

RESOLUTION NO. 20070726-031

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 and the landowners have agreed on the fair market value of the two needed easements; but a lienholder is demanding an additional amount for its consent to the easements; **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 owners 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:

Owners: Adrian J. Trevino and Curtis W. Sutherland

Project: Govalle 4-Webberville/San Bernard/4th Street Wastewater Improvement Project, a portion of the Austin Clean Water Program

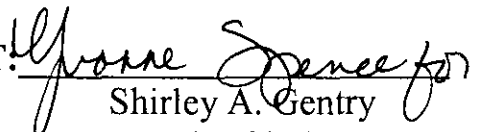
Intended Purpose: the permanent wastewater line easement described in the attached Exhibit "A" is necessary to install, operate, maintain, repair, replace, and upgrade permanent wastewater lines and appurtenances thereto, in order to increase and improve the City's ability to provide sanitary sewer services 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: 3019 E. 12th Street, Austin, Travis County, Texas

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

ADOPTED: July 26, 2007

ATTEST: 
Shirley A. Gentry
City Clerk

ADRIAN J. TREVINO AND CURTIS W. SUTHERLAND
TO
CITY OF AUSTIN
(WASTEWATER EASEMENT)

DESCRIPTION FOR PARCEL 5114.19 WE

DESCRIPTION OF 0.0074 OF ONE ACRE OR 324 SQUARE FEET OF LAND, MORE OR LESS, OUT OF LOT 5, AND PORTION OF LOT 4, SAM HUSTON HEIGHTS ANNEX, A SUBDIVISION IN THE CITY OF AUSTIN, OF RECORD IN BOOK 4, PAGE 3, PLAT RECORDS, TRAVIS COUNTY, TEXAS, SAID 0.0074 OF ONE ACRE TRACT BEING A PORTION OF THAT TRACT DESCRIBED BY OCCUPATION IN A WARRANTY DEED TO ADRIAN J. TREVINO AND CURTIS W. SUTHERLAND, OF RECORD IN DOCUMENT NO. 2003196651, OFFICAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, SAID 0.0074 OF ONE ACRE BEING MORE PARTICULARY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron pipe found at the southwest corner of this tract, of said Trevino and Sutherland tract and being a southwest corner of said Lot 4 same also being the north line of Lot A, EMCO Addition, a subdivision in the City of Austin, of record in Book 49, Page 30, Plat Records, Travis County, Texas, said Lot A , being described in a deed to Elm Ridge Amerisouth XXXIX, LTD., of record in Document No. 2004076395, Official Public Records, Travis County, Texas, said point of beginning having Texas State Plane Coordinate (Texas Central Zone, NAD83 (93HARN), U.S. Feet, Adjustment Factor of 1.00005) grid values of N=10,073,730.34, E=3,126,959.04;

THENCE, with the southwest line of this tract, and said Lot 4, and said Trevino and Sutherland tract and the northeast line of said Harvey Street, **N43°18'30"W 5.88 feet** to a 1/2" iron pipe at the northwest corner of this tract, same being a southwest corner of said Trevino and Sutherland tract, same also being the south corner of the remainder of said Lot 4, said Lot 4 being described in a deed to Irene Ates, of record in Document No. 2002117080, Official Public Records, Travis County, Texas, from which point a 1/2" iron rod found at a southwest corner of said Lot 4 and said Ates tract, same being the south corner of Lot 1, Block A, Resubdivision of Lot 3 & A Part of Lot 2 of Sam Huston Heights Annex Subdivision, of record in Book 93, Page 223, Plat Record, Travis County, Texas, said Lot 1, Block A, Resubdivision of Lot 3 & A Part of Lot 2 of Sam Huston Heights Annex being described in a deed to NMF Housing 1, of record in Volume 12528, Page 24, Real Property Records, Travis County, Texas, same also being in the northeast line Harvey Street, bears **N43°18'38"W 81.81 feet**;

