

RESOLUTION NO. 20110728-034

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 owners on the value of the real property interests or damages, if any; **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 necessary to 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 necessary acquisitions.

BE IT FURTHER RESOLVED:

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

Owner: Austin HB Residential Properties, Ltd.

Project: Harris Branch Interceptor Lower A Project

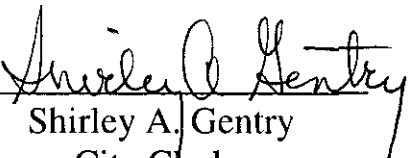
Public Purpose: The permanent wastewater line easement described in the attached Exhibit "A" is necessary to install, operate, maintain, repair, replace, and upgrade permanent wastewater lines and appurtenances, and to increase and improve the City's ability to provide sanitary sewer services to the public.

Location: East side of Harris Branch Parkway, 0.5 miles south of Parmer Lane, in Austin, Travis County, Texas

Property: Described in the attached and incorporated Exhibit "A".

ADOPTED: July 28, 2011

ATTEST: _____


Shirley A. Gentry
City Clerk

Field Notes for 4661.01WE

BEING 1.160 ACRES OF LAND (50,519 S.F.), MORE OR LESS, OUT OF AND A PART OF THE LUCAS MUNOS SURVEY NO. 55, ABSTRACT NO. 513 IN TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF THE 1220.210 ACRE TRACT OF LAND CONVEYED TO AUSTIN HB RESIDENTIAL PROPERTIES, LTD., A TEXAS LIMITED PARTNERSHIP, BY SPECIAL WARRANTY DEED WITH VENDOR'S LIEN EXECUTED ON JULY 17, 1996, FILED FOR RECORD ON JULY 18, 1996 RECORDED IN VOLUME 12731, PAGE 1051 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID 1.160 ACRES OF LAND (50,519 S.F.) BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

COMMENCING at a concrete monument found at a corner of said 1220.210 acre Austin HB Residential Properties, Ltd. tract and the most westerly corner of the 26.46 acre tract conveyed to Christopher S. Chenault and wife, Sara S. Chenault by deed recorded in Volume 5677, Page 1830 of the Deed Records of Travis County, Texas, thence as follows;

North 28°10'31" East, a distance of 474.50 feet, with a southeasterly line of said 1220.210 acre Austin HB Residential Properties, Ltd. tract and the northwesterly line of said 26.46 acre Chenault tract, to a calculated point at a corner of the remainder of said 1220.210 acre Austin HB Residential Properties, Ltd. tract and a corner of the 16.043 acre tract conveyed to Harris Branch Master Association, Ltd. by deed recorded in Document 2006057009 of the Official Public Records of Travis County, Texas;

South 52°35'02" West, a distance of 68.79 feet, leaving the northwesterly line of said 26.46 acre Chenault tract and a southeasterly line of said 1220.210 acre Austin HB Residential Properties, Ltd. tract, with a northwesterly line of the remainder of said 1220.210 acre Austin HB Residential Properties, Ltd. tract and a southeasterly line of said 16.043 acre Harris Branch Master Association, Ltd. tract to a calculated point;

South 62°58'41" West, a distance of 7.96 feet, to a calculated point;

South 74°32'56" West, a distance of 59.63 feet, to a calculated point at a corner of the remainder of said 1220.210 acre Austin HB Residential Properties, Ltd. tract and a southerly corner of said 16.043 acre Harris Branch Master Association, Ltd. tract, for the Point of Beginning and most easterly corner of the herein described tract of land having Texas State Plane (Texas Central Zone (4203), NAD 83, U. S. Feet, Combined Scale Factor of 0.9999216) values of $N=10104896.64$, $E=3155589.97$;

1) THENCE, South 59°08'31" West, a distance of 146.42 feet, leaving a line of the remainder of said 1220.210 acre Austin HB Residential Properties, Ltd. tract and a line of said 16.043 acre Harris Branch Master Association, Ltd. tract, and crossing said 1220.210 acre Austin HB Residential Properties, Ltd. tract, to a calculated point for the most southerly corner of the herein described tract of land;

2) THENCE, North 52°41'28" West, a distance of 946.57 feet, to a calculated point for an angle point hereof;

3) THENCE, North 58°04'53" West, a distance of 31.24 feet, to a calculated point in a northerly line of said 1220.210 acre Austin HB Residential Properties, Ltd. tract and a southerly line of said 16.043 acre Harris Branch Master Association, Ltd. tract, for the most westerly corner of the herein described tract of land, from

which, a 1/2 inch iron rod with cap marked Chaparral bears South 88°51'27" West, a distance of 53.05 feet, North 32°50'00" West, a distance of 111.06 feet and North 32°17'33" West, a distance of 192.24 feet;

