



CITY OF TAYLOR

400 Porter Street, Taylor, Texas 76574

Ph: 512-352-3675

Fax: 512-352-8483

May 20, 2009

The Honorable Judge Dan A. Gattis
Williamson County
710 Main Street, Suite 101
Georgetown, TX 78626

Honorable Judge Gattis:

Please find enclosed a signed copy of the agreement between the City of Taylor, Texas and Williamson County regarding billboards. The City Council of the City of Taylor approved the agreement on May 14, 2009. Please sign and return a copy for our files.

Please do not hesitate to contact me if you have any questions.

Sincerely,

Susan Brock
City Clerk

Enclosure

AGREEMENT

This Agreement is by and between Williamson County Texas, a county political subdivision of the State of Texas, ("County") and the City of Taylor, Texas, a home rule city and political subdivision of the State of Texas ("City").

RECITALS

1. The City, under its governmental powers, adopted Ordinance 2003-42, as amended ("Ordinance") prohibiting construction of billboards within the City and its Extraterritorial Jurisdiction ("ETJ") from and after its adoption. The Ordinance did not require removal of the existing non-conforming billboards within the City and its ETJ ("Existing Billboards").

2. The County is acquiring right of way for U.S. Highway 79 expansion ("Expanded ROW") within the City ETJ, and Existing Billboards are located on the Expanded ROW.

3. The County must acquire the Expanded ROW under its condemnation powers potentially including compensation for Existing Billboards to the property owners.

4. The County asserts the potential condemnation cost for removal of the Existing Billboards can be alleviated if they can be reconstructed on remaining property from which the Expanded ROW is taken.

5. The City desires to defray County cost for the Expanded ROW since the Highway 79 expansion benefits the City but does not want to amend the Ordinance allowing new billboard construction for replacement of the Existing Billboards.

6. The County does not dispute the Existing Billboards are subject to the Ordinance and new replacement billboards are prohibited by the Ordinance. Notwithstanding, the County exerts the County will be harmed by enforcement of the Ordinance.

7. The City and the County have entered into this Agreement to compromise issues concerning the County's need to acquire the Expanded ROW, to minimize the County condemnation payments for the Existing Billboards, to allow the City to continue the Ordinance without amendment, and to establish the manner in which the City will allow the Existing Billboards to be reconstructed within the City ETJ.

NOW Therefore, the City and County agree to the following:

A. The Recitals set forth above are incorporated within this Agreement.

B. As used in this Agreement, Existing Billboards shall mean only the Existing Billboards described within Exhibit "A" attached hereto and incorporated by reference herein.

C. The City shall allow the Existing Billboards to be removed by their owners from the existing locations identified in Exhibit "A", attached hereto and incorporated by reference herein, and reconstructed on the owner's remaining real property from which the Expanded ROW is taken.

D. The City shall not assume any liability regarding the Existing Billboards and their replacements. The County shall continue responsibility for the Existing Billboards as they exist regarding their owners, the Expanded ROW and the replacement of the Existing Billboards.

E. The County shall provide the City copies of proposed settlement agreements between the County and the owners of the Existing Billboards allowing the City to verification of relocation in compliance with this Agreement. The County shall require reconstruction of the Existing Billboards under any agreement with Existing Billboard owners no later than one year from the date of the settlement agreement.

F. The County shall not allow the owners of the Existing Billboards any further authority regarding the Existing Billboards not set forth in this Agreement, and the City does not waive any jurisdiction authority over the Existing Billboards or the replacement billboards allowed by this Agreement. Further, the owners of the Existing Billboards and their replacements must in all other respects remain in compliance with the Ordinance and all other laws, ordinances, regulations, and rules pertaining to billboards.

G. The City and County understand and agree this Agreement is a compromise of conflicting claims given to avoid potential time, trouble, and expense to resolve conflicting issues and to maintain cooperation between the parties.

H. The approval granted herein is specific only to the Existing Billboards for the benefit of the County and can not be relied on by any third party as consent to construct billboards

in violation of the Ordinance or as an amendment to the Ordinance and enforcement of the Ordinance.

