

V.

Consider authorizing Judge to sign release of lien for Northeast Round Rock Road District #1.

Moved: **Judge Doerfler**

Seconded: **Commissioner Limmer**

Motion: To authorize Judge to sign release of lien for Holigan Homes Texas, Ltd. for 90.617 acres out of the Thomas Toby Survey.

Vote: **5 – 0**

< Attachment >

## **ORDER**

### **AN ORDER APPROVING A REVISED ASSESSMENT PLAN FOR APPROXIMATELY 90.626 ACRES OF LAND WITHIN NORTHEAST ROUND ROCK ROAD DISTRICT NO. 1**

#### **RECITALS:**

Northeast Round Rock Road District No. 1 (the "District") has previously adopted an Amended and Restated Order Approving An Assessment Plan For Northeast Round Rock Road District No. 1; Levying Special Assessments Against All Taxable Property Within the District to Provide Funds to Pay Principal and Interest on Refunding Bonds to be Issued by the District; Providing For the Payment of Said Special Assessments in Installments With Interest; Providing a Discount for Early Payment of an Assessment; and Providing for the Acceleration of the Unpaid Balance of An Assessment Upon Default (the "Original Order"), which is recorded in Volume 57, Page 159, Official Records of Williamson County, Texas.

Under the terms of the Original Order, the property, located within the District, which is more fully described on Exhibit A, attached hereto and incorporated herein by reference (the "Property"), became subject to certain assessments to pay the principal and interest of the District's bonded indebtedness.

The owner of said property has proposed a re-assessment plan for the Property, and said re-assessment has been reviewed and considered by the Commissioner's Court of Williamson County, which has made the findings contained in this Order.

#### **FINDINGS**

1. The Reassessment Plan for the Property will be a benefit to the property within the District, and the holders of the District's outstanding bonds.
2. The Reassessment Plan for the Property should be approved, and the revised special assessments described herein should be levied upon the Property to provide for the payment of principal and interest of a pro rata portion of the District's bonded indebtedness.
3. The assessments against the Property described in the Revised Assessment Plan should be approved and collected and a release shall be executed upon payment of said Reassessment.

NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF WILLIAMSON COUNTY, TEXAS, SITTING AS THE BOARD OF DIRECTORS OF THE NORTHEAST ROUND ROCK ROAD DISTRICT #1, THAT:

Section 1. Findings. The recitals and findings in the preamble of this Order are found to be true and correct.

Section 2.      Assessment Plan for the Property. The Reassessment Plan for the Property is hereby approved.

Section 3.      Levy of Assessments. There is hereby levied a reassessment of \$229,432.44 against the Property. This special re-assessment will replace, and not be in addition to, any special assessments against the Property described in the Original Order.

Section 4.      Severability. If any provision, section, subsection, sentence, clause, or phrase of this Order, or the application of same to any person or set of circumstances is, for any reason, held to be unconstitutional, void, or invalid, the validity of the remaining portions of this Order or their application to other persons or sets of circumstances will not be affected thereby, it being the intent of the Commissioners Court in adopting this Order that no portion hereof, or provision or regulation contained herein, will become inoperative or fail by reason of any unconstitutionality, voidness, or invalidity of any other portion hereof, and all provisions of this Order are declared to be severable for such purpose.

Section 5.      Notice of Meeting. The Commissioners Court officially finds, determines, recites, and declares that a sufficient written notice of the date, hour, place, and subject of this meeting of the Commissioners Court was posted at the Williamson County Court House for the time required by law preceding this meeting, as required by the Texas Open Meetings Law, Chapter 551, Texas Government Code, and that this meeting has been open to the public as required by law at all times during which this Order and the subject matter hereof has been discussed, considered, and formally acted upon. The Commissioners Court further ratifies, approves, and confirms such written notice and the contents and posting thereof.

Section 12.      Effective Date. This Order will be effective from and after its adoption.  
PASSED AND ADOPTED the 10<sup>TH</sup> day of APRIL, 2001.

