

RESOLUTION NO. 20080306-012

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 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 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: Carol Suzanne Bryant and Sarah J. Goodfriend

Project: West 24th Street and Vista 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

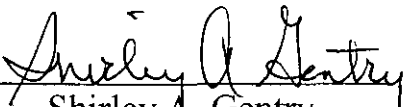
the temporary working space easement described in the attached Exhibit "B" is necessary to install the permanent wastewater lines and appurtenances thereto in the permanent wastewater line easement described in the attached Exhibit "A."

Location: 1500 West 24th Street, Austin, Texas

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

ADOPTED: March 6, 2008

ATTEST:


Shirley A. Gentry
City Clerk

Carol Suzanne Bryant
and Sarah J. Goodfriend
To
City of Austin
(for Wastewater Easement)

Field Notes for Parcel 5125.10WE

BEING 0.051 OF ONE ACRE (2237 S.F.) OF LAND, MORE OR LESS, OUT OF AND A PART OF THE G.W. SPEAR SURVEY NO. 7, ABSTRACT NO. 697 IN TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF LOT 2 OF PEMBERTON HEIGHTS SECTION 12, RECORDED IN BOOK 5, PAGE 23 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, CONVEYED TO CAROL SUZANNE BRYANT AND SARAH J. GOODFRIEND BY DEED EXECUTED ON DECEMBER 9, 1993, AND FILED FOR RECORD ON DECEMBER 10, 1993, RECORDED IN VOLUME 12080, PAGE 2213, OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0 051 OF ONE ACRE (2237 S.F.) OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

BEGINNING at a calculated point in the northeasterly right-of-way line of West 24th Street (70' R.O.W.), same being in the southwesterly line of said Lot 2, for the Point of Beginning and the most southerly corner of the herein described tract of land having Texas State Plane Coordinate (Texas Central Zone, NAD 83 (93)(HARN), US Feet, Combined Scale Factor 0.99993) values of N=10073286.56 and E=3110556.43, same being North 73°01'16" West, a distance of 46.57 feet from a 5/8 inch iron rod with MWM cap set at the most southerly corner of said Lot 2 and the most westerly corner of Lot 3 of said Pemberton Heights Section 12;

1) THENCE, North 73°01'16" West, a distance of 15.06 feet, with the northeasterly right-of-way line of West 24th Street and the southwesterly line of said Lot 2, to a calculated point for a corner, from which a 5/8 inch iron rod with MWM cap set at a point of curvature in the northeasterly right-of-way line of West 24th Street bears North 73°01'16" West, a distance of 101.74 feet;

2) THENCE, North 11°41'44" East, a distance of 1.68 feet, leaving the northeasterly right-of-way line of West 24th Street and the southwesterly line of said Lot 2 and crossing said Lot 2, to a calculated point for a corner;

3) THENCE, North 45°26'22" West, a distance of 122.09 feet to a calculated point for an angle point hereof;

4) THENCE, North 50°37'44" West, passing the southeasterly line of a Public Utility Easement, 5 feet in width, dedicated in Book 5, Page 23 of the Plat Records of Travis County, Texas, at a distance of 7.17 feet, in all, a distance of 12.60 feet, to a calculated point in the northwesterly line of said Lot 2 and the southeasterly line of Lot 1 of said Pemberton Heights Section 12, for the most westerly corner of the herein described tract of land, from which a 5/8 inch iron rod with MWM cap set at the most westerly corner of said Lot 2 and a southerly corner of said Lot 1 bears South 16°22'19" West, a distance of 63.54 feet,

5) THENCE, North 16°22'19" East, a distance of 16.30 feet, with the northwesterly line of said Lot 2 and the southeasterly line of said Lot 1, to a calculated point for the most northerly corner of the herein described tract of land, same being South 16°22'19" West, a distance of 165.84 feet from a 5/8 inch iron rod with MWM cap set at the most northerly corner of said Lot 2, the most easterly corner of said Lot 1, the most westerly corner of Lot 10 of Pemberton Heights Section 11, recorded in Book 4, Page 211 of the Plat Records of Travis County, Texas and the most southerly corner of Lot 9 of said Pemberton Heights Section 11;

6) THENCE, South 50°37'44" East, leaving the northwesterly line of said Lot 2 and the southeasterly line of said Lot 1 and crossing said Lot 2, passing the southeasterly line of said Public Utility Easement at a distance of 5.43 feet, in all, a distance of 19.65 feet, to a calculated point for an angle point hereof,

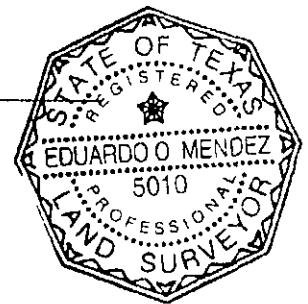
7) THENCE, South 45°26'22" East, a distance of 130.93 feet, to a calculated point for an angle point hereof;

8) THENCE, South 11°41'44" West, a distance of 11.23 feet, to the Point of Beginning and containing an area of 0.051 of one acre (2237 S. F.) of land, more or less.

