

RESOLUTION NO. 20100204-009

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; **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: Stenger Real Estate Holdings, Ltd.

Project: Waller Creek Tunnel Project

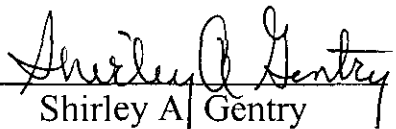
Public Purpose: the exclusive drainage easement described in the attached Exhibit "A" is necessary to contain or modify the flow of rainwater runoff to prevent or lessen the likelihood of flooding and erosion and consequent damage to Waller Creek; and

the temporary working space easement described in the attached Exhibit "B" is necessary to install permanent storm-water facilities and appurtenances thereto that will provide flood control and water quality enhancements to the lower Waller Creek watershed.

Location: 0 East Avenue

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

ADOPTED: February 4, 2010

ATTEST: 
Shirley A. Gentry
City Clerk

DESCRIPTION FOR PARCEL 4548.02.3T DE

DESCRIPTION OF 0.2591 OF ONE ACRE OR 11,285 SQUARE FEET OF LAND, MORE OR LESS, OUT OF LOT 1, KUYKENDALL ADDITION, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, A SUBDIVISION OF RECORD IN BOOK 67, PAGE 45, PLAT RECORDS, TRAVIS COUNTY, TEXAS, AND SAID 0.2591 OF ONE ACRE TRACT ALSO BEING OUT OF THAT TRACT DESCRIBED IN A SPECIAL WARRANTY DEED DATED OCTOBER 28, 2005 TO STENGER REAL ESTATE HOLDINGS, LTD., OF RECORD IN DOCUMENT NUMBER 2005207006, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS; SAID 0.2591 OF ONE ACRE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at 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 1 and said Stenger tract and the north line of that tract described as Tract One in a deed to William S. Winn, of record in Volume 7121, Page 121, Deed Records, Travis County, Texas, from which a 1/2" iron rod found at the southeast corner of said Lot 1 bears S73°35'57"E 121.78 feet and from said point of beginning a 5/8" iron rod found near the southeast corner of said Winn tract bears S73°35'57"E 121.78 feet, S16°27'41"W 62.24 feet, and N44°48'52"W 3.83 feet, and from said point of beginning a City of Austin monument found (March 2000, no longer exists) in the centerline of Sabine Street bears S73°35'57"E 121.78 feet, S16°27'41"W 62.24 feet, S16°27'41"W 12.00 feet, N73°35'44"W 326.64 feet, and from said point of beginning a City of Austin monument found at the centerline intersection of East 5th Street and Sabine Street bears S73°35'57"E 121.78 feet, S16°27'41"W 62.24 feet, S16°27'41"W 12.00 feet, N73°35'44"W 326.64 feet, and N16°28'03"E 328.78 feet, said point of beginning having a State Plane Coordinate (Texas Central Zone, NAD83, U.S. Feet, Combined Scale Factor of 1.00005) grid values of N=10,069,476.62, E=3,116,462.63;

THENCE, with the south line of this tract, said Lot 1, and said Stenger tract and the north line of said Winn tract, **N73°35'57"W 73.85 feet** to a 1/2" iron rod set with a plastic cap at the southwest corner of this tract, the southwest corner of said Lot 1 and said Stenger tract, and being in the east line of that tract described as Tract One in a deed to William S. Winn, of record in Volume 7167, Page 1121, Deed Records, Travis County, Texas;

THENCE, with a west line of this tract, a west line of said Lot 1 and said Stenger tract, and the east line of said Winn Tract One in Volume 7167, Page 1121, **N16°28'03"E 75.93 feet** to a 1/2" iron rod set with a plastic cap at an interior ell corner of this tract, said Lot 1 and said Stenger tract, and the northeast corner of said Winn Tract One in Volume 7167, Page 1121;

0.2591 AC.

THENCE, with a south line of this tract, said Lot 1 and said Stenger tract, and the north line of said Winn Tract One in Volume 7167, Page 1121 **N73°31'57"W 22.00 feet** to a 1/2" iron rod set with a plastic cap at an exterior ell corner of this tract, said Lot 1 and said Stenger tract, at the northwest corner of said Winn Tract One in said Volume 7176, Page 1121, same being in the east line of the remainder portion of a 20 foot alley;

