

ORDINANCE NO 20070503-018

AN ORDINANCE DEDICATING AN EASEMENT TO THE BOARD OF REGENTS OF THE UNIVERSITY OF TEXAS SYSTEM FOR FIBER OPTIC AND ELECTRIC LINES SERVING THE UNIVERSITY OF TEXAS EXECUTIVE EDUCATION AND CONFERENCE CENTER

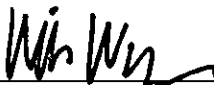
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN

PART 1 The Council dedicates a 0.061 acre (2,664 square feet) easement to the Board of Regents of the University of Texas System for fiber optic and electric lines on sections of existing public rights-of-way for Whitis Avenue and West 21st Street as described in Exhibit A attached to and incorporated as part of this ordinance, in connection with the development of the project known as the University of Texas Executive Education and Conference Center

PART 2 Council authorizes the city manager to negotiate and execute all documents necessary to dedicate the easement described in Exhibit A to the Board of Regents of the University of Texas System

PART 3 This ordinance takes effect on May 14, 2007

PASSED AND APPROVED

_____, May 3, 2007 §
§
§ _____ 
Will Wynn
Mayor

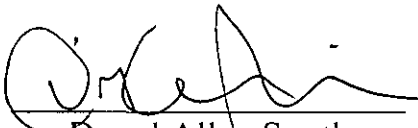
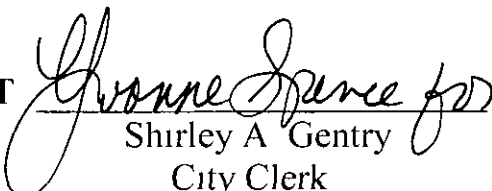
APPROVED  **ATTEST** 
David Allan Smith
City Attorney Shirley A. Gentry
City Clerk

EXHIBIT A

FIBER OPTIC & ELECTRIC LINE EASEMENT City of Austin Right-of-Way

THE STATE OF TEXAS §
 § **KNOW ALL MEN BY THESE PRESENTS THAT**
COUNTY OF TRAVIS §

This FIBER OPTIC LINE EASEMENT (the **Easement**) is granted by the CITY OF AUSTIN, a municipal corporation situated in the Counties of Travis, Hays and Williamson, State of Texas, (the 'City') to the BOARD OF REGENTS OF THE UNIVERSITY OF TEXAS SYSTEM, AN AGENCY OF THE STATE OF TEXAS ('UT')

RECITALS

A The City is the owner of certain real property dedicated as right-of way commonly known as a portion of Whitis Avenue and West 21st Street, as depicted on attached Exhibit ' A ' (the "City Property")

B UT desires to construct, install, maintain, repair and replace fiber optic and electric lines to be located within in a duct bank to be constructed within and under the City Property (the Improvements)

C The City has agreed to grant, convey and assign a fiber optic and electric line easement (the **Easement**) in, under, upon and across the City Property to UT

NOW THEREFORE for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged and for which no lien, express or implied is retained, the City hereby agrees as follows:

Subject to the continuing paramount right of the public to use the City Property as right of-way and to the extent of its right title and interest the City hereby GRANTS, SELLS, CONVEYS AND ASSIGNS to UT, and its successors and assigns, a fiber optic and electric line easement (the **Easement**) in, under, upon and across the City Property in the following described tracts of land:

All that certain tracts, pieces or parcels of land lying and being situated in the County of Travis, State of Texas, described in Exhibits A-1 and A-2 attached hereto and made a part hereof for all purposes, to which reference is made hereby for a more particular description of said property (the **Easement Tract**)

TO HAVE AND TO HOLD the Easement described herein perpetually to UT and its successors and assigns, together with the right and privilege to enter the Easement Tract or any part thereof, for the purpose of constructing, installing, operating, maintaining, repairing, replacing and upgrading the fiber optic and electric lines and related facilities to be located in the Easement Tract and making connections therewith, subject to the applicable provisions of the Code of the City of Austin.

