# 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 2.802 acres (Parcel 3) described by metes and bounds in Exhibit "A" owned by NORMA R. WHITE; AARON KEITH WHITE AND LANCE ALAN WHITE for the purpose of constructing, reconstructing, maintaining, and operating the County Road 401 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 \_\_\_\_\_\_\_\_, 2022.

D'11 G 11 I

Bill Gravell, Jr.

Williamson County Judge

2

## **EXHIBIT "A"**

County: Williamson Page 1 of 8 Parcel No.: 3 January 19, 2022

Highway: C.R. 401/404 Limits: From: FM 973

To: Intersection of US 79

#### PROPERTY DESCRIPTION FOR PARCEL 3

DESCRIPTION OF A 2.802 ACRE (122,045 SQ. FT.) PARCEL OF LAND LOCATED IN THE J.C. EAVES SURVEY, ABSTRACT NO. 214, WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF A REMAINDER OF A CALLED 80.00 ACRE TRACT OF LAND, DESCRIBED IN A DEED TO EUGENE E. ROZACKY OF DALLAS COUNTY, TEXAS AND NORMA R. WHITE AND AARON KEITH WHITE, RECORDED JANUARY 18, 1980 IN VOLUME 787, PAGE 242, DEED RECORDS OF WILLIAMSON COUNTY, TEXAS (D.R.W.C.TX.); SAID 2.802 ACRE (122,045 SQ. FT.) PARCEL, AS SHOWN ON A PLAT PREPARED BY SAM, LLC, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**COMMENCING** at a 4" steel fence post found 1,363.85 feet left of County Road 401 (C.R. 401) Engineer's Centerline Station (E.C.S.) 130+33.91 on the south line of the remainder of a called 51.4 acre tract of land, described in a deed to Ed Hehman, recorded in Volume 366, Page 282, D.R.W.C.TX., for the northwest corner of a called 95.260 acre tract of land, described in a deed to Brandon Roznovak and wife, Abby Roznovak, recorded in Document No. 2014074516, Official Public Records of Williamson County, Texas (O.P.R.W.C.TX.), from which a 5/8-inch iron rod with a plastic cap found, for the southwest corner of said 95.260 acre tract bears S 07°39'14" W, a distance of 3,022.83 feet;

**THENCE** S 82°30'54" E, with the common line of said 95.260 acre tract and said remainder of a called 51.4 acre tract, a distance of 1,382.27 feet to a 4" wood fence post found on the existing west right-of-way line of C.R. 401, a variable width right-of-way, no record information found, for the northeast corner of said 95.260 acre tract, same being the southeast corner of said remainder of a called 51.4 acre tract;

**THENCE** N 06°43'09" E, departing the common line of said 95.260 acre tract and said remainder of a called 51.4 acre tract, with the existing west right-of-way line of said C.R. 401, a distance of 980.42 feet to a 3" metal fence post found, for the northeast corner of a called 40.00 acre tract of land, described in a deed to Harvey Bill Hehman, recorded in Volume 669, Page 935, D.R.W.C.TX., for the southeast corner of a called 79.74 acre tract of land, described in a deed to Ernest Lawrence, recorded in Document No. 1997051006, O.P.R.W.C.TX.;

**THENCE** N 83°16'41" W, departing the existing west right-of-way line of said C.R. 401, with the common line of said 40.00 acre tract and said 79.74 acre tract, a distance of 76.77 feet to a 5/8-inch iron rod with an aluminum cap stamped "WILLIAMSON COUNTY" set 68.00 feet left of C.R. 401 E.C.S 140+08.65 on the proposed west right-of-way line of C.R. 401;

**THENCE** N 07°16'57" E, departing the common line of said 40.00 acre tract and said 79.74 acre tract, with the proposed west right-of-way line of said C.R. 401, over and across said 79.74 acre tract, a distance of 1,510.48 feet to a 5/8-inch iron rod with an aluminum cap stamped "WILLIAMSON COUNTY" set 68.00 feet left of C.R. 401 E.C.S 155+19.12 on the common line of said 79.74 acre tract and a called 2,828.16 square vara tract of land, described in a deed to A. Anderson, recorded in Volume 79, Page 46, D.R.W.C.TX.;