Eduardo O. Mendez

Eduardo O. Mendez
Registered Professional Land Surveyor 5010

6/29/07
Date



MWM DesignGroup
Chevy Chase One
7700 Chevy Chase Drive, Suite 100
Austin, Texas, 78752
(512) 453-0767

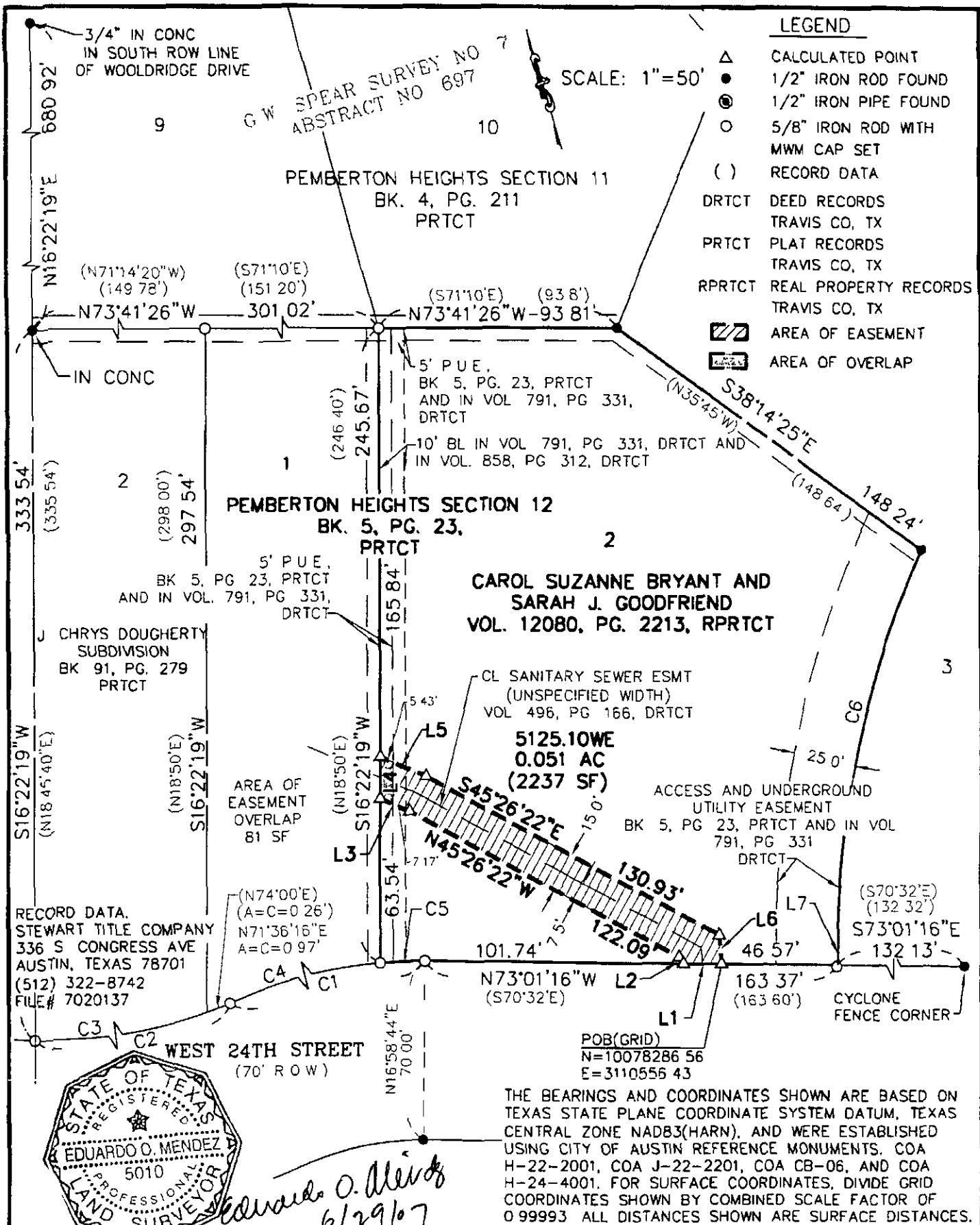
Bearing Basis: The bearings and coordinates shown are based on Texas State Plane Coordinate System Datum, Texas Central Zone NAD83(Harn), and were established using City of Austin reference monuments: COA H-22-2001, COA J-22-2201, COA CB-06, and COA H-24-4001. For surface coordinates, divide grid coordinates shown by combined scale factor of 0.99993. All distances shown are surface distances.

