

**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 0.279 acres (Parcel 11) described by metes and bounds in Exhibit "A" owned by **ESTATE OF TONY DANIEL MICHALIK** 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 26th day of May, 2022.


Bill Gravell (May 26, 2022 09:11 CDT)

Bill Gravell, Jr.
Williamson County Judge

EXHIBIT "A"

County: Williamson
Parcel No.: 11
Highway: C.R. 401/404
Limits: From: FM 973
To: Intersection of US 79

Page 1 of 6
August 6, 2021

PROPERTY DESCRIPTION FOR PARCEL 11

DESCRIPTION OF A 0.279 ACRE (12,156 SQ. FT.) PARCEL OF LAND LOCATED IN THE H.Y.& B.R.R. CO. SURVEY NO. 7, ABSTRACT NO. 315, WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF A CALLED 75 ACRE TRACT OF LAND, BEING THE WEST 1/2 OF A 150 ACRE TRACT OF LAND, DESCRIBED IN A DEED TO TONY DANIEL MICHALIK, RECORDED OCTOBER 17, 1960 IN VOLUME 440, PAGE 579, DEED RECORDS OF WILLIAMSON COUNTY, TEXAS (D.R.W.C.TX.); SAID 0.279 ACRE (12,156 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 5/8-inch iron rod with a plastic cap stamped "BRYAN TECH SERVICES" found 68.85 feet left of County Road 404 (C.R. 404) Engineer's Centerline Station (E.C.S.) 228+30.41 on the existing north right-of-way line of C.R. 404, a variable width right-of-way, as described to Williamson County in Volume 361, Page 175, D.R.W.C.TX., for the southeast corner of a called 2.00 acre tract of land, described in a deed to Bethany Fritz Grissom and husband, Russel Lane Grissom, recorded in Document No. 2015010250, Official Public Records of Williamson County, Texas (O.P.R.W.C.TX.), same being an interior corner of a remainder of a called 149.15 acre tract of land, described in a deed to Christopher Henry Fritz, a single person, recorded in Document No. 2017012204, O.P.R.W.C.TX., from which a 5/8-inch iron rod with a plastic cap stamped "BRYAN TECH SERVICES" found, for the northeast corner of said 2.00 acre tract bears N 07°49'03" E, a distance of 53.26 feet;

THENCE, with the existing north right-of-way line of said C.R. 404, the following two (2) courses and distances:

S 82°10'57" E, a distance of 117.25 feet to a calculated point, for the southwest corner of said 75 acre tract, same being the southeast corner of said remainder of a called 149.15 acre tract, and

S 82°23'06" E, a distance of 780.52 feet to a 5/8-inch iron rod with an aluminum cap stamped "WILLIAMSON COUNTY" (Surface Coordinates: N=10,170,978.90, E=3,205,709.62) set 71.75 feet left of C.R. 404 E.C.S. 237+28.17 on the proposed west right-of-way line of C.R. 404, for the southwest corner and the **POINT OF BEGINNING** of the parcel described herein;

THENCE, departing the existing north right-of-way line of said C.R. 404, with the proposed west right-of-way line of said C.R. 404, over and across said 75 acre tract, the following three (3) courses and distances numbered 1-3:

- 1) N 07°27'37" E, a distance of 502.97 feet to a 5/8-inch iron rod with an aluminum cap stamped "WILLIAMSON COUNTY" set 574.71 feet left of C.R. 404 E.C.S. 237+24.96, for an angle corner of the parcel described herein, said point being the beginning of a curve to the right,
- 2) With said curve to the right, an arc distance of 121.34 feet, through a central angle 02°20'13", having a radius of 2,975.00 feet, and a chord that bears N 08°37'43" E, a distance of 121.33 feet to a 5/8-inch iron rod with an aluminum cap stamped "WILLIAMSON COUNTY" set 696.03 feet left of C.R. 404 E.C.S. 237+26.65, for the northwest corner of the parcel described herein, and

EXHIBIT "A"

County: Williamson
Parcel No.: 11
Highway: C.R. 401/404
Limits: From: FM 973
To: Intersection of US 79