UT shall, at its own cost restore any portion of the surface of the City Property, including the restoration of any roadways, sidewalks, driveways, landscaping, or similar surface improvements located upon or adjacent to the Easement Tract that have been removed, relocated, altered, damaged, or destroyed by UT or as a result of UT's use of the Easement granted hereunder to applicable City standards. The City shall use best efforts to avoid any conflict with the Improvements due to future construction, repair or maintenance within the City Property, provided, however, that in the event such a conflict cannot reasonably be avoided, UT shall cooperate and coordinate with the City and its consultants and contractors to protect and, if necessary, to relocate the Improvements into a replacement easement area within the City Property at its cost and expense, and the City will use best efforts to minimize any construction, repair or maintenance impacts requiring such protection or relocation.

WITH RESPECT TO THE CITY'S RIGHT TITLE AND INTEREST IN THE RIGHT OF WAY AND IN THE INTERESTS IN THE EASEMENT TRACT, THIS EASEMENT IS GRANTED, SOLD, CONVEYED AND ASSIGNED BY THE CITY, AND ACCEPTED BY UT, WITHOUT ANY WARRANTIES, EXPRESS OR IMPLIED SPECIFICALLY INCLUDING BUT NOT LIMITED TO, ANY WARRANTIES THAT MIGHT ARISE BY COMMON LAW OR BY THE PROVISIONS OF SECTION 5.023 OF THE TEXAS PROPERTY CODE, AS WRITTEN OR HEREFTER AMENDED.

The City understands and acknowledges that this Easement covers only that portion of the fiber optic and electric lines located within and under the City Property. The remainder of the fiber optic and electric lines are located within properties owned in fee by UT.

Executed as of the last date set forth below.

City of Austin

Lauraine Rizer, Manager
Real Estate Services Division
Department of Public Works

Date

APPROVED AS TO FORM

Gordon Bowman, Assistant City Attorney

Date _____

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

 This instrument was acknowledged before me on _____ 2007 by
Lauraine Rizer, Real Estate Manager of the City of Austin, on behalf of the City of Austin

Notary Public, State of Texas

Exhibit A-1

FIELD NOTES DESCRIPTION

DESCRIPTION OF 0.061 ACRES (2,664 SQUARE FEET) OF LAND IN OUTLOT 21 DIVISION D ORIGINAL CITY OF AUSTIN TRAVIS COUNTY TEXAS BEING A PORTION OF WEST 21ST STREET AN 80 FOOT WIDE RIGHT OF WAY ACCORDING TO THE PLAN OF THE ORIGINAL CITY OF AUSTIN AND WEST 20TH STREET A 70 FOOT WIDE RIGHT OF WAY AND WHITIS AVENUE A 60 FOOT WIDE RIGHT OF WAY BOTH ACCORDING TO THE PLAN OF SUBDIVISION OF LOUIS HORST'S OUTLOTS IN DIVISION D AND DIVISION E AS RECORDED IN VOLUME Z PAGES 594 AND 613 DEED RECORDS OF TRAVIS COUNTY TEXAS SAID 0.061 ACRES (2,664 SQUARE FEET) OF LAND AS SURVEYED BY LOOMIS AUSTIN INC AND SHOWN ON THE ACCOMPANYING SKETCH BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS

COMMENCING at a concrete monument found at the intersection of the centerline of said West 21st Street and the centerline of the east lane of University Avenue a 120 foot wide right of way according to said plan of the Original City of Austin and from which a concrete monument found at the intersection of the centerline of said West 21st Street and the centerline of the west lane of said University Avenue bears N 84° 00' 00" W a distance of 57.64 feet

THENCE N 06° 00' 00" E a distance of 40.00 feet to a point in the north right of way line of said West 21st Street same being the south line of a tract described as College Hill in said plan of the Original City of Austin

THENCE N 84° 00' 00" W with the north right of way line of said West 21st Street and the south line of said College Hill tract a distance of 104.92 feet to a calculated point for the northeast corner and **POINT OF BEGINNING** of the tract described herein

