

RESOLUTION NO. 20121101-056

WHEREAS, the City Council was requested to conduct a public hearing to consider the permanent use of approximately 130,283 square feet of land for the construction, operation, maintenance, repair and replacement of a permanent rainwater storage and storm water quality system (the "Proposed Use") through dedicated parkland known as Shoal Beach at Town Lake Park on West Cesar Chavez Street, Austin, Texas to support the Seaholm Power Plant Project; and

WHEREAS, the land being used for the Proposed Use is in two components described as approximately 24,489 square feet of land on the south side of West Cesar Chavez Street described in Exhibit A and approximately 105,794 square feet of land on the north side of West Cesar Chavez Street described in Exhibit B, both within Shoal Beach parkland (collectively, the "Affected Land"); and

WHEREAS, in Ordinance No. 20080410-023, passed and approved by the City Council on April 10, 2008 to be effective April 21, 2008, the City directed and authorized the City Manager to negotiate and execute a Master Development Agreement with Seaholm Development LLC for the redevelopment of the property currently known as the Seaholm Power Plant on West Cesar Chavez Street, Austin, Texas; and

WHEREAS, the City Manager and Seaholm Power Development, LLC executed that Master Development Agreement effective June 17, 2008; and

WHEREAS, the Economic Growth and Redevelopment Services Office ("EGRSO") through the City of Austin's development partner, Seaholm Power Development, LLC, is proposing to utilize parkland for the Proposed Use to support the Seaholm Power Plant Redevelopment project; and

WHEREAS, notice of the public hearing to be held on November 1, 2012 was given for three consecutive weeks on October 7, 14, and 21, 2012 in a newspaper of general circulation; and

WHEREAS, such public hearing was held on November 1, 2012 by the City Council to consider the use of Affected Land for the Proposed Use;

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

Having taken into account clearly enunciated local preferences, the City Council finds that there is no feasible and prudent alternative to the use of the Affected Land for the Proposed Use, and that all reasonable planning has been done to minimize harm to the Affected Land from the Proposed Use. The use of the Affected Land for the Proposed Use is approved.

The City Manager is authorized to take such measures as may be necessary, favorable or required to effectuate the purpose and intent of this resolution.

ADOPTED: November 1, 2012

ATTEST:

Janette L. Gentry
Shirley A. Gentry
City Clerk

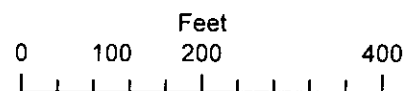
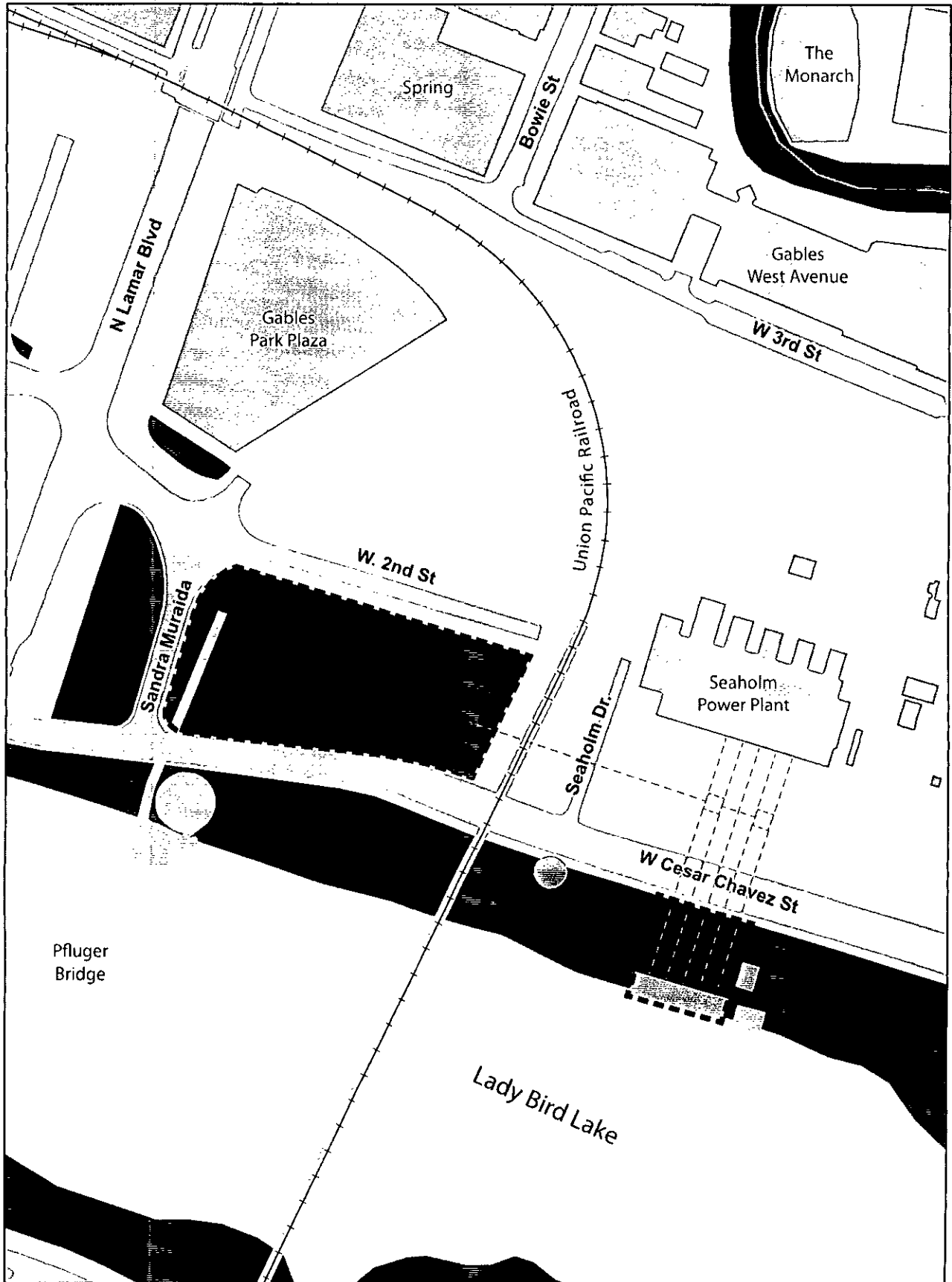


EXHIBIT " _ "

(WATER EASEMENT)

0.562 ACRE
SEAHOLM
CITY OF AUSTIN

FN.NO. 12-355(ACD)
AUGUST 22, 2012
BPI NO. 1576-02

DESCRIPTION

OF A 0.562 ACRE TRACT, SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN TRACT CALLED "TRACT (b)" DEDICATED AS PARK LAND BY CITY OF AUSTIN ORDINANCE NO. 850502-U; ALSO BEING A PORTION OF THAT CERTAIN 4.746 ACRE TRACT DESCRIBED IN AN AFFADAVIT OF DEED RECORDATION, OF RECORD IN DOCUMENT NO. 2006014196, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.562 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING, for reference, at a 1/2-inch iron rod found at the southeasterly corner of Lot 1, Seaholm Subdivision, of record in Document No. 201100062, of said Official Public Records, being the intersection of the westerly right-of-way line of West Avenue (R.O.W. Varies) and the northerly right-of-way line of West Cesar Chavez Street (Undedicated/R.O.W. Varies);

THENCE, S41°17'56"W, leaving the southerly line of said Lot 1, over and across said 4.746 acre tract and said West Cesar Chavez Street right-of-way, a distance of 104.40 feet to a calculated point in the southerly curb line of said West Cesar Chavez Street, for the **POINT OF BEGINNING** and northeasterly corner hereof;

