

COMMISSIONERS' COURT ADJOURNED TO EXECUTIVE SESSION AT 10:08 A.M. ON TUESDAY, MARCH 5, 2002.

AGENDA ITEM 27

Discuss real estate regarding condemnation of real property, County Road 272 (Parmer Lane Extension) parcels 111 and 111SE (Emerlie McDaniel and Stephen Lincoln, owners) (EXECUTIVE SESSION REQUESTED as per VTCA 551.071 consultation with attorney).

No action was taken in Executive Session.

COMMISSIONERS' COURT RECONVENED FROM EXECUTIVE SESSION AT 10:15 A.M. ON TUESDAY, MARCH 5, 2002.

AGENDA ITEM 28

Discuss and take any appropriate action including, but not limited to, approving resolution authorizing filing of condemnation proceedings regarding County Road 272 (Parmer Lane Extension) parcels 111 and 111SE (Emerlie McDaniel and Stephen Lincoln, owners)

Moved: **Judge Doerfler**

Seconded: **Commissioner Limmer**

Motion: To approve a resolution authorizing the filing of condemnation proceedings regarding County Road 272 (Parmer Lane Extension) parcels 111 and 111SE (Emerlie McDaniel and Stephen Lincoln, owners).

Vote: **3 – 0**

< Attachment >

**IN THE COMMISSIONERS' COURT
OF WILLIAMSON COUNTY, TEXAS**

RESOLUTION

WHEREAS, the Commissioners' Court of Williamson County, Texas, has found and determined that in order to promote the public safety, to facilitate the safety and movement of traffic, and to preserve the financial investment of the public in its roadways, public necessity requires acquisition of fee simple title to Parcel 111 (described by metes and bounds in Exhibit "A") for the construction, reconstruction, maintaining, widening, straightening, lengthening, and operating of County Road 272 (aka Parmer Lane extension), excluding all the oil, gas, and sulphur which can be removed from beneath said real property, without any right whatever remaining to the owner of such oil, gas, and sulphur of ingress to or egress from the surface of said real property for the purpose of exploring, developing, or mining of the same, as a part of the improvements to County Road 272 (aka Parmer Lane extension), at such locations as are necessary and that such constructing, reconstructing, maintaining, widening, straightening, lengthening, and operating shall extend across and upon, and will cross, run through, and be upon the hereinafter described real properties; and

WHEREAS, the Commissioners' Court of Williamson County, Texas, has found and determined that in order to promote the public safety, to facilitate the safety and movement of traffic, and to preserve the financial investment of the public in its roadways, public necessity requires the acquisition of a slope easement in, upon and across Parcel 111SE (described by metes and bounds in Exhibit "B") for the purpose of placing or removing earthen or other stabilizing materials, revegetation and the grading and aligning of said materials as a part of the right-of-way improvements for County Road 272 (aka Parmer Lane extension); and

WHEREAS, the Commissioners' Court of Williamson County, Texas, has, through agents

1.

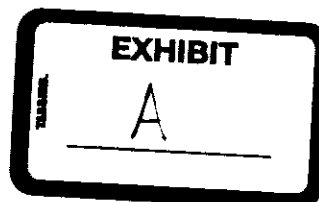
employed by the said office, entered into good faith negotiations with the owners of the hereinafter described properties and has failed to agree with the owners on the compensation and damages, if any, due to said owners. Now, therefore,

BE IT RESOLVED BY THE COMMISSIONERS' COURT OF THE COUNTY OF WILLIAMSON, that the County Attorney or his designated agent be and he is hereby authorized and directed to file or cause to be filed against the owners of any interest in, and the holders of any lien secured by, the following described tracts of land, described in Exhibits A and B attached hereto, a suit in eminent domain to acquire the property interests for the aforesaid purposes; and

BE IT FURTHER RESOLVED that the County Attorney or his designated agent be and he is hereby authorized and directed to incur such expenses and to employ such experts as he shall deem necessary to assist him in the prosecution of such suit in eminent domain, including, but not limited to, appraisers, engineers, and land use planners.

Adopted this 5TH day of MARCH, 2002.


