

RESOLUTION NO. R-2023-118

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, DETERMINING A PUBLIC NEED AND NECESSITY FOR THE ACQUISITION OF CERTAIN PROPERTY AND AUTHORIZING THE CITY'S ATTORNEY TO FILE PROCEEDINGS IN EMINENT DOMAIN TO ACQUIRE SAID PROPERTY INTERESTS:

*OWNER(S): IIP-TX 2 LLC, a California limited liability company;*

*PROPERTY INTEREST(S) TO BE ACQUIRED: a 0.8459 acre tract of land, more or less, out of the Nancy Blakey Survey, Abstract No. 98, Bastrop County, Texas, being a portion of that certain called 25.071 acres of land described in that Special Warranty Deed to IIP-TX 2 LLC of record in Document No. 202213654, Official Public Records of Bastrop County, Texas.*

**WHEREAS**, the City Council, upon consideration of the matter, has determined that there is a public necessity for the welfare of the City of Bastrop, Texas ("City"), and the public-at-large to construct certain roadways, water and wastewater utility system improvements and related facilities, and other necessary infrastructure as part of the Vista Puente Drive Right-of-Way Project ("Project") and to perform associated public uses and purposes; and

**WHEREAS**, in accordance with the above, the City Council hereby finds that public necessity requires the acquisition of a fee simple right-of-way of approximately **0.8459 acres of land**, located in Bastrop County, Texas, and more particularly described by metes and bounds in Exhibit "A", attached hereto and incorporated herein for all purposes, all such property described and depicted on Exhibit A being owned by **IIP-TX 2 LLC**, and possibly other claimants as reflected in a title review ("Property"), for the public use of construction, reconstruction, maintaining, and operating of roadways, water and wastewater utility system improvements and related facilities, and other necessary infrastructure as part of the Project, excluding all the oil, gas, and other minerals which can be removed from beneath said Property, without any right whatever remaining to the owner of such oil, gas, and other minerals of ingress to or egress from the surface of said 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 herein described real Property; and

**WHEREAS**, it is necessary to establish procedures for determining and approving just compensation and completing acquisition of the Property for this Project.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, THAT:**

**SECTION 1:** The City Council hereby finds and determines that it is necessary for the welfare of the City and its citizens to construct certain roadways, water and wastewater utility system improvements, and related facilities, and to acquire property interests to assist with such purposes in and to the above-described Property, free and clear of any liens and encumbrances, in order to allow the City and/or its assigns to complete said Project.

**SECTION 2:** The City Manager, or the City Manager's designated agent, has on behalf of the City attempted to negotiate, settle, and agree on compensation to be paid to the owners of any interest in the Property, and has made official, written, bona fide offers to the owners for the market value of said Property or property interest. If it is determined that an agreement as to the value of said Property, damages, and/or compensation to be paid cannot be reached, then the City Attorney or the City Attorney's designated agent is hereby authorized to file or cause to be filed, against the owners and holders of other related interest in the Property, proceedings using the City's power of eminent domain to acquire the stated interest in and to the above-described Property, in order to allow the City and/or its assigns to complete said Project, and to perform and undertake all other proceedings necessary to complete the acquisition of the Property.

**SECTION 3:** It is the intent of the City Council 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 City Attorney is authorized to have such errors corrected or revisions made without the necessity of obtaining a new resolution of the City Council authorizing the condemnation of the corrected or revised Property.

**SECTION 4:** The findings of fact and recitations of provisions set in the preamble of this Resolution are adopted and made a part of the body of this Resolution, as fully as if the same were set forth herein.

