

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 >

**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 1 (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 1SE (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

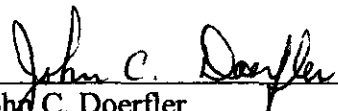
1.

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,

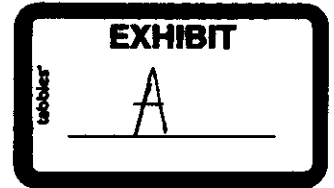
BE IT RESOLVED BY THE COMMISSIONERS' COURT OF THE COUNTY OF WILLIAMSON, that the County Attorney or his designated agent be and he is hereby authorized and directed to file or cause to be filed against the owners of any interest in, and the holders of any lien secured by, the following described tracts 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 16TH day of April, 2002.



John C. Doerfler
Williamson County Judge



METES AND BOUNDS DESCRIPTION

BEING A 0.598-ACRE TRACT OF LAND SITUATED IN THE ANASTASHA CARR SURVEY, ABSTRACT NO. 122, AND THE MILTON HICKS SURVEY, ABSTRACT NO. 287, WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF A 3.00-ACRE TRACT OF LAND CONVEYED TO JOHN A. BEHRENS AND PATRICIA Q. BEHRENS BY INSTRUMENT RECORDED IN VOLUME 564, PAGE 664 OF THE DEED RECORDS OF WILLIAMSON COUNTY, TEXAS, SAID 0.598-ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod found on a point in the easterly right-of-way line of County Road 272 (right-of-way width varies), said point being the westernmost northwest corner of a 85.15-acre tract of land conveyed to Chris M. Allen by instrument recorded in Document No. 2000080344 of the Official Records of said County, same being the southwesterly corner of said 3.00-acre Behrens tract for the southwest corner and POINT OF BEGINNING hereof;

THENCE with the westerly boundary line of said 3.00-acre Behrens tract, same being, in part, the east right-of-way line of said County Road 272 and the easterly boundary line of a 155.74-acre tract of land conveyed to JLTS Investment, Ltd. by instrument recorded in Document No. 2000001395 of said Official Records, N22°49'51"W passing, at 171.96 feet, a 1/2" iron rod found on a point being the southernmost southeast corner of said 155.74-acre JLTS tract, same being an angle point in said east right-of-way line, continuing for a total distance of 284.52 feet to a 1/2" iron rod found on a point being the southwest corner of a 34.746-acre tract of land conveyed to Lee A. Jackson by instrument recorded in Volume 2536, Page 41 of said Official Records, same being the northwest corner of said 3.00-acre Behrens tract for the northwest corner hereof;

THENCE with the southerly boundary line of said 34.746-acre Jackson tract, same being the northerly boundary line of said 3.00-acre Behrens tract, N41°51'50"E for a distance of 117.05 feet to a capped iron rod set on a point for the northeasterly corner hereof, from which a 1/2" iron rod found on a point being the northeasterly corner of said 3.00-acre Behrens tract bears N41°51'50"E a distance of 279.75 feet;

SKETCH TO ACCOMPANY METES AND BOUNDS DESCRIPTION

FOR A 0.598 ACRE TRACT OF LAND SITUATED IN THE ANASTASHA CARR SURVEY, ABSTRACT NO. 122, AND THE MILTON HICKS SURVEY, ABSTRACT NO. 287, WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF A 3.00 ACRE TRACT OF LAND CONVEYED TO JOHN A. BEHRENS AND PATRICIA Q. BEHRENS BY INSTRUMENT RECORDED IN VOLUME 564, PAGE 664 OF THE DEED RECORDS OF WILLIAMSON COUNTY, TEXAS.

SCALE: 1" = 100'

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

EXISTING
RIGHT-OF-WAY

11' SLOPE EASEMENT
TO BE CONVEYED
BY SEPARATE INSTRUMENT

569°18'40"W
[[571°54'30"W
COUNTY ROAD 272
(R.O.W. WIDTH VARIES)

LEGEND

- = CAPPED IRON ROD SET
- = 1/2" IRON ROD FOUND
- ▲ = 60D NAIL FOUND
- pp● = POWER POLE
- = GUY ANCHOR
- E- = OVERHEAD UTILITY LINE
- () = RECORD PER VOL. 564, PG. 664
- [] = RECORD PER VOL. 2536, PG. 41
- [[]] = RECORD PER DOC. NO. 2000001395

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 228529-M 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

