

State of Texas  
Collin County  
Commissioners Court

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Court Order  
2020-xxx-09-20

**An order of the Collin County Commissioners Court approving the acquisition of real property interests to facilitate construction of Collin County Outer Loop – Segment 3 from Custer Road to US 75 through condemnation proceedings if purchase negotiations are unsuccessful.**

**Whereas**, the Commissioners Court of Collin County, Texas has determined that current County needs necessitate the acquisition of the following real property interests to facilitate improvement and construction of a highway system known as the Collin County Outer Loop – Segment 3 from Custer Rd. to US 75 in Collin County for public use associated therewith (hereinafter, the "Project"); and

**Whereas** the County, by and through its agents, contacted the following owners of property (hereinafter, "Property Owners") who own property within the established alignment of the Collin County Outer Loop – Segment 3 from Custer Rd. to US 75 and extended a bona fide offer to them pursuant to Section 21.0113 of the Texas Property Code, to acquire the necessary property interests set forth below, which good faith offers were equal to or greater than the fair market value of the property interests to be acquired, as determined by appraisal:

**1) VSS Limited Partnership – Parcel 46 :**

*Fee Simple Title* to 3.159 acres of land, more or less, in the John R. Barrows Survey, Abstract Number 40, and being part of those tracts of land described as First Tract and Third Tract in Special Warranty Deed to VSS Limited Partnership recorded in Volume 4070, Page 1005 of the Real Property Records of Collin County, Texas; and as more particularly described on the attached **Exhibit 1**.

**2) Chriswin Investment Properties, Ltd. – Parcel No. 47 :** *Fee Simple Title* to 35.837 acres of land, more or less, in the Coleman Watson Survey, Abstract No. 945, and being part of a tract of land described in Special Warranty Deed to Chriswin Investment Properties, Ltd., recorded in Document No. 20090130000096890 of the Real Property Records of Collin County, Texas; and as more particularly described on the attached **Exhibit 2**.

**3) Rene Bates – Parcel No. 50 :** *Fee Simple Title* to 14.593 acres of land, more or less, in the Coleman Watson Survey, Abstract No. 945, and being part of a tract of land described in Special Warranty Deed to Rene Bates recorded in Instrument No. 20170905001191860 of the Real Property Records of Collin County, Texas; and as more particularly described on the attached **Exhibit 3**.

**4) Adria R. Smith – Parcel 54 :**

A. *Fee Simple Title* to 6.760 acres of land, more or less, in the Charles Gilman Survey, Abstract No. 345, and being part of a tract of land described in General Warranty Deed to Adria R. Smith as recorded in Document No. 2004-00608420 of the Real Property Records of Collin County, Texas; and

B. *Temporary Construction Easement for a term of 3 years* in, over and across 1.106 acres of land, more or less, in the Charles Gilman Survey, Abstract No. 345, and being part of a tract of land described in General Warranty Deed to Adria R. Smith as recorded in Document Number 2004-00608420 of the Real Property Records of Collin County, Texas; and as more particularly described on the attached **Exhibit 4**.