**SECTION 5:** This Resolution shall take effect upon passage and in accordance with the laws of the State of Texas.

**SECTION 6:** The City Council hereby finds and declares that written notice of the date, hour, place, and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered, and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

**DULY RESOLVED AND ADOPTED** by the City Council of the City of Bastrop, Texas, this 22nd day of August 2023.

**APPROVED:**

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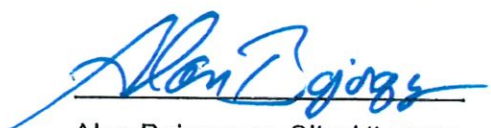
Lyle Nelson, Mayor

**ATTEST:**

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Ann Franklin, City Secretary

**APPROVED AS TO FORM:**



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Alan Bojorquez, City Attorney

**SECTION 5:** This Resolution shall take effect upon passage and in accordance with the laws of the State of Texas.

**SECTION 6:** The City Council hereby finds and declares that written notice of the date, hour, place, and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered, and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

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Lyle Nelson, Mayor

**ATTEST:**



\_\_\_\_\_  
Ann Franklin, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Alan Bojorquez, City Attorney

# EXHIBIT A



0.8459 Ac.  
Nancy Blakey Survey, Abstract No. 98  
Bastrop County, Texas

Project No. 1022070436  
FN49374  
Page 1 of 3

## FIELD NOTES DESCRIPTION

DESCRIPTION OF 0.8459 OF ONE ACRE (36,847 SQUARE FEET) OF LAND IN THE NANCY BLAKEY SURVEY, ABSTRACT NO. 98, BASTROP COUNTY, TEXAS; BEING A PORTION OF THAT CERTAIN CALLED 25.070 ACRES OF LAND DESCRIBED IN THAT GENERAL WARRANTY DEED TO TOCC LAND LLC OF RECORD IN DOCUMENT NO. 201900758, OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS; SAID 0.8459 OF ONE ACRE OF LAND, AS SURVEYED BY SURVEYING AND MAPPING, LLC, AND SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a calculated point in the south line of that certain called 25.070 acres described in a General Warranty Deed to TOCC Land LLC, of record in Document No. 201900578, Official Public Records of Bastrop County, Texas, and the north line of a certain called 25.071 acres described in a Warranty Deed with Vendor's Lien to Bellamont LLC, of record in Document No. 201810109, Official Public Records of Bastrop County, Texas, for the southeast corner and **POINT OF BEGINNING** of the tract described herein, from which a 1/2" iron rod with plastic cap marked "Start Surv RPLS" found for the southwest corner of said 25.070 acres bears S 87°57'07" W, a distance of 42.78 feet;

**THENCE** crossing said 25.070 acres the following three (3) courses and distances:

1. N 02°13'48" W, a distance of 24.64 feet to a calculated point of curvature,
2. With the arc of a curve to the right, having a radius of 625.00 feet, an arc distance of 388.08 feet, and a chord which bears N 15°33'31" E, a distance of 381.88 feet to a calculated point of tangency, and
3. N 33°20'50" E, a distance of 44.15 feet to a calculated point in the south line of a certain called 399.878 acre tract of land described in General Warranty Deed to Continental Homes of Texas, L.P., of record in Document No. 202022279, Official Public Records of Bastrop County, Texas, and the north line of said 25.070 acres, for the northwest corner of the tract described herein, from which a 5/8" iron rod found for the northwest corner of said 25.071 acres bears S 87°57'07" W, a distance of 1,698.68 feet;

**THENCE** N 87°57'07" E, with south line of said 339.878 acre tract of land, with the north line of said 25.070 acres, and with the north line of the tract described herein, a distance of 98.14 feet to a calculated point for the northeast corner of the tract described herein, from which a 5/8" iron rod found for the northeast corner of said 25.070 acres bears N 87°57'07" E, a distance of 814.34 feet;

**THENCE** crossing said 25.070 acres the following three (3) courses and distances:

1. S 33°20'50" W, a distance of 100.99 feet to a calculated point of curvature,
2. With the arc of a curve to the left, having a radius of 545.00 feet, an arc distance of 388.41 feet, and a chord which bears S 15°33'31" W, a distance of 333.00 feet to a calculated point of tangency, and
3. SN 02°13'48" E, a distance of 24.89 feet to a calculated point in the south line of said 25.070 acres, the north line of said 25.071 acres, for the southeast corner of the tract described herein, from which a 1/2" iron rod found for the southeast corner of said 25.070 acres bears N 87°57'07" E, a distance of 2,471.68 feet;