I. The County shall require reconstruction of the Existing Billboards under any agreement with their owners no later than one year from the date of settlement with the County.

J. The County and the City agree to cooperate with each other in good faith at all times to effectuate the purposes and intent of this Agreement.

K. Any amendment hereof must be in writing and signed by the authorized representatives for each party.

L. This Agreement shall not be construed as a modification, supplement, or alteration provisions of any other agreement between the County and City.

M. This Agreement shall be construed under the laws of the State of Texas with venue in Williamson County, Texas.

N. Neither party may assign its rights and obligation under this Agreement.

O. The parties will take further action necessary or incidental to effectuate the purposes of this Agreement without waiver of authority the parties retain regarding the subject matter of this Agreement.

P. Nothing herein shall be construed to confer upon any person or entity, other than the parties hereto, any rights, benefits or remedies under or by reason of this Agreement.

Q. This Agreement shall not be construed as a partnership, joint venture or agency, express or implied, between the parties.

R. This Agreement may be executed in duplicate originals.

S. This Agreement contains the entire agreement of the parties and supersedes all prior and contemporaneous understandings or representations, whether oral or written, respecting the subject matter hereof.

Dated this the _____ day of April, 2009.

WILLIAMSON COUNTY, TEXAS

By: _____

Dan A. Gattis,
Williamson County Judge

Date Signed: 6-17-09

ATTEST:

By: _____

Nancy E. Rister,
County Clerk

Date Signed: 7-7-09

CITY OF TAYLOR, TEXAS

By: _____

Bob Hortenstine

Its: MAYOR

Date Signed: 5/15/09

ATTEST:

By: _____

Its: _____

Susan Brock
City Clerk

Date Signed: 5/15/09

FOR CITY, APPROVED AS TO FORM:

By: _____

Ted W. Hejl, City Attorney

Date Signed: 5/15/09

EXHIBIT "A"

Parcel 3

0.422 acres of land owned by Carl F. Wolf
and wife, Leonora S. Wolf

EXHIBIT _____

County: Williamson
Parcel No.: 3
Highway: U.S. 79
Limits: From: 79-B E. of Taylor
To: E. of FM 1063
RCSJ: 0204-04-044

PROPERTY DESCRIPTION FOR PARCEL 3

DESCRIPTION OF A 0.422 ACRE (18,392 SQ. FT.) TRACT OF LAND LOCATED IN THE PARTHENIA COURSEY SURVEY, ABSTRACT NO. 131, IN WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF THE REMAINDER OF A CALLED 45.350 ACRE TRACT OF LAND DESCRIBED IN A DEED TO CARL F. WOLF AND WIFE, LEONORA S. WOLF, AS RECORDED IN VOLUME 647, PAGE 203, DEED RECORDS OF WILLIAMSON COUNTY, TEXAS, SAID 0.422 ACRE (18,392 SQ. FT.) TRACT, AS SHOWN ON A RIGHT-OF-WAY SKETCH PREPARED BY SAM, INC. FOR THIS PARCEL, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a Texas Department of Transportation (TxDOT) Type II concrete monument set, 123.19 feet left of United States Highway 79 (U.S. 79) Engineer's Centerline Station 1069+25.36, being the east line of said remainder tract, same being the west line of a called 5.781 acre tract of land described in a deed to The State of Texas, as recorded in Volume 793, Page 478, Deed Records of Williamson County, Texas, also being in the proposed north right-of-way line of said U.S. 79, and the **POINT OF BEGINNING** of the tract described herein, from which a TxDOT Type I concrete monument found bears, N 59°31'30" W, passing at a distance of 233.99 feet the calculated north corner of said remainder tract, same being the east line of a called 3.538 acre tract of land described in a deed to Transit Mix Concrete & Materials Co., as recorded in Volume 2652, Page 276, Official Public Records of Williamson County, Texas, continuing in all a total distance of 879.63 feet;

