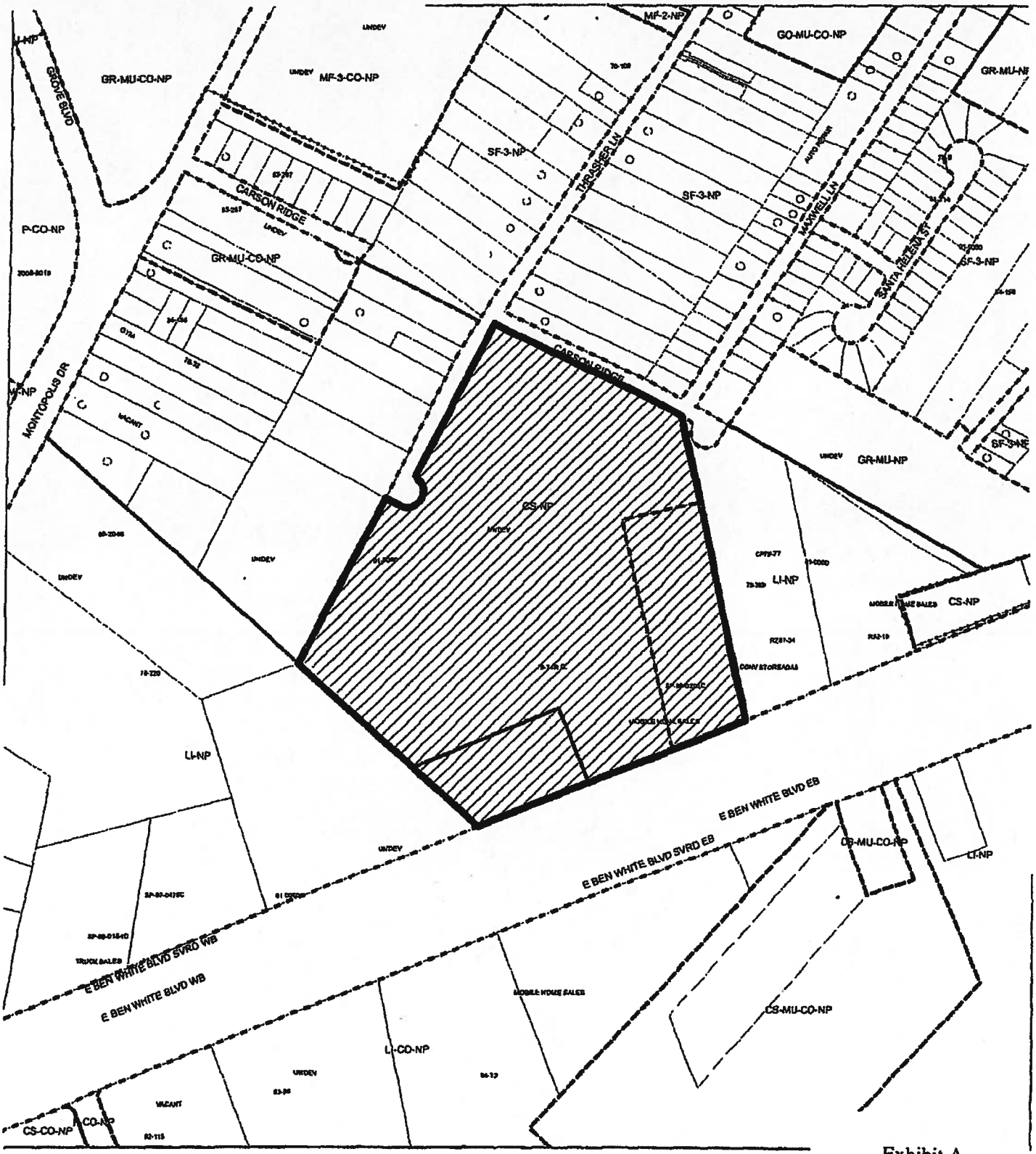


N

1" = 400'