### SAM COMPANIES

4801 Southwest Parkway / Bldg. 2 Suite 100 / Austin, Texas 78735  
512.447.0575 Office / 512.326.3029 Fax / TBPELS #10064300

**sam.biz**



0.8459 Ac.  
Nancy Blakey Survey, Abstract No. 98  
Bastrop County, Texas

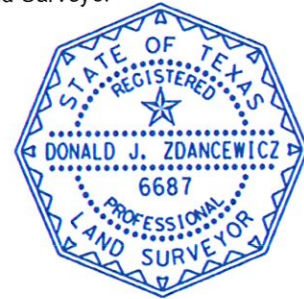
Project No. 1022070436  
FN49374  
Page 2 of 3

**THENCE** S 87°57'07" W, with south line of said 25.07 acres, with the north line of said 25.071 acres, and with the south line of the tract described herein, a distance of 80.00 feet to the **POINT OF BEGINNING** and containing 0.8459 of one acre (36,847 square feet) of land, more or less.

**BEARING BASIS:** Texas Coordinate System, NAD 83, Central Zone, Grid.

Surveying And Mapping, LLC  
4801 Southwest Parkway  
Building Two, Suite 100  
Austin, Texas 78735  
Texas Firm Registration No. 10064300

 8-30-2022  
Donald J. Zdancewicz  
Registered Professional Land Surveyor  
No. 6687 - State of Texas



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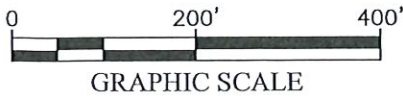


EXHIBIT TO ACCOMPANY  
FIELD NOTE FN49372

BASTROP, TEXAS  
NANCY BLAKEY  
SURVEY A-98

BEARING BASIS:

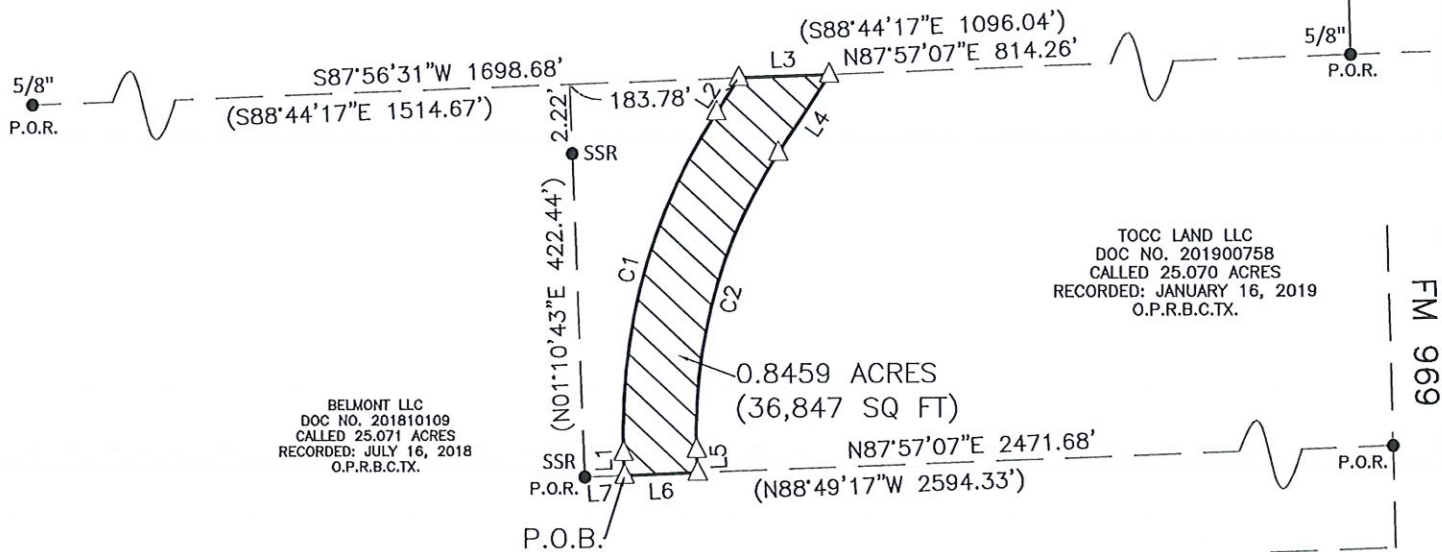
BEARINGS ARE BASED ON THE TEXAS STATE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83/93 (CORS). THE DISTANCES ARE ADJUSTED TO SURFACE USING A COMBINED SCALE FACTOR OF 1.00003. COORDINATES SHOWN ARE GRID VALUES.

