

RESOLUTION NO. 20110728-039

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 needed real property interests but has been unable to agree with the owners on the value of the property interest, or the 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: Boone and Herman's, LLC

Project: South IH-35 Water and Wastewater Infrastructure
Improvements Program Project

Public Purpose: the permanent waterline easements described in the attached Exhibits "A" and "B" are necessary to construct, operate, maintain, repair, replace, and upgrade waterlines and associated appurtenances and making connections therewith, in order to increase and improve the City's ability to provide potable water to the public and to prevent leakage from water lines; and

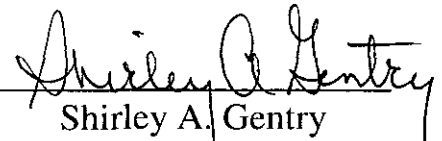
the temporary working space easement described in the attached Exhibit "C" is necessary to install the permanent water lines, appurtenances thereto in the waterline easements described in the attached Exhibits A and B.

Location: North of SH 45 SE/FM 1327, just east of IH-35 in Austin, Travis County, Texas.

Property: Described in the attached and incorporated Exhibits A, B, and C.

ADOPTED: July 28, 2011

ATTEST:


Shirley A. Gentry
City Clerk



MACIAS & ASSOCIATES, L.P.
LAND SURVEYORS

EXHIBIT " A "

(WATERLINE EASEMENT)
SOUTH I-35 WATER/WASTEWATER PROGRAM
CIP # 6937.013

DESCRIPTION FOR PARCEL 4558.19 WE

LEGAL DESCRIPTION OF A 0.667 ACRE (29,057 SQUARE FOOT) TRACT OF LAND OUT OF THE TRINIDAD VARCINAS SURVEY NO. 535, ABSTRACT NO. 785 IN TRAVIS COUNTY, TEXAS, SAID 0.667 ACRE TRACT BEING A PORTION OF A 10.01 ACRE TRACT DESCRIBED IN A WARRANTY DEED TO BOONE AND HERMAN'S, LLC, DATED APRIL 15, 2005, AND RECORDED IN DOCUMENT NO. 2005065897 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND CORRECTED IN DOCUMENT NO. 2006143593 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.667 ACRE TRACT AS SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 60D nail set in the west line of said 10.01 acre tract (Boone & Herman's tract), also being the east line of a 10.01 acre tract (Eleven-Mile Hill tract) described in Document No. 2005065893 of the Official Public Records of Travis County, Texas, and corrected in Document No. 2006143599 of the Official Public Records of Travis County, Texas, having Texas State Plane Grid Coordinate (Central Zone-4203, NAD83(CORS), U.S. Survey Feet,) values of N=10,013,869.48, E=3,097,708.06, for the southwest corner and **POINT OF BEGINNING** of this tract, from which a 5/8" iron rod found in the north right-of-way line of F.M. 1327 (right-of-way width varies) for the common south corner of said Boone & Herman's 10.01 acre tract and said Eleven-Mile Hill 10.01 acre tract, bears South 02°07'45" East, a distance of 20.00 feet;

THENCE North 02°07'45" West, with the common line of said Boone & Herman's 10.01 acre tract and said Eleven-Mile Hill 10.01 acre tract, a distance of 30.00 feet to a 60d nail set for the northwest corner of this tract, from which a 1/2" iron rod with plastic cap stamped "VARA" found for the common north corner of said Boone & Herman's 10.01 acre tract and said Eleven-Mile Hill 10.01 acre tract, bears North 02°07'45" West, a distance of 399.97 feet;

THENCE North 87°52'09" East, over and across said Boone & Herman's 10.01 acre tract, a distance of 968.57 feet to a 60D nail set in the east line of said Boone & Herman's 10.01 acre tract, for the northeast corner of this tract, from which a 5/8" iron rod found for the northeast corner of said Boone & Herman's 10.01 acre tract, bears North 02°08'36" West, a distance of 399.78 feet;

THENCE South 02°08'36" East, with the east line of said Boone & Herman's 10.01 acre tract, a distance of 30.00 feet to a 60D nail set for the southeast corner of this tract, from which a 1/2"

iron rod with plastic cap stamped "VARA" found in said north right-of-way line of F.M. 1327 for the southeast corner of said Boone & Herman's 10.01 acre tract, bears South 02°08'36" East, a distance of 20.00 feet;

THENCE South 87°52'09"West, over and across said Boone & Herman's 10.01 acre tract, 30 feet from and parallel with said north right-of-way line of F.M. 1327, a distance of 968.57 feet to the **POINT OF BEGINNING**, containing 0.667 acres (29,057 square feet) of land.

BEARING BASIS NOTE

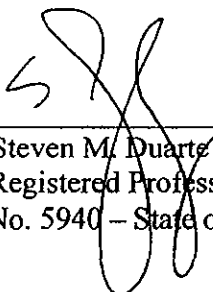
The bearings described herein are Texas State Plane Grid Bearings, Central Zone-4203, NAD 83(CORS). Project control points were established from City of Austin reference station "F-11-3001" having coordinate values of N=10,022,636.88, E=3,098,305.34 and "F-11-2001" having coordinate values of N=10,023,831.79, E=3,098,416.36. Distances shown herein are grid.