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

ZONING

ZONING CASE#: C14-2011-0169

Exhibit A

CITY OF AUSTIN
FOUNDED 1839

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made

TRV 2002107425
9 pgs

02 MAR 15 AM 11:37
TRAVIS COUNTY CLERK
TRAVIS COUNTY, TEXAS

CAUSE NO. 2289

THE STATE OF TEXAS	§	CONDEMNATION PROCEEDING
	§	
	§	IN THE
v.	§	
	§	COUNTY COURT AT LAW NO. TWO
	§	
BEN WHITE LAND, L.P., ET AL	§	TRAVIS COUNTY, TEXAS

FINAL JUDGMENT

BE IT REMEMBERED that on February 25, 2002, the parties appeared through their attorneys of record and announced ready for trial. Ben White Park, L.P., having been dismissed from this proceeding, did not appear. The Frost National Bank and City of Austin did not appear at trial. A jury was selected and empaneled, and heard the evidence, charge of the Court, and argument of counsel. On the afternoon of February 28, 2002, the jury returned its verdict finding that the damages to the Landowners' property resulting from the condemnation were $1,253,765.00 (One Million Two Hundred Fifty-three Thousand Seven Hundred Sixty-five and no/100s Dollars). The Court finds that this verdict is regular in its form, and should be made the basis of this Judgment. The Court also finds that on November 2, 1999, the State deposited the amount of the Award of the Special Commissioners being $925,000.00 to the order of the Condemnee and that this deposit constitutes a correct and lawful offset to the damages found by the jury. The Court further finds that the Condemnee withdrew the award and otherwise admitted and stipulated to the right to take so that the State should be granted title to the real property and access rights which are sought in its pleadings.

...na DeBeauvoir, County Clerk, Travis County, ...do hereby certify that this is a true and ...correct copy as same appears of record in my office. ...Witness my hand and seal of office on
...na DeBeauvoir, County Clerk
By Deputy: P.Olson

MAR 21 2002

Exhibit A-1

IT is, therefore, ORDERED, ADJUDGED AND DECREED that the Condemnor, the State of Texas, does have and recover fee simple title to that tract of land located in Austin, Travis County, Texas and more particularly described in Exhibit "A," attached and incorporated by reference as if fully set out herein, HOWEVER, there is excluded from said estate all the oil, gas and sulphur which can be removed from beneath said land aforesaid without any right whatsoever remaining to the owner of such oil, gas and sulphur of ingress or egress to or from the surface of said land for the purpose of exploring, developing, drilling or mining of the same. The State is also granted permanent ownership of the access rights sought in its Petition and more particularly described in Exhibit "B," attached and incorporated by reference for all purposes as if fully set out.

It is further ORDERED, ADJUDGED AND DECREED, that TheFrost National Bank and City of Austin shall take nothing herein.

It is further, ORDERED, ADJUDGED AND DECREED, that the Condemnee, Ben White Land, L.P., a Texas Limited Partnership, do have and recover Judgment over and against the Condemnor, the State of Texas, for the principal sum of($328,765.00 (the principal sum), being the amount by which the finding of the jury exceeds the Award of Special Commissioners previously deposited. This principal sum shall bear pre-judgment interest at the rate of ten percent simple annual from November 2, 1999, to the date this Judgment is signed. The Condemnee is awarded its taxable costs. The total amount of the principal sum, pre-judgment interest awarded, and costs shall bear post-judgment interest at the rate of ten percent simple annual interest from the date this Judgment is signed until the

Dana DeBeauvoir County Clerk, Travis County
I do hereby certify that this is a true and
correct copy as same appears of record in my office.
Witness my hand and seal of office on
Dana DeBeauvoir, County Clerk
By Deputy P. Olson
AUG 21 2002

date it is finally paid. This Judgment is to be satisfied by delivery of a check or other fully negotiable funds to John McClish, Trustee for the Condemnee, Ben White Land, L.P. Each of the provisions of this Judgment may be enforced by appropriate process without further Order of the Court unless it is fully and timely observed.

