

**RESOLUTION NO. 20101209-004**

**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 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 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:

Owners:     Heirs of Ethel Mae Loggins, aka Ethel Mae Logans, which include: Charles Brown, Albert Loggins, Roy Loggins, Ray Loggins, Susie Marie Brown, Clarence Doug Simms, Tommy Joe Logans and Felicia Dee.

Project: Fort Branch Watershed Management Area Reach 6 & 7  
Channel Rehabilitation – Truelight Area and Eleanor Drive  
Area Project

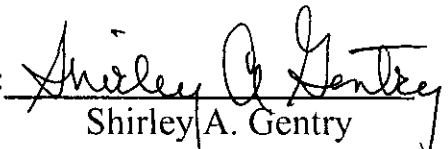
Public Purpose: The permanent drainage easement described in the  
attached Exhibit "A" is necessary to stabilize Fort  
Branch Creek banks to provide erosion protection and  
reduce the frequency and depth of flooding for the  
adjoining properties in the surrounding neighborhood.

Location: 1220 Fort Branch Boulevard, Austin, Texas.

Property: Described in the attached and incorporated Exhibit A.

**ADOPTED:** December 9, 2010

**ATTEST:**

  
Shirley A. Gentry  
City Clerk



STATE OF TEXAS  
COUNTY OF TRAVIS

(Drainage Easement)

Lot 20, Block 1, Lincoln Gardens Section One  
Fort Branch Creek Reach 6 & 7, Proj. No. 6039.059

EXHIBIT " A "

### LEGAL DESCRIPTION

Field notes description for a parcel of land containing 0.039 of an acre of land, equivalent to 1,678 square feet of land, out of and a part of Lot 20, 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 20, Block 1, Lincoln Gardens Section One which was conveyed to Ethel Mae Loggins by that certain Deed executed January 28, 1970 and recorded in Volume 3808, Page 458 of the Deed 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 1/2-inch iron pipe found on the curving northwest right-of-way line of Fort Branch Boulevard (50' Right-of-Way) monumenting the most southerly corner of Lot 20, same being the northeast corner of Lot 21, above referenced Block 1, Lincoln Gardens Section One, from which a 1/2-inch iron rod found at the southeast corner of said Lot 21, Block 1 bears a chord bearing of  $S16^{\circ}13'42''W$  a distance of 45.11 feet; **Thence**, with the common line of said Lot 20 and said Lot 21, Block 1,  $N61^{\circ}05'15''W$  a distance of 83.66 feet to an 80d nail set, for the south 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  $N= 10,074,052.81$ ,  $E= 3,133,688.20$ ;

**THENCE**, continuing with said common line of Lot 20 and Lot 21, Block 1,  $N61^{\circ}05'15''W$  a distance of 39.39 feet to an 80d nail set at the most westerly corner of said Lot 20, same being the northwest corner of said Lot 21, Block 1, for the west corner of this easement;

**THENCE**, with the northwest line of said Lot 20, Block 1,  $N31^{\circ}47'20''E$  a distance of 58.11 feet to an 80d nail set at the intersection with the southwest line of an existing 5' Public Utility easement as recorded in said Lincoln Gardens Section One, for the north corner of this easement;

**THENCE**, through said Lot 20, Block 1, the following two courses:

- 1) With said southwest line of said existing 5' Public Utility easement,  $S52^{\circ}36'20''E$  a distance of 20.58 feet to an 80d nail set, for the east corner of this easement; and



- 2) Leaving said southwest line of said existing 5' Public Utility easement, S12°35'11"W a distance of 57.31 feet to the "POINT OF BEGINNING", and containing 0.039 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**

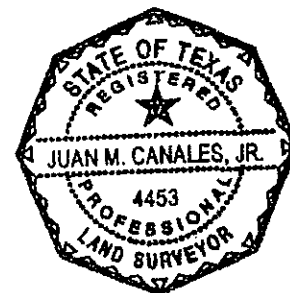
  
\_\_\_\_\_  
Juan M. Canales, Jr.

10-01-09  
\_\_\_\_\_  
Date

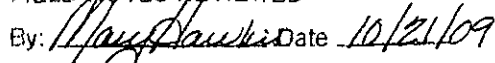
Registered Professional Land Surveyor No. 4453  
Senior Project Manager  
Firm Registration No. 100727-00

**REFERENCES**

MAPSCO 2009, Page 586-Q  
AUSTIN GRID NO. M-23  
TCAD PARCEL ID NO.02-0821-0101  
Lot 20, Blk 1, Loggins-DE.doc  
1220 Fort Branch Boulevard



