

RESOLUTION NO. 20110623-027

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.

BE IT FURTHER RESOLVED:

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

Owner: T-C Barton Springs LLC

Project: Austin Clean Water Program Govalle 1 – South 2nd Street
Reroute – Phase I Wastewater Improvement Project

Public Purpose: the permanent wastewater line easement described in the attached Exhibit “A” is necessary to install, operate, maintain, repair, replace, and upgrade permanent wastewater lines and appurtenances, and to increase and improve the City’s ability to provide

sanitary sewer services to the public and to prevent leakage from wastewater lines.

Location: 811 Barton Springs Road

Property: Described in the attached and incorporated Exhibit A.

ADOPTED: June 23, 2011

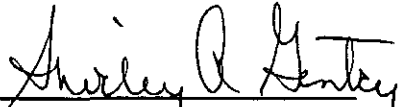
ATTEST: 
Shirley A. Gentry
City Clerk

EXHIBIT A



MACIAS & ASSOCIATES, L.P.
LAND SURVEYORS

T-C BARTON SPRINGS LLC
TO
CITY OF AUSTIN
(WASTEWATER EASEMENT)
November 4, 2009

DESCRIPTION FOR PARCEL 5118.02WE

DESCRIPTION OF A 0.084 ACRE (3,658 SQUARE FOOT) TRACT OF LAND OUT OF THE ISAAC DECKER LEAGUE, SURVEY NO. 20, ABSTRACT NO. 8, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AND ALSO BEING OUT OF A 1.6629 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED EXECUTED JUNE 19, 2008 TO T-C BARTON SPRINGS LLC, RECORDED IN DOCUMENT NO. 2008107339, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.084 ACRE (3,658 SQUARE FOOT) TRACT AS SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING for reference at a 5/8" iron rod found at the intersection of the south right-of-way line of Barton Springs Road, a 100-foot wide right-of-way, with the east right-of-way line of Bouldin Avenue, a 60-foot wide right-of-way, at the northwest corner of said 1.6629 acre tract;

THENCE, S 27° 24' 03" W, with the east right-of-way line of Bouldin Avenue and the west line of said 1.6629 acre tract, a distance of 220.96 feet to a 60d nail set having Texas State Plane Coordinate (Central Zone, NAD83 (CORS), U.S. Feet, Combined Scale Factor 1.00010) values of N=10,067,328.03, E=3,110,915.13, for the northwest corner and the **POINT OF BEGINNING** of this tract;

THENCE, across said 1.6629 acre tract, the following two (2) courses:

- 1) S 62°59'23" E, a distance of 170.29 feet to a 60d nail set for the northeast corner of this tract;
- 2) S 27°48'08" W, a distance of 32.74 feet to a 60d nail set on the south line of said 1.6629 acre tract and on the north line of Lot 2, Block A, The Crescent on Bouldin Creek, a subdivision recorded in Document No. 200500141, Official Public Records of Travis County, Texas, for the southeast corner of this tract, from said point, a 5/8" iron rod found at the southeast corner of said 1.6629 acre tract and at an angle point on the north line of said Lot 2, bears S 62°35'28" E, 86.81 feet;

THENCE, N 62°35'28" W, with the south line of said 1.6629 acre tract and the north line of said Lot 2, a distance of 20.00 feet to a 1/2" iron rod found at the northwest corner of said Lot 2

0.084 Acre (3,658 Square Feet)
Wastewater Easement

5118.02WE

and at the northeast corner of a 0.34 acre tract described in a deed to The Bouldin Avenue Church of Christ, recorded in Volume 748, Page 630, Deed Records of Travis County, Texas, for a corner of this tract;

THENCE, across said 1.6629 acre tract, the following two (2) courses:

- 1) N 27°48'08" E, a distance of 12.60 feet to a 60d nail set for an interior corner of this tract;
- 2) N 62°59'23" W, a distance of 150.15 feet to a 60d nail set on the east right-of-way line of Bouldin Avenue and on the west line of said 1.6629 acre tract, for the southwest corner of this tract, from said point, a 1/2" iron pipe found at the southwest corner of said 1.6629 acre tract and at the northwest corner of said 0.34 acre tract, bears S 27°24'03" W, 11.55 feet;

THENCE, N 27°24'03" E, with the east right-of-way line of Bouldin Avenue and the west line of said 1.6629 acre tract, a distance of 20.00 feet to the **POINT OF BEGINNING** and containing 0.084 acre (3,658 square feet) of land.

