

RESOLUTION NO. 20121206-077

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: Beard & Beard Investments, LP

Project: The 345 kV Austrop to Dunlap Transmission Line Project

Public Use: The electric easements described in the attached Exhibits "A-Parcel 3" and "B-Parcel 3, and Exhibits "A-Parcel 4" and B-Parcel 4" are 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 north and south sides of an existing City of Austin electric transmission easement.

Property: Described in the attached and incorporated Exhibits A-Parcel 3 and B-Parcel 3, and Exhibits A-Parcel 4 and B-Parcel 4.

ADOPTED: December 6, 2012

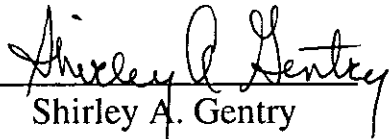
ATTEST: 
Shirley A. Gentry
City Clerk



EXHIBIT "A" (Parcel 3)

SURVEY PLAT OF AN ELECTRIC EASEMENT COMPRISED OF TWO (2) STRIPS OF LAND HAVING AREAS OF 0.947 ACRES (41238 SQUARE FEET OF LAND) AND AN AREA OF 0.832 ACRES (36251 SQUARE FEET OF LAND) FOR A TOTAL COMBINED AREA OF 1.779 ACRES (77489 SQUARE FEET OF LAND) IN JAMES GILLELAND SURVEY NUMBER 13, ABSTRACT NUMBER 12, IN TRAVIS COUNTY, TEXAS, SAID STRIPS OF LAND CROSSING OVER A PORTION OF THAT CALLED 43.83 ACRE TRACT OF LAND DESCRIBED TO BEARD & BEARD INVESTMENTS, LP., IN THAT CERTAIN WARRANTY DEED WITH VENDOR'S LINE AS RECORDED IN DOCUMENT NUMBER 2007079955 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.947 ACRE ELECTRIC EASEMENT AND SAID 0.832 ACRE ELECTRIC EASEMENTS BEING SHOWN ON A PLAT LABELED EXHIBIT "B" ATTACHED HERETO AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOW:

(First Strip: 0.947 Acre Electric Easement)

BEGINNING at a wood corner post found (Grid Coordinates of Y(N) 10074055.760, X(E) 3181753.250 Texas Central Zone 4203, NAD83) for the west corner of the herein described 0.947 acre electric easement, same being the east corner of that called 130.683 acre tract of land described to Fannie Ruth Salyer in those certain two Special Warranty Deed as recorded in Volume 13149, Page 383, of the Real Property Records of Travis County, Texas and recorded in Document Number 1999019515 of the Official Public Records of Travis County, Texas, same being the south corner of that called 247.156 acre tract of land described to Club Deal 120 Whisper Valley, Limited Partnership in that certain Special Warranty Deed as recorded in Document Number 2006152073 of the Official Public Records of Travis County, Texas, same being the north corner of that certain City of Austin electric and telephone line easement as recorded in Volume 3270, Page 2361, of the Deed Records of Travis County, Texas and a point on the northwest line of the said Beard & Beard 43.83 acre tract of land;

THENCE North 26°38'13" East, along the common dividing line of the said Whisper Valley 247.156 acre tract of land and the said Beard & Beard 43.83 acre tract of land a distance of 41.01 feet to a point for the north corner of the herein described 0.947 acre electric easement and from this point a six inch treated post found for an angle corner of the said Whisper Valley 247.156 acre tract and the said Beard & Beard 43.83 acre tract of land bears North 26°38'13" East, a distance of 44.46 feet;

THENCE crossing over the said Beard & Beard 43.83 acre tract of land the following (3) three courses:

- 1) South 62°02'19" East, a distance of 33.02 feet to a point for an interior angle corner of the herein described 0.947 acre electric easement;
- 2) North 29°55'14" East, a distance of 9.89 feet to a point for an exterior angle corner of the herein described 0.947 acre electric easement;

(SURVEY PLAT OF AN ELECTRIC EASEMENT COMPRISED OF TWO (2) STRIPS OF LAND HAVING A TOTAL COMBINED AREA OF 1.779 ACRES OR 77489 SQUARE FEET OF LAND IN JAMES GILLELAND SURVEY NUMBER 13, ABSTRACT NUMBER 12, IN TRAVIS COUNTY, TEXAS)