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

That I, Steven M. Duarte, 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 16th day of April, 2009, A.D.

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

 4/16/09

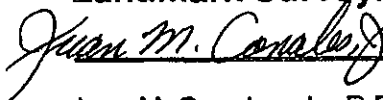
Steven M. Duarte
Registered Professional Land Surveyor
No. 5940 – State of Texas



REFERENCES

MAPSCO 2003, 733-G
AUSTIN GRID NO. F-9
TCAD PARCEL ID NO. 04-5618-0206
MACIAS & ASSOCIATES, L.P., PROJECT NO. 396-03-08

Reviewed and Approved by
Landmark Surveying, LP

 Date 4-17-09

Juan M. Canales, Jr., R.P.L.S. No. 4453
Senior Project Manager

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

1"=200'

HFH INVESTMENTS LP
(PER TCAD)
DOC. NO. 2000089761
O.P.R.T.C.T.
(REMAINDER PORTION
OF 449.05 ACRES)

ELEVEN-MILE HILL, LLC.
DOC. NO. 2005065893
CORRECTED IN
DOC. NO. 2006143599
O.P.R.T.C.T.
(10.01 ACRES)

BOONE & HERMAN'S, LLC.
DOC. NO. 2005065897
CORRECTED IN
DOC. NO. 2006143593
O.P.R.T.C.T.
(10.01 ACRES)

PARCEL
4558.19
WATERLINE
EASEMENT
0.667 AC.
29,057 SQ. FT.

POINT OF
BEGINNING
N=10013869.48
E= 3097708.06
GRID

5' (SEE
NOTE*)

(N00°25'10"W 450.00')
N02°07'45"W 399.97'

N87°52'09"E 968.57'
S87°52'09"W 968.57'

(N00°25'10"W 450.00')
N02°08'36"W 399.78'

APPROX. LOCATION OF SURVEY LINE

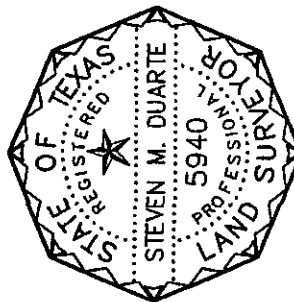
HENRY M. DOWNMANN
SURVEY NO. 536
ABSTRACT NO. 218

F.M. 1327
(RIGHT-OF-WAY WIDTH VARIES)

BEARING BASIS:
THE COORDINATES AND BEARINGS SHOWN
HEREON ARE BASED ON THE TEXAS STATE
PLANE COORDINATE SYSTEM, CENTRAL
ZONE-4203, NAD83(CORS). THE COORDINATES
WERE ESTABLISHED FROM CITY OF AUSTIN
REFERENCE POINT "F-11-3001" HAVING
COORDINATE VALUES OF N=10,022,636.88,
E=3,098,305.34 AND CITY OF AUSTIN
REFERENCE POINT "F-11-2001" HAVING
COORDINATE VALUES OF N=10,023,831.79,
E=3,098,416.36. DISTANCES SHOWN HEREON
ARE GRID.

APRIL 16, 2009
Steven M. Duarte
Registered Professional Land Surveyor
No. 5940 - State of Texas

NUMBER	Bearing	Distance
L1	N02°07'45"W	30.00'
L2	S02°08'36"E	30.00'
L3	S02°07'45"E	20.00'
L4	S02°08'36"E	20.00'



*SURVEYOR'S NOTE:
NO INFRASTRUCTURE SHALL BE BUILT WITHIN THIS 5 FOOT
WIDE AREA INCLUDED IN THE PROPOSED EASEMENT.



MACIAS & ASSOCIATES, L.P.

LAND SURVEYORS

5410 SOUTH 1ST STREET
AUSTIN, TEXAS 78745 PH. (512)442-7875

FAX (512)442-7876 EMAIL: CARMELO.MACIAS@MACIASSURV.COM

DATE: 04-16-09
DRAWN BY: smd
MAP JOB NO.: 396-03-08
REFERENCE:
J:\JOBS\URS\396-04-08 SouthH35\DWG\4558.19 WE.dwg



STATE OF TEXAS
COUNTY OF TRAVIS
EXHIBIT " B "

(Water Line Easement)
South-IH-35 Water-and Wastewater Program
C.I.P. No. 6937.013

