

RESOLUTION NO. 20100624-011

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: Lion Outdoor, LLC

Project: Waller Creek Tunnel

Public Purpose: the exclusive drainage easement described in the attached Exhibit "A" is necessary to construct, operate, maintain, repair, replace and upgrade a drainage channel and related facilities, and stabilize the channel banks in, under, over, on and across the property described in the attached Exhibit "A," and to enter all or part of the easement property at any and all times for the above described public purposes, in order to increase and improve the City's ability 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

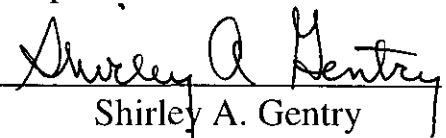
the temporary workspace easement described in the attached Exhibit "B is necessary to construct, replace and upgrade the drainage channel and related facilities, and stabilize the channel banks in, over, on and across the exclusive drainage easement described in the attached Exhibit "A," and to permit completion of the Project.

Location: 706 and 708 East 4th Street

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

ADOPTED: June 24, 2010

ATTEST:



Shirley A. Gentry
City Clerk

(DRAINAGE EASEMENT)
CIP # 4971-827-7000

DESCRIPTION FOR PARCELS 4548.02.1T DE
AND 4548.02.2T DE

DESCRIPTION OF 0.2243 OF ONE ACRE OR 9,771 SQUARE FEET OF LAND, MORE OR LESS, OUT OF LOTS 2 & 3 AND A PORTION OF A 20 FOOT WIDE ALLEY AS VACATED BY CITY OF AUSTIN ORDINANCE NUMBER 73 0628-A, OF RECORD IN VOLUME 4685, PAGE 1629, DEED RECORDS TRAVIS COUNTY, TEXAS, BLOCK 37, ORIGINAL CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP ON FILE IN THE GENERAL LAND OFFICE OF TEXAS AND SAID 0.2243 OF ONE ACRE TRACT ALSO BEING A PORTION OF THAT TRACT DESCRIBED AS 0.35 ACRES IN A SPECIAL WARRANTY DEED DATED DECEMBER 30, 2009 TO LION OUTDOOR, LLC, OF RECORD IN DOCUMENT NUMBER 2009213968, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY TEXAS; SAID 0.2243 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 in the southline of said Lot 3, and said Lion tract in Volume 7121, Page 121, same being in the north line of East 4th Street from which a 5/8" iron rod found bears S73°35'44"E 87.42 feet and N44°48'52"W 3.83 feet, and from which a City of Austin monument found (March 2000, no longer exists) in the centerline of Sabine Street bears S16°24'16"W 12.00 feet and N73°35'44"W 239.23 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°24'16"W 12.00 feet, N73°35'44"W 239.23 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=10,069,407.23, E=3,116,477.97;

THENCE, with the south line of this tract, said Lots 3 and 2, and said Lion tract in Volume 7121, Page 121 and then with the south line of said Lion tract in Volume 7167, Page 1121 and the north line of East 4th Street, **N73°35'44"W 130.22 feet** to a 1/2" iron rod set with a plastic cap at the southwest corner of this tract, said Lot 2, and said Lion tract in Volume 7121, Page 1121 and the southeast corner of Lot 1 of said Block 37 and of that tract described in a deed to Bread & Circus, LLC, of record in Document Number 2007112690, Official Public Records, Travis County, Texas;

THENCE, with the west line of this tract, said Lot 2, and said Lion tract in Volume 7167, Page 1121 and the east line of said Lot 1, and said Bread & Circus tract, passing into said 20 foot wide vacated alley, **N16°28'03"E 138.18 feet** to a 1/2" iron rod set with a plastic cap at the northwest corner of this tract and said Lion tract in Volume 7167, Page 1121 and a southwest corner of Lot 1, Kuykendall Addition, a subdivision in the City of Austin of record in Book 67, Page 45, Plat Records, Travis County, Texas, said Lot 1 being described in a deed to Stenger Real Estate Holdings, LTD. of record in Document Number 2005207006, Official Public Records, Travis County, Texas;

0.2243 AC.

THENCE, with a north line of this tract and said Lion tract in Volume 7167, Page 1121 and a south line of said Stenger tract and said Lot 1, Kuykendall Addition, **S73°31'57"E 22.00 feet** to a 1/2" iron rod set with a plastic cap for a northeast corner of this tract and said Lion tract in Volume 7167, Page 1121 and an interior ell corner of said Stenger tract and said Lot 1, Kuykendall Addition;

