

AGENDA ITEM 19

Consider a resolution authorizing the necessity to condemn property interests required for the construction of the Parmer Lane expansion project, and take other necessary action. (Parcel 33, 33E; Fisher).

Charlie Crossfield addressed the Court.

Moved: Commissioner Boatright

Seconded: Commissioner Hays

Motion: To approve a resolution authorizing the necessity to condemn property interests required for the construction of the Parmer Lane expansion project, and take other necessary action. (Parcel 33, 33E; Fisher).

Vote: 5 - 0

< 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 Parcel 33 (described by metes and bounds in Exhibit "A ") for the construction, reconstruction, maintaining, widening, straightening, lengthening, and operating of County Road 268 (aka Parmer Lane extension), 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 268 (aka Parmer Lane extension), 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 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 the acquisition of a public utility easement in, upon and across Parcel 33E (described by metes and bounds in Exhibit "B") for the purpose of placing public utility facilities as a part of the right-of-way improvements for County Road 268 (aka Parmer Lane extension); 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 Exhibits A and B 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 3rd day of February, 2004.


John C. Doerfler
Williamson County Judge

Ex. A

METES AND BOUNDS DESCRIPTION

BEING A 0.447-ACRE TRACT OF LAND SITUATED IN THE ABNER SMITH SURVEY, ABSTRACT NO. 559, WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF A 4.734 ACRE TRACT OF LAND CONVEYED TO J. W. FISHER AND RUBY WANDA FISHER BY INSTRUMENT RECORDED IN VOLUME 863, PAGE 521 OF THE DEED RECORDS OF WILLIAMSON COUNTY, TEXAS, SAID 0.447-ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron pipe found on a point in the easterly right-of-way line of County Road 268 (right-of-way width varies), being the northwesterly corner of said 4.734-acre Fisher tract and the southwesterly corner of that certain 5.669-acre tract of land conveyed to Joseph Land & Cattle Company, Ltd., by instrument recorded in Volume 2377, Page 695 of the Official Records of Williamson County, Texas, said point also being the northwesterly corner and POINT OF BEGINNING hereof;

THENCE departing the easterly right-of-way line of said County Road 268 with the northerly boundary line of said 4.734-acre Fisher tract, same being the southerly boundary line of said 5.669-acre Joseph Land & Cattle Company tract, N69°01'36"E for a distance of 30.53 feet to a capped iron rod set on a point for the northeasterly corner hereof, from which a metal fence post found on a point for the northeasterly corner of said 4.734-acre Fisher tract and the southeasterly corner of said 5.669-acre Joseph Land & Cattle Company tract bears N69°01'36"E a distance of 586.86 feet;

THENCE departing the southerly boundary line of said 5.669-acre Joseph Land & Cattle Company tract, through the interior of said 4.734-acre Fisher tract, the following seven (7) courses and distances:

- 1) S29°08'36"E for a distance of 147.77 feet to a capped iron rod set on an angle point hereof;
- 2) S19°24'49"E for a distance of 172.77 feet to a capped iron rod set on an angle point hereof;
- 3) S62°13'05"E for a distance of 52.81 feet to a capped iron rod set on an angle point hereof;
- 4) N71°17'52"E for a distance of 90.37 feet to a capped iron rod set on the beginning of a curve to the left;
- 5) Along the said curve to the left having a radius of 150.23 feet, a delta angle of 23°46'42", an arc length of 62.35, and a chord which bears N59°20'52"E for a distance of 61.90 feet to a capped iron rod set;

- 6) N47°32'04"E for a distance of 22.35 feet to a capped iron rod set on an angle point hereof;
- 7) S42°27'27"E for a distance of 10.00 feet to a capped iron rod set on a point in the southerly boundary line of said 4.734-acre Fisher tract, same being the northerly right-of-way line of a 60 foot wide Public Roadway Easement as described in Volume 703, Page 206 of the Deed Records of Williamson County, Texas, and being locally known as County Road 264, said point being the southeasterly corner hereof, from which a 3/4" iron pipe found on an angle point in the southerly boundary line of said 4.734-acre Fisher tract bears N47°32'04"E a distance of 169.27 feet;

