

**RESOLUTION NO. 20120628-095**

**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 needed 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 uses 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: Larry L. Davis

Project: Fort Branch Watershed Management Area  
Reach 6 & 7 Channel Rehabilitation – Truelight  
Area and Eleanor Drive Area Project

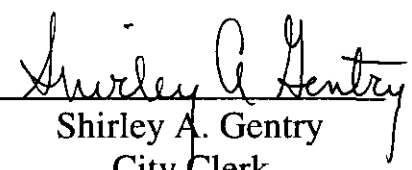
Public Use: The permanent drainage easement described in the  
attached Exhibit “A” is necessary for the purpose of  
constructing, operating, maintaining, repairing,  
replacing, upgrading, and making connections with  
a drainage channel and related facilities in, under,  
upon and across said tracts of land.

Location: 1112 Eleanor Drive  
Austin, Travis County, Texas 78721  
This project includes improvements for nearly 5,000  
linear feet along Fort Branch Creek corridor from  
approximately the creek crossing at Fort Branch  
Boulevard to the Eleanor Street cul-de-sac. The  
creek parallels Fort Branch Boulevard, Lott Avenue  
and Eleanor Street through this area.

Property: Described in the attached and incorporated Exhibit  
A.

**ADOPTED:** June 28, 2012

**ATTEST:**

  
Shirley A. Gentry  
City Clerk



STATE OF TEXAS  
COUNTY OF TRAVIS

(Drainage Easement)  
Lot 19, Block 3, Green Valley No. 1  
Fort Branch Creek Reach 6 & 7, Proj. No. 6039.059

EXHIBIT " A "

#### LEGAL DESCRIPTION

Field notes description for a parcel of land containing 0.028 of an acre of land, equivalent to 1,221 square feet of land, out of and a part of Lot 19, Block 3, Green Valley No. 1, a subdivision in the City of Austin, Travis County, Texas according to the map or plat thereof recorded in Book 5, Page 27 of the Plat Records of Travis County, Texas and being the same Lot 19, Block 3, Green Valley No. 1 which was conveyed to Ruthie Williams by that certain Special Warranty Deed dated February 11, 2005 and recorded in Document Number 2005028050 of the Official Public Records of Travis County, Texas; said parcel of land being more particularly described by metes and bounds, as follows, and as shown on the attached sketch:

**BEGINNING FOR REFERENCE** at a 1/2-inch iron rod found on the curving west right-of-way line of Eleanor Street (50' Right-of-Way) at the northeast corner of the above referenced Lot 19, Block 3, Green Valley No. 1, same being the southeast corner of Lot 20, said Block 3, from which a 1/2-inch iron rod found at the northeast corner of said Lot 20, Block 3, bears a chord bearing of N13°01'00"E a distance of 49.87 feet; **Thence**, with the common line of said Lot 19 and said Lot 20, Block 3, N80°25'02"W a distance of 136.54 feet to an 80d nail set, for the northeast corner 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 0.999923385) values of N= 10,072,466.77, E= 3,133,920.58;

**THENCE**, through said Lot 19, Block 3, S43°48'08"W a distance of 44.92 feet to an 80d nail set on the south line of said Lot 19, Block 3, same being the north line of Lot 18, said Block 3, for the southeast corner of this easement;

**THENCE**, with the common line of said Lot 18 and said Lot 19, Block 3, N70°34'05"W a distance of 29.49 feet to an 80d nail set on the east line of a drainage easement dedicated to the public in said plat known as Fort Branch Creek, at the southwest corner of said Lot 19, Block 3, same being the northwest corner of said Lot 18, Block 3, for the southwest corner of this easement, from which a 1/2-inch iron pipe found at the southwest corner of said Lot 18, Block 3 bears S35°50'25"W a distance of 36.28 feet;

**THENCE**, with said east line of a drainage easement, same being the west line of said Lot 19, Block 3, N35°50'25"E a distance of 35.79 feet to an 80d nail set at the northwest corner of said Lot 19, Block 3, same being the southwest corner of said Lot 20, Block 3, for the northwest corner of this easement;

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.



