

**RESOLUTION NO. 20091015-003**

**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 damages 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 effect the needed acquisitions.

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

Owner: Burnya Mae McLeod, as Trustee of the Burnya Mae McLeod Trust

Project: South IH-35 Water/Wastewater Program

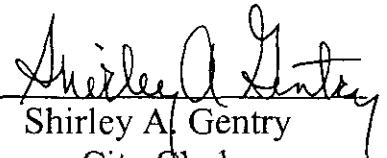
Public Purpose: the permanent waterline easement described in the attached Exhibit "A" is necessary to construct, operate, maintain, repair, replace, and upgrade waterlines and make connections therewith, in order to increase and improve the City's ability to provide potable water to the public and to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

the temporary working space easement described in the attached Exhibit "B" is necessary to construct the water lines and make connections therewith in the water line easement described in the attached Exhibit "A."

Location: 11922 South IH 35, Austin, Texas

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

**ADOPTED:** October 15, 2009

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



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

EXHIBIT "\_\_\_\_\_"

(WATERLINE EASEMENT)  
SOUTH I-35 WATER/WASTEWATER PROGRAM  
CIP # 6937.003

**DESCRIPTION FOR PARCEL 4558.12 WE**

LEGAL DESCRIPTION OF A 0.020-ACRE (892 SQUARE FOOT) TRACT OF LAND OUT OF A CALLED 2.000-ACRE TRACT IN THE SANTIAGO DEL VALLE GRANT IN TRAVIS COUNTY, TEXAS, HAVING BEEN CONVEYED TO BURNYA MAE MCLEOD BY WARRANTY DEED EXECUTED DECEMBER 31, 2001 AND RECORDED IN DOCUMENT NO. 2001220365 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.020-ACRE TRACT AS SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** on a ½-inch diameter iron rod with a plastic cap stamped "McAngus Surveying" found in the westerly right-of-way line of Interstate Highway No. 35 (right-of-way width varies), being the most southerly corner of a called 2.000-acre tract of land conveyed to Burnya Mae McLeod by Document No. 2001220365 of the Official Public Records of Travis County, Texas, same being an angle point in the easterly boundary line of the remainder portion of a called 54.2-acre tract conveyed to Travis Mizpah, Ltd. by instrument recorded in Volume 13074, Page 565 of the Real Property Records of said County, having Texas State Plane Grid Coordinate (Central Zone-4203, NAD83(CORS), U.S. Survey Feet,) values of N=10,019,109.63, E=3,096,867.48, for the most southerly corner and **POINT OF BEGINNING** of this tract;

**THENCE** departing said westerly right-of-way line of Interstate Highway No. 35, with the common boundary line of said called 2.000-acre tract and said remainder portion of the called 54.2-acre tract, N67°06'36"W for a distance of 30.13 feet to a 60d nail set for the most westerly corner of this tract, from which a ½-inch diameter iron rod with a plastic cap stamped "McAngus Surveying" found on an angle point in said common boundary line bears N67°06'36"W a distance of 101.43 feet;

**THENCE** departing said common boundary line, through the interior of said called 2.000-acre tract, N17°31'37"E for a distance of 29.78 feet to a 60d nail set for the most northerly corner of this tract, from which a ½-inch diameter iron rod with a plastic cap stamped "McAngus Surveying" found on an angle point in said common boundary line of the called 2.000-acre tract and the remainder portion of the called 54.2-acre tract, bears N66°52'37"W a distance of 83.31 feet;

5410 South 1<sup>st</sup> Street • Austin, Texas 78745 • (512) 442-7875 • Fax (512) 442-7876 •  
w w w . m a c i a s w o r l d . c o m

THENCE with said common boundary line of the called 2.000-acre tract and the remainder portion of the called 54.2-acre tract, S66°52'37"E for a distance of 30.14 feet to a ½-inch diameter iron rod with a plastic cap stamped "McAngus Surveying" found in the westerly right-of-way line of Interstate Highway No. 35, being the most easterly corner of said 2.000-acre tract, for the most easterly corner of this tract;

THENCE with said westerly right-of-way line of Interstate Highway No. 35, same being the easterly boundary line of said called 2.000-acre tract, S17°31'37"W for a distance of 29.66 feet to the **POINT OF BEGINNING** and containing 0.020-acre (892 square feet) of land.

