

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, DECLARING THE NECESSITY FOR ACQUIRING BY CONDEMNATION AN EXCLUSIVE PUBLIC UTILITY EASEMENT IN CERTAIN DESCRIBED PROPERTY AND A TEMPORARY CONSTRUCTION EASEMENT IN CERTAIN DESCRIBED PROPERTY TO INSTALL AND MAINTAIN THE WATER LINES AND ASSOCIATED FACILITIES FOR THE TRANSPORT AND TRANSMISSION OF WATER, AND ORDERING THE CONDEMNATION OF SAID PROPERTY TO PROCEED.

WHEREAS, the City Council of the City of College Station has heretofore determined to acquire the exclusive public utility easements and related temporary construction easements necessary for the installation, maintenance, repair, reconstruction, modification, removal, inspection of the Water Project; and

WHEREAS, an independent professional appraisal report of the subject properties has been submitted to the City, and the City Manager has accordingly established and approved a certain amount determined to be just compensation for each property, pursuant to the authority granted him by Resolution of the City Council on July 22, 2002, said Resolution being amended on April 10, 2003; and

WHEREAS, an official written offer based upon an amount determined to be the just compensation has been transmitted to the owners of the real properties described herein for the exclusive public utility easements in the property fully described by Exhibits A and B, and the temporary construction easements in the property fully described by Exhibits A-TE and B-TE, said exhibits are attached hereto and incorporated herewith, and further negotiations for settlement have been futile and impossible because the parties were unable to agree on the amount of just compensation; and

WHEREAS, the City of College Station has complied with all prerequisites of the laws of the State of Texas to acquire the exclusive public utility easement in the real property described by Exhibits A and B, and the temporary construction easement interest in the property fully described by Exhibits A-TE and B-TE, now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:

PART 1: That the official offer by the City of College Station for the exclusive public utility easement and the temporary construction easement in the real property described by the attached exhibits in the amounts stated below is hereby confirmed.

The official offer for the property described by Exhibit A (Exclusive Public Utility Easement) and Exhibit A-TE (Temporary Construction Easement) was Ten Thousand Three Hundred Ninety Two Dollars (\$ 10,392.00).

The official offer for the property described by Exhibit B (Exclusive Public Utility Easement) and Exhibit B-TE (Temporary Construction Easement) was Forty Seven Thousand Four Hundred Eighty Dollars (\$47,480.00).

PART 2: That it is hereby determined that the City of College Station has in fact transmitted a bona fide offer to the property owners, in accord with the laws of the State of Texas, for the real property described in the attached Exhibits. Further negotiations for settlement have been futile and impossible because the parties are unable to agree upon just compensation.

PART 3: That public necessity requires the acquisition of the exclusive public utility easements in the properties described in the attached Exhibits A and B, and the temporary construction easement interest in the property described by Exhibits A-TE and B-TE, for the installation and maintenance of the Water Project, and that public necessity and convenience require the condemnation of the properties in order to acquire them for such purpose.

PART 4: That the City Attorney is hereby authorized and directed to institute proceedings in eminent domain against the property owners listed below and against all other owners, lienholders, and other holders of an interest in the property, in order to acquire an exclusive public utility easement in the property described in the attached Exhibits A and B; and a temporary construction easement interest in the property described in the attached Exhibits A-TE and B-TE; said property lying and being situated in Brazos County, Texas.

The owner of the property described by Exhibits A and A-TE is David Allen Weber.

The owner of the property described by Exhibits B and B-TE is Richard Pena.

PART 5: That the City Attorney is hereby authorized to deposit the Award of the Commissioners from aforesaid proceedings into the registry of the Brazos County Court.

PART 6: That this resolution shall take effect immediately from and after its passage.

PASSED and APPROVED this _____ day of _____, 2004.