1) **THENCE** leaving said proposed right-of-way line, with the common line of said remainder tract and said 5.781 acre tract, S 59°31'30" E, a distance of 132.96 feet to a TxDOT Type I concrete monument found in the existing north right-of-way line of said U.S. 79, same being the north line of a called 3.139 acre tract of land conveyed to the State of Texas, as recorded in Volume 449, Page 276, Deed Records of Williamson County, Texas, also being the southeast corner of said remainder tract and the tract described herein;

2) **THENCE** leaving said common line, with said existing right-of-way line, with the arc of a curve to the right a distance of 226.68 feet, through a central angle of 07°05'51", having a radius of 1829.86 feet, and whose chord bears S 73°51'26" W, a distance of 226.53 feet to the calculated south common corner of said remainder tract and said 3.538 acre tract, same being the southwest corner of the tract described herein, from which a 2 1/2-inch iron pipe found bears, S 20°21'58" E, a distance of 1.14 feet;

3) **THENCE** leaving said existing right-of-way line, with said common line, N 21°36'22" W, a distance of 97.98 feet to a 1/2-inch iron rod with a TxDOT aluminum cap set, 116.10 feet left of U.S. 79 Engineer's Centerline Station 1067+75.79, being in said proposed right-of-way line, same being the west line of said remainder tract, also being the east line of said 3.538 acre tract, and the northwest corner of the tract described herein;

4) **THENCE** with said proposed right-of-way line, crossing through the interior of said remainder tract, with the arc of a curve to the left a distance of 144.57 feet, through a central angle of $04^{\circ}10'44''$, having a radius of 1982.21 feet, and whose chord bears $N 74^{\circ}12'54'' E$, a distance of 144.54 feet to the **POINT OF BEGINNING** and containing 0.422 acre (18,392 sq. ft.) of land more or less.

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

All coordinates shown hereon are NAD 83/93 (HARN) State Plane Coordinates adjusted to the surface using a combined scale factor of 1.0001135512.

Access Control on Non-Access Controlled Facilities: "Access will be permitted to the highway facility from the remainder of the property lying adjacent to U.S. 79."

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

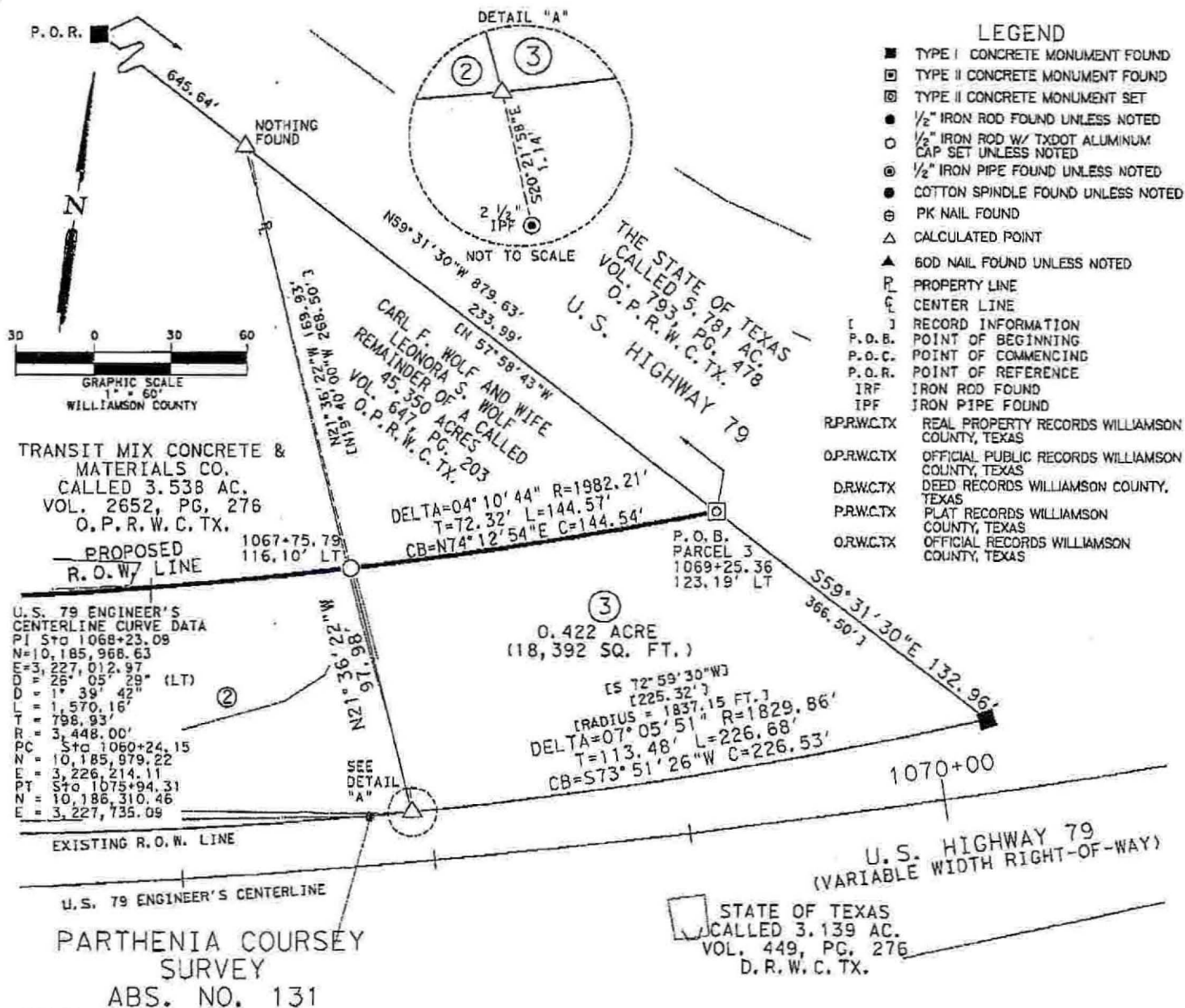
That I, C. M. Solomon, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 23rd day of October 2007 A.D.