DESCRIPTION FOR PARCEL 4558.19 WE-2

LEGAL DESCRIPTION OF A 0.010-ACRE TRACT OF LAND, COMPRISED OF TWO PARCELS OF LAND, EQUIVALENT TO A TOTAL OF 400 SQUARE FEET TRACT OF LAND SITUATED IN THE TRINIDAD VARCINAS SURVEY NO. 535, ABSTRACT NO. 785, IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF A 10.01-ACRE TRACT CONVEYED BY WARRANTY DEED TO BOONE AND HERMAN'S, LLC, DATED APRIL 15, 2005 AS RECORDED IN DOCUMENT NO. 2005065897, AND CORRECTED BY AFFIDAVIT DATED JULY 27, 2006, AS RECORDED IN DOCUMENT NO. 2006143593, BOTH OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID TWO PARCELS OF LAND BEING DESCRIBED AS PART 1, CONTAINING 0.005-ACRE (200 SQUARE FEET) OF LAND, AND PART 2 ALSO CONTAINING .005-ACRE (200 SQUARE FEET) OF LAND AS SHOWN ON THE ACCOMPANYING SKETCH, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

PART 1 0.005-ACRE (200-SQUARE FEET)

COMMENCING FOR POINT OF REFERENCE at a 5/8" iron rod found in the north right-of-way (R.O.W.) line of F.M. 1327 (R.O.W. varies) for the common south corner of said Boone and Herman's 10.01-acre tract and that certain 10.01-acre tract of land conveyed to Eleven-Mile Hill as recorded in Document No. 2005065893 and corrected in Document No. 2006143599, both of the Official Public Records of Travis County, Texas; **THENCE**, with said north R.O.W. line, N87°51'59"E, pass a T.X.D.O.T. Type I concrete monument at 79.09 feet, and continuing for a distance of 132.08 feet to a calculated point having Texas State Plane Grid Coordinate (Central Zone-4203, NAD83(CORS), U.S. Survey Feet, values of N= 10,013,854.37, E= 3,097,840.79 for the southwest corner and **POINT OF BEGINNING** of the herein described easement;

THENCE, leaving said north R.O.W. line of F.M. 1327, and through said Boone and Herman's 10.01 acre tract for the following three (3) courses:

- 1) **N02°08'01"W**, a distance of **20.00** feet to a calculated point for the northwest corner of this tract;



- 2) THENCE, twenty feet (20') north of and parallel with said north R.O.W. line, **N87°51'59"E** a distance of **10.00** feet to a calculated point for the northeast corner of this tract;
- 3) THENCE, **S02°08'01"E** a distance of **20.00** feet to a calculated point in said north R.O.W. line of F.M. 1327 for the southeast corner of this tract from which point a ½" iron rod with a plastic cap stamped "VARA" found at the southeast corner of said Boone and Herman's 10.01-acre tract, same being the southwest corner of a remainder of a 449.05-acre tract described in a Partition Deed to Turnersville Development, Ltd. as recorded in Document No. 2000089761, Official Public Records of Travis County, Texas, bears **N87°51'59"E** a distance of 826.50 feet;

THENCE, with said north R.O.W. line of F.M. 1327, **S87°51'59"W**, a distance of **10.00** feet to the **"POINT OF BEGINNING"**, and containing 0.005-acre of land (200 square feet), more or less.

PART 2 0.005-ACRE (200-SQUARE FEET)

BEGINNING FOR REFERENCE at a 5/8" iron rod found in the north right-of-way (R.O.W.) line of F.M. 1327 (R.O.W. varies) for the common south corner of said Boone and Herman's 10.01-acre tract and that certain 10.01-acre tract of land conveyed to Eleven-Mile Hill, LLC as recorded in Document No. 2005065893, and corrected in Document No. 2006143599, both of the Official Public Records of Travis County, Texas; THENCE, with said north R.O.W. line, **N87°51'59"E**, pass a T.X.D.O.T. Type I concrete monument at 79.09 feet and continuing for a distance of 557.08 feet to a calculated point having Texas State Plane Grid Coordinate (Central Zone-4203, NAD83(CORS), U.S. Survey Feet, values of N= 10,013,870.19, E= 3,098,265.50 for the southwest corner and **POINT OF BEGINNING** of the herein described easement;

THENCE, leaving said north R.O.W. line of F.M. 1327, and through said Boone and Herman's 10.01 acre tract for the following three (3) courses:

- 1) **N02°08'01"W**, a distance of **20.00** feet to a calculated point for the northwest corner of this tract;
- 2) THENCE, twenty feet (20') north of and parallel with said north R.O.W. line, **N87°51'59"E** a distance of **10.00** feet to a calculated point for the northeast corner of this tract;
- 3) THENCE, **S02°08'01"E** a distance of **20.00** feet to a calculated point in said north R.O.W. line of F.M. 1327 for the southeast corner of this tract, from which point a ½" iron rod with a plastic cap stamped "VARA" found at the southeast corner of said Boone and Herman's 10.01-acre tract, same being a southwest corner of the remainder of a 449.05-acre tract described in a Partition Deed to Turnersville Development, Ltd. as




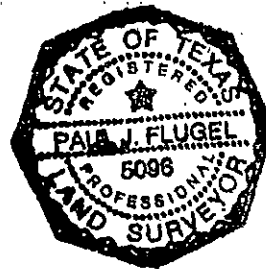
recorded in Document No. 2000089761, of the Official Public Records of Travis County, Texas, bears N87°51'59"E a distance of 401.50 feet;

THENCE, with said north R.O.W. line of F.M. 1327, S87°51'59"W a distance of 10.00 feet to the "POINT OF BEGINNING", and containing 0.005-acre of land (200 square feet), more or less.