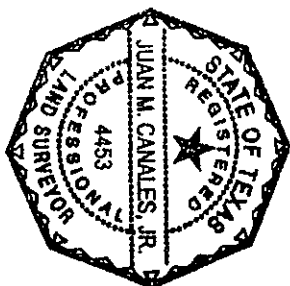
FIELD NOTES REVIEWED

By:  Date 10/21/09

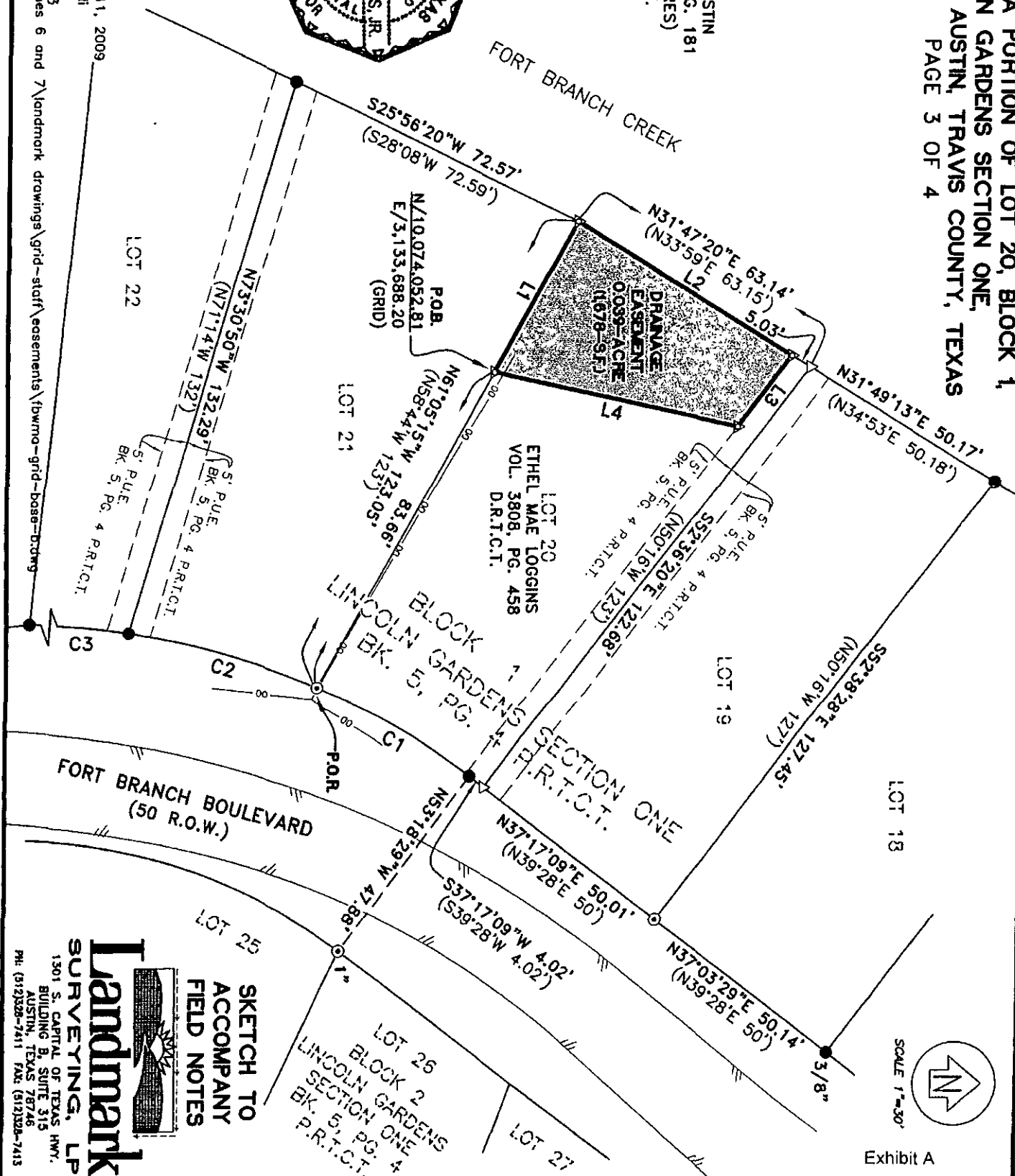
Engineering Support Section  
Department of Public Works  
and Transportation

**SURVEY OF A PORTION OF LOT 20, BLOCK 1,  
LINCOLN GARDENS SECTION ONE,  
THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS**  
PAGE 3 OF 4

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:\hdf\resches 6 and 7\landmark drawings\grid-staff\esements\fwma-grid-base-bdng  
Job No.: 492-08-01



# 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
- Chain Link Fence
- ( ) 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. Plat Records  
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 20, BLOCK 1, LINCOLN GARDENS SECTION ONE, THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS PAGE 4 OF 4

### LINE TABLE

LINE	BEARING	DISTANCE
L1	N61°05'15"W	39.39'
L2	N31°47'20"E	58.11'
L3	S52°36'20"E	20.58'
L4	S12°35'11"W	57.31'

### 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' (174.80')
	C2	S16°13'42"W (S18°39'W)	45.11' (45')	14°49'37"	45.23' (45.11')	174.80' (174.80')
	C3	S01°27'34"W (S03°54'W)	44.91' (45')	14°45'39"	45.03' (45.11')	174.80' (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.

