

**RESOLUTION NO. 20070503-012**

**WHEREAS**, the City Council of the City of Austin has found that public necessity requires the City of Austin to acquire certain real property interests for public purposes as set out below; and

**WHEREAS**, the City of Austin has attempted to purchase those needed real property interests but has been unable to agree with the owner on the fair market value thereof; **NOW, THEREFORE**,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

That the City Attorney, or other authorized designee, is hereby authorized and directed to file, or cause to be filed, a suit in eminent domain on behalf of the City of Austin against the owner now having, or who may acquire, an interest in the real property interests needed by the City, described and located below, for the public purposes set out below, and to take whatever other action may be deemed appropriate to economically effect the needed acquisitions.

The City Attorney, or other authorized designee, shall file eminent domain proceedings for:

Owner: Intco-Bristol Square Partnership, a Texas general partnership

Project: Govalle 3-Parker Lane/Metcalf Road Wastewater Improvement Project, a portion of the Austin Clean Water Program

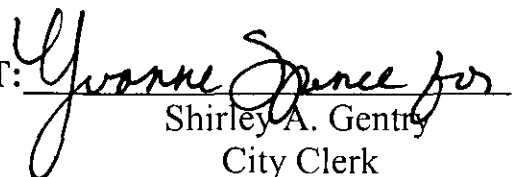
Intended Public Purpose: the permanent wastewater line easement described in the attached Exhibit "A" is necessary to install, operate, maintain, repair, replace, and upgrade permanent wastewater lines and appurtenances thereto, in order to increase and improve the City's ability to provide sanitary sewer services to the public, to prevent leakage from wastewater lines to protect public health and safety, and to comply with a federal mandate; and

the temporary working space easement described in the attached Exhibit "B" is necessary to install the permanent wastewater lines and appurtenances thereto in the permanent wastewater line easement described in the attached Exhibit "A."

Location: 2364 Douglas Street

Property: Described in the attached and incorporated Exhibits A and B.

ADOPTED: May 3, 2007

ATTEST:   
Shirley A. Gentry  
City Clerk



**MACIAS & ASSOCIATES, Inc.**

LAND SURVEYORS

INTCO-BRISTOL SQUARE  
PARTNERSHIP  
TO  
CITY OF AUSTIN  
(WASTEWATER EASEMENT)  
March 9, 2006

**DESCRIPTION FOR PARCEL 5124.01WE**

DESCRIPTION OF A 0.108 ACRE (4,706 SQUARE FOOT) TRACT OF LAND OUT OF TRACT A, WILLOW CREEK COMMERCIAL, A SUBDIVISION RECORDED IN VOLUME 86, PAGE 2C, PLAT RECORDS OF TRAVIS COUNTY, TEXAS; SAID TRACT A BEING THAT SAME TRACT DESCRIBED IN A SPECIAL WARRANTY DEED EXECUTED MAY 7, 1992 TO INTCO-BRISTOL SQUARE PARTNERSHIP, RECORDED IN VOLUME 11682, PAGE 1903, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.108 ACRE (4,706 SQUARE FOOT) TRACT AS SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a 60d nail set having Texas State Plane Coordinate (Central Zone, NAD83 (HARN), U.S. Feet, Combined Scale Factor 0.99990001) values of N=10,055,826.63, E=3,117,089.25, on the east right-of-way line of Burleson Road, a varying width right-of-way, and on the west line of said Tract A, for the northwest corner of this tract, from said point, a 1/2" iron rod found on the southeast line of Lot 1, Parker Heights, Section Four, a subdivision recorded in Volume 75, Page 240, Plat Records of Travis County, Texas, at a corner of said Tract A, bears N 08°58'24" W, 188.56 feet;

