

CITY OF BASTROP

RESOLUTION NO. R-2023-38

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): BAR W RANCH PARTNERSHIP, LTD., a Texas limited partnership;

PROPERTY INTEREST(S) TO BE ACQUIRED: a 7.602-acre water and wastewater permanent easement and a 5.352-acre temporary construction easement, being a portion of a 12.954-acre tract, being the property conveyed to Bar W Ranch Partnership, Ltd., as recorded on February 10, 1998, in Document No. 199801289 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 water and wastewater utility system improvements and related facilities, and other necessary infrastructure as part of the Simbsoro Aquifer Water Treatment Plant, Wellfield, and Transmission Facilities 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 ***water and wastewater permanent easement of approximately 7.602 acres of land*** and a ***temporary construction easement of approximately 5.352 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 ***Bar W Ranch Partnership, Ltd.***, and possibly other claimants as reflected in a title review ("Property"), for the public use of construction, reconstruction, maintaining, and operating of 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, TX, this 38th day of February 2023.

APPROVED:



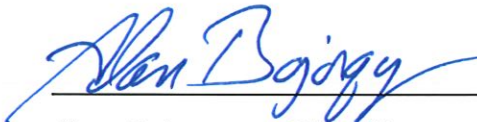
Connie B. Schroeder, Mayor

ATTEST:



Ann Franklin, City Secretary

APPROVED AS TO FORM:



Alan Bojorquez, City Attorney



📍 P.O. BOX 992 | 6477 FM 311, SPRING BRANCH, TX 78070
🌐 WWW.SHERWOODSURVEYING.COM
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7.602 ACRE ESMT
20FN002

MAY 26, 2022
REVISED NOVEMBER 16, 2022

FIELDNOTE DESCRIPTION
7.602 ACRE WATER/WASTEWATER EASEMENT

BEING A 7.602 ACRE TRACT (WATER/WASTEWATER EASEMENT) OF LAND SITUATED IN THE STEPHEN F. AUSTIN SURVEY, ABSTRACT 3, BASTROP COUNTY, TEXAS, AND BEING OUT OF THAT CERTAIN 12.954 ACRE TRACT CONVEYED TO BAR W RANCH PARTNERSHIP, LTD. OF RECORD IN VOLUME 892, PAGE 368 OF THE OFFICIAL PUBLIC RECORDS, BASTROP COUNTY, TEXAS; SAID 7.602 ACRE TRACT (WATER/WASTEWATER EASEMENT) BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING, AT A POINT AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF SAYERS ROAD AND THE WESTERLY RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD, BEING THE NORTHEASTERLY CORNER OF SAID 12.954 ACRE TRACT AND HEREOF, FROM WHICH A FOUND $\frac{1}{2}$ INCH IRON ROD WITH YELLOW CAP IN THE NORTHERLY RIGHT-OF-WAY LINE OF SAYERS ROAD, BEING THE SOUTHEASTERLY CORNER OF THAT CERTAIN 5,566.720 ACRE TRACT CONVEYED TO CAPITAL LAND INVESTMENTS 3 LP BY DEED OF RECORD IN DOCUMENT NO. 202114308 OF SAID OFFICIAL PUBLIC RECORDS BEARS N 28° 08' 01" E, A DISTANCE OF 56.77 FEET;

THENCE, ALONG THE COMMON LINE OF SAID 12.954 ACRE TRACT AND SAID UNION PACIFIC RAILROAD RIGHT-OF-WAY, THE FOLLOWING SEVEN (7) COURSES:

1. S 28° 48' 00" W, A DISTANCE OF 98.43 FEET TO A POINT OF CURVATURE;
2. SOUTHWESTERLY, ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 5025.50 FEET, A CENTRAL ANGLE OF 10° 09' 50", AN ARC LENGTH OF 891.48 FEET AND A CHORD BEARING S 33° 52' 55" W, A DISTANCE OF 890.31 FEET TO THE END OF SAID CURVE;
3. S 38° 57' 50" W, A DISTANCE OF 1271.16 FEET TO A POINT OF CURVATURE;
4. SOUTHWESTERLY, ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 2177.86 FEET, A CENTRAL ANGLE OF 19° 22' 37", AN ARC LENGTH OF 736.54 FEET AND A CHORD BEARING S 29° 16' 32" W, A DISTANCE OF 733.03 FEET TO THE END OF SAID CURVE;
5. S 19° 35' 14" W, AND DISTANCE OF 1949.37 FEET TO A POINT OF CURVATURE;
6. SOUTHWESTERLY, ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 2413.27 FEET, A CENTRAL ANGLE OF 18° 45' 28", AN ARC LENGTH OF 790.06 FEET AND A CHORD BEARING S 10° 12' 30" W, A DISTANCE OF 786.54 FEET TO THE END OF SAID CURVE;
7. S 00° 49' 45" W, A DISTANCE OF 3717.00 FEET TO A POINT IN THE NORTHERLY RIGHT-OF-WAY LINE OF REIDS BEND (COUNTY ROAD 41), BEING THE SOUTHEASTERLY CORNER OF SAID 12.954 ACRE TRACT AND HEREOF;



