



and Termination having been recorded in Volume 12627, Page 1153 of the Real Property Records of Travis County, Texas. This Court signed an Order of Dismissal as to these Defendants on the 18th day of March, 1996, and these Defendants have no further interests in said property on this proceeding.

I.

Prior to the commencement of the trial of this cause, said Defendant, Thomas C. Steiner, Jr., as Independent Executor of the Estate of Viola Strosser Steiner, Deceased, and as Trustee of the Testamentary Trusts created under the Will of Viola Strosser Steiner, Deceased, 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 Defendant, Thomas C. Steiner, Jr. as Independent Executor of the Estate of Viola Strosser Steiner, Deceased, and as Trustee of the Testamentary Trusts created under the Will of Viola Strosser Steiner, Deceased, 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

REAL PROPERTY RECORDS  
TRAVIS COUNTY, TEXAS

12666 0253

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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 of 24-18-96.



Dana DeBeauvoir, County Clerk  
By Deputy

D. Vittitow

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 November, 1995, 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 Defendant, Thomas C. Steiner, Jr., as Independent Executor of the Estate of Viola Strosser Steiner, Deceased, and as Trustee of the Testamentary Trusts created under the Will of Viola Strosser Steiner, Deceased, and Austin Bridge and Road, lessee, 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 owner, his 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

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 4/11/11



Dana DeBeauvoir, County Clerk

By Deputy

D. Vittitow

REAL PROPERTY RECORDS  
TRAVIS COUNTY, TEXAS

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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 Defendant, Thomas C. Steiner, Jr., as Independent Executor of the Estate of Viola Strosser Steiner, Deceased, and as Trustee of the Testamentary Trusts created under the Will of Viola Strosser Steiner, Deceased, appeared, in person and by their attorneys, and the Defendant, Austin Bridge and Road, lessee, 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 21st day of February, 1996;

(4) That by said written Award, said Special Commissioners awarded to said Defendant, Thomas C. Steiner, Jr., as Independent Executor of the Estate of Viola Strosser Steiner, Deceased, and as Trustee of the Testamentary Trusts created under the Will of Viola Strosser Steiner, Deceased, and Austin Bridge and Road, lessee, for the fee simple interest described in Exhibit "A" the sum of SEVEN HUNDRED THOUSAND AND NO/100 DOLLARS (\$700,000.00); and

(5) That said Defendant, Thomas C. Steiner, Jr., as Independent Executor of the Estate of Viola Strosser Steiner, Deceased, and as Trustee of the Testamentary Trusts created under the Will of Viola Strosser Steiner, Deceased, duly and timely filed an objection and exception to said Award of said Special Commissioners.

III.

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 4-16-96



Dana DeBeauvoir, County Clerk  
By Deputy

D. Whitlow

REAL PROPERTY RECORDS  
TRAVIS COUNTY, TEXAS

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AND WHEREAS all parties have agreed and reached a compromise agreement that the sum of SEVEN HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$750,000.00), inclusive of interest on the Award/Settlement differential, is the amount of damages to which Defendant Thomas C. Steiner, Jr., as Independent Executor of the Estate of Viola Strosser Steiner, Deceased, and as Trustee of the Testamentary Trusts created under the Will of Viola Strosser Steiner, Deceased, is entitled by virtue of the condemnation of said 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 Defendant, Thomas C. Steiner, Jr., as Independent Executor of the Estate of Viola Strosser Steiner, Deceased, and as Trustee of the Testamentary Trusts created under the Will of Viola Strosser Steiner, Deceased, was the owner 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

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 11-16-96



Dana DeBeauvoir, County Clerk  
By Deputy

D. Vitrow

REAL PROPERTY RECORDS  
TRAVIS COUNTY, TEXAS

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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, Defendant, Thomas C. Steiner, Jr., as Independent Executor of the Estate of Viola Strosser Steiner, Deceased, and as Trustee of the Testamentary Trusts created under the Will of Viola Strosser Steiner, Deceased, should have and recover of and from the City of Austin, Plaintiff, the sum and amount of SEVEN HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$750,000.00), 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 Defendant, Thomas C. Steiner, Jr., as Independent Executor of the Estate of Viola Strosser Steiner, Deceased, and as Trustee of the Testamentary Trusts created under the Will of Viola Strosser Steiner, Deceased, 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 8th day of March, 1996, deposit into the Registry of the Court the sum of SEVEN HUNDRED THOUSAND AND NO/100 DOLLARS (\$700,000.00), for the use and benefit of the Defendant, Thomas C. Steiner, Jr., as Independent Executor of the Estate of Viola Strosser Steiner, Deceased, and as Trustee of the Testamentary Trusts created under the Will of Viola Strosser Steiner, Deceased; that after making application of such amount there remains an unpaid balance of FIFTY THOUSAND AND NO/100 DOLLARS (\$50,000.00), due and payable by the