THENCE leaving the north right of way line of said West 21st Street and the south line of said College Hill tract crossing said rights of way of West 21st Street West 20th Street and Whitis Avenue the following eighteen (18) courses and distances

- 1 S 06° 00' 00" W a distance of 3.50 feet to a calculated angle point
- 2 N 84° 00' 00" W a distance of 7.26 feet to a calculated angle point
- 3 S 56° 59' 32" W a distance of 6.10 feet to a calculated angle point
- 4 S 06° 00' 56" W a distance of 16.33 feet to a calculated angle point
- 5 S 44° 57' 39" E a distance of 6.10 feet to a calculated angle point
- 6 S 54° 00' 00" E a distance of 7.26 feet to a calculated point for a northeast corner of the tract described herein
- 7 S 06° 00' 56" W a distance of 15.00 feet to a calculated point for the most easterly southeast corner of the tract described herein
- 8 N 84° 00' 00" W a distance of 20.00 feet to a calculated point for a southwest corner of the tract described herein

- 9 N 06° 00' 56" E a distance of 3.95 feet to a calculated angle point
 - 10 N 52° 11' 11" W a distance of 10.57 feet to a calculated angle point
 - 11 N 84° 00' 00" W a distance of 208.77 feet to a calculated point for a re-entrant corner of the tract described herein
 - 12 S 64° 13' 45" W a distance of 12.62 feet to a calculated angle point
 - 13 S 06° 00' 00" W a distance of 2.80 feet to a calculated point for a southeast corner of the tract described herein
 - 14 N 84° 00' 00" W a distance of 6.70 feet to a calculated angle point
 - 15 S 48° 59' 38" W a distance of 12.17 feet to a calculated angle point
 - 16 S 06° 00' 40" W at a distance of 414.52 feet passing a point from which a concrete monument at the intersection of the centerline of said West 20th Street and the centerline of the west lane of said University Avenue bears S 84° 01' 42" E a distance of 310.88 feet continuing for a total distance of 459.00 feet to a calculated angle point
 - 17 S 27° 01' 22" E a distance of 12.54 feet to a calculated angle point and
 - 18 S 84° 00' 00" E a distance of 2.67 feet to a calculated point for the intersection of the south right of way line of said West 20th Street and the east right of way line of said Whitis Avenue same being the northwest corner of Lot 27 Outlot No. 20 said Plan of Subdivision of Louis Horst's Outlots in Division D and Division E for a northeast corner of the tract described herein
- THENCE** S 06° 00' 40" W with the east right of way line of said Whitis Avenue and the west line of said Lot 27 Outlot No. 20 a distance of 20.18 feet to a calculated point for the most southerly southeast corner of the tract described herein
- THENCE** leaving the east right of way line of said Whitis Avenue and the west line of said Lot 27 Outlot No. 20 and crossing said rights of way of West 21st Street West 20th Street and Whitis Avenue the following fourteen (14) courses and distances

- 1 N 84° 00' 00" W a distance of 15.04 feet to a calculated point for the southern southwest corner of the tract described herein
- 2 N 06° 00' 00" E a distance of 30.00 feet to a calculated point for a northwest corner of the tract described herein
- 3 S 84° 00' 00" E a distance of 3.55 feet to a calculated point for a re-entrant corner of the tract described herein
- 4 N 06° 00' 40" E a distance of 438.59 feet to a calculated point for a re-entrant corner of the tract described herein