I HEREBY CERTIFY that these field notes were prepared by Landmark Surveying, LP under my supervision, from a survey made on the ground at the above referenced property on November 9, 2010.

Prepared by Landmark Surveying, LP
Firm Registration No. 100727-00


Paul J. Flugel
Registered Professional Land Surveyor No. 5096
Date Surveyed: November 9, 2010
Date of Field Notes: November 12, 2010
Revised: November 22, 2010



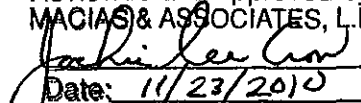
Bearing Basis:

The bearings described herein are based on the Texas State Plane Grid bearings, Texas Central Zone, (4203), NAD'83 (CORS) datum.
Distances shown herein are grid.

T:\PBS\J\ IH 35 W & WW- Seg 9\Field Notes\4558.19-WE-Boone & Herman's.doc

Mapsc0 2009 No. 733-G & Austin Grid No. F-9, TCAD No. 04 5618 0206

Reviewed and Approved by:
MACIAS & ASSOCIATES, L.P.

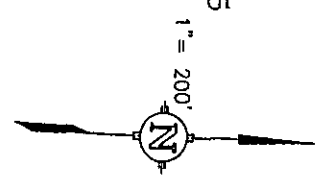

Date: 11/23/2010
JACKIE LEE CROW
R.P.L.S. #5209

LEGEND

- VARA 1/2" IRON ROD FOUND WITH PLASTIC CAP STAMPED "VARA"
- CONCRETE MONUMENT
- 1/2" IRON ROD FOUND (UNLESS NOTED OTHERWISE)
- △ CALCULATED POINT
- () RECORD INFORMATION
- O.P.R.I.C.T. OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
- R.P.R.I.C.T. REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS
- D.R.I.C.T. DEED RECORDS OF TRAVIS COUNTY, TEXAS
- P.R.I.C.T. PLAT RECORDS OF TRAVIS COUNTY, TEXAS
- P.O.B. POINT OF BEGINNING
- P.O.R. POINT OF REFERENCE
- R.O.W. RIGHT-OF-WAY
- P.W.E. PROPOSED WATERLINE EASEMENT

SURVEY OF A PORTION OF THE
TRINIDAD VARCINAS SURVEY No. 535
ABSTRACT No. 785
TRAVIS COUNTY, TEXAS

HFH INVESTMENTS, LP,
SUCCESSOR IN INTEREST TO
TURNERSVILLE DEVELOPMENT, LTD.
DOC. NO. 2000089761 O.P.R.I.C.T.
(REMAINDER OF 449.05-ACRES)



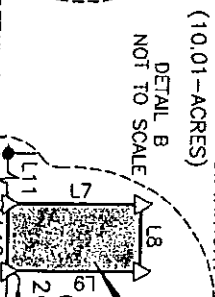
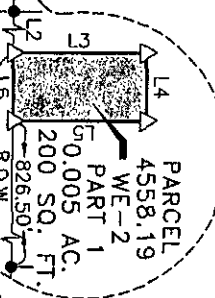
LINE	BEARING	DISTANCE
L1	N87°51'59"E	79.09'
L2	(N89°34'50"W)	(79.14)
L3	N87°51'59"E	132.08'
L4	N02°08'01"W	20.00'
L5	N87°51'59"E	10.00'
L6	S02°08'01"E	20.00'
L7	S87°51'59"W	10.00'
L8	N02°08'01"W	20.00'
L9	N87°51'59"E	10.00'
L10	S02°08'01"E	20.00'
L11	S87°51'59"W	10.00'
		557.08'

BOONE & HERMAN'S, LLC
DOC. NO. 200505897 CORRECTED IN
DOC. NO. 2006143593 O.P.R.I.C.T.
(10.01-ACRES)

HFH INVESTMENTS, LP,
SUCCESSOR IN INTEREST TO
TURNERSVILLE DEVELOPMENT, LTD.
DOC. NO. 2000089761 O.P.R.I.C.T.
(REMAINDER OF 449.05-ACRES)

ELEVEN-MILE HILL, LLC
DOC. NO. 2005065893
CORRECTED IN DOC. NO. 2006143599
O.P.R.I.C.T.
(10.01-ACRES)

(N00°25'10"E 450.00')
(N02°07'45"W 450.02')
(N00°25'10"E 450.00')



(S00°25'10"W 450.00')
(S02°08'36"E 449.78')

30' WATERLINE EASEMENT
PARCEL 4558.19 WE
DOC. NO. 2010027077 O.P.R.I.C.T.

PARCEL 4558.19 WE-2
WATER LINE EASEMENT
2 PARTS TOTALING
0.010-AC.
(400 SQ. FT.)