As to all parties, any and all relief sought and not granted in this Judgment is hereby DENIED, it being the express intent of the Court that this document shall constitute the sole and appealable FINAL JUDGMENT in this case, finally disposing of all issues pending between these parties relating to the disputes arising on these pleadings.

SIGNED by me this 14 day of March, 2002.

Hondrable Orlinda Naranjo
Judge Presiding

AGREED AS TO FORM:

John L. Ritts
State Bar No. 16956500
Assistant Attorney General
P.O. Box 12548
Austin, Texas 78711-2548
Telephone: (512) 463-2004
Facsimile: (512) 472-3855
ATTORNEY FOR CONDEMNOR

[illegible] County Clerk, Travis County,
[illegible] hereby certify that this is a true and
[illegible] same appears of record in my office.
[illegible] my hand and seal of office on
Dana DeBeauvoir, County Clerk
By Deputy P. Olson

AUG 21 2002

00382 0968

JOHN McCLISH
State Bar No. 13417000
WOMACK, McCLISH, WALL & FOSTER
1801 Lavaca, Suite 120
Austin, Texas 78701-1398
Telephone: (512) 474-9875
Facsimile: (512) 474-9894
ATTORNEY FOR CONDEMNEE

...Travis County Clerk, Travis County,
...do hereby certify that this is a true and
...and that the same appears of record in my office.
...my hand and seal of office on

...Travis County Clerk

AUG 21 2002 P. Olson

00382 0969

County Clerk, Travis County
I certify that this is a true and
correct copy of record in my office.
Seal of office affixed
Dana DeBeauvoir, County Clerk
By P. Olson

EXHIBIT
A

COUNTY· TRAVIS
HIGHWAY. S H. 7
LIMITS FROM WOODWARD ST TO F.M 973
ACCOUNT. 8014-1-75
C.S J. NO. 0113-13-086

AUG 2 1 2001

FIELD NOTES FOR PARCEL 40 (FEE TITLE)

BEING 1.783 ACRES OF LAND OUT OF LOT A, TRAVIS 51 ADDITION, A SUBDIVISION OF RECORD IN BOOK 78, PAGE 256 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, ALSO BEING A PART OF A 5.915 ACRE TRACT OF LAND CONVEYED TO BEN WHITE LAND, L.P., BY GENERAL WARRANTY DEED DATED JULY 30, 1997 OF RECORD IN VOLUME 12997, PAGES 4566 TO 4570 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" rebar found for a POINT OF REFERENCE being an angle point in the west line of said Lot A also being the west line of a 24.781 acre tract of land described in deed to Ben White Park, L.P. of record in Volume 12993, Page 1535 of the Real Property Records of Travis County, Texas for the northeast corner of Lot 1, AHC Addition, a subdivision of record in Book 84, Page 48B of the Plat Records of Travis County, Texas;

THENCE South 21°38'49" East with the west line of Lot A and the east line of said Lot 1 a distance of 250 29 feet to an aluminum cap found 175.00 feet left of and at right angles to Proposed Engineer's Centerline Station (E.C.S.) 10923+55.12 of State Highway No. 71 for the POINT OF BEGINNING being the southwest corner of the 24.781 acres and an angle point in a north line of the 5.915 acres from which an aluminum cap found at the intersection of the proposed north right-of-way line of State Highway No 71 and the west line of Lot 1 bears South 68°19'19" West a distance of 374 04 feet;

1. THENCE North 68°19'19" East crossing through Lot A with the proposed north right-of-way line of State Highway No 71 with the south line of the 24 781 acres and a north line of the 5 915 acres a distance of 277 05 feet to a ½" rebar with an aluminum cap set for the southeast corner of the 24 781 acres and an angle point in the west line of the 5 915 acres from which a 1/2" rebar found for the northwest corner of the 5 915 acres bears North 11°52'16" West a distance of 741 66 feet

