

RESOLUTION NO. 20120823-079

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: Bruce Anton

Project: Govalle Tunnel Centralization Odor Control Project

Public Use: The permanent wastewater line easement described in the attached Exhibit "A" is necessary to place, construct,

operate, repair, upgrade, replace, relocate and maintain a permanent wastewater line for the purpose of providing sanitary sewer services to the public.

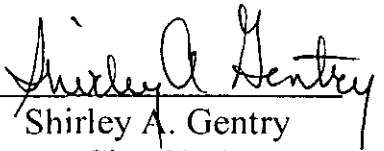
Location: 829 Bastrop Highway Austin, Travis County, Texas 78742

The general route covered by this project will include the following areas: Govalle Tunnel Lockheed shaft; 829-831 Bastrop Highway; 800-821 Patton Avenue; east side of Patton Lane; Canterbury shaft site; and Montopolis shaft site.

Property: Described in the attached and incorporated Exhibit A.

ADOPTED: August 23, 2012

ATTEST:


Shirley A. Gentry
City Clerk

DESCRIPTION OF 0.0209 OF ONE ACRE TRACT

DESCRIPTION OF 0.0209 OF ONE ACRE OR 911 SQUARE FEET OF LAND, MORE OR LESS, OUT OF THE SANTIAGO DEL VALLE GRANT, TRAVIS COUNTY, TEXAS AND BEING OUT OF THAT TRACT DESCRIBED AS 21.463 ACRES, LESS AND EXCEPT 0.230 OF ONE ACRE, 0.748 OF ONE ACRE AND 0.569 OF ONE ACRE IN A DEED TO BRUCE ANTON, OF RECORD IN VOLUME 13071, PAGE 1645, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS; SAID 0.0209 OF ONE ACRE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod found with cap at the northeast corner of this tract, at an interior ell corner of the remainder portion of said Anton tract, and at the southeast corner of that tract described as 0.569 of one acre in a deed to the City of Austin, of record in Document 2007049144, Official Public Records, Travis County, Texas, from which a 1/2" iron rod found with cap at an interior ell corner of said Anton tract and the northeast corner of said City of Austin tract bears N47°14'04"W 112.84 feet; and said point of beginning having State Plane Coordinates (Texas Central Zone, NAD83, U.S. Feet, Combined Scale Factor of 1.00005) grid value of N=10,058,266.25 E=3,133,759.37;

THENCE, with the east line of this tract, crossing said Anton tract, S47°00'04"E 30.29 feet to a calculated point at the southeast corner of this tract, same being in the north line of Lot 5, Block 1, Bergstrom Downs No. 1, a subdivision of record in Book 5, Page 2, Plat Records, Travis County, Texas, said Lot 5 being described in a deed to the City of Austin, of record in Document 2009158450, Official Public Records, Travis County, Texas, same being in the south line of said Anton tract, from which a 1/2" iron pipe found at the northeast corner of Lot 6 of said Bergstrom Downs, said Lot 6 being described in a deed to the City of Austin, of record in Document 2009075728, Official Public Records, Travis County, Texas, same being in the south line of said Anton tract bears N42°42'36"E 62.35 feet;

THENCE, with the south line of this tract and said Anton tract and the north line of said Lot 5 and said City of Austin tract in Document 2009158450, S42°42'36"W 30.00 feet to a calculated point at the southwest corner of this tract, from which a 1/2" iron pipe found at the northwest corner of Lot 4 of said Bergstrom Downs, said Lot 4 being described in a deed to Pete R. Esparza, Jr., of record in Document 2010033167, Official Public Records, Travis County, Texas, same being in the south line of said Anton tract bears S42°42'36"W 87.85 feet;

0.0209 AC.

THENCE, with the west line of this tract, crossing said Anton tract, **N47°00'04"W 30.44 feet** to a calculated point at the northwest corner of this tract, same being in the south line of said City of Austin tract in Document 2007049144, from which a 1/2" iron rod found at the southwest corner of said City of Austin tract in Document 2007049144 and the southeast corner of that tract described as Tract A – 0.230 of one acre in a deed to the City of Austin, of record in Volume 10153, Page 741 Real Property Records, Travis County, Texas bears **S42°59'56"W 214.52 feet**;

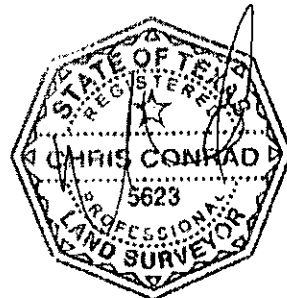
THENCE, with the north line of this tract and the south line of said City of Austin tract in Document 2007049144, **N42°59'56"E 30.00 feet** to the POINT OF BEGINNING and containing 0.0209 of one acre, more or less, within these metes and bounds.

Bearing Basis Note

The bearings described herein are Texas State Plane Grid bearings (Texas Central Zone, NAD83 (CORS96). The Combined Grid to Surface Scale Factor is 1.00005).

SURVEYED BY:

McGRAY & McGRAY LAND SURVEYORS, INC.
3301 Hancock Dr., Ste. 6, Austin, TX 78731 (512) 451-8591



08/15/12

Chris Conrad, Reg. Professional Land Surveyor No. 5623

Date

Note: This copy of this description is not valid unless an original signature through an original seal appears on its face. There is a plat to accompany this description.

