

**AGENDA ITEM 48**

Discuss and take appropriate action on condemnation proceedings on CR 137 project, (William O. Nelson and Bettye Dixon Nelson, owners).

Moved: **Judge Doerfler**

Seconded: **Commissioner Limmer**

Motion: To enact condemnation proceedings on CR 137 project, (William O. Nelson and Bettye Dixon Nelson, owners).

Vote: 3 – 0. **Commissioner Boatright** and **Commissioner Heiligenstein** were 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 certain property in Williamson County owned by William O. Nelson and wife, Bettye Dixon Nelson (described by metes and bounds in Exhibit "A") for the construction, reconstruction, maintaining, widening, straightening, lengthening, and operating of County Road 137, 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 137, 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 14<sup>TH</sup> day of October, 2003.

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

## METES AND BOUNDS DESCRIPTION

BEING A 0.049-ACRE TRACT OF LAND SITUATED IN THE MATHIAS WILBARGER SURVEY, ABSTRACT NO. 663, WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF A 5.701-ACRE TRACT OF LAND CONVEYED TO WILLIAM O. NELSON AND BETTYE DIXON NELSON BY INSTRUMENT RECORDED IN VOLUME 892, PAGE 448 OF THE DEED RECORDS OF WILLIAMSON COUNTY, TEXAS, SAID 0.049-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 easterly right-of-way line of County Road 137 (right-of-way width varies) said point being an angle point in the westerly boundary line of said 5.701-acre Nelson tract;

THENCE with the easterly right-of-way line of said County Road 137, same being the westerly boundary line of said 5.701-acre Nelson tract, S24°31'08"W for a distance of 133.81 feet to a capped iron rod set at the beginning of a non-tangent curve to the left for the northernmost corner and POINT OF BEGINNING hereof;

THENCE departing the easterly right-of-way line of said County Road 137 through the interior of said 5.701-acre Nelson tract, with the arc of said curve to the left having a radius of 1960.00 feet, an interior angle of 5°31'45", an arc length of 189.14 feet and a chord which bears S12°22'22"W for a distance of 189.07 feet to a capped iron rod set on a point in the easterly right-of-way line of said County Road 137, same being the westerly boundary line of said 5.701-acre Nelson tract for the southernmost corner hereof, from which a 1/2" iron rod found on an interior ell corner in the southerly boundary line of said 5.701-acre Nelson tract, bears S7°38'52"E a distance of 198.22 feet and S85°52'12"E a distance of 292.02 feet;

THENCE with the easterly right-of-way line said County Road 137, same being the westerly boundary line of said 5.701-acre Nelson tract, the following two (2) courses and distances:

- 1) N7°38'52"W for a distance of 74.72 feet to a capped iron rod set for an angle point in the westerly boundary line hereof;
- 2) N24°31'08"E for a distance of 121.59 feet to the POINT OF BEGINNING hereof and containing 0.049 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. 137-71

1/6/03  
DATE



# SKETCH TO ACCOMPANY METES AND BOUNDS DESCRIPTION

FOR A 0.049 ACRE TRACT OF LAND SITUATED IN THE MATHIAS WILBARGER SURVEY, ABSTRACT NO. 663, WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF 19.31 ACRES OF LAND CONVEYED TO WILLIAM O. NELSON AND BETTYE DIXON NELSON BY INSTRUMENT RECORDED IN VOLUME 892, PAGE 448 OF THE DEED RECORDS OF WILLIAMSON COUNTY, TEXAS.

## 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. 423, PG. 693.

2) THIS TRACT IS SUBJECT TO RESTRICTIONS AND COVENANTS RECORDED IN VOL. 786, PG. 98 AND VOL. 892, PG. 448.

3) ROAD EASEMENT RECORDED IN VOL. 424, PG. 10, DOES NOT AFFECT THIS TRACT.

4) LONESTAR GAS COMPANY EASEMENT RECORDED IN VOL. 478, PG. 263, DOES AFFECT THIS TRACT, HOWEVER THERE IS NO EVIDENCE OF A GAS PIPE LINE AT THE DATE OF THIS SURVEY.

5) TEXAS POWER AND LIGHT COMPANY EASEMENTS RECORDED IN VOL. 348, PG. 383, VOL. 801, PG. 257, VOL. 705, PG. 644, VOL. 705, PG. 846, VOL. 737, PG. 864 AND VOL. 781, PG. 710, DO NOT AFFECT THIS TRACT.

6) MANVILLE WATER SUPPLY CORPORATION RECORDED IN VOL. 600, PG. 203, VOL. 718, PG. 19, VOL. 718, PG. 26, VOL. 718, PG. 19, VOL. 718, PG. 15, VOL. 718, PG. 17, VOL. 718, PG. 18, VOL. 718 AND PG. 23, VOL. 718, PG. 27, DO NOT AFFECT THIS TRACT.

