

RESOLUTION NO. 20110324-004

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:

Owner: Rolling Hills West Home Guardians, Inc.

Project: Group 6 Southwest Residential Street Reconstruction
Project

Public Purpose: the permanent drainage easement described in the
attached Exhibit "A" is necessary to install a 24 inch
storm drain.

Location: 1404 Spring Garden Road
Austin, Texas 78746

Property: Described in the attached and incorporated Exhibit A.

ADOPTED: March 24, 2011

ATTEST: Shirley A. Gentry
Shirley A. Gentry
City Clerk

EXHIBIT A

(Drainage Easement)
Lot 13, Block "C"
Woodhaven Subdivision

DESCRIPTION FOR 0.0765 OF ONE ACRE DRAINAGE EASEMENT

DESCRIPTION OF 0.0765 OF ONE ACRE OR 3,331 SQUARE FEET OF LAND, MORE OR LESS, OUT OF LOT 13, BLOCK "C", WOODHAVEN, A SUBDIVISION OF RECORD IN BOOK 76, PAGE 132, PLAT RECORDS, TRAVIS COUNTY, TEXAS, SAID LOT 13 BEING DESCRIBED IN A DEED TO ROLLING HILLS HOME GUARDIANS, INC., OF RECORD IN VOLUME 6058, PAGE 604, DEED RECORDS, TRAVIS COUNTY, TEXAS; SAID 0.0765 OF ONE ACRE OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod set with a plastic cap at the south corner of this tract, same being in the southwest line of said Lot 13 and said Rolling Hills Home Guardians tract and the existing northeast right-of-way (ROW) line of Pinnacle Road (70' wide ROW), from which a 1/2" iron rod found at the south corner of said Lot 13 and said Rolling Hills Home Guardians tract and the west corner of Lot 4 of said Block "C", Woodhaven, said Lot 4 being described in a deed to Kurt C. Wise and Ann C. Wise, of record in Document 2004122611, Official Public Records, Travis County, Texas bears along a curve to the left whose intersection angle is $02^{\circ}34'02''$, radius is 533.93 feet, an arc distance of 23.92 feet, the chord of which bears $S27^{\circ}57'19''E$ 23.92 feet and from which a 1/2" iron rod found at an angle point in the southeast line of said Lot 13 and said Rolling Hills Home Guardians tract and in the northwest line of said Lot 4 and said Wise tract bears along a curve to the left whose intersection angle is $02^{\circ}34'02''$, radius is 533.93 feet, an arc distance of 23.92 feet, the chord of which bears $S27^{\circ}57'19''E$ 23.92 feet and $N61^{\circ}20'04''E$ 39.33 feet, said point of beginning having a Texas State Plane Coordinate (Texas Central Zone, NAD 83, U.S. feet, combined scale factor of 1.00005) grid value of $N=10,071,419.27$, $E=3,092,818.95$;

THENCE, with the southwest line of this tract, said Lot 13, and said Rolling Hills Home Guardians tract, and the existing northeast ROW line of Pinnacle Road, with a curve to the right, whose intersection angle is $04^{\circ}16'04''$, radius is 533.93 feet, an arc distance of 39.77 feet, the chord of which bears $N24^{\circ}32'15''W$ 39.76 feet to a 1/2" iron rod set with a plastic cap at the west corner of this tract, from which a 1/2" iron rod found near the

0.0765 AC.

west corner of said Lot 13 and said Rolling Hills Home Guardians tract and the south corner of Lot 3 of said Block--"C", Woodhaven, said Lot 3 being described in a deed to John Louis Forsyth, and Veronica Marquez Biondo, of record in Document 2003045268, Official Public Records, Travis County, Texas bears along a curve to the right, whose intersection angle is $03^{\circ}42'41''$, radius is 533.93 feet, an arc distance of 34.59 feet, the chord of which bears $N20^{\circ}32'53''W$ 34.58 feet and $S70^{\circ}57'18''E$ 1.51 feet and from which a 1/2" iron rod found at an angle point in the northwest line of said Lot 13 and said Rolling Hills Home Guardians tract and the southeast line of said Lot 3 and said Forsyth and Biondo tract bears along a curve to the right, whose intersection angle is $03^{\circ}42'41''$, radius is 533.93 feet, an arc distance of 34.59 feet, the chord of which bears $N20^{\circ}32'53''W$ 34.58 feet and $N61^{\circ}26'01''E$ 49.91 feet;

THENCE, with the northwest line of this tract, crossing said Lot 13 and said Rolling Hills Home Guardians tract, the following two (2) courses, numbered 1 and 2;

- 1) **$N78^{\circ}13'19''E$ 22.23 feet** to a 1/2" iron rod set with a plastic cap; and
- 2) **$N65^{\circ}51'11''E$ 71.87 feet** to a 1/2" iron rod set with a plastic cap at the north corner of this tract;

THENCE, with the northeast line of this tract, continuing across said Lot 13 and said Rolling Hills Home Guardians tract, **$S24^{\circ}08'49''E$ 35.00 feet** to a 1/2" iron rod set with a plastic cap at the east corner of this tract;

0.0765 AC.

THENCE, with the southeast line of this tract, continuing across said Lot 13 and said Rolling Hills Home Guardians tract, **S65°51'11"W 93.31 feet** to the POINT OF BEGINNING and containing 0.0765 of one acre or 3,331 square feet within these metes and bounds, more or less.