TCAD No.. 0115010840
CITY GRID No.. H24

FIELD NOTES REVIEWED

By: *Baum* Date: *7-5-07*

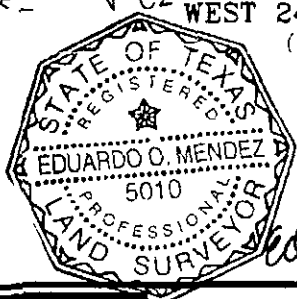
Austin Clean Water Program
Survey Coordinator



LEGEND

- △ CALCULATED POINT
- 1/2" IRON ROD FOUND
- ⊙ 1/2" IRON PIPE FOUND
- 5/8" IRON ROD WITH MWM CAP SET
- () RECORD DATA
- DRCT DEED RECORDS TRAVIS CO, TX
- PRCT PLAT RECORDS TRAVIS CO, TX
- RPRTCT REAL PROPERTY RECORDS TRAVIS CO, TX
- AREA OF EASEMENT
- AREA OF OVERLAP

RECORD DATA.
STEWART TITLE COMPANY
336 S CONGRESS AVE
AUSTIN, TEXAS 78701
(512) 322-8742
FILE# 7020137



Eduardo O. Mendez
6/29/07

mwm Design Group

Chase Park One
7700 Chevy Chase Dr
Suite 100
Austin, Texas 78753
p 512 453 0
f 512 453 1

Exhibit "A"
Page 3 of 4

**SKETCH TO ACCOMPANY
FIELD NOTES**

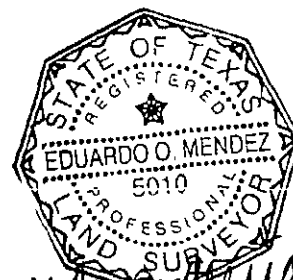
TRAVIS COUNTY, TEXAS

DATE 15 JUN 07
JOB NO 39601B
FILE 5125 10WE

3
3 OF 4

CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	CHORD BEARING	CHORD
C1	288.39'	35°30'00"	178.68'	S89°13'44"W	175.84'
(C1)	(288.39')	(35°30'00")	(178.68')	(S89°13'44"W)	(175.84')
C2	222.27'	40°56'52"	158.85'	S88°02'50"E	155.49'
C3	222.27'	40°41'50"	157.88'	S87°55'18"E	154.58'
(C3)	(222.27')		(157.41')	(S85°28'20"E)	(154.15')
C4	288.39'	31°59'59"	161.07'	S87°28'44"W	158.98'
(C4)	(288.39')		(161.60')	(S89°59'E)	(159.50')
C5	288.39'	3°30'01"	17.62'	N74°46'16"W	17.62'
(C5)	(288.39')		(17.08')	(S72°13'E)	(17.07')
C6	379.40'	23°47'54"	157.59'	S28°46'16"W	156.46'
(C6)	(379.40')	(23°53')	(157.01')	(N31°24'E)	(157.01')

LINE TABLE		
LINE	BEARING	LENGTH
L1	N73°01'16"W	15.06'
L2	N11°41'44"E	1.68'
L3	N50°37'44"W	12.60'
L4	N16°22'19"E	16.30'
L5	S50°37'44"E	19.65'
L6	S11°41'44"W	11.23'
L7	S16°58'44"W	8.50'



Eduardo O. Mendez
6/29/07

mwm
DesignGroup

Chase Park One
7700 Chevy Chase Dr
Suite 100
Austin, Texas
p 512.453.0
f 512.453.1

Exhibit "A"
Page 4 of 4

SKETCH TO ACCOMPANY
FIELD NOTES

TRAVIS COUNTY, TEXAS

DATE 18 JUN 07
JOB NO 396018
FILE BRYANT DWG

4

4 OF 4

Carol Suzanne Bryant
and Sarah J. Goodfriend
To
City of Austin
(for Temporary Working
Space Easement)

Field Notes for Parcel 5125.10TWSE

BEING 0.014 OF ONE ACRE (597 S.F.) OF LAND, MORE OR LESS, OUT OF AND A PART OF THE G.W. SPEAR SURVEY NO. 7, ABSTRACT NO. 697 IN TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF LOT 2 OF PEMBERTON HEIGHTS SECTION 12, RECORDED IN BOOK 5, PAGE 23 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, CONVEYED TO CAROL SUZANNE BRYANT AND SARAH J. GOODFRIEND BY DEED EXECUTED ON DECEMBER 9, 1993, AND FILED FOR RECORD ON DECEMBER 10, 1993, RECORDED IN VOLUME 12080, PAGE 2213, OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.014 OF ONE ACRE (597 S.F.) OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH.