THENCE, with a west line of this tract, of said Lot 1 and said Stenger tract, and the east line of said remainder portion of the 20 foot alley and then with the east line of Lot 8, Block 37, original City of Austin, Travis County, Texas, according to the map on file in the General Land Office of Texas, said Lot 8 being described in a deed to Gerald Allen Shults, of record in Volume 12057, Page 258, Real Property Records, Travis County, Texas, **N16°28'03"E 59.21 feet** to a 1/2" iron rod set with a plastic cap at the northwest corner of this tract, and said Lot 1 and said Stenger tract, same being at a point in the west line of Lot 7 of said Block 37, and the southwest corner of that tract described in a gift deed dated December 26, 1995 to Kay Shapiro, trustee; Diane Shapiro, trustee; Jay Shapiro, trustee; and Susan Shapiro, trustee, of record in Volume 12603, Page 263, Real Property Records, Travis County, Texas;

THENCE, with the north line of this tract, of said Lot 1 and said Stenger tract, with the south line of said Shapiro tract, crossing said Lot 7 and Lot 6 of said Block 37, **S73°35'57"E 95.85 feet** to a calculated point at the northeast corner of this tract;

THENCE, with the east line of this tract, crossing said Lot 1 and said Stenger tract, **S16°28'10"W 135.17 feet** to the POINT OF BEGINNING and containing 0.2591 of one acre, more or less, within these metes and bounds.

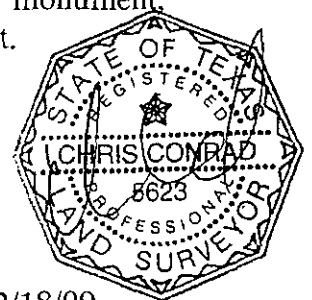
Bearing Basis Note

The bearings described herein are Texas State Plane Grid bearings (Texas Central Zone, NAD83. The Combined Scale Factor is 1.00005). 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



02/18/09

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.

