# 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 4.377 acres (Parcel 333) and an easement acquisition to that certain tract of land being 0.289 acres (Parcel 333E) described by metes and bounds in Exhibits "A&B" owned by the PARK AT CYPRESS CREEK, 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 Mar 6, 2024

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Bill Throull fr.

Bill Gravell, Jr.

Williamson County Judge

2

# EXHIBIT A

County: Williamson

Parcel: 333 Highway: FM 2243

## METES & BOUNDS DESCRIPTION FOR PARCEL 333

METES & BOUNDS DESCRIPTION FOR A 4.377 ACRE TRACT OF LAND OUT OF THE ELIJAH D. HARMON SURVEY, ABSTRACT NO. 6, WILLIAMSON COUNTY, TEXAS; BEING A PORTION OF THE REMAINDER OF A CALLED 26.379 ACRE TRACT OF LAND AS CONVEYED TO LARRY D. PRESLER AND HELEN L. PRESLER, TRUSTEES OF THE PRESLER FAMILY TRUST BY WARRANTY DEED RECORDED IN DOCUMENT NUMBER 9834756 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS; SAID 4.377 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 C.R. 269) (width varies), at the northeast corner of the above described Presler Tract, and at the northwest corner of a called 34.834 acre tract of land as conveyed to Vivek Mahendru by Warranty Deed with Vendor's Lien recorded in Document Number 2004028572 of the Official Public Records of Williamson County, Texas, for the northeast corner and **POINT OF BEGINNING** of the herein described tract, from which a 5/8-inch iron rod with cap stamped "SAM LLC" found on the south right-of-way line of said Hero Way, at an exterior corner of said 34.834 acre Mahendru Tract, and at the northwest corner of a called 1.00 acre tract of land as conveyed to Vivken Mahendru and Wife, Lisa K. Mahendru by General Warranty Deed recorded in Document Number 2004077519 of the Official Public Records of Williamson County, Texas, bears N 70°05'28" E a distance of 201.93 feet;

THENCE, with the east line of said Presler Tract and the west line of said 34.834 acre Mahendru Tract, S 21°08'16" E a distance of 372.43 feet to a 1/2-inch iron rod with cap stamped "WILCO ROW 5777" (NAD-83, Central Zone Grid Coordinates: N: 10,187,884.77, E: 3,087,023.65) set for the southeast corner of the herein described tract, 207.05 feet right of FM 2243 baseline station 158+30.50, from which a 1/2-inch iron rod found for an angle point in line common to said 34.834 acre Mahendru Tract and a called 20.00 acre tract of land as conveyed to Vivek Mahendru by Warranty Deed with Vendor's Lien recorded in Document Number 2004065019 of the Official Public Records of Williamson County, Texas, bears S 21°08'16" E a distance of 409.63 feet;

THENCE, over and across said Presler Tract, along a curve to the right, an arc distance of 459.96 feet, having a radius of 11,137.00 feet, a central angle of 02°51'59" and a chord which bears S 74°11'23" W a distance of 459.92 feet to a 1/2-inch iron rod with a cap stamped "WILCO ROW 5777" set for a point of tangency, 201.59 feet right of FM 2243 baseline station 153+79.52;

THENCE, continuing over and across said Presler Tract, S 75°22'22" W a distance of 88.80 feet to a 1/2-inch iron rod with cap stamped "WILCO ROW 5777" set on the west line of said Presler Tract and on the east line of a called 26.931 acre tract of land as conveyed to Vivek Mahendru by Warranty Deed with Vendor's Lien recorded in Document Number 2004065021 of the Official Public Records of Williamson County, Texas, for the southwest corner of the herein described tract, 201.03 feet right of FM 2243 baseline station 152+92.43, from which a 5/8-inch iron rod found at the southwest corner of said 20.00 acre Mahendru Tract and at the southeast corner of said 26.931 acre Mahendru Tract, bears S 21°12'14" E a distance of 1,783.94 feet;

THENCE, with the west line of said Presler and the east line of said 26.931 acre Mahendru Tract, N 21°12'14" W a distance of 321.33 feet to a calculated point on the south right-of-way line of said Hero Way, at the northwest corner of said Pressler Tract, and at the northeast corner of said 26.931 acre Mahendru Tract, 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 26.931 acre Mahendru Tract, bears S 69°02'16" W a distance of 557.23 feet;

THENCE, with the south right-of-way line of said Hero Way and the north line of said Presler Tract, N 69°02'16" E a distance of 546.53 feet to the **POINT OF BEGINNING** and containing 4.377 acres (190,663 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 April 21, 2021 and are true and correct to the best of my knowledge. A sketch accompanies this description.