BEGINNING at a calculated point in the northeasterly right-of-way line of West 24th Street (70' R.O.W.), same being in the southwesterly line of said Lot 2, for the Point of Beginning and the most southerly corner of the herein described tract of land having Texas State Plane Coordinate (Texas Central Zone, NAD 83 (93)(HARN), US Feet, Combined Scale Factor 0.99993) values of N=10078319.24 and E=3110449.40, same being North 73°01'16" West, a distance of 158.11 feet from a 5/8 inch iron rod with MWM cap set at the most southerly corner of said Lot 2;

1) THENCE, North 73°01'16" East, a distance of 4.88 feet, with the northeasterly right-of-way line of West 24th Street and the southwesterly line of said Lot 2, to a 5/8 inch iron rod with MWM cap set at the point of curvature of a circular curve to the left;

2) THENCE, along said curve to the left of 288.39 feet radius, an arc distance of 5.56 feet, having an angle of intersection of 01°06'14" (the long chord of said curve bears North 73°34'23" West, a distance of 5.56 feet), to a calculated point for the southwesterly corner of the herein described tract of land;

3) THENCE, North 00°00'00" East, a distance of 36.84 feet, leaving the northeasterly right-of-way line of West 24th Street and the southwesterly line of said Lot 2 and crossing said Lot 2, to a calculated point for an angle point hereof;

4) THENCE, North 32°35'32" East, a distance of 25.14 feet, to a calculated point for the most northerly corner of the herein described tract of land;

5) THENCE, South 50°37'44" East, a distance of 3.15 feet, to a calculated point for an angle point hereof,

6) THENCE, South 45°26'22" East, a distance of 7.02 feet, to a calculated point for the northeasterly corner of the herein described tract of land,

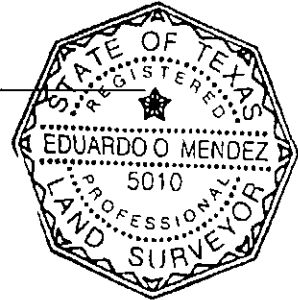
7) THENCE, South 32°35'32" West, a distance of 20.39 feet, to a calculated point for an angle point hereof;

8) THENCE, South 00°00'00" West, a distance of 36.91 feet, to the Point of Beginning and containing an area of 0.014 of one acre (597 S. F.) of land, more or less.