#### BEARING BASIS NOTE

The bearings described herein are Texas State Plane Grid Bearings, Central Zone-4203, NAD 83(CORS). Project control points were established from City of Austin reference station "F-11-3001" having coordinate values of N=10,022,636.88, E=3,098,305.34 and "F-11-2001" having coordinate values of N=10,023,831.79, E=3,098,416.36. Distances shown herein are grid.

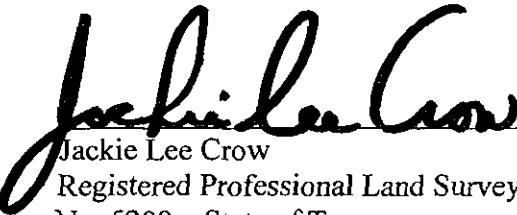
THE STATE OF TEXAS   §  
                                  §  
COUNTY OF TRAVIS   §

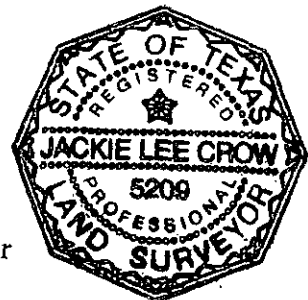
KNOW ALL MEN BY THESE PRESENTS:

That I, Jackie Lee Crow, 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 17th day of November, 2008, A.D.

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

  
Jackie Lee Crow  
Registered Professional Land Surveyor  
No. 5209 – State of Texas



#### REFERENCES

MAPSCO 2003 703-V  
AUSTIN GRID NO. F-11  
TCAD PARCEL ID NO. 04-4818-0210  
MACIAS & ASSOCIATES, L.P., PROJECT NO. 396-04-08

Reviewed and Approved by  
**Landmark Surveying, LP**


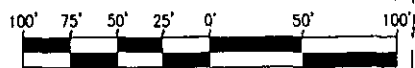
 Date 11-17-08

Exhibit "A"  
Page 2 of 3

Dana A. Markus-Wolf, R.P.L.S. No. 4996  
President of the General Partner

# SKETCH TO ACCOMPANY LEGAL DESCRIPTION



GRAPHIC SCALE

1"=100'

## LEGEND

- ☒ BRASS DISK FOUND STAMPED "HERMAN KEEP CORNER"
- ⊙ 1/2" IRON ROD FOUND WITH PLASTIC CAP STAMPED "McANGUS SURVEYING"
- 5/8" IRON ROD FOUND
- ▲ 60D NAIL SET
- ( ) RECORD INFORMATION
- R.P.R.T.C.T. REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS
- O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

SANTIAGO DEL VALLE GRANT

BURNIA MAE MCLEOD  
DOC. NO. 2001220365  
O.P.R.T.C.T.  
(2.000 ACRES)

ELECTRIC & TELEPHONE  
EASEMENT  
VOL. 11372, PG. 556  
R.P.R.T.C.T.

TRAVIS MIZPAH, LTD.  
VOL. 13074, PG. 565  
R.P.R.T.C.T.

REMAINDER PORTION OF  
(54.2 ACRES)

INTERSTATE HIGHWAY NO. 35  
SOUTHBOUND FRONTAGE ROAD  
(RIGHT-OF-WAY VARIES)

PARCEL 4558.12  
WATERLINE  
EASEMENT  
0.020 AC.  
892 SQ. FT.

TRAVIS MIZPAH, LTD.  
VOL. 13074, PG. 565  
R.P.R.T.C.T.

REMAINDER PORTION OF  
(54.2 ACRES)

POINT OF  
BEGINNING  
N=10,019,109.63  
E=3,096,867.48  
GRID

## LINE TABLE

NO.	BEARING	DISTANCE
L1	N67°06'36"W	30.13'
L2	N17°31'37"E	29.78'
L3	S66°52'37"E	30.14'
L4	S17°31'37"W	29.66'
(L4)	(S19°58'39"W)	(30.13')

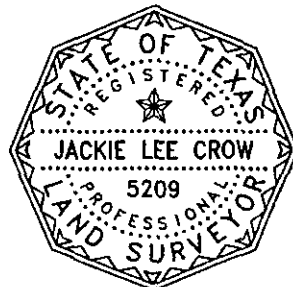
## BEARING BASIS:

THE COORDINATES AND BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE-4203, NAD83(CORS). THE COORDINATES WERE ESTABLISHED FROM CITY OF AUSTIN REFERENCE POINT "F-11-3001" HAVING COORDINATE VALUES OF N=10,022,636.88, E=3,098,305.34 AND CITY OF AUSTIN REFERENCE POINT "F-11-2001" HAVING COORDINATE VALUES OF N=10,023,831.79, E=3,098,416.36. DISTANCES SHOWN HEREON ARE GRID.

