

RESOLUTION NO. 20121213-071

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 interests, 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:

Owners: Charles W. Alff, Gay Green, Ralph Hudnall, James Alff, Joan F. Johnson, Judy L. Noack, Rebecca R. Williams, John Alff, The Heirs at Law of Lloyd Hudnall, deceased, and The Heirs at Law of Timothy W. Alff, deceased.

Project: Harris Branch Interceptor Lower B Project

Public Use: A permanent wastewater easement described in Exhibit "A" for the purpose of installing, operating, maintaining, repairing, replacing, and upgrading permanent wastewater lines and appurtenances thereto, in order to increase and improve the City's ability to provide sanitary sewer services to the public and to prevent leakage from wastewater lines to protect public health; and

The temporary construction easements described in the attached Exhibits "B" and "C" are necessary to permit the City, its agents, employees and contractors to enter, exit, and re-enter the tract of land for the purposes of construction on the property.

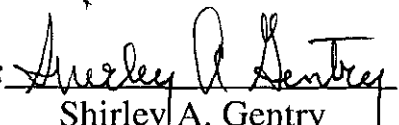
Location: (No physical address) The property is located off Hill Lane, on the east side of SH 130, 0.4 mile north of Parmer Lane, in northeast Austin, Travis County, Texas 78653.

The general route of the project will start west of Gilleland Creek, connecting to the future Wildhorse Ranch N 290 manhole and continue adjacent to the future LCRA electrical transmission main alignment along the south bank of Gilleland Creek, crossing under SH 130, connecting to the existing "Lower A" manhole.

Property: Described in the attached and incorporated Exhibits A, B, and C.

ADOPTED: December 13, 2012

ATTEST:


Shirley A. Gentry
City Clerk



STATE OF TEXAS

(50-foot wide COA Permanent Wastewater Easement)

COUNTY OF TRAVIS

Remainder of W.C. Alff called 25.00 acre Tract Two

Parcel 4660.01

C.I.P. No. 4769.018

EXHIBIT " A "

LEGAL DESCRIPTION

LEGAL DESCRIPTION OF A 0.284-ACRE (12,384 SQUARE FOOT) TRACT OF LAND SITUATED IN THE JOSIAH WILLBARGER SURVEY NO. 42, ABSTRACT NO. 794 TRAVIS COUNTY, TEXAS, BEING OUT OF A REMAINDER OF CALLED 25.00-ACRE TRACT OF LAND, DESCRIBED AS TRACT TWO, HAVING BEEN CONVEYED TO W.C. ALFF AND WIFE, EUNICE O. ALFF BY A SPECIAL WARRANTY DEED, EXECUTED JANUARY 9, 1976 AND RECORDED IN VOLUME 5389, PAGE 1806 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.284-ACRE TRACT AS SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING FOR REFERENCE at a 5/8-inch iron pipe found on the northeast line of a called 23.408-acre tract of land as conveyed to Windsor Park, L.P. by a Warranty Deed with Vendor's Lien as recorded in Document No. 2007137671 of the Official Public Records of Travis County, Texas, said 5/8" iron pipe found being at the common corner of said W.C. Alff remainder of 25.00-acre Tract Two and a called 191.14-acre tract of land, described as Tract One, as conveyed to Roy A. Butler as recorded in Volume 4534, Page 165 of the Deed Records of Travis County, Texas, later conveyed to the Butler Family Partnership, Ltd. by a Special Warranty Deed as recorded in Volume 12271, Page 872 of the Real Property Records of Travis County, Texas, from which a 5/8" iron rod found with cap stamped "Carter & Burgess" at the east corner of said Windsor Park 23.408-acre tract bears S62°20'50"E a distance of 462.12 feet; Thence with the southwest line of said W.C. Alff remainder of 25.00-acre Tract Two, N62°24'14"W, pass a 1/2" iron pipe found at 38.58 feet at an offset distance of 0.80 foot right at the common corner of said Windsor Park, L.P. 23.408-acre tract of land and a called 15.00-acre tract of land, described as remainder of Tract Two, conveyed to Roy A. Butler as recorded in Volume 4534, Page 165 of the Deed Records

CAPITAL VIEW CENTER 1301 SOUTH CAPITAL OF TEXAS HIGHWAY
BUILDING B, SUITE 315, AUSTIN, TEXAS 78746 (512) 328-7411 (512) 328-7413
T.U.C.P./W.B.E./H.U.B./D.B.E.



of Travis County, Texas, later conveyed to the Butler Family Partnership, Ltd. as recorded in Volume 12271, Page 872 of the Deed Records of Travis County, Texas, and continuing with the southwest line of said W.C. Alff remainder of 25.00-acre Tract Two, for a total distance of 282.70 feet to a calculated point on the east right-of-way line of State Highway 130, from which a 5/8" iron rod found on the west right-of-way line of said State Highway 130 at Texas Department of Transportation (T.X.D.O.T.) station 1383+78.50, 311.55 feet right (according to Sheet 256 of the R.O.W. Plans for S.H. 130 dated 2/14/07), bears N62°24'14"W a distance of 566.56 feet; Thence with said east right-of-way of said State Highway 130, N27°56'37"E a distance of 277.35 feet to a calculated point for the west corner of this easement and **POINT OF BEGINNING** of this easement, having Texas State Plane Grid Coordinate (Central Zone-4203, NAD83(CORS), U.S. Survey Feet, Combined Scale Factor 0.9999216) values of N= 10,104,570.18, E= 3,162,441.06;

