

RESOLUTION NO. 20080508-010

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 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: MP Braker, L P , a Texas Limited Partnership

Project. Braker at IH35 TSM

Intended Purpose the right of way dedication described in the attached Exhibit "A" is necessary to provide safety improvements to a nearby traffic intersection by adding a designated turn lane, and

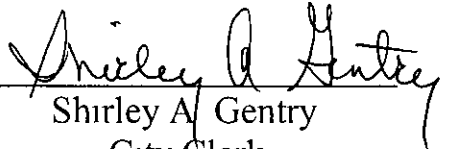
the temporary construction easement described in the attached Exhibit "B" is necessary to construct the improvements described in the attached Exhibit "A "

Location 611 E Braker Lane, Austin, Texas 78753

Property Described in the attached and incorporated Exhibits A and B

ADOPTED: May 8, 2008

ATTEST:


Shirley A. Gentry
City Clerk

LEGAL DESCRIPTION

FOR A 0 015 OF AN ACRE (640 SQUARE FOOT) TRACT OF LAND OUT OF THE JOHN APPLGAI SURVEY NO 58, ABSTRACT NO 29, TRAVIS COUNTY, TEXAS BEING PORTION OF A CALLED 1 74 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED DATED APRIL 13, 2000 TO MP BRAKER, LP RECORDED IN DOCUMENT NO 2000056544 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, SAID 0 015 ACRE (640 SQUARE FOOT) TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH

BEGINNING at a 3/8 inch iron rod found, having Texas State Plane Coordinate (Texas Central Zone, NAD83(HARN93), U S Feet, Combined Scale Factor 0 99991) values of N=10111010 68, E=3133791 01 on the south right-of-way line of East Braker Lane (ROW width varies) in the west line of said 1 74 acre tract, being also the east line of LOT B, WM GEPHART SUBDIVISION, as shown on the plat recorded in Volume 16 Page 20 of the Plat Records of Travis County, Texas, for the northwest corner hereof.

THENCE along the south right-of-way line of said East Braker Lane, with the following two (2) courses and distances

- 1 **S 64° 04' 10" E** a distance of **116.24 feet** to a 1/2 inch iron rod found with aluminum cap for the point of curvature hereof,
- 2 Along a curve to the left with radius of **725.00 feet** an arc length of **72 38 feet** central angle of **05° 43' 11"**, and a chord that bears **S 67° 07' 44" E** a distance of **72.35 feet** to a 1/2 inch iron rod found with aluminum cap on the east line of said 1 74 acre tract, being also the west boundary line of LOT1 C L DANIEL, JR SUBDIVISION as shown on the plat recorded in Volume 59, Page 87 of the Plat Records of Travis County, Texas, at the northwest corner of a called 0 804 acre tract described in a Warranty Deed with Vender's Lien dated July 28, 2004 to Braker Properties L L C recorded in Document No 2004145505 of the Official Public Records of Travis County, Texas, for the northeast corner hereof,

THENCE along the east line of said 1 74 acre tract, being also the west line of said 0 804 acre tract and said LOT 1, **S 27° 29' 48" W** a distance of **5.07 feet** to a 1/2 inch iron rod set with 'Baker-Aicklen' cap, for the southeast corner hereof, from which a 1/2 inch iron rod found at the southwest corner of said 0 804 acre tract, being also the southwest corner of LOT 3 of said C L DANIELS JR SUBDIVISION, bears **S 27° 29' 48 ' W** a distance of 211 05 feet,

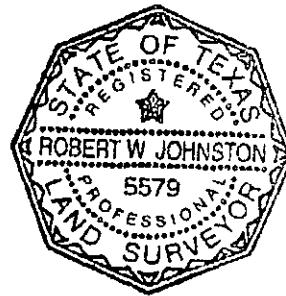
THENCE departing the east line and crossing said 1 74 acre tract, the following four (4) courses and distances

