

Commissioners Court Special Meeting – March 28, 2019

NOTICE OF A SPECIAL MEETING OF THE COMMISSIONERS COURT OF CALDWELL COUNTY, TEXAS



*Pursuant to Gov. Code Chapter 551, notice is hereby given that an open meeting of the Caldwell County Commissioners Court will be held on Thursday, the **28th day of March, 2019 at 9:00 A.M.** in the 2nd Floor Courtroom, Caldwell County Courthouse located at 110 S. Main Street, Lockhart, Texas at which time the following subjects will be discussed, considered, passed or adopted, to wit:*

Call to Order

Invocation: Lockhart Ministerial Alliance

Pledges: (Texas Pledge: Honor the Texas Flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible)

Announcements: Items or comments from Court members or staff.

Citizens' Comments: At this time any person may speak to Commissioners' Court if they have filled out a Caldwell County Commissioners' Court Participation Form. Comments will be limited to four (4) minutes per person. No action will be taken on these items and no discussion will be had between the speaker(s) and members of the Court. The Court does retain the right to correct factual inaccuracies made by the speakers. (If longer than 30 minutes, then the balance of comments will continue as the last agenda item of the day).

AGENDA

1. **Discussion/Action** to authorize the County Judge to accept a Right-of-Way Dedication Deed on behalf of Caldwell County in accordance with the County's obligation under a Memorandum of Understanding entered into with Texas Transportation Alliance regarding the SMART Terminal Project and a pending application with the Economic Development Administration. **Cost: TBD; Speaker: Judge Haden; Backup: 13**
2. **Adjournment.**

As authorized by Chapter 551 of the Texas Government Code, the Commissioners Court of Caldwell County, Texas reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed above. The Court may adjourn for matters that may relate to Texas Government Code Section 551.071(1) (Consultation with Attorney about pending or contemplated litigation or settlement offers); Texas Government Code Section 551.071(2) (Consultation with Attorney when the Attorney's obligations under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas conflicts with Chapter 551 of the Texas Government Code); Texas Government Code Section 551.072 (Deliberations about Real Property); Texas Government Code Section 551.073 (Deliberations about Gifts and Donations); Texas Government Code Section 551.074 (Personnel Matters); Texas Government Code Section 551.0745 (Deliberations about a County Advisory Body); Texas Government Code Section 551.076 (Deliberations about Security Devices); and Texas Government Code Section 551.087 (Economic Development Negotiations). In the event that the Court adjourns into Executive Session, the Court will announce under what section of the Texas Government Code the Commissioners Court is using as its authority to enter into an Executive Session. The meeting facility is wheelchair accessible and accessible parking spaces are available. Request for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the County Judge's office at 512-398-1808 for further information. www.co.caldwell.tx.us

Filed this 25th day of March 2019
8:01 AM
TERESA RODRIGUEZ
COUNTY CLERK, CALDWELL COUNTY, TEXAS
By Brittany Crown Deputy

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

RIGHT-OF-WAY DEDICATION DEED

STATE OF TEXAS §
 § **KNOW ALL MEN BY THESE PRESENTS:**
COUNTY OF CALDWELL §

That OHNHEISER PROPERTIES, L.P., a Texas limited partnership, CURBY D. OHNHEISER, DIANE M. DERINGER and CAROLYN J. SCURLOCK (collectively, "Grantor"), for and in consideration of TEN DOLLARS and other good and valuable consideration paid by THE COUNTY OF CALDWELL, TEXAS ("Grantee"), receipt of which is hereby acknowledged, does hereby grant, bargain and convey to said Grantee, its successors and assigns, for the use and benefit of the public as a perpetual right-of-way for the passage and accommodation of vehicular and pedestrian traffic, a permanent right-of-way and the right to construct, reconstruct, repair, relocate, operate and perpetually maintain public street and/or drainage and utility facilities, and all other facilities or purposes for which a public street and right-of-way is commonly used, together with all necessary appurtenances thereto, and with the right and privilege at any and all times, to enter said premises, or any part thereof, as is necessary for making connections therewith, or for the proper use of any other right granted herein, in, upon and across that certain land or parcels of land in Caldwell County, Texas, (the "Property") on Exhibit A attached hereto and incorporated herein.

