## 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 public safety, facilitate the safety and movement of traffic, and preserve the financial investment of the public in its roadways, public necessity requires the acquisition of fee simple title to that certain tract of land being 2.801 acres (Parcel 320), and 1.154 acres for an electric easement (Parcel 320E), both of which are described by metes and bounds in Exhibits "A & B" which are attached hereto and incorporated herein, and owned by HERO WAY CAPITAL, LLC for the purpose of constructing, reconstructing, maintaining, and operating the Hero Way/RM 2243 roadway improvements ("Project"), excluding all the oil, gas, and sulfur which can be removed from beneath said real property, without any right whatever remaining to the owner of such oil, gas, and sulfur 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, 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 Oct 19, 2023

**Risk States 4.**ill Gravell Jr. (Oct 19, 2023 10:26 CDT)

Bill Gravell, Jr.

Williamson County Judge

2

# EXHIBIT A

**County:** Williamson

Parcel: 320 Highway: FM 2243

## METES & BOUNDS DESCRIPTION FOR PARCEL 320

METES & BOUNDS DESCRIPTION FOR A 2.801 ACRE TRACT OF LAND OUT OF THE TALBOT CHAMBERS SURVEY, ABSTRACT NO. 125, WILLIAMSON COUNTY, TEXAS; BEING A PORTION OF A CALLED 41.56 ACRE TRACT OF LAND AS CONVEYED TO HERO WAY CAPITAL, LLC. BY SPECIAL WARRANTY DEED WITH VENDOR'S LIEN RECORDED IN DOCUMENT NUMBER 2021121563 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS; SAID 2.801 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 north right-of-way line of Hero Way (f/k/a County Road 269) (width varies) (no deed of record found), at the southeast corner of the above described Hero Way Capital Tract, and at the southwest corner of a called 4.411 acre tract of land described as Tract III as conveyed to Stella Carter (LE) by Substitute Trustee's Deed recorded in Volume 2059, Page 702 of the Official Records of Williamson County, Texas, affected by Special Warranty Deed (Lady Bird Deed Retaining Enhanced Life Estate) recorded in Document Number 2022028373 of the Official Public Records of Williamson County, Texas, and described in Volume 894, Page 532 of the Deed Records of Williamson County, Texas, for the southeast corner and **POINT OF BEGINNING** of the herein described tract, from which a found 5/8-inch iron rod with cap stamped "SAM Inc" bears S 14°43'02" E a distance of 0.78 feet, and from which a 1/2-inch iron rod found at the southeast corner of said Carter Tract bears N 69°33'50" E a distance of 60.09 feet;

THENCE, with the north right-of-way line of said Hero Way and the south line of said Hero Way Capital Tract, S 68°45′55″ W, pass a 1/2-inch iron rod with cap stamped "Forest RPLS 1847" found at a distance of 411.02 feet, and continuing on for a total distance of 497.87 feet to a 5/8-inch iron rod with cap stamped "SAM INC" found on the east line of a called 101 acre tract of land as conveyed to Emogene M. Champion, as trustee of the Albert R. Champion Exception Equivalent Trust by Executrix's Special Warranty Deed recorded in Document Number 2008083902 of the Official Public Records of Williamson County, Texas, at the southwest corner of said Hero Way Capital Tract, for the southwest corner of the herein described tract, from which a 3/4-inch iron rod found on the south right-of-way line of said Hero Way bears S 21°30′12" E a distance of 58.68 feet;

THENCE, with the west line of said Hero Way Capital Tract and the east line of said Champion Tract, N 21°28'57" W a distance of 264.35 feet to a 1/2-inch iron rod with cap stamped "WILCO ROW 5777" (NAD-83, Central Zone Grid Coordinates: N: 10,187,616.19, E: 3,084,445.78) set for the northwest corner of the herein described tract, 199.64 feet left of FM 2243 baseline station 132+79.03, from which a found 1/2-inch iron rod bears N 21°28'57" W a distance of 281.24 feet;

