

**RESOLUTION NO. 20091015-004**

**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 owners and lienholders on the fair market value, therefore, the City has been unable to acquire clear title to the needed property interests; **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 owners now having, or who may acquire, an interest in the real property interest needed by the City, described and located below, for the public purpose set out below, and to take whatever other action may be deemed appropriate to effect the needed acquisition.

The City Attorney, or other authorized designee, shall file eminent domain proceedings for:

Owners:     Andrew M. Ortiz, Jr. and Christina Prieto, f/k/a Christina P. Ortiz

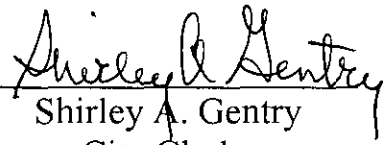
Project: Elroy Water Transmission Main Project

Public Purpose: the permanent waterline easement described in the attached Exhibit "A" is necessary to construct, operate, maintain, repair, replace, and upgrade waterlines and making connections therewith, in order to increase and improve the City's ability to provide potable water to the public and to prevent leakage from water lines.

Location: 10501 San Jose Avenue, Del Valle, Travis County, Texas

Property: Described in the attached and incorporated Exhibit A.

**ADOPTED:** October 15, 2009

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

(WATERLINE EASEMENT)

DESCRIPTION FOR PARCEL 4546.32

DESCRIPTION OF 0.0713 OF ONE ACRE OR 3,107 SQUARE FEET OF LAND, MORE OR LESS, OUT OF LOT 17 OF THE VALLE SAN JOSE ADDITION, SECTION ONE, A SUBDIVISION OF RECORD IN BOOK 38, PAGE 31, PLAT RECORDS, TRAVIS COUNTY, TEXAS, AND BEING OUT OF THAT TRACT OF LAND DESCRIBED AS 1.00 ACRE IN A DEED TO ANDREW M. ORTIZ, JR. AND WIFE CHRISTINA P. ORTIZ, OF RECORD IN VOLUME 12563, PAGE 1656, DEED RECORDS, TRAVIS COUNTY, TEXAS, DATED OCTOBER 31, 1995; SAID 0.0713 OF ONE ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod set with a plastic cap at the northwest corner of this tract, said Lot 17, and said Ortiz tract, same being at the intersection of the east right-of-way (ROW) line of F.M. 812 and the south ROW line of San Jose Avenue, from which a Texas Department of Transportation (TxDOT) Type I concrete monument found in the east ROW line of F.M. 812 and the west line of Lot 15 of said Valle San Jose Addition bears N24°38'04"E 288.24 feet, said point of beginning having a Texas State Plane coordinate (Texas Central Zone, NAD83, US feet, combined scale factor of 1.00004) grid value of N=10,028,061.82, E=3,137,791.36;

THENCE, with the north line of this tract, said Lot 17, and said Ortiz tract and the south ROW line of San Jose Avenue, **S65°13'09"E** passing at 9.28 feet a TxDOT Type I monument found and continuing 10.72 feet for a total distance of **20.00 feet** to a 1/2" iron rod set with a plastic cap at the northeast corner of this tract from which a 1/2" iron rod found at the northeast corner of said Ortiz tract bears S65°13'09"E 261.12 feet;

THENCE, with the east line of this tract, crossing said Lot 17 and said Ortiz tract, **S24°38'04"W 155.32 feet** to a 1/2" iron rod set with a plastic cap at the southeast corner of this tract, same being in the south line of said Lot 17 and said Ortiz tract and the north line of Lot 18 of said Valle San Jose Addition and of that tract described as the north 50 feet of Lot 18 (Parcel No. 2) in a deed to Jesus I. Hernandez and Lilia N. Hernandez, of record in Document Number 2003123491, Official Public Records, Travis County, Texas from which a 1/2" iron rod found at the southeast corner of said Ortiz tract bears S65°15'08"E 260.86 feet;

THENCE, with the south line of this tract, said Lot 17, and said Ortiz tract and the north line of said Lot 18 and said Hernandez tract, **N65°15'08"W 20.00 feet** to a 1/2" iron rod found at the southwest corner of this tract, said Lot 17, and said Ortiz

0.0713 AC.

tract and the northwest corner of said Lot 18 and said Hernandez tract, same being in the east ROW line of F.M. 812;

THENCE, with the west line of this tract, said Lot 17, and said Ortiz tract and the east ROW line of F.M. 812, **N24°38'04"E 155.33 feet** to the POINT OF BEGINNING and containing 0.0713 of one acre, more or less, within these metes and bounds.