THENCE, continuing with the east right-of-way line of said State Highway 130, N27°56'37"E a distance of 50.53 feet to a calculated point, from which a 1/2" iron rod found with a plastic cap stamped "Chap" found at T.X.D.O.T. station 1362+11.64, 231.00 feet right (per sheet 255 of the R.O.W. plans for SH130 dated 2/14/07) bears N27°56'37" a distance of 44.80 feet, N 27°47'32"E a distance of 369.09 feet, and N26°18'30"E a distance of 1421.59 feet for the north corner of this easement;

THENCE, leaving the east right-of-way line of said State Highway 130 and crossing said W.C. Alff remainder of 25.00-acre Tract Two, S53°44'54"E a distance of 243.82 feet to a calculated point on the west line of said Roy Butler 191.14-acre tract, for the east corner of this easement;

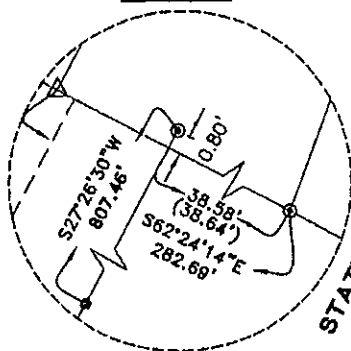
THENCE, along the common line of said W.C. Alff remainder of 25.00-acre Tract Two and said Roy Butler 191.14-acre tract, S19°50'18"W a distance of 54.42 feet to a calculated point for the south corner of this easement, from which the said Point of Reference (a 5/8-inch iron pipe found on the southeast corner of said W.C. Alff remainder of 25.00-acre Tract Two) bears S19°50'18"W a distance of 239.45 feet; and

THENCE, crossing said W.C. Alff remainder of 25.00-acre Tract Two, the following two (2) courses:

- 1) N37°37'02"W, a distance of 7.92 feet to a calculation point at an angle point of this easement;
- 2) N53°44'54"W, a distance of 244.28 feet to the "**POINT OF BEGINNING**", and containing 0.284 of an acre (12,384 square feet) of land, more or less.

SKETCH TO ACCOMPANY LEGAL DESCRIPTION (SHEET 4 OF 5)

DETAIL



**POINT OF
BEGINNING**
N 10.104,570.18
E 3,182,441.06
(GRID)

STATE HIGHWAY 130
(R.O.W. VARIES)

PROPOSED 80' WIDE
TEMPORARY CONSTRUCTION
EASEMENT

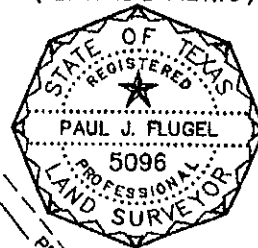
W.C. ALFF AND WIFE,
EUNICE O. ALFF
REMAINDER OF
TRACT TWO,
[25.00-ACRES]
VOL. 5389, PG. 1806
D.R.T.C.T.
TCAD #0242500122

((TRACT ONE,
191.14-ACRES))
VOL. 4534, PG. 165
D.R.T.C.T.

THE BUTLER FAMILY
PARTNERSHIP, LTD., a
Texas limited partnership
VOL. 12271, PG. 872
R.P.R.T.C.T.

LINE TABLE

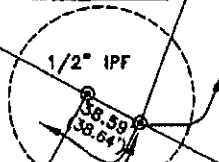
- L1 N37°37'02"W 7.92'
- L2 N27°56'37"E 50.53'
- L3 S19°50'18"W 54.42'
- L4 N27°18'30"E 1421.59'
- (N27°17'48"E 1421.79')



PROPOSED 50 FOOT WIDE
EASEMENT 4660.01
(0.284-AC) 12,584 SQ. FT.

PROPOSED 100' WIDE
TEMPORARY CONSTRUCTION
EASEMENT

SEE DETAIL



**POINT OF
REFERENCE**
5/8" IRON PIPE
FOUND

THE BUTLER FAMILY
PARTNERSHIP, LTD.,
A TEXAS LIMITED
PARTNERSHIP

(REMAINDER OF TRACT
FOUR, 206.14-ACRES)
VOL. 12271, PG. 872
R.P.R.T.C.T.

(REMAINDER OF TRACT
TWO, 15.00-ACRES)
VOL. 4534, PG. 165
D.R.T.C.T.

WINDSOR PARK, L.P., A TEXAS
LIMITED PARTNERSHIP
DOC. NO. 2007137671 O.P.R.T.C.T.