SEPTEMBER 26, 2008  
REVISED: NOVEMBER 7, 2008  
REVISED: NOVEMBER 17, 2008

*Jackie Lee Crow*  
Jackie Lee Crow  
Registered Professional Land Surveyor  
No. 5209 - State of Texas

Exhibit "A"  
Page 3 of 3



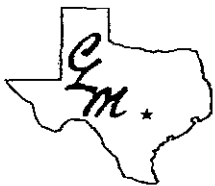
DATE: 9/26, 11/07, 11/17/08  
DRAWN BY: T. BLENDEN, J. CROW  
MAL JOB NO.: 398-04-08  
REFERENCE: F.B.509, PG.28-47

J:\JOBS\URS\398-04-08 SouthH35\DWG\4558.12 WE.dwg

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

★ ★ ★ ★ ★

5410 SOUTH 1ST STREET  
AUSTIN, TEXAS 78745 PH. (512)442-7875  
FAX (512)442-7876 EMAIL: CARMELO.MACIAS@MACSURV.COM



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

EXHIBIT "\_\_\_\_\_"

(TEMPORARY WORKING SPACE EASEMENT)  
SOUTH I-35 WATER/WASTEWATER PROGRAM  
CIP # 6937.003

**DESCRIPTION FOR PARCEL 4558.12 TWSE**

LEGAL DESCRIPTION OF A 0.014-ACRE (596 SQUARE FOOT) TRACT OF LAND OUT OF A CALLED 2.000-ACRE TRACT IN THE SANTIAGO DEL VALLE GRANT IN TRAVIS COUNTY, TEXAS, HAVING BEEN CONVEYED TO BURNYA MAE MCLEOD BY WARRANTY DEED EXECUTED DECEMBER 31, 2001 AND RECORDED IN DOCUMENT NO. 2001220365 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.014-ACRE TRACT AS SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING FOR REFERENCE** on a ½-inch diameter iron rod with a plastic cap stamped "McAngus Surveying" found in the westerly right-of-way line of Interstate Highway No. 35 (right-of-way width varies), being the most southerly corner of a called 2.000-acre tract of land conveyed to Burnya Mae McLeod by Document No. 2001220365 of the Official Public Records of Travis County, Texas, same being an angle point in the easterly boundary line of the remainder portion of a called 54.2-acre tract conveyed to Travis Mizpah, Ltd. by instrument recorded in Volume 13074, Page 565 of the Real Property Records of said County, THENCE departing said westerly right-of-way line of Interstate Highway No. 35, with the common boundary line of said called 2.000-acre tract and said remainder portion of the called 54.2-acre tract, N67°06'36"W for a distance of 30.13 feet to a 60d nail set having Texas State Plane Grid Coordinate (Central Zone-4203, NAD83(CORS), U.S. Survey Feet,) values of N=10,019,121.35, E=3,096,839.72, for the most southerly corner and **POINT OF BEGINNING** of this tract;

**THENCE** with said common boundary line of the called 2.000-acre tract and the remainder portion of the called 54.2-acre tract, N67°06'36"W for a distance of 20.09 feet a calculated point for the most westerly corner of this tract, from which a ½-inch diameter iron rod with a plastic cap stamped "McAngus Surveying" found on an angle point in said common boundary line of the called 2.000-acre tract and the remainder portion of the called 54.2-acre tract, bears N67°06'36"W a distance of 81.34 feet;

**THENCE** departing said common boundary line, through the interior of said called 2.000-acre tract, N17°31'37"E for a distance of 29.86 feet to a calculated point for the most northerly corner of this tract, from which a ½-inch diameter iron rod with a plastic cap stamped "McAngus Surveying" found on an angle point in said common boundary line of the called 2.000-acre tract and the remainder portion of the called 54.2-acre tract, bears N66°52'37"W a distance of 63.21 feet;