**THENCE**, across said Tract A, the following ten (10) courses:

- 1) S 79°22'57" E, a distance of 27.89 feet to a 60d nail set for an angle point;
- 2) N 70°00'41" E, a distance of 139.91 feet to a 60d nail set for an angle point;
- 3) N 79°51'30" E, a distance of 105.76 feet to a 60d nail set for an angle point;
- 4) N 56°59'55" E, a distance of 25.97 feet to a 60d nail set on the south line of a 10-foot wide sanitary sewer easement recorded in Volume 2672, Page 11, Deed Records of Travis County, Texas, for an angle point;
- 5) N 84°34'36" E, with the south line of said 10-foot wide sanitary sewer easement, a distance of 21.11 feet to a 60d nail set on the northwest line of a 10-foot wide sanitary sewer easement recorded in Volume 2524, Page 102, Deed Records of Travis County, Texas, for the northeast corner of this tract;

0.108 Acre (4,706 Square Feet)  
Wastewater Easement

5124.01WE

Exhibit "A"

Page 1 of 5

- 6) S 27°20'36" W, with the northwest line of said 10-foot wide sanitary sewer easement, a distance of 10.57 feet to a 60d nail set for the southeast corner of this tract, from said point, a 1/2" iron rod found on the southeast line of said Tract A, at the west corner of Lot 2, Block B, and at the north corner of Lot 3, Block B, Burleson Road Heights, a subdivision recorded in Volume 6, Page 52, Plat Records of Travis County, Texas, bears S 62°39'24" E, 10.00 feet, and S 27°20'36" W, 241.32 feet;
- 7) S 56°59'55" W, a distance of 38.53 feet to a 60d nail set for an angle point;
- 8) S 79°51'30" W, a distance of 107.50 feet to a 60d nail set for an angle point;
- 9) S 70°00'41" W, a distance of 142.72 feet to a 60d nail set for an angle point;
- 10) N 79°22'57" W, a distance of 26.66 feet to a 60d nail set on the east right-of-way line of Burleson Road and on the west line of said Tract A, for the southwest corner of this tract, from said point, a 1/2" iron rod found on the southeast line of said Tract A, at the west corner of Lot 5, Block B, and at the north corner of Lot 6, Block B of said Burleson Road Heights, bears S 08°58'24" E, 324.45 feet, and N 43°11'41" E, 42.42 feet;

**THENCE**, N 08°58'24" W, with the east right-of-way line of Burleson Road and the west line of said Tract A, a distance of 15.92 feet to the **POINT OF BEGINNING** and containing 0.108 acre (4,706 square feet) of land.

#### **BEARING BASIS NOTE**

*The coordinates shown are based on the Texas State Plane Coordinate System, Central Zone, NAD83 (HARN). The bearings shown are grid bearings. The coordinates were established from GPS static observations, referenced to the local CORS station "TXAU". Combined Scale Factor = 0.99990001. All distances shown are surface distances.*

THE STATE OF TEXAS §  
§  
COUNTY OF TRAVIS §

KNOW ALL MEN BY THESE PRESENTS:

That I, Carmelo L. Macias, a Registered Professional Land Surveyor, do hereby state that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground during May 2005 and June, 2005 under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this the 9TH day of March, 2006, A.D.



Macias & Associates, Inc.  
5410 South 1<sup>st</sup> Street  
Austin, Texas 78745  
512-442-7875

Carmelo L. Macias  
Carmelo L. Macias  
Registered Professional Land Surveyor  
No. 4333 – State of Texas

**REFERENCES**

MAPSCO 2003 615X  
Austin Grid No. MJ-19  
TCAD PARCEL ID NO. 03-0705-0815  
MACIAS & ASSOCIATES, INC., PROJECT NO. 190-24-05

**FIELD NOTES REVIEWED**

By: [Signature] Date: 3-10-06

Austin Clean Water Program  
Survey Coordinator

0.108 Acre (4,706 Square Feet)  
Wastewater Easement

5124.01WE

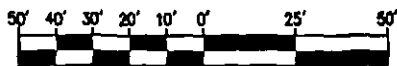
Exhibit "A"  
Page 3 of 5

# LOT 1 SKETCH TO ACCOMPANY LEGAL DESCRIPTION

PARKER HEIGHTS  
SECTION FOUR  
VOL. 75, PG. 240, P.R.T.C.

CENTERLINE 100' POWER LINE  
EASEMENT

5' PUBLIC  
UTILITY EASEMENT  
VOL. 6, PG. 52, P.R.T.C.