- 1 Along a curve to the right with a radius of **808.50 feet**, an arc length of **70 90 feet**, central angle of **05° 01' 29"** and a chord that bears **N 66° 43' 44" W** a distance of **70.88 feet** to a 1/2 inch iron rod set with "Baker-Aicklen" cap, for the point of tangency hereof,
- 2 **N 64° 13' 00" W** a distance of **9.99 feet** to a 1/2 inch iron rod set with "Baker-Aicklen" cap for the point of curvature hereof,
- 3 Along a curve to the right with a radius of **308.50 feet** an arc length of **14.75 feet** central angle of **02° 44' 23"** and a chord that bears **N 62° 50' 49" W** a distance of **14.75 feet** to a 1/2 inch iron rod set with "Baker-Aicklen" cap, for the point of tangency hereof and
- 4 **N 61° 28' 33" W** a distance of **92.90 feet** to the **POINT OF BEGINNING** containing 0 015 acres (640 square feet) of land

Bearing basis is grid north for the Texas Central Zone (4203) NAD 83/93 HARN

Surveyed under the direct supervision of the undersigned during July, 2007

Robert W Johnston 2/13/2008
Robert W Johnston
Registered Professional Land Surveyor No 5579
BAKER-AICKLEN & ASSOCIATES, INC
405 Brushy Creek Road
Cedar Park, Texas 78613
(512) 244-9620