THENCE, over and across said Hero Way Capital Tract, N 72°01'12" E a distance of 194.21 feet to a 1/2-inch iron rod with cap stamped "WILCO ROW 5777" set for an angle point, 211.00 feet left of FM 2243 baseline station 134+72.91;

THENCE, continuing over and across said Hero Way Capital Tract, N 75°22'23" E a distance of 308.03 feet to a 1/2-inch iron rod with cap stamped "WILCO ROW 5777" set on the east line of said Hero Way Capital Tract and the west line of said Carter Tract, for the northeast corner of the herein described tract, 211.00 feet left of FM 2243 baseline station 137+80.94, from which a 1/2-inch iron rod with cap stamped "Forest RPLS 1847" found on the line common to said Hero Way Capital Tract and said Carter Tract, bears N 21°00'26" W a distance of 353.07 feet;

THENCE, with the east line of said Hero Way Capital Tract and the west line of said Carter Tract, S 21°00′26″ E a distance of 217.88 feet to the **POINT OF BEGINNING** and containing 2.801 acres (122,032 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.

08/03/2023

Date

Jonathan O. Nobles RPLS Number 5777

BGE, Inc.

101 West Louis Henna Blvd., Suite 400

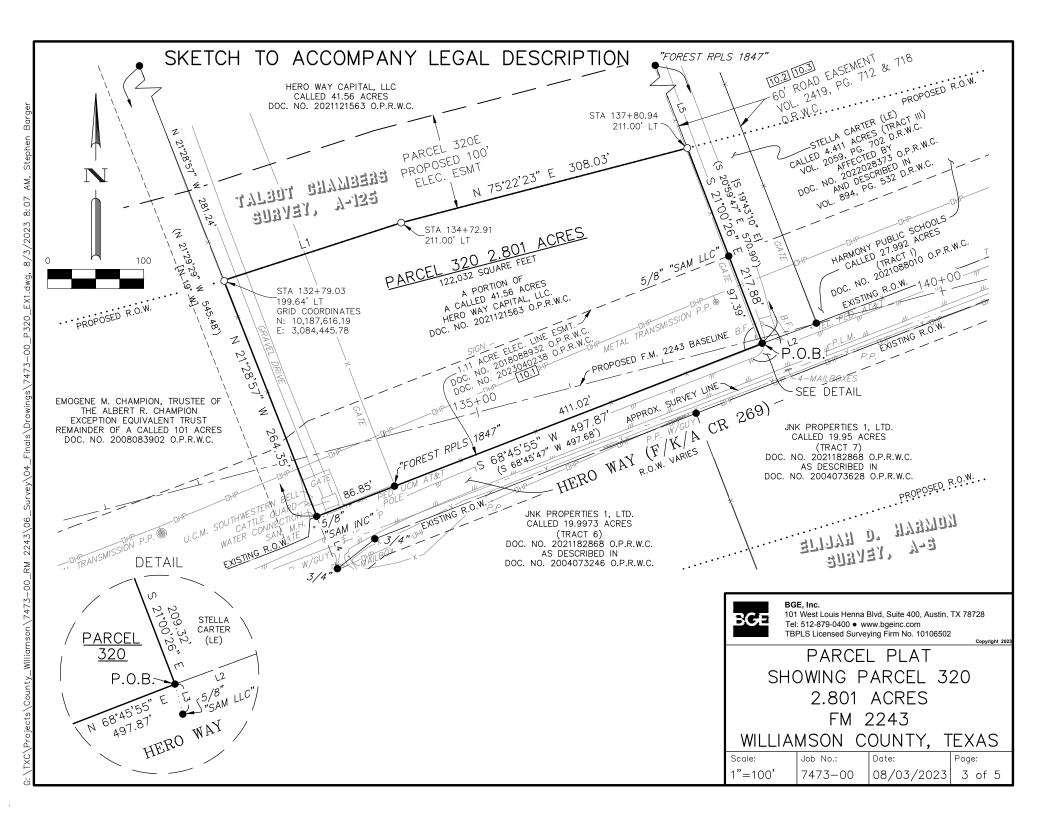
Austin, TX 78728

Telephone: 512-879-0400

TBPELS Licensed Surveying Firm Number 10106502

Client: Williamson County
Date: August 3, 2023

Project Number: 7473-00



#### LEGEND

B.F. BOARD FENCE

CMP CORRUGATED METAL PIPE

ELEC. ELECTRIC ESMT. EASEMENT DOC. DOCUMENT

D.R.W.C. DEED RECORDS OF WILLIAMSON COUNTY

LE LIFE ESTATE M.H. MANHOLE NO. NUMBER

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

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

PED. PEDESTAL PG. PAGE

P.O.B. POINT OF BEGINNING

P.P. POWER POLE
R.O.W. RIGHT-OF-WAY
SAN. SANITARY
TEL. TELEPHONE

U.C.M. UNDERGROUND CABLE MARKER

VOL. VOLUME
W.M. WATER METER
W.V. WATER VALVE

) RECORD INFO FOR DOC. NO. 2021121563 O.P.R.W.C. RECORD INFO FOR DOC. NO 2008083902 O.P.R.W.C. RECORD INFO FOR VOL. 894, PG. 532 D.R.W.C. FOUND 1/2" IRON ROD (UNLESS OTHERWISE NOTED) SET 1/2" IRON ROD W/CAP "WILCO ROW 5777"

O SET 1/2" IRON ROD W/C  $\triangle$  CALCULATED POINT

──X
 ──WIRE FENCE
 METAL FENCE
 OVERHEAD TELEPHONE

OVERHEAD POWER
EDGE OF ASPHALT
