RESOLUTION NO. 20110825-028

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:

Owners:

JPMorgan Chase Bank, as Trustee of the Frederic Clarke Morse, Jr. Exempt Family Trust; Scott Notley Morse and Frederic Clarke Morse, III, as Successor Co-Independent Executors of the Estate of Frederic Clark Morse, Sr. 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 off Boyce Lane, along the north line of

Parmer Lane, several lots west of SH-130, in Austin,

Travis County, Texas 78653

Property:

Described in the attached and incorporated Exhibit A.

ADOPTED: <u>August 25</u>, 2011

ATTEST: 9

Shirley A Gentry

City Clerk

J.P. Morgan Chase Bank, as Trustee of the Frederic Clarke Morse, Jr. Exempt Family Trust and Frederic Clark Morse, Jr. (Wastewater Easement)

Field Notes for 4661.06WE

BEING 3.074 ACRES OF LAND (133,913 S.F.), MORE OR LESS, OUT OF AND A PART OF THE MARIQUITA CASTRO SURVEY NO. 50, ABSTRACT NO. 160 AND THE JOSIAH WILBARGER SURVEY NO. 42, ABSTRACT NO. 794 IN TRAVIS COUNTY, TEXAS, SAME BEING A PORTION 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 DISTRIBUTION CONVEYANCE EXECUTED ON JUNE 14, 2004, FILED FOR RECORD ON JUNE 14, 2004, RECORDED IN DOCUMENT 2004113210 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAME ALSO BEING A PORTION OF THE ESTATE OF FREDERIC CLARKE MORSE, SR. WILLED TO FREDERIC CLARKE MORSE, JR. BY CAUSE NO. 46,390, EXECUTED ON SEPTEMBER 15, 1983, FILED FOR RECORD OCTOBER 17, 1983, RECORDED IN VOLUME 814, PAGE 807 OF THE PROBATE RECORDS OF TRAVIS COUNTY, TEXAS, SAID 3.074 ACRES OF LAND (133,913 S.F.) HEREINAFTER DESIGNATED AS PART 1 AND PART 2 AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

PART 1

COMMENCING at a 1/2 inch iron rod with cap marked "TxDOT" found in the northeasterly right-of-way line of F.M. 734 (Parmer Lane)(200.13' R.O.W.) at the most westerly corner of said Tract Four, and the most southerly corner of a 78.516 acre tract of land conveyed to Eton Meadows, L P by deed recorded in Document 2003006187 of the Official Public Records of Travis County, Texas, from which, a 1/2 inch iron rod with cap marked "TxDOT" found bears South 20°32'09" East, a distance of 5.42 feet, thence as follows;

North 28°38'35" East, a distance of 264.33 feet, leaving the northeasterly right-of-way line of F.M. 734, with the northwesterly line of said Tract Four and the southeasterly line of said 78.516 acre Eton Meadows, L P tract;

North 29°02'52" East, a distance of 115.86 feet to a calculated point;

North 27°36'46" East, a distance of 94.42 feet to a calculated point;

North 25°03'46" East, a distance of 44.40 feet, to a 1/2 inch iron rod found;

North 27°52'12 East, a distance of 168.44 feet, to a calculated point 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=10105742.99, E=3158313.30;

- 1) THENCE, North 27°52'12" East, a distance of 28.72 feet, with the northwesterly line of said Tract Four and the southeasterly line of said 78.516 acre Eton Meadows, L P tract, to a 1/2 inch iron rod found for an angle point hereof;
- 2) THENCE, North 29°48'32" East, a distance of 28.01 feet, to a calculated point for a northerly corner of the herein described tract of land, from which, a 1/2 inch iron rod found in the northwesterly line of said Tract Four and the southeasterly line of said 78.516 acre Eton Meadows, L P tract bears North 29°48'32" East, a distance of 257.76 feet:
- 3) THENCE, South 89°19'59" East, a distance of 101.53 feet, leaving the northwesterly line of said Tract Four and the southeasterly line of said 78.516 acre

Eton Meadows, L P tract, crossing said Tract Four, to a calculated point for an angle point hereof;

