

CITY OF BASTROP

RESOLUTION NO. R-2023- 36

**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): John A. Nixon and Tina T. Nixon, individuals;*

*PROPERTY INTEREST(S) TO BE ACQUIRED: 1.373-acre fee simple right-of-way in the Nancy Blakey Survey, Abstract No. 98, being a portion of a 43.112-acre tract, being the property conveyed to John A. Nixon and Tina T. Nixon as husband and wife as each other's sole and separate property, as recorded on January 2, 2014, in Document No. 201400051 in the 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 roadway improvements and related facilities, and other necessary infrastructure, as part of the Agnes Street Extension 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 **1.373 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 **John A. Nixon and Tina T. Nixon**, and possibly other claimants as reflected in a title review ("Property"), for the public use of construction, reconstruction, maintaining, and operating of roadways, 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, TX, this 28th day of February 2023.

**APPROVED:**

  
\_\_\_\_\_  
Connie B. Schroeder, Mayor

**ATTEST:**

  
\_\_\_\_\_

Ann Franklin, City Secretary

**APPROVED AS TO FORM:**

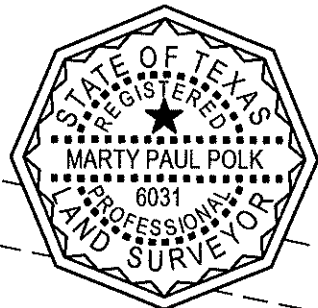
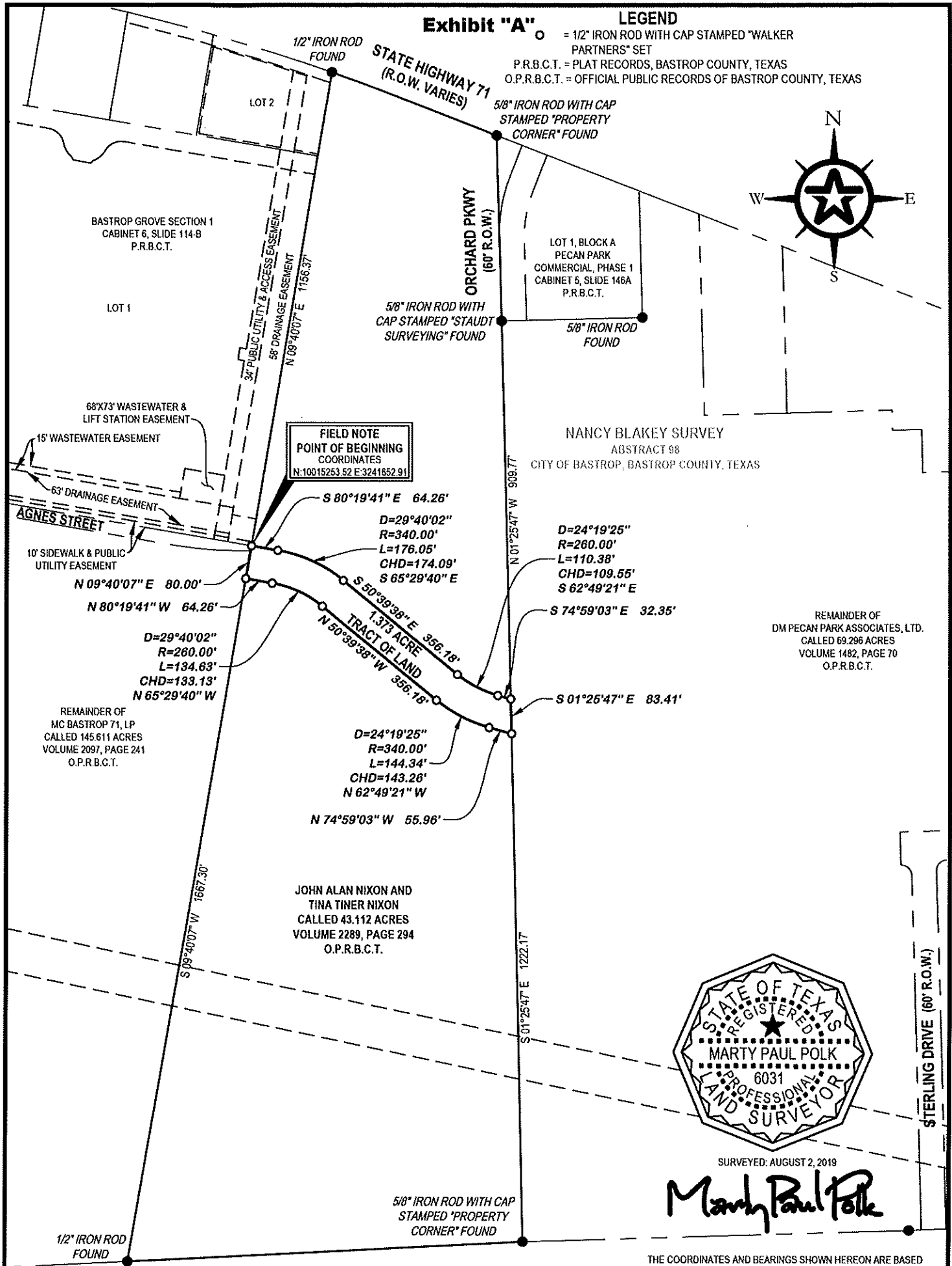
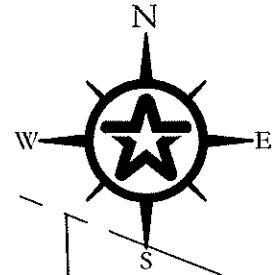
  
