

CITY OF ROUND ROCK, TEXAS IN THE COUNTY COURT AT LAW
Condemnor
V. NUMBER FIVE OF
UNKNOWN HEIRS OF KENNETH W. BURGE
Condemnees WILLIAMSON COUNTY, TEXAS

NOTICE OF SPECIAL COMMISSIONERS' HEARING

TO: UNKNOWN HEIRS OF KENNETH W. BURGE, by and through their attorney ad litem, Joshua Schroeder, Sneed, Vine & Perry, 108 E. 8th St., Georgetown, TX 78626

You are hereby notified that on the 13th day of September, 2023, at 10:00 o'clock a.m., at the City of Round Rock Transportation Dept., located at 3400 Sunrise Road, Round Rock, Texas, the undersigned Special Commissioners appointed by the Judge of the County Court at Law No. Five, in and for Williamson County, Texas, shall convene to fix the market value of, and to assess the damages occasioned by, the condemnation of the property as described in Plaintiff's Original Petition For Condemnation attached hereto as Exhibit "A" and incorporated herein for all purposes.

Said Williamson County, Texas, Condemnor, is seeking the condemnation of temporary construction easement interest in and to the above-described parcel of land, for the purposes of providing, enlarging, improving, constructing, reconstructing, widening and/or maintaining of improvements to the Old Settlers Boulevard extension roadway project, and to perform associated public use and purposes, all of which more fully appears in said Plaintiff's Original Petition For Condemnation and any amendments thereto, filed by Williamson County, Texas, as Condemnor, with the County Clerk of Williamson County, on the 14th day of June, 2023, having heretofore duly selected such time and place of the hearing as required by law, we will proceed to hear you and said parties, and to act in the manner directed by law.

The hearing date may be continued or adjourned to a later date at the discretion of the Special Commissioners.

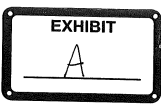
WITNESS OUR HANDS this the 7 day of August, 2023.

SPECIAL COMMISSIONERS:

Greg Eady

Ted Hejl

Don Bizzell



Filed: 6/14/2023 2:03 PM Nancy E. Rister, County Clerk Williamson County, Texas By: Kelly Phillips, Deputy Clerk

remaining property of Condemnee solely to the extent and for the duration as necessary for removing portions of any improvements which are bisected by the acquisition of the Property, and/or for cutting any additional bisected improvements which are retained by Condemnee at the line of bisection or as closely as possible thereto in order to maintain the structural integrity of the remaining improvement, and for no other purpose.

IV.

The Property interests referred to in Paragraph III will be used for purposes for which Plaintiff possesses the power of eminent domain, namely, providing, enlarging, improving, constructing, reconstructing, repairing, and/or maintaining of the proposed Old Settlers Boulevard roadway improvements and related drainage, utility relocation, driveway access reconnection, and to perform associated public use and purposes ("Project"), in Williamson County, Texas. Plaintiff has found and determined that it is necessary and convenient to make the above-described improvements on the Property, and Plaintiff has found and determined that it is necessary to acquire fee simple title in and to the Property, the same to be paid for by Plaintiff, with such property interests thereto vesting in the City of Round Rock, Texas, for the purposes set forth in this paragraph of this Petition, through these proceedings in eminent domain.

V.

The owners of the land referred to in Paragraph III, as far as known to Condemnor, are:

Unknown Heirs of Kenneth W. Burge Address Unknown

with copy to:

Landon Burge 16519 Lone Wolf Drive Leander, Texas 78641 Landon.burge@gmail.com

Ricky Burge 5450 CR 100 Hutto, Texas 78634 rburgeconcrete@yahoo.com

VI.

Condemnor and Condemnees have been unable to agree upon the value of the land and the damages to the remaining property, if any, despite good faith negotiations and a bona fide offer to acquire the property voluntarily being made by Condemnor pursuant to the requirements of Texas Property Code Section 21.0113. All fee owners of the property sought to be acquired herein have been provided with a copy of the Landowner's Bill of Rights pursuant to the requirements of Texas Property Code Section 21.0112.

VII.

WHEREFORE, Plaintiff requests the Court to name, designate, and appoint three (3) disinterested property owners of Williamson County, Texas, as Special Commissioners, to assess the compensation for this acquisition in accordance with the law. Upon trial of this cause Condemnor requests that it be awarded the property interests sought herein, that the amount of compensation be assessed and apportioned if possible, and that Condemnor be granted such other and further relief to which it may be justly entitled.