- 5 N 84° 00' 00" W a distance of 3.00 feet to a calculated point for a southwest corner of the tract described herein
- 6 N 06° 00' 00" E at a distance of 12.45 feet passing a point from which a 1/2 inch iron rod found at the intersection of the centerlines of said West 21st Street and said Whitis Avenue bears N 84° 00' 00" W a distance of 15.50 feet continuing for a total distance of 25.00 feet to a calculated point for the most westerly northwest corner of the tract described herein
- 7 S 84° 00' 00" E a distance of 30.00 feet to a calculated point for a northeast corner of the tract described herein
- 8 S 06° 00' 00" W a distance of 3.55 feet to a calculated point for a re-entrant corner of the tract described herein
- 9 S 84° 00' 00" E a distance of 209.17 feet to a calculated point for a re-entrant corner of the tract described herein
- 10 N 06° 00' 56" E a distance of 3.48 feet to a calculated point for a northwest corner of the tract described herein
- 11 S 84° 00' 00" E a distance of 14.25 feet to a calculated angle point
- 12 N 21° 27' 16" E a distance of 4.02 feet to a calculated angle point
- 13 N 06° 00' 56" E a distance of 16.64 feet to a calculated angle point and
- 14 N 09° 25' 23" W a distance of 7.27 feet to a calculated point in the north right of way line of said West 21st Street and the south line of said College Hill tract for the most northerly northwest corner of the tract described herein

THENCE S 84° 00' 00" E with the north right of way line of said West 21st Street and the south line of said College Hill tract a distance of 15.94 feet to the POINT OF BEGINNING and containing 0.061 acres (2,664 square feet) of land more or less

LAI WORD FILE FN732(dhc)

0.061 acres ~ 2,664 Sq Ft
Outlot 21 Division D Original City of Austin
Travis County Texas


LAI Job No. 061010
FN0752(dhc)
Page 4 of 9

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS
COUNTY OF TRAVIS §

I, John D. Barnard, a Registered Professional Land Surveyor, do hereby certify that the above description and the accompanying sketch 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 the month of November 2006 under my direction and supervision.

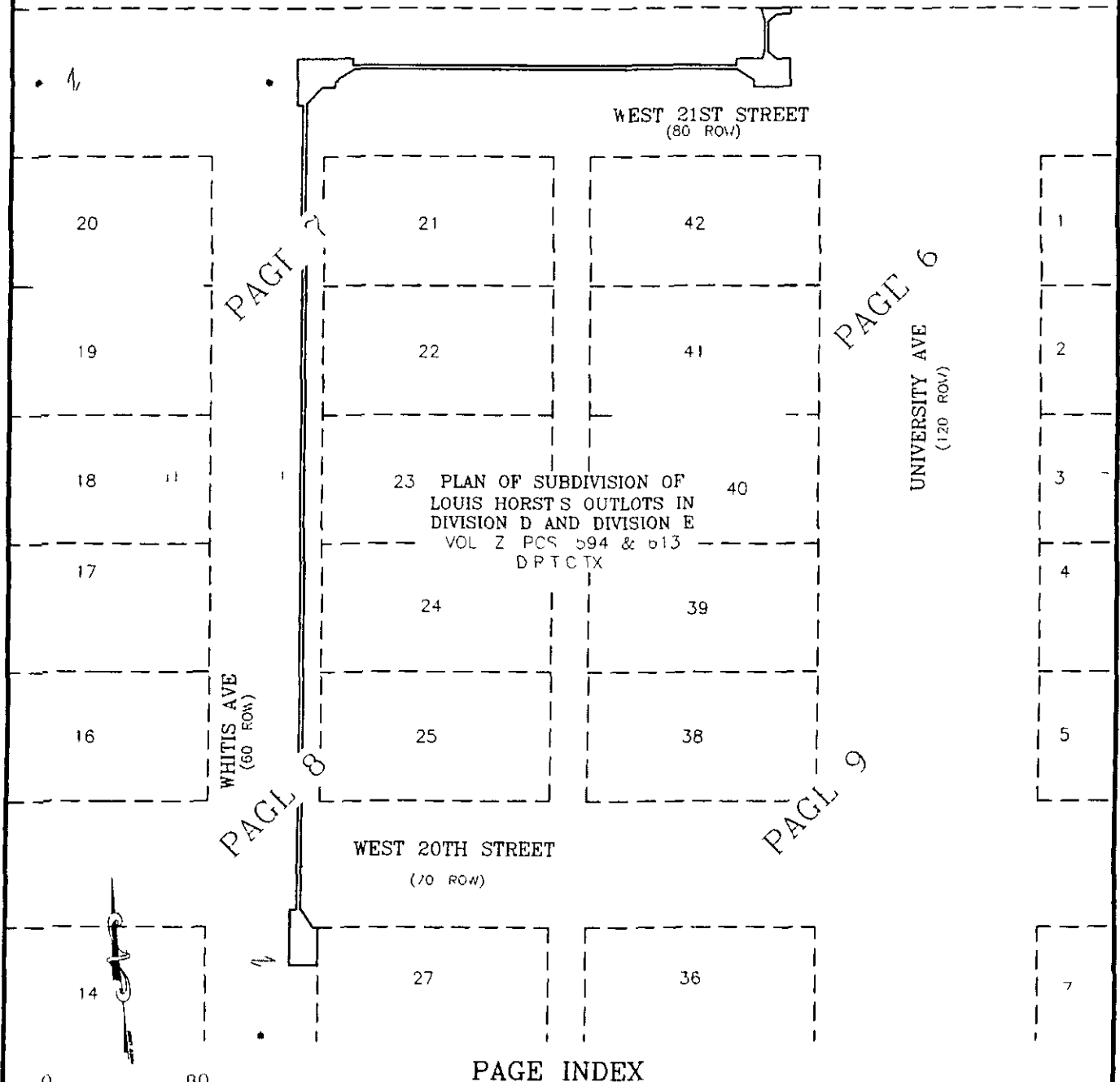
WITNESS MY HAND AND SEAL at Austin, Travis County, Texas on this 16th of November 2006 A.D.

Loomis Austin, Inc.
Austin, Texas 78746


John D. Barnard
Registered Professional Land Surveyor No. 5749
State of Texas

COLLEGE HILL
THE UNIVERSITY OF TEXAS

Exhibit A-2



PAGE INDEX

0 80
SCALE 1" = 80'

NOVEMBER 2006
CITY OF AUSTIN
TRAVIS COUNTY TEXAS

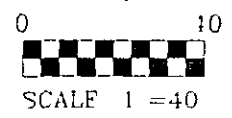
LOOMIS
AUSTIN

ENGINEERING, LAND SURVEYING
& ENVIRONMENTAL CONSULTING

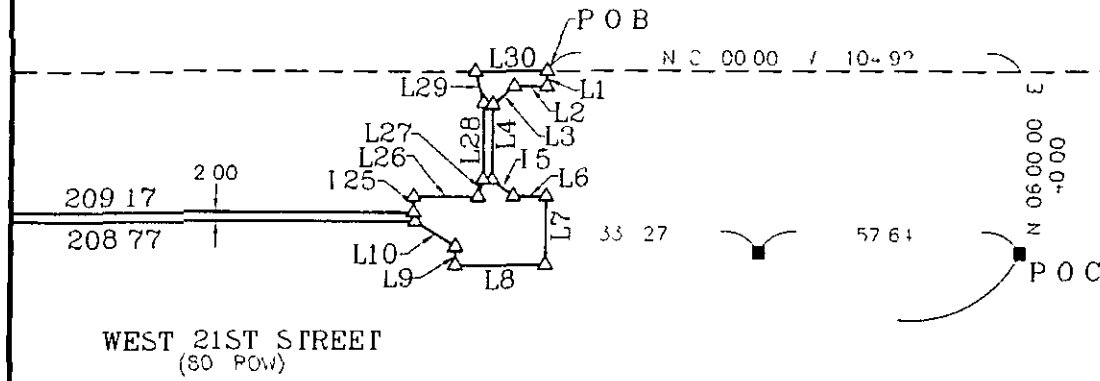
3103 Bee Capital Boulevard, Suite 500, Austin, Texas 78746
Phone (512) 327-1180 Fax (512) 327-4062 www.loomis-austin.com