Job No 0020-2-046-11
Filename W:\PROJECTS\COA\BRAKER LN@IH-35\EASEMENT\F-NOTES\0 015AC.DOC

REFERENCES

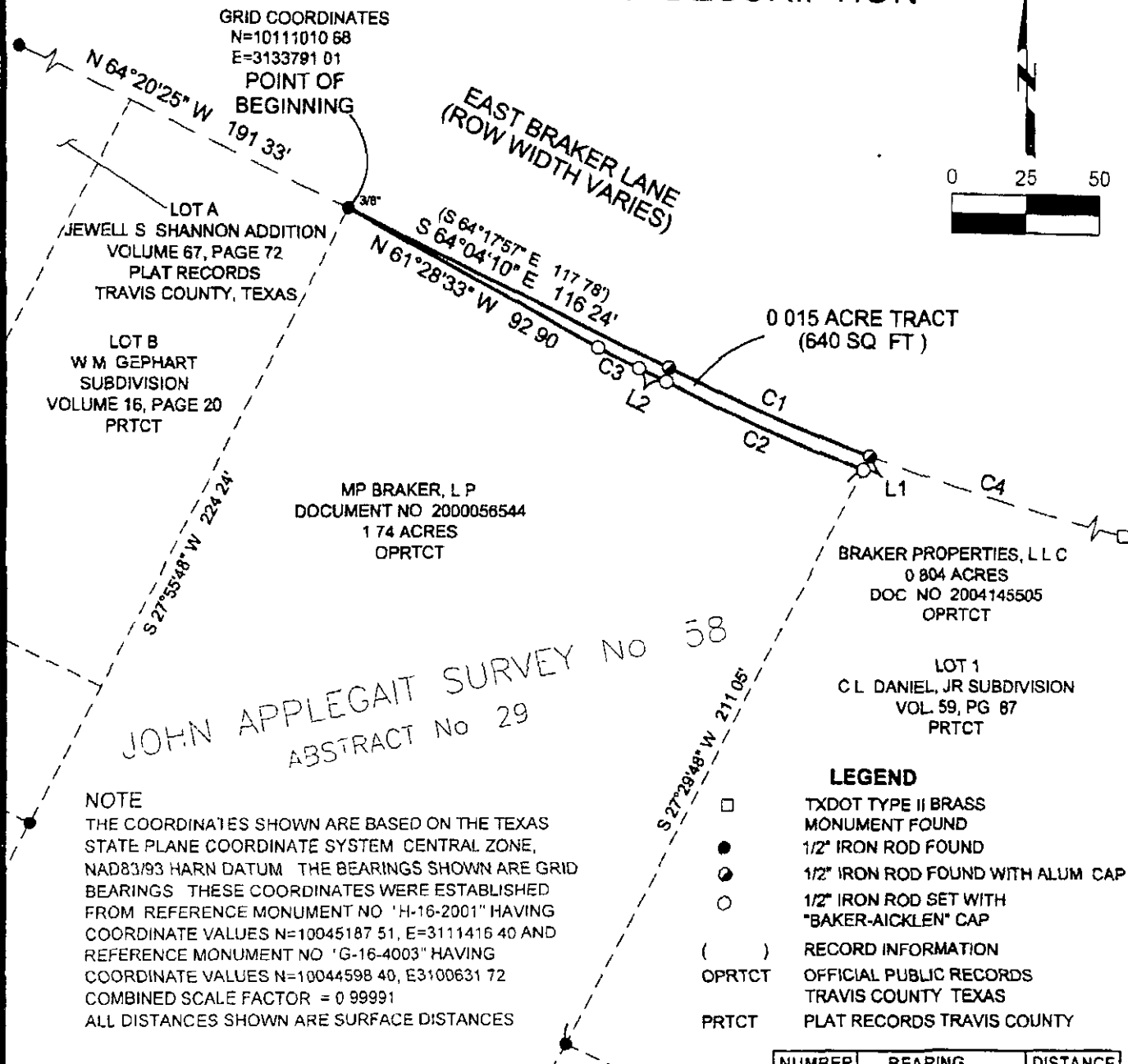
TCAD No 02-4623-05-03
Austin Grd MM-31

FIELD NOTES REVIEWED

By [Signature] Date 2/14/08

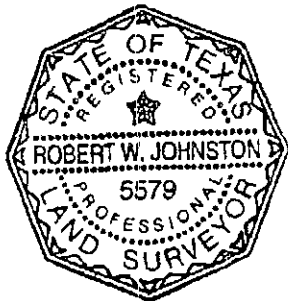
Engineering Support Section
Department of Public Works
and Transportation

SKETCH TO ACCOMPANY LEGAL DESCRIPTION



NUMBER	BEARING	DISTANCE
L1	S 27°29'48" W	5.07
L2	N 64°13'00" W	9.99
L3	S 75°14'36" E	127.11

NUMBER	RADIUS	ARC	CEN. ANGLE	CH. BRG.	CHORD
C1	725.00'	72.38'	05°43'11"	S 67°07'44" E	72.35'
(C1)	(725.00')	(72.36')	(05°43'07")	(S 67°09'30" E)	(72.33')
C2	808.50'	70.90'	05°01'29"	N 66°43'44" W	70.88'
C3	308.50'	14.75'	02°44'23"	N 62°50'49" W	14.75'
C4	725.00'	100.60'	07°57'00"	S 73°57'49" E	100.52'



DATE AUG 09 2007
JOB NO. 0020-2-046-11
BY RWJ
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BAKER-AICKLEN & ASSOCIATES, INC.
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405 BRUSHY CREEK RD.
CEDAR PARK, TX 78613
(512) 260-3700

Exhibit "A"
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LEGAL DESCRIPTION

FOR A 0.065 OF AN ACRE (2829 SQUARE FOOT) TRACT OF LAND OUT OF THE JOIN APPELGAIT SURVEY NO. 58, ABSTRACT NO. 29 TRAVIS COUNTY, TEXAS, BEING PORTION OF A CALLED 1.74 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED DATED APRIL 13, 2000 TO MP BRAKER, L.P. RECORDED IN DOCUMENT NO. 2000056544 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY SAID 0.065 ACRE (2829 SQUARE FOOT) TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH

BEGINNING at a 3/8 inch iron rod found having Texas State Plane Coordinate (Texas Central Zone NAD83(HARN93) U.S. Feet, Combined Scale Factor 0.99991) values of N=10111010.68 E=3133791.01, on the south right-of-way line of East Braker Lane (ROW width varies) in the west line of the 1.74 acre tract, being also the east line of LOT B W.M. GEPHART SUBDIVISION as shown on the plat recorded in Volume 16 Page 20 of the Plat Records of Travis County Texas for the northwest corner hereof

THENCE departing the south right-of-way line of said East Braker Lane, and crossing said 1.74 acre tract, with the following four (4) courses and distances