9/22/2023

Date

Jonathan O. Nobles RPLS Number 5777

BGE, Inc.

101 West Louis Henna Blvd., Suite 400

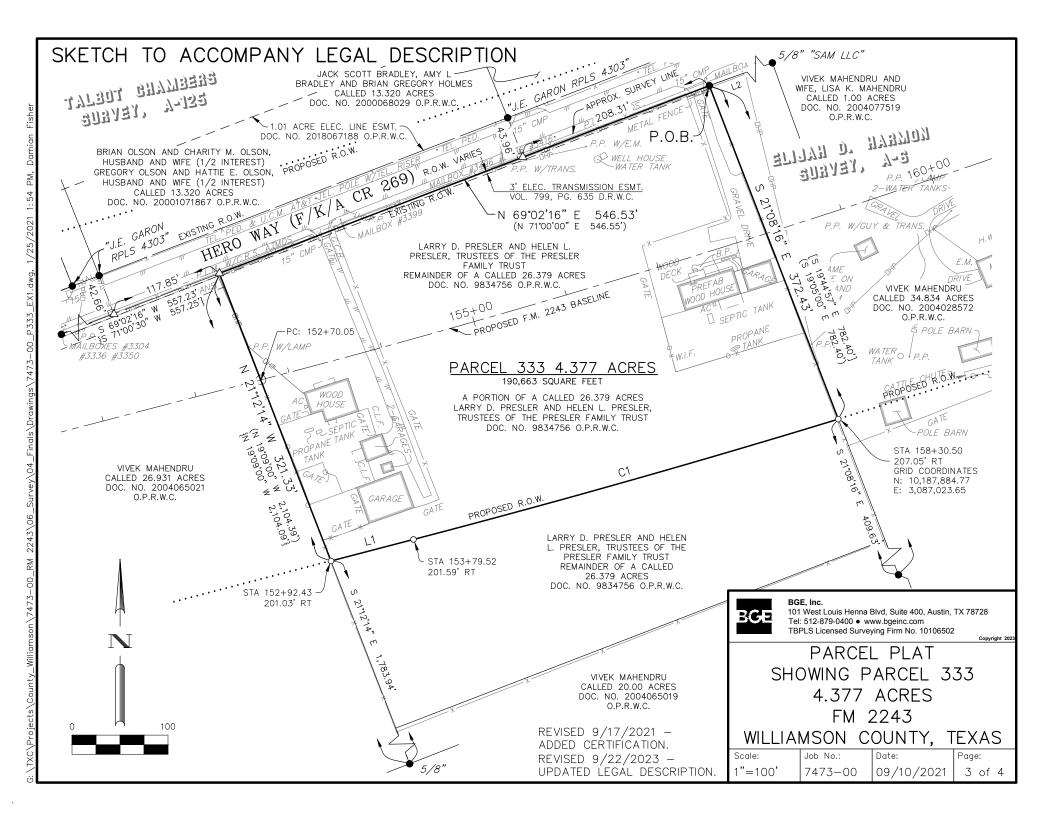
Austin, TX 78728

Telephone: 512-879-0400

TBPELS Licensed Surveying Firm Number 10106502

Client: Williamson County
Date: September 10, 2021
Revised: September 22, 2023

Project Number: 7473-00



#### LEGEND

B.P. BRICK PAVERS
C.L.F. CHAIN LINK FENCE
CMP CORRUGATED METAL PIPE
C.R.S. CATHODIC READING STATION

DOC. DOCUMENT
ELEC. ELECTRIC
E.M. ELECTRIC METER
ESMT. EASEMENT

G.P. GATE POST NO. NUMBER

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

PED. PEDESTAL

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

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

U.C.M. UNDERGROUND CABLE MARKER

W.I.F. WROUGHT IRON FENCE

( ) RECORD INFO FOR DOC. NO. 9834756 O.P.R.W.C.