THENCE, with the north line of this tract, crossing said Lot 4, said Lot 5 and said Trevino and Sutherland tract, **N78°30'31"E, 66.51 feet** to a 1/2" iron rod set with plastic cap at the northeast corner of this tract, same being in the east line of said Trevino and Sutherland tract from which point a 1/2" iron pipe found at the northeast corner of said Lot 5 and Trevino and Sutherland tract and the northwest corner of said Lot 6 of said Lot 6 of said Sam Huston Annex subdivision, said

0.0074 Ac.

Lot 6 being described in a deed to Henry Organ, of record in Volume 714, Page 115, Deed Records, Travis County, Texas, bears N10°11'20"W 357.18 feet;

THENCE, with the east line of this tract of said Trevino and Sutherland tract crossing said Lot 5, same being the west line of said Organ tract, S10°11'20"E 5.00 feet to a 1/2" iron rod set with plastic cap at the southeast corner of this tract and of said Trevino and Sutherland tract, same being the southwest corner of said Organ tract, same also being in the north line of said Lot A, EMCO Addition and said Elm Ridge Amerisouth tract, from which point a P.K. nail found at the southeast corner of said Lot 6 and said Organ tract, and the southwest corner of Lot 7 of said Sam Huston Heights Annex, said Lot 7 described in a deed to Austin Housing Finance Corporation, of record in Volume 11859, Page 1030, Real Property Records, Travis County, Texas, same also being in the north line of said Lot A, EMCO Addition and said Elm Ridge Amerisouth tract, bears N78°30'31"E 70.05 feet;

THENCE, with the south line of this tract, of said Lot 5 and then said Lot 4, and said Trevino and Sutherland tract and the north line of said Lot A, EMCO Addition and said Elm Ridge Amerisouth tract, S78°30'31"W 63.31 feet to the POINT OF BEGINNING and containing 0.0074 of one acre, more or less, within these metes and bounds.

Bearing Basis Note

The bearings described herein are Texas State Plane Grid bearings (Texas Central Zone, NAD 83 (93 HARN). The Combined Scale Factor is 1.00005). The reference for this project is "Austin RRP", a fixed control point, and "BM1078", a TxDOT survey monument, having a grid bearing of N60°54'59"E, and a grid distance of 21590.95 feet.

SURVEYED BY: **McGRAY and McGRAY LAND SURVEYORS, INC.**

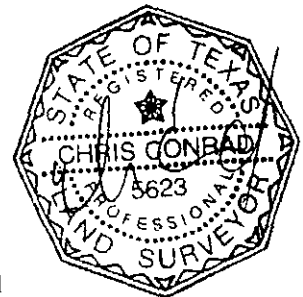
3301 Hancock Dr., Ste. 6
Austin, TX 78731 (512) 451-8591



7/11/05

Chris Conrad, Reg. Professional Land Surveyor No. 5623 Date

Note: This copy of this description is not valid unless an original signature through an original seal appears on its face. There is a plat to accompany this description. Lot 5_SFTWW Revised 10/31/05



TCAD# 02-0914-02-05
AUSTIN GRID L-23

FIELD NOTES REVIEWED

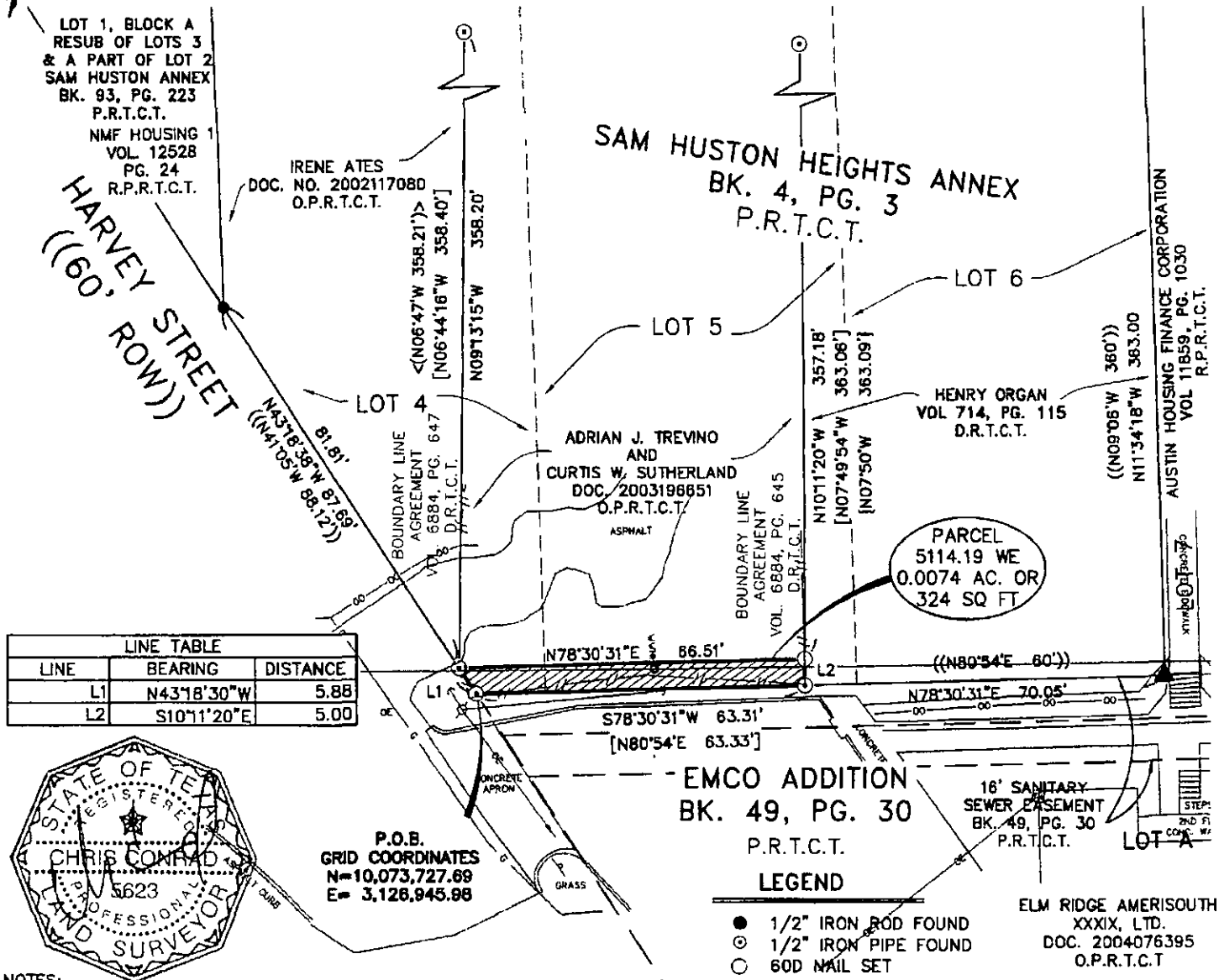
By: P. Sam Date: 11-2-05

Austin Clean Water Program
Survey Coordinator

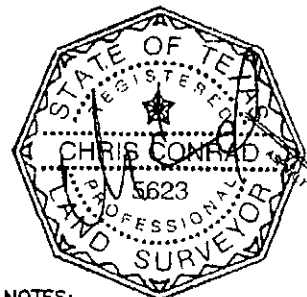
RE: CITY OF AUSTIN

SKETCH TO ACCOMPANY DESCRIPTION OF A
TRACT OF LAND, SAME BEING
0.0074 AC. OR 324 SQ. FT. OF LAND OUT OF
LOT 5, AND LOT 4 SAM HUSTON HEIGHTS ANNEX
AUSTIN, TRAVIS COUNTY, TEXAS

SCALE 1" = 30'



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N43°18'30\"W	5.88
L2	S10°11'20\"E	5.00



NOTES:

- THE COORDINATES SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD83 (93 HARN) DATUM. THE BEARINGS SHOWN ARE GRID BEARINGS. THESE COORDINATES WERE ESTABLISHED FROM "AUSTIN RRP", A FIXED CONTROL POINT HAVING COORDINATE VALUES OF N=10086515.883, E=3109682.458, AND "BM1078" A TXDOT SURVEY MONUMENT HAVING COORDINATE VALUES OF N=10097010.902, E=3128551.053, HAVING A GRID BEARING OF N60°54'59\"E, AND A GRID DISTANCE OF 21590.95 FEET. THE ADJUSTMENT FACTOR IS 1.00005. ALL DISTANCES SHOWN ARE SURFACE DISTANCES.
- THIS SURVEY WAS PREPARED WITH THE BENEFIT OF A TITLE COMMITMENT.

Chris Conrad

7/11/05

CHRIS CONRAD, REG. PROF. LAND SURVEYOR NO. 5623 DATE
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Exhibit "A"

M: \saskproj\04-126govalle4\esm

Page 3 of 3

EMCO ADDITION
BK. 49, PG. 30
P.R.T.C.T.

LEGEND

- 1/2" IRON ROD FOUND
- 1/2" IRON PIPE FOUND
- 60D NAIL SET
- ▲ P.K. NAIL FOUND
- P.O.B. POINT OF BEGINNING
- P.R.T.C.T. PLAT RECORDS, TRAVIS COUNTY, TEXAS
- D.R.T.C.T. DEED RECORDS, TRAVIS COUNTY, TEXAS
- R.P.R.T.C.T. REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS
- O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS

RECORD INFORMATION

((xxx)) BOOK 4, PAGE 3
[xxx] DOCUMENT NO. 2003196651
[xxx] VOLUME 6884, PAGE 645
<(xxx)> VOLUME 6884, PAGE 647

SURVEYED BY: REVISED: 10/31/05
PAGE 3 of 3

McGRAY & McGRAY
LAND SURVEYORS, INC.
3301 HANCOCK DRIVE #6
AUSTIN, TEXAS 78731
(512) 451-8591

AD#: 02-0914-02-05 AUSTIN GRID#: L-23 JOB NO.: 05-056

ADRIAN J. TREVINO AND CURTIS W. SUTHERLAND
TO
CITY OF AUSTIN
(TEMPORARY WORKING SPACE EASEMENT)

DESCRIPTION FOR PARCEL 5114.19 TWSE

DESCRIPTION OF 0.0229 OF ONE ACRE OR 996 SQUARE FEET OF LAND, MORE OR LESS, OUT OF LOT 5, AND LOT 4, SAM HUSTON HEIGHTS ANNEX, A SUBDIVISION IN THE CITY OF AUSTIN, OF RECORD IN BOOK 4, PAGE 3, PLAT RECORDS, TRAVIS COUNTY, TEXAS, SAID 0.0229 OF ONE ACRE TRACT BEING A PORTION OF THAT TRACT DESCRIBED IN A WRAPAROUND WARRANTY DEED WITH VENDOR'S LIEN DATED AUGUST 19, 2003, TO ADRIAN J. TREVINO AND CURTIS W. SUTHERLAND, OF RECORD IN DOCUMENT NO. 2003196651, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, AND BOUNDARY LINE AGREEMENTS DATED FEBRUARY 8, 1980, DESCRIBED IN VOLUME 6884, PAGE 645 AND VOLUME 6884, PAGE 647, DEED RECORDS, TRAVIS COUNTY, TEXAS, SAID 0.0229 OF ONE ACRE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron pipe found at the southwest corner of this tract, of said Trevino and Sutherland tract and being in the southwest line of said Lot 4, same also being the south corner of that tract described in a deed to Irene Ates, of record in Document No. 2002117080, Official Public Records, Travis County, Texas, same also being the south end of a line described in said boundary line agreement, of record in Volume 6884, Page 647, and being in the northeast line of Harvey Street (60' right of way), from which point a 1/2" iron rod found at a southwest corner of said Lot 4 and said Ates tract, same being the south corner of Lot 1, Block A, Resubdivision of Lot 3 & A Part of Lot 2 of Sam Huston Heights Annex Subdivision, of record in Book 93, Page 223, Plat Record, Travis County, Texas, said Lot 1, Block A, Resubdivision of Lot 3 & A Part of Lot 2 of Sam Huston Heights Annex being described in a deed to NMF Housing 1, of record in Volume 12528, Page 24, Real Property Records, Travis County, Texas, same also being in the northeast line Harvey Street, bears N43°18'38"W 81.81 feet, said point of beginning having Texas State Plane Coordinate (Texas Central Zone, NAD83 (93HARN), U.S. Feet, Adjustment Factor of 1.00005) grid values of N=10,073,731.97, E=3,126,941.94;