- 3) South $58^{\circ}16'52''$ East, a distance of 763.71 feet to a point for the east corner of the herein described 0.947 acre electric easement, same being a point on the common dividing line of the said Beard & Beard 43.83 acre tract of land and that called 21.05 acre tract of land described to Beard & Beard Investments, LP., in that certain Warranty Deed With Vendor's Lien as recorded in Document Number 2007104959 of the Official Public Records of Travis County, Texas and from this point a three-eighths inch iron rod found for the most westerly north corner of the said Beard & Beard 21.05 acre tract of land, same being a interior angle corner of the said Beard & Beard 43.83 acre tract of land bears North $25^{\circ}09'23''$ East, a distance of 227.23 feet;

THENCE South $25^{\circ}09'23''$ West, along the common dividing line of the said Beard & Beard 43.83 acre tract of land and the said Beard & Beard 21.05 acre tract of land a distance of 0.34 feet to a one-half inch iron rod found for an interior angle corner of the herein described 0.947 acre electric easement, same being an angle corner of the said two Beard & Beard tracts of land;

THENCE South $24^{\circ}18'25''$ West, along the last said common dividing line a distance of 53.35 feet to a point for the south corner of the herein described 0.947 acre electric easement, same being the east corner of the said the City of Austin electric and telephone line easement and a point on the two Beard & Beard tracts of land, from this point a five-eighths inch iron rod found for an exterior angle corner of the said Beard & Beard 43.83 acre tract of land, same being interior angle corner of the said Beard & Beard 21.05 acre tract of land bears South $24^{\circ}18'25''$ West, a distance of 28.87 feet;

THENCE coincidence with the northeast line of the said City of Austin electric and telephone line easement and crossing over the said Beard & Beard 43.83 acre tract of land the following two (2) courses:

- 1) North $58^{\circ}06'46''$ West, a distance of 770.59 feet to a point for an interior angle corner of the herein described 0.947 acre electric easement, same being an exterior angle corner of the said City of Austin electric and telephone line easement;
- 2) North $62^{\circ}02'19''$ West, a distance of 29.10 feet to the **POINT OF BEGINNING** and containing 0.947 acres (41238 square feet) of land more or less.

(Second Strip: 0.832 Acre Electric Easement)

COMMENCING for reference at a wood corner post found (Grid Coordinates of Y(N) 10074055.760, X(E) 3181753.250 Texas Central Zone 4203, NAD83) for the west corner of the First Strip described herein 0.947 acre electric easement, same being the east corner of that called 130.683 acre tract of land described to Fannie Ruth Salyer in those certain two Special Warranty Deed as recorded in Volume 13149, Page 383, of the Real Property Records of Travis County, Texas and recorded in Document Number 1999019515 of the Official Public Records of Travis County, Texas, same being the south corner of that called 247.156 acre tract of land described to Club Deal 120 Whisper Valley, Limited Partnership in that certain Special Warranty Deed as recorded in Document Number 2006152073 of the Official Public Records of Travis County, Texas, same being the north corner of that certain City of Austin electric and telephone line

(SURVEY PLAT OF AN ELECTRIC EASEMENT COMPRISED OF TWO (2) STRIPS OF LAND HAVING A TOTAL COMBINED AREA OF 1.779 ACRES OR 77489 SQUARE FEET OF LAND IN JAMES GILLELAND SURVEY NUMBER 13, ABSTRACT NUMBER 12, IN TRAVIS COUNTY, TEXAS)

casement as recorded in Volume 3270, Page 2361, of the Deed Records of Travis County, Texas and a point on the northwest line of the said Beard & Beard 43.83 acre tract of land;

THENCE South 25°48'58" West, along the common dividing line of the said Salyer 130.683 acre tract of land and the said Beard 43.83 acre tract of land, same being the northwest line of the said City of Austin electric and telephone line easement, a distance of 100.12 feet to a point for the north corner of and **POINT OF BEGINNING** of the herein described 0.832 acre electric easement, same being a point on the last said common dividing line and the west corner of the City of Austin electric and telephone line easement;