THENCE, with an east-line of this tract and said Lion tract in Volume 7167, Page 1121 and the west line of said Stenger tract and said Lot 1, Kuykendall Addition, crossing into said Lot 2, **S16°28'03"W 75.93 feet** to a 1/2" iron rod set with a plastic cap at the interior corner of this tract and in the east line of said Lion tract in Volume 7167, Page 1121, and in the north line of said Lion tract in Volume 7121, Page 121 and a southwest corner of said Stenger tract and said Lot 1, Kuykendall Addition;

THENCE, with a north line of this tract and said Lion tract in Volume 7121, Page 121 and a south line of said Stenger tract and said Lot 1, Kuykendall Addition, crossing said Lots 2 and 3, **S73°35'57"E 108.14 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 Lion tract in Volume 7121, Page 121 and the southeast corner of said Stenger tract and said Lot 1, Kuykendall Addition, same being in the east line of said Lot 4 and the west line of I.H. 35 bears **S73°35'57"E 87.49 feet**;

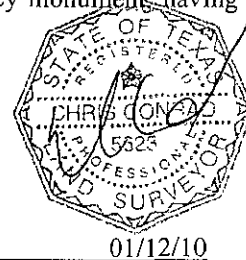
THENCE, with an east line of this tract, crossing said Lot 3, and the said Lion tract in Volume 7121, Page 121, **S16°23'54"W 62.24 feet** to the POINT OF BEGINNING and containing 0.2243 of one acre, more or less, within these metes and bounds.

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



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 1T DE & 4548 02 2T DE (0.2243) Rev 2

Issued 2/12/09 Revised 2/18/09, 1/12/10

AUSTIN GRID J-22
TCAD# 02-0404-19-06 and 08

FIELD NOTES REVIEWED

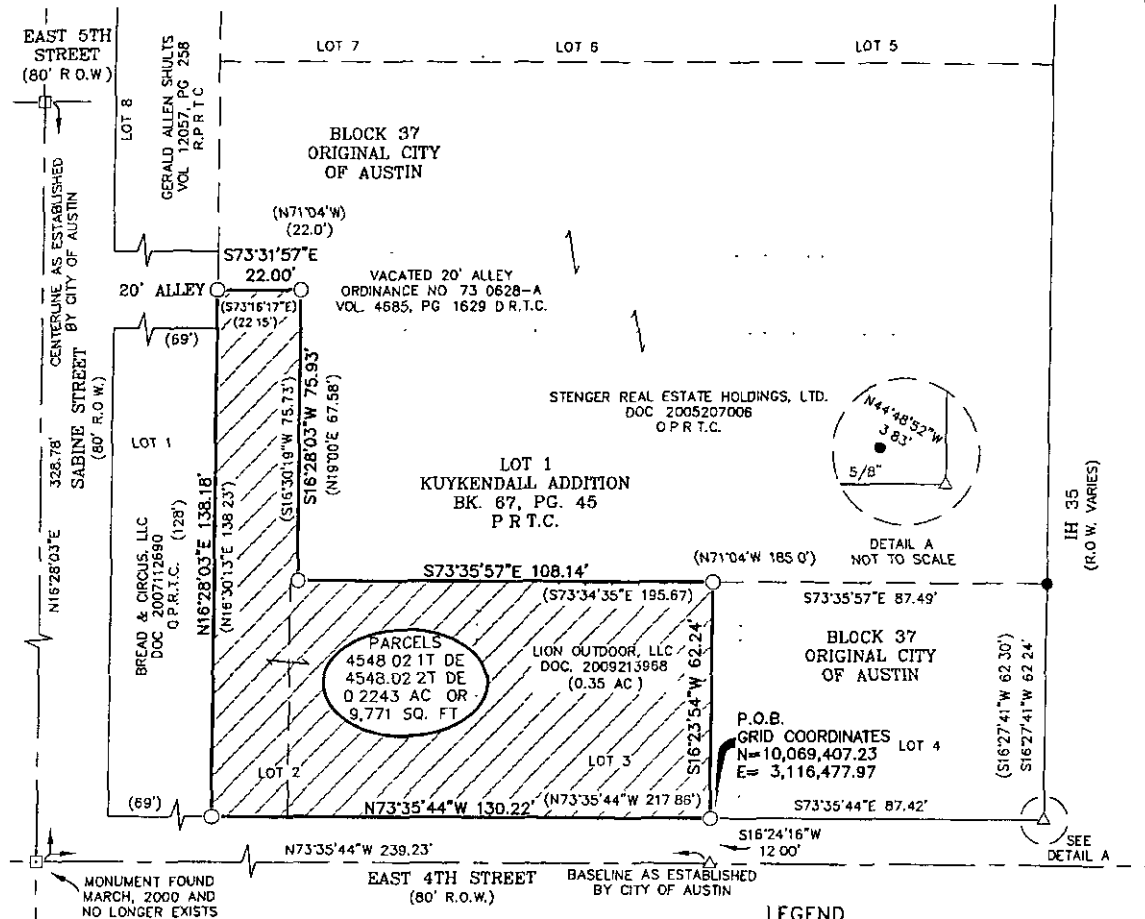
31 *[Signature]* Date 1/22/10

Engineering Support Section
Department of Public Works
Transportation

RE: CITY OF AUSTIN

SKETCH TO ACCOMPANY DESCRIPTION
OF 0.2243 AC. OR 9,771 SQ. FT. OF LAND OUT OF
BLOCK 37, ORIGINAL CITY OF AUSTIN
AUSTIN, TRAVIS COUNTY, TEXAS