Descriptions 2011/Govalle Tunnel Odor Control

Issued 06/14/11, Revised 07/11/11, 08/18/11, 08/03/12, 08/10/12, 08/15/12

AUSTIN GRID M-19
TCAD # 03-0720-05-15

FIELD NOTES REVIEWED

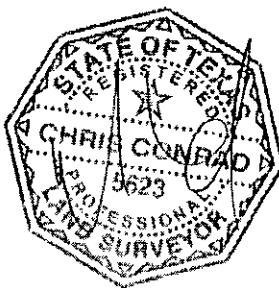
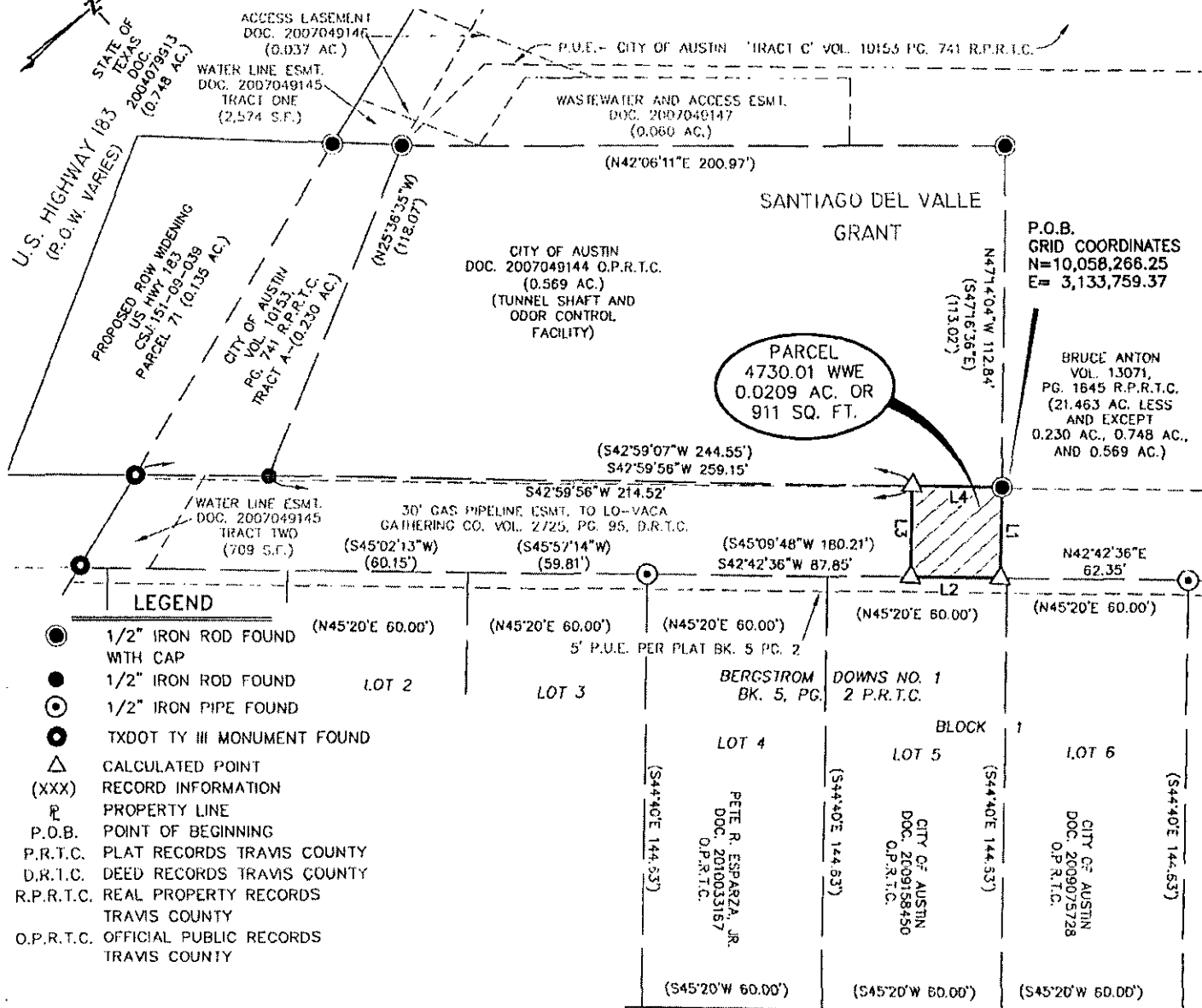
By: *[Signature]* DATE 8/15/12

Engineering Support Section
Department of Public Works
and Transportation

SCALE 1" = 50'

SKETCH TO ACCOMPANY DESCRIPTION
OF 0.0209 AC. OR 911 SQ. FT. OF LAND OUT OF THE
SANTIAGO DEL VALLE GRANT,
IN TRAVIS COUNTY, TEXAS.

RE: CITY OF AUSTIN



SURVEYED BY:

McGRAY & McGRAY
LAND SURVEYORS, INC.
3301 HANCOCK DRIVE #6
AUSTIN, TEXAS 78731
(512) 451-8591

JOB#: 11-034