Bearing Basis Note

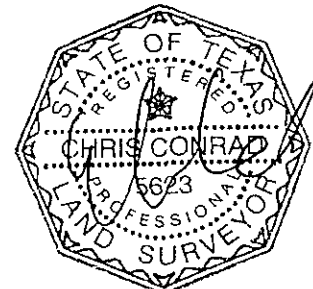
The bearings described herein are Texas State Plane Grid bearings (Texas Central Zone, NAD83. The Combined Scale Factor is 1.00004). The reference for this project is "Austin RRP", a fixed control point, and "BM1078", a TxDOT survey monument, having a grid bearing of N60°54'59"E, and a grid distance of 21590.95 feet.

SURVEYED BY:

**McGRAY & McGRAY LAND SURVEYORS, INC.**

3301 Hancock Dr., Ste. 6

Austin, TX 78731 (512) 451-8591



11/03/08

Chris Conrad, Reg. Professional Land Surveyor No. 5623

Date

Note: This copy of this description is not valid unless an original signature through an original seal appears on its face. There is a plat to accompany this description. 4546.32 WLE (0.0713 of one acre) Rev.1

Issued 10/17/08, Revised 11/03/08

AUSTIN GRID M-12  
TCAD# 03-3921-05-14

FIELD NOTES REVIEWED

By: *Mary Hawkins* Date: *11/05/08*

Engineering Support Section  
Department of Public Works  
and Transportation

Exhibit "A"  
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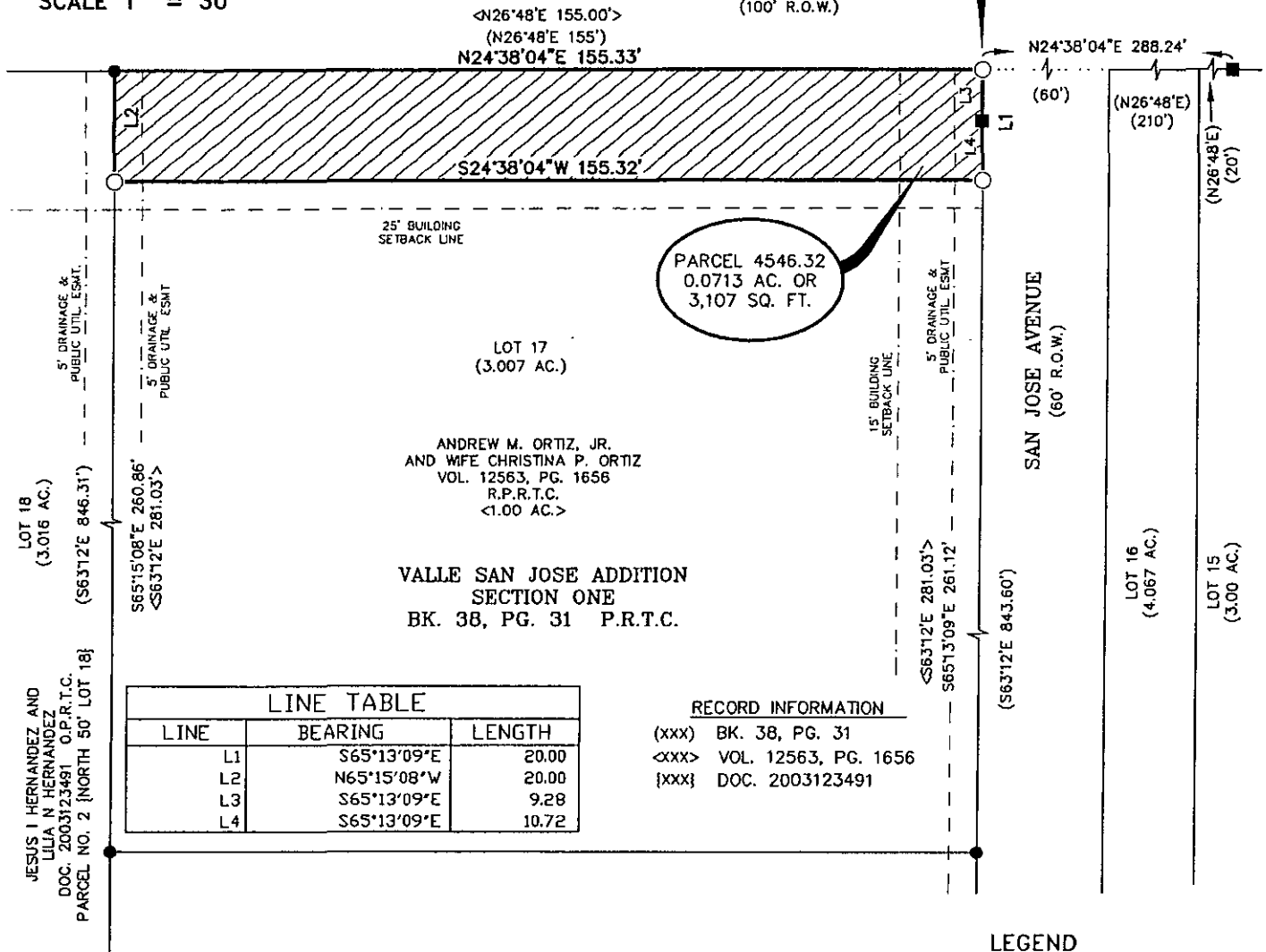
**SKETCH TO ACCOMPANY DESCRIPTION  
OF 0.0713 AC. OR 3,107 SQ. FT. OF LAND OUT OF  
LOT 17, VALLE SAN JOSE ADDITION, SECTION ONE  
AUSTIN, TRAVIS COUNTY, TEXAS**