ATTEST:

APPROVED

CONNIE HOOKS, City Secretary

RON SILVIA, Mayor

APPROVED:



City Attorney

Joe Orr, Inc.
Surveyors & Engineers
2167 Post Oak Circle
College Station, TX 77845
(979) 690-3378

Proposed Easement
Nowasco Addition
Stephen F. Austin League No. 9
Bryan, Brazos County, Texas
11 November 2002

All that certain tract of parcel of land lying and being situated in the Stephen F. Austin League No. 9, Abstract No. 62, in Bryan, Brazos County, Texas, being a part of Lot 1 Block 1 of the Nowasco addition to the City of Bryan according to plat of record in Volume 470, Page 871 of the Deed Records of Brazos County, Texas, lying along and adjoining the northeast line of the existing Lone Star Gas Company easement as described by said plat and being more particularly described as follows:

Beginning at a point in the line between the said Nowasco addition and the Amtex Subdivision Phase I according to plat of record in Volume 495, Page 449 of the Deed Records of Brazos County, Texas, from which a concrete right-of-way monument was found S 67° 01' 21" W – 30.0 feet at the common corner of the said Nowasco addition and the said Amtex Subdivision in the northeast right-of-way line of Harvey Mitchell Parkway (F.M. 2818).

Thence along the northeast line of the said Lone Star Gas Company easement 30 feet from and parallel to the northeast right-of-way line of F.M. 2818 as follows:

N 22° 53' 41" W – 549.71 feet to an angle point;
N 10° 15' 09" E – 164.60 feet to an angle point;
N 22° 53' 41" W – 138.27 feet to a point in the northwest line of the said Nowasco addition and the southeast line of the Union Pacific Railroad 0.64 acre tract as described by deed recorded in Volume 311, Page 27 of the Deed Records of Brazos County, Texas from which a concrete right-of-way marker was found S 58° 57' 02" W – 30.31 feet;

Thence N 58° 57' 02" E – 30.31 feet along the line between the said Nowasco addition and the said Union Pacific Railroad tract to the most northerly corner of this tract;

Thence through the said Nowasco addition as follows;

S 22° 53' 41" E – 151.50 feet to an angle point;
S 10° 15' 09" W – 164.60 feet to and angle point;
S 22° 53' 41" E – 492.42 feet to an angle point;

S 45° 23' 41" E – 52.26 feet to the line between the said Newsco addition and the said Armtex Subdivision;

Thence S 67° 01' 21" W – 50.00 feet along the line between the said Newsco addition and the said Armtex Subdivision to the Point of Beginning and containing 0.60 acres of land more or less.

Bearings are TX State Plane, central zone, NAD-83 datum, based on City of College Station monument no. 107 and GPS observations.



Joe Orr, Inc.
Surveyors & Engineers
 2167 Post Oak Circle
 College Station, TX 77845
 (979) 690-3378

Proposed Temporary Construction Easement
 Nowsco Addition
 Stephen F. Austin League No. 9
 Bryan, Brazos County, Texas
 27 February 2003

All that certain tract of parcel of land lying and being situated in the Stephen F. Austin League No. 9, Abstract No. 62, in Bryan, Brazos County, Texas, being a part of Lot 1 Block 1 of the Nowsco addition to the City of Bryan according to plat of record in Volume 470, Page 871 of the Deed Records of Brazos County, Texas, and being more particularly described as follows:

Beginning at a point in the line between the said Nowsco addition and the Amtex Subdivision Phase I according to plat of record in Volume 495, Page 449 of the Deed Records of Brazos County, Texas, from which a concrete right-of-way monument was found S 67° 01' 21" W – 80.0 feet at the common corner of the said Nowsco addition and the said Amtex Subdivision in the northeast right-of-way line of Harvey Mitchell Parkway (F.M. 2818).

Thence N 67° 01' 21" E – 40.00 feet along the line between the said Nowsco addition and the said Amtex Subdivision to the most easterly corner of this tract;

Thence through the said Nowsco addition as follows:

N 22° 53' 41" W – 7.90 feet to an angle point;
 N 45° 23' 41" W – 52.26 feet to an angle point;
 N 22° 53' 41" W – 472.56 feet, 100' northeast and parallel to the northeast right-of-way line of F.M. 2818, to an angle point;
 N 10° 15' 09" E – 40.67 feet, continuing parallel to the northeast right-of-way line of F.M. 2818, to an angle point;
 N 22° 51' 35" W – 66.51 feet, parallel to and 10' from the southwest line of an existing building, to an angle point;
 N 67° 10' 57" E – 43.36 feet, parallel to and 10' from the northwest line of an existing building, to an angle point;
 N 10° 15' 09" E – 44.55 feet, continuing parallel to the northeast right-of-way line of F.M. 2818, to an angle point;
 N 22° 53' 41" W – 169.14 feet, continuing parallel to and 100' northeast of the northeast right-of-way line of F.M. 2818, to a point in the northwest line of the said Nowsco addition and the southeast line of the Union Pacific Railroad 0.64

acre tract as described by deed recorded in Volume 311, Page 27 of the Deed Records of Brazos County, Texas;