SKETCH TO ACCOMPANY
FIELD NOTES
FN0732

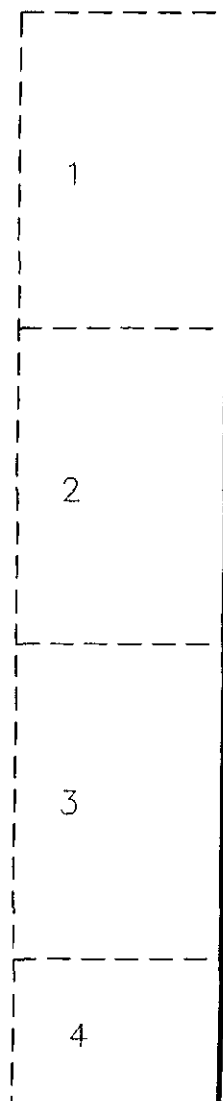
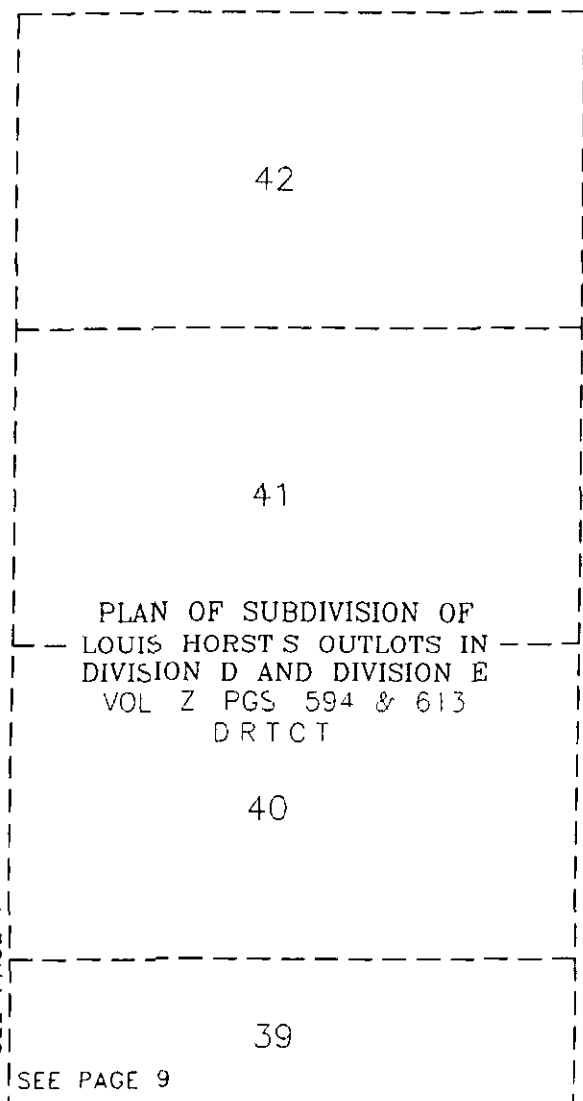
COLLEGE HILL
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NOVEMBER 2006
CITY OF AUSTIN
TRAVIS CO TEXAS



WEST 21ST STREET
(80' ROW)



UNIVERSITY AVE
(120' ROW)

SEE PAGE 7

SEE PAGE 9

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& ENVIRONMENTAL CONSULTING

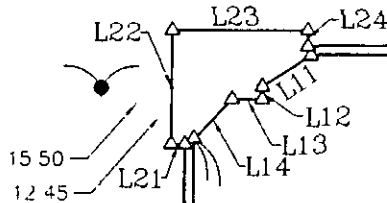
3103 Bee Coes Road S t 22 J Aust Te a 7.746
 Phone (512) 327-1100 (12) 327-4062 w loomis.austin.com

SKETCH TO ACCOMPANY
FIELD NOTES
FN0732

COLLEGE HILL
THE UNIVERSITY OF TEXAS

WEST 21ST STREET
(80' ROW)