2 THENCE North 68°19 19" East crossing through the 5.915 acres and Lot A with the proposed north right-of-way line of State Highway No 71 distance of 253 61 feet to a aluminum cap set 175.00 feet left of and at right angles to Proposed E C S 10928+85 78 of State Highway No 71 in the east line of Lot A, the east line of the 5 915 acres, and the west line of Lot 1, Don Stewart Texaco Addition, a subdivision of record in Book 83, Page 144D of the Plat Records of Travis

County, Texas from which a 1/2" rebar found for the northeast corner of Lot A and the northwest corner of said Lot 1, Don Stewart Texaco Addition bears North 11°54'02" West a distance of 978.32 feet and an aluminum cap set at the intersection of the proposed north right-of-way line of State Highway No 71 and the east line of Lot 1, Don Stewart Texaco Addition bears North 68°19'19" East a distance of 300.04 feet;

3. THENCE South 11°54'02" East with the east line of the 5.915 acres, the east line of Lot A, and west line of Lot 1, Don Stewart Texaco Addition a distance of 152 21 feet to a calculated point 25.00 feet left of and at right angles to Proposed E.C.S. 10928+59.93 of State Highway No. 71 in the existing north right-of-way line of State Highway No. 71 for the southeast corner of the 5.915 acres, the southeast corner Lot A, and the southwest corner of Lot 1, Don Stewart Texaco Addition from which a 5/8" rebar found bears North 11°54'02" West a distance of 0 26 feet and a 1/2" rebar found for the southeast corner of Lot 1, Don Stewart Texaco Addition bears North 68°19'19" East a distance of 300 11 feet,

4. THENCE South 68°19'19" West with the existing north right-of-way line of State Highway No. 71, the south line of the 5.915 acres, and the south line of Lot A, a distance of 504.89 feet to a calculated point 25.00 feet left of and at right angles to Proposed E.C.S. 10923+55.04 of State Highway No. 71 for the southwest corner of the 5.915 acres, southwest corner of Lot A and the southeast corner of Lot 1, AHC Addition from which a 5/8" rebar found bears North 21°38'49" West a distance of 0.36 feet and a calculated point for the southwest corner of Lot 1, AHC Addition bears South 68°19'19" West a distance of 300.13 feet;

5. THENCE North 21°38'49" West with west line of the 5.915 acres, the west line of Lot A, and the east line of Lot 1, AHC Addition a distance of 150.00 feet to the POINT OF BEGINNING.

This parcel contains 1.783 acres of land, more or less, out of the Santiago Del Vallé Grant in Travis County, Texas.

Description prepared from an on-the-ground survey made February 11, 1997 and August 4, 1998. Bearing basis is the Proposed Engineer's Centerline of State Highway No 71 from Texas Department of Transportation Right-of-Way Map dated 2/21/89

Work Order Number 0690-234
Attachments Survey Drawing N \SDSK\SUR\TXDOT\69023401 DWG
File.N \MSAPPS97\WORD\SUR\TXDOT\69023401 FN

County Clerk, Travis County, hereby certify that this is a true and ... as same appears of record in my office. ... and seal of office on
Dana DeBeauvoir, County Clerk
Deputy P.O Box

5AUG.98

Joseph Beavers Date
Registered Professional Land Surveyor
State of Texas No 4938

STATE OF TEXAS
REGISTERED
JOSEPH BEAVERS
4938
LAND SURVEYOR

AUG 21 '98

00382 0971

EXHIBIT
B

CONTROL OF ACCESS CLAUSE

ACCOUNT NO	8014-1-75
CSJ NO	0113-13-086
COUNTY	Travis
HIGHWAY	S H 71
LIMITS	From Woodward Street to F M 973 at Del Valle
PARCEL NO	40