10.3 SCHEDULE B ITEM

LINE TABLE NUMBER BEARING DISTANCE L1 N 72°01'12" E 194.21 L2 N 69°33'50" E 60.09 L3 S 14°43'02" E 0.78 L4 S 21°30'12" E 58.68' N 21°00'26" W L5 353.07

BGE

1"=100'

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 320
2.801 ACRES
FM 2243

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

08/03/2023 4 of 5

7473-00

#### 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. THIS PARCEL PLAT WAS MADE IN RELIANCE UPON THAT CERTAIN COMMITMENT FOR TITLE INSURANCE ISSUED BY FIRST AMERICAN TITLE GUARANTY COMPANY AND TEXAS NATIONAL TITLE, INC. UNDER G.F. NO. T-157577, DATED EFFECTIVE MAY 22, 2023 AND ISSUED ON MAY 30, 2023.

#### RESTRICTIVE COVENANT AND EASEMENT NOTES:

- RESTRICTIVE COVENANTS OF RECORD ITEMIZED IN VOLUME 623, PAGE 86, DEED RECORDS, WILLIAMSON COUNTY, TEXAS, DO AFFECT THE SUBJECT TRACT.
- 10.1 ELECTRIC LINE AND RIGHT-OF-WAY EASEMENT GRANTED TO LCRA TRANSMISSION SERVICES CORPORATION, AS DESCRIBED IN DOCUMENT NO. 2018088932, OFFICIAL PUBLIC RECORDS, WILLIAMSON COUNTY, TEXAS, AS AMENDED IN DOCUMENT NO. 2023040238 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS, DOES AFFECT THE SUBJECT TRACT, AS SHOWN HEREON.
- 10.2 ALL TERMS, CONDITIONS AND PROVISIONS OF THAT CERTAIN COMMUNITY ROAD MAINTENANCE AGREEMENT OF RECORD IN VOLUME 2419, PAGE 712, AS AMENDED IN VOLUME 2594, PAGE 896, OFFICIAL RECORDS, WILLIAMSON COUNTY, TEXAS, DO AFFECT THE SUBJECT TRACT, AS SHOWN HEREON.
- 10.3 ALL TERMS, CONDITIONS AND PROVISIONS OF THAT CERTAIN EASEMENT AGREEMENT OF RECORD IN VOLUME 2419, PAGE 718, OFFICIAL RECORDS, WILLIAMSON COUNTY, TEXAS. (APPURTENANT) DO NOT AFFECT THE SUBJECT TRACT, AS SHOWN HEREON.
- 10.4 ALL TERMS, CONDITIONS AND PROVISIONS OF THAT CERTAIN DEVELOPMENT AGREEMENT UNDER SECTION 43.035, TEXAS LOCAL GOVERNMENT CODE AGREEMENT OF RECORD IN DOCUMENT NO. 2010083094, OFFICIAL PUBLIC RECORDS, WILLIAMSON COUNTY, TEXAS, DO AFFECT THE SUBJECT TRACT.
- 10.5 ALL TERMS, CONDITIONS AND PROVISIONS OF THAT CERTAIN DEVELOPMENT AGREEMENT UNDER SECTION 43.035, TEXAS LOCAL GOVERNMENT CODE AGREEMENT OF RECORD IN DOCUMENT NO. 2010083095, OFFICIAL PUBLIC RECORDS, WILLIAMSON COUNTY, TEXAS, DO AFFECT 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.



