

**RESOLUTION NO. 20100729-009**

**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: Robert H. Parent and Garnita N. Parent

Project: South IH-35 Water & Wastewater Infrastructure Improvements Program, WW Interceptor North Segment -

Pleasant Valley Extension, Rinard Creek to E Slaughter Lane, 42-inch Water Transmission Main

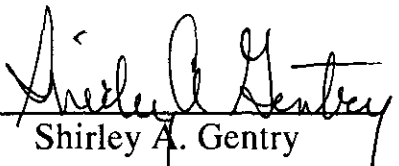
Public Purpose: subterranean wastewater easement described in the attached Exhibit "A" is needed to provide sanitary sewer services to the public.

Location: 10212 Pinehurst Drive, Austin, Texas 78747.

Property: Described in the attached and incorporated Exhibits A.

ADOPTED: July 29, 2010

ATTEST:

  
Shirley A. Gentry  
City Clerk



(SUBTERRANEAN WASTEWATER EASEMENT)  
SOUTH I-35 WATER/WASTEWATER PROGRAM  
CIP # 6937.025

**DESCRIPTION FOR PARCEL 4558.118 SWWE**

LEGAL DESCRIPTION OF A 0.085-ACRE TRACT OF LAND, EQUIVALENT TO 3,722 SQUARE FEET OF LAND IN THE SANTIAGO DEL VALLE GRANT, ABSTRACT 24, OUT OF AND A PART OF LOT 10, BLOCK K, UNION CREEK SECTION 5-B, A SUBDIVISION IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 79, PAGE 122, PLAT RECORDS OF TRAVIS COUNTY, TEXAS AND BEING THE SAME LOT 10, BLOCK K, UNION CREEK SECTION 5-B WHICH WAS CONVEYED FROM ALPHONSE JOSEPH GRASSL AND WIFE, CONSTANCE LOUISE GRASSL TO ROBERT H. PARENT AND GARNITA N. PARENT BY THAT CERTAIN WARRANTY DEED DATED AUGUST 24, 1993 AND RECORDED IN VOLUME 12011, PAGE 1535, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.085-ACRE PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS, AS FOLLOWS, AND AS SHOWN ON THE ATTACHED SKETCH:

**BEGINNING** at a 1/2-inch iron rod found on the north right-of-way line of Pinehurst Drive (64-foot right-of-way width), said 1/2-inch iron rod found also being the common southerly corner of the above referenced Lot 10, Block K, Union Creek Section 5-B and Lot 9, said Block K, Union Creek Section 5-B, having Texas State Plane Grid Coordinate (Central Zone-4203, NAD83(CORS), U.S. Survey Feet,) values of N=10,026,647.08, E=3,102,851.35, for the southwest corner and **POINT OF BEGINNING** of this easement, from which a 1/2-inch iron rod found at the southwest corner of said Lot 9, Block K, Union Creek Section 5-B bears a chord bearing of N82°14'23"W a distance of 98.44 feet;

**THENCE**, with the common line of said Lot 9 and said Lot 10, Block K, Union Creek Section 5-B, **N00°43'28"E**, a distance of **175.00 feet** to a 60d nail set on the southerly line of a drainage and public utility easement dedicated by said Union Creek Section 5-B, for the northwest corner of this easement;

**THENCE**, through said Lot 10, Block K, Union Creek Section 5-B, the following two (2) courses and distances:

- 1) With said southerly line of the drainage and public utility easement, **N64°21'25"E**, a distance of **16.81 feet** to a 60d nail set at a point of non-tangency of a circular curve to the left, whose radius point bears **S89°48'44"E** a distance of **1,139.00 feet**, for the northeast corner of this easement; and



- 2) With said curve to the left, an arc length of 182.15 feet, having a radius distance of 1,139.00 feet, a central angle of 09°09'46", a chord which bears S04°23'36"E, a distance of 181.95 feet to a 60d nail set in said north right-of-way line of Pinehurst Drive, same being the south line of said Lot 10, Block K, for the southeast corner of this easement, from which a 1/2-inch iron rod found at the southeast corner of said Lot 10, Block K, Onion Creek Section 5-B bears N88°27'28"E a distance of 68.75 feet;

THENCE, with said north right-of-way line of Pinehurst Drive, same being said south line of Lot 10, Block K, Onion Creek Section 5-B, S88°27'28"W, a distance of 31.32 feet to the POINT OF BEGINNING, containing 0.085-acre (3,722 square feet) of land.

