

AGENDA ITEM 26

Consider a resolution determining public need and necessity to acquire 5.08 acres and 21.28 acres for construction of D. B. Wood Rd. and its proposed extension and thereafter the filing of eminent domain proceedings if necessary.

Moved: **Commissioner Hays**

Seconded: **Commissioner Limmer**

Motion: To approve a resolution determining public need and necessity to acquire 5.08 acres and 21.28 acres for construction of D. B. Wood Rd. and its proposed extension and thereafter the filing of eminent domain proceedings if necessary.

Vote: **5 – 0**

< Attachment >

A RESOLUTION OF THE COMMISSIONERS COURT FOR THE COUNTY OF WILLIAMSON, DETERMINING A PUBLIC NEED AND NECESSITY FOR THE ACQUISITION OF APPROXIMATELY 5.08 ACRES, IN FEE SIMPLE; AND 21.28 ACRES IN FEE SIMPLE; AND GIVING NOTICE OF OFFICIAL DETERMINATION TO ACQUIRE SAID PROPERTY TO CONSTRUCT AND MAINTAIN ROADWAY IMPROVEMENTS TO D. B. WOOD ROAD AND ITS PROPOSED EXTENSION, AND ASSOCIATED PUBLIC PURPOSES; ESTABLISHING PROCEDURES FOR THE ACQUISITION OF SAID PROPERTY; AUTHORIZING THE FILING OF PROCEEDINGS IN EMINENT DOMAIN TO ACQUIRE THE NEEDED PROPERTY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Commissioners Court, upon consideration of the matter, has determined that there is a public necessity for the welfare of the County and the public-at-large to construct and maintain roadway improvements to D. B. Wood Road and its proposed extension, and to perform associated public purposes ("Project"); and

WHEREAS, in accordance with the above, the Commissioners Court, hereby finds that it is a necessity and in the public interest to acquire approximately 5.08 acres of land in Williamson County, Texas, in fee simple, said land more particularly described in Exhibit "A," attached hereto and incorporated herein by reference for all purposes; and approximately 21.28 acres of land in Williamson County, Texas, in fee simple, said property being more particularly described in Exhibit "B," attached hereto and incorporated herein reference for all purposes; for the above stated Project; and

WHEREAS, it is necessary to establish procedures for determining and approving just compensation for the Property to be acquired for this Project.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS COURT
OF WILLIAMSON COUNTY, TEXAS:

I.

Section 1. The Commissioners Court hereby finds and determines that it is necessary for the welfare of the County and its citizens and is in the public interest to construct and maintain roadway improvements to D. B. Wood Road and its proposed extension and to acquire fee simple title in and to the property described in Exhibit "A", in order to allow the County and/or its assigns to complete said Project.

Section 2. The County Attorney or his designated agent, is hereby authorized on behalf of the County to attempt to contract, on behalf of the County, professional surveyors, appraisers, or other experts as needed, to perform professional services in connection with the Project and associated public purposes, to negotiate, settle and agree on damages and compensation to be paid to owners of the Property, and to make official, written, bona fide offers to the owners for the appraised value of said Property. If it is determined that an agreement as to the value of said Property, damages and/or compensation to be paid cannot be reached, then the County Attorney or his designated agent is hereby authorized to file or cause to be filed, against the owners and interested parties of the Property, proceedings in eminent domain to acquire fee simple title in and to the above described lands, in order to allow the County and/or its assigns to complete said Project, and to perform and undertake all other proceedings and

actions necessary to complete the acquisition of the Property.

Section 3. It is the intent of the Commissioners Court that this resolution authorizes the condemnation of the property described in Exhibit "A" to complete the construction and maintenance of improvements to D. B. Wood Road and its proposed extension and associated public purposes. If it is later determined that there are any errors in the descriptions contained herein or if later surveys contain more accurate revised descriptions, the County Attorney or his designated agent is authorized to have such errors corrected or revisions made without the necessity of obtaining a new resolution of the Commissioners Court authorizing the condemnation of the corrected or revised Property.

Section 4. The findings of fact, recitations of provisions set in the preamble of this Resolution are adopted and made a part of the body of this Resolution, as fully as if the same were set forth herein.

