

RESOLUTION NO. 20110623-028

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: Nelisa D. and Dean Heddin

Project: Comburg Dam Modernization Project

Public Purpose: the permanent access easement described in the attached Exhibit "A" is necessary to permit the City, its agents, employees and contractors to enter, exit, and re-enter the tract of land described for the purposes of maintaining and performing routine

maintenance of a water detention pond adjacent to the property.

Location: North side of Toulouse Drive, approximately 153 feet east of the roadway's intersection with Comburg Drive, Austin, Texas

Property: Described in the attached and incorporated Exhibit A.

ADOPTED: June 23, 2011

ATTEST:

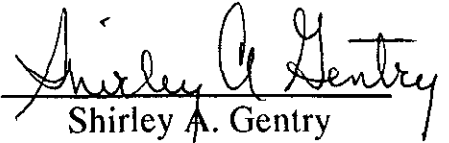

Shirley A. Gentry
City Clerk

EXHIBIT "A"

(ACCESS EASEMENT)
THEO. BISSELL LEAGUE

DESCRIPTION FOR A 0.0706 OF ONE ACRE ACCESS EASEMENT

DESCRIPTION OF 0.0706 OF ONE ACRE (3,076 SQ FT) OF LAND, MORE OR LESS, OUT OF THE THEO. BISSELL LEAGUE NO. 18, ABSTRACT NO. 3, TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THAT TRACT DESCRIBED AS 0.891 OF ONE ACRE IN A DEED TO MELISSA D. HEDDIN AND HUSBAND, DEAN HEDDIN, OF RECORD IN DOCUMENT NO. 2010023173, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS; SAID 0.0706 OF ONE ACRE OF LAND BEING FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod found at the southeast corner this tract and said Heddin tract and the southwest corner of Lot 27, Block "E", Tanglewood Forest Section One, Phase B, of record in Book 82, Page 391-392, Plat Records, Travis County, Texas, same being that tract described in a deed to Clifford J. Visel, of record in Document No. 2001181401, Official Public Records, Travis County, Texas and in the north line of Lot 60 of said Block "E" and of that tract described as 0.0525 of one acre in a deed to the City of Austin, of record in Volume 12964, Page 1786, Real Property Records, Travis County, Texas, from which a 60d nail found at the east corner of said City of Austin tract bears S62°06'20"E 11.64 feet and from said point of beginning a 1/2" iron rod found at the south corner of said City of Austin tract, same being in the south line of said Lot 60, and in the north line of Toulouse Drive bears S62°06'20"E 11.64 feet and S83°57'00"W 60.09 feet, said point of beginning having State Plane Coordinate (Texas Central Zone, NAD83, U.S. Feet, Combined Scale Factor of 1.00005) grid values of N=10,038,614.19 E=3,089,810.50;

THENCE, with the south line of this tract and said Heddin tract and the north line of said Lot 60 and said City of Austin tract, **N62°06'20"W 33.37 feet** to a 1/2" iron rod set with plastic cap at the southwest corner of this tract, from which a 3/4" iron pipe found at the southwest corner of said Heddin tract, same being in the north line of said Toulouse Drive bears N62°06'20"W 166.67 feet;

THENCE, with the west line of this tract, crossing said Heddin tract, the following two (2) courses, numbered 1 and 2;

- 1) **N70°36'57"E 26.80 feet** to a 1/2" iron rod set with plastic cap; and
- 2) **N27°20'42"E 173.31 feet** to a 1/2" iron rod set with plastic cap at the northwest corner of this tract, same being in the north line of said Heddin tract and the south line of that tract described as 0.422 of one acre in a deed to Stanley E. Macora, Jr., et ux, Margaret E. Macora, of record in Volume 6822, Page 176, Deed Records,

0.0706 AC.

Travis County, Texas, same being the southwest corner of that tract described as 0.0317 acres in a deed to the City of Austin of record in Volume 12955, Page 1347, Real Property Records, Travis County, Texas, from which a 3/4" iron pipe found at the northwest corner of said Heddin tract, same being the southwest corner of said Macora tract bears N62°03'10"W 184.83 feet;

THENCE, with the north line of this tract and said Heddin tract and the south line of said City of Austin tract, S62°03'10"E 15.00 feet to a 1/2" iron rod found at the northeast corner of this tract and said Heddin tract, the southeast corner of said City of Austin tract, the southwest corner of Lot 25 of said Block "E", same being described in that deed to Doris Reyes and Maria D. Reyes, of record in Document No. 2001145979, Official Public Records, Travis County, Texas, and the northwest corner of Lot 26, of said Block "E" same being that tract described in a deed to Vanhamm Duplex, LLC, of record in Document No. 2008021139, Official Public Records, Travis County, Texas;

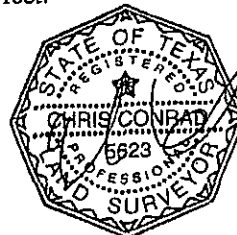
THENCE, with the east line of this tract and said Heddin tract and the west line of said Lot 26 and said Duplex tract, S27°20'42"W, passing at 159.93 feet a 1/2" iron rod found at the southwest corner of said Lot 26 and said Duplex tract and the northwest corner of said Lot 27 and said Visel tract and continuing with the west line of said Lot 27 and said Visel tract, 33.05 feet for a total distance of 192.98 feet to the POINT OF BEGINNING and containing 0.0706 of one acre (3,076 sq ft) more or less, within these metes and bounds.

Bearing Basis Note

The bearings described herein are Texas State Plane Grid bearings (Texas Central Zone, NAD83. The Combined Scale Factor is 1.00005). The reference for this project is "Austin RRP", a fixed control point, and "BM1078", a TxDOT survey monument, having a grid bearing of N60°54'59"E, and a grid distance of 21590.95 feet.

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".

10/22/2010

Chris Conrad, Reg. Professional Land Surveyor No. 5623

Date

Note: This copy of this description is not valid unless an original signature through an original seal appears on its face. There is a plat to accompany this description.

Descriptions 2010/Pond 337/Delivered 10-22-10
Issued 10-22-10

FIELD NOTES REVIEWED

By: Date 11/04/10

Engineering Support Section
Department of Public Works
and Transportation

AUSTIN GRID E-15
TCAD# 04-2621-06-15

RE: CITY OF AUSTIN

AUSTIN GRID#: E-15 JOB NO.: 10-044

Exhibit A
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