

**AGENDA ITEM 30**

Discuss real estate (EXECUTIVE SESSION as per VTCA Govt. Code sec. 551.071 consultation with attorney.)

The scheduled Executive Session was canceled.

No action was taken on this agenda item.

**AGENDA ITEM 31**

Consider accepting, rejecting, or countering a settlement offer from land owner, and take any appropriate action, including, but not limited to approving a resolution authorizing filing of condemnation proceedings regarding CR 272 (Parmer Lane extension, parcels 151 and 151SE, Cindy McCoy, owner).

Moved: Judge Doerfler

Seconded: Commissioner Hays

Motion: To approve a resolution authorizing the filing of condemnation proceedings regarding CR 272 (Parmer Lane extension, parcels 151 and 151SE, Cindy McCoy, owner).

Vote: 4 – 0. Commissioner Heiligenstein was absent from the dais.

< 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 151 (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 151SE (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

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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 16<sup>th</sup> day of April, 2002.

  
\_\_\_\_\_  
John C. Doerfler  
Williamson County Judge

EXHIBIT

A

## METES AND BOUNDS DESCRIPTION

BEING A 1.667-ACRE TRACT OF LAND SITUATED IN THE WALTER CAMPBELL SURVEY ABSTRACT NO. 3, WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF A 10.01-ACRE TRACT OF LAND CONVEYED TO CINDY MCCOY BY INSTRUMENT RECORDED IN VOLUME 1320, PAGE 814 OF THE OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS, SAID 1.667-ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod found at a point in the west right-of-way line of County Road No. 272 (R.O.W. Varies), being the southeast corner of that certain 2.00-acre tract of land conveyed to John Van Witbeck by instrument recorded in Document No. 2000083292 of the Official Records of Williamson County, Texas, and being the northeast corner of said 10.01-acre McCoy tract for the northeast corner and POINT OF BEGINNING hereof;

THENCE with the west right-of-way line of County Road No. 272, also being the east boundary line of said 10.01-acre McCoy tract, S20°03'29"E for a distance of 538.58 feet to a 5/8" iron rod found for the northeast corner of that certain 10.0-acre tract of land conveyed to John Olrech III by instrument recorded in Volume 932, Page 908 of the Deed Records of Williamson county, Texas, for the southeast corner of said 10.01-acre McCoy tract and the southeast corner hereof;

THENCE departing the west right-of-way line of said County Road 272 with the north boundary line of said 10.0-acre Olrech tract same being the south boundary line of said 10.01-acre McCoy tract, S68°41'05"W for a distance of 143.79 feet to a capped iron rod set for the southwest corner hereof, from which a 1/2" iron rod found on a point being the southwest corner of said 10.01-acre McCoy tract bears S68°41'05"W a distance of 657.59 feet;

THENCE departing the north boundary line of said 10.0-acre Olrech tract through the interior of said 10.01-acre McCoy tract with the arc of a curve to the right having a radius of 17288.73 feet, a delta angle of 1°47'21", an arc length of 539.88 feet, and a chord which bears N17°51'19"W for a distance of 539.86 feet to a capped iron rod set in the south boundary line of said 2.00-acre Witbeck tract, same being the north boundary line of said 10.01-acre McCoy tract for the northwest corner hereof, from which a 1/2" iron rod found on a point being the southwest corner of said 2.00-acre Witbeck tract bears S68°53'06"W a distance of 208.36 feet;

THENCE with the south boundary line of the said 2.00-acre Witbeck tract, same being the north boundary line of said 10.01-acre McCoy tract, N68°53'06"E a distance of 123.02 feet to the POINT OF BEGINNING hereof and containing 1.667 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. 151

1/10/02

DATE



# SKETCH TO ACCOMPANY METES AND BOUNDS DESCRIPTION

FOR A 1.667 ACRE TRACT OF LAND SITUATED IN THE WALTER CAMPBELL SURVEY, ABSTRACT NO. 3, WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF A 10.01 ACRE TRACT OF LAND CONVEYED TO CINDY McCOY BY INSTRUMENT RECORDED IN VOLUME 1320, PAGE 814 OF THE OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS.

JOHN VAN WITBECK  
(2.00 ACRES)  
DOC. NO. 2000083292

SCALE: 1" = 100'

30' SLOPE  
EASEMENT  
TO BE  
CONVEYED  
BY SEPARATE  
INSTRUMENT

## SURVEYOR'S NOTES:

1) THIS TRACT IS LOCATED WITHIN THE BRUSHY CREEK WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 AND IS SUBJECT TO ALL RIGHTS RECORDED IN VOL. 433, PG. 690 AND VOL. 442, PG. 433.

2) ALL DOCUMENTS LISTED HEREON ARE RECORDED IN THE OFFICE OF THE COUNTY CLERK OF WILLIAMSON COUNTY, TEXAS.