- 4) THENCE, South 83°20'24" East, a distance of 631.76 feet, to a calculated point for an angle point hereof;
- 5) THENCE, South 85°06'37" East, a distance of 276.68 feet, to a calculated point for a corner;
- 6) THENCE, North 47°32'20" East, a distance of 492.53 feet; to a calculated point in a northeasterly line of said Tract Four, same being in a southwesterly line of a 269.567 acre tract of land conveyed to Trafalgar I, L P by deed recorded in Document 2000102360 of the Official Public Records of Travis County, Texas, for the most northerly 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, L P tract, at the most northerly corner of said Tract Four and the most westerly corner of said 269.567 acre Trafalgar I, L P tract bears North 61°36'35" West, a distance of 1097.09 feet;
- 7) THENCE, South 61°36'35" East, a distance of 52.93 feet, with a northeasterly line of said Tract Four and a southwesterly line of said 269.567 acre Trafalgar I, L P tract, to a calculated point for the most easterly corner of the herein described tract of land, from which, a 1/2 inch iron rod found at an inside corner of said Tract Four, a southerly corner of said 269.567 acre Trafalgar I, L P tract, and the point of termination of the line of boundary agreement described in Volume 3094, Page 1971 of the Deed Records of Travis County, Texas, bears South 61°36'35" East, a distance of 35.05 feet and South 61°12'35" East, a distance of 543.60 feet;
- 8) THENCE, South 47°32'20" West, a distance of 531.81 feet, leaving a southwesterly line of said 269.567 acre Trafalgar I, L P tract and a northeasterly line of said Tract Four, crossing said Tract Four, to a calculated point for the most southerly corner of the herein described tract of land;
- 9) THENCE, North 85°06'37" West, a distance of 299.37 feet, to a calculated point for an angle point hereof;
- 10) THENCE, North 83°20'24" West, a distance of 629.91 feet, to a calculated point for an angle point hereof;
- 11) THENCE, North 89°19'59" West, a distance of 125.68 feet, to the Point of Beginning and containing an area of 1.773 acres of land (77,244 s.f.), more or less.

PART 2

BEGINNING at a calculated point in a southeasterly line of said Tract Four, same being in the northwesterly line of Tract Two, a 25.00 acre tract of land conveyed to W.C. Alff and wife, Eunice O. Alff by deed recorded in Volume 5389, Page 1806 of the Deed Records of Travis County, Texas, for the Point of Beginning and most southerly 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=10105067.24, E=3161402.95, from which, a 1/2 inch iron pipe found in the southeasterly line of said Tract Four, at the most westerly corner of said Tract Two and the most northerly corner of Tract One, a 29.00 acre tract of land conveyed to W.C. Alff and wife, Eunice O. Alff by deed recorded in Volume 5389, Page 1806 of the

Deed Records of Travis County, Texas, bears South 27°20'23" West, a distance of 236.93 feet;

