## 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 2.982 acres (Parcel 326) and 0.146 acres (Parcel 326D) for a drainage easement described by metes and bounds in Exhibits "A-B" owned by HEROWAY CROSSING, LLC for the purpose of constructing, reconstructing, maintaining, and operating the Hero Way/RM 2243 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

Exhibits "A-B" 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 Apr 11, 2023

Bill Gravell (Apr 11, 2023 16:53 CDT)

Bill Gravell, Jr.

Williamson County Judge

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## EXHIBIT A

**County:** Williamson

Parcel: 326 Highway: FM 2243

## METES & BOUNDS DESCRIPTION FOR PARCEL 326

METES & BOUNDS DESCRIPTION FOR A 2.982 ACRE TRACT OF LAND OUT OF THE ELIJAH D. HARMON SURVEY, ABSTRACT NO. 6, WILLIAMSON COUNTY, TEXAS; BEING A PORTION OF A 27.868 ACRE TRACT OF LAND AS CONVEYED TO HEROWAY CROSSING LLC BY SPECIAL WARRANTY DEED WITH VENDOR'S LIEN RECORDED IN DOCUMENT NUMBER 2020158793 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS; SAID 2.982 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND SHOWN ON THE ATTACHED SKETCH:

**BEGINNING** at a 1/2-inch iron rod found on the south right-of-way line of Hero Way (f/k/a County Road 269) (width varies) (no deed of record found), at the northeast corner of the above described Heroway Tract, and at the northwest corner of a called 26.931 acre tract of land described as Tract 5 as conveyed to JNK Properties 1, LTD by Contribution Deed recorded in Document Number 2021182868 of the Official Public Records of Williamson County, Texas, and being described in Document Number 2004065021 of the Official Public Records of Williamson County, Texas, for the northeast corner of the herein described tract, from which a 1/2-inch iron rod found on the south right-of-way line of said Hero Way, at the northeast corner of a called 4.377 acre tract described as Tract 2 as conveyed to The Park at Cypress Creek, LLC by Warranty Deed with Vendor's Lien recorded in Document Number 2021145415 of the Official Public Records of Williamson County, Texas, and at the northwest corner of a called 33.834 acre tract of land described as Tract 1 as conveyed to JNK Properties 1, LTD. by Contribution Deed recorded in Document Number 2021182868 of the Official Public Records of Williamson County, Texas, and described in Document Number 2024028572 of the Official Public Records of Williamson County, Texas, bears N 69°02'16" E a distance of 1,103.77 feet;

THENCE, departing the south right-of-way line of said Hero Way, with the east line of said Heroway Tract and the west line of said JNK Tract 5, S 21°12'00" E a distance of 259.44 feet to a 1/2-inch iron rod with cap stamped "WILCO ROW 5777" (NAD-83, Central Zone Grid Coordinates: N: 10,187,595.42, E: 3,085,952.58) set for the southeast corner of the herein described tract, 201.00 feet right of FM 2243 baseline station 147+31.92, from which a 1/2-inch iron rod found at the southeast corner of said Heroway Tract, and at the southwest corner of said JNK Tract 5, bears S 21°12'00" E a distance of 1,846.49 feet;

THENCE, departing the west line of said JNK Tract 5, over and across said Heroway Tract, S 75°22'22" W a distance of 580.14 feet to a 1/2-inch iron rod with cap stamped "WILCO ROW 5777" set on the west line of said Heroway Tract and the east line of a called 19.95 acre tract of land described as Tract 7 as conveyed to JNK Properties 1, LTD. by Contribution Deed recorded in Document Number 2021182868 of the Official Public Records of Williamson County, Texas, and being described in Document Number 2004073628 of the Official Public Records of Williamson County, Texas, for the southwest corner of the herein described tract, 201.00 feet right of FM 2243 baseline station 141+51.78, from which a 1/2-inch iron rod with cap stamped "WATSON" found at the southwest corner of said Heroway Tract, and at the southeast corner of said JNK Tract 7, bears S 21°10'49" E a distance of 1,913.96 feet

