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NAPT NO. 3395.19
PARCEL NO. 193

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CAUSE NO. 2191

CITY OF AUSTIN

§ PROCEEDINGS IN EMINENT DOMAIN

V.

§ IN PROBATE COURT NO. 1

GORDON W. SMITH ET UX,
LOIS M. SMITH ET AL.

§ TRAVIS COUNTY, TEXAS

AGREED JUDGMENT

BE IT REMEMBERED, that on the 3rd day of April, 1996, came on to be heard the above-entitled and numbered cause and came the Plaintiff, the City of Austin, and announced ready for trial and came the Defendants, Gordon W. Smith, and Lois M. Smith, and announced ready for trial.

The Defendant, Big Rig Fertilizer, Abstract Judgment Holder, filed a Disclaimer of Interest waiving any claim to any special commissioners' award, judgment or settlement entered and requesting it be removed as a Defendant in this cause.

I.

Prior to the commencement of the trial of this cause, said Defendants, Gordon W. Smith, and Lois M. Smith, admitted and stipulated in open Court that the Plaintiff, the City of Austin, has the right to recover and condemn the property described herein; that all prior steps and due processes of law were duly, legally and timely performed; that all legal prerequisites for the trial of this cause by this Court have been duly complied with; that the only issue remaining in this cause to be tried by this Court is the amount of compensation due to the Defendants, Gordon W. Smith, and Lois M. Smith, as a result of the condemnation of the

I, Dana DeBeauvoir, County Clerk, Travis County, Texas, do hereby certify that this is a true and correct copy as same appears of record in my office. Witness my hand and seal of office on 4-3-96



Dana DeBeauvoir, County Clerk

By Deputy: *[Signature]*

U. Woodson

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REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

UNRECORDED

hereinafter-described property; and that this Court has jurisdiction of such issue and this cause of action.

II.

From the papers heretofore filed in this cause, the evidence introduced upon the trial of this cause and the agreements and stipulations made by the parties upon the trial of this cause, the Court finds:

(1) That under and by its Original Petition in Condemnation filed in the Probate Court No. One of Travis County, Texas, on the 20th day of July, 1895, Plaintiff sought and prayed for the acquisition, in order to construct, reconstruct, maintain and operate a Municipal Airport for the use and benefit of the public, from the Defendants, Gordon W. Smith, Lois M. Smith and Big Rig Fertilizer, through condemnation of the following described tract of land located in Travis County, Texas, to-wit:

All that certain tract, piece or parcel of land lying and being situated in the County of Travis, State of Texas, described in Exhibit "A" attached hereto, and made a part here for all purposes.

Provided, however, there is excluded from said estate to be condemned, all the oil, gas and sulphur which can be removed from beneath said tract of land without any right whatever remaining to the owners, their heirs, assigns or successors in interest of such oil, gas, and sulphur, of ingress to or egress from the surface of said tract of land for the purpose of exploring, developing, drilling or mining of the same;

(2) That pursuant to said Original Petition in Eminent Domain, said Judge appointed three disinterested freeholders who

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TRAVIS COUNTY, TEXAS

I, Dana DeBeauvoir, County Clerk, Travis County, Texas, do hereby certify that this is a true and correct copy as same appears of record in my office. Witness my hand and seal of office on 11-3-94



Dana DeBeauvoir, County Clerk

By Deputy:

[Signature] D. Doheon

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reside in Travis County, Texas, as Special Commissioners, who subsequently met, took their oaths of office, set a date of hearing before said Commissioners, and caused notice thereof to be duly served, as prescribed by law, and that said Special Commissioners duly held said hearing;

(3) That upon said hearing the City of Austin and the Defendants, Gordon W. Smith, and Lois M. Smith, appeared, in person and by their attorneys, and the Defendant, Big Rig Fertilizer, did not appear. That after such hearing, said Special Commissioners made and rendered their decision and Award in writing, and filed said Award with the Judge of this Court on the 1st day of November, 1995;

(4) That by said written Award, said Special Commissioners awarded to said Defendants, Gordon W. Smith, Lois M. Smith, and Big Rig Fertilizer, for the fee simple interest described in Exhibit "A" the sum of ONE HUNDRED TWENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$125,000.00); and

(5) That said Defendants, Gordon W. Smith, and Lois M. Smith, duly and timely filed an objection and exception to said Award of said Special Commissioners.

