

RESOLUTION NO. 20090611-070

WHEREAS, the City Council was requested to review and approve the use of parkland to provide for right-of-way use to allow construction of the West Gate Boulevard Extension project from Cameron Loop to Cohoba Drive through dedicated parkland known as the Piney Bend Park in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code; and

WHEREAS, notice of a public meeting to be held on June 11, 2009, was given for three consecutive weeks on May 17, May 24 and May 31, 2009 in a newspaper of general circulation; and

WHEREAS, such public hearing was held June 11, 2009, by the City Council to consider the use of parkland for right-of-way purposes; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The City Council finds that, having taken into account clearly enunciated local preferences, there is no feasible and prudent alternative to the use of the parkland (identified in the attached Exhibit "A") for right-of-way use to allow construction of the West Gate Boulevard Extension project from Cameron Loop to Cohoba Drive through dedicated parkland and the use of the parkland for such proposed purposes is approved.

The City Council finds that all reasonable planning has been done to minimize harm to the parkland from the resulting use.

The City Manager is authorized to take such measures as may be necessary, favorable or required.

ADOPTED: June 11, 2009 **ATTEST:** Shirley A. Gentry
Shirley A. Gentry
City Clerk

LEGAL DESCRIPTION

LEGAL DESCRIPTION FOR 0.097 ACRE (4,211 SQUARE FEET) OF LAND SITUATED IN THE THEODORE BISSEL SURVEY NO. 18, ABSTRACT NO. 3 IN TRAVIS COUNTY, TEXAS; BEING A PORTION OF LOT 1, CHERRY CREEK SECTION 9-B1, A SUBDIVISION OF RECORD IN BOOK 86, PAGES 18B – 18C OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING THAT CERTAIN TRACT OF LAND FORMERLY OWNED BY SOUTHLAND OAKS MUNICIPAL UTILITY DISTRICT, CONVEYED IN DEED RECORDED IN VOLUME 12841, PAGE 661 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SUBSEQUENTLY ANNEXED BY THE CITY OF AUSTIN IN ORDINANCE NO. 971218-G AND RECORDED IN DOCUMENT NO. 2004095359 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.097 ACRE OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" rebar found on the existing westerly right-of-way line of Westgate Boulevard, at the Point of Curvature of a curve to the right, at the most northerly southeast corner of said Lot 1, Cherry Creek Section 9-B1, same being the northeast corner of Lot 2, Cherry Creek Section 9-B1 and a proposed 7,740 square foot R.O.W. parcel surveyed by Jerry Fults of Capital Surveying Company, Inc., dated October 07, 2008, for the southeast corner of the herein described tract, having Texas State Plane Coordinate System (Texas Central Zone, NAD83 (CORS), U.S. Feet, Combined Scale Factor 0.999948) coordinate values of: **N=10,042,981.12, E=3,086,915.39** and from which a ½" rebar found at the northwest corner of said proposed 7,740 square foot R.O.W. tract bears N 83°37'42"W, a distance of 12.20 feet;

THENCE, departing the existing westerly right-of-way line of Westgate Boulevard and along the common dividing line of said Lot 1 and Lot 2, **N 87°22'23"W**, a distance of **22.25** feet to a ½" rebar with a cap stamped "COA PUBLIC WORKS"

set for the southwest corner of the tract herein described, from which a ½" rebar found at an inside ell corner of said Lot 1, Cherry Creek Section 9-B1, same being the northwest corner of said Lot 2, Cherry Creek Section 9-B1 bears N 87°22'23"W, a distance of 307.81 feet;

THENCE, departing the northerly line of said Lot 2, Cherry Creek Section 9-B1 and crossing over said Lot 1, Cherry Creek Section 9-B1 along said proposed westerly right-of way line of Westgate Boulevard with the following two (2) courses:

- 1.) N 10°12'18"E, a distance of 120.43 feet to a ½" rebar with a cap stamped "COA PUBLIC WORKS" set at the Point of Curvature of a curve to the right.
- 2.) along the arc of said curve to the right a distance of 83.48 feet to a ½" rebar with a cap stamped "COA PUBLIC WORKS" set on the curving southerly right-of-way line of Piney Creek Bend (60' R.O.W.), same being the northerly line of said Lot 1 for a northwest corner of the tract herein described. Said curve having a radius of 1687.74 feet, a central angle of 02°50'02" and a chord bearing N 11°37'19"E, a distance of 83.47 feet; from which a ½" rebar found at the Point of Tangency of a curve to the right bears along the southerly right-of-way of Piney Creek Bend and northerly line of said Lot 1 an arc distance of 102.96 along a curve to the left having a radius of 272.00 feet, a central angle of 21°41'15" and a sub-chord bearing S 88°22'36"W, a distance of 102.34 feet to calculated point at the Point of Tangency, thence S 80°41'25"W, a distance of 273.14 feet;