FN 48883 SAM Job No. 58261B

# **EXHIBIT "A"**

County: Williamson Page 2 of 8 Parcel No.: 3 January 19, 2022

Highway: C.R. 401/404 Limits: From: FM 973

To: Intersection of US 79

**THENCE** N 07°16'57" E, continuing with the proposed west right-of-way line of said C.R. 401, over and across said 2,828.16 square vara tract, a distance of 16.00 feet to a \*\*5/8-inch iron rod with an aluminum cap stamped "WILLIAMSON COUNTY" (Surface Coordinates: N=10,176,898.16, E=3,203,279.70) set 68.00 feet left of C.R. 401 E.C.S 155+35.13 on the common line of said remainder of a called 80.00 acre tract and said 2,828.16 square vara tract, for the southwest corner and the **POINT OF BEGINNING** of the parcel described herein;

**THENCE** departing the common line of said remainder of a called 80.00 acre tract and said 2,828.16 square vara tract, continuing with the proposed west right-of-way line of said C.R. 401, over and across said remainder of a called 80.00 acre tract, the following six (6) courses and distances numbered 1-6:

- 1) N 07°16'57" E, a distance of 260.85 feet to a \*\*5/8-inch iron rod with an aluminum cap stamped "WILLIAMSON COUNTY" set 68.00 feet left of C.R. 401 E.C.S 157+95.95, said point being the beginning of a curve to the left,
- 2) With said curve to the left, an arc distance of 93.69 feet, through a central angle 00°21'34", having a radius of 14,932.00 feet, and a chord that bears N 07°06'10" E, a distance of 93.69 feet to a \*\*5/8-inch iron rod with an aluminum cap stamped "WILLIAMSON COUNTY" set 68.00 feet left of C.R. 401 E.C.S 158+90.09,
- 3) N 06°55'23" E, a distance of 763.51 feet to a \*\*5/8-inch iron rod with an aluminum cap stamped "WILLIAMSON COUNTY" set 68.00 feet left of C.R. 401 E.C.S 166+53.60, said point being the beginning of a curve to the right,
- 4) With said curve to the right, an arc distance of 388.70 feet, through a central angle 10°40'35", having a radius of 2,086.00 feet, and a chord that bears N 12°18'28" E, a distance of 388.14 feet to a \*\*5/8-inch iron rod with an aluminum cap stamped "WILLIAMSON COUNTY" set 68.00 feet left of C.R. 401 E.C.S 170+29.53, said point being the beginning of a curve to the left,
- 5) With said curve to the left, an arc distance of 158.11 feet, through a central angle 04°41'21", having a radius of 1,932.00 feet, and a chord that bears N 15°20'53" E, a distance of 158.07 feet to a \*\*5/8-inch iron rod with an aluminum cap stamped "WILLIAMSON COUNTY" set 68.00 feet left of C.R. 401 E.C.S 171+93.21, and
- 6) N 13°00'13" E, a distance of 179.95 feet to a 5/8-inch iron rod with an aluminum cap stamped "WILLIAMSON COUNTY" set 59.64 feet left of C.R. 401 E.C.S 173+78.95, on the existing west right-of-way line of said C.R. 401, for the north corner of the parcel described herein, from which a 4" wood fence post found on the existing west right-of-way line of said C.R. 401 bears N 06°51'56" E, a distance of 737.92 feet;
- 7) **THENCE** S 06°51′56″ W, departing the proposed west right-of-way line of said C.R. 401, with the existing west right-of-way line of said C.R. 401, a distance of 1,842.03 feet to a 1/2-inch iron rod found, for the northeast corner of said 2,828.16 square vara tract, same being the southeast corner of said remainder of a called 80.00 acre tract and of the parcel described herein;

FN 48883 SAM Job No. 58261B

# **EXHIBIT "A"**

County: Williamson Page 3 of 8 Parcel No.: 3 January 19, 2022

Highway: C.R. 401/404 Limits: From: FM 973

To: Intersection of US 79

8) **THENCE** N 81°30'15" W, departing the existing west right-of-way line of said C.R. 401, with the common line of said remainder of a called 80.00 acre tract and said 2,828.16 square vara tract, a distance of 82.46 feet to the **POINT OF BEGINNING**, and containing 2.802 acres (122,045 sq. ft.) of land, more or less.

This property description is accompanied by a separate plat of even date.

### **Bearing Basis:**

All bearings shown are based on the Texas Coordinate System, Central Zone, NAD 83/2011. All distances shown are surface and may be converted to grid by dividing by a Surface Adjustment Factor of 1.00012352. Units: U.S. Survey Feet.

\*\*Unable to set at time of survey, 5/8" iron rod with an aluminum cap stamped "Williamson County" may be set upon completion of the road construction project under the supervision of a registered professional land surveyor.