TCAD # 023450-02, 03, & 04 23.408 ACRES

C.I.P. NO. 4769.018



APPROXIMATE CL OF
GILLESPIE CREEK

5/8" IRF
R.O.W.
566.56'

1/2" ALUMINUM
TXDOT

(N27°56'37"E 805.97'
N27°56'37"E 805.97')

N62°24'14"W 244.11'
(N60°25'00"W 849.26'
850.04')

(S27°31'21"W 807.61'
S27°28'30"W 807.46')
1/4" IRF

S19°50'18"W 618.88'
(S21°49'00"W 618.92'
(N21°49'E 618.92'))

100' WIDE PROPOSED
CONSTRUCTION
EASEMENT

PROPOSED 50 FOOT WIDE
C.O.A. PERMANENT WIDE
WASTEWATER EASEMENT

5/8" IRF
CARTER & BURGESS

**SKETCH TO
ACCOMPANY
LEGAL DESCRIPTION**
(SHEET 5 OF 5)

LEGEND

- ⊙ IRON PIPE FOUND
(SIZE NOTED)
- IRON ROD FOUND
(SIZE NOTED)
- △ CALCULATED POINT
(NOT ESTABLISHED ON GROUND)
- DOC. DOCUMENT
- VOL. VOLUME
- P.U.E. PUBLIC UTILITY EASEMENT
- P.R.T.C.T. PLAT RECORDS
TRAVIS COUNTY, TEXAS
- O.P.R.T.C.T. OFFICIAL PUBLIC 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
- BREAK ON LINE (NOT TO SCALE)
- () RECORD INFORMATION PER TEXAS DEPARTMENT OF TRANSPORTATION R.O.W. MAP
- (()) RECORD INFORMATION PER VOL. 4534, PG. 165
- [] RECORD INFORMATION PER VOL. 5389, PG. 1806
- R.O.W. RIGHT OF WAY

BEARING BASIS

TEXAS CENTRAL ZONE (4203),
NAD'83 TEXAS STATE PLANE COORDINATE SYSTEM (GRID)
COMBINED SCALE FACTOR = 0.9999216

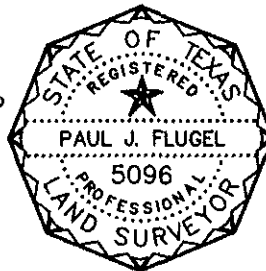
HORIZONTAL COORDINATES FOR C.O.A.
MONUMENT NO. P-27-3001 (4" BRASS DISK FOUND),
MONUMENT NO. M-26-3001 (4" BRASS DISK FOUND),
MONUMENT NO. M-26-3002 (4" BRASS DISK FOUND),
WERE USED AS THE CONTROLLING MONUMENTS FOR THIS SURVEY.

IMPROVEMENT AND UTILITIES NOTE:

VISIBLE IMPROVEMENTS AND UTILITIES MAY EXIST THAT ARE NOT SHOWN ON THIS SURVEY.

AS SURVEYED BY
LANDMARK SURVEYING, LP
FIRM REGISTRATION NO. 100727-00

Paul J. Flugel revised 7-22-10
PAUL J. FLUGEL
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5096
DATE: APRIL 15, 2010



THIS SKETCH IS VALID ONLY IF IT BEARS THE ORIGINAL
SIGNATURE OF THE ABOVE SURVEYOR.

Client: PBS&J
Date: June 14, 2010
Office: MB
Crew: S.Dunn, T.Smith
F.B.: 1224/77
Disk: T:\PBSJ\Harris Branch W&WY Ln\Landmark Drawings\EASEMENTS\Harris-Branch EASEMENTS base-B.dwg
Cogo: F:\S.Dunn\4-B-10
Job No.: 372-31-04

C.I.P. NO. 4769.018

Landmark
SURVEYING, LP

1301 S. CAPITAL OF TEXAS HWY.
BUILDING B, SUITE 315
AUSTIN, TEXAS 78746
PH: (512)328-7411 FAX: (512)328-7413



STATE OF TEXAS

COUNTY OF TRAVIS

EXHIBIT " B "

(100-foot wide Temporary Construction Easement)
Remainder of W.C. Alff called 25.00 acre Tract Two
Parcel 4660.01
C.I.P. No. 4769.018

LEGAL DESCRIPTION

LEGAL DESCRIPTION OF A 0.603-ACRE (26,264 SQUARE FOOT) TRACT OF LAND SITUATED IN THE JOSIAH WILLBARGER SURVEY NO. 42, ABSTRACT NO. 794, IN TRAVIS COUNTY, TEXAS, BEING OUT OF A REMAINDER OF A CALLED 25.00-ACRE TRACT OF LAND, DESCRIBED AS TRACT TWO, HAVING BEEN CONVEYED TO W.C. ALFF AND WIFE, EUNICE O. ALFF BY A SPECIAL WARRANTY DEED, EXECUTED JANUARY 9, 1976 AND RECORDED IN VOLUME 5389, PAGE 1806 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.603-ACRE TRACT AS SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING FOR REFERENCE at a 5/8-inch iron pipe found on the northeast line of a called 23.408-acre tract of land as conveyed to Windsor Park, L.P. by a Warranty Deed with Vendor's Lien as recorded in Document No. 2007137671 of the Official Public Records of Travis County, Texas, said 5/8" iron pipe found being at the common corner of said W.C. Alff remainder of 25.00-acre Tract Two and a called 191.14-acre tract of land, described as Tract One, as conveyed to Roy A. Butler as recorded in Volume 4534, Page 165 of the Deed Records of Travis County, Texas, later conveyed to the Butler Family Partnership, Ltd. by a Special Warranty Deed as recorded in Volume 12271, Page 872 of the Real Property Records of Travis County, Texas, from which a 5/8" iron rod with cap stamped "Carter & Burgess" found at the east corner of said Windsor Park 23.408-acre tract bears S62°20'50"E a distance of 462.12 feet; Thence with the southwest line of said W.C. Alff remainder of 25.00-acre Tract Two, N62°24'14"W, pass a 1/2" iron pipe found at 38.58 feet at an offset distance of 0.80 foot right at the common corner of said Windsor Park, L.P. 23.408-acre tract of land and a called 15.00-acre tract of land, described as remainder of Tract Two, conveyed to Roy A. Butler as recorded in Volume 4534, Page 165 of the Deed Records of Travis County, Texas, later conveyed to the Butler Family Partnership, Ltd. as recorded in Volume 12271, Page 872 of the Deed Records of Travis County, Texas, and continuing with the southwest line of said W.C. Alff remainder of 25.00-acre Tract Two, for a total distance of 282.70 feet to a calculated point on the east right-of-way line of State Highway 130, from which a 5/8" iron rod found on the west right-of-way line of said State Highway 130 at Texas Department of