4) THENCE, North 88°51'27" East, a distance of 18.10 feet, with a northerly line of the remainder of said 1220.210 acre Austin HB Residential Properties, Ltd. tract and a southerly line of said 16.043 acre Harris Branch Master Association, Ltd. tract, to a calculated point for an angle point hereof;

5) THENCE, North 87°06'44" East, a distance of 64.57 feet, to a calculated point for a northerly corner of the herein described tract of land;

6) THENCE, South 52°41'28" East, a distance of 880.33 feet, leaving a northerly line of the remainder of said 1220.210 acre Austin HB Residential Properties, Ltd. tract and a southerly line of said 16.043 acre Harris Branch Master Association, Ltd. tract and crossing said 1220.210 acre Austin HB Residential Properties, Ltd. tract, to a calculated point for a corner;

7) THENCE, North 59°08'31" East, a distance of 21.92 feet, to a calculated point in a northerly line of the remainder of said 1220.210 acre Austin HB Residential Properties, Ltd. tract and a southerly line of said 16.043 acre Harris Branch Master Association, Ltd. tract, for a corner;

8) THENCE, South 88°12'35" East, a distance of 17.57 feet, with a northerly line of said 1220.210 acre Austin HB Residential Properties, Ltd. tract and a southerly line of said 16.043 acre Harris Branch Master Association, Ltd. tract, to a calculated point for an angle point hereof;

9) THENCE, North 87°28'03" East, a distance of 84.57 feet, to a calculated point for an angle point hereof;

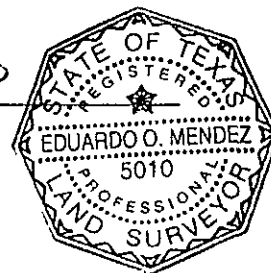
10) THENCE, North 74°32'56" East, a distance of 1.49 feet, to the Point of Beginning, and containing an area of 1.160 acres of land (50,519 s.f.), more or less.

I hereby declare that this survey was made on the ground, under my supervision, and that it substantially complies with the current Texas Society of Professional Surveyors standards.

Eduardo O. Mendez

Eduardo O. Mendez
Registered Professional Land Surveyor 5010

9/16/10
Date



MWM DesignGroup
305 East Huntland Drive, Suite 200
Austin, Texas, 78752 (512) 453-0767

Bearing Basis:

FIELD NOTES REVIEWED

By: *[Signature]* Date 9/20/10

Engineering Support Section
Department of Public Works
and Transportation

TCAD No.:
CITY GRID No.:

The bearings and coordinates shown are based on Texas State Plane Coordinate System datum, Texas Central Zone (4203), NAD 83 based on Landmark Control Points LS#1-LS#8 provided by Landmark Surveying, Inc. For surface coordinates, divide grid coordinates shown by combined scale factor of 0.9999216.

0242410404
Q30

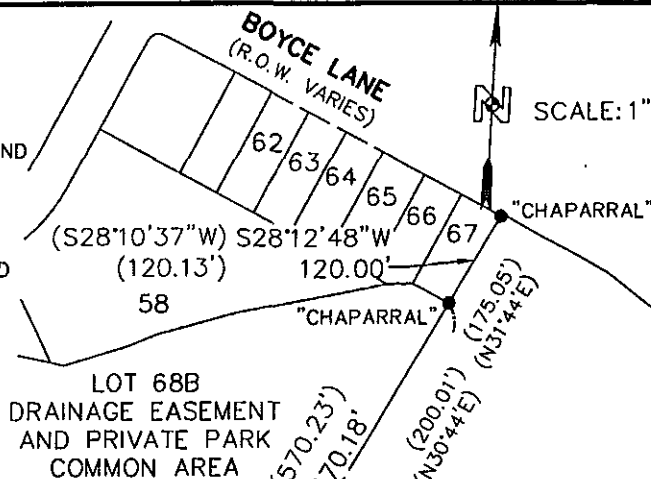
Y:\373-15A HARRIS BRANCH 30 inch\Project Admin\FIELD NOTES\4661.01WE.doc

LEGEND

- △ CALCULATED POINT
- 1/2" IRON ROD FOUND
(UNLESS OTHERWISE NOTED)
- 1/2" IRON ROD W/CAP FOUND
(UNLESS OTHERWISE NOTED)
- 5/8" IRON ROD WITH
MWM CAP SET
- CONCRETE MONUMENT FOUND
- () RECORD DATA
- DRTCT DEED RECORDS
TRAVIS CO, TX
- OPRTCT OFFICIAL PUBLIC RECORDS
TRAVIS CO, TX
- RPRTCT REAL PROPERTY RECORDS
TRAVIS CO, TX
- ▨ AREA OF EASEMENT
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT

SHEET 4 OF 5
SHEET 3 OF 5

SCALE: 1"=200'



SPEYSIDE SECTION TWO
DOC. 200100171
OPRTCT

SEE SHEET 5 OF 5 FOR
LINE/CURVE TABLES

4661.01WE
1.160 AC (50,519 S.F.)