1/10/02
DATE



D.S.I. PARCEL #1

DIAMOND SURVEYING, INC

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



HARRY EASTER, JR. &
MARJORIE E. EASTER
(2.00 ACRES)
VOLUME 2307, PAGE 421

CHRIS M. ALLEN
(85.15 ACRES)
DOCUMENT NO. 2000080344

569°36'33"W
(570°34'W
BEARING

274.17'
338.96'
339.09'
BASIS

POINT OF
BEGINNING

EXISTING
RIGHT-OF-WAY

N19°21'16"W
49.89'

284.41'
284.52'
COUNTY ROAD 272
(R.O.W. WIDTH VARIES)

0.598 ACRE
TRACT

JOHN A. BEHRENS &
PATRICIA Q. BEHRENS
(3.00 ACRES)
VOLUME 564, PAGE 664

LEE A. JACKSON
(34.746 ACRES)
VOLUME 2536, PAGE 41

JLTS INVESTMENTS, LTD.
(55.74 ACRES)
DOCUMENT NO. 2000001395

EXHIBIT

B

METES AND BOUNDS DESCRIPTION

BEING A 0.087-ACRE TRACT OF LAND SITUATED IN THE ANASTASHA CARR SURVEY, ABSTRACT NO. 122, AND THE MILTON HICKS SURVEY, ABSTRACT NO. 287, WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF A 3.00-ACRE TRACT OF LAND CONVEYED TO JOHN A. BEHRENS AND PATRICIA Q. BEHRENS BY INSTRUMENT RECORDED IN VOLUME 564, PAGE 664 OF THE DEED RECORDS OF WILLIAMSON COUNTY, TEXAS, SAID 0.087-ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGIN FOR REFERENCE at a 1/2" iron rod found at a point in the east right-of-way line of County Road No. 272 (R.O.W. Varies), said point being the southwest corner of said 3.00-acre Behrens tract, same being the northwest corner of that certain 85.15-acre tract of land conveyed to Chris M. Allen by instrument recorded in Document No. 2000080344 of the Official Records of Williamson County, Texas;

THENCE with the south boundary line of said 3.00-acre Behrens tract, same being the northerly boundary line of said 85.15-acre Allen tract, N69°36'33"E for a distance of 64.79 feet to a capped iron rod set for the southwest corner and POINT OF BEGINNING hereof;


THENCE departing the northerly boundary line of said 85.15-acre Allen tract through the interior of said 3.00-acre Behrens tract, N15°53'10"W for a distance of 339.80 feet to a capped iron rod set in the north boundary line of said 3.00-acre Behrens tract, same being the south boundary line of that certain 34.746-acre tract of land conveyed to Lee A. Jackson by instrument recorded in Volume 2536, Page 41 of the Official Records of Williamson County, Texas, for the northwest corner hereof, from which a 1/2" iron rod found on a point being the northwest corner of said 3.00-acre Behrens tract, same being the southernmost corner of said 34.746-acre Jackson tract bears S41°51'50"W a distance of 117.05 feet;

THENCE with the south boundary line of said 34.746-acre Jackson tract, same being the north boundary line of said 3.00-acre Behrens tract, N41°51'50"E for a distance of 13.01 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 3.00-acre Behrens, bears N41°51'50"E a distance of 266.74 feet;

THENCE departing the south boundary line of said 34.746-acre Jackson tract through the interior of said 3.00-acre Behrens tract S15°53'10"E for a distance of 345.88 feet to a capped iron rod set on a point in the south boundary line of said 3.00-acre Behrens tract, same being the northerly boundary line of said 85.15-acre Allen tract for the southeast corner hereof from which a 1/2" iron rod on the southeast corner of said 3.00-acre Behrens, bears N69°36'33"E a distance of 263.14 feet;

THENCE with the south boundary line of said 3.00-acre Behrens tract same being the northerly boundary line of said 85.15-acre Allen tract, S69°36'33W for a distance of 11.03 feet to the POINT OF BEGINNING hereof and containing 0.087-acres of land more or less.

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


SHANE SHAFER, R.P.L.S. NO. 5281
DSI PARCEL NO. 1-SE

1/10/02
DATE



SKETCH TO ACCOMPANY METES AND BOUNDS DESCRIPTION

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SCALE: 1" = 100'

LINE TABLE

L1 = S41°51'50"W 117.05'
L2 = N69°36'33"E 64.79'

NOTE:
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THE COUNTY CLERK OF
WILLIAMSON COUNTY, TEXAS.