## LEGEND

- = CAPPED IRON ROD SET
- = 1/2" IRON ROD FOUND
- P.P. = POWER POLE
- ( ) = RECORD PER VOL. 1320, PG. 814
- [ ] = RECORD PER VOL. 932, PG. 908
- [[ ]] = RECORD PER DOC. NO. 2000083292

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 January 10, 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 228143-T 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

DATE

D.S.I. PARCEL 11  
**DIAMOND SURVEYING, INC**  
1915 S. AUSTIN, SUITE 111, GEORGETOWN, TX 78626  
(512) 931-3100



CINDY McCOY  
(10.01 ACRES)  
VOLUME 1320, PAGE 814

POINT OF BEGINNING

EXISTING  
RIGHT-OF-WAY

EXISTING OVERHEAD  
UTILITY LINES

COUNTY ROAD 2712  
(R.O.W. WIDTH VARIES)  
BEARING BASIS  
S20°33'29"E 538.82'  
S20°33'29"E 538.58'

1.667 ACRE TRACT

R=17288.73'  
A=539.88'  
CD=539.86'  
CB=N17°51'19"W  
D=147.21'

EXISTING  
RIGHT-OF-WAY

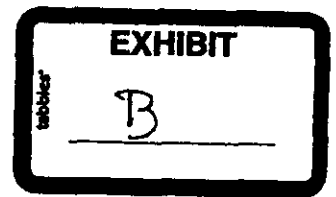
5/8" IRON  
ROD FOUND

EXISTING OVERHEAD  
UTILITY LINES

S68°41'05"W  
143.79'

JOHN OLRECH III  
(10.0 ACRES)  
VOLUME 932, PAGE 908

657.59'  
S68°41'05"W  
(S70°09'27"W 801.68')  
[S70°04'00"W 802.13']



## METES AND BOUNDS DESCRIPTION

BEING A 0.252-ACRE TRACT OF LAND SITUATED IN THE WALTER CAMPBELL SURVEY ABSTRACT NO. 3, WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF A 10.01-ACRE TRACT OF LAND CONVEYED TO CINDY MCCOY BY INSTRUMENT RECORDED IN VOLUME 1320, PAGE 814 OF THE OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS, SAID 0.252-ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGIN FOR REFERENCE at a 1/2" iron rod found on a point in the west right-of-way line of County Road 272 (right-of-way width varies), said point being the northeast corner of said 10.01-acre McCoy tract, same being the southeast corner of a 2.00-acre tract of land conveyed to John Van Witbek by instrument recorded in Document No. 2000083292 of said Official Records;

THENCE departing the west right-of-way of said County Road 272 with the south boundary line of said 2.00-acre Witbek tract, same being the north boundary line of said 10.01-acre McCoy tract, S68°53'06"W for a distance of 123.02 feet to a capped iron rod set for the northeast corner and POINT OF BEGINNING hereof;

THENCE departing the south boundary line of said 2.00-acre Witbek tract through the interior of said 10.01-acre McCoy tract the following three (3) courses and distances:

- 1) Along a curve to the left having a radius of 17288.73 feet, a delta angle of 1°13'03", an arc length of 367.39 feet, and a chord which bears S17°34'10"E for a distance of 367.38 feet to a capped iron rod set for the southeast corner hereof, from which a 1/2" iron rod found on a point being the southeast corner of said 10.01-acre McCoy tract, same being the northeast corner of that certain tract of land conveyed to John Olrech III by instrument recorded in Volume 932, Page 908 of the Deed Records of Williamson County, Texas, bears S18°27'50"E, a chord distance of 172.49 feet and N68°41'05"E a distance of 143.79 feet;
- 2) S71°49'19"W for a distance of 30.00 feet to a capped iron rod set for the southwest corner hereof;
- 3) Along a curve to the right having a radius of 17318.73 feet, a delta angle of 1°12'37", an arc length of 365.85 feet, and a chord which bears N17°34'23"W for a distance of 365.84 feet to a capped iron rod set in the north boundary line of said 10.01-acre McCoy tract, same being the south boundary line of said 2.00-acre Witbeck tract for the northwest corner hereof, from which a 1/2" iron rod found on a point being the southwest corner of said 2.00-acre Witbeck tract bears S68°53'06"W a distance of 178.28 feet;

THENCE with the north boundary line of said 10.01-acre McCoy tract, same being the south boundary line of said 2.00-acre Witbeck tract, N68°53'06"E a distance of 30.08 feet to the POINT OF BEGINNING hereof and containing 0.252 acres of land more or less.

◇ **DIAMOND SURVEYING, INC.**

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

*Shane Shafer*

*1/10/02*

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

DATE

DSI PARCEL NO. 151SE



FOR A 0.252 ACRE TRACT OF LAND SITUATED IN THE WALTER CAMPBELL SURVEY, ABSTRACT NO. 3, WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF A 10.01 ACRE TRACT OF LAND CONVEYED TO CINDY MCCOY BY INSTRUMENT RECORDED IN VOLUME 1320, PAGE 814 OF THE OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS.

SCALE: 1" = 100'

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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 January 10, 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 228143-T 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, R.P.L.S. NO. 5281

DATE \_\_\_\_\_

JOHN OLCRECH III  
(10.0 ACRES)  
VOLUME 97 PAGE 908



D.S.I. PARCEL #151SE

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



**AGENDA ITEM 32**

**Consider accepting, rejecting, or countering a settlement offer from landowner, and take any appropriate action, including, but not limited to approving a resolution authorizing filing of condemnation proceedings regarding CR 272 (Parmer Lane extension, parcels 1 and 1SE, John and Patricia Behrens, owners).**

**Moved: Judge Doerfler**

**Seconded: Commissioner Boatright**

**Motion: To approve a resolution authorizing the filing of condemnation proceedings regarding CR 272 (Parmer Lane extension, parcels 1 and 1SE, John and Patricia Behrens, owners).**

**Vote: 4 – 0. Commissioner Heiligenstein was absent from the dais.**

**< Attachment >**