7) MANVILLE WATER SUPPLY CORPORATION RECORDED IN VOL. 800, PG. 204 AND VOL. 800, PG. 208, DO AFFECT THIS TRACT.

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

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 April 25, 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 G.F. No. 01028464 of Longhorn 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*

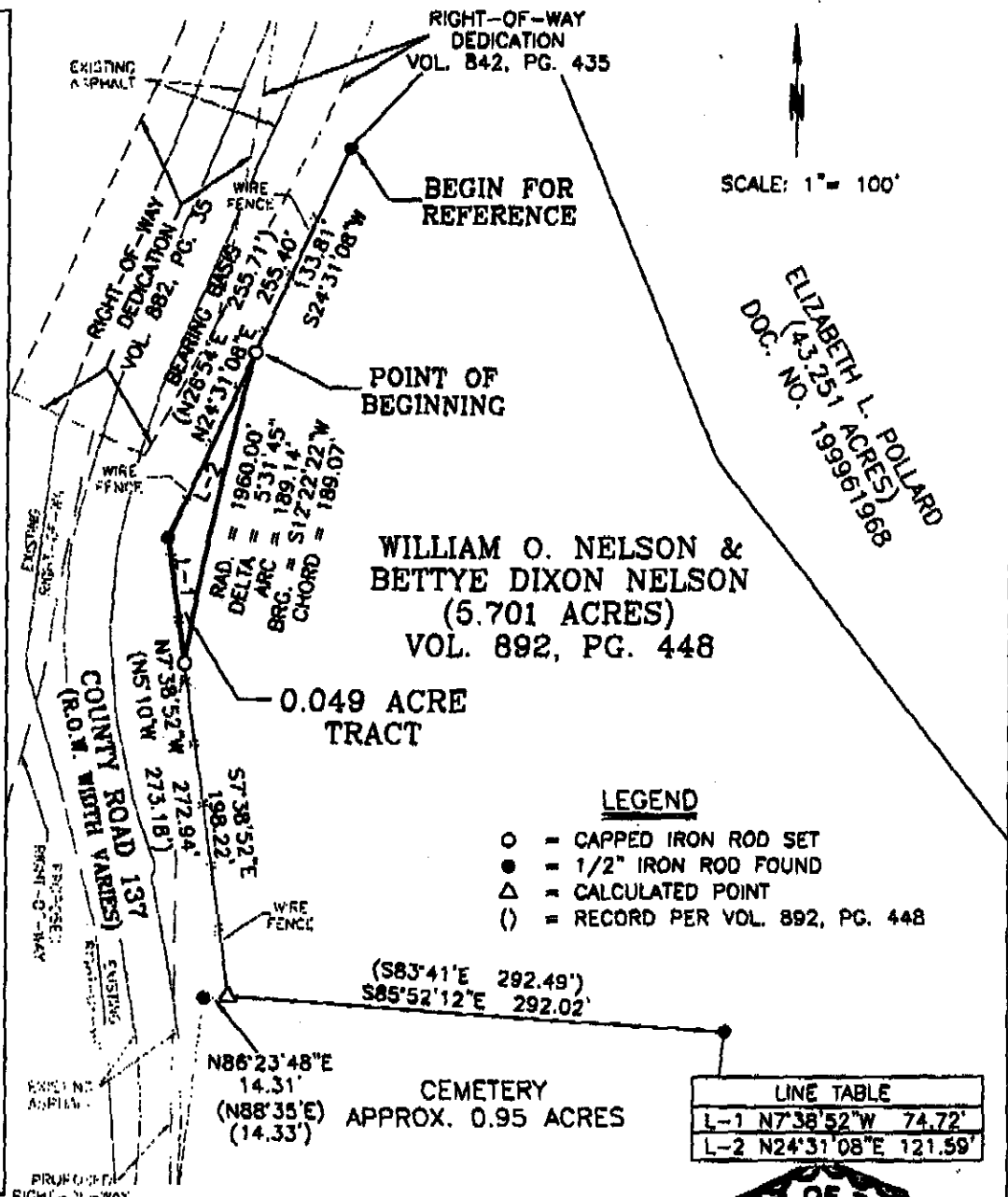
SHANE SHAFER, R.P.L.S. NO. 5281

1/6/03  
DATE

D.S.I. PARCEL 137-11

DIAMOND SURVEYING, INC

1915 S. AUSTIN, SUITE 111, GEORGETOWN, TX 78626  
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**AGENDA ITEM 49**

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Seconded: **Commissioner Limmer**

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