

AGENDA ITEM 49

Discuss and take appropriate action on condemnation proceedings on CR 137 project, (James E. Namken and Claire B. Namken, owners).

Moved: **Judge Doerfler**

Seconded: **Commissioner Limmer**

Motion: To enact condemnation proceedings on CR 137 project, (James E. Namken and Claire B. Namken, 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 The James E. Namken and Claire B. Namken Revocable Living Trust (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

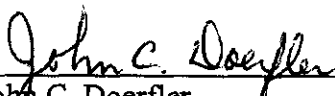
WHEREAS, the Commissioners' Court of Williamson County, Texas, has, through agents employed by the said office, entered into good faith negotiations with the owners of the hereinafter described properties and has failed to agree with the owners on the compensation and damages, if any, due to said owners. 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 14TH day of October, 2003.



John C. Doerfler
Williamson County Judge

METES AND BOUNDS DESCRIPTION

EXHIBIT**"A"**

BEING A 0.107-ACRE TRACT OF LAND SITUATED IN THE MATHIAS WILBARGER SURVEY ABSTRACT NO. 663, WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF A 1.998 ACRE TRACT OF LAND CONVEYED TO THE JAMES E. NAMKEN AND CLAIRE B. NAMKEN REVOCABLE LIVING TRUST BY INSTRUMENT RECORDED IN DOCUMENT NO. 199960733 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS, AND ALSO BEING A PORTION OF A 4.00 ACRE TRACT OF LAND CONVEYED TO THE JAMES E. NAMKEN AND CLAIRE B. NAMKEN REVOCABLE LIVING TRUST BY INSTRUMENT RECORDED IN DOCUMENT NO. 199960732 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS, SAID 0.107-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 137 (right-of-way width varies) said point being the northwest corner of that certain 9.858-acre tract of land conveyed to Gary L. Revia and Jan K. Revia by instrument recorded in Document No. 9868033 of the Official Records of Williamson County, Texas, same being the southwest corner of said 4.00-acre Namken tract, for the southwest corner and POINT OF BEGINNING hereof;

THENCE with the easterly right-of-way line of said County Road 137, same being the westerly boundary line of said 4.00-acre Namken tract, the following two (2) course and distances:

- 1) N07°40'21"E for a distance of 14.98 feet to a capped iron rod set for an angle point in the westerly boundary line hereof;
- 2) N07°52'01"E for a distance of 268.37 feet to a capped iron rod found on a point being the northwest corner of said 4.00-acre Namken tract, same being the southwest corner of said 1.998-acre Namken tract, for an angle point in the westerly boundary line hereof;

THENCE continuing with the easterly right-of-way line of said County Road 137, same being the westerly boundary line of said 1.998-acre Namken tract, N08°03'49"E for a distance of 56.47 feet to a capped iron rod set for the northwest corner hereof, from which a 1/2" iron rod found on a point being the northwest corner of said 1.998-acre Namken tract of land, same being the southwest corner of that certain 1.10-acre tract conveyed to Charles Lively and Lena Fayee Lively by instrument recorded in Volume 1213, Page 636 of the Official records of Williamson County, Texas, bears N08°03'49"E a distance of 84.58 feet;

THENCE departing the easterly right-of-way line of said County Road 137, through, in part, the interior of said 1.998-acre Namken tract, and, in part, the interior of said 4.00-acre Namken tract the following three (3) courses and distances:

- 1) S82°25'51"E for a distance of 12.70 feet to a capped iron rod set for the northeast corner hereof;
- 2) S07°34'09"W for a distance of 56.48 feet to a capped iron rod set in the southerly boundary line of said 1.998-acre Namken tract, same being the northerly boundary line of said 4.00-acre Namken tract for a point in the easterly boundary line hereof, from which a 1/2" iron rod found at a point being the southeast corner of said 1.998-acre Namken tract, same being the northeast corner of said 4.00-acre Namken tract, bears S82°20'24"E a distance of 600.22 feet;

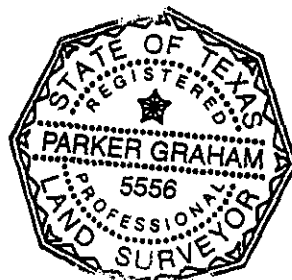
- 3) S07°34'09"W for a distance of 283.35 feet to a capped iron rod set in the southerly boundary line of said 4.00-acre Namken tract, same being the northerly boundary line of the aforementioned 9.858-acre Revia tract, for the southeast corner hereof, from which a concrete monument found on a point being the being the southeast corner of said 4.00-acre Namken tract, bears S82°20'02"E a distance of 600.53 feet;

THENCE with the southerly boundary line of said 4.00-acre Lively tract, same being the northerly boundary line of said 9.858-acre Revia tract, N82°20'02"W for a distance of 14.60 feet to the POINT OF BEGINNING hereof and containing 0.107 acres of land more or less.

