

**RESOLUTION NO. 20080828-008**

**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 damages;

**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: Billie L. Passmore

Project: Govalle 1-South 2<sup>nd</sup> Street Reroute & Area Improvements Project, a portion of the Austin Clean Water Program

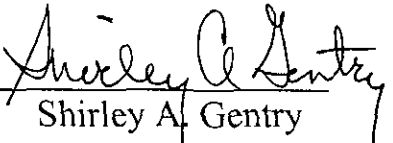
Intended Purpose: the permanent wastewater line easement described in the attached Exhibit "A" is necessary to install, operate, maintain, repair, replace, and upgrade permanent wastewater lines and appurtenances thereto, in order to increase and improve the City's ability to provide sanitary sewer services to the public, to prevent leakage from wastewater lines to protect public health and safety, and to comply with a federal mandate.

Location: 803 Bouldin Avenue, Austin, Texas 78704

Property: Described in the attached and incorporated Exhibit A.

**ADOPTED:** August 28, 2008

**ATTEST:**

  
Shirley A. Gentry  
City Clerk



**MACIAS & ASSOCIATES, L.P.**  
LAND SURVEYORS

BILLIE L. PASSMORE  
TO  
CITY OF AUSTIN  
(WASTEWATER EASEMENT)  
May 15, 2008

**DESCRIPTION FOR PARCEL 5118.53WE**

DESCRIPTION OF A 0.019 ACRE (808 SQUARE FOOT) TRACT OF LAND OUT OF LOT 5, BLOCK B 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 0.019 ACRE (808 SQUARE FOOT) TRACT ALSO BEING OUT OF A 1.855 ACRE TRACT DESCRIBED IN A WARRANTY DEED WITH VENDOR'S LIEN EXECUTED MARCH 1, 1977 TO BILLIE L. PASSMORE, RECORDED IN VOLUME 5749, PAGE 1499, DEED RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.019 ACRE (808 SQUARE FOOT) TRACT AS SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**COMMENCING** for reference at a punch hole found in concrete on the north line of Bouldin Creek Condominiums, a condominium regime established by Condominium Declaration executed February 9, 1984, recorded in Volume 8443, Page 1, Deed Records of Travis County, Texas, at a common corner of Lots 1 and 2, Paragon Addition, a subdivision recorded in Volume 60, Page 63, Plat Records of Travis County, Texas;

**THENCE**, N 62°21'14" W, with the south line of said Lot 2, at 77.24 feet, pass a mag nail set at the northwest corner of said Bouldin Creek Condominiums, at the northeast corner of a 0.63 acre tract described in a Parkland Dedication Deed executed May 10, 1983 to the City of Austin, recorded in Volume 8137, Page 253, Deed Records of Travis County, Texas, and continuing with the north line of said 0.63 acre tract, at 85.71 feet, pass an "X" found in concrete, and continuing a total distance of 102.24 feet to a calculated point on the approximate centerline of East Bouldin Creek, at the most easterly corner of said 1.855 acre tract and at the north corner of said 0.63 acre tract,

**THENCE**, S 60°43'12" W, with the approximate centerline of East Bouldin Creek, the south line of said 1.855 acre tract and the north line of said 0.63 acre tract, a distance of 19.04 feet to a 60d nail set having Texas State Plane Coordinate (Central Zone, NAD83 (CORS), U.S. Feet, Combined Scale Factor 1 00010) values of N=10,066,290.27, E=3,110,962.30, for the southeast corner and the **POINT OF BEGINNING** of this tract;

0.019 Acre (808 Square Feet)  
Wastewater Easement

Exhibit "A"  
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5118.53WE

**THENCE**, S 60°43'12" W, continuing with the approximate centerline of East Bouldin Creek, the south line of said 1.855 acre tract and the north line of said 0.63 acre tract, a distance of 25 17 feet to 60d nail set for the southwest corner of this tract;