5410 South 1<sup>st</sup> Street • Austin, Texas 78745 • (512) 442-7875 • Fax (512) 442-7876 •  
w w w . m a c i a s w o r l d . c o m

**THENCE** with said common boundary line of the called 2.000-acre tract and the remainder portion of the called 54.2-acre tract, S66°52'37"E for a distance of 20.10 feet to a 60d nail set for the most easterly corner of this tract, from which a ½-inch diameter iron rod with a plastic cap stamped "McAngus Surveying" found in the westerly right-of-way line of Interstate Highway No. 35, being the most easterly corner of said called 2.000-acre tract, same being an angle point in the easterly boundary line of said remainder portion of a called 54.2-acre tract, bears S66°52'37"E a distance of 30.14 feet;

**THENCE** departing said common boundary line, through the interior of the called 2.000-acre tract, S17°31'37"W for a distance of 29.78 feet to the **POINT OF BEGINNING** and containing 0.014-acre (596 square feet) of land.

**BEARING BASIS NOTE**

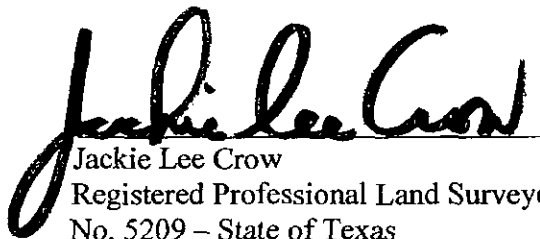
The bearings described herein are Texas State Plane Grid Bearings, Central Zone-4203, NAD 83(CORS). Project control points were established from City of Austin reference station "F-11-3001" having coordinate values of N=10,022,636.88, E=3,098,305.34 and "F-11-2001" having coordinate values of N=10,023,831.79, E=3,098,416.36. Distances shown herein are grid.

**THE STATE OF TEXAS**     §  
   §     **KNOW ALL MEN BY THESE PRESENTS:**  
**COUNTY OF TRAVIS**     §

That I, Jackie Lee Crow, 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 26th day of September, 2008, A.D.

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

  
Jackie Lee Crow  
Registered Professional Land Surveyor  
No. 5209 – State of Texas



**REFERENCES**

MAPSCO 2003 703-V  
AUSTIN GRID NO. F-11  
TCAD PARCEL ID NO. 04-4818-0210  
MACIAS & ASSOCIATES, L.P., PROJECT NO. 396-04-08