III.

AND WHEREAS all parties have agreed and reached a compromise agreement that the sum of ONE HUNDRED THIRTY-TWO THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$132,500.00), inclusive of interest on the Award/Settlement differential, is the amount of damages to which Defendants, Gordon W. Smith, and Lois M. Smith, are entitled by virtue of the condemnation of said land on the date said

I, Dana DeBeauvoir, County Clerk, Travis County, Texas, do hereby certify that this is a true and correct copy as same appears of record in my office. Witness my hand and seal of office on 4-3-96

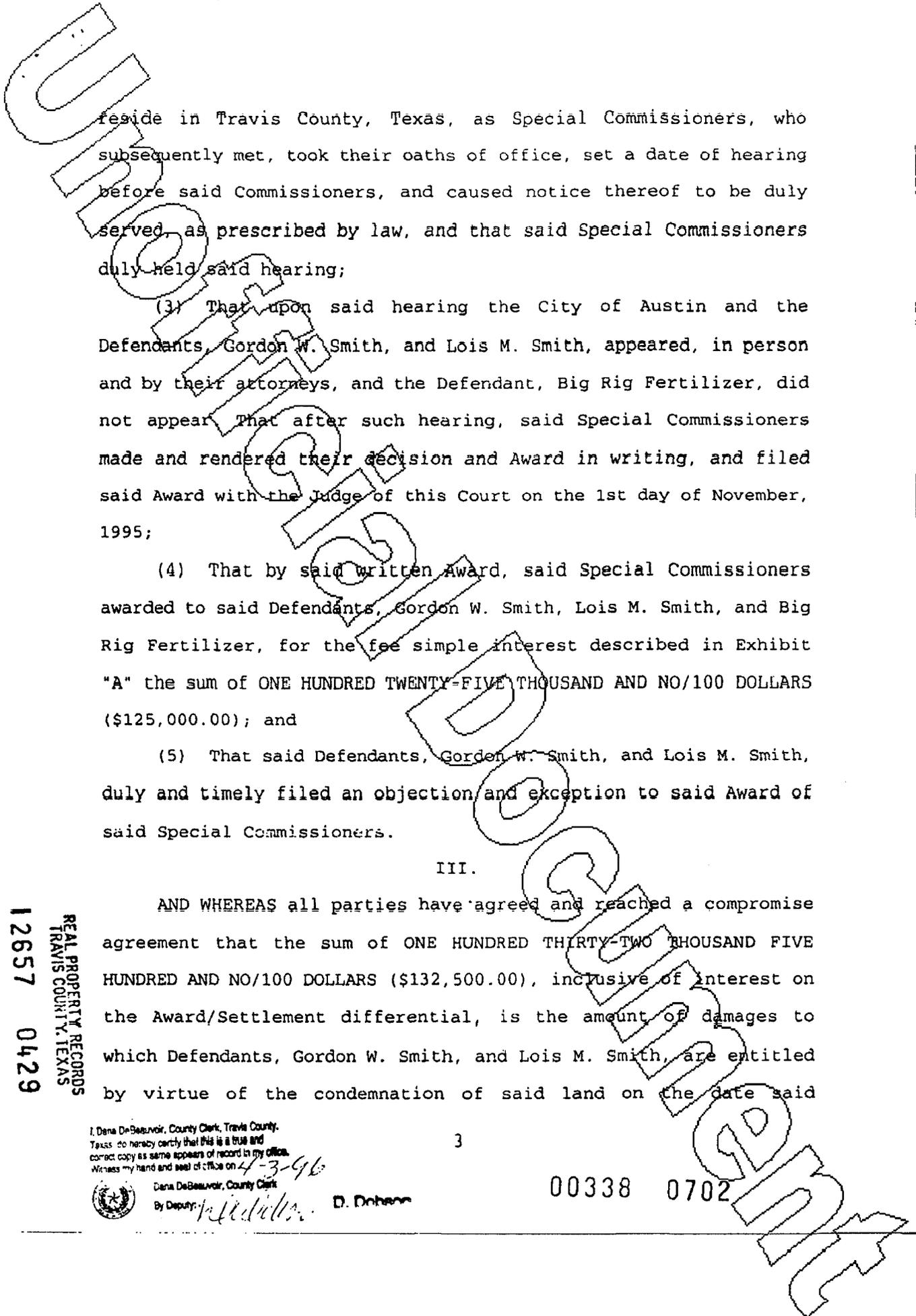


Dana DeBeauvoir, County Clerk
By Deputy: *[Signature]*

D. Doherty

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REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS



property was condemned, said amount being for said property condemned and taken.

IV.

Based upon the agreement of the parties, upon due consideration, the Court finds and determines the following:

(1) That all proceedings necessary to vest this Court with jurisdiction of the subject matter and the parties of this cause have been instituted, maintained and complied with as required by law, and that, therefore, this Court has jurisdiction of the parties hereto and of the subject matter set forth in this case;

(2) That the Defendants, Gordon W. Smith, and Lois M. Smith, were the owners in fee simple of the hereinbefore-described property on the date of taking, and that the City of Austin, as Plaintiff, is condemning and the City of Austin is acquiring under and by virtue of these condemnation proceedings, the fee simple title in and to the property described in Exhibit "A"; and that the City of Austin is authorized to condemn said property;

(3) That from the pleadings, evidence and the agreement of the parties, Defendants, Gordon W. Smith, and Lois M. Smith, should have and recover of and from the City of Austin, Plaintiff, the sum and amount of ONE HUNDRED THIRTY-TWO THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$132,500.00), inclusive of interest on the Award/Settlement differential, for said property condemned and taken;

(4) That the City of Austin, in turn, should have and recover from Defendants, Gordon W. Smith, and Lois M. Smith, and as more specifically set forth in the Original Petition in Eminent Domain,

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REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

I, Dane DeBeauvoir, County Clerk, Travis County, Texas, do hereby certify that this is a true and correct copy as same appears of record in my office.