THENCE, S16°37'42"W, leaving the southerly curb line of said West Cesar Chavez Street, in part over and across said 4.746 acre tract and in part over and across said Tract (b), for the easterly line hereof, a distance of 167.90 feet to calculated point in the southerly line of said Tract (b), being the northerly edge of Town Lake, for the southeasterly corner hereof;

THENCE, N73°26'04"W, along the northerly edge of Town Lake, being the southerly line of said Tract (b), for the southerly line hereof, a distance of 145.88 feet to a calculated point, for the southwesterly corner hereof;

THENCE, N16°37'42"E, leaving the northerly edge of Town Lake, over and across said Tract (b), for the westerly line hereof, a distance of 167.83 feet to a calculated point in the northerly line of said Tract (b), being in the southerly curb line of said West Cesar Chavez Street, for the northwesterly corner hereof, from which a 1/2-inch iron rod found at the southwesterly corner of said Lot 1 bears N32°09'27"W, a distance of 148.72 feet;

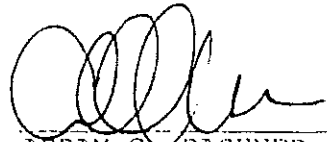
FN12-355 (ACD)
AUGUST 22, 2012
PAGE 2 of 2

THENCE, S73°27'48"E, in par along the northerly line of said Tract (b) and in part over and across said 4.746 acre tract, generally with the southerly curb line of said West Cesar Chavez Street, for the northerly line hereof, a distance of 145.88 feet to the POINT OF BEGINNING, and containing 0.562 acre (24,489 square feet) of land, more or less, within these metes and bounds.

BASIS OF BEARINGS: IS REFERENCED TO THE TEXAS COORDINATE SYSTEM, NAD 83(93) CENTRAL ZONE, UTILIZING WESTERN DATA SYSTEMS CONTINUALLY OPERATING REFERENCE NETWORK. THE DISTANCES STATED HEREON ARE SURFACE VALUES.

I, ABRAM C. DASHNER, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE ABOVE DESCRIPTION WAS DETERMINED BY A SURVEY MADE ON THE GROUND BY ME OR UNDER MY DIRECTION AND SUPERVISION, AND IS TRUE AND CORRECT TO THE BEST OF MY ABILITIES. A SURVEY SKETCH WAS PREPARED TO ACCOMPANY THIS DESCRIPTION.