- 1) THENCE, North $74^{\circ}34'33''$ West, a distance of 57.76 feet, leaving a southeasterly line of said Tract Four and the northwesterly line of said Tract Two, crossing said Tract Four to a calculated point for a corner;
- 2) THENCE, North 04°55'47" West, a distance of 884.02 feet, to a calculated point for a corner;
- THENCE, North 24°16'57" West, a distance of 181.42 feet, to a calculated point in the agreed common boundary line of said Tract Four and of said 269.567 acre Trafalgar I, L P tract, said line of boundary agreement being descibed in Volume 3094, Page 1971 of the Deed Records of Travis County, Texas, for the most westerly corner of the herein described tract of land, from Which, a 1/2 inch iron rod found in said line of boundary agreement bears South 08°06'01" West, a distance of 2.43 feet, South 01°29'01" West, a distance of 99.91 feet, South 18°44'01" West, a distance of 55.53 feet, South 38°24'59" East, a distance of 65.40 feet, South 10°41'01" West, a distance of 70.68 feet, South 15°11'59" East, a distance of 29.81 feet, South 02°26'01" West, a distance of 76.55 feet, South 39°54'01" West, a distance of 85.31 feet, South 57°00'01" West, a distance of 33.00 feet, South 71°26'01" West, a distance of 73.03 feet, South 55°42'01" West, a distance of 64.00 feet, South 29°12'01" West, a distance of 50.65 feet, South 52°25'00" West, a distance of 29.01 feet, North 69°29'59" West, a distance of 93.06 feet, North 38°24'59" West, a distance of 69.58 feet, North 46°56'59" West, a distance of 94.72 feet, North 40°04'01" East, a distance of 42.26 feet, North 14°19'01" East, a distance of 26.65 feet, North 61°57'59" West, a distance of 159.36 feet, North 46°19'59" West, a distance of 121.71 feet, North 42°31'59" West, a distance of 129.68 feet, and North 45°32'59" West, a distance of 25.83 feet;
- 4) THENCE, North $08^{\circ}06'01"$ East, a distance of 32.24 feet, with said line of boundary agreement, to a calculated point for a corner;
- 5) THENCE, North 22°15'01" East, a distance of 22.30 feet, to a calculated point for a corner;
- THENCE, North 43°32'01" East, a distance of 17.87 feet, to a calculated point for the most northerly corner of the herein described tract of land, from which, a 1/2 inch iron pipe found in the northwesterly line of said Tract Two, at a corner of said 269.567 acre Trafalgar I, L P tract and a corner of said Tract Four, bears North 43°32'01" East, a distance of 0.89 feet, North 85°04'02" East, a distance of 13.06 feet, South 74°47'59" East, a distance of 37.17 feet, South 68°40'59" East, a distance of 93.20 feet, South 30°55′59" East, a distance of 24.40 feet, South 28°37′01" West, a distance of 50.00 feet, South 05°40'59" East, a distance of 16.40 feet, South 56°29'59" East, a distance of 32.90 feet, North 84°35'01" East, a distance of 37.80 feet, North 66°57'00" East, a distance of 40.11 feet, South 75°17'59" East, a distance of 39.30 feet, South 63°37'59" East, a distance of 36.60 feet, South 80°08'59" East, a distance of 104.70 feet, South 50°25'59" East, a distance of 48.60 feet, South 40°34'59" East, a distance of 32.40 feet, South 48°29'59" East, a distance of 60.80 feet, North 82°51'01" East, a distance of 53.30 feet, South 50°33'59" East, a distance of 52.20 feet, South 14°40'59" East, a distance of 21.30 feet, South 16°29'01" West, a distance of 35.50 feet, South 41°52'01" West, a distance of 42.80 feet, South $47^{\circ}42'01''$ West, a distance of 68.20 feet, South $44^{\circ}12'01''$ West, a distance of 134.20 feet, South 02°37'01" West, a distance of 67.30 feet, South 26°22'01" West, a

distance of 78.30 feet, South $51^{\circ}24'59''$ East, a distance of 31.20 feet and South $13^{\circ}23'01''$ West, a distance of 22.80 feet;

- 7) THENCE, South 24°16'57" East, a distance of 239.26 feet, leaving said line of boundary agreement, crossing said Tract Four to a calculated point for a corner;
- 8) THENCE, South 04°55'47" East, a distance of 857.76 feet, to a calculated point for a corner;
- 9) THENCE, South 74°34'33" East, a distance of 33.53 feet, to a calculated point in a southeasterly line of said Tract Four and the northwesterly line of said Tract Two, for the most easterly corner of the herein described tract of land, from which, a 1/2 inch iron pipe found at a corner of said Tract Four, a corner of said 269.567 acre Trafalgar I, L P tract and an angle point in the northwesterly line of said Tract Two, bears North 27°20'23" East, a distance of 434.05 feet;
- 10) THENCE, South 27°20'23" West, a distance of 51.10 feet, with a southeasterly line of said Tract Four and the northwesterly line of said Tract Two, to the Point of Beginning and containing an area of 1.301 acres of land (56,699 s.f.), more or less.

PART 1	1.773 AC	(77,244	s.f.)
PART 2	1.301 AC	(56,669	s.f.)
TOTAL	3.074 AC	(133, 913	s.f.)