Dane DeBeauvoir, County Clerk

By Deputy

17-3-96
[Signature]

D. Doherty

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the fee simple title in and to the property described in Exhibit

"A";
(5) That the Plaintiff, the City of Austin, did on the 28th day of November, 1995, deposit into the Registry of the Court the sum of ONE HUNDRED TWENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$125,000.00) for the use and benefit of the Defendants, Gordon W. Smith, and Lois M. Smith; that after making application of such amount there remains an unpaid balance of SEVEN THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$7,500.00), due and payable by the Plaintiff, the City of Austin to Defendants, Gordon W. Smith, and Lois M. Smith; and

(8) That all costs of Court incurred herein should be taxed against the Plaintiff, the City of Austin, which costs shall be paid only to the County Clerk of Travis County, Texas.

V.

It is therefore ORDERED, ADJUDGED AND DECREED that the City of Austin does have and recover of and from Defendants, Gordon W. Smith, and Lois M. Smith, fee simple title in and to the property described in Exhibit "A"; and that Defendants, Gordon W. Smith, and Lois M. Smith, have and are entitled to judgment from the City of Austin in the sum of ONE HUNDRED THIRTY-TWO THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$132,500.00), inclusive of interest on the Award/Settlement differential, for their interests in said property, herein condemned.

VI.

It is further ORDERED, ADJUDGED AND DECREED that the fee simple title to said heretofore described land is hereby decreed to

I, Dana DeBeauvoir, County Clerk, Travis County, Texas, do hereby certify that this is a true and correct copy as same appears of record in my office. Witness my hand and seal of office on

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Dana DeBeauvoir, County Clerk

By Deputy

4-3-96
[Signature]

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REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS



and vested in the City of Austin; provided, however, there is excluded from said estate vested in the City of Austin all the oil, gas and sulphur which can be removed from beneath said land aforesaid without any right whatsoever remaining to the owners, their heirs, assigns, or successors in interest of such oil, gas and sulphur of ingress to or egress from the surface of said land for the purpose of exploring, drilling, developing or mining of the same.