BURY+PARTNERS
ENGINEERS-SURVEYORS
221 WEST SIXTH
AUSTIN, TEXAS 78701

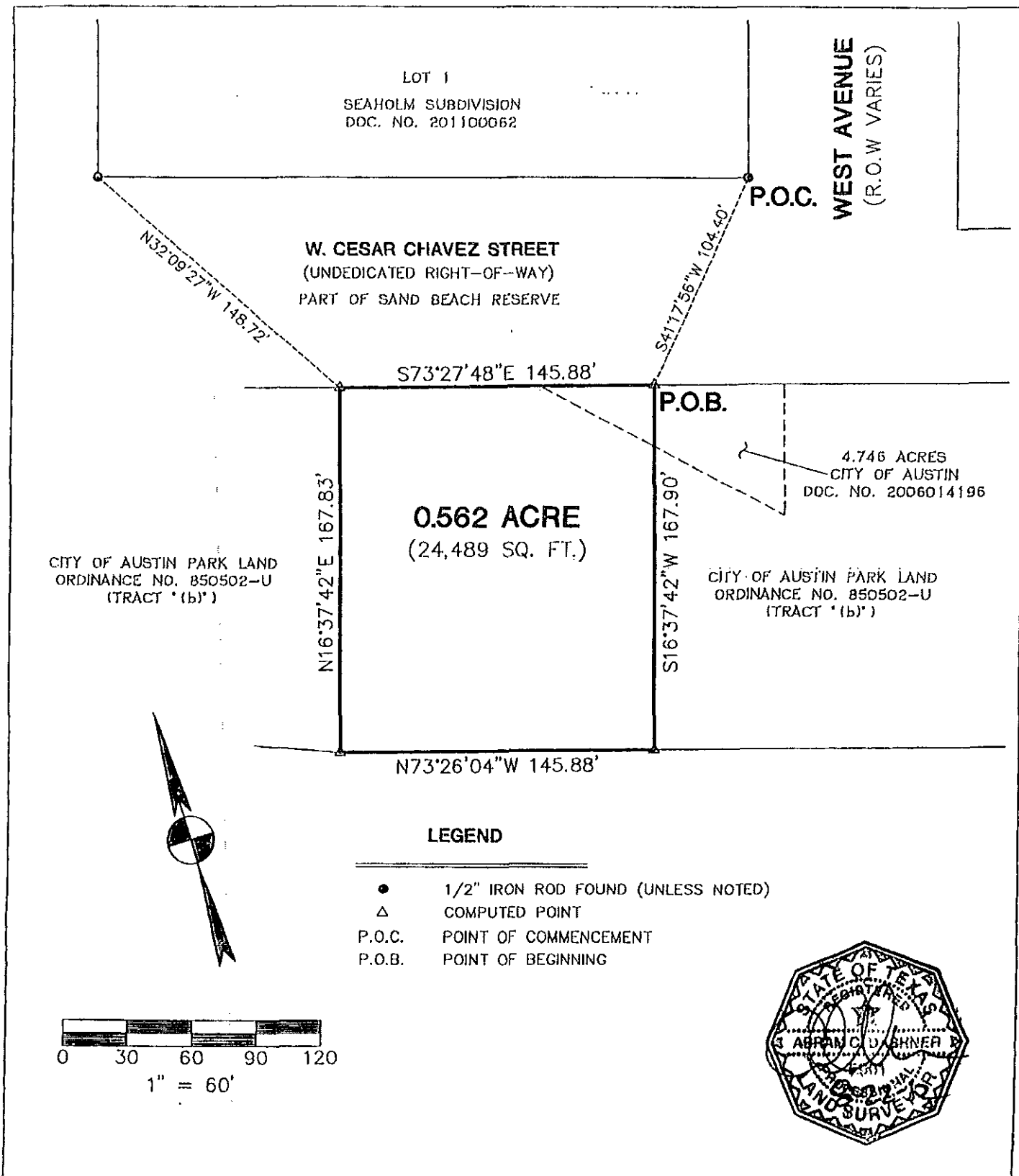

ABRAM C. DASHNER
R.P.L.S. NO. 5901

8-22-12

REFERENCES

TCAD Map No. 01-0602





Bury+Partners

221 West Sixth Street, Suite 600
Austin, Texas 78701
Tel. (512)328-0011 Fax (512)328-0325
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SKETCH TO ACCOMPANY DESCRIPTION
OF A 0.562 TRACT OF LAND SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN TRACT (CALLED "TRACT (b)") DEDICATED AS PARK LAND BY CITY OF AUSTIN ORDINANCE NO. 850502-U; ALSO BEING A PORTION OF THAT CERTAIN 4.746 ACRE TRACT DESCRIBED IN AN AFFIDAVIT OF DEED RECORDATION, OF RECORD IN DOCUMENT NO. 2006014196, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

**SEAHOLM
REDEVELOPMENT
PROJECT**

DATE: 08/22/12 FILE: H:\1576\02\157602EX5.DWG

FN No.: FN12-355(ACD) DRAWN BY: ACD

PROJ. No: 1576-02

H:\1576\02\157602EX5.dwg Aug 22, 12 1:47 PM by: adashner

EXHIBIT "B"

(PARK LAND DEDICATION)