John C. Doerfler
Williamson County Judge



METES AND BOUNDS DESCRIPTION

BEING A 0.662-ACRE TRACT OF LAND SITUATED IN THE JOHN D. ANDERSON SURVEY ABSTRACT NO. 16, WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF A 4.998-ACRE TRACT OF LAND CONVEYED TO EMELIE MCDANIEL AND STEPHEN LINCOLN BY INSTRUMENT RECORDED IN DOCUMENT NO. 199980485 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS, SAID 0.662-ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron pipe found on a point in the easterly right-of-way line of County Road 272 (right-of-way width varies), said point being the northwest corner of a 6.41-acre tract of land conveyed to Richard C. Lindsey and Luanne M. Lindsey by instrument recorded in Volume 919, Page 850 of the Deed Records of said County, same being the southwest corner of said 4.998-acre tract of land, said point being the southwest corner and POINT OF BEGINNING hereof;

THENCE with the easterly right-of-way line of County Road 272, same being the westerly boundary line of said 4.998-acre tract of land, N19°33'52"W for a distance of 284.88 feet to a 1/2" iron rod found on a point being the southwest corner of a 5.99-acre tract of land, same being the northwest corner of said 4.998-acre tract of land for the northwest corner hereof;

THENCE departing the easterly right-of-way line of County Road 272 with the southerly boundary line of said 5.99-acre tract of land, same being the northerly boundary line of said 4.988-acre tract of land, N69°35'31"E for a distance of 101.53 feet to a capped iron rod set for the northeast corner hereof, from which a 1/2" iron rod found on a point being the northeast corner of said 4.998-acre tract of land bears N69°35'31"E a distance of 662.26 feet;

THENCE departing the southerly boundary line of said 5.99-acre tract of land through the interior of said 4.998-acre tract of land, S19°28'49"E for a distance of 284.18 feet to a capped iron rod set on a point in the northerly boundary line of the aforementioned 6.41-acre tract of land, same being the southerly boundary line of said 4.998-acre tract of land for the southeast corner hereof, from which a 1/2" iron rod found on a point being the southeast corner of said 4.998-acre tract of land bears N69°11'30"E a distance of 663.01 feet;

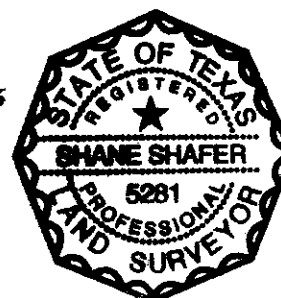
THENCE with the northerly boundary line of said 6.41-acre tract of land, same being the southerly boundary line of said 4.998-acre tract of land, S69°11'30"W for a distance of 101.13 feet to the POINT OF BEGINNING hereof and containing 0.662 acres of land more or less.

◇ DIAMOND SURVEYING, INC.

