

MEMORANDUM

TO: CDC

FROM: DJC

DATE: 5/27/02

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

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.

**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 154 (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 154SE (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

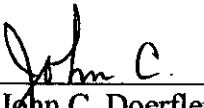
WHEREAS, the Commissioners' Court of Williamson County, Texas, has, through agents

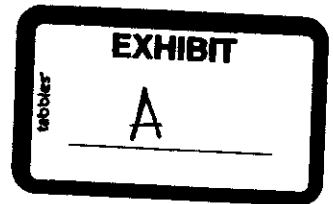
employed by the said office, entered into good faith negotiations with the owners of the hereinafter described properties and has failed to agree with the owners on the compensation and damages, if any, due to said owners. Now, therefore,

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 28th day of MAY, 2002.

 5-28-02
John C. Doerfler
Williamson County Judge



METES AND BOUNDS DESCRIPTION

BEING A 0.686-ACRE TRACT OF LAND SITUATED IN THE WALTER CAMPBELL SURVEY ABSTRACT NO. 3, WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF A 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, SAID 0.686-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 westerly right-of-way line of County Road 272 (right-of-way width varies), said point being the northeasterly corner of a 10.01-acre tract of land conveyed to Cindy McCoy by instrument recorded in Volume 1320, Page 814 of said Official Records, same being the southeasterly corner of said 2.00-acre Witbeck tract for the southeasterly corner and POINT OF BEGINNING hereof;

THENCE departing the westerly right-of-way line of said County Road 272 with the northerly boundary line of said 10.01-acre tract of land, same being the southerly boundary line of said Witbeck tract, S68°53'06"W for a distance of 123.02 feet to a capped iron rod set on a point for the southwesterly corner hereof, from which a 1/2" iron rod found on a point being the southwesterly corner of said Witbeck tract, same being an angle point in the northerly boundary line of said 10.01-acre tract of land bears S68°53'06"W a distance of 208.36 feet;

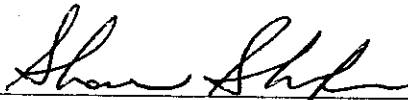
THENCE departing the northerly boundary line of said 10.01-acre tract of land through the interior of said Witbeck tract with the arc of a curve to the right having a radius of 17288.73 feet an arc length of 259.90 feet and a chord which bears N16°31'48"W for a distance of 259.89 feet to a capped iron rod set on a point in the southerly boundary line of a 2.00-acre tract of land conveyed to Michael Sorenson and Benita Sorenson by instrument recorded in Volume 2377, Page 360 of said Official Records, same being the northerly boundary line of said Witbeck tract for the northwesterly corner hereof, from which a 1/2" iron rod found on a point being the southwesterly corner of said 2.00-acre Sorenson tract, same being the northwesterly corner of said Witbeck tract bears S68°59'42"W a distance of 229.42 feet;

THENCE with the southerly boundary line of said Sorenson tract, same being the northerly boundary line of said Witbeck tract, N68°59'42"E for a distance of 107.23 feet to a 1/2" iron rod found on a point in the westerly right-of-way line of the aforementioned County Road 272, said point being the southeasterly corner of said Sorenson tract, same being the northeasterly corner of said Witbeck tract for the northeasterly corner hereof;

THENCE with the westerly right-of-way line of said County Road 272, same being the easterly boundary line of said Witbeck tract, S20°00'48"E for a distance of 258.90 feet to the POINT OF BEGINNING hereof and containing 0.686 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. 154