Bearing Basis Note

The bearings described herein are Texas State Plane Grid bearings (Texas Central Zone, NAD83 (93 HARN), Combined Scale Factor is 1.00005). The reference for this project was established from "Austin RRP", a fixed control point having coordinate values of N=10086515.883, E=3109682.458 and "BM1078", a TxDOT survey monument having coordinate values of N=10097010.902, E=3128551.053, having a grid bearing of N60°54'59"E, a grid distance of 21590.95 feet.

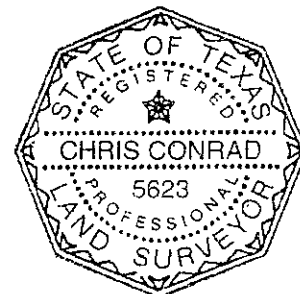
STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF TRAVIS §

That I, Chris Conrad, a Registered Professional Land Surveyor, do hereby certify 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 under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this the 26th day of March, 2009 A.D.

SURVEYED BY:

McGRAY & McGRAY LAND SURVEYORS, INC.
3301 Hancock Dr., Ste. 6 Austin, TX 78731 (512) 451-8591



A handwritten signature in cursive script, appearing to read "Chris Conrad", written over a horizontal line.

Chris Conrad, Reg. Professional Land Surveyor No. 5623
Note: There is a plat to accompany this description. DE, Issued 3/26/2009

AUSTIN GRID F-22
TCAD# 01-0718-01-02

FIELD NOTES REVIEWED

By: Date 3/30/09

Engineering Support Section
Department of Public Works
and Transportation

RE: CITY OF AUSTIN

SKETCH TO ACCOMPANY DESCRIPTION OF
0.0765 AC. OR 3,331 SQ. FT. OF LAND

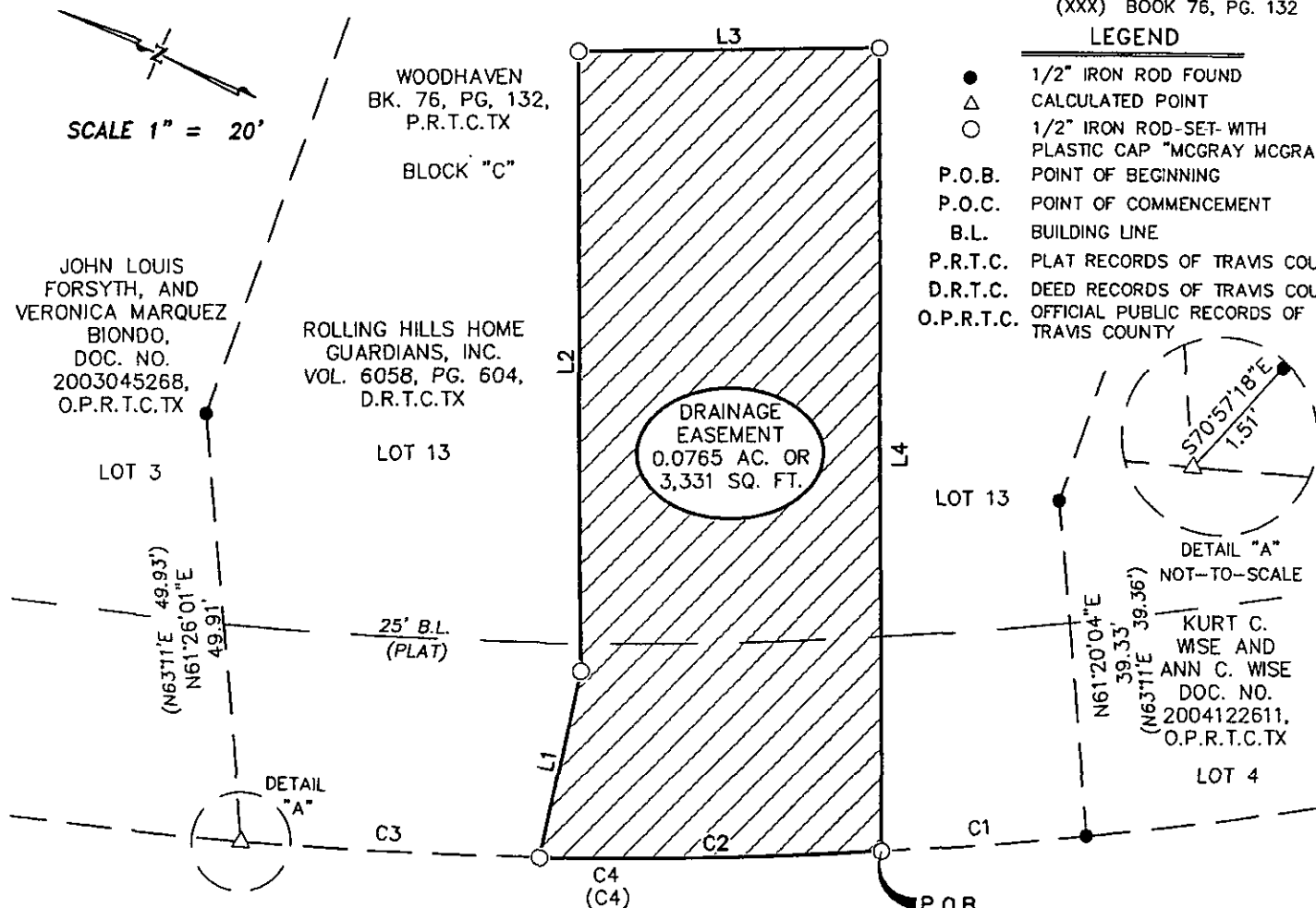
OUT OF LOT 13, BLOCK "C", WOODHAVEN SUBDIVISION,
OF RECORD IN BOOK 76, PG. 132, PLAT RECORDS OF TRAVIS COUNTY, TEXAS,
AND BEING IN THE CITY OF AUSTIN, TEXAS.

