

RESOLUTION NO. R-2022-279

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROUND ROCK, 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 Round Rock, Texas (“City”) and the public-at-large to construct certain roadway and utility improvements along Chisholm Trail Road, and to perform associated public uses and purposes (“Project”); and

WHEREAS, in accordance with the above, the City Council hereby finds that public necessity requires the acquisition of fee simple title to approximately 0.090 acre (Parcel 2) of land located in Williamson County, Texas and more particularly described by metes and bounds and on the plat and sketch to accompany parcel description in Exhibit “A” attached hereto (the “Property”), such property being owned by **RRHI, INC and EDMOND INVESTMENT GROUP, INC.**, for the public use of construction, reconstruction, extending, maintaining, and operating of the Chisholm Trail roadway 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 real 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 real 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 ROUND ROCK, TEXAS:

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 utility improvements in the City, and to acquire property interests to assist with such purposes in and to the above-described lands, 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 Attorney, or his designated agent, has on behalf of the City to 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 his 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 lands, 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.

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.

RESOLVED this 25th day of August, 2022.

CRAIG MORGAN, Mayor
City of Round Rock, Texas

ATTEST:

MEAGAN SPINKS, City Clerk

EXHIBIT A

PROPERTY DESCRIPTION

DESCRIPTION OF A 0.090 ACRE (3,926 SQUARE FOOT) PARCEL OF LAND SITUATED IN THE DAVID CURRY SURVEY, ABSTRACT NO. 130 IN WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF LOT 2, BLOCK "A", HOPPE CENTRE, A SUBDIVISION OF RECORD IN CABINET BB SLIDES 190-191 OF THE PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS, AND CITED IN GENERAL WARRANTY DEED TO EDMOND INVESTMENT GROUP, INC. IN DOCUMENT NO. 2011042706 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS, SAID 0.090 ACRE (3,926 SQUARE FOOT) PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron rod with an aluminum cap stamped "ROW 4933" set in the proposed westerly Right-of-Way (ROW) line of Chisholm Trail Road (variable width ROW), (Grid Coordinates determined as N=10,168,599.70 E=3,127,014.87), being in the northwesterly cutback line of the intersection of the existing westerly ROW line of Chisholm Trail Road (90 foot side ROW width) and the northerly ROW line of West Old Settlers Boulevard (120 foot wide ROW width), same being the easterly boundary line of said Lot 2, for the southwest corner and **POINT OF BEGINNING** of the herein described parcel, and from which, an "X" mark cut on concrete sidewalk found, being the southeasterly corner of said Lot 2 bears S 40°02'50" W, at a distance of 29.58 feet;

THENCE, departing said ROW cutback line, with said proposed westerly ROW line of Chisholm Trail Road, through the interior of said Lot 2, the following two (2) courses:

- 1) **N 00°41'52" W**, for a distance of **246.52** feet to an aluminum cap stamped "ROW 4933" set, for the northwesterly corner of the herein described parcel;
- 2) **N 12°47'52" E**, for a distance of **62.21** feet to an aluminum cap stamped "ROW 4933" set in said existing westerly ROW line of Chisholm Trail Road, same being said easterly boundary line of Lot 2, for the northeasterly corner of the herein described parcel, and from which, an iron rod with plastic cap stamped "Baker-Aicklen" found, being an angle point in the easterly boundary line of Lot 1, Replat of Calcasieu Lumber Addition, a subdivision of record in Cabinet P, Slides 16-17 of the Plat Records of Williamson County, Texas, same being the northeasterly corner of said Lot 2 bears N 00°44'23" W, at a distance of 651.31 feet;
- 3) **THENCE**, with said existing westerly ROW line of Chisholm Trail Road and said easterly boundary line of Lot 2, **S 00°44'23" E**, for a distance of **289.91** feet to a calculated point being the beginning of said ROW cutback line, for the southeasterly corner of the herein described parcel;

County: Williamson
Parcel: Parcel 2-Edmond Investment Group, Inc.
Highway: Chisholm Trail Rd

- 4) **THENCE**, with said ROW cutback line and said easterly boundary line of Lot 2, **S 40°02'50" W**, for a distance of **22.57** feet to the **POINT OF BEGINNING**, containing 0.090 acres (3,926 square feet) of land, more or less.