This conveyance is made by Grantor and accepted by Grantee subject to (i) all presently recorded and validly existing restrictions, reservations, covenants, conditions and other instruments; any discrepancies, conflicts, or shortages in area or boundary lines; any encroachments or overlapping of improvements and (ii) all matters that would be shown by an accurate survey of the Property.

Grantee, by its acceptance of the Property, agrees that the Property is dedicated to and accepted by Grantee in its present condition, "AS IS, WHERE IS", with all faults, if any, and without warranty whatsoever expressed or implied except the special warranty of title herein.

TO HAVE AND TO HOLD that said right-of-way unto the Grantee for the purposes herein set forth, and Grantor hereby binds itself, its successor and assigns to warrant and forever defend, all and singular, the said premises unto Grantee, its successors and assigns against every person whatsoever lawfully claiming or to claim the same or any part thereof by through or under Grantor but not otherwise.

EXECUTED to be effective as of March 28, 2019.

[Signature Pages Follows]

GRANTOR

**OHNEISER PROPERTIES, LP.,
a Texas Limited Partnership**

By: _____
Curby D. Ohnheiser, General Partner

ACKNOWLEDGMENT

**STATE OF TEXAS §
 §
COUNTY OF _____ §**

This instrument was acknowledged before me on March _____, 2019, by Curby D. Ohnheiser, general partner of Ohnheiser Properties, LP, a Texas Limited Partnership, in such capacity, on behalf of said entity.

Notary Public, State of Texas

GRANTOR

Curby D. Ohnheiser

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF _____ §

This instrument was acknowledged before me on March ____, 2019, by Curby D. Ohnheiser.

Notary Public, State of Texas

GRANTOR

Diane M. Deringer

ACKNOWLEDGMENT

STATE OF TEXAS §

COUNTY OF _____ §

This instrument was acknowledged before me on March _____, 2019, by Diane M. Deringer

Notary Public, State of Texas

GRANTOR

Carolyn J. Scurlock

ACKNOWLEDGMENT

STATE OF TEXAS §

COUNTY OF _____ §

This instrument was acknowledged before me on March _____, 2019, by Carolyn J. Scurlock.

Notary Public, State of Texas

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest and real property conveyed by this dedication instrument dated the _____ day of _____, 2019, to Caldwell County, Texas, has been duly accepted subject to all terms and conditions contained therein, and Commissioner's Court of Caldwell County has consented to recordation of such dedication instrument by its duly authorized officer.

Dated: _____

Commissioners Court, Caldwell County

ATTEST:

AFTER FILING, PLEASE RETURN TO:

EXHIBIT A



METES AND BOUNDS DESCRIPTION
FOR A
70-FOOT PUBLIC ROAD

A 3.340 acre, or 145,484 square feet more or less, tract of land located on a called 237.06 acre tract described in instrument to Ohnheiser Properties, L.P. recorded in Volume 560, Page 840 in the Official Public Records of Caldwell County, Texas, in the William Pettus Survey, Abstract 21, Caldwell County, Texas. Said 3.340 acre tract being more fully described as follows, with bearings based on the Texas Coordinate System established for the South Central Zone from the North American Datum of 1983 NAD 83 (NA2011) epoch 2010.00:

COMMENCING: At a found ½" iron rod on the north right-of-way line of State Highway 80, a variable width right-of-way, at the southeast corner of the 171.80 acre tract described in Document No. 2017-005864 in said Official Public Records;

THENCE: N 25°43'58" E, along and with the north right-of-way line of said State Highway 80 and the east line of said 171.80 acre tract, at a distance of 34.93 feet passing a found ½" iron rod, at an angle point on the north right-of-way line of said State Highway 80, departing the north right-of-way line of said State Highway 80, along and with the west line of said called 237.06 acre tract and the east line of said 171.80 acre tract, a total distance of 1530.64 feet to the POINT OF BEGINNING of the herein described tract;

