

RESOLUTION NO. 20100805-007

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 needed real property interest 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 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 acquisitions.

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

Owner: Heart of Manor, LP

Project: Wildhorse Northwest Interceptor Phase 2

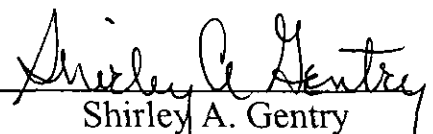
Public Purpose: the temporary construction easement described in the attached Exhibit "A" is necessary to construct the Project which will increase and improve the City's ability to provide sanitary sewer services to the public.

Location: Northeast corner of Decker Lane and Lindell Lane, Austin, Texas

Property: Described in the attached and incorporated Exhibit A.

ADOPTED: August 5, 2010

ATTEST:


Shirley A. Gentry
City Clerk

STATE OF TEXAS
COUNTY OF TRAVIS

HEART OF MANOR, LP.
TO
CITY OF AUSTIN
(TEMPORARY CONSTRUCTION
EASEMENT)
AUGUST 12, 2009

LEGAL DESCRIPTION

DESCRIPTION OF A 5.057 ACRE TRACT OF LAND SITUATED IN THE WILLIAM H. SANDERS SURVEY NO. 54, ABSTRACT NO. 690, AND THE PHILLIP MCELROY SURVEY NO. 18, ABSTRACT NO. 16, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 99.720 ACRE TRACT OF LAND, DESCRIBED AS TRACT NO. 2 IN EXHIBIT A-3 IN A DEED TO HEART OF MANOR, LP., OF RECORD IN DOCUMENT #2007037703, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 5.057 ACRE TRACT BEING MADE UP OF A 1.945 ACRE TRACT DESCRIBED AS PART A AND A 3.112 ACRE TRACT DESCRIBED AS PART B, AS SHOWN ON THE ACCOMPANYING SKETCH, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

PART A – 1.945 ACRES

BEGINNING at ½" iron rod found for the southwest corner of that certain 148.322 acre tract of land as described in a deed to Austin Boise Venture, L.P. of record in Document No. 2005107569 of the Official Property Record Travis County, Texas, being in the east line of said 99.720 acre tract, being also the northeast corner of that certain 0.957 acre Wastewater Line Easement granted to the City of Austin in Document No. 2004241665 of the Official Property Record Travis County, Texas, and being the southeast corner of the herein described tract, having grid coordinates of X = 3,159,011.74, Y = 10,093,113.75;

THENCE departing the east line of said 99.720 acre tract and the west line of said 148.322 acre tract, along the north line of said Wastewater Line Easement, and over and across said 99.720 acre tract, the following six (6) courses and distances:

1. N 89°24'45" W, for a distance of 124.70 feet to a calculated point,
2. N 07°36'51" W, for a distance of 456.98 feet to a calculated point,
3. N 44°00'46" W, for a distance of 465.03 feet to a calculated point,
4. N 73°01'22" W, for a distance of 569.11 feet to a calculated point,
5. S 54°58'17" W, for a distance of 403.92 feet to a calculated point, and

6. N 70°43'05" W, for a distance of 64.40 feet to a calculated point for the southwest corner of the herein described tract, being also in the east line of FM 3177(Decker Lane), a variable width right-of-way, and being in the west line of said 99.720 acre tract, from which a concrete highway monument found, bears S 16°09'38" W, a distance of 73.19 feet;

THENCE N 16°09'38" E, departing the north line of said Wastewater Line Easement, along the west line of said 99.720 acre tract and the east line of said FM 3177 (Decker Lane), for a distance of 65.10 feet to a calculated point for the northwest corner of the herein described tract;

THENCE departing the west line of said 99.720 acre tract and the east line of said FM 3177 (Decker Lane), and over and across said 99.720 acre tract, the following six (6) courses and distances:

1. S 70°43'05" E, for a distance of 65.38 feet to a calculated point,
2. N 54°58'17" E, for a distance of 372.13 feet to a calculated point,
3. S 73°01'22" E, for a distance of 598.97 feet to a calculated point,
4. S 44°00'46" E, for a distance of 488.53 feet to a calculated point,
5. S 07°36'51" E, for a distance of 435.49 feet to a calculated point, and
6. S 89°24'45" E, for a distance of 110.58 feet to a calculated point for the northeast corner of the herein described tract, being in the west line of said 148.322 acre tract, and being in the east line of said 99.720 acre tract, from which a ½" iron rod found for an angle point in the east line of said 99.720, bears N 27°45'15" E, a distance of 1297.29 feet;

THENCE S 27°45'15" W, along the east line of said 99.720 acre tract and the west line of said 148.322 acre tract, for a distance of 44.96 to the **POINT OF BEGINNING** and containing 1.945 acres of land.

PART B – 3.112 ACRES

BEGINNING at an axle found for the southeast corner of said 99.720 acre tract, being also in the north line of Lindell Lane, a variable width right-of-way, and being the southeast corner of the herein described tract, having grid coordinates of X = 3,158,990.85, Y = 10,093,074.90;

THENCE N 89°26'00" W, along the south line of said 99.720 acre tract and the north line of said Lindell Lane, for a distance of 209.71 feet to a calculated point, from which a concrete highway monument found in the east line of said FM 3177(Decker Lane), bears N 89°26'00" W, a distance of 1519.53 feet;

THENCE departing the south line of said 99.720 acre tract and the north line of Lindell Lane, and over and across said 99.720 acre tract, the following six (6) courses and distances:

1. N 07°36'51" W, for a distance of 444.51 feet to a calculated point,
2. N 44°00'46" W, for a distance of 503.51 feet to a calculated point,
3. N 73°01'22" W, for a distance of 421.22 feet to a calculated point,
4. S 54°58'17" W, for a distance of 393.51 feet to a calculated point,
5. S 16°07'47" W, for a distance of 99.17 feet to a calculated point, and
6. N 73°52'52" W for a distance of 99.19 feet to a calculated point for the southwest corner of the herein described tract, being also in the east line of said FM 3177 (Decker Lane), and being the west line of said 99.720 acre tract;

THENCE along the west line of said 99.720 acre tract and the east line of said FM 3177 (Decker Lane), the following two (2) courses and distances:

1. N 16°05'49" E for a distance of 81.86 feet to a concrete monument found, and
2. N 16°09'38" E for a distance of 53.16 feet to a calculated point for the northwest corner of the herein described tract, and being the southwest corner of aforesaid Wastewater Line Easement;

THENCE departing the west line of said 99.720 acre tract and the east line of said FM 3177 (Decker Lane), along the south line of said Wastewater Line Easement, and over and across said 99.720 acre tract, the following six (6) courses and distances:

1. S 70°43'05" E, for a distance of 73.58 feet to a calculated point,
2. N 54°58'17" E, for a distance of 404.42 feet to a calculated point,
3. S 73°01'22" E, for a distance of 554.18 feet to a calculated point,
4. S 44°00'46" E, for a distance of 453.28 feet to a calculated point,
5. S 07°36'51" E, for a distance of 467.73 feet to a calculated point, and
6. S 89°24'45" E, for a distance of 131.54 feet to a calculated point for the northeast corner of the herein described tract, and being in the east line of said 99.720 acre tract, from which a 1/2" iron rod found for the southwest corner of aforesaid 148.322 acre tract, bears N 28°15'30" E, a distance of 22.58 feet;

THENCE S 28°15'30" W, along the east line of said 99.720 acre tract, for a distance of 21.52 to the POINT OF BEGINNING and containing 3.112 acres of land.

