

**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 >

A RESOLUTION OF THE COMMISSIONERS COURT FOR THE COUNTY OF WILLIAMSON, DETERMINING A PUBLIC NEED AND NECESSITY FOR THE ACQUISITION OF APPROXIMATELY 0.301 ACRES, IN FEE SIMPLE; AND GIVING NOTICE OF OFFICIAL DETERMINATION TO ACQUIRE SAID PROPERTY TO CONSTRUCT, WIDEN AND MAINTAIN COUNTY ROAD 272, 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, widen and maintain County Road 272, 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 0.301 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 that it is in the public interest to construct, widen and maintain County Road 272 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, widening and maintenance of County Road 272 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 2<sup>nd</sup> day of October, 2001.

John C. Doerfler  
John C. Doerfler  
County Judge

ATTEST:

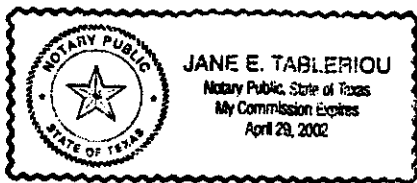
ACKNOWLEDGMENT

Nancy E. Rister  
Nancy E. Rister  
County Clerk

§  
§  
§

COUNTY OF WILLIAMSON

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



Jane E. Tableriou  
Notary Public, State of Texas

**"EXHIBIT A"**  
**RIGHT-OF-WAY**  
**COUNTY ROAD 272**  
**PARCEL NO. 7**

**FIELD NOTES FOR A 0.301 ACRE TRACT OUT OF THE E. D. HARMON SURVEY ABSTRACT NO. 6 IN WILLIAMSON COUNTY, TEXAS AND BEING A PORTION OF A 10.169 ACRE TRACT CONVEYED TO DOUGLAS J. WINTER AND WIFE, CHONG S. WINTER AS DESCRIBED IN DOCUMENT NO. 9600450 OF THE OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS. SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

Beginning at a 1/2" rod found on the north right-of-way line of County Road 272, same being the southwest corner of said Winter tract, also being the southeast corner of a 2.0 acre tract of land conveyed to Kenneth Simpson as described in Volume 573, Page 751 of said Official Records, same being the southwest corner and **POINT OF BEGINNING** hereof;

THENCE N 20° 50' 38" W with the common line of said 10.169 acre Winter tract and said Simpson tract, 35.38 feet to a 1/2" iron rod set for the northwest corner hereof;

THENCE N 69°18'58" E through the interior of said 10.169 acre Winter tract, 367.99 feet to a 1/2" iron rod set in the common line of said Winter tract and the west boundary line of a 1.20 acre tract conveyed to Nancy K. Johnson as described in Volume 2634, Page 725 of said Official Records for the northeast corner hereof;

THENCE S 20°44'30" E with the common line of said 10.169 acre Winter Tract and said Johnson tract, 36.10 feet to an iron rod found in the north right-of-way line of County Road 272, same being the southeast corner of said Winter tract and the southeast corner hereof;

THENCE S 69°32'28" W with the north right-of-way line of County Road 272, 100.06 feet to a 1/2" iron rod found for an angle point in the south boundary line of said 10.169 acre Winter tract, same being the north right-of-way line of County Road 272, for an angle point in the south boundary line hereof;

THENCE S 69°23'11" W with the north right-of-way line of County Road 272, 267.87 feet to the **POINT OF BEGINNING** and containing 0.301 acres more or less.

Shane Shafer 12-13-99  
Shane Shafer, R.P.L.S. #5281 Date

◇ DIAMOND SURVEYING  
103 OAKLAND DRIVE, GEORGETOWN, TEXAS 78628 (512) 931-3100

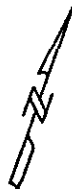


Exhibit "A"  
Page 1 of 2

# DESCRIPTION TO ACCOMPANY FIELD NOTES FOR PARCEL NO. 7

BEING A 0.301 ACRE TRACT OF LAND OUT OF THE E.D. HARMON SURVEY,  
ABSTRACT NO. 6 IN WILLIAMSON COUNTY, TEXAS AND BEING A PORTION  
OF THE 10.169 ACRE TRACT CONVEYED TO DOUGLAS J. WINTER AND WIFE,  
CHONG S. WINTER AS DESCRIBED IN DOCUMENT NO. 9600450 OF THE  
OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS.

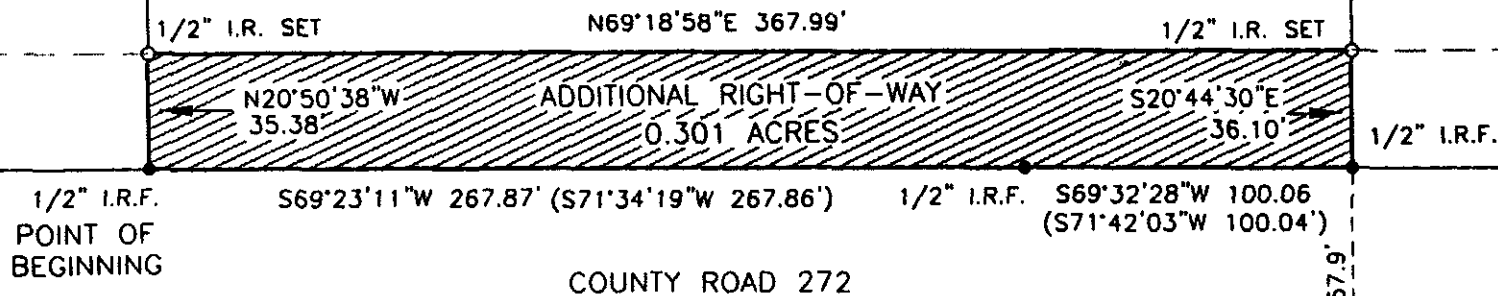
SCALE: 1" = 60'



KENNETH SIMPSON  
2.0 ACRES  
VOL. 573, PG. 751

DOUGLAS J. WINTER AND WIFE,  
CHONG S. WINTER  
10.169 ACRES  
DOCUMENT NO. 9600450

NANCY K. JOHNSON  
1.20 ACRES  
VOL. 2634, PG. 725



Bearing Basis: NAD-83 Texas Central Zone 4203 State Plane Coordinates.

This survey has been prepared without the benefit of title report.

Easements which may affect this tract are not shown or addressed  
as a part of this survey.

The undersigned does hereby certify that the plat shown represents the results  
of a survey on the ground under my supervision.

*Shane Shafer*

12-13-99

Shane Shafer, R.P.L.S. # 5281

Date



**DIAMOND SURVEYING**

103 OAKLAND DRIVE, GEORGETOWN, TX 78628  
(512) 931-3100



10/02/2001

FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS

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*Nancy E. Rister*

10-29-2001 03:20 PM 2001079383  
ANDERSON \$21.00  
NANCY E. RISTER, COUNTY CLERK  
WILLIAMSON COUNTY, TEXAS

③ Handl:  
Jane  
County Clerk Office



**AGENDA ITEM 29**

Consider entering into an agreement with Land Strategies for land planning consultations for right-of-way acquisition.

Paul Linehan of Land Strategies addressed the court concerning the proposed agreement.

Moved: **Commissioner Hays**

Seconded: **Commissioner Heiligenstein**

Motion: To approve entering into an agreement with Land Strategies for land planning consultations for right-of-way acquisition.

Vote: **5 – 0**

< Attachment >