THENCE: N 25°43'58" E, continuing along and with the west line of said 237.06 acre tract and the east line of said 171.80 acre tract, a distance of 70.42 feet to a point;

THENCE: Departing the west line of said 237.06 acre tract and the east line of said 171.80 acre tract, over and across said 237.06 acre tract, the following bearings and distances:

Southeasterly, along a non-tangent curve to the left, said curve having a radius of 265.00 feet, a central angle of 12°13'21", a chord bearing and distance of S 63°22'09" E, 56.42 feet, for an arc length of 56.53 feet to a point;

S 69°28'49" E, a distance of 614.61 feet to a point;

S 20°31'11" W, a distance of 70.00 feet to a point;

N 69°28'49" W, a distance of 15.00 feet to a point;

Southwesterly, along a tangent curve to the left, said curve having a radius of 15.00 feet, a central angle of 90°00'00", a chord bearing and distance of S 65°31'11" W, 21.21 feet, for an arc length of 23.56 feet to a point;

S 20°31'11" W, a distance of 1382.32 feet to a point on the north right-of-way line of said State Highway 80, from which a found ½" iron rod on the north right-of-way line of said State Highway 80 and the east line of said 237.06 acre tract, at the southwest corner of the 1.00 acre tract described in Volume 166, Page 543 in said Official Public Records bears S 78°09'36" E, a distance of 243.87 feet;

THENCE: N 78°09'36" W, along and with the north right-of-way line of said State Highway 80, a distance of 70.81 feet to a point;

THENCE: Departing the north right-of-way line of said State Highway 80, over and across said 237.06 acre tract, the following bearings and distances:

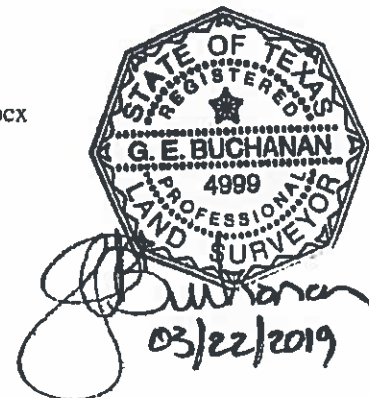
N 20°31'11" E, a distance of 1393.00 feet to a point;

Northwesterly, along a tangent curve to the left, said curve having a radius of 15.00 feet, a central angle of 90°00'00", a chord bearing and distance of N 24°28'49" W, 21.21 feet, for an arc length of 23.56 feet to a point;

N 69°28'49" W, a distance of 499.61 feet to a point;

THENCE: Northwesterly, along a tangent curve to the right, said curve having a radius of 335.00 feet, a central angle of 10°45'10", a chord bearing and distance of N 64°06'14" W, 62.78 feet, for an arc length of 62.87 feet to the POINT OF BEGINNING and containing 3.340 acres in the Caldwell County, Texas. Said tract being described in conjunction with a survey made on the ground and a survey description and map prepared under job number 11152-02 by Pape-Dawson Engineers, Inc.

PREPARED BY: Pape-Dawson Engineers, Inc.
DATE: March 22, 2019
JOB NO. 11152-03
DOC. ID. N:\CIVIL\11152-03\Word\11152-03 MB 3.340 AC.docx





METES AND BOUNDS DESCRIPTION
FOR A
70-FOOT PUBLIC ROAD

A 4.863 acre, or 211,829 square feet more or less, tract of land located on the called 171.80 acre tract described in instrument to Curby Ohnheiser, Diane M. Deringer and Carolyn J. Scurlock recorded in Document No. 2017-005864 in the Official Public Records of Caldwell County, Texas, in the William Pettus Survey, Abstract 21, Caldwell County, Texas. Said 4.863 acre tract being more fully described as follows, with bearings based on the Texas Coordinate System established for the South Central Zone from the North American Datum of 1983 NAD 83 (NA2011) epoch 2010.00:

COMMENCING: At a found ½" iron rod on the north right-of-way line of State Highway 80, a variable width right-of-way, at the southeast corner of said 171.80 acre tract;