08/03/2023

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 320 2.801 ACRES FM 2243

WILLIAMSON COUNTY, TEXAS Date: Page:

Scale: Job No.: 1"=100' 7473-00

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## EXHIBIT B

County: Williamson Parcel: 320E Highway: FM 2243

#### METES & BOUNDS DESCRIPTION FOR EASEMENT PARCEL 320E

METES & BOUNDS DESCRIPTION FOR A 1.154 ACRE TRACT OF LAND OUT OF THE TALBOT CHAMBERS SURVEY, ABSTRACT NO. 125, WILLIAMSON COUNTY, TEXAS; BEING A PORTION OF A CALLED 41.56 ACRE TRACT OF LAND AS CONVEYED TO HERO WAY CAPITAL, LLC BY SPECIAL WARRANTY DEED WITH VENDOR'S LIEN RECORDED IN DOCUMENT NUMBER 2021121563 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS; SAID 1.154 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 north right-of-way line of Hero Way (f/k/a County Road 269) (width varies) (no deed of record found), at the southeast corner of the above described Hero Way Capital Tract, and at the southwest corner of a called 4.411 acre tract of land described as Tract III as conveyed to Stella Carter (LE) by Substitute Trustee's Deed recorded in Volume 2059, Page 702 of the Official Records of Williamson County, Texas, affected by Special Warranty Deed (Lady Bird Deed Retaining Enhanced Life Estate) recorded in Document Number 2022028373 of the Official Public Records of Williamson County, Texas, and described in Volume 894, Page 532 of the Deed Records of Williamson County, Texas, from which a 5/8-inch iron rod with cap stamped "SAM Inc" found bears S 14°43'02" E a distance of 0.78 feet, and from which a 1/2-inch iron rod found at the southeast corner of said Carter Tract bears N 69°33'50" E a distance of 60.09 feet; Thence, with the east line of said Hero Way Capital Tract and the west line of said Carter Tract, N 21°00'26" W a distance of 217.88 feet to a 1/2-inch iron rod with cap stamped "WILCO ROW 5777" (NAD-83, Central Zone Grid Coordinates: N: 10,187,753.90, E: 3,084,928.49) set for the southeast corner and POINT OF BEGINNING of the herein described tract, 211.00 feet left of FM 2243 baseline station 137+80.94:

THENCE, over and across said Hero Way Capital Tract, S 75°22'23" W a distance of 308.03 feet to a 1/2-inch iron rod with cap stamped "WILCO ROW 5777" set for an angle point, 211.00 feet left of FM 2243 baseline station 134+72.91;

THENCE, continuing over and across said Hero Way Capital Tract, S 72°01'12" W a distance of 194.21 feet to a 1/2-inch iron rod with cap stamped "WILCO ROW 5777" set on the west line of said Hero Way Capital Tract and the east line of a called 101 acre tract of land as conveyed to Emogene M. Champion, as trustee of the Albert R. Champion Exception Equivalent Trust by Executrix's Special Warranty Deed recorded in Document Number 2008083902 of the Official Public Records of Williamson County, Texas, for the southwest corner of the herein described tract, 199.64 feet left of FM 2243 baseline station 132+79.03, from which a 5/8-inch iron rod with cap stamped "SAM INC" found on the north right-ofway line of said Hero Way, at the southeast corner of said Hero Way Tract, bears S 21°28'57" E a distance of 264.35 feet;

