

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.

< 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 B. Estes and Martha Rachel Estes (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

EXHIBIT "A"

METES AND BOUNDS DESCRIPTION

BEING A 0.068-ACRE TRACT OF LAND SITUATED IN THE MATHIAS WILBARGER SURVEY, ABSTRACT NO. 663, WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF A 5.043 ACRE TRACT OF LAND CONVEYED TO WILLIAM B. ESTES AND MARTHA RACHEL ESTES BY INSTRUMENT RECORDED IN VOLUME 1652, PAGE 582 OF THE OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS, SAID 0.068-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 southwest corner of said 5.043-acre Estes tract, same being the northwest corner of Lot 1, "James Weaver Subdivision" a subdivision according to the plat recorded in Cabinet G, Slide 272 of the Plat Records of Williamson County, Texas, 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 5.043-acre Estes tract, N07°54'27"E for a distance of 333.55 feet to a capped iron rod set for an angle point in the westerly boundary line of said 5.043-acre Estes tract for an angle point in the westerly boundary line hereof;

THENCE continuing with said easterly right-of-way line of County Road 137, same being the westerly boundary line of said 5.043-acre Estes tract, N08°02'07"E for a distance of 45.93 feet to a 1/2" iron rod found on a point being the northwest corner of said 5.043-acre Estes tract, same being the southwest corner of that certain 8.116-acre tract of land conveyed to Roger Conrad and Kelly Conrad by instrument recorded in Volume 1070, Page 385 of the Official Records of Williamson County, Texas, for the northwest corner hereof;

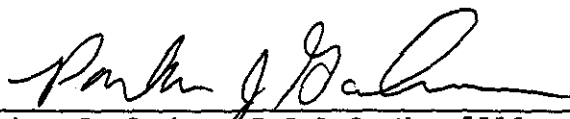
THENCE with the northerly boundary line of said 5.043-acre Estes tract, same being the southerly boundary line of said 8.116-acre Conrad tract, S82°23'24"E for a distance of 7.66 feet to a capped iron rod set for the northeast corner hereof, from which a 1/2" iron rod found at a point being the northeast corner of said 5.043-acre Estes tract, bears S82°23'24"E a distance of 570.11 feet;

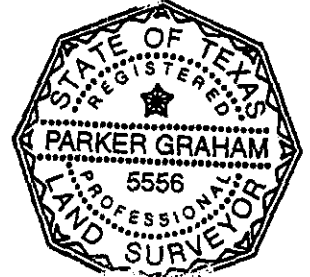
THENCE departing the southerly boundary line of said 8.116-acre Conrad tract, through the interior of said 5.043-acre Estes tract S07°54'30"W for a distance of 379.49 feet to a capped iron rod set on a point in the southerly boundary line of said 5.043-acre Estes tract, same being the northerly boundary line of the aforementioned Lot 1, "James Weaver Subdivision", for the southeast corner hereof,

from which a 1/2" iron rod found on a point being the southeast corner of said 5.043-acre Estes tract, bears S82°22'39"E a distance of 572.21 feet;

THENCE with the southerly boundary line of said 5.043-acre Estes tract, same being the northerly boundary line of said Lot 1, "James Weaver Subdivision", N82°22'39"W for a distance of 7.76 feet to the POINT OF BEGINNING hereof and containing 0.068 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, R.P.L.S. No. 5556 Date
DSI PARCEL NO. 137-17



SKETCH TO ACCOMPANY METES AND BOUNDS DESCRIPTION

SURVEYOR'S NOTES:

- 1) THIS TRACT IS SUBJECT TO RESTRICTIVE COVENANTS OF RECORD IN VOL. 716, PG. 676.
- 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 TO W.E. ROGAN, RECORDED IN VOL. 424, PG. 10, DOES NOT AFFECT THIS TRACT.
- 5) EASEMENT TO LONESTAR GAS COMPANY RECORDED IN VOL. 476, PG. 263, DOES NOT AFFECT THIS TRACT.
- 6) EASEMENTS TO TEXAS POWER AND LIGHT COMPANY RECORDED IN VOL. 348, PG. 383 AND VOL. 524, PG. 122, DO NOT AFFECT THIS TRACT.
- 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, AND VOL. 600, PG. 206, TOGETHER WITH PERPETUAL INGRESS/EGRESS RIGHTS AS STATED THEREIN.
- 8) EASEMENTS TO TEXAS POWER AND LIGHT COMPANY AND CENTRAL TELEPHONE COMPANY RECORDED IN VOL. 705, PG. 844, VOL. 705, PG. 846 AND VOL. 724, PG. 826, DO NOT AFFECT THIS TRACT.
- 9) ALL DOCUMENTS LISTED HEREON ARE RECORDED IN THE OFFICE OF THE COUNTY CLERK OF WILLIAMSON COUNTY, TEXAS.

D.S.I. PARCEL #137-17

<> DIAMOND SURVEYING, INC.

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

SHEET 2 OF 2

AGENDA ITEM 52

Discuss and take appropriate action on condemnation proceedings on CR 137 project, (Glen W. Kotulek and Kate K. Kotulek, owners).

Moved: **Judge Doerfler**

Seconded: **Commissioner Limmer**

Motion: To enact condemnation proceedings on CR 137 project, (Glen W. Kohutek and Kate K. Kohutek, owners).

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

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