

RESOLUTION NO. 20080724-020

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: Willie James Hayes

Project: Little Walnut Upper Fort Branch Sanitary Sewer Overflow 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;

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;" and,

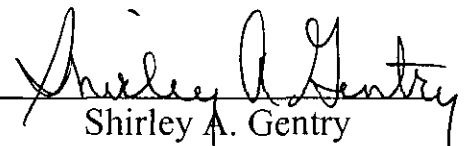
the temporary staging area and material storage easement described in the attached Exhibit "C" is necessary to stage equipment and store material needed to install and repair the wastewater lines and appurtenances thereto described in the attached Exhibit "A."

Location: 2906 Rogge Lane, Austin, Texas.

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

ADOPTED: July 24, 2008

ATTEST:


Shirley A. Gentry
City Clerk

C FAULKNER ENGINEERING

400 Bowie Street, Suite 250
Austin, Texas 78703

Mailing Address: PO Box 1528
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**WILLIE JAMES HAYES TO CITY
OF AUSTIN
(15' WIDE WASTEWATER)
(EASEMENT)**

DESCRIPTION OF PARCEL 5025.24 WE

DESCRIPTION OF A 0.109 ACRE (4,742 SQUARE FEET) TRACT OF LAND LOCATED IN THE BOSTIC SUBDIVISION, AS RECORDED IN BOOK 8, PAGE 91, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID BOSTIC SUBDIVISION BEING THAT CERTAIN TRACT DESCRIBED AS A 1.86 ACRES TRACT IN A WARRANTY DEED TO WILLIE JAMES HAYES AND WIFE MABLE LYNN HAYES, EXECUTED ON AUGUST 7, 1987 AND RECORDED IN VOLUME 10377, PAGE 869 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS (SAID 1.86 ACRE TRACT AWARDED TO WILLIE JAMES HAYES BY VIRTUE OF A FINAL DECREE OF DIVORCE AS RECORDED IN DOCUMENT No. 2003083672 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS), SAID 0.109 ACRE TRACT OF LAND AS SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at an ½-inch iron rod with a red cap found on the west line of Lot 6, Crestland, a subdivision recorded in Book 16, Page 17 of the Plat Records of Travis County, Texas for the southeast corner of Lot 12, Manor Estates, a subdivision recorded in Book 53, Page 52 of the Plat Records of Travis County, Texas, said point being the northeast corner of said Bostic Subdivision and said 1.86 acre tract;

THENCE, N 84°45'12" W, with the line common of said Manor Estates and said Bostic Subdivision, a distance of 169.53 feet to a 60d nail set for the northwest corner of a 5-foot wide Water and Sanitary Sewer Easement as described in Volume 3928, Page 515 of the Deed Records of Travis County, Texas, said point being the **POINT OF BEGINNING** and the northeast corner of the herein described easement, said point having Texas State Plane Coordinate (Texas Central Zone, NAD83 (NAVD 88), U.S. Feet, Combined Scale Factor of 0.99993) values of N=10084544.77, E=3133926.74;

THENCE, S 01°29'32" W, with the said west line of said Water and Sanitary Sewer Easement and crossing said Bostic Subdivision, a distance of 319.39 feet to a 60d nail set on the northeasterly right-of-way line of Rogge Lane (right-of-way varies) for the southeast corner of said Water and Sanitary Sewer Easement and of the herein described easement, from which a punch hole in concrete found bears S61°57'36"E, a distance of 16.97 feet;



THENCE, N 61°57'36" W, with said northeasterly right-of-way line of Rogge Lane, a distance of 16.77 feet to a 60d nail set for the southwest corner of the herein described easement;

THENCE, N 01°29'32" E, leaving said right-of-way line and again crossing said Bostic Subdivision with a line 15 feet west and parallel to the said west line of said Water and Sanitary Sewer Easement, for a distance of 312.88 feet to a 60d nail set on the north line of said Bostic Subdivision, same being the south line of Lot 13 of said Manor Estates, for the northwest corner of the herein described easement;

THENCE, S 84°45'12" E, at 0.61 feet to a ½-inch iron rod with cap stamped 'CFE' set for the common corner of Lot 14, and Lot 13, of said Manor Estates, from which a ½" iron rod found bears S84°16'51"E, a distance of 1.79 feet, continuing said course with said common line of said Bostic Subdivision and said Manor Estates a total distance of 15.03 feet to the **POINT OF BEGINNING** and containing 0.109 acre (4,742 square feet) of land.

