

NO. 005-01934-2009

FILED
COUNTY COURT AT LAW

2009 OCT 15 PM 1:14

LOVEJOY INDEPENDENT
SCHOOL DISTRICT,
Plaintiff,

IN THE COUNTY COURT AT LAW

CLERK
COLLIN COUNTY, TEXAS

V.

NUMBER FIVE

DEPUTY

CHRISTINE GIBSON, CITY OF
LUCAS, TEXAS, COLLIN COUNTY,
TEXAS, COLLIN COUNTY
COMMUNITY COLLEGE DISTRICT
Defendants.

OF COLLIN COUNTY, TEXAS

AWARD OF SPECIAL COMMISSIONERS

On ~~September 18, 2009~~ ^{October 12, 2009}, in the Administrative Offices of Lovejoy Independent School

District, 259 Country Club Road, Room ~~A122~~ ^{A120}, Allen, Collin County, Texas 752002-7643, the above styled cause came on to be heard before the undersigned, three disinterested freeholders of Collin County, Texas, heretofore appointed as Special Commissioners by the Judge of the County Court at Law No. 5, Collin County, Texas, to assess the damages caused by this condemnation proceeding, and came the plaintiff, Lovejoy Independent School District, represented by counsel, and came also defendants, each having been duly served with Notice of Hearing, the Special Commissioners proceeded to hear evidence and arguments of the parties and made the following findings:

I.

That on July 9, 2009, Lovejoy Independent School District ("LISD" or the "District") filed a written Petition for Condemnation in the County Court at Law No. 5, Collin County, Texas, and on September 9, 2009, LISD filed its First Amended Petition, wherein upon facts and for the purposes therein stated, it seeks a decree of condemnation vesting in LISD the fee simple title in and to the hereinafter described land and improvements, which land is situated in Collin

Copy

County, Texas, and is described in Exhibit "A" attached hereto and incorporated by reference herein.

II.

That upon consideration of the written Petition filed by LISD, the Judge of the County Court at Law No. 5, Collin County, Texas, did, on July 17, 2009, appoint Rusty Stephens, John Helm, and Lynn Simpson, three disinterested freeholders of Collin County, Texas, as Special Commissioners to assess the damages caused by the condemnation of the land and improvements and property rights.

III.

That thereafter the Special Commissioners were duly qualified as such, each taking the oath prescribed by law, which oaths are on file with the papers in this cause.

IV.

That after having so qualified, the Special Commissioners, on September 3, 2009, by written order, designated and appointed September 18, 2009, in the Administrative Offices of Lovejoy Independent School District, 259 Country Club Road, Room A122, Allen, Collin County, Texas 752002-7643, as the date and place for hearing the Petition and parties, such date being the earliest practicable time and such place being in the county in which the land and improvements is situated.

V.

That on September 3, 2009, ^{September 24, 2009 and October 7, 2009} the Special Commissioners issued written notice of such date and place of hearing, and the defendants, Christine Gibson, City of Lucas, Texas, Collin County, Texas, and Collin County Community College District were duly served with notice and notified in the manner provided by law of such hearing and the time and place thereof. *Defendants Christine Gibson, City of Lucas, Texas and Collin County, Texas signed waivers of notice of hearing for the October 12, 2009 hearing.*

VI.

DAMAGES

October 12, 2009
That on ~~September 18, 2009~~, the Special Commissioners did convene and the named parties appeared by their attorney or pro se, or having been duly served with Notice of Hearing declined to appear, and announced ready for such hearing, and the Special Commissioners proceeded to hear evidence as to the damages which will be sustained by the owner, by reason of the condemnation of the land and improvements; and, after hearing and considering such evidence, the Special Commissioners did find and determine and accordingly assess damages to be paid by Lovejoy Independent School District for this condemnation according to the rules of damages set forth in Texas Property Code Section 21.042 and Section 21.043, as follows:

For condemnation of the property:

\$ 501,732.⁰⁰

For the reasonable expenses of moving Defendant Christine Gibson's personal property from the Property:

\$ NONE

VII.

