

**RESOLUTION NO. 20121108-063**

**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 owner 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 owner 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: Club Deal 120 Whisper Valley, Limited Partnership

Project: The 345 kV Austrop to Dunlap Transmission Line Project

Public Use: The electric easement described in the attached Exhibit "A" is necessary to construct, operate, repair, upgrade, replace and maintain a permanent electric transmission line for the purpose of providing electric utility services to the public.

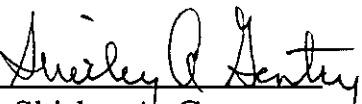
Location: (No physical address)

The general route of the project runs west from the Austrop Substation located on Blake-Manor Road to the Dunlap Substation that is under construction east of Taylor Lane. The easements run along and parallel to the south side of an existing city of Austin electric transmission easement.

Property: Described in the attached and incorporated Exhibit A.

**ADOPTED:** November 8, 2012

**ATTEST:**

  
Shirley A. Gentry  
City Clerk



## EXHIBIT "A"

**SURVEY PLAT OF AN ELECTRIC EASEMENT BEING A STRIP OF LAND HAVING AN AREA OF 4.433 ACRES OR 193096 SQUARE FEET OF LAND IN JAMES GILLELAND SURVEY NUMBER 13, ABSTRACT NUMBER 12, IN TRAVIS COUNTY, TEXAS, SAID 4.433 ACRE ELECTRIC EASEMENT CROSSING OVER A PORTION OF THAT CALLED 247.156 ACRE TRACT OF LAND DESCRIBED TO CLUB DEAL 120 WHISPER VALLEY, LIMITED PARTNERSHIP IN THAT CERTAIN SPECIAL WARRANTY DEEDS AS RECORDED IN DOCUMENT NUMBER 2006152073 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 4.433 ACRE ELECTRIC EASEMENT BEING SHOWN ON A PLAT LABELED EXHIBIT "B" ATTACHED HERETO AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOW:**

**BEGINNIN** at a one-half inch iron rod found (Grid Coordinates of Y(N) 10076159.860, X(E) 3177786.590 Texas Central Zone 4203, NAD83) for the north corner of the remainder of that called 130.683 acre tract of land described to Fannie Ruth Salyer in those certain two Special Warranty Deeds as recorded in Volume 13149, Page 383, of the Real Property Records of Travis County, Texas and in that Document Number 1999019515 of the Official Public Records of Travis County, Texas, same being the west corner of the Whisper Valley 247.156 acre tract of land and the herein described 4.433 acre electric easement, same being the north corner of that certain City of Austin electric and telephone line easement as recorded in Volume 3270, Page 2353, of the Deed Records of Travis County, Texas and a point on the southeast Right of Way line of Taylor Lane, a road in Travis County, Texas;

**THENCE** North 27°13'26" East, along the common dividing line of the said 247.156 acre Whisper Valley tract of land and the said Taylor Lane a distance of 34.00 feet to a point for the north corner of and **POINT OF BEGINNING** of the herein described 4.433 acre electric easement and a point on last said common dividing line, from this point a one-half inch iron rod found for an angle point on the common dividing line of the said Taylor Lane and the said 247.156 acre Whisper Valley tract of land bears North 27°13'26" East, a distance of 882.26 feet;

**THENCE** crossing over the said Whisper Valley 247.156 acre tract of land the following seven (7) courses:

- 1) South 62°02'19" East, a distance of 1037.33 feet to a point for an interior angle corner of the herein described 4.433 acre electric easement;
- 2) North 27°57'41" East, a distance of 23.00 feet to a point for an exterior angle corner of the herein described 4.433 acre electric easement;
- 3) South 62°02'19" East, a distance of 1345.00 feet to a point for an exterior angle corner of the herein described 4.433 acre electric easement;
- 4) South 27°57'41" West, a distance of 21.00 feet to a point for an interior angle corner of the herein described 4.433 acre electric easement;
- 5) South 62°02'19" East, a distance of 1027.51 feet to a point for an interior angle corner of the herein described 4.433 acre electric easement;
- 6) North 27°57'41" East, a distance of 5.00 feet to a point for an exterior angle corner of the herein described 4.433 acre electric easement;

(SURVEY PLAT OF AN ELECTRIC EASEMENT BEING A STRIP OF LAND HAVING AN AREA OF 4.433 ACRES OR 193096 SQUARE FEET OF LAND IN JAMES GILLELAND SURVEY NUMBER 13, ABSTRACT NUMBER 12, IN TRAVIS COUNTY, TEXAS)