John C. Daughler 5-8-01  
County Judge  
Williamson County, Texas

ATTEST:

Dancy E. Riter  
County Clerk



Exhibit A:      The Property

## AUSTIN SURVEYORS

P.O. BOX 1802-43  
AUSTIN, TEXAS 787182105 JUSTIN LANE #103  
(512) 454-6605

Attachment to plat 609P1

## FIELD NOTES FOR 90.626 ACRES

All that certain tract or parcel of land situated in Williamson County, Texas and being a part of the Thos. Toby Survey, A-624, and being also all of a tract of land called 90.617 acres in a deed to Tri-Vest Investments, Inc. recorded in Volume 1654, Page 375 of the Deed Records of Williamson County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a capped iron pin set on the Northeast line of Vista Heights Section 11 in the South corner of a tract of land conveyed to MMI Development in Volume 1242, Page 703 of the above mentioned Deed Records and the West corner of the above mentioned 90.617 acre tract, for the West corner of this tract.

THENCE N 70°49'58" E 1466.97 feet to railroad spike at a fence corner post found on the Southwest line of a 1200.19 acre tract conveyed to C.N. Avery et al in Volume 305, Page 228 of the said Deed Records, in the East corner of a tract of land conveyed to John Mays et ux in Volume 1660, Page 623 of the said Deed Records, for the North corner of the said 90.617 acre tract and the North corner of this tract.

THENCE S 07°39'25" E with the Southwest line of the said 1200.19 acre tract 276.24 feet to an iron pin found in an angle point of the said 90.617 acre tract for an angle point of this tract.

THENCE S 25°30'24" E with the Southwest line of the said 1200.19 acre tract 364.09 feet to a railroad spike found in an angle point of the said 90.617 acre tract for an angle point of this tract.

THENCE S 23°59'24" E with the Southwest line of the said 1200.19 acre tract 992.10 feet to a railroad spike found in an angle point of the said 90.617 acre tract for an angle point of this tract.

THENCE S 28°32'54" E with the Southwest line of the said 1200.19 acre tract 200.07 feet to a railroad spike found in an angle point of the said 90.617 acre tract for an angle point of this tract.

Exhibit "A"

90.626 acres

PAGE 2 OF 2

THENCE S 30°16'24" E with the Southwest line of the said 1200.19 acre tract 417.20 feet to an iron pin found in an angle point of the said 90.617 acre tract for an angle point of this tract.

THENCE S 17°51'36" E with the Southwest line of the said 1200.19 acre tract 274.62 feet to an iron pin found in an angle point of the said 90.617 acre tract for an angle point of this tract.

THENCE S 20°22'37" E with the Southwest line of the said 1200.19 acre tract 146.22 feet to an iron pin set in the East corner of the said 90.617 acre tract for the East corner of this tract.

THENCE S 70°59'05" W 1558.72 feet to an iron pin found on the Northeast line of a tract of land described in Volume 1094, Page 376 of the said Deed Records, in an angle point of the said 1200.19 acre tract, for the South corner of the said 90.617 acre tract and the South corner of this tract.

THENCE N 21°33'20" W 2063.47 feet to a capped iron pin set in the North corner of Meadowlake Section 3 as recorded in Cabinet G, Slide 376 of the said Plat Records and the East corner of the above mentioned Vista Heights Section 11, for an angle point of the said 90.617 acre tract and an angle point of this tract.

THENCE N 19°13'18" W 582.84 feet to the POINT OF BEGINNING containing 90.626 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 an on-the-ground survey made under my supervision during March of 2000 and are correct to the best of my knowledge and belief. These field notes were prepared for a transfer of title to Glenn Neans from Holigan Homes Texas, Ltd. Any use of this description by these or any other persons for any other use or purpose is expressly prohibited.



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

03 Oct 00  
 Date 609.doc

Exhibit "A"

2001033993 4 PGS

**RELEASE OF LIEN****Date:** May 8, 2001**Assessment Lien:**

Date: January 1, 1993

Assessment Balance, including accrued interest: \$229,432.44

Payor: HOLIGAN HOMES TEXAS, LTD.