4548.02.3T DE (0.2591) Rev.1

Issued 2/12/09

Revised 2/18/09

FIELD NOTES REVIEWED

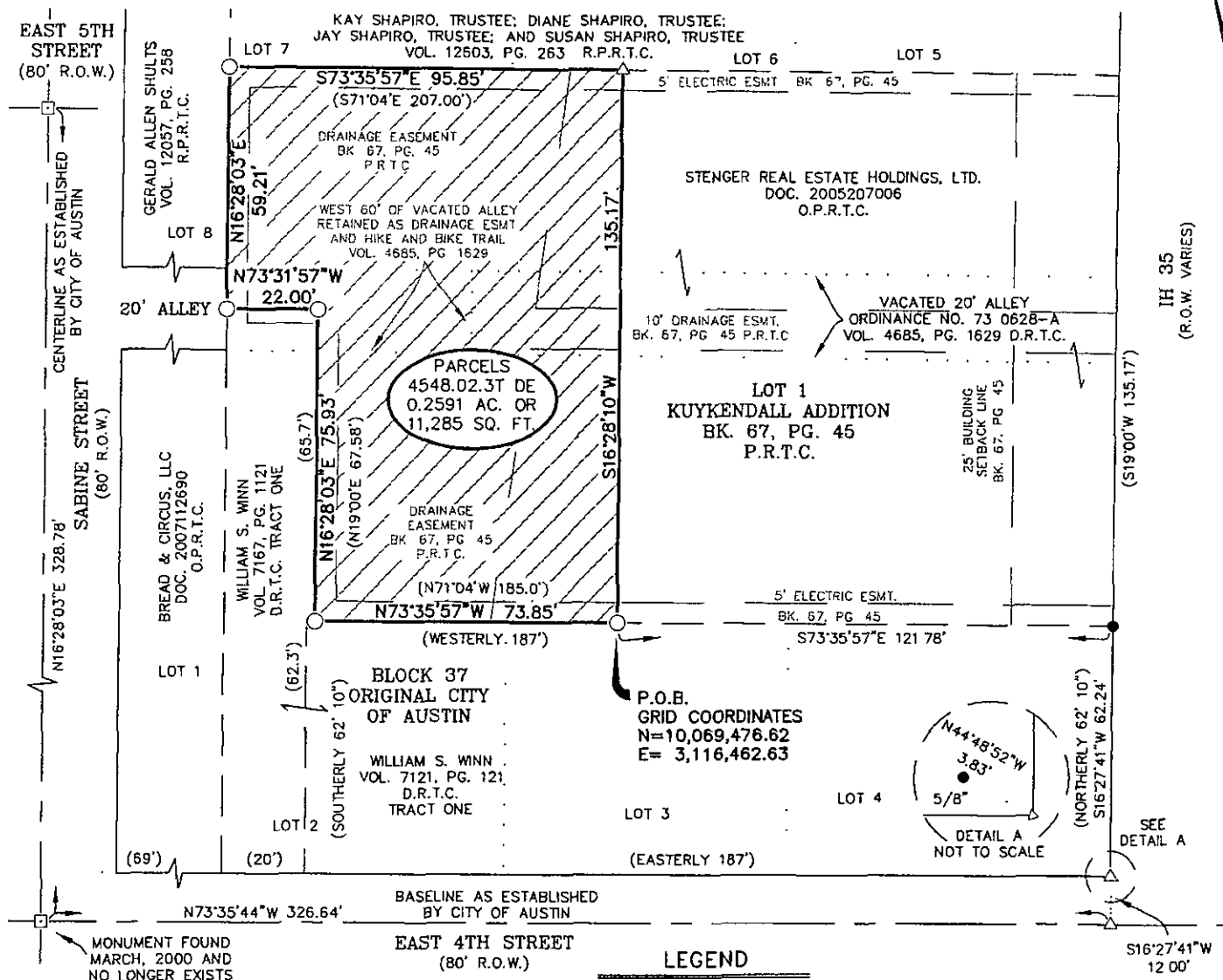
By:  Date 2/19/09

Engineering Support Section
Department of Public Works
and Transportation

AUSTIN GRID I-22
TCAD# 02-0404-19-09

Exhibit "A"
Page 2 of 3

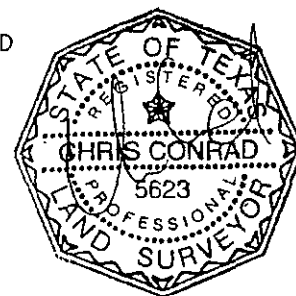
SKETCH TO ACCOMPANY DESCRIPTION
OF 0.2591 AC. OR 11,285 SQ. FT. OF LAND OUT OF
LOT 1, KUYKENDALL ADDITION
AUSTIN, TRAVIS COUNTY, TEXAS



1. THE COORDINATES SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD83 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 1.00005. ALL DISTANCES SHOWN ARE SURFACE DISTANCES.

2. THIS SURVEY WAS PERFORMED WITH THE BENEFIT OF TITLE COMMITMENT (GF NO. 00073989).

- 1/2" IRON ROD FOUND
EXCEPT AS NOTED
- CITY OF AUSTIN MONUMENT FOUND
- △ COMPUTED POINT
- 1/2" IRON ROD SET WITH
PLASTIC CAP "MCGRAY MCGRAY"
- (XXX) RECORD INFORMATION
- D.R.T.C. DEED RECORDS,
TRAVIS COUNTY
- O.P.R.T.C. OFFICIAL PUBLIC RECORDS,
TRAVIS COUNTY
- R.P.R.T.C. REAL PROPERTY RECORDS
TRAVIS COUNTY
- P.O.B. POINT OF BEGINNING



ISSUED: 02/12/09
REVISED: 02/18/09

SURVEYED BY: PAGE 3 OF 3

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

AUSTIN GRID#: J-22 JOB NO.: 08-041

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# 02-0404-19-09 Exhibit "A"
CIP # 4971-827-7000
M:\SDSKPROJ\WALLER CREEK\DWG\PARCEL\STENGER_DE Page 2 of 3

Exhibit "A"
Page 2 of 3

(TEMPORARY WORKSPACE EASEMENT)
CIP # 4971-827-7000

DESCRIPTION FOR PARCEL 4548.02.3T TWSE

DESCRIPTION OF 0.3779 OF ONE ACRE OR 16,461 SQUARE FEET OF LAND, MORE OR LESS, OUT OF LOT 1, KUYKENDALL ADDITION, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, A SUBDIVISION OF RECORD IN BOOK 67, PAGE 45, PLAT RECORDS, TRAVIS COUNTY, TEXAS, AND SAID 0.3779 OF ONE ACRE TRACT ALSO BEING OUT OF THAT TRACT DESCRIBED IN A SPECIAL WARRANTY DEED DATED OCTOBER 28, 2005 TO STENGER REAL ESTATE HOLDINGS, LTD., OF RECORD IN DOCUMENT NUMBER 2005207006, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS; SAID 0.3779 OF ONE ACRE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod found at the southeast corner of this tract, said Lot 1, and said Stenger tract and the northeast corner of that tract described as Tract One in a deed to William S. Winn, of record in Volume 7121, Page 121, Deed Records, Travis County, Texas, from which point a 5/8" iron rod found near the southeast corner of Lot 4, Block 37, and of said Winn tract bears S16°27'41"W 62.24 feet and N44°48'52"W 3.83 feet, and from said point of beginning a City of Austin monument found (March 2000, no longer exists) in the centerline of Sabine Street bears S16°27'41"W 62.24 feet, S16°27'41"W 12.00 feet, and N73°35'44"W 326.64 feet, and from said point of beginning a City of Austin monument found at the centerline intersection of Sabine Street and East 5th Street bears S16°27'41"W 62.24 feet, S16°27'41"W 12.00 feet, and N73°35'44"W 326.64 feet, and N16°28'03"E 328.78 feet, said point of beginning having a State Plane Coordinate (Texas Central Zone, NAD83, U.S. Feet, Combined Scale Factor of 1.00005) grid values of N=10,069,442.23, E=3,116,579.46;