**THENCE**, N 08°05'26" E, across said 1 855 acre tract, a distance of 58 18 feet to a 60d nail set on the approximate centerline of East Bouldin Creek, on the northeast line of said 1.855 acre tract and on the southwest line of said Lot 2 of Paragon Addition, for the northwest corner of this tract;

**THENCE**, S 36°26'20" E, with the approximate centerline of East Bouldin Creek, the northeast line of said 1.855 acre tract and the southwest line of said Lot 2, a distance of 28.52 feet to a 60d nail set for the northeast corner of this tract,

**THENCE**, S 08°05'26" W, across said 1.855 acre tract, a distance of 22.57 feet to the **POINT OF BEGINNING** and containing 0 019 acre (808 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.

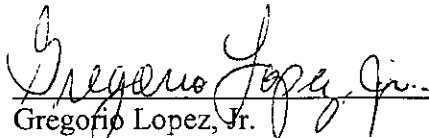
THE STATE OF TEXAS §  
COUNTY OF TRAVIS §

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 15<sup>th</sup> day of May, 2008, A.D.

Macias & Associates, L P.  
5410 South 1<sup>st</sup> Street  
Austin, Texas 78745  
512-442-7875

  
\_\_\_\_\_  
Gregorio Lopez, Jr.  
Registered Professional Land Surveyor  
No. 5272 – State of Texas



**REFERENCES**

MAPSCO 2003 614D  
Austin Grid No. MH-21  
TCAD PARCEL ID NO. 01-0201-0231  
MACIAS & ASSOCIATES, INC., PROJECT NO. 290-29-08

0.019 Acre (808 Square Feet)  
Wastewater Easement

Exhibit "A"  
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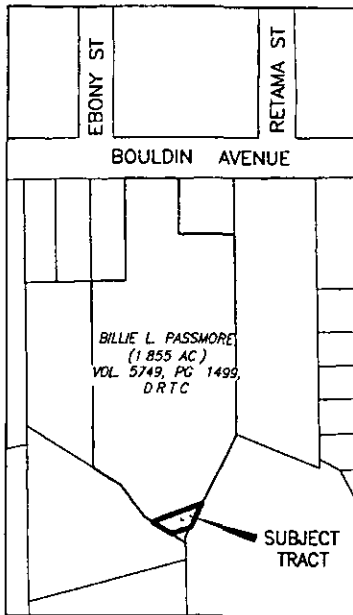
5118.53WE

**FIELD NOTES REVIEWED**

By: BDN Date: 19 May, 2008

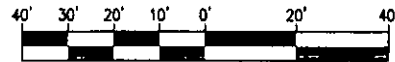
Austin Clean Water Program  
Survey Coordinator