BOUNDARY INFORMATION AS SHOWN HEREON IS COMPILED FROM EXISTING LAND RECORDS OF BASTROP COUNTY, TEXAS AND FILED SURVEY PERFORMED BY SAM, LLC IN MAY, 2022.

CURVE TABLE

| CURVE NO. | DELTA      | RADIUS  | LENGTH  | CHORD BEARING | CHORD LENGTH |
|-----------|------------|---------|---------|---------------|--------------|
| C1        | 035°34'37" | 625.00' | 388.08' | N15°33'31"E   | 381.88'      |
| C2        | 035°34'37" | 545.00' | 338.41' | S15°33'31"W   | 333.00'      |

CONTINENTAL HOMES OF TEXAS L.P.  
CALLED 399.878 ACRES  
DOC NO. 202022279  
RECORDED: DECEMBER 18, 2020  
O.P.R.B.C.TX.



BELMONT LLC  
DOC NO. 201810109  
CALLED 25.071 ACRES  
RECORDED: JULY 16, 2018  
O.P.R.B.C.TX.

ERHARD LEGACY PARTNERS LTD.  
DOC NO. 201502920  
CALLED 469.652 ACRES  
RECORDED: MARCH 10, 2015  
O.P.R.B.C.TX.

LEGEND

- △ CALCULATED POINT
- 1/2" IRON ROD FOUND
- SSR 1/2" IRON ROD FOUND WITH IRON ROD FOUND W/ PLASTIC CAP STAMPED "START SURV RPLS"
- PARCEL LIMITS
- - - PROPERTY LINES
- O.P.R.B.C.TX. OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS
- P.O.B. POINT OF BEGINNING
- P.O.R. POINT OF REFERENCE
- ( ) RECORD INFORMATION

LINE TABLE

| NUMBER | DIRECTION   | LENGTH  |
|--------|-------------|---------|
| L1     | N02°13'48"W | 24.64'  |
| L2     | N33°20'50"E | 44.15'  |
| L3     | N87°57'07"E | 98.14'  |
| L4     | S33°20'50"W | 100.99' |
| L5     | S02°13'48"E | 24.89'  |
| L6     | S87°57'07"W | 80.00'  |
| L7     | S87°57'07"W | 42.78'  |

REVIEWED BY:

JOB NUMBER: 1022070436  
DATE: AUGUST, 2022  
SCALE: 1"=200'  
SURVEYOR: DON ZDANCEWICZ  
TECHNICIAN: ARTHUR UEHLINGER  
DRAWING: Bastrop\_Exhibit\_SURF\_0.85ACRES  
TRACT ID: N/A  
PARTY CHIEF: GREG HANNAH  
FIELD BOOKS: 40459, 49264



4801 Southwest Parkway  
Building Two, Suite 100  
Austin, Texas 78735  
Ofc: 512.447.0575  
Fax: 512.326.3029  
email: info@sam.biz

Texas Firm Registration No. 10064300

PROJECT: City of Bastrop  
Right-of-Way Exhibit

SHEET 3  
OF 3