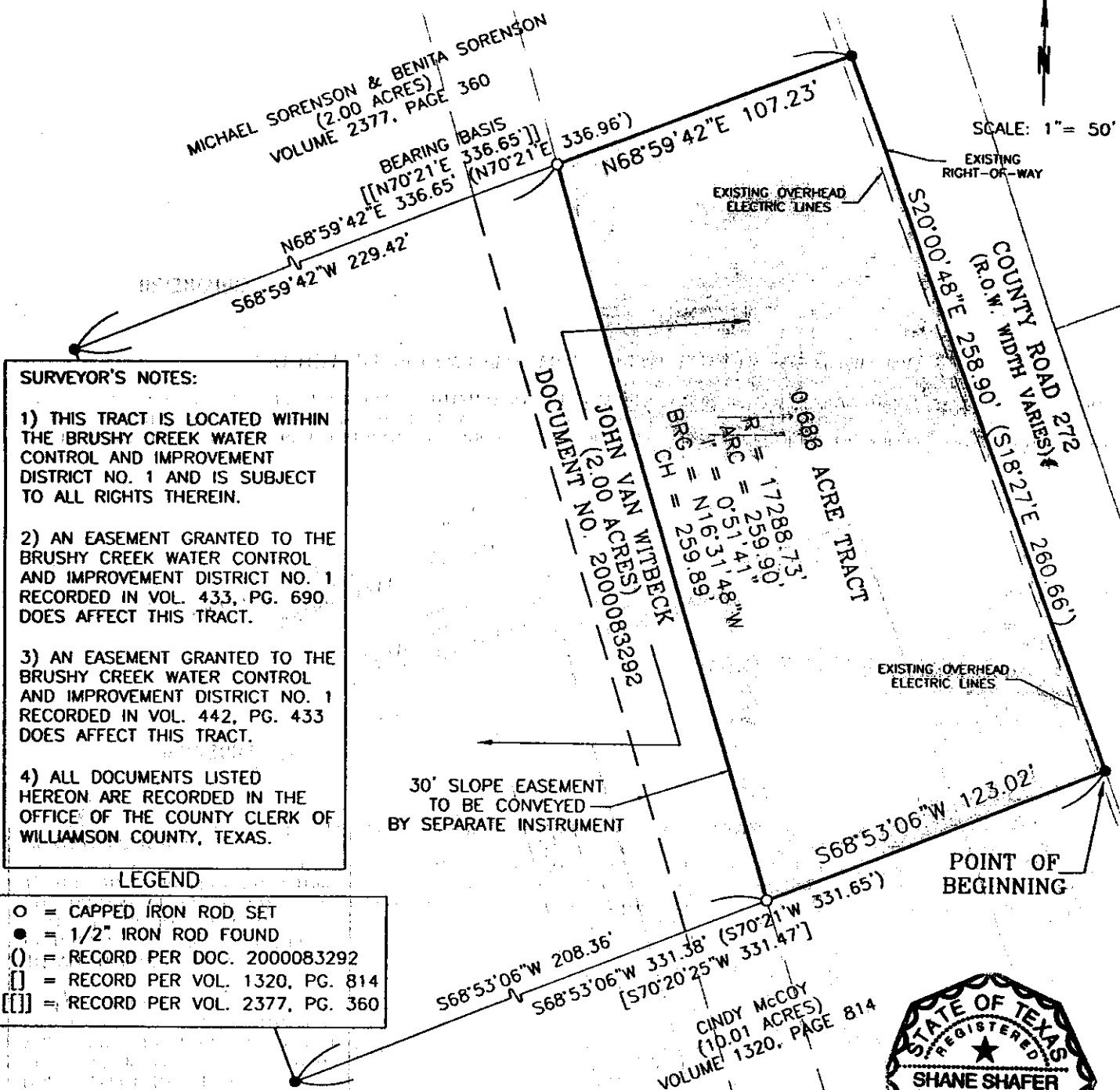
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DATE



05/28/2002

SKETCH TO ACCOMPANY METES AND BOUNDS DESCRIPTION

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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 January 11, 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 228305-U 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.