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

Registered Professional Land Surveyor 5010

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.:

02425001190000 and 02424102040000

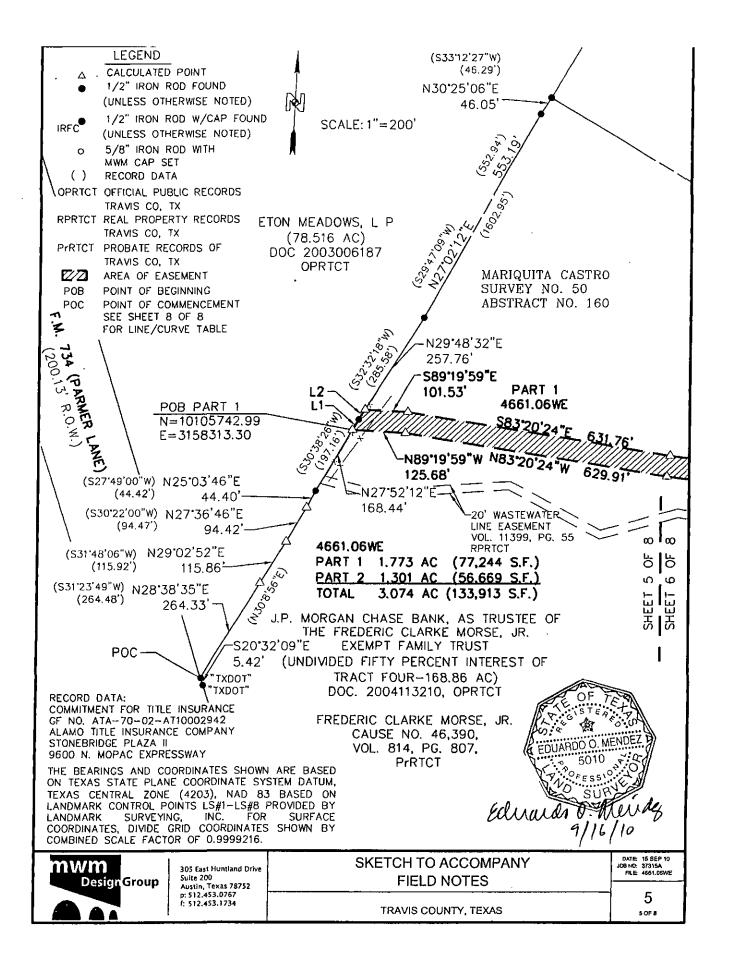
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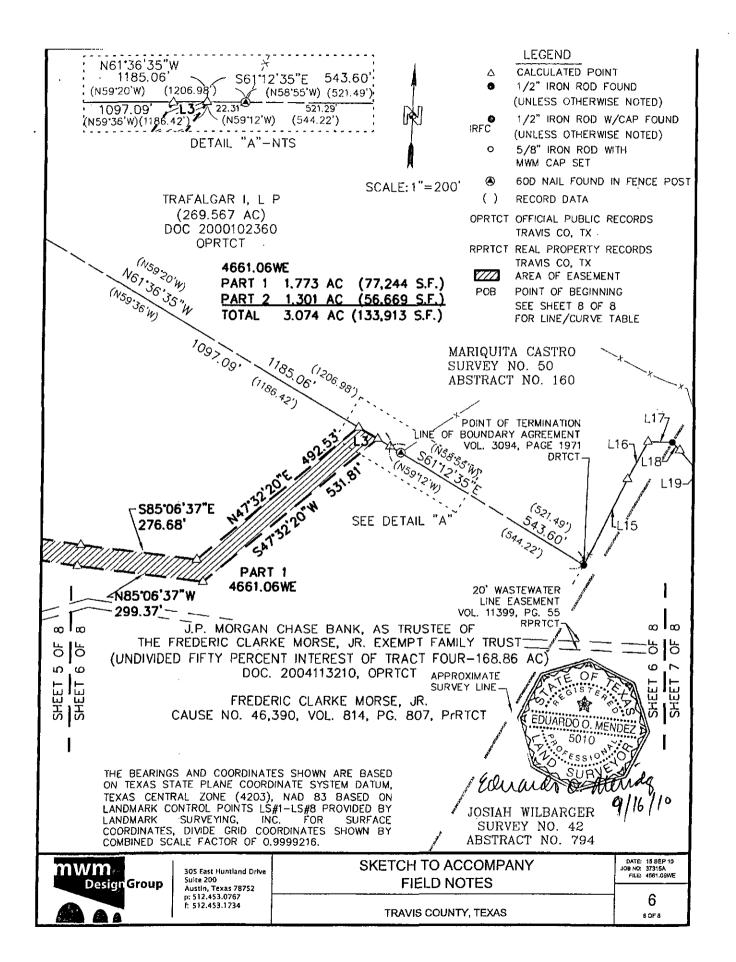
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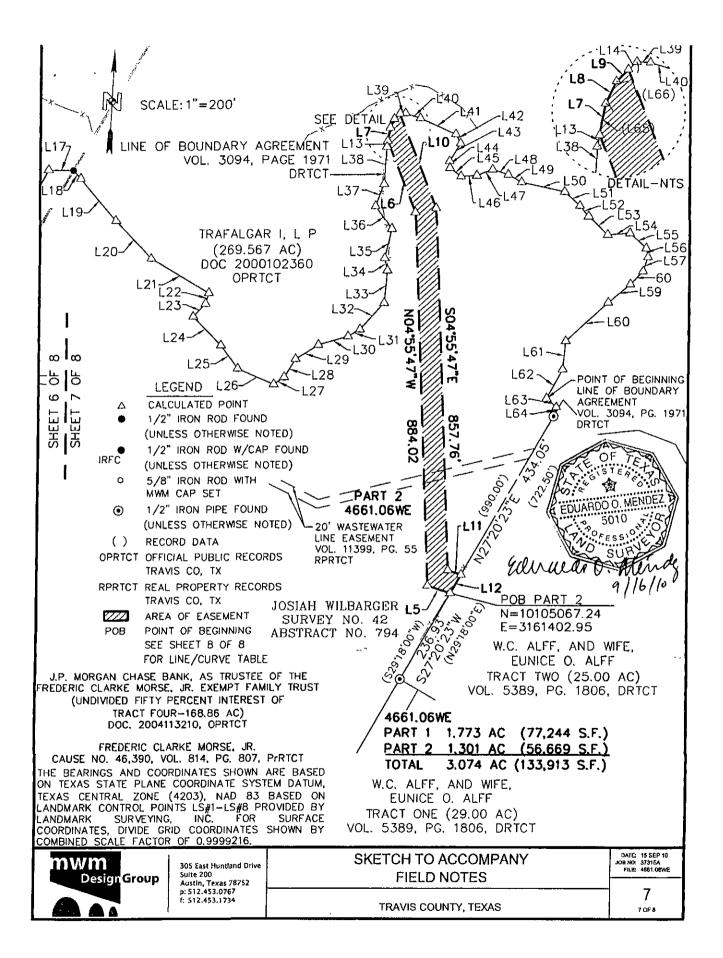
FIELD NOTES REVIEWED