BEARING BASIS

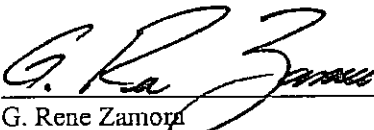
THE COORDINATES SHOWN HEREON ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM CENTRAL ZONE NAD83(93). COMBINED SCALE FACTOR = 1.0001. THE BEARINGS SHOWN ARE GRID BEARINGS. ALL DISTANCE SHOWN ARE SURFACE DISTANCES.

THE STATE OF TEXAS §
 § **KNOW ALL MEN BY THESE PRESENTS:**
COUNTY OF TRAVIS §

That I, G. Rene Zamora, a Registered Professional Land Surveyor, do hereby state that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground during August, 2008 under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 20th day of October 2009, A.D.
A sketch of even date accompanies this description.

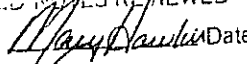
Zamora, L.L.C.
4412 Spicewood Springs Rd., Suite 200
Austin, Texas 78759


G. Rene Zamora
Registered Professional Land Surveyor
No. 5682 – State of Texas



REFERENCES

ZWA FIELD NOTE NO. FN-09-1005-HOM-TCE
ZWA DRAWING FILE NO. 09-1005-TCE
TCAD NO.: 02-2641-03-08
AUSTIN GRID NO.: R27

COPIES RE/NEWED
By:  Date 11/4/09
Engineering Support Section
Department of Public Works
and Transportation

ZWA- JOB NO.
FN09-1005-HOM-TCE

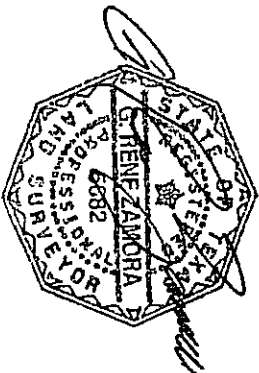
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5.057 ACRE TRACT
TEMPORARY
CONSTRUCTION EASEMENT

SKETCH TO ACCOMPANY DESCRIPTION

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S16°07'47"W	99.17'
L2	N73°52'52"W	99.19'
L3	N16°05'49"E	81.86'
L4	N16°09'38"E	53.16'
L5	S70°43'05"E	73.58'
L6	S88°24'45"E	131.54'
L7	S28°15'30"W	21.52'
L8	N70°43'05"W	64.40'
L9	N16°09'38"E	65.10'
L10	S70°43'05"E	65.38'
L11	S89°24'45"E	110.58'
L12	S27°45'15"W	44.98'
L13	N28°15'30"E	22.58'
L14	N16°09'38"E	20.03'
L15	N16°09'38"E	153.82'
L16	N16°05'49"E	118.19'
L17	N25°25'40"E	191.79'
L18	N26°44'10"E	201.78'
L19	N80°24'45"W	124.70'

CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	CHORD BEARING
C1	931.33'	5°16'59"	85.88'	N17°30'36"E
C2	973.25'	9°28'37"	160.98'	S20°44'23"W
				160.80'



ZWA

Zamora, L.L.C.
Professional Land Surveyors
4412 Spicewood Springs Road, Suite 200, Austin, Texas 78759
Tel (512) 241-8778 • Fax (512) 241-1282

PROJECT: WILDBORSE
TRUP CONST EASEMENT
JOB NUMBER: 08-1005-02
DATE: JULY 2008
SCALE: 1"=200'
SURVEYOR: [blank]
TECHNICIAN: [blank]
FIELD NOTES: 08-1005-02-Fielding
PARTICULARS: [blank]
FIELD BOOKS: [blank]

SKETCH OF
TWO TRACTS TOTALING 5.057 ACRES OF LAND
SITUATED IN THE WILLIAM H. SANDERS SURVEY
NO. 54, ABST. NO. 690, AND THE PHILIP MCELROY
SURVEY NO. 18, ABST. NO. 16 TRAVIS COUNTY, TX
TEMPORARY CONSTRUCTION EASEMENT