Transportation (T.X.D.O.T.) station 1383+78.50, 311.55 feet right (according to Sheet 256 of the R.O.W. Plans for S.H. 130 dated 2/14/07), bears N62°24'14"W a distance of 566.56 feet; **Thence**, with said east right-of-way of said State Highway 130, N27°56'37"E a distance of 176.25 feet to a calculated point for the west corner of this easement and **POINT OF BEGINNING** of this easement, having Texas State Plane Grid Coordinate (Central Zone-4203, NAD83(CORS), U.S. Survey Feet, Combined Scale Factor 0.9999216) values of N= 10,104,480.90, E= 3,162,393.70;

THENCE, continuing with the east right-of-way line of said State Highway 130, N27°56'37"E a distance of **101.06** feet to a calculated point at the west corner of proposed 50-foot wide City of Austin Permanent Wastewater Easement, for the north corner of this easement, from which a ½" iron rod found with a plastic cap stamped "Chap" found at T.X.D.O.T. station 1362+11.64, 231.00 feet right (per sheet 255 of the R.O.W. plans for SH130 dated 2/14/07) bears N27°56'37" a distance of 95.33 feet, N 27°47'32"E a distance of 369.09 feet, and N26°18'30"E a distance of 1421.59 feet for the north corner of this easement;

THENCE, leaving the east right-of-way line of said State Highway 130, crossing said W.C. Alff remainder of 25.00-acre Tract Two and with the southwest line of said proposed 50-foot wide City of Austin Permanent Wastewater Easement, the following two (2) courses:

- 1) S53°44'54"E, a distance of **244.28** feet to a calculated point at an angle point of this easement;
- 2) S37°37'02"E, a distance of **7.92** feet to a calculated point on the west line of said Roy Butler 191.14-acre tract for the east corner of this easement;

THENCE, along the common line of said W.C. Alff remainder of 25.00-acre Tract Two and said Roy Butler 191.14-acre tract, S19°50'18"W a distance of **118.63** feet to a calculated point for the south corner of this easement, from which said 5/8" iron pipe found, (the aforementioned **POINT OF REFERENCE**), bears S19°50'18"W a distance of 120.82 feet;

THENCE, crossing the said W.C. Alff remainder of 25.00-acre Tract Two, the following two (2) courses:

- 3) N37°37'02"W, a distance of **57.57** feet to a calculated point at an angle point of this easement;
- 4) N53°44'54"W, a distance of **215.51** feet to the "**POINT OF BEGINNING**", and containing 0.603 of an acre of land, more or less.



Basis of Bearing:

Bearings mentioned on this easement are based on Texas Central Zone (4203), NAD'83 Texas State Plane Coordinate System (Grid), Combined Scale Factor = 0.9999216. Horizontal coordinates for City of Austin Monument No's P-27-3001 (4" brass disk found), M-26-3001 (4" brass disk found) and M-26-3002 (4" brass disk found), were used as the controlling monuments for this easement.

CERTIFICATION:

I do hereby certify that this easement description is true and correct to the best of my knowledge and belief, and was prepared from an actual on the ground survey of found property corners, under my supervision, and that the markers described herein actually exist, as described, at the time of my survey.

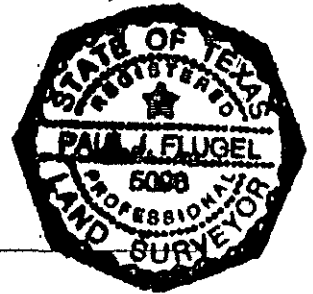
As Prepared by
Landmark Surveying, LP

Paul J. Flugel

7-22-10

Date

Paul J. Flugel
Registered Professional Land Surveyor No. 5096
Senior Project Manager
Firm Registration No. 100727-00



REFERENCES

MAPSCO 2009, Page 528-M
AUSTIN GRID NO. R-30
TCAD PARCEL ID NO.02-4250-0122

PBSJ/HarrisBranchW&WWLn/LandmarkDrawings/Easements/FieldNotes/AIff 100-footWide
TempConstEsmt-East of SH130-Rev 1.doc

FIELD NOTES REVIEWED

By: *Maya Hunter* Date: *7/26/10*

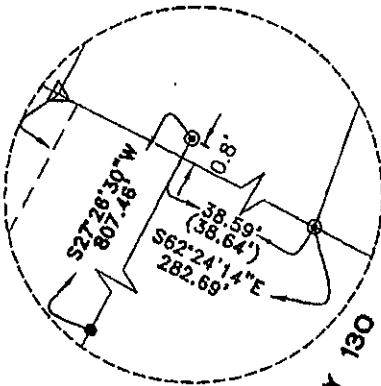
Engineering Support Section
Department of Public Works
and Transportation

CAPITAL VIEW CENTER 1301 SOUTH CAPITAL OF TEXAS HIGHWAY
BUILDING B, SUITE 315, AUSTIN, TEXAS 78746 (512) 328-7411 (512) 328-7413
T.U.C.P./W.B.E./H.U.B./D.B.E.