GRAPHIC SCALE

1"=50'

100' POWER LINE EASEMENT  
VOL. 86, PG. 2C, P.R.T.C.  
VOL. 649, PG. 472, D.R.T.C.  
VOL. 1487, PG. 245, D.R.T.C.

7.5' P.U.E.  
VOL. 86, PG. 2C, P.R.T.C.

TRACT 'A'  
WILLOW CREEK COMMERCIAL  
VOL. 86, PG. 2C, P.R.T.C.

INTCO-BRISTOL  
SQUARE PARTNERSHIP  
VOL. 11682, PG. 1903, R.P.R.T.C.  
T.C.A.D. NO. 03-0705-0815

10' SANITARY SEWER EASEMENT  
VOL. 2672, PG. 11, D.R.T.C.

40' DRAINAGE  
EASEMENT  
VOL. 6, PG. 52, P.R.T.C.

5124.01WE  
0.108 ACRE  
4,706 SQ. FT.

CONC. CURB  
AND GUTTER  
CONC. FENCE

LOT 7, BLK. A  
BURLESON ROAD  
HEIGHTS  
VOL. 6, PG. 52,  
P.R.T.C.

SEE DETAIL  
PG. 5 OF 5

BENJAMIN ST.  
(50' R.O.W.)

LOT 1, BLK. B  
BURLESON ROAD HEIGHTS  
VOL. 6, PG. 52, P.R.T.C.

5' PUBLIC  
UTILITY EASEMENT  
VOL. 6, PG. 52, P.R.T.C.

LOT 2, BLK. B  
BURLESON ROAD HEIGHTS  
VOL. 6, PG. 52, P.R.T.C.

LOT 3, BLK. B  
BURLESON ROAD HEIGHTS  
VOL. 6, PG. 52, P.R.T.C.

LOT 6, BLK. B  
BURLESON ROAD HEIGHTS  
VOL. 6, PG. 52, P.R.T.C.

LOT 6, BLK. B  
BURLESON ROAD HEIGHTS  
VOL. 6, PG. 52, P.R.T.C.

DRAINAGE EASEMENT  
VOL. 86, PG. 2C, P.R.T.C.

10' SANITARY  
SEWER EASEMENT  
VOL. 2524, PG. 102, D.R.T.C.

25' BUILDING LINE  
VOL. 86, PG. 2C, P.R.T.C.

P.O.B.  
N=10,055,826.63  
E=3,117,089.25  
GRID

BURLESON ROAD  
(R.O.W. WIDTH VARIES)

## LINE TABLE

NUMBER	Bearing	Distance
L1	S79°22'57"E	27.89'
L2	N56°59'55"E	25.97'
L3	N84°34'36"E	21.11'
L4	S27°20'36"W	10.57'
L5	S56°59'55"W	38.53'
L6	N79°22'57"W	26.66'
L7	N08°58'24"W	15.92'
L8	N43°11'41"E	42.42'
L9	S62°39'24"E	10.00'