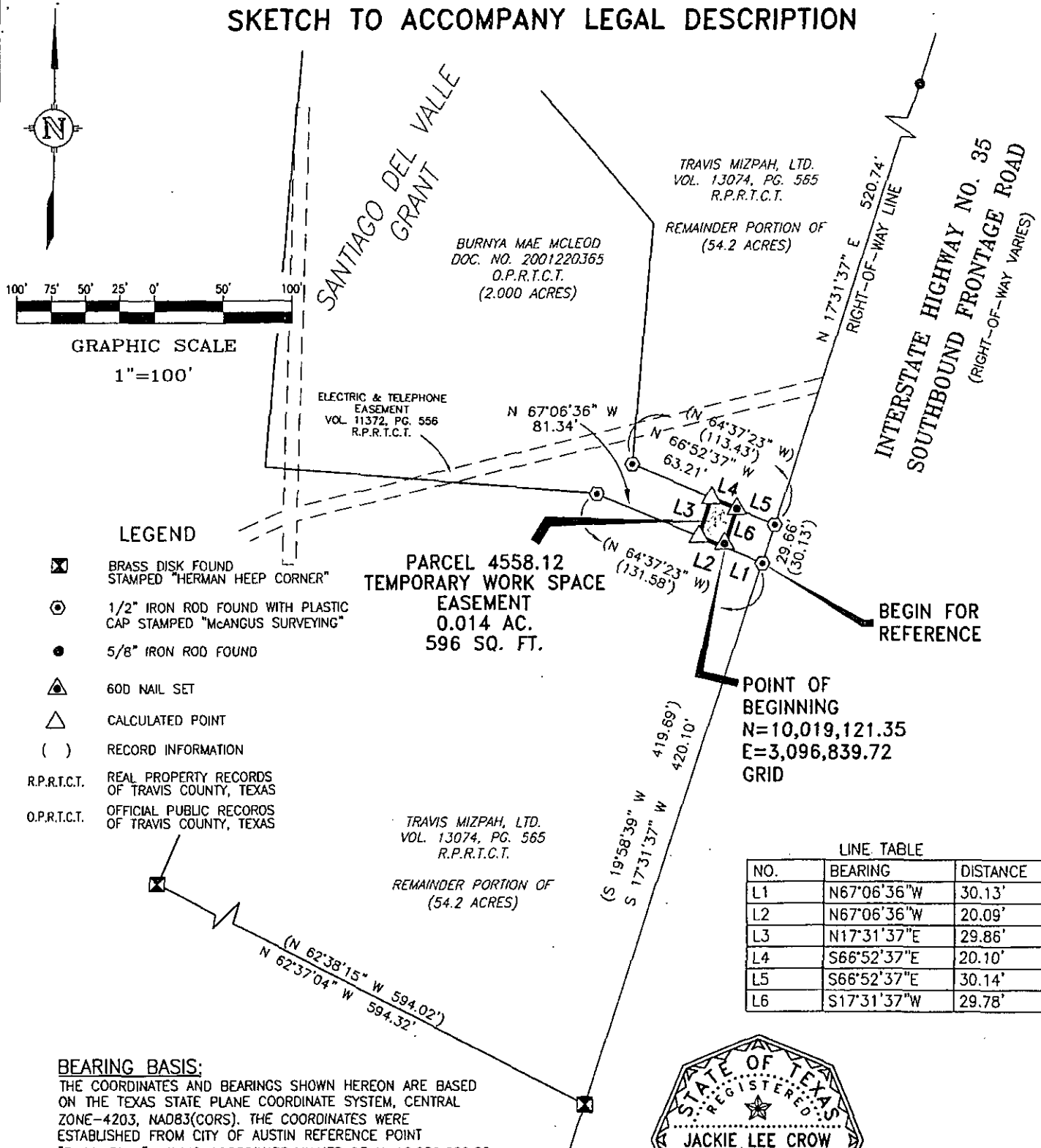
Reviewed and Approved by  
**Landmark Surveying, LP**

 Date 11-14-08

Exhibit "B"  
Page 2 of 3

Dana A. Markus-Wolf, R.P.L.S. No. 4996  
President of the General Partner

# SKETCH TO ACCOMPANY LEGAL DESCRIPTION



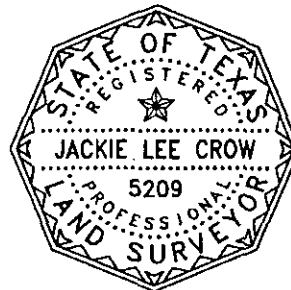
## BEARING BASIS:

THE COORDINATES AND BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE-4203, NAD83(CORS). THE COORDINATES WERE ESTABLISHED FROM CITY OF AUSTIN REFERENCE POINT "F-11-3001" HAVING COORDINATE VALUES OF N=10,022,636.88, E=3,098,305.34 AND CITY OF AUSTIN REFERENCE POINT "F-11-2001" HAVING COORDINATE VALUES OF N=10,023,831.79, E=3,098,416.36. DISTANCES SHOWN HEREON ARE GRID.

SEPTEMBER 26, 2008  
REVISED: NOVEMBER 7, 2008

*Jackie Lee Crow*  
Jackie Lee Crow  
Registered Professional Land Surveyor  
No. 5209 - State of Texas

Exhibit "B"  
Page 3 of 3



DATE: 9-26-08, 11-07-08  
DRAWN BY: T. BLENDEN, J. CROW  
MAJ JOB NO.: 396-04-08  
REFERENCE: F.B.509, PG.28-47

J:\JOBS\URS\396-04-08 SouthH35\DWG\4558.12 TWSE.dwg  
**MACIAS & ASSOCIATES, L.P.**  
LAND SURVEYORS  
5410 SOUTH 1ST STREET  
AUSTIN, TEXAS 78745 PH. (512)442-7875  
FAX (512)442-7876 EMAIL: CARMELO.MACIAS@MACSURV.COM