THENCE coincidence with the southwest line of the said City of Austin electric and telephone line easement and crossing over the said Beard & Beard 43.83 acre tract of land the following two (2) courses:

- 1) South 62°18'17" East, a distance of 21.63 feet to a point for an exterior angle corner of the herein described 0.832 acre electric easement, same being the interior angle corner of the said City of Austin electric and telephone line easement;
- 2) South 58°06'52" East, a distance of 775.23 feet to a point for the east corner of the herein described 0.832 acre electric easement, same being the south corner of the City of Austin electric and telephone line easement and a point on the common dividing line of the said two Beard & Beard tracts of land and from this point a five-eighths inch iron rod found for an exterior angle corner of the said Beard & Beard 43.83 acre tract of land, same being interior angle corner of the said Beard & Beard 21.05 acre tract of land bears North 28°41'55" East, a distance of 71.44 feet;

THENCE South 28°41'55" West, along the common dividing line of the said Beard & Beard 43.83 acre tract of land and the said Beard & Beard 21.05 acre tract of land a distance of 44.78 feet to a point for the south corner of the herein described 0.832 acre electric easement and a point on the last said common dividing line, from this point a T-Post found for an exterior angle corner of the said Beard & Beard 43.83 acre tract of land, same being an interior angle corner of the said Beard & Beard 21.05 acre tract of land bears South 28°41'55" West, a distance of 29.94 feet;

THENCE crossing over the said Beard & Beard 43.83 acre tract of land the following three (3) courses:

- 1) North 58°16'24" West, a distance of 774.26 feet to a calculated point for an exterior angle corner of the herein described 0.832 acre electric easement;
- 2) North 29°55'07" East, a distance of 9.94 feet to a calculated point for an interior angle corner of the herein described 0.832 acre electric easement;
- 3) North 62°02'19" West, a distance of 20.84 feet to a calculated point for the west corner of the herein described 0.832 acre electric easement, same being a point on the common dividing line of the said Beard & Beard 43.83 acre tract of land and the said Salyer 130.683 acre tract of land, from this point a one-half inch iron rod found for the west corner of the said Beard & Beard 43.83 acre tract of land bears South 25°48'58" West, a distance of 325.84 feet;

THENCE North 25°48'58" East, along the common dividing line of the said Beard & Beard 43.83 acre tract of land and the said Salyer 130.683 acre tract of land a distance of 36.98 feet to the **POINT OF BEGINNING** and containing 0.832 acres (36251 square feet) of land more or less.

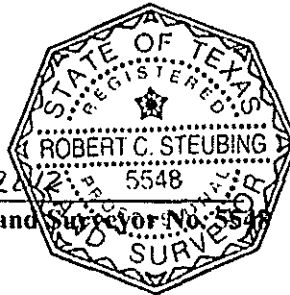
(SURVEY PLAT OF AN ELECTRIC EASEMENT COMPRISED OF TWO (2) STRIPS OF LAND HAVING A TOTAL COMBINED AREA OF 1.779 ACRES OR 77489 SQUARE FEET OF LAND IN JAMES GILLELAND SURVEY NUMBER 13, ABSTRACT NUMBER 12, IN TRAVIS COUNTY, TEXAS)

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 COMPRISED OF 0.947 ACRE (41238 SQ. FT.) AND A 0.832 ACRE (36261 SQ. FT.) TRACTS OF LAND IN THE JAMES GUILLELAND SURVEY NUMBER 13, ABSTRACT NUMBER 12, TRAVIS COUNTY, TEXAS AND CROSSING OVER A PORTION OF THAT CALLED TRACT ONE: 43.83 ACRES DESCRIBED TO BEARD & BEARD INVESTMENTS, LP, AS RECORDED IN DOCUMENT NUMBER 2007079965 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

EXHIBIT "B"

