

RESOLUTION NO. 20100930-006

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

WHEREAS, the City of Austin has attempted to purchase the real property interest 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 interests 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:

Owner: Carlos and Kelly Gonzales

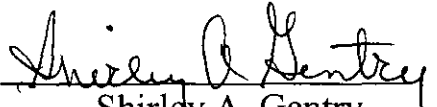
Project: Ft. Branch – Truelight Area and Eleanor Drive Project

Public Purpose: the drainage easement described in the attached Exhibit "A" is necessary to construct structural improvements to stabilize the Fort Branch creek bank from erosion and increase the size of the creek to reduce the potential frequency and depth of flooding in the surrounding neighborhood.

Location: 1224 Fort Branch Boulevard, Austin, Texas

Property: Described in the attached and incorporated Exhibit A.

ADOPTED: September 30, 2010

ATTEST: 
Shirley A. Gentry
City Clerk



STATE OF TEXAS
COUNTY OF TRAVIS

(Drainage Easement)
Lot 18, Block 1, Lincoln Gardens Section One
Fort Branch Creek Reach 6 & 7, Proj. No. 6039.059

LEGAL DESCRIPTION

Field notes description for a parcel of land containing 0.036 of an acre of land, equivalent to 1,590 square feet of land, out of and a part of Lot 18, Block 1, Lincoln Gardens Section One, a subdivision in the City of Austin, Travis County, Texas according to the map or plat thereof recorded in Book 5, Page 4 of the Plat Records of Travis County, Texas and being the same Lot 18, Block 1, Lincoln Gardens Section One which was conveyed to Carlos Gonzales and Kelly Gonzales by that certain General Warranty Deed dated May 15, 2007 and recorded in Document Number 2007088987 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 3/8-inch iron rod found on the northwest right-of-way line of Fort Branch Boulevard (50' Right-of-Way) monumenting the most southerly corner of Lot 17, same being the most easterly corner of Lot 18, above referenced Block 1, Lincoln Gardens Section One, from which a 1/2-inch iron pipe found at the most southerly corner of said Lot 18, Block 1 bears S37°03'29"W a distance of 50.14 feet; **Thence**, with the common line of said Lot 17 and Lot 18, Block 1, N52°42'29"W a distance of 91.16 feet to an 80d nail set, for the east 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= 10,074,186.06, E= 3,133,772.43;

THENCE, through said Lot 18, Block 1, S53°43'45"W a distance of 52.15 feet to an 80d nail set on the northeast line of Lot 19, said Block 1, same being the southwest line of said Lot 18, Block 1, for the southerly corner of this easement, from which said 1/2-inch iron pipe found at the most southerly corner of said Lot 18 bears S52°38'28"E a distance of 106.12 feet;

THENCE, with the common line of said Lot 18 and Lot 19, Block 1, N52°38'28"W a distance of 21.33 feet to a 1/2-inch iron rod found at the most westerly corner of said Lot 18, Block 1, same being the most northerly corner of said Lot 19, Block 1, for the most westerly corner of this easement, from which a 1/2-inch iron rod found at the most westerly corner of Lot 21, said Block 1, bears S31°49'13"W a distance of 50.17 feet, S31°47'20"W a distance of 63.14 feet, and S25°56'20"W a distance of 72.57 feet;



THENCE, with the northwest line of said Lot 18, Block 1, N30°15'30"E a distance of 50.37 feet to an 80d nail set at the most northerly corner of said Lot 18, Block 1, same being the most westerly corner of Lot 17, said Block 1, for the north corner of this easement;

THENCE, with the common line of said Lot 17 and Lot 18, Block 1, S52°42'29"E a distance of 42.25 feet to the "**POINT OF BEGINNING**", and containing 0.036 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

10-01-09
Date

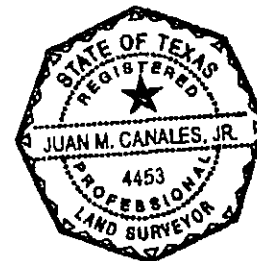
REFERENCES

MAPSCO 2009, Page 586-Q
AUSTIN GRID NO. M-23
TCAD PARCEL ID NO.02-1021-0322
Lot 18, Blk 1, Gonzales-DE.doc
1224 Fort Branch Boulevard