ACCESS TO AND FROM GRANTOR'S REMAINING PROPERTY WILL BE PERMITTED TO THE NORTH REMAINDER ABUTTING THE HIGHWAY FACILITY BETWEEN A POINT BEING 420 50 FEET N68°19'19'E OF THE BEGINNING OF THE FIRST CALL AND A POINT BEING THE BEGINNING OF THE SECOND CALL

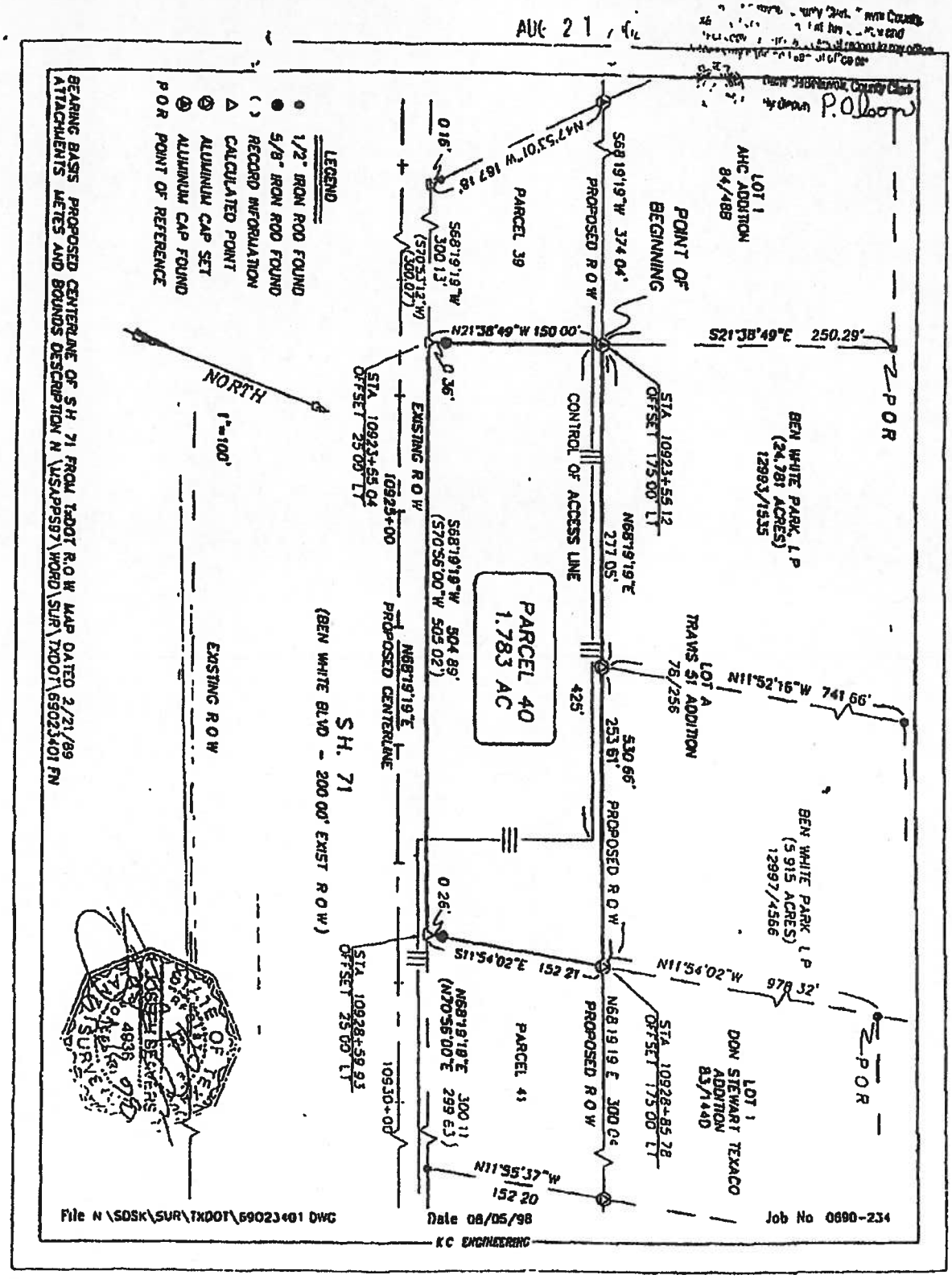
ACCESS TO AND FROM GRANTOR'S REMAINING PROPERTY WILL BE DENIED TO THE NORTH REMAINDER ABUTTING THE HIGHWAY FACILITY BETWEEN A POINT BEING THE BEGINNING OF THE FIRST CALL AND A POINT BEING 420 50 FEET N68°19'19'E OF THE BEGINNING OF THE FIRST CALL