THE STATE OF TEXAS § KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS §

That I, Scott C. Brashear, 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, on the date shown below.

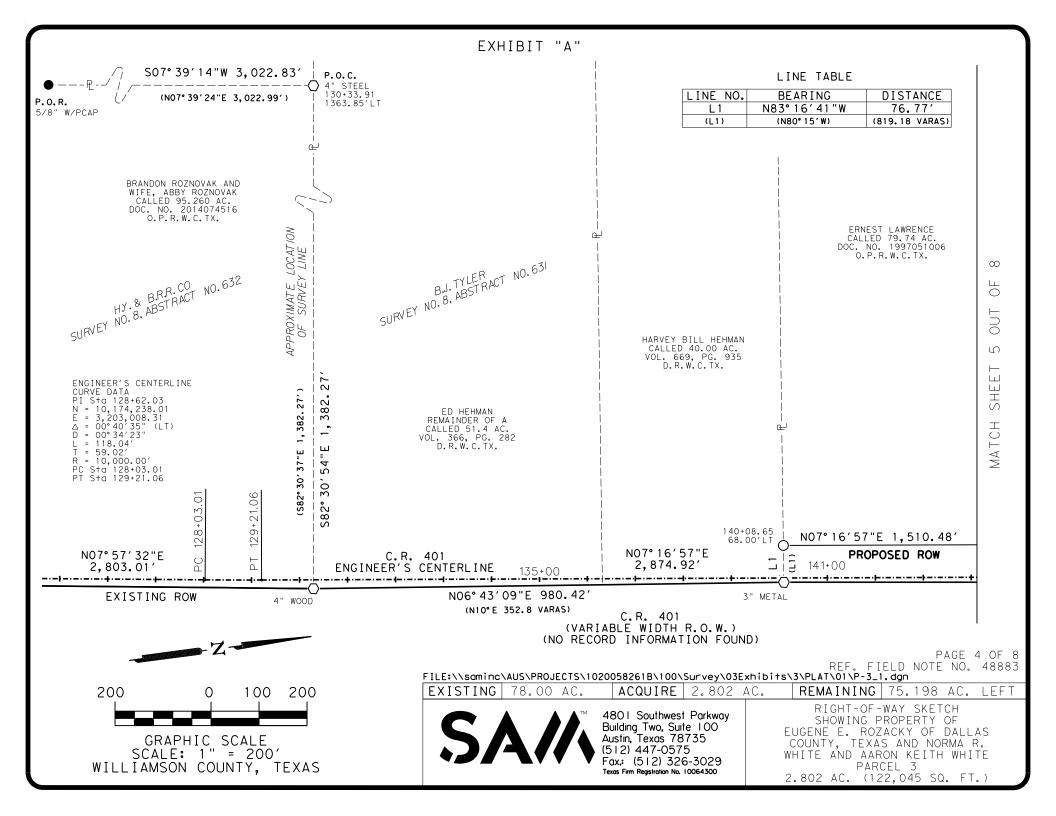
SURVEYING AND MAPPING, LLC 4801 Southwest Pkwy

Building Two, Suite 100 Austin, Texas 78735 TX, Firm No. 10064300 SCOTT C. BRASHEAR B

Scott C. Brashear Date Registered Professional Land Surveyor No. 6660 – State of Texas

Sur C. R. 1/19/22

FN 48883 SAM Job No. 58261B



#### SCHEDULE B:

THIS SURVEY HEREON WAS PREPARED IN CONJUCTION WITH THAT COMMITMENT FOR TITLE INSURANCE OF NO. 21061676, ISSUED BY TEXAN TITLE INSURANCE COMPANY, EFFECTIVE DATE JULY 14, 2021, AND ISSUED DATE JULY 23, 2021.

10.A.EASEMENT DATED JUNE 27, 1939, EXECUTED BY ADAM APPEL TO TEXAS POWER & LIGHT COMPANY, RECORDED IN VOLUME 298, PAGE 147, DEED RECORDS, WILLIAMSON COUNTY, TEXAS. (PLOTTED PER DESCRIPTION, NO VISIBLE EVIDENCE OF UTILITIES, MAY AFFECT)

B.EASEMENT DATED MARCH 1, 1946, EXECUTED BY ADAM APPEL AND BERTHA APPEL TO TEXAS POWER & LIGHT COMPANY, RECORDED IN VOLUME 337, PAGE 14, DEED RECORDS, WILLIAMSON COUNTY, TEXAS. (MAY AFFECT)