BEARING BASIS NOTE

The bearings described herein are Texas State Plane Grid Bearings, (Central Zone, NAD83 (CORS) Combined Scale Factor 1.00010). Project control points were established from reference station "AUSTIN RRP2" having coordinate values of N=10,086,515.89, E=3,109,682.48 and "H-20-3001" (CB11) having coordinate values of N=10,061,108.04, E=3,109,304.63.

THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

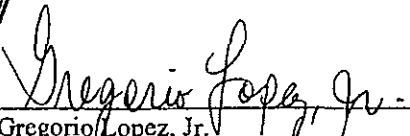
KNOW ALL MEN BY THESE PRESENTS:

That I, Gregorio Lopez, Jr., 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 under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this 4th day of November, 2009, A.D.



Macias & Associates, Inc.
5410 South 1st Street
Austin, Texas 78745
512-442-7875

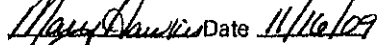


Gregorio Lopez, Jr.
Registered Professional Land Surveyor
No. 5272 – State of Texas

REFERENCES

MAPSCO 2003 614D
Austin Grid No. MH-21
TCAD PARCEL ID NO. 01-0201-0314
MACIAS & ASSOCIATES, INC., PROJECT NO. 290-13-05

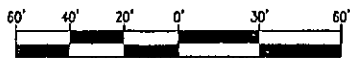
FIELD NOTES REVIEWED

By:  Date 11/16/09
Engineering Support Section
Department of Public Works
and Transportation

