

RESOLUTION NO. 2002- 179 R

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE OFFERS AND CONTRACTS FOR THE PURCHASE OF PROPERTY AND/OR EASEMENTS FROM SUTHERLAND LUMBER SOUTHWEST, INC. AND SUCCESSOR AND OTHER OWNERS OF A 0.7413 ACRE TRACT OF PROPERTY IN OR NEAR THE 5600 BLOCK OF NORTH JOHN STOCKBAUER DRIVE, VICTORIA, TEXAS, AND AUTHORIZING THE ACCEPTANCE OF DEEDS AND JOINDER OF OTHER PERSONS WITH RIGHTS IN THE AFOREMENTIONED PROPERTIES AND ADJACENT AREAS, AND DECLARING AN EFFECTIVE DATE.

On September 26, 2002, by Resolution No. 2002-157R, the City Council authorized the City Manager to execute offers and contracts for the purchase of property and/or easements from Sutherland Lumber Southwest, Inc., and successor and other owners of a 0.7413 acre tract of property in or near the 5600 block of North John Stockbauer Drive, Victoria, Texas, as depicted on **Exhibit "A"**, in the amount not to exceed \$3,500.00. The City of Victoria has received an update of an appraisal of the 0.7413-acre tract of property in the amount of \$7,529.00

IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF VICTORIA, TEXAS:

1.

The City Manager is authorized to execute the offers and contracts, in a form to be approved by the City Attorney, for the purchase of property and/or easements from Sutherland Lumber Southwest, Inc. and successor and other owners of a 0.7413 acre tract of property in or near the 5600 block of North John Stockbauer Drive, Victoria, Texas, as depicted on **Exhibit "A"**, which is attached hereto and incorporated herein, in an amount not to exceed \$7,529.00.

2.

All other necessary parties and lienholders may be joined in the aforementioned transactions, and the City Manager is authorized to accept deeds to the aforementioned properties and easements.

3.

This resolution shall become effective immediately upon adoption.

PASSED, this the 14th day of October, 2002.

AYES: 6

NAYS: 0

ABSTENTIONS: 0

APPROVED AND ADOPTED, this the 14th day of October, 2002.



ATTEST:

Scarlet Swoboda
SCARLET SWOBODA, City Secretary

Gary Middleton
GARY MIDDLETON, Mayor of the
City of Victoria, Texas

APPROVED AS TO LEGAL FORM

David Atmar Smith
DAVID ATMAR SMITH, City Attorney

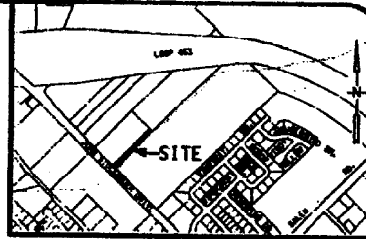
Distribution: Legal Department
Dept. of Public Works

Copies Sent: October 15, 2002

EXHIBIT "A"

DRAINAGE EASEMENT

BEING a 0.7413 acre (32,293 square feet) tract of land situated in Subdivision Number Twenty-one (21) of the Welder, Holland, Buhler Subdivision in the S.A. & M.G. RR Company Survey, Abstract No. 324, Victoria County, Texas and being a portion of that certain 4.4409 acre tract of land as conveyed from Rodney A. Mutschler, et al to Sutherland Lumber Southwest, Inc., according to Instrument recorded in Volume 74, Page 490 of the Official Records of Victoria County, Texas.



VICINITY MAP

LOT 1, BLOCK 1
WANDA'S SUBDIVISION NO. 1
VOLUME 6, PAGE 369
PLAT RECORDS

6.549 ACRE
REMAINDER OF
10.0 ACRES
EDGAR GLOOR, ET UX
TO
L. A. SPARKMAN, ET UX
VOLUME 219, PAGE 592
DEED RECORDS

0.7413 ACRE
(32293 SQUARE FEET)

4.4409 ACRES
RODNEY A. MUTSCHLER, ET AL
TO
SUTHERLAND LUMBER SOUTHWEST, INC.
VOLUME 74, PAGE 490
OFFICIAL RECORDS

BEARINGS BASED ON BEARINGS
OF RECORD IN VOLUME 219, PAGE 592,
VOLUME 358, PAGE 191, DEED RECORDS
AND VOLUME 74, PAGE 490, OFFICIAL
RECORDS, VICTORIA COUNTY, TEXAS.

