

RESOLUTION NO. 20100729-011

WHEREAS, the City Council of the City of Austin has found that public necessity requires the City of Austin to acquire certain real property interest for public purposes as set out below; and

WHEREAS, the City of Austin has attempted to purchase those 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 owners now having, or who may acquire, an interest in the real property interest 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 acquisition.

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

Owners: Michelle Ann Payan f/k/a Michelle Payan Garcia

Project: Ft. Branch Truelight Area and Eleanor Drive

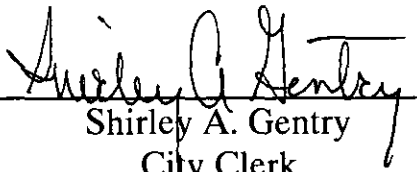
Public Purpose: the permanent drainage easement described in the attached Exhibit "A" is necessary to contain or modify the flow of rainwater runoff to prevent or lessen the likelihood of flooding and erosion.

Location: 1113 Lott Avenue

Property: Described in the attached and incorporated Exhibit A.

ADOPTED: July 29, 2010

ATTEST: _____


Shirley A. Gentry
City Clerk



STATE OF TEXAS
COUNTY OF TRAVIS

(Drainage Easement)
Lot 14, Block 4, Green Valley No. 1
Fort Branch Creek Reach 6 & 7, Proj. No. 6039.059

LEGAL DESCRIPTION

Field notes description for a parcel of land containing 0.054 of an acre of land, equivalent to 2,344 square feet of land, out of and a part of Lot 14, Block 4, Green Valley No. 1, a subdivision in the City of Austin, Travis County, Texas according to the map or plat thereof recorded in Book 5, Page 27 of the Plat Records of Travis County, Texas and being the same Lot 14, Block 4, Green Valley No. 1 which was conveyed to Michelle Payan Garcia by that certain Warranty Deed with Vendor's Lien dated June 12, 2006 and recorded in Document Number 2006114493 of the Official Public Records of Travis County, Texas; said parcel of land being more particularly described by metes and bounds, as follows, and as shown on the attached sketch:

BEGINNING FOR REFERENCE at a 60d nail found on the east right-of-way line of Lott Avenue (50' Right-of-Way) at the southwest corner of the above referenced Lot 14, Block 4, Green Valley No. 1, same being the northwest corner of Lot 15, said Block 4, from which a 1/2-inch iron rod found at a point of curvature on said east right-of-way line of Lott Avenue, same being the west line of said Lot 15, Block 4, bears S04°18'40"W a distance of 47.50 feet; **Thence**, with the common line of said Lot 14 and said Lot 15, Block 4, S85°22'56"E a distance of 87.80 feet to an 80d nail set, for the southwest corner and **POINT OF BEGINNING** of this easement, having Texas State Plane Grid Coordinate (Central Zone-4203, NAD83(CORS), U.S. Survey Feet, Combined Scale Factor 0.999923385) values of N= 10,072,391.09, E= 3,133,747.00;

THENCE, through said Lot 14, Block 4, the following two (2) courses:

- 1) N10°29'02"E a distance of 29.67 feet to an 80d nail set at an outside corner of this easement;
- 2) N34°58'14"E a distance of 23.76 feet to an 80d nail set on the north line of said Lot 15, Block 4, same being the south line of Lot 13, said Block 4, for the northwest corner of this easement;

THENCE, with the common line of said Lot 13 and said Lot 14, Block B, S85°22'49"E a distance of 47.90 feet to an 80d nail set on the west line of a drainage easement dedicated to the public known as Fort Branch Creek, at the northeast corner of said Lot 14, same being the southeast corner of said Lot 13, for the northeast corner of this easement;



THENCE, with said west line of drainage easement, same being the east line of said Lot 14, S29°17'31"W a distance of 55.04 feet to an 80d nail set at the southeast corner of said Lot 14, Block 4, same being the northeast corner of Lot 15, said Block 4, for the southeast corner of this easement;

THENCE, with the common line of said Lot 14 and said Lot 15, Block 4, N85°22'56"W a distance of 39.97 feet to the "POINT OF BEGINNING", and containing 0.054 of an acre of land, more or less.

Basis of Bearing:

Bearings mentioned on this easement are based on State Plane Coordinate System, NAD'83, Texas Central Zone 4203; Horizontal And Vertical Coordinates for Aus 5 And E.U.D. 169 as established and published by Texas Department Of Transportation and by the L.C.R.A. were used as the controlling monuments for this survey. Distances shown hereon are surface.

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.
Juan M. Canales, Jr.

Registered Professional Land Surveyor No. 4453
Senior Project Manager
Firm Registration No. 100727-00

9-9-09
Date

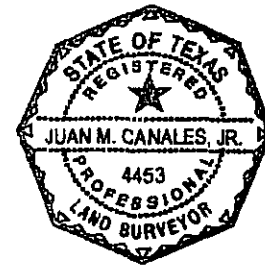
REFERENCES

MAPSCO 2009, Page 586-U
AUSTIN GRID NO. M-22
TCAD PARCEL ID NO.02-0821-0645
Lot 14, Blk 4, Green 1-Garcia-DE.doc
1113 Lott Avenue

FIELD NOTES REVIEWED

By: *Mary Hankins* Date *10/21/09*

Engineering Support Section
Department of Public Works
and Transportation



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.

2

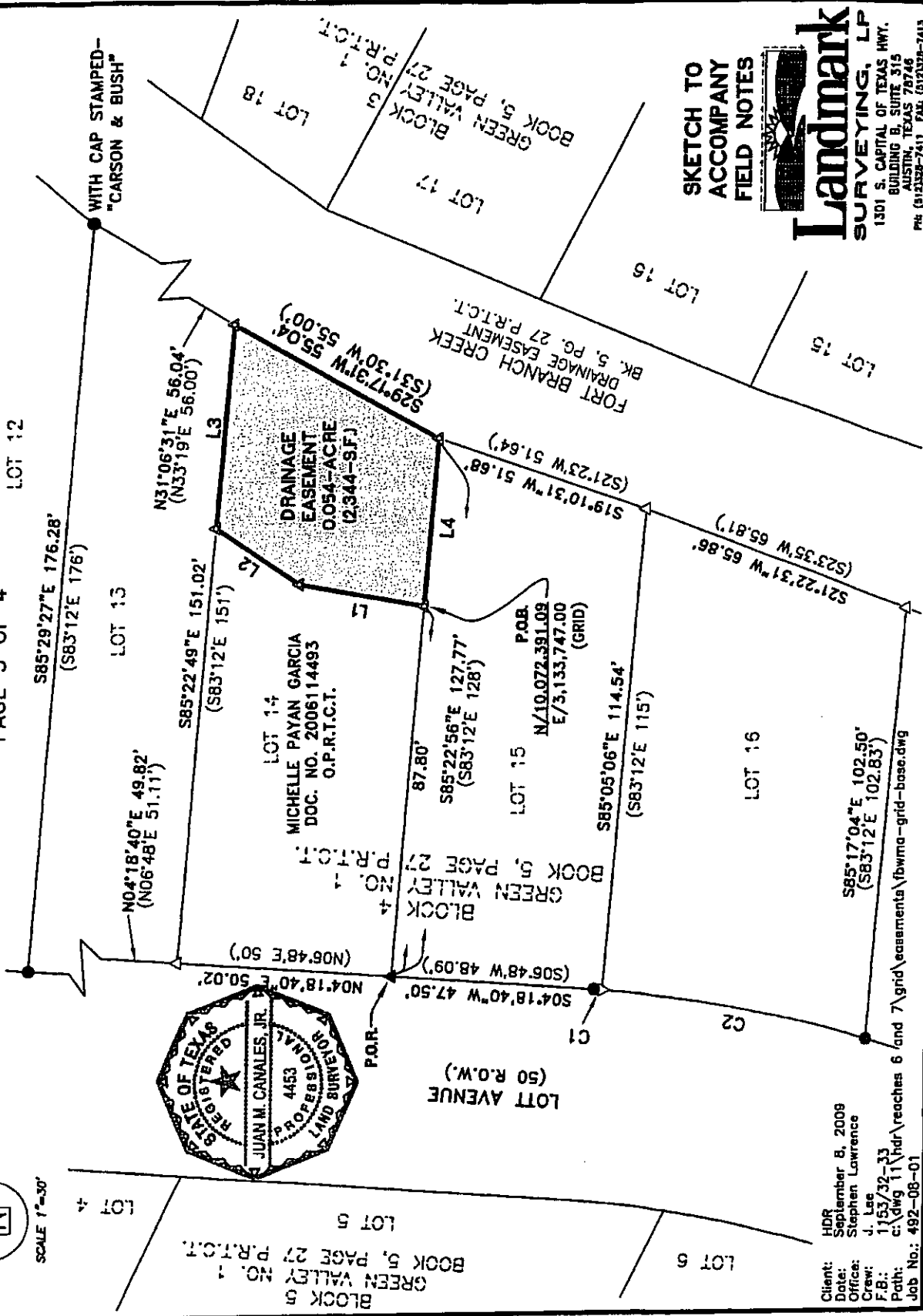
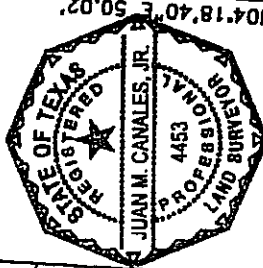
**SURVEY OF A PORTION OF LOT 14, BLOCK 4, GREEN VALLEY NO. 1,
THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS**