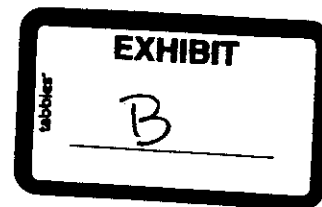


Shane Shafer
SHANE SHAFER, R.P.L.S. NO. 5281

1/11/02
DATE

D.S.I. PARCEL #154
DIAMOND SURVEYING, INC
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RECORDERS MEMORANDUM
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METES AND BOUNDS DESCRIPTION

BEING A 0.179-ACRE TRACT OF LAND SITUATED IN THE WALTER CAMPBELL SURVEY ABSTRACT NO. 3, WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF A 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, SAID 0.179-ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

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THENCE departing the westerly right-of-way line of said County Road 272 with the northerly boundary line of said 10.01-acre tract of land, same being the southerly boundary line of said 2.00-acre Witbeck tract, S68°53'06"W for a distance of 123.02 feet to a capped iron rod set on a point for the southeasterly corner and POINT OF BEGINNING hereof;

THENCE continuing with the northerly boundary line of said 10.01-acre tract of land, same being the southerly boundary line of said Witbeck tract, S68°53'06"W for a distance of 30.09 feet to a capped iron rod set on a point for the southwesterly corner hereof, from which a 1/2" iron rod found on a point being the southwesterly corner of said Witbeck tract, same being an angle point in the northerly boundary line of said 10.01-acre tract of land bears S68°53'06"W a distance of 178.27 feet;

THENCE departing the northerly boundary line of said 10.01-acre tract of land through the interior of said Witbeck tract with the arc of a curve to the right having a radius of 17318.73 feet an arc length of 259.95 feet and a chord which bears N16°32'16"W for a distance of 259.95 feet to a capped iron rod set on a point in the southerly boundary line of a 2.00-acre tract of land conveyed to Michael Sorenson and Benita Sorenson by instrument recorded in Volume 2377, Page 360 of said Official Records, same being the northerly boundary line of said Witbeck tract for the northwesterly corner hereof, from which a 1/2" iron rod

found on a point being the southwesterly corner of said 2.00-acre Sorenson tract, same being the northwesterly corner of said Witbeck tract bears S68°59'42"W a distance of 199.31 feet;

THENCE with the southerly boundary line of said Sorenson tract, same being the northerly boundary line of said Witbeck tract, N68°59'42"E for a distance of 30.11 feet to a capped iron rod set for the northwesterly corner hereof, from which a 1/2" iron rod found on a point in the westerly right-of-way line of the aforementioned County Road 272, said point being the southeasterly corner of said Sorenson tract, same being the northeasterly corner of said Witbeck tract, bears N68°59'42"E a distance of 107.23 feet;

THENCE departing the southerly boundary line of said Sorenson tract through the interior of said Witbeck tract, with the arc of a curve to the left having a radius of 17288.73 feet an arc length of 259.90 feet and a chord which bears S16°31'48"E for a distance of 259.89 feet to the POINT OF BEGINNING hereof and containing 0.179 acres of land more or less.