THENCE, along the southerly right-of-way line of Piney Creek Bend with the arc of a curve to the right a distance of 6.40 feet to a ½" rebar with a cap stamped "COA PUBLIC WORKS" set at the Point of Compound Curvature. Said curve having a radius of 272.00 feet, a central angle of 01°20'53" and a sub-chord bearing S 76°51'09"E, a distance of 6.40 feet;

THENCE, along the arc of a curve to the right a distance of 23.42 feet to a ½" rebar found at the Point of Reverse Curvature at intersection on the existing westerly right-of-way of Westgate Boulevard. Said curve having a radius of 15.00 feet, a central angle of 89°26'38" and a chord bearing S 30°55'50"E, a distance of 21.11 feet;

THENCE, along the existing westerly right-of-way line of Westgate Boulevard and the most easterly line of said Lot 1, Cherry Creek Section 9-B1 with the following two (2) courses:

- 1.) along the arc of said curve to the left a distance of 67.17 feet to a ½" rebar found at the Point of Tangency. Said curve having a radius of 981.49 feet, a central angle of 03°55'17" and a chord bearing S 11°39'46"W, a distance of 67.17 feet;
- 2.) S 09°30'46"W, a distance of 117.57 feet to the **POINT OF BEGINNING** and containing 0.097 acre (4,211 Square Feet) of land.

"This legal description was prepared by Mary P. Hawkins, R.P.L.S. No. 4433 from a survey made on the ground in April, 2009." The bearing basis of this description is the Texas State Plane Coordinate System of 1983, Central Zone. Grid Coordinates referenced herein are based on City of Austin GPS Monument E-16-4001 having coordinate values of N=10,043,195.78, E=3,087,009.74 and City of Austin GPS Monument E-16-4002 having coordinate values of N=10,043,886.93, E=3,087,412.32. The distances shown are surface distances. The combined scale factor is 0.999948.



Mary P. Hawkins 5/1/09
Mary P. Hawkins, R.P.L.S. No. 4433
Engineering Services Division
Department of Public Works
City of Austin

