

**RESOLUTION NO. 20110728-040**

**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 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: King Edward IX, LLC

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

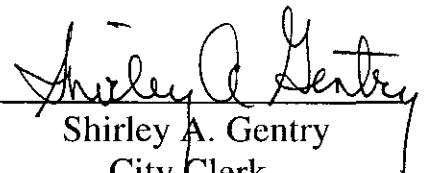
**Public Purpose:** A temporary working space easement described in the attached Exhibit "A" is necessary to permit the City, its agents, employees, and contractors to enter upon said real property for the construction of the above referenced permanent water lines and related facilities.

**Location:** East of IH-35, north of F.M. 1327 and SH 45 SE, in Austin, Travis County, Texas

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

**ADOPTED:** July 28, 2011

**ATTEST:**

  
Shirley A. Gentry  
City Clerk



**MACIAS & ASSOCIATES, L.P.**  
LAND SURVEYORS

EXHIBIT " A "

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

**DESCRIPTION FOR PARCEL 4558.102 TWSE**

LEGAL DESCRIPTION OF A 0.800 ACRE (34,836 SQUARE FOOT) TRACT OF LAND OUT OF THE TRINIDAD VARCINAS SURVEY NO. 535, ABSTRACT NO. 785 IN TRAVIS COUNTY, TEXAS, SAID 0.800 ACRE TRACT BEING A PORTION OF A 10.59 ACRE TRACT DESCRIBED IN A WARRANTY DEED TO KING EDWARD IX, L.L.C., DATED APRIL 5, 2005, AND RECORDED IN DOCUMENT NO. 2005065891 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.800 ACRE TRACT AS SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a 1/2" iron rod with TxDOT aluminum cap found at the intersection of the east right-of-way line of Interstate Highway No. 35 (right-of-way width varies) and the south line of said 10.59 acre tract, for the southeast corner of a 2.714 acre tract described in Document No. 2007024748 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=10,016,476.29, E=3,096,531.27, for the southwest corner and **POINT OF BEGINNING** of this tract, from which a TxDOT Type II brass disk in concrete found (Station 1454+03.97, 313.21' Left) for a point of curvature in said east right-of-way line of Interstate Highway No. 35, bears South 16°35'58" West, a distance of 1243.41 feet;

**THENCE** with said east right-of-way line of Interstate Highway No. 35 and the east line of said 2.714 acre tract, the following two (2) courses:

1. North 16°35'58" East, a distance of 287.06 feet to a TxDOT Type II brass disk in concrete found (Station 1438+73.82, 276.04' Left) for a point of curvature in said east right-of-way line of Interstate Highway No. 35 and the east line of said 2.714 acre tract;
2. With a curve to the left having an arc length of 233.98 feet, a radius of 10021.50 feet, and a chord which bears North 15°56'51" East, a distance of 233.98 feet to a calculated point for the northwest corner of this tract, from which a TxDOT Type II brass disk in concrete found (Station 1435+65.99, 263.83' Left) for a point of tangency in said east right-of-way line of Interstate Highway No. 35 and the east line of said 2.714 acre tract bears North 15°04'01" East, a chord distance of 74.05 feet;

**THENCE** over and across said 10.59 acre tract, the following six (6) courses:

1. South 57°21'06" East, a distance of 40.01 feet to a calculated point;

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

2. South  $74^{\circ}39'12''$  East, a distance of 100.00 feet to a calculated point for the northeast corner of this tract;
3. South  $14^{\circ}02'38''$  West, a distance of 26.31 feet to a calculated point for a point of curvature in the east line of this tract;
4. With a curve to the right having an arc length of 146.64 feet, a radius of 100.00 feet, and a chord which bears South  $57^{\circ}21'22''$  West, a distance of 133.85 feet to a calculated point for a non-tangent point of curvature in the east line of this tract;
5. With a curve to the right, 50 feet from and concentric to said east right-of-way line of Interstate Highway No. 35 and the east line of said 2.714 acre tract, having an arc length of 97.41 feet, a radius of 10071.50 feet, and a chord which bears South  $16^{\circ}20'21''$  West, a distance of 97.41 feet to a calculated point for a point of tangency in the east line of this tract;
6. South  $16^{\circ}35'58''$  West, 50 feet from and parallel with said east right-of-way line of Interstate Highway No. 35 and the east line of said 2.714 acre tract, a distance of 288.27 feet to a calculated point in the south line of said 10.59 acre tract, for the southeast corner of this tract, from which a  $\frac{1}{2}$ " iron rod with a plastic cap stamped "VARA" found for the southeast corner of said 10.59 acre tract, bears South  $72^{\circ}01'25''$  East, a distance of 266.81 feet;

**THENCE** North  $72^{\circ}01'25''$  West, with the south line of said 10.59 acre tract, a distance of 50.01 feet to the **POINT OF BEGINNING**, containing 0.800 acres (34,836 square feet) of land.