THENCE, N 84° 50' 03" W, ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF REIDS BEND (COUNTY ROAD 41), BEING THE SOUTHERLY LINE OF SAID 12.954 ACRE TRACT, A DISTANCE OF 35.10 FEET TO THE SOUTHWESTERLY CORNER HEREOF;

THENCE, INTO AND ACROSS SAID 12.954 ACRE TRACT, THE FOLLOWING SEVEN (7) COURSES:

1. N 00° 49' 45" E, LEAVING SAID SOUTHERLY LINE, A DISTANCE OF 3714.35 FEET TO A POINT OF CURVATURE;
2. NORTHEASTERLY, ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2448.27 FEET, A CENTRAL ANGLE OF 18° 45' 28", AN ARC LENGTH OF 801.52 FEET AND A CHORD BEARING N 10° 12' 30" E, A DISTANCE OF 797.95 FEET TO THE END OF SAID CURVE;
3. N 19° 35' 14" E, A DISTANCE OF 1949.37 FEET TO A POINT OF CURVATURE;
4. NORTHEASTERLY, ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2212.86 FEET, A CENTRAL ANGLE OF 19° 22' 37", AN ARC LENGTH OF 748.37 FEET AND A CHORD BEARING N 29° 16' 32" E, A DISTANCE OF 744.81 FEET TO THE END OF SAID CURVE;
5. N 38° 57' 50" E, A DISTANCE OF 1271.16 FEET TO A POINT OF CURVATURE;
6. NORTHEASTERLY, ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 4990.50 FEET, A CENTRAL ANGLE OF 09° 39' 07", AN ARC LENGTH OF 840.70 FEET AND A CHORD BEARING N 34° 08' 16" E, A DISTANCE OF 839.71 FEET TO THE END OF SAID CURVE;
7. N 61° 42' 05" W, A DISTANCE OF 17.16 FEET TO THE NORTHWESTERLY CORNER HEREOF, SITUATED IN THE NORTHWESTERLY LINE OF SAID 12.954 ACRE TRACT;

THENCE, N 42° 38' 45" E, ALONG SAID NORTHWESTERLY LINE, A DISTANCE OF 149.68 FEET TO THE NORTHERLY CORNER HEREOF, SITUATED IN THE SOUTHERLY RIGHT-OF-WAY LINE OF SAYERS ROAD;

THENCE, S 53° 41' 37" E, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, BEING THE NORTHERLY LINE OF SAID 12.954 ACRE TRACT, DISTANCE OF 16.68 TO THE **POINT OF BEGINNING**, CONTAINING AN AREA OF 7.602 ACRES OF LAND, MORE OR LESS.

**TOGETHER AND WITH THE FOLLOWING
5.352 ACRE TEMPORARY CONSTRUCTION EASEMENT**

BEING A 5.352 ACRE TRACT (TEMPORARY CONSTRUCTION EASEMENT) OF LAND SITUATED IN THE STEPHEN F. AUSTIN SURVEY, ABSTRACT 3, BASTROP COUNTY, TEXAS, AND BEING OUT OF THAT CERTAIN 12.954 ACRE TRACT CONVEYED TO BAR W RANCH PARTNERSHIP, LTD. OF RECORD IN VOLUME 892, PAGE 368 OF THE OFFICIAL PUBLIC RECORDS, BASTROP COUNTY, TEXAS; SAID 5.352 ACRE TRACT (TEMPORARY CONSTRUCTION EASEMENT) BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:



BEGINNING, AT A POINT IN THE NORTHWESTERLY LINE OF SAID 12.954 ACRE TRACT, BEING THE NORTHERLY CORNER HEREOF, FROM WHICH A FOUND $\frac{1}{2}$ INCH IRON ROD WITH YELLOW CAP IN THE NORTHERLY RIGHT-OF-WAY LINE OF SAYERS ROAD, BEING THE SOUTHEASTERLY CORNER OF THAT CERTAIN 5,566.720 ACRE TRACT CONVEYED TO CAPITAL LAND INVESTMENTS 3 LP BY DEED OF RECORD IN DOCUMENT NO. 202114308 OF SAID OFFICIAL PUBLIC RECORDS BEARS N 42° 38' 45" E, A DISTANCE OF 149.68 FEET, S 53° 41' 37" E, A DISTANCE OF 16.68 FEET AND N 28° 08' 01" E, A DISTANCE OF 56.77 FEET;

THENCE, INTO AND ACROSS SAID 12.954 ACRE TRACT, THE FOLLOWING SEVEN (7) COURSES:

1. S 61° 42' 05" E, A DISTANCE OF 17.16 FEET TO THE NORTHEASTERLY CORNER HEREOF;
2. SOUTHWESTERLY, ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 4990.50 FEET, A CENTRAL ANGLE OF 09° 39' 07", AN ARC LENGTH OF 840.70 FEET AND A CHORD BEARING S 34° 08' 16" W, A DISTANCE OF 839.71 FEET TO THE END OF SAID CURVE;
3. S 38° 57' 50" W, A DISTANCE OF 1271.16 FEET TO A POINT OF CURVATURE;
4. SOUTHWESTERLY, ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 2212.86 FEET, A CENTRAL ANGLE OF 19° 22' 37", AN ARC LENGTH OF 748.37 FEET AND A CHORD BEARING S 29° 16' 32" W, A DISTANCE OF 744.81 FEET TO THE END OF SAID CURVE;
5. S 19° 35' 14" W, A DISTANCE OF 1949.37 FEET TO A POINT OF CURVATURE;
6. SOUTHWESTERLY, ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 2448.27 FEET, A CENTRAL ANGLE OF 18° 45' 28", AN ARC LENGTH OF 801.52 FEET AND A CHORD BEARING S 10° 12' 30" W, A DISTANCE OF 797.95 FEET TO THE END OF SAID CURVE;
7. S 00° 49' 45" W, A DISTANCE OF 3714.35 FEET TO THE SOUTHEASTERLY CORNER HEREOF SITUATED IN THE SOUTHERLY LINE OF SAID 12.954 ACRE TRACT;

THENCE, N 84° 50' 03" W, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 25.07 FEET TO A POINT BEING IN THE EASTERLY LINE OF THAT CERTAIN 347.862 ACRE TRACT CONVEYED TO BAR W RANCH PARTNERSHIP, LTD BY DEED OF RECORD IN VOLUME 892, PAGE 360 OF SAID OFFICIAL PUBLIC RECORDS, BEING THE SOUTHWESTERLY CORNER OF SAID 12.954 ACRE TRACT AND HEREOF;



THENCE, ALONG THE COMMON LINE OF SAID 347.862 ACRE TRACT AND SAID 12.954 ACRE TRACT, THE FOLLOWING SEVEN (7) COURSES:

1. N 00° 49' 45" E, A DISTANCE OF 3712.45 FEET TO A POINT OF CURVATURE;
2. NORTHEASTERLY, ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2448.27 FEET, A CENTRAL ANGLE OF 18° 45' 28", AN ARC LENGTH OF 801.52 FEET AND A CHORD BEARING N 10° 12' 30" E, A DISTANCE OF 797.95 FEET TO THE END OF SAID CURVE;
3. N 19° 35' 14" E, A DISTANCE OF 1949.37 FEET TO A POINT OF CURVATURE;
4. NORTHEASTERLY, ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2212.86 FEET, A CENTRAL ANGLE OF 19° 22' 37", AN ARC LENGTH OF 748.37 FEET AND A CHORD BEARING N 29° 16' 32" E, A DISTANCE OF 744.81 FEET TO THE END OF SAID CURVE;
5. N 38° 57' 50" E, A DISTANCE OF 1271.16 FEET TO A POINT OF CURVATURE;
6. NORTHEASTERLY, ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 4965.50 FEET, A CENTRAL ANGLE OF 09° 15' 40", AN ARC LENGTH OF 802.60 FEET AND A CHORD BEARING N 34° 20' 00" E, A DISTANCE OF 801.73 FEET TO THE END OF SAID CURVE;
7. N 42° 38' 45" E, A DISTANCE OF 34.51 FEET TO THE **POINT OF BEGINNING**, CONTAINING AN AREA OF 5.352 ACRES OF LAND MORE OR LESS.