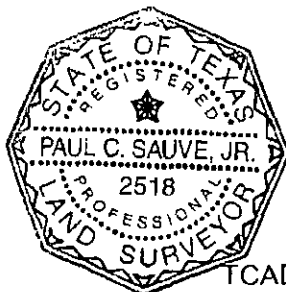
BEARING BASIS NOTE

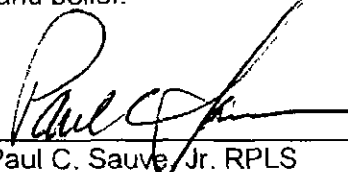
The coordinates described herein are Texas State Plane Grid Coordinate (Texas Central Zone, NAD83 (NAVD 88), U.S. Feet, Adjustment Factor of 0.99993). The bearings were established from fixed control monuments "AUSTIN RRP2 (TxAu)" and "CB21", as published by the City of Austin.

SURVEYED BY:

I, Paul C. Sauve, Jr. do hereby certify that the foregoing Description and Sketch are based on a survey performed on the ground under my direction and supervision in March 2005 and that it is true and correct to the best of my knowledge and belief.

ALL NOTES REVERSED
C. Sauve, Jr. Date 3/22/05
Austin Water Program
Survey Coordinates

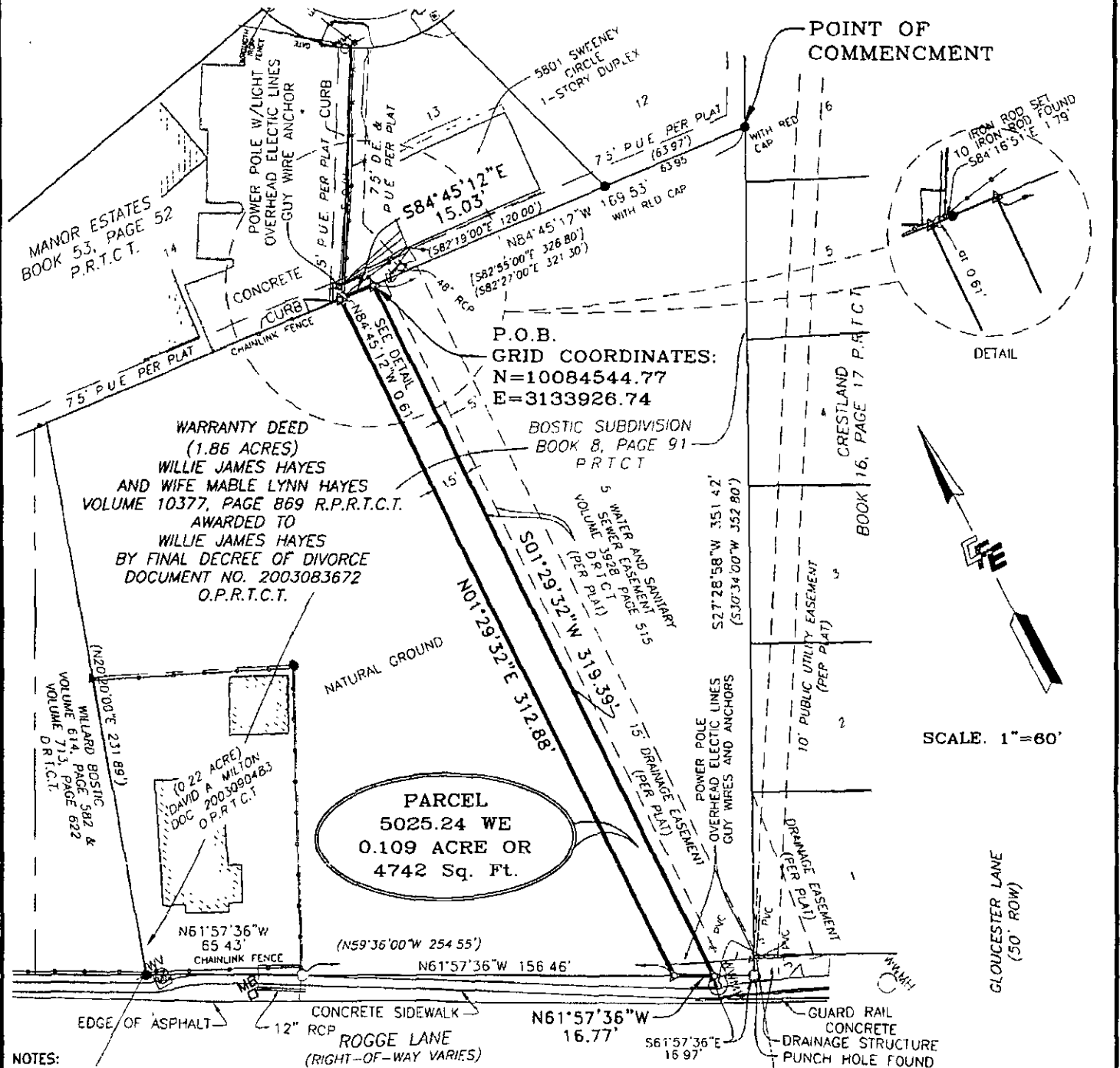



Paul C. Sauve, Jr. RPLS
Texas Registration No. 2518

3/22/05
Date

TCAD NO. 02 2021 14 19
AUSTIN GRID M-25

A SKETCH TO ACCOMPANY FIELDNOTE DESCRIPTION

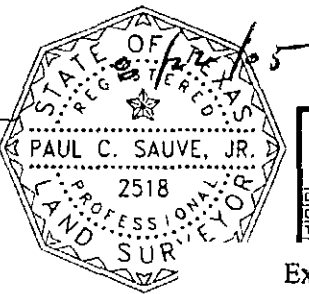


NOTES:

1. THE BEARINGS SHOWN ARE GRID BEARINGS, BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD83 (NAV088) U.S. FEET DATUM. FIXED CONTROL MONUMENTS "AUSTIN CORS RRP2" AND "CB21" AS PUBLISHED BY THE CITY OF AUSTIN. THE COMBINED SCALE FACTOR IS 0.99993.
2. THIS SURVEY WAS PREPARED WITH THE BENEFIT OF A TITLE COMMITMENT.

PAUL C. SAUVE, JR. R.P.L.S. # 2518

REFERENCE:
TCAD PARCEL NO. 02 2021 14 32
AUSTIN GRID M-25



REMAINDER OF 1.86 ACRE TRACT
BOSTIC SUBDIVISION
TRAVIS COUNTY, TEXAS

| | |
|-------------|-------------------------|
| DATE | APRIL, 2005 |
| DESCRIPTION | COA (JO) ACWP5025-24 WE |
| TECHNICIAN | SHARON RHOD |

- LEGEND**
- P.O.B. POINT OF BEGINNING
 - 1/2" IRON ROD WITH YELLOW CAP STAMPED "CFE" SET
 - 1/2" IRON ROD FOUND UNLESS NOTED
 - △ 60D NAIL SET
 - △ CALCULATED POINT
 - () RECORD PLAT MAP INFORMATION
 - D.R.T.C.T. DEED RECORDS OF TRAVIS CO., TX.
 - P.R.T.C.T. PLAT RECORDS OF TRAVIS CO., TX.
 - R.P.R.T.C.T. REAL PROPERTY RECORDS OF TRAVIS CO., TX.
 - O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS OF TRAVIS CO., TX.



