

RESOLUTION NO. R-2024-

**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 (“City”), the Brushy Creek Regional Utility Authority, Inc. (“BCRUA”), the City of Cedar Park, the City of Round Rock, and the City of Leander as participating cities in the BCRUA, and the public-at-large to construct certain raw water line and electric utility improvements to and for the regional water treatment and distribution system of the BCRUA and its participating cities, 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 a permanent electric utility easement in and across approximately 0.361 acre (Parcel 203) tract of land located in Travis County, Texas and more particularly described by metes and bounds and survey plat in Exhibits “A” attached hereto (the “Property”), such Property being owned by **18245 FM 1431, LLC and PARKS FOR THE WIN, LLC** for the public use of construction, reconstruction, installation, maintaining, and operating of electric utility facilities required 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 upon and will cross, run through and over the surface of 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 of Round Rock, the BCRUA, and its member cities and their citizens, to construct and maintain electric utility facilities on the Property, 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 BCRUA, its member cities, and the City and/or its assigns to complete said Project.

Section 2. The City Attorney, or his designated agent, has on behalf of the BCRUA, its member cities and 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 a voluntary acquisition 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 22nd day of August 2024.

CRAIG MORGAN, Mayor
City of Round Rock, Texas

ATTEST:

MEGAN SPINKS, City Clerk

BCRUA 203
18245 FM 1431, LLC AND PARKS FOR THE WIN, LLC



804 Las Cimas Pkwy., Suite 150
 Austin, Texas 78746

**TWENTY FOOT WIDE (0.361 ACRE)
 ELECTRIC EASEMENT**
LOCATED IN THE JOSE ANTONIO YBARBO SURVEY, ABSTRACT 840
IN TRAVIS COUNTY, TEXAS

FIELD NOTES FOR A TWENTY FOOT WIDE (0.361 ACRE) STRIP OF LAND LOCATED IN THE JOSE ANTONIO YBARBO SURVEY, ABSTRACT 840 IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF A CALLED 6.68 ACRE TRACT, DESCRIBED IN A DEED TO 18245 FM 1431, LLC, OF RECORD UNDER TRAVIS COUNTY CLERK'S DOCUMENT (T.C.C.D.) 2018117609 AND DESCRIBED IN A DEED FOR AN UNDIVIDED ONE-HALF (1/2) INTEREST TO PARKS FOR THE WIN, LLC OF RECORD UNDER TRAVIS COUNTY CLERK'S DOCUMENT 2020046967 BOTH IN THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.T.). SAID 0.361 ACRE EASEMENT BEING MORE PARTICULARLY SHOWN ON THE ATTACHED EXHIBIT DRAWING MADE A PART HEREOF AND FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A POINT IN THE EAST RIGHT-OF-WAY LINE OF RANCH TO MARKET HIGHWAY 1431 (100' RIGHT-OF-WAY), AT THE SOUTHWEST CORNER OF A CALLED 49.2437 ACRE TRACT DESCRIBED IN A DEED TO NELSON N. LEE AND ALICE K. LEE, OF RECORD IN VOLUME 11095, PAGE 2380 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS (R.P.R.T.C.T.), AT THE NORTHWEST CORNER OF SAID 6.68 ACRE TRACT AND OF THE HEREIN DESCRIBED EASEMENT, FROM WHICH A 1/2" IRON ROD WITH CAP STAMPED "MAPLES 5043" FOUND FOR REFERENCE BEARS S 52°54'27" E – 0.35';

THENCE S 52°54'27" E – 7 0.65' WITH THE COMMON LINE OF SAID 6.68 ACRE TRACT AND THE 49.2437 ACRE TRACT, TO A 1/2" IRON ROD FOUND MARKING THE NORTHEAST CORNER OF SAID 6.68 ACRE TRACT AND THE HEREIN DESCRIBED EASEMENT AND A NORTH CORNER OF A CALLED 42.260 ACRE TRACT DESCRIBED IN A DEED TO CAROLYN DOUGLAS, OF RECORD IN VOLUME 13347, PAGE 1946 OF SAID R.P.R.T.C.T.;

THENCE S 37°06'35" W – 20.00' WITH THE COMMON LINE OF SAID 6.68 ACRE TRACT AND SAID 42.260 ACRE TRACT TO A POINT AT THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED EASEMENT, FROM WHICH A 1/2" IRON ROD FOUND AT THE SOUTHEAST CORNER OF SAID 6.68 ACRE TRACT BEARS S 37°06'35" W – 405.10';

THENCE N 52°54'27" W – 782.56' THROUGH THE INTERIOR OF SAID 6.68 ACRE TRACT, SOUTH OF, PARALLEL TO AND 20' AT RIGHT ANGLES FROM THE NORTH LINE OF SAID 6.68 ACRE TRACT AND THE SOUTH LINE OF SAID 49.2437 ACRE TRACT, TO A POINT IN THE EAST RIGHT-OF-WAY LINE OF SAID RANCH TO MARKET HIGHWAY 1431, AT THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED EASEMENT, FROM WHICH A 1/2" IRON ROD FOUND AT THE SOUTHWEST CORNER OF SAID 6.68 ACRE TRACT BEARS AN ARC LENGTH OF 190.13', WITH A CURVE TO THE LEFT, HAVING A RADIUS OF 1587.03', A CENTRAL ANGLE OF 6°51'51" AND A CHORD WHICH BEARS S 11°14'40" W – 190.02' TO A CONCRETE MONUMENT FOUND, S 07°31'12" W – 98.87' TO A 1/2" IRON ROD WITH CAP STAMPED "MAPLES 5043" FOUND, AND S 07°14'05" W – 170.74';

THENCE AN ARC LENGTH OF 21.57', WITH THE WEST LINE OF SAID 6.68 ACRE TRACT, ALONG THE EAST RIGHT-OF-WAY LINE OF RANCH TO MARKET HIGHWAY 1431, WITH A CURVE TO THE RIGHT, HAVING A RADIUS OF 1587.03', A CENTRAL ANGLE OF 0°46'44", AND A CHORD WHICH BEARS N 15°03'58" E – 21.57', RETURNING TO THE **POINT OF BEGINNING** AND CONTAINING 0.361 ACRE OF LAND. SURVEYED BY WARREN L. SIMPSON, REGISTERED PROFESSIONAL LAND SURVEYOR, NO. 4122 ON SEPTEMBER 18, 2020. BEARINGS CITED WITHIN THIS DESCRIPTION ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83, TEXAS CENTRAL ZONE ACQUIRED FROM GLOBAL POSITIONING SYSTEM OBSERVATIONS. THE DISTANCES SHOWN HEREIN ARE SURFACE VALUES

RELEASED: SEPTEMBER 21, 2020

WARREN L. SIMPSON, R.P.L.S. 4122
 PROJ NO. 3-00619
 PLAT NO. A3-1542
 FIELD NOTE NO. 203
 MAP CHECKED: 9/21/2020 WLS



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