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

(SHEET 4 OF 5)

DETAIL



**POINT OF
BEGINNING**
N 10.104.480.90
E 3,182,393.70
(GRID)

STATE HIGHWAY 130
(R.O.W. VARIES)

**PROPOSED 100' WIDE TEMPORARY
CONSTRUCTION EASEMENT**
(0.603-AC)
26,264 SQ. FT.

**W.C. ALFF AND WIFE,
EUNICE O. ALFF
REMAINDER OF
TRACT TWO,
[25.00-ACRES]
VOL. 5389, PG. 1806
D.R.T.C.T.
TCAD #0242500122**

**PROPOSED
50' WIDE C.O.A.
PERMANENT
WASTEWATER EASEMENT**

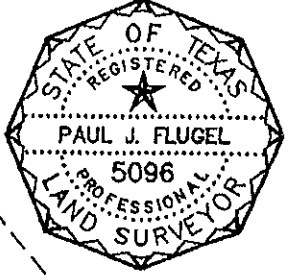
**F. WILLIAM CARR, JR.
TRACT ONE
(46.21-ACRES)
VOL. 11586,
PAGE 852
R.P.R.T.C.T.**

**ROY A. BUTLER
((TRACT ONE,
191.14-ACRES))
VOL. 4534, PG. 165
D.R.T.C.T.**

**THE BUTLER FAMILY PARTNERSHIP,
LTD., a Texas limited partnership
VOL. 12271, PG. 872 R.P.R.T.C.T.**

LINE TABLE

L1 S37°37'02"E 7.92'
L2 N27°18'30"E 1421.59'
(N27°17'48"E 1421.79')



**THE BUTLER FAMILY
PARTNERSHIP, LTD.,
A TEXAS LIMITED
PARTNERSHIP**

**(REMAINDER OF TRACT
FOUR, 206.14-ACRES)
VOL. 12271, PG. 872
R.P.R.T.C.T.**

**(REMAINDER OF TRACT
TWO, 15.00-ACRES)
VOL. 4534, PG. 165
D.R.T.C.T.**

**WINDSOR PARK, L.P., A TEXAS
LIMITED PARTNERSHIP
DOC. NO. 2007137671 O.P.R.T.C.T.
TCAD # 023450-02, 03, & 04
23.408 ACRES**

CARTER & BURGESS

C.I.P. NO. 4769.018

**SKETCH TO
ACCOMPANY
LEGAL DESCRIPTION**
(SHEET 5 OF 5)

LEGEND

- ⊙ IRON PIPE FOUND
(SIZE NOTED)
- IRON ROD FOUND
(SIZE NOTED)
- △ CALCULATED POINT
(NOT ESTABLISHED ON GROUND)
- DOC. DOCUMENT
- VOL. VOLUME
- P.U.E. PUBLIC UTILITY EASEMENT
- P.R.T.C.T. PLAT RECORDS
TRAVIS COUNTY, TEXAS
- O.P.R.T.C.T. OFFICIAL PUBLIC 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
- BREAK ON LINE (NOT TO SCALE)
- () RECORD INFORMATION PER TEXAS DEPARTMENT OF TRANSPORTATION R.O.W. MAP
- (()) RECORD INFORMATION PER VOL. 4534, PG. 165
- [] RECORD INFORMATION PER VOL. 5389, PG. 1806
- R.O.W. RIGHT OF WAY

BEARING BASIS

TEXAS CENTRAL ZONE (4203),
NAD'83 TEXAS STATE PLANE COORDINATE SYSTEM (GRID)
COMBINED SCALE FACTOR = 0.9999216

HORIZONTAL COORDINATES FOR C.O.A.
MONUMENT NO. P-27-3001 (4" BRASS DISK FOUND),
MONUMENT NO. M-26-3001 (4" BRASS DISK FOUND),
MONUMENT NO. M-26-3002 (4" BRASS DISK FOUND),
WERE USED AS THE CONTROLLING MONUMENTS FOR THIS SURVEY.

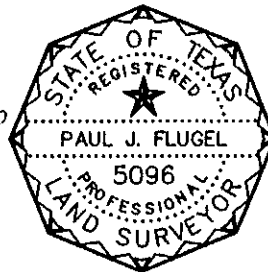
IMPROVEMENT AND UTILITIES NOTE:

VISIBLE IMPROVEMENTS AND UTILITIES MAY EXIST THAT ARE NOT SHOWN ON THIS SURVEY.