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**WILLIE JAMES HAYES
TO
CITY OF AUSTIN
(15' WIDE TEMPORARY)
(WORKING SPACE EASEMENT)**

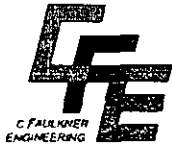
DESCRIPTION OF PARCEL 5025.24 TWSE

DESCRIPTION OF A 0.107 ACRE (4,644 SQUARE FEET) TRACT OF LAND LOCATED IN THE BOSTIC SUBDIVISION, AS RECORDED IN BOOK 8, PAGE 91, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID BOSTIC SUBDIVISION BEING THAT CERTAIN TRACT DESCRIBED AS A 1.86 ACRES TRACT IN A WARRANTY DEED TO WILLIE JAMES HAYES AND WIFE MABLE LYNN HAYES, EXECUTED ON AUGUST 7, 1987 AND RECORDED IN VOLUME 10377, PAGE 869 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS (SAID 1.86 ACRE TRACT AWARDED TO WILLIE JAMES HAYES BY VIRTUE OF A FINAL DECREE OF DIVORCE AS RECORDED IN DOCUMENT No. 2003083672 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS), SAID 0.107 ACRE TRACT OF LAND AS SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at an ½-inch iron rod with a red cap found on the west line of Lot 6, Crestland, a subdivision recorded in Book 16, Page 17 of the Plat Records of Travis County, Texas, for the southeast corner of Lot 12, Manor Estates, a subdivision recorded in Book 53, Page 52 of the Plat Records of Travis County, Texas, said point being the northeast corner of said Bostic Subdivision and of said 1.86 acre tract,

THENCE, with the line common of said Manor Estates and said Bostic Subdivision, the following two (2) courses and distances:

1. N 84°45'12" W, a distance of 183.97' feet to a ½-inch iron rod with cap stamped 'CFE' set for the common corner of said Lot 14, and Lot 13, of said Manor Estates, from which a ½" iron rod found bears S84°16'51"E, a distance of 1.79 feet;
2. with the south line of said Lot 14, N 84°45'12" W, distance of 0.61' feet to a 60d nail set for the **POINT OF BEGINNING** and the northeast corner of the herein described easement, said point having Texas State Plane Coordinate (Texas Central Zone, NAD83 (NAVD 88), U.S. Feet, Combined Scale Factor of 0.99993) values of N=10084546.48, E=3133911.78,



THENCE, S 01°29'32" W, leaving said common line and crossing said Bostic Subdivision with a line 15 feet west and parallel to the west line of a 5-foot wide Water and Sanitary Sewer Easement as described in Volume 3928, Page 515 of the Deed Records of Travis County, Texas, a distance of 312.88 feet to a 60d nail set in the northeasterly right-of-way line of Rogge Lane (right-of-way varies), for the southeast corner of the herein described easement, from which a punch hole in concrete found bears S61°57'36"E, a distance of 33.74 feet;

THENCE, N 61°57'36" W, with said northeasterly right-of-way line of Rogge Lane, a distance of 16 77 feet to a 60d nail set for the southwest corner of the herein described easement;

THENCE, N 01°29'32" E, leaving said right-of-way line and again crossing said Bostic Subdivision, with a line 30 feet west of and parallel to said 5-foot wide Water and Sanitary Sewer Easement, for a distance of 306.37 feet to a calculated point on the north line of said Bostic Subdivision, same being the south line of Lot 14 of said Manor Estates, for the northwest corner of the herein described easement;

THENCE, S 84°45'12" E, with the said common lines of the Bostic Subdivision and Manor Estates, a distance of 15.03 feet to the **POINT OF BEGINNING** and containing 0.107 acre (4,644 square feet) of land

BEARING BASIS NOTE

The coordinates described herein are Texas State Plane Grid Coordinate (Texas Central Zone, NAD83 (NAVD 88), U.S. Feet, Adjustment Factor of 0.99993). The bearings were established from fixed control monuments "AUSTIN RRP2 (TxAu)" and "CB21", as published by the City of Austin.