THENCE, with the west line of this tract, of said Trevino and Sutherland tract, with said boundary line agreement, same being the east line of said Ates tract, crossing said Lot 4 N09°13'15"W 15.01 feet to a calculated point at the northwest corner of this tract, from which point a 1/2" iron pipe found at the northeast corner of said Lot 4 and Ates tract and the northwest corner of said Lot 5 and said Trevino and Sutherland tract, bears N09°13'15"W 343.19 feet;

0.0229 Ac.

THENCE, with the north line of this tract, crossing said Lot 4, said Lot 5 and said Trevino and Sutherland tract, **N78°30'31"E 66.26 feet** to a calculated point at the northeast corner of this tract, same being in the east line of said Trevino and Sutherland tract, same also being in a line described in said boundary line agreement, of record in Volume 6884, Page 645, from which point a 1/2" iron pipe found at the northeast corner of said Lot 5 and Trevino and Sutherland tract and the northwest corner of Lot 6, of said Sam Huston Annex subdivision, said Lot 6 being described in a deed to Henry Organ, of record in Volume 714, Page 115, Deed Records, Travis County, Texas, bears N10°11'20"W 342.18 feet;

THENCE, with the east line of this tract, of said Trevino and Sutherland tract, crossing said Lot 5, same being the west line of said Organ tract, same also being with said boundary line agreement in Volume 6884, Page 645, **S10°11'20"E 15.00 feet** to a 60D nail set at the southeast corner of this tract, from said point a 1/2" iron pipe found at the southeast corner of said Trevino and Sutherland tract, same being the southwest corner of said Organ tract, and being the south end of said boundary line agreement in Volume 6884, Page 645, same also being in the north line of said Lot A, EMCO Addition, a subdivision in the City of Austin, of record in Book 49, Page 30, Plat Records, Travis County, Texas, said Lot A, being described in a deed to Elm Ridge Amerisouth XXXIX, LTD., of record in Document No. 2004076395, Official Public Records, Travis County, Texas, bears S10°11'20"E 5.00 feet;

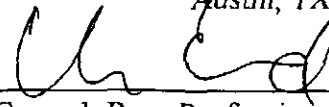
THENCE, with the south line crossing this tract, of said Lot 5 and then said Lot 4, and said Trevino and Sutherland tract **S78°30'31"W 66.51 feet** to the POINT OF BEGINNING and containing 0.0229 of one acre (996 square feet), more or less, within these metes and bounds.

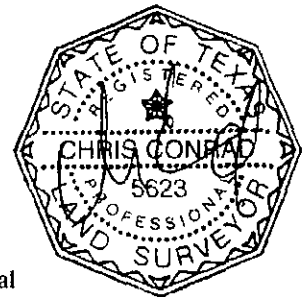
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SURVEYED BY: **McGRAY and McGRAY LAND SURVEYORS, INC.**

3301 Hancock Dr., Ste. 6
Austin, TX 78731 (512) 451-8591

 7/11/05
Chris Conrad, Reg. Professional Land Surveyor No. 5623 Date



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Revised 10/31/2005

TCAD# 02-0914-02-05
AUSTIN GRID L-23

FIELD NOTES REVIEWED

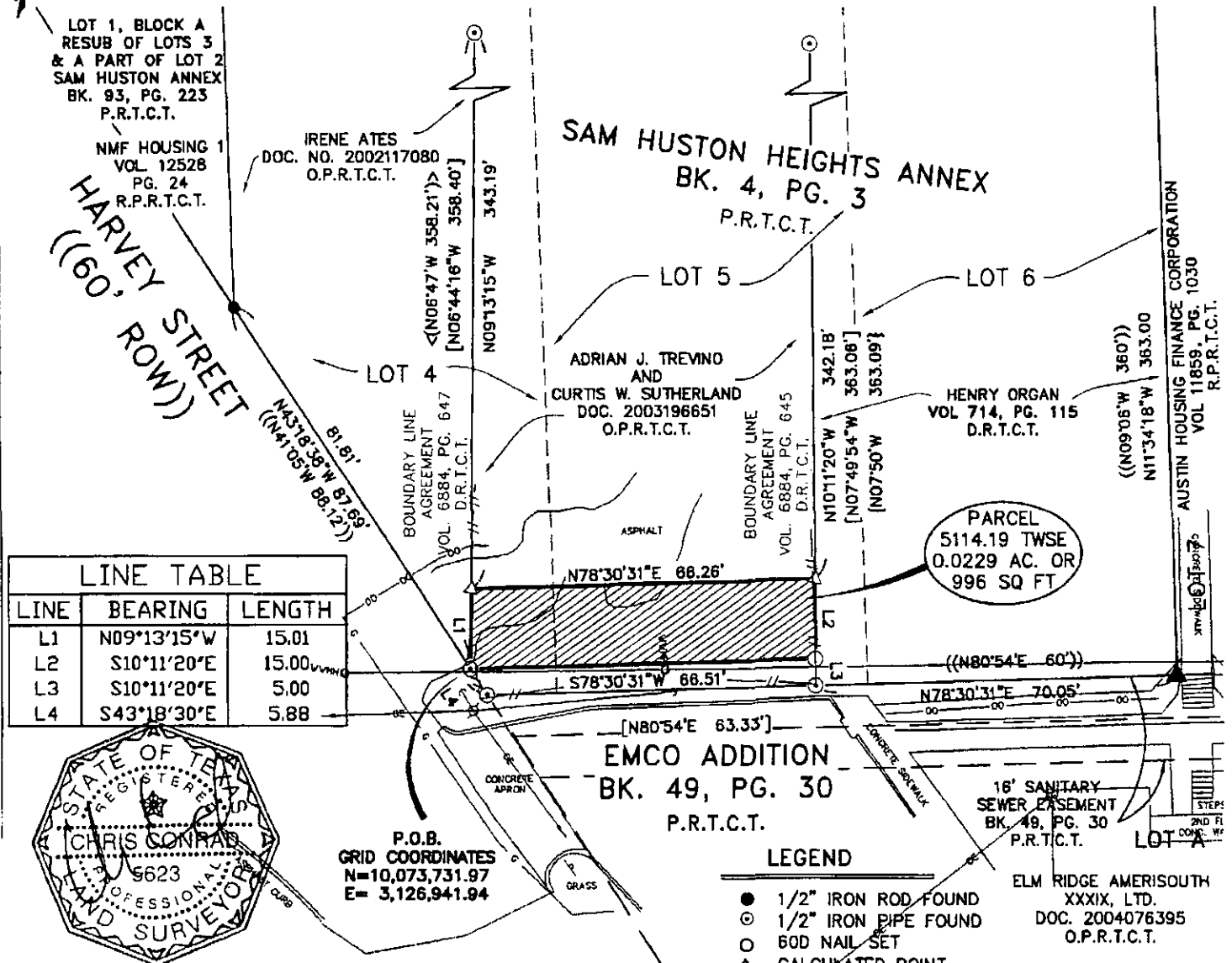
By: Paul Date: 11-2-05

Austin Clean Water Program
Survey Coordinator

RE: CITY OF AUSTIN

SKETCH TO ACCOMPANY DESCRIPTION OF A
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CHRIS CONRAD, REG. PROF. LAND SURVEYOR NO. 5623

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Exhibit "B"

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M: \sdsproj\04-126gvalle4\esn

TCAD# 02-0914-02-05 AUSTIN GRID# L-23

JOB NO.: 05-056