 90° 00' 00" E, crossing said Lot 8, a distance of 120.00 feet to a calculated point in the west line of said Austin Avenue, same being the east line of said Lot 8 and said Block 41, and being the southern northeast corner of the tract described herein;

THENCE S 00° 00' 00" E, at a distance of 1.95 feet pass a punch hole in concrete pavers sidewalk found 0.35 feet right, continuing for total distance of 30.09 feet to the POINT OF BEGINNING and containing 7,222 square feet (0.166 acre) of land, more or less.

I, WILLIAM D. O'HARA, HEREBY CERTIFY that this field notes description and the Loomis Austin, Inc. Drawing No. 000326 were prepared from an actual survey made on the ground under my direction and supervision during the month of March of the year 2000, and are true and correct to the best of my knowledge.

William D. O'Hara
Registered Professional Land Surveyor
No. 4878 - State of Texas
Loomis Austin, Inc.
3103 Bee Caves Rd., Suite 225
Austin, TX 78746

Date

Architect David Voelter discussed both surveys, the existing elevator shaft for the museum and the necessity for a resolution to the problem.

Moved: **Commissioner Hays**

Seconded **Commissioner Limmer**

Motion: Appoint office of the Williamson County Attorney, Don Bizzell, Von Nash and her surveyor, William D. "Bill" O'Hara, RPLS of Loomis Austin to work out a boundary line and water drainage agreement between Williamson County and Von Nash regarding the two buildings.

Vote: Motion carried 5 – 0

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AGENDA ITEM 20

Consider awarding, rejecting or extending various annual bids.

Moved: **Judge Doerfler**

Seconded: **Commissioner Boatright**

Motion: To award annual bids except for Property and Casualty Insurance and Pharmaceuticals and Pharmaceutical Services/Supplies per attached listing:

HEAVY EQUIPMENT PARTS AND SERVICE/LABOR

Romco Equipment Company
 Champion Motor Graders
 Waldon Sweepers
 Closner Equipment Company, Inc.
 Barber Greene
 Dynapac
 Ferguson
 Rosco
 Texana Machinery
 Case Construction Machinery
 Cooper Equipment Company
 Champion Rollers
 Entyre
 Broce Brooms
 Equipment Depot, D.B.A. Austin Ford Tractor
 Ford Agricultural Machinery
 R.D.O. Equipment Company
 John Deere Industrial Equipment

MEDICAL SUPPLIES FOR EMS AND JAIL

See attached listing

PRINTING SERVICES – GENERAL AND SPECIALIZED

Safeguard Business Systems
 Items 1-42 and 45-47
 Scott – Merriman, Inc.
 Item 44

ROADSIDE CHEMICALS AND HERBICIDES

United AGRI
 Items 1-4 and 6

ROAD BASE MATERIALS AND AGGREGATE

Centex Materials
 Items 1 & 2, Primary on items 12 and 13
 Dean Word
 Item 11, Secondary on items 12 and 13
 Capitol Aggregates
 Items 14-16
 Vulcan Materials
 Items 20-22

CONTRACT TOWING SERVICES FOR SHERIFF OFFICE

Cedar Park Wrecker
 Southwest Area
 C&C Wrecker
 Southeast, Northwest and Northeast areas

Vote: Motion carried 5 – 0

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