#### Restrictive Covenant and Easement Note:

1. Drainage and Public Utility easements as recorded in Book 5, Page 4 of the Plat Records of Travis County, Texas DO NOT APPLY to the subject parcel, as shown hereon.
2. Electric transmission line easement recorded in Volume 570, Page 489 of the Deed Records of Travis County, Texas DOES NOT APPLY to the subject parcel.

All easements of which I have knowledge and those recorded easements furnished by Alliant National Title Insurance Company, according to GF No. 00090678, 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:

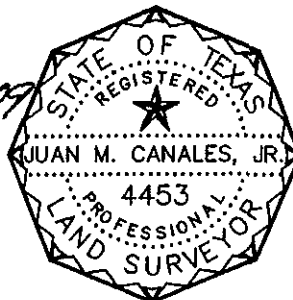
STATE PLANE COORDINATE SYSTEM (GRID) NAD'83  
TEXAS CENTRAL ZONE 4203  
COMBINED SCALE FACTOR = 0.999923385  
NAVD'88 VERTICAL DATUM  
HORIZONTAL AND VERTICAL COORDINATES FOR AUS 5 AND E.U.D. 169 AS ESTABLISHED AND PUBLISHED BY TEXAS DEPARTMENT OF TRANSPORTATION AND BY THE L.C.R.A. WERE USED AS THE CONTROLLING 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

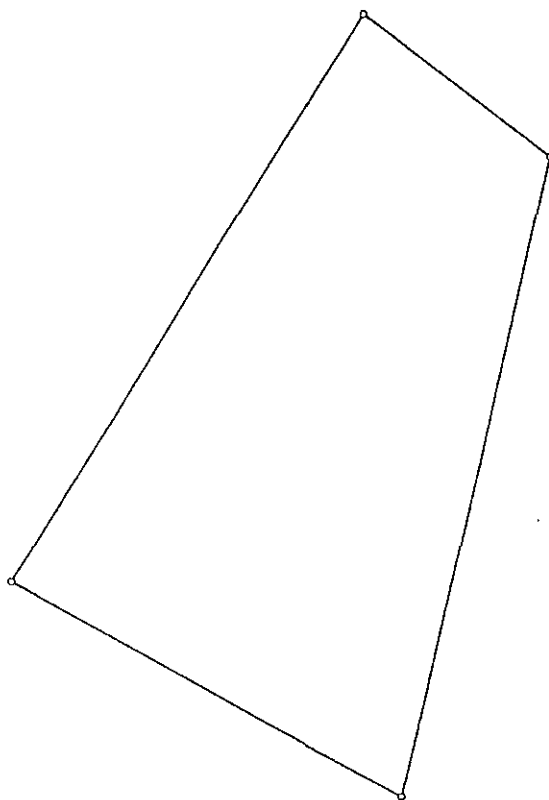
THIS SURVEY PLAT IS VALID ONLY IF IT BEARS THE  
ORIGINAL SIGNATURE OF THE ABOVE SURVEYOR


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\selements\fbwma-grid-base-b.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 78746  
PH: (512)328-7411 FAX: (512)328-7413



Title: Lot 20, Blk 1, Loggins-DE m&b			Date: 08-19-2009
Scale: 1 inch = 16 feet	File: Lot 20, Blk 1, Loggins-DE m&b.des		
Tract 1: 0.039 Acres: 1678 Sq Feet: Closure = s47.2643e 0.01 Feet: Precision = 1/18978: Perimeter = 175 Feet			
001=n61.0515w 39.39	003=s52.3620e 20.58		
002=n31.4720e 58.11	004=s12.3511w 57.31		



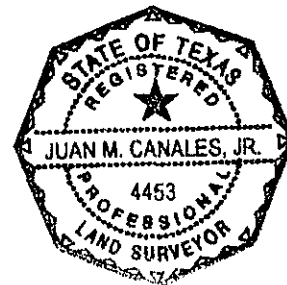
To: Alliant National Title Insurance Company  
From: Landmark Surveying, LP  
Date: September 11, 2009  
Re: (Drainage Easement)  
Lot 20, Block 1, Lincoln Gardens Section One

Survey of that certain parcel of land containing 0.039 of an acre of land, equivalent to 1,678 square feet of land, out of and a part of Lot 20, 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 20, Block 1, Lincoln Gardens Section One which was conveyed to Ethel Mae Loggins by that certain Deed executed January 28, 1970 and recorded in Volume 3808, Page 458 of the Deed Records of Travis County, Texas.

All easements of which I have knowledge and those recorded easements furnished by Alliant National Title Insurance Company, according to GF Number 00090678, effective on April 6, 2009, are noted below.

- 1) Drainage and Public Utility easements as recorded in Book 5, Page 4 of the Plat Records of Travis County, Texas DO NOT APPLY to the subject parcel, as shown hereon.
- 2) Electric transmission line easement recorded in Volume 570, Page 489 of the Deed Records of Travis County, Texas DOES NOT APPLY to the subject parcel.

Landmark Surveying, LP  
Firm Registration No. 100727-00



*Juan M. Canales, Jr.*  
Juan M. Canales, Jr.  
Registered Professional Land Surveyor No. 4453

*10-01-09*  
Date