

RESOLUTION NO. 20121018-075

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 uses 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:

Owners: James W. Organ, Sr., Henry Homer Organ, Jr., Thomas Cornelius Organ, Buelah Limuel, Princess Geary, Andrew Shigg, Jr., Carton J. Shigg, Ashley Shigg, Amber Shigg, Ronald A.E. Shigg, Jr., Annette Shigg, Charles W. Organ, Orsby Organ, Irving E. Organ, Donald R. Organ, and Keith Organ.

Project: Austin Clean Water Program: Govalle 4 – Webberville/San Bernard/4th Street Wastewater Improvement Project. The general route previously covered by this completed project included various streets in central east Austin, including Webberville Road, San Bernard Street and 4th Street.

Public Use: A 350 square foot permanent wastewater line easement for the public use of placing, constructing, operating, repairing, upgrading, replacing, relocating, decommissioning, and maintaining a permanent wastewater line in, along, upon and across the following described tract of land described in Exhibit A, with the right and privilege at all times of having ingress, egress, and regress, in, along, upon and across such tract of land for the purpose of making additions to, improvement on, repairs to, and/or removal of said wastewater line and associated appurtenances and making connections therewith; the right to place, replace, construct, operate, repair, upgrade, relocate, and remove the wastewater line, access manholes, and other appurtenances as may be reasonably required in connection therewith, in, along, upon, under, and across said tract of land; the right to clear, cut, fell, remove, and dispose of any and all timber, underbrush, building improvements, and any other obstructions from said tract of land; and the right to enter upon said tract of land in order to move thereon such vehicles, tools, equipment and persons as the City of Austin may

deem necessary and convenient to the exercise of its permanent easement rights to be acquired in this proceeding.

Location: 3017 East 12th Street
Austin, Travis County, Texas

Property: Described in the attached and incorporated Exhibit A

ADOPTED: October 18, 2012

ATTEST:

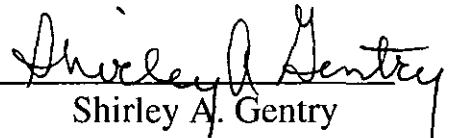

Shirley A. Gentry
City Clerk

EXHIBIT A

HENRY ORGAN
TO
CITY OF AUSTIN
(WASTEWATER EASEMENT)

DESCRIPTION FOR PARCEL 5114.20 WE

DESCRIPTION OF 0.0080 OF ONE ACRE OR 350 SQUARE FEET OF LAND, MORE OR LESS, OUT OF LOT 6, LOT 5, SAM HUSTON HEIGHTS ANNEX, A SUBDIVISION IN THE CITY OF AUSTIN, OF RECORD IN BOOK 4, PAGE 3, PLAT RECORDS, TRAVIS COUNTY, TEXAS, SAID 0.0080 OF ONE ACRE TRACT BEING A PORTION OF THAT TRACT DESCRIBED IN A WARRANTY DEED DATED JULY 25, 1942 TO HENRY ORGAN, OF RECORD IN VOLUME 714, PAGE 115, DEED RECORDS, TRAVIS COUNTY, TEXAS, AND IN A BOUNDARY LINE AGREEMENT DATED FEBRUARY 8, 1980, OF RECORD IN VOLUME 6884, PAGE 645, DEED RECORDS, TRAVIS COUNTY, TEXAS, SAID 0.0080 OF ONE ACRE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a P.K. nail found at the southeast corner of this tract, of said Lot 6 and of said Organ tract, same also being the southwest corner of Lot 7, of said Sam Huston Heights Annex, said Lot 7 being described in a deed to Austin Housing Finance Corporation, of record in Volume 11859, Page 1030, Real Property Records, Travis County, Texas, same also being the north line of Lot A, Emco Addition, a subdivision in the City of Austin, of record in Book 49, Page 30. Plat Records, Travis County, Texas, said Lot A being described in a deed to Elm Ridge Amerisouth XXXIX, LTD., of record in Document No. 2004076395, Official Public Records, Travis County, Texas, from which point a 1/2" iron rod found at the southeast corner of said Lot 7 and said Austin Housing Finance Corporation tract, same being the southwest corner of Lot 8 of said Sam Huston Heights Annex, said Lot 8 being described in a deed to Austin Housing Finance Corporation, of record in Document No. 2001138966, Official Public Records, Travis County, Texas, bears N78°30'31"E 60.01 feet, said point of beginning having Texas State Plane Coordinate (Texas Central Zone, NAD83 (93HARN), U.S. Feet, Adjustment Factor of 1.00005) grid values of N=10,073,754.25, E=3,127,076.65;

