

**RESOLUTION NO. 20080410-016**

**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 the 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:	Villasenor Family Limited Partnership, a Texas limited partnership
Project:	Govalle 4 –Waller Pedernales 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

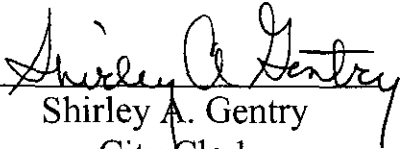
the temporary working space easement described in the attached Exhibit "B" is necessary to install the permanent wastewater lines and appurtenances thereto in the permanent wastewater line easement described in the attached Exhibit "A."

Location: 2704 E. Cesar Chavez Street, Austin, Texas

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

**ADOPTED:** April 10, 2008

**ATTEST:**

  
Shirley A. Gentry  
City Clerk

Field Notes for Parcel 5109.42 WE

DESCRIBING 0.045 OF AN ACRE OF LAND (1,949 SQUARE FEET), IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PART OF OUTLOT 28, DIVISION "O", AS SHOWN ON "A TOPOGRAPHICAL MAP OF THE GOVERNMENT TRACT ADJOINING THE CITY OF AUSTIN," ON FILE IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS, SAME BEING A PART OF THAT TRACT DESCRIBED AS ITEM 6 OF EXHIBIT A IN A WARRANTY DEED TO VILLASENOR FAMILY LIMITED PARTNERSHIP EXECUTED ON DECEMBER 31, 1996 AND RECORDED IN VOLUME 12843 PAGE 1509 OF THE REAL PROPERTY RECORDS OF SAID COUNTY, SAID ITEM 6 BEING FURTHER DESCRIBED IN DEEDS RECORDED IN VOLUME 8068 PAGE 381 OF THE DEED RECORDS OF SAID COUNTY AND VOLUME 9163 PAGE 317 OF THE REAL PROPERTY RECORDS OF SAID COUNTY, SAID 0.045 OF AN ACRE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a nail set in the north right-of-way line of East Cesar Chavez Street (60' R.O.W.), same being in the south line of said Outlot 28 and at the southwest corner of said Item 6, same being the southeast corner of that certain tract of land described in a deed to Linda Munoz Burkpile, et al recorded in Document Number 2005180937 of the Official Public Records of said County, from which an iron rod found in the south line of said Outlot 28 at the southeast corner of said tract described in Volume 8068 Page 381 bears S69°30'44"E, 86.46 feet; said POINT OF BEGINNING being the southwest corner of the herein described tract of land, having Texas State Plane Grid Coordinate (Texas Central Zone, NAD83 HARN, US feet, Combined Scale Factor 0.99994565106) values of N:10,065,652.84 and E: 3,123,567.87;

THENCE, with the common line of said tract described in Volume 8068 Page 381 and said Burkpile tract, N20°49'54"E, 129.94 feet to a nail set at the common north corner of said tract described in Volume 8068 Page 381 and said Burkpile tract, same being in the south line of a 20' alley as dedicated by W.B. Anthony's Subdivision of East 2/3 of Outlot 28 and east 2/3 of South 1/2 of Outlot 12 Division "O" as recorded in Volume 466 Page 114 of the Deed Records of said County, from which an iron rod found at the northwest corner of said Burkpile tract bears N67°59'09"W, 43.21 feet;

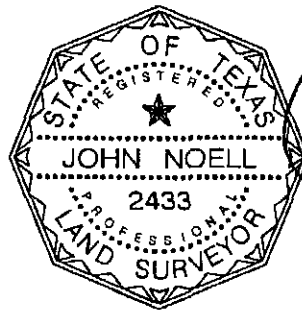
THENCE, with the common line of said alley and said tract described in Volume 8068 Page 381, S69°28'44"E, 15.00 feet to a nail set from which an iron pipe found at the northeast corner of said tract described in Volume 8068 Page 381 bears S69°28'44"E, 71.45 feet and an iron rod found at the common south corner of Lot 5 and Lot 6, Block

No. 1, of said Anthony's Subdivision bears S69°28'44"E, 71.45 feet to an iron pipe found, S69°25'41"E, 19.50 feet and N20°34'19"E, 20.12;

THENCE, through the interior of said tract described in Volume 8068 Page 381, S20°49'54"W, 129.93 feet to a nail set in the common line of said East Cesar Chavez Street and said tract described in Volume 8068 Page 381 from which an iron rod found at the southeast corner of said tract described in Volume 8068 Page 381 bears S69°30'44"E, 71.46 feet;

THENCE, with the common line of said street and the south line of said tract described in Volume 8068 Page 381, N69°30'44"W, 15.00 feet to the POINT OF BEGINNING and containing 0.045 of an acre of land.