VII.

It is further ORDERED, ADJUDGED AND DECREED by the Court that Defendants, Gordon W. Smith, and Lois M. Smith, do have and recover of and from the City of Austin, and the said Plaintiff be and is hereby directed to pay to the Defendants, Gordon W. Smith, and Lois M. Smith, the unpaid balance of SEVEN THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$7,500.00), inclusive of interest on the Award/Settlement differential, for the heretofore described land as full compensation for the condemnation thereof hereunder.

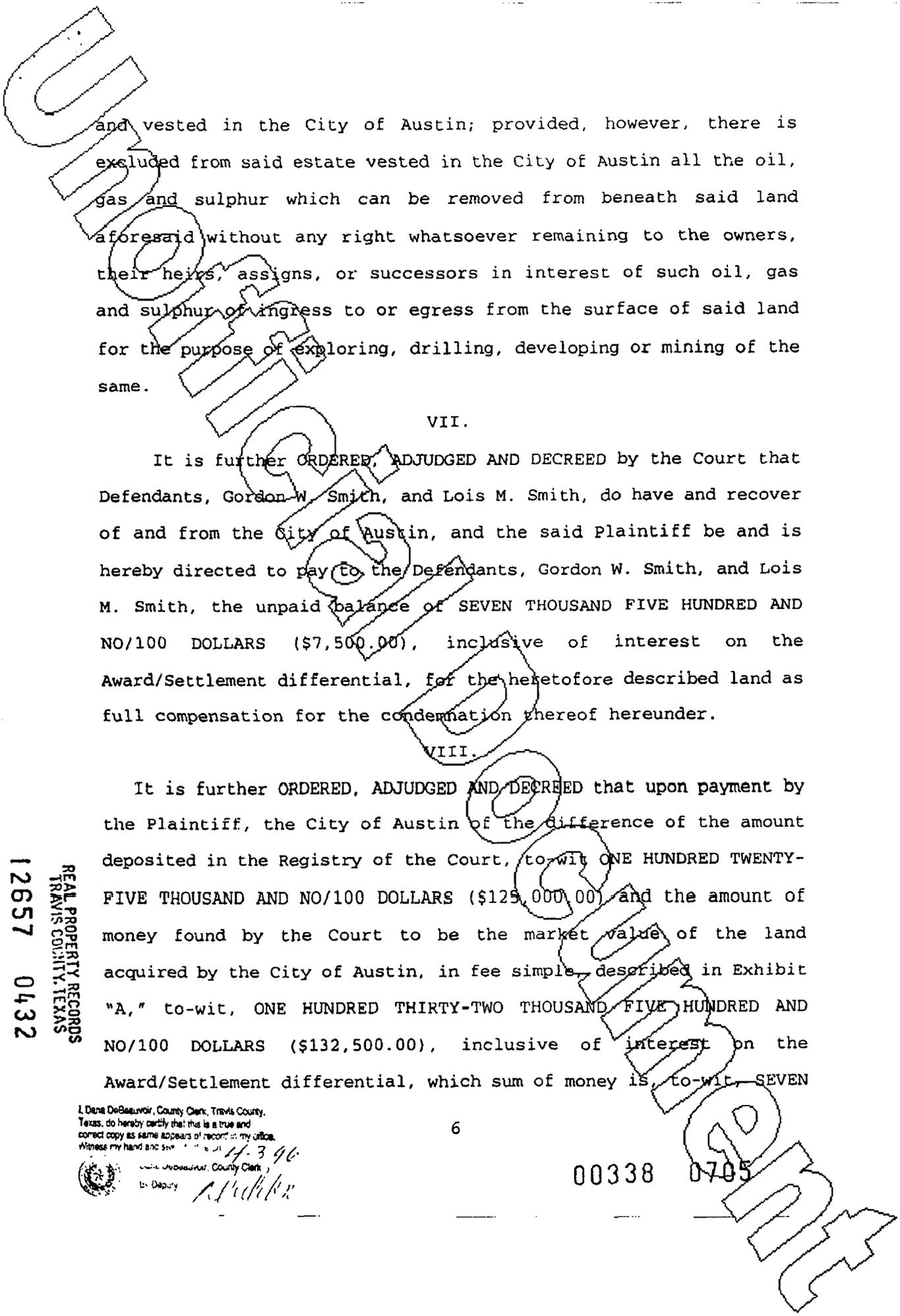
VIII.