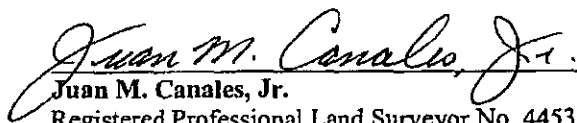
#### BEARING BASIS NOTE

The bearings described herein are Texas State Plane Grid Bearings, Central Zone-4203, NAD83(CORS). Project control points were established from Macias & Associates, L.P., Land Surveyors, reference point "CLM-32" having coordinate values of N=10,033,759.424, E=3,101,110.970 and reference point "F-11-3001" having coordinate values of N=10,022,637.008, E=3,098,305.276. Distances shown hereon are grid.

#### CERTIFICATION:

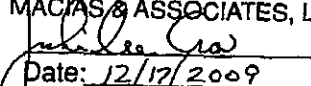
I do hereby certify that this easement description is true and correct to the best of my knowledge and belief, and was prepared from an actual on the ground survey of found property corners, under my supervision, and that the markers described herein actually exist, as described, at the time of my survey.

As Prepared by  
Landmark Surveying, LP

  
Juan M. Canales, Jr.  
Registered Professional Land Surveyor No. 4453  
Senior Project Manager  
Firm Registration No. 100727-00

12-17-09  
Date

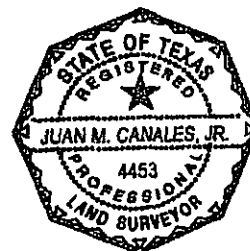
Reviewed and Approved by:  
MACIAS & ASSOCIATES, L.P.

  
Date: 12/17/2009  
JACKIE LEE CAIN  
R.P.L.S. # 5209

#### REFERENCES

MAPSCO 2009, 704-E, GRID NO. G-12  
TCAD PARCEL ID NO. 04-3807-0402  
LOT 10, BLK K, OC SEC 5-B\_SWWE.doc

CAPITAL VIEW CENTER 1301 SOUTH CAPITAL OF TEXAS HIGHWAY  
BUILDING B, SUITE 315, AUSTIN, TEXAS 78746 (512) 328-7411 (512) 328-7413  
T.U.C.P./W.B.E./H.U.B./D.B.E.



[illegible]

**Landmark**  
SURVEYING, LP  
1301 S. CAPITAL OF TEXAS HWY.  
BUILDING B, SUITE 315  
AUSTIN, TEXAS 78746  
PH (512)328-7411 FAX (512)328-7413

**PAGE 3 OF 4**

POINT OF  
BEGINNING  
N=10,026,647.08  
E=3,102,851.35  
GRID

Client: URS 12-17-09  
Guantanamo Bay, Cuba

Client: URS  
Date: December 3, 2009  
Office: Eleuterio Leos  
Crew: S.Dunn  
F.B.:  
Path: c:\leas drawings\un  
Job No: 510-12-08

**Exhibit "A"**  
**Page 3 of 4**

## SKETCH TO ACCOMPANY LEGAL DESCRIPTION

The property described hereon is contained within Zone X, Zone X (Shaded), and Zone AE as scaled from F.I.R.M. Map Number 48453C0595H, dated September 26, 2008, as published by the Federal Emergency Management Agency, the purpose of which is for flood insurance only.

**Restrictive Covenant and Easement Note:**

1. Restrictive covenants recorded in Volume 4678, Page 2216, Volume 4678, Page 2228, Volume 6951, Page 158, Volume 7009, Page 717, Volume 7009, Page 719, and Volume 7636, Page 440 of the Deed Records of Travis County, Texas; DO APPLY to the subject easement.

