

AGENDA ITEM 19

Consider abandoning a portion of Bernard Lane.

Dale Rye stated that the road was never accepted and suggested the court take a formal action to abandon it as a roadway as the county has no interest in it.

Moved: **Commissioner Boatright**

Seconded: **Commissioner Hays**

Motion: To approve abandoning a portion of Bernard Lane.

Vote: **5 - 0**

AGENDA ITEM 20

Discuss and take appropriate action on jail/courthouse annex expansion.

Ed Lee stated that the 4th level concrete of the ~~parking garage~~ jail* tested at an average of 3,000 psi, which is 1,000 below the 4,000 psi specified. They are going to ask the contractor to take it out, even though structurally it is sufficient to carry its own load. He stated that if it is accepted, we do not have as much flexibility as to the design of the space in the future. Bids have come in for the Annex and they are still a week or more away from a final assessment. Close to 100 bids have been received, and it looks like the bids have come in at or below estimates in the budget.

No action was taken on this agenda item.

**Minutes corrected under Agenda Item 2, January 28, 2003.*

AGENDA ITEM 21

Consider accepting conveyances of property from Williamson County Conservation Fund, Inc.

Dale Rye reiterated what Charlie Crossfield has previously discussed, that as soon as the grants are worked out so that the property of the parkland no longer needs to be titled in the name of the foundation, it can be conveyed to the County. What he suggests is that the Court authorize the Judge to accept conveyances from the foundation of each of the tracts of property as the grants run out and the foundation conveys them to the County.

Moved: **Commissioner Heiligenstein**

Seconded: **Commissioner Hays**

Motion: Commissioner Heiligenstein made a motion for Judge Doerfler to be given the authority to periodically accept land being donated to the County from the Williamson County Conservation Fund, Inc.

Vote: **5 - 0**

< Attachment >

CASH WARRANTY DEED

Date: January 17, 2003

Grantor: WILLIAMSON COUNTY PARK FOUNDATION, INC.,
a Texas non-profit corporation

Grantor's Mailing Address (including county):

WILLIAMSON COUNTY PARK FOUNDATION, INC.,
a Texas non-profit corporation
c/o JOHN DOERFLER
COUNTY JUDGE
WILLIAMSON COUNTY COURTHOUSE
GEORGETOWN, TEXAS 78626
WILLIAMSON COUNTY

Grantee: WILLIAMSON COUNTY

Grantee's Mailing Address (including county):

WILLIAMSON COUNTY
c/o JOHN DOERFLER
COUNTY JUDGE
WILLIAMSON COUNTY COURTHOUSE
GEORGETOWN, TEXAS 78626
WILLIAMSON COUNTY

CONSIDERATION: TEN AND NO/100 DOLLARS and other good and valuable consideration.

PROPERTY (including any improvements):

All that certain tract of land situated in Williamson County, Texas, generally described as 25.215 acres of land, more or less, out of and part of the John H. Dillard Survey, Abstract No. 179, and being comprised of a portion of the easterly remainder of that certain 1,304.520 acre tract identified as Parcel One, Tract 1, as conveyed to Pebble Creek Joint Venture by that deed recorded as Document no. 9843836, and Document No. 9844081, of record in the Official Records of Williamson County, Texas; a portion of that 168.05 acre tract conveyed to Rathgeber Investment Company, Ltd., by deed recorded as Document No. 199959432, of the Official Records of Williamson County, Texas, and a portion of that 124.45 acre tract conveyed to Continental Homes of Texas, L.P., by Deed recorded as Document No. 199959427, of the Official Records of Williamson County, Texas, said 25.215 acres of land being more fully described in Exhibit "A", attached hereto and incorporated herein for all pertinent purposes; and together with any improvements and fixtures thereon, and any and all rights and appurtenances pertaining to the "Property", including any development rights which are appurtenant to or allocated to the "Property", all easements appurtenant, and

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any right, title and interest of Seller in and to minerals, mineral rights and royalty interests, adjacent streets, alleys, and rights of way related to the "Property". All of such real property, rights, interests and appurtenances herein collectively mean the "Property".

RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY:

Easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded restrictions, reservations, covenants, conditions, oil, gas or other mineral leases, mineral severances, and other instruments, other than liens and conveyances, that affect the property; rights of adjoining owners in any walls and fences situated on a common boundary; any encroachments or overlapping of improvements; and taxes for the current year, the payment of which Grantee assumes.