It is further ORDERED, ADJUDGED AND DECREED that upon payment by the Plaintiff, the City of Austin of the difference of the amount deposited in the Registry of the Court, to-wit ONE HUNDRED TWENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$125,000.00) and the amount of money found by the Court to be the market value of the land acquired by the City of Austin, in fee simple, described in Exhibit "A," to-wit, ONE HUNDRED THIRTY-TWO THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$132,500.00), inclusive of interest on the Award/Settlement differential, which sum of money is, to-wit, SEVEN

12657 0432
REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

I, Dana DeBeauvoir, County Clerk, Travis County, Texas, do hereby certify that this is a true and correct copy as same appears of record in my office. Witness my hand and seal this 11th day of 3 1946
Dana DeBeauvoir, County Clerk
by Deputy *[Signature]*

00338 0705



THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$7,500.00), the Plaintiff, the City of Austin, stands RELEASED AND DISCHARGED of its constitutional obligation to pay such compensation for the taking of the above-described property for public use.

IX.

It is further ORDERED, ADJUDGED and DECREED that the Defendant, Big Rig Fertilizer, Abstract Judgment Holder, filed a Disclaimer of Interest waiving any claim to any special commissioners' award, judgment or settlement entered and requesting it be removed as a Defendant in this cause. The Defendant, Big Rig Fertilizer, Abstract Judgment Holder, has no justiciable interest in this cause.

X.

It is further ORDERED, ADJUDGED and DECREED by the Court that all costs of this proceeding be and they are hereby taxed against Plaintiff, City of Austin, which costs shall be paid to the County Clerk of Travis County, Texas.

SIGNED this the 3rd day of April, 1996.

[Signature]

JUDGE PRESIDING

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REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

I, Dana DeBeauvoir, County Clerk, Travis County, Texas, do hereby certify that this is a true and correct copy as same appears of record in my office. Witness my hand and seal of office on 4-3-96



[Signature]
County Clerk

00338 0706

APPROVED AS TO SUBSTANCE AND FORM:

Reynolds Miller Shelton
REYNOLDS MILLER SHELTON
ASSISTANT CITY ATTORNEY
State Bar No. 18209300
City of Austin
Post Office Box 1088
Austin, Texas 78767-8828
(512) 499-2185
(512) 499-6490 FAX

ATTORNEYS FOR PLAINTIFF
CITY OF AUSTIN

Michael M. Barron
MICHAEL M. BARRON
State Bar No. 00927700
Barron & Adler
808 Nueces
Austin, Texas 78701
(512) 478-4995
(512) 478-6022 (FAX)

ATTORNEY FOR DEFENDANTS
GORDON W. SMITH, AND
LOIS M. SMITH

Gordon W. Smith
GORDON W. SMITH
DEFENDANT

Lois M. Smith
LOIS M. SMITH
DEFENDANT

g:\airport\smith\judgmt

I, Dene DeBeauvoir, County Clerk, Travis County,
Texas, do hereby certify that this is a true and
correct copy as same appears of record in my office.
Witness my hand and seal of office on