Thence S 58° 57' 02" W – 40.41 feet along the line between the said Nowasco addition and the said Union Pacific Railroad tract to a point from which a concrete right-of-way monument was found S 58° 57' 02" W – 60.6 feet;

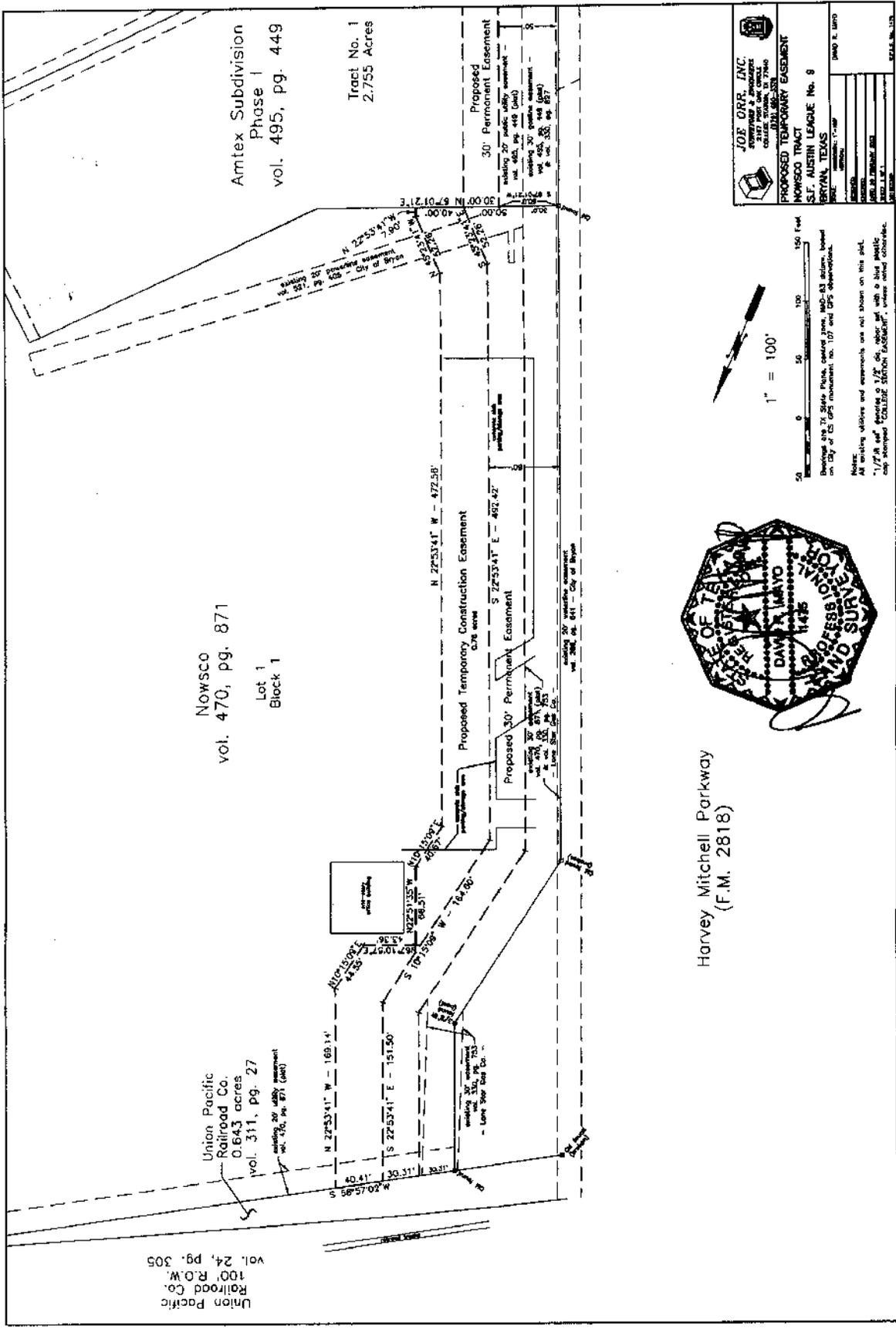
Thence through the said Nowasco addition, parallel to and 60' northeast of the northeast right-of-way line of F.M. 2818, as follows;

S 22° 53' 41" E – 151.50 feet to an angle point;
S 10° 15' 09" W – 164.60 feet to an angle point;
S 22° 53' 41" E – 492.42 feet to an angle point;

Thence S 45° 23' 41" E – 52.26 feet to the Point of Beginning and containing 0.76 acres of land more or less.

