

**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.

< 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 Glen W. Kotulek and wife, Kate K. Fitzpatrick (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 0.114-ACRE TRACT OF LAND SITUATED IN THE MATHIAS WILBARGER SURVEY, ABSTRACT NO. 663, WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF A 16.7471-ACRE TRACT OF LAND CONVEYED TO GLEN W. KOTULEK AND KATE K. FITZPATRICK BY INSTRUMENT RECORDED IN DOCUMENT NO. 9600236 OF THE OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS, SAID 0.114-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, as fence and used by the public, said point being in the southerly boundary line of an approximately 0.95-acre Cemetery, said point also being the northwesterly corner of said 16.7471-acre Kotulek tract, from which a 1/2" iron rod found on an angle point in the northerly boundary line of said 16.7471-acre Kotulek tract, same being the southeasterly corner of said Cemetery tract, bears S84°03'48"E a distance of 294.31 feet;

THENCE with the easterly right-of-way line of said County Road 137, same being the westerly boundary line of said 16.7471-acre Kotulek tract, S07°34'59"W for a distance of 48.67 feet to a capped iron rod set 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 16.7471-acre Kotulek tract the following six (6) courses and distances:

- 1) S13°08'20"E for a distance of 21.84 feet to a capped iron rod set on point at the beginning of a non-tangent curve to the left in the easterly boundary line hereof;
- 2) With the arc of said curve to the left having a radius of 1925.00 feet, a delta angle of 00°16'47", an arc length of 9.40 feet and a chord which bears S02°09'23"E for a distance of 9.40 feet to a capped iron rod set on a point at the beginning of a curve to the right in the easterly boundary line hereof;
- 3) With the arc of said curve to the right having a radius of 2075.00 feet, a delta angle of 01°28'52", an arc length of 53.64 feet, and a chord which bears S01°33'20"E for a distance of 53.64 feet to a capped iron rod set for a point in the easterly boundary line hereof;
- 4) S14°02'08"W for a distance of 159.25 feet to a capped iron rod set on an point at the beginning of a non-tangent curve to the right in the easterly boundary line hereof;
- 5) With the arc of said curve to the right having a radius of 2040.00 feet, a delta angle of 04°23'45", an arc length of 156.51 feet and a chord which bears S05°42'37"W for a distance of 156.47 feet to a capped iron rod set for a point of tangency in the easterly boundary line hereof;

- 6) S07°54'30"W for a distance of 265.49 feet to a capped iron rod set in the northerly boundary line of a 8.123-acre tract of land conveyed to Lynn Stanley and Joyce Stanley by instrument recorded in Volume 2105, Page 118 of the Official Records of Williamson County, Texas, same being the southerly boundary line of said 16.7471-acre Kotulek tract, for the southeasterly corner hereof;

THENCE with the northerly boundary line of said 8.123-acre Stanley tract, same being the southerly boundary line of said 16.7471-acre Kotulek tract, N82°20'54"W for a distance of 7.17 feet to a capped iron rod set on a point in the easterly right-of-way line of said County Road 137, said point being the northwesterly corner of said 8.123-acre Stanley tract, same being the southwesterly corner of said 16.7471-acre Kotulek tract, for the southwesterly corner hereof, from which an iron pipe found on a point being the southwesterly corner of said 8.123-acre Stanley tract, bears S07°58'43"W a distance of 337.94 feet;

THENCE with the easterly right-of-way line of said County Road 137, same being the westerly boundary line of said 16.7471-acre Kotulek tract the following two (2) courses and distances:

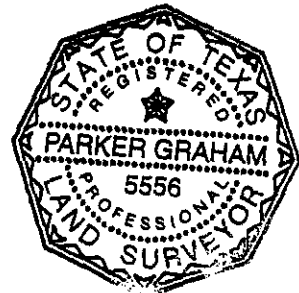
- 1) N07°57'37"E for a distance of 549.99 feet to a 1/2" iron rod found for an angle point in the westerly boundary line hereof;
- 2) N07°34'59"E for a distance of 112.77 feet to the POINT OF BEGINNING hereof and containing 0.114 acres of land more or less.

