

CAUSE NO. 23-1002-C

CITY OF SAN MARCOS, Plaintiff,	§	PROCEEDINGS IN EMINENT DOMAIN
	§	
VS.	§	IN COUNTY COURT AT LAW NO. 1
	§	
TWO RIVERS INTERESTS, LP Defendant(s).	§	HAYS COUNTY, TEXAS

AWARD OF SPECIAL COMMISSIONERS

BE IT REMEMBERED that the above-styled and numbered proceeding came on to be heard before the undersigned, three disinterested real property owners and residents of the County, heretofore appointed as Special Commissioners by the Judge to assess the damages caused by this condemnation proceeding, and came Condemnor, CITY OF SAN MARCOS, represented by counsel, and all parties present having announced ready, the Special Commissioners proceeded to hear evidence and arguments of counsel for the parties and make the following findings:

1. That Condemnor, CITY OF SAN MARCOS acting by and through its attorneys, duly filed its Original Statement and Petition for Condemnation wherein, upon the facts and for the purposes therein stated, it sought a judgment of condemnation vesting in Condemnor certain real property rights to certain land situated in said county, owned, or in which an interest is claimed, by the Condemnee(s). Said real property rights are more particularly described in Plaintiff's Original Petition for Condemnation, to which reference is made and which is made a part hereof for all purposes.

2. That upon consideration of said Original Statement and Petition for Condemnation filed by Condemnor, the Judge appointed the undersigned three disinterested real property owners and residents of said county to be Special Commissioners to assess the damages caused by the condemnation of the aforesaid easement rights.

3. That thereafter the undersigned Special Commissioners duly qualified as such, each taking the oath prescribed by law, which oaths are on file among the papers in this proceeding.

4. That after having so qualified, the undersigned Special Commissioners by written order duly designated the date, time, and place for hearing the Plaintiff's Original Petition for Condemnation.

5. That the undersigned Special Commissioners duly and timely issued written notice of said date, time and place of hearing in proper form; the notice with written return of same was returned to the undersigned Special Commissioners on or before the above-said date of hearing, and the Condemnee(s) were duly and timely served with notice and notified in the manner provided by law of such hearing and the date, time and place thereof.

6. That Condemnor timely filed its Original Petition.

7. That the undersigned Special Commissioners convened on the 18th day of December, 2023, and Condemnor appeared by and through its attorneys, and the Condemnee(s), their agent(s) or attorney(s) appeared as follows:

Did not appear.

The undersigned Special Commissioners proceeded to hear evidence as to the damages that will be sustained by the Condemnee(s) by reason of the condemnation of said real property interests.

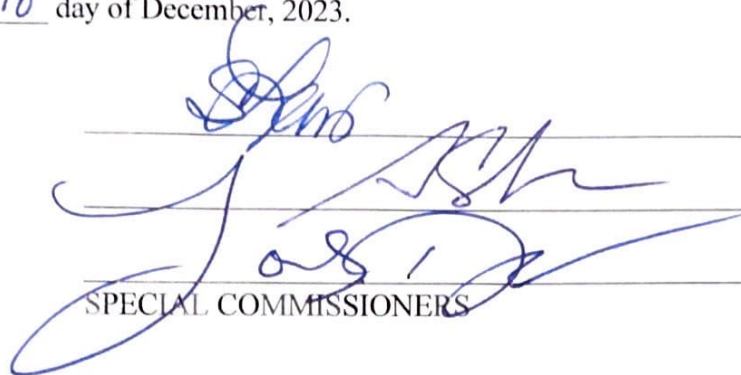
Based on the evidence presented to us, having assessed the actual damages which will accrue to the owner(s) of the land by reason of such condemnation in accordance with the laws of the State of Texas, we have reduced to writing as required by law and state herein the amount of damages due the owner(s) of said land by reason of the condemnation by Condemnor, CITY OF SAN MARCOS of said easement rights in real property:

(1) We assess the damages to be paid by Condemnor for the condemnation of said easement rights to be the amount of \$ 271,100⁰⁰ and we do now hereby award such damages to said Condemnee(s).

(2) We award to Condemnor, CITY OF SAN MARCOS, said real property interest described in Plaintiff's Original Petition for Condemnation, with attached exhibits.

(3) We further decide and adjudge that all costs of this proceeding be paid by Condemnor.

SIGNED AND DATED this 18 day of December, 2023.


SPECIAL COMMISSIONERS

SUBMITTED BY:

**BAKER MORAN DOGGETT MA & DOBBS
LLP**

By: /s/ Scott T. Doggett _____
SCOTT T. DOGGETT
State Bar No. 05945675
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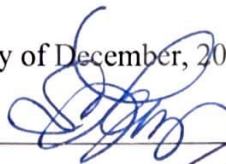

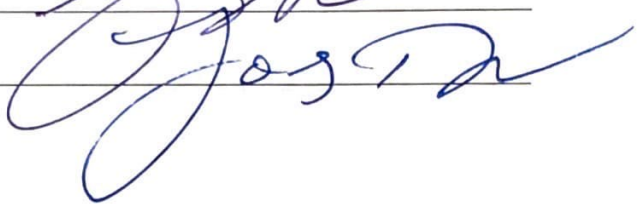
**ATTORNEYS FOR PLAINTIFF
CITY OF SAN MARCOS**

INFORMATION TO JUDGE REGARDING TIME SPENT BY SPECIAL COMMISSIONERS

To assist the Judge in setting the Special Commissioners' fees as set forth in Section 21.047(c) of the Texas Property Code, the Special Commissioners inform the Judge that the following time was spent by the Special Commissioners in this eminent domain proceeding:

3.5 hours

SIGNED AND DATED this 18th day of December, 2023.

MEMORANDUM OF FILING

The foregoing Award of Special Commissioners and Statement of Commissioners Costs connected with the above-styled and numbered proceeding were filed with the Court on this 18th day of December, 2023.

Signed January 9, 2024



JUDGE PRESIDING

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Drenda Roman on behalf of Scott Doggett
Bar No. 5945675
droman@bakermoran.com
Envelope ID: 82663817
Filing Code Description: Proposed Order
Filing Description: Award of Special Commissioners (City of San Marcos v. Two Rivers)
Status as of 1/11/2024 8:46 AM CST

Associated Case Party: City of San Marcos, Texas

Name	BarNumber	Email	TimestampSubmitted	Status
Scott T.Doggett		sdoggett@bakermoran.com	12/18/2023 11:44:19 AM	SENT
Marcy Anderson		manderson@bakermoran.com	12/18/2023 11:44:19 AM	SENT
Drenda Roman		droman@bakermoran.com	12/18/2023 11:44:19 AM	SENT

Associated Case Party: Two Rivers Interests, LP by and through its registered agent, Jim R. Smith

Name	BarNumber	Email	TimestampSubmitted	Status
Charles McFarland		cmcfarland@mcfarlandpllc.com	12/18/2023 11:44:19 AM	SENT
Marie Harlan		mharlan@mcfarlandpllc.com	12/18/2023 11:44:19 AM	SENT
Pamela Milliner		pmilliner@mcfarlandpllc.com	12/18/2023 11:44:19 AM	SENT
Dani V.Aedo		dvaedo@mcfarlandpllc.com	12/18/2023 11:44:19 AM	SENT
Levin Rosales		lrosales@mcfarlandpllc.com	12/18/2023 11:44:19 AM	SENT
Lou Russell		lrussell@mcfarlandpllc.com	12/18/2023 11:44:19 AM	SENT
Emily Connaway		econnaway@mcfarlandpllc.com	12/18/2023 11:44:19 AM	SENT