



TRV 2011124379
13 PGS

I, Dana DeBevoise, 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



Dana DeBevoise, County Clerk
By Deputy:

AUG 23 2011

13
E

CAUSE NO. 2201

CITY OF AUSTIN	§	PROCEEDINGS IN EMINENT DOMAIN
V.	§	IN PROBATE COURT NO. 21
JACOB Z. CASTILLO AND	§	
CARMEN V. CASTILLO, ET AL	§	TRAVIS COUNTY, TEXAS

NOV 21 PM 1:39
DANA DEBEVOISE
COUNTY CLERK
TRAVIS COUNTY, TEXAS

AGREED JUDGMENT

BE IT REMEMBERED, that on the 21 day of November, 1997, 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, Jacob Z. Castillo and Carmen V. Castillo, and announced ready for trial.

The Defendant, Schwertner State Bank, Lienholder, filed a Disclaimer of Interest averring that the Defendants have paid their indebtedness and disclaiming any right, title, or interest to the proceeds of this cause

The Defendant, Del Valle Independent School District, Lienholder, filed a Disclaimer of Interest averring that the ad valorem taxes due have been withdrawn from the Registry of the Court and disclaiming any right, title, or interest to the proceeds of this cause.

The Defendant, Travis County, Lienholder, filed a Disclaimer of Interest averring that the ad valorem taxes due have been withdrawn from the Registry of the Court and disclaiming any right, title, or interest to the proceeds of this cause.

I.

Prior to the commencement of the trial of this cause, said Defendants, Jacob Z. Castillo and Carmen V. Castillo, 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, Jacob Z. Castillo and Carmen V. Castillo, as a result of the condemnation of the 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 28th day of February, 1996, 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, Jacob Z. Castillo and Carmen V. Castillo, Schwertner State Bank, Lienholder; Del Valle Independent School District, Lienholder; and Travis County, Lienholder, 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.

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



Dana DeBeauvoir, County Clerk
By Deputy:

AUG 2 2 2011

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



Dana DeBeauvoir, County Clerk
By Deputy:

AUG 23 2011

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 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, Jacob Z. Castillo and Carmen V. Castillo, appeared, in person and by their attorneys, and the Defendants, Schwertner State Bank, Lienholder; Del Valle Independent School District, Lienholder; and Travis County, Lienholder, 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 May, 1996;

(4) That by said written Award, said Special Commissioners awarded to said Defendants, Jacob Z. Castillo and Carmen V. Castillo, and Schwertner State Bank, Lienholder; Del Valle Independent School District, Lienholder; and Travis County, Lienholder, for the fee simple interest described in Exhibit "A"

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



Dana DeBeauvoir, County Clerk
By Deputy:

AUG 23 2011

the sum of TWO HUNDRED SEVENTY-TWO THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$272,500.00); and

(5) That said Plaintiff, City of Austin, 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 TWO HUNDRED THIRTY-SIX THOUSAND FIFTY AND 54/100 DOLLARS (\$236,050.54), is the amount of damages to which Defendants, Jacob Z. Castillo and Carmen V. Castillo, are entitled by virtue of the condemnation of said land on the date said 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, Jacob Z. Castillo and Carmen V. Castillo, 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

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



Dana DeBeauvoir, County Clerk
By Deputy

AUG 2 9 2011

"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, Jacob Z. Castillo and Carmen V. Castillo, should have and recover of and from the City of Austin, Plaintiff, the sum and amount of TWO HUNDRED THIRTY-SIX THOUSAND FIFTY AND 54/100 DOLLARS (\$236,050.54), for said property condemned and taken;

(4) That the City of Austin, in turn, should have and recover from Defendants, Jacob Z. Castillo and Carmen V. Castillo, and as more specifically set forth in the Original Petition in Eminent Domain, the fee simple title in and to the property described in Exhibit "A";

(5) That the Plaintiff, the City of Austin, did on the 10th day of May, 1996, deposit into the Registry of the Court the sum of TWO HUNDRED SEVENTY-TWO THOUSAND AND NO/100 DOLLARS (\$272,500.00), for the use and benefit of the Defendants, Jacob Z. Castillo and Carmen V. Castillo and the Defendants, Schwertner State Bank, Lienholder; Del Valle Independent School District, Lienholder; and Travis County, Lienholder; that on the 19th day of July, 1996, upon proper motion, Jacob Z. Castillo and Carmen V. Castillo withdrew from the Registry of the Court the sum of ONE HUNDRED FORTY-FIVE THOUSAND NINE AND 89/100 DOLLARS (\$145,009.89); that on the 19th day of July, 1996, upon proper motion, Schwertner State Bank withdrew from the Registry of the Court the sum of THIRTY-FIVE THOUSAND TWO HUNDRED ONE AND 40/100 DOLLARS (\$35,201.40); that on the 19th day of July, 1996, upon proper motion, 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 on