 **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. 137-14



# SKETCH TO ACCOMPANY METES AND BOUNDS DESCRIPTION

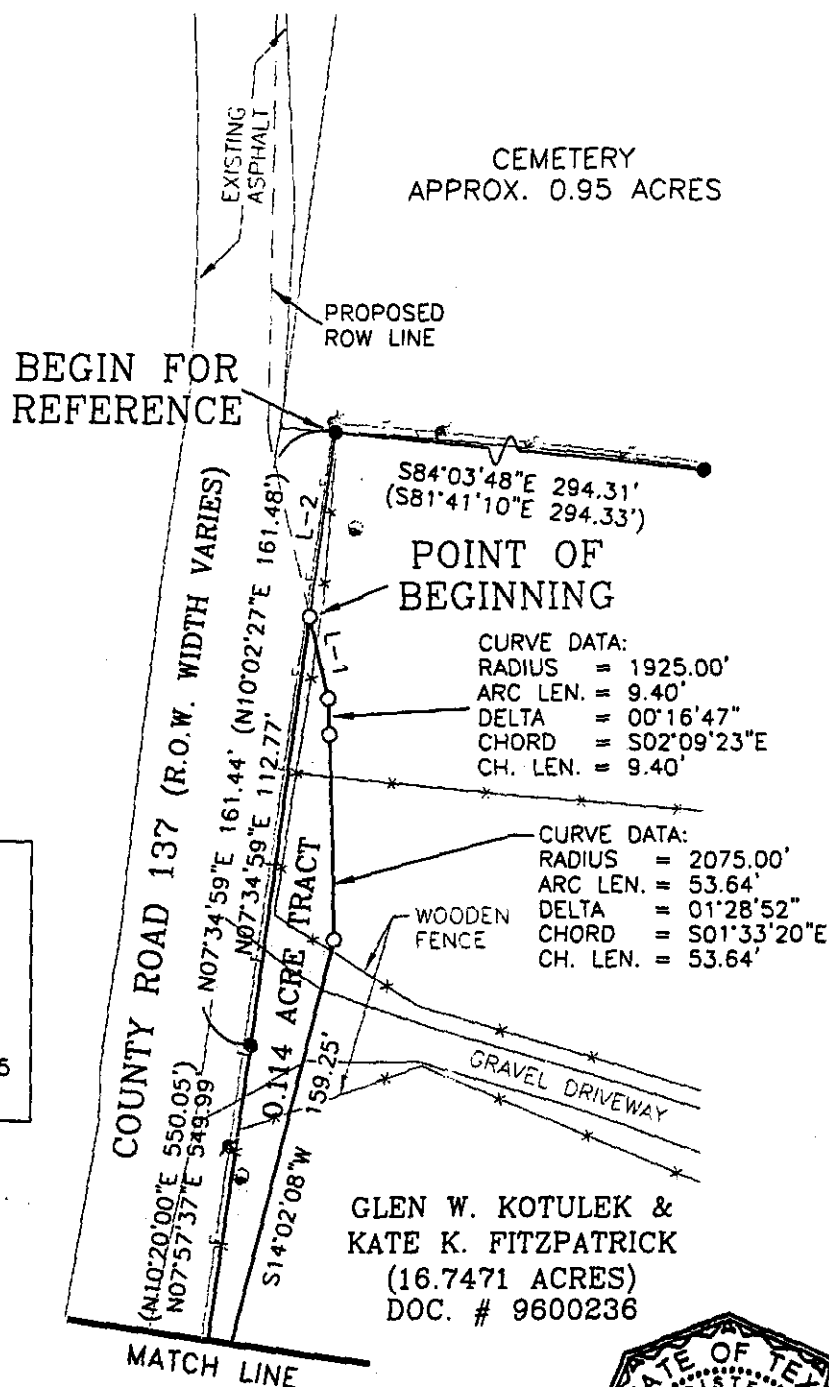
FOR A 0.114 ACRE TRACT OF LAND SITUATED IN THE MATHIAS WILBARGER SURVEY, ABSTRACT NO. 663, WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF A 16.7471 ACRE TRACT OF LAND CONVEYED TO GLEN W. KOTULEK AND KATE K. FITZPATRICK BY INSTRUMENT RECORDED IN DOCUMENT NO. 9600236 OF THE OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS.