Section 5. This Resolution shall become effective immediately from and after its approval.

II.

A. All resolutions or parts of resolutions in conflict herewith are expressly repealed.

B. The invalidity of any section or provision of this resolution shall not invalidate other sections or provisions thereof.

C. The Commissioners Court hereby finds and declares that written notice of the date, hour, place and subject of the meeting

at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended, and the Act.

Adopted this 2ND day of October, 2001.

John C. Doerfler
John C. Doerfler
County Judge

ATTEST:

Nancy E. Rister
Nancy E. Rister
County Clerk

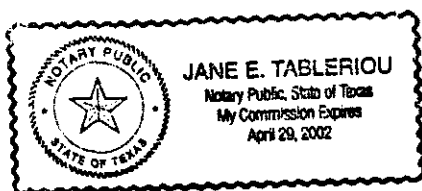
ACKNOWLEDGMENT

THE STATE OF TEXAS

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§

COUNTY OF WILLIAMSON

This instrument was acknowledged before me on the 2nd day of October, 2001 by John C. Doerfler, Williamson County Judge.



Jane E. Tableriou
Notary Public, State of Texas

A

LEGAL DESCRIPTION FOR WILLIAMSON COUNTY, TEXAS

AC WEIR RANCH PARTNERSHIP TRACT

BEING 5.08 acres of land, situated in the Joseph Thompson Survey, Abstract No. 608, in Williamson County, Texas, said land being a portion that certain tract of land, called 25.75 acres, as conveyed to A.C. Weir Ranch Partnership by deed as recorded in Volume 1238, Page 445, of the Official Records of Williamson County, Texas. Surveyed on the ground in the month of April, 2001, under the supervision of Don H. Bizzell, Registered Professional Land Surveyor, and being more particularly described as follows;

BEGINNING at an iron pin set on the east line of the above-referenced A.C. Weir Ranch Partnership tract, being the west line of Lot 7 of the Resubdivision of Riverview Estates, a subdivision of record in Cabinet K, Slide 51, of the Plat Records of Williamson County, Texas, for the most northerly corner hereof, said point being S 20° 32' 30" E, 54.32 feet from the Northeast corner of the said A.C. Weir Ranch Partnership tract;

THENCE, along the west line of the said Lot 7, S 20° 32' 30" E, 0.33 of a foot to an iron pin found; S 19° 13' 30" E, 24.86 feet to an iron pin found; and S 20° 32' 30" E, 482.71 feet to an iron pin set for the Southeast corner of the said A.C. Weir Ranch Partnership tract, for the most easterly corner hereof;

THENCE, along the Southeast line of the said A.C. Weir Ranch Partnership tract, S 51° 03' 45" W, 968.78 feet to an iron pin found marking the most southerly corner of the said A.C. Weir Ranch Partnership tract, for the most southerly corner hereof;

THENCE, along a southwesterly line of the said A.C. Weir Ranch Partnership tract, N 36° 38' 15" W, 1.42 feet to an iron pin set for the Southwest corner hereof;

THENCE, along a curve to the right, (Radius = 1,010.00 feet, Long Chord bears N 30° 04' 30" E, 147.13 feet), an arc distance of 147.26 feet to an iron pin set;
Thence, N 34° 15' 15" E, 384.87 feet to an iron pin set; N 55° 44' 45" W, 65.00 feet to an iron pin set; and N 34° 15' 15" E, 242.35 feet to an iron pin set at the beginning of a curve to the left, (Radius = 834.93 feet, Long Chord bears N 30° 00' E, 123.82 feet);
Thence, along the said curve for an arc distance of 123.93 feet to an iron pin set;
Thence, N 25° 45' E, 326.35 feet to the Place of BEGINNING and containing 5.08 acres of and.

STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF WILLIAMSON

I, Don H. Bizzell, Registered Professional Land Surveyor, do hereby certify that this survey was made on the ground of the property legally described hereon and is correct, and that there are no apparent discrepancies, conflicts, overlapping of improvements, visible utility lines or roads in place, except as shown on the accompanying plat, and that said property has access to and from a dedicated roadway, to the best of my knowledge and belief.

To certify which, witness my hand and seal at Georgetown, Williamson County, Texas, this the 25th day of April, 2001, A.D.