306.87



S 84° 00' 00" E
N 84° 00' 00" W

S 84° 00' 00" E 695.78
BEARING BASIS

20

PLAN OF SUBDIVISION OF
LOUIS HORST'S OUTLOTS IN
DIVISION D AND DIVISION E
VOL. Z PGS. 594 & 613
DRT CTX

19

18

17

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N 06° 00' 40" E 793.01

WHITIS AVE
(80' ROW)

N 06° 00' 40" E 438.59

S 06° 00' 40" W 414.52

S 06° 00' 40" W 439.00

21

22

23

24

SEE PAGE 6



SCALE 1" = 40'

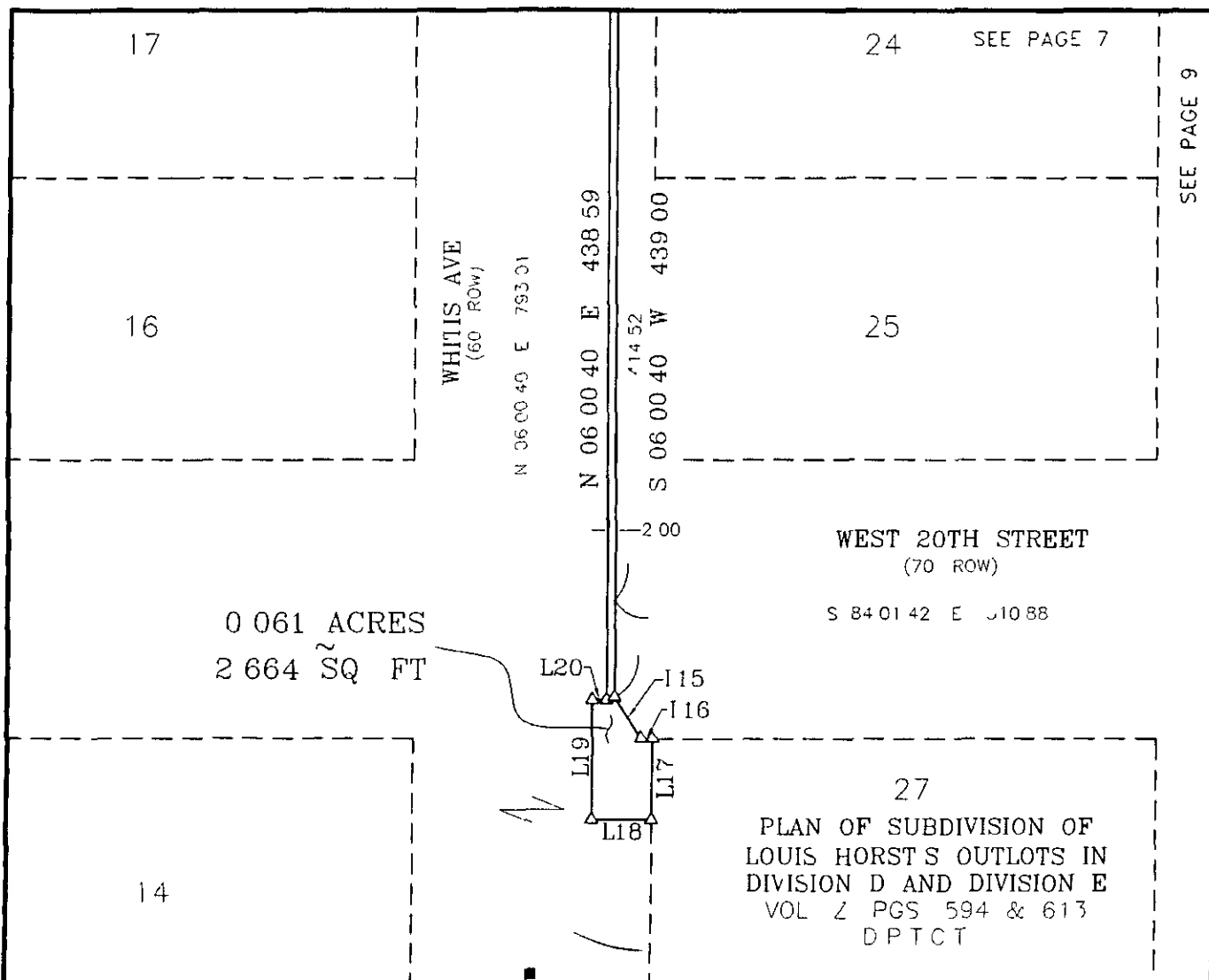
NOVEMBER 2006
CITY OF AUSTIN
TRAVIS COUNTY TEXAS

**LOOMIS
AUSTIN**

ENGINEERING, LAND SURVEYING
& ENVIRONMENTAL CONSULTING

3100 Bee Co. Road, Suite 225, Austin, Texas 78746
Phone: (512) 377-1100 Fax: (512) 327-4062 www.loomisaustin.com

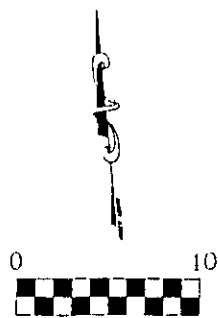
SKETCH TO ACCOMPANY
FIELD NOTES
FN0732



LINE TABLE

LINE	BEARING	DISTANCE
L1	S 06 00 00 W	3.50
L2	N 84 00 00 W	7.26
L3	S 56 59 32 W	6.10
L4	S 06 00 56 W	16.33
L5	S 44 57 39 E	6.10
L6	S 84 00 00 E	7.26
L7	S 06 00 56 W	15.00
L8	N 84 00 00 W	20.00
L9	N 06 00 56 E	3.95
L10	N 52 11 11 W	10.57
L11	S 64 13 45 W	12.62
L12	S 06 00 00 W	2.80
L13	N 84 00 00 W	6.70
L14	S 48 59 38 W	12.17
L15	S 27 01 22 E	12.54

LINE	BEARING	DISTANCE
L16	S 84 00 00 E	2.67
L17	S 06 00 40 W	20.18
L18	N 84 00 00 W	15.04