THENCE: N 25°43'58" E, along and with the north right-of-way line of said State Highway 80 and the east line of said 171.80 acre tract, at a distance of 34.93 feet passing a found ½" iron rod, at an angle point on the north right-of-way line of said State Highway 80, departing the north right-of-way line of said State Highway 80, along and with the east line of said 171.80 acre tract and the west line of the 237.06 acre tract described in Volume 560, Page 840 in said Official Public Records, a total distance of 1530.64 feet to the POINT OF BEGINNING of the herein described tract;

THENCE: Departing the east line of said 171.80 acre tract and the west line of said 237.06 acre tract, over and across said 171.80 acre tract, the following bearings and distances:

Northwesterly, along a non-tangent curve to the right, said curve having a radius of 335.00 feet, a central angle of 82°24'08", a chord bearing and distance of N 17°31'35" W, 441.33 feet, for an arc length of 481.79 feet to a point;

N 23°40'29" E, a distance of 2489.78 feet to a point;

Northeasterly, along a tangent curve to the left, said curve having a radius of 15.00 feet, a central angle of 39°42'54", a chord bearing and distance of N 03°49'02" E, 10.19 feet, for an arc length of 10.40 feet to a point;

Southeasterly, along a reverse curve to the right, said curve having a radius of 50.00 feet, a central angle of 259°25'49", a chord bearing and distance of S 66°19'31" E, 76.92 feet, for an arc length of 226.40 feet to a point;

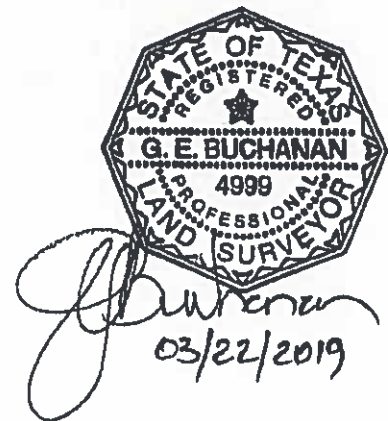
Southwesterly, along a reverse curve to the left, said curve having a radius of 15.00 feet, a central angle of 39°42'54", a chord bearing and distance of S 43°31'56" W, 10.19 feet, for an arc length of 10.40 feet to a point;

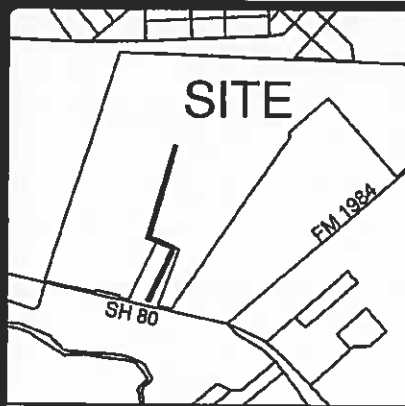
S 23°40'29" W, a distance of 2489.78 feet to a point;

Southeasterly, along a tangent curve to the left, said curve having a radius of 265.00 feet, a central angle of 80°55'57", a chord bearing and distance of S 16°47'29" E, 343.97 feet, for an arc length of 374.32 feet to a point on the east line of said 171.80 acre tract and the west line of said 237.06 acre tract;

THENCE: S 25°43'58" W, along and with the east line of said 171.80 acre tract and the west line of said 237.06 acre tract, a distance of 70.42 feet to the POINT OF BEGINNING and containing 4.863 acres in Caldwell County, Texas. Said tract being described in conjunction with a survey made on the ground and a survey description and map prepared under job number 11152-02 by Pape-Dawson Engineers, Inc.