REAL PROPERTY RECORDS  
TRAVIS COUNTY, TEXAS

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Dana DeBeauvoir, County Clerk

By Deputy:

D. Vittitov

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 4-16-96

Plaintiff, the City of Austin to Defendant, Thomas C. Steiner, Jr., as Independent Executor of the Estate of Viola Strosser Steiner, Deceased, and as Trustee of the Testamentary Trusts created under the Will of Viola Strosser Steiner, Deceased; 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 Defendant, Thomas C. Steiner, Jr., as Independent Executor of the Estate of Viola Strosser Steiner, Deceased, and as Trustee of the Testamentary Trusts created under the Will of Viola Strosser Steiner, Deceased, fee simple title in and to the property described in Exhibit "A"; and that Defendant, Thomas C. Steiner, Jr., as Independent Executor of the Estate of Viola Strosser Steiner, Deceased, and as Trustee of the Testamentary Trusts created under the Will of Viola Strosser Steiner, Deceased, has and is entitled to judgment from the City of Austin in the sum of SEVEN HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$750,000.00), inclusive of interest on the Award/Settlement differential, for his 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 and vested in the City of Austin; provided, however, there is excluded from said estate vested in the City of Austin all the oil,

REAL PROPERTY RECORDS  
TRAVIS COUNTY, TEXAS

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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 4-16-11



Dana DeBeauvoir, County Clerk  
By Deputy: *D. Vittitow*

D. Vittitow

gas and sulphur which can be removed from beneath said land aforesaid without any right whatsoever remaining to the owner, his 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 Defendant, Thomas C. Steiner, Jr., as Independent Executor of the Estate of Viola Strosser Steiner, Deceased, and as Trustee of the Testamentary Trusts created under the Will of Viola Strosser Steiner, Deceased, does have and recover of and from the City of Austin, and the said Plaintiff be and is hereby directed to pay to the Defendant, Thomas C. Steiner, Jr., as Independent Executor of the Estate of Viola Strosser Steiner, Deceased, and as Trustee of the Testamentary Trusts created under the Will of Viola Strosser Steiner, Deceased, the unpaid balance of FIFTY THOUSAND AND NO/100 DOLLARS (\$50,000.00), inclusive of interest on the Award/Settlement differential, 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 Plaintiff, the City of Austin of the difference of the amount deposited in the Registry of the Court, to-wit SEVEN HUNDRED THOUSAND AND NO/100 DOLLARS (\$700,000.00) 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-

REAL PROPERTY RECORDS  
TRAVIS COUNTY, TEXAS

12666 0259

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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 4/16/96



Dana DeBeauvoir, County Clerk

By Deputy

D. Vittitow

wit, SEVEN HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$750,000.00), inclusive of interest on the Award/Settlement differential, which sum of money is, to-wit, FIFTY THOUSAND AND NO/100 DOLLARS (\$50,000.00), 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.

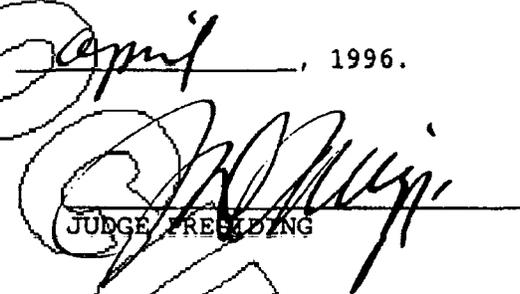
IX.

It is further ORDERED, ADJUDGED and DECREED that the Defendants, Austin Bridge and Road, lessee; Onion Creek Enterprises, Inc. a Texas Corporation, lessee; and James L. Lozier, lessee, have no justiciable interest in this cause and take nothing of this Judgment.

X.