Respectfully submitted,

SHEETS & CROSSFIELD, PLLC 309 East Main Street Round Rock, Texas 78664 512.255.8877 512.255.8986 (Fax)

By: /s/ Don Childs

Don Childs State Bar #00795056 don@scrllaw.com Erik Cardinell State Bar #00796304 erik@scrllaw.com Adam H. Hill State Bar No. 24115847 adam@scrllaw.com ATTORNEYS FOR PLAINTIFF

BEING A 2.322 ACRE TRACT OF LAND (APPROX. 101,152 SQ. FT.) IN THE ROBERT MCNUIT SURVEY ABSTRACT NO. 422, BEING A PORTION OF THE CALLED 32.21 ACRE TRACT OF LAND CONVEYED TO KENNETH W. BURGE IN DOCUMENT NO. 1987016054 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS (O.P.R.W.C.T.); SAID 2.322 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-inch iron rod in the east right-of-way line of N. Red Bud Lane (C.R. 122) (right-of-way width varies), being in the proposed south right-of-way line of E. Old Settlers Boulevard, at the northwest corner of Lot 1, Block A of the Final Plat of The Storage Center - Round Rock, a subdivision of record in Document No. 2014083885, O.P.R.W.C.T., being a southwest corner of the remainder of the said 32.21 acre Burge tract of land conveyed to Kenneth W. Burge in Document No. 1997016054, O.P.R.W.C.T., for the southwest corner of the called 40.052 acre tract of land having Texas State Plane NAD 83 (Central Zone) surface coordinate values N 10174183.54 and E 3152783.69, being 106.30 feet right of proposed E. Old Settlers Boulevard Engineer's Centerline Station (E.C.S.) 154+90.97, from which a 1/2-inch iron rod found bears South 84°48'45" East, a distance of 0.79 feet, and also from which a 1/2-inch iron rod found in the east right-of-way line of N. Red Bud Lane at the southwest corner of the called 40.052 acre tract of land conveyed to the City of Round Rock, Texas in Document No. 201806958, O.P.R.W.C.T., bears North 02°14'25" East, passing at 238.24 feet an "X" found at the southwest corner of said Lot 1, Block A, being a common corner with the said 40.052 acre City of Round Rock, Texas tract, in all a distance of 288.28 feet;

THENCE North 02°14'25" West, with the east right-of-way line of N. Red Bud Lane, being the west line of the remainder of the said 32.21 acre Burge tract, a distance of 128.09 feet to a wood post found at a corner of the said 40.052 acre City of Round Rock, Texas tract, being the northwest corner of the remainder of the said 32.21 acre Burge tract and northwest corner of the herein described tract of land, also being 19.08 feet left of E.C.S. 155+17.20, from which, a 3/8-inch iron rod found in the N. Red Bud Lane right-of-way, at the northwest corner of the called 0.005 acre tract of land conveyed to the City of Round Rock, Texas in Document No. 2006075030, O.P.R.W.C.T., bears North 02°14'25" West, at a distance of 53.34 feet passing a 5/8-inch iron rod with "Half" cap set at an angle point in the east right-of-way line of N. Red Bud Lane at the most southerly corner of the said 0.005 acre City of Round Rock, Texas tract, in all a distance of 110.62 feet;

THENCE leaving the east right-of-way line of N. Red Bud Lane, with the common lines of the said 40.052 acre City of Round Rock, Texas tract and the remainder of the said 32.21 acre Burge tract, the following two (2) courses

- 1. North 87°41'06" East, a distance of 920.46 feet to a 1/2-inch iron rod with "Half" cap set;
2. North 42°32'23" East, a distance of 78.83 feet to a 1/2-inch iron rod with "Half" cap set in the proposed north right-of-way line of E. Old Settlers Boulevard, being 75.00 feet left of E.C.S. 164+78.90 for the most northerly corner of the herein described tract of land;

THENCE South 80°38'40" East, with the proposed north right-of-way line of E. Old Settlers Boulevard, over and across the remainder of the said 32.21 acre Burge tract, a distance of 268.26 feet to a 1/2-inch iron rod with "Half" cap set in a line of the said 40.052 acre City of Round Rock, Texas tract, being the east line of the remainder of the said 32.21 acre Burge tract, for the northeast corner of the herein described tract of land, being 75.00 feet left of E.C.S. 167+47.16;

THENCE South 00°08'17" East, leaving the proposed north right-of-way line of E. Old Settlers Boulevard, with a line of the said 0.005 acre City of Round Rock, Texas tract, being in common with the east line of the remainder of the said 32.21 acre Burge tract, a distance of 152.08 feet to a 1/2-inch iron rod with "Half" cap set in the proposed south right-of-way line of E. Old Settlers Boulevard, for the southeast corner of the herein described tract of land, being 75.00 feet right of E.C.S. 167+72.25;