**RE: CITY OF AUSTIN**

**SCALE 1" = 30'**

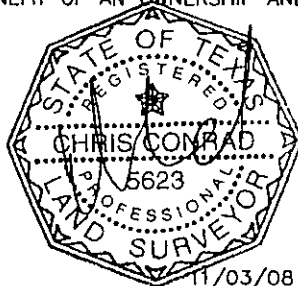
**F.M. 812  
(100' R.O.W.)**

**P.O.B.  
GRID COORDINATES  
N=10,028,061.82  
E= 3,137,791.36**



**NOTES:**

- THE COORDINATES SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD83 (93 HARN) DATUM. THE BEARINGS SHOWN ARE GRID BEARINGS. THESE COORDINATES WERE ESTABLISHED FROM "AUSTIN RRP", A FIXED CONTROL POINT HAVING COORDINATE VALUES OF N=10086515.883, E=3109682.458, AND "BM1078", A TXDOT SURVEY MONUMENT HAVING COORDINATE VALUES OF N=10097010.902, E=3128551.053. HAVING A GRID BEARING OF N60°54'59"E, AND A GRID DISTANCE OF 21590.95 FEET. THE COMBINED SCALE FACTOR IS 1.00004. ALL DISTANCES SHOWN ARE SURFACE DISTANCES.
- THIS SURVEY WAS PERFORMED WITH THE BENEFIT OF AN OWNERSHIP AND EASEMENT REPORT (FILE NO. 806936).



**CHRIS CONRAD, REG. PROF. LAND SURVEYOR NO. 5623 DATE**

Note: This copy of this plat is not valid unless an original signature through an original seal appears on its face. There is a description to accompany this plat. **TCAD # 03-3921-05-14**

**M:\SDSKPROJ\ELROY WATER LINE REVISED\DWG\PARCELS\P2**

**Exhibit "A"**  
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**LEGEND**

- 1/2" IRON ROD FOUND
- MONUMENT FOUND
- 1/2" IRON ROD SET WITH PLASTIC CAP "MCGRAY MCGRAY"
- P.O.B. POINT OF BEGINNING
- D.R.T.C. DEED RECORDS, TRAVIS COUNTY, TEXAS
- R.P.R.T.C. REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS
- O.P.R.T.C. OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS
- P.R.T.C. PLAT RECORDS, TRAVIS COUNTY, TEXAS

**REVISED: 11/03/08  
ISSUED: 10/17/08  
PAGE 3 OF 3**

**SURVEYED BY:**

**McGRAY & McGRAY  
LAND SURVEYORS, INC.  
3301 HANCOCK DRIVE #6  
AUSTIN, TEXAS 78731  
(512) 451-8591**

**AUSTIN GRID# M-12**

**JOB NO.: 08-163**