THENCE, with the south line of this tract, said Lot 1, and said Stenger tract, and the north line of said Winn tract, **N73°35'57"W 121.78 feet** to a 1/2" iron rod set with a plastic cap at the southwest corner of this tract;

THENCE, with the west line of this tract, crossing said Lot 1 and said Stenger tract, **N16°28'10"E 135.17 feet** to a calculated point at the northwest corner of this tract, same being in the north line of said Lot 1 and said Stenger tract and the south line of that tract described in a deed to Kay Shapiro Trustee; Diane Shapiro, Trustee; Jay Shapiro, Trustee; and Susan Shapiro, Trustee, of record in Volume 12603, Page 263, Real Property Records, Travis County, Texas.

0.3779 AC.

THENCE, with the north line of this tract, said Lot 1, and said Stenger tract and the south line of said Shapiro tract, **S73°35'57"E 121.77 feet** to a 1/2" iron rod set with a plastic cap at the northeast corner of this tract, said Lot 1, and said Stenger tract and the southeast corner of said Shapiro tract, same being in the west line of I.H. 35;

THENCE, with the east line of this tract, said Lot 1, and said Stenger tract and the west line of I.H. 35, **S16°27'41"W 135.17 feet** the POINT OF BEGINNING and containing 0.3779 of one acre, more or less, within these metes and bounds.

Bearing Basis Note

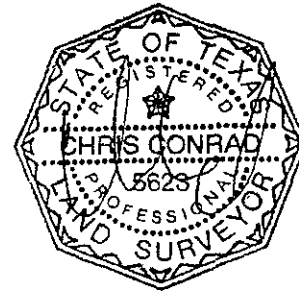
The bearings described herein are Texas State Plane Grid bearings (Texas Central Zone, NAD83. The Combined Scale Factor is 1.00005). The reference for this project is "Austin RRP", a fixed control point, and "BM1078", a TxDOT survey monument, having a grid bearing of N60°54'59"E, and a grid distance of 21590.95 feet.

SURVEYED BY:

McGRAY & McGRAY LAND SURVEYORS, INC.

3301 Hancock Dr., Ste. 6

Austin, TX 78731 (512) 451-8591



02/18/09

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.