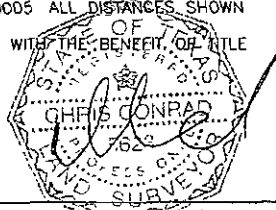
SCALE 1" = 40'



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. 00073988)



01/12/10

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# 02-0404-19-06 & 08
CIP # 4971-827-7000

M:\SDSKPROJ\WALLER CREEK\DWG\PARCEL\LION-OUTDOOR-WINN_DE-AE_REV1.DWG

LEGEND

- 1/2" IRON ROD FOUND EXCEPT AS NOTED
- ☐ CITY OF AUSTIN MONUMENT FOUND
- 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
REVISED: 01/12/10

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

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

DESCRIPTION FOR PARCELS 4548.02.1T TWSE

DESCRIPTION OF 0.1250 OF ONE ACRE OR 5,443 SQUARE FEET OF LAND, MORE OR LESS, OUT OF LOTS 3 & 4, BLOCK 37, ORIGINAL CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP ON FILE IN THE GENERAL LAND OFFICE OF TEXAS AND SAID 0.1250 OF ONE ACRE TRACT ALSO BEING A PORTION OF THAT TRACT DESCRIBED AS 0.35 ACRES, IN A SPECIAL WARRANTY DEED DATED DECEMBER 30, 2009 TO LION OUTDOOR, LLC, OF RECORD IN DOCUMENT NUMBER 2009213968, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY TEXAS; SAID 0.1250 OF ONE ACRE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a calculated point at the southeast corner of this tract, said Lot 4, and said Lion tract, same being at the intersection of the north line of East 4th Street and the west line of I.H. 35 from which a 5/8" iron rod found bears N44°48'52"W 3.83 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=10,069,382.54, E=3,116,561.82;

THENCE, with the south line of this tract, said Lots 4 and 3, and said Lion tract and the north line of East 4th Street, **N73°35'44"W 87.42 feet** to a 1/2" iron rod set with a plastic cap at the southwest corner of this tract, from which a City of Austin monument found (March 2000, no longer exists) in the centerline of Sabine Street bears S16°24'16"W 12.00 feet and N73°35'44"W 239.23 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°24'16"W 12.00 feet, N73°35'44"W 239.23 feet, and N16°28'03"E 328.78 feet;

THENCE, with the west line of this tract, crossing said Lot 3, and said Lion tract, **N16°23'54"E 62.24 feet** to a 1/2" iron rod set with a plastic cap at the northwest corner of this tract, in the north line of said Lion tract, and a south line of Lot 1, Kuykendall Addition, a subdivision in the City of Austin of record in Book 67, Page 45, Plat Records, Travis County, Texas, said Lot 1 being described in a deed to Stenger Real Estate Holdings, LTD. of record in Document Number 2005207006, Official Public Records, Travis County, Texas;

THENCE, with the north line of this tract and said Lion tract and a south line of said Stenger tract and said Lot 1, Kuykendall Addition, crossing said Lots 3 and 4, **S73°35'57"E 87.49 feet** to a 1/2" iron rod found at the northeast corner of this tract and said Lion tract and the southeast corner of said Stenger tract and said Lot 1, Kuykendall Addition, same being in the east line of said Lot 4 and the west line of I.H. 35;

0.1250 AC.

THENCE, with the east line of this tract, said Lot 4, and said Lion tract, and the west line of I.H. 35, S16°27'41"W 62.24 feet to the POINT OF BEGINNING and containing 0.1250 of one acre, more or less, within these metes and bounds.

Bearing Basis Note

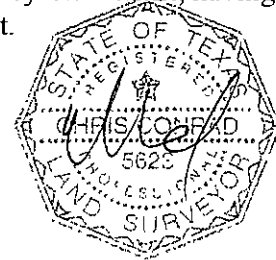
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SURVEYED BY:

McGRAY & McGRAY LAND SURVEYORS, INC.