DATE: 08-04-05  
DRAWN BY: D.MARTINEZ  
WAI JOB NO.: 190-24-05  
REFERENCE: FBS. 475 & 479

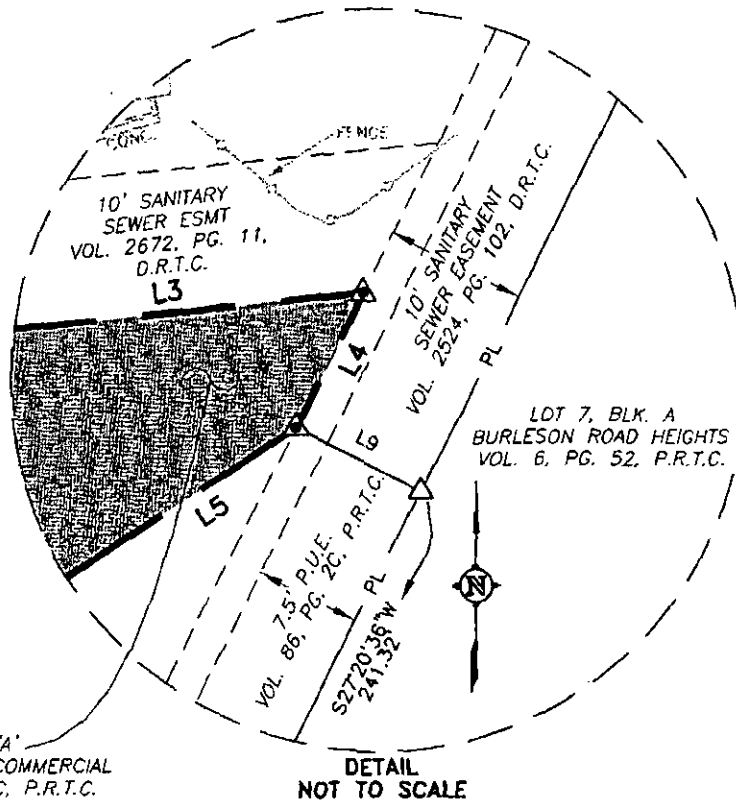
J:\JOBS\DAVCAR\COUNTRY CLUB\1902405\EASEMENTS\5124.01\5124.01WE.dwg

**MACIAS & ASSOCIATES, INC.**  
LAND SURVEYORS  
★ ★ ★ ★ ★ ★ ★ ★  
5410 SOUTH 1ST STREET  
AUSTIN, TEXAS 78745 PH. (512)442-7875  
FAX (512)442-7876 EMAIL: MACIASURVEY@EARTHLINK.NET

# SKETCH TO ACCOMPANY LEGAL DESCRIPTION

## LEGEND

- 1/2" IRON ROD FOUND (UNLESS OTHERWISE NOTED)
- ▲ 60D NAIL SET
- △ CALCULATED POINT
- ▲ 60D NAIL FOUND
- P.O.B. POINT OF BEGINNING
- R.O.W. RIGHT-OF-WAY
- PL — PROPERTY LINE
- P.U.E. PUBLIC UTILITY EASEMENT
- T.C.A.D. TRAVIS COUNTY APPRAISAL DISTRICT
- VOL., PG. VOLUME, PAGE
- D.R.T.C. DEED RECORDS OF TRAVIS COUNTY
- P.R.T.C. PLAT RECORDS OF TRAVIS COUNTY
- R.P.R.T.C. REAL PROPERTY RECORDS OF TRAVIS COUNTY
- O.P.R.T.C. OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY
- ( ) RECORD INFORMATION

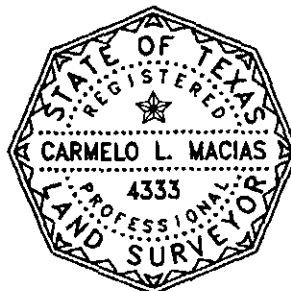


DETAIL  
NOT TO SCALE

TRACT 'A'  
WILLOW CREEK COMMERCIAL  
VOL. 86, PG. 20, P.R.T.C.  
INTCO-BRISTOL  
SQUARE PARTNERSHIP  
VOL. 11682, PG. 1903, R.P.R.T.C.  
T.C.A.D. NO. 03-0705-0815

### BEARING BASIS:

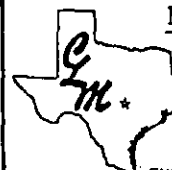
THE COORDINATES AND BEARINGS SHOWN ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM (CENTRAL ZONE, NAD83(HARN) COMBINED SCALE FACTOR = 0.999990001. THE COORDINATES WERE ESTABLISHED FROM GPS STATIC OBSERVATION, REFERENCED TO THE LOCAL CORS STATION "TXAU". ALL DISTANCES SHOWN ARE SURFACE DISTANCES.



