

RESOLUTION NO. 20080424-015

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 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 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

Owner: Buck Allan

Project. Govalle 1 – South 2nd Street Reroute and Area
Improvements, 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: 1114 South 1st Street, Austin, Texas

Property: Described in the attached and incorporated Exhibit A

ADOPTED: April 24, 2008

ATTEST: *Shirley A. Gentry* for
Shirley A. Gentry
City Clerk



MACIAS & ASSOCIATES, L.P.
LAND SURVEYORS

BUCK ALLAN
TO
CITY OF AUSTIN
(WASTEWATER EASEMENT)
July 20, 2007

DESCRIPTION FOR PARCEL 5118.52WE

DESCRIPTION OF A 0.046 ACRE (2,025 SQUARE FOOT) TRACT OF LAND OUT OF LOT 1, BLOCK C OF THE PARTITION OF THE ESTATE OF JAMES E BOULDIN OUT OF THE ISAAC DECKER LEAGUE IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, SAID PARTITION BEING RECORDED IN BOOK U, PAGE 78, DISTRICT COURT MINUTES OF TRAVIS COUNTY, TEXAS; SAID 0.046 ACRE (2,025 SQUARE FOOT) TRACT ALSO BEING OUT OF A 0.161 ACRE TRACT DESCRIBED IN A GENERAL WARRANTY DEED EXECUTED JANUARY 26, 2007 TO BUCK ALLAN, RECORDED IN DOCUMENT NO. 2007017412, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.046 ACRE (2,025 SQUARE FOOT) TRACT AS SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS

COMMENCING for reference at a 1/2" iron rod found on the west right-of-way line of South 1st Street, at the northeast corner of a 50-foot by 100-foot tract of land described in a Distribution Deed executed August 6, 2002 to Kimberly Ann Eitze, recorded in Document No. 2002152885, Official Public Records of Travis County, Texas, and at the southeast corner of a tract of land described in a Warranty Deed with Vendor's Lien executed February 27, 1998 to David R. Woods and wife, Ellen Bartel, recorded in Volume 13142, Page 1706, Real Property Records of Travis County, Texas,

THENCE, S 28°24'21" W, with the west right-of-way line of South 1st Street and the east line of said Eitze tract, a distance of 50.00 feet to a 1/2" iron rod with plastic cap stamped "MACIAS & ASSOC" set having Texas State Plane Coordinate (Central Zone, NAD83 (CORS), U.S. Feet, Combined Scale Factor 1.00010) values of N=10,065,008.29, E=3,110,941.08, at the most easterly northeast corner of said 0.161 acre tract and at the southeast corner of said Eitze tract, for the northeast corner and the **POINT OF BEGINNING** of this tract,

THENCE, S 28°24'21" W, continuing with the west right-of-way line of South 1st Street and the east line of said 0.161 acre tract, a distance of 15.03 feet to a chiseled "X" in concrete for the southeast corner of this tract,

0.046 Acre (2,025 Square Feet)
Wastewater Easement

Exhibit "A"
Page 1 of 6

5118.52WE

THENCE, across said 0.161 acre tract, the following six (6) courses

- 1) N 63°01'58" W, a distance of 5.26 feet to a chiseled "X" in concrete for a corner of this tract,
- 2) N 27°18'51" E, a distance of 5.99 feet to a chiseled "X" in concrete for an interior corner of this tract,
- 3) N 64°06'09" W, a distance of 56.41 feet to a chiseled "X" in concrete for an interior corner of this tract,
- 4) S 26°38'55" W, a distance of 4.94 feet to a chiseled "X" in concrete for a corner of this tract,
- 5) N 63°01'58" W, a distance of 10.12 feet to a 60d nail set for an interior corner of this tract,
- 6) S 27°32'56" W, a distance of 30.21 feet to a 60d nail set on the south line of said 0.161 acre tract and on the north line of a 0.1603 acre tract known as Riverwalk Condominiums, a condominium project established according to the Condominium Declaration recorded in Volume 7400, Page 513, Deed Records of Travis County, Texas, for a corner of this tract,

THENCE, N 62°27'04" W, with the south line of said 0.161 acre tract and the north line of said 0.1603 acre tract, a distance of 10.00 feet to a chiseled "X" in concrete for a corner of this tract, from said point, a mag nail found on the east line of a 0.9675 acre tract referred to as Tract 1 in a General Warranty Deed executed February 11, 1982 to the City of Austin, recorded in Volume 7682, Page 204, Deed Records of Travis County, Texas, at the southwest corner of said 0.161 acre tract and at the northwest corner of said 0.1603 acre tract, bears N 62°27'04" W, 24.94 feet,

