

CITY OF BASTROP

RESOLUTION NO. R-2023- 37

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): ERHARD LEGACY PARTNERS, LTD., a Texas Limited Partnership;

PROPERTY INTEREST(S) TO BE ACQUIRED: a 2.503-acre fee simple right-of-way in the Nancy Blakey Survey, Abstract No. 98, being a portion of a 469.652-acre tract, being the property conveyed to Erhard Legacy Partners, Ltd., as recorded on March 10, 2015, in Document No. 201502920 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 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 **2.503 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 **Erhard Legacy Partners, Ltd.**, 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 28th day of February 2023.

APPROVED:


Cennie B. Schroeder, Mayor

ATTEST:


Ann Franklin, City Secretary

APPROVED AS TO FORM:


Alan Bojorquez, City Attorney



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

Project No. 1022070436
FN49372
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FIELD NOTES DESCRIPTION

DESCRIPTION OF 2.503 ACRES OF LAND IN THE NANCY BLAKEY SURVEY, ABSTRACT NO. 98, BASTROP COUNTY, TEXAS; BEING A PORTION OF THAT CERTAIN CALLED 469.652 ACRE TRACT OF LAND DESCRIBED IN THAT SPECIAL WARRANTY DEED TO ERHARD LEGACY PARTNERS, LTD. OF RECORD IN DOCUMENT NO. 201502920, OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS; SAID 2.50 ACRES 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 north right-of-way line of State Highway 71, and in the south line of a certain called 469.652 acre tract described in a Special Warranty Deed to Erhard Legacy Partners, Ltd. of record in Document No. 201502920, Official Public Records of Bastrop County, Texas, for the southeast corner and **POINT OF BEGINNING** of the tract described herein, from which a Type I TxDOT Monument found bears N 87°46'12" E, a distance of 2,591.97 feet;

THENCE S 87°46'12" W, with said north right-of-way line of State Highway 71, a distance of 80.00 feet to a calculated point for the southwest corner of the tract described herein, from which a 1/2" iron rod with plastic cap marked "Byrn Survey" found for the southeast corner of that certain called 5.01 acres described as Tract 5 in a Special Warranty Deed to Erhard Legacy Partners, Ltd. of record in Document No. 201502920, Official Public Records of Bastrop County, Texas, bears S 87°46'12" W, a distance of 310.10 feet;

THENCE N 02°13'48 W, crossing said 469.652 acre tract, a distance of 1,362.91 feet to a calculated point in the south 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, and the north line of said called 469.652 acre tract, for the northwest corner of the tract described herein, from which a 1/2" iron rod found for the southwest corner of said 25.071 acres, bears S 87°57'07" W, a distance of 1,552.59 feet;

THENCE N 87°46'12 E, with south line of said 25.071 acres, with the north line of said 469.652 acre tract, and with the north line of the tract described herein, a distance of 80.00 feet to a calculated point for the northeast corner of the tract described herein, from which a 1/2" iron rod found for the southeast corner of said 25.071 acres, bears N 87°57'07" E, a distance of 2,470.09 feet;

THENCE S 02°13'48 E, crossing said 469.652 acre tract, a distance of 1,362.65 feet to the **POINT OF BEGINNING** and containing 2.50 acres 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. Zdanczewicz
Registered Professional Land Surveyor
No. 6687 - State of Texas

SAM COMPANIES

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



sam.biz

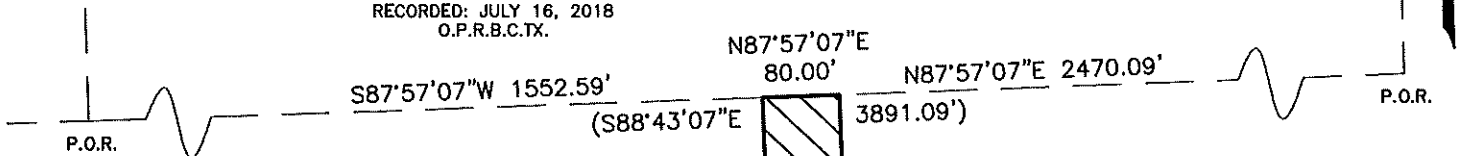


EXHIBIT TO ACCOMPANY
FIELD NOTE FN49372

BASTROP, TEXAS
NANCY BLAKEY
SURVEY A-98

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

TOCC LAND LLC
DOC NO. 201900758
CALLED 25.070
RECORDED: JANUARY 16, 2019
O.P.R.B.C.TX.



BEARING BASIS:

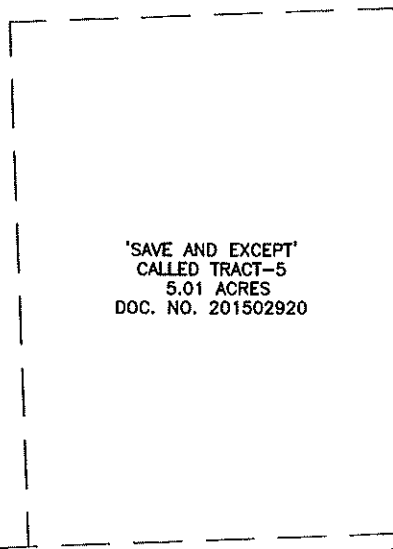
BEARINGS ARE BASED ON THE TEXAS STATE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83/93 (CORS). THE DISTANCES ARE ADJUSTED TO SURFACE USING A COMBINED SCALE FACTOR OF 1.00003. COORDINATES SHOWN ARE GRID VALUES.

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.

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

LEGEND

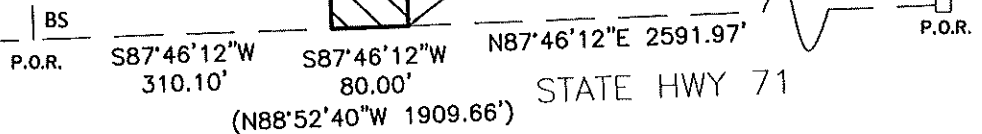
- CALCULATED POINT
- TxDOT TYPE I CONCRETE MONUMENT FOUND
- 1/2" IRON ROD FOUND
- 1/2" IRON ROD FOUND WITH IRON ROD FOUND W/ PLASTIC CAP STAMPED "BYRN SURVEY"
- BS
- PARCEL LIMITS
- PROPERTY LINES
- O.P.R.B.C.TX.
- P.O.B.
- P.O.R.
- () RECORD INFORMATION



N02°13'48"W 1362.91'
S02°13'48"E 1362.65'

2.503 ACRES

P.O.B.



REVIEWED BY:

JOB NUMBER: 1022070436
DATE: AUGUST, 2022
SCALE: 1" = 200'
SURVEYOR: DON ZDANCEWICZ
TECHNICIAN: ARTHUR UEHLINGER
DRAWING: Bastrop Exhibit SURF 2.50ACRES
TRACY ID: N/A
PARTY CHIEF: GREG HANNAH
FIELDBOOKS: 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 2
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