POINT OF
REFERENCE
PART 1 & 2
P.O.B PART 1
N=10,013,854.37
E=3,097,840.79
GRID

F.M. 1327
(RIGHT-OF-WAY WIDTH VARIES)

P.O.B PART 2
N=10,013,870.19
E=3,098,265.50
GRID

APPROX. LOCATION OF SURVEY LINE

SKETCH TO
ACCOMPANY
FIELD NOTES



1301 S. CAPITAL OF TEXAS HWY.
BUILDING B, SUITE 315
AUSTIN, TEXAS 78746
PH: (512)328-7411 FAX: (512)328-7413

Client: PBS&J
Date: December 11, 2009 & November 8, 2010
Office: Montrose Boulevard
Crew: S. Dunn
F.B.: 1256/36
P.O.B.: t\pds\35 in 35 w & ww- seg 9\landmark drawings\seasements\35-35-9-grid-base.dwg
Job No.: 372-30-05

HENRY M. DOWNMANN SURVEY No. 536
ABSTRACT No. 218
NOTE: UTILITIES AND IMPROVEMENTS MAY EXIST WHICH
ARE NOT SHOWN HERE ON.

SURVEY OF A PORTION OF THE
TRINIDAD VARCINAS SURVEY No. 535
ABSTRACT No. 785
TRAVIS COUNTY, TEXAS

RESTRICTIVE COVENANT AND EASEMENT NOTES ADDRESSING OWNERSHIP AND EASEMENT REPORT ISSUED BY
COMMONWEALTH LAND TITLE INSURANCE COMPANY, GF NO. 2425001400, EFFECTIVE MAY 19, 2008:

1. RESTRICTIVE COVENANTS RECORDED IN VOLUME 11606,—PAGE 234—(REAL PROPERTY RECORDS, TRAVIS COUNTY) AND VOLUME 907, PAGE 860 (OFFICIAL PUBLIC RECORDS, HAYS COUNTY), VOLUME 12572, PAGE 1 (REAL PROPERTY RECORDS, TRAVIS COUNTY) AND VOLUME 1190, PAGE 779 (OFFICIAL RECORDS, HAYS COUNTY), VOLUME 12655, PAGE 115 (REAL PROPERTY RECORDS, TRAVIS COUNTY) AND VOLUME 1217, PAGE 85 (OFFICIAL PUBLIC RECORDS, HAYS COUNTY), DO AFFECT THE PROPOSED EASEMENT.
- 10e. Covenants, Conditions, Options, Obligations, Restrictions, Water/Well Rights, Easements, and Costs/Charges, As Set Forth in that Certain Declaration Recorded in Volume 11606, Page 234 (Real Property Records, Travis County, Texas) and Volume 907, Page 860 (Official Public Records, Hays County, Texas), DO AFFECT the proposed easement.
- 10f. Covenants, Conditions, Options, Obligations, Restrictions, Easements, and Charges and Liens, As Set Forth in those Certain Declarations Recorded in Volume 12572, Page 1 (Real Property Records, Travis County, Texas) and Volume 1190, Page 779 (Official Public Records, Hays County, Texas), and Volume 12655, Page 115 (Real Property Records, Travis County, Texas) and Volume 1217, Page 85 (Official Public Records, Hays County, Texas), DO AFFECT the proposed easement.
- 10g. Easement Executed by Herman Heep, to the State of Texas as recorded in Volume 157, Page 64 of the Deed Records of Hays County, Texas, DOES NOT AFFECT the proposed easement.
- 10h. Easement Executed by Herman Heep, to the State of Texas as recorded in Volume 157, Page 175 of the Deed Records of Hays County, Texas, DOES NOT AFFECT the proposed easement.
- 10i. Easement Executed by Mrs. Minnie Belle Heep to United Gas Pipe Line Company as recorded in Volume 182, Page 419 of the Deed Records of Hays County, Texas, DOES NOT AFFECT the proposed easement.
- 10j. Easement Executed by Mrs. Minnie Bell Heep, et al, to Upper San Marcos Watershed Reclamation and Flood Control District as recorded in Volume 338, Page 355 of the Deed Records of Hays County, Texas, DOES NOT AFFECT the proposed easement.
- 10k. Easement Executed by E. E. Severn and Mrs. E. E. Severn to Texas Power and Light Company as recorded in Volume 539, Page 372 of the Deed Records of Travis County, Texas, MAY AFFECT the proposed easement; there is no legal description for the tract containing the listed easement.
- 10l. Easement executed by Herman F. Heep to Texas Power and Light Company as recorded in Volume 554, Page 426 of the Deed Records of Travis County, Texas, DOES NOT AFFECT the proposed easement.
- 10m. Easement executed by Mrs. L. H. Montgomery to Texas Power and Light Company as recorded in Volume 556, Page 392 of the Deed Records of Travis County, Texas, MAY AFFECT the proposed easement; there is no legal description for the tract containing the listed easement.
- 10n. Easement executed by Herman F. Heep to Southwestern Bell Telephone Company as recorded in Volume 692, Page 339 of the Deed Records of Travis County, Texas, DOES NOT AFFECT the proposed easement.
- 10o. Easement executed by Herman F. Heep, et al, to Southwestern Bell Telephone Company as recorded in Volume 698, Page 55 of the Deed Records of Travis County, Texas, DOES NOT AFFECT the proposed easement.
- 10p. Easement executed by Herman F. Heep to Lower Colorado River Authority as recorded in Volume 1066, Page 30 of the Deed Records of Travis County, Texas, DOES NOT AFFECT the proposed easement.
- 10q. Easement executed by Herman F. Heep to Lower Colorado River Authority as recorded in Volume 1066, Page 35 of the Deed Records of Travis County, Texas, DOES NOT AFFECT the proposed easement.
- 10r. Easement executed by Herman F. Heep to the City of Austin as recorded in Volume 2022, Page 29 of the Deed Records of Travis County, Texas, DOES NOT AFFECT the proposed easement.