REFERENCES

TCAD Parcel No. 04-2223-02-01
Austin Grid E-16

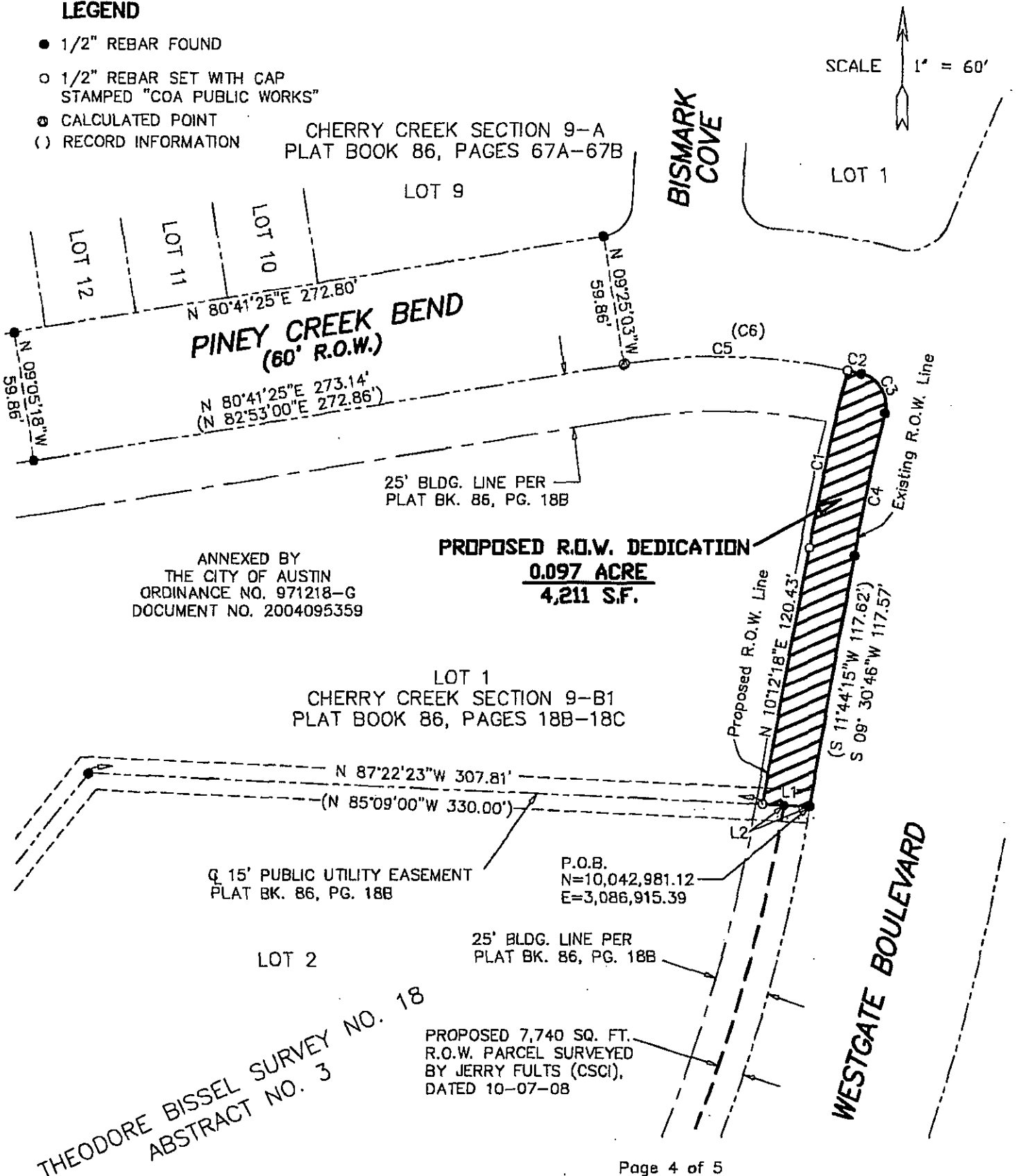
SKETCH TO ACCOMPANY LEGAL DESCRIPTION

LEGEND

- 1/2" REBAR FOUND
- 1/2" REBAR SET WITH CAP
STAMPED "COA PUBLIC WORKS"
- ⊙ CALCULATED POINT
- () RECORD INFORMATION

CHERRY CREEK SECTION 9-A
PLAT BOOK 86, PAGES 67A-67B

SCALE 1" = 60'



Page 4 of 5

DEPARTMENT OF PUBLIC WORKS
ENGINEERING SERVICES DIVISION
505 BARTON SPRINGS ROAD, SUITE 760
PHONE (512) 974-2661
FAX (512) 974-7179



SKETCH TO ACCOMPANY LEGAL DESCRIPTION

NO.	RADIUS	ARC	DELTA	BEARING	CHORD
C1	1687.74'	83.48'	02°50'02"	N 11°37'19"E	83.47'
C2	272.00'	6.40'	01°20'53"	S 76°51'09"E	6.40'
C3	15.00'	23.42'	89°26'38"	S 30°55'50"E	21.11'
(C3)	(15.00')	(23.43')	(89°30'32")	(S 29°14'15"E)	(21.12')
C4	981.49'	67.17'	03°55'17"	S 11°39'46"W	67.16'
(C4)	(981.49')	(66.79')	(03°54'00")	(S 13°41'15"W)	(66.78')
C5	272.00'	102.96'	21°41'15"	N 88°22'36"E	102.34'
(C6)	(272.00')	(109.23')	(23°00'45")	(S 85°36'45"E)	(108.49')

NO.	BEARING	DISTANCE
L1	N 87°22'23"W	22.25'
L2	N 87°37'42"W	12.20'

BEARING BASIS NOTE:

BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM OF 1983, CENTRAL ZONE. GRID COORDINATES REFERENCED HEREIN ARE BASED ON CITY OF AUSTIN GPS MONUMENT E-16-4001 HAVING COORDINATE VALUES OF N=10,043,195.78, E=3,087,009.74 AND CITY OF AUSTIN GPS MONUMENT E-16-4002 HAVING COORDINATE VALUES OF N=10,043,886.93, E=3,087,412.32. THE DISTANCES SHOWN ARE SURFACE DISTANCES. THE COMBINED SCALE FACTOR IS 0.999948.

Mary P. Hawkins 5/1/09
 MARY P. HAWKINS, R.P.L.S. NO. 4433 DATE

DRAWN BY: MARY P. HAWKINS
 FILE: WESTGATE BLVD. ROW DEDICATION (CITY OF AUSTIN).DWG
 FB. 4018, PG. 26



Page 5 of 5

DEPARTMENT OF PUBLIC WORKS
 ENGINEERING SERVICES DIVISION
 505 BARTON SPRINGS ROAD, SUITE 760
 PHONE (512) 974-2861
 FAX (512) 974-7179