AS SURVEYED BY
LANDMARK SURVEYING, LP
FIRM REGISTRATION NO. 100727-00

Paul J. Flugel REVISED 7/22/10
PAUL J. FLUGEL
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5096
DATE: APRIL 15, 2010

THIS SKETCH IS VALID ONLY IF IT BEARS THE ORIGINAL
SIGNATURE OF THE ABOVE SURVEYOR.



C.I.P. NO. 4769.018

Landmark
SURVEYING, LP

Client: PBS&J
Date: June 19, 2010
Office: MB
Crew: S.Dunn, T.Smith
F.B.: 1224/77
Disk: T:\PBSJ\Harris Branch W&WW Ln\Landmark Drawings\EASEMENTS\Harris-Branch EASEMENTS base-B.dwg
Cogo: F:\S.Dunn\4-8-10
Job No.: 372-31-04

1301 S. CAPITAL OF TEXAS HWY.
BUILDING B, SUITE 315
AUSTIN, TEXAS 78746
PH: (512)328-7411 FAX: (512)328-7413



STATE OF TEXAS

COUNTY OF TRAVIS

EXHIBIT " C "

(50-foot wide Temporary Construction Easement)
Remainder of W.C. Alff called 25.00 acre Tract Two
Parcel 4660.01
CIP No. 4769.018

LEGAL DESCRIPTION

LEGAL DESCRIPTION OF A 0.300-ACRE (13,083 SQUARE FOOT) TRACT OF LAND IN THE JOSIAH WILLBARGER SURVEY NO. 42, ABSTRACT NO. 794 IN TRAVIS COUNTY, TEXAS, BEING OUT OF A REMAINDER OF CALLED 25.00-ACRE TRACT OF LAND, DESCRIBED AS TRACT TWO, HAVING BEEN CONVEYED TO W.C. ALFF AND WIFE, EUNICE O. ALFF BY A SPECIAL WARRANTY DEED, EXECUTED JANUARY 9, 1976 AND RECORDED IN VOLUME 5389, PAGE 1806 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.300-ACRE TRACT AS SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING FOR REFERENCE at a 5/8-inch iron pipe found on the northeast line of a called 23.408-acre tract of land as conveyed to Windsor Park, L.P. by a Warranty Deed with Vendor's Lien as recorded in Document No. 2007137671 of the Official Public Records of Travis County, Texas, said 5/8" iron pipe found being at the common corner of said W.C. Alff remainder of 25.00-acre Tract Two and a called 191.14-acre tract of land, described as Tract One, as conveyed to Roy A. Butler as recorded in Volume 4534, Page 165 of the Deed Records of Travis County, Texas, later conveyed to the Butler Family Partnership, Ltd. by a Special Warranty Deed as recorded in Volume 12271, Page 872 of the Real Property Records of Travis County, Texas, from which a 5/8" iron rod found with cap stamped "Carter & Burgess" at the east corner of said Windsor Park 23.408-acre tract bears S62°20'50"E a distance of 462.12 feet; Thence with the southwest line of said W.C. Alff remainder of 25.00-acre Tract Two, N62°24'14"W, pass a 1/2" iron pipe found at 38.58 feet at an offset distance of 0.80 foot right at the common corner of said Windsor Park, L.P. 23.408-acre tract of land and a called 15.00-acre tract of land, described as remainder of Tract Two, conveyed to Roy A. Butler as recorded in Volume 4534, Page 165 of the Deed Records of Travis County, Texas, later conveyed to the Butler Family Partnership, Ltd. as recorded in Volume 12271, Page 872 of the Deed Records of Travis County, Texas, and continuing with the southwest line of said W.C. Alff remainder of 25.00-acre Tract Two, for a total distance of 282.70 feet to a calculated point on the east right-of-way line of State Highway 130, from which a 5/8" iron rod



found on the west right-of-way line of said State Highway 130 at Texas Department of Transportation (T.X.D.O.T.) station 1383+78.50, 311.55 feet right (according to Sheet 256 of the R.O.W. Plans for S.H. 130 dated 2/14/07), bears N62°24'14"W a distance of 566.56 feet; **Thence**, with said east right-of-way line of said State Highway 130, N27°56'37"E a distance of 327.88 feet to a calculated point at the north corner of a proposed 50-foot wide City of Austin wastewater easement, for the west corner and **POINT OF BEGINNING** of this easement, having Texas State Plane Grid Coordinate (Central Zone-4203, NAD83(CORS), U.S. Survey Feet, Combined Scale Factor 0.9999216) values of N= 10,104,614.82, E= 3,162,464.73;

THENCE, continuing with the east right-of-way line of said State Highway 130, the following two (2) courses:

- 1) N27°56'37"E a distance of **44.80** feet to a calculated point at an angle point of this easement;
- 2) N26°47'32"E a distance of **212.82** feet to a calculated point for the north corner of this easement, from which a ½" iron rod found with a plastic cap stamped "Chap" found at T.X.D.O.T. station 1362+11.64, 231.00 feet right (per sheet 255 of the R.O.W. plans for SH130 dated 2/14/07) bears N 27°47'32"E a distance of 156.27 feet, and N26°18'30"E a distance of 1421.59 feet for the north corner of this easement;

THENCE, crossing the said W.C. Alff remainder of 25.00-acre Tract Two, the following four (4) courses:

- 1) S62°57'19"E a distance of **50.00** feet to a calculated point at an angle point for the east corner of this easement;
- 2) S26°47'32"W a distance of **213.10** feet to a calculated point at an angle point of this easement;
- 3) S27°56'37"W a distance of **52.60** feet to a calculated point on the north line of said proposed 50-foot wide City of Austin wastewater easement for the south corner of this easement; and
- 4) With said proposed 50-foot wide City of Austin wastewater easement N53°44'54"W a distance of **50.53** feet to the "**POINT OF BEGINNING**", and containing 0.300 (13,083 square feet) of an acre of land, more or less.