Payee: NORTHEAST ROUND ROCK ROAD DISTRICT NO. 1

Date of Maturity: as therein provided

**Holder of Lien:** NORTHEAST ROUND ROCK ROAD DISTRICT NO. 1**Holder's Mailing Address (including county):**

NORTHEAST ROUND ROCK ROAD DISTRICT NO. 1  
County Judge  
Williamson County Courthouse  
Georgetown, Williamson County, Texas 78627

**Lien is Described in the Following Documents:**

The above-described assessment lien was imposed against the real property described in Exhibit "A" attached hereto by an Assessment Order adopted by the Board of Directors of the Northeast Round Rock Road District No.1 dated January 4, 1993, as found in Volume 57, Page 159 of the Williamson County Commissioner's Court minutes. Said assessment lien was validated on March 1, 1993 in Cause No. 93-026-C277 in the 277th Judicial District Court of Williamson County, Texas.

**Property (including any improvements) Subject to Lien:**

90.617 acres, more or less, out of the Thos. Toby Survey, as described in Exhibit "A", attached hereto and incorporated herein.

Holder of the note and lien acknowledges its payment and releases the property from the lien and from all liens held by Holder of the note and lien without regard to how they were created or evidenced.

**RELEASE OF LIEN - PAGE 1**

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Holder of the note and lien expressly releases all present and future rights to establish or enforce the lien as security for the payment of any future or other advances.

When the context requires, singular nouns and pronouns include the plural.

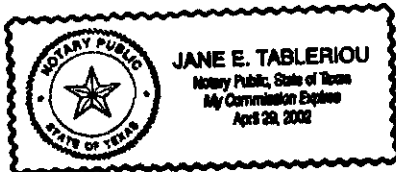
NORTHEAST ROUND ROCK ROAD DISTRICT NO. 1

By: John C. Doerfler 5-8-01  
John Doerfler, County Judge

**ACKNOWLEDGMENT**

**STATE OF  
COUNTY OF**

<sup>8th</sup> This instrument was acknowledged before me on this the day of May, 2001, by John Doerfler, County Judge, sitting as Director of NORTHEAST ROUND ROCK ROAD DISTRICT NO. 1, a political subdivision of the State of Texas, on behalf of said political subdivision.



Jane E. Tableriou  
Notary Public, State of  
Printed Name: Jane E. Tableriou  
My Commission Expires:

**PREPARED IN THE OFFICE OF:**

Brown McCarroll Sheets & Crossfield,  
L.L.P.  
309 E. Main St.  
Round Rock, Texas 78664

**AFTER RECORDING RETURN TO:**

① Austin Title Company  
101 E. Settlers Blvd.  
Suite 100  
Round Rock, Texas 78664

RELEASE OF LIEN - PAGE 2  
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**AUSTIN SURVEYORS**P.O. BOX 180143  
AUSTIN, TEXAS 787182105 JUSTIN LANE #103  
(512) 454-6605

statement to plat 60971

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Exhibit "A"

**RECORDERS MEMORANDUM**

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90.626 acres

PAGE 2 OF 2

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

05 Oct 00  
Date 609.doc

FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS

RECORDERS MEMORANDUM

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*Nancy E. Rister*

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ANDERSON \$15.00  
NANCY E. RISTER, COUNTY CLERK  
WILLIAMSON COUNTY, TEXAS  
Exhibit A



**THE ROAD DISTRICT MEETING ADJOURNED AT 1:15 P.M. ON TUESDAY, MAY 8, 2001.**

THE FOREGOING MINUTES recorded on Minutes Pages 1 through 224, inclusive had at a Regular Session of Commissioners' Court of Williamson County, Texas, having been read are hereby approved this 15th day of May, 2001.



John C. Doerfler, County Judge

ATTEST: Nancy E. Rister, Clerk County Court & Ex-officio Clerk,  
Commissioners' Court, Williamson County, Texas

By:   
Deputy Clerk