

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.

< 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 Charles Lively and Lena Faye Lively (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

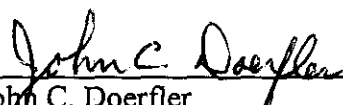
WHEREAS, the Commissioners' Court of Williamson County, Texas, has, through agents employed by the said office, entered into good faith negotiations with the owners of the hereinafter described properties and has failed to agree with the owners on the compensation and damages, if any, due to said owners. 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 0.096-ACRE TRACT OF LAND SITUATED IN THE MATHIAS WILBARGER SURVEY, ABSTRACT NO. 663, WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF A 2.47-ACRE TRACT OF LAND (CALLED TRACT II) CONVEYED TO CHARLES LIVELY AND LENA FAYEE LIVELY BY INSTRUMENT RECORDED IN VOLUME 1213, PAGE 636 OF THE OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS, SAID 0.096-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 at the intersection of the easterly right-of-way line of County Road 137 (right-of-way width varies) with the southerly right-of-way line of County Road 139 (right-of-way varies), said point being the northwest corner of said 2.47-acre Lively tract, for the northwest corner and POINT OF BEGINNING hereof;

THENCE with the southerly right-of-way line of said County Road 139, same being the northerly boundary line of said 2.47-acre Lively tract, S64°49'15"E for a distance of 10.15 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 northeasterly corner of that certain 2.00-acre tract of land conveyed to Charles Lively and Lena Fayee Lively by instrument recorded in Volume 1792, Page 661 of the Official records of Williamson County, Texas, bears S64°49'15"E a distance of 501.53 feet;

THENCE departing the southerly right-of-way line of said County Road 139, through the interior of said 2.47-acre Lively tract, S07°34'09"W for a distance of 389.56 feet to a capped iron rod set on a point in the southerly boundary line of said 2.47-acre lively tract, same being the northerly boundary line of that certain 1.10-acre tract of land (Called Tract I) conveyed to Charles Lively and Lena Fayee Lively by instrument recorded in Volume 1213, Page 636 of the Official Records of Williamson County, Texas, said point being the southeast corner hereof;

THENCE with the southerly boundary line of said 2.47-acre Lively tract, same being the northerly boundary line of said 1.10-acre Lively tract, S88°43'12"W for a distance of 11.90 feet to 1/2" iron rod found on a point in the easterly right-of-way line of said County Road 137, said point being the northwest corner of said 1.10-acre Lively tract, same being the southwest corner of said 2.47-acre Lively tract, for the southwest corner hereof, from which a 1/2" iron rod found on a point being the northwest corner of said 1.10-acre Lively tract, bears S07°38'04"W a distance of 180.79 feet

THENCE with the easterly right-of-way line of said County Road 137, same being the westerly boundary line of said 2.47-acre Lively tract, N07°52'22"E for a distance of 394.46 feet to the POINT OF BEGINNING hereof and containing 0.096 acres of land more or less.

DIAMOND SURVEYING, INC.

