

CITY OF BASTROP

RESOLUTION NO. R-2020-108

**PALMS PROPERTIES, LLC
0.243 ACRES PUBLIC UTILITY EASEMENT
& 0.238 ACRES TEMPORARY CONSTRUCTION EASEMENT**

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

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 wastewater treatment facilities and make utility improvements to the Bastrop wastewater utility system 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 public utility easement of approximately **0.243 acres of land**, located in Bastrop County, Texas and more particularly described by metes and bounds in Exhibit "A" and illustrated on the survey in Exhibit "B" attached hereto and incorporated herein for all purposes; and

WHEREAS, the City Council also finds that public necessity requires the acquisition of a temporary construction easement of approximately **0.238 acres of land**, located in Bastrop County, Texas, and also illustrated on the survey in Exhibit "B" attached hereto and incorporated herein for all purposes; and

WHEREAS, all such property described and depicted on Exhibits A and B being owned by Palm Properties, LLC and possibly other claimants as reflected in a title review ("Property"), for the public use of construction, reconstruction, maintaining, and operating of a wastewater treatment plant, wastewater treatment improvements and related facilities, and utility adjustments, relocation, and/or installation ("Project"), excluding all the oil, gas, and sulphur which can be removed from beneath said 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 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 and maintain wastewater treatment facilities and utility improvements in the City, 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 Attorneys 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, 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 13 day of October 2020.

APPROVED:



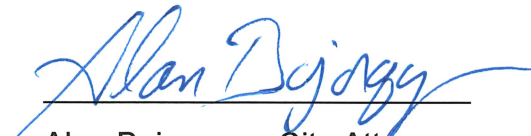
Connie B. Schroeder, Mayor

ATTEST:



Ann Franklin, City Secretary

APPROVED AS TO FORM:



Alan Bojorquez, City Attorney

SKETCH TO ACCOMPANY FIELD NOTES

Exhibit B



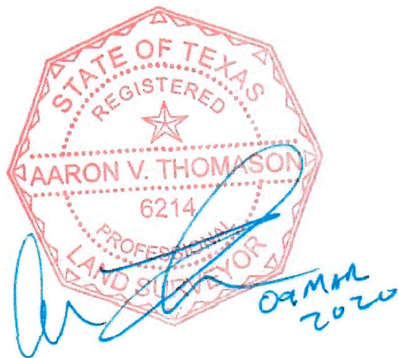
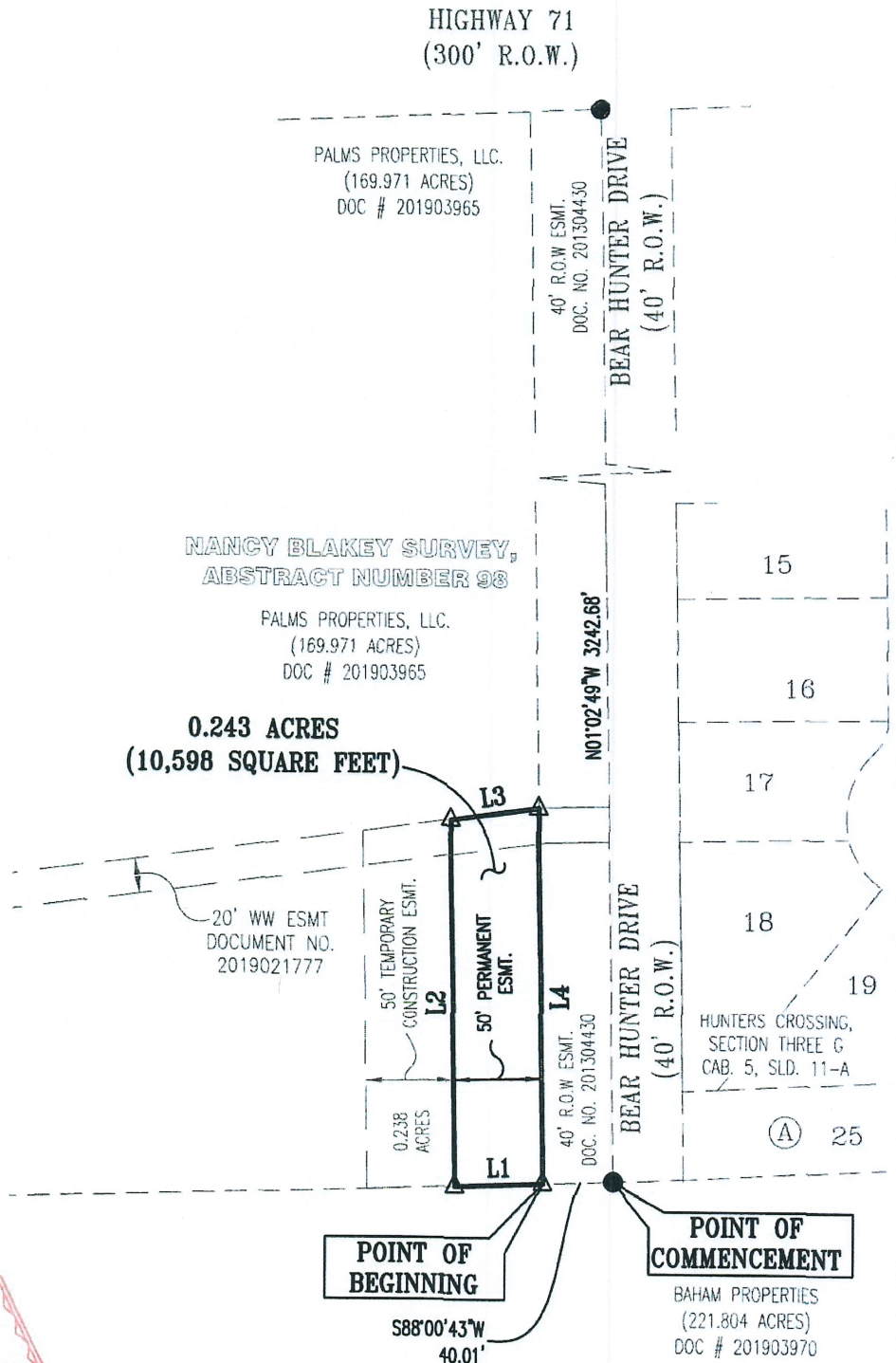
SCALE: 1" = 100'