# SKETCH TO ACCOMPANY LEGAL DESCRIPTION



VICINITY MAP  
NOT TO SCALE

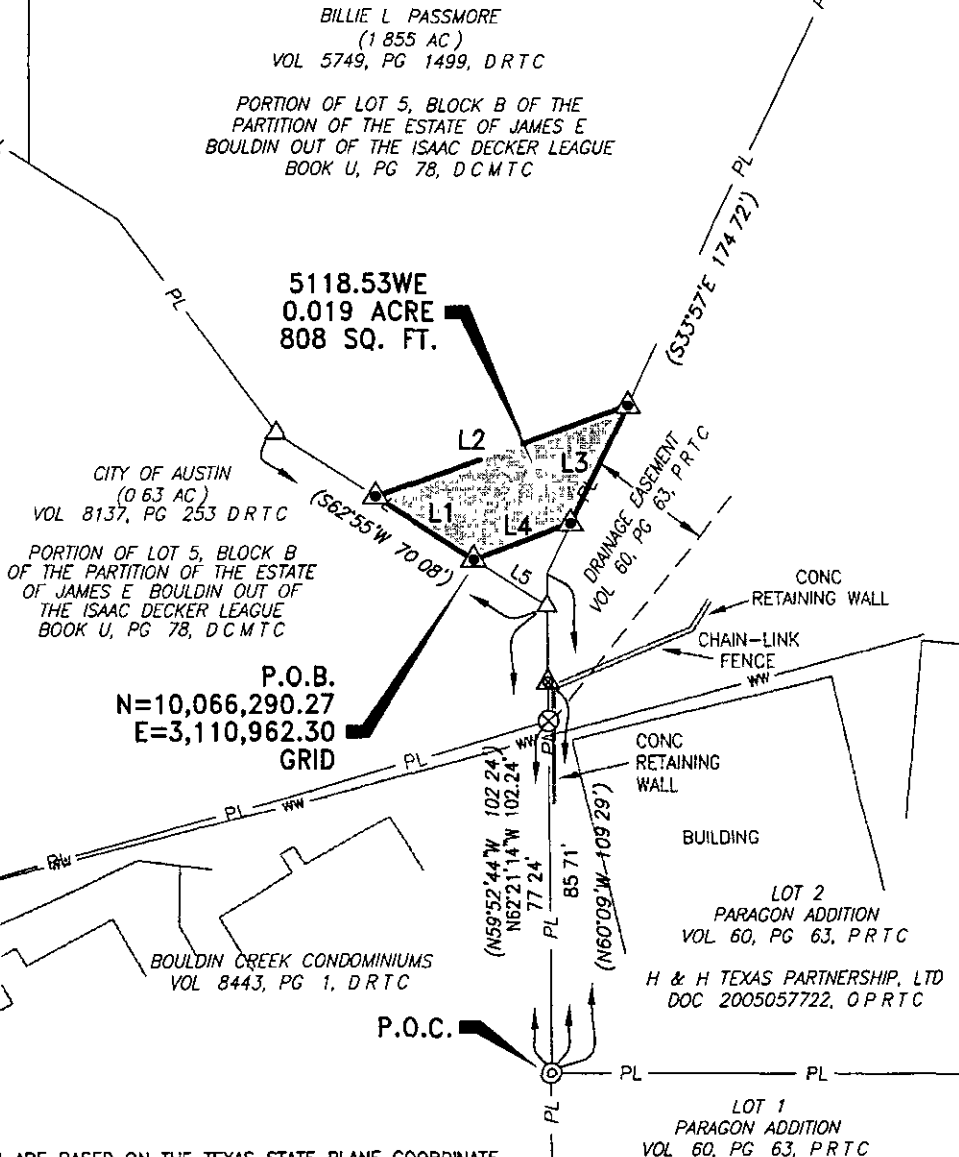
LINE TABLE		
NUMBER	BEARING	DISTANCE
L1	S60°43'12"W	25.17'
L2	N08°05'26"E	58.18'
L3	S36°26'20"E	28.52'
L4	S08°05'25"W	22.57'
L5	S60°43'12"W	19.04'



GRAPHIC SCALE

1"=40'

LEGEND	
⊙	PUNCH HOLE IN CONC. FOUND
▲	60D NAIL SET
⊗	"X" FOUND IN CONCRETE
▲	MAG NAIL SET
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
— PL —	PROPERTY LINE
VOL., PG.	VOLUME, PAGE
D.R.T.C.	DEED RECORDS OF TRAVIS COUNTY
P.R.T.C.	PLAT RECORDS OF TRAVIS COUNTY
R.P.R.T.C.	REAL PROPERTY RECORDS OF TRAVIS COUNTY
O.P.R.T.C.	OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY
D.C.M.T.C.	DISTRICT COURT MINUTES 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.

Exhibit "A"  
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MACIAS & ASSOCIATES, L.P.

LAND SURVEYORS

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AUSTIN, TEXAS 78745 PH (512)442-7875  
FAX (512)442-7876 EMAIL MACIASURVEY@EARTHLINK.NET

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