2.429 ACRES
SAND BEACH RESERVE

FN 08-533(KWA)
AUGUST 27, 2008
BPI JOB NO. 082-44

DESCRIPTION

OF 2.429 ACRES OF LAND OUT OF THE JAMES ROGERS SURVEY NO. 6, ABSTRACT 660, SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 77 ACRE TRACT CONVEYED TO THE CITY OF AUSTIN, BY DEED OF RECORD IN VOLUME 769, PAGE 57 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, ALSO BEING A PORTION OF THOSE CERTAIN 0.609 ACRE AND 0.807 ACRE TRACTS CONVEYED TO THE CITY OF AUSTIN, BY DEEDS OF RECORD UNDER DOCUMENT NOS. 2002000252 AND 2003282535, RESPECTIVELY, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 2.429 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING, for reference, at a 1/2-inch iron rod found on the easterly right-of-way line of South Lamar Boulevard (200' R.O.W.), being on the northerly line of said 77 acre tract, also being the southwesterly corner of Lot A, Jetco Partners International Resubdivision One, of record in Volume 83, Page 184A, of the Plat Records of Travis County, Texas, from which a 1/2 inch iron rod found at an angle point in the southerly line of said Lot A bears S57°15'21"E, a distance of 127.29 feet;

THENCE, S28°37'57"E, leaving said easterly right-of-way line of South Lamar Boulevard, over and across said 77 acre tract, a distance of 261.71 feet to a 1/2-inch iron rod with cap stamped "BPI" set for the POINT OF BEGINNING and northwesterly corner hereof;

THENCE, over and across said 77 acre tract, said 0.609 acre tract and said 0.807 acre tract, for the northerly line hereof, the following two (2) courses and distances:

- 1) S72°55'48"E, a distance of 453.53 feet to a 1/2-inch iron rod with cap stamped "BPI" set at the beginning of a non-tangent curve to the right;
- 2) Along said curve, having a radius of 294.29 feet, a central angle of 00°56'08", an arc length of 4.81 feet, and a chord which bears S72°27'44"E, a distance of 4.81 feet to a 1/2-inch iron rod with cap stamped "BPI" set on the easterly line of said 0.807 acre tract, being the westerly line of that certain tract of land conveyed to International & Great Northern Railroad by deed of record in Volume 37, Page 424 and Volume 47, Page 419, both of the said Deed Records, for the northeasterly corner hereof, from which a 1/2-inch iron pipe found at a point of curvature in the easterly line of said 0.807 acre tract bears N25°48'40"E, a distance of 27.58 feet;

THENCE, S25°48'40"W, along the westerly line of said International & Great Northern Railroad tract, being, in part, the easterly line of said 0.807 acre tract and, in part over and across said 77 acre tract, for the easterly line hereof, a distance of 199.15 feet to a 1/2-inch iron rod with cap stamped "BPI" set at the intersection of the westerly line of said International & Great Northern Railroad tract and the northerly back of curb line of existing West 1st Street/West Cesar Chavez Street, for the southeasterly corner hereof;

THENCE, continuing over and across said 77 acre tract, along the northerly back of curb line of West 1st Street/West Cesar Chavez Street, for the southerly line hereof, the following two (2) courses and distances:

- 1) Along a non-tangent curve to the left, having a radius of 695.00 feet, a central angle of $15^{\circ}07'07''$, an arc length of 183.39 feet, and a chord which bears $N77^{\circ}24'45''W$, a distance of 182.86 feet to a 1/2-inch iron rod with cap stamped "BPI" set at the end of said curve;
- 2) $N83^{\circ}29'53''W$, a distance of 252.45 feet to a 1/2-inch iron rod with cap stamped "BPI" set for the southwesterly corner hereof;

THENCE, leaving said northerly back of curb line of West 1st Street/West Cesar Chavez Street, continuing over and across said 77 acre tract, for the westerly line hereof, the following three (3) courses and distances:

- 1) Along a non-tangent curve to the right, having a radius of 30.00 feet, a central angle of $100^{\circ}04'29''$, an arc length of 52.40 feet, and a chord which bears $N33^{\circ}27'38''W$, a distance of 45.99 feet to a 1/2-inch iron rod with cap stamped "BPI" set at the end of said curve;
- 2) $N16^{\circ}34'37''E$, a distance of 148.76 feet to a 1/2-inch iron rod with cap stamped "BPI" set at the beginning of a non-tangent curve to the right;
- 3) Along said curve, having a radius of 102.16 feet, a central angle of $51^{\circ}24'21''$, an arc length of 91.66 feet, and a chord which bears $N43^{\circ}18'19''E$, a distance of 88.61 feet to the POINT OF BEGINNING, and containing 2.429 acres (105,794 square feet) of land, more or less, within these metes and bounds.