Page 2 of 6
August 6, 2021

- 3) N 32°19'03" E, a distance of 50.24 feet to a 5/8-inch iron rod with an aluminum cap stamped "WILLIAMSON COUNTY" set 741.75 feet left of C.R. 404 E.C.S. 237+47.48 on the existing west right-of-way line of Farm to Market Road 973 (F.M. 973), a 200 foot wide right-of-way, as depicted in CSJ No. 2295-01-007, dated 1992, described in Volume 1745, Page 823, D.R.W.C.TX., for the northeast corner of the parcel described herein, said point being the beginning of a curve to the left, from which a 1/2-inch iron rod found on the existing west right-of-way line of said F.M. 973 bears with a curve to the right, an arc distance of 1,744.39 feet, through a central angle 33°42'40", having a radius of 2,964.79 feet, and a chord bearing N 27°35'47" E, a distance of 1,719.34 feet;

THENCE, departing the proposed west right-of-way line of said C.R. 404, with the existing west right-of-way line of said F.M. 973, the following two (2) courses and distances numbered 4-5:

- 4) With said curve to the left, an arc distance of 170.40 feet, through a central angle 03°17'35", having a radius of 2,964.79 feet, and a chord that bears S 09°05'40" W, a distance of 170.38 feet to a Type I concrete monument found broken, for an angle corner of the parcel described herein, and
- 5) S 07°26'52" W, a distance of 499.60 feet to a calculated point on the existing north right-of-way line of said C.R. 404, for the southeast corner of said 75 acre tract and the parcel described herein;

INTENTIONALLY LEFT BLANK

EXHIBIT "A"

County: Williamson
Parcel No.: 11
Highway: C.R. 401/404
Limits: From: FM 973

Page 3 of 6
August 6, 2021

6) **THENCE** N 82°23'06" W, departing the existing west right-of-way line of said F.M. 973, with the existing north right-of-way line of said C.R. 404, passing at a distance of 0.88 feet a Texas Department of Transportation (TXDOT) Type II bronze disk in concrete found and continuing for a total distance of 18.84 feet to the **POINT OF BEGINNING**, and containing 0.279 acres (12,156 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.

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

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.

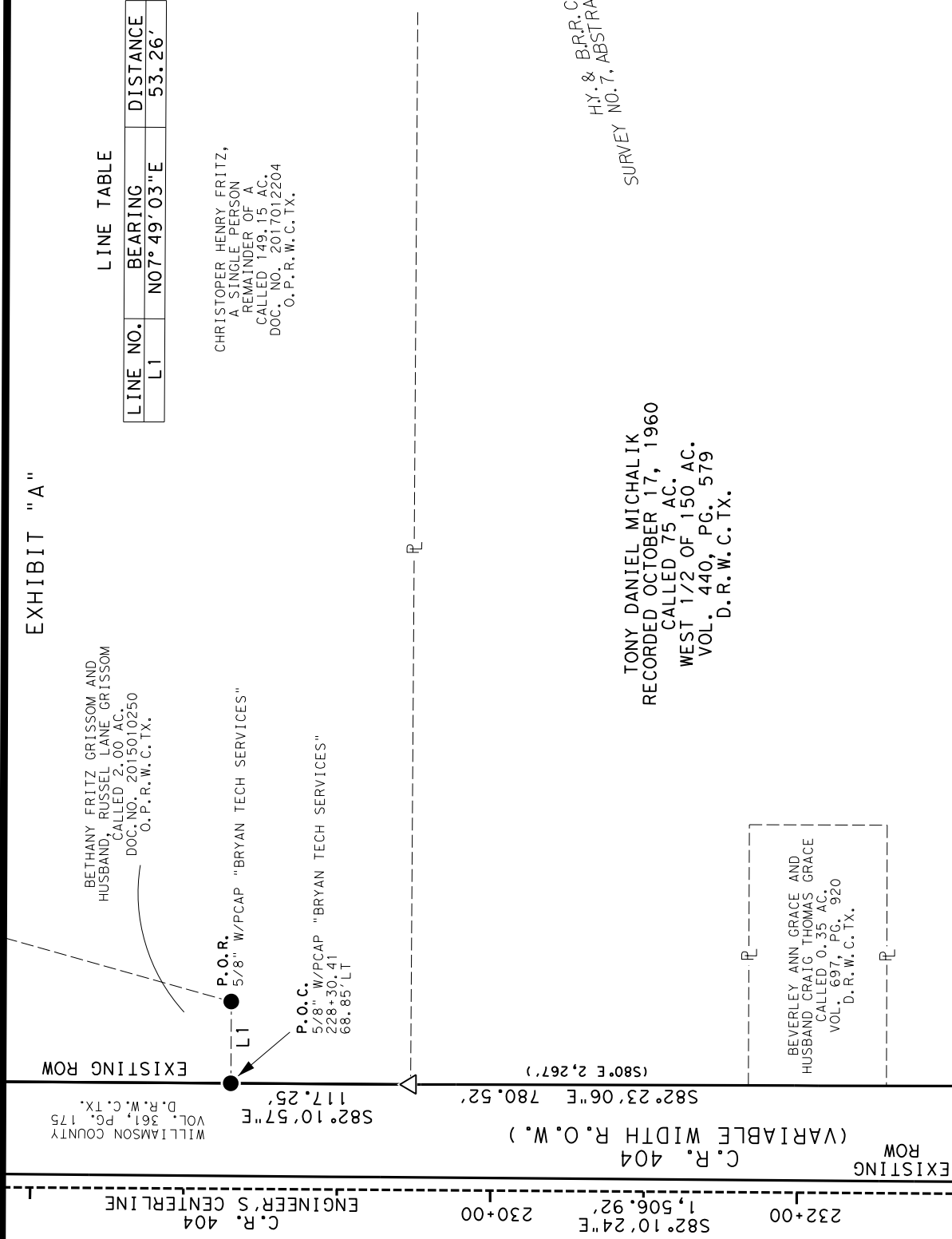
WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, on the date shown below.