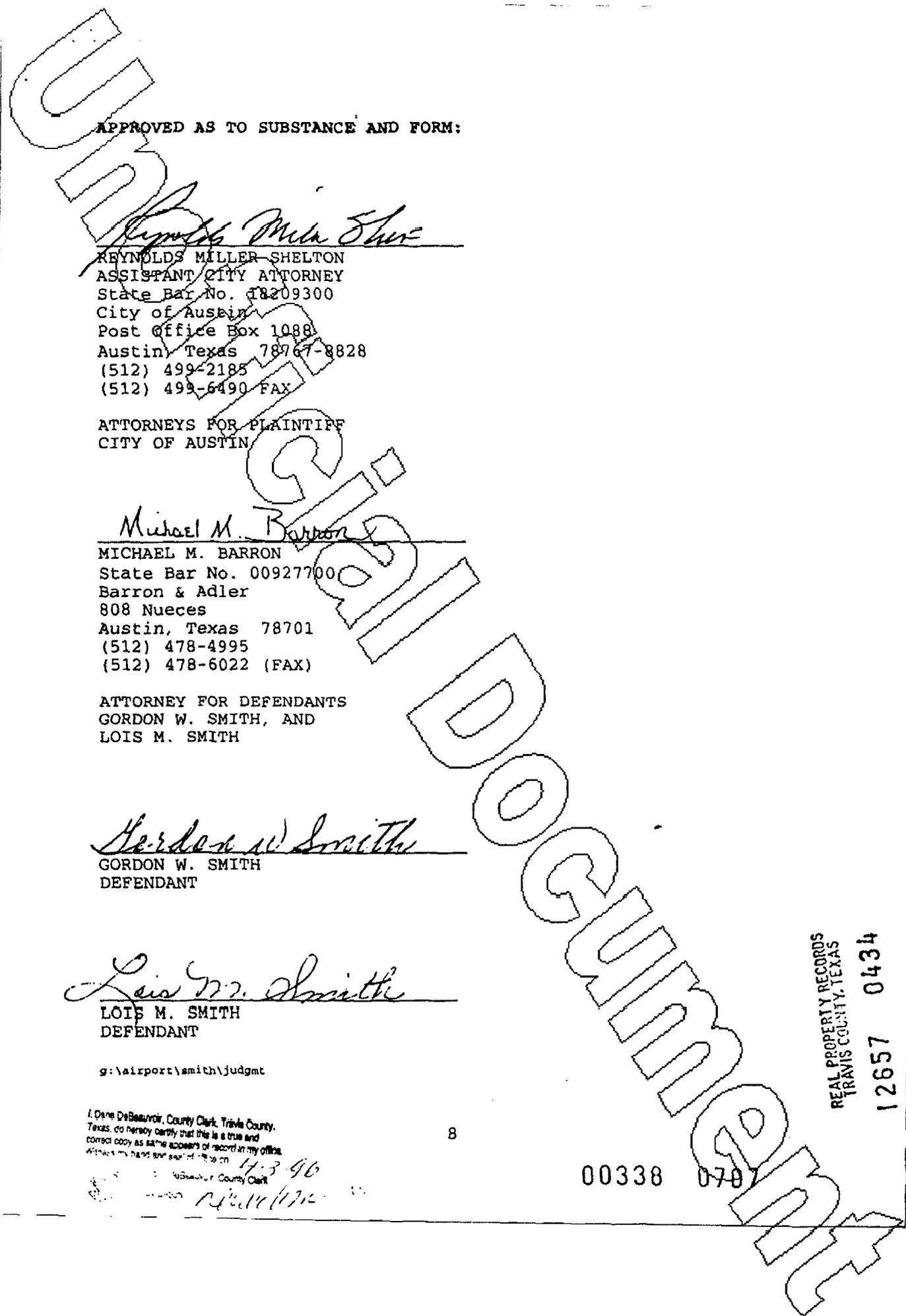
11-3-96

Dene DeBeauvoir
County Clerk

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REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

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MACIAS & ASSOCIATES, Inc.
LAND SURVEYORS

Gordon W. Smith
and wife Lois M. Smith
to
City of Austin
Parcel 19
Land Acquisition Program
New Austin Airport
C.I.P. No. 488-817-0907