LEGEND

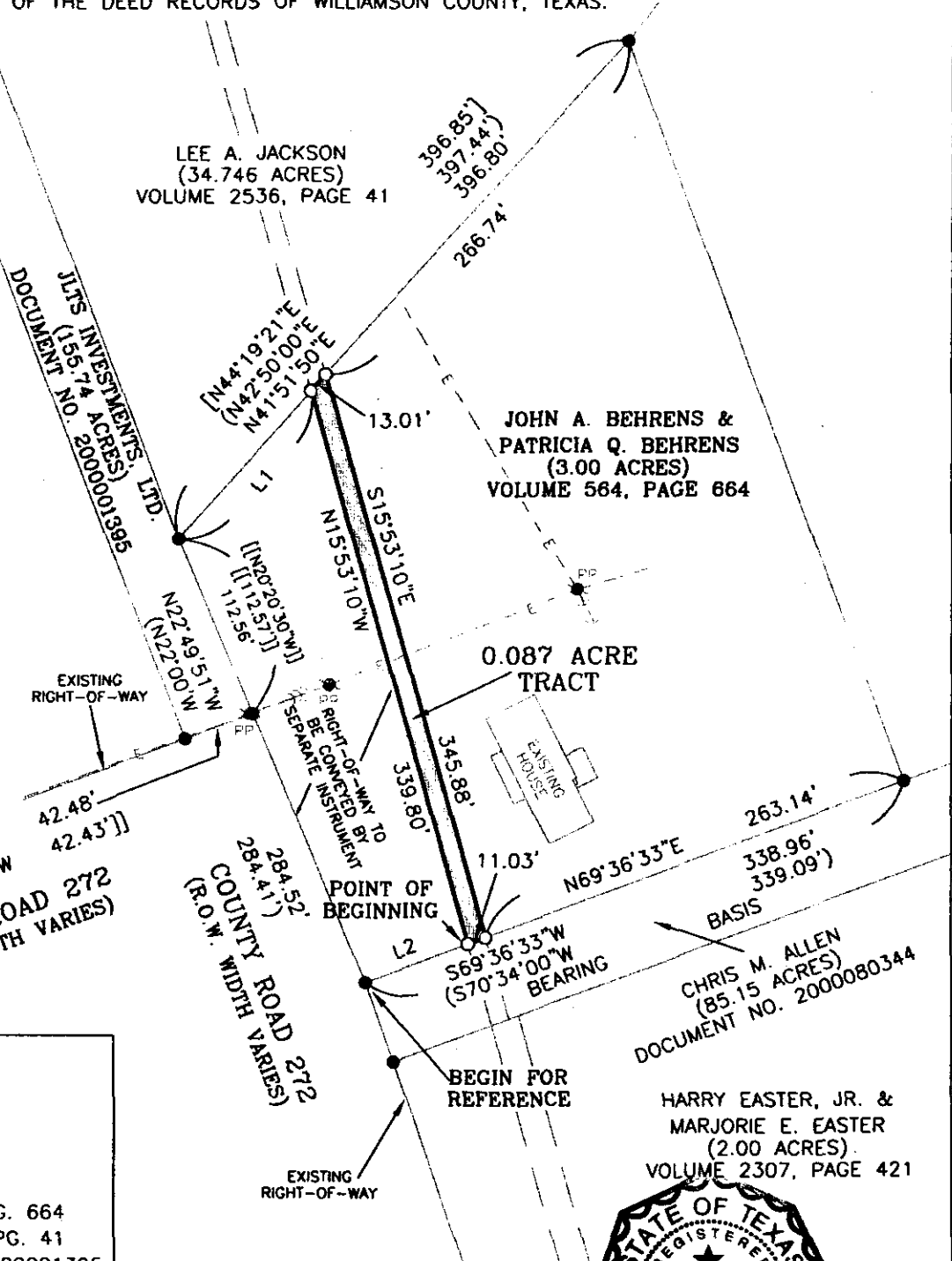
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Shane Shafer
SHANE SHAFER, R.P.L.S. NO. 5281

1/10/02
DATE

<> D.S.I. PARCEL #1SE
DIAMOND SURVEYING, INC
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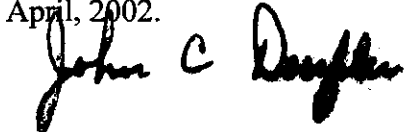


AGENDA ITEM 33**Comments from commissioners.**

Commissioner Heiligenstein stated that Richard Ridings will be introducing Rick Williams as key speaker at lunch on Friday at the Conference of Urban Counties meeting in Fort Worth.

COMMISSIONERS' COURT ADJOURNED AT 12:13 P.M. ON TUESDAY, APRIL 16, 2002.

THE FOREGOING MINUTES recorded on Minutes Pages 1 through 209, inclusive had at a Special Session of Commissioners' Court of Williamson County, Texas, having been read are hereby approved this 23rd day of April, 2002.



John C. Doerfler, County Judge

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

By: 
Deputy Clerk