Prepared by:  
URBAN DESIGN GROUP  
3660 Stoneridge Road, # E101  
Austin, Texas 78746  
(512) 347-0040



*[Signature]*  
John Noell, R.P.L.S. #2433

10-23-01

Date:

Revised 11-07-2007

Map attached.

References: TCAD 02 0211 0526  
Austin Grid MK21

UDG #04-305  
FN #852

Bearing Basis Note

The bearings described herein are Texas State Plane Grid Coordinates and Bearings (Central Zone 4203, NAD 83 HARNIS Datum. Central Points were established from reference point "TXAU"

Coordinated Values N: 10,086,515.89 E: 3,109,682.48 and "EZAU" Coordinate  
Values N: 10,049,633.34 E: 3,116,718.88

**FIELD NOTES REVIEWED**

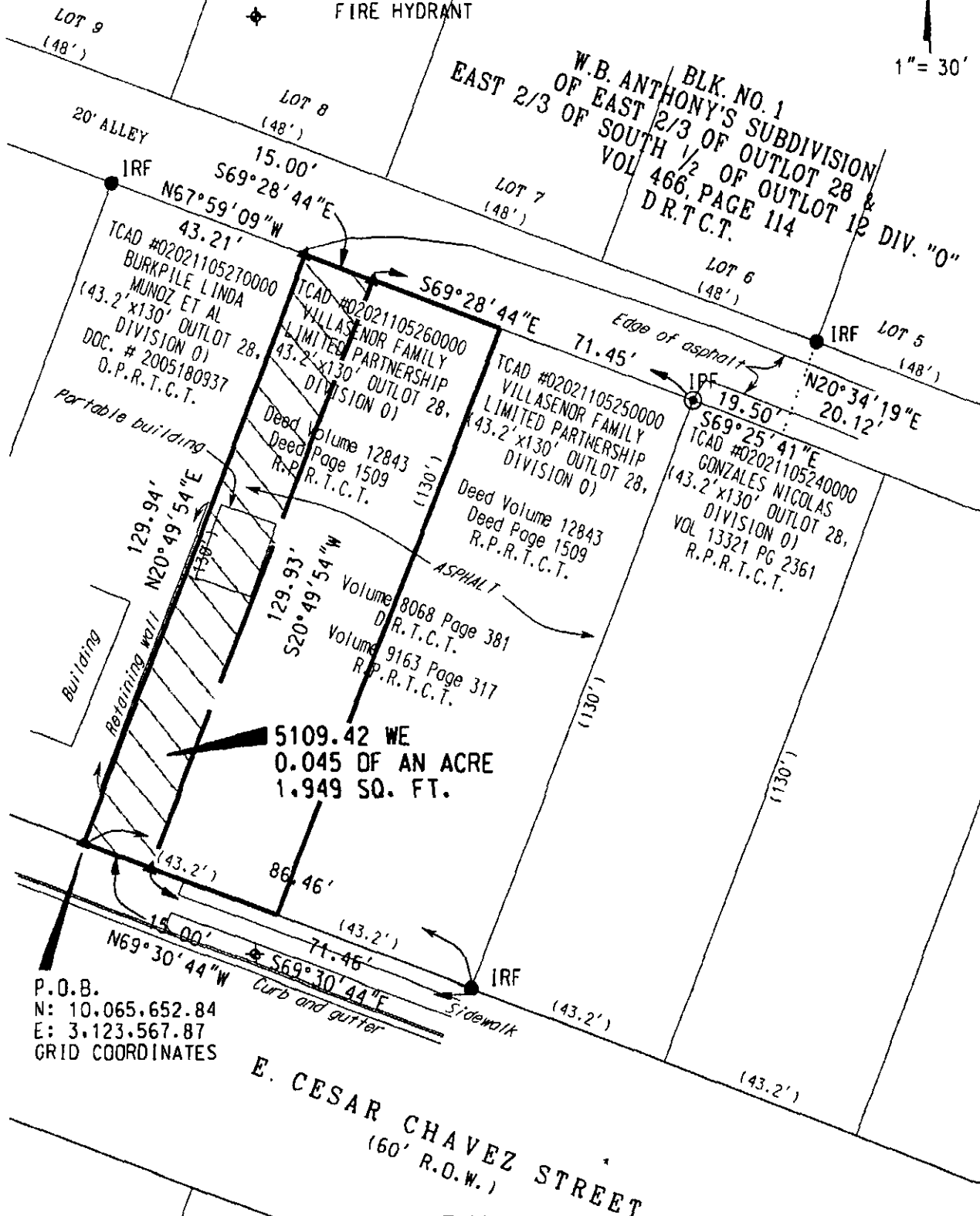
By: BDN Date: 20 Nov. 2007

**Austin Clean Water Program  
Survey Coordinator**

LEGEND

▲ CALCULATED POINT  
 ▴ NAIL SET  
 ▨ AREA OF EASEMENT  
 ( ) RECORD DATA  
 — PROPERTY LINE  
 D.R.T.C.T. DEED RECORDS TRAVIS CO. TX.  
 R.P.R.T.C.T. REAL PROPERTY RECORDS TRAVIS CO., TX.  
 P.O.B. POINT OF BEGINNING  
 IRF IRON ROD FOUND  
 ♦ FIRE HYDRANT  
 IPF IRON PIPE FOUND  
 O.P.R. OFFICIAL PUBLIC RECORDS  
 T.C.T. TRAVIS CO., TX.

1" = 30'



Field Notes for Parcel 5109.42 TWSE

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BEGINNING at a calculated point in the north right-of-way line of East Cesar Chavez Street (60' R.O.W.), same being in the south line of said Outlot 28 and from which an iron rod found in the said south line at the southeast corner of said tract described in Volume 8068 Page 381 bears S69°30'44"E, 56.46 feet; said POINT OF BEGINNING being the southeast corner of the herein described tract of land, having Texas State Plane Coordinate (Texas Central Zone, NAD83 HARN, US feet, Combined Scale Factor 0.99994565106) values of N:10,065,642.34 and E:3,123,595.98;