This property description is accompanied by a separate parcel plat.

All bearings recited herein are based on the Texas State Plane Coordinate System, Central Zone No. 4203, NAD 83.

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF WILLIAMSON §

That I, M. Stephen Truesdale, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direct supervision.

WITNESS MY HAND AND SEAL at Round Rock, Williamson County, Texas.

M. Stephen Truesdale
M. Stephen Truesdale
Registered Professional Land Surveyor No. 4933
Licensed State Land Surveyor
Inland Geodetics, LLC
Firm Registration No: 100591-00
1504 Chisholm Trail Road, Suite 103
Round Rock, TX 78681

10 MAR 2022
Date



EXHIBIT A

PLAT TO ACCOMPANY DESCRIPTION

NUMBER	DELTA	RADIUS	LENGTH	CHORD	CHORD BEARING
CI	03°34'36"	1333.24'	83.22'	83.21'	S79°05'00"W
(CI)	(03°35'01")	(1333.24')	(83.38')	(83.37')	(S79°12'13"W)

REPLAT OF
 LOT 1 CALCASIEU LUMBER ADDITION
 CAB. P, SLD. 16-17
 P.R.W.C.T.

LEGEND

- ⊙ IRON ROD WITH PLASTIC CAP STAMPED "BAKER-AICKLEN" FND
- IRON ROD WITH ALUMINUM CAP STAMPED "ROW 4933" SET
- 1/2" IRON ROD FOUND
- X X CUT ON SIDEWALK FOUND
- △ CALCULATED POINT
- ⌚ PROPERTY LINE
- P.O.B. POINT OF BEGINNING
- () RECORD INFORMATION
- P.R.W.C.T. PLAT RECORDS WILLIAMSON COUNTY, TEXAS
- O.P.R.W.C.T. OFFICIAL PUBLIC RECORDS WILLIAMSON COUNTY, TEXAS
- LINE BREAK

NO.	DIRECTION	DISTANCE
L1	S40°02'50"W	29.58'
L2	N00°44'23"W	651.31'
L3	S40°02'50"W	22.57'
(L4)	(S40°10'53"W)	(51.90')

LOT 1
 BLOCK "A"

EDMOND INVESTMENT
 GROUP, INC.
 DOC. NO. 2011042706
 O.P.R.W.C.T.

LOT 2
 BLOCK "A"

1) ALL BEARINGS SHOWN HEREON ARE BASED ON GRID BEARING. ALL DISTANCES ARE SURFACE DISTANCES. COORDINATES ARE GRID VALUES BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE NO. 4203, NAD 83.

2) THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A TITLE ABSTRACT. THERE MAY BE OTHER INSTRUMENTS OF RECORD THAT AFFECT THIS TRACT NOT DEPICTED HEREON.

I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND THAT THE PROPERTY SHOWN HEREON WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECT SUPERVISION.

M. Stephen Truesdale 10 MAR 2022
 M. STEPHEN TRUESDALE DATE
 REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4933
 LICENSED STATE LAND SURVEYOR
 INLAND GEODETICS, LLC
 FIRM REGISTRATION NO. 100591-00
 1504 CHISHOLM TRAIL ROAD, SUITE 103
 ROUND ROCK, TEXAS 78681



WEST OLD SETTLERS BOULEVARD
 (120' R.O.W. WIDTH)

P.O.B.
 GRID COORDINATES:
 N=10,168,599.70
 E=3,127,014.87



PARCEL PLAT SHOWING PROPERTY OF EDMOND INVESTMENT GROUP, INC.		09/22/2021	
WILLIAMSON COUNTY		PROJECT CHISHOLM TRAIL	PARCEL 2
SCALE 1" = 50'			PAGE 3 OF 3