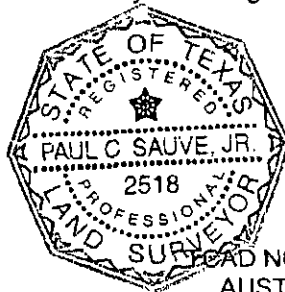
SURVEYED BY:

I, Paul C. Sauve, Jr. do hereby certify that the foregoing Description and Sketch are based on a survey performed on the ground under my direction and supervision in March 2005 and that it is true and correct to the best of my knowledge and belief.

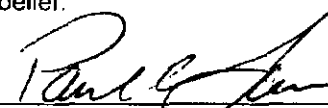
FIELD NOTES REVIEWED

Dr. C. R. W. Date: 2/22/05

Austin Clean Water Program
Survey Coordinator



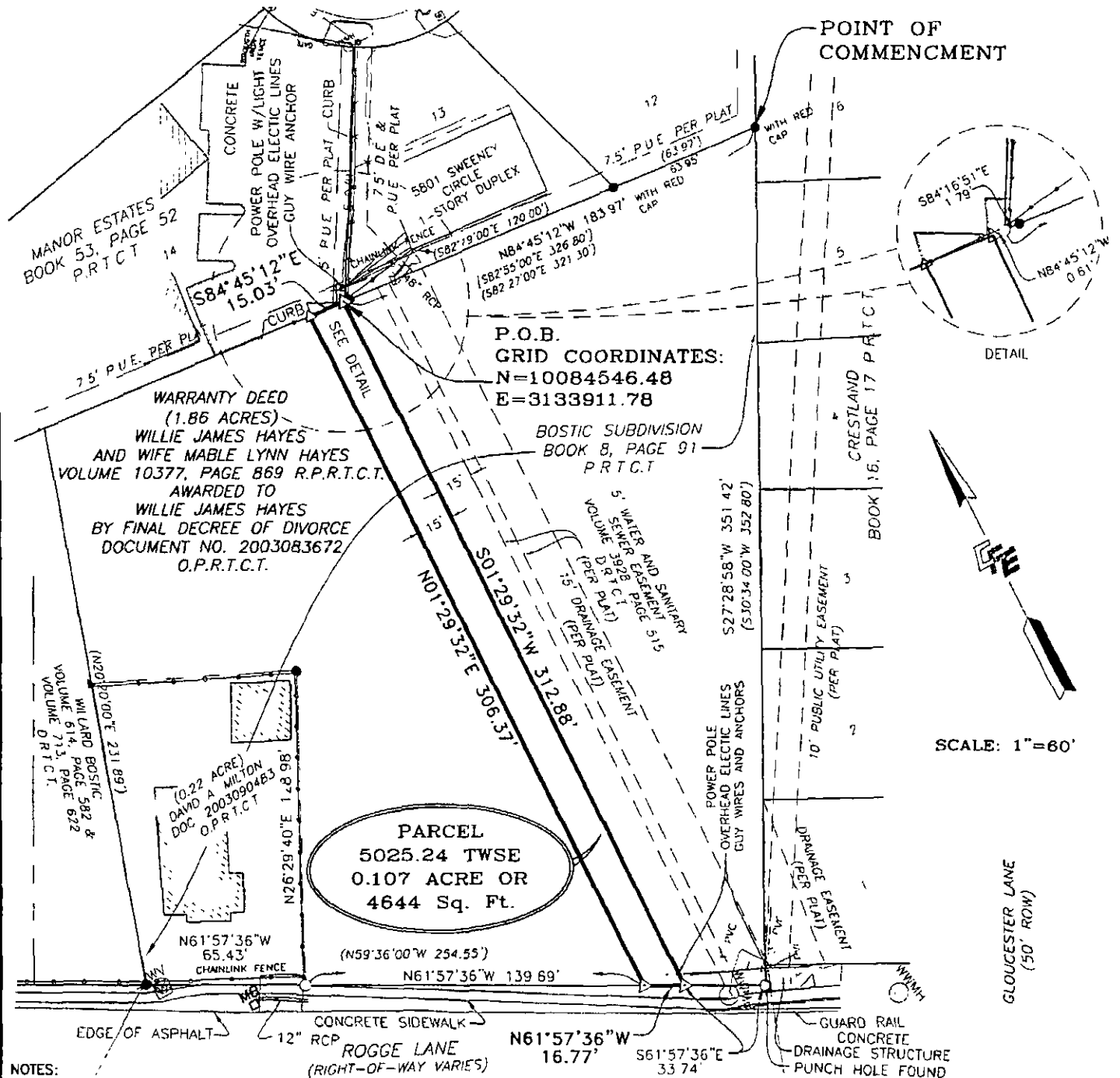
PLAT NO. 02 2021 14 19
AUSTIN GRID M-25


Paul C. Sauve, Jr. RPLS
Texas Registration No. 2518
8/22/05
Date

A SKETCH TO ACCOMPANY FIELDNOTE DESCRIPTION

SWEENEY CIRCLE

POINT OF COMMENCEMENT



SCALE: 1"=60'

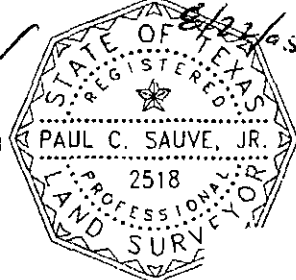
LEGEND

- P.O.B. POINT OF BEGINNING
- 1/2" IRON ROD WITH YELLOW CAP STAMPED "CFE" SET
 - 1/2" IRON ROD FOUND UNLESS NOTED
 - △ 60D NAIL SET
 - △ CALCULATED POINT
 - () RECORD PLAT MAP INFORMATION
 - D.R.T.C.T. DEED RECORDS OF TRAVIS CO., TX.
 - P.R.T.C.T. PLAT RECORDS OF TRAVIS CO., TX.
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 - O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS OF TRAVIS CO., TX.

NOTES:

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- THIS SURVEY WAS PREPARED WITH THE BENEFIT OF A TITLE COMMITMENT.

Paul C. Sauve, Jr.
PAUL C. SAUVE, JR. R.P.L.E. # 2518