BEARING BASIS NOTE

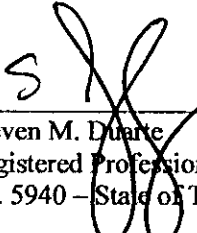
The bearings described herein are Texas State Plane Grid Bearings, Central Zone-4203, NAD 83(CORS). Project control points were established from City of Austin reference station "F-11-3001" having coordinate values of N=10,022,636.88, E=3,098,305.34 and "F-11-2001" having coordinate values of N=10,023,831.79, 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 6th day of April, 2009, A.D.

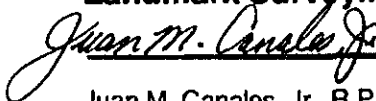
Macias & Associates, L.P.  
5410 South 1<sup>st</sup> Street  
Austin, Texas 78745  
512-442-7875

 4/9/09  
\_\_\_\_\_  
Steven M. Duarte  
Registered Professional Land Surveyor  
No. 5940 – State of Texas



**REFERENCES**  
MAPSCO 2003, 733-C  
AUSTIN GRID NO. F-9  
TCAD PARCEL ID NO. 04-4818-0512  
MACIAS & ASSOCIATES, L.P., PROJECT NO. 396-03-08

Reviewed and Approved by  
**Landmark Surveying, LP**

 Date 4-9-09

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

Line Table

NUMBER	Bearing	Distance
L1	S57°21'06"E	40.01'
L2	S74°39'12"E	100.00'
L3	S14°02'38"W	26.31'
L4	N72°01'25"W	50.01'

# SKETCH TO ACCOMPANY LEGAL DESCRIPTION

## LEGEND

- ⊙ 1/2" IRON ROD FOUND WITH PLASTIC CAP STAMPED
- ⊠ TXDOT TYPE II BRASS DISK IN CONCRETE FOUND
- TXDOT 1/2" IRON ROD W/ TXDOT ALUMINUM CAP FOUND
- △ CALCULATED POINT
- ( ) RECORD INFORMATION
- O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS



1"=100'

INTERSTATE HIGHWAY NO. 35  
NORTHBOUND FRONTAGE ROAD  
(RIGHT-OF-WAY VARIES)

STATE OF TEXAS  
DOC. NO.  
2007024748  
O.P.R.T.C.T.  
(2.714 ACRES)

STA. 1438+73.82  
276.04' LEFT

KING EDWARD IX, LLC  
DOC. NO.  
2005065891  
O.P.R.T.C.T.  
(REMAINDER PORTION  
OF 10.59 ACRES)

PARCEL 4558.102  
TWSE  
0.800 AC.  
34,836 SQ. FT.

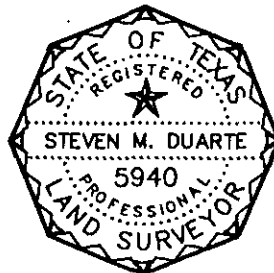
TRINIDAD VARCINAS  
SURVEY NO. 535  
ABSTRACT NO. 785

POINT OF  
BEGINNING  
N=10016476.29  
E= 3096531.27  
GRID

**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=3,098,305.34 AND CITY  
OF AUSTIN REFERENCE  
POINT "T-11-2001" HAVING  
COORDINATE VALUES OF  
N=10,023,831.79,  
E=3,098,416.38. DISTANCES  
SHOWN HEREON ARE GRID.

APRIL 06, 2009

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



3648, LLC.  
DOC. NO.  
2005065895  
O.P.R.T.C.T.  
(REMAINDER PORTION  
OF 10.26 ACRES)

STA. 1454+03.97  
313.21' LEFT

Curve Table

NUMBER	Delta Angle	Radius	Arc Length	Chord Length	Chord Bearing
C1	01°20'16"	10021.50'	233.98'	233.98'	N15°56'51"E
C2	84°01'07"	100.00'	146.64'	133.85'	S57°21'22"W
C3	00°33'15"	10071.50'	97.41'	97.41'	S16°20'21"W

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

DATE: 04-08-08  
DRAWN BY: smd  
MAN JOB NO.: 398-03-08  
REFERENCE:

J:\JOBS\URS\398-04-08 South\H35\DWG\4558.102 TWSE.dwg

**MACIAS & ASSOCIATES, L.P.**  
LAND SURVEYORS

★ ★ ★ ★ ★ ★ ★ ★

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