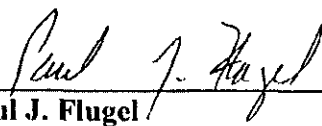
Basis of Bearing:

Bearings mentioned on this easement are based on Texas Central Zone (4203), NAD'83 Texas State Plane Coordinate System (Grid), Combined Scale Factor = 0.9999216. Horizontal coordinates for City of Austin Monument No.'s P-27-3001 (4" brass disk found), M-26-3001 (4" brass disk found) and M-26-3002 (4" brass disk found), were used as the controlling monuments for this easement.

CERTIFICATION:

I do hereby certify that this easement description is true and correct to the best of my knowledge and belief, and was prepared from an actual on the ground survey of found property corners, under my supervision, and that the markers described herein actually exist, as described, at the time of my survey.

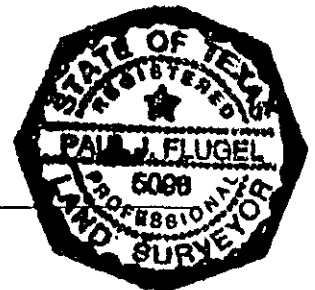
As Prepared by
Landmark Surveying, LP

A handwritten signature in cursive script, appearing to read "Paul J. Flugel".

7-22-10

Paul J. Flugel
Registered Professional Land Surveyor No. 5096
Senior Project Manager
Firm Registration No. 100727-00

Date




REFERENCES

MAPSCO 2009, Page 528
AUSTIN GRID NO. R-30
TCAD PARCEL ID NO.02-4250-0122

PBSJ/HarrisBranchW&WWLn/LandmarkDrawings/Easements/FieldNotes/Alff 50-footWide
TempConstEsmt-East of SH130-Rev 1.doc

FIELD NOTES REVIEWED

By:  Date 7/26/10

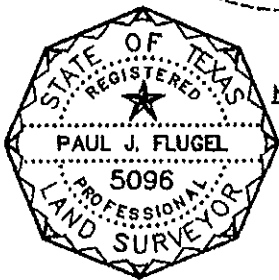
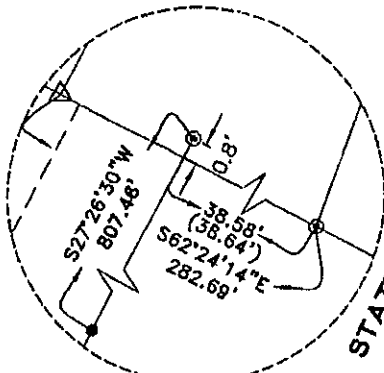
Engineering Support Section
Department of Public Works
and Transportation

CAPITAL VIEW CENTER 1301 SOUTH CAPITAL OF TEXAS HIGHWAY
BUILDING B, SUITE 315, AUSTIN, TEXAS 78746 (512) 328-7411 (512) 328-7413
T.U.C.P./W.B.E./I.U.B./D.B.E.

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

(SHEET 4 OF 5)

DETAIL



**POINT OF
BEGINNING**

N 10,104,614.82
E 3,162,464.73
(GRID)

STATE HIGHWAY 130
(R.O.W. VARIES)

PROPOSED 50' WIDE TEMPORARY
CONSTRUCTION EASEMENT
(0.300-AC) 13.083 SQ. FT.
N26°45'25"E 369.14'
N26°47'32"E 212.82'
S26°47'32"W 213.10'

W.C. ALFF AND
WIFE, EUNICE O. ALFF
REMAINDER OF
TRACT TWO,
[25.00-ACRES]
VOL. 5389, PG. 1806
D.R.T.C.T.
TCAD #0242500122

1/2" WITH CAP "CHAP"
STA. 1362+11.64
231.00' RT
J.D. WEAVER FAMILY LIMITED
PARTNERSHIP II TRACT THREE
(59.67-ACRES)
VOL. 12651,
PAGE 477
R.P.R.T.C.T.



SCALE 1"=100'

20' NW LINE EASEMENT
VOLUME 10768 PAGE 2101
W.C. ALFF TO CITY OF AUSTIN

ROY A. BUTLER
((TRACT ONE,
191.14-ACRES))
VOL. 4534, PG. 165
D.R.T.C.T.

THE BUTLER FAMILY
PARTNERSHIP, LTD., a Texas
limited partnership
VOL. 12271, PG. 872
R.P.R.T.C.T.