THENCE, with the south line of this tract, of said Lot 6 and said Organ tract, and continuing with the south line of Lot 5 of said Sam Huston Heights Annex, and the north line of said Lot A, EMCO Addition subdivision and said Elm Ridge Amerisouth tract, S78°30'31"W 70.05 feet to a 1/2" iron pipe found at the southwest corner of this tract, and said Organ tract, same being the southeast corner of that tract described in a deed to Adrian J. Trevino and Curtis W. Sutherland, of record in Document No. 2003196651, Official Public Records, Travis County, Texas, same also being the south end of a line described in said boundary line agreement, from which a 1/2" iron pipe found at a southwest corner of said Trevino and Sutherland tract, same being the northwest corner of said Lot A, EMCO Addition subdivision and said Elm Ridge Amerisouth tract, bears S78°30'31"W 63.30 feet;

0.0080 Ac.

THENCE, with the west line of this tract, of said Organ tract, same being with said boundary line agreement, and the east line of said Trevino and Sutherland tract, crossing said Lot 6 **N10°11'20"W 5.00 feet** to a 60D nail set at the northwest corner of this tract, from which point a 1/2" iron pipe found at a northeast corner of said Lot 5 and said Trevino and Sutherland tract, same being the northwest corner of said Lot 6 and said Organ tract, bears N10°11'20"W 357.18 feet;

THENCE, with the north line of this tract, crossing said Lot 5 and said Lot 6 and said Organ tract, **N78°30'31"E 69.93 feet** to a 60D nail set at the northeast corner of this tract, same being in the east line of said Lot 6 and said Organ tract, and in the west line of said Lot 7 and said Austin Housing Finance Corporation tract, from which point a 1/2" iron rod found at the northeast corner of said Lot 6 and said Organ tract and the northwest corner of said Lot 7 and said Austin Housing Finance Corporation tract, bears N11°34'18"W 358.00 feet;

THENCE, with the east line of this tract, of said Lot 6 and said Organ tract, same being the west line of said Lot 7 and said Austin Housing Finance Corporation tract, **S11°34'18"E 5.00 feet** to the POINT OF BEGINNING and containing 0.0080 of one acre (350 square feet), more or less, within these metes and bounds.

Bearing Basis Note

The bearings described herein are Texas State Plane Grid bearings (Texas Central Zone, NAD 83 (93 HARN). The Adjustment Factor is 1.00005). The reference for this project is "Austin RRP", a fixed control point, and "BM1078", a TxDOT survey monument, having a grid bearing of N60°54'59"E, and a grid distance of 21590.95 feet.

SURVEYED BY: **McGRAY & McGRAY LAND SURVEYORS, INC.**

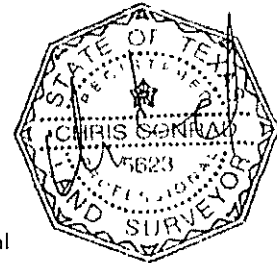
3301 Hancock Dr., Ste. 6
Austin, TX 78731 (512) 451-8591



7/11/05

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. Lot 6_SFTWW.
Revised 07/15/2005