REFERENCE:
TCAD PARCEL NO. 02 2021 14 32
AUSTIN GRID M-25

REMAINDER OF 1.86 ACRE TRACT
BOSTIC SUBDIVISION
TRAVIS COUNTY, TEXAS

DATE: APRIL 2005
DESCRIPTION: CCA (JO) ACWP5025-24 TWSE
TECHNICIAN: SHARON RHOD

Exhibit "B"
Page 3 of 3



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**WILLIE JAMES HAYES
TO
CITY OF AUSTIN
(TEMPORARY STAGING AREA)
(AND MATERIAL STORAGE SITE)**

DESCRIPTION OF PARCEL 5025.24 TSAAMSS

DESCRIPTION OF A 0.359 ACRE (15,633 SQUARE FEET) TRACT OF LAND LOCATED IN THE BOSTIC SUBDIVISION, AS RECORDED IN BOOK 8, PAGE 91, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID BOSTIC SUBDIVISION BEING THAT CERTAIN TRACT DESCRIBED AS A 1.86 ACRES TRACT IN A WARRANTY DEED TO WILLIE JAMES HAYES AND WIFE MABLE LYNN HAYES, EXECUTED ON AUGUST 7, 1987 AND RECORDED IN VOLUME 10377, PAGE 869 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS (SAID 1.86 ACRE TRACT AWARDED TO WILLIE JAMES HAYES BY VIRTUE OF A FINAL DECREE OF DIVORCE AS RECORDED IN DOCUMENT No. 2003083672 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS), SAID 0.359 ACRE TRACT OF LAND AS SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a punch hole in a concrete drainage structure found for the south corner of said Bostic Subdivision, and said 1.86 acre tract; in the northerly right-of-way of Rogge Lane (right-of-way varies);

