

RESOLUTION NO. 20110804-011

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: Douglas Street Landings, Ltd., a Texas limited partnership

Project: Group 11 Phase 2 Southeast Residential Collector Streets Project

Public Purpose: the permanent drainage easement described in the attached Exhibit "A" is necessary for constructing, operating, maintaining, repairing, replacing, upgrading, and making connections with a drainage channel and related facilities to reduce the potential frequency and depth of flooding.

Location: 2347 Douglas Street, in Austin, Travis County, Texas.

Property: Described in the attached and incorporated Exhibit A.

ADOPTED: August 4, 2011

ATTEST: 
Shirley A. Gentry
City Clerk

EXHIBIT "A "

County: Travis
Parcel No.: Lot 1, Block A, Douglas Landing
TCAD Parcel ID: 445833
Austin Grid: J18 & J19

DESCRIPTION FOR LOT 1, BLOCK A, DOUGLAS LANDING SUBDIVISION

BEING A 0.0169 ACRE (736 SQUARE FEET) TRACT SITUATED IN THE SANTIAGO DEL VALLE GRANT, TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF LOT 1, BLOCK A, DOUGLAS LANDING SUBDIVISION, A SUBDIVISION ACCORDING TO THE PLAT OF RECORD IN VOLUME 102, PAGES 188-189 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, ALSO DESCRIBED IN A SPECIAL WARRANTY DEED WITH VENDORS LIEN TO DOUGLAS STREET LANDINGS, LTD, A TEXAS LIMITED PARTNERSHIP, AS RECORDED IN VOLUME 13062, PAGE 219 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 1/2-inch iron rod found in the south line of said Lot 1, Block A, same being the north line of Burleson Road Heights, a subdivision according to the plat of record in Volume 6, Page 52 of said Plat Records of Travis County, Texas, for the northwest corner of Lot 8, Block E and the northeast corner of Lot 1, Block E, both of said Burleson Road Heights;

THENCE with said south line of Lot 1, Block A and said north line of Burleson Road Heights subdivision, S62°35'12"E a distance of 204.11 feet to a 1/2-inch iron rod with plastic cap stamped "HALFF ESMT" set in the northern terminus of Ware Road, a 50-foot wide right-of-way according to said plat of Burleson Road Heights, same being the north line of said Burleson Road Heights subdivision and said south line of Lot 1, Block A, for the POINT OF BEGINNING of the tract described herein;

THENCE leaving said south line of Lot 1, Block A, said north line of Burleson Road Heights subdivision, and said northern terminus of Ware Road, crossing said Lot 1, Block A the following three (3) courses and distances:

1. N27°24'44"E a distance of 72.95 feet to the south line of a varying width Drainage Easement as shown on said plat of Douglas Landing Subdivision,
2. with said south line of the Drainage Easement, S70°08'28"E a distance of 10.09 feet to the intersection of said south line of the Drainage Easement with the west line of a 10-foot wide Sanitary Sewer Easement to the City of Austin as described and recorded in Volume 2753, Page 308 of the Deed Records of Travis County, Texas, and

EXHIBIT "A"

County: Travis
Parcel No.: Lot 1, Block A, Douglas Landing
TCAD Parcel ID: 445833
Austin Grid: J18 & J19

DESCRIPTION FOR LOT 1, BLOCK A, DOUGLAS LANDING SUBDIVISION


3. leaving said south line of the Drainage Easement, with said west line of the 10-foot wide Sanitary Sewer Easement, S27°24'44"W a distance of 74.27 feet to a 1/2-inch iron rod with plastic cap stamped "HALFF ESMT" set in said south line of Lot 1, Block A, said north line of Burleson Road Heights subdivision, and said northern terminus of Ware Road;

THENCE with said south line of Lot 1, Block A, said north line of Burleson Road Heights subdivision, and said northern terminus of Ware Road, N62°35'12"W a distance of 10.00 feet to said POINT OF BEGINNING and containing 0.0169 acre (736 square feet).

NOTES:

All bearings shown hereon are based upon the Texas Coordinate System of 1983, Central Zone.
All distances shown hereon are surface distances.

I, Dan H. Clark, a Registered Professional Land Surveyor, do hereby certify that the above description and the accompanying plat of even date herewith, are true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey on the ground under my direction and supervision.