Bearings are TX State Plane, central zone, NAD-83 datum, based on City of College Station monument no. 107 and GPS observations.





Union Pacific Railroad Co. 100' R.O.W. Vol. 24, pg. 305

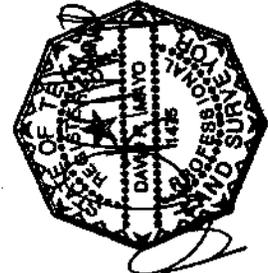
Union Pacific Railroad Co. 0.643 acres Vol. 311, pg. 27

NOWSCO Lot 1 Block 1 vol. 470, pg. 871

Amtex Subdivision Phase I vol. 495, pg. 449

Tract No. 1 2.755 Acres

Harvey Mitchell Parkway (F.M. 2818)



1" = 100'



Notes:
 All existing values and monuments are not shown on this plat.
 Developed by T. State Parks, original plat, 1940-43 addition, located on City of ES GPS monument no. 117 and GPS observations.
 "1/7/10" and "1/20" are abbreviations for "1/7/10" and "1/20" only accepted "COLLEGE SURVEY" unless noted otherwise.

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 SURVEYING & PROSPECTING
 2117 WEST 10TH STREET
 DALLAS, TEXAS 75210
 TEL: 972.442.3373
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PROPOSED TEMPORARY EASEMENT

NOWSCO TRACT
 S.E. AUSTIN LEAGUE No. 8
 BRYAN, TEXAS

DATE: 11/17/10
 DRAWN BY: JOR

SCALE: 1" = 100'

Joe Orr, Inc.
Surveyors & Engineers
2167 Post Oak Circle
College Station, TX 77845
(979) 690-3378

Proposed Easement
Get-N-Go Subdivision
Stephen F. Austin League No. 9
Bryan, Texas
11 November 2002

All that certain tract of parcel of land lying and being situated in the Stephen F. Austin League No. 9, Abstract No. 62, in Bryan, Brazos County, Texas, being a part of Lot 1 Block 1 of the Get-N-Go Subdivision according to plat of record in Volume 3971, Page 175 of the Official Public Records of Brazos County, Texas, and being more particularly described as follows:

Beginning at a leaning concrete right-of-way marker found at the intersection of the southeast right-of-way line of State Highway No. 21 and the northeast right-of-way line of Harvey Mitchell Parkway (F.M. 2818) which is the most westerly corner of the said Get-N-Go Subdivision, from which the City of Bryan monument no. GPS-58 was found S 59° 25' 07" W – 3909.6 feet;

Thence N 57° 35' 09" E – 30.00 feet along the southeast right-of-way line of State Highway No. 21 to the most northerly corner of this tract;

Thence through the said Get-N-Go Subdivision as follows:

S 32° 40' 00" E – 213.13 feet to an angle point;
S 15° 22' 59" E – 215.35 feet to an angle point;
S 16° 40' 57" E – 325.52 feet to the line between the said Get-N-Go Subdivision and that tract conveyed to Milton Jones and wife, Gussie Jones by deed recorded in Volume 217, Page 41 of the Deed Records of Brazos County, Texas;

Thence S 72° 23' 55" W – 30.00 feet along the line between the said Jones tract and the said Get-N-Go Subdivision to a ½" iron rod with a blue plastic cap stamped "College Station Easement" set for the most southerly corner of this tract from which a 5/8" iron rod with an orange plastic cap stamped "CARLOMAGNO RPLS 1562" was found S 72° 23' 55" W – 25.00' at a southwest corner of said Get-N-Go Subdivision;