Client: PBS&J
Date: December 11, 2009 & November 8, 2010
Office: Moumene Bouadi
Crew: S.Dunn
F.B.: 1256/36
Path: t:\pbsj\s ih 35 w & ww- seg 9\landmark drawings\easements\sih35_seg 9-grid-base.dwg
Job No.: 372-30-05

PAGE 5 OF 6


Landmark
SURVEYING, LP
1301 S. CAPITAL OF TEXAS HWY.
BUILDING B, SUITE 315
AUSTIN, TEXAS 78746
PH: (512)328-7411 FAX: (512)328-7413

SURVEY OF A PORTION OF THE
TRINIDAD VARCINAS SURVEY No. 535
ABSTRACT No. 785
TRAVIS COUNTY, TEXAS

- 10s. Easement executed by Mrs. Minnie Belle Heep to United Gas Pipe Line Company as recorded in Volume 2215, Page 440 of the Deed Records of Travis County, Texas, DOES NOT AFFECT the proposed easement.
- 10t. Easement executed by Mrs. Minnie Belle Heep and the Estate of Herman F. Heep to Lone Star Gas Company as recorded in Volume 2989, Page 538 of the Deed Records of Travis County, Texas, DOES NOT AFFECT the proposed easement.
- 10u. Easement executed by George R. Snowden and Charles S. Nichols, Trustees for the Herman F. Heep Trust No. 1 and 2, and Minnie Belle Heep to Pedernales Electric Cooperative, Inc. as recorded in Volume 7584, Page 427 of the Deed Records of Travis County, Texas, DOES NOT AFFECT the proposed easement.
- 10v. Easement executed by Herman F. Heep, et al, to Lower Colorado River Authority as recorded in Volume 973, Page 304 of the Official Public Records of Hays County, Texas and Volume 11872, Page 187 of the Real Property Records of Travis County, Texas, DOES NOT AFFECT the proposed easement.
- 10w. Easement executed by Austin Trust Company, Trustee for the Herman F. Heep Trust Nos. 1 and 2, to the Lower Colorado River Authority as recorded in Volume 11872, Page 202 of the Real Property Records of Travis County, Texas, DOES NOT AFFECT the proposed easement.
- 10x. Easement executed by Minnie Belle Heep, et al, to Creedmoor-Maha Water Supply Corp. as recorded in Document No. 2000152775 of the Official Public Records of Travis County, Texas, DOES NOT AFFECT the proposed easement.
- 10bb. Terms, Conditions, and Stipulations contained in the Memorandum of Easement Donation Agreement as recorded in Document No. 2000082628 of the Official Public Records of Travis County, Texas, DOES NOT AFFECT the proposed easement.
- 10cc. Terms, Conditions and Stipulations of Heep Ranch Water Quality Protection Plan evidenced by Declaration of Covenants, Conditions and Restrictions for the Heep Ranch as recorded in Volume 12572, Page 1 of the Real Property Records of Travis County, Texas and Volume 1190, Page 779 of the Official Public Records of Hays County, Texas and evidenced by First Amended and Restated Declaration of Covenants, Conditions and Restrictions for Heep Ranch as recorded in Volume 12665, Page 115 of the Real Property Records of Travis County, Texas and Volume 1217, Page 85 of the Official Public Records of Hays County, Texas and further affected by Partition Agreement as recorded in Document No. 2000089760 of the Official Public Records of Travis County, Texas and Volume 1680, Page 335 of the Official Public Records of Hays County, Texas, DO AFFECT the proposed easement.
- 10dd. Terms, Conditions and Stipulations contained in Partition Agreement, Executed by and between Harriet "Hatsy" Heep Shaffer, ("Shaffer"), Kathleen Henderson Adkins, one and the same person as Kathleen Peeler Henderson ("Adkins") and Turnersville Development, Ltd. ("TDL") as recorded in Document No. 2000089760 of the Official Public Records of Travis County, Texas and Volume 1680, Page 335 of the Official Public Records of Hays County, Texas, DO AFFECT the proposed easement.

