

RESOLUTION NO. 20100429-006

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: Maxine W. Whitehead, Louis G. Whitehead, Jr., Shelly Susan Collins nka Shelly Susan Robinson and Maxine W. Whitehead, individually and as Trustee of the Whitehead By-Pass Trust

Project: Gilleland to Techridge Transmission Line Project

Public Purpose: the electric transmission and distribution easement (the "Easement"), described in the attached Exhibits "A," and "B," is necessary to place, construct, reconstruct, install, operate, repair, maintain, inspect, replace, upgrade or remove (in whole or in part) electric transmission, distribution and telecommunications lines and systems and all necessary and desirable appurtenances and structures (the "Facilities"), and to cut or trim trees and shrubbery and to remove obstructions as necessary to keep them clear of the Facilities and to permit the City of Austin unimpeded access to the Facilities in order to increase and improve the City's ability to provide reliable electric utility services to the public, and to protect and promote public health and safety.

Location: 15218 Cameron Road, in the extraterritorial jurisdiction of Austin, Travis County, Texas

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

ADOPTED: April 29, 2010

ATTEST:

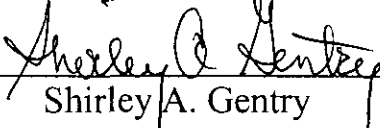

Shirley A. Gentry
City Clerk



EXHIBIT "A"

SURVEY PLAT OF A 3.46 ACRE (150586 SQUARE FEET) IN THE WILLIAM CALDWELL SURVEY NUMBER 66, ABSTRACT NUMBER 162, TRAVIS COUNTY, TEXAS, SAID 3.46 ACRE STRIP OF LAND BEING OUT OF THE REMAINDER OF THAT CALLED 60.677 ACRE TRACT OF LAND DESCRIBED TO THE WHITEHEAD BY-PASS TRUST IN THAT CERTAIN WARRANTY DEED AS RECORDED IN VOLUME 11621, PAGE 639, REAL PROPERTY RECORDS TRAVIS COUNTY, TEXAS, SAID 3.46 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOW:

COMMENCING at a five-eighths inch iron rod found for the northwest corner of the remainder of that called 97 1/2 acres of land bequeathed to Mary Belle Brackett, Alma M. Kilian, and Edna M. Kilian in the Last Will and Testament of Martha Kilian as recorded in Document Number 2003203549 Official Public Records of Travis County, Texas, the metes and bounds of which are described to G. J. Kilian in that certain Warranty Deed as recorded in Volume 955, Page 46, Deed Records of Travis County, Texas, same being the southwest corner of the said 60.677 acre remainder tract of land and a point on the southeast line of that called 339.82 acres of land described to Travis County, Texas, in that certain General Warranty Deed as recorded in Volume 13131, Page 3751, Real Property Records of Travis County, Texas;

THENCE South 62°27'28" East, along the common dividing line of the said Kilian tract of land and the said Whitehead tract of land, a distance of 440.26 feet to a calculated point for the POINT OF BEGINNING of and northwest corner of the herein described 3.46 acre tract of land;

THENCE North 86°55'22" East, through said Whitehead By-Pass Trust tract of land, coincident with the south line of an existing Lower Colorado River Authority transmission line easement as recorded in Volume 653, Page 342, Deed Records Travis County, Texas, a distance of 1580.72 feet to a calculated point for the northeast corner of the herein described 3.46 acre tract of land, same being at the intersection of the west line of Toll Road State Highway 130 where it now severs the Whitehead By-Pass Trust tract of land and from this point a Aluminum capped iron rod found at Texas Department Of Transportation Station 1185+97.51 feet for a point on the common dividing line The Whitehead By-Pass Trust and the remainder of that called 35.849 acre of land described to Elwood B. Burns and wife, Willie Mae Burns in that certain Warranty Deed With Vendor's Lien as recorded in Volume 5729, Page 1745, Deed Records of Travis County, Texas, same being the west line of the said Toll Road 130 bears North 13°55'05" West, a distance of 108.13 feet;

THENCE South 13°55'05" East, along the common dividing line of the said Whitehead remainder tract of land and the said Toll Road State Highway 130 a distance of 101.82 feet to a calculated point for the southeast corner of the herein described to 3.46 acre tract of land and from this point an aluminum capped rod found at Texas Department Of Transportation station 1194+87.64 feet on the west Right of Way line of Toll Road 130 bears South 13°55'05" East, a distance of 680.00;

THENCE South 86°55'22" West, through said 60.677 acre tract of land and 100 foot perpendicular distance from and parallel to the said Lower Colorado River Authority transmission line easement a distance of 1430.91 feet to a calculated corner for the southwest corner of the herein described 3.46 acre tract of land, same being a point on the common dividing line of the said Kilian 97 1/2 acre tract of land and the said Whitehead 60.677 acre tract of land;

THENCE North 62°27'28" West, along the common dividing line of the said Kilian tract of land and the said Whitehead tract of land a distance of 196.33 feet to the **POINT OF BEGINNING** and containing 3.46 acres or (150586 square feet) of land more or less.

BASIS OF BEARINGS: NAD 83, TEXAS CENTRAL ZONE, 4203, as per GPS observation.

I hereby certify that these field notes were prepared from an on the ground survey made under my supervision in January 2009.

Prepared By: AUSTIN ENERGY

Robert C. Steubing 01/28/09
Robert C. Steubing
Registered Professional Land Surveyor No. 5548



