

RESOLUTION NO. 20110818-020

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 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: Karamalegos Investments, LLC, a/k/a Karamalegos
Investments, LLC
a Texas Limited Liability Company

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

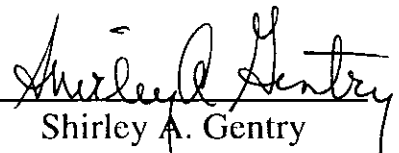
permanent wastewater lines and appurtenances, for the purpose of providing sanitary sewer services to the public.

Location: (No physical address)
Southwest side of Parmer Lane and the north side of Boyce Lane, northeast of Austin, Travis County, Texas.

Property: Described in the attached and incorporated Exhibit A.

ADOPTED: August 18, 2011

ATTEST:


Shirley A. Gentry
City Clerk

Field Notes for 4661.04WE

BEING 1.711 ACRES OF LAND (74,516 S.F.), MORE OR LESS, OUT OF AND A PART OF THE MARIQUITA CASTRO SURVEY NO. 50, ABSTRACT NO. 160, IN TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF THE 49.801 ACRE TRACT OF LAND CONVEYED TO KARAMALEGOS INVESTMENTS, LLC, BY WARRANTY DEED EXECUTED ON MAY 27, 2009, FILED FOR RECORD ON JUNE 5, 2009, RECORDED IN DOCUMENT 2009093613 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 1.711 ACRES OF LAND (74,516 S.F.) BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

COMMENCING at a 1/2 inch iron rod with cap marked "TxDOT" found in the curving southwesterly right-of-way line of F.M. 734, also known as Parmer Lane, (200.13' R.O.W.) at the most easterly corner of said 49.801 acre Karamalegos Investments, LLC tract, and the most northerly corner of Tract Three, a 6.49 acre tract of land conveyed with fifty percent interest to J.P. Morgan Chase Bank, as Trustee of the Frederic Clarke Morse, Jr. Exempt Family Trust, by deed recorded in Document 2004113210 of the Official Public Records of Travis County, Texas, thence as follows:

With the curving southwesterly right-of-way line of F.M. 734 and the curving northeasterly line of said 49.801 acre Karamalegos Investments, LLC tract, along said curve, to the right, having a radius of 2964.85 feet, an angle of intersection of 3°14'39", an arc length of 167.87 feet, and a chord bearing North 21°37'47" West, a distance of 167.85 feet, to a TxDOT Brass Disc found at the endpoint of said curve;

North 19°56'23" West, a distance of 652.13 feet, to a calculated point, 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=10105676.40, E=3157580.20;

1) THENCE, South 69°58'23" West, a distance of 15.23 feet, leaving the southwesterly right-of-way line of F.M. 734 and the northeasterly line of said 49.801 acre Karamalegos Investments, LLC tract, crossing said 49.801 acre Karamalegos Investments, LLC tract, to a calculated point for a corner;

2) THENCE, North 83°19'43" West, a distance of 468.32 feet, to a calculated point for a corner;

3) THENCE, South 58°10'40" West, a distance of 427.85 feet, to a calculated point for a corner;

4) THENCE, South 00°53'44" East, a distance of 491.31 feet, to a calculated point for a southerly corner of the herein described tract of land;

5) THENCE, South 89°06'16" West, a distance of 94.67 feet, to a calculated point in the northeasterly right-of-way line of Boyce Lane (R.O.W. varies) and a southwesterly line of said 49.801 acre Karamalegos Investments, LLC tract, for a southerly corner of the herein described tract of land, from which, a 1/2 inch iron rod with cap marked "Chaparral" found at a corner in the northeasterly right-of-way line of Boyce Lane and a corner of said 49.801 acre Karamalegos Investments, LLC tract, bears South 32°00'38" East, a distance of 185.28 feet;

6) THENCE, North 32°00'38" West, a distance of 19.02 feet, with the northeasterly right-of-way line of Boyce Lane and a southwesterly line of said 49.801 acre Karamalegos Investments, LLC tract, to a 1/2 inch iron rod found for a westerly corner of the herein described tract of land;

7) THENCE, North 03°51'04" West, a distance of 33.77 feet, to a calculated point for a westerly corner of the herein described tract of land, from which, a 1/2 inch iron rod with cap marked "Chaparral" found at the point of curvature in the easterly right-of-way line of Boyce Lane and a westerly line of said 49.801

acre Karamalegos Investments, LLC tract, bears North 03°51'04" West, a distance of 512.56 feet;

8) THENCE, North 89°06'16" East, a distance of 56.24 feet, leaving the easterly right-of-way line of Boyce Lane and a westerly line of said 49.801 acre Karamalegos Investments, LLC tract and crossing said 49.801 acre Karamalegos Investments, LLC tract, to a calculated point for a corner;

9) THENCE, North 00°53'44" West, a distance of 469.64 feet, to a calculated point for a corner;

10) THENCE, North 58°10'40" East, a distance of 473.64 feet, to a calculated point for the most northerly corner of the herein described tract of land;

11) THENCE, South 83°19'43" East, a distance of 473.91 feet, to a calculated point for a corner;

12) THENCE, North 69°58'23" East, a distance of 3.44 feet, to a calculated point in the southwesterly right-of-way line of F.M. 734, and the northeasterly line of said 49.801 acre Karamalegos Investments, LLC tract, for a northerly corner of the herein described tract of land, from which, a 1/2 inch iron rod with cap marked TxDOT found in the curving southwesterly right-of-way line of F.M. 734 at the most northerly corner of said 49.801 acre Karamalegos Investments, LLC tract and the most easterly corner of the southerly remainder of a 1220.210 acre tract of land conveyed to Austin HB Residential Properties, Ltd., a Texas Limited Partnership, by deed recorded in Volume 12731, Page 1051, of the Real Property Records of Travis County, Texas, bears North 19°56'23" West, a distance of 704.64 feet with the southwesterly right-of-way line of F.M. 734, and the northeasterly line of said 49.801 acre Karamalegos Investments, LLC tract, to a calculated point at the point of curvature of a non-tangent circular curve to the left and along said curve to the left, having a radius of 2347.00 feet, an angle of intersection of 21°45'58", an arc length of 891.60 feet, and a chord bearing North 30°49'33" West, a distance of 886.25 feet;

13) THENCE, South 19°56'23" East, a distance of 50.00 feet, with the southwesterly right-of-way line of F.M. 734, and the northeasterly line of said 49.801 acre Karamalegos Investments, LLC tract, to the Point of Beginning and containing an area of 1.711 acres of land (74,516 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:

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 0.9999215.

FIELD NOTES REVIEWED

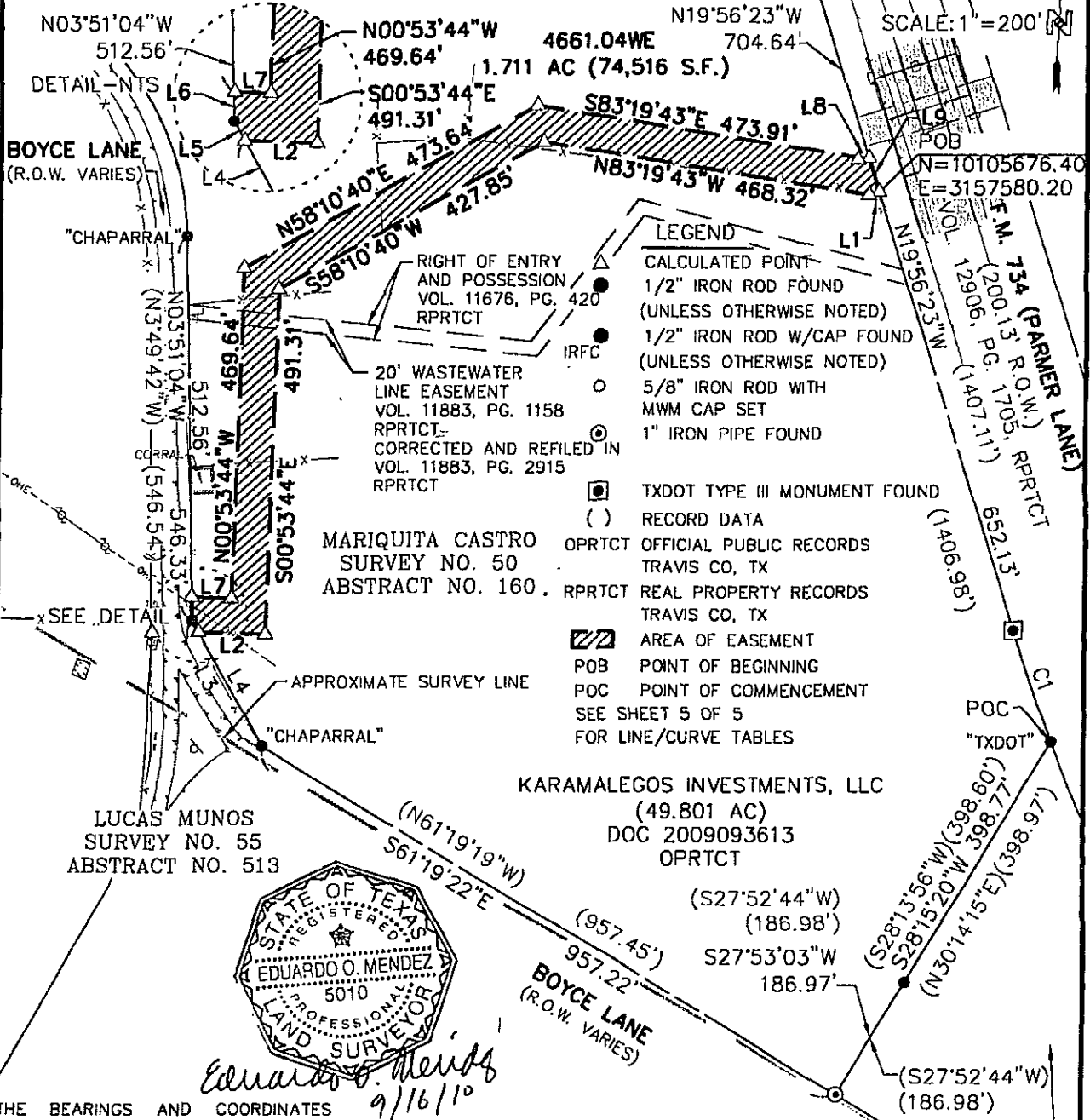
TCAD No.: 0242410604
CITY GRID No.: Q30, R30

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

Engineering Support Section
Department of Public Works

Y:\J73-15A HARRIS BRANCH 30 inch\Project Admin\FIELD NOTES\4661.04M2144 Transportation

SCALE: 1" = 200'



SKETCH TO ACCOMPANY
FIELD NOTES

TRAVIS COUNTY, TEXAS

DATE: 15 SEP 10
JOB NO: 37315A
FILE: 4881.04WVE

3

3 OF 4

CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	BEARING	CHORD
C1	2964.85'	3°14'39"	167.87'	N21°37'47"W	167.85'
(C1)	(2964.85')	(03°14'30")	(167.75')	(N21°34'19"W)	(167.72')
C2	2347.00'	21°45'58"	891.60'	N30°49'33"W	886.25'
(C2)	(2347.00')	(21°46'18")	(891.83')	(N30°50'14"W)	(886.47')

LINE TABLE		
LINE	BEARING	LENGTH
L1	S69°58'23"W	15.23'
L2	S89°06'16"W	94.67'
L3	S32°00'38"E	204.29'
(L3)	(N32°03'32"W)	(204.22')
L4	S32°00'38"E	185.28'
L5	N32°00'38"W	19.02'
L6	N03°51'04"W	33.77'
L7	N89°06'16"E	56.24'
L8	N69°58'23"E	3.44'
L9	S19°56'23"E	50.00'

SCALE: 1"=200'

LEGEND

- △ CALCULATED POINT
- 1/2" IRON ROD FOUND
(UNLESS OTHERWISE NOTED)
- 1/2" IRON ROD W/CAP FOUND
(UNLESS OTHERWISE NOTED)
- IRFC ○ 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

MARIQUITA CASTRO
SURVEY NO. 50
ABSTRACT NO. 160

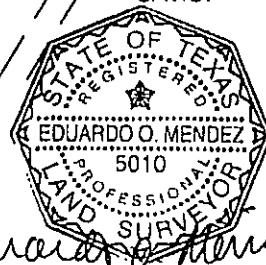
ETON MEADOWS, L.P.
(78.516 AC)
DOC 2003006187
OPRTCT

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

KARAMALEGOS INVESTMENTS, LLC
(49.801 AC)
DOC 2009093613
OPRTCT

30' UTILITY LINE EASEMENT
DOC. 1999002436
OPRTCT

RECORD DATA:
COMMITMENT FOR TITLE INSURANCE
GF NO. ATA-70-02-AT10002932
ALAMO TITLE INSURANCE COMPANY
STONEBRIDGE PLAZA II
9600 N. MOPAC EXPRESSWAY
SUITE 125
AUSTIN, TX 78759-6507



Eduardo O. Mendez
9/16/10

N19°56'23"W
704.64'

(S19°56'22"E)

(N19°57'04"W)

F.M. 734 (PARKER LANE)
VOL. 12606, PG. 11705, RPRTCT

SHEET 4 OF 4
SHEET 3 OF 4

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: 37315A
FILE: 4881.04WE

4
4 OF 4