THENCE, across said 0.161 acre tract, the following two (2) courses

- 1) N 27°32'56" E, a distance of 30.11 feet to a 60d nail set an interior corner of this tract,
- 2) N 63°01'58" W, a distance of 36.53 feet to a mag nail set on the west line of said 0.161 acre tract and on the east line of said 0.9675 acre tract, for the southwest corner of this tract, from said point, a mag nail found at the southwest corner of said 0.161 acre tract and at the northwest corner of said 0.1603 acre tract, bears S 06°15'27" W, 31.92 feet,

THENCE, N 06°15'27" E, with the west line of said 0.161 acre tract and the east line of said 0.9675 acre tract, a distance of 21.38 feet to a mag nail set for the northwest corner of this tract, from said point, a 60d nail found at the northwest corner of said 0.161 acre tract and at a corner of a tract of land described in a Warranty Deed with Vendor's Lien executed June 1, 1995 to Leslie M. Moore and Magdalena M. Rood, recorded in Volume 12451, Page 2251, Real Property Records of Travis County, Texas, N 06°15'27" E, 49.95 feet,

THENCE, S 63°01'58" E, across said 0.161 acre tract, a distance of 25.50 feet to a 60d nail set on the most northerly east line of said 0.161 acre tract and on the west line of said Eitze tract, for a corner of this tract, from said point, a 1/2" iron rod found at the most northerly northeast corner of said 0.161 acre tract, at the most southerly southeast corner of said Moore/Rood tract and at the northwest corner of said Eitze tract, bears N 29°12'27" E, 46.77 feet,

THENCE, with the common line between said 0.161 acre tract and said Eitze tract, the following two (2) courses

- 1) S 29°12'27" W, at 2.19 feet, pass a 1/2" iron rod found, and continuing a total distance of 3.24 feet to a 1/2" iron rod with plastic cap stamped "MACIAS & ASSOC" set at an interior corner of said 0.161 acre tract and at the southwest corner of said Eitze tract, for an interior corner of this tract;
- 2) S 62°02'37" E, a distance of 100.82 feet to the **POINT OF BEGINNING** and containing 0.046 acre (2,025 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

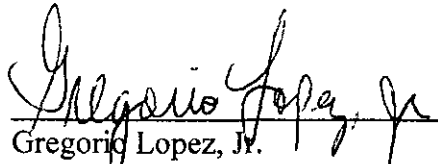
THE STATE OF TEXAS §
COUNTY OF TRAVIS §

KNOW ALL MEN BY THESE PRESENTS

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 20th day of July, 2007, A.D

Macias & Associates, L.P
5410 South 1st 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 01-0101-1125
MACIAS & ASSOCIATES, L.P , PROJECT NO 290-22-07

FIELD NOTES REVIEWED

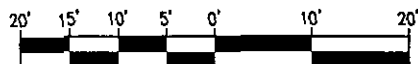
By: P. Sam Date: 7/24/07

Austin Clean Water Program
Survey Coordinator

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

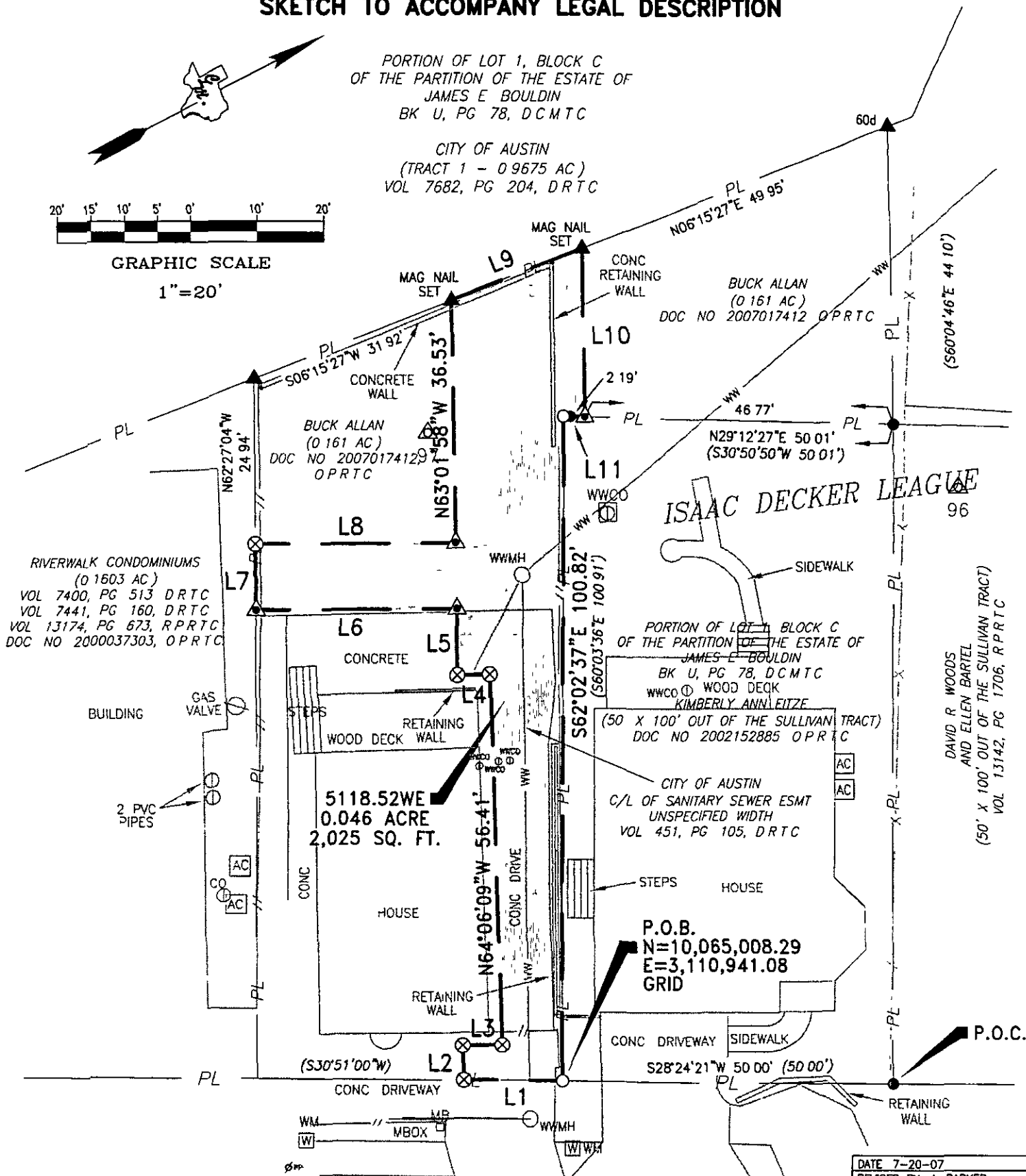
PORTION OF LOT 1, BLOCK C
OF THE PARTITION OF THE ESTATE OF
JAMES E BOULDIN
BK U, PG 78, DCMTC