By: [[aux] aux bate 9 /20 / 10

Engineering Support Section Department of Public Works and Transportation







LINE	BEARING	LENGTH
L1	N27'52'12"E	28.72'
L2	N29°48'32"E	28.01
L3	S61'36'35"E	52.93
L4	S61*36'35"E	35.05
L5	N74*34*33*W	57.76'
L6	N24'16'57"W	181.42
L7	NO8'06'01"E	32.24
(L7)	(S10°06'W)	
L8	N22"15"01"E	22.30
(L8)	(N24°15'E)	(22.30')
L9	N43'32'01"E	17.87
(L9)	(S45 32'W)	
L10	S24°16'57"E	239.26
L11	S74'34'33"E	33.53'
L12	S27'20'23"W	51,10'
L13	S08'06'01"W	2.43'
(L13)	(S10°24'W)	
L14	N43*32'01"E	0.89'
(L14)	(S45°50'W)	
L15	N23'32'20"E	228.53
(L15)	(N25°23'E)	(228.35')
L16	N25'37'20"E	101,49
(L16)	(N27'28'E)	(101.41')
L17	S88'45'20"W	57.58'
(L17)	(S89'06'E)	(57.54')
L18	N45°32'59"W	25.83'
(L18)	(S43'15'E)	(25.83')
L19	N42'31'59"W	129.68
(L19)	(S40'32'E)	(129.68')
L.20	N46°19'59"W	121.71
(L20)	(S44'20'E)	(121.71')
L21	N61*57'59"W	159.36
(L21)	(S59*58'E)	(159.36')
L22	N14"19'01"E	26.65'
(L22)	(S16'19'W)	(26.65')
L23	N40'04'01"E	42.26'
(L23)	(S42'04'W)	(42.26')
L24	N46'56'59"W	94.72
(L24)	(S44'57'E)	(94.72')
L25	N38°24'59"W	69.58'
(L25)	(S36'25'E)	(69.58')
L26	N69'29'59"W	93.06'
(L26)	(S67'30'E)	(93.06')