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

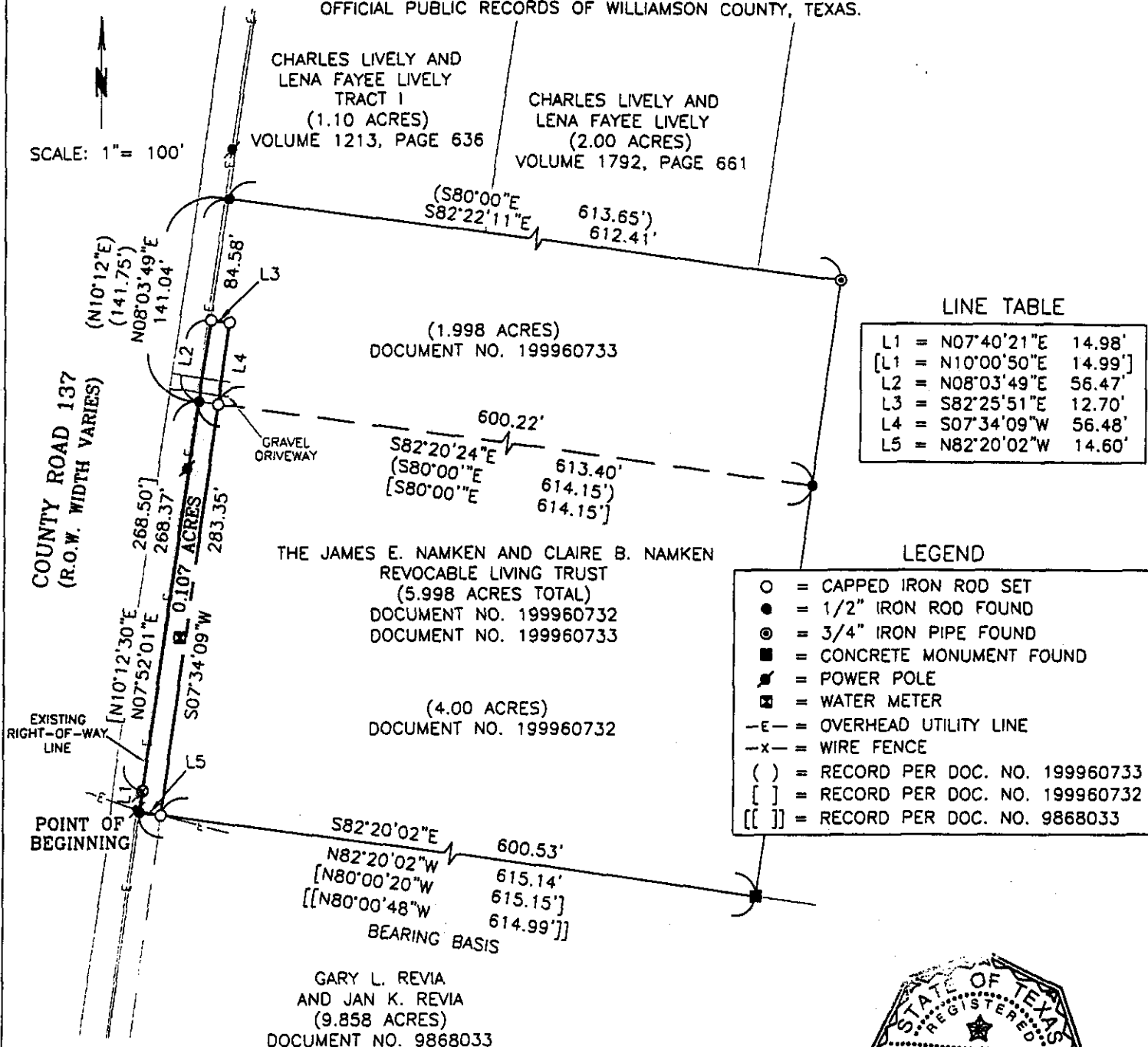
 4/25/02

Parker J. Graham, C.P.L.S. No. 5556 Date
DSI PARCEL NO. 137-21

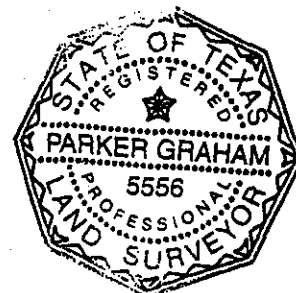


SKETCH TO ACCOMPANY METES AND BOUNDS DESCRIPTION

FOR A 0.107 ACRE TRACT OF LAND SITUATED IN THE MATHIAS WILBARGER SURVEY, ABSTRACT NO. 663, WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF A 1.998 ACRE TRACT OF LAND CONVEYED TO THE JAMES E. NAMKEN AND CLAIRE B. NAMKEN REVOCABLE LIVING TRUST BY INSTRUMENT RECORDED IN DOCUMENT NO. 199960733 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS, AND BEING A PORTION OF A 4.00 ACRE TRACT OF LAND CONVEYED TO THE JAMES E. NAMKEN AND CLAIRE B. NAMKEN REVOCABLE LIVING TRUST BY INSTRUMENT RECORDED IN DOCUMENT NO. 199960732 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS.



I, Parker J. Graham, 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 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. 01028469 of Longhorn Title Company - Taylor. 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.



Parker J. Graham
Parker J. Graham, R.P.L.S. No. 5556

4/25/02
Date

D.S.I. PARCEL #137-21
DIAMOND SURVEYING, INC.
1915 S. AUSTIN, SUITE 111, GEORGETOWN, TX 78626
(512) 931-3100

SHEET 1 OF 2

SKETCH TO ACCOMPANY METES AND BOUNDS DESCRIPTION

SURVEYOR'S NOTES:

1) THIS TRACT IS SUBJECT TO RESTRICTIVE COVENANTS OF RECORD IN VOL. 639, PG. 240, VOL. 461, PG. 179, DOC. NO. 199960732 AND DOC. NO. 199960733.

2) THIS TRACT IS LOCATED WITHIN THE BRUSHY CREEK WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 AND IS SUBJECT TO ALL RIGHTS THEREIN.

3) EASEMENT TO BRUSHY CREEK W.C.I.D NO. 1 RECORDED IN VOL. 423, PG. 693, DOES NOT AFFECT THIS TRACT EXCEPT FOR POSSIBLE PERPETUAL INGRESS/EGRESS RIGHTS.

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