THENCE, with the west line of said Hero Way Capital Tract and the east line of said Champion Tract, N 21°28'57" W a distance of 100.19 feet to a 1/2-inch iron rod with cap stamped "BGE Inc" set for the northwest corner of the herein described tract, 299.11 feet left of FM 2243 baseline station 132+67.07, from which a found 1/2-inch iron rod bears N 21°28'57" W a distance of 181.06 feet;

THENCE, over and across said Hero Way Capital Tract, N 72°01'12" E a distance of 203.26 feet to a 1/2-inch iron rod with cap stamped "BGE Inc" set for an angle point, 311.00 feet left of FM 2243 baseline station 134+69.99;

THENCE, continuing over and across said Hero Way Capital Tract, N 75°22'23" E a distance of 299.77 feet to a 1/2-inch iron rod with cap stamped "BGE Inc" set on the east line of said Hero Way Capital Tract and the west line of said Carter Tract, for the northeast corner of the herein described tract, 311.00 feet left of FM 2243 baseline station 137+69.76, from which a 1/2-inch iron rod with cap stamped "Forest RPLS 1847" found on the line common to said Hero Way Capital Tract and said Carter Tract, bears N 21°00'26" W a distance of 252.45 feet;

THENCE, with the east line of said Hero Way Capital Tract and the west line of said Carter Tract, S 21°00′26″ E a distance of 100.62 feet to the **POINT OF BEGINNING** and containing 1.154 acres (50,263 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.

08/03/2023

Date

Jonathan O. Nobles RPLS Number 5777

- O. Na

BGE, Inc.