BEARING BASIS:

THE BEARINGS DESCRIBED HEREIN ARE TEXAS STATE PLANE GRID BEARINGS, CENTRAL ZONE-4203, NAD83(CORS). PROJECT CONTROL POINTS WERE ESTABLISHED FROM CITY OF AUSTIN, REFERENCE POINT "F-11-3001" HAVING COORDINATE VALUES OF N=10,022,636.88, E=3,098,305.34 AND "F-11-2001" HAVING COORDINATE VALUES OF N=10,023,831.79, E=3,098,416.36. DISTANCES SHOWN HEREON ARE GRID.

AS SURVEYED BY
LANDMARK SURVEYING, LP
FIRM REGISTRATION NO. 100727-00

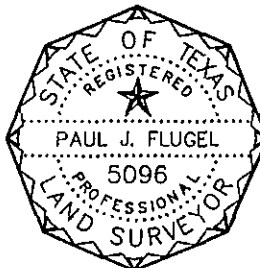
Paul J. Flugel
PAUL J. FLUGEL

Registered Professional Land Surveyor No. 5096

DATE: November 08, 2010

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

Client: PBS&J
Date: December 11, 2009 & November 8, 2010
Office: Moumene Bouadi
Crew: S.Dunn
F.B.: 1256/36
Path: t:\pbsj\sh 35 w & ww- seg 9\landmark drawings\easements\sh35_seg 9-grid-base.dwg
Job No.: 372-30-05



PAGE 6 OF 6


Landmark
SURVEYING, LP
1301 S. CAPITAL OF TEXAS HWY.
BUILDING B, SUITE 315
AUSTIN, TEXAS 78746
PH: (512)328-7411 FAX: (512)328-7413



MACIAS & ASSOCIATES, L.P.
LAND SURVEYORS

EXHIBIT " C "

(TEMPORARY WORKING SPACE EASEMENT)
SOUTH I-35 WATER/WASTEWATER PROGRAM
CIP # 6937.013

DESCRIPTION FOR PARCEL 4558.19 TWSE

LEGAL DESCRIPTION OF A 0.445 ACRE (19,371 SQUARE FOOT) TRACT OF LAND OUT OF THE TRINIDAD VARCINAS SURVEY NO. 535, ABSTRACT NO. 785 IN TRAVIS COUNTY, TEXAS, SAID 0.445 ACRE TRACT BEING A PORTION OF A 10.01 ACRE TRACT DESCRIBED IN A WARRANTY DEED TO BOONE AND HERMAN'S, LLC, DATED APRIL 15, 2005, AND RECORDED IN DOCUMENT NO. 2005065897 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND CORRECTED IN DOCUMENT NO. 2006143593 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.445 ACRE TRACT AS SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 60D nail set in the west line of said 10.01 acre tract (Boone & Herman's tract), also being the east line of a 10.01 acre tract (Eleven-Mile Hill tract) described in Document No. 2005065893 of the Official Public Records of Travis County, Texas, and corrected in Document No. 2006143599 of the Official Public Records of Travis County, Texas, having Texas State Plane Grid Coordinate (Central Zone-4203, NAD83(CORS), U.S. Survey Feet,) values of N=10,013,899.46, E=3,097,706.95, for the southwest corner and **POINT OF BEGINNING** of this tract, from which a 5/8" iron rod found in the north right-of-way line of F.M. 1327 (right-of-way width varies) for the common south corner of said Boone & Herman's 10.01 acre tract and said Eleven-Mile Hill 10.01 acre tract, bears South 02°07'45" East, a distance of 50.00 feet;

THENCE North 02°07'45" West, with the common line of said Boone & Herman's 10.01 acre tract and said Eleven-Mile Hill 10.01 acre tract, a distance of 20.00 feet to a calculated point for the northwest corner of this tract, from which a 1/2" iron rod with plastic cap stamped "VARA" found for the common north corner of said Boone & Herman's 10.01 acre tract and said Eleven-Mile Hill 10.01 acre tract, bears North 02°07'45" West, a distance of 379.97 feet;

THENCE North 87°52'09" East, over and across said Boone & Herman's 10.01 acre tract, a distance of 968.57 feet to a calculated point in the east line of said Boone & Herman's 10.01 acre tract, for the northeast corner of this tract, from which a 5/8" iron rod found for the northeast corner of said Boone & Herman's 10.01 acre tract, bears North 02°08'36" West, a distance of 379.78 feet;

THENCE South 02°08'36" East, with the east line of said Boone & Herman's 10.01 acre tract, a distance of 20.00 feet to a 60D nail set for the southeast corner of this tract, from which a 1/2"

5410 South 1st Street • Austin, Texas 78745 • (512) 442-7875 • Fax (512) 442-7876 • www.maciasworld.com

iron rod with plastic cap stamped "VARA" found in said north right-of-way line of F.M. 1327, for the southeast corner of said Boone & Herman's 10.01 acre tract, bears South 02°08'36" East, a distance of 50.00 feet;

THENCE South 87°52'09"West, over and across said Boone & Herman's 10.01 acre tract, 50 feet from and parallel with said north right-of-way line of F.M. 1327, a distance of 968.57 feet to the **POINT OF BEGINNING**, containing 0.445 acres (19,371 square feet) of land.