LINE TABLE

L1	N27°56'37"E	44.80'
L2	S62°57'19"E	50.00'
L3	S27°56'37"W	52.60'
L4	N53°44'54"W	50.53'
L5	N27°18'30"E	1421.59'
	(N27°17'48"E 1421.79')	

(N27°56'37"E 372.69')
N27°56'37"E 372.64'
327.88'

PROPOSED 100' WIDE
TEMPORARY
CONSTRUCTION
EASEMENT

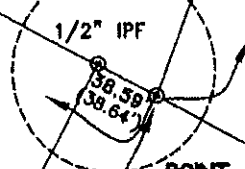
PROPOSED 50 FOOT WIDE
C.O.A. PERMANENT
WASTEWATER EASEMENT

S16°50'18"W 618.88'
(S21°48'00"W 618.92')
(N21°49'E 618.92')

100' WIDE TEMPORARY
CONSTRUCTION
EASEMENT

PROPOSED 50 FOOT WIDE
C.O.A. PERMANENT
WASTEWATER EASEMENT

SEE DETAIL



**POINT OF
REFERENCE**
5/8" IRON PIPE
FOUND

THE BUTLER FAMILY
PARTNERSHIP, LTD.,
A TEXAS LIMITED
PARTNERSHIP

(REMAINDER OF TRACT
FOUR, 206.14-ACRES)
VOL. 12271, PG. 872
R.P.R.T.C.T.

(REMAINDER OF TRACT
TWO, 15.00-ACRES)
VOL. 4534, PG. 165
D.R.T.C.T.

WINDSOR PARK, L.P., A TEXAS
LIMITED PARTNERSHIP
DOC. NO. 2007137671 O.P.R.T.C.T.
TCAD # 023450-02, 03, & 04
23.408 ACRES

C.I.P. NO. 4769.018

5/8" IRF
CARTER & BURGESS

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

(SHEET 5 OF 5)

LEGEND

- ⊙ IRON PIPE FOUND
(SIZE NOTED)
- IRON ROD FOUND
(SIZE NOTED)
- △ CALCULATED POINT
(NOT ESTABLISHED ON GROUND)
- DOC. DOCUMENT
- VOL. VOLUME
- P.U.E. PUBLIC UTILITY EASEMENT
- P.R.T.C.T. PLAT RECORDS
TRAVIS COUNTY, TEXAS
- O.P.R.T.C.T. OFFICIAL PUBLIC 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
- BREAK ON LINE (NOT TO SCALE)
- () RECORD INFORMATION PER TEXAS DEPARTMENT OF TRANSPORTATION R.O.W. MAP
- (()) RECORD INFORMATION PER VOL. 4534, PG. 165
- [] RECORD INFORMATION PER VOL. 5389, PG. 1806
- R.O.W. RIGHT OF WAY

HORIZONTAL & VERTICAL DATUM

TEXAS CENTRAL ZONE (4203),
NAD'83 TEXAS STATE PLANE COORDINATE SYSTEM (GRID)
COMBINED SCALE FACTOR = 0.9999216
NAVD'88 VERTICAL DATUM

HORIZONTAL COORDINATES FOR C.O.A.

MONUMENT NO. P-27-3001 (4" BRASS DISK FOUND),
MONUMENT NO. M-26-3001 (4" BRASS DISK FOUND),
MONUMENT NO. M-26-3002 (4" BRASS DISK FOUND),
WERE USED AS THE CONTROLLING MONUMENTS FOR THIS SURVEY.

IMPROVEMENT AND UTILITIES NOTE:

VISIBLE IMPROVEMENTS AND UTILITIES MAY EXIST THAT ARE NOT SHOWN ON THIS SURVEY.

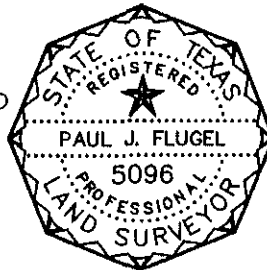
Restrictive Covenant and Easement Notes per Independence Title Company G.F. No. 1006064—COM dated April 14, 2010:

- 10a. A blanket Lone Star Gas Company Pipe Line easement as recorded in Volume 2932, Page 514 of the Deed Records of Travis County, Texas, MAY APPLY to the subject easement.
- 10b. A City of Austin Wastewater Line easement as recorded in Volume 10768, Page 2101 of the Real Property Records of Travis County, Texas, DOES NOT APPLY to the subject easement.
- 10c. Terms, Conditions, and Stipulations in the Agreement Control of Access Clause as recorded in Document No. 2004048996 of the Official Public Records of Travis County, Texas, DOES APPLY to the subject easement.

AS SURVEYED BY
LANDMARK SURVEYING, LP
FIRM REGISTRATION NO. 100727-00

Paul J. Flugel Revised 7-22-10
PAUL J. FLUGEL
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5096
DATE: APRIL 15, 2010

THIS SKETCH IS VALID ONLY IF IT BEARS THE ORIGINAL
SIGNATURE OF THE ABOVE SURVEYOR.



C.I.P. NO. 4769.018

Landmark
SURVEYING, LP

1301 S. CAPITAL OF TEXAS HWY.
BUILDING B, SUITE 315
AUSTIN, TEXAS 78746
PH: (512)328-7411 FAX: (512)328-7413

Client: PBS&J
Date: June 19, 2010, Revised: June 24, 2010
Office: MB, JT
Crew: S.Dunn, T.Smith
F.B.: 1224/77
Disk: T:\PBSJ\Harris Branch W&WW Ln\Landmark Drawings\EASEMENTS\Harris-Branch EASEMENTS base-B.dwg
Cogo: F:\S.Dunn\4-B-10
Job No.: 372-31-04