Dan H. Clark, R.P.L.S.
Registered Professional Land Surveyor
Texas Registration No. 6011
Halff Associates, Inc.,
4030 W. Braker Ln, Suite 450, Austin, Texas 78759, 512-252-8184

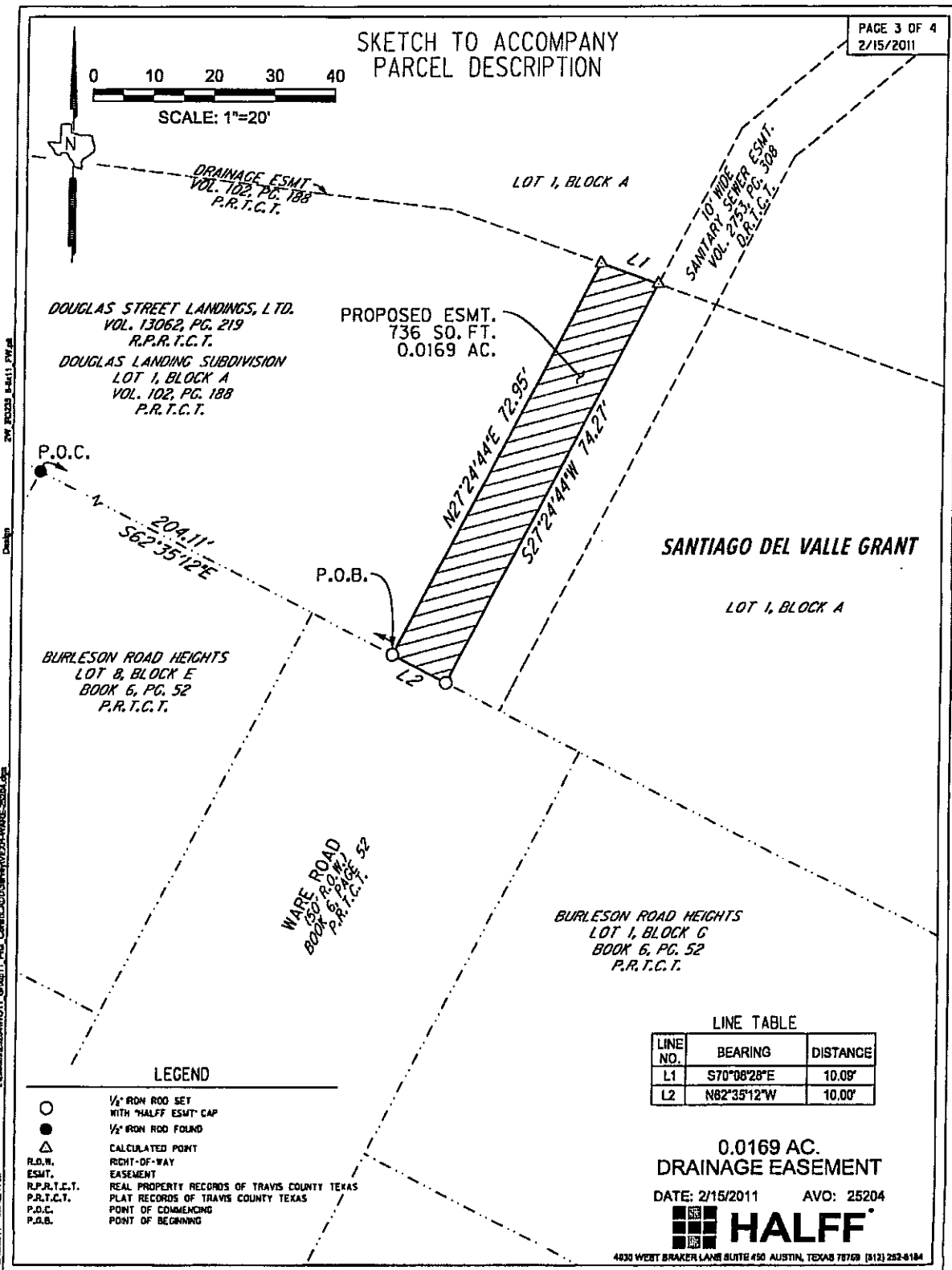
2/15/2011
Date



FIELD NOTES REVIEWED

By: CLARK DANIEL Date 02-15-2011

Engineering Support Section
Department of Public Works
and Transportation



SKETCH TO ACCOMPANY
PARCEL DESCRIPTION

PAGE 4 OF 4
2/15/2011

1) THE BEARINGS SHOWN HEREON ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE. ALL DISTANCES SHOWN HEREON ARE SURFACE DISTANCES, THE GRID TO SURFACE ADJUSTMENT SCALE FACTOR IS 1.00016.