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

Parker J. Graham 4/25/02

Parker J. Graham, R.P.L.S. No. 5556 Date
DSI PARCEL NO. 137-20

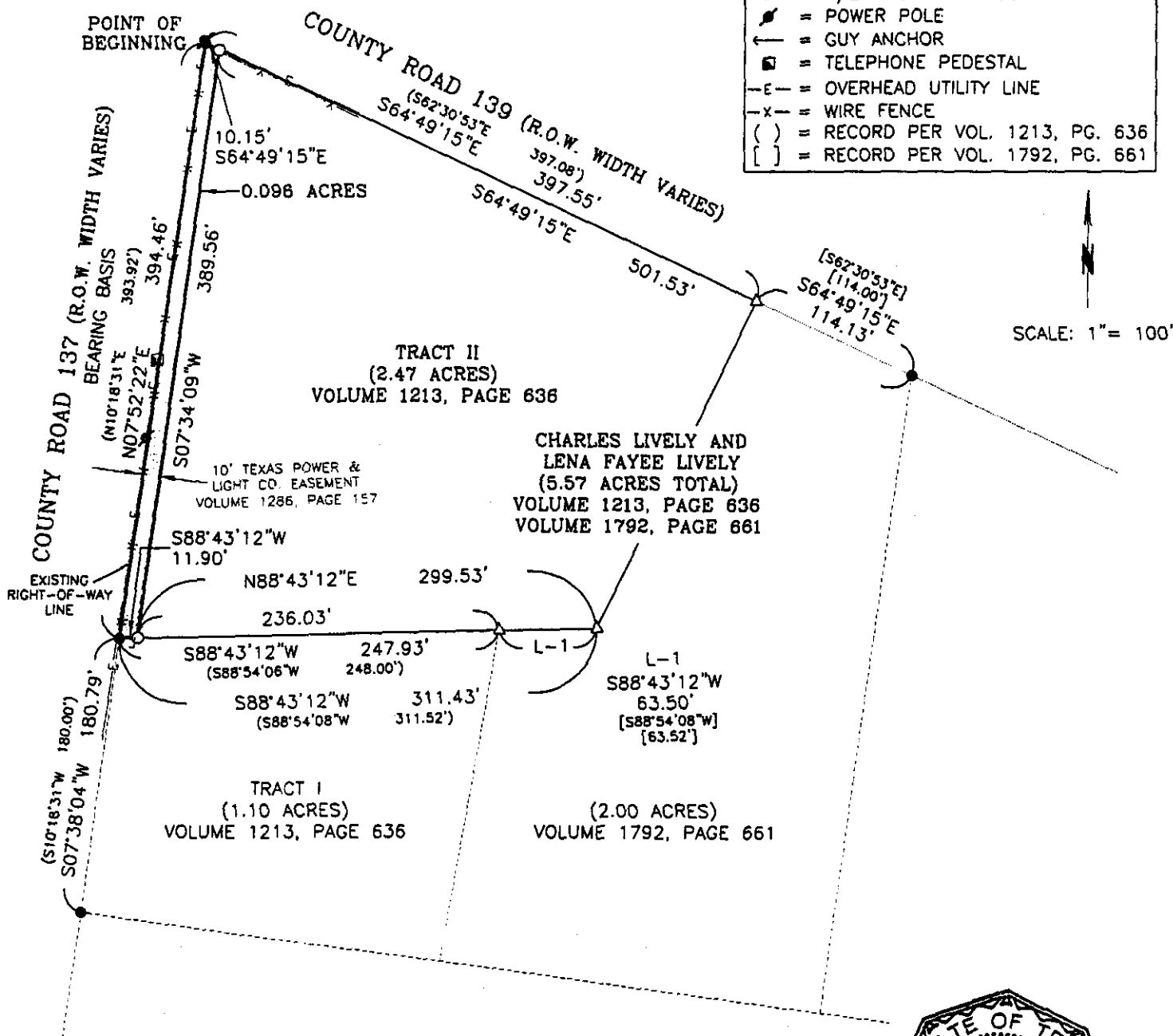


SKETCH TO ACCOMPANY METES AND BOUNDS DESCRIPTION

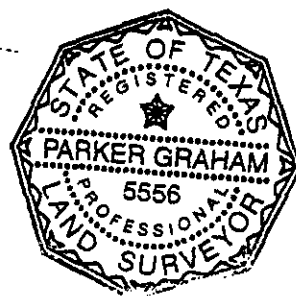
FOR A 0.096 ACRE TRACT OF LAND SITUATED IN THE MATHIAS WILBARGER SURVEY, ABSTRACT NO. 663, WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF A 2.47 ACRE TRACT OF LAND CONVEYED TO CHARLES LIVELY AND LENA FAYEE LIVELY BY INSTRUMENT RECORDED IN VOLUME 1213, PAGE 636 (TRACT II) OF THE OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS.

LEGEND

○	= CAPPED IRON ROD SET
●	= 1/2" IRON ROD FOUND
⚡	= POWER POLE
←	= GUY ANCHOR
⊞	= TELEPHONE PEDESTAL
-E-	= OVERHEAD UTILITY LINE
-X-	= WIRE FENCE
()	= RECORD PER VOL. 1213, PG. 636
[]	= RECORD PER VOL. 1792, PG. 661



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. 01028468 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 #137-20
DIAMOND SURVEYING, INC
1915 S. AUSTIN, SUITE 111, GEORGETOWN, TX 78626
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PAGE 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, AND VOL. 1792, PG. 661.
- 2) THIS TRACT IS LOCATED WITHIN THE BRUSHY CREEK WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 AND IS SUBJECT TO ALL RIGHTS THEREIN.
- 3) ROAD EASEMENT RECORDED IN VOLUME 424, PAGE 10, DOES NOT AFFECT THIS TRACT.
- 4) EASEMENT TO LONE STAR GAS COMPANY RECORDED IN VOL. 476, PG. 263, DOES NOT AFFECT THIS TRACT.
- 5) EASEMENTS TO TEXAS POWER AND LIGHT COMPANY RECORDED IN VOL. 348, PG. 383, VOL. 524, PG. 122, AND VOL. 1286, PG. 155, DO NOT AFFECT THIS TRACT.
- 6) EASEMENT TO TEXAS POWER AND LIGHT COMPANY RECORDED IN VOL. 1286, PG. 157, DOES AFFECT THIS TRACT AS SHOWN HEREON.
- 7) 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 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.
- 8) WATER LINE EASEMENT RECORDED IN VOL. 600, PG. 203, DOES NOT AFFECT THIS TRACT.
- 9) EASEMENT TO BRUSHY CREEK WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1, RECORDED IN VOL. 423, PG. 693, DOES NOT AFFECT THIS TRACT.
- 10) ALL DOCUMENTS LISTED HEREON ARE RECORDED IN THE OFFICE OF THE COUNTY CLERK OF WILLIAMSON COUNTY, TEXAS.

D.S.I. PARCEL #137-20

<> **DIAMOND SURVEYING, INC**
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PAGE 2 OF 2

AGENDA ITEM 51

Discuss and take appropriate action on condemnation proceedings on CR 137 project, (William B. Eastes and Martha Rachel Eastes, owners).

Moved: **Judge Doerfler**

Seconded: **Commissioner Limmer**

Motion: To enact condemnation proceedings on CR 137 project, (William B. Eastes and Martha Rachel Eastes, owners).

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

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