

**RESOLUTION NO 20071011-014**

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

**WHEREAS**, the City of Austin has attempted to purchase the needed real property interest but has been unable to agree with the owners 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 owners now having, or who may acquire, an interest in the real property interest 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 acquisition

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

Owners	Nassour Investments, L P , The Estate of H R Nassour, Jr , M D , Jimmy Nassour, 1400 SF, L L C , a Texas limited liability company
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Project      Govalle 1 – South 2<sup>nd</sup> Street Reroute Phase I Wastewater Improvement Project, a portion of the Austin Clean Water Program

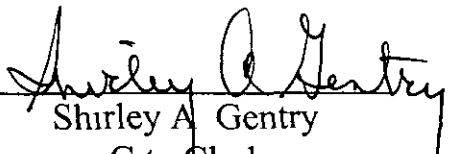
Intended Purpose    the permanent wastewater line easement described in the attached Exhibit "A" is necessary to install, operate, maintain, repair, replace, and upgrade permanent wastewater lines and appurtenances thereto, in order to increase and improve the City's ability to provide sanitary sewer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

Location      1400 South 1<sup>st</sup> Street, Austin, Texas

Property      Described in the attached and incorporated Exhibit A

**ADOPTED**    October 11, 2007

**ATTEST**

  
Shirley A. Gentry  
City Clerk



**MACIAS & ASSOCIATES, L P**  
LAND SURVEYORS

NASSOUR INVESTMENTS, L P THE  
ESTATE OF H R NASSOUR, JR., M D,  
JIMMY NASSOUR AND 1400 SF, L L C

TO  
CITY OF AUSTIN  
(WASTEWATER EASEMENT)  
February 7, 2007

**DESCRIPTION FOR PARCEL 5118 29WE**

DESCRIPTION OF A 0 065 ACRE (2,816 SQUARE FOOT) TRACT OF LAND OUT OF LOT 11, BLOCK A, SOUTH HEIGHTS, A SUBDIVISION RECORDED IN VOLUME 1, PAGE 121, PLAT RECORDS OF TRAVIS COUNTY, TEXAS SAID LOT 11 BEING THAT SAME TRACT DESCRIBED IN A SPECIAL WARRANTY DEED EXECUTED DECEMBER 27, 2004 TO NASSOUR INVESTMENTS L P THE ESTATE OF H R NASSOUR, JR., M D JIMMY NASSOUR AND 1400 SF, L L C RECORDED IN DOCUMENT NO 2004238963, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY TEXAS, SAVE AND EXCEPT, AN 832 SQUARE FOOT TRACT DESCRIBED IN A STREET DEED EXECUTED JANUARY 14, 1988 TO THE CITY OF AUSTIN, RECORDED IN VOLUME 10565, PAGE 355 REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0 065 ACRE (2,816 SQUARE FOOT) TRACT AS SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS

**COMMENCING** for reference at a calculated point on the south right of way line of West Elizabeth Street a 60 foot wide right of-way, at the northwest corner of said Lot 11 and at the northeast corner of Lot 10, Block A of said South Heights, from said point, a 5/8" iron rod found bears S 27°42'23"W, 0 39 feet,

**THENCE**, S 62°24'43" E, with the south right-of-way line of West Elizabeth Street and the north line of said Lot 11, a distance of 4 40 feet to a 60d nail set having Texas State Plane Coordinate (Central Zone NAD83 (CORS) U S Feet, Combined Scale Factor 1 00010) values of N=10,064,399 83 E=3,110,534 63 for the northwest corner and the **POINT OF BEGINNING** of this tract,

**THENCE**, S 62°24'43" E, continuing with the south right-of-way line of West Elizabeth Street and the north line of said Lot 11, a distance of 20 00 feet to a 60d nail set for the northeast corner of this tract, from said point, a 60d nail in concrete found at the intersection of the west right-of-way line of South 1<sup>st</sup> Street a 60 foot wide right-of-way, with the south right-of-way line of West Elizabeth Street at the northeast corner of said Lot 11, bears S 62°24'43" E, 138 31 feet

0 065 Acre (2 816 Square Feet)  
Wastewater Easement

**Exhibit "A"**  
**Page 1 of 3**

5118 29WE

**THENCE** S 26°46'11" W, across said Lot 11, a distance of 140.03 feet to a 60d nail set on the north right-of way line of Jewell Street, a varying width right-of way on the north line of said 832 square foot tract, for the southeast corner of this tract from said point, a bolt found at the northeast corner of said 832 square foot tract, bears S 67°02'19" E, 1.67 feet,

**THENCE** N 67°02'19" W, with the north right-of way line of Jewell Street and the north line of said 832 square foot tract, a distance of 20.04 feet to a 60d nail set for the southwest corner of this tract, from said point, a bolt found on the west line of said Lot 11 and on the east line of said 10, at the northwest corner of said 832 square foot tract, bears N 67°02'19" W, 6.74 feet,

**THENCE** N 26°46'11" E across said Lot 11 a distance of 141.65 feet to the **POINT OF BEGINNING** and containing 0.065 acre (2,816 square feet) of land

**BEARING BASIS NOTE**

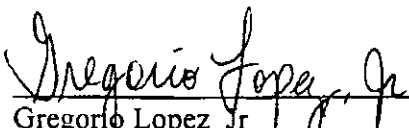
The bearings described herein are Texas State Plane Grid Bearings, (Central Zone, NAD83 (CORS) Combined Scale Factor 1.00010) Project control points were established from reference station 'AUSTIN RRP2' having coordinate values of N=10,086,515.89 E=3,109,682.48 and "H 20-3001 (CB11) having coordinate values of N=10,061,108.04, E=3,109,304.63

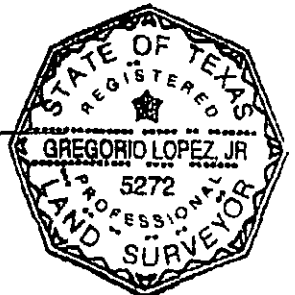
**THE STATE OF TEXAS**    §  
   §    **KNOW ALL MEN BY THESE PRESENTS**  
**COUNTY OF TRAVIS**    §

That I, Gregorio Lopez, Jr, 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 under my direction and supervision

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this the 7<sup>th</sup> day of February, 2007 A D

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

  
Gregorio Lopez Jr  
Registered Professional Land Surveyor  
No 5272 - State of Texas



**REFERENCES**

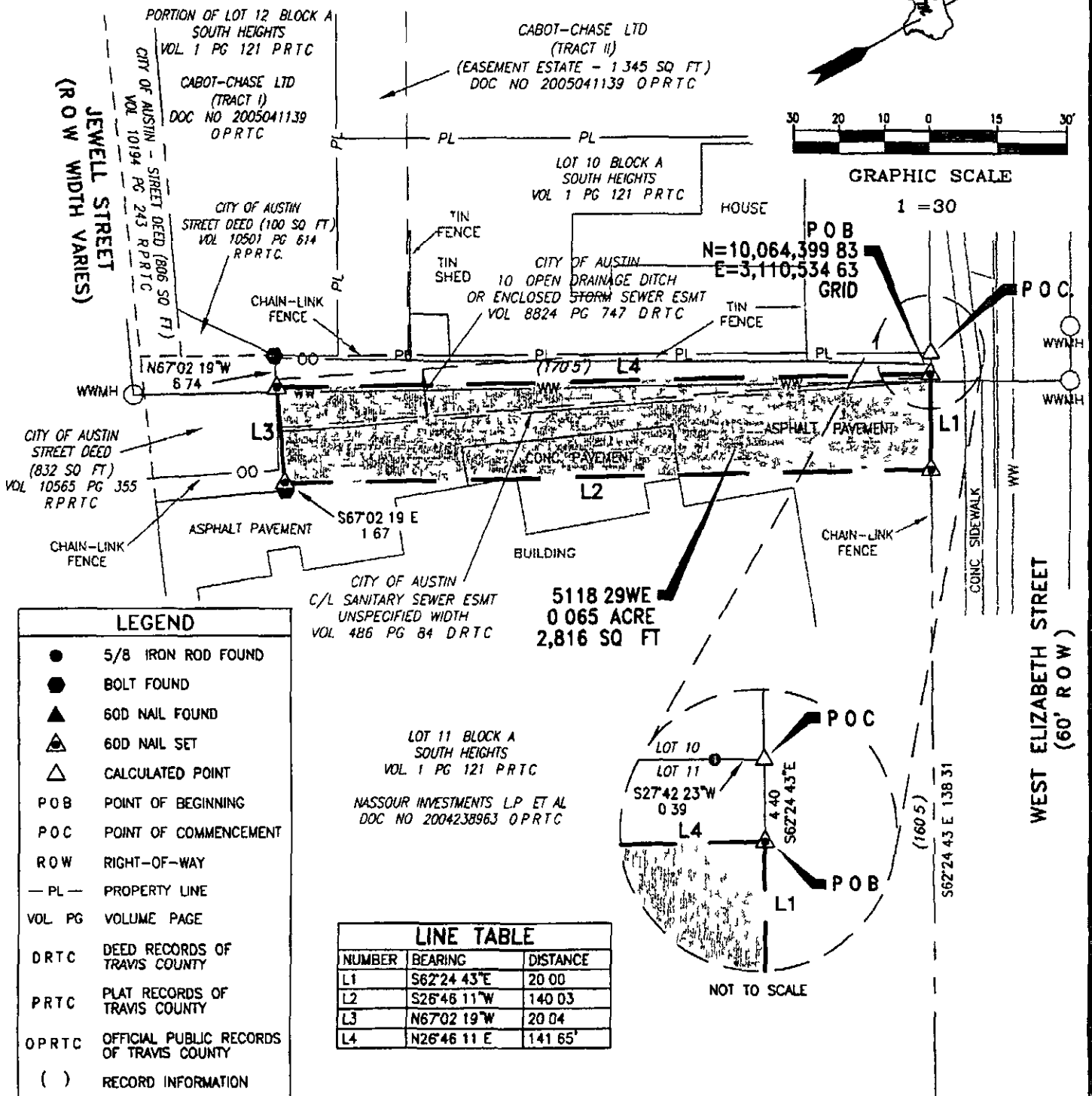
MAPSCO 2003 614H  
Austin Grid No MH-21  
TCAD PARCEL ID NO 01-0101 0918  
MACIAS & ASSOCIATES, INC , PROJECT NO 290-13 05

0.065 Acre (2,816 Square Feet)  
Wastewater Easement

Exhibit "A"  
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**FIELD NOTES REVIEWED** 5118 29WE  
By Deane Date 2-16-07  
Austin Clean Water Program  
Survey Coordinator

# SKETCH TO ACCOMPANY LEGAL DESCRIPTION



## BEARING BASIS.

THE COORDINATES AND BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM (CENTRAL ZONE NAD83(CORS) COMBINED SCALE FACTOR = 1.00010) THE COORDINATES WERE ESTABLISHED BY GPS STATIC OBSERVATION FROM REFERENCE STATION AUSTIN RRP2 HAVING COORDINATE VALUES OF N=10 086 515.89 E=3 109 682.48 AND H=20-3001 (CORS) HAVING COORDINATE VALUES OF N=10 061 108.04 E=3 109 304.63 ALL DISTANCES SHOWN ARE SURFACE DISTANCES

**SOUTH 1ST STREET  
(60' ROW)**

DATE 2-07-07  
DRAWN BY ALM  
MAJ JOB NO 290-13-05  
REFERENCE FB 469 & 472

J:\JOBS\BINKLEY-BARFIELD\5 2ND\2901305\DWG\5118.29WE.dwg

**MACIAS & ASSOCIATES INC**  
LAND SURVEYORS

★ ★ ★ ★ ★ ★ ★

5410 SOUTH 1ST STREET  
AUSTIN TEXAS 78745 PH (512)442-7875  
FAX (512)442-7878 EMAIL MACIASURVEY@EARTHLINK.NET

*Gregorio Lopez Jr.* Feb 7, 2007  
Gregorio Lopez Jr.  
Registered Professional Land Surveyor  
No 5272 - State of Texas



Exhibit "A"  
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