DATE: 08-04-05  
DRAWN BY: D.MARTINEZ  
MAJ JOB NO.: 190-24-05  
REFERENCE: FBS. 475 & 479

J:\JOBS\DAVCAR\COUNTRY CLUB\1902405\EASEMENTS\5124.01\5124.01WE.dwg

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



★ ★ ★ ★ ★ ★ ★ ★  
5410 SOUTH 1ST STREET  
AUSTIN, TEXAS 78745 PH. (512)442-7875  
FAX (512)442-7876 EMAIL: MACIASURVEY@EARTHLINK.NET

*Carmelo L. Macias Apr 9, 2006*

Carmelo L. Macias  
Registered Professional Land Surveyor  
No. 4333 - State of Texas

Date:

Exhibit "A"  
Page 5 of 5



**MACIAS & ASSOCIATES, Inc.**

LAND SURVEYORS

INTCO-BRISTOL SQUARE  
PARTNERSHIP  
TO  
CITY OF AUSTIN  
(TEMPORARY WORKING  
SPACE EASEMENT)  
March 9, 2006

**DESCRIPTION FOR PARCEL 5124.01TWSE**

DESCRIPTION OF A 0.020 ACRE (871 SQUARE FOOT) TRACT OF LAND OUT OF TRACT A, WILLOW CREEK COMMERCIAL, A SUBDIVISION RECORDED IN VOLUME 86, PAGE 2C, PLAT RECORDS OF TRAVIS COUNTY, TEXAS; SAID TRACT A BEING THAT SAME TRACT DESCRIBED IN A SPECIAL WARRANTY DEED EXECUTED MAY 7, 1992 TO INTCO-BRISTOL SQUARE PARTNERSHIP, RECORDED IN VOLUME 11682, PAGE 1903, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.020 ACRE (871 SQUARE FOOT) TRACT AS SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a 60d nail set having Texas State Plane Coordinate (Central Zone, NAD83 (HARN), U.S. Feet, Combined Scale Factor 0.99990001) values of N=10,055,859.31, E=3,117,084.89, on the east right-of-way line of Burleson Road, a varying width right-of-way, and on the west line of said Tract A, for the northwest corner of this tract, from said point, a 1/2" iron rod found on the southeast line of Lot 1, Parker Heights, Section Four, a subdivision recorded in Volume 75, Page 240, Plat Records of Travis County, Texas, at a corner of said Tract A, bears N 08°58'24" W, 155.47 feet;

**THENCE**, across said Tract A, the following three (3) courses:

- 1) S 57°54'43" E, a distance of 59.17 feet to a 60d nail set for the southeast corner of this tract;
- 2) S 70°00'41" W, a distance of 18.68 feet to a 60d nail set for an angle point;
- 3) N 79°22'57" W, a distance of 27.89 feet to a 60d nail set on the east right-of-way line of Burleson Road and on the west line of said Tract A, for the southwest corner of this tract, from said point, a 1/2" iron rod found on the southeast line of said Tract A, at the west corner of Lot 5, Block B, and at the north corner of Lot 6, Block B, Burleson Road Heights, a subdivision recorded in Volume 6, Page 52, Plat Records of Travis County, Texas, bears S 08°58'24" E, 340.37 feet, and N 43°11'41" E, 42.42 feet;

0.020 Acre (871 Square Feet)  
Temporary Working Space Easement

Exhibit "B"  
Page 1 of 3

5124.01TWSE



**THENCE**, N 08°58'24" W, with the east right-of-way line of Burleson Road and the west line of said Tract A, a distance of 33.09 feet to the **POINT OF BEGINNING** and containing 0.020 acre (871 square feet) of land.

**BEARING BASIS NOTE**

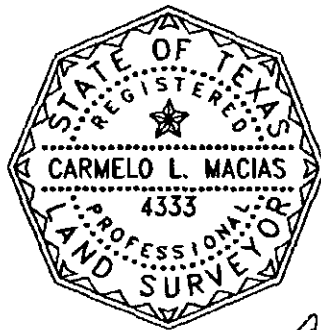
The coordinates shown are based on the Texas State Plane Coordinate System, Central Zone, NAD83 (HARN). The bearings shown are grid bearings. The coordinates were established from GPS static observations, referenced to the local CORS station "TXAU". Combined Scale Factor = 0.99990001. All distances shown are surface distances.