5) EASEMENT TO LONE STAR GAS COMPANY RECORDED IN VOL. 476, PG. 263, DOES NOT AFFECT THIS TRACT EXCEPT FOR POSSIBLE PERPETUAL INGRESS/EGRESS RIGHTS.

6) EASEMENTS TO TEXAS POWER AND LIGHT COMPANY RECORDED IN VOL. 524, PG. 122, VOL. 1286, PG. 155, VOL. 1286, PG. 157, AND VOL. 348, PG. 383, DO NOT AFFECT THIS TRACT EXCEPT FOR POSSIBLE PERPETUAL INGRESS/EGRESS RIGHTS.

7) WATER LINE EASEMENT RECORDED IN VOL. 600, PG. 203, DOES NOT AFFECT THIS TRACT.

8) THIS TRACT IS SUBJECT TO A BLANKET 15' WIDE WATER LINE EASEMENT BEING 7.5' EITHER SIDE OF THE CENTERLINE OF THE PIPE AS INSTALLED AS RECORDED IN RECORDED IN VOL. 600, PG. 204, VOL. 600, PG. 206, VOL. 718, PG. 19, AND VOL. 718, PG. 26, TOGETHER WITH PERPETUAL RIGHTS OF INGRESS/EGRESS AS STATED THEREIN.

9) THIS TRACT IS SUBJECT TO EASEMENT TO TEXAS POWER AND LIGHT COMPANY RECORDED IN VOL. 848, PG. 621, HOWEVER DUE TO LACK OF DESCRIPTION OF EASEMENT IN SAID DOCUMENT, EASEMENT IS UNLOCATABLE.

10) ANY PORTION OF THE ABOVE DESCRIBED TRACT THAT MAY LIE WITHIN THE 100 YEAR FLOOD PLAIN IS SUBJECT TO REGULATIONS GOVERNING THE USE AND DEVELOPMENT OF SUCH PROPERTY AS MAY BE PROMULGATED BY ANY GOVERNMENTAL ENTITY, FEDERAL, STATE, OR CITY GOVERNMENTS AS MAY EXIST IN WILLIAMSON COUNTY, TEXAS.

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

D.S.I. PARCEL #137-21

<> DIAMOND SURVEYING, INC.

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(512) 931-3100

SHEET 2 OF 2

AGENDA ITEM 50

Discuss and take appropriate action on condemnation proceedings on CR 137 project, (Charles Lively and Lena Faye Lively, owners).

Moved: **Judge Doerfler**

Seconded: **Commissioner Limmer**

Motion: To enact condemnation proceedings on CR 137 project, (Charles Lively and Lena Faye Lively, owners).

Vote: **3 – 0. Commissioner Boatright and Commissioner Heiligenstein** were absent from the dais.

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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