I, MELISSA T. HINTON, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED FROM A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION.

A SURVEY EXHIBIT WAS PREPARED ON THIS SAME DATE. BASIS OF BEARING IS NAD 83 TEXAS STATE PLANE COORDINATES, CENTRAL ZONE.

Melissa T. Hinton

11-16-2022

MELISSA T. HINTON DATE:

R.P.L.S. #6521 STATE OF TEXAS



LINE TABLE

LINE	BEARING	DISTANCE
L1	N 28°08'01" E	56.77'
L2	S 28°48'00" W	98.43'
L3	S 38°57'50" W	1271.16'
L4	S 19°35'14" W	1949.37'
L5	S 00°49'45" W	3717.00'
L6	N 84°50'03" W	35.10'
L7	N 00°49'45" E	3712.45'
L8	N 19°35'14" E	1949.37'
L9	N 38°57'50" E	1271.16'
L10	N 42°38'45" E	34.51'
L11	N 42°38'45" E	149.68'
L12	S 53°41'37" E	16.68'
L13	N 61°42'05" W	17.16'
L14	N 38°57'50" E	1271.16'
L15	N 19°35'14" E	1949.37'
L16	N 00°49'45" E	3714.35'
L17	N 84°50'03" W	25.07'

5,566.720 ACRES
CAPITAL LAND
INVESTMENTS 3 LP
DOC. 202114308

P.O.B. 5.352 AC. TCE

1/2" IRF WITH
YELLOW CAP (CM)

P.O.B. 7.602 AC. W/WWE

SAYERS ROAD

SURVEYOR NOTES:
THIS BOUNDARY SURVEY WAS COMPLETED WITHOUT ADDITIONAL RESEARCH TO DETERMINE IF OTHER MATTERS OF RECORD, IF ANY, MIGHT AFFECT THIS PROPERTY, SUCH AS EASEMENTS, SETBACKS, OR OTHER ENCUMBRANCES.

BASIS OF BEARING IS NAD83 TEXAS STATE PLANE COORDINATES, CENTRAL ZONE

DATE OF FIELDWORK: 01/13/2022

**5.352 ACRE
TEMPORARY
CONSTRUCTION
EASEMENT**

**7.602 ACRE
WATER/WASTEWATER
EASEMENT**

LEGEND

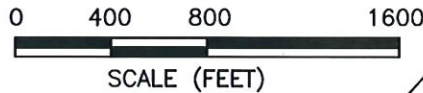
- 1/2" IRON ROD FOUND (UNLESS NOTED)
- 1/2" IRON ROD SET
- C.M. CONTROLLING MONUMENT

LEGAL DESCRIPTION

BEING A 7.602 ACRE TRACT (WATER/WASTEWATER EASEMENT) AND A 5.352 ACRE TRACT (TEMPORARY CONSTRUCTION EASEMENT) OF LAND SITUATED IN THE STEPHEN F. AUSTIN SURVEY, ABSTRACT 3, BASTROP COUNTY, TEXAS, AND BEING THAT CERTAIN 12.954 ACRE TRACT CONVEYED TO BAR W RANCH PARTNERSHIP, LTD. OF RECORD IN VOLUME 892, PAGE 368 OF THE OFFICIAL PUBLIC RECORDS, BASTROP COUNTY, TEXAS.

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	5025.50'	891.48'	890.31'	S 33°52'55" W	10°09'50"
C2	2177.86'	736.54'	733.03'	S 29°16'32" W	19°22'37"
C3	2413.27'	790.06'	786.54'	S 10°12'30" W	18°45'28"
C4	2448.27'	801.52'	797.95'	N 10°12'30" E	18°45'28"
C5	2212.86'	748.37'	744.81'	N 29°16'32" E	19°22'37"
C6	4990.50'	840.70'	839.71'	N 34°08'16" E	9°39'07"
C7	4990.50'	840.70'	839.71'	N 34°08'16" E	9°39'07"
C8	2212.86'	748.37'	744.81'	N 29°16'32" E	19°22'37"
C9	2448.27'	801.52'	797.95'	N 10°12'30" E	18°45'28"



347.862 ACRES
BAR W RANCH PARTNERSHIP, LTD
VOL. 892, PG. 360

12.954 ACRES
BAR W RANCH
PARTNERSHIP, LTD
VOL. 892, PG. 368

WOODRUN SUBDIVISION
SECTION ONE
BLOCK "C"
CAB. 3, SLIDE 68A