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Alan Bojorquez, City Attorney

**Exhibit "A"**

**LEGEND**

- = 1/2" IRON ROD WITH CAP STAMPED "WALKER PARTNERS" SET
- P.R.B.C.T. = PLAT RECORDS, BASTROP COUNTY, TEXAS
- O.P.R.B.C.T. = OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS



SURVEYED: AUGUST 2, 2019

*Marty Paul Polk*

**EXHIBIT SHOWING  
A 1.373 ACRE TRACT OF LAND**

THE COORDINATES AND BEARINGS SHOWN HEREON ARE BASED UPON STATE PLANE COORDINATE SYSTEM, NAD 83, TEXAS CENTRAL ZONE, NAVD 88 ACQUIRED FROM GLOBAL POSITIONING SYSTEM OBSERVATIONS. THE COORDINATES SHOWN HEREON ARE GRID COORDINATES.





823 Washington Ave.  
Waco, Texas 76701

**1.373 ACRE TRACT  
LOCATED IN THE NANCY BLAKEY SURVEY, ABSTRACT 98  
CITY OF BASTROP, BASTROP COUNTY, TEXAS**

FIELD NOTES FOR A 1.373 ACRE TRACT OF LAND LOCATED IN THE NANCY BLAKEY SURVEY, ABSTRACT 98, IN THE CITY OF BASTROP, BASTROP COUNTY, TEXAS, AND BEING OUT OF A CALLED 43.112 ACRE TRACT OF LAND, DESCRIBED IN A DEED TO JOHN ALAN NIXON AND TINA TINER NIXON, RECORDED IN VOLUME 2289, PAGE 294 OF THE OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS (O.P.R.B.C.T.). SAID 1.373 ACRE TRACT BEING MORE PARTICULARLY SHOWN ON THE ON THE ATTACHED EXHIBIT DRAWING AND FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** AT A 1/2" IRON ROD WITH CAP STAMPED "WALKER PARTNERS" SET FOR THE NORTHEAST CORNER OF THE RIGHT-OF-WAY OF AGNES STREET (RIGHT-OF-WAY VARIES), SAME BEING THE SOUTHEAST CORNER OF LOT 1, AS SHOWN ON THE PLAT OF BASTROP GROVE SECTION 1, RECORDED IN CABINET 6, SLIDE 114B OF THE PLAT RECORDS OF BASTROP COUNTY, TEXAS, ALSO BEING THE WEST LINE OF SAID 43.112 ACRE TRACT AND THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT, FROM WHICH A 1/2" IRON ROD FOUND IN THE SOUTH LINE OF STATE HIGHWAY 71 (RIGHT-OF-WAY VARIES) MARKING THE NORTHEAST CORNER OF LOT 2 OF SAID BASTROP GROVE SECTION 1, SAME BEING THE NORTHWEST CORNER OF SAID 43.112 ACRE TRACT BEARS N 09°40'07" E – 1156.37';