PAGE 3 OF 4

LOT 12



SCALE 1"=30'



**SKETCH TO
ACCOMPANY
FIELD NOTES**



**Landmark
SURVEYING, LP**
1301 S. CAPITAL OF TEXAS HWY.
BUILDING B, SUITE 315
AUSTIN, TEXAS 78746
PH: (512)332-7411 FAX: (512)332-7413

Client: HDR
Date: September 8, 2008
Office: Stephen Lawrence
Crew: J. Lee
F.B.: 1153/32-33
Path: c:\dwg\11\hdr\reaches 6 and 7\grid\easements\fbwma-grid-base.dwg
Job No.: 492-08-01

LEGEND

- 1/2" Iron Rod Found
(Unless Otherwise Noted)
- △ Calculated Point
"Not Established on Ground"
- ▲ 80d Nail Set
- ▲ 60d Nail Found
- () Record Information
- R.O.W. Right-of-Way
- P.O.B. Point of Beginning
- P.O.R. Point of Reference
- Bk. Book
- Pg. Page
- Vol. Volume
- D.E. Drainage Easement
- P.U.E. Public Utility Easement
- P.R.T.C.T. Travis County, Texas
- D.R.T.C.T. Deed Records
Travis County, Texas
- R.P.R.T.C.T. Real Property Records
Travis County, Texas
- O.P.R.T.C.T. Official Public Records
Travis County, Texas

SURVEY OF A PORTION OF LOT 14, BLOCK 4, GREEN VALLEY NO. 1, THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS PAGE 4 OF 4

LINE TABLE

LINE	BEARING	DISTANCE
L1	N10°29'02"E	29.67'
L2	N34°58'14"E	23.76'
L3	S85°22'49"E	47.90'
L4	N85°22'56"W	39.97'

CURVE TABLE

	CURVE	CHORD BEARING	CHORD DISTANCE	DELTA	ARC LENGTH	RADIUS
	C1	N04°48'35"E (N06°58'E)	1.93' (1.91')	00°21'17"	1.93' 1.91'	311.59' (311.59')
	C2	N10°52'08"E (N12°58'E)	63.86' (63.30')	11°45'49"	63.97' (63.45')	311.59' (311.59')

Utility and Improvement Note:

Utilities and improvements exist on this tract, but are not shown hereon.

The property described hereon is contained within Zone AE as scaled from F.I.R.M. Map Number 48453C0470H, 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. Drainage and Public Utility easements as recorded in Book 5, Page 27 of the Plat Records of Travis County, Texas DO NOT APPLY to the subject parcel, as shown hereon.

All easements of which I have knowledge and those recorded easements furnished by Stewart Title Guaranty Company, according to GF No. 0906566-COM, 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 property 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 property has access to and from a public roadway; and that this plat is an accurate representation of the property to the best of my knowledge.

BEARING BASIS NOTE:

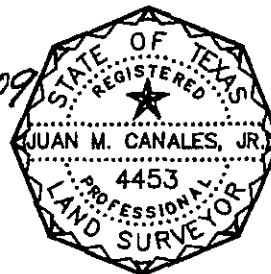
STATE PLANE COORDINATE SYSTEM (GRID) NAD'83
TEXAS CENTRAL ZONE 4203
COMBINED SCALE FACTOR = 0.999923385
NAD'83 VERTICAL DATUM
HORIZONTAL AND VERTICAL COORDINATES FOR AUS 5 AND E.U.D. 169 AS ESTABLISHED AND PUBLISHED BY TEXAS
DEPARTMENT OF TRANSPORTATION AND BY THE L.C.R.A. WERE USED AS THE CONTROLLING MONUMENTS FOR THIS SURVEY.

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

Juan M. Canales, Jr. 9-9-09
JUAN M. CANALES, JR.
Registered Professional Land Surveyor No. 4453
DATE: September 8, 2009

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

Client: HDR
Date: September 8, 2009
Office: Stephen Lawrence
Crew: J. Lee
F.B.: 1153/32-33
Path: c:\dwg\11\hdr\reaches 6 and 7\grid\easements\fbwma-grid-base.dwg
Job No.: 492-08-01



SKETCH TO
ACCOMPANY
FIELD NOTES

Landmark
SURVEYING, LP
1301 S. CAPITAL OF TEXAS HWY.
BUILDING B, SUITE 315
AUSTIN, TEXAS 78748
PH (512)328-7411 FAX (512)328-7413