Grantor, for the consideration, receipt of which is acknowledged, and subject to the reservations from and exceptions to conveyance and warranty, grants, sells and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executor, administrators, successors or assigns forever. Grantor's heirs, executors, administrators and successors are hereby bound to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty.

When the context requires, singular nouns and pronouns include the plural.

WILLIAMSON COUNTY PARK FOUNDATION, INC.,
a Texas non-profit corporation

Bv:

Printed Name: CHARLEY CROSSFIELD

Title: VICE - PRESIDENT

ACKNOWLEDGMENT

STATE OF TEXAS

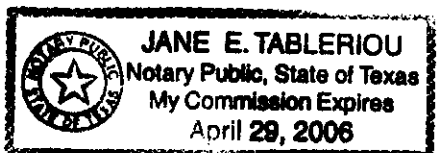
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COUNTY OF WILLIAMSON

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This instrument was acknowledged before me on the 17th day of January, 2003, by Charles Crossfield, Vice-President of WILLIAMSON COUNTY PARK FOUNDATION, INC., a Texas non-profit corporation., on behalf of said corporation.



Jane E. Tabler
Notary Public, State of Texas

CASH WARRANTY DEED - PAGE 2

PREPARED IN THE OFFICE OF:

Sheets & Crossfield, P.C.
309 E. Main St.
Round Rock, Texas 78664

AFTER RECORDING RETURN TO:

Sheets & Crossfield, P.C.
309 E. Main St.
Round Rock, Texas 78664

25.215 ACRES
PARKLAND TRACT
AVERY RANCH

EXHIBIT A

FN NO 551
DECEMBER 20, 2000
JOB NO. 213-12.08

DESCRIPTION

OF A 25.215 ACRE TRACT OR PARCEL OF LAND OUT OF AND PART OF THE JOHN H. DILLARD SURVEY, ABSTRACT NO. 179, SITUATED IN WILLIAMSON COUNTY, TEXAS, AND BEING COMPRISED OF A PORTION OF THE EASTERLY REMAINDER OF THAT CERTAIN 1304.520 ACRE TRACT IDENTIFIED AS PARCEL ONE, TRACT 1 AS CONVEYED TO PEBBLE CREEK JOINT VENTURE BY THAT DEED RECORDED AS DOCUMENT NO. 9643836, AND THAT DOCUMENT NO. 9844081, OF RECORD IN THE OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS; A PORTION OF THAT 168.05 ACRE TRACT CONVEYED TO RATHGEBER INVESTMENT COMPANY, LTD., BY DEED RECORDED AS DOCUMENT NO. 199959432 OF THE SAID OFFICIAL RECORDS, AND A PORTION OF THAT 124.45 ACRE TRACT CONVEYED TO CONTINENTAL HOMES OF TEXAS, L.P., BY DEED RECORDED AS DOCUMENT NO. 199959427 OF THE SAID OFFICIAL RECORDS. THE SAID 25.215 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a PK-Nail in the center of Brushy Creek found for the northeast corner of the above referenced 1304.520 acre tract, same being the northeast corner of the above referenced 124.45 acre tract which was conveyed out of the said 1304.520 acre tract; said point also being in the south line of that 197.318 acre tract conveyed to Christopher Lynn Walsh by deed of record in Volume 2124, Page 85 of said Official Records;

THENCE, S19°21'01"E, leaving the said Walsh tract, along the east line of the said 124.45 acre Continental Homes tract, a distance of 110.96 feet to a ½ inch iron rod with a plastic surveyor's cap (K.C. Engineering) found near the top of the bank of said Brushy Creek for the most easterly, southeast corner of the tract described herein; same being a point in the west line of Lot 25 of Oak Brook Section Three, a subdivision of record in Cabinet "O", Slide 22 of the Plat Records of Williamson County, Texas;

THENCE, leaving the easterly line of, and going over, across and through the said 124.45 acre Continental Homes Tract, along, or near the southerly bluff of said Brushy Creek the following four (4) courses and distances:

- 1) S42°56'50"W, a distance of 210.54 feet to a ½ inch iron rod with a plastic surveyor's cap (K.C. Engineering) found for an angle point hereof;
- 2) S46°56'51"W, a distance of 429.30 feet to a ½ inch iron rod with a plastic surveyor's cap (K.C. Engineering) found for an angle point hereof;
- 3) S58°50'59"W, a distance of 661.86 feet to a ½ inch iron rod with a plastic surveyor's cap (K.C. Engineering) found for an angle point hereof; and,
- 4) S68°13'18"W, passing at a distance of 129.43 feet a ½ inch iron rod with a plastic surveyor's cap (K.C. Engineering) found for the point of intersection with the west line of the said 124.45 acre Continental Homes tract, same being the most northeasterly line of the above referenced 168.05 acre Rathgeber Investment Company, Ltd. Tract, continuing across the said 168.05 acre tract for a total distance of 218.32 feet to a ½ inch iron rod with a plastic surveyor's cap (Interstate Surveying, Inc.) set for an angle point hereof;

THENCE, continuing and going over, across and through the said 168.05 acre Rathgeber Investment Tract, along, or near the southerly bluff of said Brushy Creek the following ten (10) courses and distances:

- 1) S77°50'30"W, a distance of 132.03 feet to a ½ inch iron rod with a plastic surveyor's cap (Interstate Surveying, Inc.) set for an angle point hereof;
- 2) S55°51'53"W, a distance of 354.29 feet to a ½ inch iron rod with a plastic surveyor's cap (Interstate Surveying, Inc.) set for an angle point hereof;
- 3) S49°57'41"W, a distance of 348.36 feet to a ½ inch iron rod with a plastic surveyor's cap (Interstate Surveying, Inc.) set for an angle point hereof;
- 4) S37°02'52"W, a distance of 396.73 feet to a ½ inch iron rod with a plastic surveyor's cap (Interstate Surveying, Inc.) set for an angle point hereof;

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- 5) S27°13'54"W, a distance of 563.06 feet to a ½ inch iron rod with a plastic surveyor's cap (Interstate Surveying, Inc.) set for an angle point hereof;
- 6) S19°06'47"W, a distance of 325.45 feet to a ½ inch iron rod with a plastic surveyor's cap (Interstate Surveying, Inc.) set for an angle point hereof;
- 7) S37°46'28"W, a distance of 385.22 feet to a ½ inch iron rod with a plastic surveyor's cap (Interstate Surveying, Inc.) found for an angle point hereof, same being a point in the northerly line of that 164.755 acre tract to be known as The Golf Club at Avery Ranch, East, a portion of said golf course tract being out of the said 168.05 acre Rathgeber Investment tract;
- 8) S37°46'28"W, continuing across the said Rathgeber Investment tract, along the northerly line of the said 164.755 acre golf course tract, a distance of 115.06 feet to a ½ inch iron rod with a plastic surveyor's cap (Interstate Surveying, Inc.) found for an angle point hereof;
- 9) S53°27'26"W, a distance of 431.12 feet to a calculated point (point lies under water in a creek or drainage way running off of said Brushy Creek) for an angle point hereof; and,
- 10) S87°33'29"W, passing at a distance of 267.08 feet, a calculated point of intersection with the westerly line of the said 168.05 acre Rathgeber Investment tract, same being an easterly line of an easterly remainder portion of the above referenced 1304.520 acre Pebble Creek Joint Venture Tract, continuing over, across and through the said 1304.520 acre Pebble Creek tract, continuing along the northerly line of the above mentioned 164.755 acre golf course tract for a total distance of 300.33 feet to a ½ inch iron rod with a plastic surveyor's cap (Interstate Surveying, Inc.) found for an angle point hereof;

THENCE, S77°57'01"W, continuing across the said 1304.520 acre Pebble Creek tract, continuing along the northerly line of the above mentioned 164.755 acre golf course tract a distance of 575.89 feet to a Concrete Nail near a fence corner post found for the northeast corner of that 5.0 acre tract conveyed to John E. and Linda Henry by deed of record in Volume 1980, Page 977 of the said Official Records; same being an angle point in the southerly line of the tract described herein;

THENCE, along the common line between the said easterly remainder portion of the said 1304.520 acre Pebble Creek Joint Venture tract and the said 5.0 acre Henry tract (as located), the following three (3) courses and distances:

- 1) S80°36'04"W, a distance of 234.62 feet to a ½ inch iron rod found for an angle point;
- 2) N83°37'53"W, a distance of 184.17 feet to a Concrete Nail near a fence corner post found for the northwest corner of the said 5.0 acre Henry tract, same being an interior ell corner of the tract described herein; and,
- 3) S00°22'41"E, a distance of 132.79 feet to a ½ inch iron rod found for an angle point in the west line of the said 5.0 acre Henry tract, same being an exterior ell corner of the tract described herein and a corner in the northerly line of the above mentioned 164.755 acre golf course tract;

THENCE, leaving the west line of the said 5.0 acre Henry tract, continuing across the said easterly remainder tract of the said 1304.520 acre Pebble Creek Joint Venture tract, along the northerly line of the said 164.755 acre Golf Course tract the following three (3) courses and distances:

- 1) S83°29'46"W, a distance of 710.56 feet to a ½ inch iron rod with a plastic surveyor's cap (Interstate Surveying, Inc.) found for an angle point hereof;
- 2) S66°45'43"W, a distance of 298.34 feet to a ½ inch iron rod with a plastic surveyor's cap (Interstate Surveying, Inc.) found for the most westerly, southwest corner of the tract described herein; and,
- 3) N41°58'07"W, a distance of 75.73 feet to a calculated point of intersection with the northerly line of the said 1304.520 acre tract, same being a point in the southerly line of that 117.99 acre tract conveyed to The City of Cedar Park by deed of record in Volume 1606, Page 496 of the said Official Records; said point also being an exterior ell corner in the northerly line of the said golf course tract and the most westerly, northwest corner of the tract described herein;

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THENCE, N48°01'53"E, along the northerly line of the said easterly remainder tract of the said 1304.520 acre Pebble Creek Joint Venture tract, same being the south line of the said 117.99 acre City of Cedar Park tract, passing at approximately 125 feet the southeast corner of the said 117.99 acre tract, same being the southwest corner of the remainder of that 201.5 acre tract conveyed to Will Wilson by deed of record in Volume 406, Page 504 of the said Official Records, continuing along the common line between the said 1304.520 acre tract and the said 201.5 acre Wilson tract for a total distance of 554.09 feet to a calculated point (in water) near the edge of the south bluff of said Brushy Creek;

THENCE, along the northerly line of the said easterly remainder tract of the said 1304.520 acre tract, and the southerly line of the said remainder of the 201.5 acre Wilson tract, along or near the edge of the south bluff of said Brushy Creek; same being the north line of the tract described herein, the following six (6) courses and distances:

- 1) S88°38'14"E, a distance of 186.11 feet to a calculated point for an angle point hereof;
- 2) N67°21'56"E, a distance of 404.17 feet to a calculated point for an angle point hereof;
- 3) N87°51'48"E, a distance of 347.22 feet to a calculated point for an angle point hereof;
- 4) S18°38'05"E, a distance of 195.84 feet to a calculated point for an angle point hereof;
- 5) N77°21'50"E, a distance of 416.67 feet to a calculated point for an angle point hereof; and,
- 6) N86°51'54"E, passing at a distance of 253.80 feet, a 1/4 inch iron rod found for the northeast corner of an easterly portion of the said 1304.520 acre tract, same being the northwest corner of the above mentioned 168.05 acre Rathgeber Investment tract, continuing for a total distance of 355.34 feet to a 1/4 inch iron rod found near a fence corner for the southeast corner of the remainder of said 201.5 acre Wilson tract, same being the southwest corner of a 32.703 acre remainder portion of the said 1304.520 acre Pebble Creek Joint Venture tract, same being an angle point in the northerly line of the said 168.05 acre Rathgeber tract and the tract described herein;

THENCE, along the south line of the said 32.703 acre remainder portion of the said 1304.520 acre Pebble Creek tract, same being the north line of the said 168.05 acre Rathgeber tract, at or near the center of said Brushy Creek, the following two (2) courses and distances:

- 1) S88°47'39"E, a distance of 154.38 feet to a calculated point for an angle point hereof; and,
- 2) N02°38'05"E, a distance of 2410.64 feet to a 1/4 inch iron rod near a fence corner found for the most southeasterly corner of the said 32.703 acre remainder portion of the said 1304.520 acre tract, same being the southwest corner of that 105.006 acre tract conveyed to Almac, Ltd., by deed recorded as Document No. 9461534 of the said Official Records, same being an angle point in the north line of the said 168.05 acre Rathgeber tract;