LINE	BEARING	LENGTH
L27	S52'25'00"W	29.01
(L27)		(29.01')
L28	S29'12'01"W	50.65
(L28)		(50.65')
L29	S55'42'01"W	64.00'
(L29)		(64.00')
L30	S71'26'01"W	73.03'
(L30)	(N73°26'E)	(73.03')
L31	S57'00'01"W	33.00
(L31)	(N59°00'E)	(33.00')
L32	S39'54'01"W	85.31
(L32)	(N42'54'E)	(85.31')
L33	S2*26'01"W	76.55
(L33)	(N04°26'E)	(76.55')
L34	S15'11'59"E	29.81
(L34)	(N13'12'W)	(29.81')
L35	S10'41'01"W	70.68
(L35)	(N12°41'E)	(70.68')
L36	S38'24'59"E	65.40'
(L36)	(N36'25'W)	(65.40')
L37	S18'44'01"W	55.53'
(L37)	(N20'44'E)	(55.53')
L38	S01*29'01"W	99.91
(L38)	(N03°29'E)	(99.91')
L39	N85 04 02 E	13.06
(L39)	(N87°04'E)	(13.06')
L40	S74 ' 47'59"E	37.17'
(L40)	(S72"48'E)	(37.17')
L41	S68 * 40 * 59"E	93.20
(L41)	(S66"41'E)	(93.20')
L42	S30'55'59"E	24.40'
(L42)	(S28*56'E)	(24.40')
L43	\$28*37'01"W	50.00'
(L43)	(S30*37'W)	(50.00')
L44	S5'40'59"E	16.40'
(L44)	(S03'41'E)	(16.40')
L45	S56'29'59"E	32.90'
(L45)	(S54'30'E)	(32.90')
L46	N84'35'01"E	37.80'
(L46)	(N86*35'E)	(37.80')
L47	N66'57'00"E	40.11
(L47)	(N68*57'E)	(40.11')
L48	S75'17'59"E	39.30'
(L48)	(S73°18'E)	(39.30')

LINE	BEARING	LENGTH
L49	S63'37'59"E	36.60'
(L49)	(S61°38'E)	(36.60')
L50	S80'08'59"E	104.70
(L50)	(S78°09'E)	(104.70)
L51	S50'25'59"E	48.60'
(L51)		(48.60')
L52	S40*34'59"E	32.40'
(L52)	(S38'35'E)	(32.40')
L53	S48 ' 29'59"E	60.80
(L53)	(S46*30'E)	(60.80')
L54	N82*51'01"E	53.30'
(L54)	(N84'51'E)	(53.30')
L55	S50'33'59"E	52.20'
(L55)	(S48'34'E)	(52.20')
L56	S14*40'59"E	21.30'
(L56)	(S12'41'E)	(21.30')
L57	S16'29'01"W	35.50'
(L57)	(S18'29'W)	(35.50')
L58	S41*52'01"W	42.80'
(L58)	(S43'52'W)	(42.80')
L59	S47'42'01"W	68.20'
(L59)	(S49*42'W)	(68.20')
L60	S44'12'01"W	134.20
(L60)	(S46*12'W)	(134.20')
L61	S2*37'01"W	67.3 0'
(L61)	(S4'37'W)	(67.30')
L62	S26'22'01"W	78.30'
(L62)	(S28°22'W)	(78.30')
L63	S51*24'59"E	31.20
(L63)	(S49°07'E)	(31.20')
L64	S13°23'01"W	22.80
(L64)	(S15°41'W)	(22.80')
(L65)	(N10°24'E)	(34.66')
(L66)	(N45°50'E)	(18.76')
	•-	





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 FILE: 4681.06WE