Dana DeBeauvoir, County Clerk
By Deputy

AUG 22 2011

withdrew from the Registry of the Court the sum of ONE HUNDRED NINETY-TWO AND 67/100 DOLLARS (\$192.67); that on the 19th day of July, 1996, upon proper motion, Del Valle Independent School District withdrew from the Registry of the Court the sum of FIVE HUNDRED NINETY-SIX AND 04/100 DOLLARS (\$596.04); that on the 11th day of October, 1996, upon property motion, Jacob Z. Castillo and Carmen V. Castillo withdrew from the Registry of the Court the sum of FIFTY-FIVE THOUSAND FIFTY AND 54/100 DOLLARS (\$55,050.54); that after making application of such amount there remains a balance of THIRTY-SIX THOUSAND FOUR HUNDRED FORTY-NINE AND 46/100 DOLLARS (\$36,449.46), plus accrued interest, due and payable by the Defendants, Jacob Z. Castillo and Carmen V. Castillo, to the City of Austin; 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, Jacob Z. Castillo and Carmen V. Castillo, fee simple title in and to the property described in Exhibit "A"; and that Defendants, Jacob Z. Castillo and Carmen V. Castillo, have and are entitled to judgment from the City of Austin in the sum of TWO HUNDRED THIRTY-SIX THOUSAND FIFTY AND 54/100 DOLLARS (\$236,050.54), for their interests in said property, herein condemned.

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



Dana DeBeauvoir County Clerk

By Deputy:

[Signature] AUG 9 2011

VI.

It is further ORDERED, ADJUDGED AND DECREED that the fee simple title to said heretofore described land is hereby decreed to 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 Plaintiff, City of Austin, does have and recover of and from the Defendants, Jacob Z. Castillo and Carmen V. Castillo,, and the said Defendants be and are hereby directed to pay to the Plaintiff, City of Austin, the unpaid balance of THIRTY-SIX THOUSAND FOUR HUNDRED FORTY-NINE AND 46/100 DOLLARS (\$36,449.46), plus accrued interest, for the heretofore described property as full compensation for the condemnation thereof hereunder.

VIII.

It is further ORDERED, ADJUDGED AND DECREED that upon payment by the Defendants, Jacob Z. Castillo and Carmen V. Castillo, of the difference of the amount deposited in the Registry of the Court, to-wit TWO HUNDRED SEVENTY-TWO THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$272,500.00) and the amount of money found by the Court to be the market value of the property acquired by the City of Austin,

in fee simple, described in Exhibit "A," to-wit, TWO HUNDRED THIRTY-SIX THOUSAND FIFTY AND 54/100 DOLLARS (\$236,050.54), which sum of money is, to-wit, THIRTY SIX THOUSAND FOUR HUNDRED FORTY-NINE AND 46/100 DOLLARS (\$36,449.46), the Defendants, Jacob Z. Castillo and Carmen V. Castillo, stand RELEASED from this judgment and the Plaintiff, 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.

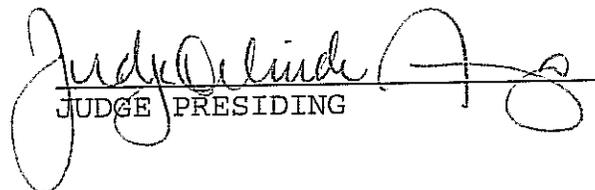
IX.

It is further ORDERED, ADJUDGED and DECREED that the Defendants, Schwertner State Bank, Lienholder; Del Valle Independent School District, Lienholder; and Travis County, Lienholder, have no justiciable interest in this cause and take nothing of this Judgment.

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 21 day of November, 1997.