2) THE ACREAGE CALCULATED AND SHOWN HEREON IS CONVERTED FROM THE SQUARE FOOTAGE SHOWN HEREON, AND IS FOR INFORMATIONAL PURPOSES ONLY.

3) THE RECORDED EASEMENTS, SETBACKS AND ENCUMBRANCES SHOWN HEREON ARE FROM SCHEDULE B OF THE COMMITMENT FOR TITLE INSURANCE ISSUED BY CHICAGO TITLE INSURANCE COMPANY, CF NO. 1100457-COM, EFFECTIVE DATE JANUARY 10, 2011, ISSUE DATE JANUARY 20, 2011. THE SURVEYOR HAS RELIED UPON THE ACCURACY AND COMPLETENESS OF THE INFORMATION DESCRIBED ABOVE AND HAS MADE NO INDEPENDENT INVESTIGATION OR SEARCH FOR THIS INFORMATION.

THE ABOVE REFERENCED TITLE COMMITMENT LISTS THE FOLLOWING RESTRICTIVE COVENANTS, MINERAL OR OTHER RIGHTS, OR OTHER ENCUMBRANCES IN CONNECTION WITH THE PROPERTY SURVEYED.

- a. 7.5 foot public utility easement along the north/northeast property line as shown on plat recorded in Volume 102, Page 188 of the P.R.T.C.T. DOES NOT EFFECT, NOT SHOWN HEREON.
- b. 10 foot Drainage Easement along a portion of the southwest property line as shown on the plat on plat recorded in Volume 102, Page 188 of the P.R.T.C.T. DOES NOT EFFECT, NOT SHOWN HEREON.
- c. Varying width Drainage Easement as shown on the plat recorded in Volume 102, Page 188 of the P.R.T.C.T. DOES effect, not shown hereon. DOES NOT EFFECT, SHOWN HEREON.
- d. Electric transmission and/or distribution line Easement to the City of Austin as recorded in Volume 649, Page 472, Deed Records, and as shown on the plat recorded in Volume 102, Page 188, P.R.T.C.T. DOES NOT EFFECT, NOT SHOWN HEREON.
- e. Sanitary Sewer Easement to the City of Austin as recorded in Volume 2524, Page 102, D.R.T.C.T. and as shown on the plat recorded in Volume 102, Page 188, P.R.T.C.T. DOES NOT EFFECT, NOT SHOWN HEREON.
- f. Sanitary Sewer Easement to the City of Austin as recorded in Volume 2753, Page 308, D.R.T.C.T. and as shown on the plat recorded in Volume 102, Page 188, P.R.T.C.T. DOES NOT EFFECT, SHOWN HEREON.
- g. Sanitary Sewer Easement as recorded in Volume 3909, Page 937, D.R.T.C.T., and as shown on the plat recorded in Volume 102, Page 188, P.R.T.C.T. DOES NOT EFFECT, NOT SHOWN HEREON.
- h. Any and all Easements building lines and conditions, covenants and restrictions as set forth in plat recorded in Volume 87, Page 110B, P.R.T.C.T. DOES EFFECT, NOT SHOWN HEREON.
- i. Electric Utility Easement to the City of Austin as recorded in Document No. 1999044004, D.P.R.T.C.T. MAY EFFECT, CAN NOT LOCATE.
- j. Terms, Conditions, and Stipulations of the Lease Agreement referenced by that Memorandum recorded in Document No. 1999129456, D.P.R.T.C.T. DOES EFFECT, NOT SHOWN HEREON.
- k. Terms, Conditions, and Stipulations in the Agreement recorded in Document No. 1999132849, D.P.R.T.C.T. DOES EFFECT, NOT SHOWN HEREON.

I HEREBY CERTIFY THAT THIS PLAT AND THE ACCOMPANYING DESCRIPTION OF EVEN DATE HERewith ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT THE PROPERTY SHOWN HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION.

DAN H. CLARK
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6011

DATE



HALFF

4010 WEST BRAKES LANE, SUITE 400
AUSTIN, TEXAS 78758-5356
TEL (512) 252-8184
FAX (512) 252-8141