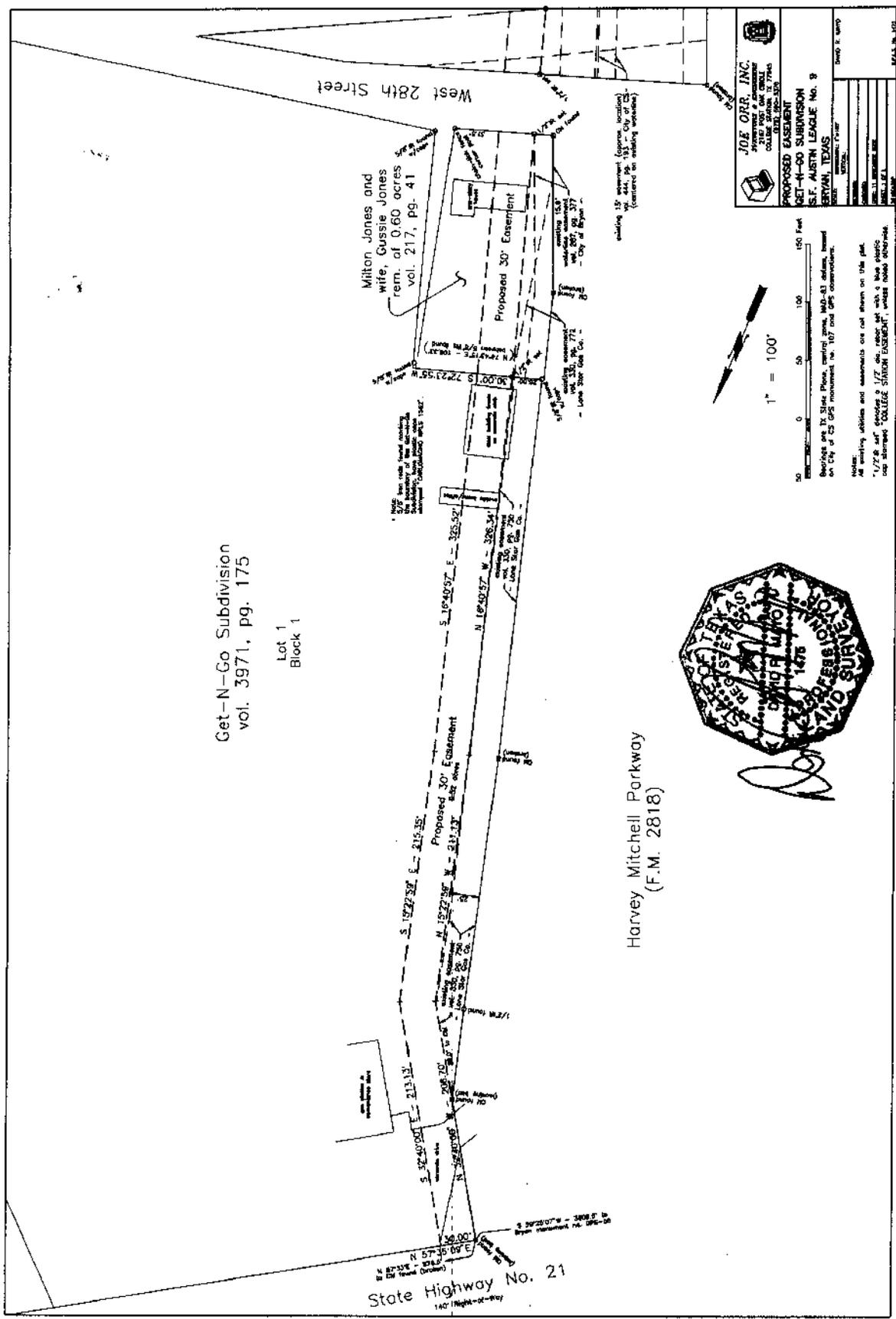
Thence through the said Get-N-Go Subdivision parallel to and 25 feet from the southwest line of same as follows:

N 16° 40' 57" W – 326.34 feet to an angle point;
N 15° 22' 59" W – 211.13 feet to an angle point;

Thence N 32° 40' 00" W – 208.70 feet through the said Get-N-Go Subdivision, at 86.0 feet pass a leaning concrete right-of-way marker, and continuing along the southwest line of the said Get-N- Go Subdivision to the point of Beginning and containing 0.52 acres of land more or less.