JUDGE PRESIDING

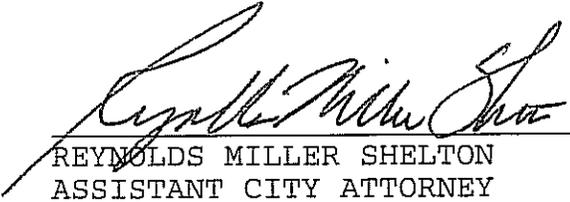
I, Dana DeBeauvoir, County Clerk, Travis County, Texas, do hereby certify that this is a true and correct copy as same appears of record in my office. Witness my hand and seal of office on



Dana DeBeauvoir, County Clerk
By Deputy:

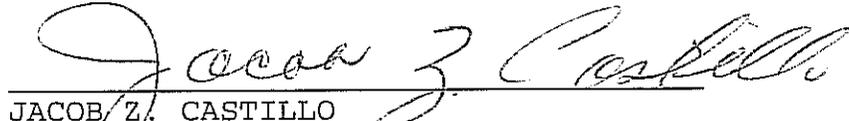
AUG 2 9 2011

APPROVED AS TO SUBSTANCE AND FORM:


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

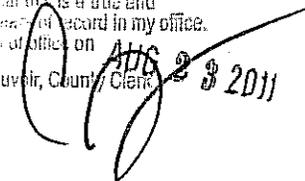
ATTORNEYS FOR PLAINTIFF
CITY OF AUSTIN


JACOB Z. CASTILLO
DEFENDANT


CARMEN V. CASTILLO
DEFENDANT


TRAVIS R. PHILLIPS
PHILLIPS & MERICA, P.C.
State Bar Number 15944500
1303 San Antonio Street
Austin, Texas 78701
(512) 477-1216
(512) 478-0523 Fax

ATTORNEYS FOR DEFENDANTS
JACOB Z. CASTILLO AND CARMEN V. CASTILLO

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 AUG 2 2011
 Dana DeBeauvoir, County Clerk
By Deputy: 



MACIAS & ASSOCIATES, Inc.
LAND SURVEYORS

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



AUG 23 2011
Dana DeBeauvoir, County Clerk
By Deputy: *[Signature]*

EXHIBIT "A"

Jacob Z. Castillo and wife
Carmen V. Castillo
to
City of Austin
Parcels 11 & 13
Land Acquisition Program
New Austin Airport
C.I.P. NO. 488-817-0907

FIELD NOTES

FIELD NOTES FOR A PARCEL OF LAND CONTAINING 8.582 ACRES, LOCATED IN THE JOSE ANTONIO NAVARRO SURVEY, IN TRAVIS COUNTY, TEXAS; AND BEING COMPRISED OF THE FOLLOWING LOTS IN THE C.D. SMITH SUBDIVISION RECORDED IN BOOK 65, PAGE 82 OF THE PLAT RECORDS OF SAID TRAVIS COUNTY: 1) LOT 1, SAVE AND EXCEPT A 0.973 ACRE PORTION DESCRIBED IN A WARRANTY DEED TO JACOB Z. CASTILLO AND CARMEN V. CASTILLO RECORDED IN VOLUME 11734, PAGE 1270 OF THE REAL PROPERTY RECORDS OF SAID TRAVIS COUNTY; 2) A 0.263 ACRE PORTION OF LOT 2, C.D. SMITH SUBDIVISION RECORDED IN BOOK 65, PAGE 82 OF THE PLAT RECORDS OF SAID TRAVIS COUNTY AND DESCRIBED IN A WARRANTY DEED TO JACOB Z. CASTILLO AND CARMEN V. CASTILLO RECORDED IN VOLUME 11734, PAGE 1270 OF THE REAL PROPERTY RECORDS OF SAID TRAVIS COUNTY; AND 3) ALL OF LOT 3, C.D. SMITH SUBDIVISION RECORDED IN BOOK 65, PAGE 82 OF THE PLAT RECORDS OF SAID TRAVIS COUNTY AND DESCRIBED IN A WARRANTY DEED TO JACOB Z. CASTILLO AND CARMEN V. CASTILLO RECORDED IN VOLUME 11734, PAGE 1270 OF THE REAL PROPERTY RECORDS OF SAID TRAVIS COUNTY; SAID 8.582 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 easternmost corner of said Lot 3, C.D. Smith Subdivision;

THENCE, S34°58'21"W 229.10 feet with said right-of-way line of FM Road 973 to a 1" iron pipe found at the southernmost corner of said Lot 3, C.D. Smith Subdivision;

