

**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 that certain tract of land being 0.8201 acres (Parcel 10) described by metes and bounds in Exhibit "A" owned by **STEVE DILLAWN, as Independent Executor of the Estate of Charles Dillawn (deceased), and EDWARD C. GRIFFITH, JR.** for the purpose of constructing, reconstructing, maintaining, and operating County Road 366 roadway improvements ("Project"), 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 the Project, at such locations as are necessary and that such constructing, reconstructing, maintaining, 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 bona fide 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, the Commissioners' Court of Williamson County, Texas is authorizing the use of its power of eminent domain to condemn property.

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

It is the intent of the Commissioners' Court that this resolution authorizes the condemnation of all property interests required to complete the construction and maintenance of the Project and associated public purposes. If it is later determined that there are any errors in the descriptions contained herein or if later surveys contain more accurate revised descriptions, the County Attorney is authorized to have such errors corrected or revisions made without the necessity of obtaining a new resolution of the Commissioners' Court authorizing the condemnation of the corrected or revised Property.

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 in the prosecution of such suit in eminent domain, including, but not limited to, appraisers, engineers, and land use planners or other required expert consultants.

Adopted this _____ day of _____, 2021.

Bill Gravel, Jr.
Williamson County Judge

EXHIBIT A

County: Williamson
Highway: County Road 366
Project Limits: From Carlos G. Parker Blvd. to Chandler Rd.

Page 1 of 5
September 25, 2020

PROPERTY DESCRIPTION FOR PARCEL 10

DESCRIPTION OF a 35,722 square foot (0.8201 of one acre) parcel of land out of the Samuel Pharass Survey, Abstract No. 496, in Williamson County, Texas, and being a portion of that tract described as 94.820 acres (Tract One) conveyed to Edward C. Griffith, Jr. by Special Warranty Deed dated May 12, 2015, as recorded in Document No. 2015039911, Official Public Records, Williamson County, Texas (O.P.R.W.C.T.), said 94.820 acre tract being previously described as 112.502 acres surveyed in December 1981 by Arlee Roland in an unrecorded survey; said 35,722 square foot (0.8201 of one acre) parcel of land being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2-inch iron pipe found at the southwest corner of said 94.820 acre tract and the northwest corner of that tract described as 2.499 acres conveyed to Edward C. Griffith, Jr. by Quitclaim Deed dated March 27, 2015 as recorded in Document No. 2015023462, O.P.R.W.C.T., and also by Quitclaim Deed dated May 12, 2015 as recorded in Document No. 2015039912, O.P.R.W.C.T., and being in the east line of that tract described as 92.69 acres conveyed to Clarence H. Walther and Doris E. Walther, as Trustees or their Successors, of the Walther Living Trust dated the 3rd of September, 1996 (1/2 Interest-Tract 6) by Special Warranty Deed dated February 10, 1997, as recorded in Document No. 9722572, Official Records, Williamson County, Texas (O.R.W.C.T.), and to the Walther Family Limited Partnership (1/2 Interest-Tract 1) by Contribution Deed dated August 19, 2005, as recorded in Document No. 2005069305, O.P.R.W.C.T., said 92.69 acre tract being further described in Volume 2236, Page 657. O.R.W.C.T.;

THENCE, N 69°47'47" E, along the south line of said 94.820 acre tract, with the north line of said 2.499 acre tract, a distance of 4,854.73 feet to a 1/2-inch iron rod with a "McGray & McGray" cap set in the proposed west right-of-way line of County Road 366 (CR 366), for the **POINT OF BEGINNING**, 170.00 feet left of CR 366 Engineer's Baseline Station 43+73.82, and having Surface Coordinates of North=10,191,936.01, East=3,205,525.15;

THENCE, along the proposed west right-of-way line of CR 366, across said 94.820 acre tract, the following three (3) courses, numbered 1 through 3:

- 1) N 21°27'49" W, a distance of 69.64 feet to a 1/2-inch iron rod with a "McGray & McGray" cap set 170.00 feet left of CR 366 Engineer's Baseline Station 44+43.46,