JAMES GUILLELAND SURVEY NO. 13 ABSTRACT NUMBER 12

N/M	BEARING	DISTANCE
L1	N26°38'13"E	41.01'
L2	N26°38'13"E	44.46'
L3	S62°02'19"E	33.02'
L4	N29°55'14"E	9.89'
L5	S25°09'23"W	0.34'
L6	S24°18'25"W	53.35'
L7	S24°18'25"W	28.87'
L8	N62°02'19"W	29.10'
L9	S25°48'58"W	100.12'
L10	S62°18'17"E	21.63'
L11	N28°41'55"E	71.44'
L12	S28°41'55"W	44.78'
L13	S28°41'55"W	29.94'
L14	N29°55'07"E	9.94'
L15	N62°02'19"W	20.84'
L16	N25°48'58"E	36.98'

Club Deal 120 Whisper Valley, Limited Partnership
Special Warranty Deed
Document 2006152073 OPRTCT
Called 247,156 Acres

Beard & Beard Investments, LP
Warranty Deed With Vendor's Lien
Doc. 2007079965 OPRTCT
Called Tract One: 43.83 Acres

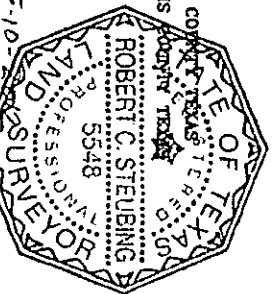
Fannie Ruth Saltyer
Life Estate
Special Warranty Deeds
Vol 13149 Pg 383 RPRTCT
Document 1999019515 OPRTCT
A Remainder Of 130.683 Acres

LEGEND

- 1/2" IRON ROD FOUND
- ⊠ WOOD CORNER POST FOUND
- 5/8" IRON ROD FOUND
- ⊙ T-POST FOUND
- ⊗ 3/8" IRON ROD FOUND
- POB = POINT OF BEGINNING
- POC = POINT OF COMMENCEMENT
- OPRTCT = OFFICE PUBLIC RECORDS TRAVIS COUNTY TEXAS
- RPRTCT = REAL PROPERTY RECORDS TRAVIS COUNTY TEXAS

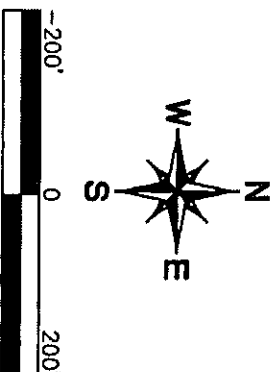
Sylvia G. Krueger
Deed Of Gift
12189/878 RPRTCT
Called 72.453 Acres

Beard & Beard Investments, LP
Warranty Deed With Vendor's Lien
Doc. 2007104959 OPRTCT
Called 21.06 Acres



Robert C. Steuering 05-10-2008
ROBERT C. STEUERING, REGISTERED PROFESSIONAL LAND SURVEYOR No. 5548

BEARING BASIS: GRID NORTH, TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL ZONE 4203, NAD83



Scale 1" = 200'



EXHIBIT "A" (Parcel 4)

SURVEY PLAT OF AN ELECTRIC EASEMENT COMPRISED OF TWO (2) STRIPS OF LAND HAVING AREAS OF 1.460 ACRES (63611 SQUARE FEET OF LAND) AND AN AREA OF 0.882 ACRES (38421 SQUARE FEET OF LAND) FOR A TOTAL COMBINED AREA OF 2.342 ACRES (102032 SQUARE FEET OF LAND) IN JAMES GILLELAND SURVEY NUMBER 13, ABSTRACT NUMBER 12, IN TRAVIS COUNTY, TEXAS, SAID STRIPS OF LAND CROSSING OVER A PORTION OF THAT CALLED 21.05 ACRE TRACT OF LAND DESCRIBED TO BEARD & BEARD INVESTMENTS, LP., IN THAT CERTAIN WARRANTY DEED WITH VENDOR'S LIEN AS RECORDED IN DOCUMENT NUMBER 2007104959 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 1.460 ACRE ELECTRIC EASEMENT AND SAID 0.882 ACRE ELECTRIC EASEMENTS BEING SHOWN ON A PLAT LABELED EXHIBIT "B" ATTACHED HERETO AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOW:

(First Strip: 1.460 Acre Electric Easement)