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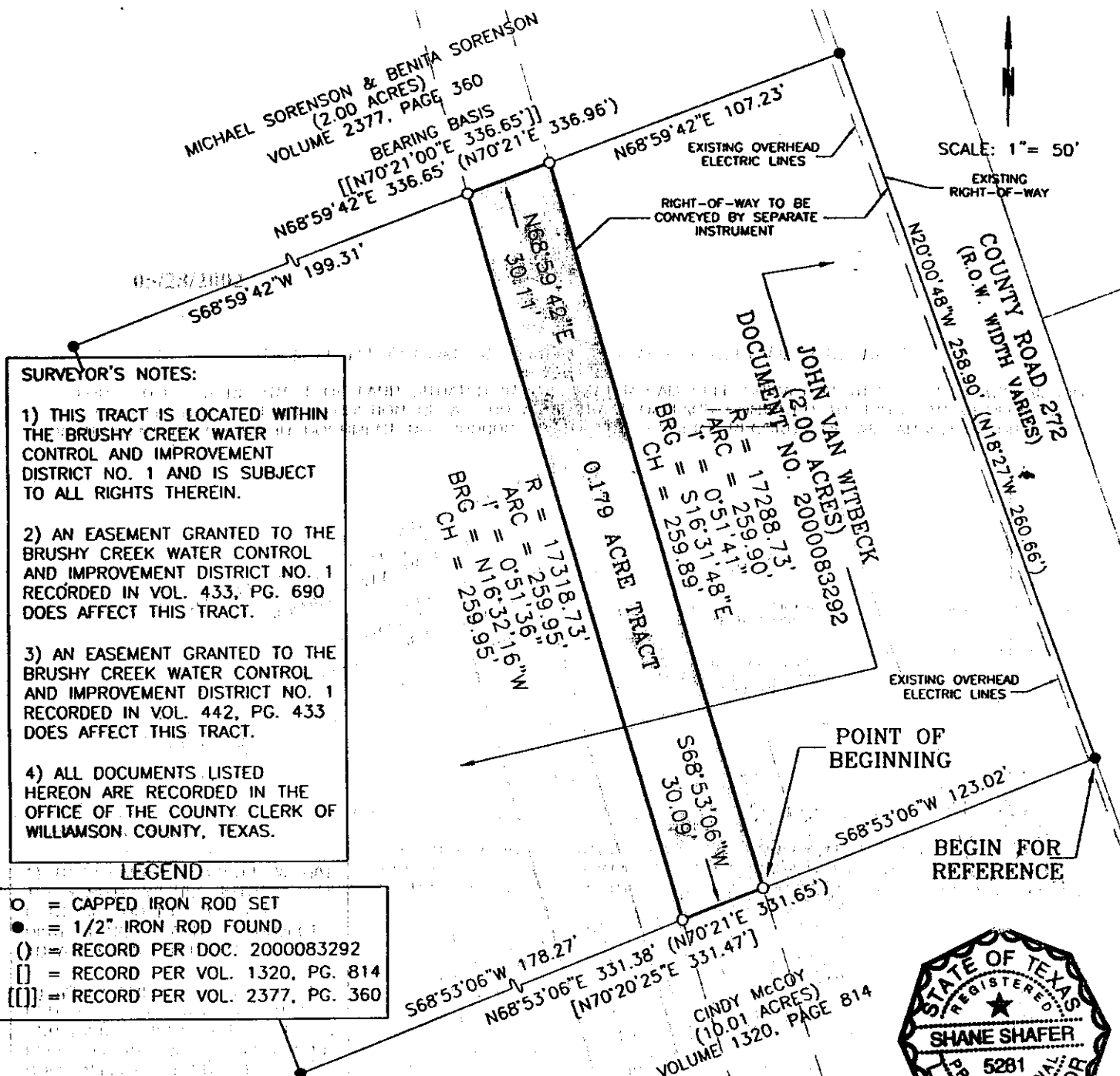
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I, Shane Shafer, Registered Professional Land Surveyor in the State of Texas, hereby certify that this plat represents a survey made on the ground under my direct supervision, completed on January 11, 2001, at the time of this survey there were no 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 228305-U 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 _____

D.S.I. PARCEL #154SE

DIAMOND SURVEYING, INC

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RECORDERS MEMORANDUM

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AGENDA ITEM 55

Discuss and take appropriate action concerning damage claim from SBC - Southwestern Bell for damaged cable.

Road and Bridge Supervisor Greg Bergeron stated that a Southwestern Bell cable was damaged by road equipment while setting a box culvert on CR 481.

Moved: **Judge Doerfler**

Seconded: **Commissioner Limmer**

Motion: To approve payment of the damage claim by Southwestern Bell.

Vote: **5 - 0**

AGENDA ITEM 56

Discuss and take appropriate action concerning pending litigation Barba vs. Williamson County.

Dale Rye stated that the litigation concerned an automobile accident involving Deputy Gripenrog. He said that the other driver's insurance company filed the suit.

Moved: **Commissioner Hays**

Seconded: **Commissioner Limmer**

Motion: To refer the case to the Texas Association of Counties.

Vote: **5 - 0**

AGENDA ITEM 57

Comments from Commissioners.

There were no comments from Commissioners.

COMMISSIONERS' COURT ADJOURNED AT 12:35 P.M. ON TUESDAY, MAY 28, 2002.

THE FOREGOING MINUTES recorded on Minutes Pages 1 through 332, inclusive had at a Special Session of Commissioners' Court of Williamson County, Texas, having been read are hereby approved this 4th day of June, 2002.



John C. Doerfler, County Judge

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

By: 

Deputy Clerk