EXHIBIT A

County: Williamson

Highway: County Road 366

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September 25, 2020

PROPERTY DESCRIPTION FOR PARCEL 10

- 2) **N 23°20'38" E**, a distance of **141.90 feet** to a 1/2-inch iron rod with a "McGray & McGray" cap set 70.00 feet left of CR 366 Engineer's Baseline Station 45+44.14, and
- 3) **N 21°27'49" W**, a distance of **188.66 feet** to a 1/2-inch iron rod with a "McGray & McGray" cap set 70.00 feet left of CR 366 Engineer's Baseline Station 47+32.80, being in the north line of said 94.820 acre tract and the south line of a remainder of a called 16 acres conveyed to Charles Michael Lannen by Deed of Gift dated March 7, 1977, as recorded in Volume 663, Page 51, Deed Records, Williamson County, Texas (D.R.W.C.T.), from which a 1/2-inch iron rod with a "BRYAN TEC SERVICES" cap found at an angle point in a north line of said 94.820 acre tract, being the southwest corner of said remainder of 16 acre tract, bears **S 68°17'26" W**, along the north line of said 94.820 acre tract, with the south line of said remainder of 16 acre tract, a distance of 2,161.45 feet;

THENCE, along a north line of said 94.820 acre tract, with the south line of said remainder of 16 acre tract, the following three (3) courses, numbered 4 through 6:

- 4) **N 68°17'26" E**, a distance of **54.82 feet** to a 1/2-inch iron pipe found at an angle point,
 - 5) **S 21°29'47" E**, a distance of **246.35 feet** to a 1/2-inch iron pipe found at an angle point, and
 - 6) **N 69°38'31" E**, a distance of **32.32 feet** to a 1/2-inch iron pipe found (bent) at the northeast corner of said 94.820 acre tract and the southeast corner of said remainder of 16 acre tract, being in the west margin of County Road 366 (CR 366, varying width);
- 7) **THENCE, S 21°19'07" E**, along the east line of said 94.820 acre tract, with the west margin of CR 366, a distance of **116.35 feet** to a 1/2-inch iron rod with a "BRYAN TEC SERVICES" cap found at the southeast corner of said 94.820 acre tract and the northeast corner of said 2.499 acre tract;

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- 8) **THENCE, S 69°47'47" W**, along the south line of said 94.820 acre tract, with the north line of said 2.499 acre tract, a distance of **187.03 feet** to the **POINT OF BEGINNING** and containing 35,722 square feet (0.8201 of one acre) of land, more or less.

All bearings and coordinates shown are based on the Texas Coordinate System (TCS), Central Zone (4203), North American Datum 1983 (NAD 83) 2011 Adjustment, Epoch 2010.00. All distances and coordinates shown are surface and may be converted to grid by dividing by a combined scale factor of 1.00011. All measurements are in U.S. Survey Feet.

A parcel plat of even date was prepared in conjunction with this property description.

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

That I, Troy R. Thomas, 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 the 25th day of September, 2020 A.D.

SURVEYED BY:

McGRAY & McGRAY LAND SURVEYORS, INC.
3301 Hancock Dr., Ste. 6 Austin, TX 78731 (512) 451-8591
TBPELS Survey Firm# 10095500



9/25/2020



Troy R. Thomas, Reg. Professional Land Surveyor No. 6130
2020/Descriptions/CR 366 Williamson County/Parcel 10

LEGEND

- FOUND TxDOT TYPE I MONUMENT
- FOUND IRON ROD (1/2" UNLESS NOTED)
- FOUND IRON PIPE (1/2" UNLESS NOTED)
- CALCULATED POINT, NOT SET
- 1/2" IRON ROD W/ "MCGRAY & MCGRAY"
- CAP SET (UNLESS NOTED)
- RECORD INFORMATION
- PROPERTY LINE (OWNERSHIP DIVISION)
- APPROXIMATE SURVEY LINE
- DEED LINE (OWNERSHIP IN COMMON)
- DISTANCE NOT TO SCALE (N. T. S.)
- POINT OF BEGINNING
- POINT OF COMMENCEMENT
- RIGHT-OF-WAY
- NOT TO SCALE
- BUILDING SETBACK LINE
- DEED RECORDS WILLIAMSON COUNTY, TEXAS
- OFFICIAL RECORDS WILLIAMSON COUNTY, TEXAS
- OFFICIAL PUBLIC RECORDS WILLIAMSON COUNTY, TEXAS
- PLAT RECORDS WILLIAMSON COUNTY, TEXAS
- PARCEL NUMBER FOR R.O.W. ACQUISITION



I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT THE PROPERTY SHOWN HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION.

Tracy R. Thomas

TROY R. THOMAS, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6130

9/25/2020

DATE

SAMUEL PHARASS SURVEY ABSTRACT NO. 496

P.O.C.

