

RESOLUTION NO. 20110825-027

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: Eton Meadows, L.P.

Project: Harris Branch Interceptor Lower A Project

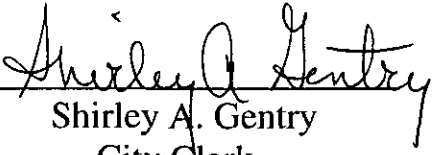
Public Purpose: the permanent wastewater line easement described in the attached Exhibit "A" is necessary to install, operate, maintain, repair, replace, and upgrade permanent wastewater lines and appurtenances, for the purpose of providing sanitary sewer services to the public.

Location: Located on north line of Parmer Lane, approximately midway between Harris Branch Parkway and SH-130, in Austin, Travis County, Texas 78653

Property: Described in the attached and incorporated Exhibit A.

ADOPTED: August 25, 2011

ATTEST:


Shirley A. Gentry
City Clerk

Field Notes for 4661.05WE

BEING 0.652 OF ONE ACRE OF LAND (28,402 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 78.516 ACRE TRACT OF LAND CONVEYED TO ETON MEADOWS, L P, BY DEED WITH GENERAL WARRANTY OF LIMITED APPLICATION, EXECUTED ON JANUARY 1, 2003, FILED FOR RECORD ON JANUARY 9, 2003, RECORDED IN DOCUMENT 2003006187 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.652 OF ONE ACRE OF LAND (28,402 S.F.) BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

BEGINNING at a calculated point in the northeasterly right-of-way line of F.M. 734 (Parmer Lane) (200.13' R.O.W.) and the southwesterly line of said 78.516 acre Eton Meadows, L P tract, for the Point of Beginning and most westerly 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=10105791.98, E=3157751.27, from which, a 1/2 inch iron rod with cap marked "TxDOT" found in the curving northeasterly right-of-way line of F.M. 734 at the most westerly corner of said 78.516 acre Eton Meadows, L P tract and the most southerly corner of a northerly remainder of a 1220.210 acre tract conveyed to Austin HB Residential Properties, Ltd. by deed recorded in Volume 12731, Page 1051 of the Real Property Records of Travis County, Texas, bears North 19°56'57" West, a distance of 704.59 feet to a calculated point for the point of curvature of a non-tangent circular curve to the left and along said curve to the left, having a radius of 2547.13 feet, an angle of intersection of 23°24'54", an arc length of 1040.94 feet, and a chord bearing North 31°39'36" West, a distance of 1033.71 feet;

1) THENCE, North 69°58'23" East, a distance of 21.37 feet, leaving the northeasterly right-of-way line of F.M. 734 and a southwesterly line of said 78.516 acre Eton Meadows, L P tract and crossing said 78.516 acre Eton Meadows, L P tract, to a calculated point for a northerly corner of the herein described tract of land;

2) THENCE, South 89°19'59" East, a distance of 569.33 feet, to a calculated point in the southeasterly line of said 78.516 acre Eton Meadows tract and the northwesterly line of Tract Four, a 168.86 acre tract of land, conveyed with undivided 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, for the most easterly corner of the herein described tract of land, from which, a 1/2 inch iron rod found in the southeasterly line of said 78.516 acre Eton Meadows tract and the northwesterly line of said Tract Four bears North 29°48'32" East, a distance of 257.76 feet;

3) THENCE, South 29°48'32" West, a distance of 28.01 feet, with the southeasterly line of said 78.516 acre Eton Meadows, L P tract and the northwesterly line of said Tract Four, to a 1/2 inch iron rod found for an angle point hereof;

4) THENCE, South 27°52'12" West, a distance of 28.72 feet, to a calculated point for a southerly corner of the herein described tract of land, from which, a 1/2 inch iron rod with cap marked TxDOT found in the northeasterly right-of-way line of F.M. 734, at the most southerly corner of said 78.516 acre Eton Meadows, L P tract and the most westerly corner of the northerly remainder of said Tract Four, bears South 27°52'12" West, a distance of 168.44 feet, South 25°03'46" West, a distance of 44.40 feet, South 27°36'46" West, a distance of 94.42 feet, South 29°02'52" West, a distance of 115.86 feet and South 28°38'35" West, a distance of 264.33 feet;

5) THENCE, North 89°19'59" West, a distance of 533.43 feet, leaving a southeasterly line of said 78.516 acre Eton Meadows, L P tract and a northwesterly line of said Tract Four and crossing said 78.516 acre Eton Meadows, L P tract to a calculated point for a corner;

6) THENCE, South 69°58'23" West, a distance of 12.31 feet, to a calculated point in a northeasterly right-of-way line of F.M. 734 and a southwesterly line of said 78.516 acre Eton Meadows, L P tract, for a southwesterly corner of the herein described tract of land, from which, a 1/2 inch iron rod with cap marked TxDOT found in a northeasterly right-of-way line of F.M. 734, at the most southerly corner of said 78.516 acre Eton Meadows, L P tract and the most westerly corner of said Tract Four, bears South 19°56'57" East, a distance of 646.86 feet;

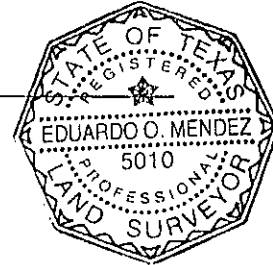
7) THENCE, North 19°56'57" West, a distance of 50.00 feet, with the northeasterly right-of-way line of F.M. 734 and the southwesterly line of said 78.516 acre Eton Meadows, L P tract, to the Point of Beginning and containing an area of 0.652 of one acre of land (28,402 s.f.), more or less.

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 0.9999216.

TCAD No.: 0242410210
CITY GRID No.: R30

FIELD NOTES REVIEWED

By: [Signature] Date 9/20/10

Engineering Support Section
Department of Public Works
and Transportation

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

SCALE: 1"=200'



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

MARIQUITA CASTRO
SURVEY NO. 50
ABSTRACT NO. 160

LEGEND

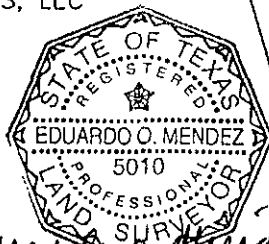
- △ CALCULATED POINT
- 1/2" IRON ROD FOUND
(UNLESS OTHERWISE NOTED)
- 1/2" IRON ROD W/CAP FOUND
(UNLESS OTHERWISE NOTED)
- 5/8" IRON ROD WITH
MWM CAP SET
- () RECORD DATA
- OPRTCT OFFICIAL PUBLIC RECORDS
TRAVIS CO, TX
- RPRTCT REAL PROPERTY RECORDS
TRAVIS CO, TX
- ▨ AREA OF EASEMENT
- POB POINT OF BEGINNING

30' UTILITY LINE EASEMENT
DOC. 1999002436
OPRTCT

CURVE	DELTA	RADIUS	LENGTH	BEARING	CHORD
C1	23°24'54"	2547.13'	1040.94'	N31°39'36"W	1033.71'
(C1)		(2547.13')	(1041.21')	(S31°39'43"E)	(1033.97')
(C2)	(23°25'16")	(2547.13')	(1039.06')	(N28°51'52"W)	(1031.87')

LINE TABLE		
LINE	BEARING	LENGTH
L1	N69°58'23"E	21.37'
L2	S29°48'32"W	28.01'
L3	S27°52'12"W	28.72'
L4	S25°03'46"W	44.40'
(L4)	(S27°49'00"W)	(44.42')
L5	S27°36'46"W	94.42'
(L5)	(S30°22'00"W)	(94.47')
L6	S29°02'52"W	115.86'
(L6)	(S31°48'06"W)	(115.92')
L7	S69°58'23"W	12.31'
L8	N19°56'57"W	50.00'

KARMALEGOS INVESTMENTS, LLC
(49.801)
DOC. 2009093613
OPRTCT



Eduardo O. Mendez
9/16/10

RECORD DATA:
COMMITMENT FOR TITLE INSURANCE
GF NO. ATA-70-02-AT10002934
ALAMO TITLE INSURANCE COMPANY
STONEBRIDGE PLAZA II
9600 N. MOPAC EXPRESSWAY
SUITE 125
AUSTIN, TX 78759-6507

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 0.9999216.

POB
N=10105791.98
E=3157751.27

SHEET 3 OF 4

SHEET 4 OF 4

L1 4661.05WE
0.652 AC (28,402 S.F.)
S89°19'59"E 569
L7 N89°19'59"W 533.

SHEET 3 OF 4
SHEET 4 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: 15 SEP 10
JOB NO: 37315A
FLE: 4661.05WE

3

3 OF 4

LINE TABLE		
LINE	BEARING	LENGTH
L1	N69°58'23"E	21.37'
L2	S29°48'32"W	28.01'
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L6	S29°02'52"W	115.86'
(L6)	(S31°48'06"W)	(115.92')
L7	S69°58'23"W	12.31'
L8	N19°56'57"W	50.00'



SCALE: 1"=200'

TRAFALGAR I, L P
(269.567 AC)
DOC 2000102360
OPRTCT

LEGEND

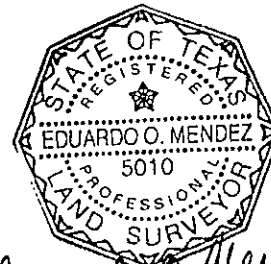
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- RPRCTCT REAL PROPERTY RECORDS
TRAVIS CO, TX
- PrRTCT PROBATE RECORDS
TRAVIS CO, TX
- AREA OF EASEMENT
- POB POINT OF BEGINNING
SEE SHEET 3 OF 4
FOR CURVE TABLE

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

MARIQUITA CASTRO
SURVEY NO. 50
ABSTRACT NO. 160

J.P. MORGAN CHASE BANK, AS TRUSTEE OF
THE FREDERIC CLARKE MORSE, JR.
EXEMPT FAMILY TRUST
(UNDIVIDED FIFTY PERCENT INTEREST OF
TRACT FOUR-168.86 AC)
DOC. 2004113210
OPRTCT

FREDERIC CLARKE MORSE, JR.
CAUSE NO. 46,390
VOL. 814, PG. 807
PrRTCT



Eduardo O. Mendez
9/16/10

RIGHT OF ENTRY
AND POSSESSION
VOL. 11676, PG. 420
RPRCTCT

20' WASTEWATER
LINE EASEMENT
VOL. 11883, PG. 1158
RPRCTCT
CORRECTED AND REFILED IN
VOL. 11883, PG. 2915
RPRCTCT

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
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mwm
DesignGroup

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Suite 200
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SKETCH TO ACCOMPANY FIELD NOTES

TRAVIS COUNTY, TEXAS

DATE: 15 SEP 10
JOB NO. 37315A
FILE: 4581.05WE

4
4 OF 4