CITY OF AUSTIN
(TRACT 1 - 0.9675 AC)
VOL 7682, PG 204, DRTC



GRAPHIC SCALE

1"=20'



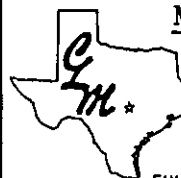
SOUTH 1ST STREET

Exhibit "A"
Page 5 of 6

DATE 7-20-07
REVISED BY J PARKER
MAI JOB NO 290-22-07
REFERENCE FB 410 & 472

J:\JOBS\BINKLEY-BARFIELD\S 2ND\2902207\DWG\5118 52WE.dwg

MACIAS & ASSOCIATES, L.P.
LAND SURVEYORS



5410 SOUTH 1ST STREET

AUSTIN, TEXAS 78745 PH (512)442-7875

FAX (512)442-7876 EMAIL MACIASURVEY@EARTHLINK.NET

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

LINE TABLE		
NO	BEARING	DISTANCE
L1	S28°24'21"W	15 03'
L2	N63°01'58"W	5 26'
L3	N27°18'51"E	5 99'
L4	S26°38'55"W	4 94'
L5	N63°01'58"W	10 12'
L6	S27°32'56"W	30 21'
L7	N62°27'04"W	10 00'
L8	N27°32'56"E	30 11'
L9	N06°15'27"E	21 38'
L10	S63°01'58"E	25 50'
L11	S29°12'27"W	3 24'

LEGEND	
●	1/2" IRON ROD FOUND
▲	MAG NAIL FOUND (UNLESS OTHERWISE NOTED)
○	1/2" IRON ROD WITH PLASTIC CAP STAMPED "MACIAS & ASSOC" SET
⊗	CHISELED "X" IN CONCRETE
▲	60D NAIL SET
P O B	POINT OF BEGINNING
P O C	POINT OF COMMENCEMENT
ROW	RIGHT-OF-WAY
-PL-	PROPERTY LINE
DOC NO	DOCUMENT NUMBER
VOL., PG	VOLUME, PAGE
D R T C	DEED RECORDS OF TRAVIS COUNTY
P R T C	PLAT RECORDS OF TRAVIS COUNTY
D C M T C	DISTRICT COURT MINUTES TRAVIS COUNTY
R P R T C	REAL PROPERTY RECORDS OF TRAVIS COUNTY
O P R T C	OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY
()	RECORD INFORMATION

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" (CB11) HAVING COORDINATE VALUES OF N=10,061,108.04, E=3,109,304.63 ALL DISTANCES SHOWN ARE SURFACE DISTANCES



Gregorio Lopez, Jr. - July 20, 2007
 Gregorio Lopez, Jr.
 Registered Professional Land Surveyor
 No. 5272 - State of Texas

Exhibit "A"
 Page 6 of 6

DATE 7-20-07
 REVISED BY J. PARKER
 MAI JOB NO. 290-22-07
 REFERENCE FB 410 & 472

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 LAND SURVEYORS

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