Eduardo O. Mendez

Eduardo O. Mendez
Registered Professional Land Surveyor 5010

6/29/07
Date



MWM DesignGroup
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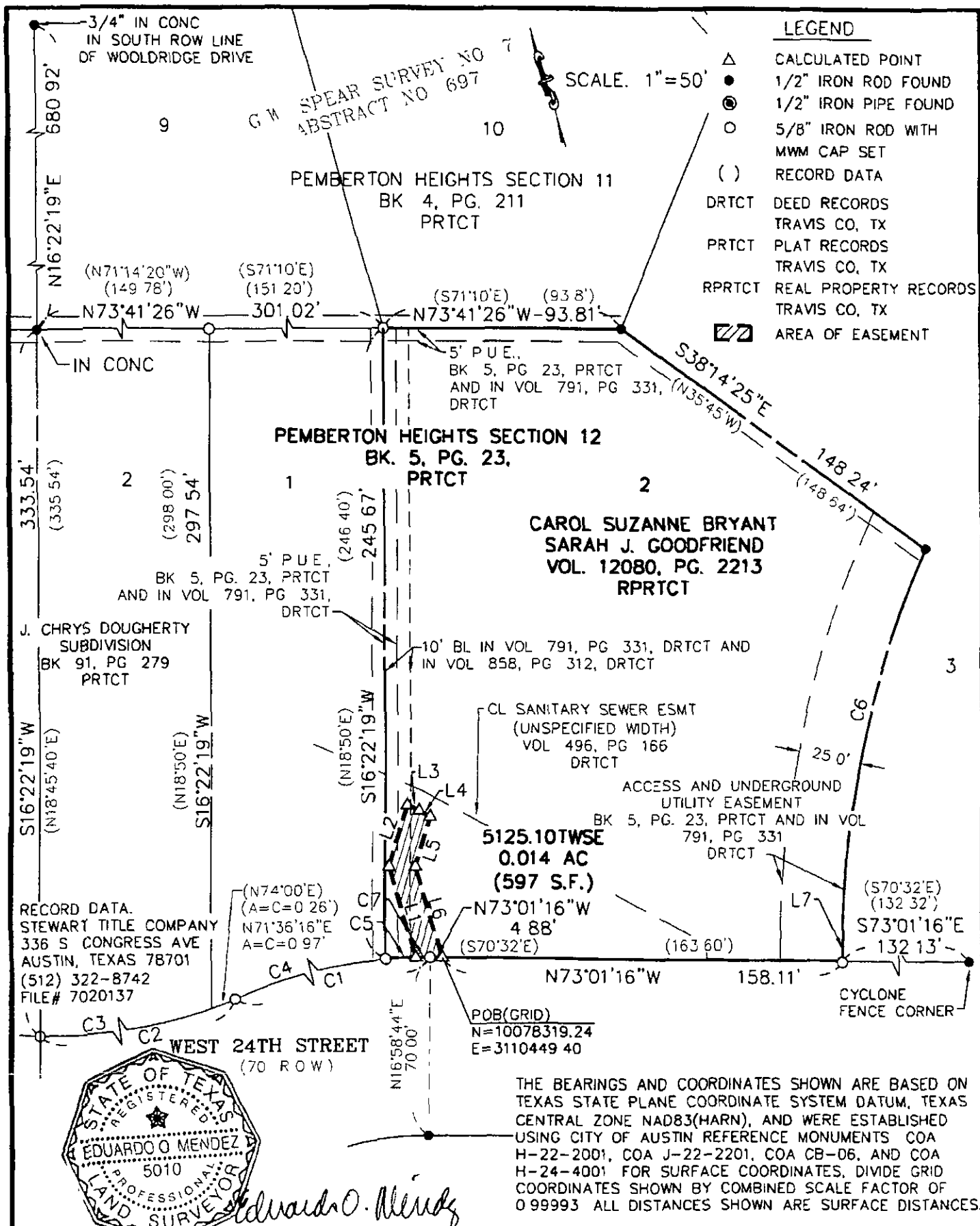
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TCAD No.: 0115010840
CITY GRID No.: H24

FIELD NOTES REVIEWED

By: PSam Date: 7-5-07

Austin Clean Water Program
Survey Coordinator



mwm
Design Group

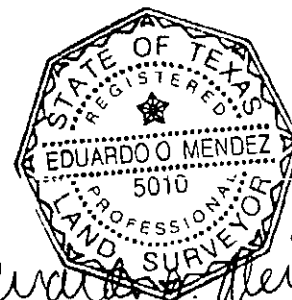
Chase Park One
7700 Chevy Chase Dr
Suite 100
Austin, Texas 78752
p 512 453 07
f 512 453 17

Exhibit "B"
Page 3 of 4

TRAVIS COUNTY, TEXAS

LINE TABLE		
LINE	BEARING	LENGTH
L1	N00°00'00"E	36.84'
L2	N32°35'32"E	25.14'
L3	S50°37'44"E	3.15'
L4	S45°26'22"E	7.02'
L5	S32°35'32"W	20.39'
L6	S00°00'00"W	36.91'
L7	S16°58'44"W	8.50'

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(C3)	(222.27')		(157.41')	(S85°28'20"E)	(154.15')
C4	288.39'	31°59'59"	161.07'	S87°28'44"W	158.98'
(C4)	(288.39')		(161.60')	(S89°59'E)	(159.50')
C5	288.39'	3°30'01"	17.62'	N74°46'16"W	17.62'
(C5)	(288.39')		(17.08')	(S72°13'E)	(17.07')
C6	379.40'	23°47'54"	157.59'	S28°46'16"W	156.46'
(C6)	(379.40')	(23°53')	(157.01')	(N31°24'E)	(157.01')
C7	288.39'	01°06'14"	5.56'	N73°34'23"W	5.56'



Eduardo O. Mendez
6/29/07

mwm
Design Group

Chase Park One
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Suite 100
Austin, Texas
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f 512.453.1

Exhibit "B"
Page 4 of 4

SKETCH TO ACCOMPANY
FIELD NOTES

TRAVIS COUNTY, TEXAS

DATE 18 JUN 07
JOB NO 396018
FILE BRYANT, TWSI

4

4.DEA