SCALE: 1" = 50'

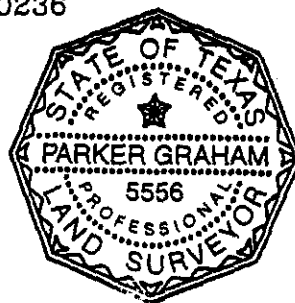
LINE TABLE		
L-1	S13°08'20"E	21.84'
L-2	S07°34'59"W	48.67'

## LEGEND

○	= CAPPED IRON ROD SET
●	= 1/2" IRON ROD FOUND
⊙	= IRON PIPE FOUND
⊗	= WATER METER
✕	= POWER POLE
—E—	= OVERHEAD UTILITY LINE
—X—	= WIRE FENCE
( )	= RECORD PER DOC. NO. 199960305
[ ]	= RECORD PER VOL. 2105, PG. 118



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. 01028466 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 #137-14  
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 LOCATED WITHIN THE BRUSHY CREEK WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 AND IS SUBJECT TO ALL RIGHTS RECORDED IN VOL. 423, PG. 693 AND VOL. 424, PG. 2.

2) TEXAS POWER AND LIGHT COMPANY EASEMENTS RECORDED IN VOL. 348, PG. 383 AND VOL. 524, PG. 122, DO NOT AFFECT THIS TRACT.

3) MANVILLE WATER SUPPLY CORPORATION RECORDED IN VOL. 650, PG. 608 AND VOL. 718, PG. 15, DO AFFECT THIS TRACT.

4) WATER LINE EASEMENT GRANTED TO WILLIAM O. NELSON AND BETTYE DIXON NELSON RECORDED IN VOL. 737, PG. 864, MAY AFFECT THIS TRACT, BUT A PRECISE LOCATION OF SAID EASEMENT CANNOT DETERMINED BASED ON THE DESCRIPTION THEREIN.

5) THIS TRACT IS SUBJECT TO RESTRICTIONS RECORDED IN VOL. 868, PG. 275.

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

0.114 ACRE TRACT

COUNTY ROAD 137  
(R.O.W. WIDTH VARIES)

MATCH LINE

CURVE DATA:  
RADIUS = 2040.00'  
ARC LEN. = 156.51'  
DELTA = 04°23'45"  
CHORD = S05°42'37"W  
CH. LEN. = 156.47'

GLEN W. KOTULEK &  
KATE K. FITZPATRICK  
(16.7471 ACRES)  
DOC. # 9600236

SCALE: 1" = 50'

## LINE TABLE

L-1 N82°20'54"W 7.17'

## LEGEND

- = CAPPED IRON ROD SET
- = 1/2" IRON ROD FOUND
- ⊙ = IRON PIPE FOUND
- ⊗ = WATER METER
- ✕ = POWER POLE
- E— = OVERHEAD UTILITY LINE
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- ( ) = RECORD PER DOC. NO. 199960305
- [ ] = RECORD PER VOL. 2105, PG. 118

LYNN & JOYCE STANLEY  
(8.123 ACRES)  
V. 2105, P. 118

D.S.I. PARCEL #137-14

DIAMOND SURVEYING, INC

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

SHEET 2 OF 2

**AGENDA ITEM 53**

Discuss and take appropriate action on real estate.

No action was taken on this issue.

**AGENDA ITEM 54**

Comments from commissioners.

No comments were made for the record.

**COMMISSIONERS' COURT ADJOURNED AT 11:09 A.M. ON TUESDAY, OCTOBER 14, 2003.**