- 1 S 61° 28' 33" E a distance of 92.90 feet to a 1/2 inch iron rod set with Baker-Aicklen cap for a point of curvature hereof.
- 2 Along a curve to the left with a radius of 308.50 feet an arc length of 14.75 feet central angle of 02° 44' 23" and a chord that bears S 62° 50' 49" E a distance of 14.75 feet to a 1/2 inch iron rod set with Baker-Aicklen cap, for a point of tangency hereof.
- 3 S 64° 13' 00" E a distance of 9.99 feet to a 1/2 inch iron rod set with Baker-Aicklen cap for a point of curvature hereof and
- 4 Along a curve to the left with radius of 808.50 feet an arc length of 70.90 feet central angle of 05° 01' 29" and a chord that bears S 66° 43' 44" E a distance of 70.88 feet to a 1/2 inch iron rod set with Baker-Aicklen cap on the east line of said 1.74 acre tract being also the west line of LOT 1, C.L. DANIELS JR. SUBDIVISION as shown on the plat thereof recorded in Volume 59 Page 87 of the Plat Records of Travis County being also the west line of a called 0.804 acre tract described in a Warranty Deed with Vendor's Lien dated July 28, 2004 to Braker Properties, LLC recorded in Document No. 2004145505 of the Official Public Records of Travis County Texas for the northeast corner hereof, from which a 1/2 inch iron rod found with aluminum cap in the south right-of-way line of East Braker Lane at the northwest corner of said 0.804 acre tract, bears N 27° 29' 48" E a distance of 5.07 feet

THENCE along the east line of said 1.74 acre tract, being also the west line of said LOT 1, being also the west line of said 0.804 acre tract, **S 27° 29' 48" W** a distance of **15.10 feet** to a calculated point for the southeast corner hereof, from which a 1/2 inch iron rod found at the southwest corner of LOT 3 of said C L DANIELS JR SUBDIVISION, being also the southwest corner of said 0.804 acre tract bears **S 27° 29' 48" W** a distance of 195.95 feet

THENCE departing the east line and crossing said 1.74 acre tract, the following four (4) courses and distances

- 1 Along a curve to the right with a radius of **823.50 feet** an arc length of **70.45 feet**, central angle of **04° 54' 05"**, and a chord that bears **N 66° 40' 03" W** a distance of **70.43 feet** to a calculated point, for a point of tangency hereof,
- 2 **N 64° 13' 00" W** a distance of **9.99 feet** to a calculated point for a point of curvature hereof
- 3 Along a curve to the right with a radius of **323.50 feet** an arc length of **15.47 feet**, central angle of **02° 44' 23"** and a chord that bears **N 62° 50' 49" W** a distance of **15.47 feet** to a calculated point, for a point of tangency hereof,
- 4 **N 61° 28' 33" W** a distance of **92.74 feet** to a calculated point on the west line of said 1.74 acre tract, being also the east line of said LOT B, W M GEPHART SUBDIVISION for the southwest corner hereof from which a 1/2 inch iron rod found in the west line of said 1.74 acre tract bears **S 27° 55' 48" W** a distance of 209.24 feet

THENCE along the west line of said 1.74 acre tract being also the east line of said LOT B, W M GEPHART SUBDIVISION, **N 27° 55' 48" E** a distance of **15.00 feet** to the **POINT OF BEGINNING** containing 0.065 acres (2829 square feet) of land

Bearing basis is grid north for the Texas Central Zone (4203) NAD 83/93 HARN

Surveyed under the direct supervision of the undersigned during July 2007

Robert W Johnston 2/13/2008
Robert W Johnston
Registered Professional Land Surveyor No. 5579
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Job No. 0020-2-046-11
Filename: W:\PROJECTS\COA\BRAKER LN@IH-35\MEASUREMENTS\notes\0.065AC.DOC