RECORD INFO FOR DOC. NO. 2004028572 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"

△ CALCÚLATED POINT

—×—— WIRE FENCE —→— METAL FENCE

OVERHEAD TELEPHONE
OVERHEAD POWER
EDGE OF ASPHALT

## RESTRICTIVE COVENANT AND EASEMENT NOTES:

- 3' ELECTRIC TRANSMISSION AND/OR DISTRIBUTION LINE EASEMENT GRANTED TO PEDERNALES ELECTRIC COOPERATIVE, INC. RECORDED IN VOLUME 799, PAGE 635, DEED RECORDS, WILLIAMSON COUNTY, TEXAS, DOES AFFECT THE SUBJECT TRACT, AS SHOWN HEREON.
- TERMS, CONDITIONS, AND STIPULATIONS IN THE DEVELOPMENT AGREEMENT RECORDED IN DOCUMENT NUMBER 2010083082, OFFICIAL PUBLIC RECORDS, WILLIAMSON COUNTY, TEXAS, <u>DOES AFFECT</u> THE SUBJECT TRACT, AND IS BLANKET IN NATURE.

LINE TABLE			
NUMBER	BEARING	DISTANCE	
L1	S 75°22'22" W	88.80'	
L2	N 70°05'28" E	201.93'	

RECORD LINE TABLE			
NUMBER	BEARING	DISTANCE	
L2	[N 71°30' E]		

CURVE TABLE					
NUMBER	ARC LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD DISTANCE
C1	459.96'	11,137.00'	2°21'59"	S 74°11'23" W	459.92'

## **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.

I hereby certify that this survey was made on the ground by BGE, Inc. under my supervision on April 21, 2021 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.



snown hereon.

9/22/2023

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

101 WEST LOUIS HENNA BLVD., SUITE 400

AUSTIN, TEXAS 78728 TELEPHONE: (512) 879-0400 REVISED 9/17/2021 — ADDED CERTIFICATION. REVISED 9/22/2023 — UPDATED LEGAL DESCRIPTION.



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

Copyright 202

PARCEL PLAT SHOWING PARCEL 333 4.377 ACRES FM 2243

WILLIAMSON COUNTY, TEXAS

Scale: Job No.: Date: Page:

1"=100' | 7473-00 | 09/10/2021 | 4 of 4

# EXHIBIT B

County: Williamson Parcel: 333E Highway: FM 2243

## METES & BOUNDS DESCRIPTION FOR EASEMENT PARCEL 333E

METES & BOUNDS DESCRIPTION FOR A 0.289 ACRE TRACT OF LAND OUT OF THE ELIJAH D. HARMON SURVEY, ABSTRACT NO. 6, WILLIAMSON COUNTY, TEXAS; BEING A PORTION OF A CALLED 1.988 ACRE TRACT OF LAND DESCRIBED AS TRACT 1 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; SAID 0.289 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 C.R. 269) (width varies) (no deed of record found), at the northeast corner of a called 4.377 acre tract of land described as Tract 2 as conveyed to The Park at Cypress Creek, LLC by said 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, and described in Document Number 2004028572, both of the Official Public Records of Williamson County, Texas; Thence, with the east line of said Park at Cypress Creek Tract 2 and the west line of said JNK Tract 1, S 21°08'16" E a distance of 372.43 feet to a 1/2-inch iron rod with cap stamped "WILCO ROW 5777" (NAD-83, Central Zone Grid Coordinates:

N: 10,187,884.77, E: 3,087,023.65) set at the southeast corner of said Park at Cypress Creek Tract 2 and at the northeast corner of the above described Park at Cypress Creek Tract 1, for the northeast corner and POINT OF BEGINNING of the herein described tract, 207.05 feet right of FM 2243 baseline station 158+30.50:

THENCE, with the east line of said Park at Cypress Creek Tract 1 and the west line of said JNK Tract 1, S 21°08'16" E a distance of 80.21 feet to a 1/2-inch iron rod with cap stamped "BGE Inc" set at the beginning of a non-tangent curve to the right, for the southeast corner of the herein described tract 287.12 feet right of FM 2243 baseline station 158+35.12, from which a 1/2-inch iron rod with cap stamped "BGE Inc" set at the southeast corner of said Park at Cypress Creek Tract 1 and at the northeast corner of a called 20.00 acre tract of land described as Tract 4 as conveyed to JNK Properties 1, LTD by said Contribution Deed recorded in Document Number 2021182868, and as described in Document Number 2004065019, both of the Official Public Records of Williamson County, Texas, bears S 21°08'16" E a distance of 54.44 feet;

THENCE, over and across said Park at Cypress Creek Tract 1, along said curve to the right, an arc distance of 158.00 feet, having a radius of 11,217.00 feet, a central angle of 00°48′25" and a chord which bears S 73°22′50" W a distance of 158.00 feet to a 1/2-inch iron rod with cap stamped "BGE Inc" set for the southwest corner of the herein described tract, 285.13 feet right of FM 2243 baseline station 156+81.40;

THENCE, continuing over and across said Park at Cypress Creek Tract 1, N 20°34'42" W a distance of 80.23 feet to a 1/2-inch iron rod with cap stamped "BGE Inc" set on the north line of said Park at Cypress Creek Tract 1 and on the south line of said Park at Cypress Creek Tract 2, at the beginning of a non-tangent curve to the left, for the northwest corner of the herein described tract, 205.06 feet right of FM 2243 baseline station 156+76.37, from which a set 1/2-inch iron rod with cap stamped "WILCO ROW 5777" set bears along a curve to the right, an arc distance of 302.73 feet, having a radius of 11,137.00 feet, a central angel of 01°33'27" and a chord which bears N 74°35'39" E a distance of 302.72 feet;

THENCE, with the north line of said Park at Cypress Creek Tract 1 and the south line of said Park at Cypress Creek Tract 2, along said curve to the left, an arc distance of 157.22 feet, having a radius of 11,137.00 feet, a central angle of 00°48'32" and a chord which bears N 73°24'40" E a distance of 157.22 feet to the **POINT OF BEGINNING** and containing 0.289 acre (12,609 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.

08/16/2022

Date

Jonathan O. Nobles RPLS Number 5777

0. 1/2

BGE, Inc.