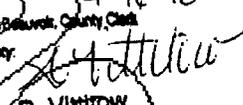
It is further ORDERED, ADJUDGED and DECREED by the Court that all costs of this proceeding be and they are hereby taxed against Plaintiff, City of Austin, which costs shall be paid to the County Clerk of Travis County, Texas.

SIGNED this the 16 day of April, 1996.

  
\_\_\_\_\_  
JUDGE PRESIDING

I, Dana DeBeauvoir, County Clerk, Travis County, Texas, do hereby certify that this is a true and correct copy as same appeared record in my office. Witness my hand and seal of office on 4-16-96



Dana DeBeauvoir, County Clerk  
By Deputy 

D. VINTOW

REAL PROPERTY RECORDS  
TRAVIS COUNTY, TEXAS

12666 0260

APPROVED AS TO SUBSTANCE AND FORM:

*Raymond Miller Sheaton*  
REYNOLDS MILLER SHEATON  
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

*Thomas C. Steiner, Jr.*  
THOMAS C. STEINER, JR., INDIVIDUALLY  
AS INDEPENDENT EXECUTOR OF THE  
ESTATE OF VIOLA STROSSER STEINER,  
DECEASED, AND AS TRUSTEE OF THE  
TESTAMENTARY TRUSTS CREATED UNDER  
THE WILL OF VIOLA STROSSER  
STEINER, DECEASED,

ATTORNEY PRO SE

g:\airport\smith\judgmt

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 4/16/96



Dana DeBeauvoir, County Clerk

By Depute

*D. Vittitow*  
D. Vittitow

REAL PROPERTY RECORDS  
TRAVIS COUNTY, TEXAS

12666 0261

**MACIAS & ASSOCIATES, Inc.**  
LAND SURVEYORS

EXHIBIT "A"

Thomas C. Steiner, Jr.  
to  
City of Austin  
Parcel 33  
Land Acquisition Program  
New Austin Airport  
C.I.P. No. 488-817-0907

FIELD NOTES

FIELD NOTES FOR A PARCEL OF LAND CONTAINING 107.744 ACRES, LOCATED IN THE SANTIAGO DEL VALLE TEN LEAGUE SURVEY, ABSTRACT NO. 24, IN TRAVIS COUNTY, TEXAS; BEING THE REMAINING PORTION OF A 226 ACRE PARCEL MENTIONED IN A SPECIAL WARRANTY DEED TO T.C. STEINER, RECORDED IN VOLUME 11372, PAGE 1458, OF THE REAL PROPERTY RECORDS OF SAID TRAVIS COUNTY; SAID 107.744 ACRE PARCEL BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a 3/8" iron rod found at the northernmost corner of this parcel, said rod also being the easternmost corner of a called 29.59 acre parcel described in a warranty deed to Onion Creek Properties, recorded in Volume 9590, Page 455, of the Real Property Records of said Travis County;

THENCE, the following four (4) consecutive courses with the common boundary between this parcel and a called 100.27 acre parcel described in a deed to Richard A. Brunswick, recorded in Volume 4574, Page 78, of the Deed Records of said Travis County:

1. S51°04'47"E 259.89 feet to a 1/2" iron rod set;
2. S44°00'01"E 609.19 feet to a 4" diameter wood fence post;
3. S25°40'44"E 28.79 feet to a 4" diameter wood fence post;
4. S44°36'22"E 1350.67 feet to a 1/2" iron rod set at the southernmost corner of said 100.27 acre parcel;

THENCE, S44°36'22"E 31.36 feet to a point on the northwesterly bank of Onion Creek;

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

*A-116-416*  
Dana DeBeauvoir, County Clerk  
By Deputy: *D. Vittitow*  
D. Vittitow

EXHIBIT "A"

MAP FILE  
Received:

MAR 23 1994

P# Q1000S  
F# 8395.33  
D# 37816

12666 0262

TRAVIS COUNTY TEXAS

THENCE, the following twenty-two (22) consecutive courses with said bank of Onion Creek:

01. S16°50'21"W 41.37 feet to a point;
02. S45°12'25"W 195.87 feet to a point;
03. S51°37'57"W 183.66 feet to a point;
04. S38°38'11"W 84.42 feet to a point;
05. S10°51'12"W 187.41 feet to a point;
06. S17°31'02"W 86.66 feet to a point;
07. S22°20'28"W 154.99 feet to a point;
08. S10°02'58"W 80.23 feet to a point;
09. S20°41'44"W 96.21 feet to a point;
10. S35°04'59"W 149.23 feet to a point;
11. S45°17'48"W 36.58 feet to a point;
12. S07°32'24"W 72.50 feet to a point;
13. S42°35'02"W 293.04 feet to a point;
14. N74°58'08"W 125.05 feet to a point;
15. N60°38'02"W 74.58 feet to a point;
16. N51°57'14"W 50.28 feet to a point;
17. N67°12'19"W 98.84 feet to a point;
18. S73°38'44"W 92.37 feet to a point;
19. S55°04'58"W 86.98 feet to a point;
20. S24°26'38"W 145.00 feet to a point;
21. S34°17'13"W 53.25 feet to a point;
22. S54°40'58"W 43.01 feet to a 1/2" iron rod set on the extension of the new northeasterly right-of-way of Burleson Road;

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 4-16-96.



Dana DeBeauvoir, County Clerk  
By Deputy

*D. Vittitow*  
D. Vittitow

REAL PROPERTY RECORDS  
TRAVIS COUNTY, TEXAS

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THENCE, northwesterly with said extension of said right-of-way line with a curve to the left having a radius of 1950.00 feet, a central angle of 05°21'06", a chord bearing N46°50'11"W 182.07 feet, an arc distance of 182.14 feet to a 1/2" iron rod set at the easternmost corner of a 3.627 acre parcel taken for right-of-way purposes by Travis County, recorded in Volume 11481, Page 806, of the Real Property Records of said Travis County;

THENCE, the following four (4) consecutive courses with said new northeasterly right-of-way line of Burleson Road and northeasterly boundary of said 3.627 acre parcel:

1. Northwestery with a curve to the left having a radius of 1950.00 feet, a central angle of 16°30'41", a chord bearing N57°46'05"W 560.01 feet, an arc distance of 561.95 feet to a 1/2" iron rod set at the point of tangency;
2. N66°01'35"W 807.18 feet to a 1/2" iron rod set at the point of curvature of a curve to the right;
3. Northwestery with said curve to the right having a radius of 3450.00 feet, a central angle of 05°39'23", a chord bearing N63°11'50"W 340.45 feet, an arc distance of 340.59 feet to a 1/2" iron rod set at the point of tangency;
4. N60°22'28"W 27.64 feet to a 1/2" iron rod set at the westernmost corner of this parcel, said rod also being the southernmost corner of the remaining portion of a 5.00 acre parcel described in a special warranty deed to Zuniga/Ryan Investments, recorded in Volume 11548, Page 821, of the Real Property Records of said Travis County;

THENCE, N25°45'01"E 453.99 feet with the common boundary between this parcel and said remaining portion of said 5.00 acre parcel, to a 1/2" iron rod found at the easternmost corner;

THENCE, the following two (2) consecutive courses with the southwesterly boundary of said called 29.59 acre parcel:

1. S72°03'04"E 447.00 feet to a 1/2" iron rod set;
2. N23°58'21"E 2114.70 feet to the POINT OF BEGINNING, containing 107.744 acres of land.

REAL PROPERTY RECORDS  
TRAVIS COUNTY, TEXAS

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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 11-26-11.



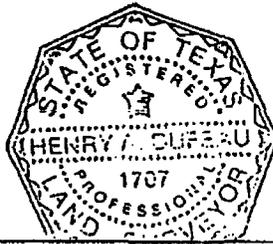
Dana DeBeauvoir, County Clerk  
By Deput:

D. Vittow

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. Dufeau*

1-28-94

HENRY A. DUFEAU  
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 1707

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 - 3121 - 04 - 03

FIELD NOTES REVIEWED

By *Mike Little* Date *1/28/94*

Engineering Support Section  
Department of Public Works  
and Transportation

LAP33.FLN

I, Dana DeBeauvoir, County Clerk, Travis County, Texas, do hereby certify that this is a true and correct copy as same appears on record in my office. Witness my hand and seal of office on 4-16-96