MAP FILE
Received:

MAR 23 1994

00350 1017

EXHIBIT "A"

P# Q1000S
F# 3885.11
D# 3724

I, Dana DeBeauvoir, County Clerk of 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



Dana DeBeauvoir, County Clerk
By Deput *[Signature]* AUG 2 2011

THENCE, N55°07'02"W 194.03 feet with the common boundary between said Lot 3 and Lot 2, C.D. Smith Subdivision, to a 3/4" iron pipe found at the easternmost corner of the 0.263 acre parcel out of Lot 2, C.D. Subdivision described in a warranty deed to Jacob Z. Castillo, et ux recorded in Volume 11734, Page 1270 of the Real Property Records of said Travis County;

THENCE, S44°58'08"W 151.74 feet crossing said Lot 2, C.D. Smith Subdivision with the southeasterly boundary of said 0.263 acre parcel to a 3/4" iron pipe found on the common boundary of said Lot 2 and Lot 1 at the southernmost corner of said 0.263 acre parcel;

THENCE, S32°39'16"W 173.23 feet crossing Lot 1 with the northwesterly boundary of said 0.973 acre parcel described in a warranty deed to Jacob Z. Castillo, et ux, recorded in Volume 11734, Page 1270 of the Real Property Records of said Travis County, to 3/4" iron pipe found on the southwesterly boundary of said Lot 1 at the westernmost corner of said 0.973 acre parcel and northernmost corner of Lot 4, Thomas-Burns-Spurlock Subdivision recorded in Book 48, Page 80 of the Plat Records of said Travis County;

THENCE, N40°24'34"W with the common boundary between said Lot 1, C.D. Smith Subdivision 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, passing an axle found at 735.30 feet, a total distance of 771.55 feet to a point in Onion Creek;

THENCE, the following four (4) consecutive courses with the meanders of Onion Creek near or at the present water's edge:

1. N58°45'34"E 265.71 feet to a point;
2. N78°41'59"E 135.28 feet to a point;
3. S66°48'01"E 160.81 feet to a point;
4. S83°48'01"E 118.97 feet to a point.

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



Dana DeBeauvoir, County Clerk
By Deputy:

AUG 23 2011

THENCE, S42°06'01"E 328.88 feet with the common boundary between said Lot 1, C.D. Smith Subdivision and a 2.538 acre parcel described in a deed to Dale H. Hand and wife, Carolyn L. Hand, recorded in Volume 4191, Page 1533, of the Deed Records of said Travis County, to a 1/2" iron rod set at an angle point and northernmost corner of said Lot 3, C.D. SMITH;

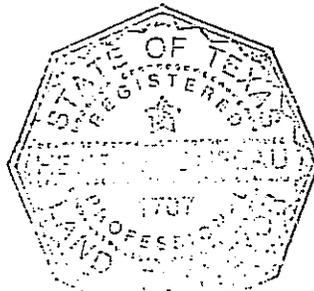
THENCE, S54°58'01"E with the northeasterly boundary of said Lot 3, passing the common corner of said 2.538 acre parcel and a 1.06 acre parcel described in a deed to Jacob Creek, Jr. and wife, Ann Creek recorded in Volume 2730, Page 562, of the Deed Records of said Travis County, at 47.00 feet, a total distance of 177.00 feet to the POINT OF BEGINNING, containing 8.582 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.



Henry A. Dufeu

HENRY A. DUFEU
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 1707

1-28-94

DATE

Revised: January 27, 1994

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 - 31

3 - 3131 - 01 - 35

FIELD NOTES REVIEWED

By: *Mike Bitter* Date 1/28/94

Engineering Support Section
Department of Public Works
and Transportation

AFTER RECORDING, RETURN TO CITY OF AUSTIN PICK UP BOX:
(512) 974-7090

Attn: Amanda Glasscock
Office of Real Estate Services
P.O. Box 1088
Austin, Texas

Project Name: Airport – Agreed Judgment between Jacob Z. Castillo & Carmen V.
Castillo, et al & COA – Parcels 11 & 13, Land Acquisition Program, New Austin Airport

Recorders Memorandum-At the time of recordation this instrument was found to be inadequate for the best reproduction, because of illegibility, carbon or photocopy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

Aug 25, 2011 02:31 PM 2011124379

SCOTTR: \$64.00

Dana DeBeauvoir, County Clerk

Travis County TEXAS