RECORD INFORMATION

(XXX) BOOK 76, PG. 132

LEGEND

- 1/2" IRON ROD FOUND
- △ CALCULATED POINT
- 1/2" IRON ROD-SET WITH PLASTIC CAP "MCGRAY MCGRAY"
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- B.L. BUILDING LINE
- P.R.T.C. PLAT RECORDS OF TRAVIS COUNTY
- D.R.T.C. DEED RECORDS OF TRAVIS COUNTY
- O.P.R.T.C. OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY



PINNACLE ROAD
(70' R.O.W.)

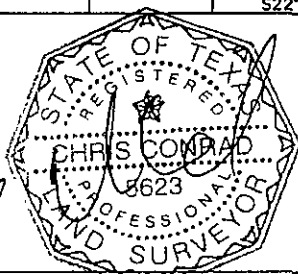
P.O.B.
GRID COORDINATES
N=10,071,419.27
E= 3,092,818.95

LINE TABLE		
LINE	BEARING	LENGTH
L1	N78°13'19"E	22.23
L2	N65°51'11"E	71.87
L3	S24°08'49"E	35.00
L4	S65°51'11"W	93.31

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD
C1	23.92	533.93	02°34'02"	11.96	S27°57'19"E 23.92
C2	39.77	533.93	04°16'04"	19.89	N24°32'15"W 39.76
C3	34.59	533.93	03°42'41"	17.30	N20°32'53"W 34.58
C4	98.28	533.93	10°32'47"	49.28	S23°57'56"E 98.14
(C4)	98.31	533.93		S22°13'E	98.17

NOTES:

1. THE COORDINATES SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD83 (93 HARN) DATUM. THE BEARINGS SHOWN ARE GRID BEARINGS. THESE COORDINATES WERE ESTABLISHED FROM "AUSTIN RRP", A FIXED CONTROL POINT HAVING COORDINATE VALUES OF N=10086515.883, E=3109882.458, AND "BM1078" A TXDOT SURVEY MONUMENT HAVING COORDINATE VALUES OF N=10097010.902, E=3128551.053. HAVING A GRID BEARING OF N60°54'59"E, AND A GRID DISTANCE OF 21590.95 FEET. THE COMBINED SCALED FACTOR IS 1.00005. ALL DISTANCES SHOWN ARE SURFACE DISTANCES.
2. THIS SURVEY WAS DONE WITHOUT A TITLE REPORT OR EASEMENT SEARCH.



03/26/09

CHRIS CONRAD, REG. PROF. LAND SURVEYOR NO. 5623 DATE
Note: This copy of this plat is not valid unless an original signature through an original seal appears on its face. There is a description to accompany this plat. TCAD#: 01-0718-01-02

M:\Pinnacle Rd. Drainage Easement\DWG\Lot 13 Drainage Easement.dwg

ISSUED: 03/26/09

SURVEYED BY: PAGE 4 of 4

McGRAY & McGRAY
LAND SURVEYORS, INC.
3301 HANCOCK DRIVE #6
AUSTIN, TEXAS 78731
(512) 451-8591

AUSTIN GRID#: F-22

JOB NO.: 09-041