COSTS

That pursuant to Texas Property Code Section 21.047, the costs of this eminent domain proceeding are to be paid by LISD; and that pursuant to Texas Property Code Section 21.048 the costs of the Special Commissioners are as follows:

Rusty Stephens: \$ _____

John Helm: \$ _____

Lynn Simpson: \$ _____

12th October 2009
RENDERED this the 18th day of September, 2008:

SPECIAL COMMISSIONERS:

RUSTY STEPHENS

John S. Helm

JOHN HELM

LYNN SIMPSON

The Clerk of this Court is hereby ORDERED to notify all parties or their attorneys of record, as listed in Exhibit "B" attached hereto, of the filing date of this Award, by certified mail, return receipt requested, at their addresses of record pursuant to Texas Property Code Section 21.049.

The foregoing decision and Award was filed with me this the 2nd day of ~~September~~ ^{November} ~~October~~, 2009.

Dan K. Wilson

PRESIDING JUDGE

EXHIBIT A

A 6.516 acre tract of land consisting of two former tracts conveyed by Glen Ray Betts Sr., to Don W. Gibson and wife Christine Gibson in a Deed recorded in the office of the Collin County Clerk on June 12, 1995, County Clerk's File No. 95-0039819; the two said tracts of land being more particularly described as follows:

FIRST TRACT

SITUATED in Collin County, Texas out of the J.M. Survey, Abst. No. 824 and being part of a 45 acre tract as described in two (2) tracts, 11 and 34 acres conveyed to G.R. Betts by E.E. Betts and wife G.A. Betts in a Deed recorded in Volume 633, Page 92 of the Collin County Deed Records and being more particularly described as follows:

BEGINNING at a 5/8" iron rod found in the south right of way line of F.M. 2170; also being the northeast corner of a 10.694 acre tract as described in a Deed recorded in Volume 1871, Page 225 of the Deed Records of Collin County, Texas;

THENCE South 00 deg. 01 min. 00 sec. West a distance of 564.87 feet to a 1/2" iron rod set in the east line of said 10.694 acre tract for the southwest corner of this tract;

THENCE North 89 deg. 11 min. 15 sec. East a distance of 231.26 feet to a 1/2" iron rod set in the west line of a 13.285 acre tract as described in a Deed recorded in Volume 1222, Page 348 of the Collin County Deed Records;

THENCE North 00 deg. 02 min. 21 sec. East a distance of 564.88 feet to a 3/8" iron rod located in the south right of way line of F.M. 2170 and being the northeast corner of said 13.285 acre tract and the northeast corner of this tract;

THENCE South 89 def. 11 min. 15 sec. West a distance of 231.48 feet to the PLACE OF BEGINNING and containing 3.0 acres of land.

SECOND TRACT

SITUATED in Collin County, Texas out of the J.M. Survey, Abst. No. 824 and being part of a 45 acre tract as described in two (2) tracts, 11 and 34 acres conveyed to G.R. Betts by E.E. Betts and wife G.A. Betts in a Deed recorded in Volume 633, Page 92 of the Collin County Deed Records and being more particularly described as follows:

BEGINNING at a 5/8" iron rod found in the north line of a 3.969 acre tract in the name of Allen Independent School District and the southeast corner of a 10.694 acre tract as described in a Deed recorded in Volume 1871, Page 225 of the Deed Records of Collin County, Texas; also being the southwest corner of this tract;

EXHIBIT B

Christine Gibson
1555 Estates Parkway
Allen, Texas 75002

Joe J. Gorfida, Jr.
Nichols, Jackson,
Dillard, Hager & Smith, L.L.P
1800 Lincoln Plaza
500 North Akard
Dallas, Texas 75207
Attorney for City of Lucas Texas
151 Country Club Rd.
Lucas, Texas 75002-7663

County of Collin, Texas
2300 Bloomdale Rd., #4192
McKinney, Texas 75071-8517

Collin County Community
College District
4800 Preston Park Blvd.
Plano, Texas 75093-5123

THENCE South 89 deg. 35 min. 44 sec. East with the north line of said Allen Independent School District tract a distance of 230.98 feet to a 3/8" iron rod found for the southeast corner of this tract and the southwest corner of 13.285 acre tract;

THENCE North 00 deg. 02 min. 21 sec. East with the west line of said 13.285 acre tract a distance of 665.09 feet to a 1/2" iron rod set for the northeast corner of this tract;

THENCE South 89 deg. 11 min. 15 sec. West a distance of 231.26 feet to a 1/2" iron rod set in the east line of said 10.694 acre tract for the northwest corner of this tract;

THENCE South 00 deg. 01 min. 00 sec. West a distance of 660.18 feet to the PLACE OF BEGINNING and containing 3.516 acres of land.