TCAD# 02-0914-02-06
AUSTIN GRID L-23

FIELD NOTES REVIEWED

By:  Date: 7-26-05

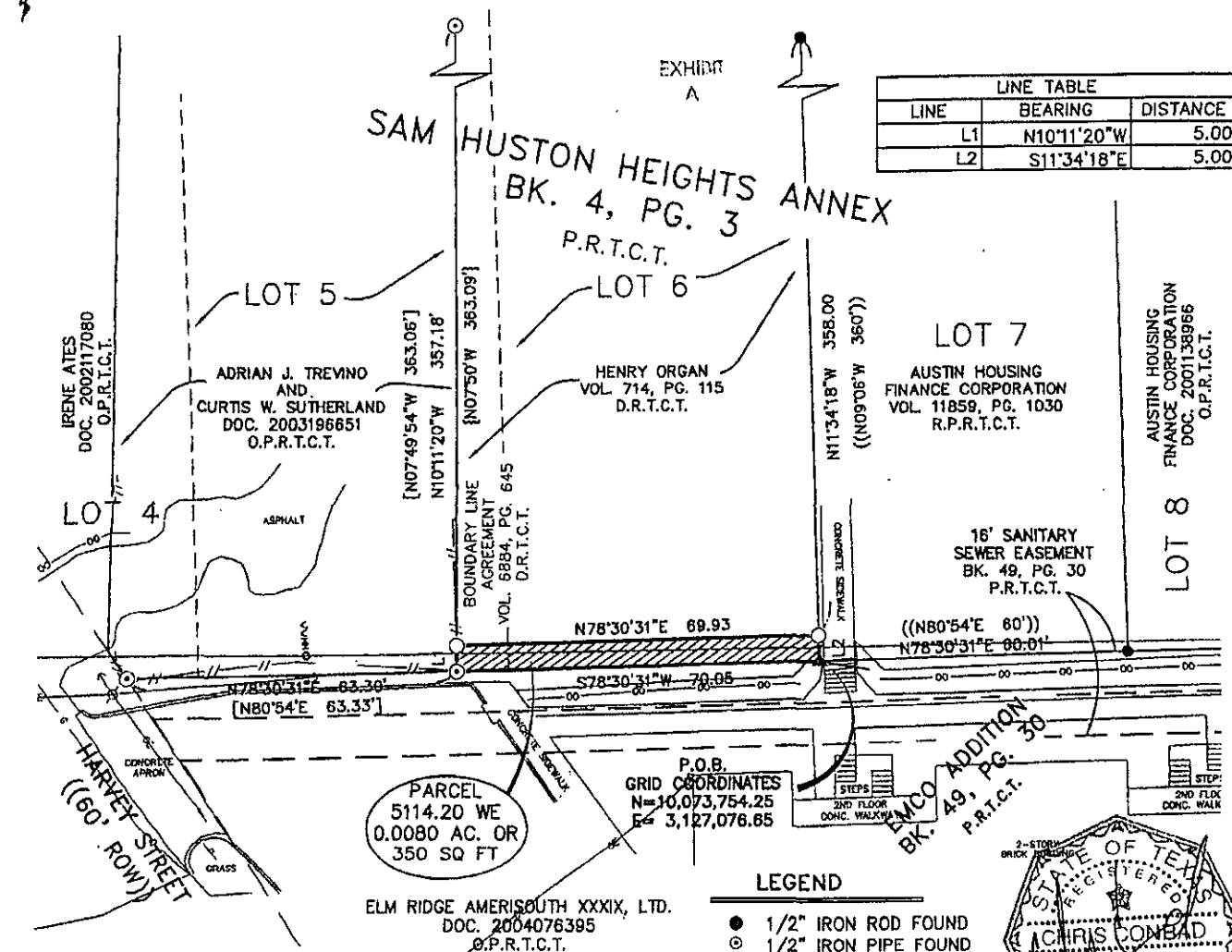
Austin Clean Water Program
Survey Coordinator

RE: CITY OF AUSTIN

SKELETON TO ACCOMPANY DESCRIPTION OF A
TRACT OF LAND, SAME BEING
0.0080 AC. OR 350 SQ. FT. OF LAND OUT OF
LOT 6, AND LOT 5,
SAM HUSTON HEIGHTS ANNEX
AUSTIN, TRAVIS COUNTY, TEXAS

SCALE 1" = 30'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N10°11'20"W	5.00
L2	S11°34'18"E	5.00



NOTES:

1. THE COORDINATES SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD83 (93 HARN) DATUM. THE BEARINGS SHOWN ARE GRID BEARINGS. THESE COORDINATES WERE ESTABLISHED FROM "AUSTIN RRP", A FIXED CONTROL POINT HAVING COORDINATE VALUES OF N=10086515.883, E=3109682.458, AND "BM1078" A TXDOT SURVEY MONUMENT HAVING COORDINATE VALUES OF N=10097010.902, E=3128551.053. HAVING A GRID BEARING OF N80°54'59"E, AND A GRID DISTANCE OF 21590.95 FEET. THE ADJUSTMENT FACTOR IS 1.00005. ALL DISTANCES SHOWN ARE SURFACE DISTANCES.
2. THIS SURVEY WAS PREPARED WITH THE BENEFIT OF A TITLE COMMITMENT.

CHRIS CONRAD, REG. PROF. LAND SURVEYOR NO. 5623 DATE 7/11/05
Note: This copy of this plat is not valid unless an original signature through an original seal appears on its face. There is a description to accompany this plat.

LEGEND

- 1/2" IRON ROD FOUND
- 1/2" IRON PIPE FOUND
- 60D NAIL SET
- △ P.K. NAIL FOUND
- P.O.B. POINT OF BEGINNING
- 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

RECORD INFORMATION

((xxx)) BOOK 4, PAGE 3
[xxx] DOCUMENT NO. 2003196651
[xxx] VOLUME 6884, PAGE 645

REVISED: 07/15/05
PAGE 3 of 3

McGRAY & McGRAY
LAND SURVEYORS, INC.

3301 HANCOCK DRIVE #6
AUSTIN, TEXAS 78731
(512) 451-8591

M: \sdsproj\04-126govalle4\esmts\dwg\lot6_5ftWW REV.dwg TCAD#: 02-0914-02-06 AUSTIN GRID#: L-23 JOB NO.: 05-056