Don H. Bizzell Don H. Bizzell
Registered Professional Land Surveyor, No. 2218

State of Texas



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Steger & Bizzell Engineering, Inc.
Consulting Engineers Surveyors

1978 Smith Avenue
Chattanooga, Tenn. 37429

Telephone: (512) 830-8412
Facsimile: (512) 830-8118

LEGAL DESCRIPTION FOR WILLIAMSON COUNTY, TEXAS**A.C. WEIR TRACT**

BEING 21.28 acres of land, situated in the Joseph Thompson Survey, Abstract No. 608, in Williamson County, Texas, said land being a portion of that certain First Tract, called 1048.20 acres, as conveyed to A.C. Weir by deed as recorded in Volume 522, Page 452, of the Deed Records of Williamson County, Texas. Surveyed on the ground in the month of April, 2001, under the supervision of Don H. Bizzell, Registered Professional Land Surveyor, and being more particularly described in two tracts as follows;

Tract No. 1 (0.39 of an acre)

BEGINNING at an iron pin set on the Southeast line of that certain tract of land, called 25.75 acres, as conveyed to A.C. Weir Ranch Partnership by deed as recorded in Volume 1238, Page 445, of the Official Records of Williamson County, Texas, for the most northerly corner hereof, said point being S 51° 03' 45" W, 70.36 feet from the Southeast corner of the said A.C. Weir Ranch Partnership tract;

THENCE, along a curve to the right, (Radius = 1,174.93 feet, Long Chord bears S 32° 10' W, 85.68 feet), an arc distance of 85.70 feet to an iron pin set and S 34° 15' W, 242.35 feet to an iron pin set for the most southerly corner hereof;

THENCE, N 55° 45' 45" W, 102.21 feet to an iron pin set on the said Southeast line of the A.C. Weir Ranch Partnership tract for the most westerly corner hereof;

THENCE, N 51° 03' 45" E, 342.61 feet to the Place of BEGINNING and containing 0.39 of an acre of land.

Tract No. 2 (20.89 acres)

BEGINNING at an iron pin set on the Southeast line of that certain tract of land, called 25.75 acres, as conveyed to A.C. Weir Ranch Partnership by deed as recorded in Volume 1238, Page 445, of the Official Records of Williamson County, Texas, for the most northerly corner hereof, said point being S 51° 03' 45" W, 457.21 feet from the Southeast corner of the said A.C. Weir Ranch Partnership tract;

THENCE, S 34° 15' 15" W, 342.51 feet to an iron pin set at the beginning of a curve to the left, (Radius = 850.00 feet, Long Chord bears S 30° 00' 30" W, 125.89 feet);

Thence, along the said curve for an arc distance of 126.01 feet to an iron pin set;

Thence, S 25° 45' 30" W, 369.35 feet to an iron pin set at the beginning of a curve to the right, (Radius = 1,060.00 feet, Long Chord bears S 37° 11' W, 419.95 feet);

Thence, along the said curve for an arc distance of 422.75 feet to an iron pin set;

Thence, S 48° 36' 45" W, 1,185.98 feet to an iron pin set at the beginning of a curve to the left, (Radius = 855.00 feet, Long Chord bears S 28° 53' 30" W, 577.00 feet);

Thence, along the said curve for an arc distance of 588.55 feet to an iron pin set;

Thence, S 9° 10' 15" W, 523.97 feet to an iron pin set; S 80° 49' 45" E, 25.00 feet to an iron pin set; and S 9° 10' 15" W, 620.59 feet to an iron pin set at the beginning of a curve to the left, (Radius = 865.00 feet, Long Chord bears S 11° 35' 45" E, 613.39 feet);

Thence, along the said curve for an arc distance of 627.02 feet to an iron pin set;

Thence, S 32° 21' 45" E, 72.20 feet to an iron pin set; S 57° 38' 15" W, 35.00 feet to an iron pin set; S 32° 21' 45" E, 444.32 feet to an iron pin set; and S 77° 22' 15" E, 141.40 feet to an iron pin set on the Northwest line of Farm to Market Highway No. 2243, being the occupied Southeast line of the said Weir First Tract, for the Southeast corner hereof;