SURVEYING AND MAPPING, Inc.
5508 West Highway 290, Building B
Austin, Texas 78735


C. M. Solomon
Registered Professional Land Surveyor
No. 5734 - State of Texas





PAGE 05 OF 03

REF. FIELD NOTE NO. 4263



5508 West Highway 290
Building B
Austin, Texas 78735
(512) 447-0575
Fax: (512) 326-3029

RIGHT-OF-WAY SKETCH
PARCEL 3
WILLIAMSON CO.
RCSJ NO. 0204-04-044

Parcel 9

0.265 acres of land owned by Duane D. Stoll

EXHIBIT _____

County: Williamson
Parcel No.: 9
Highway: U.S. 79
Limits: From: 79-B E. of Taylor
To: E. of FM 1063
RCSJ: 0204-04-044

PROPERTY DESCRIPTION FOR PARCEL 9

DESCRIPTION OF A 0.265 ACRE (11,550 SQ. FT.) TRACT OF LAND LOCATED IN THE HARDY PACE SURVEY, ABSTRACT NO. 493, IN WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF A CALLED 3.50 ACRE TRACT OF LAND DESCRIBED IN A DEED TO DUANE D. STOLL, AS RECORDED IN VOLUME 2652, PAGE 205, OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS, SAID 0.265 ACRE (11,550 SQ. FT.) TRACT, AS SHOWN ON A RIGHT-OF-WAY SKETCH PREPARED BY SAM, INC. FOR THIS PARCEL, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 1/2-inch iron rod found, being the east common corner of said 3.50 acre tract and the remainder of a called 60.66 acre tract of land described in the deed to Marvin O. Stoll & Wife, Hermine E. Stoll, as recorded in Document No. 2000042307, Official Public Records of Williamson County, Texas, same being the west line of a called 0.51 acre tract of land described in the deed to Lenz Acres Partnership, as recorded in Document No. 2004058570, Official Public Records of Williamson County, Texas, from which a 1/2-inch iron rod found for the north common corner of said remainder tract and said 0.51 acre tract, same being the southwest corner of a called 29.12 acre tract of land described in a deed to Lenz Acres Partnership, as recorded in Document No. 2004058570, Official Public Records of Williamson County, Texas, bears N 18°01'33" W, a distance of 81.10 feet;