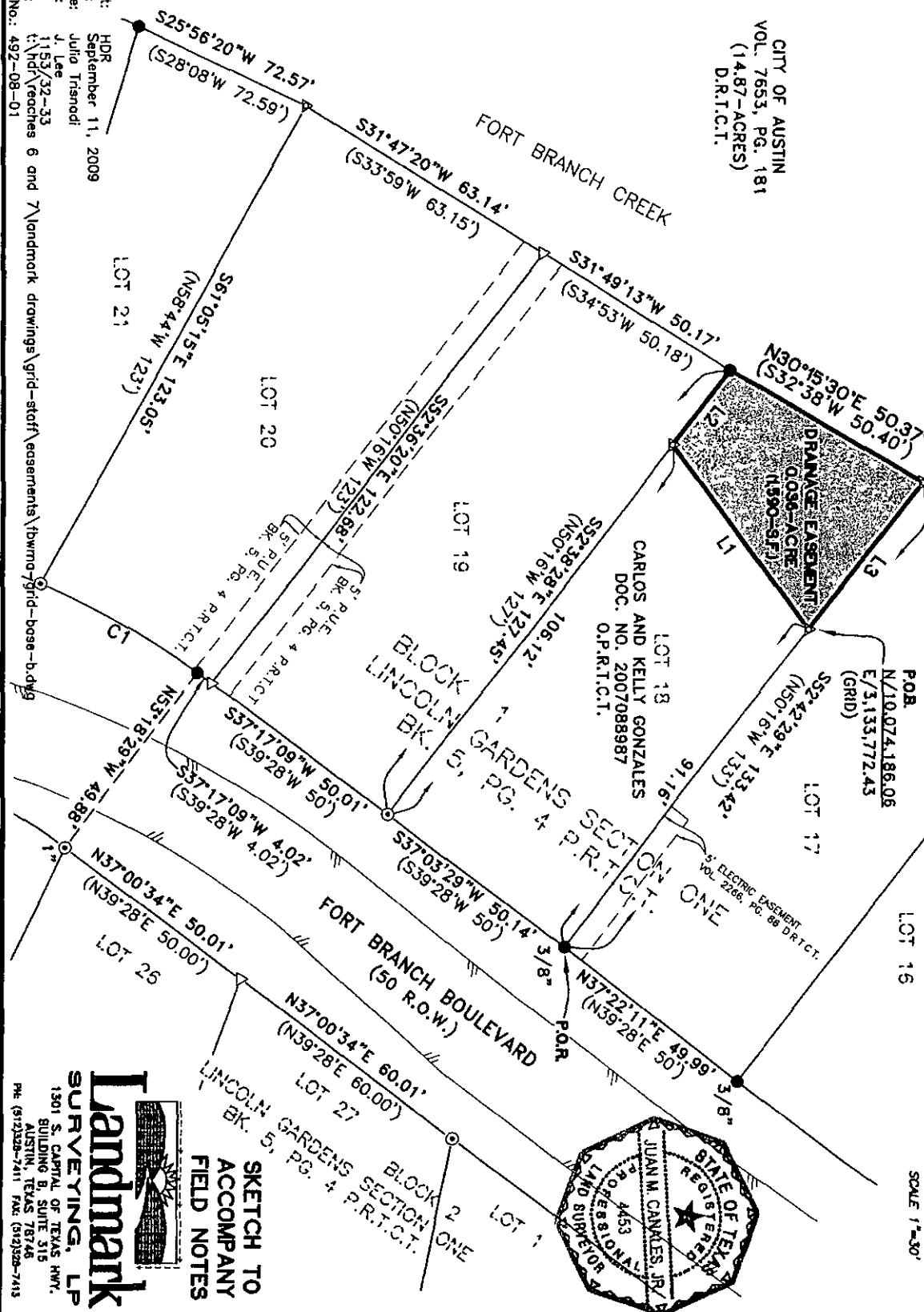
FIELD NOTES REVIEWED

By: *[Signature]* Date *10/21/09*


Engineering Support Section
Department of Public Works
and Transportation



CITY OF AUSTIN
VOL. 7653, PG. 181
(14.87-ACRES)
D.R.T.C.T.



Client: HDR
Date: September 11, 2009
Office: Julia Trisnodi
Crew: J. Lee
F.B.: 1153/32-33
Path: t:\hdr\reaches 6 an
Job No.: 492-08-01

LINCOLN
 BK.
 SKETCH TO
 ACCOMPANY
 FIELD NOTES

Landmark
 SURVEYING, LP
 1301 S. CAPITAL OF TEXAS HWY.
 BUILDING B, SUITE 515
 AUSTIN, TEXAS 78746
 PH: (512)322-7411 FAX: (512)322-7413

LEGEND

- ⊙ 1/2" Iron Pipe Found
(Unless Otherwise Noted)
- 1/2" Iron Rod Found
(Unless Otherwise Noted)
- △ Calculated Point
"Not Established on Ground"
- △ 80d Nail Set
- () 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. Plot Records
- Travis County, Texas
- Deed Records
- D.R.T.C.T. Travis County, Texas
- Real Property Records
- R.P.R.T.C.T. Travis County, Texas
- Official Public Records
- O.P.R.T.C.T. Travis County, Texas

SURVEY OF A PORTION OF LOT 18, BLOCK 1, LINCOLN GARDENS SECTION ONE, THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS PAGE 4 OF 4

LINE TABLE

LINE	BEARING	DISTANCE
L1	S53°43'45"W	52.15'
L2	N52°38'28"W	21.33'
L3	S52°42'29"E	42.25'

CURVE TABLE

CURVE	CHORD BEARING	CHORD DISTANCE	DELTA	ARC LENGTH	RADIUS
C1	S30°07'29"W (S33°45'W)	40.99' (41')	13°28'06"	41.09' (41.06')	174.80'

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.

All easements of which I have knowledge and those recorded easements furnished by Gracy Title, a Stewart Company, according to File Number 905030, 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.

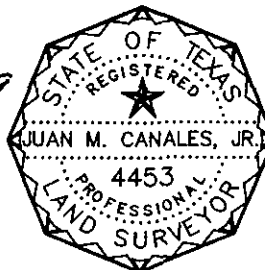
BEARING BASIS NOTE:

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. 10-01-09
JUAN M. CANALES, JR.
Registered Professional Land Surveyor No. 4453
DATE: September 11, 2009
THIS SURVEY PLAT IS VALID ONLY IF IT BEARS THE
ORIGINAL SIGNATURE OF THE ABOVE SURVEYOR

Client: HDR
Date: September 11, 2009
Office: Julia Trisnadi
Crew: J. Lee
F.B.: 1153/32-33
Path: t:\hdr\reaches 6 and 7\landmark drawings\grid-staff\easements\fbwrna-grid-base-b.dwg
Job No.: 492-08-01



SKETCH TO
ACCOMPANY
FIELD NOTES

Landmark
SURVEYING, LP
1301 S. CAPITAL OF TEXAS HWY.
BUILDING 8, SUITE 315
AUSTIN, TEXAS 78746
PH: (512)328-7411 FAX: (512)328-7413