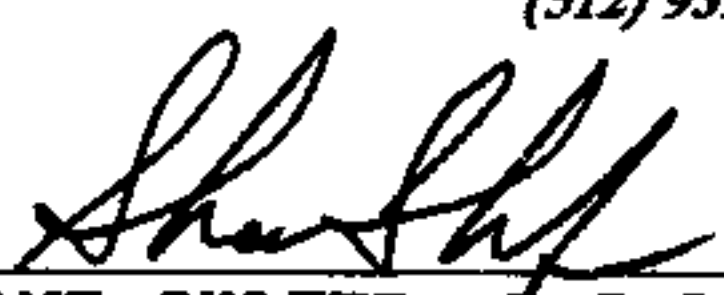
THENCE with the southerly boundary line of said 4.734-acre Fisher tract, same being the northerly boundary line of said County Road 264, the following three (3) courses and distances:

- 1) S47°32'04"W for a distance of 22.35 feet to a 3/4" iron pipe found on the beginning of a curve to the right;
- 2) Along the said curve to the right having a radius of 160.23 feet, a delta angle of 23°46'39", an arc length of 66.49, and a chord which bears S59°21'07"W for a distance of 66.02 feet to a 3/4" iron pipe found;
- 3) S71°17'52"W for a distance of 171.82 feet to a 3/4" iron pipe found on a point being the southwesterly corner of said Fisher tract, same being the intersection point of the northerly right-of-way line of said County Road 264 and the easterly right-of-way line of County Road 268 for the southwesterly corner hereof;

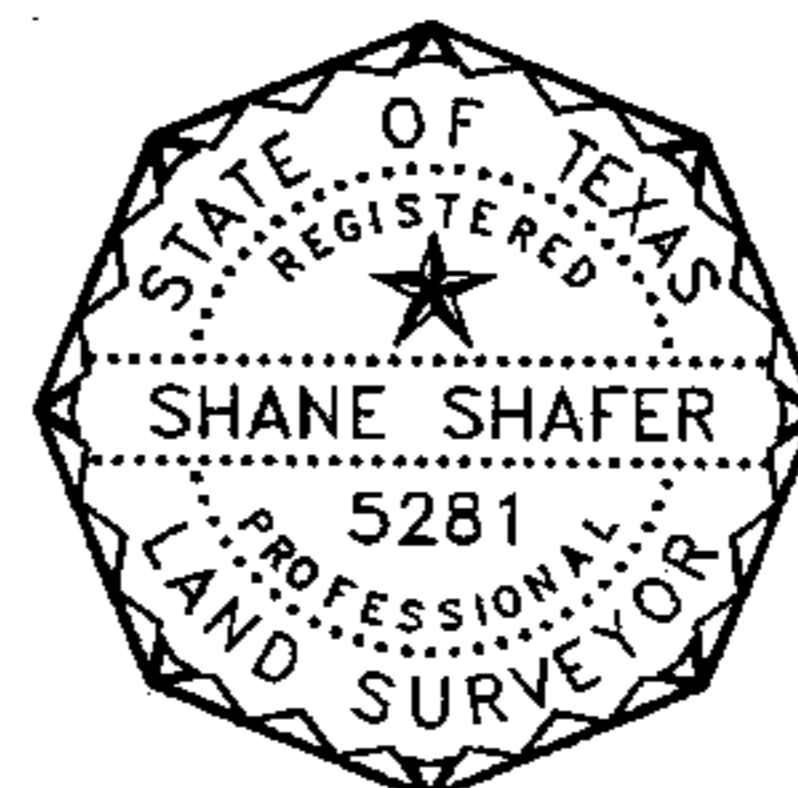
THENCE with the westerly boundary line of said 4.734-acre Fisher tract, same being the easterly boundary line of said County Road 268, the following two (2) courses and distances:

- 1) N20°53'37"W for a distance of 280.83 feet to a capped iron rod set on an angle point hereof;
- 2) N21°08'37"W for a distance of 84.63 feet to the POINT OF BEGINNING hereof and containing 0.447 acres of land, more or less.

◇ DIAMOND SURVEYING, INC.
516 LEANDER ROAD, GEORGETOWN, TX 78626
(512) 931-3100


SHANE SHAFER, R.P.L.S. NO. 5281
DSI PARCEL NO. 33 (FISHER)