THENCE leaving said common line, over and across the remainder of the said 32.21 acre Burge tract, with the proposed south right-of-way line of E. Old Settlers Boulevard, the following two (2) courses and distances:

- 1. North 80°38'40" West, a distance of 330.03 feet to a 1/2-inch iron rod with "Half" cap set for point of curvature of a tangent circular curve to the left, being 58.14 feet right of E.C.S. 164+42.22;
2. With said curve to the left, having a radius of 998.00 feet, a delta angle of 10°21'02", an arc length of 180.29 feet, and a chord which bears South 72°28'55" West, a distance of 180.04 feet to a 1/2-inch iron rod with "Half" cap set in the east line of Lot 1, Block A of the Final Plat of The Storage Center - Round Rock, a subdivision of record in Document No. 2014083885, O.P.R.W.C.T., being the west line of the remainder of the said 32.21 acre Burge tract, being 75.00 feet right of E.C.S. 162+48.38;

THENCE North 02°33'05" West, continuing with the proposed south right-of-way line of E. Old Settlers Boulevard, with the east line of Lot 1, Block A of said Final Plat of The Storage Center - Round Rock, a distance of 15.25 feet to a 1/2-inch iron rod found for the northeast corner of the Lot 1, Block A of said Final Plat of The Storage Center - Round Rock, being a common corner with the remainder of the said 32.21 acre Burge tract, being 59.76 feet right of E.C.S. 162+47.94;

THENCE with the proposed south right-of-way line of E. Old Settlers Boulevard, with the north line of Lot 1, Block A of said Final Plat of The Storage Center - Round Rock, being in common with the remainder of the said 32.21 acre Burge tract, the following five (5) courses and distances:

- 1. South 87°43'56" West, a distance of 527.70 feet to a 1/2-inch iron rod found for point of curvature of a non-tangent curve to the left, being 58.14 feet right of E.C.S. 157+15.37;
2. With a curve to the left, having a radius of 117.50 feet, a delta angle of 30°36'48", an arc length of 62.78 feet, and a chord which bears South 72°28'55" West, a distance of 62.04 feet to a calculated point of reverse curvature of a non-tangent curve to the right, being 68.96 feet right of E.C.S. 156+50.43;
3. With said curve to the right, having a radius of 182.50 feet, a delta angle of 30°49'28", an arc length of 98.18 feet, and a chord which bears South 72°30'50" West, a distance of 97.00 feet to a PK nail found 78.36 feet right of E.C.S. 155+47.67;
4. South 87°39'16" West, a distance of 10.02 feet to a PK nail found 76.33 feet right of E.C.S. 155+37.86;
5. South 43°21'16" West, a distance of 55.64 feet to the POINT OF BEGINNING and containing 2.322 acres of land, more or less, within these metes and bounds.

NOTES: Basis of bearings is the Texas Coordinate System of 1983, Central Zone 4203 (NAD83/2011). All distances shown hereon are surface and may be converted to grid by dividing by the surface adjustment factor of 1.00012, scaled about 0.0. Units: U.S. Survey Feet. Last date of Field Survey: June 10th, 2022.

I, Curtis Wayne Watts, 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 direction and supervision.

Curtis Wayne Watts, R.P.L.S.

June 30th 2022

Registered Professional Land Surveyor Texas Registration No. 6614 Half Associates, Inc., TPELS Firm No. 10029607 9500 Amberglen Blvd., Bldg. F, Suite 125 Austin, Texas 78729 512-777-4600



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Condemnees WILLIAMSON COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

The City of Round Rock, Texas, identified herein as "Plaintiff" or "Condemnor", files this Original Petition seeking condemnation, and in support thereof shows the following:

I.

Discovery in this case shall be conducted pursuant to Level 2 of Rule 190.3 of the Texas Rules of Civil Procedure.

II.

Plaintiff CITY OF ROUND ROCK, TEXAS is empowered by the legislature and the Constitution of the State of Texas to exercise the right of eminent domain for the purpose of acquiring property according to the Constitution and laws of the State of Texas.

III.

Plaintiff has determined that there exists a public need and necessity to acquire, for the purpose of providing, enlarging, improving, constructing, reconstructing, widening and/or maintaining improvements to the Old Settlers Boulevard extension roadway project in the State of Texas, approximately 2.322 acres of land in Williamson County, Texas, in fee simple (the "Property"), said Property more particularly described by metes and bounds in Exhibit "A", attached hereto and incorporated herein for all purposes; 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 or egress from the surface of said real property for the purpose of exploring, developing, or mining of the same.