EDWARD C. GRIFFITH,

JR., 2015

DOC. NO. 2015039911

O.P.R.W.C.T.

(TRACT ONE-94.820

ACRES)

PREVIOUSLY DESCRIBED
AS 112.502 ACRES
SURVEYED
IN DECEMBER 1981 BY
ARLEE ROLAND
(UNRECORDED SURVEY)

N69°47'47"E 4,854.73'

P.O.B.

PROPOSED

R.O.W.

0.8201 AC.

35,722 SQ.FT.

EXISTING R.O.W.

CR 366

(R.O.W. WIDTH VARIES)

PROPERTY INSET
NOT TO SCALE

PAGE 4 OF 5

NOTES:

- ALL BEARINGS AND COORDINATES ARE BASED ON THE TEXAS COORDINATE SYSTEM, CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983, 2011 ADJUSTMENT. ALL DISTANCES AND COORDINATES SHOWN ARE SURFACE AND MAY BE CONVERTED TO GRID BY DIVIDING BY A COMBINED ADJUSTMENT FACTOR OF 1.00011. UNITS: U.S. SURVEY FEET.
- THIS SURVEY WAS PREPARED WITH THE BENEFIT OF A TITLE COMMITMENT PROVIDED BY TITLE RESOURCES GUARANTY COMPANY IN JULY 2020.
- ABSTRACTING AND FIELD SURVEYING WERE PERFORMED FROM JANUARY 2020 THROUGH MAY 2020.
- PLANIMETRICS SHOWN HEREON WERE COLLECTED BETWEEN SEPTEMBER 2017 AND DECEMBER 2017.
- THIS PARCEL PLAT IS ACCOMPANIED BY A PROPERTY DESCRIPTION OF EVEN DATE.
- RIGHT-OF-ENTRY WAS UNABLE TO BE OBTAINED AT THE TIME OF SURVEY. MONUMENTS ALONG THE PROPOSED R.O.W. LINE WERE UNABLE TO BE SET WHERE NOTED.

REVISIONS

DEED	ACQUISITION	REMAINING LT
94.820 AC. (4,130,359 SQ. FT.)	0.8201 AC. (35,722 SQ.FT.)	94.000 AC. (4,094,637 SQ. FT.)

MCGRAY & MCGRAY
LAND SURVEYORS, INC.
TBPELS SURVEY FIRM # 10095500
3301 HANCOCK DRIVE #6
AUSTIN, TEXAS 78731
(512) 451-8591
www.mcgray.com

PARCEL PLAT SHOWING
PROPOSED R.O.W. AT

PARCEL 10

CR 366 - CARLOS G. PARKER BLVD.
TO CHANDLER RD.
WILLIAMSON COUNTY, TEXAS

DATE: SEPTEMBER 2020 SCALE: N.T.S.

CLARENCE H. WALTHER AND DORIS E.
AS TRUSTEES OR THEIR SUCCESSORS,
OF THE
WALTHER LIVING TRUST DATED THE
3RD OF SEPTEMBER, 1996
(1/2 INTEREST)
DOC. NO. 9722572
O.R.W.C.T.
(TRACT 6)

EDWARD C. GRIFFITH, JR.
MARCH 27, 2015
DOC. NO. 2015039912
O.P.R.W.C.T.
MAY 12, 2015
DOC. NO. 2015039912
O.P.R.W.C.T.
(2.499 ACRES)

WALTHER FAMILY LIMITED
PARTNERSHIP
(1/2 INTEREST)
AUGUST 19, 2005
DOC. NO. 2005069305
O.P.R.W.C.T.
(TRACT 1)

92.69 ACRE TRACT AND 20' ACCESS
EASEMENT
FURTHER DESCRIBED IN
VOL. 2236, PG. 657
O.R.W.C.T.

SAMUEL PHARASS SURVEY ABSTRACT NO. 496

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MAY 12, 2015
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(TRACT ONE-94.820 ACRES)

PREVIOUSLY DESCRIBED AS
112.502 ACRES SURVEYED
IN DECEMBER 1981 BY ARLEE
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CHARLES MICHAEL
LANNEN
MARCH 7, 1977
VOL. 663, PG. 51
D.R.W.C.T.
(REMAINDER OF A
CALLED 16 ACRES)
(NO RIGHT-OF-ENTRY
AT TIME OF SURVEY)

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