REFERENCES

TCAD No. 02-4623-05-03
Austin Grid MM-31

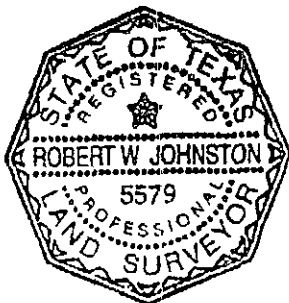
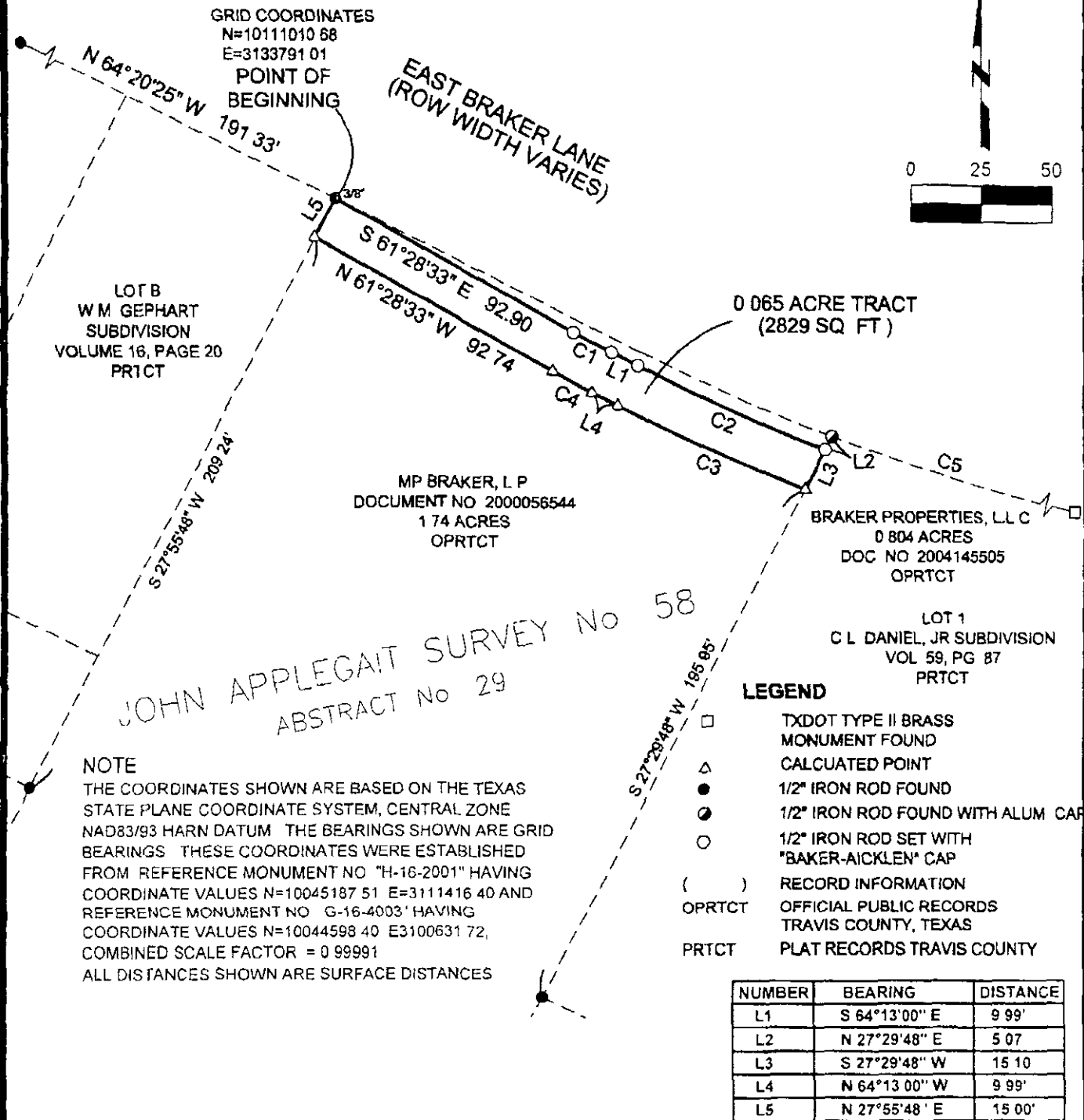
FIELD NOTES REVIEWED

By *[Signature]* Date *2/14/08*

Exhibit "B"
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Engineering Support Section
Department of Public Works
and Transportation

SKETCH TO ACCOMPANY LEGAL DESCRIPTION



NUMBER	RADIUS	ARC	CEN ANGLE	CH BRG	CHORD
C1	308.50'	14.75'	02°44'23"	S 62°50'49" E	14.75'
C2	808.50'	70.90'	05°01'29"	S 66°43'44" E	70.88'
C3	823.50'	70.45'	04°54'05"	N 66°40'03" W	70.43'
C4	323.50'	15.47'	02°44'23"	N 62°50'49" W	15.47'
C5	725.00'	100.60'	07°57'00"	S 73°57'49" E	100.52'

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