THENCE, N 61°57'36" W, with the northerly right-of-way line of said Rogge Lane, for a distance of 50.51 feet to a 60d nail set for the **POINT OF BEGINNING** and the south corner of the herein described tract, said point having Texas State Plane Coordinate (Texas Central Zone, NAD83 (NAVD 88), U.S. Feet, Combined Scale Factor of 0.99993) values of N=10084241.58, E=3133888.83;

THENCE, N 61°57'36" W, continuing with said northerly right-of-way line of Rogge Lane, for a distance of 139.69 feet to a ½-inch iron rod with cap stamped 'CFE' set at edge of driveway, for the south corner of David S. Milton, called 0.22 acre tract as described in Document No. 2003090483 of the Official Public Records of Travis County, Texas, said point being the west corner of the herein described tract;



THENCE, N 26°29'40" E, leaving said right-of-way and crossing said Bostic Subdivision with the easterly line of said 0.22 acre tract, at a distance of 128.98 feet pass a ½-inch iron rod found for the east corner of said 0.22 acre tract, continuing a total distance of 150.00 feet to a 60d nail set for the north corner of the herein described tract;

THENCE, continuing across said Bostic Subdivision with the following two (2) courses and distances:

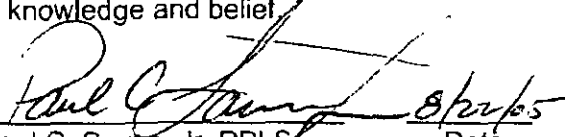
1. S 61°57'36" E for a distance of 68.82 feet to a 60d nail set for the east corner of the herein described tract;
2. S 01°29'32" W for a distance of 167.62 feet to the **POINT OF BEGINNING** and containing 0.359 acre (15,633 square feet) of land.

BEARING BASIS NOTE

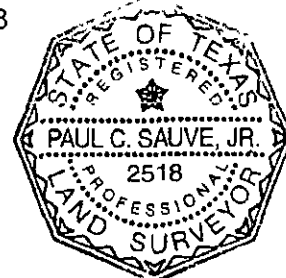
The coordinates described herein are Texas State Plane Grid Coordinate (Texas Central Zone, NAD83 (NAVD 88), U.S. Feet, Adjustment Factor of 0.99993). The bearings were established from fixed control monuments "AUSTIN RRP2 (TxAu)" and "CB21", as published by the City of Austin.

SURVEYED BY:

I, Paul C. Sauve, Jr. do hereby certify that the foregoing Description and Sketch are based on a survey performed on the ground under my direction and supervision in March 2005 and that it is true and correct to the best of my knowledge and belief.