THENCE with the common line of said 3.50 acre tract and said 0.51 acre tract, S 18°01'33" E, a distance of 320.55 feet to a 1/2-inch iron rod with a Texas Department of Transportation (TxDOT) aluminum cap set, 108.02 feet left of United States Highway 79 (U.S. 79) Engineer's Centerline Station 1103+17.10, being in the proposed north right-of-way line of said U.S. 79, same being the northeast corner and **POINT OF BEGINNING** of the tract described herein;

1) **THENCE** leaving said proposed right-of-way line, with said common line, S 18°01'33" E, a distance of 28.61 feet to the calculated south common corner of said 3.50 acre tract and said 0.51 acre tract, same being in the existing north right-of-way line of said U.S. 79 and the north line of a called 2.998 acre tract of land conveyed to the State of Texas, as recorded in Volume 448, Page 184, Deed Records of Williamson County, Texas, also being the southeast corner of the tract described herein;

2) **THENCE** leaving said common line, with said existing right-of-way line, with the arc of a curve to the left a distance of 413.44 feet, through a central angle of 07°26'31", having a radius of 3183.10 feet, and whose chord bears S 69°36'12" W, a distance of 413.15 feet to the calculated south common corner of said 3.50 acre tract and a called 2.288 acre tract of land described in a deed to Duane D. Stoll and wife, Sandra G. Stoll, as recorded in Document No. 2000042307, Official Public Records of Williamson County, Texas, same being the southwest corner of the tract described herein;

3) **THENCE** leaving said existing right-of-way line, with the common line of said 3.50 acre tract and said 2.288 acre tract, N 22°33'33" W, a distance of 31.19 feet to a 1/2-inch iron rod with a TxDOT aluminum cap set, 108.13 feet left of U.S. 79 Engineer's Centerline Station 1099+08.91, being in said proposed right-of-way line, same being the northwest corner of the tract described herein;

4) **THENCE** with said proposed right-of-way line, crossing through the interior of said 3.50 acre tract, with the arc of a curve to the right a distance of 415.60 feet, through a central angle of 04°03'55", having a radius of 5857.55 feet, and whose chord bears N 69°57'36" E, a distance of 415.52 feet to the **POINT OF BEGINNING** and containing 0.265 acre (11,550 sq. ft.) of land, more or less.

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

All coordinates shown hereon are NAD 83/93 (HARN) State Plane Coordinates adjusted to the surface using a combined scale factor of 1.0001135512.


Access Control on Non-Access Controlled Facilities: "Access will be permitted to the highway facility from the remainder of the property lying adjacent to U.S. 79."

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

That I, C. M. Solomon, 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.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 23rd day of October 2007 A.D.

SURVEYING AND MAPPING, Inc.
5508 West Highway 290, Building B
Austin, Texas 78735

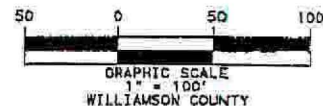

C. M. Solomon
Registered Professional Land Surveyor
No. 5734 - State of Texas



LINE TABLE		
LINE NO.	BEARING	DISTANCE
L1	S18° 01' 33" E	28.61'
L2	N22° 33' 33" W	31.19'

LEGEND

- TYPE I CONCRETE MONUMENT FOUND
- TYPE II CONCRETE MONUMENT FOUND
- TYPE II CONCRETE MONUMENT SET
- 1/2" IRON ROD FOUND UNLESS NOTED
- 1/2" IRON ROD W/ TXDOT ALUMINUM CAP SET UNLESS NOTED
- ⊙ 1/2" IRON PIPE FOUND UNLESS NOTED
- ⊙ COTTON SPINDLE FOUND UNLESS NOTED
- ⊙ PK NAIL FOUND
- △ CALCULATED POINT
- ▲ 60D NAIL FOUND UNLESS NOTED
- P.L. PROPERTY LINE
- C.L. CENTER LINE
- L.J. RECORD INFORMATION
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCING
- P.O.R. POINT OF REFERENCE
- IRF IRON ROD FOUND
- IPF IRON PIPE FOUND
- R.P.R.W.C.TX REAL PROPERTY RECORDS WILLIAMSON COUNTY, TEXAS
- O.P.R.W.C.TX OFFICIAL PUBLIC RECORDS WILLIAMSON COUNTY, TEXAS
- D.R.W.C.TX DEED RECORDS WILLIAMSON COUNTY, TEXAS
- P.R.W.C.TX PLAT RECORDS WILLIAMSON COUNTY, TEXAS
- O.R.W.C.TX OFFICIAL RECORDS WILLIAMSON COUNTY, TEXAS