BEARING BASIS OF THIS SURVEY IS THE TEXAS COORDINATE SYSTEM, NAD 83, CENTRAL ZONE REFERENCED TO CITY OF AUSTIN MONUMENTS NO. H-22-3001 AND NO. H-22-2001.

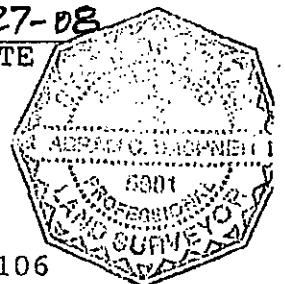
I, ABRAM C. DASHNER, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION. A SURVEY EXHIBIT WAS PREPARED TO ACCOMPANY THIS FIELDNOTE DESCRIPTION.

BURY & PARTNERS, INC.
ENGINEERING SOLUTIONS
221 WEST SIXTH ST.,
SUITE 600
AUSTIN, TEXAS 78701



ABRAM C. DASHNER
NO. 5901
STATE OF TEXAS

8-27-08
DATE



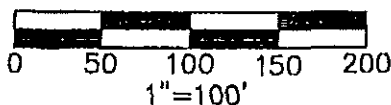
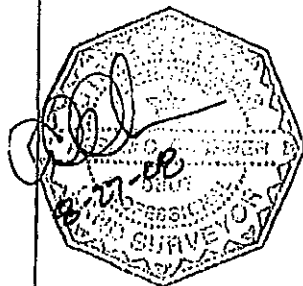
REFERENCES

TCAD PARCEL NOS. 01-0602-0204, 01-0602-0205, 01-0500-0106

1/2 REVIEWED: 4/10/08 12-15-2008
O.A. - EAP - PUBLIC WORKS.
AUSTIN GRID H-22

CURVE TABLE

No.	DELTA	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	100°04'29"	30.00	52.40	45.99	N33°27'38"W
C2	51°24'21"	102.16	91.66	88.61	N43°18'19"E
C3	0°56'08"	294.29	4.81	4.81	S72°27'44"E
C4	15°07'07"	695.00	183.39	182.86	N77°24'45"W



0.609 ACRES
CITY OF AUSTIN
DOCUMENT NO. 2002000252

2.582 ACRES
LG LAMAR LIMITED
PARTNERSHIP
DOCUMENT NO. 2006004117

1.94 ACRES—LOT A
JETCO PARTNERS
INTERNATIONAL
RESUBDIVISION ONE
BOOK 83, PAGE 184A

2.429 ACRES
(105,794 SQ. FT.)

CITY OF AUSTIN
SAND BEACH RESERVE
VOLUME 769, PAGE 57

P.O.B.

P.O.C.

LEGEND

- 1/2" IRON ROD FOUND (UNLESS NOTED)
- 1/2" IRON ROD SET
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- ⊙ IRON PIPE FOUND

SOUTH LAMAR BOULEVARD
(200' R.O.W.)

INTERNATIONAL &
GREAT NORTHERN RAILROAD
VOLUME 37, PAGE 424
VOLUME 47, PAGE 419
S25°48'40"W 199.15'

WEST 1ST STREET/WEST CESAR CHAVEZ STREET
(UNDEDICATED R.O.W.)

Bury+Partners

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221 West Sixth Street, Suite 600
Austin, Texas 78701
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**CITY OF AUSTIN
SAND BEACH**

DATE: 08/27/08 FILE: H:\082\44\08244EX5.dwg

FN No.: FND8-533KWA

DRAWN BY: KWA

PROJ. No: 082-44