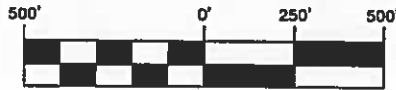
PREPARED BY: Pape-Dawson Engineers, Inc.
DATE: March 22, 2019
JOB NO. 11152-03
DOC. ID. N:\CIVIL\11152-03\Word\11152-03 MB 4.863 AC.docx





LOCATION MAP

NOT-TO-SCALE



SCALE: 1" = 500'

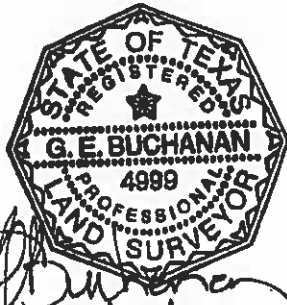


LEGEND:

- DR DEED RECORDS OF CALDWELL COUNTY, TEXAS
- OPR OFFICIAL PUBLIC RECORDS OF CALDWELL COUNTY, TEXAS
- DPR DEED AND PLAT RECORDS OF CALDWELL COUNTY, TEXAS
- PR PLAT RECORDS OF CALDWELL COUNTY, TEXAS
- FIR FOUND 1/2" IRON ROD

NOTES:

1. THIS EXHIBIT IS ISSUED IN CONJUNCTION WITH A METES AND BOUNDS DESCRIPTION PREPARED UNDER JOB NO. 11152-03 BY PAPE-DAWSON ENGINEERS, INC.
2. THE BEARINGS ARE BASED ON THE TEXAS COORDINATE SYSTEM ESTABLISHED FOR THE SOUTH CENTRAL ZONE FROM THE NORTH AMERICAN DATUM OF 1983 NAD 83 (NA2011) EPOCH 2010.00.



G.E. Buchanan
03/22/2019

EXHIBIT OF
A 70-FOOT PUBLIC ROAD IN THE WILLIAM
PETTUS SURVEY, ABSTRACT 21, CALDWELL
COUNTY, TEXAS.