BEARING BASIS NOTE

The bearings described herein are Texas State Plane Grid Bearings, Central Zone-4203, NAD 83(CORS). Project control points were established from City of Austin reference station "F-11-3001" having coordinate values of N=10,022,636.88, E=3,098,305.34 and "F-11-2001" having coordinate values of N=10,023,831.79, E=3,098,416.36. Distances shown herein are grid.

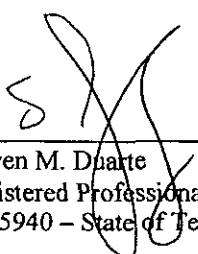
THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

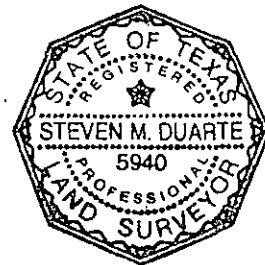
KNOW ALL MEN BY THESE PRESENTS:

That I, Steven M. Duarte, 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 16th day of April, 2009, A.D.

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

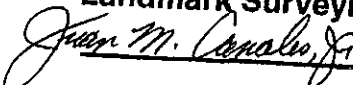
 4/16/09
Steven M. Duarte
Registered Professional Land Surveyor
No. 5940 - State of Texas



REFERENCES

MAPSCO 2003, 733-G
AUSTIN GRID NO. F-9
TCAD PARCEL ID NO. 04-5618-0206
MACIAS & ASSOCIATES, L.P., PROJECT NO. 396-03-08

Reviewed and Approved by
Landmark Surveying, LP

 Date 4-17-09

Juan M. Canales, Jr., R.P.L.S. No. 4453
Senior Project Manager

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

1"=200'

HFH INVESTMENTS LP
(PER TCAD)
DOC. NO. 2000089761
O.P.R.T.C.T.
(REMAINDER PORTION
OF 449.05 ACRES)

LEGEND

- ⊙ 1/2" IRON ROD FOUND WITH PLASTIC CAP STAMPED
- 5/8" IRON ROD FOUND
- ⊠ TYPED TYPE II BRASS DISK IN CONCRETE FOUND
- ▲ 60D NAIL SET
- △ CALCULATED POINT
- () RECORD INFORMATION
- O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

ELEVEN-MILE HILL, LLC.
DOC. NO. 2005065893
CORRECTED IN
DOC. NO. 2006143599
O.P.R.T.C.T.
(10.01 ACRES)

BOONE & HERMAN'S, LLC.
DOC. NO. 2005065897
CORRECTED IN
DOC. NO. 2006143593
O.P.R.T.C.T.
(10.01 ACRES)

PARCEL
4558.19 TWSE
0.445 AC.
19,371 SQ. FT.

POINT OF
BEGINNING
N=10013899.46
E= 3097706.95
GRID

TRINIDAD VARCINAS
SURVEY NO. 535
ABSTRACT NO. 785

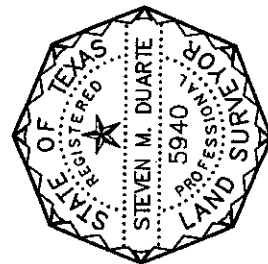
APPROX. LOCATION OF SURVEY LINE

F.M. 1327

(RIGHT-OF-WAY WIDTH VARIES)

HENRY M. DOWNMANN
SURVEY NO. 536
ABSTRACT NO. 218

NUMBER	Bearing	Distance
L1	N02°07'45"W	20.00'
L2	S02°08'36"E	20.00'
L3	S02°07'45"E	50.00'
L4	S02°08'36"E	50.00'



BEARING BASIS:
THE COORDINATES AND BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE-4203, NAD83(CORS). THE COORDINATES WERE ESTABLISHED FROM CITY OF AUSTIN REFERENCE POINT "T-11-3001" HAVING COORDINATE VALUES OF N=10,022,636.88, E=3,098,505.34 AND CITY OF AUSTIN REFERENCE POINT "T-11-2001" HAVING COORDINATE VALUES OF N=10,023,831.79, E=3,098,416.36. DISTANCES SHOWN HEREON ARE GRID.

APRIL 16, 2009

Steven M. Duarte
Registered Professional Land Surveyor
No. 5940 - State of Texas

MACIAS & ASSOCIATES, L.P.
LAND SURVEYORS

5410 SOUTH 1ST STREET
AUSTIN, TEXAS 78745 PH. (512)442-7875
FAX (512)442-7876 EMAIL: CARMELO.MACIAS@MACSIURY.COM

DATE: 04-16-09
DRAWN BY: smd
JOB NO.: 596-03-08
REFERENCE:
J:\068\URS\396-04-08 SouthH35\DWG\4558.19 TWSE.dwg