Preliminary

SURVEYING AND MAPPING, LLC
4801 Southwest Pkwy
Building Two, Suite 100
Austin, Texas 78735
TX. Firm No. 10064300

08/06/2021 3:01:20 PM
 Scott C. Brashear Date
 Registered Professional Land Surveyor
 No. 6660 – State of Texas

EXHIBIT "A"



LINE TABLE

LINE NO.	BEARING	DISTANCE
L1	N07°49'03"E	53.26'

CHRISTOPHER HENRY FRITZ,
A SINGLE PERSON
REMAINDER OF A
CALLED 149.15 AC.
DOC. NO. 2017012204
O.P.R. W. C. TX.

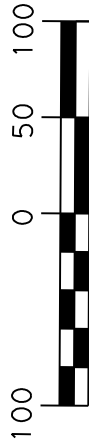
HY. & B.R.R. CO. NO. 315
SURVEY NO. 7. ABSTRACT

TONY DANIEL MICHALIK
RECORDED OCTOBER 17, 1960
CALLED 75 AC.
WEST 1/2 OF 150 AC.
VOL. 440, PG. 579
D.R. W. C. TX.

BEVERLEY ANN GRACE AND
HUSBAND CRAIG THOMAS GRACE
CALLED 0.35 AC.
VOL. 697, PG. 920
D.R. W. C. TX.

MATCH SHEET 5 OF 6

FILE: \\saminc\AUS\PROJECTS\1020058261B\100\Survey\03Exhibits\11\PLAT\00\p-11_1.dgn
PAGE 4 OF 6
REF. FIELD NOTE NO. 48935



GRAPHIC SCALE
SCALE: 1" = 100'
WILLIAMSON COUNTY, TEXAS

EXISTING	75.000 AC.	ACQUIRE	0.279 AC.	REMAINING	74.721 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
TONY DANIEL MICHALIK
PARCEL 11
0.279 AC. (12,156 SQ. FT.)

MATCH SHEET 4 OF 6

NO.	DELTA	RADIUS	LENGTH	CHORD	CHORD BEARING
C1	02° 20' 13" RT	2, 975.00'	121.34'	121.33'	N08° 37' 43"E
C2	33° 42' 40" RT	2, 964.79'	1, 744.39'	719.34'	N27° 35' 47"E
(C2)		(2, 964.79')	(1, 441.23')	(1, 427.08')	(N22° 48' 34"E)
C3	03° 17' 35" LT	2, 964.79'	170.40'	170.38'	S09° 05' 40"W

LINE NO.	BEARING	DISTANCE
L2	N32° 19' 03"E	50.24'
L3	N82° 23' 06"W	18.84'