LUCAS MUNOS
SURVEY NO. 55
ABSTRACT NO. 513
HARRIS BRANCH
MASTER ASSOCIATION, LTD.
(16.043 AC)

MARIQUITA CASTRO
SURVEY NO. 50
ABSTRACT NO. 160

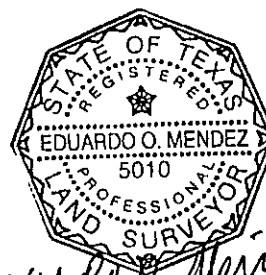
DOC. 2006057009
OPRTCT

10' CHANNEL EASEMENT
VOL. 10363, PG. 954
RPRTCT

CHRISTOPHER S. CHENAULT AND
WIFE, SARA S. CHENAULT
(26.46 AC)
VOL. 5677, PG. 1830
DRTCT

WASTEWATER
EASEMENT
DOC. 2004074345
OPRTCT

AUSTIN HB RESIDENTIAL
PROPERTIES, LTD.,
A TEXAS LIMITED
PARTNERSHIP
(1220.210 AC)
VOL. 12731, PG. 1051
RPRTCT



Eduardo O. Menendez
9/16/10

THE BEARINGS AND COORDINATES SHOWN
ARE BASED ON TEXAS STATE PLANE
COORDINATE SYSTEM DATUM, TEXAS
CENTRAL ZONE (4203), NAD 83 BASED ON
LANDMARK CONTROL POINTS LS#1-LS#8
PROVIDED BY LANDMARK SURVEYING, INC.
FOR SURFACE COORDINATES, DIVIDE GRID
COORDINATES SHOWN BY COMBINED SCALE
FACTOR OF 0.9999216.

mwm
Design Group

305 East Huntland Drive
Suite 200
Austin, Texas 78752
p: 512.453.0767
f: 512.453.1734

SKETCH TO ACCOMPANY
FIELD NOTES

TRAVIS COUNTY, TEXAS

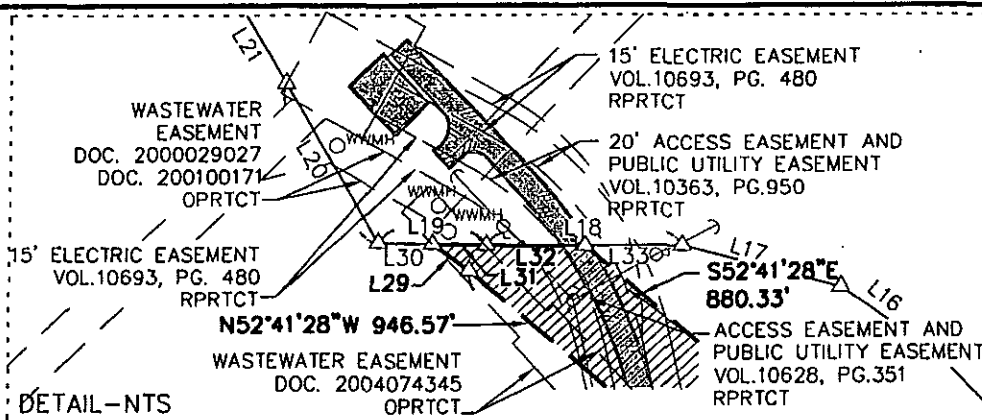
DATE: 15 SEP 10
JOB NO: 37315A
FILE: 4661.01WE

3

3 OF 5



SCALE: 1"=200'

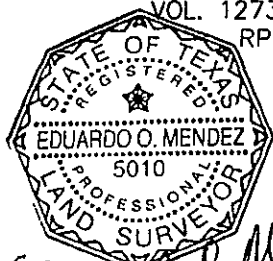


LEGEND

- △ CALCULATED POINT
- 1/2" IRON ROD FOUND (UNLESS OTHERWISE NOTED)
- 1/2" IRON ROD W/CAP FOUND (UNLESS OTHERWISE NOTED)
- 5/8" IRON ROD WITH MWM CAP SET
- () RECORD DATA
- OPRTCT OFFICIAL PUBLIC RECORDS TRAVIS CO, TX
- RPRTCT REAL PROPERTY RECORDS TRAVIS CO, TX
- AREA OF EASEMENT
- POB POINT OF BEGINNING