9/5/03
DATE



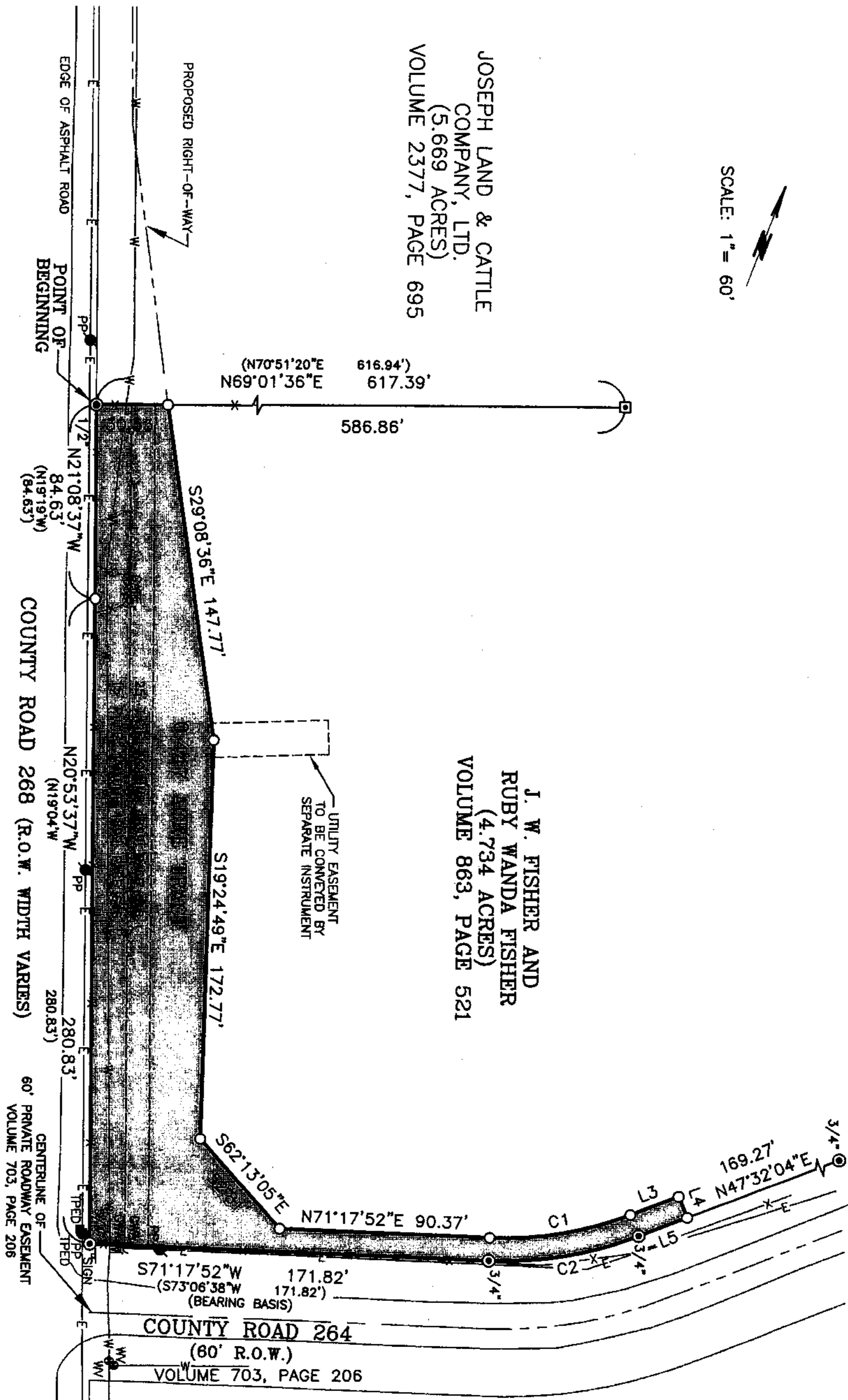
SKETCH TO ACCOMPANY METES AND BOUNDS DESCRIPTION

FOR A 0.447-ACRE TRACT OF LAND SITUATED IN THE ABNER SMITH SURVEY, ABSTRACT NO. 559, WILLAMSON COUNTY, TEXAS, BEING A PORTION OF A 4.734 ACRE TRACT OF LAND CONVEYED TO J. W. FISHER AND RUBY WANDA FISHER BY INSTRUMENT RECORDED IN VOLUME 863, PAGE 521 OF THE DEED RECORDS OF WILLAMSON COUNTY, TEXAS.