SURVEY NO. 7, ABSTRACT
HY. & B.R.R. CO NO. 315



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

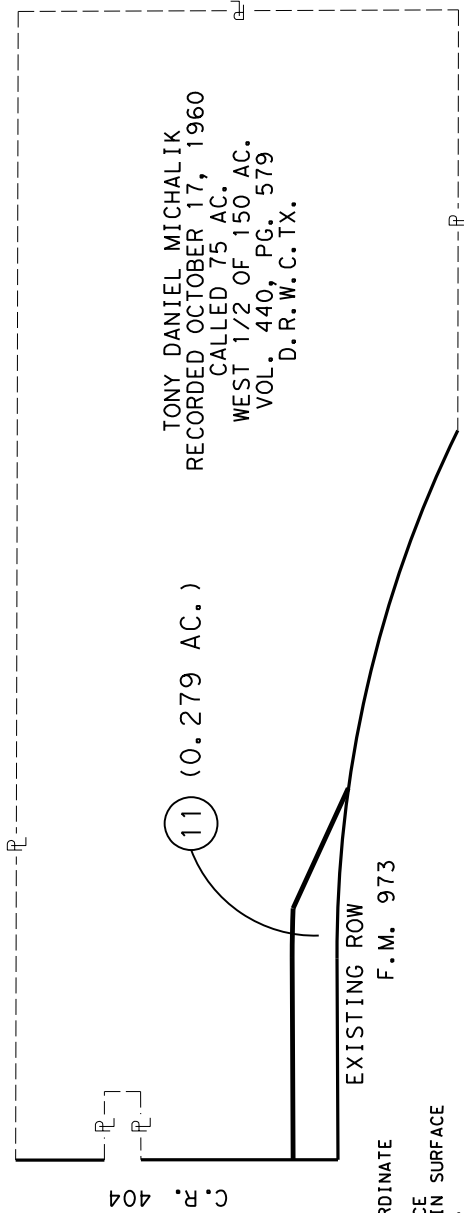
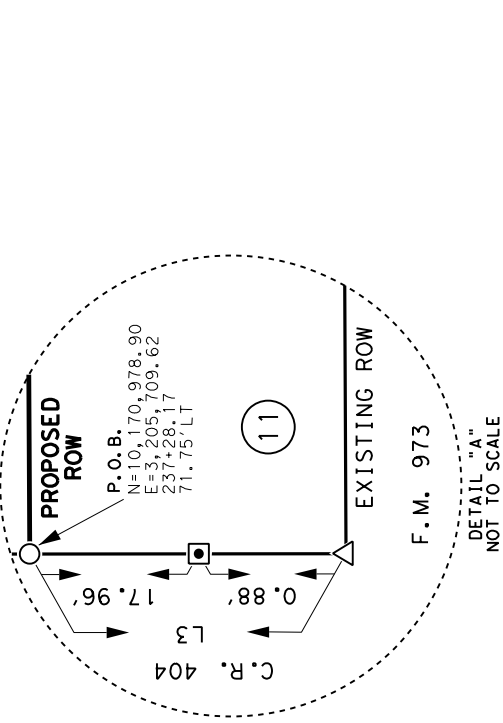
SAIKTM

RIGHT-OF-WAY SKETCH
SHOWING PROPERTY OF
TONY DANIEL MICHALIK
PARCEL 11
0.279 AC. (12,156 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
- ⊕ MAGNAIL FOUND
- ⊗ SPINDLE FOUND
- ✕ RAILROAD TIE
- △ CALCULATED POINT
- ℙ PROPERTY LINE
- () RECORD INFORMATION
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCING
- P.O.R. POINT OF REFERENCE
- N.T.S. NOT TO SCALE
- D.R.W.C.TX. DEED RECORDS OF WILLIAMSON COUNTY, TEXAS
- O.R.W.C.TX. OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS
- O.P.R.W.C.TX. OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS
- DISTANCE NOT TO SCALE
- DEED LINE (COMMON OWNERSHIP)

EXHIBIT "A"



NOTES:

- 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.
- THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF TITLE REPORT, THERE MAY BE EASEMENTS OR OTHER MATTERS, RECORDED OR UNRECORDED, THAT ARE NOT SHOWN.
- C.R. 404 ENGINEER'S CENTERLINE ALIGNMENT DERIVED FROM HNTB. SCHEMATIC RECEIVED BY SAM, LLC. IN AUGUST, 2021.
- THIS PLAT IS ACCOMPANIED BY A PROPERTY DESCRIPTION OF EVEN DATE.
- * AREA CALCULATED BY SAM, LLC.

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.

Preliminary

08/06/2021 3:01:27 PM

SCOTT C. BRASHEAR
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 6660, STATE OF TEXAS

DATE

FILE: \\samin\c\PROJECTS\1020058261B\100\Survey\03Exhibit+11\PLAT\00P-11-2.dgn
REF. FIELD NOTE NO. 48935
PAGE 6 OF 6

EXISTING	75.000 AC.	ACQUIRE	0.279 AC.	REMAINING	74.721 AC.	LEFT
----------	------------	---------	-----------	-----------	------------	------

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

SAM

RIGHT-OF-WAY SKETCH
SHOWING PROPERTY OF
TONY DANIEL MICHALIK
PARCEL 11
0.279 AC. (12,156 SQ. FT.)