101 West Louis Henna Blvd., Suite 400

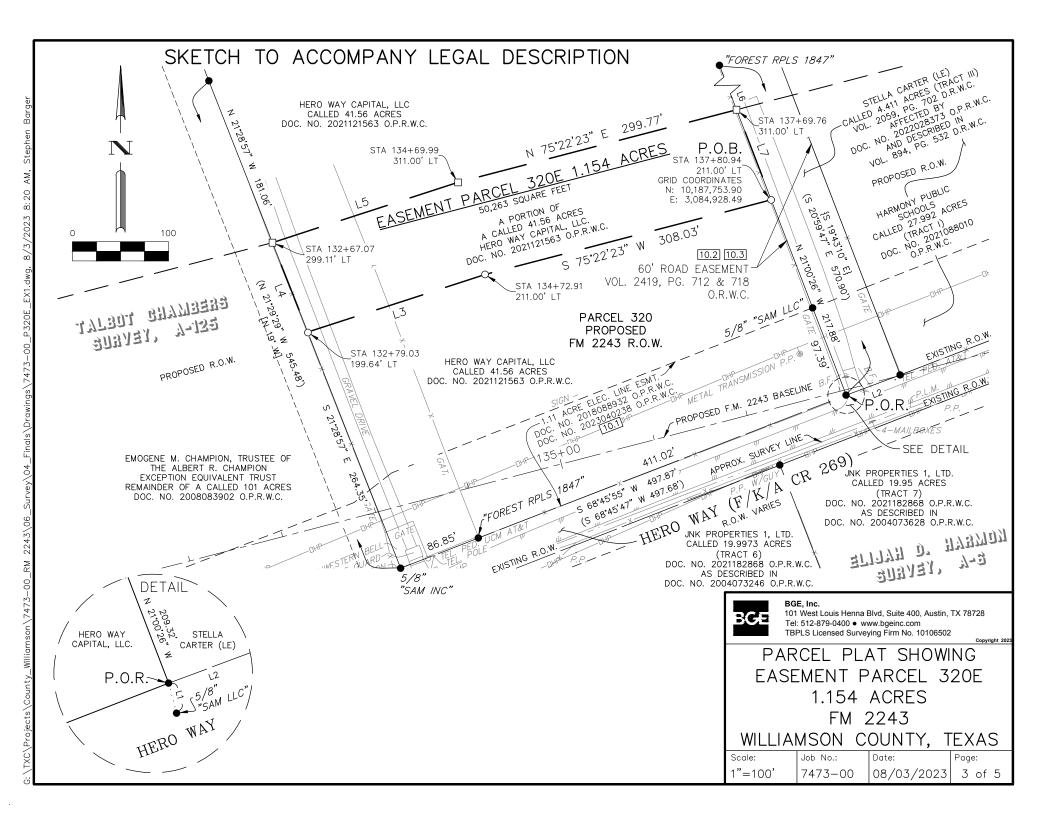
Austin, TX 78728

Telephone: 512-879-0400

TBPELS Licensed Surveying Firm Number 10106502

Client: Williamson County
Date: August 3, 2023

Project Number: 7473-00



### LEGEND

B.F. BOARD FENCE

CMP CORRUGATED METAL PIPE

ELEC. ELECTRIC ESMT. EASEMENT DOC. DOCUMENT

D.R.W.C. DEED RECORDS OF WILLIAMSON COUNTY

M.H. MANHOLE NO. NUMBER

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

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

PED. PEDESTAL PG. PAGE

P.O.B. POINT OF BEGINNING

P.P. POWER POLE
R.O.W. RIGHT-OF-WAY
SAN. SANITARY
TEL. TELEPHONE

U.C.M. UNDERGROUND CABLE MARKER

VOL. VOLUME

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

□ SET 1/2" IRON ROD W/CAP "BGE INC"

△ CALCÚLATED POINT

──×── WIRE FENCE ─── METAL FENCE

OVERHEAD TELEPHONE
OVERHEAD POWER
EDGE OF ASPHALT
SCHEDULE B ITEM

LINE TABLE		
NUMBER	BEARING	DISTANCE
L1	S 14°43'02" E	0.78'
L2	N 69°33'50" E	60.09'
L3	S 72°01'12" W	194.21
L4	N 21°28'57" W	100.19
L5	N 72°01'12" E	203.26'
L6	N 21°00'26" W	252.45
L7	S 21°00'26" E	100.62'



BGE, Inc.

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Tel: 512-879-0400 ● www.bgeinc.com
TBPLS Licensed Surveying Firm No. 10106502

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PARCEL PLAT SHOWING EASEMENT PARCEL 320E 1.154 ACRES FM 2243

WILLIAMSON COUNTY, TEXAS

Scale: Job No.: Date: Page:

1"=100' 7473

7473-00 08/03/

08/03/2023 4 of 5

#### 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 FIRST AMERICAN TITLE GUARANTY COMPANY AND TEXAS NATIONAL TITLE, INC. UNDER G.F. NO. T-157577, DATED EFFECTIVE MAY 22, 2023 AND ISSUED ON MAY 30, 2023.

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- 10.4 ALL TERMS, CONDITIONS AND PROVISIONS OF THAT CERTAIN DEVELOPMENT AGREEMENT UNDER SECTION 43.035, TEXAS LOCAL GOVERNMENT CODE AGREEMENT OF RECORD IN DOCUMENT NO. 2010083094, OFFICIAL PUBLIC RECORDS, WILLIAMSON COUNTY, TEXAS, DO AFFECT THE SUBJECT TRACT.
- 10.5 ALL TERMS, CONDITIONS AND PROVISIONS OF THAT CERTAIN DEVELOPMENT AGREEMENT UNDER SECTION 43.035, TEXAS LOCAL GOVERNMENT CODE AGREEMENT OF RECORD IN DOCUMENT NO. 2010083095, OFFICIAL PUBLIC RECORDS, WILLIAMSON COUNTY, TEXAS, DO AFFECT 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.



08/03/2023

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 EASEMENT PARCEL 320E 1.154 ACRES FM 2243

WILLIAMSON COUNTY, TEXAS

 Scale:
 Job No.:
 Date:
 Page:

 1"=100'
 7473-00
 08/03/2023
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