

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 >

A RESOLUTION OF THE COMMISSIONERS COURT FOR THE COUNTY OF WILLIAMSON, DETERMINING A PUBLIC NEED AND NECESSITY FOR THE ACQUISITION OF APPROXIMATELY 12.85 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 12.85 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; 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

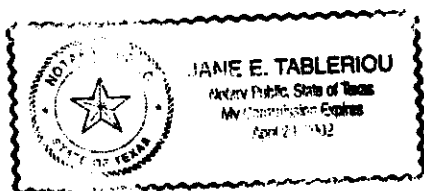
ACKNOWLEDGMENT

THE STATE OF TEXAS

§
§
§

COUNTY OF WILLIAMSON

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



Jae E. Tableriou
Notary Public, State of Texas

LEGAL DESCRIPTION FOR WILLIAMSON COUNTY, TEXAS**WOLF TRACT**

BEING 12.85 acres of land, situated in the Joseph Thompson Survey, Abstract No. 608, in Williamson County, Texas, said land being a portion of that certain tract of land, called 412 acres, as described in a Deed to Jay L. Wolf of record in Volume 422, Page 84, of the Deed Records of Williamson County, Texas. Surveyed on the ground in the month of January, 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 north line of the above-referenced Wolf tract, being the south line of the First Baptist Church Georgetown Subdivision, a subdivision of record in Cabinet L, Slide 311, of the Plat Records of Williamson County, Texas, being on, or near, the north line of the Joseph Thompson Survey, Abstract No. 608 and the south line of the Isaac Donagan Survey, Abstract No. 178, for the most northerly Northeast corner hereof; said point being N 68° 42' 45" E, 171.17 feet from the Southwest corner of the said First Baptist Church Subdivision;

THENCE, S 21° 00' 30" E, 140.32 feet to an iron pin set at the beginning of a curve to the right, (Radius = 1,870.00 feet, Long chord bears S 14° 22' 45" E, 431.57 feet) and along said curve for an arc distance of 432.53 feet to an iron pin set for an interior corner hereof;

THENCE, N 82° 15' E, 150.00 feet to an iron pin set for the most easterly Northeast corner hereof;

THENCE, along a curve to the right, (Radius = 2,020.00 feet, Long Chord bears S 5° 07' W, 899.91 feet), an arc distance of 907.52 feet to an iron pin set and S 17° 59' 15" W, 36.24 feet to an iron pin set for the most easterly Southeast corner hereof;

THENCE, N 72° 00' 45" W, 110.00 feet to an iron pin set for an interior corner hereof;

THENCE, S 17° 59' 15" W, 117.00 feet to an iron pin set on the south line of the said Wolf tract, being the north line of that certain tract of land, called 457 acres, as conveyed to W. T. Guy, Jr., et al, by deed as recorded in Volume 345, Page 460, of the Deed Records of Williamson County, Texas, for the most southerly Southeast corner hereof;

THENCE, along the south line of the said Wolf tract, being the north line of the said Guy tract, N 82° 08' W, 141.60 feet to an iron pin set and S 69° 07' W, 161.34 feet to an iron pin set for the most southerly Southwest corner hereof;

THENCE, N 17° 59' 15" E, 243.15 feet to an iron pin set for an interior corner hereof;

THENCE, N 72° 00' 45" W, 75.00 feet to an iron pin set for the most northerly Southwest corner hereof;

THENCE, N 17° 59' 15" E, 36.24 feet to an iron pin set at the beginning of a curve to the left, (Radius = 1,570.00 feet, Long Chord bears N 5° 05' 45" E, 700.58 feet), and along the said curve for an arc distance of 706.53 feet to an iron pin set for the most southerly Northwest corner hereof;

THENCE, N 82° 46' E, 45.00 feet to an iron pin set for an interior corner hereof;

THENCE, along a curve to the left, (Radius = 1,615.00 feet, Long Chord bears N 14° 23' 30" W, 371.96 feet), an arc distance of 372.78 feet, and N 21° 00' 30" W, 139.08 feet to an iron pin set on, or near, the said north line of the Joseph Thompson Survey, Abstract No. 608, being the south line of the Isaac Donagan Survey, Abstract No. 608, being the north line of the said Wolf tract, and the south line of Georgetown Church of Christ Subdivision, a subdivision of record in Cabinet M, Slide 186, of the Plat Records of Williamson County, Texas, for the most northerly Northwest corner hereof;

EXHIBIT

A

THENCE, along the north line of the said Wolf tract, being along the south line of the said Georgetown Church of Christ Subdivision, N 68° 43' 15" E, at 23.51 feet pass an iron pin set for a total distance of 83.83 feet, in all, to an iron pin set for the Southeast corner of the said First Baptist Church Subdivision and continuing along the south line of the said First Baptist Church Subdivision, N 68° 42' 45" E, at 59.79 feet pass an iron pin set, for a total distance of 171.17 feet, in all, to the Place of BEGINNING and containing 12.85 acres of land.

STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

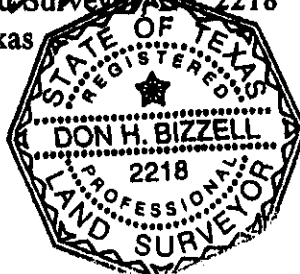
COUNTY OF WILLIAMSON

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 9th day of April, 2001, A.D.

Don H. Bizzell
Registered Professional Land Surveyor No. 2218
State of Texas

Don H. Bizzell



Page 2 of 2

REVISED: April 9, 2001

19149-ld-2.doc

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Nancy E. Rister

10-29-2001 03:20 PM 2001079382
ANDERSON \$19.00
NANCY E. RISTER, COUNTY CLERK
WILLIAMSON COUNTY, TEXAS

③ Handl:
Jane
County Judge's Office

AGENDA ITEM 28

Consider a resolution determining public need and necessity to acquire 0.301 acres for the widening of CR 272 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 0.301 acres for the widening of CR 272 and thereafter the filing of eminent domain proceedings if necessary.

Vote: **5 – 0**

< Attachment >