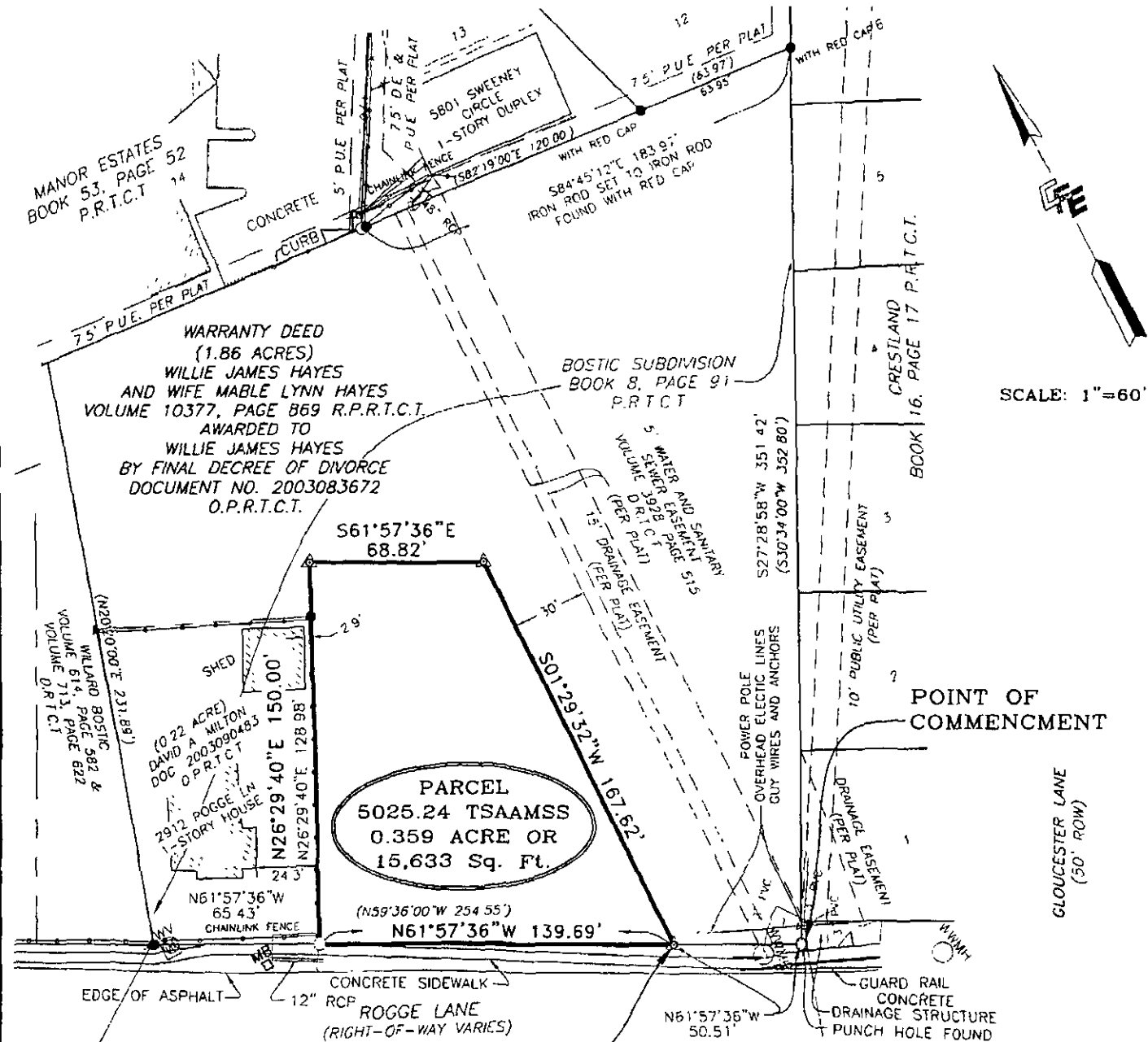

Paul C. Sauve, Jr. RPLS Date
Texas Registration No. 2518

TCAD NO. 02 2021 14 19
AUSTIN GRID M-25



FIELD NOTES REVIEWED
By C.R.W. Date 8/22/05
Austin Clean Water Program
Survey Coordinator

A SKETCH TO ACCOMPANY FIELDNOTE DESCRIPTION



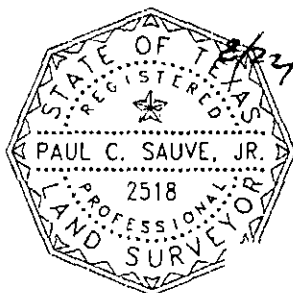
NOTES:

1. THE BEARINGS SHOWN ARE GRID BEARINGS, BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD83 (NAVD88) U.S. FEET DATUM. FIXED CONTROL MONUMENTS "AUSTIN CORS RRP2" AND "CB21" AS PUBLISHED BY THE CITY OF AUSTIN. THE COMBINED SCALE FACTOR IS 0.99993.

2. THIS SURVEY WAS PREPARED WITH THE BENEFIT OF A TITLE COMMITMENT.

Paul C. Sauve, Jr.
PAUL C. SAUVE, JR. R.P.L.S. # 2518

REFERENCE:
TCAD PARCEL NO. 02 2021 14 32
AUSTIN GRID M-25



REMAINDER OF 1.86 ACRE TRACT
BOSTIC SUBDIVISION
TRAVIS COUNTY, TEXAS

DATE: APRIL, 2005
DESCRIPTION: COA (JO) ACWP5025-24 TWSE
TECHNICIAN: SHARON RHOD

Exhibit "C"
Page 3 of 3



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