THENCE, along the said Northwest line of Farm to Market Highway No. 2243, S 57° 37' 15" W, 340.00 feet to an iron pin set for the Southwest corner hereof;

THENCE, N 12° 37' 45" E, 141.44 feet to an iron pin set; N 32° 21' 45" W, 444.36 feet to an iron pin set; S 57° 38' 15" W, 50.00 feet to an iron pin set; and N 32° 21' 45" W, 85.47



Steger & Bizzell Engineering, Inc.
Consulting Engineers

Surveyors

1070 South Austin Avenue
Georgetown, Texas 78626

Telephone: (512) 930-9412
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feet to an iron pin set at the beginning of a curve to the right, (Radius = 1,055.00 feet, Long Chord bears N 11° 35' 45" W, 748.12 feet);
 Thence, along the said curve for an arc distance of 764.75 feet to an iron pin set;
 Thence, N 9° 10' 15" E, 333.86 feet to an iron pin set; S 80° 49' 45" E, 45.00 feet to an iron pin set; and N 9° 10' 15" E, 823.97 feet to an iron pin set at the beginning of a curve to the right, (Radius = 1,010.00 feet, Long Chord bears N 28° 53' 30" E, 681.60 feet);
 Thence, along the said curve for an arc distance of 695.24 feet to an iron pin set;
 Thence, N 48° 36' 45" E, 1,174.11 feet to an iron pin set at the beginning of a curve to the left, (Radius = 900.00 feet, Long Chord bears N 37° 11' E, 356.56 feet);
 Thence, along the said curve for an arc distance of 358.94 feet to an iron pin set;
 Thence, N 25° 45' 30" E, 382.23 feet to an iron pin set at the beginning of a curve to the left, (Radius = 1,010.00 feet, Long Chord bears N 25° 49' 45" E, 2.47 feet);
 Thence, along the said curve for an arc distance of 2.47 feet to an iron pin set on the Southwest line of the said A.C. Weir Ranch Partnership tract, for the Northwest corner hereof;

THENCE, S 36° 38' 15" E, 1.42 feet to an iron pin found marking the most southerly corner of the said A.C. Weir Ranch Partnership tract, for an interior corner hereof;

THENCE, N 51° 03' 45" E, 511.57 feet to the Place of BEGINNING and containing 20.89 acres of land.

STATE OF TEXAS)

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF WILLIAMSON)

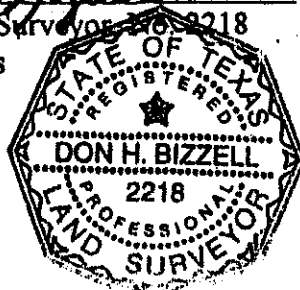
I, Don H. Bizzell, Registered Professional Land Surveyor, do hereby certify that this survey was made on the ground of the property legally described hereon and is correct, and that there are no apparent discrepancies, conflicts, overlapping of improvements, visible utility lines or roads in place, except as shown on the accompanying plat, and that said property has access to and from a dedicated roadway, to the best of my knowledge and belief.

To certify which, witness my hand and seal at Georgetown, Williamson County, Texas, this the 25th day of April, 2001, A.D.

Don H. Bizzell

Don H. Bizzell

Registered Professional Land Surveyor 2218
 State of Texas



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③ Hand to Jane
 County Judge office

FILED AND RECORDED
 OFFICIAL PUBLIC RECORDS

Nancy E. Rister

10-29-2001 03:20 PM 2001079381
 ANDERSON \$21.00
 NANCY E. RISTER, COUNTY CLERK
 WILLIAMSON COUNTY, TEXAS



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 Consulting Engineers Surveyors

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 Georgetown, Texas 78626

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AGENDA ITEM 27

Consider a resolution determining public need and necessity to acquire 12.85 acres for construction of D. B. Wood Rd. and its proposed extension and thereafter the filing of eminent domain proceedings if necessary.

Moved: **Commissioner Hays**

Seconded: **Commissioner Limmer**

Motion: To approve a resolution determining public need and necessity to acquire 12.85 acres for construction of D. B. Wood Rd. and its proposed extension and thereafter the filing of eminent domain proceedings if necessary.

Vote: **5 – 0**

< Attachment >