THENCE, with the common line of said East Cesar Chavez Street, and said tract described in Volume 8068 Page 381, N69°30'44"W, 15.00 feet to a nail set from which a nail set at the southwest corner of said tract described in Volume 8068 Page 381, same being at the southeast corner of that certain tract of land described in a deed to Linda Munoz Burkpile, et al as recorded in Document Number 2005180937 of the Official Public Records of said County, bears N69°30'44"W, 15.00 feet;

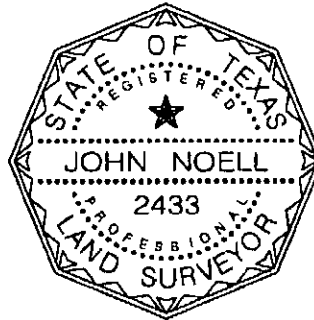
THENCE, through the interior of said tract described in Volume 8068 Page 381, N20°49'54"E, 129.93 feet to a nail set in the north line of said tract same being the south line of a 20' alley, as dedicated by W.B. Anthony's Subdivision of East 2/3 of Outlot 28 and East 2/3 of South ½ of Outlot 12 Division "O" as recorded in Volume 466 Page 114 of the Deed Records of said County, from which an iron rod found at the northwest corner of said Burkpile tract bears N69°28'44"W, 15.00 feet to a nail set at the common north corner of said tract recorded in Volume 8068 Page 381 and said Burkpile tract and N67°59'09"W, 43.21 feet;

THENCE, with the common line of said alley and said tract described in Volume 8068 Page 381, S69°28'44"E, 15.00 feet to a calculated point from which an iron pipe found at the northeast corner of said tract described in Volume 8068 Page 381, bears S69°28'44"E, 56.45 feet and an iron rod found at the common south corner of Lot 5 and Lot 6, Block No. 1 of said W. B. Anthony's Subdivision bears S69°28'44"E, 56.45 feet to an iron pipe found, S69°25'41"E, 19.50 feet and N20°34'19"E, 20.12 feet;

THENCE, through the interior of said tract described in Volume 8068 Page 381, S20°49'54"W, 129.92 feet to the POINT OF BEGINNING and containing 0.045 of an acre of land.

Prepared by.  
URBAN DESIGN GROUP  
3660 Stoneridge Road, # E101  
Austin, Texas 78746  
(512) 347-0040

Map attached.



  
John Noell, R.P.L.S. #2433

10-23-07

Date:

Revised 11-07-2007

References: TCAD 02 0211 0526  
Austin Grid MK21

UDG #04-305  
FN #853

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FIELD NOTES REVIEWED

By: BAN Date: 20 Nov. 2007