- 7) South 62°02'19" East, a distance of 1077.17 feet to a point for the east corner of the herein described 4.433 acre electric easement, same being a point on the common dividing line of the said Whisper Valley 247.156 acre tract of land and that called Tract One: 43.83 acres described to Beard & Beard Investments, LP., in that certain Warranty Deed With Vendor's Lien as recorded in Document Number 2007079955 of the Official Public Records of Travis County, Texas and from this point a six inch treated wood post found for an interior angle corner of the said Whisper Valley 247.156 acre tract of land, same being an interior angle corner of the said Beard & Beard 43.83 acre tract of land bears North 26°38'13" East, a distance of 44.46 feet;

**THENCE** South 26°38'13" West, a distance of 41.01 feet to a wood corner post found for the south corner of the herein described 4.433 acre electric easement and the said Whisper Valley 247.156 acre tract of land, same being the east corner of the said Salyer 130.383 acre remainder tract of land and the east corner of the said City of Austin electric and telephone line easement, for a point on the northeast line of the said Beard & Beard 43.83 acre tract of land;

**THENCE** North 62°02'19" West, coincidence with the northeast line of the said City of Austin electric and telephone line easement, same being the common dividing line of the said Whisper Valley 247.165 acre tract of land and the said Salyer 130.683 acre remainder tract of land a distance of 4487.52 feet to POINT OF BEGINNING and containing 4.433 acres (193096 square feet) of land more or less.

**BASIS OF BEARINGS: GRID NORTH, TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL ZONE 4203, NAD83.**

I hereby certify that these field notes were prepared from an on the ground survey made under my supervision in May 2012.

Prepared By: **AUSTIN ENERGY**

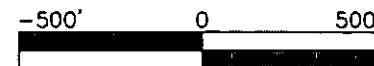
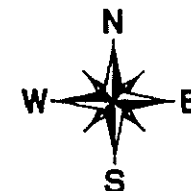
*Robert C. Steubing* 05-10-2012  
Robert C. Steubing Registered Professional Land Surveyor No. 5548



SKETCH OF AN ELECTRIC EASEMENT OF 4.433 ACRES (193096 SQ. FT.) IN THE JAMES GILLELAND SURVEY NUMBER 13, ABSTRACT NUMBER 12, TRAVIS COUNTY, TEXAS AND CROSSING OVER A PORTION OF THAT CALLED 247.156 ACRE TRACT OF LAND DESCRIBED TO CLUB DEAL 120 WHISPER VALLEY, LIMITED PARTNERSHIP AS RECORDED IN DOCUMENT NUMBER 2006152073 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

## EXHIBIT "B"

NUM	BEARING	DISTANCE
L1	N27°13'26"E	34.00'
L2	N27°57'41"E	23.00'
L3	S27°57'41"W	21.00'
L4	N27°57'41"E	5.00'
L5	N26°38'13"E	44.46'
L6	S26°38'13"W	41.01'



Scale 1" = 500'

Club Deal 120 Whisper Valley, Limited Partnership  
Special Warranty Deed  
Document 2006152073 OPRTCT  
Called 247.156 Acres

JAMES GILLELAND SURVEY NO. 13  
ABSTRACT NUMBER 12

Fannie Ruth Salyer  
Life Estate  
Special Warranty Deeds  
Vol 13149 Pg 383 RPRTCT  
Document 1999019515 OPRTCT  
A Remainder Of 130.683 Acres

City Of Austin  
Condemnation  
Cause No. C-1-CV-10-011819  
Document Number 2011089534 OPRTCT  
Exhibit "C", 20.67 Acres

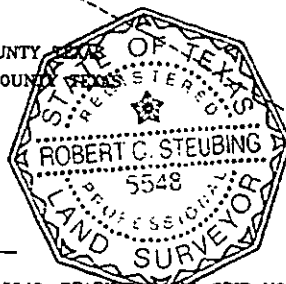
Fannie Ruth Salyer  
Life Estate  
Special Warranty Deeds  
Vol 13149 Pg 383 RPRTCT  
Document 1999019515 OPRTCT  
A Remainder Of 130.683 Acres

Reard & Beard Investments, LP  
Warranty Deed With Vendor's Lien  
Doc. 2007070055 OPRTCT  
Called Tract One: 43.83 Acres

### LEGEND

- 1/2" IRON ROD FOUND
- ⊙ WOOD CORNER POST FOUND
- POB = POINT OF BEGINNING
- POC = POINT OF COMMENCEMENT
- OPRTCT = OFFICE PUBLIC RECORDS TRAVIS COUNTY TEXAS
- RPRTCT = REAL PROPERTY RECORDS TRAVIS COUNTY TEXAS

AS SURVEYED BY:  
AUSTIN ENERGY



*Robert C. Steubing* 05.10.2012  
ROBERT C. STEUBING

REGISTERED PROFESSIONAL LAND SURVEYOR No. 5548 BEARING 1983: GRID NORTH, TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL ZONE 4203, NAD83