THENCE, with the west line of said Heroway Tract and the east line of said JNK Tract 7, N 21°10'49" W a distance of 191.29 feet to a 3/8-inch iron rod found on the south right-of-way line of said Hero Way at the northwest corner of said Heroway Tract and at the northeast corner of said JNK Tract 7, for the northwest corner of the herein described tract, from which a 1/2-inch iron rod found on the south right-of-way line of said Hero Way at the northwest corner of said JNK Tract 7 and at the northeast corner of a called 19.9973 acre tract of land as conveyed to JNK Properties 1, LTD. by Contribution Deed recorded in Document Number 2021182868 of the Official Public Records of Williamson County, Texas, and being described in Document Number 2004073246 of the Official Public Records of Williamson County, Texas, bears S 68°44'21" W a distance of 412.71 feet;

THENCE, with the south right-of-way line of said Hero Way and the north line of said Heroway Tract, N 68°37'36" E a distance of 576.26 feet to the **POINT OF BEGINNING** and containing 2.982 acres (129,875 square feet) of land, more or less.

Bearing orientation is based on the Texas State Plane Coordinate System NAD-83, Central Zone 4203. All distances are surface and may be converted to grid by dividing by a scale factor of 1.00012.

I hereby certify that these notes were prepared by BGE from a survey made on the ground under my supervision on May 12, 2022 and are true and correct to the best of my knowledge. A sketch accompanies this description.

11/04/2022

Date

Jonathan O. Nobles RPLS Number 5777

BGE, Inc.