BEGINNING at a point (Grid Coordinates of Y(N) 10073683.992, X(E) 3182455.356 Texas Central Zone 4203, NAD83) for the north corner of the herein described 1.460 acre electric easement, same being a point on the common dividing line of the said Beard & Beard 21.05 acre tract of land and that called Tract One: 43.83 acre tract of land 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 three-eighths inch iron rod found for the most westerly north corner of the said Beard & Beard 21.05 acre tract of land, same being an interior corner of the said Beard & Beard 43.83 acre tract of land bears North 25°09'23" East, a distance of 227.23 feet;

THENCE crossing over the said Beard & Beard 21.05 acre tract of land the following five (5) courses:

- 1) South 58°16'52" East, a distance of 511.03 feet to a point for an exterior angle corner of the herein described 1.460 acre electric easement;
- 2) South 31°53'14" West, a distance of 15.01 feet to a point for an interior angle corner of the herein described 1.460 acre electric easement;
- 3) South 58°32'13" East, passing the northwest line of that certain one hundred foot electric easement described to Bluebonnet Electric Cooperative, Inc., in that certain Warranty Deed as recorded in Document Number 2008203496 of the Official Public Records of Travis County, Texas, at a distance of about 448 feet, continuing and passing the southeast line of the said Bluebonnet electric easement at about 553 feet, continuing for a **Total Distance of 1013.18 feet** to a point for an exterior angle corner of the herein described 1.460 acre electric easement;
- 4) South 31°27'48" West, a distance of 16.00 feet to a point for an interior angle corner of the herein described 1.460 acre electric easement;
- 5) South 58°37'53" East, a distance of 37.74 feet to a point for the east corner of the herein described 1.460 acre electric easement, same being a point on the common dividing line of

(SURVEY PLAT OF AN ELECTRIC EASEMENT COMPRISED OF TWO (2) STRIPS OF LAND HAVING A TOTAL COMBINED AREA OF 2.342 ACRES (102032 SQUARE FEET OF LAND) IN JAMES GILLELAND SURVEY NUMBER 13, ABSTRACT NUMBER 12, IN TRAVIS COUNTY, TEXAS)

the said Beard & Beard 21.05 acre tract of land and the northwest line of the Brown Cemetery which is a remaining portion of that called 70 acres of land described to Willie Mae Brown and husband, Connie Brown in that certain Warranty Deed as recorded in Volume 6298, Page 2353, of the Deed Records of Travis County, Texas, said Brown Cemetery being partially described in the said Beard & Beard 21.05 acre deed recorded in the said Document Number 2007104959 of the Official Public Records of Travis County, Texas and from this point a five-eighths inch iron rod found for the north corner of the said Brown Cemetery, same being an exterior angle corner of the said Beard & Beard 21.05 acre tract of land and a point on the southwest line of Burleson-Manor Road bears: North 52°08'18" East, a distance of 62.93 feet;

THENCE South 52°08'18" West, along the common dividing line of the said Beard & Beard 21.05 acre tract of land and the said Brown Cemetery tract of land a distance of 21.44 feet to a point for the south corner of the herein described 1.460 acre electric easement, same being a point on the northeast line of that certain City of Austin electric and telephone line easement as recorded in Volume 3267, Page 501, of the Deed Records of Travis County, Texas and from this point a five-eighths inch iron rod found for the west corner of the said Brown Cemetery tract of land, same being an interior angle corner of the said Beard & Beard 21.05 acre tract of land bears: South 52°08'18" West, a distance of 39.19 feet;

THENCE North 58°32'12" West, coincident with a portion of the northeast line of the said City of Austin electric and telephone line easement and crossing over the said Beard & Beard 21.05 acre tract of land, passing at a perpendicular distance of 501.71 feet and 0.62 feet to the right of this course a Lenz capped iron rod found for the south corner of the said Bluebonnet Electric Cooperative easement, continuing and passing at a perpendicular distance of 606.93 feet and 0.55 feet to the right of this course a Lenz capped iron rod found for the west corner of the said Bluebonnet Electric Cooperative easement, continuing for a **Total Distance** of 1547.58 feet to a point for the west corner of the herein described 1.460 acre electric easement, same being a point on the common dividing line of the said Beard & Beard 21.05 acre tract of land and the said Beard & Beard 43.83 acre tract of land, for the a point on the southwest line of the said City of Austin electric and telephone line easement and from this point a five-eighths inch iron rod found for an angle corner of the said two Beard and Beard tracts of land bears: South 24°18'25" West, a distance of 28.88 feet;