3301 Hancock Dr., Ste. 6

Austin, TX 78731 (512) 451-8591



01/12/10

Chris Conrad, Reg. Professional Land Surveyor No. 5623

Date

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4548 02.1T TWSE (0 1250) Rev 2

Issued 2/12/09

Revised 2/18/09, 1/12/10

AUSTIN GRID J-22
TCAD# 02-0404-19-06 and 08

FIELD NOTES REVIEWED

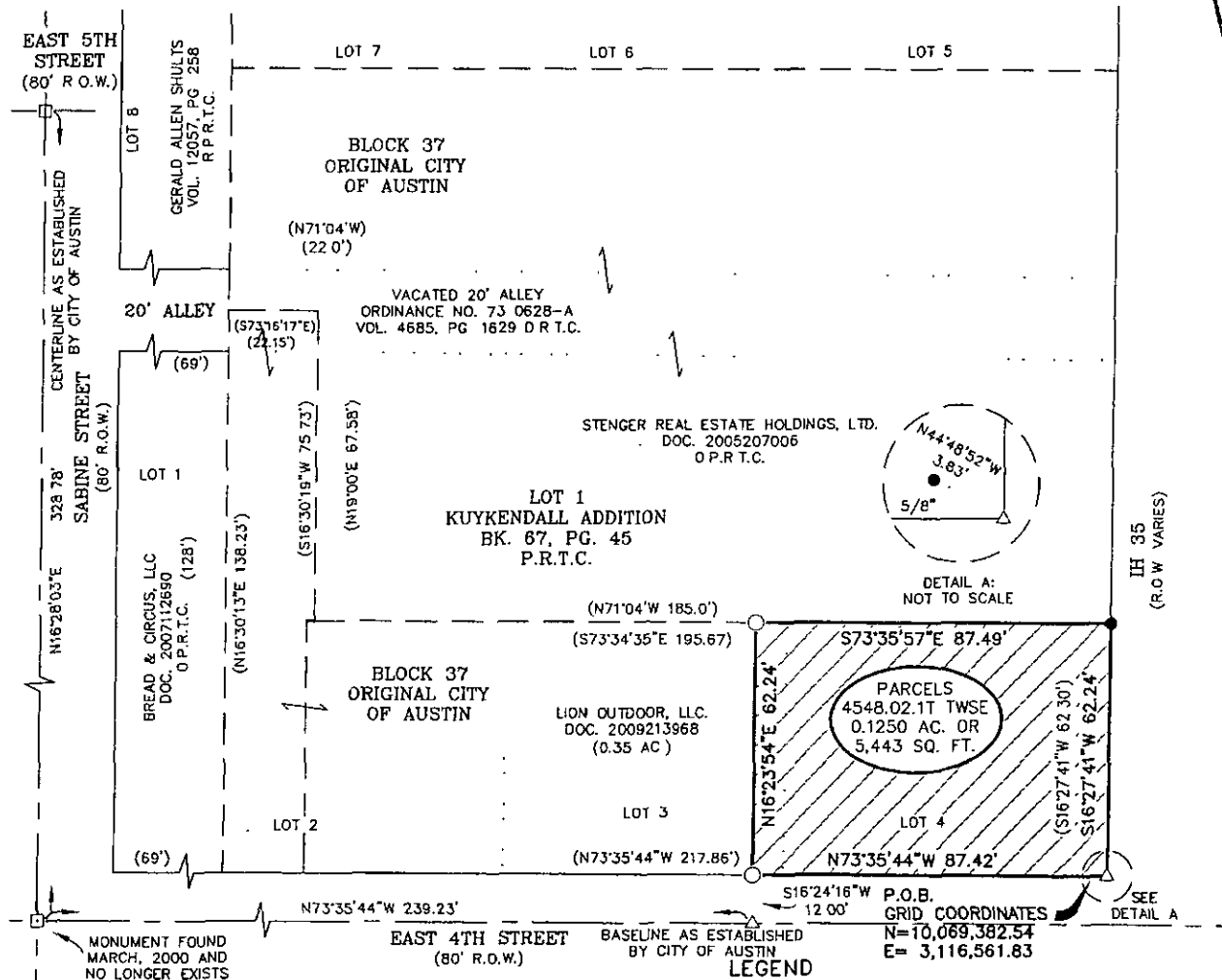
By: Mary Lou Harris Date: 1/22/10

Engineering Support Section
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SCALE 1" = 40'



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

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LAND SURVEYORS, INC.
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AUSTIN, TEXAS 78731
(512) 451-8591

CHRIS CONRAD, REG. PROF. LAND SURVEYOR NO. 5623 DATE 01/12/10
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CIP # 4971-827-7000

M:\SDSKPROJ\WALLER CREEK\DWG\PARCEL\lion-outdoor-WINN_TWS_REV1.DWG

AUSTIN GRID#: J-22

JOB NO.: 08-041