- 5) **RWMD Limited Partnership – Parcel 57** : *Fee Simple Title* to 7.145 acres of land, more or less, in the Jeremiah H. Wilson Survey, Abstract No. 994, and being part of a tract of land described in Special Warranty Deed to RWMD Limited Partnership recorded in Volume 5579, Page 4415 of the Real Property Records of Collin County, Texas; and as more particularly described on the attached **Exhibit 5**.
- 6) **Collin Land, Ltd. – Parcel 58** : *Fee Simple Title* to 32.499 acres of land, more or less, in the J. Larremore Survey, Abstract No. 530, and being part of a tract of land described in Special Warranty Deed to Collin Land, Ltd. as recorded in Document No. 20060330000413020 of the Real Property Records of Collin County, Texas; and as more particularly described on the attached **Exhibit 6**.
- 7) **Thomas M. Fris and Wife Lisa Price Fris – Parcel 61** : *Fee Simple Title* to 9.540 acres of land, more or less, in the Thomas Lindsey Survey, Abstract No. 521, and being part of a tract of land described in Special Warranty Deed to Thomas M. Fris and wife, Lisa Price Fris as recorded in Instrument No. 96-0104896 of the Real Property Records of Collin County, Texas; and as more particularly described on the attached **Exhibit 7**.
- 8) **164 On CR277 LLC – Parcel 65** :
  - A. *Fee Simple Title* to 38.255 acres of land, more or less, in the Bastian Olivo Survey, Abstract Number 677, and the William E. Throckmorton Survey, Abstract No. 898, and being part of a tract of land described in Special Warranty Deed to 164 On CR277 LLC, recorded in Instrument Number 20190417000411770, of the Real Property Records of Collin County, Texas; and
  - B. *Fee Simple Title* to 2.182 acres of land, more or less, in the Bastian Olivo Survey, Abstract Number 677, and being part of a tract of land described in Special Warranty Deed to 164 On CR277 LLC, recorded in Instrument Number 20190417000411770, of the Real Property Records of Collin County, Texas; and
  - C. *Fee Simple Title* to 4.226 acres of land, more or less, in the Bastian Olivo Survey, Abstract Number 677, and being part of a tract of land described in Special Warranty Deed to 164 On CR277 LLC, recorded in Instrument Number 20190417000411770, of the Real Property Records of Collin County, Texas; and
  - D. *Slope Easement* in, over and across 1.122 acres of land, more or less, in the Bastian Olivo Survey, Abstract Number 677, and being part of a tract of land described in Special Warranty Deed to 164 On CR277 LLC, recorded in Instrument Number 20190417000411770, of the Real Property Records of Collin County, Texas; and
  - E. *Slope Easement* in, over and across 0.875 acres of land, more or less, in the Bastian Olivo Survey, Abstract Number 677, and the William E. Throckmorton Survey, Abstract No. 898, and being part of a tract of land described in Special Warranty Deed to 164 On CR277 LLC, recorded in Instrument Number 20190417000411770, of the Real Property Records of Collin County, Texas;All as more particularly described on the attached **Exhibit 8**.
- 9) **S F Collin County LLC – Parcel 66** :
  - A. *Fee Simple Title* to 1.512 acres of land, more or less, in the Bastian Olivo Survey, Abstract Number 677, and being part of a tract of land described in Special Warranty Deed to S F Collin County LLC, recorded in Instrument Number 20190212000148460, of the Real Property Records of Collin County, Texas; and
  - B. *Fee Simple Title* to 22.006 acres of land, more or less, in the John Ellet Survey, Abstract Number 295, and the William E. Throckmorton Survey, Abstract No. 898, and being part of a tract of land described in Special Warranty Deed to S F Collin County LLC, recorded

in Instrument Number 20190212000148160, of the Real Property Records of Collin County, Texas;

All as more particularly described on the attached **Exhibit 9**.

**10) John Rattan – Parcel 67 : Fee Simple Title** to 22.852 acres of land, more or less, in the John Ellet Survey, Abstract No. 295 and William E. Throckmorton Survey, Abstract No. 899 and being part of those tracts of land described in Affidavit of Facts Concerning the Identity of Heirs as recorded in Instrument No. 20090915001153020 of the Real Property Records of Collin County, Texas; and as cited in Judgement of Declaring Heirship as recorded in No. PB1-0395-2010 of the Probate Court of Collin County, Texas; and as cited in Judgement of Declaring Heirship as recorded in No. PB1-0396-2010 of the Probate Court of Collin County, Texas; and as more particularly described on the attached **Exhibit 10**.

And

**Whereas**, the County has determined that the property interests set forth above are necessary for the Project which constitutes an authorized public use, namely public transportation.

**Whereas**, the County made a bona fide offer to the property owners pursuant to Section 21.0113 of the Texas Property Code and otherwise complied with the statutory protections and procedures set forth in Chapter 21 of the Texas Property Code and Chapter 2206 of the Texas Government Code; and

**Whereas**, the County has attempted to reach agreement with the Property Owners to acquire the property interests set forth above, but has been unable to reach such an agreement with the Property Owners; and

**Whereas**, the Commissioners Court of Collin County, Texas, has determined that the property interests set forth should be acquired through the use of eminent domain, if necessary; and

**Whereas**, the Commissioners Court of Collin County, Texas authorizes its attorney to acquire the the property interests set forth above through the County's power of eminent domain by instituting eminent domain proceedings with respect to the above referenced property interests in accordance with the laws of the State of Texas.

**Now, therefore, be it ordered** that the law firm of Banowsky & Levine, P.C., continue to negotiate on behalf of the County to purchase the property interests set forth above from the Property Owners described above and further authorize the law firm of Banowsky & Levine, P.C. to immediately institute eminent domain proceedings in order to acquire the property interests set forth above.

A motion was duly made, seconded, and carried unanimously by the court members in attendance during a regular session on September 20, 2021.

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Chris Hill, County Judge

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Susan Fletcher, Commissioner, Pct 1

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Cheryl Williams, Commissioner, Pct 2



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Darrell Hale, Commissioner, Pct 3

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Duncan Webb, Commissioner, Pct 4

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ATTEST: Stacey Kemp, County Clerk