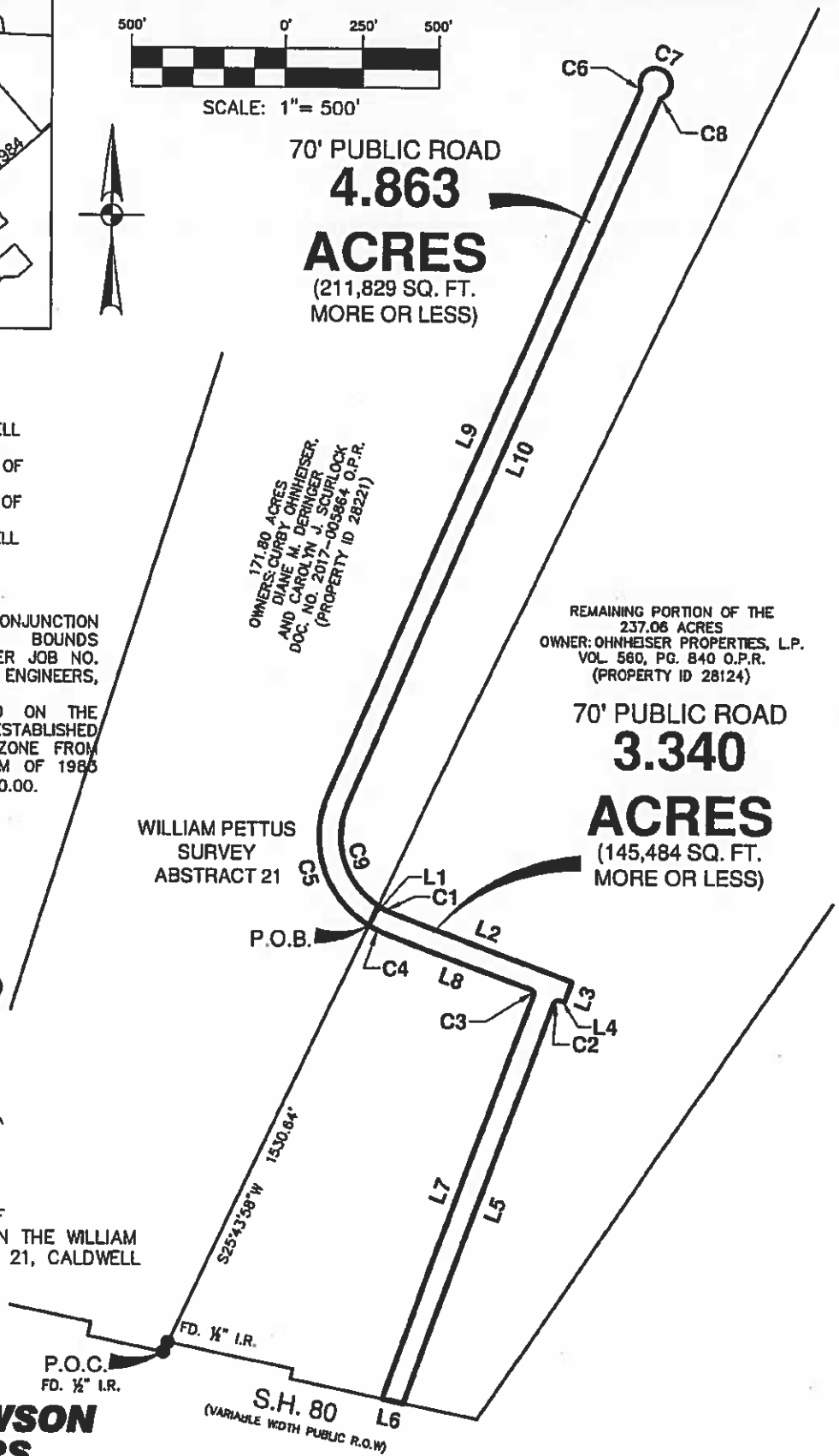
WILLIAM PETTUS
SURVEY
ABSTRACT 21

171.80 ACRES
OWNERS: CURBY OHNHEISER,
DIANE M. DERINGER
AND CAROLYN J. SCURLOCK
DOC. NO. 2017-005864 O.P.R.
(PROPERTY ID 28221)

REMAINING PORTION OF THE
237.06 ACRES
OWNER: OHNHEISER PROPERTIES, L.P.
VOL. 560, PG. 840 O.P.R.
(PROPERTY ID 28124)

70' PUBLIC ROAD
3.340
ACRES
(145,484 SQ. FT.
MORE OR LESS)

70' PUBLIC ROAD
4.863
ACRES
(211,829 SQ. FT.
MORE OR LESS)



PAPE-DAWSON
ENGINEERS

SAN ANTONIO | AUSTIN | HOUSTON | FORT WORTH | DALLAS
2000 NW LOOP 410 | SAN ANTONIO, TX 78213 | 210.375.9000
TQPE FIRM REGISTRATION #478 | TQPLS FIRM REGISTRATION #19028800

MARCH 22, 2019

SHEET 1 OF 2
JOB No.: 1152-03

Date: Mar 22, 2019, 1:11pm User: G. Buchanan
File: N:\DWG\11152-03\11152-03_ESE.dwg

REFERENCE

LINE TABLE		
LINE	BEARING	LENGTH
L1	N25°43'58"E	70.42'
L2	S69°28'49"E	614.61'
L3	S20°31'11"W	70.00'
L4	N69°28'49"W	15.00'
L5	S20°31'11"W	1382.32'
L6	N78°09'36"W	70.81'
L7	N20°31'11"E	1393.00'
L8	N69°28'49"W	499.61'
L9	N23°40'29"E	2489.78'
L10	S23°40'29"W	2489.78'

CURVE TABLE					
CURVE	RADIUS	DELTA	CHORD BEARING	CHORD	LENGTH
C1	265.00'	12°13'21"	S63°22'09"E	56.42'	56.53'
C2	15.00'	90°00'00"	S65°31'11"W	21.21'	23.56'
C3	15.00'	90°00'00"	N24°28'49"W	21.21'	23.56'
C4	335.00'	10°45'10"	N64°06'14"W	62.78'	62.87'
C5	335.00'	82°24'08"	N17°31'35"W	441.33'	481.79'
C6	15.00'	39°42'54"	N03°49'02"E	10.19'	10.40'
C7	50.00'	259°25'49"	S66°19'31"E	76.92'	226.40'
C8	15.00'	39°42'54"	S43°31'56"W	10.19'	10.40'
C9	265.00'	80°55'57"	S16°47'29"E	343.97'	374.32'