C.RIGHT OF WAY EASEMENT DATED AUGUST 11, 1972, EXECUTED BY EMIL ROZACKY AND YLASTA ROZACKY TO JONAH, RECORDED IN VOLUME 564, PAGE 55, DEED RECORDS, WILLIAMSON COUNTY, TEXAS. (AS-BUILT EASEMENT, UNABLE TO PLOT, MAY AFFECT)

D.RIGHT OF WAY EASEMENT DATED DECEMBER 13, 1974, EXECUTED BY EMIL ROZACKY AND VLASTA ROZACKY TO JONAH WATER SUPPLY CORP., RECORDED IN VOLUME 601, PAGE 122, DEED RECORDS, WILLIAMSON COUNTY, TEXAS. (AS-BUILT EASEMENT, UNABLE TO PLOT, MAY AFFECT)

E.EASEMENT AND RIGHT OF WAY DATED APRIL 29, 1982, EXECUTED BY NORMN WHITE TO TEXAS POWER & LIGHT COMPANY, RECORDED IN VOLUME 898, PAGE 283, DEED RECORDS, WILLIAMSON COUNTY, TEXAS. (BEGINS AND RUNS NORTH OF SUBJECT PARCEL, DOES NOT AFFECT)

F.EASEMENT AND RIGHT OF WAY DATED JANUARY 29, 1985, EXECUTED BY NORMA WHITE, KEITH WHITE AND EUGENE E. ROZNCKY TO TEXAS POWER & LIGHT COMPANY, RECORDED IN VOLUME 1234, PAGE 171, DEED RECORDS, WILLIAMSON COUNTY, TEXAS. (UNABLE TO PLOT ACCURATELY, POSSIBLE LOCATION SHOWN, MAY AFFECT)

G.EASEMENT DEED BY COURT ORDER IN SETTLEMENT OF LANDOWNER ACTION FILED JULY 7, 2016 TO QWEST COMMUNICATIONS COMPANY, LLC, F/K/A QUEST COMMUNICATIONS COMPANY, LP, AND LEVEL 3 COMMUNICATIONS, LC, RECORDED UNDER DOCUMENT NO. 2015075890, OFFICIAL RECORDS, WILLIAMSON COUNTY, TEXAS. (BLANKET IN NATURE, UNABLE TO PLOT, MAY AFFECT)

H. SPRINGING CONTINGENT WATER WELL EASEMENT DATED JUNE 30, 2016, EXECUTED BY AARON KEITH WHITE, NORMA RUTH WHITE AND LANCE ALLAN WHITE AND WIFE, MELISSA LAFOUNTAIN WHITE TO UNIVERSITY FEDERAL CREDIT UNION, RECORDED UNDER DOCUMENT NO. 2016060694, OFFICIAL RECORDS, WILLIAMSON COUNTY, TEXAS. (DOES NOT AFFECT)

I.SPRINGING CONTINGENT ACCESS EASEMENT DATED JUNE 30, 2016, EXECUTED BY AARON KEITH WHITE, NORMA RUTH WHITE AND LANCE ALLAN WHITE AND WIFE, MELISSA LAFOUNTAIN WHITE TO UNIVERSITY FEDERAL CREDIT UNION, RECORDED UNDER DOCUMENT NO. 2016060695, OFFICIAL RECORDS, WILLIAMSON COUNTY, TEXAS. (AFFECTS AS SHOWN)

PAGE 7 OF 8 REF. FIELD NOTE NO. 48883

FILE:\\saminc\AUS\PROJECTS\1020058261B\100\Survey\03Exhibits\3\PLAT\01\P-3\_3.dgn

EXISTING 78.00 AC. ACQUIRE 2.802 AC. REMAINING 75.198 AC. LEFT



4801 Southwest Parkway Building Two, Suite 100 Austin, Texas 78735 (512) 447-0575 Fax.: (512) 326-3029 Texas Firm Registration No. 10064300 RIGHT-OF-WAY SKETCH SHOWING PROPERTY OF EUGENE E. ROZACKY OF DALLAS COUNTY, TEXAS AND NORMA R. WHITE AND AARON KEITH WHITE PARCEL 3 2.802 AC. (122,045 SQ. FT.)