1915 S. AUSTIN AVE., SUITE 111, GEORGETOWN, TX 78626
(512) 931-3100

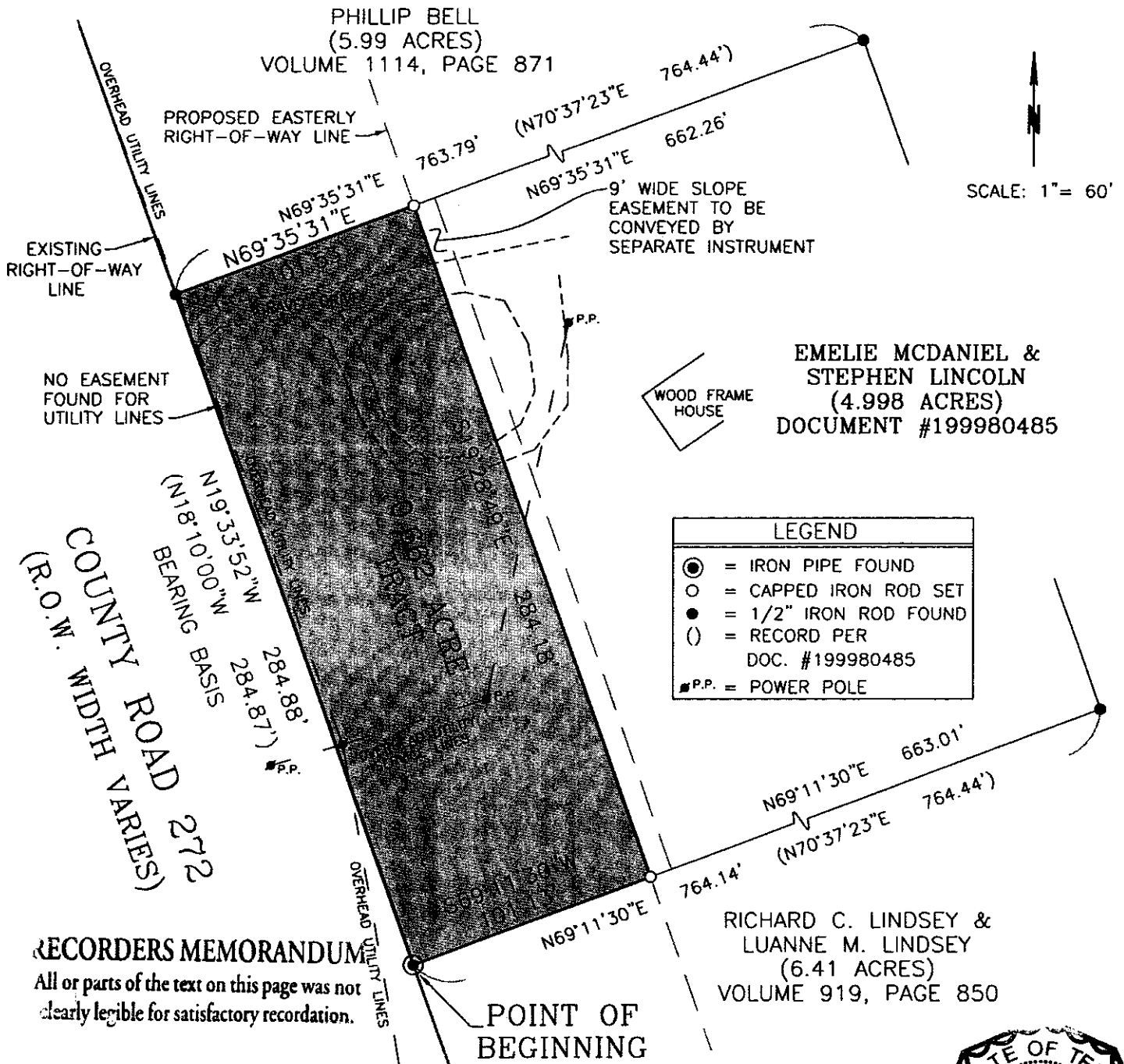
Shane Shafer
SHANE SHAFER, R.P.L.S. NO. 5281
DSI PARCEL NO. 111

11/29/01
DATE



SKETCH TO ACCOMPANY METES AND BOUNDS DESCRIPTION

FOR A 0.662 ACRE TRACT OF LAND SITUATED IN THE JOHN D. ANDERSON SURVEY ABSTRACT NO. 16, WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF A 4.998 ACRE TRACT OF LAND CONVEYED TO EMELIE MCDANIEL AND STEPHEN LINCOLN BY INSTRUMENT RECORDED IN DOCUMENT NO. 199980485 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS.



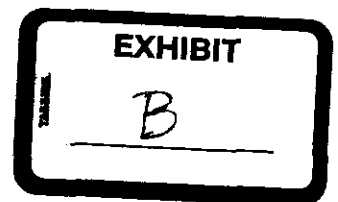
I, Shane Shafer, Registered Professional Land Surveyor in the State of Texas, hereby certify that this plat represents a survey made on the ground under my direct supervision, completed on November 29, 2001. at the time of this survey there were no encroachments, conflicts, or protrusions apparent on the ground, EXCEPT AS SHOWN. This survey was performed in connection with the Title Report described in Case No. 2001 RR 226516-Z (00199) of Austin Title Company. USE OF THIS SURVEY FOR ANY PURPOSE OR BY OTHER PARTIES SHALL BE AT THEIR OWN RISK AND UNDERSIGNED SURVEYOR IS NOT RESPONSIBLE FOR ANY LOSS RESULTING THEREFROM.



Shane Shafer
SHANE SHAFER, R.P.L.S. NO. 5281

11/29/01
DATE

D.S.I. PARCEL #111
<> DIAMOND SURVEYING, INC
1915 S. AUSTIN, SUITE 111, GEORGETOWN, TX 78626
(512) 931-3100



METES AND BOUNDS DESCRIPTION

BEING A 0.059-ACRE TRACT OF LAND SITUATED IN THE JOHN D. ANDERSON SURVEY ABSTRACT NO. 16, WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF A 4.998-ACRE TRACT OF LAND CONVEYED TO EMELIE MCDANIEL AND STEPHEN LINCOLN BY INSTRUMENT RECORDED IN DOCUMENT NO. 199980485 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS, SAID 0.059-ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGIN FOR REFERENCE at an iron pipe found on a point in the easterly right-of-way line of County Road 272 (right-of-way width varies), said point being the northwest corner of a 6.41-acre tract of land conveyed to Richard C. Lindsey and Luanne M. Lindsey by instrument recorded in Volume 919, Page 850 of the Deed Records of said County, same being the southwest corner of said 4.998-acre tract of land;