POLsen

AUG 2 1 19[illegible]

00382 0972

77


AUG 21
P.O.B.
POINT OF BEGINNING
PROPOSED R O W
PARCEL 39
LOT 1
AHC ADDITION
84/488
BEN WHITE PARK, L P
(24.781 ACRES)
12983/1535
S68°19'19"W 374 04'
N47°53'01"W 187 18'
0 16'
S68°19'19"W
300 13'
(S70°53'12"W
300 07')
N21°38'49"W 150 00'
S21°38'49"E 250.29'
POR
0 36'
STA 10923+55 12
OFFSET 175 00' LT
CONTROL OF ACCESS LINE
N68°19'19"E
277 05'
EXISTING R O W
STA 10923+55 04
OFFSET 25 00' LT
10925+00
(S70°56'00"W 505 02')
S68°19'19"W 504 89'
PARCEL 40
1.783 AC
425'
530 66'
253 61'
PROPOSED R O W
LOT A
TRAVIS ST ADDITION
75/256
N11°52'16"W 741 66'
BEN WHITE PARK, L P
(5 915 ACRES)
12997/4566
0 26'
S11°54'02"E 152 21'
N11°54'02"W
978 32'
N68°19'19"E 300 00'
PROPOSED R O W
STA 10928+85 78
OFFSET 175 00' LT
LOT 1
DON STEWART TEXACO
ADDITION
83/144D
N68°19'19"E
PROPOSED CENTERLINE
S H. 71
(BEN WHITE BLVD - 200 00' EXIST R O W)
PARCEL 41
N68°19'19"E
(N70°56'00"E
299 63')
300 11'
10930+00
N11°55'37"W
152 20'
STA 10928+59 93
OFFSET 25 00' LT
EXISTING R O W
NORTH
1"=100'
LEGEND
1/2" IRON ROD FOUND
5/8" IRON ROD FOUND
RECORD INFORMATION
CALCULATED POINT
ALUMINUM CAP SET
ALUMINUM CAP FOUND
POR POINT OF REFERENCE
BEARING BASIS PROPOSED CENTERLINE OF S H 71 FROM TxDOT R.O.W MAP DATED 2/21/89
ATTACHMENTS METES AND BOUNDS DESCRIPTION N \USAPPS97\WORD\SUR\TXDOT\69023401 FN
STATE OF TEXAS
JOHN E. BEARDEN
4936
SURVEYOR
File N \SDSK\SUR\TXDOT\69023401 DWG
Date 08/05/98
Job No 0690-234
KC ENGINEERING

AFTER RECORDING MAIL TO:

THE TEXAS DEPARTMENT OF TRANSPORTATION
P.O. DRAWER 15426-NEAS
AUSTIN, TX 78761-5426

ATTN: RIGHT OF WAY

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

10-03-2002 03 38 PM 2002187425
ZAVALAR $25 00
DANA DEBEAUVOIR ,COUNTY CLERK
TRAVIS COUNTY, TEXAS

Recorders Memorandum-At the time of recordation this instrument was found to be inadequate for the best reproduction, because of illegibility, carbon or photocopy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded