

RESOLUTION NO. 20110825-024

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 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: Eunice O. Alff aka Eunice F. Alff aka Eunice R. Alff,
Charles W. Alff—Trustee of the William C. Alff Exempt
Trust created under the Last Will and Testament of

William C. Alff, deceased, Probate Cause No. 15424,
County Court of Law No. 2, Williamson County, Texas.

Project: Harris Branch Interceptor Lower B

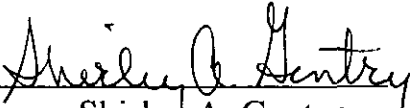
Public Purpose: 0.284-acre (12,384 square feet) tract of land situated in the Josiah Willbarger Survey No. 42, Abstract No. 794, Travis County, Texas, being out of a remainder of called 25.00-acre tract of land, described as Tract Two, for a 50-foot wide permanent wastewater easement for the purpose of installing, operating, maintaining, repairing, replacing, and upgrading permanent wastewater lines and appurtenances thereto, in order to increase and improve the City's ability to provide sanitary sewer services to the public and to prevent leakage from wastewater lines to protect public health.

Location: Off Hill Lane, east side of SH 130, 0.4 mile north of Parmer Lane, in northeast Austin, Travis County, Texas 78653.

Property: Described in the attached and incorporated Exhibit A.

ADOPTED: August 25, 2011

ATTEST:


Shirley A. Gentry
City Clerk



STATE OF TEXAS

(50-foot wide COA Permanent Wastewater Easement)

COUNTY OF TRAVIS

Remainder of W.C. Alff called 25.00 acre Tract Two

Parcel 4660.01

C.I.P. No. 4769.018

EXHIBIT " A "

LEGAL DESCRIPTION

LEGAL DESCRIPTION OF A 0.284-ACRE (12,384 SQUARE FOOT) TRACT OF LAND SITUATED IN THE JOSIAH WILLBARGER SURVEY NO. 42, ABSTRACT NO. 794 TRAVIS COUNTY, TEXAS, BEING OUT OF A REMAINDER OF CALLED 25.00-ACRE TRACT OF LAND, DESCRIBED AS TRACT TWO, HAVING BEEN CONVEYED TO W.C. ALFF AND WIFE, EUNICE O. ALFF BY A SPECIAL WARRANTY DEED, EXECUTED JANUARY 9, 1976 AND RECORDED IN VOLUME 5389, PAGE 1806 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.284-ACRE TRACT AS SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING FOR REFERENCE at a 5/8-inch iron pipe found on the northeast line of a called 23.408-acre tract of land as conveyed to Windsor Park, L.P. by a Warranty Deed with Vendor's Lien as recorded in Document No. 2007137671 of the Official Public Records of Travis County, Texas, said 5/8" iron pipe found being at the common corner of said W.C. Alff remainder of 25.00-acre Tract Two and a called 191.14-acre tract of land, described as Tract One, as conveyed to Roy A. Butler as recorded in Volume 4534, Page 165 of the Deed Records of Travis County, Texas, later conveyed to the Butler Family Partnership, Ltd. by a Special Warranty Deed as recorded in Volume 12271, Page 872 of the Real Property Records of Travis County, Texas, from which a 5/8" iron rod found with cap stamped "Carter & Burgess" at the east corner of said Windsor Park 23.408-acre tract bears S62°20'50"E a distance of 462.12 feet; Thence with the southwest line of said W.C. Alff remainder of 25.00-acre Tract Two, N62°24'14"W, pass a 1/2" iron pipe found at 38.58 feet at an offset distance of 0.80 foot right at the common corner of said Windsor Park, L.P. 23.408-acre tract of land and a called 15.00-acre tract of land, described as remainder of Tract Two, conveyed to Roy A. Butler as recorded in Volume 4534, Page 165 of the Deed Records

CAPITAL VIEW CENTER 1301 SOUTH CAPITAL OF TEXAS HIGHWAY
BUILDING B, SUITE 315, AUSTIN, TEXAS 78746 (512) 328-7411 (512) 328-7413
T.U.C.P./W.B.E./H.U.B./D.B.E.



of Travis County, Texas, later conveyed to the Butler Family Partnership, Ltd. as recorded in Volume 12271, Page 872 of the Deed Records of Travis County, Texas, and continuing with the southwest line of said W.C. Alff remainder of 25.00-acre Tract Two, for a total distance of 282.70 feet to a calculated point on the east right-of-way line of State Highway 130, from which a 5/8" iron rod found on the west right-of-way line of said State Highway 130 at Texas Department of Transportation (T.X.D.O.T.) station 1383+78.50, 311.55 feet right (according to Sheet 256 of the R.O.W. Plans for S.H. 130 dated 2/14/07), bears N62°24'14"W a distance of 566.56 feet; Thence with said east right-of-way of said State Highway 130, N27°56'37"E a distance of 277.35 feet to a calculated point for the west corner of this easement and **POINT OF BEGINNING** of this easement, having Texas State Plane Grid Coordinate (Central Zone-4203, NAD83(CORS), U.S. Survey Feet, Combined Scale Factor 0.9999216) values of N= 10,104,570.18, E= 3,162,441.06;

THENCE, continuing with the east right-of-way line of said State Highway 130, N27°56'37"E a distance of **50.53** feet to a calculated point, from which a ½" iron rod found with a plastic cap stamped "Chap" found at T.X.D.O.T. station 1362+11.64, 231.00 feet right (per sheet 255 of the R.O.W. plans for SH130 dated 2/14/07) bears N27°56'37" a distance of 44.80 feet, N 27°47'32"E a distance of 369.09 feet, and N26°18'30"E a distance of 1421.59 feet for the north corner of this easement;

THENCE, leaving the east right-of-way line of said State Highway 130 and crossing said W.C. Alff remainder of 25.00-acre Tract Two, S53°44'54"E a distance of **243.82** feet to a calculated point on the west line of said Roy Butler 191.14-acre tract, for the east corner of this easement;

THENCE, along the common line of said W.C. Alff remainder of 25.00-acre Tract Two and said Roy Butler 191.14-acre tract, S19°50'18"W a distance of **54.42** feet to a calculated point for the south corner of this easement, from which the said Point of Reference (a 5/8-inch iron pipe found on the southeast corner of said W.C. Alff remainder of 25.00-acre Tract Two) bears S19°50'18"W a distance of 239.45 feet; and

THENCE, crossing said W.C. Alff remainder of 25.00-acre Tract Two, the following two (2) courses:

- 1) N37°37'02"W, a distance of **7.92** feet to a calculation point at an angle point of this easement;
- 2) N53°44'54"W, a distance of **244.28** feet to the "**POINT OF BEGINNING**", and containing 0.284 of an acre (12,384 square feet) of land, more or less.



Basis of Bearing:

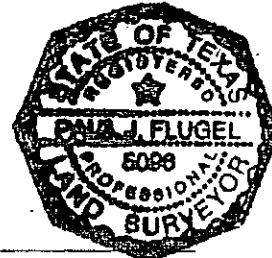
Bearings mentioned on this easement are based on Texas Central Zone (4203), NAD'83 Texas State Plane Coordinate System (Grid), Combined Scale Factor = 0.9999216. Horizontal coordinates for City of Austin Monument No.'s P-27-3001 (4" brass disk found), M-26-3001 (4" brass disk found) and M-26-3002 (4" brass disk found), were used as the controlling monuments for this easement.

CERTIFICATION:

I do hereby certify that this easement description is true and correct to the best of my knowledge and belief, and was prepared from an actual on the ground survey of found property corners, under my supervision, and that the markers described herein actually exist, as described, at the time of my survey.

As Prepared by
Landmark Surveying, LP

7-22-10



Paul J. Flugel

Date

Registered Professional Land Surveyor No. 5096

Senior Project Manager

Firm Registration No. 100727-00

REFERENCES

MAPSCO 2009, Page 528-M

AUSTIN GRID NO. R-30

TCAD PARCEL ID NO.02-4250-0122

PBSJ/HarrisBranchW&WWLn/LandmarkDrawings/Easements/FieldNotes/Alff 50-footWide

FIELD NOTES REVIEWED

COA PermanentEsmt-East of SH130-Rev 1.doc

Date 7/26/10

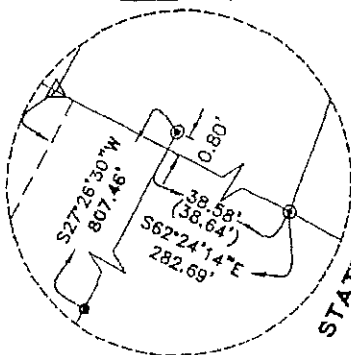
Engineering Support Section
Department of Public Works
Transportation

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T.U.C.P./W.B.E./H.U.B./D.B.E.

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

(SHEET 4 OF 5)

DETAIL



POINT OF BEGINNING

N 10.104.570.18
E 3,162,441.06
(GRID)

STATE HIGHWAY 130
(R.O.W. VARIES)

(N26°45'25\"/>

PROPOSED 50' WIDE
TEMPORARY CONSTRUCTION
EASEMENT

W.C. ALFF AND WIFE,
EUNICE O. ALFF
REMAINDER OF
TRACT TWO,
[25.00-ACRES]
VOL. 5389, PG. 1806
D.R.T.C.T.
TCAD #0242500122

20' W.W. LINE EASEMENT
VOLUME 10768 PAGE 2101
W.C. ALFF TO CITY OF AUSTIN



SCALE 1"=100'

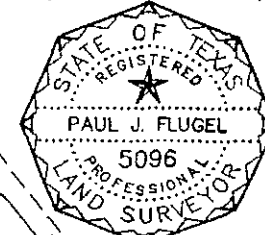
APPROXIMATE CL. OF
GILLESPIE CREEK

((TRACT ONE,
191.14-ACRES))
VOL. 4534, PG. 165
D.R.T.C.T.

THE BUTLER FAMILY
PARTNERSHIP, LTD., a
Texas limited partnership
VOL. 12271, PG. 872
R.P.R.T.C.T.

LINE TABLE

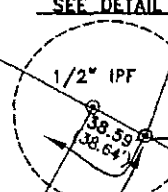
- L1 N37°37'02\"/>



PROPOSED 50 FOOT WIDE
PERMANENT WASTEWATER
EASEMENT 4660.01
(0.284-AC)
12,384 SQ. FT.

PROPOSED 100' WIDE
TEMPORARY CONSTRUCTION
EASEMENT

SEE DETAIL



POINT OF REFERENCE

5/8" IRON PIPE
FOUND

THE BUTLER FAMILY
PARTNERSHIP, LTD.,
A TEXAS LIMITED
PARTNERSHIP

(REMAINDER OF TRACT
FOUR, 206.14-ACRES)
VOL. 12271, PG. 872
R.P.R.T.C.T.

(REMAINDER OF TRACT
TWO, 15.00-ACRES)
VOL. 4534, PG. 165
D.R.T.C.T.

WINDSOR PARK, L.P., A TEXAS
LIMITED PARTNERSHIP
DOC. NO. 2007157671 O.P.R.T.C.T.

TCAD # 023450-02, 03, & 04 23.408 ACRES

5/8" IRF
R.O.W.
566.56'

1/2" ALUMINUM
TXDOT

(N27°57'12\"/>

N62°24'14\"/>

(S27°31'21\"/>

519°50'18\"/>

(S21°49'00\"/>

(N21°49'E 618.92')

100' WIDE
CONSTRUCTION
EASEMENT

PROPOSED 50 FOOT WIDE
C.O.A. PERMANENT
WASTEWATER EASEMENT

5/8" IRF
CARTER & BURGESS

562°20'50\"/>

462.12'

C.I.P. NO. 4769.01B

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

(SHEET 5 OF 5)

LEGEND

- ⊙ IRON PIPE FOUND
(SIZE NOTED)
- IRON ROD FOUND
(SIZE NOTED)
- △ CALCULATED POINT
(NOT ESTABLISHED ON GROUND)
- DOC. DOCUMENT
- VOL. VOLUME
- P.U.E. PUBLIC UTILITY EASEMENT
- P.R.T.C.T. PLAT RECORDS
TRAVIS COUNTY, TEXAS
- O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS
TRAVIS COUNTY, TEXAS
- D.R.T.C.T. DEED RECORDS
TRAVIS COUNTY, TEXAS
- R.P.R.T.C.T. REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS
- BREAK ON LINE (NOT TO SCALE)
- () RECORD INFORMATION PER TEXAS DEPARTMENT OF TRANSPORTATION R.O.W. MAP
- (()) RECORD INFORMATION PER VOL. 4534, PG. 165
- [] RECORD INFORMATION PER VOL. 5389, PG. 1806
- R.O.W. RIGHT OF WAY

BEARING BASIS

TEXAS CENTRAL ZONE (4203),
NAD'83 TEXAS STATE PLANE COORDINATE SYSTEM (GRID)
COMBINED SCALE FACTOR = 0.9999216

HORIZONTAL COORDINATES FOR C.O.A.
MONUMENT NO. P-27-3001 (4" BRASS DISK FOUND),
MONUMENT NO. M-26-3001 (4" BRASS DISK FOUND),
MONUMENT NO. M-26-3002 (4" BRASS DISK FOUND),
WERE USED AS THE CONTROLLING MONUMENTS FOR THIS SURVEY.

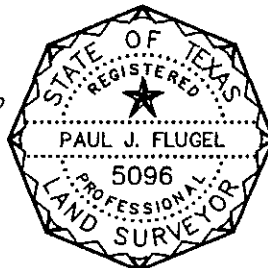
IMPROVEMENT AND UTILITIES NOTE:

VISIBLE IMPROVEMENTS AND UTILITIES MAY EXIST THAT ARE NOT SHOWN ON THIS SURVEY.

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

Paul J. Flugel revised 7-22-10
PAUL J. FLUGEL
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5096
DATE: APRIL 15, 2010

THIS SKETCH IS VALID ONLY IF IT BEARS THE ORIGINAL
SIGNATURE OF THE ABOVE SURVEYOR.



Client: PBS&J
Date: June 14, 2010
Office: MB
Crew: S.Dunn, T.Smith
F.B.: 1224/77
Disk: T:\PBSJ\Harris Branch W&WW Ln\Landmark Drawings\EASEMENTS\Harris-Branch EASEMENTS base-B.dwg
Cogo: F:\S.Dunn\4-8-10
Job No.: 372-31-04

C.I.P. NO. 4769.018

Landmark
SURVEYING, LP
1301 S. CAPITAL OF TEXAS HWY.
BUILDING 8, SUITE 315
AUSTIN, TEXAS 78746
PH: (512)328-7411 FAX: (512)328-7413