**THE STATE OF TEXAS** §  
§  
**COUNTY OF TRAVIS** §

KNOW ALL MEN BY THESE PRESENTS:

That I, Carmelo L. Macias, a Registered Professional Land Surveyor, do hereby state that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground during May 2005 and June, 2005 under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this the 9<sup>TH</sup> day of March, 2006, A.D.



Macias & Associates, Inc.  
5410 South 1<sup>st</sup> Street  
Austin, Texas 78745  
512-442-7875

*Carmelo L. Macias*  
Carmelo L. Macias  
Registered Professional Land Surveyor  
No. 4333 – State of Texas

**REFERENCES**

MAPSCO 2003 615X  
Austin Grid No. MJ-19  
TCAD PARCEL ID NO. 03-0705-0815

MACIAS & ASSOCIATES, INC., PROJECT NO. 190-24-05

0.020 Acre (871 Square Feet)  
Temporary Working Space Easement

FIELD NOTES REVIEWED  
By: *[Signature]* Date: 3-10-06  
Austin Clean Water Program  
Survey Coordinator

5124.01TWSE

1"=20'



10' SANITARY SEWER EASEMENT  
VOL. 2672, PG. 11, D.R.T.C.

INTCO-BRISTOL  
SQUARE PARTNERSHIP  
VOL. 11682, PG. 1903, R.P.R.T.C.  
T.C.A.D. NO. 03-0705-0815

N08°58'24"W 33.09'  
 S57°54'43"E 59.17'  
 N79°22'57"W 27.89'  
 5124.01 TWSE  
 0.0201 ACRE  
 871 SQ. FT.  
 SQUARE PARTIAL  
 VOL. 11682, PG. 190.  
 T.C.A.D. NO. 03-07  
 CEMENT

- 1/2" IRON ROD FOUND  
(UNLESS OTHERWISE NOTED)
- ▲ 60D NAIL SET
- △ CALCULATED POINT
- ▲ 60D NAIL FOUND
- P.O.B. POINT OF BEGINNING
- R.O.W. RIGHT-OF-WAY
- PL — PROPERTY LINE
- P.U.E. PUBLIC UTILITY EASEMENT
- T.C.A.D. TRAVIS COUNTY  
APPRAISAL DISTRICT
- VOL. PG. VOLUME, PAGE
- D.R.T.C. DEED RECORDS OF  
TRAVIS COUNTY
- P.R.T.C. PLAT RECORDS OF  
TRAVIS COUNTY
- P.R.P.T.C. REAL PROPERTY RECORDS  
OF TRAVIS COUNTY
- ( ) RECORD INFORMATION

BURLESON ROAD  
(R.O.W. WIDTH VARIES)

LOT 6, BLK. B  
BURLESON ROAD HEIGHTS  
VOL. 6, PG. 52, P.R.T.C.

THE COORDINATES AND BEARINGS SHOWN ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM (CENTRAL ZONE, NAD83(HARN) COMBINED SCALE FACTOR = 0.99990001). THE COORDINATES WERE ESTABLISHED FROM GPS STATIC OBSERVATION, REFERENCED TO THE LOCAL CORS STATION "TXAU". ALL DISTANCES SHOWN ARE SURFACE DISTANCES.



Carmelo L. Macias May 9 2000  
Carmelo L. Macias Date:  
Registered Professional Land Surveyor  
No. 4333 - State of Texas

Exhibit "B"  
Page 3 of 3

DATE:	08-04-05
DRAWN BY:	D.MARTINEZ
MAI JOB NO.:	190-24-05
REFERENCE:	FBS. 475 & 479

J:\JOBS\DAYCAR\COUNTRY\_CLUB\1902405\EASEMENTS\5124.01\5124.01TWSE.dwg

**MACIAS & ASSOCIATES, INC.**

LAND SURVEYORS

★ ★ ★ ★ ★

5410 SOUTH 1ST STREET

AUSTIN, TEXAS 78745 PH. (512)442-7875

FAX (512)442-7876 EMAIL: MACIASURVEY@EARTHLINK.NET