SEE SHEET 5 OF 5 FOR
LINE/CURVE TABLES

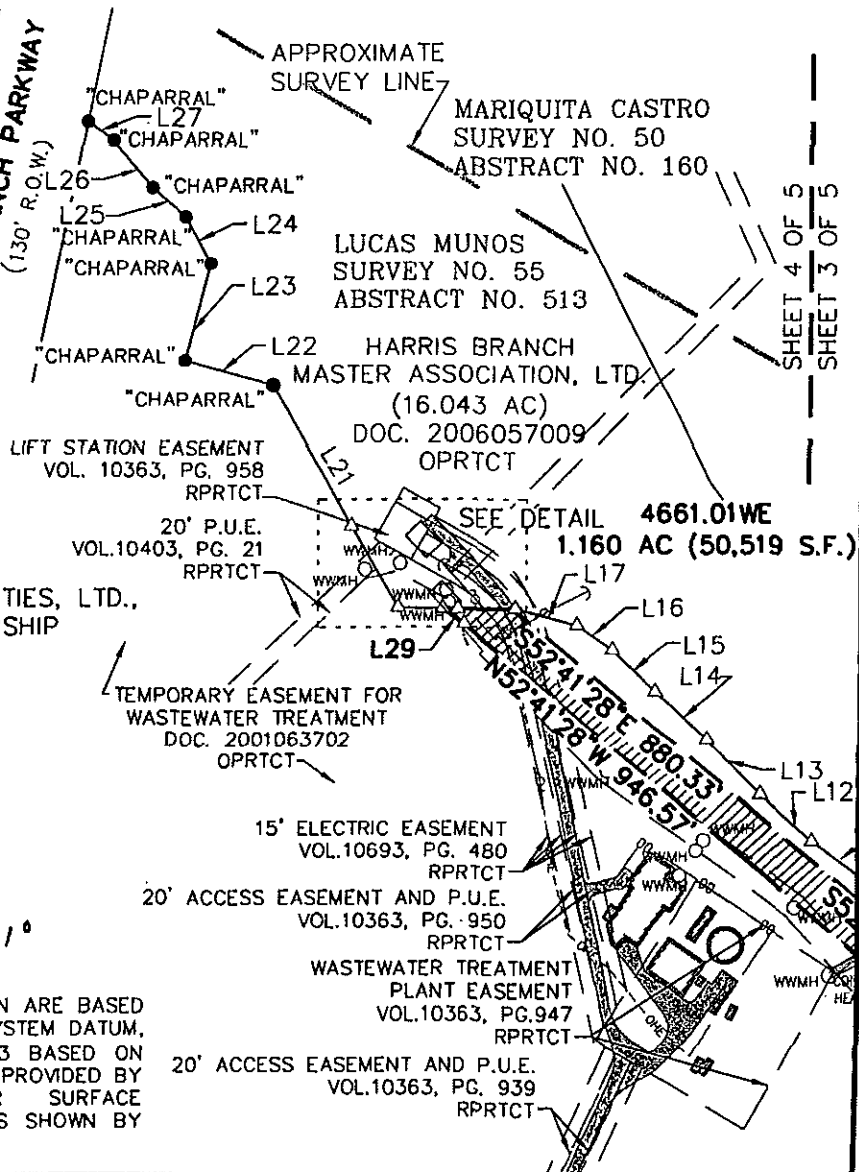
AUSTIN HB RESIDENTIAL PROPERTIES, LTD.,
A TEXAS LIMITED PARTNERSHIP
(1220.210 AC)
VOL. 12731, PG. 1051
RPRTCT



Eduardo O. Mendez
9/16/10

THE BEARINGS AND COORDINATES SHOWN ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM DATUM, TEXAS CENTRAL ZONE (4203), NAD 83 BASED ON LANDMARK CONTROL POINTS LS#1--LS#8 PROVIDED BY LANDMARK SURVEYING, INC. FOR SURFACE COORDINATES, DIVIDE GRID COORDINATES SHOWN BY COMBINED SCALE FACTOR OF 0.9999216.

HARRIS BRANCH PARKWAY
(130' R.O.W.)