28.439 ACRE
REMAINDER OF
46.4995 ACRES
LEVADA J. GROLL, ET VIR
TO
RODNEY MUTSCHLER, ET AL
VOLUME 358, PAGE 191
DEED RECORDS

S 45°43'01" E
55.00'

N 45°00'00" E 586.96'

S 45°00'00" W 587.32'

CENTRAL LINE OF DITCH

FIELDNOTE POINT
OF BEGINNING

S 45°20'36" E 275.00'

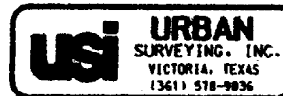
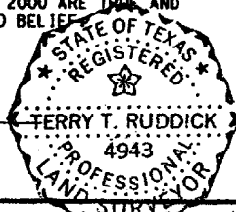
N 45°20'36" W 660.00'
(BASIS OF BEARING)

N 45°20'36" W
55.00'

JOHN STOCKBAUER DRIVE (90' R.O.W.)

THE ABOVE PLAT AND ACCOMPANYING FIELDNOTE DESCRIPTION WERE PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION IN SEPTEMBER 1999 AND JULY 2000 ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF

Terry T. Ruddick
TERRY T. RUDDICK
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS NO. 4943
7/17/00



SCALE: 1" = 100'
JOB NO. S10871.1

Exhibit A

DRAINAGE EASEMENT
0.7413 ACRE
(32,293 SQUARE FEET)

THE STATE OF TEXAS)
THE COUNTY OF VICTORIA)

BEING a 0.7413 acre (32,293 square feet) tract of land situated in Subdivision Number Twenty-one (21) of the Welder, Holland, Buhler Subdivision in the S.A. & M.G. RR Company Survey, Abstract No. 324, Victoria County, Texas and being a portion of that certain 4.4409 acre tract of land as conveyed from Rodney A. Mutschler, et al to Sutherland Lumber Southwest, Inc., according to instrument recorded in Volume 74, Page 490 of the Official Records of Victoria County, Texas, said 0.7413 acre tract of land being more fully described by metes and bounds as follows:

BEGINNING at a point in the northwest right-of-way line of John Stockbauer Drive (90.0' R.O.W.), said point being the south corner of the herein described tract and the west corner of the certain 28.439 acre remainder of that 46.4995 acre tract as conveyed from Levada J. Groll, et vir to Rodney Mutschler, et al according to instrument recorded in Volume 958, Page 191 of the Deed Records of said County, said point bears North 45 deg. 20' 36" West, (Basis of Bearing) a distance of 660.08 feet from a 5/8 inch diameter iron rebar found marking the south corner of the 28.439 acre tract;

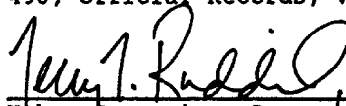
THENCE, North 45 deg. 20' 36" West, with the northeast right-of-way line of John Stockbauer Drive, a distance of 55.00 feet to a point for the south corner of the herein described tract;

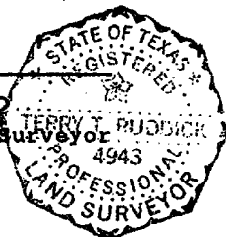
THENCE, North 45 deg. 00' 00" East, parallel to an 55 feet northwest of the southeast line of said 4.4409 acre tract, a distance of 586.96 feet to a point for the north corner of the herein described tract and being in the northeast line of said 4.4409 acre tract, further being in the southwest line of that certain 6.549 acre remainder of that 10.0 acre tract of land as conveyed from Edgar Gloor, et ux to L. A. Sparkman, et ux according to instrument recorded in Volume 219, Page 592 of the Deed Records of said County;

THENCE, South 45 deg. 43' 01" East, with the common line of said 6.549 acre tract, a distance of 55.00 feet to a point for the east corner of the herein described tract and being the common corner of the 6.549 acre tract and the 4.4409 acre tract and further being in the northwest line of the 28.439 acre tract;

THENCE, South 45 deg. 00' 00" West, with the common line of the 28.439 acre tract, a distance of 587.32 feet to the POINT OF BEGINNING, CONTAINING within these metes and bounds, a 0.7413 acre (32,293 square feet) tract of land, more or less.

The foregoing field note description and accompanying survey plat were prepared from an actual survey made on the ground under my supervision in September, 1999 and July, 2000 and are true and correct to the best of my knowledge and belief. Bearings are based on bearings of record in Volume 74, Page 490, Official Records, Victoria County, Texas.


Urban Surveying, Inc. 7/17/00
By: Terry T. Ruddick
Registered Professional Land Surveyor
Texas No. 4943



SI0871-1