101 West Louis Henna Blvd., Suite 400

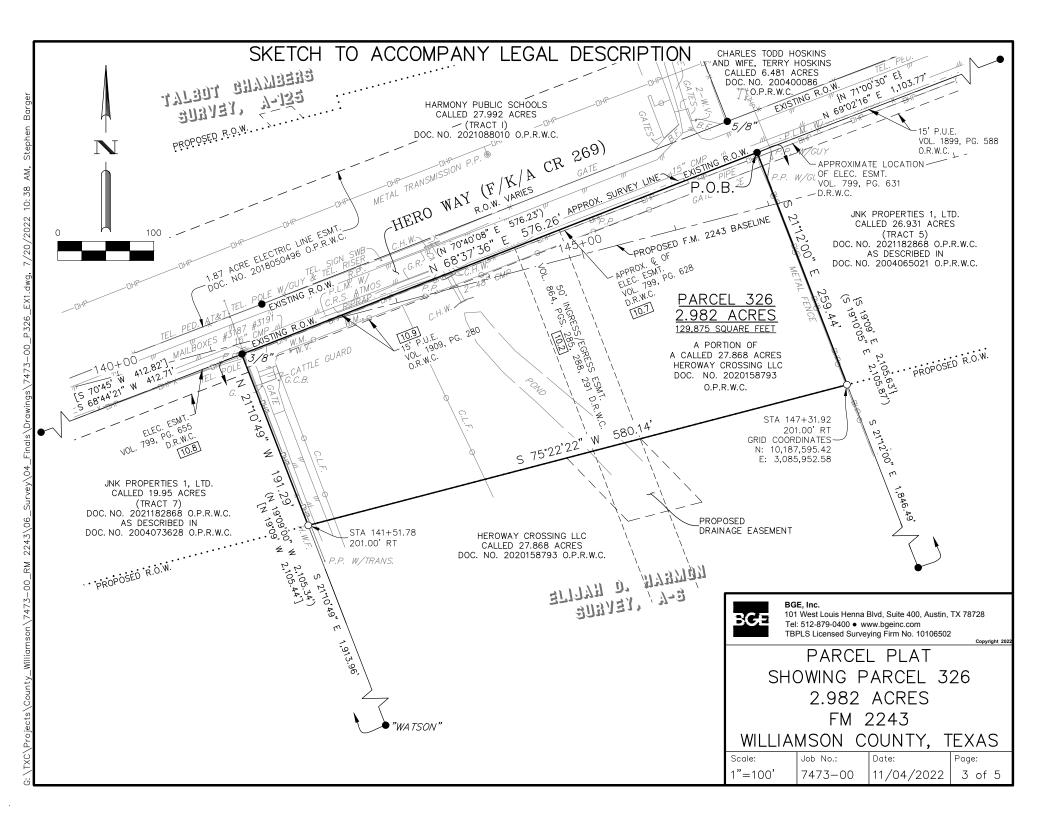
Austin, TX 78728

Telephone: 512-879-0400

TBPELS Licensed Surveying Firm Number 10106502

Client: Williamson County
Date: November 4, 2022

Project Number: 7473-00



### LEGEND

B.F. BOARD FENCE
C.H.W. CONCRETE HEADWALL
C.L.F. CHAIN LINK FENCE

CMP CORRUGATED METAL PIPE C.R.S. CATHODIC READING STATION

DOC. DOCUMENT
ELEC. ELECTRIC
ESMT. EASEMENT
F.P. FENCE POST

G.C.B. GATE CONTROL BOX

G.P. GATE POST G.R. GUARD RAIL H.W.F. HOG WIRE FENCE

NO. NUMBER

O.P.R.W.C. OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY

PED. PEDESTAL

P.L.M. PIPELINE MARKER
P.P. POWER POLE
R.O.W. RIGHT-OF-WAY
R.P. REFLECTOR POST
TEL. TELEPHONE
TRANS. TRANSFORMER

U.C.M. UNDERGROUND CABLE MARKER

W.M. WATER METER W.V. WATER VALVE

( ) RECORD INFO FOR DOC. NO. 2020158793 O.P.R.W.C. RECORD INFO FOR DOC. NO. 2004073628 O.P.R.W.C. RECORD INFO FOR DOC. NO. 2004065021 O.P.R.W.C. FOUND 1/2" IRON ROD (UNLESS OTHERWISE NOTED) SET 1/2" IRON ROD W/CAP "WILCO ROW 5777"

WIRE FENCE

 METAL FENCE

 OVERHEAD TELEPHONE

OVERHEAD POWER

BDGE OF ASPHALT

#### GENERAL NOTES:

- BEARING ORIENTATION IS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE 4203, NAD83. DISTANCES SHOWN HEREON ARE IN SURFACE AND CAN BE CONVERTED TO GRID BY DIVIDING BY THE COMBINED SCALE FACTOR = 1.00012
- 2. A METES AND BOUNDS DESCRIPTION OF EVEN DATE WAS PREPARED IN CONJUNCTION WITH THIS SKETCH.
- 3. THIS PARCEL PLAT WAS MADE IN RELIANCE UPON THAT CERTAIN COMMITMENT FOR TITLE INSURANCE ISSUED BY TITLE RESOURCES GUARANTY COMPANY AND TEXAS NATIONAL TITLE, INC. UNDER G.F. NO. T-166330, DATED EFFECTIVE AUGUST 18, 2022J AND ISSUED ON AUGUST 30, 2022.



BGE, Inc.

101 West Louis Henna Blvd, Suite 400, Austin, TX 78728 Tel: 512-879-0400 ● www.bgeinc.com TBPLS Licensed Surveying Firm No. 10106502

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PARCEL PLAT SHOWING PARCEL 326 2.982 ACRES FM 2243

WILLIAMSON COUNTY, TEXAS

Scale: Job No.: 7473-00

Date: 11/04/2022

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#### RESTRICTIVE COVENANT AND EASEMENT NOTES:

- 1. RESTRICTIVE COVENANTS OF RECORD ITEMIZED IN VOLUME 653, PAGE 614, DEED RECORDS OF WILLIAMSON COUNTY, TEXAS, <u>DO AFFECT</u> THE SUBJECT TRACT.
- 10.2. INGRESS/EGRESS EASEMENT AS SET OUT IN VOLUME 864, PAGE 291 OF THE DEED RECORDS OF WILLIAMSON COUNTY, TEXAS, <u>DOES AFFECT</u> THE SUBJECT TRACT, AS SHOWN HEREON.
- 10.3. ELECTRIC EASEMENT RIGHTS AS RESERVED IN VOLUME 653, PAGE 614 OF THE DEED RECORDS OF WILLIAMSON COUNTY, TEXAS, <u>DOES AFFECT</u> THE SUBJECT TRACT. (NOT PLOTTABLE)
- 10.4. A CHANNEL EASEMENT GRANTED TO THE STATE OF TEXAS AS DESCRIBED IN VOLUME 409, PAGE 383 OF THE DEED RECORDS OF WILLIAMSON COUNTY, TEXAS, DOES NOT THE SUBJECT TRACT.
- 10.5. A WATER LINE EASEMENT GRANTED TO BRUSHY CREEK WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 AS DESCRIBED IN VOLUME 438, PAGE 522 OF THE DEED RECORDS OF WILLIAMSON COUNTY, TEXAS, <u>DOES NOT AFFECT</u> THE SUBJECT TRACT.
- 10.6. AN ELECTRIC TRANSMISSION AND/OR DISTRIBUTION LINE EASEMENT GRANTED TO PEDERNALES ELECTRIC COOPERATIVE, INC. AS DESCRIBED IN VOLUME 516, PAGE 358 OF THE DEED RECORDS OF WILLIAMSON COUNTY, TEXAS, <u>DOES NOT AFFECT</u> THE SUBJECT TRACT.
- 10.7. AN ELECTRIC TRANSMISSION AND/OR DISTRIBUTION LINE EASEMENT GRANTED TO PEDERNALES ELECTRIC COOPERATIVE, INC. AS DESCRIBED IN VOLUME 799, PAGE 628 OF THE DEED RECORDS OF WILLIAMSON COUNTY, TEXAS, <u>DOES AFFECT</u> THE SUBJECT TRACT, AS SHOWN HEREON.
- 10.8. AN ELECTRIC TRANSMISSION AND/OR DISTRIBUTION LINE EASEMENT GRANTED TO PEDERNALES ELECTRIC COOPERATIVE, INC. AS DESCRIBED IN VOLUME 799, PAGE 655 OF THE DEED RECORDS OF WILLIAMSON COUNTY, TEXAS, <u>DOES NOT AFFECT</u> THE SUBJECT TRACT, AS SHOWN HEREON.
- 10.9. A PUBLIC UTILITY EASEMENT GRANTED TO THE CITY OF LEANDER AS DESCRIBED IN VOLUME 1909, PAGE 280 OF THE OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS, <u>DOES AFFECT</u> THE SUBJECT TRACT, AS SHOWN HEREON.
- 10.13. ALL TERMS, CONDITIONS AND PROVISIONS OF THAT CERTAIN DEVELOPMENT AGREEMENT OF RECORD IN DOCUMENT NO. 2010083090 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS, <u>DO AFFECT</u> THE SUBJECT TRACT.

I hereby certify that this survey was made on the ground by BGE, Inc. under my supervision on May 12, 2022 and is true and correct to the best of my knowledge. The property has access to a public roadway and there are no visible encroachments, except as shown hereon.



11/04/2022

JONATHAN O. NOBLES RPLS NO. 5777 BGE, INC.

101 WEST LOUIS HENNA BLVD., SUITE 400 AUSTIN, TEXAS 78728

TELEPHONE: (512) 879-0400



BGE, Inc.

101 West Louis Henna Blvd, Suite 400, Austin, TX 78728
Tel: 512-879-0400 ● www.bgeinc.com
TBPLS Licensed Surveying Firm No. 10106502

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PARCEL PLAT SHOWING PARCEL 326 2.982 ACRES FM 2243

WILLIAMSON COUNTY, TEXAS

Scale: Job No.: 7473-00

Date: 11/04/2022

Page: 2 5 of 5

# EXHIBIT B

County: Williamson Parcel: 326D Highway: FM 2243

## METES & BOUNDS DESCRIPTION FOR EASEMENT PARCEL 326D

METES & BOUNDS DESCRIPTION FOR A 0.146 ACRE TRACT OF LAND OUT OF THE ELIJAH D. HARMON SURVEY, ABSTRACT NO. 6, WILLIAMSON COUNTY, TEXAS; BEING A PORTION OF A CALLED 27.868 ACRE TRACT OF LAND AS CONVEYED TO HEROWAY CROSSING LLC BY SPECIAL WARRANTY DEED WITH VENDOR'S LIEN RECORDED IN DOCUMENT NUMBER 2020158793 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS; SAID 0.146 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND SHOWN ON THE ATTACHED SKETCH:

**COMMENCING for POINT OF REFERENCE** at a 1/2-inch iron rod found on the south right-of-way line of Hero Way (f/k/a County Road 269) (width varies) (no deed of record found), at the northeast corner of the above described Heroway Tract, and at the northwest corner of a called 26.931 acre tract of land described as Tract 5 as conveyed to JNK Properties 1, LTD. by Contribution Deed recorded in Document Number 2021182868 of the Official Public Records of Williamson County, Texas, and being described in Document Number 2004065021 of the Official Public Records of Williamson County, Texas, from which a 1/2-inch iron rod found on the south right-of-way line of said Hero Way, at the northeast corner of a called 4.377 acre tract described as Tract 2 as conveyed to The Park at Cypress Creek, LLC by Warranty Deed with Vendor's Lien recorded in Document Number 2021145415 of the Official Public Records of Williamson County, Texas, and at the northwest corner of a called 33.834 acre tract of land described as Tract 1 as conveyed to JNK Properties 1, LTD. by Contribution Deed recorded in Document Number 2021182868 of the Official Public Records of Williamson County, Texas, and described in Document Number 2004028572 of the Official Public Records of Williamson County, Texas, bears N 69°02'16" E a distance of 1,103.77 feet, and also from which a 1/2-inch iron rod found at the southeast corner of said Heroway Tract, and at the southwest corner of said JNK Tract 5, bears S 21°12'00" E a distance of 2,105.93 feet; Thence, departing the south right-of-way line of said Hero Way, over and across said Heroway Tract, S 22°08'49" W a distance of 321.76 feet to a calculated point (NAD-83, Central Zone Grid Coordinates: N: 10,187,539.29, E: 3,085,737.48) for the northeast corner and POINT OF BEGINNING of the herein described tract, 201.00 feet right of FM 2243 baseline station 145+09.60;

THENCE, continuing over and across said Heroway Tract, S 44°08'24" E a distance of 91.93 feet to a calculated point for the southeast corner of the herein described tract;

THENCE, continuing over and across said Heroway Tract, S 75°22'22" W a distance of 79.47 feet to a calculated point for the southwest corner of the herein described tract, from which a 1/2-inch iron rod with cap stamped "WATSON" found at the southwest corner of said Heroway Tract, and at the southeast corner of a called 19.95 acre tract of land described as Tract 7 as conveyed to JNK Properties 1, LTD. by Contribution Deed recorded in Document Number 2021182868 of the Official Public Records of Williamson County, Texas, and being described in Document Number 2004073628 of the Official Public Records of Williamson County, Texas, bears S 11°19'18" E a distance of 1,824.49 feet;

THENCE, continuing over and across said Heroway Tract, N 44°08'24" W a distance of 91.93 feet to a calculated point for the northwest corner of the herein described tract;

THENCE, continuing over and across said Heroway Tract, N 75°22'22" E a distance of 79.47 feet to the **POINT OF BEGINNING** and containing 0.146 acre (6,358 square feet) of land, more or less.

Bearing orientation is based on the Texas State Plane Coordinate System NAD-83, Central Zone 4203. All distances are surface and may be converted to grid by dividing by a scale factor of 1.00012.

I hereby certify that these notes were prepared by BGE from a survey made on the ground under my supervision on May 12, 2022 and are true and correct to the best of my knowledge. A sketch accompanies this description.

Date

Jonathan O. Nobles RPLS Number 5777

BGE, Inc.