THENCE along the common dividing line of the said Beard & Beard 21.05 acre tract of land and the said Beard & Beard 43.83 acre tract of land the following two (2) courses:

- 1) North 24°18'25" East, a distance of 53.35 feet to a point for an angle corner of the said two Beard & Beard tracts of land;
- 2) North 25°09'23" East, a distance of 0.34 feet to the **POINT OF BEGINNING** and containing 1.460 acres (63611 square feet) of land more or less.

(Second Strip: 0.882 Acre Electric Easement)

BEGINNING at a point (Grid Coordinates of Y(N) 10073546.080, X(E) 3182387.059 Texas Central Zone 4203, NAD83) for the north corner of the herein described 0.882 acre electric

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easement, same being a point on the common dividing line of the said Beard & Beard 43.83 acre tract of land and the said Beard & Beard 21.05 acre tract of land, same being a point on the southwest line of the said City of Austin electric and telephone line easement as recorded in the said Volume 3267, Page 501, of the Deed Records of Travis County, Texas and from this point a three-eighths inch iron rod found for the most westerly north corner of the said Beard & Beard 21.05 acre tract of land, same being an interior corner of the said Beard & Beard 43.83 acre tract of land bears the following three (3) courses: North 28°41'55" East, a distance of 71.44 feet to a five-eighths inch iron rod found, North 24°18'25" East, a distance of 82.23 feet to a one-half inch iron rod found and North 25°09'23" East, a distance of 227.23 feet;

THENCE South 58°32'13" East, coincident with a portion of the southwest line of the said City of Austin electric and telephone line easement and crossing over the said Beard & Beard 21.05 acre tract of land a distance of 1282.03 feet to a point for the east corner of the herein described 0.882 acre tract of land, same being a point on the common dividing line of the said Beard & Beard 21.05 acre tract of land and the said Brown 70 acre remainder tract of land, from this point a five-eighths inch iron rod found for the south corner of the said Brown Cemetery, same being exterior angle corner of the said Brown 70 acre remainder tract of land, same being the southeast corner of the said Beard & Beard 21.05 acre tract of land bears: South 61°25'45" East, a distance of 375.06 feet;

THENCE along the common dividing line of the said Beard & Beard 21.05 acre tract of land and the said Brown 70 acre remainder tract of land the following two (2) courses:

- 1) North 61°25'45" West, a distance of 468.62 feet to a five-eighths inch iron rod found for the most westerly north corner of the said Brown 70 acre remainder tract of land, same being an interior angle corner of the said Beard & Beard 21.05 acre tract of land;
- 2) South 28°34'38" West, a distance of 8.37 feet to a point for an exterior angle corner of the herein described 0.882 acre electric easement and from this point a one-half inch iron rod found on the most westerly common dividing line of the said Brown 70 acre remainder tract of land and the said Beard & Beard 21.05 acre tract of land bears: South 28°34'38" West, a distance of 234.36 feet;

THENCE crossing over the said Beard & Beard 21.05 acre tract of land the following three (3) courses:

- 1) North 58°32'12" West, a distance of 317.69 feet to a point for an interior angle corner of the herein described 0.882 acre electric easement;
- 2) South 31°27'48" West, a distance of 15.00 feet to a point for an exterior angle corner of the herein described 0.882 acre electric easement;
- 3) North 58°16'24" West, a distance of 494.58 feet to a point for the west corner of the herein described 0.882 acre electric easement, same being a point on the common dividing line of the said Beard & Beard 21.05 acre tract of land and the said Beard & Beard 43.83 acre tract of land and from this point a T-Post found for an angle corner of the said two Beard & Beard tracts of land bears: South 28°41'55" West, a distance of 29.94 feet;