SCALE: 1" = 60'

JOSEPH LAND & CATTLE
COMPANY, LTD.
(5.669 ACRES)
VOLUME 2377, PAGE 695

J. W. FISHER AND
RUBY WANDA FISHER
(4.734 ACRES)
VOLUME 863, PAGE 521



SHEET 1 OF 2

DSI PARCEL NO. 33
DIAMOND SURVEYING, INC.
516 LEANDER ROAD, GEORGETOWN, TX 78626
(512) 931-3100

02/03/2004

SKETCH TO ACCOMPANY METES AND BOUNDS DESCRIPTION

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LEGEND

○	=	CAPPED IRON ROD SET
●	=	1/2" IRON ROD FOUND
⊙	=	IRON PIPE FOUND (SIZE STATED)
⊠	=	METAL FENCE POST
PP	=	POWER POLE
TPED	=	TELEPHONE PEDESTAL
WV	=	WATER VALVE
WM	=	WATER METER
GWAC	=	GUY WIRE ANCHOR
—E—	=	OVERHEAD ELECTRIC LINE
—X—	=	WIRE FENCE
—W—	=	WATER LINE
P.U.E.	=	PUBLIC UTILITY EASEMENT
T.C.E.	=	TEMPORARY CONSTRUCTION EASEMENT
()	=	RECORD PER CAB. "O", SL. 87-88

SURVEYOR'S NOTES:

1) THIS TRACT IS SUBJECT TO RESTRICTIVE COVENANTS OF RECORD IN VOLUME 703, PAGE 200, DEED RECORDS, AMENDED IN VOLUME 709, PAGE 702, AND VOLUME 714, PAGE 690, DEED RECORDS, AND VOLUME 1606, PAGE 655 OFFICIAL RECORDS.

2) EASEMENT TO SOUTHWESTERN BELL TELEPHONE RECORDED IN VOLUME 570, PAGE 702, DEED RECORDS, DOES NOT AFFECT THIS TRACT.

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

LINE TABLE

NO.	BEARING	DISTANCE
L1	N19°24'49"W	7.51'
L2	N29°08'36"W	7.55'
L3	N47°32'04"E	22.35'
L4	S42°27'27"E	10.00'
L5	S47°32'04"W	22.35'
L6	S22°40'13"E	15.00'

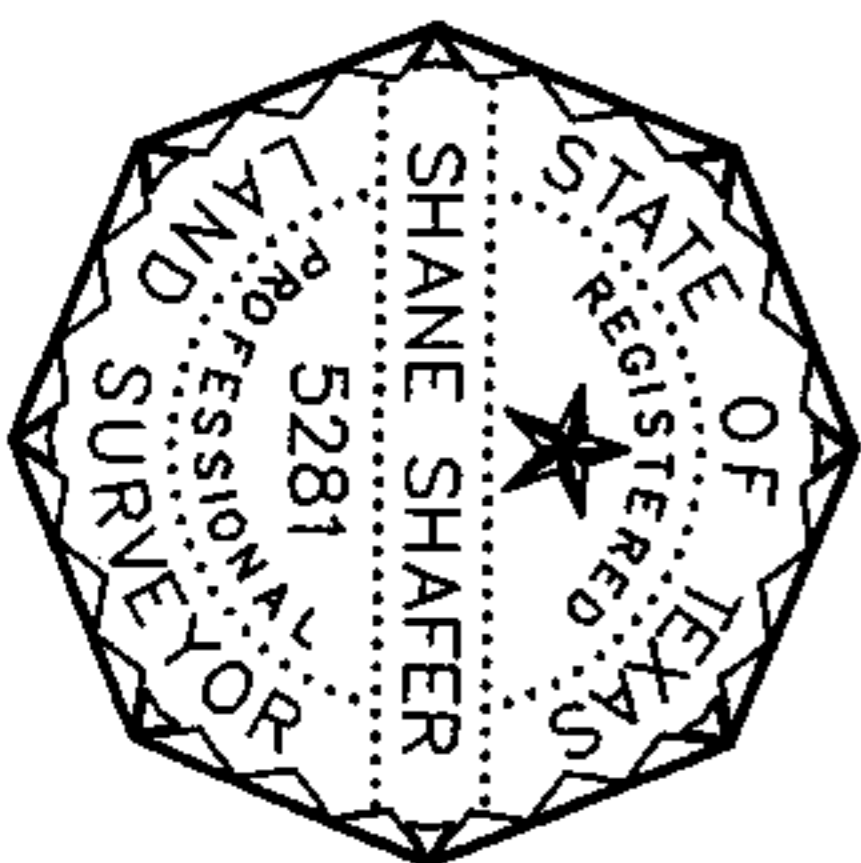
CURVE TABLE

NUM	DELTA	ARC	RADIUS	BEARING	DISTANCE
C1	23°46'42"	62.35'	150.23'	N59°20'52"E	61.90'
C2	23°46'39"	66.49'	160.23'	S59°21'07"W	66.02'

I, Shane Shafer, Registered Professional Land Surveyor in the State of Texas, hereby certify that this plot represents a survey made on the ground under my direct supervision, completed on September 4, 2003. 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 Case No. 2002 RR 243461-T (00384) of Austin Title Company. USE OF THIS SURVEY BY OTHER PARTIES SHALL BE AT THERE OWN RISK AND UNDERSIGNED SURVEYOR IS NOT RESPONSIBLE FOR ANY LOSS RESULTING THEREFROM.