101 West Louis Henna Blvd., Suite 400

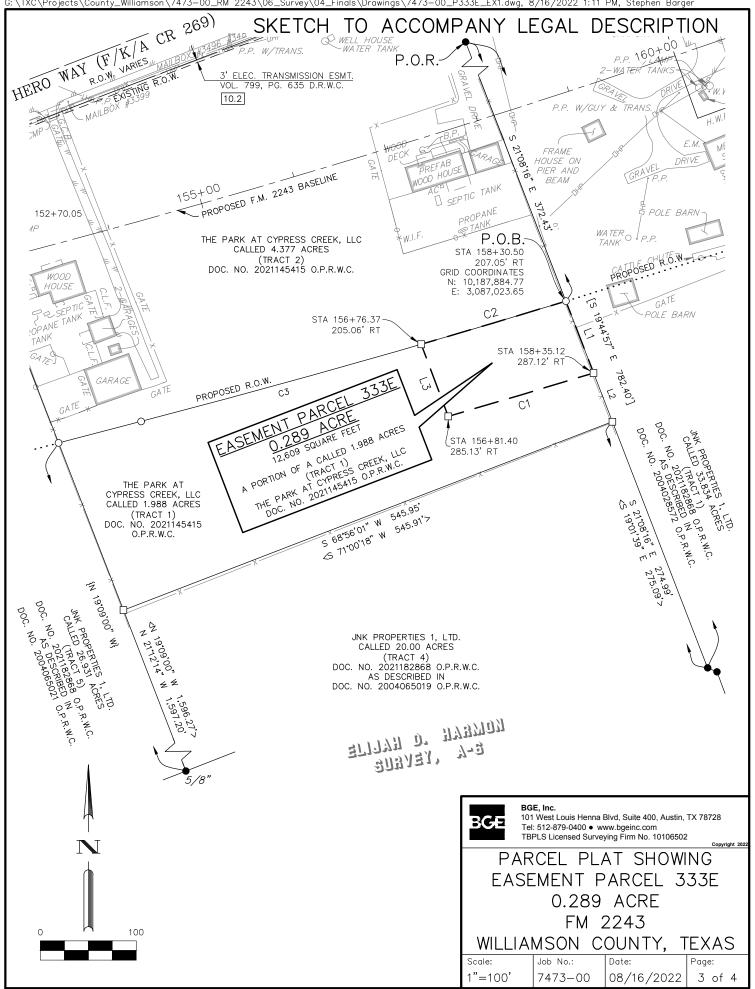
Austin, TX 78728

Telephone: 512-879-0400

TBPELS Licensed Surveying Firm Number 10106502

Client: Williamson County
Date: August 16, 2022

Project Number: 7473-00



ARC LENGTH

158.00

157.22

302.73

RADIUS

11.217.00

11,137.00

11,137.00

NUMBER

C1

C2

C3

#### LEGEND

AC	AIR CONDITIONING PAD			
B.P.	BRICK PAVERS			
0	0114111 11111/ 551105			

CHAIN LINK FENCE C.L.F. CMP CORRUGATED METAL PIPE

DOC. DOCUMENT ELEC. **ELECTRIC** 

F.M. ELECTRIC METER ESMT. **EASEMENT** 

G.C.B. GATE CONTROL BOX

NO. NUMBER

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

P.O.B. POINT OF BEGINNING POINT OF REFERENCE P.O.R. P.P. POWER POLE R.O.W. RIGHT-OF-WAY

TRANS. TRANSFORMER WROUGHT IRON FENCE W.I.F.

RECORD INFO FOR DOC. NO. 2004028572 O.P.R.W.C. RECORD INFO FOR DOC. NO. 2004065021 O.P.R.W.C. < > RECORD INFO FOR DOC. NO. 2004065019 O.P.R.W.C. FOUND 1/2" IRON ROD (UNLESS OTHERWISE NOTED) 0 SET 1/2" IRON ROD W/CAP "WILCO ROW 5777"

SET 1/2" IRON ROD W/CAP "BGE INC" П

WIRE FENCE METAL FENCE

-пнт-OVERHEAD TELEPHONE -ПНР-OVERHEAD POWER EDGE OF ASPHALT 10.2 SCHEDULE B ITEM

1°33'27"	S 74°35	'39" W	302.72	,
Г				
	LINE TABLE			
	NUMBER	BEARING	;	DISTANCE
	L1	S 21°08'	16" E	80.21
	L2	S 21°08'	16" E	54.44'

N 20°34'42" W

CHORD DISTANCE

80.23

158.00'

157.22

CHORD BEARING

S 73°22'50" W

N 73°24'40" E

CURVE TABLE

DELTA

0°48'25"

0°48'32"

L3

## RESTRICTIVE COVENANT AND EASEMENT NOTES:

- RESTRICTIVE COVENANTS OF RECORD ITEMIZED IN VOLUME 625, PAGE 5, DEED RECORDS, WILLIAMSON COUNTY, TEXAS, <u>DO AFFECT</u> THE SUBJECT TRACT.
- 10.2 AN ELECTRIC TRANSMISSION AND/OR DISTRIBUTION LINE EASEMENT GRANTED TO PEDERNALES ELECTRIC COOPERATIVE, INC. AS DESCRIBED IN VOLUME 799, PAGE 635, DEED RECORDS, WILLIAMSON COUNTY, TEXAS, DOES NOT AFFECT THE SUBJECT TRACT, AS SHOWN HEREON.
- 10.3 ALL TERMS, CONDITIONS, AND PROVISIONS OF THAT CERTAIN DEVELOPMENT AGREEMENT OF RECORD IN DOCUMENT NUMBER 2010083082, OFFICIAL PUBLIC RECORDS, WILLIAMSON COUNTY, TEXAS, DO AFFECT THE SUBJECT TRACT.

#### 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.
- 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-164939, DATED EFFECTIVE JULY 1, 2022 AND ISSUED ON JULY 12, 2022.

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. There are no visible encroachments, except as shown hereon.



08/16/2022

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

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

TELEPHONE: (512) 879-0400

BCE

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 333E 0.289 ACRE FM 2243

WILLIAMSON COUNTY, TEXAS

Scale:	Job No.:	Date:	Page:
1"=100'	7473-00	08/16/2022	4 of 4