THENCE, with said common line of Lot 19 and Lot 20, Block 3, S80°25'02"E a distance of 38.49 feet to the "POINT OF BEGINNING", and containing 0.028 of an acre of land, more or less

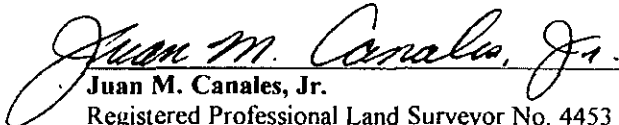
**Basis of Bearing:**

Bearings mentioned on this easement are based on State Plane Coordinate System, NAD'83, Texas Central Zone 4203; Horizontal And Vertical Coordinates for Aus 5 And E.U.D 169 as established and published by Texas Department Of Transportation and by the L.C.R.A. were used as the controlling monuments for this survey. Distances shown hereon are surface.

**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.

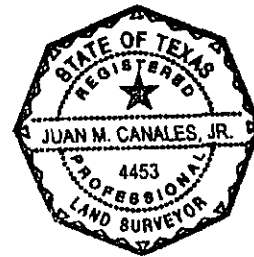
**As Prepared by  
Landmark Surveying, LP**

  
**Juan M. Canales, Jr.**  
Registered Professional Land Surveyor No. 4453  
Senior Project Manager  
Firm Registration No. 100727-00

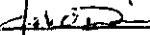
9-9-09  
Date

**REFERENCES**

MAPSCO 2009, Page 586-U  
AUSTIN GRID NO. M-22  
TCAD PARCEL ID NO 02-0821-0623  
Lot 19, Blk 3, Green 1-Williams-DE.doc  
1112 Eleanor Street



**FIELD NOTES REVIEWED**

By:  Date 10-21-2009

Engineering Support Section  
Department of Public Works  
and Transportation

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**SURVEY OF A PORTION OF LOT 19, BLOCK 3, GREEN VALLEY NO. 1,  
THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS**

PAGE 3 OF 4

LOT 21

Client: HDR  
Date: September 8, 2009  
Office: Stephen Lawrence  
Crew: J. Lee  
F.B.: 1153/32-33  
Path: c:\dwg\11\hdr\reaches 6 and 7\grid\esements\fbvno-grid-base.dwg  
Job No.: 492-08-01

LOT 15

LOT 17

LOT 18

BLOCK 4  
GREEN VALLEY NO. 1  
BOOK 5, PAGE 27 P.R.T.C.T.  
LOT 13  
LOT 12  
FORT BRANCH CREEK  
DRAINAGE EASEMENT  
BK. 5, PG. 27 P.R.T.C.T.

N35°50'25"E 35.79'  
(N38°35'E 35.94')  
DRAINAGE  
EASEMENT  
0.028-ACRE  
(1221-S.F.)

N40°56'25"E 58.27'  
(N43°41'E 58.51')

P.O.B.  
N/10.072.466.72  
E/3.133.920.58  
(GRID)

LOT 19  
RUTHIE WILLIAMS  
DOC. NO. 2005028050  
O.P.R.T.C.T.

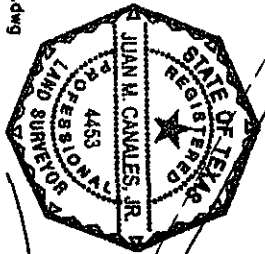
N80°25'02"W 175.03'  
(N77°57'W 174.14')  
136.54'

LOT 20

N80°27'20"W 147.83'  
(N77°57'W 146.94')

BLOCK 3  
GREEN VALLEY NO. 1  
BOOK 5, PAGE 27 P.R.T.C.T.

ELEANOR STREET  
(50 R.O.W.)