FIELD NOTES

FIELD NOTES FOR A PARCEL OF LAND CONTAINING 7.004 ACRES, LOCATED IN THE AYRES MOODY SURVEY NO. 168, IN TRAVIS COUNTY, TEXAS; BEING THE SAME 7 ACRE PARCEL DESCRIBED IN A GENERAL WARRANTY DEED TO GORDON W. SMITH AND WIFE, LOIS M. SMITH, RECORDED IN VOLUME 8748, PAGE 830, OF THE REAL PROPERTY RECORDS OF SAID TRAVIS COUNTY, TEXAS; SAID 7.004 ACRE PARCEL BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a 1" iron pipe found on the northwesterly right-of-way line of FM Road 973 South at the southernmost corner of this parcel;

THENCE, the following three (3) consecutive courses with the common fenced boundary between this parcel and a 46.39 acre parcel described in a warranty deed to Christopher R. Murray and wife Florentina Castro, recorded in Volume 11551, Page 431 of the Real Property Records of said Travis County:

1. N41°37'43"W 557.01 feet to a fence corner post;
2. N37°41'26"E 522.55 feet to a 1/2" iron pipe found;
3. S55°01'50"E 353.24 feet to a 1/2" iron rod found.

THENCE, the following two (2) consecutive courses with the common boundary between this parcel and Lot 1, Thomas-Burns-Spurloch Subdivision, recorded in Book 48, Page 80 of the Plat Records of said Travis County, said Lot 1, conveyed to Demetrio and Debrah Camacho by deed recorded in Volume 11353, Page 1117, of the Real Property Records of said Travis County:

I, Dana DeBeauvoir, County Clerk, Travis County, Texas, do hereby certify that this is a true and correct copy as same appears of record in my office. Witness my hand and seal of office this 14-3-96



Dana DeBeauvoir, County Clerk
By Deed: [Signature]

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REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

1. S34°55'09"W 119.63 feet to a 1" iron pipe found;
2. S40°26'50"E 220.15 feet to a 1" iron pipe found on the northwesterly right-of-way line of FM Road 973 South;

THENCE, S34°58'21"W 50.33 feet with said right-of-way line, to a 1/2" iron rod set at the point of curvature of a curve to the right;

THENCE, southwesterly with said right-of-way line and curve to the right having a radius of 1859.86 feet, a central angle of 13°13'51", a chord bearing S41°35'04"W 428.53 feet, an arc distance of 429.49 feet to the POINT OF BEGINNING, containing 7.004 acres of land.

STATE OF TEXAS |

COUNTY OF TRAVIS |

I hereby certify that this field note description was prepared from the results of an actual survey made on the ground under my supervision and that it is true and correct to the best of my knowledge.

MACIAS AND ASSOCIATES, INC.



2-9-94

HENRY A. DUFEAU
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 1707
Revised: February 9, 1994

DATE

REFERENCES

Bearing Basis: Assumed NORTH Bearing between brass disks at both ends of primary runway 17R - 35L
Austin Grid N - 14
TCAD# 3 - 3131 - 01 - 34

LAP19.FLN

FIELD NOTES REVIEWED

By *W. Little* Date *3/22/94*

Engineering Support Section
Department of Public Works
and Transportation

I, Dana DeBeauvoir, County Clerk, Travis County, Texas, do hereby certify that this is a true and correct copy as same appears of record in my office. Witness my hand and seal of office this 4-3-94



Dana DeBeauvoir, County Clerk
By Deputy

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

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Unofficial Copy

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D. W. ... CLERK
COUNTY CLERK
TRAVIS COUNTY, TEXAS

AFTER RECORDING RETURN TO:

City of Austin
Law Department, Litigation Section
P.O. Box 1088
Austin, Texas 78767-8828

ATTN: Reynolds Miller Shelton

STATE OF TEXAS COUNTY OF TRAVIS
I hereby certify that this instrument was FILED on
the date and at the time stamped hereon by me; and
was duly RECORDED, in the Volume and Page of the
named RECORDS of Travis County, Texas, on

APR 3 1996



[Signature]
COUNTY CLERK
TRAVIS COUNTY, TEXAS

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

12657 0437

RECEIPT#: A00626591 TRANS#: A0719 DEPT: REGULAR RECORD \$29.00
CASHIER: BAMEO FILE DATE: 4/3/96 TRANS DATE: 4/3/96
PAID BY: CHECK# 1875