10a. A 5' drainage easement reserved along the south portion of the east property line, as shown on the plat of record in Book 79, Pages 122-123, of the Plat Records of Travis County, Texas DOES NOT APPLY to the subject easement.

10b. A 7.5' underground electric and telephone easement located across the center portion of the subject property, granted to the City of Austin, as described in Volume 7604, Page 845, of the Deed Records of Travis County, Texas DOES APPLY to the subject easement.

10c. A 100 year flood plain contained in drainage and public utility easement reserved across the rear half of the subject property, as shown on the plat of record in Book 79, Pages 122-123, of the Plat Records of Travis County, Texas DOES NOT APPLY to the subject easement.

10d. Building setback line(s) as provided in restrictions of record in Volume 4678, page 2216, of the Deed Records of Travis County, Texas, and as shown and/or described on plat of record in Book 79, Pages 122-123, of the Plat Records of Travis County, Texas DO APPLY to the subject easement.

10f. All terms, conditions, and provisions of that certain Survivorship Agreement dated August 24, 1993, of record in Volume 12011, Page 1537, of the Real Property Records of Travis County, Texas DO APPLY to the subject easement.

All easements of which I have knowledge and those recorded easements furnished by Stewart Title Guaranty Company, according to File No. 808478, are shown or noted hereon. Other than visible easements, no unrecorded or unwritten easements which may exist are shown hereon.

I hereby certify that a survey was made on the ground of the easement shown hereon; that there are no visible discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, easements or right-of-ways, except as shown; that said easement has access to and from a public roadway; and that this plat is an accurate representation of the easement to the best of my knowledge.

### CURVE TABLE

CURVE	CHORD BEARING	CHORD DISTANCE	DELTA	ARC LENGTH	RADIUS
C1	N82°14'23"W (N79°58'W)	98.44' (98.45')	18°15'54" (18°16')	98.85' (98.87')	310.10' (310.10')
C2	S04°23'36"E	181.95'	09°09'46"	182.15'	1,139.00'

### BEARING BASIS:

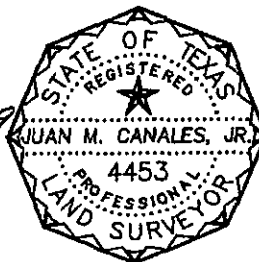
THE BEARINGS DESCRIBED HEREIN ARE TEXAS STATE PLANE GRID BEARINGS, CENTRAL ZONE-4203, NAD83(CORS). PROJECT CONTROL POINTS WERE ESTABLISHED FROM MACIAS & ASSOCIATES, L.P., LAND SURVEYORS, REFERENCE POINT "CLM-32" HAVING COORDINATE VALUES OF N=10,033,750.424, E=3,101,110.970 AND REFERENCE POINT "F-11-3001" HAVING COORDINATE VALUES OF N=10,022,637.008, E=3,098,305.276. DISTANCES SHOWN HEREON ARE GRID.

AS SURVEYED BY  
LANDMARK SURVEYING, LP  
FIRM REGISTRATION NO. 100727-00

*Juan M. Canales, Jr.* 12-17-09  
JUAN M. CANALES, JR.  
Registered Professional Land Surveyor No. 4453  
DATE: November 25, 2009

THIS SURVEY PLAT IS VALID ONLY IF IT BEARS THE ORIGINAL SIGNATURE OF THE ABOVE SURVEYOR

Client: URS  
Date: December 3, 2009  
Office: Eleuterio Leos  
Crew: S.Dunn  
F.B.:  
Path: c:\leos drawings\urs\urs-rinard to slaughter\seg 23-grid-base.dwg  
Job No.: 610-12-08



### LINE TABLE

LINE	BEARING	DISTANCE
L1	N64°21'25"E	16.81'
L2	S88°27'28"W	31.32'

SKETCH TO  
ACCOMPANY  
FIELD NOTES

**Landmark**  
SURVEYING, LP

1301 S. CAPITAL OF TEXAS HWY.  
BUILDING B, SUITE 313  
AUSTIN, TEXAS 78746  
PH: (512)328-7411 FAX: (512)328-7413