**THENCE** THROUGH THE INTERIOR OF THE 43.112 ACRE TRACT THE FOLLOWING 5 CALLS:

- 1) **S 80°19'41" E – 64.26'** TO A 1/2" IRON ROD WITH CAP STAMPED "WALKER PARTNERS" SET FOR A POINT OF CURVATURE,
- 2) **AN ARC DISTANCE OF 176.05'**, WITH A CURVE TO THE RIGHT, HAVING A RADIUS OF 340.00' AND A CHORD THAT BEARS S 65°29'40" E – 174.09' TO A 1/2" IRON ROD WITH CAP STAMPED "WALKER PARTNERS" SET FOR A POINT OF TANGENCY,
- 3) **S 50°39'38" E – 356.18'** TO A 1/2" IRON ROD WITH CAP STAMPED "WALKER PARTNERS" SET FOR A POINT OF CURVATURE,
- 4) **AN ARC DISTANCE OF 110.38'**, WITH A CURVE TO THE LEFT, HAVING A RADIUS OF 260.00' AND A CHORD THAT BEARS S 62°49'21" E – 109.55' TO A 1/2" IRON ROD WITH CAP STAMPED "WALKER PARTNERS" SET FOR A POINT OF TANGENCY,
- 5) **S 74°59'03" E – 32.35'** TO A 1/2" IRON ROD WITH CAP STAMPED "WALKER PARTNERS" SET IN THE WEST LINE OF THE REMAINDER OF A CALLED 69.296 ACRE TRACT OF LAND DESCRIBED IN A DEED TO DM PECAN PARK ASSOCIATES, LTD. RECORDED IN VOLUME 1482, PAGE 70 OF THE O.P.R.B.C.T., SAME BEING THE EAST LINE OF SAID 43.112 ACRE TRACT FOR THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT, FROM WHICH A 5/8" IRON ROD FOUND WITH CAP STAMPED "STAUDT SURVEYING" FOUND MARKING THE SOUTHWEST CORNER OF THE RIGHT-OF-WAY (60' WIDE) OF ORCHARD PARKWAY AS SHOWN ON THE PLAT OF PECAN PARK COMMERCIAL, PHASE 1, RECORDED IN CABINET 5, SLIDE 146A OF THE PLAT RECORDS OF BASTROP COUNTY, TEXAS BEARS N 01°25'47" W – 909.77';

**THENCE S 01°25'47" E – 83.41'** WITH THE COMMON LINE OF THE REMAINDER OF SAID 69.296 ACRE TRACT AND THE 43.112 ACRE TRACT TO A 1/2" IRON ROD WITH CAP STAMPED "WALKER PARTNERS" SET FOR THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT FROM WHICH A 5/8" IRON ROD WITH CAP STAMPED "PROPERTY CORNER" FOUND MARKING THE SOUTHEAST CORNER OF SAID 43.112 ACRE TRACT BEARS S 01°25'47" E – 1222.17';

**THENCE** THROUGH THE INTERIOR OF THE 43.112 ACRE TRACT THE FOLLOWING 5 CALLS:

- 1) **N 74°59'03" W – 55.96'** TO A 1/2" IRON ROD WITH CAP STAMPED "WALKER PARTNERS" SET FOR A POINT OF CURVATURE,
- 2) **AN ARC DISTANCE OF 144.34'**, WITH A CURVE TO THE RIGHT, HAVING A RADIUS OF 340.00' AND A CHORD THAT BEARS N 62°49'21" W – 143.26' TO A 1/2" IRON ROD WITH CAP STAMPED "WALKER PARTNERS" SET FOR A POINT OF TANGENCY,

[www.WalkerPartners.com](http://www.WalkerPartners.com)



**Exhibit "A"**

- 3) **N 50°39'38" W – 356.18'** TO A 1/2" IRON ROD WITH CAP STAMPED "WALKER PARTNERS" SET FOR A POINT OF CURVATURE,
- 4) **AN ARC DISTANCE OF 134.63'**, WITH A CURVE TO THE LEFT, HAVING A RADIUS OF 260.00' AND A CHORD THAT BEARS **N 65°29'40" W – 133.13'** TO A 1/2" IRON ROD WITH CAP STAMPED "WALKER PARTNERS" SET FOR A POINT OF TANGENCY,
- 5) **N 80°19'41" W – 64.26'** TO A 1/2" IRON ROD WITH CAP STAMPED "WALKER PARTNERS" SET IN THE EAST LINE OF THE REMAINDER OF A CALLED 145.611 ACRE TRACT OF LAND DESCRIBED IN A DEED TO MC BASTROP 71, LP, RECORDED IN VOLUME 2097, PAGE 241 OF THE O.P.R.B.C.T., SAME BEING THE WEST LINE OF SAID 43.112 ACRE TRACT FOR THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT FROM WHICH A 1/2" IRON ROD FOUND MARKING THE SOUTHWEST CORNER OF THE 43.112 ACRE TRACT BEARS **S 09°40'07" W – 1667.30'**;

**THENCE N 09°40'07" E – 80.00'** WITH THE EAST LINE OF SAID 145.611 ACRE TRACT, THE EAST LINE OF SAID AGNES STREET, SAME BEING THE WEST LINE OF THE 43.112 ACRE TRACT RETURNING TO THE **POINT OF BEGINNING** AND CONTAINING 1.373 ACRES OF LAND AS SURVEYED BY MARTY PAUL POLK, REGISTERED PROFESSIONAL LAND SURVEYOR, NO. 6031 ON AUGUST 2, 2019.

**BEARINGS CITED WITHIN THIS DESCRIPTION ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83, TEXAS CENTRAL ZONE ACQUIRED FROM GLOBAL POSITIONING SYSTEM OBSERVATIONS.**

SURVEYED: AUGUST 2, 2019

  
MARTY PAUL POLK, R.P.L.S. 6031



PROJ NO. 4-01130  
PLAT NO. A1-1638  
FIELD NOTE NO. 01  
MAP CHECKED MPP