**SKETCH TO  
ACCOMPANY  
FIELD NOTES**

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



# LEGEND

- ⊙ 1/2" Iron Pipe Found  
(Unless Otherwise Noted)
- 1/2" Iron Rod Found  
(Unless Otherwise Noted)
- △ Calculated Point  
"Not Established on Ground"
- ▲ 80d Nail Set
- ( ) Record Information
- R.O.W. Right-of-Way
- P.O.B. Point of Beginning
- P.O.R. Point of Reference
- Bk. Book
- Pg. Page
- Vol. Volume
- D.E. Drainage Easement
- P.U.E. Public Utility Easement
- P.R.T.C.T. Plat 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
- O.P.R.T.C.T. Official Public Records  
Travis County, Texas

## SURVEY OF A PORTION OF LOT 19, BLOCK 3, GREEN VALLEY NO. 1, THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS PAGE 4 OF 4

### LINE TABLE

LINE	BEARING	DISTANCE
L1	S43°48'08"W	44.92'
L2	N70°34'05"W	29.49'
L3	S80°25'02"E	38.49'

### CURVE TABLE

	CURVE	CHORD BEARING	CHORD DISTANCE	DELTA	ARC LENGTH	RADIUS
	C2	N13°01'00"E (N15°11'E)	49.87' (50.07')	04°35'32"	49.88' (50.10')	622.35' (622.35')
	C3	N18°07'46"E (N20°26'E)	64.29' (64.05')	05°55'18"	64.32' (64.08')	622.35' (622.35')
	C4	N22°35'00"E (N24°53'E)	32.44' (32.31')	02°59'12"	32.44' (32.32')	622.35' (622.35')
	C5	S73°23'15"W (S75°11'W)	50.09' (50.09')	39°01'07"	51.08' (50.99')	75.00' (75.00')

### Utility and Improvement Note:

Utilities and improvements exist on this tract, but are not shown hereon.

The property described hereon is contained within Zone AE; as scaled from F.I.R.M. Map Number 48453C0470H, dated September 26, 2008, as published by the Federal Emergency Management Agency, the purpose of which is for flood insurance only.

### Restrictive Covenant and Easement Note:

1. Drainage and Public Utility easements as recorded in Book 5, Page 27 of the Plat Records of Travis County, Texas DO NOT APPLY to the subject parcel, as shown hereon.

All easements of which I have knowledge and those recorded easements furnished by Stewart Title Guaranty Company, according to GF No. 0906557-COM, are shown or noted hereon. Other than visible easements, no unrecorded or unwritten easements which may exist are shown hereon.

I hereby certify that a survey was made on the ground of the property shown hereon; that there are no visible discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, easements or right-of-ways, except as shown; that said property has access to and from a public roadway; and that this plat is an accurate representation of the property to the best of my knowledge.

### BEARING BASIS NOTE:

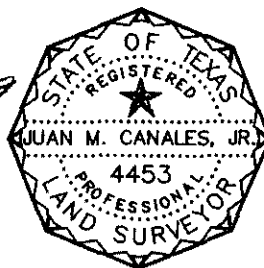
STATE PLANE COORDINATE SYSTEM (GRID) NAD'83  
TEXAS CENTRAL ZONE 4203  
COMBINED SCALE FACTOR = 0.999923385  
NAD'83 VERTICAL DATUM  
HORIZONTAL AND VERTICAL COORDINATES FOR AUS 5 AND E.U.D. 169 AS ESTABLISHED AND PUBLISHED BY TEXAS  
DEPARTMENT OF TRANSPORTATION AND BY THE L.C.R.A. WERE USED AS THE CONTROLLING MONUMENTS FOR THIS SURVEY.

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

*Juan M. Canales Jr.* 9-909  
JUAN M. CANALES, JR.  
Registered Professional Land Surveyor No. 4453  
DATE: September 8, 2009

THIS SURVEY PLAT IS VALID ONLY IF IT BEARS THE  
ORIGINAL SIGNATURE OF THE ABOVE SURVEYOR

Client: HDR  
Date: September 8, 2009  
Office: Stephen Lawrence  
Crew: J. Lee  
F.B.: 1153/32-33  
Path: c:\dwg 11\hdr\reaches 6 and 7\grid\easements\fbwma-grid-base.dwg  
Job No.: 492-08-01



SKETCH TO  
ACCOMPANY  
FIELD NOTES

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