

**AGENDA ITEM 49**

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

Executive Session was canceled. No action was taken on this agenda item.

**AGENDA ITEM 50**

Discuss damage claim from SBC - Southwestern Bell for damaged cable (EXECUTIVE SESSION as per VTCA Govt. Code sec. 551.071, consultation with attorney.)

Executive Session was canceled. No action was taken on this agenda item.

**AGENDA ITEM 51**

Discuss pending litigation Barba VS. Williamson County (EXECUTIVE SESSION as per VTCA Govt. Code sec. 551.071, consultation with attorney.)

Executive Session was canceled. No action was taken on this agenda item.

**AGENDA ITEM 52**

Receive briefing from counsel and consider a resolution authorizing the filing of condemnation proceedings and/or take appropriate action regarding CR 272 (Parmer Lane extension) parcel 157, (Williams Family Trust, owner).

Moved: **Commissioner Hays**

Seconded: **Commissioner Boatright**

Motion: To approve a resolution authorizing the filing of condemnation proceedings regarding CR 272, parcel 157.

Vote: **5 - 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 157 (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, through agents 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 Exhibit A 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 28<sup>TH</sup> day of MAY, 2002.

  
John C. Doerfler  
Williamson County Judge



## METES AND BOUNDS DESCRIPTION

BEING A 0.181-ACRE TRACT OF LAND SITUATED IN THE ANASTASHA CARR SURVEY, ABSTRACT NO. 122, WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF A "ROADWAY TRACT" CONVEYED TO THE WILLIAMS FAMILY TRUST BY INSTRUMENT RECORDED IN DOCUMENT NO. 9827715 OF THE OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS, SAID 0.181-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), being the northwesterly corner of said Williams Family Trust roadway tract and the southwesterly corner of a 27.58-acre tract of land conveyed to Mary Frances Burleson Roberts by instrument recorded in Document No. 199936659 of the Official Records of Williamson County, Texas, said point also being the northwesterly corner and POINT OF BEGINNING hereof;

THENCE departing the easterly right-of-way line of said County Road 272 with the northerly boundary line of said Williams Family Trust roadway tract, same being the southerly boundary line of said 27.58-acre Burleson tract, N68°15'47"E for a distance of 106.47 feet to a capped iron rod set on a point for the northwesterly corner hereof;

THENCE departing the southerly boundary line of said 27.58-acre Burleson tract, through the interior of said Williams Family Trust roadway tract, S20°13'21"E for a distance of 73.41 feet to a capped iron rod set on a point in the southerly boundary line of said Williams Family Trust roadway tract, same being the northerly boundary line of that certain 5.00-acre tract of land conveyed to Vernon Lynn Bonnet by instrument recorded in Volume 1908, Page 262 of the Official Records of Williamson County, Texas, for the southeasterly corner hereof;

THENCE with the southerly boundary line of said Williams Family Trust roadway tract, same being the northerly boundary line of said 5.00-acre Bonnet tract, S68°33'06"W for a distance of 109.69 feet to a capped iron rod set on a point in the easterly right-of-way line said County Road 272 for the southwesterly corner of said Williams Family Trust roadway tract, same being the northwesterly corner of said 5.00-acre Bonnet tract, for the southwesterly corner hereof, from which an iron pipe found on the southwesterly corner of said 5.00-acre Bonnet tract bears S20°01'55"E, a distance of 303.81 feet;

THENCE with the easterly right-of-way line of said County Road 272, same being the westerly boundary line of said Williams

Family Trust roadway tract, N17°41'17"W for a distance of 73.02 to the POINT OF BEGINNING hereof and containing 0.181 acres of land more or less.

◇ DIAMOND SURVEYING, INC.

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

Shane Shafer 3/14/02  
SHANE SHAFER, R.P.L.S. NO. 5281 DATE  
DSI PARCEL NO. 157



# SKETCH TO ACCOMPANY METES AND BOUNDS DESCRIPTION

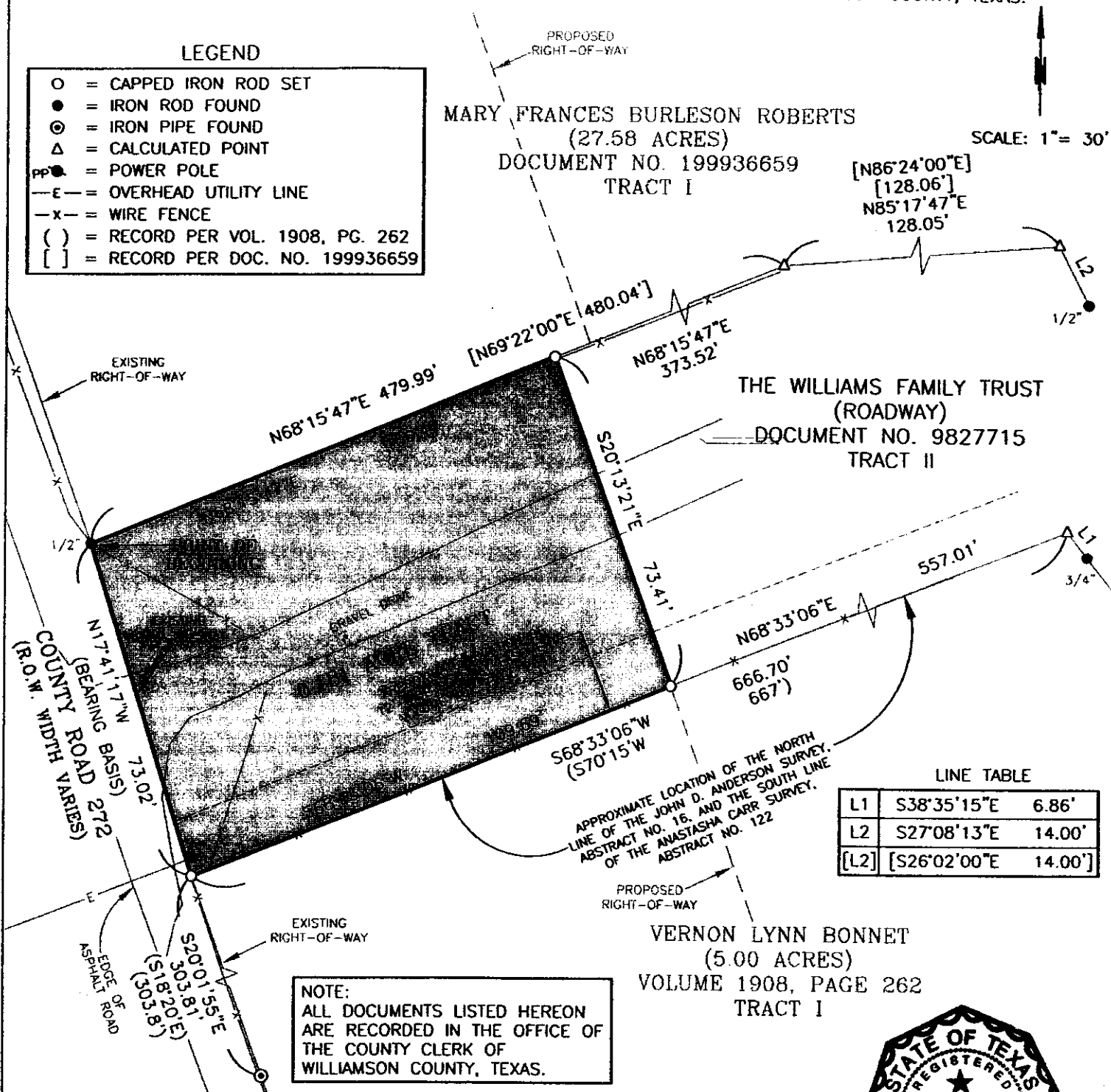
FOR A 0.181 ACRE TRACT OF LAND SITUATED IN THE ANASTASHA CARR SURVEY, ABSTRACT NO. 122, WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF A "ROADWAY TRACT" CONVEYED TO THE WILLIAMS FAMILY TRUST BY INSTRUMENT RECORDED IN DOCUMENT NO. 9827715 OF THE OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS.

## LEGEND

- = CAPPED IRON ROD SET
- = IRON ROD FOUND
- ⊙ = IRON PIPE FOUND
- Δ = CALCULATED POINT
- PP● = POWER POLE
- E— = OVERHEAD UTILITY LINE
- x— = WIRE FENCE
- ( ) = RECORD PER VOL. 1908, PG. 262
- [ ] = RECORD PER DOC. NO. 199936659

MARY FRANCES BURLESON ROBERTS  
(27.58 ACRES)  
DOCUMENT NO. 199936659  
TRACT I

SCALE: 1" = 30'



I, Shane Shafer, Registered Professional Land Surveyor in the State of Texas, hereby certify that this plot represents a survey made on the ground under my direct supervision, completed on March 14, 2002. 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 229342-W (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, R.P.L.S. NO. 5281

3/14/02

DATE

D.S.I. PARCEL #157

DIAMOND SURVEYING, INC

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

**AGENDA ITEM 53**

Receive briefing from counsel and consider accepting, rejecting, or making a counteroffer or other appropriate action in response to a settlement offer regarding CR 272 (Parmer Lane extension) parcels 1 and 1SE, (John Behrens, owner).

No action was taken on this agenda item.

**AGENDA ITEM 54**

Receive briefing from counsel and consider a resolution authorizing the filing of condemnation proceedings and /or take appropriate action regarding CR 272 (Parmer Lane extension) parcels 154 and 154SE, (John Van Witbeck, owner).

Moved: **Commissioner Hays**

Seconded: **Commissioner Boatright**

Motion: To approve a resolution authorizing the filing of condemnation proceedings regarding CR 272, parcels 154 and 154SE.

Vote: **5 - 0**

< Attachment >

**MEMORANDUM**

TO: CDC

FROM: DJC

DATE: 5/27/02

RE: Parmer Lane-Parcel 154, 154SE (Van Witbeck)  
Acquisition Summary

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**Proposed language for 5/28/02 Commissioners' Court meeting (executive session):** Receive briefing from counsel and consider a resolution authorizing the filing of condemnation proceedings and/or take appropriate action regarding County Road 272 (Parmer Lane extension) parcels 154 and 154SE. (John Van Witbeck, owner).

**Acquisition description:**

1. .686 acre fee simple acquisition out of 2.00 acre parent tract
2. .179 acre slope easement acquisition out of same 2.00 acre parent tract

**Status of negotiations:**

1. Appraised value: **\$17,977** offered on 3/20/02  
Appraised value breakdown:
  - a. .686 acres x \$21,000/acre = \$14,406
  - b. .179 acres x \$21,000 x .95 (easement rights) = \$3,571
2. The landowners initially proposed a settlement based upon a bank appraisal which they had done in connection with a loan to improve the property with a warehouse building. This valued the land at \$1.26/foot, for a total price of \$47,573.

The owners would currently be willing to sell the land for the price they paid for it in December of 2000. This was \$37,000/acre, and would calculate to a total price of approximately \$25,382 for the fee simple and \$6,292 for the easement area. Although a sale of the subject is typically the best indication of market value, and will be difficult to overcome with outside evidence, there is some indication that this purchase price was increased because of the knowledge of the Parmer Lane project, which is not supposed to be considered in a condemnation valuation. Mr. Witbeck does not want to "lose" money on his purchase, and wants to get back what he paid.