# LEGEND

- 5/8" IRON ROD SET WITH ALUMINUM CAP STAMPED "WILLIAMSON COUNTY"
- 1/2" IRON ROD FOUND UNLESS NOTED
- FENCE POST (TYPE NOTED)
- TYPE I CONCRETE MONUMENT FOUND
- TXDOT TYPE II BRONZE DISK IN CONCRETE FOUND
- 1/2" IRON PIPE FOUND UNLESS NOTED
- 80D NAIL FOUND
- Φ MAGNAIL FOUND
- SPINDLE FOUND
- RAILROAD TIE
- Δ CALCULATED POINT
- P PROPERTY LINE
- RECORD INFORMATION
- P. O. B. POINT OF BEGINNING
- POINT OF COMMENCING P. O. C.
- P. O. R. POINT OF REFERENCE
- NOT TO SCALE N. T. S.
- DEED RECORDS OF D.R.W.C.TX. WILLIAMSON COUNTY, TEXAS
- O. R. W. C. TX. WILLIAMSON COUNTY, TEXAS
- OFFICIAL PUBLIC RECORDS OF
- O. P. R. W. C. TX. WILLIAMSON COUNTY, TEXAS

DISTANCE NOT TO SCALE

DEED LINE (COMMON OWNERSHIP)

#### NOTES:

- 1. ALL BEARINGS SHOWN ARE BASED ON NAD83/2011/NAVD88 TEXAS COORDINATE SYSTEM, CENTRAL ZONE. ALL DISTANCES SHOWN ARE SURFACE AND MAY BE CONVERTED TO GRID BY DIVIDING BY A SURFACE ADJUSTMENT FACTOR OF 1.00012352. ALL COORDINATES SHOWN ARE IN SURFACE AND MAY BE CONVERTED TO GRID BY DIVIDING BY THE SAME FACTOR. PROJECT UNITS ARE IN U.S. SURVEY FEET.
- 2. THIS SURVEY WAS COMPLETED WITH THE BENEFIT OF TITLE REPORT, PROVIDED BY TEXAN TITLE INSURANCE COMPANY, GF NO. 21061676, EFFECTIVE DATE JULY 14, 2021, AND ISSUED DATE JULY 23, 2021. THERE MAY BE EASEMENTS OR OTHER MATTERS, RECORDED OR UNRECORDED, THAT ARE NOT SHOWN.
- 3. C.R. 401 ENGINEER'S CENTERLINE ALIGNMENT DERIVED FROM HNTB. SCHEMATIC RECEIVED BY SAM, LLC. IN MAY, 2021.
- 4. THIS PLAT IS ACCOMPANIED BY A PROPERTY DESCRIPTION OF EVEN DATE.
- \* AREA CALCULATED BY SAM.LLC.

Som C. Re

REGISTERED PROFESSIONAL LAND SURVEYOR

SCOTT C. BRASHEAR

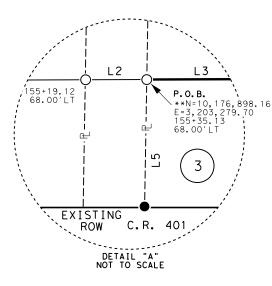
NO. 6660, STATE OF TEXAS

\*\*UNABLE TO SET AT TIME OF SURVEY, 5/8" IRON ROD WITH AN ALUMINUM CAP STAMPED "WILLIAMSON COUNTY" MAY BE SET UPON COMPLETION OF THE ROAD CONSTRUCTION PROJECT UNDER THE SUPERVISION OF A REGISTERED PROFESSIONAL LAND SURVEYOR.

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

1/19/22

EXHIBIT "A"



EUGENE E. ROZACKY OF DALLAS COUNTY, TEXAS AND NORMA R. WHITE AND AARON KEITH WHITE RECORDED JANUARY 18, 1980 REMAINDER OF A CALLED 80.00 AC. VOL. 787, PG. 242 D.R.W.C.TX.

(2.802 AC.)

EXISTING ROW

C.R. 401



**EXISTING** | 78.00 AC.

PAGE 8 OF 8 REF. FIELD NOTE NO. 48883

FILE:\\saminc\AUS\PROJECTS\1020058261B\100\Survey\03Exhibits\3\PLAT\01\P-3\_3.dgn

**ACQUIRE** | 2.802 AC.

4801 Southwest Parkway Building Two, Suite 100 Austin, Texas 78735 (512) 447-0575 Fax: (512) 326-3029 Texas Firm Registration No. 10064300

RIGHT-OF-WAY SKETCH SHOWING PROPERTY OF EUGENE E. ROZACKY OF DALLAS COUNTY, TEXAS AND NORMA R. WHITE AND AARON KEITH WHITE PARCEL 3 2.802 AC. (122,045 SQ. FT.)

REMAINING | 75.198 AC. LEFT

DATE