101 West Louis Henna Blvd., Suite 400

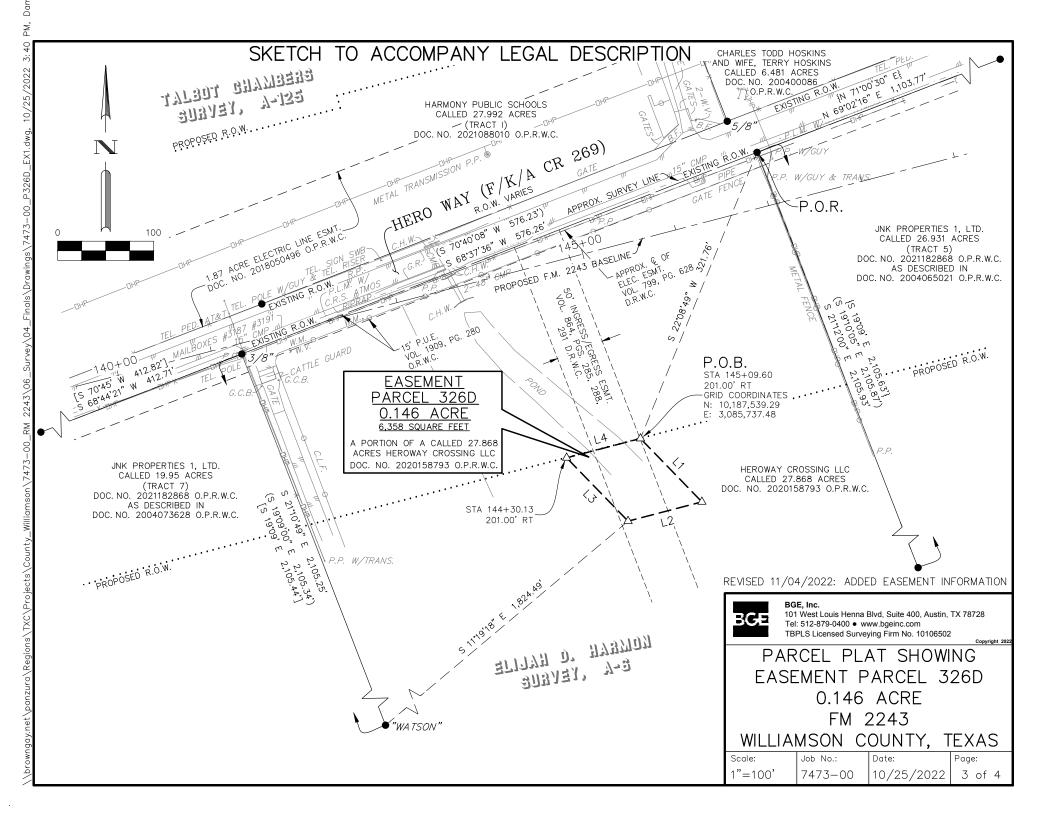
Austin, TX 78728

Telephone: 512-879-0400

TBPELS Licensed Surveying Firm Number 10106502

Client: Williamson County
Date: October 25, 2022
Revised: November 4, 2022

Project Number: 7473-00



Вα

## <u>LEGEND</u>

B.F. BOARD FENCE
C.H.W. CONCRETE HEADWALL
C.L.F. CHAIN LINK FENCE

CMP CORRUGATED METAL PIPE C.R.S. CATHODIC READING STATION

DOC. DOCUMENT
ELEC. ELECTRIC
ESMT. EASEMENT
F.P. FENCE POST

G.C.B. GATE CONTROL BOX

G.P. GATE POST G.R. GUARD RAIL H.W.F. HOG WIRE FENCE

NO. NUMBER

O.P.R.W.C. OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY

PED. PEDESTAL

P.L.M. PIPELINE MARKER
P.O.B. POINT OF BEGINNING
P.O.R. POINT OF REFERENCE

P.P. POWER POLE
R.O.W. RIGHT-OF-WAY
R.P. REFLECTOR POST
TEL. TELEPHONE
TRANS. TRANSFORMER

U.C.M. UNDERGROUND CABLE MARKER

W.M. WATER METER W.V. WATER VALVE

( ) RECORD INFO FOR DOC. NO. 2020158793 O.P.R.W.C. RECORD INFO FOR DOC. NO. 2004073628 O.P.R.W.C. RECORD INFO FOR DOC. NO. 2004065021 O.P.R.W.C. FOUND 1/2" IRON ROD (UNLESS OTHERWISE NOTED)

△ CALCULATED POINT

---×--- WIRE FENCE ----- METAL FENCE

OVERHEAD TELEPHONE
OVERHEAD POWER
EDGE OF ASPHALT

## **GENERAL NOTES:**

- 1. BEARING ORIENTATION IS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE 4203, NAD83. DISTANCES SHOWN HEREON ARE IN SURFACE AND CAN BE CONVERTED TO GRID BY DIVIDING BY THE COMBINED SCALE FACTOR = 1.00012
- 2. A METES AND BOUNDS DESCRIPTION OF EVEN DATE WAS PREPARED IN CONJUNCTION WITH THIS SKETCH.
- 3. NO TITLE COMMITMENT WAS PROVIDED AND THE SURVEYOR DID NOT ABSTRACT THE PROPERTY FOR RECORD INSTRUMENTS THAT MAY AFFECT, RESTRICT, OR OTHERWISE ENCUMBER THE SUBJECT TRACT.

LINE TABLE		
NUMBER	BEARING	DISTANCE
L1	S 44°08'24" E	91.93'
L2	S 75°22'22" W	79.47'
L3	N 44°08'24" W	91.93'
L4	N 75°22'22" E	79.47'

REVISED 11/04/2022: ADDED EASEMENT INFORMATION



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TBPLS Licensed Surveying Firm No. 10106502

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PARCEL PLAT SHOWING EASEMENT PARCEL 326D 0.146 ACRE FM 2243

WILLIAMSON COUNTY, TEXAS
cale: Job No.: Date: Page:

Scale: Job No.: Date: 1"=100' 7473-00 10/25/2022