SHEET 4 OF 5
SHEET 3 OF 5

mwm
Design Group

305 East Huntland Drive
Suite 200
Austin, Texas 78752
p: 512.453.0767
f: 512.453.1734

SKETCH TO ACCOMPANY FIELD NOTES

TRAVIS COUNTY, TEXAS

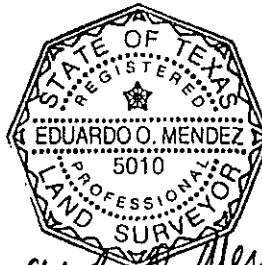
DATE: 16 SEP 10
JOB NO: 32315A
FILE: 4661.01WE

4
4 OF 5

LINE TABLE		
LINE	BEARING	LENGTH
L1	S52°35'02"W	68.79'
(L1)	(S52°35'28"W)	(68.81')
L2	S62°58'41"W	7.96'
(L2)	(S62°59'07"W)	(7.96')
L3	S74°32'56"W	61.12'
(L3)	(S74°33'22"W)	(61.14')
L4	N87°28'03"E	84.57'
(L4)	(S87°28'29"W)	(84.59')
L5	N88°12'35"W	45.07'
(L5)	(N88°12'09"W)	(45.08')
L6	N12°15'39"W	40.69'
(L6)	(N12°15'13"W)	(40.70')
L7	N54°00'39"W	52.16'
(L7)	(N54°00'13"W)	(52.17')
L8	N55°55'50"W	33.43'
(L8)	(N55°55'24"W)	(33.44')
L9	N58°20'31"W	97.59'
(L9)	(N58°20'05"W)	(97.61')
L10	N50°06'58"W	110.78'
(L10)	(N50°06'32"W)	(110.81')
L11	N55°58'08"W	91.10'
(L11)	(N55°57'42"W)	(91.12')
L12	N51°24'16"W	82.48'
(L12)	(N51°23'50"W)	(82.50')
L13	N46°56'21"W	92.70'
(L13)	(N46°55'55"W)	(92.72')
L14	N49°33'46"W	83.64'
(L14)	(N49°33'20"W)	(83.66')
L15	N48°15'52"W	70.83'
(L15)	(N48°15'26"W)	(70.85')

LINE TABLE		
LINE	BEARING	LENGTH
L16	N57°59'16"W	51.12'
(L16)	(N57°58'50"W)	(51.13')
L17	N77°46'39"W	75.73'
(L17)	(N77°46'13"W)	(75.75')
L18	S87°06'44"W	67.94'
(L18)	(S87°07'10"W)	(67.96')
L19	S88°51'27"W	71.15'
(L19)	(S88°51'53"W)	(71.17')
L20	N32°50'00"W	111.06'
(L20)	(N32°49'34"W)	(111.09')
L21	N32°17'33"W	192.24'
(L21)	(N32°17'07"W)	(192.29')
L22	N76°37'40"W	109.37'
(L22)	(N76°40'22"W)	(109.30')
L23	N11°45'07"E	120.17'
(L23)	(N11°43'13"E)	(120.25')
L24	N31°21'24"W	63.37'
(L24)	(N31°18'54"W)	(63.42')
L25	N51°58'02"W	51.78'
(L25)	(N52°02'04"W)	(51.73')
L26	N42°56'52"W	72.94'
(L26)	(N42°58'48"W)	(72.93')
L27	N57°11'22"W	37.43'
(L27)	(N57°20'16"W)	(37.24')
L28	S74°32'56"W	59.63'
L29	N58°04'53"W	31.24'
L30	S88°51'27"W	53.05'
L31	N88°51'27"E	18.10'
L32	N87°06'44"E	64.57'
L33	N87°06'44"E	3.37'
L34	N59°08'31"E	21.92'
L35	S88°12'35"E	27.50'
L36	S88°12'35"E	17.57'
L37	N74°32'56"E	1.49'

RECORD DATA:
 COMMITMENT FOR TITLE INSURANCE
 GF NO. ATA-70-02-AT10002923K
 ALAMO TITLE INSURANCE COMPANY
 STONEBRIDGE PLAZA II
 9600 N. MOPAC EXPRESSWAY
 SUITE 125
 AUSTIN, TX 78759-6507



Eduardo O. Mendez
 9/16/10

mwm
 Design Group

305 East Huntland Drive
 Suite 200
 Austin, Texas 78752
 p: 512.453.0767
 f: 512.453.1734

SKETCH TO ACCOMPANY
 FIELD NOTES

TRAVIS COUNTY, TEXAS

DATE: 15 SEP 10
 JOB NO: 37315A
 FILE: 4661.01WE

5

5 OF 5