(SURVEY PLAT OF AN ELECTRIC EASEMENT COMPRISED OF TWO (2) STRIPS OF LAND HAVING A TOTAL COMBINED AREA OF 2.342 ACRES (102032 SQUARE FEET OF LAND) IN JAMES GILLELAND SURVEY NUMBER 13, ABSTRACT NUMBER 12, IN TRAVIS COUNTY, TEXAS)

THENCE North 28°41'55" East, along the common dividing line of the said Beard & Beard 21.05 acre tract of land and the said Beard & Beard 43.83 acre tract of land a distance of 44.78 feet to the POINT OF BEGINNING and containing 0.882 acres (38421 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
Robert C. Steubing Registered Professional Land Surveyor No. 5548

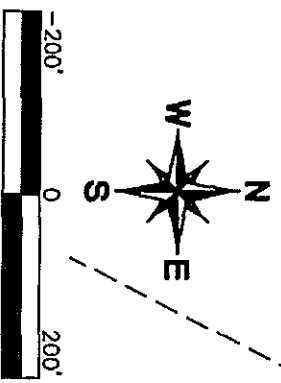


SKETCH OF AN ELECTRIC EASEMENT COMPRISED OF 1.460 ACRE (63611 SQ. FT.) AND A 0.882 ACRE (38421 SQ. FT.) TRACTS OF LAND IN THE JAMES GILLELAND SURVEY NUMBER 13, ABSTRACT NUMBER 12, TRAVIS COUNTY, TEXAS AND CROSSING OVER A PORTION OF THAT CALLED 21.05 ACRES DESCRIBED TO BEARD & BEARD INVESTMENTS, LP, AS RECORDED IN DOCUMENT NUMBER 2007104959 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

EXHIBIT "B"

Beard & Beard Investments, LP
 Warranty Deed With Vendor's Lien
 Doc. 2007079955 OPRTCT
 Called Tract One: 43.83 Acres

JAMES GILLELAND SURVEY NO. 13
 ABSTRACT NUMBER 12

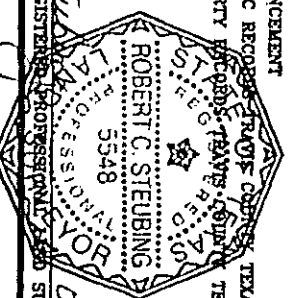


NUM	BEARING	DISTANCE
L1	S31°35'14"W	15.01'
L2	S31°27'48"W	16.00'
L3	S58°37'53"E	37.74'
L4	N52°08'18"E	62.93'
L5	S52°08'18"W	21.44'
L6	S52°08'18"W	39.19'
L7	S24°18'25"W	28.88'
L8	N24°18'25"E	53.35'
L9	N25°09'23"E	0.34'
L10	S28°41'55"W	71.44'
L11	S28°34'38"W	8.37'
L12	S28°34'38"W	234.36'
L13	S31°27'48"W	15.00'
L14	S28°41'55"W	29.94'
L15	N28°41'55"E	44.78'

LEGEND

- 1/2" IRON ROD FOUND
- ◻ WOOD CORNER POST FOUND
- 5/8" IRON ROD FOUND
- ⊙ T-POST FOUND
- ⊙ 3/8" IRON ROD FOUND
- ⊙ CAPPED IRON ROD 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 REGISTERED PROFESSIONAL SURVEYOR NO. 5548 BEARING BASIS: GRID NORTH, TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL ZONE 1409, NAD83

Sylvia G. Krueger
 Deed of Gift
 12188/878 RPRTCT
 Called 72.453 Acres

Beard & Beard Investments, LP
 Warranty Deed With Vendor's Lien
 Doc. 2007104959 OPRTCT
 Called 21.05 Acres

Beard & Beard Investments, LP
 Warranty Deed With Vendor's Lien
 Doc. 2007104959 OPRTCT
 Called 21.05 Acres

Bluebonnet Electric Coop
 Warranty Deed
 Doc. 2006203198 OPRTCT
 Called 0.087 Acres (3787 Sq. Ft.)
 In Bluebonnet Easement

① Brown Cemetery A
 Remainder Portion of The
 Willie and Connie Brown
 70 Acres
 6298/2353 DRTCT

Willie and Connie Brown
 Warranty Deed
 6298/2353 DRTCT
 Remainder 70 Acres