4548.02.3T TWSE (0.3779) Rev.1

Issued 2/12/09

Revised 2/18/09

AUSTIN GRID J-22
TCAD# 02-0404-19-09

FIELD NOTES REVIEWED

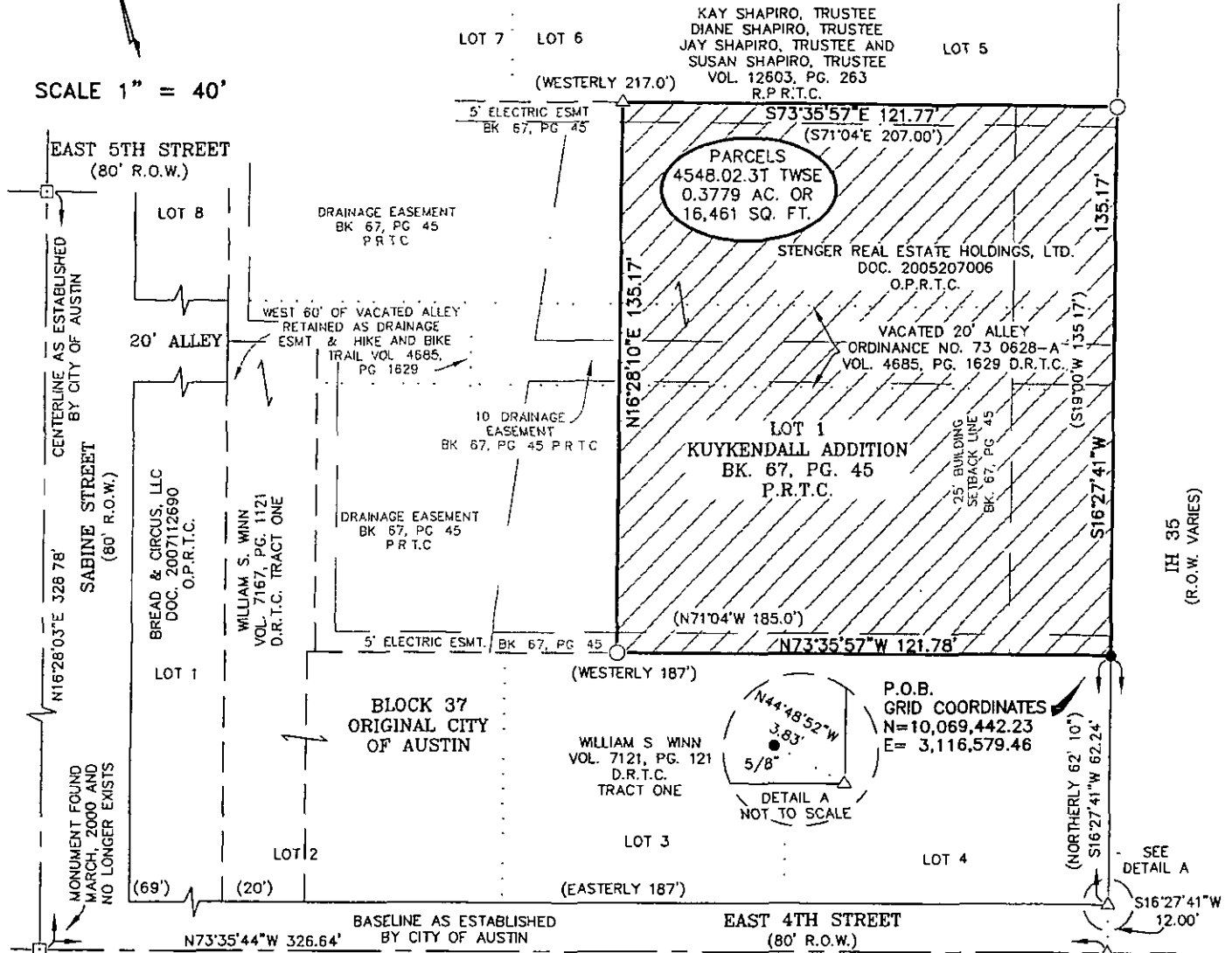
By:  Date 2/19/09

Engineering Support Section
Department of Public Works
and Transportation

Exhibit "B"
Page 2 of 3

SKETCH TO ACCOMPANY DESCRIPTION
OF 0.3779 AC. OR 16,461 SQ. FT. OF LAND OUT OF
LOT 1, KUYKENDALL ADDITION
AUSTIN, TRAVIS COUNTY, TEXAS

RE: CITY OF AUSTIN



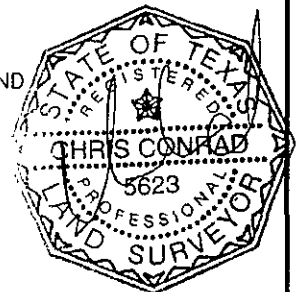
NOTES:

1. THE COORDINATES SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD83 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 1.00005. ALL DISTANCES SHOWN ARE SURFACE DISTANCES.

2. THIS SURVEY WAS PERFORMED WITH THE BENEFIT OF TITLE COMMITMENT (GF NO. 00073989).

LEGEND

- 1/2" IRON ROD FOUND EXCEPT AS NOTED
- CITY OF AUSTIN MONUMENT FOUND
- △ COMPUTED POINT
- 1/2" IRON ROD SET WITH PLASTIC CAP "MCGRAY MCGRAY"
- (XXX) RECORD INFORMATION
- D.R.T.C. DEED RECORDS, TRAVIS COUNTY
- O.P.R.T.C. OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY
- R.P.R.T.C. REAL PROPERTY RECORDS, TRAVIS COUNTY
- P.O.B. POINT OF BEGINNING



ISSUED: 02/12/09
REVISED: 02/18/09
PAGE 3 OF 3

SURVEYED BY:

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

AUSTIN GRID#: J-22

JOB NO.: 08-041

CHRIS CONRAD, REG. PROF. LAND SURVEYOR NO. 5623
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# 02-0404-19-09
CIP # 4971-827-7000

M:\SDSKPROJ\WALLER CREEK\DWG\PARCEL\STENGER_TW

02/18/09

Exhibit "B"
Page 3 of 3