THENCE with the southerly boundary line of said 4.998-acre tract of land same being the northerly boundary line of said 6.41-acre tract of land, N69°11'30"E for a distance of 101.13 feet to a capped iron rod set for the southeast corner and POINT OF BEGINNING hereof;

THENCE departing the northerly boundary line of said 6.41-acre tract of land through the interior of said 4.998-acre tract of land, N19°28'49"W for a distance of 284.18 feet to a capped iron rod set on a point in the southerly boundary line of a 5.99-acre tract of land conveyed to Phillip Bell by instrument recorded in Volume 1114, Page 871 of the Official Records of said County, same being the northerly boundary line of said 4.998-acre tract of land for the northwest corner hereof, from which a 1/2" iron rod found on a point being the northwest corner of said 4.998-acre tract bears S69°35'31"W a distance of 101.53 feet;

THENCE with the southerly boundary line of said 5.99-acre tract of land same being the northerly boundary line of said 4.998-acre tract of land, N69°35'31"E for a distance of 9.00 feet to a capped iron rod set for the northeast corner hereof, from which a 1/2" iron rod found on a point being the northeast corner of said 4.998-acre tract of land bears N69°35'31"E a distance of 653.26 feet;

THENCE departing the southerly boundary line of said 5.99-acre tract of land through the interior of said 4.998-acre tract of land, S19°28'49"E for a distance of 284.11 feet to a capped iron rod set on a point in the northerly boundary line of the aforementioned 6.41-acre tract of land, same being the southerly boundary line of said 4.998-acre tract of land for the southeast corner hereof, from which a 1/2" iron rod found on a point being the southeast corner of said 4.998-acre tract of land bears N69°11'30"E a distance of 654.01 feet;

THENCE with the northerly boundary line of said 6.41-acre tract of land, same being the southerly boundary line of said 4.998-acre tract of land, S69°11'30"W for a distance of 9.00 feet to the POINT OF BEGINNING hereof and containing 0.059 acres of land.

◇ DIAMOND SURVEYING, INC.