0.084 Acre (3,658 Square Feet)
Wastewater Easement

5118.02WE

SKETCH TO ACCOMPANY LEGAL DESCRIPTION



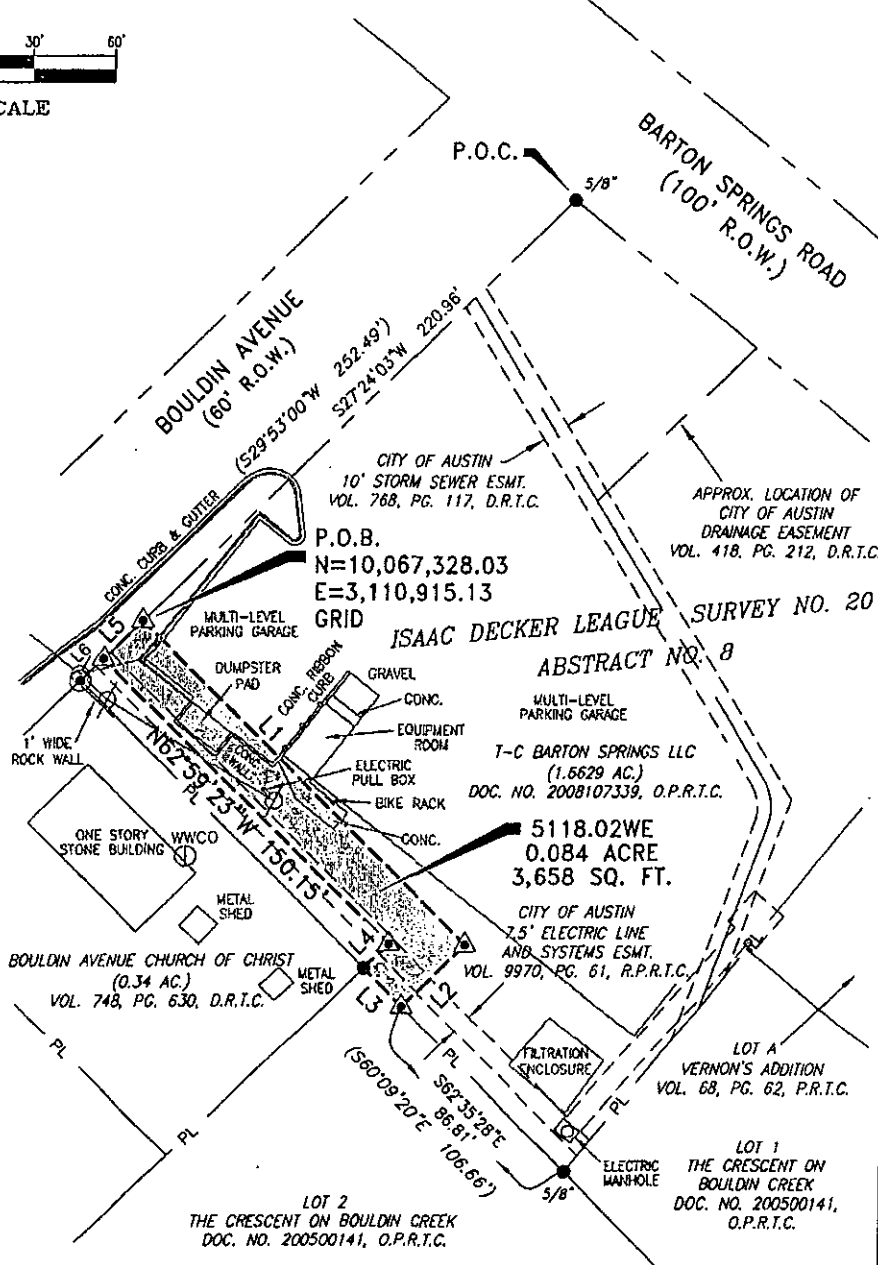
GRAPHIC SCALE

1"=60'

LINE TABLE		
NUMBER	BEARING	DISTANCE
L1	S62°59'23"E	170.29'
L2	S27°48'08"W	32.74'
L3	N62°35'28"W	20.00'
L4	N27°48'08"E	12.60'
L5	N27°24'03"E	20.00'
L6	S27°24'03"W	11.55'

LEGEND

- 1/2" IRON ROD FOUND (UNLESS OTHERWISE NOTED)
- ⊙ 1/2" IRON PIPE FOUND (UNLESS OTHERWISE NOTED)
- ▲ 60D NAIL SET
- P.O.B. POINT OF BEGINNING
- R.O.W. RIGHT-OF-WAY
- PL — PROPERTY LINE
- P.U.E. PUBLIC UTILITY EASEMENT
- T.C.A.D. TRAVIS COUNTY APPRAISAL DISTRICT
- VOL. PG. VOLUME, PAGE
- D.R.T.C. DEED RECORDS OF TRAVIS COUNTY
- R.P.R.T.C. REAL PROPERTY RECORDS OF TRAVIS COUNTY
- O.P.R.T.C. OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY
- () RECORD INFORMATION



BEARING BASIS:

THE COORDINATES AND BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM (CENTRAL ZONE, NAD83(CORS), COMBINED SCALE FACTOR = 1.00010). THE COORDINATES WERE ESTABLISHED BY GPS STATIC OBSERVATION FROM REFERENCE STATION "AUSTIN RRP2" HAVING COORDINATE VALUES OF N=10,086,515.89, E=3,109,682.48 AND "H-20-3001" (CB11) HAVING COORDINATE VALUES OF N=10,061,108.04, E=3,109,304.63. ALL DISTANCES SHOWN ARE SURFACE DISTANCES.



DATE: 11-4-09
DRAWN BY: ALM
MAJ JOB NO.: 290-13-05
REFERENCE: FBS. 469 & 472

MACIAS & ASSOCIATES, L.P.
LAND SURVEYORS

5410 SOUTH 1ST STREET
AUSTIN, TEXAS 78745 PH. (512)442-7875
FAX (512)442-7876 EMAIL: WWW.MACIASWORLD.COM