THENCE, continuing along the north line of the said 168.05 acre Rathgeber tract, same being the south line of the said 105.006 acre Almac, Ltd. Tract, along or near the center of said Brushy Creek, the following five (5) courses and distances:

- 1) N38°36'36"E, a distance of 107.41 feet to a calculated point for an angle point hereof;
- 2) N56°15'33"E, a distance of 270.37 feet to a calculated point for an angle point hereof;
- 3) N71°32'54"E, a distance of 155.30 feet to a calculated point for an angle point hereof;
- 4) N67°05'31"E, a distance of 175.46 feet to a calculated point for an angle point hereof; and,
- 5) N60°08'10"E, passing at a distance of 83.36 feet, a calculated point for the northeast corner of the said 168.05 acre Rathgeber tract, same being the northwest corner of the above referenced 124.45 acre Continental Homes tract, continuing along the common line between the said 124.45 acre Continental Homes tract, and the said 105.006 acre tract for a total distance of 155.97 feet to a calculated point for an angle point hereof;

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THENCE, N66°30'40"E, continuing along the common line between the said 124.45 acre Continental Homes tract, and the said 105.006 acre tract for a distance of 282.22 foot to a calculated point for an angle point in the north line of the said 124.45 acre tract, same being the southeast corner of the said 105.006 acre Aline, Ltd. Tract and the southwest corner of the above referenced 197.318 acre Walsh tract, same being an angle point in the north line of the tract described herein;

THENCE, continuing along the common line between the said 197.318 acre Welsh tract and the said 124.45 acre Continental Homes tract, the following three (3) courses and distances:

- 1) N55°07'56"E, a distance of 793.41 feet to a calculated point for an angle point hereof;
- 2) N45°56'40"E, a distance of 145.53 feet to a calculated point for an angle point hereof; and,
- 3) N57°27'35"E, a distance of 114.53 feet to the POINT OF BEGINNING, containing 25.215 acres of land area, more or less, within these metes and bounds.

This fieldnote description has been prepared in conjunction with a digital survey drawing identified as Interstate Surveying, Inc., drawing file "21312ex1.dwg".

STATE OF TEXAS §
COUNTY OF TRAVIS § KNOW ALL BY THESE PRESENTS §

THAT I, LYNN R. SAVORY, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE ABOVE DESCRIPTION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION.

WITNESS MY HAND AND SEAL AT AUSTIN, TRAVIS COUNTY, TEXAS THIS 20th DAY OF DECEMBER, 2000 A.D.

LYNN S. SAVORY, R.P.L.S.
STATE OF TEXAS NO.4598
INTERSTATE SURVEYING, INC.
3530 Bee Cave Road, #202
Austin, Texas 78746



(FN Dist No# 674y Doc VNNNN 351)

EXHIBIT A

AGENDA ITEM 22

Discuss and take appropriate action on the park advisory committee.

No action was taken on this agenda item.

AGENDA ITEM 23

Discuss real estate (EXECUTIVE SESSION as per VTCA Govt. Code sec. 551.071 consultation with attorney.)

The scheduled Executive Session was canceled.

No action was taken on this agenda item.

COMMISSIONERS' COURT RECESSED AT 10:40 A.M. ON TUESDAY, JANUARY 21, 2003.

COMMISSIONERS' COURT RECONVENED AT 10:45 A.M. ON TUESDAY, JANUARY 21, 2003.

AGENDA ITEM 24

Discuss and take appropriate action on real estate.

No action was taken on this agenda item.

AGENDA ITEM 25

Comments from Commissioners.

Commissioner Heiligenstein commented that he and Judge Doerfler attended the last CUC Meeting with the new Attorney General. The Attorney General commented at the meeting that he considers himself a strict constructionist on his opinions. This is important because no matter what the legislature's intent was, whatever is in writing or in the Bill is what he is going to opine is what their intent was. He will not go back to discussions like some Attorney Generals have done in meetings.

Dale Rye presented a briefing to the court on the Texas Open Meetings Act regarding procedures for Executive Sessions.

< Attachment >