1915 S. AUSTIN AVE., SUITE 111, GEORGETOWN, TX 78626
(512) 931-3100

Shane Shafer

11/29/01

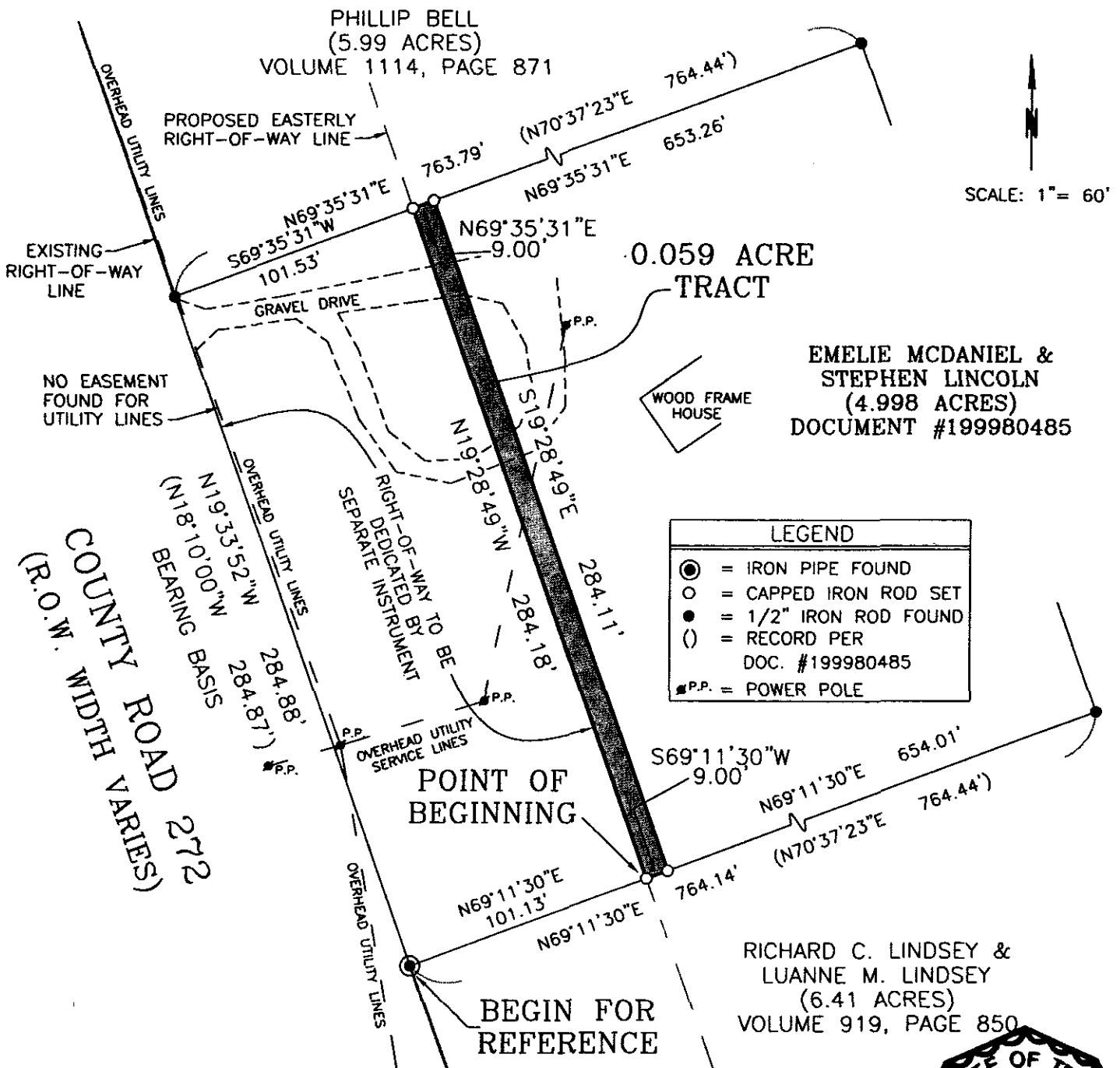
SHANE SHAFER, R.P.L.S. NO. 5281
DSI PARCEL NO. 111 SE

DATE



SKETCH TO ACCOMPANY METES AND BOUNDS DESCRIPTION

FOR A 0.059 ACRE TRACT OF LAND SITUATED IN THE JOHN D. ANDERSON SURVEY ABSTRACT NO. 16, WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF A 4.998 ACRE TRACT OF LAND CONVEYED TO EMELIE MCDANIEL AND STEPHEN LINCOLN BY INSTRUMENT RECORDED IN DOCUMENT NO. 199980485 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS.



I, Shane Shafer, Registered Professional Land Surveyor in the State of Texas, hereby certify that this plat represents a survey made on the ground under my direct supervision, completed on November 29, 2001. at the time of this survey there were no encroachments, conflicts, or protrusions apparent on the ground, EXCEPT AS SHOWN. This survey was performed in connection with the Title Report described in Case No. 2001 RR 226516-Z (00199) of Austin Title Company. USE OF THIS SURVEY FOR ANY PURPOSE OR BY OTHER PARTIES SHALL BE AT THEIR OWN RISK AND UNDERSIGNED SURVEYOR IS NOT RESPONSIBLE FOR ANY LOSS RESULTING THEREFROM.



Shane Shafer

SHANE SHAFER, R.P.L.S. NO. 5281

11/29/01

DATE

D.S.I. PARCEL #111SE

DIAMOND SURVEYING, INC

1915 S. AUSTIN, SUITE 111, GEORGETOWN, TX 78626
(512) 931-3100

AGENDA ITEM 29**Comments from commissioners.**

Commissioner Limmer stated, regarding an article in the Austin American-Statesman about Pete Peters, that people should not stand trial in the newspapers until they are able to have their say.

County Attorney Gene Taylor discussed bond forfeiture collections by the County Attorney's office.

COMMISSIONERS' COURT ADJOURNED AT 10:20 A.M. ON TUESDAY, MARCH 5, 2002.

THE FOREGOING MINUTES recorded on Minutes Pages 1 through 134, inclusive had at a Special Session of Commissioners' Court of Williamson County, Texas, having been read are hereby approved this 12th day of March, 2002.



John C. Doerfler, County Judge

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

By: 

Deputy Clerk