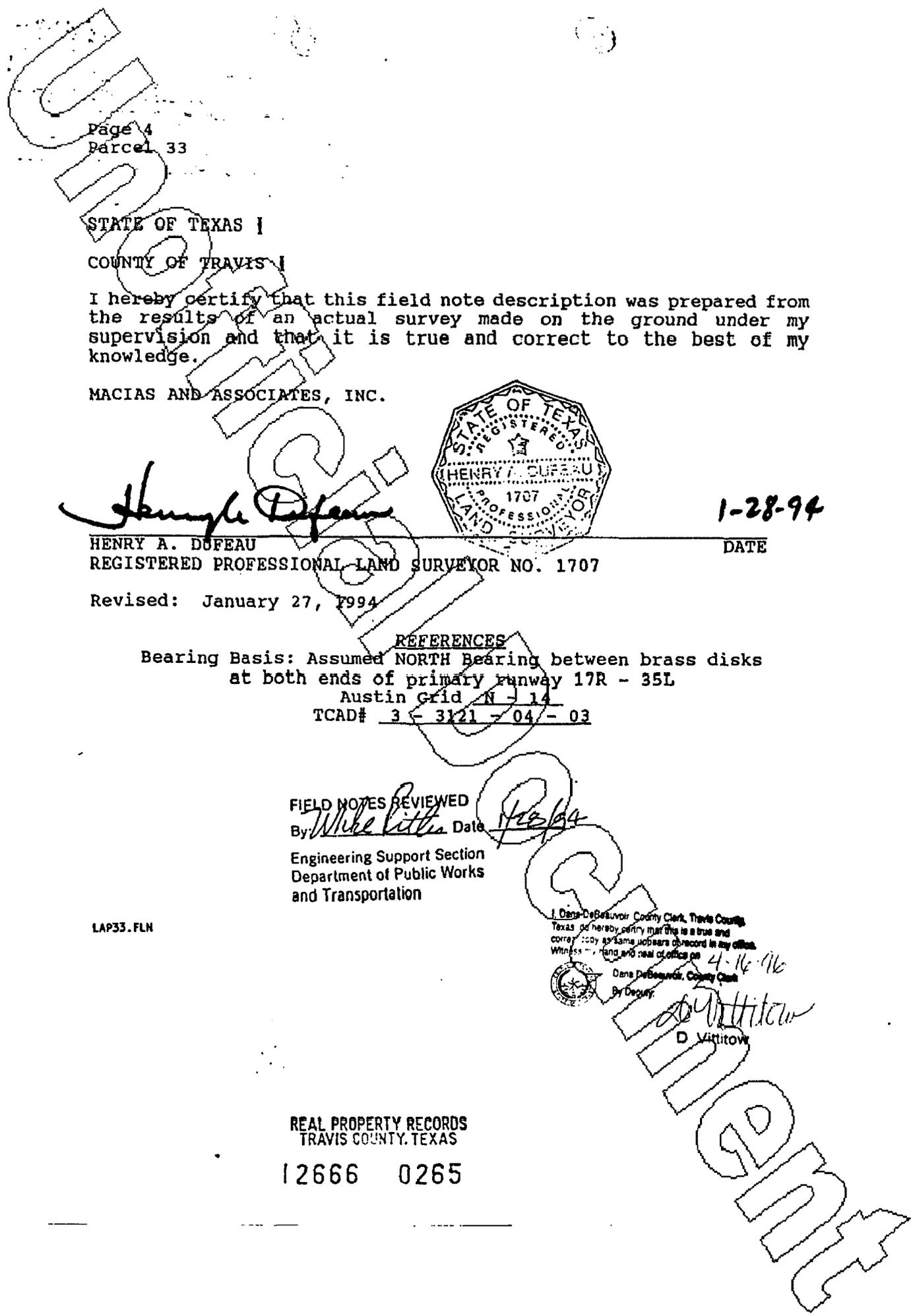


Dana DeBeauvoir, County Clerk  
By Deputy

*D. Vittitow*  
D. Vittitow

REAL PROPERTY RECORDS  
TRAVIS COUNTY, TEXAS

12666 0265



**AFTER RECORDING RETURN TO:**

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

ATTN: Reynolds Miller Shelton

FILED

96 APR 16 PM 1:46

DAVE W. SANCHEZ  
CLERK  
TRAVIS COUNTY, TEXAS

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 16 1996



*David W. Sanchez*  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

REAL PROPERTY RECORDS  
TRAVIS COUNTY, TEXAS

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