Bearings are Texas State Plane, central zone, NAD-83 datum, based on City of College Station monument no. 107 and GPS observations.





Get-N-Go Subdivision
vol. 3971, pg. 175

Lot 1
Block 1

Harvey Mitchell Parkway
(F.M. 2818)

State Highway No. 21
140' Right-of-Way

Milton Jones and
wife, Gussie Jones
rem. of 0.60 acres
vol. 217, pg. 41

JOE ORR, INC.
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1000 COLLEGE STATION, TX 77745
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PROPOSED EASEMENT
GET-N-GO SUBDIVISION
S.F. AUSTIN LEAGUE NO. 9
BRYAN, TEXAS

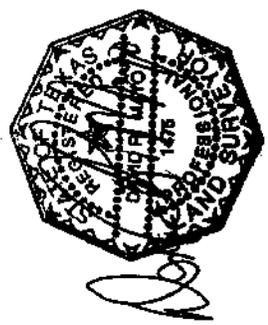
DATE: 07/20/2018
DRAWN BY: [Name]
CHECKED BY: [Name]
SCALE: AS SHOWN

Scale: 1" = 100'

0 50 100 150 Feet

North arrow pointing up.

Note:
All existing utilities and easements are not shown on this plat.
"1/2" R.S." refers to the Texas Revised Statutes, Article 163, Section 163.001, which states that a plat of a subdivision of land is subject to the provisions of the Texas Revised Statutes, Article 163, Section 163.001, which states that a plat of a subdivision of land is subject to the provisions of the Texas Revised Statutes, Article 163, Section 163.001.



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Proposed Temporary Construction Easement
Get-N-Go Subdivision
Stephen F. Austin League No. 9
Bryan, Texas
27 February 2003

All that certain tract of parcel of land lying and being situated in the Stephen F. Austin League No. 9, Abstract No. 62, in Bryan, Brazos County, Texas, being a part of Lot 1 Block 1 of the Get-N-Go Subdivision according to plat of record in Volume 3971, Page 175 of the Official Public Records of Brazos County, Texas, being an easement forty feet (40') in width and being more particularly described as follows:

Commencing at a leaning concrete right-of-way marker found at the intersection of the southeast right-of-way line of State Highway No. 21 and the northeast right-of-way line of Harvey Mitchell Parkway (F.M. 2818) which is the most westerly corner of the said Get-N-Go Subdivision, from which the City of Bryan monument no. GPS-58 was found S 59° 25' 07" W – 3909.6 feet;

Thence N 57° 35' 09" E – 30.00 feet along the southeast right-of-way line of State Highway No. 21 to the most northerly corner of a proposed 30' permanent easement;

Thence S 32° 40' 00" E – 213.13 feet through the said Get-N-Go Subdivision, along the northeast line of the proposed 30' permanent easement, to the **Point of Beginning** of this tract.

Thence S 15° 22' 59" E – 215.35 feet continuing through the said Get-N-Go Subdivision, 55' northeast of and parallel to the southwest line of same, to an angle point;

Thence S 16° 40' 57" E – 325.52 feet, continuing 55' from and parallel to the southwest line of same, to the line between the said Get-N-Go Subdivision and that tract conveyed to Milton Jones and wife, Gussie Jones by deed recorded in Volume 217, Page 41 of the Deed Records of Brazos County, Texas, from which a 5/8" iron rod with an orange plastic cap stamped "CARLOMAGNO RPLS 1562" was found S 72° 23' 55" W – 55.00 feet at a southwest corner of said Get-N-Go Subdivision;

Thence N 72° 23' 55" E – 40.01 feet along the line between the said Jones tract and the said Get-N-Go Subdivision to the most easterly corner of this tract;

Thence N 16° 40' 57" W – 324.42 feet through the said Get-N-Go Subdivision, 95' northeast of and parallel to the southwest line of same, to an angle point;

Thence N 15° 22' 59" W – 220.97 feet, continuing 95' northeast and parallel to the southwest line of same, to the most northerly corner of this tract;

Thence S 65° 58' 31" W – 40.46 to the point of Beginning and containing 0.50 acres of land more or less.

Bearings are Texas State Plane, central zone, NAD-83 datum, based on City of College Station monument no. 107 and GPS observations.