L19	N 06 00 00 E	30.00
L20	S 84 00 00 E	3.55
L21	N 84 00 00 W	3.00
L22	N 06 00 00 E	25.00
L23	S 84 00 00 E	30.00
L24	S 06 00 00 W	3.55
L25	N 06 00 56 E	3.48
L26	S 84 00 00 E	14.25
L27	N 21 27 16 E	4.02
L28	N 06 00 56 E	16.64
L29	N 09 25 23 W	7.27
L30	S 84 00 00 E	15.94



NOVEMBER 2006
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SKETCH TO ACCOMPANY
FIELD NOTES
FN0732

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N 05 59 47 E 425 71

UNIVERSITY AVE
(120 ROW)

N 06 00 30 E 425 67

4

5

WEST 20TH STREET
(70 ROW)

S 84 01 42 E 310 88

S 84 01 42 E
57 55

36

7

PLAN OF SUBDIVISION OF
LOUIS HORST'S OUTLOTS IN
DIVISION D AND DIVISION F
VOL 2 PCS 594 & 613
DRT CTX



SCALE 1" = 40'

NOVEMBER 2006
CITY OF AUSTIN
TRAVIS COUNTY TEXAS

LEGEND

- CONC MONUMENT FOUND
- 1/2 IN ROD FOUND
- △ CALCULATED POINT
- () EC D INFORMATION
E LL PG 4 b 3 DRT CTX
- POB JNT OF BEGINNING
- POC QNT OF COMMENCEMENT
- DRT CTX DE D P F O D O PA IS
COUNTY TE A

**LOOMIS
AUSTIN**

ENGINEERING, LAND SURVEYING
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3103 B C s Post Suite 22J Aust Tex 78746
Phone (512) 327-1180 Fax (512) 327-4062 www.loomis-austin.com

SKETCH TO ACCOMPANY
FIELD NOTES
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