LEGEND

- 1/2" IRON ROD FOUND
- △ CALCULATED POINT

Line Table		
Line #	Length	Direction
L1	50.01	S88°00'43"W
L2	209.49	N01°02'49"W
L3	50.33	N82°22'34"E
L4	214.44	S01°02'49"E

0.243 ACRES
(10,598 SQUARE FEET)



BEARING BASIS: TEXAS COORDINATE SYSTEM, CENTRAL ZONE (4203), NAD83

Carlson, Brigrance & Doering, Inc.
 FIRM ID #F3791 REG. # 10024900

Civil Engineering Surveying
 5501 West William Cannon Austin, Texas 78749
 Phone No. (512) 280-5160 Fax No. (512) 280-5165

EXHIBIT "A"
FIELD NOTES

BEING ALL OF THAT CERTAIN 0.243 ACRE (10,598 SQUARE FEET) TRACT OF LAND SITUATED IN THE NANCY BLAKEY SURVEY, ABSTRACT NUMBER 98, BASTROP COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED AS BEING A PORTION OF A CALLED 169.971 ACRE TRACT OF LAND CONVEYED TO PALMS PROPERTIES, LLC. IN DOCUMENT NUMBER 201903965, OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS, SAID 0.243 ACRE TRACT (10,598 SQUARE FEET) OF LAND BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:


COMMENCING, at a 1/2 inch iron rod found at the southeast corner of said 169.971 acre tract, being at the southwest terminus of Bear Hunter Drive (40' R.O.W.), same being in the north line of a called 221.804 acre tract of land conveyed to Baham Properties in Document Number 201903970, Official Public Records of Bastrop County, Texas, for the **POINT OF COMMENCEMENT** of the herein described tract of land, and from which a 1/2 inch iron rod found at the northeast corner of said 169.971 acre tract, and being at the intersection of the west right-of-way line of said Bear Hunter Drive and the south right-of-way line of highway 71 (300' R.O.W.), bears N01°02'49"W, a distance of 3242.68 feet,

THENCE, S88°00'43"W, with the north line of said 221.804 acre tract and the south line of said 169.971 acre tract, a distance of 40.01 feet to a calculated point in the common line of said 221.804 acre tract and said 169.971 acre tract, for the southeast corner and the **POINT OF BEGINNING** of the herein described tract,

THENCE, S88°00'43"W, with the common line of said 221.804 acre tract and said 169.971 acre tract, a distance of 50.01 feet to a calculated point for the southwest corner of the herein described tract of land,

THENCE, over and across said 169.971 acre tract of land, the following three (3) course and distances, numbered 1 through 3,

- 1) N01°02'49"W, a distance of 209.49 feet to a calculated point for the northwest corner of the therein described tract of land,
- 2) N82°22'34"E, a distance of 50.33 feet to a calculated point for the northeast corner of the therein described tract of land, and
- 3) S01°02'49"E, a distance of 214.44 feet to the **POINT OF BEGINNING** and containing 0.243 acres (10,598 Square Feet) of land.

Surveyed by:  *02/11/2020*
 AARON V. THOMASON, R.P.L.S. NO. 6214
 Carlson, Brigance and Doering, Inc.
 5501 West William Cannon
 Austin, TX 78749
 Ph: 512-280-5160 Fax: 512-280-5165
 aaron@cbdeng.com



BEARING BASIS: TEXAS COORDINATE SYSTEM CENTRAL ZONE (4203)