MARVIN O. STOLL &
HERMINE E. STOLL
REMAINDER OF A
CALLED 60.66 ACRES
DOC. NO. 2000042307
O.P.R.W.C.TX.

HARDY PACE SURVEY
ABS. NO. 493

DUANE D. STOLL AND WIFE,
SANDRA G. STOLL
CALLED 2.288 ACRES
DOC. NO. 2000042307
O.P.R.W.C.TX.

U.S. 79 ENGINEER'S
CENTERLINE CURVE DATA
P1 S+0 1101+62.30
N=10, 187, 409.21
E=3, 230, 056.14
L=11, 27, 50 (RT)
Δ=0° 27' 50"
R=5857.55'
T=207.89'
CB=N69° 57' 36" E C=415.52'
L=415.60'
P.O.B. 1103+17.10
108.02' LT
Δ=0° 26' 31" R=3183.10'
T=207.01' L=413.44'
CB=S69° 36' 12" W C=413.15'
L=413.15'
P.O.B. 1103+17.10
108.02' LT

DUANE D. STOLL
CALLED 3.50 ACRES
VOL. 2652, PG. 205
O.P.R.W.C.TX.

PROPOSED
R.O.W. LINE

STATE OF TEXAS
CALLED 2.998 AC.
VOL. 448, PG. 184
D.R.W.C.TX.

NOTES:

- RECORD INFORMATION ON THIS DRAWING IS BASED ON A PUBLIC RECORDS SEARCH BY THE SURVEYOR AND MAY NOT INCLUDE ALL EASEMENTS OR INSTRUMENTS PERTAINING TO THIS PROPERTY.
- ALL COORDINATES SHOWN HEREON ARE NAD 83/93 (HARN) STATE PLANE COORDINATES ADJUSTED TO THE SURFACE USING A COMBINED SCALE FACTOR OF 1.0001135512.
- IMPROVEMENTS SHOWN HEREON ARE BASED UPON TXDOT AERIAL SURVEY DIGITAL FILES SUPPLEMENTED BY ON-THE-GROUND SURVEY BY SAM, INC. THERE MAY BE ADDITIONAL IMPROVEMENTS THAT ARE NOT SHOWN.
- VISIBLE UTILITIES SHOWN HEREON ARE BASED UPON VISIBLE EVIDENCE FOUND ON THE GROUND. THERE MAY BE ADDITIONAL UNDERGROUND UTILITIES THAT ARE NOT SHOWN.
- ENGINEER'S CENTERLINE DERIVED FROM SCHEMATIC PROVIDED BY CARTER & BURGESS, INC., ON 11/08/06.
- PROPERTY DESCRIPTION OF EVEN DATE ACCOMPANIES THIS PLAT.
- ACCESS CONTROL ON NON-ACCESS CONTROLLED FACILITIES: "ACCESS WILL BE PERMITTED TO THE HIGHWAY FACILITY FROM THE REMAINDER OF THE PROPERTY OF THE PROPERTY LYING ADJACENT TO U.S. 79."

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.

C. M. Solomon
C. M. SOLOMON
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 5734, STATE OF TEXAS

10/23/07
DATE



PAGE 03 OF 03
REF. FIELD NOTE NO. 4269



5508 West Highway 290
Building B
Austin, Texas 78735
(512) 447-0575
Fax: (512) 326-3029

RIGHT-OF-WAY SKETCH
PARCEL 9
WILLIAMSON CO.
RCSJ NO. 0204-04-044