SHANE SHAFER, R.L.S. No. 5281

DATE



SHEET 2 OF 2

DSI PARCEL NO. 33

DIAMOND SURVEYING, INC.

516 LEANDER ROAD, GEORGETOWN, TX 78626
(512) 931-3100

Ex. B

METES AND BOUNDS DESCRIPTION

BEING A 0.017-ACRE (755-SQUARE-FOOT) TRACT OF LAND SITUATED IN THE ABNER SMITH SURVEY, ABSTRACT NO. 559, WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF A 4.734 ACRE TRACT OF LAND CONVEYED TO J. W. FISHER AND RUBY WANDA FISHER BY INSTRUMENT RECORDED IN VOLUME 863, PAGE 521 OF THE DEED RECORDS OF WILLIAMSON COUNTY, TEXAS, SAID 0.017-ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING FOR REFERENCE at a 1/2" iron pipe found on a point in the easterly right-of-way line of County Road 268 (right-of-way width varies), being the northwesterly corner of said 4.734-acre Fisher tract and the southwesterly corner of that certain 5.669-acre tract of land conveyed to Joseph Land & Cattle Company, Ltd., by instrument recorded in Volume 2377, Page 695 of the Official Records of Williamson County, Texas;

THENCE departing the easterly right-of-way line of said County Road 268 with the northerly boundary line of said 4.734-acre Fisher tract, same being the southerly boundary line of said 5.669-acre Joseph Land & Cattle Company tract, N69°01'36"E for a distance of 30.53 feet to a capped iron rod set, from which a metal fence post found on a point for the northeasterly corner of said 4.734-acre Fisher tract and the southeasterly corner of said 5.669-acre Joseph Land & Cattle Company tract bears N69°01'36"E a distance of 586.86 feet;


THENCE departing the southerly boundary line of said 5.669-acre Joseph Land & Cattle Company tract, through the interior of said 4.734-acre Fisher tract S29°08'36"E for a distance of 140.22 feet to a capped iron rod set on the northwesterly corner and POINT OF BEGINNING hereof;

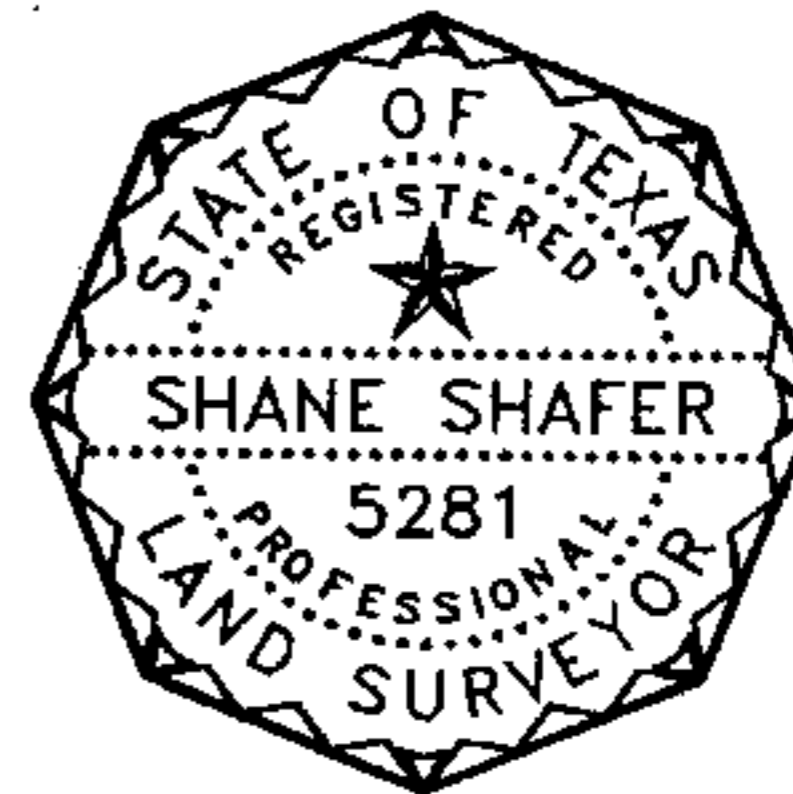
THENCE continuing through the interior of said 4.734-acre Fisher tract, the following five (5) courses and distances:

- 1) N67°19'47"E for a distance of 50.85 feet to a capped iron rod set on the northeast corner hereof;

- 2) S22°40'13"E for a distance of 15.00 feet to a capped iron rod set on the southeast corner hereof;
- 3) S67°19'47"W for a distance of 50.43 feet to a capped iron rod set on the southwest corner hereof;
- 4) N19°24'49"W for a distance of 7.51 feet to a capped iron rod set on an angle point hereof;
- 1) N29°08'36"W for a distance of 7.55 feet to the POINT OF BEGINNING hereof and containing 0.017 acre (755 square feet) of land, more or less.

◇ **DIAMOND SURVEYING, INC.**
516 LEANDER ROAD, GEORGETOWN, TX 78626
(512) 931-3100


SHANE SHAFER, R.P.L.S. NO. 5281
DSI UE-PARCEL NO. 33 (FISHER) 9/6/03 DATE



02/03/2004

SKETCH TO ACCOMPANY METES AND BOUNDS DESCRIPTION FOR UTILITY EASEMENT

BEING A 0.017-ACRE TRACT OF LAND SITUATED IN THE ABNER SMITH SURVEY, ABSTRACT NO. 559, WILLAMSON COUNTY, TEXAS, BEING A PORTION OF A 4.734 ACRE TRACT OF LAND CONVEYED TO J. W. FISHER AND RUBY WANDA FISHER BY INSTRUMENT RECORDED IN VOLUME 863, PAGE 521 OF THE DEED RECORDS OF WILLAMSON COUNTY, TEXAS.

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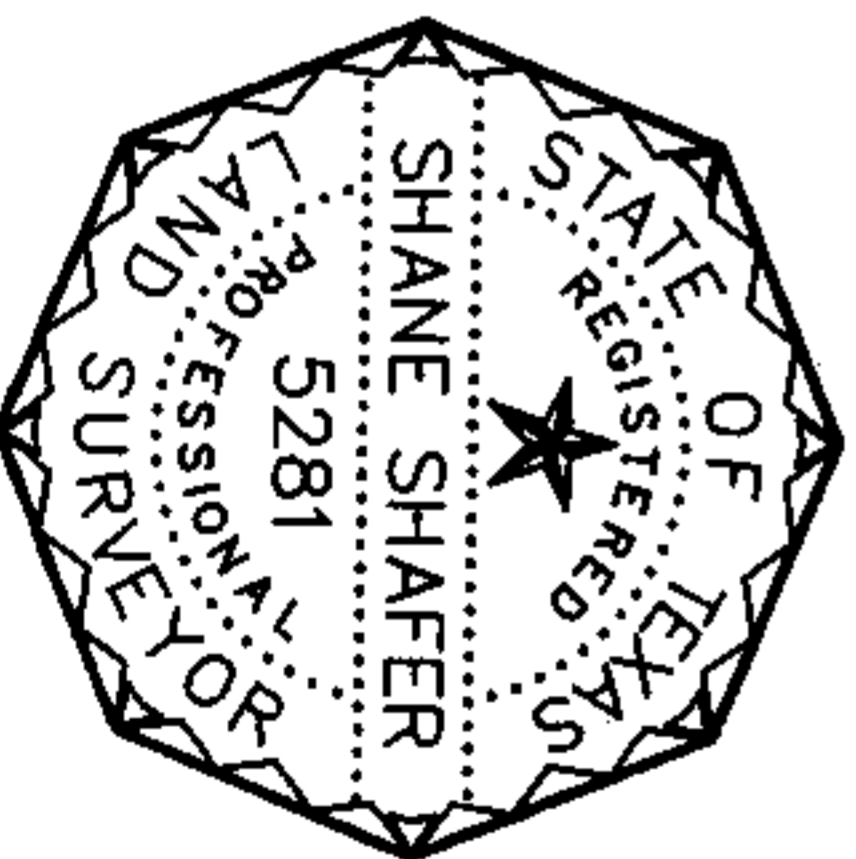
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SHANE SHAFER, R.P.L.S. No. 5281

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SHEET 2 OF 2

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